The

Journal of the Assembly

OF THE

EIGHTY-SECOND SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2023

BEGUN ON MONDAY, THE SIXTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIFTH DAY OF JUNE

VOLUME 1

THE FIRST DAY—THE SEVENTY-FOURTH DAY

SEE VOLUME 5 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 1

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ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 65 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

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73	April 19, 2023	905
74	April 20, 2023	1151
75	April 21, 2023	1506
78	April 24, 2023	2041
79	April 25, 2023	3272
80	April 26, 2023	3327
81	April 27, 2023	3336
85	May 1, 2023	3339
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87	May 3, 2023	3352
92	May 8, 2023	3359

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94	May 10, 2023	3365
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99	May 15, 2023	3388
100	May 16, 2023	3394
102	May 18, 2023	3399
103	May 19, 2023	3423
106	May 22, 2023	3430
107	May 23, 2023	3467
108	May 24, 2023	3959
109	May 25, 2023	4068
110	May 27, 2023	4302
113	May 29, 2023	4529
114	May 30, 2023	4536
115	May 31, 2023	5316
116	June 1, 2023	5460
117	June 2, 2023	5556
118	June 3, 2023	6165
119	June 4, 2023	6497
120	June 5, 2023	6657

LISTING OF ASSEMBLY BILLS AND ACTIONS THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

No. *Summary, Introducer and Page Reference*

1 ....Authorizes certain counties to impose additional local sales and use tax under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 60, 139, 613, 704, 820.

2 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 60, 218, 233, 243, 253, 258*, 3424, 3462.

3 ....Revises provisions governing financial reports of the State Permanent School Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 61, 217, 233, 243, 253, 258*, 3463, 3845.

4 ....Revises provisions relating to certain educational commissions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 61, 104.

5 ....Provides for a study of unfunded mandates on local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 61, 131.

6 ....Revises provisions relating to the cost of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 61, 153, 612, 704, 820, 5460, 5494, 5544, 5545*.

7 ....Revises provisions relating to electronic health records. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 62, 131, 1507, 1610, 2027, 5148, 5314, 5328*, 5329, 6683, 6802, 6824, 6846.

8 ....Revises the composition of a metropolitan police committee on fiscal affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 62, 827, 911, 1493*.

9 ....Revises provisions governing regional behavioral health policy boards. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 62, 131.

10 ....Authorizes the designation of a tax increment area for certain transportation and housing reinvestment purposes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 62, 131.

11 ....Revising provisions governing hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 63, 907, 2042, 2045, 3311*, 4530, 4535.

12 ....Revises the required size of a jury for criminal actions in justice courts and municipal courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 63.

13 ....Revises provisions related to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 63, 327, 339, 602*, 4069, 4297.

14 ....Creates the Business Licensing Working Group. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 63, 204, 328, 906, 1157, 2027, 2028*.

15 ....Prescribes the manner for increasing the base salaries of district judges. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 64, 104, 4529, 4532, 5307*, 6682.

16 ....Prescribes the manner for increasing the base salaries of justices of the Nevada Supreme Court and judges of the Nevada Court of Appeals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 64, 112, 4537, 5148, 5329*, 6682.

17 ....Revises provisions relating to penalties for driving under the influence of alcohol or a controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 64, 201, 222, 234, 243, 253, 259*, 4530, 4535.

18 ....Revises provisions relating to the Division of Enterprise Information Technology Services of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 64, 254, 269, 277*, 3463, 3845.

19 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 64, 201, 222, 234, 243, 253, 259*, 3424, 3462.

20 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 65, 386, 614, 820, 821*, 4069, 4297.

No. *Summary, Introducer and Page Reference*

21 ....Revises provisions related to persons engaged in the transmission of money and certain related activities. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 65, 612, 704, 899, 1039*, 3424, 3462.

22 ....Revises provisions governing the issuance of cease and desist orders for unlicensed activity by the State Contractors' Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 65, 326, 341, 602, 603*, 4298, 4543, 4547, 5345.

23 ....Revises provisions relating to the resolution of certain administrative citations issued by the State Contractors' Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 65, 337, 389, 691*, 4069, 4547, 4552, 5345.

24 ....Revises the membership of the Committee on Emergency Medical Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 66, 327, 345, 603*, 3424, 3462.

25 ....Revises provisions governing exemptions from civil liability in certain emergency situations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 66.

26 ....Revises provisions related to state-owned automobiles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 66.

27 ....Revises provisions relating to contractors who provide management and counseling services on construction projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 66, 337, 394, 691, 692*, 3394, 3428.

28 ....Establishes the Nevada Baby Bonds Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Government Affairs, 67, 112, 327, 348, 381, 5460, 5506, 5544, 5545*.

29 ....Revises the grounds for disciplinary action against a licensed contractor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 67, 326, 356, 603*, 3394, 3428.

30 ....Revises provisions relating to the employment of peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 67.

31 ....Makes Juneteenth a legal holiday in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 67, 139.

32 ....Makes various changes relating to criminal justice. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 67, 827, 907, 913, 1493*, 1494, 4530, 6641, 6642.

33 ....Revises provisions governing public investments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 68, 217, 233, 243, 253, 259, 260*, 4530, 4743, 4758, 5345.

34 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 68, 2043, 2054, 3311*, 3312, 4298, 5049, 5062, 5345.

35 ....Revises provisions governing the access of offenders to telecommunications devices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 68, 338, 397, 692*, 4069, 4846, 4849, 5345.

36 ....Revises provisions relating to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 69, 217, 233, 243, 253, 260, 269, 270*, 3463, 3845.

37 ....Authorizes the establishment of the Behavioral Health Workforce Development Center of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 69, 104, 613, 752, 820, 5460, 5514, 5544, 5545*, 6682.

38 ....Revises provisions relating to the Workforce Innovations for a New Nevada Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 69, 104, 283, 301.

39 ....Revises provisions relating to contracts for work concerning certain residential improvements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 69, 337, 400, 692*, 693, 4303, 4552, 4558, 5345.

40 ....Revises provisions related to inspections of food establishments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 70, 338, 406, 693*, 3424, 3462.

41 ....Establishes the Nevada Innovation Account. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 70, 907, 2043, 2072, 3273, 4303, 4525*.

42 ....Revises provisions relating to class sizes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 70, 153, 2042, 2077, 3273.

43 ....Revises provisions relating to school emergency operations plans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 70, 217, 233, 243, 253, 260, 270*, 3424, 3462.

No. *Summary, Introducer and Page Reference*

44 ....Revises provisions relating to services for veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 71, 337, 408, 693*, 4530, 4535.

45 ....Creates a program to repay the student education loans of certain providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 71, 112, 338, 412, 606, 5849, 5872, 6161*, 7312.

46 ....Makes various changes relating to historical markers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, 71, 131, 338, 421, 606, 4529, 4534, 5307*, 6497.

47 ....Revises provisions governing the operation of off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 71, 218, 233, 243, 253, 260, 270, 271*, 3424, 3462.

48 ....Revises provisions relating to the privilege for communication between a victim of certain crimes and a victim's advocate. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 71.

49 ....Revises provisions relating to criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 72, 906, 1164, 2028*, 4303, 6247, 6278, 7070.

50 ....Revises provisions relating to the prosecution of certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 72, 703, 829, 908, 1153, 1498, 1502, 1508, 4537, 5314, 5329*, 6683, 6687.

51 ....Makes various changes relating to public safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 72, 112, 338, 426, 693, 694*, 4530, 6642, 6655.

52 ....Makes various changes to the Open Meeting Law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 72, 337, 462, 694*, 4298, 4758, 4780, 5345.

53 ....Revises provisions relating to sales of tobacco products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 73, 1152, 1513, 3188*, 4069, 4297.

54 ....Makes various changes relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 73, 385, 614, 821*, 4298, 4653, 4692, 5345.

55 ....Revises provisions related to unclaimed property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 73, 906, 1192, 2028*, 4530, 4849, 4866, 5345.

56 ....Revises provisions relating to the operation of certain motor vehicles on certain portions of a highway. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 74, 338, 462, 694*, 695, 3463, 3949, 3953, 4297.

57 ....Revises various provisions relating to motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 74, 338, 466, 695*, 4303, 4807, 4816, 5345.

58 ....Revises provisions relating to regional commercial air service in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 74, 139, 5460, 5546, 5848*, 7312, 7317, 7319.

59 ....Revises provisions concerning the confidentiality of certain personal information of certain persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 74.

60 ....Revises provisions governing local improvements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 75, 827, 937, 1494*, 4069, 4780, 4782, 5345.

61 ....Revises provisions governing the canvass of city elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 75.

62 ....Revises provisions governing property tax exemptions for low-income housing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue, 75, 283, 301, 313, 4069, 4294, 4297*, 5461, 5849.

63 ....Requires the Director of the Department of Transportation and the Director of the Department of Public Safety to review, study and prepare reports regarding certain issues relating to traffic safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure, 75, 153.

64 ....Makes changes to civil penalties for certain violations relating to campaign finance reports. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 75.

65 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 76, 2042, 2095, 3312*, 3313, 4303, 4692, 4707, 4723, 5345.

66 ....Revises provisions relating to ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 76, 3196, 3313*.

No. *Summary, Introducer and Page Reference*

67 ....Creates the Fund for the Compensation of Victims of Securities Fraud. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 76, 338, 388, 473, 606.

68 ....Revises provisions governing the assessment imposed on certain counties for the operation of a regional facility for the treatment and rehabilitation of children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary, 76, 201, 222, 234, 243, 253, 260, 271*, 3463, 3845.

69 ....Expands the loan repayment program administered by the Nevada Health Service Corps to include certain providers of behavioral health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education, 77, 104, 326, 357, 381.

70 ....Revises provisions relating to the uses of certain fees for a game tag. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 77, 906, 1209, 2028, 2029*, 4298, 5062, 5063, 5345.

71 ....Requires the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct an interim study concerning environmental justice. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 77, 131, 386, 654, 691.

72 ....Creates the Advisory Committee on the Safety and Well-Being of Public School Staff. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 77, 104, 826, 939, 1039, 4537, 5314, 5329*, 6683, 6953, 6956.

73 ....Provides right of public school pupils to wear certain adornments at school graduation ceremonies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 77, 1152, 1516, 3189*, 3424, 3462.

74 ....Revises provisions relating to agreements entered into by public bodies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 78, 385, 657, 821, 822*, 4530, 4723, 4726, 4730, 5345.

75 ....Revises certain requirements relating to securities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Yeager, 78, 1507, 1619, 3189*, 4530, 4866, 4885, 5345.

76 ....Revises provisions governing civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Yeager, 78, 201, 222, 230, 234*, 3846, 4297.

77 ....Revises provisions governing economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Yeager, 78, 131, 906, 1211, 1493, 4537, 5212, 5329*, 6682.

78 ....Exempts certain providers of jobs and day training services from licensure as nurses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Brown-May, 79, 228, 242, 253, 260, 271, 277, 278*, 3463, 3845.

79 ....Revises provisions governing the temporary limited appointment of persons with disabilities by certain state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Brown-May, 79.

80 ....Makes an appropriation for the relocation of the National Atomic Testing Museum in Las Vegas, Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Watts, Duran and Senator Doñate, 79, 104.

81 ....Revises provisions governing firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hafen, 79.

82 ....Designates World Esports Day as a day of observance in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Mosca, 79, 217, 233, 243, 253, 260, 271, 278*, 3463, 3845.

83 ....Revises provisions relating to sentencing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 80.

84 ....Provides for the issuance of free annual permits to certain persons for entering state parks and recreational areas. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 80, 112, 254, 269, 5556, 5701, 6225*, 6682.

85 ....Establishes procedures to fix rates for certain health care goods and services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Orentlicher, 80, 131, 2042, 2125, 3273.

86 ....Revises provisions relating to animal welfare. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblywoman Hardy, 80, 2043, 2150, 3313*.

87 ....Revises provisions relating to animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Hardy, 80.

88 ....Requires proof of identity to vote in an election. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Hafen, 81, 218, 328.

No. *Summary, Introducer and Page Reference*

89 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen O'Neill, Dickman, Hansen, DeLong and Gurr, 81.

90 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Gurr, 81.

91 ....Revises provisions governing water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman DeLong, 81, 1152, 1517, 3189*, 3190, 4530, 4535.

92 ....Authorizes a board of county commissioners to create the office of county counsel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Koenig, 81, 254, 269, 277, 279, 285*.

93 ....Authorizes the installation and use of automated traffic enforcement systems in school zones and school crossing zones. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 82, 112.

94 ....Prohibits certain governmental entities from using personnel or financial resources to enforce or administer certain federal laws. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Dickman, 82.

95 ....Makes various changes relating to public office. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Orentlicher, 82.

96 ....Revises provisions relating to the confidentiality of certain personal information of peace officers and retired peace officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Dickman, 83.

97 ....Revises provisions relating to government administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Hardy, 83, 338, 479, 695*, 4530, 4535.

98 ....Revises provisions governing economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Nguyen, 83, 283, 301, 313*, 3846, 4297.

99 ....Revises provisions governing Medicaid rates of reimbursement. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Brown-May, 83, 131, 386, 658, 691.

100 ....Provides for certain assessments relating to caregivers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Brown-May, 83, 139, 386, 662, 822*, 3846, 4297.

101 ....Revises provisions relating to informants. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman González, 84, 338, 482, 695, 696*, 3846, 4297.

102 ....Prohibits certain competitions in which certain animals are taken. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Watts and Senator Scheible, 84.

103 ....Revises provisions relating to states of emergency or declarations of disaster proclaimed by the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Dickman and Senator Titus, 84.

104 ....Revises provisions governing the submission of legislative measures for city charters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Dickman and O'Neill, 84, 613, 752, 899*.

105 ....Revises provisions related to broadband Internet. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Watts, 85.

106 ....Revises provisions governing contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Gallant, 85.

107 ....Revises provisions governing certain pharmacies located outside this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 85, 228, 242, 253, 260, 271, 278*, 4530, 4535.

108 ....Enacts the Nurse Licensure Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 85.

109 ....Establishes provisions relating to soil health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen La Rue Hatch, Orentlicher, Peters, Thomas, Watts, Anderson, González, Gorelow and Summers-Armstrong, 86, 131, 338, 488, 606.

110 ....Makes revisions governing the dispensing and delivery of certain dialysate drugs and devices used to perform dialysis. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor, 86, 326, 361, 603, 604*, 3846, 4297.

111 ....Prohibits certain restrictions on the display of religious items in common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Gallant, 86.

112 ....Establishes provisions relating to wildlife crossings. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 86, 112, 327, 366, 381, 4063, 4064, 4299*, 4300, 6497.

No. *Summary, Introducer and Page Reference*

113 ....Creates the Office of Early Childhood Systems within the Office of the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Thomas, 87, 112, 386, 665, 691.

114 ....Revises provisions governing the Nevada Early Childhood Advisory Council. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Thomas and Senator Nguyen, 87, 104, 703, 829, 1039*, 4303, 4819, 4823, 5345.

115 ....Revises provisions relating to substance use disorders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Orentlicher, 87.

116 ....Requires the provision of information and referrals concerning Down syndrome under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Brown-May, González, Gorelow, Gray, Newby, Nguyen, Orentlicher, Peters, Taylor and Thomas, 87, 703, 833, 1040*, 3557, 3846, 4297.

117 ....Makes various changes relating to domestic terrorism. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Jauregui, 88, 139, 2042, 2157, 3273.

118 ....Revises provisions relating to the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Watts and Senator Doñate, 88, 385, 669, 822*, 3846, 4297.

119 ....Creates the Vulnerable Adult Fatality Review Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 88, 703, 829, 835, 898, 5557, 5705, 6225*, 6683, 6846, 6857.

120 ....Revises certain provisions governing voluntary health care service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hafen, 88, 1506, 1638, 3190*, 4530, 4535.

121 ....Revises provisions relating to incarcerated persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywomen Considine, Anderson, Bilbray-Axelrod, González, Summers-Armstrong and Senator Nguyen, 97, 338, 512, 696*, 4298, 4891, 4896, 5345.

122 ....Revises provisions relating to tobacco. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Yeager and Hafen, 97, 338, 518, 696, 697*, 3846, 4297.

123 ....Establishes certain requirements and restrictions relating to policies of rental obligations insurance and rental assurances agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Hardy, 97.

124 ....Revises provisions governing the renewal of a license as an osteopathic physician or physician assistant. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Hardy, 97, 228, 242, 253, 260, 271, 279*, 4530, 4535.

125 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Backus, Gorelow, Hafen; Senators Buck and Krasner, 98, 906, 1153, 1217, 1493, 5557, 5717, 6225*, 6682.

126 ....Revises provisions governing business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Nguyen and Senator Nguyen, 98, 906, 1220, 2029*, 3846, 4297.

127 ....Revises provisions governing Medicare supplemental policies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Jauregui, 98, 905, 1247, 2029*, 2030, 4069, 4558, 4561, 5345.

128 ....Makes an appropriation to the Outdoor Education and Recreation Grant Program Account for the costs of the program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Jauregui, 99, 104, 5435, 5436, 5542*, 6682.

129 ....Revises provisions governing certain county fair and recreation boards. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 99.

130 ....Revises provisions relating to assisted living facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Bilbray-Axelrod and Considine, 99, 104, 5148, 5150, 5329*, 6497.

131 ....Revises provisions governing urban and community forestry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Cohen, Watts, Anderson, Newby and Peters, 99, 254, 269, 279*, 3846, 4297.

132 ....Requires the establishment of a Regional Opioid Task Force in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Cohen and Orentlicher, 99, 139, 1507, 1639, 3190*, 4069, 4823, 4827, 5345.

133 ....Revises provisions relating to drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Bilbray-Axelrod and Considine, 100.

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134 ....Requires licensing of pharmaceutical sales representatives. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 100, 112.

135 ....Revises provisions relating to homelessness. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 100, 153, 906, 1249, 1493, 4537, 5218, 5330*, 6497.

136 ....Requires certain facilities to be licensed as child care institutions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 100, 289, 313, 322*, 3463, 3845.

137 ....Revises provisions relating to fetal alcohol spectrum disorders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 100, 613, 703, 753, 820, 5435, 5458, 5462, 5544*, 6682.

138 ....Provides Medicaid coverage for certain types of behavioral health integration services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 101, 104, 246, 258, 5556, 5721, 6225*, 6682.

139 ....Revises provisions governing certain demographic information collected by governmental agencies. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Brittney Miller, DSilva, González, Mosca, Nguyen, Torres and Senator Nguyen, 101, 238, 328, 702, 846, 898, 5553, 5555, 5813, 6225*, 6971.

140 ....Makes Juneteenth Day a legal holiday in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Thomas, C.H. Miller, Monroe-Moreno, Marzola, Torres, Anderson, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, D'Silva, Duran, González, Gorelow, Jauregui, Kasama, Koenig, La Rue Hatch, Brittney Miller, Mosca, Newby, Nguyen, Orentlicher, Peters, Summers-Armstrong, Taylor, Watts, Yeager; Senators Spearman, Neal, Krasner, Cannizzaro, Nguyen and Lange, 101, 153, 327, 369, 381, 4529, 4534, 5307*, 6971.

141 ....Revises provisions governing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman O'Neill, 101, 174.

142 ....Revises provisions governing certain sales of property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman O'Neill, 102.

143 ....Revises provisions governing counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman O'Neill, 102, 337, 521, 697*, 4530, 4782, 4790, 5345.

144 ....Revises provisions governing the sale of certain lighting products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen La Rue Hatch, Summers-Armstrong, Anderson, Watts, González, Considine and Orentlicher, 105, 338, 528, 697*, 4069, 4297.

145 ....Revises provisions relating to prostitution. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblywoman Marzola, 105, 338, 532, 697, 698*.

146 ....Revises provisions governing video service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Marzola, 105, 337, 541, 691, 829, 900, 1040*, 3846, 4297.

147 ....Revises provisions relating to dentistry. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Marzola, 105, 204, 328, 702, 846, 898, 4529, 4534, 5307*, 6971, 6995.

148 ....Revises provisions relating to child welfare. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Marzola, 106, 174, 2042, 2166, 3273, 4529, 4534, 5308*, 6683, 6687, 6750.

149 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywomen Brittney Miller and Anderson, 106, 174.

150 ....Revises provisions governing the waiver of certain fees by the Board of Regents of the University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Anderson, Considine, Backus, Taylor, Cohen, La Rue Hatch, Summers-Armstrong and Thomas, 107, 131, 2042, 2233, 3273, 5849, 5882, 6161, 6162*, 6682.

151 ....Provides for the issuance for a limited duration of special license plates commemorating the 150th anniversary of the founding of the University of Nevada, Reno. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Anderson, Yeager, Torres, Taylor, O'Neill, Cohen, Marzola, McArthur; Senators Cannizzaro, Titus, Seevers Gansert and Daly, 107, 153, 338, 543, 606, 4529, 4534, 5308*, 6497.

152 ....Makes an appropriation to restore the balance in the Reserve for Statutory Contingency Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 107, 139, 148, 156, 157*, 196, 209.

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153 ....Provides for the regulation of the practice of naprapathy. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Marzola, 107, 153, 2042, 2238, 3273, 5317, 5342*, 5343, 6497.

154 ....Provides for the regulation of the living donation of birth tissue. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Peters, Orentlicher, Anderson, Cohen, Considine and Senator Krasner, 108, 218, 328, 1507, 1656, 3190*, 3191, 3846, 4297.

155 ....Establishes provisions relating to biomarker testing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Peters, Brown-May, Dickman, González, Hafen, Kasama, Nguyen, Orentlicher, Thomas and Watts, 108, 139, 2042, 2326, 3273, 5849, 5887, 6161, 6162*, 6683, 6892, 6919.

156 ....Revises provisions relating to substance use disorders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 108, 1507, 1508, 1659, 2027, 5317, 5343*, 6683, 6857, 6891.

157 ....Revises provisions relating to the crime of living from the earnings of a prostitute. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Taylor, Anderson, Considine, González and Senator Spearman, 109.

158 ....Revises provisions relating to emergency medical services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen O'Neill, Gray, Kasama, DeLong, Dickman, Gallant, Gurr, Hansen, Hibbetts and Koenig, 112, 131, 326, 372, 381, 5849, 5914, 6161, 6162*, 7435.

159 ....Revises provisions relating to cruelty to animals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen O'Neill, Dickman, Kasama, Considine, Hardy, Anderson, DeLong, Gallant, Gray, Gurr, Hansen and Hibbetts, 112, 703, 872, 1040*, 4530, 4535.

160 ....Revises provisions governing the sealing of certain criminal records. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen C.H. Miller, Yeager, Monroe-Moreno, Jauregui and Brittney Miller, 113, 274, 328, 2042, 2357, 3273, 5850, 5945, 6161, 6162*, 6683, 6750, 6773.

161 ....Revises provisions governing the identification of persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen C.H. Miller and Bilbray-Axelrod, 113, 386, 614, 670, 691, 4537, 5225, 5330*, 6497.

162 ....Establishes provisions governing the use of neonicotinoid pesticides. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Gorelow, Bilbray-Axelrod, Brown-May, Carter, Considine, González, La Rue Hatch, Newby, Peters and Watts, 113, 1507, 1695, 3191*, 3846, 4297.

163 ....Revises provisions governing employment. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen González, Considine, Thomas, Anderson, Brown-May, Dickman, Duran, Gray, Hardy, La Rue Hatch, Newby, Nguyen, O'Neill, Orentlicher, Watts; Senators Spearman, Neal, Harris, Lange, Ohrenschall and Scheible, 113, 228, 242, 253, 260, 271, 279, 286*, 4069, 4561, 4566, 5345.

164 ....Revises provisions related to outdoor recreation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Yeager, 114, 326, 372, 604*, 3845, 3930, 3936, 4297.

165 ....Revises provisions governing payments for a permanent partial disability. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Jauregui, 114, 153, 166, 171*, 229, 243.

166 ....Makes an appropriation to the nonprofit organization Foster Kinship for its programs dedicated to kinship care. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywomen Thomas and Gorelow, 114, 131.

167 ....Makes various changes relating to dementia. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Thomas, González and Taylor, 114, 139, 338, 559, 606.

168 ....Revises provisions relating to fetal and infant mortality. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Thomas and Gorelow, 114, 907, 2042, 2379, 3273.

169 ....Revises provisions governing the labeling of feminine hygiene products. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywomen Gorelow, Bilbray-Axelrod, Thomas, González, Anderson, Brown-May, Duran, Peters, Summers-Armstrong; Senators Cannizzaro, Dondero Loop, Krasner, Lange, Nguyen, Seevers Gansert, Spearman and Titus, 118, 613, 906, 1257, 2030*, 4069, 4827, 4831, 5345.

170 ....Revises provisions relating to certain offenses involving concentrated cannabis. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Monroe-Moreno, Thomas, C.H. Miller,

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Brittney Miller, Marzola, Anderson, Bilbray-Axelrod, Brown-May, Cohen, Considine, González, Gorelow, Nguyen, Orentlicher, Peters, Taylor, Watts and Yeager, 118.

171 ....Revises provisions governing public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Duran, Torres, Anderson, González, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine and Thomas, 118, 906, 1261, 2030*.

172 ....Revises provisions governing collective bargaining for certain public employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Anderson, Duran, Carter, Considine, Thomas and Senator Daly, 118, 386, 672, 822, 823*, 4298, 4790, 4796, 5345.

173 ....Revises provisions governing public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gray, O'Neill, DeLong, Dickman, Gallant, Gurr, Hibbetts; Senators Daly, Seevers Gansert and Stone, 119, 906, 1274, 2030, 2031*.

174 ....Revises provisions governing the state militia. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gray, Dickman, D'Silva, Gallant, Gurr, Hafen, Hansen, Kasama, Koenig, O'Neill; Senators Spearman, Krasner, Stone and Seevers Gansert, 119.

175 ....Revises provisions governing boards of trustees of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Yurek and Bilbray-Axelrod, 119, 906, 1277, 2031*, 4530, 4730, 4735, 4736, 4737, 5345.

176 ....Revises provisions relating to housing. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen González, Summers-Armstrong, Orentlicher; Senators Doñate and Neal, 119.

177 ....Revises provisions governing parcel datasets. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gurr, DeLong, Dickman, Gallant, Gray, Hibbetts, Kasama, McArthur and O'Neill, 119, 826, 942, 1494*, 4530, 4535.

178 ....Revises provisions governing emergency medical services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Gurr, Gray, DeLong, Dickman, Gallant, Hibbetts and O'Neill, 120, 131, 327, 375, 381.

179 ....Establishes the Perinatal Quality Collaborative. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Gorelow, Thomas, Cohen and González, 120, 139, 2042, 2392, 3273.

180 ....Revises the bargaining units of certain state employees who are peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hibbetts, Yurek, D'Silva and Senator Pazina, 123.

181 ....Revises provisions governing concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hibbetts and Yurek, 124.

182 ....Revises provisions governing educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Brittney Miller, Anderson and La Rue Hatch, 124, 174, 2042, 2403, 3273, 3323*, 3324.

183 ....Revises provisions relating to the protection of children from commercial sexual exploitation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 124, 338, 561, 698*, 4530, 4535.

184 ....Establishes an incentive program for the purchase of certain zero-emission medium-duty and heavy-duty vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Watts, C.H. Miller, Yeager, Kasama, Marzola; Senators Harris and Pazina, 124, 218, 328, 906, 1284, 1493, 4537, 5228, 5330*, 6497.

185 ....Revises provisions governing the education of pupils who are children of military personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Mosca and Senator Buck, 132, 826, 943, 1494*, 1495, 3463, 3953, 3957, 4297.

186 ....Establishes requirements relating to the provision of drinking water at food establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Kasama, 132.

187 ....Prohibits certain instruction in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kasama, Hansen and Koenig, 132.

188 ....Revises provisions governing investigational treatments. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Kasama, Gray, Gurr, Hibbetts, Koenig, Thomas, Yurek; Senators Ohrenschall and Dondero Loop, 133, 612, 760, 899, 908, 3274, 3324, 3325*.

189 ....Revises provisions governing construction start times in certain counties and cities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Jauregui, 133, 327, 378, 604*, 605, 3846, 4297.

190 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Kasama, 133, 906, 1295, 2031*.

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191 ....Revises provisions relating to water conservation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen DeLong, Dickman, Gallant and Gurr, 133, 386, 676, 823*, 4530, 5064, 5065, 5345.

192 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman González, 134, 274, 328, 613, 761, 820, 4537, 5237, 5330*, 7069, 7100, 7106, 7119.

193 ....Revises provisions relating to custodial interrogations of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen González, D'Silva, Thomas, Anderson, Torres, Gorelow, La Rue Hatch, Marzola, C.H. Miller, Nguyen, Orentlicher, Peters, Taylor; Senators Ohrenschall, Krasner and Nguyen, 134, 906, 1296, 2031, 2032*, 4298, 4896, 4897, 5345.

194 ....Revises provisions governing the discipline of pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hansen, Hardy, Kasama, Dickman, Torres, DeLong, Gallant, Gray, Gurr, Koenig, McArthur, O'Neill, Taylor, Yurek and Senator Hansen, 134.

195 ....Revises provisions governing certain fees for drivers' licenses and identification cards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Hardy, 134, 218, 328, 338, 569, 606, 5317, 5343*, 7435.

196 ....Revises provisions governing the injection of a neuromodulator that is derived from Clostridium botulinum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy and Hafen, 135.

197 ....Authorizes an assessment on certain health care providers for an account to fund Medicaid. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Orentlicher, 135, 238, 328, 906, 1298, 1493.

198 ....Revises provisions governing health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Orentlicher, 135, 218, 328, 3134, 3313, 3314*, 4303.

199 ....Authorizes chiropractic physicians to evaluate and treat a person who has sustained an injury to the head. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Duran, Carter, Considine, D'Silva, González, Thomas and Torres, 136.

200 ....Revises provisions governing legislative measures that may be requested for a regular legislative session. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman McArthur, 136, 703.

201 ....Revises provisions relating to planning for the provision of behavioral health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 136, 204, 328, 613, 766, 820, 5148, 5314, 5330*, 6683, 6919, 6931.

202 ....Revises provisions governing electronic communication devices in certain health care facilities. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblywoman Summers-Armstrong, 136, 386, 677, 823*, 4069, 4831, 4838, 4846, 5345.

203 ....Revises provisions relating to special license plates. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hafen, D'Silva, Gray, Brown-May, Dickman, Hansen, Hardy, McArthur, Peters, Thomas, Torres, Watts; Senators Nguyen and Titus, 137, 218, 328, 338, 575, 606, 5148, 5314, 5330, 5331*, 7435.

204 ....Revises provisions governing mill sites. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Hansen, 137.

205 ....Establishes the Nevada Child Adoption Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Gray, Dickman, DeLong, Gallant, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, O'Neill and Yurek, 137, 139.

206 ....Revises provisions governing the Nevada Commission for Persons Who Are Deaf and Hard of Hearing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Brown-May, 139, 327, 381, 605*, 3463, 3845.

207 ....Revises provisions governing work-based learning programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen González and Nguyen, 140, 826, 945, 1495*, 4069, 4737, 4738, 5345.

208 ....Establishes a program to provide structured family caregiving to certain recipients of Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 140, 164, 703, 872, 898, 5849, 5968, 6161, 6162*, 6682.

209 ....Revises provisions relating to certain providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen González, Anderson, Carter, Thomas, Torres and Watts, 140, 388.

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210 ....Revises provisions governing public works. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Duran, Torres, González, Carter, Gorelow, La Rue Hatch, Marzola, Newby, Nguyen and Thomas, 145, 612, 786, 899*, 3845, 3941, 3944, 4297.

211 ....Makes various changes relating to law enforcement dispatchers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman O'Neill, 145, 204, 328.

212 ....Establishes provisions governing student transcripts. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Mosca, 146, 261, 277, 286*, 3463, 3845.

213 ....Revises provisions governing residential zoning. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Jauregui, 146, 174, 2042, 2408, 3314*, 4298, 4566, 4578, 5345.

214 ....Revises provisions governing certain regional transportation commissions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Anderson; Senators Daly and Goicoechea, 146, 827, 946, 1495*, 3845, 3944, 3949, 4297.

215 ....Revises the residency requirements for appointment as a member on the Nevada Silver Haired Legislative Forum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gorelow, Orentlicher, Thomas and Senator Ohrenschall, 147, 246, 258, 271, 279, 286*, 287, 3463, 3845.

216 ....Revises provisions governing travel insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Gorelow, 147, 204, 328, 1506, 1701, 2027, 6165, 6170*, 6682.

217 ....Revises provisions governing higher education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Watts, González, Anderson, Considine, C.H. Miller, Backus, Bilbray-Axelrod, Brown-May, Carter, Cohen, D'Silva, Gorelow, La Rue Hatch, Mosca, Peters, Summers-Armstrong, Taylor, Thomas, Torres; Senators Flores, Doñate, Neal, Lange, Nguyen and Pazina, 147, 174, 826, 955, 1039.

218 ....Revises provisions governing landlords and tenants. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Considine, 154, 1152, 1519, 3191*, 4303, 4578, 4582, 5345.

219 ....Makes various changes to the Open Meeting Law. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Considine, 154, 218, 328, 1507, 1721, 3191*, 3463, 3845.

220 ....Revises provisions relating to water conservation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, 154, 1507, 1730, 3192*, 4530, 5065, 5101, 5132, 5345.

221 ....Authorizes the management of designated invertebrates. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources, 155, 174, 613, 793, 820.

222 ....Makes changes to the computation of credit for service for certain members of the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Carter, Peters, La Rue Hatch, Anderson, Torres, Duran, Monroe-Moreno, Summers-Armstrong, Taylor, Thomas and Senator Nguyen, 155, 906, 1153, 1303, 1493.

223 ....Revises requirements relating to collection agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Carter, Anderson, D'Silva, Duran, Koenig, La Rue Hatch, C.H. Miller, Monroe-Moreno, Peters, Summers-Armstrong, Thomas, Torres and Senator Nguyen, 156, 906, 1304, 2032*, 3463, 3845, 5314.

224 ....Revises provisions governing collective bargaining. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Peters, Watts, Bilbray-Axelrod, Anderson, La Rue Hatch, Brown-May, Carter, Cohen, Considine, D'Silva, Duran, González, Gorelow, Hibbetts, Jauregui, Koenig, Marzola, Brittney Miller, C.H. Miller, Monroe-Moreno, Nguyen, Orentlicher, Summers-Armstrong, Taylor, Thomas, Torres, Yeager; Senators Nguyen, Doñate and Pazina, 156, 218, 328, 1152, 1523, 2027, 5557, 5724, 6226*, 6682.

225 ....Revises provisions concerning the confidentiality of personal information of certain persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Newby, 165, 2042, 2430, 3314*, 3846, 4297.

226 ....Revises provisions governing tuition for certain students. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman D'Silva, 165, 907, 2042, 2451, 3273, 5317, 5343*, 6497.

227 ....Revises provisions relating to domestic relations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Cohen, 165, 2042, 2455, 3314, 3315*, 3846, 4297.

228 ....Revises provisions governing required courses in high school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen La Rue Hatch, González, Anderson, Brown-May, D'Silva, Gurr, Kasama, Brittney Miller and Thomas, 165, 204, 328, 1152, 1559, 2027.

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229 ....Revises provisions relating to sentencing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Bilbray-Axelrod, 166, 238, 328.

230 ....Revises the deadline for returning mail ballots by mail. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gray, Gurr, Yurek, Gallant, Hansen, Hibbetts and Koenig, 166.

231 ....Revises various provisions of the Uniform Commercial Code. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Backus, 168, 201, 222, 234, 243, 253, 260, 271, 279, 287, 908, 1044, 1495, 1496*, 4298, 4897, 4901, 4905, 5345.

232 ....Revises provisions governing the taxation of other tobacco products. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hibbetts and Nguyen, 169, 613, 2043, 2462, 3273, 5317, 5343*, 7435.

233 ....Revises provisions governing public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hibbetts and Yurek, 169.

234 ....Makes revisions relating to health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Dickman, DeLong, Gray, Gallant, Gurr, Hibbetts and Senator Stone, 169.

235 ....Revises provisions governing public works projects. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Monroe-Moreno, 169, 612, 796, 900*, 3846, 4297.

236 ....Revises provisions governing the practice of psychology. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Monroe-Moreno, 169, 274, 285, 301*, 3394, 3428.

237 ....Makes an appropriation and authorizes expenditures for certain purposes relating to health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 170, 204, 328, 1507, 1769, 2027, 6165, 6186, 6229, 6234*, 6682.

238 ....Establishes provisions relating to commercially sexually exploited children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 170, 204, 328.

239 ....Makes various changes relating to government administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Government Affairs, 170, 204, 328, 826, 960, 1039, 4529, 4534, 5308*, 6682.

240 ....Revises provisions governing the cultivation, growing or production of cannabis by certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman O'Neill, 171, 274, 328.

241 ....Revises provisions governing the education of pupils enrolled in a public high school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Mosca, Anderson, Bilbray-Axelrod, D'Silva, Hansen, Koenig, La Rue Hatch, Taylor, Thomas, Torres; Senators Buck, Doñate, Flores, Nguyen and Pazina, 174, 2042, 2464, 3315*, 4069, 4738, 4743, 5345.

242 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 174, 1507, 1788, 3192*, 4303, 5025, 5049, 5345.

243 ....Revises provisions relating to legislative affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 174, 703, 4430, 4431, 4533, 4534*, 6683, 6931, 6935, 6937, 6938, 6939, 6941, 6942, 6944, 6945, 6947, 6948, 6949, 6950, 6951, 6952, 6953.

244 ....Establishes certain rights of persons compelled to submit to certain mental or physical examinations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Torres, 175, 1507, 1811, 3193*, 4303, 4905, 4909, 5345.

245 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Torres, Marzola, González, Kasama, Bilbray-Axelrod, Brown-May, D'Silva, Duran, Hafen, McArthur, C.H. Miller, Mosca, Newby, Nguyen, Peters, Summers-Armstrong, Taylor, Thomas, Watts and Senator Krasner, 175, 274, 328, 3134, 3145, 3273, 6165, 6197, 6229, 6234*, 6683.

246 ....Revises provisions governing elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Torres, Marzola, Watts, González, Anderson, Backus, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, D'Silva, Duran, Brittney Miller, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, Peters, Summers-Armstrong and Taylor, 175, 388, 2042, 2468, 3273, 5148, 5248, 5331*, 6683.

247 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen La Rue Hatch, Kasama, Carter, Considine, Koenig, Nguyen, Summers-Armstrong, Taylor and Thomas, 176, 274, 328.

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248 ....Makes an appropriation relating to health services in underserved areas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Hafen, Koenig and Senator Titus, 176, 218, 338.

249 ....Enacts provisions relating to the use of hemp in certain commercial feed. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 176, 218, 328, 1152, 1562, 2027.

250 ....Establishes provisions governing prescription drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Considine and Anderson, 181, 2042, 2495, 3315, 3316*, 4530, 4537, 4543, 5141.

251 ....Revises provisions governing prescriptions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Nguyen, Mosca, González, Brittney Miller, D'Silva, Torres and Senator Nguyen, 182, 337, 589, 698*, 699, 3846, 4297.

252 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Cohen and Brown-May, 182, 274, 328, 906, 1309, 1493, 5435, 5458, 5470, 5544*, 6683.

253 ....Provides for the permitting and regulation of certain events at which the sale and consumption of cannabis or cannabis products is allowed. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman C.H. Miller, 182, 338, 1507, 1814, 2027, 5849, 5972, 6161, 6163, 6166, 6170*.

254 ....Provides for the issuance of certain orders and warrants relating to the protection of certain persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 183, 204, 328.

255 ....Revises provisions governing adoption. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Cohen, Bilbray-Axelrod, Hansen, Newby and Orentlicher, 183, 313, 338, 591, 606, 5460, 5521, 5544, 5545*, 6683.

256 ....Revises provisions relating to work-based learning programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Mosca, 183, 906, 1316, 2032*, 4069, 5135, 5141, 5345.

257 ....Revises provisions relating to forensic medical examinations of certain victims of certain crimes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Summers-Armstrong, 183, 906, 907, 1323, 1493, 4529, 4534, 5308*, 7069, 7119, 7123.

258 ....Enacts certain provisions governing the confidentiality of certain personal information of a donor, member or volunteer of a nonprofit organization. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywomen Backus and Kasama, 184, 338, 827, 973, 1039, 5435, 5458, 5477, 5544*, 6683.

259 ....Revises provisions governing wages for persons with disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Brown-May, 184, 274, 328, 906, 1327, 1493, 5461, 5524, 5544, 5545, 5546*, 6683.

260 ....Exempts veterans service organizations from various fees imposed on persons conducting business in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman O'Neill, 184, 328, 386, 684, 691, 5148, 5314, 5331*, 7435.

261 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, 185, 338, 906, 1339, 1493, 5435, 5458, 5486, 5544*, 6683.

262 ....Revises provisions relating to state-owned vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Watts, 185, 386, 685, 823, 824*, 4298, 4817, 4819, 5345.

263 ....Enacts provisions relating to the transmission of Legionnaires' disease by building water systems in certain health care facilities. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Watts, 185, 328, 613, 804, 820, 5435, 5458, 5489, 5544, 5545*.

264 ....Revises provisions governing attendance in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Taylor, Anderson, González and Nguyen, 185, 2042, 2501, 3316*, 3846, 4297.

265 ....Revises provisions relating to mental health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Gorelow, C.H. Miller, Monroe-Moreno, Peters and Senator Nguyen, 186, 2042, 2508, 3317*, 3463, 3845, 5314.

266 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Torres, Duran, González, D'Silva, Brittney Miller, Nguyen; Senators Flores, Doñate and Nguyen, 186, 313, 612, 811, 820, 5553, 5555, 5815, 6226*, 6683.

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267 ....Revises provisions governing cultural competency training. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Torres, D'Silva, Duran, González, Brittney Miller, Nguyen; Senators Doñate, Flores and Nguyen, 186, 826, 981, 1496*, 4069, 4582, 4592, 5345.

268 ....Makes appropriations for the payment of retention incentives to certain employees of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 187, 201, 222, 230, 234*, 315, 317, 322.

269 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Brittney Miller, La Rue Hatch, Anderson, Cohen, Considine, D'Silva, González, Summers-Armstrong and Torres, 190, 2042, 2523, 3317*.

270 ....Provides for the licensure and regulation of anesthesiologist assistants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Marzola, 190, 274, 328, 1507, 1847, 2027, 5317, 5343*, 6497.

271 ....Revises provisions relating to credits against sentences of offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywomen Duran and Thomas, 191, 328.

272 ....Establishes provisions relating to mail theft. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Monroe-Moreno, 191, 827, 996, 1497*, 4298, 4909, 4910, 5345.

273 ....Makes an appropriation to the Elko County School District for the construction of a school to replace an existing school. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywomen Hansen, Anderson, Dickman, Kasama, Taylor and Senator Hansen, 191, 204, 338.

274 ....Revises provisions governing required instruction in financial literacy. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Nguyen, Gallant, Considine, Summers-Armstrong, Bilbray-Axelrod, Cohen, D'Silva, González, Gorelow, Gray, Gurr, Hibbetts, Kasama, Koenig, Brittney Miller, C.H. Miller, Mosca, Newby, Peters, Taylor, Thomas; Senators Dondero Loop, Pazina, Harris, Buck, Hammond, Krasner and Lange, 191, 906, 1342, 2032, 2033*, 3463, 3845.

275 ....Revises provisions governing the sealing of criminal records. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hardy, Hafen, Yurek, Considine, Hansen, Taylor, Thomas; Senators Hammond and Spearman, 192, 906, 1349, 2033*, 4530, 4535.

276 ....Revises provisions governing telehealth. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Duran, Torres, Thomas, Marzola, Considine, González, Gorelow, Brittney Miller, Newby, Nguyen, Orentlicher, Peters, Taylor and Watts, 197, 326, 381, 605*, 3394, 3428.

277 ....Establishes provisions governing rural emergency hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Koenig, Yurek, Gray, Gurr, DeLong, Dickman, D'Silva, González, Gorelow, Hafen, Hansen, Hardy, Hibbetts, Nguyen, Orentlicher, Peters, Taylor, Thomas and Torres, 197, 238, 328, 338, 592, 606, 4529, 4534, 5308*, 7435.

278 ....Requires the Public Employees' Retirement Board to consider certain Nevada-based investments. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Orentlicher, 197, 274, 328.

279 ....Revises provisions governing the waiver of tuition and registration and certain fees for students who are children of certain veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen D'Silva, Gray, Thomas, Bilbray-Axelrod, Gallant, Gurr, La Rue Hatch, McArthur, Mosca, Summers-Armstrong, Taylor, Torres; Senators Spearman, Flores and Lange, 197, 218, 328, 906, 1353, 1493, 5557, 5761, 6226*, 6971.

280 ....Revises provisions governing behavior schools in public school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywomen Thomas, González and Taylor, 198.

281 ....Revises provisions governing senior living facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gorelow, Anderson, Carter, Cohen, Duran and Nguyen, 204, 274, 328, 3134, 3173, 3273, 4529, 4534, 5309*, 6683, 6793, 6802.

282 ....Establishes provisions governing a subsidy for certain substitute teachers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Summers-Armstrong, Marzola, Nguyen, González, Brittney Miller, Bilbray-Axelrod, Carter, C.H. Miller, Peters and Watts, 205, 2042, 2530, 3317, 3318*, 3846, 4297.

283 ....Makes changes relating to doula services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Summers-Armstrong, Marzola, Peters, Bilbray-Axelrod, Carter, González, Brittney Miller, C.H. Miller, Nguyen and Watts, 205, 388, 1507, 1912, 2027, 5553, 5555, 5824, 6226*, 6683.

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284 ....Authorizes the business of a mortgage company to be conducted from a remote location under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Kasama, 205, 326, 381, 605, 606*.

285 ....Revises provisions governing school safety and student behavior. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywomen Taylor, Torres, Anderson, Bilbray-Axelrod and Hansen, 205, 2042, 2531, 3274, 3306, 3307, 3308*, 4523, 5345, 5372, 5402, 5405, 5431, 5434, 5435.

286 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Brittney Miller, C.H. Miller, Anderson, Backus, Bilbray-Axelrod, Cohen, Considine, D'Silva, Duran, González, Gorelow, La Rue Hatch, Marzola, Monroe-Moreno, Mosca, Newby, Nguyen, Peters, Summers-Armstrong, Taylor, Thomas, Torres and Watts, 206, 2042, 2554, 3318*, 3845, 7069, 7093, 7100.

287 ....Provides that peace officers are immune from civil liability under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gray, O'Neill, Yurek, Hibbetts, McArthur, DeLong, Dickman, Gallant, Gurr, Hafen, Hansen, Hardy, Kasama, Koenig; Senators Hansen and Stone, 206.

288 ....Establishes the Nevada Blue Ribbon Committee on Human Trafficking. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman O'Neill, 206, 274, 328.

289 ....Enacts provisions relating to the natural organic reduction of human remains. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Carter, La Rue Hatch, C.H. Miller, Summers-Armstrong, Watts and Senator Pazina, 206, 327, 381, 606*, 3846, 4297.

290 ....Revises provisions governing motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Brown-May, Carter, D'Silva, González, Hafen, Koenig, Nguyen, Torres and Senator Goicoechea, 207, 388, 825, 876, 898, 5553, 5555, 5826, 6226*, 6683.

291 ....Revises provisions relating to the prosecution of certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 207, 283, 301, 314*, 4303, 4535.

292 ....Revises provisions governing offenders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywomen González, Summers-Armstrong; Senators Spearman, Neal and Scheible, 207, 313, 1507, 1914, 2027, 5552, 5555, 5848*, 6683.

293 ....Revises provisions governing Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Orentlicher, 207, 338, 906, 1356, 1493.

294 ....Revises provisions governing tobacco. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Orentlicher, 208, 338.

295 ....Revises provisions relating to certain tax exemptions for veterans and surviving spouses of veterans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Yurek, Gray, D'Silva, Gallant, Hansen and Hardy, 208, 328, 703, 882, 898.

296 ....Revises provisions governing instructional time in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen D'Silva and Torres, 208, 274, 328, 2042, 2567, 3273, 6229, 6234, 6235*.

297 ....Revises provisions governing pretrial release hearings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman O'Neill, 208.

298 ....Revises provisions governing housing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Jauregui, 209, 238, 328, 1152, 1567, 3193*, 3846, 4297.

299 ....Creates the Nevada Medal of Distinction. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Yeager, 209, 274, 328, 702, 882, 898, 4529, 4534, 5309*, 6683.

300 ....Revises provisions relating to domestic partnerships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Yeager, 209.

301 ....Revises provisions relating to public employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hibbetts, D'Silva, Yurek and Carter, 219, 388, 826, 998, 1039, 5553, 5555, 5557, 6166, 6170, 6171, 6229, 6233*, 6234.

302 ....Revises provisions governing state-issued identification. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Backus, 219, 338, 386, 687, 691.

303 ....Revises provisions relating to the towing of a motor vehicle under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 219, 827, 1000, 1497*.

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304 ....Revises provisions governing certain special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Anderson, 219, 313, 607, 687, 691, 4537, 5300, 5331*, 6683.

305 ....Revises provisions governing public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywomen Monroe-Moreno, Considine and Thomas, 220, 1152, 1572, 3193*, 4298, 4796, 4799, 6373, 6376, 7070.

306 ....Requires the waiver of certain fees for certain veteran-owned businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen McArthur, Torres, D'Silva and Gray, 220, 238, 338.

307 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Dickman, Gray, Gallant, Hansen, DeLong, Gurr, Hafen, Koenig, McArthur, O'Neill; Senators Stone, Hansen, Goicoechea and Titus, 220, 274, 328.

308 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Mosca, González, Nguyen, D'Silva, Brittney Miller, Torres and Senator Nguyen, 220.

309 ....Revises various provisions governing common-interest communities and condominium hotels. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Hansen, 221, 2042, 2571, 3318*, 4530, 4535.

310 ....Revises provisions governing affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Monroe-Moreno, 221, 238, 328, 1152, 1575, 2027, 5148, 5314, 5331*, 6683.

311 ....Revises provisions governing health care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bilbray-Axelrod, Gray, Taylor and Thomas, 222, 703, 885, 1041*, 3846, 4297.

312 ....Establishes provisions relating to environmental justice. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Peters, 230, 388, 2042, 2605, 3273.

313 ....Revises provisions relating to mining reclamation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Peters, 230, 338, 1152, 1578, 2027.

314 ....Revises provisions governing the regulation of home-based businesses by counties, cities and towns. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Gallant, Taylor, DeLong, Dickman, Gray, Nguyen and Senator Stone, 230.

315 ....Establishes various provisions relating to geothermal energy. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Hardy, 230, 338, 827, 1004, 1039.

316 ....Revises provisions governing motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman C.H. Miller, 231, 906, 1359, 2033*, 4069, 4297.

317 ....Revises provisions relating to dual credit courses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen González, Thomas, Summers-Armstrong, Brittney Miller, C.H. Miller, Monroe-Moreno, Taylor, Watts; Senators Spearman, Neal, Cannizzaro and Harris, 231, 339.

318 ....Revises provisions governing certain providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Nguyen, González, Brown-May, Cohen, D'Silva, Gallant, Gorelow, Hibbetts, Koenig, La Rue Hatch, Mosca, Newby, Summers-Armstrong, Taylor; Senators Doñate and Pazina, 231, 905, 1361, 2033, 2034*, 3846, 4297.

319 ....Makes an appropriation to the State Department of Agriculture for universal free breakfast and lunch for Nevada pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Jauregui, 231, 274, 5435, 5437, 5542, 5543*, 6683.

320 ....Establishes provisions relating to Internet privacy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Dickman, Gurr, La Rue Hatch, Anderson, Carter, DeLong, D'Silva, Duran, Gallant; Senators Flores, Hammond and Stone, 232, 313.

321 ....Makes various changes relating to public safety. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Carter, Anderson and La Rue Hatch, 232, 274, 328, 905, 1368, 1493, 5557, 5764, 6226, 6227*, 6683.

322 ....Revises provisions relating to kratom products. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Nguyen, Yeager, González, Brown-May, Dickman, D'Silva, Gallant; Senators Hansen and Nguyen, 232, 328, 2042, 2617, 3273, 5557, 5777, 5848, 6166, 6179, 6478*, 6683.

323 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Torres, Mosca, D'Silva, González, Bilbray-Axelrod, Anderson, Gorelow, Hansen, Koenig, La Rue Hatch, Marzola, Newby, Orentlicher, Taylor, Thomas, Watts; Senators Doñate, Buck, Flores and Nguyen, 233, 328, 2042, 2624, 3273, 5849, 6011, 6227*.

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324 ....Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Gallant, D'Silva, Dickman, Gray and McArthur, 239, 328.

325 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman O'Neill, 239, 386, 687, 691.

326 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Yurek, Kasama, Dickman, DeLong, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur and O'Neill, 239, 338.

327 ....Revises provisions governing real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Considine, 240, 313.

328 ....Makes an appropriation to the Thomas & Mack Legal Clinic at the William S. Boyd School of Law of the University of Nevada, Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Watts, Torres, Peters; Senators Nguyen, Doñate and Flores, 240, 274, 4529, 4532, 5309*, 6683.

329 ....Revises provisions governing workforce development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman C.H. Miller, 240, 313.

330 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Education, 240, 2042, 2634, 3273, 3308, 3309, 3310*, 3431, 5345, 5402, 5434, 5435.

331 ....Revises provisions governing court interpreters. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Duran, 241, 313.

332 ....Revises provisions relating to student education loans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Peters, Watts, Nguyen, Torres, Anderson, Carter, Gorelow, Koenig, La Rue Hatch, Mosca, Newby, Taylor and Senator Nguyen, 241, 328, 2042, 2661, 3273, 6165, 6170*, 6683.

333 ....Revises provisions governing housing authorities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Duran, 241, 1152, 1590, 3194*, 3846, 4297.

334 ....Revises provisions relating to insurance for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Brown-May, 242, 328, 905, 1380, 2034*, 4530, 4592, 4595, 4597, 5345.

335 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen La Rue Hatch, Brittney Miller, Brown-May, Carter, Considine, Gorelow, Orentlicher, Summers-Armstrong and Yurek, 242.

336 ....Revises provisions governing driver authorization cards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen González, Thomas, Torres, D'Silva, C.H. Miller, Carter, Duran, Newby, Nguyen and Watts, 242, 338, 827, 1023, 1039.

337 ....Revises provisions relating to public employment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Peters, Monroe-Moreno, Anderson, Backus, Thomas and Senator Dondero Loop, 247, 274.

338 ....Revises provisions governing health care. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Peters, 247, 388, 906, 1382, 1493.

339 ....Revises provisions governing accountability reports of public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Brittney Miller, Anderson, Brown-May, Cohen, Considine, D'Silva, González, Gorelow, La Rue Hatch, C.H. Miller, Mosca, Nguyen, Thomas and Torres, 247, 2042, 2695, 3319*.

340 ....Revises provisions governing certain actions and proceedings relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Summers-Armstrong, Brown-May, Duran, Gorelow, Newby, Orentlicher, Peters, Thomas, Torres and Watts, 248, 264, 2042, 2698, 3274, 3276, 3325*, 4244, 4247, 4248, 4249, 4251, 4252, 4258, 4303, 4486, 4489, 4490, 4492, 4493, 4494, 4500, 4911, 4936, 5345.

341 ....Revises provisions governing the selection of members to certain state boards, networks and councils performing duties related to education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman D'Silva, 248.

342 ....Requires a cannabis establishment agent to take certain actions to verify the age of a consumer before selling cannabis or a cannabis product. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hibbetts, Yurek, Hardy, Gurr and Hafen, 248, 906, 1391, 2034*, 2035, 4530, 4535.

343 ....Revises provisions relating to occupational therapy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman C.H. Miller, 248, 826, 1027, 1497*, 1498, 4069, 4297.

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344 ....Revises provisions governing the cost adjustment factor in the Pupil-Centered Funding Plan. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Taylor, 249.

345 ....Revises provisions governing the Commerce Tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Considine, 249, 328, 613, 820, 4529, 4534, 5309*, 5310.

346 ....Revises the State Budget Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman O'Neill, 249, 274, 338, 5552, 5554, 5557, 6166, 6170, 6174, 6229, 6234*, 7435.

347 ....Makes an appropriation to the Department of Education for programs of dual credit. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Torres, 249, 274, 338.

348 ....Creates the Virtual Early Childhood Family Engagement Pilot Program in the Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Torres, 249, 338, 2042, 2731, 3273, 5849, 6038, 6161, 6163*, 6683.

349 ....Establishes the Nevada Wildlife Conservation Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen O'Neill and Watts, 249, 703, 829, 891, 898, 5148, 5314, 5331, 5344*.

350 ....Revises provisions governing forfeiture of property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 250, 386, 690, 824*, 4530, 4535.

351 ....Establishes the Deferred Retirement Option Program for certain public employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Yurek and Hibbetts, 250, 274, 338.

352 ....Revises provisions governing academic standards for certain pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen D'Silva and Bilbray-Axelrod, 250, 328.

353 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen DeLong, Dickman, Gray, Gallant, Gurr and Hansen, 251, 338.

354 ....Revises provisions relating to firearms. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Jauregui, 251, 2042, 2736, 3319, 3320*, 3392, 3420.

355 ....Revises provisions relating to firearms. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Jauregui, Yeager and Monroe-Moreno, 251, 906, 1393, 2035, 2036*, 3319, 3392, 3421.

356 ....Enacts provisions relating to mobile tracking devices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Dickman, La Rue Hatch, Anderson, Hansen, Kasama, Carter, D'Silva, Duran, Gallant, Gray, Gurr, Hafen, Hardy, Koenig, McArthur, Mosca, O'Neill, Taylor, Watts, Yeager, Yurek; Senators Seevers Gansert, Goicoechea, Titus, Hansen, Flores and Neal, 252, 906, 1399, 2036*, 4530, 4936, 4938, 5345.

357 ....Revises provisions governing sexual education in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Bilbray-Axelrod, Torres, Watts, Peters and Senator Harris, 252, 338, 702, 897, 898, 5553, 5555, 5832, 6227*.

358 ....Revises provisions governing emergency medical services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Gray, O'Neill, DeLong, Dickman, Gallant, Hibbetts, Koenig and Senator Stone, 252, 313, 906, 1400, 2036, 2037*.

359 ....Revises provisions relating to the imposition by certain counties of additional taxes on fuels for motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Monroe-Moreno, Watts, Thomas and C.H. Miller, 255, 703, 897, 1041*, 3846, 4297.

360 ....Revises provisions governing the grading of pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Anderson, Brittney Miller, Considine, La Rue Hatch, Cohen, D'Silva and Mosca, 255.

361 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Monroe-Moreno and C.H. Miller, 255, 612, 820, 900*, 3846, 4297.

362 ....Revises provisions governing rent increases. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Thomas, 255.

363 ....Revises provisions relating to professional and occupational licensing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Brittney Miller, 256, 388.

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364 ....Revises provisions governing the Board of Medical Examiners. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Cohen, O'Neill, Anderson, Brown-May, Dickman, D'Silva and Gorelow, 256, 338, 2042, 2742, 2744, 2745, 2746, 3273, 3324*, 4298, 4597, 4600, 5345.

365 ....Revises provisions governing federal grants. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 256.

366 ....Revises provisions governing the Keep Nevada Working Task Force. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 257, 337, 602, 699*, 3845, 3936, 3941, 4297.

367 ....Establishes requirements relating to labor agreements for certain public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 257.

368 ....Revises provisions governing public administrators. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 257.

369 ....Revises provisions governing the administration of justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Orentlicher and González, 257, 338, 1507, 1932, 2027.

370 ....Revises provisions governing elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hansen, Dickman, Gurr, Hafen, Hardy, Kasama, Koenig, McArthur, Yurek and Senator Hansen, 264, 388.

371 ....Makes various changes relating to parentage. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblywomen Cohen, Backus, Bilbray-Axelrod and Senator Ohrenschall, 264, 2042, 2746, 3320, 3321*, 4298, 4938, 4989, 5345.

372 ....Revises provisions relating to higher education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 265, 702, 898, 1041, 1042*, 3463, 3845.

373 ....Revises provisions relating to deceptive trade practices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Gorelow, Nguyen, Anderson and Taylor, 265, 906, 1428, 2037*, 4298, 4885, 4891, 5345.

374 ....Revises provisions governing athletics in schools, the Nevada System of Higher Education and organizations for youth sports. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Gurr, Gallant, Gray, DeLong, Dickman, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Yurek; Senators Goicoechea, Hansen, Titus and Stone, 265.

375 ....Revises provisions relating to Strategic Lawsuits Against Public Participation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Dickman, 266.

376 ....Establishes provisions governing paid family leave for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 266, 338, 906, 1434, 1493, 4303, 4304, 4422, 4525, 4526*, 6683.

377 ....Revises provisions relating to public employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 266.

378 ....Revises provisions governing collective bargaining. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 267, 2042, 2797, 3321*, 3463, 6683, 6956, 6959.

379 ....Revises provisions concerning the confidentiality of certain personal information of certain persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 267.

380 ....Revises provisions relating to interactive gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 267.

381 ....Revises provisions governing guardianship. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 267, 1507, 1941, 2044.

382 ....Makes an appropriation to the Immigration Clinic at the William S. Boyd School of Law of the University of Nevada, Las Vegas, for the purpose of expanding the provision of pro bono legal services relating to immigration law. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Torres, Watts, Peters, C.H. Miller, Marzola, Bilbray-Axelrod, Carter, D'Silva, Duran, González, Gorelow, Newby, Nguyen, Taylor, Thomas; Senators Doñate and Nguyen, 267, 338.

383 ....Revises provisions relating to health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Torres, Peters, Gorelow, González, Anderson, Bilbray-Axelrod, Brown-May, Considine, D'Silva, Duran, Jauregui, C.H. Miller, Newby, Summers-Armstrong, Thomas, Watts and Senator Harris, 268, 613, 2042, 2800, 3273, 5460, 5535, 5544, 5546*, 6683.

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384 ....Revises provisions governing motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hafen, 268.

385 ....Revises provisions relating to the Nevada Educational Choice Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hafen, 268, 338.

386 ....Revises provisions relating to midwives. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywomen Monroe-Moreno, Summers-Armstrong and Thomas, 269, 388, 2042, 2831, 3273, 5850, 6042, 6161, 6163, 6166, 6170, 6173*.

387 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 274, 906, 1439, 2037*.

388 ....Makes an appropriation to the Department of Sentencing Policy for the purpose of funding certain grants awarded by the Nevada Local Justice Reinvestment Coordinating Council. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblyman Yeager, 275, 313, 386, 690, 691, 5316, 5344*, 6683.

389 ....Revises provisions governing Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 275, 388, 1507, 1964, 2027, 4529, 4534, 5310*, 6683.

390 ....Revises provisions governing the Nevada Administrative Procedure Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 275, 338.

391 ....Revises provisions governing public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 275, 1152, 1592, 3194*, 4298, 4799, 4801, 5345.

392 ....Makes various changes relating to property. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Kasama, Jauregui and Gurr, 275, 906, 1451, 2037, 2038*.

393 ....Establishes the Doctors for Nevada Program to attract providers of health care to this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Kasama and Senator Lange, 276, 313.

394 ....Revises provisions governing elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 276, 703, 898, 1042*, 4069, 4297.

395 ....Creates the Financial Oversight of School Spending Committee. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Brittney Miller, 276, 388.

396 ....Makes appropriations to Clark County and the Cities of Reno and Sparks for programs for rental assistance to certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 277, 313, 5556, 5558, 6227*, 6683.

397 ....Revises provisions governing public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Kasama, 283.

398 ....Makes various changes relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 284, 905, 1457, 2038*, 4530, 4535.

399 ....Creates the Subcommittee on Education Accountability of the Interim Finance Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Yeager, 284, 338, 906, 1458, 1493, 4529, 4534, 5310*, 6971, 6995, 6997.

400 ....Revises various provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 284, 313, 5556, 5560, 6166, 6500, 6626*, 6627, 6971.

401 ....Revises provisions governing schools of nursing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Jauregui, 285, 2042, 2912, 3321*, 3463, 3845.

402 ....Revises provisions relating to licensing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hafen, 285.

403 ....Revises provisions governing halfway houses for persons recovering from alcohol or other substance use disorders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 293, 703, 906, 1461, 1493, 4303, 4525*, 5461, 5849.

404 ....Revises provisions governing civil actions against a provider of health care for professional negligence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 293, 704, 3380, 3389, 3401, 3405, 3426, 4515, 4527*, 6683, 6773, 6781.

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405 ....Revises provisions relating to court programs for the treatment of mental illness or intellectual disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 293, 2042, 2913, 3321, 3322*, 4530, 4989, 4997, 5345.

406 ....Revises provisions governing hospitals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Gorelow, 294, 613.

407 ....Revises provisions governing the release of personal information by the Director of the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Carter, 294, 906, 1465, 2038*, 3846, 4297.

408 ....Revises provisions relating to motor vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblywoman Brown-May, 294, 2042, 2921, 3322*, 4530, 4997, 5012, 5024, 5345.

409 ....Creates the Juneteenth Educational and Economic Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Thomas and Mosca, 294, 328, 906, 1471, 1493.

410 ....Revises provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Jauregui, Yeager, O'Neill, Monroe-Moreno; Senators Pazina, Spearman and Stone, 295, 1152, 1607, 3194*, 4069, 4600, 4602, 5345.

411 ....Requires certain medical facilities to allow certain patients who are terminally ill to engage in the medical use of cannabis at the medical facility. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 295, 703, 898, 1042*.

412 ....Revises provisions relating to juvenile justice. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 295, 388.

413 ....Revises provisions relating to cannabis. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 295, 388.

414 ....Revises provisions governing powers of attorney. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Backus, 296, 2042, 2932, 3322*, 4069, 4297.

415 ....Revises provisions relating to dispensing opticians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Taylor, 296, 1507, 1972, 3195*, 4069, 4602, 4624, 5345.

416 ....Provides an exemption from property taxation for accessory dwelling units leased to certain tenants. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Summers-Armstrong, 296, 328, 2043, 3006, 3273.

417 ....Revises provisions relating to indigent defense services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman O'Neill, 296, 613.

418 ....Revises provisions governing health care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Orentlicher, 297.

419 ....Revises provisions governing tax abatements for certain renewable energy facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hafen, 297, 2043.

420 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblyman Yurek and Senator Stone, 297, 328.

421 ....Establishes provisions governing the collection of the consumer data of Nevada consumers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen La Rue Hatch, Anderson and Carter, 297, 388.

422 ....Revises provisions relating to fetal alcohol spectrum disorders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Gorelow, 298, 2042, 2043, 3008, 3273, 5460, 5541, 5544, 5546*, 6683.

423 ....Revises provisions governing boards of trustees of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 298, 339, 906, 1474, 2039*, 4530, 4801, 4803, 4806.

424 ....Revises provisions relating to the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 298, 386, 690, 824*, 825, 4069, 4297.

425 ....Revises provisions governing net metering. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 298, 338, 906, 1476, 1493.

426 ....Revises provisions governing special event advertising. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 299, 1507, 1994, 3195*, 3463, 3845.

427 ....Revises provisions governing taxes on passenger carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 299, 328, 703, 898.

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428 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue, 299, 328, 2043, 3010, 3273, 5849, 6123, 6161, 6163*, 7069, 7070, 7093.

429 ....Revises provisions relating to aviation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Gurr, Dickman, Hafen, Gray, Anderson, Brown-May, DeLong, Gallant, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill and Yurek, 299, 328, 2043, 3023, 3273.

430 ....Revises provisions relating to cannabis. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 300, 328, 2043, 3027, 3273, 5317, 5344*, 6683, 6960, 6965.

431 ....Revises provisions relating to campuses of the University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 300.

432 ....Revises provisions governing optometry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Koenig, 300, 1506, 2001, 3195, 3196*, 4530, 4630, 4641, 4653, 5345.

433 ....Revises certain fees collected by the Secretary of State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 302, 338.

434 ....Revises provisions governing prescription drugs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 302, 2042, 2043, 3036, 3273, 5553, 5555, 5840, 6227*, 6683.

435 ....Revises provisions governing behavioral health. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 303, 613.

436 ....Provides for the regulation of earned wage access providers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 303.

437 ....Limits the amount and circumstances under which a provider of health care may charge for filling out certain forms associated with certain leaves of absence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 303, 702, 898, 1042, 1043*, 4298, 4624, 4625, 5345.

438 ....Prohibits title insurers, title agents, escrow officers and certain real estate professionals from engaging in certain conduct. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 304.

439 ....Revises provisions governing certain contracts of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 304, 2042, 3043, 3322, 3323*, 4298, 4625, 4630, 5345.

440 ....Revises provisions relating to pharmacy benefit managers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 304.

441 ....Revises provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor, 304, 388, 2042, 3050, 3273, 5557, 5784, 6227*, 6228.

442 ....Revises provisions relating to persons licensed by certain health care licensing boards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 305, 2042, 3074, 3323*, 3845.

443 ....Expands the institutions which certain recipients of the Governor Guinn Millennium Scholarship are authorized to attend. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 305, 338, 385, 690, 691, 5316, 5344*, 6683.

444 ....Revises provisions concerning child welfare. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Backus, 305, 2042, 3080, 3323*, 4530, 6278, 6320, 6362, 6683, 6970, 7180, 7222, 7312.

445 ....Revises provisions relating to the mental health of children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Newby, 306, 328, 703, 898.

446 ....Revises provisions governing guardianship of minors. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Cohen, 306.

447 ....Revises provisions relating to the collection of rent. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Anderson, 306.

448 ....Revises provisions governing the real property transfer tax. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Yeager and Jauregui, 306, 703, 829, 898, 4069, 4294, 4297*, 7312.

449 ....Authorizes a credit or refund of property taxes under certain circumstances when an applicable partial abatement of taxes was not applied or claimed. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Gallant, Gray, Dickman, D'Silva, McArthur; Senators Buck and Hansen, 307, 328, 2043, 3130, 3273, 5552, 5555, 5557, 6166, 6170, 6173*, 6174.

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450 ....Revises provisions governing the real property transfer tax. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Considine, 307, 388.

451 ....Revises provisions relating to certain employees in the Executive Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 307, 313, 5148, 5155, 5338*, 6683.

452 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 307, 703, 898, 1043*, 4288, 6683, 6782, 6789, 6793.

453 ....Revises provisions governing the adoption of persons with special needs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 308.

454 ....Revises provisions relating to legal services for indigent defendants. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 308, 703, 898, 1043*, 3463, 6971.

455 ....Authorizes the imposition of a civil penalty by the Department of Taxation for certain violations relating to contraband tobacco products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 308, 907, 1491, 2039*, 4069, 4297.

456 ....Revises provisions relating to railroads. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure, 308, 388, 1507, 2016, 3188, 3274, 3301, 3326*, 4069, 4297.

457 ....Removes a requirement for the reissuance of certain license plates every 8 years. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 309, 338, 607, 691, 4537, 5314, 5338*, 6971.

458 ....Revises provisions relating to the financial support of public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 309, 313.

459 ....Revises provisions relating to education funding. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Executive Budget. Committee on Ways and Means, 314.

460 ....Revises provisions relating to nursing pools. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 314, 4537, 5158, 5338*.

461 ....Revises provisions relating to the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 314, 4529, 4532, 5310*, 6971.

462 ....Revises provisions governing the State Board of Parole Commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 329, 4529, 4533, 5310*, 6971.

463 ....Revises provisions governing child care facilities and certain child care programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 614, 3846, 4039*, 4040, 5461, 5849.

464 ....Makes an appropriation to the Legislative Fund for costs relating to anticipated building renovations and construction. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 614, 3352, 3362, 3377*, 4069, 4297.

465 ....Revises provisions governing the state militia. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Yeager, Gray and Senator Spearman, 1153, 3399, 3449, 3453, 3454*, 4530, 5132, 5135, 5345.

466 ....Revises provisions relating to crisis intervention. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 3336.

467 ....Makes an appropriation to the Knowledge Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3361.

468 ....Makes appropriations to the Office of Finance in the Office of the Governor and the Interim Finance Committee for certain costs related to the Enterprise Resource Planning System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3361, 6229, 6232, 6234, 6235*, 6971.

469 ....Makes an appropriation to restore the balance in the Stale Claims Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3361, 4303, 4533, 5310*, 5311, 6971.

470 ....Makes an appropriation to the State Public Works Division of the Department of Administration for professional services and filing fees related to water rights associated with the Marlette Lake Water System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3361, 4303, 4305, 4534, 5311*, 6971.

No. *Summary, Introducer and Page Reference*

471 ....Makes an appropriation to the State Public Works Division of the Department of Administration for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3361, 4303, 4305, 4534, 5311*, 6971.

472 ....Makes an appropriation to the Purchasing Division of the Department of Administration for the purchase of a warehouse building in Las Vegas, Nevada, to replace leased space. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3362, 4430, 4474, 4534, 5311*, 6971.

473 ....Makes an appropriation to the Fleet Services Division of the Department of Administration for the replacement and purchase of vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3362, 4303, 4305, 4534, 5311*, 6971.

474 ....Makes an appropriation to and authorizes the expenditure of money by the Commission on Ethics for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3362, 4303, 4305, 4534, 5311*, 5312, 6971.

475 ....Makes appropriations to the Department of Administration for certain activities and technology requirements of the National Judicial College and the National Council of Juvenile and Family Court Judges. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3362, 4430, 4475, 4534, 5312*, 6971.

476 ....Makes appropriations to and authorizes the expenditure of money by the Aging and Disability Services Division of the Department of Health and Human Services for the replacement or purchase of computer hardware and associated software and door locks. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3372, 4430, 4475, 4534, 5312*, 6971.

477 ....Makes appropriations to and authorizes the expenditure of money by the Department of Transportation for the replacement of the Nevada Shared Radio System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3373, 4430, 4475, 4534, 5312*, 6971.

478 ....Makes an appropriation to the State Emergency Response Commission for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3373, 4430, 4475, 4534, 5312*, 6971.

479 ....Makes appropriations to the State Board of Parole Commissioners for the replacement of computer hardware, software and related equipment and licenses to upgrade a computer operating system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3373, 4430, 4475, 4534, 5312*, 5313, 6971.

480 ....Makes an appropriation to the Interim Finance Committee to allocate to certain state agencies to implement language access plans. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3373, 5148, 5159, 5338*, 7312, 7371, 7372.

481 ....Makes an appropriation to the Account for the Nevada Main Street Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3373, 4303, 4305, 4534, 5313*, 6971.

482 ....Makes appropriations to the Office of Finance in the Office of the Governor as loans for the replacement of an information technology service management provider and computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3374, 5435, 5438, 5543*, 6971.

483 ....Makes an appropriation to the Workforce Innovations for a New Nevada Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3374, 6165, 6170, 6178, 6229, 6234*, 6971.

484 ....Makes an appropriation to the Office of Economic Development in the Office of the Governor for the support of designated regional development authorities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3374, 5552, 5554, 5673, 6228*, 6971.

485 ....Makes an appropriation to the Legislative Fund for annual dues for national organizations, a passenger van and information technology services projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3374, 4537, 5159, 5338, 5339*, 6971.

486 ....Makes appropriations to the Division of State Library, Archives and Public Records of the Department of Administration for the replacement of computer hardware and associated software and the purchase

No. *Summary, Introducer and Page Reference*

of digitization equipment and technology. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3374, 4430, 4475, 4534, 5314, 5339*, 6971.

487 ....Makes an appropriation to the Office of Finance in the Office of the Governor as a loan for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3375, 5460, 5548, 5848*, 6971.

488 ....Makes appropriations to the Office of Finance in the Office of the Governor as loans for the replacement of computer hardware and associated software, the replacement of components of a security firewall and security upgrades to mountaintop microwave sites. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3375, 5552, 5554, 5673, 6228*, 6971.

489 ....Makes appropriations to the Office of Finance in the Office of the Governor for the replacement of furniture and certain equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3375, 5316, 5317, 5543*, 6971.

490 ....Authorizes the establishment of academic medical districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Yeager, 3375, 5849, 5850, 5853, 5854, 5857, 5858, 5859, 5862, 6228*.

491 ....Makes appropriations to the Nevada System of Higher Education for enrollment recovery at and to support certain expenditures for certain institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3376, 5849, 5862, 6228*, 6971.

492 ....Makes appropriations to the Nevada System of Higher Education for certain information technology leases and equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3376, 4430, 4475, 4534, 5314, 5339*, 6971.

493 ....Makes an appropriation to the Nevada System of Higher Education for an interim study of the funding formula for the System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3376, 4537, 5159, 5339*, 6971.

494 ....Makes an appropriation to the University of Nevada, Reno, for the addition of weighted student credit hours resulting from the acquisition of Sierra Nevada College. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3376, 5316, 5317, 5543*, 6971.

495 ....Makes appropriations to the Nevada Highway Patrol Division of the Department of Public Safety for the replacement or purchase of vehicles, motorcycles, weapons and certain equipment and a staffing study. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3376, 4537, 5160, 5339*, 6971.

496 ....Makes appropriations to the Department of Public Safety for costs related to the Joint Emergency Training Institute and the replacement or purchase of computer hardware and associated software, radio equipment and certain weapons. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3377, 4430, 4475, 4534, 5314, 5339*, 5340, 6971.

497 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywomen Bilbray-Axelrod, Hansen and Mosca, 3377, 3830, 3961.

498 ....Revises provisions relating to public employees' retirement. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 3381, 4430, 4475, 4534, 5314, 5340*, 6971.

499 ....Makes a supplemental appropriation to the Office of the Governor for an unanticipated shortfall related to personnel expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3381.

500 ....Makes a supplemental appropriation to the Office of Finance in the Office of the Governor for an unanticipated shortfall related to costs associated with the preparation of the statewide cost allocation plan. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3381, 4430, 4485, 4534, 5314, 5340*, 6971.

501 ....Makes a supplemental appropriation to the Aging and Disability Services Division of the Department of Health and Human Services for an unanticipated revenue shortfall. Fiscal Note: Effect on Local

No. *Summary, Introducer and Page Reference*

Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3381.

502 ....Makes a supplemental appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services for an unanticipated revenue shortfall and an increase in operating costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3381, 4537, 5162, 5340*, 6971.

503 ....Revises various provisions relating to background checks. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 3382, 5148, 5162, 5169, 5170, 5171, 5172, 5173, 5340*, 6971.

504 ....Makes appropriations to and authorizes the expenditure of money by the Office of Economic Development in the Office of the Governor for the replacement of computer hardware and associated software and the costs of office furniture, communication services, certain staff certification and office modification. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3383, 4430, 4485, 4534, 5314, 5340*, 6971.

505 ....Makes appropriations to and authorizes the expenditure of money by the Department of Veterans Services and the Veterans Home Account for the replacement of computer hardware and associated software, the purchase of information technology peripheral devices and the performance of certain projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3383, 4537, 5175, 5341*, 6971.

506 ....Makes appropriations to the Office of Finance in the Office of the Governor as loans to the Division of Enterprise Information Technology Services of the Department of Administration for the replacement of an information technology investments tracking system and computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3383, 5435, 5439, 5543*, 6971.

507 ....Makes appropriations to the Department of Corrections for a staffing study and the replacement or purchase of computer hardware and software and various types of equipment, vehicles and systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3383, 5460, 5549, 5848*, 6971.

508 ....Makes appropriations to the Division of Parole and Probation of the Department of Public Safety for the replacement of computer hardware and associated software, radio equipment, certain weapons and an information technology system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3384, 4430, 4485, 4534, 5314, 5341*, 6971.

509 ....Makes appropriations to the Investigation Division of the Department of Public Safety for the replacement of vehicles, radio equipment, cameras, computer hardware and associated software and certain weapons. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3384, 4430, 4485, 4534, 5314, 5341*, 6971.

510 ....Makes appropriations to the Department of Motor Vehicles for the replacement or purchase of computer hardware and software, office furniture and equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3384, 4537, 5176, 5341*, 6971.

511 ....Makes appropriations to the Division of Public and Behavioral Health of the Department of Health and Human Services for the replacement of computer hardware and associated software, the replacement of office furniture and equipment and deferred maintenance projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3384, 4537, 5179, 5341*, 6971.

512 ....Makes appropriations to and authorizes the expenditure of money by the Division of Welfare and Supportive Services of the Department of Health and Human Services for certain information technology upgrades and projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3384, 4529, 4533, 5314, 5341*, 5342, 6971.

513 ....Eliminates the program of foreclosure mediation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3389.

514 ....Revises provisions governing public buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen O'Neill and Yeager, 3395, 3399, 3425, 3452, 3453, 3454*.

515 ....Provides for the award of tuition assistance and stipends under the Incentivizing Pathways to Teaching Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 3401, 5435, 5441, 5543*, 5544, 6971.

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516 ....Revises provisions relating to the Nevada Indian Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3401, 4537, 5181, 5342*, 6971.

517 ....Revises provisions governing the Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 3401, 4537, 5200, 5342*, 6971.

518 ....Revises provisions relating to indigent defense. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3424, 6235, 6246*, 6971.

519 ....Establishes provisions governing capital projects of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 3463, 5849, 5863, 6228*, 7069, 7123, 7131.

520 ....Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3464, 3468, 3744, 4040, 4041, 4042, 4043*, 4303, 4430.

521 ....Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriations included in Executive Budget. Committee on Ways and Means, 3464, 3468, 3744, 4043, 4044, 4045, 4046*.

522 ....Revises provisions relating to the compensation of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3464, 3468, 3744, 4046, 4047, 4048, 4049*, 4303.

523 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3470, 4303, 4305, 4534, 5314, 5342*, 6971.

524 ....Revises certain provisions governing electric utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Watts, 4304, 5556, 5649, 6166, 6373, 6459, 6478*, 6971.

525 ....Makes appropriations for various purposes relating to health, education, employment and other community services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 5142, 6488, 6494, 6495*, 7069, 7131, 7136.

526 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 5147, 5552, 5554, 5675, 6229*, 7069, 7136, 7157.

527 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 5317, 5552, 5554, 5675, 6229*, 7312, 7372, 7377.

528 ....Establishes a program to provide matching funds to certain qualified projects related to the prevention of homelessness and provision of assistance to persons who are experiencing homelessness. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Yeager, 5557, 6499, 6554, 6626, 6627*, 6971.

529 ....Revises provisions relating to the compensation of certain county officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen O'Neill, Anderson, Taylor, DeLong, Dickman, La Rue Hatch, Newby, Peters; Senators Goicoechea, Scheible, Harris and Daly, 6166, 6488, 6495*.

VETOED ASSEMBLY BILLS OF THE 81ST SESSION

No. *Summary, Introducer and Page Reference*

65 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 88, 89.

368 ....Revises provisions governing public administrators. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 90.

VETOED ASSEMBLY BILLS OF THE 82ND SESSION

No. *Summary, Introducer and Page Reference*

11 ....Revising provisions governing hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 6965, 6966.

97 ....Revises provisions relating to government administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Hardy, 6966, 6967.

No. *Summary, Introducer and Page Reference*

144 ....Revises provisions governing the sale of certain lighting products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen La Rue Hatch, Summers-Armstrong, Anderson, Watts, González, Considine and Orentlicher, 6362, 6363.

223 ....Revises requirements relating to collection agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Carter, Anderson, D'Silva, Duran, Koenig, La Rue Hatch, C.H. Miller, Monroe-Moreno, Peters, Summers-Armstrong, Thomas, Torres and Senator Nguyen, 5313, 5314.

235 ....Revises provisions governing public works projects. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Monroe-Moreno, 6363, 6364.

250 ....Establishes provisions governing prescription drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Considine and Anderson, 6967.

251 ....Revises provisions governing prescriptions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Nguyen, Mosca, González, Brittney Miller, D'Silva, Torres and Senator Nguyen, 6364, 6365.

265 ....Revises provisions relating to mental health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Gorelow, C.H. Miller, Monroe-Moreno, Peters and Senator Nguyen, 5314.

282 ....Establishes provisions governing a subsidy for certain substitute teachers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Summers-Armstrong, Marzola, Nguyen, González, Brittney Miller, Bilbray-Axelrod, Carter, C.H. Miller, Peters and Watts, 6365, 6366.

298 ....Revises provisions governing housing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Jauregui, 6366, 6367.

354 ....Revises provisions relating to firearms. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Jauregui, 3419.

355 ....Revises provisions relating to firearms. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Jauregui, Yeager and Monroe-Moreno, 3420.

359 ....Revises provisions relating to the imposition by certain counties of additional taxes on fuels for motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Monroe-Moreno, Watts, Thomas and C.H. Miller, 6367.

366 ....Revises provisions governing the Keep Nevada Working Task Force. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 6367, 6368.

394 ....Revises provisions governing elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 6368, 6369.

456 ....Revises provisions relating to railroads. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure, 6369, 6370.

464 ....Makes an appropriation to the Legislative Fund for costs relating to anticipated building renovations and construction. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 6370.

520 Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 6370, 6371.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTIONS THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Urges the United States Department of Veterans Affairs to study the effectiveness and use of hyperbaric oxygen therapy for veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen McArthur, Hafen, Gray, O'Neill, Yeager, Anderson, Backus, Bilbray-Axelrod, Considine, DeLong, Dickman, D'Silva, Duran, Gallant, Gurr, Hansen, Hardy, Hibbetts, Kasama, Koenig, La Rue Hatch, Marzola, Monroe-Moreno, Mosca, Newby, Nguyen, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Yurek; Senators Krasner, Titus, Spearman, Buck, Flores, Dondero Loop, Goicoechea, Hansen, Nguyen, Ohrenschall, Scheible, Seevers Gansert and Stone, 117, 217, 229*, 4530, 4535.

2 ....Proposes to amend the Nevada Constitution to revise certain procedures relating to proposed amendments to the Nevada Constitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen DeLong, Gray, Dickman, Gallant, Hibbetts, Kasama and Senator Krasner, 129.

3 ....Proposes to amend the Nevada Constitution to establish certain rights relating to the environment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Peters, Watts, Thomas; Senators Doñate and Scheible, 144.

4 ....Proposes to amend the Nevada Constitution to create an independent redistricting commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hafen, O'Neill, Dickman, Kasama, Hansen, DeLong, Gallant, Gray, Gurr, Hardy, Hibbetts, Koenig, McArthur, Yurek; Senators Titus, Seevers Gansert, Goicoechea, Hansen, Stone, Buck, Hammond and Krasner, 202, 703.

5 ....Proposes to amend the Nevada Constitution to revise provisions relating to lotteries and the sale of lottery tickets. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen C.H. Miller and Monroe-Moreno, 236, 238, 703, 827*, 902, 4530, 4535.

6 ....Proposes to amend the Nevada Constitution to adopt the National Popular Vote Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Watts, Bilbray-Axelrod, Brittney Miller, Anderson, Backus, Brown-May, Carter, Cohen, D'Silva, Duran, González, La Rue Hatch, C.H. Miller, Monroe-Moreno, Newby, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Yeager; Senators Harris, Lange, Ohrenschall, Daly, Doñate and Flores, 261, 703, 827, 828*, 3424, 3462.

7 ....Proposes to amend the Nevada Constitution to revise certain provisions relating to property taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywomen Anderson and Considine, 290, 388.

8 ....Urges the Congress of the United States to deschedule marijuana as a schedule I controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen D'Silva, Brittney Miller, Anderson, Brown-May, Carter, Cohen, Considine, DeLong, Dickman, Gallant, González, Gorelow, La Rue Hatch, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, O'Neill, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts, Yeager; Senators Doñate, Flores, Hammond, Harris, Neal, Nguyen, Ohrenschall, Spearman and Stone, 302, 1507, 1508, 2043, 4069, 4297.

ASSEMBLY JOINT RESOLUTIONS OF THE 81ST SESSION

No. *Summary, Introducer and Page Reference*

1 ....Proposes to amend the Nevada Constitution to add and revise terms relating to persons with certain conditions for whose benefit certain public entities are supported by the State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Titus, Benitez-Thompson, Krasner, Gorelow, Hafen, Hansen, Hardy, Matthews, Nguyen, Orentlicher, Peters, Summers-Armstrong, Thomas; Senators Hardy, Harris, Seevers Gansert, Kieckhefer and Ratti, 59, 289, 312*, 313, 4530, 4535.

10 ....Proposes to amend the Ordinance of the Nevada Constitution and the Nevada Constitution to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Watts, C.H. Miller, Frierson, Brittney Miller, Monroe-Moreno, Summers-Armstrong, Thomas; Senators Harris, Neal and Spearman, 59, 117, 122, 123*, 164, 171.

No. *Summary, Introducer and Page Reference*

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Adopts the Joint Standing Rules of the Senate and Assembly for the 82nd Session of the Legislature. Committee on Legislative Operations and Elections, 18, 90, 102.

2 ....Authorizes additional reimbursement for travel in certain circumstances. Committee on Legislative Operations and Elections, 34, 96, 109.

3 ....Directs the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study of the laws administered by the Nevada Transportation Authority and the Taxicab Authority. Committee on Legislative Operations and Elections, 145, 703, 828.

4 ....Directs the Joint Interim Standing Committee on Government Affairs to conduct a study of the use of polygraphic examinations on certain employees. Assemblymen Summers-Armstrong, Marzola, Bilbray-Axelrod, Carter, González, C.H. Miller, Nguyen, Peters and Watts, 204, 3359, 3365.

5 ....Expresses support for the Lake Tahoe Transportation Action Plan. Committee on Legislative Operations and Elections, 238, 386, 613, 4530, 4535.

6 ....Directs the Joint Interim Standing Committee on the Judiciary to conduct a study relating to battery which constitutes domestic violence. Assemblymen Summers-Armstrong, Thomas, González, Brown-May, D'Silva, Duran, Nguyen and Taylor, 254, 3359, 3365.

7 ....Directs the Joint Interim Standing Committee on Revenue to conduct a study regarding wealth taxes during the 2023-2024 interim. Assemblywomen Anderson and Considine, 291, 703, 828.

8 ....Grants administrative leave to legislative employees in recognition of their service to the 82nd Session of the Nevada Legislature. Committee on Legislative Operations and Elections, 6499, 6681.

ASSEMBLY RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Adopts the Standing Rules of the Assembly for the 82nd Session of the Legislature. Committee on Legislative Operations and Elections, 35, 57, 102.

2 ....Provides for the appointment of the Assembly attaches. Committee on Legislative Operations and Elections, 57, 58, 102.

3 ....Provides allowances to the members of the Assembly for periodicals, stamps, stationery and communications. Committee on Legislative Operations and Elections, 58, 102.

4 ....Provides for the appointment of additional attaches for the Assembly. Committee on Legislative Operations and Elections, 104, 120.

5 ....Provides for the appointment of an additional attache for the Assembly. Committee on Legislative Operations and Elections, 173, 187.

6 ....Provides for the appointment of an additional attache for the Assembly. Committee on Legislative Operations and Elections, 327, 381.

7 ....Adds former Assemblyman Peter "Pete" Livermore to the Assembly Wall of Distinction. Assemblymen Yeager, Jauregui and O'Neill, 3366, 3392.

8 ....Adds former Assemblywoman Barbara E. Buckley to the Assembly Wall of Distinction. Assemblymen Yeager, Jauregui and O'Neill, 3367, 3392.

9 ....Designates certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2023-2025 biennium. Committee on Legislative Operations and Elections, 4430, 4537.

10 ....Expresses appreciation to the staff of the Assembly for their service during the 82nd Session of the Nevada Legislature. Assemblyman Yeager, 6500.

11 ....Expresses appreciation to Lucinda "Cindy" Benjamin for her many years of service to the Nevada Assembly. Assemblymen Yeager, Jauregui and O'Neill, 6657, 6658.

LISTING OF SENATE BILLS AND ACTIONS THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

No. *Summary, Introducer and Page Reference*

1 ....Makes an appropriation to the Legislative Fund for the costs of the 82nd Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Senators Cannizzaro and Seevers Gansert, 60*, 102.

2 ....Revises provisions relating to emergency management. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 907, 908, 3388, 3395, 3418, 3419*, 3462.

3 ....Revises the membership of the Nevada Commission on Homeland Security. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 907, 908, 3388, 3396, 3419*, 3462.

4 ....Revises provisions governing certain programs to pay for prescription drugs, pharmaceutical services and other benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 3273, 3274, 3399, 3425, 3455*, 4297.

5 ....Authorizes the Division of Emergency Management in the Office of the Military to use money in the Emergency Assistance Account for certain additional purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 907, 908, 3400, 3401, 3428, 3432, 3470, 3927*, 4297.

6 ....Revises provisions relating to the release of personal information maintained by the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 3328.

8 ....Revises provisions relating to juvenile justice. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 907, 908, 3388, 3396, 3419, 3428, 3455, 3456*, 4297.

9 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Education, 181, 4537, 5142, 5552, 5554, 5675, 6479*.

10 ....Revises provisions related to the Nevada State Infrastructure Bank. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 153, 6657, 6659, 7000, 7069, 7070*, 7435.

11 ....Requires the Department of Public Safety to adopt certain regulations relating to unmanned aerial vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 1153, 1154, 3467, 3744, 3960, 6682, 7018*, 7019, 7435.

13 ....Revises provisions governing pest control. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 153, 156, 3394, 3402, 3428, 3456*, 4297.

14 ....Makes various changes related to gaming. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary, 3273, 3274, 3463, 3471, 4058*, 5553, 5849.

16 ....Revises various provisions of the Charter of Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 907, 908, 3388, 3396, 3419, 3428, 3456*, 3457, 4297.

17 ....Revises provisions relating to regional transportation commissions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 3273, 3274.

18 ....Revises provisions governing required meetings of planning commissions in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 907, 908, 3388, 3396, 3419, 3428, 3457*, 4297.

19 ....Revises provisions relating to local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 907, 908, 3399, 3425, 3457*, 4297.

20 ....Revises provisions relating to the process for filling a vacancy in the office of county commissioner. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 3328, 3399, 3425, 3457, 3458*, 4297.

21 ....Revises certain classifications based on populations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 1508, 1511, 3388, 3396, 3419, 3428, 3458*, 4297.

22 ....Revises provisions relating to the publication of legal notices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 2043, 2044, 3399, 3425, 3458*, 4297.

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23 ....Authorizes certain legislative bodies to amend a redevelopment plan to remove an area from a redevelopment area under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 3273, 3274, 3399, 3425, 3458, 3459*, 4297.

24 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 123, 4537, 5142, 5316, 5317, 5555, 6163, 6479, 7020, 7068, 7069*, 7435.

25 ....Implements process for long-term planning for state office space. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 3328, 3388, 3396, 3419, 3428, 3459*, 4297.

27 ....Revises provisions relating to excavations in areas containing subsurface installations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 1153, 1154, 3388, 3396, 3419, 3426*, 3427, 3845.

29 ....Revises provisions related to refunds of overpayments of taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 907, 909, 3424, 3432, 3470, 3928*, 4297.

32 ....Exempts persons engaged exclusively in transporting persons between certain states or within this State for certain purposes from provisions governing private investigators and related professions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 111, 115, 3394, 3402, 3428, 3459*, 4297.

34 ....Revises provisions relating to legal representation in certain actions or proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 907, 909, 3424, 3432, 3470, 3834, 4059*, 5461, 5551.

35 ....Revises provisions relating to controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 3328, 3431, 4302, 4303, 4304, 4325, 4429, 4529, 4533*, 6683, 6959, 7180, 7222, 7244.

36 ....Revises provisions relating to psychosexual evaluations for sexual offenses and other crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 829, 4530, 4537, 5211, 5342, 5555, 6163, 6479*.

37 ....Authorizes governmental attorneys to volunteer as third-party neutral mediators under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 386, 389, 3365, 3385, 3389*, 3462.

38 ....Revises provisions relating to offenses against children. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary, 3328, 4302, 4303, 4304, 4348, 4526*, 6657.

39 ....Provides that certain records received, obtained and compiled by the Board on Indigent Defense Services in the Department of Indigent Defense Services and the Department are confidential under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3328, 3423, 3436, 3470, 3928*, 4297.

40 ....Revises provisions related to manufactured housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 3328, 3329, 3359, 3377, 3385*, 3396.

41 ....Revises provisions relating to child welfare. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 907.

42 ....Revises provisions relating to the funding of medical assistance to indigent persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 907, 909, 3388, 3396, 3419, 3426, 3427*, 3845.

43 ....Makes various changes relating to services for aging persons and persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 3273, 3274, 3429, 3436, 3470, 3928*, 4297.

44 ....Revises provisions related to dental and oral health care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 907, 909, 3388, 3396, 3419, 3426, 3427*, 3845.

45 ....Establishes the amount for the personal needs allowance provided to certain recipients of Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 132, 4530, 5557, 5700, 6479*.

47 ....Revises provisions relating to teachers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 907.

50 ....Revises provisions governing the sales tax holiday for certain members of the Nevada National Guard and certain relatives of such members. Fiscal Note: Effect on Local Government: No. Effect on the

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State: No. Committee on Revenue and Economic Development, 1153, 1154, 3360, 3377, 3385*, 3386, 3396.

54 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 1153, 4530, 4531, 5557, 5700, 6479*.

55 ....Revises various provisions relating to courts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary, 907, 909, 3365, 3385, 3389, 3390*, 3462.

57 ....Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 3328, 3329, 4068, 4070, 4074, 4075, 4076, 4077, 4078, 4079, 4304, 4427*, 4823, 5345.

58 ....Revises provisions related to the Judicial Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 322, 5345, 5436, 6499, 6640, 6997*, 6998.

59 ....Revises provisions relating to vessels. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Growth and Infrastructure, 3328, 3329, 3423, 3436, 3470, 3928*, 4297.

60 ....Revises provisions relating to campaign practices. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 3328, 3329, 4069, 4080, 4304, 4427*, 6499, 6655, 6656, 7319, 7371, 7435.

61 ....Revises provisions relating to exploitation involving the deposits or proceeds of an account held by an older person or a vulnerable person in joint tenancy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 3328, 3329, 3463, 3495, 4059*, 5461, 5551.

62 ....Revises provisions relating to the Commission on Judicial Discipline. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 907, 909, 3365, 3385, 3390*, 3462.

63 ....Revises provisions relating to the Judicial Department of State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3328, 3329, 3463, 3503, 4059*, 5461, 5551.

65 ....Revises provisions relating to the boards of trustees of county school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 388.

66 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure, 3328, 3329, 3388, 3396, 3400, 3419, 3426, 3427, 3428*, 3845.

67 ....Revises the definition of the term “sexual offense” for the purpose of certain provisions relating to parole. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 907, 909, 3365, 3385, 3390*, 3462.

68 ....Establishes programs to provide certain assistance relating to housing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue and Economic Development, 339.

71 ....Revises provisions relating to the recruitment and retention of school staff. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 238, 4530, 4531, 5148, 5211, 5342, 5555, 6163, 6479*, 6480.

72 ....Directs the Joint Interim Standing Committee on Education to conduct certain studies during the 2023-2024 interim. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 328, 4823, 5147, 6168, 6229, 6627*, 7179.

76 ....Establishes provisions governing certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Neal, 907, 909, 3431, 3526, 3961, 4431, 4526*, 5461, 5551.

77 ....Revises provisions relating to the Nevada State Board on Geographic Names. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 613.

78 ....Makes various changes relating to property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Doñate; Assemblymen González, Peters and Watts, 3328, 3329, 3467, 3751, 4059*, 6657.

80 ....Revises provisions relating to the prevention and treatment of injuries to the head. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 907, 909, 4069, 4126, 4304, 4427, 4428*, 4823, 5345.

81 ....Revises provisions governing regional planning. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Daly, 907, 909, 3430, 3470, 3532, 4059*, 6499.

82 ....Revises provisions related to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Daly, 3328, 3329, 3400, 3430, 3536, 3834, 6499, 6564, 6640, 6660, 6679, 6680*, 7179.

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83 ....Revises provisions governing the confidentiality of the personal information of certain civilian employees of law enforcement agencies. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Daly, 1508, 1511.

85 ....Revises provisions relating to retention payments under certain highway contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Daly, 1153, 1154, 3423, 3436, 3838*, 4297.

87 ....Revises provisions relating to state employment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 907, 910, 3388, 3396, 3419, 3428, 3459, 3460*, 4297.

88 ....Requires the Joint Interim Committee on Natural Resources to conduct an interim study of certain state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 907, 4303, 4304, 5552, 5554, 5675, 6480*.

90 ....Designates the wild mustang as the official state horse of the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 1153, 1154.

91 ....Authorizes a licensed clinical alcohol and drug counselor to supervise a certified problem gambling counselor intern. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Lange, 173, 177, 3399, 3425, 3454, 3462, 3838*, 3839, 4297.

92 ....Revises provisions relating to sidewalk vendors. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Doñate, Flores, Ohrenschall; Assemblywomen Marzola, González and Torres, 3328, 3329, 3430, 3542, 3961, 4025, 4300, 4500*, 4823, 5345.

94 ....Revises provisions relating to tribal liaison officers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 907.

95 ....Revising provisions governing the excise tax on other tobacco products. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 168.

97 ....Enacts provisions governing the interstate practice of physical therapy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Seevers Gansert and Buck, 907, 910.

98 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 613, 6372, 6376, 7158, 7179*, 7180.

99 ....Makes an appropriation to the Desert Research Institute of the Nevada System of Higher Education to support the Nevada State Cloud Seeding Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Goicoechea, 613, 6372, 6376, 6499, 6640, 6998*.

100 ....Makes an appropriation to the White Pine County School District for the construction of an elementary school. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Goicoechea, 613.

101 ....Makes an appropriation for the restoration of the Gem Theater in Pioche, Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Goicoechea, 613.

102 ....Makes an appropriation to the Division of Water Resources of the State Department of Conservation and Natural Resources to award grants of money for the development and maintenance of water resource plans. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Goicoechea, 613.

103 ....Revises provisions governing the Nevada Sentencing Commission within the Department of Sentencing Policy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 613, 4823, 5147, 5552, 5554, 5675, 6480*, 6657.

104 ....Revises provisions relating to traffic offenses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure, 3273, 3274, 3463, 3557, 3961, 4063, 4300, 4304, 4399, 4502, 4503*, 5461, 6659, 7180, 7244, 7245.

105 ....Revises provisions relating to the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 3328, 3330, 3428, 3436, 3470, 3928*, 4297.

106 ....Revises provisions relating to ophthalmic dispensing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Seevers Gansert and Harris, 2043, 2044, 4068, 4142, 4304, 4305, 4526*, 7180.

107 ....Establishes provisions relating to contractors performing work on a highway. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Daly, 1153, 5461, 5552, 5554, 5686, 6480*.

109 ....Revises provisions governing anatomical gifts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Nguyen, 907, 910, 3959, 3961, 4298*, 4530, 4537.

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110 ....Revises provisions governing the operation of vehicles on certain highways in the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Goicoechea, Buck, Stone and Assemblyman Gurr, 907, 910, 3429, 3436, 3470, 3928, 3929*, 7180.

112 ....Revises provisions governing groundwater basin assessments. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Goicoechea and Titus, 907.

113 ....Revises provisions relating to groundwater management plans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Goicoechea, Titus, Buck, Hansen, Stone and Krasner, 1153, 1154, 3394, 3405, 3428, 3454, 3462, 3470, 3929*, 4535.

114 ....Revises provisions governing the Nevada Interscholastic Activities Association. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Flores, 3328, 3330, 3463, 3577, 3961.

115 ....Revises provisions relating to the mitigation of certain projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Flores, 907, 910, 3394, 3405, 3428, 3454, 3462, 3839*, 4297.

117 ....Revises provisions relating to community health workers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 907, 910, 3399, 3425, 3460*, 4297.

118 ....Revises provisions relating to public health. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services, 132, 6497, 6498, 6499, 6640, 6660, 6680*.

119 ....Provides for the continuation of certain requirements governing insurance coverage of telehealth services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 3328, 3330, 3399, 3425, 3460*, 4297.

124 ....Revises provisions relating to the tax upon the net proceeds of minerals and royalties of mining operations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 122, 124, 139, 148, 150, 157, 159, 160*, 164.

126 ....Revises provisions relating to the NV Grow Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Neal, 204, 5553, 5849, 5872, 6167, 6627*.

129 ....Revises provisions relating to certain civil actions involving sexual assault. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Krasner, Spearman, Seevers Gansert, Buck, Titus, Dondero Loop, Hansen, Harris, Lange, Ohrenschall, Pazina, Scheible, Stone; Assemblywomen Bilbray-Axelrod, Thomas and Kasama, 907, 910, 3423, 3441, 3470, 3929*, 4297.

131 ....Revises provisions relating to reproductive health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro, Lange, Scheible, Nguyen, Spearman, Daly, Doñate, Dondero Loop, Flores, Harris, Neal, Ohrenschall, Pazina; Assemblymen Anderson, Backus, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, D'Silva, Duran, González, Gorelow, Jauregui, La Rue Hatch, Marzola, Brittney Miller, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts and Yeager, 1153, 1154, 3399, 3425, 3460, 3461*, 4297.

132 ....Revises provisions relating to insurance coverage for living organ donors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Pazina, Scheible, Spearman, Cannizzaro, Hansen, Daly, Dondero Loop, Flores, Hammond, Harris, Krasner, Lange, Neal, Nguyen, Ohrenschall, Seevers Gansert, Stone; Assemblymen O'Neill, Yeager and Watts, 173, 177, 3336, 3339, 3344, 3345*, 3363.

133 ....Revises provisions relating to presidential electors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Daly, Cannizzaro, Spearman, Doñate, Dondero Loop, Flores, Harris, Lange, Neal, Nguyen, Pazina; Assemblymen Yeager, Jauregui, Gorelow, Brittney Miller, Backus, Anderson, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, D'Silva, Duran, González, La Rue Hatch, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, Orentlicher, Peters, Taylor, Thomas, Torres and Watts, 3328, 3330, 3424, 3441, 3839*, 4297.

134 ....Revises provisions relating to vision insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Seevers Gansert, Goicoechea, Titus, Buck, Stone, Daly, Harris, Pazina; Assemblymen Kasama, Hibbetts and Koenig, 1153, 1154, 3846, 3858, 3961, 4063, 4300, 4500*, 7180.

139 ....Exempts certain persons from provisions governing the licensure and regulation of persons engaged in the business of lending. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hammond and Cannizzaro, 1153.

140 ....Authorizes certain counties to obtain reimbursement of costs incurred for certain activities that are subject to the excise tax on live entertainment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Hansen, Goicoechea, Buck, Titus and Stone, 181.

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143 ....Revises provisions relating to discrimination in housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Neal, 1508, 5553.

144 ....Establishes a credit against certain taxes for a taxpayer who donates money to a career and technical program tax credit organization that makes grants to programs of career and technical education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Lange, Krasner, Doñate, Hansen, Neal, Nguyen, Pazina and Stone, 339.

145 ....Revises provisions related to employee misclassification. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lange, Doñate, Daly and Ohrenschall, 181, 4530, 4531, 5435, 5441, 5555, 6163, 6480*.

146 ....Revises provisions relating to health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Lange, Spearman and Doñate, 2043, 2044, 3467, 3772, 3961, 4063, 4298*, 4299, 4530, 4537.

147 ....Makes changes relating to employment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lange, Cannizzaro, Daly, Doñate and Flores, 3328, 3330, 3428, 3441, 3839*, 4297.

148 ....Revises provisions relating to local school precincts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Lange, Daly and Doñate, 3328, 3330, 3423, 3441, 3839*, 4297.

153 ....Makes various changes relating to corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Scheible, Harris, Spearman, Flores, Neal; Assemblywomen González and Peters, 907, 910, 3429, 3441, 3839*, 3840, 4297.

155 ....Revises provisions relating to crimes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Ohrenschall, 3328, 3330, 4069, 4145, 4431, 4503, 4526*, 6499.

158 ....Requires video cameras to be installed in certain classrooms used for special education within a public school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hammond, 204.

159 ....Revises provisions relating to pest control. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Hammond, 1508, 3394, 3395, 4295, 4500*, 4501, 4535.

161 ....Makes revisions relating to personal health and wellness. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Scheible, Harris, Spearman, Cannizzaro, Seevers Gansert, Daly, Doñate, Dondero Loop, Flores, Goicoechea, Hansen, Krasner, Neal, Nguyen, Ohrenschall, Pazina and Stone, 2043, 2044, 3467, 3781, 3961, 4063, 4300, 4501*, 5461, 6659, 7180, 7377, 7434.

162 ....Revises provisions relating to voting in county and city jails. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Scheible, 3188, 5553.

163 ....Requires certain health insurance to cover treatment of certain conditions relating to gender dysphoria and gender incongruence. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Scheible, Harris, Spearman and Assemblywoman González, 3273, 6165, 6166, 6372, 6377, 6627*, 6628.

164 ....Revises provisions relating to special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Spearman, Doñate, Dondero Loop, Harris, Krasner, Neal, Nguyen, Pazina, Scheible and Assemblyman D'Silva, 3328, 3330, 3423, 3441, 3840*, 4297.

165 ....Revises provisions relating to businesses engaged in the development of emerging technologies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Krasner, Doñate, Lange and Nguyen, 613.

166 ....Revises provisions relating to collective bargaining by public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Pazina, Daly, Dondero Loop, Nguyen; Assemblymen Hibbetts and Yurek, 907, 4537, 5142, 5316, 5317, 5555, 6163, 6480*.

167 ....Prohibits the imposition of step therapy under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Dondero Loop, Spearman, Cannizzaro, Daly, Harris, Krasner, Neal, Nguyen, Ohrenschall, Pazina, Scheible and Assemblywoman Thomas, 907, 3394, 3395, 4536, 5211, 5342, 5555, 6163, 6481*.

169 ....Revises provisions governing master plans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 1153, 1154, 3388, 3396, 3419, 3428, 3461*, 4297.

171 ....Revises provisions governing firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Harris, Spearman, Doñate, Flores, Ohrenschall and Scheible, 1508, 1511, 3359, 3377, 3381, 3390, 3391*, 3392.

172 ....Revises provisions governing the ability of a minor to consent to certain health care services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Harris, Scheible, Doñate, Ohrenschall and Pazina, 1153, 1154, 3467, 3782, 4059, 4060*, 4530, 4537.

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176 ....Establishes provisions relating to the conservation of groundwater. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Goicoechea, 907.

177 ....Imposes requirements governing Medicaid coverage of certain antipsychotic or anticonvulsant drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Dondero Loop, Spearman, Cannizzaro, Flores, Lange, Neal, Nguyen, Ohrenschall, Pazina and Assemblywoman Thomas, 907, 910, 3399, 3425, 3454, 3462, 3840*, 4297.

178 ....Makes an appropriation to the Department of Veteran Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Krasner, Flores and Spearman, 613.

180 ....Revises provisions relating to groundwater boards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Goicoechea, 1508, 1511, 3846, 3860, 3961, 4063, 4300, 4501*, 6372, 6660.

181 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Pazina, Hammond, Stone, Krasner, Flores, Harris, Lange, Seevers Gansert and Spearman, 907, 910, 3424, 3441, 3840*, 4297.

182 ....Revises provisions governing motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Dondero Loop, Spearman, Doñate, Lange and Assemblyman Yeager, 907, 911, 3423, 3441, 3840*, 4297.

183 ....Establishes provisions relating to the collection and destruction of unused drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Stone, Hansen, Buck, Titus, Goicoechea, Doñate, Hammond, Harris, Krasner, Lange, Nguyen, Ohrenschall, Pazina, Scheible, Seevers Gansert, Spearman; Assemblymen O'Neill, Dickman, Gallant, Hibbetts and Koenig, 3328, 3330.

184 ....Revises the Charter of the City of North Las Vegas. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Spearman, Flores, Harris and Krasner, 3273, 3274.

185 ....Establishes provisions relating to businesses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Neal, 3188.

186 ....Revises provisions relating to certain state property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Goicoechea, Buck, Titus, Hansen, Dondero Loop; Assemblymen Dickman and Gurr, 339.

189 ....Makes an appropriation to Communities In Schools of Nevada for the purpose of providing integrated student support services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Cannizzaro, Lange, Dondero Loop, Doñate, Flores, Daly, Goicoechea, Harris, Neal, Nguyen, Ohrenschall, Pazina, Scheible, Seevers Gansert, Spearman; Assemblymen Anderson, Peters, Brown-May, Carter, Considine, D'Silva, González, Jauregui, Marzola, Newby, Orentlicher, Taylor, Thomas and Watts, 613, 6165, 6167, 6499, 6640, 6998*.

190 ....Revises provisions relating to the liability of certain persons for protecting or removing a child or pet from a motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 386, 389.

191 ....Makes certain changes relating to applied behavior analysis. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Seevers Gansert, 907, 6497, 6498, 6499, 6640, 6998*.

192 ....Revises provisions relating to county hospitals and county hospital districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 3273, 3275, 3959, 3966, 4294, 4296*, 4530, 4537.

194 ....Revises provisions relating to step therapy protocols. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ohrenschall, Flores, Krasner, Lange, Pazina and Stone, 3328, 3330, 3428, 3441, 3840*, 4297.

195 ....Revises provisions related to cannabis. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Nguyen, Spearman, Harris, Stone, Buck, Doñate, Dondero Loop, Pazina, Scheible; Assemblymen Yeager, Watts, Bilbray-Axelrod, Carter, Duran, González, Hafen, Koenig and Peters, 3273, 4823, 5147, 5435, 5441, 5555, 5557, 6166, 6495, 6628*.

196 ....Revises provisions relating to interscholastic activities and events. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Hammond, 1508, 1511, 3463, 3581, 3961, 4063, 4300, 4501*, 5461, 6959, 6960, 7180, 7245.

200 ....Revises provisions relating to education savings accounts and education funding. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Hammond, 613.

201 ....Revises provisions governing pharmacists. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Stone, Goicoechea and Hansen, 614.

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203 ....Prohibits certain gifts by a manufacturer or wholesaler of drugs or medical devices to a practitioner. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Doñate, 1153, 1155.

204 ....Provides for the limited practice of medicine by certain medical school graduates. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Doñate, Neal, Stone; Assemblymen Duran, Torres, González and Orentlicher, 204.

205 ....Revises provisions relating to the registration of off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Hansen, Stone, Titus, Goicoechea, Krasner and Seevers Gansert, 3273, 6165, 6167, 6372, 6377, 6628, 6637*.

208 ....Requires counties and cities to enact certain ordinances relating to battery-charged fences. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Flores, Stone, Goicoechea, Daly, Krasner and Ohrenschall, 1153, 1155, 3430, 3585, 4060*, 4823, 5345.

210 ....Revises provisions governing state boards and commissions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 907, 911, 3388, 3396, 3419, 3428, 3461*, 3462, 4297.

211 ....Revises provisions relating to marriage. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Harris, Nguyen, Flores, Doñate, Ohrenschall, Pazina and Scheible, 3273, 3275, 3463, 3588, 3961, 4063, 4300, 4501*, 4823, 5345.

212 ....Authorizes the reimbursement of teachers for certain out-of-pocket expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Stone, Buck, Krasner, Seevers Gansert, Hansen, Goicoechea, Hammond, Titus; Assemblymen Dickman, Hardy, Hansen and Yurek, 322.

214 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 386, 389, 3399, 3425, 3462*, 4297.

215 ....Revises provisions relating to mechanical voting machines and mechanical recording devices. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Legislative Operations and Elections, 1153, 1155.

216 ....Establishes provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 3188, 4530, 4531, 5701, 6481*.

217 ....Makes a supplemental appropriation to the Office of the State Treasurer for an unanticipated shortfall related to travel expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 613.

218 ....Makes an appropriation to the Department of Veterans Services for the Adopt a Vet Dental Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 613.

219 ....Makes an appropriation to Special Olympics of Nevada to establish the organization as an independent nonprofit entity and expand its programs in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Krasner, Flores, Seevers Gansert, Spearman, Ohrenschall and Lange, 613, 3557, 3558.

220 ....Revises provisions relating to the Nevada Educational Choice Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Seevers Gansert, Buck, Stone, Titus, Krasner, Goicoechea, Hansen; Assemblymen Hafen, O'Neill, Dickman, DeLong, Gray, Gurr, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur and Yurek, 322.

221 ....Revises provisions relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Doñate, Stone and Buck, 388, 6497, 6498, 6499, 6640, 6998*.

222 ....Revises provisions relating to juries. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Harris, Daly, Doñate, Flores, Ohrenschall, Pazina and Scheible, 1153, 4537, 5142, 5435, 5441, 5555, 6163, 6481*.

223 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Harris, 907, 911, 3429, 3441, 3841*, 4297.

225 ....Revises provisions governing peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Harris, 907, 5553, 5554, 6499, 6571, 6640, 6999*, 7435.

226 ....Revises provisions governing governmental financial administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cannizzaro and Assemblyman Yeager, 3273, 4530, 4531, 6661, 6665, 7000*, 7435.

231 ....Makes appropriations to the Interim Finance Committee for allocation to school districts that budget salary increases for certain employees and to the Department of Education for certain personnel costs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Cannizzaro, Dondero Loop, Lange, Harris, Daly, Doñate, Flores, Neal, Nguyen, Ohrenschall, Pazina, Scheible, Spearman; Assemblymen Yeager,

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Jauregui, Monroe-Moreno, Marzola, C.H. Miller, Anderson, Backus, Bilbray-Axelrod, Cohen, Considine, D'Silva, Duran, González, Gorelow, Mosca, Newby, Nguyen, Orentlicher, Peters, Taylor, Thomas, Torres and Watts, 613, 6372, 6377, 6499, 6633, 6636*, 7179.

232 ....Requires the State Plan for Medicaid to include coverage for postpartum care services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro, Scheible, Flores, Lange, Doñate, Daly, Dondero Loop, Harris, Neal, Nguyen, Ohrenschall, Pazina, Spearman and Assemblywoman Gorelow, 907, 4537, 5142, 5435, 5441, 5555, 6163, 6481*.

233 ....Revises provisions governing taxes imposed on certain heavy equipment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cannizzaro, 388, 5553, 5554, 6627, 6640, 6998, 7178*.

234 ....Revises provisions governing communications with offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Scheible, Harris, Nguyen and Ohrenschall, 3317, 4303, 4304, 5849, 5872, 6167, 6628*.

235 ....Revises provisions relating to pretrial release. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3328, 3331, 3960, 3973, 4294, 4296*, 4297, 6657.

236 ....Makes an appropriation for educational programs relating to history, law and civics. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Krasner, Lange, Hammond, Seevers Gansert, Flores, Neal, Ohrenschall, Pazina, Spearman and Assemblyman Nguyen, 613.

237 ....Revises provisions relating to crisis intervention. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 907, 4303, 4304, 5435, 5441, 5555, 6163, 6481*.

239 ....Establishes provisions governing the prescribing, dispensing and administering of medication designed to end the life of a patient. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Flores, Harris, Spearman, Cannizzaro, Daly, Doñate, Lange, Nguyen, Scheible; Assemblymen Torres, Nguyen, González, Watts, Gorelow, Bilbray-Axelrod, Carter, Cohen, Considine and Orentlicher, 1153, 1155, 3846, 3865, 3961, 4058*, 4537.

240 ....Revises provisions relating to the Nevada New Markets Jobs Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Neal, 339, 4823, 5147, 5557, 5700, 6481, 6482*.

241 ....Revises provisions relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Titus, Goicoechea, Hansen, Doñate, Krasner, Lange, Nguyen, Stone; Assemblymen Hafen and Koenig, 907, 6372, 6377, 6499, 6640, 6999*.

242 ....Requires the Department of Health and Human Services to establish the Psychedelic Medicines Working Group. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Nguyen, Doñate, Flores, Hansen, Harris, Ohrenschall, Stone; Assemblymen Carter and Marzola, 2043, 4537, 5142, 5849, 5872, 6167, 6628*.

243 ....Revises provisions relating to catalytic converters. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Nguyen, Doñate, Krasner, Daly, Dondero Loop, Flores, Lange, Ohrenschall, Pazina, Seevers Gansert, Spearman, Stone; Assemblymen Torres, Dickman, Yeager, Carter, D'Silva, Gorelow, Hafen, C.H. Miller, Monroe-Moreno, Nguyen, O'Neill and Watts, 3328, 3331, 3423, 3441, 3841*, 4297.

244 ....Makes an appropriation to the Other State Education Programs Account for the creation and maintenance of school gardens. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Pazina, Hammond, Doñate, Spearman, Lange, Cannizzaro, Daly, Dondero Loop, Flores, Goicoechea, Harris, Krasner, Neal, Nguyen, Ohrenschall, Scheible, Seevers Gansert, Titus; Assemblymen Gallant, Watts, Torres, Nguyen, Bilbray-Axelrod, Carter, D'Silva, Hafen and Kasama, 613, 3845, 3846.

246 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Neal, 3188, 5461, 6499, 6500, 7020, 7026, 7068, 7069*, 7435.

247 ....Revises provisions relating to regional planning. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1508, 1511, 3399, 3425, 3462, 3470, 3929*, 4297.

249 ....Revises provisions relating to cosmetology. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lange, Hammond, Spearman, Daly, Doñate, Dondero Loop, Harris, Ohrenschall, Scheible and Assemblyman Nguyen, 1153, 1155, 3846, 3892, 4060*, 4530, 4537.

250 ....Revises provisions relating to catalytic converters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ohrenschall, Nguyen and Spearman, 907, 911.

251 ....Revises provisions relating to employees of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Flores, 3328, 3331, 3423, 3442, 3470, 3927, 3930, 3961, 4063, 4300, 4304, 4428*, 4535.

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252 ....Revises provisions governing civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Flores, 1153, 1155.

253 ....Revises provisions relating to public employment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Seevers Gansert, Goicoechea, Doñate, Dondero Loop, Harris, Krasner, Ohrenschall, Pazina and Stone, 204.

256 ....Creates the Charter School Facilities Account in the State General Fund for the funding of facilities of certain charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Buck, 322.

257 ....Revises provisions governing tax abatements for certain renewable energy facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Daly, 1508, 1511, 3423, 3442, 3841*, 4297.

258 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Ohrenschall, 1508, 1511, 3429, 3442, 3841*, 4297.

259 ....Revises provisions relating to alcoholic beverages. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Dondero Loop, Cannizzaro, Doñate, Harris, Nguyen and Pazina, 1508, 1512, 3399, 3425, 3462, 3841*, 4297.

260 ....Revises provisions relating to certain persons providing referrals to group housing for persons who are aged. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Dondero Loop, Doñate, Cannizzaro, Daly, Flores, Lange, Pazina and Assemblywoman Anderson, 2043, 2044, 3399, 3425, 3462, 3841, 3842*, 4297.

261 ....Revises provisions relating to local governments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Neal, 3273, 3275, 3399, 3425, 3462, 3842*, 4297.

262 ....Revises the qualifications for membership on certain town advisory councils and boards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Flores, Doñate, Scheible, Harris, Neal, Lange, Nguyen, Ohrenschall, Spearman; Assemblymen González, Torres, D'Silva, Nguyen, Anderson, Bilbray-Axelrod, Newby, Peters and Watts, 1508, 1512, 3463, 3596, 3961, 4063, 4300, 4501*, 4502, 6657.

263 ....Makes an appropriation to the Children's Cabinet for the purchase and renovation of a parcel of land to carry out the Oddie Project. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Seevers Gansert, Daly, Hansen, Krasner; Assemblymen Anderson, O'Neill, Dickman, La Rue Hatch, Peters and Taylor, 613, 6683, 7157, 7179*.

264 ....Revises provisions relating to collective bargaining. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Doñate and Pazina, 1153, 1155, 3399, 3425, 3462, 3842*, 4297.

266 ....Revises various provisions relating to gaming. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Pazina, Nguyen, Dondero Loop, Hammond, Lange, Cannizzaro, Doñate, Krasner, Neal, Seevers Gansert; Assemblymen O'Neill, Watts, Kasama, Jauregui, Yeager, Backus, Carter, Dickman, Hafen, Monroe-Moreno, Mosca, Newby, Nguyen and Taylor, 322, 4530, 4531, 6497, 6579, 6640, 6999*, 7435.

269 ....Revises provisions related to animal cruelty. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Ohrenschall, 3328, 3331, 3431, 3606, 3961, 4063, 4298, 4299*, 4530, 4537.

270 ....Revises provisions governing massage therapists. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Scheible, 1153, 1155.

271 ....Revises provisions relating to discrimination. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Neal, 907.

272 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Spearman, Doñate, Daly, Dondero Loop, Harris, Lange, Nguyen and Pazina, 1508, 1512, 3430, 3610, 4060*, 6499.

273 ....Changes the name of the Nevada State College to the Nevada State University. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Lange, Harris, Spearman, Flores, Hammond, Daly, Doñate, Dondero Loop, Nguyen, Ohrenschall, Pazina, Scheible, Seevers Gansert, Stone; Assemblymen Nguyen, Thomas, Brittney Miller, Monroe-Moreno, Bilbray-Axelrod, Backus, Carter, Considine, D'Silva, González, Hardy, Jauregui, C.H. Miller, Mosca, Summers-Armstrong, Watts and Yurek, 246, 3463, 3465, 4537, 5211, 5342, 5555, 6163, 6482*.

274 ....Revises provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Daly, 3188, 4530, 4531, 5849, 5872, 6167, 6628, 7020, 7034, 7068, 7069*, 7435.

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275 ....Revises provisions relating to manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Daly, Doñate, Dondero Loop, Flores, Harris, Lange, Neal, Ohrenschall, Scheible and Spearman, 907, 3394, 3395, 5435, 5441, 5555, 6163, 6482*.

276 ....Revises provisions related to collection agencies. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Lange and Hammond, 907, 4538, 4823, 5147, 6372, 6377, 6628, 6637*, 7179.

277 ....Revises provisions relating to cannabis. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Harris, Flores, Neal and Nguyen, 829, 5461, 5556, 5700, 6373, 6495, 6594, 6628, 6971, 7018, 7178*, 7179.

278 ....Revises provisions governing child care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Spearman, 238.

279 ....Revises provisions relating to employment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Spearman and Assemblywoman Brown-May, 829, 4537, 5143, 5316, 5317, 5555, 6163, 6482*.

280 ....Revises provisions governing contraception. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Nguyen, 3328, 3331, 3959, 3981, 4294, 4297*, 4530, 4537.

281 ....Revises provisions governing public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Nguyen, 3273, 4430, 5148, 5211, 5342, 5555, 6163, 6482*.

282 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Nguyen, 3273, 3845, 3846, 5148, 5211, 5342, 5555, 6163, 6482*, 6483.

283 ....Revises certain provisions relating to health care . Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Pazina, Doñate, Daly, Dondero Loop, Flores, Harris, Lange, Neal, Nguyen, Ohrenschall and Scheible, 1153, 1155, 4068, 4157, 4502*, 5461, 6655, 7180, 7245, 7272.

285 ....Makes an appropriation for civics education programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Dondero Loop, Spearman, Doñate, Krasner, Cannizzaro, Daly, Flores, Harris, Lange, Neal, Nguyen, Pazina, Scheible; Assemblymen Yeager, Monroe-Moreno, Backus, Jauregui and Mosca, 613, 3463, 3465, 5557, 5701, 6483*.

286 ....Revises provisions relating to health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Dondero Loop, Spearman, Doñate, Hansen, Stone, Buck, Cannizzaro, Daly, Flores, Goicoechea, Hammond, Harris, Krasner, Lange, Neal, Nguyen, Ohrenschall, Pazina, Scheible, Seevers Gansert, Titus; Assemblymen Jauregui, Monroe-Moreno, Peters and Yeager, 386, 389, 3399, 3426, 3462, 3842*, 4297.

287 ....Revises provisions relating to the Nevada ABLE Savings Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Hammond, 613.

289 ....Revises provisions relating to crimes against providers of health care. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Nguyen, 1508, 1512, 3468, 3784, 4060*, 4530, 4537.

290 ....Provides for the regulation of employer-integrated earned wage access providers and direct-to-consumer earned wage access providers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro and Lange, 3273, 4303, 4304, 5435, 5441, 5555, 6163, 6483*.

291 ....Makes various changes relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Cannizzaro, Dondero Loop, Lange, Flores, Neal, Daly, Doñate, Harris, Nguyen, Ohrenschall, Pazina, Scheible and Spearman, 829, 4303, 4305, 5148, 5211, 5342, 5555, 6163, 6483*.

292 ....Revises provisions relating to school administrators. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Pazina, 3328, 3331, 3463, 3615, 4060*, 4061, 4537.

293 ....Revises provisions relating to distributed generation systems. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Doñate and Daly, 3328, 3331, 3467, 3790, 3961, 4294, 4300, 4502*, 5461, 5551.

294 ....Revises provisions relating to the safe storage of firearms. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Doñate, Flores, Harris, Scheible and Assemblywoman Bilbray-Axelrod, 3328, 3331, 3431, 5316, 5317, 5555, 6163, 6483, 6495, 6629*, 7179.

296 ....Revises provisions related to traffic stops. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Harris, Spearman, Doñate, Ohrenschall, Hansen, Neal; Assemblymen González, Brown-May, Peters, Summers-Armstrong and Watts, 3328, 3331.

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297 ....Provides for the establishment of the Nevada Memory Network. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services, 907.

298 ....Revises provisions governing the involuntary discharge of a resident from a residential facility for groups. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 3328, 3331, 3429, 3442, 3470, 3929*, 4297.

299 ....Revises provisions related to monorails. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Flores, Daly, Hansen, Cannizzaro, Spearman, Doñate, Dondero Loop, Harris, Lange, Neal, Nguyen, Ohrenschall, Pazina, Scheible; Assemblymen Torres, D'Silva, Dickman and Watts, 1508, 1512, 3428, 3442, 3842*, 4297.

300 ....Makes an appropriation from the State General Fund to the University of Nevada, Las Vegas, for a grant program for certain interns. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Seevers Gansert, Buck, Doñate, Titus, Stone, Dondero Loop, Goicoechea, Hansen, Harris, Krasner, Lange, Ohrenschall and Pazina, 613.

301 ....Revises provisions governing public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Lange, Doñate, Spearman, Daly, Flores, Harris, Neal, Nguyen, Ohrenschall, Pazina, Scheible and Assemblywoman Gorelow, 907, 4537, 5143, 5316, 5328, 5555, 6163, 6373, 6495, 6629, 6960, 6968, 6970*, 7180.

302 ....Revises provisions relating to health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Ohrenschall, Scheible, Spearman, Harris, Flores, Neal, Nguyen and Pazina, 3273, 3275, 3428, 3442, 3470, 3927, 3930, 3961, 4063, 4298, 4299*, 4535.

303 ....Revises provisions relating to motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Dondero Loop, Flores, Daly, Doñate, Lange, Neal, Ohrenschall, Pazina and Spearman, 3328, 3332.

305 ....Provides for the establishment of a retirement savings program for private sector employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Harris, Spearman, Hansen, Neal, Daly, Lange, Ohrenschall, Scheible, Stone; Assemblymen Carter, D'Silva, Duran, González, Nguyen, Taylor, Thomas and Torres, 246, 4537, 5143, 5435, 5441, 5555, 6135, 6483*, 6657.

306 ....Revises provisions regarding the Individual Development Account Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Spearman, 613.

307 ....Revises provisions relating to human rights. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Spearman, 3273, 4530, 4531, 5435, 5458, 5555, 6163, 6483, 6484*.

308 ....Revises provisions relating to educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Flores, 3188.

309 ....Makes various changes relating to health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro, Lange, Spearman, Daly, Doñate, Dondero Loop, Flores, Harris, Neal, Nguyen, Ohrenschall, Pazina and Scheible, 1153, 1155, 3463, 3622, 4061*, 5461, 5551.

310 ....Establishes provisions relating to dentistry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Goicoechea, Hansen and Stone, 3328, 3332, 4068, 4164, 4502*, 7180.

311 ....Revises provisions relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Hansen, Titus, Goicoechea and Flores, 907, 6165, 6167, 6372, 6405, 6629*.

313 ....Revises provisions relating to mental health education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Lange, Krasner, Hammond, Dondero Loop, Flores, Harris, Neal, Nguyen, Ohrenschall, Scheible; Assemblymen Kasama and Gurr, 3188.

314 ....Revises provisions relating to energy storage systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Lange and Assemblyman Carter, 3328, 3332, 3430, 3645, 3961, 4063, 4298, 4299*, 6657.

315 ....Makes revisions relating to the rights of persons with disabilities and persons who are aged. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Scheible, Spearman and Harris, 2043, 2044, 3467, 3800, 3961, 4063, 4300, 4523*, 6499.

316 ....Makes various changes relating to criminal law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Scheible, Spearman, Harris, Nguyen and Ohrenschall, 1153, 1156, 3429, 3442, 3842*, 3843, 4297.

317 ....Establishes provisions relating to resources for persons experiencing homelessness. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Scheible, Spearman, Doñate, Neal, Harris, Daly, Lange, Ohrenschall and Pazina, 1153, 1156, 3467, 3806, 3961, 4063, 4300, 4523*, 5461, 5551.

319 ....Revises provisions relating to public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Harris, Spearman, Buck, Dondero Loop, Goicoechea, Ohrenschall, Pazina, Scheible and Assemblyman Yurek, 613, 5461, 5556, 5701, 6484*.

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320 ....Revises provisions related to the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Harris, Stone, Doñate, Daly, Hammond, Krasner, Ohrenschall, Scheible; Assemblymen Watts, Peters, González, Kasama, Anderson, Considine, La Rue Hatch, Brittney Miller and Mosca, 339.

321 ....Revises provisions relating to crimes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Krasner, Harris, Seevers Gansert, Ohrenschall, Flores, Nguyen, Pazina, Scheible, Spearman, Stone; Assemblymen Thomas, Gorelow, McArthur, Kasama, Marzola, C.H. Miller, Orentlicher, Peters, Taylor and Watts, 3328, 3332, 3463, 3651, 3961, 4063, 4300, 4523*, 4524, 7180.

322 ....Revises provisions relating to reckless driving. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Stone, Seevers Gansert, Goicoechea, Cannizzaro, Dondero Loop, Hammond, Hansen, Nguyen, Titus; Assemblymen Yurek, Hardy, Gray, Gallant, Bilbray-Axelrod, Gurr and Hansen, 1508, 1512, 3463, 3655, 3961, 4063, 4300, 4304, 4428*, 7435.

323 ....Revises provisions relating to peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Seevers Gansert and Hansen, 3328, 3332, 3399, 3426, 3462, 3470, 3929*, 3930, 4535.

327 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Ohrenschall, 3273, 5461, 5462, 5701, 6189, 6495, 6629*, 7180.

328 ....Makes various changes relating to the Cannabis Compliance Board. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Titus and Nguyen, 3328, 3332, 4069, 4205, 4524*, 7180.

329 ....Requires appointment of a committee to study provisions relating to budgetary and reporting requirements for school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 829.

330 ....Revises provisions related to health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Lange, 3273, 3275, 4068, 4222, 4524*, 4823, 5345.

331 ....Revises provisions relating to state and local emergency management plans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Scheible, 907, 911, 3430, 3659, 4061*, 6499.

333 ....Revises provisions relating to virtual currency. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Neal, 3328, 3332.

334 ....Revises provisions relating to energy storage systems that are used to meet certain biennial energy storage targets. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Spearman, Krasner, Hammond, Pazina, Stone and Hansen, 3328, 3332, 3430, 3660, 4061*, 5461.

335 ....Revises provisions regarding real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ohrenschall, 3328, 3332, 4069, 4242, 4304, 4431, 4485, 4502, 4503*, 6657.

336 ....Revises provisions relating to the regulation of certain healing arts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ohrenschall and Stone, 3328, 3332, 3959, 4014, 4300, 4524*, 5461, 5551.

338 ....Revises provisions relating to off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Flores, 1508, 3428, 3442, 3843*, 4297.

339 ....Makes an appropriation to the Department of Education for the provision of grants to organizations to provide certain supplies and materials to teachers and specialized instructional support personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Dondero Loop, Cannizzaro, Spearman, Daly, Doñate, Harris, Lange, Neal, Nguyen, Ohrenschall, Pazina and Scheible, 613, 3463, 3465, 5557, 5701, 6484*.

340 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Dondero Loop, Cannizzaro, Nguyen, Spearman, Neal, Daly, Doñate, Lange, Ohrenschall, Pazina and Scheible, 1153, 1156, 3423, 3442, 3843*, 4297.

341 ....Revises provisions relating to governmental financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Cannizzaro, Lange, Dondero Loop, Daly, Doñate, Neal, Ohrenschall and Pazina, 613, 6683, 6971, 7019*.

342 ....Enacts provisions relating to veterinary medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Goicoechea, Titus, Seevers Gansert, Buck, Stone, Daly, Doñate, Dondero Loop, Flores, Hammond, Hansen, Krasner and Pazina, 255, 5553, 5554, 6372, 6405, 6629*.

343 ....Revises provisions relating to fentanyl and derivatives of fentanyl. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro, Dondero Loop and Pazina, 3328, 3333.

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344 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Neal, 3328, 3333.

346 ....Revises provisions relating to motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Spearman, 3328, 3333, 3463, 3661, 4061*, 4823, 5345.

347 ....Revises provisions relating to higher education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Doñate and Assemblyman Watts, 614.

348 ....Revises provisions relating to health facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Doñate, Ohrenschall; Assemblymen González, Carter, Duran, Mosca, Peters and Watts, 3328, 3333, 3467, 3809, 3961, 4063, 4300, 4524*, 6657.

349 ....Revises provisions relating to document preparation services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Flores, 3328, 3333, 4049, 4050, 4300, 4524, 4525*, 4823, 5345.

350 ....Revises provisions relating to graduate medical education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Pazina, Dondero Loop, Lange, Krasner, Doñate, Hammond, Hansen, Harris, Neal, Nguyen, Ohrenschall, Scheible, Seevers Gansert, Spearman, Titus and Assemblyman C.H. Miller, 291, 5553, 5554, 6372, 6405, 6630*.

351 ....Revises provisions relating to communications with offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Harris, Scheible and Stone, 386, 389, 3423, 3442, 3843*, 4297.

352 ....Revises provisions relating to prescription drugs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Scheible, Buck, Seevers Gansert and Stone, 3328, 3333.

354 ....Revises provisions relating to justices of the peace. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Scheible, 2043, 2044, 3429, 3442, 3843*, 4297.

355 ....Revises provisions relating to commerce. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lange and Hammond, 3328, 3333, 3462, 3672, 4061*, 5317, 6660, 7180, 7272, 7297.

357 ....Revises provisions relating to the transportation of pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Hammond, 613.

359 ....Revises provisions governing juvenile justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ohrenschall and Krasner, 3328, 3333.

362 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Neal and Flores, 3273, 3275, 3468, 3822, 3960, 5850, 6152, 6484*, 7435.

363 ....Revises provisions relating to affordable housing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Spearman, Daly, Harris, Neal, Ohrenschall, Pazina, Scheible and Assemblyman D'Silva, 1508, 1512, 3430, 3688, 4062*, 6499.

364 ....Makes various changes relating to cultural remains. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Krasner, Goicoechea, Seevers Gansert, Flores, Hansen, Harris and Pazina, 907, 5461, 5462, 6372, 6405, 6630*, 7180.

367 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro, Doñate, Dondero Loop and Pazina, 3273, 4070, 4537, 5211, 5342, 5555, 6163, 6484*.

368 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Harris, Spearman, Doñate, Neal, Cannizzaro, Daly, Dondero Loop, Flores, Krasner, Lange, Nguyen, Pazina and Scheible, 1153, 1156, 3395, 3463, 3692, 3834, 6499, 6586, 6640, 6999*, 7435.

369 ....Revises provisions relating to health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Titus, Buck, Goicoechea, Stone, Seevers Gansert, Doñate, Hansen, Krasner, Pazina; Assemblymen Hansen, Hafen and Koenig, 291.

370 ....Revises provisions relating to the protection of consumer information. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro, Nguyen, Doñate, Daly, Harris, Lange, Neal, Pazina and Scheible, 3328, 3333, 4068, 4258, 4304, 4307, 4502, 4503*, 5461, 6660, 7180, 7297, 7312.

371 ....Revises provisions governing local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1508, 1512, 3431, 4536, 5212, 5342, 5555, 5848, 6166, 6186, 6495, 6630*, 7180.

373 ....Revises provisions relating to language access. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Flores, Doñate, Nguyen, Neal; Assemblymen González, D'Silva and Torres, 2043.

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375 ....Makes an appropriation to the Nevada System of Higher Education for a grant program to expand undergraduate and graduate nursing programs at institutions within the System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Seevers Gansert, Cannizzaro; Assemblymen Yeager and O'Neill, 613, 6683, 6971, 7019*.

378 ....Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cannizzaro and Stone, 1153, 1156, 3430, 3698, 4062*, 6657.

380 ....Revises provisions relating to the Extended Young Adult Support Services Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Nguyen, 907, 4537, 5143, 5849, 5872, 6167, 6630*.

381 ....Prohibits a landlord from requiring a tenant to pay certain charges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Harris, Doñate, Spearman, Flores, Daly, Krasner, Lange, Neal, Ohrenschall, Scheible and Stone, 1153, 1156, 3428, 3442, 3843*, 4297.

382 ....Revises provisions relating to juveniles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1153, 1156, 3429, 3442, 3470, 3930*, 4297.

384 ....Establishes certain provisions relating to the award of grants of federal money by a state agency for the development of broadband services and infrastructure. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Daly, 3328, 3333, 3429, 3442, 3470, 3927, 3930, 3961, 4063, 4300, 4304, 4428, 4429*, 7435.

385 ....Revises provisions relating to health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Neal, 3188, 6497, 6498, 6499, 6640, 6999*.

386 ....Revises provisions related to barbering. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 1508, 1512, 3462, 3704, 4062*, 4823, 5345.

387 ....Revises provisions related to the state personnel system. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Pazina, 907, 4530, 4531, 4536, 5212, 5342, 5555, 6163, 6484*, 6485.

388 ....Revises provisions relating to certain public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Scheible, 1512, 3273, 3275, 3428, 3431, 3446, 3449.

389 ....Revises provisions relating to crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Scheible and Seevers Gansert, 1153, 4530, 4531, 5552, 5554, 5686, 6485*, 6657.

390 ....Enacts provisions relating to neurodegenerative diseases. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Scheible, Neal, Daly, Harris and Ohrenschall, 3273, 4537, 5143, 5849, 5872, 6167, 6630*.

391 ....Revises provisions relating to governmental entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Harris; Assemblymen Watts and Backus, 3328, 3334, 3428, 3446, 3470, 3927, 3930, 3961, 4063, 4298, 4299*, 5461, 5551.

393 ....Revises provisions related to dental insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Seevers Gansert, 3328, 3334, 3428, 3449, 3470, 3930, 3961, 4063, 4300, 4525*, 4535.

394 ....Revises provisions governing abatements and partial abatements of certain taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue and Economic Development, 3328, 3334.

395 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Neal, 613, 6497, 6498, 6499, 6640, 6661, 7000*, 7435.

396 ....Imposes a tax on the retail sale of certain digital products. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Neal, 339.

397 ....Revises provisions relating to subsurface installations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cannizzaro, 1153, 1156, 3423, 3449, 3844*, 4297.

400 ....Revises provisions relating to homelessness. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Neal, Flores, Doñate and Assemblyman D'Silva, 3273, 6683, 7158, 7169, 7179*, 7180.

401 ....Revises provisions relating to punitive damages. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Flores and Stone, 1153, 1156, 3423, 3449, 3844*, 4297.

402 ....Creates the Cannabis Mentorship Pilot Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Spearman, Harris and Assemblyman C.H. Miller, 339.

403 ....Makes an appropriation to the Department of Motor Vehicles to provide discounts on the governmental services tax. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Nguyen, Cannizzaro, Doñate, Scheible, Spearman, Daly, Dondero Loop, Flores, Harris, Lange, Neal, Ohrenschall and Pazina, 613.

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404 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 3328, 3334, 3424, 3449, 3470, 3930, 4062*, 4429.

405 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 328.

406 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 3328, 3334, 3389, 3396, 3401, 3412, 3418*, 3845.

407 ....Revises provisions relating to personal financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ohrenschall, 3328, 3334, 3463, 3706, 4062*, 4823, 5345.

410 ....Revises provisions relating to juvenile justice. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ohrenschall, 2043, 2045, 3423, 3449, 3844*, 4297.

411 ....Makes various changes related to services provided to persons with autism spectrum disorders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Ohrenschall, 3273, 3275, 3399, 3426, 3462, 3844*, 4297.

412 ....Revises provisions relating to criminal justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 328, 6683, 6971, 6998, 7178*.

413 ....Revises provisions relating to credits to reduce the sentence of an offender. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Judiciary, 613, 5553, 5554, 5556, 5701, 6485*.

414 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 613.

415 ....Revises provisions relating to juvenile probation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3328, 3334, 3423, 3449, 3470, 3930, 4062, 4063*, 4429.

416 ....Revises provisions relating to the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 613, 5553, 5554, 5556, 5701, 6485*.

417 ....Revises provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3328, 3334, 3430, 3727, 4063*, 5461, 5551.

418 ....Revises provisions relating to candidates for judicial office. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary, 1508, 1513, 2044, 4069, 4276, 4304, 4429*, 5461, 5551.

419 ....Makes revisions relating to public health. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 3273, 6683, 6971, 7157*.

421 ....Revises provisions relating to energy. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Ohrenschall, 613.

422 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 3328, 3334, 3430, 3736, 4063*, 4530, 4537.

423 ....Revises provisions relating to motorcycles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 388, 3328, 3334, 3430, 3741, 4063*, 4530, 4537.

424 ....Revises provisions relating to the Nevada Transportation Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1508, 1513, 3428, 3449, 3470, 3930, 3961.

425 ....Establishes the Commission on Innovation and Excellence in Education to develop a statewide vision and implementation plan to improve the public education system in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Dondero Loop, Lange, Cannizzaro, Daly, Harris, Neal, Nguyen, Ohrenschall and Scheible, 829, 5461, 5462, 5552, 5554, 5698, 6485*.

426 ....Revises provisions governing rent increases. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Doñate; Assemblymen Peters, Anderson, Brown-May, D'Silva, Duran, Gorelow, La Rue Hatch and Summers-Armstrong, 613.

427 ....Revises provisions relating to occupational safety and health. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 3328, 3335, 3337.

428 ....Proposes to exempt sales of diapers from sales and use taxes and analogous taxes upon approval by the voters. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Flores, Neal, Buck, Doñate, Dondero Loop, Harris, Ohrenschall, Pazina, Scheible, Spearman; Assemblymen D'Silva, Torres, González, Anderson, Brown-May, Dickman, Gurr, C.H. Miller, Orentlicher, Peters, Taylor and Yurek, 907, 5461, 5462, 5849, 5872, 6168, 6631*.

429 ....Requires certain new or expanding businesses to provide certain family and medical leave to employees in order to qualify for a partial abatement of certain taxes. Fiscal Note: Effect on Local Government:

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No. Effect on the State: No. Committee on Government Affairs, 3328, 3335, 3424, 3449, 3470, 3927, 3930, 3961, 4063, 4300, 4304, 4429*, 4535.

430 ....Revises provisions relating to partial refunds of property taxes to certain persons who are 66 years of age or older. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hammond, 322.

431 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 328, 329, 7069, 7157, 7179*.

432 ....Revises provisions governing economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Seevers Gansert, 322.

433 ....Revises provisions relating to prevailing wages. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Daly, 613, 3328, 3335, 3399, 3426, 3462, 3844*, 4535.

434 ....Revises provisions related to retirement. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Neal, 3328, 3335, 4069, 4279, 4525*, 6499.

435 ....Revises provisions relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 3188, 5553, 5554, 5849, 5872, 6168, 6631*.

436 ....Revises provisions relating to service contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 3328, 3335, 3428, 3449, 3470, 4294, 4295, 4304, 4429*, 4823, 5345.

437 ....Revises provisions governing accountants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 3328, 3335, 3388, 3396, 3419, 3428, 3453, 3455*, 4297.

438 ....Revises provisions relating to the recruitment, preparation and retention of teachers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Lange, Buck, Hammond and Ohrenschall, 3273.

439 ....Revises provisions relating to communicable diseases. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Harris, Scheible, Doñate; Assemblywomen González, Peters and Taylor, 3273, 5461, 5462, 6372, 6407, 6631*, 7180.

440 ....Makes appropriations requiring certain one-time payments for certain state personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Cannizzaro, 386, 389, 3400, 5556, 5668, 6485*, 7435.

441 ....Revises provisions relating to public health. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Dondero Loop, 2043, 2045, 3359, 3377, 3386*, 3396.

442 ....Enacts the Interstate Teacher Mobility Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Dondero Loop, 1153, 1156, 3423, 3449, 3844, 3845*, 4297.

443 ....Revises provisions relating to voter registration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 613, 5461, 5462, 5701, 6486*.

444 ....Revises provisions relating to the excise tax on admission to certain facilities where live entertainment is provided. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 322.

445 ....Revises provisions governing emergency medical services. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 3424, 5552, 5554, 5698, 6486*.

448 ....Revises provisions governing the distribution of the proceeds of certain administrative assessments. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 4537, 5143, 5552, 5554, 5698, 6486*.

449 ....Revises provisions governing structured settlement purchase companies. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 3463, 3465, 5552, 5554, 5698, 6486*.

450 ....Establishes a program for the relocation of persons residing in the Windsor Park neighborhood of the City of North Las Vegas. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Neal, Flores, Doñate, Hansen and Spearman, 6165, 6167, 6497, 6640, 7000*.

451 ....Directs the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study concerning certain subjects related to hydrogen. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Hammond, Hansen and Stone, 6372, 6377, 6499, 6640, 7000*.

452 ....Revises provisions governing the allocation of the proceeds of the basic governmental services tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 3394, 3395, 5557, 5701, 6486*.

No. *Summary, Introducer and Page Reference*

453 ....Makes appropriations to restore the balances in the Emergency Account and the Contingency Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5143, 5552, 5554, 5698, 6486, 6487*.

454 ....Makes appropriations to the Office of the Governor for the replacement of certain equipment and computer hardware and associated software and licenses to upgrade a computer operating system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6681, 6682, 7019*.

455 ....Makes an appropriation to the Office of the Lieutenant Governor for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5143, 5552, 5554, 5698, 6487*.

456 ....Makes appropriations to the Office of Finance in the Office of the Governor for the costs of leases and furniture for state offices and training for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5143, 5552, 5554, 5698, 6487*.

457 ....Makes an appropriation to the Office of Finance in the Office of the Governor for certain costs related to the Kirk Kerkorian School of Medicine at the University of Nevada, Las Vegas, and costs for interdisciplinary opportunities for health students at the University of Nevada, Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5143, 5552, 5554, 5699, 6487*.

458 ....Makes an appropriation to the Office of the State Treasurer for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5144, 5552, 5554, 5699, 6487*.

459 ....Makes an appropriation to the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5144, 5552, 5554, 5699, 6487*, 6488.

460 ....Makes an appropriation to the Office of the State Controller for a debt collection information technology system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5144, 5552, 5554, 5699, 6495, 6631*.

461 ....Makes appropriations to the Office of the State Controller for the replacement of computer hardware and associated software and certain equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5144, 5552, 5554, 5699, 6495, 6631*.

462 ....Makes an appropriation to the Nevada Indian Commission for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5144, 5552, 5554, 5699, 6632*.

463 ....Makes an appropriation to the Nevada Arts Council within the Department of Tourism and Cultural Affairs for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5144, 5552, 5554, 5699, 6495, 6632*.

464 ....Makes an appropriation to and authorizes the expenditure of money by the Office of State Public Defender within the Department of Indigent Defense Services for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5144, 5552, 5554, 5699, 6495, 6632*.

465 ....Makes an appropriation to the Department of Taxation for the costs of a feasibility study and request for proposals for a real-time sales tax point-of-sale system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5144.

466 ....Makes an appropriation to the Department of Taxation for the costs of a contract with an information technology consultant to perform the backlog of updates to the Unified Tax System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5144, 5552, 5554, 5699, 6495, 6632*.

467 ....Makes an appropriation to the Department of Taxation for the relocation of its Carson City office. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 5345, 5436, 6497, 6640, 6660, 6680*.

468 ....Makes appropriations to the State Department of Agriculture for the replacement of computer hardware and associated software and deferred maintenance projects. Fiscal Note: Effect on Local Government:

No. *Summary, Introducer and Page Reference*

No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5144, 5552, 5554, 5699, 6495, 6632*.

469 ....Makes an appropriation to the Nevada Gaming Commission for employee training and registration fees for conferences. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 5553, 5554, 6497, 6640, 6660, 6680*.

470 ....Makes appropriations to the State Department of Conservation and Natural Resources for deferred maintenance projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5145, 5552, 5554, 5699, 6495, 6632, 6633*.

471 ....Makes an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources for a visitor center at the Valley of Fire State Park. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5145, 5552, 5554, 5699, 6495, 6633*.

472 ....Makes an appropriation to the Division of Water Resources of the State Department of Conservation and Natural Resources for projects at the South Fork Dam. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5145, 5552, 5554, 5699, 6495, 6636*.

473 ....Makes an appropriation to the Division of Water Resources of the State Department of Conservation and Natural Resources for a study of extreme rainfall events. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5145, 5552, 5554, 5699, 6495, 6636*.

474 ....Makes an appropriation to the Outdoor Education and Recreation Grant Program Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5145.

475 ....Makes appropriations to and authorizes the expenditure of money by the Department of Employment, Training and Rehabilitation for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 5345, 5436, 6497, 6640, 6660, 6680*.

476 ....Makes appropriations to and authorizes the expenditure of money by the Office of the Military for facilities maintenance projects and the replacement or purchase of certain equipment and computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5145, 5552, 5554, 5699, 6495, 6636*.

477 ....Makes various changes relating to the Department of Tourism and Cultural Affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 4537, 5145, 5552, 5554, 5699, 6495, 6637*.

478 ....Makes a supplemental appropriation to the Office of the Secretary of State for an unanticipated shortfall related to credit card processing fees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5145, 5552, 5554, 5699, 6495, 6637*.

479 ....Makes a supplemental appropriation to the Department of Indigent Defense Services for an unanticipated shortfall to fund costs in excess of the maximum contribution amounts of counties for the provision of indigent defense services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5145, 5552, 5554, 5699, 6495, 6637*, 6638.

480 ....Revises provisions relating to the Division of Forestry of the State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 5345, 5436, 6497, 6640, 6660, 6680*, 6681.

482 ....Makes appropriations to and authorizes the expenditure of money by the Office of the Attorney General for the replacement of ballistic vests and for licenses to upgrade the computer operating system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5145, 5552, 5554, 5700, 6495, 6638*.

483 ....Makes appropriations to the Office of the Secretary of State for the purchase and replacement of computer hardware and associated software and certain equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5146, 5552, 5554, 5700, 6495, 6638*.

484 ....Makes appropriations to and authorizes the expenditure of money by the Office of the Secretary of State for the costs of certain audits, voter education materials and outreach, signature verification services and certain systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains

No. *Summary, Introducer and Page Reference*

Appropriation included in Executive Budget. Committee on Finance, 4537, 5146, 5552, 5554, 5700, 6495, 6638*.

485 ....Makes appropriations to the Office of the Secretary of State for costs related to the Office's business registration and filing system, Internet website and information security. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5146, 5552, 5554, 5700, 6495, 6638*.

486 ....Makes appropriations to the Nevada Promise Scholarship Account and the Millennium Scholarship Trust Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5146, 5552, 5555, 5700, 6495, 6638*.

487 ....Makes an appropriation to the Department of Indigent Defense Services for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5146, 5552, 5555, 5700, 6495, 6639*.

488 ....Makes appropriations to the Peace Officers' Standards and Training Commission for the replacement of certain systems, furniture, vehicles and computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5146, 5552, 5555, 5700, 6495, 6639*.

489 ....Makes appropriations to the Department of Taxation for information technology projects and equipment, employee training and a money counter machine. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5146, 5552, 5555, 5700, 6495, 6639*.

490 ....Makes appropriations to the Nevada Gaming Control Board relating to information technology. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6681, 6682, 7019*.

491 ....Revises provisions related to the Department of Business and Industry concerning information technology. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5146, 5552, 5555, 5700, 6495, 6639*.

492 ....Makes appropriations to the State Department of Conservation and Natural Resources for the replacement or purchase of certain information technology, vehicles and equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 5553, 5554, 6497, 6640, 6660, 6681*.

493 ....Makes appropriations to and authorizes the expenditure of money by the Department of Health and Human Services for the replacement or purchase of computer hardware and associated software, data lines and software licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5146, 5552, 5555, 5700, 6495, 6639*.

494 ....Makes appropriations to and authorizes the expenditure of money by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the replacement or purchase of computer hardware and software, a certain database and a centralized credentialing process. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4537, 5146, 5552, 5555, 5700, 6495, 6639*, 6640.

495 ....Makes appropriations to and authorizes the expenditure of money by the Division of Child and Family Services of the Department of Health and Human Services for the replacement of computer hardware and associated software, equipment and vehicles and for deferred maintenance projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 5345, 5436, 6497, 6640, 6660, 6681*.

497 ....Revises provisions relating to certain arbitrations concerning the cost of medically necessary emergency services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 4537, 5147, 5552, 5555, 5700, 6495, 6640*.

498 ....Makes appropriations to the Division of Museums and History of the Department of Tourism and Cultural Affairs for the replacement and purchase of computer hardware, software and related services, office furniture, equipment and vehicles and for deferred maintenance projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 5345, 5436, 6497, 6640, 6660, 6681*.

499 ....Revises provisions governing expenditures from the Endowment Account established in the State General Fund related to the Nevada College Savings Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 4537, 5147, 5552, 5555, 5700, 6495, 6640*.

500 ....Makes appropriations to the Department of Education for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains

No. *Summary, Introducer and Page Reference*

Appropriation included in Executive Budget. Committee on Finance, 4537, 5147, 5552, 5555, 5700, 6495, 6640*.

501 ....Establishes for the 2023-2025 biennium the subsidies to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Executive Budget. Committee on Finance, 4049, 4050, 4069, 4288, 4292*, 4298.

503 ....Ensures sufficient funding for K-12 public education for the 2023-2025 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4049, 4050, 4069, 4288, 4290, 4291, 4292*, 4298.

504 ....Authorizes expenditures by agencies of the State Government for the 2023-2025 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 4049, 4050, 4069, 4288, 4292, 4293, 4294*, 4298.

505 ....Makes an appropriation to the Office of Energy in the Office of the Governor for a program to reduce energy use by and emissions resulting from certain activities of state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Cannizzaro, 6681, 6682, 6971, 7018*.

506 ....Revises provisions relating to records of criminal history. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 6681, 6682, 7019*.

510 ....Makes appropriations for the implementation of certain collective bargaining agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6683, 6971, 7157*, 7158.

511 ....Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6681, 6682, 6960*.

LISTING OF SENATE RESOLUTIONS AND ACTIONS THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

SENATE JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

2 ....Urges Congress to require the United States Board on Geographic Names to consider renaming the Sheldon National Wildlife Refuge as the E. R. Sans National Wildlife Refuge. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hansen, 386, 387.

3 ....Urges the United States Bureau of Reclamation to consider certain actions, alternatives and measures for the protection and management of the Colorado River. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 386, 387, 3431, 3468, 3960*, 5461, 5551.

5 ....Urges Congress to expand the Supplemental Nutrition Assistance Program and the Special Supplemental Nutrition Program for Women, Infants and Children to cover the purchase of menstrual products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Scheible, Seevers Gansert, Krasner, Spearman, Buck, Cannizzaro, Daly, Doñate, Dondero Loop, Flores, Goicoechea, Hammond, Hansen, Harris, Lange, Neal, Nguyen, Ohrenschall, Pazina, Stone and Titus, 386, 387, 3352, 3360*, 3392.

7 ....Proposes to amend the Nevada Constitution to establish certain rights relating to reproductive health. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cannizzaro, Lange, Scheible, Spearman, Nguyen, Daly, Doñate, Dondero Loop, Flores, Harris, Ohrenschall, Pazina; Assemblymen Jauregui, Cohen, Backus, Marzola, Gorelow, Anderson, Bilbray-Axelrod, Brown-May, Carter, Considine, D'Silva, Duran, González, La Rue Hatch, Brittney Miller, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts and Yeager, 907, 3360, 3369, 3370, 3371, 3372*, 3392.

SENATE JOINT RESOLUTIONS OF THE 81ST SESSION

No. *Summary, Introducer and Page Reference*

7 ....Proposes to amend the Nevada Constitution to establish certain rights relating to reproductive health. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cannizzaro, Lange, Scheible, Spearman, Nguyen, Daly, Doñate, Dondero Loop, Flores, Harris, Ohrenschall, Pazina; Assemblymen Jauregui, Cohen, Backus, Marzola, Gorelow, Anderson, Bilbray-Axelrod, Brown-May, Carter, Considine, D'Silva, Duran, González, La Rue Hatch, Brittney Miller, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts and Yeager, 386, 387, 3389, 3395, 3400*, 3462.

SENATE CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

2 ....Declares April 2023 as Financial Literacy Month. Senators Lange, Cannizzaro, Spearman, Dondero Loop, Daly, Doñate, Flores, Harris, Neal, Nguyen, Ohrenschall, Pazina, Scheible and Assemblyman Nguyen, 386, 387, 1148.

3 ....Memorializes esteemed attorney and lobbyist Ben Graham. Senators Nguyen, Buck, Cannizzaro, Daly, Doñate, Dondero Loop, Flores, Goicoechea, Hammond, Hansen, Harris, Krasner, Lange, Neal, Ohrenschall, Pazina, Scheible, Seevers Gansert, Spearman, Stone, Titus; Assemblymen Yeager, Anderson, Backus, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, DeLong, Dickman, D'Silva, Duran, Gallant, González, Gorelow, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Jauregui, Kasama, Koenig, La Rue Hatch, Marzola, McArthur, Brittney Miller, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, O'Neill, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts and Yurek, 3336, 3337, 3345.

4 ....Celebrates the life and accomplishments of beloved educator and Legislative Assistant Patricia "Pat" Jo Hutson. Senator Ohrenschall and Assemblywoman Anderson, 3360, 3392.

5 ....Urges the expansion of comprehensive cardiovascular screening programs and directs the Joint Interim Standing Committee on Health and Human Services to conduct a study concerning such programs and certain other matters relating to cardiovascular disease. Senator Lange, 4070, 5435, 5458, 5553, 6246.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Eighty-Second Session, 2023

Title	*Name*	*City*
Speaker	Steve Yeager (D)	Las Vegas
Speaker pro Tempore	Daniele Monroe-Moreno (D)	North Las Vegas
Chief Clerk	Susan Furlong	Carson City

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Eighty-Second Session, 2023

Name	*District*	*City*
Anderson, Natha (D)	Washoe (Part), No. 30	Sparks
Backus, Shea (D)	Clark (Part), No. 37	Las Vegas
Bilbray-Axelrod, Shannon (D)	Clark (Part), No. 34	Las Vegas
Brown-May, Tracy (D)	Clark (Part), No. 42	Las Vegas
Carter, Max E. (D)	Clark (Part), No. 12	Las Vegas
Cohen, Lesley E. (D)	Clark (Part), No. 29	Henderson
Considine, Venicia (D)	Clark (Part), No. 18	Las Vegas
DeLong, Richard (R)	Washoe (Part), No. 26	Reno
Dickman, Jill (R)	Washoe (Part), No. 31	Sparks
D'Silva, Reuben (D)	Clark (Part), No. 28	Las Vegas
Duran, Beatrice (D)	Clark (Part), No. 11	Las Vegas
Gallant, Danielle (D)	Clark (Part), No. 23	Las Vegas
González, Cecelia L. (D)	Clark (Part), No. 16	Las Vegas
Gorelow, Michelle S. (D)	Clark (Part), No. 35	Las Vegas
Gray, Ken (R)	Douglas, Lyon (Part), No. 39	Dayton
Gurr, Bert K. (R)	Elko (Part), Eureka (Part), Lincoln (Part), Nye (Part), White Pine, No. 33	Elko
Hafen II, Gregory T. (R)	Clark (Part), Lincoln (Part), Nye (Part), No. 36	Pahrump
Hansen, Alexis (R)	Elko (Part), Eureka (Part), Humboldt, Lander, Pershing, Washoe (Part), No. 32	Sparks
Hardy, Melissa (R)	Clark (Part), No. 22	Henderson
Hibbetts, Brian (R)	Clark (Part), No. 13	Las Vegas
Jauregui, Sandra (D)	Clark (Part), No. 41	Las Vegas
Kasama, Heidi (R)	Clark (Part), No. 2	Las Vegas
Koenig, Gregory S. (R)	Churchill, Esmeralda, Lyon (Part), Mineral, Nye (Part), No. 38	Fallon
La Rue Hatch, Selena M. (D)	Washoe (Part), No. 25	Reno
Marzola, Elaine (D)	Clark (Part), No. 21	Henderson
McArthur, Richard (R)	Clark (Part), No. 4	Las Vegas
Miller, Brittney M. (D)	Clark (Part), No. 5	Las Vegas
Miller, C.H. (D)	Clark (Part), No. 7	North Las Vegas
Monroe-Moreno, Daniele (D)	Clark (Part), No. 1	North Las Vegas
Mosca, Erica (D)	Clark (Part), No. 14	Las Vegas
Newby, Sabra (D)	Clark (Part), No. 10	Las Vegas
Nguyen, Duy (D)	Clark (Part), No. 8	Las Vegas
O'Neill, Philip "PK" (R)	Carson City, Storey, Washoe (Part), No. 40	Carson City
Orentlicher, David (D)	Clark (Part), No. 20	Las Vegas
Peters, Sarah C. (D)	Washoe (Part), No. 24	Reno
Summers-Armstrong, Shondra (D)	Clark (Part), No. 6	Las Vegas
Taylor, Angela D. (D)	Washoe (Part), No. 27	Reno
Thomas, Clara (D	Clark (Part), No. 17	North Las Vegas
Torres, Selena E. (D)	Clark (Part), No. 3	Las Vegas
Watts III, Howard (D)	Clark (Part), No. 15	Las Vegas
Yeager, Steve J. (D)	Clark (Part), No. 9	Las Vegas
Yurek III, Toby J. (R)	Clark (Part), No. 19	Henderson

ATTACHÉS OF THE NEVADA STATE ASSEMBLY
Eighty-Second Session, 2023

Name	Title
Carol Aiello-Sala	Assistant Chief Clerk
Lucinda Benjamin	History Clerk
Jason P. Hataway	Journal Clerk
Julieanna McManus	Recording Clerk
Meghan Burke	Media Clerk
Susan Hoffman	Document Clerk
Mary A. Matheus	Sergeant at Arms
Ronald Corda	Assistant Sergeant at Arms
Bob Guernsey	Assistant Sergeant at Arms
Vicki Kieffer	Assistant Sergeant at Arms
Joe Pollock	Assistant Sergeant at Arms
Michael Wright	Assistant Sergeant at Arms
Nicole Madden	Assistant Sergeant at Arms
Kelley Perkins	Assistant Sergeant at Arms
Kimberly Pond	Assistant Sergeant at Arms
Jean Spell	Assistant Sergeant at Arms
Lisa Tolda	Assistant Sergeant at Arms
Sylvia Dominguez-Curry	Administrative Services Manager
Barbara Eiche	Executive Assistant to Administrative Services Manager
Jasmine Shackley	Committee Services Manager
Jan Wolfley	Executive Assistant to Committee Services Manager
Sara Kalaoram	Chief of Staff, Office of the Speaker
Ryan Leonard	Executive Assistant to Assemblyman Steve Yeager, Speaker
Dave Ziegler	Majority Leadership Policy Analyst
Merleyn Bell	Leadership Policy Analyst
Sandy Dombrowski	Leadership Receptionist
Natalia Jordan	Personal Attaché to Assemblywoman Daniele Monroe-Moreno Speaker Pro Tempore and Chair, Ways and Means
Nate Helton	Executive Assistant to Assemblywoman Sandra Jauregui, Majority Floor Leader
Akyra Ford	Personal Attaché to Assemblyman C. H. Miller, Assistant Majority Floor Leader
Dawson Frost	Personal Attaché to Assemblyman Howard Watts Majority Whip and Chair, Growth and Infrastructure
Cullen McGinnis	Personal Attaché to Assemblywoman Sarah Peters Assistant Majority Whip-North and Chair, Health and Human Services
Henry Rosas Ibarra	Personal Attaché to Assemblywoman Selena Torres Assistant Majority Whip-South and Chair, Government Affairs
Sarah Franklin	Executive Assistant to Assemblyman Philip "PK" O'Neill, Minority Floor Leader
Deborah Paul	Personal Attaché to Assemblywoman Jill Dickman, Co-Deputy Minority Floor Leader North
Karen Rutledge	Personal Attaché to Assemblywoman Danielle Gallant, Co-Deputy Minority Floor Leader South
Jeffrey Welte	Personal Attaché to Assemblyman Rich DeLong, Minority Whip
Kevin Magee	Minority Leadership Policy Analyst
Garrett Tamagni	Minority Leadership Policy Assistant
Matthew Fonken	Personal Attaché to Assemblywoman Shannon Bilbray-Axelrod, Chair, Education
Caren Royce Yap	Personal Attaché to Assemblywoman Brittney Miller, Chair, Judiciary
Victoria Supple	Personal Attaché to Assemblywoman Lesley E. Cohen, Chair, Natural Resources
Julia Salas	Personal Attaché to Assemblywoman Shea Backus, Chair, Revenue
Caleb Chavez	Personal Attaché to Assemblywoman Michelle Gorelow, Chair, Legislative Operations and Elections

Spencer Flanders ..... Personal Attaché to Assemblywoman Elaine Marzola, Chair, Commerce and Labor
Linda Fitzgerald ..... Committee Manager, Ways and Means
Joi Guthrie ..... Committee Manager, Ways and Means
Carmen Neveau ..... Lead Committee Secretary, Ways and Means
Anne Bowen ..... Committee Secretary, Ways and Means
Tyler Boyce ..... Committee Secretary, Ways and Means
Anna Freeman ..... Committee Secretary, Ways and Means
Cindy Ihejirika ..... Committee Secretary, Ways and Means
Janice Wright ..... Committee Secretary, Ways and Means
Janet Osalvo ..... Committee Assistant, Ways and Means
Brian Burke ..... Proofreader
Jeffrey Ferguson ..... Proofreader
Connie Barlow ..... Committee Manager, Growth and Infrastructure and Natural Resources
Judith Bishop ..... Committee Manager, Government Affairs
Nicholas Christie ..... Committee Manager, Education and Revenue
Shuruk Ismail ..... Committee Manager, Health and Human Services and Legislative Operation and Elections
Devon Kajatt ..... Committee Manager, Judiciary
Cyndi Latour ..... Committee Manager, Commerce and Labor
Diane Abbott ..... Committee Secretary, Government Affairs
Julie Axelson ..... Committee Secretary, Commerce and Labor
Kathy Biagi ..... Committee Secretary, Growth and Infrastructure and Education
Nancy Davis ..... Committee Secretary, Natural Resources
Traci Dory ..... Committee Secretary, Judiciary
Gina Hall ..... Committee Secretary, Revenue
Theresa Horgan ..... Committee Secretary, Health and Human Services
Kristi Howard ..... Committee Secretary, Legislative Operations and Elections
Lindsey Howell ..... Committee Secretary, Government Affairs
Aaron Klatt ..... Committee Secretary, Judiciary
Elizabeth Lepe ..... Committee Secretary, Commerce and Labor
Lori McCleary ..... Committee Secretary, Growth and Infrastructure and Health and Human Services
Connor Schmitz ..... Committee Secretary, Judiciary
Funmi Sheddy ..... Committee Secretary, Education
Dylan Small ..... Committee Secretary, Government Affairs and Growth and Infrastructure
Geigy Stringer ..... Committee Secretary, Government Affairs
Karyn Werner ..... Committee Secretary, Judiciary
Spencer Wines ..... Committee Secretary, Commerce and Labor
Laura Austin ..... Personal Attaché to Assemblyman David Orentlicher
Travis Brewer LaChapelle ..... Personal Attaché to Assemblyman Duy Nguyen
Kevin Castellanos ..... Personal Attaché to Assemblywoman Tracy Brown-May
Joseline Cuevas ..... Personal Attaché to Assemblywoman Bea Duran
Tracy Davis ..... Personal Attaché to Assemblyman Gregory Hafen II
Ana Delgadillo ..... Personal Attaché to Assemblywoman Selena La Rue Hatch
Patricia Demsky ..... Personal Attaché to Assemblywoman Clara Thomas
Sarah Flocchini ..... Personal Attaché to Assemblyman Ken Gray
Justin Hopson ..... Personal Attaché to Assemblywoman Natha Anderson
Norma Kea ..... Personal Attaché to Assemblywoman Angie Taylor
Breon King ..... Personal Attaché to Assemblyman Reuben D'Silva
Leya Ladzinski ..... Personal Attaché to Assemblyman Richard McArthur
Sara Menke ..... Personal Attaché to Assemblyman Gregory Koenig
Chris Molnar ..... Personal Attaché to Assemblywoman Venicia Considine
Maria Nieto Orta ..... Personal Attaché to Assemblyman Max Carter
Kelly Osborne ..... Personal Attaché to Assemblywoman Alexis Hansen
Cindy Paiva ..... Personal Attaché to Assemblyman Toby Yurek
Peter Saba ..... Personal Attaché to Assemblywoman Sabra Newby
Christina Salerno ..... Personal Attaché to Assemblywoman Melissa Hardy
Marshawna Sanford ..... Personal Attaché to Assemblywomen Cecelia González and Shondra Summers-Armstrong
Nixie Morales Sosa ..... Personal Attaché to Assemblywoman Erica Mosca
Betty Jo Vonderheide ..... Personal Attaché to Assemblyman Bert Gurr

Sylvia Wiese ..... Personal Attaché to Assemblyman Brian Hibbetts
Alyssa Zucco..... Personal Attaché to Assemblywoman Heidi Kasama
Natalie Dean .....Executive Secretary
Adrienne Feemster Cobb .....Executive Secretary
Roberto Lusanta Jr. .....Deputy Clerk, Information Technology
Sandro Figueroa.....Data Information Technician
Bet Nimra Torres Perez.....Data Information Technician
Shiloh Reading.....Data Information Technician
Ethan Salerno.....Data Information Technician
Andrew Presser ..... Data Information Technician, Las Vegas
Shreya Sreedharan ..... Data Information Technician, Las Vegas
Garrett Kingen .....Committee Assistant
Ashley Torres.....Committee Assistant
Cheryl Williams.....Committee Assistant
Marcia Peterson .....Proofreader
Sharon Carter .....Proofreader
Mark Krmpotic .....Proofreader
Janet Lazarus.....Proofreader
Kirsten Mashinter.....Proofreader
Susan Moore .....Proofreader
William O'Driscoll .....Proofreader
Elizabeth Saenz.....Proofreader

EXPLANATION OF AMENDMENT LANGUAGE

Eighty-Second Session, 2023

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EXPLANATION: Matter in (1) bold italics is new language in the original bill; (2) variations of bold underlining is language proposed to be added in the amendments; (3) strikethrough is deleted language from the original bill; (4) double strikethrough is language proposed to be deleted in a particular amendment; (5) double underlining is deleted language in the original bill that is proposed to be retained in a particular amendment.

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

EIGHTY-SECOND SESSION

THE FIRST DAY

CARSON CITY (Monday), February 6, 2023

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Cisco Aguilar at 11:04 a.m.

Prayer by the Chaplain, Reverend Jeff Paul.

We brighten our souls at the threshold of welcome, greeting of love, greeting of life, greeting of light, inspire our hearts, our minds, our bodies this brisk winter day.

May our souls be preserved in peace and wisdom, from crown of light to veil of night.

May our souls be illumined to feel what we feel, and be kind anyway to ourselves, to each other, to this fragile earth, our island home.

We invoke blessing and protection upon this Assembly, and upon all who work herein.

Amen.

Presentation of the colors by the Carson High School NJROTC Color Guard.

Pledge of allegiance to the Flag.

Singing of the National Anthem by Christina Bourne.

Special musical rendition of “Home Means Nevada” and “Bright Morning Stars” by the Carson High School Concert Choir, led by Andy Sonnemaker.

Mr. Secretary of State requested Ms. Susan Furlong to serve as temporary Chief Clerk of the Assembly.

Mr. Secretary of State requested that the temporary Chief Clerk call the roll of the 42 Assembly Members-elect and Appointee.

Roll called.

Present: Assemblymen Anderson, Backus, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, DeLong, Dickman, D'Silva, Duran, Gallant, González, Gorelow, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Jauregui, Kasama, Koenig, La Rue Hatch, Marzola, McArthur, Brittney Miller, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, O'Neill, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts, Yeager, and Yurek.

Mr. Secretary of State appointed Assemblymen Gorelow, Brittney Miller, D'Silva, González, C.H. Miller, Monroe-Moreno, Newby, Yeager, DeLong, Dickman, Hibbetts, and McArthur as a temporary Committee on Credentials.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.
Mr. Secretary of State presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Secretary of State:

Your temporary Committee on Credentials has had the credentials of the respective Assembly Members-elect and Assembly Member-appointee under consideration and begs leave to report that the following persons have been and are duly elected members of the Assembly of the 82nd Session of the Legislature of the State of Nevada: Assembly Members Anderson, Backus, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, DeLong, Dickman, D'Silva, Duran, Gallant, González, Gorelow, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Jauregui, Kasama, Koenig, La Rue Hatch, Marzola, McArthur, Brittney Miller, C.H. Miller, Monroe-Moreno, Mosca, Nguyen, O'Neill, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts, Yeager, and Yurek have been and are duly elected members, and that Sabra Smith Newby has been and is a duly appointed member of the Assembly of the 82nd Session of the Legislature of the State of Nevada.

MICHELLE GORELOW *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Gorelow moved the adoption of the report.
Motion carried unanimously.

Mr. Secretary of State appointed Assemblywomen Brittney Miller and Hansen as a committee to escort Chief Justice Lidia Stiglich of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assembly Members.

Chief Justice Stiglich administered the oaths of office to the Assembly Members.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assembly Members for whom Certificates of Election or a Certificate of Appointment had been issued.
Roll called.

Present: Assemblymen Anderson, Backus, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, DeLong, Dickman, D'Silva, Duran, Gallant, González, Gorelow, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Jauregui, Kasama, Koenig, La Rue Hatch, Marzola, McArthur, Brittney Miller, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, O'Neill, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts, Yeager, and Yurek.

Assemblyman Hafen moved that Chief Justice Stiglich be given a unanimous vote of thanks for administering the oaths.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assembly Members who received the Oath of Office.

Roll called.

Present: Assemblymen Anderson, Backus, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, DeLong, Dickman, D'Silva, Duran, Gallant, González, Gorelow, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Jauregui, Kasama, Koenig, La Rue Hatch, Marzola, McArthur, Brittney Miller, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, O'Neill, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts, Yeager, and Yurek.

Mr. Secretary of State announced that there would be no temporary organization of the Assembly and that all nominations were in order for permanent appointment.

Mr. Secretary of State declared that nominations were in order for Speaker.

Assemblywoman Jauregui nominated Assemblyman Steve Yeager for Speaker.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

I rise today with the distinct honor of nominating my friend and colleague, Assemblyman Steve Yeager, for Speaker of the Nevada State Assembly.

While he may be popularly known for his marathons and his donut wall, Assemblyman Steve Yeager and his family have spent their lives defending the *Constitution* and the principal rights that define freedom. Public service runs in the Yeager family. One of his brothers serves and protects his community as a law enforcement officer; another brother, a 25-year officer in the Marine Corps, defending our *Constitution* at home and abroad; and a superstar of a wife, Judge Bita Yeager, who serves our state in the Eighth Judicial District, protecting our communities, our rights, and our families. Assemblyman Steve Yeager keeps good company with the people who think freedom, the *Constitution*, and liberty and justice for all are not talking points but a way of life, and that shows in how Steve has lived his life, defending those who need help the most.

As a wise justice once said, "Where you see wrong or inequality or injustice, speak out, because this is your country. This is your democracy. Make it. Protect it. Pass it on." Assemblyman

Yeager has done just that as a member of this Chamber and beyond its walls, and it is why I am so proud to nominate him on this day as the 65th Speaker of the Nevada State Assembly.

Assemblyman O'Neill seconded the motion.

Assemblywoman Cohen moved that nominations be closed.

Motion carried unanimously.

Mr. Secretary of State declared Assemblyman Yeager to be Speaker of the Assembly.

Mr. Secretary of State appointed Assemblywomen Jauregui and Monroe-Moreno as a committee to escort the Speaker to the rostrum.

Mr. Speaker presiding.

Assemblywoman Marzola moved that Secretary of State Aguilar be given a unanimous vote of thanks for his services to the Assembly.

Assemblyman McArthur seconded the motion.

Motion carried unanimously.

Mr. Speaker appointed Assemblywoman Gorelow and Assemblyman Hibbetts as a committee to escort the Secretary of State to the Bar of the Assembly.

The appointed committee escorted Secretary of State Aguilar to the Bar of the Assembly.

Remarks by Assemblywoman Jauregui, Assemblyman O'Neill, and Mr. Speaker.

Assemblywoman Jauregui requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN JAUREGUI:

Thank you, Mr. Speaker, and thank you for the honor and privilege of serving as your Majority Floor Leader. This is a surreal moment for me, as I am sure it is for many in this Chamber. To my sister from District 1, I cannot say enough how delighted I am to enter our fourth session together and how proud I am to see you elected as Speaker pro Tempore and rise as the first African-American Chair of Ways and Means. I want to congratulate my colleague, the Assemblyman from District 40, on his ascension as Minority Floor Leader. And I want to congratulate each and every one of my colleagues for winning their election to join this esteemed body.

But the real recognition deserves to be given to the family members and friends who stand by us each and every day. They are the unsung heroes of the work that we do on the campaign trail and during the legislative session. Supporting us in this work is not easy. It means knowing we will miss birthdays, anniversaries, and important milestones. It often means loving us from afar, as many of us spend more time on the campaign trail than at home. It means knowing that, for 120 days, our thoughts, focus, and energy are on serving the people of the great state of Nevada. Our families sacrifice so much for us to be able to serve as members of this great body. Please join me in recognizing that sacrifice.

We are a trailblazing institution, with the largest female majority and one of the most diverse bodies in the nation, representing communities that truly stretch the gamut of what makes Nevada and America so wonderful. The work we do in this body is important to this state, to our community, and to the families we were elected to represent. Many of us have served through some of the most difficult times this state has ever seen, and we have had some heated debate and,

at times, raw emotions. But I will tell you this: Unlike in Washington, the vast majority of our work has been, and will be, friendly and done with compassion and compromise at the heart of it. In this body, we leave politics on the campaign trail because true leadership cannot exist where partisanship lives.

During the next 120 days, we must dig deep to find the courage to make the right decisions for our state. We have an intense but rewarding time ahead of us. So, whether you are from the communities of Elko or Ely or east Las Vegas, it is time to saddle up. Our state is counting on us to get this work done.

ASSEMBLYMAN O'NEILL:

I would first like to begin by thanking and congratulating our Majority Floor Leader, the honorable Assemblywoman from District 41, on her election today. I would also like to welcome the families and guests of my colleagues. All of you with us here today, thank you for joining us. To you, Mr. Speaker, good morning—good afternoon, I apologize. We are running late, as usual. I bet you this will not be the first time. Seriously, Mr. Speaker, good morning to you, and good morning to all of us on the start of the 82nd Session of the Nevada Legislature.

I would like to congratulate our new Speaker, the honorable Assemblyman from the ninth district, on his new role as Speaker of this body of lawmakers. Mr. Speaker, last November, your constituents showed their support for you as their representative in this body for the fourth time. Now, as the legislative session begins, your colleagues from your own party, and from mine, have demonstrated their unanimous support for you as Speaker. Congratulations.

I know that we will agree on many issues. I hope that when we disagree, our debates will be fruitful. I have faith that together we will make good policy for our great state. As the great president Ronald Reagan once said, "There are no limits to what a man can do or where he can go if he does not mind who gets the credit." In that spirit of aphorism, I hope to work with you in cooperative effort to make good policy for our people, for our constituents, for Nevada, doing it the Nevada way.

MR. SPEAKER:

I want to thank each and every one of you for putting your trust and confidence in me to lead the Assembly this session as Nevada's 65th Speaker. It means more to me than words can express, and I am most thankful it did not take 15 rounds of voting for this legislative Chamber to choose its leaders. I am most thankful for that. Thank you to my family members who are here. Many of my immediate family members are here: my wife, my mother, both of my brothers, and my mother-in-law, all of whom I will formally introduce later. I would not be standing here without their support. It is a special day to have them here with me, as they have been with me through both the good and the bad, through both the thick and the thin. For that, I am grateful.

Congratulations to my counterpart in the Senate, Senator Cannizzaro, on once again being elected Senate Majority Leader. And congratulations to our own Assemblyman O'Neill as well as Senator Gansert on their new leadership roles. Of course, congratulations to Governor Lombardo, who is now the Governor for all Nevadans. I look forward to working with all of them because, you know what? We are Nevadans first and foremost. Nevada is, and always has been, a place that is big enough for both Democrats and Republicans.

A special thank you to my predecessor, Speaker Jason Frierson, who led this Assembly with dignity and class for the last three regular sessions and the last three special sessions. He was, and continues to be, the embodiment of a true statesman. He is also my mentor and friend. I would not be here without his support and encouragement. For that, I am grateful.

So, here we are. We have finally arrived at the first day of the 82nd Session of the Nevada Legislature. This session, we have 14 new members, representing one-third of our total membership. Our new members are Assemblyman Carter, Assemblyman DeLong, Assemblyman D'Silva, Assemblywoman Gallant, Assemblyman Gray, Assemblyman Gurr, Assemblyman Hibbetts, Assemblyman Koenig, Assemblywoman La Rue Hatch, Assemblywoman Mosca, Assemblywoman Newby, Assemblyman Nguyen, Assemblywoman Taylor, and Assemblyman Yurek, who finally moved me up a spot in the alphabetical list of Assembly members. I would like to invite the 14 of you to stand up and be recognized. Congratulations and welcome.

I also want to take a moment to highlight our members who were first elected or appointed in 2020, campaigning and winning in the midst of the global COVID-19 pandemic. These ten

members are Assemblywoman Anderson, Assemblywoman Brown-May, Assemblywoman Considine, Assemblywoman González, Assemblywoman Kasama, Assemblywoman Marzola, Assemblyman Miller, Assemblyman Orentlicher, Assemblywoman Summers-Armstrong, and Assemblywoman Thomas. We were not able to have guests on this floor when we were sworn in two years ago, so I would like to ask those ten members to stand up and receive the recognition you deserve.

If you were counting, we have recognized 24 members who are either beginning their first or second session of service. In truth, there are 25 such members, as Assemblywoman Backus is beginning her second session. She was first elected in 2018, then took a session off, as some of us do on occasion, before rejoining us. That makes 25 of the 42 of our members who are starting their first or second legislative session today. Collectively, the 42 members of this Assembly have 108 years of legislative service, which averages 2.6 years per member. To put that in context, the four most senior members of this Assembly from our last session who are not returning—Assemblywoman Carlton, Assemblywoman Benitez-Thompson, Assemblyman Ellison, and Speaker Frierson—collectively had 58 years of legislative experience, more than half of what the 42 of us collectively have. Though we may be young in experience, I know the wisdom of those who occupied these seats before us will permeate this Chamber and will guide us. I am confident that, together, we are going to get things done this session. We might only number 42, but we are a mighty 42.

Each one of your seats in this Chamber represents an average of 74,000 people in your district, some of whom love you and voted for you—those are probably the ones sitting behind you—and some of whom do not care for you very much at all and probably will never vote for you, and some who have no idea who you are and will never know who you are. But all of them are deserving of representation because you are their representative and they are your constituents, and there is no greater purpose in life than serving others. In the words of Speaker Hambrick in 2015, "we do not own these seats, we only occupy them." "[W]e are here for one purpose and one purpose only—to serve the people of this great state." And my challenge to all of you is the same challenge that Speaker Frierson offered in 2021: "This session I call on all of us to leave behind partisan rhetoric, to leave behind old playbooks, to leave behind business as usual."

Collaboration and cooperation is what the Battle Born state has always been about. From the glittering lights of Las Vegas to the glittering shores of Lake Tahoe, from Jarbidge to Scotty's Junction, Battle Mountain to Boulder City, Ely to Elko to Eureka, Carson City to Carlin to Caliente, Reno to Ruth, and everywhere in between, that is what Nevadans want and deserve from us: collaboration and cooperation.

Above me is a portrait of President Abraham Lincoln, under whose presidency Nevada became a state. He was once asked by a reporter how he felt about one of his political rivals. Here is how he responded: "I do not like that man. I must get to know him better." Let it be the same for us with our colleagues in this Chamber, our colleagues across the hallway in the Senate, and across the Capitol Mall, for we all know winning can be easy; governing is a heck of a lot harder.

You may have heard the phrase "work across the aisle." Well, in this Chamber, this aisle in front of me does not separate political parties. In this Chamber, we are all Nevadans doing the people's work. As I have said before, agree on everything, we will not. Agree on many things, we will. Work hard on finding those areas of agreement, we must. Let us all, then, endeavor to solve more problems than we create. Let us not fall into the trap of being keyboard warriors, saying things on social media we would never say to one another's faces. We need fewer keyboard warriors and more actual warriors who will fight to save the best system of government this world has ever known: representative democracy. There is no guarantee that it survives—we must fiercely protect it at all times or risk losing it.

Speaking of that, I would like to ask every veteran or active military member in this Chamber to stand up and be recognized for your commitment to protect this great nation of ours, whatever the cost. We thank you for your service, we appreciate you, and we will support you in any way that we can.

In 2013, Speaker Kirkpatrick asked, "Will we be a state that continues to apply nickel-size solutions to dollar-size problems?" I am confident we will not be because, in the words of Speaker Oceguera in 2011, "it is better to be criticized for doing our job than criticized for failure to act." I, for one, am confident that we will not be criticized for failure to act. When we are criticized—

and we will be—it will be for doing our job. In this time of abundance, let us heed the cautionary words of Speaker Buckley in 2009: "in good times, we spend a little bit of money on a lot of things and get good at nothing." Let us, the 42 of us and the state, instead get good at a great many things this session.

In 2003, Speaker Perkins observed, "Today's challenges are no greater than any we have faced in our long history. They only seem bigger because they are so close." Yes, the challenges we face loom large because they are close. But I am ready. You all are ready. We are ready, just as we have been ready over the past few sessions, which have been some of the most challenging in this state's nearly 159-year history. But the sun always rises in the morning, no matter how cold and dark the night.

Despite the coldness and darkness of the global pandemic that brought the entire world to a standstill, the sun did rise on Nevada, forever Battle Born and resilient. We increased access to democracy; made historic investments in education; protected a woman's right to choose; tackled climate change head-on; put Nevada on a path to a future that is both carbon-free and more reliant on renewable energy; enacted smart-on-crime criminal justice measures; made health care and prescriptions drugs more affordable and accessible; increased the availability of quality, affordable child care; provided historic funding to help our small businesses keep their doors open; adopted commonsense gun safety measures; and ensured our public lands remain in public hands, all the while doing what was necessary to save lives and put Nevada's economy back on track. I will tell you, the work that we did in this body made a real difference in the lives of Nevadans. And you know what? That was just the beginning.

This session, thanks to the Pupil-Centered Funding Plan adopted by the Legislature in 2019, we will be allocating an additional $2 billion to our K through 12 education budget. But we are not going to stop at $2 billion. We will also invest an additional $250 million to give our hardworking and dedicated teachers and support staff a pay raise. They deserve it. Let us give a hand to everybody who works tirelessly to educate Nevada's future leaders.

Nevada's state employees, for far too long, have been asked to do more with less, especially our public safety employees. They have stuck it out through thick and thin. This session, we are going to give them a much-needed pay raise as well.

I am not proud to say it, but Nevada has missed the mark when it comes to mental health, both for youth and adults. For far too long, there has been a large gap between the investments Nevadans needed and the investments that were made, and people were left behind. This session, we will be able to close that gap and provide so many Nevadans with the help that they need.

As we embark on this legislative session, let us not turn a blind eye to skyrocketing rents or the looming eviction crisis threatening so many in our state. Rising housing costs are a real burden for so many Nevada families. We must dedicate time and resources to provide access to stable and affordable housing to keep Nevadans in their homes so that home can truly mean Nevada for everyone in this state.

So, then, what is my challenge to you, the Assembly members of this 82nd Session of the Nevada Legislature? My challenge to you is this: With clear eyes, see Nevada as it is today, with all of its successes and all of its challenges, but also have the vision to see Nevada as you wish it to be long after you leave this Chamber and, indeed, leave this earth. And then work hard each and every day to make that vision a reality, because all of us in here still have miles left on our shoes.

The question I leave you with is this: How will we, this Assembly, be remembered when history sets its eyes on us? Well, that is up to all of you, that is up to me, that is up to us. Let us get to work.

God bless all of you, and God bless the great state of Nevada.

Assemblyman Watts nominated Assemblywoman Monroe-Moreno for Speaker pro Tempore.

Assemblywoman Kasama moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblywoman Monroe-Moreno to be Speaker pro Tempore of the Assembly.

Mr. Speaker declared that nominations were in order for Chief Clerk of the Assembly.

Assemblywoman Torres nominated Ms. Susan Furlong for Chief Clerk.

Assemblywoman Hardy moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Ms. Susan Furlong to be Chief Clerk of the Assembly.

Mr. Speaker appointed Assemblywomen Peters and Dickman and Assemblyman C.H. Miller as a committee to inform the Senate that the Assembly is organized and ready for business.

Mr. Speaker appointed Assemblywoman Backus, Assemblyman O'Neill, and Assemblywoman Bilbray-Axelrod as a committee to inform the Governor that the Assembly is organized and ready for business.

Assemblywoman Peters reported that her committee had informed the Senate that the Assembly was organized and ready for business.

Assemblywoman Backus reported that her committee had informed the Governor that the Assembly was organized and ready for business.

A committee from the Senate composed of Senators Doñate, Flores, and Krasner appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Assembly in recess at 2:07 p.m.

ASSEMBLY IN SESSION

At 3:02 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker, announced the following standing committees, the first-named member of each committee being the chair, the second-named being the vice chair:

COMMERCE AND LABOR—

Marzola, Jauregui, Backus, Carter, Duran, Monroe-Moreno, Torres, Yeager, Hardy, Kasama, O'Neill, Yurek.

EDUCATION—

Bilbray-Axelrod, Taylor, Anderson, D'Silva, La Rue Hatch, Mosca, Thomas, Torres, Hansen, Hardy, Koenig, McArthur.

GOVERNMENT AFFAIRS—

Torres, Duran, Carter, D'Silva, González, Nguyen, Taylor, Thomas, DeLong, Gurr, Hibbetts, Koenig, McArthur.

GROWTH AND INFRASTRUCTURE—

Watts, Brown-May, Carter, Marzola, Brittney Miller, C.H. Miller, Peters, Summers-Armstrong, Dickman, Gallant, Gurr, Kasama.

HEALTH AND HUMAN SERVICES—

Peters, Orentlicher, González, Gorelow, Newby, Nguyen, Taylor, Thomas, Gray, Hafen II, Hibbetts, Koenig.

JUDICIARY—

Brittney Miller, Marzola, Bilbray-Axelrod, Cohen, Considine, La Rue Hatch, Mosca, Newby, Orentlicher, Summers-Armstrong, Gallant, Gray, Hansen, Hardy, Yurek.

LEGISLATIVE OPERATIONS AND ELECTIONS—

Gorelow, Brittney Miller, D'Silva, González, C.H. Miller, Monroe-Moreno, Newby, Yeager, DeLong, Dickman, Hibbetts, McArthur.

NATURAL RESOURCES—

Cohen, Anderson, Bilbray-Axelrod, Brown-May, Considine, Duran, La Rue Hatch, Watts, DeLong, Gurr, Hansen, Yurek.

REVENUE—

Backus, Considine, Anderson, Cohen, Mosca, Nguyen, Orentlicher, Summers-Armstrong, Gallant, Gray, Hafen II, O'Neill.

WAYS AND MEANS—

Monroe-Moreno, Backus, Anderson, Brown-May, Gorelow, Jauregui, C.H. Miller, Peters, Watts, Yeager, Dickman, Hafen II, Kasama, O'Neill.

MAJORITY FLOOR LEADER—

Sandra Jauregui

ASSISTANT MAJORITY FLOOR LEADER—

C.H. Miller

MAJORITY WHIP—

Howard Watts

ASSISTANT MAJORITY WHIP NORTH —

Sarah Peters

ASSISTANT MAJORITY WHIP SOUTH —

Selena Torres

MINORITY FLOOR LEADER—

P.K. O'Neill

CO-DEPUTY MINORITY FLOOR LEADER NORTH—

Jill Dickman

CO-DEPUTY MINORITY FLOOR LEADER SOUTH—

Danielle Gallant

MINORITY WHIP—

Rich DeLong

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

February 3, 2023

THE HONORABLE NICOLE CANNIZZARO, MAJORITY LEADER, NEVADA STATE SENATE, THE HONORABLE STEVE YEAGER, SPEAKER, NEVADA STATE ASSEMBLY, 401 S. Carson St., Carson City, NV 89701

DEAR MAJORITY LEADER CANNIZZARO AND SPEAKER YEAGER:

Please find enclosed the text of my State of the State address to the 82nd Session of the Nevada Legislature. I was honored to join you both alongside your fellow legislators, Supreme Court Justices, Constitutional Officers, and honored guests for this important evening for all Nevadans. I was proud to outline my plans to help move Nevada forward, which include historic investment in our education system, a Gas Tax Holiday to help to ease financial burdens on Nevadans, pay increases for state employees, meaningful investments in mental health, and judicious savings for

our future. As I said in my State of the State address, I look forward to working with you both to find common ground and I appreciate your thoughtful consideration and deliberation over the coming months. My staff and I stand ready to work with you this Session to find solutions to our most pressing challenges and to improve the quality of life for everyone who calls the Silver State home.

Sincerely,
GOVERNOR JOE LOMBARDO

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that the Governor's State of the State Address as presented to the Legislative Commission's Special Committee to Receive the Governor's State of the State Address of January 23, 2023, be entered in the Journal.

GOVERNOR JOE LOMBARDO:

Speaker Yeager, thank you. Majority Leader Cannizzaro and baby, Lieutenant Governor Anthony, members of the Senate and Assembly, honorable justices of the Supreme Court, constitutional officers, Congressman Amodei, distinguished guests, my fellow Nevadans, good evening.

Before I go any further, we all know that families are the bedrock of our society, and I want to recognize my family: First Lady Donna Lombardo and our daughters, Morgan and Lacey. Unfortunately, Morgan could not be here tonight, but I would like to introduce you to my one-year-old grandson, Teddy. To my family, without your support, none of this would have been possible. Please give them a warm welcome. I would like to acknowledge each of your families. We all understand the sacrifices they make so that we can be here. Their service to our state is no less significant than ours. My sincerest thanks to your families.

We are here tonight to begin building upon the stewardship of those elected officials who came before us. I would like to pause to remember some Nevada leaders who have gifted us their legacy: Congressman and State Senator Jim Bilbray; Supreme Court Justice and Lieutenant Governor Bob Rose; Assemblyman and County Commissioner David Humke; Assemblywoman Jane Ham; Assemblywoman and County Commissioner Myrna Williams; and State Senator Spike Wilson. And special remembrance of a Nevadan who served in the Assembly 54 years ago, albeit for only one term, but a man who, whether you agreed with him or not, never stopped fighting for Nevada all the way to the top: U.S. Senate Majority Leader Harry Reid. Join me for a moment of reflection as we extend our thoughts and prayers to the Reid family and the families of those whose generous contributions to our state will be remembered.

As a military veteran, I want to salute the men and women serving in our military around the globe. We should all be proud of the fact that Nevada has National Guard members stationed in numerous foreign countries. As we sit here this evening, our Adjutant General, Ondra Berry, is in Romania visiting the Nevada Army National Guard 137th Military Police Detachment. Our military families serve our nation. Tonight, we honor them, and we honor their spouses and children whose sacrifices help to keep us safe. On behalf of a profoundly grateful state, we appreciate all they do to defend our liberties. Our veterans deserve nothing less than our best efforts. I would like to recognize a veteran serving in my administration: my budget director, Amy Stephenson. Amy is a disabled U.S. Navy veteran who has worked for Nevada for more than 20 years in numerous departments. Please help me thank Amy for her service to the state and to the nation. Thank you, Amy.

Uh-oh, it looks like it is Teddy's bedtime. That is disappointing. Earlier this month, I said in my inaugural address, our Nevada history teaches us to persevere while others settle for less. Time and again, we have gathered our resolve and doubled our determination when others have told us it cannot be done or should not be tried. We instinctively do the opposite. As Governor, I am filled with hope and optimism for what we can accomplish if we simply summon the will to work together. It is my intention to work side by side with all of you to write another chapter of Nevada history that will record that we did it the Nevada way—never give up, and never stop dreaming.

I am here to say to you tonight, the state of our state is growing stronger every day. The pandemic laid bare just how vulnerable our economy is. In an unexpected twist of fate, the pandemic also created, for the first time in many years, an unprecedented budget surplus. With this in mind, my remarks will be candid. On one hand, we have exciting opportunities within our grasp. On the other, we must not allow ourselves to give way to the temptation to overspend. We must remain dedicated to the twin propositions of saving for, and guarding against, the next unexpected event that shakes our economy and rattles our livelihoods. As a former Nevadan named Samuel Clemens, better known by the pen name Mark Twain, once wrote, "The secret of getting ahead is getting started." My fellow Nevadans, let us get started.

My executive budget not only lowers the tax burden on working families and businesses, but it also reserves more than $1 in savings for every new dollar in General Fund spending. It bears repeating: We will reserve more than $1 in savings for every new dollar in General Fund spending. The executive budget reverses cuts to some programs made during the pandemic and addresses long-overdue investments in people, programs, and facilities, but it does so responsibly. Not a penny of the state's one-time surplus will be used to fund any recurring programs. For example, by using one-time money to fund $412 million in deferred maintenance and planning costs, taxpayers get safer, more efficient, and more functional state buildings. My budget also saves taxpayers over $260 million in interest payments on bonds, enabling us to, among other things, create more construction jobs in future years. In simple economic terms, we are buying with cash instead of credit.

Today, the government has more money than we can responsibly spend. Households and businesses most certainly do not. Look around. Everything is more expensive these days—groceries, supplies, and services. Nowhere is this more evident than at the pump. The price of gasoline in Nevada has averaged more than $4 per gallon in the past year, nearly $1 higher than the national average. I am proud to announce, my executive budget suspends the state motor vehicle fuel tax for the next 12 months, immediately reducing the price of gasoline and saving consumers and businesses approximately $250 million. In terms of a family of four, that translates to hundreds of dollars a year in savings. Working with local gas station operators, the petroleum industry, and the Attorney General's consumer affairs division, we will make certain that these savings exclusively benefit taxpayers. Using our budget surplus to provide tax relief will not negatively affect our fuel tax-funded road and construction program or impair bonds.

We must always remain mindful that our financial surplus comes from the pockets of our constituents. As such, we will not stop searching for additional ways to return money to the taxpayers. In that same spirit, my budget lowers the modified business tax rate by 15 percent, to 1.17 percent. Furthermore, my budget raises the exemption for businesses subject to the commerce tax by 50 percent, from $4 million to $6 million. This represents the first time ever that the commerce tax exemption has been adjusted in favor of the taxpayers. These tax reductions ensure that rising prices do not create increased burdens for Nevada businesses. No sunsets, no court decisions, no gimmicks—just plain old-fashioned tax cuts that allow Nevadans to keep more of what they earn.

To brace ourselves during the pandemic, we drained the Rainy Day Fund almost immediately. Reserves were not deep enough to stave off cuts to education, health care, public safety, and other critical public services. I regret to say it, but Nevada will likely face additional periods of instability. We will not be able to, nor should we, rely on federal bailouts to fund government. To protect us in the future, my executive budget increases savings in the Rainy Day Fund from 20 percent to 30 percent and fully funds that account. In other words, we will place another $630 million in the Rainy Day Fund to be used when dark clouds again gather on the horizon.

As I said before, fiscal responsibility is the backbone of my budget, and I mean it. Overall, my budget sets aside more than $2 billion in total savings to safeguard against cuts to education and critical programs in the years to come. Two billion dollars, folks. Two billion. Included in those savings is $315 million for the Nevada Way Fund, a new subaccount to be used for transformational economic development projects and critical infrastructure needs in areas such as emerging markets in the north and south ends of the Las Vegas Valley as well as other emerging markets in Nevada. Approval of the Nevada Way funds will be authorized by the newly formed Nevada Way Leadership Committee, made up of the Governor and the bipartisan leadership of the Nevada Legislature. The Nevada Way Fund simply reaffirms that we never stop dreaming

and that we are fully prepared to act in those times when market opportunity and new capital merge.

In matters of our children's education, I think the best politics is no politics. Let us agree to set aside politics and turf guarding to deal with the stubborn facts regarding public education in Nevada. Nevada's public schools have been historically underfunded and have historically underperformed for our children. Both of those facts must change. Tonight, I am proposing the single largest investment in K through 12 education and raising the bar on expectations and accountability to the level not yet seen in Nevada. My budget contains $2 billion in new funding for our students. That is an increase of more than 22 percent from what was appropriated in the current biennium. That is two billion new dollars for literacy and instruction for our children.

Perhaps most groundbreaking is the commitment to equity. When the Pupil-Centered Funding Plan was created, equity was built into the formula through the weights for English language learners, at-risk students, and gifted and talented learners. I am extremely proud to announce that my budget fully funds the targeted weights in the Pupil-Centered Funding Plan, streamlining those dollars to the classrooms and students who need it most.

When all is said and done, my budget proposes spending more than $2,000 per student more next year. After years of celebrating $100 here and there, this investment is truly historic. Here is the tough part: Along with this funding, I expect results. I will not accept the lack of funding as an excuse for underperformance. I will be working with the State Superintendent to ensure our systems of accountability and transparency are robust and enforced. If we do not begin seeing results, I will be standing here in two years calling for a systematic change in the governance and leadership in K through 12 education.

Every Nevada child has the right to a quality education and should be college- or career-ready by the time they graduate high school. Traditional public schools are not, and should not, be the only option. Private schools, magnet schools, charter schools, microschools, virtual schools, and home schooling are all viable alternatives that can increase the potential for student success. My goal, after we finish this legislative session, is to give Nevada parents significantly more choice to make about their child's education.

I will be submitting legislation to create the Office of School Choice, within the Department of Education, to ensure students and their parents have the information they need to evaluate every available option and that all education providers are held to similar standards. Nevada's Pupil-Centered Funding Plan is built on the idea that education dollars should consider the needs of students and should follow them no matter what school they attend. For the first time, parents will have an advocate inside government promoting the expansion of school choice in Nevada. I look forward to working with Senator Heidi Gansert on expanding Opportunity Scholarships. She has been a strong and effective voice on this central component of school choice. Due to her leadership and others, I fully expect Opportunity Scholarships to receive a record amount of funding this session. In total, my executive budget puts more money in public K through 12 schools and introduces more student and parental choices than any budget in Nevada history.

Teachers deserve a safe and stable educational environment where they can teach and students can learn. For the first time in Nevada history, we will allocate over $730 million to the Education Stabilization Account, which is a rainy day fund solely dedicated to K through 12. Interest from this account will be innovatively used to provide scholarships to Nevada high school graduates who attend Nevada colleges or universities and who are willing to teach in Nevada schools for at least five years. Additionally, career and technical academies, signature academies, and career and technical education programs should be used to increase the pipeline of qualified teachers. To further address the immediate shortage, we should allow retired educators to draw both their retirement and a salary with no strings attached and no unnecessary administrative hurdles to clear. To help keep the teacher pipeline full, my budget includes funding for the Teach Nevada Scholarship Program, which provides $30 million in stipends and tuition for student teachers. That is a big deal.

Children who do not learn or read proficiently in elementary school have a lower chance of graduating high school and a much higher chance of facing difficult life circumstances and creating a cost burden to the state. Governor Sandoval championed Nevada's Read by Three law in 2015. The law was amended in 2019 and removed a requirement that students failing to meet proficiency standards in the third grade be held back until those standards are met. We need to

reinstate adequate accountability. Therefore, I will be imposing a new five-year rule. Schools have five years to improve literacy scores and to ensure that students who are not proficient in reading do not advance beyond the third grade until they are brought up to grade level.

There is a second issue affecting our students' literacy scores. Far too many students are already behind before they ever attend their first day of kindergarten. My budget appropriates $60 million to continue and expand pre-K opportunities. The Department of Education will be charged with implementing core pre-K programs, measuring results, and providing policy recommendations for a long-term strategy to ensure more students are ready for school when they get to school.

In 2019, the Legislature passed A.B. 168, commonly referred to as the public school restorative justice law. While well-intended, this law has led to instances of disruptive and dangerous situations in schools across the state. It handcuffs schoolteachers and administrators, leaving them powerless to address habitually misbehaving and all too often violent students. This is unacceptable on several levels, most notably by creating an unsafe environment for teachers and other students in the classroom. To be clear, every child should be given the opportunity to stay in school. But there are objective limits, and there should be no issue with the temporary removal of a disruptive student, resulting in an immediate meeting with parents or guardians. If classroom disruptions continue, the student will be expelled.

We have two Nevada educators, from Las Vegas and Sparks, among us who both recently experienced physical assault in their classrooms. They are here tonight in an act of advocacy for their fellow educators and to help emphasize the need for new safety and security protections in our school system. These teachers, and other teachers just like them, deserve our trust and admiration. To those of us in this room and to those listening and watching, let us show these teachers how much respect and support we have for them. Thank you. We do not need any more examples of school violence. We have seen enough. It is time to act and repeal the most onerous sections of this law and, in their place, create a structure that works for educators, parents, and students.

Higher education plays such an important role in the economic health of our state. Among the stiffest barriers to attracting new businesses and retaining existing businesses is having a workforce that meets the needs of business. To overcome this challenge, my budget restores NSHE's [Nevada System of Higher Education's] operating budget to pre-pandemic levels and sets aside $5 million to pay for a study of the higher education funding formula. Part of that funding study will require increased transparency and accountability for higher education institutions, including their self-supported budgets. It has been more than a decade since this formula was updated, and it is time for a new formula to reflect the current state of our system.

We will also increase funding for workforce innovation to better respond to the needs of various organizations for workforce training; invest $75 million for the long-term stability of the state's Millennium Scholarship program; invest $65 million in deferred maintenance for aging buildings; put $20 million more in graduate student stipends and to support research at our system institutions; add $9 million to build up the faculty at the UNLV [University of Nevada, Las Vegas] medical school so that we can accommodate more medical students; and appropriate $6 million to continue state support for Promise Scholarships for Nevada high school graduates attending our community colleges.

There may be no more dysfunctional part of state government than in the services provided to our workforce. Delays, fraud, and system failures have become commonplace. To fix it, I am proposing that we consolidate these services under a single Office of Workforce. The office will develop and execute an integrated plan and will oversee the 17 revenue streams sourced to the Workforce Innovation and Opportunity Act. Right now, we have five state agencies, the university system, and local governments administering over 200 million workforce dollars. They are not aligned, much less coordinated. Right now, we largely ignore the vital connections between our workforce programs, our public schools, and our colleges and universities. They must function as a single, integrated system.

Right now, we have a state workforce plan that ignores the diversity of regional economies. We have duplication of efforts between nonprofits and state agencies. We do not make it easy to access programs to help would-be workers with transportation or child care because those are in a different department. Right now, we are wasting money. More importantly, we are wasting

time in getting all Nevadans the job opportunities they deserve. The Office of Workforce can be the solution to this dysfunction.

As a lifetime crime fighter, I can say, there is arguably nothing more important to the 3.2 million Nevadans in our state than public safety. Assembly Bill 236, from the 2019 Legislature, introduced sweeping reforms to our criminal justice system. At the time, I agreed with some changes and not others. In the spirit of compromise, I did not oppose the bill. Three years have gone by, and we can clearly see that some of those changes did not produce the outcomes some were predicting. In fact, they made things worse. To correct these problem areas, I will be introducing legislation that makes it harder, not easier, to commit a crime in the state of Nevada. My bill will include holding career criminals accountable by strengthening the habitual enhancement for those offenders who repeatedly victimize the community; strengthening the definition of domestic battery by strangulation; protecting businesses by lowering the felony theft threshold; empowering judges and probation officers to impose tougher sanctions for parole violators; disallowing diversion for crimes against children and the elderly; strengthening drug laws by reducing weights for possession and trafficking while increasing penalties; and fighting the fentanyl epidemic. Fentanyl possession, in any amount, should be a category B felony. Addressing these problem areas will have an immediate effect on reducing crime and help ensure the effectiveness of our public safety and criminal justice systems.

If we look a little closer, there are clear disparities in Nevada's public safety compensation structure, and it is unfair. To address this, we should make every effort to retain our public safety personnel. Therefore, I am proposing a two-grade increase for all public safety employees above what is recommended for all public employees to help bring them closer to parity with local agencies and to ensure we are no longer the training ground for local government police forces.

We all know too well that crime is often the result of poor decisions and circumstances. Incarceration should be the last resort. However, jails and prisons are all too often places where we house those we have failed to educate, failed to treat, or otherwise failed to get them the help they need. We are seeing the effect of this in our streets in the form of increased homelessness. We are seeing it in our schools, where young people without access to treatment are acting out. We are seeing it in our economy, where the safety of our employees and customers is paramount.

We will make sure government does its part by increasing reimbursement rates in the area of acute need, especially in mental health services. My budget includes an enhancement in Medicaid to expand community behavioral health centers. This $17 million expansion will add up to six clinics across the state in underserved areas, including northern and rural Nevada, ensuring more mental health services are available to anyone in need, regardless of their ability to pay. The need for forensic mental health services is also critical. It is an area that has been neglected. My budget includes funding to convert a portion of the City of Las Vegas jail into a forensic hospital to build out a pod at the Rawson-Neal hospital for forensic services and money for a brand-new, ground-up forensic hospital in southern Nevada. I look forward to working with the Legislature to fund these projects.

Let us talk about another issue that we must deal with candidly. The right to vote is one of the most fundamental rights in American society. It is not only important that the process itself has integrity, but also that the people of Nevada have confidence that the process is free and fair. With that said, there are certain election reforms that are just common sense. Most notably, all mail-in ballots should be received by the time polls close on Election Day, as opposed to 5 p.m. four days following an election. This puts Nevada back in line with national norms and ensures our election reporting does not drag on for days when the balance of the nation has moved on.

Second, Nevada created universal mail-in ballots as a response to COVID-19. With the pandemic behind us, this expensive process is simply unnecessary. Anyone who wants or needs a mail-in ballot should have every right to request and receive one. However, sending ballots to more than 1.9 million registered voters is inefficient and unnecessary, not to mention it is estimated to cost nearly $7 million in this budget and will increase to over $11 million in future budgets.

Third, it is important to verify the identity of voters. Signature verification is a time-intensive and cumbersome process. We require people to have a valid form of identification to get on a plane, to operate a motor vehicle, or to purchase alcohol and cigarettes, et cetera, but not to cast a vote in an election. This is illogical.

Fourth, unregulated ballot harvesting needs to be addressed. To be clear, harvesting ballots was a felony prior to the pandemic. Now, it is a common campaign practice. If we are going to allow someone other than the voter or an immediate family member to cast their vote in an election, that person should be clearly identified and have some reasonable limitations and reporting requirements imposed upon them.

Finally, Nevada needs to end partisan redistricting. Nevada voters should have the right to select our elected leaders, not the other way around. We need an independent, nonpartisan commission that is subject to the Open Meeting Law to redraw districts every ten years. It is time we do this. Mark my words: If the Legislature cannot make meaningful progress in this critical area, these reforms should be placed before the voters during the next election.

Turning our attention to our state employees, we have prided ourselves on having a small and efficient state government. In fact, the most recent U.S. Census of Governments ranks Nevada second to last in terms of state employees per 1,000 residents. The sole purpose of state government is to serve the people of Nevada. But this cannot be done effectively when we have state job vacancy above 20 percent, a remote and disconnected workforce, and outdated computer systems, which is why one of the first things I did upon taking my oath was to issue an executive order requiring all state employees to return to pre-pandemic office hours by July 1.

The truth is, we ask our state employees to do their jobs, but we are not paying fair wages for a fair day's work. They deserve better. My budget includes an 8 percent increase for all state workers next year and an additional 4 percent increase the year after. The last time state employees received even a 5 percent increase was in 1995, and the last time they received anything in excess of 5 percent was in 1985. The increases included in my budget are a major first step on a sustainable pathway to increasing state employee pay to where it deserves to be.

Moreover, retention of our existing employees is also critical. As such, my budget includes $2,000 annual bonuses for every Executive Branch state employee, to be paid quarterly. They should not have to wait until July 1, though. I have included money to pay out those $500 quarterly bonuses starting this fiscal year. I am asking the Legislature to pass the supplemental appropriation as one of its first bills to fund these bonuses, starting at the end of March.

State employees also deserve a safe and pleasant working environment. Of the last three major state office buildings constructed, one has been torn down, the other is getting a roof replaced, and the Grant Sawyer Building needs major rehabilitation. My capital improvement budget includes funding for refurbishment of existing buildings and money for three new state office buildings so our employees can provide services to our constituents in a safe and stable work space.

A top priority of my administration will be to restore Nevada's reputation as a pro-business, pro-development state. I think we can all agree, Nevada should be the most entrepreneurial-friendly state in the nation. Unfortunately, we have lost ground in this area, and it is our job to inform the world that Nevada has reopened for business. Our best opportunities for economic growth are providing a pro-business environment for the 350,000 businesses that currently call Nevada home and offering a pro-development invitation for the expansion of new businesses and industry. Whether it is closing the lithium loop, unlocking innovation and investments in logistics, entertainment, science and technology, or embracing entrepreneurship, the message is that Nevada is ready to partner. Case in point, I am looking forward to joining Elon Musk and the team of Tesla tomorrow when they unveil plans to build a brand-new $3.5 billion advanced manufacturing facility in northern Nevada for the company's all-electric semitrucks.

Economic development matters. I am proud to declare that Nevada is back open for business, effective immediately. With that said, proceeds from our economic investments must be responsibly reinvested, and we must ensure they are used to address the transportation, education, housing, and public safety demands created by our continued growth. Tax dollars should rightly follow the demand for services, regardless of political boundaries. I am asking the Legislature to work with me to ensure that as expiring tax abatements become new tax dollars, those incremental funds are directed to the communities most impacted by our state's growth.

Finally, we all know southern Nevada has long been the entertainment capital of the world and has become the mecca for professional sports. This November, we welcome yet another spectacular international event from Formula One racing: the inaugural Las Vegas Grand Prix. Please make welcome Stefano Domenicali, the CEO [Chief Executive Officer] of Formula One who traveled from Italy to be with us tonight—I am looking to see if he will let me drive one of

those things—and Renee Wilm, the CEO and President of the Las Vegas Grand Prix. We are excited to have you with us in Carson City and to have the race of races take place in Las Vegas, Nevada. Thank you.

Speaking of hospitality and gaming, concerns have surfaced related to a lack of balance between the gold standard of our gaming regulations and the time required to gain approval for new product from the Gaming Control Board lab. The result is that new products are likely being introduced with more speed outside of Nevada, which directly affects the competitive position of Nevada's gaming operators. We need to work with the Control Board to ensure the logjam is cleared.

Another issue of concern to our number one industry is S.B. 4 of the 2020 Special Session. That law imposed mandatory COVID-19 daily cleaning and time-off requirements that are no longer relevant in our hotels. Personal time-off and daily cleaning requirements add to the labor shortages and exceed current CDC [Centers for Disease Control and Prevention] guidance. Clearly, much more is known today about the transmission of the virus than what existed when the legislation was passed in 2020. Yet our hotel operators' hands are tied by this burdensome legacy law, and it should be repealed. Let us make it one of the first bipartisan things we get done this session.

One more issue from last session that warrants straight talk—the public option was passed in 2021 but will not be implemented until 2026. I have said it before: Passing laws that do not have any practical effect is political theater. Serious questions remain about the rushed implementation of the public option, agency amendments to the statute, and lack of transparency. Getting Nevadans insured is the goal. At a minimum, this law needs to be substantially revised or, better yet, repealed so we can refocus on the real problem, which is getting eligible but uninsured Nevadans the coverage they need.

I will call your attention to another area of challenge and opportunity: energy. California does not have enough electric generation within its own state to meet its electricity needs and is now relying on the broader western electric market to import energy. With California retiring its units and changing its transmission rules, we have no choice but to reduce our reliance on the market and seek independence for all Nevadans. To address this, I will issue an executive order that allows electric providers to develop dedicated in-state generation resources to ensure that we are no longer forced to rely on the broader electric market. Our energy independence will spur economic development, lead to job creation, and drive lower-cost energy for all Nevadans.

Our greatest challenge over the next decade may very well be water. Dealing with it will require partnership and leadership. The Colorado River is in the midst of a 22-year drought, and Lake Mead is at its lowest level since 1937. Southern Nevada's unique ability to capture, treat, and return water to the Colorado River is a clear competitive advantage, but our future is dependent upon our ability to conserve and prioritize our use of water. It is also dependent upon our ability to work with the seven basin states and Mexico to deal with the short- and long-term water resource solutions. Nevada must lead by example and demonstrate our firm resolve to achieve a new balance on the river. Going forward, I will be more involved, along with Nevada's best water experts, in future negotiations with other states, purveyors, and users to bring about necessary change.

At the same time, we must apply the same diligence and resolve to protecting Lake Tahoe so that future generations of Nevadans can enjoy it as much as we have. There is no simple solution to these complicated water challenges, but we must be assured that our neighbors share the same commitment that we ask of ourselves.

Another issue that requires action is the timely release of public lands. Currently, BLM [Bureau of Land Management] management has jurisdiction of over 48 million acres in Nevada. I would like to see us, in coordination with our congressional delegation, promote a more predictable approach to the timely release of federal lands. The disposition of federally managed lands within, and adjacent to, city and county boundaries is a critical component to economic development and affordable housing.

It has been said that the soul of Nevada can be found in the people and places that make up our rural counties. Staying connected to towns like Carlin and Caliente, Gabs and Gerlach, and Wells and Wadsworth is a top priority of my administration. To make this a reality, I am very proud to announce tonight that we will be making a $400 million investment in broadband to accelerate

statewide connectivity. In addition, it is critical that the Governor's office be knowledgeable about rural affairs as well as the management of natural resources and land management policies. To help with this, I have designated a staff person in my office, Tim Robb, to work with Department of Agriculture Director J.J. Goicoechea and Department of Conservation and Natural Resources Director James Settelmeyer to coordinate with Nevada's rural communities so that our rural needs in Nevada are not overlooked.

Understanding rural Nevada goes hand in hand with understanding Nevada's mining industry. For most of the last century, the mining industry has enjoyed a productive partnership with most of Nevada's state agencies. Recently, there has been a sense that the relationship has migrated away from that. My office will make sure that the five key state agencies with jurisdiction over mining issues are working in cooperation with the industry. That needs to be a priority.

All of us were sent to Carson City to carry out the people's business. It is the purpose of our oath. It remains our duty to keep. The budget priorities I laid out before you tonight are predicated upon a combination of common sense, fiscal discipline, and high-level engagement. In summary, my budget does not raise one dime of new taxes—in fact, we cut taxes for households and businesses. It pays down debt; saves $1 for every new dollars spent in the General Fund; invests millions in the Nevada Way account; pays state employees a fairer wage; offers more school choice; gives more funding for schools and teachers with stricter accountability; provides for safer schools; directs more funding to higher education and workforce development; reenergizes economic development; returns to sensible criminal justice reform; builds more capacity in mental health services; and restores faith in Nevada elections. These various programs are in keeping with the needs and aspirations I heard from countless Nevadans over the past two years. The urgency in their voices was unforgettable to me. I promised them that their concerns would not be lost when I got to Carson City. I know we will not let them down.

President Dwight Eisenhower said, "The supreme quality of leadership is…integrity." Above all else, my administration will govern with transparency, candor, and integrity. That is my solemn commitment to you. As I have said before, I believe the best of our history lies before us. Our capacity to achieve great deeds will never be in question because we will follow the Nevada way—never give up, never give in, and never stop dreaming.

Ladies and gentlemen, I have learned over my lifetime that there is no substitute for disciplined hard work. There just is not. I do not fear what lies ahead. Instead, I look forward to the future with great hope and anticipation. I trust that you do as well.

In closing, as I think of my one-year-old grandson, Teddy, and the thousands of new young Nevadans his age in our state, I recall the simple but meaningful words that underscore the significance of the task that lies before us: Let us plant the trees that some of us may never see. God bless you all, God bless Nevada, and God bless America.

COMMUNICATIONS

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 24, 2023

SUSAN FURLONG, CHIEF CLERK OF THE ASSEMBLY
C/O LUCINDA BENJAMIN, HISTORY CLERK
Assembly Chief Clerk's Office
401 S. Carson Street, Ste. 1206
Carson City, Nevada 89701-4747
DEAR MS. FURLONG:

This letter is in acknowledgment of the return of the engrossed versions of Assembly Bills & Resolutions from the 81st Session. Pursuant to your letter dated, January 13, 2023, AB65 and AB368, both vetoed bills of the 81st Session, along with AJR 1 and AJR 10, from the 81st Session remain in the custody of the Chief Clerk's Office.

If you have any questions, please contact me at (775) 684-7126. Thank you.

Respectfully,
FRANCISCO V. AGUILAR
Secretary of State
BY: HEATHER HARDY
CAPS, Program Officer 3

CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

January 30, 2023

TO THE HONORABLE MEMBERS OF THE NEVADA STATE SENATE AND ASSEMBLY:

Carson City is excited to welcome people from all corners of Nevada for the 82nd Session of the Nevada Legislature, and I want to extend our warmest welcome to you and your families. I sincerely hope that you enjoy your time with us. I have always appreciated the openness of our legislature, and we hope to extend the same in return.

I understand the pressure and time constraints that come with every session, but my hope is that, while you are here, you get the opportunity to enjoy all that Carson City has to offer. There are many new and improved dining, shopping, recreation, and entertainment opportunities to experience. Recently several improvements have been completed to our parks and trails, including the Kings Canyon Trailhead in addition to the 6,958 acres of open space that Carson City has for the enjoyment of the public. The City has also completed several street improvement projects which include beautiful landscaping, walking and bicycle paths, and improved business access. It is my hope that you can also join us on April 21st to the 23rd for the first annual Mark Twain Days to celebrate our rich history and one of Nevada's most famous former residents.

I wish you all a productive and rewarding legislative session. As Mayor of Carson City and President of the Nevada League of Cities and Municipalities, my door is always open as we work together to build an even brighter future for Nevada. Again, I welcome you to Carson City and want to express my sincere gratitude for your work on behalf of our State.

Sincerely,
LORI BAGWELL
Mayor of Carson City

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 1—Adopting the Joint Standing Rules of the Senate and Assembly for the 82nd Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly for the 82nd Session of the Legislature are hereby adopted as follows:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House may appoint a committee to confer with a like committee to be appointed by the other; and, if appointed, the committee shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other

changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's Internet website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Standing Rules, which requires a majority vote of each House for adoption.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

Rule No. 8. Reserved.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific time at the end of the 120th consecutive calendar day of session, inclusive of the day on which the session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of session is void, unless the legislative action is conducted during a special session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the measure of time specified in subsection 1 for the purpose of extending the duration of the session.

4. Any action taken in violation of subsection 2 or 3 shall be deemed out of order.

5. As used in this Rule, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific

time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House.

➥ If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Research Library of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Reserved.

Rule No. 13.1. Reserved.

Rule No. 13.2. Reserved.

Rule No. 13.3. Reserved.

Rule No. 13.4. Compliance with the Voting Rights Act.

1. A redistricting committee will not consider a plan that the redistricting committee determines is a violation of section 2 of the Voting Rights Act, 52 U.S.C. § 10301, which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. A redistricting committee will not consider a plan that the redistricting committee determines is racially packing or cracking.

3. Racial packing exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) The district lines are drawn to concentrate members of a group into a single district, thereby diminishing their impact as individual voters.

4. Racial cracking exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) District lines are drawn to split members of a group among multiple districts, so as to dilute their impact and to prevent them from constituting a majority.

5. For the purpose of analyzing the 2020 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that was reported to Nevada in 2011 by the United States Census Bureau as part of the federal decennial census.

Rule No. 13.6. Public Participation.

1. The redistricting committees shall seek and encourage:

(a) Public participation in all aspects of the reapportionment and redistricting activities; and

(b) The widest range of public input into the deliberations relating to those activities.

2. Notices of all meetings of the redistricting committees must be transmitted to any member of the public who so requests, without charge.

3. All interested persons are encouraged to appear before the redistricting committees and to provide their input regarding the reapportionment and redistricting activities. The redistricting committees shall afford a reasonable opportunity to any interested persons to present plans for redistricting, or amendments to plans for redistricting, unless such plans demonstrably fail to meet the minimally acceptable criteria set forth in this Rule and Joint Standing Rule No. 13.4.

4. Each of the redistricting committees shall fully utilize available videoconferencing capabilities and shall, either jointly or separately, hold at least one hearing in the southern portion of the State and at least one hearing in a rural portion of the State to allow residents throughout the State an opportunity to participate in the deliberations relating to the reapportionment and redistricting activities.

5. The Legislative Counsel Bureau shall make available to the public copies of the validated 2020 census database for the cost of reproducing the database.

6. The redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 3 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 15th calendar day of the legislative session, not more than 60 requests, in total, from each House for the drafting of a bill or joint resolution. The Majority Leader

of the Senate and the Speaker of the Assembly shall, not later than the 8th calendar day of the legislative session, allocate all, some or none of the 60 requests and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each member and standing committee of their respective Houses, and as Majority Leader or Speaker, as applicable, within the limit provided by this subsection. The lists may be revised any time before the 15th calendar day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

2. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

3. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

4. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

5. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

6. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

7. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

Rule No. 14.1. Secondary Deadline for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Senator or member of the Assembly, a standing committee of the Assembly or Senate or the Majority Leader of the Senate or the Speaker of the Assembly on or before the 15th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the member, chair of the standing committee or his or her designee, and the Majority Leader and Speaker, as applicable, shall, by the 22nd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

3. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator who is or will be serving during the legislative session.

4. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this paragraph may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(d) A request that was designated for prefiling pursuant to NRS 218D.150 must be introduced on or before the 15th calendar day of the legislative session.

(e) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) Except as otherwise provided in subparagraph (2), a Legislator is the 43rd calendar day of the legislative session.

(2) A Legislator, pursuant to subsection 1 of Joint Standing Rule No. 14, a standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day

of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than ten requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than three requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy and all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number or resolution number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill or resolution for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill or resolution must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill or resolution on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Committee on Finance or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Committee on Finance or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed, a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted, which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

Rule No. 15. Reserved.
Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM LEGISLATIVE COMMITTEES

Rule No. 19. Approval for Meeting During Session and Date for Reporting.

1. A legislative committee that meets during the interim shall not schedule or otherwise hold a meeting during a regular session of the Legislature or during an adjournment pursuant to Joint Standing Rule No. 9 without the prior approval of the Majority Leader of the Senate and the Speaker of the Assembly.

2. Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, not later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. In addition to other prohibited conduct, a complaint may be brought pursuant to this Rule for engaging in conduct prohibited by Joint Standing Rule No. 37 when the prohibited conduct is based on or because of the gender or other protected category of the person.

5. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

6. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate;

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate; or

(d) The reporting system established pursuant to subsection 11.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses. Unless the Legislative Counsel is the subject of the complaint, the Legislative Counsel must be informed upon receipt of a complaint.

7. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

8. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both, will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

9. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

10. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are

set forth in this Rule also apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

11. The Legislative Counsel Bureau shall establish a reporting system which allows a person to submit a complaint of a violation of this Rule with or without identifying himself or herself. Such a complaint must provide enough details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses to allow an appropriate inquiry to occur.

12. This policy does not create any private right of action or enforceable legal rights in any person.

Rule No. 20.5. Lobbyists to Maintain Appropriate Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. A lobbyist shall not engage in any conduct with a Legislator or any other person working in the Legislature which is prohibited by a Legislator under Joint Standing Rule No. 20. Each lobbyist is responsible to conduct himself or herself in a manner which will ensure that others who work in the Legislature are able to work in an environment free from sexual harassment and other unlawful harassment.

2. Each lobbyist must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment as described in Joint Standing Rule No. 20.

3. A lobbyist who encounters conduct that he or she believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Director of the Legislative Counsel Bureau; or

(b) The reporting system established pursuant to subsection 11 of Joint Standing Rule No. 20.

➥ Such a complaint must include the details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses. Unless the Legislative Counsel is the subject of the complaint, the Legislative Counsel must be informed upon receipt of a complaint.

4. If a person encounters conduct by a lobbyist which he or she believes is sexual harassment, or other unlawful harassment, retaliation or otherwise inconsistent with this policy, the person may file a complaint in the manner listed in subsection 3, or may submit a complaint in accordance with the reporting system established pursuant to subsection 11 of Joint Standing Rule No. 20.

5. If a complaint made against a lobbyist pursuant to this Rule is substantiated, appropriate disciplinary action may be brought against the lobbyist which may include, without limitation, having his or her registration as a lobbyist suspended.

6. The provisions of this policy are not intended to address conduct between lobbyists and must not be used for that purpose. This policy does not create any private right of action or enforceable legal rights in any person.

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require, if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such

agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

Rule No. 23. Reserved.

Rule No. 24. Reserved.

Rule No. 25. Reserved.

Rule No. 26. Reserved.

Rule No. 27. Reserved.

Rule No. 28. Reserved.

Rule No. 29. Reserved.

LEGISLATIVE CODE OF ETHICAL STANDARDS

Rule No. 30. Short Title; Applicability; Relation to Other Ethical Standards.

1. Joint Standing Rules Nos. 30 to 39, inclusive, may be cited as the Legislative Code of Ethical Standards.

2. The Legislative Code of Ethical Standards applies to:

(a) All Legislators at all times.

(b) All members of legislative staff when performing or exercising their legislative assignments, tasks, duties, responsibilities or powers.

(c) All lobbyists when they:

(1) Appear in person in the Legislative Building or any other building in which the Legislature or any of its legislative committees hold meetings during a regular or special session or the interim between sessions, including, without limitation, any building in which a meeting is held by teleconference or videoconference; or

(2) Represent the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

3. The Legislative Code of Ethical Standards is intended to supplement all other ethical standards recognized by rules and laws governing ethics and does not limit the application of such other ethical standards but is cumulative thereto, so that the application or attempted application of any one of the ethical standards does not bar the application or attempted application of any other, except in circumstances where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.

4. The Legislative Code of Ethical Standards does not create any private right of action or enforceable legal rights in any person.

Rule No. 31. Purpose and Construction.

1. The purpose of the Legislative Code of Ethical Standards is to:

(a) Establish the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect;

(b) Prohibit any conduct that creates the appearance of impropriety; and

(c) Prohibit any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

2. The Legislative Code of Ethical Standards must be construed:

(a) Liberally to carry out and achieve its purposes; and

(b) Strictly against any person alleging that his or her conduct is not subject to its provisions, so that any doubt or uncertainty as to the application of its provisions must be resolved against such a person and in favor of removing unethical behavior from the legislative process.

Rule No. 32. Definitions.

As used in the Legislative Code of Ethical Standards, unless the context otherwise requires, the words and terms defined in Joint Standing Rules Nos. 33 to 36, inclusive, have the meanings ascribed to them in those rules.

Rule No. 33. "Legislative Committee" Defined.

1. "Legislative committee" means any legislative committee or commission appointed to conduct or perform legislative business during a regular or special session or the interim between sessions.

2. The term includes, without limitation:

(a) Any joint, standing, temporary, special or select committee;

(b) Any committee of the whole;

(c) Any interim committee; or

(d) Any subcommittee.

Rule No. 34. "Lobbying Client" Defined.

1. "Lobbying client" means a person who employs, retains, contracts for or otherwise uses or engages the services of a lobbyist to represent the interests of the person to one or more Legislators or members of legislative staff, whether or not any compensation is paid for the services.

2. The term includes, without limitation, a client that is a government, governmental agency or political subdivision of a government.

Rule No. 35. "Lobbyist" Defined.

1. "Lobbyist" means a person who:

(a) Is required to register as a lobbyist during a regular or special session pursuant to chapter 218H of NRS, regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter; or

(b) Represents the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

2. The term does not include a person who is excluded from the term "lobbyist" as defined in NRS 218H.080.

Rule No. 36. "Member of Legislative Staff" Defined.

1. "Member of legislative staff" means any member of a Legislator's staff or any officer, employee, assistant or other person employed with reference to the legislative duties of a Legislator or the Legislative Branch, regardless of whether they are paid or otherwise compensated to serve in their positions.

2. The term includes, without limitation, any officers, employees, attaches, interns or other staff of:

(a) The Legislature or either House;

(b) Any legislative committee;

(c) Any legislative office or caucus;

(d) Any division of the Legislative Counsel Bureau; or

(e) Any other agency, body, office, organization or unit of the Legislative Branch.

Rule No. 37. Ethical Standards; Prohibited Conduct.

1. The people of the State of Nevada have the right to expect and demand that each Legislator, member of legislative staff or lobbyist adheres to the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect because such ethical

standards are essential to ensure and enhance the people's faith, trust and confidence in the integrity of the legislative process.

2. Each Legislator, member of legislative staff or lobbyist has a solemn and unerring responsibility and duty to do everything in his or her power to:

(a) Behave properly, appropriately and honorably with each other and with members of the public who participate in the legislative process; and

(b) Encourage, promote and secure an atmosphere in which ethical behavior is the highest priority and is practiced unceasingly and without fail.

3. Each Legislator, member of legislative staff or lobbyist shall not engage in or attempt, offer, or agree to engage in, or assist or induce another person to engage in:

(a) Any conduct that creates the appearance of impropriety; or

(b) Any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

4. The conduct prohibited by this Rule includes, without limitation, any conduct that:

(a) Is intended to threaten, harass, intimidate or improperly influence another person who is participating in the legislative process.

(b) Creates a hostile work environment for another person who is participating in the legislative process.

(c) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to another person who is participating in the legislative process.

(d) Involves impolite, disrespectful or disorderly behavior that results in unreasonable or harmful interference with another person who is participating in the legislative process.

(e) Involves false or misleading accusations or allegations against another person who is participating in the legislative process.

(f) Involves dishonesty, fraud, deceit or misrepresentation.

(g) Is intended to assist or induce another person to violate or attempt to violate the Legislative Code of Ethical Standards.

Rule No. 38. Complaints.

1. A person may file a complaint alleging a breach of the Legislative Code of Ethical Standards in accordance with the Standing Rules of each House, except that a person may not file a complaint alleging the same or substantially similar conduct with more than one House.

2. If the complaint alleges an ethical breach by or against a Legislator or the ethical breach otherwise involves a particular Legislator, the complaint must be filed with the Legislator's House, even if the complaint also alleges an ethical breach by or against a member of legislative staff or a lobbyist.

Rule No. 39. Authority of Senate and Assembly to Adopt Ethical Standards and Prohibit and Sanction Ethical Breaches.

1. The Senate and Assembly hereby find and declare that:

(a) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member." (Heller v. Legislature, 120 Nev. 456 (2004); Commission on Ethics v. Hardy, 125 Nev. 285 (2009); Mason's Manual of Legislative Procedure §§ 2-3 and 560-564 (2010) (Mason's Manual))

(b) Section 7 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate any person who is not a member but who is guilty of disrespect to the House by disorderly or contemptuous behavior in its presence, and each House also has inherent powers, according to the common parliamentary law, to prohibit and sanction all offensive behavior committed against it by any person who is

not a member. (Mason's Manual §§ 805-806; Luther S. Cushing, Elements of the Law & Practice of Legislative Assemblies §§ 690-695 (1856) (Cushing's Legislative Assemblies))

(c) In addition to its other powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (In re Chapman, 166 U.S. 661, 668 (1897); Mason's Manual § 2; Cushing's Legislative Assemblies § 533)

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

2. The Senate and Assembly hereby exercise their constitutional and inherent powers and privileges and adopt the Legislative Code of Ethical Standards in the Joint Standing Rules to:

(a) Establish ethical standards to regulate the behavior and conduct of persons who participate in the legislative process; and

(b) Prohibit and sanction ethical breaches.

CONTINUATION OF RULES

Rule No. 40. Continuation of Joint Standing Rules During the Interim Between Regular Sessions.

The Joint Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Joint Standing Rules of the Senate and Assembly are adopted as part of the organization of a newly-constituted Legislature at the commencement of a session, unless a conflict exists with a rule adopted by the Senate and Assembly for a special session occurring between regular sessions.

And be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Jauregui moved the adoption of the resolution.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

The resolution sets out the Joint Standing Rules of the Senate and Assembly for the 82nd Session of the Nevada State Legislature.

Resolution adopted and ordered transmitted to the Senate.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 2—Authorizing additional reimbursement for travel in certain circumstances.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That to offset the increased cost of flights, a legislator may apply for reimbursement for travel of 50 miles or more between the legislator's home and Carson City, Nevada, to serve during the 82nd (2023) Session of the Nevada Legislature by submitting a claim for the reimbursement of any amount the legislator is required to pay for such travel which exceeds the amount authorized to be provided pursuant to NRS 218A.645, up to a maximum amount of $10,000 per legislator; and be it further

RESOLVED, That the amount of any such claim that is approved be verified, processed and paid in the same manner as claims pursuant to NRS 218A.645; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Jauregui moved the adoption of the resolution.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

The resolution authorizes legislators who travel 50 miles or more between their residence and Carson City to apply for additional reimbursement to offset higher costs of travel.

Resolution adopted and ordered transmitted to the Senate.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 1—Adopting the Standing Rules of the Assembly for the 82nd Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules are hereby adopted for the 82nd Session of the Legislature as follows:

I. OFFICERS AND EMPLOYEES

DUTIES of OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Assembly, call the members back to order before the hour to which the Assembly had adjourned.

(c) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(d) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(e) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or adoption of a resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

(l) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

Rule No. 2. Continuation of Leadership and Standing Rules of the Assembly During the Interim Between Regular Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Assemblymen or Assemblywomen designated to be the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty required of that officer by the Standing Rules of the Assembly and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. The Assemblyman or Assemblywoman designated to be the Speaker and the Assemblyman or Assemblywoman designated to be the Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Assembly Standing Rule No. 23.

4. The Assemblyman or Assemblywoman designated to be the Speaker for the next succeeding regular session shall:

(a) Determine the start time of the Assembly's organizational session.

(b) Have the right to name any person to call the Assembly to order and preside over the Assembly's organizational session until a presiding officer is elected.

(c) Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Assembly once the Assembly is organized and ready for business.

5. The Assembly Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session, unless a conflict exists with a rule adopted by the Assembly for a special session occurring between regular sessions.

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

5. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the final journal, history and committee minutes of the Assembly.

6. At the direction of the Speaker or Speaker Designate, the Chief Clerk shall attest and affix the seal of the Assembly to all writs, warrants, subpoenas and formal documents issued by the Assembly.

7. The Chief Clerk shall have custody of all bills, resolutions, petitions, papers and other documents, including, without limitation, matters referred to the committees of the Assembly.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11:30 a.m., unless the Assembly adjourns to some other hour.

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

Rule No. 12. Convening of the Assembly between Legislative Sessions.

1. The Assembly may be convened at any time between sessions of the Legislature upon a petition signed by a majority of the members elected to the Assembly to consider and take action on any matter that is solely and exclusively within the constitutional or inherent powers of the Assembly, including, without limitation, any matter that may be considered and acted on by the Assembly pursuant to its plenary and exclusive constitutional powers under Article 4, Section 6 of the Nevada Constitution or pursuant to its inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management.

2. A petition convening the Assembly pursuant to this Rule must specify the matter that will be considered or acted on by the Assembly, indicate a date for the Assembly to convene and be transmitted to the Chief Clerk of the Assembly. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by a majority of the members elected to the Assembly, the Chief Clerk shall notify all members of the Assembly that the Assembly will be convened pursuant to this Rule and the date on which the Assembly will be convened.

3. The Assembly hereby finds and declares that:

(a) The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (Heller v. Legislature, 120 Nev. 456 (2004); Commission on Ethics v. Hardy, 125 Nev. 285 (2009); Mason's Manual of Legislative Procedure §§ 2-3 & 560-564 (2010) (Mason's Manual))

(b) Article 4, Section 6 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (In re Chapman, 166 U.S. 661, 668 (1897); Mason's Manual § 2; Luther S. Cushing, Elements of the Law & Practice of Legislative Assemblies § 533 (1856) (Cushing's Legislative Assemblies))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary,

they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next succeeding regular session, or until the Speaker or the Speaker Designate or the Minority

Leader or Minority Leader Designate appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest, including, without limitation, alleged breaches of the Legislative Code of Ethical Standards in the Joint Standing Rules.

8. All proceedings held by the Committee to consider the character, alleged misconduct, professional competence or physical or mental health of any person on matters of ethics or conflicts of interest and all materials related to those proceedings are confidential, unless the person who is the subject of the proceedings requests a public hearing or discloses the content of the proceedings or materials.

9. An individual may file a complaint which alleges a breach of ethics or a conflict of interest, including, without limitation, an alleged breach of the Legislative Code of Ethical Standards in the Joint Standing Rules. If the alleged breach of ethics or conflict of interest involves the conduct of more than one person, separate complaints must be filed regarding each person. A complaint must be:

(a) Made in writing on a form provided by the Legislative Counsel;

(b) Signed and verified under penalty of perjury by the individual making the allegation; and

(c) Filed with the Legislative Counsel who shall review the complaint and any other relevant information and consult with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair, to evaluate whether the Committee has jurisdiction and whether an investigation is warranted in the matter. If it is determined that the Committee:

(1) Does not have jurisdiction or that an investigation is not warranted in the matter, the Legislative Counsel shall send written notice of the determination to the individual who filed the complaint.

(2) Has jurisdiction and an investigation is warranted in the matter, the Legislative Counsel shall send written notice of the determination and a copy of the complaint to the person who is the subject of the complaint.

10. Each Legislator is subject, at all times, to the Legislative Code of Ethical Standards in the Joint Standing Rules and, in addition, must determine whether he or she has a conflict of interest upon any matter in question before the Legislator. In determining whether the Legislator has such a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a general disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

14. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

15. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

16. The standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 10:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters,
➥ except that this subsection does not exempt any members of the Assembly from the Legislative Code of Ethical Standards in the Joint Standing Rules.

17. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any proposal, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,
➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 31. Requirement of Voting.

1. A member shall vote on all proposals that come before the body unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

The next rule is 40.

V. LEGISLATIVE BODIES

A. Committees

Rule No. 40. Standing Committees.

The standing committees of the Assembly for the regular session, and for Legislative Operations and Elections for both the regular session pursuant to this Rule and for a special session pursuant to Assembly Standing Rule No. 142, are as follows:

1. Ways and Means.
2. Judiciary.
3. Revenue.
4. Education.
5. Legislative Operations and Elections.
6. Natural Resources.
7. Growth and Infrastructure.
8. Commerce and Labor.
9. Health and Human Services.
10. Government Affairs.

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. Except as otherwise provided in Assembly Standing Rule No. 45, all committees will operate under the rules set forth herein and other uniform committee rules as determined by

the Speaker and published on the Nevada Legislature's Internet website. Each committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

Rule No. 41.5. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his or her duties, the Speaker shall appoint an alternate of the same political party to serve in the chair's or the member's place for such time as is determined by the Speaker.

Rule No. 42. Subcommittees.

1. Subcommittees may be appointed by the chair to consider and report back on specific subjects or bills. If a member of a subcommittee is not a member of the standing committee for which the subcommittee is created, the approval of the Speaker is required for that member's appointment.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law.

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one proposal, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

5. Insofar as they are applicable and not in conflict with this Rule, a Committee of the Whole will observe the committee rules set forth in Section V(A) of the Assembly Standing Rules and such other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website.

6. A quorum of the Committee of the Whole is the same as a quorum of the House, and in case a quorum is not present or other defect is observed, the Committee can take no other action than to rise.

7. It is permissible to limit debate to a certain length of time, to close at a time certain, to limit the length of speeches, or to otherwise limit debate.

8. When a fixed duration is established for a Committee of the Whole, the time may be extended with consent of a majority of the members.

9. A motion for the previous question is not in order.

10. A Committee of the Whole cannot:

(a) Entertain any question of priority.

(b) Entertain any matter of privilege.

(c) Lay a proposal on the desk.

(d) Postpone consideration of any proposal.

(e) Reconsider a vote on a proposal no longer in possession of the Committee.

(f) Appoint a subcommittee.

(g) Punish members for disorderly conduct, but must report any misconduct to the body for its action.

11. Seconds to motions are required.

12. The minutes of the meetings of the Committee of the Whole must be entered in the Assembly's final journal.

Rule No. 46. Procedure for Election Contests.

1. If the Secretary of State delivers a statement of contest of the general election for the legislative office of any member pursuant to NRS 293.427, the Speaker shall appoint a committee to review the contest and designate the chair and vice chair of the committee. The committee must consist of three members who are not parties to the contest.

2. The parties to the contest must be designated as the contestant and the defendant, and the parties may be represented in the contest by attorneys who are licensed to practice law in this State.

3. The chair may take, direct or require any reasonable actions to facilitate or carry out the contest, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

4. The committee shall not review the merits of the contest unless the committee first determines that the contestant complied with all requirements to bring and maintain the contest. To assist the committee in making its determination, the chair shall take, direct or require any reasonable actions to provide the parties with notice and an opportunity to submit written arguments to the committee limited to the issue of whether the contestant complied with all requirements to bring and maintain the contest.

5. If the committee determines that the contestant complied with all requirements to bring and maintain the contest, the committee shall review the merits of the contest pursuant to this rule. If the committee determines that the contestant did not comply with all requirements to bring and maintain the contest, the committee shall report to the Assembly its recommendation that the Assembly should not take further action on the contest and that the Assembly should dismiss the contest with prejudice. As soon as practicable after receiving the committee's report, the Assembly shall vote on whether to accept or reject the committee's recommendation without amendment. If the Assembly accepts the committee's recommendation, the Speaker shall declare that the Assembly shall not take further action on the contest and that the Assembly dismisses the contest with prejudice. If the Assembly rejects the committee's recommendation, the Speaker shall declare that the Assembly returns the contest to the committee with directions to review the merits of the contest pursuant to this rule.

6. If the committee reviews the merits of the contest pursuant to this rule, the committee may conduct any reasonable hearings or other proceedings to receive any evidence and arguments from the parties regarding the merits of the contest. The committee shall keep written minutes of any hearings that are conducted.

7. To the extent possible, the merits of the contest must be presented and submitted to the committee upon depositions and any written or oral arguments as the chair may order. If, at any hearings or other proceedings, any oral statements are made that purport to establish matters of fact, the statements must be made under oath. Strict rules of evidence do not apply in any hearings or other proceedings, but the chair may admit or exclude any evidence based on the rules of evidence.

8. A party may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State, but the chair may establish reasonable limitations and deadlines regarding any depositions. Before taking a deposition, a party must provide at least 5 days' notice to the prospective deponent and the other party.

9. To prevail on the merits of the contest, the contestant has the burden of proving that, based on one or more of the grounds set forth in NRS 293.410, there were sufficient irregularities in the election of such a substantial nature as to establish that the result of the election was changed thereby.

10. If the committee reviews the merits of the contest pursuant to this rule, the committee shall report to the Assembly its findings and its recommendation on which party should be declared elected, unless the committee declines to make such a recommendation in its report. As soon as practicable after receiving the committee's report, the Assembly shall vote on whether to accept or reject the committee's recommendation without amendment, if such a recommendation is made. If the Assembly accepts the committee's recommendation, the Speaker shall declare the recommended party elected. If the Assembly rejects the committee's recommendation or if the committee did not make such a recommendation, the Assembly shall vote on which party should be declared elected, and the Speaker shall declare the party elected after the vote.

11. If the contestant is declared elected and seated as a member of the Assembly as a result of the contest, the Speaker shall inform the Governor of the Assembly's actions.

B. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all proposals before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Prepare and distribute a work session document that contains a list of all measures on which the committee is ready to consider final action;

(f) Call recesses of the committee as deemed necessary;

(g) Request amendments to resolve conflicts;

(h) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(i) Sign and submit bill draft requests on behalf of the committee;

(j) Appoint subcommittees, as necessary;

(k) Provide direction to committee support staff;

(l) Prepare and submit committee reports;

(m) Review and approve minutes of the committee;

(n) Handle unfinished business for measures heard in the committee; and

(o) Inform the Speaker of committee activity.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

Rule No. 49. Committee Staff.

Duties of committee attaches shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet jointly whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

3. When a joint meeting is chaired by a Senator, the practices of the Senate that are inconsistent with those of the Assembly do not create a precedent for the same practice in the Assembly.

Rule No. 51. Committee Records.

1. The chair of each committee shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording but, except as otherwise provided in this subsection, the official record of the committee is the minutes of the committee meeting approved by the chair pursuant to paragraph (m) of subsection 3 of Assembly Standing Rule No. 47. Minutes of joint meetings prepared by non-Assembly staff are not official records of the Assembly.

4. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the minutes of committee meetings.

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

Rule No. 52.5. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the Legislative Building and be posted on the Nevada Legislature's Internet website.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held behind the bar on the floor of the Assembly during a recess;

(b) Conference committee meetings; or

(c) Meetings of the Committee of the Whole.

C. COMMITTEE HEARINGS

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. At the direction of the Chair, lobbyists, the press, and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. In addressing the committee, a person must state for the record whether he or she supports, opposes or is neutral to the bill or resolution before the committee. For purposes of legislative intent:

(a) "Support" of a bill or resolution shall be construed as:

(1) Approval of the measure as written; or

(2) Approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure.

(b) "Opposition" to a bill or resolution shall be construed as:

(1) Not supporting the measure as written; or

(2) Opposing the measure as revised by an amendment that has not been approved by the sponsor of the measure.

(c) A "neutral" position on a bill or resolution is one in which the person offers particular insight on the measure but expresses no position on the measure.

3. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

4. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

5. Questions from the committee will be restricted to relevant subject areas.

6. When the chair deems necessary, witnesses will be sworn in pursuant to NRS 218E.040 before providing testimony.

7. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. In addition to the use of remote-technology systems pursuant to the Remote-Technology Rule in Assembly Standing Rule No. 126, at the discretion of the chair and with the approval of the Speaker, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference or other appropriate remote-technology systems.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn not later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, a meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in order to conduct a meeting outside Carson City.

7. The designated meeting room or rooms of a committee meeting conducted with all members participating via the use of remote-technology systems pursuant to the direction of the Speaker, must remain locked during the committee meeting and only the committee staff designated by the Chief Clerk, if any, may be present in a committee room during the meeting.

D. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid.

4. Absent approval by the Speaker or unanimous consent to waive the waiting period, a committee may not take final action on a bill or resolution until at least 24 hours after the close of the hearing on the bill or resolution.

5. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all proposals that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

6. A majority vote of the entire committee is required to reconsider action on a bill or resolution.

7. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

8. Absent the consent of the chair and the approval of the Speaker, the chair must be present when the committee votes to take any final action regarding bills or resolutions.

9. No member of the committee may vote by proxy under any circumstances.

10. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair or other person approved by the Speaker has informed the Speaker of the intention of the committee to consider such a proposal.

11. Every committee vote on a matter pertaining to a bill, resolution or initiative petition must be recorded. The vote may be taken by roll call at the discretion of the chair.

12. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

13. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

14. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

15. The minority of a committee may not make a report or present to the House an alternative report.

E. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

F. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be

subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a proposal is postponed indefinitely, the same proposal must not be considered again during the session. The question is not subject to a motion for reconsideration.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

Rule No. 67. Division of Proposal.

Any member may call for a division of the proposal, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

Rule No. 68. Reserved.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Proposal.

1. No member shall speak more than twice during the consideration of any one proposal, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution, initiative petition or amendment. If the member desires to speak on the importance of such issue, bill, resolution, initiative petition or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members and sustained by a majority vote of the members present. The previous question shall not be moved by the member last speaking on the proposal.

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

Rule No. 92. Reserved.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

1. Except as otherwise provided in subsection 2, no person, except former Assemblymen and Assemblywomen not currently serving in the Senate, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

2. A former Senator or former Assemblyman or Assemblywoman who is expelled from service in the Senate or the Assembly shall have the privilege of the floor only with permission of the Speaker.

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or resolution upon its introduction.

Rule No. 99. Remarks.

The remarks of all members on final passage of bills and initiative petitions and on adoption of resolutions shall be included in the day's journal. In addition, it shall be in order for members to make remarks under other orders of business and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada and judicial decisions thereon.

2. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

3. Custom, usage and precedence.

4. The Statutes of the State of Nevada.

5. Mason's Manual of Legislative Procedure.

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.

2. Motions to adjourn.

3. Questions relating to the rights and privileges of the Assembly or any of its members.

4. A call of the House.

5. Motions for special orders.

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill shall be rejected. The same proposal must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading,

Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

4. It shall not be in order to consider an amendment that removes all sponsors of a bill or resolution.

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File or General File, as appropriate. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and initiative petitions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or initiative petition during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill or initiative petition must limit his or her remarks to an explanation of the bill or initiative petition. If the

member desires to speak on the importance of the bill or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

1. A motion to reconsider a final vote on a bill, resolution or initiative petition shall be in order only on the day on which the final vote is taken, and the vote on such a motion to reconsider must be taken on the same day. The motion to reconsider can be made only by a member who voted with the prevailing side.

2. A motion to reconsider a vote on an amendment to a pending proposal must be made at once and can be made only by a member who voted with the prevailing side.

3. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill, resolution or initiative petition. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn or to fix the time to adjourn; and when the Assembly adjourns while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom. It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Joint Resolutions.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A roll call vote must be taken on final adoption of a joint resolution.

3. Joint resolutions, upon enrollment, must be delivered to the Secretary of State.

4. Joint resolutions proposing amendments to the Nevada Constitution or ratifying a proposed amendment to the United States Constitution must be entered in the Journal in their entirety.

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Vetoed Bills and Special Orders of the Day.
15. Remarks from the Floor, limited to 3 minutes.

E. REMOTE-TECHNOLOGY SYSTEMS

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Authorized Use of Remote-Technology Systems in Exceptional Circumstances.

1. As used in this Rule, "remote-technology system" means any system or other means of communication that is:

(a) Approved by the Speaker and uses any electronic, digital or other similar technology to enable a member of the Assembly from a remote location to attend, participate, vote and take any other action in any proceedings of the Assembly or the Committee of the Whole even though the member is not physically present within the Assembly Chambers or at a meeting of the Committee of the Whole.

(b) Approved by the chair of a committee, other than the Committee of the Whole, and uses any electronic, digital or other similar technology to enable a member of the Assembly from a remote location to attend, participate, vote and take any other action in any proceedings of the committee even though the member is not physically present at a meeting of the committee.

2. Upon request by a member of the Assembly:

(a) The Speaker may authorize the member to use a remote-technology system to attend, participate, vote and take any other action in any proceedings of the Assembly or the Committee of the Whole if the Speaker determines that exceptional circumstances warrant such use by the member. If the Speaker grants such authorization, it must be entered in the Journal of the Assembly.

(b) The chair of a committee, other than the Committee of the Whole, with the approval of the Speaker, may authorize the member to use a remote-technology system to attend, participate, vote and take any other action in any proceedings of the committee if the chair and the Speaker determine that exceptional circumstances warrant such use by the member. If the chair grants such authorization, it must be entered in the records of the committee.

3. If a member of the Assembly uses a remote-technology system to attend, participate, vote and take any other action in any proceedings pursuant to this Rule, the member shall be deemed to be present and in attendance at the proceedings for all purposes.

4. For the purposes of voting in proceedings of:

(a) The Assembly or the Committee of the Whole, the Chief Clerk of the Assembly, or an authorized assistant, shall call the roll of each member who is authorized to use a remote-technology system for the proceedings and, in accordance with the procedures of the Assembly, cause the member's vote to be entered into the record for the purposes of the Journal of the Assembly or the records of the Committee of the Whole, as applicable.

(b) A committee, other than the Committee of the Whole, the committee secretary shall call the roll of each member who is authorized to use a remote-technology system for the proceedings and, in accordance with the procedures of the committee, cause the member's vote to be entered into the record for the purposes of the records of the committee.

5. Except as otherwise provided in subsection 7 of Assembly Standing Rule No. 55, this Rule supersedes, takes precedence and controls over any other rule, provision or principle of law to the extent of any conflict with this Rule.

6. The Assembly hereby finds and declares that:

(a) The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (Heller v. Legislature, 120 Nev. 456 (2004); Commission on Ethics v. Hardy, 125 Nev. 285 (2009); Mason's Manual of Legislative Procedure §§ 2-3 & 560-564 (2010) (Mason's Manual))

(b) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to determine the rules of its proceedings and to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (In re Chapman, 166 U.S. 661, 668 (1897); Mason's Manual § 2; Luther S. Cushing, Elements of the Law & Practice of Legislative Assemblies § 533 (1856) (Cushing's Legislative Assemblies))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

(g) Under the Nevada Constitution, there are no constitutional provisions establishing a particular method for determining whether a member of either House is present at legislative proceedings.

(h) The United States Supreme Court has held that when there are no constitutional provisions establishing a particular method for determining whether a member of a legislative house is present at legislative proceedings, "it is therefore within the competency of the house to prescribe any method which shall be reasonably certain to ascertain the fact." (United States v. Ballin, 144 U.S. 1, 6 (1892))

(i) The United States Supreme Court has also held that when a legislative house adopts a rule establishing a reasonable method for determining whether a member is present at legislative proceedings, that rule must be given great deference by the courts because:

Neither do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration. With the courts the question is only one of power. The constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and, within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

(United States v. Ballin, 144 U.S. 1, 5 (1892))

7. The Assembly hereby exercises its constitutional and inherent powers and privileges and adopts this Rule to:

(a) Govern, control and regulate its membership and its internal organization, affairs and management;

(b) Ensure its institutional self-protection and self-preservation; and

(c) Establish a reasonable method for determining whether a member of the Assembly is present at legislative proceedings during exceptional circumstances.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

X. SPECIAL SESSIONS

Rule No. 142. Request for Drafting of Bills, Resolutions or Amendments.

1. Except as otherwise provided in subsections 2 and 3, the Legislative Counsel shall not honor a request for the drafting of a bill or resolution to be introduced in the Assembly during a special session, or an amendment to a bill or resolution, unless it is submitted by the Speaker, the Committee of the Whole, such other committees as the Speaker may appoint for a special session, or a conference committee.

2. The standing Committee on Legislative Operations and Elections may request the drafting of three Assembly resolutions and one Assembly concurrent resolution necessary to establish the rules, staffing, operation and organization of the Assembly and the Legislature for a special session.

3. The Speaker may request the drafting of five bills for a special session without seeking the approval of the Assembly.

The next rule is 150.

XI. ASSEMBLY EMERGENCY RULES

Rule No. 150. Reserved.

Rule No. 151. Reserved.

And be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Jauregui moved the adoption of the resolution.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Resolution 1 contains the Assembly Standing Rules for the 82nd Session.

Resolution adopted and ordered to enrollment.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 2—Providing for the appointment of the Assembly attaches.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attaches of the Assembly for the 82nd Session of the Legislature of the State of Nevada: Diane Abbott, Carol Aiello-Sala, Cindy Benjamin, Meghan Burke, Jason Hataway, Susan Hoffman, Julieanna McManus, Mary Matheus, Ronald Corda, Robert Guernsey, Vickie Kieffer, Nicole Madden, Kelley Perkins, Joseph Pollock, Lisa Tolda, Michael Wright, Sylvia Dominguez-Curry, Barbara Eiche, Jasmine Shackley, Jan Wolfley, Saramei Kalaoram, Merleyn Bell, David Ziegler, Ryan Leonard, Nathaniel Helton, Sandy Dombrowski, Kevin Magee, Daniel Honchariw, Sarah Franklin, Laura Austin, Julie Axelson, Connie Barlow, Kathy Biagi, Judith Bishop, Anne Bowen, Tyler Boyce, Travis Brewer LaChapelle, Brian Burke, Kevin Castellanos, Caleb Chavez, Nick Christie, Joseline Cuevas, Nancy Davis, Tracy Davis, Natalie Dean, Ana Delgadillo, Patricia Demsky, Traci Dory, Erinn Durmick, Adrienne Feemster Cobb, Jeffrey Ferguson, Sandro Figueroa, Linda Fitzgerald, Spencer Flanders, Sarah Flocchini, Akyra Ford, Anna Freeman, Dawson Frost, Joi Guthrie, Gina Hall, Justin Hopson, Theresa Horgan, Kristi Howard, Lindsey Howell, Cynthia Ihejirika, Shuruk Ismail, Natalia Jordan, Devon Kajatt, Norma Kea, Breon King, Garrett Kingen, Aaron Klatt, Mark Krmpotic, Leya Ladzinski, Cyndi Latour, Janet Lazarus, Elizabeth Lepe, Roberto Lusanta Jr., Kirsten Mashinter, Lori McCleary, Cullen McGinnis, Sara Menke, Chris Molnar, Susan Moore, Carmen Neveau, Maria Nieto Orta, William O'Driscoll, Janet Osalvo, Kelly Osborne, Cindy Paiva, Deborah Paul, Marcy Peterson, Andrew Presser, Shiloh Reading, Henry Rosas Ibarra, Karen Rutledge, Peter Saba, Elizabeth Saenz, Julia Salas, Christina Salerno, Ethan Salerno, Marshawna Sanford, Connor Schmitz, Funmi Sheddy, Dylan Small, Nixie Sosa Morales, Jean Spell, Shreya Sreedharan, Geigy Stringer, Victoria Supple, Garrett Tamagni, Ashley Torres, Bet Nimra Torres Perez, Betty Jo Vonderheide, Jeffrey Welte, Karyn Werner, Sylvia Wiese, Cheryl Williams, Spencer Wines, Janice Wright, Caren Royce Yap and Alyssa Zucco; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Jauregui moved the adoption of the resolution.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Resolution 2 provides for the appointment of Assembly attachés for the 82nd Session.

Resolution adopted and ordered to enrollment.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 3—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the sum to be allowed, as provided by law, for each member of the Assembly for periodicals, stamps and stationery is $60 and for the use of telephones is $2,800, and the sum to be allowed, as provided by law, for the Speaker and Speaker Pro Tempore, Majority Floor Leader, Minority Floor Leader and chair of each standing committee of the Assembly for postage, telephone tolls and other communication charges is $900; and be it further

RESOLVED, That these amounts be certified by the Speaker and Chief Clerk to the State Controller, who is authorized to draw warrants therefor on the Legislative Fund, and the State Treasurer is thereafter authorized to pay these warrants; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Jauregui moved the adoption of the resolution.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Resolution 3 provides allowances to members of the Assembly and leadership for periodicals, stamps, stationery, and communications for the 82nd Session.

Motion carried.

Resolution adopted and ordered to enrollment.

Assemblywoman Jauregui moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 6, 2023, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

GRAY COMMUNICATIONS: Terri Russell; KKVV-AM & KHWG-FM: Chuck N. Baker; KLAS-TV 8 NEWS NOW: Eric Jungblut, John Langeler; KOLO-TV: Wade Barnett, Michael Cooper, Ashley Grams; KTVN: Mark Cronon, Faith Evans, Makayla Hardy, Josh Meny; KUNR–RENO PUBLIC RADIO: Paul Boger, Jose Davila, Lucia Starbuck; LAS VEGAS REVIEW JOURNAL: Taylor Avery, Jessica Hill; LEAVITT CONSULTING LTD; Andrew Leavitt; NEVADA CURRENT: Richard Bednarski, April Corbin Girnus, Hugh Jackson, Michael Lyle; RENO GAZETTE-JOURNAL: Jason Hildago; SIERRA NEVADA ALLY/KNVC: Noah Glick; TELEMUNDO RENO: Freixys Casado; THE NEVADA GLOBE: Megan Barth; THE NEVADA INDEPENDENT: Jannelle Calderon, David Calvert, Sean Golonka, Tim Lenard, Joey Lovato, Tabitha Mueller, Michelle Rindels, Carly Sauvageau, Jacob Solis.

Motion carried.

By Assemblymen Titus, Benitez-Thompson, Krasner, Gorelow, Hafen, Hansen, Hardy, Matthews, Nguyen, Orentlicher, Peters, Summers-Armstrong and Thomas; Senators Hardy, D. Harris, Seevers Gansert, Kieckhefer and Ratti.

Assembly Joint Resolution No. 1 of the 81st Session—Proposing to amend the Nevada Constitution to add and revise terms relating to persons with certain conditions for whose benefit certain public entities are supported by the State.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 13 of the Nevada Constitution be amended to read as follows:

Section ~~[.]~~ 1. ~~[Institutions]~~ ***Entities*** for the benefit of ~~[the Insane, Blind and Deaf and Dumb,]~~ ***persons with significant mental illness, persons who are blind or visually impaired, persons who are deaf or hard of hearing and persons with intellectual disabilities or developmental disabilities,*** and such other benevolent ~~[institutions]~~ ***entities*** as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Watts, C.H. Miller, Frierson, Brittney Miller, Monroe-Moreno, Summers-Armstrong, and Thomas; Senators D. Harris, Neal, and Spearman.

Assembly Joint Resolution No. 10 of the 81st Session— Proposing to amend the Ordinance of the Nevada Constitution and the Nevada Constitution to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Ordinance of the Nevada Constitution be amended to read as follows:

In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

First. That there shall be in this state neither slavery nor involuntary servitude ~~[~~, ~~otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.]~~

Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.

Third. That the people inhabiting said territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States, unless otherwise provided by the congress of the United States.

And be it further

RESOLVED, That Section 17 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 17. Neither Slavery nor involuntary servitude ~~[unless for the punishment of crimes]~~ shall ever be tolerated in this State.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1.

Assemblywoman Jauregui moved that all rules be suspended, reading so far had considered first reading, rules further suspended, and Senate Bill No. 1 be declared an emergency measure under the *Constitution* and placed on Third Reading and Final Passage.

Remarks by Assemblywoman Jauregui.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

ASSEMBLYWOMAN JAUREGUI:
This is the bill that funds the legislative session.

Roll call on Senate Bill No. 1:

YEAS—42.

NAYS—None.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Revenue:

Assembly Bill No. 1—AN ACT relating to taxation; authorizing certain counties to impose an additional local sales and use tax to fund the operation of a system of solid waste management; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 2—AN ACT relating to public safety; authorizing certain vehicles used by a local governmental agency, or owned or operated by a

contractor thereof, to be equipped with and use tail lamps that emit nonflashing blue light under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 3—AN ACT relating to the State Permanent School Fund; reducing the frequency of financial reports of the State Permanent School Fund; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 4—AN ACT relating to education; revising provisions governing meetings of the Commission on School Funding; revising the membership of the Commission on Professional Standards in Education; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 5—AN ACT relating to local financial administration; requiring the Department of Taxation to contract for a study of certain unfunded mandates on local governments; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 6—AN ACT relating to health care; providing for the establishment of a health care cost growth benchmark for each year as a target for the maximum growth of total health care spending during that year; requiring certain state agencies to collaborate to develop and engage relevant persons and entities to implement strategies for meeting the health care cost growth benchmark; requiring certain insurers to report information relating to health care spending in this State; requiring the Director of the Department of Health and Human Services to publish an annual report concerning health care spending in this State; requiring the Patient Protection Commission within the Office of the Director to make certain recommendations concerning the health care cost growth benchmark and hold an annual informational public hearing

concerning health care spending in this State; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 7—AN ACT relating to health care; expanding immunity from certain liability for health care providers who use a health information exchange; requiring certain health care records to be created, authenticated and stored on a computer system that meets certain requirements; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 8—AN ACT relating to metropolitan police departments; revising the membership of a metropolitan police committee on fiscal affairs to add one additional member from the participating political subdivision that is a county; making the member selected by the committee from the general public a nonvoting member; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 9—AN ACT relating to behavioral health; authorizing a regional behavioral health policy board to employ certain staff; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to provide certain assistance to a regional behavioral health policy board; authorizing a regional behavioral health policy board to engage in certain activities; prescribing certain duties of a regional behavioral health policy board; requiring each mental health consortium to submit a long-term strategic plan to the respective regional behavioral health policy boards; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 10—AN ACT relating to tax increment areas; defining "transportation and housing reinvestment zone"; authorizing a governing body to designate by ordinance a transportation and housing reinvestment zone; setting forth certain requirements for a transportation and housing

reinvestment zone; establishing certain requirements for the allocation of property tax revenue in a transportation and housing reinvestment zone; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 11—AN ACT relating to health care; prohibiting a hospital or psychiatric hospital from employing a physician under certain circumstances; providing penalties for a violation of such prohibition; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 12—AN ACT relating to courts; revising the required size of a jury for a criminal action tried by a jury in a justice court or municipal court; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 13—AN ACT relating to governmental administration; revising provisions governing the protections against reprisal or retaliatory action provided for a state officer or employee who discloses certain governmental action; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 14—AN ACT relating to business; revising provisions governing the state business portal; requiring the Secretary of State to provide for the integration with the state business portal of the applications of a state or local agency or health district for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State; requiring, with certain exceptions, each state agency, local agency and health district to comply with certain requirements relating to the state business portal; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 15—AN ACT relating to district judges; prescribing the manner for increasing the annual base salary of district judges; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 16—AN ACT relating to courts; prescribing the manner for increases in the annual base salary of the justices of the Nevada Supreme Court and the judges of the Nevada Court of Appeals; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 17—AN ACT relating to motor vehicles; removing the requirement that a person who is convicted of driving under the influence of alcohol or a controlled substance must dress in certain distinctive garb while performing community service ordered by a court; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 18—AN ACT relating to governmental administration; revising the definitions of certain terms related to the provision of information services to using agencies by the Division of Enterprise Information Technology Services of the Department of Administration; revising the composition of the Division; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 19—AN ACT relating to water; expanding the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program to include tribal governments in this State; providing, under certain circumstances, that officers and employees of tribal governments are exempt from certain licensing requirements for state water right surveyors; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 20—AN ACT relating to water; making various changes to provisions relating to the Account to Finance the Construction of Treatment Works and the Implementation of Pollution Control Projects; making various changes to provisions relating to the Account for the Revolving Fund and the Account for Set-Aside Programs; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 21—AN ACT relating to financial services; revising the powers and duties of the Commissioner of Financial Institutions with respect to the licensure and regulation of persons engaged in the business of money transmission; exempting certain persons from provisions governing money transmission; revising provisions relating to the issuance and renewal of licenses to engage in the business of money transmission; revising provisions relating to the confidentiality of certain records maintained by the Commissioner; imposing certain requirements and restrictions on applicants for a license, licensees, authorized delegates, key individuals and persons seeking to acquire control of a licensee; setting forth certain requirements for transactions involving money transmission; revising provisions relating to the suspension, revocation or denial of renewal of a license; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 22—AN ACT relating to contractors; revising provisions governing the actions that the State Contractors' Board is authorized or required to take after the issuance of a cease and desist order for unlicensed activity; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 23—AN ACT relating to contractors; authorizing a person who is issued a written administrative citation by the State Contractors' Board to request an informal citation conference before the Executive Officer

of the Board; establishing requirements and procedures for such an informal citation conference; establishing procedures by which a person is authorized to contest a citation which has been affirmed or modified following such an informal conference; providing that the failure of a person to comply with the terms of a citation which has been affirmed or modified within a certain period of time constitutes cause for disciplinary action; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 24—AN ACT relating to emergency medical services; revising the membership of the Committee on Emergency Medical Services to add a member who is employed by or volunteers with an agency, organization or other operator that provides emergency medical services on tribal land; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 25—AN ACT relating to emergency care; revising the limitation on liability for certain persons who administer cardiopulmonary resuscitation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 26—AN ACT relating to state purchasing; requiring a state entity that is purchasing an automobile to give preference to automobiles that will minimize long-term operating costs and greenhouse gas emissions; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 27—AN ACT relating to contractors; requiring a general building contractor who provides management and counseling services on a construction project to have an active license in each classification or subclassification required to be held by the prime contractor for the construction project; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 28—AN ACT relating to the State Treasurer; establishing the Nevada Baby Bonds Program and the Nevada Baby Bonds Trust Fund; setting forth the duties and responsibilities of the State Treasurer in administering the Program and Trust Fund; authorizing the State Treasurer to adopt regulations relating to the Program; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 29—AN ACT relating to contractors; revising the grounds for disciplinary action against a licensed contractor by the State Contractors' Board to include certain acts related to another person's application for a contractor's license; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 30—AN ACT relating to peace officers; authorizing the employment as peace officers of persons who are legally authorized to work in the United States under federal law; prohibiting the Peace Officers' Standards and Training Commission from adopting certain regulations; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 31—AN ACT relating to legal holidays; making Juneteenth Day a legal holiday in this State; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 32—AN ACT relating to criminal justice; revising the qualifications of the Executive Director of the Department of Sentencing Policy; revising provisions concerning the membership of the Nevada

Sentencing Commission; revising provisions relating to risk and needs assessments administered to certain probationers and parolees; authorizing the Division of Parole and Probation of the Department of Public Safety to impose confinement in a jail or detention facility or place a person under a system of active electronic monitoring for technical violations of the conditions of probation or parole; requiring the system of graduated sanctions adopted by the Division to include guidance on the use of such confinement and electronic monitoring; revising the definition of "technical violation" as the term relates to violations of the conditions of probation or parole; revising provisions relating to the temporary and full revocation of probation, suspension of sentence or parole supervision for technical violations of the conditions of probation or parole; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 33—AN ACT relating to governmental financial administration; revising provisions governing the investment of money in the State Permanent School Fund; revising provisions governing the investment of money by certain governmental entities; revising provisions governing money transferred from the State Permanent School Fund to a corporation for public benefit to provide private equity funding to certain businesses; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 34—AN ACT relating to water; revising various public notice requirements relating to water; revising certain requirements for maps relating to water rights; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 35—AN ACT relating to corrections; requiring the Director of the Department of Corrections to adopt regulations authorizing an offender to possess, have in his or her custody or control and use a telecommunications device for certain purposes; revising the definition of a telecommunications device to include certain tablets; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 36—AN ACT relating to veterans; adding certain members to the Interagency Council on Veterans Affairs; revising certain data submitted to the Council; removing a requirement that the Council develop and administer a fellowship program; revising the time period to which certain reports pertain; revising the duties of the Women Veterans Advisory Committee; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 37—AN ACT relating to behavioral health; authorizing the establishment of the Behavioral Health Workforce Development Center of Nevada at one or more institutions within the Nevada System of Higher Education; prescribing the structure and duties of the Center; authorizing the Board of Regents of the University of Nevada to accept, receive, invest, disburse and account for money received for purposes related to the Center; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 38—AN ACT relating to economic development; requiring any money remaining in the Workforce Innovations for a New Nevada Account at the end of a fiscal year be carried forward to the next fiscal year and not revert to the State General Fund; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 39—AN ACT relating to contractors; authorizing the State Contractors' Board to adopt regulations establishing mandatory elements to be included in contracts for work concerning certain residential improvements; establishing certain requirements for such contracts and for residential contractors who enter into such contracts; making the failure to comply with those requirements a cause for disciplinary action; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 40—AN ACT relating to food establishments; requiring an applicant for a permit to operate a food establishment to provide an electronic mail address for purposes of communicating certain notices; authorizing a health authority to furnish an electronic original of a food inspection report form; authorizing service of certain written notices by a health authority to be provided electronically; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 41—AN ACT relating to economic development; establishing the Nevada Innovation Account; requiring the Executive Director of the Office of Economic Development within the Office of the Governor to establish certain programs to be funded from the Account; establishing certain duties of the Executive Director regarding such programs; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Education:

Assembly Bill No. 42—AN ACT relating to education; requiring annual reports of accountability for public schools to include information relating to requests for variances from prescribed maximum pupil-teacher ratios; making certain requirements relating to pupil-teacher ratios applicable to charter schools and university schools for profoundly gifted pupils; revising or prescribing the maximum pupil-teacher ratios for certain classes and grades; revising the procedure to request a variance from requirements concerning maximum pupil-teacher ratios; revising certain reporting requirements relating to pupil-teacher ratios; removing authorization for certain smaller school districts to comply with the alternative maximum pupil-teacher ratios; eliminating certain requirements relating to the distribution of money for the reduction of pupil-teacher ratios; requiring the development of certain guidance concerning the reduction of pupil-teacher ratios; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 43—AN ACT relating to emergency management; revising certain deadlines relating to school emergency operations plans; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 44—AN ACT relating to veterans; revising the titles of the deputy directors of the Department of Veterans Services; revising certain duties of the Director of the Department; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 45—AN ACT relating to health care; creating a program to repay the student education loans of certain providers of health care; prescribing the requirements to receive repayment of student education loans under the program; providing for the administration of the program; providing certain funding for the program; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 46—AN ACT relating to historical preservation; revising provisions relating to the responsibility for the installation, maintenance and protection of historical markers; making various other changes related to the State Historical Marker Registry; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 47—AN ACT relating to off-highway vehicles; revising provisions governing public trails for the operation of off-highway vehicles; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 48—AN ACT relating to privileges; revising provisions relating to the privilege for communication between a victim of certain crimes and a victim's advocate; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 49—AN ACT relating to criminal procedure; prescribing separate forms for certain postconviction petitions for a writ of habeas corpus; revising various provisions relating to postconviction petitions for a writ of habeas corpus; eliminating the requirement that the respondent to a postconviction petition for a writ of habeas corpus file a return with the court; revising provisions relating to a petition for a hearing to establish the factual innocence of a person; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 50—AN ACT relating to crimes; revising provisions relating to the prosecution of certain crimes; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 51—AN ACT relating to public safety; revising the period for the mandatory arrest of a person suspected of committing certain crimes against certain persons; revising the list of acts that constitute domestic violence when committed against certain persons; authorizing a court to include in certain orders for protection a provision authorizing the recording of certain communications; revising the penalties for the commission of certain crimes in violation of certain orders for protection; prohibiting a court from granting probation to or suspending the sentence of a person charged with committing a battery which constitutes domestic violence under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 52—AN ACT relating to governmental administration; revising provisions relating to the determination of a quorum of a public body and the number of votes necessary for a public body to take action; clarifying the applicability of the Open Meeting Law to certain gatherings of the members of a public body; revising the notice requirements for certain meetings of a public body; revising provisions related to abstaining from

voting by a member of a public body for certain conflicts of interest; creating exceptions to the Open Meeting Law for certain committees that prepare arguments relating to ballot measures; clarifying the applicability of the Open Meeting Law to certain foundations; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 53—AN ACT relating to tobacco products; revising penalties for sales of certain tobacco products to persons under 21 years of age; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Education:

Assembly Bill No. 54—AN ACT relating to education; revising provisions governing the compulsory school attendance of certain children; revising the contents required in certain annual reports of accountability of schools and school districts; revising provisions governing the reimbursement of certain hospitals and other facilities for providing educational services to children in their care; revising provisions governing the counting of pupils for purposes of calculating apportionment; requiring written evidence by a qualified physician, mental health professional or behavioral health professional to excuse a child from enrollment in or attendance at school under certain circumstances; requiring a child who has taken a high school equivalency assessment to attend school until receipt of notice of successful completion of the assessment; requiring a county advisory board to review school attendance to reflect the ethnic and geographic diversity of the county; revising provisions governing the absences of pupils; revising provisions governing habitual truancy; authorizing certain written notices and other documents to be made electronically; requiring a school to take certain actions relating to a truant pupil; imposing certain duties relating to chronic absenteeism on the board of trustees of a school district and the Department of Education; repealing certain provisions excusing attendance for certain children; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 55—AN ACT relating to unclaimed property; revising provisions of the Uniform Unclaimed Property Act; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 56—AN ACT relating to vehicles; authorizing certain vehicles to drive on the paved shoulder of a highway under certain circumstances; revising provisions governing the acts required of a driver of a vehicle upon the immediate approach of certain emergency or official vehicles; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 57—AN ACT relating to motor vehicles; revising provisions relating to a lien on a motor vehicle; revising the date by which the Director of the Department of Public Safety is required to submit certain reports concerning garages, garage operators and body shops; repealing provisions relating to special license plates issued to honorary consuls of foreign countries; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 58—AN ACT relating to economic development; providing that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year; making an appropriation to the Nevada Air Service Development Fund; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 59—AN ACT relating to the Office of the Secretary of State; authorizing certain employees of the Office of the Secretary of State, and the spouse, domestic partner or minor child thereof, to request that certain personal information be kept in a confidential manner; authorizing such persons to request that the Department of Motor Vehicles display an alternate address on his or her driver's license, commercial driver's license or identification card; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 60—AN ACT relating to local improvements; revising the process for the governing body of a municipality to provide notice of the annual assessment roll for a neighborhood improvement project; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 61—AN ACT relating to city elections; revising, under certain circumstances, the deadline for the governing body of a city to canvass and transmit the election returns from a city election; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 62—AN ACT relating to taxation; revising the qualifications for obtaining the exemption from taxation for certain property used for housing and related facilities for persons with low incomes; revising the qualifications for obtaining the exemption from taxation for certain property used for housing and related facilities for elderly persons or persons with disabilities; making legislative findings; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 63—AN ACT relating to public safety; requiring the Director of the Department of Transportation and the Director of the Department of Public Safety to review, study and prepare reports regarding certain issues that affect a certain segment of Interstate 80 in this State; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 64—AN ACT relating to elections; revising provisions relating to civil penalties for certain violations relating to campaign finance reports; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Education:

Assembly Bill No. 65—AN ACT relating to education; revising provisions relating to reports regarding and investigations into incidents of discrimination based on race, bullying and cyber-bullying; revising provisions governing the approval of work-based learning programs; revising provisions governing performance evaluations of certain postprobationary teachers and administrators; revising provisions governing the placement of children in certain early grades; revising provisions relating to discipline in public schools; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 66—AN ACT relating to ethics in government; making various changes relating to the provisions governing ethics in government; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 67—AN ACT relating to securities; creating the Fund for the Compensation of Victims of Securities Fraud and prescribing the use of money in the Fund; authorizing certain persons to whom a court orders restitution to apply for compensation from the Fund; requiring the Administrator of the Securities Division of the Office of the Secretary of State to review applications for and award compensation from the Fund; making confidential certain information; requiring the Division to adopt regulations relating to the administration of the Fund; requiring the Administrator to submit to the Legislature a biennial report concerning the Fund; requiring a person who receives compensation from the Fund to reimburse the State for such compensation under certain circumstances; revising provisions governing the deposit of certain money received by the Administrator; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 68—AN ACT relating to juvenile justice; revising the manner in which the assessment imposed on certain counties for the operation

of a regional facility for the treatment and rehabilitation of children is calculated; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 69—AN ACT relating to behavioral health; making certain providers of behavioral health care eligible to participate in the program of loan repayment administered by the Nevada Health Service Corps; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 70—AN ACT relating to wildlife; revising provisions relating to the authorized uses of certain fees for processing each application for a game tag; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 71—AN ACT relating to environmental justice; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct an interim study concerning environmental justice; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Education:

Assembly Bill No. 72—AN ACT relating to education; creating the Advisory Committee on the Safety and Well-Being of Teachers; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 73—AN ACT relating to education; establishing the right of public school pupils to wear traditional tribal regalia or recognized objects of religious or cultural significance at school graduation ceremonies; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 74—AN ACT relating to higher education; authorizing the Board of Regents of the University of Nevada to enter into an agreement to affiliate with a public or private entity for certain purposes; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 75—AN ACT relating to securities; defining "Nevada certified investor"; authorizing the Administrator of the Securities Division of the Office of the Secretary of State, who is the Deputy of Securities, to adopt certain regulations in consultation with the Office of Economic Development; providing for an exemption from certain requirements concerning the registration of securities for certain transactions involving an offer to sell or sale of a security by certain issuers who are residents of this State to a Nevada certified investor; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 76—AN ACT relating to civil actions; increasing the maximum amount recoverable as costs for the reasonable fees of certain expert witnesses; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 77—AN ACT relating to economic development; creating the Office of Entrepreneurship within the Office of Economic Development; setting forth the powers and duties of the Office of Entrepreneurship; providing that the records, files and communications of the Office of Economic Development are confidential; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblywoman Brown-May:

Assembly Bill No. 78—AN ACT relating to nursing; providing that certain persons who provide jobs and day training services are not required to be licensed as nurses; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Brown-May:

Assembly Bill No. 79—AN ACT relating to the state personnel system; revising provisions governing the temporary limited appointment of persons with disabilities by certain state agencies; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Watts and Duran and Senator Doñate:

Assembly Bill No. 80—AN ACT making an appropriation for the relocation of the National Atomic Testing Museum in Las Vegas, Nevada; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Hafen:

Assembly Bill No. 81—AN ACT relating to crimes; authorizing a person who holds a permit to carry a concealed firearm to possess a handgun in a motor vehicle that is on the property of the Nevada System of Higher Education or a private or public school or child care facility in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Mosca:

Assembly Bill No. 82—AN ACT relating to days of observance; requiring the Governor to annually proclaim the Saturday immediately preceding the last Saturday in October as "World Esports Day" in this State; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 83—AN ACT relating to sentencing; authorizing the modification of the sentence of certain prisoners released on parole under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 84—AN ACT relating to state lands; requiring the Division of State Parks of the State Department of Conservation and Natural Resources to issue, free of charge, an annual permit for entering, camping and boating in all state parks and recreational areas to members of certain Indian tribes under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 85—AN ACT relating to health care; creating the Independent Commission on Rates for Health Care Services; establishing procedures for fixing the rates charged by hospitals, independent centers for emergency medical care and surgical centers for ambulatory patients for certain goods and services; authorizing the imposition of a civil penalty and initiation of disciplinary action against such a facility that fails to comply with provisions concerning rate fixing; creating certain causes of action to enforce those provisions; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Hardy:

Assembly Bill No. 86—AN ACT relating to animals; revising provisions relating to animal cruelty; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblywoman Hardy:

Assembly Bill No. 87—AN ACT relating to animals; revising provisions governing the access of animals to certain places; requiring a place of public accommodation, a common carrier, a common motor carrier of passengers or other means of public conveyance or transportation to post a sign providing

certain information to patrons or passengers concerning such access; providing civil penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hafen:

Assembly Bill No. 88—AN ACT relating to elections; requiring, with certain exceptions, proof of identity for voting in person; requiring the Department of Motor Vehicles, under certain circumstances, to issue identification cards at no charge; requiring a voter to include certain personal identifying information with his or her mail ballot; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen O'Neill, Dickman, Hansen, DeLong and Gurr:

Assembly Bill No. 89—AN ACT relating to public works; requiring contractors and subcontractors on a public work to use the federal E-Verify employment verification system to verify eligibility for employment for all workers on the public work; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Gurr:

Assembly Bill No. 90—AN ACT relating to water; revising provisions governing an application for a temporary change relating to water already appropriated; revising certain fees collected by the State Engineer; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblyman DeLong:

Assembly Bill No. 91—AN ACT relating to water; revising provisions relating to sinking or boring certain wells for water already appropriated; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblyman Koenig:

Assembly Bill No. 92—AN ACT relating to counties; authorizing a board of county commissioners to create by ordinance the office of county counsel;

providing for the appointment of a county counsel; establishing the qualifications of a county counsel; authorizing a county counsel to appoint deputies and certain other staff; setting forth the powers and duties of a county counsel; revising the responsibilities of the district attorney when the office of county counsel is created; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 93—AN ACT relating to traffic laws; authorizing a local authority to authorize the installation and use of an automated traffic enforcement system to enforce certain provisions of law; requiring a peace officer of a traffic enforcement agency having jurisdiction over the location of an automated traffic enforcement system to review certain evidence detected by the automated traffic enforcement system before a citation is issued; establishing requirements relating to the issuance of a civil infraction citation based on evidence detected by an automated traffic enforcement system; creating a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Dickman:

Assembly Bill No. 94—AN ACT relating to governmental administration; prohibiting a state agency, county, city or town from using personnel or financial resources to enforce or administer certain federal laws that restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories, ammunition or knives; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 95—AN ACT relating to public office; requiring, with certain exceptions, candidates to submit petitions of candidacy; setting forth the requirements for county and city clerks to verify petitions of candidacy; authorizing a candidate or public officer to use campaign contributions to pay for expenses related to circulating a petition of candidacy and certain expenses related to caregiving services; requiring that expenses related to caregiving services be reported on campaign finance reports; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Dickman:

Assembly Bill No. 96—AN ACT relating to confidential information; authorizing a peace officer or retired peace officer to obtain a court order requiring a county recorder to maintain certain personal information in a confidential manner; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Hardy:

Assembly Bill No. 97—AN ACT relating to government administration; providing that governmental entities shall not prohibit the use of certain refrigerants; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblyman Nguyen:

Assembly Bill No. 98—AN ACT relating to economic development; revising the name of the Governor's Workforce Investment Board to the Governor's Workforce Development Board; revising the membership and duties of the Board; revising provisions relating to industry sector councils; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblywoman Brown-May:

Assembly Bill No. 99—AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to take any action necessary to increase certain federally approved rates under certain circumstances; providing for the annual consideration of cost-of-living increases to rates of reimbursement under Medicaid; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Brown-May:

Assembly Bill No. 100—AN ACT relating to caregivers; requiring the Department of Health and Human Services to develop and implement a pilot program to administer certain assessments to family caregivers; directing the

Department to conduct certain studies relating to caregivers; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman González:

Assembly Bill No. 101—AN ACT relating to criminal procedure; requiring each office of a prosecuting attorney to maintain certain records relating to certain informants; requiring a prosecuting attorney to make certain disclosures to the defendant relating to informants; requiring a court to instruct jurors to consider certain information relating to informants; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Watts and Senator Scheible:

Assembly Bill No. 102—AN ACT relating to wildlife; prohibiting a person from organizing, sponsoring, promoting, conducting or participating in any type of a competition in which certain animals are taken for prizes or other inducements; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblywoman Dickman and Senator Titus:

Assembly Bill No. 103—AN ACT relating to emergency management; requiring a state of emergency or declaration of disaster proclaimed by the Governor to terminate after 60 days, unless the Legislature expressly approves a continuance of the emergency or disaster; prohibiting the Governor from proclaiming the existence of a state of emergency or declaration of disaster due to the same occurrence or threatened occurrence as that of an emergency or disaster which has terminated, unless the Legislature expressly approves the proclamation; prohibiting the exercise of certain powers by the Governor without the express approval of the Legislative Commission or the Legislature; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Dickman and O'Neill:

Assembly Bill No. 104—AN ACT relating to legislative measures; authorizing a city that is incorporated by special charter to have one additional

legislative measure for the purpose of amending its city charter; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Watts:

Assembly Bill No. 105—AN ACT relating to property; authorizing a broadband service provider to access and use certain easements, public rights-of-way and other property rights; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblywoman Gallant:

Assembly Bill No. 106—AN ACT relating to contractors; increasing the value of work a licensed contractor may perform for which the contractor does not have a license in the applicable classification or subclassification; authorizing, under certain circumstances, the State Contractors' Board to annually adjust the value of work for which a licensed contractor may perform and not have a license in the applicable classification or subclassification; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 107—AN ACT relating to pharmacy; requiring a pharmacist who is employed by an off-site pharmaceutical service provider and provides certain services to a hospital or correctional institution in this State to be registered to practice pharmacy in this State; revising provisions governing certain pharmacies located outside this State; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 108—AN ACT relating to nursing; enacting and entering into the Nurse Licensure Compact; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen La Rue Hatch, Orentlicher, Peters, Thomas, Watts, Anderson and González:

Assembly Bill No. 109—AN ACT relating to conservation; establishing the Soil Health Advisory Board; creating the Healthy Soils Initiative; setting forth the powers and duties of the State Conservation Commission relating to the Healthy Soils Initiative; establishing the Fund for Soil Health; declaring certain information obtained by the Commission to be confidential; making an appropriation to the State Conservation Commission for administering the Healthy Soils Initiative; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 110—AN ACT relating to pharmacy; authorizing a manufacturer or wholesaler to dispense a dialysate drug or deliver a device used to perform dialysis at a residence to certain persons and entities; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Gallant:

Assembly Bill No. 111—AN ACT relating to common-interest communities; prohibiting a unit-owners' association or a unit's owner who rents or leases his or her unit from imposing certain restrictions on the display of religious items; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 112—AN ACT relating to wildlife; creating the Wildlife Crossings Account in the State General Fund; requiring the Director of the Department of Transportation to administer the Account; requiring the Department of Transportation, in consultation with the Department of Wildlife, to develop and publish an inventory and list of certain projects relating to wildlife crossings; requiring the Director of the Department of Transportation to review the standards and specifications for the design and construction of highways in this State to determine the standards and specifications necessary for incorporating wildlife crossings and related highway features into the highways of this State; authorizing the Director of the Department of Transportation to adopt regulations; requiring the State Board of Finance to issue general obligation bonds to implement projects relating to wildlife crossings; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblywoman Thomas:

Assembly Bill No. 113—AN ACT relating to children; creating the Office of Early Childhood Systems within the Office of the Governor; prescribing the duties of the Office of Early Childhood Systems; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Thomas and Senator Nguyen:

Assembly Bill No. 114—AN ACT relating to children; revising the membership of the Nevada Early Childhood Advisory Council; defining the term "early childhood program" for purposes of the duties of the Council; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 115—AN ACT relating to substance use disorders; authorizing the establishment of a program for the prevention of overdoses and disease under certain circumstances; requiring the operator of such a program to report certain information to the health authority, the board of county commissioners and the State Board of Health; providing for the confidentiality of certain information concerning such a program; exempting operators, employees, volunteers and participants of such a program from certain penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Brown-May:

Assembly Bill No. 116—AN ACT relating to health care; requiring certain providers of health care or other services and midwives to provide current, evidence-based information concerning Down syndrome to a person under certain circumstances; requiring certain providers of health care or other services and midwives to make certain referrals; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 117—AN ACT relating to public safety; requiring the Investigation Division of the Department of Public Safety to investigate domestic terror activity; defining "domestic terror activity" to include certain offenses; creating the Anti-Domestic Terrorism Assistance Account in the State General Fund to award grants to support state and local programs to counter domestic terror activity; authorizing counties to cooperate with intelligence centers; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Watts and Senator Doñate:

Assembly Bill No. 118—AN ACT relating to higher education; revising the term length and membership of the Board of Regents of the University of Nevada; revising the length of terms for members of the Board of Regents; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 119—AN ACT relating to adult maltreatment; creating the Vulnerable Adult Fatality Review Committee; providing for the review of deaths resulting from or relating to adult maltreatment; requiring the Committee to perform certain other duties relating to the investigation and prevention of adult maltreatment; providing access for the Committee to certain documents; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Hafen:

Assembly Bill No. 120—AN ACT relating to health care; eliminating certain restrictions on the provision of voluntary health care service; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 65 of the 81st Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR STEVE SISOLAK

June 11, 2021

THE HONORABLE BARBARA K. CEGAVSKE, SECRETARY OF STATE, 101 N. Carson Street, Suite 3, Carson City, Nevada 89701

RE: Assembly Bill 65 of the 81st Legislative Session

DEAR SECRETARY CEGAVSKE:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 65 (AB 65), which is titled as follows:

> AN ACT relating to ethics in government; making various changes relating to the provisions governing ethics in government; enacting the Nevada Legislative Ethics Law; providing penalties; and providing other matters properly relating thereto.

I want to be very clear that I support the majority of the sections of this bill, many of which relate to streamlining the Ethics Commission's processes and clarifying its powers and duties. However, near the conclusion of the 81st Legislative Session, Amendment 777 was adopted, which effectively converted AB 65 from a mostly housekeeping measure into a significant policy change: creating new legislative ethics commissions within the legislative branch.

I understand and respect that, under the Nevada Constitution, each House of the Legislature has exclusive authority to discipline its members for conduct related to core legislative functions. *See* Nev. Const. Art. 4 § 6. However, as the Nevada Supreme Court has held, the Ethics Commission can (and it currently does) exercise jurisdiction over legislators with respect to conduct that is not related to core legislative functions. Comm'n on Ethics v. Hardy, 125 Nev. 285, 296, 212 P.3d 1098, 1106 (2009). Examples of such conduct include the use of governmental time or property for personal purposes, bidding on or entering into governmental contracts, or accepting an honorarium. *Id.* at n. 9.

AB 65, as amended by Amendment 777, would create three new ethics commissions within the legislative branch: one for the Senate, one for the Assembly, and a joint commission to address ethics complaints against legislative staff. These commissions would investigate, hear, and decide ethics issues arising from complaints against their colleagues in their respective houses, and also complaints against staff.

The Ethics Commission, an existing independent body, is already funded and has the responsibility to address complaints of these types against public officials and employees. Having a single body handle these issues helps ensure uniformity and fairness in the application of the State's ethics laws. Nevada previously had separate ethics commissions for the legislative and executive branches. However, these separate commissions were abolished in 1985 and consolidated into the existing Ethics Commission. *See* Senate Bill 345 of the Sixty-Third Session (1985). One of the reasons for doing so was that the commissions had not been adequately funded and had taken only "negligible" action. *See* Minutes of the Senate Committee on Finance, May 20, 1985.

Nevadans hold their public officials to high ethical standards, and they rightly expect that those standards will be effectively and efficiently enforced. Particularly in light of the fact that the separate legislative and executive ethics commissions were consolidated more than thirty years ago, I firmly believe that a more robust examination of the costs and benefits of returning to that structure should be conducted.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
GOVERNOR STEVE SISOLAK
State of Nevada

Assemblywoman Jauregui moved no further consideration of Assembly Bill No. 65 of the 81st Session.

Motion carried.

Vetoed Assembly Bill No. 368 of the 81st Session.
Governor's message stating his objections read.
Bill read.

OFFICE OF THE GOVERNOR

June 10, 2021

THE HONORABLE BARBARA K. CEGAVSKE, SECRETARY OF STATE, 101 N. Carson Street, Suite 3, Carson City, Nevada 89701

RE: Assembly Bill 368 of the 81st Legislative Session

DEAR SECRETARY CEGAVSKE:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 368 (AB 368), which is titled as follows:

> AN ACT relating to improvement districts; revising the projects authorized to be financed within a tourism improvement district; eliminating the authority to create a tourism improvement district in certain smaller counties; revising the reporting requirements for the Department of Taxation related to tourism improvement districts; eliminating the authority to pledge certain proceeds to finance certain projects for the promotion of economic development and tourism in a local improvement district; and providing other matters properly relating thereto.

AB 368 would require additional reporting on taxes collected from businesses within tourism improve districts. Improved reporting is a laudable goal, which I wholly support. However, AB 368 would also prohibit all cities and counties outside of Clark County from creating tourism improvement districts after July 1, 2021.

Tourism improvement districts ("TIDs") are currently used to help these smaller counties and municipalities finance projects suitable for retail, tourism, or entertainment. These projects include infrastructure and improvements such as flood control, streets, parking, utilities like electrical and natural gas, and fire protection. *See* NRS 271A.050. These projects are designed and intended to attract more businesses to Nevada and in tum create more jobs for our residents.

Nevada was hit especially hard by the COVID-19 pandemic, resulting in business closures and thousands of people losing their jobs. My office and all members of the Legislature have worked very hard to build Nevada back up and get people back to work.

However, AB 368 is contrary to the goals of restarting our economy, improving our infrastructure, and creating jobs. When many Nevadans are still struggling, now is not the time to remove any of the tools that local governments can use to encourage and generate economic development.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
GOVERNOR STEVE SISOLAK
State of Nevada

Assemblywoman Jauregui moved no further consideration of Assembly Bill No. 368 of the 81st Session.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 2023

To the Honorable the Assembly

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bernice Servilican, Kimberly Smerkers, Kelly Gardner, Rick Gardner, R.J. Gardner, Clyda Anderson, Cairn Lindloff, Teague Lindloff, Homer Miller Jr., Ed Anderson, Amy Peel Sambrano, Joe Sambrano, Justin Hopson, Becca Gardener, Whitney Gardener, and Jenna Dramise.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Marc McDermont, Sandy Backus Allred, Jerry Allred, and Julia Salas.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Michaelene Bilbray.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff May, Randi May, Kevin Castellanos, and Ashlee Cooper.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Carter, Brian Carter, Thomas Carter, Kelsey Steagall, and Maria Nieto-Orta.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Kelli Kelly, Aileen Cohen, and Victoria Supple.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Kenn Merrill, Sydny Hansen, Jake Rouse, and Bev Rouse.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Kirksey, Breon King, Cruzinha D'Silva, Reece D'Silva, Councilman Isaac Barron, and Congressman Ro Khanna.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Julie McMillin and Patricia McMillin.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Dickman, Stephen Wood, and Caitlin Wood.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Cesar Cordon and Joseline Cuevas.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Gallant, Xander Gallant, Maddox Gallant, Carol Riback and Denise Fanning.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Darina Beckett, Francisco González, Nilnett González Shama, Vida Lin, and Marshawna Sanford.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Scott Gorelow and Andrew Stephen Gorelow.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Kati Gray, Mike Heil, Kim LaBrie, Rob Fliegler, Leslie Fliegler, Doris Scranton, Sarah Flocchini, Vida Keller, Laura Gardner, Mark Gardner, Susan Jansen, Amy Burgans, Virginia Nisse, Jim McKalip, Mark Bittick, Mark Jones, Sheryle Jones, Liron Gokovsky, Katherine Dickerson, Melissa Clement, Cheryl Barron, John Smith, and Debbie Lawrence.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Gurr, Morgan Gurr, Ashley Gurr, Woody Gurr, Paul Noland, and Paula Noland.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Harrison Hafen, Kimberley Manguray, John Manguray, Suzanne Hafen, Vicki Hafen Scott, and Olivia Parker.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Hansen, Ali Hansen, Rachel Haack, Jacob Hansen, Erica Hansen, Larissa Brown, Cody Brown, Mallory Reed, Thayne Reed, Emerson Haack, Evie Hansen, Dixie Hansen, Winter Gurries, Ellie Haack, London Haack, Lily Haack, and Arden Haack.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Damon Hardy, Celssie Hardy, and Paul Anderson.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Hibbetts, Hyepin Im, Jin Kim, and Ron Scranton.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Raul Jauregui, Cecilia Jauregui, Wendy Jauregui, and Nelson Araujo.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Peter Kasama, Serena Kasama, Jan Clark, Craig Clark, Alyssa Zucco, and Spencer Flanders.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Terra Koenig, Kennedy Brown, and Andrew Brown.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Hatch, Abigail Hatch, Lori Hatch, and Thomas Hatch.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Iriana Marzola, Eleni Marzola, and Troy Clemons.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Akwilina W. Miller, Aspyn N. Miller, Akyra Ford, Tanya Y. Miller, and Jordyn T. Anderson.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Miller, Karen Leardi, Michiyo Khamsi, and Laura Riss.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Fisher, Candance Monroe-Speed, Jeunesse Monroe-Speed, Avery Monroe-Speed, Chris Miller, and Danna Lovell.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Mosca, Carol Mosca, Jesse Cruz, Taylor Thompson, Eddie Martinez, Haddee Martinez, Nick Smith, and Nixie Sosa.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Craig Newby, Jack Newby, Liam Newby, and Peter Saba.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Kaitlynn Tsai, Marlee Tsai, Travis Brewer LaChapelle, Shuyi Huang, Horohito Norhatan, Amy Koo, Chloe Hsia, Edelweiss Solano, Trang Le, Leson Nguyen, Tu-Anh Nguyen, and Irene Bustamante-Adams.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy O'Neill, Kevin Magee, Brian Freimuth, Daniel Honchariw, Cody Perkins, Philip O'Neill, Kathleen Bocek, Jill Pagliaro, and Sarah Franklin.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Alberta Obodai, Debbie Chen, Dr. Laura V. Austin, and Josh Nanberg.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Mylo McCormick, Matthew Peters, Theo McCormick, and Quest Lakes.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Deborah Harris, Willie Coleman, Karl Armstrong, Brandon Summers, Kieran Armstrong, Janine Coleman, and Adrienne Feemster-Cobb.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Naida Parson, Candace Cheathon, Coni Taylor, Senator Bernice Matthews, Fred Crawford, Linda Crawford, Latrice Keith, Diane Barnett, LaKeysha Dansby, Alexis Reel, Wilhemina Reel, Verita Prothro, Skkyler Prothro, Estella Gutierrez, Aileen Martin, Greg Griffin, Cynthia Griffin, Glenn Taylor, Gwen Taylor, Alicia Hunter, Dana Taylor, Rebecca Bailey, Cornelia Taylor, Greg Broadnax, Kim Hill, Talisha Haywood, Ayodele Akinola, Barbara Thornton, Theresa Bracy, Janet Butler, Adrian Conyers, and Doris Broadnax.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Samantha Glover and Eric Allen Thomas.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Rigoberto Torres, Tillie Torres, Gabriela Torres, Marco Penaloza, and Sofia Penaloza.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Dulce Valencia and Dawson Frost.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Bita Yeager, Sally Yeager, Brian Yeager, Charles Yeager IV and to the following students from the Carson High School Concert Choir: Sam Adkins, Maximillian Bushey, Jazy Campbell, Kylie Carrigan, Emma Cavner, Eva Cole, Paul Edge, Madi Healy, Duane Hoffman, Rhiannon Karr, Hannah Kerry, Grant Kirschbaum, Cassidy Leatham, Elizabeth Loos, Halle Martin, Crystal Martinez, Lilliahna McColl, Teagan McNabb, Lonnie Mead, Hailey Osborne, Erich Parker, Kaylee Redus, Wehilani Ronk, Anna Roylance, Leah Roylance, Robert Sainz, Parker Schmid, Lindsey Smith, Emily Snyder, Melissa Thompson, Hayley Williams; and to the following students from the Carson High School NJROTC Color Guard: Taelyn Ailes, Michael Ellis, Alexander Wells, and Tristian Thayer.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Yurek, T.J. Yurek, Teri Cannon, and Wayne Atkins.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, February 9, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 4:10 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday), February 9, 2023

Assembly called to order at 11:40 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Hardy, who was excused.

Prayer by the Chaplain, Father Thomas Babu.

Almighty and eternal Light of the World, You are the Prince of Peace. You love justice. You made it self-evident to us that all human beings are created equal. Through Your goodness, open our eyes to see the dignity, beauty, and worth of every human being. Open our minds to understand that all your children are brothers and sisters in the same human family. Open our hearts to repent of racist attitudes, behaviors, and speech which demean others. Open our ears to hear the cries of those wounded by racial discrimination, and their passionate appeals for change. We pray for all who fight for justice and equality, who give voice to the voiceless and hope to the hopeless.

As for the leaders of this great state, help them to be just leaders. Fill them with courage to make choices that·are right and just. Help them to heal wounds, build bridges, and establish peace and equality for all in our communities. God, You are our refuge and our strength, a very present help in times of trouble. We offer our prayers today asking that You provide the people of Turkey and Syria, who are in the throes of the unfathomable devastation of the recent earthquake, refuge from this disaster and strength to endure its indiscriminate destruction.

We ask the Blessing In the Holy Name of our creator, we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 8, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 2.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 9, 2023, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

ACLU of NEVADA: Ryan Vortisch; ASSOCIATED PRESS: Tom Smedes, Gabe Stern; KOLO-TV: Dan Pyke; LAS VEGAS REVIEW-JOURNAL: Lorraine Longhi, Steve Sebelius, Ellen Schmidt, Ricardo Torres-Cortez; LAS VEGAS SUN: Casey Harrison; NEVADA APPEAL-

NEVADA VETERANS JOURNAL: Steven Ranson; RENO GAZETTE-JOURNAL: Jason Bean, Mark Robison; THE NEVADA INDEPENDENT: Kristyn Leonard, Daniel Rothberg, John L. Smith.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywomen Considine and Anderson:

Assembly Bill No. 121—AN ACT relating to incarcerated persons; requiring institutions and facilities of the Department of Corrections and city or county jails and detention facilities to provide incarcerated persons with original, physical copies of mail under certain circumstances; requiring such institutions, facilities and jails to provide notification to certain persons of a serious or critical medical condition of an incarcerated person; requiring such institutions, facilities and jails to ensure the timely filling of prescriptions; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Yeager and Hafen:

Assembly Bill No. 122—AN ACT relating to tobacco; providing an exception to the age verification requirements governing the sale, distribution or offering for sale of tobacco products within certain areas of a casino; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Hardy:

Assembly Bill No. 123—AN ACT relating to residential leasing; setting forth certain requirements and restrictions relating to policies of rental obligations insurance; authorizing a landlord and a tenant or prospective tenant to enter into a rental assurances agreement; requiring a landlord to offer to enter into a rental assurances agreement with a prospective tenant under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Hardy:

Assembly Bill No. 124—AN ACT relating to osteopathic medicine; revising provisions governing the submission of evidence of completion of continuing education to the State Board of Osteopathic Medicine; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Backus:

Assembly Bill No. 125—AN ACT relating to public safety; requiring the tribal liaison for the Department of Public Safety to maintain ongoing communication relating to missing or murdered indigenous persons between the Department and certain entities; requiring a law enforcement agency to accept a report relating to certain persons missing from an Indian reservation or Indian colony located in whole or in part in this State; requiring the Peace Officers' Standards and Training Commission to adopt certain regulations for the training of peace officers related to missing indigenous persons; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Nguyen and Senator Nguyen:

Assembly Bill No. 126—AN ACT relating to business entities; authorizing certain business entities to correct an erroneously filed record with the Office of the Secretary of State; clarifying provisions concerning certain records required to be kept by certain business entities; clarifying provisions relating to certain actions available to a board of directors of a corporation; establishing the circumstances under which a corporation may decrease the number of certain issued and outstanding shares without a vote of the stockholders; revising provisions related to stock certificates; revising provisions governing restrictions on transfers of stock; authorizing a board of directors to require a confidentiality agreement with certain persons; revising the definition of the term "acquisition" for certain purposes; establishing the circumstances under which a corporation may change the name of the corporation without a vote of the stockholders; revising provisions governing the restatement of articles of incorporation; clarifying provisions relating to the sale of certain assets; revising various definitions relating to dissenter's rights; making various other changes relating to business entities; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 127—AN ACT relating to insurance; prohibiting an insurer from treating Medicare supplemental policies differently for certain purposes relating to the payment of commissions; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 128—AN ACT making an appropriation to the Outdoor Education and Recreation Grant Program Account for the costs of the program; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 129—AN ACT relating to counties; revising the membership of the county fair and recreation board of certain counties; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywomen Bilbray-Axelrod and Considine:

Assembly Bill No. 130—AN ACT relating to assisted living; revising provisions governing the program to award competitive grants from the Fund for a Healthy Nevada to certain assisted living facilities; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Cohen, Watts, Anderson, Newby and Peters:

Assembly Bill No. 131—AN ACT relating to forestry; creating the Urban and Community Forestry Program within the Division of Forestry of the State Department of Conservation and Natural Resources; setting forth the powers and duties of the State Forester Firewarden and the Division relating to the Program; authorizing the State Forester Firewarden to award grants to promote urban and community forestry; and providing other matters properly relating thereto.

Assemblywoman Cohen moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymen Cohen and Orentlicher:

Assembly Bill No. 132—AN ACT relating to public health; creating the Committee to Review Overdose Fatalities; providing for the membership of the Committee; setting forth the powers and duties of the Committee; requiring certain information to be made available to the Committee; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywomen Bilbray-Axelrod and Considine:

Assembly Bill No. 133—AN ACT relating to drivers' licenses; requiring, under certain circumstances, that the Department of Motor Vehicles place a designation on the driver's license of a person who is deaf or hard of hearing; and providing other matters properly relating thereto.

Assemblyman Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 134—AN ACT relating to pharmaceutical sales representatives; providing for the licensure and regulation of pharmaceutical sales representatives; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services (by request):

Assembly Bill No. 135—AN ACT relating to homelessness; revising the process for persons who are homeless to apply for a certified or official copy of a birth certificate; requiring the Nevada Housing Crisis Response System to assist persons in crisis who are applying for a state identification card; revising requirements for the issuance of a state identification card to certain homeless children and youth; requiring certain counties to develop a strategic plan to address homelessness; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 136—AN ACT relating to child welfare; requiring all qualified residential treatment programs for children to be licensed and regulated as child care institutions; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 137—AN ACT relating to fetal alcohol spectrum disorders; making certain provisions applicable to fetal alcohol spectrum disorders; providing that fetal alcohol spectrum disorder is a developmental disability; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 138—AN ACT relating to Medicaid; requiring the State Plan for Medicaid to include coverage for certain behavioral health integration services; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Brittney Miller, D'Silva, González, Mosca, Nguyen and Torres and Senator Nguyen:

Assembly Bill No. 139—AN ACT relating to governmental agencies; requiring a governmental agency that collects demographic information on race or ethnicity to include a category for persons of Middle Eastern or North African descent; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Thomas, C.H. Miller, Monroe-Moreno, Marzola, Torres, Anderson, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, D'Silva, Duran, González, Gorelow, Jauregui, Kasama, Koenig, Brittney Miller, Mosca, Newby, Nguyen, Orentlicher, Peters, Summers-Armstrong, Taylor, Watts and Yeager; Senators Spearman, Neal, Krasner, Cannizzaro, Nguyen and Lange:

Assembly Bill No. 140—AN ACT relating to legal holidays; making Juneteenth Day a legal holiday in this State; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 141—AN ACT relating to industrial insurance; revising provisions governing the administration of a plan of insurance by certain associations of self-insured employers; eliminating assessments relating to a subsequent injury account; prohibiting certain claims against a subsequent injury account; repealing certain provisions relating to third-party administrators; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 142—AN ACT relating to property; authorizing certain sales of property to be conducted on an Internet website or other electronic medium under certain circumstances; revising the time and manner in which certain sales of property may be conducted; revising notice requirements relating to certain sales of property; prohibiting certain persons from becoming a purchaser or being interested in any purchase of certain sales of property; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 143—AN ACT relating to counties; authorizing, under certain circumstances, a board of county commissioners to convey without consideration real property acquired directly from the Federal Government for purposes of clearing title to certain persons; exempting such transfers from the real property transfer tax; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1; Assembly Resolution No. 1, 2, 3; Senate Bill No. 1.

REMARKS FROM THE FLOOR

Assemblywoman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN ANDERSON:

Today, I would like to recognize the Nevada Milken Educator Awards winners. The awards honor top educators around the country who are early- to mid-career education professionals. According to the Milken Educator Awards website, recipients are recognized by "their already impressive achievements and, more significantly, for the promise of what they will accomplish in the future" and are "individuals whose contributions to education are largely unheralded yet worthy of the spotlight."

Of the 30 educators honored this year, 3—10 percent—are from our beautiful state of Nevada. All three are elementary school teachers, and two of the teachers teach in schools in Assembly District 30. Liz Barnum, a third-grade teacher at Katherine Dunn, a school just two blocks away from where I live, is creating engaging lessons that challenge the class and spur a love of learning, not only for her students but also through the mentoring of her peers and others in the field of education. Jason Murray, a third- and fourth-grade teacher at Florence Drake—my elementary school alma mater—designs interactive, engaging lessons and, again, mentors other teachers.

Both educators' enthusiasm, love of learning, and dedication to our students are something we should recognize, admire, and be inspired by. The third educator is actually from my colleague's

district, Assembly District 33, and I believe he will recognize her momentarily, so I do not wish to take away that thunder.

Thank you for allowing us this moment to recognize just three of the amazing educators in our state.

ASSEMBLYMAN GURR:

Thank you to my colleague from District 30. These teachers all received $25,000 checks that they did not even know were coming, so it is a great thing.

The third winner is Rejily Soriano, a kindergarten teacher at West Wendover Elementary School. She holds high expectations for her kindergarteners at Nevada's West Wendover Elementary. Soriano makes strong connections with her young learners, supporting them as they acquire new skills and grow, both academically and socially, throughout the year.

Thank you, Mr. Speaker. I think this recognition is really warranted for these three teachers.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Hickey.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, February 13, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), February 13, 2023

Assembly called to order at 11:36 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Bishop Deborah Hutterer.

Spirit of love, who moves with creation, drawing the threads to color and design, life into life, You knit together this nation: Come, work with us, and weave us into one.

Though we have frayed the fabric of Your making, tearing away from all that You intend, yet to be whole, humanity is aching: Come, work with us, and weave us into one.

Great loom of God, where history is woven, You are the frame that holds us to truth, love is the theme, the pattern You have given: Come, work with us, and weave us into one.

Thank You for these elected officials who have answered the call to serve the people of Nevada. Give them a good dose of wisdom, charity, justice, and hope as they serve faithfully and promote the common good.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 4—Providing for the appointment of additional attaches for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Kimberly Pond and Sharon Carter are elected additional attaches of the Assembly for the 82nd Session of the Nevada Legislature; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Gorelow moved the adoption of the resolution.

Resolution adopted.

NOTICE OF EXEMPTION

February 9, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Assembly Bills Nos. 4, 15, 80, 128, 130.

SARAH COFFMAN
Fiscal Analysis Division

February 10, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 37, 38, 69, 72, 114, 138.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 13, 2023, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

KRNV NEWS 4: Benjamin Margiott; KTVN: George Guthrie; KUNR: Bert Johnson.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen La Rue Hatch, Summers-Armstrong, Anderson, Watts, González, Considine and Orentlicher:

Assembly Bill No. 144—AN ACT relating to lighting products; prohibiting the sale, offer to sell or distribution of compact fluorescent lamps and linear fluorescent lamps; authorizing the Director of the Office of Energy within the Office of the Governor to take certain actions to investigate possible violations; authorizing the Director or his or her designee to conduct certain inspections; authorizing the Director to adopt certain regulations; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblywoman Marzola:

Assembly Bill No. 145—AN ACT relating to crimes; increasing the penalties for a customer who unlawfully engages in prostitution or solicitation therefor; removing a duplicative provision in existing law relating to prostitution; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Marzola:

Assembly Bill No. 146—AN ACT relating to information technology; revising the definition of the term "video service"; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Marzola:

Assembly Bill No. 147—AN ACT relating to dentistry; requiring dental hygienists and dental therapists to comply with certain requirements governing

the provision of health care; requiring certain providers of dental care to receive training on teledentistry; prescribing certain requirements relating to the secure storage of electronic records; providing for the issuance of special endorsements for a dentist, dental hygienist or dental therapist to administer immunizations; imposing certain requirements relating to the administration of immunizations by the holder of such an endorsement; deeming certain conduct by a provider of dental care to be unprofessional conduct; authorizing the imposition of disciplinary action against a dentist, dental hygienist or dental therapist for certain violations; requiring hospitals and issuers of Medicaid managed care plans to take certain measures to ensure access by recipients of Medicaid to teledentistry; requiring a public or private school or child care facility to accept a dental examination, screening or assessment provided through teledentistry for certain purposes; imposing certain requirements relating to the provision of services through teledentistry; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Marzola:

Assembly Bill No. 148—AN ACT relating to child welfare; prescribing qualifications for magistrates who make certain determinations concerning child custody; providing for the appointment of a guardian ad litem for an incapacitated parent or other person responsible for the welfare of a child in certain child welfare proceedings; revising the titles of certain officials appointed to oversee proceedings concerning juveniles and child support; prescribing the procedure for the judicial review of the placement of a child who is in the custody of an agency which provides child welfare services in a qualified residential treatment program; revising the procedures governing the court-ordered admission of such a child who has an emotional disturbance to certain psychiatric facilities and the release of such a child from such a facility; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen Brittney Miller and Anderson:

Assembly Bill No. 149—AN ACT relating to education; creating the Office of the Inspector General of Education and the position of Inspector General of Education; setting forth the powers and duties of the Inspector General and employees of the Office; requiring certain persons and governmental entities to cooperate with and provide assistance to the Inspector General in carrying out those duties; prohibiting retaliation against certain persons who make a lawful complaint concerning fraud, waste, abuse or corruption within a person or governmental entity that receives public money related to education; prohibiting certain acts to deter or prevent the Inspector General or an

employee of the Office from performing his or her duty; imposing increased penalties for certain acts of assault or battery on the Inspector General or an employee of the Office; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywomen Anderson, Considine, Backus, Taylor, Cohen, La Rue Hatch, Summers-Armstrong and Thomas:

Assembly Bill No. 150—AN ACT relating to education; revising provisions requiring the Board of Regents of the University of Nevada to grant certain waivers of fees for certain students who are Native American; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Anderson, Yeager, Torres, Taylor, O'Neill, Cohen, Marzola and McArthur; Senators Cannizzaro, Titus, Seevers Gansert and Daly:

Assembly Bill No. 151—AN ACT relating to special license plates; providing for the issuance of special license plates commemorating the 150th anniversary of the founding of the University of Nevada, Reno; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Assemblyman Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 152—AN ACT making an appropriation to restore the balance in the Reserve for Statutory Contingency Account; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Marzola:

Assembly Bill No. 153—AN ACT relating to naprapathy; requiring naprapaths to comply with certain requirements; establishing the Naprapathic Practice Advisory Board; providing for the regulation of the practice of naprapathy by the State Board of Osteopathic Medicine; prohibiting the unlicensed practice of naprapathy except in certain circumstances; prescribing the requirements for the issuance and renewal of a license to practice naprapathy; providing for the collection of certain information; prescribing

certain requirements governing the practice of naprapathy; authorizing the State Board of Osteopathic Medicine to take certain actions to investigate and impose discipline against a naprapath; prescribing certain duties and authority of a naprapath; establishing a privilege for certain confidential communications; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Peters, Orentlicher, Anderson, Cohen and Considine and Senator Krasner:

Assembly Bill No. 154—AN ACT relating to tissue donation; requiring the State Board of Health to regulate the living donation of birth tissue; requiring an organization that processes birth tissue to be certified; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Peters and Orentlicher:

Assembly Bill No. 155—AN ACT relating to health care; establishing the Task Force on Precision Medicine and Biomarker Testing; prescribing the membership and duties of the Task Force; establishing March as Precision Medicine and Biomarker Testing Awareness Month; requiring policies of health insurance to include coverage of biomarker testing in certain circumstances; establishing certain conditions relating to such required coverage; making an appropriation; providing for a study of certain matters relating to precision medicine and biomarker testing; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 156—AN ACT relating to substance use disorders; establishing the order in which a provider or program is required to prioritize persons for participation in certain publicly funded programs for the treatment of alcohol or other substance use disorders; prescribing certain requirements to ensure the access of offenders or prisoners who have been diagnosed with an opioid use disorder to medication-assisted treatment and the continuation of such treatment upon the release or transfer of such offenders or prisoners; prohibiting certain discrimination regarding such treatment; prescribing certain requirements concerning the diagnosis and treatment of a patient with an opioid use disorder; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywomen Taylor, Anderson, Considine and González and Senator Spearman:

Assembly Bill No. 157—AN ACT relating to sex trafficking; revising the penalties for the crime of living from the earnings of a prostitute; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Harris and Ben McDonald.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Scolari.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Gallant.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Hendrix.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Lester.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Dee Helming.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Jane Moon and Kelly Frost.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Bassett.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to David Peterson.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Horvath and Mia Horvath.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Clary.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, February 14, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINTH DAY

CARSON CITY (Tuesday), February 14, 2023

Assembly called to order at 11:34 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Washoe Elder Jean Rupert McNicoll.

Great Spirit, I pray for Your blessing. Today, we are gathered to do great things for our people. Their work is immense, but we need Your inspiration and stamina to get it done. I pray for Your blessing. Our world is in great turmoil, and we need Your help. Please bless us with courage, strength, and protection. Mother Earth deplores the destruction that is going on.

Great Spirit, I thank You for giving me the power to bless everyone. Blessings to all. God Bless America.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

COMMUNICATIONS

SUPREME COURT OF NEVADA
LIDIA S. STIGLICH, CHIEF JUSTICE
201 SOUTH CARSON STREET
CARSON CITY, NV 89701-4702
(775) 684-1530

February 7, 2023

MAJORITY LEADER NICOLE J. CANNIZZARO, SPEAKER STEVE YEAGER, Nevada Legislature, Legislative Building, Capitol Complex, 401 South Carson Street, Carson City, NV 89701-4747

RE: State of the Judiciary Address—2023 Legislative Session

DEAR MAJORITY LEADER CANNIZZARO AND SPEAKER YEAGER:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Supreme Court of Nevada in 2023, to address a joint session of the Legislature on the State of the Judiciary on March 14, 2023, at 5:00 p.m. Thereafter, the Supreme Court will be hosting a reception for the legislators in the rotunda at 6:00 p.m.

Your joint consideration of this matter is greatly appreciated.

Respectfully,
LIDIA S. STIGLICH
Chief Justice

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 13, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 32.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 14, 2023, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

KOLO 8: Ed Pearce; KUNR: Maria Palma; KYODOD NEWS: Mitsuya Tanaka; VEGAS VOICE: Daniel Roberts.

Motion carried.

NOTICE OF EXEMPTION

February 14, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Assembly Bill No. 16.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 28, 45, 51, 84, 93, 112, 113, 134.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen O'Neill, Gray, Kasama, DeLong, Dickman, Gallant, Gurr, Hansen, Hibbetts and Koenig:

Assembly Bill No. 158—AN ACT relating to emergency medical services; ratifying the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen O'Neill, Dickman, Kasama, Considine, Hardy, Anderson, DeLong, Gallant, Gray, Gurr, Hansen and Hibbetts:

Assembly Bill No. 159—AN ACT relating to offenders; adding certain offenses relating to cruelty to animals to the list of offenses for which credits earned by offenders may not be deducted from the minimum term or the minimum aggregate term imposed by a sentence; adding certain offenses relating to cruelty to animals to the list of offenses for which a court may not defer judgment; revising the maximum period for which a court may set or extend probation or suspension of a sentence for certain offenses; adding certain offenses relating to cruelty to animals to the list of offenses a person must not be convicted of to be eligible for a petition for early discharge; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen C.H. Miller, Yeager, Monroe-Moreno, Jauregui and Brittney Miller:

Assembly Bill No. 160—AN ACT relating to criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman C.H. Miller:

Assembly Bill No. 161—AN ACT relating to drivers' licenses; requiring, under certain circumstances, that the Department of Motor Vehicles place a designation on a driver's license for certain persons with autism; and providing other matters properly relating thereto.

Assemblyman Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymen Gorelow, Bilbray-Axelrod, Carter, Peters and Watts:

Assembly Bill No. 162—AN ACT relating to pesticides; requiring the Director of the State Department of Agriculture to classify neonicotinoid pesticides as restricted-use pesticides; prohibiting the use of neonicotinoid pesticides on state lands; establishing certain exceptions for neonicotinoid pesticides to certain fees relating to restricted-use pesticides; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Cohen moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymen González, Considine, Thomas, Anderson, Brown-May, Dickman, Duran, Gray, Hardy, La Rue Hatch, Newby, Nguyen, O'Neill, Orentlicher and Watts; Senators Spearman, Neal, Harris, Ohrenschall and Scheible:

Assembly Bill No. 163—AN ACT relating to employment; providing for hours of leave, under certain circumstances, if an employee is a victim of an act which constitutes sexual assault; prohibiting the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from denying certain persons unemployment benefits under certain circumstances; requiring employers to provide reasonable accommodations under certain circumstances; prohibiting an employer from taking certain actions against an employee; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 164—AN ACT relating to outdoor recreation; requiring the Division of Outdoor Recreation in the State Department of Conservation and Natural Resources to establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system in this State; prescribing the membership and duties of the Outdoor Education Advisory Working Group; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 165—AN ACT relating to workers' compensation; revising provisions governing the payment in a lump sum for certain claimants with a permanent partial disability; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywomen Thomas and Gorelow:

Assembly Bill No. 166—AN ACT making an appropriation to the nonprofit organization Foster Kinship for its programs dedicated to kinship care; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Thomas:

Assembly Bill No. 167—AN ACT relating to persons with dementia; requiring the Aging and Disability Services Division of the Department of Health and Human Services to establish and administer a dementia care specialist program; setting forth certain requirements for the program; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywomen Thomas and Gorelow:

Assembly Bill No. 168—AN ACT relating to maternal health; revising the duties of the Maternal Mortality Review Committee in the Department of

Health and Human Services; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 32.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Coen, Cal Boone, and Kari Emm.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Elder Teri Burns, Elder Daine Williams, and Crystal Harjo.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen LeBelle, Marilyn Bitisilie, and Marlys Hubbard.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Norma Moyle, Mildred Garcia, and Matthew Ousley.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Kaitlynne Romero, Makinzie Cady, and Leilani Kupo.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsey Manning, Russell McCoy, and Sydney Cota.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Trip Tobin.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Member Addie Parker, Member Daliah Abel, and Brian Mason.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Paisley Rosenlund and Rachel Pope.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Arnold Thomas, LaDawna Rose, and Markie Wilder.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Clifford Banuelos, Sarina Nez, and Kostan Lathouris.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Burtt.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Martinez, Teresa Melendez, and Brian Melendez.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Warren Graham, Joe Mike, and Debbie O'Neil.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Eben Jones, Bethany Sam, and Arlan D. Melendez.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Duane Garcia Sr., Davis Gonzales, and Thalia Marin.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Chair Brady, Janet Weed, and Marissa Weasel Boy.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Tammi Tiger, Staci Emm, and Kelly Krolicki.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Wadsworth, Jay Martin, and Josie Burnett.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to John Oceguera.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, February 15, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday), February 15, 2023

Assembly called to order at 11:38 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ken Haskins.

Our loving, heavenly Father, the prophet Isaiah encourages us to learn to do good, seek justice, correct oppression, bring justice to the fatherless, plead the widow's cause. Lord, may we commit ourselves to causes greater than ourselves and trust You to show us the way. I pray in Jesus' name. AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 10 of the 81st Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHELLE GORELOW, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen McArthur, Hafen, Gray, O'Neill, Yeager, Anderson, Backus, Bilbray-Axelrod, Considine, DeLong, Dickman, D'Silva, Duran, Gallant, Gurr, Hansen, Hardy, Hibbetts, Kasama, Koenig, La Rue Hatch, Marzola, Monroe-Moreno, Mosca, Newby, Nguyen, Peters, Summers-Armstrong, Taylor, Thomas, Torres and Yurek; Senators Krasner, Titus, Spearman, Buck, Flores, Dondero Loop, Goicoechea, Hansen, Nguyen, Ohrenschall, Scheible, Seevers Gansert and Stone:

Assembly Joint Resolution No. 1—Urging the United States Department of Veterans Affairs to study the effectiveness and use of hyperbaric oxygen therapy for veterans.

Assemblywoman Torres moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywomen Gorelow, Bilbray-Axelrod, Thomas, González, Duran and Summers-Armstrong:

Assembly Bill No. 169—AN ACT relating to feminine hygiene products; requiring, with certain exceptions, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Monroe-Moreno, Thomas, C.H. Miller, Brittney Miller, Marzola, Anderson, Bilbray-Axelrod, Brown-May, Cohen, Considine, González, Gorelow, Nguyen, Orentlicher, Peters, Taylor, Watts and Yeager:

Assembly Bill No. 170—AN ACT relating to crimes; revising penalties for certain offenses involving concentrated cannabis; providing juvenile courts with exclusive jurisdiction over offenses relating to concentrated cannabis committed by children; revising provisions relating to the issuance of citations for offenses relating to concentrated cannabis committed by children; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Duran, Torres, Anderson, González, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine and Thomas:

Assembly Bill No. 171—AN ACT relating to public works; revising the procedures governing the award of certain contracts for a public work; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Anderson, Duran, Carter, Considine and Thomas and Senator Daly:

Assembly Bill No. 172—AN ACT relating to collective bargaining; requiring each local government employer to semiannually provide each employee organization recognized by the local government employer certain information relating to each employee of the bargaining unit represented by the employee organization; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gray, O'Neill, DeLong, Dickman, Gallant, Gurr and Hibbetts; Senators Daly, Seevers Gansert and Stone:

Assembly Bill No. 173—AN ACT relating to public works; revising provisions relating to certain bids for a public work for which a list disclosing first tier subcontractors is required; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gray, Dickman, D'Silva, Gallant, Gurr, Hafen, Hansen, Kasama, Koenig and O'Neill; Senators Spearman, Krasner, Stone and Seevers Gansert:

Assembly Bill No. 174—AN ACT relating to the state militia; revising provisions governing the Adjutant General of the Office of the Military; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Yurek and Bilbray-Axelrod:

Assembly Bill No. 175—AN ACT relating to education; revising provisions governing the election and appointment of members of the board of trustees of certain school districts; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen González, Summers-Armstrong and Orentlicher; Senators Doñate and Neal:

Assembly Bill No. 176—AN ACT relating to housing; prohibiting discrimination in housing and certain other transactions involving real property on the basis of source of income; requiring a person who refuses to rent a dwelling to a prospective tenant to provide to the prospective tenant a written notice that states the reason for the refusal; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Gurr, DeLong, Dickman, Gallant, Gray, Hibbetts, Kasama, McArthur and O'Neill:

Assembly Bill No. 177—AN ACT relating to county assessors; revising provisions relating to the sharing of parcel datasets by the State Demographer to include an association for operators; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gurr, Gray, DeLong, Dickman, Gallant, Hibbetts and O'Neill:

Assembly Bill No. 178—AN ACT relating to emergency medical services; revising provisions related to permit renewals for certain operators of ambulances, air ambulances or vehicles of firefighting agencies; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywomen Gorelow, Thomas, Cohen and González:

Assembly Bill No. 179—AN ACT relating to health care; establishing the Perinatal Quality Control Collaborative; prescribing the membership, objectives and duties of the Collaborative; providing for the appointment of the Executive Director of the Collaborative; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Connor Lindloff.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Wahrenbrock, Braxton Nield, and Winford Rowley.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Lander Smith, Cooper Hill, and Allie Nelson.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlyn Cummings, Roland Norris, and Grant Kington.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Rachel Pope and Paisley Roselund.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Vanessa Boster, Jayven Free, and McKinsey Ryon.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Sonny Lopez and Paris Collins.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Santigate, Renee Fairless, and Olga Storla.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Hopper, Kobe Robinson, and Daylen Ijames.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, February 16, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), February 16, 2023

Assembly called to order at 11:37 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Kelcey West.

Let us bow to the God of Abraham, Isaac, and Jacob and to the God whom David praised and Daniel promoted, for Your grace that is sufficient and for Your mercy that endures forever. We seek with a revived spirit of expectation and restored spirit of hope that we are moving closer to that day when we will all be free.

As we also gather to celebrate history, we thank You for allowing us, throughout the dispensations of time, to successfully walk across systemic seas on dry land and to survive nights spent in dense field with lawless lions. We thank You, Lord, because we are standing and serving in Carson City. We thank You for raising up this assembly of leaders, like You raised up that assembly of judges for such a time as this.

Master, we ask that You would give this Assembly the strength to move the mountains that our ancestors had to climb. Give them the ability to do that which is needed again for such a time as this. And, Master, we will be careful—not if but when victory is won—to give You all the praise, the honor, and the glory.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 15, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 124.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 10 of the 81st Session.

Resolution read.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Joint Resolution 10 of the 81st Session proposes to amend both the Ordinance of the *Nevada Constitution* and the *Nevada Constitution* itself to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment. The resolution was approved by the 81st Session of the Legislature in 2021. If approved in identical form during the 2023 Legislative

Session, the proposal will be submitted to the voters for final approval or disapproval in the 2024 General Election.

It is an honor today to be gathered here and to be surrounded in the halls and in the Chamber by so many who are gathered to celebrate the rich culture and accomplishments of Black Americans. I am wearing a pin from the Moulin Rouge, the historic establishment in Las Vegas that is just one part of that amazing history. I think it is also important to note that for many of us here today, history begins on slave ships. The Spanish brought African slaves to St. Augustine, Florida, in 1565. The English ship known as the White Lion initiated the Black slave trade in America in 1619, when about 20 Africans were sold on the shores of Virginia.

We were not the only ones to face these horrors. This resolution was heard just a couple of days ago, on Nevada Tribes Legislative Day. Indigenous people were also enslaved by English colonizers. But it is important to understand that most of the Black people in this Chamber and in the halls today are descendants of slaves, myself included. Ours is a history of resistance and resilience in the face of generations of trauma so intense that it is hard to truly fathom. Today, we say no more. We say never again.

May the passage of this resolution, and the unequivocal rejection of slavery and involuntary servitude in this state, be one more step forward in a journey toward justice and joy for all. Today, let us make history together.

Roll call on Assembly Joint Resolution No. 10 of the 81st Session:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 10 of the 81st Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

NOTICE OF EXEMPTION

February 16, 2023

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

WAYNE THORLEY
Fiscal Analysis Division

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

Assembly in recess at 11:52 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hibbetts, Yurek and D'Silva and Senator Pazina:

Assembly Bill No. 180—AN ACT relating to collective bargaining; requiring the Government Employee-Management Relations Board to establish separate bargaining units for certain supervisory employees who are peace officers; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hibbetts and Yurek:

Assembly Bill No. 181—AN ACT relating to concealed firearms; revising the requirements pertaining to demonstrating competence with handguns for an active peace officer who applies for a permit to carry a concealed firearm; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen Brittney Miller, Anderson and La Rue Hatch:

Assembly Bill No. 182—AN ACT relating to education; requiring a person to hold a baccalaureate degree before obtaining certain licenses to teach or enrolling in an alternative route to licensure; requiring a person who holds an endorsement in certain fields of specialization to teach only in such a field; adding a license to serve as a substitute teacher as a kind of teaching license; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 183—AN ACT relating to child welfare; requiring certain entities in the juvenile justice system and the child welfare system to screen certain children for commercial sexual exploitation; requiring such entities to take certain actions if the results of a screening indicate that a child is a victim of commercial sexual exploitation; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Watts, C.H. Miller, Yeager, Kasama and Marzola; Senators Harris and Pazina:

Assembly Bill No. 184—AN ACT relating to air pollution; creating the Account for Clean Trucks and Buses; creating the Clean Trucks and Buses Incentive Program; establishing various requirements for the Program; and providing other matters properly relating thereto.

Assemblywoman Cohen moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 124.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REMARKS FROM THE FLOOR

Mr. Speaker requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

"History" is derived from the ancient Greek word "historia." It means "inquiry; knowledge acquired by investigation." It is the systematic study and documentation of human activity. Today marks the 16th day of Black History Month, an idea conceived in 1926 by Carter G. Woodson. Its purpose is to note the contributions of Black Americans which, during his time, were basically ignored in history books. The importance of this month is to recognize the accomplishments of people of African descent, from Ghana, Botswana, Senegal, Cameroon, Congo, and all of those faraway places in Africa where they came from as enslaved people, but who embraced the hope, freedom, and justice that this country has promised and all the contributions that they often gave their lives for—for a dream to be realized.

Today, we are hosting many special guests. They will be acknowledged later, but at this time, I am going to acknowledge Torrey Russell, who is the Director of Broadway in the Hood. They will be giving a performance today during our Black History Month luncheon. Please join us immediately after floor in Room 3100. We will have exhibits, we will have this incredible artistic performance, and we will have amazing food honoring the deep and rich history of Black culinary excellence in America.

ASSEMBLYMAN C.H. MILLER:

In this very special month, on this day, we have special guests in the house. It is important that, while we talk about Black history and serving in this female-majority Legislature, we acknowledge that women in leadership, especially Black women in leadership, is a normal thing in Nevada.

I want to first introduce a few people, then we are going to present a brief proclamation. I have one of perhaps less than 20 Black chiefs of staff in our federal House sitting with me today. I have beside me Congressman Steven Horsford's Chief of Staff, Asha Jones. Sitting beside her is Qiava Martinez, Chief Sales Officer for the Las Vegas Raiders, and also Piper Overstreet-White, Vice President of Government Affairs for the Las Vegas Raiders.

Sitting with the first African-American woman to serve in a leadership role in the Nevada Assembly and the first Black woman to be Speaker Pro Tempore, Assemblywoman Daniele Monroe-Moreno, we have our first championship professional sports team. We have Ms. Natalie Williams, General Manager of the Las Vegas Aces, and Assistant Coach Charlene Thomas-Swinson of the Las Vegas Aces. We are excited and honored to have you here.

We have a proclamation that I am going to read. It says:

> WHEREAS, Nevada is the epicenter to many guest treasures but one of the things it is becoming quickly recognized for is its ceiling-breaking hiring and forward thinking in the arena of sports; and
>
> WHEREAS, In 2018, the Women's National Basketball Association (WNBA)'s Las Vegas Aces played their inaugural season in Las Vegas, achieving mild success, but it was not until 2021 when the Aces named Yolanda Nicole "Nikki" Fargas team president that the franchise began to flourish by winning the WNBA championship in 2022, making them the first Nevada based sports team to win a major professional championship; and
>
> WHEREAS, In 2020, only a few years after the Aces moved to southern Nevada, the National Football League (NFL)'s Las Vegas Raiders played their inaugural season at Allegiant Stadium and named Sandra Douglass Morgan president in 2022—becoming the first Black woman to be named president of a NFL team; and
>
> WHEREAS, These two landmark hires are emblematic of the important progress and transformative growth organizations are realizing that can lead to success in our great State; and
>
> WHEREAS, Nevada is made up of a diverse citizenry with a unique sports fanbase, it is incumbent upon industry leaders to continue to ensure that

opportunities are available for all residents and equality in hiring is reflected at all levels and sectors of business; and

WHEREAS, The Las Vegas Raiders and Las Vegas Aces have made historic strides in areas of diversity, equity, and inclusion, in addition to, providing combined team outreach efforts to local schools and community groups; now, therefore, be it

PROCLAIMED, That Nevadans are encouraged to join us in recognizing the history making accomplishments of the Las Vegas Raiders and the Las Vegas Aces, as we celebrate the 3rd biannual Nevada Black Legislative Caucus Black History Summit; and be it further

PROCLAIMED, With the ascension of Black women to prominent leadership roles, the Las Vegas Raiders and the Las Vegas Aces have cemented a permanent place in Nevada's history.

DATED this 16th day of February, 2023.

ASSEMBLYWOMAN BRITTNEY MILLER:

I would like to acknowledge our Black northern Nevadan leaders who are here with us today on the floor. First, we have Judge Ken Howard, who is the first African American to serve as a judge in northern Nevada and also the first African American to serve as student body president in a northern Nevadan high school.

We have Marilynn Howard, one of the first African-American women to teach in the Washoe County School District. She also held a zero period—I want you to understand, when we say "zero period," that often means before school, after school, unpaid, and completely voluntary—cooking class to make sure that low-income students could start the day with a meal.

Mr. Lonnie Feemster, our past president of the NAACP [National Association for the Advancement of Colored People] in the north and a longtime civil rights advocate and community activist.

We also have Ms. Coni Taylor, cofounder of the Northern Nevada Black Cultural Awareness Society and cofounder of ACCEPT [Access for Community and Cultural Education Programs and Trainings], the first agency in northern Nevada to provide HIV/AIDS education and support for African Americans.

We also have Ms. Shirley Ann Thomas, the first African-American woman to teach and coach middle school in the Washoe County School District. She spent her career at the most diverse school in the district, becoming a mentor and role model for the young African-American students there.

We have Ms. Mary Cooper on behalf of Reverend Onie Cooper. Reverend Cooper was the state cochair of the Martin Luther King, Jr. Commission, which worked to get the Dr. Martin Luther King, Jr. holiday recognized in Nevada. He was a leader in the fight for civil rights in northern Nevada as early as the 1960s.

Please acknowledge our Black northern Nevadan leaders. We have many friends, family, community organizers, and supporters here today on the floor. If you are here today to celebrate Black history—and I say Black history, but Black history is continuing to be made—by partaking in our Black history summit, please stand up and be recognized today.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Lonnie Feemster, Dwight Stewart, and E. Marie Hughes.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Yvette Williams.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Shell.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Waechter.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Karl Catarata and Jesus A. Palma.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Gerald Mayes.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Hartzell.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Glaittli.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Hunt.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Chapple-Love.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Reedy.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Marianne McKowan.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Medina.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle McGuire.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Flood-Abrass, Judge Kenneth Howard, and Marilynn Howard.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Qiava Martinez, Piper Overstreet, and Asha Jones.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Asia Duncan and Ashley Dotson.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Natalie Williams, Charlene Thomas Swinson, and Jo Cato.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Yanez.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Trinh Dang.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Thalia Maya.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Floyd.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Drucker, Casey Drucker, Mary Cooper on behalf of Onie Cooper, and Patricia Y. Gallimore.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Hodgson and Torrey Russell.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Conie Taylor and Shirley Thomas.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Smith.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Kelcey West, Patrina McKinney, and Will Rucker.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Aimee D'Errico.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, February 20, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:24 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), February 20, 2023

Assembly called to order at 11:53 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ken Haskins.

Our Father in heaven, the wisdom of Solomon is encapsulated in the proverb: "Trust in the Lord with all your heart and lean not on your own understanding; in all your ways submit to Him, and He will make your paths straight." Lord, keep our priorities right. Make our paths straight. In Jesus' Name I pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen DeLong, Gray, Dickman, Gallant, Hibbetts and Kasama and Senator Krasner:

Assembly Joint Resolution No. 2—Proposing to amend the Nevada Constitution to revise certain procedures relating to proposed amendments to the Nevada Constitution.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2A of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass ~~[any]~~ ***:***

(a) Any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session ~~[.]~~ ***; or***

(b) A proposed amendment or amendments to this Constitution.

3. A special session convened pursuant to this section takes precedence over a special session convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition convening the special session pursuant to this section.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

5. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

6. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 9 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 9. 1. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the Governor may, on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses, when organized, the business for which they have been specially convened.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass ~~[any]~~ ***:***

(a) Any bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session ~~[.]~~ ***; or***

(b) A proposed amendment or amendments to this Constitution.

3. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

4. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 1 of Article 16 of the Nevada Constitution be amended to read as follows:

Section 1. 1. Any amendment or amendments to this Constitution may be proposed ***during a regular session of the Legislature*** in the Senate or Assembly; and if the same shall be agreed to by a Majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the Yeas and Nays taken thereon, and referred ***during the next regular session*** to the Legislature

then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if ~~[in]~~ ***, during the next regular session,*** the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall, unless precluded by subsection 2 or section 2 of article 19 of this constitution, become a part of the Constitution.

2. If, two or more amendments which affect the same section of the constitution are ratified by the people pursuant to this section at the same election:

(a) If all can be given effect without contradiction in substance, each shall become a part of the constitution.

(b) If one or more contradict in substance the other or others, that amendment which received the largest favorable vote, and any other ratified amendment or amendments compatible with it, shall become a part of the constitution.

3. If, after the proposal of an amendment, another amendment is ratified pursuant to this section which affects the same section of the constitution but is compatible with the proposed amendment, the next legislature if it agrees to the proposed amendment ***during the next regular session,*** shall submit such proposal to the people as a further amendment to the amended section. If, after the proposal of an amendment, another amendment is ratified pursuant to this section which contradicts in substance the proposed amendment, such proposed amendment shall not be submitted to the people.

And be it further

RESOLVED, That Section 2 of Article 16 of the Nevada Constitution be amended to read as follows:

~~[Sec. 2.]~~ ***Sec. 2*** If at any time ***during a regular session*** the Legislature by a vote of two thirds of the Members elected to each house, shall determine that it is necessary to cause a revision of this entire Constitution they shall recommend to the electors at the next election for Members of the Legislature, to vote for or against a convention, and if it shall appear that a majority of the electors voting at such election, shall have voted in favor of calling a Convention, the Legislature shall, at its next ***regular*** session provide by law for calling a Convention to be holden within six months after the passage of such law, and such Convention shall consist of a number of Members not less than that of both branches of the Legislature. In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

February 16, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Assembly Bill No. 166.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 5, 7, 9, 10, 46, 71, 77, 85, 99, 109, 150, 158, 178.

SARAH COFFMAN
Fiscal Analysis Division

February 16, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 45.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 118.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that the persons set forth on the Nevada Legislature's Press Accreditation List of February 20, 2023, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

NEVADA APPEAL: Scott Neuffer; REYNOLDS SCHOOL OF JOURNALISM: Parker Samuelson; THE NEVADA SAGEBRUSH: Rachel Jackson; UNRELENTING MEDIA: Joseph Abraham, Daniel Abraham.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Mosca:

Assembly Bill No. 185—AN ACT relating to education; requiring school districts, charter schools and university schools for profoundly gifted pupils to take certain measures to accommodate a pupil who plans to transfer to the school district or school or leave the school district or school because of the documented pending military transfer of a parent or guardian; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Kasama:

Assembly Bill No. 186—AN ACT relating to food establishments; prohibiting a food establishment from providing drinking water unless requested by a customer; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Kasama, Hansen and Koenig:

Assembly Bill No. 187—AN ACT relating to education; prohibiting a program of instruction using the three-cueing system model of reading for certain public school and charter school pupils; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Kasama, Gray, Gurr, Hibbetts, Koenig, Thomas and Yurek; Senators Ohrenschall and Dondero Loop:

Assembly Bill No. 188—AN ACT relating to health care; revising the circumstances under which a physician is authorized to prescribe or recommend and a manufacturer is authorized to provide or make available an investigational drug, biological product or device; authorizing a manufacturer to provide or make available an individualized investigational treatment to a patient under certain circumstances; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing such an individualized investigational treatment; authorizing a physician to prescribe or recommend an individualized investigational treatment under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 189—AN ACT relating to construction; setting forth certain limitations on the board of county commissioners or the governing body of a city in certain counties in adopting an ordinance restricting the hours in which construction work may begin during certain times of the year in a common-interest community; prohibiting, under certain circumstances, a common-interest community from restricting the hours that construction work may begin in certain counties or cities during certain times of the year; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Kasama:

Assembly Bill No. 190—AN ACT relating to elections; requiring the Secretary of State to prescribe by regulation a voter registration form that must be distributed by a title company and certain apartment associations and property management companies under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen DeLong, Dickman, Gallant and Gurr:

Assembly Bill No. 191—AN ACT relating to water; revising provisions relating to a plan of water conservation and plan for incentives relating to water conservation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblywoman González:

Assembly Bill No. 192—AN ACT relating to elections; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen González, D'Silva, Thomas, Anderson, Torres, Gorelow, La Rue Hatch, Marzola, C.H. Miller, Nguyen, Orentlicher, Peters and Taylor; Senators Ohrenschall and Nguyen:

Assembly Bill No. 193—AN ACT relating to criminal procedure; prohibiting a peace officer or other person authorized to conduct a custodial interrogation of a child from making certain statements during a custodial interrogation of a child; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hansen, Hardy, Kasama, Dickman, Torres, DeLong, Gallant, Gray, Gurr, Koenig, McArthur, O'Neill, Taylor and Yurek and Senator Hansen:

Assembly Bill No. 194—AN ACT relating to education; revising provisions governing the suspension, expulsion or permanent expulsion of a pupil from a public school in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Hardy:

Assembly Bill No. 195—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to waive the fee for the administration of the examination required for the issuance of a noncommercial driver's license for certain persons released from prison; requiring the Department to waive any fee that would otherwise be imposed against a person for the late renewal of a driver's license if the late renewal resulted from the person being incarcerated; requiring the Department to reinstate free of charge a driver's license or to provide an original or renewal driver's license to certain persons released from prison in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymen Hardy and Hafen:

Assembly Bill No. 196—AN ACT relating to health care; authorizing the use of one vial of certain neuromodulators for multiple injections and for multiple patients; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 197—AN ACT relating to health care; authorizing the Division of Health Care Financing and Policy of the Department of Health and Human Services to impose an assessment on certain health care providers; creating the Account to Improve Health Care Quality and Access for Patients of Certain Providers; prescribing the authorized uses of the revenue generated by the assessment; requiring the Division to adopt regulations establishing administrative penalties against a health care provider who does not pay an assessment in a timely manner; authorizing the Division to take certain measures to collect an unpaid assessment or administrative penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 198—AN ACT relating to health care; providing for the registration of providers of health care who are not licensed in this State to provide services through telehealth to patients located in this State and for the regulation of such providers; establishing proper venue for a civil action arising out of the provision of a service through telehealth; revising the circumstances under which a provider of health care is authorized to provide services through telehealth to a patient located in this State; abolishing certain licensure to practice medicine; providing for the licensure of certified registered nurse anesthetists as advanced practice registered nurses; authorizing such an advanced practice registered nurse to order and select controlled substances, poisons and dangerous drugs under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Duran, Carter, Considine, D'Silva, González, Thomas and Torres:

Assembly Bill No. 199—AN ACT relating to chiropractic; authorizing a chiropractic physician to evaluate and treat a person who has sustained an injury to the head; authorizing a chiropractic physician to clear a pupil or youth for participation in certain activities after the pupil or youth has sustained an injury to the head; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman McArthur:

Assembly Bill No. 200—AN ACT relating to the Legislature; reducing the number of legislative measures that may be requested for a regular legislative session; codifying into statute certain provisions of the Joint Standing Rules of the Senate and Assembly that authorize requests for legislative measures; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 201—AN ACT relating to behavioral health; requiring the Commission on Behavioral Health to provide certain oversight and make certain recommendations concerning the children's behavioral health system of care; requiring the formulation and operation of comprehensive state plans to provide behavioral health services for adults and children; requiring the certification of persons and entities who receive federal or state money to provide such services; requiring the adoption of clinical standards of care for the provision of such services; revising certain duties of the Commission, regional behavioral health policy boards and mental health consortiums of this State; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Summers-Armstrong:

Assembly Bill No. 202—AN ACT relating to medical facilities; authorizing a patient in a facility for skilled nursing or his or her representative to request the installation and use of an electronic communication device in the living quarters of the patient; prescribing requirements for the selection and operation of such a device; prohibiting a person from taking certain actions concerning such a device or the images and sounds broadcast by such a device; prohibiting a facility for skilled nursing or an employee of such a facility from taking certain additional actions; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Hafen, D'Silva, Gray, Brown-May, Hansen, Hardy, McArthur, Thomas, Torres and Watts and Senator Nguyen:

Assembly Bill No. 203—AN ACT relating to motor vehicles; authorizing the combination of personalized prestige license plates and certain special license plates; exempting from the payment of certain parking fees vehicles with certain specially designed license plates for family members of persons killed in the line of duty or who died of injuries sustained while on active duty in the Armed Forces of the United States; providing a penalty for persons who make certain false statements or submit false, fraudulent or misleading evidence in connection with an application for certain specially designed license plates; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblywoman Hansen:

Assembly Bill No. 204—AN ACT relating to mining; revising provisions relating to the location of a mill site; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymen Gray, Dickman, DeLong, Gallant, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, O'Neill and Yurek:

Assembly Bill No. 205—AN ACT relating to adoption; establishing the Nevada Child Adoption Grant Program to award grants to assist certain prospective adoptive parents with certain costs of adoption; establishing a credit against the modified business tax for taxpayers who donate money to the Nevada Child Adoption Grant Program; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Luis Galvez.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Imer Cespedes and Alex Peralta.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Kateyah Reed and Jesse Cruz.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Robert J. Fliegler.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Adrianna Hernandez, Kevin Osorio Hernandez, and Gilda Espinoza.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Zaib Shaikh, Arwen Widmer Bobyk, and Dionne Stanfill.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Vaskov and Olivia Ngo.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to T.J. Yurek.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, February 21, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 21, 2023

Assembly called to order at 11:35 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ken Haskins.

Our heavenly Father, wealth and riches are in Your house. "How much better to get wisdom than gold, to get insight rather than silver!" Grant these legislators insight and wisdom. May their efforts bless richly the lives of all Nevadans.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 21, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Assembly Bill No. 58.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 1, 31, 100, 117, 132, 155, 167, 179, 205.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Brown-May:

Assembly Bill No. 206—AN ACT relating to persons with disabilities; increasing the membership of the Nevada Commission for Persons Who Are Deaf and Hard of Hearing; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen González and Nguyen:

Assembly Bill No. 207—AN ACT relating to education; authorizing the board of trustees of a school district and the governing body of a charter school to obtain insurance for liability arising out of the participation of a pupil in a work-based learning program; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 208—AN ACT relating to Medicaid; establishing a program to provide structured family caregiving to certain recipients of Medicaid; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen González, Anderson, Carter, Thomas, Torres and Watts:

Assembly Bill No. 209—AN ACT relating to providers of health care; prohibiting a provider of health care from taking certain actions to prevent, hinder or delay a person from bringing a civil action against the provider of health care for professional negligence; removing or repealing various requirements and restrictions concerning certain civil actions against certain providers of health care; prohibiting a provider of health care from providing any health care service to a person unless the provider of health care has obtained or otherwise carries a policy of professional liability insurance; providing a civil penalty; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dasia Shed and Ramon Scoble.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Val Hahn and Denise Castle.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Ortega.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to JoEtta Davis and Timothy O'Conner.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Riney and Devin Harbke.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Josh Roderick and Lori Ramos.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Frankie Graham and Jennifer Lane.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to DeDe Barker.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Don Schoorl and Richard Harrison.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to John Sutton and Mellisa Schultz.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Bradley.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Jasmine and Benjamin Peterson.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Charli Sperry.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Freehan and Paul Moran.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Dimpel.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Elton and Alan Frank.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Don Dwyer and Greg Gibson.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Martin Litt, Steven Sappington, Nance Card, and Anna Atchison.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Egan and Tim Dyer.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Kennedy and Todd Sylvester.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Hallinan.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Ung, Michelle Nguyen, and Brenden Musselman.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Cochrane and Dane Wagner.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Zachary Alexander.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Jones and Janel Ordal.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Tim George.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Miranda Jones.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Birdella Goffinett and Nicole Silberschlag.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Kemp.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Faga.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Snow and Christopher Jim.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Anderson.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Richards and Scott Jocover.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Callicrate.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Joel Donalson.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Mudd.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Kristi Schaff and Katie Coleman.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Michone Hurst.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Duensing and Brandy Thompson.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Frederick Partey.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Shyluk.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Antonini and Mehmet Koc.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, February 22, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:50 a.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 22, 2023

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Backus, who was excused.

Prayer by the Chaplain, Pastor Ken Haskins.

Our Heavenly Father, our greatness is seen clearly in service. "The greatest shall be Your servant." Bless these public servants, their families, and all the people of Nevada whom they serve. I pray in the Name of the One who came not to be served, but to serve, even Jesus.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Peters, Watts and Thomas; Senators Doñate and Scheible:

Assembly Joint Resolution No. 3—Proposing to amend the Nevada Constitution to establish certain rights relating to the environment.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 25, be added to Article 1 of the Nevada Constitution to read as follows:

Sec. 25. 1. Each person has an inherent, inalienable, indefeasible and selfexecuting right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment.

2. The State of Nevada's natural resources, among them its waters, air, flora, fauna, climate and public lands, are the common property of all the people, including both present and future generations. The State, including each branch, agency and political subdivision, shall serve as trustee of these resources. The State shall conserve, protect and maintain these resources for the benefit of all people.

3. The State, including each branch, agency and political subdivision, shall equitably protect these rights for all people regardless of race, ethnicity, gender, geography or wealth and shall act with prudence, loyalty, impartiality and treat equitably all beneficiaries in fulfilling the trust obligations of the State.

4. The State shall take no action that would cause unreasonable degradation, diminution or depletion of the environment, through direct state action, or inaction, or through the action of others.

And be it further

RESOLVED, That this resolution become effective upon passage.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 3—Directing the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study of the laws administered by the Nevada Transportation Authority and the Taxicab Authority.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Duran, Torres, González, Carter, Gorelow, La Rue Hatch, Marzola, Newby, Nguyen and Thomas:

Assembly Bill No. 210—AN ACT relating to public works; requiring a contractor or subcontractor on a public work to provide a worker with written notice of certain information in the primary language of the worker; requiring the Labor Commissioner to prepare template forms for such notice; requiring a contractor or subcontractor on a public work to provide certain information to workers regarding leave; requiring a person found by the Labor Commissioner to have failed to pay prevailing wages to a worker to pay certain damages to the affected worker; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 211—AN ACT relating to public employees; requiring, under certain circumstances, the Public Employees' Retirement Board to request the actuary of the Public Employees' Retirement System compute for certain members of the System the amount of money necessary to pay the full actuarial cost of converting retirement service credit to the Police and Firefighters' Retirement Fund; authorizing, under certain circumstances, certain public employers and employee organizations to engage in supplemental collective bargaining to allow certain law enforcement dispatchers to participate in the Fund and convert certain service credit to the Fund; requiring certain law enforcement dispatchers to successfully complete a program for the training of law enforcement dispatchers; revising provisions governing the sharing of information concerning applicants for certain positions with public safety agencies; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Mosca:

Assembly Bill No. 212—AN ACT relating to higher education; requiring the Board of Regents of the University of Nevada to establish certain policies and procedures that ensure certain students are able to access or obtain official and unofficial transcripts; prohibiting an institution with the Nevada System of Higher Education from charging students that owe a debt to the System or an institution within the System a higher fee to obtain a transcript; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 213—AN ACT relating to land use planning; requiring the governing body of a city or county to publish certain information on its Internet website relating to certain applications relating to land use planning; revising provisions relating to the procedures for review of certain applications for land use planning; revising provisions relating to rural neighborhood preservation plans; revising provisions relating to the adoption of measures in certain counties relating to affordable housing; providing, under certain circumstances, that a tentative map shall be deemed to be unconditionally approved by certain state agencies; providing that certain deadlines relating to land use planning that apply to counties also apply to cities; requiring counties and cities to enact certain ordinances relating to projects for affordable housing on or before July 1, 2024; making certain legislative declarations; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Anderson and Senator Daly:

Assembly Bill No. 214—AN ACT relating to regional transportation commissions; providing certain eligibility requirements for a person to submit a bid for a high-capacity transit system utilizing a turnkey procurement process; providing certain requirements for the use of an electronic surveillance system; revising certain requirements relating to the establishment of an advisory committee by a regional transportation commission; revising certain requirements for a commission to use a turnkey procurement process for a high-capacity transit system; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gorelow, Orentlicher and Thomas and Senator Ohrenschall:

Assembly Bill No. 215—AN ACT relating to the Nevada Silver Haired Legislative Forum; revising the residency requirements to be eligible for appointment as a member of the Forum; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Gorelow:

Assembly Bill No. 216—AN ACT relating to insurance; repealing, reenacting, reorganizing and revising various provisions relating to travel insurance; authorizing the Commissioner of Insurance to adopt regulations relating to travel insurance; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Watts, González, Anderson, Considine, C.H. Miller, Backus, Bilbray-Axelrod, Brown-May, Carter, Cohen, D'Silva, Gorelow, La Rue Hatch, Mosca, Peters, Summers-Armstrong, Taylor, Thomas and Torres; Senators Flores, Doñate, Neal, Lange, Nguyen and Pazina:

Assembly Bill No. 217—AN ACT relating to education; revising provisions relating to the Liaison for Post-Secondary Education for Homeless Pupils within the Nevada System of Higher Education; authorizing the Board of Regents of the University of Nevada to require institutions within the System to prioritize registration for the enrollment of certain pupils in certain courses; revising provisions governing the waiver of fees by the Board of Regents for certain homeless or unaccompanied pupils; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

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

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 152.

Bill read second time and ordered to third reading.

Senate Bill No. 124.

Bill read second time.

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

Amendment No. 2.

SHORT FORM AMENDMENT

Section 2.3 of this act is the only section affected by this amendment.

The Title of Senate Bill No. 124 First Reprint is hereby amended as follows:

AN ACT relating to taxation; revising the manner by which a portion of the revenue generated by the tax upon the net proceeds of minerals and royalties of mining operations is distributed to the State Education Fund; **revising provisions relating to the transfer of money to the Education Stabilization Account in the State Education Fund;** clarifying the treatment of the proceeds of such a tax within a county school district fund; clarifying the status of the money contained in such a fund on a certain date; providing for the early expiration of certain requirements regarding the imposition and advance payment of a portion of the tax upon the net proceeds of minerals and royalties; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law imposes a tax upon the net proceeds of minerals extracted in this State and mineral royalties. (NRS 362.100-362.240) A portion of the revenue generated by the tax upon the net proceeds of minerals and mineral royalties is appropriated to the county in which the mining operation is located for apportionment by the county treasurer to each local government or other local taxing entity in that county in an amount equal to the property tax rate for local purposes in that jurisdiction multiplied by the net proceeds extracted from and royalties paid by extractive operations in that jurisdiction, plus a pro rata share of any penalties and interest collected by the Department of Taxation for any late payment of the tax. (NRS 362.170) Existing law requires the portion of the revenue apportioned by the county treasurer to a county school district for any purpose other than capital projects or debt service for the county school district to be paid by the county treasurer to the State Treasurer for deposit in the State Education Fund. The county treasurer is authorized to retain a commission of 5 percent from this amount. (NRS 362.170) **Section 1** of this bill removes the appropriation to the county, and apportionment by the

county treasurer of, the portion of the revenue that would otherwise be apportioned to a county school district for any purpose other than capital projects or debt service for the county school district. Instead, **section 1** requires the Department to deposit this revenue directly in the State Education Fund, which also has the effect of removing the retention by the county treasurer of a commission of 5 percent of the revenue and requiring the entire amount to be deposited in the State Education Fund. **Section 2** of this bill makes a conforming change to reflect that this revenue will be transferred to the State Education Fund by the Department.

Existing law requires, with certain exceptions, that each county school district annually transfer from the county school district fund to the Education Stabilization Account in the State Education Fund any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. (NRS 387.1213) **Section 2.3** of this bill **revises this requirement to be based on the actual, rather than budgeted, ending fund balance of a county school district fund and the total actual, rather than budgeted, expenditures for the fund. Section 2.3 also** clarifies that certain proceeds of the tax upon the net proceeds of minerals and mineral royalties that are received by a county school district are excluded from the ~~[budgeted]~~ **actual** ending fund balance of a county school district fund for the purpose of the transfer to the Education Stabilization Account required by existing law and, thus, are not subject to such a transfer.

If a county school district maintained an ending fund balance in its county school district fund which exceeded 16.6 percent of the total budgeted expenditures for the fund on June 30, 2020, existing law allows the county school district to maintain an ending fund balance which does not exceed that higher amount, rather than 16.6 percent, before being required to transfer money to the Education Stabilization Account. (Section 77 of chapter 624, Statutes of Nevada 2019, at page 4252) **Section 5.5** of this bill repeals that provision, and **section 2.3** instead provides that any money which was deposited in a county school district fund on or before June 30, 2020, is excluded from the ~~[budgeted]~~ **actual** ending fund balance of a county school district fund for the purpose of the transfer to the Education Stabilization Account required by existing law and, thus, is not subject to such a transfer. **Section 1.5** of this bill makes a conforming change to remove a reference to the repealed provision.

Existing law provides that the portion of the revenue generated by the tax upon the net proceeds of minerals and mineral royalties which is appropriated to a county school district pursuant to the Pupil-Centered Funding Plan is deemed to be the first money appropriated to the county school district pursuant to the Plan. (NRS 387.1214) **Section 2.5** of this bill clarifies that such money is also deemed to be the first money spent by a county school district from the county school district fund each fiscal year. **Section 4.5** of this bill

provides that **sections 2.3 and 2.5** do not apply to or affect the obligation of any entity to repay any amount of money to which the entity was not entitled.

Existing law requires a person extracting any mineral in this State to file a statement which shows the estimated gross yield and estimated net proceeds from each operation for the current calendar year and an estimate of all royalties that will be paid during the current calendar year. (NRS 362.115) Existing law temporarily requires advance payment of the portion of the tax that is distributed to the State General Fund, based upon the estimated net proceeds and royalties for the current calendar year. (NRS 362.115) This advance payment requirement expires on June 30, 2023. (Chapter 4, Statutes of Nevada 2020, 31st Special Session, at page 32) **Section 4** of this bill advances the date on which the advance payment requirement expires to June 30, 2022. **Section 3** of this bill revises provisions governing certain duties of the Department relating to the expiration of the advance payment requirement to provide for the carrying out of those duties in Fiscal Year 2022-2023, rather than Fiscal Year 2023-2024.

Section 2.3 of Senate Bill No. 124 First Reprint is hereby amended as follows:

Sec. 2.3. NRS 387.1213 is hereby amended to read as follows:

387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 , ~~[and]~~ 4 ~~[,]~~ *and 5,* each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the ~~[budgeted]~~ *actual* ending fund balance of the county school district fund exceeds 16.6 percent of the total ~~[budgeted]~~ *actual* expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Education Stabilization Account must not exceed 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.

4. If the Interim Finance Committee finds that:

(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a

transfer of money to the State Education Fund necessary to fund the excess enrollment; or

(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund,

➥ the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.

5. ***When determining the ~~[budgeted]~~ actual ending fund balance for the purposes of subsection 1, each county school district shall exclude:***

(a) Any money deposited in the county school district fund on or before June 30, 2020;

(b) Any money apportioned to the county school district for capital projects or debt service pursuant to subsection 2 of NRS 362.170 and deposited in the county school district fund when authorized by law; and

(c) Any money transferred to the county school district and authorized for expenditure as a continuing appropriation pursuant to paragraph (b) of subsection 6 of NRS 387.1214.

6. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

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

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Justice Forest.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Muelrath and Will Yepez.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Kristina Kliest.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Ryan and Emily Osterberg.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, February 23, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 23, 2023

Assembly called to order at 11:39 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ken Haskins.

Our loving Heavenly Father, You are the very definition of love, for it is written, God is love. You always seek to promote the best interests of all Your children. Help us to be more loving and to promote the best interests of others, even before ourselves. I pray, in Jesus' name.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 22, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 13.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 23, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 6, 42, 63, 135, 140, 151, 153.

SARAH COFFMAN
Fiscal Analysis Division

February 23, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 10.

WAYNE THORLEY
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Considine:

Assembly Bill No. 218—AN ACT relating to real property; prohibiting certain landlords from charging a tenant a fee to make a payment through an Internet website or online portal that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of such service; requiring a written rental agreement to separately identify such a fee under certain circumstances; requiring any reference in a written rental agreement to the amount of rent due under the agreement to be set forth in a certain manner; establishing certain practices as deceptive trade practices; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Considine:

Assembly Bill No. 219—AN ACT relating to governmental administration; requiring, under certain circumstances, a public body to have an additional period devoted to public comment when a public meeting is continued to another day; prohibiting, with certain exceptions, a public body from considering any item that is not set forth on the original agenda for the meeting if a meeting is continued to a day other than the date set forth on the agenda for the meeting; requiring, under certain circumstances, a public body to post a copy of the notice of a meeting at the building in which the meeting is to be held; requiring, under certain circumstances, a meeting agenda to include clear and complete instructions for a member of the general public to call into a meeting to provide public comment; requiring a member of a public body to attend a certain number of meetings of the public body in person at a physical location; requiring, under certain circumstances, instructions for a member of the general public to call into a meeting to provide public comment to be read verbally verbatim before each period devoted to public comment begins; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 220—AN ACT relating to water; requiring certain property owners with a septic system to connect to a community sewerage disposal system by January 1, 2054; revising provisions relating to a permit to operate a water system; revising provisions relating to water and sewer facilities; revising provisions relating to tentative maps and final maps for a subdivision of land; establishing minimum standards for certain landscaping irrigation fixtures in new construction and expansions and renovations in certain structures; revising provisions relating to grants of money for water

conservation; requiring the State Engineer to restrict withdrawals of groundwater under certain circumstances; revising provisions relating to groundwater in certain designated areas; revising conditions under which the State Engineer may require the plugging of certain wells used for domestic purposes; defining certain terms relating to the Conservation of Colorado River Water Act; authorizing the Board of Directors of the Southern Nevada Water Authority to enact certain restrictions on water use for single-family residences under certain circumstances; prohibiting, with certain exceptions, the use of the waters of the Colorado River for certain purposes; establishing requirements relating to an irrigation water efficiency monitoring program; revising certain provisions relating to the use of the waters of the Colorado River to irrigate nonfunctional turf; authorizing the Authority to operate a program to convert properties using a septic system to a municipal sewer system and to impose a fee for such a program; authorizing the General Manager of the Authority to restrict the use of water under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Cohen moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 221—AN ACT relating to wildlife; authorizing the management of designated terrestrial invertebrates by the Board of Wildlife Commissioners and the Department of Wildlife; revising the definition of "wildlife" to include designated terrestrial invertebrates; establishing a wildlife classification for designated terrestrial invertebrates; requiring the listing of designated terrestrial invertebrates as a fully protected species under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Cohen moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymen Carter, Peters, La Rue Hatch, Anderson, Torres, Duran, Monroe-Moreno, Summers-Armstrong, Taylor and Thomas and Senator Nguyen:

Assembly Bill No. 222—AN ACT relating to the Public Employees' Retirement System; revising the computation of credit for service for certain members of the Public Employees' Retirement System who are employed by a school district; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Carter, Anderson, D'Silva, Duran, Koenig, La Rue Hatch, C.H. Miller, Monroe-Moreno, Peters, Summers-Armstrong, Thomas and Torres and Senator Nguyen:

Assembly Bill No. 223—AN ACT relating to collection agencies; requiring a collection agency to provide a payoff letter upon the request of a debtor; authorizing a debtor to bring a civil action against a collection agency that violates that requirement; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Peters, Watts, Bilbray-Axelrod, Anderson, La Rue Hatch, Brown-May, Carter, Cohen, Considine, D'Silva, Duran, González, Gorelow, Hibbetts, Jauregui, Koenig, Marzola, Brittney Miller, C.H. Miller, Monroe-Moreno, Nguyen, Orentlicher, Summers-Armstrong, Taylor, Thomas, Torres and Yeager; Senators Nguyen, Doñate and Pazina:

Assembly Bill No. 224—AN ACT relating to collective bargaining; authorizing collective bargaining for certain state employees; providing for the recognition of professional organizations; providing for the establishment of bargaining units and the designation of exclusive representatives; establishing certain rights for professional organizations and professional employees; establishing procedures for collective bargaining and for making collective bargaining agreements; authorizing the Government Employee-Management Relations Board to collect certain fees; prohibiting certain practices relating to collective bargaining; authorizing a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General for certain purposes; authorizing the Board of Regents of the University of Nevada to conduct collective bargaining negotiations and enter into collective bargaining agreements with certain employees; providing a civil penalty; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 13.

Assemblywoman Cohen moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 152 makes a one-time General Fund appropriation of $42,139,109 to restore the balance in the Reserve for Statutory Contingency Account, which was included in the Executive Budget.

Roll call on Assembly Bill No. 152:

YEAS—42.

NAYS—None.

Assembly Bill No. 152 having received a constitutional majority, declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 124.

Bill read third time.

The following amendment was proposed by Assemblywoman Monroe-Moreno:

Amendment No. 3.

SHORT FORM AMENDMENT

Section 1.5 of this act is the only section affected by this amendment.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law imposes a tax upon the net proceeds of minerals extracted in this State and mineral royalties. (NRS 362.100-362.240) A portion of the revenue generated by the tax upon the net proceeds of minerals and mineral royalties is appropriated to the county in which the mining operation is located for apportionment by the county treasurer to each local government or other local taxing entity in that county in an amount equal to the property tax rate for local purposes in that jurisdiction multiplied by the net proceeds extracted from and royalties paid by extractive operations in that jurisdiction, plus a pro rata share of any penalties and interest collected by the Department of Taxation for any late payment of the tax. (NRS 362.170) Existing law requires the portion of the revenue apportioned by the county treasurer to a county school district for any purpose other than capital projects or debt service for the county school district to be paid by the county treasurer to the State Treasurer for deposit in the State Education Fund. The county treasurer is authorized to retain a commission of 5 percent from this amount. (NRS 362.170) **Section 1** of this bill removes the appropriation to the county, and apportionment by the county treasurer of, the portion of the revenue that would otherwise be apportioned to a county school district for any purpose other than capital projects or debt service for the county school district. Instead, **section 1** requires the Department to deposit this revenue directly in the State Education Fund, which also has the effect of removing the retention by the county treasurer of a commission of 5 percent of the revenue and requiring the entire amount to be deposited in the State Education Fund. **Section 2** of this bill

makes a conforming change to reflect that this revenue will be transferred to the State Education Fund by the Department.

Existing law requires, with certain exceptions, that each county school district annually transfer from the county school district fund to the Education Stabilization Account in the State Education Fund any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. (NRS 387.1213) **Section 2.3** of this bill revises this requirement to be based on the actual, rather than budgeted, ending fund balance of a county school district fund and the total actual, rather than budgeted, expenditures for the fund. **Section 2.3** also clarifies that certain proceeds of the tax upon the net proceeds of minerals and mineral royalties that are received by a county school district are excluded from the actual ending fund balance of a county school district fund for the purpose of the transfer to the Education Stabilization Account required by existing law and, thus, are not subject to such a transfer. **Section 1.5 of this bill makes a conforming change relating to the use of actual, rather than budgeted, ending fund balances and expenditures.**

If a county school district maintained an ending fund balance in its county school district fund which exceeded 16.6 percent of the total budgeted expenditures for the fund on June 30, 2020, existing law allows the county school district to maintain an ending fund balance which does not exceed that higher amount, rather than 16.6 percent, before being required to transfer money to the Education Stabilization Account. (Section 77 of chapter 624, Statutes of Nevada 2019, at page 4252) **Section 5.5** of this bill repeals that provision, and **section 2.3** instead provides that any money which was deposited in a county school district fund on or before June 30, 2020, is excluded from the actual ending fund balance of a county school district fund for the purpose of the transfer to the Education Stabilization Account required by existing law and, thus, is not subject to such a transfer. ~~[Section 1.5 of this bill makes a conforming change to remove a reference to the repealed provision.]~~

Existing law provides that the portion of the revenue generated by the tax upon the net proceeds of minerals and mineral royalties which is appropriated to a county school district pursuant to the Pupil-Centered Funding Plan is deemed to be the first money appropriated to the county school district pursuant to the Plan. (NRS 387.1214) **Section 2.5** of this bill clarifies that such money is also deemed to be the first money spent by a county school district from the county school district fund each fiscal year. **Section 4.5** of this bill provides that **sections 2.3 and 2.5** do not apply to or affect the obligation of any entity to repay any amount of money to which the entity was not entitled.

Existing law requires a person extracting any mineral in this State to file a statement which shows the estimated gross yield and estimated net proceeds from each operation for the current calendar year and an estimate of all royalties that will be paid during the current calendar year. (NRS 362.115) Existing law temporarily requires advance payment of the portion of the tax

that is distributed to the State General Fund, based upon the estimated net proceeds and royalties for the current calendar year. (NRS 362.115) This advance payment requirement expires on June 30, 2023. (Chapter 4, Statutes of Nevada 2020, 31st Special Session, at page 32) **Section 4** of this bill advances the date on which the advance payment requirement expires to June 30, 2022. **Section 3** of this bill revises provisions governing certain duties of the Department relating to the expiration of the advance payment requirement to provide for the carrying out of those duties in Fiscal Year 2022-2023, rather than Fiscal Year 2023-2024.

Section 1.5 of Senate Bill No. 124 Second Reprint is hereby amended as follows:

Sec. 1.5. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in subsections 3 and 4 and NRS 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For any local government other than a school district, for the purposes of chapter 288 of NRS, a budgeted ending fund balance of not more than 16.67 percent of the total budgeted expenditures, less capital outlay, for a general fund:

(a) Is not subject to negotiations with an employee organization; and

(b) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits.

4. For a school district, for the purposes of chapter 288 of NRS:

(a) A budgeted ending fund balance of not more than 12 percent of the total budgeted expenditures for a county school district fund:

(1) Is not subject to negotiations with an employee organization; and

(2) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits; and

(b) Any portion of a budgeted ending fund balance which exceeds 16.6 percent of the total budgeted expenditures for a county school district fund:

(1) Is not subject to negotiations with an employee organization; ***and***

(2) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits**.** ~~**[**~~**; and**

~~(3) Except as otherwise provided in section 77 of chapter 624, Statutes of Nevada 2019, at page 4252, must~~ ***Must*** ~~be transferred to the Education Stabilization Account pursuant to NRS 387.1213.~~**]**

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

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

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 124.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 124, as amended, revises and clarifies existing provisions pertaining to the money received by the county school districts from the tax upon the net proceeds of minerals and royalties of mining operations and the requirement to transfer such money to the State Education Fund. The bill also advances, to June 30, 2022, from June 30, 2023, the expirations of the requirement that entities make advance payment of the portion of the tax upon net proceeds of minerals and royalties of mining operations owed to the State General Fund based upon estimates for that current calendar year.

Senate Bill 124, as amended, further revises the method used to calculate annual transfers from county school districts to the Education Stabilization Account in the State Education Fund to use actual, instead of budgeted, ending fund balances and expenditures.

Roll call on Senate Bill No. 124:

YEAS—37.

NAYS—Gray, Gurr, Hafen, Hansen, Koenig—5.

Senate Bill No. 124 having received a constitutional majority, declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman O'Neill requested that the following remarks be entered in the Journal.

ASSEMBLYMAN O'NEILL:

I may not look it, but I actually have six grandchildren. I know you are shocked. My oldest grandson, Staten Colby Lubich, is turning 11 today. Unfortunately, he is also a resident of the state of Texas, back East. I would like to have us all wish him a happy birthday. Happy birthday, Staten.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Norman Wright.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Lilang.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to John Phoenix.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Harig.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Tucker and James Combs.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Washabaugh.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Councilman Dan Stewart.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Mayor Michelle Romero.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Susan VanBeuge.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Lemus, Brandee Shipman, and Rachel Wilding.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth De Leon Gamboa.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Doris Bauer and Emer Mendoza Sambo.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Marie Pacheco.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Bernadette Longo, Sherry Stofko, and Marissa Wat.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Cameron Duncan and Jesus Romero.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Timothy Squier and Victoria Squier.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Stacey Lockhart and Rufus Montgomery.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, February 27, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 27, 2023

Assembly called to order at 9:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Anderson, Backus, Bilbray-Axelrod, Cohen, Considine, DeLong, Dickman, D'Silva, Duran, Gallant, González, Gorelow, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, La Rue Hatch, Marzola, McArthur, Brittney Miller, Monroe-Moreno, Mosca, Newby, Nguyen, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts, and Yurek, who were excused.

Quorum not present.

Mr. Speaker announced that the Assembly would adjourn until Wednesday, March 1, 2023, at 11:30 a.m.

Assembly adjourned at 9:10 a.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), March 1, 2023

Assembly called to order at 12:07 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Kathy Morris.

We ask Your blessing on this Assembly, O God. We thank You for the opportunity to come together to serve our state. We are mindful of those who are grieving their family, friends, and colleagues who were killed in the Care Flight accident last weekend. We ask that You comfort them and help them to find peace amid their sorrow. We ask You to bless all who work in service to others, especially first responders, police, fire fighters, our military, doctors, and nurses. On this day, after a storm, we are especially thankful for the work of those who plow the roads, tow the cars, and shovel the snow. Protect them from the storms and keep them safe as they work. Guide us this day as the Assembly works together for all people in our state.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 23, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 10 of the 81st Session.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 2, 3 to Senate Bill No. 124.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 28, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bill No. 208.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of March 1, 2023, be accepted as an accredited press representative, be assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal:

THE NEVADA INDEPENDENT: Riley Snyder.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Newby:

Assembly Bill No. 225—AN ACT relating to governmental administration; authorizing members of the Armed Forces of the United States, a reserve component thereof or the National Guard, and the spouse, domestic partner or minor child thereof, to request that certain personal information be kept in a confidential manner; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman D'Silva:

Assembly Bill No. 226—AN ACT relating to education; prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against students who have successfully completed a high school equivalency assessment selected by the State Board of Education; prohibiting the Board of Regents from denying an exemption from tuition charges to a student solely on the basis of immigration status under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Cohen:

Assembly Bill No. 227—AN ACT relating to domestic relations; creating summary procedures for the resolution of certain matters relating to permanent support and maintenance, divorce, annulment and child custody; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen La Rue Hatch, González, Anderson, Brown-May, D'Silva, Gurr, Kasama and Brittney Miller:

Assembly Bill No. 228—AN ACT relating to education; revising requirements relating to social studies courses in high school; requiring the adoption of certain regulations prescribing the requirements to receive a standard high school diploma; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Bilbray-Axelrod:

Assembly Bill No. 229—AN ACT relating to sentencing; revising provisions relating to the standards adopted by the State Board of Parole Commissioners governing the granting and revocation of parole; establishing a presumption in favor of granting parole under certain circumstances; requiring the Board to provide a written statement of its reasons for denying parole under certain circumstances; revising provisions relating to technical violations of probation and parole; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Gray, Gurr, Yurek Gallant, Hansen, Hibbetts, and Koenig:

Assembly Bill No. 230—AN ACT relating to elections; revising certain deadlines relating to the return of mail ballots by mail; and providing other matters properly relating thereto.

Assemblywoman Gorelow moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 165.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cari Herington, Michelle Lambert, Amy Thompson, and Christine Thompson.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Darcy Phillips and Lily Helzer.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Riley Haymond.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Malachi Southerland.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Josie Haymond and Joyana Southerland.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Perkins and Ronni Hannaman.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, March 2, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), March 2, 2023

Assembly called to order at 11:39 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Kathy Morris.

We thank You, God, for the privilege of caring for our state and its people. Guide this Assembly in their work so that they will create laws that are fair and equitable for everyone in Nevada. Give them all a spirit of cooperation as they work together to find solutions to difficult problems. Fill them with understanding and compassion for the needs of all Nevada residents, especially those who are struggling with health and financial concerns, food insecurity, housing challenges, injustice, and inequality. Thank You for their families and all who support them as they do this important work of serving our state.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 1, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 95.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of March 2, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal:

NEVADA APPEAL: Jessica Garcia.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Backus:

Assembly Bill No. 231—AN ACT relating to the Uniform Commercial Code; enacting the 2022 amendments to the Uniform Commercial Code; enacting the 2018 amendments to Article 9 of the Code; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hibbetts and Nguyen:

Assembly Bill No. 232—AN ACT relating to taxation; revising the tax imposed upon the receipt, purchase and sale of premium cigars; and providing other matters properly relating thereto.

Assemblywoman Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymen Hibbetts and Yurek:

Assembly Bill No. 233—AN ACT relating to crimes; increasing the penalties for certain crimes relating to children under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dickman, DeLong, Gray, Gallant, Gurr and Hibbetts and Senator Stone:

Assembly Bill No. 234—AN ACT relating to health care; prohibiting certain facilities or providers of health care from denying services to a patient based solely on certain vaccination status of the patient; requiring each medical facility and facility for the dependent to establish policies and procedures for visitation; authorizing a physician, osteopathic physician, physician assistant or advanced practice registered nurse to prescribe or dispense drug products for an off-label use under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Monroe-Moreno:

Assembly Bill No. 235—AN ACT relating to governmental administration; requiring the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Monroe-Moreno:

Assembly Bill No. 236—AN ACT relating to psychology; revising and eliminating certain exceptions from certain prohibitions against a person

representing himself or herself as a psychologist or engaging in the practice of psychology without a license issued by the Board of Psychological Examiners; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 237—AN ACT relating to Medicaid; establishing the Alternative Billing Resource Office in the Division of Health Care Financing and Policy of the Department of Health and Human Services for the purpose of providing certain assistance relating to participation in Medicaid as a provider; requiring a Medicaid managed care program to negotiate in good faith with each school-based health center for the provision of health care services to recipients of Medicaid; providing for a study of the requirements applicable to school-based health centers that provide health care services to recipients of Medicaid; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 238—AN ACT relating to child welfare; requiring certain persons who interact with children as part of their employment to receive training concerning the identification of and assistance to commercially sexually exploited children and children who are at risk of being commercially sexually exploited; providing for the appointment of a multidisciplinary team to review the case of a commercially sexually exploited child; prescribing the membership and duties of such a team; requiring the establishment of the Executive Committee to Review the Cases of Commercially Sexually Exploited Children; prescribing the membership and duties of the Executive Committee; prohibiting the placement of a child in a state or local facility for the detention of children under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 239—AN ACT relating to governmental administration; creating the Merit Award Account in the State General Fund for purposes of funding awards to certain state employees; eliminating the limitation on awards to certain state employees from being paid from money in the State General Fund; requiring, under certain circumstances, the Advisory Council for Family Engagement to submit to certain appointing authorities a list of persons qualified for membership on the Council; revising the membership of

the Committee for the Statewide Alert System; requiring the Committee on Testing for Intoxication to study and make certain recommendations to the Director of the Department of Public Safety relating to driving under the influence; revising the authority of the Committee to adopt certain regulations; revising the term of membership of the Chair of the Appeals Panel for Industrial Insurance; authorizing the Commissioner of Insurance to perform certain actions relating to meetings of the Appeals Panel; revising provisions relating to vacancies in the membership of the Medical Laboratory Advisory Committee; revising provisions relating to meetings of the Credit Union Advisory Council; eliminating the requirement that members of the Advisory Council receive a salary for attendance at meetings; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 240—AN ACT relating to cannabis; establishing and revising certain requirements relating to the cultivation, growth or production of cannabis by certain persons; authorizing a sheriff and health authority to enforce certain provisions relating to the cultivation, growth and production of cannabis; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 165 authorizes a claimant who incurs a permanent partial disability on or after July 1, 2017, and whose injury does not exceed 30 percent, to elect to receive his or her compensation in a lump sum.

Roll call on Assembly Bill No. 165:

YEAS—42.

NAYS—None.

Assembly Bill No. 165 having received a constitutional majority, declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 10 of the 81st Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Uthman.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, March 3, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:56 a.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-SIXTH DAY

CARSON CITY (Friday), March 3, 2023

Assembly called to order at 11:43 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywomen Gallant and Summers-Armstrong who were excused.

Prayer by the Chaplain, Pastor Kathy Morris.

Good and gracious God, we thank You for the beauty of the earth and for the breath of life within us. Guide this Assembly today as they do the work set before them. Grant them wisdom and understanding as they listen and learn. We thank You for all the mentors and teachers and educators who have passed on knowledge to them which has led them to this place. We ask today that You would bless all teachers and educators, parents, and grandparents and so many others who work to foster learning within the children and young people of our state. Keep our children and young people safe so that they may continue to grow in their wisdom and knowledge. Give this Assembly clarity as they make decisions important for the future of so many in our state. Thank You for their willingness to serve.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 2, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 91, 132.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 5—Providing for the appointment of an additional attache for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Claudette Thompson is elected as an additional attache of the Assembly for the 82nd Session of the Nevada Legislature; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Gorelow moved the adoption of the resolution.

Resolution adopted.

NOTICE OF EXEMPTION

March 2, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 141, 148, 149, 182, 217, 221.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of March 3, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KXNB & KOLO: Luis Latino.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 213 be withdrawn from the Committee on Government Affairs.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 213 be rereferred to the Committee on Commerce and Labor.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Mosca:

Assembly Bill No. 241—AN ACT relating to education; requiring pupils enrolled in a public high school to be enrolled in the courses and credits required to obtain a college and career ready high school diploma; establishing exceptions to the requirement for a pupil to be enrolled in such courses and credits; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 242—AN ACT relating to elections; revising provisions relating to the authorized methods of voting in an election under certain circumstances; revising provisions relating to accommodations for certain voters who are elderly or have a disability; and providing other matters properly relating thereto.

Assemblywoman Gorelow moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 243—AN ACT relating to legislative affairs; revising provisions relating to certain vacancies in Joint Interim Standing Committees of the Legislature and the use of alternate committee members; transferring

certain duties of the Joint Interim Standing Committee on Legislative Operations and Elections to the Joint Interim Standing Committee on Government Affairs; revising the deadline to submit an application to serve on the Nevada State Teacher Recruitment and Retention Advisory Task Force; repealing the requirement that the Joint Interim Standing Committee on Health and Human Services review certain regulations; and providing other matters properly relating thereto.

Assemblywoman Gorelow moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Torres:

Assembly Bill No. 244—AN ACT relating to health care; establishing the substantive rights of a person compelled to submit to a mental or physical examination under certain circumstances; authorizing a person who has been aggrieved by the violation of certain rights to institute an action for injunctive and other appropriate relief; repealing provisions relating to a mental or physical examination required of certain persons in a civil action; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Torres, Marzola, González, Kasama, Bilbray-Axelrod, Brown-May, D'Silva, Duran, Hafen, McArthur, C.H. Miller, Newby, Nguyen, Peters, Summers-Armstrong, Taylor and Watts and Senator Krasner:

Assembly Bill No. 245—AN ACT relating to education; requiring the board of trustees of each school district to enter into a memorandum of understanding with an organization that assists victims of sexual misconduct; revising provisions governing the SafeVoice Program; creating the Commission on Higher Education Campus Safety; revising provisions governing certain programming related to sexual misconduct which institutions in the Nevada System of Higher Education may be required to provide to students and employees; abolishing the Task Force on Sexual Misconduct at Institutions of Higher Education; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Torres, Marzola, Watts, González, Anderson, Backus, Bilbray-Axelrod, Brown-May, Carter, Cohen, Considine, D'Silva, Duran, Brittney Miller, C.H. Miller, Mosca, Newby, Nguyen, Peters, Summers-Armstrong and Taylor:

Assembly Bill No. 246—AN ACT relating to elections; requiring the Secretary of State, county clerks and city clerks to ensure that voting materials and certain other elections information are posted on certain Internet websites

and made available in certain languages; requiring the Secretary of State and certain county or city clerks to establish a toll-free telephone number which may be used for a person to receive language interpretation or translation assistance relating to an election; requiring such telephone number to be posted at each polling place and on certain Internet websites and included on sample ballots; requiring the Secretary of State to include certain information related to a registered voter's preferred language on an application to register to vote; requiring county and city clerks to make a good faith effort to appoint election board officers who are bilingual; revising the information relating to registered voters that is required to be included on the statewide voter registration list; requiring, under certain circumstances, a mechanical voting system to list offices, candidates and ballot measures in a voter's preferred language; creating and setting forth the membership and duties of the Language Access Advisory Committee; and providing other matters properly relating thereto.

Assemblywoman Gorelow moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen La Rue Hatch, Kasama, Carter, Considine, Koenig, Nguyen, Summers-Armstrong, Taylor and Thomas:

Assembly Bill No. 247—AN ACT relating to education; establishing committees to write and prepare college and career readiness assessments in mathematics, reading and writing and requiring the administration of such assessments to certain pupils in grades 11 and 12; requiring a pupil to obtain a passing score on each college and career readiness assessment to obtain a standard high school diploma; revising provisions governing the use of pupil growth in evaluating the performance of teachers; eliminating required end-of-course finals; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Hafen and Koenig and Senator Titus:

Assembly Bill No. 248—AN ACT making an appropriation for allocation to the Nevada Health Service Corps to obtain matching federal money for the purpose of encouraging practitioners of certain health professions to practice in underserved areas; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 249—AN ACT relating to agriculture; authorizing the use of hemp in certain commercial feed under certain circumstances; prohibiting, with certain exceptions, the manufacture, distribution or sale in this State of commercial feed containing hemp for consumption by any

livestock other than horses; authorizing the State Department of Agriculture and the Director of the Department to take certain actions against an applicant for a license to manufacture, distribute or be a guarantor of commercial feed or a licensee for certain violations relating to commercial feed containing hemp; providing that certain commercial feed containing hemp shall not be deemed adulterated under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Cohen moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 91.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 132.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Gray requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GRAY:

I would like to say a few words about a recent local tragedy. A week ago today, late on Friday evening, air ambulance flight call sign November 273 Sierra Mike (N273SM), operated by our own Care Flight, was departing from Reno and heading for Salt Lake City. While en route, it broke apart in midair above the town of Stagecoach in Lyon County. The five people on the flight—Scott Walton, the pilot; Ed Pricola, the flight nurse; Ryan Watson, the flight paramedic; Mark Rand, the patient; and Mark's wife, Terri—were all tragically lost.

The flight had taken off while a storm warning was in effect—winds howled at 20 to 30 miles per hour. But this is a risk that air ambulance crews willingly take to help their patients. At the time, no one could have predicted this disaster.

Not long after the takeoff from Reno, residents of Stagecoach heard the single engine of the Pilatus PC-12 howl as the craft rapidly descended and sections of the aircraft struck the snow-covered ground. Due to the whiteout conditions and the cold winds, it took first responders and local volunteers two hours to locate the pieces of the aircraft, which were strewn up to three quarters of a mile apart from each other. The Lyon County Sheriff's Office then confirmed that nobody on board survived the crash.

As a former flight medic in the Air Force, I know the risk these crews take to help save lives. We must honor their memory. The crash site was only several miles from my own home. I know it will take time for my own community to recover and for the families of those we lost that day to grieve and begin to put the pieces of their lives back together. I thank God that nobody on the ground was hurt.

As of now, we do not have enough information regarding why this tragedy happened to make a well-informed call to action. It is unclear why the aircraft failed. Even with the storm warning, it was not, at the time, a risky decision to allow the plane to make the flight from Reno to Salt Lake City. For now, all we can do is grieve, assist those who lost loved ones to begin to pick up the pieces of their lives, and be grateful to those who risk their lives to help keep us safe.

Mr. Speaker, I would like to request that we take a moment of silence to remember the victims of this horrific tragedy and adjourn today's meeting in their honor and memory.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Castellanos and Hannah Williams.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Justice Weyand, Katie Singsank, and Zachary Johnigan.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Aliciah Carr, Kenneth Cottrell, and Khrystyna Lazar.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Kaylee O'Donnell, Gabrielle Constantino, and Alexis Sotolongo-Marin.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Cecilia Garcia Leon, Nasibeh Arabameri, and Tyler Rodney.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Natesse West Melendez, Abe van Helmond, and Alison Maczko.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Flynn and Sabrina O'Gwynn.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Zoe Brill, Kaylee Crandell, and Evan Falkenthal.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Royce Pereira and Evelyn Thompson-Hibert.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Theodore "T.J." Milk.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Mounzer Zein, Virginia Smercina, and Drue Sahuc.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Garcia and Burak Sahin.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Godson Ebenezer Adjovu, Emily Grace Arriviello, and Gabson Baguma.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Hurst, LaTricha Nathan, and Warren Southerland.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Fehner.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Caren Yap, Jordyn Sanders, and Stacey Williams.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Sai Balaji Jai Kumar, Ernest Cornejo and Nour Benjelloun.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Grant Kornrumph, Lawrence Bass, and Lauren Warshaswky.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Krista Diamond, Willow Olson, Ryan Edep, Logan Cayton, and Peter Saba.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Margoth Tello Rodriguez, Sofia Takhtadjian, and Hieu Le.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Erick Alcantar, Ana Thomas, and Nicole Thomas.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Devin Krystek.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Vaskov, Laekyn Kelley, and Borna Nemet.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Paul-Louis de Nassau, Ethan Garrison, and Jillian Hooker.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Marie, Esther Pla-Cazares, and Ambree Schoetker.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Hank Boone, Alyssa Crittenden, and Taylor Duffy.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, March 7, 2023, at 11:30 a.m., and that it do so in memory and honor of the five lives lost in the recent Care Flight accident.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 7, 2023

Assembly called to order at 11:52 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Brown-May, who was excused.

Prayer by the Chaplain, Father Jeff Paul.

Faithful God, let something essential happen here today. Let this Assembly be a sign of tomorrow's hope already here, when with the world which hungers for Your justice and peace, we shall come together singing Your Name as our own. Let something essential happen here today. We invoke blessing and protection upon this Assembly, upon all who work herein.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 6, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 140.

WAYNE THORLEY
Fiscal Analysis Division

March 7, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 9, 145.

WAYNE THORLEY
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywomen Considine and Anderson:

Assembly Bill No. 250—AN ACT relating to health care; prohibiting certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions; requiring certain entities to maintain a registered agent and office in this State; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Nguyen, Mosca, González, Brittney Miller, D'Silva and Torres and Senator Nguyen:

Assembly Bill No. 251—AN ACT relating to pharmacy; revising requirements governing the language in which certain information relating to a prescription must be provided to a patient; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywomen Cohen and Brown-May:

Assembly Bill No. 252—AN ACT relating to governmental administration; creating the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund; revising the membership of the Board of Museums and History; requiring the Administrator of the Division of Museums and History of the Department of Tourism and Cultural Affairs to develop and maintain an Internet website related to institutions of the Division and ensure that the Internet website is accessible to persons who are blind or visually impaired; authorizing the Administrator to authorize or require a museum director of an institution of the Division to establish certain procedures that enable the accessibility of the exhibits in the institution to persons who are blind or visually impaired; requiring the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to study during the 2023-2024 interim any issues that exist that limit the ability of persons with disabilities to access the institutions of the Division; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman C.H. Miller:

Assembly Bill No. 253—AN ACT relating to cannabis; providing for the licensure and regulation by the Cannabis Compliance Board of certain events at which the sale and consumption of cannabis or cannabis products is allowed; setting forth certain requirements for the issuance of a cannabis event organizer license, temporary cannabis event permit and portable cannabis vendor license; setting forth certain requirements concerning the operation of a temporary cannabis event; imposing various requirements on cannabis event organizers and portable cannabis vendors; revising provisions relating to social equity applicants; requiring the Board to adopt regulations establishing certain fees; revising provisions relating to the consumption of cannabis in a public place; revising provisions relating to the excise tax on retail sales of cannabis and cannabis products; exempting a cannabis event organizer who holds a temporary cannabis event from certain provisions prohibiting a person from maintaining a place for the purpose of unlawfully selling, giving away or using

any controlled substance; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 254—AN ACT relating to public safety; authorizing the issuance of an order for protection of a vulnerable adult; providing for the enforcement of such an order; providing penalties for the violation of such an order; providing an additional penalty for committing a felony in violation of such an order; authorizing the issuance of certain warrants and orders in connection with the investigation of a report of abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Cohen:

Assembly Bill No. 255—AN ACT relating to adoption; revising provisions governing financial assistance to the adoptive family of a child with special needs; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Mosca:

Assembly Bill No. 256—AN ACT relating to education; requiring the Department of Education to adopt regulations prescribing a method for the board of trustees of a school district to determine whether the employment and supervision of a pupil in a work-based learning program is appropriate; requiring certain volunteers participating in a work-based learning program to be exempted from submitting fingerprints for the purpose of a criminal background check; deeming certain employees of a business, agency or organization that participates in a work-based learning program not to be volunteers at a school for the purposes of certain fingerprinting requirements; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Summers-Armstrong:

Assembly Bill No. 257—AN ACT relating to forensic medical examinations; requiring the county in whose jurisdiction a domestic violence battery by strangulation is committed to pay the costs of a strangulation

forensic medical examination of the victim; authorizing a county to be reimbursed for such costs; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Backus:

Assembly Bill No. 258—AN ACT relating to governmental administration; requiring, with certain exceptions, a governmental agency to keep confidential certain personal information regarding donors, members or volunteers of a nonprofit organization; prohibiting, with certain exceptions, a governmental agency from requesting or releasing certain personal information regarding donors, members or volunteers of a nonprofit organization; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Brown-May:

Assembly Bill No. 259—AN ACT relating to disabilities; requiring a provider of jobs and day training services to develop a plan to transition persons earning less than the state minimum wage to earning at least the state minimum wage or pursuing other services and assisting such persons to participate in certain activities; requiring a provider of jobs and day training services to submit a report relating to such a plan to the Aging and Disability Services Division of the Department of Health and Human Services; authorizing a recipient of jobs and day training services to have an advocate present at certain meetings; prohibiting any person from paying less than the state minimum wage to a person with an intellectual disability or developmental disability after a certain date; providing for the inclusion in the State Plan for Medicaid certain services to assist such a person in pursuing competitive integrated employment; requiring the Department to seek a waiver of certain federal requirements governing the compensation of a recipient of prevocational services under Medicaid; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 260—AN ACT relating to business; exempting veterans service organizations and the officers and agents of veterans service organizations from various fees imposed on persons conducting business in this State; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 261—AN ACT relating to governmental administration; requiring the State Plan for Economic Development to include a statement regarding the efficient use of water resources; requiring a plan submitted by a regional development authority to include water conservation strategies; requiring the Office of Energy to conduct a study relating to consumptive water use and economic development; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblyman Watts:

Assembly Bill No. 262—AN ACT relating to state purchasing; requiring, to the extent practicable, certain state agencies to give preference to the purchase of certain vehicles and fuels; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblyman Watts:

Assembly Bill No. 263—AN ACT relating to water; enacting provisions relating to the transmission of Legionnaires' disease by certain building water systems in covered health care facilities; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Taylor, Anderson, González and Nguyen:

Assembly Bill No. 264—AN ACT relating to education; prohibiting a pupil in a public school from being deprived of any award or any eligibility or opportunity to compete for an award because of an approved absence from school for the observance of a religious holiday; revising provisions governing the attendance of pupils and circumstances under which a pupil is deemed truant; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Gorelow, C.H. Miller, Monroe-Moreno and Peters and Senator Nguyen:

Assembly Bill No. 265—AN ACT relating to mental health; revising the duties of the Commission on Behavioral Health; creating a statewide mental health consortium; prescribing the membership, powers and duties of the statewide mental health consortium; revising requirements governing the disbursement of certain money; authorizing each mental health consortium to request the drafting of not more than 1 legislative measure for each regular session of the Legislature; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Torres, Duran, González, D'Silva, Brittney Miller and Nguyen; Senators Flores, Doñate and Nguyen:

Assembly Bill No. 266—AN ACT relating to governmental administration; requiring the board of county commissioners in certain counties and the governing body of a city in certain counties to ensure that public notices are issued in certain languages; requiring each county and city to develop a language access plan in coordination with the Office for New Americans created in the Office of the Governor; requiring the Director of the Office for New Americans to submit a biannual report to the Legislature relating to language access plans of state agencies and local governments; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Torres, D'Silva, Duran, González, Brittney Miller and Nguyen; Senators Doñate, Flores and Nguyen:

Assembly Bill No. 267—AN ACT relating to healthcare; revising provisions relating to the requirement that certain medical facilities conduct training of agents and employees in cultural competency; requiring the Office of Minority Health and Equity of the Department of Health and Human Services to establish, maintain and distribute a list of courses and programs relating to cultural competency that certain medical facilities are required to use to conduct training of certain agents and employees; increasing the number of hours of instruction relating to cultural competency that certain mental health professionals are required to complete; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 268—AN ACT making an appropriation to the Office of Finance in the Office of the Governor for the payment of retention incentives to employees of the Executive Department of the State Government; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 5.

REMARKS FROM THE FLOOR

Assemblywoman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BILBRAY-AXELROD:

This week is Social and Emotional Learning Week. The first thing any educator will tell you is that teaching is not just a job, it is a calling, and not just to teach reading, math, or science but, most importantly, to ensure that students are successful in life. I call it coping skills. Social and emotional learning prepares our children for reality. It teaches them how to handle difficult situations, how to cope with struggles of everyday life, and how to build successful relationships with their peers. Social-emotional learning is a process that helps our children develop the skills necessary to manage their emotions and make responsible decisions that establish a positive future. By teaching these kids—our children—we can help them lead a more fulfilling and meaningful life. Thank you, teachers, for doing everything we ask of you and even more.

ASSEMBLYWOMAN BRITTNEY MILLER:

As an educator myself, I would like to say that I see firsthand the benefits of social and emotional learning. As an educator myself, I will say what many people in this room do not want to hear, which is that, for our children, academics come second to social and emotional learning. Children cannot learn academics until their social and emotional needs are met.

This is the week where we are going to focus on social and emotional learning. It is necessary for them to thrive, not just academically, but socially, emotionally, civically, as well as professionally, as they one day enter adult life. It helps them learn to cope with stress, anxiety, and other negative feelings and emotions and helps people bond together, create relationships, build trust, and function as productive, giving, and engaging citizens of society. It is essential that we continue to keep social and emotional learning and safe and positive learning environments available for our students because they are the future leaders. We need to make sure they are prepared and equipped to thrive in every way that humans can thrive.

As we highlight this week, I also want to make sure we acknowledge that we also need to extend the same respect, safety, and support to our hardworking and ever-sacrificing teachers as well as all of our school staff here in Nevada.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Yandel Callejas Bonillia.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Alianny Morel Romero.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Dylan Isaiah Escutia.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Scherer.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Magana.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Skylar Dodd-Bailor.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Skyler Garcia.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Veronica Madrid.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathon Beletzuy.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Jade Beeman.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Schoeller-Alvarez.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Conor Sweeney and Christine Fallabel.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Betaina Pineda-Cisneros.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Jamarionna Macklin.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb Washburn.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Ulloa.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Jaelyn Singleton.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Jayla Simmons.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Aylen Camacho.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Mateo Calenzo-Garces.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Faith Key.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to San Juana Esparza Robles.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Stella Rae Bradley.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Kennedy-Queen Livingston Lopez.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, March 8, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), March 8, 2023

Assembly called to order at 11:33 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Brown-May, who was excused.

Prayer by the Chaplain, Father Jeff Paul.

Faithful God, let something essential happen to us today, something awesome, something real. Speak to our crazy condition, and change us somewhere deep inside where it matters; a change that will burn and heal and drive us to tears or laughter or love, a change that dares the dangerous deeds.

We invoke blessing and protection upon this Assembly, upon all who are gathered and work herein.

AMEN.

Pledge of Allegiance to the Flag led by Victoria Gonzalez.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Brittney Miller, La Rue Hatch, Anderson, Cohen, Considine, D'Silva, González, Summers-Armstrong and Torres:

Assembly Bill No. 269—AN ACT relating to education; revising provisions governing performance evaluations of certain postprobationary teachers; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Marzola:

Assembly Bill No. 270—AN ACT relating to providers of health care; providing for the licensure and regulation of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; requiring an anesthesiologist assistant to work under the supervision of a supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable, except when rendering emergency care under certain circumstances; establishing the maximum fee the Boards may impose for the licensure of an anesthesiologist assistant and the biennial registration of such licenses; exempting an anesthesiologist assistant from civil liability under certain circumstances; requiring an anesthesiologist assistant to report instances of neglect or abuse of older persons and vulnerable persons;

authorizing an anesthesiologist assistant to be simultaneously licensed by the Board of Medical Examiners and the State Board of Osteopathic Medicine; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywomen Duran and Thomas:

Assembly Bill No. 271—AN ACT relating to offenders; allowing certain offenders to have credits deducted from the minimum term or minimum aggregate term imposed by a sentence; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Monroe-Moreno:

Assembly Bill No. 272—AN ACT relating to mail theft; establishing provisions relating to mail theft; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen Hansen, Anderson, Dickman, Kasama and Taylor and Senator Hansen:

Assembly Bill No. 273—AN ACT making an appropriation to the Elko County School District for the construction of a school to replace an existing school; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Nguyen, Gallant, Considine, Summers-Armstrong, Bilbray-Axelrod, Cohen, D'Silva, González, Gorelow, Gurr, Hibbetts, Kasama, Koenig, Brittney Miller, C.H. Miller, Mosca, Newby, Peters, Taylor and Thomas; Senators Dondero Loop, Pazina, Harris, Buck, Hammond, Krasner and Lange:

Assembly Bill No. 274—AN ACT relating to education; requiring certain pupils enrolled in a public high school to enroll in a certain number of credits in social studies, which includes a certain number of credits in financial literacy; requiring instruction in financial literacy to include certain skills necessary to develop a personal financial plan; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Hardy, Hafen, Yurek, Hansen and Thomas; Senators Hammond and Spearman:

Assembly Bill No. 275—AN ACT relating to criminal records; prohibiting a court or agency of criminal justice from charging fees related to the sealing of criminal records under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN TORRES:

This week, we recognize and celebrate the importance of social-emotional learning. As a high school English teacher, this could not be more important to me. The comprehensive approach to education empowers our students to achieve their full potential by teaching them the skills that are needed for them to navigate an increasingly complicated world. Social-emotional learning encourages professionals, like myself, to recognize that our students are people first. Students are part of a broader community that is interconnected. The world is bigger than themselves or our school building. This better positions them to adapt to the challenges in the workplace and gets them college- and career-ready. I look forward to continuing to support legislation that promotes social-emotional learning in our classrooms.

ASSEMBLYWOMAN ANDERSON:

Today, we celebrate International Women's Day, a day where we honor the achievements and contributions of women who have helped make the world a more just, equitable, and inclusive place. Today, let us take a moment to celebrate the women whose shoulders we stand upon, those who shattered the glass ceilings, broke down barriers, and recognized the importance of helping those who would follow in their footsteps.

Just a few of these trailblazing legislators are Representative Patsy Mink, the first Asian-American woman to be elected to Congress; Representative Shirley Chisholm, the first African-American woman elected to Congress; and Representative Edith Green, who convened congressional hearings about sex discrimination in the early 1970s. It is because of these three women—and others—that we were able to get Title IX passed in 1972.

It is easy to forget the importance of Title IX. Before it, a college student could be told, "The science majors are really only for males, Ms. Putman. Maybe you should go for a more genteel major," which was told to my grandmother in the 1930s. Or an individual who was starting to show their pregnancy could be told, "You are a wonderful teacher, Ms. Anderson, but today will be your last day, as you are beginning to show," which happened to my mother as well as her peers in the 1960s. Or a high schooler could be told, "Sports—those are only for boys." Title IX was created to stop these actions from happening. The process was slow but steady. In fact, one of our colleagues here today was denied access to a car mechanics class, as "those are only for boys."

Looking around this room at a female-majority Legislature—the third session where this is true—I know many of us learned our leadership skills from the push into higher-level classes and participating in high school, middle school, and even elementary school sports. But, more importantly, we learned from our mothers and grandmothers, who not only shattered the ceilings, but refused to be pigeonholed.

Today, let us celebrate the incredible strength, resilience, and courage of women around the world. Let us honor the women who have come before us and, more importantly, the women who will follow in our footsteps. In closing, let us commit ourselves to continuing the fight for gender equality and setting a strong example for women everywhere.

ASSEMBLYWOMAN MONROE-MORENO:

Today, on International Women's Day, I am honored to have with me one of Nevada's history-makers. Seated with me is the mayor of the City of North Las Vegas, Mayor Pamela Goynes-Brown. She is the first Black woman to be elected to a mayorship in the state of Nevada. Please welcome her to our Chamber.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Eilish Kelderman, Mayleen Hughes, and Lizzy Samlowski.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Cohen, Joey Costanza, and Chrissy Costanza.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Cooper and Courtney Puckett.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Stephenson, Stacey Camp, Santa Perez, and Tim Brown.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Joel Jarvis, Alysa Marquez, and Keith Brown.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Martin.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Claudia Wang, Katie Wang, and Sara Wang.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Swanson, Art Swanson, and Adam Swanson.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Arabella Robertson and Jenna Robertson.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Shelly Speck, Gary Dove, and Meredith Keast.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Larks, Janine Stradling, and Jennifer Coe.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Karina Palma-Ortega and Johnathan Palma.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Aimee Bailes, Jacob Arant, and Chuck Lizer.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Lafferty, Jordan Patton, and Lenn White.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Gaw, Andrew Tam, Analu Tam, and Kailana Tam.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Metheny, John Keegan, Raymond Keegan, and Michelle Metheny.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Grace Larkins and Teresa Quint.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Jaiden Tamparong, Dominic Tamparong, and Noel Tamparong.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Campbell and Thomas Chase-Campbell.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Rhiannon Moccio, Victoria Gonzales, and Lisa Marrone.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Mundt.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Mayor Pamela Goynes-Brown.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Regina Daniel, Reginald Daniel, and Paula Sneed.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Aurand.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Elsie Woo and Trudy Boissoneau.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Shipp, Kaison Shipp, and Staci Frazier.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Dora Martinez and Jack Mayes.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Maxmillian Lowe.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Tomlinson.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Vanessa Vuong, Rebecca Aguon, and Katherine Nielson.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, March 9, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:54 a.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 9, 2023

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Brown-May, who was excused.

Prayer by the Chaplain, Father Jeff Paul.

Faithful God, let something essential and joyful happen in us now, something like the bloom of faith and hope, like a grateful heart, like a surging awareness of how precious this moment is; that now, not next time, is the occasion to speak a tender word one to another like "thank you," or "you are a wonder," or "let's make fools of ourselves for the common good."

We give thanks for the staff who serve the Assembly, and we invoke blessing and protection upon this Assembly, upon all who work herein.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 152.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of March 9, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

LAS VEGAS REVIEW JOURNAL: Colton Lochhead.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Duran, Torres, Thomas, Marzola, Considine, González, Gorelow, Brittney Miller, Newby, Nguyen, Orentlicher, Peters, Taylor and Watts:

Assembly Bill No. 276—AN ACT relating to health care; authorizing the use of telehealth for certain communication between providers of health care; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Koenig, Yurek, Gray, Gurr, DeLong, Dickman, D'Silva, Hansen, Hardy, Nguyen, Taylor and Torres:

Assembly Bill No. 277—AN ACT relating to health care; establishing a rural emergency hospital as a type of medical facility licensed in this State; authorizing a rural emergency hospital that meets certain requirements to receive an endorsement as a crisis stabilization center; requiring the Department of Health and Human Services to take certain measures to increase reimbursement under Medicaid for certain services provided by rural emergency hospitals; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 278—AN ACT relating to the Public Employees' Retirement System; requiring the Public Employees' Retirement Board to consider certain Nevada-based investments; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen D'Silva, Gray, Thomas, Bilbray-Axelrod, Gallant, Gurr, La Rue Hatch, McArthur, Mosca, Summers-Armstrong, Taylor and Torres; Senators Spearman, Flores and Lange:

Assembly Bill No. 279—AN ACT relating to the Nevada System of Higher Education; prohibiting the assessment of tuition charges against a student within the System whose parent is a veteran who has been awarded the Purple Heart; requiring the waiver of the payment of registration fees and certain other fees assessed against such a student; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywomen Thomas, González and Taylor:

Assembly Bill No. 280—AN ACT relating to education; requiring a school district that operates a behavior school to dedicate a certain amount of money to the behavior school; authorizing a school district to deduct money that is dedicated to a behavior school from certain funding for public schools; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN D'SILVA:

I am thrilled today to stand in front of the Assembly and celebrate the importance of social-emotional learning this week. As so many of my fellow educators have noted, our job as teachers is not just to ensure our students learn academic subjects, but also life skills. In an increasingly complicated world, social-emotional learning prepares our students. It ensures they are college- and career-ready. I will say that in this post-pandemic era that we are in the midst of, the social and emotional needs of our students are paramount. I hope that we make this a priority this session.

ASSEMBLYWOMAN ANDERSON:

I also will be joining my colleagues and fellow educators in celebrating social and emotional learning, but I am going to take it a little bit differently. I am going to give a little bit of a history lesson. I would like to present probably the strongest example of SEL [social and emotional learning] in our history. That is the individual who looks over us on a daily basis, President Lincoln.

President Lincoln was aware of the needs and feelings of others. He was aware that different opinions were incredibly important, and he encouraged them. If you look at his cabinet, he made a decision to surround himself with people of different opinions. He celebrated and encouraged those different opinions, and he listened to what they had to say. He was able to manage his emotions. There are numerous stories about letters that he would write when he was angry—and then he would let them sit. He would look at the letter later and decide whether to tear it up or send it to the person and let them know how he felt. But he did not keep those emotions bottled inside. Finally—and probably most importantly—he listened. He allowed for differences to come out, and he considered them. He could easily have made comments that would have embarrassed others, and he chose not to.

Today, let us celebrate SEL, not only in our classrooms, not only in our history books, but in our Chamber. We do this daily as well. We exhibit respect to each other. We encourage questions, and then we listen to what each other has to say. As educators, it is easy for us to throw around letters—SEL, IEPs [individualized education plans], ASAP [as soon as possible]. Many times, we assume others will understand what it is. Our body is SEL in action, and the body that neighbors ours is SEL in action. Let us continue to respect each other, be aware of differences, encourage those, and talk with each other. Too often, people think of SEL as simply being kind. It is actually making decisions that will help others and encouraging others to succeed to be their best.

Thank you for this opportunity to celebrate these incredible skills. They are actually employability skills, they are leadership skills and, quite frankly, they are the skills of life. They are not something you test over.

ASSEMBLYWOMAN LA RUE HATCH:

I would also like to stand as an educator and speak about social and emotional learning and talk a little bit about what it is and what it is not. It is not a canned curriculum. It is not a YouTube

video. It is not a simple handshake at the door and you have completed it. Social-emotional learning is recognizing the humanity of our students and encouraging them to recognize the humanity in each other, then leveraging that to learn together.

I start every year with a speech to my students about respect and what respect means. It does not mean, I stand up here and I am the teacher; therefore, you respect me. It means, I respect you first by putting in time to plan lessons that are meaningful for you, by listening to your needs, by making sure you are learning the skills you need, and then you show respect, in turn, by engaging in the lessons, respecting yourself enough to want to learn, and respecting each other enough to help each other in that learning. That is social-emotional learning. It does not have to be more complicated than that, but it is critical, and it needs to be part of everything we are doing in education.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Ashton Ridley.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Forrest Lewis, Jeff Kiernan, and Brian Duggan.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Andres Rodriguez.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Toni Farris.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Gardner.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Glenn.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Shelly Nee and Daniel Nee.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Solt.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Carolina Lopez and Jamie Rodriguez.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Shakita Kirkland.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Kelli Kelly, Carol Lloyd and Myles Getto.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Kristen Ryan.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Viola Cody and Patrick Herman.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Shelly Alexander.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Morgan Tiar.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, March 14, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 14, 2023

Assembly called to order at 11:41 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Karen Foster.

May we take this opportunity to open our hearts to prayer.

Spirit of love and life, we give thanks for this day. We give thanks for the rain that is nurturing the ground and all of life. We give thanks for these mountains and our desert lands, and above all, we give thanks for the people of Nevada. We give thanks for the opportunity to make life better and relieve suffering for Nevadans.

May we allow our hearts to be engaged and moved by our neighbors who are hungry, by those who have no homes, who struggle with mental illness, who have health issues, who continue to struggle with losses and ramifications due to COVID, other illnesses, addiction, or economic challenges. For we have been entrusted with our fellow human beings' welfare. It is they who call us to our best and highest selves.

May we gather our strength and our courage and accomplish together that which we could never do alone. May our care and compassion guide us. In the many Names of the holy we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 17, 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 68, 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hafen, O'Neill, Dickman, Kasama, Hansen, DeLong, Gallant, Gray, Gurr, Hardy, Hibbetts, Koenig, McArthur and Yurek; Senators Titus, Seevers Gansert, Goicoechea, Hansen, Stone, Buck, Hammond and Krasner:

Assembly Joint Resolution No. 4—Proposing to amend the Nevada Constitution to remove the constitutional provisions governing the Legislature's authority to apportion Senators and members of the Assembly among counties or legislative districts of the State and create the Independent Redistricting Commission vested with the power to apportion Senators and members of the Assembly in the Legislature and members of the United States House of Representatives among districts established by the Commission.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 5A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 5A. 1. There is hereby created within the Legislative Department of the State Government the Independent Redistricting Commission. It shall be the duty of the Commission in the year 2031, and after each subsequent decennial census of the United States, to apportion the number of Senators and members of the Assembly among legislative districts established by the Commission and to apportion the number of representatives in the United States House of Representatives among congressional districts established by the Commission.

2. The Commission is composed of seven members who are registered and eligible to vote in this State and who meet the qualifications established in subsection 4. The Senate Majority Leader, Senate Minority Leader, Speaker of the Assembly and Assembly Minority Leader shall each appoint one commissioner.

3. The four commissioners appointed pursuant to subsection 2 shall appoint three additional commissioners, each of whom must not have been registered or affiliated with the largest or second largest political party for at least 4 years immediately preceding his or her appointment, according to voter registration data published by the Secretary of State as of January 1 of the redistricting year, and none of whom, if registered or affiliated with a political party, is affiliated or registered with the same political party as another commissioner.

4. Within the 4 years immediately preceding his or her appointment and during his or her term, a commissioner may not be:

(a) A registered lobbyist;

(b) A candidate for a federal, state or partisan local office;

(c) An elected official to a federal, state or partisan local office;

(d) An officer or member of the governing body of a national, state or local political party;

(e) A paid consultant or employee of a federal, state or partisan local elected official or candidate, political action committee, committee sponsored by a political party or committee that seeks to influence elections to federal, state or partisan local offices;

(f) An employee of the State of Nevada, except for employees in the Judicial Department of the State Government, the Armed Forces of the United States or a state institution of higher education; or

(g) Related within the third degree of consanguinity or affinity to any person disqualified under paragraphs (a) to (f), inclusive.

5. The term of office of each commissioner expires once the Commission has completed its obligations for a census cycle, but not before any judicial review of the redistricting plan is complete, or upon the release of the subsequent decennial census of the United States, whichever is earliest.

6. All meetings of the Commission shall be open to the public. The Commission shall ensure that the public has opportunities to view, present testimony and participate in hearings before the Commission. All Commission materials are public records.

7. The Commission shall adopt rules to govern its administration and operation.

8. The powers granted to the Commission are legislative functions not subject to the control or approval of the Legislature and are exclusively reserved to the Commission.

And be it further

RESOLVED, That a new section, designated Section 5B, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 5B. 1. The Independent Redistricting Commission shall draw districts for a redistricting plan using the following criteria, in the order listed:

(a) Districts comply with the United States Constitution and applicable federal law.

(b) Districts have an approximately equal number of inhabitants.

(c) Districts are geographically contiguous.

(d) Districts are not drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or elect representatives of their choice, whether by themselves or voting in concert with other persons.

(e) Districts do not unduly advantage or disadvantage a political party, when considered on a statewide basis.

(f) Districts reflect county, city and township boundaries, to the extent practicable.

(g) Districts do not divide communities of interest, to the extent practicable. Communities of interest are areas with recognized similarities of interest, including without limitation, racial, ethnic, economic, social, cultural, geographic or historic identities, but not including communities based on political affiliation.

(h) Districts are reasonably compact.

(i) Districts are politically competitive, to the extent practicable without impairing compliance with paragraphs (a) to (h), inclusive. A district is politically competitive if there is a reasonable potential for the party affiliation of the district's representative to change at least once between each federal decennial census.

2. Not later than July 1, 2031, and not later than 180 days after each subsequent decennial census of the United States, the Commission shall approve a redistricting plan for the Nevada State Senate, the Nevada State Assembly and all congressional districts in this State, after providing public notice of each proposed final plan and allowing sufficient time for public review and comment. The Commission may only approve a final plan with at least five affirmative votes, including at least one from a commissioner registered with the largest political party, one from a commissioner registered with the second largest political party and one from a commissioner not registered or affiliated with the largest or second largest political party, according to voter registration data published by the Secretary of State as of January 1 of the redistricting year.

And be it further

RESOLVED, That a new section, designated Section 5C, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 5C. If any part of Section 5A or 5B of this Article, as applicable, is declared invalid, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the remaining provisions or application of Section 5A or 5B of this Article, as applicable, which can be given effect without the invalid provision or application, and to this end the provisions of Sections 5A and 5B of this Article are declared to be severable. This section shall be construed broadly to preserve and effectuate the purpose of Sections 5A and 5B of this Article.

And be it further

RESOLVED, That Section 5 of Article 4 of the Nevada Constitution be amended as follows:

Sec. 5. Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.

It shall be the mandatory duty of the Legislature at its first session after the taking of the decennial census of the United States in the year 1950, and after each subsequent decennial census, to fix by law the number of Senators and ~~[Assemblymen, and apportion them among the several counties of the State, or among legislative districts which may be established by law, according to the number of inhabitants in them, respectively.]~~ ***members of the Assembly.***

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Summers-Armstrong, Marzola, Bilbray-Axelrod, Carter, González, C.H. Miller, Nguyen, Peters and Watts:

Assembly Concurrent Resolution No. 4—Directing the Joint Interim Standing Committee on Government Affairs to conduct a study of the use of polygraphic examinations on certain employees.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

March 10, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 14, 147, 201, 211, 216, 228, 237, 238, 239, 254, 273.

SARAH COFFMAN
Fiscal Analysis Division

March 14, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 126, 158, 204, 253.

WAYNE THORLEY
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Gorelow, Anderson, Carter, Cohen, Duran and Nguyen:

Assembly Bill No. 281—AN ACT relating to health care; requiring the administrator of a senior living facility to ensure a senior living facility is equipped with functional ventilation and filtration systems; establishing requirements for the assessment of and any improvement to such ventilation and filtration systems; requiring certain personnel to complete an assessment report on such a ventilation or filtration system; requiring the administrator of a senior living facility to prepare a report on such a ventilation or filtration system; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Summers-Armstrong, Marzola, Nguyen, González, Brittney Miller, Bilbray-Axelrod, Carter, C.H. Miller, Peters and Watts:

Assembly Bill No. 282—AN ACT relating to substitute teachers; requiring school districts to provide certain substitute teachers with a subsidy for the purchase of health insurance coverage; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Summers-Armstrong, Marzola, Peters, Bilbray-Axelrod, Carter, González, Brittney Miller, C.H. Miller, Nguyen and Watts:

Assembly Bill No. 283—AN ACT relating to health care; requiring the Department of Health and Human Services to seek an increase to certain reimbursement rates under the Medicaid program for doula services; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Kasama:

Assembly Bill No. 284—AN ACT relating to mortgage companies; authorizing an employee of a mortgage company, including a mortgage loan originator employed by or associated with the mortgage company, to conduct the business of the mortgage company at a remote location under certain circumstances; setting forth certain requirements and restrictions concerning the conducting of the business of a mortgage company at a remote location; requiring the Commissioner of Mortgage Lending to adopt certain regulations; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywomen Taylor, Torres, Anderson and Hansen:

Assembly Bill No. 285—AN ACT relating to education; removing requirements for the use of restorative disciplinary practices in public schools; revising provisions governing the development of a plan of discipline by the board of trustees of a school district; revising provisions governing age requirements for the suspension, expulsion and permanent expulsion of pupils; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Brittney Miller, C.H. Miller, Anderson, Backus, Bilbray-Axelrod, Cohen, Considine, D'Silva, Duran, González, Gorelow, La Rue Hatch, Marzola, Monroe-Moreno, Mosca, Newby, Nguyen, Peters, Summers-Armstrong, Taylor, Thomas, Torres and Watts:

Assembly Bill No. 286—AN ACT relating to elections; providing for the establishment of polling places in a county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children and state facility for the detention of children; requiring the Secretary of State to allow certain prisoners to use a certain system of approved electronic transmission to preregister and register to vote and to cast a ballot; requiring such a jail or facility to allow certain prisoners to register to vote; requiring such a jail or facility to allow a prisoner to vote and return his or her mail ballot; requiring such a jail or facility to submit a report to the Secretary of State after each election; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Gray, O'Neill, Yurek, Hibbetts, McArthur, DeLong, Dickman, Gallant, Gurr, Hafen, Hansen, Hardy, Kasama and Koenig; Senators Hansen and Stone:

Assembly Bill No. 287—AN ACT relating to civil actions; providing that peace officers are immune from civil liability under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 288—AN ACT relating to human trafficking; establishing the Nevada Blue Ribbon Committee on Human Trafficking; prescribing the membership and duties of the Committee; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Carter, La Rue Hatch, C.H. Miller, Summers-Armstrong and Watts and Senator Pazina:

Assembly Bill No. 289—AN ACT relating to human remains; authorizing the use of natural organic reduction for the cremation of human remains; revising various provisions relating to the disposition of human remains; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Brown-May, Carter, D'Silva, González, Koenig, Nguyen and Torres and Senator Goicoechea:

Assembly Bill No. 290—AN ACT relating to motor vehicles; authorizing, under certain circumstances, a dealer and purchaser to enter into a written return agreement to cancel a vehicle sale; revising provisions relating to the registration of certain vehicles when the certificate of title is lost, unlawfully detained or otherwise not available; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 291—AN ACT relating to crimes; revising provisions relating to the prosecution of certain crimes; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen González and Summers-Armstrong; Senators Spearman, Neal and Scheible:

Assembly Bill No. 292—AN ACT relating to incarceration; setting forth certain rights of offenders and prisoners; requiring certain persons and governmental entities to take certain actions relating to such rights; providing for the designation of an ombudsman for each institution, facility or jail and prescribing the powers and duties relating to that position; revising provisions relating to training for correctional staff; revising provisions relating to a risk and needs assessment; prohibiting the use of restraints on a pregnant offender or prisoner who is being transferred or transported under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 293—AN ACT relating to Medicaid; requiring the Medicaid program to provide coverage of certain services provided by a medical-legal partnership; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 294—AN ACT relating to tobacco; prohibiting the sale of certain flavored tobacco products and flavoring agents for tobacco products; prohibiting the sale of cigarettes to certain persons; requiring annual inspections of locations that sell certain tobacco, vapor products and other nicotine products; prohibiting the sale of cigarettes after a certain date; eliminating the tax on cigarettes after that date; requiring certain insurers to cover certain services for ceasing the use of tobacco; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Yurek, Gray, D'Silva, Gallant, Hansen and Hardy:

Assembly Bill No. 295—AN ACT relating to taxation; revising provisions relating to certain tax exemptions for veterans and surviving spouses of veterans; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymen D'Silva and Torres:

Assembly Bill No. 296—AN ACT relating to education; prohibiting the counting of a pupil for apportionment purposes unless the pupil receives a certain amount of instructional time; requiring the Department of Education to adopt regulations limiting the amount of time used to prepare for and conduct certain examination and assessments; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 297—AN ACT relating to pretrial release hearings; excluding Saturdays, Sundays and legal holidays for the purpose of calculating the 48-hour period in which a pretrial release hearing must occur after a person has been taken into custody; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 298—AN ACT relating to real property; requiring, under certain circumstances, a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to return such fees; requiring any written agreement for the use and occupancy of a dwelling unit or premises to contain separate appendices relating to fees and tenant rights; making it unlawful for a landlord or certain other persons to charge a tenant certain fees; temporarily exempting certain transfers, assignments or conveyances of real property from the real property transfer tax; temporarily prohibiting a landlord from entering into a rental agreement with certain existing tenants that increases the rent due from the tenant by more than a certain amount; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 299—AN ACT relating to State Government; creating the Nevada Medal of Distinction and the Nevada Awards and Honors Board; setting forth the process for awarding the Nevada Medal of Distinction; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 300—AN ACT relating to domestic partnerships; clarifying provisions governing the termination of a domestic partnership upon the death of either domestic partner; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 152.

Assemblywoman Jauregui moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:11 p.m.

ASSEMBLY IN SESSION

At 4:59 p.m.

Mr. Speaker presiding.

Quorum present.

Mr. Speaker appointed Assemblywoman Torres and Assemblyman McArthur as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice Lidia Stiglich.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:08 p.m.
Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Krasner, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Gray, who was excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Scheible and Assemblywoman Marzola to wait upon the Honorable Chief Justice Lidia Stiglich and escort her to the Assembly Chamber.

The Committee on Escort in company with the Honorable Nevada Supreme Court Chief Justice Lidia Stiglich appeared before the bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

Mr. Speaker welcomed Chief Justice Stiglich and invited her to deliver her message.

Chief Justice Stiglich delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-SECOND SESSION, 2023

Lieutenant Governor Anthony, Speaker Yeager, Majority Leader Cannizzaro, Majority Leader Jauregui, Attorney General Ford, distinguished members of the Senate and the Assembly, honorable constitutional officers, and honored guests, thank you for the opportunity to speak to the Nevada Legislature on behalf of our state's judicial system. My name is Lidia Stiglich, and I am the Chief Justice of the Nevada Supreme Court. I have had the privilege of serving in the Judiciary since 2012 and have worked alongside my colleagues to uphold the principles of fairness, impartiality, and justice for all Nevadans. I am honored to have this opportunity to share with you the progress we have made and the challenges we face as we work to strengthen the Judicial Branch of our state government.

I would like to acknowledge my colleagues on the Nevada Supreme Court: Associate Chief Justice Elissa Cadish, Justice Kristina Pickering, Justice Linda Bell, Justice Ron Parraguirre, Justice Douglas Herndon, and Justice Patty Lee. It is my privilege to serve with these distinguished jurists, and I am honored that they have selected me as their Chief. From the Nevada Court of Appeals, I would like to acknowledge Chief Judge Michael Gibbons, who is here with us tonight; Judge Bonnie Bulla; and Judge Deborah Westbrook. I would like to acknowledge retired Justice James Hardesty, who is also with us today. I would like to recognize and thank the Clerk

of the Supreme Court, Elizabeth Brown; our legal counsel, Phaedra Kalicki; the Supreme Court's extraordinary legal staff; the Director of the Administrative Office of the Courts, Katherine Stocks; Assistant Court Administrator John McCormick, as well as all of the dedicated and hardworking staff of the Supreme Court and the AOC [Administrative Office of the Courts]. I would also like to extend my personal appreciation to Chief Clerk Susan Furlong and her incredible team for their warm and gracious welcome today.

Our mission of service to the residents of the Silver State is to provide timely access to impartial justice—in fact, it is our fundamental purpose. We are privileged to be charged with this duty. The pandemic had a tremendous impact on our society as a whole, including, of course, the Judiciary. As a branch, we can be slow to change, and we are often too busy adjudicating disputes to comprehensively examine our processes. The pandemic, though, compelled us to reflect on why and how we serve the people of Nevada. We took a critical look at our institutions, and we identified where we can improve our delivery of timely access to impartial justice. Tonight, I ask you to join me in looking forward and focusing on the who, why, and how of the Nevada Judiciary.

Who are we and who do we serve? I am privileged to appear on behalf of our 7 Supreme Court justices, 3 court of appeals judges, 90 district court judges, 68 justices of the peace, 31 municipal court judges, and the nearly 2,000 judicial employees throughout the state of Nevada. In the appellate courts, we are served by a staff of highly skilled attorneys and subject matter experts, responsible for managing the business of the courts and supporting the business of the trial courts to promote timely access to impartial resolution of all the cases filed. We proudly serve every Nevadan, along with those who visit our great state. We serve those with civil disputes, criminal charges, and administrative matters.

According to a report by The Pew Charitable Trusts, 47 percent of households had at least one civil legal issue that involved a court in a 12-month period. When traffic is added, that number jumps to 56 percent of households that had an interaction with a court. More than half of all households have some sort of civil matter that is going to come before a court in any given year. Broadly published estimates indicate that about a third of the adult population has been involved in some fashion in the criminal justice system. We serve litigants whether they choose to use our system or are required to participate. But, regardless of how someone gets to our courts, it is our responsibility to ensure that they are treated fairly.

So, why do we serve? For each of us, there are unique motivations to become public servants, yet all of us are here to do just that—to serve. Some of us came to the Judiciary because of a positive experience and a desire to pay that service forward. There are others among us that came to the Judiciary with a motivation to improve a system that they felt may have fallen short. For most, it is both, but we serve because it is both our duty and our distinct privilege to provide an impartial forum for the resolution of disputes and to ensure access to the courts for all.

So, we ask: How do we serve and how will we serve? To answer this question, we started with a survey of the entire Nevada Judiciary in the form of a strategic planning process. By engaging with statewide stakeholders, we identified existing innovations that are scalable to improve service delivery across Nevada: guided interviews for self-represented litigants, self-help forms, and improved websites as well. We also identified areas where improvements are needed—training for court staff and a living wage for our employees.

Ultimately, the "how" for the Supreme Court became Senate Bill 58, the Nevada Judicial Branch budget reform act, which is before you now. Senate Bill 58 and its corresponding reforms offer long-term improvements in the administration of Nevada's Judiciary. These reforms are essential to ensuring that the Judiciary meets its core constitutional functions. Senate Bill 58 brings stability and consistency to our budget as well as ensures that the Court will be able to be responsible to the needs of our branch and have that flexibility to ensure our business processes meet the needs of those that we serve and the priorities set here by the Legislature.

Time is of the essence to implement these long-overdue improvements to the systems and structures of the Supreme Court. Our current strategic plan, as supported by S.B. 58 and our proposed budget, is guided by three primary strategies: stability, flexibility, and responsiveness. Those are designed to improve the way the Judiciary provides fair, timely, equal, and universal access to justice. We are duty bound to simplify and improve public access to the courts, and we need to do that while we continue to ensure that all parties are treated fairly.

Through the use of American Rescue Plan Act funds, we embarked on improvements in access to justice in response to the needs of those that we serve. As an example, three projects are either months away from completion or are already in deployment. Our statewide online temporary protection order portal will allow a victim of abuse or stalking to be able to file a petition for a temporary restraining order online, from anywhere in the state of Nevada. States that have already deployed this option see at least 50 percent of petitions completed through that platform.

A statewide self-help portal utilizes guided interviews to create court pleadings and provides resources in written and video formats. There are currently three iterations of self-help websites in Nevada, and we are combining the three together in one place for court users. We are thankful to be partnering with Legal Aid Center of Southern Nevada to ensure the initial and ongoing success of this critical resource for access to justice.

Our family case management—as a follow-up to a recent study of Nevada's family courts, we are utilizing federal funds to bring differentiated case management for family law cases. Our trial courts will have access to an evidence-based tool that places a case into tracks of complexity. Each case will still receive individual attention; however, a court is able to dedicate necessary internal resources to cases of higher complexity. This project is coming out of the initial research phase. We are excited about it, and pilot courts are being recruited.

Alongside these particular projects, we have worked to develop methods for Nevada courts to be supported by sustainable, appropriate funding of judicial and personnel resources, as well as technological improvements and systems at all levels of the branch. For this biennium, we took a two-tier approach that works together to stabilize the Supreme Court's current and future operations. We are seeking to reduce reliance on administrative assessments through statutory and budget request changes. Administrative assessments revenues peaked in 2010, have dropped steadily since, and have dropped 50 percent in the last few years. These revenues are not showing signs of recovering, and even with a reduced AA [administrative assessments] budget request, we are 30 percent below the budget for this biennium.

We have submitted a budget that includes a living wage salary based upon the cost of living in Nevada. That is for a household with two children and two working adults and establishes operations, professional, and managerial career paths for our employees. Our classification and compensation schedule reflects the court's commitment to recruiting and retaining a diverse workforce that is paid a living wage. A factor in stabilizing turnover and being an employer of choice is the ability for our employees to have only one job. We demand a special set of skills for our employees, and those employees deserve to be compensated appropriately. All of our employees are required to have legal knowledge, an understanding of the Judiciary, and familiarity with the *Nevada Revised Statutes* and court rules.

Once we determined an appropriate minimum living wage, we overhauled our classification and compensation schedule. Thank you to the team from the AOC that spent months scouring vacancy announcements, pay tables, and wage and labor data in order to establish and validate the revised system that is based on the specific skill set required to effectuate our duty to the people of Nevada. We are, in effect, a midsize law firm, and we rely heavily on both our attorneys and subject matter experts to help us do the work of the appellate courts and support the 74 trial courts in the state of Nevada.

I have personally received some feedback that our requests may have created some confusion. I would like to take this opportunity to clarify our intent. Senate Bill 58 and our budget request are designed to work in tandem, and they reflect our operating needs. Specifically, S.B. 58 creates the Judicial Fund that allows the court to retain appropriations across the biennium. This fund is subject to legislative oversight, and we do not seek to change that. The court's proposals in S.B. 58 and our budget are designed to provide the flexibility the court needs to effectuate the Legislature's priorities and fulfill our constitutional purpose. Our specialty courts are an example of this current predicament, and it is a predicament which hinders our ability to provide critical resources to treatment courts when AA revenues fall short. Currently, because they are funded in part with administrative assessments, we must cut funding to our specialty court programs even when there are funds available in another Supreme Court account. That is what S.B. 58 does—it gives the court the flexibility to meet those needs as they arise.

Speaking of specialty courts, which are near and dear to my heart, I would like to highlight the success of our programming here in Nevada. The Nevada specialty court's transition to virtual

and remote hearings exemplifies the resiliency of our Judiciary and our participants. As a result of the pandemic, online status checks, telehealth counseling, virtual 12-step meetings, GPS-enabled breathalyzers, and drug patches allowed treatment courts to continue to monitor sobriety while providing necessary treatment and access. This contributed to a significant decrease in arrests and criminal filings across the state. Moreover, the recidivism rates for people in the specialty court programs, even those individuals who do not complete the programs, are lower than those who do not receive the intervention. I am proud to report that 91.8 percent of the people who graduated from a Nevada specialty court program in 2018 have not had a new conviction within three years, and 81 percent of the people who did not successfully complete a program have not reoffended as well. Some treatment is better than no treatment, and our treatment is excellent.

Looking forward, with the assistance of the AOC, the specialty court program is exploring utilizing drug testing equipment at a fixed rate, which could leverage statewide collaboration to lower testing costs, streamline testing, and ensure consistency across the state. This will dovetail with the peer review program, as the AOC endeavors to connect the courts and grow those programs that we already have in place. We have many achievements that received a push from the adversity of the last few years that are worth celebrating. We have identified areas for improvement, and we are actively addressing them. With your help, the future is encouraging.

In closing, I would like to take a moment to remember some of the distinguished members of our Nevada Judiciary family who passed away. We mourn the loss of Justice Robert Rose; Judge Brent Adams; Judge Mathew Harter; Justice of the Peace Melanie Tobiasson; Justice of the Peace Kent Jasperson; Justice of the Peace Cassandra Jones; Justice of the Peace Juanita Colvin; treasured court employee Lilliette Brooks, who we lost just a week ago; and, of course, the incomparable Ben Graham. These individuals dedicated their careers to serving our communities and upholding the principles of justice and fairness. Their contributions to the Judiciary will not be forgotten, and we extend our deepest sympathies to their families and their loved ones. As we move forward, let us continue to honor their legacy by upholding the values and ideals that they held dear.

Thank you for allowing me to provide you this summary of the courts and our 2023 legislative agenda. I am excited to work with you—we all are—to continue to improve and expand timely access to impartial justice for every Nevadan. And thank you, legislators, for your service. We ask a lot of our public servants in Nevada, but especially of our legislators. God bless you and your families, who are going at it alone for these 120 days—hopefully, just 120 days—and may God bless the great State of Nevada.

Senator Ohrenschall moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Stiglich for her timely, able, and constructive message.

Seconded by Assemblywoman Backus.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Stiglich to the bar of the Assembly.

Assemblywoman Cohen moved that the Joint Session be dissolved.

Seconded by Senator Titus.

Motion carried.

Joint session dissolved at 5:31 p.m.

ASSEMBLY IN SESSION

At 5:31 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Judge Cynthia Lu.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Kristlynn Allison and Megan Philippi.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Montenegro, Santiago Montenegro, and Joanna Gomez.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Ivan Alis Williams and Xanobia Alis.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Sophia A Romero, Alexandria K. Vaccarino, and Marcos V. Vaccarino.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to DeCuba McMillion-Porter, Edrie Ward, Kaisii Varner, and Christine McNally.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Britt Young.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Kaylynn Diebold.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Aishlinn Flores, David Acevedo, and Kenya del Castillo.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Baker.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Flocchini.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Lela Arney and Jana Nettleton.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Ava Nalty.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Samantha Zuniga, Emanuel Hernandez Gomez, and Jason Hernandez.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Hernandez, Jacqueline Martinez, and Steven Pena.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Spencer Flanders and Cyndi Latour.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Tran, Chris Tran, Chris Tran, Abigail Ambriz, and Daniel Ambriz.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Pierce, Jessica Murrillo, and Ashley Dines.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan Hankins, Dr. Tracy Edwards, and Jay Fair.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Judge Tiara Jones.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Ivette Aguirre, Estrella Gomez, Johnny Dominguez, and JanCarlo Argueta.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Ryley Harris.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Tessa Antonio, Nikole Phomninh, Kyan Octaviano, and Travis Brewer LaChapelle.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to and Chief Judge Lynne Simons.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Arturo Jimenez and Angelynn Vilchis.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Kendra Bertschy and Aimee Banales.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Anai Rico, Esli Olivares, Andrea Sanchez, and Brianna Dominguez.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Sidney Hernandez, Emmanuel Basilio, Cait Liddle and the following students, teachers, and chaperones from Elmcrest Elementary School: James Barker, Brianna Bonilla, Zennen Bucio, Issabella Dalmas, Chanel Diaz, Natalia Espinoza-Cerritos, Symphanii Fields, Izabelle Foley, Aiden Gaddis, Joslynn Webb, Rowland Hanson, Brinton Jack, Aviona Kapell, Josephine Mangan, Vivian Marsh, Rey Martinez, Allison Massey, Alivia McKenna, Isaiah Monroe, Mason Price, Andrea Reyes Acuna, Cherish Williamson, Hunter Wilson, Angel Winbush-Cruz, Magaby Chavez, Ariah Aviya Dia, Wesley Bruno, Dylan Coley-Leiva, Keira Dickenson, Jude Faulkison, Dante Freese, Scarlett Gaddis, Christopher Gomez Caldera, Arely Gutierrez Espinosa, Latwan Hoskins, Edmund Mance Julian, Greyson Marsala, Yaretzi Nevarez Ceja, Alexa Nunez Garcia, Alekzandra Ponce Cruz, Cataleya Rodriguez, Itzabel Sanchez, Sahar Shafiq, Maya Silva, Audrey Stanley, Brandon Steers-Ortega, Tamali'is Taua, Skyler Thomsen, Carter Wilson, and Orrin Herzog.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Dylan Hinton, Rachel Pope, and Riley McDaniel.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Tequila Hall, Kristy Robinson, and Charlene Brown.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Lay, Lisa Marie Valles Blancart, and Cali Lily Valles Blancart.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Bita Yeager, Eden Wolde, Justice James Hardesty, and Cyvyn Perry.

On request of Assemblyman Toby Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Annise Hickman and Donald Hickman-Lewis.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, March 15, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:31 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 15, 2023

Assembly called to order at 11:36 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Jerome Washington.

Almighty God, as we come before You today, we give You thanks for the many blessings You have bestowed upon this great state.

As we gather here today in peace and harmony, we ask that You look over our Legislators and we pray they seek You to be their guiding light, giving them wisdom and knowledge as they speak for and make sound decisions. Give them clarity of thought and vision as they address the matters of our state and allow them to work peaceably with one another under one common bond to meet the needs of and to serve Your people.

As we come together for this Veterans and Military Day at the Legislature, we thank You for those who have served and continue to serve our great and powerful nation. We thank You and honor them, for it is because of their selfless service and sacrifice we can be the land of the free because of the brave. Because of them, we are able to continue to enjoy the freedoms that You have graciously bestowed upon us. We ask that You continue to look over those who even now guard the gates of freedom both in peace and at war.

Please continue to be a comforter to those families whose loved ones have paid the ultimate sacrifice and laid their lives down for ours, as they heard their final call of duty. Let us not forget their service as You have welcomed them home.

As I close, may we have a moment of silence and prayer in our respective tongues for those departed comrades, those missing in action, those held prisoners of war. These and all other blessings we ask in Your Name.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 3, 33, 36, 82; Assembly Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 2, 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

COMMUNICATIONS

UNITED STATES SENATE

March 10, 2023

THE HONORABLE STEVE YEAGER, *Speaker of the Nevada Assembly*
THE HONORABLE NICOLE CANNIZZARO, *Majority Leader of the Nevada State Senate*
401 South Carson Street
Carson City, Nevada 89701

DEAR SPEAKER YEAGER AND LEADER CANNIZZARO:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Monday, April 3, 2023. I look forward to sharing with you and your colleagues information regarding the important issues the United States Senate will be facing in the upcoming months and how they will affect the state of Nevada. I thank you in advance for your consideration of my request, and I look forward to seeing you soon. Should you have any questions or concerns, please contact my Scheduler, Nicole Echeto, at 202-224-6244.

Sincerely,
JACKY ROSEN
U.S. Senator

UNITED STATES SENATE

March 14, 2023

THE HONORABLE STEVE YEAGER, *Speaker,* Nevada State Assembly
THE HONORABLE NICOLE J. CANNIZZARO, *Majority Leader,* Nevada State Senate
401 South Carson Street
Carson City, Nevada 89701

DEAR SPEAKER YEAGER AND LEADER CANNIZZARO:

I am writing to request the opportunity to speak before the distinguished members of the Nevada State Legislature on Tuesday, April 11, 2023. I look forward to speaking about the pressing issues before the United States Congress in the upcoming months and how they will affect the great state of Nevada. I thank you in advance for your kind consideration and look forward to seeing you soon.

Sincerely,
CATHERINE CORTEZ MASTO
United States Senator

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 14, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 88, 154, 184, 195, 198, 203, 219, 224, 248, 249, 279.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of March 15, 2023, be accepted as an accredited press representative, assigned space at the press table in the

Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal:

KNPR-NEVADA PUBLIC RADIO: Connor Keaney.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hibbetts, D'Silva, Yurek and Carter:

Assembly Bill No. 301—AN ACT relating to public employees; revising the definition of "police officer" to include certain school police officers, juvenile probation officers and bailiffs and deputy marshals of municipal courts for the purposes of certain benefits and exemptions; specifying that the use of certain designations by the Department of Public Safety or a division officer or employee of the Department does not exclude certain employees of the Department from the definition of "police officer" for the purposes of certain benefits and exemptions; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Backus:

Assembly Bill No. 302—AN ACT relating to public safety; providing for the issuance of a limited-purpose identification card to be used to provide identification for the purpose of challenging the accuracy or sufficiency of information relating to certain records of criminal history; providing penalties; and providing other matters properly relating thereto.

Assemblyman Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 303—AN ACT relating to motor vehicles; revising provisions relating to the towing of a motor vehicle when a tow is requested by certain persons; and providing other matters properly relating thereto.

Assemblyman Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblywoman Anderson:

Assembly Bill No. 304—AN ACT relating to special license plates; eliminating the requirement to provide proof of current or former employment as a professional full-time salaried firefighter or current or former service as a volunteer firefighter in an application for the renewal of certain special license plates recognizing such employment or service; and providing other matters properly relating thereto.

Assemblyman Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblywomen Monroe-Moreno and Considine:

Assembly Bill No. 305—AN ACT relating to public works; requiring a contractor or subcontractor to comply with certain requirements relating to the use of apprentices who are women on a public work; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McArthur, Torres, D'Silva and Gray:

Assembly Bill No. 306—AN ACT relating to state business licenses; requiring the Secretary of State to waive the fees charged for the issuance and renewal of a state business license for certain veteran-owned businesses; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Dickman, Gray, Gallant, Hansen, DeLong, Gurr, Hafen, Koenig, McArthur and O'Neill; Senators Stone, Hansen, Goicoechea and Titus:

Assembly Bill No. 307—AN ACT relating to elections; establishing procedures for the use of absent ballots in an election; requiring, with certain exceptions, proof of identity for voting in person; requiring the Department of Motor Vehicles, under certain circumstances, to issue identification cards at no charge; requiring a voter to include certain personal identifying information with his or her absent ballot; prohibiting, with certain exceptions, a person from returning an absent ballot on behalf of a voter; repealing provisions that require county and city clerks to prepare and distribute mail ballots to certain registered voters for every election; repealing provisions relating to voting, collecting, verifying and counting mail ballots; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Gorelow moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Mosca, González, Nguyen, D'Silva, Brittney Miller and Torres and Senator Nguyen:

Assembly Bill No. 308—AN ACT relating to education; requiring a school district that employs certain visa holders as teachers to conduct an orientation and certain meetings to aid the holders of the visas and their accompanying spouses and dependents in transitioning to employment in the school district

and life in the community; prohibiting a school district from contracting or partnering with persons or entities who charge more than a certain amount of fees and costs related to the employment of such visa holders; requiring the Joint Interim Standing Committee on Education to conduct an interim study on the employment of certain federal visa holders as teachers; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Hansen:

Assembly Bill No. 309—AN ACT relating to property rights; authorizing the use of electronic ballots for the election and removal of members of the executive board of a unit-owners' association of a common-interest community and for the election of delegates or representatives to exercise the voting rights of units' owners in an association; authorizing a member of the executive board who is subject to removal to submit a written request for a meeting of the executive board to discuss the member's removal; specifying that an association is authorized to conduct a vote for the election or removal of a member of the executive board without a meeting; authorizing an association that conducts a vote without a meeting to allow the units' owners to vote by using a voting machine; establishing requirements relating to the use of electronic voting for the election or removal of a member of the executive board without a meeting; authorizing money in the operating account of an association to be withdrawn without the usual required signatures for the purpose of making certain automatic and annual payments; requiring the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the requirements relating to the transfer of certain items upon the termination or assignment of a management agreement; and providing other matters properly relating thereto.

Assemblywoman Brittney Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Monroe-Moreno:

Assembly Bill No. 310—AN ACT relating to affordable housing; requiring the Housing Division of the Department of Business and Industry to develop and implement a supportive housing grant program; creating the Nevada Supportive Housing Development Fund in the State Treasury; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Bilbray-Axelrod:

Assembly Bill No. 311—AN ACT relating to health care; authorizing a hospital to enter into an agreement with the Armed Forces of the United States for the provision of care by a person who is not licensed to provide care under certain circumstances; exempting certain federal employees who provide care within the scope of their official duties from requirements governing the licensure and regulation of certain health professionals; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 17.

Bill read second time and ordered to third reading.

Assembly Bill No. 19.

Bill read second time and ordered to third reading.

Assembly Bill No. 68.

Bill read second time and ordered to third reading.

Assembly Bill No. 76.

Bill read second time and ordered to third reading.

Assembly Bill No. 231.

Bill read second time and ordered to third reading.

Assembly Bill No. 268.

Bill read second time.

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

Amendment No. 4.

SUMMARY—Makes ~~[an appropriation to the Office of Finance in the Office of the Governor]~~ **appropriations** for the payment of retention incentives to **certain** employees of the ~~[Executive Department of the]~~ State Government. (BDR S-1037)

AN ACT making ~~[an appropriation to the Office of Finance in the Office of the Governor]~~ **appropriations** for the payment of retention incentives to **certain** employees of the ~~[Executive Department of the]~~ State Government; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of ~~[$23,000,000]~~

$20,970,000 for the payment of retention incentives in accordance with subsection 2 to each person who is an employee in ~~[the]~~ **:**

(a) The Executive ~~[Branch]~~ **Department** of the **State** Government **,** ~~[of the State of Nevada, except persons described in paragraph (b) of subsection 1 of NRS 284.013.]~~ **except:**

(1) Employees of the Nevada System of Higher Education other than the employees of the System in the classified service, as described in subsection 4 of NRS 284.140.

(2) Persons whose compensation is paid from a budget account that is not subject to NRS 353.150 to 353.246, inclusive, except as otherwise provided in section 3 of this act.

(3) Persons whose positions are temporary, intermittent or seasonal or are positions for which there is a critical labor shortage pursuant to NRS 286.523.

(b) The Judicial Department of the State Government, except persons whose positions are temporary, intermittent or seasonal or are positions for which there is a critical labor shortage pursuant to NRS 286.523.

2. A retention incentive of $500 must be paid from the money appropriated by subsection 1 to each person **who is eligible for the payment, as** described in subsection 1 **, and** who is so employed on:

(a) March 31, 2023.

(b) June 16, 2023.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 2. **1. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of $325,000 for the payment of retention incentives in accordance with subsection 2 to each person who is an employee in the Legislative Department of the State Government, except persons whose positions are for a legislative session or are otherwise temporary, intermittent or seasonal.**

2. A retention incentive of $500 must be paid from the money appropriated by subsection 1 to each person who is eligible for the payment, as described in subsection 1, and who is so employed on:

(a) March 31, 2023.

(b) June 16, 2023.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the

appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 3. **1. There is hereby appropriated from the State General Fund to the Public Employees' Retirement System the sum of $81,000 for the payment of retention incentives in accordance with subsection 2 to each person who is an employee of the Public Employees' Retirement System, except persons whose positions are temporary, intermittent or seasonal or are positions for which there is a critical labor shortage pursuant to NRS 286.523.**

2. A retention incentive of $500 must be paid from the money appropriated by subsection 1 to each person who is eligible for the payment, as described in subsection 1, and who is so employed on:

(a) March 31, 2023.

(b) June 16, 2023.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Kiera Ramirez, Breelyn Wheeler, and Hoa Dao.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Wendell Carl Blaylock and Molly Bilbray-Axelrod.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Chistopher Schroeder.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Natalie Dunlap, Ella Henckel-Price, and Nicole Patton.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Char Frost and Chris Molnar.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Deme Gonzalez, Jonathon Jacobson, and Robb Smith.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Grady, Ron Broady, and Carol Broady.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Arnie Maurins, Linda Dickinson, and John Dickinson.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Terrance Hubert.

On request of Assemblywoman Danielle Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Leo Garcia and Brandon Mills.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Kenzie Keeton, Reagan Hampton, and Cara Mcanallen.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Fred Wager, Gina Obiano-Julian, and Taylor Obiano-Julian.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Leon Borden, Hannah Gray, and David Granish.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Sherlyn Fackrell and Hugh Ricci.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Allene Bates and Aaron Manfredi.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Scheuering, Andy LePeilbet, and Valerie Scheuering-Hubbell.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Gloria Deyhle.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Margot Easley and Edward Goenne.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Zoey Obedoza and Vadalisa Swanson.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Vikki Courtney.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Don Mello and Curtis McLachlan.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Hooper.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to David Sousa, Dan Sanders and Gil Hernandez.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth Kilmer, John Hansen, and Darrol Brown.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Eduardo Martinez and Jonathan Ovando.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Lynne Ballatore.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Franklin.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Jillian Oceguera.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Etter, Robert Planeta, and Thomas Spencer.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Candace Lopez.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Kayla Eubanks and Charlotte Echler.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Mason Kuennen and A'Laya Washington.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Sousa and Ann Marie Holley.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Thurtle and Daniel Wellsfry.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Samba Soumare, Aimy Vo, and Elisaveta Koeva.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Hal Keaton.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, March 16, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 16, 2023

Assembly called to order at 11:48 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Gavin Jarvis.
Lord God, in the book of Proverbs it says this:

> The Lord gives wisdom; from his mouth come knowledge and understanding; he stores up sound wisdom for the upright; he is a shield to those who walk in integrity, guarding the paths of justice and watching over the way of his saints.

Lord, as the Assembly convenes this morning, I pray for them. You made humanity with wisdom and reason and gave the ability to govern, and you put on the hearts of all here to lead on behalf of the people in our state. You say that you have placed all of us in the times and places that we live, and it is ultimately you who have placed these people in our time and in our state, with the capacity and calling to lead.

Therefore, Father, grant our leaders vision, wisdom, and discernment so they will continue to be strong and effective leaders.

Everyone here knows the gravity of the decisions that they make and their impact on all of Nevada; and I pray that you would give them wisdom. You are not a God of confusion but a God of order and of peace, and I pray that in every action taken here, there would be clarity and understanding that would lead to decisions that lead to the thriving of Nevada. Help them to lead and govern through the remainder of this session with integrity, and may that high commitment to integrity guide them in their decisions and actions today.

I ask that you protect their health, keep them safe, and for those who are away from home, I pray you would grant them rest, as they are away from loved ones and familiar places.

You say that all who come to You may ask You for wisdom and You will give without reproach, and so we lay this before You. To You be the glory and honor forever.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 78, 107, 124, 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 15, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 165.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 1.

Resolution read.

Remarks by Assemblymen McArthur, Bilbray-Axelrod, and O'Neill.

ASSEMBLYMAN MCARTHUR:

Assembly Joint Resolution 1 urges the United States Department of Veterans Affairs to study the effectiveness and use of hyperbaric oxygen therapy for veterans and share the results with the state of Nevada.

ASSEMBLYWOMAN BILBRAY-AXELROD:

I was wondering if the Assemblyman could explain hyperbaric oxygen therapy.

ASSEMBLYMAN MCARTHUR:

Hyperbaric oxygen therapy is basically putting a lot of oxygen into your system. You basically have to have a mask so that you can stay pressurized. It pushes the oxygen at a pressure about three times your normal amount. It helps out the blood and your flexibility. You actually have to have about 20 sessions before it really has an effect.

ASSEMBLYMAN O'NEILL:

In support of our Assemblyman's resolution and to give additional information, there is preliminary information indicating that the therapy assists greatly with both PTSD [post-traumatic stress disorder] treatments and burn treatments—scars. Some of you may be familiar with Jay Leno. He suffered a serious burn while working on a Stanley Steamer vehicle several weeks ago. He was in and out of the hospital within three days, mainly because he received HBOT [hyperbaric oxygen therapy] treatment, at his own expense, during that time. It has proven worthy. I will ask all my membership in this body to vote in favor of it.

Roll call on Assembly Joint Resolution No. 1:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

NOTICE OF WAIVER

A Waiver requested by: Senator Cannizzaro.
For: BDR No. 40-38
Revises provisions governing the costs of health care.
To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: March 16, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

Assemblywoman Jauregui moved that Assembly Bills Nos. 76 and 268 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Peters:

Assembly Bill No. 312—AN ACT relating to environmental justice; creating the Commission on Environmental Justice; setting forth certain duties of the Commission; establishing various requirements for agencies to determine the environmental impact of a proposed regulation on historically underserved communities; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Peters:

Assembly Bill No. 313—AN ACT relating to mining; requiring an operator of a mining operation to submit a revised plan for reclamation under certain circumstances; revising provisions relating to the reclamation of exploration projects and mining operations; revising requirements relating to a plan for reclamation; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Cohen moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymen Gallant, Taylor, DeLong, Dickman, Gray and Nguyen and Senator Stone:

Assembly Bill No. 314—AN ACT relating to local government; restricting the authority of a board of county commissioners, governing body of a city or town board to regulate home-based businesses; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Hardy:

Assembly Bill No. 315—AN ACT relating to energy; requiring the Director of the Office of Energy to coordinate with certain entities to recommend best practices for issuing a permit for geothermal energy; temporarily creating the

Geothermal Energy Systems Demonstration Program; prohibiting certain restrictions on the use of a system for obtaining geothermal energy by the owners of real property; requiring the Office of Energy to conduct an interim study relating to geothermal energy; and providing other matters properly relating thereto.

Assemblyman Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblyman C.H. Miller:

Assembly Bill No. 316—AN ACT relating to motor vehicles; revising the penalty for the unlawful possession of unregistered vehicles unfit for use; and providing other matters properly relating thereto.

Assemblyman Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymen González, Thomas, Summers-Armstrong, Brittney Miller, C.H. Miller, Monroe-Moreno, Taylor and Watts; Senators Spearman, Neal, Cannizzaro and Harris:

Assembly Bill No. 317—AN ACT relating to education; revising provisions relating to dual credit courses offered by an institution of higher education located in another state; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Nguyen, González, Brown-May, Cohen, D'Silva, Gallant, Gorelow, Hibbetts, Koenig, La Rue Hatch, Mosca, Newby, Summers-Armstrong and Taylor; Senators Doñate and Pazina:

Assembly Bill No. 318—AN ACT relating to medicine; revising certain procedures relating to the expiration of a license to practice medicine; requiring a physician assistant, practitioner of respiratory care or perfusionist or the insurer of such a person to report certain information relating to an action or claim of malpractice to the Board of Medical Examiners; providing administrative penalties; requiring the Board to investigate a physician assistant, practitioner of respiratory care or perfusionist in certain circumstances; authorizing the Board to examine such a person under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 319—AN ACT making an appropriation to the Department of Education for the purpose of awarding grants of money to

Nevada school districts to provide universal free breakfast and lunch for Nevada pupils; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Dickman, Gurr, La Rue Hatch, Anderson, Carter, DeLong, D'Silva, Duran and Gallant; Senators Flores, Hammond and Stone:

Assembly Bill No. 320—AN ACT relating to Internet privacy; imposing certain requirements on certain businesses that provide an online service, product or feature that is likely to be accessed by children; exempting certain information and entities from those requirements; providing a civil penalty for violations of those requirements; requiring the Attorney General to take certain actions before bringing a civil action against a business to recover such a civil penalty under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Carter, Anderson and La Rue Hatch:

Assembly Bill No. 321—AN ACT relating to public safety; setting forth certain requirements and restrictions concerning foil balloons that are sold, offered for sale or manufactured in this State; prohibiting, with certain exceptions, a person from selling, offering for sale or manufacturing a foil balloon that fails to meet certain requirements; requiring the Public Utilities Commission of Nevada to adopt a standard for the testing and evaluation of the dielectric performance of foil balloons; prohibiting a person from committing certain acts against the infrastructure of a public utility; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Nguyen, Yeager, González, Brown-May, Dickman, D'Silva and Gallant; Senators Hansen and Nguyen:

Assembly Bill No. 322—AN ACT relating to public health; prohibiting a person from preparing, distributing, advertising, selling or offering to sell a kratom product unless the kratom product has been registered with the State Board of Oriental Medicine; setting forth requirements for the registration of a kratom product with the Board; authorizing the Board to take certain actions relating to kratom products offered for sale that are not registered with the Board; authorizing the Board to adopt certain regulations governing kratom products; revising provisions establishing certain prohibited acts relating to kratom products; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Torres, Mosca, D'Silva, González, Bilbray-Axelrod, Anderson, Gorelow, Hansen, Koenig, La Rue Hatch, Marzola, Newby, Orentlicher, Taylor, Thomas and Watts; Senators Doñate, Buck, Flores and Nguyen:

Assembly Bill No. 323—AN ACT relating to education; requiring the Superintendent of Public Instruction to develop a strategic plan for the recruitment of teachers and other licensed educational personnel; requiring the Commission on Professional Standards in Education to adopt certain regulations concerning the licensing of teachers and other educational personnel; authorizing a school district to compensate a student who is assigned for training purposes as a student teacher, counselor or trainee in a library; authorizing a school district or the governing body of a charter school to provide certain professional development training; creating the Incentivizing Pathways to Teaching Account in the State General Fund; establishing the Incentivizing Pathways to Teaching Program; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 2.
Bill read second time and ordered to third reading.

Assembly Bill No. 3.
Bill read second time and ordered to third reading.

Assembly Bill No. 33.
Bill read second time and ordered to third reading.

Assembly Bill No. 36.
Bill read second time and ordered to third reading.

Assembly Bill No. 43.
Bill read second time and ordered to third reading.

Assembly Bill No. 47.
Bill read second time and ordered to third reading.

Assembly Bill No. 82.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 76.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 76 increases the maximum amount of costs that a court may award to a prevailing party for the reasonable fees of expert witnesses, from $1,500 for each expert witness to not more than $15,000 for each expert witness.

Roll call on Assembly Bill No. 76:

YEAS—42.

NAYS—None.

Assembly Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 268.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 268, as amended, makes General Fund appropriations for the payment of retention incentives of $500 to employees of state government employed on March 31, 2023, and June 16, 2023, as follows: $20,970,000 to the Governor's Office of Finance for employees of the Executive and Judicial Departments of state government, except for persons whose positions are temporary, intermittent, or seasonal or persons who fill positions for which there is a critical labor shortage; professional staff of the Nevada System of Higher Education; and persons whose compensation is paid from a budget account that is not subject to NRS [*Nevada Revised Statutes*] 353.150 to 353.246, inclusive, unless otherwise provided.

It also provides for $325,000 to the Legislative Fund for employees of the Legislative Department of state government, except persons whose positions are for a legislative session or are otherwise temporary, intermittent, or seasonal.

An additional $81,000 is provided for the Public Employees' Retirement System for employees of PERS [Public Employees' Retirement System], except persons whose positions are temporary, intermittent, or seasonal or persons who fill positions for which there is a critical labor shortage.

This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 268:

YEAS—42.

NAYS—None.

Assembly Bill No. 268 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 17, 19, 68, and 231 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Layke Martin, Ford Conine, Teddy Conine, and Ruby Stolberg.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Tess Corda and Aaron Borg.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Cindi Rivera.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Cevan Louie, Evan Louie, and Leson Nguyen.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to David Goldwater, Szelina Kiss, Alessandra Goldwater, and Alexander Goldwater.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Jalon Kea.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, March 17, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:24 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTIETH DAY

CARSON CITY (Friday), March 17, 2023

Assembly called to order at 11:44 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Bilbray-Axelrod, who was excused.

Prayer by the Chaplain Craig Swope.

Let us pray.

Father on this day, we remember Your servant Patrick, who brought faith and hope to an entire country. May his example of humility, resolve, and service continue to shine for us today.

His forgiveness to his captors, his desire to elevate the lives of all men and women, young and old, and his legacy to do right in the most extreme of circumstances has endured for centuries. The legacy of others inspires us – the teacher who believed in us, the parent who sacrificed for us, the good friend who encouraged and comforted us.

May our actions today be a tribute to those who lifted us as we create our own legacy of working for the good of all. We ask this is in the Name of Your Son.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen C.H. Miller and Monroe-Moreno:

Assembly Joint Resolution No. 5—Proposing to amend the Nevada Constitution to revise provisions relating to lotteries and the sale of lottery tickets.

WHEREAS, From our Nation's early colonial period until the mid-1800s, the proceeds from lotteries were used in America to fund and build infrastructure, to establish and endow universities like Harvard and Yale and to help finance the American battle for independence during the Revolutionary War; and

WHEREAS, In some states during this period, state legislatures would enact legislation which granted special charters to organizations, institutions, corporations or other entities authorizing them to operate lotteries and sell lottery tickets to the public for a period of years, but the state governments overseeing such chartered lotteries generally were not involved in the actual operation or regulation of the lotteries; and

WHEREAS, Because there was inadequate government oversight and regulation of such chartered lotteries, some of them were plagued by fraud, corruption, mismanagement and abuse which resulted in several well-known and scandalous cases of wrongdoing by chartered lotteries, including an infamous case in New York that "involved not only individuals of the state in ruin, but was the occasion of serious embarrassment to the state government itself." (*State ex rel. Murphy v. Overton*, 16 Nev. 136, 147 (1881) (quoting *Report of the Debates in the Convention of California on the Formation of the State Constitution of 1849*, at 92 (J. Ross Browne off. rep. 1850) (statement of Delegate H. W. Halleck)); and

WHEREAS, As a result of the well-known and scandalous cases of wrongdoing by chartered lotteries, there was a nationwide backlash against such lotteries and, by 1860, a majority of states had adopted constitutional provisions prohibiting the authorization of lotteries and the sale of lottery tickets, including provisions in the California Constitution of 1849, which stated that "[n]o lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed." (Cal. Const. Art. IV, § 27 (1849)); and

WHEREAS, Because the California Constitution of 1849 served as the model for the Nevada Constitution, the delegates to the Nevada State Constitutional Convention of 1864 adopted California's constitutional provisions regarding lotteries, without additional discussion or debate, so that the Nevada Constitution, as ratified in 1864, stated that "[n]o lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed." (Nev. Const. Art. 4, § 24 (1864); *State ex rel. Murphy v. Overton*, 16 Nev. 136, 146-47 (1881)); and

WHEREAS, Courts have recognized that constitutional provisions regarding lotteries are intended to protect the public from the harm caused by past chartered lotteries which were prevalent in our Nation's early history and which were plagued by fraud, corruption, mismanagement and abuse because they were largely unregulated by state governments (*Stone v. Mississippi*, 101 U.S. 814, 818 (1879); *State ex rel. Murphy v. Overton*, 16 Nev. 136, 146-52 (1881); *Ex parte Pierotti*, 43 Nev. 243, 247-52 (1919); *Poppen v. Walker*, 520 N.W.2d 238, 243 (S.D. 1994) ("These lotteries were the principal evil which led to their prohibition in state constitutions."), *superseded on other grounds by constitutional amendments to* S.D. Const. Art. III, § 25 (1994)); and

WHEREAS, At the general election in 1990, Nevada's voters approved constitutional amendments allowing the Legislature to provide by law for the operation and regulation of charitable lotteries, with certain restrictions, conducted by charitable or nonprofit organizations in the form of raffles or drawings on their own behalf, and the Legislature has enacted laws providing for comprehensive regulation of charitable lotteries to ensure that those lotteries are operated honestly and free from criminal and corruptive elements and that the proceeds of those lotteries are expended to benefit the activities of charitable or nonprofit organizations in this State (Nev. Const. Art. 4, § 24; chapter 462 of NRS); and

WHEREAS, The comprehensive regulation of modern lotteries ensures that the public is protected from the harm caused by past chartered lotteries which were prevalent in our Nation's early history and which were plagued by fraud, corruption, mismanagement and abuse because they were largely unregulated by state governments; and

WHEREAS, Amending the Nevada Constitution to prohibit the Legislature from enacting laws which grant a special charter or similar organizational or governing document to any person or other entity to operate lotteries or sell lottery tickets will continue to protect the public from the harm caused by past chartered lotteries; and

WHEREAS, Amending the Nevada Constitution to allow the Legislature to provide by law for the operation and regulation of modern lotteries, in addition to charitable lotteries, will ensure that such modern lotteries are operated honestly and free from criminal and corruptive elements and that the proceeds of those lotteries are expended to benefit the general welfare of the residents of this State; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 24 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec: 24. 1. Except as otherwise provided in ~~[~~subsection 2,~~]~~ ***this section,*** no lottery may be authorized by this State, nor may lottery tickets be sold.

2. The ~~[~~State and the~~]~~ ***Legislature may provide by law for the operation and regulation of lotteries, including, without limitation, authorizing lottery tickets to be sold, except that:***

(a) The Legislature shall not pass any laws which grant a special charter or similar organizational or governing document to any person or other entity to operate a lottery or sell lottery tickets or which otherwise authorize the exercise of such powers under a special charter or similar organizational or governing document.

(b) The political subdivisions ~~[~~thereof~~]~~ ***of this State*** shall not operate a lottery ~~[~~.~~]~~ ***or sell lottery tickets.***

(c) The operation of lotteries by persons engaged in charitable activities or activities not for profit must comply with the provisions of subsection 3.

3. The Legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or nonprofit activities in this State. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The Legislature may provide by law for the regulation of such lotteries.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Jauregui moved that Assembly Joint Resolution No. 5 be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 5—Expressing support for the Lake Tahoe Transportation Action Plan.

Assemblywoman Jauregui moved that Assembly Concurrent Resolution No. 5 be referred to the Committee on Natural Resources.

Motion carried.

NOTICE OF EXEMPTION

March 15, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 139, 197, 229, 277, 298, 306, 310.

SARAH COFFMAN
Fiscal Analysis Division

March 16, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 71, 278.

WAYNE THORLEY
Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by: Speaker Yeager.
For: BDR No. 58-985
Revises provisions governing energy.
To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: March 16, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Gallant, D'Silva, Dickman, Gray and McArthur:

Assembly Bill No. 324—AN ACT relating to common-interest communities; requiring the Real Estate Division of the Department of Business and Industry to adopt regulations establishing a mechanism by which a unit's owner in a common-interest community may deposit into an escrow account certain assessments during the mediation of certain claims; providing that any assessment deposited in such an account does not become past due for a certain period of time; authorizing a mediator to take certain actions if a party fails to mediate certain claims in good faith; requiring the Commission for Common-Interest Communities and Condominium Hotels to conduct an election to replace the members of the executive board of a unit-owners' association under certain circumstances; requiring parties to certain claims submitted to mediation to mediate in good faith; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 325—AN ACT relating to water; providing that certain temporary changes to the place of diversion, manner of use or place of use of water are not required to be approved by the State Engineer under certain circumstances; authorizing the State Engineer to accept certain nonconforming maps under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymen Yurek, Kasama, Dickman, DeLong, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur and O'Neill:

Assembly Bill No. 326—AN ACT relating to elections; creating the Election Crimes Unit within the Elections Division of the Office of the Secretary of State; requiring the Unit to establish a complaint system and a hotline to report election irregularities; requiring the Unit to receive and review complaints, notices and reports concerning alleged election irregularities; authorizing the Unit to conduct investigations or make referrals relating to alleged election irregularities; requiring the Unit to submit a report to the Governor and the Legislature every odd-numbered year concerning alleged election irregularities; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Considine:

Assembly Bill No. 327—AN ACT relating to real property; providing for the permitting and regulation of landlord property managers by the Real Estate Division of the Department of Business and Industry; setting forth requirements for a landlord property manager to obtain a permit to engage in property management; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Watts, Torres and Peters; Senators Nguyen, Doñate and Flores:

Assembly Bill No. 328—AN ACT making an appropriation to the Immigration Clinic at the William S. Boyd School of Law of the University of Nevada, Las Vegas for the purpose of providing pro bono legal services related to immigration law; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman C.H. Miller:

Assembly Bill No. 329—AN ACT relating to workforce development; revising the eligibility requirements for transferable tax credits for film and other productions; requiring the Director of the Department of Corrections to establish and carry out a program to train and employ offenders in trades related to certain qualified productions relating to stage, film and television; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Education:

Assembly Bill No. 330—AN ACT relating to education; requiring a suspension or expulsion in a charter school or a university school for profoundly gifted pupils to be consistent with such punishments in certain public schools; requiring a plan for restorative discipline for public schools to include consideration of certain data relating to pupil discipline; authorizing the Superintendent of Public Instruction to require implementation of an alternative plan for restorative discipline if a public school fails to take certain actions relating to disproportionality in pupil discipline; requiring a plan for restorative discipline to reflect the authority to temporarily remove a pupil from the classroom; authorizing a principal to place limitations on the ability of certain staff to remove certain pupils from the classroom; requiring certain actions by a school at the time of a suspension or expulsion of a pupil for committing certain acts; revising provisions regarding the suspension or

expulsion of certain homeless pupils and pupils in foster care; revising requirements for policies for the appeal of suspensions and expulsions; repealing the requirement that the Department of Education, to the extent money is available, develop a statewide framework for restorative justice; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Duran:

Assembly Bill No. 331—AN ACT relating to court interpreters; requiring the Court Administrator to adopt certain regulations to establish a program for the conditional certification or registration of court interpreters and to set forth the circumstances in which a court or juvenile court may use the services of a person who is not a certified or registered court interpreter or conditionally certified or registered court interpreter; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Peters, Watts, Nguyen, Torres, Anderson, Carter, Gorelow, Koenig, La Rue Hatch, Mosca, Newby and Taylor and Senator Nguyen:

Assembly Bill No. 332—AN ACT relating to student education loans; providing for the licensing and regulation of student loan servicers by the Commissioner of Financial Institutions; requiring student loan servicers to pay certain assessments and fees; authorizing and requiring the Student Loan Ombudsman to perform certain acts; providing for the regulation of private education loans and private education lenders by the Commissioner; requiring the Commissioner to adopt certain regulations; authorizing the Commissioner to engage in certain activities relating to the monitoring of the market for the provision of student loan servicing and student education loans; establishing certain duties and prohibitions applicable to postsecondary educational institutions; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Duran:

Assembly Bill No. 333—AN ACT relating to housing; requiring, under certain circumstances, a housing authority to perform an inspection of and have certain repairs made to the dwelling units of certain residents; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Brown-May:

Assembly Bill No. 334—AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen La Rue Hatch, Brittney Miller, Brown-May, Carter, Considine, Gorelow, Orentlicher, Summers-Armstrong and Yurek:

Assembly Bill No. 335—AN ACT relating to education; revising and prescribing the maximum pupil-teacher ratios for certain classes and grades requiring additional compensation for certain teachers who teach one or more classes where the pupil-teacher ratio exceeds the maximum ratio; requiring the employment of at least two administrators for schools with a certain amount of enrolled pupils and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen González, Thomas, Torres, D'Silva, Carter, Duran, Newby and Nguyen:

Assembly Bill No. 336—AN ACT relating to driver authorization cards; revising provisions governing the renewal of driver authorization cards; removing the prohibition against using a driver authorization card for certain state and local purposes; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 78.

Bill read second time and ordered to third reading.

Assembly Bill No. 107.

Bill read second time and ordered to third reading.

Assembly Bill No. 124.

Bill read second time and ordered to third reading.

Assembly Bill No. 163.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 2, 3, 17, 19, 33, 36, 43, 47, 68, 82, and 231 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 165.

REMARKS FROM THE FLOOR

Assemblywoman Jauregui requested that the following remarks be entered in the Journal.

ASSEMBLYMAN O'NEILL:

I want to wish all of you a very happy St. Patrick's Day, particularly our students from Coral Academy. They know how to dress on this magnificent day—I think you do that every day, so congratulations.

On March 17, 2023, during this annual celebration of the feast of St. Patrick, Irish Americans join with men, women, and children of all ethnic origins for one day to become Irish and celebrate St. Patrick, the patron saint of Ireland. This year, we also rejoice and give thanks for 25 years of relative peace under the terms of the Good Friday Agreement. The Good Friday Agreement provided Ireland a political framework to address the future rights of people from different political traditions to pursue their goals of remaining part of the United Kingdom or of Irish unity, demonstrating democracy and peaceful means of solving their differences.

To that end, I have a proclamation signed by the Speaker and myself regarding this 25th anniversary of the Good Friday Agreement and the lasting relationship that we have between our two countries, the United States and Ireland. Additionally, draped over the Speaker's desk is the national flag of Ireland. This flag has been flown from 33 The Mall, the building in Waterford, Ireland, from which Thomas F. Meagher first flew the Irish flag on March 7, 1848. The flag is the embodiment of the strong and enduring links between the United States and Ireland. The colors of the national flag are green, for Irish nationalism; orange, for the Protestant minority and the Orange Order; and white, for the lasting peace between these two beliefs.

So, why do I mention Thomas F. Meagher in our celebration and our proclamation for the 175th anniversary of the flying of the Irish flag? He was a man born in Ireland who embodied the links between Ireland and the United States of America. In one lifetime, Thomas F. Meagher ran for election to the city council of Waterford, Ireland, and led the rebellion for freedom from British rule in Ireland in 1848. He was sentenced to death for his actions; however, his death sentence was commuted, and he was transferred to Australia for a term of life imprisonment. Being the individual that he was, with the strong will of the Irish behind him, he figured out how to escape and went to America. There, he became a brigadier general in the 69th Regiment of the famous Fighting Irish Brigade; befriended U.S. President Abraham Lincoln; and, lastly, became the acting governor of the Territory of Montana.

In conclusion, this proclamation is to recognize the British and the Irish governments' ongoing support and implementation of the Good Friday Agreement, which is the result of a long, determined negotiation process. May this celebration be a beacon for lasting peace in Northern Ireland.

I would also like to refer to the Roman Catholics and say that the Bishop of the Diocese of Reno has granted dispensation on this Friday to celebrate St. Patrick and enjoy the corned beef. We do not have to abstain. Thank you, Lord. To all: I wish you a very happy St. Patrick's Day.

I will make my best attempt to say, *Lá fhéile Pádraig sona duit*, which is, Happy St. Patrick's Day.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Josie McCue.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Cummings.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Avery Carter and Hadley Carter.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Munoz.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Jenifer Reyes.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Char Osorio, Ethan Wyatt, Jaya Vann, Jessica Hall, Jordyn Wyatt, and Kai Koos.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Gabriella Minoletti, Josef Hartford, Lexa Valdez, and Suzeth Lara.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Danyel Micheli.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Ellsworth and Gaby Renteria.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Ashton Osbahr.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to DeShaun Casey.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Bui.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Lander F. Smith and Todd Gosselin.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Lidia Ablelom.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Coral Academy of Science National Honor Society: Amanda Shockley, Anabel Silva, Aubrey Miller, Calvin Mayheu, Ciara Pacheco, Crosby Hefner, David Oyerinde, Desiree Lao, Eva Mntskanyan, Gemaya Ansagay, Georgia Goodwin, Grace Maura, Gurman Kaur, Jacob Bonifacio, John Goodwin, Jude Hijazi, Khadija Samir, Lillian Goodwin, Lun Kline, Madina Jawad, Maura Ogden, Moses Moreno, Munif Zaman, Noah Moros, Rebecca Crawford, Samantha Mendoza, Seamus Feeney, Seini Taufu, Silas Bean, Skye Gift, Sophia Moreno, Stevie King, and Zoey Zimmerman.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, March 20, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 20, 2023

Assembly called to order at 11:45 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Orentlicher, who was excused.

Prayer by the Chaplain, Bishop Daniel Mueggenborg.

God of Heaven and Earth, we pray that You will send the Spirit of Wisdom upon those entrusted with civic responsibilities. We remember especially our President that his administration may be filled with righteousness and integrity.

We pray, too, for the deliberations of Congress that they be guided by Your inspiration. Under their national leadership, may all who live in our country grow in peace, natural happiness, increase of industry, useful knowledge, respect and understanding, and freedom with responsibility.

In particular, we ask for blessing upon Governor Lombardo and the members of our Nevada Assembly who now gather to fulfill their elected duty. May they discharge the responsibilities of their offices with honesty and truth.

May all the leaders of our world always see others as brothers and sisters without prejudice or preference; may they resolve their differences in peaceful ways; may they seek to alleviate human suffering and never to increase it; and may they protect and promote all human life especially the most vulnerable in our midst.

Remember in Your mercy those who suffer injustice or neglect of any kind — the destitute, the poor, the marginalized, the voiceless, the immigrant, and the maligned. Protect in Your mercy those who suffer illness and distress.

Grant us a true spirit of friendship that cares for the needs of others, overcomes our differences, and fosters the life of virtue in everyone.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 138, 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SARAH PETERS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 273 and 305.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that the Assembly suspend subsection 1(e)(1) of Joint Standing Rule 14.2.

Remarks by Assemblywoman Jauregui.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywomen Peters, Monroe-Moreno, Anderson, Backus and Thomas and Senator Dondero Loop:

Assembly Bill No. 337—AN ACT relating to state employees; reestablishing a compensation plan to encourage continuity of service for state employees; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Peters:

Assembly Bill No. 338—AN ACT relating to Medicaid; requiring the State Plan for Medicaid to provide coverage of art therapy services to the extent authorized by federal law; requiring the Department of Health and Human Services to apply for a waiver or an amendment of the State Plan to receive federal funding for coverage of art therapy services; requiring any person who wishes to provide art therapy services to a recipient of Medicaid to enroll with the Division of Health Care Financing and Policy of the Department; requiring an enrolled art therapist to report the abuse of certain persons; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Brittney Miller, Anderson, Brown-May, Cohen, Considine, D'Silva, González, Gorelow, La Rue Hatch, C.H. Miller, Mosca, Nguyen, Thomas and Torres:

Assembly Bill No. 339—AN ACT relating to education; requiring the inclusion of certain information regarding pupil achievement to be included in annual reports of accountability submitted by the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Summers-Armstrong, Brown-May, Duran, Gorelow, Newby, Orentlicher, Peters, Thomas, Torres and Watts:

Assembly Bill No. 340—AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman D'Silva:

Assembly Bill No. 341—AN ACT relating to education; revising provisions governing the selection of members to certain boards, networks and councils; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Hibbetts, Yurek, Hardy, Gurr and Hafen:

Assembly Bill No. 342—AN ACT relating to cannabis; requiring an adult-use cannabis retail store and cannabis consumption lounge to take certain actions to verify the age of a consumer before selling cannabis or a cannabis product to the consumer; requiring the Cannabis Compliance Board to adopt regulations setting forth standards for an independent, third-party age verification service to be used by an adult-use cannabis retail store and cannabis consumption lounge; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman C.H. Miller:

Assembly Bill No. 343—AN ACT relating to occupational therapy; authorizing the Board of Occupational Therapy to issue a license by reciprocity as an occupational therapist or occupational therapy assistant; authorizing the Board to issue certain citations to licensees for certain violations; revising the qualifications for a person to obtain a license as an occupational therapist or occupational therapy assistant; providing a salary for members of the Board; revising various provisions relating to licensing occupational therapists or occupational therapy assistants; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Taylor:

Assembly Bill No. 344—AN ACT relating to education; repealing the cost adjustment factor by which the statewide base per pupil funding amount is adjusted in the Pupil-Centered Funding Plan; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Considine:

Assembly Bill No. 345—AN ACT relating to taxation; removing the exemption from the commerce tax for real estate investment trusts and qualified real estate investment trust subsidiaries; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 346—AN ACT relating to state financial administration; defining the term "adjusted base budget" for purposes of the State Budget Act; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Torres:

Assembly Bill No. 347—AN ACT making an appropriation to the Department of Education for the purpose of awarding grants of money to school districts for programs of dual credit; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Torres:

Assembly Bill No. 348—AN ACT relating to education; creating the Virtual Early Childhood Family Engagement Pilot Program in the Department of Health and Human Services; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 349—AN ACT relating to wildlife; establishing the Nevada Wildlife Conservation Program and Nevada Wildlife Conservation

Program Account to support the preservation, protection, management and restoration of wildlife and wildlife habitats; creating the Board of the Nevada Wildlife Conservation Program; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 350—AN ACT relating to property; requiring a law enforcement agency to include certain additional information relating to seizures and forfeitures in its annual report to the Office of the Attorney General; requiring the Office of the Attorney General to publish certain reports on its Internet website in a machine-readable format; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Yurek and Hibbetts:

Assembly Bill No. 351—AN ACT relating to public employment; establishing the Deferred Retirement Option Program to allow public employees who are police officers or firefighters to obtain monthly retirement benefits while continuing public employment; providing certain requirements for participating in the Program; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen D'Silva and Bilbray-Axelrod:

Assembly Bill No. 352—AN ACT relating to education; requiring the appropriation of certain weighted funding to fund the additional needs of certain pupils with low academic achievement in the English language; establishing limitations on the use of weighted funding appropriated for the needs of certain pupils with low academic achievement in the English language; imposing on the Department of Education and the board of trustees of each school district in this State certain duties relating to the achievement of pupils in the English language; authorizing a pupil with limited proficiency in English to enroll in a public school outside the zone of attendance in which the pupil resides under certain circumstances; authorizing the Department of Education to adopt certain regulations; establishing certain rights for the parents and legal guardians of pupils with limited proficiency in English; requiring the board of trustees of a school district to collect and report to the Department certain data relating to pupils with limited proficiency in English; requiring the principals of certain public schools that demonstrate low

achievement for pupils with limited proficiency in English to develop a corrective action plan; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen DeLong, Dickman, Gray, Gallant, Gurr and Hansen:

Assembly Bill No. 353—AN ACT relating to governmental administration; creating the Nevada Office of the Inspector General and the position of Inspector General; setting forth the powers and duties of the Inspector General and employees of the Office; requiring a school district to cooperate with and provide assistance to the Inspector General in carrying out those duties; prohibiting retaliation against certain persons who make a lawful complaint concerning fraud, waste, abuse or corruption within a school district; prohibiting certain acts to deter or prevent the Inspector General or an employee of the Office from performing his or her duty; imposing increased penalties for certain acts of assault or battery on the Inspector General or an employee of the Office; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 354—AN ACT relating to firearms; prohibiting, under certain circumstances, the possession of a firearm in or within a certain distance of an election site; revising the definition of the term "unfinished frame or receiver"; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Jauregui, Yeager and Monroe-Moreno:

Assembly Bill No. 355—AN ACT relating to firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dickman, La Rue Hatch, Anderson, Hansen, Kasama, Carter, D'Silva, Duran, Gallant, Gray, Gurr, Hafen, Hardy, Koenig, McArthur, Mosca, O'Neill, Taylor, Watts, Yeager and Yurek; Senators Seevers Gansert, Goicoechea, Titus, Hansen and Neal:

Assembly Bill No. 356—AN ACT relating to mobile tracking devices; prohibiting a person from installing, concealing or otherwise placing a mobile tracking device in or on the motor vehicle of another person under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Bilbray-Axelrod, Torres, Watts and Peters and Senator Harris:

Assembly Bill No. 357—AN ACT relating to education; replacing the required course or unit of a course of instruction concerning the human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility with a required course or unit of a course in sexuality education; revising the membership and duties of the advisory committee established in each school district for such a course; revising provisions governing consent to participate in such a course or unit of a course; requiring the board of trustees of each school district to submit to the Legislature an annual report concerning such a course or unit of a course of instruction; requiring the adoption of statewide standards concerning such a course or unit of a course; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Gray, O'Neill, DeLong, Dickman, Gallant, Hibbetts and Koenig and Senator Stone:

Assembly Bill No. 358—AN ACT relating to health care; creating the Bureau of Emergency Medical Services in the State Fire Marshal Division of the Department of Public Safety; transferring to the Bureau certain duties related to emergency medical services; revising the membership of the Committee on Emergency Medical Services; requiring the State Fire Marshal to appoint a Chief of the Bureau; making various other changes relating to emergency medical services; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 2, 3, 17, 19, 33, 36, 43, 47, 68, 78, 82, 107, 124, 163, and 231 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandra Ceja Soloranzo and Miriam Gomez Silva.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Bennett, Maggie Lee, Breanna Gregorio, Eddie Curry, and Theodore "T.J." Milk.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Jerri Lynn Williams-Harper, Samantha Elliott, and Shadrach Robertson.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Bishop Daniel Mueggenborg, Mrs. Sharon Jannuzzi, and Rev. Charles Durante.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Alexander Avila and Nestor Sanchez.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Guerra, Linda Ly, and Marcus Manabat.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Olivia Ngo.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Leah Chan Grinvald and Keith E. Whitfield, Ph.D.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, March 21, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 21, 2023

Assembly called to order at 11:40 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Orentlicher, who was excused.

Prayer by the Chaplain, Father Jeff Paul.

We bathe our souls in the well of wisdom: waters of protection, waters of strength, waters of healing, be upon our being, our minds, our hearts.

May this triple blessing be upon our souls, from dawn's chill light, 'till swift twilight.

We invoke blessing and protection upon this Assembly, upon all who work herein.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 18, 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 84, 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Summers-Armstrong, Thomas, González, Brown-May, D'Silva, Duran, Nguyen and Taylor:

Assembly Concurrent Resolution No. 6—Directing the Joint Interim Standing Committee on the Judiciary to conduct a study relating to battery which constitutes domestic violence.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

March 21, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 342.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of March 21, 2023, be accepted as an accredited press representative, be assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal:

MENDEZ COMMUNICATION: David Mendez.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Monroe-Moreno, Watts, Thomas and C.H. Miller:

Assembly Bill No. 359—AN ACT relating to taxation; revising provisions governing the effectuation of additional annual increases in certain taxes imposed on fuels for motor vehicles in certain larger counties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymen Anderson, Brittney Miller, Considine, La Rue Hatch, Cohen, D'Silva and Mosca:

Assembly Bill No. 360—AN ACT relating to education; providing that certain teachers have sole authority to determine the grade assigned to a pupil and the components and weights used to calculate such a grade; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Monroe-Moreno and C.H. Miller:

Assembly Bill No. 361—AN ACT relating to state financial administration; authorizing a department, institution or agency of the Executive Department of the State Government to request the provisional approval of the Interim Finance Committee to accept a grant and revise a work program; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Thomas:

Assembly Bill No. 362—AN ACT relating to property; requiring the Housing Division of the Department of Business and Industry to annually

calculate and publish a cost-of-living increase; establishing certain requirements relating to increases in rent; providing certain remedies for a violation of certain requirements relating to increases in rent; revising provisions relating to notices of increases in rent; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Brittney Miller:

Assembly Bill No. 363—AN ACT relating to professional licensing; providing in skeleton form for restrictions on the aspects of the criminal history of an applicant that certain licensing entities are authorized to consider in determining whether to issue the applicant a license; providing in skeleton form for procedures that a licensing entity must follow to deny an applicant a license based on his or her criminal history; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Cohen, O'Neill, Anderson, Brown-May, Dickman and Gorelow:

Assembly Bill No. 364—AN ACT relating to physician assistants; prescribing the settings in which a physician assistant is authorized to practice; expanding the membership of the Board of Medical Examiners; authorizing physician assistants to perform medical services without the supervision of a physician; authorizing a physician assistant to perform certain medical services under certain circumstances; eliminating provisions governing the testing or examination of applicants for licensure as a physician assistant; prescribing certain authority and duties of a physician assistant and an advanced practice registered nurse; authorizing certain unlicensed persons to use the title "inactive physician assistant"; removing the requirement that a rural clinic be supervised by a physician; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 365—AN ACT relating to governmental administration; requiring, with certain exceptions, a state agency to ensure that funding from certain grants is distributed or used directly to benefit counties in direct proportion to the percentage of population of the State in each county; requiring the Director of the Office of Federal Assistance to submit an annual report to the Legislature; requiring a state agency and any recipient county to

use certain grants only for the program that was described in a grant application; requiring a state agency to provide certain notification to the Office; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 366—AN ACT relating to governmental administration; moving the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; revising the membership of the Task Force; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 367—AN ACT relating to public works; providing, with certain exceptions, that a contract for certain public works projects require a contractor or subcontractor to enter into an agreement with a labor organization; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 368—AN ACT relating to public administrators; authorizing the boards of county commissioners of all counties to abolish the office of public administrator; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Orentlicher and González:

Assembly Bill No. 369—AN ACT relating to the judiciary; revising provisions relating to certain fines, administrative assessments and fees; revising provisions relating to community service performed in lieu of certain administrative assessments or fees; prohibiting a person from threatening or intimidating a tribal judge under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 138.
Bill read second time and ordered to third reading.

Assembly Bill No. 215.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that Assembly Bill No. 138 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 2.
Bill read third time.
Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:
Assembly Bill 2 authorizes vehicles used by a local government agency for the construction, maintenance, or repair of highways and vehicles used by contractors of a local government agency to aid motorists or mitigate traffic incidents to be equipped with tail lamps that emit nonflashing blue light and authorizes the use of such lamps under certain circumstances. Additionally, the bill requires the driver of a vehicle to take certain precautions when approaching such a vehicle that is making use of its blue tail lamps.

Roll call on Assembly Bill No. 2:
YEAS—41.
NAYS—None.
EXCUSED—Orentlicher.
Assembly Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 3.
Bill read third time.
Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:
Assembly Bill 3 requires the State Controller to prepare a complete financial report of the State Permanent School Fund annually instead of quarterly.

Roll call on Assembly Bill No. 3:
YEAS—41.
NAYS—None.
EXCUSED—Orentlicher.
Assembly Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 17.
Bill read third time.
Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:
Assembly Bill 17 removes the requirement that a person who is convicted of driving under the influence of alcohol or a controlled substance must dress in certain distinctive garb while performing community service ordered by a court.

Roll call on Assembly Bill No. 17:
YEAS—41.
NAYS—None.
EXCUSED—Orentlicher.
Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 19.
Bill read third time.
Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:
Assembly Bill 19 allows tribal governments to apply for grants from the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program, which aids local governments in clearing, maintaining, restoring, and surveying navigable rivers in the state.
The bill also authorizes officers and employees of tribal governments to apply for the position of state water right surveyor regardless of whether the officer or employee is a professional engineer or professional land surveyor. This exception only applies to work performed by those officers and employees for tribal governments.

Roll call on Assembly Bill No. 19:
YEAS—41.
NAYS—None.
EXCUSED—Orentlicher.
Assembly Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 33.
Bill read third time.
Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:
Assembly Bill 33 expands the authorized investments for money in the State Permanent School Fund upon the State Treasurer obtaining a judicial determination that such an investment does not violate the *Nevada Constitution*. The measure revises provisions governing money transferred from the Fund to a corporation for public benefit to provide private equity funding to certain businesses.
The measure revises the authority of the State Treasurer to invest money from the General Portfolio of the state in certain categories of bonds and other securities. Finally, the measure revises the provisions related to the authorized investments for a local government and certain administrative entities.

Roll call on Assembly Bill No. 33:
YEAS—41.
NAYS—None.
EXCUSED—Orentlicher.

Assembly Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 36, 43, 47, 68, 78, 82, 107, 124, 163, and 231 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Martina Schambra.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Ambassador of Romania Andrei Muraru, Honorary Consul General of Romania Lia Roberts, Political Officer Cristina Monica Kassai, Political Officer Teodora Dragulescu, and Dr. Steven Fleming.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Lola Shanahan, Sadie Shanahan, Emily Clark, Badriya Yassin, Maisy Grieve, and Tilly Reinhart.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Butler and Arash Ghafoori.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, March 22, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 22, 2023

Assembly called to order at 11:41 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Orentlicher, who was excused.

Prayer by the Chaplain, Father Jeff Paul.

We brighten our souls at the threshold of welcome, greeting of love, greeting of life, greeting of light, inspire our hearts, our minds, our bodies this spring day. May our souls be peacefully preserved, from crown of light to veil of night.

We invoke blessing and protection upon this Assembly, upon all who work herein.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHANNON BILBRAY-AXELROD, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Watts, Bilbray-Axelrod, Brittney Miller, Anderson, Backus, Brown-May, Carter, Cohen, D'Silva, Duran, González, La Rue Hatch, C.H. Miller, Monroe-Moreno, Newby, Peters, Summers-Armstrong, Taylor, Thomas, Torres and Yeager; Senators Harris, Lange, Ohrenschall, Daly, Doñate and Flores:

Assembly Joint Resolution No. 6—Proposing to amend the Nevada Constitution to adopt the National Popular Vote Compact.

WHEREAS, The candidate for the Presidency of the United States receiving the most popular votes across the country should become President; and

WHEREAS, The United States Constitution empowers each state to choose the manner of selecting its members of the Electoral College; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 14A, be added to Article 15 of the Nevada Constitution to read as follows:

Sec. 14A. The National Popular Vote Compact is hereby enacted into law and entered into with all jurisdictions legally joining the Compact, in substantially the form set forth in this section:

1. Membership

Any State of the United States and the District of Columbia may become a member of this compact by enacting this compact.

2. Right of the People in Member States to Vote for President and Vice President

Each member state shall conduct a statewide popular election for President and Vice President of the United States.

3. Manner of Appointing Presidential Electors in Member States

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a "national popular vote total" for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the "national popular vote winner."

The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.

The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress.

In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state.

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees.

The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

This article shall govern the appointment of presidential electors in each member state in any year in which this compact is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

4. Other Provisions

This compact shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this compact in substantially the same form and the enactments by such states have taken effect in each state.

Any member state may withdraw from this compact, except that a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states of when this compact has been enacted and has taken effect in that official's state, when the state has withdrawn from this compact, and when this compact takes effect generally.

This compact shall terminate if the electoral college is abolished.

If any provision of this compact is held invalid, the remaining provisions shall not be affected.

5. Definitions

For purposes of this compact,
"chief executive" shall mean the Governor of a State of the United States or the Mayor of the District of Columbia;

"elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

"chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

"presidential elector" shall mean an elector for President and Vice President of the United States;

"presidential elector certifying official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors;

"presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

"state" shall mean a State of the United States and the District of Columbia; and

"statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

And be it further

RESOLVED, That a new section, designated Section 14B, be added to Article 15 of the Nevada Constitution to read as follows:

Sec. 14B. 1. When the National Popular Vote Compact governs a presidential election, each presidential elector in Nevada shall cast his or her vote in the Electoral College for the presidential slate nominated by the political party or organization that nominated the elector.

2. The State of Nevada may withdraw from the National Popular Vote Compact by statute, and may rejoin by subsequent statute, subject to the provisions of subsection 5 of Section 14A of this Article.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblywoman Jauregui moved that the persons as set forth on the Nevada Legislature's Press Accreditation List of March 22, 2023, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's journal.

KRNV TV NEWS 4: Joe Hart, Audrey Mayer.

Motion carried.

Assemblywoman Jauregui moved that the Assembly withdraw Assembly Bill No. 340 from the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 340 be rereferred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 11:48 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hansen, Dickman, Gurr, Hafen, Hardy, Kasama, Koenig, McArthur and Yurek and Senator Hansen:

Assembly Bill No. 370—AN ACT relating to elections; requiring each form for an application to preregister or register to vote, the system established by the Secretary of State to register to vote by computer and each automatic voter registration system to allow a person registering to vote or updating his or her voter registration information to elect not to receive a mail ballot or only receive a mail ballot for certain elections; authorizing a person to affirmatively decline to have his or her voter registration information sent by a voter registration agency through the automatic voter registration system; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywomen Cohen, Backus and Bilbray-Axelrod and Senator Ohrenschall:

Assembly Bill No. 371—AN ACT relating to parentage; adopting provisions of the Uniform Parentage Act; revising provisions relating to the establishment of a parent and child relationship and the presumption of

parentage; establishing provisions concerning the voluntary acknowledgment of parentage and denial of parentage by certain persons; authorizing the State Board of Health to adopt regulations relating to an acknowledgment of parentage or denial of parentage; establishing provisions governing genetic testing in proceedings to adjudicate parentage; establishing and revising various provisions relating to proceedings to adjudicate parentage; authorizing a person who claims to be a de facto parent of a child to be adjudicated as a parent of the child in certain circumstances; authorizing a court to adjudicate a child to have more than two parents in certain circumstances; establishing and revising provisions relating to assisted reproduction and gestational agreements; providing for the right of a gestational carrier to make all health care decisions regarding the gestational carrier and the pregnancy of the gestational carrier; repealing various provisions relating to parentage; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 372—AN ACT relating to higher education; authorizing the Board of Regents of the University of Nevada to enter into an agreement with certain entities to provide certain educational tools to families and caretakers; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Gorelow, Nguyen, Anderson and Taylor:

Assembly Bill No. 373—AN ACT relating to deceptive trade practices; increasing civil and criminal penalties for engaging in a deceptive trade practice directed toward an elderly person; revising the statute of limitations for engaging in a deceptive trade practice; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Gurr, Gallant, Gray, DeLong, Dickman, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur and Yurek; Senators Goicoechea, Hansen, Titus and Stone:

Assembly Bill No. 374—AN ACT relating to athletics; requiring the Nevada Interscholastic Activities Association to adopt rules and regulations requiring each interscholastic activity or event to be designated based on biological sex; requiring the Board of Regents of the University of Nevada to adopt a policy requiring each interscholastic sport or athletic event that is sanctioned or sponsored by a university, state college or community college

within the Nevada System of Higher Education to be designated based on biological sex; requiring each organization for youth sports that sanctions or sponsors competitive sports for youths in this State to adopt a policy requiring each youth sport to be designated based on biological sex; defining certain terms; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Dickman:

Assembly Bill No. 375—AN ACT relating to civil actions; revising the definition of "good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern"; clarifying the burden of proof in a special motion to dismiss based upon the right to petition and the right to free speech under certain circumstances; authorizing the recovery of treble damages under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 376—AN ACT relating to state employment; establishing provisions governing paid family leave for certain state employees under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 377—AN ACT relating to public employees; deeming, under certain circumstances, a bailiff or deputy marshal to be a local government employee of the county in which he or she is appointed for the purposes of collective bargaining for local government employees; setting forth certain restrictions on collective bargaining between a county and an employee organization which represents bailiffs or deputy marshals; revising the definition of "supervisory employee" for purposes of collective bargaining for local government and state employees to include persons who provide civilian support services to a law enforcement agency; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 378—AN ACT relating to public employees; revising certain deadlines relating to the negotiation, mediation and arbitration of collective bargaining agreements with the Executive Department of the State Government; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 379—AN ACT relating to confidential information; revising provisions related to the manner in which certain members of the judiciary and court personnel may request certain personal information be kept in a confidential manner; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 380—AN ACT relating to gaming; providing for the establishment by the Nevada Gaming Commission of a list of persons whose interactive gaming accounts have been suspended or banned for cheating; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 381—AN ACT relating to guardianship; revising various provisions relating to certain petitions regarding guardianships; revising various provisions relating to a guardian ad litem; authorizing a protected person or proposed protected person to object to certain petitions; revising provisions relating to the termination or modification of a guardianship; revising provisions relating to the rights of a protected person; making various other changes relating to guardianships; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Torres, Watts, Peters, C.H. Miller, Marzola, Bilbray-Axelrod, Carter, D'Silva, Duran, González, Gorelow, Newby, Nguyen, Taylor and Thomas; Senators Doñate and Nguyen:

Assembly Bill No. 382—AN ACT making an appropriation to the Immigration Clinic at the William S. Boyd School of Law of the University of Nevada, Las Vegas, for the purpose of expanding the provision of pro bono

legal services relating to immigration law; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Torres, Peters, Gorelow, González, Anderson, Bilbray-Axelrod, Brown-May, Considine, D'Silva, Duran, Jauregui, C.H. Miller, Newby, Summers-Armstrong, Thomas and Watts and Senator Harris:

Assembly Bill No. 383—AN ACT relating to health care; prohibiting a governmental entity from substantially burdening certain activity relating to contraception under certain circumstances; authorizing a person whose engagement in such activity has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens such activity in certain circumstances; expanding required insurance coverage of contraception; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Hafen:

Assembly Bill No. 384—AN ACT relating to motor vehicles; authorizing automobile wreckers to authorize the sale of certain vehicles at certain consignment auctions; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblyman Hafen:

Assembly Bill No. 385—AN ACT relating to education; revising provisions governing the eligibility of pupils for a grant under the Nevada Educational Choice Scholarship Program; establishing a minimum amount for a grant provided by a scholarship organization on behalf of a pupil; revising provisions governing the amount of credits the Department of Taxation is authorized to approve against the modified business tax for taxpayers who donate money to a scholarship organization; establishing a credit against the general tax on insurance premiums for insurers who donate money to a scholarship organization; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblywoman Monroe-Moreno:

Assembly Bill No. 386—AN ACT relating to midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring any midwife who provides services in this State to provide to clients a Community Birth Disclosure; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; creating a special endorsement authorizing a licensed certified professional midwife to order, dispense and implant certain devices; creating a special endorsement authorizing a licensed certified professional midwife to possess, administer, prescribe and dispense certain drugs; exempting a licensed certified professional midwife and other providers of health care from certain liability; requiring Medicaid to cover the services of a licensed certified professional midwife; authorizing a licensed certified professional midwife to serve as the director of a freestanding birthing center; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 18.

Bill read second time and ordered to third reading.

Assembly Bill No. 84.

Bill read second time and ordered to third reading.

Assembly Bill No. 92.

Bill read second time and ordered to third reading.

Assembly Bill No. 131.

Bill read second time and ordered to third reading.

Assemblywoman Monroe-Moreno moved that Assembly Bill No. 84 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 36.

Bill read third time.

Remarks by Assemblyman D'Silva.

ASSEMBLYMAN D'SILVA:

Assembly Bill 36 adds three ex officio members to the Interagency Council on Veterans Affairs: the Attorney General, the Superintendent of Public Instruction, and the Executive Director of the Governor's Office of Workforce Innovation. The measure revises certain reporting requirements for certain state agencies and regulatory bodies and deletes the requirement that the Council develop and administer a certain fellowship program. The measure changes, from calendar years to fiscal years, the reporting timeline for certain reports that are submitted to the Council and the Nevada Veterans Services Commission. Certain outreach and reporting requirements related to the Women Veterans Advisory Committee are also changed.

Roll call on Assembly Bill No. 36:

YEAS—41.

NAYS—None.

EXCUSED—Orentlicher.

Assembly Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Assembly Bill 43 revises several dates related to school emergency operations plans. Specifically, each development committee for such plans must provide an updated plan to the board of trustees of a school district—or to the governing body of a charter school or private school, as applicable—on or before August 1 of each year. The bill further changes, from July 1 to August 15, the date by which these entities must submit the plan to the Division of Emergency Management of the Office of the Military, and for private schools to local public safety agencies and emergency management organizations. Finally, the Chief of the Division of Emergency Management must report certain compliance information to the Superintendent of Public Instruction of Nevada's Department of Education on or before November 15 rather than August 15.

Roll call on Assembly Bill No. 43:

YEAS—41.

NAYS—None.

EXCUSED—Orentlicher.

Assembly Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 47.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 47 provides that a governmental entity is not prohibited from constructing, operating, or maintaining a trail for use by off-highway vehicles that is adjacent to or near a highway, including, without limitation, a paved highway.

Roll call on Assembly Bill No. 47:
YEAS—41.
NAYS—None.
EXCUSED—Orentlicher.
Assembly Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 68.
Bill read third time.
Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:
Assembly Bill 68 revises the formula used to calculate the assessment owed by each county for the operation of a regional facility for the treatment and rehabilitation of children.

Roll call on Assembly Bill No. 68:
YEAS—41.
NAYS—None.
EXCUSED—Orentlicher.
Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 78, 82, 107, 124, 163, 215, and 231 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Abdelghani Msaad, Keiko Fujita, and Olamide Akinsola.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Lahana Pearce.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Ashlee Cooper and Joyce Marmolejos.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Ali Alabdulwahab and Andrea Subitoni Antonio.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Roisin Downey.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Devin Daneshforouz and Sara Mellen.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Amajane Kind, Marlie Gaglaiardo, and Noemi Guigui.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Hampton.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Ruiz and Molly Appel.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Berna Rhodes-Ford, Jean-Marc Polleveys, and Manuel Ayala.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Brittany Kemp.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Davinz Villa, Jennifer Peters, and Paul Lenart.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Lopez-Lasater and Cheryl Perna.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Jose Sanchez and Myesha Wilson.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Alexia Rivera Perez, DiRionne Pollard, Lilnetra Grady, and Tessa Espinosa.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Alesha Allen and Kevin Osorio Hernandez.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Mary A. Dungan, Omar Saucedo, and Regent Heather Brown.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Katherine Villasenor.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Don Suguitan and Za'Ni Smith.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Melanie Arizmendi and Shanzeh Aslam.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Shivangi Khurania.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Brittany Barksdale and Nick Claus.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Baden Fox and Dennis Potthoff.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, March 23, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 23, 2023

Assembly called to order at 11:35 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Orentlicher, who was excused.

Prayer by the Chaplain, Father Jeff Paul.

We anoint our souls with the elixir of healing: healing of truth, healing of nature, healing of knowledge, be upon our lips, our being, our minds. May health-giving peace be about us, delivering our souls from tribulation, from spring's true light, till merciful night.

We invoke blessing and protection upon this Assembly, upon all who work herein.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 22, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Assembly Bills Nos. 319, 328, 337.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 160, 192, 240, 245, 247, 252, 259, 270, 278, 281, 288, 296, 299, 307, 321, 346, 347, 351.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources:

Assembly Bill No. 387—AN ACT relating to water; revising provisions relating to groundwater basins; requiring the State Engineer to consider the best available science when rendering decisions; revising provisions relating to the appropriation of underground water; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 388—AN ACT making an appropriation to the Department of Sentencing Policy for the purpose of funding certain grants awarded by Nevada Local Justice Reinvestment Coordinating Council; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 389—AN ACT relating to Medicaid; requiring the State Plan for Medicaid to provide certain coverage for certain persons who are incarcerated; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 390—AN ACT relating to governmental administration; making the Department of Corrections subject to the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 391—AN ACT relating to public works; authorizing, under certain circumstances, a local government to give a preference in bidding on certain public works to a contractor who agrees to certain conditions relating to local hiring; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Kasama, Jauregui and Gurr:

Assembly Bill No. 392—AN ACT relating to property; prohibiting certain deceptive service agreements between an owner of residential property and a service provider; revising provisions governing persons who hold a permit to engage in property management; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Kasama and Senator Lange:

Assembly Bill No. 393—AN ACT relating to health care; requiring the Director of the Office of Science, Innovation and Technology in the Office of the Governor to establish and administer the Doctors for Nevada Program to reimburse the educational debt of physicians who practice in this State and to provide stipends and reimbursement of educational debt to resident physicians who commit to practicing medicine in this State; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 394—AN ACT relating to elections; requiring the Secretary of State to adopt regulations that prescribe the procedure to be used if the abstract or certification of results for any election is not timely prepared or transmitted; prohibiting, with certain exceptions, the counting of ballots more than once; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Brittney Miller:

Assembly Bill No. 395—AN ACT relating to education; creating the Financial Oversight of School Spending Committee; prescribing the membership, terms and duties of the Oversight Committee; requiring school districts reviewed by the Oversight Committee to cooperate with the Oversight Committee in the review; requiring the Oversight Committee to submit an annual report to the Governor, the State Board of Education and the Legislature and certain legislative entities; requiring the annual report of accountability prepared by the State Board to be submitted to the Oversight Committee upon request; requiring the quarterly financial report of the State Permanent School Fund to be submitted to the Oversight Committee; requiring the annual reports of the budgets prepared by the board of trustees of each school district to be submitted to the Oversight Committee; providing for the appointment of the members of the Oversight Committee to initial terms; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

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

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 11:46 a.m.
Mr. Speaker presiding.
Quorum present.

By the Committee on Ways and Means:

Assembly Bill No. 396—AN ACT making an appropriation to Clark County for programs for rental assistance to certain persons; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 212.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 92 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblyman DeLong.

ASSEMBLYMAN DELONG:

Assembly Bill 18 revises the composition of the Division of Enterprise Information Technology Services of the Department of Administration and modernizes certain statutory language to better define the work of the Division.

The effective date of the bill is July 1, 2023.

Roll call on Assembly Bill No. 18:

YEAS—41.

NAYS—None.

EXCUSED—Orentlicher.

Assembly Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 78.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 78 exempts a certified provider of jobs and day training services, or an employee or independent contractor of such a certified provider, from the requirement to be licensed by the State Board of Nursing to engage in activities that constitute the practice of nursing.

The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 78:

YEAS—41.

NAYS—None.

EXCUSED—Orentlicher.

Assembly Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 82.

Bill read third time.

Remarks by Assemblywoman Mosca.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 82 requires the Governor to proclaim annually the last Saturday in October as World Esports Day. The proclamation shall call upon news media, educators, business and labor leaders, and certain government officers to bring to the attention of the residents of Nevada the trailblazing Nevada esports [electronic sports] community and its contributions to this state as well as the building of exciting careers in electronic sports, such as broadcasting, graphic arts, web design, video game design, coaching, athletics, and community building.

The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 82:

YEAS—41.

NAYS—None.

EXCUSED—Orentlicher.

Assembly Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 107.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 107 requires a pharmacist who is employed by an off-site pharmaceutical service provider and provides remote chart order processing services to a hospital or correctional institution in this state to be registered to practice in Nevada.

Roll call on Assembly Bill No. 107:

YEAS—41.

NAYS—None.

EXCUSED—Orentlicher.

Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 124.
Bill read third time.
Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:
Assembly Bill 124 removes the requirement that the State Board of Osteopathic Medicine annually request submission of verified evidence of the completion of the required number of continuing medical education hours from not fewer than one-third of the applicants for a license renewal. Instead, the measure requires the Board to annually request the submission of such evidence from a percentage of applicants determined by the Board.
The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 124:
YEAS—41.
NAYS—None.
EXCUSED—Orentlicher.
Assembly Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 131.
Bill read third time.
Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:
Assembly Bill 131 creates the Urban and Community Forestry Program within the Division of Forestry of the State Department of Conservation and Natural Resources to promote, create, improve, and maintain urban and community forests in the state. The bill sets forth the duties of the State Forester Firewarden to administer the program and authorizes the State Forester Firewarden to establish a program to distribute grants for the support and advancement of urban and community forestry.

Roll call on Assembly Bill No. 131:
YEAS—37.
NAYS—DeLong, Gray, McArthur, O'Neill—4.
EXCUSED—Orentlicher.
Assembly Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 92, 163, 215, and 231, and be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlin Scruggs, Anna Shane, and Kasandra Medina-Torres.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Wyatt Jones.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Jeri Burton, Sergio Mujica Flores, and Shaun Navarro.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Ashlee Cooper.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Morgan, Sandra Morgan, and Sue Burtch.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Beth Campbell, Julie Gilday Schaffer, Linda Faiss, and Vic Etyemezian.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Resnik and Susan Kaiser.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Ordunez.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Ella Kilgore and Zahki Gill.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Faith Kelly and Tiago Andrade Schettini.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Blake Brown.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Esperanza Robles, Olivia Briggs, and Lilli Bentley.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Anderson Guardado.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to A.J. Huth and Laura Campbell.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Chipman.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Avery Spry, Vivian Booth, and Wyatt Combs.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Carleen Ernest, Franny Edison, and Melissa Swell.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Adonna Frankel, Alan Morales, and Mic Maulis.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Miranda, Rosalynn Osorio Lopez, and Thomas Wellman.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Fitzgerald, Devon Womack, and Emme Bowler.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Cassandra Charles and Macie Haverda.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Kristin Prostinak and Steven Horner.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Isaiah Derme and Josiah Derme.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Miller, Chelsea Hansen, and Julian Moran.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Carnes, Kaylin Bowen, and Phil Kaiser.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Evans and Brooke Page.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Cecilia Ureno, Daniel Lopez, and Harry Beall Jr.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Bob Gagosian, Kristin Burgarello, and Tracy Bower.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Christy Hall, Grant Brown, Kim Mazeres, Saline Robinson, and Tamara Favors.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, March 24, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 24, 2023

Assembly called to order at 11:39 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman González, who was excused.

Prayer by the Chaplain Craig Swope.

Let us pray.

Father, this has been a deadline week. There will be many others to come this session. Deadlines are everywhere. We get to drive our car for another month, or we can live in our house for another month, because deadlines are met. Structure and order can exist because of deadlines.

But it's in between the deadlines that the clay is molded. It's between the deadlines that the meal is prepared. It is in those times that we are grateful for Your love that transcends deadlines and all time. With You, there are no deadlines. Your heart is always open. There is never a closed sign on any door when we bring our requests to You.

Today, let us remember that You are a God of order. And where there is disorder in our lives or with our neighbors, there is no deadline on reconciliation and restoration.

We ask this is in the Name of Your Son.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Assembly Bills Nos. 38, 62, 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEA BACKUS, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Kasama:

Assembly Bill No. 397—AN ACT relating to public safety; revising provisions relating to prohibited acts concerning the use of marijuana and certain other controlled substances; revising the penalties for a person who drives under the influence of alcohol or other substances and causes the death of, or substantial bodily harm to, another person; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 398—AN ACT relating to insurance; prohibiting an insurer from issuing or renewing a policy of liability insurance that contains certain provisions; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 399—AN ACT relating to education; creating and establishing the membership, powers and duties of the Subcommittee on Education Accountability of the Interim Finance Committee; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Education:

Assembly Bill No. 400—AN ACT relating to education; creating the Early Childhood Literacy and Readiness Account and authorizing grants from the Account for certain purposes; revising the distribution interest, income and excess money in the Education Stabilization Account; authorizing a charter school to receive funding under the Pupil-Centered Funding Plan for transportation for pupils in certain circumstances; revising various provisions relating to the Commission on School Funding; authorizing a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend in certain circumstances; providing for programs of career and technical education in certain school districts for pupils wishing to become a teacher; authorizing a city or county to sponsor a charter school; establishing the Office of School Choice and the duties of the Office; revising provisions governing the Nevada Educational Choice Scholarship Program; requiring certain uses of money carried forward at the end of a school year by a local school precinct; creating the State Teacher Pipeline Account and authorizing grants from the Account for certain purposes; revising provisions relating to the Teach Nevada Scholarship Program; creating the Nevada Teacher Advancement Scholarship Program; revising provisions governing the promotion of pupils; revising provisions relating to the retention of pupils in the same grade; authorizing the Governor to designate positions in a school district or charter school as positions for which there is a critical labor shortage for purposes relating to the Public Employees' Retirement System; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 401—AN ACT relating to nursing; imposing requirements governing the ratio of faculty members to students in courses that provide clinical training at schools of practical nursing and at schools of professional nursing; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hafen:

Assembly Bill No. 402—AN ACT relating to licensing; requiring a regulatory body to submit to the Governor and the Legislature a biennial report containing certain information concerning each occupation or profession licensed and regulated by the regulatory body; repealing provisions authorizing the Secretary of State to suspend the state business license of a person who fails to comply with certain health standards relating to COVID-19; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 236.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 92.

Bill read third time.

Remarks by Assemblyman Koenig.

ASSEMBLYMAN KOENIG:

Assembly Bill 92 authorizes a board of county commissioners to create the office of county counsel to perform many of the noncriminal duties otherwise assigned to the district attorney. Any such county counsel is authorized to appoint deputies and other clerical, investigational, and operational staff. The bill prohibits county counsel from conducting criminal prosecutions or bringing certain civil actions relating to an obligation for child support.

Roll call on Assembly Bill No. 92:

YEAS—30.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hardy, Hibbetts, Kasama, McArthur, O'Neill, Orentlicher—11.

EXCUSED—González.

Assembly Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Assembly Bill 163 requires an employer to provide a certain amount of paid or unpaid leave to an employee who has been employed by the employer for at least 90 days and who is a victim of sexual assault or whose family or household member is a victim of sexual assault.

Roll call on Assembly Bill No. 163:

YEAS—41.

NAYS—None.

EXCUSED—González. Assembly Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 212.

Bill read third time.

Remarks by Assemblymen D'Silva, and Mosca.

ASSEMBLYMAN D'SILVA:

Assembly Bill 212 requires the Board of Regents of the Nevada System of Higher Education to establish policies allowing current and former students—including those who owe a debt—to access an unofficial transcript and to obtain or have transmitted an official transcript. A student who owes a debt must not be charged more for these services than a student who does not owe a debt.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 212 will help more than 26,000 students in the Nevada System of Higher Education access their transcripts to continue in higher education or get a job.

Roll call on Assembly Bill No. 212:

YEAS—41.

NAYS—None.

EXCUSED—González.

Assembly Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 215.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 215 revises the residency requirements for a person to be eligible for appointment to the Nevada Silver Haired Legislative Forum by decreasing from three years to one year the time a person is required to have been a registered voter in the senatorial district of the Senator who nominates the person for appointment to the Forum.

Roll call on Assembly Bill No. 215:

YEAS—41.

NAYS—None.

EXCUSED—González.

Assembly Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 231 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Terencio.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Shawn Azam and Chelsea Baca.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Oliver and Sandy McGinnis.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Iris Kwan, Julia Graham, and Susan Lingelbach.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Cali Kiss and Gloria Kiss.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Jose Paul Castillo, Maria Soladad, and Paula Cook.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Abigail Hatch.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Maria Soledad B. Magpantay and Monica Morrison.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Jocelyn Pereira and Phil Seitz.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Abigail Swidergal.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Bruno Landivar.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Zachariah Flowers.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsey Pastrell, Melani Tompkins, and Rachel Martin.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, March 27, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:03 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 27, 2023

Assembly called to order at 12 noon.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Gavin Jarvis.

God Most High, please hear this prayer based on the book of Psalms: May God be gracious to this Assembly and bless them, and make His face to shine upon them, that Your way may be known on earth, Your saving power among all nations, and to our state. Let the peoples praise You, O God; let all the peoples praise You! Let the nations be glad and sing for joy, for You judge the peoples with fairness and guide our leaders upon the earth. The earth has yielded its increase; may God bless us; let all the ends of the earth fear him.

God, based on Your words, I pray that You would be gracious to each Assembly member here. In this session, in their voting and committee meetings, and in all the hard work that is in front of them, I pray that their way would go smoothly as they make and amend laws for our state. As they continue in their capacity and responsibilities, please grant them health, strength, endurance, intelligent minds, and clear communication with one another. As You do this, may the results of this 82nd Session lead many to celebrate the fair and equitable laws passed this year.

Ultimately, I pray that their work would never be in vain but would cause every resident of our state to enjoy the fruits of their labor. And may our Assembly members find joy in the work set before them.

Please extend this blessing and Your presence to all of their staffers as well, that they would thrive in their positions. And bless their families, relieving the pressures that arise from the work at hand, giving peace to every household.

You are the God who is over all and who rules with fairness and equity. May You be gracious to us now and make Your face to shine on this Assembly.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 1 of the 81st Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHELLE GORELOW, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblywomen Anderson and Considine:

Assembly Joint Resolution No. 7—Proposing to amend the Nevada Constitution to revise provisions relating to the assessment and taxation of property which is sold or transferred and to require the Legislature to enact a program to provide property tax assistance to senior citizens and persons with disabilities.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

11. For the purposes of assessment and taxation of property:

(a) Except as otherwise provided in this paragraph, for the first fiscal year after the sale or transfer of real property, the real property sold or transferred shall not be eligible for any adjustment provided by the Legislature by law based on the age of improvements

to the real property, any abatement of the tax upon the real property provided by the Legislature by law pursuant to subsection 8 or any abatement or exemption provided by the Legislature by law pursuant to subsection 10. The provisions of this paragraph do not apply to real property for which the Legislature has provided by law for an exemption of the tax on property.

(b) For any fiscal year following the first fiscal year after the sale or transfer of real property to which the provisions of paragraph (a) apply, any adjustment provided by the Legislature by law based on the age of improvements to the real property must be determined as if the improvements were new improvements on the date of the sale or transfer.

➥ The Legislature shall provide by law for definitions of the terms "sale" and "transfer" as necessary to carry out the provisions of this subsection.

12. The Legislature shall provide by law for a program to provide for the payment of refunds of the taxes imposed on the primary residence of a person domiciled in this State who is 62 years of age or older or a person with a disability. If such a person rents his or her primary residence, the amount of the refund for which the person is eligible must not exceed the portion of the rent which is deemed to constitute accrued property tax. The Legislature shall establish by law:

(a) The criteria which a person must satisfy to be eligible for such a refund; and

(b) The amount of the refund to be paid to a person eligible for such a refund, which may consist of a graduated refund based on the household income of such a person.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Backus moved that the resolution be referred to the Committee on Revenue.

Motion carried.

By Assemblywomen Anderson and Considine:

Assembly Concurrent Resolution No. 7—Directing the Joint Interim Standing Committee on Revenue to conduct a study regarding wealth taxes during the 2023-2024 interim.

Assemblywoman Backus moved that the resolution be referred to the Committee on Revenue.

Motion carried.

NOTICE OF EXEMPTION

March 27, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 350, 369.

WAYNE THORLEY
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Speaker Yeager.
For: BDR 22-586
Revises provisions governing medical services and programs.
To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: March 27, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro.

For: BDR 18-496

Revises provisions relating to employment.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: March 27, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro.

For: BDR S-794

Revises provisions relating to economic development.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: March 27, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro.

For: BDR 32-1039

Revises provisions relating to the film industry.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: March 27, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro.
For: BDR 58-32
Revises provisions relating to energy.
To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: March 27, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 403—AN ACT relating to medical facilities; removing a halfway house for persons recovering from alcohol or other substance use disorders from the definition of a facility for the dependent; revising terminology used to refer to such facilities; removing the requirement that such a facility be licensed and regulated as a facility for the dependent; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 404—AN ACT relating to civil actions; excluding certain health care professionals from the definition of "provider of health care" for certain purposes; increasing the limitation on the amount of noneconomic damages a plaintiff may recover in a civil action against a provider of health care for professional negligence; revising the statute of limitations for bringing an action against a provider of health care for injury or death based upon professional negligence, professional services rendered without consent or error or omission in practice; repealing various requirements and restrictions concerning a civil action against a provider of health care for professional negligence; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 405—AN ACT relating to criminal procedure; authorizing a justice court or municipal court to establish a program for the treatment of mental illness or intellectual disabilities; revising provisions

regarding the eligibility of a defendant for assignment to such a program; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Gorelow:

Assembly Bill No. 406—AN ACT relating to health care; requiring the State Board of Health to adopt regulations relating to the discharge of persons who are homeless or who are at a high risk of becoming homeless from a hospital; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Carter:

Assembly Bill No. 407—AN ACT relating to the Department of Motor Vehicles; prohibiting the Director of the Department of Motor Vehicles from releasing any personal information from the files or records of the Department for any commercial purpose or otherwise for commercial use in the bulk distribution of surveys, marketing material or solicitations; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblywoman Brown-May:

Assembly Bill No. 408—AN ACT relating to motor vehicles; authorizing the removal of a vehicle or part of a vehicle from the highway following the issuance of a citation for reckless driving; revising provisions relating to the applicability of certain traffic laws concerning reckless driving; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Thomas:

Assembly Bill No. 409—AN ACT relating to cultural affairs; creating and setting forth the duties of the Juneteenth Educational and Economic Commission; creating the Juneteenth Educational and Economic Fund; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 410—AN ACT relating to industrial insurance; revising the circumstances in which certain employees are authorized to receive compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 411—AN ACT relating to cannabis; requiring certain medical facilities to allow certain patients who are terminally ill to engage in the medical use of cannabis at the medical facility; providing certain exceptions; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 412—AN ACT relating to juvenile justice; creating the Nevada Children's Commission; prescribing the membership and duties of the Commission; creating the Advisory Council for the Nevada Children's Commission; providing for the establishment of subcommittees of the Commission; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 413—AN ACT relating to cannabis; revising the civil penalties imposed for certain unlicensed cannabis activities; providing for the imposition of civil penalties for certain additional unlicensed cannabis activities; setting forth the manner in which such civil penalties must be recovered; requiring the Cannabis Compliance Board to designate one or more agents of the Board to perform certain duties; requiring the Board to adopt regulations establishing a program to pay rewards to persons who provide certain information to the Board concerning certain unlicensed cannabis activities; authorizing the Attorney General and the governing body of a city or county to establish a similar program; revising the definitions of "synthetic cannabinoid" and "marijuana"; revising requirements for the issuance of an adult-use cannabis establishment license or medical cannabis establishment license; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Backus:

Assembly Bill No. 414—AN ACT relating to powers of attorney; adopting the Uniform Health Care Decisions Act; repealing various provisions relating to powers of attorney for health care; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Taylor:

Assembly Bill No. 415—AN ACT relating to dispensing opticians; defining certain terms and revising certain definitions relating to ophthalmic dispensing; authorizing the Board of Dispensing Opticians to employ an Executive Director; providing immunity from civil liability to the Board and any of its members for certain acts; authorizing the Board to take certain actions against a person who commits certain violations; expanding the purposes for which the Board is authorized to accept gifts, grants, donations and contributions; revising provisions relating to the issuance, renewal, reinstatement, revocation and suspension of licenses; authorizing the Board to adopt certain regulations; requiring the Board to establish a schedule of fees relating to licensing; revising provisions relating to the confidentiality of certain information maintained by the Board; prescribing criteria for eligibility for a license as an apprentice dispensing optician; revising the criteria for eligibility for a license as a dispensing optician; revising certain provisions relating to a limited license as a dispensing optician; removing the authority of the Board to issue a special license as a dispensing optician; reorganizing various provisions; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Summers-Armstrong:

Assembly Bill No. 416—AN ACT relating to taxation; providing an exemption from property taxes for accessory dwelling units rented or leased to tenants receiving certain tenant-based housing assistance; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 417—AN ACT relating to indigent defense; revising provisions concerning regulations adopted by the Board on Indigent Defense Services; providing that certain provisions relating to corrective action plans do not apply in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 418—AN ACT relating to health care; prescribing certain limitations on the regulation of abortion; prohibiting health care facilities from making certain deceptive statements to the public; authorizing the Attorney General to bring an action against a health care facility for such a violation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Hafen:

Assembly Bill No. 419—AN ACT relating to taxation; revising the criteria for certain renewable energy facilities to be eligible for a partial abatement of certain taxes; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblyman Yurek and Senator Stone:

Assembly Bill No. 420—AN ACT relating to education; requiring the Superintendent of Public Instruction to create the Rural Northeastern Clark County Regional School District; requiring the Department of Education to conduct a feasibility study of that District and submit a report to the Legislature; authorizing the establishment of regional school districts; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen La Rue Hatch, Anderson and Carter:

Assembly Bill No. 421—AN ACT relating to taxation; providing for the imposition, administration and payment of an excise tax on the collection of the consumer data of individual Nevada consumers by a commercial data collector; requiring a person who owed the tax on the collection of the consumer data of individual Nevada consumers to register with the Department of Taxation; requiring the Department to maintain an Internet website containing certain information with respect to persons who register with the Department as commercial data collectors; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblywoman Gorelow:

Assembly Bill No. 422—AN ACT relating to persons with disabilities; providing for presumptive eligibility of certain infants and toddlers who are determined to be at risk of autism spectrum disorder for certain early intervention services; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 423—AN ACT relating to the boards of trustees of school districts; restricting the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting; authorizing, under certain circumstances, the board of trustees to restrict certain public comment at a regular or special meeting; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 424—AN ACT relating to the Lake Tahoe Basin; requiring the issuance of general obligation bonds to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program for the Lake Tahoe Basin; revising provisions relating to the use of accrued interest on the proceeds of certain previously authorized bonds; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 425—AN ACT relating to net metering; authorizing the users of a low-income housing shared net metering system to participate in net metering; exempting the owner or operator of a low-income housing shared net metering system from certain provisions of law; requiring the Public Utilities Commission of Nevada to adopt certain regulations; revising provisions governing the administration of net metering; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 426—AN ACT relating to public highways; exempting special events on or near certain highways and structures from certain restrictions on commercial advertising; exempting such advertising from being classified as a public nuisance; exempting such advertising from certain restrictions on outdoor advertisements in or near a right-of-way; exempting such an advertisement from certain fees; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 427—AN ACT relating to taxation; authorizing a credit in certain years against taxes imposed on the connection of passengers to certain entities for transportation purposes; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 428—AN ACT relating to economic development; requiring the Office of Economic Development to establish and administer a Career Pathways Demonstration Program; revising the membership of the Board of Economic Development; requiring large school districts to offer a Teacher Academy College Pathway Program; authorizing the Board of Regents of the University of Nevada to enter into certain agreements; authorizing the Board of Regents to offer certain benefits to participants in a Teacher Academy College Pathway Program; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymen Gurr, Dickman, Hafen, Anderson, Brown-May, DeLong, Gallant, Gray, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill and Yurek:

Assembly Bill No. 429—AN ACT relating to aviation; revising provisions governing the Nevada Air Service Development Commission and the Nevada Air Service Development Fund; making an appropriation to the Nevada Air Service Development Fund; making an appropriation to the Fund for Aviation for the enlargement, improvement or maintenance of rural airports, landing areas or air navigation facilities in Nevada; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 430—AN ACT relating to taxation; revising the definition of "vapor products"; revising provisions governing the excise tax on cannabis; imposing a tax on the sale at wholesale of cannabis products by cannabis production facilities; requiring the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Education:

Assembly Bill No. 431—AN ACT relating to higher education; authorizing the Board of Regents of the University of Nevada to establish a plan to provide parity in the amount of building square footage per student for certain campuses; requiring the State Public Works Board of the State Public Works Division of the Department of Administration to recommend to the Governor and Legislature the prioritization of construction of any buildings or construction work on a campus of the University with less available building square footage per student; expressing the desire of the Legislature that certain construction services provided to the Nevada System of Higher Education be used by the Board of Regents to provide such parity; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Koenig:

Assembly Bill No. 432—AN ACT relating to optometry; prohibiting certain persons from owning or controlling an optometry practice under certain circumstances; requiring a licensee to provide certain notifications to the Nevada State Board of Optometry; authorizing persons enrolled in certain educational or residency programs to practice optometry under certain circumstances; prohibiting a licensee from prescribing ophthalmic lenses under certain circumstances; establishing certain requirements relating to the use of optometric telemedicine; reducing the fee for an application submitted by a veteran to obtain an initial license to practice optometry; revising certain requirements to obtain a license; revising requirements for owning an optometry practice under an assumed or fictitious name under certain circumstances; authorizing the Board to issue citations for certain violations; requiring certain regulations adopted by the State Board of Health to authorize a licensed optometrist to serve as the director of a medical laboratory under certain circumstances; authorizing certain persons acting under the supervision

of an optometrist to collect certain specimens; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 38.
Bill read second time and ordered to third reading.

Assembly Bill No. 62.
Bill read second time and ordered to third reading.

Assembly Bill No. 98.
Bill read second time and ordered to third reading.

Assembly Bill No. 291.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that Assembly Bills Nos. 38 and 62 be taken from the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 236.
Bill read third time.
Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO

Assembly Bill 236 eliminates an exception from the prohibition of a person representing himself or herself as a psychologist without a license issued by the Board of Psychological Examiners for psychological scientists employed by certain educational institutions or public agencies, thereby prohibiting a psychological scientist from representing himself or herself as a psychologist without a license issued by the Board.

Roll call on Assembly Bill No. 236:
YEAS—42.
NAYS—None.
Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblywoman Jauregui moved that the Assembly recess until the call of the Chair.

Motion carried.

Assembly in recess at 12:42 p.m.

ASSEMBLY IN SESSION

At 6:30 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen D'Silva and Brittney Miller:

Assembly Joint Resolution No. 8—Urging the Congress of the United States to deschedule marijuana as a schedule I controlled substance.

Assemblywoman Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 433—AN ACT relating to business; requiring the Secretary of State to waive the fee for a state business license for certain business entities for the first year of operation; standardizing the amount of the fee charged to business entities to obtain or renew a state business license; eliminating certain fees relating to the registration of a registered agent; revising the amount of the fee certain business entities are required to pay to amend certain information on a list filed with the Secretary of State; increasing the amount of the penalty certain business entities are required to pay for failing to make certain filings or pay certain fees on or before the date on which those filings or fees are due; increasing the amount of the fee required for certain business entities to make various filings with the Secretary of State; increasing the amount of the fee a person must pay to obtain an authentication issued by the Secretary of State for certain information; increasing the amount of the maximum reasonable fee the Secretary of State may charge for certain special services; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 434—AN ACT relating to prescription drugs; prohibiting a pharmacy benefit manager or health carrier from taking certain actions against entities that participate in a federal program to facilitate the discounted purchase of prescription drugs; prohibiting a program administered by the Department of Health and Human Services to provide therapeutics to persons with human immunodeficiency virus from taking similar actions; imposing certain limitations on the use of money available to administer the program to provide therapeutics to persons with human immunodeficiency virus; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 435—AN ACT relating to behavioral health; authorizing the administration of a program to award grants to promote the establishment of programs that provide integrated treatment for co-occurring disorders; imposing requirements governing certain contracts for the provision of behavioral health services; providing for the establishment of metrics and incentives relating to the quality of behavioral health care; providing for the collection and use of information concerning the capacity to deliver certain behavioral health services to persons under 21 years of age in this State; authorizing certain administrative penalties; requiring Medicaid to cover certain behavioral health services and provide an enhanced rate of reimbursement for certain behavioral health services; requiring the compilation and submission of a report governing the implementation of certain provisions of this bill; providing for a study of certain rates of reimbursement under Medicaid; requiring the development of a plan to expand certain data collection; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 436—AN ACT relating to financial services; requiring a person who provides earned wage access services to register with the Commissioner of Financial Institutions; imposing certain requirements on such registrants; providing for the regulation by the Commissioner of earned wage access providers; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 437—AN ACT relating to providers of health care; limiting the amount a provider of health care may charge to fill out certain forms necessary to take a leave of absence authorized by the Family and Medical Leave Act of 1993; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 438—AN ACT relating to title insurance; prohibiting a title insurer, title agent, escrow officer and certain persons who hold licenses or registrations issued by the Real Estate Division of the Department of Business and Industry from engaging in certain conduct; providing civil penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 439—AN ACT relating to insurance; providing that no provision for arbitration in a contract for insurance is binding upon the named insured or any other person who makes a claim under the contract; repealing certain provisions related to provisions for arbitration in a contract for insurance; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 440—AN ACT relating to insurance; imposing certain requirements concerning the income generated by a pharmacy benefit manager; imposing a fiduciary duty upon a pharmacy benefit manager toward certain third parties; prohibiting a pharmacy benefit manager from engaging in certain activities or implementing certain policies or practices; requiring a pharmacy benefit manager to submit to certain audits; imposing certain fees upon a pharmacy benefit manager; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 441—AN ACT relating to industrial insurance; revising certain requirements to make certain insurance records available for inspection; removing the requirement that certain entities maintain a telephone service to accept collect calls from injured employees; revising the circumstances under which the Administrator of the Division of Industrial Relations of the Department of Business and Industry is authorized to remove a physician or chiropractic physician from a list or panel of physicians and chiropractic physicians who may provide certain medical services relating to the Nevada Industrial Insurance Act; requiring the Administrator to publish annual and quarterly reports; authorizing certain physicians and chiropractic physicians to decline to perform certain evaluations under certain circumstances; authorizing certain injured employees to request certain

additional examinations; revising requirements for calculating the value of certain payments pursuant to the Act for a permanent partial disability; revising provisions relating to an appeal of certain determinations of the Administrator; requiring certain insurance claims to be administered by certain persons; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 442—AN ACT relating to medical professions; requiring the Board of Medical Examiners to notify an appropriate law enforcement agency of a complaint alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care has committed any act constituting a felony; requiring the Board to summarily suspend, pending a formal hearing, the license of a physician, perfusionist, physician assistant or practitioner of respiratory care who is alleged to have committed any act constituting a felony which is the same as or substantially similar to an act alleged in an earlier complaint against the licensee; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 443—AN ACT relating to higher education; authorizing the use of a Governor Guinn Millennium Scholarship for a course of study at an institution for which the completion of a clinical program located in this State is required; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Backus:

Assembly Bill No. 444—AN ACT relating to child welfare; establishing various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; requiring an agency which provides child welfare services to provide certain training for its personnel; requiring the Division and the Court Administrator to submit certain reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary; authorizing the Supreme Court and the Court Administrator to adopt certain rules; repealing certain unnecessary provisions; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Newby:

Assembly Bill No. 445—AN ACT relating to mental health; authorizing the Office of Economic Development to grant a partial abatement of property taxes, business taxes and sales and use taxes to a business that locates or expands in this State and that provides mental health services for children; establishing a credit against the modified business tax on certain businesses for taxpayers who donate money to the Account to Improve Mental Health Services for Children; clarifying that facilities providing mental health services for children are eligible for loans and financial assistance from the Nevada State Infrastructure Bank; creating the Account to Improve Mental Health Services for Children to provide supplemental rates or enhanced rates of reimbursement to a recipient of Medicaid who is a child for mental health services; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblywoman Cohen:

Assembly Bill No. 446—AN ACT relating to guardianship; revising various provisions relating to the guardianship of a minor; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Anderson:

Assembly Bill No. 447—AN ACT relating to property; authorizing a landlord to enter into an agreement with a person for the processing of payments or collection of rent; establishing certain requirements for a person who processes payments for or collects rent pursuant to such an agreement; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Yeager and Jauregui:

Assembly Bill No. 448—AN ACT relating to taxation; revising the exemption from the real property transfer tax applicable to certain transfers of real property between business entities; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymen Gallant, Gray, Dickman, D'Silva and McArthur; Senators Buck and Hansen:

Assembly Bill No. 449—AN ACT relating to taxation; authorizing a taxpayer to obtain a credit against property taxes owed by the taxpayer under certain circumstances when an applicable partial abatement of taxes was not applied or claimed; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblywoman Considine:

Assembly Bill No. 450—AN ACT relating to taxation; revising the exemption from the real property transfer tax applicable to certain transfers of real property between business entities; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

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

Assembly in recess at 6:40 p.m.

ASSEMBLY IN SESSION

At 6:41 p.m.

Mr. Speaker presiding.

Quorum present.

By the Committee on Government Affairs:

Assembly Bill No. 451—AN ACT relating to state employees; providing that an employee in the unclassified service of the Budget Division of the Office of Finance is entitled to compensation for overtime under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 452—AN ACT relating to offenders; requiring the Director of the Department of Corrections to adopt regulations establishing and governing a program for the visitation of offenders; requiring the Department to establish a panel to review certain decisions of a warden or

manager to deny visitation; requiring a warden or manager who denies visitation to provide certain written notice regarding the denial; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 453—AN ACT relating to adoption; authorizing an agency which provides child welfare services or a licensed child-placing agency to consent to certain adoptions; revising provisions governing certain financial assistance provided to the adoptive parents of a person with special needs; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 454—AN ACT relating to criminal defense; revising provisions relating to the payment of compensation and expenses for certain attorneys who provide certain legal services to indigent defendants under certain circumstances; requiring the Board on Indigent Defense Services to adopt certain regulations relating to rates of compensation for certain attorneys who provide certain legal services to indigent defendants under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 455—AN ACT relating to tobacco; authorizing the Department of Taxation to impose a civil penalty for certain violations relating to contraband tobacco products; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 456—AN ACT relating to railroads; prohibiting the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks; establishing provisions governing the duty hours of yardmasters; requiring a local authority or the Department of Transportation to install traffic-control devices and automated traffic enforcement systems at certain railroad grade crossings; providing civil penalties; establishing provisions governing the issuance of a civil infraction citation based on

evidence detected by an automated traffic enforcement system; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 457—AN ACT relating to license plates; removing the requirement for the Department of Motor Vehicles to automatically reissue certain license plates every 8 years; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 458—AN ACT relating to education; authorizing a temporary advance from the Education Stabilization Account to the State Education Fund under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 6:44 p.m.

ASSEMBLY IN SESSION

At 6:50 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Tonia Holmes-Sutton, Susan "Ernie" Rambo, and Tamara Hudson.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Cassie Snow and Marija Minic.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Veloso, Jen Walsh, and Wendy Weeks.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Casimir Veloso, Francis Limbo, and Marphyl Limbo.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Rory Lamp and Teresa Bell.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Chessey Suisin, Manu Jack, and Surena Fausto.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Serenity Rose Mills, Maria Landaverde, and Christian Bishop.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Cecelia Di Mino, Isabella Tabora, and Sarah Park.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Fuentes De Maria Villa, Dillon Moss, and Fatima Shemess.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Carlos Sierra and Perla Sierra.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Leary Adams and Spencer Ridenour.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Peter Kasama, Andrew Cohen, M.D., and Lisa Santwer.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Villatoro, Karen Villatoro Gonzalez, and Sofia Shemess.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Jovan Jackson and Teanna Stocks.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Collin Lethbridge, Donna West, and Fernando Benitez.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Freddy Lopez, Michelle Ploudre, and Sarah Shemess.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Deanne Moyle-Hicks, Pablo Macias Lopez, and Patrick Donn Dimasin.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Whittemore.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Cheryl Brewster, Melvin Valentine, and Michelle Valentine.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Connie Hall, Kurt Thigpen, and Tamara Frazier.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Ali Caliendo, Leah Dods, and Rose Eshe.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Virgen, Dillon Booker, Robb Platt, and Steven Romero.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Serenity Mills and Steve Hamile.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, March 29, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:51 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 29, 2023

Assembly called to order at 12 noon.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Bilbray-Axelrod, who was excused.

Prayer by the Chaplain, Pastor Kathy Morris.

God of many Names, make us channels of Your disturbance. Where there is apathy, let us provoke. Where there is silence, may we be a voice. Where there is too much comfort and too little action, grant disruption. Where there are doors closed and hearts locked, grant us the willingness to listen. When laws dictate and pain is overlooked, grant us the willingness to shine a light on human suffering. When tradition speaks louder than need, grant us the willingness to discern.

Disturb us, O God, teach us to persevere. Grant that we may seek rather to do justice than to talk about it; to be with the poor as well as the wealthy; to love the unlovable as well as the lovely; to accept the responsibility to be agents of mercy and compassion. God, make us channels of Your disturbance. It is in the many Names of the Holy that we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 1 of the 81st Session.

Resolution read.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Joint Resolution 1 of the 81st Session proposes to amend Section 1 of Article 13 of the *Nevada Constitution* by replacing the description of persons who benefit from institutions fostered and supported by the state from "insane" to "persons with significant mental illness," "blind" to "persons who are blind or visually impaired," and "deaf and dumb" to "persons who are deaf or hard of hearing." The resolution also replaces the term "institutions" with "entities" and adds entities for the benefit of persons with intellectual or developmental disabilities to the types of entities that shall be fostered and supported by the state.

This resolution was approved by the 81st Session of the Legislature in 2021. If approved in identical form during this legislative session, the proposal will be submitted to the voters for final approval at the 2024 General Election.

Roll call on Assembly Joint Resolution No. 1 of the 81st Session:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Assembly Joint Resolution No. 1 of the 81st Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

NOTICE OF EXEMPTION

March 27, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bills Nos. 62, 396, 400, 451, 458.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 255, 266, 292, 304, 320, 327, 329, 331, 358, 388, 393.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of March 29, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KUNR: Zoe Malen.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 136.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 98.

Bill read third time.

Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

Assembly Bill 98 makes various changes to the Governor's Workforce Investment Board, including changing the name of the Board to the Governor's Workforce Development Board, expanding the representation of the Board to include members of local workforce development boards and other business representatives from industry sectors, and requiring the Board to collaborate with local workforce development boards and regional development authorities on various economic and workforce development activities.

The bill additionally requires each regional industry or sector partnership working with a local workforce development board to submit certain reports to the Governor's Workforce Development Board.

Roll call on Assembly Bill No. 98:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 291 revises provisions relating to the crime of swindling. The state is not required to establish that all the acts constituting this crime occurred in this state or within a single city, county, or local jurisdiction of this state. This bill further provides that it is no defense that a person did not commit all the acts constituting the crime within this state or within a single city, county, or local jurisdiction of this state.

Roll call on Assembly Bill No. 291:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 459—AN ACT relating to education; revising provisions requiring the Governor to reserve certain amounts of money in the State General Fund for transfer to the State Education Fund; revising provisions requiring the Governor to include in the proposed executive budget recommendations on the statewide per pupil funding amount and the multiplier for each category of pupils; eliminating the authority of the Governor to recommend such funding for public schools in this State as the Governor determines to be appropriate if the Governor determines that preparing a proposed executive budget would be impracticable; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 460—AN ACT relating to health care; revising the entities required to be licensed as nursing pools; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 461—AN ACT relating to the Public Employees' Retirement System; creating the position of Chief Administrative Analyst as a member of the executive staff of the System; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 29, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 268, Amendment No. 53, and respectfully requests your honorable body to concur in said amendment.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 268.

The following Senate amendment was read:

Amendment No. 53.

AN ACT making appropriations for the payment of retention incentives to certain employees of the State Government; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of $20,970,000 for the payment of retention incentives in accordance with subsection 2 to each person who is an employee in:

(a) The Executive Department of the State Government, except:

(1) Employees of the Nevada System of Higher Education other than the employees of the System in the classified service, as described in subsection 4 of NRS 284.140.

(2) Persons whose compensation is paid from a budget account that is not subject to NRS 353.150 to 353.246, inclusive, except as otherwise provided in section 3 of this act.

(3) Persons whose positions are temporary, intermittent or seasonal or are positions for which there is a critical labor shortage pursuant to NRS 286.523.

(b) The Judicial Department of the State Government, except persons whose positions are temporary, intermittent or seasonal or are positions for which there is a critical labor shortage pursuant to NRS 286.523.

2. A retention incentive of $500 must be paid from the money appropriated by subsection 1 to each person who is eligible for the payment, as described in subsection 1, and who is so employed on:

(a) March 31, 2023.

(b) June 16, 2023.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of $325,000 for the payment of retention incentives in accordance with subsection 2 to each person who is an employee in the Legislative Department of the State Government, except persons whose positions are for a legislative session or are otherwise temporary, intermittent or seasonal.

2. A retention incentive of $500 must be paid from the money appropriated by subsection 1 to each person who is eligible for the payment, as described in subsection 1, and who is so employed on:

(a) March 31, 2023.

(b) June 16, 2023.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Public Employees' Retirement System the sum of $81,000 for the payment of retention incentives in accordance with subsection 2 to each person who is an employee of the Public Employees' Retirement System, except persons whose positions are temporary, intermittent or seasonal or are positions for which there is a critical labor shortage pursuant to NRS 286.523.

2. A retention incentive of $500 must be paid from the money appropriated by subsection 1 to each person who is eligible for the payment, as described in subsection 1, and who is so employed on:

(a) March 31, 2023.

(b) June 16, 2023.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated

or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 3.5. **1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $3,500,000 for the payment of retention incentives for Fiscal Year 2022-2023 to employees of the Nevada System of Higher Education other than the employees of the System in the classified service, as described in subsection 4 of NRS 284.140.**

2. On or before September 1, 2023, the Nevada System of Higher Education shall submit a report to the Interim Finance Committee regarding the criteria for eligibility and amounts established for the retention incentives required to be paid pursuant to subsection 1 and the number of recipients thereof.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 53 to Assembly Bill No. 268.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

The amendment makes an appropriation from the State General Fund to the Nevada System of Higher Education in the sum of $3,500,000 for the payment of retention incentives for Fiscal Year 2022-2023 to certain employees of the Nevada System of Higher Education.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Aria Flores and Donald Heath.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Cecia Alvarado, Elisa Martinez, and Norma Palma Miron.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Ana Adkins, Angel Lazcano, and Brian Harris.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Austreberto Hernandez, Patricia Cuocco and Paula Luna.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Angelina Saldana, Ashley Cole, and Ernesto Lara.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Cesar Carvajal, Coleen Lawrence, and Gabrielle Angle.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Blake Douglas, Diana Moreno Ramirez, and Jiromi Pena.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Bush, Rupert Ruiz, and Sylvia Lazos.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Karla Hernandez, Erika Marquez, and Imer Cespedes.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to B. Keith Rogers, Ermelinda Rodriguez, Alejandra Muneton Carrera, Rumaldo Chaidez, Shaun Navarro, and Rassiel Godinez.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Ivete Aldaba, Priscella Gomez, and Robert Miranda.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Lorenzita Santos and Marilyn Morales.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Ernesto Lara Jr., Sarah Mahler, and Wilson Ramos.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Alfredo Santiago, Carlos Calderon, Joi Holliday Sparrow, and Russell Kost.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Arturo Castro, Gloria Castro, and Raquel Rascon.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Consul de Mexico Julian Escutia Rodriguez, Adriana Eninger, and Sabastian Alcala.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Cordoba, Martha Gallardo, and Teresa Miranda.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Dyana Melchor, Fernando Romero, and J. Diego Zarazua.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Darielys Rodriguez-Ortiz, Guillermo Barahona, Noe Orosco, and Yvette Machado.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Beatriz Uribe Acordagoitia, Jafeth Sanchez, and Jorge Rodriguez.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Carlos Velis, Jorge Ardon Garcia, Reina Velis, and Wences Perez.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Jiselle Alvarez-Barrera, Naomi Karapetyan, and Sarah Rojas.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Aleida Martinez, Alexis Esparza, and Carolina Avila.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to David Rowe, McKenzie Easter, and Nancy Uscher.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Jacinto Alfaro Valladares, Kenia Morales, and Odilia Martinez Trujillo.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Candido, Gerardo Garrido-Cortez, and Nate Adem.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Lauf, Carmella Downing, and Domonique Katona.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Eduardo Ureta, Juan Carlos Alvarado, and Omar Carbajal.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Lalo Montoya, Victoria Ruiz Marin, and Yurithya Vazquez.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Haide Callejas Lazaro, Suzanne Lara, and Tania Gonzalez Contreras.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Gallardo, Ignacio Romero, and Tyshana Giles.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Veronica Demsky, Luis Medina, and Roomy Chaidez.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Gabriela Sosa Espinoza, Minya Yan, Sylvia Dominguez-Curry, and Vivian Leal.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Faridy Canales, Nour Benjelloun, and Rickey McCurry.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to John Larson and Liz Kang.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, March 30, 2023, at 11:30 a.m., where it would reconvene in the old Assembly Chamber in the historic Capitol Building.

Motion carried.

Assembly adjourned at 12:26 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 30, 2023

Assembly called to order at 11:41 a.m. in the old Assembly Chamber in the historic Capitol Building.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Newby, who was excused.

Prayer by the Chaplain Craig Swope.

Father, we thank You for those who were path makers. Over a half-century ago, our brightest lights along that path were working for the common good in these halls. They discovered meaning in their service. Across cultures, belief systems, and economic and political systems, people have found through history that the components present when we discover a meaningful life are:

Belonging—a place where we connect and interact with others with a common interest. An opportunity to care and be cared for. We find meaning.

Purpose—it is in that belonging that we find purpose. A unique skill, ability, or perspective only we can provide. We find meaning.

Transcendence—when we become aware and realize the joy of being part of something bigger than ourselves, we find meaning.

Help us to remember those three components as we work for the common good of all. We ask this in Your Son's Name.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-2802

March 30, 2023

The Honorable Steve Yeager, The Honorable Nicole J. Cannizzaro, Nevada Legislature, 401 S. Carson Street, Carson City, NV 89701-4747

DEAR SPEAKER YEAGER AND MAJORITY LEADER CANNIZZARO:

Pursuant to past protocol, I would like to request permission as a Representative in the United States Congress of the Second District of Nevada, to address a joint session of the Nevada Legislature on Monday, May 8, 2023 at 5:00 pm.

Please contact my District Director, Stacy L. Parobek, at 775.686.5760 to coordinate the details of my visit, or if you have any further questions. Your consideration of this request is greatly appreciated.

Sincerely,
MARK E. AMODEI
Member of Congress

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 30, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Senate Bills Nos. 58, 212 and 256.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 220, 266, 430, 432 and 444.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of March 30, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

INSIGHT STUDIO: David Siegel.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 136.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 136 requires an operator of a qualified residential treatment program that provides care and shelter for less than 16 children to obtain a license as a child care institution from the Division of Public and Behavioral Health of the Department of Health and Human Services. Any qualified residential treatment program operating on or before January 1, 2024, may continue operating without such a license until July 1, 2024, under certain circumstances.

Roll call on Assembly Bill No. 136:

YEAS—41.

NAYS—None.

EXCUSED—Newby.

Assembly Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 268.

REMARKS FROM THE FLOOR

At the direction of Mr. Speaker, the following remarks were entered in the Journal:

FORMER ASSEMBLY MEDIA CLERK MICHELE BURKE:

I would like to thank Mr. Speaker and the Chief Clerk for inviting me to talk to you today. It is my privilege to share some research I compiled as the Media Clerk here several sessions ago.

Before this building was completed in 1871, the State Legislature met on the second floor of the first Ormsby County Courthouse–which was formerly Abe Curry's Great Basin Hotel- just across Carson Street. I would like to share with you about one of the members who met there.

When you enter the front doors of the Nevada Legislative building, on the wall lining the right side of the foyer are the photos of those who have held the position of Speaker of the Nevada Assembly dating back to our first State Legislature in 1864. The one exception is James A. Banks who was the Speaker of the Assembly in 1866, our second Legislative Session. He is represented by a framed silhouette. As soon as I noticed this I began researching, trying to find a picture to fill that frame. I quickly found a picture of his father, as well as one of his brother. The more I searched for his picture the more I became caught up in his remarkable achievements.

James Andrew Banks was born in Pennsylvania on January 17, 1828. He was the oldest son of David Banks and Jane McAllister Banks who were affluent estate owners. James' maternal grandfather helped George Washington rally the disheartened troops in the Revolutionary War. One of his brothers became a doctor, one a lawyer and the youngest remained to help his father run the estate. With a desire to make his own way in the world, Mr. Banks left home at the age of 21, and after living for a short period in New York in various places teaching school, and learning carpentering, he caught gold fever and headed for California. An early California newspaper reported:

> The excitement which followed the discovery of gold in California found him among the early immigrants to these shores. Upon landing here he engaged in business at his trade which he followed for several years until he won the confidence not only of his fellow mechanics but of his fellow citizens.

From 1848 to 1849, the San Francisco population went from 1,000 to 25,000 and continued to grow rapidly throughout the 1850s. Recognizing a need among his fellow tradesmen, in 1854 Mr. Banks helped to found the Mechanics Institute of San Francisco to serve the educational and social needs of mechanics, artisans, craftsmen, and inventors and their families. While not still solely dedicated to mechanical arts, this institute is still in existence today. For this achievement: no pictures of our Mr. Banks.

While in San Francisco, he continued membership in the Presbyterian Church and was elected president of the Young Men's Christian Association [YMCA] in 1858. Accounts of the time report that during his tenure he did much to bring the society to notice and put the group on firm financial ground. None of the accounts have a picture of Mr. Banks.

> Mr. Banks was elected a member of the [California] State Legislature … in which he distinguished himself by a strict adherence to the interest of his constituents and the honest discharge of his duty.

While in the California legislature he was known as a strong advocate of education and helped draft legislation establishing a California University. A great story of his dedication to his job can be found in the legislative report from The Sacramento Daily Union April 27, 1861. After a particularly heated debate during a floor session over an appropriation for the Reform School, "some expressions were used in consequence of which a member was ordered under arrest by the chair."

Some witness accounts say that Mr. Banks had stopped at the Chief Clerk's desk at the end of the floor session and was intently studying something when Mr. Hahn came from behind and struck him severely over the head with his cane. This account was countered with the argument that the bruising on Mr. Bank's forehead clearly demonstrated the blow was leveled from the front when he was in deep concentration and didn't see it coming. While Mr. Banks' supporters called for Mr. Hahn's expulsion from the Assembly, they were overridden citing precedence of a similar occurrence in the United States Congress which resulted in all charges dropped.

For his four sessions in the California Assembly and one in the California Senate, still no picture of Mr. Banks.

Shortly after this incident Mr. Banks left California joining friends mining ventures in Paradise Valley, Humboldt County, Nevada.

He was elected to be a delegate for the second Constitutional Convention in 1864. Delegates ranged in age from 26 to 64 years of age. Three were foreign born, eleven were lawyers, thirty-three had come to Nevada from California and all but one were registered as Unionists. The president of the convention was J. Neely Johnson, a former Governor of California and future justice of the Nevada Supreme Court. The 1863 constitution which was turned down by voters, provided for taxation of mines and mining claims, whether producing or not. Mr. Banks, who was a mine superintendent in Humboldt County, helped write the change in the 1864 document which specified that only the proceeds of mines and claims could be taxed. With the modifications the proposed constitution passed, was sent by telegraph to Washington, D.C., and President Lincoln declared Nevada a state on October 31, 1864.

Mr. Banks returned to his mining career in Humboldt County and was highly regarded in his field. He was known as a young man of irreproachable character, great industry, and full of enthusiasm. There was a large influx of settlers in the region and the Native American population who at first had been tolerant of the newcomers was beginning to fight against the widespread takeover of their lands. Mr. Banks was highly critical in letters to the governor of how the military was handling the situation. He felt their handling of the conflicts were escalating the situation rather than calming it down. His constant advocacy on behalf of the citizens of Humboldt County gained him the reputation as a leader and he was elected to represent them in the second session of the Nevada Legislature, where he was elected Speaker.

The June 1866 edition of the Harrisburg Telegraph reported that Mr. Banks was going to run against Senator James Nye for the United States Senate seat. This was a dream that never was given a chance.

In August of 1867 Mr. Banks met some friends who were staying at Camp Winfield Scott, the camp of whose commander he had been so critical in letters to the Governor. The Marysville Daily Appeal reported:

> Banks and two others were fishing about one mile from Camp Winfield Scott. Banks started up the creek and as he did not return search was made for him. He was found about three hundred yards above the fishing grounds, with a bullet hole through his breast and his bowels cut out.

His body was taken back to camp and buried in the cemetery there.

Marysville Daily Appeal September 1867:

> The *Sacramento Union* of August 31 contains a series of resolutions adopted by the citizens of Unionville, Humboldt County Nevada calling upon the civil and military authorities … to avenge the death of James A. Banks who it is said was shot by an Indian… There is the possibility that James A. Banks was not shot by an Indian, as it is quite common for robberies and murders to be committed by [others] dressed as Indians for which Indians have been butchered wholesale . . .

Who actually killed Mr. Banks was never determined or further investigated. In 1869 the Young Men's Christian Association took his body back to San Francisco and buried him in the Masonic Cemetery where they erected a monument to honor him. At his funeral his dear friend Judge Sawyer said, "In the workshop he was a gentleman, in the parlor a companion and in the legislative halls he was more than a politician."

The story of Mr. Banks was not quite over. In 1901 the growing city of San Francisco needed more land. The City passed an ordinance outlawing cemeteries inside city limits and the bodies from the Masonic Cemetery who were not claimed by their families were moved and buried in a mass grave in a cemetery in Colma, California. The tombstones and monuments were ground up and used as fill on the approaches of the Golden Gate Bridge.

James Andrew Banks was 39 years old when he died. For all of his accomplishments we have yet to locate a portrait of him, but I hope from my story today you will have a better picture of who he was.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Eleanor Davis, Amber Joiner, and Andi Close.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Paisley Knox.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Romero, Tameka Henry, and Miriam Lachica.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Frankel.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Araceli Bautista and Stephanie Magallanes.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, April 3, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), April 3, 2023

Assembly called to order at 11:44 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Monroe-Moreno, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

From the book of Psalms I read, This is the day the Lord has made; Let us rejoice and be glad in it. But Lord, it's Monday and usually known for difficulties, not joy. But many call this Holy Week, and it was also filled with many difficulties.

Today, I thank You for these people who have been chosen to serve the people of our state. As they face the difficulties that lie ahead, I ask that You guide them with wisdom in directions of joy and hope and light and peace and unity.

I pray in the Name of the one who taught us to love one another.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 158, 276, 284, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 69, 164, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 13, 28, 140, 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 206, 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 24, 178, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

March 31, 2023

THE HONORABLE STEVE YEAGER, THE HONORABLE NICOLE J. CANNIZZARO, Nevada Legislature,
401 South Carson Street, Carson City, NV 89701

DEAR SENATOR CANNIZZARO & SPEAKER YEAGER:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Tuesday, May 2, 2022 [sic]. I look forward to sharing with you and your colleagues information regarding the important issues the United States Congress will be addressing during the 118th Session and the ways we can work together.

Thank you in advance in consideration of this request. I look forward to seeing you soon.

Sincerely,
DINA TITUS
Member of Congress

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 6—Providing for the appointment of an additional attache for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Matthew Fonken is elected as an additional attache of the Assembly for the 82nd Session of the Nevada Legislature; and be it further RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Gorelow moved the adoption of the resolution.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:
This is to hire for a vacant attaché position.

Resolution adopted.

NOTICE OF EXEMPTION

March 30, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 260, 263, 271, 295, 322, 323, 324, 332, 334, 345, 352, 409, 416, 420, 427, 428, 429, 430, 445, 449.

SARAH COFFMAN
Fiscal Analysis Division

April 3, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 72, 431.

WAYNE THORLEY
Fiscal Analysis Division

REVISED NOTICE OF EXEMPTION

April 3, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 14, 147, 201, 211, 216, 228, 237, 238, 239, 254.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 88, 154, 184, 195, 198, 203, 219, 224, 249, 279.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 139, 197, 229, 277, 298, 310.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 160, 192, 240, 245, 247, 252, 259, 270, 278, 281, 288, 296, 299, 307, 321.

SARAH COFFMAN
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Senator Cannizzaro.
For: Senate Bill No. 405.
To Waive:

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

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

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

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

Has been granted effective: March 30, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro.
For: Senate Bill No. 412.
To Waive:

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

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

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

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

Has been granted effective: March 30, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro.
For: Senate Bill No. 431.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: March 30, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 462—AN ACT relating to the State Board of Parole Commissioners; requiring the Chair of the Board to appoint an Executive Director of the Board; requiring the Chair to delegate certain powers and duties to the Executive Director; revising provisions relating to the Executive Secretary of the Board; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Jauregui moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:06 p.m.

ASSEMBLY IN SESSION

At 5:03 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblywoman Torres and Assemblyman McArthur as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Jacky Rosen.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:09 p.m.
Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblywoman Monroe-Moreno, who was excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Nguyen and Assemblywoman Cohen to wait upon United States Senator Jacky Rosen and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Jacky Rosen, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed United States Senator Jacky Rosen and invited her to deliver her message.

United States Senator Jacky Rosen delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-SECOND SESSION, 2023

Hello, everyone. It is cold, but it is good to be here. It is good to see all of you, and it is always good to be home in Nevada with friends, family, neighbors, and everyone who cares so much about our state. I want to start by thanking Majority Leader Cannizzaro and Speaker Yeager for the opportunity to address all of you in the Nevada Legislature today. I want to thank everyone who is in attendance: Governor Lombardo, thank you so much for being here; Lieutenant Governor Anthony, I see you behind me; Minority Leaders Seevers Gansert and O'Neill, thank you; members of the Legislature; all of our constitutional officers, I see you here; and Justices of the Nevada Supreme Court, thank you. I would be remiss if I did not thank the amazing staff who serve Nevadans day in and day out working at the Legislature. Thank you for all that you do.

For the last six years, it has truly been my honor to represent our great state, and I am grateful to be here in person to tell you about all the work I have been doing in Washington on behalf of all of us who call Nevada home. Since I last addressed the Nevada Legislature, a lot has changed, starting with the voices in this room. We have the first female-majority legislature, and we continue to make gains. I am so proud that we now have the largest majority of women legislators of any state nationwide. We can applaud that. Session after session, our Legislature's membership becomes more and more diverse and representative of our great state. We have incredible leaders, including Assemblywoman Daniele Monroe-Moreno, leading the Black Legislative Caucus; Senator Fabian Doñate, leading the Latino Legislative Caucus; Assemblywoman Erica Mosca, leading the AANHPI [Asian American, Native Hawaiian, and Pacific Islander] Caucus; and Senator Dallas Harris, leading the LGBTQ+ [lesbian, gay, bisexual, transgender, queer/questioning, plus] Caucus. Each and every one of you is helping lead the way for a more inclusive Nevada.

We know that when our state is open and welcoming, we foster an environment where Nevadans are best able to live, work, and raise a family. It is where our economy can grow and thrive. Tonight, I would like to take some time to give you an update on a couple of things. First, I want to share with you what we have accomplished in Congress over the past two years, which were some of the most productive ever. So much of our work—my work—was bipartisan. As a result, we have gotten real, meaningful, historic things done for Nevada.

We took action to jump-start economic growth and prepare our workers for great jobs. I took a leading role in helping to write and pass the bipartisan infrastructure law. As a result, we are now making a once-in-a-generation investment in our country. Thanks to our work, we are

bringing millions of dollars to Nevada to rebuild, revamp, and expand our airports, our roads, and our bridges and improve our broadband access, all while creating good-paying jobs.

As we create more jobs, we must make sure our workforce has the training needed to take advantage of these new opportunities. I led a bipartisan initiative included in the CHIPS [Creating Helpful Incentives to Produce Semiconductors] and Science law. This initiative is to support workforce development for advanced manufacturing. This initiative is going to make sure workers have the skills that they need as we grow our domestic manufacturing industry. The CHIPS and Science law will also make historic investments in STEM [science, technology, engineering, and mathematics] education in our rural communities. This will make sure that we are training the workforce of the future in every single part of our state.

While we are on the subject of historic investments, I am proud to report that we made history by investing record amounts toward renewable energy thanks to the Inflation Reduction Act. Nevada is home to more solar jobs per capita in the nation, and we are a national leader in geothermal energy as well. This law is now making critical investments in our state and across the country to support all those clean energy jobs, lower energy costs, and combat climate change. It provides $4 billion to tackle the extreme drought that we are facing here in the West. That is an historic investment.

I am very proud that we also took action to support our men and women in uniform. I had the great honor of helping to pass a bipartisan law that will provide benefits and health care access to all veterans who were exposed to toxins while serving our country and who are now, unfortunately, suffering from illness. I believe we must always protect those who protected us, so it was about time that we got that done.

We took action to make communities safer. I do not have to tell any of you here how much gun violence has affected our communities and our state. For the first time in more than 30 years, Congress took action in a bipartisan way to address the epidemic of gun violence and make historic investments in school safety and mental health. I am very proud of that. Mental health for our kids really matters.

We took action to help make health care more affordable and accessible for families. Through the Inflation Reduction Act, as I mentioned earlier, we are lowering health care premiums through a key provision that I pushed to include. This law also takes significant steps to reduce the outrageously high cost of prescription drugs. After years of obstruction, Medicare can finally negotiate lower prescription drug costs for our seniors. We capped the cost of insulin for those on Medicare to just $35 a month. As a result, private companies are taking notice and are now lowering the cost for everyone else. We made a difference. We broke through that critical barrier, and I am ready to do even more to bring down those health care costs.

As we work to lower the costs, we must also take action to make care more accessible, especially when some Nevadans, particularly those in our rural areas, cannot even see a doctor. That is why I introduced and passed my MOBILE [Maximizing Outcomes through Better Investments in Lifesaving Equipment] health law. This law will make it easier for mobile health units to bring care directly into communities in need, wherever they are, up and down our state. It is going to keep people healthy.

We took action to support Nevada. One of the pieces of legislation that I am most proud of is my comprehensive, bipartisan travel and tourism legislative package. Signed into law at the end of last year, it creates, for the first time ever, a federal position focused solely on what is best for America's travel and tourism industry. This federal position is tasked with developing and implementing a national tourism strategy. This is a major victory for a state like ours. I serve as Chair of the Subcommittee on Tourism, Trade, and Export Promotion, so I am going to work to see that the person who fills this role understands the specific needs of our communities—for our urban communities and for our rural communities, for our dark skies in the center of the state, where you can see those great stars. You can also see the stars going up and down the Las Vegas Strip. We have to protect it all, and I am going to make sure that they understand that. We know that we have a few more exciting things coming to southern Nevada: Formula One and, of course, the Super Bowl.

I have also worked to bring resources and funding to help enact specific projects that our local governments and communities actually need. The federal funding that I worked on with Senator Cortez Masto over the past two years is going toward projects that support our local law

enforcement, increase affordable housing access, deliver clean drinking water, make medical care more accessible, invest in our workforce development, and so much more.

In all, more than 90 percent of the legislation I introduced last Congress was bipartisan, and many of those bills were signed into law. Despite only being in my first term, I have been ranked as one of the top ten most bipartisan Senators and one of the top ten most effective Democrats in the Senate, getting things done by working across the aisle. I am proud of these ratings because it reflects, as I said, that I worked across the aisle to find commonsense, bipartisan solutions that get things done for the people of Nevada. As we work to implement these laws, I will keep working in Washington to make sure that Nevada gets its fair share of funding so all of you here can put it to good use for our hardworking families. For their kids, for their parents, and for our small business owners, it makes a difference. Last session was truly historic. We got a lot done, but significant work still remains.

That brings me to my second point. We are still facing so many challenges, and I promise that I will spend every single day over the next two years working diligently for our state. I am going to keep up the fight for working families. Number one, what do we have to do? We have to fight inflation. Middle-class families are feeling the squeeze at the gas pump, at the grocery store, and when paying their monthly rent. It is real—you know it, and I know it. We need to work on it. We must keep lowering costs, whether it is the cost of housing, health care, or higher education. We have to continue creating jobs and supporting our workers. That means strengthening unions and their right to organize their workplaces for better working conditions. That is why I support the PRO [Protecting the Right to Organize] Act.

The next generation, our kids, are our hope and our future, so we must support our schools, our educators, and our students. That is the future of Nevada. It is exciting when we do that. I look at former Governor Sandoval—I know you are doing that every day. It means giving our teachers a raise. It means investing in our schools to make sure that the students and educators have the resources and supplies they need to excite the kids, teach them, and get them to learn and take on those challenges and opportunities they are going to face when they grow up. That is our job. We need to invest in them like someone invested in us. I know that Speaker Yeager and Majority Leader Cannizzaro have a funding bill that will accomplish just this, so thank you.

For the Nevadans who raised us—our parents, our grandparents, our seniors—we must keep our sacred promise by protecting Social Security and Medicare from harmful cuts. They worked hard. They earned their benefits. We need to take care of them.

Another group we need to take care of is small business, so I am going to keep up the fight for small business. I am a member of the Senate Committee on Small Business and Entrepreneurship. One thing I am working on is creating a centralized online hub, making it easier for small businesses to access the resources they need to grow and thrive. I know that we help small businesses when they get the tools they need to get up and running, when we help cut through some of that bureaucratic red tape, and when we invest in their success. They are the job creators. I am leading the efforts to open up federal loans and SBA [Small Business Administration] resources to other businesses as well, like our state-legal cannabis small businesses. They are big job creators in our state and in a growing number of states around the country.

I want to talk about safer communities. I am going to keep up the fight for safer communities with all of you because rising crime is a concern for our families. That is why I am working to support local law enforcement across the state with the funding, the tools, and the resources they need to keep our communities safe, including from dangerous drugs like fentanyl. I am glad to see bills like the one from the Attorney General to help stop fentanyl trafficking. Thank you. It is very important.

We are going to keep fighting for more accessible health care. We have to tackle Nevada's dire shortage of doctors and medical professionals. I introduced a package of bipartisan bills to incentivize doctors to complete their residencies here, stay here, and practice in communities in our state that desperately need them. We need solutions at the state level, too, such as the bipartisan bill introduced by all four leaders to help expand Nevada's health care pipeline.

On that note, we have to continue to improve health care for Nevada's veterans. It is why I successfully pushed President Biden to include a new veterans hospital in Reno as part of his latest budget. I want you to know, I am not going to stop until this new hospital is done and it has opened its doors to Nevada's veterans. Speaking of veterans, I am also a member of the Senate

Armed Services Committee, so I am going to continue to support our service members and Nevada's defense installations. In fact, that is what we are working on right now—passing our next national defense package. Nevada is really critical to the country's safety and security, and I am going to ensure we have the resources we need to keep our country safe and our world safe.

I am going to keep up the fight to make sure that every person in our state and in our nation is treated with dignity. We can never stop fighting for our rights. I do not have to tell many of you here, but we have to keep working to pass comprehensive, bipartisan immigration reform that treats people with respect, gives Dreamers a pathway to citizenship, supports our state's TPS [Temporary Protected Status] recipients, and ensures our borders are secure and protected. We have a lot of other rights we have to fight for. We have to keep defending the rights of our LGBTQ+ Nevadans, which is why I am going to continue to support and work to pass the Equality Act into law.

Last, but certainly not least, we must keep up the fight to restore and protect reproductive rights. The voters of Nevada care deeply about this, and they agree across party lines—decisions about a woman's body belong to that woman, not to politicians. That is why I strongly support Majority Leader Cannizzaro's efforts to make sure we enshrine reproductive freedom in our state's *Constitution*. I will always be a partner for reproductive freedom at the federal level.

A strong economy, safe communities, opportunity, and respect for all—these are bedrock values for Nevadans, for all of us, for everyone here. I know that. By focusing on the issues that matter, I believe we can take action that makes a real, meaningful difference in people's lives. All of us in this Chamber have the distinct honor of serving this great state and the privilege of helping Nevadans every single day. I do believe that we can find that common ground, that we can achieve great things together when we work together and talk to each other—Republicans and Democrats at the federal and state levels worrying about what makes Nevada's communities successful. That is where we will thrive, and that is where we will do good work. Tonight, I commit to work with all of you to make sure the next chapter of Nevada's story is a bright one. Thank you all for what you do every day. It was my honor to address you tonight.

Senator Flores moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Rosen for her timely, able, and constructive message.

Seconded by Assemblyman Watts.

Motion carried.

The Committee on Escort escorted Senator Rosen to the bar of the Assembly.

Assemblyman Hafen moved that the Joint Session be dissolved.

Seconded by Senator Seevers Gansert.

Motion carried.

Joint Session dissolved at 5:37 p.m.

ASSEMBLY IN SESSION

At 5:37 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Shintani, Ezra Jones, and Joe Nannini.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Betsy Dart, Izack Tenorio, James Dart, Julia Salas, Marc McDermont, Shelbie Swartz, and Victoria Vance.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Juana Jordan, Justice Forest, and Kevin Castellanos.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Mosier, Toni Mack, and Winnie Dowling.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Koeckes, Boris Carpio Guerra, and Hannah Alquiza.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Donald Eastonbrooks, Jaqueline Brown, and Jeff Thompson.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Watkins and Matthew Hawn.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Casilde Isabelli and Kylie Russell.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Tatarko, Macy Helm, and Melisa Choroszy.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Jafeth Sanchez and Karla Hernandez.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Brendon Talton, Ken Wilson, and Sean Dollars.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline Punches.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Cassandra Hui, Elizabeth Everest, and Hailey Hermann.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Aubrey Flores, Cameron Duncan, and Lillian Wichinski.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Al Stavitsky, Markus Kemmelmeier, and Matt Means.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Subitoni Antonio, Nicholas Zito, and Natalie Allen.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Sandoval and Sheila Bray.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Genung and Paul Hauptman.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Cochrane, Marina Dalia-Hunt, and Michael Wendelberger.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Martinez, Bill Johnson, and Leslie Nady.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Gardner, Karen Coe, and Linzy Thompson.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Erick Jones and Rocio Olvera.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Naomi Karapetyan and Sofia Takhtadjian.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Donna West, Josiah Mouritsen, Megan Rupnik, and Sara Mahler.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Dylan Anderson, Jessy Lozada, and Scott Walquist.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Cecilia Colling.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Marchand and Sudeep Chandra.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Brad Johnson, Christina Ladam, Lindsay Diamond, Elaine Brannon, Iesha Jackson, Jackie Brown, Janet Serial, Jann Williams, Keysa Rogers, Kim Mitchell Martin, Lisa Morris Hibbler, Lissa Hines, Tansy McNulty, Tricia Ann Bookhart, and Zephanye Sistrunk.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Casey Stangel, Janell Kay, and Stephanie Rempe.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Coach Amanda Levens, Lexie Givens, and Natalie Lathrop.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Mathilda Guerrero, Matt Kimball, and Vicki Kreidel.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, April 6, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:38 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTIETH DAY

CARSON CITY (Thursday), April 6, 2023

Assembly called to order at 11:37 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Our dear Lord, in the midst of meetings, hearings, deadlines, and all the hustle and bustle around us, we take a moment to just be still. May we inhale Your presence and exhale the turmoil around us.

We ask for Your peace as those around the world celebrate Passover and freedom from captivity while others celebrate a sacrifice made to bring eternal freedom. Hear us as we rejoice in the many freedoms You have showered upon us.

AMEN.

Presentation of the colors by the Scottish-American Military Society Color Guard.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 23, 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 146, 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 52, 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 44, 143, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 56, 144, 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 57, 151, 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 40, 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 35, 51, 67, 101, 145, 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 121, 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 46, 97, 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 3, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bills Nos. 248, 273, 306, 346, 347, 351, 382.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 253, 258, 261, 294, 302, 315, 336, 348, 364, 369, 376, 390, 399, 425, 433, 443.

SARAH COFFMAN
Fiscal Analysis Division

April 5, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 293, 313, 326, 353, 357, 385, 457.

SARAH COFFMAN
Fiscal Analysis Division

April 6, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 68, 144, 186, 240, 320, 396, 402.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of April 6, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KOLO 8 NEWS NOW: John Macaluso.

Motion carried.

Assemblywoman Jauregui moved that the Assembly withdraw Assembly Bill No. 317 from the Committee on Education.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 317 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Jauregui moved that the Assembly withdraw Assembly Bill No. 423 from the Committee on Education.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 423 be rereferred to Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 36.

AN ACT relating to governmental administration; revising provisions governing the protections against reprisal or retaliatory action provided for a state officer or employee who discloses certain governmental action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law encourages state officers and employees to disclose improper action and protects the rights of a state officer or employee who makes such a disclosure, commonly known as a whistleblower. (NRS 281.611, 281.621, 281.631, 281.641, 281.651, 281.661, 281.671) Existing law further: (1) requires a state officer or employee to use his or her official authority or influence to remedy any reprisal or retaliatory action of which the officer or employee becomes aware; and (2) prohibits a state officer or employee from

using or attempting to use his or her official authority or influence to intimidate, threaten, coerce, command or influence another state officer or employee in an effort to interfere with or prevent the disclosure of information concerning improper governmental action. (NRS 281.631) If any violation of these requirements or prohibitions occur or any alleged reprisal or retaliatory action is taken against a state officer or employee who discloses information concerning improper action within 2 years after the information is disclosed, existing law authorizes the state officer or employee to file a written appeal with a hearing officer of the Personnel Commission of the Division of Human Resource Management of the Department of Administration. (NRS 281.641) This bill requires that any such written appeal be filed not later than ~~[10]~~ **60** working days after the date on which the alleged violation or reprisal or retaliatory action occurred.

Existing law authorizes a hearing officer who hears an appeal relating to alleged reprisal or retaliatory action against a state officer or employee for disclosing improper governmental action, upon determining that certain violations occurred or an action taken was a reprisal or retaliatory action to: (1) issue an order directing the proper person to desist and refrain from engaging in such a violation or action; or (2) terminate the employment of the proper person. (NRS 281.641) This bill eliminates the authority of a hearing officer to order the termination of employment of the proper person.

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

Section 1. NRS 281.641 is hereby amended to read as follows:

281.641 1. If any alleged violation of NRS 281.631 occurs or any alleged reprisal or retaliatory action is taken against a state officer or employee who discloses information concerning improper governmental action within 2 years after the information is disclosed, the state officer or employee may file a written appeal ***, not later than ~~[10]~~ 60 working days after the date on which the alleged violation or reprisal or retaliatory action occurred,*** with a hearing officer of the Personnel Commission for a determination of whether a violation of NRS 281.631 occurred or the action taken was a reprisal or retaliatory action, as applicable. The written appeal must be accompanied by a statement that sets forth with particularity, as applicable:

(a) The facts and circumstances relating to the alleged violation of NRS 281.631; or

(b) The facts and circumstances under which the disclosure of improper governmental action was made and the reprisal or retaliatory action that is alleged to have been taken against the state officer or employee.

➥ The hearing must be conducted in accordance with the procedures set forth in NRS 284.390 to 284.405, inclusive, and the procedures adopted by the Personnel Commission pursuant to subsection 5.

2. If the hearing officer determines that a violation of NRS 281.631 occurred or the action taken was a reprisal or retaliatory action, the hearing officer may issue an order directing ~~[~~:

~~(a) The~~] ***the*** proper person to desist and refrain from engaging in such a violation or action **.** ~~[~~; or

~~(b) The termination of the employment of the proper person.~~]

3. The hearing officer shall file a copy of the decision with the Governor or any other elected state officer who is responsible for the actions of that person.

4. The hearing officer may not rule against the state officer or employee based on the person or persons to whom the improper governmental action was disclosed.

5. The Personnel Commission may adopt rules of procedure for conducting a hearing pursuant to this section that are not inconsistent with the procedures set forth in NRS 284.390 to 284.405, inclusive.

6. As used in this section, "Personnel Commission" means the Personnel Commission created by NRS 284.030.

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

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 22.

Bill read second time.

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

Amendment No. 39.

AN ACT relating to contractors; revising provisions governing the actions that the State Contractors' Board is authorized or required to take after the issuance of a cease and desist order for unlicensed activity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Contractors' Board to issue a cease and desist order to a person for acting as a contractor or submitting a bid on a job in this State without a license as a contractor and sets forth the actions that the Board is authorized or required to take after the issuance of the order. If the Board determines that the person to whom the cease and desist order was issued has not complied with the order, existing law requires the Board to: (1) for a first violation for which the value of the unlicensed work is $50,000 or less, issue a written administrative citation, conditioned upon the submission by the person of an application for a license as a contractor; and (2) for a second or subsequent violation, or a first violation for which the value of the unlicensed work exceeds $50,000, report the violation for possible criminal prosecution. If the Board determines that the person has complied with the cease and desist

order, existing law: (1) requires the Board to issue an administrative citation and impose an administrative fine; and (2) authorizes the Board to require the person to submit an application for a license as a contractor. (NRS 624.212)

This bill replaces the separate procedures in existing law that the Board is required to follow after the issuance of a cease and desist order, depending upon whether the person to whom the order was issued complied with the order. Under the ~~[single procedure]~~ **procedures** set forth in this bill, the Board, regardless of the person's compliance with the order, is required to **issue an administrative citation and impose an administrative fine for a first violation which does not involve theft or fraud. For a second or subsequent violation, or for any first violation involving theft or fraud, this bill requires the Board to** either: (1) issue an administrative citation and impose an administrative fine; or (2) report the violation for possible criminal prosecution. This bill retains the authority of the Board in existing law to, after the issuance of a cease and desist order: (1) require the person to submit an application for a license as a contractor; and (2) apply for injunctive relief. ~~[This bill also eliminates distinctions in the procedures in existing law which are based on the number of previous violations and the value of the unlicensed work.]~~

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

Section 1. NRS 624.212 is hereby amended to read as follows:

624.212 1. The Executive Officer, on behalf of the Board, shall issue an order to cease and desist to any person:

(a) Acting as a contractor, including, without limitation, commencing work as a contractor; or

(b) Submitting a bid on a job situated in this State,

➥ without a valid license issued pursuant to this chapter. The order must be served personally or by certified mail and is effective upon receipt. For the purposes of this section, a person shall be deemed to have a valid license if the person has an active license and is performing work in conformity with the requirements of subsection 4 of NRS 624.220.

2. After confirming that the cease and desist order has been received by the person to whom it was issued, the Board shall return to the job site or take any other action required to confirm that the terms of the cease and desist order have been complied with. The person to whom the cease and desist order was issued may, while in the course of stopping work on the job, take any necessary action within 48 hours after receiving the cease and desist order to protect the public, the project, any other contractors, laborers and equipment on the site and to limit the loss of any perishable goods.

3. ~~[If the Board determines that any term of a cease and desist order has not been complied with and no exception applies:~~

~~(a) The person to whom the cease and desist order was issued shall be deemed noncompliant with the cease and desist order and the person may not~~

~~complete the project, except for taking any necessary action to protect the public, the project, any other contractors, laborers and equipment and to limit the loss of any perishable goods.~~

~~(b) Except as otherwise provided in paragraph (c), for a first violation, the Board shall issue a written administrative citation pursuant to NRS 624.341, which may include any reasonable investigatory fees and costs, conditioned upon the submission by the person of a bona fide application for the issuance of a license pursuant to this chapter within a reasonable period established by the Board.~~

~~(c) For a second or subsequent violation, or for any first violation for which the reasonable value of the unlicensed work exceeds $50,000, the Board shall:~~

~~(1) Report the violation of the cease and desist order to the appropriate district attorney for possible criminal prosecution pursuant to NRS 624.700; and~~

~~(2) Provide any reasonable assistance in the prosecution.~~

~~(d) The Board may apply for injunctive relief pursuant to the Nevada Rules of Civil Procedure to enjoin the person to whom the cease and desist order was issued from continuing to violate the cease and desist order in any county in which the person may be found. If such an action is filed, irreparable injury is presumed and the likelihood of success on the merits may be established by a showing that, on the date the cease and desist order was issued, the person did not hold a valid license issued pursuant to this chapter and had bid for or undertaken work for which such a license is required.~~

~~4. If the Board determines that the person to whom the~~ ***After issuing a*** cease and desist order ***,*** ~~was issued has complied with the order,~~ the Board ~~:~~ ***shall:***

(a) ~~Shall~~ ***For a first violation which does not involve theft or fraud,*** issue ~~*Issue*~~ an administrative citation pursuant to NRS 624.341 and impose an administrative fine against the person in accordance with NRS 624.710, in addition to any reasonable investigatory fees and costs ***.*** ~~; and *or*~~

(b) ~~May require~~ ***For a second or subsequent violation, or for any first violation involving theft or fraud, either:***

(1) Issue an administrative citation pursuant to NRS 624.341 and impose an administrative fine against the person in accordance with NRS 624.710, in addition to any reasonable investigatory fees and costs; or

(2) Report the violation of the provisions of this chapter for possible criminal prosecution pursuant to NRS 624.700. If the violation is prosecuted, the Board shall provide any reasonable assistance in the prosecution.

4. After issuing a cease and desist order, in addition to the actions required by subsection 3, the Board may:

(a) Require the person to submit a bona fide application for the issuance of a license pursuant to this chapter within a reasonable period established by the Board.

(b) If the Board determines that any term of the cease and desist order has not been complied with and no exception applies, apply for injunctive relief pursuant to the Nevada Rules of Civil Procedure to enjoin the person to whom the cease and desist order was issued from continuing to violate the cease and desist order in any county in which the person may be found. If such an action is filed, irreparable injury is presumed and the likelihood of success on the merits may be established by a showing that, on the date the cease and desist order was issued, the person did not hold a valid license issued pursuant to this chapter and had bid for or undertaken work for which such a license is required.

5. When assessing an administrative fine pursuant to this section, the Board may:

(a) Require the person to whom the cease and desist order was issued to remedy any loss or damage caused by the unlicensed activity for which the order was issued, including, without limitation, the disgorgement of any amount of money collected from the owner of the project that was not for material delivered to the job site and that has not been damaged or altered by the person;

(b) Reduce or stay any administrative fine imposed pursuant to subsection ~~[4]~~ ***3*** pending completion by the person of a program of training or an examination required by the Board; or

(c) Reduce or stay any administrative fine imposed pursuant to subsection ~~[4]~~ ***3*** if the person obtains a valid license issued pursuant to this chapter.

6. When imposing an administrative fine pursuant to this section, the Board shall impose the maximum administrative fine established pursuant to this chapter for the unlicensed activity if more than one of the following circumstances exist:

(a) The person has previously committed the same or a similar violation as the violation for which the administrative fine is imposed;

(b) The unlicensed activity involves more than one trade or craft;

(c) The unlicensed activity resulted in harm to any person or property;

(d) The unlicensed activity involved an elderly person or a person with a diagnosed physical or mental disability; or

(e) The unlicensed activity was for a project having a contract value in excess of $50,000.

7. Within 15 business days after receiving a cease and desist order, the person against whom the order was issued may petition the Board in writing to lift or alter the order. The petition may assert:

(a) As an absolute defense:

(1) Licensure of the person pursuant to this chapter;

(2) Any applicable exception to licensure set forth in NRS 624.031; or

(3) Misidentification of the person.

(b) As a partial defense:

(1) Overbreadth of any term of the cease and desist order;

(2) Vagueness or ambiguity of any term of the cease and desist order;

(3) Consideration of any necessary action taken by the person to protect the public, the project, any other contractors, laborers and any equipment on the job site and to limit any loss of perishable goods; or

(4) Any other ~~[~~defect~~]~~ ***deficiency*** in the terms of the cease and desist order.

8. After considering any assertion made in a petition pursuant to:

(a) Paragraph (a) of subsection 7, the Board shall, if facts are established to the satisfaction of the Board to support the absolute defense asserted in the petition, vacate the cease and desist order or any portion thereof.

(b) Paragraph (b) of subsection 7, the Board shall, if facts are established to the satisfaction of the Board to support the partial defense asserted in the petition, reasonably clarify any terms of the cease and desist order requested by the petitioner.

9. When considering an application for the issuance of a license pursuant to this chapter, the Board may consider:

(a) Any cease and desist order issued against the applicant;

(b) Compliance by the applicant with any cease and desist order issued against him or her;

(c) Any criminal conviction of the applicant for failure to comply with any cease and desist order; or

(d) The payment by the applicant of any criminal or administrative fine and any administrative fee or cost imposed against the applicant.

10. If the court finds that a person violated an order issued pursuant to subsection 1 without an established absolute defense set forth in paragraph (a) of subsection 7, it shall impose a fine of not less than $250 nor more than $1,000 for each violation of the order.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 24.

Bill read second time.

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

Amendment No. 26.

AN ACT relating to emergency medical services; revising the membership of the Committee on Emergency Medical Services ***;*** ~~[to add a member who is employed by or volunteers with an agency, organization or other operator that provides emergency medical services on tribal land;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Committee on Emergency Medical Services and requires the Committee to review and advise the Division of Public and Behavioral Health of the Department of Health and Human Services on

matters related to emergency medical services. (NRS **450B.151,** 450B.153) Under existing law, the Committee is comprised of **nine** members appointed by the State Board of Health. (NRS 450B.151) This bill adds ~~[a member]~~ to the Committee **: (1) one member who is employed by or serves as a volunteer with a local governmental agency that provides emergency medical services but which is not a part of a fire-fighting agency or law enforcement agency; and (2) one member** who ~~[is appointed by the Committee and who]~~ is employed by or volunteers with an agency, organization or other operator that provides emergency medical services on tribal land.

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

Section 1. NRS 450B.151 is hereby amended to read as follows:

450B.151 1. The Committee on Emergency Medical Services, consisting of ~~[nine]~~ ***11*** members appointed by the State Board of Health , ***~~[and one member appointed by the Committee,]~~*** is hereby created.

2. Upon request of the State Board of Health, employee associations that represent persons that provide emergency medical services, including, without limitation, physicians and nurses that provide emergency medical services, emergency medical technicians, ambulance attendants, firefighters, fire chiefs and employees of rural hospitals, shall submit to the State Board of Health written nominations for appointments to the Committee.

3. After considering the nominations submitted pursuant to subsection 2, the State Board of Health shall appoint to the Committee:

(a) One member who is a physician licensed pursuant to chapter 630 or 633 of NRS and who has experience providing emergency medical services;

(b) One member who is a registered nurse and who has experience providing emergency medical services;

(c) One member who is a volunteer for an organization that provides emergency medical services pursuant to this chapter;

(d) One member who is employed by a fire-fighting agency at which some of the firefighters and persons who provide emergency medical services for the agency are employed and some serve as volunteers;

(e) One member who is employed by an urban fire-fighting agency;

(f) One member who is employed by or serves as a volunteer with a medical facility that is located in a rural area and that provides emergency medical services;

(g) One member who is employed by an organization that provides emergency medical services in an air ambulance and whose duties are closely related to such emergency medical services;

(h) ***One member who is employed by or serves as a volunteer with a local governmental agency that provides emergency medical services but which is not a part of a fire-fighting agency or law enforcement agency;***

(i) One member who is employed by a privately owned entity that provides emergency medical services; and

~~[(i)]~~ ***(j)*** One member who is employed by an operator of a service which is:

(1) Provided for the benefit of the employees of an industry who become sick or are injured at the industrial site; and

(2) Staffed by employees who are licensed attendants and perform emergency medical services primarily for the industry.

4. ***The Committee shall solicit and accept applications from persons who are employed by or volunteer with an agency, organization or other operator that provides emergency medical services on tribal land. After considering the applications submitted pursuant to this subsection, the Committee shall recommend and the State Board of Health shall appoint to the Committee one member who is employed by or volunteers with an agency, organization or other operator that provides emergency medical services on tribal land.***

5. In addition to the members set forth in ~~[~~subsection~~]~~ ***subsections*** 3 ~~[,]~~ ***and 4,*** the following persons are ex officio members of the Committee:

(a) An employee of the Division, appointed by the Administrator of the Division, whose duties relate to administration and enforcement of the provisions of this chapter;

(b) The county health officer appointed pursuant to NRS 439.290 in each county whose population is 100,000 or more, or the county health officer's designee;

(c) A physician who is a member of a committee which consists of directors of trauma centers in this State and who is nominated by that committee; and

(d) A representative of a committee or group which focuses on the provision of emergency medical services to children in this State and who is nominated by that committee or group.

~~[5.]~~ ***6.*** The term of each member appointed by the State Board of Health ~~*[for the Committee pursuant to subsections 3 and 4]*~~ is 2 years. A member may not serve more than two consecutive terms but may serve more than two terms if there is a break in service of not less than 2 years.

~~[6.]~~ ***7.*** The State Board of Health shall not appoint to the Committee two persons who are employed by or volunteer with the same organization, except the State Board of Health may appoint a person who is employed by or volunteers with the same organization of which a member who serves ex officio is an employee.

~~[7.]~~ ***8.*** Each member of the Committee shall appoint an alternate to serve in the member's place if the member is temporarily unable to perform the duties required of him or her pursuant to NRS 450B.151 to 450B.154, inclusive.

~~[8.]~~ ***9.*** A position on the Committee that becomes vacant before the end of the term of the member must be filled in the same manner as the original appointment.

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

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 28.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 37.

AN ACT relating to the State Treasurer; establishing the Nevada Baby Bonds Program and the Nevada Baby Bonds Trust Fund; setting forth the duties and responsibilities of the State Treasurer in administering the Program and Trust Fund; authorizing the State Treasurer to adopt regulations relating to the Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution requires the State Treasurer to perform such duties as may be prescribed by law. (Nev. Const. Art. 5, § 22) **Section 8** of this bill: (1) establishes the Nevada Baby Bonds Program and the Nevada Baby Bonds Trust Fund; and (2) requires the State Treasurer to administer the Program and Trust Fund. **Sections 6 and 7** of this bill, respectively, define the terms "Program" and "Trust Fund."

Section 9 of this bill requires the State Treasurer, upon notification of the birth of a designated beneficiary, to, within the limits of money made available for this purpose, credit $3,200 in the Trust Fund to the designated beneficiary. **Section 4** of this bill defines a "designated beneficiary" to mean a natural person born in this State on or after January 1, 2024, whose birth was subject to medical coverage provided under Medicaid or the Children's Health Insurance Program. **Sections 3 and 5** of this bill, respectively, define the terms "Children's Health Insurance Program" and "Medicaid."

Section 9 of this bill authorizes a designated beneficiary to submit a claim to the State Treasurer to receive money credited to the designated beneficiary in the Trust Fund if the designated beneficiary: (1) is at least 18 but less than 30 years of age; (2) has been a resident of this State for at least the 12 months immediately preceding the submission of the claim; ~~[and]~~ (3) attests that he or she will use the money for certain purposes ~~[.]~~ **; and (4) has successfully completed a course in financial literacy approved by the State Treasurer.**

Section 10 of this bill requires the State Treasurer to provide an annual statement to each designated beneficiary which includes certain information.

Section 11 of this bill provides that, with certain exceptions, any money deposited into the Trust Fund must not be used to calculate the personal assets of a designated beneficiary for purposes of determining eligibility of the designated beneficiary for: (1) any disability, medical or other health benefits

administered by this State; or (2) any student loan program, student grant program or other student financial aid program administered by this State.

Section 12 of this bill: (1) sets forth certain requirements and limitations on the State Treasurer in investing and reinvesting the money in the Trust Fund; and (2) authorizes the State Treasurer to enter into certain contracts and procure insurance for the Trust Fund, apply for, accept and expend any gifts, grants and donations and take any other action necessary to carry out the provisions of law related to the Program.

Sections 13 and 15 of this bill provide, with certain exceptions, that all information about a designated beneficiary which is contained in a record or file in the possession, control or custody of the State Treasurer is confidential.

Section 14 of this bill authorizes the State Treasurer to adopt any regulations necessary to carry out the provisions of law relating to the Program ~~[.]~~ **, including, without limitation, requirements relating to the course in financial literacy for designated beneficiaries required by section 9.**

Section 16 of this bill makes an appropriation to the Nevada Baby Bonds Trust Fund.

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

Section 1. Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Children's Health Insurance Program" means the program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health insurance for uninsured children from low-income families in this State.***

Sec. 4. ***"Designated beneficiary" means a natural person born in this State on or after January 1, 2024, whose birth was subject to medical coverage provided under Medicaid or the Children's Health Insurance Program.***

Sec. 5. ***"Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.***

Sec. 6. ***"Program" means the Nevada Baby Bonds Program established by section 8 of this act.***

Sec. 7. ***"Trust Fund" means the Nevada Baby Bonds Trust Fund created by section 8 of this act.***

Sec. 8. ***1. The Nevada Baby Bonds Program is hereby established, to be administered by the State Treasurer.***

2. The Nevada Baby Bonds Trust Fund is hereby created for the purpose of carrying out the Program. The Trust Fund and any account established

by the State Treasurer pursuant to subsection 3 must be administered by the State Treasurer.

3. The State Treasurer may establish such accounts in the Trust Fund as the State Treasurer determines necessary to carry out the duties of the State Treasurer pursuant to sections 2 to 14, inclusive, of this act.

4. The Trust Fund is an instrumentality of this State, and its property and income are exempt from all taxation of this State and any political subdivision thereof.

5. The Trust Fund consists of:

(a) All money from public or private sources appropriated by or made available to this State for the benefit of the Trust Fund; and

(b) All earnings on the money in the Trust Fund.

6. The money in the Trust Fund:

(a) Is not the property of this State and this State has no claim to or interest in such money; and

(b) Must not be commingled with any money of this State.

7. Any contract entered into by the State Treasurer on behalf of the Trust Fund does not constitute a debt or obligation of this State, and no designated beneficiary is entitled to any money in the Trust Fund except for that money credited to the designated beneficiary pursuant to section 9 of this act.

8. The money in the Trust Fund must be preserved, invested and expended solely pursuant to and for the purposes authorized by sections 2 to 14, inclusive, of this act and must not be loaned or otherwise transferred or used by this State for any other purpose.

9. The Trust Fund must continue in existence as long as it holds any deposits or has any obligations, or until its existence is terminated by law. Upon termination, any unclaimed assets must revert to the State General Fund.

Sec. 9. *1. The Department of Health and Human Services shall notify the State Treasurer of the birth of each designated beneficiary. Upon notification of the birth of a designated beneficiary, the State Treasurer shall, within the limits of money made available for this purpose, credit to the designated beneficiary $3,200 in the Trust Fund.*

2. A designated beneficiary may submit a claim to the State Treasurer to receive money in the Trust Fund credited to the designated beneficiary if:

(a) The designated beneficiary is at least 18 but less than 30 years of age;

(b) The designated beneficiary has been a resident of this State for at least the 12 months immediately preceding the submission of the claim to the State Treasurer; ~~*[and]*~~

(c) The designated beneficiary attests that he or she will use the money for one or more of the following purposes:

(1) Postsecondary education, including, without limitation, vocational education or apprenticeship readiness and training;

(2) To purchase a home;

(3) To start or purchase a business; or

(4) To invest in financial assets or personal capital that provides a long-term gain to the ~~[designated beneficiary's]~~ wages or wealth ~~[.]~~ of the designated beneficiary; and

(d) The designated beneficiary has successfully completed a course in financial literacy approved by the State Treasurer, which must include, without limitation, training on the rights and protections available to consumers when:

(1) Receiving or repaying a student loan for postsecondary education;

(2) Purchasing a home;

(3) Starting or purchasing a business; and

(4) Investing in financial assets or personal capital that provides a long term gain to the wages or wealth of the designated beneficiary.

3. The money for which the designated beneficiary may submit a claim pursuant to subsection 2 must include:

(a) The amount credited to the designated beneficiary pursuant to subsection 1; and

(b) The pro rata share of the total net earnings from the investment of the money held in the Trust Fund that the State Treasurer determines is attributable to the designated beneficiary.

4. The State Treasurer must credit back to the Trust Fund all money which the designated beneficiary is entitled to claim pursuant to subsection 3 if:

(a) The designated beneficiary dies before he or she is eligible to submit a claim to the State Treasurer pursuant to subsection 1; or

(b) The designated beneficiary does not submit a claim that meets the requirements set forth in subsection 1 before the designated beneficiary reaches 30 years of age.

Sec. 10. *1. The State Treasurer shall provide an annual statement to each designated beneficiary which must include, without limitation:*

(a) A statement of the amount credited to the designated beneficiary in the Trust Fund;

(b) A projection of the growth of the amount credited to the designated beneficiary in the Trust Fund;

(c) Resources and information to promote the financial wellness and literacy of the designated beneficiary; and

(d) Any other information about the Program that the State Treasurer determines to be relevant.

2. The State Treasurer may request the contact information of any designated beneficiary from a state agency for the purpose of carrying out the provisions of subsection 1. Upon any such request, a state agency shall provide the State Treasurer with the contact information of a designated beneficiary.

Sec. 11. *Except as otherwise provided by federal law, any money deposited into the Trust Fund and credited to a designated beneficiary, and any increase in the values thereof, must not be used to calculate the personal*

assets of a designated beneficiary for purposes of determining the eligibility of the designated beneficiary for:

1. Any disability, medical or other health benefits administered by this State; or

2. Any student loan program, student grant program or other student financial aid program administered by this State.

Sec. 12. *1. The State Treasurer, on behalf of the Trust Fund and for trust purposes, shall:*

(a) Except as otherwise provided in subsection 2, invest and reinvest the money in the Trust Fund, including, without limitation, in any instrument, obligation, security or property, in any manner that is reasonable and appropriate in order to achieve the objectives of the Trust Fund, and while exercising the discretion and care of a prudent person in similar circumstances with similar objectives; and

(b) Give due consideration to the expected rate of return, risk, term or maturity, diversification of the total investments within the Trust Fund, liquidity, projected disbursements and expenditures and anticipated deposits, contributions and gifts to the Trust Fund.

2. The State Treasurer shall not, on behalf of the Trust Fund, invest directly in obligations of the State or any political subdivision thereof or in any investment or other fund administered by the State Treasurer.

3. The State Treasurer, on behalf of the Trust Fund and for trust purposes, may:

(a) Enter into contracts for the Trust Fund, including, without limitation, contracts for legal, actuarial, accounting, custodial, advisory, management, administrative, advertising, marketing and consulting services, and pay for such contractual services from the earnings on the money in the Trust Fund;

(b) Procure insurance for the Trust Fund in connection with the property, assets, activities or deposits of the Trust Fund;

(c) Apply for, accept and expend any gifts, grants and donations from any public or private source for the purpose of carrying out the provisions of sections 2 to 14, inclusive, of this act; and

(d) Take any other action necessary to carry out the provisions of sections 2 to 14, inclusive, of this act, and incidental to the duties imposed on the State Treasurer pursuant to sections 2 to 14, inclusive, of this act.

Sec. 13. *1. Except as otherwise provided in this section, all information about a designated beneficiary which is contained in a record or file in the possession, control or custody of the State Treasurer is confidential regardless of the form, location and manner of creation or storage of a record or file containing the information.*

2. The State Treasurer may only disclose information made confidential pursuant to subsection 1 to a third party if:

(a) Such disclosure is necessary for the State Treasurer to carry out his or her duties related to the Program; and

(b) The State Treasurer executes a confidentiality agreement with the third party before providing the third party with any confidential information.

Sec. 14. ***The State Treasurer may adopt any regulations necessary for the purposes of carrying out the provisions of sections 2 to 14, inclusive, of this act ~~[.]~~ , including, without limitation, requirements for the course in financial literacy for designated beneficiaries required pursuant to subsection 2 of section 9 of this act and requirements to ensure a designated beneficiary has successfully completed such a course.***

Sec. 15. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159,

396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***section 13 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied

or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 16. There is hereby appropriated from the State General Fund to the Nevada Baby Bonds Trust Fund created by section 8 of this act the sum of $80,000,000 for the establishment of the Nevada Baby Bonds Program pursuant to section 8 of this act.

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Section 16 of this act becomes effective on July 1, 2023.

3. Sections 1 to 15, inclusive of this act become effective:

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

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

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 29.

Bill read second time.

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

Amendment No. 42.

AN ACT relating to contractors; revising the grounds for disciplinary action against a licensed contractor by the State Contractors' Board to include certain acts related to another person's application for a contractor's license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of contractors by the State Contractors' Board. (Chapter 624 of NRS) **Existing law requires an applicant for a license as a contractor to demonstrate certain experience and knowledge. Under existing law, an applicant may qualify in regard to such experience and knowledge by the appearance of another person on behalf of the applicant. (NRS 624.260)** Existing law **also** sets forth certain acts or omissions that constitute cause for disciplinary action against a licensed contractor by the Board. (NRS 624.3016) This bill provides that ~~[knowingly]~~ **the** making, or **the** causing to be made, ~~[any]~~ **of a** false or misleading statement or representation, or ~~[knowingly omitting any]~~ **the omission of a** material fact, **by a licensee who is a natural person, an owner of a licensee, a managing officer of a licensee or any person who qualifies on behalf of a licensee** in connection with the application of another person for a contractor's license for the purpose of assisting the applicant to obtain the license constitutes cause for disciplinary action by the Board.

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

Section 1. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245, 108.246 or 624.520.

5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

6. Failure to comply with NRS 624.860 to 624.875, inclusive, or any regulations of the Board governing contracts for work concerning residential photovoltaic systems used to produce electricity.

7. Failure to comply with NRS 624.600.

8. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

9. Failure to pay an assessment required pursuant to NRS 624.470.

10. Failure to file a certified payroll report that is required for a contract for a public work.

11. Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.

12. Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

13. Failure to provide a builder's warranty as required by NRS 624.602 or to respond reasonably to a claim made under a builder's warranty.

14. ~~[Knowingly making, or causing to be made, any false or misleading statement or representation, or knowingly omitting any material fact,]~~ The making, or the causing to be made, of a false or misleading statement or representation, or the omission of a material fact, by a licensee who is a natural person, an owner of a licensee, a managing officer of a licensee or any person who qualifies on behalf of a licensee pursuant to subsection 2 of NRS 624.260 in connection with the application of another person for a contractor's license for the purpose of assisting the applicant to obtain the license.

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

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 49.

AN ACT relating to behavioral health; making certain providers of behavioral health care eligible to participate in the program of loan repayment administered by the Nevada Health Service Corps; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the University of Nevada School of Medicine to establish a Nevada Health Service Corps to encourage practitioners of certain health care professions to practice in areas of Nevada in which a shortage of that type of practitioner exists. (NRS 396.900) Under existing law, the University of Nevada School of Medicine may authorize the Nevada Health Service Corps to administer a program under which money for loans is repaid on behalf of a practitioner for each year he or she practices in an area of Nevada in which a shortage of that type of practitioner exists. (NRS 396.903) **Section 8** of this bill expands that program to also include the repayment of loans on behalf of providers of behavioral health care who commit to practicing on a full-time basis for at least 2 years in Nevada: (1) in a hospital or other inpatient setting, an outpatient setting or providing crisis management services; (2) as a full-time faculty member with teaching responsibilities in a program of education or training for practitioners or providers of behavioral health care at an institution within the Nevada System of Higher Education; or (3) providing behavioral health care to pupils in ~~[kindergarten]~~ **prekindergarten** through 12th grade in public schools in this State. In order to be eligible for the program, **section 8** requires a provider of behavioral health care who practices in a hospital, other inpatient setting or outpatient setting or provides crisis management services to: (1) accept certain forms of payment commonly used by elderly or economically disadvantaged patients; and (2) provide services to all patients, regardless of their ability to pay. **Sections 3 and 4** of this bill define certain relevant terms, and **sections 2 and 5** of this bill make changes necessary to apply those definitions to provisions governing the Nevada Health Service Corps. **Sections 6 and 7** of this bill expand the purposes of the Nevada Health Service Corps to include certain purposes relating to the duties prescribed by **section 8**, as those duties apply to providers of behavioral health care. **Section 9** of this bill makes an appropriation from the State General Fund for allocation to the Nevada Health Service Corps to repay loans on behalf of providers of behavioral health care in accordance with **section 8**.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in this section, NRS 396.899 to 396.903, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 396.899 and sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Program" means the program administered pursuant to NRS 396.903.***

Sec. 4. ***"Provider of behavioral health care" means ~~[a]~~ :***

1. A person who is:

~~[1.]~~ (a) Licensed, certified or registered pursuant to chapter 641, 641A, 641B, 641C or 641D of NRS; or

~~[2.]~~ (b) Licensed as a physician, physician assistant or registered nurse and practices in psychiatry, addiction medicine or another specialty relating to behavioral health ~~[.]~~ ; or

2. A school psychologist or school social worker, as those terms are defined in NRS 385.007.

Sec. 5. NRS 396.899 is hereby amended to read as follows:

396.899 ~~[As used in NRS 396.899 to 396.903, inclusive, unless the context otherwise requires, "practitioner"]~~ ***"Practitioner"*** has the meaning ascribed to it in NRS 439A.0195.

Sec. 6. NRS 396.900 is hereby amended to read as follows:

396.900 The University of Nevada School of Medicine may establish a Nevada Health Service Corps to encourage ~~[practitioners]~~ ***:***

1. Practitioners to practice in areas of Nevada in which a shortage of that type of practitioner exists.

2. Providers of behavioral health care to practice in Nevada:

(a) In hospitals or other inpatient settings, outpatient settings or providing crisis management services;

(b) As full-time faculty members with teaching responsibilities in programs of education or training for practitioners or providers of behavioral health care at institutions within the System; or

(c) Providing behavioral health care to pupils in prekindergarten, kindergarten and grades 1 to 12, inclusive, at public schools in this State.

Sec. 7. NRS 396.901 is hereby amended to read as follows:

396.901 The primary purposes of the Nevada Health Service Corps must be to:

1. Recruit practitioners ***and providers of behavioral health care*** for participation in the program;

2. Designate areas of Nevada in which a shortage of each type of practitioner exists;

3. Match practitioners with the designated areas ~~[;]~~ and

~~[4. Help]~~ ***help*** practitioners to negotiate contracts to serve in the designated areas ~~[.]~~ ***; and***

4. Match providers of behavioral health care with positions described in paragraph (b) of subsection 1 of NRS 396.903 and help providers of behavioral health care negotiate contracts to serve in those positions.

Sec. 8. NRS 396.903 is hereby amended to read as follows:

396.903 1. The University of Nevada School of Medicine may authorize the Nevada Health Service Corps to administer a program under which money for loans is repaid on behalf of ~~[a]~~ ***:***

(a) A practitioner for each year he or she practices in an area of Nevada in which a shortage of that type of practitioner exists, as determined by the Nevada Office of Rural Health within the University of Nevada School of Medicine and the Nevada Health Service Corps.

(b) A provider of behavioral health care for each year he or she practices in Nevada on a full-time basis:

(1) In a hospital or other inpatient setting, an outpatient setting or providing crisis management services;

(2) As a full-time faculty member with teaching responsibilities in a program of education or training, including, without limitation, a residency program for practitioners or providers of behavioral health care, at an institution within the System; or

(3) Providing behavioral health care to pupils in prekindergarten, kindergarten and grades 1 to 12, inclusive, at a public school in this State.

2. To qualify for the program, a practitioner ***, other than a provider of behavioral health care,*** required to be licensed pursuant to the provisions of chapter 630, 630A, 633 or 634 of NRS must have completed his or her primary care residency and hold an active license issued pursuant to chapter 630, 630A, 633 or 634 of NRS. All other practitioners ***and all providers of behavioral health care*** must have completed training in a certified program and have an active license, certification or registration from the State of Nevada.

3. To be eligible for the program pursuant to paragraph (b) of subsection 1:

(a) A provider of behavioral health care must commit to serving in a position described in that paragraph for at least 2 years; and

(b) If a provider of behavioral health care is practicing in a position described in subparagraph (1) of paragraph (b) of subsection 1, the provider of behavioral health care or his or her employer must:

(1) Accept payment through Medicare, Medicaid and, if applicable, the Children's Health Insurance Program as full payment for services covered by those programs; and

(2) Provide services to all patients, regardless of the ability of a patient to pay.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor for allocation to the Nevada Health Service Corps established pursuant to NRS 396.900 the sum of $1,500,000 to repay loans on behalf of providers of behavioral health care pursuant to paragraph (b) of subsection 1 of NRS 396.903, as amended by section 8 of this act.

2. Any remaining balance of the money appropriated by subsection 1 that is unencumbered or unexpended at the end of a fiscal year does not revert to the State General Fund, must be carried forward to the next fiscal year and is hereby authorized for use in the next fiscal year for the purpose specified in subsection 1.

3. As used in this section, "provider of behavioral health care" has the meaning ascribed to it in section 4 of this act.

Sec. 10. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 110.

Bill read second time.

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

Amendment No. 17.

AN ACT relating to pharmacy; authorizing a manufacturer or wholesaler to dispense a dialysate drug or deliver a device used to perform dialysis at a residence to certain persons and entities; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a manufacturer or wholesaler from dispensing dangerous drugs. (NRS 454.215, 639.100) **Sections 1-5** of this bill authorize a manufacturer or wholesaler to dispense certain dialysate drugs and deliver devices necessary to administer dialysis at a residence after satisfying certain requirements to a: (1) patient with irreversible renal disease, or his or her designee; (2) provider of health care; or (3) hospital or facility for the treatment of irreversible renal disease. **Section 1** requires a prescription provided to a manufacturer or a wholesaler for such purposes to comply with various requirements concerning format, contents and recordkeeping that apply to prescriptions generally. **Section 1** authorizes a manufacturer or wholesaler to use a third-party logistics provider to deliver the dialysate drug or device necessary to administer dialysis at home. **Section 6** of this bill requires a manufacturer or wholesaler that dispenses dialysate drugs pursuant to **section 1** to maintain certain records relating to dangerous drugs in the same manner as a pharmacy, hospital or practitioner that furnishes dangerous drugs and makes a violation of this requirement a misdemeanor. (NRS 454.286)

Section 7 of this bill authorizes a person to possess a dangerous dialysate drug dispensed to him or her by a manufacturer or wholesaler pursuant to **section 1**.

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

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

1. Except as otherwise provided in subsection 4, a manufacturer or wholesaler may dispense a dialysate drug or deliver a device necessary to

administer dialysis at a residence under the conditions prescribed by subsection 2 to:

(a) A patient with irreversible renal disease, or a designee of the patient, for the administration of dialysis at the residence of the patient;

(b) A provider of health care; or

(c) A hospital or facility for the treatment of irreversible renal disease.

2. A drug dispensed or a device delivered pursuant to subsection 1 must be:

(a) Approved by the United States Food and Drug Administration;

(b) Prescribed or ordered by a physician, physician assistant or advanced practice registered nurse; and

(c) Dispensed and delivered in the original, unopened packaging used by the manufacturer of the drug or device.

3. The provisions of NRS 454.223, 639.235 to 639.239, inclusive, and 639.2392 to 639.2397, inclusive, apply to a prescription provided to a manufacturer or wholesaler pursuant to this section to the same extent as if the prescription were provided to a pharmacist.

4. The provisions of this section do not authorize a manufacturer or wholesaler to dispense a dialysate drug that is a:

(a) Controlled substance to any person or entity; or

(b) Dangerous drug that is unsafe for self-administering directly to or unsupervised use directly by a patient or the designee of a patient.

5. A manufacturer or wholesaler may use a third-party logistics provider to deliver a dialysate drug or device necessary to administer dialysis at a residence pursuant to subsection 1.

6. As used in this section:

(a) "Dialysate drug" means a drug solely composed of fluids, electrolytes and sugars used for dialysis.

(b) "Dialysis" means the method by which a dissolved substance is removed from the body of a patient by diffusion, osmosis and convection from one fluid compartment to another fluid compartment across a semipermeable membrane.

(c) "Facility for the treatment of irreversible renal disease" has the meaning ascribed to it in NRS 449.0046.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(e) "Third-party logistics provider" means a person that transports, warehouses, packages, tracks or manages a drug or device.

Sec. 2. NRS 639.016 is hereby amended to read as follows:

639.016 "Wholesaler" means a wholesale distributor as defined by 21 C.F.R. § 205.3(g) who supplies or distributes drugs, medicines or chemicals or devices or appliances that are restricted by federal law to sale by or on the order of a physician to a person other than the consumer or patient ~~[.]~~ ***, except where authorized by section 1 of this act.*** The term includes a person who derives, produces, prepares or repackages drugs, medicines or chemicals or

devices or appliances that are restricted by federal law to sale by or on the order of a physician on sales orders for resale. The term does not include a nonprofit cooperative agricultural organization which supplies or distributes veterinary drugs and medicines only to its own members.

Sec. 3. NRS 639.595 is hereby amended to read as follows:

639.595 1. A wholesaler may sell a prescription drug only if the sale is a bona fide transaction.

2. A wholesaler may purchase a prescription drug only from:

(a) A manufacturer;

(b) A pharmacy or practitioner if that pharmacy or practitioner maintains a valid license in the State in which the pharmacy or practitioner is domiciled; or

(c) Another wholesaler if:

(1) The wholesaler who sells the drug is licensed by the Board; and

(2) The sale is a bona fide transaction.

3. A wholesaler may receive a prescription drug from a pharmacy or practitioner only if the wholesaler does not pay the pharmacy or practitioner an amount, either in cash or credit, that is more than the price for which the wholesaler sells such prescription drugs to other pharmacies or practitioners at the time of return and:

(a) The prescription drug was originally shipped to the pharmacy or practitioner by the wholesaler; or

(b) The prescription drug could not be returned by the pharmacy or practitioner to the original wholesaler.

➥ If a wholesaler receives a prescription drug pursuant to this subsection and the wholesaler subsequently sells the prescription drug to another wholesaler, the prescription drug must be accompanied by a statement of prior sales as defined in NRS 639.535.

4. The Board shall not limit the quantity of prescription drugs a wholesaler may purchase, sell, distribute or otherwise provide to another wholesaler, distributor or manufacturer.

5. For the purposes of this section:

(a) A purchase shall be deemed a bona fide transaction if:

(1) The wholesaler purchased the drug:

(I) Directly from the manufacturer of the drug; or

(II) With a reasonable belief that the drug was originally purchased directly from the manufacturer of the drug;

(2) The circumstances of the purchase reasonably indicate that the drug was not purchased from a source prohibited by law;

(3) Unless the drug is purchased by the wholesaler from the manufacturer, before the wholesaler sells the drug to another wholesaler, the wholesaler who sells the drug conducts a reasonable visual examination of the drug to ensure that the drug is not:

(I) Counterfeit;

(II) Deemed to be adulterated or misbranded in accordance with the provisions of chapter 585 of NRS;

(III) Mislabeled;

(IV) Damaged or compromised by improper handling, storage or temperature control;

(V) From a foreign or unlawful source; or

(VI) Manufactured, packaged, labeled or shipped in violation of any state or federal law relating to prescription drugs;

(4) The drug is shipped directly from the wholesaler who sells the drug to the wholesaler who purchases the drug; and

(5) The documents of the shipping company concerning the shipping of the drug are attached to the invoice for the drug and are maintained in the records of the wholesaler.

(b) A sale shall be deemed a bona fide transaction if the wholesaler sells the prescription drug only to:

(1) A pharmacy or practitioner if that pharmacy or practitioner maintains a valid license in the state in which the pharmacy or practitioner is domiciled.

(2) Another wholesaler who maintains a valid license in the state in which he or she is domiciled if the wholesaler who sells the prescription drug has complied with NRS 639.575, 639.580 and 639.585.

(3) A patient with irreversible renal disease, the designee of such a patient, a provider of health care, a hospital or a facility for the treatment of irreversible renal disease, if the drug is a dialysate drug dispensed pursuant to section 1 of this act.

(c) The purchase or sale of a prescription drug includes, without limitation, the distribution, transfer, trading, bartering or any other provision of a prescription drug to another person by a wholesaler. A transfer of a prescription drug from a wholesale facility of a wholesaler to another wholesale facility of the wholesaler shall not be deemed a purchase or sale of a prescription drug pursuant to this section if the wholesaler is a corporation whose securities are publicly traded and regulated by the Securities Exchange Act of 1934.

Sec. 4. NRS 454.0098 is hereby amended to read as follows:

454.0098 "Wholesaler" means a wholesale distributor as defined by 21 C.F.R. § 205.3(g) who supplies dangerous drugs or chemicals or devices or appliances that are restricted by federal law to sale by or on the order of a physician to a person other than the consumer or patient ~~[.]~~ ***, except where authorized by section 1 of this act.*** The term does not include:

1. A person who derives, produces or prepares medicines, chemicals or devices on sales orders for resale.

2. A nonprofit cooperative agricultural organization which supplies or distributes veterinary drugs and medicines only to its own members.

Sec. 5. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his or her internship;

6. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; ~~[or]~~

9. ***A manufacturer or wholesaler dispensing a dialysate drug pursuant to section 1 of this act; or***

10. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Public and Behavioral Health of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

➥ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 6. NRS 454.286 is hereby amended to read as follows:

454.286 1. Every retail pharmacy, hospital or any practitioner who engages in the practice of dispensing or furnishing drugs to patients ***and every manufacturer or wholesaler that dispenses dialysate drugs to patients pursuant to section 1 of this act*** shall maintain a complete and accurate record of all dangerous drugs purchased and those sold on prescription, dispensed, furnished or disposed of otherwise.

2. The records must be retained for a period of 2 years and must be open to inspection by members, inspectors or investigators of the Board or inspectors of the Food and Drug Administration.

3. Invoices showing all purchases of dangerous drugs constitute a complete record of all dangerous drugs received.

4. For the purpose of this section, the prescription files of a pharmacy constitute a record of the disposition of all dangerous drugs.

5. A person who violates any provision of this section is guilty of a misdemeanor.

Sec. 7. NRS 454.316 is hereby amended to read as follows:

454.316 1. Except as otherwise provided in this section, a person who possesses a dangerous drug, except that furnished to the person by a pharmacist pursuant to a legal prescription ***, by a manufacturer or wholesaler pursuant to section 1 of this act*** or by a practitioner, is guilty of a gross misdemeanor. A person who has been twice previously convicted of any offense:

(a) Described in this section; or

(b) Pursuant to any other law of the United States or this or any other state or district which if committed in this State would have been punishable as an offense under this section,

➥ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A prescription is not required for possession of a dangerous drug by a person authorized by NRS 454.213, any other person or class of persons approved by the Board pursuant to regulation, jobbers, wholesalers, manufacturers or laboratories authorized by laws of this State to handle, possess and deal in dangerous drugs if the drugs are in stock containers properly labeled and have been procured from a manufacturer, wholesaler or pharmacy, or by a rancher who possesses a dangerous drug in a reasonable amount for use solely in the treatment of livestock on his or her own premises.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 112.

Bill read second time.

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

Amendment No. 31.

AN ACT relating to wildlife; **defining the term "wildlife" for the purposes of wildlife crossings;** creating the Wildlife Crossings Account in the State General Fund; requiring the Director of the Department of Transportation to administer the Account; requiring the Department of Transportation, in consultation with the Department of Wildlife, to develop and publish an inventory and list of certain projects relating to wildlife crossings; requiring the Director of the Department of Transportation to review the standards and specifications for the design and construction of highways in this State to determine the standards and specifications necessary for incorporating wildlife crossings and related highway features into the highways of this State; **requiring the Department of Transportation and the Department of Wildlife to consult with certain persons regarding locations for wildlife crossings and related highway features;** authorizing the Director of the Department of Transportation to adopt regulations; ~~[requiring the State Board of Finance to issue general obligation bonds]~~ **making an appropriation** to implement projects relating to wildlife crossings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes a wildlife-crossing safety program to provide grants of money to states for projects that seek to reduce wildlife-vehicle collisions and improve wildlife habitat connectivity. (23 U.S.C. § 171) **Section 1.5 of this bill defines the term "wildlife" for the purposes of this**

bill. **Section 2** of this bill creates the Wildlife Crossings Account in the State General Fund, which is administered by the Director of the Department of Transportation. **Section 2** requires the Department of Transportation to consult with the Department of Wildlife to identify locations and strategies relating to wildlife crossings and prioritize certain areas to fund projects relating to wildlife crossings.

Section 3 of this bill requires the Department of Transportation, in consultation with the Department of Wildlife, to develop, publish and update an inventory of connectivity needs on the state highway system where the implementation of wildlife crossings and other related highway features ~~[to]~~ **will** improve permeability for wildlife, reduce wildlife-vehicle collisions or enhance wildlife activity.

Section 4 of this bill requires the Director of the Department of Transportation to review the standards and specifications for the design and construction of highways in this State to determine standards and specifications necessary to incorporate wildlife crossings and other related highway features into the highways in this State.

Section 4.5 of this bill requires the Department of Transportation and the Department of Wildlife to consult with holders of grazing permits and private landowners adjacent to any potential locations for wildlife crossings and related highway features.

Section 5 of this bill authorizes the Director of the Department of Transportation to adopt regulations to carry out the provisions of this bill.

Section 6 of this bill ~~[requires the State Board of Finance to issue not more than $15,000,000 of general obligation bonds for credit]~~ **makes an appropriation** to the Wildlife Crossings Account to implement projects relating to wildlife crossings and other highway features to improve permeability for wildlife.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2]~~ **1.5** to 5, inclusive, of this act:

Sec. 1.5. ***As used in sections 1.5 to 5, inclusive, of this act, unless the context otherwise requires, "wildlife" has the meaning ascribed to it in NRS 501.097.***

Sec. 2. ***1. The Wildlife Crossings Account is hereby created in the State General Fund. The Director shall administer the Account. The Account is a continuing account without reversion.***

2. Any proceeds from the issuance of bonds or other securities for the Account must be deposited in the State Treasury for credit to the Account.

3. The Director may accept gifts, grants and bequests of money from any public or private source. The money must be deposited in the State Treasury for credit to the Account.

4. Money in the Account must be used by the Department for the design, construction, identification, restoration and protection of wildlife crossings and other related highway features to improve wildlife permeability in this State, which may include, without limitation:

(a) Matching any federal money for a project to design, construct, identify, restore or protect wildlife crossings and other related highway features;

(b) Conducting studies on wildlife crossings and other related highway features;

(c) Designing or constructing wildlife crossings and other related highway features;

(d) Planning related to wildlife crossings and other related highway features;

(e) Staffing needs related to the design, construction, identification, restoration and protection of wildlife crossings and other related highway features; and

(f) Carrying out the provisions of sections ~~[2]~~ 1.5 to 5, inclusive, of this act, in cooperation with the Department of Wildlife.

5. In administering the Account, the Department shall consult with the Department of Wildlife to:

(a) Identify locations where key wildlife habitat, wildlife migration corridors and highways intersect;

(b) Identify and implement strategies to avoid, minimize and mitigate wildlife-vehicle collisions; and

(c) Prioritize areas to implement projects for wildlife crossings or other related highway features to improve permeability for wildlife while maintaining highway user safety.

6. All claims against the Account must be paid as other claims against the State are paid.

Sec. 3. *1. The Department shall, in consultation with the Department of Wildlife, develop an inventory of connectivity needs on the state highway system where the implementation of wildlife crossings and other related highway features ~~[to]~~ will improve permeability for wildlife, reduce wildlife-vehicle collisions or enhance wildlife connectivity. The inventory may include, without limitation, projects and needs previously identified by the Department, other state agencies, tribal governments and local governments.*

2. Not later than December 1, 2023, the Department shall publish:

(a) The inventory required pursuant to subsection 1; and

(b) A list of any funded transportation projects that implemented wildlife crossings or other related highway features to improve permeability for wildlife or addressed wildlife connectivity needs.

3. The Department shall update the inventory and list required to be published pursuant to subsection 2 at least once every 2 years.

Sec. 4. *The Director shall review the standards and specifications for the design and construction of highways in this State to determine the*

standards and specifications necessary for incorporating wildlife crossings and other related highway features to improve permeability for wildlife in the design and construction of highways in this State.

Sec. 4.5. ***In carrying out the provisions of sections 1.5 to 5, inclusive, of this act, the Department and the Department of Wildlife shall consult with holders of grazing permits and private landowners of land adjacent to any location identified for the possible implementation of wildlife crossings and related highway features to avoid or mitigate any impacts on livestock management or uses of private land.***

Sec. 5. ***The Director may adopt regulations to carry out the provisions of sections*** ~~*[2]*~~ ***1.5*** ***to 5, inclusive, of this act.***

Sec. 6. ~~**[**1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in a total face amount of not more than**]**~~ **There is hereby appropriated from the State General Fund to the Wildlife Crossings Account created pursuant to section 2 of this act the sum of** $15,000,000 ~~**[**pursuant to NRS 349.150 to 349.364, inclusive. The proceeds of the bonds issued pursuant to this section must be deposited with the State Treasurer and credited to the Wildlife Crossings Account created by section 2 of this act**]**~~ to implement projects to design, construct, identify, restore or protect wildlife crossings and other related highway features to improve permeability for wildlife.

~~**[**2. The Legislature hereby finds and declares that the issuance of securities and the incurrence of indebtedness pursuant to this section:~~

~~(a) Are necessary for the protection and preservation of the natural resources of this State and for the purpose of obtaining the benefits thereof; and~~

~~(b) Constitute an exercise of the authority conferred by the second paragraph of Section 3 of Article 9 of the Constitution of the State of Nevada.**]**~~

Sec. 7. This act becomes effective on July 1, 2023.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 140.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 35.

ASSEMBLYMEN THOMAS, C.H. MILLER, MONROE-MORENO, MARZOLA, TORRES; ANDERSON, BILBRAY-AXELROD, BROWN-MAY, CARTER, COHEN, CONSIDINE, D'SILVA, DURAN, GONZÁLEZ, GORELOW, JAUREGUI, KASAMA, KOENIG, **LA RUE HATCH,** BRITTNEY MILLER, MOSCA, NEWBY, NGUYEN, ORENTLICHER, PETERS, SUMMERS-ARMSTRONG, TAYLOR, WATTS AND YEAGER.

JOINT SPONSORS: SENATORS SPEARMAN, NEAL, KRASNER, CANNIZZARO, NGUYEN; AND LANGE.

AN ACT relating to legal holidays; making Juneteenth Day a legal holiday in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law declares certain days as legal holidays in this State and requires, with certain exceptions, all state, county and city offices, courts, public schools and the Nevada System of Higher Education to close on such legal holidays. (NRS 236.015) Existing law further requires the Governor to annually proclaim June 19 to be "Juneteenth Day" in the State of Nevada to commemorate the abolition of slavery in the United States. (NRS 236.033)

Section 1 of this bill makes Juneteenth Day a legal holiday in this State, rather than a day of observance. **Section 1** further provides that Juneteenth Day is to be observed on June 19.

Section 2 of this bill makes a conforming change to account for the potential closure of state, county and city governmental offices on the third Monday in June in certain years when June 19 falls on the third Monday in June.

Section 3 of this bill makes a conforming change to repeal the requirement that the Governor proclaim June 19 to be "Juneteenth Day" in the State of Nevada as a day of observance.

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

Section 1. NRS 236.015 is hereby amended to read as follows:

236.015 1. The following days are declared to be legal holidays for state, county and city governmental offices:

January 1 (New Year's Day)

Martin Luther King, Jr.'s birthday is on January 15 but is to be observed on the third Monday in January

Washington's birthday is on February 22 but is to be observed on the third Monday in February

Last Monday in May (Memorial Day)

June 19 (Juneteenth Day)

July 4 (Independence Day)

First Monday in September (Labor Day)

Nevada Day is October 31 but is to be observed on the last Friday in October

November 11 (Veterans Day)

Fourth Thursday in November (Thanksgiving Day)

Friday following the fourth Thursday in November (Family Day)

December 25 (Christmas Day)

Any day that may be appointed by the President of the United States for public fast, thanksgiving or as a legal holiday except for any Presidential appointment of the fourth Monday in October as Veterans Day.

2. Except as otherwise provided by NRS 293.560 and 293C.527, all state, county and city offices, courts, public schools and the Nevada System of Higher Education must close on the legal holidays enumerated in subsection 1 unless in the case of appointed holidays all or a part thereof are specifically exempted.

3. If January 1, ***June 19,*** July 4, November 11 or December 25 falls upon a:

(a) Sunday, the Monday following must be observed as a legal holiday.

(b) Saturday, the Friday preceding must be observed as a legal holiday.

Sec. 2. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 3, 4 and 5.

2. A vacancy occurring in a nonpartisan office or nomination for a nonpartisan office after the close of filing and before 5 p.m. of the fourth Friday in July of the year in which the general election is held must be filled by the person who receives or received the next highest vote for the nomination in the primary election if a primary election was held for that nonpartisan office. If no primary election was held for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election, a person may become a candidate for the nonpartisan office at the general election if the person files a declaration of candidacy with the appropriate filing officer and pays the filing fee required by NRS 293.193 after 8 a.m. on the ***third Monday in June, or if the third Monday in June is a legal holiday, on the day immediately following the*** third Monday in June **,** and before 5 p.m. on the fourth Friday in July.

3. If a vacancy occurs in a major political party nomination for a partisan office after the primary election and before 5 p.m. on the fourth Friday in July of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in July of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; or

(b) A vacancy in the nomination is otherwise created,

➥ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. Each designation of a candidate provided for in this section must be filed with the appropriate filing officer before 5 p.m. on the fourth Friday in July of the year in which the general election is held. In each case, the candidate must file a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 before 5 p.m. on the date the designation is filed.

Sec. 3. NRS 236.033 is hereby repealed.

Sec. 4. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

236.033 Juneteenth Day.

1. The Governor shall annually proclaim June 19 to be "Juneteenth Day" in the State of Nevada to commemorate the abolition of slavery in the United States.

2. The proclamation must call upon the news media, educators and appropriate governmental officers to bring to the attention of Nevada's residents the historical significance of the day when the last slaves in the United States were emancipated and the significant contributions of African-Americans to the State.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 158.

Bill read second time and ordered to third reading.

Assembly Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 51.

AN ACT relating to outdoor recreation; requiring the Division of Outdoor Recreation in the State Department of Conservation and Natural Resources to establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system in this State; prescribing the membership and duties of the Outdoor Education Advisory Working Group; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Division of Outdoor Recreation in the State Department of Conservation and Natural Resources to establish an Outdoor Education Advisory Working Group in the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public

education system in this State. This bill also: (1) prescribes the membership and duties of the Outdoor Education Advisory Working Group; ~~[and]~~ (2) requires the Division to submit a written report describing the activities, findings, conclusions and recommendations of the Advisory Working Group for transmittal to the 83rd Session of the Legislature ~~[.]~~ **; and (3) authorizes the Outdoor Education Advisory Working Group to request the drafting of not more than one legislative measure for prefiling on or before the first day of the regular session of the Legislature in 2025.**

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

Section 1. 1. The Division of Outdoor Recreation in the State Department of Conservation and Natural Resources shall establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system in this State. The Advisory Working Group consists of the following members:

(a) A representative of the Division of Outdoor Recreation, appointed by the Administrator of the Division;

(b) A representative of the Office of Early Learning and Development in the Department of Education, the Office of Standards and Instructional Support in the Department of Education or the Office for a Safe and Respectful Learning Environment in the Department of Education, appointed by the Superintendent of Public Instruction of the Department of Education;

(c) A representative of the Office of Minority Health and Equity in the Department of Health and Human Services, appointed by the Director of the Department of Health and Human Services;

(d) One teacher from an urban area, appointed by the Speaker of the Assembly;

(e) One teacher from an urban area, appointed by the Majority Leader of the Senate;

(f) One teacher from a rural area, appointed by the Governor;

(g) **One superintendent of a school district, appointed by the Nevada Association of School Superintendents;**

(h) One parent or legal guardian of a pupil enrolled in a public school, appointed by the Speaker of the Assembly;

(i) A provider of nature-based education, appointed by the Speaker of the Assembly;

~~[(h)]~~ **(j)** A member of the Senate, appointed by the Majority Leader of the Senate;

~~[(i)]~~ **(k)** A member of the Senate, appointed by the Minority Leader of the Senate;

~~[(j)]~~ **(l)** A member of the Assembly, appointed by the Speaker of the Assembly;

~~[(k)]~~ **(m)** A member of the Assembly, appointed by the Minority Leader of the Assembly;

~~[(l)]~~ **(n)** An early education specialist, appointed by the Majority Leader of the Senate; and

~~[(m)]~~ **(o)** A provider of health care to children and adolescents, appointed by the Governor.

2. The Outdoor Education Advisory Working Group shall study approaches to incorporate outdoor recreation into the curriculum for preschool, kindergarten and grades 1 to 12, inclusive, which include, without limitation, opportunities to integrate outdoor recreation with:

(a) Physical education;

(b) Scientific inquiry;

(c) Technology;

(d) Environmental science;

(e) Physical sciences;

(f) Language arts;

(g) Art;

(h) Humanities;

(i) Social and emotional learning; and

(j) Public service.

3. The Outdoor Education Advisory Working Group shall, at its first meeting, elect a Chair and Vice Chair from among its members.

4. A majority of the members of the Outdoor Education Advisory Working Group constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Outdoor Education Advisory Working Group.

5. The Division shall provide the Advisory Working Group with such administrative support as is necessary to assist the Outdoor Recreation Working Group in carrying out its duties pursuant to this section.

6. The members of the Outdoor Education Advisory Working Group serve without compensation ~~[.]~~ **generally.**

7. **Each member of the Outdoor Education Advisory Working Group who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Outdoor Education Advisory Working Group and perform any work necessary to carry out the duties of the Outdoor Education Advisory Working Group in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Outdoor Education Advisory Working Group to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.**

8. The Division may accept gifts, grants and donations from any source to support the work of the Outdoor Education Advisory Working Group.

9. The Division shall, on or before December 31, 2024, prepare and submit a written report describing the activities, findings, conclusions and recommendations of the Outdoor Education Advisory Working Group to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

10. The Outdoor Education Advisory Working Group may request the drafting of not more than one legislative measure which relates to matters within the scope of the Outdoor Education Advisory Working Group. The request must be submitted to the Legislative Counsel on or before December 31, 2024, and must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this subsection must be prefiled on or before the first day of the regular session of the Legislature in 2025. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

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

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of appointing members to the Outdoor Education Advisory Working Group established pursuant to section 1 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 178.

Bill read second time.

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

Amendment No. 28.

AN ACT relating to emergency medical services; revising provisions related to permit renewals for certain operators of ambulances, air ambulances or vehicles of firefighting agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a permit must be issued by a health authority for the operation of an ambulance, air ambulance or fire-fighting vehicle, which must be renewed annually. (NRS 450B.200) **Section 1** of this bill extends the length of the permit from 1 year to ~~[5]~~ **2** years, and requires operators to notify the permitting health authority about any change in ownership or control within 90 days after the change. **Section 2** of this bill clarifies that any permit

that is issued on or before October 1, 2023, expires on July 1, 2024, and any renewal of such a permit expires ~~[5]~~ **2** years following the date of renewal.

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

Section 1. NRS 450B.200 is hereby amended to read as follows:

450B.200 1. The health authority may issue a permit for:

(a) The operation of an ambulance or an air ambulance; or

(b) The operation of a vehicle of a fire-fighting agency:

(1) At the scene of an emergency; and

(2) To provide community paramedicine services, but only if the holder of the permit has obtained an endorsement on the permit to provide such services pursuant to NRS 450B.1993.

2. Each permit must be evidenced by a card issued to the holder of the permit.

3. No permit may be issued unless the applicant is qualified pursuant to the regulations of the board.

4. An application for a permit must be made upon forms prescribed by the board and in accordance with procedures established by the board, and must contain the following:

(a) The name and address of the owner of the ambulance or air ambulance or of the fire-fighting agency;

(b) The name under which the applicant is doing business or proposes to do business, if applicable;

(c) A description of each ambulance, air ambulance or vehicle of a fire-fighting agency, including the make, year of manufacture and chassis number, and the color scheme, insigne, name, monogram or other distinguishing characteristics to be used to designate the applicant's ambulance, air ambulance or vehicle;

(d) The location and description of the places from which the ambulance, air ambulance or fire-fighting agency intends to operate; and

(e) Such other information as the board deems reasonable and necessary to a fair determination of compliance with the provisions of this chapter.

5. The board shall establish a reasonable fee for ~~[annual]~~ permits.

6. All permits expire ~~[on July 1 *5]*~~ ***2 years*** following the date of issue, and are renewable ~~[annually *each fifth year]*~~ ***biennially*** thereafter upon payment of the fee required by subsection 5 at least 30 days before the expiration date.

7. ***If a change in ownership or control occurs, or if operations change beyond the scope of the permit, the operator shall notify the health authority not later than 90 days after the change occurs.***

8. The health authority shall:

(a) Revoke, suspend or refuse to renew any permit issued pursuant to this section for violation of any provision of this chapter or of any regulation adopted by the board; or

(b) Bring an action in any court for violation of this chapter or the regulations adopted pursuant to this chapter,

➥ only after the holder of a permit is afforded an opportunity for a public hearing pursuant to regulations adopted by the board.

~~[8.]~~ ***9.*** The health authority may suspend a permit if the holder is using an ambulance, air ambulance or vehicle of a fire-fighting agency which does not meet the minimum requirements for equipment as established by the board pursuant to this chapter.

~~[9.]~~ ***10.*** In determining whether to issue a permit for the operation of an air ambulance pursuant to this section, the health authority:

(a) Except as otherwise provided in paragraph (b), may consider the medical aspects of the operation of an air ambulance, including, without limitation, aspects related to patient care; and

(b) Shall not consider economic factors, including, without limitation, factors related to the prices, routes or nonmedical services of an air ambulance.

~~[10.]~~ ***11.*** The issuance of a permit pursuant to this section or NRS 450B.210 does not authorize any person or governmental entity to provide those services or to operate any ambulance, air ambulance or vehicle of a fire-fighting agency not in conformity with any ordinance or regulation enacted by any county, municipality or special purpose district.

~~[11.]~~ ***12.*** A permit issued pursuant to this section is valid throughout the State, whether issued by the Division or a district board of health. An ambulance, air ambulance or vehicle of a fire-fighting agency which has received a permit from the district board of health in a county whose population is 700,000 or more is not required to obtain a permit from the Division, even if the ambulance, air ambulance or vehicle of a fire-fighting agency has routine operations outside the county.

~~[12.]~~ ***13.*** The Division shall maintain a central registry of all permits issued pursuant to this section, whether issued by the Division or a district board of health.

~~[13.]~~ ***14.*** The board shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 2. 1. Notwithstanding the provisions of NRS 450B.200, as amended by section 1 of this act, any valid permit that is issued on or before October 1, 2023, pursuant to the provisions of NRS 450B.200, as that section existed on September 30, 2023, expires on July 1, 2024. Any renewal of such a permit expires ~~[5]~~ **2** years following the date of renewal.

2. As used in this section, "permit" means a permit issued by a health authority pursuant to NRS 450B.200 for:

(a) The operation of an ambulance or an air ambulance; or

(b) The operation of a vehicle of a fire-fighting agency:

(1) At the scene of an emergency; and

(2) To provide community paramedicine services, but only if the holder of the permit has obtained an endorsement on the permit to provide such services pursuant to NRS 450B.1993.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 38.

AN ACT relating to construction; setting forth certain limitations on the board of county commissioners or the governing body of a city in certain counties in adopting an ordinance restricting the hours in which construction work may begin during certain times of the year in a **declarant-controlled** common-interest community; prohibiting, under certain circumstances, a **declarant-controlled** common-interest community from restricting the hours that construction work may begin in certain counties or cities during certain times of the year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if the governing body of a county or city in which a common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, a common-interest community is prohibited from restricting the hours that construction work may begin in the common-interest community during the period beginning on May 1 and ending on September 30 to hours other than those set forth in the ordinance. (NRS 116.347)

Sections 1 and 4 of this bill, respectively, provide that if the board of county commissioners in a county whose population is 700,000 or more (currently only Clark County) or the governing body of a city which is located in such a county adopts an ordinance restricting the hours in which construction work may begin in a common-interest community, the hours for construction work in a **declarant-controlled** common-interest community must ~~[not]~~ **be allowed to** begin ~~[later]~~ **at, but not earlier** than **,** 5 a.m. during the period beginning on April 1 and ending on September 30.

Section 6 of this bill provides that if, on ~~[July 1, 2023,]~~ **the effective date of this bill,** the board of county commissioners in a county whose population is 700,000 or more (currently only Clark County) or the governing body of a city located in such a county has adopted an ordinance restricting hours in which construction work may begin in a common-interest community and the ordinance does not allow construction work in a **declarant-controlled** common-interest community to begin at **, but not earlier than,** 5 a.m. ~~[or earlier]~~ during the period beginning on April 1 and ending on September 30, the board of county commissioners or governing body must amend the ordinance to comply with **section 1 or 4**, as applicable.

Section 3 of this bill provides that if, in a county whose population is 700,000 or more (currently only Clark County), the governing body of the county or a city adopts an ordinance restricting the hours in which construction work may begin, a **declarant-controlled** common-interest community must not restrict the hours that construction work may begin in the **declarant-controlled** common-interest community during the period beginning on April 1 and ending on September 30 to hours other than those set forth in the ordinance.

Sections 2 and 5 of this bill provide that an ordinance regulating excessive noise is subject to the provisions of **sections 1 and 4**, respectively.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the board of county commissioners in a county whose population is 700,000 or more adopts an ordinance restricting the hours in which construction work in a common-interest community may begin, the hours for construction work in a declarant-controlled common-interest community must [not] be allowed to begin [later] at, but not earlier than , 5 a.m. during the period beginning on April 1 and ending on September 30.

2. As used in this section [, "common-interest] :

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) "Declarant-controlled common-interest community" means a common-interest community in which the original developer controls a majority of the units.

Sec. 2. NRS 244.363 is hereby amended to read as follows:

244.363 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection 9 of NRS 202.450 [,] ***and subject to the provisions of section 1 of this act,*** the boards of county commissioners in their respective counties may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the county.

Sec. 3. NRS 116.347 is hereby amended to read as follows:

116.347 1. ***If, in a county whose population is 700,000 or more, the governing body of a county or city in which a declarant-controlled common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, the executive board shall not and the governing documents must not restrict the hours that construction work may begin in the declarant-controlled common-interest community during the period beginning on April 1 and ending on September 30 to hours other than those set forth in the ordinance.***

2. The provisions of subsection 1 do not preclude the executive board or the governing documents from restricting the hours that construction work may begin:

(a) If a governing body of a county or city has not adopted an ordinance restricting the hours in which construction work may begin; or

(b) During the period beginning on October 1 and ending on March 31.

3. If ***, in a county whose population is less than 700,000,*** the governing body of a county or city in which a ***declarant-controlled*** common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, the executive board shall not and the governing documents must not restrict the hours that construction work may begin in the ***declarant-controlled*** common-interest community during the period beginning on May 1 and ending on September 30 to hours other than those set forth in the ordinance.

~~[2.]~~ ***4.*** The provisions of subsection ~~[1]~~ ***3*** do not preclude the executive board or the governing documents from restricting the hours that construction work may begin:

(a) If a governing body of a county or city has not adopted an ordinance restricting the hours in which construction work may begin; or

(b) During the period beginning on October 1 and ending on April 30.

Sec. 4. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the governing body of a city located in a county whose population is 700,000 or more adopts an ordinance restricting the hours that construction work may begin in a common-interest community, the hours for construction work in a declarant-controlled common-interest community must ~~[not]~~ be allowed to begin ~~[later]~~ at, but not earlier than , 5 a.m. during the period beginning on April 1 and ending on September 30.

2. As used in this section ~~[, "common-interest]~~ :

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) "Declarant-controlled common-interest community" means a common-interest community in which the original developer controls a majority of the units.

Sec. 5. NRS 268.412 is hereby amended to read as follows:

268.412 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection 9 of NRS 202.450 ~~[,]~~ ***and subject to the provisions of section 4 of this act,*** the city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the city.

Sec. 6. 1. If, on ~~[July 1, 2023,]~~ **the effective date of this act,** the board of county commissioners in a county whose population is 700,000 or more or the governing body of a city located in such a county has adopted an ordinance

restricting hours in which construction work may begin in a common-interest community and the ordinance does not allow construction work in a **declarant-controlled** common-interest community to begin at **, but not earlier than,** 5 a.m. ~~[or earlier]~~ during the period beginning on April 1 and ending on September 30, the board of county commissioners or governing body must amend the ordinance to comply with section 1 or 4 of this act, as applicable.

2. As used in this section ~~[, "common-interest]~~ **:**

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) "Declarant controlled common-interest community" means a common-interest community in which the original developer controls a majority of the units.

Sec. 7. This act becomes effective ~~[on July 1, 2023.]~~ **upon passage and approval.**

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 206.

Bill read second time and ordered to third reading.

Assembly Bill No. 276.

Bill read second time and ordered to third reading.

Assembly Bill No. 284.

Bill read second time and ordered to third reading.

Assembly Bill No. 289.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 28, 69, 112, 140, and 178 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Monroe-Moreno moved that Assembly Bill No. 158 be taken from General File and be rereferred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Josiah Kitchen, Rachael Kiser, and Willie Prichart.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Hallie Petie and Samantha Dunning.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Fullenwider, and Henry Ballingham.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Ilia Sandez and Lilian Braner.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Corey Dalley.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Dotun Sangoleye and Ryan Streyle.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Brubaker, Justin Jervinis, and Madison Freitas.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Fayyaz Raja, Jeff Cromie, and Jim Whited.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Christelle Altom, Debora Reynolds, and Nicolette Andrini.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Good and Tony Macias.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Hylton Garrett, Lois Nannini, and Mike Nannini.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Jones, Jennifer Malaterre, and Rachel Drake.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Adrienne Conley, Gilbert Lenz, and Michele Erikson.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Becker.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Clay Fitch, John Williams, and Layla Murphy.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Woods, Logan Gernet, and Matt King.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to David Hansen, Gerald Anderson, and Susan Hansen.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Dahl, Laurel Egbert, and Scott Egbert.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Wilcox, Fred Montes De Oca, and Kirk Dahl.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Casey Meier and Lincoln Butler.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Jeni Martinez, Lindsey Lavely, and Mario Fitzpatrick.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Neighbors, Mia Pendoloa, and William Bellingham.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Chandler.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Baldo Bobadilla.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Crosbie and Luciana Borges.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Raechel Freshman and the following students, teachers, and chaperones from Jessie Beck Elementary School: Abby Hamand, Alfred J.J. Gomes, Amelia Reeder, Anabell Segoviano, Anna Domini, Arzel Duenas-Powell, Casey Meier, Daniel

Fullenwider, David Dan Neighbors, Daxton Gelbman, Emery Gamble, Fernando Garcia, Finja Slocum, German Castillo, Giancarlo Prado, Gianni Verdin, Henry Ballingham, Holland Kern, Indie Comstock, Ingrid Jaimes-Corona, Jared Isordia, Jax Sinner, Jesse Guerrero, Joseph Hoyt, Josiah Kitchin, Kabecka Rausch, Kayden Gutierrez-Ibarra, Kenny Lewis, Leo Donahoe, Lilly Valentine, Lily Peak, Lincoln Butler, Lincoln Phelps, Logan Lozano, Lucia Ferrato, Lucia Ferrato, Luis Castillo, Luken Murry, Madelyn Burke, Mason Drakulich, Mia Bartoldo, Mia Pendola, Mylea Aguirre, Nicole Aguirre, Nina Davis, Oliver Sumby, Paxton Hartman, Piper Hardt, Priscilla Tatengo, Raegan Reeder, Sebastian Fuentes, Slade Allard, Tatiana Bobadilla, Vinny Manzo, Vivi Erickson, Vivi Erickson, William Aguilar, and William Ballingham.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Amelia Reeder, Brianna Bedient, Luis Castillo, and Pat Puchert.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Claudia Garcia-Aguilar, Cristy Fernandez, and Katrina Larios.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Randall Ozaki, Sara Perez, and Scott Fullman.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to MeLisa Garcia, Mendis Cooper, Mike Young, and Richard Jones.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, April 11, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), April 11, 2023

Assembly called to order at 11:36 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

Father God, we take a moment to pause and express our thankfulness for all You have done. We thank You for sending Your Son, for the defeat of death and the hope of salvation in Jesus Christ. Thank You for Your great love, acceptance, and forgiveness.

Help us to live with open hands, available to receive all You have for us, but also open to give to others what You have given us.

I pray this blessing over this Assembly and for your families. May you discover God's will and purposes for your lives. May you be blessed with a heart that is open to God. May you be blessed with the strength of the Lord shining in you. May you be blessed with compassion and fervent caring. May you be blessed with courage and grace. May you be blessed with understanding and wisdom. May you listen attentively and love generously.

We pray in the Name of the Father who created, loves, and sustains us; the Son who redeems us; and the Holy Spirit who empowers and comforts us. May the God of hope fill you with all joy and peace as you trust in Him, so that you may overflow with hope by the power of the Holy Spirit.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 118, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 54, 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 113, 172, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 161, 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 99, 100, 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 260, 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 20, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which were referred Assembly Bills Nos. 71, 191, 325, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, to which was referred Assembly Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LESLEY E. COHEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 6, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 37, 190, 286, 351.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 10, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 214; Senate Joint Resolutions Nos. 2, 3, 5; Senate Joint Resolution No. 7 of the 81st Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 440.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 2.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 2.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 3.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 5.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 7 of the 81st Session.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Concurrent Resolution No. 2.

Assemblyman Nguyen moved the adoption of the resolution.

Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

As a strong advocate for financial literacy and readiness, I am proud to voice strong support for Senate Concurrent Resolution 2. This concurrent resolution declares April 2023 as Financial Literacy Month in the state of Nevada. Similarly, the United States Senate passed a resolution in 2003 officially designating April as Financial Literacy Month.

As many of you may recall, this body has a long history of commitment to making financial literacy in the classroom a reality for Nevada's schoolchildren. It is our duty as legislators to set up our young people for financial prosperity so that they can go on to lead healthy and successful lives. In 2019, this body passed Senate Bill 314 of the 80th Session which, among other things, required Nevada's Department of Education to establish a financial literacy month. The Department then established programs during the month related to saving and spending, employability skills, applying to college, applying for financial aid, and retirement and investments.

From health care costs to housing and transportation, young Nevadans today are forced to face many requirements and decisions all at once when they become adults. These financial challenges often force young people starting out to select among a sometimes-confusing mix of prices and fees. Financial literacy has been proven to have a positive impact in the financial health of individuals, families, and the citizens of this state. It is also critical to begin thinking about and developing financial skills as early in life as possible.

According to a 2018 Prosperity Now Scorecard, which ranks each state's health in various issues, including family financial health, Nevada ranked 48th overall for the prosperity of its residents and 43rd in the financial assets and income category. A 2023 update to the Prosperity Now Scorecard shows that Nevada has not seen a significant change in household net worth in the past five years.

The time to increase financial literacy awareness is now. Similar resolutions to the one before you today have been adopted with strong bipartisan support in many other states. I feel strongly and passionately that it is our job as elected leaders of this great state to do anything and everything we can to help increase awareness about the need for financial literacy in Nevada—not only for today, but for future generations of Nevadans. I encourage all of my colleagues to join me today and support the adoption of SCR 2.

Resolution adopted.

NOTICE OF EXEMPTION

April 7, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 67, 209, 246, 283, 290, 338, 363, 370, 395, 412.

SARAH COFFMAN
Fiscal Analysis Division

April 9, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 301, 312; Assembly Joint Resolution No. 7.

SARAH COFFMAN
Fiscal Analysis Division

April 10, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 65, 221, 233, 423.

WAYNE THORLEY
Fiscal Analysis Division

April 11, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 386, 389, 413, 421, 441, 450, 456.

SARAH COFFMAN
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Speaker Yeager.
For: BDR 34-706
Revises provisions relating to school governance.
To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: April 10, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of April 11, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KTVN: Jaden Urban.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 37.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 190.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 214.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 286.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 351.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 440.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 23.

Bill read second time.

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

Amendment No. 40.

AN ACT relating to contractors; authorizing a person who is issued a written administrative citation by the State Contractors' Board to request an informal citation conference before the Executive Officer of the Board; establishing requirements and procedures for such an informal citation conference; ~~[establishing]~~ **revising** procedures by which a person is authorized to contest a citation **;** ~~[which has been affirmed or modified following such an informal conference;]~~ providing that the failure of a person to comply with the terms of

a citation which has been affirmed or modified within a certain period of time constitutes cause for disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Contractors' Board to issue or authorize the issuance of a written administrative citation to a person if the Board has reason to believe the person: (1) acted as a contractor without an active license of the proper classification; or (2) has violated provisions of existing law governing contractors or regulations of the Board. (NRS 624.341) Existing law authorizes a person who is issued such a citation to contest the citation within 15 business days after the date on which the citation was served and requires the Board to conduct a hearing on the matter. (NRS 624.345, 624.351) If a person does not contest a citation within that period and the Board does not extend that period, the citation is deemed a final order of the Board and not subject to review by any court or agency. (NRS 624.345) **Section 4 of this bill revises the requirement for the Board to hold a hearing concerning a contested citation to require: (1) a person who wishes to contest a citation to submit to the Board written notice of his or her intent to contest the citation; and (2) the Board to hold the hearing on the matter within 90 calendar days after receipt of the written notice.**

Section 1 of this bill creates an additional, informal process for the resolution of an administrative citation issued by the Board. **Section 1** authorizes a person who is issued such a citation to submit to the Executive Officer of the Board, within 15 business days after the date on which the citation is served on the person, a written request for an informal citation conference. Under **section 1**, the Executive Officer is required to conduct an informal citation conference within 60 business days after receiving such a request. At the conclusion of the conference, **section 1** requires the Executive Officer to affirm, modify or dismiss the citation and, if the citation is affirmed or modified, serve the affirmed or modified citation on the person or his or her attorney. **Sections 1 and 3** of this bill authorize a person who wishes to contest a citation which has been affirmed or modified following an informal citation conference to contest the citation within 15 business days after the date on which the affirmed or modified citation is served on the person. If the person ~~[contests]~~ **submits to the Board written notice of his or her intent to contest** the affirmed or modified citation within that period, or if that period is extended by the Board, **section 4** ~~[of this bill]~~ requires the Board to hold a hearing on the matter. If the person fails to contest the affirmed or modified citation within that period and that period is not extended by the Board, **section 3** of this bill deems the affirmed or modified citation a final order of the Board and not subject to review by any court or agency.

Existing law provides that the failure of a person to comply with a citation issued by the Board within the period permitted for compliance set forth in the citation or, if a hearing is held, within 15 business days after the hearing, constitutes cause for disciplinary action by the Board. (NRS 624.302)

Section 2 of this bill provides that the failure of a person to comply with a citation that has been affirmed or modified following an informal citation conference within the time permitted for compliance or, if a hearing is held on the affirmed or modified citation, within 15 business days after the hearing, also constitutes cause for disciplinary action by the Board.

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

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is issued a written citation pursuant to NRS 624.341 may, within 15 business days after the date on which the citation is served on the person, submit to the Executive Officer or his or her designee a written request for an informal citation conference.

2. The Executive Officer or his or her designee shall, within 60 business days after the date on which a written request for an informal citation conference is received, conduct an informal citation conference with the person who submitted the request. The person may be represented by legal counsel at the conference.

3. An informal citation conference may be conducted in an informal manner and is not required to be conducted in accordance with the requirements for the conduct of a hearing set forth in NRS 233B.121 to 233B.150, inclusive.

4. At the conclusion of an informal citation conference, the Executive Officer or his or her designee shall affirm, modify or dismiss the citation.

5. If the Executive Officer or his or her designee affirms or modifies a citation pursuant to subsection 4:

(a) The original citation issued pursuant to NRS 624.341 shall be considered withdrawn and replaced by the affirmed or modified citation; and

(b) The Executive Officer or his or her designee shall, within 15 business days after the date on which the informal citation conference is concluded, serve on the person and his or her counsel, if applicable, the affirmed or modified citation and a written statement of the reasons for the decision to affirm or modify the citation.

6. A person whose citation was affirmed or modified pursuant to this section:

(a) May contest the affirmed or modified citation in accordance with the procedures set forth in NRS 624.345.

(b) May not submit a request to the Executive Officer or his or her designee for an informal citation conference concerning the affirmed or modified citation.

7. For the purposes of this section, a citation shall be deemed to have been served on a person on:

(a) The date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 2. NRS 624.302 is hereby amended to read as follows:

624.302 The following acts or omissions, among others, constitute cause for disciplinary action pursuant to NRS 624.300:

1. Contracting, offering to contract or submitting a bid as a contractor if the contractor's license:

(a) Has been suspended or revoked pursuant to NRS 624.300; or

(b) Is inactive.

2. Failure to comply with a written citation issued pursuant to NRS 624.341 ~~[within]~~ ***:***

(a) Within the time permitted for compliance set forth in the citation ~~[.]~~ ***or, if the citation is affirmed or modified following an informal citation conference pursuant to section 1 of this act, within the time permitted for compliance set forth in the affirmed or modified citation;*** or ~~[, if]~~

(b) If a hearing is held pursuant to NRS 624.291, within 15 business days after the hearing.

3. Except as otherwise provided in subsection 2, failure to pay an administrative fine imposed pursuant to this chapter within 30 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

➥ whichever occurs later.

4. The suspension, revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state if the contractor is licensed in this State or applies for a license in this State. A certified copy of the suspension, revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state is conclusive evidence of that action.

5. Failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint.

6. Failure or refusal to comply with a written request by the Board or its designee for information or records, or obstructing or delaying the providing of such information or records.

7. Failure or refusal to comply with an order of the Board.

Sec. 3. NRS 624.345 is hereby amended to read as follows:

624.345 1. A person who is issued a written citation pursuant to NRS 624.341 or an order to cease and desist pursuant to NRS 624.212 may contest the citation or order ~~[within]~~ ***:***

(a) Within 15 business days after the date on which the citation or order is served on the person ~~[.]~~ ***; or***

(b) For a citation that has been affirmed or modified following an informal citation conference pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person.

2. A person may contest, without limitation:

(a) The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the Board;

(b) The time allowed to take any corrective action ordered;

(c) The amount of any administrative fine ordered;

(d) The amount of any order to reimburse the Board for the expenses incurred to investigate the person; and

(e) Whether any corrective action described in the citation or order is reasonable.

3. ~~[If a person does not contest a]~~ ***A*** citation issued pursuant to NRS 624.341 or an order to cease and desist issued pursuant to NRS 624.212 ~~[within]~~ ***shall be deemed a final order of the Board and not subject to review by any court or agency if the person to whom the citation or order is issued does not contest the citation or order:***

(a) Within 15 business days after the date on which the citation or order is served on the person ~~[,]~~ ***;***

(b) For a citation that has been affirmed or modified ~~***[at]***~~ ***following an informal citation conference conducted pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person;*** or ~~[on]~~

(c) On or before such later date as specified by the Board pursuant to subsection 4 ***.*** ~~[, the citation or order shall be deemed a final order of the Board and not subject to review by any court or agency.]~~

4. The Board may, for good cause shown, extend the time to contest a citation issued pursuant to NRS 624.341 or an order to cease and desist issued pursuant to NRS 624.212.

5. For the purposes of this section:

(a) An order to cease and desist must be served in accordance with NRS 624.212.

(b) A citation shall be deemed to have been served on a person on:

(1) The date on which the citation is personally delivered to the person; or

(2) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 4. NRS 624.351 is hereby amended to read as follows:

624.351 ~~[If]~~ ***1. The Board shall hold a hearing pursuant to NRS 624.291 if*** a person ~~[contests]~~ ***submits to the Board written notice of his or her intent to contest*** a citation issued pursuant to NRS 624.341 or order to correct a violation of the provisions of this chapter ~~[within]~~ ***:***

~~***[1.]***~~ ***(a) Within*** 15 business days after ~~[receiving]~~ ***the date on which*** the citation or order ~~[,]~~ ***is served on the person;***

~~***[2.]***~~ ***(b) For a citation that has been affirmed or modified following an informal citation conference conducted pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person;*** or ~~[on]~~

~~*[3.]*~~ ***(c)*** ***On*** or before such later date as specified by the Board pursuant to subsection 4 of NRS 624.345 **.** ~~**[**, the Board shall hold a hearing pursuant to NRS 624.291.**]**~~

2. If a person submits to the Board written notice of his or her intent to contest a citation or order within the time required by paragraph (a) or (b) of subsection 1, the Board shall hold the hearing required by subsection 1 not later than 90 calendar days after the date on which the Board receives the written notice.

Sec. 5. The amendatory provisions of this act apply only to a written citation issued pursuant to NRS 624.341 on or after ~~**[**July 1, 2023.**]**~~ **October 1, 2023.**

Sec. 6. ~~**[**This act becomes effective on July 1, 2023.**]**~~ **(Deleted by amendment.)**

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 27.

Bill read second time.

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

Amendment No. 41.

AN ACT relating to contractors; requiring a general building contractor who provides management and counseling services on a construction project to have an active license in ~~**[**each classification or subclassification**]**~~ **the same classifications and subclassifications that are** required to be held by the prime contractor for the construction project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law provides that a contractor whose principal contracting business is in connection with the construction or remodeling of certain types of buildings or structures is considered to be a general building contractor. (NRS 624.215) Existing law authorizes a general building contractor to provide management and counseling services on a construction project for a professional fee. (NRS 624.215) This bill requires a general building contractor who provides such services to have an active license in ~~**[**each classification or subclassification**]**~~ **the same classifications and subclassifications** that ~~**[**is**]**~~ **are** required to be held by the prime contractor for the construction project.

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

Section 1. NRS 624.215 is hereby amended to read as follows:

624.215 1. For the purpose of classification, the contracting business includes the following branches:

(a) General engineering contracting.

(b) General building contracting.

(c) Specialty contracting.

➥ General engineering contracting and general building contracting are mutually exclusive branches.

2. A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works, including irrigation, drainage, water supply, water power, flood control, harbors, railroads, highways, tunnels, airports and airways, sewers and sewage disposal systems, bridges, inland waterways, pipelines for transmission of petroleum and other liquid or gaseous substances, refineries, chemical plants and industrial plants requiring a specialized engineering knowledge and skill, power plants, piers and foundations and structures or work incidental thereto.

3. Except as otherwise provided in subsections 5 and 6, a general building contractor is a contractor whose principal contracting business is in connection with the construction or remodeling of buildings or structures for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in their construction the use of more than two unrelated building trades or crafts, upon which he or she is a prime contractor and where the construction or remodeling of a building is the primary purpose. Unless he or she holds the appropriate specialty license, a general building contractor may only contract to perform specialty contracting if he or she is a prime contractor on a project. Except as otherwise provided in subsection 4 of NRS 624.220, a general building contractor shall not perform specialty contracting in plumbing, electrical, refrigeration and air-conditioning or fire protection without a license for the specialty. A person who is licensed pursuant to chapter 489 of NRS and who exclusively constructs or repairs mobile homes, manufactured homes or commercial coaches is not a general building contractor.

4. A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

5. A general engineering contractor, when acting as a prime contractor, may hire not more than one general building contractor to provide any work, materials or equipment as specified in subsection 3 on a single construction project.

6. A general building contractor may contract to provide management and counseling services on a construction project for a professional fee. A general building contractor who has contracted to provide management and counseling services ~~[may]~~ ***:***

(a) Must have an active license in ~~[each classification or subclassification]~~ the same classifications and subclassifications that ~~[is]~~ are required to be held by the prime contractor on the project.

(b) May hire not more than one general building contractor to provide any work, materials or equipment as specified in subsection 3 on a single construction project.

7. A single construction project must be limited to not more than one general building contractor who provides management and counseling services for a professional fee and not more than one general building contractor who provides any work, materials or equipment as specified in subsection 3.

8. Except as otherwise provided in this subsection, each construction project must have one, but not more than one, prime contractor who is a licensed contractor and is responsible for the work, materials and equipment for the construction project. A construction project is not required to have a prime contractor if the work for the construction project or the person providing the work for the construction project is exempt pursuant to NRS 624.031.

9. This section does not prevent the Board from establishing, broadening, limiting or otherwise effectuating classifications in a manner consistent with established custom, usage and procedure found in the building trades. The Board is specifically prohibited from establishing classifications in such a manner as to determine or limit craft jurisdictions.

10. As used in this section, "prime contractor" means:

(a) A general engineering contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general engineering contractor is licensed;

(b) A general building contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general building contractor is licensed;

(c) A general engineering contractor and general building contractor who enter into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general engineering contractor and general building contractor are licensed; or

(d) A specialty contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide:

(1) Any work, materials or equipment for which the specialty contractor is licensed; and

(2) Any other work which is incidental and supplemental thereto.

Sec. 2. The amendatory provisions of section 1 of this act do not apply to a contract entered into before the effective date of this act, but do apply to any renewal or extension of such a contract.

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

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 19.

AN ACT relating to corrections; **requiring the warden or manager of an institution or facility to make certain determinations concerning use of telecommunications devices by offenders;** requiring the Director of the Department of Corrections to adopt regulations authorizing an offender to possess, have in his or her custody or control and use ~~[a]~~ **an authorized** telecommunications device for certain purposes; revising the definition of a telecommunications device to include certain tablets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law prohibits an offender from having access to a telecommunications device. Existing law authorizes an offender to use a telecommunications device to conduct certain visits and correspondence. Existing law also authorizes certain offenders to use telecommunications devices: (1) pursuant to an agreement with the Department of Corrections; or (2) in accordance with any regulations governing the use of such devices adopted by the Department of Corrections. Finally, existing law defines the term "telecommunications device" to include a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer with certain capabilities. (NRS 209.417)

~~[This bill revises the definition of "telecommunications device" to include a tablet with certain capabilities.]~~ This bill ~~[also]~~ removes statutory provisions authorizing offenders to have access to a telecommunications device and instead **: (1)** requires **the warden or manager of an institution or facility to determine which telecommunications devices, if any, are authorized for use by an offender; and (2) requires** the Director of the Department **~~[~~**~~, with the approval of the Board of State Prison Commissioners,]~~ to adopt regulations authorizing an offender to possess, have in his or her custody or control and use ~~[a]~~ **an authorized** telecommunications device for certain purposes **. ~~[~~**~~, including:]~~ **This bill requires such regulations to authorize an offender to possess, have in his or her custody or control and use an authorized telecommunications device** for the ~~[purposes]~~ **purpose** of: (1) conducting certain visits and correspondence; (2) appearing in court; (3) receiving medical care; (4) applying for or enrolling in a benefit from a governmental program; (5) performing legal research; (6) obtaining a ~~[GED, credential,]~~ **diploma, degree,** certificate or ~~[certification;]~~ **similar credential;** and (7) taking a vocational assessment. This bill authorizes the Director of the Department,

with the approval of the Board, to adopt regulations authorizing an offender to possess, have in his or her custody or control and use ~~[a]~~ **an authorized** telecommunications device for any purpose other than these specified purposes. The bill requires such regulations to: (1) **prescribe requirements for determining whether a telecommunications device will be authorized for use by an offender; (2)** prescribe the criteria for eligibility for an offender to use ~~[a]~~ **an authorized** telecommunications device; ~~[(2)]~~ **(3)** set forth the circumstances under which an offender is authorized to use such a device to access the Internet; and ~~[(3)]~~ **(4)** prescribe standards for the use of such a device by an offender. **Finally, this bill revises the definition of "telecommunications device" to include a tablet with certain capabilities.**

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

Section 1. NRS 209.417 is hereby amended to read as follows:

209.417 1. ~~[Except as otherwise provided in this section, the]~~ ***The*** warden or manager of an institution or facility shall ~~[ensure]~~ **:**

(a) Determine which telecommunications devices, if any, are authorized for use by an offender in accordance with the regulations adopted pursuant to this section; and

(b) Ensure that no offender in the institution or facility, or in a vehicle of the Department, has access to a telecommunications device ~~[.]~~ ***that is not an authorized telecommunications device.***

2. ~~[An offender may use a telephone or, for the purpose of communicating with his or her child pursuant to NRS 209.42305, any other approved telecommunications device subject to the limitations set forth in NRS 209.419.~~

~~3. An offender may use an approved telecommunications device for the purpose of conducting a visit or correspondence which is authorized pursuant to NRS 209.423, subject to the limitations set forth in NRS 209.419.~~

~~4. The Department may enter into an agreement with an offender authorizing the offender to use a telecommunications device to facilitate or participate in correctional activities or to perform educational, vocational or legal research, subject to the limitations set forth in NRS 209.419.~~

~~5.]~~ The Director ~~[may,]~~ ***shall,*** with the approval of the Board, adopt regulations authorizing an offender ~~[who is assigned to transitional housing, a center for the purpose of making restitution pursuant to NRS 209.4827 to 209.4843, inclusive, or a specific program of education or vocational training authorizing the offender]~~ to ***possess, have in his or her custody or control and*** use ~~[a]~~ ***an authorized*** telecommunications device ~~[:~~

~~(a) To access a network, including, without limitation, the Internet,]~~ for the purpose of:

~~[(1)]~~ ***(a) Communicating with his or her child pursuant to NRS 209.42305;***

(b) Conducting a visit or correspondence which is authorized pursuant to NRS 209.423;

(c) Appearing in court;

(d) Receiving medical care;

(e) Applying for or enrolling in a benefit from a governmental program;

(f) Performing legal research;

(g) Obtaining ~~[~~educational~~]~~ ***:***

(1) Educational or vocational training that is approved by the Department;

(2) ***A diploma, degree, certificate or similar credential, including, without limitation, a high school diploma, a general*** ~~***[equivalency diploma]***~~ ***educational development certificate or an equivalent document*** ~~***[;]***~~ ***, an associate degree or a baccalaureate degree;***

~~***[(3) A credential, certificate or certification;]***~~

(h) Taking a vocational assessment;

(i) Searching for or applying for employment; ~~[or~~

~~(3)~~~~]~~ ***and***

(j) Performing essential job functions.

~~[(b) For any other purpose if a telecommunications device is required by an employer of the offender to perform essential job functions.]~~

3. The Director may, with the approval of the Board, adopt regulations authorizing an offender to use ~~***[a]***~~ ***an authorized telecommunications device for any purpose other than a purpose listed in subsection 2.***

4. An offender may possess, have in his or her custody or control and use ~~***[a]***~~ ***an authorized telecommunications device in accordance with any regulations adopted by the Director pursuant to subsection 2 or 3. Any communication made by an offender using*** ~~***[a]***~~ ***an authorized telecommunications device pursuant to this section is subject to the limitations set forth in NRS 209.419.***

5. The regulations adopted by the Director pursuant to subsections 2 and 3 must:

(a) Prescribe the criteria for eligibility for an offender to use ~~***[a]***~~ ***an authorized telecommunications device;***

(b) Prescribe requirements for determining whether a telecommunications device will be authorized for use by an offender;

(c) Set forth the circumstances under which an offender may use ~~***[a]***~~ ***an authorized telecommunications device to access a network, including, without limitation, the Internet; and***

~~***[(c)]***~~ ***(d) Prescribe standards for the use of*** ~~***[a]***~~ ***an authorized telecommunications device by an offender.***

6. As used in this section ~~[~~, "telecommunications~~]~~ ***:***

(a) "Authorized telecommunications device" means a device authorized for use by an offender in accordance with the regulations adopted pursuant to this section.

(b) "Benefits from a governmental program" means any benefit, program or assistance provided by a governmental entity pursuant to statute or

regulation, including, without limitation, Social Security, Medicare and Medicaid.

~~***[(b)]***~~ ***(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.***

~~***[(c)]***~~ ***(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.***

~~***[(d)]***~~ ***(e) "Telecommunications*** device" means a device, or an apparatus associated with a device, that can enable an offender to communicate with a person outside of the institution or facility at which the offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer ***or tablet*** that is connected to a computer network, is capable of connecting to a computer network through the use of wireless technology or is otherwise capable of communicating with a person or device outside of the institution or facility.

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

2. Section 1 of this act becomes effective:

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

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

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 39.

Bill read second time.

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

Amendment No. 43.

AN ACT relating to contractors; authorizing the State Contractors' Board to adopt regulations establishing mandatory elements to be included in contracts for work concerning certain residential improvements; establishing certain requirements for such contracts and for residential contractors who enter into such contracts; making the failure to comply with those requirements a cause for disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements pertaining to contracts used by a contractor and the owner of a single-family residence for work concerning a residential photovoltaic system used to produce electricity or work concerning a residential pool or spa. (NRS 624.875, 624.940) **Section 1** of this bill imposes similar requirements pertaining to a contract used by a residential contractor and the owner of a completed single-family residence who occupies the single-family residence for any construction, remodeling, repair or improvement performed by a residential contractor to the single-family residence or any activity for the supervision of such work. **Section 1** authorizes the State

Contractors' Board to adopt regulations establishing mandatory elements to be included in such a contract. **Section 1** also sets forth certain information that is required to be included in such a contract. **Section 1** further requires a residential contractor to: (1) furnish to the owner with whom the residential contractor has contracted for work concerning a residential improvement a copy of all documents signed and a receipt for any money paid to the residential contractor; and (2) apply for and obtain all necessary permits. If a contract entered into between a residential contractor and the owner for work concerning a residential improvement does not comply with the provisions of **section 1** and any applicable regulations adopted by the Board, **section 1** provides that the contract is voidable by the owner.

Existing law sets forth certain acts and omissions that constitute cause for disciplinary action against a contractor by the Board, including **, without limitation,** failure to comply with requirements for contracts for work concerning residential pools and spas and for work concerning residential photovoltaic systems used to produce electricity. (NRS 624.3016) **Section 2** of this bill makes a contractor's failure to comply with requirements for contracts for work concerning a residential improvement or regulations adopted by the Board governing such contracts cause for such disciplinary action. **Section 3** of this bill makes a conforming change as a result of this additional cause for disciplinary action.

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

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may adopt by regulation mandatory elements to be included in all contracts to be used by residential contractors for work concerning a residential improvement. Such mandatory elements must not be waived or limited by contract or in any other manner. On and after October 1, 2023, any contract entered into between a residential contractor and the owner of a single-family residence who occupies the single-family residence for work concerning a residential improvement must comply with the provisions of this section and all applicable regulations adopted by the Board. A contract that does not comply with the provisions of this section and all applicable regulations adopted by the Board is voidable by the owner of the single-family residence.

2. Any contract for work concerning a residential improvement must contain in writing at least the following information:

(a) The name of the residential contractor, his or her address and contractor's license number and the monetary limit on that license.

(b) The name and mailing address of the owner of the single-family residence on which the work is being performed and the address or legal description of the property.

(c) The date of execution of the contract.

(d) The estimated date of completion of all work to be performed under the contract.

(e) A description of the work to be performed under the contract.

(f) The total amount to be paid to the residential contractor by the owner for all work to be performed under the contract, including all applicable taxes.

(g) The amount, not to exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, of any initial down payment or deposit paid or promised to be paid to the residential contractor by the owner before the start of the work. The provisions of this paragraph do not apply if the residential contractor has filed with the Board a bond solely for the protection of consumers in the amount of $100,000.

(h) A statement that the residential contractor has provided the owner with the notice and informational form required by NRS 624.520 and 624.600.

(i) A statement that any change in the scope or price of the work to be performed under the contract must be agreed to in writing by the parties and incorporated into the original contract as a change order. A change order is not enforceable against the owner who is contracting for work concerning a residential improvement unless the change order sets forth all changes in the scope and price of the work and is accepted by the owner.

(j) For a project of new work concerning a residential improvement, a plan and scale drawing showing the shape, size and dimensions of and the specifications for the construction and equipment for the work specified in the contract, and a description of the work to be done, the materials to be used and the equipment to be installed, and the agreed consideration for the work. For projects which consist exclusively of repairs to existing work concerning a

residential improvement, plans, scale drawings, equipment specifications and lists of materials and equipment are not required to be contained in or included with the contract.

(k) Except as otherwise provided in this subsection, the dollar amount of any progress payment and the stage of construction at which the residential contractor will be entitled to collect progress payments from the owner during the course of construction under a contract for work concerning a residential improvement. The schedule of payments must show the amount of each payment as a sum in dollars and cents. The schedule of payments must not provide for the residential contractor to receive, nor may the residential contractor actually receive, payments in excess of 100 percent of the value of the work performed on the project at any time, excluding finance charges, except for an initial down payment or deposit. With respect to a contract executed before October 1, 2023, if any schedule of payments set forth in the contract does not comply with the provisions of this chapter or any regulations adopted pursuant thereto:

(1) The obligation of the owner to make payments in accordance with the payment schedule is voidable; and

(2) The lender, if any, may not initiate proceedings to enforce the payment of any applicable loan unless and until the contract is reformed or otherwise amended to comply with those provisions of law.

➥ The provisions of this paragraph do not apply if the residential contractor has furnished a bond for payment and performance covering full performance and completion of the contract and the cost of the bond is included in the price of the project.

(l) If the contract provides for payment of a commission to a salesperson out of the contract price, a statement that the payment must be made on a pro rata basis in proportion to the schedule of payments made to the residential contractor by the disbursing party in accordance with the provisions of paragraph (k).

➥ Except as otherwise provided in subsection 5, the contract may contain such other conditions, stipulations or provisions to which the parties may agree.

3. The contract must contain:

(a) A method whereby the owner may initial provisions of the contract, thereby indicating that those provisions have been read and are understood.

(b) In close proximity to the signatures of the owner and the residential contractor, a notice stating that the owner:

(1) May contact the Board if assistance is needed to clarify any of the provisions of the contract that the owner does not fully understand;

(2) Has the right to request a bond for payment and performance if such a bond is not otherwise required pursuant to NRS 624.270;

(3) May contact an attorney for an explanation of the rights of the owner under the contract; and

(4) May, if the contract was explained in a language other than the language in which the contract is written, ask for a contract that is written in the language in which the contract was explained.

4. At the time the owner signs the contract, the residential contractor shall furnish to the owner a legible copy of all documents signed and a written and signed receipt for any money paid to the residential contractor by the owner. All written information provided in the contract must be printed in at least 10-point bold type. The contract, receipt and other documents referenced in this subsection may be delivered by electronic means.

5. A condition, stipulation or provision in a contract that requires a person to waive any right provided by this chapter or any regulations adopted pursuant thereto or relieves a person of an obligation or liability imposed by this chapter or those regulations is void. Failure to comply with the requirements of this section renders a contract voidable by the owner.

6. The residential contractor shall apply for and obtain all necessary permits.

7. As used in this section:

(a) "Contract" means any contract or agreement in which a residential contractor agrees to perform work concerning a residential improvement.

(b) "Residential contractor" means a contractor who is licensed pursuant to this chapter and who contracts with the owner of a single-family residence to perform work concerning a residential improvement.

(c) "Single-family residence" has the meaning ascribed to it in NRS 624.455.

(d) "Work concerning a residential improvement" or "work" means any construction, remodeling, repair or improvement performed by a residential contractor to a completed, single-family residence or any activity for the supervision concerning such work. The term does not include work concerning a residential photovoltaic system used to produce electricity, as defined in NRS 624.855, or work concerning a residential pool or spa, as defined in NRS 624.915.

Sec. 2. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245, 108.246 or 624.520.

5. Failure to comply with ***:***

(a) NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

~~[6. Failure to comply with]~~

(b) NRS 624.860 to 624.875, inclusive, or any regulations of the Board governing contracts for work concerning residential photovoltaic systems used to produce electricity.

~~[7.]~~ ***(c) Section 1 of this act or any regulations of the Board governing contracts for work concerning a residential improvement.***

6. Failure to comply with NRS 624.600.

~~[8.]~~ ***7.*** Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

~~[9.]~~ ***8.*** Failure to pay an assessment required pursuant to NRS 624.470.

~~[10.]~~ ***9.*** Failure to file a certified payroll report that is required for a contract for a public work.

~~[~~11.~~]~~ ***10.*** Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.

~~[~~12.~~]~~ ***11.*** Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

~~[~~13.~~]~~ ***12.*** Failure to provide a builder's warranty as required by NRS 624.602 or to respond reasonably to a claim made under a builder's warranty.

Sec. 3. NRS 624.750 is hereby amended to read as follows:

624.750 1. It is unlawful for a person to commit any act or omission described in subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or ~~[~~8~~]~~ ***7*** of NRS 624.3016.

2. Except as otherwise provided in subsection 3 and unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or NRS 624.720 or 624.740:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not less than $1,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $4,000 nor more than $10,000, and may be further punished by imprisonment in the county jail for not more than 364 days.

(c) For the third or subsequent offense, is guilty of a category E felony and shall be punished by a fine of not less than $10,000 nor more than $20,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

3. If a person is guilty of a violation of subsection 1 of NRS 624.700, the maximum fines set forth in subsection 2 may be exceeded by adding thereto a fine enhancement of not more than 10 percent of the value of any contract that the person entered into in violation of subsection 1 of NRS 624.700, if that person commenced any work or received any money relating to the contract.

4. It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:

(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by failing to pay for any services, labor, materials or equipment provided for that construction; and

(b) Wrongfully diverts that money to a use other than that for which it was received.

5. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 4:

(a) If the amount of money wrongfully diverted is $1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than 364 days.

(b) If the amount of money wrongfully diverted is more than $1,000, is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

6. Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 40.

Bill read second time.

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

Amendment No. 27.

AN ACT relating to food establishments; ~~[requiring]~~ **authorizing** an applicant for a permit to operate a food establishment to provide an electronic mail address for purposes of communicating certain notices; authorizing **, under certain circumstances,** a health authority to furnish an electronic original of a food inspection report form; authorizing service of certain written notices by a health authority to be provided electronically; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the requirements for an application to a health authority for a permit to operate a food establishment, including that an application include the applicant's full name and post office address. (NRS 446.875) **Section 1** of this bill ~~[requires that]~~ **authorizes** such an application also include an electronic mail address by which the health authority may communicate with the applicant and send any inspection report form or other notice.

Existing law requires that whenever the health authority makes an inspection of a food establishment, the health authority furnish the original food inspection report form to the permit holder or operator after the inspection. (NRS 446.890) **Section 2** of this bill authorizes a health authority to furnish an electronic original food inspection report form after such an inspection.

Existing law provides that notice of an inspection report or other written notice is properly served by a health authority when it is delivered personally to the permit holder or sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. (NRS 446.900) **Section 3** of this bill additionally authorizes a health authority to properly serve an inspection report form ~~[or other written notice]~~ **and certain notices** on a permit holder by sending the notice to the electronic mail address provided by the permit holder ~~[.]~~ **, if any.**

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

Section 1. NRS 446.875 is hereby amended to read as follows:

446.875 1. Any person desiring to operate a food establishment must make written application for a permit on forms provided by the health authority. The application must include:

(a) The applicant's full name ~~***[,]***~~ and post office address . ~~***[and]***~~ ***An applicant may include on the application an electronic mail address by which the health authority may communicate with the applicant and send any inspection report form or other notice.***

(b) A statement whether the applicant is a natural person, firm or corporation, and, if a partnership, the names of the partners, together with their addresses.

(c) A statement of the location and type of the proposed food establishment.

(d) The signature of the applicant or applicants.

2. An application for a permit to operate a temporary food establishment must also include the inclusive dates of the proposed operation.

3. Upon receipt of such an application, the health authority shall make an inspection of the food establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met, the health authority shall issue a permit to the applicant.

4. A permit to operate a temporary food establishment may be issued for a period not to exceed 14 days.

5. A permit issued pursuant to this section:

(a) Is not transferable from person to person or from place to place.

(b) Must be posted in every food establishment.

Sec. 2. NRS 446.890 is hereby amended to read as follows:

446.890 1. The health authority, after he or she has properly identified himself or herself, must be permitted to enter, at any reasonable time, any food establishment within the State for the purpose of making any inspection to determine compliance with this chapter. The health authority must be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.

2. Whenever the health authority makes an inspection of a food establishment, the health authority shall record his or her findings on an inspection report form provided for this purpose. The health authority shall furnish the original ***or an electronic original*** of the inspection report form to the permit holder or operator. The form must summarize the requirements of this chapter.

Sec. 3. NRS 446.900 is hereby amended to read as follows:

446.900 ***1.*** Notices provided for in NRS 446.895 shall be deemed to have been properly served when the original of the inspection report form or other notice has been ~~[~~delivered~~]~~ ***:***

(a) Delivered personally to the permit holder or person in charge ~~[~~, or such notice has been sent~~]~~ ***;***

(b) Sent by registered or certified mail, return receipt requested, to the last known address of the permit holder ~~[~~.~~]~~ ***; or***

(c) ~~***[Sent]***~~ ***Except for any notice required pursuant to NRS 446.880, sent to the electronic mail address , if any, provided by the permit holder to the health authority.***

2. A copy of ~~[~~such~~]~~ ***any inspection report form or other*** notice ***provided pursuant to subsection 1*** shall be filed with the records of the health authority.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 44.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 33.

AN ACT relating to veterans; revising the titles of the deputy directors of the Department of Veterans Services; revising certain duties of the Director of the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Veterans Services to appoint: (1) a Deputy Director for Programs and Services; and (2) a Deputy Director for Health and Wellness. (NRS 417.030) **Section 1** of this bill changes the titles of the deputy directors appointed by the Director to: (1) the Deputy Director of Benefits; and (2) the Deputy Director of Healthcare Services.

Existing law requires the Director to assist veterans, certain members presently serving in the Armed Forces of the United States and certain persons related to veterans in preparing, submitting and presenting claims against the United States and any state for adjusted compensation and other benefits to which the person is entitled. (NRS 417.090) **Section 2** of this bill removes the obligation of the Director to assist such persons in preparing, submitting and presenting claims for adjusted compensation, while leaving in place the requirement that the Director assist such persons with other types of claims.

Existing law requires the Director to ensure that each person who participates as an advocate for veterans in a volunteer program sponsored by the Department is assigned a veterans service officer employed by the Department that will offer assistance to the volunteer. (NRS 417.090)

Section 2 removes that requirement and instead requires the Director to provide each such volunteer with: (1) the opportunity to participate in annual training; and (2) mentorship upon request.

Existing law requires the Director to provide semiannual training to each veterans service officer employed by the Department. (NRS 417.090) **Section 2 : (1)** increases the frequency of such training to quarterly ~~[. Section 2 also]~~ **; and (2) additionally** requires ~~[that]~~ **the Director to offer** such training ~~[be provided by a veterans service organization located in this State.]~~ **to representatives of veterans service organizations who are accredited by the United States Department of Veterans Affairs.**

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

Section 1. NRS 417.030 is hereby amended to read as follows:

417.030 1. The office of Director of the Department of Veterans Services is hereby created.

2. The Director must be appointed by and serves at the pleasure of the Governor.

3. The Director shall appoint such deputy directors as are necessary to assist the Director in performing the duties prescribed in this chapter, including, without limitation, a Deputy Director ~~[for Programs and Services]~~ ***of Benefits*** and a Deputy Director ~~[for Health and Wellness.]~~ ***of Healthcare Services.***

4. Any person to be eligible for appointment as the Director or the Deputy Director ~~[for Programs and Services]~~ ***of Benefits*** must:

(a) Be an actual and bona fide resident of the State of Nevada;

(b) Possess an honorable discharge from some branch of the Armed Forces of the United States; and

(c) Have at least 4 years of experience in management or administration.

5. Except as otherwise provided in this subsection, any person to be eligible for appointment as the Deputy Director ~~[for Health and Wellness]~~ ***of Healthcare Services*** must:

(a) Be an actual and bona fide resident of the State of Nevada;

(b) Possess an honorable discharge from some branch of the Armed Forces of the United States; and

(c) Have at least 4 years of experience in health care management or health care administration.

➥ If no person is available for appointment who possesses all the qualifications required by this subsection, the Director may waive the qualification set forth in paragraph (b) for a person who is otherwise qualified for appointment pursuant to paragraphs (a) and (c).

Sec. 2. NRS 417.090 is hereby amended to read as follows:

417.090 1. The Director shall:

(a) Assist veterans, and those presently serving in the Armed Forces of the United States who are residents of the State of Nevada, their spouses, domestic

partners, widows, widowers, children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for ~~[adjusted compensation,]~~ insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which they may be entitled under the laws of the United States or of any of the states, and assist them in obtaining any aid or benefit to which they may be entitled under the laws of the United States or of any of the states.

(b) Aid, assist, encourage and cooperate with every service organization recognized nationally or in this State insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen and the spouses, domestic partners, widows, widowers, children, dependents, administrators, executors or personal representatives of such veterans, servicemen and servicewomen.

(c) Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans, servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.

(d) Coordinate activities of veterans' organizations.

(e) Serve as a clearinghouse and disseminate information relating to veterans' benefits.

(f) Conduct any studies which will assist veterans to obtain compensation, insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.

(g) Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.

(h) Take possession of any abandoned or unclaimed artifacts or other property that has military or historical value for safekeeping. The Director may:

(1) Transfer such an artifact or other property to:

(I) The Nevada State Museum or the Nevada Historical Society, upon its written request, if the artifact or other property has, in the opinion of the requesting institution, historical value and is worthy of preservation; or

(II) Any other governmental agency or nonprofit entity, including, without limitation, a veterans' organization and the United States Department of Veterans Affairs, upon its written request, if the artifact or other property was not requested by the Nevada State Museum or the Nevada Historical Society; or

(2) Destroy or otherwise dispose of the artifact or other property.

➥ An action may not be maintained by any person against the holder or former holder of an artifact or other property because of the transfer, destruction or other disposal of the artifact or other property pursuant to this paragraph.

(i) Develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training.

(j) Create and maintain a statewide database of information relating to veterans to assist the Department in identifying and communicating with veterans and connecting veterans with benefits and opportunities for which they are eligible.

(k) Create and maintain a registry of governmental agencies and private entities that provide services and resources to veterans, service members and their families and publish a digital copy of the registry on the Internet website maintained by the Department.

(l) Ensure that each generation of veterans is recognized annually through a ceremony, information campaign or other form of public acknowledgment.

(m) Establish, operate and maintain veterans' cemeteries in this State, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of the cemeteries.

(n) Establish, manage, maintain and operate veterans' homes in this State, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of veterans' homes.

(o) If the board of county commissioners of any county makes the request required pursuant to subsection 2 of NRS 244.401, provide to the coordinator of services for veterans in the county training and certification as a veterans service officer.

(p) If training and certification is requested pursuant to paragraph (o), submit an application, on behalf of the coordinator of services for veterans, to the United States Department of Veterans Affairs for accreditation or official recognition as a veterans service officer.

(q) Serve as the primary public advocate for Nevada veterans.

(r) Ensure that each person who participates as an advocate for veterans in this State in a volunteer program sponsored by the Department is ~~[assigned to a veterans service officer employed by the Department that will offer assistance to the volunteer.]~~ ***:***

(1) Offered the opportunity to participate in annual training; and

(2) If requested by the volunteer, provided mentorship.

(s) Provide ~~[~~semiannual ~~***Arrange for the provision of]***~~ ***quarterly*** training to each veterans service officer employed by the Department regarding the benefits, services, programs and assistance available to veterans. ~~***[Such training must be provided by a veterans service organization located in this State.]***~~

(t) ***Additionally offer the quarterly training described in paragraph (s) to representatives of veterans service organizations who are accredited by the United States Department of Veterans Affairs.***

(u) Connect veterans experiencing homelessness to housing and organizations that provide support in housing and other related areas to decrease homelessness among veterans.

~~[(u)]~~ ***(v)*** Create, coordinate and support programs and resources for the prevention of suicide among veterans, including, without limitation, programs and resources to increase knowledge of how to recognize the signs of a potentially suicidal veteran and resources to which veterans who are potentially suicidal may be referred.

2. The Director shall:

(a) Establish an internal policy for guidance to employees of the Department regarding the transfer, destruction or other disposal of artifacts and other property pursuant to paragraph (h) of subsection 1; and

(b) Post the policy on the Internet website maintained by the Department.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 45.

Bill read second time.

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

Amendment No. 32.

AN ACT relating to health care; creating a program to repay the student education loans of certain providers of health care; prescribing the requirements to receive repayment of student education loans under the program; providing for the administration of the program; providing certain funding for the program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Treasurer to perform certain duties relating to the financing of higher education, including designating a Student Loan Ombudsman and administering the Nevada College Savings Trust Fund and the Millennium Scholarship Trust Fund. (NRS 226.400, 226.560, 353B.320, 353B.350, 396.926) **Section 6** of this bill creates the Student Loan Repayment for Providers of Health Care in Underserved Communities Program to repay the student education loans of qualified providers of health care who work in certain underserved communities. **Section 6** requires the State Treasurer to **ensure that at least 15 percent of the money available for the Program in any year is used to repay the student education loans of providers of health care who commit to practicing in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties). With regard to other money available for the Program, section 6 requires the State Treasurer to** prioritize certain providers of health care when awarding repayment of student education loans under the Program**.** ~~[, and~~

~~section.]~~ **Section 8** of this bill requires the State Treasurer to adopt regulations prescribing **: (1) the procedure the State Treasurer will use to repay the student education loans pursuant to section 6; and (2)** the manner in which ~~[that]~~ **such** prioritization will be implemented. **Section 7** of this bill prescribes the requirements for a provider of health care to be eligible for repayment of student education loans under the Program. **Section 8** requires the State Treasurer to adopt regulations to prescribe certain procedures and standards relating to the Program, including: (1) the procedure to apply for repayment of student education loans under the Program; (2) any additional standards for eligibility to receive repayment of student education loans under the Program; and (3) a methodology for determining the amount of repayment of a student education loan that a provider of health care may receive. **Section 8** also authorizes the State Treasurer to adopt any other regulations necessary to carry out the Program. **Sections 2-5** of this bill define certain terms related to the Program. **Sections 8 and 13** of this bill provide for the confidentiality of applications to receive repayment of student education loans under the Program and the personally identifiable information of applicants. **Section 9** of this bill: (1) authorizes the State Treasurer to employ the necessary staff to administer the Program; and (2) requires the State Treasurer to post certain information about the Program on an Internet website.

Section 11 of this bill requires the Student Loan Ombudsman to assist certain student loan borrowers to become aware of, qualify for and apply for the Program.

Section 10 of this bill creates the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities in the State General Fund to fund the Program. **Section 12** of this bill requires the State Treasurer to transfer certain money from the Abandoned Property Trust Account to the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities.

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

Section 1. Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them those sections.***

Sec. 3. ***"Program" means the Student Loan Repayment for Providers of Health Care in Underserved Communities Program created by section 6 of this act.***

Sec. 4. ***"Provider of health care" ~~[has the meaning ascribed to it in NRS 629.031.]~~ means:***

1. A physician;

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS;

3. A dentist;

4. A licensed nurse;

5. A person who holds a license as an attendant or is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

6. An optometrist;

7. An audiologist;

8. A practitioner of respiratory care;

9. A podiatric physician;

10. A psychologist;

11. A clinical professional counselor;

12. A perfusionist;

13. A pharmacist or pharmacy technician;

14. An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

15. A midwife; or

16. A provider of doula services who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to receive reimbursement through Medicaid pursuant to NRS 422.27177.

Sec. 5. *"Student education loan" has the meaning ascribed to it in NRS 226.510.*

Sec. 6. *1. The Student Loan Repayment for Providers of Health Care in Underserved Communities Program is hereby created to repay the student education loans of providers of health care who are eligible for the Program pursuant to sections 7 and 8 of this act and any regulations adopted pursuant thereto.*

2. The State Treasurer shall administer the Program.

3. In administering the Program, the State Treasurer shall:

(a) Ensure that persons who receive repayment of student education loans are committed to providing health care services in an underserved community in this State;

(b) ~~[Prioritize]~~ Ensure that at least 15 percent of money available for the Program in any year be used to repay the student education loans of providers of health care who commit to practicing in a county whose population is less than 100,000, to the extent that such providers are participating in the Program;

(c) With regard to money available for the Program other than money used for the purpose described in paragraph (b), prioritize the repayment of student education loans for providers of primary care , providers of health care who commit to accepting as patients recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program and other providers of health care specified by ~~[regulation of]~~ the regulations adopted by the State Treasurer ~~[in accordance with the regulations adopted]~~ pursuant to section 8 of this act; and

~~[(c)]~~ (d) *Work collaboratively to raise awareness about the Program with organizations that work with providers of health care and students studying to become providers of health care, including, without limitation:*

(1) Educational institutions in this State, including, without limitation, institutions in the Nevada System of Higher Education;

(2) Organizations that represent medical students and other students studying to become providers of health care;

(3) Organizations that represent providers of health care;

(4) Tribal governments; and

(5) Organizations who advocate for improved health outcomes in minority communities.

4. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine , psychiatry or obstetrics and gynecology.

Sec. 7. *A provider of health care is eligible for repayment of a student education loan under the Program if the provider of health care:*

1. Is a current resident of this State;

2. ~~[Graduated on or after July 31, 2023, from an institution in the Nevada System of Higher Education or another accredited institution of higher education in this State with a degree in a health-related field;~~

~~3.]~~ Is actively licensed, certified or registered in good standing to practice in this State as a provider of health care; and

~~[4.]~~ 3. Commits to at least 5 years of clinical practice as a licensed, certified or registered provider of health care in this State:

(a) In a census tract which, upon commencement of such clinical practice, is designated as a qualified census tract by the United States Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii);

(b) In a census tract which, upon commencement of such clinical practice, has a high level of social vulnerability as determined according to the Social Vulnerability Index developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;

(c) In a community in which, according to the decennial census immediately preceding the commencement of such clinical practice, at least 20 percent of households were not proficient in the English language;

(d) On tribal lands or in a community where tribal members commonly reside; ~~[or]~~

(e) In a geographic area that has been subject to historical instances of redlining, segregation or other discriminatory practices on the basis of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression, as determined by the State Treasurer in accordance with the regulations adopted pursuant to section 8 of this act ~~[.]~~ ; or

(f) In a county whose population is less than 100,000.

Sec. 8. *1. A provider of health care who meets the qualifications set forth in section 7 of this act and wishes to receive repayment of student education loans from the Program must submit an application to the State Treasurer in the form prescribed by the State Treasurer and comply with any regulations adopted pursuant to subsection 2.*

2. The State Treasurer:

(a) Shall adopt regulations prescribing the procedures and standards, in addition to those prescribed by section 7 of this act, for determining the eligibility of a provider of health care to receive repayment of a student education loan from the Program.

(b) Shall adopt regulations establishing a methodology for determining the amount of repayment of a student education loan that a provider of health care is eligible to receive from the Program. That methodology must include, without limitation, a sliding scale that conditions the amount a provider of health care should receive from the Program on areas of specialization, type of degree and average loan burden for the particular field of health care in which the provider practices.

(c) Shall adopt regulations establishing the ~~[manner]~~ :

(1) Procedure that the State Treasurer will use to carry out the provisions of paragraph (b) of subsection 3 of section 6 of this act; and

(2) Manner in which the Program must prioritize the repayment of student education loans for the providers of health care pursuant to paragraph ~~[(b)]~~ (c) of subsection 3 of section 6 of this act.

(d) Shall adopt regulations prescribing the manner in which the State Treasurer will determine whether a geographic area meets the requirements of paragraph (e) of subsection ~~[4]~~ 3 of section 7 of this act.

(e) Shall adopt regulations prescribing the procedures for the repayment of a student education loan of a provider of health care who has been found eligible to receive such repayment from the Program.

(f) May adopt any other regulations necessary to carry out the Program.

3. The Program may not provide to a provider of health care more than $120,000 for the repayment of student education loans.

4. The application of a provider of health care for repayment of a student education loan and any related personally identifiable information of the applicant is confidential.

Sec. 9. *The State Treasurer:*

1. May employ such staff as the State Treasurer deems necessary to administer the Program.

2. Shall post information about the Program, including, without limitation, the requirements to be eligible to receive repayment of student education loans from the Program and the procedure to apply for such repayment, on an Internet website maintained by the State Treasurer.

Sec. 10. *1. The Account for Student Loan Repayment for Providers of Health Care in Underserved Communities is hereby created in the State General Fund. The State Treasurer shall administer the Account.*

2. Money for the Account may be provided:

(a) By direct legislative appropriation;

(b) By transfer from another account, including, without limitation, the Abandoned Property Trust Account created by NRS 120A.620; or

(c) As provided in subsection 5.

3. Money in the Account must be used solely:

(a) To administer the Account and the Program; and

(b) To repay the student education loans of providers of health care who have qualified for such repayment pursuant to sections 7 and 8 of this act.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The State Treasurer may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose of administering the Program and repaying the student education loans of providers of health care who have qualified for repayment of student education loans pursuant to sections 7 and 8 of this act. The State Treasurer shall deposit any money so received into the Account.

Sec. 11. NRS 226.570 is hereby amended to read as follows:

226.570 The Student Loan Ombudsman shall:

1. Receive, review and attempt to resolve any complaint from a student loan borrower, including, without limitation, attempting to resolve such a complaint in collaboration with an institution of higher education, a student loan servicer and any other person who participates in providing a student education loan.

2. Compile and analyze data on complaints as described in subsection 1.

3. Assist student loan borrowers to understand their rights and responsibilities under the terms of student education loans.

4. Provide information to the public, governmental agencies and the Legislature regarding the problems and concerns of student loan borrowers and make recommendations for resolving those problems and concerns.

5. Analyze and monitor the development and implementation of federal, state and local laws, regulations and policies relating to student loan borrowers and recommend any changes the Student Loan Ombudsman deems necessary.

6. Review the complete history of any student education loan for any student loan borrower who has provided written consent for such a review.

7. Disseminate information concerning the availability of the Student Loan Ombudsman to assist student loan borrowers, potential student loan borrowers, institutions of higher education, student loan servicers and any other persons who participate in providing a student education loan, with any concerns relating to student loan servicing.

8. ***Assist student loan borrowers who are pursuing degrees in a health-related field to become aware of, qualify for and apply for the Student Loan***

Repayment for Providers of Health Care in Underserved Communities Program created by section 6 of this act.

9. Take any other actions necessary to fulfill the duties of the Student Loan Ombudsman as set forth in this section.

Sec. 12. NRS 120A.620 is hereby amended to read as follows:

120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Account:

(a) Any costs in connection with the sale of abandoned property.

(b) Any costs of mailing and publication in connection with any abandoned property.

(c) Reasonable service charges.

(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.

(e) Any valid claims filed pursuant to this chapter.

5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:

(a) The first $7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.

(b) The next $1,000,000 each year must be transferred to the Grant Matching Account created by NRS 223.492.

(c) ***The next $5,000,000 each year must be transferred to the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities created by section 10 of this act.***

(d) The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640 and any claims approved for payment by the Administrator pursuant to NRS 120A.525. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund ***,*** ~~[or]~~ the Grant Matching Account ~~[.]~~ ***or the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities.***

6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4 or NRS 120A.525, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount

necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.

Sec. 13. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330,

442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 8 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in

any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

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

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

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

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

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 46.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 8.

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to historical preservation; revising provisions relating to the responsibility for the installation, **interpretation,** maintenance and protection of historical markers; ~~[making various other changes related to the State Historical Marker Registry; providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources to: (1) establish the qualifications and standards for a historical markers program, designate and make an inventory of qualified sites on both public and privately owned lands and place and maintain historical markers on all public lands and all private lands when the owner consents; (2) establish a state historical marker registry system; and (3) install, maintain and protect, with certain exceptions, all registered historical markers. (NRS 383.091)

Section 1 of this bill eliminates the requirement for the Administrator to place and maintain historical markers on all public lands and private lands.

Existing law authorizes the Administrator to contract with, or cooperate with, public or private agencies for suitable markers and directional signs, including signs on highways and roads, at the site of, or on the approaches to, registered historical markers. (NRS 383.091) **Section 1** eliminates such authority**.** ~~[and]~~

Section 4.5 of this bill requires ~~[instead]~~ that the ~~[state agency or political subdivision on whose property a historical marker is located]~~ **Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources** be responsible for the installation, **interpretation,** maintenance and protection of ~~[the]~~ **all** registered historical ~~[marker and all directional signs at the site of, or on the approaches to, such markers. Section 1 further requires, to the extent that money is available and authorized to be used for the purpose, that the Administrator reimburse the eligible costs of a local government, nonprofit organization or private landowner to install, maintain or protect registered historical]~~ markers.

Existing law requires the Administrator **of the Office of Historic Preservation** to consult with the Nevada Historical Society to determine the content of the legend on all historical markers and grants the Nevada Historical Society final authority to determine the content of any legend. (NRS 383.091) **Section 1** eliminates the granting of such authority to the Nevada Historical Society and instead requires the Administrator to prepare the legend for any new marker identified in the inventory of qualified sites, upon request by any state agency or political subdivision.

~~[Existing law requires the Administrator of the State Public Works Division of the Department of Administration to direct the making of all repairs and improvements on certain buildings, grounds and properties. (NRS 331.070) Section 2 of this bill requires the Administrator to also direct the making of all repairs and maintenance of historical markers that are on such buildings, grounds and properties and are registered in the State Historical Marker Registry.~~

~~Existing law requires the Department of Transportation to cause to be put up, and to be kept up thereafter, certain road markers, highway signs and informative signs. (NRS 408.417) Section 3 of this bill requires the Department to also cause to be put up, and to be kept up thereafter, historical markers that are registered in the State Historical Marker Registry and located in the highway right of way, in consultation with the Office of Historic Preservation.]~~

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

Section 1. NRS 383.091 is hereby amended to read as follows:

383.091 1. The Administrator shall:

(a) Establish the qualifications and standards for a historical markers program, designate ***a qualified site when the owner consents*** and make an inventory of qualified sites on both public and privately owned lands **.** ~~[, and place and maintain historical markers on all public lands and all private lands when the owner consents.]~~

(b) Establish a state historical marker registry system.

(c) Consult with the Nevada Historical Society to determine the content of the legend on all markers. ~~[The Nevada Historical Society has the final authority to determine the content of any legend.]~~ ***Upon request by any state agency or political subdivision, the Administrator shall prepare the legend for any new historical marker identified in the inventory of qualified sites not already included in the State Historical Marker Registry.***

(d) Solicit the cooperation of owners of private property for the installation of historical markers on eligible properties and structures in order that they may be included in the State Historical Marker Registry.

~~[(e) Except as otherwise provided in subsection 3, install, maintain and protect all registered historical markers.]~~

2. ~~[The Administrator may contract with, or cooperate with, public or private agencies for suitable markers and directional signs, including signs on highways and roads, at the site of, or on the approaches to, registered historical markers. The contracts may include provisions~~ ***The state agency or political subdivision on whose property a registered historical marker is located shall be responsible*** ~~for the installation, maintenance and protection of the markers.~~ ***registered historical marker and all directional signs at the site of, or on the approaches to, the registered historical marker.***

~~3.]~~ When the owner of private property consents to the placement by a nonprofit organization of a historical marker in or on a structure located on his or her property, the owner shall be deemed to have consented to the maintenance of the historical marker in or on the structure for as long as the structure remains standing unless the owner notifies the nonprofit organization and requests the organization to remove the historical marker. The owner shall notify any person to whom he or she sells or otherwise transfers ownership of the structure of the duty to maintain the historical marker. The purchaser of a structure in or on which a historical marker has been placed by a nonprofit organization shall maintain the historical marker on the structure for as long as he or she owns the structure and shall notify any person to whom he or she sells or otherwise transfers ownership of the structure of the duty to maintain the historical marker unless the purchaser notifies the nonprofit organization and requests the organization to remove the historical marker. If the structure in or on which a historical marker is placed by a nonprofit organization is renovated or remodeled in such a manner as to require the removal of the historical marker, the owner shall ensure that the marker is reattached to the structure in the same place or in a place of similar prominence as soon as practicable after the completion of the renovation or remodeling project.

[4. To the extent that money is available and authorized to be used for the purpose, the Administrator shall reimburse the eligible costs of a local government, nonprofit organization or owner of private land to install, maintain or protect registered historical markers.]

Sec. 2. ~~[NRS 331.070 is hereby amended to read as follows:~~

~~331.070 1. The Administrator shall have supervision over and control of all state buildings, grounds and properties not otherwise provided for by law except for any buildings, grounds or other properties owned or leased by boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005.~~

~~2. The Administrator shall direct the making of all repairs and improvements on the buildings, grounds and properties over which the Administrator has supervision and control pursuant to subsection 1.~~

~~3.~~ ***The Administrator shall direct the making of all repairs and maintenance of historical markers on the buildings, grounds and properties over which the Administrator has supervision and control pursuant to subsection 1.***

~~4. All officers, departments, boards, commissions and agencies shall make requisition upon the Administrator for any repairs or improvements necessary in buildings or parts thereof over which the Administrator has supervision and control that are owned by or leased to the State and occupied by such officers, departments, boards, commissions or agencies.~~

~~5. As used in this section, "historical marker" means a historical marker registered in the State Historical Marker Registry pursuant to NRS 383.091.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 408.417 is hereby amended to read as follows:~~

~~"408.417 1. As a part of every plan and of all specifications and contracts for the construction of highways, provisions must be made for the erection of permanent guideposts and signboards at every point where another road crosses or diverges from such highways and at all places requiring warning to the traveling public as to the condition of the road, such as dangerous turns and steep grades. Such guideposts and signboards must contain plain and accurate information as to the distances of towns and other points such as is usually contained on signboards for the information of the traveling public.~~

~~2. The Department shall:~~

~~(a) Cause to be put up, and to be kept up thereafter, on and along the highways, all such usual and necessary road markers and highway signs adopted by the American Association of State Highway and Transportation Officials.~~

~~(b) Cause to be put up, and to be kept up thereafter, informative signs, distinctive in color and design, pointing out, calling attention to and descriptive of nearby points, location of and distance to water, and objects of natural, scenic, geographical, geological, paleographical and historical interest to the traveler within or passing through the State.~~

~~(c) Cause to be put up, and to be kept up thereafter, informative signs which indicate scenic routes.~~

~~*(d) Cause to be put up, and to be kept up thereafter, historical markers located in the highway right-of-way, in consultation with the Office of Historic Preservation of the State Department of Conservation and Natural Resources.*~~

~~3. Every guidepost, signboard, road marker, highway sign, informative sign~~ **~~,~~** ~~**[**and**]** descriptive sign~~ ***~~and historical marker~~*** ~~put up by the Department pursuant to this section must contain measurements based on metric units if:~~

~~(a) The Federal Highway Administration of the United States Department of Transportation issues specifications for utilizing measurements based on metric units; and~~

~~(b) Money is made available for this purpose by the Federal Government.~~

~~4. Any person who willfully tears down, digs up, or in any manner defaces, destroys or carries away any such guideboards, road markers, highway signs~~ **~~,~~** ~~**[**or**]** descriptive signs~~ ***~~or historical markers~~*** ~~as provided in this section is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the markers or signs destroyed, damaged, removed or defaced and in no event less than a misdemeanor. The Department has a cause of action against such a person in a court of competent jurisdiction for the amount expended for repairs and replacement of such signs and markers, together with the cost and expenses incurred in the action.~~

~~*5. As used in this section, "historical marker" means a historical marker registered in the State Historical Marker Registry pursuant to NRS 383.091.]*~~

(Deleted by amendment.)

Sec. 4. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 4.5. **Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Administrator shall direct the installation, interpretation, maintenance and protection of all registered historical markers.

2. As used in this section, "registered historical marker" means a historical marker registered in the State Historical Marker Registry pursuant to NRS 383.091.

Sec. 5. This act becomes effective on July 1, 2023.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 51.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 20.

AN ACT relating to public safety; revising the period for the mandatory arrest of a person suspected of committing certain crimes against certain persons; ~~[revising the list of acts that constitute domestic violence when committed against certain persons; authorizing a court to include in certain orders for protection a provision authorizing the recording of certain communications;]~~ revising the penalties for the commission of certain crimes in violation of certain orders for protection; prohibiting a court from granting probation to or suspending the sentence of a person charged with committing a battery which constitutes domestic violence under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law requires a peace officer to arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery which constitutes domestic violence. (NRS 171.137) Existing law also requires a peace officer investigating an act of domestic violence to provide a person suspected of being the victim of an act of domestic violence with a written statement setting forth the circumstances under which the peace officer is required to arrest the person suspected of committing the act of domestic violence. (NRS 171.1225) **Section 2** of this bill ~~[extends the period during which]~~ **requires** a peace officer ~~[is required]~~ to arrest a person suspected of committing a battery which constitutes domestic violence ~~[from]~~ **: (1) if the peace officer encountered the person while responding to the initial**

request for assistance relating to the battery, within 24 hours after the alleged battery **[**~~to within 14~~**]** **; or (2) if the peace officer did not not encounter the person while responding to the initial request for assistance relating to the battery, within 7** days after the alleged battery. **Section 1** of this bill makes a conforming change to the written statement a peace officer must provide to a suspected victim of domestic violence.

Existing law authorizes a peace officer, whether or not a warrant has been issued, to arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon a person with whom he or she is actually residing or upon a sibling or cousin, if the person is not the custodian or guardian of the sibling or cousin. (NRS 171.1375) **Section 3** of this bill **[**~~extends that~~**]** **revises the** period for such a discretionary arrest **[**~~from~~**]** **to be: (1) if the peace officer encountered the person while responding to the initial request for assistance relating to the battery,** within 24 hours after the alleged battery **[**~~to within 14~~**]** **; or (2) if the peace officer did not encounter the person to be arrested while responding to the initial request for assistance relating to the battery, within 7** days after the alleged battery.

~~[Existing law sets forth a list of certain unlawful acts that constitute domestic violence when committed against or upon certain persons. (NRS 33.018) Section 5 of this bill expands the list of acts that constitute domestic violence to include an attempt to commit any of those acts. Sections 4, 9-13, 19 and 20 of this bill make a conforming change to include in the definition of domestic violence an attempt to commit any of those acts.~~

~~Existing law authorizes a court to issue a temporary or extended order for protection against domestic violence if it appears to the satisfaction of the court that an act of domestic violence has occurred or there exists a threat of domestic violence. (NRS 33.020, 33.030) Existing law also makes it unlawful, with certain exceptions, for a person to record his or her own telephone call without the consent of the other person on the call. (NRS 200.620; Lane v. Allstate Ins. Co., 114 Nev. 1176 (1998), cited, McLellan v. State, 124 Nev. 263 (2008)) Section 6 of this bill provides that a court issuing a temporary or extended order for protection against domestic violence may, after considering certain factors, include a provision in the order authorizing the person who applied for the order to record any communication with the adverse party for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. Sections 7, 8, 15 and 17 of this bill provide that a court may make a similar authorization regarding the recording of communications for a person who applies for a temporary or extended order: (1) for protection against harassment in the workplace; (2) for the protection of a child; (3) to restrict the conduct of a person who may have committed sexual assault; or (4) to restrict the conduct of a person who may have committed the crime of stalking,~~

~~aggravated stalking or harassment. Section 18 of this bill makes a conforming change to provide an exception to the general prohibition on intercepting or attempting to intercept a wire communication if such an interception has been authorized by a court in its order pursuant to section 6, 8, 15 or 17.]~~

Existing law provides that a person who commits a crime that is punishable as a felony in violation of certain orders for protection must, in addition to the term of imprisonment for the underlying crime, be punished by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 20 years. However, if the underlying crime is punishable as a category A or B felony, the person must be additionally punished by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 5 years. (NRS 193.166) **Section 14** of this bill provides instead that if the underlying crime is punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 20 years, but if the underlying crime is not punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 5 years.

Existing law provides that a court may not grant probation to or suspend the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a misdemeanor, except that: (1) a justice court or municipal court may suspend the sentence of such a person under certain circumstances; and (2) a court may suspend the sentence of such a person to assign the person to a program for the treatment of veterans and members of the military. Existing law does not expressly prohibit a court from granting probation to or suspending the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a gross misdemeanor or felony. (NRS 200.485) **Section 16** of this bill ~~[maintains such existing law with respect to a person who is charged with committing a battery which constitutes domestic violence that is punishable as a misdemeanor, but]~~ prohibits ~~[the]~~ **a court from** granting ~~[of]~~ probation to or ~~[suspension of]~~ **suspending the** sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a ~~[gross misdemeanor or]~~ felony.

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

Section 1. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to

prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer ..... (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours ~~*[14 days]*~~ by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, ***and if I encountered the person suspected of committing the battery while responding to the initial request for assistance relating to the battery,*** I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) ***If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 7 days by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, and if I did not encounter the person suspected of committing the battery while responding to the initial request for assistance relating to the battery, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.***

(4) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

~~*[*(4)*]*~~ ***(5)*** The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

~~*[*(5)*]*~~ ***(6)*** An order for protection may require the person who committed or threatened the act of domestic violence against you to:

(I) Stop threatening, harassing or injuring you or your children;

(II) Move out of your residence;

(III) Stay away from your place of employment;

(IV) Stay away from the school attended by your children;

(V) Stay away from any place you or your children regularly go;

(VI) Avoid or limit all communication with you or your children;

(VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and

(VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

~~[(6)]~~ ***(7)*** A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

(I) Pay the rent or mortgage due on the place in which you live;

(II) Pay the amount of money necessary for the support of your children;

(III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

~~[(7)]~~ ***(8)*** To get an order for protection, go to room number ..... (state the room number of the office at the court) at the court, which is located at ..... (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

~~[(8)]~~ ***(9)*** If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

(I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110,

➥ the person will not be admitted to bail sooner than 12 hours after arrest.

~~[(9)]~~ ***(10)*** You may obtain emergency assistance or shelter by contacting your local program against domestic violence at ..... (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at ..... (state toll-free telephone number of Statewide Program).

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of

an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 2. NRS 171.137 is hereby amended to read as follows:

171.137 1. Except as otherwise provided in subsection 2, whether or not a warrant has been issued, a peace officer shall, unless mitigating circumstances exist, arrest a person when the peace officer has probable cause to believe that the person to be arrested has **[**~~, within the preceding 24 hours,~~ ***14 days,***~~]~~ committed a battery upon his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons, his or her

minor child or a person who is the custodian or guardian of his or her minor child ~~[.]~~ ***:***

(a) If the peace officer encountered the person to be arrested while responding to the initial request for assistance relating to the battery, within the preceding 24 hours.

(b) If the peace officer did not encounter the person to be arrested while responding to the initial request for assistance relating to the battery, within the preceding 7 days.

2. If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, the peace officer shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons who allegedly committed a battery was the primary physical aggressor involved in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:

(a) Prior domestic violence involving either person;

(b) The relative severity of the injuries inflicted upon the persons involved;

(c) The potential for future injury;

(d) Whether one of the alleged batteries was committed in self-defense; and

(e) Any other factor that may help the peace officer decide which person was the primary physical aggressor.

3. A peace officer shall not base a decision regarding whether to arrest a person pursuant to this section on the peace officer's perception of the willingness of a victim or a witness to the incident to testify or otherwise participate in related judicial proceedings.

4. Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.

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

(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or

(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

6. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 3. NRS 171.1375 is hereby amended to read as follows:

171.1375 1. Whether or not a warrant has been issued, a peace officer may arrest a person ~~[when the]~~ ***if the*** peace officer ~~[has]~~ ***:***

(a) Has probable cause to believe that the person to be arrested has, within the preceding 24 hours, ~~***[14 days,]***~~ committed a battery upon:

~~[(a)]~~ ***(1)*** A person with whom he or she is actually residing;

~~[(b)]~~ ***(2)*** A sibling, if the person is not the custodian or guardian of the sibling; or

~~[(c)]~~ ***(3)*** A cousin, if the person is not the custodian or guardian of the cousin ~~[.]~~ ***; and***

(b) Encountered the person to be arrested while responding to the initial request for assistance relating to the battery.

2. ***Whether or not a warrant has been issued, a peace officer may arrest a person if the peace officer:***

(a) Has probable cause to believe that the person to be arrested has, within the immediately preceding 7 days, committed a battery upon:

(1) A person with whom he or she is actually residing;

(2) A sibling, if the person is not the custodian or guardian of the sibling; or

(3) A cousin, if the person is not the custodian or guardian of the cousin; and

(b) Did not encounter the person to be arrested while responding to the initial request for assistance relating to the battery.

3. Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.

Sec. 4. ~~[~~NRS 178.494 is hereby amended to read as follows:~~]~~

~~178.494 1. If it appears by affidavit that the testimony of a person is material in any criminal proceeding and if it is shown that it may become impracticable to secure the person's presence by subpoena, the magistrate may require bail for the person's appearance as a witness, in an amount fixed by the magistrate. If the person fails to give bail the magistrate may:~~

~~(a) Commit the person to the custody of a peace officer pending final disposition of the proceeding in which the testimony is needed;~~

~~(b) Order the person's release if the person has been detained for an unreasonable length of time; and~~

~~(c) Modify at any time the requirement as to bail.~~

~~2. Except as otherwise provided in subsection 3, every person detained as a material witness must be brought before a judge or magistrate as soon as practicable, but not later than 72 hours after the beginning of the detention. The judge or magistrate shall consider the least restrictive means to secure the person's presence and make a determination whether:~~

~~(a) The amount of bail required to be given by the material witness should be modified; and~~

~~(b) The detention of the material witness should continue. If the court determines that detention of the material witness should continue, the court must make written findings stating why detention should continue.~~

~~3. A person detained as a material witness pursuant to this section who is a victim of domestic violence or sexual assault:~~

~~(a) Must be brought before a judge or magistrate, as soon as practicable, but not later than 24 hours after the beginning of the detention;~~

~~(b) May be detained or continue detention pursuant to a determination by telephone; and~~

~~(c) Must have an attorney appointed by the judge or magistrate, who, to the extent practicable, shall participate in any determination regarding detention pursuant to this section.~~

~~4. The judge or magistrate shall:~~

~~(a) Set a schedule for the periodic review of whether the amount of bail required should be modified and whether detention should continue; and~~

~~(b) Schedule the case in which the material witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.~~

~~5. As used in this section:~~

~~(a) "Domestic violence" means the commission of ***or the attempt to commit*** any act described in NRS 33.018.~~

~~(b) "Sexual assault" has the meaning ascribed to it in NRS 49.2543.~~**]**

(Deleted by amendment.)

Sec. 5. **[**~~NRS 33.018 is hereby amended to read as follows:~~

~~33.018 1. Domestic violence occurs when a person commits ***or attempts to commit*** one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:~~

~~(a) A battery.~~

~~(b) An assault.~~

~~(c) Coercion pursuant to NRS 207.190.~~

~~(d) A sexual assault.~~

~~(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:~~

~~(1) Stalking.~~

~~(2) Arson.~~

~~(3) Trespassing.~~

~~(4) Larceny.~~

~~(5) Destruction of private property.~~

~~(6) Carrying a concealed weapon without a permit.~~
~~(7) Injuring or killing an animal.~~
~~(8) Burglary.~~
~~(9) An invasion of the home.~~
~~(f) A false imprisonment.~~
~~(g) Pandering.~~
~~2. The provisions of this section do not apply to:~~
~~(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or~~
~~(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.~~
~~3. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.~~**] (Deleted by amendment.)**

Sec. 6. **[**~~NRS 33.030 is hereby amended to read as follows:~~

~~33.030 1. The court by a temporary order may:~~
~~(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;~~
~~(b) Exclude the adverse party from the applicant's place of residence;~~
~~(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;~~
~~(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;~~
~~(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;~~
~~(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and~~
~~(g) Order such other relief as it deems necessary in an emergency situation.~~
~~2. The court by an extended order may grant any relief enumerated in subsection 1 and:~~
~~(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;~~
~~(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and~~
~~(c) Order the adverse party to:~~
~~(1) Avoid or limit communication with the applicant or minor child;~~

~~(2) Pay rent or make payments on a mortgage on the applicant's place of residence;~~

~~(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;~~

~~(4) Pay all costs and fees incurred by the applicant in bringing the action; and~~

~~(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.~~

~~3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.~~

~~5. A temporary or extended order must provide notice that:~~

~~(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and~~

~~(b) A person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:~~

~~(1) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~(2) The person has previously violated a temporary or extended order for protection; or~~

~~(3) At the time of the violation or within 2 hours after the violation, the person has:~~

~~(I) A concentration of alcohol of 0.08 or more in the person's blood or breath; or~~

~~(II) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.~~

~~***6. The court may include a provision in a temporary or extended order authorizing the applicant to record any communication with the adverse party for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. In determining whether to include such a provision in the temporary or extended order, the court shall consider:***~~

~~***(a) Whether the adverse party and the applicant have a child in common;***~~

~~*(b) Whether the adverse party has a history of engaging in harassment or violent or threatening behavior; and*~~

~~*(c) Any other relevant factors.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[~~NRS 33.280 is hereby amended to read as follows:~~

33.280 1. A temporary or extended order for protection against harassment in the workplace may:~~

(a) Enjoin the person who allegedly committed the harassment from contacting the employer, an employee of the employer while the employee is performing the employee's duties of employment and any person while the person is present at the workplace of the employer;~~

(b) Order the person who allegedly committed the harassment to stay away from the workplace of the employer; and~~

(c) Order such other relief as the court deems necessary to protect the employer, the workplace of the employer, the employees of the employer while performing their duties of employment and any other persons who are present at the workplace.~~

2. A court may not issue a temporary or extended order for protection against harassment in the workplace that is against more than one person.~~

3. A temporary or extended order for protection against harassment in the workplace must:~~

(a) Specify, as applicable, the county and city, if any, in which the workplace of the employer is located and in which the employees of the employer perform their duties of employment;~~

(b) Include a provision ordering any law enforcement officer to arrest the person who allegedly committed the harassment, with or without a warrant, if the officer has probable cause to believe that the person has been served with a copy of the order and has violated a provision of the order;~~

(c) State the reasons for granting the order; and~~

(d) Include the following statement:~~

~~WARNING~~

~~This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating an order for protection against harassment in the workplace and any other crime that you may have committed in disobeying this order.~~

~~4. In addition to the requirements of subsection 3, if the court granted a temporary order for protection against harassment in the workplace without notice, the order must:~~

(a) Include a statement that the person who allegedly committed the harassment is entitled to a hearing on the order pursuant to NRS 33.270;~~

~~(b) Include the name and address of the court in which the petition for a hearing may be filed;~~

~~(c) Contain the date and hour of issuance;~~

~~(d) Be immediately filed with the clerk of the court;~~

~~(e) Define the irreparable injury, loss or damage resulting from the harassment and state why it is irreparable; and~~

~~(f) Set forth the reasons for granting the order without notice.~~

~~*5. The court may include a provision in a temporary or extended order for protection against harassment in the workplace authorizing the employer, an employee of the employer while the employee is performing the employee's duties of employment or any person present at the workplace of the employer to record any communication with the person who allegedly committed the harassment for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. In determining whether to include such a provision in a temporary or extended order for protection against harassment in the workplace, the court shall consider:*~~

~~*(a) Whether the person who allegedly committed the harassment and the employer, the employee of the employer or the person present at the workplace of the employer have a child in common;*~~

~~*(b) Whether the person who allegedly committed the harassment has a history of engaging in harassment or violent or threatening behavior; and*~~

~~*(c) Any other relevant factors.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[~~NRS 33.400 is hereby amended to read as follows:

~~33.400 1. In addition to any other remedy provided by law, the parent or guardian of a child may petition any court of competent jurisdiction on behalf of the child for a temporary or extended order against a person who is 18 years of age or older and who the parent or guardian reasonably believes has committed or is committing a crime involving:~~

~~(a) Physical or mental injury to the child of a nonaccidental nature; or~~

~~(b) Sexual abuse or sexual exploitation of the child.~~

~~2. If such an order on behalf of a child is granted, the court may direct the person who allegedly committed or is committing the crime to:~~

~~(a) Stay away from the home, school, business or place of employment of the child and any other location specifically named by the court.~~

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.~~

~~(c) Comply with any other restriction which the court deems necessary to protect the child or to protect any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.~~

~~3. If a defendant charged with committing a crime described in subsection 1 is released from custody before trial or is found guilty or guilty but mentally ill during the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:~~

~~(a) Stay away from the home, school, business or place of employment of the child against whom the alleged crime was committed and any other location specifically named by the court.~~

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child against whom the alleged crime was committed and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.~~

~~(c) Comply with any other restriction which the court deems necessary to protect the child or to protect any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.~~

~~4. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:~~

~~(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

~~(b) A hearing is held on the petition.~~

~~5. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~6. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:~~

~~(a) A temporary order is guilty of a gross misdemeanor.~~

~~(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~7. Any court order issued pursuant to this section must:~~

~~(a) Be in writing;~~

~~(b) Be personally served on the person to whom it is directed; and~~

~~(c) Contain the warning that violation of the order:~~

~~(1) Subjects the person to immediate arrest.~~

~~(2) Is a gross misdemeanor if the order is a temporary order.~~

~~(3) Is a category C felony if the order is an extended order.~~

~~***8. The court may include a provision in a temporary or extended order authorizing a child or the parent or guardian of a child to record any communication with the adverse party for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. In determining whether to include such a provision in the temporary or extended order, the court shall consider:***~~

~~*(a) Whether the adverse party and the child or the parent or guardian of the child have a child in common;*~~

~~*(b) Whether the adverse party has a history of engaging in harassment or violent or threatening behavior; and*~~

~~*(c) Any other relevant factors.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~[~~NRS 48.061 is hereby amended to read as follows:~~

48.061 1. Except as otherwise provided in subsection 2, evidence of domestic violence and expert testimony concerning the effect of domestic violence, including, without limitation, the effect of physical, emotional or mental abuse, on the beliefs, behavior and perception of the alleged victim of the domestic violence that is offered by the prosecution or defense is admissible in a criminal proceeding for any relevant purpose, including, without limitation, when determining:

(a) Whether a defendant is excepted from criminal liability pursuant to subsection 8 of NRS 194.010, to show the state of mind of the defendant.

(b) Whether a defendant in accordance with NRS 200.200 has killed another in self-defense, toward the establishment of the legal defense.

2. Expert testimony concerning the effect of domestic violence may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.

3. As used in this section, "domestic violence" means the commission of ~~*or the attempt to commit*~~ any act described in NRS 33.018.~~]~~ **(Deleted by amendment.)**

Sec. 10. ~~[~~NRS 50.205 is hereby amended to read as follows:~~

50.205 1. In case of failure of a witness to attend, the court or officer issuing the subpoena, upon proof of the service thereof and of the failure of the witness, may issue a warrant to the sheriff of the county to arrest the witness and bring the witness before the court or officer where the attendance of the witness was required.

2. Upon the arrest of a witness pursuant to subsection 1, the court or officer issuing the warrant shall appoint an attorney to represent the witness and provide the attorney:

(a) With the last known contact information of the witness; and

(b) Notice of every proceeding.

3. Except as otherwise provided in subsection 4, every witness detained pursuant to a warrant issued pursuant to this section must be brought before the court or officer as soon as practicable but not later than 72 hours after the beginning of the detention. The court or officer shall consider the least restrictive means to secure the presence of the witness and make a determination whether the detention of the witness should continue. If the court determines that the detention of the witness should continue, the court must make written findings stating why detention should continue.

~~4. A person detained as a witness pursuant to this section who is a victim of domestic violence or sexual assault:~~

~~(a) Must be brought before the court or officer as soon as practicable but not later than 24 hours after the beginning of the detention;~~

~~(b) May be detained or continue detention pursuant to a determination by telephone; and~~

~~(c) To the extent practicable, must have the attorney appointed pursuant to subsection 2 participate in any determination pursuant to this section.~~

~~5. The court or officer shall:~~

~~(a) Set a schedule for the periodic review of whether detention should continue; and~~

~~(b) Schedule the case in which the witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.~~

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

~~(a) "Domestic violence" means the commission of *or the attempt to commit* any act described in NRS 33.018.~~

~~(b) "Sexual assault" has the meaning ascribed to it in NRS 49.2543.~~**]**

(Deleted by amendment.)

Sec. 11. **[**~~NRS 118A.345 is hereby amended to read as follows:~~

~~118A.345 1. Notwithstanding any provision in a rental agreement to the contrary, if a tenant, cotenant or household member is the victim of domestic violence, harassment, sexual assault or stalking, the tenant or any cotenant may terminate the rental agreement by giving the landlord written notice of termination effective at the end of the current rental period or 30 days after the notice is provided to the landlord, whichever occurs sooner.~~

~~2. In the case of a termination of a rental agreement pursuant to this section on the grounds that a tenant, cotenant or household member is a victim of domestic violence, the written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:~~

~~(a) A copy of an order for protection against domestic violence issued to the tenant, cotenant or household member who is the victim of domestic violence;~~

~~(b) A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the domestic violence; or~~

~~(c) A copy of a written affidavit in the form prescribed pursuant to NRS 118A.347 and signed by a qualified third party acting in his or her official capacity stating that the tenant, cotenant or household member is a victim of domestic violence and identifying the adverse party.~~

~~3. In the case of a termination of a rental agreement pursuant to this section on the grounds that a tenant, cotenant or household member is a victim of~~

~~harassment, sexual assault or stalking, the written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:~~

~~(a) A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the harassment, sexual assault or stalking, as applicable; or~~

~~(b) A copy of a temporary or extended order issued pursuant to NRS 200.378 or 200.591, as applicable.~~

~~4. A tenant or cotenant may terminate a rental agreement pursuant to this section only if the actions, events or circumstances that resulted in the tenant, cotenant or household member becoming a victim of domestic violence, harassment, sexual assault or stalking occurred within the 90 days immediately preceding the written notice of termination to the landlord.~~

~~5. A tenant or cotenant who terminates a rental agreement pursuant to this section is only liable, if solely or jointly liable for purposes of the rental agreement, for any rent owed or required to be paid through the date of termination and any other outstanding obligations. If the tenant or cotenant has prepaid rent that would apply for the rental period in which the rental agreement is terminated, the landlord may retain the prepaid rent and no refund is due to the tenant or cotenant unless the amount of the prepaid rent exceeds what is owed for that rental period. Except as otherwise provided in NRS 118A.242, if the tenant or cotenant has paid a security deposit, the deposit must not be withheld for the early termination of the rental agreement if the rental agreement is terminated pursuant to this section.~~

~~6. A person who is named as the adverse party may be civilly liable for all economic losses incurred by a landlord for the early termination of a rental agreement pursuant to this section, including, without limitation, unpaid rent, fees relating to early termination, costs for the repair of any damages to the dwelling and any reductions in or waivers of rent previously extended to the tenant or cotenant who terminates the rental agreement pursuant to this section.~~

~~7. A landlord shall not provide to an adverse party any information concerning the whereabouts of a tenant, cotenant or household member if the tenant or cotenant provided notice pursuant to subsection 1.~~

~~8. If a tenant or cotenant provided notice pursuant to subsection 1, the tenant, the cotenant or a household member may require the landlord to install a new lock onto the dwelling if the tenant, cotenant or household member pays the cost of installing the new lock. A landlord complies with the requirements of this subsection by:~~

~~(a) Rekeying the lock if the lock is in good working condition; or~~

~~(b) Replacing the entire locking mechanism with a new locking mechanism of equal or superior quality.~~

~~9. A landlord who installs a new lock pursuant to subsection 8 may retain a copy of the new key. Notwithstanding any provision in a rental agreement to the contrary, the landlord shall:~~

~~(a) Refuse to provide a key which unlocks the new lock to an adverse party.~~

~~(b) Refuse to provide to an adverse party, whether or not that party is a tenant, cotenant or household member, access to the dwelling to reclaim property unless a law enforcement officer is present.~~

~~10. This section shall not be construed to limit a landlord's right to terminate a rental agreement for reasons unrelated to domestic violence, harassment, sexual assault or stalking.~~

~~11. Notwithstanding any other provision of law, the termination of a rental agreement pursuant to this section:~~

~~(a) Must not be disclosed, described or characterized as an early termination by a current landlord to a prospective landlord; and~~

~~(b) Is not required to be disclosed as an early termination by a tenant or cotenant to a prospective landlord.~~

~~12. As used in this section:~~

~~(a) "Adverse party" means a person who is named in an order for protection against domestic violence, harassment, sexual assault or stalking, a written report from a law enforcement agency or a written statement from a qualified third party and who is alleged to be the cause of the early termination of a rental agreement pursuant to this section.~~

~~(b) "Cotenant" means a tenant who, pursuant to a rental agreement, is entitled to occupy a dwelling that another tenant is also entitled to occupy pursuant to the same rental agreement.~~

~~(c) "Domestic violence" means the commission of ***or the attempt to commit*** any act described in NRS 33.018.~~

~~(d) "Harassment" means a violation of NRS 200.571.~~

~~(e) "Household member" means any person who is related by blood or marriage and is actually residing with a tenant or cotenant.~~

~~(f) "Qualified third party" means:~~

~~(1) A physician licensed to practice in this State;~~

~~(2) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc. or the American Osteopathic Board of Neurology and Psychiatry of the American Osteopathic Association;~~

~~(3) A psychologist licensed to practice in this State;~~

~~(4) A social worker licensed to practice in this State;~~

~~(5) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;~~

~~(6) A marriage and family therapist or clinical professional counselor licensed to practice in this State pursuant to chapter 641A of NRS;~~

~~(7) Any person who:~~

~~(I) Is employed by an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met and who is licensed to provide health care pursuant to the provisions of title 54 of NRS, or is a member of the board of directors or serves as the executive director of an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met;~~

~~(II) Has received training relating to domestic violence; and~~

~~(III) Is a resident of this State; or~~

~~(8) Any member of the clergy of a church or religious society or denomination that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501 (c)(3), who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination and who is a resident of this State.~~

~~(g) "Sexual assault" means a violation of NRS 200.366.~~

~~(h) "Stalking" means a violation of NRS 200.575.~~**]** **(Deleted by amendment.)**

Sec. 12. **[**~~NRS 125C.0035 is hereby amended to read as follows:~~

~~125C.0035 1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.~~

~~2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.~~

~~3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:~~

~~(a) To both parents jointly pursuant to NRS 125C.0025 or to either parent pursuant to NRS 125C.003. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent's application.~~

~~(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.~~

~~(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.~~

~~(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.~~

~~4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:~~

~~(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.~~

~~(b) Any nomination of a guardian for the child by a parent.~~

~~(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.~~

~~(d) The level of conflict between the parents.~~

~~(e) The ability of the parents to cooperate to meet the needs of the child.~~

~~(f) The mental and physical health of the parents.~~

~~(g) The physical, developmental and emotional needs of the child.~~

~~(h) The nature of the relationship of the child with each parent.~~

~~(i) The ability of the child to maintain a relationship with any sibling.~~

~~(j) Any history of parental abuse or neglect of the child or a sibling of the child.~~

~~(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.~~

~~(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.~~

~~5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:~~

~~(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and~~

~~(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.~~

~~6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:~~

~~(a) All prior acts of domestic violence involving either party;~~

~~(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;~~

~~(c) The likelihood of future injury;~~

~~(d) Whether, during the prior acts, one of the parties acted in self-defense; and~~

~~(e) Any other factors which the court deems relevant to the determination.~~

~~In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.~~

~~7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:~~

~~(a) Findings of fact that support the determination that one or more acts of abduction occurred; and~~

~~(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.~~

~~8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:~~

~~(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;~~

~~(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.~~

~~10. As used in this section:~~

~~(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~(b) "Domestic violence" means the commission of ***or the attempt to commit*** any act described in NRS 33.018.~~]~~ **(Deleted by amendment.)**

Sec. 13. ~~[~~NRS 125C.230 is hereby amended to read as follows:~~

~~125C.230 1. Except as otherwise provided in NRS 125C.210 and 125C.220, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:~~

~~(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and~~

~~(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.~~

~~2. If after an evidentiary hearing held pursuant to subsection 1 the court determines that more than one party has engaged in acts of domestic violence, it shall, if possible, determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:~~

~~(a) All prior acts of domestic violence involving any of the parties;~~

~~(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;~~

~~(c) The likelihood of future injury;~~

~~(d) Whether, during the prior acts, one of the parties acted in self-defense; and~~

~~(e) Any other factors that the court deems relevant to the determination.~~

~~In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 1 applies to each of the parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 1 applies only to the party determined by the court to be the primary physical aggressor.~~

~~3. As used in this section, "domestic violence" means the commission of ***or the attempt to commit*** any act described in NRS 33.018.~~]~~ **(Deleted by amendment.)**

Sec. 14. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) An emergency or extended order for protection against high-risk behavior issued pursuant to NRS 33.570 or 33.580;

(e) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;

(f) A temporary or extended order issued pursuant to NRS 200.378; or

(g) A temporary or extended order issued pursuant to NRS 200.591,

➥ shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than ~~[20]~~ ***5*** years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~[5]~~ ***20*** years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery

which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 15. ~~[NRS 200.378 is hereby amended to read as follows:~~

~~200.378 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of sexual assault has been committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who allegedly committed the sexual assault to:~~

~~(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.~~

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~2. If a defendant charged with a crime involving sexual assault is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:~~

~~(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.~~

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:~~

~~(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

~~(b) A hearing is held on the petition.~~

~~4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:~~

~~(a) A temporary order is guilty of a gross misdemeanor.~~

~~(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~6. Any court order issued pursuant to this section must:~~

~~(a) Be in writing;~~

~~(b) Be personally served on the person to whom it is directed; and~~

~~(c) Contain the warning that violation of the order:~~

~~(1) Subjects the person to immediate arrest.~~

~~(2) Is a gross misdemeanor if the order is a temporary order.~~

~~(3) Is a category C felony if the order is an extended order.~~

~~7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the arrest if:~~

~~(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~(b) The person has previously violated a temporary or extended order for protection; or~~

~~(c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

~~(2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.~~

~~*8. The court may include a provision in a temporary or extended order authorizing the victim of the alleged sexual assault and any other person named in the order to record any communication with the adverse party for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. In determining whether to include such a provision in the temporary or extended order, the court shall consider:*~~

~~*(a) Whether the adverse party and the victim of the alleged sexual assault have a child in common;*~~

~~*(b) Whether the adverse party has a history of engaging in harassment or violent or threatening behavior; and*~~

~~*(c) Any other relevant factors.]*~~ **(Deleted by amendment.)**

Sec. 16. NRS 200.485 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) For the first offense, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 20 days and may be further punished by a fine of not less than $500, but not more than $1,000.

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

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

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

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

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

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

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

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed or the judgment of conviction is set aside pursuant to NRS 176A.240, 176A.260 or 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a), (b) or (c) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

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

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

10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a misdemeanor and may prohibit the person from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360, the person is entitled to a trial by jury pursuant to subsection 1 of NRS 175.011, regardless of whether the person was previously prohibited from owning,

possessing or having under his or her control or custody any firearm pursuant to NRS 202.360.

11. A court ~~[:~~

~~(a) Except as otherwise provided in paragraph (b),]~~ shall not grant probation to or suspend the sentence of a person ~~[described in subsection 10.]~~ ***who is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018*** ~~[.~~

~~(b) May grant probation to or suspend the sentence of a person~~ described in ~~subsection 10:~~ ~~***who is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018:***~~

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

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

12. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

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

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

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

14. As used in this section:

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

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

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

Sec. 17. ~~[NRS 200.591 is hereby amended to read as follows:~~

~~200.591 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who is allegedly committing the crime to:~~

~~(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.~~

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~2. If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:~~

~~(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.~~

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:~~

~~(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

~~(b) A hearing is held on the petition.~~

~~4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:~~

~~(a) A temporary order is guilty of a gross misdemeanor.~~

~~(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~6. Any court order issued pursuant to this section must:~~

~~(a) Be in writing;~~

~~(b) Be personally served on the person to whom it is directed; and~~

~~(c) Contain the warning that violation of the order:~~

~~(1) Subjects the person to immediate arrest.~~

~~(2) Is a gross misdemeanor if the order is a temporary order.~~

~~(3) Is a category C felony if the order is an extended order.~~

~~7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:~~

~~(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~(b) The person has previously violated a temporary or extended order for protection; or~~

~~(c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

~~(2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.~~

~~***8. The court may include a provision in a temporary or extended order authorizing a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him or her by the adverse party to record any communication with the adverse party for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. In determining whether to include such a provision in a temporary or extended order, the court shall consider:***~~

~~***(a) Whether the adverse party and the person filing a petition pursuant to subsection 1 have a child in common;***~~

~~***(b) Whether the adverse party has a history of engaging in harassment or violent or threatening behavior; and***~~

~~***(c) Any other relevant factors.]*** **(Deleted by amendment.)**

Sec. 18. ~~[~~NRS 200.620 is hereby amended to read as follows:

~~200.620 1. Except as otherwise provided in subsection 5 and NRS~~ ***33.030, 33.280, 33.400,*** ~~179.410 to 179.515, inclusive,~~ ***200.378, 200.591,***

~~209.419 and 704.195, it is unlawful for any person to intercept or attempt to intercept any wire communication unless:~~

~~(a) The interception or attempted interception is made with the prior consent of one of the parties to the communication; and~~

~~(b) An emergency situation exists and it is impractical to obtain a court order as required by NRS 179.410 to 179.515, inclusive, before the interception, in which event the interception is subject to the requirements of subsection 3. If the application for ratification is denied, any use or disclosure of the information so intercepted is unlawful, and the person who made the interception shall notify the sender and the receiver of the communication that:~~

~~(1) The communication was intercepted; and~~

~~(2) Upon application to the court, ratification of the interception was denied.~~

~~2. This section does not apply to any person, or to the officers, employees or agents of any person, engaged in the business of providing service and facilities for wire communication where the interception or attempted interception is to construct, maintain, conduct or operate the service or facilities of that person.~~

~~3. Any person who has made an interception in an emergency situation as provided in paragraph (b) of subsection 1 shall, within 72 hours of the interception, make a written application to a justice of the Supreme Court or district judge for ratification of the interception. The interception must not be ratified unless the applicant shows that:~~

~~(a) An emergency situation existed and it was impractical to obtain a court order before the interception; and~~

~~(b) Except for the absence of a court order, the interception met the requirements of NRS 179.410 to 179.515, inclusive.~~

~~4. NRS 200.610 to 200.690, inclusive, do not prohibit the recording, and NRS 179.410 to 179.515, inclusive, do not prohibit the reception in evidence, of conversations on wire communications installed in the office of an official law enforcement or fire fighting agency, or a public utility, if the equipment used for the recording is installed in a facility for wire communications or on a telephone with a number listed in a directory, on which emergency calls or requests by a person for response by the law enforcement or fire-fighting agency or public utility are likely to be received. In addition, those sections do not prohibit the recording or reception in evidence of conversations initiated by the law enforcement or fire-fighting agency or public utility from such a facility or telephone in connection with responding to the original call or request, if the agency or public utility informs the other party that the conversation is being recorded.~~

~~5. The interception or attempted interception of a wire communication is not unlawful under the circumstances set forth in subsection 1 of NRS 179.463.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 432.207 is hereby amended to read as follows:~~

~~432.207 1. The Children's Advocate or his or her designee may apply to the court for a warrant to take physical custody of a missing child if, during an investigation of the missing child, it appears that there is probable cause to believe that:~~

~~(a) An act of abduction has been committed against the child; and~~

~~(b) The act of abduction was not committed to protect:~~

~~(1) The child from continued abuse or neglect or from a bona fide and imminent threat of abuse or neglect; or~~

~~(2) The person who allegedly abducted the child from continued domestic violence or a bona fide and imminent threat of domestic violence.~~

~~2. In filing the application for a warrant, the Children's Advocate and his or her designee acts on behalf of the court and not on behalf of any party.~~

~~3. The application must include, without limitation:~~

~~(a) The name of the person having legal custody of the child;~~

~~(b) The name of the person alleged to have committed the act of abduction of the child;~~

~~(c) The name of the person alleged to have possession of the child, if different from the person described in paragraph (b);~~

~~(d) A statement of the facts and circumstances pertaining to the abduction of the child;~~

~~(e) A statement indicating whether, to the knowledge of the applicant after reasonable investigation under the circumstances, the child, the person having legal custody of the child, the person alleged to have committed the act of abduction or the person alleged to have possession of the child has been:~~

~~(1) The subject of an investigation of alleged abuse or neglect of a child or domestic violence;~~

~~(2) A party to a proceeding concerning the alleged abuse or neglect of a child, an act of abduction of a child or domestic violence; or~~

~~(3) A party against whom an order for protection against domestic violence was issued;~~

~~(f) A statement indicating which court, if any, has exercised jurisdiction over the custody or welfare of the child;~~

~~(g) A copy of the most recent child custody determination, if any, concerning the child, or if there is no such determination, a statement as to the legal basis for the custody of the child; and~~

~~(h) A declaration made under oath and penalty of perjury that every factual representation made in the application is true and correct to the best of the knowledge of the applicant.~~

~~4. The court may, in its discretion, supplement the allegations made in the application with the sworn testimony of the applicant at a hearing before the court. Any such testimony must be recorded and preserved in the records of the court.~~

~~5. If an application is filed pursuant to this section:~~

~~(a) The Children's Advocate or his or her designee may not be assessed a filing fee for the application; and~~

~~(b) Any proceedings regarding the application must be expedited by the court.~~

~~6. If the court determines that no exigent circumstances exist in relation to the issuance of the warrant, the court:~~

~~(a) Shall hold a hearing before it issues the warrant;~~

~~(b) Shall provide, or ensure that the Children's Advocate or his or her designee provides, notice of the hearing to the custodial parent, the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child;~~

~~(c) If the person alleged to have committed the act of abduction or, if different, the person alleged to have possession of the child is present at the hearing or otherwise appears at the hearing, may:~~

~~(1) Order such person to return the child in accordance with the determination of the court regarding the placement of the child; and~~

~~(2) Issue the warrant in accordance with subsection 9; and~~

~~(d) If the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child received notice but are not present at the hearing, do not otherwise appear at the hearing and do not submit statements to the court, may issue the warrant in accordance with subsection 9.~~

~~7. If the court determines that exigent circumstances exist in relation to the issuance of the warrant, including, without limitation, that the child is in imminent danger of being removed from this State or in imminent danger of serious physical harm, the court may issue the warrant after an ex parte hearing. If the court issues the warrant after an ex parte hearing:~~

~~(a) The court shall afford the custodial parent, the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child an opportunity to be heard at the earliest possible time after the warrant is executed, but not later than 48 hours after the warrant is executed unless a hearing within that period is impossible. If a hearing within that period is impossible, the court shall hold the hearing on the first judicial day possible.~~

~~(b) The Children's Advocate or his or her designee shall provide notice of the hearing to be held pursuant to paragraph (a) to the custodial parent, the~~

~~person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child.~~

~~8. The custodial parent of the child, the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child may:~~

~~(a) Appear at a hearing held pursuant to subsection 6 or 7 in person, by telephone or by video; and~~

~~(b) Submit written statements to the court electronically or by other means.~~

~~9. If, after a hearing held pursuant to subsection 6 or 7, as applicable, the court:~~

~~(a) Determines that there is probable cause to believe that an act of abduction has been committed against the child and that the act of abduction was not committed for the protection of the child or the person who allegedly abducted the child as described in subsection 1, the court may issue a warrant to take physical custody of the child; or~~

~~(b) Finds by a preponderance of the evidence that the act of abduction of the child was committed for the protection of the child or the person who allegedly abducted the child as described in subsection 1, the court shall:~~

~~(1) Assume temporary emergency jurisdiction of the matter and shall enter a temporary emergency order for the custody of the child which is in the best interest of the child and which is sufficient to protect the safety and welfare of all interested persons; and~~

~~(2) Provide in the order a period of time which the court considers adequate and within which the person seeking the emergency order may obtain an initial or modified child custody determination regarding the child from a court that has jurisdiction to enter such an order.~~

~~10. A warrant issued by the court pursuant to this section:~~

~~(a) Must set forth findings of fact that establish probable cause for believing that an act of abduction occurred and that the act of abduction was not committed for the protection of the child or the person who allegedly abducted the child as described in subsection 1;~~

~~(b) Must direct law enforcement officers to take physical custody of the child and deliver the child in accordance with the determination of the court regarding the placement of the child;~~

~~(c) Must specify the property that may be searched and the child who may be seized pursuant to the warrant;~~

~~(d) Must authorize law enforcement officers to enter private property as described in paragraph (c) to take physical custody of the child;~~

~~(e) Must order that the child be returned to his or her legal custodian unless such placement is not in the best interest of the child; and~~

~~(f) Is enforceable throughout this State.~~

~~11. As soon as reasonably practicable but not later than 24 hours after a law enforcement officer executes a warrant issued pursuant to this section, the Children's Advocate or his or her designee shall inform the court of the execution of the warrant.~~

~~12. As used in this section:~~

~~(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359.~~

~~(b) "Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.~~

~~(c) "Child custody determination" means a judgment, decree or other order of a court providing for the legal custody, physical custody or visitation with respect to a child. The term includes a permanent, temporary, initial and modification order.~~

~~(d) "Court" means a court of this state authorized to establish, enforce or modify a child custody determination.~~

~~(e) "Domestic violence" means the commission of ***or the attempt to commit*** any act described in NRS 33.018.~~**] (Deleted by amendment.)**

Sec. 20. **[**~~NRS 432B.157 is hereby amended to read as follows:~~

~~432B.157 1. Except as otherwise provided in NRS 125C.210 and 432B.153, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that it is not in the best interest of the child for the perpetrator of the domestic violence to have custody of the child. Upon making such a determination, the court shall set forth:~~

~~(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and~~

~~(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.~~

~~2. If after an evidentiary hearing held pursuant to subsection 1 the court determines that more than one party has engaged in acts of domestic violence, it shall, if possible, determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:~~

~~(a) All prior acts of domestic violence involving any of the parties;~~

~~(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;~~

~~(c) The likelihood of future injury;~~

~~(d) Whether, during the prior acts, one of the parties acted in self-defense; and~~

~~(c) Any other factors that the court deems relevant to the determination.~~

~~→ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 1 applies to each of the parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 1 applies only to the party determined by the court to be the primary physical aggressor.~~

~~3. A court, agency, institution or other person who places a child in protective custody shall not release a child to the custody of a person who a court has determined pursuant to subsection 1 has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child unless:~~

~~(a) A court determines that it is in the best interest of the child for the perpetrator of the domestic violence to have custody of the child; or~~

~~(b) Pursuant to the provisions of subsection 2, the presumption created pursuant to subsection 1 does not apply to the person to whom the court releases the child.~~

~~4. As used in this section, "domestic violence" means the commission of *or the attempt to commit* any act described in NRS 33.018.~~ **(Deleted by amendment.)**

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 52.

Bill read second time and ordered to third reading.

Assembly Bill No. 56.

Bill read second time.

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

Amendment No. 10.

AN ACT relating to vehicles; authorizing certain vehicles to drive on the paved shoulder of a highway under certain circumstances; revising provisions governing the acts required of a driver of a vehicle upon the immediate approach of certain emergency or official vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the limited conditions under which the driver of a vehicle may overtake and pass upon the right of another vehicle. (NRS 484B.210) **Section 1** of this bill allows authorized emergency vehicles, vehicles which have been issued permits as authorized emergency vehicles, traffic incident management vehicles of the Department of Transportation, tow

cars **, coroner vehicles** and buses of public transit systems to drive on the paved ~~[right]~~ shoulder of a highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

Existing law requires a driver of a vehicle, upon the approach of an authorized emergency vehicle or official vehicle of a regulatory agency making use of certain flashing lights, to yield the right-of-way, drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway and stop. (NRS 484B.267) **Section 2** of this bill prohibits a driver from driving to and stopping in a position on a paved ~~[right]~~ shoulder of a highway where lawfully placed signage allows certain vehicles described in **section 1** to drive on the shoulder.

Existing law prohibits, except if required by an emergency, a person from driving a vehicle on a controlled-access highway outside of a marked traffic lane or marked entrance or exit lane. (NRS 484B.587) **Section 3** of this bill authorizes certain vehicles described in **section 1** to drive on the paved shoulder of a controlled-access highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

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

Section 1. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.

(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.

(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:

(1) ~~[Does]~~ ***Except as otherwise provided in subsection 4, does*** not travel more than 200 feet in the section of pavement not marked as a traffic lane; or

(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

4. ***The provisions of subparagraph (1) of paragraph (c) of subsection 1 do not apply to:***

(a) An authorized emergency vehicle described in NRS 484A.480;

(b) A vehicle which has been issued a permit to operate as an authorized emergency vehicle pursuant to NRS 484A.490;

(c) A traffic incident management vehicle;

(d) A tow car; ~~[or]~~

(e) A coroner vehicle; or

(f) A public transit motor bus,

➥ ***that is being driven on the paved ~~[right]~~ shoulder of a highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.***

5. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

6. As used in this section:

(a) "Coroner vehicle" means an authorized vehicle used by a county coroner, medical examiner, medicolegal death investigator or mortuary personnel:

(1) Responding to the scene of a death; or

(2) Transporting a dead human body.

(b) "Hazardous material vehicle" means a vehicle used by the Department of Transportation for the cleanup of a spill of hazardous or illicit material, solid waste or other environmental hazards on or adjacent to a highway or within the rights-of-way of the Department of Transportation.

(c) "Public transit motor bus" means a vehicle used by a public transit system, designed for carrying more than 10 passengers and used for the transportation of persons for compensation.

~~[(b)]~~ (d) "Public transit system" has the meaning ascribed to it in NRS 277A.120.

~~[(c)]~~ (e) "Traffic incident" means any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard.

~~[(d)]~~ (f) "Traffic incident management vehicle" means an authorized vehicle used by the Department of Transportation to provide aid to motorists or to mitigate traffic incidents and which makes use of flashing amber warning lights that meet the requirements of subsection 1 of NRS 484D.185 and any standards approved by the Department of Public Safety. The term includes ~~[vehicles]~~ :

(1) Vehicles operating as part of the Freeway Service Patrol of the Department of Transportation ; and ~~[vehicles]~~

(2) Vehicles, including, without limitation, hazardous material vehicles, which respond to ~~[accidents,]~~ traffic incidents, motor vehicle crashes or other emergencies ~~[related to hazardous materials.]~~ for purposes other than providing police, fire and emergency medical services.

Sec. 2. NRS 484B.267 is hereby amended to read as follows:

484B.267 1. Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall ~~[yield]~~ ***, except when otherwise directed by a law enforcement officer:***

(a) Yield the right-of-way **.** ~~[and shall]~~

(b) Except as otherwise provided in this paragraph, immediately drive to a position parallel to, and as close as possible to, the right-hand edge or ***, if applicable,*** curb ~~*[but not on the shoulder]*~~ of a highway ***and*** clear of any intersection **.** ~~[and shall stop]~~ ***The driver shall not drive to and stop in a position on a paved ~~[right]~~ shoulder of a highway where lawfully placed signage allows a vehicle described in paragraphs (a) to ~~[(e),]~~ (f), inclusive, of subsection 4 of NRS 484B.210 to drive on the shoulder.***

(c) Stop and remain in such position until the authorized emergency vehicle or official vehicle has passed **.** ~~[, except when otherwise directed by a law enforcement officer.]~~

2. Upon approaching an authorized emergency vehicle or an official vehicle of a regulatory agency which is moving or preparing to move in any direction, including, without limitation, arriving at or leaving the scene of a crash or other incident, and making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of any other vehicle shall, except when otherwise directed by a law enforcement officer:

(a) Decrease the speed of his or her vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop;

(d) If the authorized emergency vehicle or official vehicle of a regulatory agency is moving in the same direction of travel as the driver, not drive abreast of or overtake the authorized emergency vehicle or official vehicle of a regulatory agency;

(e) If possible, drive in a lane that is not adjacent to the lane in which the authorized emergency vehicle or official vehicle of a regulatory agency is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible; and

(f) If the authorized emergency vehicle or official vehicle of a regulatory agency:

(1) Approaches the driver's vehicle, proceed as required pursuant to subsection 1; or

(2) Stops, proceed as required pursuant to NRS 484B.607.

3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, "preparing to move" means any indication that is visible to an approaching driver that an authorized emergency vehicle or an official vehicle of a regulatory agency is about to move, including, without limitation:

(a) A movement of the vehicle; or

(b) The use of hand signals by the driver of the vehicle.

Sec. 3. NRS 484B.587 is hereby amended to read as follows:

484B.587 1. When official traffic-control devices are erected giving notice thereof, a person shall not drive a vehicle onto or from any controlled-access highway except at those entrances and exits which are indicated by such devices.

2. Except if required by an emergency ~~[,]~~ ***or as otherwise authorized by subsection 3,*** a person shall not drive a vehicle on a controlled-access highway:

(a) Upon any portion of the highway that lies outside of a marked traffic lane or marked entrance or exit lane; or

(b) Across any solid white line that separates an entrance or exit lane from a marked traffic lane.

3. ***A person driving a vehicle described in paragraphs (a) to*** ~~***[(e),]***~~ ***(f), inclusive, of subsection 4 of NRS 484B.210 may drive that vehicle on a paved shoulder of a controlled-access highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.***

4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 4. **1.** This ~~[act]~~ **section** becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

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

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

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 57.

Bill read second time.

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

Amendment No. 11.

AN ACT relating to motor vehicles; revising provisions relating to a lien on a motor vehicle; revising the date by which the Director of the Department of ~~[Public Safety]~~ **Motor Vehicles** is required to submit certain reports concerning garages, garage operators and body shops; repealing provisions relating to special license plates issued to honorary consuls of foreign countries; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain persons who store, maintain, keep, repair or furnish facilities or services for certain vehicles have a lien on such vehicles.

(NRS 108.265-108.367) Existing law authorizes a person who has such a lien to satisfy the lien by selling the vehicle at an auction held at or near the place where the lien was acquired. **Section 1** of this bill ~~[additionally authorizes]~~ **provides that, if** a person who has such a lien ~~[to]~~ **is unable to sell the vehicle at a public auction for the fair market value of the vehicle, the person may** satisfy the lien by selling the vehicle by private sale **directly to a third-party purchaser** in an arm's length transaction **.** ~~[under certain circumstances. Section 1 requires every aspect of a sale held to satisfy a lien to be commercially reasonable, regardless of whether the sale is held by public auction or by private sale.~~

~~Existing law requires an advertisement for the sale of a vehicle for purposes of satisfying a lien to be published in a newspaper that is published in the place where the sale is to be held. (NRS 108.310) Section 1 also authorizes such an advertisement of a sale to be published in a publication of a nationally recognized media outlet made available on the Internet.]~~ **Section 1** also removes the requirement that a sale must be held at or near the place where the lien was acquired.

On November 16, 2021, the United States Department of State issued a notice indicating that it is the preference of the Office of Foreign Missions of the United States Department of State that states cease issuing special license plates to honorary consular officers. (United States Department of State, "Cessation of Honorary Consul License Plates," November 16, 2021) In accordance with that notice, **section 7** of this bill repeals provisions of existing law which provide for the issuance of special license plates to a person appointed as an honorary consul of a foreign country, thereby terminating the production and distribution of such plates. (NRS 482.3675) **Sections 2 and 3** of this bill make conforming changes by eliminating references to the repealed section.

Existing law requires the Director of the Department of ~~[Public Safety]~~ **Motor Vehicles** to prepare and submit an annual report concerning garages, garage operators and body shops to the Legislative Commission or Legislature, as appropriate, on or before January 1 of each year. (NRS 487.557) **Section 4** of this bill instead requires the Director to submit this report on or before February 1 of each year. **Section 4** also updates references to the standing committees to whom the report will be transmitted.

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

Section 1. NRS 108.310 is hereby amended to read as follows:

108.310 Subject to the provisions of NRS 108.2723 and 108.315, the lien created in NRS 108.270 to 108.367, inclusive, may be satisfied as follows:

1. The lien claimant shall give written notice to the person on whose account the storing, maintaining, keeping, repairing, labor, fuel, supplies, facilities, services or accessories were made, done or given, and to any other person known to have or to claim an interest in the motor vehicle, aircraft,

motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home, upon which the lien is asserted, and to the:

(a) Housing Division of the Department of Business and Industry with regard to mobile homes, manufactured homes and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of Motor Vehicles with regard to all other items included in this section.

2. ~~[In]~~ ***Except as otherwise provided in subsection 3, in*** accordance with the terms of a notice so given, a sale by ***public*** auction ~~[may]~~ ***must*** be held to satisfy any valid claim which has become a lien on the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home. ~~[The]~~

3. A lien claimant may cause a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold by private sale directly to a third-party purchaser in an arm's length transaction if the lien claimant is unable to sell the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home at a public auction ~~[, after a reasonable effort,]~~ for the fair market value of the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

4. ~~[Every aspect of a~~ sale ~~must be held in the place where the lien was acquired or, if that place is manifestly unsuitable for the purpose, at the nearest suitable place.~~

~~3. *made pursuant to subsection 2 or 3, including, without limitation, the method, advertising, time, date, place, terms and price, must be commercially reasonable.*~~

~~*5.]*~~ After the time for the payment of the claim specified in the notice has elapsed, an advertisement of the sale, describing the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold, and stating the name of the owner or person on whose account it is held, and the time and place of the sale, must be

published once a week for 3 consecutive weeks in a newspaper ***of general circulation*** published in the place where the sale is to be held. ~~[, but if no newspaper is published in that place, then in a newspaper published in this State that has a general circulation in that place.~~ ~~*or in a publication of a nationally recognized media outlet made available on the Internet.]*~~ The sale must not be held less than 22 days after the time of the first publication.

~~[~~4.~~ *6.]*~~ **5.** From the proceeds of the sale the lien claimant who furnished the services, labor, fuel, accessories, facilities or supplies shall satisfy the lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of the proceeds must be delivered, on demand, to the person to

whom the lien claimant would have been bound to deliver, or justified in delivering, the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

~~[7.]~~ ***6. Nothing in this section shall be construed to prohibit a lien claimant from purchasing a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home at a public auction held pursuant to subsection 2 for the fair market value of the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.***

7. As used in this section ~~*I, "media outlet" means a company or other similar entity that transmits news or other information through various distribution channels, including, without limitation, newspapers, magazines and electronic media.]*~~ ***:***

(a) "Arm's length transaction" means a transaction between two parties:

(1) Who are not related, affiliated or on close terms; and

(2) Who are presumed to have roughly equal bargaining power.

(b) "Fair market value" means the retail value of a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home that is established by:

(1) An objective appraisal based upon local market resources, including, without limitation, automobile dealers and classified advertisements of newspapers;

(2) An independent appraisal service;

(3) A current issue of a nationally recognized guide used by financial institutions in this State for the valuation of used goods, including, without limitation, used motor vehicles; or

(4) A computer-based service commonly used by the insurance industry for the valuation of goods, including, without limitation, used motor vehicles.

Sec. 2. NRS 482.379 is hereby amended to read as follows:

482.379 1. The Director may order the design and preparation of license plates which commemorate the 125th anniversary of Nevada's admission into the Union and establish the procedures for the application and issuance of the plates.

2. The Department may designate any colors, numbers and letters for the commemorative plates.

3. A person who is entitled to license plates pursuant to NRS 482.265 may apply for commemorative license plates.

4. The fee for the commemorative license plates is $10, in addition to all other applicable registration and license fees and governmental services taxes. If a person is eligible for and applies for any special license plates issued pursuant to NRS 482.3667, 482.3672, ~~[~~482.3675,~~]~~ 482.368 or 482.370 to

482.3825, inclusive, and applies to have those special license plates combined with commemorative plates, the person must pay the fees for the special license plates in addition to the fee for the commemorative plates.

5. In addition to all fees for the license, registration and governmental services taxes, a person who is eligible for and applies for commemorative plates must pay $25 for the celebration of the 125th anniversary of Nevada's admission into the Union. The fees for the license, registration, and governmental services taxes and the charge for the celebration may be paid with a single check.

6. Commemorative plates are renewable upon the payment of $10.

7. If during a registration period, the holder of commemorative plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Within 30 days after removing the plates from the vehicle, return them to the Department; or

(b) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as is provided for in this chapter.

8. Except as otherwise provided by subsection 10, if a commemorative license plate or set of license plates issued pursuant to the provisions of this section is lost, stolen or mutilated, the owner of the vehicle may secure a duplicate number plate or set of duplicate number plates, as the case may be, from the Department upon payment of the fees set forth in subsection 2 of NRS 482.500.

9. The Department shall, for each set of commemorative license plates that it issues:

(a) Deposit the $25 collected for the celebration of the 125th anniversary of Nevada's admission into the Union with the State Treasurer for credit to the Account for Nevada's 125th Anniversary in the State General Fund;

(b) Deposit $7.50 with the State Treasurer for credit to the Motor Vehicle Fund pursuant to the provisions of NRS 482.180; and

(c) Deposit $2.50 with the State Treasurer for credit to the Department to reimburse the Department for the cost of manufacturing the license plates.

10. The Department shall not:

(a) Issue the commemorative license plates after October 31, 1990.

(b) Issue duplicate or replacement commemorative license plates after June 30, 1995.

11. License plates issued pursuant to this section are not subject to reissue pursuant to subsection 2 of NRS 482.265.

Sec. 3. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, ~~[482.3675,]~~ 482.370 to 482.3755, inclusive, 482.376 or 482.379 to 482.3818, inclusive, a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

Sec. 4. NRS 487.557 is hereby amended to read as follows:

487.557 1. On or before ~~[January]~~ ***February*** 1 of each year, the Director of the Department shall prepare a report concerning garages, garage operators and body shops. The report must include:

(a) The number of complaints relating to garages, garage operators and body shops made to and acted upon by the Department during the year for which the report is prepared;

(b) The number of investigations conducted during that year by the Department relating to garages, garage operators and body shops; and

(c) The outcome of each investigation specified in paragraph (b) and the extent to which any information relating to each investigation is subject to disclosure to the members of the public.

2. On or before ~~[January]~~ ***February*** 1 of each even-numbered year, the Director of the Department shall submit the report required pursuant to subsection 1 to the Legislative Commission. On or before ~~[January]~~ ***February*** 1 of each odd-numbered year, the Director of the Department shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Senate Standing Committee on ~~[Energy,]~~ ***Growth and*** Infrastructure ***;*** ~~[and Transportation;]~~ and

(b) The Assembly Standing Committee on ~~[Transportation.]~~ ***Growth and Infrastructure.***

Sec. 5. A person to whom the Department of Motor Vehicles issued special license plates pursuant to NRS 482.3675 shall, on or before January 1, 2024, surrender any such plates in his or her possession to the Department, and, in lieu of any plates surrendered, is entitled to receive regular Nevada license plates.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. NRS 482.3675 is hereby repealed.

Sec. 8. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

482.3675 Honorary consul of foreign country.

1. An owner of a motor vehicle who is a United States citizen or a citizen of a foreign country residing in this State and who holds from a foreign country a letter of appointment as an honorary consul may, upon signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A copy of the letter of appointment from that country,

➥ be issued a set of license plates upon which is inscribed CONSULAR CORPS with a number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003.

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section loses his or her status as an honorary consul, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to honorary consuls of foreign countries. The Department shall include on the form for application a notice to the applicant that the issuance of such license plates does not confer any diplomatic immunity.

5. Special license plates issued pursuant to this section are renewable upon the payment of $10.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 58.

AN ACT relating to securities; creating the Fund for the Compensation of Victims of Securities Fraud and prescribing the use of money in the Fund; authorizing certain persons to whom a court orders restitution to apply for compensation from the Fund; requiring the Administrator of the Securities Division of the Office of the Secretary of State to review applications for and award compensation from the Fund; making confidential certain information; requiring the Division to adopt regulations relating to the administration of the Fund; requiring the Administrator to submit to the Legislature a biennial report concerning the Fund; requiring a person who receives compensation from the Fund to reimburse the State for such compensation under certain circumstances; revising provisions governing the deposit of certain money received by the Administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Securities Act, which sets forth provisions governing the sale and purchase of securities in this State in a manner consistent with federal laws and regulations. In general, the Act prohibits a person from engaging in certain deceptive acts, practices or courses of business in connection with the offer, sale or purchase of a security. (NRS 90.570-90.610) The Act also authorizes certain sanctions against a person who violates these prohibitions, including civil penalties, criminal fines and payment of restitution. (NRS 90.630, 90.640, 90.650) The Nevada Constitution entitles a victim of a crime to full and timely restitution and requires all monetary payments, money and property collected from any person ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim. (Nev. Const. Art. 1, § 8A)

Section 6 of this bill creates the Fund for the Compensation of Victims of Securities Fraud and requires that the money in the Fund be used for the compensation of certain victims to whom restitution is owed. **Section 2** of this bill defines the term "Fund" to mean the Fund for the Compensation of Victims of Securities Fraud. **Section 3** of this bill: (1) establishes the process by which certain persons to whom a court orders restitution may apply for and receive compensation from the Fund; (2) authorizes an applicant to appeal a determination made concerning an award of compensation from the Fund; and (3) makes confidential certain information and documentation submitted in connection with such an application. **Section 9** of this bill makes a conforming change relating to the information made confidential pursuant to **section 3**.

Section 4 of this bill requires the Securities Division of the Office of the Secretary of State to adopt certain regulations relating to the Fund, including regulations: (1) establishing eligibility requirements for an award of compensation from the Fund; (2) prescribing certain other requirements

relating to the award of compensation from the Fund; and (3) establishing a procedure to appeal a determination made concerning an award of compensation from the Fund. **Section 5** of this bill requires the Administrator of the Division to prepare and submit a biennial report to the Legislature that includes certain information relating to the Fund. **Section 6** requires the Division to prepare certain quarterly estimates concerning the Fund and requires any money remaining in the Fund at the end of each fiscal year to be carried over to the next fiscal year. **Section 7** of this bill: (1) requires an applicant, as a condition of accepting an award of compensation from the Fund, to take certain action if the applicant recovers unpaid restitution after receiving such compensation; and (2) prescribes certain other conditions of accepting an award of compensation from the Fund.

Existing law requires all money received by the Division or the Administrator pursuant to the Act to be deposited in the State General Fund. (NRS 90.630, 90.650, 90.710) **Section 8** of this bill requires all money received by the Administrator as a result of an enforcement action relating to securities to be deposited with the State Treasurer for credit to the Fund.

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

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, "Fund" means the Fund for the Compensation of Victims of Securities Fraud created by section 6 of this act.***

Sec. 3. ***1. Except as otherwise provided in this subsection, a person to whom a court orders restitution pursuant to NRS 90.640 may, not later than 12 months after the date on which such restitution is ordered, apply to the Administrator for compensation from the Fund. The Administrator may waive the time limit prescribed by this subsection for good cause shown.***

2. The Administrator or his or her designee shall review all applications submitted pursuant to subsection 1 and award compensation to applicants in accordance with the regulations adopted pursuant to section 4 of this act.

3. An applicant aggrieved by a determination of the Administrator or his or her designee made pursuant to subsection 2 may appeal the determination in accordance with the regulations adopted pursuant to section 4 of this act.

4. The Administrator or his or her designee may request that an applicant submit to the Division any additional information or documentation necessary to enable the Administrator or his or her designee to make the determination required by subsection 2. As soon as practicable after receiving such a request, the applicant shall submit to the Division any information or documentation requested.

5. Any information or documentation contained in an application submitted to the Administrator pursuant to subsection 1 or to the Division pursuant to

subsection 4 is confidential and, unless the disclosure is otherwise prohibited by law, must not be disclosed except:

(a) Upon the request of the applicant or the attorney of the applicant;

(b) In the necessary administration of this chapter; or

(c) Upon the lawful order of a court of competent jurisdiction.

Sec. 4. *The Division shall adopt any regulations necessary to carry out the provisions of sections 2 to 7, inclusive, of this act, including, without limitation, regulations:*

1. Establishing eligibility requirements for an award of compensation from the Fund.

2. Establishing a form and procedure for applying for an award of compensation from the Fund. The form must include, without limitation, an indication of the amount of money the applicant has received or is likely to receive as restitution for the financial harm suffered as a result of the commission of a violation of this chapter, or a regulation or order of the Administrator under this chapter, pursuant to NRS 90.640.

3. Establishing the order of priority in which the Administrator or his or her designee must:

(a) Review applications submitted pursuant to section 3 of this act; and

(b) Award compensation to an applicant, if applicable.

4. Prescribing standards for the amount of compensation the Administrator or his or her designee may award from the Fund. Such standards must include, without limitation, a requirement that such compensation must not exceed the lesser of $25,000 or an amount equal to 25 percent of the amount of unpaid restitution awarded by a court.

5. Establishing a procedure to appeal a determination made by the Administrator or his or her designee pursuant to section 3 of this act.

Sec. 5. *On or before January 1 of each odd-numbered year, the Administrator shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report relating to the Fund. The report must include, without limitation:*

1. The total amount of compensation awarded from the Fund;

2. The number of applicants who applied for compensation from the Fund;

3. The number of applicants who were denied compensation from the Fund; and

4. The average length of time taken to award compensation from the Fund, from the date of receipt of the application to the date of the payment of compensation.

Sec. 6. *1. Money for payment of compensation as awarded by the Administrator pursuant to section 3 of this act must be paid from the Fund for the Compensation of Victims of Securities Fraud, which is hereby created. Money in the Fund must be disbursed by the Division in the same manner as other claims against the State are paid, in accordance with the regulations adopted pursuant to section 4 of this act.*

2. The Division shall prepare quarterly estimates of:

(a) The revenue in the Fund which is available for the payment of compensation; and

(b) The anticipated expenses of the Fund for the next fiscal quarter.

3. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

4. The Division may apply for and accept gifts, grants and donations from any source for deposit in the Fund.

5. Any money remaining in the Fund at the end of each fiscal year does not revert to the State General Fund and must be carried over into the next fiscal year.

Sec. 7. ***An applicant who accepts an award of compensation from the Fund does so under the following conditions:***

1. The State of Nevada is immediately subrogated in the amount of the award to any right of action to recover any unpaid restitution, and that right of subrogation may be diminished for attorney's fees and other costs of litigation in obtaining such recovery; and

2. If recovery is obtained for unpaid restitution, the applicant shall promptly notify the Administrator or his or her designee, and shall promptly pay to the Division the lesser of the amount of the award made from the Fund or the amount recovered less attorney's fees and costs. The duty of notice and payment pursuant to this subsection continues until the amount of the award has been repaid to the State of Nevada.

Sec. 8. NRS 90.710 is hereby amended to read as follows:

90.710 1. This chapter must be administered by the Secretary of State and the Administrator. The Secretary of State may employ personnel necessary to administer the provisions of this chapter.

2. All money received by ~~[the]~~ ***:***

(a) The Division ~~[or the Administrator]~~ pursuant to this chapter must be deposited with the ~~[state]~~ ***State*** Treasurer for credit to the State General Fund.

(b) The Administrator, as a result of an action for the enforcement of the provisions of this chapter, must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Securities Fraud created by section 6 of this act.

Sec. 9. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044,

172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555,

631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 3 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in

this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

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

2. Sections 1 to 10, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 25.

AN ACT relating to government administration; providing **, with certain exceptions,** that governmental entities shall not prohibit the use of certain refrigerants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, subject to certain limitations, the governing body of any city or county may adopt a building code. (NRS 278.580-278.586) **Section 1** of this bill provides that the governing body of a city or county or any other

governmental entity shall not adopt a building code or take any other action to prohibit or otherwise limit the use of refrigerants that are designated by the United States Environmental Protection Agency as alternatives or substitutes to certain other refrigerants so long as the equipment containing any such alternative or substitute is installed in compliance with certain industry standards. **Section 1 further provides that a governing body of a city, county or other governmental entity may adopt a building code, ordinance or take any other action to prohibit the construction or use of an evaporative cooling mechanism.**

Sections 3, 4 and 6 of this bill make conforming changes to the limit of the authority of a county or city to adopt a building code.

Section 7 of this bill provides that any building code or other action that has been adopted by the governing body of a city or county or any other governmental entity that on the effective date of this act conflicts with the provisions of **section 1** is void and unenforceable.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Under existing law, the State Public Works Board is required to adopt certain standards for the design and construction of buildings or other projects of this State. (NRS 341.087, 347.091) **Section 5** of this bill provides that the State Public Works Board shall not prohibit or otherwise limit the use of refrigerants that are designated by the United States Environmental Protection Agency as alternatives or substitutes to certain other refrigerants so long as the equipment containing any such alternative or substitute is installed in compliance with industry standards.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[The]*~~

1. Except as otherwise provided in subsection 2, the governing body of any city or county or any other governmental entity shall not adopt a building code or take any other action to prohibit or otherwise limit the use of a refrigerant that is designated as an acceptable alternative or substitute for a class I or class II substance by the United States Environmental Protection Agency pursuant to 42 U.S.C. § 7671k so long as the equipment containing any such alternative or substitute refrigerant is listed and installed in compliance with the most recent version of ASHRAE Standard 15, Safety Standard for Refrigeration Systems, ASHRAE Standard 34, Designation and Safety Classification of Refrigerants and the appropriate listing standard, such as UL 60335-2-89 or UL 60335-2-40, as applicable.

2. The governing body of any city or county or any other governmental entity may adopt a building code, ordinance or take any other action to

prohibit the construction or use of an evaporative cooling mechanism or restrict water service to properties that utilize such a mechanism.

3. As used in this section, "evaporative cooling mechanism" means any type of cooling technology, device or equipment that utilizes the evaporation of water as part of the cooling process.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.5846, 278.586, 444.340 to 444.430, inclusive, and 477.030, ***and section 1 of this act,*** the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 4. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.5846, 278.586, 444.340 to 444.430, inclusive, and 477.030, ***and section 1 of this act,*** the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, those fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 5. Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall not prohibit or otherwise limit the use of a refrigerant that is designated as an acceptable alternative or substitute for a class I or class II substance by the United States Environmental Protection Agency pursuant to 42 U.S.C. § 7671k so long as the equipment containing any such alternative or substitute refrigerant is listed and installed in compliance with the most recent version of ASHRAE Standard 15, Safety Standard for Refrigeration Systems, ASHRAE Standard 34, Designation and Safety Classification of Refrigerants and the appropriate listing standard, such as UL 60335-2-89 or UL 60335-2-40, as applicable.

Sec. 6. Section 2.200 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1400, is hereby amended to read as follows:

Section 2.200 Powers of City Council; Buildings; construction and maintenance regulations; buildings and safety codes. Subject to the limitations which are contained in NRS 278.580, 278.583 and 444.340 to 444.430, inclusive, ***and section 1 of this act,*** the City Council may:

1. Regulate all matters which relate to the construction, maintenance and safety of buildings, structures and property within the City.

2. Adopt any building, electrical, plumbing, mechanical or safety code which is necessary to carry out the provisions of this section and establish such fees as may be necessary.

Sec. 7. Any building code or other action that has been adopted by the governing body of a city or county or any other governmental entity before, on or after the effective date of this act that conflicts with the provisions of section 1 of this act is void and unenforceable.

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

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 21.

AN ACT relating to criminal procedure; requiring each office of a prosecuting attorney to maintain certain records relating to certain informants; requiring a prosecuting attorney to make certain disclosures to the defendant relating to informants; requiring a court to instruct jurors to consider certain information relating to informants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a duty upon a prosecuting attorney and a defendant to disclose certain information before and during a ~~[hearing or]~~ trial, including, without limitation, information relating to witnesses and evidence. (NRS 174.233-174.295) **Section 7** of this bill provides that if a prosecuting attorney intends to use testimony ~~[or information]~~ provided by an informant in a ~~[hearing or]~~ trial, the prosecuting attorney is required to disclose the following information or materials to the defendant: (1) a summary of the criminal history of the informant; (2) a copy of any cooperation agreement; (3) any benefit that has been ~~[requested by, offered or provided to]~~ or ~~[may]~~ **will** be provided to the informant in exchange for his or her testimony **;** ~~[or information;]~~ (4) the substance and, if known, the time and place of any statement made by the defendant to the informant that is relevant to the

~~[hearing or]~~ trial and any statement implicating the defendant that was made by the informant to a law enforcement officer; (5) details relating to any occasion on which the informant recanted his or her testimony; and (6) any other case known to the prosecuting attorney in which the informant testified in exchange for a benefit and the benefit offered or provided **.** ~~[or the informant offered to provide testimony in exchange for a benefit but did not testify in the case.]~~ **Section 7** requires such disclosures to be made **as soon as is practicable before a trial, but** not later than 30 days before the ~~[hearing or]~~ trial **,** unless the court revises the deadline for making the disclosures or the court continues the ~~[hearing or]~~ trial.

Section 7 also provides that if a court finds that making the disclosures may result in substantial bodily harm to the informant, the court may order the disclosures to only be made to the attorney for the defendant, and not to the defendant or any other party. Finally, **section 7** requires a court to instruct the jury to consider certain information in assessing the credibility of an informant.

Section 6 of this bill requires each office of a prosecuting attorney to maintain complete and systematic records of cases prosecuted by the office in which testimony ~~[or information]~~ is provided by an informant pursuant to a cooperation agreement. **Sections 6 and 8** of this bill provide that such records are confidential and not considered public books or records.

Sections 3-5 of this bill define the terms "benefit," "cooperation agreement" and "informant," respectively, for the purposes of this bill. **Section 2** of this bill makes a conforming change related to the definitions.

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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Benefit" means:***

1. A plea bargain;

2. Any consideration of bail or conditions of release;

3. A reduction or modification of a term of sentence; or

4. Any other leniency, immunity, financial payment, reward or amelioration of the current or future conditions of any term of sentence.

Sec. 4. ***"Cooperation agreement" means a written agreement:***

1. Between a person who is or was in jail or prison and the office of a prosecuting attorney wherein the person agrees to be an informant; and

2. Which includes, without limitation, a summary of:

(a) The testimony ~~[or information]~~ to be provided by the informant; and

(b) The benefit which has been or may be provided to the informant in exchange for the testimony ~~[or information]~~ described in paragraph (a).

Sec. 5. ***"Informant" means a person who:***

1. Provides testimony ~~[or information]~~ on behalf of the State based on any statement made by a defendant while the defendant and the person were in jail or prison; and

2. ~~[Requested,]~~ Has received or ~~[may]~~ will receive a benefit in connection with the provision of the testimony ~~[or information]~~ described in subsection 1.

Sec. 6. *1. Every office of a prosecuting attorney shall maintain complete and systematic records of any case prosecuted by the office in which testimony ~~[or information]~~ is provided by an informant pursuant to a cooperation agreement. The records must include, without limitation:*

(a) The substance of the testimony ; ~~[or information;]~~

(b) Any benefit that has been ~~[requested by, offered or provided to]~~ or ~~[may]~~ will be provided to the informant in connection with the provision of the testimony ; ~~[or information;]~~ and

(c) A copy of the cooperation agreement.

2. The records described in subsection 1 are confidential and are not public books or records within the meaning of NRS 239.010.

Sec. 7. *1. Except as otherwise provided in subsections 2 and 3, if a prosecuting attorney intends to use testimony ~~[or information]~~ provided by an informant at a ~~[hearing or]~~ trial, the prosecuting attorney shall file and serve upon the defendant the following information or material as soon as ~~[possible,]~~ practicable, but not later than 30 days before the ~~[hearing or]~~ trial:*

(a) A summary of the criminal history of the informant, including, without limitation:

(1) Any pending charges against the informant; and

(2) Any charge against the informant that was reduced or dismissed , or will be reduced or dismissed, in exchange for the testimony to be provided as part of a plea bargain;

(b) A copy of any cooperation agreement;

(c) Any benefit that has been ~~[requested by, offered or provided to]~~ or ~~[may]~~ will be provided to the informant in connection with his or her provision of the testimony;

(d) The substance and, if known, the time and place of:

(1) Any statement that is relevant to the ~~[hearing or]~~ trial made by the defendant to the informant; and

(2) Any statement implicating the defendant in the charged offense made by the informant to a law enforcement officer;

(e) Any occasion on which the informant recanted his or her testimony ~~[,]~~ that will be provided by the informant at the trial, including, without limitation:

(1) The time and place of the recantation;

(2) The nature of the recantation; and

(3) The name of any person who was present at the time of the recantation; and

(f) Any other case known to the prosecuting attorney in which the informant ~~***[:***~~

~~***(1) Provided]***~~ ***provided*** ***testimony and the benefit offered or provided in each case*** ***.*** ~~***[;***~~ ***or***

~~***(2) Offered to provide testimony in exchange for a benefit but did not testify in the case.]***

2. A court may, upon good cause shown, implement a revised deadline for making the disclosures described in subsection 1 or, upon its own motion, continue the ~~***[hearing or]***~~ ***trial described in subsection 1, if:***

(a) The informant was not known to the prosecuting attorney until after the deadline for making the disclosures described in subsection 1; and

(b) The information and materials described in subsection 1 could not have been discovered or obtained by the prosecuting attorney with the exercise of due diligence before the deadline for making the disclosures described in subsection 1.

3. If a court finds that disclosing the information and materials described in subsection 1 will result in the possibility of substantial bodily harm to the informant, the court may require the information and materials to be viewed exclusively by the attorney for the defendant, and not by the defendant or any other party.

4. In every trial in which a prosecuting attorney uses testimony ~~***[or information]***~~ ***provided by an informant, the court shall instruct the jury to consider the information described in paragraphs*** ~~***[(c)]***~~ ***(a) to (f), inclusive, of subsection 1 in assessing the credibility of the informant.***

Sec. 8. NRS 239.010 is hereby amended to read as follows:

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

247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,

645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 6 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 9.

ASSEMBLYMEN LA RUE HATCH, ORENTLICHER, PETERS, THOMAS, WATTS; ANDERSON **, ~~[AND]~~** GONZÁLEZ **, GORELOW AND SUMMERS-ARMSTRONG**

AN ACT relating to conservation; establishing the Soil Health Advisory Board; creating the Healthy Soils Initiative; setting forth the powers and duties of the State Conservation Commission relating to the Healthy Soils Initiative; establishing the Fund for Soil Health; declaring certain information obtained by the Commission to be confidential; **requiring the Conservation Districts Program in the State Department of Conservation and Natural Resources to provide staff services relating to the Healthy Soils Initiative;** making an appropriation to the **Conservation Districts Program to provide staff services to the** State Conservation Commission for administering the Healthy Soils Initiative; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Conservation Commission and authorizes the establishment of conservation districts to facilitate the conservation, protection and controlled development of the renewable natural resources of this State, which includes soil. (Chapter 548 of NRS) **Section 6** of this bill establishes the Soil Health Advisory Board within the Commission to advise the Commission on the Healthy Soils Initiative. The Advisory Board consists of: (1) nine voting members, including six members who represent certain agricultural interests in this State; and (2) any other nonvoting member appointed by the Commission to provide any necessary assistance or technical or scientific expertise.

Section 7 of this bill creates the Healthy Soils Initiative within the Commission, which must: (1) encourage the adoption of soil health practices by agricultural producers; (2) promote and advance the understanding of the

environmental and economic benefits of soil health practices; and (3) support and advance scientific research into soil health.

Section 8 of this bill authorizes the Commission to establish, as part of the Healthy Soils Initiative: (1) a grant program for soil health activities and projects; (2) a soil health monitoring and inventory platform; and (3) any other program the Commission determines is appropriate. **Section 8** requires, with certain exceptions, any program or platform established by the Commission to be voluntary and incentive-based. **Section 8** also provides that, if the Commission establishes a grant program, the Commission must adopt certain regulations relating to the grant program.

Section 9 of this bill establishes the Fund for Soil Health in the State Treasury and requires the Commission to administer the Fund.

Sections 10 and 57 of this bill provide that, with certain exceptions, any information in the records and files of the Commission regarding the identity of an agricultural producer or program participant and the practices of an agricultural producer or program participant is confidential.

Section 10.5 of this bill requires the Conservation Districts Program in the State Department of Conservation and Natural Resources to provide staff services to the Commission to carry out the provisions of sections 2-11 of this bill.

Section 11 of this bill authorizes the Commission to adopt regulations to carry out the provisions of **sections 2-11 . ~~[of this bill.]~~**

Sections 2-5 of this bill define certain terms relating to the provisions of **sections 2-11**.

Sections 12-56 and 58 of this bill make conforming changes to existing references to incorporate the provisions relating to the Commission into the Nevada Revised Statutes.

Section 59 of this bill makes an appropriation to the **Conservation Districts Program to provide staff services to the** Commission for administering the Healthy Soils Initiative and for the salary of an employee to assist the Commission in administering the Healthy Soils Initiative.

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

Section 1. Chapter 548 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Agricultural producer" means a person engaged in the production of a product of agriculture.***

Sec. 4. ***"Commission" has the meaning ascribed to it in NRS 548.030.***

Sec. 5. ***"Government" has the meaning ascribed to it in NRS 548.045.***

Sec. 6. ***1. The Soil Health Advisory Board is hereby created within the Commission. The Soil Health Advisory Board consists of:***

(a) Nine voting members as follows:

(1) One representative from the State Department of Agriculture appointed by the Director of the State Department of Agriculture;

(2) One representative from the Division of Environmental Protection of the State Department of Conservation and Natural Resources appointed by the Administrator of the Division of Environmental Protection;

(3) One representative from the Division of Public and Behavioral Health of the Department of Health and Human Services appointed by the Administrator of the Division of Public and Behavioral Health; and

(4) Six members appointed by the Commission who represent the diverse agricultural interests of this State as follows:

(I) A dairy farmer;

(II) A rancher;

(III) A specialty crop or small farmer;

(IV) An irrigated crop producer;

(V) A tribal representative; and

(VI) A person engaged in research relating to agricultural soil health; and

(b) Any other nonvoting member appointed by the Commission to provide any necessary assistance or technical or scientific expertise.

2. In appointing the members of the Soil Health Advisory Board pursuant to subparagraph (4) of paragraph (a) of subsection 1, the Commission shall ensure that:

(a) When practicable, the members of the Soil Health Advisory Board represent the different geographic regions and demographics of this State; and

(b) The terms of office are staggered as required pursuant to subsection 3.

3. Except as otherwise provided in this subsection, each member of the Soil Health Advisory Board serves a term of 2 years. The terms of office of the voting members must be staggered to result in the appointment of four or five of the members described in paragraph (a) of subsection 1 every year. In making the initial appointments of the voting members, the appointing authorities shall appoint the members to staggered terms of 1 or 2 years. A member may be reappointed.

4. A vacancy on the Soil Health Advisory Board must be filled in the same manner as the original appointment.

5. Each member of the Soil Health Advisory Board who is not serving on the Soil Health Advisory Board in the capacity of an officer or employee of this State or a political subdivision of this State is entitled to receive:

(a) A salary of not more than $80, as fixed by the Commission, for each day or portion thereof during which the member is in attendance at a regularly called meeting of the Soil Health Advisory Board; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

6. A majority of the voting members of the Soil Health Advisory Board constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is required for any official action taken by the Soil Health Advisory Board.

7. The Soil Health Advisory Board shall advise the Commission on the Healthy Soils Initiative created by section 7 of this act.

Sec. 7. *1. The Healthy Soils Initiative is hereby created within the Commission. The Healthy Soils Initiative must, without limitation:*

(a) Encourage the widespread adoption of soil health practices by agricultural producers;

(b) Promote and advance the understanding of the environmental and economic benefits of soil health practices by agricultural producers, policymakers, consumers and the general public; and

(c) Support and advance scientific research into soil health, including, without limitation:

(1) The existing conditions of agricultural soils in this State and the current carbon storage and carbon storage potential of such soils;

(2) The environmental benefits of soil health practices; and

(3) The economic benefits of soil health practices.

2. In carrying out the requirements of subsection 1, the Commission may:

(a) Provide incentives to encourage the implementation of soil health practices;

(b) Conduct educational and outreach programs on the benefits of soil health;

(c) Evaluate and develop soil health sampling and testing protocols that are appropriate for the agricultural systems in this State;

(d) Facilitate stakeholder collaboration to advance the understanding of the science of soil health and the implementation of soil health practices, which may include, without limitation, collaboration between the government, Indian tribes, academic and research institutions, nonprofit organizations and private entities;

(e) Collaborate with agricultural producers, groups of agricultural producers, agricultural producer cooperatives, conservation districts, water conservancy districts, academic and research institutions, the government, Indian tribes and any other entity; and

(f) Enter into agreements or contracts.

Sec. 8. *1. In addition to the requirements of section 7 of this act, as part of the Healthy Soils Initiative, the Commission may establish:*

(a) A program to distribute, within the limits of legislative appropriations and other available money, grants of money to eligible entities to engage in soil health activities or projects, including, without limitation, research, education or demonstration projects. In developing such a grant program, the Commission:

(1) Shall prioritize distributing such grants to conservation districts that are working with agricultural producers, if appropriate, as determined by the Commission; and

(2) May prioritize the needs of historically underserved producers, emerging areas of scientific inquiry and research, environmental benefits or any other consideration the Commission determines is appropriate.

(b) A soil health monitoring and inventory platform.

(c) Any other program the Commission determines is appropriate.

2. Except as otherwise provided in subsection 3, any program or platform established by the Commission pursuant to subsection 1 must be voluntary and incentive-based. Such a program may not:

(a) Require the participation of an agricultural producer or other entity;

(b) Mandate the implementation of soil health practices by agricultural producers or other entities who do not participate; or

(c) Bind a participant to execute specific practice standards in adverse climate conditions or circumstances with limited or no change of success or that would cause irreparable physical or economic harm to the operations of the participant.

3. If a grant program is established pursuant to paragraph (a) of subsection 1, the Commission shall adopt regulations to carry out the grant program, which must, without limitation:

(a) Set forth the entities that are eligible to receive grants;

(b) Require any grant recipient who does not have sufficient expertise in soil health practices or project management to work with a technical assistance agency or organization;

(c) Require each grant recipient to:

(1) Conduct outreach and education activities regarding the soil health activity or project; and

(2) Disclose information relating to the soil health activity or project;

(d) Ensure that the most accurate and current scientific evidence relating to soil health, soil health practices and the economic and environmental benefits of soil health practices is considered in awarding a grant by the program;

(e) Limit the grant money that may be used by a grant recipient for costs not directly related to the purpose of the grant, including, without limitation, administrative expenses and overhead expenses;

(f) Establish monitoring requirements to ensure that any grant money awarded is spent in accordance with state law; and

(g) Establish requirements to ensure the confidentiality of a grant recipient, landowner and land information, as applicable.

Sec. 9. *1. There is hereby created in the State Treasury, the Fund for Soil Health. The Commission is responsible for the administration of the Fund. All money received and held by the State Treasurer for that purpose must be deposited in the Fund.*

2. The Commission may:

(a) Apply for and accept gifts, grants, services and donations from any source for the purposes of carrying out the provisions of sections 2 to 11, inclusive, of this act;

(b) Administer and expend money for the purpose of planning, developing or establishing the Healthy Soils Initiative pursuant to sections 7 and 8 of this act; and

(c) Use money received or appropriated as matching funds to obtain or make grants for soil health activities.

Sec. 10. ***Except as otherwise provided in this section or pursuant to a grant agreement executed in relation to a program established pursuant to section 8 of this act, all information in the records and files of the Commission regarding the identity of an agricultural producer or participant in a program established by the Commission pursuant to sections 2 to 11, inclusive, of this act and the practices of the agricultural producer or program participant are confidential unless the agricultural producer or program participant provides express permission in writing to the Commission to release such information.***

Sec. 10.5. ***The Conservation Districts Program in the State Department of Conservation and Natural Resources shall provide staff services to the Commission for carrying out the provisions of sections 2 to 11, inclusive, of this act.***

Sec. 11. ***The Commission may adopt regulations to carry out the provisions of sections 2 to 11, inclusive, of this act.***

Sec. 12. NRS 548.010 is hereby amended to read as follows:

548.010 ~~[~~This chapter~~]~~ ***NRS 548.010 to 548.550, inclusive,*** may be known and cited as the Conservation Districts Law.

Sec. 13. NRS 548.015 is hereby amended to read as follows:

548.015 As used in ~~[~~this chapter,~~]~~ ***NRS 548.010 to 548.550, inclusive, unless the context otherwise requires,*** the ~~[~~following~~]~~ ***words and*** terms ~~[~~have the meanings attributed to them~~]~~ ***defined*** in NRS 548.020 to 548.090, inclusive, ~~[~~unless the context otherwise requires.~~]~~ ***have the meanings ascribed to them in those sections.***

Sec. 14. NRS 548.032 is hereby amended to read as follows:

548.032 "Conservation district" or "district" means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of ~~[~~this chapter~~]~~ ***NRS 548.010 to 548.550, inclusive,*** for the purposes, with the powers, and subject to the restrictions set forth in ~~[~~this chapter.~~]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 15. NRS 548.050 is hereby amended to read as follows:

548.050 "Land occupier" or "occupier of land" means any person, firm or corporation which holds title to, or is in legal possession of, any lands lying within a district organized under the provisions of ~~[~~this chapter,~~]~~ ***NRS 548.010 to 548.550, inclusive,*** whether as owner or as lessee or tenant under a lease or rental agreement for a term of 1 year or longer, but does not include transient users.

Sec. 16. NRS 548.085 is hereby amended to read as follows:

548.085 "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 17. NRS 548.157 is hereby amended to read as follows:

548.157 The Program shall perform staff services for the Commission in carrying out its responsibilities under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

Sec. 18. NRS 548.160 is hereby amended to read as follows:

548.160 The Commission may adopt and promulgate such rules and regulations as may be necessary for the execution of its functions under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

Sec. 19. NRS 548.175 is hereby amended to read as follows:

548.175 The Commission has the following duties and powers:

1. To carry out the policies of this State in programs at the state level for the conservation of the renewable natural resources of this State and to represent the State in matters affecting such resources.

2. To offer such assistance as may be appropriate to the supervisors of conservation districts in the carrying out of any of their powers and programs, to propose programs and to assist and guide districts in the preparation and carrying out of programs authorized under ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** to review district programs, to coordinate the programs of the districts and resolve any conflicts in such programs, and to facilitate, promote, assist, harmonize, coordinate and guide the programs and activities of districts as they relate to other special-purpose districts, counties and other public agencies.

3. To keep the supervisors of each of the districts informed of the activities and experience of all other districts organized pursuant to ~~[this chapter,]~~ ***NRS 548.010 to 548.550, inclusive,*** and to facilitate an interchange of advice and experience among those districts and promote cooperation among them.

4. To secure the cooperation and assistance of the United States, any of its agencies and of other agencies of this State in the work of conservation districts.

5. To serve, along with conservation districts, as the official state agency for cooperating with the Natural Resources Conservation Service of the United States Department of Agriculture in carrying on conservation operations within the boundaries of conservation districts as created under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

6. To enlist the cooperation and collaboration of state, federal, interstate, local, public and private agencies with the conservation districts and to facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation and use of renewable natural resources.

7. To make available, with the assistance of the Program, information concerning the needs and the work of the districts and the Commission to the Director of the State Department of Conservation and Natural Resources, the Legislature, executive agencies and political subdivisions of this State, cooperating federal agencies and the general public.

8. To cooperate with and give such assistance as may be requested by cities, counties, irrigation districts, and other special-purpose districts in the State of Nevada for the purpose of cooperating with the United States through the Secretary of Agriculture in the furtherance of conservation, pursuant to the provisions of the Watershed Protection and Flood Prevention Act, 16 U.S.C. §§ 1001 et seq., and the requirements of other special programs of the United States Department of Agriculture.

9. Pursuant to procedures developed mutually by the Commission and federal, state and local agencies that are authorized to plan or administer activities significantly affecting the conservation and use of renewable natural resources, to receive from those agencies, for review and comment, suitable descriptions of their plans, programs and activities for purposes of coordination with the conservation districts' programs and to arrange for and participate in conferences necessary to avoid conflict among the plans and programs, to call attention to omissions and to avoid duplication of effort.

10. To submit, with the assistance of the Program, a report to the Director of the State Department of Conservation and Natural Resources whenever the Commission determines that there exists a substantial conflict between the program of a district and the proposed plans or activities directly affecting the conservation of natural resources prepared by any other local governmental unit or agency of this State.

11. By administrative order of the Commission, upon the written request of the board of supervisors of the conservation district or districts involved, with a showing that the request has been approved by a majority vote of the members of each of the boards involved:

(a) To transfer lands from one district established under the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** to another.

(b) To divide a single district into two or more districts, each of which must, thereafter, operate as a separate district under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

(c) To consolidate two or more districts established under the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** into a single district under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

(d) To inform the Program of any action taken pursuant to this subsection for its approval of any new name and the appropriate entry in the Program's records of the changes made.

12. To authorize the change of name of any district, upon receipt by the Commission of a resolution by the board of supervisors of the district for such a change and to present the resolution to the Program for processing and recording in accordance with the provisions of NRS 548.240.

13. To apply for any available grants and to accept and use any grants, gifts or donations to make available grants of money to qualified conservation districts to aid the districts in carrying out the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 20. NRS 548.178 is hereby amended to read as follows:

548.178 1. The Commission may establish programs for distributing, within the limits of legislative appropriations and other available money, grants of money to conservation districts. Distribution of such grants must be made in the following manner:

(a) Except as otherwise provided in subsection 4, the Commission shall distribute grants of money provided by legislative appropriation in equal amounts to each conservation district which the Commission determines qualifies for a grant.

(b) The Commission may distribute grants of money provided by sources other than legislative appropriation in such amounts and subject to such conditions as the Commission determines appropriate to any conservation district which the Commission determines qualifies for a grant.

2. The Commission may determine that a conservation district qualifies for a grant of money pursuant to this section if the district demonstrates to the satisfaction of the Commission that the district:

(a) Has been established in accordance with the provisions of ~~[this chapter;]~~ ***NRS 548.010 to 548.550, inclusive;*** and

(b) Is in compliance with all of the requirements of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** and the regulations of the Commission adopted pursuant thereto.

3. Except as may otherwise be provided as a condition of a grant of money distributed by the Commission pursuant to paragraph (b) of subsection 1, a conservation district that is awarded a grant of money pursuant to this section may use the money for reasonable and necessary expenses incurred by the district in carrying out its duties and authorities in accordance with ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** and the annual district budget approved by the Commission.

4. With regard to money provided by legislative appropriation, the Commission may distribute grants of money to conservation districts in unequal amounts if:

(a) The grants of money are for a specific competitive grant program for which the Legislature expressly appropriated money; and

(b) The competitive grant program described in paragraph (a) is governed by regulations specifically adopted to govern that competitive grant program and those regulations expressly state that the grants of money may be distributed in unequal amounts.

5. The Commission may adopt such regulations as it considers necessary to carry out the provisions of this section.

Sec. 21. NRS 548.190 is hereby amended to read as follows:

548.190 1. Within 30 days after such a petition has been filed with the Commission, it shall cause due notice to be given of a proposed hearing upon:

(a) The question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such district.

(b) The question of the appropriate boundaries to be assigned to such district.

(c) The propriety of the petition and other proceedings taken under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

(d) All questions relevant to such inquiries.

2. All occupiers of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested persons, shall have the right to attend such hearings and to be heard.

3. If it shall appear upon the hearing that it may be desirable to include, within the proposed district, territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing shall be held.

Sec. 22. NRS 548.195 is hereby amended to read as follows:

548.195 1. After such hearing, if the Commission determines, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the territory considered at the hearing, the Commission shall make and record such determination, and shall determine the township or townships to be included in the district.

2. In making such determination, the Commission shall give due weight and consideration to:

(a) The topography of the area considered and of the State.

(b) The composition of soils therein.

(c) The distribution of erosion.

(d) The prevailing land use practices.

(e) The desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries.

(f) The relation of the proposed area to existing watersheds and agricultural regions, and to other conservation districts already organized or proposed for organization under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

(g) Such other physical, geographical and economic factors as are relevant, having due regard to the legislative determinations set forth in NRS 548.095 to 548.113, inclusive.

3. After consideration of the petition and of any other evidence of interest in the organization of a district, and of the relevant factors regarding the need

for a district to function in the territory being considered, the Commission may make the determination of such need without holding a hearing.

Sec. 23. NRS 548.205 is hereby amended to read as follows:

548.205 1. After the Commission has made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for the organization of a district in a particular territory and has determined the township or townships to be included, the Commission shall consider the question whether the operation of a district within such territory with the powers conferred upon conservation districts in ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** is administratively practicable and feasible.

2. To assist the Commission in the determination of such administrative practicability and feasibility, the Commission shall, within a reasonable time after entry of the finding that there is need for the organization of the proposed district and the determination of its territory, hold a referendum within the proposed district upon the proposition of the creation of the district, and shall cause due notice of such referendum to be given.

3. The question shall be submitted by ballots upon which the words "For creation of a conservation district consisting of the township (or townships) of ..... in the county (or counties) of ....." and "Against creation of a conservation district consisting of the township (or townships) of ..... in the county (or counties) of ....." shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions, as the voter may favor or oppose creation of such district.

4. All persons determined by the county clerk or clerks to be registered voters residing within the boundaries of the proposed conservation district shall be eligible to vote in such referendum.

Sec. 24. NRS 548.210 is hereby amended to read as follows:

548.210 1. The Commission shall:

(a) Pay all expenses for the issuance of such notices and the conduct of such hearings and referendum.

(b) Supervise the conduct of such hearings and referendum.

(c) Issue appropriate regulations governing the conduct of such hearings and referendum, and providing for the registration prior to the date of the referendum of all eligible voters, or prescribing some other appropriate procedure for the determination of those eligible as voters in such referendum.

2. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate the referendum or the result thereof if notice thereof shall have been given substantially as provided in ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** and the referendum shall have been fairly conducted.

Sec. 25. NRS 548.215 is hereby amended to read as follows:

548.215 1. The Commission shall publish the result of the referendum and shall thereafter consider and determine whether the operation of the district is administratively practicable and feasible.

2. If the Commission determines that the operation of such district is not administratively practicable and feasible, the Commission shall record such determination and deny the petition.

3. If the Commission determines that the operation of the district is administratively practicable and feasible, the Commission shall record such determination and shall proceed with the organization of the district in the manner provided in ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.*** The Commission shall not determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the creation of the district are cast in favor of the creation of such district.

4. In making such determination, the Commission shall give due regard and weight to:

(a) The attitudes of the occupiers of lands lying within the defined boundaries.

(b) The number of eligible registered voters who voted in the referendum.

(c) The proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the proposed district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative determinations set forth in NRS 548.095 to 548.113, inclusive.

Sec. 26. NRS 548.220 is hereby amended to read as follows:

548.220 After 6 months shall have expired from the date of entry of a determination by the Commission that operation of a proposed district is not administratively practicable and feasible, and denial of a petition pursuant to such determination, subsequent petitions may be filed and action taken thereon in accordance with the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 27. NRS 548.235 is hereby amended to read as follows:

548.235 1. The five appointed supervisors shall present to the Program an application signed by them, which states:

(a) That a petition for the creation of the district was filed with the Commission pursuant to the provisions of ~~[this chapter,]~~ ***NRS 548.010 to 548.550, inclusive,*** and that the proceedings specified in ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** were taken pursuant to that petition.

(b) That the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body, corporate and politic, under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

(c) That the Commission has appointed them as supervisors.

(d) The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office.

(e) The term of office of each of the supervisors.

(f) The name which is proposed for the district.

(g) The location of the principal office of the supervisors of the district.

2. The application must be subscribed and sworn to by each of the supervisors before a person authorized to take and certify oaths, who shall certify upon the application that the person personally knows the supervisors and knows them to be the officers as affirmed in the application, and that each has subscribed thereto in the officer's presence.

3. The application must be accompanied by a statement by the Commission:

(a) That a petition was filed, notice issued and hearing held as required by ~~[~~this chapter.~~]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

(b) That the Commission did determine that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the proposed territory and did define the township or townships to be included.

(c) That notice was given and a referendum held on the question of the creation of such a district, and that a majority of the votes cast in such referendum were in favor of the creation of the district.

(d) That thereafter the Commission did determine that the operation of the proposed district is administratively practicable and feasible.

4. The statement must set forth the township or townships to be included.

Sec. 28. NRS 548.240 is hereby amended to read as follows:

548.240 1. The Program shall examine the application and statement, and if the Program finds that the name proposed for the district is not identical with that of any other conservation district of this State or so nearly similar as to lead to confusion or uncertainty, the Program shall record them in an appropriate book of record.

2. If the Program finds that the name proposed for the district is identical with that of any other conservation district of this State, or so nearly similar as to lead to confusion and uncertainty, the Program shall notify the Commission. The Commission shall thereupon submit a new name for the district. Upon receipt of a new name, free of such defects, the Program shall record the application and statement, with the name so modified, in an appropriate book of record.

3. When the application and statement have been recorded, the district becomes a governmental subdivision of this State and a public body corporate and politic.

4. The Program shall make and issue to the supervisors a certificate, over the signature of a member of the staff of the Program, of the organization of the district.

5. The boundaries of the district must include the territory determined by the Commission, but must not include any area included within the boundaries

of another conservation district organized under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 29. NRS 548.245 is hereby amended to read as follows:

548.245 1. In any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding or action of the district, the district shall be deemed to have been established in accordance with the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** upon proof of the issuance of the certificate by the Program.

2. A copy of such a certificate issued by the Program is admissible in evidence in any such suit, action or proceeding and is proof of the contents thereof.

Sec. 30. NRS 548.280 is hereby amended to read as follows:

548.280 Each district shall be governed by a board consisting of five supervisors elected at large and one or more appointed supervisors, as provided in ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

Sec. 31. NRS 548.330 is hereby amended to read as follows:

548.330 The supervisors shall furnish to the State Conservation Commission, upon request:

1. Copies of such ordinances, rules, regulations, orders, contracts, forms and other documents as they shall adopt or employ; and

2. Such other information concerning their activities as the Commission may require in the performance of its duties under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

Sec. 32. NRS 548.340 is hereby amended to read as follows:

548.340 A conservation district organized under the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** shall constitute a governmental subdivision of this State and a public body corporate and politic, exercising public powers.

Sec. 33. NRS 548.345 is hereby amended to read as follows:

548.345 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power to conduct surveys, investigations and research relating to the conservation of renewable natural resources and the preventive and control measures needed, to publish the results of such surveys, investigations or research, and to disseminate information concerning such preventive and control measures; but in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this State or any of its agencies, or with the United States or any of its agencies.

Sec. 34. NRS 548.350 is hereby amended to read as follows:

548.350 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power to conduct demonstrational projects within the district on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof,

and on any other lands within the district, upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods and measures by which renewable natural resources may be conserved.

Sec. 35. NRS 548.355 is hereby amended to read as follows:

548.355 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof may:

1. Carry out preventive and control measures within the district, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation and changes in the use of land; and

2. Repair and restore property within the district, including, but not limited to, wetlands, stream corridors and other riparian property,

➥ on land owned or controlled by any government or municipal corporation, with the cooperation of the agency administering and having jurisdiction thereof, and on any other land within the district, upon obtaining the consent of all persons holding any relevant rights or interests in such land.

Sec. 36. NRS 548.360 is hereby amended to read as follows:

548.360 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof may cooperate or enter into agreements with and, within the limits of appropriations made available to it by law and any money it acquires from any other source, furnish financial or other aid to any governmental or other agency, or any occupier of land within the district, in conserving renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 37. NRS 548.365 is hereby amended to read as follows:

548.365 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power to make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment as will assist such land occupiers in carrying on operations upon their lands for the conservation of renewable natural resources.

Sec. 38. NRS 548.370 is hereby amended to read as follows:

548.370 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power to construct, operate, improve and maintain such facilities and structures as may be necessary or convenient for the performance of any of the operations authorized in ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 39. NRS 548.375 is hereby amended to read as follows:

548.375 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power:

1. To develop comprehensive plans for the conservation of renewable natural resources within the district, which plans shall specify in such detail as may be possible the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in the use of land; and

2. To publish such plans and information and bring them to the attention of occupiers of lands within the district.

Sec. 40. NRS 548.380 is hereby amended to read as follows:

548.380 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof may:

1. Manage or administer any project for the conservation of a renewable natural resource located within its boundaries undertaken by any person, municipal corporation or government.

2. Act as an agent of any person, municipal corporation or government in connection with the acquisition, construction, operation or administration of any project for the conservation of a renewable natural resource within its boundaries.

3. Accept donations, gifts and contributions in money, services, materials or any other form from any source, and use or expend such money, services, materials or other contributions in carrying on its operations.

4. Participate in cost-sharing on federally financed projects.

Sec. 41. NRS 548.385 is hereby amended to read as follows:

548.385 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power:

1. To sue and be sued in the name of the district.

2. To have a seal, which seal shall be judicially noticed.

3. To have perpetual succession, unless terminated as provided in ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

4. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

5. To make, and from time to time amend and repeal, rules and regulations not inconsistent with ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** to carry into effect its purposes and powers.

Sec. 42. NRS 548.390 is hereby amended to read as follows:

548.390 As a condition to the extending of any benefits under ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** to, or the performance of work upon, any lands not owned or controlled by this State or

any of its agencies, the supervisors may require contributions in money, services, materials or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

Sec. 43. NRS 548.393 is hereby amended to read as follows:

548.393 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof may, in furtherance of the purposes and provisions of ~~[this chapter:]~~ ***NRS 548.010 to 548.550, inclusive:***

1. Obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, except by adverse possession, any property, real or personal, or rights or interests therein;
2. Maintain, administer and improve any properties acquired;
3. Receive income from such properties and expend that income; and
4. Sell, lease or otherwise dispose of any of its property or interests therein.

Sec. 44. NRS 548.395 is hereby amended to read as follows:

548.395 No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized under ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** unless the Legislature shall specifically so state.

Sec. 45. NRS 548.400 is hereby amended to read as follows:

548.400 1. The supervisors of any two or more districts organized under the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** may cooperate with and enter into agreements with one another in the exercise of any or all powers conferred in ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

2. Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in the other states permits the districts in the states to enter into the agreements.

Sec. 46. NRS 548.405 is hereby amended to read as follows:

548.405 1. Agencies of this State which shall have jurisdiction over, or be charged with the administration of, any state-owned lands, and agencies of any county or other governmental subdivision of the State which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any district organized under ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** shall cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

2. The supervisors of such districts shall be given free access to enter and perform work upon such publicly owned lands.

3. The provisions of land use regulations adopted pursuant to NRS 548.410 to 548.435, inclusive, shall have the force and effect of law over all

such publicly owned lands, and shall be in all respects observed by the agencies administering such lands.

Sec. 47. NRS 548.4052 is hereby amended to read as follows:

548.4052 1. Subject to the provisions of NRS 548.4053 and 548.4054, and only after receiving the approval of a majority of the registered voters of the conservation district voting on the question at a primary, general or special election held pursuant to NRS 548.4053 or at an election conducted by mail pursuant to NRS 548.4054:

(a) If a conservation district includes land lying in only one county, the board of county commissioners of the county shall impose, on behalf of the conservation district, an annual fee of not more than $25 on each parcel in the conservation district; and

(b) If a conservation district includes land lying in more than one county, the boards of county commissioners of the respective counties shall impose, on behalf of the conservation district, an annual fee of not more than $25 on each parcel in the conservation district.

2. A fee imposed pursuant to subsection 1 must be collected as are other fees and taxes imposed by the board of county commissioners are collected. A board of county commissioners that imposes the fee shall establish a separate fund in the county treasury for the receipt and expenditure of and accounting for the proceeds of the fee.

3. Money collected pursuant to this section may be used only for the purposes of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 48. NRS 548.410 is hereby amended to read as follows:

548.410 1. The supervisors of any district may file petitions with the State Conservation Commission at any time to request it to formulate land use regulations applicable to the district.

2. The Commission shall prescribe the form of the petition, which shall be, as nearly as practicable, in the form prescribed in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** for petitions to organize a district.

3. The ~~[State Conservation]~~ Commission shall have authority to formulate regulations, based upon the petition, governing the use of lands within a district in the interest of conserving renewable natural resources and preventing and controlling soil erosion and sedimentation.

4. The Commission shall conduct, after due notice, public meetings and public hearings within the district or districts concerned upon such regulations as it deems necessary to assist it in consideration thereof.

5. The Commission shall determine, on the basis of information presented in the petition or brought out in public hearings, and on the basis of the number of petitioners in relation to the total number of occupiers of land lying within the district, whether it can render a reasonable determination of approval or denial of the petition without holding a referendum, or whether a referendum shall be held.

Sec. 49. NRS 548.415 is hereby amended to read as follows:

548.415 If a referendum is to be held:

1. The proposed regulations shall be embodied in a proposed ordinance.

2. Copies of such proposed ordinance shall be available for the inspection of all eligible voters during the period between publication of such notice and the date of the referendum.

3. The notices of the referendum shall recite the contents of such proposed ordinance, or shall state where copies of such proposed ordinance can be examined.

4. The question shall be submitted by ballots, upon which the words "For approval of proposed ordinance No. ....., prescribing land use regulations for conservation of soil and prevention of erosion" and "Against approval of proposed ordinance No. ....., prescribing land use regulations for conservation of soil and prevention of erosion" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions as the voter may favor or oppose approval of such proposed ordinance.

5. The Commission shall supervise such referendum, shall prescribe appropriate regulations governing the conduct thereof, and shall publish the result thereof.

6. All persons determined by the county clerk or clerks to be registered voters residing within the district are eligible to vote in such referendum.

7. No informalities in the conduct of such referendum or in any matters relating thereto invalidate the referendum or the result thereof if notice thereof was given substantially as provided in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** and the referendum was fairly conducted.

Sec. 50. NRS 548.495 is hereby amended to read as follows:

548.495 1. The board of adjustment shall adopt rules to govern its procedures, which rules shall be in accordance with the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** and with the provisions of any ordinance adopted pursuant to NRS 548.460.

2. The board shall keep a full and accurate record of all proceedings, of all documents filed with it, and of all orders entered, which shall be filed in the office of the board and shall be a public record.

Sec. 51. NRS 548.515 is hereby amended to read as follows:

548.515 1. Petitions for including additional territory within an existing district shall be filed with the Commission.

2. The proceedings provided for in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** in the case of petitions to organize a district shall be observed in the case of petitions for inclusion, except that the application for a certificate of inclusion shall be signed by the chair and the secretary of the governing body of the district into which the additional territory is to be included.

3. The Commission shall prescribe the form for the petitions, which shall be, as nearly as practicable, in the form prescribed in ~~[this chapter]~~ ***the***

provisions of NRS 548.010 to 548.550, inclusive, for petitions to organize a district.

4. Where the total number of land occupiers in the area proposed for inclusion shall be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no referendum need be held.

5. In referenda upon petitions for inclusion, all occupiers of land lying within the proposed additional area shall be eligible to vote.

6. The Commission shall determine whether or not such inclusion shall be made.

Sec. 52. NRS 548.520 is hereby amended to read as follows:

548.520 1. Petitions to withdraw lands from a district may be filed with the Commission at any time.

2. The Commission shall prescribe the form of the petition, which shall be, as nearly as practicable, in the form prescribed in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** for petitions to organize a district.

3. Where the total number of land occupiers in the area affected by a proposed withdrawal will be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no referendum need be held.

4. In referenda upon petitions for withdrawal, all occupiers of land lying within the area affected by the proposed change in boundary shall be eligible to vote.

5. The Commission shall determine whether or not such withdrawal shall be made.

Sec. 53. NRS 548.525 is hereby amended to read as follows:

548.525 1. At any time after 5 years after the organization of a district under the provisions of ~~[this chapter,]~~ ***NRS 548.010 to 548.550, inclusive,*** any 10 occupiers of land lying within the boundaries of such district may file a petition with the Commission praying that the operations of the district be terminated and the existence of the district be discontinued.

2. The Commission may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof.

3. The Commission shall determine, on the basis of information presented in the petition or brought out in public hearings and on the basis of the number of petitioners in relation to the total number of occupiers of land lying within the district, whether it can render a reasonable determination of approval or denial of the petition without holding a referendum, or whether a referendum shall be held.

Sec. 54. NRS 548.530 is hereby amended to read as follows:

548.530 1. Within 60 days after a petition for discontinuance has been received by the Commission, it shall give due notice of the holding of the referendum if one is to be held.

2. The Commission shall supervise the referendum and issue appropriate regulations governing the conduct thereof.

3. The question shall be submitted by ballots upon which the words "For terminating the existence of the ..... (name of the conservation district to be here inserted)" and "Against terminating the existence of the ..... (name of the conservation district to be here inserted)" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions, as the voter may favor or oppose discontinuance of such district.

4. All persons determined by the county clerk or clerks to be registered voters residing within the district are eligible to vote in such referendum.

5. No informalities in the conduct of such referendum or in any matters relating thereto invalidate the referendum or the result thereof if notice thereof was given substantially as provided in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** and the referendum was fairly conducted.

6. The Commission shall publish the result of the referendum.

Sec. 55. NRS 548.540 is hereby amended to read as follows:

548.540 The Commission shall not entertain petitions for the discontinuance of any district, nor conduct referenda upon such petitions, nor make any determination pursuant to such petitions in accordance with the provisions of ~~[this chapter,]~~ ***NRS 548.010 to 548.550, inclusive,*** more often than once in 5 years.

Sec. 56. NRS 555.206 is hereby amended to read as follows:

555.206 1. If the area included in a weed control district is entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to ~~[chapter 548 of]~~ NRS ~~[,]~~ ***548.010 to 548.550, inclusive,*** the board of county commissioners of the county and the supervisors of the conservation district may enter into an agreement for the supervisors of the conservation district to serve, ex officio, as the board of directors of the weed control district. If, as a result of a change in boundaries, the area included in a weed control district is no longer entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to ~~[chapter 548 of]~~ NRS ~~[,]~~ ***548.010 to 548.550, inclusive,*** the supervisors of the conservation district may no longer serve, ex officio, as the board of directors of the weed control district, and the supervisors of the weed control district must be appointed pursuant to NRS 555.205.

2. An agreement entered into pursuant to subsection 1 may be terminated by mutual agreement of the board of county commissioners and the supervisors of the conservation district. If an agreement is terminated pursuant to this section, the board of directors of the weed control district must be appointed pursuant to NRS 555.205.

3. The supervisors of a conservation district serving ex officio as the board of directors of a weed control district pursuant to this section shall ensure that any money collected by the weed control district pursuant to an assessment

levied pursuant to NRS 555.215, and any other money appropriated or granted to the weed control district from any source, is expended only for the purposes of NRS 555.202 to 555.220, inclusive.

Sec. 57. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,

439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***section 10 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in

any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 58. NRS 318A.280 is hereby amended to read as follows:

318A.280 1. In any region of this State for which there has been established by interstate compact a regional planning agency, the powers of any district created pursuant to this chapter with respect to the location and construction of all facilities, improvements or projects are subordinate to the powers of such regional planning agency.

2. If the boundaries of a district overlap with the boundaries of a conservation district formed pursuant to ~~[~~chapter 548 of~~]~~ NRS ~~[,]~~ ***548.010 to 548.550, inclusive,*** the board of the district must coordinate and consult with the board of supervisors of the conservation district on matters that may impact the conservation district.

Sec. 59. 1. There is hereby appropriated from the State General Fund to the ~~[~~State Conservation Commission~~]~~ **Conservation Districts Program** in the

State Department of Conservation and Natural Resources the sum of $200,000 for **providing staff services to the State Conservation Commission in the State Department of Conservation and Natural Resources in** administering the Healthy Soils Initiative created by section 7 of this act, and for the salary of an employee to assist the Commission in ~~[administering the Healthy Soils Initiative.]~~ **carrying out the provisions of sections 2 to 11, inclusive, of this act.**

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

Sec. 60. 1. This section and section 59 of this act become effective upon passage and approval.

2. Sections 1 to 58, inclusive, of this act become effective:

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

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

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 23.

ASSEMBLYWOMEN CONSIDINE ~~[AND]~~ ANDERSON **AND BILBRAY-AXELROD**

AN ACT relating to incarcerated persons; requiring institutions and facilities of the Department of Corrections ~~[and city or county jails and detention facilities]~~ to provide incarcerated persons with original, physical copies of mail under certain circumstances; requiring such institutions ~~[,]~~ **and** facilities and **city or county** jails **and detention facilities** to provide notification to certain persons of a ~~[serious or]~~ critical medical condition of an incarcerated person; **requiring such institutions, facilities and jails to provide an opportunity for an incarcerated person to call a friend, relative or other person to provide notification of a critical medical condition of the incarcerated person under certain circumstances;** requiring such institutions, facilities and jails to ensure the timely filling of prescriptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to establish regulations with the approval of the Board of State Prison Commissioners, including regulations relating to the custody, care, training, health and safety of offenders. (NRS 209.131) **Section 2** of this bill requires the Department to provide to an offender the original, physical copy of any physical mail addressed to the offender that the offender is entitled and allowed to receive. **Section 3** of this bill requires the Department to ensure that an offender completes a medical release of information form at the time of intake and has the ability to update the completed form as necessary. If an offender in the custody of the Department is hospitalized for or diagnosed with a ~~[serious or]~~ critical medical condition ~~[,]~~ **which requires the offender to stay in a medical facility overnight, section 3** requires the Department, within ~~[4]~~ **24** hours ~~[of]~~ **after** such hospitalization or diagnosis, to attempt to inform all persons authorized by the current medical release of information form about the health status of the offender. **If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which does not require the offender to stay in a medical facility overnight, section 3 requires the Department, within 4 hours after the return of the offender to the institution or facility at which the offender is incarcerated, to provide the offender with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the offender.**

Section 4 of this bill requires the Department to ensure that if an offender requires prescription medication, the prescription will be filled in a timely manner.

Sections ~~[6-8]~~ 7 and 8 of this bill impose upon county and city jails and detention facilities requirements similar to those contained in **sections ~~[2-4.]~~ 3 and 4.**

Section 9 of this bill requires the Department to revise its regulations to conform with the provisions of **sections 2-4**.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. An institution or facility shall provide an offender with the original, physical copy of any mail addressed to the offender that the offender is entitled and allowed to receive.***

2. As used in this section, "original, physical copy" means a letter, card or other document received by the institution or facility from the United States Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the institution or facility or any entity contracted by the institution or facility to provide such a service.

Sec. 3. *1. The Department shall ensure that each offender:*

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If an offender in the custody of the Department is hospitalized for or diagnosed with a ~~[serious or]~~ critical medical condition ~~[,]~~ which requires the offender to stay in a medical facility overnight, the Department shall, within ~~[4]~~ 24 hours ~~[of]~~ after such hospitalization or diagnosis, attempt to inform all persons authorized by the current medical release of information form about the health status of the offender.

3. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which does not require the offender to stay in a medical facility overnight, the Department shall, within 4 hours after the return of the offender to the institution or facility at which the offender is incarcerated, provide the offender with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the offender.

4. As used in this section ~~[, "serious or critical]~~ :

(a) "Critical medical condition" means ~~[:~~

~~(a) A]~~ a condition diagnosed by a provider of health care that:

(1) Is terminal; ~~[or]~~

(2) Requires life-sustaining medical treatment; ~~[or]~~

(3) Involves a significant risk of death; or

(4) Involves extreme physical illness.

(b) ~~[An injury or illness that requires an offender to be admitted to a hospital for treatment.]~~ "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 4. *If an offender in the custody of the Department requires prescription medication for any physical or mental illness, the Department shall ensure that:*

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or

2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 5. Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[6.]~~ 7 and 8 of this act.

Sec. 6. ~~*[1. A county or city jail or detention facility shall provide a prisoner the original, physical copy of any mail addressed to the prisoner that the prisoner is entitled and allowed to receive.*~~

~~*2. As used in this section, "original, physical copy" means a letter, card or other document received by the jail or detention facility from the United States Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the jail or*~~

~~*detention facility or any entity contracted by the jail or detention facility to provide such a service.]*~~ **(Deleted by amendment.)**

Sec. 7. *1. Each county or city jail or detention facility shall ensure that each prisoner:*

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a ~~[serious or]~~ critical medical condition ~~[,]~~ which requires the prisoner to stay in a medical facility overnight, the jail or detention facility shall, within ~~[4]~~ 24 hours ~~[of]~~ after such hospitalization or diagnosis, attempt to inform all persons listed on the current medical release of information form about the health status of the prisoner.

3. If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a critical medical condition which does not require the prisoner to stay in a medical facility overnight, the jail or detention facility shall, within 4 hours after the return of the prisoner to the jail or detention facility at which the prisoner is imprisoned, provide the prisoner with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the prisoner.

4. As used in this section ~~[, "serious or critical]~~ :

(a) "Critical medical condition" means ~~[:~~

~~*(a) A]*~~ *a condition diagnosed by a provider of health care that:*

(1) Is terminal; ~~[or]~~

(2) Requires life-sustaining medical treatment; ~~[or]~~

(3) Involves a significant risk of death; or

(4) Involves extreme physical illness.

(b) ~~[An injury or illness that requires a prisoner to be admitted to a hospital for treatment.]~~ "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 8. *If a prisoner in the custody of a county or city jail or detention facility requires prescription medication for any physical or mental illness, the jail or detention facility shall ensure that:*

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or

2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 9. The Department of Corrections shall, as soon as practicable, amend or repeal any existing regulations that conflict or are inconsistent with the provisions of sections 2, 3 and 4 of this act.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

The following amendment was proposed by Assemblywoman Considine:

Amendment No. 24.

ASSEMBLYWOMEN CONSIDINE**,** ~~[AND]~~ ANDERSON **, GONZÁLEZ AND SUMMERS-ARMSTRONG**

AN ACT relating to incarcerated persons; requiring institutions and facilities of the Department of Corrections and city or county jails and detention facilities to provide incarcerated persons with original, physical copies of mail under certain circumstances; requiring such institutions, facilities and jails to provide notification to certain persons of a serious or critical medical condition of an incarcerated person; requiring such institutions, facilities and jails to ensure the timely filling of prescriptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to establish regulations with the approval of the Board of State Prison Commissioners, including regulations relating to the custody, care, training, health and safety of offenders. (NRS 209.131) **Section 2** of this bill requires the Department to provide to an offender the original, physical copy of any physical mail addressed to the offender that the offender is entitled and allowed to receive. **Section 3** of this bill requires the Department to ensure that an offender completes a medical release of information form at the time of intake and has the ability to update the completed form as necessary. If an offender in the custody of the Department is hospitalized for or diagnosed with a serious or critical medical condition, **section 3** requires the Department, within 4 hours of such hospitalization or diagnosis, to attempt to inform all persons authorized by the current medical release of information form about the health status of the offender.

Section 4 of this bill requires the Department to ensure that if an offender requires prescription medication, the prescription will be filled in a timely manner.

Sections 6-8 of this bill impose upon county and city jails and detention facilities requirements similar to those contained in **sections 2-4**.

Section 9 of this bill requires the Department to revise its regulations to conform with the provisions of **sections 2-4**.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. An institution or facility shall provide an offender with the original, physical copy of any mail addressed to the offender that the offender is entitled and allowed to receive.***

2. As used in this section, "original, physical copy" means a letter, card or other document received by the institution or facility from the United States Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the institution or facility or any entity contracted by the institution or facility to provide such a service.

Sec. 3. ***1. The Department shall ensure that each offender:***

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If an offender in the custody of the Department is hospitalized for or diagnosed with a serious or critical medical condition, the Department shall, within 4 hours of such hospitalization or diagnosis, attempt to inform all persons authorized by the current medical release of information form about the health status of the offender.

3. As used in this section, "serious or critical medical condition" means:

(a) A condition diagnosed by a provider of health care that:

(1) Is terminal; or

(2) Requires life-sustaining medical treatment; or

(b) An injury or illness that requires an offender to be admitted to a hospital for treatment.

Sec. 4. ***If an offender in the custody of the Department requires prescription medication for any physical or mental illness, the Department shall ensure that:***

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or

2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 5. Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. ***1. A county or city jail or detention facility shall provide a prisoner the original, physical copy of any mail addressed to the prisoner that the prisoner is entitled and allowed to receive.***

2. As used in this section, "original, physical copy" means a letter, card or other document received by the jail or detention facility from the United States Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the jail or detention facility or any entity contracted by the jail or detention facility to provide such a service.

Sec. 7. ***1. Each county or city jail or detention facility shall ensure that each prisoner:***

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a serious or critical medical condition, the jail or detention facility shall, within 4 hours of such hospitalization or diagnosis, attempt to inform all persons listed on the current medical release of information form about the health status of the prisoner.

3. As used in this section, "serious or critical medical condition" means:

(a) A condition diagnosed by a provider of health care that:

(1) Is terminal; or

(2) Requires life-sustaining medical treatment; or

(b) An injury or illness that requires a prisoner to be admitted to a hospital for treatment.

Sec. 8. ***If a prisoner in the custody of a county or city jail or detention facility requires prescription medication for any physical or mental illness, the jail or detention facility shall ensure that:***

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or

2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 9. The Department of Corrections shall, as soon as practicable, amend or repeal any existing regulations that conflict or are inconsistent with the provisions of sections 2, 3 and 4 of this act.

Assemblywoman Considine moved the adoption of the amendment.

Remarks by Assemblywoman Considine.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 22.

AN ACT relating to tobacco; providing an exception to the age verification requirements governing the sale, distribution or offering for sale of tobacco products **for a face-to-face transaction that occurs** within certain areas of a casino; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products to any person under 40 years of age without first performing age verification. (NRS 370.521) This bill provides an exception to that requirement, allowing the sale, distribution or offering of tobacco products without age verification **in a face-to-face transaction that occurs** within an area of a casino where persons under the

age of 21 years are already prohibited from loitering. This bill becomes effective upon its passage by the Legislature and approval by the Governor.

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

Section 1. NRS 370.521 is hereby amended to read as follows:

370.521 1. Except as otherwise provided in subsections 2, 4 and 5, a person shall not sell, distribute or offer to sell cigarettes, cigarette paper, any product containing, made or derived from tobacco, any vapor product, any alternative nicotine product or any product containing, made or derived from nicotine to any person under the age of 21 years.

2. A person shall be deemed to be in compliance with the provisions of subsection 1 if, before the person sells, distributes or offers to sell to another any item described in subsection 1, the person:

(a) Demands that the other person present a valid driver's license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is 21 years of age or older;

(b) Is presented a valid driver's license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is 21 years of age or older; and

(c) Reasonably relies upon the driver's license, permanent resident card, tribal identification card or other written or documentary evidence presented by the other person.

3. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** person shall not sell, distribute or offer to sell cigarettes, cigarette paper or other tobacco products to any person under 40 years of age without first performing age verification through enhanced controls that utilize a scanning technology or other automated, software-based system to verify that the person is 21 years of age or older. A person who violates this subsection is liable for a civil penalty of $100 for each offense. ***The provisions of this subsection do not apply to a person selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products in a face-to-face transaction that occurs in an area within a casino where loitering by persons who are under 21 years of age is already prohibited pursuant to NRS 463.350. As used in this subsection, "casino" means an establishment which holds a nonrestricted license as defined in NRS 463.0177 and which is operating 16 or more slot machines together with any other game, race book or sports pool.***

4. The employer of a person who is under 21 years of age may, for the purpose of allowing the person to handle or transport any item described in subsection 1 in the course of the person's lawful employment, provide an item described in subsection 1 to the person under 21 years of age.

5. The provisions of this section do not apply to any product regulated by the United States Food and Drug Administration under Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

6. A person who violates subsection 1 is liable for a civil penalty of:

(a) For the first violation within a 24-month period, $100.

(b) For the second violation within a 24-month period, $250.

(c) For the third and any subsequent violation within a 24-month period, $500.

7. If an employee or agent of a licensee has violated subsection 1:

(a) For the first and second violation within a 24-month period at the same premises, the licensee must be issued a warning.

(b) For the third violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of $500.

(c) For the fourth violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of $1,250.

(d) For the fifth and any subsequent violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of $2,500.

8. A peace officer or any person performing an inspection pursuant to NRS 202.2496 may issue a notice of infraction for a violation of this section. A notice of infraction must be issued on a form prescribed by the Department and must contain:

(a) The location at which the violation occurred;

(b) The date and time of the violation;

(c) The name of the establishment at which the violation occurred;

(d) The signature of the person who issued the notice of infraction;

(e) A copy of the section which allegedly is being violated;

(f) Information advising the person to whom the notice of infraction is issued of the manner in which, and the time within which, the person must submit an answer to the notice of infraction; and

(g) Such other pertinent information as the peace officer or person performing the inspection pursuant to NRS 202.2496 determines is necessary.

9. A notice of infraction issued pursuant to subsection 8 or a facsimile thereof must be filed with the Department and retained by the Department and is deemed to be a public record of matters which are observed pursuant to a duty imposed by law and is prima facie evidence of the facts alleged in the notice.

10. A person to whom a notice of infraction is issued pursuant to subsection 8 shall respond to the notice by:

(a) Admitting the violation stated in the notice and paying to the State of Nevada the applicable civil penalty set forth in subsection 3, 6 or 7.

(b) Denying liability for the infraction by notifying the Department and requesting a hearing in the manner indicated on the notice of infraction. Upon receipt of a request for a hearing pursuant to this paragraph, the Department shall provide the person submitting the request an opportunity for a hearing pursuant to chapter 233B of NRS.

11. Any money collected by the State of Nevada from a civil penalty pursuant to this section must be deposited in a separate account in the State

General Fund to be used for the enforcement of this section and NRS 202.2493 and 202.2494.

12. As used in this section, "licensee" means a person who holds a license issued by the Department pursuant to this chapter.

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

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 55.

AN ACT relating to counties; authorizing, under certain circumstances, a board of county commissioners to convey without consideration real property acquired directly from the Federal Government for purposes of clearing title to certain persons; exempting such transfers from the real property transfer tax; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain procedures for a board of county commissioners to transfer or sell real property. (NRS 244.2795-244.296) **Section 1** of this bill authorizes a board of county commissioners to convey, without consideration and without complying with certain requirements in existing law, real property that the county acquired directly from the Federal Government for the purpose of clearing title to the property. (NRS 244.281) The real property must be conveyed to the person or persons, as applicable, who have an interest in the property. To convey such real property, **section 1** requires the board of county commissioners to execute and record a deed, which is effective upon recordation. **Section 1** further requires the board of county commissioners, upon recordation of the deed, to send actual notice by certified mail to the person or persons to whom the property was conveyed. The notice must include, without limitation, a copy of the recorded deed and information on how the person may disclaim the interest in the property.

Section 5.5 of this bill provides that if a board of county commissioners conveys any real property pursuant to section 1 between October 1, 2023, and June 30, 2024, the county recorder of the county shall report to the Joint Interim Standing Committee on Government Affairs the number of such conveyances initiated or completed.

Sections 2 and 3 of this bill make conforming changes to exempt such conveyances from the provisions that generally apply to the sale or lease of property by a board of county commissioners.

Section 5 of this bill exempts conveyances executed pursuant to **section 1** from the real property transfer tax.

Section 4 of this bill indicates the proper placement of **section 1** in the Nevada Revised Statutes.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners may convey real property, without consideration or without complying with the provisions of NRS 244.281, if:

(a) The real property was acquired by the county directly from the Federal Government for the purpose of clearing title to the real property; and

(b) The board of county commissioners conveys the real property to the person or persons, as applicable, who have an interest in the real property.

2. If the board of county commissioners conveys real property pursuant to subsection 1, the board must execute and record a deed, which shall be effective upon recordation. Upon recordation, the board of county commissioners must send actual notice by certified mail to the person or persons, as applicable, to whom the property was conveyed that includes, without limitation, a copy of the recorded deed and information on how the person may disclaim the interest in property.

Sec. 2. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, ***and section 1 of this act,*** and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph and paragraph (h) of subsection 1 of NRS 244.281, obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 3. NRS 244.281 is hereby amended to read as follows:

244.281 1. Except as otherwise provided in this subsection and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, ***and section 1 of this act,*** and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS

704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

(a) When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(1) Sell the real property in the manner prescribed for the sale of real property in NRS 244.282.

(2) Lease the real property in the manner prescribed for the lease of real property in NRS 244.283.

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the county; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) Except as otherwise provided in this paragraph and paragraph (h), if the board of county commissioners by its resolution further finds that the real property to be sold or leased is worth more than $1,000, the board shall select two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the real property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the real property is sufficient before selling or leasing it. Except for real property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the board of county commissioners may:

(1) Lease the real property; or

(2) Sell the real property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

(e) A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. The board of county commissioners must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, the zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of

the real property, the board of county commissioners may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the board of county commissioners must obtain one new appraisal of the real property pursuant to the provisions of NRS 244.2795 before listing the real property for sale or lease at the new appraised value.

2. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

3. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 4. NRS 371.047 is hereby amended to read as follows:

371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.043 or 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:

(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.

(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.

2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, ***and section 1 of this act,*** dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.043 or 371.045, as applicable.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

(a) Constitutes a taking of all or any part of the property, or interest therein;

(b) Lowers the value of the property; or

(c) Constitutes a nuisance.

5. As used in this section:

(a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.

(b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.

(c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located.

Sec. 5. NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property, including, without limitation, a transfer by an instrument in writing pursuant to the terms of a land sale installment contract previously recorded and upon which the taxes imposed by this chapter have been paid.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.655 to 111.699, inclusive, and a Death of Grantor Affidavit recorded in the office of the county recorder pursuant to NRS 111.699.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

➥ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.

13. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.

14. A transfer to a library foundation. As used in this subsection, "library foundation" has the meaning ascribed to it in NRS 379.0056.

15. A conveyance of real property to a person or persons from a board of county commissioners pursuant to section 1 of this act.

Sec. 5.5. **If a board of county commissioners conveys any real property pursuant to section 1 of this act between October 1, 2023, and June 30, 2024, the county recorder of the county shall, on or before July 1, 2024, report to the Joint Interim Standing Committee on Government Affairs the number of such conveyances initiated or completed.**

Sec. 6. This act becomes effective ~~[upon passage and approval.]~~ **on October 1, 2023, and expires by limitation on June 30, 2025.**

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time.

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

Amendment No. 12.

AN ACT relating to lighting products; prohibiting the sale, offer to sell or distribution of compact fluorescent lamps and linear fluorescent lamps; authorizing the ~~[Director of the Office of Energy within the Office of the Governor to take certain actions to investigate possible violations; authorizing~~

~~the Director or his or her designee to conduct certain inspections; authorizing the Director to adopt certain regulations;~~ **Attorney General to bring a civil action against a person who has repeatedly violated such a prohibition;** providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill prohibits a person, on and after January 1, ~~[2024,]~~ **2025,** from selling, offering to sell or otherwise distributing in this State a new compact fluorescent lamp with a screw or bayonet base type. **Section 3** of this bill defines "compact fluorescent lamp" to mean, in general, a compact, low-pressure electric-discharge light source containing mercury in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light and which: (1) has one base of any type; (2) emits light with a certain correlated color temperature and Duv; (3) has any tube length, tube diameter, lamp size or lamp shape; and (4) is integrally ballasted or non-integrally ballasted.

Section 7 also prohibits a person, on and after January 1, ~~[2025,]~~ **2026,** from selling, offering to sell or otherwise distributing in this State a new compact fluorescent lamp with a pin base type or a linear fluorescent lamp. **Section 5** of this bill defines "linear fluorescent lamp" to mean, in general, a low-pressure electric-discharge light source containing mercury in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light and which: (1) has two bases of any type; (2) emits light with a certain correlated color temperature and Duv; (3) has a tube length of not less than 0.5 feet and not more than 8.0 feet; and (4) has any tube diameter or lamp shape.

Section 8 of this bill establishes civil penalties for persons who violate the provisions of **section 7**. **Section 6** of this bill excludes certain fluorescent lamps from the provisions of this bill.

~~[Sections 4 and]~~ **Section 9** of this bill ~~[authorize the Director of the Office of Energy within the Office of the Governor to investigate complaints concerning alleged violations of the provisions of this bill and]~~ authorizes the Attorney General to bring a civil action against a person ~~[for such violations. Section 9 authorizes the Director or his or her designee to enter and inspect the premises of any distributor or retailer of lighting products to ensure compliance with the provisions of this bill. Section 9 also authorizes the Director to adopt regulations to carry out the provisions of this bill.]~~ **who has repeatedly violated the provisions of section 7 for injunctive relief and for the assessment and recovery of a civil penalty.**

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

Section 1. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9 of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Compact fluorescent lamp" means a compact, low-pressure electric-discharge light source containing mercury in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light and which:*

1. Has one base of any type, including, without limitation, a screw, bayonet, two-pin and four-pin base type;

2. Emits light with:

(a) A correlated color temperature of not less than 1,700 kelvins and not more than 24,000 kelvins; and

(b) A Duv of not more than +0.024 and not less than -0.024 in the CAM02-UCS standard published by the International Commission on Illumination Uniform Color Space;

3. Has any tube length, tube diameter, lamp size and lamp shape, including, without limitation, a spiral, twin tube, triple twin, 2D, PL, U-bend and circular shape; and

4. Is integrally ballasted or non-integrally ballasted.

Sec. 4. ~~*["Director" means the Director of the Office of Energy within the Office of the Governor appointed pursuant to NRS 701.150.]*~~ **(Deleted by amendment.)**

Sec. 5. *"Linear fluorescent lamp" means a low-pressure electric-discharge light source containing mercury in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light and which:*

1. Has two bases, one at each end of the tube, of any type, including, without limitation, a single-pin, two-pin or recessed double contact base type;

2. Emits light with:

(a) A correlated color temperature of not less than 1,700 kelvins and not more than 24,000 kelvins; and

(b) A Duv of not more than +0.024 and not less than -0.024 in the CAM02-UCS standard published by the International Commission on Illumination Uniform Color Space ; ~~*[CAM02-UCS;]*~~

3. Has a tube length of not less than 0.5 feet and not more than 8.0 feet;

4. Has any tube diameter, including, without limitation, T5, T8, T10 and T12; and

5. Has any lamp shape, including, without limitation, a linear, U-bend or circular shape.

Sec. 6. *The provisions of sections 2 to 9, inclusive, of this act do not apply to a fluorescent lamp that:*

1. Is designed and marketed exclusively for use in:

(a) Capturing or projecting an image, including, without limitation:

(1) Photocopying;

(2) Printing, either directly or in preprocessing;

(3) Lithography;

(4) Projecting film or video; or

(5) Holography;

(b) Medical or veterinary diagnosis or treatment, or in a medical device;

(c) Manufacturing or performing quality control of pharmaceutical products;

(d) Conducting research projects and experiments by academic and research institutions; or

(e) Spectroscopy and photometric applications, including, without limitation:

(1) Ultraviolet-visible spectroscopy;

(2) Molecular spectroscopy;

(3) Atomic absorption spectroscopy;

(4) Nondispersive infrared;

(5) Fourier transform infrared;

(6) Medical analysis;

(7) Ellipsometry;

(8) Layer thickness measurement;

(9) Process monitoring; or

(10) Environmental monitoring;

2. Emits a high proportion of ultraviolet light and:

(a) Has an ultraviolet power greater than two milliwatts per kilolumen; or

(b) Is designed and marketed exclusively for:

(1) Germicidal purposes, including, without limitation, the destruction of DNA, and which emits a peak radiation of approximately 253.7 nanometers;

(2) Disinfecting or fly trapping and for which at least 5 percent of the radiation power emitted at 250 nanometers or more but not more than 315 nanometers or at least 20 percent of the radiation power emitted at 315 nanometers or more but not more than 400 nanometers represents the total radiation power emitted at 250 nanometers or more but not more than 800 nanometers;

(3) The generation of ozone and for which the primary purpose is to emit radiation at approximately 185.1 nanometers;

(4) Coral zooxanthellae symbiosis and for which the radiation power emitted at 400 nanometers or more but not more than 480 nanometers represents at least 40 percent of the total radiation power emitted at 250 nanometers or more but not more than 800 nanometers; or

(5) Use in a sunlamp product, as defined in 21 C.F.R. § 1040.20 ~~*.*~~ *; or*

3. Is a compact fluorescent lamp that is designed and marketed exclusively to replace any lamp in a motor vehicle manufactured on or before January 1, 2020.

Sec. 7. ***1. On and after January 1, ~~[2024,]~~ 2025, a person shall not sell, offer to sell or otherwise distribute in this State a new compact fluorescent lamp with a screw or bayonet base type.***

2. On and after January 1, ~~[2025,]~~ 2026, a person shall not sell, offer to sell or otherwise distribute in this State a new:

(a) Compact fluorescent lamp with a pin base type; or

(b) Linear fluorescent lamp.

Sec. 8. ***1. A person who violates any provision of section 7 of this act must, for a first violation, be issued a warning and, for any subsequent violation, is liable to the State for a civil penalty of:***

(a) For the first civil penalty assessed, not more than $100 for each violation.

(b) For any subsequent assessment of a civil penalty, not more than $500 for each violation.

2. Each sale, offer to sell or distribution of a compact fluorescent lamp or linear fluorescent lamp in violation of section 7 of this act constitutes a separate violation. Each day on which such a violation occurs constitutes a separate violation.

Sec. 9. ***~~[1. The Director or his or her designee may enter and inspect, in a reasonable manner and during reasonable business hours, the premises of any distributor or retailer of lighting products to determine compliance with the provisions of sections 2 to 9, inclusive, of this act.~~***

~~2. The Director may investigate complaints received concerning alleged violations of the provisions of sections 2 to 9, inclusive, of this act and may report to the Attorney General any alleged violation which the Director or his or her designee verifies during or discovers after investigation.~~

~~3.]~~ Whenever it appears that a person has repeatedly violated the provisions of ~~[sections 2 to 9, inclusive,]~~ section 7 of this act, the Attorney General may bring a civil action in any district court of this State for injunctive relief to restrain the violation and for the assessment and recovery of a civil penalty.

~~[4. The Director may adopt such regulations as are necessary to carry out the provisions of sections 2 to 9, inclusive, of this act.]~~

Sec. 10. This act becomes effective on January 1, **~~[~~2024.~~]~~ 2025.**

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 45.

AN ACT relating to crimes; increasing the penalties for a customer who unlawfully engages in prostitution or solicitation therefor; ~~[removing a~~

~~duplicative provision in existing law relating to prostitution;~~ **requiring a peace officer to make an arrest with or without a warrant under certain circumstances; revising requirements for the automatic sealing of records in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~: (1)~~ prohibits a customer from engaging in prostitution or solicitation for prostitution except in a licensed house of prostitution **.** ~~; and (2)~~ **Existing law** provides that a customer who violates such a prohibition ~~,~~ **: (1)** for a first offense that involves an adult, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 6 months and by a fine of not less than $400 but not more than $1,000 ~~,~~ **; (2) for a subsequent offense that involves an adult, is guilty of a gross misdemeanor, punishable by imprisonment in the county jail for not more than 364 days and by certain minimum fines; and (3) for any offense, is subject to a civil penalty of not less than $200 per offense. Additionally, existing law provides for the automatic sealing of records if a person is discharged and the proceedings against the person are dismissed upon the fulfillment of the terms and conditions of a court-ordered program for the treatment of persons who solicit prostitution.** (NRS 201.354) ~~Section 1 of this~~

This bill **: (1) requires a peace officer to arrest a person if the peace officer has probable cause to believe that the person has violated such a prohibition; (2)** increases the ~~penalties~~ **minimum fine** for ~~such~~ a first offense ~~from~~ **to** ~~a misdemeanor to a gross misdemeanor, punishable by imprisonment in the county jail for not more than 364 days and by a fine of~~ not less than $800 ~~but not more than $2,000. Sections 5 and 6 of this bill make conforming changes to reflect the fact that the change in section 1, which~~ **; (3)** increases the **civil** penalty for ~~such an~~ **any** offense ~~from a misdemeanor to a gross misdemeanor, removes the offense from the jurisdiction of the justice courts and municipal courts.~~

~~Existing law also contains a duplicative criminal provision prohibiting~~ **to $600; and (4) authorizes** a person ~~from offering or agreeing to engage in, engaging in or aiding and abetting any act of prostitution. (NRS 207.030) Section 4 of this bill removes this duplicative criminal provision, and sections 2, 3 and 7 of this bill make conforming changes~~ to ~~remove or replace references to the duplicative criminal provision that is removed by section 4.~~ **petition the court 2 years after the person is discharged and the proceedings against the person are dismissed for the sealing of all records relating to the discharge and dismissal.**

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

Section 1. NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution. ***Whether or not a warrant has been issued, a peace officer shall arrest a person if the peace officer has probable cause to believe that the person to be arrested has violated this section.***

2. Any person who violates subsection 1 by soliciting for prostitution:

(a) A child;

(b) A peace officer who is posing as a child; or

(c) A person who is assisting in an investigation on behalf of a peace officer by posing as a child,

➥ is guilty of soliciting a child for prostitution.

3. Except as otherwise provided in subsection 5, a person who violates this section:

(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than ~~[~~$400.~~]~~ ***$800.***

(b) For a second ~~***[for second]***~~ offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, ~~***[by imprisonment in the county jail for not more than 364 days]***~~ and by a fine of not less than $800 .

(c) ~~***[but not more than $2,000.***~~

~~***(b)]***~~ For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, ~~***[by imprisonment in the county jail for not more than 364 days]***~~ and by a fine of not less than $1,300. ~~***[but not more than $2,000.]***~~

4. In addition to any other penalty imposed, the court shall order a person who violates subsection 1 to pay a civil penalty of not less than ~~[$200]~~ ***$600*** per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:

(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.

(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.

5. A person who violates this section by soliciting a child for prostitution:

(a) For a first offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and by a fine of not more than $5,000.

(b) For a second offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and maximum term of not more than 6 years, and may be

further punished by a fine of not more than $15,000. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury , as applicable, to be used for:

(a) The enforcement of this section; and

(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

➥ Not less than 50 percent of the money deposited in the county or city treasury , as applicable, pursuant to this subsection must be used for the enforcement of this section.

7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

8. Except as limited by subsection 9, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 7, ~~[the court shall, without a hearing,]~~ ***the person may petition the court for the sealing of all records relating to the discharge and dismissal 2 years after the date of the dismissal. The court may*** order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets,

and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

Sec. 2. ~~[NRS 201.430 is hereby amended to read as follows:~~

~~201.430 1. It is unlawful for any person engaged in conduct which is unlawful pursuant to [paragraph (b) of subsection 1 of NRS 207.030,] *NRS 201.353,* or any owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise the unlawful conduct or any house of prostitution:~~

~~(a) In any public theater, on the public streets of any city or town, or on any public highway; or~~

~~(b) In any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.~~

~~2. It is unlawful for any person knowingly to prepare or print an advertisement concerning a house of prostitution not licensed for that purpose pursuant to NRS 244.345, or conduct which is unlawful pursuant to [paragraph (b) of subsection 1 of NRS 207.030,] *NRS 201.353,* in any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.~~

~~3. Inclusion in any display, handbill or publication of the address, location or telephone number of a house of prostitution or of identification of a means of transportation to such a house, or of directions telling how to obtain any such information, constitutes prima facie evidence of advertising for the purposes of this section.~~

~~4. Any person, company, association or corporation violating the provisions of this section shall be punished:~~

~~(a) For the first violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment.~~

~~(b) For a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than $250 nor more than $1,000.~~

~~(c) For a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than $250 nor more than $1,000.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 201.440 is hereby amended to read as follows:~~

~~201.440 1. In any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute, it is unlawful for any person, company, association~~

~~or corporation knowingly to allow any person engaged in conduct which is unlawful pursuant to~~ **[**~~paragraph (b) of subsection 1 of NRS 207.030,~~**]** ***NRS 201.353,*** ~~or any owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise a house of prostitution in his or her place of business.~~

~~2. Any person, company, association or corporation that violates the provisions of this section shall be punished:~~

~~(a) For the first violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment.~~

~~(b) For a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than $250 nor more than $1,000.~~

~~(c) For a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than $250 nor more than $1,000.~~**]** **(Deleted by amendment.)**

Sec. 4. **[**~~NRS 207.030 is hereby amended to read as follows:~~

~~207.030 1. It is unlawful to:~~

~~(a) Offer or agree to engage in or engage in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;~~

~~(b)~~ **[**~~Offer or agree to engage in, engage in or aid and abet any act of prostitution;~~

~~(c)~~**]** ~~Be a pimp, panderer or procurer or live in or about houses of prostitution;~~

~~**[**(d)~~**]** ***(c)*** ~~Seek admission to a house upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;~~

~~**[**(e)~~**]** ***(d)*** ~~Keep a place where lost or stolen property is concealed;~~

~~**[**(f)~~**]** ***(e)*** ~~Loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act; or~~

~~**[**(g)~~**]** ***(f)*** ~~Lodge in any building, structure or place, whether public or private:~~

~~(1) Where a notice of default and election to sell has been recorded, unless the person is the owner, tenant or entitled to the possession or control thereof;~~

~~(2) Which has been placed on a registry of vacant, abandoned or foreclosed property by a local government, unless the person is the owner, tenant or entitled to the possession or control thereof; or~~

~~(3) Without the permission of the owner or person entitled to the possession or in control thereof.~~

~~2. A person who violates a provision of subsection 1 shall be punished:~~

~~(a) For the first violation of paragraph~~ **[**~~(a), (b) or (c)~~**]** ***(a) or (b)*** ~~of subsection 1 and for each subsequent violation of the same paragraph occurring more than 3 years after the first violation, for a misdemeanor.~~

~~(b) For the second violation of paragraph~~ **[**~~(a), (b) or (c)~~**]** ***(a) or (b)*** ~~of subsection 1 within 3 years after the first violation of the same paragraph, by~~

~~imprisonment in the county jail for not less than 30 days nor more than 6 months and by a fine of not less than $250 nor more than $1,000.~~

~~(c) For the third or subsequent violation of paragraph [(a), (b) or (c)]~~ ***(a) or (b)*** ~~of subsection 1 within 3 years after the first violation of the same paragraph, by imprisonment in the county jail for 6 months and by a fine of not less than $250 nor more than $1,000.~~

~~(d) For a violation of any provision of paragraphs [(d) to (g),]~~ ***(c) to (f),*** ~~inclusive, of subsection 1, for a misdemeanor.~~

~~3. The terms of imprisonment prescribed by subsection 2 must be imposed to run consecutively.~~

~~4. A local government may enact an ordinance which regulates the time, place or manner in which a person or group of persons may beg or solicit alms in a public place or place open to the public.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 4.373 is hereby amended to read as follows:~~

~~4.373 1. Except as otherwise provided in subsections 2 and 3, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 2 years, the sentence or a portion thereof of a person convicted of a misdemeanor. If the circumstances warrant, the justice of the peace may order as a condition of suspension, without limitation, that the offender:~~

~~(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;~~

~~(b) Engage in a program of community service, for not more than 200 hours;~~

~~(c) Actively participate in a program of professional counseling at the expense of the offender;~~

~~(d) Abstain from the use of alcohol and controlled substances;~~

~~(e) Refrain from engaging in any criminal activity;~~

~~(f) Engage or refrain from engaging in any other conduct, or comply with any other condition, deemed appropriate by the justice of the peace;~~

~~(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and~~

~~(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.~~

~~2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:~~

~~(a) A program of treatment for alcohol or drug use disorder, or both, which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;~~

~~(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or~~

~~(c) The programs set forth in paragraphs (a) and (b),~~

~~➥ and that the person comply with any other condition of suspension ordered by the justice of the peace.~~

~~3. [Except as otherwise provided in this subsection, if a customer of a prostitute is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the justice of the peace may suspend the sentence for not more than 2 years upon the condition that the person:~~

~~(a) Actively participate in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services; and~~

~~(b) Comply with any other condition of suspension ordered by the justice of the peace.~~

~~➥ The justice of the peace may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~4.] The justice of the peace may order reports from a person whose sentence is suspended at such times as the justice of the peace deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.~~

~~[5.] 4. The justice of the peace may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 5.055 is hereby amended to read as follows:~~

~~5.055 1. Except as otherwise provided in subsections 2 and 3, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 2 years, the sentence or a portion thereof of a person convicted of a misdemeanor. If the circumstances warrant, the municipal judge may order as a condition of suspension, without limitation, that the offender:~~

~~(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;~~

~~(b) Engage in a program of community service, for not more than 200 hours;~~

~~(c) Actively participate in a program of professional counseling at the expense of the offender;~~

~~(d) Abstain from the use of alcohol and controlled substances;~~

~~(e) Refrain from engaging in any criminal activity;~~

~~(f) Engage or refrain from engaging in any other conduct, or comply with any other condition, deemed appropriate by the municipal judge;~~

~~(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and~~

~~(h) Submit to periodic tests to determine whether the offender is using any controlled substance or alcohol.~~

~~2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the municipal judge may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:~~

~~(a) A program of treatment for alcohol or drug use disorder, or both, which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;~~

~~(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or~~

~~(c) The programs set forth in paragraphs (a) and (b),~~

~~➥ and that the person comply with any other condition of suspension ordered by the municipal judge.~~

~~3. [Except as otherwise provided in this subsection, if a customer of a prostitute is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the municipal judge may suspend the sentence for not more than 2 years upon the condition that the person:~~

~~(a) Actively participate in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services; and~~

~~(b) Comply with any other condition of suspension ordered by the municipal judge.~~

~~➥ The municipal judge may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~4.] The municipal judge may order reports from a person whose sentence is suspended at such times as the municipal judge deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the municipal judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.~~

~~[5.] 4. The municipal judge may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 62C.015 is hereby amended to read as follows:~~

~~62C.015 1. A child must not be adjudicated as delinquent or in need of supervision for engaging in prostitution or solicitation for prostitution pursuant to NRS 201.353 or 201.354 . [or paragraph (b) of subsection 1 of NRS 207.030.]~~

~~2. A child must not be placed in a state or local facility for the detention of children if:~~

~~(a) The child is alleged to have violated:~~

~~(1) The provisions of NRS 197.190, 207.200 or 463.350; or~~

~~(2) A county or municipal ordinance imposing a curfew on a child or prohibiting jaywalking or loitering for the purpose of solicitation for prostitution; and~~

~~(b) There is reasonable cause to believe that the child is a commercially sexually exploited child.~~

~~3. If a court finds that a child committed an act described in subsection 2 and that clear and convincing evidence exists that the child committed the act in connection with commercial sexual exploitation, the court shall not adjudicate the child as a delinquent child or a child in need of supervision based on that act. Upon such a finding, the court shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.~~

~~4. A juvenile justice agency that has reasonable cause to believe that a child in its custody is or has been a commercially sexually exploited child shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.~~

~~5. As used in this section:~~

~~(a) "Commercial sexual exploitation" means the sex trafficking of a child in violation of NRS 201.300 or the sexual abuse or sexual exploitation of a child for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.~~

~~(b) "Commercially sexually exploited child" has the meaning ascribed to it in NRS 424.0115.~~

~~(c) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.]~~ **(Deleted by amendment.)**

Sec. 8. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 146.

Bill read second time.

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

Amendment No. 18.

AN ACT relating to information technology; ~~[revising]~~ **clarifying** the definition of the ~~[term]~~ **terms "cable service" and** "video service"; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "video service" for purposes of franchising and regulation of video service and video service providers as the provision of certain multichannel video programming, excluding: (1) any video content provided solely as part of, and through, a service which enables users access to certain content via the public Internet; (2) direct broadcast satellite service; and (3) any wireless multichannel video programming provided by a commercial mobile service provider. (NRS 711.141, 711.400) ~~[This]~~ **Section 1.5 of this** bill ~~[revises]~~ **clarifies** the definition of the term "video service" to mean the provision **by a video service provider over a video service network** of certain multichannel video programing provided by a video service provider, excluding: (1) certain video content accessed via the Internet, including streaming video content; (2) direct-to-home satellite services; and (3) any wireless multichannel video programming provided by a commercial mobile service provider.

Section 1 of this bill clarifies the definition of the term "cable service" to exclude any video content, including, without limitation, streaming video content, accessed via a service that enables users to access content, information, electronic mail or other services that are offered via the Internet, regardless of the Internet service provider.

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

Section 1. **NRS 711.025 is hereby amended to read as follows:**

711.025 ***1.*** "Cable service" ~~[has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.]~~ ***means:***

(a) The one-way transmission to subscribers of video programming or other programming service; and

(b) Any interaction with subscribers which is required for the selection or use of such video programming or other programming service.

2. The term does not include any video content, including, without limitation, streaming video content, accessed via a service that enables users to access content, information, electronic mail or other services that are offered via the Internet, regardless of the Internet service provider.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 711.141 is hereby amended to read as follows:

711.141 1. "Video service" means the provision ***by a video service provider over a video service network*** of multichannel video programming generally considered comparable to video programming delivered by a television broadcast station, cable service or other digital television service, whether provided as part of a tier, on-demand or on a per-channel basis,

without regard to the technology used to deliver the video service, including, without limitation, Internet protocol technology or any successor technology.

2. The term includes, without limitation:

(a) Cable service; and

(b) Video service delivered by a community antenna television system.

3. The term does not include:

(a) Any video content ~~[provided solely as part of, and through,]~~ ***, including, without limitation, streaming video content, accessed via*** a service ~~[which]~~ ***that*** enables users to access content, information, electronic mail or other services that are offered via the ~~[public]~~ Internet ~~[.]~~ ***, regardless of the Internet service provider.***

(b) ~~[Direct broadcast]~~ ***Direct-to-home*** satellite ~~[service.]~~ ***services ~~[as defined in 47 U.S.C. § 303(v).]~~ , which distribute or broadcast programming or services by satellite directly to the subscriber's residence without the use of:***

(1) Ground receiving or distribution equipment, except at the subscriber's residence or in the uplink process to the satellite; and

(2) A public right-of-way.

(c) Any wireless multichannel video programming provided by a commercial mobile service provider.

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

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 151.

Bill read second time.

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

Amendment No. 13.

SUMMARY—Provides for the issuance **for a limited duration** of special license plates commemoration the 150th anniversary of the founding of the University of Nevada, Reno. (BDR 43-89)

AN ACT relating to special license plates; providing for the **limited** issuance of special license plates commemorating the 150th anniversary of the founding of the University of Nevada, Reno; exempting the special license plates from certain provisions otherwise applicable to special license plates; **imposing a fee for the issuance and renewal of such license plates; imposing a deadline on the issuance of such license plates;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the issuance of various special license plates associated with military or public service, membership in or affiliation with certain groups or recognition of or support for certain charitable causes. (NRS

482.3672-482.37947) **Section 1** of this bill requires the Department of Motor Vehicles, in cooperation with the University of Nevada, Reno, to design, prepare and issue special license plates commemorating the 150th anniversary of the founding of the University. A person wishing to obtain the special license plates must pay to the Department **: (1)** a fee for initial issuance of $35 and a fee for renewal of $10 ~~[, along with]~~ **; (2)** all applicable registration and license fees and governmental services taxes ~~[.]~~ **; and (3) an additional fee for initial issuance of $25 and an additional fee for renewal of $20, to be deposited with the State Treasurer who must, on a quarterly basis, distribute the fees to the University of Nevada, Reno Foundation to operate a program to provide certain necessary items to the students, faculty and staff of the University.** A person wishing to obtain the special license plates may also request that the plates be combined with personalized prestige plates if the person pays the additional fees for the personalized prestige plates.

~~[Existing law establishes certain requirements for investigations of the finances of charitable organizations that receive additional fees from certain special license plates. (NRS 482.38272-482.38279) Section 4 of this bill exempts the special license plates commemorating the 150th anniversary of the founding of the University of Nevada, Reno, from such requirements.]~~ **Section 1 also requires the Director of the Department to: (1) accept advance applications for the special license plates; and (2) announce a date on which the special license plates will no longer be available for initial issuance.**

Under existing law, certain special license plates: (1) must be approved by the Department; (2) are subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain number of applications for the plates are received. (NRS 482.367002, 482.367008, 482.36705) **Sections 5-7** of this bill exempt the special license plates commemorating the 150th anniversary of the founding of the University of Nevada, Reno, from each of the preceding requirements. **Sections 2-4, 9 and 10** of this bill make conforming changes to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[The]~~ Except as otherwise provided in paragraph (b) of subsection 9, the Department, in cooperation with the University of Nevada, Reno, shall design, prepare and issue license plates that commemorate the 150th anniversary of the founding of the University , using any colors and designs which the Department deems appropriate.

2. ~~[The]~~ Except as otherwise provided in paragraph (a) of subsection 9, the Department shall issue license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno, for a passenger car or light commercial vehicle upon application by a person who is otherwise entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno, if the person pays the fees for the personalized prestige plates in addition to the fees for the license plates that commemorate the 150th anniversary of the founding of the University pursuant to ~~[subsection]~~ subsections 3 ~~[.]~~ and 4.

3. The fee for the license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno, is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes prescribed pursuant to subsection 3, a person who requests a set of license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno, must pay for the issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be deposited in accordance with subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the University of Nevada, Reno Foundation for its use in operating a program to provide to students, faculty and staff of the University of Nevada, Reno, necessary items, including, without limitation:

(a) Perishable and nonperishable food items;

(b) School supplies;

(c) Clothing; and

(d) Personal hygiene products.

6. The provisions of NRS 482.36705 do not apply to license plates described in this section.

~~[5.]~~ 7. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services taxes due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[6.]~~ 8. The Department may accept any gifts, grants and donations or other sources of money for the production and issuance of the special license plates pursuant to this section. All money received pursuant to this subsection must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805.

9. The Director shall:

(a) Accept applications for the issuance of the license plates issued pursuant to this section beginning on July 1, 2023. A person who applies for the license plates pursuant to this paragraph must not be charged for any fees imposed by this section or any other registration and license fees and governmental services taxes due for the license plates until the license plates are available for issuance by the Department.

(b) Determine and, by public proclamation, announce the last date on which the Department will issue the license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno. The Department shall publish the announcement on its Internet website. In no case may the date that is determined and announced to be the last day on which the Department will issue the license plates be more than 1 year after the date the license plates are available for issuance by the Department. The Department shall not issue:

(1) The license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno, after the date announced by the Department pursuant to this paragraph.

(2) A duplicate number plate or a replacement number plate for those license plates more than 5 years after the date announced by the Department pursuant to this paragraph.

Sec. 1.5. **NRS 482.2065 is hereby amended to read as follows:**

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance, reissuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and section 1 of this act*** which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. A license plate issued pursuant to this section will be reissued as provided in NRS 482.265 except that such reissuance will be done at the first renewal after the license plate has been issued for not less than 8 years.

4. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and section 1 of this act;*** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and section 1 of this act.*** The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than $15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 4. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. Any license plates issued for a trailer before January 1, 1982, are not subject to reissue pursuant to subsection 2 of NRS 482.265.

6. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 5. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so:

(1) The name of the cause or charitable organization; and

(2) Whether the financial support intended to be generated for the particular cause or charitable organization will be for:

(I) General use by the particular cause or charitable organization; or

(II) Use by the particular cause or charitable organization in a more limited or specific manner;

(c) Must include the name and signature of a person who represents:

(1) The organization which is requesting that the Department design, prepare and issue the special license plate; and

(2) If different from the organization described in subparagraph (1), the cause or charitable organization for which the special license plate being requested is intended to generate financial support;

(d) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(e) Must be accompanied by a surety bond posted with the Department in the amount of $5,000, except that if the special license plate being requested is one of the type described in subsection 3 of NRS 482.367008, the application must be accompanied by a surety bond posted with the Department in the amount of $20,000;

(f) Must, if the organization is a charitable organization, not including a governmental entity whose budget is included in the executive budget, include a budget prepared by or for the charitable organization which includes, without limitation, the proposed operating and administrative expenses of the charitable organization; and

(g) Must be accompanied by suggestions for the design of and colors to be used in the special license plate. The suggestion must be made in consultation with the charitable organization for which the special license plate is intended to generate financial support, if any.

3. If an application for a special license plate has been submitted pursuant to this section but the Department has not yet designed, prepared or issued the plate, the applicant shall amend the application with updated information when any of the following events take place:

(a) The name of the organization that submitted the application has changed since the initial application was submitted.

(b) The cause or charitable organization for which the special license plate being requested is intended to generate financial support has a different name than that set forth on the initial application.

(c) The cause or charitable organization for which the special license plate being requested is intended to generate financial support is different from that set forth on the initial application.

(d) A charitable organization which submitted a budget pursuant to paragraph (f) of subsection 2 prepares or has prepared a new or subsequent budget.

➥ The updated information described in this subsection must be submitted to the Department within 90 days after the relevant change takes place, unless the applicant has received notice that the special license plate is on an agenda to be heard at a public meeting of the Department held pursuant to subsection 4, in which case the updated information must be submitted to the Department within 48 hours after the applicant receives such notice. The updating of information pursuant to this subsection does not alter, change or otherwise affect the issuance of special license plates by the Department in accordance with the chronological order of their authorization or approval, as described in subsection 2 of NRS 482.367008.

4. The Department shall hold a public meeting before determining whether to approve or disapprove:

(a) An application for the design, preparation and issuance of a special license plate that is submitted to the Department pursuant to subsection 1; and

(b) Except as otherwise provided in subsection 6, an application for the design, preparation and issuance of a special license plate that has been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to approve such an application, the Department shall consider, without limitation, whether it would be appropriate and feasible for the Department to design, prepare and issue the particular special license plate. The Department shall consider each application in the chronological order in which the application was received by the Department.

5. Before holding a public meeting pursuant to subsection 4, the Department shall:

(a) At least 30 days before the public meeting is held, notify:

(1) The person who requested the special license plate pursuant to subsection 1; and

(2) The charitable organization for which the special license plate is intended to generate financial support, if any; and

(b) Post a notice of the public meeting that complies with chapter 241 of NRS.

6. The provisions of paragraph (b) of subsection 4 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.3817 ~~[.]~~ ***or section 1 of this act.***

7. The Department may design and prepare a special license plate requested pursuant to subsection 1 if the Department:

(a) Determines that the application for that plate complies with subsection 2; and

(b) Approves the application for that plate after holding the public meeting required pursuant to subsection 4.

8. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to subsection 7; and

(b) Complies with the requirements of NRS 482.367003,

➥ for any motorcycle, passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

9. Upon making a determination to issue a special license plate pursuant to subsection 8, the Department shall notify:

(a) The person who requested the special license plate pursuant to subsection 1; and

(b) The charitable organization for which the special license plate is intended to generate financial support, if any.

10. After making a determination to issue a special license plate pursuant to this section, if the Department determines not to use the design or colors suggested pursuant to paragraph (g) of subsection 2, the Department shall notify the person who requested the special license plate pursuant to subsection 1. The notice must include, without limitation, the reasons the Department did not use the design or colors suggested pursuant to paragraph (g) of subsection 2.

11. Within 180 days after receiving the notice pursuant to subsection 10, the person who requested the special license plate pursuant to subsection 1 shall, in consultation with the charitable organization for which the special license plate is intended to generate financial support, if any, submit a revised suggestion for the design of and colors to be used in the special license plate. If the person does not submit a revised suggestion within 180 days after receiving the notice pursuant to subsection 10, the Department must:

(a) Not issue the special license plate; and

(b) Notify:

(1) The person who requested the special license plate pursuant to subsection 1; and

(2) The charitable organization for which the special license plate is intended to generate financial support, if any.

12. After receiving the suggested design of and colors to be used in the special license plate pursuant to paragraph (g) of subsection 2 or subsection 11 and upon determining the design of and the colors to be used in the special license plate, the Department shall submit the design of and the colors to be used in the special license plate to the person who requested the special license plate pursuant to subsection 1 and to the charitable organization for which the special license plate is intended to generate financial support, if any. The person and the charitable organization, if any, shall respond to the Department within 30 days after receiving the design of and the colors to be used in the special license plate and shall:

(a) Approve the design of and the colors to be used in the special license plate; or

(b) Submit suggestions to revise the design of or colors to be used in the special license plate.

➥ If the person who requested the special license plate pursuant to subsection 1 and the charitable organization for which the special license plate is intended to generate financial support, if any, fail to respond within 30 days after receiving the design of and the colors to be used in the special license plate, the person and charitable organization shall be deemed to approve the

design of and the colors to be used in the special license plate. The Department may adopt regulations to carry out this subsection.

13. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department determines not to issue the special license plate;

(b) If the Department distributes the additional fees collected on behalf of a charitable organization to another charitable organization pursuant to subparagraph (2) of paragraph (c) of subsection 5 of NRS 482.38279 and the surety bond has not been released to the initial charitable organization; or

(c) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008, except that if the special license plate is one of the type described in subsection 3 of NRS 482.367008, the Department must promptly release the surety bond posted pursuant to subsection 2 if it is determined that at least 3,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

14. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

15. On or before September 1 of each fiscal year, the Department shall compile a list of each special license plate the Department, during the immediately preceding fiscal year, designed and prepared pursuant to subsection 7 or issued pursuant to subsection 8. The list must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Department shall make that information available on its Internet website.

16. On or before January 31 of each year, the Department shall:

(a) Compile a report that contains information detailing:

(1) The requests submitted pursuant to subsection 1;

(2) The list compiled pursuant to subsection 15 for the immediately preceding fiscal year;

(3) Any special license plates that the Department will no longer issue pursuant to NRS 482.367008;

(4) The results of any activities conducted pursuant to NRS 482.38272 to 482.38279, inclusive; and

(5) Any actions taken by the Department pursuant to subsections 4 and 5 of NRS 482.38279; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session.

Sec. 6. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

(c) Except for a license plate that is issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794, 482.37941 or 482.3817, ***or section 1 of this act,*** a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Department pursuant to NRS 482.367002, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Department must approve the design, preparation and issuance of the special plates as described in NRS 482.367002; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total

number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 7. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the

Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department approves the application for the authorized plate pursuant to NRS 482.367002.

(d) In addition to the requirements set forth in paragraphs (a), (b) and (c), if a new special license plate is authorized by an act of the Legislature after July 1, 2021, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the organization meeting the requirements described in subsection 1 of NRS 482.367002 submits suggestions for the design of and colors to be used in the special license plate within 180 days after the authorization of the special license plate. The provisions of subsections 10, 11 and 12 of NRS 482.367002 apply to suggestions submitted pursuant to this paragraph.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794, 482.37941 or 482.3817 ~~[.]~~ ***or section 1 of this act.***

Sec. 8. NRS 482.38276 is hereby amended to read as follows:

482.38276 "Special license plate" means:

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37904, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947 ~~[;]~~ ***or section 1 of this act;*** and

3. Except for a license plate that is issued pursuant to NRS 482.3746, 482.3757, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.37941, ~~*[or section 1 of this act,]*~~ a license plate that is approved by the Legislature after July 1, 2005.

Sec. 9. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and section 1 of this act,*** or 482.384, on the vehicle from which the registration is being transferred, if the license

plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license

plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 10. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.3755, inclusive, ~~*[and section 1 of this act,]*~~ 482.376 or 482.379 to 482.3818, inclusive, ***and section 1 of this act,*** a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

Sec. 11. **This act becomes effective on July 1, 2023.**

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 167.

Bill read second time.

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

Amendment No. 67.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYWOMEN** THOMAS **; GONZÁLEZ AND TAYLOR**

AN ACT relating to persons with dementia; requiring the Aging and Disability Services Division of the Department of Health and Human Services to establish and administer a dementia care specialist program; setting forth certain requirements for the program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to establish and administer certain programs for the elderly, including: (1) a program to provide community-based services to enable a frail elderly person to avoid placement in a facility for long-term care; and (2) a program of all-inclusive care for the elderly, known as a PACE program. (NRS 427A.250, 427A.255)

Section 1 of this bill requires the Division to establish and administer a program for dementia care specialists in this State. **Section 1** further provides that the program must have as its goals, without limitation: (1) to develop and provide certain crisis intervention services for persons with dementia and their families and caregivers; ~~[and]~~ (2) to proactively support persons with dementia and their families and caregivers to ensure the highest quality of life possible and to enable persons with dementia to remain in their homes or with family and avoid placement in a facility. ~~[.]~~ **; and (3) to assist persons with dementia and their families and caregivers with limited English proficiency by providing access to the program through, without limitation, translation and interpretation services.** Within the limits of legislative appropriations and any other money available for this purpose, **section 1** requires the Division to: (1) prepare requests for proposals for the provision of services by dementia care specialists employed by local governmental agencies or nonprofit organizations to carry out the program; and (2) partner or contract with an appropriate educational organization to provide training to dementia care specialists and evaluate the program.

Section 2 of this bill makes an appropriation to the Division for the program established pursuant to **section 1**.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall establish and administer a program for dementia care specialists in this State.

2. The program established pursuant to this section must have as its goals, without limitation:

(a) To develop and provide crisis intervention services for persons with dementia and their families and caregivers, including, without limitation, services that provide an initial crisis response, crisis stabilization and long-term care for persons with dementia who exhibit behavioral problems.

(b) To proactively support persons with dementia and their families and caregivers to ensure the highest quality of life possible and to enable persons with dementia to remain in their own homes or with family and avoid placement in a facility for long-term care by, without limitation:

(1) Providing information, assistance, education and support to persons with dementia and their families and caregivers;

(2) Facilitating the development of communities in this State where persons with dementia may remain safe and active;

(3) Providing training to governmental agencies and nonprofit organizations that provide services to persons with dementia; and

(4) Raising awareness of and developing community support for persons with dementia and their families and caregivers.

(c) To assist persons with dementia and their families and caregivers with limited English proficiency by providing access to the program through, without limitation, translation and interpretation services.

3. Within the limits of legislative appropriations and any other money available for this purpose, the Division shall:

(a) Prepare requests for proposals for the provision of services by dementia care specialists employed by local governmental agencies or nonprofit organizations to carry out the program established pursuant to this section. The Division shall establish such requirements for the requests for proposals as it determines necessary.

(b) Partner or contract with an appropriate educational organization to:

(1) Provide training to dementia care specialists.

(2) Evaluate the program established pursuant to this section.

4. The Division may adopt regulations necessary to establish and administer the program established pursuant to this section.

5. As used in this section, "limited English proficiency" means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language in written or spoken form, as applicable, based on the manner in which information is being communicated.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Aging and Disability Services Division of the Department of Health and Human Services the sum of $531,904 for the program for dementia care specialists established by the Division pursuant to section 1 of this act.

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

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 46.

AN ACT relating to child welfare; requiring certain entities in the juvenile justice system and the child welfare system to screen certain children for commercial sexual exploitation; requiring such entities to take certain actions

if the results of a screening indicate that a child is a victim of commercial sexual exploitation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons or entities to report the commercial sexual exploitation of a child to an agency which provides child welfare services. (NRS 62C.015, 432B.220, 432C.110) Upon receiving such a report, existing law requires an agency which provides child welfare services to: (1) conduct an assessment to determine whether the child is a victim of commercial sexual exploitation; and (2) take certain actions to protect the safety of the child and meet the other needs of the child. (NRS 432C.130)

Existing law requires a local facility for the detention of children, a regional facility for the treatment and rehabilitation of children and a state facility for the detention of children to screen each child who is committed to, or placed under the custody of, the facility to determine whether the child is in need of mental health services or has a substance use disorder. (NRS 62C.035, 62E.513) ~~[Sections]~~ **With certain exceptions, sections 2 and 3** of this bill additionally require such facilities to screen each child to determine whether the child is a victim of commercial sexual exploitation. **Sections 2 and 3** also: (1) require such facilities to report the commercial sexual exploitation of the child to an agency which provides child welfare services if the results of the screening indicate that the child is a victim of commercial sexual exploitation; and (2) deem such a report to be a report of commercial sexual exploitation for purposes of certain mandatory requirements and procedures for reporting abuse, neglect or exploitation of a child. **Section 1** of this bill makes a conforming change by removing certain requirements relating to the reporting of commercial sexual exploitation of a child that are now addressed by **section 2**. **Section 6** of this bill requires an agency which provides child welfare services to take certain actions to protect the safety of the child and meet the other needs of the child upon receipt of a report submitted pursuant to **sections 2 and 3**.

Existing law prescribes certain requirements relating to the method of screening used by a local facility for the detention of children to comply with certain statutory requirements relating to the screening of a child in its custody. (NRS 62E.516) **Section 4** of this bill additionally requires the method of screening to be reliable and valid for identifying a child who is a victim of commercial sexual exploitation.

~~[Section]~~ **With certain exceptions, section 5** of this bill requires an agency which provides child welfare services to screen each child in its custody to determine whether the child is a victim of commercial sexual exploitation. **Section 5** also: (1) prescribes requirements relating to the method used by an agency which provides child welfare services to conduct the screening; and (2) requires the agency to take the actions required by **section 6** if the results of the screening indicate that the child is a victim of commercial sexual exploitation.

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

Section 1. NRS 62C.015 is hereby amended to read as follows:

62C.015 1. A child must not be adjudicated as delinquent or in need of supervision for engaging in prostitution or solicitation for prostitution pursuant to NRS 201.353 or 201.354 or paragraph (b) of subsection 1 of NRS 207.030.

2. A child must not be placed in a state or local facility for the detention of children if:

(a) The child is alleged to have violated:

(1) The provisions of NRS 197.190, 207.200 or 463.350; or

(2) A county or municipal ordinance imposing a curfew on a child or prohibiting jaywalking or loitering for the purpose of solicitation for prostitution; and

(b) There is reasonable cause to believe that the child is a commercially sexually exploited child.

3. If a court finds that a child committed an act described in subsection 2 and that clear and convincing evidence exists that the child committed the act in connection with commercial sexual exploitation, the court shall not adjudicate the child as a delinquent child or a child in need of supervision based on that act. Upon such a finding, the court shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.

4. ~~[~~A juvenile justice agency that has reasonable cause to believe that a child in its custody is or has been a commercially sexually exploited child shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.

~~5.]~~ As used in this section:

(a) "Commercial sexual exploitation" means the sex trafficking of a child in violation of NRS 201.300 or the sexual abuse or sexual exploitation of a child for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.

(b) "Commercially sexually exploited child" has the meaning ascribed to it in NRS 424.0115.

~~[~~(c) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.~~]~~

Sec. 2. NRS 62C.035 is hereby amended to read as follows:

62C.035 1. ~~[Each]~~ ***Except as otherwise provided in subsection 4, each*** child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children while awaiting a detention hearing
pursuant to NRS 62C.040 or 62C.050 must be screened to determine whether the child:

(a) Is in need of mental health services; ~~[or]~~

(b) Has an alcohol or other substance use disorder ~~[.]~~ ***; or***

(c) Is a victim of commercial sexual exploitation.

2. The facility in which the child is detained shall ~~[cause]~~ ***:***

(a) Cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility ~~[.]~~ ***; and***

(b) Report the commercial sexual exploitation of the child to an agency which provides child welfare services as soon as practicable after conducting the screening if the results of the screening indicate that the child is a victim of commercial sexual exploitation.

3. The method for conducting the screening required pursuant to ***:***

(a) Paragraph (a) or (b) of subsection 1 must satisfy the requirements of NRS 62E.516.

(b) Paragraph (c) of subsection 1 must:

(1) Satisfy the requirements of NRS 62E.516; and

(2) Be reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of commercial sexual exploitation.

4. The requirement prescribed by paragraph (c) of subsection 1 does not apply if the method for conducting the screening is not reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of commercial sexual exploitation.

5. If a local facility for the detention of children reports the commercial sexual exploitation of a child pursuant to subsection 2, the report made pursuant to subsection 2 shall be deemed to be a report of the commercial sexual exploitation of the child that has been made pursuant to NRS 432C.110 and:

(a) The child welfare agency shall act upon the report pursuant to chapter 432C of NRS; and

(b) The report may be used in the same manner as other reports that are made pursuant to NRS 432C.110.

~~*[5.]*~~ ***6. As used in this section, "commercial sexual exploitation" has the meaning ascribed to it in NRS 432C.050.***

Sec. 3. NRS 62E.513 is hereby amended to read as follows:

62E.513 1. ~~[Each]~~ ***Except as otherwise provided in subsection 5, each*** child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the treatment and rehabilitation of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child:

(a) Is in need of mental health services; ~~[or]~~

(b) Has an alcohol or other substance use disorder ~~[,~~

~~➥]~~ ***; or***

(c) Is a victim of commercial sexual exploitation.

2. The facility to which the child is committed or in which the child is placed shall:

(a) Cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed or placed in the facility; and

(b) Additionally screen each child committed to, or placed under the custody of, the facility to determine whether the child is in need of mental health services or has an alcohol or other substance use disorder once every 6 months or when significant changes to the child's case plan developed pursuant to NRS 62E.507 or 62E.525, as applicable, are made.

~~[2.]~~ ***3.*** The facility to which the child is committed or in which the child is placed shall ~~[cause the screening required pursuant to subsection 1 to be conducted]~~ ***report the commercial sexual exploitation of the child to an agency which provides child welfare services*** as soon as practicable after ***conducting*** the ***screening required by subsection 1 if the results of the screening indicate that the*** child ~~[has been committed to or placed in the facility.~~

~~3.]~~ ***is a victim of commercial sexual exploitation.***

4. The method for conducting the ~~***[a]***~~ screening required pursuant to ***:***

(a) Paragraph (a) or (b) of subsection 1 ~~***[by this section]***~~ must satisfy the requirements of NRS 62E.516.

(b) Paragraph (c) of subsection 1 must:

(1) Satisfy the requirements of NRS 62E.516; and

(2) Be reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of commercial sexual exploitation.

5. The requirement prescribed by paragraph (c) of subsection 1 does not apply if the method for conducting the screening is not reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of commercial sexual exploitation.

6. If a facility reports the commercial sexual exploitation of a child pursuant to subsection 3, the report made pursuant to subsection 3 shall be deemed to be a report of the commercial sexual exploitation of the child that has been made pursuant to NRS 432C.110 and:

(a) The child welfare agency shall act upon the report pursuant to chapter 432C of NRS; and

(b) The report may be used in the same manner as other reports that are made pursuant to NRS 432C.110.

~~***[6.]***~~ ***7. As used in this section, "commercial sexual exploitation" has the meaning ascribed to it in NRS 432C.050.***

Sec. 4. NRS 62E.516 is hereby amended to read as follows:

62E.516 1. Each local facility for the detention of children shall conduct the screening required pursuant to NRS 62C.035 using a method that has been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:

(a) Based on research; and

(b) Reliable and valid for identifying a child who:

(1) Is in need of mental health services; ~~[or]~~

(2) Has an alcohol or other substance use disorder ~~[.]~~ ***; or***

(3) Is a victim of commercial sexual exploitation.

2. Each local facility for the detention of children shall submit its method for conducting the screening required pursuant to NRS 62C.035 to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children may begin using a new method for conducting the screening required pursuant to NRS 62C.035, the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to NRS 62C.035 that is submitted by a local facility for the detention of children, and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which administers the facility and the chief judge of the appropriate judicial district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and NRS 62C.035.

5. Each regional facility for the treatment and rehabilitation of children shall conduct the screening required pursuant to NRS 62E.513 using the assessment tool that has been approved by the Commission pursuant to NRS 62B.610.

6. Each state facility for the detention of children shall use the assessment tool for conducting the screening required pursuant to NRS 62E.513 selected by the Commission pursuant to NRS 62B.610.

7. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and NRS 62C.035 and 62E.513, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to NRS 62C.035 and 62E.513; and

(b) Protecting the confidentiality of information obtained from such screening.

8. As used in this section, "commercial sexual exploitation" has the meaning ascribed to it in NRS 432C.050.

Sec. 5. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Each]~~ Except as otherwise provided in subsection 4, each child in the custody of an agency which provides child welfare services must be screened to determine whether the child is a victim of commercial sexual exploitation.

2. An agency which provides child welfare services shall:

(a) Cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child is placed in its custody; and

(b) If the results of the screening indicate that the child is a victim of commercial sexual exploitation, take the actions prescribed by NRS 432C.130.

3. The method for conducting the screening required pursuant to subsection 1 must be:

(a) Based on research; and

(b) Reliable and valid for identifying a child who is a victim of commercial sexual exploitation.

4. The requirement prescribed by subsection 1 does not apply if the agency which provides child welfare services has determined that no method for conducting the screening satisfies the requirements prescribed by subsection 3 for a child who is the same age as the child to whom the requirement applies.

5. As used in this section, "commercial sexual exploitation" has the meaning ascribed to it in NRS 432C.050.

Sec. 6. NRS 432C.130 is hereby amended to read as follows:

432C.130 1. Upon the receipt of a report pursuant to NRS ***62C.035, 62E.513 or*** 432C.110, an agency which provides child welfare services:

(a) Shall conduct an assessment to determine whether there is reasonable cause to believe that the child:

(1) Is a victim of commercial sexual exploitation;

(2) Is a victim of the abuse or neglect of a child;

(3) Is in immediate danger of serious bodily harm; or

(4) Suffers from any unmet basic need, including, without limitation, the need for behavioral health services, medical services, detoxification services and educational services;

(b) Upon the completion of an assessment of a child who resides within the jurisdiction of the agency which provides child welfare services pursuant to paragraph (a), shall:

(1) Engage in appropriate planning to ensure the safety of the child; and

(2) Refer the child for any services necessary to address an unmet basic need identified pursuant to subparagraph (4) of paragraph (a);

(c) Shall make a report to the appropriate law enforcement agency for the purpose of identifying the perpetrator of the commercial sexual exploitation; and

(d) If the child resides in another jurisdiction, may initiate contact with an agency which provides child welfare services in the jurisdiction in which the

child resides to provide notification of the circumstances surrounding the child's removal from the jurisdiction or placement in another location.

2. An agency which provides child welfare services shall use the resources of a children's advocacy center when conducting an assessment pursuant to paragraph (a) of subsection 1 when such resources are available and appropriate based on the circumstances contained in the report received pursuant to NRS 432C.110.

3. If an agency which provides child welfare services conducts an assessment pursuant to paragraph (a) of subsection 1 and no abuse or neglect of a child is identified, the agency may:

(a) Conduct an assessment of the family of the child to determine which services, if any, the family needs or refer the family to a person or an organization that has entered into a written agreement with the agency to make such an assessment; and

(b) If appropriate, provide to the child and his or her family counseling, training or other services relating to commercial sexual exploitation or refer the child and his or her family to a person or an organization that has entered into an agreement with the agency to provide those services.

4. If an agency which provides child welfare services conducts an assessment pursuant to paragraph (a) of subsection 1 and abuse or neglect of a child is identified, the agency which provides child welfare services may take any action authorized under chapter 432B of NRS. If the agency which provides child welfare services places a child who is a victim of commercial sexual exploitation into protective custody pursuant to NRS 432B.390, the agency which provides child welfare services shall, whenever possible, place the child in a placement appropriate for the needs of the child, including, without limitation, the need for safety.

5. If an agency which provides child welfare services has entered into an agreement with a person or an organization to provide services to a child or his or her family and the person or organization will provide such services pursuant to subsection 3, the agency shall require the person or organization to notify the agency if:

(a) The child or his or her family refuses or fails to participate in such services; or

(b) The person or organization determines that there is a serious risk to the health or safety of the child.

6. As used in this section:

(a) "Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.

(b) "Children's advocacy center" means a public or private entity that provides an environment friendly to children where multidisciplinary teams work to:

(1) Investigate and help children recover from abuse or neglect; and

(2) Hold perpetrators of abuse or neglect of children accountable.

(c) "Multidisciplinary team" means a team of different types of professionals convened by a children's advocacy center to respond to the abuse or neglect of a child, including, without limitation, law enforcement officers, representatives of agencies which provide child welfare services, district attorneys or their deputies, providers of health care and advocates for victims of abuse or neglect of children.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

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

Amendment No. 30.

SUMMARY—Revises provisions governing certain fees for drivers' licenses **[.]** **and identification cards.** (BDR 43-636)

AN ACT relating to **[**~~motor vehicles;~~**]** **offenders;** requiring the Department of Motor Vehicles to waive the fee for the administration of the examination required for the issuance of a noncommercial driver's license for certain persons released from prison; requiring the Department to waive any fee that would otherwise be imposed against a person for the late renewal of a driver's license if the late renewal resulted from the person being incarcerated; requiring the Department to reinstate free of charge a driver's license or to provide an original or renewal driver's license **or an original or renewal identification card** to certain persons released from prison in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the waiver of: (1) certain fees for furnishing a duplicate driver's license **or a duplicate identification card** to a person who was released from prison, a county, city or town jail or a detention facility within the 90 days immediately preceding the person's application for the driver's license **[**,**]** **or identification card;** and (2) the cost of producing a photograph for a driver's license **[**.**]** **or an identification card.** The person must reimburse the Department of Motor Vehicles for certain portions of the fee if the vendor who produces the photograph of the person for the license **or identification card** does not waive the cost it charges the Department to produce the photograph. (NRS 483.417 **[**)**]** **, 483.825)** **Section 3** of this bill

requires the Department to waive the fees for: (1) furnishing an original or renewal driver's license; (2) reinstating a driver's license; and (3) producing a photograph for a driver's license, including any reimbursement, if a person submits documentation verifying the person was released from prison within the year immediately preceding the person's application for a driver's license. **Section 3.5 of this bill requires the Department to waive the fees for: (1) furnishing an original identification card or for renewing an identification card; and (2) producing a photograph for an identification card, including any reimbursement, if a person submits documentation verifying the person was released from prison within the year immediately preceding the person's application for an identification card.**

Existing law authorizes the Department to require applicants for a driver's license to submit to an examination. (NRS 483.330) The fee for administration of the examination for a noncommercial driver's license is $25. (NRS 483.410) **Section 1** of this bill requires the Department to waive the fee for the examination not more than one time for a person who submits documentation verifying the person was released from prison within the immediately preceding year.

Under existing law, if the holder of a Nevada driver's license allows the license to expire for a period of 30 days or more, the person is required to pay a penalty of $10 when renewing the license. (NRS 483.386, 483.410) Existing law provides an exception to this penalty to a person whose license expires during a period of suspension, but only if the person completes a renewal application within 30 days after the date of eligibility for renewal. (NRS 483.386) **Section 2** of this bill provides an additional exception to the penalty for any person whose license expires during a period of incarceration, if the person submits documentation verifying the person was released from prison within the immediately preceding year and the person completes a renewal application within 1 year after his or her release.

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

Section 1. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of the applicant's knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of the applicant's eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the

operation of a motor vehicle of the type or class of vehicle for which he or she is to be licensed.

➥ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways. If the Department requires an applicant to submit to a test specified in paragraph (b), the Department shall ensure that the test includes at least one question testing the applicant's knowledge of the provisions of NRS 484B.165.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician, optometrist, physician or advanced practice registered nurse in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

➥ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 21 years of age, except that the Department may, based on the driving record of the applicant, waive the examination to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the same type or class of vehicle for which he or she is to be licensed;

(b) Has had his or her license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted of a violation of NRS 484C.130 or, during the immediately preceding 7 years, of a violation of NRS 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his or her driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of, or findings by a court of having committed, moving traffic violations on his or her driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Part 1327 of Title 23 of the Code of Federal Regulations relating to the National

Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

5. The Department shall waive the fee prescribed by NRS 483.410 not more than one time for administration of the examination required pursuant to this section for ~~[~~a~~]~~ ***:***

(a) A homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year.

6. As used in this section, "homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 2. NRS 483.386 is hereby amended to read as follows:

483.386 All persons whose licenses have expired may be required by the Department, whenever good cause appears, to take all or part of the regular examinations as set forth in NRS 483.330. All persons whose licenses have expired for a period of 30 days or more shall pay to the Department the penalty provided in NRS 483.410 in addition to the cost of renewing the license except that the following persons are exempt from this penalty:

1. A person who has not driven a motor vehicle after the expiration of his or her Nevada driver's license and who submits an affidavit stating that fact;

2. A person renewing an expired Nevada driver's license who possesses a valid driver's license from another jurisdiction;

3. A person whose Nevada driver's license expires during a period of suspension if the person completes a renewal application within 30 days after the date of eligibility for renewal;

4. A person whose Nevada driver's license expires while the person is on active duty with any branch of the Armed Forces, if the person completes a renewal application within 30 days after his or her discharge; ~~[~~and~~]~~

5. A person whose Nevada driver's license expires while the person was a member of the military deployed to a combat or combat supporting position. As used in this subsection, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard ~~[.]~~ ***; and***

6. A person whose Nevada driver's license expires while the person is serving a period of incarceration, if the person submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year and the person completes a renewal application within 1 year after his or her release.

Sec. 3. NRS 483.417 is hereby amended to read as follows:

483.417 1. Except as otherwise provided in subsection ~~[~~4,~~]~~ ***5,*** the Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~[90 days.]~~ ***year.***

(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail or detention facility, as applicable, within the immediately preceding 90 days.

2. ***The Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for:***

(a) Furnishing an original or renewal driver's license to; or

(b) The reinstating after suspension, revocation or cancellation of the driver's license of,

➥ a person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year.

3. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of ~~[a]~~ ***:***

(a) A homeless person or person released from prison or a county, city or town jail or detention facility for a duplicate driver's license ~~[.]~~ ***; or***

(b) A person released from prison for an original or renewal driver's license or for the reinstatement of a driver's license.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** if the vendor does not waive pursuant to subsection ~~[2]~~ ***3*** the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her driver's license; and

(b) Is employed at the time of such application.

~~[4.]~~ ***5.*** The Department shall waive the fee prescribed by NRS 483.410, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection ~~[3]~~ ***4*** not more than one time for furnishing ~~[an]~~ ***:***

(a) An original driver's license or a duplicate driver's license to a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.

(b) An original or renewal driver's license to or reinstating the driver's license of a person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year.

~~[5.]~~ ***6.*** The Department may accept gifts, grants and donations of money to fund the provision of original ***, renewal*** and duplicate drivers' licenses ***or the reinstatement of drivers' licenses*** without a fee to persons pursuant to subsections 1 ***, 2*** and ~~[4.]~~ ***5.***

~~[6.]~~ ***7.*** As used in this section, "homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 3.5. **NRS 483.825 is hereby amended to read as follows:**

483.825 1. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** the Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~[90 days.]~~ ***year.***

(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail, as applicable, within the immediately preceding 90 days.

2. ***The Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing an original identification card or a renewal of an identification card to a person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year.***

3. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of ~~[a]~~ ***:***

(a) A homeless person or person released from prison, a county, city or town jail or detention facility for a duplicate identification card ~~[.]~~ ***; or***

(b) A person released from prison for an original identification card or for the renewal of an identification card.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** if the vendor does not waive pursuant to subsection ~~[2]~~ ***3*** the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

~~[4.]~~ ***5.*** The Department shall waive the fee prescribed by NRS 483.820, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection ~~[3]~~ ***4*** not more than one time for furnishing ~~[an]~~ ***:***

(a) An original identification card or a duplicate identification card to a homeless child or youth less than 25 years of age who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and less than 25 years of age.

(b) An original identification card or for renewing an identification card to a person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year.

~~[5.]~~ ***6.*** The Department may accept gifts, grants and donations of money to fund the provision of original ***, renewal*** and duplicate identification cards without a fee to persons pursuant to subsections 1 ***, 2*** and ~~[4.]~~ ***5.***

~~[6.]~~ ***7.*** As used in this section:

(a) "Homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

(b) "Photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 203.

Bill read second time.

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

Amendment No. 15.

ASSEMBLYMEN HAFEN, D'SILVA, GRAY; BROWN-MAY, **DICKMAN,** HANSEN, HARDY, MCARTHUR, **PETERS,** THOMAS, TORRES AND WATTS

JOINT **~~[~~**~~SPONSOR: SENATOR~~**~~]~~** **SPONSORS: SENATORS** NGUYEN **; AND TITUS**

AN ACT relating to motor vehicles; authorizing the combination of personalized prestige license plates and certain special license plates; **exempting from the payment of certain parking fees vehicles with certain specially designed license plates associated with military service;** exempting from the payment of certain parking fees vehicles with certain specially designed license plates for family members of persons killed in the line of duty or who died of injuries sustained while on active duty in the Armed Forces of the United States; providing a penalty for persons who make certain false statements or submit false, fraudulent or misleading evidence in connection with an application for certain specially designed license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to issue personalized prestige license plates and certain special license plates associated with military or public service. (NRS 482.3667, 482.3757-482.3787) **Sections 1-7** of this bill provide that a person may request

personalized prestige license plates be combined with certain special license plates associated with military or public service.

Existing law provides an exemption from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States, to a vehicle that displays certain special license plates associated with military service that are issued to a person who has suffered a qualifying service-connected disability and receives compensation from the United States for the disability. (NRS 482.3765, 482.3775, 482.378, 482.3783) Sections 3 and 5-7 of this bill expand this exemption to any vehicle that displays such special license plates, regardless of whether the person to whom the plates were issued has suffered a qualifying service-connected disability.

Under existing law: (1) each family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States; and (2) each family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. (NRS 482.3785, 482.3787) **Sections 8 and 10** of this bill provide that a vehicle on which such specially designed license plates are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States. This is consistent with provisions that exempt from the payment of parking fees certain veterans with certain specially designed license plates. (NRS 482.3765-482.3783)

Sections 1, 9 and 11 of this bill also impose a criminal penalty against a person who: (1) makes a false statement on an application for certain specially designed license plates that he or she is a family member of a person killed in the line of duty or who died as a result of injuries sustained while on active duty in the Armed Forces of the United States or was killed in the line of duty while serving as a peace officer and awarded posthumously the Medal of Honor, or equivalent thereof; or (2) submits false, fraudulent or misleading evidence in connection with such an application.

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

Section 1. NRS 482.3757 is hereby amended to read as follows:

482.3757 1. Except as otherwise provided in this section, the Department shall design, prepare and issue license plates honoring peace

officers who have received a medal specified in subsection 3, or the equivalent thereof.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the person. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is:

(a) A current or former peace officer who has received one or more of the following medals, or the equivalent thereof, for his or her service as a peace officer:

(1) The Medal of Honor;

(2) The Purple Heart;

(3) The Medal of Valor;

(4) The Lifesaving Medal;

(5) The Meritorious Service Medal; or

(6) The Distinguished Service Medal; or

(b) A family member of a person who was:

(1) Killed in the line of duty while serving as a peace officer; and

(2) Awarded posthumously the Medal of Honor, or the equivalent thereof, for his or her actions as a peace officer.

4. A qualifying event described in subsection 3 that entitles a person to special license plates issued pursuant to the provisions of this section is a qualifying
event regardless of whether the event occurs or occurred before, on or after July 1, 2013.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. Except as otherwise provided in this ~~[subsection,]~~ ***section,*** no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

7. ***A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant to this section if the person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.***

8. Any person who knowingly:

(a) Makes a false statement that he or she is a family member of a person who was killed in the line of duty while serving as a peace officer and awarded posthumously the Medal of Honor, or the equivalent thereof, for his or her actions as a peace officer on an application for special license plates pursuant to this section; or

(b) Submits any evidence pursuant to paragraph (b) of subsection 3 that is false, fraudulent or misleading,

➥ is guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000. In addition, he or she shall surrender to the Department any license plates issued pursuant to this section.

9. As used in this section:

(a) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

(b) "Killed in the line of duty while serving as a peace officer" includes peace officers who:

(1) Are killed directly in the line of duty; and

(2) Die as a result of injuries sustained in the line of duty.

(c) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 2. NRS 482.376 is hereby amended to read as follows:

482.376 1. An owner of a motor vehicle who is a resident of this State and is an enlisted or commissioned member of the Nevada National Guard may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of enlistment, be issued license plates upon which is inscribed NAT'L GUARD with a number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003. The applicant shall comply with the laws of this State concerning motor vehicles, including the payment of the regular registration fees, as prescribed by this chapter. There is an additional fee of $5 for the issuance of those plates.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada National Guard other than the Adjutant General, who retires or is honorably discharged may retain any license plates issued to the member pursuant to subsection 1. The Adjutant General shall surrender any license plates issued to him or her as Adjutant General to the Department when he or she leaves office, and may then be issued special

license plates as described in subsection 1. If a member is dishonorably discharged, the member shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

4. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant to this section if the person pays the fees prescribed by NRS 482.367, for the personalized prestige license plates in addition to the fees prescribed by this section for the license plates issued pursuant to this section.

Sec. 3. NRS 482.3765 is hereby amended to read as follows:

482.3765 1. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to specially designed license plates inscribed with the words "PEARL HARBOR VETERAN" or "PEARL HARBOR SURVIVOR," at the option of the veteran, and a number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003.

2. A person who qualifies for special license plates pursuant to this section, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of their status as a survivor and, if applicable and subject to the provisions of NRS 417.0187, evidence of disability required by the Department.

5. A vehicle on which license plates issued by the Department pursuant to ~~[subsection 2]~~ ***this section*** are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. The fee for a set of special license plates issued pursuant to this section is $25, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker for a set of special license plates issued pursuant to this section is $5.

8. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate the person's status as a veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, if the person pays the fees prescribed by NRS 482.367, for the personalized prestige license plates in addition to the fees prescribed by this section for the license plates that indicate the person's status as a veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941.

Sec. 4. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a qualifying service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates that must be inscribed with:

(1) The words "DISABLED VETERAN," "DISABLED FEMALE VETERAN" or "VETERAN WHO IS DISABLED," at the option of the veteran;

(2) The international symbol of access, which must comply with any applicable federal standards and must be white on a blue background; and

(3) A number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003.

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words "EX PRISONER OF WAR" and a number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003.

2. A person who qualifies for special license plates pursuant to paragraph (b) of subsection 1, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and, subject to the provisions of NRS 417.0187, evidence of disability, former imprisonment or both, as applicable, required by the Department.

5. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant to this section if the person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.

Sec. 5. NRS 482.3775 is hereby amended to read as follows:

482.3775 1. A veteran of the Armed Forces of the United States who was awarded the Purple Heart is entitled to specially designed license plates which indicate that the veteran is a recipient of the Purple Heart.

2. A person who qualifies for special license plates pursuant to this section, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Purple Heart and, if applicable and subject to the provisions of NRS 417.0187, evidence of disability as required by the Department. The Department may designate any appropriate colors for the special plates.

5. A vehicle on which license plates issued by the Department pursuant to ~~[subsection 2]~~ ***this section*** are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. Except as otherwise provided in this ~~[subsection,]~~ ***section,*** no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

8. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate the person's status as a veteran of the Armed Forces of the United States who was awarded the Purple Heart if the person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.

Sec. 6. NRS 482.378 is hereby amended to read as follows:

482.378 1. An owner of a motor vehicle who is a resident of this State and has been awarded the Congressional Medal of Honor may, upon signed application on a form prescribed and furnished by the Department, be issued license plates which indicate that he or she is a recipient of the Congressional Medal of Honor. The applicant shall comply with the motor vehicle laws of this State, including the provisions of chapter 371 of NRS and the payment of the registration fees required by this chapter, but ***except as otherwise provided in subsection 6,*** no fee may be charged under NRS 482.367.

2. A person who qualifies for special license plates pursuant to this section, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who is eligible for special license plates under this section may apply for two sets of plates. The second set of plates for an additional vehicle must have a different number than the first set of plates issued to the

same applicant. The plates may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. A vehicle on which license plates issued by the Department pursuant to ~~[subsection 2]~~ ***this section*** are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

5. The Department may adopt regulations governing the issuance of special license plates to recipients of the Congressional Medal of Honor.

6. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate the person's status as a recipient of the Congressional Medal of Honor if that person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.

Sec. 7. NRS 482.3783 is hereby amended to read as follows:

482.3783 1. The Department shall design, prepare and issue license plates honoring veterans of the Armed Forces of the United States who have been awarded, as applicable, the:

(a) Silver Star; or

(b) Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device.

2. A person who qualifies for special license plates pursuant to this section, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with the applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may only be used on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Silver Star or the Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device, as applicable, and, subject to the provisions of NRS 417.0187, evidence of his or her service-connected disability, if applicable, as required by the Department. The Department may designate any appropriate colors for the special plates.

5. ~~[Except as otherwise provided in this subsection, a]~~ ***A*** vehicle on which license plates issued by the Department pursuant to ~~[subsection 2]~~ ***this section*** are displayed is exempt from the payment of any parking fees, including,

without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. Except as otherwise provided in this ~~[subsection,]~~ ***section,*** no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special license plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

8. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate the person's status as a veteran of the Armed Forces of the United States who has been awarded the Silver Star or the Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device if the person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.

Sec. 8. NRS 482.3785 is hereby amended to read as follows:

482.3785 1. Each family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates, but must ensure that the design of the plates includes a gold star.

4. ***A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees,***

including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[~~5.~~]~~ ***6.*** Except as otherwise provided in this ~~[~~subsection,~~]~~ ***section,*** no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

~~[~~6.~~]~~ ***7.*** As used in this section:

(a) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

(b) "Killed in the line of duty while on active duty in the Armed Forces of the United States" includes persons killed directly in the line of duty and persons who die as a result of injuries sustained in the line of duty.

Sec. 9. NRS 482.3785 is hereby amended to read as follows:

482.3785 1. Each family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates, but must ensure that the design of the plates includes a gold star.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees,

including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. Except as otherwise provided in this section, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

7. ***Any person who knowingly:***

(a) Makes a false statement that he or she is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States on an application for special license plates pursuant to this section; or

(b) Submits any evidence pursuant to subsection 3 that is false, fraudulent or misleading,

↳ is guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000. In addition, he or she shall surrender to the Department any license plates issued pursuant to this section.

8. As used in this section:

(a) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

(b) "Killed in the line of duty while on active duty in the Armed Forces of the United States" includes persons killed directly in the line of duty and persons who die as a result of injuries sustained in the line of duty.

Sec. 10. NRS 482.3787 is hereby amended to read as follows:

482.3787 1. Each family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same

applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates.

4. ***A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.***

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[~~5.~~]~~ ***6.*** Except as otherwise provided in this ~~[~~subsection,~~]~~ ***section,*** no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

~~[~~6.~~]~~ ***7.*** As used in this section:

(a) "Died as a result of injuries sustained while on active duty in the Armed Forces of the United States" includes persons who die as a result of an injury sustained while on active duty whether or not the person had been discharged from military service at the time of his or her death.

(b) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

Sec. 11. NRS 482.3787 is hereby amended to read as follows:

482.3787 1. Each family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same

applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. Except as otherwise provided in this section, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

7. ***Any person who knowingly:***

(a) Makes a false statement that he or she is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States on an application for special license plates pursuant to this section; or

(b) Submits any evidence pursuant to subsection 3 that is false, fraudulent or misleading,

➥ is guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000. In addition, he or she shall surrender to the Department any license plates issued pursuant to this section.

8. As used in this section:

(a) "Died as a result of injuries sustained while on active duty in the Armed Forces of the United States" includes persons who die as a result of an injury sustained while on active duty whether or not the person had been discharged from military service at the time of his or her death.

(b) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

Sec. 11.5. **As soon as practicable, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.**

Sec. 12. 1. This section and sections 8 ~~[and]~~ **,** 10 **and 11.5** of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, 9 and 11 of this act become effective ~~[30 days after]~~ **on** the date on which the **Director of the** Department of Motor Vehicles ~~[publishes on its Internet website a statement indicating that it has completed the preparatory administrative tasks that are necessary]~~ **, pursuant to section 11.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available** to carry out the **amendatory** provisions of this act.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 251.

Bill read second time.

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

Amendment No. 71.

AN ACT relating to pharmacy; revising requirements governing the language in which certain information relating to a prescription must be provided to a patient; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a prescription be dispensed in a container with a label or other device that provides certain information about the prescription **,** ~~[.]~~ **, including the specific directions for use given by the prescribing practitioner.** (NRS 639.2801) **Existing law requires a pharmacy, other than an institutional pharmacy, to provide the directions for use in English and, upon the request of the prescribing practitioner, a second language.** Existing law requires the State Board of Pharmacy to adopt regulations prescribing every language ~~[this]~~ **, other than English, in which a pharmacy must provide such** information **,** ~~[is required to be provided in]~~ based on demographic trends and projections. (NRS 639.28013) This bill removes the requirement for the Board to adopt such regulations and instead requires each pharmacy to provide the information in the 10 languages mostly commonly spoken at home in this State, as determined by the most recent decennial census. **This bill also authorizes a pharmacy to provide the required information in a separate document if it is impractical to include**

the information in English on the label or other device affixed to the container of the prescription.

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

Section 1. NRS 639.28013 is hereby amended to read as follows:

639.28013 1. Each pharmacy, except for an institutional pharmacy, shall, upon the request of a prescribing practitioner, a patient or an authorized representative of a patient, provide the information required by subsection 6 of NRS 639.2801 in English and any language in which the information is required to be provided pursuant to subsection 3.

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

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

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

3. ~~[The Board]~~ ***Each pharmacy*** shall ~~[adopt regulations prescribing every language in which a pharmacy is required to]~~ provide ***the*** information required by ***subsection 6 of*** NRS 639.2801 ~~[. The]~~ ***in any of the 10*** languages ~~[in which a pharmacy is required to provide such information must be specified by the regulations adopted by the Board pursuant to this section based on demographic trends and projections.]~~ ***most commonly spoken at home in this State, as determined by the most recent decennial census conducted by the Bureau of the Census of the United States Department of Commerce. If it is impractical to include the information required by subsection 6 of NRS 639.2801 on the label or other device which is affixed to the container of the prescription in English only, a pharmacy may provide the information in English and the other language in a separate document. If it is practical to include the information in English on such a label or other device, the pharmacy must also include the information in the other language on the label or other device.***

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

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

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 255.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 59.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYMEN** COHEN **, BILBRAY- AXELROD, HANSEN, NEWBY AND ORENTLICHER**

AN ACT relating to adoption; revising provisions governing financial assistance to the adoptive family of a child with special needs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an agency which provides child welfare services to provide financial assistance to a family that adopts a child with special needs until the child attains majority, becomes self-sustaining, is emancipated or dies. (NRS 127.186) If such a child is still enrolled in school, this bill authorizes an agency which provides child welfare services to provide financial assistance until the child graduates high school or reaches 19 years of age, whichever comes first.

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

Section 1. NRS 127.186 is hereby amended to read as follows:

127.186 1. The agency which provides child welfare services or a child-placing agency licensed by the Division pursuant to this chapter may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the agency which provides child welfare services or the licensed agency by proposed adoptive parents when, in the judgment of the agency which provides child welfare services or the child-placing agency, it would be in the best interests of the child to be placed in that adoptive home.

2. The agency which provides child welfare services or child-placing agency, whichever has custody of the child, shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the proposed adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the proposed adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and

for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the head of the agency which provides child welfare services or his or her designee has reviewed and approved in writing the grant of financial assistance.

4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.

5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or his or her designee. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the agency which provides child welfare services that continued assistance is denied.

6. All financial assistance provided under this section ceases immediately when the child ~~[attains majority, becomes]~~ ***:***

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting ~~[, is]~~ ***;***

(d) Is emancipated ***;*** or ~~[dies, whichever occurs first.]~~

(e) Dies.

7. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

8. A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the agency which provides child welfare services or child-placing agency consents to the adoption of such a child pursuant to this section.

9. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

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

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 277.

Bill read second time.

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

Amendment No. 70.

ASSEMBLYMEN KOENIG, YUREK, GRAY, GURR; DELONG, DICKMAN, D'SILVA, **GONZÁLEZ, GORELOW, HAFEN,** HANSEN, HARDY, **HIBBETTS,** NGUYEN, **ORENTLICHER, PETERS,** TAYLOR **, THOMAS** AND TORRES

AN ACT relating to health care; establishing a rural emergency hospital as a type of medical facility licensed in this State; authorizing a rural emergency hospital that meets certain requirements to receive an endorsement as a crisis stabilization center; requiring the Department of Health and Human Services to take certain measures to increase reimbursement under Medicaid for certain services provided by rural emergency hospitals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal law establishes a rural emergency hospital as a Medicare provider type and defines the term "rural emergency hospital" to mean, in general, a facility: (1) in a rural area with less than 50 beds; (2) with an emergency department that is staffed 24 hours per day, 7 days per week; (3) that generally does not provide acute care inpatient services; and (4) has a transfer agreement with a level I or level II trauma center. (42 U.S.C. § 1395x(kkk)) **Section 1** of this bill defines the term "rural emergency hospital" to be consistent with federal law. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Section 3 of this bill establishes a rural emergency hospital as a unique type of medical facility licensed and regulated by the State Board of Health and the Division of Public and Behavioral Health of the Department of Health and Human Services. **Section 4** of this bill requires the Board to adopt regulations for the licensure of rural emergency hospitals, which take into consideration the unique problems of operating such a facility in a rural area.

Existing law authorizes the Division to issue an endorsement as a crisis stabilization center to certain medical facilities that provide behavioral health services designed to de-escalate or stabilize a behavioral crisis. (NRS 449.0915) **Section 5** of this bill authorizes the Division to issue such an endorsement to a rural emergency hospital if the rural emergency hospital meets certain requirements.

Existing law requires the Director of the Department to develop and adopt a State Plan for Medicaid which includes, without limitation, a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270-422.27495) Existing law authorizes the Director, under certain circumstances, to seek a waiver of certain provisions of federal law governing Medicaid to enable the State to receive federal funding for certain Medicaid coverage. (NRS 422.270-422.27495) **Section 7** of this bill authorizes the Department to apply to the United States Secretary of Health and Human Services for such a waiver or an amendment to the State Plan for Medicaid that

authorizes the Department to receive federal funding to increase rates of reimbursement under the State Plan for rural emergency hospital services provided by a rural emergency hospital. **Section 6** of this bill makes a conforming change to indicate that the provisions of **section 7** will be administered in the same manner as the provisions of existing law governing the State Plan.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

"Rural emergency hospital" means a hospital that is a rural emergency hospital, as defined in 42 U.S.C. § 1395x(kkk).

Sec. 2. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 449.0151 is hereby amended to read as follows:

449.0151 "Medical facility" includes:

1. A surgical center for ambulatory patients;
2. A freestanding birthing center;
3. An independent center for emergency medical care;
4. An agency to provide nursing in the home;
5. A facility for intermediate care;
6. A facility for skilled nursing;
7. A facility for hospice care;
8. A hospital;
9. A psychiatric hospital;
10. A facility for the treatment of irreversible renal disease;
11. A rural clinic;
12. A nursing pool;
13. A facility for modified medical detoxification;
14. A facility for refractive surgery;
15. A mobile unit; ~~[and]~~
16. A community triage center ~~[.]~~ ***; and***
17. A rural emergency hospital.

Sec. 4. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups

pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals ***and rural emergency hospitals*** which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 5. NRS 449.0915 is hereby amended to read as follows:

449.0915 1. The Division may issue an endorsement as a crisis stabilization center to the holder of a license to operate a hospital that meets the requirements of this section.

2. A hospital that wishes to obtain an endorsement as a crisis stabilization center must submit an application in the form prescribed by the Division which must include, without limitation, proof that the applicant meets the requirements of subsection 3.

3. An endorsement as a crisis stabilization center may only be issued if the hospital to which the endorsement will apply:

(a) Operates in accordance with established administrative protocols, evidence-based protocols for providing treatment and evidence-based standards for documenting information concerning services rendered and recipients of such services in accordance with best practices for providing crisis stabilization services;

(b) Delivers crisis stabilization services:

(1) To patients in an area devoted to crisis stabilization or detoxification before releasing the patient into the community, referring the patient to another facility or transferring the patient to a bed within the hospital for short-term treatment, if the hospital has such beds;

(2) In accordance with best practices for the delivery of crisis stabilization services; and

(3) In a manner that promotes concepts that are integral to recovery for persons with behavioral health issues, including, without limitation, hope, personal empowerment, respect, social connections, self-responsibility and self-determination;

(c) Employs peer recovery support specialists, as defined in NRS 433.627, to provide peer recovery support services, as defined in NRS 433.626, when appropriate;

(d) Uses a data management tool to collect and maintain data relating to admissions, discharges, diagnoses and long-term outcomes for recipients of crisis stabilization services;

(e) Accepts all patients, without regard to:

(1) The race, ethnicity, gender, socioeconomic status, sexual orientation or place of residence of the patient;

(2) Any social conditions that affect the patient;

(3) The ability of the patient to pay; or

(4) Whether the patient is admitted voluntarily to the hospital pursuant to NRS 433A.140 or admitted to the hospital under an emergency admission pursuant to NRS 433A.162;

(f) Performs an initial assessment on any patient who presents at the hospital, regardless of the severity of the behavioral health issues that the patient is experiencing;

(g) Has the equipment and personnel necessary to conduct a medical examination of a patient pursuant to NRS 433A.165; and

(h) Considers whether each patient would be better served by another facility and transfer a patient to another facility when appropriate.

4. Crisis stabilization services that may be provided pursuant to paragraph (b) of subsection 3 may include, without limitation:

(a) Case management services, including, without limitation, such services to assist patients to obtain housing, food, primary health care and other basic needs;

(b) Services to intervene effectively when a behavioral health crisis occurs and address underlying issues that lead to repeated behavioral health crises;

(c) Treatment specific to the diagnosis of a patient; and

(d) Coordination of aftercare for patients, including, without limitation, at least one follow-up contact with a patient not later than 72 hours after the patient is discharged.

5. An endorsement as a crisis stabilization center must be renewed at the same time as the license to which the endorsement applies. An application to renew an endorsement as a crisis stabilization center must include, without limitation:

(a) The information described in subsection 3; and

(b) Proof that the hospital is a rural hospital ***or rural emergency hospital*** or is accredited by the Commission on Accreditation of Rehabilitation Facilities, the Center for Improvement in Healthcare Quality, DNV GL Healthcare, the Accreditation Commission for Health Care or the Joint Commission, or their successor organizations.

6. As used in this section, "crisis stabilization services" means behavioral health services designed to:

(a) De-escalate or stabilize a behavioral crisis, including, without limitation, a behavioral health crisis experienced by a person with a co-occurring substance use disorder; and

(b) When appropriate, avoid admission of a patient to another inpatient mental health facility or hospital and connect the patient with providers of ongoing care as appropriate for the unique needs of the patient.

Sec. 6. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive,

422.001 to 422.410, inclusive, ***and section 7 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 7. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department may apply to the Secretary of Health and Human Services for a waiver of federal law or amendment to the State Plan for Medicaid that authorizes the Department to receive federal funding to provide increased rates of reimbursement under the State Plan for rural

emergency hospital services provided by a rural emergency hospital. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

2. As used in this section:

(a) "Rural emergency hospital" has the meaning ascribed to it in section 1 of this act.

(b) "Rural emergency hospital services" has the meaning ascribed to it in 42 U.S.C. § 1395x(kkk).

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7, inclusive, of this act become effective:

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

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

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 366.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblyman D'Silva.

ASSEMBLYMAN D'SILVA:

Assembly Bill 13 imposes a time limit of 60 working days after the date on which an alleged violation of certain whistleblower laws occurred—or the date of a related reprisal or retaliatory action—for a state officer or employee to file a written appeal. The measure eliminates the authority of a hearing officer to order the termination of employment of the proper person determined to have violated certain whistleblower protections.

Roll call on Assembly Bill No. 13:

YEAS—42.

NAYS—None.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblyman Yurek.

ASSEMBLYMAN YUREK:

Assembly Bill 22 revises the actions the State Contractors' Board is authorized or required to take after the issuance of a cease and desist order. The bill requires the Board to issue an

administrative citation and impose an administrative fine if the violation is a first violation and does not involve fraud or theft. For a second or subsequent violation or for a first violation involving fraud or theft, the Board must either issue an administrative citation and impose an administrative fine or report the violation for possible criminal prosecution.

Roll call on Assembly Bill No. 22
YEAS—42.
NAYS—None.

Assembly Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblywoman González.

ASSEMBLYWOMAN GONZÁLEZ:

Assembly Bill 24 adds two members to the Committee on Emergency Medical Services. One member shall be employed by or serve as a volunteer with a local governmental agency that provides emergency medical services but which is not part of a firefighting agency or law enforcement agency. The other member shall be employed by or a volunteer with an agency, organization, or other operator that provides emergency medical services on tribal land.

Roll call on Assembly Bill No. 24:
YEAS—42.
NAYS—None.

Assembly Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 29 provides that the making, or the causing to be made, of a false or misleading statement or representation or the omission of a material fact by a licensee who is a natural person; an owner of a licensee; a managing officer of a licensee; or any person who qualifies on behalf of a licensee in connection with the application of another person for a contractor's license for the purpose of assisting the applicant to obtain a license, constitutes cause for disciplinary action against a licensee by the State Contractors' Board.

Roll call on Assembly Bill No. 29:
YEAS—42.
NAYS—None.

Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Assembly Bill 110 authorizes a manufacturer or wholesaler to dispense dialysate drugs and deliver devices necessary to administer dialysis at a residence, after satisfying certain requirements, to a patient with irreversible renal disease, or his or her designee; health care provider; or hospital or facility for the treatment of irreversible renal disease.

Roll call on Assembly Bill No. 110:

YEAS—42.

NAYS—None.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 164.

Bill read third time.

Remarks by Assemblywoman Taylor.

ASSEMBLYWOMAN TAYLOR:

Assembly Bill 164—the best bill of the session, I was told—requires the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into public education curriculum. The bill outlines the membership, duties, and abilities of the Advisory Working Group and the requirements of the Division related to the Advisory Working Group. Finally, the bill authorizes the Advisory Working Group to request the drafting of one legislative measure for the 2025 Legislative Session.

This bill is effective upon passage and approval for provisions concerning appointing members to the Advisory Working Group and performing preparatory administrative tasks, and on July 1, 2023, for all other purposes.

Roll call on Assembly Bill No. 164:

YEAS—42.

NAYS—None.

Assembly Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 189.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 189 provides that if the board of county commissioners in a county whose population is 700,000 or more or the governing body of a city which is located in such a county adopts an ordinance restricting the hours in which construction work may begin in a common-interest community in which the original developer controls a majority of the units, the hours for construction work in such a community must be allowed to begin at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30. The governing body of a county or city to which these provisions apply must amend any ordinance not in compliance with these provisions as of the effective date of this measure. Any existing ordinance regulating excessive noise is also subject to these provisions.

Roll call on Assembly Bill No. 189:

YEAS—42.

NAYS—None.

Assembly Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 206.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 206 relates to the Nevada Commission for Persons Who Are Deaf and Hard of Hearing. This bill adds a twelfth member to the Nevada Commission for Persons Who Are Deaf and Hard of Hearing, one of whom must be a registered sign language interpreter and possess certain experience and knowledge.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 206:

YEAS—42.

NAYS—None.

Assembly Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 276.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Assembly Bill 276 clarifies that the term "telehealth" includes communication between a provider of health care who is providing in-person services to a patient and another provider of health care at a different location. The measure also authorizes a provider of health care who is conducting a forensic medical examination of an apparent victim of sexual assault or strangulation to use telehealth to connect to an appropriately trained physician, physician assistant, or registered nurse for the purpose of obtaining instructions and guidance on conducting the examination.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 276:

YEAS—42.

NAYS—None.

Assembly Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

Bill read third time.

Remarks by Assemblywoman Kasama.

ASSEMBLYWOMAN KASAMA:

Assembly Bill 284 authorizes an employee of a mortgage company, including a mortgage loan originator employed by or associated with the mortgage company, to conduct the business of the mortgage company at a remote location if authorized by the mortgage company. The measure sets forth certain requirements for a mortgage company to authorize an employee to conduct the business of the mortgage company at a remote location and certain restrictions on an employee conducting the business of the mortgage company at a remote location.

The measure requires the Commissioner of Mortgage Lending to adopt regulations governing the conducting of the business of a mortgage company at a remote location that include requirements for the keeping and maintenance of records for mortgage transactions made by an employee at a remote location.

In addition, the measure exempts a remote location from certain requirements to store records relating to mortgage transactions made at a location where a mortgage company conducts business in this state and instead requires the mortgage company to keep and maintain records of all mortgage transactions made by an employee at a remote location in accordance with the requirements established by the Commissioner.

Roll call on Assembly Bill No. 284:

YEAS—42.

NAYS—None.

Assembly Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:

Assembly Bill 289 authorizes the use of natural organic reduction for disposing human remains, which is the contained, accelerated conversion of human remains to soil. The Nevada Funeral and Cemetery Services Board may adopt regulations governing natural organic reduction.

The bill includes natural organic reduction in the definition of "cremation," thereby applying existing penalty provisions for violating requirements governing the disposition of human remains and the licensing, permitting, and certification of operators and facilities for the disposition of human remains. Upon written consent from the board of county commissioners of the county or the governing body of the city or town, as applicable, the Board may license crematories using only natural organic reduction located within certain cities and towns. Finally, the bill exempts soil resulting from natural organic reduction from the size requirement for cremated remains and makes several other conforming changes.

Roll call on Assembly Bill No. 289:

YEAS—38.

NAYS—Dickman, Gallant, Hansen, McArthur—4.

Assembly Bill No. 289 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 45, 46, 67, 109, 151, 167, 195, 203, 255, and 277 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Jauregui moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 1:05 p.m.

ASSEMBLY IN SESSION

At 4:56 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblywoman Torres and Assemblyman McArthur as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Catherine Cortez Masto.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 304, 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

The President pro Tempore of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:03 p.m.
Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Watts, who was excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Lange and Assemblywoman Jauregui to wait upon United States Senator Catherine Cortez Masto and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Catherine Cortez Masto, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed United States Senator Catherine Cortez Masto and invited her to deliver her message.

United States Senator Catherine Cortez Masto delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-SECOND SESSION, 2023

First, let me just say, it is such a pleasure to be here at home with all of you. Thank you for inviting me. Governor, thank you so much for being here. To our constitutional officers, thank you as well. To our Speaker and Majority Leader, thank you so much for the invitation. To all of our members of the Assembly and Senate, thank you. Thank you for the work that you do, and thank you for the opportunity to continue to work with all of you every single day.

I am going to be brief. There are certain things I want to focus on. I want to touch on one of them today, and that is what I am going to talk about. I know you have a busy legislative session. We are going to have plenty of time to talk about some of the issues we need to address to make sure we are doing everything for our businesses and our working families. There is one thing I want to touch on with your indulgence. We are going to get right into it.

I think most of you know, I love everything about this state. I always travel all over the state. I try to get out as much as I possibly can, and I have heard from everyone. I am so proud of the work we have done together to not only bring our economy back from the brink—which we all know we have addressed—but to look to the future. In our future, Nevada is at the forefront of leading in the 21st century innovation economy. I call Nevada the Innovation State because we have the workforce, we have the companies, we have the universities, the colleges, the institutes—thanks to DRI [Desert Research Institute]—and the labs that are incubating ideas and pioneering the technologies and the jobs of the future.

Let me start with the clean energy economy. Ask anyone in the country what they see when they think of Nevada. They will tell you: the sun. That is what we have here. We have certainly capitalized on our solar economy. But what most people do not know is that Nevada is the center of this country's clean energy and critical mineral future. It is the only state in the U.S. that encompasses nearly every facet of the critical mineral and advanced battery technology—from extraction; to research and development; to processing, refining, and manufacturing; to recycling operations. Nevada is primed to lead the rest of the country into the clean energy future, and we need to take advantage of this important opportunity to grow our economy, create good-paying jobs—union jobs, by the way—and support Nevada families.

Here in Nevada, we have seen the clean energy revolution coming for a long time. You all know this. When I got to the Senate, I saw a unique opportunity to make Nevada the center of our nation's clean energy economy. That is why I launched the Innovation State Initiative—to promote everything we can do right here in Nevada.

You all know that Nevada is the perfect state for solar. You have worked so hard to promote its economy. You continue to do so, and I thank you for that. That is why I led the fight for a solar tax credit that kept new companies and new jobs coming to Nevada. I got this tax credit extended and signed into law under President Trump and then expanded under President Biden. Businesses are continuing to invest in solar production and jobs, and now we have the number one solar economy in the country thanks to all of the work we are doing. We know that it cuts costs for families, and it supports our workforce. Just a few months ago, I spent some time with IBEW [International Brotherhood of Electrical Workers] at the Gemini solar project, one of the new solar arrays in southern Nevada. These are good-paying jobs for our workers.

While our solar industry is booming, Nevada has the critical minerals to power the world. I cannot stress that enough. But for too long, they have been extracted and shipped overseas for processing and manufacturing. We should be developing Nevada's minerals. We should be developing that lithium in Nevada, whether it is through extraction or recycling. That is why I ensured the bipartisan infrastructure law included legislation to boost our critical mineral supply chain while at the same time investing in battery manufacturing and recycling projects right here at home. I have been talking about this so much on the floor of the U.S. Senate that they are sick and tired of hearing me talk about it. But this is Nevada's future, and this is our opportunity.

I was one of the first Senators to introduce and pass legislation to boost electric vehicles, develop our national strategy, and create a really critical mineral supply chain. That was crucial for all of us here in Nevada. It already has delivered millions to companies like Lilac Solutions in Fernley and American Battery Technology Company's project in Tonopah. Just a few years ago, these jobs did not exist, and now they are supporting thousands of families across our state.

Yesterday, I was at TRIC [Tahoe-Reno Industrial Center] visiting Aqua Metals. Aqua Metals has pioneered a process to recycle lithium-ion batteries and recover the valuable metals and lithium hydroxide, creating a circular supply of critical minerals for domestic battery manufacturing. Why is that important? Because the lithium hydroxide they produce can be recycled to support companies like Dragonfly Energy, which recycles and manufactures batteries right here in northern Nevada. Aqua Metals is a key piece, but there are so many others we are benefiting from.

Aqua Metals, by the way, benefited from the tax credits we passed in the Inflation Reduction Act. As they grow, they are looking to hire more workers right here in northern Nevada. We have it all here, and we have the potential to make the most of it—as long as we are working together.

Last summer, I was just a few miles down the road from the TRIC at a company called Fulcrum BioEnergy. Fulcrum BioEnergy is literally taking municipal waste out of our landfills and turning it into clean-burning jet fuel right here in Nevada. I know Fulcrum because I like to travel around the state and get out to talk to everybody. When I first toured their facility, they were having challenges at the federal level with getting support to move forward with their production. They were having challenges with the EPA [Environmental Protection Agency]. I worked at the federal level, talking with the folks in the administration about where we needed to go. From the work that I have done—working with all of you—to allow these companies to come here, Fulcrum is fully operational. The plant is supporting more than 1,000 connected jobs across Nevada, and it is a perfect example of the innovation economy growing right here in our state. A key piece of that innovation economy is smarter, more efficient technology that will make a big difference for Nevada families.

Thanks to the bipartisan legislation we all passed, we are investing in Nevada's infrastructure—and not just for airports, roads, and broadband. Let us talk about wildfires. We see them in the north. We see the drought in the south of this state. Every Nevadan is feeling one of the impacts of this climate crisis. That is why the bipartisan infrastructure package we passed included legislation that I fought for to support our firefighters and make sure we have the state-of-the-art technology we need to take on the wildfire season. It is why in the Senate I worked with Representative Susie Lee in the House to support large-scale water recycling facilities in the infrastructure law and then personally negotiated for $4 billion for drought funding in the Inflation Reduction Act.

That is essential to making sure we are doing everything we can to address these needs while also looking to our future. That is why we have to continue to work together—to ensure that Nevada leans into this 21st century and takes advantage of the investments coming our way at the federal level. These are once-in-a-lifetime investments. These do not come around quite often. They are going to be there for the next five to ten years. There is so much money that is coming to the state—from the CARES [Coronavirus Aid, Relief, and Economic Security] Act to ARPA [American Rescue Plan Act]—but let us just talk about the bipartisan infrastructure law, the CHIPS [Creating Helpful Incentives to Produce Semiconductors] and Science Act, and the Inflation Reduction Act. Just those three combined will invest more than $135 billion to build America's electric vehicle future, including critical minerals sourcing and processing and battery manufacturing. I am here to tell you, if we do not go after it, some other state will. That is why we need to be at the forefront of this.

I have spent the last several years in the Senate working with my colleagues in a bipartisan way to pass some of this legislation and lay the groundwork to support Nevada's innovation economy. But you all are my partners in this effort. I cannot do this without all of you. That includes ensuring Nevada is in a position not only to go after these funds but also to use them in a timely manner so we do not lose them. That is what this is about for all of us. This is not a partisan issue. I have had conversations with so many of you. We are all on the same page. I am asking you to join me in supporting Nevada families and businesses by advancing pragmatic, responsible investments in innovation and infrastructure to grow our economy and, at the end of the day, create good-paying jobs for our families and businesses.

Where do you want Nevada to be in five to ten years? I hope you all are thinking about that, because I am. I know that when we look forward and lean into this 21st century, we want to lead and pioneer beyond the cutting edge of this innovation economy, which is going to take our families and businesses in this state into a future that is bright for all of us. I know you all feel the

same way. I am looking for that opportunity to continue to partner with all of you. I am going to challenge you like I hope you challenge me. At the end of the day—I know the Governor feels this way; we just had this conversation—this is about Nevada first and all of our family businesses.

Thank you all for the opportunity to talk with you today. I wish you the best this session. Thank you.

Senator Neal moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Cortez Masto for her timely, able, and constructive message.

Seconded by Assemblywoman González.

Motion carried.

The Committee on Escort escorted Senator Cortez Masto to the bar of the Assembly.

Assemblywoman Considine moved that the Joint Session be dissolved.

Seconded by Senator Doñate.

Motion carried.

Joint Session dissolved at 5:22 p.m.

ASSEMBLY IN SESSION

At 5:23 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlin Scruggs and Justin Hopsin.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Izack Tenorio, Julia Salas, and Marc McDermont.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Roisin Downey and Victoria Supple.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb Chavez, Carlos Hernandez, and Susie Martinez.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Flocchini.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Oliver and Isabella Hammond.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlyn Dock, Connor Simerson, Jack Harrison, Laurinda Chamlee, Scarlet Harrison, and Tieris Williams.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Jayne Malorni.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Audrey Dempsey.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Concepcion Johnson, Phyllice Pichon, and Rosa Menoza.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Dielle Telada and Kiera Fincher.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Elisabeth Hadler, Jennifer Denoo, John Ahdunko, Sarah Mahler, and Travis Brewer LaChapelle.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Tanner McCune.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones Fred W. Traner Middle School: Amani Nobles, Ashley Gracia, Ashley Silva Dominguez, Braydon Basco, Dania Aguilar, Hannah Nguyen, Isaiah Lopez, Isela Cortez, Jennifer Munez, John Vong, Jonathan Phung, Lucas Reyes, Oliver Arechiga, Romeo Vu, and Yasmin Martinez De Silverio.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Zbinden.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, April 13, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:23 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), April 13, 2023

Assembly called to order at 11:58 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

The Bible tells us in Lamentations 3:21-25, Yet this I call to mind and therefore I have hope: Because of the Lord's great love we are not consumed, for His compassions never fail. They are new every morning; great is Your faithfulness. I say to myself, The Lord is my portion; therefore I will wait for Him. The Lord is good to those whose hope is in Him, to the one who seeks Him.

Father God, we thank You for Your love and mercy to each one of us. We have hope in You. We recognize that every day is a gift from You. We seek You today and desire to walk in Your ways. Direct our steps and uphold us with Your righteous right hand. May we encourage one another as we work together to serve the people of this great state of Nevada.

We pray divine protection and blessings for our families, friends, and co-workers, as well as those serving in harm's way. We put our trust in You, O Most High, as we set ourselves to act justly, to love mercy, and to walk humbly before You.

In Jesus' Name and for Your glory we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 210, 235, 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 6, 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 137, 201, 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 104, 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Assembly Bills Nos. 1, 37, 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEA BACKUS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 5—Expressing support for the Lake Tahoe Transportation Action Plan.

Assemblywoman Peters moved the adoption of the resolution.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Concurrent Resolution 5 expresses the Legislature's support for the Lake Tahoe Transportation Action Plan and for the funding of high-priority transportation projects in the Lake Tahoe Basin.

Resolution adopted.

NOTICE OF EXEMPTION

April 12, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 169, 232, 383, 406, 417, 435.

SARAH COFFMAN
Fiscal Analysis Division

April 12, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Senate Bills Nos. 98, 99, 100, 101, 102, 178, 189, 200, 217, 218, 219, 231, 236, 244, 263, 285, 287, 300, 306, 339, 341, 357, 375, 403.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 77, 103, 165, 319, 395, 413, 414, 416, 421, 426, 433, 443.

WAYNE THORLEY
Fiscal Analysis Division

April 13, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 161.

SARAH COFFMAN
Fiscal Analysis Division

April 13, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 201, 347.

WAYNE THORLEY
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 463—AN ACT relating to children; transferring certain duties and authority related to the licensing and regulation of certain child care facilities from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Division of Welfare and Supportive Services of the Department; revising the membership of the Nevada Early Childhood Advisory Council; revising provisions governing the inspection and review of child care facilities; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 464—AN ACT making an appropriation to the Legislative Fund for the costs of advanced planning documents relating to anticipated building renovations; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 20.

Bill read second time and ordered to third reading.

Assembly Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 52.

AN ACT relating to education; revising provisions governing the compulsory school attendance of certain children; revising the contents required in certain annual reports of accountability of schools and school districts; revising provisions governing the reimbursement of certain hospitals and other facilities for providing educational services to children in their care; revising provisions

governing the counting of pupils for purposes of calculating apportionment; ~~[requiring written evidence by a qualified physician, mental health professional or behavioral health professional to excuse a child from enrollment in or attendance at school under certain circumstances;]~~ requiring a child who has taken a high school equivalency assessment to attend school until receipt of notice of successful completion of the assessment; requiring a county advisory board to review school attendance to reflect the ethnic and geographic diversity of the county; revising provisions governing the absences of pupils; revising provisions governing habitual truancy; authorizing certain written notices and other documents to be made electronically; requiring a school to take certain actions relating to a truant pupil; imposing certain duties relating to chronic absenteeism on the board of trustees of a school district and the Department of Education; repealing certain provisions excusing attendance for certain children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school district, each school in the school district and each charter school sponsored by the school district to prepare an annual report of accountability which includes information concerning pupils who are eligible for and receive free or reduced-price breakfasts and lunches. (NRS 385A.270) **Section 2** of this bill eliminates the requirement to include in such a report information concerning pupils who ~~[are eligible for]~~ **receive** free or reduced-price breakfasts and lunches.

Under existing law, certain hospitals and other facilities that provide residential treatment to children and also operate a licensed private school or an accredited educational program approved by the Department of Education are authorized to request reimbursement from the Department for the cost of providing educational services to a child who is verified to be a patient or resident of the hospital or facility, attends the private school or educational program for more than 7 school days and meets certain other requirements. Upon receiving such a request, the Department is required to determine the amount of reimbursement as a percentage of the adjusted base per pupil funding for the school district which the child would otherwise attend if the child were not in the hospital or facility or the statewide base per pupil funding amount for the charter school which the pupil would otherwise attend. (NRS 387.1225) **Section 4** of this bill authorizes the hospital or facility to request reimbursement from the school district or charter school in which the child is enrolled and revises the requirements to request such reimbursement. **Section 4** also revises the method of calculating the amount of reimbursement to base the reimbursement upon a daily rate of the adjusted base per pupil funding for the school district or a daily rate of the statewide base per pupil funding amount or adjusted base per pupil funding for the charter school, as applicable.

Existing law requires the State Board of Education to adopt regulations for counting enrollment and calculating the average daily attendance of pupils for

apportionment purposes. (NRS 387.123) **Section 5** of this bill requires, instead, the use of the average daily enrollment of pupils for such purposes.

Existing law requires, with certain exceptions, each parent, custodial parent, guardian or other person in this State having control or charge of any child between the ages of 7 and 18 years to send the child to a public school during all the time the school is in session. (NRS 392.040) **Section 13** of this bill: (1) clarifies that such a child must also be enrolled in a public school; (2) requires that the child be sent to school for the full school day during all the time the school is in session; ~~[and]~~ (3) requires the parent or legal guardian of the child to sign a statement or acknowledge via registration on an Internet website maintained by the school district that the parent or legal guardian and the child understand the district's policy concerning attendance ~~[.]~~ **; and (4) provides that a pupil who receives certain services outside of a public school shall be deemed to be in attendance at the public school and in compliance with the requirements for attendance during the time the pupil is receiving the services and is being transported to and from the school to receive those services.** **Sections 1, 3, 6-10, 12, 15, 16, 22, 27, 29, 30, 31 and 34-45** of this bill revise various provisions as they relate to compulsory school attendance to conform with the additional requirements of school enrollment established in **section 13**.

~~[Existing law requires that a child be excused from attending public school when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the physical or mental condition or behavioral health of the child prevents or renders inadvisable the child's attendance at school. (NRS 392.050) Section 14 of this bill requires the written evidence to be from a qualified physician, mental health professional or behavioral health professional acting within his or her authorized scope of practice.]~~

Existing law provides that compulsory attendance at public school must be excused if a child has obtained permission to take the high school equivalency assessment. (NRS 392.075) **Section 17** of this bill provides that after the child has taken the assessment, school attendance is required until the child receives notification of the successful completion of the assessment.

Existing law requires the board of trustees of a school district to prescribe a minimum number of days that a pupil must be in attendance to obtain credit or be promoted to the next higher grade. (NRS 392.122) **Section 18** of this bill authorizes a board of trustees of a school district to adopt a policy prescribing the circumstances under which a pupil will be considered chronically absent. **Section 18** also: (1) eliminates provisions requiring, under certain circumstances, days on which a pupil's absence is approved by a teacher or principal to be credited towards the required days of attendance; (2) revises the process by which, upon request by the pupil and the parent or legal guardian of a pupil, a principal or principal's designee is required to review and recalculate the number of the pupil's absences for the purposes of determining whether the pupil may obtain credit or be promoted to the next higher grade;

and (3) eliminates provisions authorizing the board of trustees of a school district to adopt a policy to exempt pupils who are physically or mentally unable to attend school from certain limitations on absences and certain conditions required in such a policy.

Existing law creates in each county at least one advisory board to review school attendance. (NRS 392.126) **Section 19** of this bill requires the membership of each such board to reflect, to the greatest extent possible, the ethnic and geographic diversity of the county.

Existing law requires a teacher or principal to give written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. (NRS 392.130) **Section 20** of this bill: (1) revises this provision to authorize a teacher or principal to give such approval upon the request of a parent or legal guardian, made during **the absence or within** the 3 days immediately preceding **or the 3 days immediately following** the requested absence for an emergency; (2) prohibits the approval of absences for more than 10 percent of the number of school days in the school year; (3) requires all approved and unapproved absences to be counted for the purposes of determining whether a pupil is chronically absent; and (4) requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to communicate its policy on truancy and the Department's definition of chronic absenteeism to parents and legal guardians in a language they can understand and provide a parent or legal guardian notice when a pupil is approaching the 10 percent limit in the number of absences that may be approved.

Sections 20, 23-26 and 29 of this bill authorize certain notices, consents, referrals, agreements, reports and other documentation which must be in writing to be made electronically.

Section 21 of this bill revises the circumstances under which a child may be declared a habitual truant and provides an exception for a child who is physically or mentally unable to attend school.

Existing law requires a school in which a pupil is enrolled to take reasonable actions designed to encourage, enable or convince the pupil to attend school if the pupil has one or more unapproved absences. (NRS 392.144) **Section 23** of this bill requires the school to take such actions if the pupil has been truant from school.

Section 28 of this bill requires the board of trustees of each school district to: (1) establish procedures to monitor and report chronic absenteeism of pupils; and (2) determine chronic absenteeism of pupils at each school within the district. **Section 28** also requires: (1) the Department to adopt by regulation a definition of the term "chronic absenteeism"; and (2) the board of trustees of each school district to ensure that the actions taken pursuant to that section are consistent with the definition adopted by the Department.

Section 46 of this bill repeals provisions excusing attendance for children: (1) who reside a certain distance from the nearest public school; and (2)

between 15 and 18 years of age who have completed the first eight grades to enter employment or apprenticeship.

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

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Challenge school" has the meaning ascribed to it in NRS 388D.305.

2. "Charter school" means a public school that is formed pursuant to the provisions of chapter 388A of NRS.

3. "Department" means the Department of Education.

4. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

5. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.

6. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

7. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

8. "School bus" has the meaning ascribed to it in NRS 484A.230.

9. "School counselor" or "counselor" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school counselor issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school counselor.

10. "School psychologist" or "psychologist" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school psychologist issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school psychologist.

11. "School social worker" or "social worker" means a social worker licensed pursuant to chapter 641B of NRS who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school social worker issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school social worker.

12. "State Board" means the State Board of Education.

13. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 2. NRS 385A.270 is hereby amended to read as follows:

385A.270 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for ~~***[receive]***~~ free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for ~~***[receive]***~~ free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

(a) The number and percentage of pupils who are eligible for free or reduced-price breakfasts; ***and***

~~(b) [The percentage of pupils who receive free and reduced-price breakfasts;~~

~~(c)]~~ The number and percentage of pupils who are eligible for free or reduced-price ~~[lunches;~~

~~(d) *and*~~

~~*(b)* The percentage of pupils who receive free and reduced-price]~~ lunches **.** ~~[;~~

~~(e) A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;~~

~~(f) A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:~~

~~(1) Retention rates;~~

~~(2) Graduation rates;~~

~~(3) Dropout rates;~~

~~(4) Grade point averages; and~~

~~(5) Except as otherwise provided in subsection 6 of NRS 390.105, scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.]~~

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 3. NRS 385B.020 is hereby amended to read as follows:

385B.020 "Pupil" means a student of a school or a child that receives instruction at home and is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.

Sec. 4. NRS 387.1225 is hereby amended to read as follows:

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a

private school licensed pursuant to chapter 394 of NRS may request reimbursement from the ~~[~~Department~~]~~ ***school district or charter school in which a child is enrolled*** for the cost of providing educational services to ~~[~~a~~]~~ ***the*** child ~~[~~who:~~]~~ ***if:***

(a) The ~~[~~Department~~]~~ ***school district or charter school*** verifies ***that the child*** is a patient or resident of the hospital or facility; and

(b) ~~[~~Attends~~]~~ ***The child attends*** the private school for more than 7 school days.

2. A hospital or other facility licensed in the District of Columbia or any state or territory of the United States that provides residential treatment and which operates an educational program accredited by a national organization and approved by the Department of Education may request reimbursement from the ~~[~~Department~~]~~ ***school district or charter school in which a child is enrolled*** for the cost of providing educational services to ~~[~~a~~]~~ ***the*** child ~~[~~who:~~]~~ ***if:***

(a) The Department ~~[~~verifies:~~]~~ ***and the school district or charter school, as applicable, verify that the child:***

(1) Is a patient or resident of the hospital or facility; and

(2) Is a resident of this State; ***and***

(b) ***The child:***

(1) Is admitted to the hospital or facility on an order from a physician because the necessary treatment required for the child is not available in this State;

~~[~~(c)~~]~~ ***(2)*** Attends the accredited educational program for more than 7 school days;

~~[~~(d)~~]~~ ***(3)*** Is not homeschooled or enrolled in a private school; and

~~[~~(e)~~]~~ ***(4)*** Has been admitted to the medical facility under the order of a physician to receive medically necessary treatment for a medical or mental health condition with which the child has been diagnosed.

3. A hospital or other facility that wishes to receive reimbursement pursuant to subsection 2 shall:

(a) Notify the ***Department and the*** school district or charter school in which the child is enrolled upon admitting the child to the accredited educational program; and

(b) Transfer any educational records of the child to the school district or charter school in which the child is enrolled in accordance with any applicable regulations adopted pursuant to subsection 9.

4. Upon receiving a request for reimbursement pursuant to subsection 1 or 2, the ~~[~~Department~~]~~ ***school district or charter school in which the child is enrolled*** shall determine the amount of reimbursement to which the hospital or facility is entitled ~~[~~as a percentage~~]~~ ***by multiplying the number of days determined pursuant to subsection 6 by the following, as applicable:***

(a) The daily rate of the adjusted base per pupil funding for the school district which the child would otherwise attend ***.*** ~~[~~or~~]~~ ***The daily rate of the adjusted base per pupil funding for the school district which the child would***

otherwise attend must be calculated by dividing the adjusted base per pupil funding provided to the school district in which the child is enrolled pursuant to NRS 387.1214 by 180.

(b) The daily rate of the statewide base per pupil funding amount ***or adjusted base per pupil funding, as applicable,*** for the charter school which the child would otherwise attend **.** ~~[, as applicable.]~~ ***The daily rate of the statewide base per pupil funding amount or adjusted base per pupil funding, as applicable, for the charter school which the child would otherwise attend must be calculated by dividing the statewide base per pupil funding amount or adjusted base per pupil funding, as applicable, provided to the charter school in which the child is enrolled pursuant to NRS 387.1214 by 180.***

5. If the request for reimbursement is made pursuant to subsection 1, the child is a pupil with a disability and the hospital or facility is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto, the hospital or facility is also entitled to ~~[a corresponding percentage of]~~ ***an amount determined by increasing the daily rate determined pursuant to subsection 4 by*** the statewide multiplier for the pupil established pursuant to NRS 387.122, which is ~~[withheld from]~~ ***received by*** the school district or charter school where the child was enrolled before being placed in the hospital or facility ~~[.]~~ ***for the number of days determined pursuant to subsection 6.*** The Department shall distribute the money withheld from the school district or charter school to the hospital or facility.

6. For the purposes of subsections 4 and 5, the amount of reimbursement to which the hospital or facility is entitled must be calculated on the basis of the number of school days the child is a patient or resident of the hospital or facility and attends the private school or accredited educational program, as applicable, excluding the 7 school days prescribed in paragraph (b) of subsection 1 or ***subparagraph (2) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 2, as applicable **.** ~~[, in proportion to the number of days of instruction scheduled for that school year by the board of trustees of the school district or the charter school, as applicable.]~~

7. A hospital or other facility is not entitled to reimbursement for days of instruction provided to a child in a year in excess of the minimum number of days of free school required by NRS 388.090.

8. If a hospital or other facility requests reimbursement from ~~[the Department]~~ ***a school district or charter school*** for the cost of providing educational services to a pupil with a disability pursuant to subsection 1 or 2, the school district or charter school in which the child is enrolled shall be deemed to be the local educational agency for the child for the purposes of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto.

9. The Department shall adopt any regulations necessary to carry out the provisions of this section, which may include, without limitation, regulations to:

(a) Prescribe a procedure for the transfer of educational records pursuant to subsection 3;

(b) Carry out or ensure compliance with the requirements of subsections 4 and 5 concerning reimbursement for educational services provided to a pupil with a disability; and

(c) Require the auditing of ~~[a]~~ ***:***

(1) A hospital or other facility that requests reimbursement ***; and***

(2) A school district or charter school from which reimbursement is requested,

➥ pursuant to this section to ensure compliance with any applicable provisions of federal or state law.

10. The provisions of this section must not be construed to authorize reimbursement pursuant to this section of a hospital or facility for the cost of health care services provided to a child.

11. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, pupils who are enrolled in a university school for profoundly gifted pupils located in the county and pupils who are enrolled in a challenge school located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474.

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

(i) Pupils who are enrolled in a challenge school.

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily ~~[attendance]~~ ***enrollment*** of pupils. Except as otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:

(a) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.

Sec. 6. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education if:

(a) Pursuant to this section or other specific statute, the pupil is eligible for enrollment or the pupil's enrollment is not otherwise prohibited;

(b) The program of distance education in which the pupil wishes to enroll is offered by the school district in which the pupil resides or a charter school or, if the program of distance education in which the pupil wishes to enroll is a full-time program of distance education offered by a school district other than the school district in which the pupil resides, the program is not the same or substantially similar to a program of distance education offered by the school district in which the pupil resides;

(c) The pupil satisfies the qualifications and conditions for enrollment adopted by the State Board pursuant to NRS 388.874; and

(d) The pupil satisfies the requirements of the program of distance education.

2. A child who is exempt from compulsory ***enrollment and*** attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or ~~[otherwise]~~ attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.

3. If a pupil who is prohibited from ***enrolling in and*** attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.

4. A pupil who is enrolled in grade 12 in a program of distance education and who moves out of this State is eligible to maintain enrollment in the program of distance education until the pupil graduates from high school.

Sec. 7. NRS 388A.366 is hereby amended to read as follows:

388A.366 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, except for tuition or fees that the board of trustees of a school district is authorized to charge, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 390.105 and, if the charter school enrolls pupils at a high school grade level, the college and career readiness assessment administered pursuant to NRS 390.610 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An

action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Northwest Accreditation Commission.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 8. NRS 388A.411 is hereby amended to read as follows:

388A.411 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the charter school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, unless the pupil is exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

2. The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department.

3. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

4. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Public Charter School Authority may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from

the Federal Government or this State for the provision of educational programs and services to such pupils.

Sec. 9. NRS 388C.260 is hereby amended to read as follows:

388C.260 1. Each pupil who is enrolled in a university school for profoundly gifted pupils, including, without limitation, a pupil who is enrolled in a program of special education in a university school for profoundly gifted pupils, must be included in the count of pupils in the university school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, unless the pupil is exempt from compulsory school ***enrollment and*** attendance pursuant to NRS 392.070.

2. A university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

3. All money received by a university school for profoundly gifted pupils from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State.

4. The governing body of a university school for profoundly gifted pupils may negotiate with the board of trustees of the school district in which the school is located or the State Board for additional money to pay for services that the governing body wishes to offer.

5. To determine the amount of money for distribution to a university school for profoundly gifted pupils in its first year of operation in which state funding is provided, the count of pupils who are enrolled in the university school must initially be determined 30 days before the beginning of the school year of the school district in which the university school is located, based upon the number of pupils whose applications for enrollment have been approved by the university school. The count of pupils who are enrolled in a university school for profoundly gifted pupils must be revised each quarter based upon the average daily enrollment of pupils in the university school reported for the preceding quarter pursuant to subsection 1 of NRS 387.1223.

6. Pursuant to NRS 387.1242, the governing body of a university school for profoundly gifted pupils may request that the apportionments made to the university school in its first year of operation be paid to the university school 30 days before the apportionments are otherwise required to be made.

7. If a university school for profoundly gifted pupils ceases to operate pursuant to this chapter during a school year, the remaining apportionments that would have been made to the university school pursuant to NRS 387.124 and 387.1242 for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the university school reside.

8. If the governing body of a university school for profoundly gifted pupils uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the university school shall

assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 10. NRS 388D.020 is hereby amended to read as follows:

388D.020 1. If the parent of a child who is subject to compulsory ***enrollment and*** attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory ***enrollment and*** attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to NRS 388D.050;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

> I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or

request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school ***enrollment and*** attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

Sec. 11. NRS 388D.200 is hereby amended to read as follows:

388D.200 ~~[1.]~~ Except as otherwise provided in this ~~[subsection,]~~ ***section,*** if a child is exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070 ~~[or 392.110,]~~ and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, including, without limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this ~~[subsection]~~ ***section*** apply during the period of a child's employment with an entity, regardless of whether the child has obtained the appropriate exemption from compulsory ***enrollment and*** attendance at the time his or her contract with the entity is under negotiation.

~~[2. If such a child is exempt from compulsory attendance pursuant to NRS 392.110, the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.]~~

Sec. 12. NRS 392.016 is hereby amended to read as follows:

392.016 1. If a pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, the pupil may attend a public school that is located in a school district other than the school district in which the pupil resides.

2. If a pupil described in subsection 1 attends a public school that is located in a school district other than the school district in which the pupil resides:

(a) The pupil must be included in the count of pupils of the school district in which the pupil attends school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive.

(b) Neither the board of trustees of the school district in which the pupil attends school nor the board of trustees of the school district in which the pupil resides is required to provide transportation for the pupil to attend the public school.

3. The provisions of this section do not apply to a pupil who is ineligible to ***enroll in or*** attend a public school pursuant to NRS 392.264 or 392.4675.

Sec. 13. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall ***enroll the child in a public school and*** send the child to ~~[a]~~ ***the*** public school ***for the full school day*** during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before the first day of a school year may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before the first day of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before the first day of a school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before the first day of a school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before the first day of a school year may elect for the child not to ***enroll in and*** attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school ***for the full school day*** during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from

kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging ***or acknowledge via registration on an Internet website maintained by the school district*** that he or she has read and understands the policy concerning attendance ***, the child understands the policy concerning attendance*** and ***the parent or legal guardian, as applicable, has read and understands*** the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. ***A pupil who receives services outside of a public school, including, without limitation, services pursuant to an individualized education program, a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, or some other similar agreement with the public school, shall be deemed to be in attendance at the public school and in compliance with the requirements for attendance set forth in this section during the time the pupil is receiving the services and is being transported to and from the public school to receive those services.***

7. A child who is 7 years of age on or before the first day of a school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's ***enrollment and*** attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection ~~[7]~~ ***8*** to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

~~[7.]~~ ***8.*** Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before the first day of the next school year; and

(b) Whose parents waived the child's ***enrollment and*** attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

~~[8.]~~ ***9.*** Except as otherwise provided in subsection ~~[9.]~~ ***10,*** a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~[9.]~~ ***10.*** Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

~~[10.]~~ ***11.*** As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 14. ~~[NRS 392.050 is hereby amended to read as follows:~~

~~392.050 1. A child must be excused from ***enrollment or*** attendance required by the provisions of NRS 392.040 when [satisfactory] written evidence ***from a qualified physician, mental health professional or behavioral health professional acting within his or her authorized scope of practice*** is presented to the board of trustees of the school district in which the child resides that the child's physical or mental condition or behavioral health is such as to prevent or render inadvisable the child's ***enrollment in or*** attendance at school or his or her application to study.~~

~~2. [A certificate in writing from any qualified physician, mental health professional or behavioral health professional acting within his or her authorized scope of practice, filed with the board of trustees immediately after its receipt, stating that the child is not able to attend school or that the child's attendance is inadvisable must be taken as satisfactory evidence by the board of trustees.~~

~~3.] A board of trustees of a school district which has excused from ***enrollment or*** attendance pursuant to subsection 1 a child who, pursuant to NRS 388.417, qualifies as a pupil with a disability, shall make available to the child a free appropriate public education in compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.), as that act existed on July 1, 1995.~~

~~[4.] ***3.*** If a pupil is excused from ***enrollment or*** attendance pursuant to subsection 1, the excusal must not negatively affect the rating of a public~~

~~school as determined by the Department pursuant to the statewide system of accountability for public schools.]~~ **(Deleted by amendment.)**

Sec. 15. NRS 392.060 is hereby amended to read as follows:

392.060 ~~[Attendance]~~ ***Enrollment and attendance*** required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child has already completed the 12 grades of the elementary and high school courses.

Sec. 16. NRS 392.070 is hereby amended to read as follows:

392.070 ~~[Attendance]~~ ***Enrollment and attendance*** of a child required by the provisions of NRS 392.040 must be excused when:

1. The child is enrolled in a private school pursuant to chapter 394 of NRS; or

2. A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with NRS 388D.020.

Sec. 17. NRS 392.075 is hereby amended to read as follows:

392.075 ~~[Attendance]~~

1. Except as otherwise provided in subsection 2, enrollment and attendance required by the provisions of NRS 392.040 must be excused if a child has obtained permission to take the high school equivalency assessment pursuant to NRS 390.055.

2. After a child has taken the high school equivalency assessment, the child shall enroll in and attend school pursuant to the provisions of NRS 392.040 until the child receives notification that the child has successfully completed the assessment.

Sec. 18. NRS 392.122 is hereby amended to read as follows:

392.122 1. Except as otherwise provided in NRS 389.320, the board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory ***enrollment and*** attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school district may adopt a policy prescribing ~~[a]~~ ***:***

(a) A minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.

(b) The circumstances under which a pupil will be considered chronically absent by the Department.

2. ~~[For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130, must be credited towards the required days of attendance if the pupil has completed course-work requirements. The teacher or principal of the school may approve the absence of a pupil for deployment activities of the~~

~~parent or legal guardian of the pupil, as defined in NRS 388F.010. If the board of trustees of a school district has adopted a policy pursuant to subsection 5, the 10-day limitation on absences does not apply to absences that are excused pursuant to that policy.~~

~~3. Except as otherwise provided in subsection 5, before~~**]** ***Before*** a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or the principal's designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and the pupil's parent or legal guardian may request a review of the absences of the pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and the pupil's parent or legal guardian, ***the parent or legal guardian may present*** the principal or the principal's designee **[**~~shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or the principal's designee shall credit towards the required days of attendance each day of absence for which:~~

~~(a) There is evidence or a written affirmation by the parent or legal guardian of the pupil that the pupil was physically or mentally unable to attend school on the day of the absence; and~~

~~(b) The pupil has completed course work requirements.~~

~~4.~~**]** ***with documentation that the pupil has complied with the attendance requirements prescribed pursuant to subsection 1 by attending school, either in person or through an alternative program of education or a program of distance education approved by the Department. If the documentation is accurate and the principal or principal's designee finds that any absence of the pupil was entered in error, the error must be corrected and the absences of the pupil must be recalculated for the purposes of determining whether the pupil may obtain credit or be promoted to the next higher grade.***

3. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection **[**~~3~~**]** ***2*** to the board of trustees of the school district in which the pupil is enrolled.

[~~5. The board of trustees of a school district may adopt a policy to exempt pupils who are physically or mentally unable to attend school from the limitations on absences set forth in subsection 1. If a board of trustees adopts a policy pursuant to this subsection:~~

~~(a) A pupil who receives an exemption pursuant to this subsection is not exempt from the minimum number of days of attendance prescribed pursuant to subsection 1.~~

~~(b) The days on which a pupil is physically or mentally unable to attend school must be credited towards the required days of attendance if the pupil has completed course work requirements.~~

~~(c) The procedure for review of absences set forth in subsection 3 does not apply to days on which the pupil is absent because the pupil is physically or mentally unable to attend school.~~

~~6.~~ ***4.*** A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the ***enrollment,*** attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.

Sec. 19. NRS 392.126 is hereby amended to read as follows:

392.126 1. There is hereby created in each county at least one advisory board to review school attendance. The membership of each such board ***must, to the greatest extent possible, reflect the ethnic and geographic diversity of the county and*** may consist of:

(a) One probation officer in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(b) One representative of a law enforcement agency in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(c) One representative of the district attorney for the county, appointed by the district attorney;

(d) One parent or legal guardian of a pupil who is enrolled in a public school in the county, or his or her designee or alternate who is also a parent or legal guardian, appointed by the president of the board of trustees of the school district;

(e) One member of the board of trustees of the school district, appointed by the president of the board of trustees;

(f) One school counselor or school teacher employed by the school district, appointed by an organization or association that represents licensed educational personnel in the school district;

(g) One deputy sheriff in the county, appointed by the sheriff of the county; and

(h) One representative of the agency which provides child welfare services, as defined in NRS 432B.030.

2. The members of each such board shall elect a chair from among their membership.

3. Each member of such a board must be appointed for a term of 2 years. A vacancy in the membership of the board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Each member of such a board serves without compensation, except that, for each day or portion of a day during which a member of the board attends a meeting of the board or is otherwise engaged in the business of the board, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The board of trustees of

the school district shall pay the per diem allowance and travel expenses from the general fund of the school district.

Sec. 20. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of the pupil's teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. ~~[The]~~

2. Upon the request of a parent or legal guardian of a pupil, made during the absence or within the 3 days immediately preceding or the 3 days immediately following the requested absence, a teacher or principal ~~[shall]~~ ***may*** give his or her written approval for ~~[a]~~ ***the*** pupil to be absent if an emergency exists ~~[or upon the request of a parent or legal guardian of the pupil.]~~ ***, including, without limitation, a medical emergency concerning a member of his or her family, compliance with a court order, a funeral or similar event of grieving, a family emergency, temporary homelessness and a religious observance. A teacher or principal may not approve absences pursuant to this subsection in excess of 10 percent of the number of school days in the school year.***

3. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, the pupil must receive the approval of the teacher or principal.

~~[2.]~~ ***4.*** An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

~~[3.]~~ ***5.*** If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

~~[4.]~~ ***6.*** An absence which has not been approved pursuant to ~~[subsection 1 or 3]~~ ***this section*** shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written ***or electronic*** notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written ***or electronic*** notice must be delivered to the parent, legal guardian or other person who has control of the child. The written ***or electronic*** notice must inform the parents or legal guardian of such absences in a form specified by the Department.

~~[5.]~~ ***7. Except as otherwise provided in subsection 2 of NRS 392.122, all approved and unapproved absences must be counted for the purpose of determining whether a pupil is chronically absent.***

8. The board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils shall:

(a) Communicate through various means, in a format and, to the extent practicable, in a language that parents and legal guardians can understand, the truancy policy and the definition of chronic absenteeism adopted by the Department pursuant to NRS 392.150; and

(b) Provide a parent or legal guardian of a pupil notice when the pupil is approaching the limit of 10 percent in the number of absences that may be approved pursuant to subsection 2.

9. The provisions of this section apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

~~[6.]~~ ***10.*** As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

Sec. 21. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written ~~[:~~

~~(a) Approval~~] ***approval*** of the child's teacher or the principal of the school pursuant to subsection 1 ***or 2*** of NRS 392.130 ~~[, or~~

~~(b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,~~

~~➥~~] may again be declared a habitual truant ~~[.]~~ ***, unless the child is physically or mentally unable to attend school as provided in NRS 392.130.***

3. The provisions of this section apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

Sec. 22. NRS 392.141 is hereby amended to read as follows:

392.141 The provisions of NRS 392.144 to 392.148, inclusive, apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

Sec. 23. NRS 392.144 is hereby amended to read as follows:

392.144 1. If a pupil has ~~[one or more unapproved absences]~~ ***been truant*** from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

2. If a pupil is a habitual truant pursuant to NRS 392.140, or if a pupil who is a habitual truant pursuant to NRS 392.140 is again declared truant pursuant to NRS 392.130 in the same school year after being declared a habitual truant, the principal of the school shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with NRS 392.149;

(b) If the parent or legal guardian of a pupil has signed a written ***or electronic*** consent pursuant to subsection 4, submit a written ***or electronic*** referral of the pupil to the advisory board to review school attendance in the county in accordance with NRS 392.146; or

(c) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall:

(a) Report a pupil to an attendance officer, a school police officer or the law enforcement agency pursuant to paragraph (a) of subsection 2;

(b) Refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2; or

(c) Refer a pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

4. If the principal of a school makes an initial determination to submit a written ***or electronic*** referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written ***or electronic*** consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to NRS 392.146 and 392.147. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2; or

(b) Refer the pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

Sec. 24. NRS 392.146 is hereby amended to read as follows:

392.146 A written ***or electronic*** referral of a pupil to an advisory board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written ***or electronic*** referral or any additional information that the advisory board considers necessary. The school shall provide written ***or electronic*** notice of the referral to the parents or legal guardian of the pupil. The written ***or electronic*** notice must include, without limitation:

1. The name and address of the pupil referred;

2. A written ***or electronic*** explanation of the reason for the referral;

3. A summary of the provisions of NRS 392.147; and

4. The address and telephone number of the advisory board to review school attendance.

Sec. 25. NRS 392.147 is hereby amended to read as follows:

392.147 1. If an advisory board to review school attendance receives a written ***or electronic*** referral of a pupil pursuant to NRS 392.146, the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an advisory board to

review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall:

(a) Report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149; or

(b) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148. If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written ***or electronic*** agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written ***or electronic*** agreement, the chair of the advisory board is legally obligated to report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

➥ The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written ***or electronic*** agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148 if:

(a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;

(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or the pupil's parents or legal guardian violates the terms of the written ***or electronic*** agreement entered into pursuant to subsection 3.

5. If the chair of an advisory board makes a report to an attendance officer, a school police officer or the local law enforcement agency pursuant to subsection 4, the chair shall:

(a) Submit to the attendance officer, school police officer or law enforcement agency, as applicable, written ***or electronic*** documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the attendance officer, school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

6. If the chair of an advisory board refers a pupil for the imposition of administrative sanctions pursuant to subsection 4, the chair shall:

(a) Provide written ***or electronic*** documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations regarding the appropriate disposition of the case.

7. If the parents or legal guardian of a pupil enter into a written ***or electronic*** agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written ***or electronic*** agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

8. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

Sec. 26. NRS 392.148 is hereby amended to read as follows:

392.148 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, a school police officer or a person designated pursuant to subsection 6 shall conduct an investigation, set a date for a hearing and provide a written ***or electronic*** notice of the hearing to the parent or legal guardian of the pupil.

If it appears after investigation and a hearing that a pupil is a habitual truant, a school police officer or a person designated pursuant to subsection 6 may issue an order imposing the following administrative sanctions against a pupil:

(a) If it is the first time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 30 days but not more than 6 months. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 30 days:

(1) Immediately following the date of the order if the pupil is eligible to apply for a driver's license; or

(2) After the date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

(b) If it is the second time or any subsequent time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 60 days but not more than 1 year. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 60 days immediately following:

(1) The date of the order if the pupil is eligible to apply for a driver's license; or

(2) The date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

2. If a pupil applies for a driver's license, the Department of Motor Vehicles shall:

(a) Notify the pupil of the provisions of this section that authorize the suspension of the driver's license of the pupil; and

(b) Require the pupil to sign an affidavit acknowledging that the pupil is aware that his or her driver's license may be suspended pursuant to this section.

3. If an order is issued pursuant to this section delaying the ability of the pupil to receive a driver's license, a copy of the order must be forwarded to the Department of Motor Vehicles not later than 5 days after the order is issued.

4. If an order is issued pursuant to this section suspending the driver's license of a pupil:

(a) The pupil shall surrender his or her driver's license to the school police officer or the person designated pursuant to subsection 6.

(b) Not later than 5 days after issuing the order, the school police officer or the designated person shall forward to the Department of Motor Vehicles a copy of the order and the driver's license of the pupil.

(c) The Department of Motor Vehicles:

(1) Shall report the suspension of the driver's license of the pupil to an insurance company or its agent inquiring about the pupil's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(2) Shall not treat the suspension in the manner statutorily required for moving traffic violations.

(3) Shall not require the pupil to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after the suspension of a driver's license.

5. The parent or legal guardian of a pupil may request a hearing before a person designated by the board of trustees of the school district in which the pupil is enrolled to appeal the imposition of any administrative sanctions pursuant to this section. The person designated by the board of trustees shall, not later than 30 days after receipt of the request, hold a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the person designated by the board of trustees shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

6. If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section.

Sec. 27. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the attendance officer, school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. The provisions of this section apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

Sec. 28. NRS 392.150 is hereby amended to read as follows:

392.150 1. The board of trustees of a school district may appoint an attendance officer for the school district, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. If the board of trustees appoints an attendance officer for the school district, the board of trustees may:

(a) Fix the compensation of the attendance officer;

(b) Prescribe the duties of the attendance officer; and

(c) Adopt regulations not inconsistent with law for the performance of the duties of the attendance officer.

2. The board of trustees of each school district shall:

(a) Establish procedures to monitor the attendance ***, chronic absenteeism*** and truancy of pupils, including, without limitation, a standard method for reporting the ***chronic absenteeism and*** truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;

(b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

(c) Determine, based on the attendance ***, chronic absenteeism*** and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

3. The Department shall adopt by regulation a definition of the term "chronic absenteeism." The board of trustees of each school district shall ensure that the actions taken pursuant to subsection 2 are consistent with such a definition.

Sec. 29. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to ***enroll in and*** attend school pursuant to NRS 392.040 for violation of any of the provisions of NRS 392.040 to ~~[392.110,]~~ ***392.075,*** inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written ***or electronic*** report of the investigation and the findings thereof in the records of the board.

Sec. 30. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to ***enroll in and*** attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to ~~[392.110,]~~ ***392.075,*** inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 31. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is under 18 years of age and required to ***enroll in and*** attend school pursuant to NRS 392.040 and who violates any of the

provisions of law requiring the ***enrollment and*** attendance of children in the public schools of this State.

Sec. 32. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 **,** ~~[~~and 392.140,~~]~~ and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 **,** ~~[~~and 392.140,~~]~~ and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 33. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to ~~[~~392.110,~~]~~ ***392.075,*** inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

➥ of a child under 18 years of age who is under his or her control or charge, is guilty of a misdemeanor.

Sec. 34. NRS 392.264 is hereby amended to read as follows:

392.264 1. If a superintendent of a school district receives notification and a victim identified in the notification is a pupil in the school district, the superintendent shall not permit an offender who is subject to the provisions of NRS 62F.100 to 62F.150, inclusive, to ***enroll in or*** attend a public school that a victim is ***enrolled in or*** attending unless:

(a) An alternative plan of supervision is approved by the court pursuant to NRS 62F.130; or

(b) An alternative plan of attendance is approved by the court pursuant to NRS 62F.140.

2. If the court does not approve an alternative plan of supervision or an alternative plan of attendance for the offender and the school district in which the offender resides does not have another public school in the district for the offender to ***enroll in and*** attend, the superintendent of the school district shall negotiate an agreement with:

(a) The superintendent of an adjoining school district within this state for the offender to ***enroll in and*** attend a public school in that adjoining school district; or

(b) The superintendent, or another appropriate administrator, of an adjoining school district in an adjoining state for the offender to ***enroll in and*** attend a public school in that adjoining school district.

3. The superintendent of the school district in which the offender resides shall inform the person with whom the superintendent is negotiating that the offender has been adjudicated delinquent for a sexual offense or a sexually motivated act, but the superintendent shall not disclose the name of a victim.

4. An agreement which is made pursuant to this section and which is presented to a board of trustees for approval:

(a) Must not contain the name of a victim;

(b) Must comply with the provisions of subsections 2 and 3 of NRS 392.010; and

(c) Must be approved by the Superintendent of Public Instruction.

5. A board of trustees may terminate an agreement entered into pursuant to this section if, because of a change in circumstances, the offender is able to ***enroll in and*** attend a public school in the school district in which the offender resides without violating subsection 1.

Sec. 35. NRS 392.268 is hereby amended to read as follows:

392.268 If a school district incurs additional costs for transporting an offender because the offender is prohibited from ***enrolling in or*** attending a public school that a victim is ***enrolled in or*** attending, the school district is entitled to reimbursement of all or part of those costs from the parents or guardians of the offender to the extent ordered by the court pursuant to NRS 62F.110. The superintendent of the school district or the parents or guardians of the offender may petition the court to reconsider the amount of reimbursement ordered by the court.

Sec. 36. NRS 394.098 is hereby amended to read as follows:

394.098 "Postsecondary education" is limited to education or educational services offered by an institution which is privately owned to persons who have completed or terminated their elementary and secondary education or who are beyond the age of compulsory school ***enrollment and*** attendance for the attainment of academic, professional or vocational objectives.

Sec. 37. NRS 394.103 is hereby amended to read as follows:

394.103 "Private schools" means private elementary and secondary educational institutions. The term does not include a home in which instruction is provided to a child who is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.

Sec. 38. NRS 62A.240 is hereby amended to read as follows:

62A.240 "Private school" includes private elementary and secondary educational institutions. The term does not include a home in which instruction is provided to a child who is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070 or a school or educational program that is conducted exclusively for children who have been adjudicated delinquent.

Sec. 39. NRS 62B.320 is hereby amended to read as follows:

62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:

(a) Is subject to compulsory school ***enrollment and*** attendance and is a habitual truant from school;

(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;

(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation;

(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737;

(e) Transmits or distributes an image of bullying committed against a minor in violation of NRS 200.900;

(f) Violates a county or municipal ordinance imposing a curfew on a child;

(g) Violates a county or municipal ordinance restricting loitering by a child;

(h) Commits an offense related to tobacco; or

(i) Commits an alcohol or marijuana offense that is punishable pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.

3. The provisions of subsection 1 do not prohibit the imposition of administrative sanctions pursuant to NRS 392.148 against a child who is subject to compulsory school ***enrollment and*** attendance and is a habitual truant from school.

4. As used in this section:

(a) "Alcohol or marijuana offense" has the meaning ascribed to it in NRS 62E.173.

(b) "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(c) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(d) "Sexual image" has the meaning ascribed to it in NRS 200.737.

Sec. 40. NRS 129.090 is hereby amended to read as follows:

129.090 1. A petition filed pursuant to NRS 129.080 must be in writing, verified by the petitioner and set forth:

(a) The name, age and address of the minor;

(b) The names and addresses of the parents of the minor;

(c) The name and address of any legal guardian of the minor;

(d) If no parent or guardian can be found, the name and address of the child's nearest known relative residing within this state;

(e) Facts relating to the minor's education, employment, and length of residence apart from his or her parents or guardian;

(f) That the minor willingly lives apart from his or her parents or legal guardian with the consent or acquiescence of his or her parents or legal guardian;

(g) That the minor is managing his or her own financial affairs;

(h) That the source of the minor's income is not derived from any activity declared to be a crime by the laws of this state or the United States; and

(i) That the minor is attending school or has been excused from ***enrolling in and*** attending school pursuant to NRS 392.040 to 392.125, inclusive.

2. If any of the facts required by subsection 1 are not known, the petition must so state.

3. For filing the petition, the clerk of the district court shall charge the fees prescribed by law for the commencement of civil actions or proceedings generally.

Sec. 41. NRS 361.068 is hereby amended to read as follows:

361.068 1. The following personal property is exempt from taxation:

(a) Personal property held for sale by a merchant;

(b) Personal property held for sale by a manufacturer;

(c) Raw materials and components held by a manufacturer for manufacture into products, and supplies to be consumed in the process of manufacture;

(d) Tangible personal property purchased by a business which will be consumed during the operation of the business;

(e) Livestock;

(f) Colonies of bees;

(g) Pipe and other agricultural equipment used to convey water for the irrigation of legal crops;

(h) All boats;

(i) Slide-in campers and camper shells;

(j) Except as otherwise provided in NRS 361.186, fine art for public display; and

(k) All personal property that is:

(1) Owned by a person who is not a resident of this state; and

(2) Located in this state solely for the purposes of:

(I) An exhibit that is used in a convention or tradeshow that is located in this State; or

(II) A display, exhibition, carnival, fair or circus that is transient in nature and is located in this State for not more than 30 days.

2. The Nevada Tax Commission may exempt from taxation that personal property for which the annual taxes would be less than the cost of collecting those taxes. If such an exemption is provided, the Nevada Tax Commission shall annually determine the average cost of collecting property taxes in this state which must be used in determining the applicability of the exemption.

3. A person claiming the exemption provided for in paragraph (j) of subsection 1 shall:

(a) On or before June 15 for the next ensuing fiscal year, file with the county assessor an affidavit declaring that the fine art will, during that ensuing fiscal year, meet all the criteria set forth in paragraph (b) of subsection 4; and

(b) During any fiscal year in which the person claims the exemption, make available for educational purposes and not for resale, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display if such a poster is available for purchase by the public at the time of the request.

4. As used in this section:

(a) "Boat" includes any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Fine art for public display":

(1) Except as otherwise provided in subparagraph (2), means a work of art which:

(I) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;

(II) Was purchased in an arm's length transaction for $25,000 or more, or has an appraised value of $25,000 or more;

(III) Is on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of each year for which the exemption is claimed or, if the facility displaying the fine art disposes of it before the end of that year, during at least two-thirds of the full weeks during which the facility had possession of it, or if the gallery, museum or other building or area in which the fine art will be displayed will not be opened until after the beginning of the fiscal year for which the exemption is claimed, these display requirements must be met for the first full fiscal year after the date of opening, and the date of opening must not be later than 2 years after the purchase of the fine art being displayed; and

(IV) Is on display in a facility that is available for group tours by pupils or students for at least 5 hours on at least 60 days of each full year for which the exemption is claimed, during which the facility in which it is displayed is open, by prior appointment and at reasonable times, without charge; and

(2) Does not include:

(I) A work of fine art that is a fixture or an improvement to real property;

(II) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(III) Products of filmmaking or photography, including, without limitation, motion pictures;

(IV) Literary works;

(V) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VI) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

(c) "Personal property held for sale by a merchant" includes property that:

(1) Meets the requirements of sub-subparagraphs (I) and (II) of subparagraph (1) of paragraph (b);

(2) Is made available for sale within 2 years after it is acquired; and

(3) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

(d) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(e) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.

(f) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.

Sec. 42. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection 4, the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Except as otherwise provided in subsection 3, has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Except as otherwise provided in subsection 3, submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

➥ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) Has not been convicted of or found by a court to have committed a moving traffic violation or convicted of a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. In lieu of the supervised experience required pursuant to paragraph (b) of subsection 1, a person applying for a Class C noncommercial driver's license may provide to the Department proof that the person has successfully completed:

(a) The training required pursuant to paragraph (a) of subsection 1; and

(b) A hands-on course in defensive driving that has been approved by the Department pursuant to NRS 483.727.

4. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

(a) Except as otherwise provided in subsection 5, complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

5. If a course described in paragraph (a) of subsection 4 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection 4.

Sec. 43. NRS 483.267 is hereby amended to read as follows:

483.267 1. The Department may issue a restricted license to any applicant between the ages of 14 and 18 years which entitles the applicant to drive a motor vehicle upon a highway if a member of his or her household has a medical condition which renders that member unable to operate a motor vehicle, and a hardship exists which requires the applicant to drive.

2. An application for a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Contain a statement that a person living in the same household with the applicant suffers from a medical condition which renders that person unable to operate a motor vehicle and explaining the need for the applicant to drive.

(c) Be signed and verified as provided in NRS 483.300.

(d) Include:

(1) A written statement signed by the principal of the public school in which the applicant is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the applicant which states that the applicant is excused from compulsory school ***enrollment and*** attendance pursuant to NRS 392.070;

(3) A copy of the applicant's high school diploma or certificate of attendance; or

(4) A copy of the applicant's certificate of general educational development or an equivalent document.

(e) Contain such other information as may be required by the Department.

3. A restricted license issued pursuant to this section:

(a) Is effective for the period specified by the Department;

(b) Authorizes the licensee to operate a motor vehicle on a street or highway only under conditions specified by the Department; and

(c) May contain other restrictions which the Department deems necessary.

4. No license may be issued under this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

Sec. 44. NRS 483.270 is hereby amended to read as follows:

483.270 1. The Department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this State in a county whose population is less than 55,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the Department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school,

➥ and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Be signed and verified as provided in NRS 483.300.

(c) Include a written statement signed by the:

(1) Principal of the public school in which the pupil is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123; or

(2) Parent or legal guardian of the pupil which states that the pupil is excused from compulsory school ***enrollment and*** attendance pursuant to NRS 392.070.

(d) Contain such other information as may be required by the Department.

3. Any restricted license issued pursuant to this section:

(a) Is effective only for the school year during which it is issued or for a more restricted period.

(b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going to and from school, and at a speed not in excess of 55 miles per hour.

(c) May contain such other restrictions as the Department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by the licensee, only while the licensee is going to and from school, members of his or her immediate family, or other minor persons upon written consent of the parents or guardians of such minors, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The Department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

Sec. 45. NRS 644A.700 is hereby amended to read as follows:

644A.700 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and the applicant must certify that all the information contained in the application is truthful and accurate. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of a number of students acceptable to the Board;

(e) The applicable fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains adequate floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school ***enrollment and*** attendance.

(e) Meets all requirements established by regulations of the Board.

3. The fee for issuance of a license for a school of cosmetology is:

(a) For 2 years, not less than $500 and not more than $800.

(b) For 4 years, not less than $1,000 and not more than $1,600.

4. If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

6. The Board shall, by regulation, prescribe:

(a) The minimum enrollment of students required by paragraph (d) of subsection 1; and

(b) The amount of floor space required by paragraph (b) of subsection 2.

7. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 46. NRS 392.080 and 392.110 are hereby repealed.

Sec. 47. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

392.080 Attendance excused for distant residence from nearest school. Attendance required by the provisions of NRS 392.040 shall be excused when the Superintendent of Public Instruction has determined that the child's residence is located at such distance from the nearest public school as to render attendance unsafe or impractical, and the child's parent or guardian has notified the board of trustees to that effect in writing.

392.110 Attendance excused for child between 15 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.

1. Any child between the ages of 15 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 71.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 112.

AN ACT relating to environmental justice; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct an interim study concerning environmental justice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 9 of this bill directs the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct an interim study concerning environmental justice. In conducting the study, **section 9** requires the Division to identify: (1) the communities in this State that face the greatest cumulative environmental burdens; (2) methods for preventing the increase of the cumulative environmental burdens of such communities; and (3) strategies to decrease the cumulative environmental burdens of such communities. **Section 9** authorizes the Division to contract with a private entity to conduct the study.

Sections 1-8 of this bill define various terms relating to environmental justice and the interim study required by **section 9**.

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

Section 1. As used in this act, unless the context otherwise requires, the words and terms defined in sections 2 to 8, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2. "Cumulative environmental burden" means the overlap and amplification of environmental burdens in a manner that disproportionately impacts a given geographic area.

Sec. 3. "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 4. "Environmental burden" means any significant impact to clean air, water and land, including, without limitation, any destruction, damage or impairment of natural resources resulting from intentional or reasonably foreseeable causes. The term includes, without limitation:

1. The impacts of climate change and any resulting exposure to extreme temperatures;

2. Air and water pollution;

3. Improper sewage disposal and improper handling of solid wastes and other noxious substances;

4. Excessive noise;

5. Inadequate remediation of pollution;

6. The reduction of groundwater levels;

7. Increased flooding or storm water flows;

8. Home and building hazards, including, without limitation, lead paint, lead plumbing, asbestos and mold;

9. Excessive energy costs and increased energy outages;

10. Damage to inland waterways and waterbodies, wetlands, forests, green spaces or recreational facilities and other venues;

11. Activities that limit access to green spaces, nutritious foods, Indigenous foods or cultural resources or recreational facilities and other venues; and

12. Limited access to health care and higher rates of complicating health conditions.

Sec. 5. "Environmental justice" means, with respect to the development, implementation and enforcement of environmental laws and regulations, the fair treatment and meaningful involvement of all people regardless of race, color, national origin, English language proficiency or income.

Sec. 6. "Fair treatment" means that no group of people bear a disproportionate share of the negative consequences resulting from industrial, governmental or commercial operations or policies.

Sec. 7. "Historically underserved community" has the meaning ascribed to it in NRS 445B.834.

Sec. 8. "Meaningful involvement" means:

1. All persons have the opportunity to participate in decisions about activities that may affect the health and environment of the public;

2. The concerns of the public are considered during the decision-making process of a state agency and can influence the decision-making of the state agency; and

3. The state agency seeks out and facilitates the involvement of any persons potentially affected by a decision when making decisions.

Sec. 9. 1. The Division shall conduct an interim study concerning environmental justice issues. The study must:

(a) Identify:

(1) The communities facing the greatest cumulative environmental burdens in this State;

(2) Methods to prevent an increase in the cumulative environmental burdens on the communities identified by the study; and

(3) Strategies to decrease any existing cumulative environmental burdens that are identified by the study.

(b) Prioritize historically underserved communities in evaluating the cumulative environmental burdens of communities in this State.

2. The Division may **[**:

~~(a) Contract~~**]** **contract** with a private entity to conduct the study **.** **[**; and

~~(b) Coordinate~~**]**

3. In carrying out the study, the Division shall coordinate and collaborate with **[**~~other state~~**]** **governmental** agencies **, affected communities, the public** and **[**~~research~~**]** **other interested stakeholders, including, without limitation:**

(a) Federal, state and local governmental agencies that oversee laws relating to air quality, environmental protection, public health, natural resources and transportation;

(b) Tribal governments;

(c) Research institutions **[**~~in this State, as appropriate, in carrying out the study.~~**]** **;**

(d) Representatives of environmental organizations;

(e) Representatives of the business community; and

(f) Representatives of community organizations, including, without limitation, community organizations of indigent populations and underserved communities.

[~~3.~~**]** **4.** If the Division contracts with a private entity to conduct the study pursuant to subsection 2, all state agencies must collaborate with the private entity in conducting the study, as necessary, and provide the private entity with any information requested by the private entity to such extent as is consistent with their other lawful duties.

[~~4.~~**]** **5.** On or before December 31, 2024, the Division shall submit a report of its findings, including, without limitation, any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The 83rd Session of the Legislature;

(b) The Chair of the Senate Committee on Natural Resources during the 83rd Session of the Legislature; and

(c) The Chair of the Assembly Committee on Natural Resources during the 83rd Session of the Legislature.

Sec. 10. This act becomes effective on July 1, 2023.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 74.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 50.

AN ACT relating to higher education; authorizing the Board of Regents of the University of Nevada to enter into an agreement to affiliate with a public or private entity for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to establish policies governing the contracts that faculty members and employees of the Nevada System of Higher Education may enter into or benefit from. (NRS 396.255) Existing law also authorizes certain faculty members of the System to bid or enter into a contract with a governmental agency if the contract complies with the policies established by the Board of Regents. (NRS 281.221)

Existing law requires that mechanics and workers employed on certain public construction projects be paid at least the wage then prevailing for the type of work that the mechanic or worker performs in the region in which the public work is located. (NRS 338.020) Under existing law, any contract for construction work of the System for which the estimated cost exceeds $100,000 is subject to the prevailing wage requirements. (NRS 338.075)

Section 1 of this bill authorizes the Board of Regents to enter into an agreement with a public or private entity, whether for profit or not for profit, to promote and enhance an educational program **or student life** at ~~[a university.]~~ **an institution within the System. Section 1** requires that such an agreement include certain provisions ~~[.]~~ **, including, without limitation, a provision stating that the prevailing wage requirements apply to any construction work performed under the agreement. Section 2** of this bill establishes that any such agreement is subject to the policies established by the Board of Regents governing contracts that faculty members and employees of the System may enter into or benefit from.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may enter into an agreement to affiliate with a publicly or privately owned entity, whether for profit or not for profit, to further promote and enhance an educational program or student life at ~~[a university.]~~ an institution within the System.

2. An agreement entered into pursuant to this section must include, without limitation:

(a) Standards that must be met by the entity; ~~[and]~~

(b) An allocation of any costs or profits that must be shared between the entity and the ~~[university.]~~ institution;

(c) Identification of shared goals and responsibilities;

(d) Provisions governing the joint employment and supervision of employees, if applicable;

(e) Provisions governing the shared review and allocation of the use of facilities, resources and employees, if applicable; and

(f) A provision stating that the requirements of NRS 338.020 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

Sec. 2. NRS 396.255 is hereby amended to read as follows:

396.255 The Board of Regents shall, to carry out the purposes of subsection 3 of NRS 281.221, subsection 3 of NRS 281.230, subsection 3 of NRS 281A.430 and NRS 396.1215, ***and section 1 of this act,*** establish policies governing the contracts that faculty members and employees of the System may enter into or benefit from.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 99.

Bill read second time.

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

Amendment No. 64.

AN ACT relating to Medicaid; ~~[requiring the Director of the Department of Health and Human Services to take any action necessary to increase certain federally approved rates under certain circumstances;]~~ **requiring the Division of Health Care Financing and Policy of the Department of Health and Human Services to report certain information to the Legislature;** providing for ~~[the annual consideration of]~~ **a study on** cost-of-living increases to rates of reimbursement **provided to certain providers** under Medicaid; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) As a condition of receiving federal financial participation in the Medicaid program of a state, existing federal law requires the state to obtain the approval of the United States Secretary of Health and Human Services of the state plan for Medicaid. (42 U.S.C. § 1396a) ~~[Section 1 of this bill requires the Director of the Department, upon approving an increase in the rate of reimbursement paid for a service or item under Medicaid to an amount greater than the maximum reimbursement~~

~~rate approved by the Secretary for that service or item, to take any action necessary to obtain a corresponding increase in the maximum federally approved reimbursement rate for that service or item. Section 1 also requires that the Division of Health Care Financing and Policy of the Department annually consider cost-of-living increases to Medicaid rates of reimbursement. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.~~ **Existing law requires the Division of Health Care Financing and Policy of the Department to review the adequacy of Medicaid reimbursement rates every 4 years and, if the current rate does not reflect the actual cost of providing the service or item, calculate the rate of reimbursement that accurately reflects the actual cost of providing the service or item. (NRS 422.2704) Section 2.3 of this bill requires the Division to submit a report concerning each such review to the Legislature. Section 2.6 of this bill requires the Division to conduct a study during the 2023-2024 legislative interim to determine the cost to the State General Fund of providing: (1) a one-time cost-of-living increase to the rates of reimbursement under Medicaid for certain long-term care providers; and (2) an annual cost-of-living increase to such rates of reimbursement.**

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

Section 1. ~~[Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If the Director approves an increase in the rate of reimbursement for a service or item provided under the State Plan for Medicaid to an amount that is greater than the maximum rate of reimbursement approved by the Secretary of Health and Human Services for that service or item, the Director shall take any action necessary, including, where applicable, applying to amend a federal waiver, to increase the maximum rate of reimbursement approved by the Secretary to an amount equal to or greater than the rate of reimbursement approved by the Director.*~~

~~*2. The Division shall annually review whether the rate of reimbursement for each service or item provided under the State Plan for Medicaid should be increased to compensate for an increase in the cost of living.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 232.320 is hereby amended to read as follows:~~

~~232.320 1. The Director:~~

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

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

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

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

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

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

~~(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 1 of this act,* 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.~~

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

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

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

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

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

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

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

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

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

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

~~2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.~~**] (Deleted by amendment.)**

Sec. 2.3. **NRS 422.2704 is hereby amended to read as follows:**

422.2704 ***1.*** On or before January 1, 2018, and every 4 years thereafter, the Division shall:

~~[1.]~~ ***(a)*** Review the rate of reimbursement for each service or item provided under the State Plan for Medicaid to determine whether the rate of reimbursement accurately reflects the actual cost of providing the service or item; and

~~[2.]~~ ***(b)*** If the Division determines that the rate of reimbursement for a service or item does not accurately reflect the actual cost of providing the service or item, calculate the rate of reimbursement that accurately reflects the actual cost of providing the service or item and recommend that rate to the Director for possible inclusion in the State Plan for Medicaid.

2. On or before January 31, 2026, and every 4 years thereafter, the Division shall:

(a) Compile a report on the most recent reviews conducted pursuant to subsection 1, including, without limitation, each rate of reimbursement calculated pursuant to paragraph (b) of subsection 1; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee and the Joint Interim Standing Committee on Health and Human Services.

Sec. 2.6. **1. During the 2023-2024 interim, the Division of Health Care Financing and Policy of the Department of Health and Human Services shall conduct a study to determine the cost to the State General Fund of:**

(a) Increasing the rates of reimbursement provided to long-term care providers under Medicaid to account for any increase in the cost of living that has occurred since the date on which the rate of reimbursement was most recently established for such providers; and

(b) Annually adjusting the rates of reimbursement provided to long-term care providers under Medicaid to account for increases in the cost of living.

2. On or before November 15, 2024, the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:

(a) Compile a report of the results of the study conducted pursuant to subsection 1 and any recommendations for legislation resulting from the study; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee and the 83rd Session of the Legislature.

3. As used in this section, "long-term care provider" means a provider providing services pursuant to the home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n, including, without limitation, home health services and private duty nursing services.

Sec. 2.9. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 100.

Bill read second time.

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

Amendment No. 65.

SUMMARY—Provides for ~~[various programs and studies]~~ **certain assessments** relating to caregivers. (BDR S-562)

AN ACT relating to caregivers; requiring the Department of Health and Human Services to develop and implement a pilot program to administer certain assessments to family caregivers ~~[; directing the Department to conduct certain studies relating to caregivers;]~~ **and report the results of the pilot program to certain entities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various programs to provide services to aging persons and persons with disabilities. (Chapter 427A of NRS) ~~[Section 1 of this]~~ **This** bill requires the Department of Health and Human Services, during the 2023-2024 interim, to: (1) develop evidence-based and culturally sensitive assessments to be administered to family caregivers for persons with disabilities or health conditions; and (2) implement a pilot program to administer those assessments to family caregivers. ~~[Section 1]~~ **This bill** requires those assessments to measure certain factors related to the capabilities, needs and quality of life of such family caregivers. ~~[Section 1]~~ **This bill** requires the Department to **: (1)** annually report on the progress and results of the pilot program to **the Legislature and** certain entities that provide or oversee services for persons with disabilities in this State **;** and **(2)** publish the report on an Internet website maintained by the Department.

~~[Existing law authorizes a patient, the representative of a patient or the parent or guardian of a patient to designate a caregiver for the patient before the patient is discharged from a hospital. (NRS 449A.315) Existing law requires a hospital to attempt to: (1) notify a caregiver before the patient is discharged or transferred from a hospital; (2) provide the caregiver with a copy of the discharge plan for the patient; and (3) consult with the caregiver concerning the aftercare set forth in such a discharge plan. (NRS 449A.321, 449A.324) Section 2 of this bill requires the Department to conduct two separate studies relating to caregivers during the 2023-2024 interim. Specifically, section 2~~

~~directs the Department to study: (1) the feasibility, costs and benefits of requiring hospitals to assess the capacity of such caregivers; and (2) the potential to obtain reimbursement from insurers under a certain medical billing code for assessing the knowledge and needs of various types of caregivers, social supports for such caregivers, the willingness of such caregivers to undertake caregiving tasks and the ability of such caregivers to provide care.~~**]**

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

Section 1. 1. The Department of Health and Human Services shall, during the 2023-2024 interim:

(a) Develop evidence-based and culturally sensitive assessments to be administered to family caregivers by ~~[~~hospitals, managed care organizations that provide services to recipients of Medicaid, other providers of publicly funded services for older persons and persons with disabilities and providers of health care.~~]~~ **the Department.** Such assessments must:

(1) Determine the willingness and ability of a family caregiver to provide long-term services and supports to a person with a disability or health condition and the needs of such family caregivers;

(2) Measure the extent, quality, value and effect of social determinants of health, specific risk factors related to stress and depression and environmental and cultural barriers on family caregivers; ~~[and]~~

(3) Measure the efficacy of referrals linking family caregivers to local community resources ~~[.]~~ **;**

(4) Assess the capacity of each family caregiver to provide all necessary care, including, without limitation, any activities of daily living and instrumental activities of daily living; and

(5) Identify the knowledge and needs of family caregivers, social supports for family caregivers, the willingness of family caregivers to undertake caregiving tasks and the ability of family caregivers to provide care.

(b) Establish a process for gathering data collected through the assessments developed pursuant to paragraph (a).

(c) Develop and implement a pilot program to administer the assessments developed pursuant to paragraph (a) and collect data from the assessments using the process established pursuant to paragraph (b), emphasizing the collection of data necessary to:

(1) Identify unmet demand for community resources to assist caregivers; and

(2) Develop resources to meet that demand.

(d) ~~[~~Except to the extent that doing so would conflict with contractual obligations existing on July 1, 2023, require any person or entity~~]~~ **Recruit persons and entities** who directly or indirectly ~~[receives]~~ **receive** money from the Department or any Division thereof to provide services for older persons

or persons with disabilities or health care services to **voluntarily** participate in the pilot program developed pursuant to paragraph (c).

2. On or before June 30, 2024, and June 30, 2025, the Department of Health and Human Services shall:

(a) Compile a report concerning the progress and results of the activities conducted pursuant to subsection 1. The report must include, without limitation, data concerning the factors assessed pursuant to subparagraphs (1) ~~[~~, (2) and (3)~~]~~ **to (5), inclusive,** of paragraph (a) of subsection 1.

(b) Publish the report on an Internet website maintained by the Department.

(c) Submit the report to:

(1) The Nevada Lifespan Respite Care Coalition;

(2) The Nevada Commission on Aging created by NRS 427A.032;

(3) The statewide independent living council established in this State pursuant to 29 U.S.C. § 796d; ~~[and]~~

(4) The Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211 ~~[.]~~ **; and**

(5) The Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs.

3. As used in this section ~~[~~**:**

~~(a) "Family~~~~]~~ **, "family** caregiver" means a member of the family of a person with a disability or a health condition who provides regular care for that person on a full-time or part-time basis.

~~[(b) "Hospital" has the meaning ascribed to it in NRS 449.012.~~

~~(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.~~

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

Sec. 2. ~~[1. The Department of Health and Human Services shall, during the 2023-2024 interim:~~

~~(a) Conduct a study which includes, without limitation, the collection of data from hospitals, concerning the feasibility, costs and benefits of including in the process established by NRS 449A.300 to 449A.330, inclusive, a requirement that, upon discharge of a patient from a hospital, the hospital administer an assessment of the capacity of each caregiver designated pursuant to NRS 449A.315 to provide all necessary aftercare, including, without limitation, any activities of daily living and instrumental activities of daily living.~~

~~(b) Conduct a study which includes, without limitation, the collection of data from hospitals, other medical facilities and providers of health care, concerning the potential to obtain reimbursement under code 99483 in Current Procedural Terminology published by the American Medical Association from public and private insurers for the cost of assessments to identify the knowledge and needs of caregivers, social supports for caregivers, the~~

~~willingness of caregivers to undertake caregiving tasks and the ability to of the caregivers to provide care. As used in this paragraph, "caregiver" includes, without limitation:~~

~~(1) Family caregivers; and~~

~~(2) Caregivers designated pursuant to NRS 449A.315.~~

~~2. On or before February 1, 2025, the Department of Health and Human Services shall compile a report concerning the results of each study conducted pursuant to subsection 1 and post the report on an Internet website maintained by the Department.~~

~~3. As used in this section:~~

~~(a) "Family caregiver" means a member of the family of a person with a disability or a health condition who provides regular care for that person on a full-time or part-time basis.~~

~~(b) "Hospital" has the meaning ascribed to it in NRS 449.012.~~

~~(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.~~

~~(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 132.

AN ACT relating to children; creating the Office of Early Childhood Systems within the Office of the Governor; prescribing the duties of the Office of Early Childhood Systems; **authorizing the Office of Early Childhood Systems to request one legislative measure for each regular session of the Legislature;** making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates various offices within the Office of the Governor, including, without limitation, the Office of Finance, the Office of Federal Assistance, the Office of Science, Innovation and Technology, the Office for New Americans and the Public Health Resource Office. (NRS 223.400-223.950) **Section 1** of this bill: (1) creates the Office of Early Childhood Systems within the Office of the Governor; and (2) requires the Governor to appoint the Director of the Office of Early Childhood Systems. The Office of Early Childhood Systems is required to: (1) analyze whether the existing early childhood system meets the needs of this State; (2) evaluate the effectiveness of the relationships between certain persons and governmental entities that

provide early childhood services; and (3) identify and make certain recommendations to the Governor, the Legislature and certain other persons and governmental entities relating to early childhood services. **Section 1 further requires: (1) each agency, board, commission, department, officer, employee or agent of this State or a local government to provide the Office with certain assistance; and (2) the Office to submit a report annually to the Governor and the Director of the Legislative Counsel Bureau regarding the activities of the Office and any recommendations for improvements to the early childhood system in this State.**

Existing law authorizes the Governor, within the limits of available money, to employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, certain other offices that are created within the Office of the Governor. (NRS 223.085) **Section 2** of this bill authorizes the Governor, within the limits of available money, to also employ such persons as he or she deems necessary to provide appropriate staff for the Office of Early Childhood Systems.

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 2.4 of this bill authorizes the Office of Early Childhood Systems to request, for each regular session of the Legislature, the drafting of not more than 1 legislative measure which relates to matters within the scope of the Office. Section 2.8 of this bill makes a conforming change to indicate the proper placement of section 2.4 in the Nevada Revised Statutes.

Section 3 of this bill makes an appropriation for the personnel, travel, operating and equipment costs for the Office of Early Childhood Systems to perform its duties.

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

Section 1. Chapter 223 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Office of Early Childhood Systems is hereby created in the Office of the Governor.

2. The Governor shall appoint a person ~~[who is knowledgeable in the field of early childhood systems]~~ from a list of three persons recommended to the Governor by the Nevada Early Childhood Advisory Council established pursuant to NRS 432A.076 to serve as the Director of the Office of Early Childhood Systems. The Director is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.

3. The Office of Early Childhood Systems may accept gifts, grants and donations to support its duties.

4. The Office of Early Childhood Systems shall:

(a) Analyze whether the existing early childhood system meets the needs of this State;

(b) Evaluate the effectiveness of the relationships between persons and governmental entities that provide early childhood services, including, without limitation, the Department of Health and Human Services, the Department of Education, the State Department of Agriculture, the Nevada System of Higher Education, the Department of Public Safety, the Department of Employment, Training and Rehabilitation, the Nevada Early Childhood Advisory Council established pursuant to NRS 432A.076, the Advisory Board on Maternal and Child Health created pursuant to NRS 442.133, nonprofit organizations, providers of early childhood learning and providers of health care; and

(c) Identify and make recommendations to the Governor, the Legislature and the persons and governmental entities described in paragraph ~~[(a)]~~ (b) relating to:

(1) Unmet needs for comprehensive early childhood services, including, without limitation, early learning, maternal and early childhood health, mental and behavioral health, safety and economic security;

(2) Opportunities to obtain federal or private funding to support comprehensive early childhood services in this State;

(3) Ways in which to improve coordination between state and local governmental entities, providers of early learning, providers of health care and parents and other family members;

(4) Policies, practices and funding mechanisms to maximize efficiency in the delivery of early childhood services; ~~[and]~~

(5) Opportunities to integrate parents and other family members in leadership and decision-making roles in the early childhood system ~~[.]~~ ;

(6) Strategies to address disparities in equitable access to early childhood services and programs; and

(7) Development and implementation of an early childhood integrated data system.

5. Each agency, board, commission, department, officer, employee or agent of this State or a local government of this State shall provide the Office of Early Childhood Systems or any representative of the Office such assistance as the functions and operations of the Office may require if that assistance is within the scope of duties of the person or entity.

6. On or before December 1 of each year, the Director of the Office of Early Childhood Systems shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Joint Interim Standing Committee on Government Affairs. The report must include, without limitation, a summary of the activities of the Office of Early Childhood Systems and any recommendations identified pursuant to paragraph (c) of subsection 4 for improvements to the early childhood system in this State,

established in cooperation with the Nevada Early Childhood Advisory Council.

7. As used in this section, unless the context otherwise requires:

(a) "Early childhood" means the period of a child's life beginning with the prenatal period and through 8 years of age.

(b) "Early childhood system" means the governmental structure of the State and its political subdivisions that provide early childhood services relating to nutrition, health care, mental and behavioral health, protection and play and early learning that stimulate a child's physical, cognitive, linguistic, social and emotional development.

Sec. 2. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, the Office of Federal Assistance, the Office of Science, Innovation and Technology, the Public Health Resource Office ***, the Office of Early Childhood Systems*** and the Governor's mansion. Except as otherwise provided by specific statute, such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor.

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

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

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

3. The Governor may:

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

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

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

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

Sec. 2.4. **Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:**

1. For a regular session, the Office of Early Childhood Systems created by section 1 of this act may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Office. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November

preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 2.8. **NRS 218D.050 is hereby amended to read as follows:**

218D.050 1. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a regular session unless:

(a) Authorized by NRS 218D.100 to 218D.220, inclusive, ***and section 2.4 of this act,*** another specific statute, a joint rule or a concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

2. The Legislative Counsel and the Legal Division shall not prepare or assist in the preparation of legislative measures for or during a special session unless:

(a) Authorized by a joint rule or concurrent resolution; or

(b) Directed by the Legislature or the Legislative Commission.

3. During a regular or special session, the Legislative Counsel and the Legal Division shall provide the Legislature with legal, technical and other appropriate services concerning any legislative measure properly before the Legislature or any committee of the Legislature for consideration.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Office of Early Childhood Systems within the Office of the Governor created by section 1 of this act for personnel, travel, operating and equipment the following sums:

For the Fiscal Year 2023-2024 ..... $148,667

For the Fiscal Year 2024-2025 ..... $150,719

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 3.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 118.

Bill read second time and ordered to third reading.

Assembly Bill No. 161.

Bill read second time.

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

Amendment No. 14.

~~[ASSEMBLYMAN]~~ **ASSEMBLYMEN** C.H. MILLER **AND BILBRAY-AXELROD**

SUMMARY—Revises provisions governing ~~[drivers' licenses.]~~ **the identification of persons.** (BDR 43-635)

AN ACT relating to ~~[drivers' licenses;]~~ **governmental administration;** requiring, under certain circumstances, that the Department of Motor Vehicles place a designation on a **vehicle registration,** driver's license **or identification card** for ~~[certain persons]~~ **a person** with ~~[autism;]~~ **a communication impairment;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license ~~[.]~~ **or identification card.** (NRS 483.3485 ~~[)]~~ **, 483.863)** Existing law further requires, upon the application of a person with a disability which limits or impairs the ability to walk, that the Department place a designation on any driver's license **or identification card** issued to the person indicating that the person is a person with such disability. (NRS 483.349 ~~[) Section]~~ **, 483.865) Existing law: (1) authorizes the Director of the Department to adopt and enforce certain regulations relating to the registration of motor vehicles; and (2) requires, with certain exceptions, every owner of a motor vehicle, trailer or semitrailer to apply to the Department or a registered dealer for registration thereof. (NRS 482.160, 482.205) Sections 1 , 1.5 and 1.7** of this bill ~~[requires,]~~ **require,** upon the application of a person with ~~[autism,]~~ **a communication impairment,** that the Department place on any **vehicle registration,** driver's license **or identification card** issued to the person a designation indicating that the person is a person with ~~[autism. The application must include a statement from a licensed physician or an advanced practice registered nurse certifying that the applicant is a person with autism.]~~ **a communication impairment. Sections 1, 1.5 and 1.7 further prohibit the Department from requiring any person to disclose that the person is a person with a communication impairment.**

As used in sections 1, 1.5 and 1.7, the term "a person with a communication impairment" means a person who: (1) is deaf; (2) has a speech disorder; (3) has a language disorder; (4) has an auditory processing disorder; (5) is neurodivergent; or (6) has any other condition that impairs the ability of the person to comprehend language.

Sections 2 and 3 of this bill make conforming changes to indicate the proper placement of **section** ~~[1]~~ **1.5** in the Nevada Revised Statutes.

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

Section 1. **Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Upon the application of a person with a communication impairment, the Department shall place on any vehicle registration issued to the person pursuant to the provisions of this chapter a designation that the person is a person with a communication impairment.

2. The Department shall not require any person to disclose that the person is a person with a communication impairment.

3. As used in this section, "a person with a communication impairment" means a person who:

(a) Is deaf, as defined in NRS 426.084;

(b) Has a speech disorder that impairs the ability of the person to articulate speech sounds, speak fluently or use the person's voice;

(c) Has a language disorder that impairs the ability of the person to comprehend language;

(d) Has an auditory processing disorder that impairs the ability of the person to comprehend language;

(e) Is neurodivergent; or

(f) Has any other condition that impairs the ability of the person to comprehend language.

Sec. 1.3. Chapter 483 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.5 and 1.7 of this act.**

Sec. 1.5. 1. Upon the application of a person with ~~[autism,]~~ a communication impairment, the Department shall place on any driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a person with ~~[autism. The application must include a statement from a licensed physician or an advanced practice registered nurse certifying that the applicant is a person with autism.]~~ a communication impairment.

2. The Department shall not require any person to disclose that the person is a person with a communication impairment.

3. As used in this section, "a person with a communication impairment" has the meaning ascribed to it in section 1 of this act.

Sec. 1.7. 1. Upon the application of a person with a communication impairment, the Department shall place on any identification card issued to the person pursuant to the provisions of NRS 483.810 to 483.890, inclusive, a designation that the person is a person with a communication impairment.

2. The Department shall not require any person to disclose that the person is a person with a communication impairment.

3. As used in this section, "a person with a communication impairment" has the meaning ascribed to it in section 1 of this act.

Sec. 2. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, ***and section ~~[1]~~ 1.5 of this act*** apply only with respect to noncommercial drivers' licenses.

Sec. 3. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, ***and section ~~[1]~~ 1.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1 **~~[, 2 and]~~ to** 3 **, inclusive,** of this act become effective:

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

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

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 172.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 56.

AN ACT relating to collective bargaining; requiring each local government employer to semiannually provide each employee organization recognized by the local government employer certain information relating to each employee of the bargaining unit represented by the employee organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each employee organization recognized by a local government employer in this State to file a report with the Government Employee-Management Relations Board each year containing certain information, including, without limitation, the total number of persons in each bargaining unit represented by the employee organization. (NRS 288.165) **Section 1** of this bill requires **, with certain exception, that** each local government employer **~~[to]~~** provide each employee organization recognized by the local government employer the **name,** address, **email address,** telephone number, work contact information and work location of each employee in the bargaining unit represented by the employee organization **at least** on a semiannual basis. **Section 1 further provides that if a local government employee notifies his or her employer in writing that he or she does not want the employer to provide his or her information to the employee organization, the local government employer: (1) must still provide the**

information to the employee organization twice per year, but must not provide the information to the employee organization more often; and (2) must still provide the information to the Government Employee-Management Relations Board when requested by order of the Board. Section 1 also provides that information about any local government employee provided to an employee organization or the Board is confidential and is not a public record. Section 3 of this bill makes a conforming change relating to making such information confidential and not a public record.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

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

Section 1. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[On]~~ Except as otherwise provided in subsection 3, at least twice each year, on or before January 1 and July 1 , ~~[of each year,]~~ each local government employer shall provide each employee organization recognized by the local government employer the name, address, email address, telephone number, work contact information and work location of each local government employee of the bargaining unit represented by the employee organization.

2. A local government employer is required to provide an employee organization with the information about a local government employee pursuant to subsection 1 regardless of whether the employee has joined the employee organization.

3. If a local government employee notifies his or her employer in writing that he or she does not want the employer to provide any of his or her information to the employee organization recognized by the local government employer, the local government employer:

(a) Must still provide the information set forth in subsection 1 to the employee organization on or before January 1 and July 1 of each year but must not provide the information set forth in subsection 1 to the employee organization more often; and

(b) Must still provide the information set forth in subsection 1 to the Government Employee-Management Relations Board when requested by the order of the Board.

4. Information about any local government employee that is provided pursuant to this section to an employee organization or the Government Employee-Management Relations Board is confidential and is not a public record.

Sec. 2. NRS 288.131 is hereby amended to read as follows:

288.131 As used in NRS 288.131 to 288.280, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in

NRS 288.132 to 288.138, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330,

442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in

any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 111.

AN ACT relating to water; revising provisions relating to a plan of water conservation and plan for incentives relating to water conservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each supplier of water to: (1) adopt a plan of water conservation and update the plan every 5 years; (2) include with the plan of water conservation a water loss audit or certain water loss calculations; and (3) adopt a plan to provide certain incentives relating to water conservation. Existing law defines a "supplier of water" to include any public or private entity that supplies water for municipal, industrial or domestic purposes. (NRS 540.121-540.151) This bill revises the definition of "supplier of water" to exclude a **public or** private entity ~~[with a water right of 3 acre-feet or less per year]~~ that **: (1) has less than 15 service connections; (2) serves year-round residents; and (3)** supplies water for municipal ~~[, industrial]~~ or ~~[domestic]~~ **quasi-municipal** purposes. As a result of the change to the definition of "supplier of water," this bill removes the requirement for such ~~[a private]~~ **an** entity to adopt and update a plan of water conservation, conduct a water loss audit or calculate water losses or adopt a plan to provide certain incentives relating to water conservation.

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

Section 1. NRS 540.121 is hereby amended to read as follows:

540.121 ***1.*** As used in NRS 540.121 to 540.151, inclusive, "supplier of water" includes, but is not limited to:

~~[1.]~~ ***(a)*** Any county, city, town, local improvement district, general improvement district and water conservancy district;

~~[2.]~~ ***(b)*** Any water district, water system, water project or water planning and advisory board created by a special act of the Legislature; and

~~[3.]~~ ***(c)*** Any other public or private entity,

➥ that supplies water for municipal, industrial or domestic purposes.

2. The term does not include ~~[a]~~ ***:***

(a) A public utility required to adopt a plan of water conservation pursuant to NRS 704.662 ~~[.]~~ ***; or***

(b) A public or private entity that ~~[holds a water right for the use of 3 acre-feet or less of water per year that supplies]~~ :

(1) Has less than 15 service connections, as defined in NRS 445A.843;

(2) Serves year-round residents; and

(3) Supplies water for municipal ~~[, industrial or domestic]~~ or quasi-municipal purposes.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 202.

Bill read second time.

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

Amendment No. 69.

AN ACT relating to medical facilities; authorizing a patient in a facility for skilled nursing or his or her representative to request the installation and use of an electronic communication device in the living quarters of the patient; prescribing requirements for the selection and operation of such a device; prohibiting a person from taking certain actions concerning such a device or the images and sounds broadcast by such a device; prohibiting a facility for skilled nursing or an employee of such a facility from taking certain additional actions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain duties of a medical facility, including a facility for skilled nursing, and specific rights of a patient in such a facility. (NRS 449A.100-449A.124) **Sections 3-7** of this bill define certain terms. **Section 9** of this bill authorizes a patient in a facility for skilled nursing or the representative of such a patient to request the installation and use of an electronic communication device in the living quarters of the patient under certain circumstances. Among other requirements, **section 9** requires the patient or representative of the patient to: (1) agree to waive the right to privacy of the patient; and (2) obtain the consent of the roommate of the patient or his or her representative, if applicable. **Section 8** of this bill prescribes the requirements to act as the representative of a patient or roommate for those purposes. **Section 9** requires a facility for skilled nursing to make reasonable efforts to accommodate a patient whose roommate fails to provide such consent. **Section 9** also authorizes a patient, representative or roommate to revoke a request for, or consent to, the installation and use of an electronic communication device.

Section 9 requires a facility for skilled nursing to approve a request for the installation and use of an electronic communication device if the applicable requirements are met. If such approval is granted, **section 10** of this bill provides that the patient or his or her representative is responsible for: (1) choosing the electronic communication device, subject to certain limitations; and (2) the cost of installing, maintaining and removing the electronic communication device.

Section 11 of this bill generally prohibits a person other than the patient or the representative for the patient who has requested the installation and use of an electronic communication device from intentionally: (1) obstructing, tampering with or destroying any such device or recording made by such a device; and (2) viewing or listening to any images or sounds which are displayed, broadcast or recorded by any such device except as otherwise authorized. **Section 11** authorizes an attorney for a patient or certain government officials to view or listen to any images or sounds which are displayed, broadcast or recorded by an electronic communication device or to

temporarily disable or turn off such a device. **Sections 9 and 11** authorize a patient or the representative of a patient to authorize additional persons to view or listen to images or sounds which are displayed, broadcast or recorded by an electronic communication device. **Section 11** prohibits a facility for skilled nursing from denying admission to or discharging a patient from the facility or otherwise discriminating or retaliating against a patient because of a decision to request the installation and use of an electronic communication device. **Section 12** of this bill subjects a person or entity who violates the provisions of **section 11** to certain civil and criminal penalties, and **section 1** of this bill subjects a facility for skilled nursing that violates the provisions of **sections 3-14** of this bill to disciplinary action. **Section 13** of this bill: (1) authorizes a facility for skilled nursing to post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters; and (2) prohibits an employee at a facility for skilled nursing from refusing to enter the living quarters of a patient or fail to perform any of the duties of the employee on the grounds that an electronic communication device is in use in the living quarters. **Section 14** of this bill: (1) authorizes the State Board of Health to adopt regulations necessary to carry out the provisions of **sections 3-14**; and (2) makes the provisions of **sections 3-14** inapplicable to an electronic communication device that is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

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

Section 1. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of sections 3 to 14, inclusive, of this act and any regulation adopted pursuant thereto.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 2. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 14, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.***

Sec. 5. ***"Guardian" has the meaning ascribed to it in NRS 159.017.***

Sec. 6. ***"Living quarters" means the room in which a patient resides.***

Sec. 7. ***"Representative" means a person who is authorized to serve as the representative of a patient pursuant to section 8 of this act.***

Sec. 8. ***A person may serve as the representative of a patient in a facility for skilled nursing, including, without limitation, a patient who is the roommate of a patient who wishes to submit or has submitted a request pursuant to section 9 of this act, for the purposes of sections 3 to 14, inclusive, of this act if the person:***

1. Is the guardian of the patient whom he or she is representing and ~~[the representation]~~ :

(a) The power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is ~~[within the scope of]~~ specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive, and the power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically delegated to the person in the power of attorney.

Sec. 9. *1. A patient in a facility for skilled nursing or the representative of the patient may request the installation and use of an electronic communication device in the living quarters of the patient by submitting to the facility for skilled nursing:*

(a) A completed form prescribed by the facility pursuant to subsection 3; or

(b) If the facility has not prescribed a form pursuant to subsection 3, a written request that meets the requirements of subsection 2.

2. A request submitted pursuant to subsection 1 must include or be accompanied by:

(a) Information regarding the type, function and expected use of the electronic communication device which will be installed and used;

(b) The name and contact information for any person other than the patient or his or her representative who is authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of section 11 of this act;

(c) An agreement by the patient or the representative of the patient to, except as otherwise provided by section 11 of this act:

(1) Waive the patient's right to privacy in connection with use of the electronic communication device; and

(2) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the patient's right to privacy in connection with use of the electronic communication device;

(d) If the patient has a roommate:

(1) The written consent of the roommate or the representative of the roommate to the installation and use of an electronic communication device in the living quarters of the patient; and

(2) An agreement by the roommate or the representative of the roommate to, except as otherwise provided in section 11 of this act:

(I) Waive the roommate's right to privacy in connection with use of the electronic communication device; and

(II) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the roommate's right to privacy in connection with use of the electronic communication device; and

(e) If the request is submitted by the representative of the patient, proof that the representative of the patient meets the requirements of section 8 of this act.

3. A facility for skilled nursing may prescribe a form for use by a patient or the representative of a patient to request to install and use an electronic communication device in the living quarters of the patient. Such a form must include, without limitation:

(a) An explanation of the provisions of sections 3 to 14, inclusive, of this act; and

(b) Places to record the information, agreements and consent described in paragraphs (a) to (d), inclusive, of subsection 2.

4. A facility for skilled nursing shall approve a request by a patient or the representative of a patient pursuant to this section if the request meets the requirements of this section.

5. If the roommate or the representative of the roommate of a patient who wishes to submit a request pursuant to subsection 1, or whose representative wishes to submit such a request, refuses to provide consent and enter into the agreement required by paragraph (d) of subsection 2, the facility for skilled nursing shall make reasonable attempts to accommodate the patient. Such reasonable attempts may include, without limitation, moving either the patient or his or her roommate to different living quarters with the consent of the person being moved or his or her representative.

6. A patient or the representative of a patient who has submitted a request pursuant to subsection 1, a roommate who has provided consent pursuant to paragraph (d) of subsection 2 or the representative of such a roommate may withdraw the request or consent at any time, including, without limitation, after the request has been approved or after an electronic communication device has been installed, by submitting a written revocation to the facility for skilled nursing. Upon the submission of such a written revocation, the facility for skilled nursing shall cause the removal of any electronic communication device that has been installed.

Sec. 10. *1. If a facility for skilled nursing approves a request to install and use an electronic communication device in the living quarters of a patient pursuant to section 9 of this act, the patient or the representative of the patient is solely responsible for:*

(a) Choosing the electronic communication device, subject to the limitations prescribed by subsection 2; and

(b) The cost of the electronic communication device and the cost of installing, maintaining and removing the electronic communication device, if applicable, other than the cost of electricity used to power the electronic communication device.

2. An electronic communication device chosen by a patient or the representative of a patient pursuant to subsection 1 must:

(a) Be capable of being temporarily disabled or turned on and off; and

(b) If the device communicates using video or other visual transmission, to the greatest extent practicable, be installed:

(1) With a fixed viewpoint of the living quarters; or

(2) In a manner that avoids capturing images of activities such as bathing, dressing and toileting.

Sec. 11. *1. Except as otherwise provided in this section, a person other than the patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act shall not intentionally:*

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to section 9 of this act or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Aging and Disability Services Division or the Division of Public and Behavioral Health of the Department of Health and Human Services who is conducting an investigation;

(c) The State Long-Term Care Ombudsman; and

(d) An attorney who is representing the patient or a roommate of the patient and acting within the scope of that representation.

3. A patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device. Any such authorization must be made in writing.

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the living quarters of the patient.

5. A facility for skilled nursing shall not deny admission to or discharge a patient from the facility or otherwise discriminate or retaliate against a patient because of a decision to request the installation and use of an electronic communication device in the living quarters of the patient pursuant to section 9 of this act.

Sec. 12. *1. A natural person who violates subsection 1 of section 11 of this act:*

(a) For a first offense, is liable for a civil penalty not to exceed $5,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $10,000 for each violation; and

(2) Is guilty of a misdemeanor.

2. In addition to any disciplinary action imposed pursuant to chapter 449 of NRS, a facility for skilled nursing or any person, partnership, association or corporation establishing, conducting, managing or operating a facility for skilled nursing who violates subsection 1 or 5 of section 11 of this act:

(a) For a first offense, is liable for a civil penalty not to exceed $10,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $20,000 for each violation; and

(2) Is guilty of a misdemeanor.

3. The Attorney General or any district attorney may recover any civil penalty assessed pursuant to this section in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 13. ***1. A facility for skilled nursing may post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters.***

2. An employee of a facility of skilled nursing shall not refuse to enter the living quarters of a patient which contains an electronic communication device installed pursuant to section 9 of this act or fail to perform any of the duties of the employee on the grounds that such a device is in use.

Sec. 14. ***1. The State Board of Health may adopt regulations necessary to carry out the provisions of sections 3 to 14, inclusive, of this act.***

2. The provisions of sections 3 to 14, inclusive, of this act do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 260.

Bill read second time and ordered to third reading.

Assembly Bill No. 262.

Bill read second time.

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

Amendment No. 29.

AN ACT relating to state purchasing; requiring, to the extent practicable, certain state agencies to give preference to the purchase of certain vehicles and fuels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for the purchase of automobiles by any department, office, bureau, officer or employee of the State. (NRS 334.010) Existing law establishes the Fleet Services Division of the Department of Administration and authorizes the Governor to assign any state-owned vehicle to the Division. (NRS 232.213, 336.060) **Section 1** of this bill requires, to the extent practicable, each department, office, bureau, officer or employee of the State, when purchasing an automobile, to give preference to automobiles that minimize: (1) emissions; and (2) the total cost of the automobile over the service life of the automobile.

Section 1 also requires each department, office, bureau, officer or employee of the State to: (1) give preference to the purchase of motor vehicle fuel blended with ethanol, to the extent practicable; (2) if purchasing an automobile that uses diesel fuel, ensure that the automobile is capable of using biodiesel fuel blends containing not less than 20 percent by volume of biodiesel fuel; and (3) maintain records on the type of fuel used by each automobile purchased by the department, office, bureau, officer or employee. **Section 2** of this bill also requires the Executive Officer of the Division to maintain such records for all state-owned vehicles assigned to the Division.

Section 2.5 of this bill declares that it is the policy of this State to pursue and support a transition of all publicly-owned vehicles to vehicles which emit zero tailpipe emissions by 2050.

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

Section 1. NRS 334.010 is hereby amended to read as follows:

334.010 1. No automobile may be purchased by any department, office, bureau, officer or employee of the State without prior written consent of the State Board of Examiners.

2. All such automobiles must be used for official purposes only.

3. All such automobiles, except:

(a) Automobiles maintained for and used by the Governor;

(b) Automobiles used by or under the authority and direction of the Chief Parole and Probation Officer, the State Contractors' Board and auditors, the State Fire Marshal, the Investigation Division of the Department of Public Safety, the investigators of the Nevada Gaming Control Board, the

investigators of the Securities Division of the Office of the Secretary of State and the investigators of the Attorney General;

(c) One automobile used by the Department of Corrections;

(d) Two automobiles used by the Caliente Youth Center;

(e) Three automobiles used by the Nevada Youth Training Center; and

(f) Four automobiles used by the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services,

➥ must be labeled by painting the words "State of Nevada" and "For Official Use Only" on the automobiles in plain lettering. The Director of the Department of Administration or a representative of the Director shall prescribe the size and location of the label for all such automobiles.

4. ***In accordance with the provisions of chapter 333 of NRS, each department, office, bureau, officer or employee of the State shall:***

(a) To the extent practicable, give preference to the purchase of automobiles which minimize:

(1) Emissions from the automobile; and

(2) The total costs of the automobile over the service life of the automobile, which may include, without limitation, fuel costs, maintenance costs and any rebates or financial incentives offered for the purchase of the automobile;

(b) To the extent practicable, purchase motor vehicle fuel blended with ethanol, including, without limitation, gasoline, biodiesel and biomass-based diesel blends for use in the automobile; and

(c) If purchasing an automobile powered by diesel fuel, ensure that the vehicle is capable of using biodiesel fuel blends comprised of not less than 20 percent by volume of biodiesel fuel.

5. Each department, office, bureau, officer or employee of the State shall maintain records on the type of fuel used by each automobile purchased by the department, office, bureau, officer or employee, which may include, without limitation, electric, gasoline, compressed natural gas, diesel , hydrogen or hybrid fuel sources.

6. Any officer or employee of the State of Nevada who violates any provision of ~~[this section]~~ ***subsection 1, 2 or 3*** is guilty of a misdemeanor.

7. As used in this section:

(a) "Biodiesel" has the meaning ascribed to it in NRS 590.070.

(b) "Biomass-based diesel blend" has the meaning ascribed to it in NRS 590.070.

Sec. 2. NRS 336.080 is hereby amended to read as follows:

336.080 The Executive Officer shall:

1. Be responsible for proper maintenance and storage of all vehicles assigned to the Fleet Services Division.

2. Maintain records ~~[to]~~ ***:***

(a) To show the location and operating and maintenance costs of vehicles assigned to the Fleet Services Division ~~[.]~~ ***; and***

(b) Of the type of fuel used by each vehicle assigned to the Fleet Services Division, which may include, without limitation, electric, gasoline, compressed natural gas, diesel , hydrogen or hybrid fuel sources.

Sec. 2.5. **1. The Legislature hereby finds and declares that:**

(a) The "Nevada Statewide Greenhouse Gas Emissions Inventory and Projections, 1990-2042" indicates that the transportation sector is the top source of greenhouse gas emissions in this State, making up nearly 32 percent of Nevada's emissions in 2020.

(b) The American Lung Association's annual report, "State of the Air." has repeatedly ranked Las Vegas and Reno among the top 25 most polluted cities in terms of air quality, and transportation is a primary contributor to smog-forming pollution and particulate matter linked to lung disease and other serious health conditions.

(c) The State of Nevada spends billions of dollars each year to purchase out-of-state fossil fuels, which makes residents of this State vulnerable to the volatility of oil prices and increases the risk of disruptions in the event of a natural disaster.

(d) Nevada has immense potential to use local clean energy resources to power transportation in this State, furthering its energy independence.

(e) Zero emissions technologies now provide a viable, cost-effective alternative to many vehicles that run on fossil fuels, and prices are continuing to decline as these technologies mature.

(f) For publicly-owned transportation fleets, the transition to electric vehicles can bring considerable cost savings to taxpayers due to lower costs to operate and maintain such vehicles over their lifetimes.

2. It is the policy of this State to pursue and support a transition of all publicly-owned, light-duty vehicles to vehicles which emit zero tailpipe emissions by the year 2040, and to transition all publicly-owned medium- and heavy-duty vehicles to vehicles which emit zero tailpipe emissions by the year 2050.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 302.

Bill read second time and ordered to third reading.

Assembly Bill No. 304.

Bill read second time and ordered to third reading.

Assembly Bill No. 325.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 109.

AN ACT relating to water; providing that certain temporary changes to the place of diversion, manner of use or place of use of **surface** water are not required to be approved by the State Engineer under certain circumstances; authorizing the State Engineer to accept certain nonconforming maps under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exceptions: (1) any person who wishes to change the place of diversion, manner of use or place of use of water already appropriated to apply to the State Engineer for a permit to do so; and (2) for a temporary change of the place of diversion, manner of use or place of use of water already appropriated, the State Engineer to approve such an application for a temporary change if the State Engineer determines the temporary change is in the public interest and does not impair the water rights held by other persons. (NRS 533.325, 533.345) **Section 2** of this bill creates an exception from these requirements to allow a person to temporarily change the place of diversion, manner of use or place of use of **surface** water already appropriated if: (1) the temporary change occurs within the boundaries of an irrigation district within a federal reclamation project; (2) the irrigation district approves the temporary change; and (3) the temporary change does not exceed 1 year. **Section 5** of this bill provides that the definition of the term "water already appropriated" applies to **section 2**. **Section 6** of this bill makes a conforming change to provide that the provisions of **section 2** are an exception to the requirement for the State Engineer to approve a temporary change.

Existing law requires certain applications relating to water to be accompanied by a map which must meet certain requirements. (NRS 533.350, 533.355, 533.405, 533.415) **Section 3** of this bill authorizes the State Engineer to accept a map which does not meet such requirements if: (1) the map is filed in connection with an application to appropriate **surface** water or to change the place of diversion, manner of use or place of use of **surface** water that is subject to the control of an irrigation district within a federal reclamation project; and (2) the irrigation district approves the map. **Section 7** of this bill makes a conforming change to provide that the provisions of **section 3** are an exception to the requirement that a map filed in connection with a proof of application of water to beneficial use conform to the rules and regulations of the State Engineer.

Existing law provides that a water right acquired for use in a federal reclamation project is governed by, with certain exceptions, the applicable law of this State in effect on the date on which the United States appropriated water for initiation of the project. (NRS 533.037) **Section 4** of this bill makes a conforming change to provide that a water right acquired for use in a federal reclamation project is subject to the provisions of **sections 2 and 3**.

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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***A person is not required to file an application for a temporary change of the point of diversion, manner of use or place of use for water already appropriated pursuant to NRS 533.345 if the request is for a temporary change for surface water in which:***

1. The temporary change occurs within the boundaries of an irrigation district within a federal reclamation project;

2. The irrigation district approves the temporary change; and

3. The temporary change does not exceed 1 year.

Sec. 3. ***The State Engineer may, in his or her discretion, accept a map that does not conform with the requirements of chapter 533 of NRS and any regulations adopted pursuant thereto if:***

1. The map is filed in connection with an application to appropriate surface water or to change the point of diversion, manner of use or place of use of surface water that is subject to the control of an irrigation district within a federal reclamation project; and

2. The irrigation district in which the water is located has approved the map.

Sec. 4. NRS 533.037 is hereby amended to read as follows:

533.037 1. The priority of a water right acquired by a person for use in a federal reclamation project is determined according to the date on which the United States appropriated water for initiation of the project. Notwithstanding the fact that the water right so appropriated and acquired may ultimately vest in the name of the person at a later date, ***and except as otherwise provided in sections 2 and 3 of this act,*** all such water rights so acquired are governed by the applicable law of this State in effect on the date on which the United States appropriated water for initiation of the project, unless the water rights vested under the law in this State before the time the United States first appropriated or otherwise acquired the water for initiation of the project. If the water right vested under the law in this State before appropriation or acquisition by the United States, the date of initiation of the water right is determined according to the date on which the water was first diverted under that appropriation or acquisition by the United States.

2. No water rights, in addition to those allocated under applicable court decrees, are granted, stated or implied by the determination of the date of priority pursuant to subsection 1.

Sec. 5. NRS 533.324 is hereby amended to read as follows:

533.324 As used in NRS 533.325, 533.345 and 533.425, ***and section 2 of this act,*** "water already appropriated" includes water for whose appropriation the State Engineer has issued a permit but which has not been applied to the intended use before an application to change the place of diversion, manner of use or place of use is made.

Sec. 6. NRS 533.325 is hereby amended to read as follows:

533.325 Except as otherwise provided in NRS 533.027, 533.028 and 534.065, ***and section 2 of this act,*** any person who wishes to appropriate any of the public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.

Sec. 7. NRS 533.405 is hereby amended to read as follows:

533.405 1. The State Engineer may, in his or her discretion, request that the statement required by NRS 533.400 be accompanied by a map on tracing linen on a scale of not less than 1,000 feet to the inch, which shall show with substantial accuracy the following:

(a) The point of diversion by legal subdivisions or by metes and bounds from some corner, when possible, from the source of supply.

(b) The traverse of the ditch or other conduit, together with cross sections of the same.

(c) The legal subdivisions of the land embraced in the application for the permit and the outline by metes and bounds of the irrigated area, with the amount thereof.

(d) The average grade and the difference in elevation of the termini of the conduit, and the carrying capacity of the same.

(e) The actual quantity of water flowing in the canal or conduit during the time the survey was being made.

2. The map must bear the affidavit of the surveyor or engineer making such survey and map. If the survey and map are made by different persons the affidavit of each must be on the map, showing that the map as compiled agrees with the survey.

3. ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** map shall conform with such rules and regulations as the State Engineer shall make, which rules shall not be in conflict herewith.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 350.

Bill read second time and ordered to third reading.

Assembly Bill No. 388.

Bill read second time and ordered to third reading.

Assembly Bill No. 424.

Bill read second time and ordered to third reading.

Assembly Bill No. 443.

Bill read second time and ordered to third reading.

Assembly Bill No. 457.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 71, 99, 113, and 161 be rereferred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Monroe-Moreno moved that Assembly Bills Nos. 260, 302, 304, 388, 443, and 457 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Jauregui moved that upon return from the printer, Assembly Bill No. 325 be placed on the Chief Clerk's Desk.
Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 146 be taken from the General File and placed on the Chief Clerk's Desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 23.
Bill read third time.
Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:
Assembly Bill 23 creates an additional informal process for the resolution of an administrative citation issued by the State Contractors' Board. A person who is issued such a citation may submit a written request to the Executive Officer of the Board for an informal citation conference within 15 business days after the citation was served. The Executive Officer is required to conduct an informal citation conference within 60 business days after receiving such a request and must affirm, modify, or dismiss the citation.
A person may contest the Executive Officer's decision within 15 business days after the informal citation conference. If a person submits written notice of his or her intent to contest the citation within that period, or if that period is extended by the Board, the Board is required to hold a hearing on the matter. An affirmed or modified citation is a final order of the Board and is not subject to review by a court or agency. The failure of a person to comply with a final order constitutes cause for disciplinary action by the Board.

Roll call on Assembly Bill No. 23:
YEAS—42.
NAYS—None.
Assembly Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 27.
Bill read third time.
Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 27 requires a general building contractor who provides management and counseling services on a construction project for a professional fee to have an active license in the same classifications or subclassifications that are required to be held by the prime contractor on the construction project.

Roll call on Assembly Bill No. 27:

YEAS—33.

NAYS—Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, McArthur, O'Neill—9.

Assembly Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 35.

Bill read third time.

Remarks by Assemblywoman Mosca.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 35 removes statutory provisions authorizing offenders to have access to a telecommunications device and instead requires the Director of the Department of Corrections to adopt regulations authorizing an offender to possess and use a telecommunications device for certain purposes, including communicating with his or her child, appearing in court, receiving medical care, applying for a governmental program, performing legal research, and obtaining educational training.

This bill is effective upon passage and approval for the purposes of adopting regulations and performing any other necessary preparatory administrative tasks, and on January 1, 2024, for all other purposes.

Roll call on Assembly Bill No. 35:

YEAS—42.

NAYS—None.

Assembly Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 39.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Assembly Bill 39 authorizes the State Contractors' Board to adopt regulations establishing certain requirements pertaining to contracts used by a residential contractor and the owner of a completed single-family residence who occupies the single-family residence for any construction, remodeling, repair, or improvement to the single-family residence or any activity for the supervision of such work. The measure also sets forth certain information that must be included in such a contract. A contractor's failure to comply with the requirements for contracts for work concerning a residential improvement or regulations adopted by the Board is subject to disciplinary action.

This bill is effective on October 1, 2023.

Roll call on Assembly Bill No. 39:

YEAS—33.

NAYS—Backus, DeLong, Dickman, Gallant, Gray, Hafen, Hansen, McArthur, O'Neill—9.

Assembly Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 40.

Bill read third time.

Remarks by Assemblywoman Newby.

ASSEMBLYWOMAN NEWBY:

Assembly Bill 40 authorizes the inclusion of an electronic mail address in an application to a health authority for a permit to operate a food establishment by which the health authority may communicate with the applicant and send any inspection report form or other notice. The bill authorizes a health authority to furnish an electronic original food inspection report form after such an inspection and to serve an inspection report form or other written notice on a permit holder by sending the notice to the electronic mail address provided by the permit holder. The exceptions are notices related to the suspension or revocation of permits, which shall not be provided via electronic communication.

Roll call on Assembly Bill No. 40:

YEAS—42.

NAYS—None.

Assembly Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 44.

Bill read third time.

Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:

Assembly Bill 44 revises the titles of the deputy directors of the Department of Veterans Services and certain duties of the Director of the Department. The measure requires the Director to provide quarterly training to veterans service officers employed by the Department and to additionally offer the training to representatives of veterans service organizations who are accredited by the United States Department of Veterans Affairs located in this state.

Roll call on Assembly Bill No. 44:

YEAS—42.

NAYS—None.

Assembly Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 51.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Assembly Bill 51 revises the period for the mandatory and discretionary arrest of a person suspected of committing a battery which constitutes domestic violence. The bill requires a peace officer to arrest a person suspected of such a crime if the peace officer encounters the person while responding to the initial request for assistance relating to the battery; within 24 hours after the alleged battery; or if the peace officer did not encounter the person while responding to the initial request, within seven days after the alleged battery. Lastly, this bill prohibits a court from granting

probation to, or suspending the sentence of, a person who is charged with committing a battery which constitutes domestic violence that is punishable as a felony.

This bill is effective on October 1, 2023.

Roll call on Assembly Bill No. 51:

YEAS—42.

NAYS—None.

Assembly Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

Bill read third time.

Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

Assembly Bill 52 makes various changes to the Open Meeting Law, including clarifying what constitutes a meeting of a public body. The bill clarifies that nonvoting members are not counted for purposes of determining a quorum of that public body, and if a vacancy occurs in the voting membership of a public body, the necessary quorum and number of votes necessary to act on a matter is reduced as though the voting membership does not include the vacancy. The bill changes the notice requirements for a meeting to consider administrative action against a person and provides that a quorum reduction provision in the Nevada Ethics in Government Law applies to all public bodies in the state. The bill makes conforming changes to include remote technology systems as one means by which public bodies may conduct meetings and exempts from the Open Meeting Law committees of private citizens created by city councils or the Secretary of State to draft the background for ballot questions.

Finally, it provides that library foundations, parent-teacher associations, and certain university foundations are not subject to the Open Meeting Law unless they otherwise meet a certain definition of a public body.

Roll call on Assembly Bill No. 52:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, Kasama, McArthur, O'Neill—11.

Assembly Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 56.

Bill read third time.

Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:

Assembly Bill 56 authorizes drivers of certain vehicles to travel for more than 200 feet to overtake and pass another vehicle on a paved shoulder of a highway where lawfully placed signage allows this, although the driver may not, upon the immediate approach of an authorized emergency vehicle that is using certain flashing lights, drive to and stop on such a highway shoulder. Additionally, the bill authorizes drivers of certain vehicles to drive on a paved shoulder of a controlled-access highway where lawfully placed signage allows this.

Roll call on Assembly Bill No. 56:

YEAS—42.

NAYS—None.

Assembly Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 57.

Bill read third time.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Assembly Bill 57 provides that if a person is unable to sell a vehicle with a lien at a public auction at fair market value, the person may satisfy the lien by selling the vehicle by private sale directly to a third-party purchaser in an arm's-length transaction. The bill also removes the requirement that a sale must be held at or near the place where the lien was acquired. The bill revises the Department of Motor Vehicles' reporting requirement concerning garages, garage operators, and body shops.

Lastly, the bill repeals the authority for the issuance of a special license plate to an honorary consul of a foreign country, thereby terminating the production and distribution of such plates.

The effective date is July 1, 2023.

Roll call on Assembly Bill No. 57:

YEAS—42.

NAYS—None.

Assembly Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 97.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Assembly Bill 97 precludes certain government entities from adopting a building code or taking any other action prohibiting or limiting the use of refrigerants designated by the United States Environmental Protection Agency as a refrigerant alternative or substitute if equipment installation complies with certain industry standards. The bill authorizes the governing body of any city, county, or other governmental entity to adopt a building code or ordinance or take any other action to prohibit the construction or use of evaporative cooling mechanisms or restrict water service to properties utilizing these mechanisms.

Finally, the bill voids any currently existing building codes or other actions adopted by the governing body of a city, county, or other governmental entity limiting or prohibiting refrigerant alternatives or substitutes.

This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 97:

YEAS—42.

NAYS—None.

Assembly Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 101.

Bill read third time.

Remarks by Assemblywoman González.

ASSEMBLYWOMAN GONZÁLEZ:

Assembly Bill 101 requires each office of a prosecuting attorney to maintain complete and systematic records of cases prosecuted by the office in which testimony is provided by an informant pursuant to a cooperation agreement. Such records are confidential and not considered public books or records. If a prosecuting attorney intends to use testimony provided by an informant in a trial, the prosecuting attorney is required to disclose certain information or material to the defendant as soon as practicable before a trial, but not later than 30 days before the trial, unless the court revises the deadline. In addition, if a court finds that making the disclosures may result in substantial bodily harm to the informant, the court may order the disclosures to only be made to the attorney for the defendant and not to the defendant or any other party. Lastly, a court is required to instruct the jury to consider certain information in assessing the credibility of an informant.

Roll call on Assembly Bill No. 101:

YEAS—42.

NAYS—None.

Assembly Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 121.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 121 revises provisions related to incarcerated persons. The Department of Corrections is required to provide an offender with the original physical copy of any mail addressed to the offender that they are entitled and allowed to receive. The Department and city or county jails and detention facilities are required to provide notification within 24 hours to certain persons concerning an incarcerated person's critical medical condition if the incarcerated person was required to stay in a medical facility overnight. If the incarcerated person's medical condition does not require an overnight stay in a medical facility, the Department and city or county jails and detention facilities are required to provide the incarcerated person with the opportunity to make a telephone call to a friend, relative, or other person regarding their health status within 4 hours after their return to the facility where they are incarcerated. Lastly, this bill requires the Department to ensure that if an offender requires prescription medication, the prescription will be filled in a timely manner.

Roll call on Assembly Bill No. 121:

YEAS—42.

NAYS—None.

Assembly Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Assembly Bill 122 provides an exception to the age verification requirement governing the sale, distribution, or offering for sale of tobacco products for a face-to-face transaction that occurs within areas of a casino where persons under 21 years of age are already prohibited from loitering.

Roll call on Assembly Bill No. 122:

YEAS—42.

NAYS—None.

Assembly Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 143.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 143 authorizes a board of county commissioners to convey, without consideration and without complying with certain requirements in existing law, real property that the county acquired directly from the federal government for the purpose of clearing title to the property. The real property must be conveyed, as prescribed, to the person or persons, as applicable, who have an interest in the property. The county recorder of any county in which the board of county commissioners conveys any real property per the provisions of this bill between October 1, 2023, and June 30, 2024, must report on or before July 1, 2024, to the Joint Interim Standing Committee on Government Affairs the number of such conveyances initiated or completed.

This bill sunsets on June 30, 2025.

Roll call on Assembly Bill No. 143:

YEAS—42.

NAYS—None.

Assembly Bill No. 143 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 144.

Bill read third time.

Remarks by Assemblywoman La Rue Hatch.

ASSEMBLYWOMAN LA RUE HATCH:

Assembly Bill 144 prohibits the sale and distribution of certain mercury-containing fluorescent lamps by 2025 and 2026 and authorizes the Attorney General to bring civil action to enforce the provisions of the bill.

Roll call on Assembly Bill No. 144:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 145.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Assembly Bill 145 requires a peace officer to arrest a person, whether or not a warrant has been issued, if there is probable cause to believe that the person has violated the prohibition of a customer engaging in prostitution or solicitation for prostitution except in a licensed house of prostitution. The minimum fine for the first offense is increased to not less than $800 from $400, and the civil penalty for any offense is increased to $600 from $200. Lastly, a person is authorized to petition the court two years after the person is discharged and the proceedings against the person are dismissed for the sealing of all records relating to the discharge and dismissal.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 145:

YEAS—42.

NAYS—None.

Assembly Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:

Assembly Bill 183 relates to the commercial sexual exploitation of children. It applies to a local facility for the detention of children, a regional facility for the treatment and rehabilitation of children, and a state facility for the detention of children. The facilities are required to screen each child as long as there is a valid screening tool to determine whether the child is a victim of commercial sexual exploitation. Facilities must report commercial sexual exploitation of a child to an agency that provides child welfare services if the results of the screening indicate that the child is a victim.

Roll call on Assembly Bill No. 183:

YEAS—42.

NAYS—None.

Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 251.

Bill read third time.

Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

Assembly Bill 251 removes the requirement for the State Board of Pharmacy to adopt regulations prescribing every language in which certain information about a prescription is required to be provided based on demographic trends and projections, and instead requires each pharmacy to provide such information in any of the ten languages most commonly spoken at home in this state, as determined by the most recent decennial census. The measure authorizes a pharmacy to provide the specific directions for use given by the prescribing practitioner in English and the other language in a separate document if it is impractical to include that information on the label or other device affixed to the container of the prescription in English only.

Roll call on Assembly Bill No. 251:

YEAS—33.

NAYS—DeLong, Dickman, Gallant, Gurr, Hafen, Hansen, Kasama, McArthur, O'Neill—9.

Assembly Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366.

Bill read third time.

Remarks by Assemblyman D'Silva.

ASSEMBLYMAN D'SILVA:

Assembly Bill 366 moves the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State and revises the membership of the Task Force.

Roll call on Assembly Bill No. 366:

YEAS—42.

NAYS—None.

Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Brian McAnallen.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Fernando Herrera and Luis Herrera.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Mendez and Ericka Avilles.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Olivieri and Janie Mielcarek.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Lee Peterson-Brunjes and Jonathan Brunjes.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Idania Munoz and Tony Munoz.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Winnie Dowling.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Henderson International School: Abigail Dror, Addison Lavietes, Albert Wang, Alicia Ford, Amelia Forstrom, Andrew Rice, Arielle Mengistu, Asher Stone, Aurora Young, Avonni Baker, Ayva Swanson,

Bryton Bohn, Caleb Chou, Callan Primmer, Cameron Cabaud, Chloe Sissener, Cosette Gabroy, David Ford, David Ranck, Dylan Hawkins, Emmett James, Ethan Lerner-Payne, Fischer Cox, Freya Sissener, Hailey Baldwin, Hayes Taplin, Hudson Miller, Isabella Wilson, Isla Rayl, Jack Trippiedi, Jarek Zukowski, Jorgen Van Den Bos, Justice Fargas, Kennedy Schaefer, Kensey Waits, Kieran Seink, Kimaya Garg, Krew Findlay, Lauren Walter, Maddalena Guerrieri, Madison Henderson, Mark Mundson, Mateo Tagle, Meleena Tran, Michael Korovin, Michael Ming, Mila Ledell, Nathan Farrell, Nathan Perry, Olivia Lee, Reina Zuber, Shayden Chopra, Sloan Crighton, Sophia Howard, Sophia Labuz, Tom Moreau, Valentino Guadagna, Violet Stone, Winter Rini, Zachary Jones, and Zaira Wang.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Mujica.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Juan Mendez and Peter Guzman.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Carlos Gomez.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Vazquez and Maggie Petrel.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Damon Schilling.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Luis Bobbys.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Esmeralda da Villeda.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Adriana Pereda.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Jorge Soto, Olivia Ngo, and Zoila Sanchez.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, April 14, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:19 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 14, 2023

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

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

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

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

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

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

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

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

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

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

ELAINE MARZOLA, *Chair*

Mr. Speaker:

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

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

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

SELENA TORRES, *Chair*

Mr. Speaker:

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

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

SARAH PETERS, *Chair*

Mr. Speaker:

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

BRITTNEY MILLER, *Chair*

Mr. Speaker:

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

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

MICHELLE GORELOW, *Chair*

Mr. Speaker:

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

LESLEY E. COHEN, *Chair*

Mr. Speaker:

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

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

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

SHEA BACKUS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 13, 2023

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

SARAH COFFMAN
Fiscal Analysis Division

April 14, 2023

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

BRENDA J. ERDOES
LCB Director

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Speaker Yeager.
For: Assembly Bill No. 404.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 14, 2023.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

SECOND READING AND AMENDMENT

Assembly Bill No. 1.
Bill read second time and ordered to third reading.

Assembly Bill No. 6.
Bill read second time and ordered to third reading.

Assembly Bill No. 21.
Bill read second time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 16.
AN ACT relating to financial services; revising the powers and duties of the Commissioner of Financial Institutions with respect to the licensure and regulation of persons engaged in the business of money transmission; exempting certain persons from provisions governing money transmission; revising provisions relating to the issuance and renewal of licenses to engage in the business of money transmission; revising provisions relating to the confidentiality of certain records maintained by the Commissioner; imposing certain requirements and restrictions on applicants for a license, licensees, authorized delegates, key individuals and persons seeking to acquire control of a licensee; setting forth certain requirements for transactions involving money transmission; revising provisions relating to the suspension, revocation or denial of renewal of a license; providing penalties; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law provides for the licensure and regulation by the Commissioner of Financial Institutions of persons engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits. (Chapter 671 of NRS) This bill adds to, revises and repeals various provisions in the existing statutory scheme governing the licensure and regulation of such persons for the purposes of establishing a statutory scheme governing persons engaged in the business of money transmission which is modeled, in general,

after the Model Money Transmission Modernization Act approved by the Conference of State Bank Supervisors.

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

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

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

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

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

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

Existing law requires all money or credit received by an agent of a licensee from the sale and issuance of checks or for the purpose of transmission to be remitted to the licensee or deposited with a bank or credit union authorized to do business in this State within a certain amount of time following the receipt of the money or credits. (NRS 671.150) **Sections 38, 40 and ~~[77]~~ 84** of this bill revise requirements regarding the remittance of money, credits or

monetary value by a person who engages in money transmission on behalf of a licensee. **Section ~~[77]~~ 38** requires ~~[all]~~ **an authorized delegate to remit and handle** money, credits and monetary value ~~[received by an authorized delegate for money transmission to be remitted to]~~ **in accordance with the terms of** the **written contract entered into with the** licensee. **Section 38** defines "remit" to mean, in general, to make a direct payment of money, credits or monetary value to a licensee or to deposit money in an account in a bank or credit union specified by the licensee. **Section 38** provides that all money net of fees received by an authorized delegate from money transmission is held in trust by the authorized delegate to the benefit of the licensee. **Section 40** provides that an authorized delegate who knowingly fails to remit money held in trust for the benefit of a licensee is guilty of a misdemeanor.

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

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

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

Existing law requires a licensee to have in force a surety bond meeting certain requirements. (NRS 671.100) **Section 74** of this bill revises the requirements for such a surety bond. **Section 49** of this bill requires a licensee to at all times maintain a tangible net worth in a specified amount. **Sections 56-61** of this bill impose certain requirements on a licensee concerning reporting and recordkeeping. **Section 78** of this bill eliminates certain reporting requirements for a licensee.

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

Section 50 of this bill requires a person or group of persons acting in concert seeking to acquire control of a licensee to obtain the approval of the Commissioner before acquiring control of the licensee. **Section 50** sets forth

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

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

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

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

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

Existing law authorizes the Commissioner to issue an order requiring the immediate cessation of the business of a licensee under certain circumstances. (NRS 671.160) **Section 63** of this bill authorizes the Commissioner to issue an order requiring a licensee or authorized delegate to cease and desist certain violations. **Section 62** of this bill authorizes the Commissioner to issue an order suspending or revoking the designation of an authorized delegate under certain circumstances. **Section 64** of this bill authorizes the Commissioner to resolve a matter arising from a violation or alleged violation by a person through a consent order.

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

~~[Section 80 of this bill authorizes the Commissioner to impose a civil penalty for any violation of the provisions of this bill of not more than $1,000 per day of the violation.]~~ **Section 81** of this bill provides that any person who,

without a license, knowingly engages in any activity for which a license is required is guilty of a misdemeanor.

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

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

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

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

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

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

(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9. ***1. "Control" means:***

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

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

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

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

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

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

2. The term includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The term includes payroll processing services.

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

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

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

Sec. 23. *1. "Outstanding money transmission obligation" means:*

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

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

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

Sec. 24. *"Passive investor" means a person that:*

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

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

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

4. Does either of the following:

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

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

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

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

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

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

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

1. Deliver wages or salaries;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 40. ***1. If, in any action brought by a licensee against an authorized delegate, the court finds that the authorized delegate failed to remit money in accordance with the written contract with the licensee required by section 38 of this act or as otherwise directed by the licensee or***

required by law, the court may grant appropriate equitable or legal relief, including, without limitation, prohibiting the authorized delegate from directly or indirectly acting as an authorized delegate for any licensee in this State and the payment of restitution, damages or other monetary relief.

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

(a) The Commissioner within 30 days after entry of the order; and

(b) The Registry within 90 days after entry of the order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. A receipt required by this section must:

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

(b) Contain the following information, as applicable:

(1) The name of the sender;

(2) The name of the designated recipient;

(3) The date of the transaction;

(4) The unique transaction or identification number;

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

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

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

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

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

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

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

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

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

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

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

(d) Payroll processing services.

5. As used in this section:

(a) "Receipt" means a paper receipt, electronic record or other written confirmation.

(b) "Unique identifier" has the meaning ascribed to it in NRS 671.099.

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

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

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

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

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

2. Except for the permissible investments specified in subsection 1 of section 46 of this act, the Commissioner, with respect to any licensee, may limit the extent to which a specific investment maintained by a licensee within a class of permissible investments may be considered a permissible investment if the specific investment represents an undue risk to customers not reflected in the market value of investments.

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

(a) Insolvency;

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

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

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

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

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

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

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

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

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

(a) Cash, including demand deposits, savings deposits and money in accounts held for the benefit of the customers of the licensee in a federally insured depository financial institution or privately insured depository financial institution;

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any of the following investments:

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

(2) Commercial paper bearing an eligible rating;

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

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

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

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

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

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

(1) Has an eligible rating;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The Commissioner may designate an agent to serve on behalf of the Commissioner as beneficiary to a letter of credit so long as the agent and letter of credit meet any requirements established by the Commissioner. The agent may serve as agent for multiple licensing authorities for a single irrevocable letter of credit if the proceeds of the drawable amount for the purposes of this section are assigned to the Commissioner.

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

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

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

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

1. One hundred thousand dollars; or

2. Three percent of total assets for the first $100,000,000 in assets, 2 percent of additional assets that exceed $100,000,000 but do not exceed $1 billion and 0.5 percent of additional assets that exceed $1 billion.

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

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

~~*(a) An]*~~ *an application in a form prescribed by the Commissioner* ~~*. [; and*~~

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

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

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

5. When an applicant for acquisition of control of a licensee has submitted the application required pursuant to subsection ~~*[1]*~~ *2 which appears to include all the items and address all of the matters that are required by* ~~*[that subsection and paid all applicable fees,]*~~ *the application, the application shall be considered complete. A determination by the Commissioner that an application is complete and is accepted for processing means only that the application, on its face, appears to include all of the items and address all of the matters that are required and is not an assessment of the substance of the application or of the sufficiency of the information provided.*

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

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

(b) The financial condition and responsibility, financial and business experience, competence, character and general fitness of the person or

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

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

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

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

8. If the Commissioner denies an application for approval to acquire control of a licensee submitted pursuant to subsection ~~[1,]~~ 2, the Commissioner shall issue to the applicant a formal written notice of the denial not more than 30 days after the date on which the Commissioner has made the decision to deny the application. The notice must set forth the specific reasons for the denial of the application. An applicant whose application for approval to acquire control of a licensee is denied may, not more than 30 days after the date on which the notice was issued, appeal the decision and request a hearing pursuant to NRS 233B.121 to 233B.150, inclusive.

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

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

(b) A person that acquires control of a licensee by devise or descent;

(c) A person that acquires control of a licensee as a personal representative, custodian, guardian, conservator or trustee or as an officer appointed by a court of competent jurisdiction or by operation of law;

(d) A person that is exempt under this chapter;

(e) A person that the Commissioner determines is not subject to this section based on the public interest;

(f) A public offering of securities of a licensee or a person in control of a licensee;

(g) An internal reorganization of a person in control of the licensee where the ultimate person in control of the licensee remains the same; or

(h) A person described in section 52 of this act.

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

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

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

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

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

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

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

1. The person has not had a license revoked or suspended or controlled a licensee that has had a license revoked or suspended while the person was in control of the licensee in the 5 years immediately preceding the date on which the person intends to complete the acquisition of control of a licensee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Cooperate, coordinate and share information with organizations whose membership is made up of state or federal governmental agencies if

any such organization agrees to maintain the confidentiality and security of the shared information pursuant to section 37 of this act.

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

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

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

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

(a) Identifies the inconsistency; and

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

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

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

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

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

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

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

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

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

(a) A record of each outstanding money transmission obligation sold;

(b) A general ledger posted at least monthly that contains all asset, liability, capital, income and expense accounts;

(c) Bank statements and bank reconciliation records;

(d) A record of each outstanding money transmission obligation;

(e) A record of each outstanding money transmission obligation paid during the 5-year period;

(f) A list of the last known name and address of each of the authorized delegates of the licensee; and

(g) Any other records the Commissioner reasonably requires by regulation.

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

(a) In any form; and

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

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

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

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

(b) The filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for the dissolution or reorganization of the licensee or the making of a general assignment for the benefit of the creditors of the licensee; or

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

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

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

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

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

(a) Financial information concerning the licensee;

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

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

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

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

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

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

(a) The legal name of the company;

(b) Taxpayer employer identification number;

(c) Principal provider identifier;

(d) Physical address;

(e) Mailing address;

(f) Any business conducted in other states;

(g) Any fictitious or trade name;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. If the Commissioner issues an order against an authorized delegate pursuant to subsection 1, the Commissioner may also issue a separate order against a licensee to cease and desist from providing money transmission through the authorized delegate.

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

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

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

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

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

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

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

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

~~[(a) Bank, its parent or]~~

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

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

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

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

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

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

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

(c) Payment for the goods and services is treated as received by the payee upon receipt by the agent so that the obligation of the payor is extinguished

and there is no risk of loss to the payor if the agent fails to remit the money to the payee.

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

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

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

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

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

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

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

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

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

10. Board of trade designated as a contract market under the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., as amended, or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for the board of trade.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The application must contain:

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

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

(c) ~~[The name and addresses, business and residential, of the proprietor or partners of the applicant or, if the applicant is a corporation or association, of each of the directors, trustees and principal officers, and of any stockholder who owns 20 percent or more of]~~ ***A list of*** the applicant's ~~[stock; and]~~ ***proposed***

authorized delegates and the locations in this State where the applicant and authorized delegates propose to engage in money transmission;

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

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

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

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

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

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

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

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

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

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

(d) The legal name, any fictitious or trade name, each business and residential address and the employment history, as applicable, in the 10 years immediately preceding the submission of the application of each key individual and person in control of the applicant;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The form and medium of any additional content required to be included in an application for a license. The regulations may require such an application to be in such form and medium and contain such additional content that the Commissioner determines to be necessary to carry out the purposes of this chapter and maintain consistency with the licensing standards and practices of the Registry.

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

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

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

671.060 1. ~~[Upon the filing of]~~ ***When an applicant for a license has submitted*** the application ~~[, payment of the]~~ ***required pursuant to NRS 671.050 which appears to include all the items and address all of the matters that are required by that section, submitted the information required***

pursuant to NRS 671.098 and paid all applicable fees and ~~[approval of]~~ the ***Commissioner has approved the*** surety bond or securities ~~[,]~~ ***of the applicant, the application shall be considered complete.***

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

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

~~[2. If]~~

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

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

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

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

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

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

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

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

(a) Conforms to the requirements for an initial application ~~[.]~~ ***; and***

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

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

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

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

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

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

3. A change must not be made in:

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

(b) The name of the licensed business; or

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

➥ without prior notice to and approval of the Commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Amend or surrender a license;

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

(4) Pay any applicable fees; and

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

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

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

~~2.]~~ ***; and***

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

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

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

~~[3.]~~ ***5.*** The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out the provisions of this

section. Such regulations may, without limitation, establish ***any*** additional procedures and requirements for participation in the Registry ~~[.~~ ~~4.]~~ ***that the Commissioner determines are consistent with law, public interest and the purposes of this section.***

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

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

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

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

(b) ~~[Information]~~ ***Except as otherwise provided in subsection 6, information*** concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Employment history;

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

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

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

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

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

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

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

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

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

(a) One hundred thousand dollars; or

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

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

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

~~3.~~] ***4.*** A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against the licensee by any creditor or claimant arising out of business regulated by this chapter, give notice thereof to the Commissioner by registered or certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by registered or certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

~~[4.]~~ ***5.*** Whenever the principal sum of the bond is reduced by recoveries or payments thereon, the licensee shall furnish:

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

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

~~[5.]~~ ***6.*** The liability of the surety on the bond to a creditor or claimant is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

~~[6.]~~ ***7.*** The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the licensee's ~~[~~~agents~~]~~ ***authorized delegates*** within 30 days after:

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

(b) The termination of the bond,

➥ whichever event occurs first.

~~[7.]~~ ***8.*** Whenever the Commissioner determines that the protection of the public so requires, the Commissioner may order that an increase be made in the principal sum of the bond of any licensee, except that the Commissioner may not order an increase of more than $10,000 if the licensee has submitted a current financial statement, or more than $15,000 otherwise.

~~[8.]~~ ***9.*** Neither a licensee nor the licensee's surety may cancel or alter a bond except after notice to the Commissioner by registered or certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection ~~[6.]~~ ***7.***

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

671.120 1. ~~[Except as otherwise provided in subsection 4, once each year the]~~ ***The*** Commissioner shall ***, as often as the Commissioner determines to be necessary,*** examine the financial accounts of each licensee and any other documents relevant to the conduct of the licensee's business ~~[,]~~ and ~~[the Commissioner]~~ may conduct ***other*** examinations ~~[at additional times.]~~ ***of a licensee or authorized delegate that the Commissioner determines to be necessary. The Commissioner may take any action authorized by the provisions of this chapter or the regulations adopted pursuant thereto as reasonably necessary or appropriate to administer and enforce the provisions of this chapter, the regulations adopted pursuant thereto and other applicable law, including, without limitation, the Bank Secrecy Act and the USA Patriot Act.***

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

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

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

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

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

(e) Summon and examine under oath a key individual or employee of a licensee or authorized delegate and require the key individual or employee

to produce records regarding any matter related to the condition and business of the licensee or authorized delegate.

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

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

5. For each examination ***of a licensee or an authorized delegate of the licensee,*** the Commissioner shall charge and collect from the licensee a fee for conducting the examination and in preparing and typing the report at the rate established and, if applicable, adjusted pursuant to NRS 658.101.

~~[4. The Commissioner may accept a report of an audit of the licensee which covers the most recent fiscal year in lieu of conducting an examination.]~~

Sec. 76. ~~[NRS 671.140 is hereby amended to read as follows:~~

~~671.140 In every place of business licensed or covered by a license under this chapter,~~ ***and on the Internet website of each licensee and authorized delegate,*** there ~~[shall]~~ ***must*** be ~~conspicuously posted at all times a schedule of the rates charged for [the sale or issuance of checks and the receipt for]~~ ***money*** ~~transmission. [or transmission of money or credits.] No fees may be charged or collected in excess of the posted rates.]~~ **(Deleted by amendment.)**

Sec. 77. ~~[NRS 671.150 is hereby amended to read as follows:~~

~~671.150 1. All money, [or] credits~~ ***or monetary value*** ~~received by an [agent]~~ ***authorized delegate*** ~~of a licensee from [the sale and issuance of checks or for the purpose of]~~ ***money*** ~~transmission must be remitted to the licensee. [or deposited with a bank or credit union authorized to do business in this state for credit to an account of the licensee not later than the third business day following its receipt.]~~

~~2. [Money received from the sale or issuance of checks or for the purpose of transmission must not be commingled with the other assets of the licensee or his or her agents.~~

~~3.] If a license is suspended or terminated, the licensee shall immediately deposit in an account in the name of the Commissioner, an amount which is sufficient to make the total money in the account equal to all outstanding [checks in the State of Nevada sold or issued and money or credits received but not transmitted.~~

~~4. Each licensee shall at all times maintain liquid assets, government or municipal securities or other marketable securities having a value, computed in accordance with generally accepted accounting principles, equal to or more than the aggregate liability of the licensee with respect to checks sold and~~

~~issued and money or credits received for~~**]** ***money*** ~~transmission~~ **[.]** ***obligations of the licensee in this State.***

~~*3. As used in this section, "remit" has the meaning ascribed to it in section 38 of this act.*~~ **]** **(Deleted by amendment.)**

Sec. 78. NRS 671.170 is hereby amended to read as follows:

671.170 1. The Commissioner may conduct any necessary investigations and hearings to determine whether any licensee **,** ***authorized delegate*** or other person has violated any of the provisions of this chapter or whether any licensee has conducted himself or herself in a manner which requires the suspension, revocation or denial of renewal of his or her license.

2. In conducting any investigation or hearing pursuant to this chapter, the Commissioner, or any person designated by the Commissioner, may require the attendance and testimony of any person and compel the production of all relevant books, records, accounts and other documents. The Commissioner shall charge and collect from each licensee or other person a fee at the rate established and, if applicable, adjusted pursuant to NRS 658.101 for the cost of any supervision, audit, examination, investigation or hearing conducted pursuant to this chapter or any regulations adopted pursuant thereto.

3. ~~[Each licensee shall submit to the Registry, on or before April 15 of each year, an annual report of condition on a form prescribed by the Commissioner.]~~ The Commissioner may require any licensee to submit such reports concerning the licensee's business as the Commissioner deems necessary for the enforcement of this chapter.

4. Except as otherwise provided in NRS 239.0115, ***and section 37 of this act,*** all reports of investigations and examinations and other reports rendered pursuant to this section, ~~[and]~~ all correspondence and memoranda relating to or arising therefrom, including any authenticated copies thereof in the possession of any licensee or the Commissioner, ***and all other information related to an examination or investigation*** are confidential communications, are not subject to any subpoena, and must not be made public unless the Commissioner determines that justice and the public advantage will be served by their publication. This subsection does not preclude any party to an administrative or judicial proceeding from introducing into evidence any information or document otherwise available or admissible.

Sec. 79. NRS 671.180 is hereby amended to read as follows:

671.180 1. If the Commissioner has reason to believe that grounds exist for the suspension, revocation or denial of renewal of a license, the Commissioner shall give 10 days' written notice to the licensee, stating the grounds therefor, and shall set a date for a hearing, if a hearing is requested by the licensee. If the protection of the public so requires, the Commissioner may suspend the license at any time before the hearing.

2. At the conclusion of the hearing, the Commissioner shall enter a written order either dismissing the charges or suspending, revoking or denying the renewal of the license. The order must include a statement of the grounds for the action taken by the Commissioner and becomes effective 10 days after

receipt of a copy of the order by the licensee at the licensee's principal place of business. The Commissioner may immediately suspend, revoke or deny the renewal of the license in a case where the licensee has failed to maintain in effect the required surety bond or insurance policy.

3. The grounds for suspension, revocation or denial of renewal of a license are ~~[:]~~ ***that:***

(a) ~~[Failure]~~ ***The licensee has failed*** to pay the annual fee for renewal or the fee for late renewal;

(b) ~~[Failure]~~ ***The licensee has failed*** to maintain in effect the required bond or securities;

(c) ~~[Fraud,]~~ ***The licensee has committed an act of fraud,*** misrepresentation or ~~[omission of]~~ ***gross negligence or has omitted*** any material fact in any application, statement or report;

(d) ~~[Failure]~~ ***The licensee has failed*** to pay any judgment arising from the licensee's business within 30 days after the judgment becomes final or within 30 days after the expiration of a stay of execution on the judgment; ~~[or]~~

(e) ~~[Violation]~~ ***The licensee has failed to cooperate with an examination or investigation by the Commissioner;***

(f) The competence, experience, character or general fitness of the licensee, an authorized delegate of the licensee, a responsible person of such an authorized delegate, a person in control of the licensee or a key individual of the licensee indicates that it is not in the public interest to allow the licensee to provide money transmission;

(g) The licensee has engaged in an unsafe or unsound practice;

(h) The licensee is insolvent, suspends payment of its obligations or makes a general assignment for the benefit of its creditors;

(i) The licensee has not removed an authorized delegate of the licensee after the Commissioner issued and served on the licensee a final order that includes a finding that the authorized delegate has committed a violation of any provision of this chapter or any regulation adopted or order issued by the Commissioner pursuant to this chapter ~~[.]~~ ***;***

(j) An authorized delegate of the licensee, as a result of the willful misconduct or willful blindness of the licensee, has been convicted of a violation of a state or federal anti-money laundering statute or has committed a violation of any provision of this chapter or any regulation adopted or order issued by the Commissioner pursuant to this chapter; or

(k) The licensee has committed a violation of any provision of this chapter or any regulation adopted or order issued by the Commissioner pursuant to this chapter.

4. ***In determining whether a licensee has engaged in an unsafe or unsound practice pursuant to paragraph (g) of subsection 3, the Commissioner may consider the size and condition of the money transmission of the licensee, the magnitude of the loss, the gravity of the violation of the provisions of this chapter or the regulations adopted or order***

issued by the Commissioner pursuant thereto and the previous conduct of the licensee.

5. Any action taken by the Commissioner pursuant to this section is subject to judicial review in the first judicial district court.

Sec. 80. ~~[NRS 671.185 is hereby amended to read as follows:~~

~~671.185 ***1.*** In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than $10,000 upon a person who:~~

~~[1.] ***(a)*** Without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter; or~~

~~[2.] ***(b)*** Violates any provision of this chapter or any regulation adopted pursuant thereto.~~

~~***2. In addition to the administrative fine prescribed in subsection 1, the Commissioner may impose on a person who violates any provision of this chapter or any regulation adopted or order issued by the Commissioner pursuant thereto a civil penalty of not more than $1,000 per day of the violation, and each day's continuance of the violation constitutes a separate and distinct violation. The Commissioner may recover the reasonable costs of enforcing this subsection, including, without limitation, the costs of investigating and prosecuting the violations and reasonable attorney's fees and costs.***~~ **(Deleted by amendment.)**

Sec. 81. NRS 671.190 is hereby amended to read as follows:

671.190 1. Any person who:

(a) ***Without a license, knowingly engages in any activity for which a license is required pursuant to this chapter;***

(b) Violates any provision of this chapter, or any regulation adopted or order issued by the Commissioner pursuant to this chapter;

~~[(b)]~~ ***(c)*** Knowingly makes any false or misleading statement of a material fact in any application, statement or report filed pursuant to this chapter;

~~[(c)]~~ ***(d)*** Knowingly omits to state any material fact necessary to provide the Commissioner with information lawfully required by the Commissioner; or

~~[(d)]~~ ***(e)*** Refuses to permit or obstructs any lawful investigation, examination, entry or access by the Commissioner,

➥ is guilty of a misdemeanor.

2. Each day during which a violation continues constitutes a separate offense.

3. The imposition of any fine or term of imprisonment pursuant to subsection 1:

(a) Is in addition to any suspension, revocation or denial of renewal of a license which may result from the violation.

(b) Is not a bar to enforcement of this chapter by an injunction or other appropriate civil remedy.

Sec. 82. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,

453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 37 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 83. Notwithstanding the amendatory provisions of this act, a person who, on June 30, 2023, holds a valid license issued by the Commissioner of Financial Institutions pursuant to NRS 671.060 is not required to comply with the amendatory provisions of this act until January 1, 2024, and, until that date, may engage in the business of selling or issuing checks or of receiving for transmission money or credits in accordance with the provisions of chapter 671 of NRS, as those provisions existed before July 1, 2023.

Sec. 84. NRS 671.010, 671.055**_** ~~[~~**,** ~~and]~~ 671.090 **, 671.140 and 671.150** are hereby repealed.

Sec. 85. This act becomes effective on July 1, 2023.

~~[~~TEXT~~]~~ LEADLINES OF REPEALED SECTIONS

671.010 Definitions. ~~[As used in this chapter, unless the context otherwise requires:~~

~~1. "Check" means any check, draft, money order or other instrument used for the transmission or payment of money. "Check" does not include a traveler's check.~~

~~2. "Licensee" means any person licensed under this chapter.~~

~~3. "Nationwide Multistate Licensing System and Registry" or "Registry" has the meaning ascribed to it in NRS 604A.083.~~**]**

671.055 Application for license: Additional requirements. ~~**[**In addition to any other requirements set forth by specific statute, each person who applies for a license to engage in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits must submit proof satisfactory to the Commissioner that the person:~~

~~1. Is at least 21 years of age; and~~

~~2. Is a citizen of the United States or lawfully entitled to remain and work in the United States.~~**]**

671.090 Agents of licensees: When license required; application; fees; regulations; withdrawal of application.

~~**[**1. A separate license is not required for an agent of a licensee unless the agent directly sells or delivers the licensee's checks over the counter to the public and, in the ordinary course of such business, receives or has access to:~~

~~(a) The licensee's checks which, after payment, are returned through banking channels or otherwise for verification, reconciliation or accounting with respect thereto; or~~

~~(b) Bank statements relating to checks so returned.~~

~~2. Each agent of a licensee who must be licensed pursuant to subsection 1 must:~~

~~(a) Submit an application to the Commissioner which is in writing, signed by the applicant and on a form prescribed by the Commissioner;~~

~~(b) Pay an application fee of not less than $200 and not more than $500; and~~

~~(c) Pay a license fee of not less than $200 and not more than $500.~~

~~3. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.~~

~~4. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.~~**]**

671.140 Schedule of rates: Posting; excess fees prohibited.

671.150 Deposit of receipts; commingling prohibited; deposit if license suspended or terminated; assets must cover liabilities.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 37.

Bill read second time and ordered to third reading.

Assembly Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 75.

AN ACT relating to legislative measures; authorizing **, under certain circumstances,** a city that is incorporated by special charter to have one additional legislative measure for the purpose of amending its city charter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a city council to request the drafting of a certain number of legislative measures for a regular session of the Legislature based on the population of the city. (NRS 218D.205) This bill provides that if a city is incorporated by special charter (currently the cities of Boulder City, Caliente, Carlin, Carson City, Elko, Henderson, Las Vegas, Mesquite, North Las Vegas, Reno, Sparks, Wells and Yerington), in addition to the number of legislative measures that the city council is authorized to request based on the population of the city, the city council may **, with certain exceptions,** request 1 legislative measure for a regular session that proposes to amend the charter of the city. **This bill further provides that the city council may not request the additional legislative measure that proposes to amend the city charter more than twice in any 10-year period.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218D.205 is hereby amended to read as follows:

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is 500,000 or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. ***If a city is incorporated by special charter, in addition to the number of legislative measures authorized pursuant to subsection 5, the city council may , except as otherwise provided in this subsection, request 1 legislative measure for a regular session that proposes to amend the charter of the city. A city council may not request the additional legislative measure authorized pursuant to this subsection more than twice in any 10-year period.***

7. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

~~[7.]~~ ***8.*** As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 124.

AN ACT relating to fetal alcohol spectrum disorders; making certain provisions applicable to fetal alcohol spectrum disorders; **requiring the Medicaid program to provide coverage of certain services to persons with fetal alcohol spectrum disorders;** providing that fetal alcohol spectrum disorder is a developmental disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Advisory Board on Maternal and Child Health, the Division of Public and Behavioral Health of the Department of Health and Human Services and the University of Nevada School of Medicine to take certain actions to monitor, prevent, identify and treat fetal alcohol syndrome. (NRS 442.137, 442.385, 442.390, 442.420) Existing law also provides that, if a pregnant woman is referred to the Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol syndrome, any report relating to the referral or other associated documentation is confidential and not to be used in any criminal prosecution of the woman. (NRS 442.395) **Sections 2-6** of this bill expand the applicability of those provisions to apply to all fetal alcohol spectrum disorders. **Section 1** of this bill defines the term "fetal alcohol spectrum disorder" for the purposes of provisions relating to maternal and child health to mean a continuum of birth defects caused by maternal consumption of alcohol during pregnancy.

Existing law requires the Department to administer Medicaid. (NRS 422.270) Section 6.7 of this bill requires the Director of the Department, to the extent that federal financial participation is available, to include under Medicaid coverage for certain supports and services provided to recipients of Medicaid with fetal alcohol spectrum disorders. Section 6.7 also authorizes the Department to apply to the Federal Government for any waiver granted pursuant to federal law or amendment necessary to the State Plan for Medicaid to receive federal funding to include such coverage in the State Plan. Section 6.3 of this bill makes a conforming change to indicate that the provisions of section 6.7 will be administered in the same manner as the provisions of existing law governing Medicaid.

Existing law defines "developmental disability" for the purpose of provisions governing services for persons with developmental disabilities as a neurological condition that manifests before a person attains the age of 22 years, is likely to continue indefinitely and results in substantial functional limitations. (NRS 435.007) **Section 7** of this bill provides that a fetal alcohol spectrum disorder is a developmental disability.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Division" means the Division of Public and Behavioral Health of the Department.

5. "Fetal alcohol ~~[syndrome" includes fetal alcohol effects.]~~ ***spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.***

6. "Freestanding birthing center" has the meaning ascribed to it in NRS 449.0065.

7. "Laboratory" has the meaning ascribed to it in NRS 652.040.

8. "Midwife" means:

(a) A person certified as:

(1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(2) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or

(b) Any other type of midwife.

9. "Provider of health care or other services" means:

(a) A clinical alcohol and drug counselor who is licensed, or an alcohol and drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; or

(i) The holder of a certificate of registration as a pharmacist.

Sec. 2. NRS 442.137 is hereby amended to read as follows:

442.137 The purpose of the Advisory Board is to advise the Administrator of the Division concerning perinatal care to enhance the survivability and health of
infants and persons who are pregnant, are giving birth and have given birth, and concerning programs to improve the health of preschool children, to achieve the following objectives:

1. Ensuring the availability and accessibility of primary care health services;

2. Reducing the rate of infant mortality;

3. Reducing the incidence of preventable diseases and handicapping conditions among children;

4. Identifying the most effective methods of preventing fetal alcohol ~~[syndrome]~~ ***spectrum disorder*** and collecting information relating to the incidence of fetal alcohol ~~[syndrome]~~ ***spectrum disorders*** in this state;

5. Preventing the consumption of alcohol by women during pregnancy;

6. Reducing the need for inpatient and long-term care services;

7. Increasing the number of children who are appropriately immunized against disease;

8. Increasing the number of children from low-income families who are receiving assessments of their health;

9. Ensuring that services to follow up the assessments are available, accessible and affordable to children identified as in need of those services;

10. Assisting the Division in developing a program of public education that it is required to develop pursuant to NRS 442.385, including, without limitation, preparing and obtaining information relating to fetal alcohol ~~[syndrome;]~~ ***spectrum disorders;***

11. Assisting the University of Nevada School of Medicine in reviewing, amending and distributing the guidelines it is required to develop pursuant to NRS 442.390; and

12. Promoting the health of infants and persons who are pregnant, are giving birth or have given birth by ensuring the availability and accessibility of affordable perinatal services.

Sec. 3. NRS 442.385 is hereby amended to read as follows:

442.385 The Division shall develop and carry out a program of public education to increase public awareness about the dangers of fetal alcohol ~~[syndrome]~~ ***spectrum disorders*** and other adverse effects on a fetus that may result from the consumption of alcohol during pregnancy. The program must include, without limitation:

1. Educational messages that are directed toward the general public and specific geographical areas and groups of persons in this State that are identified pursuant to subsection 1 of NRS 442.420 as having women who are at a high risk of consuming alcohol during pregnancy.

2. Providing training materials to school personnel to assist them in identifying pupils who may be suffering from ***a*** fetal alcohol ~~[syndrome]~~ ***spectrum disorder*** and offering to provide the parents of those pupils with a referral for diagnostic services and treatment.

3. If a toll-free telephone service is otherwise provided by the Division, the use of that telephone service for providing information relating to programs for the treatment of substance use disorders, providers of health care or other services and other available resources, and referrals to those programs, if appropriate. The telephone number must be disclosed in the educational messages provided pursuant to this section.

Sec. 4. NRS 442.390 is hereby amended to read as follows:

442.390 The University of Nevada School of Medicine shall develop guidelines to assist a provider of health care or other services in identifying:

1. Pregnant women who are at a high risk of consuming alcohol during pregnancy; and

2. Children who are suffering from fetal alcohol ~~[syndrome.]~~ ***spectrum disorders.***

Sec. 5. NRS 442.395 is hereby amended to read as follows:

442.395 Except as otherwise provided in NRS 239.0115 and 439.538, if a pregnant woman is referred to the Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol ~~[syndrome,]~~ ***spectrum disorders,*** any report relating to the referral or other associated documentation is confidential and must not be used in any criminal prosecution of the woman.

Sec. 6. NRS 442.420 is hereby amended to read as follows:

442.420 The Division shall develop and maintain a system for monitoring fetal alcohol ~~[syndrome,]~~ ***spectrum disorders*** that may include, without limitation, a method of:

1. Identifying the geographical areas in this state in which women are at a high risk of consuming alcohol during pregnancy and groups of persons in this state that include such women;

2. Identifying and evaluating deficiencies in existing systems for delivering perinatal care; and

3. Collecting and analyzing data relating to systems for delivering perinatal care.

Sec. 6.3. **NRS 232.320 is hereby amended to read as follows:**

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 6.7 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 6.7. **Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Director shall, to the extent that federal financial participation is available, include under Medicaid coverage for supports and services provided to recipients of Medicaid with fetal alcohol spectrum disorders that are aimed at allowing such recipients to remain living in the home of the recipient or in a community-based setting.

2. The Department may apply to the Secretary of Health and Human Services for any waiver granted pursuant to federal law, amendment to the State Plan for Medicaid or other federal authority that authorizes the Department to receive federal funding to provide the coverage described in subsection 1. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

Sec. 7. NRS 435.007 is hereby amended to read as follows:

435.007 As used in this chapter, unless the context otherwise requires:

1. "Administrative officer" means a person with overall executive and administrative responsibility for those state or nonstate intellectual and developmental disability centers designated by the Administrator.

2. "Administrator" means the Administrator of the Division.

3. "Child" means any person under the age of 18 years who may be eligible for intellectual disability services or developmental disability services.

4. "Department" means the Department of Health and Human Services.

5. "Developmental disability" means autism, cerebral palsy, epilepsy ***, a fetal alcohol spectrum disorder*** or any other neurological condition diagnosed by a qualified professional that:

(a) Is manifested before the person affected attains the age of 22 years;

(b) Is likely to continue indefinitely;

(c) Results in substantial functional limitations, as measured by a qualified professional, in three or more of the following areas of major life activity:

(1) Taking care of oneself;

(2) Understanding and use of language;

(3) Learning;

(4) Mobility;

(5) Self-direction; and

(6) Capacity for independent living; and

(d) Results in the person affected requiring a combination of individually planned and coordinated services, support or other assistance that is lifelong or has an extended duration.

6. "Director of the Department" means the administrative head of the Department.

7. "Division" means the Aging and Disability Services Division of the Department.

8. "Division facility" means any unit or subunit operated by the Division for the care, treatment and training of consumers.

9. ***"Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.***

10. "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

~~[10.]~~ ***11.*** "Intellectual and developmental disability center" means an organized program for providing appropriate services and treatment to persons with intellectual disabilities and persons with developmental disabilities. An intellectual and developmental disability center may include facilities for residential treatment and training.

~~[11.]~~ ***12.*** "Medical director" means the chief medical officer of any program of the Division for persons with intellectual disabilities or developmental disabilities.

~~[12.]~~ ***13.*** "Mental illness" has the meaning ascribed to it in NRS 433.164.

~~[13.]~~ ***14.*** "Parent" means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

~~[14.]~~ ***15.*** "Person" includes a child and any other consumer with an intellectual disability and a child or any other consumer with a developmental disability who has attained the age of 18 years.

~~[15.]~~ ***16.*** "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.

~~[16.]~~ ***17.*** "Residential facility for groups" means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

~~[17.]~~ ***18.*** "Training" means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual disabilities or persons with developmental disabilities through the process of providing those experiences that will enable the person to:

(a) Develop his or her physical, intellectual, social and emotional capacities to the fullest extent;

(b) Live in an environment that is conducive to personal dignity; and

(c) Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

~~[18.]~~ ***19.*** "Treatment" means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. **1.** This **section becomes effective upon passage and approval.**

2. Sections 1 to 6, inclusive, 7 and 8 of this act ~~[becomes]~~ **become** effective on July 1, 2023.

3. Sections 6.3 and 6.7 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 188.

Bill read second time and ordered to third reading.

Assembly Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 76.

AN ACT relating to elections; **establishing requirements relating to the purchase of mail ballots and return envelopes used in certain elections in this State;** revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State. (NRS 293.250) **Sections ~~[1]~~ 1.5 and 4** of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. **Sections ~~[1]~~ 1.5 and 4** also require ~~[each county and city clerk to: (1) submit to]~~ the Secretary of State ~~[a request to use a unique color for all]~~ **to prescribe a method for distinguishing the** return envelopes ~~[in the]~~ **of each** county or city, ~~[as applicable; and (2) print return envelopes in the unique color approved by the Secretary of State for that county or city,]~~ as applicable.

Section 1 of this bill requires the Secretary of State to enter into a statewide contract for the purchase of all ballots and return envelopes used in a presidential preference primary election, primary election and general election in this State. Section 1 further requires each county and city clerk to use the ballots and return envelopes purchased by the Secretary of State for such elections. Section 5.5 of this bill provides that a county or city clerk may request from the Secretary of State an exemption from this requirement for the presidential preference primary election, primary election and general election held in 2024.

Existing law requires a county clerk and city clerk to keep continuously posted certain signs and notices which indicate that electioneering is prohibited between the boundary marked by the sign and the entrance to a polling place. (NRS 293.361, 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and city clerk to ensure that any signs and notices posted are: (1) at least ~~[18]~~ **17** inches by ~~[12]~~ **11** inches in size; (2) placed on a window or door of the polling place or freestanding; and (3) visible to a person approaching the boundary marked by the sign.

Existing law defines "electioneering" to include buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to provide instead that "electioneering" includes buying, selling, wearing or displaying any badge, button or other insigne which expressly

refers to any political party or a candidate or ballot question to be voted upon at that election.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Secretary of State shall enter into a contract for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in all presidential preference primary elections, primary elections and general elections held in this State. Such a contract is subject to the provisions of chapter 333 of NRS. Each county clerk and city clerk in this State shall use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract entered into pursuant to this section for all presidential preference primary elections, primary elections and general elections.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include ~~*[:*~~

~~*(a) Include]*~~ postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base . ~~*[; and*~~

~~*(b) Be printed in a unique color approved by the Secretary of State pursuant to subsection 6 for the county.]*~~

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe ~~[the]~~ :

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in ~~[subsections 3 and 6,]~~ paragraph (b), be uniform throughout the State ~~[.~~

~~6. Each county clerk shall submit to the Secretary of State a request to use a unique color for all return envelopes in the county.]~~ ; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 2. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The county clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least ~~[18]~~ 17 inches by ~~[12]~~ 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 3. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. ***The county clerk shall ensure that any notice posted pursuant to subsection 1 is:***

(a) At least ~~[18]~~ 17 inches by ~~[12]~~ 11 inches in size;

(b) Placed on a window or door of the polling place or a freestanding sign; and

(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.

3. The provisions of ~~[~~subsection~]~~ ***subsections*** 1 ***and 2*** do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

~~[~~3.~]~~ ***4.*** Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~[~~4.~]~~ ***5.*** As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which ~~[is designed or tends to aid or promote the success or defeat of]~~ ***expressly refers to*** any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 4. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include ~~[:~~

~~(a) Include]~~ postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base . ~~[; and~~

~~(b) Be printed in a unique color approved by the Secretary of State pursuant to subsection 6 for the city.]~~

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe ~~[the]~~ :

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in ~~[subsections 3 and 6,]~~ paragraph (b), be uniform throughout the State ~~[.~~

~~6. Each city clerk shall submit to the Secretary of State a request to use a unique color for all return envelopes in the city.]~~ ***; and***

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[a]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The city clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least ~~[18]~~ 17 inches by ~~[12]~~ 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 5.5. **Upon the request of a county clerk or city clerk, the Secretary of State may grant an exemption from the requirement to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract entered into pursuant to section 1 of this act for the presidential preference primary election, primary election and general election that is held in 2024.**

Sec. 6. 1. This section ~~[becomes]~~ **and section 5.5 of this act become** effective upon passage and approval.

2. Sections 1 to 5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 68.

~~[CONTAINS UNFUNDED MANDATE (§§ 3, 9)~~
~~(Not Requested by Affected local Government)]~~

AN ACT relating to behavioral health; requiring the ~~[Commission on Behavioral]~~ **Department of** Health **and Human Services** to provide certain oversight and make certain recommendations concerning the children's behavioral health system of care; ~~[requiring the formulation and operation of]~~ **adding certain members to the subcommittee on the mental health of children of the Commission on Behavioral Health; prescribing certain duties of a regional behavioral health policy board; creating a statewide mental health consortium; prescribing the membership, powers and duties of the statewide mental health consortium; authorizing each mental health consortium to request the drafting of not more than one legislative measure for each regular session of the Legislature; clarifying the authority of the State Board of Health to require the licensing of certain facilities; requiring the Joint Interim Standing Committee on Health and Human Services to conduct a study of the feasibility of formulating and operating a** comprehensive state ~~[plans]~~ **plan** to provide behavioral health services for adults and children; ~~[requiring the certification of persons and entities who receive federal or state money to provide such services; requiring~~

~~the adoption of clinical standards of care for the provision of such services; revising certain duties of the Commission, regional behavioral health policy boards and mental health consortiums of this State;~~] and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires **: (1)** the ~~[Commission on Behavioral Health to establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders and persons with co-occurring disorders. (NRS 433.314)~~] **Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain duties relating to the provision of behavioral health services in this State; and (2) the Division of Child and Family Services of the Department to administer provisions governing mental health services for children. (NRS 433.331-433.374, chapter 433B of NRS)** **Section 2** of this bill requires the ~~[Commission]~~ **Department** to: (1) track the spending of federal and state money on the children's behavioral health system of care, which consists of certain behavioral health services for children and their families; (2) quantify and track the costs avoided through such expenditures; and (3) perform certain duties to provide oversight for and make recommendations concerning the reinvestment of the money saved through such avoided costs in the children's behavioral health system of care.

~~[Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to: (1) formulate and operate a comprehensive state plan for programs for alcohol or other substance use disorders; (2) coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of programs for alcohol or other substance use disorders in this State; and (3) certify or deny the certification of detoxification technicians or any facilities or programs on the basis of the standards established by the State Board of Health. Existing law makes a detoxification technician or facility or program that has not obtained such certification ineligible to receive state and federal money for programs for alcohol or other substance use disorders. (NRS 458.025) Sections 3 and 9 of this bill require the Division of Public and Behavioral Health and the Division of Child and Family Services of the Department, respectively, to: (1) formulate and operate comprehensive state plans to provide behavioral health services for adults and children, as applicable; and (2) coordinate the efforts to carry out the state plans and coordinate all state and federal financial support of behavioral health services for children and adults, as applicable, in this State. Sections 3 and 9 require a person or entity that provides behavioral health services to be certified by the Division of Public and Behavioral Health or the Division of Child and Family Services, as applicable, in order to receive federal or state money for the provision of behavioral health services for adults or children, as applicable. Section 13 of this bill allows a person or entity that provides behavioral health services and is not so certified to continue to receive~

~~such money until July 1, 2024. Sections 3 and 9 also require the Board and the Division of Child and Family Services to adopt regulations prescribing clinical standards of care for the provision of behavioral health services for adults and children, respectively. Sections 4-6 of this bill: (1) eliminate certain duties of the Commission that are similar to duties prescribed by sections 3 and 9; and (2) instead require the Commission to make recommendations to the Division of Public and Behavioral Health and the Division of Child and Family Services, as appropriate, concerning the performance of the duties prescribed by sections 3 and 9. Sections 7, 10 and 12 of this bill make conforming changes to replace references to duties eliminated by sections 4-6.~~]

Existing law establishes a regional behavioral health policy board for each of the five behavioral health regions of this State. (NRS 433.428, 433.429) Existing law requires each regional behavioral health policy board to: (1) advise the Department, the Division of Public and Behavioral Health and the Commission **on Behavioral Health** regarding certain matters relating to behavioral health in the region; and (2) submit an annual report to the Commission concerning the behavioral health needs of the region and certain duties of the policy board. (NRS 433.4295) **Section 8** of this bill additionally requires each regional behavioral health policy board to advise the Division of Child and Family Services regarding behavioral health for children in the region over which the policy board has jurisdiction. **Section 8** also requires a regional behavioral health policy board to additionally submit the annual report to the Division of Public and Behavioral Health and the Division of Child and Family Services.

Existing law establishes a mental health consortium for each county whose population is 100,000 or more (currently Clark and Washoe Counties) and another behavioral health consortium for the jurisdiction consisting of all other counties in this State. (NRS 433B.333) **Section 10.5 of this bill establishes a statewide mental health consortium to represent all mental health consortia established by existing law. Section 10.5 also prescribes the membership of the statewide mental health consortium. Section 11.3 of this bill prescribes the powers and duties of the statewide mental health consortium, which include representing all regional mental health consortia and taking certain other actions related to the mental health of children.**

Existing law requires each mental health consortium to: (1) prepare and submit to the Director of the Department a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium; and (2) annually submit to the Director of the Department and the Commission certain reports relating to the long-term strategic plan. (NRS 433B.335) **Section 11 of this bill exempts the statewide mental health consortium from those requirements. Sections 6 and 11.6 of this bill make conforming changes to clarify that only a mental health consortium that represents a particular region is required to submit a long-term strategic plan. Section 11** ~~[of this bill]~~ additionally requires each

mental health consortium **that represents a particular region** to submit the long-term strategic plan and the annual reports to the Administrator of the Division of Child and Family Services.

Existing law requires the Commission to appoint a subcommittee on the mental health of children to review each long-term strategic plan submitted by a mental health consortium that represents a particular region. (NRS 433.317) Section 6 requires that subcommittee to include two members of the statewide mental health consortium.

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 12.3 of this bill authorizes the statewide mental health consortium and each regional mental health consortium to request the drafting of not more than one legislative measure for each regular session of the Legislature. Section 12.5 of this bill makes a conforming change to indicate the proper placement of section 12.3 in the Nevada Revised Statutes.

Existing law: (1) requires a medical facility or facility for the dependent to obtain a license from the Division of Public and Behavioral Health; and (2) authorizes the State Board of Health to adopt regulations requiring the licensing of other types of facilities that provide any type of medical care or treatment. (NRS 449.030, 449.0303) Section 12.8 of this bill clarifies that the authority of the State Board to require such licensing includes the authority to require the licensing of facilities that provide behavioral health care or treatment.

Existing law requires the Division of Public and Behavioral Health to formulate and operate a comprehensive state plan for programs for alcohol or other substance use disorders. (NRS 458.025) Section 13.5 of this bill requires the Joint Interim Standing Committee on Health and Human Services to study, during the 2023-2024 interim, the feasibility of formulating and operating a similar comprehensive state plan for the provision of behavioral health services to adults and children in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The ~~[Commission]~~ Department shall:***

(a) Track the spending of federal and state money on the children's behavioral health system of care;

(b) ~~[Using an evidence based method of calculating averted expenses prescribed by the Department, quantify]~~ Quantify and track the costs avoided through the expenditures described in paragraph (a) over time;

(c) Solicit, compile and analyze information and hold public hearings concerning:

(1) The use of federal and state money spent on the children's behavioral health system of care; and

(2) Ways to reinvest the money saved through the avoided costs quantified pursuant to paragraph (b) in the children's behavioral health system of care in a manner that addresses the behavioral health needs of children in this State and reduces the involvement of such children in the child welfare and juvenile justice systems; ~~*[and]*~~

(d) On or before ~~*[August 1]*~~ *June 30 of every even-numbered year* ~~*[:*~~

~~*(1) Compile a report which includes, without limitation:]*~~ *, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning:*

~~*[(I)]*~~ *(1) The costs that are projected to be avoided through the expenditure of federal and state money on the children's behavioral health system of care during the immediately following 2 years; and*

~~*[(II)]*~~ *(2) Recommendations for the reinvestment of such avoided costs in accordance with subparagraph (2) of paragraph (c); and*

~~*[(2) Submit the]*~~

(e) On or before December 31 of every even-numbered year, submit a report ~~*[compiled pursuant to subparagraph (1)]*~~ *of the information described in paragraph (d) to the Governor,* ~~*[the Director of the Department]*~~ *and the Director of the Legislative Counsel Bureau for transmittal to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means at the beginning of the next regular session of the Legislature.*

2. For the purposes of this section, the children's behavioral health system of care consists of:

(a) Respite care for families and caregivers;

(b) Community-based and in-home behavioral health services for children;

(c) Services for children in a behavioral health crisis, including, without limitation, mobile crisis services and services for in-home stabilization;

(d) Services to promote the coordination of behavioral health care between families and providers, including, without limitation, high fidelity wraparound;

(e) Family-to-family peer support services;

(f) Specialty services for children with an emotional disturbance and dual diagnoses;

(g) Behavioral health services identified in the state plan for foster care and adoption assistance established pursuant to 42 U.S.C. § 671; and

(h) Any other services prescribed by regulation of the Division of Child and Family Services of the Department.

3. As used in this section:

(a) "Child with an emotional disturbance" has the meaning ascribed to it in NRS 433B.045.

(b) "High fidelity wraparound" means an evidence-based, structured and team-oriented process for developing and implementing a plan to meet all of the behavioral health needs of a child with complex behavioral health issues in collaboration with the family of the child.

Sec. 3. ~~*[1. The Division:*~~

~~*(a) Shall formulate and operate a comprehensive state plan to provide behavioral health services for adults which must include, without limitation:*~~

~~*(1) A survey of the need for behavioral health services for adults, including, without limitation, a survey of the providers needed to provide services and a plan for the development and distribution of services and programs throughout this State.*~~

~~*(2) A plan for programs to educate the public on issues relating to behavioral health disorders and behavioral health services for adults.*~~

~~*(3) A survey of the need for persons who have professional training in fields of behavioral health and other persons involved in the provision of behavioral health services for adults, and a plan to provide the necessary services.*~~

~~*→ In developing and revising the state plan, the Division shall consider, without limitation, the amount of money available from the Federal Government for behavioral health services for adults and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for programs for behavioral health services for adults.*~~

~~*(b) Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of behavioral health services for adults in this State.*~~

~~*(c) Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with behavioral health services for adults, and shall review the applications and advise the applicants concerning the applications.*~~

~~*(d) Shall certify or deny certification of providers of behavioral health services for adults on the basis of the standards established by the State Board of Health pursuant to subsection 2, and publish a list of certified providers. Any providers of behavioral health services for adults which are not certified are ineligible to receive state or federal money to provide such services.*~~

~~*(e) Upon request from a provider of behavioral health services for adults which is self-supported, may certify the provider and add the provider to the list described in paragraph (d).*~~

~~*2. The State Board of Health shall adopt regulations to carry out the provisions of this section. The regulations:*~~

~~*(a) Must prescribe clinical standards of care for the provision of behavioral health services for adults; and*~~

~~*(b) May prescribe the fees for the certification of providers of behavioral health services for adults. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to*~~

~~*the certifications, but in no case may a fee for a certificate exceed the actual cost to the Division of issuing the certificate.*~~

~~*3. As used in this section:*~~

~~*(a) "Behavioral health services for adults" means any services for adults with mental illnesses, intellectual disabilities, developmental disabilities or similar conditions. The term does not include services for adults with alcohol or other substance use disorders, except to the extent that an alcohol or other substance use disorder is co-occurring with a condition described in this section.*~~

~~*(b) "Provider of behavioral health services for adults" means any person or entity that provides behavioral health services for adults, including, without limitation, a facility, a provider of health care or other services or a community based service or program.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 433.314 is hereby amended to read as follows:~~

~~433.314 1. The Commission shall:~~

~~(a) [Establish policies]~~ ***Recommend to the Division and the Division of Child and Family Services of the Department, as applicable, for inclusion in the state plans formulated pursuant to NRS 458.025 and sections 3 and 9 of this act:***

~~*(1) Policies* to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;~~

~~[(b) Set policies]~~ ***and***

~~*(2) Policies* for the care and treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;~~

~~[(c)]~~ ***(b)*** ~~If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable;~~

~~[(d)]~~ ***(c)*** ~~Review the programs and finances of the Division;~~

~~[(e)]~~ ***(d)*** ~~Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature:~~

~~(1) Information concerning the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; and~~

~~(2) In coordination with the Department, any recommendations from the regional behavioral health policy boards created pursuant to NRS 433.429. The report must include, without limitation:~~

~~(I) The epidemiologic profiles of substance use disorders, addictive disorders related to gambling and suicide;~~

~~(II) Relevant behavioral health prevalence data for each behavioral health region created by NRS 433.428; and~~

~~(III) The health priorities set for each behavioral health region; and~~

~~**[**(f)**]** *(e)* Review and make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.~~

~~2. The Commission may employ an administrative assistant and a data analyst to assist the regional behavioral health policy boards created by NRS 433.429 in carrying out their duties.**]** **(Deleted by amendment.)**~~

Sec. 5. ~~**[**NRS 433.316 is hereby amended to read as follows:~~

~~433.316 The Commission may:~~

~~1. Collect and disseminate information pertaining to mental health, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders.~~

~~2. Request legislation pertaining to mental health, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders.~~

~~3. Review findings of investigations of complaints about the care of any person in a public facility for the treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders.~~

~~4. Accept, as authorized by the Legislature, gifts and grants of money and property.~~

~~5. Take appropriate steps to increase the availability of and to enhance the quality of the care and treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders provided through private nonprofit organizations, governmental entities, hospitals and clinics.~~

~~6. Promote programs for the treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders and participate in and promote the development of facilities for training persons to provide services for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders.~~

~~7. **[**Create a plan to coordinate the**]** *Make recommendations to the Division and the Division of Child and Family Services of the Department, as applicable, for inclusion in the state plans formulated pursuant to NRS 458.025 and sections 3 and 9 of this act to coordinate* services for the~~

~~treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders provided in this State and to provide continuity in the care and treatment provided.~~

~~8. Establish and maintain an appropriate program which provides information to the general public concerning mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders and consider ways to involve the general public in the decisions concerning the policy on mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders.~~

~~9. Compile statistics on mental illness and study the cause, pathology and prevention of that illness.~~

~~10. Establish programs to prevent or postpone the commitment of residents of this State to facilities for the treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders.~~

~~11. Evaluate the future needs of this State concerning the treatment of mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders and develop ways to improve the treatment already provided.~~

~~12. Take any other action necessary to promote mental health in this State.~~**] (Deleted by amendment.)**

Sec. 6. NRS 433.317 is hereby amended to read as follows:

433.317 1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations **[**~~of each mental health consortium~~**]** submitted ***by mental health consortia*** pursuant to NRS 433B.335 and to create a statewide ***[***~~make recommendations to the Division of Child and Family Services of the Department concerning the state~~***]*** plan for the provision of mental ***[***~~to provide behavioral~~***]*** health services to ***[***~~for~~***]*** children . ***[***~~formulated pursuant to section 9 of this act.~~***]*** ***The members of the subcommittee must include, without limitation:***

(a) The Chair of the statewide mental health consortium established pursuant to subsection 4 of NRS 433B.333; and

(b) A member of the statewide mental health consortium appointed pursuant to subparagraph (2) of paragraph (c) of subsection 4 of NRS 433B.333, other than the Chair of the statewide mental health consortium.

2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 7. ~~[NRS 433.395 is hereby amended to read as follows:~~

~~433.395 1. Upon approval of the Director of the Department, the Administrator may accept:~~

~~(a) Donations of money and gifts of real or personal property; and~~

~~(b) Grants of money from the Federal Government,~~

~~for use in public or private programs that provide services to persons in this State with mental illness.~~

~~2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with mental illness in a manner that supports the *state* plan to [coordinate services] *provide behavioral health services for adults* created by the [Commission] *Division* pursuant to [subsection 7 of NRS 433.316. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with mental illness in consideration of the nature and value of the donation, gift or grant.] *section 3 of this act and the state plan to provide behavioral health services for children created by the Division of Child and Family Services of the Department pursuant to section 9 of this act.*~~

~~3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 433.4295 is hereby amended to read as follows:

433.4295 1. Each policy board shall:

(a) Advise the Department, ***the*** Division ***, the Division of Child and Family Services*** and ***the*** Commission ***, as appropriate,*** regarding:

(1) The behavioral health needs of adults and children in the behavioral health region;

(2) Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;

(3) Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps;

(4) Any federal, state or local law or regulation that relates to behavioral health which it determines is redundant, conflicts with other laws or is obsolete and any recommendation to address any such redundant, conflicting or obsolete law or regulation; and

(5) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.

(b) Promote improvements in the delivery of behavioral health services in the behavioral health region.

(c) Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, ***the***

Division ***, the Division of Child and Family Services*** and ***the*** Commission regarding behavioral health services in the behavioral health region.

(d) Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

(e) To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community-based organization to establish the repository.

(f) To the extent feasible, track and compile data concerning persons placed on a mental health crisis hold pursuant to NRS 433A.160, persons admitted to mental health facilities and hospitals under an emergency admission pursuant to NRS 433A.162, persons admitted to mental health facilities under an involuntary court-ordered admission pursuant to NRS 433A.200 to 433A.330, inclusive, and persons ordered to receive assisted outpatient treatment pursuant to NRS 433A.335 to 433A.345, inclusive, in the behavioral health region, including, without limitation:

(1) The outcomes of treatment provided to such persons; and

(2) Measures taken upon and after the release of such persons to address behavioral health issues and prevent future mental health crisis holds and admissions.

(g) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.

(h) Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.

(i) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission ***, the Division and the Division of Child and Family Services*** which includes, without limitation:

(1) The specific behavioral health needs of the behavioral health region;

(2) A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;

(3) A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and (h) and the results of those activities; and

(4) The data compiled pursuant to paragraph (f) and any conclusions that the policy board has derived from such data.

2. A report described in paragraph (i) of subsection 1 may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report **.** ~~[to the Commission.]~~

3. As used in this section, "Division of Child and Family Services" means the Division of Child and Family Services of the Department.

Sec. 9. ~~[Chapter 433B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Division:*~~

~~*(a) Shall formulate and operate a comprehensive state plan to provide behavioral health services for children which must include, without limitation:*~~

~~*(1) A survey of the need for behavioral health services for children, including, without limitation, a survey of the providers needed to provide services and a plan for the development and distribution of services and programs throughout this State.*~~

~~*(2) A plan for programs to educate the public on issues relating to behavioral health disorders and behavioral health services for children.*~~

~~*(3) A survey of the need for persons who have professional training in fields of behavioral health and other persons involved in the provision of behavioral health services for children, and a plan to provide the necessary services.*~~

~~*→ In developing and revising the state plan, the Division shall consider, without limitation, the amount of money available from the Federal Government for behavioral health services for children and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for behavioral health services for children.*~~

~~*(b) Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of behavioral health services for children in this State.*~~

~~*(c) Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with behavioral health services for children, and shall review the applications and advise the applicants concerning the applications.*~~

~~*(d) Shall certify or deny certification of providers of behavioral health services for children on the basis of the standards established by the Division pursuant to subsection 2 and publish a list of certified providers. Any providers of behavioral health services for children which are not certified are ineligible to receive state or federal money to provide such services.*~~

~~*(e) Upon request from a provider of behavioral health services for children which is self supported, may certify the provider and add them to the list described in paragraph (d).*~~

~~*2. The Division shall adopt regulations to carry out the provisions of this section. The regulations:*~~

~~*(a) Must prescribe clinical standards of care for the provision of behavioral health services for children; and*~~

~~*(b) May prescribe the fees for the certification of providers of behavioral health services for children. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the Division of issuing the certificate.*~~

~~*3. As used in this section:*~~

~~*(a) "Behavioral health services for children" means any services for children with mental illnesses, emotional disturbances, intellectual disabilities, developmental disabilities or similar conditions. The term does not include services for children with alcohol or other substance use disorders, except to the extent that an alcohol or other substance use disorder is co-occurring with a condition described in this section.*~~

~~*(b) "Provider of behavioral health services for children" means any person or entity that provides behavioral health services for children, including, without limitation, a facility, a provider of health care or other services or a community based service or program.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 433B.130 is hereby amended to read as follows:~~

~~433B.130 1. The Administrator shall:~~

~~(a) Administer, in accordance with the [policies established by the Commission,]~~ ~~*state plan to provide behavioral health services for children formulated pursuant to section 9 of this act,*~~ ~~the programs of the Division for the mental health of children.~~

~~(b) Establish appropriate policies to ensure that children in division facilities have timely access to clinically appropriate psychotropic medication that are consistent with the provisions of NRS 432B.197 and NRS 432B.4681 to 432B.469, inclusive, and the policies adopted pursuant thereto.~~

~~(c) Upon an order of a juvenile court pursuant to NRS 62D.180 or 62D.185, accept and provide services to a child who has been determined to be incompetent by the juvenile court.~~

~~2. The Administrator may:~~

~~(a) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children.~~

~~(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.~~

~~3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.~~

~~4. The Administrator may enter into agreements with the Administrator of the Division of Public and Behavioral Health of the Department or with the Administrator of the Aging and Disability Services Division of the Department for the care and treatment of consumers of the Division of Child and Family Services at any facility operated by the Division of Public and Behavioral~~

~~Health or the Aging and Disability Services Division, as applicable.~~] **(Deleted by amendment.)**

Sec. 10.5. **NRS 433B.333 is hereby amended to read as follows:**

433B.333 1. A mental health consortium is hereby established in each of the following jurisdictions:

(a) A county whose population is 100,000 or more; and

(b) The region consisting of all counties whose population are less than 100,000.

2. In a county whose population is 100,000 or more, such a consortium must consist of at least the following persons appointed by the Administrator:

(a) A representative of the Division;

(b) A representative of the agency which provides child welfare services;

(c) A representative of the Division of Health Care Financing and Policy of the Department;

(d) A representative of the board of trustees of the school district in the county;

(e) A representative of the local juvenile probation department;

(f) A representative of the local chamber of commerce or business community;

(g) A private provider of mental health care;

(h) A provider of foster care;

(i) A parent of a child with an emotional disturbance; and

(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.

3. In the region consisting of counties whose population are less than 100,000, such a consortium must consist of at least the following persons appointed by the Administrator:

(a) A representative of the Division of Public and Behavioral Health of the Department;

(b) A representative of the agency which provides child welfare services in the region;

(c) A representative of the Division of Health Care Financing and Policy of the Department;

(d) A representative of the boards of trustees of the school districts in the region;

(e) A representative of the local juvenile probation departments;

(f) A representative of the chambers of commerce or business community in the region;

(g) A private provider of mental health care;

(h) A provider of foster care;

(i) A parent of a child with an emotional disturbance; and

(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.

4. A statewide mental health consortium is hereby established to represent all mental health consortia established by subsection 1. The statewide mental health consortium must consist of:

(a) The Administrator as an ex officio, nonvoting member. The Administrator may designate an alternate who is an employee of the Division or another person to attend any meeting of the consortium in his or her place.

(b) The following voting members:

(1) A representative of the Division of Health Care Financing and Policy of the Department, appointed by the Administrator of that Division;

(2) A representative of the Department of Education, appointed by the Superintendent of Public Instruction; and

(3) A representative of the Division of Child and Family Services of the Department, appointed by the Administrator.

(c) The following voting members, appointed by the mental health consortium established by subsection 1 of which they are a member:

(1) Not more than three members from each mental health consortium established by subsection 1; and

(2) In addition to the members appointed pursuant to subparagraph (1), one parent or legal guardian of a child with an emotional disturbance from each mental health consortium established by subsection 1.

5. The statewide mental health consortium established pursuant to subsection 4 shall annually elect a Chair from among its voting members.

Sec. 11. NRS 433B.335 is hereby amended to read as follows:

433B.335 1. Each mental health consortium established ~~[pursuant to]~~ ***by subsection 1 of*** NRS 433B.333 shall prepare and submit to the Director of the Department ***and the Administrator*** a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after the date of submission, and each consortium shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium ***established by subsection 1 of NRS 433B.333*** must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium ***established by subsection 1 of NRS 433B.333*** shall submit to the Director of the Department ***, the Administrator*** and the Commission:

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities and any request for an allocation submitted pursuant to subsection 4 by each mental health

consortium ~~[.]~~ ***established by subsection 1 of NRS 433B.333.*** On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium ***established by subsection 1 of NRS 433B.333*** a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department;

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion; and

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each ***mental health*** consortium ***established by subsection 1 of NRS 433B.333*** shall submit to the Director of the Department ***, the Administrator*** and the Commission:

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) A report of all expenditures made from an account maintained pursuant to NRS 433B.339, if any.

Sec. 11.3. **NRS 433B.337 is hereby amended to read as follows:**

433B.337 1. A mental health consortium established by ***subsection 1 of*** NRS 433B.333 may:

(a) Participate in activities within the jurisdiction of the consortium to:

(1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to NRS 433B.335; and

(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation, advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.

(b) Take other action to carry out its duties set forth in this section and NRS 433B.335 and 433B.339.

2. ***The statewide mental health consortium established by subsection 4 of NRS 433B.333 shall:***

(a) Represent all mental health consortia established by subsection 1 of NRS 433B.333 before the Legislature, Commission and Department.

(b) Review, make recommendations for and approve programs proposed by the Division to prevent placing children in facilities located outside of the home or home state of the child for the treatment of emotional disturbance, substance use disorders or co-occurring disorders.

(c) Evaluate the future needs of this State concerning the treatment of children with emotional disturbance, substance use disorders or co-

occurring disorders and develop ways to improve the treatment currently provided.

(d) Take any other action necessary to promote the mental health of children in this State.

3. The statewide mental health consortium established by subsection 4 of NRS 433B.333 may:

(a) Create a document that consolidates the strategies, goals and services in the long-term strategic plan prepared by each mental health consortium pursuant to NRS 433B.335.

(b) Take such other action as is necessary to represent all mental health consortia established by subsection 1 of NRS 433B.333.

4. To the extent practicable, a mental health consortium ***established by subsection 1 of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of NRS 433B.333*** shall coordinate with the Department to avoid duplicating or contradicting the efforts of the Department to provide mental health services to children with emotional disturbance and their families.

Sec. 11.6. **NRS 433B.339 is hereby amended to read as follows:**

433B.339 1. A mental health consortium established by ***subsection 1 of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of*** NRS 433B.333 may:

(a) Enter into contracts and agreements to carry out the provisions of this section ***,*** ~~[and]~~ NRS ~~[433B.335 and]~~ 433B.337 ~~[,]~~ and ***, if applicable, NRS 433B.335; and***

(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of this section ***,*** ~~[and]~~ NRS ~~[433B.335 and]~~ 433B.337 ~~[,]~~ ***and, if applicable, NRS 433B.335.***

2. Any money collected pursuant to subsection 1:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended, under the direction of the consortium which deposited the money, to carry out the provisions of this section ***,*** ~~[and]~~ NRS ~~[433B.335 and]~~ 433B.337 ~~[,]~~ ***and, if applicable, NRS 433B.335.***

3. The Administrator shall administer the account maintained for each consortium.

4. Any interest or income earned on the money in an account maintained pursuant to this section must be credited to the account and does not revert to the State General Fund at the end of a fiscal year.

5. Any claims against an account maintained pursuant to this section must be paid as other claims against the State are paid.

Sec. 12. ~~[NRS 435.490 is hereby amended to read as follows:~~

~~435.490 1. Upon approval of the Director of the Department, the Administrator may accept:~~

~~(a) Donations of money and gifts of real or personal property; and~~

~~(b) Grants of money from the Federal Government,~~

~~for use in public or private programs that provide services to persons in this State with intellectual disabilities or persons with developmental disabilities.~~

~~2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with intellectual disabilities or persons with developmental disabilities in a manner that supports the *state* plan to [coordinate] *provide behavioral health* services *for adults* created by the [Commission on] *Division of Public and* Behavioral Health *of the Department* pursuant to [subsection 7 of NRS 433.316. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with intellectual disabilities or persons with developmental disabilities in consideration of the nature and value of the donation, gift or grant.] *section 3 of this act and the state plan to provide behavioral health services for children created by the Division of Child and Family Services of the Department pursuant to section 9 of this act.*~~

~~3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.]~~ **(Deleted by amendment.)**

Sec. 12.3. **Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:**

1. For a regular session, the statewide mental health consortium established by subsection 4 of NRS 433B.333 and each mental health consortium established by subsection 1 of NRS 433B.333 may request the drafting of not more than one legislative measure which relates to matters within the scope of the consortium.

2. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding a regular session.

3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding a regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 12.5. **NRS 218D.100 is hereby amended to read as follows:**

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, ***and section 12.3 of this act*** for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, ***and section 12.3 of this act*** but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 12.8. **NRS 449.0303 is hereby amended to read as follows:**

449.0303 The Board may adopt regulations requiring the licensing of a facility other than those required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive, if the:

1. Facility provides any type of medical care or treatment **[.]** ***, including, without limitation, behavioral health care or treatment;*** and

2. Regulation is necessary to protect the health of the general public.

Sec. 13. ~~[1. Notwithstanding the provisions of sections 3 and 9 of this act, a provider of behavioral health services for adults or a provider of behavioral health services for children who receives federal or state money to provide behavioral health services for adults or behavioral health services for children and is not certified pursuant to section 3 or 9, as applicable, of this act may continue to receive federal or state money to provide such services without such certification until July 1, 2024.~~

~~2. As used in this section:~~

~~(a) "Behavioral health services for adults" has the meaning ascribed to it in section 3 of this act.~~

~~(b) "Behavioral health services for children" has the meaning ascribed to it in section 9 of this act.~~

~~(c) "Provider of behavioral health services for adults" has the meaning ascribed to it in section 3 of this act.~~

~~(d) "Provider of behavioral health services for children" has the meaning ascribed to it in section 9 of this act.]~~ **(Deleted by amendment.)**

Sec. 13.5. **1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services shall study the feasibility of formulating and operating a comprehensive plan to provide behavioral health services for adults and children in this State. In conducting the study, the Joint Interim Standing Committee may collaborate with:**

(a) The Commission on Behavioral Health;

(b) Any mental health consortium established by NRS 433B.333, as amended by section 10.5 of this act;

(c) Personnel of the Department of Health and Human Services or any division thereof;

(d) Any regional behavioral health policy board created by NRS 433.429; and

(e) Any other state or local governmental entity that provides behavioral health services in this State.

2. On or before September 1, 2024, the Joint Interim Standing Committee on Health and Human Services shall submit a report of the results of the study conducted pursuant to subsection 1 and recommendations for legislation resulting from the study to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[1.]~~ This ~~[section]~~ **act** becomes effective ~~[upon passage and approval.~~

~~2. Sections 1, 2 and 14 of this act become effective on July 1, 2023.~~

~~3. Sections 3 to 13, inclusive, and 15 of this act become effective:~~

~~(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On January 1, 2024, for all other purposes.]~~ **on July 1, 2023.**

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 89.

AN ACT relating to public works; requiring a contractor ~~[or subcontractor]~~ on a public work to provide a worker with written **or electronic** notice of certain information **;** ~~[in the primary language of the worker; requiring the Labor Commissioner to prepare template forms for such notice; requiring a contractor or subcontractor on a public work to provide certain information to workers regarding leave;]~~ requiring a person found by the Labor Commissioner to have **willfully and repeatedly** failed to pay prevailing wages to a worker to pay certain damages to the affected worker; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every contract to which a public body of this State is a party that requires the employment of certain skilled, semiskilled and

unskilled workers to contain in express terms the hourly and daily rate of wages to be paid to each class of applicable workers. The hourly and daily rate must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020 ~~(1)~~ **, 338.030) Section** ~~[2]~~ **5.5** of this bill requires each contractor ~~[and subcontractor]~~ engaged on a public work to provide ~~[each worker at the time of hiring]~~ **his or her workers assigned to the public work** with **a** written **or electronic** notice ~~[in English and the worker's primary language]~~ that sets forth **:** ~~[for the worker to whom the notice is given:]~~ (1) the ~~[normal hourly wage rate or rates that the worker will be paid for working on the public work, based on the relevant prevailing wages;]~~ **Internet website of the Labor Commissioner where the prevailing wage rates for the public work project are posted;** (2) the ~~[overtime hourly wage rate or rates that the worker will be paid for working any overtime on the public work, based on the relevant prevailing wages;]~~ **name of the contractor; and** (3) the ~~[amount by which the Labor Commissioner has discharged the requirement to pay prevailing wages for the contractor or subcontractor providing bona fide fringe benefits, if applicable; (4) certain information relating to the contractor or subcontractor; and (5) any other such information required by the Labor Commissioner.]~~ **physical address of the principal place of business of the contractor. Section** ~~[2]~~ **5.5** further requires the contractor ~~[or subcontractor]~~ to obtain from each worker a written **or electronic** acknowledgment of receipt of the ~~[written]~~ notice, to be maintained by the contractor ~~[or subcontractor]~~ for a period of at least ~~[3 years.~~

~~— Section 3 of this bill requires the Labor Commissioner to prepare template forms of the notice required pursuant to section 2. Each template form must contain the necessary information in both English and one other language. The Labor Commissioner shall determine, at his or her discretion, the languages other than English in which the template forms will be prepared. Section 3 also provides that if a notice required pursuant to section 2 must be provided to a worker in a language that is not provided by the Labor Commissioner, the contractor or subcontractor must have the notice translated into the primary language of the worker.~~

~~— Section 4 of this bill requires each contractor or subcontractor engaged on a public work to notify his or her workers of the policy of the contractor or subcontractor, as applicable, relating to sick leave, vacation leave, personal leave, holiday leave and holiday hours.~~

~~— Existing law requires a contractor engaged on a public work and a subcontractor engaged on a public work to keep accurate records that include certain information for each worker employed by the contractor or subcontractor in connection with the public work. (NRS 338.070) Section 5 of this bill requires such accurate records to also contain the primary language of the worker, as identified by the worker.]~~ **2 years and made available to the Labor Commissioner upon request.**

Existing law requires, with certain exception, the Labor Commissioner, after an opportunity for a hearing, to assess a person found to have failed to pay the required prevailing wage an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid. (NRS 338.090) **Section 6** of this bill requires, without exception, a person found to have **willfully and repeatedly** failed to pay the prevailing wage to pay an affected worker damages in an amount that is equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid to the affected worker.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3 and 4]~~ **to 5.5, inclusive,** of this act.

Sec. 2. ~~*[1. Each contractor and subcontractor engaged on a public work shall, at the time that the contractor or subcontractor, as applicable, hires a worker in connection with the public work:*~~

~~*(a) Ask the worker what his or her primary language is; and*~~

~~*(b) Provide the worker with a written notice that:*~~

~~*(1) Contains the information required pursuant to subsection 2; and*~~

~~*(2) Is prepared on the template form created by the Labor Commissioner that is in the primary language of the worker and English or, if a notice is required in a language for which the Labor Commissioner has not created a template form, is translated into the required primary language of the worker.*~~

~~*2. The written notice required pursuant to subsection 1 must set forth for the worker to whom the notice is given:*~~

~~*(a) The normal hourly wage rate or rates that the worker will be paid for working on the public work, based on the applicable prevailing wage or wages for the worker;*~~

~~*(b) The overtime hourly wage rate or rates that the worker will be paid for working any overtime on the public work, based on the applicable prevailing wage or wages for the worker;*~~

~~*(c) If, pursuant to NRS 338.035, the Labor Commissioner has discharged any part of the obligation of the contractor or subcontractor to pay the prevailing wage because the contractor or subcontractor provides bona fide fringe benefits, the amount by which the prevailing wage is discharged;*~~

~~*(d) The following information related to the contractor or subcontractor:*~~

~~*(1) The name of the contractor or subcontractor and all other names under which the contractor or subcontractor does business;*~~

~~*(2) The physical address of the principal place of business of the contractor or subcontractor;*~~

~~*(3) The mailing address of the contractor or subcontractor; and*~~

~~*(4) The telephone number of the contractor or subcontractor; and*~~

~~*(c) Any other information that is required to be included by the Labor Commissioner.*~~

~~*3. The contractor or subcontractor, as applicable, shall obtain a written acknowledgement of receipt of the notice required pursuant to this section from each worker. Each written acknowledgment must be maintained by the contractor or subcontractor for at least 3 years, made available to the Labor Commissioner upon request and include, without limitation:*~~

~~*(a) The worker's name and signature;*~~

~~*(b) The date on which the worker received the notice;*~~

~~*(c) The worker's primary language, as indicated by the worker;*~~

~~*(d) An indication from the worker as to whether the worker received the notice in his or her primary language; and*~~

~~*(e) Any other information required by the Labor Commissioner.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. The Labor Commissioner shall prepare template forms of the notice required pursuant to section 2 of this act.*~~

~~*2. Each template form prepared pursuant to subsection 1 must contain the necessary information in both English and one other language. The Labor Commissioner shall determine, at his or her discretion, the languages other than English in which the template forms will be prepared. Such determination by the Labor Commissioner must be based upon the major languages used in this State and any other factor the Labor Commissioner determines is relevant.*~~

~~*3. If the Labor Commissioner has not created a template form in the primary language of a worker of a contractor or subcontractor, the contractor or subcontractor shall have the template form created pursuant to this section by the Labor Commissioner in English translated into the primary language of the worker.*~~

~~*4. The Labor Commissioner shall make the template forms created pursuant to this section available to contractors and subcontractors engaged on a public work in any manner determined appropriate by the Labor Commissioner.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[1. Each contractor or subcontractor engaged on a public work shall notify his or her workers of the policy of the contractor or subcontractor, as applicable, relating to sick leave, vacation leave, personal leave, holiday leave and holiday hours. The notice must be:*~~

~~*(a) In writing; and*~~

~~*(b) Personally given to each worker or posted in a conspicuous place where workers can reasonably be expected to see the notice.*~~

~~*2. If a contractor or subcontractor makes any change to the policy of the contractor or subcontractor, as applicable, described in subsection 1, the contractor or subcontractor shall, not later than 7 calendar days before any change is effective, notify his or her workers of the change. The notice must be:*~~

~~*(a) In writing; and*~~

~~*(b) Personally given to each worker or posted in a conspicuous place where workers can reasonably be expected to see the notice.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 338.070 is hereby amended to read as follows:~~

~~338.070 1. Any public body awarding a contract shall:~~

~~(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and~~

~~(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive.~~

~~2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.~~

~~3. Except as otherwise provided in subsection 7, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.~~

~~4. A contractor engaged on a public work and each subcontractor engaged on the public work shall:~~

~~(a) Inquire of each worker employed by the contractor or subcontractor in connection with the public work:~~

~~(1) Whether the worker wishes to specify voluntarily his or her gender; and~~

~~(2) Whether the worker wishes to specify voluntarily his or her ethnicity; and~~

~~(b) For each response the contractor or subcontractor receives pursuant to paragraph (a):~~

~~(1) If the worker chose voluntarily to specify his or her gender or ethnicity, or both, record the worker's responses; and~~

~~(2) If the worker declined to specify his or her gender or ethnicity, or both, record that the worker declined to specify such information.~~

~~→ A contractor or subcontractor shall not compel or coerce a worker to specify his or her gender or ethnicity and shall not penalize or otherwise take any adverse action against a worker who declines to specify his or her gender or ethnicity. Before inquiring as to whether a worker wishes to specify voluntarily his or her gender or ethnicity, the applicable contractor or subcontractor must inform the worker that such information, if provided, will be open to public inspection as set forth in subsection 6.~~

~~5. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept:~~

~~(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:~~

~~(1) The name of the worker;~~

~~(2) The occupation of the worker;~~

~~(3) The gender of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;~~

~~(4) The ethnicity of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;~~

~~(5) *The primary language of the worker, as identified by the worker;*~~

~~*(6)* If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and~~

~~**[**(6)**]** *(7)* The actual per diem, wages and benefits paid to the worker; and~~

~~(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:~~

~~(1) The name of the worker;~~

~~(2) The driver's license number or identification card number of the worker; and~~

~~(3) The state or other jurisdiction that issued the license or card.~~

~~6. The records maintained pursuant to subsection 5 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 5 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 5 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work. The Labor Commissioner shall adopt regulations authorizing and prescribing the procedures for the electronic filing of the copies of the records required to be provided monthly by a contractor or subcontractor to a public body pursuant to this subsection.~~

~~7. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 5 for a calendar month by the time specified in subsection 6 if:~~

~~(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:~~

~~(1) Ten days after the end of the month; or~~

~~(2) A date agreed upon by the contractor and subcontractor; and~~

~~(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 6.~~

~~➥ Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 6.~~

~~8. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.~~] **(Deleted by amendment.)**

Sec. 5.5. 1. A contractor engaged on a public work shall provide to his or her workers assigned to the public work a written or electronic notice that includes, without limitation:

(a) The Internet website of the Labor Commissioner where the prevailing wage rates for the public work are posted;

(b) The name of the contractor; and

(c) The physical address of the principal place of business of the contractor.

2. A contractor shall obtain a written or electronic acknowledgement of receipt of the notice pursuant to this section from each worker assigned to the public work. Each acknowledgement of notice must be maintained by the contractor for at least 2 years, made available to the Labor Commissioner upon request and include, without limitation:

(a) The worker's name, contact information and signature; and

(b) The date on which the worker received the notice.

Sec. 6. NRS 338.090 is hereby amended to read as follows:

338.090 1. Except as otherwise provided in subsection 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall, except as otherwise provided in subsection 4, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; ~~[and]~~

(b) ***Shall require a person found to have willfully and repeatedly failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, to pay damages to each affected worker in an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid to the worker; and***

(c) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 110.

SUMMARY—Authorizes the management of designated ~~[terrestrial]~~ invertebrates. (BDR 45-339)

AN ACT relating to wildlife; authorizing the management of designated ~~[terrestrial]~~ invertebrates by the Board of Wildlife Commissioners and the Department of Wildlife; revising the definition of "wildlife" to include designated ~~[terrestrial]~~ invertebrates; establishing a wildlife classification for designated ~~[terrestrial]~~ invertebrates; requiring the listing of designated ~~[terrestrial]~~ invertebrates as a fully protected species under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions governing the management of wildlife in this State by the Board of Wildlife Commissioners and the Department of Wildlife. (Chapter 501 of NRS) This bill expands the wildlife managed by the Board and Department to include designated ~~[terrestrial]~~ invertebrates. As a result of the inclusion of designated ~~[terrestrial]~~ invertebrates, certain fees and penalties that apply to violations of certain

provisions of law relating to wildlife will also apply to designated ~~[terrestrial]~~ invertebrates. (*See, e.g.*, NRS 501.385, 502.240, 504.295)

Section 2 of this bill defines "designated ~~[terrestrial]~~ invertebrate" to mean any nonpest species of ~~[terrestrial]~~ invertebrate designated as a species of greatest conservation need in the State Wildlife Action Plan. **Section 3** of this bill defines "State Wildlife Action Plan." **Section 5** of this bill revises the definition of "wildlife" to include designated ~~[terrestrial]~~ invertebrates.

Section 4 of this bill makes a conforming change to indicate the proper placement of **sections 2 and 3** in the Nevada Revised Statutes.

Existing law requires: (1) wildlife to be classified into certain categories; and (2) the Commission to place each species of wildlife in a classification by regulation. (NRS 501.110) **Section 6** of this bill establishes a classification for designated ~~[terrestrial]~~ invertebrates.

Existing law provides that if the Commission determines that the existence of a species or subspecies of native fish, wildlife and other fauna is endangered and its survival requires assistance, the Commission must place the animal on the list of fully protected species and the animal may not be captured, removed or destroyed except by means of a special permit issued by the Department. (NRS 503.585) **Sections 5, 7 and 8** of this bill provide for the placement of designated ~~[terrestrial]~~ invertebrates on the list of fully protected species.

Existing law requires the Commission to carry out a program for conserving, protecting, restoring and propagating selected species of native fish, wildlife and other vertebrates and their habitats which are threatened with extinction and destruction. (NRS 503.587) **Section 9** of this bill requires the Commission to include designated ~~[terrestrial]~~ invertebrates in such a program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Designated ~~[terrestrial]~~ invertebrate" means any nonpest species of ~~[terrestrial]~~ invertebrate designated as a species of greatest conservation need in the State Wildlife Action Plan.***

Sec. 3. ***"State Wildlife Action Plan" means a statewide plan prepared by the Department and approved by the United States Fish and Wildlife Service which sets forth provisions for the conservation of wildlife and wildlife habitat, including, without limitation, provisions for assisting in the prevention of any species of wildlife from becoming threatened or endangered.***

Sec. 4. NRS 501.001 is hereby amended to read as follows:

501.001 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, ***and sections 2 and 3 of this act,*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 501.097 is hereby amended to read as follows:

501.097 "Wildlife" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk ***,*** ~~[~~or~~]~~ crustacean ***or designated ~~[terrestrial]~~ invertebrate*** found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.

Sec. 6. NRS 501.110 is hereby amended to read as follows:

501.110 1. For the purposes of this title, wildlife must be classified as follows:

(a) Wild mammals, which must be further classified as either game mammals, fur-bearing mammals, protected mammals or unprotected mammals.

(b) Wild birds, which must be further classified as either game birds, protected birds or unprotected birds. Game birds must be further classified as upland game birds or migratory game birds.

(c) Fish, which must be further classified as either game fish, protected fish or unprotected fish.

(d) Reptiles, which must be further classified as either protected reptiles or unprotected reptiles.

(e) Amphibians, which must be further classified as either game amphibians, protected amphibians or unprotected amphibians.

(f) Mollusks, which must be further classified as either protected mollusks or unprotected mollusks.

(g) Crustaceans, which must be further classified as either protected crustaceans or unprotected crustaceans.

(h) Designated ~~[terrestrial]~~ invertebrates.

2. Protected wildlife may be further classified as either sensitive, threatened or endangered.

3. Each species of wildlife must be placed in a classification by regulation of the Commission and, when it is in the public interest to do so, species may be moved from one classification to another.

Sec. 7. NRS 503.584 is hereby amended to read as follows:

503.584 1. The Legislature finds that:

(a) The economic growth of the State of Nevada has been attended with some serious and unfortunate consequences. Nevada has experienced the extermination or extirpation of some of the State's native species of animals, including fish ***,*** ~~[~~and~~]~~ vertebrate wildlife ~~[.]~~ ***and designated ~~[terrestrial]~~ invertebrates.*** Serious losses have occurred and are occurring in other species of native wild animals with important economic, educational, historical, political, recreational, scientific and aesthetic values.

(b) The people of the State of Nevada have an obligation to conserve and protect the various species of native fish and wildlife that are threatened with extinction.

2. The purpose of NRS 503.584 to 503.589, inclusive, is to provide a program for the:

(a) Conservation, protection, restoration and propagation of selected species of native fish **,** ~~[and other]~~ vertebrate wildlife, including ***, without limitation,*** migratory birds ~~[,]~~ ***and designated*** ~~***[terrestrial]***~~ ***invertebrates;*** and

(b) Perpetuation of the populations and habitats of such species.

Sec. 8. NRS 503.585 is hereby amended to read as follows:

503.585 A species or subspecies of native fish, wildlife ***, including, without limitation, vertebrates and designated*** ~~***[terrestrial]***~~ ***invertebrates*** and other fauna must be regarded as threatened with extinction when the Commission, after consultation with competent authorities, determines that its existence is endangered and its survival requires assistance because of overexploitation, disease or other factors or its habitat is threatened with destruction, drastic modification or severe curtailment. Any animal so declared to be threatened with extinction must be placed on the list of fully protected species, and no member of its kind may be captured, removed or destroyed at any time by any means except under special permit issued by the Department.

Sec. 9. NRS 503.587 is hereby amended to read as follows:

503.587 The Commission shall use its authority to manage land to carry out a program for conserving, protecting, restoring and propagating selected species of native fish ~~[,]~~ ***and*** wildlife ~~[and other]~~ ***, including, without limitation,*** vertebrates ***and designated*** ~~***[terrestrial]***~~ ***invertebrates*** and their habitats which are threatened with extinction and destruction.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 91.

AN ACT relating to governmental administration; requiring the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid to each of the classes of mechanics and workers. The hourly and daily rate of wages must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020) **Section 2** of this bill provides that workers who perform custom fabrication on a public work must also be paid such a

prevailing wage. **Section 1** of this bill: (1) defines the term "custom fabrication"; (2) defines the term "nonstandard good or material"; and (3) revises the definition of "worker" to include a worker who performs custom fabrication.

Existing law provides that performance contracts for certain operating cost-savings measures entered into by local governments and state agencies must contain in express terms the hourly and daily rate of wages to be paid to each class of mechanics and workers. Such wages must not be less than the prevailing wage in the region in which the local government or state agency is located. (NRS 332.390, 333A.120) Similar to **section 1, sections 3 and 4** of this bill, respectively, provide that workers who perform custom fabrication must also be paid such a prevailing wage.

Section 5 of this bill provides that the requirement to pay prevailing wage to workers who perform custom fabrication does not apply to a public works contract or performance contract awarded before January 1, 2024.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Bona fide fringe benefit" means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:

(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and

(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.

➥ The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.

3. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

4. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

5. ***"Custom fabrication" means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific public work.***

6. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

~~[6.]~~ ***7.*** "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

~~[7.]~~ ***8.*** "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

~~[8.]~~ ***9.*** "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

~~[9.]~~ ***10.*** "Discrete project" means one or more public works which are undertaken on a single construction site for a single public body. The term does not include one or more public works that are undertaken on multiple construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together.

~~[10.]~~ ***11.*** "Division" means the State Public Works Division of the Department of Administration.

~~[11.]~~ ***12.*** "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~[12.]~~ ***13.*** "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~[13.]~~ ***14.*** "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~[14.]~~ ***15.*** "Horizontal construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and any other work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

~~[15.]~~ ***16.*** "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[16.]~~ ***17. "Nonstandard good or material" includes, without limitation, any nonstandard good or material used in any of the following building systems:***

(a) Plumbing or pipe fitting;

(b) Ventilation system;

(c) Air-conditioning system;

(d) Heating system;

(e) ~~[Refrigeration system;~~

~~(f)]~~ Sheet metal or <u>any</u> other ~~[duct system;~~

~~(g) Boiler system;~~

~~(h) Electrical system;~~

~~(i) Welding work;~~

~~(j) Mechanical insulation work; and~~

~~(k) Ornamental iron work.]~~ <u>sheet metal product; and</u>

<u>(f) Signage, including, without limitation, any illuminated or unilluminated sign.</u>

18. "Offense" means:

(a) Failing to:

(1) Pay the prevailing wage required pursuant to this chapter;

(2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(4) Comply with subsection 5 or 6 of NRS 338.070.

(b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.

~~[17.]~~ ***19.*** "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[18.]~~ ***20.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[19.]~~ ***21.*** "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

(a) Public buildings;

(b) Jails and prisons;

(c) Public roads;

(d) Public highways;

(e) Public streets and alleys;

(f) Public utilities;

(g) Publicly owned water mains and sewers;

(h) Public parks and playgrounds;

(i) Public convention facilities which are financed at least in part with public money; and

(j) All other publicly owned works and property.

~~[20.]~~ ***22.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[21.]~~ ***23.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[22.]~~ ***24.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[23.]~~ ***25.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[24.]~~ ***26.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

~~[25.]~~ ***27.*** "Vertical construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work for any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any other work or improvement appurtenant thereto.

~~[26.]~~ ***28.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other bona fide fringe benefits which are a benefit to the worker.

~~[27.]~~ ***29.*** "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker ***,*** ~~[or]~~ unskilled worker ***or worker who performs custom fabrication*** in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2. NRS 338.020 is hereby amended to read as follows:

338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers ***,*** ~~[or]~~ unskilled labor ***or workers who perform custom fabrication*** in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:

(a) Not be less than the rate of such wages then prevailing in the region in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and

(b) Be posted on the site of the public work in a place generally visible to the workers.

2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.

3. Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of:

(a) Forty hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work; or

(b) Eight hours in any workday that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless by mutual agreement the mechanic or worker works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

4. The provisions of subsection 3 do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one-half times the rate of wages set forth in the collective bargaining agreement for work in excess of:

(a) Forty hours in any scheduled week of work; or

(b) Eight hours in any workday unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

5. The prevailing wage and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the region where the work is performed.

6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.

Sec. 3. NRS 332.390 is hereby amended to read as follows:

332.390 1. If a performance contract entered into pursuant to NRS 332.300 to 332.440, inclusive, requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers **,** ~~**[**or**]**~~ unskilled labor ***or workers who perform custom fabrication*** to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS 338.013 to 338.090, inclusive. The local government, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive,

in the same manner as if the local government had undertaken the work or had awarded the contract.

2. Before a qualified service company enters into a performance contract pursuant to NRS 332.300 to 332.440, inclusive, that exceeds $100,000, the qualified service company must furnish to the contracting body any bonds required pursuant to NRS 339.025. The provisions of chapter 339 of NRS apply to any performance contract described in this subsection.

3. As used in this section:

(a) "Custom fabrication" means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific performance contract.

(b) "Nonstandard good or material" has the meaning ascribed to it in NRS 338.010.

Sec. 4. NRS 333A.120 is hereby amended to read as follows:

333A.120 ***1.*** If a performance contract entered into pursuant to this chapter requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers ***,*** ~~[or]~~ unskilled labor ***or workers who perform custom fabrication*** to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS 338.013 to 338.090, inclusive. The using agency, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the using agency had undertaken the work or had awarded the contract.

2. As used in this section:

(a) "Custom fabrication" means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific performance contract.

(b) "Nonstandard good or material" has the meaning ascribed to it in NRS 338.010.

Sec. 5. The amendatory provisions of this act do not apply to any contract to which the provisions of:

1. NRS 338.020 to 338.090, inclusive;
2. NRS 332.390; or
3. NRS 333A.120,

➥ apply that is awarded before January 1, 2024.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 263.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 128.

AN ACT relating to water; enacting provisions relating to the transmission of Legionnaires' disease by ~~[certain]~~ building water systems in covered health care facilities; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. (NRS 441A.120) Existing law also establishes requirements for: (1) a provider of health care, medical facility or laboratory director to report if a person has or is suspected of having a communicable disease; and (2) the health authority to investigate such reports. (NRS 441A.150-441A.165) This bill establishes certain requirements for the building water systems in covered health care facilities to limit the risk of the transmission of Legionnaires' disease.

Section 5 of this bill defines the term "covered health care facility" to mean a health care facility ~~[,]~~ **that receives federal or state money through Medicare or Medicaid:** (1) in which a patient's stay may exceed 24 hours; (2) that contains one or more areas to house and treat patients receiving treatment for burns, chemotherapy, solid organ transplantation or bone marrow transplantation; ~~[or]~~ (3) that contains one or more areas to house ~~[and treat]~~ patients who are immunocompromised ~~[,]~~ **and** at-risk ~~[individuals,]~~ **persons** on medications that weaken the immune system or **who** have ~~[renal disease,]~~ diabetes or chronic lung disease ~~[.]~~ **; or (4) that is a residential facility for groups.**

Sections ~~[3, 4]~~ **2.5-4 and 6-8** of this bill define certain other terms relating to the provisions of this bill for covered health care facilities.

Section 9 of this bill requires each owner or operator of a covered health care facility to adopt and implement a water management plan for the building water system to minimize the risks of the transmission of Legionnaires' disease by the building water system, which, among other requirements, must: (1) **with certain exceptions,** be designed by a water management team that includes persons holding certain certifications relating to water management and infection control; and (2) include provisions for ~~[sampling of]~~ **monitoring** the water from the building water system **.** ~~[at certain specified locations.]~~

Section 9 further requires the owner or operator of the covered health care facility to review the water management plan on an annual basis.

~~[Section 10 of this bill requires each owner or operator of a covered health care facility with a cooling tower to adopt and implement a maintenance program and plan for each cooling tower which must include a schedule for routine bacteriological culture sampling and analysis and Legionella culture sampling and analysis at certain intervals and upon the occurrence of certain events.]~~

Section 8.5 of this bill requires the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services to review each new edition of certain standards relating to water management and Legionellosis for the purposes of the provisions of sections 2-14 of this bill.

Section 11 of this bill requires a provider of health care, medical facility or laboratory director to immediately notify the health authority upon the suspicion or positive diagnosis of Legionnaires' disease connected to a covered health care facility.

Section 12 of this bill requires the Board to adopt regulations to carry out the provisions of **sections 2-14**. ~~[of this bill.]~~

Section 13 of this bill requires the Board to submit a report to the Governor and the Director of the Legislative Counsel Bureau detailing the occurrence of Legionnaires' disease in this State.

Section 14 of this bill provides that a covered health care facility that violates the provisions of **sections 2-14** or any regulation adopted or order issued pursuant thereto is a public nuisance and ~~[may be abated by the health authority.]~~ **requires the covered health care facility to abate the nuisance.**

As a result of the inclusion of **sections 2-14** in chapter 441A of NRS, a person who violates the provisions of **sections 2-14** is guilty of a misdemeanor. **(NRS 441A.910)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 441A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[3]~~ 2.5 to 8, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 2.5. "Administrator" means the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 3. ***"ASSE Series 12000" means the most recent edition of the ASSE/IAPMO/ANSI Series ~~[12000-2021,]~~ 12000, Professional Qualifications Standard for Water Management and Infection Control Risk Assessment for Building Systems, published by ASSE International, or its***

successor organization ***[.]*** *, and approved by the Administrator pursuant to section 8.5 of this act.*

Sec. 4. *"Building water system" means a potable or non-potable water system in a building or building site* ***. [, including, without limitation, a water supply system, decorative water feature, evaporative cooler or condenser, whirlpool, humidification system or any other aerosolizing water feature.]***

Sec. 5. *"Covered health care facility" means a health care facility* ***[.]*** *that receives federal or state money through Medicare or Medicaid:*

1. Where a patient's length of stay may exceed 24 hours;

2. That contains one or more areas for housing or treating patients that are receiving treatment for burns, chemotherapy, organ transplants or bone marrow transplants; ***[or]***

3. That contains one or more areas for housing ***[or treating]*** *patients that are immunocompromised* ***[,]*** *and at-risk* ***[individuals,]*** *persons taking medications that weaken the immune system or who have* ***[renal disease,]*** *diabetes or chronic lung disease* ***[.]*** *; or*

4. That is a residential facility for groups.

Sec. 6. *"Health care facility" means any facility licensed pursuant to chapter 449 of NRS.*

Sec. 7. *"Legionnaires' disease" means a pulmonary disease caused by the Legionella bacterium.*

Sec. 7.5. "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 8. *"Standard 188" means the most recent edition of ANSI/ASHRAE Standard* ***[188-2018,]*** *188, Legionellosis: Risk Management for Building Water Systems, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. or its successor organization* ***[.]*** *, and approved by the Administrator pursuant to section 8.5 of this act.*

Sec. 8.5. 1. The Administrator shall review each new edition of:

(a) ASSE Series 12000 that is published after the 2021 edition; and

(b) Standard 188 that is published after the 2018 edition.

2. Each new edition reviewed by the Administrator pursuant to subsection 1 shall be deemed approved unless the Administrator issues a formal declaration within 90 days after publication of the new edition that the edition is not suitable for this State.

Sec. 9. *1. Each owner or operator of a covered health care facility shall adopt and implement a water management program to minimize the growth and transmission of Legionella bacteria in the building water system in accordance with the provisions of sections 2 to 14, inclusive, of this act and any regulations adopted pursuant thereto.*

2. The water management program required pursuant to subsection 1 must, without limitation:

(a) Be ***[consistent]*** *designed and administered in accordance with* ***[the most recent version of]*** *Standard 188;*

(b) ~~[Be]~~ Except as otherwise provided in subsection 5, be designed by a water management team that includes, without limitation:

(1) At least one person who holds the Water Quality Program Certification for Employers and Designated Representatives, ASSE 12060; and

(2) At least one person who holds the Legionella Water Safety and Management Personnel Certification, ASSE 12080;

(c) Require that any work or services necessary to administer the water management program , including, without limitation, ~~[testing,]~~ culture sampling and analysis, cleaning, flushing, disinfecting, ~~[testing,]~~ prevention, control or remediation measures, are performed by persons and organizations that have been certified in accordance with the most recent edition of ASSE Series 12000;

(d) Establish procedures to ~~[confirm,]~~ validate, as an initial matter and on an ongoing basis, that the water management plan has been implemented as designed and that the program is effectively controlling any hazardous conditions throughout the building water system; and

(e) Establish procedures to ~~[conduct sampling and analysis of]~~ monitor the building water system in accordance with subsection 3 and any regulations adopted by the Board pursuant to section 12 of this act.

3. A water management program adopted pursuant to this section must set forth requirements to ~~[sample]~~ monitor the building water system for the presence of Legionella bacteria . ~~[at the following locations, as applicable:~~

~~(a) At least one sample of the inlet cold water supply at the first available tap;~~

~~(b) One sample from the return piping of the circulated potable water system;~~

~~(c) One sample from the outlet of a heating system;~~

~~(d) Except as otherwise provided in paragraph (e), at least three samples collected from each floor as follows:~~

~~(1) One sample from the tap closest to first delivery of hot water from the riser;~~

~~(2) One sample from the middle of the water system; and~~

~~(3) One sample from the last outlet before the water returns to the piping that conveys water back to the heater;~~

~~(e) If there are extensive lengths of piping and complex paths, one additional sample collected from each floor in accordance with paragraph (d);~~

~~(f) During an investigation of an occurrence or potential occurrence of Legionnaires' disease, at least one sample from any portion of the building water system that serves a location in the covered health care facility that houses affected patients or residents;~~

~~(g) If risers supply multiple circulation loops with each loop providing water to a group of rooms, samples from locations served by each loop; and~~

~~*(h) During an initial assessment of a covered health care facility, a surface sample at locations representing the middle or end of the hot water line on each floor.]*~~

4. The owner or operator of a covered health care facility shall:

(a) Except as otherwise provided in this paragraph, review the water management program and the ~~[sampling and analysis]~~ monitoring of the building water system conducted in accordance with the program on an annual basis. The owner or operator shall conduct an additional review of the water management program and ~~[sampling and analysis]~~ monitoring of the building water system if:

(1) One or more cases of Legionnaires' disease are or may be associated with the covered health care facility;

(2) Construction, modification or repair work has been completed which may affect the building water system;

(3) The hematopoietic stem cell transplant and solid organ transplant units, if present, are expanded or relocated; or

(4) Any other event determined by the Board that requires additional review.

(b) Maintain records of the water management program and all ~~[sampling]~~ monitoring details and results for at least 3 years. Such records must be made available for inspection by the Board or health authority upon request.

5. The requirements of paragraph (b) of subsection 2 do not apply to a rural clinic, rural hospital or hospital that has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

6. As used in this section:

(a) "Rural clinic" has the meaning ascribed to it in NRS 449.0175.

(b) "Rural hospital" has the meaning ascribed to it in NRS 449.0177.

Sec. 10. ~~*[1. In addition to the requirements set forth in section 9 of this act, the owner or operator of a covered health care facility with a cooling tower system shall adopt and operate a maintenance program and plan for each cooling tower that has been developed in accordance with Standard 188, which must, without limitation:*~~

~~*(a) Establish a schedule for:*~~

~~*(1) Routine bacteriological culture sampling and analysis to assess microbiological activity at intervals not to exceed 30 days while the cooling tower is in use, which must include, without limitation, additional bacteriological culture sampling and analysis as needed to validate process adjustments.*~~

~~*(2) Routine Legionella culture sampling and analysis beginning not less than 14 days after the first day of the beginning of the seasonal use of the cooling tower and proceeding at intervals of not more than 90 days while the cooling tower is in use. If the cooling tower is used year-round, the schedule must require sampling and analysis at intervals of not more than*~~

~~*90 days and within 14 days following any maintenance that requires restarting the cooling tower.*~~

~~*(b) Establish requirements for immediate Legionella culture sampling and analysis:*~~

~~*(1) In the event of power failure of sufficient duration to allow for the growth of bacteria;*~~

~~*(2) In the event of the loss of biocide treatment of sufficient duration to allow for the growth of bacteria;*~~

~~*(3) In the event of the failure of conductivity control or any other control method to maintain proper cycles of concentration;*~~

~~*(4) If the Board or health authority determines, based on epidemiologic data or laboratory testing, that one or more cases of Legionnaires' disease is or may be associated with the cooling tower; or*~~

~~*(5) If any other event occurs that requires immediate sampling and analysis as determined by the Board.*~~

~~*(c) Include a shutdown and disinfection plan for removing or permanently discontinuing the use of the cooling tower;*~~

~~*(d) Require the treatment and manual or automated flushing of any piping, basin, sump or wetted surface in idle conditions; and*~~

~~*(e) Require the cleaning and disinfection of the cooling tower before start up if the cooling tower has been shut down without treatment and recirculation for more than 5 consecutive days.*~~

~~*2. The operator or owner of the covered health care facility with a cooling tower shall ensure that any work or services for the cooling tower required by Standard 188 or the maintenance program and plan adopted pursuant to subsection 1, including, without limitation, testing, culture sampling and analysis, cleaning, flushing, disinfecting, testing, prevention, control or remediation measures, are performed by persons and organizations that have been certified in accordance with the most recent edition of ASSE Series 12000.]*~~ **(Deleted by amendment.)**

Sec. 11. ***Pursuant to NRS 441A.150, a provider of health care, medical facility or a laboratory director shall, in the manner prescribed by the Board, immediately notify the health authority upon a suspicion or positive diagnosis of Legionnaires' disease in a covered health care facility. The health authority shall investigate the matter pursuant to NRS 441A.160 or 441A.163, as applicable.***

Sec. 12. ***The Board shall adopt regulations to carry out the provisions of sections 2 to 14, inclusive, of this act, including, without limitation, requirements for sampling sites, monitoring and testing for*** ***Legionella*** ***bacteria in the building water system of a covered health care facility*** ~~*[. For potable water systems, such regulation must include, without limitation:*~~

~~*1. Legionella culture sampling sites;]*~~ ***and***

~~*[2. Provisions requiring]*~~ ***Legionella*** ***culture sampling and analysis . [.***

~~*(a) At intervals of not more than 90 days for the first year following the adoption of a sampling and management plan by the owner or operator of a covered health care facility;*~~

~~*(b) Except as otherwise provided in paragraph (c), after the first year following the adoption of a sampling and management plan, at least annually; and*~~

~~*(c) If a potable water system will serve a covered health care facility for hematopoietic stem cell transplants or solid organ transplants, at intervals of not more than 90 days.]*~~

Sec. 13. *On or before January 31 of each year, the Board shall prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature or, if the Legislature is not in session, to the Joint Interim Standing Committee on Health and Human Services, a report detailing the occurrence of Legionnaires' disease in this State which must include, without limitation:*

1. The number of cases of Legionnaires' disease in this State for each of the ~~*[previous]*~~ *immediately preceding 10 years;*

2. The number of positive Legionella culture test results reported to the Board for the ~~*[previous]*~~ *immediately preceding year;*

3. The number and types of violations of the provisions of sections 2 to 14, inclusive, of this act; and

4. Any recommendations of the Board for legislation necessary to further control Legionella bacteria in the water systems of covered health care facilities.

Sec. 14. *Any covered health care facility in violation of the provisions of sections 2 to 14, inclusive, of this act, or any regulation adopted or order issued pursuant thereto, is hereby declared to be a public nuisance.* ~~*[Such]*~~ *A covered health facility shall abate any such nuisance .* ~~*[may be abated or enjoined in an action brought by the health authority. The health authority may recover the costs of abating the public nuisance.]*~~

Sec. 15. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 16. 1. This section and section 15 of this act become effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, ~~[2024,]~~ **2025,** for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 266.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 92.

AN ACT relating to governmental administration; requiring the ~~[board of county commissioners in]~~ **governing body of** certain counties and ~~[the governing body of a city in certain counties]~~ **cities** to ensure that public notices are issued in certain languages; requiring each **such** county and city to develop a language access plan ~~[in coordination with]~~ **; requiring** the Office for New Americans created in the Office of the Governor ~~[,]~~ **to employ a person to perform certain duties related to language access;** requiring the Director of the Office for New Americans to submit a biannual report to the Legislature relating to language access plans of state agencies and local governments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the head of each agency of the Executive Department of the State Government to designate one or more employees of the agency to be responsible for developing and biennially revising a language access plan for the agency that meets certain requirements. (NRS 232.0081) Similarly, **sections 3 and 6** of this bill, respectively, require each board of county commissioners and governing body of a city to: (1) designate one or more employees of the county or city, as applicable, to be responsible for developing and biennially revising a language access plan for the county or city, as applicable, that meets certain requirements; and (2) on or before ~~[January]~~ **August** 1 of each even-numbered year, submit the language access plan to the ~~[Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs. Sections 3, 4 and 6 of this bill require that such a language access plan be developed in coordination and collaboration with the]~~ Office for New Americans created in the Office of the Governor.

Section 4 of this bill requires the Director of the Office for New Americans to, on or before ~~[January 1]~~ **September 30** of each ~~[odd-numbered]~~ **even-numbered** year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, setting forth any recommendations for legislation relating to language access plans of state agencies or local governments. **Section 4 further requires the Director of the Office to employ a person to serve as the language access coordinator to: (1) coordinate with each governing body required to create a language access plan; (2) provide oversight, central coordination, consultation and technical assistance to any state agency, board of county commissioners and governing body of a city in the implementation of language access plans; (3) provide any state agency, board of county commissioners and governing body of a city with a policy manual containing baseline policies and procedures for**

compliance with language access requirements; (4) maintain a publicly available roster of language interpreters and translators in positions that regularly have contact with the public and the languages each interpreter or translator speaks; (5) train any state agency, board of county commissioners and governing body of a city to effectively recruit and retain language interpreters and translators and to support the recruitment and retention process; (6) receive and investigate complaints relating to language access against any state agency, board of county commissioners or governing body of a city and work with the Director to resolve such complaints; (7) implement an annual budget and procurement strategy for expenses related to state language access plans; and (8) provide any local government with the demographical information of persons with limited English proficiency who are constituents of the local government.

Sections 2 and 7 of this bill require the board of county commissioners in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and the governing body of a city **whose population is 25,000 or more** located in such a county (currently ~~[Boulder City and]~~ the Cities of Henderson, Las Vegas, ~~[Mesquite,]~~ North Las Vegas, Reno and Sparks) to ensure that any public notice **which** is issued **by the planning commission of the county or city, as applicable, sets forth a link to the Internet website of the county or city, as applicable, that includes the public notice** in every language in which voting materials are required to be prepared in the county pursuant to federal and state law. **Sections 2 and 7 further require such boards of county commissioners and such governing bodies of cities to make a good faith effort to find certified translators to translate such information. Sections 2 and 7 provide that the respective county, county employees, city and city employees are not liable for any such translation.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The board of county commissioners in a county whose population is 100,000 or more shall ~~[ensure]~~ :***

(a) Ensure that any public notice ~~[is]~~ issued by the planning commission of the county:

(1) Sets forth the link to the Internet website of the county and a statement that information regarding the public notice is available in other languages on that Internet website; and

(2) Is available on the Internet website of the county in every language in which voting materials are required to be prepared in the county pursuant to 52 U.S.C. § 10503 and NRS 293.2699.

(b) Make a good faith effort to find certified translators to translate the information required pursuant to this section.

2. The county and employees of the county are not liable for any mistake made in translating the information required pursuant to this section.

3. As used in this section, "public notice" means any notice or other written matter that the planning commission of the county is required to send by mail to a person or post in a public manner, including, without limitation, by posting on an Internet website.

Sec. 3. ***1. Each board of county commissioners shall designate one or more employees of the county to be responsible for developing and biennially revising a language access plan for the county that meets the requirements of subsection 2. [In developing and revising the language access plan, the employee or employees shall coordinate and collaborate with the Office for New Americans created in the Office of the Governor by NRS 223.910.]***

2. A language access plan must assess existing needs of the residents of the county for language services and the degree to which the county has met those needs. The plan must include recommendations to expand language services, if needed, to improve access to the services provided by the county. The plan must:

(a) Outline the compliance of the county and any contractors, grantees, assignees, transferees or successors of the county with existing federal and state laws and regulations and any requirements associated with funding received by the county concerning the availability of language services and accessibility of the services provided by the county or any contractors, grantees, assignees, transferees or successors to residents of the county who are persons with limited English proficiency;

(b) [List the relevant demographics of persons residing in the county, including, without limitation:

(1) The preferred language and literacy level of residents;

(2) The ability of residents to access services the county provides electronically;

(3) The number and percentage of residents in the county who are indigenous; and

(4) The number and percentage of residents in the county who are refugees;

(c)] Provide an inventory of language services currently provided by the county, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to residents served by the county in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) [A comparison of the number of employees of the county who regularly have contact with the public to the number of employees who are fluent in more than one language, in aggregate and disaggregated by language;

~~*(4) A description of any position in the county designated for a dual-role interpreter;*~~

~~*(5)]*~~ *Procedures and resources used by the county for outreach to persons with limited English proficiency who are residents of the county, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and*

~~*[(6)]*~~ *(4) Any resources made available to employees of the county related to cultural competency;*

~~*[(d)]*~~ *(c) Provide an inventory of the training and resources provided to employees of the county who serve residents who are persons with limited English proficiency, including, without limitation, training and resources regarding:*

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) ~~*[Ensuring the competency of interpreters and translation services;*~~

~~*(4)]*~~ *Recording in the electronic records of the county that a resident served by the county is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;*

~~*[(5)]*~~ *(4) Communicating with the board concerning the needs of the residents served by and eligible to receive any services from the county for language services; and*

~~*[(6)]*~~ *(5) Notifying residents who are persons with limited English proficiency who are eligible for or currently receiving services from the county of the services available from the county in the preferred language of those residents at a literacy level and in a format that is likely to be understood by those residents; and*

~~*[(e)]*~~ *(d) Identify areas in which the services described in paragraph* ~~*[(c)]*~~ *(b) and the training and resources described in paragraph* ~~*[(d)]*~~ *(c) do not meet the needs of residents who are persons with limited English proficiency in the county, including, without limitation:*

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the county; and

(II) That translators and interpreters used by the county adequately represent the preferred languages spoken by residents of the county; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred language of residents who are persons with limited English proficiency who are eligible for or currently receiving services from the county and ways to

partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. Each board of county commissioners shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof; and

(b) ~~[Make recommendations to the Legislature concerning any statutory changes necessary to implement or improve a language access plan; and~~ ~~(c)] ***Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of residents who are persons with limited English proficiency served by the county as identified pursuant to paragraph ~~[(c)]~~ (d) of subsection 2, in the proposed budget for the county.***

5. On or before ~~[January]~~ August 1 of each even-numbered year, each board of county commissioners shall submit the language access plan developed and revised pursuant to subsection 1 to the ~~[Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs]~~ Office for New Americans created in the Office of the Governor pursuant to NRS ~~[218E.320.]~~ 223.910.

6. As used in this section:

(a) ~~[“Dual-role interpreter” has the meaning ascribed to it in NRS 232.0081.~~

~~(b)]~~ “Language services” has the meaning ascribed to it in NRS 232.0081.

~~[(c)]~~ (b) “Oral language services” has the meaning ascribed to it in NRS 232.0081.

~~[(d)]~~ (c) “Person with limited English proficiency” has the meaning ascribed to it in NRS 232.0081.

~~[(e)]~~ (d) “Translation services” has the meaning ascribed to it in NRS 232.0081.

Sec. 4. NRS 223.920 is hereby amended to read as follows:

223.920 The Director of the Office for New Americans created by NRS 223.910 shall ensure that the Office:

1. Serves as the coordinating office for each state agency that is responsible for a program that provides services to immigrants in this State, including, without limitation, a program that:

(a) Relates to professional licensing, registration, permitting or similar types of authorization issued by a regulatory body;

(b) Connects immigrants to entrepreneurial and other business resources and workforce development training and programs; and

(c) Assists immigrants in areas relating to quality of life, including, without limitation, education, housing and health care.

2. Reviews and analyzes the policies and programs of state agencies relating to immigrants and makes recommendations to the Governor on such policies and programs, including, without limitation, the elimination of duplication in existing state programs.

3. Provides information and assistance relating to issues affecting immigrants to state agencies, both directly and by serving as a clearinghouse for information received from state agencies, other departments of the State Government, political subdivisions of this State, any other state or the Federal Government.

4. Engages in state and federal advocacy and makes recommendations concerning law and policy affecting immigrants to advance economic and population growth in this State.

5. Develops sustainable partnerships with community foundations and other nonprofit and private sector entities that serve immigrant communities in this State.

6. ***Employs a person to serve as the language access coordinator who:***

(a) Coordinates with:

~~[(a)]~~ ***(1) Each board of county commissioners and each governing body of a city required to develop a language access plan pursuant to section 3 or ~~[5]~~ 6 of this act, as applicable;***

~~***[(b)]***~~ ***(2)*** Refugee resettlement agencies in this State to identify gaps in programs provided by those agencies; and

~~[~~(b) ~~***(c)]***~~ ***(3)*** State agencies to assist in efforts to resettle, integrate and assimilate refugees in this State~~.~~ ~~[.]~~ ***;***

(b) Provides oversight, central coordination, consultation and technical assistance to any state agency, board of county commissioners and governing body of a city in the implementation of language access plans;

(c) Provides any state agency, board of county commissioners and governing body of a city with a policy manual containing baseline policies and procedures for compliance with language access plans;

(d) Maintains a publicly available roster of language interpreters and translators in positions that regularly have contact with the public and the languages each interpreter or translator speaks;

(e) Trains any state agency, board of county commissioners and governing body of a city to effectively recruit and retain language interpreters and translators and to support the recruitment and retention process;

(f) Receives and investigates complaints relating to language access against any state agency, board of county commissioners or governing body of a city and works with the Director to resolve such complaints;

(g) Implements an annual budget and procurement strategy for expenses related to state language access plans; and

(h) Provides any local government with the demographical information of persons with limited English proficiency who are constituents of the local government.

7. On or before ~~[January 1]~~ September 30 of each ~~[odd-numbered]~~ even-numbered year, submits a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, that sets forth any recommendations for legislation relating to language access plans of state agencies or local governments.

8. As used in this section, "person with limited English proficiency" has the meaning ascribed to it in NRS 232.0081.

Sec. 5. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. *1. The governing body of a city shall designate one or more employees of the city to be responsible for developing and biennially revising a language access plan for the city that meets the requirements of subsection 2. ~~[In developing and revising the language access plan, the employee or employees shall coordinate and collaborate with the Office for New Americans created in the Office of the Governor by NRS 223.910.]~~*

2. A language access plan must assess existing needs of the residents of the city for language services and the degree to which the city has met those needs. The plan must include recommendations to expand language services, if needed, to improve access to the services provided by the city. The plan must:

(a) Outline the compliance of the city and any contractors, grantees, assignees, transferees or successors of the city with existing federal and state laws and regulations and any requirements associated with funding received by the city concerning the availability of language services and accessibility of the services provided by the city or any contractors, grantees, assignees, transferees or successors to residents of the city who are persons with limited English proficiency;

(b) ~~[List the relevant demographics of persons residing in the city, including, without limitation:~~

~~(1) The preferred language and literacy level of residents;~~

~~(2) The ability of residents to access services the city provides electronically;~~

~~(3) The number and percentage of residents in the city who are indigenous; and~~

~~(4) The number and percentage of residents in the city who are refugees;~~

~~(c)]~~ Provide an inventory of language services currently provided by the city, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to residents served by the city in the preferred language of such persons, in aggregate and

disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) ~~[A comparison of the number of employees of the city who regularly have contact with the public to the number of employees who are fluent in more than one language, in aggregate and disaggregated by language;~~

~~(4) A description of any position in the city designated for a dual-role interpreter;~~

~~(5)]~~ Procedures and resources used by the city for outreach to persons with limited English proficiency who are residents of the city, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

~~[(6)]~~ (4) Any resources made available to employees of the city related to cultural competency;

~~[(d)]~~ (c) Provide an inventory of the training and resources provided to employees of the city who serve residents who are persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) ~~[Ensuring the competency of interpreters and translation services;~~

~~(4)]~~ Recording in the electronic records of the city that a resident served by the city is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;

~~[(5)]~~ (4) Communicating with the governing body concerning the needs of the residents served by and eligible to receive any services from the city for language services; and

~~[(6)]~~ (5) Notifying residents who are persons with limited English proficiency who are eligible for or currently receiving services from the city of the services available from the city in the preferred language of those residents at a literacy level and in a format that is likely to be understood by those residents; and

~~[(e)]~~ (d) Identify areas in which the services described in paragraph ~~[(c)]~~ (b) and the training and resources described in paragraph ~~[(d)]~~ (c) do not meet the needs of residents who are persons with limited English proficiency in the city, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the city; and

(II) That translators and interpreters used by the city adequately represent the preferred languages spoken by residents of the city; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred language of residents who are persons with limited English proficiency who are eligible for or currently receiving services from the city and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. The governing body of a city shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof; and

(b) ~~[Make recommendations to the Legislature concerning any statutory changes necessary to implement or improve a language access plan; and~~

~~(c)]~~ Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of residents who are persons with limited English proficiency served by the city as identified pursuant to paragraph ~~[(c)]~~ (d) of subsection 2, in the proposed budget for the city.

5. On or before ~~[January]~~ August 1 of each even-numbered year, the governing body of a city shall submit the language access plan developed and revised pursuant to subsection 1 to the ~~[Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs]~~ Office for New Americans created in the Office of the Governor pursuant to NRS ~~[218E.320,]~~ 223.910.

6. As used in this section:

(a) ~~["Dual-role interpreter" has the meaning ascribed to it in NRS 232.0081.~~

~~(b)]~~ "Language services" has the meaning ascribed to it in NRS 232.0081.

~~[(c)]~~ (b) "Oral language services" has the meaning ascribed to it in NRS 232.0081.

~~[(d)]~~ (c) "Person with limited English proficiency" has the meaning ascribed to it in NRS 232.0081.

~~[(e)]~~ (d) "Translation services" has the meaning ascribed to it in NRS 232.0081.

Sec. 7. *1. The governing body of a city whose population is 25,000 or more located in a county whose population is 100,000 or more shall ~~[ensure]~~ :*

(a) Ensure that any public notice ~~[is]~~ issued by the planning commission of the city:

(1) Sets forth a link to the Internet website of the city and a statement that information regarding the public notice is available in other languages on that Internet website; and

(2) Is available on the Internet website of the city in every language in which voting materials are required to be prepared in the city pursuant to 52 U.S.C. § 10503 and NRS 293.2699.

(b) Make a good faith effort to find certified translators to translate the information required pursuant to this section.

2. The city and employees of the city are not liable for any mistake made in translating the information required pursuant to this section.

3. As used in this section, "public notice" means any notice or other written matter that the planning commission of the city is required to send by mail to a person or post in a public manner, including, without limitation, by posting on an Internet website.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 345.

Bill read second time and ordered to third reading.

Assembly Bill No. 361.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 137, 192, 201, 221, 263, and 266 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Monroe-Moreno moved that Assembly Bills Nos. 1, 6, 37, and 345 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 20 revises the acceptable uses of money received, and entities eligible to receive money from, the Account to Finance the Construction of Treatment Works and the Implementation of Pollution Control Projects, in accordance with federal law.

The bill also revises how funding received from the Account for the Revolving Fund and the Account for Set-Aside Programs may be used, in accordance with federal law.

Finally, the bill expands the list of eligible recipients receiving certain grants from the Board for Financing Water Projects and removes the requirement that not more than three members of the Board may be of the same political party.

Roll call on Assembly Bill No. 20:

YEAS—37.

NAYS—Dickman, Gallant, Gray, Kasama, McArthur—5.

Assembly Bill No. 20 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblyman Koenig.

ASSEMBLYMAN KOENIG:

Assembly Bill 54 makes various provisions regarding school attendance and related topics. Among other items, the bill revises certain provisions concerning compulsory school attendance and student absences; requires school districts to monitor and report chronic absenteeism and allows them to adopt a chronic absenteeism policy; revises the circumstances under which a pupil may be declared habitually truant; requires the use of average daily enrollment for purposes of apportionment; requires the membership of an advisory board to review school attendance to reflect, to the greatest extent possible, the ethnic and geographic diversity of the relevant county; eliminates a reporting requirement regarding students who receive free or reduced-price meals; authorizes hospitals and other facilities that provide certain educational services to a child to request reimbursement from the school district or charter school in which the child is enrolled and revises the method for calculating such a reimbursement; and authorizes certain notices and other communications to be made electronically.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 54:

YEAS—42.

NAYS—None.

Assembly Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblywoman Mosca.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 74 authorizes the Board of Regents, Nevada System of Higher Education, to enter into an agreement with a public or private entity to promote and enhance an educational program or student life at an institution and outlines certain provisions for such agreements, including certain provisions relating to prevailing wage. The bill further determines that any such agreement is subject to certain policies established by the Board of Regents.

Roll call on Assembly Bill No. 74:

YEAS—42.

NAYS—None.

Assembly Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 100 requires the Department of Health and Human Services, during the 2023-2024 interim, to develop evidence-based and culturally sensitive assessments to be administered by the Department to family caregivers of individuals with disabilities or health conditions; implement a pilot program to administer these assessments to family caregivers; recruit certain persons and entities who directly or indirectly receive funding from the Department to voluntarily participate in the pilot program; and annually report on the progress and results of the pilot program.

Roll call on Assembly Bill No. 100:

YEAS—42.

NAYS—None.

Assembly Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 118.

Bill read third time.

Remarks by Assemblywoman Mosca.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 118 makes certain changes concerning the Board of Regents. Specifically, it revises overall membership from 13 to 9 members; revises terms to four-year periods; and outlines provisions concerning election districts, dates, and terms.

Roll call on Assembly Bill No. 118:

YEAS—30.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill—12.

Assembly Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 172.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 172 requires each local government employer to semiannually provide each employee organization recognized by the local government employer certain contact information for each employee of the bargaining unit represented by the employee organization. The bill also specifies that the information is not a public record.

Roll call on Assembly Bill No. 172:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 191.

Bill read third time.

Remarks by Assemblyman DeLong.

ASSEMBLYMAN DELONG:

Assembly Bill 191 limits the term "supplier of water" to a public or private entity which has at least 15 service connections serving year-round residents of the system that supplies water for municipal or quasi-municipal purposes.

This bill is effective on October 1, 2023.

Roll call on Assembly Bill No. 191:

YEAS—42.

NAYS—None.

Assembly Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Assembly Bill 202 authorizes a patient in a skilled nursing facility or the patient's representative to request the installation and use of an electronic communication device in the patient's living quarters if certain conditions are met. Prior to the installation and use of such a device, a patient or patient's representative must obtain the written consent of a patient's roommate or the roommate's representative, if applicable. A facility shall make reasonable efforts to accommodate a patient whose roommate fails to provide such consent.

This bill is effective upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks, and on October 1, 2023, for all other purposes.

Roll call on Assembly Bill No. 202:

YEAS—41.

NAYS—Gray.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 262 requires, to the extent practicable, state agencies to give preference to purchasing automobiles that minimize emissions and the total cost of the automobile over its service life. The bill also requires state agencies, to the extent practicable, to give preference to purchasing motor vehicle fuel blended with ethanol and to ensure diesel-powered automobiles, if purchased, are capable of using certain biodiesel fuel blends. The agencies must maintain records on the type of fuel used by each vehicle purchased, and the Fleet Services Division of the Department of Administration must maintain such records for all vehicles assigned to the Division.

Lastly, the bill declares that it is the policy of this state to pursue and support a transition of all publicly owned vehicles to vehicles that emit zero tailpipe emissions by 2050.

Roll call on Assembly Bill No. 262:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblyman Yurek.

ASSEMBLYMAN YUREK:

Assembly Bill 350 requires each law enforcement agency to include certain additional information relating to seizures and forfeitures in the annual report submitted to the Office of the Attorney General. This bill additionally requires the Office of the Attorney General to make the reports relating to seizures and forfeitures that are published on its Internet website available in a machine-readable format.

Roll call on Assembly Bill No. 350:

YEAS—42.

NAYS—None.

Assembly Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

Bill read third time.

Remarks by Assemblyman DeLong.

ASSEMBLYMAN DELONG:

Assembly Bill 424 requires the State Board of Finance to issue not more than $13 million in general obligation bonds to fund certain environmental improvement projects included in the second phase of the Environmental Improvement Program for the Lake Tahoe Basin. The bill also allows the use of interest accrued on the proceeds of previously issued bonds to carry out such projects.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 424:

YEAS—42.

NAYS—None.

Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:41 p.m.

ASSEMBLY IN SESSION

At 2:46 p.m.

Mr. Speaker presiding.

Quorum not present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Alma Marin, Caitlin Gatchalian, and Gamaliel Enriquez.

Mr. Speaker announced that the Assembly would adjourn until Monday, April 17, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:47 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 17, 2023

Assembly called to order at 11:48 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Bilbray-Axelrod, who was excused.

Prayer by the Chaplain, Pastor Peggy Locke.

The Bible says in Philippians 4:4-7, "Rejoice in the Lord always; again I will say, rejoice. Let your reasonableness be known to everyone. The Lord is at hand; do not be anxious about anything, but in everything by prayer and supplication with thanksgiving let your requests be made known to God. And the peace of God, which surpasses all understanding, will guard your hearts and your minds in Christ Jesus."

Father, we commit to You all we do today. We place all our cares, worries and anxious thoughts into Your hands. We thank You for Your peace that guards our hearts and minds. We look to You for wisdom and understanding and for Your will to be accomplished.

We pray for our friends, families, and fellow laborers, that they would be encouraged and strengthened as they trust in You.

We pray blessing upon those serving in harm's way for their continued endurance and dedication in the midst of challenging times.

Thank You for the privilege to serve the people of our beloved Battleborn State of Nevada. Grace and peace be with you as we pray in Jesus Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 239, 267, 301, 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 72, 185, 207, 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 8, 60, 214, 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 303, 315, 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 32, 272, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 5.

Resolution read.

Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:

Assembly Joint Resolution 5 proposes to amend the *Nevada Constitution* to authorize the Legislature to provide by law for the operation and regulation of lotteries, including, without limitation, the sale of lottery tickets. The resolution prohibits the Legislature from passing any laws which grant a special charter or similar governing document to any person or entity to operate a lottery or sell lottery tickets. The resolution further prohibits political subdivisions of the state from operating a lottery or selling lottery tickets. Additionally, the resolution clarifies that the operation of any charitable lotteries must comply with existing provisions in the *Nevada Constitution* governing charitable lotteries.

Roll call on Assembly Joint Resolution No. 5:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Orentlicher, Summers-Armstrong, Yurek—15.

EXCUSED—Bilbray-Axelrod.

Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read.

Remarks by Assemblymen Watts and Gray.

ASSEMBLYMAN WATTS:

Assembly Joint Resolution 6 proposes to amend the *Nevada Constitution* to adopt the National Popular Vote Compact. If the Compact is effective through adoption by states cumulatively possessing a majority of the electoral votes, the presidential electors in this state must, with limited exception, mark their presidential elector ballots for the national popular vote winner. If there is a tie in the national popular vote, the presidential electors must mark their ballots for the winner of the popular vote in Nevada. The proposed constitutional amendment also provides that Nevada may withdraw from and rejoin the Compact through statute.

If approved in identical form by the 2025 Legislature, the proposal will be submitted to voters for final approval or disapproval. However, the Compact does not take effect until states cumulatively possessing a majority of the electoral votes enact the Compact.

ASSEMBLYMAN GRAY:

I rise in opposition to Assembly Joint Resolution 6. For many years, both Democrats and Republicans in Nevada have successfully pushed for our state to have an early, outsized role in Presidential politics. Assembly Joint Resolution 6 flips that script, ensuring that Nevada is ignored by Presidential candidates.

I still have legal concerns that were not resolved by LCB [Legislative Counsel Bureau] Counsel's explanations. I have studied the history and intent of the Electoral College, and a national popular vote plainly requires an amendment to the *U.S. Constitution*. Americans are not taught that the people were never meant to directly elect a President. The states elect the President. Federalist No. 68 tells us this and that the Electoral College was the least contentious part of the *Constitution* drafted at the 1787 Convention. The National Popular Vote Compact is clearly an end run around the *Constitution* and an offense to our republic.

Mr. Speaker, America is not perfect, but we have accomplished many wonderful things in our history. We ask those enlisting to serve our country to swear an oath to our *Constitution*. In our history, nearly 1.4 million people have given their lives to defend our *Constitution* and our country. All of us in this Chamber also take an oath to that inspired document. Assembly Joint Resolution 6 seeks to push the *Constitution* into the gutter, and I cannot overlook such an offensive act. In summation, our Founding Fathers got this right. For these reasons, I will be a no on AJR 6.

Roll call on Assembly Joint Resolution No. 6:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod.

Assembly Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 3—Directing the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study of the laws administered by the Nevada Transportation Authority and the Taxicab Authority.

Assemblyman D'Silva moved the adoption of the resolution.

Remarks by Assemblyman D'Silva.

ASSEMBLYMAN D'SILVA:

Assembly Concurrent Resolution 3 directs the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study of the laws administered by the Nevada Transportation Authority and the Taxicab Authority during the 2023-2024 interim.

Resolution adopted.

By Assemblywomen Anderson and Considine:

Assembly Concurrent Resolution No. 7—Directing the Joint Interim Standing Committee on Revenue to conduct a study regarding wealth taxes during the 2023-2024 interim.

Assemblywoman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson and Hafen.

ASSEMBLYWOMAN ANDERSON:

Assembly Concurrent Resolution 7 directs the Joint Interim Standing Committee on Revenue to conduct a study regarding wealth taxes during the 2023-2024 interim. The study must include an examination of laws enacted or considered by other states which impose or propose to impose any wealth tax; which types of wealth may be taxed in this state; and potential revenue that would be generated through the imposition of a wealth tax in our state.

The Committee is required to submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

ASSEMBLYMAN HAFEN:

I rise in opposition to Assembly Concurrent Resolution 7. We all took an oath to support, protect, and defend the *United States Constitution* and the *Nevada Constitution*. It is my personal opinion that this resolution is in violation of Article 10, Section 1, Subsection 7 of the *Nevada Constitution* that "[n]o inheritance tax shall ever be levied" and in violation of Article 10, Section 1, Subsection 9 of the Nevada Constitution that "[n]o income tax shall be levied." It is our duty and our obligation to oppose these types of taxes; therefore, we should not be spending taxpayer dollars to study it. I urge my colleagues to uphold their oath of office and vote no on ACR 7.

Resolution adopted.

NOTICE OF EXEMPTION

April 16, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 119, 349, 448.

SARAH COFFMAN
Fiscal Analysis Division

April 17, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 36, 277, 279, 291, 329, 425.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that Assembly Bill No. 146 be taken from the Chief Clerk's Desk and placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 50.

Bill read second time and ordered to third reading.

Assembly Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 197.

AN ACT relating to children; revising the membership of the Nevada Early Childhood Advisory Council; defining the term "early childhood program" for purposes of the duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Early Childhood Advisory Council and sets forth the minimum membership of the Council, who are to be appointed by the Governor. The Governor is also authorized to appoint such additional members to the Council as the Governor determines are necessary. (NRS 432A.076) This bill requires that the membership of the Council include: (1) one member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services whose duties include responsibility for maternal, child and adolescent health; (2) one member who is a representative of the Program for Child Care and Development in the Division of Welfare and Supportive Services of the Department; (3) one member who is a representative of a public school who works with pupils in kindergarten through grade 3; (4) one member who is a representative of a tribal organization; and (5) at least one member who is a parent or guardian of a child less than 8 years of age and who has participated in one or more federal or state early childhood programs. **This bill provides that the member who is appointed as a representative of the Department of Education whose duties include responsibilities for certain programs may, alternatively, be a representative of the Department of Health and Human Services whose duties include similar responsibilities.** This bill also defines the term "early childhood program" for purposes of the duties of the Council as any program **that stimulates physical, cognitive, linguistic, social and emotional development** for children less than 8 years of age pertaining to: (1) nutrition; (2) health care; (3) mental and behavioral health; (4) protection; ~~[or]~~ **and** (5) play and learning**.** ~~[to stimulate physical, cognitive, linguistic, social and emotional development.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432A.076 is hereby amended to read as follows:

432A.076 1. The Nevada Early Childhood Advisory Council is hereby established as the state advisory council on early childhood education and care required to be established pursuant to 42 U.S.C. § 9837b(b)(1)(A)(i). The membership of the Council must be appointed by the Governor and include, without limitation:

(a) One member who is a representative of the Division of Public and Behavioral Health of the Department whose duties include responsibility for child care;

(b) ***One member who is a representative of the Division of Public and Behavioral Health of the Department whose duties include responsibility for maternal, child and adolescent health;***

(c) One member who is a representative of the Program for Child Care and Development, as defined in NRS 422A.055;

(d) One member who is a representative of the Department of Education;

~~[(c)]~~ ***(e)*** One member who is a representative of the Department of Education whose duties include responsibilities for programs under section 619 or part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq. ~~[;]~~ ***, or a representative of the Department of Health and Human Services whose duties include responsibilities for programs under part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;***

~~[(d)]~~ ***(f)*** One member who is a representative of the boards of trustees of the school districts in this State;

~~[(e)]~~ ***(g)*** One member who is a representative of the Nevada System of Higher Education;

~~[(f)]~~ ***(h)*** One member who is a representative of local providers of early childhood education and developmental services;

~~[(g)]~~ ***(i) One member who is a representative of a public school, as defined in NRS 385.007, who works with pupils in kindergarten through grade 3;***

(j) One member who is a representative of Head Start agencies in this State, including, without limitation, migrant and seasonal Head Start programs and Indian Head Start programs;

~~[(h)]~~ ***(k)*** One member who is appointed or designated pursuant to 42 U.S.C. § 9837b(a)(3)(A);

~~[(i)]~~ ***(l)*** One member who is a representative of the Aging and Disability Services Division of the Department;

~~[(j)]~~ ***(m)*** One member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood ~~[education]~~ programs;

~~[(k)]~~ ***(n)*** One member who is a representative of a nonprofit organization located in northern Nevada that provides early childhood ~~[education]~~ programs;

~~[(l)]~~ ***(o)*** One member who is a representative of the pediatric mental, physical or behavioral health care industry;

(p) One member who is a representative of a tribal organization ~~[.]~~ ***, with consideration given to an enrolled member of a Nevada Indian tribe who is recommended by the Nevada Indian Commission in consultation with the Inter-Tribal Council of Nevada, Inc., or its successor organization;***

(q) At least one member who is a parent or guardian of a child less than 8 years of age and who has participated in one or more federal or state early childhood programs, including, without limitation:

(1) The Program for Child Care and Development administered by the Division of Welfare and Supportive Services of the Department pursuant to chapter 422A of NRS;

(2) Head Start or Early Head Start;

(3) Nevada Home Visiting Program in the Department;

(4) Nevada Ready! State Pre-K program in the Department of Education; or

(5) The Special Supplemental Nutrition Program for Women, Infants and Children in the United States Department of Agriculture; and

~~[(m)]~~ ***(r)*** Such other members as the Governor determines are appropriate.

2. ***In making the appointment of any member pursuant to paragraph (q) of subsection 1, the Governor, to the extent practicable, must give preference to a parent or guardian who represents a diverse population of this State.***

3. The Council shall:

(a) Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood ~~[education]~~ programs.

(b) Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood ~~[education]~~ programs.

(c) Identify opportunities for and barriers to coordination and collaboration among early childhood ~~[education]~~ programs funded in whole or in part by the Federal Government, the State or a local government.

(d) Develop recommendations for:

(1) Increasing the participation of children in early childhood ~~[education]~~ programs funded in whole or in part by the Federal Government, the State or a local government, including, without limitation, providing information on such programs to underrepresented and special populations;

(2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood ~~[education]~~ programs;

(3) A statewide professional development system for teachers engaged in early childhood education; and

(4) The establishment of statewide standards for early childhood ~~[education]~~ programs in this State.

(e) Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.

(f) Establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children. The guidelines must:

(1) Be based on national school readiness indicators;

(2) Address the following components of school readiness:

(I) Physical and developmental health;

(II) Social and emotional development;

(III) Approaches to learning;

(IV) Language and early literacy development; and

(V) Cognition and general knowledge.

(g) Develop recommendations for increasing parental involvement and family engagement in early childhood ~~[education]~~ programs.

(h) Perform such other duties relating to early childhood ~~[education]~~ programs as designated by the Governor.

~~[3.]~~ ***4.*** On or before December 1 of each year, the Council shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau

for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Education, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, a summary of the activities of the Council and any recommendations for improvements to the early childhood system in this State.

~~[4.]~~ ***5.*** The Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.

~~***[5.]***~~ ***6.*** ***As used in this section, "early childhood program" means any program for children less than 8 years of age pertaining to:***

(a) Nutrition;

(b) Health care;

(c) Mental and behavioral health;

(d) Protection; ~~[or]~~ and

(e) Play and learning

to stimulate physical, cognitive, linguistic, social and emotional development.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 122.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYMEN** BROWN-MAY **; GONZÁLEZ, GORELOW, GRAY, NEWBY, NGUYEN, ORENTLICHER, PETERS, TAYLOR AND THOMAS**

AN ACT relating to health care; requiring certain providers of health care or other services and midwives to provide current, evidence-based information concerning Down syndrome to a person under certain circumstances; requiring certain providers of health care or other services and midwives to make certain referrals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the testing of newborn children and persons who are pregnant to detect certain disorders and conditions. (NRS 442.010-442.020, 442.500-442.700) Existing law provides for the dissemination of information concerning certain conditions affecting a person who is pregnant and newborn children. (NRS 442.340, 442.385, 442.390, 442.590, 442.660) This bill requires a provider of health care or other services or midwife who provides prenatal care or pediatric care to provide certain information concerning Down

syndrome and support services in the community for persons with Down syndrome to: (1) a person who is pregnant and has received a positive test result from a prenatal test for Down syndrome **~~[,]~~ if the person requests such information;** or (2) the parent or guardian of a child with Down syndrome. This bill also requires such a provider or midwife to refer such a person to appropriate support services in the community when necessary. **This bill requires the Department of Health and Human Services to post on an Internet website maintained by the Department a list of such support services available in different areas of this State.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon receipt of a positive test result from a prenatal test for Down syndrome performed on a person who is pregnant ~~[or]~~ , a provider of health care or other services or a midwife who provides prenatal care or pediatric care shall ask the person who is pregnant if the person wishes to receive information concerning Down syndrome pursuant to subsection 2.

2. Upon receipt of a positive test result from a postnatal test for Down syndrome performed on a child ~~[,]~~ or if a person chooses to receive information concerning Down syndrome pursuant to subsection 1, a provider of health care or other services or a midwife who provides prenatal care or pediatric care shall provide the person who is pregnant or the parent or guardian of the child, as applicable, with:

(a) Written information concerning Down syndrome that is current and based on peer-reviewed medical literature and research. Such information must include, without limitation:

(1) The current life expectancy for people with Down syndrome;

(2) The standard intellectual and functional development of a person with Down syndrome; and

(3) The clinical course and treatment options for a person with Down syndrome.

(b) Any necessary referral to support services in the community for people with Down syndrome and parents or guardians of such persons, including, without limitation, early intervention, resource centers, hotlines and other education and support programs.

2. The Department shall post on an Internet website maintained by the Department a list of support services available in the community for people with Down syndrome and parents or guardians of such persons in different areas of this State.

3. The State Board of Health may adopt any regulations necessary to carry out the provisions of this section.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 123.

AN ACT relating to adult maltreatment; creating the Vulnerable Adult Fatality Review Committee; providing for the review of deaths resulting from or relating to adult maltreatment; requiring the Committee to **develop certain reports and** perform certain other duties relating to the investigation and prevention of adult maltreatment; **requiring the Attorney General to develop a plan in response to certain reports developed by the Committee;** providing access for the Committee to certain documents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to abuse, neglect, isolate, abandon or exploit an older person or a vulnerable person. (NRS 200.5099) **Section 3** of this bill defines the term "adult maltreatment" to refer to such crimes. **Sections 4-7** of this bill define certain other terms. **Section 8** of this bill creates the Vulnerable Adult Fatality Review Committee within the Department of Health and Human Services and prescribes the membership of the Committee. **Section 8** also prescribes certain rules governing the operation of the Committee. **Section 8** immunizes the members, employees, agents and consultants of the Committee from civil liability for acts performed in good faith and within the scope of duties of the Committee. **Section 8** authorizes the Director of the Department to: (1) apply for and accept gifts, grants and donations to support the activities of the Committee; and (2) adopt regulations governing the activities of the Committee.

Section 9 of this bill requires the Committee to review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by certain governmental entities or relatives of the decedent. **Section 9** additionally authorizes the Committee to review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment. **Section 10** of this bill prescribes other duties of the Committee relating to the investigation and prevention of adult maltreatment. **Section 10** requires the Committee to **:** ~~[biennially:]~~ (1) **biennially** publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State; and (2) **annually** submit to the **Attorney General and the** Legislature a separate report containing certain information and recommendations about adult maltreatment. **Section 10 requires a representative of the Committee**

or the Aging and Disability Services Division of the Department to biennially present such information and recommendations at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. Section 10 also requires the Attorney General to annually publish and present at a public meeting a plan to address the information and recommendations contained in that report. **Section 11** of this bill authorizes the Committee to take certain measures necessary to perform its duties, including consulting with experts and other interested persons and entering into contracts. **Section 12** of this bill entitles the Committee to access certain records it determines necessary to perform its duties and authorizes the Committee to petition the district court for a subpoena to compel the production of such records. **Section 12** also provides that information acquired by and records of the Committee are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. **Sections 12 and 14** of this bill provide that such records are not public records. **Sections 12 and 15** of this bill provide that meetings of the Committee are closed to the public.

Existing law creates in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons. (NRS 228.265) Existing law authorizes the Unit to investigate and prosecute deaths resulting from adult maltreatment. (NRS 228.270) **Section 10** requires the Committee to refer a case of suspected adult maltreatment to the Unit for investigation and prosecution where appropriate. **Section 12** authorizes the Committee to meet and share information with the Unit and certain entities that investigate domestic violence. **Section 13** of this bill requires the Unit to compile a report of the outcome of and findings regarding each case referred by the Committee to the Unit.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Adult maltreatment" means the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person in violation of NRS 200.5099.***

Sec. 4. ***"Committee" means the Vulnerable Adult Fatality Review Committee established by section 8 of this act.***

Sec. 5. ***"Facility or service provider" means:***

1. Any facility or other entity licensed or certified pursuant to chapter 435 or 449 of NRS.

2. A provider of emergency medical services.

3. A facility for long-term rehabilitation.

4. Any unlicensed establishment that provides food, shelter, assistance and limited supervision to an older person or a vulnerable person.

Sec. 6. ***"Older person" has the meaning ascribed to it in NRS 228.255.***

Sec. 7. ***"Vulnerable person" has the meaning ascribed to it in NRS 228.262.***

Sec. 8. ***1. The Vulnerable Adult Fatality Review Committee is hereby established within the Department.***

2. The Director shall appoint to the Committee ~~[at]~~ :

(a) One member who is a licensed social worker who is actively providing services to clients in this State who are vulnerable persons; and

(b) At least ~~[6]~~ 5 but not more than ~~[12]~~ 11 members who:

~~[(a)]~~ (1) Are providers of health care, representatives of nonprofit organizations whose work is related to adult maltreatment, issues of older persons or issues of vulnerable persons, representatives of agencies involved in vital statistics and law enforcement and other persons interested in adult maltreatment or the welfare of older persons and vulnerable persons; and

~~[(b)]~~ (2) Represent the racial, ethnic, linguistic and geographic diversity of this State.

3. The members of the Committee serve:

(a) At the pleasure of the Director; and

(b) Without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Committee.

5. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

6. At the first meeting of the Committee and annually thereafter:

(a) The Director shall appoint a Chair of the Committee;

(b) The Committee shall elect a Secretary from among its members; and

(c) The Committee shall adopt rules for its own management and government.

7. The Committee shall meet at least twice each year and may meet at such further times as determined necessary by the Chair.

8. A member of the Committee or an employee, agent or consultant of the Committee is not liable in a civil action for any act performed in good

faith and within the scope of the duties of the Committee. For the purposes of this subsection, any act which violates a provision of law concerning the privacy of information shall be deemed to be outside the scope of the duties of the Committee.

9. The Director may:

(a) Apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 12, inclusive, of this act; and

(b) Adopt any regulations necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

Sec. 9. *1. The Committee:*

(a) Shall review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by the Division, a law enforcement agency or an adult related to the decedent within the third degree of consanguinity; and

(b) May, within the limits of available resources, review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment.

2. A review pursuant to subsection 1 must include, without limitation, and to the extent that such records exist, a review of relevant medical records, death certificates, records of an autopsy, records created by a facility or provider, records of the Division, records of a social services agency, mental health records and records of a law enforcement agency described in section 12 of this act.

Sec. 10. *1. In addition to conducting reviews pursuant to section 9 of this act, the Committee shall:*

(a) Within the limits of available resources:

(1) Cross-reference databases maintained by the Division with databases maintained by coroners and medical examiners in this State to identify deaths that may have been caused by or related to adult maltreatment and review such deaths in accordance with section 9 of this act.

(2) Review incidents and trends in adult maltreatment in this State.

(3) Identify and review disparities in the incidence of adult maltreatment in this State by analyzing:

(I) The race, ethnicity and age of persons who experience adult maltreatment;

(II) The geographic region of the residence of persons who experience adult maltreatment; and

(III) Any other variables identified by the Committee.

(b) Refer a case of suspected adult maltreatment to the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265 for further investigation and prosecution where appropriate.

(c) Based on the reviews conducted pursuant to paragraph (a) and section 9 of this act, develop findings and recommendations to prevent adult maltreatment and address the needs of victims of adult maltreatment.

(d) Disseminate the findings and recommendations developed pursuant to paragraph (c) to the Division, providers of health care, agencies and organizations that provide social services, facilities or service providers, law enforcement agencies, organizations that provide services to victims of adult maltreatment, other interested persons and entities and the public.

(e) On or before December 31 of each even-numbered year ~~[:~~

~~(1) Compile]~~ , compile and publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State during the immediately preceding 24 months. Such data must be aggregated and presented in a manner that does not allow for the identification of any person.

~~[(2) In collaboration with the Division, develop and submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature]~~

(f) On or before December 31 of each year:

(1) Develop, in collaboration with the Division, a report that includes, without limitation:

(I) A description of the deaths resulting from adult maltreatment and other incidents of adult maltreatment reviewed pursuant to paragraph (a) of subsection 1 and section 9 of this act, respectively, during the immediately preceding ~~[24]~~ 12 months, provided in a manner that does not allow for the identification of any person;

(II) A summary of the disparities identified and reviewed pursuant to subparagraph (3) of paragraph (a) of subsection 1;

(III) Plans for corrective action to reduce adult maltreatment in this State; and

(IV) Recommendations for any legislation or other changes to policy to reduce adult maltreatment or otherwise improve the well-being of older persons and vulnerable persons in this State ~~[.]~~ ; and

(2) Submit the report developed pursuant to subparagraph (1) to the Office of the Attorney General and the Director of the Legislative Counsel Bureau for transmittal to:

(I) For a report submitted on or before December 31 of an odd-numbered year, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750; and

(II) For a report submitted on or before December 31 of an even-numbered year, the next regular session of the Legislature.

2. The Committee may, within the limits of available resources:

(a) Conduct any other research into issues relating to adult maltreatment or the well-being of older persons and vulnerable persons in this State;

(b) Promote changes in policy in the public and private sectors to reduce adult maltreatment or address the effects of adult maltreatment;

(c) Take measures to improve the services provided to victims of adult maltreatment, including, without limitation, identifying gaps in services provided to victims of adult maltreatment and reducing barriers to service for victims of adult maltreatment; and

(d) Engage in activities to increase public awareness regarding adult maltreatment.

3. On or before August 1 of each odd-numbered year, a representative of the Committee or the Division shall present the findings, plans for corrective action and recommendations for changes to policy contained in the reports developed pursuant to paragraph (f) of subsection 1 for the immediately preceding 2 years at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750.

4. Not later than 90 days after receiving a report pursuant to subparagraph (2) of paragraph (f) of subsection 1, the Office of the Attorney General shall:

(a) Develop a plan to address the findings, plans for corrective action and recommendations for changes to policy contained in the report;

(b) Present the plan at a public hearing; and

(c) Post the plan on the Internet website of the Attorney General.

Sec. 11. *The Committee may take any action necessary to carry out its duties, including, without limitation:*

1. Consulting with experts and other interested persons to ensure the data collected is of the highest quality;

2. Entering into a contract or other agreement with any person or entity, including, without limitation, a college or university, to:

(a) Assist the Committee with its organization and meetings;

(b) Collect, analyze and disseminate information; or

(c) Assist in carrying out any other duty of the Committee;

3. Establishing subcommittees consisting of members of the Committee; and

4. Employing such persons as it deems necessary to carry out its duties.

Sec. 12. *1. The Committee is entitled to access to:*

(a) All final investigative information of law enforcement agencies regarding a death that may have been caused by or related to adult maltreatment or other incident of adult maltreatment being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to a death of an older person or a vulnerable person that may have been caused by or related to adult maltreatment;

(c) Any medical or mental health records of a decedent or other victim of adult maltreatment;

(d) Any records of the Division or any other agency which has provided services to a decedent or other victim of adult maltreatment; and

(e) Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470; or

(c) The Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of adult maltreatment being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to a subpoena issued pursuant to this subsection shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a death that is known or suspected to have been caused by or be related to adult maltreatment for the purpose of research or to prevent future adult maltreatment if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. The disclosure of information or records to the Committee does not make such information or records confidential with respect to the person or entity that disclosed the records if the information or records are not otherwise confidential.

6. The meetings of the Committee are closed to the public.

Sec. 13. NRS 228.270 is hereby amended to read as follows:

228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:

(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

(c) Jointly with the district attorney of the county in which the violation occurred.

2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be from abuse, neglect, isolation or abandonment. A multidisciplinary team may include, without limitation, the following members:

(a) A representative of the Unit;

(b) Any law enforcement agency that is involved with the case under review;

(c) The district attorney's office in the county where the case is under review;

(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;

(e) A representative of the coroner's office; and

(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.

3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person or vulnerable person who is the subject of the review or any person who was in contact with the older person or vulnerable person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be the result of abuse, neglect, isolation or abandonment.

5. On or before February 1 of each year, the Unit shall:

(a) Compile a report of the outcome of and findings regarding each case referred to the Unit by the Vulnerable Adult Fatality Review Committee pursuant to section 10 of this act; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the next regular session of the Legislature; and

(2) In even-numbered years, the Joint Interim Standing Committee on the Judiciary.

Sec. 14. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,

75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800,

484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 12 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested

public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 15. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ***and section 12 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 16. Notwithstanding the provisions of ~~[paragraph]~~ **paragraphs** (e) **and (f)** of subsection 1 of section 10 of this act, the first reports required by ~~[subparagraphs (1) and (2) of that paragraph]~~ **those paragraphs** must be published on an Internet website maintained by the Department of Health and Human Services or submitted to the **Attorney General and the** Director of the Legislative Counsel Bureau, as applicable, on or before December 31, 2026.

Sec. 17. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 18. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 139.

Bill read second time.

Assemblywoman Jauregui moved that Amendment No. 249 be placed on the Chief Clerk's Desk.

Motion carried.

Bill ordered to third reading.

Assembly Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 74.

AN ACT relating to dentistry; requiring dental hygienists and dental therapists to comply with certain requirements governing the provision of health care; requiring ~~[certain]~~ providers of dental care to receive training on teledentistry ~~[;]~~ **before providing services through teledentistry;** prescribing certain requirements relating to the secure storage of electronic records; providing for the issuance of special endorsements for a dentist, dental hygienist or dental therapist to administer immunizations; imposing certain requirements relating to the administration of immunizations by the holder of

such an endorsement; **requiring a dentist or dental hygienist to refer a minor to a dental home when appropriate;** deeming certain conduct by a provider of dental care to be unprofessional conduct; authorizing the imposition of disciplinary action against a dentist, dental hygienist or dental therapist for certain violations; requiring hospitals and issuers of Medicaid managed care plans to take certain measures to ensure access by recipients of Medicaid to teledentistry; ~~[requiring a public or private school or child care facility to accept a dental examination, screening or assessment provided through teledentistry for certain purposes;]~~ imposing certain requirements relating to the provision of services through teledentistry; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "provider of health care" as a person who practices certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 1** of this bill includes dental hygienists and dental therapists in the definition of "provider of health care," thereby subjecting dental hygienists and dental therapists to those requirements.

Existing law defines the term "telehealth" to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. (NRS 629.515) **Section 5** of this bill defines the term "teledentistry" to mean the use of telehealth by a dentist, dental hygienist or dental therapist to facilitate the diagnosis, treatment, education, care management and self-management of or consultation with a patient. **Sections 3, 4 and 6** of this bill define certain other terms related to teledentistry. **Section 20** of this bill makes a conforming change to indicate the proper placement of **sections 3-6** in the Nevada Revised Statutes.

Section 7 of this bill requires a person who provides services through teledentistry to a patient located in this State to be licensed in this State as a dentist, dental hygienist or dental therapist **, to have completed certain training** and to adhere to the applicable laws, regulations and standards of care to the same extent as when providing services in person. **Section 8** of this bill requires a dentist, dental hygienist or dental therapist who provides services through teledentistry **to patients in this State** to be insured against liabilities arising from dental services provided through teledentistry. **Section 9** of this bill authorizes the use of teledentistry for certain purposes relating to the provision of a diagnosis. **Section 10** of this bill requires a dentist, dental hygienist or dental therapist to establish a bona fide relationship with a patient, confirm certain facts about a patient and obtain informed consent before providing services through teledentistry. **Section 11** of this bill requires a dentist, dental hygienist or dental therapist to: (1) use communications technology that complies with certain federal requirements relating to the

privacy of information relating to patients when providing services through teledentistry; and (2) create a complete record of each encounter with a patient through teledentistry. **Section 12** of this bill imposes certain requirements to ensure that adequate, in-person care is available to a patient who receives services through teledentistry, if needed. **Section 13** of this bill requires the Board of Dental Examiners of Nevada to adopt regulations governing teledentistry.

Sections 21 ~~[, 23]~~ and 40 of this bill require an applicant for a license to practice dentistry **,** ~~[or]~~ dental therapy or ~~[a special endorsement to practice public health]~~ dental hygiene or the holder of such a license ~~[or endorsement]~~ **who intends to provide services through teledentistry** to complete certain training on teledentistry. **Section 22** of this bill makes a conforming change to revise a reference to the section of existing law amended by **section 21**. **Section 24** of this bill requires the Board to adopt regulations prescribing specific criteria for the accreditation of a course in teledentistry.

Section 14 of this bill prescribes certain requirements for the secure storage of electronic information concerning patients.

Section 25 of this bill provides that it is unprofessional conduct for which the Board is authorized to impose disciplinary action if a dentist, dental hygienist or dental therapist: (1) fails to actively involve a patient in decisions relating to his or her treatment; or (2) requires a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board.

Sections 30, 38 and 39 of this bill require hospitals and issuers of plans that provide coverage to recipients of Medicaid, including managed care plans, to take certain measures to improve the access of recipients of Medicaid to teledentistry. **Sections 31-37** of this bill make conforming changes to indicate the proper placement of **section 30** in the Nevada Revised Statutes and provide for the enforcement of the requirements of **section 30**. ~~[Sections 26-29 of this bill require a public school, private school or child care facility that requires a dental examination, screening or assessment of a child as a condition of admission to accept a dental examination, screening or assessment provided through teledentistry that meets certain criteria for that purpose. Existing law makes it a gross misdemeanor to violate certain provisions of law governing primary and secondary private schools. (NRS 394.610) Section 28 of this bill similarly makes it a gross misdemeanor for a private school to violate the requirement to accept a dental examination, screening or assessment provided through teledentistry as prescribed in section 27 of this bill.]~~ **Section 19.5 of this bill requires a dentist, dental therapist or dental hygienist performing an initial dental examination, screening or assessment on a minor to refer the minor or his or her parent or guardian to a dental home if appropriate.**

Existing law authorizes, in general, a dental hygienist or dental therapist to perform only the tasks authorized by a licensed dentist. (NRS 631.310, 631.3122) ~~[Sections]~~ **Section 15** ~~[and 16]~~ of this bill ~~[require]~~ **requires** the Board to issue to a licensed dentist, dental hygienist or dental therapist a

special endorsement to administer immunizations ~~[generally or to administer intranasal immunizations for influenza]~~ only if the licensed dentist, dental hygienist or dental therapist completes a course of training in the administration of immunizations that is approved by the Board. **Section 24** prescribes the continuing education required to maintain such an endorsement.

Section 17 of this bill requires a dentist who holds a special endorsement to administer immunizations issued pursuant to **section 15 ~~[or 16]~~** and who administers immunizations, or under whose authorization a dental hygienist or dental therapist administers immunizations, to: (1) issue or obtain from certain persons a standing order for the administration of the immunizations; (2) establish certain policies and procedures relating to the administration of immunizations; and (3) comply with the instructions of the manufacturer of an immunization and certain federal guidelines for administering immunizations. **Section 18** of this bill requires a dentist, dental hygienist or dental therapist to: (1) provide certain information to the patient, obtain the informed written consent of the patient and review the medical history of the patient before administering an immunization; and (2) thereafter, act in conformance with the conclusions of a physician, physician assistant or advanced practice registered nurse regarding the advisability of administering an immunization to a patient. **Section 19** of this bill requires a dentist, dental hygienist or dental therapist who holds a special endorsement to administer immunizations to maintain certain records of the administration of immunizations. **Section 25** provides that it is unprofessional conduct, for which the Board is authorized to impose disciplinary action, for a dentist, dental hygienist or dental therapist to: (1) administer an immunization without the proper special endorsement; or (2) fail to comply with existing requirements to report certain information relating to immunizations. The Board would also be authorized under existing law to impose disciplinary action against a dentist, dental hygienist or dental therapist who willfully or repeatedly violates other provisions of this bill governing the administration of immunizations. (NRS 631.3485)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) ***A dental therapist;***

(e) A dental hygienist;

(f) A licensed nurse;

~~[(e)]~~ ***(g)*** A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

~~[(f)]~~ ***(h)*** A dispensing optician;

~~[(g)]~~ ***(i)*** An optometrist;

~~[(h)]~~ ***(j)*** A speech-language pathologist;

~~[(i)]~~ ***(k)*** An audiologist;

~~[(j)]~~ ***(l)*** A practitioner of respiratory care;

~~[(k)]~~ ***(m)*** A licensed physical therapist;

~~[(l)]~~ ***(n)*** An occupational therapist;

~~[(m)]~~ ***(o)*** A podiatric physician;

~~[(n)]~~ ***(p)*** A licensed psychologist;

~~[(o)]~~ ***(q)*** A licensed marriage and family therapist;

~~[(p)]~~ ***(r)*** A licensed clinical professional counselor;

~~[(q)]~~ ***(s)*** A music therapist;

~~[(r)]~~ ***(t)*** A chiropractic physician;

~~[(s)]~~ ***(u)*** An athletic trainer;

~~[(t)]~~ ***(v)*** A perfusionist;

~~[(u)]~~ ***(w)*** A doctor of Oriental medicine in any form;

~~[(v)]~~ ***(x)*** A medical laboratory director or technician;

~~[(w)]~~ ***(y)*** A pharmacist;

~~[(x)]~~ ***(z)*** A licensed dietitian;

~~[(y)]~~ ***(aa)*** An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

~~[(z)]~~ ***(bb)*** An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

~~[(aa)]~~ ***(cc)*** An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

~~[(bb)]~~ ***(dd)*** A behavior analyst, assistant behavior analyst or registered behavior technician; or

~~[(cc)]~~ ***(ee)*** A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes ~~[~~:

~~(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and~~

~~(b) A~~~~]~~ ***a*** person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to ~~[19,]~~ **19.5,** inclusive, of this act.

Sec. 3. ***"Distant site" has the meaning ascribed to it in NRS 629.515.***

Sec. 4. ***"Originating site" has the meaning ascribed to it in NRS 629.515.***

Sec. 5. ***"Teledentistry" means the use of telehealth by a licensee described in subsection 1 of section 7 of this act who is located at a distant site to facilitate the diagnosis, treatment, education, care management and***

self-management of or consultation with a patient who is located at an originating site. The term includes, without limitation:

1. Real-time interactions between a patient at an originating site and a licensee at a distant site;

2. The asynchronous transmission of medical and dental information concerning a patient from an originating site to a licensee at a distant site;

3. Interaction between a licensee who is providing dental services to a patient at an originating site and another licensee at an originating site; and

4. Monitoring of a patient at an originating site by a licensee at a distant site.

Sec. 6. *"Telehealth" has the meaning ascribed to it in NRS 629.515.*

Sec. 7. *1. A person shall not provide dental services through teledentistry to a patient who is located at an originating site in this State unless the person ~~[is]~~ :*

(a) Is licensed to practice dentistry, dental hygiene or dental therapy in this State ~~[.]~~ ; and

(b) Has complied with subsection 2 of NRS 631.220.

2. The provisions of this chapter and the regulations adopted thereto, including, without limitation, clinical requirements, ethical standards and requirements concerning the confidentiality of information concerning patients, apply to services provided through teledentistry to the same extent as if such services were provided in person or by other means.

3. A licensee who provides dental services through teledentistry, including, without limitation, providing consultation and recommendations for treatment, issuing a prescription, diagnosing, correcting the position of teeth and using orthodontic appliances, shall provide such services in accordance with the same standards of care and professional conduct as when providing those services in person or by other means.

4. A licensee shall not:

(a) Provide treatment for any condition based solely on the results of an online questionnaire; or

(b) ~~[Provide services through teledentistry, including, without limitation, conducting an oral examination, if, in the professional judgment of the licensee or according to the relevant standard of care, the services should be provided in person; or~~

~~(c)]~~ Engage in activity that is outside his or her scope of practice while providing services through teledentistry.

5. Nothing in sections 7 to 13, inclusive, of this act prohibits an organization for dental care or an administrator of a health benefit plan that provides dental coverage from negotiating rates of reimbursement for services provided through teledentistry with a dentist, dental hygienist or dental therapist.

6. As used in this section:

(a) "Health benefit plan" has the meaning ascribed to it in NRS 695G.019.

(b) "Organization for dental care" has the meaning ascribed to it in NRS 695D.060.

Sec. 8. *A licensee who provides dental services through teledentistry to patients located at an originating site in this State must ~~[be covered by]~~ possess and maintain a policy of professional liability insurance which insures the licensee against any liability arising from the provision of dental services . ~~[through teledentistry.]~~*

Sec. 9. *1. A licensee may:*

(a) Use teledentistry to examine an existing patient for the purpose of providing a new diagnosis, or to examine a new patient if the examination is sufficient, in accordance with evidence-based standards of practice, to provide an informed diagnosis.

(b) Collaborate in real time through teledentistry with a person who is not licensed pursuant to this chapter, including, without limitation, a community health worker, ~~[teacher,]~~ provider of health care or student who is enrolled in a program of study in dentistry, dental therapy or dental hygiene, to provide diagnostic services or plan treatment for a dental emergency.

2. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 10. *1. Except as otherwise provided in this subsection, a licensee must establish a bona fide relationship, as defined by regulation of the Board, with a patient before providing services to the patient through teledentistry. A licensee may establish such a relationship through teledentistry ~~[.]~~ only for the purpose of emergent care or in connection with a public health program.*

2. Before providing services to a patient through teledentistry, a licensee shall:

(a) Confirm the identity of the patient;

(b) If the patient is ~~[an unemancipated]~~ a minor ~~[,]~~ who is not authorized by law to consent to the services, confirm that the parent or legal guardian of the patient is present;

(c) Confirm that the patient is located in a jurisdiction where the licensee is licensed or otherwise authorized to practice and document the location of the patient in the record of the patient; ~~[and]~~

(d) Obtain ~~[from the patient informed]~~ :

(1) Informed verbal or written consent that meets the requirements of subsection 4 from a patient who is an adult or a minor authorized by law to provide consent; or

(2) Informed written consent that meets the requirements of subsection 4 from the parent or guardian of a patient who is a minor and is not authorized by law to provide consent; and ~~[document]~~

(e) Document the informed consent provided pursuant to paragraph (d) in the record of the patient.

3. Before providing services through teledentistry and upon the request of a patient to whom services are provided through teledentistry, a licensee

or any partnership, corporation or other entity through which a licensee provides services shall make available to the patient proof of the identity of the licensee, the telephone number of the licensee, the address at which the licensee practices, the license number of the licensee and any other relevant information concerning the qualifications of the licensee.

4. Informed consent to the provision of services through teledentistry requires the patient or his or her parent or guardian, as applicable, to be informed of:

(a) The types of services that will be provided through teledentistry and any limitations on the provision of those services through teledentistry;

(b) The information prescribed by subsection 3 for each licensee who will provide services through teledentistry;

(c) Precautions that will be taken in the event of a technological failure or an emergency; and

(d) Any other information prescribed by regulation of the Board.

5. As used in this section:

(a) "Emergent care" means treatment of pain, infection or any other intraoral or perioral condition which presents immediate harm to the well-being of the patient and for which treatment cannot be postponed.

(b) "Public health program" means a program approved by the Board or any program administered by:

(1) The Department of Health and Human Services;

(2) A health district; or

(3) A school district.

Sec. 11. *A licensee who provides services through teledentistry shall:*

1. Use communications technology that complies with Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto; and

2. Create a complete record of each encounter with a patient through teledentistry and maintain such records in accordance with all applicable federal and state laws and regulations, including, without limitation:

(a) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto;

(b) NRS 629.051 to 629.069, inclusive;

(c) The regulations adopted pursuant to section 13 of this act; and

(d) Section 14 of this act.

Sec. 12. *1. A licensee who provides services through teledentistry must be adequately familiar with the nature and availability of dental care in the geographical area in which the patient is located to ensure that the patient receives appropriate care after the provision of the services.*

2. If a licensee is not able to competently provide services through teledentistry, including, without limitation, because the licensee is unable to receive adequate information about the patient, the licensee must notify the patient of that fact and:

(a) Provide the services in person;

(b) Request any additional information necessary to competently provide the services through teledentistry; or

(c) Refer the patient to an appropriate licensee to receive the services in person.

3. A licensee who provides services through teledentistry shall refer a patient to the emergency department of a hospital or another provider of acute care in an emergency or any other situation where the provision of acute care is necessary to protect the health and safety of the patient.

Sec. 13. *1. The Board shall adopt regulations governing the provision of dental services through teledentistry. Those regulations must include, without limitation, requirements concerning:*

(a) The issuance of a prescription through teledentistry;

(b) The maintenance of records concerning patients to whom services are provided through teledentistry and the protection of the privacy of such patients;

(c) The use of teledentistry for collaboration between:

(1) Licensees and the office of a physician, physician assistant or advanced practice registered nurse; and

(2) Licensees who practice in different specialty areas; and

(d) Interaction between licensees using teledentistry, including, without limitation:

(1) The supervision of a dental therapist who has not completed the hours of clinical practice set forth in NRS 631.3122 or of a dental hygienist by a dentist using teledentistry; and

(2) Interaction between different licensees who are providing care to the same patient.

2. The regulations adopted pursuant to subsection 1 may prescribe evidence-based standards of practice that must be used when providing services through teledentistry to ensure the safety of patients, the quality of care and positive outcomes.

Sec. 14. *A licensee who electronically stores information concerning patients shall:*

1. Store and share such information using a secure server; and

2. Ensure that any electronic device on which such information is stored or that may be used to access such information is encrypted and requires a password.

Sec. 15. *1. The Board shall, upon application by a dentist, dental hygienist or dental therapist licensed pursuant to this chapter who has completed a course of training in the administration of immunizations that is approved by the Board pursuant to subsection 2, issue a special endorsement of the license allowing the dentist, dental hygienist or dental therapist to administer immunizations.*

2. The Board may approve a course of training in the administration of immunizations if the course:

(a) Provides participants with practical training and written instructional materials concerning the administration of immunizations;

(b) Includes an evaluation of the technique of participants in the administration of immunizations; and

(c) Includes instruction consistent with the guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning:

(1) Practices for administering immunizations to children, adolescents and adults;

(2) Basic immunology and the mechanism by which immunizations induce protection from disease;

(3) Diseases that are preventable through immunizations;

(4) Storage and management of immunizations;

(5) Recommended schedules for immunization;

(6) Informed consent to immunization;

(7) Physiology and techniques for administering immunizations;

(8) Assessment and counseling before and after administering an immunization;

(9) Maintenance of records relating to immunizations; and

(10) Identifying, responding to and reporting adverse events resulting from immunizations.

3. A dentist who holds a special endorsement issued pursuant to subsection 1 may administer immunizations by an intranasal, intramuscular or subcutaneous injection.

4. A dental hygienist or dental therapist who holds a special endorsement issued pursuant to subsection 1 may administer immunizations by an intranasal, intramuscular or subcutaneous injection only under authorization from a dentist who also holds such a special endorsement.

Sec. 16. ~~***[1. The Board shall, upon application by a dentist, dental hygienist or dental therapist licensed pursuant to this chapter who has completed a course of training in the administration of immunizations for influenza that is approved by the Board pursuant to subsection 2, issue a special endorsement of the license allowing the dentist, dental hygienist or dental therapist to administer intranasal immunizations for influenza only.***~~

~~***2. The Board may approve a course of training in the administration of immunizations for influenza if the course:***~~

~~***(a) Provides participants with practical training and written instructional materials concerning the administration of intranasal immunizations for influenza;***~~

~~***(b) Includes an evaluation of the technique of participants in the administration of such immunizations; and***~~

~~***(c) Includes instruction consistent with the guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services in:***~~

~~*(1) The epidemiology, pathophysiology, clinical presentation, diagnosis, prevention and treatment of influenza;*~~

~~*(2) The administration, storage and handling of immunizations for influenza; and*~~

~~*(3) Counseling persons who will receive an immunization for influenza.*~~

~~*3. A dentist who holds a special endorsement issued pursuant to subsection 1 may administer an immunization consisting exclusively of live attenuated influenza through the nasal passages of a person.*~~

~~*4. A dental hygienist or dental therapist who holds a special endorsement issued pursuant to subsection 1 may administer an immunization consisting exclusively of live attenuated influenza through the nasal passages of a person under authorization from a dentist who also holds a special endorsement issued pursuant to subsection 1 or section 15 of this act.]*~~ **(Deleted by amendment.)**

Sec. 17. *1. A dentist who holds a special endorsement issued pursuant to section 15 ~~[or 16]~~ of this act and who administers immunizations or under whose authorization a dental hygienist or dental therapist who holds such an endorsement administers immunizations must:*

(a) Issue or obtain from a dentist, physician, physician assistant or advanced practice registered nurse a standing order for the administration of the immunizations that is approved by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) Establish written policies and procedures for the handling and disposal of used or contaminated equipment; and

(c) Establish a written plan for addressing emergencies and ensure that the dentist, dental hygienist or dental therapist administering immunizations has immediate access to equipment that may be needed in an emergency, including, without limitation, equipment for administering oxygen and epinephrine and other equipment necessary to respond to an allergic reaction.

2. A dentist who holds a special endorsement issued pursuant to section 15 ~~[or 16]~~ of this act and who administers an immunization or under whose authorization a dental hygienist or dental therapist who holds such an endorsement administers an immunization shall report any severe reaction to the immunization as required by any applicable regulations adopted by the State Board of Health.

3. A dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 ~~[or 16]~~ of this act shall comply with:

(a) The instructions for storing and handling an immunization prescribed by the manufacturer; and

(b) To the extent that such guidelines do not conflict with the instructions of the manufacturer, any applicable guidelines issued by the Advisory Committee on Immunization Practices of the Centers for Disease Control

and Prevention of the United States Department of Health and Human Services, including, without limitation, guidelines for storing, handling and administering immunizations, guidelines for documenting the administration of an immunization and contraindications and precautions for immunizations.

Sec. 18. *1. Before administering an immunization, a dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 ~~[or 16]~~ of this act shall:*

(a) Provide to the patient or, if the patient is ~~[an unemancipated]~~ a minor ~~[,]~~ and is not authorized by law to provide consent, his or her parent or guardian, the most current Vaccine Information Statement prescribed for the immunization by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, require him or her to read the Vaccine Information Statement and answer any questions that he or she has concerning the information in the Vaccine Information Statement;

(b) Obtain the informed written consent of the patient, or, if the patient is ~~[an unemancipated]~~ a minor ~~[,]~~ and is not authorized by law to provide consent, from the parent or guardian of the patient; and

(c) Review the medical history of the patient, including, without limitation, asking the patient or, if the patient is ~~[an unemancipated]~~ a minor ~~[,]~~ and is not authorized by law to provide consent, the parent or guardian of the patient, to describe any medications or other treatments that the patient is currently receiving, allergies to drugs, medical conditions that the patient is currently experiencing, surgeries the patient had or plans to have, past pregnancy or plans to become pregnant and any previous adverse reactions to immunizations.

2. If a dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 ~~[or 16]~~ of this act requests a physician, physician assistant or advanced practice registered nurse to conduct an examination and evaluation of a patient to determine whether the patient has a medical condition that would make it inadvisable to administer an immunization, the dentist, dental hygienist or dental therapist must rely on and act in conformance with the conclusions of the physician, physician assistant or advanced practice registered nurse.

Sec. 19. *1. A dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 ~~[or 16]~~ of this act shall include in the record of each patient to whom he or she administers an immunization:*

(a) The date on which the immunization was administered;

(b) The site at which the immunization was administered;

(c) The brand name of the immunization, the National Drug Code number assigned to the immunization by the United States Food and Drug Administration or the code number assigned to the immunization under another nationally recognized system of coding for immunizations;

(d) The dose, manufacturer, lot number and expiration date of the immunization;

(e) The name or initials of the dentist, dental hygienist or dental therapist;

(f) Except as otherwise provided in subsection 2, the address of the location where the immunization was administered;

(g) The date on which the Vaccine Information Statement was provided to the patient pursuant to section 18 of this act and the date on which the Vaccine Information Statement was published; and

(h) A copy of the questions asked by the dentist, dental hygienist or dental therapist and the information provided by the patient or his or her parent or guardian, as applicable, as part of the review of the medical history of the patient conducted pursuant to section 18 of this act, which must be signed by the patient or, if the patient is ~~[an unemancipated]~~ a minor ~~,~~] and is not authorized by law to provide consent, his or her parent or guardian.

2. A dentist, dental hygienist or dental therapist is not required to include the information described in paragraph (f) of subsection 1 if that information is automatically included in a report made pursuant to NRS 439.265.

3. The records described in subsection 1 must be maintained in accordance with all applicable federal and state laws and regulations, including, without limitation:

(a) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations adopted pursuant thereto; and

(b) NRS 629.051 to 629.069, inclusive, and any regulations adopted pursuant thereto.

Sec. 19.5. 1. A dentist, dental therapist or dental hygienist that performs an initial dental examination, screening or assessment on a minor shall refer the minor or his or her parent or guardian to a dental home, which may include, without limitation, a virtual dental home, when appropriate.

2. As used in this section:

(a) "Dental home" means an entity that arranges for the provision of oral health care that is continuously available and delivered in a comprehensive, coordinated and family-centered manner by a dentist licensed in this State.

(b) "Virtual dental home" means a dental home that uses teams of persons licensed pursuant to chapter 631 of NRS who are connected to the patient and each other through teledentistry to provide comprehensive oral health care in a community setting.

Sec. 20. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, ***and sections 3 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, must:

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121, submit with the application proof satisfactory that the applicant passed the examination.

2. ***In addition to satisfying the requirements of subsection 1, if an applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, intends to provide services through teledentistry, the applicant must submit to the Board proof that the applicant has completed:***

(a) At least 2 hours of continuing education concerning teledentistry; or

(b) A course in teledentistry as part of the requirements for graduation from an accredited institution.

3. An application must include all information required to complete the application.

~~[3.]~~ ***4.*** The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 22. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection ~~[3]~~ ***4*** of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene, dental therapy or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 23. ~~[NRS 631.287 is hereby amended to read as follows:~~

~~631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the~~

~~dental hygienist to practice public health dental hygiene. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist.~~

~~2. *An application submitted pursuant to subsection 1 must be accompanied by proof that the applicant has completed, pursuant to NRS 631.220:*~~

~~*(a) At least 2 hours of continuing education concerning teledentistry; or*~~

~~*(b) A course in teledentistry as part of the requirements for graduation from an accredited institution.*~~

~~*3.* A dental hygienist who holds a special endorsement issued pursuant to subsection 1 may provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.~~] **(Deleted by amendment.)**

Sec. 24. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene and dental therapy. The regulations must include:

(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course ~~[.;]~~ ***, including, without limitation, specific criteria used to accredit a course in teledentistry;*** and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional

courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. Each licensee must complete, as part of continuing education, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

6. ***In addition to any other continuing education required pursuant to this section, a licensee who holds a special endorsement issued pursuant to section 15 ~~[or 16]~~ of this act must biennially complete:***

(a) At least 2 hours of continuing education concerning the life cycle of diseases, drugs and the administration of immunizations;

(b) A course offered by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning the epidemiology and prevention of diseases that are preventable by immunization;

(c) A course of training in the administration of immunizations offered by Immunize Nevada or its successor organization or, if that organization ceases to exist, another organization prescribed by regulation of the Board; or

(d) Another course of instruction relating to immunizations that is approved by:

(1) The Board;

(2) The American Dental Association, or its successor organization, or the societies which are a part of it;

(3) The American Dental Hygienists' Association, or its successor organization, or the societies which are a part of it;

(4) The Academy of General Dentistry, or its successor organization;

(5) Any nationally recognized association of dental or medical specialists;

(6) Any university, college or community college located inside or outside this State; or

(7) Any hospital accredited by The Joint Commission.

7. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 25. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist, dental hygienist or dental therapist constituting substandard care in the practice of dentistry, dental hygiene or dental therapy;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;

7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344;

14. ***Failure to actively involve a patient in decisions concerning his or her treatment;***

15. Requiring a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board;

16. The performance or supervision of the performance of a pelvic examination in violation of NRS 629.085; ~~[or~~

~~15.]~~ ***17. Administering an immunization if the dentist, dental hygienist or dental therapist does not hold a special endorsement issued pursuant to section 15 [or 16] of this act;***

18. [Administering an immunization, other than an immunization consisting exclusively of live attenuated influenza through the nasal passages of a person authorized by section 16 of this act, if he or she holds a special endorsement issued pursuant to that section;

19.] Failure to comply with:

(a) The requirements of NRS 439.265; or

(b) Any requirement of section 17, 18 or 19 of this act; or

[20.] 19. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 26. [Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public school that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the school shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:

(a) The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and

(b) The person who conducted the dental examination, screening or assessment ensures that the pupil is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.

2. As used in this section:

(a) "Dental home" means an entity that arranges for the provision of oral health care that is continuously available and delivered in a comprehensive, coordinated and family-centered manner by a dentist licensed in this State.

(b) "Teledentistry" has the meaning ascribed to it in section 5 of this act.

(c) "Virtual dental home" means a dental home that uses teams of persons licensed pursuant to chapter 631 of NRS who are connected to the patient and each other through teledentistry to provide comprehensive oral health care in a community setting.] **(Deleted by amendment.)**

Sec. 27. [Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A private school that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the school shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:

~~*(a) The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and*~~

~~*(b) The person who conducted the dental examination, screening or assessment ensures that the pupil is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.*~~

~~*2. As used in this section:*~~

~~*(a) "Dental home" has the meaning ascribed to it in section 26 of this act.*~~

~~*(b) "Teledentistry" has the meaning ascribed to it in section 5 of this act.*~~

~~*(c) "Virtual dental home" has the meaning ascribed to it in section 26 of this act.]*~~ **(Deleted by amendment.)**

Sec. 28. ~~[NRS 394.610 is hereby amended to read as follows:~~

~~394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.560, inclusive,~~ ~~*and section 27 of this act*~~ ~~is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.~~**]** **(Deleted by amendment.)**

Sec. 29. ~~[Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A child care facility that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the facility shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:*~~

~~*(a) The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and*~~

~~*(b) The person who conducted the dental examination, screening or assessment ensures that the child is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.*~~

~~*2. As used in this section:*~~

~~*(a) "Dental home" has the meaning ascribed to it in section 26 of this act.*~~

~~*(b) "Teledentistry" has the meaning ascribed to it in section 5 of this act.*~~

~~*(c) "Virtual dental home" has the meaning ascribed to it in section 26 of this act.]*~~ **(Deleted by amendment.)**

Sec. 30. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

If a recipient of Medicaid presents in the emergency department of a hospital in this State with a nontraumatic dental injury, the hospital must notify the patient of providers of dental services included in the network of each health maintenance organization or managed care organization that provides services through teledentistry to recipients of Medicaid. The hospital shall provide such notice by:

1. Posting signs on the premises of the hospital that include the list of providers who offer services through teledentistry submitted to the hospital

pursuant to NRS 695C.1708 or 695G.162, as applicable, or which direct patients to an Internet website on which such lists are available; or

2. Making available to patients a pamphlet or other written document that includes the list of providers who offer services through teledentistry submitted to the hospital pursuant to NRS 695C.1708 or 695G.162, as applicable, or which directs patients to an Internet website on which those lists are available.

Sec. 31. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 30 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 32. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 30 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 33. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, ***and section 30 of this act*** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 30 of this act*** or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment

facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 34. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 30 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and section 30 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 30 of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 35. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 30 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 30 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 30 of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 36. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and section 30 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 37. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 30 of this act.***

Sec. 38. NRS 695C.1708 is hereby amended to read as follows:

695C.1708 1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same extent as though provided in person or by other means.

2. A health maintenance organization shall not:

(a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means.

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. ***A health maintenance organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.***

5. A health maintenance organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:

(a) Maintain a list of providers of dental services included in the network of the health maintenance organization who offer services through teledentistry;

(b) At least quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in this State; and

(c) Allow such providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.

6. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

~~[5.]~~ ***7.*** Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[6.]~~ ***8.*** As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) ***"Teledentistry" has the meaning ascribed to it in section 5 of this act.***

(e) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 39. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured through telehealth to the same extent as though provided in person or by other means.

2. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means.

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. ***A managed care organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.***

5. A managed care organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:

(a) Maintain a list of providers of dental services included in the network of the managed care organization who offer services through teledentistry;

(b) At least quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in this State; and

(c) Allow such providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.

6. The provisions of this section do not require a managed care organization to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

~~[5.]~~ ***7.*** Evidence of coverage that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[6.]~~ ***8.*** As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) ***"Teledentistry" has the meaning ascribed to it in section 5 of this act.***

(e) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 40. 1. Each person who, on January 1, 2024, holds ~~[a license to practice dental hygiene with a special endorsement to practice public health dental hygiene issued pursuant to NRS 631.287 or]~~ a license to practice dentistry **, dental hygiene** or dental therapy issued pursuant to chapter 631 of NRS **and intends to provide services through teledentistry** shall submit to the Board of Dental Examiners of Nevada with the next application to renew that license after that date proof that the licensee has completed:

(a) At least 2 hours of continuing education concerning teledentistry; or

(b) A course in teledentistry as part of the requirements for graduation from an institution accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor entity.

2. **The provisions of paragraph (b) of subsection 1 of section 7 of this act do not apply to a person described in subsection 1 until:**

(a) The next renewal of the license of the person to practice dentistry, dental hygiene or dental therapy on or after January 1, 2024; or

(b) The denial of the next application to renew the license of the person to practice dentistry, dental hygiene or dental therapy submitted on or after January 1, 2024.

3. As used in this section, "teledentistry" has the meaning ascribed to it in section 5 of this act.

Sec. 41. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 40, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 159.

Bill read second time and ordered to third reading.

Assembly Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 127.

AN ACT relating to Medicaid; establishing a program to provide structured family caregiving to certain recipients of Medicaid; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law authorizes a state to apply for a waiver that allows the state to receive financial contributions from the Federal Government toward the cost of providing certain home and community-based services for recipients of Medicaid who are elderly or disabled. (42 U.S.C. § 1396n(c)) Existing law requires the Department of Health and Human Services to apply for such a waiver covering certain home and community-based services for recipients of Medicaid with physical disabilities. (NRS 422.396)

Section 1 of this bill requires the Department to apply to the United States Secretary of Health and Human Services ~~[to amend the]~~ **for a** home and community-based services waiver to include structured family caregiving for recipients of Medicaid suffering from dementia. **Section 1** requires that the Department include in its application ~~[to amend]~~ **for** the waiver: (1) an authorization for ~~[the]~~ **an applicant for or a** recipient of Medicaid to choose his or her caregiver and the residence where the recipient will receive the structured family caregiving; and (2) a requirement that the caregiver be or become an employee of an agency to provide personal care services in the home or an intermediary service organization and receive a daily stipend through that employer. **Section 1** also requires a caregiver to receive certain training. **Section 2** of this bill makes a conforming change to indicate that **section 1** will be administered in the same manner as other provisions of existing law governing ~~[the State Plan for]~~ Medicaid.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall apply to the Secretary of Health and Human Services ~~[to amend the]~~ for a home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n(c). The waiver must ~~[be amended to]~~ authorize the Department to include structured family caregiving for persons suffering from dementia as medical assistance under Medicaid.

2. The ~~[amendment]~~ waiver must:

(a) Authorize an applicant for or a recipient of Medicaid suffering from dementia to choose any:

(1) Person, including, without limitation, a spouse or a person who is legally responsible for the recipient, to serve as his or her caregiver; and

(2) Appropriate residence in which to receive structured family caregiving;

(b) Require ~~[the]~~ a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a) , including, without limitation, a caregiver chosen by an applicant whose application is approved, to be or become an employee of an agency to provide personal care services in the home or an intermediary service organization;

(c) Establish a per diem rate to be paid to an agency to provide personal care services in the home or an intermediary service organization that employs a caregiver pursuant to paragraph (b);

(d) Require an agency to provide personal care services in the home or intermediary service organization that employs a caregiver pursuant to paragraph (b) to provide to the caregiver a daily stipend that is at least 65 percent of the per diem rate paid to the agency to provide personal care services in the home or intermediary service organization; and

(e) Require a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a) , including, without limitation, a caregiver chosen by an applicant whose application is approved, to complete any training the Aging and Disability Services Division of the Department determines to be necessary for the caregiver to provide adequate care to the recipient.

3. The Department shall:

(a) Cooperate with the Federal Government in ~~[amending the]~~ obtaining a waiver pursuant to this section;

(b) If the Federal Government approves the ~~[amendment to the]~~ waiver, adopt regulations necessary to carry out the provisions of this section, including, without limitation, the criteria to be used in determining eligibility for an applicant for or a recipient of Medicaid suffering from dementia to receive structured family caregiving pursuant to this section; and

(c) Implement the amendments to the waiver only to the extent that the amendments are approved by the Federal Government.

4. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Intermediary service organization" has the meaning ascribed to it in NRS 449.4304.

(c) "Structured family caregiving" means the provision of services to a person who resides in the same residence as the caregiver on a full-time basis. The services provided may include, without limitation:

(1) Case management services;

(2) Personal care services;

(3) Personal assistance;

(4) Homemaker services; and

(5) Health-related services, including, without limitation, home health aide services.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, ~~[2024,]~~ **2025,** for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 290.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 143.

AN ACT relating to motor vehicles; authorizing, under certain circumstances, a dealer and purchaser to enter into a written return agreement to cancel a vehicle sale; revising provisions relating to the registration of certain vehicles when the certificate of title is lost, unlawfully detained or otherwise not available; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that whenever application is made to the Department of Motor Vehicles for registration of a motor vehicle of which the ownership has been transferred, the person transferring the vehicle is authorized to designate the person receiving the vehicle to provide the information required by the Department relating to odometer disclosures if the: (1) certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and (2) model year is 9 years old or newer. (NRS 482.415) **Section 4** of this bill provides instead that this process applies to the registration of a motor vehicle of which the model year is 2011 or newer and the vehicle is less than 20 years old.

Section 1 of this bill authorizes ~~[, not later than 30 days after a vehicle is sold in this State by a dealer, the]~~ **a** dealer **licensed in this State** and the purchaser **of a vehicle** to enter into a written return agreement to cancel the sale. Upon entering into such a written agreement, the sale is cancelled**.** ~~[and the]~~ **The** dealer is required **, within 15 days,** to return to the purchaser or secured party, as applicable, all money, taxes and fees that were collected by the dealer at the time of the sale. **Section 1** provides that if such a written agreement is entered into, the dealer may ~~[, within 15 days after the cancellation,]~~ submit ~~[a request]~~ **an application** to ~~[: (1)]~~ the Department of Motor Vehicles for a certificate of title**.** ~~[; and (2) the Department of Taxation for a refund of the taxes collected by the dealer at the time of the sale.]~~ **Section 1** further requires ~~[: (1)]~~ **, under certain circumstances,** the Department of Motor Vehicles to issue a certificate of title not later than 7 days after receiving

such ~~[a request for a certificate of title; and (2) the Department of Taxation to issue a refund of such taxes not later than 30 days after receiving a request for a refund.]~~ **an application.** Finally, **section 1**: (1) prohibits **, under certain circumstances,** a dealer from selling in this State the vehicle that is the subject of such a cancellation of sale until the dealer receives the certificate of title from the Department of Motor Vehicles; (2) requires a dealer to retain the written **return** agreement to cancel a vehicle sale with the sales records for the transaction; and (3) provides that the cancellation of a sale pursuant to **section 1** does not negate the fact that the vehicle has been the subject of a previous retail sale.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Section 3 of this bill creates an exception to the general requirement that an existing certificate of title be endorsed by the transferor and transferee when an ownership interest in the vehicle is transferred. (NRS 482.400)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Not later than 30 days after a vehicle is sold in this State by a dealer, the]~~ Notwithstanding any other provision of law, a dealer licensed in this State and the purchaser of ~~[the]~~ a vehicle may enter into a written return agreement to cancel the sale ~~[.]~~ of the vehicle. Upon entering into such an agreement, the sale is cancelled and the dealer shall , not later than 15 days after the sale is cancelled, return to the purchaser or secured party, as applicable, all of the money, taxes and fees that were collected by the dealer at the time of sale.

2. If a dealer and purchaser enter into a written return agreement to cancel the sale of a vehicle pursuant to subsection 1, the dealer may ~~[, within 15 days after the cancellation,]~~ submit ~~[:~~

~~(a) A request]~~ an application for a certificate of title to the Department of Motor Vehicles. Any such ~~[request]~~ application for a certificate of title must be in the form prescribed by the Department of Motor Vehicles , may request the expedited processing of the application and must include, without limitation:

~~[(1)]~~ (a) A copy of the written return agreement described in subsection 1;

~~[(2)]~~ (b) The fees required for the issuance of a certificate of title pursuant to NRS 482.429;

~~[(3)]~~ (c) If the Department has already issued a certificate of title for the vehicle in relation to the sale:

~~[(I)]~~ (1) The certificate of title that the Department issued to the purchaser; or

~~[(II)]~~ (2) An affidavit certifying that the certificate of title issued to the purchaser by the Department ~~[has been lost or destroyed;]~~ is unavailable and needs to be cancelled by the Department; and

~~[(4)]~~ (d) If the Department of Motor Vehicles has not issued a certificate of title for the vehicle in relation to the sale, the certificate of title upon which the title transfer to the purchaser was made.

~~[(b) A request for a refund of the taxes collected by the dealer at the time of the sale to the Department of Taxation. A request for a refund submitted to the Department of Taxation pursuant to this section must be in the form prescribed by the Department of Taxation and include, without limitation, a copy of the written return agreement to cancel the sale described in subsection 1.]~~

3. ~~[Not]~~ Except as otherwise provided in subsection 8, if an application for a certificate of title requests the expedited processing of the application, not later than ~~[:~~

~~(a) Seven]~~ 7 days after receiving ~~[a request for a certificate of title pursuant to paragraph (a) of subsection 2,]~~ the application, the Department of Motor Vehicles shall issue the certificate of title to the dealer that sets forth:

~~[(1)]~~ (a) The dealer as the owner of the vehicle; and

~~[(2)]~~ (b) An odometer reading, as recorded at the time of the sale.

~~[(b) Thirty days after receiving a request for a refund pursuant to paragraph (b) of subsection 2, the Department of Taxation shall issue a refund of all the taxes paid in relation to the sale.]~~

4. Except as otherwise provided in subsection 8, if an application for a certificate of title submitted pursuant to subsection 2 does not request the expedited processing of the application, the Department of Motor Vehicles shall at its standard processing time, issue the certificate of title to the dealer that sets forth:

(a) The dealer as the owner of the vehicle; and

(b) An odometer reading, as recorded at the time of the sale.

5. A dealer shall not sell in this State a vehicle that is the subject of a cancellation of sale pursuant to this section if the dealer has submitted an application for a certificate of title pursuant to subsection 2 until the dealer receives the certificate of title from the Department of Motor Vehicles.

~~[5.]~~ 6. A dealer must retain a written return agreement to cancel the sale of a vehicle entered into pursuant to subsection 1 with the sales records related to the sale between the dealer and purchaser.

~~[6.]~~ 7. The cancellation of the sale of a vehicle pursuant to a written return agreement entered into pursuant to subsection 1 does not negate the fact that the vehicle has been the subject of a previous retail sale.

8. Nothing in this section shall be construed to prohibit the Department of Motor Vehicles from reviewing an application for a certificate of title submitted pursuant to subsection 2 for the accuracy and completeness of any

information contained therein, or conduct any necessary investigations before issuing a certificate of title.

Sec. 2. NRS 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain upon the face thereof the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department.

2. The certificate of title must contain upon the face thereof the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, ***and section 1 of this act,*** a reading of the vehicle's odometer as provided to the Department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle, the information required pursuant to subsection 4 of NRS 482.247 if the certificate of title is a certificate of title in beneficiary form pursuant to NRS 482.247 and such other statement of facts as may be determined by the Department. The reverse side of the certificate of title must contain forms for notice to the Department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.

Sec. 3. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 3, 6 and 7, and NRS 482.247, ***and section 1 of this act,*** upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of title issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. The Department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. Within 5 days after the transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred

may submit electronically to the Department a notice of the transfer. The Department may provide, by request and at the discretion of the Department, information submitted to the Department pursuant to this section to a tow car operator or other interested party. The Department shall adopt regulations establishing:

(a) Procedures for electronic submissions pursuant to this section; and

(b) Standards for determining who may receive information from the Department pursuant to this section.

3. The Department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of title issued for a vehicle, the form becomes a part of that certificate of title. The Department may charge a fee not to exceed the cost to provide the form.

4. Except as otherwise provided in subsections 5, 6 and 7, the transferee shall immediately apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

5. If the transferee is a dealer who intends to resell the vehicle, the transferee is not required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

6. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of title for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 5. The wholesale vehicle auctioneer is not required to comply with subsection 1 if the wholesale vehicle auctioneer:

(1) Does not take an ownership interest in the vehicle;

(2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is licensed as such in this or any other state; and

(3) Stamps his or her name, his or her identification number as a vehicle dealer and the date of the auction on the certificate of title and the bill of sale and any other documents of transfer for the vehicle.

7. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the Department or its agent the certificate of registration and the license plate or plates for the vehicle, if the license plate or plates have not been removed from the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply for registration as provided in NRS 482.215 and pay the governmental services taxes due.

8. As used in this section, "wholesale vehicle auctioneer" means a dealer who:

(a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and

(b) Does not in the ordinary course of business buy, sell or own the vehicles he or she auctions.

Sec. 4. NRS 482.415 is hereby amended to read as follows:

482.415 1. Whenever application is made to the Department for registration of a vehicle previously registered pursuant to this chapter and the applicant is unable to present the certificate of registration or certificate of title previously issued for the vehicle because the certificate of registration or certificate of title is lost, unlawfully detained by one in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to a new certificate of registration and certificate of title, it may register the applicant's vehicle and issue new certificates and a new license plate or plates to the person or persons entitled thereto. An applicant who is unable to satisfy the Department that the applicant is entitled to a new certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of NRS 482.2605.

2. Whenever application is made to the Department for the registration of a motor vehicle of which the:

(a) Ownership has been transferred;

(b) Certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and

(c) Model year is ~~[9 years old]~~ ***2011*** or newer ~~[,]~~ ***and the motor vehicle is less than 20 years old,***

➥ the transferor of the motor vehicle may, to furnish any information required by the Department to carry out the provisions of NRS 484D.330, designate the transferee of the motor vehicle as attorney-in-fact on a form for a power of attorney provided by the Department.

3. The Department shall provide the form described in subsection 2. The form must be:

(a) Produced in a manner that ensures that the form may not be easily counterfeited; and

(b) Substantially similar to the form set forth in Appendix E of Part 580 of Title 49 of the Code of Federal Regulations.

4. The Department may charge a fee not to exceed 50 cents for each form it provides.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 295.

Bill read second time and ordered to third reading.

Assembly Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 93.

AN ACT relating to State Government; creating the Nevada Medal of Distinction and the Nevada Awards and Honors Board; setting forth the process for awarding the Nevada Medal of Distinction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill creates the Nevada Medal of Distinction, which must be awarded each year to: (1) one person who is living and has made a significant and lasting contribution to the State of Nevada; and (2) one person who is deceased and during his or her lifetime made a significant and lasting contribution to the State of Nevada.

Section 4 of this bill creates the Nevada Awards and Honors Board, to be composed of five members who are residents of this State and appointed by the Governor. The Board is required to: (1) establish a suitable design for the Nevada Medal of Distinction; (2) establish the requirements for determining whether a person **is a Nevada resident or otherwise has a sufficient connection to this State and** has made a significant and lasting contribution to the State; (3) procure the manufacture of the Medal; and (4) take any other action necessary to carry out the provisions of **sections 3-6** of this bill.

Section 5 of this bill requires, on or before January 1 of each year, a selection committee to be established, consisting **, with certain exceptions,** of nine members as follows: (1) three members appointed by the Governor; (2) two members appointed by the Majority Leader of the Senate; (3) two members appointed by the Speaker of the Assembly; and (4) two members appointed by the Chief Justice of the Nevada Supreme Court. **If the Governor, Majority Leader of the Senate and Speaker of the Assembly are all members of the same political party, section 5 provides that the selection committee must consist of: (1) three members appointed by the Governor; (2) one member appointed by the Majority Leader of the Senate; (3) one member appointed by the Minority Leader of the Senate; (4) one member appointed by the Speaker of the Assembly; (5) one member appointed by the Minority Leader of the Assembly; and (6) two members appointed by the Chief Justice of the Nevada Supreme Court. Section 5** also requires each member of the selection committee to submit to the Board the nomination of one person who is living and one person who is deceased to receive the Nevada Medal of Distinction for that year.

Sections 5 and 7 of this bill exempt meetings of the selection committee from the Open Meeting Law. (Chapter 241 of NRS)

Section 6 of this bill requires the Board to hold a ceremony to announce the recipients of the Nevada Medal of Distinction for that year, which must be held in: (1) Carson City during each odd-numbered year on a date in which the Legislature is in regular session; and (2) ~~[the City of Las Vegas]~~ **Clark County** during each even-numbered year. **Section 6** further requires the selection committee to meet and select the recipients of the Nevada Medal of Distinction for that year ~~[two]~~ **not more than 7 calendar** days before the ceremony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "Board" means the Nevada Awards and Honors Board created by section 4 of this act.***

Sec. 3. ***1. There is hereby created an award to be known as the Nevada Medal of Distinction.***

2. Each year the Nevada Medal of Distinction must be awarded to:

(a) One person who is living and has made a significant and lasting contribution to the State of Nevada; and

(b) One person who is deceased and during his or her lifetime made a significant and lasting contribution to the State of Nevada.

3. The Nevada Medal of Distinction may not be awarded to a person more than once ~~***[.]***~~ ***or to an elected officer during his or her term.***

Sec. 4. ***1. There is hereby created the Nevada Awards and Honors Board.***

2. The Board shall be composed of five members who are residents of the State, appointed by the Governor. The members of the Board serve for terms of 3 years and may be reappointed.

3. The Board shall:

(a) Establish a suitable design for the Nevada Medal of Distinction such as a ribbon, badge or other insignia;

(b) Establish the requirements for determining whether a person ~~***[has]***~~ ***:***

(1) Has made a significant and lasting contribution to the State; and

(2) Is a Nevada resident or otherwise has a sufficient connection to this State;

(c) Procure the manufacture of the Nevada Medal of Distinction; and

(d) Take any other action necessary to carry out the requirements of sections 2 to 6, inclusive, of this act.

4. The Office of the Governor shall provide administrative support to the Board.

5. The Board may apply for and accept grants, gifts, donations, bequests or devises on behalf of the Board which must be used to carry out the functions of the Board.

Sec. 5. *1. ~~[On]~~ Except as otherwise provided in subsection 2, on or before January 1 of each year, there must be established a selection committee of nine members as follows:*

(a) Three members appointed by the Governor;

(b) Two members appointed by the Majority Leader of the Senate;

(c) Two members appointed by the Speaker of the Assembly; and

(d) Two members appointed by the Chief Justice of the Supreme Court of Nevada.

2. If the Governor, Majority Leader of the Senate and Speaker of the Assembly are all members of the same political party, the selection committee established pursuant to subsection 1 must be comprised of nine members as follows:

(a) Three members appointed by the Governor;

(b) One member appointed by the Majority Leader of the Senate;

(c) One member appointed by the Minority Leader of the Senate;

(d) One member appointed by the Speaker of the Assembly;

(e) One member appointed by the Minority Leader of the Assembly; and

(f) Two members appointed by the Chief Justice of the Supreme Court of Nevada.

3. The membership of the selection committee must be posted on the Internet website of the Office of the Governor.

~~[3.]~~ 4. On or before the deadline established by the Board, each member of the selection committee shall submit to the Board the nomination of one person who is living and one person who is deceased to receive the Nevada Medal of ~~[Honor]~~ Distinction for that year. The Board must post the nominations that are received from each member of the selection committee on the Internet website of the Governor.

5. The selection committee may conduct a meeting in person, by means of a remote technology system or any combination of members attending in person or by means of a remote technology system. The meetings of the selection committee are not subject to chapter 241 of NRS.

6. As used in this section, "remote technology system" means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in any meeting even though the person is not physically present at the meeting. The term includes, without limitation, teleconference and videoconference systems.

Sec. 6. *1. The Board shall hold a ceremony to announce the recipients of the Nevada Medal of Distinction for that year. The ceremony must be held:*

(a) In Carson City during each odd-numbered year on a date in which the Legislature is in regular session.

(b) In ~~[the City of Las Vegas]~~ Clark County during each even-numbered year.

2. ~~[Two]~~ Not more than 7 calendar days before the date on which the ceremony is held, the selection committee must meet and select the recipients of the Nevada Medal of Distinction for that year, one of whom must be living and one of whom must be deceased.

Sec. 7. **NRS 241.016 is hereby amended to read as follows:**

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ***and section 5 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 130.

[~~ASSEMBLYWOMAN~~] ASSEMBLYMEN BILBRAY-AXELROD**; GRAY, TAYLOR AND THOMAS**

AN ACT relating to health care; authorizing a hospital to enter into an agreement with the Armed Forces of the United States for the provision of care by a person who is not licensed to provide care under certain circumstances; exempting certain federal employees who provide care within the scope of their official duties from requirements governing the licensure and regulation of certain health professionals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a hospital in this State to enter into an agreement with the Armed Forces of the United States to authorize a medical officer to provide medical care in the hospital if: (1) the medical officer holds a valid license in the District of Columbia or any state or territory of the United States; and (2) the medical care is provided as part of a training or educational program for the medical officer. (NRS 449.2455) **Section 2** of this bill additionally authorizes a hospital to enter into an agreement with the Armed Forces of the United States to authorize an unlicensed person who provides care under authority granted by the Federal Government to provide such care in the hospital: (1) in his or her official capacity; (2) within the scope of practice authorized by the Federal Government; and (3) as part of a training or educational program. **Sections 1 and 2** of this bill additionally authorize a hospital to enter into an agreement with the Armed Forces of the United States to authorize a surgical technologist who does not meet the requirements to practice surgical technology in this State to practice surgical technology in the hospital under similar circumstances. **Sections 3-7** of this bill exempt a person who provides care as part of his or her official duties as a federal employee, including a person providing care in a hospital under an agreement with the Armed Forces of the United States pursuant to **section 2**, from provisions governing the licensure and regulation of certain health professionals in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.24185 is hereby amended to read as follows:

449.24185 Except as otherwise provided in this section and NRS 449.0301**, [~~and~~]** 449.24195 **[~~.~~]** ***and 449.2455:***

1. A health care facility may not employ or otherwise allow a person to engage in the practice of surgical technology at the health care facility unless the person has:

(a) Successfully completed a program for surgical technologists that is accredited by a national accrediting organization and is certified as a Certified Surgical Technologist by the National Board of Surgical Technology and Surgical Assisting or a successor organization;

(b) Successfully completed a training program for surgical technologists administered by the United States Public Health Service, Army, Navy, Air Force, Marine Corps or Coast Guard; or

(c) Engaged in the practice of surgical technology in a health care facility before January 1, 2018.

2. A health care facility may employ or otherwise allow a person who has successfully completed a program for surgical technologists that is accredited by a national accrediting organization but who is not certified as a Certified Surgical Technologist pursuant to paragraph (a) of subsection 1 to engage in the practice of surgical technology at the health care facility for 180 days after the date on which the person successfully completed the program.

3. A health care facility may employ a person who does not possess the qualifications prescribed by subsection 1 to engage in the practice of surgical technology at the health care facility if, after conducting a thorough and diligent search, the health care facility is unable to employ a sufficient number of surgical technologists who possess such qualifications. A health care facility may continue to employ such a person after the health care facility determines it is able to employ a sufficient number of surgical technologists who possess such qualifications.

Sec. 2. NRS 449.2455 is hereby amended to read as follows:

449.2455 1. A hospital may enter into an agreement with the Armed Forces of the United States to authorize ~~[~~a~~]~~ ***:***

(a) A medical officer to provide medical care in the hospital if:

~~[~~(a)~~]~~ ***(1)*** The medical officer holds a valid license in good standing to provide such medical care in the District of Columbia or any state or territory of the United States;

~~[~~(b)~~]~~ ***(2)*** The medical care is provided as part of a training or educational program designed to further the employment of the medical officer; and

~~[~~(c)~~]~~ ***(3)*** The agreement complies with the provisions of 10 U.S.C. § 1094 and any regulations or guidelines adopted pursuant thereto.

(b) An unlicensed federal medical provider to provide care for which a license, certificate or registration is otherwise required pursuant to chapter 630, 631, 632, 633, 635, 639, 640, 652 or 653 of NRS at the hospital:

(1) In his or her official capacity and within the scope of practice authorized by the Federal Government; and

(2) As part of a training or educational program.

(c) A federal surgical technologist who does not meet the requirements of NRS 449.24185 to engage in the practice of surgical technology at the hospital:

(1) In his or her official capacity and within the scope of practice authorized by the Federal Government; and

(2) As part of a training or educational program.

2. As used in this section ~~[~~, "medical"~~]~~ ***:***

(a) "Federal surgical technologist" means a surgical technologist who engages in the practice of surgical technology pursuant to authority granted by the Federal Government.

(b) "Medical officer" includes any physician, nurse, dentist or other health care professional who is employed by the Armed Forces of the United States or a reserve component thereof.

(c) "Practice of surgical technology" has the meaning ascribed to it in NRS 449.2417.

(d) "Surgical technologist" has the meaning ascribed to it in NRS 449.24175.

(e) "Unlicensed federal medical provider" means a pharmaceutical technician who is not registered pursuant to chapter 639 of NRS and provides care pursuant to authority granted by the Federal Government or a person who does not hold a license or certificate issued pursuant to chapter 630, 631, 632, 633, 635, 640, 652 or 653 of NRS and provides care pursuant to such authority. The term:

(1) Includes, without limitation, a person who does not hold any license or certificate issued by a licensing authority in the District of Columbia or any state or territory of the United States.

(2) Does not include a health-care professional, as defined in 10 U.S.C. § 1094.

Sec. 3. NRS 632.316 is hereby amended to read as follows:

632.316 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

6. The practice of ~~[any legally qualified nurse of another state]~~ ***nursing by any person*** who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his or her official duties

in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.

9. A natural person from providing community-based living arrangement services if:

(a) That person has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto.

➥ As used in this subsection, "community-based living arrangement services" has the meaning ascribed to it in NRS 449.0026.

10. A natural person from providing supported living arrangement services if:

(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

➥ As used in this subsection, "supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.

Sec. 4. NRS 639.018 is hereby amended to read as follows:

639.018 1. The provisions of this chapter and any regulations adopted pursuant thereto do not apply to ~~[~~(a)~~]~~ ***:***

(a) A veterinary biologic product that is:

~~[~~(a)~~]~~ ***(1)*** Licensed for production under a product license; and

~~[~~(b)~~]~~ ***(2)*** Directly marketed by a manufacturing facility holding an establishment license for administration to livestock.

(b) A pharmaceutical technician of the Armed Forces of the United States or a pharmaceutical technician of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

2. As used in this section:

(a) "Establishment license" means a U. S. Veterinary Biologics Establishment License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(b) "Livestock" has the meaning ascribed to it in subsections 1 and 3 to 6, inclusive, of NRS 571.022.

(c) "Product license" means a U. S. Veterinary Biological Product License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(d) "Veterinary biologic product" has the meaning ascribed to "biological product" in 9 C.F.R. § 101.2.

Sec. 5. NRS 640.029 is hereby amended to read as follows:

640.029 1. This chapter does not apply to:

(a) A provider of health care who:

(1) Is licensed to practice in this state;

(2) Practices within the scope of that license; and

(3) Does not use any letters, words or insignia listed in NRS 640.170 or 640.175 in connection with his or her name or otherwise represent that he or she is a physical therapist or physical therapist assistant, or that he or she practices physical therapy; ~~[or]~~

(b) A physical therapist who is temporarily exempt from licensure pursuant to NRS 640.135 and is practicing physical therapy within the scope of the exemption ~~[.]~~ ***; or***

(c) A physical therapist, physical therapist assistant or physical therapist technician of the Armed Forces of the United States or a physical therapist, physical therapist assistant or physical therapist technician of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

2. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 6. Chapter 652 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this chapter do not apply to a laboratory director or laboratory personnel of the Armed Forces of the United States or a laboratory director or laboratory personnel of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

Sec. 7. NRS 653.430 is hereby amended to read as follows:

653.430 The provisions of this chapter do not apply to:

1. A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS.

2. A dentist, dental hygienist or dental therapist licensed pursuant to chapter 631 of NRS or a dental assistant working within the scope of his or her employment under the direct supervision of a dentist.

3. A chiropractic physician or chiropractic assistant licensed pursuant to chapter 634 of NRS.

4. A person training to become a chiropractic assistant or a student practicing in the preceptor program established by the Chiropractic Physicians' Board of Nevada pursuant to NRS 634.1375.

5. A podiatric physician or podiatry hygienist licensed pursuant to chapter 635 of NRS, or a person training to be a podiatry hygienist.

6. A veterinarian or veterinary technician licensed pursuant to chapter 638 of NRS or any other person performing tasks under the supervision of a veterinarian or veterinary technician as authorized by regulation of the Nevada State Board of Veterinary Medical Examiners.

7. The performance of mammography in accordance with NRS 457.182 to 457.187, inclusive.

8. Any employee of the Armed Forces of the United States or any division or department of the United States who engages in radiologic imaging or radiation therapy in the discharge of his or her official duties, including, without limitation, while providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 349.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 202.

AN ACT relating to wildlife; **revising provisions governing the Wildlife Account in the State General Fund;** establishing the Nevada Wildlife Conservation Program and Nevada Wildlife Conservation Program Account to support the preservation, protection, management and restoration of wildlife and wildlife habitats; creating the Board of the Nevada Wildlife Conservation Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife, which administers the wildlife laws of this State. (NRS 501.331) **Section 3** of this bill establishes the Nevada Wildlife Conservation Program to support the preservation, protection, management and restoration of wildlife and wildlife habitats.

Section 3: (1) requires the Department to administer the Program; and (2) authorizes the Department to contract with the Community Foundation of Northern Nevada to assist with the administration of the Program. **Section 3** also creates the Nevada Wildlife Conservation Program Account in the State General Fund and requires that the money in the Account be used: (1) to provide matching money required as a condition of federal grants; or (2) for the preservation, protection, management and restoration of wildlife and wildlife habitats.

Section 3 further provides that, upon request, the personal identifying information of a person who donates to the Account must be kept confidential. **Section 5** of this bill makes a conforming change to account for the confidentiality of personal identifying information of certain people who make a donation to the Program.

Section 4 of this bill establishes the Board of the Nevada Wildlife Conservation Program to advise the Department on the expenditure of money in the Nevada Wildlife Conservation Program Account created by **section 3**.

Existing law establishes the Wildlife Account in the State General Fund and authorizes the Department, with certain exceptions, to use the money in the Wildlife Account to carry out certain provisions of existing law relating to wildlife. (NRS 501.356) Section 1 of this bill **: (1) provides that the Department is authorized to use the money in the Wildlife Account under the direction of the Board of Wildlife Commissioners; and (2)** makes a conforming change **relating to section 1** to provide that money received by the Department for the Nevada Wildlife Conservation Program Account is not required to be deposited in the Wildlife Account in the State General Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees described in NRS 278.337;

(c) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(d) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(e) Appropriations made by the Legislature; and

(f) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, ***the Nevada Wildlife Conservation Program Account pursuant to section 3 of this act,*** the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department ***, under the direction of the Commission,*** may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250, 502.410 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the protection, propagation and management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 2. Chapter 502 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. The Nevada Wildlife Conservation Program is hereby established to support the preservation, protection, management and restoration of wildlife and wildlife habitats in this State. The Nevada Wildlife Conservation Program Account is hereby created in the State General Fund.***

2. The Department shall administer the Program and shall take such actions as the Department determines are necessary to carry out the provisions of this section. The Department may contract with the Community Foundation of Northern Nevada to provide assistance in the administration of the Program including, without limitation, the collection of donations for the Program.

3. In addition to any direct legislative appropriation, the Department may apply for and accept any gift, grant, bequest, donation for deposit in the Account and use by the Program. The money in the Account must be used in accordance with any recommendations of the Board of the Nevada Wildlife Conservation Program created by section 4 of this act:

(a) To provide matching money required as a condition of any federal grant related to the preservation, protection, management and restoration of wildlife and wildlife habitats; or

(b) For the preservation, protection, management or restoration of wildlife and wildlife habitats.

4. A person that makes a donation to the Program may request to remain anonymous. The personal identifying information of such a person is confidential. As used in this subsection, "personal identifying information" has the meaning ascribed to it in NRS 205.4617.

5. Any interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year. Claims against the Account must be paid as other claims against the State are paid.

6. The Department shall, on or before February 1 of each year, submit a report to the Interim Finance Committee concerning the Nevada Wildlife Conservation Program Account, including, without limitation:

(a) The number of donations and total value of each donation during the immediately preceding calendar year;

(b) The total amount of any grants of money received by the Department for deposit in the Account during the immediately preceding calendar year;

(c) The total amount of money received by the Program, the amount of money expended from the Account, and a description of each project for which the money was spent; and

(d) Any recommendations concerning legislation to improve the Program.

Sec. 4. *1. There is hereby created the Board of the Nevada Wildlife Conservation Program to advise the Department on the expenditure of money in the Nevada Wildlife Conservation Program Account created by section 3 of this act.*

2. The Board consists of the following ~~[five]~~ three members:

(a) One member from a field related to the management of wildlife, appointed by the Governor;

(b) ~~[One member from a field related to the management of wildlife, appointed by the Majority Leader of the Senate;~~

~~(c) One member from a field related to the management of wildlife, appointed by the Speaker of the Assembly;~~

~~(d)~~ One member with background in the management of rangeland or the management of wildlife, appointed by the Chair of the Commission; and

~~[(e)]~~ (c) The Chair of the Commission or a member of the Commission appointed by the Chair. ~~[;]~~

3. Each member of the Board:

(a) Must be a resident of this State; and

(b) Serves a term of 2 years.

4. At its first meeting each year, the members of the Board shall elect a Chair, who shall serve until the next Chair is elected. The Board shall meet as necessary at the call of the Chair.

5. A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Board.

6. While engaged in the business of the Board, to the extent of legislative appropriation, each member of the Board is entitled to receive the per diem

allowance and travel expenses provided for state officers and employees generally.

Sec. 5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330,

442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 3 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in

any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 6. This act becomes effective on July 1, 2023.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 357.

Bill read second time and ordered to third reading.

Assembly Bill No. 359.

Bill read second time and ordered to third reading.

Assembly Bill No. 372.
Bill read second time and ordered to third reading.

Assembly Bill No. 394.
Bill read second time and ordered to third reading.

Assembly Bill No. 411.
Bill read second time and ordered to third reading.

Assembly Bill No. 427.
Bill read second time and ordered to third reading.

Assembly Bill No. 437.
Bill read second time and ordered to third reading.

Assembly Bill No. 445.
Bill read second time and ordered to third reading.

Assembly Bill No. 448.
Bill read second time and ordered to third reading.

Assembly Bill No. 452.
Bill read second time and ordered to third reading.

Assembly Bill No. 454.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 119, 147, 208, 290, 299, and 349 be rereferred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Monroe-Moreno moved that Assembly Bills Nos. 139, 295, 357, 427, 445, and 448 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 12:26 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblywoman Jauregui moved that Assembly Bills Nos. 21 and 188 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 104.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 104 authorizes a city that is incorporated by special charter, in addition to the number of legislative measures the city is authorized to request based on its population, to request not more than twice in any ten-year period one legislative measure for a regular session of the Legislature that proposes to amend the charter of the city. There are 13 charter cities in Nevada.

Roll call on Assembly Bill No. 104:

YEAS—38.

NAYS—Gray, McArthur, Newby—3.

EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 210.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Assembly Bill 210 requires each contractor engaged on a public work to provide his or her workers with a written or electronic notice that sets forth the Internet website of the Labor Commissioner where the prevailing wage rates for the public work project are posted; the name of the contractor; and the physical address of the principal place of business of the contractor. The contractor must receive and retain for at least two years an acknowledgement of receipt of the notice from each worker and make the notice available to the Labor Commissioner upon request.

Finally, the bill requires a person found to have willfully and repeatedly failed to pay the prevailing wage to pay an affected worker damages in an amount equal to the difference between the prevailing wages required to be paid and the wages the contractor or subcontractor actually paid to the affected worker.

The bill is effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks, and on January 1, 2024, for all other purposes.

Roll call on Assembly Bill No. 210:

YEAS—29.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Kasama, McArthur, O'Neill, Yurek—12.

EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 235 requires the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies.

Roll call on Assembly Bill No. 235:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 361 provides that if a department, institution, or agency of the Executive Branch of the state government is required to request the approval of the Interim Finance Committee to accept a grant from the federal government and revise a work program to implement the grant, then the entity may, upon submission of the application for the grant, request that the IFC [Interim Finance Committee] grant provisional approval to accept the grant and revise the work program. With this approval, the department, institution, or agency is not required to obtain additional approval from the IFC unless the actual amount of the grant or change to the work program exceeds the greater of the amount provisionally approved by the IFC, plus 10 percent; or the amount provisionally approved by the IFC, plus $75,000.

Finally, the bill authorizes the IFC to consider such requests during a regular or special session of the Legislature.

Roll call on Assembly Bill No. 361:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 146.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 294.

AN ACT relating to information technology; clarifying the definition of the terms "cable service" and "video service"; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "video service" for purposes of franchising and regulation of video service and video service providers as the provision of certain multichannel video programming, excluding: (1) any video content provided solely as part of, and through, a service which enables users access to certain content via the public Internet; (2) direct broadcast satellite service; and (3) any wireless multichannel video programming provided by a commercial mobile service provider. (NRS 711.141, 711.400) **Section 1.5** of this bill clarifies the definition of the term "video service" to mean the provision by a video service provider over a video service network of certain multichannel video programing provided by a video service provider, excluding: (1) certain video content accessed via the Internet, including streaming video content; (2) direct-to-home satellite services; and (3) any wireless multichannel video programming provided by a commercial mobile service provider.

Section 1 of this bill clarifies the definition of the term "cable service" to exclude any video content, including, without limitation, streaming video content, accessed via a service that enables users to access content, information, electronic mail or other services that are offered via the Internet, regardless of the ~~[Internet service]~~ provider ~~[.]~~ **of the video content.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 711.025 is hereby amended to read as follows:

711.025 ***1.*** "Cable service" ~~[has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.]~~ ***means:***

(a) The one-way transmission to subscribers of video programming or other programming service; and

(b) Any interaction with subscribers which is required for the selection or use of such video programming or other programming service.

2. The term does not include any video content, including, without limitation, streaming video content, accessed via a service that enables users to access content, information, electronic mail or other services that are offered via the Internet, regardless of the ~~[Internet service]~~ provider ~~[.]~~ of the video content.

Sec. 1.5. NRS 711.141 is hereby amended to read as follows:

711.141 1. "Video service" means the provision ***by a video service provider over a video service network*** of multichannel video programming generally considered comparable to video programming delivered by a television broadcast station, cable service or other digital television service, whether provided as part of a tier, on-demand or on a per-channel basis, without regard to the technology used to deliver the video service, including, without limitation, Internet protocol technology or any successor technology.

2. The term includes, without limitation:

(a) Cable service; and

(b) Video service delivered by a community antenna television system.

3. The term does not include:

(a) Any video content ~~[provided solely as part of, and through,]~~ ***, including, without limitation, streaming video content, accessed via*** a service ~~[which]~~ ***that*** enables users to access content, information, electronic mail or other services that are offered via the ~~[public]~~ Internet ~~[.]~~ ***, regardless of the ~~[Internet service]~~ provider ~~[.]~~ of the video content.***

(b) ~~[Direct broadcast]~~ ***Direct-to-home*** satellite ~~[service.]~~ ***services, which distribute or broadcast programming or services by satellite directly to the subscriber's residence without the use of ~~[:~~***

~~(1) Ground]~~ ground receiving or distribution equipment, except at the subscriber's residence or in the uplink process to the satellite . ~~[; and]~~

~~[(2) A public right-of-way.]~~

(c) Any wireless multichannel video programming provided by a commercial mobile service provider.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REMARKS FROM THE FLOOR

Assemblyman Gurr requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GURR:

I would like to clarify my vote on Assembly Joint Resolution 5. I was looking at something else and my finger hit the wrong button. By the time I realized it, the roll had already been closed. I am a definite no on AJR 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Shawina Tims.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Jade Hawkins and Rebecca Haile.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Alana Bilbro and Lanya Sanders.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Canestrini, Glenda Gilmore, and Stephanie Hanzik.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Sage Tuggle and Xander Gallant.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Duane Campbell.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Dupree, Josie Hatem, and Tatiana Hatem.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Robie, Carol Del Carlo, and Danielle Bell.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Trenna Smith.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Aniyah Wesley, Danette McFarland, and Destani Miles.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Fiona Odili and Marsiah LeBlanc.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Kash Williams and Ziani Caldwell.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Callahan and Reina Stevenson.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Torres.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Jalah Farris and Makayla Garder.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Jerell Taylor and Kalyn Logan.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Adams and Sky Feldmeier.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Tacarra Shelton.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Dominick Lemele and Khila Davis.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, April 19, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:44 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 19, 2023

Assembly called to order at 11:51 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

The Bible tells us in Isaiah 26:2-5, Open the gates that the righteous nation that keeps faith may enter in. You will keep him in perfect peace whose minds are stayed on You because he trusts in You. Trust in the Lord forever, for the Lord God is an everlasting rock.

Heavenly Father, we give You thanks in the midst of life's interruptions and challenges for Your faithfulness in all situations. We are confident in Your steadfast love, divine interventions, and mighty hand. When we are afraid, we will trust in You, in God whose word we praise.

We commit to You today in prayer: our families, co-workers, and those serving with all diligence in harm's way. Protect them and their families.

Lead us and guide us today with Your wisdom and grace. We thank You for help in our conversations, actions, and thoughts. May we walk with integrity and always speak the truth from our hearts.

And this blessing out of Numbers 6:24-26, May the Lord bless you and keep you; the Lord make his face to shine upon you and be gracious to you; the Lord lift up his countenance upon you and give you peace.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:05 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 127, 318, 321, 334, 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 223, 392, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 175, 256, 274, 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 171, 173, 222, 252, 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was rereferred Assembly Bill No. 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 316, 407, 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 135, 169, 197, 259, 293, 338, 358, 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 14, 55, 125, 126, 257, 275, 342, 373, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 49, 193, 355, 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 190, 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 70, 184, 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Assembly Bills Nos. 77, 261, 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Revenue, to which was referred Assembly Bill No. 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA BACKUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 8, 16, 18, 29, 67, 80, 110, 129, 153, 177, 181, 182, 210, 223, 250, 331.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 44, 76.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 7.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 18, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 19, 97.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 2, 3, 5, 34, 42, 55, 62, 81, 87, 109, 115, 117.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 7.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

April 17, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 41, 88, 166, 167, 176, 232, 237, 241, 297, 311, 380, 387, 428.

WAYNE THORLEY
Fiscal Analysis Division

April 18, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 11, 32, 41, 168, 226, 257.

SARAH COFFMAN
Fiscal Analysis Division

April 18, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 47, 94, 112, 191, 225, 271, 275, 276, 301, 364.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of April 19, 2023, be accepted as an accredited press representative, assigned space at the press table in the

Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KRNV News 4: Justin Case.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bills Nos. 50 and 188 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 231 be taken from the Chief Clerk's Desk and placed on General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 2.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 3.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 5.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 8.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 16.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 18.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 19.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 29.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 34.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 42.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 44.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 55.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 62.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 67.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 76.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 80.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 81.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 87.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 97.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 109.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 110.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 115.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 117.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 129.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 153.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 177.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 181.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 182.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 210.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 223.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 250.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 331.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 330.

AN ACT relating to metropolitan police departments; revising the membership of a metropolitan police committee on fiscal affairs to add one additional member from the participating political subdivision that is a county ~~[; making the]~~ **and one additional** member selected by the committee from the general public **_ ;** ~~[a nonvoting member;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a metropolitan police committee on fiscal affairs in a county which has established a metropolitan police department and sets forth the membership as two representatives from each participating political subdivision and one member selected by the committee from the general public. (NRS 280.010, 280.080, 280.130) **Section 1** of this bill ~~[: (1)]~~ adds to the committee **_ : (1)** one additional member from a participating political subdivision that is a county; and (2) ~~[makes the]~~ **one additional** member selected by the committee from the general public **_ .** ~~[a nonvoting member. Section 2 of this bill provides that the person who is a member of the~~

~~committee from the general public continues to be a voting member until that member's successor is selected.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 280.130 is hereby amended to read as follows:

280.130 1. The committee consists of ~~[two]~~ ***:***

(a) Three representatives from ~~[each]~~ ***the*** participating political subdivision ~~[.]~~ ***that is a county; and***

(b) Two representatives from each participating political subdivision that is not a county.

2. Representatives of the participating political subdivisions are not entitled to receive any additional compensation or be reimbursed by the department for any expenses incurred while serving on the committee.

3. Each representative of a participating political subdivision must be a member of its governing body and serves at the pleasure of the governing body making the appointment.

4. The members of the committee shall, by majority vote, select an additional ~~[, nonvoting member]~~ ***two members*** of the committee from the general public from a list consisting of three persons nominated by each participating political subdivision and three persons nominated by the sheriff. ~~[That person:]~~ ***Those persons:***

(a) Must ***each*** reside in the area served by the department.

(b) Shall ***each*** serve until August 1 next succeeding and until a successor is selected.

(c) May ***each*** succeed himself or herself.

(d) ~~[Is]~~ ***Are*** entitled to receive as compensation $40 for each day of service.

(e) ~~[Is]~~ ***Are*** entitled to reimbursement for necessary travel and per diem expenses in the manner provided by the committee for the reimbursement of officers and employees of the department.

5. If the members of the committee fail to agree on the additional ~~[member]~~ ***members*** to be selected pursuant to subsection 4 within 30 days after their initial meeting following the merger or by August 1 of any year thereafter, the additional ~~[member]~~ ***members*** of the committee must be appointed by the Governor without regard to the lists submitted. The ~~[person]~~ ***persons*** so appointed must reside in the area served by the department.

6. At its first meeting and in August of each year thereafter, the committee shall select one of its members to act as chair.

Sec. 2. ~~[1. Notwithstanding the provisions of subsection 4 of NRS 280.130, as amended by section 1 of this act, the person who is a member of the committee from the general public on June 30, 2023, continues to be a voting member of the committee until that member's successor is selected pursuant to NRS 280.130, as amended by section 1 of this act.~~

~~2. As used in this section, "committee" has the meaning ascribed to it in NRS 280.045.]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 57.

AN ACT relating to criminal justice; **providing that information collected or stored by the Department of Sentencing Policy for the purpose of analyzing and understanding the criminal justice system is confidential;** revising the qualifications of the Executive Director of the Department **;** ~~[of Sentencing Policy;]~~ revising provisions concerning the membership of the Nevada Sentencing Commission; **requiring that certain data tracked and assessed by the Commission include the housing status of persons admitted to and released from prison; authorizing the Nevada Local Justice Reinvestment Coordinating Council to accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out its duties;** revising provisions relating to risk and needs assessments administered to certain probationers and parolees; authorizing the Division of Parole and Probation of the Department of Public Safety to impose confinement in a jail or detention facility or place a person under a system of active electronic monitoring for technical violations of the conditions of probation or parole; requiring the system of graduated sanctions adopted by the Division to include guidance on the use of such confinement and electronic monitoring; revising the definition of "technical violation" as the term relates to violations of the conditions of probation or parole; revising provisions relating to the temporary and full revocation of probation, suspension of sentence or parole supervision for technical violations of the conditions of probation or parole; **requiring the Department of Sentencing Policy to collect and analyze certain data and submit a report to the Director of the Legislative Counsel Bureau;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Sentencing Policy **(hereinafter "Department")** and requires the Governor to appoint the Executive Director of the Department from a list of three persons recommended by the Nevada Sentencing Commission **,** ~~[.]~~ **(hereinafter "Commission").** Existing law also requires the Executive Director to be an attorney who is licensed to practice law in this State. (NRS 176.01323) **Section** ~~[1]~~ **1.7** of this bill: (1) specifies that the three persons recommended by the Commission must be qualified

persons; and (2) removes the requirement that the Executive Director must be an attorney who is licensed to practice law in this State.

Section 1 of this bill provides that any information collected or stored by the Department for the purpose of analyzing and understanding the criminal justice system is confidential and not a public record. Section 8.3 of this bill makes a conforming change to indicate that such information is exempt from the requirement that public books and public records of a governmental entity must be open to inspection. Section 1.3 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law establishes requirements concerning the membership of the Commission, including that: (1) one member must be a representative of the Division of Parole and Probation of the Department of Public Safety **(hereinafter "Division")** who is appointed by the Governor; and (2) one member must be the Director of the Department of Employment, Training and Rehabilitation. (NRS 176.0133) **Section 2** of this bill provides that: (1) the Chief Parole and Probation Officer may alternatively be a member of the Commission; (2) if a representative of the Division is a member of the Commission, he or she is appointed by the Chief instead of the Governor; and (3) a representative of the Department of Employment, Training and Rehabilitation who is appointed by the Director of the Department of Employment, Training and Rehabilitation may alternatively be a member of the Commission.

Existing law imposes certain duties on the Commission, including the tracking and assessment of data from the Department of Corrections concerning prison admissions, parole and release from prison. (NRS 176.01343) Section 2.3 of this bill requires such data to include the housing status of persons admitted to and released from prison.

Existing law creates the Nevada Local Justice Reinvestment Coordinating Council, which: (1) advises the Commission on matters related to certain legislation, regulations, rules, budgetary changes and other actions concerning local governments; (2) identifies county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism; (3) makes recommendations to the Commission regarding certain grants; (4) oversees the implementation of and creates performance measures to assess the effectiveness of certain grants; and (5) identifies opportunities for collaboration with the Department of Health and Human Services for treatment services and funding. (NRS 176.014) Section 2.7 of this bill authorizes the Council to accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out its duties.

Existing law requires the Division to administer a risk and needs assessment to certain probationers and parolees under the supervision of the Division and, on a schedule determined by the Nevada Risk Assessment System or more often if necessary, administer a subsequent risk and needs assessment to such

probationers and parolees. (NRS 176A.435, 213.1078) **Sections 3 and 6** of this bill provide that a subsequent risk and needs assessment will be administered on a schedule determined by the appropriate risk **and needs** assessment tool instead of by the Nevada Risk Assessment System. ~~[Existing law provides that if a term or condition of probation or the level of supervision set is found not to align with the results of a risk and needs assessment, the supervising officer is required to notify the court of the finding and the court may modify the terms of probation. (NRS 176A.435)]~~ Existing law ~~[also]~~ provides that if a condition of parole or the level of parole supervision set is found not to align with the results of a risk and needs assessment, the supervising officer is required to submit a request to the State Board of Parole Commissioners **(hereinafter "Board")** to modify the condition or level of supervision. (NRS 213.1078) **Section 6** ~~[revises such a procedure to mirror the procedure used with regard to probation by requiring the supervising officer to notify the Board of a finding that a condition of parole or the level of parole supervision does not align with the results of a risk and needs assessment and authorizing the Board to modify the condition or level of supervision.]~~ **removes such provisions.**

Existing law requires the Division to adopt a written system of graduated sanctions for use by parole and probation officers when responding to a technical violation of the conditions of probation or parole. (NRS 176A.510, 213.15101) **Sections 4 and 7** of this bill, respectively, provide that as part of the system of graduated sanctions, the Division is authorized, in response to a technical violation of parole or probation, to: (1) impose confinement in a jail or detention facility for a period of not more than 10 days, not to exceed 30 days in the aggregate; or (2) place the person under a system of active electronic monitoring for a period of not more than 60 days using an electronic device approved by the Division. **Sections 4 and 7** also require a system of graduated sanctions to include guidance on the use of such confinement in a jail or detention facility and electronic monitoring. **Sections 4 and 7** additionally revise the definition of "technical violation" to exclude, as applicable: (1) certain violations of probation or suspension of sentence by a sex offender or a person convicted of stalking with the use of electronic means, an offense involving pornography with a minor or luring a child or person with a mental illness through the use of electronic means; (2) certain violations of parole by a prisoner convicted of a sexual offense, a prisoner who is a Tier 3 offender convicted of a sexual offense against a child under 14 years of age or a prisoner convicted of stalking with the use of electronic means, an offense involving pornography with a minor or luring a child or person with a mental illness through the use of electronic means; and (3) termination from certain treatment programs.

Existing law provides that if a probationer or parolee commits one or more technical violations of the conditions of probation or parole, a court or the Board, as applicable, may take certain actions, including: (1) temporarily revoking the probation, suspension of sentence or parole supervision and

imposing a term of imprisonment of not more than 30 days for the first temporary revocation, 90 days for the second temporary revocation or 180 days for the third temporary revocation; or (2) fully revoking the probation, suspension of sentence or parole supervision and imposing imprisonment for the remainder of the sentence for a fourth or subsequent revocation. (NRS 176A.630, 213.1519) **Sections 5 and 8** of this bill ~~[:]~~ **also authorize a court or the Board, as applicable, to revoke the probation, suspension of sentence or parole supervision at the request of a probationer or parolee. Sections 5 and 8 additionally require that before a court or the Board, as applicable, may take such actions, the Division must determine that the graduated sanctions adopted by the Division for technical violations of the conditions of probation or parole have been exhausted. Sections 5 and 8 further require that: (1) a probationer who is arrested and detained, or a parolee whose parole is revoked, for committing a technical violation of the conditions of probation or parole, as applicable, receives credit for any time served while the probationer or parolee is waiting for a hearing to determine if a technical violation has occurred, which must be applied to any term of imprisonment imposed for the technical violation; and (2) any time served by the probationer or parolee while waiting for such a hearing or in accordance with any term of imprisonment imposed for the technical violation must be applied toward the original sentence of the probationer or parolee.**

Section 8 additionally: (1) ~~[increase]~~ **increases** the terms of imprisonment for a temporary revocation of ~~[probation or suspension of sentence or]~~ parole supervision ~~[, respectively,]~~ from 30 days to 90 days for the first temporary revocation and from 90 days to 180 days for the second temporary revocation; and (2) ~~[authorize]~~ **authorizes** a full revocation of ~~[probation or suspension of sentence or]~~ parole supervision ~~[, respectively,]~~ for a third or subsequent revocation.

Section 8.7 of this bill requires the Department to: (1) collect and analyze certain data relating to the length of the term of imprisonment served and recidivism rates for persons whose probation, suspension or sentence or parole supervision is revoked due to a technical violation of the conditions of probation or parole; and (2) submit a report regarding such data to the Director of the Legislative Counsel Bureau on or before January 1, 2025.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:**

Any information collected or stored by the Department for the purpose of analyzing and understanding the criminal justice system, including, without limitation, information from a database, interview or other source, is confidential and not a public record within the meaning of NRS 239.010.

Sec. 1.3. **NRS 176.01313 is hereby amended to read as follows:**

176.01313 As used in NRS 176.0131 to 176.014, inclusive, ~~[176.01315, 176.01317]~~ and ***section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS ***176.01315, 176.01317 and*** 176.0132 have the meanings ascribed to them in those sections.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 176.01323 is hereby amended to read as follows:

176.01323 1. The Department of Sentencing Policy is hereby created.

2. The Executive Director of the Department must be appointed by the Governor from a list of three ***qualified*** persons recommended by the Sentencing Commission.

3. The Executive Director:

(a) Is in the unclassified service of this State;

(b) Serves at the pleasure of the Sentencing Commission, except that the Executive Director may only be removed upon a finding by the Sentencing Commission that his or her performance is unsatisfactory; ***and***

(c) ~~[Must be an attorney licensed to practice law in this State; and~~

~~(d)]~~ Shall devote his or her entire time and attention to the duties of his or her office and shall not engage in any other gainful employment or occupation.

4. The Executive Director may, within the limits of money available for this purpose, employ or enter into a contract for the services of such employees or consultants as is necessary to carry out the provisions of NRS 176.0131 to 176.014, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 2. NRS 176.0133 is hereby amended to read as follows:

176.0133 1. The Nevada Sentencing Commission is hereby created within the Department. The Sentencing Commission consists of:

(a) One member appointed by the Governor;

(b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(c) Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;

(d) One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;

(e) The Director of the Department of Corrections;

(f) One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;

(g) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(h) One member who is a representative of the Office of the Clark County Public Defender, appointed by the head of the Office of the Clark County Public Defender;

(i) One member who is a representative of the Office of the Washoe County Public Defender, appointed by the head of the Office of the Washoe County Public Defender;

(j) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

(k) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

(l) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

(m) One member who is ~~[a]~~ ***:***

(1) The Chief Parole and Probation Officer; or

(2) A representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the ~~[Governor;]~~ ***Chief Parole and Probation Officer;***

(n) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

(o) One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;

(p) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(q) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

(r) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(s) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(t) ***One member who is:***

(1) The Director of the Department of Employment, Training and Rehabilitation; ***or***

(2) A representative of the Department of Employment, Training and Rehabilitation, appointed by the Director of the Department of Employment, Training and Rehabilitation; and

(u) One member who is a representative of an organization that works with offenders upon release from incarceration to assist in reentry into the community appointed by the Chair of the Legislative Commission.

2. The Executive Director shall serve as the Executive Secretary of the Sentencing Commission.

3. If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest, or, if there is no successor in interest, by the Governor.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Sentencing

Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The Legislators who are members of the Sentencing Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Sentencing Commission.

6. At the first regular meeting of each odd-numbered year, the members of the Sentencing Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

7. The Sentencing Commission shall:

(a) Hold its first meeting on or before September 1 of each odd-numbered year; and

(b) Meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

8. A member of the Sentencing Commission may designate a nonvoting alternate to attend a meeting in his or her place.

9. A majority of the members of the Sentencing Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Sentencing Commission. A nonvoting alternate designated by a member pursuant to subsection 8 who attends a meeting of the Sentencing Commission for which the alternate is designated shall be deemed to be a member of the Sentencing Commission for the purpose of determining whether a quorum exists.

10. While engaged in the business of the Sentencing Commission, to the extent of legislative appropriation, each member of the Sentencing Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 2.3. **NRS 176.01343 is hereby amended to read as follows:**

176.01343 1. The Sentencing Commission shall:

(a) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data from the Department of Corrections:

(1) With respect to prison admissions:

(I) The total number of persons admitted to prison by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age **, *housing status*** and, if measured upon intake, risk score;

(II) The average minimum and maximum sentence term by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score; and

(III) The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.

(2) With respect to parole and release from prison:

(I) The average length of stay in prison for each type of release by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status , ***housing status*** and, if measured upon intake, risk score;

(II) The total number of persons released from prison each year by type of release, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status , ***housing status*** and, if measured upon intake, risk score;

(III) The recidivism rate of persons released from prison by type of release; and

(IV) The total number of persons released from prison each year who return to prison within 36 months by type of admission, type of release, type of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status , ***housing status*** and, if measured upon intake, risk score.

(3) With respect to the number of persons in prison:

(I) The total number of persons held in prison on December 31 of each year, not including those persons released from a term of prison who reside in a parole housing unit, by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons held in prison on December 31 of each year who have been granted parole by the State Board of Parole Commissioners but remain in custody, and the reasons therefor;

(III) The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death; and

(IV) The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.

(b) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to the following data, which the Division shall collect and report to the Sentencing Commission:

(1) With respect to the number of persons on probation or parole:

(I) The total number of supervision intakes by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The average term of probation imposed for persons on probation by type of offense;

(III) The average time served by persons on probation or parole by type of discharge, felony category and type of offense;

(IV) The average time credited to a person's term of probation or parole as a result of successful compliance with supervision;

(V) The total number of supervision discharges by type of discharge, including, without limitation, honorable discharges and dishonorable discharges, and cases resulting in a return to prison;

(VI) The recidivism rate of persons discharged from supervision by type of discharge, according to the Division's internal definition of recidivism;

(VII) The number of persons identified as having a mental health issue or a substance use disorder; and

(VIII) The total number of persons on probation or parole who are located within this State on December 31 of each year, not including those persons who are under the custody of the Department of Corrections.

(2) With respect to persons on probation or parole who violate a condition of supervision or commit a new offense:

(I) The total number of revocations and the reasons therefor, including, without limitation, whether the revocation was the result of a mental health issue or substance use disorder;

(II) The average amount of time credited to a person's suspended sentence or the remainder of the person's sentence from time spent on supervision;

(III) The total number of persons receiving administrative or jail sanctions, by type of offense and felony category; and

(IV) The median number of administrative sanctions issued by the Division to persons on supervision, by type of offense and felony category.

(c) Track and assess outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, with respect to savings and reinvestment, including, without limitation:

(1) The total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system;

(2) The total annual costs avoided by this State because of the enactment of chapter 633, Statutes of Nevada 2019, as calculated pursuant to NRS 176.01347; and

(3) The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

(d) Track and assess trends observed after the enactment of chapter 633, Statutes of Nevada 2019, including, without limitation, the following data, which the Central Repository for Nevada Records of Criminal History shall collect and report to the Sentencing Commission as reported to the Federal Bureau of Investigation:

(1) The uniform crime rates for this State and each county in this State by index crimes and type of crime; and

(2) The percentage changes in uniform crime rates for this State and each county in this State over time by index crimes and type of crime.

(e) Identify gaps in this State's data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

(f) Employ and retain other professional staff as necessary to coordinate performance and outcome measurement and develop the report required pursuant to this section.

2. As used in this section:

(a) "Technical violation" has the meaning ascribed to it in NRS 176A.510.

(b) "Type of admission" means the manner in which a person entered into the custody of the Department of Corrections, according to the internal definitions used by the Department of Corrections.

(c) "Type of offense" means an offense categorized by the Department of Corrections as a violent offense, sex offense, drug offense, property offense, DUI offense or other offense, consistent with the internal data systems used by the Department of Corrections.

Sec. 2.7. **NRS 176.014 is hereby amended to read as follows:**

176.014 1. The Nevada Local Justice Reinvestment Coordinating Council is hereby created. The Council consists of:

(a) One member from each county in this State whose population is less than 100,000; and

(b) Two members from each county in this State whose population is 100,000 or more.

2. Each member of the Council must be appointed by the governing body of the applicable county and must meet any qualifications adopted by the Sentencing Commission pursuant to subsection ~~[7.]~~ ***8.*** The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

3. The Council shall:

(a) Advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of chapter 633, Statutes of Nevada 2019, as they relate to local governments;

(b) Identify county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;

(c) Make recommendations to the Sentencing Commission regarding grants to local governments and nonprofit organizations from the State General Fund;

(d) Oversee the implementation of local grants;

(e) Create performance measures to assess the effectiveness of the grants; and

(f) Identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.

4. Each member of the Council serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. While engaged in the business of the Council, to the extent of legislative appropriation, each member of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. ***The Council may accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out its duties pursuant to this section.***

7. To the extent of legislative appropriation, the Sentencing Commission shall provide the Council with such staff as is necessary to carry out the duties of the Council pursuant to this section.

~~[7.]~~ ***8.*** The Sentencing Commission may adopt any qualifications that a person must meet before being appointed as a member of the Council.

Sec. 3. NRS 176A.435 is hereby amended to read as follows:

176A.435 1. Except as otherwise provided in subsection 3, the Division shall administer a risk and needs assessment to each probationer under the Division's supervision. The results of the risk and needs assessment must be used to set a level of supervision for each probationer and to develop individualized case plans pursuant to subsection 4. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.

2. Except as otherwise provided in subsection 3, on a schedule determined by the ~~[Nevada Risk Assessment System, or its successor]~~ ***appropriate*** risk ***and needs*** assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each probationer. The results of the risk and needs assessment conducted in accordance with this section must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.

3. The provisions of subsections 1 and 2 are not applicable if:

(a) The level of supervision for the probationer is set by the court or by law; or

(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.

4. The Division shall develop an individualized case plan for each probationer. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each probationer.

5. Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2:

(a) The supervising officer shall notify the court of the finding; and

(b) The court may modify the terms and conditions of probation pursuant to subsection 1 of NRS 176A.450.

6. The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.

7. As used in this section, "risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.

Sec. 4. NRS 176A.510 is hereby amended to read as follows:

176A.510 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation. The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

(c) Include guidance on the use of confinement in a jail or detention facility and electronic monitoring pursuant to subsection 3.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. ***As part of the system of graduated sanctions, the Division may, in response to a technical violation of the conditions of probation:***

(a) Impose confinement in a jail or detention facility for a period of not more than 10 days. The total number of days of confinement imposed pursuant to this paragraph must not, in the aggregate, exceed 30 days.

(b) Place the person under a system of active electronic monitoring for a period of not more than 60 days using an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, without limitation, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(1) Oral or wire communications or any auditory sound; or

(2) Information concerning the activities of the person,

Ê must not be used.

4. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

~~[4.]~~ ***5.*** A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

~~[5.]~~ ***6.*** The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of probation.

~~[6.]~~ ***7.*** The Division may not seek revocation of probation for a technical violation of the conditions of probation until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

~~[7.]~~ ***8.*** As used in this section:

(a) "Absconding" ~~[has the meaning ascribed to it in NRS 176A.630.]~~ ***means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.***

(b) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.

(c) "Technical violation" means any alleged violation of the conditions of probation that does not constitute absconding and is not ~~[the]~~ ***:***

(1) The commission of a:

~~[(1)]~~ ***(I)*** New felony or gross misdemeanor;

~~[(2)]~~ ***(II)*** Battery which constitutes domestic violence pursuant to NRS 200.485;

~~[(3)]~~ ***(III)*** Violation of NRS 484C.110 or 484C.120;

~~[(4)]~~ ***(IV)*** Crime of violence ***as defined in NRS 200.408*** that is punishable as a misdemeanor;

~~[(5)]~~ ***(V)*** Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

~~[(6)]~~ ***(VI)*** Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; ~~[or~~

~~(7)~~] ***(VII)*** Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised ~~[.]~~ ***; or***

(VIII) Violation of a condition required pursuant to paragraph (i) or (l) of subsection 1 of NRS 176A.410 ~~[, other than a violation of paragraph (a), (b), (d), (f), (h) or (n) of subsection 1 of that section,]~~ or ~~[NRS]~~ 176A.413; or

(2) Termination from a program which provides residential treatment, as ordered by a court, as a condition of supervision.

Ê The term does not include termination from a specialty court program.

Sec. 5. NRS 176A.630 is hereby amended to read as follows:

176A.630 1. If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it and consider the system of graduated sanctions adopted pursuant to NRS 176A.510, if applicable. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation ~~[by committing a new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or by absconding,~~] ***that is not a technical violation,*** the court may:

(a) Continue or revoke the probation or suspension of sentence;

(b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

(c) Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;

(d) Cause the sentence imposed to be executed; or

(e) Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of

imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this paragraph. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this paragraph is confidential.

2. If the court finds that the probationer committed one or more technical violations of the conditions of probation ~~[,]~~ ***and the Division has determined that the graduated sanctions adopted pursuant to NRS 176A.510 have been exhausted,*** the court may:

(a) Continue the probation or suspension of sentence;

(b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

(c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:

(1) Thirty days for the first temporary revocation;

(2) Ninety days for the second ~~*[first]*~~ temporary revocation; or

(3) ~~*[(2)]*~~ One hundred and eighty days for the third ~~*[second]*~~ temporary revocation; ~~[or]~~

(d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth ~~*[third]*~~ or subsequent revocation ~~[.]~~ ***; or***

(e) Revoke the probation or suspension of sentence at the request of the probationer. If the probation or suspension of sentence is revoked pursuant to this paragraph, the probationer must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the court.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If the person is not brought before the court within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation

has occurred. If the court finds that such a technical violation occurred, the court may:

(a) Continue probation and modify the terms and conditions of probation; or

(b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

4. ***A probationer who is arrested and detained for committing a technical violation of the conditions of probation must receive credit for any time served while the probationer is waiting for a hearing to determine if a technical violation has occurred. The court must apply such credit to any term of imprisonment imposed pursuant to subsection 2.***

5. Any time served by a probationer while waiting for a hearing, as set forth in subsection 4, and any time served in accordance with any term of imprisonment imposed pursuant to subsection 2 must be applied toward the original sentence of the probationer.

6. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:

(a) Consuming any alcoholic beverage.

(b) Testing positive on a drug or alcohol test.

(c) Failing to abide by the requirements of a mental health or substance use treatment program.

(d) Failing to seek and maintain employment.

(e) Failing to pay any required fines or fees.

(f) Failing to report any changes in residence.

~~[5.]~~ ***7.*** As used in this section ~~[~~:

~~(a) "Absconding" means that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.~~

~~(b) "Technical]~~ ***, "technical*** violation" ~~[means any alleged violation of the conditions of probation that does not constitute absconding and is not the commission of a:~~

~~(1) New felony or gross misdemeanor;~~

~~(2) Battery which constitutes domestic violence pursuant to NRS 200.485;~~

~~(3) Violation of NRS 484C.110 or 484C.120;~~

~~(4) Crime of violence that is punishable as a misdemeanor;~~

~~(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;~~

~~(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued~~

~~pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or~~

~~(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised.~~

~~Ê The term does not include termination from a specialty court program.~~**]** ***has the meaning ascribed to it in NRS 176A.510.***

Sec. 6. NRS 213.1078 is hereby amended to read as follows:

213.1078 1. Except as otherwise provided in subsection 3, the Division shall administer a risk and needs assessment to each parolee under the Division's supervision. The results of the risk and needs assessment must be used to set a level of supervision for each parolee and to develop individualized case plans pursuant to subsection 4. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.

2. Except as otherwise provided in subsection 3, on a schedule determined by the ~~**[**Nevada Risk Assessment System, or its successor~~**]** ***appropriate*** risk ***and needs*** assessment tool, or more often if necessary, the Division shall administer a subsequent risk and needs assessment to each parolee. The results of the risk and needs assessment conducted in accordance with this subsection must be used to determine whether a change in the level of supervision is necessary. The Division shall document the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the parolee of the change.

3. The provisions of subsections 1 and 2 are not applicable if the level of supervision for the parolee is set by ~~**[**the Board or by~~**]** law.

4. The Division shall develop an individualized case plan for each parolee. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each parolee.

5. ~~**[**Upon a finding that a condition of parole or the level of parole supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the~~ ***:***

~~***(a) The*** supervising officer shall submit a request to ***notify*** the Board to ***of the finding; and***~~

~~***(b) The Board may*** modify the condition or level of supervision set by the Board. The Division shall provide written notification to the parolee of any modification.~~

~~6.~~**]** The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.

Sec. 7. NRS 213.15101 is hereby amended to read as follows:

213.15101 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of parole. The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

(c) Include guidance on the use of confinement in a jail or detention facility and electronic monitoring pursuant to subsection 3.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. ***As part of the system of graduated sanctions, the Division may, in response to a technical violation of the conditions of parole:***

(a) Impose confinement in a jail or detention facility for a period of not more than 10 days. The total number of days of confinement imposed pursuant to this paragraph must not, in the aggregate, exceed 30 days.

(b) Place the person under a system of active electronic monitoring for a period of not more than 60 days using an electronic device approved by the Division. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, without limitation, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(1) Oral or wire communications or any auditory sound; or

(2) Information concerning the activities of the person,

Ê must not be used.

4. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

~~[4.]~~ ***5.*** A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

~~[~~5.~~]~~ ***6.*** The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of parole.

~~[~~6.~~]~~ ***7.*** The Division may not seek revocation of parole for a technical violation of the conditions of parole until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

~~[~~7.~~]~~ ***8.*** As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS ~~[176A.630.]~~ ***176A.510.***

(b) "Technical violation" means any alleged violation of the conditions of parole that does not constitute absconding and is not ~~[the]~~ ***:***

(1) The commission of a:

~~[(1)]~~ ***(I)*** New felony or gross misdemeanor;

~~[(2)]~~ ***(II)*** Battery which constitutes domestic violence pursuant to NRS 200.485;

~~[(3)]~~ ***(III)*** Violation of NRS 484C.110 or 484C.120;

~~[(4)]~~ ***(IV)*** Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;

~~[(5)]~~ ***(V)*** Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

~~[(6)]~~ ***(VI)*** Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; ~~[or~~

~~(7)]~~ ***(VII)*** Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised ~~[.]~~ ***; or***

(VIII) Violation of a condition required pursuant to paragraph (h) or (k) of subsection 1 of NRS 213.1245 , [, other than a violation of paragraph (a), (c), (e), (g) or (m) of subsection 1 of that section, NRS] 213.1255 or 213.1258; or

(2) Termination from a program indicated in a parole release plan approved by the Division.

Ê The term does not include termination from a specialty court program.

Sec. 8. NRS 213.1519 is hereby amended to read as follows:

213.1519 1. Except as otherwise provided in subsections 2 and 3, a parolee whose parole is revoked by decision of the Board for the commission

of a ~~[new felony or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485, violation of NRS 484C.110 or 484C.120, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the parolee is being supervised, violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or for absconding:]~~ ***violation of a condition of parole that is not a technical violation:***

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS; and

(b) Must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board with rehearing dates scheduled pursuant to NRS 213.142.

Ê The Board may restore any credits forfeited under this subsection.

2. A parolee released on parole pursuant to subsection 1 of NRS 213.1215 whose parole is revoked for having been convicted of a new felony:

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve the entire unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence; and

(c) May not again be released on parole during his or her term of imprisonment.

3. A parolee released on parole pursuant to subsection 2 of NRS 213.1215 whose parole is revoked by decision of the Board for a violation of any rule or regulation governing his or her conduct:

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve such part of the unexpired maximum term or maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board; and

(c) Must not be considered again for release on parole pursuant to subsection 2 of NRS 213.1215 but may be considered for release on parole pursuant to NRS 213.1099, with rehearing dates scheduled pursuant to NRS 213.142.

Ê The Board may restore any credits forfeited under this subsection.

4. If the Board finds that the parolee committed one or more technical violations of the conditions of parole ~~[,]~~ ***and the Division has determined that***

the graduated sanctions adopted pursuant to NRS 213.15101 have been exhausted, the Board may:

(a) Continue parole supervision;

(b) Temporarily revoke parole supervision and impose a term of imprisonment of not more than:

(1) ~~[~~Thirty days for the first temporary parole revocation;

~~(2)]~~ Ninety days for the ~~[~~second~~]~~ ***first*** temporary parole revocation; or

~~[~~(3)~~]~~ ***(2)*** One hundred and eighty days for the ~~[~~third~~]~~ ***second*** temporary parole revocation; ~~[~~or~~]~~

(c) Fully revoke parole supervision and impose the remainder of the sentence for a ~~[~~fourth~~]~~ ***third*** or subsequent revocation. ~~[.]~~ ***; or***

(d) Revoke parole supervision at the request of the parolee. If parole supervision is revoked pursuant to this paragraph, the parolee must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board with rehearing dates scheduled pursuant to NRS 213.142.

5. ***A parolee whose parole is revoked for committing a technical violation of the conditions of parole must receive credit for any time served while the parolee is waiting for a hearing to determine if a technical violation has occurred. The Board must apply such credit to any term of imprisonment imposed pursuant to subsection 4.***

6. Any time served by a parolee while waiting for a hearing, as set forth in subsection 5, and any time served in accordance with any term of imprisonment imposed pursuant to subsection 4 must be applied toward the original sentence of the parolee.

7. As used in this section ~~[~~:

~~(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.~~

~~(b) "Technical"~~ ***, "technical*** violation" ~~[~~means any alleged violation of the conditions of parole that does not constitute absconding and is not the commission of a:

~~(1) New felony or gross misdemeanor;~~

~~(2) Battery which constitutes domestic violence pursuant to NRS 200.485;~~

~~(3) Violation of NRS 484C.110 or 484C.120;~~

~~(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;~~

~~(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;~~

~~(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued~~

~~pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or~~

~~(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the parolee is being supervised.~~

~~Ê The term does not include termination from a specialty court program.~~**]** ***has the meaning ascribed to it in NRS 213.15101.***

Sec. 8.3. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,

432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records

or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 8.7. **The Department of Sentencing Policy shall:**

1. Collect and analyze any relevant data, including, without limitation, jail data, to measure the:

(a) Length of the term of imprisonment served for each person whose probation, suspension of sentence or parole supervision is temporarily revoked due to a technical violation of the conditions of probation or parole, as applicable; and

(b) Recidivism rate for persons who serve a term of imprisonment because their probation, suspension of sentence or parole supervision is

revoked due to a technical violation of the conditions of probation or parole, as applicable.

2. On or before January 1, 2025, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the collection and analysis of data pursuant to subsection 1.

Sec. 8.8. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 9. 1. The amendatory provisions of sections 4, 5, 7 and 8 of this act apply to a technical violation of the conditions of probation or parole, as applicable, that occurs on or after July 1, 2023.

2. As used in subsection 1, "technical violation" has the meaning ascribed to it in NRS 176A.510 or 213.15101, as applicable.

Sec. 10. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 248.

AN ACT relating to local improvements; revising the process for the governing body of a municipality to provide notice of the annual assessment roll for a neighborhood improvement project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any county, city or town to create an improvement district for the acquisition, improvement, equipment, operation and maintenance of certain projects, including a neighborhood improvement project, and to finance the cost of any such project through such methods as the issuance of certain bonds and the levy of assessments upon property in the improvement district. (NRS 271.265, 271.270, 271.325)

Existing law requires the governing body of a local government which has acquired or improved a neighborhood improvement project to annually: (1) prepare an estimate of expenditures for the next fiscal year and a proposed assessment roll for the district; (2) conduct a public hearing on the estimate of expenditures and proposed assessment roll; and (3) confirm and levy the assessments. (NRS 271.377) **Section 3** of this bill requires instead that a governing body for a neighborhood improvement project annually: (1) prepare an amendment to the assessment roll and an estimate of the expenditures for the next fiscal year; (2) hold a public meeting to consider the amendment; (3) mail **or, upon written request and to the extent practicable, transmit by**

electronic mail a notice of the public meeting at least 21 days before the date of the meeting to the owner of each tract to be assessed; and (4) confirm the amendment to the assessment roll by resolution and mail notice of the assessments to the owner of each tract being assessed.

Sections 1 and 2 of this bill make conforming changes to clarify appropriate references to certain sections in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 271.296 is hereby amended to read as follows:

271.296 1. The governing body may, by resolution, dissolve an improvement district that is created for the purposes of a neighborhood improvement project if property owners whose property is assessed for a combined total of more than 50 percent of the total amount of the assessments of all the property in the improvement district submit a written petition to the governing body that requests the dissolution of the district within the period prescribed in subsection 2.

2. The dissolution of an improvement district pursuant to this section may be requested within 30 days after:

(a) The first anniversary of the date the improvement district was created; and

(b) Each subsequent anniversary thereafter.

3. As soon as practicable after the receipt of the written petition of the property owners submitted pursuant to subsection 1, the governing body shall pass a resolution of intention to dissolve the improvement district. The governing body shall give notice of a hearing on the dissolution. The notice must be provided and the hearing must be held ~~[pursuant to the requirements]~~ ***in the manner*** set forth in NRS ~~[271.377.]~~ ***271.380 and 271.385.*** If the governing body determines that dissolution of the improvement district is appropriate, it shall dissolve the improvement district by resolution, effective not earlier than the 30th day after the hearing.

4. If there is indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the improvement district, the portion of the assessment necessary to pay the indebtedness remains effective and must be continued in the following years until the debt is paid.

Sec. 2. NRS 271.297 is hereby amended to read as follows:

271.297 An association with which a governing body contracts pursuant to NRS 271.332 may, at any time, request that the governing body modify a plan or plat with regard to the neighborhood improvement project. Upon the written request of the association, the governing body may modify the plan or plat by ordinance after ***providing notice and*** holding a hearing on the proposed modification ~~[pursuant to NRS 271.377.]~~ ***in the manner set forth in NRS 271.380 and 271.385.*** If the proposed modification of a plat expands the territory for assessment, a person who owns or resides within a tract which is located within the territory proposed to be added to the improvement district

may file a protest pursuant to NRS 271.392 at any time before the governing body modifies the plat by ordinance. A petition is not required for a modification made pursuant to this section.

Sec. 3. NRS 271.377 is hereby amended to read as follows:

271.377 1. On or before June 30 of each year after the governing body acquires or improves a neighborhood improvement project, the governing body shall prepare or cause to be prepared an estimate of the expenditures required in the ensuing fiscal year and a proposed ***amendment to the*** assessment roll assessing an amount not greater than the estimated cost against the benefited property. The ***amendment to the*** assessment must be computed according to frontage or another uniform and quantifiable basis.

2. The governing body shall ~~[hold a public hearing upon the estimate of expenditures and the proposed assessment roll.]~~ ***consider the amendment to the assessment roll at a public meeting of the governing body.*** Notice must be given ~~[and the hearing conducted in the manner provided in NRS 271.380 and 271.385. The assessment may not exceed the amount stated in the proposed assessment roll unless a new hearing is held after notice is mailed and published in the manner provided in NRS 271.305 and 271.310.]~~ ***by mail or, upon written request and to the extent practicable, by electronic mail to the owner of each tract to be assessed at least 21 days before the date of the meeting of the governing body. The notice must set forth the amount of the assessment roll for the ensuing fiscal year.***

3. After the ~~[public hearing,]~~ ***meeting,*** the governing body shall confirm the assessments, as specified in the ~~[proposed]~~ ***amendment to the*** assessment roll ~~[or as modified, and levy the assessment as provided in NRS 271.390.]~~ ***, by resolution and mail notice of the assessments to the owner of each tract being assessed. The notice must set forth the date on which the assessment is due and instructions for paying the assessment.***

4. An improvement district created for a neighborhood improvement project is not entitled to any distribution from the local government tax distribution account.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 137.

SUMMARY—Creates the Advisory Committee on the Safety and Well-Being of ~~[Teachers.]~~ **Public School Staff.** (BDR 34-442)

AN ACT relating to education; creating the Advisory Committee on the Safety and Well-Being of ~~[Teachers;]~~ **Public School Staff;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various requirements governing educational personnel, including requirements governing the licensing, qualifications, employment, powers, duties, supervision and evaluation of such personnel. (Chapter 391 of NRS) **Section 3** of this bill creates the Advisory Committee on the Safety and Well-Being of ~~[Teachers,]~~ **Public School Staff,** and **section 2** of this bill defines the term "Advisory Committee" to refer to that Advisory Committee. **Section 3** prescribes the membership of the Advisory Committee and establishes procedures governing the operation of the Advisory Committee. **Section 4** of this bill requires the Advisory Committee to review, investigate and make recommendations concerning: (1) any issue relating to the safety and well-being of ~~[teachers,]~~ **public school staff,** including provisions of law or regulations that affect the safety and well-being of ~~[teachers;]~~ **public school staff;** and (2) the consistent implementation of discipline of pupils.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in sections 3 and 4 of this act, unless the context otherwise requires, "Advisory Committee" means the Advisory Committee on the Safety and Well-Being of ~~[Teachers]~~ Public School Staff created by section 3 of this act.***

Sec. 3. ***1. The Advisory Committee on the Safety and Well-Being of ~~[Teachers]~~ Public School Staff is hereby created within the Department.***

2. The Advisory Committee consists of the following members:

(a) Five members appointed by the Governor who are licensed ~~[teachers who are]~~ pursuant to this chapter and employed by a school district in this State, ~~[appointed by the Governor;]~~ at least four of whom must teach in the classroom;

(b) ~~[One member of the Senate,]~~ Three members appointed by the Majority Leader of the Senate ~~[;]~~ , as follows:

(1) One member of the Senate;

(2) One education support professional who is employed by a school district in this State and works primarily at a single public school; and

(3) One administrator of an elementary school in this State;

(c) ~~[One member of the Assembly,]~~ Three members appointed by the Speaker of the Assembly ~~[;]~~ , as follows:

(1) One member of the Assembly;

(2) One education support professional who is employed by a school district in this State, works primarily for the school district and is assigned to multiple public schools; and

(3) One administrator of a high school in this State; and

(d) The following ex officio members:

(1) The Superintendent of Public Instruction or his or her designee; and

(2) The Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to NRS 388.1323.

3. After the initial terms, each member appointed pursuant to paragraph (a), (b) or (c) of subsection 2 serves for a term of 3 years and continues in office until his or her successor is appointed. Members may be reappointed for additional terms of 3 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Advisory Committee must be filled for the remainder of the unexpired term in the same manner as the original appointment.

4. Any legislative member of the Advisory Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.

5. A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

6. At its first meeting and annually thereafter, the Advisory Committee shall elect a Chair from among its members who shall serve until the next Chair is elected.

7. The Advisory Committee shall meet at least once in the first calendar year after its creation and thereafter at the call of the Chair as frequently as is required to perform its duties.

8. The members of the Advisory Committee serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.

9. Any member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

10. As used in this section, "education support professional" means a person that is employed by a school district in this State and not required, as a condition of his or her employment, to hold a license issued pursuant to this chapter. The term includes, without limitation, school secretaries, paraprofessionals, custodial staff, food service workers and bus drivers.

Sec. 4. ***The Advisory Committee shall review, investigate and make recommendations to the Legislature, any offices of this State and any political subdivisions of this State as may be appropriate concerning:***

1. Any issue relating to the safety and well-being of ~~[teachers,]~~ public school staff, including, without limitation, provisions of law or regulations that affect the safety and well-being of ~~[teachers;]~~ public school staff; and

2. The consistent implementation of discipline of pupils.

Sec. 5. 1. Notwithstanding any other provision of this act, as soon as is practicable after July 1, 2023:

(a) The Governor shall appoint to the Advisory Committee:

(1) Two of the members described in paragraph (a) of subsection 2 of section 3 of this act to terms that expire on July 1, 2024;

(2) One of the members described in paragraph (a) of subsection 2 of section 3 of this act to a term that expires on July 1, 2025; and

(3) Two of the members described in paragraph (a) of subsection 2 of section 3 of this act to terms that expire on July 1, 2026.

(b) The Majority Leader of the Senate shall appoint to the Advisory Committee the ~~[member]~~ **members** described in paragraph (b) of subsection 2 of section 3 of this act to ~~[a term]~~ **terms** that ~~[expires]~~ **expire** on July 1, 2025.

(c) The Speaker of the Assembly shall appoint to the Advisory Committee ~~[the]~~ **:**

(1) The member described in **subparagraph (1) of** paragraph (c) of subsection 2 of section 3 of this act to a term that expires on July 1, ~~[2026.]~~ **2024; and**

(2) The members described in subparagraphs (2) and (3) of paragraph (c) of subsection 2 of section 3 of this act to terms that expire on July 1, 2026.

2. As used in this section, "Advisory Committee" means the Advisory Committee on the Safety and Well-Being of ~~[Teachers]~~ **Public School Staff** created by section 3 of this act.

Sec. 6. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 177.

Bill read second time and ordered to third reading.

Assembly Bill No. 185.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 149.

AN ACT relating to education; requiring school districts, charter schools and university schools for profoundly gifted pupils to take certain measures to accommodate a pupil who plans to transfer to the school district or school or leave the school district or school because of the documented pending military transfer of a parent or guardian; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Interstate Compact on Educational Opportunity for Military Children requires member states, including Nevada, to take certain measures to facilitate the enrollment and continued education of pupils who are children of military families and who transfer into this State. (NRS 388F.010) Existing law also requires the superintendent of a school district or his or her designee to make reasonable efforts to accommodate a pupil who transfers to a public school in the district due to the military transfer of the parent or legal guardian of the pupil. (NRS 388F.070) This bill additionally requires the governing body of a charter school or university school for profoundly gifted pupils to make such reasonable efforts. This bill requires those reasonable efforts to include authorizing such a pupil to enroll in the school and participate in any application or lottery process necessary to be eligible for such enrollment: (1) at the same time as pupils who reside in the school district or near the charter school or university school, as applicable; and (2) in the same manner as pupils who reside in the school district or near the charter school or university school, as applicable, or remotely using electronic means, regardless of whether such means are generally authorized for other pupils. **This bill authorizes such a pupil to: (1) use the address of a military installation to which a parent or legal guardian of the pupil has a documented pending military transfer as the address of the pupil for all purposes relating to enrollment until the pupil notifies the public school of the actual address at which the pupil will reside in the appropriate attendance area; and (2) specify an additional address solely for the purpose of receiving correspondence.** This bill also requires the superintendent of a school district or the superintendent's designee or the governing body of a charter school or university school for profoundly gifted pupils to make reasonable efforts to accommodate a pupil who plans to leave the school during the school year because of the documented pending military transfer of the parent or legal guardian of the pupil. This bill requires those efforts to include: (1) authorizing and assisting the pupil to complete the requirements for the current school year through a program of distance education, if such a program is available; and (2) cooperating with any school or school district to which the pupil plans to transfer. **This bill requires a pupil who enrolls in a public school, charter school or university school for profoundly gifted pupils for all or part of a**

school year pursuant to the provisions of this bill to provide proof of residency before the beginning of the next school year if the pupil plans to enroll in the school for the next school year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388F.070 is hereby amended to read as follows:

388F.070 1. The superintendent of a school district or the superintendent's designee ***or the governing body of a charter school or a university school for profoundly gifted pupils*** shall ~~[, in]~~ ***:***

(a) Authorize a pupil who plans to transfer to a public school in the school district or to a charter school or university school, as applicable, from a school inside or outside this State because of the documented pending military transfer of the parent or legal guardian of the pupil to enroll in the public school, charter school or university school and participate in any application or lottery process necessary to be eligible for such enrollment:

(1) At the same time as pupils who reside in the school district or near the charter school or university school, as applicable; and

(2) In the same manner as pupils in the school district or near the charter school or university school, as applicable, or remotely using electronic means, regardless of whether such means are generally authorized for other pupils.

(b) Deem the address of a military installation to which a parent or legal guardian of the pupil has a documented pending military transfer to be the address of the pupil for all purposes relating to enrollment for which an address is required until the pupil notifies the public school of the actual address at which the pupil will reside in the appropriate attendance area.

(c) Authorize the pupil and the parent or legal guardian of the pupil to specify an additional, current address solely for the purpose of receiving correspondence.

(d) In accordance with NRS 388F.010, make ***other*** reasonable efforts to accommodate a pupil who transfers to a public school in the school district ***or to the charter school or university school, as applicable,*** from a school inside or outside this State because of the military transfer of the parent or legal guardian of the pupil.

2. If the superintendent of a school district or the superintendent's designee is not able to grant a standard high school diploma to a pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil, the superintendent or the superintendent's designee shall work cooperatively with the local education agency in the state in which the pupil was previously enrolled to determine if the pupil is eligible to receive a diploma from that local education agency and, if the pupil is eligible, to facilitate receiving a high school diploma from that local education agency.

3. If a pupil at a public school in a school district, a charter school or a university school for profoundly gifted pupils plans to leave the school during the school year because of the documented pending military transfer of the parent or legal guardian of the pupil, the superintendent of the school district or the superintendent's designee or the governing body of the charter school or university school, as applicable, shall make reasonable efforts to accommodate the pupil, including, without limitation, by:

(a) Authorizing and assisting the pupil to complete the requirements for the current school year through a program of distance education, if such a program is available; and

(b) Cooperating with any school or school district to which the pupil plans to transfer.

4. A pupil who enrolls in a public school, charter school or university school for profoundly gifted pupils pursuant to subsection 1 for all or part of a school year and plans to enroll in the school for the next school year shall, before the beginning of the next school year, provide proof of residency in this State and, as applicable, in:

(a) The school district;

(b) The zone of attendance of the school established pursuant to NRS 388.040; or

(c) The geographic area served by the charter school or university school.

5. As used in this section, "program of distance education" means a program comprised of one or more courses of study for which instruction is delivered by means of video, computer, television or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which instruction is delivered.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 146.

AN ACT relating to education; authorizing the board of trustees of a school district and the governing body of a charter school to obtain insurance for liability arising out of the participation of a pupil in a work-based learning program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon approval of the State Board of Education. (NRS 389.167) This bill authorizes the board of trustees of a school district or the governing body of a charter school to obtain liability insurance against liability arising out of the participation of a pupil in a work-based learning program. This bill also prohibits the board of trustees of a school district or the governing body of a charter school from directly or indirectly charging a pupil or the parent or legal guardian of a pupil for the cost of such insurance coverage. ~~[This bill provides that the board of trustees of a school district and the governing body of a charter school are not subject to civil liability for failing to obtain such insurance or failing to obtain a certain amount of insurance coverage.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district or the governing body of a charter school that has been approved by the State Board to offer a work-based learning program may purchase and maintain insurance against any liability arising out of the participation of a pupil in the work-based learning program. The coverage authorized by this section must be obtained from an insurer who is authorized to do business in this State.

2. A school district or charter school may not directly or indirectly charge a pupil or the parent or legal guardian of a pupil for the cost of obtaining insurance coverage pursuant to subsection 1.

~~***[3. The board of trustees of a school district and the governing body of a charter school are immune from civil liability for actions based upon the failure of the board of trustees or governing body to obtain insurance coverage as authorized by this section or to obtain a particular amount of insurance coverage.]***~~

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 90.

CONTAINS UNFUNDED MANDATE (§ 2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to regional transportation commissions; ~~providing certain eligibility requirements for a person to submit a bid for a high-capacity transit system utilizing a turnkey procurement process; providing~~ **requiring a regional transportation commission in certain counties to establish an advisory committee; revising** certain requirements ~~for the use of an electronic surveillance system;~~ **relating to the security in operations of a regional transportation commission;** revising certain requirements relating to the establishment of an advisory committee by a regional transportation commission ~~; revising certain requirements for a commission to use a turnkey procurement process for a high-capacity transit system;~~ **in certain counties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a board of county commissioners may by ordinance create a regional transportation commission if a streets and highways plan has been adopted as part of the master plan by the county or regional planning commission. (NRS 277A.170) Existing law authorizes a regional transportation commission to provide for and maintain such security in operations as is necessary for the protection of persons and property. (NRS 277A.260) **Section 2** of this bill authorizes a regional transportation commission to ~~: (1) use an electronic surveillance system to provide and maintain such security in operations; and (2)~~ establish a fine for a passenger who refuses to comply with a regional or statewide health and safety standard or mandate. **Section 2** further ~~: (1)~~ requires a regional transportation commission ~~to adopt certain policies and procedures governing the maintenance of records made or recorded by an electronic surveillance system; (2) provides that any record made or recorded by an electronic surveillance system is a public record; and (3) provides that the provisions of section 2 do not supersede the provisions of a collective bargaining agreement.~~ **or any person who contracts with a regional transportation commission to operate a public transit system to: (1) maintain any audio or video recording that is used as evidence in certain disciplinary actions or contains an incident on a public transit system that results in an injury to an employee; and (2) upon the request of an employee organization that is the exclusive bargaining agent of the employees of a person who contracts with the regional transportation commission, to provide such audio or video recordings to the employee organization.**

Existing law requires the regional transportation commission in a county whose population is 700,000 or more (currently only Clark County) to establish an advisory committee to provide certain information and advice to the commission relating to public mass transportation in the county. The

advisory committee consists of: (1) two members of the general public from each city within the county who are appointed by the governing body of that city; and (2) six members of the general public appointed by the regional transportation commission. (NRS 277A.340) **Section 3** of this bill ~~[:]~~ **instead requires the regional transportation commission to appoint members to the advisory committee. Section 3 further provides that the membership of the committee must include:** (1) ~~[revises the population requirement for a county to establish such an advisory committee to be 100,000 or more (currently Clark and Washoe Counties); and (2) requires the appointing authorities to coordinate to ensure that]~~ at least two ~~[of the]~~ members ~~[on the advisory committee]~~ **who** are representatives of the employees who work on a public transit system in the county, are not in a supervisory position and are recommended by the principal officers of the employee organization that ~~[represent]~~ **represents** such employees ~~[.~~

~~Existing law: (1) authorizes a regional transportation commission in a county whose population is 700,000 or more (currently only Clark County) to utilize a turnkey procurement process to select a person to design, build, finance, operate and maintain, or any combination thereof, a high-capacity transit system, including, without limitation, any minimum operable segment thereof; and (2) requires the regional transportation commission to evaluate whether turnkey procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives. (NRS 277A.450)]~~ **; (2) at least one member of the general public; and (3) any other additional members appointed at the discretion of the regional transportation commission. Section 3 also authorizes a regional transportation commission to assign certain duties of the advisory committee to another committee established by the regional transportation commission, provided that the membership of the other committee meets the membership requirements for an advisory committee.**

Section 1.5 of this bill requires a regional transportation commission in a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) to establish an advisory committee to provide certain information and advice to the regional transportation commission relating to public mass transportation in the county. Section 1.5 provides that the advisory committee consist of: (1) one member of the general public from each city within the county who is appointed by the governing body of that city; and (2) three members of the general public appointed by the regional transportation commission. Section 1.5 also requires the appointing authorities to coordinate to ensure that at least two of the members on the advisory committee are representatives of the employees who work for the public transit system in the county, are not in a supervisory position and are recommended by the principal officers of the employee organization that represents such employees.

Section 6 of this bill ~~[requires the regional transportation commission to: (1) evaluate whether turnkey procurement is the most cost-effective method of constructing, operating or maintaining the project on schedule and in satisfaction of its transportation objectives in comparison to using the employees of the regional transportation commission; (2) publish a report of its evaluation; and (3) transmit a copy of the report to the Department of Transportation.~~

~~If a regional transportation commission utilizes a turnkey procurement process for a high capacity transit system, section 1 of this bill sets forth certain eligibility requirements for a person who submits a bid on or is awarded a contract for the high-capacity transit system. Section 1 also provides: (1) certain requirements for the termination of such a contract; and (2) that if such a contract is terminated, the person is not eligible to submit a bid on or be awarded a contract or subcontract with the regional transportation commission for a period of time to be determined by the regional transportation commission.~~

~~Sections 4, 5 and 7 of this bill make conforming changes to indicate the proper placement of section 1 in the Nevada Revised Statutes.]~~ **revises a reference to federal law.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If a commission utilizes a turnkey procurement process for a high-capacity transit project pursuant to subsection 1 of NRS 277A.450, any person who bids on or is awarded a contract for the high-capacity transit project or any portion thereof, must agree and provide a statement, in writing, that he or she will:*~~

~~*(a) Pay the applicable prevailing wage, as determined by the Labor Commissioner pursuant to NRS 338.030, for each worker on the project;*~~

~~*(b) Provide each worker on the project with written notice of the appropriate prevailing wage rate and maintain a copy of each notice for inspection by the commission;*~~

~~*(c) Maintain or participate in an apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS for each trade or occupation in the workforce of the person for which there is such an apprenticeship program and abide by any requirements of such a program regarding the ratio of apprentices to journeymen;*~~

~~*(d) Provide a health insurance plan to all employees or similar type of coverage that is comparable in value to the coverage generally provided in the applicable trade or occupation and within the applicable prevailing wage rate for each worker;*~~

~~*(e) Maintain a policy of industrial insurance for all workers on the project employed by the contractor or subcontractor;*~~

~~*(f) Not engage in employee misclassification, as defined in NRS 607.216;*~~

~~*(g) Disclose any previous violation of a labor or employment law;*~~

~~*(h) Disclose any previous occurrence of a default, lien, liquated damages or finding of irresponsibility;*~~

~~*(i) Provide documentation from a previous project demonstrating the quality of work, timeliness of performance and the history of the person in completing projects within the budget; and*~~

~~*(j) Provide a certified financial statement to demonstrate that the person has adequate resources, credit, insurance and bonds to complete performance of the contract.*~~

~~*2. A commission that enters into a contract for which a person provided the written statement required pursuant to subsection 1 may terminate such a contract upon a motion by the commission or upon a request submitted to the commission by a member of the public to terminate the contract if:*~~

~~*(a) The person substantially breaches the contract or fails to comply with the obligations set forth in subsection 1; and*~~

~~*(b) The commission holds a public hearing within 30 days after the receipt of such a motion or request to terminate the contract.*~~

~~*3. A person whose contract is terminated pursuant to subsection 2 is not eligible to submit a bid on or be awarded a contract or subcontract with the commission for a period of time to be determined by the commission, which must be not less than 1 year and not more than 3 years.]*~~ **(Deleted by amendment.)**

Sec. 1.5. **Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. In a county whose population is 100,000 or more but less than 700,000, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county and any other related subject as requested by the commission. The membership of the advisory committee must consist of:

(a) One member of the general public from each city within the county who is appointed by the governing body of that city; and

(b) Three members of the general public appointed by the commission.

2. The appointing authorities shall coordinate to ensure that at least two of the members appointed pursuant to paragraphs (a) and (b) of subsection 1:

(a) Are representatives of the employees who work for the public transit system in the county;

(b) Are not in a supervisory position; and

(c) Are recommended by the principal officers of the employee organization that represents such employees.

3. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

4. A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.

5. The advisory committee shall meet at least four times annually.

6. At its first meeting and annually thereafter, the advisory committee shall elect a chair and vice chair from among its members.

7. Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

Sec. 2. NRS 277A.260 is hereby amended to read as follows:

277A.260 ***1.*** A commission may:

~~[1.]~~ ***(a)*** Provide for and maintain such security in operations ~~***[, including, without limitation, an electronic surveillance system,]***~~ as is necessary for the protection of persons and property under its jurisdiction and control.

~~[2.]~~ ***(b)*** Employ professional, technical, clerical and other personnel necessary to carry out the provisions of this chapter.

~~[3.]~~ ***(c)*** Establish ~~[a fine]~~ ***fines*** for a passenger who refuses to ~~[pay]~~ ***:***

(1) Pay or otherwise fails to pay the proper fare to ride on the public transit system established and operated by the commission ~~[.]~~ ***; or***

(2) Comply with a regional or statewide health and safety standard or mandate.

Ê If the commission establishes such ~~[a fine,]~~ ***fines,*** the commission may establish procedures that provide for the issuance and collection of the ~~[fine.]~~ ***fines.***

2. If a commission provides and maintains an electronic surveillance system on a public transit system, or any portion thereof, pursuant to paragraph (a) of subsection 1, the commission shall establish policies and procedures governing the use of the electronic surveillance system which must, without limitation:

(a) Require the commission to maintain, for at least 90 days, any record made or recorded by an electronic surveillance system;

(b) Require, upon the request of a labor organization that is the exclusive bargaining agent of the employees of the commission, the production of any record made or recorded within 72 hours after the request is made;

(c) Require any person who contracts with the commission to operate the public transit system and who uses the electronic surveillance system while performing the duties of such a contract to operate the electronic surveillance system and maintain the records from the electronic surveillance system in accordance with this subsection; and

(d) Establish disciplinary rules for any employee or contractor who:

(1) Intentionally manipulates any record made or recorded by the electronic surveillance system; or

(2) Prematurely erases or destroys a record made or recorded by the electronic surveillance system.

~~***3. Any record made or recorded by an electronic surveillance system pursuant to this section is a public record which may be requested only on a per incident basis.***~~

~~***4. This section does not supersede the provisions of a collective bargaining agreement or constitute a waiver of the obligations of an employer to notify and bargain with an exclusive representative of a bargaining unit over an electronic surveillance system or any policy or procedure established by the commission pursuant to this section.]***~~ ***The commission or any person who contracts with the commission to operate the public transit system shall:***

(a) Maintain, in accordance with all applicable provisions of state and federal law, any audio or video recording that:

(1) Is used as evidence in a disciplinary action involving an employee of any person who contracts with the commission to operate the public transit system; or

(2) Contains an incident on the public transit system that results in an injury to an employee of a person who contracts with the commission to operate the public transit system.

(b) Upon the request of an employee organization that is the exclusive bargaining agent of the employees of a person who contracts with the commission to operate the public transit system, provide the employee organization with any audio or video recording that:

(1) Is used as evidence in a disciplinary action involving an employee of any person who contracts with the commission to operate the public transit system; or

(2) Contains an incident on the public transit system that results in an injury to an employee of a person who contracts with the commission to operate the public transit system, provided that the commission and the person who contracts with the commission to operate the public transit system receive a written request by the employee organization for the audio or video recording within 10 calendar days of the incident.

Sec. 3. NRS 277A.340 is hereby amended to read as follows:

277A.340 1. ~~[In]~~ ***Except as otherwise provided in subsection 8, in*** a county whose population is 700,000 ~~***[100,000]***~~ or more, the commission shall establish an advisory committee to ~~[provide]~~ ***:***

(a) Provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county ~~[.]~~ ***; and***

(b) Perform, at the discretion of the commission, any other duties.

2. The commission shall appoint members to the advisory committee. The membership of the advisory committee must consist of:

(a) ~~[Two]~~ ***At least two*** members ~~[of the general public ***or one employee representative appointed pursuant to subsection 2*** from each city within the county who are appointed by the governing body of that city; and]~~ ***who:***

(1) Are representatives of the employees who work on the public transit system in the county;

(2) Are not in a supervisory position; and

(3) Are recommended by the principal officers of the employee organization that represents such employees.

(b) ~~[Six members]~~ ***At least one member*** of the general public ***.*** ~~[*or one employee representative appointed pursuant to subsection 2*~~ appointed by the ~~commission.~~

~~2. *The appointing authorities shall coordinate to ensure that at least two of the members appointed pursuant to paragraphs (a) and (b) of subsection 1:*~~

~~*(a) Are representatives of the employees who work on a public transit system in the county;*~~

~~*(b) Are not in a supervisory position; and*~~

~~*(c) Are recommended by the principal officers of the employee organization that represents such employees.]*~~

(c) Any other additional members appointed at the discretion of the commission.

3. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

~~[3.]~~ ***4.*** A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.

~~[4.]~~ ***5.*** The advisory committee shall meet at least ~~[six]~~ ***four*** times annually.

~~[5.]~~ ***6.*** At its first meeting and annually thereafter, the advisory committee shall elect a chair and vice chair from among its members.

~~[6.]~~ ***7.*** Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

8. If a commission has established other committees, the commission may assign the duty of an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county to another committee, provided that the membership of the other committee meets the requirements of paragraphs (a) and (b) of subsection 2.

Sec. 4. ~~[NRS 277A.400 is hereby amended to read as follows:~~

~~277A.400 As used in NRS 277A.400 to 277A.490, inclusive, [~~"high-capacity~~] *and section 1 of this act.*~~

~~*1. "High-capacity* transit" means a public transit system that may provide a higher level of passenger capacity by increasing, without limitation, the number of vehicles utilized by the system, the size of the vehicles, the frequency of vehicle rides, travel speed or any combination thereof, and that operates in conjunction with public transit stations. The term includes, without

~~limitation, bus rapid transit, fixed guideway, light rail transit, commuter rail, streetcar and heavy rail.~~

~~***2. "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a high-capacity transit system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.]***~~ **(Deleted by amendment.)**

Sec. 5. ~~**[**NRS 277A.410 is hereby amended to read as follows:~~

~~277A.410 The provisions of NRS 277A.400 to 277A.490, inclusive, ***and section 1 of this act*** apply only to a commission in a county whose population is 700,000 or more.**]**~~ **(Deleted by amendment.)**

Sec. 6. NRS 277A.450 is hereby amended to read as follows:

277A.450 1. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, finance, operate and maintain, or any combination thereof, a high-capacity transit system, including, without limitation, any minimum operable segment thereof. The commission shall determine ***[, in a public meeting,]*** whether to utilize turnkey procurement for a high-capacity transit project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall ***[, in a public meeting,]*** evaluate whether turnkey procurement is the most cost-effective method of constructing ***[, operating or maintaining]*** the project on schedule and in satisfaction of its transportation objectives . ~~***[in comparison to the cost of using employees of the commission to construct, operate or maintain the project. The commission shall publish a report explaining its evaluation and transmit a copy of the report to the Department of Transportation.]***~~

2. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a high-capacity transit project and any other equipment that is related to the project. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

3. If a commission develops a high-capacity transit project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway ***public transportation*** systems set forth in 49 C.F.R. Part ~~**[**659.**]**~~ ***674.***

4. As used in this section :

(a) "Minimum ***[, "minimum"]*** operable segment" means the shortest portion of a high-capacity transit system that is technically capable of providing viable public transportation between two end points.

(b) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria

established by the commission, to design, build, operate and maintain, or any combination thereof, a high-capacity transit system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 7. ~~[NRS 277A.490 is hereby amended to read as follows:~~

~~277A.490 The proceeds of any tax imposed pursuant to NRS 277A.470 and 277A.480 must be remitted by the Department of Taxation to the commission for use in accordance with the provisions of NRS 277A.400 to 277A.490, inclusive~~ **~~.]~~** ***~~and section 1 of this act.]~~*** **(Deleted by amendment.)**

Sec. 8. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 217.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 147.

AN ACT relating to education; revising provisions relating to the Liaison for Post-Secondary Education for Homeless Pupils within the Nevada System of Higher Education; ~~[authorizing the Board of Regents of the University of Nevada to require institutions within the System to prioritize registration for the enrollment of certain pupils in certain courses;]~~ revising provisions governing the waiver of fees by the Board of Regents for certain homeless or unaccompanied pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to grant a waiver of registration and laboratory fees for **a pupil who is** homeless or unaccompanied **.** ~~[pupils.]~~ (NRS 396.5448) **Section 4** of this bill ~~[instead]~~ requires the Board of Regents to waive such fees, as well as any other mandatory fees, for ~~[such pupils.]~~ **a pupil who, at any time before reaching the age of 25 years, was identified as homeless or unaccompanied.**

Existing law authorizes the Board of Regents to request documentation from a person requesting such a waiver of fees to verify that the person was a homeless or unaccompanied pupil. (NRS 396.5448) **Section 4 : (1) requires the Board of Regents to request such documentation; and (2)** limits the documentation which the Board of Regents is ~~[authorized]~~ **required** to request under certain circumstances. **Section 4** provides for the adjustment of the amount of the fee waiver based upon the amount of federal educational benefits the pupil receives. **Section 4** requires each institution within the Nevada System of Higher Education to designate one employee to act as a point of contact for questions about the fee waiver.

~~[Section 3 of this bill authorizes the Board of Regents to require an institution within the System to provide priority registration in courses that provide credit toward the award of a degree or certificate to a homeless or unaccompanied pupil or a person who was in the custody of an agency that provides child welfare services when he or she was 14 years of age or older.]~~

Existing law creates the position of the Liaison for Post-Secondary Education for Homeless Pupils within the System to assist homeless and unaccompanied pupils in pursuing post-secondary education. (NRS 396.5926, 396.594) **Section 2** of this bill requires a university, state college or community college within the System to take certain steps to disseminate the name and contact information of the Liaison. **Section 5** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes. **Section 6** of this bill revises the definition of "homeless pupil" for the purposes of the provisions of law relating to the Liaison. **Section 7** of this bill requires that a person appointed to be the Liaison be familiar with certain federal laws as well as the federal application for student aid and other federal programs, grants and assistance which benefit homeless and unaccompanied pupils. **Section 8** of this bill revises the duties of the Liaison.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***A university, state college or community college within the System shall:***

1. Provide the name and contact information of the Liaison to each student who is granted a waiver pursuant to NRS 396.5448.

2. Publish the name and contact information of the Liaison on the Internet website of the institution.

Sec. 3. ~~***[1. The Board of Regents may require an institution within the System to grant priority for registration for enrollment in courses that provide credit toward the award of a degree or certificate to a student who is identified as:***~~

~~***(a) A homeless or unaccompanied pupil; or***~~

~~***(b) A person who was in the custody of an agency which provides child welfare services in this State when he or she was 14 years of age or older.***~~

~~***2. As used in this section:***~~

~~***(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.***~~

~~***(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).***~~

~~***(c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).]***~~ **(Deleted by amendment.)**

Sec. 4. NRS 396.5448 is hereby amended to read as follows:

396.5448 1. The Board of Regents ~~[may]~~ ***shall*** grant a waiver of ***the payment of*** registration fees ***,*** ~~[and]~~ laboratory fees ~~[for]~~ ***and any other mandatory fees assessed each semester against*** a person who ~~[is]~~ ***:***

(a) ~~*[Is]*~~ ***At any time before reaching the age of 25 years, was*** identified as a homeless or unaccompanied pupil ~~[. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.~~

~~2. A person is eligible for a waiver pursuant to subsection 1 if the person maintains]~~ ***; and***

(b) Has maintained at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.

2. For the purpose of assessing fees and charges against a person to whom a waiver is granted pursuant to subsection 1, including, without limitation, tuition charges assessed pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

3. A person may use a waiver granted pursuant to subsection 1 for 10 years after the person attains the age of 18 years or, if the person enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.

4. The Board of Regents ~~[may]~~ ***shall*** request documentation from a person requesting a waiver pursuant to subsection 1 as it deems necessary to verify that such a person was a homeless or unaccompanied pupil ~~[.]~~ ***, except that:***

(a) A person who provides documentation which meets the standards under 20 U.S.C. § 1087uu-2(a) and related federal regulations shall not be required to provide any additional documentation to verify that such a person was a homeless or unaccompanied pupil.

(b) Any person who has been verified as a homeless or unaccompanied pupil for one academic year is presumed to be a homeless or unaccompanied pupil for each subsequent year, unless the person informs an institution within the System that circumstances have changed or the institution has specific conflicting information about the person's status and has informed the person of the conflicting information.

5. ***The amount of any waiver granted pursuant to subsection 1 must be equal to:***

(a) If the person is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the person that remain unpaid after the person's account has been credited with the full amount of the federal educational benefits to which the person is entitled for that semester; or

(b) If the person is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the pupil for that semester.

6. A waiver granted pursuant to subsection 1 must be granted to a person who enrolls in a program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

7. Each institution within the System shall designate one employee as a point of contact for questions concerning the administration of the waiver of fees pursuant to this section.

8. As used in this section:

(a) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(b) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 5. NRS 396.5913 is hereby amended to read as follows:

396.5913 As used in NRS 396.5913 to 396.594, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 396.5916, 396.592 and 396.5923 have the meanings ascribed to them in those sections.

Sec. 6. NRS 396.5916 is hereby amended to read as follows:

396.5916 "Homeless pupil" has the meaning ascribed to ~~[it in 45 C.F.R. § 1355.20.]~~ ***the term "homeless children and youths" in 42 U.S.C. § 11434a(2).***

Sec. 7. NRS 396.5926 is hereby amended to read as follows:

396.5926 1. There is hereby created the Liaison for Post-Secondary Education for Homeless Pupils within the System.

2. The Governor shall ~~[, to the extent that money is available for that purpose,]~~ appoint the Liaison for Post-Secondary Education for Homeless Pupils for a term of 4 years. The Liaison is in the unclassified service of the State. The person appointed:

(a) Must be knowledgeable in the various issues relating to homeless and unaccompanied pupils, including, without limitation ~~[, the]~~ ***:***

(1) The provisions of the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et ~~[seq.;]~~ ***seq. relating to education for homeless children and youths;***

(2) The provisions of the College Cost Reduction and Access Act of 2007, Public Law 110-84;

(3) The Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; and

(4) Other federal programs, grants and assistance which benefit homeless and unaccompanied pupils;

(b) Must be independent of and have no pecuniary interest in any organization or entity that provides services to homeless and unaccompanied pupils;

(c) Except as otherwise provided in NRS 284.143, shall devote all of his or her time to the business of his or her office and shall not pursue any other business or vocation or hold any other office of profit; and

(d) Must not be a member of any political convention or a member of any committee of any political party.

3. The Governor may remove the Liaison from office for inefficiency, neglect of duty or malfeasance in office.

Sec. 8. NRS 396.594 is hereby amended to read as follows:

396.594 1. ~~[To the extent that money is available, the]~~ ***The*** Liaison shall:

(a) Conduct an annual analysis of homeless and unaccompanied pupils in this State to assess the needs of such pupils;

(b) Develop a database to track, monitor and analyze trends in the rates of graduation and retention of homeless and unaccompanied pupils;

(c) Develop a model for college and career readiness for homeless and unaccompanied pupils;

(d) Collaborate with ~~[persons at a high school]~~ ***the local educational agency liaisons for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq. and*** responsible for assisting homeless and unaccompanied pupils;

(e) Collaborate with high schools ***and the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.*** to identify homeless and unaccompanied pupils to refer such pupils to appropriate support services after the admission of such pupils to an institution of higher education within this State;

(f) Establish connections between and collaborate with financial aid offices, student support services and campus housing services of institutions of higher education within this State;

(g) Identify and refer homeless and unaccompanied pupils to mentoring programs;

(h) Increase awareness among teachers, instructors, professors ***, staff of financial aid offices, student support services and campus housing services*** and other staff members of institutions of higher education who work with pupils on issues relating to homeless and unaccompanied pupils, including, without limitation, identifying such pupils and referring such pupils to appropriate resources;

(i) Establish and maintain a database of food banks, clothing banks and low-cost health care providers, to be provided, without limitation, to financial aid offices and student support services of institutions of higher education within this State;

(j) Identify and coordinate with food banks and clothing banks or establish one or more food banks or clothing banks on a campus of an institution of higher education within this State to provide services to homeless and unaccompanied pupils;

(k) Establish a plan for housing homeless and unaccompanied pupils when campus housing is not available, including, without limitation, establishing a list of host homes in the local community and keeping one or more campus housing buildings open; ~~[and]~~

(l) Apply for and accept grants awarded through the College Cost Reduction and Access Act of 2007, Public Law 110-84 ~~[.]~~ ***;***

(m) Assist students in resolving any problems related to the waiver of fees for homeless or unaccompanied pupils granted pursuant to NRS 396.5448; and

(n) Establish a plan to ensure access by homeless and unaccompanied pupils to on-campus support, including, without limitation, academic support, mental and physical health services, transportation and life skills instruction.

2. As used in this section, "institution of higher education" has the meaning ascribed to it in NRS 385.102.

Sec. 9. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 73.

AN ACT relating to governmental administration; creating the Merit Award Account in the State General Fund for purposes of funding awards to certain state employees; eliminating the limitation on awards to certain state employees from being paid from money in the State General Fund; requiring, under certain circumstances, the Advisory Council for Family Engagement to submit to certain appointing authorities a list of persons qualified for membership on the Council; revising the membership of the Committee for the Statewide Alert System; ~~[requiring]~~ **authorizing** the Committee on Testing for Intoxication to study **,** ~~[and]~~ make certain recommendations to the Director of the Department of Public Safety **and take certain action** relating to driving under the influence; revising the authority of the Committee to adopt certain regulations; revising the term of membership of the Chair of the Appeals Panel for Industrial Insurance; authorizing the Commissioner of Insurance to perform certain actions relating to meetings of the Appeals Panel; revising provisions relating to vacancies in the membership of the Medical Laboratory Advisory Committee; revising provisions relating to meetings of the Credit Union Advisory Council; eliminating the requirement that members of the Advisory Council receive a salary for attendance at meetings; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Merit Award Program and requires that the Merit Award Board investigate, review and evaluate the merits of certain proposed suggestions of any state employee or group of state employees. (NRS 285.020,

285.030, 285.040) Existing law provides that an award made from the Program must, insofar as is practicable, be paid from money other than money in the State General Fund. (NRS 285.070) **Section 1** of this bill creates the Merit Award Account in the State General Fund, to be administered by the Board. **Section 2** of this bill eliminates the limitation on money from the State General Fund being used to pay for an award. **Section 15** of this bill makes an appropriation to the Board for the purpose of funding the administration of the Board during the 2023-2025 biennium. **Section 16** of this bill makes an appropriation to the Merit Award Account to provide funding for merit awards to state employees from the Program during the 2023-2025 biennium.

Existing law requires the Superintendent of Public Instruction to establish an Advisory Council for Family Engagement, composed of 11 members, that has various duties relating to parental involvement and family engagement in schools. The members of the Advisory Council are appointed by the Superintendent, Speaker of the Assembly and Majority Leader of the Senate. (NRS 385.610) **Section 3** of this bill requires the Advisory Council, at least 30 days before the beginning of any member's term, or within 30 days after a position on the Advisory Council becomes vacant, to submit to the relevant appointing authority the names of at least three persons who are qualified for membership on the Advisory Council.

Existing law creates the Statewide Alert System for the Safe Return of Abducted Children, which is composed of a voluntary partnership among certain law enforcement agencies and broadcasters to assist in the search for and safe return of abducted children. (NRS 432.340) The System is overseen, supervised, evaluated, monitored and tested by the Committee for the Statewide Alert System, in consultation with the Attorney General. (NRS 432.360) The Committee consists of 15 members, including, in relevant part, 5 members who represent local law enforcement agencies, appointed by the Governor and 5 members who represent state law enforcement agencies, appointed by the Governor. (NRS 432.350) **Section 4** of this bill provides instead that the Committee consists of 11 members, including, in relevant part, 3 members who represent local law enforcement agencies, appointed by the Governor from among a list of nominees from the Committee and 3 members who represent state law enforcement agencies, appointed by the Governor from among a list of nominees from the Committee.

Existing law creates the Committee on Testing for Intoxication, consisting of five members. (NRS 484C.600) The Committee has various duties relating to certifying devices that test a person's breath to determine the concentration of alcohol in the person's breath. (NRS 484C.610) **Section** ~~[5]~~ **8** of this bill ~~[requires]~~ **authorizes** the Committee to also **: (1)** study and make recommendations to the Director of the Department of Public Safety regarding the best practices, technologies and methods of detecting and determining the **concentration of alcohol or the** presence of **a controlled substance or another prohibited substance** and the effect of driving under the influence of ~~[intoxicating liquor,]~~ **alcohol,** a controlled substance or other prohibited

substance ~~[. Section 5 revises the existing duties of the Committee to include certifying certain devices]~~ **; (2) determine and certify whether a device or method is accurate and reliable** for the purpose of testing a sample to determine the concentration of **alcohol or the presence of** a controlled substance or ~~[other]~~ **another** prohibited substance ~~[. Sections 6-8 of this bill revise the authority of the Committee to adopt certain regulations relating to calibrating certain devices and the certification of persons to operate certain devices to test the concentration of alcohol in a person's body to include]~~ **; and (3) create, maintain and make available to the public a list of those devices and methods certified by the Commission. Section 8 further provides that if a device or method has been certified by the Committee to be accurate and reliable for the purpose of** testing a ~~[sample for]~~ **person's blood, urine or other sample to determine the concentration of alcohol or the presence of** a controlled substance or ~~[other]~~ **another** prohibited substance. **Section 9** of this bill makes a conforming change to clarify that evidence of certain tests are not admissible in a criminal proceeding unless it is shown that the device for testing a person's breath or other sample was certified by the Committee and was calibrated, maintained and operated as provided in such regulations.

Existing law creates the Appeals Panel for Industrial Insurance, consisting of seven members, to hear certain grievances related to industrial insurance. (NRS 616B.760-616B.787) The Appeals Panel must meet at the times and places specified by a call of the Chair of the Appeals Panel, and the Chair must: (1) schedule meetings and hearings of the Appeals Panel; (2) establish the agenda for each such meeting and hearing; and (3) ensure that such meetings are conducted in an efficient manner. (NRS 616B.765, 616B.767) **Sections 11 and 12** of this bill provide instead that the Chair or Commissioner of Insurance is required to carry out these duties.

Existing law creates the Medical Laboratory Advisory Committee to advise the State Board of Health on matters of policy concerning medical laboratories, qualifications of laboratory directors and personnel and certain other matters. The Board is required to appoint various persons to the Advisory Committee. (NRS 652.030, 652.160, 652.170) **Section 13** of this bill: (1) provides that if a vacancy in the membership of the Advisory Committee occurs, the Advisory Committee is required to submit a letter to the Board with a recommendation to fill the existing vacancy; and (2) requires the Advisory Committee to determine at least once per year whether any vacancy in its membership exists. **Section 13** also requires the Advisory Committee to meet at least once every year.

Existing law creates the Credit Union Advisory Council, consisting of five members appointed by the Governor, to consult with, advise and make recommendations to the Commissioner of Financial Institutions in all matters pertaining to credit unions. (NRS 672.061, 672.290) **Section 14** of this bill: (1) clarifies that the Advisory Council may meet at least once every 6 months; and (2) eliminates the existing provision that council members are entitled to receive a certain salary for attendance at meetings.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 285 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Merit Award Account is hereby created in the State General Fund.

2. The Board shall administer the Merit Award Account.

3. The money in the Merit Award Account may be expended only for the purposes of the Merit Award Program established by NRS 285.020.

4. The interest and income earned on the money in the Merit Award Account must be credited to the Account.

5. The balance remaining in the Merit Award Account that has not been committed for expenditure on or before June 30 of an odd-numbered year reverts to the State General Fund.

Sec. 2. NRS 285.070 is hereby amended to read as follows:

285.070 1. Except as otherwise provided in this section, after reviewing and evaluating an employee suggestion, the Board, in consultation with the Budget Division of the Office of Finance, may make an award to the state employee or to each state employee of a group of state employees who submitted the employee suggestion.

2. If the amount of a proposed award will exceed $5,000, the award must be approved by the Interim Finance Committee. On a quarterly basis, the Board shall transmit any proposed awards that exceed $5,000 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. In acting upon such an award, the Interim Finance Committee shall consider, among other things:

(a) The reduction, elimination or avoidance of state expenditures or any improvement in the operation of the State Government made possible by the employee suggestion; and

(b) The intent of the Legislature in enacting this chapter.

3. An award made pursuant to this section may not exceed:

(a) Ten percent of the amount of any actual savings to the State, as determined at the end of the second fiscal year after the adoption of the employee suggestion; or

(b) A total of $25,000,

Ê whichever is less, whether distributed to an individual employee or to a group of state employees who submitted the employee suggestion.

4. Awards to employees arising out of adopted employee suggestions must, ~~[~~insofar as is practicable,~~]~~ be paid from money ~~[~~other than money~~]~~ in the ~~[~~State General Fund.~~]~~ ***Merit Award Account created by section 1 of this act.***

5. The total amount of an award made pursuant to this section must be paid in two equal installments. The first installment must be paid not later than 90 days after the end of the fiscal year during which the State realized a reduction, elimination or avoidance of state expenditures or any improvement in the

operation of State Government as a result of the adoption of the employee suggestion. The second installment must be paid not later than 90 days after the end of the fiscal year immediately following the fiscal year during which the first installment was paid.

6. A former state employee is eligible to receive an award pursuant to this section if the person was a state employee at the time he or she submitted an employee suggestion, or was a member of a group of state employees who submitted an employee suggestion, that is subsequently adopted.

7. An award may not be made for an employee suggestion pursuant to this section until the State has realized a reduction, elimination or avoidance of state expenditures or any improvement in the operation of the State Government as a result of the adopted employee suggestion.

8. Any actual savings to the State resulting from the adoption of an employee suggestion that remains after an award is made pursuant to this section must be distributed as follows:

(a) Fifty percent must be transferred to the State General Fund; and

(b) After a revision to the appropriate work program pursuant to NRS 353.220, the remaining balance must be used by the state agency that employs the state employee or the group of state employees who submitted the employee suggestion for one-time, nonoperational expenses which do not require ongoing maintenance, including, without limitation, training and equipment.

Sec. 3. NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council for Family Engagement. The Advisory Council is composed of 11 members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

(d) One representative of a private business or industry;

(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more;

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000; and

(g) One member who is the President of the Board of Managers of the Nevada Parent Teacher Association or its successor organization, or a designee nominated by the President.

Ê The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

6. After the initial terms:

(a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.

(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. ***The Advisory Council shall, at least 30 days before the beginning of any member's term, or within 30 days after a position on the Advisory Council becomes vacant, submit to the relevant appointing authority, as set forth in subsection 2, 3 or 4, as applicable, the names of at least three persons qualified for membership on the Advisory Council.***

8. The Department shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

~~[8.]~~ ***9.*** For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

Ê The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

~~[9.]~~ ***10.*** A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

~~[10.]~~ ***11.*** Any costs associated with employing a substitute teacher while a member of the Advisory Council who is a teacher attends a meeting of the Advisory Council must be paid by the school district or charter school that employs the member.

Sec. 4. NRS 432.350 is hereby amended to read as follows:

432.350 1. There is hereby created the Committee for the Statewide Alert System consisting of ~~[15]~~ ***11*** members as follows:

(a) ~~[~~Five~~]~~ ***Three*** members ~~[~~appointed by the Governor~~]~~ who represent local law enforcement agencies ~~[.]~~ ***, appointed by the Governor from among the names of nominees provided to the Governor pursuant to subsection 5;***

(b) ~~[~~Five~~]~~ ***Three*** members ~~[~~appointed by the Governor~~]~~ who represent state law enforcement agencies ~~[.]~~ ***, appointed by the Governor from among the names of nominees provided to the Governor pursuant to subsection 5;***

(c) One representative of this State's Emergency Alert System, appointed by the Nevada Broadcasters Association or its successor;

(d) One representative of the Nevada Broadcasters Association or its successor, appointed by that Association;

(e) One representative of the Department of Transportation, appointed by the Director of the Department of Transportation;

(f) The Advocate for Missing or Exploited Children, appointed pursuant to NRS 432.157; and

(g) One representative of the public at large, appointed by the Governor from among the names of nominees provided to the Governor pursuant to subsection 5.

2. The Governor shall select a Chair and Vice Chair of the Committee.

3. After the initial terms, each member of the Committee serves a term of 3 years. A vacancy on the Committee must be filled in the same manner as the original appointment.

4. Members of the Committee serve without salary or compensation, except that, while engaged in the business of the Committee, each member who is not an officer or employee of the State may receive the per diem allowance and travel expenses provided for state officers and employees generally, to the extent that money is available in the Account for that purpose.

5. The Committee shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph ***(a), (b) or*** (g) of subsection 1, or within 30 days after such a position on the Committee becomes vacant, submit to the Governor the names of at least three persons qualified for membership on the Committee pursuant to paragraph ***(a), (b) or*** (g) ***, as applicable,*** of subsection 1. ***In making a list of names, the Committee shall provide nominees who represent the demographic diversity of this State.*** The Governor shall appoint a new member or fill the vacancy from the list, or request a new list. The Governor may appoint any qualified person who is a resident of this State to the position described in paragraph (g) of subsection 1.

Sec. 5. ~~[~~NRS 484C.610 is hereby amended to read as follows:

~~484C.610 1. The Committee on Testing for Intoxication shall:~~

~~(a) ***Study and make recommendations to the Director of the Department of Public Safety regarding the best practices, technologies and methods of detecting and determining the presence of and the effect of driving under the influence of intoxicating liquor, a controlled substance or other prohibited substance;***~~

~~***(b)*** In the manner set forth in subsection 2, certify a device that the Committee determines is designed and manufactured to be accurate and~~

~~reliable for the purpose of testing a person's breath *or other sample* to determine the concentration of alcohol *, a controlled substance or other prohibited substance* in the person's breath [,] *or other sample;* and~~

~~[(b)] *(c)* Create, maintain and make available to the public, free of charge, a list of those devices certified by the Committee, described by manufacturer and type.~~

~~2. To determine whether a device is designed and manufactured to be accurate and reliable for the purpose of testing a person's breath *or other sample* to determine the concentration of alcohol *, a controlled substance or another prohibited substance* in the person's breath [,] *or other sample,* the Committee may:~~

~~(a) Use the list of qualified products meeting the requirements for evidential [breath testing] *testing* devices of the National Highway Traffic Safety Administration; or~~

~~(b) Establish its own standards and procedures for evaluating those devices and obtain evaluations of the devices from the Director of the Department of Public Safety or the agent of the Director.~~

~~3. If such a device has been certified by the Committee to be accurate and reliable pursuant to this section, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath *or other sample* to determine the concentration of alcohol *, a controlled substance or another prohibited substance* in the person's breath [.] *or other sample.*~~

~~4. This section does not preclude the admission of evidence of the concentration of alcohol *, a controlled substance or another prohibited substance* in a [person's breath] *person's body* where the information is obtained through the use of a device other than one of a type certified by the Committee.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 484C.620 is hereby amended to read as follows:~~

~~484C.620 1. The Committee on Testing for Intoxication shall adopt regulations which:~~

~~(a) Prescribe standards and procedures for calibrating devices used for testing a person's breath *or other sample* to determine the concentration of alcohol *, a controlled substance or another prohibited substance* in the [person's breath.] *person's body.* The regulations must specify the period within which a law enforcement agency that uses such a device must calibrate it or have it calibrated by the Director of the Department of Public Safety or the agent of the Director.~~

~~(b) Establish methods for ascertaining the competence of persons to calibrate such devices and provide for the examination and certification of those persons by the Department of Public Safety. A certificate issued by the Department may not be made effective for longer than 3 years.~~

~~(c) Prescribe the form and contents of records respecting the calibration of such devices which must be kept by a law enforcement agency and any other~~

~~records respecting the maintenance or operation of those devices which it finds should be kept by such an agency.~~

~~2. The Director of the Department of Public Safety shall issue a certificate to any person who is found competent to calibrate such a device or examine others on their competence in that calibration.~~**] (Deleted by amendment.)**

Sec. 7. ~~[NRS 484C.630 is hereby amended to read as follows:~~

~~484C.630 1. The Committee on Testing for Intoxication shall adopt regulations which:~~

~~(a) Establish methods for ascertaining the competence of persons to:~~

~~(1) Operate devices for testing a person's breath~~ ***or other sample*** ~~to determine the concentration of alcohol~~ ***, a controlled substance or other prohibited substance*** in the ~~[~~person's breath.~~] person's body.~~

~~(2) Examine prospective operators and determine their competence.~~

~~(b) Provide for certification of operators and examiners by the Department of Public Safety. A certificate issued by the Department may not be made effective for longer than 3 years.~~

~~Ê A person who is certified as an examiner is presumed to be certified as an operator.~~

~~2. The Director of the Department of Public Safety shall issue a certificate to any person who is found competent to operate such a device or examine others on their competence in that operation.~~

~~3. A court shall take judicial notice of the certification of a person to operate devices of one of the certified types. If a test to determine the concentration of alcohol in a person's breath~~ ***or other sample*** ~~has been performed with a certified type of device by a person who is certified pursuant to this section, it is presumed that the person operated the device properly.~~

~~4. This section does not preclude the admission of evidence of a test of a person's breath~~ ***or other sample*** ~~where the test has been performed by a person other than one who is certified pursuant to this section.~~**] (Deleted by amendment.)**

Sec. 8. NRS 484C.640 is hereby amended to read as follows:

484C.640 1. The Committee on Testing for Intoxication may ~~[adopt]~~ **:**

(a) Study and make recommendations to the Director of the Department of Public Safety regarding the best practices, technologies and methods of detecting and determining the concentration of alcohol or the presence of a controlled substance or another prohibited substance and the effect of driving under the influence of alcohol, a controlled substance or another prohibited substance;

(b) Determine and certify whether a device or method is accurate and reliable for the purpose of testing a person's blood, urine or other sample to determine the concentration of alcohol or the presence of a controlled substance or another prohibited substance;

(c) Create, maintain and make available to the public, free of charge, a list of those devices or methods certified by the Committee;

(d) Adopt regulations that ~~[require:~~

~~(a) The~~ ***(1) Require the*** calibration ***or verification*** of devices ***or methods*** which are used to test a person's blood ~~, [or]~~ urine ***or other sample*** to determine the concentration of alcohol or the presence of a controlled substance or another prohibited substance in the person's blood ~~, [or]~~ urine ~~[:***person's body;***]~~ ***or other sample;***

~~[(b) The]~~ ***(2) Require the*** certification of persons who make those calibrations ~~[,]~~ ***or verifications;***

~~[(c) The]~~ ***(3) Require the*** certification of persons who operate devices ***or methods*** for testing a person's blood ~~, [or]~~ urine ***or other sample*** to determine the concentration of alcohol or presence of a controlled substance or another prohibited substance in the person's blood ~~, [or]~~ urine ~~[:***person's body;*** and]~~ ***or other sample;***

~~[(d) The]~~ ***(4) Require the*** certification of persons who examine those operators ~~[,]~~ ***; and***

~~[2. The Committee may adopt regulations that prescribe]~~ ***(5) Prescribe*** the essential procedures for the proper operation of the various types of devices ~~[used]~~ ***or methods*** to test a person's blood ~~, [or]~~ urine ***or other sample*** to determine the concentration of alcohol or the presence of a controlled substance or another prohibited substance in the person's blood ~~, [or]~~ urine ~~[.***person's body.***]~~ ***or other sample.***

2. If a device or method has been certified by the Committee to be accurate and reliable pursuant to this section, it is presumed that the device or method is accurate and reliable for the purpose of testing a person's blood, urine or other sample to determine the concentration of alcohol or the presence of a controlled substance or another prohibited substance.

3. This section does not preclude the admission of evidence of the concentration of alcohol or the presence of a controlled substance or another prohibited substance in a person's blood, urine or other sample where the information is obtained through the use of a device or method other than one certified by the Committee.

Sec. 9. NRS 488.480 is hereby amended to read as follows:

488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test

if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.

3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon request, to the person or the person's attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing ***a person's*** breath ***or other sample*** was certified pursuant to NRS 484C.610 ***or 484C.640, as applicable,*** and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484C.620, 484C.630 or 484C.640.

5. If the device for testing ***a person's*** breath ***or other sample*** has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484C.610 ~~[.]~~ ***or 484C.640,*** it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath ***or other sample*** to determine the concentration of alcohol ***, a controlled substance or*** ~~***[other]***~~ ***another prohibited substance*** in the person's breath ~~**[.]**~~ ***or other sample.***

6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol ***a controlled substance or*** ~~***[other]***~~ ***another prohibited substance*** in a person's breath ***or other sample*** has been performed with a certified type of device by a person who is certified pursuant to NRS 484C.630 or 484C.640, it is presumed that the person operated the device properly.

7. This section does not preclude the admission of evidence of a test of a person's breath ***or other sample*** where the:

(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.

(b) Test has been performed by a person other than one who is certified by the Director.

8. As used in this section, "Director" means the Director of the Department of Public Safety.

Sec. 10. NRS 616B.762 is hereby amended to read as follows:

616B.762 1. ~~**[**At its first meeting of each year, the**]**~~ ***The*** Appeals Panel shall elect a Chair from among its members.

2. The Chair shall hold office for 1 year ~~**[.]**~~ ***and until his or her successor is elected.***

3. If a vacancy occurs in the office of the Chair, the members of the Panel shall elect a Chair from among its members for the remainder of the unexpired term of the Chair.

~~**[**4. Unless the members agree unanimously to a different date, the first meeting of each year must be as soon as practicable after July 1.**]**~~

Sec. 11. NRS 616B.765 is hereby amended to read as follows:

616B.765 1. The Chair of the Appeals Panel ***or the Commissioner*** shall:

(a) Schedule the time and place of the meetings and hearings of the Appeals Panel;

(b) Establish the agenda for each meeting and hearing of the Appeals Panel; and

(c) Ensure that the meetings of the Appeals Panel are conducted in an efficient manner.

2. The Chair of the Appeals Panel may appoint from the membership of the Appeals Panel a secretary to whom the Chair may delegate his or her administrative functions.

Sec. 12. NRS 616B.767 is hereby amended to read as follows:

616B.767 1. The Appeals Panel shall meet at the times and places specified by a call of the Chair ~~[.]~~ ***or the Commissioner.***

2. Four members of the Appeals Panel constitute a quorum to transact all business, and a majority of those present must concur on any decision.

Sec. 13. NRS 652.170 is hereby amended to read as follows:

652.170 1. The Board shall appoint the members of the Medical Laboratory Advisory Committee.

2. After the initial terms, members shall serve for 3-year terms.

3. A member may not serve for more than two consecutive terms. Service of 2 or more years in filling an unexpired term constitutes a term.

4. The Advisory Committee is composed of:

(a) Two pathologists, certified in clinical pathology by the American Board of Pathology.

(b) Two medical technologists.

(c) One bioanalyst who is a laboratory director.

(d) One qualified biochemist from the Nevada System of Higher Education.

(e) One licensed physician actively engaged in the practice of clinical medicine in this State.

5. No member of the Advisory Committee may have any financial or business arrangement with any other member which pertains to the business of laboratory analysis.

6. The Chief Medical Officer or a designated representative of the Chief Medical Officer is an ex officio member of the Advisory Committee.

7. ***If a vacancy occurs in the membership of the Advisory Committee, the Advisory Committee shall submit a letter to the Board with a recommendation to fill the existing vacancy. The Advisory Committee shall, at least once per year, determine whether any vacancy in the membership of the Advisory Committee exists.***

8. The Advisory Committee shall meet at least once every year.

9. Each member of the Advisory Committee is entitled to receive:

(a) A salary of not more than $60, as fixed by the Board, for each day's attendance at a meeting of the Committee; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Committee. The rate must not exceed the rate provided for state officers and employees generally.

~~[8.]~~ ***10.*** While engaged in the business of the Committee, each employee of the Committee is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 14. NRS 672.290 is hereby amended to read as follows:

672.290 1. The Credit Union Advisory Council, consisting of five members appointed by the Governor, is hereby created to consult with, advise and make recommendations to the Commissioner in all matters pertaining to credit unions.

2. The Governor shall appoint members who have tested credit union experience from a list of recommended names submitted by the Nevada Credit Union League.

3. After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms.

4. The Chair of the Advisory Council must be elected annually by and from the members thereof.

5. The meetings of the Advisory Council may be held at such times and places as the Chair or Commissioner determines and may ~~[be held regularly]~~ ***meet*** at least once every 6 months.

~~[6. Council members are entitled to receive a salary of $60 for each day's attendance at a meeting of the Council.]~~

Sec. 15. 1. There is hereby appropriated from the State General Fund to the Merit Award Board described in NRS 285.030 the sum of $3,000 for the purpose of funding the administration of the Board during the 2023-2025 biennium.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 16. 1. There is hereby appropriated from the State General Fund to the Merit Award Account created by section 1 of this act the sum of $25,000 for the purpose of providing merit awards during the 2023-2025 biennium pursuant to the Merit Award Program established by NRS 285.020.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 17. 1. This section and sections 1, 15 and 16 of this act become effective upon passage and approval.

2. Sections 6 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Sections 2 to 5, inclusive, 10 to 14, inclusive, of this act become effective on July 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 133.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYWOMEN** BACKUS **; AND KASAMA**

AN ACT relating to governmental administration; requiring, with certain exceptions, a governmental ~~[agency]~~ **entity** to keep confidential certain personal information regarding donors, members or volunteers of a nonprofit organization; prohibiting, with certain exceptions, a governmental ~~[agency]~~ **entity** from requesting or releasing certain personal information regarding donors, members or volunteers of a nonprofit organization; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain governmental agencies to collect certain personal information. (Chapter 239B of NRS) Existing law also prohibits, with certain exceptions, a governmental agency from requiring a person to include personal information on any document submitted to the governmental agency after a certain date. (NRS 239B.030) **Section 2** of this bill requires, with certain exceptions, a governmental ~~[agency]~~ **entity** to keep confidential any personal information in the records of the governmental ~~[agency]~~ **entity** that identifies a person as a donor, member or volunteer of a nonprofit organization. **Section 2** also prohibits, with certain exceptions, a governmental ~~[agency]~~ **entity** from: (1) requiring that any person or nonprofit organization provide the ~~[agency]~~ **governmental entity** with personal information that identifies a donor, member or volunteer of a nonprofit organization; (2) releasing, publicizing or otherwise publicly disclosing personal information that identifies a donor, member or volunteer of a nonprofit organization; or (3) requesting or requiring a current or prospective contractor or grantee to provide a list of nonprofit organizations to which the contractor or grantee has provided support. **Section 2** provides that the personal information that identifies a donor,

member or volunteer of a nonprofit organization includes any list, record, register, roster or other data of any kind that includes a donation, name, address or telephone number that directly or indirectly identifies a person as a donor of financial or nonfinancial support, member or volunteer of any nonprofit organization.

Section 2 provides that a person who ~~[believes]~~ **alleges** that a governmental ~~[agency]~~ **entity** or an officer or employee of a governmental ~~[agency]~~ **entity** has violated these provisions may bring a civil action to obtain certain relief, including damages in an amount of not less than: (1) $2,500 for a violation; and (2) $7,500 for an intentional violation. **Section 2** further provides that any officer or employee of a governmental ~~[agency]~~ **entity** who knowingly and willfully violates these provisions is guilty of a misdemeanor.

Section 1 of this bill makes a conforming change to provide that such personal information is not a public record.

Section 3 of this bill makes a conforming change to prohibit the Secretary of State, in carrying out certain requirements of existing law, from collecting or disclosing any information that directly identifies a person as a donor of financial support to a nonprofit organization.

Section 4 of this bill makes a conforming change to provide that any information collected by the Attorney General in an audit, examination or investigation of a corporation for public benefit or a corporation holding assets in a charitable trust may only be used in connection with the audit, examination or investigation and is otherwise subject to the requirements of section 2.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300,

239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191,

641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 2 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 2. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a governmental ~~[agency]~~ entity shall maintain in a confidential manner any personal information that identifies a person as a donor, member or volunteer of a nonprofit organization.

2. Except as otherwise provided in subsection 3, a governmental ~~[agency]~~ entity shall not:

(a) Require any person or nonprofit organization to provide the governmental ~~[agency]~~ entity with personal information that identifies a person as a donor, member or volunteer of a nonprofit organization or otherwise compel the release of such personal information;

(b) Release, publicize or otherwise publicly disclose personal information in possession of the governmental ~~[agency]~~ entity that identifies a person as a donor, member or volunteer of a nonprofit organization; or

(c) Request or require a current or prospective contractor or grantee working with the governmental ~~[agency]~~ entity to provide a list of nonprofit organizations to which the contractor or grantee has provided financial or nonfinancial support.

3. The provisions of subsections 1 and 2 do not apply to personal information that identifies a person as a donor, member or volunteer of a nonprofit organization that is requested, obtained, released or disclosed as a result of the following:

(a) Any personal information required to be disclosed for the purpose of complying with any provision of federal law;

(b) Any information, report or disclosure required to be filed with the Secretary of State pursuant to title 7 of NRS provided that, except as otherwise provided in this subsection, any information that directly identifies a person as a donor of financial support to a nonprofit organization must not be collected or disclosed;

(c) Any report or disclosure required to be filed pursuant to chapter 294A of NRS;

(d) Any confidential information shared pursuant to NRS 232.357;

(e) Any warrant issued by a court of competent jurisdiction;

(f) Any request for information in connection with discovery proceedings if:

(1) The ~~[requester demonstrates a compelling need by clear and convincing evidence for]~~ relevant and probative value of the information ~~[,]~~ requested outweighs its prejudicial effect ; and

(2) The requester obtains a protective order from the court barring the disclosure of such information to any person not named in the proceedings;

(g) Any personal information voluntarily released by a person to the governmental ~~[agency]~~ entity or any personal information voluntarily released by a nonprofit organization to the public;

(h) Any personal information resulting from a donation to a nonprofit organization that is affiliated with a governmental ~~[agency]~~ entity that was disclosed to the governmental ~~[agency]~~ entity pursuant to state law if the person did not request anonymity from the nonprofit organization;

(i) Any personal information admitted as evidence before a court of competent jurisdiction, if the court finds there is good cause for the public release of such information;

(j) Any requests for screenings submitted by a nonprofit organization pursuant to NRS 179A.325;

(k) Any contract or agreement entered into by a nonprofit organization with a governmental ~~[agency,]~~ entity, including for purposes of obtaining a governmental benefit or grant, whereby the governmental ~~[agency]~~ entity is authorized to or any statute which expressly authorizes a governmental ~~[agency]~~ entity to inspect the records of the nonprofit organization, including, without limitation, a contract or agreement entered into pursuant to NRS 427A.085, 433.354, 433B.220 or 439.155;

(l) Any report required to be filed by a nonprofit organization and posted by the Department of Health and Human Services on the Internet website maintained by the Department pursuant to NRS 439B.665 and 439B.670;

(m) Any information required to be filed by a nonprofit organization of surplus line brokers with the Commissioner of Insurance pursuant to NRS 685A.075; ~~[and]~~

(n) Any information submitted to a governmental ~~[agency]~~ entity by a national securities association that is registered pursuant to 15 U.S.C. § 78o-3 or any regulation adopted pursuant thereto ~~[.]~~ , including, without limitation, any information submitted to the Secretary of State pursuant to chapters 90 and 91 of NRS and any regulations adopted pursuant thereto for the purposes of licensing, registration, examination, investigation or enforcement;

(o) Any requirement to disclose the relationship between a public officer or employee and a nonprofit organization pursuant to NRS 281A.420, as a response to a lawful request or subpoena in an investigation or as part of or in response to a request for an advisory opinion submitted pursuant to NRS 281A.670 to 281A.690, inclusive, or an ethics complaint filed or initiated pursuant to NRS 281A.700 to 281A.790, inclusive;

(p) Any information submitted to or requested by the Nevada Gaming Control Board pursuant to NRS 462.160 for the purposes of the licensing or registration of a charitable lottery or charitable game, provided that any information collected is confidential as provided in NRS 463.120;

(q) Any information requested by the Attorney General for an audit, examination or investigation conducted pursuant to NRS 82.536, provided that:

(1) Such information must only be used in connection with the audit, examination or investigation to which the request for information relates and for any proceedings or action resulting from such an audit, examination or investigation; and

(2) Except as otherwise provided in this paragraph, such information is subject to the requirements of this section, unless expressly required by statute or a court to be publicly disclosed;

(r) Any information requested under the authority to act and exercise the power of the Attorney General in the areas of consumer protection, including, without limitation, participating on behalf of the persons residing in this State pursuant to NRS 228.380 and any action to enforce the provisions of NRS 90.615, 597.120 to 597.260, inclusive, 597.8191 to 597.8198, inclusive, and chapters 598, 598A, 598C, 599B and 711 of NRS, provided that, except as otherwise provided in this paragraph, such information is subject to the requirements of this section, unless expressly required by statute or a court to be publicly disclosed; and

(s) The names of members of a labor organization and the amount of dues collected by a governmental entity that are provided to the labor organization for the purposes of collecting and reporting the remittance of dues to the labor organization from its members, in accordance with a valid authorization to withhold dues.

4. Any person who ~~[believes]~~ alleges that a governmental ~~[agency]~~ entity or an officer or employee of a governmental ~~[agency]~~ entity has violated the provisions of subsection 1 or 2 may bring a civil action in a court of competent jurisdiction. If the person prevails, the person is entitled to receive any or all of the following relief:

(a) Injunctive relief as the court deems appropriate;

(b) Costs incurred in bringing the action, including, without limitation, reasonable attorney's fees;

(c) Except as otherwise provided in paragraph (d), damages of not less than $2,500; and

(d) If the court determines that a governmental ~~[agency]~~ entity or officer or employee of a governmental ~~[agency]~~ entity intentionally violated the provisions of this section, damages of not less than $7,500.

5. Any officer or employee of a governmental ~~[agency]~~ entity who knowingly and willfully violates the provisions of subsection 1 or 2 is guilty of a misdemeanor and shall be punished by imprisonment in the county jail

for not more than 90 days, or by a fine of not more than $1,000, or by both fine and imprisonment.

6. For the purposes of this section, personal information that identifies a person as a donor, member or volunteer of a nonprofit organization:

(a) Includes, without limitation, any list, record, register, roster or other data of any kind that includes a donation, name, address or telephone number that directly or indirectly identifies a person as a donor of financial or nonfinancial support, member or volunteer of any nonprofit organization; and

(b) Does not include information that identifies a person as a staff member, employee or contractor of a nonprofit organization.

7. As used in this section:

(a) "Governmental ~~[agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.]~~ entity" has the meaning ascribed to it in NRS 239.005.

(b) "Labor organization" has the meaning ascribed to it in NRS 288.048.

(c) "Nonprofit organization" means:

(1) An organization which qualifies as tax exempt pursuant to section 501(c) of the Internal Revenue Code; and

(2) Any entity that has submitted an application with the Internal Revenue Service for recognition as a tax exempt entity pursuant to section 501(c) of the Internal Revenue Code . ~~[; and~~

~~(3) Any other organization recognized as a nonprofit organization pursuant to state law.]~~

Sec. 3. Chapter 75 of NRS is hereby amended by adding thereto a new section to read as follows:

Pursuant to section 2 of this act, in carrying out the requirements of this title, the Secretary of State shall not collect or disclose any information that directly identifies a person as a donor of financial support to a nonprofit organization.

Sec. 4. **NRS 82.536 is hereby amended to read as follows:**

82.536 1. A corporation for public benefit and a corporation holding assets in charitable trust is subject at all times to examination by the Attorney General, on behalf of the State, to ascertain the condition of its affairs and to what extent, if at all, it fails to comply with trusts it has assumed or has departed from the purposes for which it is formed. In case of any such a failure or departure, the Attorney General may institute, in the name of the State, the proceeding necessary to correct the noncompliance or departure.

2. The Attorney General, or any person given the status of relator by the Attorney General, may bring an action to enjoin, correct, obtain damages for or otherwise to remedy a breach of a charitable trust or departure from the purposes for which it is formed.

3. Any information collected by the Attorney General pursuant to this section:

(a) Must only be used in connection with an audit, examination or investigation by the Attorney General and for any proceedings or action resulting from such an audit, examination or investigation; and

(b) Except as otherwise provided in this subsection and section 2 of this act, is subject to the requirements of section 2 of this act, unless expressly required by statute or a court to be publicly disclosed.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 184.

AN ACT relating to healthcare; revising provisions relating to the requirement that certain medical facilities conduct training of agents and employees in cultural competency; requiring the Office of Minority Health and Equity of the Department of Health and Human Services to establish, maintain and distribute a list of courses and programs relating to cultural competency that certain medical facilities are required to use to conduct training of certain agents and employees; increasing the number of hours of instruction relating to cultural competency that certain ~~[mental]~~ health **care** professionals are required to complete; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the State Board of Health shall require, by regulation, a medical facility, facility for the dependent and certain other facilities to conduct training relating specifically to cultural competency for any agent or employee of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are: (1) from various racial and ethnic backgrounds; (2) from various religious backgrounds; (3) persons with various sexual orientations and gender identities or expressions; (4) children and senior citizens; (5) persons with a mental or physical disability; and (6) part of any other population that such an agent or employee may need to better understand. Such training relating to cultural competency must be provided through a course or program that is approved by the Department of Health and Human Services. (NRS 449.103) **Section 1** of this bill ~~[eliminates the requirement for the Board to adopt such regulations and provides instead that such facilities are required to conduct such training.]~~ **: (1) requires the Board to set forth by regulation the frequency with which such a facility is required to conduct the training relating to cultural competency; and (2) creates an exception to the requirement to provide such training if an agent or employee of the**

facility has successfully completed a course or program of cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable. **Section 1** further ~~[: (1) provides that the courses and programs on cultural competency must be approved by]~~ **requires** the Office of Minority Health and Equity of the Department of Health and Human Services ~~[; and (2) requires the Office]~~ to **: (1)** establish and maintain a list of ~~[such]~~ courses and programs **on cultural competency that are approved for training relating to cultural competency; (2) make the most current list available on the Internet website of the Office;** and **(3)** ensure that the list is distributed to each facility required to conduct the training on cultural competency. **Finally, section 1: (1) authorizes a facility to apply to the Department to provide a course or program on cultural competency that is not already approved by the Department; and (2) requires the Department to report annually to certain joint interim committees of the Legislature the average length of time within which the Department approved a course or program of training in the immediately preceding year.**

Existing law requires, as a prerequisite for the renewal of a license, a ~~[physician, physician assistant,]~~ nurse, psychologist, marriage and family therapist, clinical professional counselor, social worker or behavior analyst to complete at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. (NRS ~~[630.253,]~~ 632.343, ~~[633.471,]~~ 641.220, 641A.260, 641B.280, 641D.360) Existing law requires, as a prerequisite for the renewal of a license or certificate, an alcohol and drug counselor or problem gambling counselor to complete at least 1 hour of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 641C.450) **Section 3 of this bill requires a nurse to complete at least 4 hours of such instruction.** Sections ~~[2-9]~~ **5-7** of this bill ~~[instead]~~ require ~~[such persons]~~ **a psychologist, marriage and family therapist, clinical professional counselor or social worker** to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. **Section 8 of this bill requires an alcohol and drug counselor or problem gambling counselor to complete at least 3 hours of instruction relating to cultural competency and diversity, equity and inclusion. Section 9 of this bill requires a behavior analyst to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.103 is hereby amended to read as follows:

449.103 1. ~~[To]~~ ***Except as otherwise provided in subsection 2, to*** enable an agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who provides care to a patient or resident of the

facility to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation, require such a facility to ~~[shall]~~ conduct training relating specifically to cultural competency for any agent or employee of the facility who provides care to a patient or resident of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

(a) From various racial and ethnic backgrounds;

(b) From various religious backgrounds;

(c) Persons with various sexual orientations and gender identities or expressions;

(d) Children and senior citizens;

(e) Persons with a mental or physical disability; and

(f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

Ê The Board shall set forth by regulation the frequency with which a medical facility, facility for the dependent or other facility is required to provide such training relating to cultural competency.

2. ~~[The]~~ ***A medical facility, facility for the dependent or other facility is not required to provide training relating specifically to cultural competency to an agent or employee who has successfully completed a course or program in cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable.***

3. Except as otherwise provided in subsection 5, the training relating specifically to cultural competency conducted by a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed pursuant to subsection 1 must be provided through a course or program that is approved by the ~~[Office of Minority Health and Equity of the]~~ Department of Health and Human Services.

~~[3.]~~ ***4. The Office of Minority Health and Equity of the Department of Health and Human Services shall:***

(a) Establish and maintain a list of the courses and programs that are approved for training relating to cultural competency pursuant to subsection ~~[2; and]~~ ***3. The Office shall make the most current list available on the Internet website of the Office.***

(b) Ensure that the list established and maintained pursuant to paragraph (a) is distributed to each medical facility, facility for the dependent or other facility which is required to conduct training relating specifically to cultural competency pursuant to subsection 1.

5. A medical facility, facility for the dependent or other facility which is required to conduct training specifically relating to cultural competency may apply to the Department of Health and Human Services to provide a course or program on cultural competency that is not approved by the Department

pursuant to subsection 3. Any such request must be approved or denied by the Department not later than 10 business days after the receipt of the application.

6. On or before October 1 of each year, the Department of Health and Human Services shall report the average length of time within which the Department approved a course of program or training relating to cultural competency in the immediately preceding year pursuant to subsection 3 or 5, as applicable, to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.

Sec. 2. ~~[NRS 630.253 is hereby amended to read as follows:~~

~~630.253 1. The Board shall, as a prerequisite for the:~~

~~(a) Renewal of a license as a physician assistant; or~~

~~(b) Biennial registration of the holder of a license to practice medicine,~~

~~Ê require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.~~

~~2. These requirements:~~

~~(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.~~

~~(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:~~

~~(1) An overview of acts of terrorism and weapons of mass destruction;~~

~~(2) Personal protective equipment required for acts of terrorism;~~

~~(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;~~

~~(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and~~

~~(5) An overview of the information available on, and the use of, the Health Alert Network.~~

~~(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 6.~~

~~(d) Must provide for the completion of at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.~~

~~(e) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least [2] *6* hours of instruction~~

~~relating to cultural competency and diversity, equity and inclusion. Such instruction:~~

~~(1) May include the training provided pursuant to NRS 449.103, where applicable.~~

~~(2) Must be based upon a range of research from diverse sources.~~

~~(3) Must address persons of different cultural backgrounds, including, without limitation:~~

~~(I) Persons from various gender, racial and ethnic backgrounds;~~

~~(II) Persons from various religious backgrounds;~~

~~(III) Lesbian, gay, bisexual, transgender and questioning persons;~~

~~(IV) Children and senior citizens;~~

~~(V) Veterans;~~

~~(VI) Persons with a mental illness;~~

~~(VII) Persons with an intellectual disability, developmental disability or physical disability; and~~

~~(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.~~

~~(f) Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.~~

~~3. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 2.~~

~~4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:~~

~~(a) The skills and knowledge that the licensee needs to address aging issues;~~

~~(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;~~

~~(c) The biological, behavioral, social and emotional aspects of the aging process; and~~

~~(d) The importance of maintenance of function and independence for older persons.~~

~~5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.~~

~~6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of~~

~~instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:~~

~~(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;~~

~~(b) Approaches to engaging other professionals in suicide intervention; and~~

~~(c) The detection of suicidal thoughts and ideations and the prevention of suicide.~~

~~7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:~~

~~(a) Recognizing the symptoms of pediatric cancer; and~~

~~(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.~~

~~8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.~~

~~9. Except as otherwise provided in NRS 630.2535, a holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, care for persons with an addictive disorder or the screening, brief intervention and referral to treatment approach to substance use disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.~~

~~10. As used in this section:~~

~~(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.~~

~~(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.~~

~~(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.~~

~~(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.~~

~~(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse:

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least ~~[2 6]~~ ***4*** hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 4. ~~[NRS 633.471 is hereby amended to read as follows:~~

~~633.471 1. Except as otherwise provided in subsection 14 and NRS 633.491, every holder of a license, except a physician assistant, issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:~~

~~(a) Applying for renewal on forms provided by the Board;~~

~~(b) Paying the annual license renewal fee specified in this chapter;~~

~~(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;~~

~~(d) Subject to subsection 13, submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and~~

~~(e) Submitting all information required to complete the renewal.~~

~~2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.~~

~~3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Subject to subsection 13, upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.~~

~~4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.~~

~~5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.~~

~~6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his~~

~~or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:~~

~~(a) Recognizing the symptoms of pediatric cancer; and~~

~~(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.~~

~~7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.~~

~~8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician or physician assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.~~

~~9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:~~

~~(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;~~

~~(b) Approaches to engaging other professionals in suicide intervention; and~~

~~(c) The detection of suicidal thoughts and ideations and the prevention of suicide.~~

~~10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.~~

~~11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.~~

~~12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least **[**2**]** *6* hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:~~

~~(a) May include the training provided pursuant to NRS 449.103, where applicable.~~

~~(b) Must be based upon a range of research from diverse sources.~~

~~(c) Must address persons of different cultural backgrounds, including, without limitation:~~

~~(1) Persons from various gender, racial and ethnic backgrounds;~~
~~(2) Persons from various religious backgrounds;~~
~~(3) Lesbian, gay, bisexual, transgender and questioning persons;~~
~~(4) Children and senior citizens;~~
~~(5) Veterans;~~
~~(6) Persons with a mental illness;~~
~~(7) Persons with an intellectual disability, developmental disability or physical disability; and~~
~~(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.~~

~~13. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.~~

~~14. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.~~**]** **(Deleted by amendment.)**

Sec. 5. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation:

(a) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this paragraph must be completed within 2 years after initial licensure and at least every 4 years thereafter.

(b) A requirement that the holder of a license must biennially receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.

Sec. 6. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each person must, on or before 10 business days after the date of expiration of his or her current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the biennial renewal of a license set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and

(d) Submit all information required to complete the renewal.

2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that the holder receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a marriage and family therapist or clinical professional counselor may need to better understand, as determined by the Board.

Sec. 7. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Except as otherwise provided in NRS 641B.295, submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. Except as otherwise provided in NRS 641B.295, the Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that every 2 years the holder receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license issued pursuant to this chapter may need to better understand, as determined by the Board.

Sec. 8. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate.

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470.

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation:

(a) A requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification.

(b) A requirement that the applicant receive at least ~~[1 hour *6]*~~ ***3 hours*** of instruction relating to cultural competency and diversity, equity and inclusion for each year of the term of the applicant's licensure or certification. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license or certificate may need to better understand, as determined by the Board.

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant.

5. All information required to complete the renewal.

Sec. 9. NRS 641D.360 is hereby amended to read as follows:

641D.360 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the Board:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 641D.300.

3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable.

(b) Include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

(c) Include, without limitation, a requirement that the holder of a license as a behavior analyst receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a behavior analyst may need to better understand, as determined by the Board.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 9.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[9,]~~ **9.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 272.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 153.

AN ACT relating to mail theft; establishing provisions relating to mail theft; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law describes certain actions which constitute theft. (NRS 205.0832) **Section 1** of this bill provides that a person commits the crime of mail theft if the person: (1) knowingly, willfully and with the intent to deprive, injure, damage or defraud another, takes, destroys, hides or embezzles mail or obtains any mail by fraud or deception; (2) buys, receives, conceals or possesses mail and knows or reasonably should know that the mail was unlawfully taken or obtained; (3) **buys, receives, conceals or possesses personal identifying information and knows or reasonably should know that the personal identifying information was unlawfully taken or obtained from mail; (4)** buys, receives, conceals or possesses a United States Postal Service key that provides access to certain mail receptacles, or a counterfeit device or key designed to provide access to the lock mechanisms of such mail receptacles; or ~~[~~**(4)**~~]~~ **(5)** knowingly, willfully and with the intent to steal the mail inside, damages, breaks open, tears down, takes or destroys any mail receptacle. **Section 1** also provides that a person who commits the crime of mail theft is guilty of ~~[~~**:** ~~(1) if the mail has no monetary value and does not include the personal identifying information of any person, a gross misdemeanor; (2) if the mail has monetary value or contains the personal identifying information of not more than nine persons,~~**]** a category D felony ~~[~~**;** ~~or (3) if the mail contains the personal identifying information of 10 or more persons, a category C felony.~~**]** **, which is punishable by a term of imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years and a fine of not more than $5,000.** **Section 1** also requires the court to order a person who commits the offense of mail theft to pay restitution.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person commits the crime of mail theft if the person:

(a) Knowingly, willfully and with the intent to deprive, injure, damage or defraud another:

(1) Takes, destroys, hides or embezzles mail; or

(2) Obtains any mail by fraud or deception;

(b) Buys, receives, conceals or possesses:

(1) Mail and knows or reasonably should know that the mail was unlawfully taken or obtained;

(2) Personal identifying information and knows or reasonably should know that the personal identifying information was unlawfully taken or obtained from mail in violation of this subsection;

(3) Any key suited to any lock adopted by the United States Postal Service that provides access to any mail receptacle in any neighborhood or apartment panel used for the purpose of centralized mail; or

[(3)] (4) A counterfeit device or key designed to provide access to a lock described in subparagraph [(2),] (3); or

(c) Knowingly, willfully and with the intent to steal any mail inside, damages, breaks open, tears down, takes or destroys any mail receptacle.

2. A person who violates any provision of subsection 1 is guilty of [:

(a) If the mail has no monetary value and does not include the personal identifying information of any person, a gross misdemeanor;

(b) If the mail has monetary value or contains the personal identifying information of not more than nine persons,] a category D felony and shall be punished as provided in NRS 193.130. [; or

(c) If the mail contains the personal identifying information of 10 or more persons, a category C felony and shall be punished as provided in NRS 193.130.

3.] In addition to any other penalty, the court shall order the person to pay restitution.

[4.] 3. As used in this section:

(a) "Mail" means any letter, postal card, parcel, package, bag or other material, along with its contents, that:

(1) Has postage affixed by the postal customer or postal service;

(2) Has been accepted for delivery by the postal service;

(3) The postal customer leaves for collection by the postal service; or

(4) The postal service delivers to the postal customer.

(b) "Mail receptacle" means a mailbox, post office box, rural box, letter box, lock drawer or any place or area intended or used by postal customers or a postal service for the collection, deposit or delivery of mail.

(c) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.

(d) "Postal service" means the United States Postal Service or a private common mail carrier.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 180.

AN ACT relating to public employees; revising the definition of "police officer" to include certain school police officers, juvenile probation officers**,** ~~[and]~~ bailiffs and deputy marshals of municipal courts **and marshals and deputy marshals of cities or towns** for the purposes of certain benefits and exemptions; specifying that the use of certain designations by the Department of Public Safety or a division, officer or employee of the Department does not exclude certain employees of the Department from the definition of "police officer" for the purposes of certain benefits and exemptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "police officer" to include various law enforcement officers of this State for the purposes of certain provisions relating to eligibility for benefits under the Nevada Occupational Diseases Act. (NRS 617.135) Among the law enforcement officers included in the definition of "police officer" are certain specified employees of the Department of Public Safety. (NRS 617.135) Existing law authorizes the Director of the Department of Public Safety to authorize: (1) the Department to use certain designations to identify itself; and (2) the divisions of the Department and the officers and employees of the Department to use certain designations to identify themselves. (NRS 480.150) This bill provides that the use of such a designation does not exclude from the definition of "police officer" any employee of the Department of Public Safety included in the definition of "police officer" under existing law.

This bill also expands the definition of "police officer" to include a: (1) school police officer employed or appointed by the board of trustees of a school district; (2) juvenile probation officer; ~~[and]~~ (3) bailiff or deputy marshal of a municipal court~~.~~ **; and (4) marshal or deputy marshal of a city or town.** Furthermore, because various other provisions of the Nevada Revised Statutes reference "police officer" as that term is defined in the Act, this bill makes applicable to school police officers employed or appointed by the board of trustees of a school district, juvenile probation officers**,** ~~[and]~~ bailiffs and deputy marshals of municipal courts~~.~~ **and marshals and deputy**

marshals of cities or towns: (1) industrial insurance coverage for police officers; (2) exemption from service as grand or trial jurors; (3) compensation for police officers with temporary disabilities; and (4) eligibility for certain programs of group insurance or other medical or hospital service for the surviving spouse or any surviving child of a police officer or firefighter. (NRS 6.020, 281.153, 287.021, 287.0477; chapters 616A-616D of NRS)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 617.135 is hereby amended to read as follows:

617.135 ***1.*** "Police officer" includes:

~~[1.]~~ ***(a)*** A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

~~[2.]~~ ***(b)*** A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

~~[3.]~~ ***(c)*** A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

~~[4.]~~ ***(d)*** A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

~~[5.]~~ ***(e)*** A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

~~[6.]~~ ***(f)*** A chief or investigator of the Department of Public Safety whose duties include, without limitation:

~~[(a)]~~ ***(1)*** The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

~~[(b)]~~ ***(2)*** The provision of technology support services to the Director and the divisions of the Department of Public Safety;

~~[7.]~~ ***(g)*** An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

~~[8.]~~ ***(h)*** An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

~~[9.]~~ ***(i) A school police officer employed or appointed by the board of trustees of a school district pursuant to NRS 391.281;***

(j) A member of the police department of the Nevada System of Higher Education;

~~[10.]~~ ***(k)*** A:

~~[(a)]~~ ***(1)*** Uniformed employee of; or

~~[(b)]~~ ***(2)*** Forensic specialist employed by,

Ê the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

~~[11.]~~ ***(l) A juvenile probation officer;***

(m) A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;

~~[12.]~~ ***(n)*** A forensic specialist or correctional officer employed by the Division of Public and Behavioral Health of the Department of Health and Human Services at facilities for mentally disordered offenders;

~~[13.]~~ ***(o)*** The State Fire Marshal and his or her assistant and deputies;

~~[14.]~~ ***(p)*** A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280;

~~[15.]~~ ***(q)*** A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260;

~~[16.]~~ ***(r)*** A bailiff or a deputy marshal of the district court***, municipal court*** or justice court whose duties require him or her to carry a weapon and to make arrests; ~~[and~~

~~17.]~~ ***(s)*** An agricultural police officer appointed by the Director of the State Department of Agriculture pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS 289.290 ~~[.]~~ ***; and***

(t) A marshal or deputy marshal of a city or town.

2. The use of any designation by the Department of Public Safety, a division of the Department or an officer or employee of the Department pursuant to subsection 3 of NRS 480.150 does not exclude any person described in paragraphs (b) to (f), inclusive, and (m) of subsection 1 from the definition of "police officer" set forth in subsection 1.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 215.

AN ACT relating to motor vehicles; revising provisions relating to the towing of a motor vehicle when a tow is requested by certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if the towing of a motor vehicle is requested by a person other than the owner, an agent of the owner, a law enforcement officer or other person employed to enforce the laws, ordinances and codes of a local government, the operator of the tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the motor vehicle

arrives and is registered at the place of storage. (NRS 706.4477) This bill ~~[provides instead that an operator is prohibited from charging any fee or cost for the towing of the motor vehicle, including, without limitation, any fee or cost for the removal, impoundment or storage of the motor vehicle, until at least 48 hours after the motor vehicle arrives and is registered at the place of storage.]~~ **removes this provision.** This bill also provides that an operator who tows a vehicle in violation of the requirements of this bill or charges a fee or cost in violation of this bill may be subject to certain penalties and the owners of the vehicle may bring an action against the operator to recover costs.

Existing law provides that an owner of real property may not have a vehicle towed solely because the registration of the vehicle is expired. (NRS 706.4477) This bill: (1) prohibits an operator from charging any fee or cost for the towing of a vehicle solely because the registration of the vehicle is expired; and (2) provides that the towing of such a vehicle by an operator is a violation subject to the penalties provided for in this bill.

Existing law provides that, in certain situations, a registered owner of a motor vehicle that is towed is responsible for the cost of removal and storage of the motor vehicle, but if, for reasons outside of the owner's control, he or she is incapable of paying the normal rate charged for the removal and storage of the towed motor vehicle, the owner may pay a hardship tariff in accordance with regulations adopted by the Nevada Transportation Authority. (NRS 706.4477) This bill ~~[sets forth certain reasons outside of the owner's control for which he or she is determined to be incapable of paying the normal rate charged for the removal and storage of the towed motor vehicle.]~~ **revises the situations in which an owner may pay a hardship tariff, but limits an owner from paying the hardship tariff more than once per calendar year.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 706.4477 is hereby amended to read as follows:

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer or other person who is employed to enforce the laws, ordinances and codes of a local government:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. Except as otherwise provided in subsection 2, for the purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located, the owner of the real property or authorized agent of the owner, which may be the tow operator if the tow operator has entered into a contract for that purpose with the owner of the real property:

(a) Must:

(1) Meet the requirements of subsection 1.

(2) Except as otherwise provided in this subparagraph, if the vehicle is being towed pursuant to subparagraph (1) or (2) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed. The provisions of this subparagraph do not apply and the vehicle may be immediately towed if it is a vehicle for which a notice was previously affixed:

(I) For the same or a similar reason within the same residential complex.

(II) Three or more times during the immediately preceding 6 months within the same residential complex for any reason, regardless of whether the vehicle was subsequently towed.

(b) May only have a vehicle towed:

(1) Because of a parking violation;

(2) If the vehicle is not registered pursuant to this chapter or chapter 482 of NRS or in any other state; or

(3) If the vehicle is:

(I) Blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex, which may include, without limitation, if the vehicle is parked in a space that is clearly marked for a specific resident or the use of a specific unit in the residential complex.

(c) May not have a vehicle towed solely because the registration of the vehicle is expired. ***An operator may not charge any fee or cost for towing a vehicle in violation of this paragraph. The towing of a vehicle solely because the registration of the vehicle is expired is a violation of this section, subject to the provisions of the regulations adopted pursuant to subsection 8.***

3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

4. The owner of a motor vehicle towed pursuant to the provisions of subsection 1, 2 or 3:

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Subject to the provisions of subsection ~~[7,]~~ ***6,*** is responsible for the cost of removal and storage of the motor vehicle.

5. The owner may rebut the presumption in subsection 4 by showing that:

(a) The owner transferred the owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the owner; or

(b) The vehicle is stolen, if the owner submits evidence that, before the discovery of the vehicle, the owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

6. ~~[An operator shall not charge any fee or cost for the~~ storage ~~*towing of the motor vehicle pursuant to subsection 1, including, without limitation, any fee or cost for the removal, impoundment or storage of the motor vehicle,* until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. If the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period begins when the regular business hours of the place of storage next begin.~~

~~7. The]~~ ***Except as otherwise provided in subsection 7, the*** owner of the vehicle shall pay a hardship tariff for the cost of removal and storage of the motor vehicle if:

(a) A vehicle has been towed pursuant to subparagraph ***(1) or*** (2) of paragraph (b) of subsection 2 ~~*[;*~~ ~~*,]*~~ ***or sub-subparagraph (II) of subparagraph (3) of paragraph (b) of subsection 2; and***

(b) ~~[The owner of the vehicle does not provide proof that the vehicle was registered pursuant to this chapter or chapter 482 of NRS or in any other state at the time the vehicle was towed; and.~~

~~(c)]~~ The owner, for reasons outside of his or her control **,** as determined by the regulations adopted pursuant to this section, is incapable of paying the normal rate charged for the removal and storage of the motor vehicle.

~~*[*~~Ê ~~*(d) The owner is incapable of paying the normal rate charged for reasons outside of his or her control if the owner provides evidence that he or she:*~~

~~*(1) Is receiving benefits provided by a federal or state program of public assistance;*~~

~~*(2) Has a household net income which is equal to or less than 200 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services;*~~

~~*(3) Resides in public housing, as that term is defined in NRS 315.021;*~~

~~*(4) Has expenses for the necessities of life that exceeds his or her income; or*~~

~~*(5) Any other reason established by the Authority in accordance with the regulations adopted pursuant to subsection 8.]*~~

7. The owner of a motor vehicle is only entitled to pay a hardship tariff pursuant to subsection 6 once per calendar year.

8. The Authority shall adopt regulations to carry out the provisions of this section, including, without limitation, establishing a range of hardship tariffs a person may pay pursuant to this section ~~*[subsection 7]*~~ and setting forth what qualifies as a reason ~~*[any additional reasons]*~~ that is ~~*[are]*~~ outside of the control of the owner.

9. If a motor vehicle is towed in violation of the provisions of this section or an operator charges any fee or cost for the towing of a motor vehicle in violation of this section:

(a) The operator may be subject to a penalty in accordance with the provisions of NRS 706.756 to 706.781, inclusive; and

(b) The owner of the vehicle may bring an action against the operator to recover any costs incurred by the person as a result of the violation, including, without limitation, any loss of income.

~~[8.]~~ ***10.*** As used in this section:

(a) "Parking violation" means a violation of any:

(1) State or local law or ordinance governing parking; or

(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.

(b) ~~*["Provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was towed. (c)]*~~ "Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 315.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 214.

AN ACT relating to energy; requiring the Director of the Office of Energy to coordinate with certain entities to recommend best practices for issuing a permit for geothermal energy; ~~[temporarily creating the Geothermal Energy Systems Demonstration Program; prohibiting certain restrictions on the use of a system for obtaining geothermal energy by the owners of real property;]~~

requiring the Office of Energy to conduct an interim study relating to geothermal ~~[energy;]~~ **resources;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates various renewable energy programs, including the Solar Energy Systems Incentive Program, Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. (Chapter 701B of NRS) Sections 3-18 of this bill establish provisions for a similar program for geothermal energy to provide incentives to certain participants and utilities for energy generated by various geothermal energy systems.~~

~~Sections 4-10 of this bill define certain terms relating to the Geothermal Energy Systems Demonstration Program.~~

~~Section 11 of this bill: (1) creates the Geothermal Energy Systems Demonstration Program; (2) requires the Public Utilities Commission of Nevada to establish categories for participation in the Program; and (3) provides certain eligibility requirements to participate in the Program. Section 12 of this bill requires the Commission to adopt certain regulations to carry out the Program. Section 13 of this bill: (1) requires each utility to carry out and administer the Program within its service area; and (2) authorizes a utility to recover its reasonable and prudent costs that are associated with carrying out and administering the Program. Section 14 of this bill requires each utility to file with the Commission for review its annual plan for carrying out and administering the Program.~~

~~Section 15 of this bill: (1) requires an applicant who wishes to participate in the Program to submit an application to a utility; (2) authorizes the utility to approve a geothermal energy system proposed by the applicant; and (3) upon completion of the installation and energizing of the geothermal energy system, requires the utility to issue an incentive payment to the participant.~~

~~Section 16 of this bill provides that the installation of a geothermal energy system on property owned or occupied by a public body is a public work.~~

~~Section 17 of this bill requires the Commission to issue portfolio energy credits after a participant installs a geothermal energy system included in the Program. Section 18 of this bill requires a geothermal energy system to meet the requirements for participating in net metering to be eligible for an incentive through the Program.~~

~~Existing law provides that the Commission may authorize the payment of an incentive to the Solar Energy Systems Incentive Program, Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program if the payment of the incentive would not cause the total amount of incentives paid by all utilities in this State for the installation of certain renewable energy systems to exceed $295,270,000 for the period beginning on July 1, 2010, and ending on December 31, 2025. Existing law further authorizes a utility to file a combined annual plan which meets the requirements for the annual plan required for the Solar Energy Systems~~

~~Incentive Program, Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. (NRS 701B.005) Section 20 of this bill authorizes: (1) the Commission to pay an incentive for the Geothermal Energy Systems Demonstration Program; and (2) a utility to include an annual plan for the Geothermal Energy Systems Demonstration Program in its combined annual plan. Section 19 of this bill makes a conforming change to certain definitions to include a geothermal energy system.~~

~~Existing law requires the governing body of each local government and the State Public Works Board to develop a plan to retrofit public buildings, facilities and structures, which must include a list of specific projects and whether the project has qualified for participation in certain renewable energy programs. (NRS 338.1908, 701B.924) Sections 21 and 25 of this bill make conforming changes to include the Geothermal Energy Systems Demonstration Program in these provisions.~~

~~Existing law requires certain eligible customers of a provider of new electric resources to pay certain costs incurred by an electric utility to implement provisions governing various renewable energy programs. (NRS 704B.310) Section 22 of this bill makes a conforming change to include the Geothermal Energy Systems Demonstration Program in this provision.~~

~~Section 28 of this bill expires the Geothermal Energy Systems Demonstration Program on December 31, 2027.]~~

Existing law requires the Director of the Office of Energy to perform certain duties relating to energy resources and energy conservation. (NRS 701.180) **Section 1** of this bill requires the Director to coordinate with local governments and representatives of the geothermal energy industry to recommend best practices for issuing a permit for the use or development of geothermal energy to streamline the process for such permits.

~~[Existing law sets forth a prohibition against covenants, restrictions or conditions contained in deeds, contracts or other legal documents which prohibit or unreasonably restrict or have the effect of prohibiting or unreasonably restricting an owner of property from using a system for obtaining solar energy on his or her property. (NRS 111.239, 278.0208) Sections 23 and 24 of this bill prohibit such covenants, restrictions or conditions from prohibiting or unreasonably restricting or having the effect of prohibiting or unreasonably restricting an owner of property from using a system for obtaining geothermal energy on his or her property.]~~

Section 27 of this bill requires the Office of Energy to conduct a study during the 2023-2024 interim concerning the ~~[use of]~~ **development of** geothermal ~~[energy]~~ **resources** in this State and submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 and the Wind Energy Systems Demonstration Program created pursuant to 701B.580, including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the Programs; and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Programs; and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Director determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. Cooperate with the Department of Wildlife in carrying out the provisions of NRS 701.600 to 701.640, inclusive.

8. Upon request by a developer of an energy development project or a local government in a county in which an energy development project is proposed to be located, coordinate discussions, not otherwise required by any existing regulatory agency, with interested parties concerning any potential effect of the energy development project.

9. ***Coordinate with local governments and representatives of the geothermal energy industry to recommend best practices for issuing a permit for the use or development of geothermal energy to streamline the process for such permits*** ~~***[.]***~~ ***which must, without limitation, take into account potential environmental impacts.***

10. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 2. ~~**[**Chapter 701B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 18, inclusive, of this act.**]**~~ **(Deleted by amendment.)**

Sec. 3. ~~***[As used in sections 3 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 10, inclusive, of this act have the meanings ascribed to them in those sections.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~***[***~~***"Applicant" means a person who is applying to participate in the Geothermal Demonstration Program.***~~***]***~~ **(Deleted by amendment.)**

Sec. 5. ~~***[***~~***"Commission" means the Public Utilities Commission of Nevada.***~~***]***~~ **(Deleted by amendment.)**

Sec. 6. ~~***[***~~***"Participant" means a person who has been selected by a utility to participate in the Geothermal Demonstration Program.***~~***]***~~ **(Deleted by amendment.)**

Sec. 7. ~~***[***~~***"Person" includes, without limitation, a governmental entity.***~~***]***~~ **(Deleted by amendment.)**

Sec. 8. ~~***[***~~***"Utility" means a public utility that supplies electricity in this State.***~~***]***~~ **(Deleted by amendment.)**

Sec. 9. ~~[*"Geothermal Demonstration Program" or "Program" means the Geothermal Energy Systems Demonstration Program created by section 11 of this act.*]~~ **(Deleted by amendment.)**

Sec. 10. ~~[*"Geothermal energy system" means a facility or energy system for the generation of electricity that uses geothermal energy to generate electricity.*]~~ **(Deleted by amendment.)**

Sec. 11. ~~[*1. The Geothermal Energy Systems Demonstration Program is hereby created.*~~

~~*2. The Commission shall establish categories for participation in the Program.*~~

~~*3. To be eligible to participate in the Program, a person must:*~~

~~*(a) Meet the requirements established by the Commission pursuant to section 12 of this act; and*~~

~~*(b) When installing the geothermal energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board.*~~] **(Deleted by amendment.)**

Sec. 12. ~~[*The Commission shall adopt regulations necessary to carry out the provisions of the Geothermal Demonstration Program, including, without limitation, regulations that establish:*~~

~~*1. The capacity goals for the Program.*~~

~~*2. A system of incentives that are based on rebates that decline as the installed cost of geothermal energy systems declines and as variables, including, without limitation, system size, installation costs, market conditions and access to federal, state and other financial incentives, may require. The system of incentives must provide:*~~

~~*(a) Incentives for geothermal energy systems with a nameplate capacity of not more than 500 kilowatts;*~~

~~*(b) That the amount of the incentive for a participant must be paid over time and be based on the performance of the geothermal energy system and the amount of electricity generated by the geothermal energy system; and*~~

~~*(c) For a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:*~~

~~*(1) The amount of the incentive the participant will receive from the utility;*~~

~~*(2) The period in which the participant will receive an incentive from the utility, which must not exceed 4 years;*~~

~~*(3) That the payments of an incentive to the participant must not be made more frequently than quarterly; and*~~

~~*(4) That a utility is not required to issue any new incentive on or after January 1, 2027, or make an incentive payment after December 31, 2027.*~~

~~*3. Reporting requirements for each utility that participates in the Program, which must include, without limitation, periodic reports of the average installed cost of the geothermal energy system, the cost to the utility*~~

~~*of carrying out the Program and the effect of the Program on the rates paid by customers of the utility.*~~

~~*— 4. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.*~~

~~*— 5. The period for accepting applications, which must include a period during which a utility must accept additional applicants if a previously approved applicant fails to install and energize a geothermal energy system within the time allowed by section 15 of this act.*~~

~~*— 6. The total incentive paid to a participant in the Program, which must not exceed 50 percent of the total installed cost of the geothermal energy system of the participant.*~~

~~*— 7. A requirement that an authorized representative of any public entity participating in the Program, including, without limitation, participation through a third party ownership structure, must provide the identifying number described in NRS 338.013 for such project and certify in the application and upon final completion of the geothermal energy system that the public entity has complied with all applicable requirements of this chapter and chapter 338 of NRS.*~~

~~*— 8. A process pursuant to which the utility shall transmit to the Commission for inclusion in the public records of the Commission a copy of any application by a public entity or any related material requested by the Commission which includes any redacted personal identifying information of a customer.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*[1. Each utility shall carry out and administer the Geothermal Demonstration Program within its service area in accordance with its annual plan as approved by the Commission pursuant to section 14 of this act.*~~

~~*— 2. A utility may recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[1. On or before February 1, 2024, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Geothermal Demonstration Program within its service area.*~~

~~*— 2. On or before July 1, 2024, and on or before July 1 of each year thereafter, the Commission shall:*~~

~~*— (a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and*~~

~~*— (b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[1. An applicant who wishes to participate in the Geothermal Demonstration Program must submit an application to a utility.*~~

~~*2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.*~~

~~*3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.*~~

~~*4. After the utility selects an applicant to participate in the Program, the utility may approve the geothermal energy system proposed by the applicant. Upon the utility's approval of the geothermal energy system:*~~

~~*(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the geothermal energy system is eligible; and*~~

~~*(b) The applicant may install and energize the geothermal energy system.*~~

~~*5. Upon the completion of the installation and energizing of the geothermal energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the installed cost of the project and a calculation of the expected system output.*~~

~~*6. Upon receipt of the incentive claim form and verification that the geothermal energy system is properly connected, the utility shall issue an incentive payment to the participant.*~~

~~*7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Geothermal Demonstration Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the installation of the geothermal energy system within 12 months after the date on which the applicant is selected for participation in the Program.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[1. The installation of a geothermal energy system on property owned or occupied by a public body pursuant to sections 3 to 18, inclusive, of this act shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the geothermal energy system is financed in whole or in part by public money. The public body, the utility, any contractor who is awarded a contract or entered into an agreement to perform the installation and any subcontractor who performs any portion of the installation shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the public body had undertaken the installation or had awarded the contract.*~~

~~*2. The amount of any incentive issued by a utility relating to the installation of a geothermal energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from the requirements of NRS 338.013 to 338.090, inclusive.*~~

~~*3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[1. After a participant installs a geothermal energy system included in the Geothermal Demonstration Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the actual or estimated kilowatt-hour production of the geothermal energy system.*~~

~~*2. All portfolio energy credits issued for a geothermal energy system installed pursuant to the Geothermal Demonstration Program must be assigned to and become the property of the utility administering the Program.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[To be eligible for an incentive through the Geothermal Demonstration Program, a geothermal energy system must meet the requirements for participation in net metering pursuant to the provisions of NRS 704.766 to 704.776, inclusive.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 701B.003 is hereby amended to read as follows:~~

~~701B.003 1. As used in this chapter, unless the context otherwise requires, "installed cost" means the actual, documented cost of tangible materials and labor for the installation of a solar energy system, distributed generation system, *geothermal energy system,* wind energy system or waterpower energy system.~~

~~2. As used in this section:~~

~~(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.~~

~~(b) *"Geothermal energy system" has the meaning ascribed to it in section 10 of this act.*~~

~~*(c)* "Solar energy system" has the meaning ascribed to it in NRS 701B.150.~~

~~[(c)]~~ ~~*(d)* "Waterpower energy system" has the meaning ascribed to it in NRS 701B.800.~~

~~[(d)]~~ ~~*(e)* "Wind energy system" has the meaning ascribed to it in NRS 701B.560.~~~~]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 701B.005 is hereby amended to read as follows:~~

~~701B.005 1. For the purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, and subject to the limitations prescribed by subsections 2 and 3, the Public Utilities Commission of Nevada shall set incentive levels and schedules, with a goal of approving solar energy systems totaling at least 250,000 kilowatts of capacity in this State for the period beginning on July 1, 2010, and ending on December 31, 2021.~~

~~2. Subject to the limitation prescribed by subsection 3, the Commission may authorize the payment of an incentive pursuant to the Solar Energy Systems Incentive Program created by NRS 701B.240, *the Geothermal Energy Systems Demonstration Program created pursuant to section 11 of this act,* the Wind Energy Systems Demonstration Program created by NRS~~

~~701B.580 and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820 if the payment of the incentive would not cause the total amount of incentives paid by all utilities in this State for the installation of solar energy systems, solar distributed generation systems, energy storage systems, *geothermal energy systems,* wind energy systems and waterpower energy systems to exceed $295,270,000 for the period beginning on July 1, 2010, and ending on December 31, 2025.~~

~~3. For the period beginning on January 1, 2018, and ending on December 31, 2023, the Commission shall, from the money allocated for the payment of an incentive pursuant to subsection 2, authorize the payment of incentives in an amount of not more than $1,000,000 per year for the installation of solar energy systems and distributed generation systems at locations throughout the service territories of utilities in this State that benefit low-income customers, including, without limitation, homeless shelters, low-income housing developments and public entities, other than municipalities, that serve significant populations of low-income residents.~~

~~4. The Commission may, subject to the limitations prescribed by subsections 2 and 3, authorize the payment of performance-based incentives for the period ending on December 31, 2025.~~

~~5. A utility may file with the Commission one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850 **[**.**]** *and section 14 of this act.* The Commission shall review and approve any plan submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850, *and section 14 of this act,* as applicable.~~

~~6. As used in this section:~~

~~(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.~~

~~(b) "Energy storage system" has the meaning ascribed to it in NRS 701B.057.~~

~~(c) "Municipality" means any county or city in this State.~~

~~(d) "Utility" means a public utility that supplies electricity in this State.**]** **(Deleted by amendment.)**~~

Sec. 21. **[**~~NRS 701B.924 is hereby amended to read as follows:~~

~~701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~(a) The length of time necessary to commence the project.~~

~~(b) The number of workers estimated to be employed on the project.~~

~~(c) The effectiveness of the project in reducing energy consumption.~~

~~(d) The estimated cost of the project.~~

~~(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.~~

~~(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(3) ***The Geothermal Energy Systems Demonstration Program created by section 11 of this act;***~~

~~***(4)*** The Wind Energy Systems Demonstration Program created by NRS 701B.580;~~

~~**[**(4)**]** ***(5)*** The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~**[**(5)**]** ***(6)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~(a) The length of time necessary to commence the project.~~

~~(b) The number of workers estimated to be employed on the project.~~

~~(c) The effectiveness of the project in reducing energy consumption.~~

~~(d) The estimated cost of the project.~~

~~(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.~~

~~(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(3) ***The Geothermal Energy Systems Demonstration Program created by section 11 of this act;***~~

~~***(4)*** The Wind Energy Systems Demonstration Program created by NRS 701B.580;~~

~~**[**(4)**]** ***(5)*** The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~**[**(5)**]** ***(6)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~(a) The length of time necessary to commence the project.~~

~~(b) The number of workers estimated to be employed on the project.~~

~~(c) The effectiveness of the project in reducing energy consumption.~~

~~(d) The estimated cost of the project.~~

~~(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.~~

~~(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(3) ***The Geothermal Energy Systems Demonstration Program created by section 11 of this act;***~~

~~***(4)*** The Wind Energy Systems Demonstration Program created by NRS 701B.580;~~

~~**[**(4)**]** ***(5)*** The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~**[**(5)**]** ***(6)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:~~

~~(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;~~

~~(b) Provisions requiring that each contractor and subcontractor employed on each such project:~~

~~(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or~~

~~(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection~~

~~3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;~~

~~(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and~~

~~(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.~~

~~5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.~~**]** **(Deleted by amendment.)**

Sec. 22. **[**~~NRS 704B.310 is hereby amended to read as follows:~~

~~704B.310 1. An eligible customer shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless:~~

~~(a) The eligible customer files an application with the Commission between January 2 and February 1 of any year and not later than 280 days before the date on which the eligible customer intends to begin purchasing energy, capacity or ancillary services from the provider;~~

~~(b) The Commission approves the application by a written order issued in accordance with the provisions of this section; and~~

~~(c) The provider holds a valid license.~~

~~2. Except as otherwise provided in subsection 3, each application filed pursuant to this section must include:~~

~~(a) Specific information demonstrating that the person filing the application is an eligible customer;~~

~~(b) Information demonstrating that the proposed provider will provide energy, capacity or ancillary services from a new electric resource;~~

~~(c) Specific information concerning the terms and conditions of the proposed transaction that is necessary for the Commission to evaluate the impact of the proposed transaction on customers and the public interest, including, without limitation, information concerning the duration of the proposed transaction, the point of receipt of the energy, capacity or ancillary services and the amount of energy, capacity or ancillary services to be purchased from the provider;~~

~~(d) Specific information identifying transmission requirements associated with the proposed transaction and the extent to which the proposed transaction requires transmission import capacity; and~~

~~(e) Any other information required pursuant to the regulations adopted by the Commission.~~

~~3. The Commission shall not require the eligible customer or provider to disclose:~~

~~(a) The price that is being paid by the eligible customer to purchase energy, capacity or ancillary services from the provider; or~~

~~(b) Any other terms or conditions of the proposed transaction that the Commission determines are commercially sensitive.~~

~~4. The Commission shall provide public notice of the application of the eligible customer and an opportunity for a hearing on the application in a manner that is consistent with the provisions of NRS 703.320 and the regulations adopted by the Commission.~~

~~5. The Commission shall not approve the application of the eligible customer unless the Commission finds that the proposed transaction:~~

~~(a) Will be in the public interest; and~~

~~(b) Will not cause the total amount of energy and capacity that eligible customers purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to this section on or after May 16, 2019, to exceed an annual limit set forth in a plan filed with the Commission pursuant to NRS 704.741 and accepted by the Commission pursuant to NRS 704.751.~~

~~6. In determining whether the proposed transaction will be in the public interest, the Commission shall consider, without limitation:~~

~~(a) Whether the electric utility that has been providing electric service to the eligible customer will experience increased costs as a result of the proposed transaction;~~

~~(b) Whether any remaining customer of the electric utility will pay increased costs for electric service or forgo the benefit of a reduction of costs for electric service as a result of the proposed transaction; and~~

~~(c) Whether the proposed transaction will impair system reliability or the ability of the electric utility to provide electric service to its remaining customers.~~

~~7. If the Commission approves the application of the eligible customer:~~

~~(a) The eligible customer shall not begin purchasing energy, capacity or ancillary services from the provider pursuant to the proposed transaction sooner than 280 days after the date on which the application was filed, unless the Commission allows the eligible customer to begin purchasing energy, capacity or ancillary services from the provider at an earlier date; and~~

~~(b) The Commission shall order such terms, conditions and payments as the Commission deems necessary and appropriate to ensure that the proposed transaction will be in the public interest. Except as otherwise provided in subsection 8, such terms, conditions and payments:~~

~~(1) Must be fair and nondiscriminatory as between the eligible customer and the remaining customers of the electric utility, except that the terms, conditions and payments must assign all identifiable but unquantifiable risk to the eligible customer;~~

~~(2) Must include, without limitation:~~

~~(I) Payment by the eligible customer to the electric utility of the eligible customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility; and~~

~~(II) Payment by the eligible customer, or the provider of new electric resources, as applicable, of the annual assessment and any other tax, fee or assessment required by NRS 704B.360;~~

~~(3) Must establish payments calculated in a manner that provides the eligible customer with only its load-ratio share of the benefits associated with forecasted load growth if load growth is utilized to mitigate the impact of the eligible customer's proposed transaction; and~~

~~(4) Must ensure that the eligible customer pays its load-ratio share of the costs associated with the electric utility's obligations that were incurred as deviations from least-cost resource planning pursuant to the laws of this State including, without limitation, costs incurred to satisfy the requirements of NRS 704.7821 and implement the provisions of NRS 701B.240, 701B.336, 701B.580, 701B.670, 701B.820, 702.160, 704.773, 704.7827, 704.7836, 704.785, 704.7865, 704.7983 and 704.7985~~ **[.]** ***and section 11 of this act.***

~~8. An eligible customer who:~~

~~(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and~~

~~(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service,~~

~~Ê is required to pay only those costs, fees, charges or rates which apply to current and ongoing legislatively mandated public policy programs, as determined by the Commission.~~

~~9. If the Commission does not enter a final order on the application of the eligible customer within 210 days after the date on which the application was filed with the Commission, the application shall be deemed to be denied by the Commission.~~**] (Deleted by amendment.)**

Sec. 23. ~~[NRS 111.239 is hereby amended to read as follows:~~

~~111.239 1. Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar~~ ***or geothermal*** ~~energy on his or her property is void and unenforceable.~~

~~2. For the purposes of this section, the following shall be deemed to be unreasonable restrictions:~~

~~(a) The placing of a restriction or requirement on the use of a system for obtaining solar~~ ***or geothermal*** ~~energy which decreases the efficiency or performance of the system by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy, and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.~~

~~(b) The prohibition of a system for obtaining solar energy that uses components painted with black solar glazing.]~~ **(Deleted by amendment.)**

Sec. 24. ~~[NRS 278.0208 is hereby amended to read as follows:~~

~~278.0208 1. A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of real property from using a system for obtaining solar ***or geothermal*** energy on his or her property.~~

~~2. Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar ***or geothermal*** energy on his or her property is void and unenforceable.~~

~~3. For the purposes of this section, the following shall be deemed to be unreasonable restrictions:~~

~~(a) The placing of a restriction or requirement on the use of a system for obtaining solar ***or geothermal*** energy which decreases the efficiency or performance of the system by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy, and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.~~

~~(b) The prohibition of a system for obtaining solar energy that uses components painted with black solar glazing.]~~ **(Deleted by amendment.)**

Sec. 25. ~~[NRS 338.1908 is hereby amended to read as follows:~~

~~338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:~~

~~(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:~~

~~(1) The length of time necessary to commence the project.~~

~~(2) The number of workers estimated to be employed on the project.~~

~~(3) The effectiveness of the project in reducing energy consumption.~~

~~(4) The estimated cost of the project.~~

~~(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.~~

~~(6) Whether the project has qualified for participation in one or more of the following programs:~~

~~(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(II) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(III) ***The Geothermal Energy Systems Demonstration Program created by section 11 of this act;***~~

~~***(IV)*** The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~[(IV)]~~ ***(V)*** ~~The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.~~

~~(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.~~

~~2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.~~

~~3. As used in this section:~~

~~(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.~~

~~(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:~~

~~(1) Biomass;~~

~~(2) Fuel cells;~~

~~(3) Geothermal energy;~~

~~(4) Solar energy;~~

~~(5) Waterpower; and~~

~~(6) Wind.~~

~~Ê The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.~~

~~(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy efficient.~~**]** **(Deleted by amendment.)**

Sec. 26. **[**~~Section 1 of this act is hereby amended to read as follows:~~

~~Section 1. NRS 701.180 is hereby amended to read as follows:~~

~~701.180 The Director shall:~~

~~1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:~~

~~(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240~~ ***, the Geothermal Energy Systems Demonstration Program created by section 11 of this act*** ~~and the Wind Energy Systems Demonstration Program created pursuant to 701B.580, including, without limitation, information relating to:~~

~~(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;~~

~~(2) The use of carbon-based energy in residential and commercial applications due to participation in the Programs; and~~

~~(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Programs; and~~

~~(b) Information relating to any money distributed pursuant to NRS 702.270.~~

~~2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:~~

~~(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;~~

~~(b) The amount of energy available to meet each level of demand;~~

~~(c) The probable implications of the forecast on the demand and supply of energy; and~~

~~(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.~~

~~3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.~~

~~4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources:~~

~~(a) To promote energy projects that enhance the economic development of the State;~~

~~(b) To promote the use of renewable energy in this State;~~

~~(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~

~~(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and~~

~~(e) If the Director determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).~~

~~5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.~~

~~6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the~~

~~request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.~~

~~7. Cooperate with the Department of Wildlife in carrying out the provisions of NRS 701.600 to 701.640, inclusive.~~

~~8. Upon request by a developer of an energy development project or a local government in a county in which an energy development project is proposed to be located, coordinate discussions, not otherwise required by any existing regulatory agency, with interested parties concerning any potential effect of the energy development project.~~

~~9. Coordinate with local governments and representatives of the geothermal energy industry to recommend best practices for issuing a permit for the use or development of geothermal energy to streamline the process for such permits.~~

~~10. Carry out all other directives concerning energy that are prescribed by the Governor.~~**]** **(Deleted by amendment.)**

Sec. 27. 1. During the 2023-2024 legislative interim, the Office of Energy shall conduct a study ~~[concerning the use]~~ of **the feasibility and application of and opportunities for current and new technologies for the development of geothermal resources in this State to be used to create a model framework for the development of** geothermal energy in this State ~~[.]~~ **, including, without limitation, the exploration, drilling and utilization of geothermal resources.** The study must include, without limitation:

(a) ~~[A compilation]~~ **An analysis of the applicability** of ~~[the current mapping and resource assessments for]~~ geothermal ~~[energy]~~ **technologies** in this State;

(b) **An analysis of the scalability of geothermal technologies to the production of electricity, including, without limitation, the direct use of such technologies;**

(c) An analysis of ~~[the]~~ **potential** locations **to develop geothermal resources in this State** and ~~[quality of geothermal resources in this State ;]~~ **the geologic conditions of such locations, including, without limitation, the technology transfer, development, acceleration and scale necessary to develop geothermal resources in such locations;**

~~[(c)]~~ **(d)** An evaluation of the ~~[technological developments]~~ **environment in this State for start-up businesses and innovations** related to geothermal energy; ~~[and~~

~~(d)]~~ **(e)** A review of the environmental, economic, **policy,** regulatory and legal issues related to expanding the use of geothermal energy in this State ~~[.]~~ **, including, without limitation, permitting, interagency coordination, economic development and the creation of new jobs; and**

(f) An analysis of the potential workforce development related to the development of geothermal energy in this State.

2. **In conducting the study required by subsection 1, the Office of Energy shall consult with interested stakeholders, including, without limitation, local governments, tribal governments, environmental groups, labor organizations, economic development authorities, water authorities, private industries, advanced technology industries and global interests.**

3. On or before December 31, 2024, the Office of Energy shall submit a report of its findings, including, without limitation, any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

Sec. 28. ~~[1.]~~ This ~~[section and sections 1 and 27 of this]~~ act ~~[become]~~ **becomes** effective upon passage and approval.

~~[2. Sections 2 to 26, inclusive, of this act become effective:~~

~~(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On January 1, 2024, for all other purposes.~~

~~3. Sections 2 to 22, inclusive, 25 and 26 of this act expire by limitation on December 31, 2027.]~~

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 336.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 213.

ASSEMBLYMEN GONZÁLEZ, THOMAS, TORRES, D'SILVA ~~[,]~~ **, C.H. MILLER;** CARTER, DURAN, NEWBY **,** ~~[AND]~~ NGUYEN **AND WATTS**

AN ACT relating to driver authorization cards; revising provisions governing the renewal of driver authorization cards; ~~[removing the prohibition against using a driver authorization card for certain state and local purposes;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who is not eligible for a driver's license in this State to apply instead for a driver authorization card. Existing law **.** ~~[: (1)]~~ provides that a driver authorization card expires on the fourth anniversary of the holder's birthday, measured from the birthday nearest the date of issuance or renewal **.** ~~[; and (2) prohibits a driver authorization card from being used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.]~~ (NRS 483.291) **Sections 1 and 2** of this bill change the expiration date of a driver authorization card so that, instead of every 4 years, a driver authorization card expires as prescribed by regulations adopted by the Department of Motor Vehicles for the expiration of

drivers' licenses. **Section 2** requires that, to the extent consistent with federal law, the regulations adopted by the Department ensure that the period between the issuance and expiration of a driver authorization card is equal to the period between the issuance and expiration of a driver's license.

~~[Section 1 also removes the prohibition against a driver authorization card being used to determine eligibility for benefits, licenses or services issued or provided by the State or its political subdivisions.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.291 is hereby amended to read as follows:

483.291 1. An application for an instruction permit or for a driver authorization card must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her name and age by displaying an original or certified copy of:

(a) Any one of the following documents:

(1) A birth certificate issued by a state or a political subdivision of a state;

(2) A driver's license issued by another state which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;

(3) A passport issued by the United States Government;

(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian or Alaska Native Blood issued by the United States Government;

(7) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States

Citizenship and Immigration Services of the Department of Homeland Security;

(8) A Consular Report of Birth Abroad issued by the Department of State;

(9) A document issued by the Department pursuant to NRS 483.375 or 483.8605; or

(10) Such other documentation as specified by the Department by regulation; or

(b) Any two of the following documents:

(1) A driver's license issued by another state other than such a driver's license described in subparagraph (2) of paragraph (a);

(2) A passport issued by a foreign government;

(3) A birth certificate issued by a foreign government;

(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar; or

(5) Any other proof acceptable to the Department.

Ê No document which is written in a language other than English may be accepted by the Department pursuant to this subsection unless it is accompanied by a verified translation of the document in the English language.

3. Every applicant must prove his or her residence in this State by displaying an original or certified copy of any two of the following documents:

(a) A receipt from the rent or lease of a residence located in this State;

(b) A record from a public utility for a service address located in this State which is dated within the previous 60 days;

(c) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;

(d) A stub from an employment check indicating a residential address located in this State;

(e) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;

(f) A record, receipt or bill from a medical provider indicating a residential address located in this State; or

(g) Any other document as prescribed by the Department by regulation.

4. Except as otherwise provided in subsection 5, a driver authorization card or instruction permit obtained in accordance with this section must:

(a) Contain the same information as prescribed for a driver's license pursuant to NRS 483.340 and any regulations adopted pursuant thereto;

(b) Be of the same design as a driver's license and contain only the minimum number of changes from that design that are necessary to comply with subsection 5; and

(c) Be numbered from the same sequence of numbers as a driver's license.

5. A driver authorization card or instruction permit obtained in accordance with this section must comply with the requirements of section 202(d)(11) of

the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note.

6. Notwithstanding the provisions of NRS 483.380, every driver authorization card:

(a) Expires ~~[on the fourth anniversary of the holder's birthday, measured in the case of initial issuance or renewal from the birthday nearest the date of issuance or renewal.]~~ ***as prescribed by regulations adopted by the Department pursuant to NRS 483.380.***

(b) Is renewable at any time before its expiration upon application and payment of the required fee. ~~[The Department may, by regulation, defer the expiration of the driver authorization card of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the driver authorization card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.]~~

7. A driver authorization card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.

8. Except as otherwise provided in this section or by specific statute, any provision of this title that applies to drivers' licenses shall be deemed to apply to a driver authorization card and an instruction permit obtained in accordance with this section.

Sec. 2. NRS 483.380 is hereby amended to read as follows:

483.380 1. Except as otherwise provided in NRS 483.283, every driver's license ***and driver authorization card*** expires as prescribed by regulation.

2. The Department shall adopt regulations prescribing when a driver's license ~~[expires.]~~ ***and driver authorization card expire.*** The Department may, by regulation, defer the expiration of the driver's license ***or driver authorization card*** of a person who is on active duty in the Armed Forces upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the ***driver's*** license ***or driver authorization card*** of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

3. Except as otherwise required by federal law, the regulations required pursuant to subsection 2 must ensure that the period between the issuance and expiration of a driver authorization card is equal to the period between the issuance and expiration of a driver's license.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 116.

AN ACT relating to occupational therapy; authorizing the Board of Occupational Therapy to issue a license by reciprocity as an occupational therapist or occupational therapy assistant; authorizing the Board to issue certain citations to licensees for certain violations; revising the qualifications for a person to obtain a license as an occupational therapist or occupational therapy assistant; providing a salary for members of the Board; revising various provisions relating to licensing occupational therapists or occupational therapy assistants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of occupational therapists and occupational therapy assistants by the Board of Occupational Therapy. (Chapter 640A of NRS) Existing law requires a person to meet certain requirements to obtain a license as an occupational therapist or occupational therapy assistant, including the satisfaction of certain educational requirements in a program approved by the Board, the successful completion of a certain amount of fieldwork experience approved by the Board and the passage of an examination approved by the Board. (NRS 640A.120) **Section 8** of this bill revises those requirements to instead require, with certain exceptions, a person who wishes to obtain a license as an occupational therapist or occupational therapy assistant to: (1) pass an examination on the laws and regulations governing the practice of occupational therapy in this State approved by the Board pursuant to **section 10** of this bill; and (2) hold a current certification as an occupational therapist or occupational therapy assistant, as applicable, with the National Board for Certification in Occupational Therapy, or its successor organization. **Section 5** of this bill revises a reference to the educational program required for licensure to reflect the changes made by **section 8**. **Section 19** of this bill repeals provisions concerning the issuance of certain licenses to conform to the changes made by **section 8**.

Existing law authorizes the issuance of a license by endorsement as an occupational therapist to an applicant who holds a valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States and who meets certain other requirements. (NRS 640A.165, 640A.166) **Section 2** of this bill authorizes the Board to issue a license by reciprocity as an occupational therapist or occupational therapy

assistant to a person who holds a valid and unrestricted license as an occupational therapist or occupational therapy assistant, as applicable, in any state that is a member of the Occupational Therapy Licensure Compact and who meets certain other requirements. **Sections 2, 11 and 12** of this bill require an applicant for a licensure by endorsement or by reciprocity to meet the requirements set forth in **section 8**.

Existing law authorizes the Board to issue a temporary license to a person who meets the qualifications for licensure as an occupational therapist or occupational therapy assistant other than the passage of the examination approved by the Board. If the person to whom a temporary license does not hold a license in another State and is not certified by the National Board for Certification in Occupational Therapy, existing law authorizes the person to practice occupational therapy under the temporary license only under the general supervision of a licensed occupational therapist. (NRS 640A.170) **Section 13** of this bill requires a temporary license to be issued only to a person who is licensed in another state and who meets the requirements set forth in **section 8**. **Section 3** of this bill provides for the issuance of a provisional license to a person who: (1) has passed the examination approved by the Board pursuant to **section 10**; (2) has completed certain educational requirements; and (3) is eligible to take the national examination required for certification. Under **section 3**, a person to whom a provisional license is issued is authorized to practice occupational therapy under the temporary license only under the general supervision of a licensed occupational therapist.

Existing law exempts a person enrolled in an educational program approved by the Board from the provisions of existing law governing occupational therapy under certain circumstances. (NRS 640A.070) **Section 6** of this bill revises the type of educational program in which a person must be enrolled to qualify for the exemption. **Section 9** of this bill revises certain requirements concerning an application for a license. **Section 15** of this bill authorizes the Board to establish fees for the issuance of a license by reciprocity and a provisional license.

Existing law authorizes the Board to adopt regulations imposing continuing education requirements for the renewal of a license. (NRS 640A.180) **Section 14** of this bill provides that such requirements may require a licensee to take and pass the examination approved by the Board pursuant to **section 10** at intervals set by the Board.

Existing law provides that the members of the Board serve without compensation while engaged in the business of the Board. (NRS 640A.100) **Section 7** of this bill provides that each member of the Board is entitled to a salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board.

Existing law authorizes the Board to impose certain penalties against a licensee who commits certain violations of the provisions of existing law governing occupational therapy or who engages in certain other conduct. (NRS 640A.200) **Section 4** of this bill authorizes the Board to issue a citation to a

licensee who commits certain specified violations of certain regulations adopted by the Board.

Sections 16-18 of this bill make technical changes to existing provisions which exempt persons licensed as an occupational therapist or occupational therapy assistant from certain provisions governing other professions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 640A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. The Board may issue a license by reciprocity as an occupational therapist or occupational therapy assistant to an applicant who meets the requirements set forth in this section. An applicant may submit an application for such a license if the applicant:***

(a) Holds a valid and unrestricted license as an occupational therapist or occupational therapy assistant, as applicable, in any state that is a member of the Occupational Therapy Licensure Compact; and

(b) Meets the requirements set forth in NRS 640A.120.

2. An applicant for a license by reciprocity pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant satisfies the requirements of subsection 1;

(b) A fee in the amount set by regulation of the Board pursuant to NRS 640A.190; and

(c) Any other information required by the Board.

Sec. 3. ***1. The Board may issue a provisional license to a person who:***

(a) Has passed the examination approved by the Board pursuant to NRS 640A.150;

(b) Has graduated from an educational program accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association Inc., or its successor organization, or ~~***[an equivalent]***~~ ***a comparable foreign educational program accepted by the National Board for Certification in Occupational Therapy, or its successor organization, as an equivalent requirement for certification; and***

(c) Is eligible to take the national examination required for certification by the National Board for Certification in Occupational Therapy.

2. A provisional license issued pursuant to this section authorizes the person to whom the provisional license is issued to practice occupational therapy only under the general supervision of an occupational therapist licensed pursuant to this chapter.

3. A provisional license issued pursuant to this section is valid for 6 months or until the person to whom it is issued otherwise obtains a license pursuant to this chapter, whichever occurs first.

4. The Board may renew a provisional license not more than once and may revoke a provisional license for any of the grounds set forth in NRS 640A.200.

Sec. 4. ***1. A member or agent of the Board may issue a citation to a licensee if the member or agent concludes that, based on a preponderance of the evidence, the licensee has violated any regulation of the Board that requires a licensee to:***

(a) Provide his or her current contact information to the Board;

(b) Provide to the Board information relating to the supervision or employment of the licensee;

(c) Display his or her license or a copy thereof;

(d) Practice only under the name listed on his or her license;

(e) Provide proof of continuing education; or

(f) Provide to the Board information or documentation required to be maintained by the licensee.

2. A citation issued pursuant to this section may include, without limitation, an order to:

(a) Take action to correct any condition resulting from any act that constitutes a violation of a provision set forth in subsection 1, at the cost of the person who committed the violation. If the citation contains such an order, the citation must:

(1) State the time permitted for compliance, which must be not less than 5 business days after the date the person receives the citation; and

(2) Specifically describe the corrective action to be taken.

(b) Except as otherwise provided by subsection 4, pay an administrative fine not to exceed the amount prescribed pursuant to subsection 3.

3. Any administrative fine imposed pursuant to this section must be in the amount prescribed by regulation of the Board, which must be not more than $500.

4. If a citation issued pursuant to this section contains an order to pay an administrative fine, the person to whom the citation was issued may submit a written request to the Board to waive the administrative fine. If the Board determines that good cause exists to waive the administrative fine, the Board may grant the request.

5. The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

Sec. 5. NRS 640A.050 is hereby amended to read as follows:

640A.050 "Occupational therapy" means the use of evaluations, teachings and interventions to facilitate the activities of daily living of a client in groups or on an individual basis to enable the client to participate in and perform activities of daily living in various settings, including, without limitation, at home, at school, in the workplace and in the community. The term includes:

1. Providing services for habilitation, rehabilitation and the promotion of health and wellness to a client;

2. Assisting a client in achieving the highest practicable physical, cognitive and psychosocial well-being to improve the physical and mental health of the client and the quality of life of the client;

3. Teaching a client skills for daily living;

4. Assisting a client in the development of cognitive and perceptual motor skills, and in the integration of sensory functions;

5. Assisting a client in learning to play and to use his or her leisure time constructively;

6. Assisting a client in developing functional skills necessary to be considered for employment;

7. Assessing the need for, designing, constructing and training a client in the use and application of selected orthotic devices and adaptive equipment;

8. Assessing the need for prosthetic devices for the upper body and training a client in the functional use of prosthetic devices;

9. Teaching a client crafts and exercises designed to enhance his or her ability to function normally;

10. Administering to a client manual tests of his or her muscles and range of motion, and interpreting the results of those tests;

11. Incorporating into the treatment of a client the safe and appropriate use of physical agent modalities and techniques which have been acquired through an **[**~~appropriate~~**]** ***educational*** program **[**~~of education approved by the Board pursuant to subsection 2 of~~**]** ***required to obtain the certification described in*** NRS 640A.120, or through a program of continuing education or higher education; and

12. Adapting the environment of a client to reduce the effects of handicaps.

Sec. 6. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive, or 641D of NRS, who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program **[**~~approved by the Board~~**]** ***that is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc. or its successor organization, or*** ***[an equivalent]*** ***a comparable foreign educational program accepted by the National Board for Certification in Occupational Therapy, or its successor organization,*** which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

[~~4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.~~**]**

Sec. 7. NRS 640A.100 is hereby amended to read as follows:

640A.100 1. ~~[~~The members~~]~~ ***Each member*** of the Board ~~[~~serve without compensation, except that while engaged in the business of the Board, each member~~]~~ is entitled to ~~[~~the~~]~~ ***receive:***

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses ***, at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate*** provided for state officers and employees generally.

2. The Board may employ an Executive Director and any other employees it deems necessary, establish their duties and fix their salaries.

3. The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.

Sec. 8. NRS 640A.120 is hereby amended to read as follows:

640A.120 Except as otherwise provided in ~~[~~NRS 640A.165 and 640A.166,~~]~~ ***section 3 of this act,*** to be eligible for licensing by the Board as an occupational therapist or occupational therapy assistant, an applicant must:

1. ~~[~~Be a natural person of good moral character.~~]~~ ***Have passed the examination approved by the Board pursuant to NRS 640A.150; and***

2. ~~[~~Except as otherwise provided in NRS 640A.130, have satisfied the academic requirements of an educational program approved by the Board. The Board shall not approve an educational program designed to qualify a person to practice as an occupational therapist or an occupational therapy assistant unless the program is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc., or its successor organization.

3. Except as otherwise provided in NRS 640A.130, have successfully completed:

(a) If the application is for licensing as an occupational therapist, 24 weeks; or

(b) If the application is for licensing as an occupational therapy assistant, 16 weeks,

Ê of supervised fieldwork experience approved by the Board. The Board shall not approve any supervised experience unless the experience was sponsored by the American Occupational Therapy Association, Inc., or its successor organization, or the educational institution at which the applicant satisfied the requirements of subsection 2.

4. Except as otherwise provided in NRS 640A.160 and 640A.170, pass an examination approved by the Board.~~]~~ ***Hold a current certification as an occupational therapist or occupational therapy assistant, as applicable, with the National Board for Certification in Occupational Therapy, or its successor organization.***

Sec. 9. NRS 640A.140 is hereby amended to read as follows:

640A.140 1. Except as otherwise provided in NRS 640A.165 and 640A.166, ***and section 2 of this act,*** a person who desires to be licensed by the Board as an occupational therapist or occupational therapy assistant must:

(a) Submit an application to the Board ~~[on a form furnished by]~~ ***in the manner prescribed by*** the Board; and

(b) Provide evidence satisfactory to the Board that he or she possesses the qualifications required pursuant to ~~[subsections 1, 2 and 3 of]~~ NRS 640A.120.

2. The application must include all information required to complete the application.

Sec. 10. NRS 640A.150 is hereby amended to read as follows:

640A.150 ~~[1.]~~ The Board shall:

~~[(a)]~~ ***1.*** Approve an examination ~~[for licensing as an occupational therapist and an examination for licensing as an occupational therapy assistant; and]~~ ***on the laws and regulations governing the practice of occupational therapy in this State; and***

~~[(b)]~~ ***2.*** Establish the requirements to pass ~~[each]~~ ***the*** examination.

~~[2. Each examination must be in writing and be designed to test an applicant's knowledge of:~~

~~(a) The basic and clinical sciences relating to occupational therapy;~~

~~(b) The techniques and methods of occupational therapy; and~~

~~(c) Any other subjects the Board requires to determine the fitness of an applicant to practice occupational therapy.~~

~~3. A person who has satisfied the requirements of NRS 640A.140 may take the appropriate examination for licensing.]~~

Sec. 11. NRS 640A.165 is hereby amended to read as follows:

640A.165 1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant ***satisfies the requirements set forth in NRS 640A.120 and*** holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as an occupational therapist; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 12. NRS 640A.166 is hereby amended to read as follows:

640A.166 1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States; ~~[and]~~

(b) ***Meets the requirements set forth in NRS 640A.120; and***

(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an occupational therapist; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to

the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an occupational therapist in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 13. NRS 640A.170 is hereby amended to read as follows:

640A.170 1. The Board may issue, ~~[without examination,]~~ a temporary license to a person who has the qualifications required pursuant to ~~[subsections 1, 2 and 3 of]~~ NRS 640A.120 and who ~~[:~~

~~(a) Is certified by the National Board for Certification in Occupational Therapy or its successor organization and]~~ is licensed as an occupational therapist or occupational therapy assistant in good standing in another state **.** ~~[;~~ ~~or~~

~~(b) Has not achieved the passing score on the examination approved pursuant to NRS 640A.150. A temporary license issued pursuant to this paragraph authorizes the person to whom it is issued to practice occupational therapy only under the general supervision of an occupational therapist licensed pursuant to this chapter.]~~

2. A temporary license issued pursuant to subsection 1 is valid for 6 months or until the person to whom it is issued otherwise obtains a license pursuant to this chapter, whichever occurs first.

3. The Board may renew a temporary license not more than once and may revoke a temporary license for any of the grounds set forth in NRS 640A.200.

Sec. 14. NRS 640A.180 is hereby amended to read as follows:

640A.180 1. The Board shall adopt regulations prescribing the period for which a license issued pursuant to the provisions of this chapter is valid. Except as otherwise provided in NRS 640A.170, ***and section 3 of this act,*** the period must be not less than 1 year.

2. The Board may adopt regulations prescribing the manner in which a license issued pursuant to this chapter must be renewed, which may include requirements for continuing education. ***Such requirements for continuing education may require a licensee to take and pass the examination approved by the Board pursuant to NRS 640A.150 at intervals set by the Board.***

3. The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board may not renew or reinstate a license if 5 years have passed since its expiration.

4. The Board may, at the request of a person licensed pursuant to this chapter, place the license on inactive status if the person:

(a) Does not practice occupational therapy, or represent that the person is authorized to practice occupational therapy, in this State; and

(b) Satisfies any requirements for continuing education established by the Board.

Sec. 15. NRS 640A.190 is hereby amended to read as follows:

640A.190 1. The Board may by regulation establish reasonable fees for:

(a) The examination of an applicant for a license;

(b) The initial issuance of a license, including a license by endorsement;

(c) The issuance of a temporary license;

(d) ***The issuance of a provisional license;***

(e) The issuance of a license by reciprocity pursuant to section 2 of this act;

(f) The renewal of a license; and

~~[(e)]~~ ***(g)*** The late renewal of a license.

2. If an applicant submits an application for a license by endorsement pursuant to NRS 640A.166, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.

3. Except as otherwise provided in subsection 2, the fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

Sec. 16. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to ***chapter 640A of*** NRS ***;*** ~~[640A.010 to 640A.230, inclusive;]~~

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who provides or supervises the provision of peer recovery support services in accordance with the provisions of NRS 433.622 to 433.641, inclusive;

9. A person who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter

641D of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 641D.080; or

10. Any member of the clergy,

Ê if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 17. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A nurse who is licensed to practice in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to ***chapter 640A of*** NRS ***;*** **[**~~640A.010 to 640A.230, inclusive;~~**]**

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive;

9. Any member of the clergy;

10. A county welfare director;

11. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or

12. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.

Sec. 18. NRS 641D.110 is hereby amended to read as follows:

641D.110 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

7. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to ***chapter 640A of*** NRS ***;*** ~~[640A.010 to 640A.230, inclusive;]~~

8. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

9. Any member of the clergy;

10. A family member, guardian or caregiver of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst; or

11. An employee of a school district or charter school when providing services to a pupil in a public school in a manner consistent with the duties of his or her position,

Ê if such a person does not commit an act described in NRS 641D.910 or represent himself or herself as a behavior analyst, assistant behavior analyst or registered behavior technician.

Sec. 19. NRS 640A.130 and 640A.160 are hereby repealed.

Sec. 20. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 19, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

TEXT OF REPEALED SECTIONS

640A.130 Waiver for completion of equivalent foreign education and experience. The Board may waive the requirements of subsections 2 and 3 of NRS 640A.120 for an applicant who:

1. Receives an education in occupational therapy from a foreign school; and

2. Proves to the satisfaction of the Board that his or her education and experience are substantially equivalent to the education and experience required by those subsections.

640A.160 Issuance of license without examination. The Board may issue, without examination, a license as an occupational therapist or occupational therapy assistant to a person who has the qualifications required pursuant to subsections 1, 2 and 3 of NRS 640A.120 and who is certified by

the National Board for Certification in Occupational Therapy or its successor organization.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 72, 217, 239, 258, 301, 315, and 336 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 21.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Assembly Bill 21 makes various changes to provisions governing persons engaged in the transmission of money.

Roll call on Assembly Bill No. 21:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:

Assembly Bill 114 revises the membership of the Nevada Early Childhood Advisory Council. For purposes of the duties of the Council, the bill defines the term "early childhood program" as any program for children less than eight years of age pertaining to nutrition, health care, mental and behavioral health, protection, and play and learning to stimulate a child's development.

This bill is effective on October 1, 2023.

Roll call on Assembly Bill No. 114:

YEAS—42.

NAYS—None.

Assembly Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 116.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 116 requires certain health care providers to provide information concerning Down syndrome and referrals for related support services to the parent or guardian of a child with Down syndrome or a person who is pregnant and has received test results indicating the fetus has Down syndrome, if the person wishes to receive such information. The Department of Health and Human Services must also maintain a website listing support services available in different areas of the state for people with Down syndrome and parents or guardians of such persons.

Roll call on Assembly Bill No. 116:

YEAS—42.

NAYS—None.

Assembly Bill No. 116 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 146.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Assembly Bill 146 clarifies the definition of "video service" to mean the provision by a video service provider over a video service network of certain multichannel video programming provided by a video service provider.

Roll call on Assembly Bill No. 146:

YEAS—42.

NAYS—None.

Assembly Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 159.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 159 adds certain offenses relating to cruelty to animals to the list of offenses for which credits earned by offenders may not be deducted from the minimum term or the minimum aggregate term imposed by a sentence; the court may not defer judgment; and a person must not have been convicted to be eligible for early discharge from probation. Lastly, the bill sets the maximum period of probation or suspension of sentence for these offenses at 60 months.

Roll call on Assembly Bill No. 159:

YEAS—42.

NAYS—None.

Assembly Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 311.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 311 authorizes a hospital to enter into an agreement with the Armed Forces of the United States allowing unlicensed federal medical providers and surgical technologists to provide care in the hospital if they are operating in their official capacity and within the scope of practice authorized by the federal government and part of a training or educational program.

I brought this bill because I became aware of UMC [University Medical Center] leading the nation with programs like this. We worked really hard with Jeremy Kilburn of the United States Air Force, and I am really proud of this bill. I know that several of you wanted to be co-sponsors. I am happy to do that on the other side. I appreciate your vote.

Roll call on Assembly Bill No. 311:

YEAS—42.

NAYS—None.

Assembly Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 359.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 359 removes the requirement for voters to approve the continued increases on the indexed fuel tax rates on and after January 1, 2027, instead authorizing the continued imposition of additional increases in these tax rates only if the board of county commissioners, on or before December 31, 2026, adopts an ordinance authorizing the effectuation of such annual increases. Otherwise, the board is prohibited from imposing any additional annual increases in those taxes.

Roll call on Assembly Bill No. 359:

YEAS—32.

NAYS—DeLong, Dickman, Gallant, Gray, Hafen, Hansen, Kasama, McArthur, O'Neill, Yurek—10.

Assembly Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 372.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Assembly Bill 372 authorizes the Board of Regents of the Nevada System of Higher Education to enter into an agreement with a nonprofit organization, community entity, or government agency to jointly provide families and caretakers with training, workshops, and resources designed to facilitate family involvement in early childhood education. The bill further outlines certain provisions relating to such agreements, including the standards that must be met by the organization, entity, or agency, and an allocation of any shared costs.

Roll call on Assembly Bill No. 372:

YEAS—42.

NAYS—None.

Assembly Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 394.

Bill read third time.

Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:

Assembly Bill 394 requires the Secretary of State to adopt by regulation a procedure to be used if the abstract or certification of results for any election is not timely prepared or transmitted as required by statute. Additionally, the measure provides that ballots may only be counted once except as otherwise required during an audit or recount.

Roll call on Assembly Bill No. 394:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 411.

Bill read third time.

Remarks by Assemblywoman Mosca.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 411 requires a medical facility to allow a patient to engage in the medical use of cannabis at the medical facility if the patient holds a valid registry identification card or letter of approval and is terminally ill. A medical facility that allows a patient to engage in the medical use of cannabis is prohibited from allowing the patient to smoke or consume cannabis by means of inhalation.

Lastly, the bill exempts a medical facility from complying with such provisions if a federal agency initiates an enforcement action against the medical facility, adopts regulations prohibiting such use of cannabis, or provides notice to the medical facility that such use is prohibited.

Roll call on Assembly Bill No. 411:

YEAS—29.

NAYS—DeLong, Dickman, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—13.

Assembly Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.

Bill read third time.

Remarks by Assemblymen Marzola and O'Neill.

ASSEMBLYWOMAN MARZOLA:

Assembly Bill 437 prohibits a health care provider from charging a person more than $10 to fill out a form for certification required by an employer pursuant to the Family and Medical Leave Act of 1993.

ASSEMBLYMAN O'NEILL:

Although I greatly appreciate the intent of this bill, I think it would best be handled by regulation due to economics. By placing it in statute, it is unable to be changed except every two years, and it would be best handled by regulation. I ask my colleagues to vote no on this bill.

Roll call on Assembly Bill No. 437:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 452.

Bill read third time.

Remarks by Assemblywoman Newby.

ASSEMBLYWOMAN NEWBY:

Assembly Bill 452 requires the Director of the Department of Corrections to adopt regulations to establish and govern a program for the visitation of offenders. The bill further requires a warden or manager who denies a prospective visitor to provide written notice of the denial that includes certain information. The Department must establish a panel to review such denials upon appeal of a prospective visitor.

Roll call on Assembly Bill No. 452:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblywoman La Rue Hatch.

ASSEMBLYWOMAN LA RUE HATCH:

Assembly Bill 454 allows the Board on Indigent Defense Services to set rates for certain services in rural counties and codifies current practices on the share of state versus county costs on those services.

Roll call on Assembly Bill No. 454:

YEAS—40.

NAYS—Gray, McArthur—2.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

The following amendment was proposed by Assemblywoman Backus:

Amendment No. 54.

AN ACT relating to the Uniform Commercial Code; enacting the 2022 amendments to the Uniform Commercial Code; enacting the 2018 amendments to Article 9 of the Code; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains the Uniform Commercial Code, which is a set of uniform laws governing commercial transactions. (Chapters 104 and 104A of NRS) This bill enacts the 2022 amendments to the Uniform Commercial Code, which: (1) adds Article 12 governing controllable electronic records; and (2) makes various changes to Articles 1, 2, 3, 5, 7, 8, 9, 2A and 4A of the Code. **Sections 75 and 76** of this bill also enact the 2018 amendments to Article 9 of the Code.

Sections 9-15 of this bill enact Article 12, which provides rules for transactions involving controllable electronic records. **Section 10** of this bill defines certain terms for the purposes of Article 12. **Section 26** of this bill makes a conforming change to account for the definition of "value" set forth in **section 10**. **Section 11** of this bill: (1) establishes that Article 9 will govern if it is in conflict with Article 12; and (2) provides that a transaction that is subject to Article 12 is also subject to certain other laws that establish different rules for consumers. **Sections 12, 13 and 70** of this bill establish the circumstances under which a purchaser obtains control of and certain rights in a controllable account, controllable payment intangible or controllable electronic record. **Section 14** of this bill sets forth certain circumstances under which an account debtor on a controllable account or controllable payment intangible may discharge his or her obligation under certain circumstances. **Section 15** of this bill establishes rules for determining the jurisdiction whose law governs a controllable electronic record. **Section 27** of this bill provides that the provisions of an agreement specifying applicable law for a transaction governed by **section 15** is effective only to the extent permitted by **section 15**.

Sections 16-24 of this bill enact the transitional rules included in the 2022 amendments to the Code and define certain related terms. **Section 18** of this bill provides that a transaction validly entered into before the effective date of this bill, which is October 1, 2023, and the rights, duties and interests flowing from the transaction remain valid thereafter.

Existing law contains Article 1 of the Code, which sets forth the definitions and other general provisions that, in the absence of any conflicting provision in the Code, apply as default rules for transactions and matters otherwise covered in other articles of the Code. (NRS 104.1101-104.1310) **Section 25** of this bill enacts the uniform amendments to the definitions of certain terms which are defined for the purposes of the Code. Among other changes, **section 25** revises the definition of the term "sign" to encompass the

authentication or adoption of all records and not just writings ~~[.]~~ **and the definition of the term "money" to exclude any medium of exchange in an electronic form.** **Sections 28, 38-41, 52, 55-57, 62, 63, 68, 72-75, 77, 78, 81, 82 and 85-90** of this bill make conforming changes to account for the new definition of "sign." **Sections 25, 31-35, 44, 86, 94-100 and 102-108** of this bill replace the term "writing" with "record" and make certain other changes to allow for certain documents and communications to take a form other than a written or otherwise tangible form.

Existing law contains Article 2 of the Code, the uniform law governing sales. (NRS 104.2101-104.2725) **Sections 29 and 30** of this bill define the term "hybrid transaction" and describe the extent to which Article 2 governs hybrid transactions.

Existing law contains Article 3 of the Code, the uniform law governing negotiable instruments. (NRS 104.3101-104.3605) **Section 36** of this bill authorizes a negotiable instrument to contain certain provisions specifying which laws govern the instrument and how certain disputes will be resolved. **Section 37** of this bill expands the definition of "issue" to include certain electronic transmissions. **Section 38** of this bill removes certain requirements relating to the generation and form of a signature that makes a person liable on a negotiable instrument. **Section 39** provides that an obligation to pay a check is not discharged solely by the destruction of the check, under certain circumstances.

Existing law contains Article 5 of the Code, the uniform law governing letters of credit. (NRS 104.5101-104.5118) **Section 41** prescribes the method for determining the location of a branch of a bank for certain purposes.

Existing law contains Article 7 of the Code, the uniform law governing warehouse receipts, bills of lading and other documents of title. (NRS 104.7101-104.7603) **Section 42** of this bill removes certain definitions made unnecessary by the revisions made in **section 25**. **Section 43** of this bill: (1) makes various changes related to the process for determining when a person has control of an electronic document of title after a certain system evidences that the document was issued or transferred to the person; and (2) defines when a person is deemed to have obtained control of an electronic document of title through another person.

Existing law contains Article 8 of the Code, the uniform law governing investment securities. (NRS 104.8101-104.8511) **Section 44** revises certain definitions for the purposes of Article 8. **Section 45** of this bill provides that a controllable account, controllable electronic record or controllable payment intangible is a financial asset only to the extent that a securities intermediary and an entitled person agree that it should be treated as a financial asset. **Section 46** of this bill revises the circumstances under which a purchaser is deemed to have control of a security entitlement that is controlled by another person and makes various related changes. **Section 47** of this bill establishes that the local law of the jurisdiction of the issuer or of the securities intermediary governs certain matters related to a security or security

entitlement. **Section 48** of this bill makes technical changes to certain provisions governing protected purchasers.

Existing law contains Article 9 of the Code, the uniform law governing secured transactions. (NRS 104.9101-104.9717) **Section 49** of this bill revises certain definitions relating to secured transactions and defines certain terms relating to controllable electronic records. **Sections ~~[2,]~~ 3, 50 and 51** of this bill set forth the circumstances under which a person is deemed to have control of ~~[electronic money,]~~ a controllable electronic record, a deposit account or an authoritative electronic copy of a record evidencing chattel paper. **Sections 4, 54-56 and 79** of this bill revise certain rights and duties of a party possessing or controlling certain collateral. **Section 52** identifies the circumstances under which a security interest is enforceable against the debtor and third parties with respect to collateral that is controllable electronic records, electronic documents or certain other collateral. **Section 53** of this bill revises the circumstances under which a security interest may attach to certain proceeds.

Sections 5, 6 and 58-60 of this bill revise and establish certain rules for determining the applicable law governing the perfection, the effect of perfection or nonperfection and the priority of a security interest in certain property. **Sections 7, 8 and 61-65** of this bill revise certain provisions related to the perfection of certain security interests and prescribe certain methods for perfecting those security interests. **Sections 66**, **67** and **71** of this bill revise the circumstances under which a buyer or lessee of goods, a buyer of an electronic document, chattel paper, controllable electronic record, controllable account or controllable payment intangible or a transferee of ~~[tangible or electronic]~~ money takes free of a security interest or leasehold interest. **Section 69** of this bill revises the circumstances under which a purchaser of chattel paper has priority over a security interest in the chattel paper. **Section 75** exempts a controllable account or controllable payment intangible from certain requirements relating to an assignment of debt. **Section 80** of this bill provides that a secured party that obtains control of a controllable account, controllable electronic record or controllable payment intangible owes a duty to a debtor or obligor under certain circumstances. **Section 91** of this bill provides that certain provisions which limit the liability of a secured party do not apply to a secured party that obtains control of a controllable account, controllable electronic record or controllable payment intangible under certain circumstances. **Sections 83 and 84** of this bill make certain revisions to the content and form of notification before the disposition of certain collateral.

Existing law provides that, with certain exceptions, any rule of law, statute, regulation or term in an agreement between an account debtor and an assignor or in a promissory note that imposes certain restrictions on the assignment of a security interest in certain collateral is ineffective. (NRS 104.9406, 104.9408) **Sections 75 and 76**, which enact the 2018 amendments to Article 9, provide that those provisions do not apply to a security interest in an ownership interest in a general partnership, limited partnership or limited-liability company.

Existing law contains Article 2A of the Code, the uniform law governing leases. (NRS 104A.2101-104A.2532) **Section 93** of this bill defines the term "hybrid lease" to mean a single transaction involving a lease of goods and the provision of services or the sale, lease or license of certain property. **Section 92** of this bill describes the extent to which Article 2A governs hybrid leases.

Existing law contains Article 4A of the Code, the uniform law governing funds transfers. (NRS 104A.4101-104A.4507) **Section 101** of this bill authorizes the imposition of certain obligations in a security procedure established by agreement between a customer and a receiving bank.

Sections 109-112 of this bill make conforming changes to internal references to sections amended in this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 104 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 24, inclusive, of this act.

Sec. 2. ~~*[1. A person has control of electronic money if:*~~

~~*(a) The electronic money, a record attached to or logically associated with the electronic money or a system in which the electronic money is recorded gives the person:*~~

~~*(1) Power to avail itself of substantially all the benefit from the electronic money; and*~~

~~*(2) Exclusive power, subject to subsection 2, to:*~~

~~*(I) Prevent others from availing themselves of substantially all the benefit from the electronic money; and*~~

~~*(II) Transfer control of the electronic money to another person or cause another person to obtain control of other electronic money as a result of the transfer of the electronic money; and*~~

~~*(b) The electronic money, a record attached to or logically associated with the electronic money or a system in which the electronic money is recorded enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office or account number, as having the powers under paragraph (a).*~~

~~*2. Subject to subsection 3, a power is exclusive under subparagraph (2) of paragraph (a) of subsection 1, even if:*~~

~~*(a) The electronic money, a record attached to or logically associated with the electronic money or a system in which the electronic money is recorded limits the use of the electronic money or has a protocol programmed to cause a change, including a transfer or loss of control; or*~~

~~*(b) The power is shared with another person.*~~

~~*3. A power of a person is not shared with another person under paragraph (b) of subsection 2 and the person's power is not exclusive if:*~~

~~*(a) The person can exercise a power only if the power also is exercised by the other person; and*~~

~~*(b) The other person:*~~

~~(1) Can exercise the power without exercise of the power by the person; or~~

~~(2) Is the transferor to the person of an interest in the electronic money.~~

~~4. If a person has the powers specified in subparagraph (2) of paragraph (a) of subsection 1, the powers are presumed to be exclusive.~~

~~5. A person has control of electronic money if another person, other than the transferor to the person of an interest in the electronic money:~~

~~(a) Has control of the electronic money and acknowledges that it has control on behalf of the person; or~~

~~(b) Obtains control of the electronic money after having acknowledged that it will obtain control of the electronic money on behalf of the person.]~~ **(Deleted by amendment.)**

Sec. 3. *1. A secured party has control of a controllable electronic record as provided in section 13 of this act.*

2. A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.

Sec. 4. *1. A person that has control under NRS 104.9104 or 104.9105 ~~[or section 2 of this act]~~ is not required to acknowledge that it has control on behalf of another person.*

2. If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

Sec. 5. *1. Except as provided in subsection 4, if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic copy and an authoritative tangible copy, the law of the chattel paper's jurisdiction governs perfection, the effect of perfection or nonperfection and the priority of a security interest in the chattel paper, even if a transaction does not bear any relation to the chattel paper's jurisdiction.*

2. The following rules determine the chattel paper's jurisdiction under this section:

(a) If the authoritative electronic copy of the record evidencing chattel paper, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this Article or the Uniform Commercial Code, that jurisdiction is the chattel paper's jurisdiction.

(b) If paragraph (a) does not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that a particular jurisdiction is the chattel paper's

jurisdiction for purposes of this part, this Article or the Uniform Commercial Code, that jurisdiction is the chattel paper's jurisdiction.

(c) If paragraphs (a) and (b) do not apply and the authoritative electronic copy, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that the chattel paper is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(d) If paragraphs (a), (b) and (c) do not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that the chattel paper or the system is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(e) If paragraphs (a) to (d), inclusive, do not apply, the chattel paper's jurisdiction is the jurisdiction in which the debtor is located.

3. If an authoritative tangible copy of a record evidences chattel paper and the chattel paper is not evidenced by an authoritative electronic copy, while the authoritative tangible copy of the record evidencing chattel paper is located in a jurisdiction, the law of that jurisdiction governs:

(a) Perfection of a security interest in the chattel paper by possession under section 7 of this act; and

(b) The effect of perfection or nonperfection and the priority of a security interest in the chattel paper.

4. The law of the jurisdiction in which the debtor is located governs perfection of a security interest in chattel paper by filing.

Sec. 6. *1. Except as provided in subsection 2, the law of the controllable electronic record's jurisdiction specified in subsections 3 and 4 of section 15 of this act governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable electronic record and a security interest in a controllable account or controllable payment intangible evidenced by the controllable electronic record.*

2. The law of the jurisdiction in which the debtor is located governs:

(a) Perfection of a security interest in a controllable account, controllable electronic record or controllable payment intangible by filing; and

(b) Automatic perfection of a security interest in a controllable payment intangible created by a sale of the controllable payment intangible.

Sec. 7. *1. A secured party may perfect a security interest in chattel paper by taking possession of each authoritative tangible copy of the record evidencing the chattel paper and obtaining control of each authoritative electronic copy of the electronic record evidencing the chattel paper.*

2. A security interest is perfected under subsection 1 not earlier than the time the secured party takes possession and obtains control and remains perfected under subsection 1 only while the secured party retains possession and control.

3. Subsections 3 and 6 to 9, inclusive, of NRS 104.9313 apply to perfection by possession of an authoritative tangible copy of a record evidencing chattel paper.

Sec. 8. ***A security interest in a controllable account, controllable electronic record or controllable payment intangible held by a secured party having control of the account, electronic record or payment intangible has priority over a conflicting security interest held by a secured party that does not have control.***

Sec. 9. ***This Article may be cited as the Uniform Commercial Code—Controllable Electronic Records.***

Sec. 10. ***1. In this Article:***

(a) "Controllable electronic record" means a record stored in an electronic medium that can be subjected to control under section 13 of this act. The term does not include a controllable account, a controllable payment intangible, a deposit account, an electronic copy of a record evidencing chattel paper, an electronic document of title, ~~[electronic money,]~~ investment property , ~~[or]~~ a transferable record ~~[.]~~ or an electronic record that is currently authorized or adopted by a domestic or foreign government and is not a medium of exchange that was recorded and transferable in a system that existed and operated for the medium of exchange before the medium of exchange was authorized or adopted by a government.

(b) "Qualifying purchaser" means a purchaser of a controllable electronic record or an interest in a controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

(c) "Transferable record" has the meaning provided for that term in:

(1) Section 201(a)(1) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7021(a)(1), as amended; or

(2) Subsection 1 of NRS 719.330.

(d) "Value" has the meaning provided in subsection 1 of NRS 104.3303, as if references in that subsection to an "instrument" were references to a controllable account, controllable electronic record or controllable payment intangible.

2. The following definitions in Article 9 apply to this Article:

"Account debtor." NRS 104.9102.
"Chattel paper." NRS 104.9102.
"Controllable account." NRS 104.9102.
"Controllable payment intangible." NRS 104.9102.
"Deposit account." NRS 104.9102.
~~["Electronic money." NRS 104.9102.]~~
"Investment property." NRS 104.9102.

3. Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. 11. *1. If there is a conflict between this Article and Article 9, Article 9 governs.*

2. A transaction subject to this Article is subject to:

(a) Any applicable rule of law that establishes a different rule for consumers;

(b) Any other statute or regulation that regulates the rates, charges, agreements and practices for loans, credit sales or other extensions for credit; and

(c) Any consumer-protection statute or regulation.

Sec. 12. *1. This section applies to the acquisition and purchase of rights in a controllable account or controllable payment intangible, including the rights and benefits under subsections 3, 4, 5, 7 and 8 of a purchaser and qualifying purchaser, in the same manner this section applies to a controllable electronic record.*

2. To determine whether a purchaser of a controllable account or a controllable payment intangible is a qualifying purchaser, the purchaser obtains control of the account or payment intangible if it obtains control of the controllable electronic record that evidences the account or payment intangible.

3. Except as provided in this section, law other than this Article determines whether a person acquires a right in a controllable electronic record and the right the person acquires.

4. A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer, except that a purchaser of a limited interest in a controllable electronic record acquires rights only to the extent of the interest purchased.

5. A qualifying purchaser acquires its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.

6. Except as provided in subsections 1 and 5 for a controllable account and a controllable payment intangible or law other than this Article, a qualifying purchaser takes a right to payment, right to performance or other interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance or other interest in property.

7. An action may not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record, whether the action is framed in conversion, replevin, constructive trust, equitable lien or other theory.

8. Filing of a financing statement under Article 9 is not notice of a claim of a property right in a controllable electronic record.

Sec. 13. *1. A person has control of a controllable electronic record if the electronic record, a record attached to or logically associated with the electronic record or a system in which the electronic record is recorded:*

(a) Gives the person:

(1) The power to avail itself of substantially all the benefit from the electronic record; and

(2) Exclusive power, subject to subsection 2, to:

(I) Prevent others from availing themselves of substantially all the benefit from the electronic record; and

(II) Transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and

(b) Enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office or account number, as having the powers specified in paragraph (a).

2. Subject to subsection 3, a power is exclusive under sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (a) of subsection 1, even if:

(a) The controllable electronic record, a record attached to or logically associated with the electronic record or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or

(b) The power is shared with another person.

3. A power of a person is not shared with another person under paragraph (b) of subsection 2 and the person's power is not exclusive if:

(a) The person can exercise the power only if the power also is exercised by the other person; and

(b) The other person:

(1) Can exercise the power without exercise of the power by the person; or

(2) Is the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record.

4. If a person has the powers specified in sub-subparagraphs (I) and (II) of subparagraph (2) of paragraph (a) of subsection 1, the powers are presumed to be exclusive.

5. A person has control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record:

(a) Has control of the electronic record and acknowledges that it has control on behalf of the person; or

(b) Obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

6. A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

7. If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article or Article 9 otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

Sec. 14. *1. An account debtor on a controllable account or controllable payment intangible may discharge its obligation by paying:*

(a) The person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or

(b) Except as provided in subsection 2, a person that formerly had control of the controllable electronic record.

2. Subject to subsection 4, the account debtor may not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

(a) Is signed by a person that formerly had control or the person to which control was transferred;

(b) Reasonably identifies the controllable account or controllable payment intangible;

(c) Notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;

(d) Identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office or account number; and

(e) Provides a commercially reasonable method by which the account debtor is to pay the transferee.

3. After receipt of a notification that complies with subsection 2, the account debtor may discharge its obligation by paying in accordance with the notification and may not discharge the obligation by paying a person that formerly had control.

4. Subject to subsection 8, notification is ineffective under subsection 2:

(a) Unless, before the notification is sent, the account debtor and the person that, at that time, had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in a signed record to a commercially reasonable method by which a person may furnish reasonable proof that control has been transferred;

(b) To the extent an agreement between the account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or

(c) At the option of an account debtor, if the notification notifies the account debtor to:

(1) Divide a payment;

(2) Make less than the full amount of an installment or other periodic payment; or

(3) Pay any part of a payment by more than one method or to more than one person.

5. Subject to subsection 8, if requested by the account debtor, the person giving the notification under subsection 2 seasonably shall furnish reasonable proof, using the method in the agreement referred to in paragraph (a) of subsection 4, that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection 2.

6. A person furnishes reasonable proof under subsection 5 that control has been transferred if the person demonstrates, using the method in the agreement referred to in paragraph (a) of subsection 4, that the transferee has the power to:

(a) Avail itself of substantially all the benefit from the controllable electronic record;

(b) Prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and

(c) Transfer the powers specified in paragraphs (a) and (b) to another person.

7. Subject to subsection 8, an account debtor may not waive or vary its rights under paragraph (a) of subsection 4 and subsection 5, or its option under paragraph (c) of subsection 4.

8. This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family or household purposes.

Sec. 15. *1. Except as provided in subsection 2, the law of a controllable electronic record's jurisdiction governs a matter covered by this Article.*

2. For a controllable electronic record that evidences a controllable account or controllable payment intangible, the law of the controllable electronic record's jurisdiction governs a matter covered by section 14 of this act unless an effective agreement determines that the law of another jurisdiction governs.

3. The following rules determine a controllable electronic record's jurisdiction under this section:

(a) If the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this Article or the Uniform Commercial Code, that jurisdiction is the controllable electronic record's jurisdiction.

(b) If paragraph (a) does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable

electronic record's jurisdiction for purposes of this Article or the Uniform Commercial Code, that jurisdiction is the controllable electronic record's jurisdiction.

(c) If paragraphs (a) and (b) do not apply and the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(d) If paragraphs (a), (b) and (c) do not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that the controllable electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(e) If paragraphs (a) to (d), inclusive, do not apply, the controllable electronic record's jurisdiction is the District of Columbia.

4. If paragraph (e) of subsection 3 applies and Article 12 is not in effect in the District of Columbia without material modification, the governing law for a matter covered by this Article is the law of the District of Columbia as though Article 12 were in effect in the District of Columbia without material modification. In this subsection, "Article 12" means Article 12 of the Uniform Commercial Code Amendments (2022).

5. To the extent subsections 1 and 2 provide that the law of the controllable electronic record's jurisdiction governs a matter covered by this Article, that law governs even if a matter or transaction to which the matter relates does not bear any relation to the controllable electronic record's jurisdiction.

6. The rights acquired under section 12 of this act by a purchaser or qualifying purchaser are governed by the law applicable under this section at the time of purchase.

Sec. 16. ***This Article may be cited as Transitional Provisions for Uniform Commercial Code Amendments (2022).***

Sec. 17. ***1. In this Article:***

(a) "Article 12" means Article 12 of the Uniform Commercial Code.

(b) "Article 12 property" means a controllable account, controllable electronic record or controllable payment intangible.

2. The following definitions in other Articles of the Uniform Commercial Code apply to this Article:

"Controllable account." NRS 104.9102.
"Controllable electronic record." Section 10 of this act.
"Controllable payment intangible." NRS 104.9102.
~~***["Electronic money." NRS 104.9102.]***~~
"Financing statement." NRS 104.9102.

3. Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. 18. *Except as provided in Part 3, a transaction validly entered into before October 1, 2023, and the rights, duties and interests flowing from the transaction remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, the Uniform Commercial Code, as though this act had not taken effect.*

Sec. 19. *1. Except as provided in this Part, Article 9, as amended by this act and Article 12, apply to a transaction, lien or other interest in property, even if the transaction, lien or interest was entered into, created or acquired before October 1, 2023.*

2. Except as provided in subsection 3 and sections 20 to 24, inclusive, of this act:

(a) A transaction, lien or interest in property that was validly entered into, created or transferred before October 1, 2023, and was not governed by the Uniform Commercial Code, but would be subject to Article 9, as amended by this act, or Article 12 if it had been entered into, created or transferred on or after October 1, 2023, including the rights, duties and interests flowing from the transaction, lien or interest, remains valid on and after October 1, 2023; and

(b) The transaction, lien or interest may be terminated, completed, consummated and enforced as required or permitted by this act or by the law that would apply if this act had not taken effect.

3. This act does not affect an action, case or proceeding commenced before October 1, 2023.

Sec. 20. *1. A security interest that is enforceable and perfected immediately before October 1, 2023, is a perfected security interest under this act if, on October 1, 2023, the requirements for enforceability and perfection under this act are satisfied without further action.*

2. If a security interest is enforceable and perfected immediately before October 1, 2023, but the requirements for enforceability or perfection under this act are not satisfied on October 1, 2023, the security interest:

(a) Is a perfected security interest until the earlier of the time perfection would have ceased under the law in effect immediately before October 1, 2023, or July 1, 2025;

(b) Remains enforceable thereafter only if the security interest satisfies the requirements for enforceability under NRS 104.9203, as amended by section 52 of this act, before July 1, 2025; and

(c) Remains perfected thereafter only if the requirements for perfection under this act are satisfied before the time specified in paragraph (a).

Sec. 21. *A security interest that is enforceable immediately before October 1, 2023, but is unperfected at that time:*

1. Remains an enforceable security interest until July 1, 2025;

2. Remains enforceable thereafter if the security interest becomes enforceable under NRS 104.9203, as amended by section 52 of this act, on October 1, 2023, or before July 1, 2025; and

3. Becomes perfected:

(a) Without further action, on October 1, 2023, if the requirements for perfection under this act are satisfied before or at that time; or

(b) When the requirements for perfection are satisfied if the requirements are satisfied after that time.

Sec. 22. ***1. If action, other than the filing of a financing statement, is taken before October 1, 2023, and the action would have resulted in perfection of the security interest had the security interest become enforceable before October 1, 2023, the action is effective to perfect a security interest that attaches under this act before July 1, 2025. An attached security interest becomes unperfected on July 1, 2025 unless the security interest becomes a perfected security interest under this act before July 1, 2025.***

2. The filing of a financing statement before October 1, 2023, is effective to perfect a security interest on October 1, 2023, to the extent the filing would satisfy the requirements for perfection under this act.

3. The taking of an action before October 1, 2023, is sufficient for the enforceability of a security interest on October 1, 2023, if the action would satisfy the requirements for enforceability under this act.

Sec. 23. ***1. Subject to subsections 2 and 3, this act determines the priority of conflicting claims to collateral.***

2. Subject to subsection 3, if the priorities of claims to collateral were established before October 1, 2023, Article 9, as in effect before October 1, 2023, determines priority.

3. On July 1, 2025, to the extent the priorities determined by Article 9, as amended by this act, modify the priorities established before October 1, 2023, the priorities of claims to Article 12 property ~~[and electronic money]~~ established before October 1, 2023, cease to apply.

Sec. 24. ***1. Subject to subsections 2 and 3, Article 12 determines the priority of conflicting claims to Article 12 property when the priority rules of Article 9, as amended by this act, do not apply.***

2. Subject to subsection 3, when the priority rules of Article 9, as amended by this act, do not apply and the priorities of claims to Article 12 property were established before October 1, 2023, law other than Article 12 determines priority.

3. When the priority rules of Article 9, as amended by this act, do not apply, to the extent the priorities determined by this act modify the priorities established before October 1, 2023, the priorities of claims to Article 12 property established before October 1, 2023, cease to apply on July 1, 2025.

Sec. 25. NRS 104.1201 is hereby amended to read as follows:

104.1201 1. Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other

Articles of the Uniform Commercial Code that apply to particular Articles or parts thereof, have the meanings stated.

2. Subject to definitions contained in other Articles of the Uniform Commercial Code that apply to particular Articles or parts thereof:

(a) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set off, suit in equity and any other proceeding in which rights are determined.

(b) "Aggrieved party" means a party entitled to pursue a remedy.

(c) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in NRS 104.1303.

(d) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union and trust company.

(e) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title or certificated security that is payable to bearer or endorsed in blank.

(f) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(g) "Branch" includes a separately incorporated foreign branch of a bank.

(h) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(i) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(j) "Conspicuous," with reference to a term, means so written, displayed or presented that ***, based on the totality of the circumstances,*** a reasonable person against which it is to operate ought to have noticed it. Whether a term is

"conspicuous" or not is a decision for the court. ~~[Conspicuous terms include the following:~~

~~(1) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font or color to the surrounding text of the same or lesser size; and~~

~~(2) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.]~~

(k) "Consumer" means a natural person who enters into a transaction primarily for personal, family or household purposes.

(l) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by the Uniform Commercial Code as supplemented by any other applicable laws.

(m) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(n) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim or third-party claim.

(o) "Delivery," with respect to an electronic document of title **,** means voluntary transfer of control and **,** with respect to an instrument, a tangible document of title or ***an authoritative tangible copy of a record evidencing*** chattel paper, means voluntary transfer of possession.

(p) "Document of title" means a record:

(1) That in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold and dispose of the record and the goods the record covers; and

(2) That purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

Ê The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(q) ***"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.***

(r) "Fault" means a default, breach or wrongful act or omission.

~~[(r)]~~ ***(s)*** "Fungible goods" means:

(1) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(2) Goods that by agreement are treated as equivalent.

~~[(s)]~~ ***(t)*** "Genuine" means free of forgery or counterfeiting.

~~[(t)]~~ ***(u)*** "Good faith," except as otherwise provided in Article 5, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

~~[(u)]~~ ***(v)*** "Holder" means:

(1) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(2) The person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(3) The person in control ***, other than pursuant to subsection 7 of NRS 104.7106,*** of a negotiable electronic document of title.

~~[(v)]~~ ***(w)*** "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

~~[(w)]~~ ***(x)*** "Insolvent" means:

(1) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(2) Being unable to pay debts as they become due; or

(3) Being insolvent within the meaning of federal bankruptcy law.

~~[(x)]~~ ***(y)*** "Money" means a medium of exchange ***that is*** currently authorized or adopted by a domestic or foreign government ~~[.]~~ ***and is not in an electronic form.*** The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries. ~~***[The term does not include an electronic record that is a medium of exchange recorded and transferable in a system that existed and operated for the medium of exchange before the medium of exchange was authorized or adopted by the government.***~~

~~(y)]~~ ***(z)*** "Organization" means a person other than a natural person.

~~[(z)]~~ ***(aa)*** "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to the Uniform Commercial Code.

~~[(aa)]~~ ***(bb)*** "Person" means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, government, governmental subdivision, agency or instrumentality, ~~[public corporation,]~~ or any other legal or commercial entity. ***The term includes a protected series, however denominated, of an entity if the protected series is established under law other than the Uniform Commercial Code that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.***

~~[(bb)]~~ ***(cc)*** "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is

not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

~~[(cc)]~~ ***(dd)*** "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift or any other voluntary transaction creating an interest in property.

~~[(dd)]~~ ***(ee)*** "Purchaser" means a person that takes by purchase.

~~[(ee)]~~ ***(ff)*** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~[(ff)]~~ ***(gg)*** "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

~~[(gg)]~~ ***(hh)*** "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate.

~~[(hh)]~~ ***(ii)*** "Right" includes remedy.

~~[(ii)]~~ ***(jj)*** "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible or a promissory note in a transaction that is subject to Article 9. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under NRS 104.2401, but a buyer may also acquire a "security interest" by complying with Article 9. Except as otherwise provided in NRS 104.2505, the right of a seller or lessor of goods under Article 2 or 2A to retain or acquire possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with Article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under NRS 104.2401 is limited in effect to a reservation of a "security interest." Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to NRS 104.1203.

~~[(jj) "Send"]~~

(kk) "Send," in connection with a ~~[writing,]~~ record or ~~[notice]~~ ***notification,*** means:

(1) To deposit in the mail ***,*** ~~[or]~~ deliver for transmission ***or transmit*** by any other usual means of communication ***,*** with postage or cost of transmission provided for and ~~[properly]~~ addressed ~~[and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none]~~ to any address reasonable under the circumstances; or

(2) ~~[In any other way to]~~ ***To*** cause ***the record or notification*** to be received ~~[any record or notice]~~ within the time it would have ~~[arrived]~~ ***been received*** if properly sent ~~[.~~

~~(kk) "Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing.]~~ ***under subparagraph (1).***

(ll) ***"Sign" means, with present intent to authenticate or adopt a record:***

(1) Execute or adopt a tangible symbol; or

(2) Attach to or logically associate with the record an electronic symbol, sound or process.

Ê "Signed," "signing" and "signature" have corresponding meanings.

(mm) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~[(mm)]~~ ***(nn)*** "Surety" includes a guarantor or other secondary obligor.

~~[(nn)]~~ ***(oo)*** "Term" means a portion of an agreement that relates to a particular matter.

~~[(oo)]~~ ***(pp)*** "Unauthorized signature" means a signature made without actual, implied or apparent authority. The term includes a forgery.

~~[(pp)]~~ ***(qq)*** "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

~~[(qq)]~~ ***(rr)*** "Writing" includes printing, typewriting or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

Sec. 26. NRS 104.1204 is hereby amended to read as follows:

104.1204 Except as otherwise provided in Articles 3, 4, ~~[and]~~ 5 ~~[.]~~ ***and 12,*** a person gives value for rights if the person acquires them:

1. In return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;
2. As security for, or in total or partial satisfaction of, a preexisting claim;
3. By accepting delivery under a preexisting contract for purchase; or
4. In return for any consideration sufficient to support a simple contract.

Sec. 27. NRS 104.1301 is hereby amended to read as follows:

104.1301 1. Except as otherwise provided in this section, when a transaction bears a reasonable relation to this State and also to another state or nation the parties may agree that the law either of this State or of such other state or nation shall govern their rights and duties.

2. In the absence of an agreement effective under subsection 1, and except as otherwise provided in subsection 3, the Uniform Commercial Code applies to transactions bearing an appropriate relation to this State.

3. If one of the following provisions of the Uniform Commercial Code specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

(a) NRS 104.2402;
(b) NRS 104.4102;
(c) NRS 104.5116;
(d) NRS 104.8110;
(e) NRS 104.9301 to 104.9307, inclusive;
(f) NRS 104A.2105 and 104A.2106; ~~[and]~~
(g) NRS 104A.4507 ~~[.]~~ ***; and***
(h) Section 15 of this act.

Sec. 28. NRS 104.1306 is hereby amended to read as follows:

104.1306 A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in ~~[an authenticated]~~ ***a signed*** record.

Sec. 29. NRS 104.2102 is hereby amended to read as follows:

104.2102 ***1.*** Unless the context otherwise requires, ***and except as provided in subsection 3,*** this article applies to transactions in goods ~~[; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sales is intended to operate only as a security transaction nor does this article impair]~~ ***and, in the case of a hybrid transaction, it applies to the extent provided in subsection 2.***

2. In a hybrid transaction:

(a) If the sale-of-goods aspects do not predominate, only the provisions of this Article which relate primarily to the sale-of-goods aspects of the transactions apply, and the provisions that relate primarily to the transaction as a whole do not apply.

(b) If the sale-of-goods aspects predominate, this Article applies to the transaction but does not preclude application in appropriate circumstances of other law to the aspects of the transaction which do not relate to the sale of goods.

3. This Article does not:

(a) Apply to a transaction that, even though in the form of an unconditional contract to sell or present sale, operates only to create a security interest; or

(b) Impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.

Sec. 30. NRS 104.2106 is hereby amended to read as follows:

104.2106 1. In this article unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (NRS 104.2401). A "present sale" means a sale which is accomplished by the making of the contract.

2. Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

3. "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

4. "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the cancelling party also retains any remedy for breach of the whole contract or any unperformed balance.

5. "Hybrid transaction" means a single transaction involving a sale of goods and:

(a) The provision of services;

(b) A lease of other goods; or

(c) A sale, lease or license of property other than goods.

Sec. 31. NRS 104.2201 is hereby amended to read as follows:

104.2201 1. Except as otherwise provided in this section a contract for the sale of goods for the price of $500 or more is not enforceable by way of action or defense unless there is ~~[some writing]~~ ***a record*** sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by ~~[his or her]~~ ***the party's*** authorized agent or broker. A ~~[writing]~~ ***record*** is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this subsection beyond the quantity of goods shown in ~~[such writing.]~~ ***the record.***

2. Between merchants if within a reasonable time a ~~[writing]~~ ***record*** in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection 1 against ~~[such]~~ ***the*** party unless ~~[written]~~ notice ***in a record*** of objection to its contents is given within 10 days after it is received.

3. A contract which does not satisfy the requirements of subsection 1 but which is valid in other respects is enforceable:

(a) If the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or

(b) If the party against whom enforcement is sought admits in his or her pleading, testimony or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) With respect to goods for which payment has been made and accepted or which have been received and accepted (NRS 104.2606).

Sec. 32. NRS 104.2202 is hereby amended to read as follows:

104.2202 Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in ~~[writing]~~ ***a record*** intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

1. By course of performance, course of dealing or usage of trade (NRS 104.1303); and

2. By evidence of consistent additional terms unless the court finds the ~~[writing]~~ ***record*** to have been intended also as a complete and exclusive statement of the terms of the agreement.

Sec. 33. NRS 104.2203 is hereby amended to read as follows:

104.2203 The affixing of a seal to a ~~[writing]~~ ***record*** evidencing a contract for sale or an offer to buy or sell goods does not constitute the ~~[writing]~~ ***record*** a sealed instrument and the law with respect to sealed instruments does not apply to such contract or offer.

Sec. 34. NRS 104.2205 is hereby amended to read as follows:

104.2205 An offer by a merchant to buy or sell goods in a signed ~~[writing]~~ ***record*** which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed 3 months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

Sec. 35. NRS 104.2209 is hereby amended to read as follows:

104.2209 1. An agreement modifying a contract within this Article needs no consideration to be binding.

2. A signed agreement which excludes modification or rescission except by a signed writing ***or other signed record*** cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

3. The requirements of the statute of frauds section of this Article (NRS 104.2201) must be satisfied if the contract as modified is within its provisions.

4. Although an attempt at modification or rescission does not satisfy the requirements of subsection 2 or 3 it can operate as a waiver.

5. A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

Sec. 36. NRS 104.3104 is hereby amended to read as follows:

104.3104 1. Except as otherwise provided in subsections 3 and 4, "negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

(a) Is payable to bearer or to order at the time it is issued or first comes into possession of a holder;

(b) Is payable on demand or at a definite time; and

(c) Does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain:

(1) An undertaking or power to give, maintain or protect collateral to secure payment;

(2) An authorization or power to the holder to confess judgment or realize on or dispose of collateral; ~~[or]~~

(3) A waiver of the benefit of any law intended for the advantage or protection of an obligor ~~[.]~~ ***;***

(4) A term that specifies the law that governs the promise or order; or

(5) An undertaking to resolve in a specified forum a dispute concerning the promise or order.

2. "Instrument" means a negotiable instrument.

3. An order that meets all of the requirements of subsection 1, except paragraph (a), and otherwise falls within the definition of "check" in subsection 6 is a negotiable instrument and a check.

4. A promise or order other than a check is not an instrument if, at the time it is issued or first comes into possession of a holder, it contains a conspicuous statement, however expressed, to the effect that the promise or order is not negotiable or is not an instrument governed by this article.

5. An instrument is a "note" if it is a promise and is a "draft" if it is an order. If an instrument falls within the definition of both "note" and "draft," a person entitled to enforce the instrument may treat it as either.

6. "Check" means:

(a) A draft, other than a documentary draft, payable on demand and drawn on a bank; or

(b) A cashier's check or teller's check.

Ê An instrument may be a check even though it is described on its face by another term, such as "money order."

7. "Cashier's check" means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.

8. "Teller's check" means a draft drawn by a bank:

(a) On another bank; or

(b) Payable at or through a bank.

9. "Traveler's check" means an instrument that:

(a) Is payable on demand;

(b) Is drawn on or payable at or through a bank;

(c) Is designated by the term "traveler's check" or by a substantially similar term; and

(d) Requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the instrument.

10. "Certificate of deposit" means an instrument containing an acknowledgment by a bank that a sum of money has been received by the bank and a promise by the bank to repay the sum of money. A certificate of deposit is a note of the bank.

Sec. 37. NRS 104.3105 is hereby amended to read as follows:

104.3105 1. "Issue" means ~~[the]~~ ***:***

(a) The first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person ~~[.]~~ ***; or***

(b) If agreed by the payee, the first transmission by the drawer to the payee of an image of an item and information derived from the item that enables the depository bank to collect the item by transferring or presenting under federal law an electronic check.

2. An unissued instrument, or an unissued incomplete instrument that is completed, is binding on the maker or drawer, but nonissuance is a defense. An instrument that is conditionally issued or is issued for a special purpose is binding on the maker or drawer, but failure of the condition or special purpose to be fulfilled is a defense.

3. "Issuer" applies to issued and unissued instruments and means a maker or drawer of an instrument.

Sec. 38. NRS 104.3401 is hereby amended to read as follows:

104.3401 ~~[~~1.~~]~~ A person is not liable on an instrument unless the person:

~~[~~(a)~~]~~ ***1.*** Signed the instrument; or

~~[~~(b)~~]~~ ***2.*** Is represented by an agent or representative who signed the instrument and the signature is binding on him or her under NRS 104.3402.

~~[~~2. A signature may be made manually or by means of a device or machine, and by the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing.~~]~~

Sec. 39. NRS 104.3604 is hereby amended to read as follows:

104.3604 1. A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument:

(a) By an intentional voluntary act, such as surrender of the instrument to the party, destruction, mutilation or cancellation of the instrument, cancellation or striking out of the party's signature, or the addition of words to the instrument indicating discharge; or

(b) By agreeing not to sue or otherwise renouncing rights against the party by a signed record.

Ê The obligation of a party to pay a check is not discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made and, subsequently, the information and image are transmitted for payment.

2. Cancellation or striking out of an endorsement pursuant to subsection 1 does not affect the status and rights of a party derived from the endorsement.

~~[~~3. As used in this section, "signed," with respect to a record that is not a writing, includes the attachment to or logical association with the record of an electronic symbol, sound, or process with the present intent to adopt or accept the record.~~]~~

Sec. 40. NRS 104.5104 is hereby amended to read as follows:

104.5104 A letter of credit, confirmation, advice, transfer, amendment or cancellation may be issued in any form that is a ***signed*** record **.** ~~[~~and is authenticated by a signature or in accordance with the agreement of the parties or the standard practice referred to in subsection 5 of NRS 104.5108.~~]~~

Sec. 41. NRS 104.5116 is hereby amended to read as follows:

104.5116 1. The liability of an issuer, nominated person or adviser for action or omission is governed by the law of the jurisdiction chosen by an agreement in the form of a record signed ~~[or otherwise authenticated]~~ by the affected parties ~~[in the manner provided in NRS 104.5104]~~ or by a provision in his or her letter of credit, confirmation or other undertaking. The jurisdiction whose law is chosen need not bear any relation to the transaction.

2. Unless subsection 1 applies, the liability of an issuer, nominated person or adviser for action or omission is governed by the law of the jurisdiction in which he or she is located. The issuer, nominated person or adviser for action or omission is considered to be located at the address indicated in his or her undertaking. If more than one address is indicated, he or she is considered to be located at the address from which his or her undertaking was issued.

3. For the purpose of jurisdiction, choice of law and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches of a bank are considered separate juridical entities and a bank is considered to be located at the place where its relevant branch is considered to be located under ~~[this]~~ subsection ~~[.]~~ ***4.***

~~[3.]~~ ***4. A branch of a bank is considered to be located at the address indicated in the branch's undertaking. If more than one address is indicated, the branch is considered to be located at the address from which the undertaking was issued.***

5. Except as otherwise provided in this subsection, the liability of an issuer, nominated person or adviser is governed by any rules of custom or practice, such as the Uniform Customs and Practice for Documentary Credits, to which the letter of credit, confirmation or other undertaking is expressly made subject. If:

(a) This article would govern the liability of an issuer, nominated person or adviser under subsection 1 or 2;

(b) The relevant undertaking incorporates rules of custom or practice; and

(c) There is conflict between this article and those rules as applied to that undertaking,

Ê those rules govern except to the extent of any conflict with the nonvariable provisions specified in subsection 3 of NRS 104.5103.

~~[4.]~~ ***6.*** If there is conflict between this article and article 3, 4, 4A or 9, this article governs.

~~[5.]~~ ***7.*** The forum for settling disputes arising out of an undertaking within this article may be chosen in the manner and with the binding effect that governing law may be chosen in accordance with subsection 1.

Sec. 42. NRS 104.7102 is hereby amended to read as follows:

104.7102 1. In this Article, unless the context otherwise requires:

(a) "Bailee" means a person that by a warehouse receipt, bill of lading or other document of title acknowledges possession of goods and contracts to deliver them.

(b) "Carrier" means a person that issues a bill of lading.

(c) "Consignee" means a person named in a bill of lading to which or to whose order the bill promises delivery.

(d) "Consignor" means a person named in a bill of lading as the person from whom the goods have been received for shipment.

(e) "Delivery order" means a record that contains an order to deliver goods directed to a warehouse, carrier or other person that in the ordinary course of business issues warehouse receipts or bills of lading.

(f) "Goods" means all things that are treated as movable for the purposes of a contract for storage or transportation.

(g) "Issuer" means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. The term includes a person for whom an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer's instructions.

(h) "Person entitled under the document" means the holder, in the case of a negotiable document of title, or the person to whom delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

(i) ~~[~~"Sign" means, with present intent to authenticate or adopt a record:

~~(1) To execute or adopt a tangible symbol; or~~

~~(2) To attach to or logically associate with the record an electronic sound, symbol or process.~~

~~(j)~~**]** "Shipper" means a person that enters into a contract of transportation with a carrier.

~~[(k)]~~ ***(j)*** "Warehouse" means a person engaged in the business of storing goods for hire.

2. Definitions in other Articles applying to this Article and the sections in which they appear are:

(a) "Contract for sale," NRS 104.2106.

(b) "Lessee in the ordinary course of business," NRS 104A.2103.

(c) "Receipt" of goods, NRS 104.2103.

3. In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. 43. NRS 104.7106 is hereby amended to read as follows:

104.7106 1. A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to whom the electronic document was issued or transferred.

2. A system satisfies subsection 1, and a person ~~[is deemed to have]~~ ***has*** control of an electronic document of title, if the document is created, stored and ~~[assigned]~~ ***transferred*** in such a manner that:

(a) A single authoritative copy of the document exists which is unique, identifiable and, except as otherwise provided in paragraphs (d), (e) and (f), unalterable;

(b) The authoritative copy identifies the person asserting control as:

(1) The person to whom the document was issued; or

(2) If the authoritative copy indicates that the document has been transferred, the person to whom the document was most recently transferred;

(c) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(d) Copies or amendments that add or change an identified ~~[assignee]~~ ***transferee*** of the authoritative copy can be made only with the consent of the person asserting control;

(e) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

3. A system satisfies subsection 1, and a person has control of an electronic document of title, if an authoritative electronic copy of the document, a record attached to or logically associated with the electronic copy or a system in which the electronic copy is recorded:

(a) Enables the person readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(b) Enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office or account number, as the person to which each authoritative electronic copy was issued or transferred; and

(c) Gives the person exclusive power, subject to subsection 4, to:

(1) Prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred; and

(2) Transfer control of each authoritative electronic copy.

4. Subject to subsection 5, a power is exclusive under subparagraphs (1) and (2) of paragraph (c) of subsection 3, even if:

(a) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy or a system in which the authoritative electronic copy is recorded limits the use of the document of title or has a protocol that is programmed to cause a change, including a transfer or loss of control; or

(b) The power is shared with another person.

5. A power of a person is not shared with another person under paragraph (b) of subsection 4 and the person's power is not exclusive if:

(a) The person can exercise a power only if the power also is exercised by the other person; and

(b) The other person:

(1) Can exercise the power without exercise of the power by the person; or

(2) Is the transferor to the person of an interest in the document of title.

6. If a person has the powers specified in subparagraphs (1) and (2) of paragraph (c) of subsection 3, the powers are presumed to be exclusive.

7. A person has control of an electronic document of title if another person, other than the transferor to the person of an interest in the document:

(a) Has control of the document and acknowledges that it has control on behalf of the person; or

(b) Obtains control of the document after having acknowledged that it will obtain control of the document on behalf of the person.

8. A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

9. If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article or Article 9 otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

Sec. 44. NRS 104.8102 is hereby amended to read as follows:

104.8102 1. In this Article:

(a) "Adverse claim" means a claim that a claimant has a property interest in a financial asset and that it is a violation of the rights of the claimant for another person to hold, transfer or deal with the financial asset.

(b) "Bearer form," as applied to a certificated security, means a form in which the security is payable to the bearer of the security certificate according to its terms but not by reason of an endorsement.

(c) "Broker" means a person defined as a broker or dealer under the federal securities laws, but without excluding a bank acting in that capacity.

(d) "Certificated security" means a security that is represented by a certificate.

(e) "Clearing corporation" means:

(1) A person that is registered as a "clearing agency" under the federal securities laws;

(2) A Federal Reserve bank; or

(3) Any other person that provides clearance or settlement with respect to financial assets that would require it to register as a clearing agency under the federal securities laws but for an exclusion or exemption from the requirement of registration, if its activities as a clearing corporation, including promulgation of rules, are subject to regulation by a federal or state governmental authority.

(f) "Communicate" means to:

(1) Send a signed ~~[writing;]~~ ***record;*** or

(2) Transmit information by any mechanism agreed upon by the persons transmitting and receiving the information.

(g) "Endorsement" means a signature that alone or accompanied by other words is made on a security certificate in registered form or on a separate

document for the purpose of assigning, transferring or redeeming the security or granting a power to assign, transfer or redeem it.

(h) "Entitlement holder" means a person identified in the records of a securities intermediary as the person having a security entitlement against the securities intermediary. If a person acquires a security entitlement by virtue of paragraph (a) or (b) of subsection 2 of NRS 104.8501, the person is the entitlement holder.

(i) "Entitlement order" means a notification communicated to a securities intermediary directing transfer or redemption of a financial asset to which the entitlement holder has a security entitlement.

(j) "Financial asset," except as otherwise provided in NRS 104.8103, means:

(1) A security;

(2) An obligation of a person or a share, participation or other interest in a person or in property or an enterprise of a person, which is, or is of a type, dealt in or traded on financial markets, or which is recognized in any area in which it is issued or dealt in as a medium for investment; or

(3) Any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this Article.

Ê As context requires, the term means the interest itself or the means by which a person's claim to it is evidenced, including a certificated or uncertificated security, a security certificate or a security entitlement.

(k) "Instruction" means a notification communicated to the issuer of an uncertificated security which directs that the transfer of the security be registered or that the security be redeemed.

(l) "Registered form," as applied to a certificated security, means a form in which:

(1) The security certificate specifies a person entitled to the security; and

(2) A transfer of the security may be registered upon books maintained for that purpose by or on behalf of the issuer, or the security certificate so states.

(m) "Securities intermediary" means:

(1) A clearing corporation; or

(2) A person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity.

(n) "Security," except as otherwise provided in NRS 104.8103, means an obligation of an issuer or a share, participation or other interest in an issuer or in property or an enterprise of an issuer:

(1) Which is represented by a security certificate in bearer or registered form, or the transfer of which may be registered upon books maintained for that purpose by or on behalf of the issuer;

(2) Which is one of a class or series or by its terms is divisible into a class or series of shares, participations, interests or obligations; and

(3) Which:

(I) Is, or is of a type, dealt in or traded on securities exchanges or securities markets; or

(II) Is a medium for investment and by its terms expressly provides that it is a security governed by this Article.

(o) "Security certificate" means a certificate representing a security.

(p) "Security entitlement" means the rights and property interest of an entitlement holder with respect to a financial asset specified in part 5 of this Article.

(q) "Uncertificated security" means a security that is not represented by a certificate.

2. ~~[~~Other~~]~~ ***The following*** definitions ~~[~~applying to~~]~~ ***in*** this Article and ~~[~~the sections in which they appear are:~~]~~ ***other Articles apply to this Article:***

"Appropriate person." NRS 104.8107.

"Control." NRS 104.8106.

"Controllable account." NRS 104.9102.

"Controllable electronic record." Section 10 of this act.

"Controllable payment intangible." NRS 104.9102.

"Delivery." NRS 104.8301.

"Investment company security." NRS 104.8103.

"Issuer." NRS 104.8201.

"Overissue." NRS 104.8210.

"Protected purchaser." NRS 104.8303.

"Securities account." NRS 104.8501.

3. In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

4. The characterization of a person, business or transaction for purposes of this Article does not determine the characterization of the person, business or transaction for purposes of any other law, regulation or rule.

Sec. 45. NRS 104.8103 is hereby amended to read as follows:

104.8103 1. A share or similar equity interest issued by a corporation, business trust, joint stock company or similar entity is a security.

2. An investment company security is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered or a face-amount certificate issued by a face-amount certificate company that is so registered. The term does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

3. An interest in a partnership or limited-liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this Article, or it is

an investment company security. However, an interest in a partnership or limited-liability company is a financial asset if it is held in a securities account.

4. A writing that is a security certificate is governed by this Article and not by Article 3, even though it also meets the requirements of that Article. However, a negotiable instrument governed by Article 3 is a financial asset if it is held in a securities account.

5. An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

6. A commodity contract, as defined in paragraph ~~[(o)]~~ ***(p)*** of subsection 1 of NRS 104.9102, is not a security or a financial asset.

7. A document of title is not a financial asset unless subparagraph ***(*** 3 ***)*** of paragraph (j) of subsection 1 of NRS 104.8102 applies.

8. A controllable account, controllable electronic record or controllable payment intangible is not a financial asset unless subparagraph (3) of paragraph (j) of subsection 1 of NRS 104.8102 applies.

Sec. 46. NRS 104.8106 is hereby amended to read as follows:

104.8106 1. A purchaser has "control" of a certificated security in bearer form if it is delivered to the purchaser.

2. A purchaser has "control" of a certificated security in registered form if it is delivered to the purchaser and:

(a) The certificate is endorsed to the purchaser or in blank by an effective endorsement; or

(b) The certificate is registered in the purchaser's name, upon original issue or registration of transfer by the issuer.

3. A purchaser has "control" of an uncertificated security if:

(a) It is delivered to the purchaser; or

(b) The issuer has agreed that it will comply with instructions originated by him or her without further consent by the registered owner.

4. A purchaser has "control" of a security entitlement if:

(a) The purchaser becomes the entitlement holder;

(b) The securities intermediary has agreed that it will comply with entitlement orders originated by him or her without further consent by the entitlement holder; or

(c) Another person ~~[has]~~ ***, other than the transferor to the purchaser of an interest in the security entitlement:***

(1) Has control of the security entitlement ~~[on his or her behalf or, having previously acquired control of the security entitlement,]~~ ***and*** acknowledges that it has control on ~~[his or her]~~ behalf ~~[.]~~ ***of the purchaser; or***

(2) Obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser.

5. If an interest in a security entitlement is granted by the entitlement holder to the entitlement holder's own securities intermediary, the securities intermediary has control.

6. A purchaser who has satisfied the requirements of subsection 3 or 4 has control even if the registered owner in the case of subsection 3 or the entitlement holder in the case of subsection 4 retains the right to make substitutions for the uncertificated security or security entitlement, originate instructions or entitlement orders to the issuer or securities intermediary or otherwise deal with the uncertificated security or security entitlement.

7. An issuer or a securities intermediary may not enter into an agreement of the kind described in paragraph (b) of subsection 3 or paragraph (b) of subsection 4 without the consent of the registered owner or entitlement holder, but an issuer or a securities intermediary is not required to enter into such an agreement even if the registered owner or entitlement holder so directs. An issuer or securities intermediary that has entered into such an agreement is not required to confirm the existence of the agreement to another party unless requested to do so by the registered owner or entitlement holder.

8. A person that has control under this section is not required to acknowledge that it has control on behalf of a purchaser.

9. If a person acknowledges that it has or will obtain control on behalf of a purchaser, unless the person otherwise agrees or law other than this Article or Article 9 otherwise provides, the person does not owe any duty to the purchaser and is not required to confirm the acknowledgement to any other person.

Sec. 47. NRS 104.8110 is hereby amended to read as follows:

104.8110 1. The local law of the issuer's jurisdiction, as specified in subsection 4, governs:

(a) The validity of a security;

(b) The rights and duties of the issuer with respect to registration of transfer;

(c) The effectiveness of registration of transfer by the issuer;

(d) Whether the issuer owes any duties to an adverse claimant to a security; and

(e) Whether an adverse claim can be asserted against a person to whom transfer of a certificated or uncertificated security is registered or a person who obtains control of an uncertificated security.

2. The local law of the securities intermediary's jurisdiction, as specified in subsection 5, governs:

(a) Acquisition of a security entitlement from the securities intermediary;

(b) The rights and duties of the securities intermediary and entitlement holder arising out of a security entitlement;

(c) Whether the securities intermediary owes any duties to an adverse claimant to a security entitlement; and

(d) Whether an adverse claim can be asserted against a person who acquires a security entitlement from the securities intermediary or a person who purchases a security entitlement or interest therein from an entitlement holder.

3. The local law of the jurisdiction in which a security certificate is located at the time of delivery governs whether an adverse claim can be asserted against a person to whom the security certificate is delivered.

4. "Issuer's jurisdiction" means the jurisdiction under which the issuer of the security is organized or, if permitted by the law of that jurisdiction, the law of another jurisdiction specified by the issuer. An issuer organized under the law of this State may specify the law of another jurisdiction as the law governing the matters specified in paragraphs (b) to (e), inclusive, of subsection 1.

5. The following rules determine a "securities intermediary's jurisdiction" for purposes of this section:

(a) If an agreement between the securities intermediary and its entitlement holder expressly provides the securities intermediary's jurisdiction for purposes of this part, this article or the Uniform Commercial Code, that jurisdiction is the securities intermediary's jurisdiction.

(b) If paragraph (a) does not apply and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(c) If neither paragraph (a) nor paragraph (b) applies and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the securities account is maintained at an office in a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(d) If neither paragraph (a) nor paragraph (b) nor paragraph (c) applies, the securities intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the entitlement holder's account is located.

(e) If none of the preceding paragraphs applies, the securities intermediary's jurisdiction is the jurisdiction in which its chief executive office is located.

6. A securities intermediary's jurisdiction is not determined by the physical location of certificates representing financial assets, or by the jurisdiction in which is organized the issuer of the financial asset with respect to which an entitlement holder has a security entitlement or by the location of facilities for data processing or other recordkeeping concerning the account.

7. The local law of the issuer's jurisdiction or the securities intermediary's jurisdiction governs a matter or transaction specified in subsections 1 and 2 even if the matter or transaction does not bear any relation to the jurisdiction.

Sec. 48. NRS 104.8303 is hereby amended to read as follows:

104.8303 1. "Protected purchaser" means a purchaser of a certificated or uncertificated security, or of an interest therein, who:

(a) Gives value;

(b) Does not have notice of any adverse claim to the security; and

(c) Obtains control of the certificated or uncertificated security.

2. ~~[In addition to acquiring the rights of a purchaser, a]~~ ***A*** protected purchaser also acquires its interest in the security free of any adverse claim.

Sec. 49. NRS 104.9102 is hereby amended to read as follows:

104.9102 1. In this Article:

(a) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(b) "Account," except as used in "account for," ***"account statement," "account to," "commodity account" in paragraph (o), "customer's account," "deposit account" in paragraph (ff), "on account of" and "statement of account"*** means a right to payment of a monetary obligation, whether or not earned by performance, for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of; for services rendered or to be rendered; for a policy of insurance issued or to be issued; for a secondary obligation incurred or to be incurred; for energy provided or to be provided; for the use or hire of a vessel under a charter or other contract; arising out of the use of a credit or charge card or information contained on or for use with the card; or as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes ***controllable accounts and*** health-care-insurance receivables. The term does not include ~~[rights to payment evidenced by]~~ chattel paper ***;*** ~~[or an instrument;]~~ commercial tort claims; deposit accounts; investment property; letter-of-credit rights or letters of credit; ~~[or]~~ rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card ~~[.]~~ ***; or rights to payment evidenced by an instrument.***

(c) "Account debtor" means a person obligated on an account, chattel paper or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the ***negotiable*** instrument ~~[constitutes part of]~~ ***evidences*** chattel paper.

(d) "Accounting," except as used in "accounting for," means a record:

(1) ~~[Authenticated]~~ ***Signed*** by a secured party;

(2) Indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(3) Identifying the components of the obligations in reasonable detail.

(e) "Agricultural lien" means an interest, other than a security interest, in farm products:

(1) Which secures payment or performance of an obligation for:

(I) Goods or services furnished in connection with a debtor's farming operation; or

(II) Rent on real property leased by a debtor in connection with its farming operation;

(2) Which is created by statute in favor of a person that:

(I) In the ordinary course of its business furnished goods or services to a debtor in connection with his or her farming operation; or

(II) Leased real property to a debtor in connection with his or her farming operation; and

(3) Whose effectiveness does not depend on the person's possession of the personal property.

(f) "As-extracted collateral" means:

(1) Oil, gas or other minerals that are subject to a security interest that:

(I) Is created by a debtor having an interest in the minerals before extraction; and

(II) Attaches to the minerals as extracted; or

(2) Accounts arising out of the sale at the wellhead or minehead of oil, gas or other minerals in which the debtor had an interest before extraction.

(g) ~~[~~"Authenticate" means:

~~(1) To sign; or~~

~~(2) With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol or process.~~] ***"Assignee," except as used in "assignee for benefit of creditors," means a person:***

(1) In whose favor a security interest that secures an obligation is created or provided for under a security agreement, whether or not the obligation is outstanding; or

(2) To which an account, chattel paper, payment intangible or promissory note has been sold.

Ê The term includes a person to which a security interest has been transferred by a secured party.

(h) ***"Assignor" means a person that:***

(1) Under a security agreement creates or provides for a security interest that secures an obligation; or

(2) Sells an account, chattel paper, payment intangible or promissory note.

Ê The term includes a secured party that has transferred a security interest to another person.

(i) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions and trust companies.

~~[(i)]~~ ***(j)*** "Cash proceeds" means proceeds that are money, checks, deposit accounts or the like.

~~[(j)]~~ ***(k)*** "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

~~[(k)]~~ ***(l)*** "Chattel paper" means ~~[a record or records that evidence both a monetary obligation and a security interest in or a lease of specific goods or of~~

~~specific goods and software used in the goods, or a security interest in or a lease of specific goods and a license of software used in the goods. The term does not include charters or other contracts involving the use or hire of a vessel, or records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper. As used in this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods.~~**]** ***:***

(1) A right to payment of a monetary obligation secured by specific goods, if the right to payment and security agreement are evidenced by a record; or

(2) A right to payment of a monetary obligation owed by a lessee under a lease agreement with respect to specific goods and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if:

(I) The right to payment and lease agreement are evidenced by a record; and

(II) The predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods.

Ê The term does not include a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

[~~(l)~~**]** ***(m)*** "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(1) Proceeds to which a security interest attaches;

(2) Accounts, chattel paper, payment intangibles and promissory notes that have been sold; and

(3) Goods that are the subject of a consignment.

[~~(m)~~**]** ***(n)*** "Commercial tort claim" means a claim arising in tort with respect to which:

(1) The claimant is an organization; or

(2) The claimant is a natural person and the claim:

(I) Arose in the course of the claimant's business or profession; and

(II) Does not include damages arising out of personal injury to or the death of a natural person.

[~~(n)~~**]** ***(o)*** "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

[~~(o)~~**]** ***(p)*** "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option or another contract if the contract or option is:

(1) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(2) Traded on a foreign commodity board of trade, exchange or market, and is carried on the books of a commodity intermediary for a commodity customer.

~~[(p)]~~ ***(q)*** "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

~~[(q)]~~ ***(r)*** "Commodity intermediary" means a person that:

(1) Is registered as a futures commission merchant under federal commodities law; or

(2) In the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

~~[(r)]~~ ***(s)*** "Communicate" means:

(1) To send a written or other tangible record;

(2) To transmit a record by any means agreed upon by the persons sending and receiving the record; or

(3) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

~~[(s)]~~ ***(t)*** "Consignee" means a merchant to which goods are delivered in a consignment.

~~[(t)]~~ ***(u)*** "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(1) The merchant:

(I) Deals in goods of that kind under a name other than the name of the person making delivery;

(II) Is not an auctioneer; and

(III) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(2) With respect to each delivery, the aggregate value of the goods is $1,000 or more at the time of delivery;

(3) The goods are not consumer goods immediately before delivery; and

(4) The transaction does not create a security interest that secures an obligation.

~~[(u)]~~ ***(v)*** "Consignor" means a person that delivers goods to a consignee in a consignment.

~~[(v)]~~ ***(w)*** "Consumer debtor" means a debtor in a consumer transaction.

~~[(w)]~~ ***(x)*** "Consumer goods" means goods that are used or bought for use primarily for personal, family or household purposes.

~~[(x)]~~ ***(y)*** "Consumer-goods transaction" means a consumer transaction to the extent that:

(1) A natural person incurs an obligation primarily for personal, family or household purposes; and

(2) A security interest in consumer goods or in consumer goods and software that is held or acquired primarily for personal, family or household purposes secures the obligation.

~~[(y)]~~ ***(z)*** "Consumer obligor" means an obligor who is a natural person and who incurred the obligation as part of a transaction entered into primarily for personal, family or household purposes.

~~[(z)]~~ ***(aa)*** "Consumer transaction" means a transaction to the extent that a natural person incurs an obligation primarily for personal, family or household purposes; a security interest secures the obligation; and the collateral is held or acquired primarily for personal, family or household purposes. The term includes consumer-goods transactions.

~~[(aa)]~~ ***(bb)*** "Continuation statement" means a change of a financing statement which:

(1) Identifies, by its file number, the initial financing statement to which it relates; and

(2) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

~~[(bb)]~~ ***(cc) "Controllable account" means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 13 of this act of the controllable electronic record.***

(dd) "Controllable payment intangible" means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 13 of this act of the controllable electronic record.

(ee) "Debtor" means:

(1) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(2) A seller of accounts, chattel paper, payment intangibles or promissory notes; or

(3) A consignee.

~~[(cc)]~~ ***(ff)*** "Deposit account" means a demand, time, savings, passbook or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

~~[(dd)]~~ ***(gg)*** "Document" means a document of title or a receipt of the type described in subsection 2 of NRS 104.7201.

~~[(ee)]~~ ***(hh)*** ~~["Electronic chattel paper" ***money"*** means chattel paper evidenced by a record or records consisting of information stored ***money*** in an electronic medium.***form.***

~~(ff)~~ ***(ii)*** "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

~~[(gg)~~ ***(jj)*** ***(ii)*** "Equipment" means goods other than inventory, farm products or consumer goods.

~~[~~(hh)~~ *(kk)]* *(jj)* “Farm products” means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(1) Crops grown, growing or to be grown, including:

(I) Crops produced on trees, vines and bushes; and

(II) Aquatic goods produced in aquacultural operations;

(2) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(3) Supplies used or produced in a farming operation; or

(4) Products of crops or livestock in their unmanufactured states.

~~[~~(ii)~~ *(ll)]* *(kk)* “Farming operation” means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

~~[~~(jj)~~ *(mm)]* *(ll)* “File number” means the number assigned to an initial financing statement pursuant to subsection 1 of NRS 104.9519.

~~[~~(kk)~~ *(nn)]* *(mm)* “Filing office” means an office designated in NRS 104.9501 as the place to file a financing statement.

~~[~~(ll)~~ *(oo)]* *(nn)* “Filing-office rule” means a rule adopted pursuant to NRS 104.9526.

~~[~~(mm)~~ *(pp)]* *(oo)* “Financing statement” means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

~~[~~(nn)~~ *(qq)]* *(pp)* “Fixture filing” means the filing of a financing statement covering goods that are or are to become fixtures and satisfying subsections 1 and 2 of NRS 104.9502. The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

~~[~~(oo)~~ *(rr)]* *(qq)* “Fixtures” means goods that have become so related to particular real property that an interest in them arises under real property law.

~~[~~(pp)~~ *(ss)]* *(rr)* “General intangible” means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas or other minerals before extraction. The term includes ***controllable electronic records,*** payment intangibles and software.

~~[~~(qq)~~ *(tt)]* *(ss)* “Goods” means all things that are movable when a security interest attaches. The term includes fixtures; standing timber that is to be cut and removed under a conveyance or contract for sale; the unborn young of animals; crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes; and manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if the program is associated with the goods in such a manner that it customarily is considered part of the goods, or by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of

the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas or other minerals before extraction.

[(rr)~~ *(uu)]*~~ ***(tt)*** "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

[(ss)~~ *(vv)]*~~ ***(uu)*** "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

[(tt)~~ *(ww)]*~~ ***(vv)*** "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary endorsement or assignment. The term does not include investment property, letters of credit **,** **[**~~or]~~ writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card **[**~~.]~~ ***or writings that evidence chattel paper.***

[(uu)~~ *(xx)]*~~ ***(ww)*** "Inventory" means goods, other than farm products, which:

(1) Are leased by a person as lessor;

(2) Are held by a person for sale or lease or to be furnished under a contract of service;

(3) Are furnished by a person under a contract of service; or

(4) Consist of raw materials, work in process, or materials used or consumed in a business.

[(vv)~~ *(yy)]*~~ ***(xx)*** "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

[(ww)~~ *(zz)]*~~ ***(yy)*** "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

[(xx)~~ *(aaa)]*~~ ***(zz)*** "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

[(yy)~~ *(bbb)]*~~ ***(aaa)*** "Lien creditor" means:

(1) A creditor that has acquired a lien on the property involved by attachment, levy or the like;

(2) An assignee for benefit of creditors from the time of assignment;

(3) A trustee in bankruptcy from the date of the filing of the petition; or

(4) A receiver in equity from the time of appointment.

~~[~~(zz)~~ *(ccc)]*~~ ***(bbb)*** "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is 8 feet or more in body width or 40 feet or more in body length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

~~[~~(aaa)~~ *(ddd)]*~~ ***(ccc)*** "Manufactured-home transaction" means a secured transaction:

(1) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(2) In which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

~~[~~(bbb)~~ *(eee)]*~~ ***(ddd)*** ***"Money" has the meaning in paragraph (y) of subsection 2 of NRS 104.1201, but does not include a deposit account .*** ~~*for money in an electronic form that cannot be subjected to control under section 2 of this act.*~~

~~*(fff)]*~~ ***(eee)*** "Mortgage" means a consensual interest in real property, including fixtures, which is created by a mortgage, deed of trust, or similar transaction.

~~[~~(ccc)~~ *(ggg)]*~~ ***(fff)*** "New debtor" means a person that becomes bound as debtor under subsection 4 of NRS 104.9203 by a security agreement previously entered into by another person.

~~[~~(ddd)~~ *(hhh)]*~~ ***(ggg)*** "New value" means money; money's worth in property, services or new credit; or release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

~~[~~(eee)~~ *(iii)]*~~ ***(hhh)*** "Noncash proceeds" means proceeds other than cash proceeds.

~~[~~(fff)~~ *(jjj)]*~~ ***(iii)*** "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, owes payment or other performance of the obligation, has provided property other than the collateral to secure payment or other performance of the obligation, or is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include an issuer or a nominated person under a letter of credit.

~~[~~(ggg)~~ *(kkk)]*~~ ***(jjj)*** "Original debtor" means, except as used in subsection 3 of NRS 104.9310, a person that, as debtor, entered into a security agreement to which a new debtor has become bound under subsection 4 of NRS 104.9203.

~~[~~(hhh)~~ (lll)]~~ ***[kkk]*** "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation. ***The term includes a controllable payment intangible.***

~~[~~(iii)~~ (mmm)]~~ ***[lll]*** "Person related to," with respect to a natural person, means:

(1) The person's spouse;

(2) The person's brother, brother-in-law, sister or sister-in-law;

(3) The person's or the person's spouse's ancestor or lineal descendant; or

(4) Any other relative, by blood or marriage, of the person or the person's spouse who shares the same home with him or her.

~~[~~(jjj)~~ (nnn)]~~ ***[mmm]*** "Person related to," with respect to an organization, means:

(1) A person directly or indirectly controlling, controlled by or under common control with the organization;

(2) An officer or director of, or a person performing similar functions with respect to, the organization;

(3) An officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (1);

(4) The spouse of a natural person described in subparagraph (1), (2) or (3); or

(5) A person who is related by blood or marriage to a person described in subparagraph (1), (2), (3) or (4) and shares the same home with that person.

~~[~~(kkk)~~ (ooo)]~~ ***[nnn]*** "Proceeds" means, except as used in subsection 2 of NRS 104.9609, the following property:

(1) Whatever is acquired upon the sale, lease, license, exchange or other disposition of collateral;

(2) Whatever is collected on, or distributed on account of, collateral;

(3) Rights arising out of collateral;

(4) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; and

(5) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

~~[~~(lll)~~ (ppp)]~~ ***[ooo]*** "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

~~[~~(mmm)~~ (qqq)]~~ ***[ppp]*** "Proposal" means a record ~~[~~authenticated~~]~~ ***signed*** by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to NRS 104.9620, 104.9621 and 104.9622.

~~[~~(nnn)~~ (rrr)]~~ ***(qqq)*** "Public-finance transaction" means a secured transaction in connection with which:

(1) Debt securities are issued;

(2) All or a portion of the securities issued have an initial stated maturity of at least 20 years; and

(3) The debtor, the obligor, the secured party, the account debtor or other person obligated on collateral, the assignor or assignee of a secured obligation, or the assignor or assignee of a security interest is a state or a governmental unit of a state.

~~[~~(ooo)~~ (sss)]~~ ***(rrr)*** "Public organic record" means a record that is available to the public for inspection and is:

(1) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(2) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(3) A record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

~~[~~(ppp)~~ (ttt)]~~ ***(sss) "*** Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

~~[~~(qqq)~~ (uuu)]~~ ***(ttt)*** "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

~~[~~(rrr)~~ (vvv)]~~ ***(uuu)*** "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

~~[~~(sss)~~ (www)]~~ ***(vvv)*** "Secondary obligor" means an obligor to the extent that:

(1) The obligor's obligation is secondary; or

(2) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor or property of either.

~~[~~(ttt)~~ *(xxx)]* *(www)* “Secured party” means:

(1) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(2) A person that holds an agricultural lien;

(3) A consignor;

(4) A person to which accounts, chattel paper, payment intangibles or promissory notes have been sold;

(5) A trustee, indenture trustee, agent, collateral agent or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(6) A person that holds a security interest arising under NRS 104.2401, 104.2505, subsection 3 of NRS 104.2711, NRS 104.4210, 104.5118 or subsection 5 of NRS 104A.2508.

~~[~~(uuu)~~ *(yyy)]* *(xxx)* “Security agreement” means an agreement that creates or provides for a security interest.

~~[~~(vvv) “Send,” in connection with a record or notification, means:

~~(1) To deposit in the mail, deliver for transmission or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or~~

~~(2) To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (1).~~

~~(www)~~ *(zzz)]* *(yyy)* “Software” means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is contained in goods unless the goods are a computer or computer peripheral.

~~[~~(xxx)~~ *(aaaa)]* *(zzz)* “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~[~~(yyy)~~ *(bbbb)]* *(aaaa)* “Supporting obligation” means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, document, general intangible, instrument or investment property.

~~[~~(zzz)~~ *(cccc)* “Tangible chattel paper” *money”* means chattel paper evidenced by a record or records consisting of information that is inscribed on *money in* a tangible medium. *form.*~~

~~(aaaa)~~ *(dddd)]* *(bbbb)* “Termination statement” means a subsequent filing which:

(1) Identifies, by its file number, the initial financing statement to which it relates; and

(2) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

~~[~~(bbbb)~~ *(eeee)]* *(cccc)* “Transmitting utility” means a person primarily engaged in the business of:

(1) Operating a railroad, subway, street railway or trolley bus;

(2) Transmitting communications electrically, electromagnetically or by light;

(3) Transmitting goods by pipeline;

(4) Providing sewerage; or

(5) Transmitting or producing and transmitting electricity, steam, gas or water.

2. "Control" as provided in NRS 104.7106 and the following definitions in other Articles apply to this Article:

"Applicant." NRS 104.5102.

"Beneficiary." NRS 104.5102.

"Broker." NRS 104.8102.

"Certificated security." NRS 104.8102.

"Check." NRS 104.3104.

"Clearing corporation." NRS 104.8102.

"Contract for sale." NRS 104.2106.

"Controllable electronic record." Section 10 of this act.

"Customer." NRS 104.4104.

"Entitlement holder." NRS 104.8102.

"Financial asset." NRS 104.8102.

"Holder in due course." NRS 104.3302.

"Issuer" (with respect to a letter of credit or letter-of-credit right). NRS 104.5102.

"Issuer" (with respect to a security). NRS 104.8201.

"Issuer" (with respect to documents of title). NRS 104.7102.

"Lease." NRS 104A.2103.

"Lease agreement." NRS 104A.2103.

"Lease contract." NRS 104A.2103.

"Leasehold interest." NRS 104A.2103.

"Lessee." NRS 104A.2103.

"Lessee in ordinary course of business." NRS 104A.2103.

"Lessor." NRS 104A.2103.

"Lessor's residual interest." NRS 104A.2103.

"Letter of credit." NRS 104.5102.

"Merchant." NRS 104.2104.

"Negotiable instrument." NRS 104.3104.

"Nominated person." NRS 104.5102.

"Note." NRS 104.3104.

"Proceeds of a letter of credit." NRS 104.5114.

"Protected purchaser." NRS 104.8303.

"Prove." NRS 104.3103.

"Qualifying purchaser." Section 10 of this act.

"Sale." NRS 104.2106.

"Securities account." NRS 104.8501.

"Securities intermediary." NRS 104.8102.

"Security." NRS 104.8102.
"Security certificate." NRS 104.8102.
"Security entitlement." NRS 104.8102.
"Uncertificated security." NRS 104.8102.

3. Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. 50. NRS 104.9104 is hereby amended to read as follows:

104.9104 1. A secured party has control of a deposit account if:

(a) The secured party is the bank with which the deposit account is maintained;

(b) The debtor, secured party and bank have agreed in ~~[an authenticated]~~ ***a signed*** record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the deposit account without further consent by the debtor; ~~[or]~~

(c) The secured party becomes the bank's customer with respect to the deposit account ~~[.]~~ ***; or***

(d) Another person, other than the debtor:

(1) Has control of the deposit account and acknowledges that it has control on behalf of the secured party; or

(2) Obtains control of the deposit account after having acknowledged that it will obtain control of the deposit account on behalf of the secured party.

2. A secured party that has satisfied subsection 1 has control, even if the debtor retains the right to direct the disposition of funds from the deposit account.

Sec. 51. NRS 104.9105 is hereby amended to read as follows:

104.9105 1. A ~~[secured party]~~ ***purchaser*** has control of ***an authoritative*** electronic ***copy of a record evidencing*** chattel paper if a system employed for evidencing the ~~[transfer]~~ ***assignment*** of interests in the chattel paper reliably establishes the ~~[secured party]~~ ***purchaser*** as the person to which the ~~[chattel paper]~~ ***authoritative electronic copy*** was assigned.

2. A system satisfies subsection 1 if the record or records ~~[comprising]~~ ***evidencing*** the chattel paper are created, stored and assigned in such a manner that:

(a) A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in paragraphs (d), (e) and (f), unalterable;

(b) The authoritative copy identifies the ~~[secured party]~~ ***purchaser*** as the assignee of the record or records;

(c) The authoritative copy is communicated to and maintained by the ~~[secured party]~~ ***purchaser*** or its designated custodian;

(d) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the ~~[secured party;]~~ ***purchaser;***

(e) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

3. A system satisfies subsection 1, and a purchaser has control of an authoritative electronic copy of a record evidencing chattel paper, if the electronic copy, a record attached to or logically associated with the electronic copy or a system in which the electronic copy is recorded:

(a) Enables the purchaser readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(b) Enables the purchaser readily to identify itself in any way, including by name, identifying number, cryptographic key, office or account number, as the assignee of the authoritative electronic copy; and

(c) Gives the purchaser exclusive power, subject to subsection 4, to:

(1) Prevent others from adding or changing an identified assignee of the authoritative electronic copy; and

(2) Transfer control of the authoritative electronic copy.

4. Subject to subsection 5, a power is exclusive under subparagraphs (1) and (2) of paragraph (c) of subsection 3, even if:

(a) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy or a system in which the authoritative electronic copy is recorded limits the use of the authoritative electronic copy or has a protocol programmed to cause a change, including a transfer or loss of control; or

(b) The power is shared with another person.

5. A power of a purchaser is not shared with another person under paragraph (b) of subsection 4 and the purchaser's power is not exclusive if:

(a) The purchaser can exercise a power only if the power also is exercised by the other person; and

(b) The other person:

(1) Can exercise the power without exercise of the power by the purchaser; or

(2) Is the transferor to the purchaser of an interest in the chattel paper.

6. If a purchaser has the powers specified in subparagraphs (1) and (2) of paragraph (c) of subsection 3, the powers are presumed to be exclusive.

7. A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if another person, other than the transferor to the purchaser of an interest in the chattel paper:

(a) Has control of the authoritative electronic copy and acknowledges that it has control on behalf of the purchaser; or

(b) Obtains control of the authoritative electronic copy after having acknowledged that it will obtain control of the electronic copy on behalf of the purchaser.

Sec. 52. NRS 104.9203 is hereby amended to read as follows:

104.9203 1. A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

2. Except as otherwise provided in subsections 3 to 9, inclusive, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(a) Value has been given;

(b) The debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(c) One of the following conditions is met:

(1) The debtor has ~~[~~authenticated~~]~~ ***signed*** a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(2) The collateral is not a certificated security and is in the possession of the secured party under NRS 104.9313 pursuant to the debtor's security agreement;

(3) The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under NRS 104.8301 pursuant to the debtor's security agreement; ~~[~~or~~]~~

(4) The collateral is ***controllable accounts, controllable electronic records, controllable payment intangibles,*** deposit accounts, electronic ~~[~~chattel paper,~~]~~ ***documents, [electronic money,]*** investment property ~~[~~,~~]~~ ***or*** letter-of-credit rights ***,*** ~~[~~or electronic documents,~~]~~ and the secured party has control under NRS 104.7106, 104.9104, ~~[~~104.9105,~~]~~ 104.9106 or 104.9107 ***or section [2 or] 3 of this act*** pursuant to the debtor's security agreement ~~[~~.~~]~~ ***; or***

(5) The collateral is chattel paper and the secured party has possession and control under section 7 of this act pursuant to the debtor's security agreement.

3. Subsection 2 is subject to NRS 104.4210 on the security interest of a collecting bank, NRS 104.5118 on the security interest of a letter-of-credit issuer or nominated person, NRS 104.9110 on a security interest arising under Article 2 or 2A, and NRS 104.9206 on security interests in investment property.

4. A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this Article or by contract:

(a) The security agreement becomes effective to create a security interest in his or her property; or

(b) He or she becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

5. If a new debtor becomes bound as debtor by a security agreement entered into by another person:

(a) The agreement satisfies paragraph (c) of subsection 2 with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement; and

(b) Another agreement is not necessary to make a security interest in the property enforceable.

6. The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by NRS 104.9315 and is also attachment of a security interest in a supporting obligation for the collateral.

7. The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage or other lien.

8. The attachment of a security interest in a securities account is also attachment of a security interest in the security entitlements carried in the securities account.

9. The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

Sec. 53. NRS 104.9204 is hereby amended to read as follows:

104.9204 1. Except as otherwise provided in subsection 2, a security agreement may create or provide for a security interest in after-acquired collateral.

2. ~~[A]~~ ***Subject to subsection 3, a*** security interest does not attach under a term constituting an after-acquired property clause to:

(a) Consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within 10 days after the secured party gives value; or

(b) A commercial tort claim.

3. ***Subsection 2 does not prevent a security interest from attaching:***

(a) To consumer goods as proceeds under subsection 1 of NRS 104.9315 or commingled goods under subsection 3 of NRS 104.9336;

(b) To a commercial tort claim as proceeds under subsection 1 of NRS 104.9315; or

(c) Under an after-acquired property clause to property that is proceeds of consumer goods or a commercial tort claim.

4. A security agreement may provide that collateral secures, or that accounts, chattel paper, payment intangibles or promissory notes are sold in connection with, future advances or other value, whether or not the advances or value are given pursuant to commitment.

Sec. 54. NRS 104.9207 is hereby amended to read as follows:

104.9207 1. Except as otherwise provided in subsection 4, a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

2. Except as otherwise provided in subsection 4, if a secured party has possession of collateral:

(a) Reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(b) The risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage;

(c) The secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(d) The secured party may use or operate the collateral:

(1) For the purpose of preserving the collateral or its value;

(2) As permitted by an order of a court having competent jurisdiction; or

(3) Except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

3. Except as otherwise provided in subsection 4, a secured party having possession of collateral or control of collateral under NRS 104.7106, 104.9104, 104.9105, 104.9106 or 104.9107 ~~[.]~~ ***or section*** ~~***[2 or]***~~ ***3 of this act:***

(a) May hold as additional security any proceeds, except money or funds, received from the collateral;

(b) Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(c) May create a security interest in the collateral.

4. If the secured party is a buyer of accounts, chattel paper, payment intangibles or promissory notes or a consignor:

(a) Subsection 1 does not apply unless the secured party is entitled under an agreement:

(1) To charge back uncollected collateral; or

(2) Otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(b) Subsections 2 and 3 do not apply.

Sec. 55. NRS 104.9208 is hereby amended to read as follows:

104.9208 If there is no outstanding secured obligation and the secured party is not committed to make advances, incur obligations or otherwise give value, within 10 days after receiving ~~[an authenticated]~~ ***a signed*** demand by the debtor:

1. A secured party having control of a deposit account under paragraph (b) of subsection 1 of NRS 104.9104 shall send to the bank with which the deposit account is maintained ~~[an authenticated statement]~~ ***a signed record*** that releases the bank from any further obligation to comply with instructions originated by the secured party;

2. A secured party having control of a deposit account under paragraph (c) of subsection 1 of NRS 104.9104 shall:

(a) Pay the debtor the balance on deposit in the deposit account; or

(b) Transfer the balance on deposit into a deposit account in the debtor's name;

3. A ~~[~~secured party,~~]~~ ***purchaser,*** other than a buyer, having control ~~[~~of electronic chattel paper~~]~~ under NRS 104.9105 ***of an authoritative electronic copy of a record evidencing chattel paper*** shall ~~[~~:

~~(a) Communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;~~

~~(b) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(c) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party;~~] ***transfer control of the electronic copy to the debtor or a person designated by the debtor;***

4. A secured party having control of investment property under paragraph (b) of subsection 4 of NRS 104.8106 or under subsection 2 of NRS 104.9106 shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained ~~[~~an authenticated~~]~~ ***a signed*** record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;

5. A secured party having control of a letter-of-credit right under NRS 104.9107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party ~~[~~an authenticated~~]~~ ***a signed*** release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; ~~[~~and~~]~~

6. A secured party having control ***under NRS 104.7106*** of an ***authoritative*** electronic ~~[~~document~~]~~ ***copy of an electronic document*** shall ~~[~~:

~~(a) Give~~] ***transfer*** control of the electronic ~~[~~document~~]~~ ***copy*** to the debtor or ~~[~~its designated custodian;

~~(b) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(c) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party.~~] ***a person designated by the debtor; and***

7. ~~[A secured party having control under section 2 of this act of electronic money shall transfer control of the electronic money to the debtor or a person designated by the debtor; and~~

~~8.]~~ A secured party having control under section 13 of this act of a controllable electronic record, other than a buyer of a controllable account or controllable payment intangible evidenced by the controllable electronic record, shall transfer control of the controllable electronic record to the debtor or a person designated by the debtor.

Sec. 56. NRS 104.9209 is hereby amended to read as follows:

104.9209 1. Except as otherwise provided in subsection 3, this section applies if:

(a) There is no outstanding secured obligation; and

(b) The secured party is not committed to make advances, incur obligations or otherwise give value.

2. Within 10 days after receiving ~~[an authenticated]~~ ***a signed*** demand by the debtor, a secured party shall send to an account debtor that has received notification ***under subsection 1 of NRS 104.9406 or subsection 2 of section 14 of this act*** of an assignment to the secured party as assignee ~~[under subsection 1 of NRS 104.9406 an authenticated]~~ ***a signed*** record that releases the account debtor from any further obligation to the secured party.

3. This section does not apply to an assignment constituting the sale of an account, chattel paper or payment intangible.

Sec. 57. NRS 104.9210 is hereby amended to read as follows:

104.9210 1. In this section:

(a) "Request" means a record of a type described in paragraph (b), (c) or (d).

(b) "Request for an accounting" means a record ~~[authenticated]~~ ***signed*** by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request.

(c) "Request regarding a list of collateral" means a record ~~[authenticated]~~ ***signed*** by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request.

(d) "Request regarding a statement of account" means a record ~~[authenticated]~~ ***signed*** by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably identifying the transaction or relationship that is the subject of the request.

2. Subject to subsections 3 to 6, inclusive, a secured party, other than a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor, shall comply with a request within 14 days after receipt:

(a) In the case of a request for an accounting, by ~~[authenticating]~~ ***signing*** and sending to the debtor an accounting; and

(b) In the case of a request regarding a list of collateral or a request regarding a statement of account, by ~~[~~authenticating~~]~~ ***signing*** and sending to the debtor an approval or correction.

3. A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor ~~[~~an authenticated~~]~~ ***a signed*** record including a statement to that effect within 14 days after receipt.

4. A person that receives a request regarding a list of collateral, claims no interest in the collateral when it receives the request, and claimed an interest in the collateral at an earlier time shall comply with the request within 14 days after receipt by sending to the debtor ~~[~~an authenticated~~]~~ ***a signed*** record:

(a) Disclaiming any interest in the collateral; and

(b) If known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the collateral.

5. A person that receives a request for an accounting or a request regarding a statement of account, claims no interest in the obligations when it receives the request, and claimed an interest in the obligations at an earlier time shall comply with the request within 14 days after receipt by sending to the debtor ~~[~~an authenticated~~]~~ ***a signed*** record:

(a) Disclaiming any interest in the obligations; and

(b) If known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the obligations.

6. A debtor is entitled without charge to one response to a request under this section during any 6-month period. The secured party may require payment of a charge not exceeding $25 for each additional response.

Sec. 58. NRS 104.9301 is hereby amended to read as follows:

104.9301 Except as otherwise provided in NRS 104.9303 to 104.9306, inclusive, ***and section 6 of this act,*** the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

1. Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

2. While collateral is located in a jurisdiction, the law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

3. Except as otherwise provided in subsections 4, 5 and 6, while ~~[~~tangible~~]~~ negotiable ***tangible*** documents, goods, instruments ~~[~~,~~]~~ ***or*** ~~[~~***tangible***~~]~~ money ~~[~~or tangible chattel paper~~]~~ is located in a jurisdiction, the law of that jurisdiction governs the effect of perfection or nonperfection, and the priority of a nonpossessory security interest.

4. While goods are located in a jurisdiction, the law of that jurisdiction governs perfection of a security interest in the goods by a fixture filing.

5. The law of the jurisdiction in which timber to be cut is located governs perfection of a security interest in the timber.

6. The law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

Sec. 59. NRS 104.9304 is hereby amended to read as follows:

104.9304 1. The law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank ~~[.]~~ ***, even if a transaction does not bear any relation to the bank's jurisdiction.***

2. The following rules determine a bank's jurisdiction for purposes of this part:

(a) If an agreement between the bank and the debtor governing the deposit account expressly provides that a particular jurisdiction is the bank's jurisdiction for purposes of this part, this article or the Uniform Commercial Code, that jurisdiction is the bank's jurisdiction.

(b) If paragraph (a) does not apply and an agreement between the bank and its customer governing the deposit account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(c) If neither paragraph (a) nor paragraph (b) applies and an agreement between the bank and its customer governing the deposit account expressly provides that the deposit account is maintained at an office in a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(d) If neither paragraph (a) nor paragraph (b) nor paragraph (c) applies, the bank's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the customer's account is located.

(e) If none of the preceding paragraphs applies, the bank's jurisdiction is the jurisdiction in which the chief executive office of the bank is located.

Sec. 60. NRS 104.9305 is hereby amended to read as follows:

104.9305 1. Except as otherwise provided in subsection 3, the following rules apply:

(a) While a security certificate is located in a jurisdiction, the law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the certificated security represented thereby.

(b) The law of the issuer's jurisdiction as specified in subsection 4 of NRS 104.8110 governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in an uncertificated security.

(c) The law of the securities intermediary's jurisdiction as specified in subsection 5 of NRS 104.8110 governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a security entitlement or securities account.

(d) The law of the commodity intermediary's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a commodity contract or commodity account.

(e) Paragraphs (b), (c) and (d) apply even if the transaction does not bear any relation to the jurisdiction.

2. The following rules determine a commodity intermediary's jurisdiction for purposes of this part:

(a) If an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that a particular jurisdiction is the commodity intermediary's jurisdiction for purposes of this part, this article or the Uniform Commercial Code, that jurisdiction is the commodity intermediary's jurisdiction.

(b) If paragraph (a) does not apply and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(c) If neither paragraph (a) nor paragraph (b) applies and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the commodity account is maintained at an office in a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(d) If neither paragraph (a) nor paragraph (b) nor paragraph (c) applies, the commodity intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the commodity customer's account is located.

(e) If none of the preceding paragraphs applies, the commodity intermediary's jurisdiction is the jurisdiction in which the chief executive office of the commodity intermediary is located.

3. The law of the jurisdiction in which the debtor is located governs:

(a) Perfection of a security interest in investment property by filing;

(b) Automatic perfection of a security interest in investment property granted by a broker or securities intermediary; and

(c) Automatic perfection of a security interest in a commodity contract or commodity account granted by a commodity intermediary.

Sec. 61. NRS 104.9310 is hereby amended to read as follows:

104.9310 1. Except as otherwise provided in subsection 2 or subsection 2 of NRS 104.9312, a financing statement must be filed to perfect all security interests and agricultural liens.

2. The filing of a financing statement is not necessary to perfect a security interest:

(a) That is perfected under subsection 4, 5, 6 or 7 of NRS 104.9308;

(b) That is perfected under NRS 104.9309 when it attaches;

(c) In property subject to a statute, regulation or treaty described in subsection 1 of NRS 104.9311;

(d) In goods in possession of a bailee which is perfected under paragraph (a) or (b) of subsection 4 of NRS 104.9312;

(e) In certificated securities, documents, goods or instruments which is perfected without filing, control or possession under subsection 5, 6 or 7 of NRS 104.9312;

(f) In collateral in the secured party's possession under NRS 104.9313;

(g) In a certificated security which is perfected by delivery of the security certificate to the secured party under NRS 104.9313;

(h) In ***controllable accounts, controllable electronic records, controllable payment intangibles,*** deposit accounts, ~~[~~electronic chattel paper,~~]~~ electronic documents, investment property or letter-of-credit rights which is perfected by control under NRS 104.9314;

(i) ***In chattel paper which is perfected by possession and control under section 7 of this act;***

(j) In proceeds which is perfected under NRS 104.9315; or

~~[~~(j)~~]~~ ***(k)*** That is perfected under NRS 104.9316.

3. If a secured party assigns a perfected security interest or agricultural lien, a filing under this Article is not required to reconfirm the perfected status of the security interest against creditors of and transferees from the original debtor.

Sec. 62. NRS 104.9312 is hereby amended to read as follows:

104.9312 1. A security interest in chattel paper, ~~[~~negotiable documents,~~]~~ ***controllable accounts, controllable electronic records, controllable payment intangibles,*** instruments ***,*** ~~[~~or~~]~~ investment property ***or negotiable documents*** may be perfected by filing.

2. Except as otherwise provided in subsections 3 and 4 of NRS 104.9315 for proceeds:

(a) A security interest in a deposit account may be perfected only by control under NRS 104.9314;

(b) A security interest in a letter-of-credit right may be perfected only by control under NRS 104.9314, except as otherwise provided in subsection 4 of NRS 104.9308; and

(c) A security interest in ***~~[tangible]~~*** money may be perfected only by the secured party's taking possession under NRS 104.9313 ***~~[; and~~***

~~(d) A security interest in electronic money may be perfected only by control under NRS 104.9314.]~~

3. While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(a) A security interest in the goods may be perfected by perfecting a security interest in the document; and

(b) A security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

4. While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(a) Issuance of a document in the name of the secured party;

(b) The bailee's receipt of notification of the secured party's interest; or

(c) Filing as to the goods.

5. A security interest in certificated securities, negotiable documents or instruments is perfected without filing or the taking of possession or control for a period of 20 days after the time it attaches to the extent that it arises for new value given under ~~[an authenticated]~~ ***a signed*** security agreement.

6. A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for 20 days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(a) Ultimate sale or exchange; or

(b) Loading, unloading, storing, shipping, transshipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange.

7. A perfected security interest in a certificated security or instrument remains perfected for 20 days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

(a) Ultimate sale or exchange; or

(b) Presentation, collection, enforcement, renewal or registration of transfer.

8. After the 20-day period specified in subsection 5, 6 or 7 expires, perfection depends upon compliance with this Article.

Sec. 63. NRS 104.9313 is hereby amended to read as follows:

104.9313 1. Except as otherwise provided in subsection 2, a secured party may perfect a security interest in ~~[tangible negotiable documents,]~~ goods, instruments, ***negotiable tangible documents or*** ~~***[tangible]***~~ money ~~[or tangible chattel paper]~~ by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under NRS 104.8301.

2. With respect to goods covered by a certificate of title issued by this State, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in subsection 5 of NRS 104.9316.

3. With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(a) The person in possession ~~[authenticates]~~ ***signs*** a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(b) The person takes possession of the collateral after having ~~[authenticated]~~ ***signed*** a record acknowledging that it will hold possession of ***the*** collateral for the secured party's benefit.

4. If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs ~~[no]~~ ***not*** earlier than the time the secured party takes possession and continues only while the secured party retains possession.

5. A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under NRS 104.8301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

6. A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

7. If a person acknowledges that it holds possession for the secured party's benefit:

(a) The acknowledgment is effective under subsection 3 or subsection 1 of NRS 104.8301, even if the acknowledgment violates the rights of a debtor; and

(b) Unless the person otherwise agrees or law other than this Article otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

8. A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if he or she was instructed before the delivery or is instructed contemporaneously with the delivery:

(a) To hold possession of the collateral for the secured party's benefit; or

(b) To redeliver the collateral to the secured party.

9. A secured party does not relinquish possession, even if a delivery under subsection 8 violates the rights of a debtor. A person to which collateral is delivered under subsection 8 does not owe any duty to the secured party and is not required to confirm the delivery to another person unless he or she otherwise agrees or law other than this Article otherwise provides.

Sec. 64. NRS 104.9314 is hereby amended to read as follows:

104.9314 1. A security interest in ~~[investment property, deposit accounts, letter-of-credit rights, electronic chattel paper or]~~ ***controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts,*** electronic documents ***, [electronic money,] investment property or letter-of-credit rights*** may be perfected by control of the collateral under NRS 104.7106, 104.9104, ~~[104.9105,]~~ 104.9106 or 104.9107 ~~[.]~~ ***or section [2 or] 3 of this act.***

2. A security interest in ~~[deposit accounts, letter-of-credit rights, electronic chattel paper or]~~ ***controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts,*** electronic documents ***[, electronic money] or letter-of-credit rights*** is perfected by control under NRS 104.7106, 104.9104 ~~[, 104.9105]~~ or 104.9107 ~~[when]~~ ***or section [2 or] 3 of this act not earlier than the time*** the secured party obtains control and remains perfected by control only while the secured party retains control.

3. A security interest in investment property is perfected by control under NRS 104.9106 ~~[from]~~ ***not earlier than*** the time the secured party obtains control and remains perfected by control until:

(a) The secured party does not have control; and

(b) One of the following occurs:

(1) If the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

(2) If the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

(3) If the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

Sec. 65. NRS 104.9316 is hereby amended to read as follows:

104.9316 1. A security interest perfected pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 ***,*** ~~[or]~~ subsection 3 of NRS 104.9305 ***, subsection 4 of section 5 of this act or subsection 2 of section 6 of this act*** remains perfected until the earliest of:

(a) The time perfection would have ceased under the law of that jurisdiction;

(b) The expiration of 4 months after a change of the debtor's location to another jurisdiction; or

(c) The expiration of 1 year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

2. If a security interest described in subsection 1 becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

3. A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(a) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(b) Thereafter the collateral is brought into another jurisdiction; and

(c) Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

4. Except as otherwise provided in subsection 5, a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this State remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

5. A security interest described in subsection 4 becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable

requirements for perfection under subsection 2 of NRS 104.9311 or under NRS 104.9313 are not satisfied before the earlier of:

(a) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this State; or

(b) The expiration of 4 months after the goods had become so covered.

6. A security interest in ***chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles,*** deposit accounts, letter-of-credit rights or investment property which is perfected under the law of the ***chattel paper's jurisdiction, the controllable electronic record's jurisdiction, the*** bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(a) The time the security interest would have become unperfected under the law of that jurisdiction; or

(b) The expiration of 4 months after a change of the applicable jurisdiction to another jurisdiction.

7. If a security interest described in subsection 6 becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

8. The following rules apply to collateral to which a security interest attaches within 4 months after the debtor changes its location to another jurisdiction:

(a) A financing statement filed before the change pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral if the debtor had not changed its location.

(b) If a security interest perfected by a financing statement that is effective under paragraph (a) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 or the expiration of the 4-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

9. If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or

subsection 3 of NRS 104.9305 and the new debtor is located in another jurisdiction, the following rules apply:

(a) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within 4 months after, the new debtor becomes bound under subsection 4 of NRS 104.9203, if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(b) A security interest perfected by the financing statement which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 or the expiration of the 4-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

Sec. 66. NRS 104.9317 is hereby amended to read as follows:

104.9317 1. A security interest or agricultural lien is subordinate to the rights of:

(a) A person entitled to priority under NRS 104.9322; and

(b) A person that becomes a lien creditor before the earlier of the time:

(1) The security interest or agricultural lien is perfected; or

(2) One of the conditions specified in paragraph (c) of subsection 2 of NRS 104.9203 is met and a financing statement covering the collateral is filed.

2. Except as otherwise provided in subsection 5, a buyer, other than a secured party, of ~~[~~tangible chattel paper,~~]~~ tangible documents, goods, instruments, or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

3. Except as otherwise provided in subsection 5, a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

4. ~~[~~A~~]~~ ***Subject to subsections 6 to 9, inclusive, a*** licensee of a general intangible or a buyer, other than a secured party, of collateral other than ~~[~~tangible chattel paper,~~]~~ tangible documents, ~~***[electronic money,]***~~ goods, instruments or a certificated security takes free of a security interest if the licensee ***or buyer*** gives value without knowledge of the security interest and before it is perfected.

5. Except as otherwise provided in NRS 104.9320 and 104.9321, if a person files a financing statement with respect to a purchase-money security interest before or within 20 days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee

or lien creditor which arise between the time the security interest attaches and the time of filing.

6. A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:

(a) Receives delivery of each authoritative tangible copy of the record evidencing the chattel paper; and

(b) If each authoritative electronic copy of the record evidencing the chattel paper can be subjected to control under NRS 104.9105, obtains control of each authoritative electronic copy.

7. A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and, if each authoritative electronic copy of the document can be subjected to control under NRS 104.7106, obtains control of each authoritative electronic copy.

8. A buyer of a controllable electronic record takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable electronic record.

9. A buyer, other than a secured party, of a controllable account or a controllable payment intangible takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable account or controllable payment intangible.

Sec. 67. NRS 104.9323 is hereby amended to read as follows:

104.9323 1. Except as otherwise provided in subsection 3, for purposes of determining the priority of a perfected security interest under subsection 1 of NRS 104.9322, perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

(a) Is made while the security interest is perfected only:

(1) Under NRS 104.9309 when it attaches; or

(2) Temporarily under subsection 5, 6 or 7 of NRS 104.9312; and

(b) Is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under NRS 104.9309 or subsection 5, 6 or 7 of NRS 104.9312.

2. Except as otherwise provided in subsection 3, a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than 45 days after he or she becomes a lien creditor unless the advance is made:

(a) Without knowledge of the lien; or

(b) Pursuant to a commitment entered into without knowledge of the lien.

3. Subsections 1 and 2 do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.

4. Except as otherwise provided in subsection 5, a buyer of goods ~~[other than a buyer in the ordinary course of business]~~ takes free of a security interest to the extent that it secures advances made after the earlier of:

(a) The time the secured party acquires knowledge of the buyer's purchase; or

(b) Forty-five days after the purchase.

5. Subsection 4 does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the 45-day period.

6. Except as otherwise provided in subsection 7, a lessee of goods ~~[, other than a lessee in ordinary course of business,]~~ takes the leasehold free of a security interest to the extent that it secures advances made after the earlier of:

(a) The time the secured party acquires knowledge of the lease; or

(b) Forty-five days after the lease contract becomes enforceable.

7. Subsection 6 does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the 45-day period.

Sec. 68. NRS 104.9324 is hereby amended to read as follows:

104.9324 1. Subject to subsection 2 and except as otherwise provided in subsection 7, a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in NRS 104.9330, and, except as otherwise provided in NRS 104.9327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if:

(a) The purchase-money security interest is perfected when the debtor receives possession of the inventory;

(b) The purchase-money secured party sends ~~[an authenticated]~~ ***a signed*** notification to the holder of the conflicting security interest;

(c) The holder of the conflicting security interest receives the notification within 5 years before the debtor receives possession of the inventory; and

(d) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in inventory of the debtor and describes the inventory.

2. Paragraphs (b), (c) and (d) of subsection 1 apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory:

(a) If the purchase-money security interest is perfected by filing, before the date of the filing; or

(b) If the purchase-money security interest is temporarily perfected without filing or possession under subsection 6 of NRS 104.9312, before the beginning of the 20-day period thereunder.

3. Subject to subsection 5 and except as otherwise provided in subsection 7, a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in NRS 104.9327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:

(a) The purchase-money security interest is perfected when the debtor receives possession of the livestock;

(b) The purchase-money secured party sends ~~[an authenticated]~~ ***a signed*** notification to the holder of the conflicting security interest;

(c) The holder of the conflicting security interest receives the notification within 6 months before the debtor receives possession of the livestock; and

(d) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.

4. Paragraphs (b), (c) and (d) of subsection 3 apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock:

(a) If the purchase-money security interest is perfected by filing, before the date of the filing; or

(b) If the purchase-money security interest is temporarily perfected without filing or possession under subsection 6 of NRS 104.9312, before the beginning of the 20-day period thereunder.

5. Except as otherwise provided in subsection 7, a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in NRS 104.9327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or within 20 days thereafter.

6. Except as otherwise provided in subsection 7, a perfected purchase-money security interest in software has priority over a conflicting security interest in the same collateral, and, except as otherwise provided in NRS 104.9327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase-money security interest in the goods in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.

7. If more than one security interest qualifies for priority in the same collateral under subsection 1, 3, 5 or 6:

(a) A security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation incurred for value given to enable the debtor to acquire rights in or the use of collateral; and

(b) In all other cases, subsection 1 of NRS 104.9322 applies to the qualifying security interests.

Sec. 69. NRS 104.9330 is hereby amended to read as follows:

104.9330 1. A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed merely as proceeds of inventory subject to a security interest if:

(a) In good faith and in the ordinary course of the purchaser's business, the purchaser gives new value ***,*** ~~[and]~~ takes possession of ***each authoritative tangible copy of the record evidencing*** the chattel paper ~~[or]~~ ***and*** obtains control ***under NRS 104.9105*** of ***each authoritative electronic copy of the record evidencing*** the chattel paper ***;*** ~~[under NRS 104.9105;]~~ and

(b) The ~~[chattel paper does]~~ ***authoritative copies of the record evidencing the chattel paper do*** not indicate that ~~[it]~~ ***the chattel paper*** has been assigned to an identified assignee other than the purchaser.

2. A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value ***,*** ~~[and]~~ takes possession of ***each authoritative tangible copy of the record evidencing*** the chattel paper ~~[or]~~ ***and*** obtains control ***under NRS 104.9105*** of ***each authoritative electronic copy of the record evidencing*** the chattel paper ~~[under NRS 104.9105]~~ in good faith, in the ordinary course of the purchaser's business, and without knowledge that the purchase violates the rights of the secured party.

3. Except as otherwise provided in NRS 104.9327, a purchaser having priority in chattel paper under subsection 1 or 2 also has priority in proceeds of the chattel paper to the extent that:

(a) NRS 104.9322 provides for priority in the proceeds; or

(b) The proceeds consist of the specific goods covered by the chattel paper or cash proceeds of the specific goods, even if the purchaser's security interest in the proceeds is unperfected.

4. Except as otherwise provided in subsection 1 of NRS 104.9331, a purchaser of an instrument has priority over a security interest in the instrument perfected by a method other than possession if the purchaser gives value and takes possession of the instrument in good faith and without knowledge that the purchase violates the rights of the secured party.

5. For purposes of subsections 1 and 2, the holder of a purchase-money security interest in inventory gives new value for chattel paper constituting proceeds of the inventory.

6. For purposes of subsections 2 and 4, if ***the authoritative copies of the record evidencing*** chattel paper or an instrument ~~[indicates]~~ ***indicate*** that ~~[it]~~ ***the chattel paper or instrument*** has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.

Sec. 70. NRS 104.9331 is hereby amended to read as follows:

104.9331 1. This article does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, ~~[or]~~ a protected purchaser of a security ~~[.]~~ ***or a***

qualifying purchaser of a controllable account, controllable electronic record or controllable payment intangible. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in articles 3, 7 **,** ~~[and]~~ 8 ~~[.]~~ ***and 12.***

2. This article does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under article 8 ~~[.]~~ ***or 12.***

3. Filing under this article does not constitute notice of a claim or defense to the holders, ~~[or]~~ purchasers, or persons described in subsections 1 and 2.

Sec. 71. NRS 104.9332 is hereby amended to read as follows:

104.9332 1. A transferee of ~~*[tangible]*~~ money takes the money free of a security interest ~~[unless]~~ ***if*** the transferee ~~[acts]~~ ***receives possession of the money without acting*** in collusion with the debtor in violating the rights of the secured party.

2. A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account ~~[unless]~~ ***if*** the transferee ~~[acts]~~ ***receives the funds without acting*** in collusion with the debtor in violating the rights of the secured party.

~~*[3. A transferee of electronic money takes the money free of a security interest if the transferee obtains control of the money without acting in collusion with the debtor in violating the rights of the secured party.]*~~

Sec. 72. NRS 104.9334 is hereby amended to read as follows:

104.9334 1. A security interest under this article may be created in goods that are fixtures or may continue in goods that become fixtures. A security interest does not exist under this article in ordinary building materials incorporated into an improvement on land.

2. This article does not prevent creation of an encumbrance upon fixtures under real property law.

3. In cases not governed by subsections 4 to 8, inclusive, a security interest in fixtures is subordinate to a conflicting interest of an encumbrancer or owner of the related real property other than the debtor.

4. Except as otherwise provided in subsection 8, a perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property and:

(a) The security interest is a purchase-money security interest;

(b) The interest of the encumbrancer or owner arises before the goods become fixtures; and

(c) The security interest is perfected by a fixture filing before the goods become fixtures or within 20 days thereafter.

5. A perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(a) The debtor has an interest of record in the real property or is in possession of the real property and the security interest:

(1) Is perfected by a fixture filing before the interest of the encumbrancer or owner is of record; and

(2) Has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner;

(b) Before the goods become fixtures, the security interest is perfected by any method permitted by this article and the fixtures are readily removable:

(1) Factory or office machines;

(2) Equipment that is not primarily used or leased for use in the operation of the real property; or

(3) Replacements of domestic appliances that are consumer goods;

(c) The conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this article; or

(d) The security interest is:

(1) Created in a manufactured home in a manufactured-home transaction; and

(2) Perfected pursuant to a statute described in paragraph (b) of subsection 1 of NRS 104.9311.

6. A security interest in fixtures, whether or not perfected, has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(a) The encumbrancer or owner has, in ~~[an authenticated]~~ ***a signed*** record, consented to the security interest or disclaimed an interest in the goods as fixtures; or

(b) The debtor has a right to remove the goods as against the encumbrancer or owner.

7. The priority of the security interest under paragraph (b) of subsection 6 continues for a reasonable time if the debtor's right to remove the goods as against the encumbrancer or owner terminates.

8. A mortgage is a construction mortgage to the extent that it secures an obligation incurred for the construction of an improvement on land, including the acquisition cost of the land, if the recorded record so indicates. Except as otherwise provided in subsections 5 and 6, a security interest in fixtures is subordinate to a construction mortgage recorded before the goods become fixtures if the goods become fixtures before the completion of the construction. A mortgage has this priority to the same extent as a construction mortgage to the extent that it is given to refinance a construction mortgage.

9. A perfected security interest in crops growing on real property has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property.

Sec. 73. NRS 104.9341 is hereby amended to read as follows:

104.9341 Except as otherwise provided in subsection 3 of NRS 104.9340, and unless the bank otherwise agrees in ~~[an authenticated]~~ ***a signed*** record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended or modified by:

1. The creation, attachment or perfection of a security interest in the deposit account;

2. The bank's knowledge of the security interest; or

3. The bank's receipt of instructions from the secured party.

Sec. 74. NRS 104.9404 is hereby amended to read as follows:

104.9404 1. Unless an account debtor has made an enforceable agreement not to assert defenses or claims, and subject to subsections 2 to 5, inclusive, the rights of an assignee are subject to:

(a) All terms of the agreement between the account debtor and assignor and any defense or claim in recoupment arising from the transaction that gave rise to the contract; and

(b) Any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives a notification of the assignment ~~[~~~~authenticated~~~~]~~ ***signed*** by the assignor or the assignee.

2. Subject to subsection 3 and except as otherwise provided in subsection 4, the claim of an account debtor against an assignor may be asserted against an assignee under subsection 1 only to reduce the amount the account debtor owes.

3. This section is subject to law other than this article which establishes a different rule for an account debtor who is a natural person and who incurred the obligation primarily for personal, family or household purposes.

4. In a consumer transaction, if a record evidences the account debtor's obligation, law other than this article requires that the record include a statement to the effect that the account debtor's recovery against an assignee with respect to claims and defenses against the assignor may not exceed amounts paid by the account debtor under the record, and the record does not include such a statement, the extent to which a claim of an account debtor against the assignor may be asserted against an assignee is determined as if the record included such a statement.

5. This section does not apply to an assignment of a health-care-insurance receivable.

Sec. 75. NRS 104.9406 is hereby amended to read as follows:

104.9406 1. Subject to subsections 2 to 8, inclusive, ***and 11,*** an account debtor on an account, chattel paper or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, ~~[~~~~authenticated~~~~]~~ ***signed*** by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

2. Subject to ~~[~~~~subsection~~~~]~~ ***subsections*** 8 ~~[~~~~,~~~~]~~ ***and 11,*** notification is ineffective under subsection 1:

(a) If it does not reasonably identify the rights assigned;

(b) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(c) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(1) Only a portion of the account, chattel paper or payment intangible has been assigned to that assignee;

(2) A portion has been assigned to another assignee; or

(3) The account debtor knows that the assignment to that assignee is limited.

3. Subject to ~~[subsection]~~ ***subsections*** 8 ~~[,]~~ ***and 11,*** if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection 1.

4. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 5 ***and 10*** and NRS 104.9407 and 104A.2303, and subject to subsection 8, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(a) Prohibits, restricts or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection or enforcement of a security interest in, the account, chattel paper, payment intangible or promissory note; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible or promissory note.

Ê As used in this subsection, the term "promissory note" includes a negotiable instrument that evidences chattel paper.

5. Subsection 4 does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under NRS 104.9610 or an acceptance of collateral under NRS 104.9620.

6. ~~[Subject]~~ ***Except as otherwise provided in subsection 10 and NRS 104.9407 and 104A.2303 and subject*** to subsections 7 and 8, a rule of law, statute, or regulation, that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute or regulation:

(a) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

7. Subject to ~~[subsection]~~ ***subsections*** 8 ~~[,]~~ ***and 11,*** an account debtor may not waive or vary its option under paragraph (c) of subsection 2.

8. This section is subject to law other than this article which establishes a different rule for an account debtor who is a natural person and who incurred the obligation primarily for personal, family or household purposes.

9. This section does not apply to an assignment of a health-care-insurance receivable or to a transfer of a right to receive payments pursuant to NRS 42.200 to 42.400, inclusive.

10. Subsections 4 and 6 do not apply to a security interest in an ownership interest in a general partnership, limited partnership or limited-liability company.

11. Subsections 1, 2, 3 and 7 do not apply to a controllable account or controllable payment intangible.

Sec. 76. NRS 104.9408 is hereby amended to read as follows:

104.9408 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 5,*** a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license or franchise, and prohibits, restricts or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable or general intangible, is ineffective to the extent that the term:

(a) Would impair the creation, attachment or perfection of a security interest; or

(b) Provides that the assignment or transfer, or the creation, attachment or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination or remedy under the promissory note, health-care-insurance receivable or general intangible.

2. Subsection 1 applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under NRS 104.9610 or an acceptance of collateral under NRS 104.9620.

3. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable or general intangible, including a contract, permit, license or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute or regulation:

(a) Would impair the creation, attachment or perfection of a security interest; or

(b) Provides that the assignment or transfer, or the creation, attachment or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination or remedy under the promissory note, health-care-insurance receivable or general intangible.

4. To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection 3 would be effective under law other than this article but is ineffective under subsection 1 or 3, the creation, attachment or perfection of a security interest in the promissory note, health-care-insurance receivable or general intangible:

(a) Is not enforceable against the person obligated on the promissory note or the account debtor;

(b) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(c) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party or accept payment or performance from the secured party;

(d) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable or general intangible;

(e) Does not entitle the secured party to use, assign, possess or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(f) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable or general intangible.

5. This section does not apply to a security interest in an ownership interest in a general partnership, limited partnership or limited-liability company.

6. In this section, "promissory note" includes a negotiable instrument that evidences chattel paper.

Sec. 77. NRS 104.9509 is hereby amended to read as follows:

104.9509 1. A person may file an initial financing statement, amendment that adds collateral covered by a financing statement or amendment that adds a debtor to a financing statement only if:

(a) The debtor authorizes the filing in ~~[an authenticated]~~ ***a signed*** record;

(b) The person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien; or

(c) Otherwise authorized by subsection 2 or 3.

2. By ~~[authenticating]~~ ***signing*** or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering:

(a) The collateral described in the security agreement; and

(b) Property that becomes collateral under paragraph (b) of subsection 1 of NRS 104.9315, whether or not the security agreement expressly covers proceeds.

3. A person may file an amendment other than an amendment that adds collateral covered by a financing statement or an amendment that adds a debtor to a financing statement only if:

(a) The secured party of record authorizes the filing; or

(b) The change is a termination statement for a financing statement as to which the secured party of record has failed to file or send a termination statement as required by subsection 1 or 3 of NRS 104.9513.

4. If there is more than one secured party of record for a financing statement, each secured party of record may authorize the filing of an amendment under subsection 3.

Sec. 78. NRS 104.9513 is hereby amended to read as follows:

104.9513 1. A secured party shall cause the secured party of record for a financing statement to file a termination statement for the financing statement if the financing statement covers consumer goods and:

(a) There is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation or otherwise give value; or

(b) The debtor did not authorize the filing of the initial financing statement.

2. To comply with subsection 1, a secured party shall cause the secured party of record to file the termination statement:

(a) Within 1 month after there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation or otherwise give value; or

(b) If earlier, within 20 days after the secured party receives ~~[an authenticated]~~ ***a signed*** demand from a debtor.

3. In cases not governed by subsection 1, within 20 days after a secured party receives ~~[an authenticated]~~ ***a signed*** demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if:

(a) Except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation or otherwise give value;

(b) The financing statement covers accounts or chattel paper that has been sold but as to which the account debtor or other person obligated has discharged its obligation;

(c) The financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession; or

(d) The debtor did not authorize the filing of the initial financing statement.

4. Except as otherwise provided in NRS 104.9510, upon the filing of a termination statement with the filing office:

(a) The financing statement to which the termination statement relates ceases to be effective.

(b) For the purposes of subsection 7 of NRS 104.9519, subsection 1 of NRS 104.9522 and subsection 3 of NRS 104.9523, a financing statement that indicates that the debtor is a transmitting utility causes the effectiveness of the financing statement to lapse.

Sec. 79. NRS 104.9601 is hereby amended to read as follows:

104.9601 1. After default, a secured party has the rights provided in this part and, except as otherwise provided in NRS 104.9602, those provided by agreement of the parties. A secured party:

(a) May reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(b) If the collateral is documents, may proceed either as to the documents or as to the goods they cover.

2. A secured party in possession of collateral or control of collateral under NRS 104.7106, 104.9104, 104.9105, 104.9106 or 104.9107 ***or section ~~[2 or]~~ 3 of this act*** has the rights and duties provided in NRS 104.9207.

3. The rights under subsections 1 and 2 are cumulative and may be exercised simultaneously.

4. Except as otherwise provided in subsection 7 and NRS 104.9605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

5. If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(a) The date of perfection of the security interest or agricultural lien in the collateral;

(b) The date of filing a financing statement covering the collateral; or

(c) Any date specified in a statute under which the agricultural lien was created.

6. A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this Article.

7. Except as otherwise provided in subsection 3 of NRS 104.9607, this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles or promissory notes.

Sec. 80. NRS 104.9605 is hereby amended to read as follows:

104.9605 ~~[A]~~

1. Except as provided in subsection 2, a secured party does not owe a duty based on its status as secured party:

~~[1.]~~ ***(a)*** To a person that is a debtor or obligor, unless the secured party knows:

~~[(a)]~~ ***(1)*** That he or she is a debtor or obligor;

~~[(b)]~~ ***(2)*** His or her identity; and

~~[(c)]~~ ***(3)*** How to communicate with him or her; or

~~[2.]~~ ***(b)*** To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

~~[(a)]~~ ***(1)*** That the person is a debtor; and

~~[(b)]~~ ***(2)*** His or her identity.

2. A secured party owes a duty based on its status as a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(a) The person is a debtor or obligor; and

(b) The secured party knows that the information in subparagraph (1), (2) or (3) of paragraph (a) of subsection 1 relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral or the system in which the collateral is recorded.

Sec. 81. NRS 104.9608 is hereby amended to read as follows:

104.9608 1. If a security interest or agricultural lien secures payment or performance of an obligation, the following rules apply:

(a) A secured party shall apply or pay over for application the cash proceeds of collection or enforcement under NRS 104.9607 in the following order to:

(1) The reasonable expenses of collection and enforcement and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party;

(2) The satisfaction of obligations secured by the security interest or agricultural lien under which the collection or enforcement is made; and

(3) The satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the collection or enforcement is made if the secured party receives ~~[an authenticated]~~ ***a signed*** demand for proceeds before distribution of the proceeds is completed.

(b) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder complies, the secured party need not comply with the holder's demand under subparagraph (3) of paragraph (a).

(c) A secured party need not apply or pay over for application noncash proceeds of collection and enforcement under NRS 104.9607 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(d) A secured party shall account to and pay a debtor for any surplus, and the obligor is liable for any deficiency.

2. If the underlying transaction is a sale of accounts, chattel paper, payment intangibles or promissory notes, the debtor is not entitled to any surplus, and the obligor is not liable for any deficiency.

Sec. 82. NRS 104.9611 is hereby amended to read as follows:

104.9611 1. In this section, "notification date" means the earlier of the date on which:

(a) A secured party sends to the debtor and any secondary obligor ~~[an authenticated]~~ ***a signed*** notification of disposition; or

(b) The debtor and any secondary obligor waive the right to notification.

2. Except as otherwise provided in subsection 4, a secured party that disposes of collateral under NRS 104.9610 shall send to the persons specified in subsection 3 a reasonable ~~[authenticated]~~ ***signed*** notification of disposition.

3. To comply with subsection 2, the secured party shall send ~~[an authenticated]~~ ***a signed*** notification of disposition to:

(a) The debtor;

(b) Any secondary obligor; and

(c) If the collateral is other than consumer goods:

(1) Any other person from which the secured party has received, before the notification date, ~~[an authenticated]~~ ***a signed*** notification of a claim of an interest in the collateral;

(2) Any other secured party or lienholder that, 10 days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(I) Identified the collateral;

(II) Was indexed under the debtor's name as of that date; and

(III) Was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date; and

(3) Any other secured party that, 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation or treaty described in subsection 1 of NRS 104.9311.

4. Subsection 2 does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.

5. A secured party complies with the requirement for notification prescribed by subparagraph (2) of paragraph (c) of subsection 3 if:

(a) Not later than 20 days or earlier than 30 days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements indexed under the debtor's name in the office indicated in that subparagraph; and

(b) Before the notification date, the secured party:

(1) Did not receive a response to the request for information; or

(2) Received a response to the request for information and sent ~~[an authenticated]~~ ***a signed*** notification of disposition to each secured party ***or***

other lienholder named in that response whose financing statement covered the collateral.

Sec. 83. NRS 104.9613 is hereby amended to read as follows:

104.9613 ***1.*** Except in a consumer-goods transaction, the following rules apply:

~~[1.]~~ ***(a)*** The contents of a notification of disposition are sufficient if the notification:

~~[(a)]~~ ***(1)*** Describes the debtor and the secured party;

~~[(b)]~~ ***(2)*** Describes the collateral that is the subject of the intended disposition;

~~[(c)]~~ ***(3)*** States the method of intended disposition;

~~[(d)]~~ ***(4)*** States that the debtor is entitled to an accounting of the unpaid indebtedness and states the charge, if any, for an accounting; and

~~[(e)]~~ ***(5)*** States the time and place of a public disposition or the time after which any other disposition is to be made.

~~[2.]~~ ***(b)*** Whether the contents of a notification that lacks any of the information specified in ~~[subsection 1]~~ ***paragraph (a)*** are nevertheless sufficient is a question of fact.

~~[3.]~~ ***(c)*** The contents of a notification providing substantially the information specified in ~~[subsection 1]~~ ***paragraph (a)*** are sufficient, even if the notification includes:

~~[(a)]~~ ***(1)*** Information not specified by that ~~[subsection;]~~ ***paragraph;*** or

~~[(b)]~~ ***(2)*** Minor errors that are not seriously misleading.

~~[4.]~~ ***(d)*** A particular phrasing of the notification is not required.

~~[5.]~~ ***(e)*** The following form of notification and the form appearing in ***paragraph (c) of*** subsection ~~[3]~~ ***1*** of NRS 104.9614, when completed ~~[,]~~ ***in accordance with the instructions in subsection 2 and subsection 2 of NRS 104.9614,*** each provides sufficient information:

NOTIFICATION OF DISPOSITION OF COLLATERAL

To:	[Name of debtor, obligor, or other person to which the notification is sent]
From:	[Name, address, and telephone number of secured party]

{1} Name of ~~[Debtor(s): [Include only if debtor(s) are not an addressee]]~~ ***any debtor that is not an addressee***

~~[[For a public disposition:]]~~ ***: [Name of each debtor]***

{2} We will sell ~~[[or lease or license, as applicable] the]~~ [describe collateral] [to the highest qualified bidder] ~~[in]~~ ***at*** public ***sale. A sale could include a lease or license. The sale will be held*** as follows:

~~[Day and]~~ Date: .....

Time: .....
Place: .....

~~[[For a private disposition:]]~~

{3} We will sell ~~[[or lease or license, as applicable]~~ ~~the]~~ [describe collateral] ~~[privately]~~ ***at private sale*** sometime after ~~[[day and]~~ ***[*** date]. ***A sale could include a lease or license.***

{4} You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell ~~[[or lease]~~ or ***,*** ~~[license,]~~ as applicable ~~[] [for a charge of $.....]. You may]~~ ***, lease or license.***

{5} If you request an accounting ***you must pay a charge of $ [amount].***

{6} You may request an accounting by calling us at [telephone number].

2. The following instructions apply to the form of notification in paragraph (e) of subsection 1:

(a) The instructions in this subsection refer to the numbers in braces before items in the form of notification in paragraph (e) of subsection 1. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.

(b) Include and complete item {1} only if there is a debtor that is not an addressee of the notification and list the name or names.

(c) Include and complete either item {2}, if the notification relates to a public disposition of the collateral, or item {3}, if the notification relates to a private disposition of the collateral. If item {2} is included, include the words "to the highest qualified bidder" only if applicable.

(d) Include and complete items {4} and {6}.

(e) Include and complete item {5} only if the sender will charge the recipient for an accounting.

Sec. 84. NRS 104.9614 is hereby amended to read as follows:

104.9614 ***1.*** In a consumer-goods transaction, the following rules apply:

~~[1.]~~ ***(a)*** A notification of disposition must provide the following information:

~~[(a)]~~ ***(1)*** The information specified in ***paragraph (a) of*** subsection 1 of NRS 104.9613;

~~[(b)]~~ ***(2)*** A description of any liability for a deficiency of the person to which the notification is sent;

~~[(c)]~~ ***(3)*** A telephone number from which the amount that must be paid to the secured party to redeem the collateral under NRS 104.9623 is available; and

~~[(d)]~~ ***(4)*** A telephone number or mailing address from which additional information concerning the disposition and the obligation secured is available.

~~[2.]~~ ***(b)*** A particular phrasing of the notification is not required.

~~[3.]~~ ***(c)*** The following form of notification, when completed ~~[.]~~ ***in accordance with the instructions in subsection 2,*** provides sufficient information:

[Name and address of secured party]
[Date]

NOTICE OF OUR PLAN TO SELL PROPERTY

[Name and address of any obligor who is also a debtor]

Subject: ~~[[Identification of]~~ ***[Identify*** Transaction]

We have your [describe collateral], because you broke promises in our agreement.

~~[[For a public disposition:]]~~
{1} We will sell [describe collateral] at public sale. A sale could include a lease or license. The sale will be held as follows:

Date: .....
Time: .....
Place: .....

You may attend the sale and bring bidders if you want.

~~[[For a private disposition:]]~~
{2} We will sell [describe collateral] at private sale sometime after [date]. A sale could include a lease or license.

{3} The money that we get from the sale ***,*** ~~[(]~~ after paying our costs ***,*** ~~[)]~~ will reduce the amount you owe. If we get less money than you owe, you [will or will not, as applicable] still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

{4} You can get the property back at any time before we sell it by paying us the full amount you owe ***,*** ~~[(]~~ not just the past due payments ***,*** ~~[),]~~ including our expenses. To learn the exact amount you must pay, call us at [telephone number].

{5} If you want us to explain to you in ***[*** writing ***] [writing or in [description of electronic record]] [description of electronic record]*** how we have figured the amount that you owe us, ~~[you may]~~ ***{6}*** call us at [telephone number] [or write us at [secured party's address]] ***[or contact us by [description of electronic communication method]] {7}*** and request ***[*** a written explanation ~~[.]~~ ***] [a written explanation or an explanation in [description of electronic record]] [an explanation in [description of electronic document]].***

{8} ~~[[~~ We will charge you ~~[$.....]~~ ***$ [amount]*** for the explanation if we sent you another written explanation of the amount you owe us within the last 6 months. ~~]]~~

{9} If you need more information about the sale ***[*** call us at [telephone number] ***]*** [or write us at [secured party's address]] ~~[.]~~ ***[or contact us by [description of electronic communication method]].***

{10} We are sending this notice to the following other people who have an interest in [describe collateral] or who owe money under your agreement:

[Names of all other debtors and obligors, if any]

~~[4.]~~ ***(d)*** A notification in the form of ~~[subsection 3]~~ ***paragraph (c)*** is sufficient, even if additional information appears at the end of the form.

~~[5.]~~ ***(e)*** A notification in the form of ~~[subsection 3]~~ ***paragraph (c)*** is sufficient, even if it includes errors in information not required by ~~[subsection 1,]~~ ***paragraph (c)*** unless the error is misleading with respect to rights arising under this article.

~~[6.]~~ ***(f)*** If a notification under this section is not in the form of ~~[subsection 3,]~~ ***paragraph (c),*** law other than this article determines the effect of including information not required by subsection 1.

2. The following instructions apply to the form of notification in paragraph (c) of subsection 1:

(a) The instructions in this subsection refer to the numbers in braces before items in the form of notification in paragraph (c) of subsection 1. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.

(b) Include and complete either item {1}, if the notification relates to a public disposition of the collateral, or item {2}, if the notification relates to a private disposition of the collateral.

(c) Include and complete items {3}, {4}, {5}, {6} and {7}.

(d) In item {5}, include and complete any one of the three alternative methods for the explanation—writing, writing or electronic record, or electronic record.

(e) In item {6}, include the telephone number. In addition, the sender may include and complete either or both of the two additional alternative methods of communication—writing or electronic communication—for the recipient of the notification to communicate with the sender. Neither of the two additional methods of communication is required to be included.

(f) In item {7}, include and complete the method or methods for the explanation—writing, writing or electronic record, or electronic record—included in item {5}.

(g) Include and complete item {8} only if a written explanation is included in item {5} as a method for communicating the explanation and the sender will charge the recipient for another written explanation.

(h) In item {9}, include either the telephone number or the address or both the telephone number and the address. In addition, the sender may include and complete the additional method of communication—electronic communication—for the recipient of the notification to communicate with the sender. The additional method of electronic communication is not required to be included.

(i) If item {10} does not apply, insert "None" after "agreement."

Sec. 85. NRS 104.9615 is hereby amended to read as follows:

104.9615 1. A secured party shall apply or pay over for application the cash proceeds of disposition under NRS 104.9610 in the following order to:

(a) The reasonable expenses of retaking, holding, preparing for disposition, processing and disposing, and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party;

(b) The satisfaction of obligations secured by the security interest or agricultural lien under which the disposition is made;

(c) The satisfaction of obligations secured by any subordinate security interest in or other subordinate lien on the collateral if:

(1) The secured party receives from the holder of the subordinate security interest or other lien ~~[an authenticated]~~ ***a signed*** demand for proceeds before distribution of the proceeds is completed; and

(2) In a case in which a consignor has an interest in the collateral, the subordinate security interest or other lien is senior to the interest of the consignor; and

(d) A secured party that is a consignor of the collateral if the secured party receives from the consignor ~~[an authenticated]~~ ***a signed*** demand for proceeds before distribution of the proceeds is completed.

2. If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder does so, the secured party need not comply with the holder's demand under paragraph (c) of subsection 1.

3. A secured party need not apply or pay over for application noncash proceeds of disposition under NRS 104.9610 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

4. If the security interest under which a disposition is made secures payment or performance of an obligation, after making the payments and applications required by subsection 1 and permitted by subsection 3:

(a) Unless paragraph (d) of subsection 1 requires the secured party to apply or pay over cash proceeds to a consignor, the secured party shall account to and pay a debtor for any surplus; and

(b) The obligor is liable for any deficiency.

5. If the underlying transaction is a sale of accounts, chattel paper, payment intangibles or promissory notes:

(a) The debtor is not entitled to any surplus; and

(b) The obligor is not liable for any deficiency.

6. The surplus or deficiency following a disposition is calculated based on the amount of proceeds that would have been realized in a disposition complying with this part to a transferee other than the secured party, a person related to the secured party or a secondary obligor if:

(a) The transferee in the disposition is the secured party, a person related to the secured party or a secondary obligor; and

(b) The amount of proceeds of the disposition is significantly below the range of proceeds that a complying disposition to a person other than the secured party, a person related to the secured party or a secondary obligor would have brought.

7. A secured party that receives cash proceeds of a disposition in good faith and without knowledge that the receipt violates the rights of the holder of a security interest or other lien that is not subordinate to the security interest or agricultural lien under which the disposition is made:

(a) Takes the cash proceeds free of the security interest or other lien;

(b) Is not obligated to apply the proceeds of the disposition to the satisfaction of obligations secured by the security interest or other lien; and

(c) Is not obligated to account to or pay the holder of the security interest or other lien for any surplus.

Sec. 86. NRS 104.9616 is hereby amended to read as follows:

104.9616 1. In this section:

(a) "Explanation" means a ~~[writing]~~ ***record*** that:

(1) States the amount of the surplus or deficiency;

(2) Provides an explanation in accordance with subsection 3 of how the secured party calculated the surplus or deficiency;

(3) States, if applicable, that future debits, credits, charges, including additional credit service charges or interest rebates, and expenses may affect the amount of the surplus or deficiency; and

(4) Provides a telephone number or mailing address from which additional information concerning the transaction is available.

(b) "Request" means a record:

(1) ~~[Authenticated]~~ ***Signed*** by a debtor or consumer obligor;

(2) Requesting that the recipient provide an explanation; and

(3) Sent after disposition of the collateral under NRS 104.9610.

2. In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under NRS 104.9615, the secured party shall:

(a) Send an explanation to the debtor or consumer obligor, as applicable, after the disposition and:

(1) Before or when the secured party accounts to the debtor and pays any surplus or first makes ~~[written]~~ demand ***in a record*** on the consumer obligor after the disposition for payment of the deficiency; and

(2) Within 14 days after receipt of a request; or

(b) In the case of a consumer obligor who is liable for a deficiency, within 14 days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.

3. To comply with subparagraph (2) of paragraph (a) of subsection 1, ~~[a writing]~~ ***an explanation*** must provide the following information in the following order:

(a) The aggregate amount of obligations secured by the security interest under which the disposition was made, and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:

(1) If the secured party takes or receives possession of the collateral after default, not more than 35 days before the secured party takes or receives possession; or

(2) If the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than 35 days before the disposition;

(b) The amount of proceeds of the disposition;

(c) The aggregate amount of the obligations after deducting the amount of proceeds;

(d) The amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing and disposing of the collateral, and attorney's fees secured by the collateral which are known to the secured party and relate to the current disposition;

(e) The amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and which are not reflected in the amount in paragraph (a); and

(f) The amount of the surplus or deficiency.

4. A particular phrasing of the explanation is not required. An explanation complying substantially with the requirements of paragraph (a) of subsection 1 is sufficient, even if it includes minor errors that are not seriously misleading.

5. A debtor or consumer obligor is entitled without charge to one response to a request under this section during any 6-month period in which the secured party did not send to the debtor or consumer obligor an explanation pursuant to paragraph (a) of subsection 2. The secured party may require payment of a charge not exceeding $25 for each additional response.

Sec. 87. NRS 104.9619 is hereby amended to read as follows:

104.9619 1. In this section, "transfer statement" means a record ~~[authenticated]~~ ***signed*** by a secured party stating:

(a) That the debtor has defaulted in connection with an obligation secured by specified collateral;

(b) That the secured party has exercised its postdefault remedies with respect to the collateral;

(c) That, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral; and

(d) The name and mailing address of the secured party, debtor and transferee.

2. A transfer statement entitles the transferee to the transfer of record of all rights of the debtor in the collateral specified in the statement in any official filing, recording, registration or certificate-of-title system covering the collateral. If a transfer statement is presented with the applicable fee and request form to the official or office responsible for maintaining the system, the official or office shall:

(a) Accept the transfer statement;

(b) Promptly amend its records to reflect the transfer; and

(c) If applicable, issue a new appropriate certificate of title in the name of the transferee.

3. A transfer of the record or legal title to collateral to a secured party under subsection 2 or otherwise is not of itself a disposition of collateral under this article and does not of itself relieve the secured party of its duties under this article.

Sec. 88. NRS 104.9620 is hereby amended to read as follows:

104.9620 1. Except as otherwise provided in subsection 7, a secured party may accept collateral in full or partial satisfaction of the obligation it secures only if:

(a) The debtor consents to the acceptance under subsection 3;

(b) The secured party does not receive, within the time set forth in subsection 4, a notification of objection to the proposal ~~[authenticated]~~ ***signed*** by:

(1) A person to which the secured party was required to send a proposal under NRS 104.9621; or

(2) Any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal;

(c) If the collateral is consumer goods, the collateral is not in the possession of the debtor when the debtor consents to the acceptance; and

(d) Subsection 5 does not require the secured party to dispose of the collateral.

2. A purported or apparent acceptance of collateral under this section is ineffective unless:

(a) The secured party consents to the acceptance in ~~[an authenticated]~~ ***a signed*** record or sends a proposal to the debtor; and

(b) The conditions of subsection 1 are met.

3. For purposes of this section:

(a) A debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ~~[authenticated]~~ ***signed*** after default; and

(b) A debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ~~[authenticated]~~ ***signed*** after default or the secured party:

(1) Sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in the possession of the secured party be preserved or maintained;

(2) In the proposal, proposes to accept collateral in full satisfaction of the obligation it secures; and

(3) Does not receive a notification of objection ~~[authenticated]~~ ***signed*** by the debtor within 20 days after the proposal is sent.

4. To be effective under paragraph (b) of subsection 1, a notification of objection must be received by the secured party:

(a) In the case of a person to which the proposal was sent pursuant to NRS 104.9621, within 20 days after notification was sent to the person; and

(b) In other cases:

(1) Within 20 days after the last notification was sent pursuant to NRS 104.9621; or

(2) If a notification was not sent, before the debtor consents to the acceptance under subsection 3.

5. A secured party that has taken possession of collateral shall dispose of the collateral pursuant to NRS 104.9610 within the time specified in subsection 6 if:

(a) Sixty percent of the cash price has been paid in the case of a purchase-money security interest in consumer goods; or

(b) Sixty percent of the principal amount of the obligation secured has been paid in the case of a non-purchase-money security interest in consumer goods.

6. To comply with subsection 5, the secured party shall dispose of the collateral:

(a) Within 90 days after taking possession; or

(b) Within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and ~~[authenticated]~~ ***signed*** after default.

7. In a consumer transaction, a secured party may not accept collateral in partial satisfaction of the obligation it secures.

Sec. 89. NRS 104.9621 is hereby amended to read as follows:

104.9621 1. A secured party that desires to accept collateral in full or partial satisfaction of the obligation it secures shall send its proposal to:

(a) Any person from which the secured party has received, before the debtor consented to the acceptance, ~~[an authenticated]~~ ***a signed*** notification of a claim of an interest in the collateral;

(b) Any other secured party or lienholder that, 10 days before the debtor consented to the acceptance, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(1) Identified the collateral;

(2) Was indexed under the debtor's name as of that date; and

(3) Was filed in the office or offices in which to file a financing statement against the debtor covering the collateral as of that date; and

(c) Any other secured party that, 10 days before the debtor consented to the acceptance, held a security interest in the collateral perfected by compliance with a statute, regulation or treaty described in subsection 1 of NRS 104.9311.

2. A secured party that desires to accept collateral in partial satisfaction of the obligation it secures shall send its proposal to any secondary obligor in addition to the persons described in subsection 1.

Sec. 90. NRS 104.9624 is hereby amended to read as follows:

104.9624 1. A debtor or secondary obligor may waive the right to notification of disposition of collateral under NRS 104.9611 only by an agreement to that effect entered into and ~~[~~authenticated~~]~~ ***signed*** after default.

2. ***A debtor may waive the right to require disposition of collateral under subsection 5 of NRS 104.9620 only by an agreement to that effect entered into and signed after default.***

3. Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under NRS 104.9623 only by an agreement to that effect entered into and ~~[~~authenticated~~]~~ ***signed*** after default.

Sec. 91. NRS 104.9628 is hereby amended to read as follows:

104.9628 1. ~~[~~Unless~~]~~ ***Subject to subsection 6, unless*** a secured party knows that a person is a debtor or obligor, knows his or her identity, and knows how to communicate with him or her:

(a) The secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against him or her, for failure to comply with this article; and

(b) The secured party's failure to comply with this article does not affect the liability of the person for a deficiency.

2. ~~[~~A~~]~~ ***Subject to subsection 6, a*** secured party is not liable because of its status as a secured party:

(a) To a person that is a debtor or obligor, unless the secured party knows:

(1) That he or she is a debtor or obligor;

(2) His or her identity; and

(3) How to communicate with him or her; or

(b) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

(1) That he or she is a debtor; and

(2) His or her identity.

3. A secured party is not liable to any person, and a person's liability for a deficiency is not affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its reasonable reliance on:

(a) A debtor's representation concerning the purpose for which collateral was to be used, acquired or held; or

(b) An obligor's representation concerning the purpose for which a secured obligation was incurred.

4. A secured party is not liable to any person under paragraph (b) of subsection 3 of NRS 104.9625 for its failure to comply with NRS 104.9616.

5. A secured party is not liable under paragraph (b) of subsection 3 of NRS 104.9625 more than once with respect to any one secured obligation.

6. Subsections 1 and 2 do not apply to limit the liability of a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(a) The person is a debtor or obligor; and

(b) The secured party knows that the information specified in subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral or the system in which the collateral is recorded.

Sec. 92. NRS 104A.2102 is hereby amended to read as follows:

104A.2102 ***1.*** This article applies to any transaction, regardless of form, that creates a lease ~~[.]~~ ***and, in the case of a hybrid lease, it applies to the extent provided in subsection 2.***

2. In a hybrid lease:

(a) If the lease-of-goods aspects do not predominate:

(1) Only the provisions of this Article which relate primarily to the lease-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply;

(2) NRS 104A.2209 applies if the lease is a finance lease; and

(3) NRS 104A.2407 applies to the promises of the lessee in a finance lease to the extent the promises are consideration for the right to possession and use of the leased goods.

(b) If the lease-of-goods aspects predominate, this Article applies to the transaction, but this does not preclude application in appropriate circumstances of other law to the aspects of the lease which do not relate to the lease of goods.

Sec. 93. NRS 104A.2103 is hereby amended to read as follows:

104A.2103 1. In this Article unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who, in good faith and without knowledge that the sale to him or her is in violation of the ownership, rights or security interest or leasehold interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single Article, as a machine, or a set of Articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is a natural person and who takes under the lease primarily for a personal, family or household purpose.

(f) "Fault" means wrongful act, omission, breach or default.

(g) "Finance lease" means a lease with respect to which:

(1) The lessor does not select, manufacture or supply the goods;

(2) The lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

(3) One of the following occurs:

(I) The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(II) The lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract;

(III) The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods; or

(IV) If the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person, that the lessee is entitled under this Article to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods, and that the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (NRS 104A.2309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(i) ***"Hybrid lease" means a single transaction involving a lease of goods and:***

(1) The provision of services;

(2) A sale of other goods; or

(3) A sale, lease or license of property other than goods.

(j) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

~~[(j)]~~ ***(k)*** "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

~~[(k)]~~ ***(l)*** "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Article. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

~~[(l)]~~ ***(m)*** "Lease contract" means the total legal obligation that results from the lease agreement as affected by this Article and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

~~[(m)]~~ ***(n)*** "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

~~[(n)]~~ ***(o)*** "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

~~[(o)]~~ ***(p)*** "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

~~[(p)]~~ ***(q)*** "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

~~[(q)]~~ ***(r)*** "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination or cancellation of the lease contract.

~~[(r)]~~ ***(s)*** "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

~~[(s)]~~ ***(t)*** "Lot" means a parcel or a single Article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

~~[(t)]~~ ***(u)*** "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

~~[(u)]~~ ***(v)*** "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

~~[(v)]~~ ***(w)*** "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift or any other voluntary transaction creating an interest in goods.

~~[(w)]~~ ***(x)*** "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

~~[(x)]~~ ***(y)*** "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

~~[(y)]~~ ***(z)*** "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

~~[(z)]~~ ***(aa)*** "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

2. Other definitions applying to this Article and the sections in which they appear are:

"Accessions." NRS 104A.2310.
"Construction mortgage." NRS 104A.2309.
"Encumbrance." NRS 104A.2309.
"Fixtures." NRS 104A.2309.
"Fixture filing." NRS 104A.2309.
"Purchase money lease." NRS 104A.2309.

3. The following definitions in other Articles apply to this Article:

"Account." NRS 104.9102.
"Between merchants." NRS 104.2104.
"Buyer." NRS 104.2103.
"Chattel paper." NRS 104.9102.
"Consumer goods." NRS 104.9102.

"Document." NRS 104.9102.
"Entrusting." NRS 104.2403.
"General intangible." NRS 104.9102.
"Instrument." NRS 104.9102.
"Merchant." NRS 104.2104.
"Mortgage." NRS 104.9102.
"Pursuant to commitment." NRS 104.9102.
"Receipt." NRS 104.2103.
"Sale." NRS 104.2106.
"Sale on approval." NRS 104.2326.
"Sale or return." NRS 104.2326.
"Seller." NRS 104.2103.

4. In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. 94. NRS 104A.2107 is hereby amended to read as follows:

104A.2107 Any claim or right arising out of an alleged default or breach of warranty may be discharged in whole or in part without consideration by a ~~[written]~~ waiver or renunciation ***in a*** signed ~~[and]~~ ***record*** delivered by the aggrieved party.

Sec. 95. NRS 104A.2201 is hereby amended to read as follows:

104A.2201 1. A lease contract is not enforceable by way of action or defense unless:

(a) The total payments to be made under the lease contract, excluding payments for options to renew or buy, are less than $1,000; or

(b) There is a ~~[writing,]~~ ***record,*** signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the lease term.

2. Any description of leased goods or of the lease term is sufficient and satisfies paragraph (b) of subsection 1, whether or not it is specific, if it reasonably identifies what is described.

3. A ~~[writing]~~ ***record*** is not insufficient because it omits or incorrectly states a term agreed upon, but the lease contract is not enforceable under paragraph (b) of subsection 1 beyond the lease term and the quantity of goods shown in the ~~[writing.]~~ ***record.***

4. A lease contract that does not satisfy the requirements of subsection 1, but which is valid in other respects, is enforceable:

(a) If the goods are to be specially manufactured or obtained for the lessee and are not suitable for lease or sale to others in the ordinary course of the lessor's business, and the lessor, before notice of repudiation is received and under circumstances that reasonably indicate that the goods are for the lessee, has made either a substantial beginning of their manufacture or commitments for their procurement;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony or otherwise in court that a lease contract was made, but the lease contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) With respect to goods that have been received and accepted by the lessee.

5. The lease term under a lease contract referred to in subsection 4 is:

(a) If there is a ~~[writing]~~ ***record*** signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony or otherwise in court a lease term, the term so admitted; or

(c) A reasonable lease term.

Sec. 96. NRS 104A.2202 is hereby amended to read as follows:

104A.2202 Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a ~~[writing]~~ ***record*** intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

1. By course of dealing or usage of trade or by course of performance; and

2. By evidence of consistent additional terms,

~~[~~Ê~~]~~ unless the court finds the ~~[writing]~~ ***record*** to have been intended also as a complete and exclusive statement of the terms of the agreement.

Sec. 97. NRS 104A.2203 is hereby amended to read as follows:

104A.2203 The affixing of a seal to a ~~[writing]~~ ***record*** evidencing a lease contract or an offer to enter into a lease contract does not render the ~~[writing]~~ ***record*** a sealed instrument and the law with respect to sealed instruments does not apply to the lease contract or offer.

Sec. 98. NRS 104A.2205 is hereby amended to read as follows:

104A.2205 An offer by a merchant to lease goods to or from another person in a signed ~~[writing]~~ ***record*** that by its terms gives assurance it will be held open is not revocable, for lack of consideration, during the time stated or, if no time is stated, for a reasonable time, but in no event may the period of irrevocability exceed 3 months. Any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

Sec. 99. NRS 104A.2208 is hereby amended to read as follows:

104A.2208 1. An agreement modifying a lease contract needs no consideration to be binding.

2. A signed lease agreement that excludes modification or rescission except by a signed ~~[writing]~~ ***record*** may not be otherwise modified or rescinded, but, except as between merchants, such a requirement on a form supplied by a merchant must be separately signed by the other party.

3. Although an attempt at modification or rescission does not satisfy the requirements of subsection 2, it may operate as a waiver.

4. A party who has made a waiver affecting an executory portion of a lease contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

Sec. 100. NRS 104A.4103 is hereby amended to read as follows:

104A.4103 1. In this article:

(a) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally ~~[, electronically or in writing,]~~ ***or in a record,*** to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

(1) The instruction does not state a condition to payment to the beneficiary other than time of payment;

(2) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

(3) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

(b) "Beneficiary" means the person to be paid by the beneficiary's bank.

(c) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or which otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.

(d) "Receiving bank" means the bank to which the sender's instruction is addressed.

(e) "Sender" means the person giving the instruction to the receiving bank.

2. If an instruction complying with paragraph (a) of subsection 1 is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.

3. A payment order is issued when it is sent to the receiving bank.

Sec. 101. NRS 104A.4201 is hereby amended to read as follows:

104A.4201 1. "Security procedure" means a procedure established by agreement of a customer and a receiving bank ~~[to:]~~ ***for the purpose of:***

(a) ~~[Verify]~~ ***Verifying*** that a payment order or communication amending or cancelling a payment order is that of the customer; or

(b) ~~[Detect]~~ ***Detecting*** error in the transmission or the content of the payment order or communication.

2. A security procedure ***may impose an obligation on the receiving bank or the customer and*** may require the use of algorithms or other codes, identifying words ***,*** ~~[or]~~ numbers, ***symbols, sounds, biometrics,*** encryption, callback procedures or similar security devices.

3. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer ***or requiring a payment order to be sent from a known electronic mail address, Internet Protocol address or telephone number*** is not by itself a security procedure.

Sec. 102. NRS 104A.4202 is hereby amended to read as follows:

104A.4202 1. A payment order received by the receiving bank is the authorized order of the person identified as sender if the person authorized the order or is otherwise bound by it under the law of agency.

2. If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if the security procedure is a commercially reasonable method of providing security against unauthorized payment orders, and the bank proves that it accepted the payment order in good faith and in compliance with ***the bank's obligations under*** the security procedure and any ~~[~~written~~]~~ agreement or instruction of the customer ***, evidenced by a record,*** restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates ~~[~~a written~~]~~ ***an*** agreement with the customer ***, evidenced by a record,*** or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

3. Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if:

(a) The security procedure was chosen by the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer; and

(b) The customer expressly agreed in ~~[~~writing~~]~~ ***a record*** to be bound by any payment order, whether or not authorized, issued in its name and accepted by the bank in compliance with ***the bank's obligations under*** the security procedure chosen by the customer.

4. The term "sender" in this article includes the customer in whose name a payment order is issued if the order is the authorized order of the customer under subsection 1, or it is effective as the order of the customer under subsection 2.

5. This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.

6. Except as otherwise provided in this section and in paragraph (a) of subsection 1 of NRS 104A.4203, rights and obligations arising under this section or NRS 104A.4203 may not be varied by agreement.

Sec. 103. NRS 104A.4203 is hereby amended to read as follows:

104A.4203 1. If an accepted payment order is not, under subsection 1 of NRS 104A.4202, an authorized order of a customer identified as sender, but is

effective as an order of the customer pursuant to subsection 2 of NRS 104A.4202, the following rules apply:

(a) By express ~~[written]~~ agreement ~~[,]~~ ***evidenced by a record,*** the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

(b) The receiving bank is not entitled to enforce or retain payment of the payment order if the customer proves that the order was not caused, directly or indirectly, by a person:

(1) Entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure; or

(2) Who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault.

Ê Information includes any access device, computer software, or the like.

2. This section applies to amendments of payment orders to the same extent it applies to payment orders.

Sec. 104. NRS 104A.4207 is hereby amended to read as follows:

104A.4207 1. Except as otherwise provided in subsection 2, if, in a payment order received by the beneficiary's bank, the name, bank account number or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

2. If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

(a) Except as otherwise provided in subsection 3, if the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order. The beneficiary's bank need not determine whether the name and number refer to the same person.

(b) If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer. If no person has rights as beneficiary, acceptance of the order cannot occur.

3. If a payment order described in subsection 2 is accepted, the originator's payment order described the beneficiary inconsistently by name and number, and the beneficiary's bank pays the person identified by number as permitted by paragraph (a) of subsection 2, the following rules apply:

(a) If the originator is a bank, the originator is obliged to pay its order.

(b) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the

originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identified a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a ~~[writing]~~ ***record*** stating the information to which the notice relates.

4. In a case governed by paragraph (a) of subsection 2, if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

(a) If the originator is obliged to pay its payment order as stated in subsection 3, the originator has the right to recover.

(b) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover.

Sec. 105. NRS 104A.4208 is hereby amended to read as follows:

104A.4208 1. If a payment order identifies an intermediary bank or the beneficiary's bank only by an identifying number, the following rules apply:

(a) The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.

(b) The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

2. If a payment order identifies an intermediary bank or the beneficiary's bank both by name and an identifying number and the name and number identify different persons, the following rules apply:

(a) If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank. The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(b) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by paragraph (a), as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment

order was accepted, signed a ~~[writing]~~ ***record*** stating the information to which the notice relates.

(c) Whether or not the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person.

(d) If the receiving bank knows that the name and number identify different persons, reliance on either the name or the number in executing the sender's payment order is a breach of the obligation stated in paragraph (a) of subsection 1 of NRS 104A.4302.

Sec. 106. NRS 104A.4210 is hereby amended to read as follows:

104A.4210 1. A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally ~~[, electronically]~~ or in ~~[writing.]~~ ***a record.*** A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, any means complying with the agreement is reasonable and any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

2. If a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order, the following rules apply:

(a) If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of the day the order is cancelled pursuant to subsection 4 of NRS 104A.4211 or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day.

(b) If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.

3. If a receiving bank suspends payments, all unaccepted payment orders issued to it are deemed rejected at the time the bank suspends payments.

4. Acceptance of a payment order precludes a later rejection of the order. Rejection of a payment order precludes a later acceptance of the order.

Sec. 107. NRS 104A.4211 is hereby amended to read as follows:

104A.4211 1. A communication of the sender of a payment order cancelling or amending the order may be transmitted to the receiving bank orally ~~[, electronically]~~ or in ~~[writing.]~~ ***a record.*** If a security procedure is in

effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

2. Except as otherwise provided in subsection 1, a communication by the sender cancelling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication before the bank accepts the payment order.

3. After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank. The following rules also apply:

(a) With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.

(b) With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order, or because of a mistake by a sender in the funds transfer which resulted in the issuance of a payment order that is a duplicate of a payment order previously issued by the sender, that orders payment to a beneficiary not entitled to receive payment from the originator, or that orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator. If the payment order is cancelled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

4. An unaccepted payment order is cancelled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.

5. A cancelled payment order cannot be accepted. If an accepted payment order is cancelled, the acceptance is nullified and no person has any right or obligation based on the acceptance. Amendment of a payment order is deemed to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.

6. Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and expenses, including reasonable attorney's fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

7. A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.

8. A funds-transfer system rule is not effective to the extent it conflicts with paragraph (b) of subsection 3.

Sec. 108. NRS 104A.4305 is hereby amended to read as follows:

104A.4305 1. If a funds transfer is completed but execution of a payment order by the receiving bank in breach of NRS 104A.4302 results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as otherwise provided in subsection 3, additional damages are not recoverable.

2. If execution of a payment order by a receiving bank in breach of NRS 104A.4302 results in noncompletion of the funds transfer, failure to use an intermediary bank designated by the originator, or issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection 1, resulting from the improper execution. Except as otherwise provided in subsection 3, additional damages are not recoverable.

3. In addition to the amounts payable under subsections 1 and 2, damages, including consequential damages, are recoverable to the extent provided in an express ~~[written]~~ agreement of the receiving bank ~~[.]~~ ***, evidenced by a record.***

4. If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express ~~[written]~~ agreement of the receiving bank, ***evidenced by a record,*** but are not otherwise recoverable.

5. Reasonable attorney's fees are recoverable if demand for compensation under subsection 1 or 2 is made and refused before an action is brought on the claim. If a claim is made for breach of an agreement under subsection 4 and the agreement does not provide for damages, reasonable attorney's fees are recoverable if demand for compensation under subsection 4 is made and refused before an action is brought on the claim.

6. Except as stated in this section, the liability of a receiving bank under subsections 1 and 2 may not be varied by agreement.

Sec. 109. NRS 32.265 is hereby amended to read as follows:

32.265 1. The court may not appoint a person as receiver unless the person submits to the court a statement under penalty of perjury that the person is not disqualified.

2. Except as otherwise provided in subsection 3, a person is disqualified from appointment as receiver if the person:

(a) Is an affiliate of a party;

(b) Has an interest materially adverse to an interest of a party;

(c) Has a material financial interest in the outcome of the action, other than compensation the court may allow the receiver;

(d) Has a debtor-creditor relationship with a party; or

(e) Holds an equity interest in a party, other than a noncontrolling interest in a publicly traded company.

3. A person is not disqualified from appointment as receiver solely because the person:

(a) Was appointed receiver or is owed compensation in an unrelated matter involving a party or was engaged by a party in a matter unrelated to the receivership;

(b) Is an individual obligated to a party on a debt that is not in default and was incurred primarily for personal, family or household purposes; or

(c) Maintains with a party a deposit account as defined in paragraph ~~[(cc)]~~ ***(ff)*** of subsection 1 of NRS 104.9102.

4. A person seeking appointment of a receiver may nominate a person to serve as receiver, but the court is not bound by the nomination.

Sec. 110. NRS 482.31776 is hereby amended to read as follows:

482.31776 1. A consignee of a vehicle shall, upon entering into a consignment contract or other form of agreement to sell a vehicle owned by another person:

(a) Open and maintain a separate trust account in a federally insured bank, savings and loan association or savings bank that is located in this State, into which the consignee shall deposit all money received from a prospective buyer as a deposit, or as partial or full payment of the purchase price agreed upon, toward the purchase or transfer of interest in the vehicle. A consignee of a vehicle shall not:

(1) Commingle the money in the trust account with any other money that is not on deposit or otherwise maintained toward the purchase of the vehicle subject to the consignment contract or agreement; or

(2) Use any money in the trust account to pay his or her operational expenses for any purpose that is not related to the consignment contract or agreement.

(b) Obtain from the consignor, before receiving delivery of the vehicle, a signed and dated disclosure statement that is included in the consignment contract and provides in at least 10-point bold type or font:

IMPORTANT NOTICE TO VEHICLE OWNERS

State law (NRS 482.31776) requires that the operator of this business file a Uniform Commercial Code 1 (UCC1) form with the Office of the Secretary of State on your behalf to protect your interest in your vehicle. The form is required to protect your vehicle from forfeiture in the event that the operator of this business fails to meet his or her financial obligations to a third party holding a security interest in his or her

inventory. The form must be filed by the operator of this business before the operator may take possession of your vehicle. If the form is not filed as required, YOU MAY LOSE YOUR VEHICLE THROUGH NO FAULT OF YOUR OWN. For a copy of the UCC1 form filed on your behalf or for more information, please contact:

The Office of the Secretary of State of Nevada
Uniform Commercial Code Division
(775) 684-7100

I understand and acknowledge the above disclosure.

....
Consignee Signature Date

(c) Assist the consignor in completing, with respect to the consignor's purchase-money security interest in the vehicle, a financing statement of the type described in subsection 5 of NRS 104.9317 and shall file the financing statement with the Secretary of State on behalf of the consignor. If a consignee has previously granted to a third party a security interest with an after-acquired property clause in the consignee's inventory, the consignee additionally shall assist the consignor in sending ~~[an authenticated]~~ ***a signed*** notification, as described in paragraph (b) of subsection 1 of NRS 104.9324, to each holder of a conflicting security interest. The consignee must not receive delivery of the vehicle until the consignee has:

(1) Filed the financing statement with the Secretary of State; and

(2) If applicable, assisted the consignor in sending an authenticated notification to each holder of a conflicting security interest.

2. Upon the sale or transfer of interest in the vehicle, the consignee shall forthwith:

(a) Satisfy or cause to be satisfied all outstanding security interests in the vehicle; and

(b) Satisfy the financial obligations due the consignor pursuant to the consignment contract.

3. Upon the receipt of money by delivery of cash, bank check or draft, or any other form of legal monetary exchange, or after any form of transfer of interest in a vehicle, the consignee shall notify the consignor that the money has been received or that a transfer of interest in the vehicle has occurred. Notification by the consignee to the consignor must be given in person or, in the absence of the consignor, by registered or certified mail addressed to the last address or residence of the consignor known to the consignee. The notification must be made within 3 business days after the date on which the money is received or the transfer of interest in the vehicle is made.

4. The provisions of this section do not apply to:

(a) An executor;

(b) An administrator;

(c) A sheriff;

(d) A salvage pool subject to the provisions of NRS 487.400 to 487.510, inclusive; or

(e) Any other person who sells a vehicle pursuant to the powers or duties granted to or imposed on him or her by specific statute.

5. Notwithstanding any provision of NRS 482.423 to 482.4245, inclusive, to the contrary, a vehicle subject to a consignment contract may not be operated by the consignee, an employee or agent of the consignee, or a prospective buyer in accordance with NRS 482.423 to 482.4245, inclusive, by displaying a temporary placard to operate the vehicle unless the operation of the vehicle is authorized by the express written consent of the consignor.

6. A vehicle subject to a consignment contract may not be operated by the consignee, an employee or agent of the consignee, or a prospective buyer in accordance with NRS 482.320 by displaying a special plate unless the operation of the vehicle is authorized by the express written consent of the consignor.

7. A consignee shall maintain a written log for each vehicle for which he or she has entered into a consignment contract. The written log must include:

(a) The name and address, or place of residence, of the consignor;

(b) A description of the vehicle consigned, including the year, make, model and serial or identification number of the vehicle;

(c) The date on which the consignment contract is entered into;

(d) The period that the vehicle is to be consigned;

(e) The minimum agreed upon sales price for the vehicle;

(f) The approximate amount of money due any lienholder or other person known to have an interest in the vehicle;

(g) If the vehicle is sold, the date on which the vehicle is sold;

(h) The date that the money due the consignor and the lienholder was paid;

(i) The name and address of the federally insured bank or savings and loan association in which the consignee opened the trust account required pursuant to subsection 1; and

(j) The signature of the consignor acknowledging that the terms of the consignment contract were fulfilled or terminated, as appropriate.

8. A person who:

(a) Appropriates, diverts or otherwise converts to his or her own use money in a trust account opened pursuant to paragraph (a) of subsection 1 or otherwise subject to a consignment contract or agreement is guilty of embezzlement and shall be punished in accordance with NRS 205.300. The court shall, in addition to any other penalty, order the person to pay restitution.

(b) Violates paragraph (b) or (c) of subsection 1 is guilty of a misdemeanor. The court shall, in addition to any other penalty, order the person to pay restitution.

(c) Violates any other provision of this section is guilty of a misdemeanor.

Sec. 111. NRS 490.160 is hereby amended to read as follows:

490.160 1. A consignee of an off-highway vehicle shall, upon entering into a consignment contract or other form of agreement to sell an off-highway vehicle owned by another person:

(a) Open and maintain a separate trust account in a federally insured bank, savings and loan association or savings bank that is located in this State, into which the consignee shall deposit all money received from a prospective buyer as a deposit, or as partial or full payment of the purchase price agreed upon, toward the purchase or transfer of interest in the off-highway vehicle. A consignee of an off-highway vehicle shall not:

(1) Commingle the money in the trust account with any other money that is not on deposit or otherwise maintained toward the purchase of the off-highway vehicle subject to the consignment contract or agreement; or

(2) Use any money in the trust account to pay his or her operational expenses for any purpose that is not related to the consignment contract or agreement.

(b) Obtain from the consignor, before receiving delivery of the off-highway vehicle, a signed and dated disclosure statement that is included in the consignment contract and provides in at least 10-point bold type or font:

IMPORTANT NOTICE TO OFF-HIGHWAY VEHICLE OWNERS

State law (NRS 490.160) requires that the operator of this business file a Uniform Commercial Code 1 (UCC1) form with the Office of the Secretary of State on your behalf to protect your interest in your off-highway vehicle. The form is required to protect your off-highway vehicle from forfeiture in the event that the operator of this business fails to meet his or her financial obligations to a third party holding a security interest in his or her inventory. The form must be filed by the operator of this business before the operator may take possession of your off-highway vehicle. If the form is not filed as required, YOU MAY LOSE YOUR VEHICLE THROUGH NO FAULT OF YOUR OWN. For a copy of the UCC1 form filed on your behalf or for more information, please contact:

The Office of the Secretary of State of Nevada
Uniform Commercial Code Division
(775) 684-5708

I understand and acknowledge the above disclosure.

....
Consignee Signature Date

(c) Assist the consignor in completing, with respect to the consignor's purchase-money security interest in the off-highway vehicle, a financing statement of the type described in subsection 5 of NRS 104.9317 and shall file the financing statement with the Secretary of State on behalf of the consignor.

If a consignee has previously granted to a third party a security interest with an after-acquired property clause in the consignee's inventory, the consignee additionally shall assist the consignor in sending ~~[an authenticated]~~ ***a signed*** notification, as described in paragraph (b) of subsection 1 of NRS 104.9324, to each holder of a conflicting security interest. The consignee must not receive delivery of the off-highway vehicle until the consignee has:

(1) Filed the financing statement with the Secretary of State; and

(2) If applicable, assisted the consignor in sending an authenticated notification to each holder of a conflicting security interest.

2. Upon the sale or transfer of interest in the off-highway vehicle, the consignee shall forthwith:

(a) Satisfy or cause to be satisfied all outstanding security interests in the off-highway vehicle; and

(b) Satisfy the financial obligations due the consignor pursuant to the consignment contract.

3. Upon the receipt of money by delivery of cash, bank check or draft, or any other form of legal monetary exchange, or after any form of transfer of interest in an off-highway vehicle, the consignee shall notify the consignor that the money has been received or that a transfer of interest in the off-highway vehicle has occurred. Notification by the consignee to the consignor must be given in person or, in the absence of the consignor, by registered or certified mail addressed to the last address or residence of the consignor known to the consignee. The notification must be made within 3 business days after the date on which the money is received or the transfer of interest in the off-highway vehicle is made.

4. The provisions of this section do not apply to:

(a) An executor;

(b) An administrator;

(c) A sheriff; or

(d) Any other person who sells off-highway vehicles pursuant to the powers or duties granted to or imposed on him or her by specific statute.

5. Notwithstanding any provision of the Nevada Revised Statutes to the contrary, an off-highway vehicle subject to a consignment contract may not be operated by the consignee, an employee or agent of the consignee, or a prospective buyer unless the operation of the off-highway vehicle is authorized by the express written consent of the consignor.

6. A consignee shall maintain a written log for each off-highway vehicle for which he or she has entered into a consignment contract. The written log must include:

(a) The name and address, or place of residence, of the consignor;

(b) A description of the off-highway vehicle consigned, including the year, make, model and unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 of the off-highway vehicle;

(c) The date on which the consignment contract is entered into;

(d) The period that the off-highway vehicle is to be consigned;

(e) The minimum agreed upon sales price for the off-highway vehicle;

(f) The approximate amount of money due any lienholder or other person known to have an interest in the off-highway vehicle;

(g) If the off-highway vehicle is sold, the date on which the off-highway vehicle is sold;

(h) The date that the money due the consignor and the lienholder was paid;

(i) The name and address of the federally insured bank or savings and loan association in which the consignee opened the trust account required pursuant to subsection 1; and

(j) The signature of the consignor acknowledging that the terms of the consignment contract were fulfilled or terminated, as appropriate.

7. A person who:

(a) Appropriates, diverts or otherwise converts to his or her own use money in a trust account opened pursuant to paragraph (a) of subsection 1 or otherwise subject to a consignment contract or agreement is guilty of embezzlement and shall be punished in accordance with NRS 205.300. The court shall, in addition to any other penalty, order the person to pay restitution.

(b) Violates paragraph (b) or (c) of subsection 1 is guilty of a misdemeanor. The court shall, in addition to any other penalty, order the person to pay restitution.

(c) Violates any other provision of this section is guilty of a misdemeanor.

Sec. 112. NRS 719.330 is hereby amended to read as follows:

719.330 1. In this section, "transferable record" means an electronic record that:

(a) Would be a note under NRS 104.3101 to 104.3605, inclusive, or a document under NRS 104.7101 to 104.7603, inclusive, if the electronic record were in writing; and

(b) The issuer of the electronic record expressly has agreed is a transferable record.

2. A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes him or her as the person to whom the transferable record was issued or transferred.

3. A system satisfies subsection 2, and a person is deemed to have control of a transferable record, if the transferable record is created, stored and assigned in such a manner that:

(a) A single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in paragraphs (d), (e) and (f), unalterable;

(b) The authoritative copy identifies the person asserting control as:

(1) The person to whom the transferable record was issued; or

(2) If the authoritative copy indicates that the transferable record has been transferred, the person to whom the transferable record was most recently transferred;

(c) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(d) Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(e) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f) Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

4. Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in paragraph ~~[(u)]~~ ***(v)*** of subsection 2 of NRS 104.1201, of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under NRS 104.7501 or 104.9308 or subsection 1 of NRS 104.3302 are satisfied, the rights and defenses of a holder to whom a negotiable document of title has been duly negotiated, a purchaser, or a holder in due course, respectively. Delivery, possession and endorsement are not required to obtain or exercise any of the rights under this subsection.

5. Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under the Uniform Commercial Code.

6. If requested by a person against whom enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Watson.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Dena Potestio and Rebecca Reeves.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Rosalind Wilkes, Amie Duford, and Rolando Flores.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Madison Margaret Marie Johnson.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Guadalupe Mercado and Jennie Briggs.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Deanna Lievas, Kanie Kastroll, and Phil Jaynes.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Rathbun.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Alexandra Sterritt and McKenna Jean Houlihan.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Parker.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Fuqua, Francisco Ortega, and Ronald Williams.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Alma Lozoya, Larry Wilson, and Melanie Arizmendi.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Teresa Hank and Bryan Orozco.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Forrest Darby.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Patrick Carter, Axel Perez Rios, and Francisco Ramirez-Jimenez.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Pesach Chananiah, PhD.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Nguyen.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, April 20, 2023, at 11:30 a.m., and that it do so in memory of former Assemblyman Paul Aizley.

Motion carried.

Assembly adjourned at 1:17 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 20, 2023

Assembly called to order at 11:41 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Deacon Tom Roberts.

Let us pray. Kind and loving God, we thank You for having created us, for loving us, and for bringing us here together as a part of the human family. As our Creator and our Shepherd, we give thanks to You for the gifts of diversity and inclusion, for that binds us together, in the spirit of common community and gratitude for our many blessings. We gather together this morning with the richness of many beliefs and faith traditions. May these spiritual gifts wash over us with respect for one another. We humbly ask You, Lord, for Your blessing upon this Legislature, upon our Governor, and upon everyone working in our state government, all who are entrusted with the privilege of service to all of God's children here in the great state of Nevada.

We implore You to seal us with Your wisdom, Your compassion, and Your empathy, especially for some of the most vulnerable among us: the poor, the hungry, the homeless, and the voiceless—all who depend on government and private sector services to survive and thrive.

May we together, as a community, be effective stewards in caring for our sisters and brothers in greatest need, always with dignity and compassion. Place in our hearts, Lord, the spirit to make a positive difference in our families, in our communities, in our state, and in our nation. Help us to achieve these goals with determination, perseverance, goodness, and a sense of humor. Give us balance and humility in times of distraction and uncertainty. And, Lord, give us Your peace.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 12:07 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 218, 298, 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 73, 228, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 224, 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 305, 310, 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 91, 249, 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which was referred Assembly Bill No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA BACKUS, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-3605

April 19, 2023

THE HONORABLE STEVE YEAGER, Speaker, Nevada State Assembly, 401 South Carson Street, Carson City, Nevada 89701

THE HONORABLE NICOLE J. CANNIZZARO, Majority Leader, Nevada State Senate, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER YEAGER AND LEADER CANNIZZARO:

I am requesting the opportunity to speak before the distinguished members of the Nevada State Legislature on Wednesday, May 31, 2023. I look forward to addressing the joint session about the pressing issues before the United States Congress in the upcoming months and their impact on the great state of Nevada. Please contact Kianna Shlemon at (702) 701-6942 if you have any questions. Thank you in advance for your kind consideration.

Sincerely,
SUSIE LEE
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 131, 134, 215, 252, 309, 340, 378, 397, 401, 442.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 11, 27, 50, 85, 90, 113, 169, 172, 203, 208, 239, 249, 264, 270, 283, 316, 317, 368, 381, 382.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 19, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 54, 139, 222, 389.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 107.

WAYNE THORLEY
Fiscal Analysis Division

April 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 125, 222.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of April 20, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

Sho-Pai News: Christina Pete.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 50 be taken from the Chief Clerk's Desk and placed on General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Yeager (emergency request of Speaker of the Assembly):

Assembly Bill No. 465—AN ACT relating to the state militia; revising the age requirements for enlisted personnel and commissioned officers; revising provisions governing the Adjutant General of the Office of the Military; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 11.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 27.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 50.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 85.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 90.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 113.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 131.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 134.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 169.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 172.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 203.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 208.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 215.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Senate Bill No. 239.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 249.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 252.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 264.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 270.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 283.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 309.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 316.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 317.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 340.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 368.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 378.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 381.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 382.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 397.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 401.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 442.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 257.

SUMMARY— ~~[Revises provisions relating to the state business portal.]~~ **Creates the Business Licensing Working Group.** (BDR ~~[7-405)]~~ **S-405)**

AN ACT relating to business; ~~[revising provisions governing the state business portal; requiring the Secretary of State to provide for the integration with the state business portal of the applications of a state or local agency or health district for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State; requiring, with certain exceptions, each state agency, local agency and health district to comply with certain requirements relating to the state business portal;]~~ **creating the Business Licensing Working Group to study certain issues relating to business licensing during the 2023-2024 interim; prescribing the membership and duties of the Working Group;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. ~~[Existing law authorizes each state or local agency or health district, to the extent practicable: (1) to make available on its Internet website applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State and to integrate such applications into the state business portal; (2) to ensure that the state or local agency or health district is capable of using the state business portal to accept and disseminate common business registration information to participating state and local agencies and health districts to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State; (3) to require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number; and (4) to accept the electronic transfer of common business registration information from the state business portal for certain purposes; (5) to allow for the acceptance of an electronic signature for certain purposes; and (6) to establish and maintain certain rules, data and processes relating to businesses. (NRS 75A.100) With certain exceptions, section 1 of this bill requires, rather than authorizes, each state agency, local agency and health district to comply with such requirements to the extent practicable. However, with respect to the integration with the state business portal of the applications of a state or local agency or health district for a license, certificate, registration, permit or similar type of authorization to~~

~~conduct a business in this State, section 1 requires: (1) the Secretary of State to provide for such integration; and (2) each state agency, local agency and health district to assist the Secretary of State with such integration. Additionally, section 1 maintains provisions of existing law which provide that a state or local agency or health district is not required to upgrade its information technology system or incur significant expense to comply with the requirements of section 1. Finally, section 1 defines "state agency" and "local agency" for the purposes of section 1.~~

~~Section 2 of this bill makes a conforming change to refer to provisions that have been renumbered as a result of the changes in section 1.~~**] (NRS 75A.100) Section 5 of this bill creates the Business Licensing Working Group to study certain issues relating to business licensing during the 2023-2024 interim. Section 6 of this bill requires the Secretary of State to serve as Chair of the Working Group and prescribes certain requirements for the operation of the Working Group. Section 7 of this bill requires the Working Group to: (1) study and make recommendations to the Secretary of State on the efficacy of consolidating an electronic application process for a license, certificate, registration, permit or similar type of authorization required to conduct a business in this State; (2) evaluate current systems for sharing information between local business licensing entities and the Office of the Secretary of State; and (3) evaluate the availability of certain information technology systems. Section 7 authorizes the Working Group to consider certain other matters. Section 7 requires the Working Group, on or before December 31, 2024, to submit a report to the Legislature that addresses any issue reviewed or studied and any recommendations made by the Working Group. Section 8 of this bill requires the Office of the Secretary of State to provide administrative support to the Working Group and authorizes the Working Group to engage in certain other activities.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[~~NRS 75A.100 is hereby amended to read as follows:

~~75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.~~

~~2. The Secretary of State shall:~~

~~(a) Establish, through cooperative efforts and consultation with representatives of state agencies, local governments, health districts and businesses, the standards and requirements necessary to design, build and implement the state business portal;~~

~~(b) Establish the standards and requirements necessary for a state or local agency *or health district* to participate in the state business portal;~~

~~(c) Authorize a state or local agency ***or health district*** to participate in the state business portal if the Secretary of State determines that the agency ***or district*** meets the standards and requirements necessary for such participation and the agency ***or district*** has entered into an agreement for access to the state business portal with the Secretary of State;~~

~~(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;~~

~~(e) Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers;~~

~~(f) ***Provide for the integration with the state business portal of the applications of a state or local agency or health district for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State;***~~

~~***(g)*** For the purpose of coordinating the collection of common information from businesses using the state business portal:~~

~~(1) Establish common business registration information to be collected from businesses by state and local agencies and health districts which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or which conduct other necessary transactions with businesses in this State; and~~

~~(2) Cause the state business portal to exchange the common business registration information among state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;~~

~~**[**(g)**]** ***(h)*** In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and~~

~~**[**(h)**]** ***(i)*** Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.~~

~~3. Each state ***or local*** agency or health district that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in this State **[**may,**]** ***shall,*** to the extent practicable **: [**, and each local agency that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in the jurisdiction of the local agency may, as approved by the governing body of the local government:**]**~~

~~(a) Make available on its Internet website any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.~~

~~(b) Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in any application processing system.~~

~~(c) [Integrate] *Assist the Secretary of State to integrate* with the state business portal any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. [As used in this paragraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.]~~

~~(d) Allow for the acceptance of an electronic signature for a declaration or affirmation under penalty of perjury or as provided for in statute.~~

~~(e) Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number.~~

~~(f) Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1) of paragraph [(f)] *(g)* of subsection 2 which is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.~~

~~(g) Establish and maintain its rules, data and processes relating to businesses in accordance with the agreement entered into by the state or local agency or health district pursuant to paragraph (c) of subsection 2 and any corresponding technical documentation.~~

~~4. The provisions of subsection 3 do not require a state or local agency or health district to:~~

~~(a) Disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information.~~

~~(b) Upgrade its information technology system or incur significant expense to comply with the provisions of this section.~~

~~5. Except as otherwise provided in NRS 239.0115, all records containing technical specifications, processing protocols or programmatic or system architecture of the state business portal, and any other records containing information the disclosure of which would endanger the security of the state business portal, or proprietary information related to the functions, operations, processes or architecture of the state business portal, are deemed confidential and privileged.~~

~~6. As used in this section:~~

~~(a) "Business identification number" means the number assigned by the Secretary of State pursuant to NRS 225.082 to an entity organized pursuant to~~

~~this title or to a person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to chapter 76 of NRS.~~

~~(b) "Disseminate" means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the common business registration information used to issue a license, certificate, registration, permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.~~

~~*(c) "Integrate" or "integration" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.*~~

~~*(d) "Local agency" means any local legislative body, agency, bureau, board, commission, department, division, office or other unit of any county, city or other political subdivision, as defined in NRS 281A.145. The term does not include a health district.*~~

~~*(e) "State agency" means an agency, bureau, board, commission, department, division, officer, employee or agent or any other unit of the Executive Department of the State Government.]*~~ **(Deleted by amendment.)**

Sec. 2. **[**~~NRS 75A.150 is hereby amended to read as follows:~~

~~75A.150 1. Except as otherwise provided in subsection 2 and NRS 239.0115, the records and files collected by the Secretary of State pursuant to paragraph~~ **[**~~(f)~~**]** ***(g)*** ~~of subsection 2 of NRS 75A.100 are confidential and privileged. The Secretary of State and any employee of the Secretary of State who is authorized to view or use the information in such records or files:~~

~~(a) Shall not disclose any information obtained from such records or files other than specific information contained in the record or file that is deemed a public record; and~~

~~(b) May not be required to produce any of the records, files and information for the inspection of any person or governmental entity or for use in any action or proceeding.~~

~~2. The records and files collected pursuant to paragraph~~ **[**~~(f)~~**]** ***(g)*** ~~of subsection 2 of NRS 75A.100 are not confidential and privileged in the following cases:~~

~~(a) Testimony by the Secretary of State or any employee of the Secretary of State and the production of records, files and information on behalf of the Secretary of State or a person in any action or proceeding before the Secretary of State or a court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.~~

~~(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to this chapter.~~

~~(c) Publication by a governmental agency of statistics so classified as to prevent the identification of a particular business or document.~~

~~(d) Exchanges of information with the Secretary of State or a federal agency in accordance with any agreement made and provided for in such cases, or disclosure in confidence to any federal agency that requests the information for use by the agency in a civil or criminal investigation or prosecution.~~

~~(e) Disclosure in confidence to the Attorney General or other legal representative of the State or a federal agency in connection with an action or proceeding relating to a taxpayer, or to any agency of this or any other state or the Federal Government charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming or which issues licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State.~~

~~(f) Disclosure by the Secretary of State for the purpose of collection of a debt, fee or obligation owed to the Secretary of State.~~

~~(g) A business that submits information to the state business portal and agrees to a provision authorizing the release of information contained in the records and files of the state business portal for a purpose which must be specified in the provision.~~] **(Deleted by amendment.)**

Sec. 3. ~~[This act becomes effective on July 1, 2024.]~~ **(Deleted by amendment.)**

Sec. 4. **As used in sections 5 to 8, inclusive, of this act, unless the context otherwise requires, "Working Group" means the Business Licensing Working Group created by section 5 of this act.**

Sec. 5. **1. The Business Licensing Working Group is hereby created to study certain issues relating to business licensing during the 2023-2024 interim.**

2. The Working Group consists of the following members:

(a) The Secretary of State or his or her designee;

(b) The Lieutenant Governor or his or her designee;

(c) The following members appointed by the Nevada Association of Counties or its successor organization:

(1) One representative of a county whose population is less than 100,000;

(2) One representative of a county whose population is 100,000 or more but less than 700,000; and

(3) One representative of a county whose population is 700,000 or more;

(d) The following members appointed by the Nevada League of Cities and Municipalities or its successor organization:

(1) One representative of a city whose population is less than 100,000;

(2) One representative of a city whose population is 100,000 or more but less than 500,000; and

(3) One representative of a city whose population is 500,000 or more;

(e) One representative from the Nevada Small Business Development Center, appointed by the Secretary of State;

(f) One representative of a chamber of commerce in this State, appointed by the Lieutenant Governor;

(g) One owner of a business in this State, appointed by the Secretary of State; and

(h) One owner of a business in this State, appointed by the Lieutenant Governor.

3. If a vacancy occurs during a member's term, the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

4. The members of the Working Group serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. A member of the Working Group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Working Group and perform any work necessary to carry out the duties of the Working Group. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Working Group to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Working Group; or

(b) Take annual leave or compensatory time for the absence.

Sec. 6. **1. The Secretary of State or his or her designee shall serve as Chair of the Working Group. The Lieutenant Governor or his or her designee shall serve as the Vice Chair of the Working Group.**

2. The Working Group shall meet at the call of the Chair or a majority of its members.

3. A majority of the members of the Working Group constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Working Group.

Sec. 7. **1. The Working Group shall, during the 2023-2024 interim:**

(a) Study and make recommendations to the Secretary of State concerning the efficacy of consolidating, to the extent practicable, an electronic application process that is capable of collecting and disseminating information to a state or local agency or health district for the processing of an application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(b) Evaluate the current systems for sharing information between local business licensing entities and the Office of the Secretary of State.

(c) Evaluate the availability of information technology systems capable of:

(1) Hosting a consolidated electronic business license application process; and

(2) Sharing information between local business licensing entities and the Office of the Secretary of State.

(d) Evaluate the ways to encourage cooperation between local governments in the regulation of business.

2. The Working Group may consider, at its discretion, any other matters submitted by a member.

3. The Working Group shall, on or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature a report concerning the activities of the Working Group that addresses, without limitation, any issue reviewed or studied and any recommendations made by the Working Group pursuant to this section.

Sec. 8. **1. The Office of the Secretary of State shall provide administrative support to the Working Group.**

2. The Working Group may establish such subcommittees, task forces and similar entities from within or outside of its membership as necessary to address specific issues or otherwise to assist in its work.

3. To the extent that money is available for the purpose, the Working Group may enter into contracts with consultants to assist the Working Group in the performance of its duties.

4. Within the limits of available resources, state agencies, boards and commissions shall, upon the request of the Chair of the Working Group, provide advice and technical assistance to the Working Group.

Sec. 9. **This act becomes effective on July 1, 2023.**

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 151.

AN ACT relating to criminal procedure; prescribing separate forms for certain postconviction petitions for a writ of habeas corpus; revising various provisions relating to postconviction petitions for a writ of habeas corpus; eliminating the requirement that the respondent to a postconviction petition for a writ of habeas corpus file a return with the court; revising provisions relating to a petition for a hearing to establish the factual innocence of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an offender who is convicted of a crime and under a sentence of death or imprisonment to file a postconviction petition for a writ

of habeas corpus to challenge: (1) the validity of a judgment of conviction; or (2) the computation of time that the person has served pursuant to a judgment of conviction. (NRS 34.724) Existing law also authorizes a person who has been convicted of a felony to file a petition for a hearing to establish the factual innocence of the person based on newly discovered evidence. (NRS 34.960) **Section 2** of this bill defines the term "prosecuting agency" for the purpose of clarifying certain requirements relating to such petitions. **Sections 5, 10, 11, 13 and 20-24** of this bill make conforming changes to substitute the defined term where appropriate.

Sections 3 and 11 of this bill prescribe separate and distinct forms for a petition for a writ of habeas corpus that challenges the computation of time that a person has served pursuant to a judgment of conviction and a petition for a writ of habeas corpus that challenges the validity of a judgment of conviction, respectively. **Section 10** of this bill makes a conforming change by requiring each type of petition to be: (1) appropriately titled; and (2) in substantially the form prescribed by **sections 3 and 11**. **Sections 6, 7 and 17** of this bill make conforming changes to indicate the proper placement of **section 3** in the Nevada Revised Statutes.

Section 8 of this bill makes a nonsubstantive change to clarify that a person may file a postconviction petition for a writ of habeas corpus without paying a filing fee. **Sections 9, 10, 12-14, 16, 18 and 19** of this bill make certain other nonsubstantive changes in statutes concerning postconviction petitions.

Existing law requires the respondent on a postconviction petition for a writ of habeas corpus to file with the court: (1) a return, which includes certain information relating to the basis on which the respondent has the petitioner in his or her custody or power; and (2) an answer responding to the allegations of the petition. (NRS 34.430, 34.745) **Section 26** of this bill repeals the requirement that the respondent file a return with the court. **Section 15** of this bill requires instead that the response or answer filed by the respondent include the information contained in a return under existing law. **Sections 13, 14 and 16** make conforming changes relating to the elimination of the requirement that a respondent file a return with the court.

Section 25 of this bill makes the amendatory provisions of this bill applicable to a postconviction petition for a writ of habeas corpus filed on or after July 1, 2023.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 34 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***As used in this chapter, "prosecuting agency" means:***

1. The district attorney of the county in which the judgment of conviction or sentence being challenged in a petition for a writ of habeas corpus was obtained, if the district attorney or a deputy district attorney prosecuted the

petitioner in the original proceeding which led to the judgment of conviction or sentence; or

2. The Attorney General, if the Attorney General or a deputy attorney general prosecuted the petitioner in the original proceeding which led to the judgment of conviction or sentence being challenged in a petition for a writ of habeas corpus.

Sec. 3. ***A petition for a writ of habeas corpus that challenges the computation of time that the petitioner has served pursuant to a judgment of conviction must be in substantially the following form, with appropriate modifications if the petition is filed in the Court of Appeals or the Supreme Court:***

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF.....

.....
Petitioner,

v. ***PETITION FOR WRIT OF HABEAS CORPUS (COMPUTATION OF TIME)***

.....
Respondent.

INSTRUCTIONS:

(1) Use this form if you are currently serving a sentence pursuant to a judgment of conviction and are challenging the postconviction computation of your time served, the revocation of your parole or the forfeiture of your credits. Do not use this form if you are requesting relief from a judgment of conviction.

(2) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

~~***[(2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.]***~~

(3) You must include facts which support your grounds for relief. You do not need to cite law or authorities. You may submit additional pages if necessary with this form.

(4) If you want an attorney appointed, you must complete ~~***[the]***~~ ***an Affidavit in Support of Request to Proceed in Forma Pauperis.*** ~~***[You must have an]***~~ ***An authorized officer at the prison must complete the***

certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

~~[(4)]~~ (5) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but:

(a) Within its custody, name the Director of the Department of Corrections.

(b) Under the supervision of the Division of Parole and Probation of the Department of Public Safety, name the probation officer or parole officer assigned to you at this time.

~~[(5)]~~ (6) You must include all grounds for relief which you may have regarding the computation of time served on your sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging the same computation of time issue.

~~[(6)]~~ (7) You must allege specific facts supporting the claims in this petition. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed.

~~[(7)]~~ (8) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you are incarcerated, or, if you are incarcerated outside this State, the First Judicial District Court in and for Carson City. One copy must be mailed to the respondent and one copy must be mailed to the Attorney General's Office. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: .....
.....

2. Name and location of court that sentenced you: .....
.....

3. Case number: .....

4. Date of judgment of conviction: .....

5. (a) Nature of the underlying offense involved in the sentence being challenged in this petition: .....

(b) Date on which the underlying offense involved in the sentence being challenged in this petition was committed: .....

6. Length of sentence being challenged in this petition:
.....
.....

7. Are you presently serving a sentence other than the sentence being challenged in this petition? Yes ..... No .....

If "yes," list each crime, case number and sentence being served at this time:

.....

.....

8. Have your sentences been aggregated? Yes ..... No .....

If "yes," list each case number and sentence, the terms of which have been aggregated:

.....

.....

9. Do you have any future sentences to serve after you complete the sentence being challenged in this petition (whether in the same judgment or a different judgment)? Yes ..... No .....

If "yes," specify where and when it is to be served, if you know:

10. Have you had a parole hearing relating to the sentence you are challenging in this petition? Yes ..... No .....

If "yes," give the following information:

(a) Date of most recent parole hearing: .....

(b) Outcome of most recent parole hearing: .....

(c) Date on which the rehearing is to be held, if you know: .....

11. Are you challenging a decision of the State Board of Parole Commissioners to revoke your parole? Yes ..... No .....

If "yes," give the following information:

(a) Date of revocation hearing: .....

(b) Date on which your next parole hearing is scheduled, if you know:

(c) Did you forfeit any credit as a result of the revocation of parole? Yes ..... No .....

(d) If you forfeited any credit as a result of the revocation of parole, has any of the credit forfeited been restored? Yes ..... No .....

12. Are you challenging a disciplinary sanction? Yes ..... No .....

If "yes," give the following information:

(a) Date on which you were served with a notice of the disciplinary offense charged: .....

(b) Date on which the disciplinary hearing involving the charged offense was conducted:.....

(c) Did you forfeit any credit as a result of the disciplinary hearing? Yes ..... No .....

(d) If you forfeited any credit as a result of the disciplinary hearing, has any of the credit forfeited been restored? Yes ..... No .....

13. Have you previously filed any petitions, applications or motions with respect to the challenge raised in this petition in any court, state or federal? Yes ..... No .....

14. If your answer to No. 13 was "yes," give the following information:

(a) (1) Name of court: .....

(2) Nature of proceeding: .....
.....
(3) Grounds raised: .....
.....
.....
(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....
(5) Result: .....
(6) Date of result: .....
(7) If known, citations of any written opinion or date of orders entered pursuant to such result: .....

(b) As to any second or subsequent additional petitions, applications or motions, give the same information as above, list them on a separate sheet and attach.

(c) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes ..... No .....
Citation or date of decision .....
(2) Second or subsequent petitions, applications or motions? Yes ..... No .....
Citation or date of decision .....

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

.....
.....

15. Do you have any petition or appeal now pending in any court, state or federal, regarding the computation of time you are challenging in this petition? Yes ..... No .....

If "yes," give the following information:

(a) Name of court:

(b) Case number:

16. Have you filed a grievance raising the same computation of time issue as you are raising in this petition? Yes ..... No .....

17. If your answer to No. 16 was "yes," answer the following:

(a) Number assigned to your grievance:

(b) Result of grievance:

(c) Did you complete all levels of the grievance procedure? Yes ..... No .....

(d) If you did not complete all levels of the grievance procedure, explain briefly why you did not:

18. If any of the grounds being raised in this petition have been submitted for review and resolution by way of the grievance process, explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) .....

.....

.....

19. State concisely every ground on which you claim that the computation of time you have served has been improperly computed. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting the same.

(a) Ground one: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):

.....

.....

(b) Ground two: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):

.....

.....

(c) Ground three: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):

.....

.....

(d) Ground four: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):

.....

.....

WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at ..... on the ..... day of the month of ..... of the year .....

.....

Signature of petitioner

.....

Address

.....

Signature of attorney (if any)

.....

Attorney for petitioner

.....

Address

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

.....

Petitioner

.....

Attorney for petitioner

CERTIFICATE OF SERVICE BY MAIL

I, ..., hereby certify, pursuant to N.R.C.P. 5(b), that on this ..... day of the month of ..... of the year ....., I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS (COMPUTATION OF TIME) addressed to:

.....

Respondent prison or jail official

.....

Address

.....

Attorney General
100 North Carson Street
Carson City, Nevada 89701

.....

Signature of petitioner

Sec. 4. NRS 34.370 is hereby amended to read as follows:

34.370 1. A petition for a writ of habeas corpus must be verified by the petitioner or the petitioner's counsel. If the petition is verified by counsel, counsel shall also verify that the petitioner personally authorized counsel to commence the action.

2. A verified petition for issuance of a writ of habeas corpus must specify that the petitioner is imprisoned or restrained of the petitioner's liberty, the officer or other person by whom the petitioner is confined or restrained, and the place where the petitioner is confined, naming all the parties if they are known, or describing them if they are not known.

3. If the petitioner claims that the imprisonment is illegal, the petitioner must state facts which show that the restraint or detention is illegal.

4. If the petition requests relief from a judgment of conviction or sentence in a criminal case, the petition must identify the proceedings in which the petitioner was convicted, give the date of entry of the final judgment and set forth which constitutional rights of the petitioner were violated and the acts constituting violations of those rights. Affidavits, records or other evidence supporting the allegations in the petition must be attached unless the petition recites the cause for failure to attach these materials. The petition must identify any previous proceeding in state or federal court initiated by the petitioner to secure relief from the petitioner's ***judgment of*** conviction or sentence. Argument, citations and other supporting documents are unnecessary.

Sec. 5. NRS 34.700 is hereby amended to read as follows:

34.700 1. Except as provided in subsection 3, a pretrial petition for a writ of habeas corpus based on alleged lack of probable cause or otherwise challenging the court's right or jurisdiction to proceed to the trial of a criminal charge may not be considered unless:

(a) The petition and all supporting documents are filed within 21 days after the first appearance of the accused in the district court; and

(b) The petition contains a statement that the accused:

(1) Waives the 60-day limitation for bringing an accused to trial; or

(2) If the petition is not decided within 15 days before the date set for trial, consents that the court may, without notice or hearing, continue the trial indefinitely or to a date designated by the court.

2. The arraignment and entry of a plea by the accused must not be continued to avoid the requirement that a pretrial petition be filed within the period specified in subsection 1.

3. The court may extend, for good cause, the time to file a petition. Good cause shall be deemed to exist if the transcript of the preliminary hearing or of the proceedings before the grand jury is not available within 14 days after the accused's initial appearance and the court shall grant an ex parte application to extend the time for filing a petition. All other applications may be made only after appropriate notice has been given to the prosecuting ~~[attorney.]~~ ***agency.***

Sec. 6. NRS 34.720 is hereby amended to read as follows:

34.720 The provisions of NRS 34.720 to 34.830, inclusive, ***and section 3 of this act*** apply only to petitions for writs of habeas corpus in which the petitioner:

1. Requests relief from a judgment of conviction or sentence in a criminal case; or

2. Challenges the computation of time that the petitioner has served pursuant to a judgment of conviction.

Sec. 7. NRS 34.722 is hereby amended to read as follows:

34.722 As used in NRS 34.720 to 34.830, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, "petition" means a ~~[postconviction]~~ petition ~~[for habeas corpus]~~ ***to obtain relief from a judgment of conviction or***

sentence or to challenge the computation of time a person has served filed pursuant to NRS 34.724.

Sec. 8. NRS 34.724 is hereby amended to read as follows:

34.724 1. Any person convicted of a crime and under sentence of death or imprisonment who claims that the conviction was obtained, or that the sentence was imposed, in violation of the Constitution of the United States or the Constitution or laws of this State, or who, after exhausting all available administrative remedies, claims that the time the person has served pursuant to the judgment of conviction has been improperly computed ~~[,]~~ may ~~[, without paying a filing fee,]~~ file a ~~[postconviction]~~ petition ~~[for a writ of habeas corpus]~~ to obtain relief from the ***judgment of*** conviction or sentence or to challenge the computation of time that the person has served. ***A person must not be required to pay a filing fee to file such a petition.***

2. Such a petition:

(a) Is not a substitute for and does not affect any remedies which are incident to the proceedings in the trial court or the remedy of direct review of the sentence or conviction.

(b) Comprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the ***judgment of*** conviction or sentence, and must be used exclusively in place of them.

(c) Is the only remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a judgment of conviction, after all available administrative remedies have been exhausted.

3. For the purposes of this section, a motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is imposed or imposition of sentence is suspended is a remedy which is incident to the proceedings in the trial court if:

(a) The person has not filed a prior motion to withdraw the plea and has not filed a prior ~~[postconviction]~~ petition ***;*** ~~[for a writ of habeas corpus;]~~

(b) The motion is filed within 1 year after the date on which the person was convicted, unless the person pleads specific facts demonstrating that some impediment external to the defense precluded bringing the motion earlier;

(c) At the time the person files the motion to withdraw the plea, the person is not incarcerated for the charge for which the person entered the plea; and

(d) The motion is not barred by the doctrine of laches. A motion filed more than 5 years after the date on which the person was convicted creates a rebuttable presumption of prejudice to the State on the basis of laches.

4. The court shall not appoint counsel to represent a person for the purpose of subsection 3.

Sec. 9. NRS 34.726 is hereby amended to read as follows:

34.726 1. Unless there is good cause shown for delay, a petition that challenges the validity of a judgment ***of conviction*** or sentence must be filed within 1 year after entry of the judgment of conviction or, if an appeal has been taken from the judgment, within 1 year after the appellate court of competent

jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution issues its remittitur. For the purposes of this subsection, good cause for delay exists if the petitioner demonstrates to the satisfaction of the court:

(a) That the delay is not the fault of the petitioner; and

(b) That dismissal of the petition as untimely will unduly prejudice the petitioner.

2. The execution of a sentence must not be stayed for the period provided in subsection 1 solely because a petition may be filed within that period. A stay of sentence must not be granted unless:

(a) A petition is actually filed; and

(b) The petitioner establishes a compelling basis for the stay.

Sec. 10. NRS 34.730 is hereby amended to read as follows:

34.730 1. A petition must be verified by the petitioner or the petitioner's counsel. If the petition is verified by counsel, counsel shall also verify that the petitioner personally authorized counsel to commence the action.

2. ***A petition that challenges:***

(a) The computation of time that the petitioner has served pursuant to a judgment of conviction must be titled "Petition for Writ of Habeas Corpus (Computation of Time)" and be in substantially the form set forth in section 3 of this act.

(b) The ~~[~~petition~~]~~ ***validity of a judgment of conviction or sentence*** must be titled "Petition for Writ of Habeas Corpus ~~[~~(Postconviction)"~~]~~ ***(Validity of Judgment of Conviction or Sentence)"*** and be in substantially the form set forth in NRS 34.735. ~~[~~The~~]~~

3. A petition must name as respondent and be served by mail upon the officer or other person by whom the petitioner is confined or restrained. A copy of the petition must be served by mail upon ~~[~~:

~~(a) The~~~~]~~ ***the*** Attorney General ~~[~~,~~]~~ and

~~[(b) In the case of a petition challenging the validity of a judgment of conviction or sentence, the district attorney in the county in which the petitioner was convicted.]~~ ***, if applicable, any other prosecuting agency.***

~~[3.]~~ ***4.*** Except as otherwise provided in this subsection, the clerk of the district court shall file a petition as a new action separate and distinct from any original proceeding in which a conviction has been had. If a petition challenges the validity of a ***judgment of*** conviction or sentence, it must be:

(a) Filed with the record of the original proceeding to which it relates; and

(b) Whenever possible, assigned to the original judge or court.

~~[4.]~~ ***5.*** No hearing upon the petition may be set until the requirements of NRS 34.740 to 34.770, inclusive, are satisfied.

Sec. 11. NRS 34.735 is hereby amended to read as follows:

34.735 A petition ***that challenges the validity of a judgment of conviction or sentence*** must be in substantially the following form, with appropriate modifications if the petition is filed in the Court of Appeals or the Supreme Court:

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF.....

.....
Petitioner,

v.

PETITION FOR WRIT OF HABEAS CORPUS ~~[(POSTCONVICTION)]~~ ***(VALIDITY OF JUDGMENT OF CONVICTION OR SENTENCE)***

.....
Respondent.

INSTRUCTIONS:

(1) ***Use this form if you are currently serving a sentence pursuant to a judgment of conviction and are seeking relief from your judgment of conviction or sentence. Do not use this form if you are challenging the postconviction computation of your time served.***

(2) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

~~[(2)]~~ ***(3)*** Additional pages are not permitted except where noted or with respect to the facts ~~[which you rely upon to]~~ ***that*** support your grounds for relief. ~~[No citation of authorities need be furnished.]~~ ***You are not required to cite to law or authorities.*** If ***you submit*** briefs or arguments ~~[are submitted,]~~ they ~~[should be submitted in the form of]~~ ***must be in*** a separate memorandum.

~~[(3)]~~ ***(4)*** If you want an attorney appointed, you must complete ~~[the]~~ ***an*** Affidavit in Support of Request to Proceed in Forma Pauperis. ~~[You must have an]~~ ***An*** authorized officer at the prison ***must*** complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

~~[(4)]~~ ***(5)*** You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.

~~[(5)]~~ ***(6)*** You must include all grounds ~~[or claims]~~ for relief which you may have regarding your ***judgment of*** conviction or sentence. Failure to

raise all grounds in this petition may preclude you from filing future petitions challenging your ***judgment of*** conviction and sentence.

~~[(6)]~~ ***(7)*** You must allege specific facts supporting the claims in ~~[the]~~ ***this*** petition ~~. [you file seeking relief from any conviction or sentence.]~~ Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

~~[(7)]~~ ***(8)*** When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the ~~[district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence.]~~ ***prosecuting agency.*** Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: .....

2. Name and location of court which entered the judgment of conviction ~~[under attack:]~~ ***being challenged:***

.....

3. Date of judgment of conviction: .....

4. Case number: .....

5. (a) Length of sentence: .....

.....

(b) If sentence is death, state any date upon which execution is scheduled:.....

6. Are you presently serving a sentence for a ***judgment of*** conviction other than the ***judgment of*** conviction ~~[under attack]~~ ***you are challenging*** in this ~~[motion?]~~ ***petition?*** Yes ..... No .....

If "yes," list ***each*** crime, case number and sentence being served at this time:

.....

.....

7. Nature of offense involved in ***the judgment of*** conviction being challenged: .....

.....

8. What was your plea? (check one)

(a) Not guilty .....

(b) Guilty .....

(c) Guilty but mentally ill .....

(d) Nolo contendere .....

9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details: .....
.....
.....

10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

(a) Jury .....

(b) Judge without a jury .....

11. Did you testify at the trial? Yes ..... No .....

12. Did you appeal from the judgment of conviction? Yes ..... No .....

13. If you did appeal, answer the following:

(a) Name of court:

(b) Case number or citation:

(c) Result:

(d) Date of result:

(Attach copy of order or decision, if available.)

14. If you did not appeal, explain briefly why you did not: .....
.....
.....

15. Other than a direct appeal from the judgment of conviction **,** ~~[and sentence,]~~ have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes ..... No .....

16. If your answer to No. 15 was "yes," give the following information:

(a) (1) Name of court: .....

(2) Nature of proceeding: .....
.....

(3) Grounds raised: .....
.....
.....

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

(5) Result: .....

(6) Date of result: .....

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: .....
.....

(b) As to any second petition, application or motion, give the same information:

(1) Name of court: .....
(2) Nature of proceeding: .....
(3) Grounds raised: .....
(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....
(5) Result: .....
(6) Date of result: .....
(7) If known, citations of any written opinion or date of orders entered pursuant to such result: .....
.....

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes ..... No .....
Citation or date of decision: .....
(2) Second petition, application or motion? Yes ..... No .....
Citation or date of decision: .....
(3) Third or subsequent petitions, applications or motions? Yes ..... No .....
Citation or date of decision: .....
.....

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)
.....
.....

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same: .....
.....

(b) The proceedings in which these grounds were raised: .....
.....

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) .....
.....

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)
.....

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) .....
.....

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment ~~[under attack?]~~ ***of conviction you are challenging in this petition?*** Yes ..... No .....
If yes, state what court and the case number:
.....

21. Give the name of each attorney who represented you in the proceeding resulting in your ***judgment of*** conviction and on direct appeal:
.....

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment ~~[under attack?]~~ ***of conviction you are challenging in this petition?*** Yes ..... No .....
If yes, specify where and when it is to be served, if you know: .....
.....

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting the same.

(a) Ground one: .....
.....
Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....

(b) Ground two: .....
.....
Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....

(c) Ground three: .....
.....

Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....

(d) Ground four: .....
.....

Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....

WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at ..... on the ..... day of the month of ..... of the year .....

.....
Signature of petitioner

.....
Address

.....
Signature of attorney (if any)

.....
Attorney for petitioner

.....
Address

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

.....
Petitioner

.....
Attorney for petitioner

CERTIFICATE OF SERVICE BY MAIL

I, ..., hereby certify, pursuant to N.R.C.P. 5(b), that on this ..... day of the month of ..... of the year ....., I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS ***(VALIDITY OF JUDGMENT OF CONVICTION OR SENTENCE)*** addressed to:

.....
Respondent prison or jail official

.....

Address

.....

Attorney General
~~[Heroes' Memorial Building~~
~~Capitol Complex]~~ ***100 North Carson Street***
Carson City, Nevada ~~[89710]~~ ***89701***

.....

District Attorney of County of Conviction

.....

Address

.....

Signature of petitioner

Sec. 12. NRS 34.738 is hereby amended to read as follows:

34.738 1. A petition that challenges the validity of a ***judgment of*** conviction or sentence must be filed with the clerk of the district court for the county in which the conviction occurred. Any other petition must be filed with the clerk of:

(a) The district court for the county in which the petitioner is incarcerated; or

(b) The First Judicial District Court in and for Carson City, if the petitioner is incarcerated outside this State while serving a term of imprisonment imposed by a court of this State.

2. A petition that is not filed in the district court for the appropriate county:

(a) Shall be deemed to be filed on the date it is received by the clerk of the district court in which the petition is initially lodged; and

(b) Must be transferred by the clerk of that court to the clerk of the district court for the appropriate county.

3. A petition must not challenge both the validity of a judgment of conviction or sentence and the computation of time that the petitioner has served pursuant to ~~[that]~~ ***a*** judgment ~~[.]~~ ***of conviction.*** If a petition improperly challenges both the validity of a judgment of conviction or sentence and the computation of time that the petitioner has served pursuant to ~~[that]~~ ***a*** judgment ~~[,]~~ ***of conviction,*** the district court for the appropriate county shall resolve that portion of the petition that challenges the validity of the judgment of conviction or sentence and dismiss the remainder of the petition without prejudice.

Sec. 13. NRS 34.745 is hereby amended to read as follows:

34.745 1. ~~[If a petition challenges the validity of a judgment of conviction or sentence and is the first petition filed by the petitioner, the]~~ ***The*** judge or justice shall order the ~~[district attorney or the Attorney General, whichever is appropriate,]~~ ***prosecuting agency*** to:

(a) File:

~~[(1) A]~~ ***a*** response or an answer to the petition ~~[; and~~

~~(2) If an evidentiary hearing is required pursuant to NRS 34.770, a return,~~

~~]~~ within 45 days or a longer period fixed by the judge or justice; or

(b) Take other action that the judge or justice deems appropriate.

2. ~~[If a petition challenges the computation of time that the petitioner has served pursuant to a judgment of conviction, the judge or justice shall order the Attorney General to:~~

~~(a) File:~~

~~(1) A response or an answer to the petition; and~~

~~(2) A return,~~

~~within 45 days or a longer period fixed by the judge or justice.~~

~~(b) Take other action that the judge or justice deems appropriate.~~

~~3.]~~ An order entered pursuant to subsection 1 ~~[or 2]~~ must be in substantially the following form, with appropriate modifications if the order is entered by a judge of the Court of Appeals or a justice of the Supreme Court:

Case No. .....

Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF .....

.....

Petitioner,

v. ORDER

.....

Respondent.

Petitioner filed a petition for a writ of habeas corpus on ..... (month) ..... (day), ... (year). The court has reviewed the petition and has determined that a response would assist the court in determining whether petitioner is illegally imprisoned and restrained of petitioner's liberty. Respondent shall, within 45 days after the date of this order, answer or otherwise respond to the petition ~~[and file a return]~~ in accordance with the provisions of NRS 34.360 to 34.830, inclusive ~~[.]~~ ***, and section 3 of this act.***

Dated ..... (month) ..... (day), ... (year)

.....

District Judge

A copy of the order must be served on the petitioner or the petitioner's counsel, the respondent, the Attorney General and ~~[the district attorney of the county in which the petitioner was convicted.~~

~~4.]~~ ***, if applicable, any other prosecuting agency.***

3. If the petition is a second or successive petition challenging the validity of a judgment of conviction or sentence and if it plainly appears from the face of the petition or an amended petition and documents and exhibits that are annexed to it, or from records of the court that the petitioner is not entitled to relief based on any of the grounds set forth in subsection ~~[2]~~ ***3*** of NRS 34.810,

the judge or justice shall enter an order for its summary dismissal and cause the petitioner to be notified of the entry of the order.

~~[5.]~~ ***4.*** If the judge or justice relies on the records of the court in entering an order pursuant to this section, those records must be made a part of the record of the proceeding before entry of the order.

Sec. 14. NRS 34.750 is hereby amended to read as follows:

34.750 1. A petition may allege that the petitioner is unable to pay the costs of the proceedings or to employ counsel. If the court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily, the court may appoint counsel to represent the petitioner. In making its determination, the court may consider, among other things, the severity of the consequences facing the petitioner and whether:

(a) The issues presented are difficult;

(b) The petitioner is unable to comprehend the proceedings; or

(c) Counsel is necessary to proceed with discovery.

2. If the court determines that the petitioner is unable to pay all necessary costs and expenses incident to the proceedings of the trial court and the reviewing court, including court costs, stenographic services, printing and reasonable compensation for legal services, all costs must be paid from money appropriated to the office of the State Public Defender for that purpose. After appropriations for that purpose are exhausted, money must be allocated to the office of the State Public Defender from the Reserve for Statutory Contingency Account for the payment of the costs, expenses and compensation.

3. After appointment by the court, counsel for the petitioner may file and serve supplemental pleadings, exhibits, transcripts and documents within 30 days after:

(a) The date the court orders the filing of ~~[an]~~ ***a response or*** answer ***;*** ~~[and a return;]~~ or

(b) The date of counsel's appointment,

➥ whichever is later. If it has not previously been filed, the ***response or*** answer by the respondent must be filed within 15 days after receipt of the supplemental pleadings and include any response to the supplemental pleadings.

4. The petitioner shall respond within 15 days after service to a motion by the State to dismiss the action.

5. No further pleadings may be filed except as ordered by the court.

Sec. 15. NRS 34.760 is hereby amended to read as follows:

34.760 1. ~~[The]~~ ***A response or*** answer must ~~[state]~~ ***:***

(a) State plainly and unequivocally whether the respondent has or had the petitioner in custody or under the respondent's power or restraint and, if the respondent:

(1) Has the petitioner in custody or under his or her power or restraint at the time of filing the response or answer, set forth with specificity the basis for custody, including, without limitation, the authority and cause of the imprisonment or restraint.

(2) Had the petitioner in custody or under the respondent's power or restraint but no longer has the petitioner in custody or under the respondent's power or restraint, state particularly to whom, at what time and place, for what cause and by what authority the transfer took place.

(b) Indicate whether the petitioner has previously applied for relief from the petitioner's ***judgment of*** conviction or sentence in any proceeding in a state or federal court, including a direct appeal or a petition for a writ of habeas corpus or other postconviction relief.

2. ~~[The]~~ ***If a petition challenges the validity of a judgment of conviction or sentence, the response or*** answer must indicate what transcripts of pretrial, trial, sentencing and postconviction proceedings are available, when these transcripts can be furnished and what proceedings have been recorded and not transcribed. The respondent shall attach to the ***response or*** answer any portions of the transcripts, except those in the court's file, which the respondent deems relevant. The court on its own motion or upon request of the petitioner may order additional portions of existing transcripts to be furnished or certain portions of the proceedings which were not transcribed to be transcribed and furnished. If a transcript is not available or procurable, the court may require a narrative summary of the evidence to be submitted.

3. ***If a petition challenges the computation of time that the petitioner has served pursuant to a judgment of conviction, the respondent shall attach a copy of the judgment of conviction to the response or answer.***

4. If the petitioner appealed ~~[from]~~ the judgment of conviction ***or sentence*** or any adverse judgment or order in a prior petition ***,*** ~~[for a writ of habeas corpus or postconviction relief,]~~ a copy of the petitioner's brief on appeal and any opinion of the appellate court must be filed by the respondent with the ***response or*** answer.

Sec. 16. NRS 34.770 is hereby amended to read as follows:

34.770 1. The judge or justice, upon review of the ~~[return,]~~ ***response or*** answer and all supporting documents which are filed, shall determine whether an evidentiary hearing is required. A petitioner must not be discharged or committed to the custody of a person other than the respondent unless an evidentiary hearing is held.

2. If the judge or justice determines that the petitioner is not entitled to relief and an evidentiary hearing is not required, the judge or justice shall dismiss the petition without a hearing.

3. If the judge or justice determines that an evidentiary hearing is required, the judge or justice shall grant the writ and shall set a date for the hearing.

Sec. 17. NRS 34.780 is hereby amended to read as follows:

34.780 1. The Nevada Rules of Civil Procedure, to the extent that they are not inconsistent with NRS 34.360 to 34.830, inclusive, ***and section 3 of this act*** apply to proceedings pursuant to NRS 34.720 to 34.830, inclusive ~~[.]~~ ***, and section 3 of this act.***

2. After the writ has been granted and a date set for the hearing, a party may invoke any method of discovery available under the Nevada Rules of

Civil Procedure if, and to the extent that, the judge or justice for good cause shown grants leave to do so.

3. A request for discovery which is available under the Nevada Rules of Civil Procedure must be accompanied by a statement of the interrogatories or requests for admission and a list of any documents sought to be produced.

Sec. 18. NRS 34.800 is hereby amended to read as follows:

34.800 1. A petition may be dismissed if delay in the filing of the petition:

(a) Prejudices the respondent or the State of Nevada in responding to the petition, unless the petitioner shows that the petition is based upon grounds of which the petitioner could not have had knowledge by the exercise of reasonable diligence before the circumstances prejudicial to the State occurred; or

(b) Prejudices the State of Nevada in its ability to conduct a retrial of the petitioner, unless the petitioner demonstrates that a fundamental miscarriage of justice has occurred in the proceedings resulting in the judgment of conviction **.** ~~[or sentence.]~~

2. A period exceeding 5 years between the filing of a judgment of conviction, an order imposing a sentence of imprisonment or a decision on direct appeal of a judgment of conviction and the filing of a petition challenging the validity of a judgment of conviction creates a rebuttable presumption of prejudice to the State. In a motion to dismiss the petition based on that prejudice, the respondent or the State of Nevada must specifically plead laches. The petitioner must be given an opportunity to respond to the allegations in the pleading before a ruling on the motion is made.

Sec. 19. NRS 34.810 is hereby amended to read as follows:

34.810 1. The court shall dismiss a petition ***that challenges the validity of a judgment of conviction or sentence*** if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or

(3) Raised in any other proceeding that the petitioner has taken to secure relief from the petitioner's ***judgment of*** conviction and sentence,

➥ unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

2. ***The court shall dismiss a petition that challenges the computation of time served pursuant to a judgment of conviction without prejudice if the court determines that the petitioner did not exhaust all available***

administrative remedies to resolve such a challenge as required by NRS 34.724.

3. A second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

~~[3.]~~ ***4.*** Pursuant to subsections 1 and ~~[2,]~~ ***3,*** the petitioner has the burden of pleading and proving specific facts that demonstrate:

(a) Good cause for the petitioner's failure to present the claim or for presenting the claim again; and

(b) Actual prejudice to the petitioner.

➥ The petitioner shall include in the petition all prior proceedings in which the petitioner challenged the same ***judgment of*** conviction or sentence.

~~[4. The court shall dismiss a petition without prejudice if:~~

~~(a) The petition challenges the computation of time that the petitioner has served pursuant to a judgment of conviction; and~~

~~(b) The court determines that the petitioner did not exhaust all available administrative remedies to resolve such a challenge as required by NRS 34.724.]~~

5. The court may dismiss a petition that fails to include any prior proceedings of which the court has knowledge through the record of the court or through the pleadings submitted by the respondent.

Sec. 20. NRS 34.820 is hereby amended to read as follows:

34.820 1. If a petitioner has been sentenced to death and the petition is the first one challenging the validity of the petitioner's ***judgment of*** conviction or sentence, the court shall:

(a) Appoint counsel to represent the petitioner; and

(b) Stay execution of the judgment pending disposition of the petition and the appeal.

2. The petition must include the date upon which execution is scheduled, if it has been scheduled. The petitioner is not entitled to an evidentiary hearing unless the petition states that:

(a) Each issue of fact to be considered at the hearing has not been determined in any prior evidentiary hearing in a state or federal court; or

(b) For each issue of fact which has been determined in a prior evidentiary hearing, the hearing was not a full and fair consideration of the issue. The petition must specify all respects in which the hearing was inadequate.

3. If the petitioner has previously filed a petition for relief or for a stay of the execution in the same court, the petition must be assigned to the judge or justice who considered the previous matter.

4. The court shall inform the petitioner and the petitioner's counsel that all claims which challenge the ***judgment of*** conviction or imposition of the sentence must be joined in a single petition and that any matter not included in the petition will not be considered in a subsequent proceeding.

5. If relief is granted or the execution is stayed, the clerk shall forthwith notify the respondent ~~[~~, the Attorney General~~]~~ and the ~~[~~district attorney of the county in which the petitioner was convicted.~~]~~ ***prosecuting agency.***

6. If a district judge conducts an evidentiary hearing, a daily transcript must be prepared for the purpose of appellate review.

7. The judge or justice who considers a petition filed by a petitioner who has been sentenced to death shall make all reasonable efforts to expedite the matter and shall render a decision within 60 days after submission of the matter for decision.

Sec. 21. NRS 34.830 is hereby amended to read as follows:

34.830 1. Any order that finally disposes of a petition, whether or not an evidentiary hearing was held, must contain specific findings of fact and conclusions of law supporting the decision of the court.

2. A copy of any decision or order discharging the petitioner from the custody or restraint under which the petitioner is held, committing the petitioner to the custody of another person, dismissing the petition or denying the requested relief must be served by the clerk of the court upon the petitioner and the petitioner's counsel, if any, the respondent ~~[~~, the Attorney General~~]~~ and the ~~[~~district attorney of the county in which the petitioner was convicted.~~]~~ ***prosecuting agency.***

3. Whenever a decision or order described in this section is entered by the district court, the clerk of the court shall prepare a notice in substantially the following form and mail a copy of the notice to each person listed in subsection 2:

Case No. .....
Dept. No. .....
IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF .....

.....
Petitioner,

v. NOTICE OF ENTRY OF DECISION OR ORDER

.....
Respondent.

PLEASE TAKE NOTICE that on ..... (month) ..... (day) ..... (year), the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within 33 days after the date this notice is mailed to you. This notice was mailed on ..... (month) ..... (day) ..... (year)

Dated ..... (month) ..... (day) ..... (year)

.....
Clerk of court

(SEAL) By .....
Deputy

Sec. 22. NRS 34.960 is hereby amended to read as follows:

34.960 1. At any time after the expiration of the period during which a motion for a new trial based on newly discovered evidence may be made pursuant to NRS 176.515, a person who has been convicted of a felony may petition the district court in the county in which the person was convicted for a hearing to establish the factual innocence of the person based on newly discovered evidence. A person who files a petition pursuant to this subsection shall serve notice and a copy of the petition upon the ~~[district attorney of the county in which the conviction was obtained and the Attorney General.]~~ ***prosecuting agency.***

2. A petition filed pursuant to subsection 1 must contain an assertion of factual innocence under oath by the petitioner and must aver, with supporting affidavits or other credible documents, that:

(a) Newly discovered evidence exists that is specifically identified and, if credible, establishes a bona fide issue of factual innocence;

(b) The newly discovered evidence identified by the petitioner:

(1) Establishes innocence and is material to the case and the determination of factual innocence;

(2) Is not merely cumulative of evidence that was known, is not reliant solely upon recantation of testimony by a witness against the petitioner and is not merely impeachment evidence; and

(3) Is distinguishable from any claims made in any previous petitions;

(c) If some or all of the newly discovered evidence alleged in the petition is a biological specimen, that a genetic marker analysis was performed pursuant to NRS 176.0918, 176.09183 and 176.09187 and the results were favorable to the petitioner; and

(d) When viewed with all other evidence in the case, regardless of whether such evidence was admitted during trial, the newly discovered evidence demonstrates the factual innocence of the petitioner.

3. In addition to the requirements set forth in subsection 2, a petition filed pursuant to subsection 1 must also assert that:

(a) Neither the petitioner nor the petitioner's counsel knew of the newly discovered evidence at the time of trial or sentencing or in time to include the evidence in any previously filed post-trial motion or postconviction petition, and the evidence could not have been discovered by the petitioner or the petitioner's counsel through the exercise of reasonable diligence; or

(b) A court has found ineffective assistance of counsel for failing to exercise reasonable diligence in uncovering the newly discovered evidence.

4. The court shall review the petition and determine whether the petition satisfies the requirements of subsection 2. If the court determines that the petition:

(a) Does not meet the requirements of subsection 2, the court shall dismiss the petition without prejudice, state the basis for the dismissal and send notice of the dismissal to the petitioner ~~[, the district attorney]~~ and the ~~[Attorney General.]~~ ***prosecuting agency.***

(b) Meets the requirements of subsection 2, the court shall determine whether the petition satisfies the requirements of subsection 3. If the court determines that the petition does not meet the requirements of subsection 3, the court may:

(1) Dismiss the petition without prejudice, state the basis for the dismissal and send notice of the dismissal to the petitioner ~~[, the district attorney]~~ and the ~~[Attorney General;]~~ ***prosecuting agency;*** or

(2) Waive the requirements of subsection 3 if the court finds the petition should proceed to a hearing and that there is other evidence that could have been discovered through the exercise of reasonable diligence by the petitioner or the petitioner's counsel at trial, and the other evidence:

(I) Was not discovered by the petitioner or the petitioner's counsel;

(II) Is material upon the issue of factual innocence; and

(III) Has never been presented to a court.

5. Any second or subsequent petition filed by a person must be dismissed if the court determines that the petition fails to identify new or different evidence in support of the factual innocence claim or, if new and different grounds are alleged, the court finds that the failure of the petitioner to assert those grounds in a prior petition filed pursuant to this section constituted an abuse of the writ.

6. The court shall provide a written explanation of its order to dismiss or not to dismiss the petition based on the requirements set forth in subsections 2 and 3.

7. A person who has already obtained postconviction relief that vacated or reversed the person's conviction or sentence may also file a petition pursuant to subsection 1 in the same manner and form as described in this section if no retrial or appeal regarding the offense is pending.

8. After a petition is filed pursuant to subsection 1, any prosecuting ~~[attorney,]~~ ***agency,*** law enforcement agency or forensic laboratory that is in possession of any evidence that is the subject of the petition shall preserve such evidence and any information necessary to determine the sufficiency of the chain of custody of such evidence.

9. A petition filed pursuant to subsection 1 must include the underlying criminal case number.

10. Except as otherwise provided in NRS 34.900 to 34.990, inclusive, the Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 1.

11. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

(c) "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.

Sec. 23. NRS 34.970 is hereby amended to read as follows:

34.970 1. If the court does not dismiss a petition after reviewing the petition in accordance with NRS 34.960, the court shall order the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** to file a response to the petition. The court's order must:

(a) Specify which claims identified in the petition warrant a response from the ~~[district attorney or the Attorney General;]~~ ***prosecuting agency;*** and

(b) Specify which newly discovered evidence identified in the petition, if credible, might establish a bona fide issue of factual innocence.

2. The ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** shall, not later than 120 days after receipt of the court's order requiring a response, or within any additional period the court allows, respond to the petition and serve a copy upon the petitioner and, if the ***prosecuting agency is the*** district attorney ~~,~~ ***,*** ~~[is responding to the petition,]~~ the Attorney General.

3. Not later than 30 days after the date the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** responds to the petition, the petitioner may reply to the response. Not later than 30 days after the expiration of the period during which the petitioner may reply to the response, the court shall consider the petition, any response by the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** and any reply by the petitioner. If the court determines that the petition meets the requirements of NRS 34.960 and that there is a bona fide issue of factual innocence regarding the charges of which the petitioner was convicted, the court shall order a hearing on the petition. If the court does not make such a determination, the court shall enter an order denying the petition. For the purposes of this subsection, a bona fide issue of factual innocence does not exist if the petitioner is merely relitigating facts, issues or evidence presented in a previous proceeding or if the petitioner is unable to identify with sufficient specificity the nature and reliability of the newly discovered evidence that establishes the factual innocence of the petitioner. Unless stipulated to by the parties, the court may not grant a hearing on the petition during any period in which criminal proceedings in the matter are pending before any trial or appellate court.

4. If the court grants a hearing on the petition, the hearing must be held and the final order must be entered not later than 150 days after the expiration of the period during which the petitioner may reply to the response to the petition by the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** pursuant to subsection 3 unless the court determines that additional time is required for good cause shown.

5. If the court grants a hearing on the petition, the court shall, upon the request of the petitioner, order the preservation of all material and relevant

evidence in the possession or control of this State or any agent thereof during the pendency of the proceeding.

6. If the parties stipulate that the evidence establishes the factual innocence of the petitioner, the court may affirm the factual innocence of the petitioner without holding a hearing. If the prosecuting ~~[attorney]~~ ***agency*** does not stipulate that the evidence establishes the factual innocence of the petitioner, a determination of factual innocence must not be made by the court without a hearing.

7. If the parties stipulate that the evidence establishes the factual innocence of the petitioner, the prosecuting ~~[attorney]~~ ***agency*** makes a motion to dismiss the original charges against the petitioner or, after a hearing, the court determines that the petitioner has proven his or her factual innocence by clear and convincing evidence, the court shall:

(a) Vacate the petitioner's conviction and issue an order of factual innocence and exoneration; and

(b) Order the sealing of all documents, papers and exhibits in the person's record, minute book entries and entries on dockets and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. The court shall provide a written explanation of its determination that the petitioner proved or failed to prove his or her factual innocence by clear and convincing evidence.

9. Any order granting or denying a hearing on a petition pursuant to this section may be appealed by either party.

Sec. 24. NRS 34.990 is hereby amended to read as follows:

34.990 After a petition is filed pursuant to NRS 34.960, if any victim of the crime for which the petitioner was convicted has indicated a desire to be notified regarding any postconviction proceedings, the ~~[district attorney]~~ ***prosecuting agency*** shall make reasonable efforts to provide notice to such a victim that the petition has been filed and that indicates the time and place for any hearing that may be held as a result of the petition and the disposition thereof.

Sec. 25. The amendatory provisions of this act do not apply to a postconviction petition for habeas corpus filed pursuant to NRS 34.724 before July 1, 2023.

Sec. 26. NRS 34.430 is hereby repealed.

Sec. 27. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 26, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

TEXT OF REPEALED SECTION

34.430 Return and answer: Service and filing; contents; signature and verification.

1. Except as otherwise provided in subsection 1 of NRS 34.745, the respondent shall serve upon the petitioner and file with the court a return and an answer that must respond to the allegations of the petition within 45 days or a longer period fixed by the judge or justice.

2. The return must state plainly and unequivocally whether the respondent has the party in custody, or under the respondent's power or restraint. If the respondent has the petitioner in the respondent's custody or power, or under the respondent's restraint, the respondent shall state the authority and cause of the imprisonment or restraint, setting forth with specificity the basis for custody.

3. If the petitioner is detained by virtue of any judgment, writ, warrant or other written authority, a certified or exemplified copy must be annexed to the return.

4. If the respondent has the petitioner in the respondent's power or custody or under the respondent's restraint before or after the date of the writ of habeas corpus but has transferred custody or restraint to another, the return must state particularly to whom, at what time and place, for what cause, and by what authority the transfer took place.

5. The return must be signed by the respondent and, unless the respondent is a sworn public officer who makes the return in the respondent's official capacity, verified under oath or affirmation.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 44.

AN ACT relating to unclaimed property; revising provisions of the Uniform Unclaimed Property Act; **authorizing the Administrator of Unclaimed Property to adopt regulations relating to certain agreements between an owner of property and another person concerning property paid or delivered to the Administrator;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacts the Uniform Unclaimed Property Act, which generally establishes the powers, duties and liabilities of the State and other persons concerning unclaimed property. (Chapter 120A of NRS) Existing law makes the State Treasurer the Administrator of Unclaimed Property and requires the

State Treasurer, in his or her capacity as the Administrator, to carry out the provisions of the Act. (NRS 120A.025, 120A.140)

~~[Existing law excludes a loyalty card from the definition of property for purposes of the Act. (NRS 120A.113) Section 3 of this bill defines the term "loyalty card" for that purpose.]~~ Existing law makes certain gift certificates subject to the provisions of the Act and provides that a gift certificate is presumed abandoned on the expiration date of the gift certificate. (NRS 120A.113, 120A.520) **Section 2** of this bill defines the term "gift certificate" for purposes of the Act. **Section 4** of this bill makes a conforming change indicating the proper placement of ~~[sections]~~ **section 2** ~~[and 3]~~ in the Nevada Revised Statutes.

~~[Existing law defines a "stored-value card" as a record evidencing a promise made for consideration by the seller or issuer that goods, services or money will be provided to the owner of record to the value or amount shown in the record. (NRS 120A.119) Section 5 of this bill provides that stored-value card includes a gift certificate.]~~ For consistency with the Act, **section 6** of this bill replaces the term "financial institution" with the term "financial organization."

Existing law governs when certain forms of property are presumed abandoned. (NRS 120A.500, 120A.520) **Section 7** of this bill makes various changes relating to the dates on which certain property that is unclaimed by the apparent owner is presumed abandoned. **Section 7** also provides that the signing of a return receipt constitutes an indication of an owner's interest in property for purposes of determining the date on which certain property is presumed abandoned. **Section 8** of this bill provides that a gift certificate that is no longer honored by the issuer is presumed abandoned on the date on which the gift certificate ceases to be honored by the issuer.

Among other duties, existing law requires a holder of property presumed to be abandoned to: (1) make a report to the Administrator concerning the property; and (2) send written notice to the apparent owner of the property under certain circumstances. (NRS 120A.560) **Section 9** of this bill revises provisions relating to the report filed with the Administrator. **Section 9** also requires the holder of property to send the required written notice by certified mail in certain circumstances. **Section 14** of this bill makes a conforming change updating references to **section 9**.

Existing law requires the Administrator to publish certain notice concerning unclaimed or abandoned property in a newspaper of general circulation. Among other requirements, existing law requires such notice to include the name of a person reported to the Administrator as an apparent owner. (NRS 120A.580) **Section 10** of this bill instead requires the Administrator to create and maintain a statewide database that is searchable electronically and includes the name of a person reported to the Administrator as an apparent owner of unclaimed property. **Section 10** also requires the Administrator to: (1) make the database publicly available on the website of the Administrator; (2) publish general information regarding the Act on the website of the Administrator; and

(3) annually publish certain information concerning unclaimed property by press release.

Existing law requires the Administrator to sell certain abandoned property at a public sale after providing certain notice of the sale to the public. (NRS 120A.610) **Section 11** of this bill revises the manner in which the Administrator is required to provide such notice. **Section 15** of this bill makes a conforming change updating references to **section 11**.

Existing law authorizes a holder of property, with the written consent of the Administrator, to report and deliver property to the Administrator before the property is presumed abandoned. (NRS 120A.660) **Section 12** of this bill removes the requirement that the Administrator must provide written consent before the delivery of such property if the Administrator determines that receipt of the property is in the best interests of the State.

Existing law authorizes the Administrator to enter into an intrastate agreement with an agency from this State to protect certain confidential information shared for the purpose of facilitating the return of property pursuant to the Act. (NRS 120A.715) **Section 13** of this bill instead: (1) authorizes the Administrator to request a state or local agency to provide him or her with certain confidential information for the purpose of facilitating the return of unclaimed or abandoned property; and (2) requires an agency to provide the information requested unless the provision of such information is prohibited by federal law.

Existing law prescribes requirements and restrictions relating to an agreement between an owner of property and another person, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property of the owner that is presumed abandoned. (NRS 120A.740) Section 14.5 of this bill authorizes the Administrator to adopt such regulations as are necessary to protect the interests of an owner who enters into such an agreement. Section 14.5 provides that such regulations may provide for the licensure or registration of a person with whom an owner enters into an agreement.

Section 16 of this bill eliminates a provision requiring that the Act must be applied and construed to effectuate its general purpose to make the law uniform among the states that enact the Act. (NRS 120A.750)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 120A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Gift certificate" has the meaning ascribed to it in NRS 598.0921.***

Sec. 3. ~~***[1. "Loyalty card" means a record evidencing a promise made without consideration by the issuer of record that may be used by the owner of record to obtain goods or services provided by the issuer as part of an award, reward, benefit, loyalty, rebate or promotional program.***~~

~~*2. The term does not include:*~~

~~*(a) A stored-value card; or*~~

~~*(b) Any other record that may be redeemed for money or otherwise monetized by the issuer.]*~~ **(Deleted by amendment.)**

Sec. 4. NRS 120A.020 is hereby amended to read as follows:

120A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 120A.025 to 120A.122, inclusive, ***and*** ~~*[sections]*~~ ***section 2*** ~~*[and 3]*~~ ***of this act*** have the meanings ascribed to them in those sections.

Sec. 5. ~~[NRS 120A.119 is hereby amended to read as follows:~~

~~120A.119 1. "Stored-value card" means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services or money will be provided to the owner of record to the value or amount shown in the record.~~

~~2. The term includes:~~

~~(a) A record that contains or consists of a microprocessor chip, magnetic strip or other means for the storage of information which is prefunded and whose value or amount is decreased on each use and increased by payment of additional consideration; [and]~~

~~(b) A payroll card [.]~~ ~~*; and*~~

~~*(c) A gift certificate.*~~

~~3. The term does not include a loyalty card or game-related digital content.]~~ **(Deleted by amendment.)**

Sec. 6. NRS 120A.125 is hereby amended to read as follows:

120A.125 The provisions of this chapter do not apply to tangible property held in a safe-deposit box or other safekeeping depository which is not maintained by:

1. A bank or other financial ~~[institution;]~~ ***organization;*** or
2. A safe-deposit company.

Sec. 7. NRS 120A.500 is hereby amended to read as follows:

120A.500 1. Except as otherwise provided in subsections 6 ***, 7*** and ~~[7,]~~ ***8,*** property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:

(a) A traveler's check, 15 years after issuance;

(b) A money order, 7 years after issuance;

(c) Any stock or other equity interest in a business association or financial organization, including a security entitlement under NRS 104.8101 to 104.8511, inclusive, 3 years after the ~~[earlier of the]~~ date of the ~~[most recent dividend, stock split or other distribution unclaimed]~~ ***last indication*** by the ~~[apparent]~~ owner ~~[, or the date of the second mailing of a statement]~~ of ~~[account or other notification or communication that was returned as undeliverable or after]~~ ***interest in*** the ~~[holder discontinued mailings, notifications or communications to the apparent owner;]~~ ***property;***

(d) Any debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 3 years after the date of the most recent interest payment unclaimed by the apparent owner;

(e) A demand ~~[,]~~ ***or*** savings ~~[or]~~ ***deposit, 3 years after the date of the last indication by the owner of interest in the property;***

(f) Time deposits, 3 years after:

(1) The date of maturity for time ~~[deposit, including a deposit that is automatically renewable, 3 years after the earlier of maturity or the date of the last indication by the owner of interest in the property, but a deposit that is automatically renewable is deemed matured for purposes of this section upon its]~~ ***deposits that are not automatically renewable; or***

(2) The ~~[initial]~~ date of maturity ***, after the second renewal of the time deposit, for time deposits that are automatically renewable,*** unless ~~***[, for each renewal,]***~~ the owner has consented to a ***subsequent*** renewal at or about the time of ~~[the]~~ ***any such subsequent*** renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;

~~[(f)]~~ ***(g)*** Except as otherwise provided in NRS 120A.520, any money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;

~~[(g)]~~ ***(h)*** Any amount owed by an ~~[insurer]~~ ***insurance company*** on a life or endowment insurance policy or an annuity ~~[that has matured or terminated,]~~ ***contract, including, without limitation, any amount in a retained asset account,*** 3 years after the ~~[obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which payment is owed on proof of death has not matured by proof of death of the insured or annuitant:~~

~~(1) With respect to an amount owed for a life or endowment insurance policy, 3 years after the earlier]~~ ***earliest*** of ~~[the date:~~

~~(I)]~~ ***:***

(1) The ~~[insurance company has knowledge of the]~~ ***date of the*** death of the insured ~~[,]~~ or ***annuitant;***

~~[(II)]~~ ***(2) The maturity date of the insurance policy or annuity contract; or***

(3) The ***date that the*** insured ~~[has attained, or]~~ would have attained ***,*** if living, the limiting age under the mortality table on which the reserve is based;

~~[and~~

~~(2) With respect to an amount owed on an annuity contract, 3 years after the date the insurance company has knowledge of the death of the annuitant;~~

~~(h)]~~ ***(i) Any amount owed by an insurance company on a policy or contract not described in paragraph (h), 3 years after the obligation to pay arose under the terms of the policy or contract;***

(j) Any property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;

~~[(i)]~~ ***(k)*** Any property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;

~~[(j)]~~ ***(l)*** Except as otherwise provided in NRS 607.170 and 703.375, any property held by a court, government, governmental subdivision, agency or instrumentality, 1 year after the property becomes distributable;

~~[(k)]~~ ***(m)*** Any wages or other compensation for personal services, 1 year after the compensation becomes payable;

~~[(l)]~~ ***(n)*** A deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;

~~[(m)]~~ ***(o)*** Any property in an individual retirement account, defined benefit plan or other account or plan ~~[, that is qualified for tax deferral under the income tax laws of the United States,]~~ ***established for retirement purposes,*** 3 years after ***:***

(1) If the account or plan is tax-deferred or tax-exempt, the ~~[~~later of:

~~(1) The]~~ date ~~[determined as follows:~~

~~(I) Except as otherwise provided in sub-subparagraph (II), the date a second consecutive communication sent by the holder by first-class United States mail to the apparent]~~ ***that the*** owner ~~[is returned to the holder undelivered by the United States Postal Service; or~~

~~(II) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service;]~~ ***would have reached the age of required minimum distribution pursuant to the Internal Revenue Code;*** or

(2) ~~[The]~~ ***If the account or plan is not tax-deferred or tax-exempt, the*** ~~[~~earlier of :~~the following dates:~~

~~(I) The]~~ date ~~[the apparent owner becomes 70.5 years of age, if determinable by the holder;]~~ ***that the property becomes distributable ; [;*** ~~or~~

~~(II) If the Internal Revenue Code requires distribution to avoid a tax penalty, 2 years after the~~ ***The*** ~~date the holder~~ receives, in the ordinary course of business, confirmation of the ~~***has knowledge of the***~~ death of the apparent ~~owner;~~

~~(n)]~~ ***(p)*** The trust liability of a trust fund established with respect to a prepaid contract for funeral services or burial services as required by chapter 689 of NRS, 3 years after the ~~[~~earlier~~]~~ ***earliest*** of:

(1) The date ***the holder has knowledge*** of ***the*** death of the beneficiary ~~[,]~~ ***named in or otherwise ascertainable from the prepaid contract;*** or

(2) ~~[If the holder does not know whether the beneficiary is deceased, the]~~ ***The*** date the beneficiary ***named in or otherwise ascertainable from the prepaid contract*** has attained, or would have attained if living, the age of 105 years; and

~~[(o)]~~ ***(q)*** All other property, 3 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

2. At the time that an interest is presumed abandoned under subsection 1, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

3. Property is unclaimed if, for the applicable period set forth in subsection 1 ***, 7*** or ~~[7,]~~ ***8,*** as applicable, the apparent owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by ~~[or on behalf of]~~ the holder ~~[,]~~ ***or an agent of the holder*** with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or ~~[its representative]~~ ***an agent of the holder*** who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

4. An indication of an owner's interest in property ***:*** ~~[includes:]~~

(a) ***Includes:***

(1) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;

~~[(b)]~~ ***(2)*** Activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account or a direction by the apparent owner to increase, decrease or change the amount or type of property held in the account;

~~[(c)]~~ ***(3)*** ~~[The]~~ ***Except as otherwise provided in paragraph (b), the*** making of a deposit to or withdrawal from a bank account; ~~[and~~

~~(d)]~~ ***(4)*** The payment of a premium with respect to a property interest in an insurance policy, but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions ~~[.]~~ ***; [and]***

(5) The signing of a return receipt by the apparent owner for notice provided pursuant to NRS 120A.560; and

(6) The execution of a Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting, Form W-8BEN of the Internal Revenue Service, by the owner for purposes of a security where the last-known address of the owner is in a foreign country; and

(b) Does not include the making of an automatically renewable [payments to] :

(1) Deposit, if the deposit is made by the holder or an agent of the holder; or [withdrawals from an account.]

(2) Withdrawal, if the withdrawal is made by the holder or an agent of the holder.

➥ For the purposes of this subsection, an action by an agent or other representative of the apparent owner, other than the holder ***or an agent of the holder*** acting as the agent of the apparent owner, is presumed to be an action on behalf of the apparent owner.

5. Property is payable or distributable for purposes of this chapter notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

6. The following property clearly designated as such must not be presumed abandoned because of inactivity or failure to make a demand:

(a) An account or asset managed through a guardianship;

(b) An account blocked at the direction of a court;

(c) A trust account established to address a special need;

(d) A qualified income trust account;

(e) A trust account established for tuition purposes; and

(f) A trust account established on behalf of a client.

7. For property described in ~~[paragraphs (c) to (f), inclusive, and (o) of subsection 1, the 3-year period described in each of those paragraphs must be reduced to a 2-year period if the holder of the property reported more than $10 million in property presumed abandoned on the holder's most recent report of abandoned property made pursuant to NRS 120A.560.]~~ ***paragraph (p) of subsection 1, if the holder does not have knowledge of the death of the beneficiary named in or otherwise ascertainable from the prepaid contract for funeral services or burial services and the holder does not know the date of birth of the beneficiary, the property described in that paragraph is presumed abandoned ~~[:]~~ :***

(a) Forty years after the date the prepaid contract for funeral services or burial services was executed; or

(b) Three years after the last indication by the owner of interest in the property,

↪ whichever is later.

8. For property described in paragraphs (c) to (f), inclusive, (o) and (q) of subsection 1, the property is presumed abandoned 3 years after the date described in each of those paragraphs or the date on which the holder has knowledge of the death of the owner, whichever is earlier.

9. The provisions of paragraph (h) of subsection 1 apply to a life or endowment insurance policy or an annuity contract, regardless of whether the policy or contract is matured, unmatured, or terminated.

~~[9.]~~ 10. For purposes of this section, a person has knowledge of the death of a person when the person:

(a) Receives proof of death of the person;

(b) Reasonably determines the death of a person pursuant to NRS 688D.090; or

(c) Otherwise validates, in good faith, the death of the person.

~~[10.]~~ 11. As used in this section:

(a) "Proof of death" has the meaning ascribed to it in NRS 672.210.

(b) "Retained asset account" has the meaning ascribed to it in NRS 688D.060.

Sec. 8. NRS 120A.520 is hereby amended to read as follows:

120A.520 1. Sixty percent of the unredeemed or uncharged value remaining on a gift certificate which is issued or sold in this State ~~[and which has an expiration date]~~ is presumed abandoned and subject to the provisions of this chapter on the ~~[expiration]~~ ***:***

(a) Expiration date ~~[.]~~ ***; or***

(b) Date on which the certificate is no longer honored by the issuer or seller.

2. ~~[If a gift certificate is issued or sold in this State and the seller or issuer does not obtain and maintain in his or her records the name and address of the owner of the gift certificate, the address of the owner of the gift certificate shall be deemed to be the address of the Office of the State Treasurer in Carson City. — 3.]~~ This section does not create a cause of action against a person who issues or sells a gift certificate.

~~[4. As used in this section, "gift certificate" has the meaning ascribed to it in NRS 598.0921.]~~

Sec. 9. NRS 120A.560 is hereby amended to read as follows:

120A.560 1. A holder of property presumed abandoned shall make a report to the Administrator concerning the property.

2. A holder may contract with a third party, including, without limitation, a transfer agent, to make the report required by subsection 1.

3. Whether or not a holder contracts with a third party pursuant to subsection 2, the holder is responsible:

(a) To the Administrator for the complete, accurate and timely reporting of property presumed abandoned;

(b) For paying or delivering to the Administrator the property described in the report; and

(c) For any penalties, interest and fees due pursuant to NRS 120A.730.

4. The report must contain:

(a) A description of the property;

(b) ~~[Except with respect to a traveler's check or money order,]~~ ***If known or readily ascertainable by the holder,*** the name ***,*** ~~[, if known, and]~~ last known address ~~[, if any,]~~ and the social security number or taxpayer identification number ~~[, if readily ascertainable,]~~ of the apparent owner of property;

(c) In the case of an amount held or owing under an annuity or a life or endowment insurance policy, the full name and last known address of the annuitant or insured and of the beneficiary;

(d) In the case of property held in a safe-deposit box or other safekeeping depository, an indication of the location of the property and where it may be inspected by the Administrator and any amounts owing to the holder;

(e) The date identified in subsection 1 ***or 8*** of NRS 120A.500 from which the length of time required in subsection 1 ***, 7*** or ~~[7]~~ ***8*** of NRS 120A.500 must be measured to determine whether the property is presumed abandoned pursuant to NRS 120A.500 or, if the property is a gift certificate, the date identified in subsection 1 of NRS 120A.520, as applicable; and

(f) Other information that the Administrator by regulation prescribes as necessary for the administration of this chapter.

5. If ***the information described in paragraph (b) of subsection 4 is:***

(a) Partially recorded, the recorded portion must be contained in the report; or

(b) Not recorded in part or in full, the information contained in the report must be reported as unknown.

6. If a holder of property presumed abandoned is a successor to another person who previously held the property for the apparent owner or the holder has changed its name while holding the property, the holder shall file with the report its former names, if any, and the known names and addresses of all previous holders of the property.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** the report must be filed before November 1 of each year and cover the 12 months next preceding July 1 of that year.

~~[7.]~~ ***8.*** A report with respect to an insurance company must be filed before May 1 of each year for the immediately preceding calendar year.

~~[8. The]~~

9. Except as otherwise provided in subsection 10, the holder of property presumed abandoned shall send written notice to the apparent owner, not more than 120 days or less than 60 days before filing the report, stating that the holder is in possession of property subject to this chapter if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be invalid and is sufficient to direct delivery of first-class United States mail to the apparent owner; and

(b) The value of the property is $50 or more.

~~[.]~~

10. If the property presumed abandoned is in the form of stocks, equity, retirement accounts or virtual currency and the property is valued at $1,000 or more, the holder of the property shall send the written notice required by subsection 9 in the form of certified mail.

11. If a holder is required to send written notice to the apparent owner pursuant to ~~[this]~~ subsection ***9*** and the apparent owner has consented to receive delivery from the holder by electronic mail, as defined in NRS 41.715, the holder shall send the notice by first-class United States mail ***or certified mail, as applicable,*** to the apparent owner's last known mailing address, as described in paragraph (a) ~~[,]~~ ***of subsection 9*** and by electronic mail, unless the holder believes the apparent owner's electronic mail address is invalid.

~~[9.]~~ ***12.*** Before the date for filing the report, the holder of property presumed abandoned may request the Administrator to extend the time for filing the report. The Administrator may grant the extension for good cause. The holder, upon receipt of the extension, may make an interim payment on the amount the holder estimates will ultimately be due, which terminates the accrual of additional interest on the amount paid.

~~[10.]~~ ***13.*** The holder of property presumed abandoned shall file with the report an affidavit stating that the holder has complied with subsection ~~[8.]~~ ***9.***

~~[11.]~~ ***14.*** Except as otherwise provided in subsection ~~[12,]~~ ***15,*** the holder of property presumed abandoned shall, through a business portal established by the Administrator, electronically file the report and make the payment of the total amount due.

~~[12.]~~ ***15.*** The Administrator may waive the requirement to file the report and make the payment electronically for good cause shown by the holder. The holder must request the waiver on or before the deadline established by the Administrator.

Sec. 10. NRS 120A.580 is hereby amended to read as follows:

120A.580 1. The Administrator shall ~~[publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must:~~

~~(a) In a county whose population is 700,000 or more:~~

~~(1) Be published not less than six times per year, or more frequently as necessary to comply with the provisions of subparagraph (3), in a newspaper of general circulation in the county with a circulation of more than 15,000;~~

~~(2) Include instructions~~] ***create and maintain a statewide database concerning unclaimed property. The database must be searchable electronically and include, without limitation, the name of each person reported to the Administrator pursuant to NRS 120A.560 as an apparent owner of property presumed abandoned.***

2. The Administrator shall make the database publicly available on the website of the Administrator.

3. The Administrator shall publish general information concerning the provisions of this chapter on the website of the Administrator. The information must be updated quarterly and include, without limitation:

(a) Instructions on how to search and access information relating to unclaimed property; ~~[and~~

~~(3) Be not less than one full page in size. The Administrator may comply with the requirement in this subparagraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than six full pages.~~

~~(b) In a county whose population is less than 700,000:~~

~~(1) Be published not less than once each year in a newspaper of general circulation in the county; and~~

~~(2) Include the last known city of any person named in the notice.~~

~~2. The notice required by subsection 1 must be in a form that, in the judgment of the Administrator, is likely to attract the attention of persons who may have a legal or equitable interest in unclaimed property or of the legal representatives of such persons. The form must contain:~~

~~(a)~~] ***(b)*** The name, physical address, telephone number and Internet address of the website of the Administrator;

~~[(b)]~~ ***(c)*** A statement explaining that unclaimed property is presumed to be abandoned and has been taken into the protective custody of the Administrator; ~~[and~~

~~(c)]~~ ***(d)*** A statement that information about property taken into protective custody and its return to the owner is available to the owner or a person having a legal or beneficial interest in the property, upon request to the Administrator, directed to the Deputy of Unclaimed Property ~~[.~~

~~3. In addition to publishing the notice required by subsection 1,]~~ ***; [and]***

(e) Information concerning the requirements prescribed by NRS 120A.560 and 120A.640; and

(f) Any other information deemed necessary by the Administrator.

4. At least once a year, the Administrator shall publish ~~[a notice not later than February 1 and August 1 of each year summarizing the requirements of this chapter as they apply to the holders of unclaimed property. The notice must:~~

~~(a) Be published in a newspaper of general circulation in this State; and~~

~~(b) Be not less than one full page in size. The Administrator may comply with the requirement of this paragraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than two full pages.~~

~~4. In addition to complying with the requirements of subsections 1, 2 and 3,]~~ ***the information made available on the website of the Administrator pursuant to subsection 3 by press release.***

5. Nothing in this section shall be construed to limit the ability of the Administrator ~~[may]~~ ***to*** advertise or otherwise provide information concerning unclaimed or abandoned property ~~[, including, without limitation, the information set forth in subsections 2 and 3,]~~ at any other time and in any other manner that the Administrator selects.

Sec. 11. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections ~~[4]~~ ***5*** to ~~[8,]~~ ***9,*** inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. ~~[Any sale held under this section must be preceded by a single publication of notice, not less than]~~ ***At least*** 21 days before ***a*** sale, ~~[in a newspaper of general circulation in the county in which the property is to be sold. The]~~ ***held under this section, the*** Administrator ~~[may]~~ ***shall provide notice to the public of the sale by posting notice of the sale:***

(a) At the principal office of the Administrator;

(b) At not less than three other prominent places within this State;

(c) On the website of the Administrator; and

(d) By press release.

3. The Administrator may provide additional notice of ~~[any such]~~ ***a*** sale ***held under this section*** at any time and in any manner that the Administrator selects.

~~[3.]~~ ***4.*** The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[5,]~~ ***6,*** the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

~~[5.]~~ ***6.*** The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

~~[6.]~~ ***7.*** Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

~~[7.]~~ ***8.*** The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

~~[8.]~~ ***9.*** All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant

to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the State Education Fund.

Sec. 12. NRS 120A.660 is hereby amended to read as follows:

120A.660 ~~[1.]~~ The Administrator may ~~[decline]~~ ***:***

1. Decline to receive property reported under this chapter which the Administrator considers to have a value less than the expenses of notice and sale ~~[.~~

~~2. A holder, with the written consent of the Administrator and upon conditions and terms prescribed by the Administrator, may report and deliver]~~ ***; and***

2. Receive property ***reported and delivered by a holder*** before the property is presumed abandoned ~~[.]~~ ***if the Administrator determines that receipt of such property is in the best interests of the State.***

Sec. 13. NRS 120A.715 is hereby amended to read as follows:

120A.715 ~~[In order to facilitate the return of property under this chapter, the]~~

1. The Administrator may ~~[enter into cooperative agreements with an]~~ ***request that a state agency or local*** agency ~~[from this State concerning the protection of shared]~~ ***provide to the Administrator certain*** confidential information ~~[, rules]~~ for ~~[data matching and other issues. Upon]~~ the ~~[execution]~~ ***purpose*** of ~~[such an agreement,]~~ ***facilitating*** the ~~[Administrator may provide to the agency with which the Administrator has entered the cooperative agreement information regarding the apparent owners]~~ ***return*** of unclaimed or abandoned property ~~[pursuant to]~~ ***under*** this chapter, including, without limitation, ~~[the name and social security number of the apparent owner. An agency that has entered into a cooperative agreement with the Administrator pursuant to this section shall notify the Administrator of]~~ the last known address of ~~[each]~~ ***an*** apparent owner ~~[for which information was provided to the agency pursuant to this section, except as]~~ ***of unclaimed or abandoned property.***

2. A state agency or local agency shall provide to the Administrator any information requested pursuant to subsection 1 as soon as reasonably practicable unless the provision of such information is prohibited by federal law.

3. Nothing in this section shall be construed to limit the ability of the Administrator to request or receive from a state agency or local agency information which is not deemed confidential.

4. As used in this section:

(a) "Local agency" has the meaning ascribed to it in NRS 223.466.

(b) "State agency" has the meaning ascribed to it in NRS 223.470.

Sec. 14. NRS 120A.730 is hereby amended to read as follows:

120A.730 1. A holder who fails to report, pay or deliver property within the time prescribed by this chapter shall pay to the Administrator interest at

the rate of 18 percent per annum on the property or value thereof from the date the property should have been reported, paid or delivered.

2. Except as otherwise provided in subsection 3, a holder who fails to report, pay or deliver property within the time prescribed by this chapter or fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $200 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $5,000.

3. A holder who willfully fails to report, pay or deliver property within the time prescribed by this chapter or willfully fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

4. A holder who makes a fraudulent report shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day from the date a report under this chapter was due, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

5. The Administrator for good cause may waive, in whole or in part, interest under subsection 1 and penalties under subsections 2 and 3, and shall waive penalties if the holder acted in good faith and without negligence.

6. A holder who fails to make a payment as required by subsections ~~[11]~~ ***14*** and ~~[12]~~ ***15*** of NRS 120A.560 must be assessed by the Administrator a fee for each such payment in an amount equal to the greater of $50 or 2 percent of the amount of the payment.

Sec. 14.5. **NRS 120A.740 is hereby amended to read as follows:**

120A.740 1. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property that is presumed abandoned, is void and unenforceable if it was entered into during the period commencing on the date the property was presumed abandoned and extending to a time that is 24 months after the date the property is paid or delivered to the Administrator. This subsection does not apply to an owner's agreement with an attorney to file a claim as to identified property or contest the Administrator's denial of a claim.

2. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property, is enforceable only if the agreement:

(a) Is in writing;

(b) Clearly sets forth the nature of the property and the services to be rendered;

(c) Sets forth the date on which the property was paid or delivered to the Administrator;

(d) Sets forth a statement of the provisions of this section;

(e) Is signed by the apparent owner; and

(f) States the value of the property before and after the fee or other compensation has been deducted.

3. If an agreement covered by this section applies to mineral proceeds and the agreement contains a provision to pay compensation that includes a portion of the underlying minerals or any mineral proceeds not then presumed abandoned, the provision is void and unenforceable.

4. An agreement covered by this section must not provide for compensation that is more than:

(a) If the property that is the subject of the agreement was paid or delivered to the Administrator less than 5 years before the signing of the agreement, 10 percent of the total value of the property.

(b) If the property that is the subject of the agreement was paid or delivered to the Administrator 5 years or more before the signing of the agreement, 20 percent of the total value of the property.

5. An agreement that provides for compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the subject of the agreement is unenforceable except by the owner. An owner who has agreed to pay compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the subject of the agreement, or the Administrator on behalf of the owner, may maintain an action to reduce the compensation to an amount that does not exceed the applicable percentage set forth in subsection 4 of the total value of the property. The court may award reasonable attorney's fees to an owner who prevails in the action.

6. This section does not preclude an owner from asserting that an agreement covered by this section is invalid on grounds other than noncompliance with the provisions of this section.

7. The Administrator may adopt such regulations as are necessary to protect the interests of an owner who enters into an agreement covered by this section. The regulations may, without limitation, provide for the licensure or registration of a person with whom an owner enters into an agreement.

Sec. 15. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The money identified in subsection ~~[8]~~ ***9*** of NRS 120A.610;

(e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;

(g) The money identified in subsection 1 of NRS 328.450;

(h) The money identified in subsection 1 of NRS 328.460;

(i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(k) The money required to be transferred to the State Education Fund pursuant to NRS 362.100;

(l) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(m) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(n) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(o) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(p) The money identified in subsection 5 of NRS 445B.640;

(q) The money identified in paragraph (b) of subsection 4 of NRS 678B.390;

(r) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(s) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(t) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;

(u) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(v) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

(w) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;

(x) The money required to be distributed to the State Education Fund pursuant to NRS 363D.290; and

(y) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

Sec. 16. NRS 120A.750 is hereby repealed.

Sec. 17. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

120A.750 Uniformity of application and construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject matter of the Uniform Unclaimed Property Act among the states that enact it.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 199.

AN ACT relating to wildlife; revising provisions relating to the authorized uses of certain fees for processing each application for a game tag; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in addition to any fee charged and collected for a game tag, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department of Wildlife for costs related to certain programs and activities, including, without limitation, wildlife management activities relating to the protection of nonpredatory game animals and sensitive wildlife species **[.] and conducting research relating to managing and controlling predatory wildlife.** (NRS 502.253) This bill revises the wildlife management activities

for which the Department may use the proceeds of such fees ~~[,]~~ to provide that the Department **, at the direction of the applicant,** may instead use the proceeds of such fees **only** for **: (1) developing and implementing an annual program for the lethal removal of predatory wildlife; or (2)** wildlife management activities relating to the protection of nonpredatory ~~[big]~~ game ~~[mammals]~~ **species** and the habitat of such ~~[big]~~ **nonpredatory** game ~~[mammals.]~~ **species.**

Existing law also requires that the Department expend on any program developed for the management and control of predatory wildlife not less than 80 percent of the total money collected from the $3 application processing fee in the most recent fiscal year for which the Department has information. (NRS 502.253) This bill removes the minimum 80 percent expenditure requirement for programs developed for the management and control of predatory wildlife**.** ~~[and requires that the Department, in expending any money collected from the $3 application processing fee: (1) prioritize programs, wildlife management activities and research that will provide the greatest benefit to populations of big game mammals in the State; and (2) consider the ability of a program, wildlife management activity or research to obtain grants and matching funds from federal and private sector sources.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department ***, at the direction of the applicant,*** for costs related to:

(a) Developing and implementing an annual program for the ~~[management and control]~~ ***lethal removal*** of predatory wildlife; ***or***

(b) Wildlife management activities relating to the protection of nonpredatory ~~***[big]***~~ game ~~[animals and sensitive wildlife]~~ species ~~**[; *mammals]***~~ ***and the habitat of such ~~[big]~~ nonpredatory game ~~[mammals;~~*** and~~]~~ ***species.***

~~[(c) Conducting research necessary to determine successful techniques for managing and controlling predatory wildlife.]~~

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity ~~[or research]~~ conducted pursuant to this section must be developed or conducted under the guidance of the Commission in accordance with the provisions of subsection 4 and the policies adopted by the Commission pursuant to NRS 501.181.

4. The Department ~~[:~~

~~(a) In~~ **, *in*** adopting any program for the ~~[management and control]~~ ***lethal removal*** of predatory wildlife developed pursuant to this section, shall first consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee created by NRS 567.020.

~~[(b) Shall not adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.~~ ~~*In expending any money collected pursuant to subsection 1 to develop or conduct the programs, wildlife management activities and research described in subsection 1, shall:*~~

~~*(1) Prioritize programs, wildlife management activities and research that will provide the greatest benefit to the populations of big game mammals in this State; and*~~

~~*(2) Consider the ability of a program, wildlife management activity or research to obtain grants and matching funds from federal and private sector sources.]*~~

5. The money in the Wildlife Account credited pursuant to this section remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 482.

AN ACT relating to economic development; creating the Office of Entrepreneurship within the Office of Economic Development; setting forth the powers and duties of the Office of Entrepreneurship; providing that the records, files and communications of the Office of ~~[Economic Development]~~ **Entrepreneurship** are confidential; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Economic Development within the Office of the Governor and which consists of the Division of Economic Development and the Nevada Film Office. (NRS 231.043) **Sections 6 and 12** of this bill create the Office of Entrepreneurship within the Office of Economic Development and require state agencies to cooperate with and assist the Office of Entrepreneurship. **Section 6** also authorizes the Office of Entrepreneurship to employ any necessary personnel to perform the functions and duties of the

Office of Entrepreneurship. **Section 7** of this bill requires the Office of Entrepreneurship to: (1) work to strengthen policies and programs supporting the growth of entrepreneurship in the State; (2) work with stakeholders and organizations supporting entrepreneurship in the State to enhance the skills of, provide technical support to and expand resources for entrepreneurs across the State; and (3) serve as a point of contact to assist businesses in operation for 5 years or less in their interactions with state agencies ~~[.]~~ **and, where appropriate, refer businesses to other state and local agencies that provide assistance to businesses.** **Section 8** of this bill requires the Office of Entrepreneurship to submit annually to the Legislative Commission a report that includes, without limitation: (1) the number and total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years, including a breakdown by demographic segments and geographical areas throughout the State; (2) the percentage of the number of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total number of contracts awarded; (3) **the number of businesses owned by women, minorities or veterans that have been in operation for not more than 5 years and awarded a state contract; (4)** the percentage of the total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total dollar amount of contracts awarded; ~~[and (4)]~~ **(5) the types of businesses awarded a state contract; (6)** recommendations on improving access to state contracts for Nevada businesses that have been in operation for not more than 5 years, including those businesses in statistically underrepresented demographic segments and geographic areas of Nevada ~~[.]~~ **; (7) recommendations on improving overall entrepreneurship in this State including, without limitation, identifying regional challenges to entrepreneurship; and (8) any additional information deemed necessary by the Office of Economic Development to provide an accurate depiction of the condition of entrepreneurship in Nevada.** **Section 9** of this bill authorizes the Office of Economic Development to encourage 5 percent of the total number of state contracts to be awarded to businesses that have been in operation for not more than 5 years and whose principal place of business is in this State. **Sections 10 and 13** of this bill provide that the records, files and communications of the Office of Entrepreneurship are confidential and are not public records.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***"Business" means any corporation, partnership, company, cooperative, sole proprietorship or other legal entity organized or operating for pecuniary or nonpecuniary gain.***

Sec. 3. *"Entrepreneur" means a person who initiates and assumes the financial risk of a business.*

Sec. 4. *"Office of Entrepreneurship" means the Office of Entrepreneurship created by section 6 of this act.*

Sec. 5. *"State agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.*

Sec. 6. *1. The Office of Entrepreneurship is hereby created within the Office of Economic Development.*

2. The Office of Entrepreneurship shall employ such personnel as are necessary to perform the functions and duties of the Office of Entrepreneurship set forth in sections 2 to 10, inclusive, of this act.

3. A state agency shall cooperate with and assist the Office of Entrepreneurship in the performance of its duties and functions.

Sec. 7. *The Office of Entrepreneurship shall:*

1. Work to strengthen policies and programs supporting the growth of entrepreneurship in the State, including, without limitation, across demographic segments and geographic areas.

2. Work with stakeholders and organizations supporting entrepreneurship to enhance the learning and skills of, provide technical support to and expand access to resources for entrepreneurs across the State.

3. Serve as a point of contact to assist businesses that have been in operation for not more than 5 years in their interactions with state agencies ~~[.]~~ and, where appropriate, refer businesses to other state or local agencies that provide assistance to businesses.

Sec. 8. *On or before November 1 of each year beginning 2 years after the creation of the Office of Entrepreneurship, and annually thereafter, the Office of Entrepreneurship shall submit to the Legislative Commission a report that includes, without limitation:*

1. The number and total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years, including, without limitation, a breakdown by demographic segments and geographical areas throughout the State;

2. The percentage of the number of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total number of contracts awarded;

3. The number of businesses owned by women, minorities or veterans that have been in operation for not more than 5 years and have been awarded a state contract;

4. The percentage of the total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total dollar amount of contracts awarded; ~~[and]~~

5. The types of businesses awarded a state contract;

~~[4.]~~ 6. Recommendations on improving access to state contracts for businesses that have been in operation for not more than 5 years, including,

without limitation, those businesses in statistically underrepresented demographic segments and geographic areas of Nevada ~~[.]~~ ***;***

7. Recommendations on improving overall entrepreneurship in this State including, without limitation, identifying regional challenges to entrepreneurship; and

8. Any additional information deemed necessary by the Office of Economic Development to provide an accurate depiction of the condition of entrepreneurship in Nevada.

Sec. 9. ***The Office of Economic Development shall encourage 5 percent of the total number of state contracts to be awarded to businesses that have been in operation for not more than 5 years and whose principal place of business is in this State.***

Sec. 10. ***All records, files and communications of the Office of Entrepreneurship made or received pursuant to sections 2 to 10, inclusive, of this act are confidential and not a public record.***

Sec. 11. NRS 231.002 is hereby amended to read as follows:

231.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 231.003 to 231.009, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 231.043 is hereby amended to read as follows:

231.043 1. There is hereby created within the Office of the Governor the Office of Economic Development, consisting of:

(a) A Division of Economic Development; ~~[and]~~

(b) The Nevada Film Office ~~[.]~~ ***; and***

(c) The Office of Entrepreneurship.

2. The Governor shall propose a budget for the Office.

3. Employees of the Office are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.

Sec. 13. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270,

228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190,

640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 10 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 258.

ASSEMBLYWOMAN BACKUS

JOINT SPONSORS: SENATORS BUCK AND KRASNER

AN ACT relating to public safety; requiring the tribal liaison for the Department of Public Safety to maintain ongoing communication relating to missing or murdered indigenous persons between the Department and certain entities; ~~[requiring]~~ **authorizing** a law enforcement agency to accept a report relating to certain persons missing from an Indian reservation or Indian colony located in whole or in part in this State; requiring the Peace Officers' Standards and Training Commission to adopt certain regulations for the training of peace officers related to missing indigenous persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each state agency that communicates with Indian tribes on a regular basis to designate a tribal liaison whose duties include maintaining ongoing communication between the state agency and affected Indian tribes. (NRS 233A.260) **Section 2** of this bill requires the tribal liaison for the Department of Public Safety to also maintain ongoing communication related to missing or murdered indigenous persons between the Department and: (1) Indian tribes and tribal communities in this State; (2) tribal organizations; (3) urban Indian organizations; (4) other tribal liaisons

designated by state agencies; and (5) nongovernmental entities that provide services to women who are members of Indian tribes.

Existing law requires each sheriff, chief of police or other law enforcement agency which receives a report of a person missing under suspicious circumstances who is 18 years of age or older to enter the information concerning the missing person into the computer for the National Crime Information Center. (NRS 480.500) **Section 3** of this bill ~~[requires]~~ **authorizes** a sheriff, chief of police or other law enforcement agency to: (1) accept a report of a person who is 18 years of age or older and missing under ~~[suspicious]~~ **certain** circumstances from an Indian reservation or Indian colony that is located in whole or in any part of this State; and (2) enter the information concerning the missing person into the computer for the National Crime Information Center **.** ~~[and the National Missing and Unidentified Persons System.]~~

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations which require that all peace officers receive training in the handling of cases involving missing children. (NRS 289.510) **Section 4** of this bill requires the Commission to also adopt regulations which require that all peace officers receive training in the taking of reports and the handling of cases relating to missing indigenous women and other indigenous persons.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***In addition to the duties set forth in NRS 233A.260, the tribal liaison for the Department shall maintain ongoing communication relating to missing or murdered indigenous persons between the Department and:***

1. Indian tribes and tribal communities in this State;

2. Tribal organizations;

3. Urban Indian organizations;

4. Other tribal liaisons designated by state agencies pursuant to NRS 233A.260; and

5. Nongovernmental entities that provide services to women who are members of Indian tribes.

Sec. 3. ***Notwithstanding any other provision of state or local law, a sheriff, chief of police or other law enforcement agency ~~[must:]~~ may:***

1. Accept a report of a person who is 18 years of age or older and missing ~~[under suspicious circumstances]~~ from an Indian reservation or Indian colony that is located in whole or in part in this State ~~[;]~~ if the person who is reported missing:

(a) Has a physical or mental disability;

(b) Is missing after an emergency or natural disaster;

(c) Is missing under:

(1) Circumstances that indicate he or she may be in danger or that his or her disappearance may not be voluntary; or

(2) Any other suspicious circumstance; and

2. Enter the information concerning the missing person into the computer for the National Crime Information Center pursuant to NRS 480.500 . ~~[and the National Missing and Unidentified Persons System.]~~

Sec. 4. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;

(2) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:

(I) Racial profiling;

(II) Mental health, including, without limitation, crisis intervention;

(III) The well-being of officers;

(IV) Implicit bias recognition;

(V) De-escalation;

(VI) Human trafficking; and

(VII) Firearms.

(4) Qualifications for instructors of peace officers;

(5) Requirements for the certification of a course of training; and

(6) Standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) ***Must require that all peace officers receive training in the taking of reports and handling of cases relating to missing indigenous women and other indigenous persons.***

(d) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and

~~[(d)]~~ ***(e)*** May require that training be carried on at institutions which it approves in those regulations.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2023.

3. Section 4 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 126.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 323.

AN ACT relating to business entities; authorizing certain business entities to correct an erroneously filed record with the Office of the Secretary of State; clarifying provisions concerning certain records required to be kept by certain business entities; clarifying provisions relating to certain actions available to a board of directors of a corporation; establishing the circumstances under which a corporation may decrease the number of certain issued and outstanding shares without a vote of the stockholders; revising provisions related to stock certificates; revising provisions governing restrictions on transfers of stock; authorizing a board of directors to require a confidentiality agreement with certain persons; revising the definition of the term "acquisition" for certain purposes; establishing the circumstances under which a corporation may change the name of the corporation without a vote of the stockholders; revising provisions governing the restatement of articles of incorporation; ~~[clarifying provisions relating to the sale of certain assets;]~~ revising various definitions relating to dissenter's rights; making various other changes relating to business entities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a corporation to correct certain inaccurate or defective records filed with the Secretary of the State. (NRS 78.0295) **Section 1** of this bill additionally authorizes a corporation to correct a record filed with the Secretary of State if the record is filed erroneously. **Sections ~~[17-24]~~ 16.5-24** of this bill authorize certain other business entities to correct records filed with the Secretary of State under the same circumstances as corporations.

Existing law requires a private corporation to keep certain records and make such records available for inspection upon the demand of certain persons. (NRS 78.105, 78.257) **Sections 2 and 3** of this bill clarify the content of the affidavit required to be submitted with a demand to inspect such records. **Section 8** of this bill authorizes the board of directors of a corporation to require a confidentiality agreement with a stockholder or other person who submits a demand to inspect the books of account or financial statements of the corporation.

Sections 4, 9, 10 and 14 of this bill clarify the actions available to a board of directors with respect to the adoption or signing of plans, arrangements or instruments and protecting the interests of the corporation and its stockholders.

Section 5 of this bill authorizes a publicly traded corporation, with the approval of certain stockholders, to decrease the number of issued and outstanding shares of a class or series.

Existing law authorizes the board of directors of a corporation to issue certain uncertificated shares to stockholders. Existing law also requires the corporation to send to each stockholder to whom it issues an uncertificated share: (1) a written statement containing certain information; and (2) an annual statement confirming the information contained in the statement previously issued. (NRS 78.235) **Section 6** of this bill replaces the requirement that the corporation send such an annual statement with the requirement that the

corporation send a confirming statement within 10 days after receiving a written request from a stockholder of such shares.

Section 7 of this bill revises provisions governing permissible restrictions on the transfer of shares of a corporation by clarifying the manner in which a transferee may be presumed to have knowledge of the restriction.

Section 11 of this bill adds an exception providing that an "acquisition" of a controlling interest in an issuing corporation does not include any acquisition of shares listed on a national securities exchange pursuant to a tender offer.

Existing law provides for an effective date of certain documents filed with the Secretary of State. (NRS 78.390) **Section 12** of this bill provides for a time at which such documents become effective. **Section 12** also authorizes the board of directors to change the name of a corporation without the approval of the stockholders, unless the articles of incorporation require such approval.

Section 13 of this bill clarifies that certain certificates of designation may be omitted from restated articles of incorporation.

Sections 15 and 29 of this bill make technical corrections to certain provisions by adding appropriate references to certain statutes to clarify that certain provisions of existing law are applicable to certain business entities.

~~**[**Existing law requires a corporation to obtain the approval of stockholders before it may sell, lease or exchange all of its property and assets, unless otherwise provided in the articles of incorporation. (NRS 78.565) Section 16 of this bill requires such approval by the stockholders before the corporation may sell, lease or exchange all or substantially all of its property and assets, unless otherwise provided in the articles of incorporation.**]**~~

Sections 25-28, 30 and 31 of this bill repeal, reenact and reorganize the definitions of "advance notice statement" and "statement of intent" for the purposes of certain provisions relating to dissenters' rights.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 78.0295 is hereby amended to read as follows:

78.0295 1. A corporation may correct a record filed in the Office of the Secretary of State with respect to the corporation if the record contains an inaccurate description of a corporate action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~**[**.**]**~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~**[**;**]**~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by an officer of the corporation or, if no stock has been issued by the corporation, by the incorporator or a director of the corporation, or by some other person specifically authorized by the corporation to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying the required fee pursuant to subsection 7 of NRS 78.785.

Sec. 2. NRS 78.105 is hereby amended to read as follows:

78.105 1. A corporation shall keep a copy of the following records at its principal office or with its custodian of records whose name and street address are available at the corporation's registered office:

(a) A copy certified by the Secretary of State of its articles of incorporation, and all amendments thereto;

(b) A copy certified by an officer of the corporation of its bylaws and all amendments thereto; and

(c) A stock ledger or a duplicate stock ledger, revised annually not later than 60 days after the date by which an annual list is required to be filed pursuant to NRS 78.150, containing only the names, alphabetically arranged, of all persons who are stockholders of record of the corporation, showing their places of residence, if known, and the number of shares held by them respectively. A corporation is not required to keep a list of any person who is a beneficial owner of any shares who is not simultaneously the stockholder of record of such shares, or any other information concerning any person having an interest in the corporation, except for the stock ledger or duplicate stock ledger required by this paragraph. Absent manifest error or actual fraud, the stock ledger of the corporation, as maintained by the corporation or its designated transfer agent, shall conclusively determine the stockholders of record of the corporation.

2. Any person who has been a stockholder of record of a corporation for at least 6 months immediately preceding the demand, or any person holding, or thereunto authorized in writing by the holders of, at least 5 percent of all of its outstanding shares, upon at least 5 days' written demand, including the affidavit required pursuant to subsection 4, is entitled to inspect in person or by agent or attorney, during usual business hours, the records required by

subsection 1 and make copies therefrom. Holders of voting trust certificates representing shares of the corporation must be regarded as stockholders for the purpose of this subsection. Every corporation that neglects or refuses to keep the records required by subsection 1 open for inspection, as required in this subsection, shall forfeit to the State the sum of $25 for every day of such neglect or refusal.

3. If the records required by subsection 1 are not made available for inspection at a location within this State pursuant to a proper demand made pursuant to subsection 2, the stockholder or other person demanding the inspection may serve a demand upon the corporation's registered agent that the records to be inspected be sent to the demanding stockholder or other person or the agent or attorney thereof. Upon such a demand, the corporation shall send copies of the requested records required by subsection 1, either in paper or electronic form, to the stockholder, other person, agent or attorney entitled to inspect the requested records within 10 business days after service of the demand upon the registered agent.

4. Together with the written demand required pursuant to subsection 2, a stockholder or other person who wishes to inspect the records required by subsection 1 or make copies therefrom shall furnish an affidavit to the corporation stating that the inspection is not desired for a purpose which is in the interest of a business or object other than the business of the corporation and that the stockholder or other person has not at any time sold or offered for sale any list of stockholders of any domestic or foreign corporation or aided or abetted any person in procuring any such record of stockholders for any such ~~[purpose.]~~ ***sale or offer for sale.***

5. If any corporation willfully neglects or refuses to make any proper entry in the stock ledger or duplicate copy thereof, or neglects or refuses to permit an inspection of the records required by subsection 1 upon demand by a person entitled to inspect them, or refuses to permit copies to be made therefrom, as provided in subsection 2, the corporation is liable to the person injured for all damages resulting to the person therefrom.

6. In every instance where an attorney or other agent of the stockholder seeks the right of inspection, the demand must be accompanied by a power of attorney signed by the stockholder authorizing the attorney or other agent to inspect on behalf of the stockholder.

7. The right to copy records under subsection 2 includes, if reasonable, the right to make copies by photographic, xerographic or other means.

8. The corporation may impose a reasonable charge to recover the costs of labor and materials and the cost of copies of any records provided to the stockholder.

Sec. 3. NRS 78.107 is hereby amended to read as follows:

78.107 1. An inspection authorized by NRS 78.105 may be denied to a stockholder or other person upon the refusal of the stockholder or other person to furnish to the corporation the affidavit required pursuant to subsection 4 of NRS 78.105.

2. It is a defense to any action for penalties or damages under NRS 78.105 that the person suing has at any time sold, or offered for sale, any list of stockholders of the corporation, or any other corporation, or has aided or abetted any person in procuring any such stock list for any such ~~[purpose,]~~ ***sale or offer for sale,*** or that the person suing desired inspection for a purpose which is in the interest of a business or object other than the business of the corporation.

3. This section does not impair the power or jurisdiction of any court to compel the production for examination of the records required by subsection 1 of NRS 78.105 in any proper case. This subsection does not authorize or establish any right of inspection or examination independent from the right of inspection or examination authorized by NRS 78.105.

Sec. 4. NRS 78.195 is hereby amended to read as follows:

78.195 1. If a corporation desires to have more than one class or series of stock, the articles of incorporation must prescribe, or vest authority in the board of directors to prescribe, the classes, series and the number of each class or series of stock and the voting powers, designations, preferences, limitations, restrictions and relative rights of each class or series of stock. If more than one class or series of stock is authorized, the articles of incorporation or the resolution of the board of directors adopted pursuant to a provision of the articles must prescribe a distinguishing designation for each class and series. The voting powers, designations, preferences, limitations, restrictions, relative rights and distinguishing designation of each class or series of stock must be described in the articles of incorporation or the resolution of the board of directors and the certificate of designation filed pursuant to subsection 1 of NRS 78.1955 before the issuance of shares of that class or series.

2. All shares of a class or series must have voting powers, designations, preferences, limitations, restrictions and relative rights identical with those of other shares of the same class or series and, except to the extent otherwise provided in the description of the series, with those of other series of the same class.

3. Unless otherwise provided in the articles of incorporation, no stock issued as fully paid up may ever be assessed and the articles of incorporation must not be amended in this particular.

4. The voting powers, designations, preferences, limitations, restrictions and relative rights for the shares of a class or series of stock may be made dependent upon any fact or event which may be ascertained outside the articles of incorporation if the manner in which a fact or event may operate upon the voting powers, designations, preferences, limitations, restrictions and relative rights is stated in the articles of incorporation. As used in this subsection, "fact or event" includes, without limitation, the existence of a fact or occurrence of an event, including, without limitation, a determination or action by a person, the corporation itself or any government, governmental agency or political subdivision of a government.

5. ~~[The]~~ ***Without limiting the provisions of NRS 78.138 or 78.139, the*** provisions of this section do not restrict the directors of a corporation from taking action ***not in circumvention or contravention of this title*** to protect the ***long-term or short-term*** interests of the corporation ~~[and its]~~ ***or the long-term or short-term interests of the corporation's*** stockholders, including, but not limited to, adopting or signing plans, arrangements or instruments that ***issue,*** grant or deny rights ~~[, privileges, power or authority]~~ ***or options pursuant to NRS 78.200*** to a holder or holders of a specified number of shares or percentage of share ownership or voting power ~~[.]~~ ***, for the purpose or having the effect of granting or denying rights, privileges, power or authority to any such holder or holders.***

Sec. 5. NRS 78.2055 is hereby amended to read as follows:

78.2055 1. Unless otherwise provided in the articles of incorporation, a corporation that desires to decrease the number of issued and outstanding shares of a class or series held by each stockholder of record at the effective date and time of the change without correspondingly decreasing the number of authorized shares of the same class or series may do so if:

(a) The board of directors adopts a resolution setting forth the proposal to decrease the number of issued and outstanding shares of a class or series; and

(b) ~~[The]~~ ***If the corporation is:***

(1) A publicly traded corporation, the proposal is approved by the stockholders of the affected class or series, regardless of limitations or restrictions on the voting power of the affected class or series; or

(2) Not a publicly traded corporation, the proposal is approved by the vote of stockholders holding a majority of the voting power of the affected class or series, or such greater proportion as may be provided in the articles of incorporation, regardless of limitations or restrictions on the voting power of the affected class or series.

2. If the proposal required by subsection 1 is approved by the stockholders entitled to vote, the corporation may reissue its stock in accordance with the proposal after the effective date and time of the change.

3. Except as otherwise provided in this subsection, if a proposed decrease in the number of issued and outstanding shares of any class or series would adversely alter or change any preference, or any relative or other right given to any other class or series of outstanding shares, then the decrease must be approved by the vote, in addition to any vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the decrease, or such greater proportion as may be provided in the articles of incorporation, regardless of limitations or restrictions on the voting power of the adversely affected class or series. The decrease does not have to be approved by the vote of the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the decrease if the articles of incorporation specifically deny the right to vote on such a decrease.

4. If any proposed corporate action pursuant to this section would result in only money being paid or scrip being issued to stockholders who:

(a) Before the decrease in the number of shares becomes effective, in the aggregate hold 1 percent or more of the outstanding shares of the affected class or series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of all their outstanding shares,

➥ any stockholder who is obligated, as a result of the corporate action taken pursuant to this section, to accept money or scrip rather than receive a fraction of a share in exchange for the cancellation of all the stockholder's outstanding shares, may dissent in accordance with the provisions of NRS 92A.300 to 92A.500, inclusive, ***and sections 26 and 27 of this act*** and obtain payment of the fair value of the fraction of a share to which the stockholder would otherwise be entitled.

Sec. 6. NRS 78.235 is hereby amended to read as follows:

78.235 1. Except as otherwise provided in subsection 4, every stockholder is entitled to have a certificate, signed by officers or agents designated by the corporation for the purpose, certifying the number of shares in the corporation owned by the stockholder. A corporation has no power to issue a certificate in bearer form, and any such certificate that is issued is void and of no force or effect.

2. Whenever any certificate is countersigned or otherwise authenticated by a transfer agent or transfer clerk, and by a registrar, then a facsimile of the signatures of the officers or agents, the transfer agent or transfer clerk or the registrar of the corporation may be printed or lithographed upon the certificate in lieu of the actual signatures. If a corporation uses facsimile signatures of its officers and agents on its stock certificates, it cannot act as registrar of its own stock, but its transfer agent and registrar may be identical if the institution acting in those dual capacities countersigns or otherwise authenticates any stock certificates in both capacities.

3. If any officer or officers who have signed, or whose facsimile signature or signatures have been used on, any certificate or certificates for stock cease to be an officer or officers of the corporation, whether because of death, resignation or other reason, before the certificate or certificates have been delivered by the corporation, the certificate or certificates may nevertheless be adopted by the corporation and be issued and delivered as though the person or persons who signed the certificate or certificates, or whose facsimile signature or signatures have been used thereon, had not ceased to be an officer or officers of the corporation.

4. Unless otherwise provided in the articles of incorporation or bylaws, the board of directors may authorize the issuance of uncertificated shares of some or all of the shares of any or all of its classes or series. The issuance of uncertificated shares has no effect on existing certificates for shares until surrendered to the corporation, or on the respective rights and obligations of the stockholders. Unless otherwise provided by a specific statute, the rights

and obligations of stockholders are identical whether or not their shares of stock are represented by certificates.

5. Within a reasonable time after the issuance ***of uncertificated shares*** or ***the*** transfer of ***uncertificated*** shares ~~[without certificates,]~~ ***on the books of the corporation,*** the corporation shall send the stockholder ***of record*** a written statement containing the information ***that otherwise would be*** required on the certificates ***for such shares*** pursuant to subsection 1. ~~[At least annually thereafter,]~~ ***Within 10 days after receipt of a written request from a stockholder of record,*** the corporation shall ~~[provide to its stockholders]~~ ***send the stockholder*** of record ~~[,]~~ a written statement confirming the information contained in the informational statement previously sent ***to the stockholder of record*** pursuant to this subsection.

6. Unless otherwise provided in the articles of incorporation or bylaws, a corporation may issue a new certificate of stock or, if authorized by the board of directors pursuant to subsection 4, uncertificated shares in place of a certificate previously issued by it and alleged to have been lost, stolen or destroyed. A corporation may require an owner or legal representative of an owner of a lost, stolen or destroyed certificate to give the corporation a bond or other security sufficient to indemnify it against any claim that may be made against it for the alleged loss, theft or destruction of a certificate, or the issuance of a new certificate or uncertificated shares.

Sec. 7. NRS 78.242 is hereby amended to read as follows:

78.242 1. Subject to the limitation imposed by NRS 104.8204, a written restriction on the transfer or registration of transfer of the stock of a corporation, if permitted by this section, may be enforced against the holder of the restricted stock or any successor or transferee of the holder, including an executor, administrator, trustee, guardian or other fiduciary entrusted with like responsibility for the person or estate of the holder.

2. A restriction on the transfer or registration of transfer of the stock of a corporation, or on the amount of a corporation's stock that may be owned by a person or group of persons, may be imposed by the articles of incorporation or by the bylaws or by an agreement among any number of stockholders or between or among one or more stockholders and the corporation. No restriction so imposed is binding upon any stockholder with respect to the shares of stock owned by such stockholder at the time the restriction is adopted, regardless of any later effective time of such restriction, unless such stockholder is a party to the agreement or voted in favor of the restriction.

3. A restriction on the transfer or the registration of transfer of shares is valid and enforceable against ~~[the]~~ ***a*** transferee of the ~~[stockholder]~~ ***shares*** if the restriction is not prohibited by other law and ~~[its]~~ ***:***

(a) The restriction is set forth in the articles of incorporation;

(b) The existence ***of the restriction*** is noted conspicuously on the front or back of the stock certificate or is contained in the statement of information required by NRS 78.235 ~~[. Unless so noted, a restriction is not enforceable against a person without]~~ ***; or***

(c) The transferee otherwise has, or reasonably should have, knowledge of the restriction.

4. A restriction on the transfer or registration of transfer of the stock of a corporation or on the amount of such stock that may be owned by any person or group of persons is permitted, without limitation by this enumeration, if it:

(a) Obligates the stockholder first to offer to the corporation or to any other stockholder or stockholders of the corporation or to any other person or persons or to any combination of the foregoing a prior opportunity, to be exercised within a reasonable time, to acquire the stock;

(b) Obligates the corporation or any stockholder of the corporation or any other person or any combination of the foregoing to purchase stock which is the subject of an agreement respecting the purchase and sale of the stock;

(c) Requires the corporation or any stockholder or stockholders to:

(1) Consent to any proposed transfer of the stock;

(2) Approve the proposed transferee of stock; or

(3) Approve the amount of stock of the corporation proposed to be acquired by any person or group of persons;

(d) Prohibits or restricts the transfer of the stock to, or the ownership of stock by, designated persons or classes of persons, and such designation is not manifestly unreasonable; or

(e) Prohibits or restricts the transfer or registration of transfer of the stock or the amount of stock of a corporation that may be owned by a person or group of persons, for any of the following purposes:

(1) To maintain the corporation's status when it is dependent on the number or identity of its stockholders, including, without limitation, the corporation's status as an electing small business corporation under subchapter S of chapter 1 of subtitle A of the United States Internal Revenue Code, 26 U.S.C. §§ 1371 et seq., as amended, or any successor provision;

(2) To maintain or preserve the corporation's status or exemptions under federal or state laws governing taxes or securities, including, without limitation, the qualification of the corporation as a real estate investment trust pursuant to 26 U.S.C. §§ 856 et seq., as amended, or any successor provision, and any regulations adopted pursuant thereto;

(3) To maintain or preserve any other local, state, federal or foreign tax advantage to, or attribute of, the corporation or its stockholders, including, without limitation, net operating losses;

(4) To maintain any statutory or regulatory advantage or to comply with any statutory or regulatory requirements under applicable local, state, federal or foreign law; or

(5) For any other reasonable purpose.

5. For the purposes of this section, "stock" includes a security convertible into or carrying an option or other right to subscribe for or to acquire stock.

Sec. 8. NRS 78.257 is hereby amended to read as follows:

78.257 1. Any person who has been a stockholder of record of any corporation and owns not less than 15 percent of all of the issued and

outstanding shares of the stock of such corporation or has been authorized in writing by the holders of at least 15 percent of all its issued and outstanding shares, upon at least 5 days' written demand, including the affidavit ***and confidentiality agreement, if applicable,*** required pursuant to subsection 2, is entitled to inspect in person or by agent or attorney, during normal business hours, the books of account and ~~[all]~~ financial ~~[records]~~ ***statements*** of the corporation, to make copies ~~[of records,]~~ ***thereof,*** and to conduct an audit ~~[of such records.]~~ ***thereof.*** Holders of voting trust certificates representing 15 percent of the issued and outstanding shares of the corporation are regarded as stockholders for the purpose of this subsection. The right of stockholders to inspect the ~~[corporate records]~~ ***books of account and financial statements of the corporation in accordance with this section*** may not be limited in the articles or bylaws of any corporation.

2. Together with the written demand required pursuant to subsection 1, a person who wishes to exercise the rights set forth in subsection 1 shall furnish an affidavit to the corporation stating that the inspection, copies or audit is not desired for any purpose not related to his or her interest as a stockholder. ***As a condition to the rights authorized by subsection 1, the board of directors may require the stockholder and each other person exercising rights set forth in subsection 1 to enter into and comply with a confidentiality agreement having such terms and scope as are reasonably related to protecting the legitimate interests of the corporation.***

3. All costs for making copies ~~[of records]~~ or conducting an audit ***pursuant to this section*** must be borne by the person exercising the rights set forth in subsection 1.

4. The rights authorized by subsection 1 may be denied ~~[to any stockholder upon]~~ ***if the affidavit or confidentiality agreement required pursuant to subsection 2 is not furnished to the corporation, or if the stockholder or other person exercising rights set forth in subsection 1 at any time has used or attempted to use, or uses, attempts or threatens to use, any information obtained from the corporation pursuant to this section for any purpose not related to*** the stockholder's ~~[refusal to furnish]~~ ***interest in*** the corporation ~~[an affidavit required pursuant to subsection 2.]~~ ***as a stockholder, or if the stockholder or other person exercising rights set forth in subsection 1 at any time, and in any capacity, has used or attempted to use, or uses, attempts or threatens to use, any information obtained from the corporation pursuant to this section or otherwise for any improper purpose.*** Any stockholder or other person ~~[,]~~ exercising rights set forth in subsection 1 ~~[,]~~ who uses or attempts to use information ~~[, records or other data]~~ obtained from the corporation ~~[,]~~ ***pursuant to this section*** for any purpose not related to the stockholder's interest in the corporation as a stockholder ~~[,]~~ is guilty of a gross misdemeanor.

5. If any officer or agent of any corporation keeping ~~[records]~~ ***books of account and financial statements*** in this State ***knowingly and*** willfully ~~[neglects or]~~ refuses to permit an inspection of ~~[the]~~ ***such*** books of account and financial ~~[records]~~ ***statements*** upon demand by a person entitled to inspect

them, or ***knowingly and willfully*** refuses to permit an audit ***of such books of account and financial statements*** to be conducted by such a person, as provided in subsection 1, the corporation shall forfeit to the State the sum of $100 for every day of such ~~[~~neglect or~~]~~ refusal, and the corporation ~~[~~, officer or agent thereof is jointly and severally~~]~~ ***is*** liable to the person injured for all damages ***directly*** resulting to the person ~~[~~.~~]~~ ***from such refusal.***

6. A stockholder who brings an action or proceeding to enforce any right set forth in this section or to recover damages resulting from its denial:

(a) Is entitled to costs and reasonable attorney's fees, if the stockholder prevails; or

(b) Is liable for such costs and fees, if the stockholder does not prevail,

➥ in the action or proceeding.

7. Except as otherwise provided in this subsection, the provisions of this section do not apply to any corporation that furnishes to its stockholders a detailed, annual financial statement or any corporation that has filed during the preceding 12 months all reports required to be filed pursuant to section 13 or section 15(d) of the Securities Exchange Act, 15 U.S.C. §§ 78m or 78o(d). A person who owns, or is authorized in writing by the owners of, at least 15 percent of the issued and outstanding shares of the stock of a corporation that has elected to be governed by subchapter S of the Internal Revenue Code and whose shares are not listed or traded on any recognized stock exchange is entitled to inspect the books of the corporation pursuant to subsection 1 and has the rights, duties and liabilities provided in subsections 2 to 6, inclusive.

Sec. 9. NRS 78.350 is hereby amended to read as follows:

78.350 1. Unless otherwise provided in the articles of incorporation, or in the certificate of designation establishing the class or series of stock, every stockholder of record of a corporation is entitled at each meeting of stockholders thereof to one vote for each share of stock standing in his or her name on the records of the corporation. If the articles of incorporation, or the certificate of designation establishing the class or series of stock provides for more or less than one vote per share for any class or series of shares on any matter, every reference in this chapter to a majority or other proportion of stock shall be deemed to refer to a majority or other proportion of the voting power of all of the shares or those classes or series of shares, as may be required by the articles of incorporation, or in the certificate of designation establishing the class or series of stock or the provisions of this chapter.

2. Unless a period of more than 60 days or a period of less than 10 days is prescribed or fixed in the articles of incorporation, the board of directors may prescribe a period not exceeding 60 days before any meeting of the stockholders during which no transfer of stock on the books of the corporation may be made, or may fix a record date not more than 60 or less than 10 days before the date of any such meeting as the date as of which stockholders entitled to notice of and to vote at such meetings must be determined.

3. If a record date for a meeting of stockholders is fixed by the board of directors:

(a) The record date:

(1) Must be so fixed pursuant to a resolution adopted by the board of directors; and

(2) Must not precede the day on which the resolution is adopted by the board of directors, regardless of the effective date of the resolution.

(b) Only stockholders of record on the record date are entitled to notice of or to vote at the meeting.

4. If a record date for a meeting of stockholders is not fixed by the board of directors, the record date is at the close of business on the day before the day on which the first notice is given or, if notice is waived, at the close of business on the day before the meeting is held.

5. A determination of stockholders of record entitled to notice of or to vote at a meeting of stockholders applies to any adjournment or postponement of the meeting unless the board of directors fixes a new record date for the adjourned or postponed meeting. The board of directors must fix a new record date if the meeting is adjourned or postponed to a date more than 60 days later than the meeting date set for the original meeting.

6. The board of directors may adopt a resolution prescribing a date upon which the stockholders of record entitled to give written consent pursuant to NRS 78.320 must be determined. The date prescribed by the board of directors may not precede or be more than 10 days after the day on which the resolution is adopted by the board of directors, regardless of the effective date of the resolution.

7. If the board of directors does not adopt a resolution prescribing a date upon which the stockholders of record entitled to give written consent pursuant to NRS 78.320 must be determined and:

(a) No prior action by the board of directors is required by this chapter or chapter 92A of NRS before the matter is submitted for consideration by the stockholders, the date is the first date on which any stockholder delivers to the corporation such consent signed by the stockholder.

(b) Prior action by the board of directors is required by this chapter or chapter 92A of NRS before the matter is submitted for consideration by the stockholders, the date is at the close of business on the day the board of directors adopts the resolution.

8. ~~[The]~~ ***Without limiting the provisions of NRS 78.138 or 78.139, the*** provisions of this section do not restrict the directors ***of a corporation*** from taking action ***not in circumvention or contravention of this title*** to protect the ***long-term or short-term*** interests of the corporation ~~[and its]~~ ***or the long-term or short-term interests of the corporation's*** stockholders, including, but not limited to, adopting or signing plans, arrangements or instruments that ***issue,*** grant or deny rights ~~[, privileges, power or authority]~~ ***or options pursuant to NRS 78.200*** to a holder or holders of a specified number of shares or percentage of share ownership or voting power ~~[.]~~ ***, for the purpose or having the effect of granting or denying rights, privileges, power or authority to any such holder or holders.***

Sec. 10. NRS 78.378 is hereby amended to read as follows:

78.378 1. The provisions of NRS 78.378 to 78.3793, inclusive, apply to any acquisition of a controlling interest in an issuing corporation unless the articles of incorporation or bylaws of the corporation in effect on the 10th day following the acquisition of a controlling interest by an acquiring person provide that the provisions of those sections do not apply to the corporation or to an acquisition of a controlling interest specifically by types of existing or future stockholders, whether or not identified.

2. The articles of incorporation, the bylaws or a resolution adopted by the directors of the issuing corporation may impose stricter requirements on the acquisition of a controlling interest in the corporation than the provisions of NRS 78.378 to 78.3793, inclusive.

3. ~~[The]~~ ***Without limiting the provisions of NRS 78.138 or 78.139, the*** provisions of NRS 78.378 to 78.3793, inclusive, do not restrict the directors of an issuing corporation from taking action ***not in circumvention or contravention of this title*** to protect the ***long-term or short-term*** interests of the corporation ~~[and its]~~ ***or the long-term or short-term interests of the corporation's*** stockholders, including, but not limited to, adopting or signing plans, arrangements or instruments that ***issue,*** grant or deny rights ~~[, privileges, power or authority]~~ ***or options pursuant to NRS 78.200*** to a holder or holders of a specified number of shares or percentage of share ownership or voting power ~~[.]~~ ***, for the purpose of having the effect of granting or denying rights, privileges, power or authority to any such holder or holders.***

Sec. 11. NRS 78.3783 is hereby amended to read as follows:

78.3783 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 3,*** "acquisition" means the direct or indirect acquisition of a controlling interest.

2. "Acquisition" does not include any acquisition of shares in good faith, and without an intent to avoid the requirements of NRS 78.378 to 78.3793, inclusive:

(a) By an acquiring person authorized pursuant to NRS 78.378 to 78.3793, inclusive, to exercise voting rights, to the extent that the new acquisition does not result in the acquiring person obtaining a controlling interest greater than that previously authorized; or

(b) Pursuant to:

(1) The laws of descent and distribution;

(2) The enforcement of a judgment;

(3) The satisfaction of a pledge or other security interest; or

(4) A merger, exchange, conversion, domestication or reorganization effected in compliance with the provisions of NRS 78.622, 92A.200 to 92A.240, inclusive, or 92A.270 to which the issuing corporation is a party.

3. "Acquisition" does not include any acquisition of shares listed on a national securities exchange pursuant to a tender offer under section 14(d) of the Securities Exchange Act, 15 U.S.C. § 78n(d), which shares

collectively, absent the provisions of NRS 78.378 to 78.3793, inclusive, would be entitled to exercise a majority of the voting power.

Sec. 12. NRS 78.390 is hereby amended to read as follows:

78.390 1. Except as otherwise provided in ***subsection 8 or in*** NRS 77.340 or 78.209 or chapter 92A of NRS, every amendment to the articles of incorporation must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed and submit the proposed amendment to the stockholders for approval.

(b) If stockholders holding shares in the corporation representing at least a majority of the voting power, or such greater proportion of the voting power as may be required in the case of a vote by classes or series, as provided in subsections 2 and 4, or as may be required by the provisions of the articles of incorporation, have approved the amendment, an officer of the corporation shall sign a certificate setting forth the amendment, or setting forth the articles of incorporation as amended, and the vote by which the amendment was adopted.

(c) The certificate so signed must be filed with the Secretary of State.

2. Except as otherwise provided in this subsection, if any proposed amendment would adversely alter or change any preference or any relative or other right given to any class or series of outstanding shares, then, in addition to any approval otherwise required, the amendment must be approved by the holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof. The amendment does not have to be approved by the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the amendment if the articles of incorporation specifically deny the right to vote on such an amendment.

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, approval by a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series is adversely affected by an amendment in a different manner than other series of the same class.

5. The ~~[resolution of the stockholders approving the proposed amendment may provide that at any time before the effective date of the amendment, notwithstanding approval of the proposed amendment by the stockholders, the]~~ board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders ~~[.]~~ ***if the resolution of the stockholders approving the proposed amendment authorizes the board of directors to do so. The board of directors may, by resolution, abandon a proposed amendment pursuant to subsection 8 without any action by the stockholders.***

6. A certificate filed pursuant to subsection 1 is effective at the time of the filing of the certificate with the Secretary of State or upon a later date and time as specified in the certificate, which date must not be more than 90 days after the date on which the certificate is filed. If a certificate filed pursuant to subsection 1 specifies a later effective date but does not specify an effective time, the certificate is effective at 12:01 a.m. in the Pacific time zone on the specified later date.

7. If a certificate filed pursuant to subsection 1 specifies a later effective date ***or time*** and if ~~[the resolution of the stockholders approving the proposed amendment provides that]~~ the board of directors ~~[may]~~ ***is authorized to*** abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the effectiveness of the certificate by resolution and by filing a certificate of termination with the Secretary of State that:

(a) Is filed before the effective ~~[date specified in]~~ ***time of*** the certificate filed with the Secretary of State pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that ~~[, pursuant to the resolution of the stockholders,]~~ the board of directors is authorized to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by an officer of the corporation; and

(f) Is accompanied by a filing fee of $175.

8. No action by the stockholders is required if the proposed amendment to the articles of incorporation consists only of a change in the name of the corporation. The articles of incorporation may forbid a corporation from amending the articles of incorporation pursuant to this subsection without stockholder approval.

Sec. 13. NRS 78.403 is hereby amended to read as follows:

78.403 1. A corporation may restate, or amend and restate, in a single certificate the entire text of its articles of incorporation as amended by filing with the Secretary of State a certificate in the manner provided in this section. If the certificate alters or amends the articles in any manner, it must comply with the provisions of NRS 78.380, 78.385 and 78.390, as applicable. ***An omission permitted by subsection 3 does not constitute an alteration or amendment to the articles for purposes of this section.***

2. If the certificate does not alter or amend the articles, it must be signed by an officer of the corporation and state that the officer has been authorized to sign the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles of incorporation as amended to the date of the certificate.

3. The following may be omitted from ~~[the]~~ restated articles:

(a) The names, addresses, signatures and acknowledgments of the incorporators;

(b) The names and addresses of the members of the past and present boards of directors; ~~[and]~~

(c) The information required pursuant to NRS 77.310 ~~[.]~~ ***; and***

(d) The text of any certificate of designation filed pursuant to NRS 78.1955, including any amendments thereto, but only if the existence of each such certificate of designation not withdrawn prior to such restatement is expressly noted within the text of the restated articles. The effectiveness of any such certificate of designation or any amendment thereto is not affected by its omission from restated articles pursuant to this subsection.

4. Whenever a corporation is required to file a certified copy of its articles, in lieu thereof it may file a certified copy of the most recent certificate restating its articles as amended, subject to the provisions of subsection 2, together with certified copies of all certificates of amendment filed subsequent to the restated articles and certified copies of ~~[all]~~ ***any effective*** certificates ~~[supplementary to]~~ ***of designation or amendments thereto omitted from*** the ~~[original]~~ ***restated*** articles ~~[.]~~ ***pursuant to subsection 3.***

5. A certificate filed pursuant to this section is effective at the time of the filing of the certificate with the Secretary of State or upon a later date and time as specified in the certificate, which date must not be more than 90 days after the date on which the certificate is filed. If a certificate filed pursuant to this section specifies a later effective date but does not specify an effective time, the certificate is effective at 12:01 a.m. in the Pacific time zone on the specified later date.

Sec. 14. NRS 78.433 is hereby amended to read as follows:

78.433 1. NRS 78.411 to 78.444, inclusive, do not apply to any combination of a resident domestic corporation:

(a) Which was not, as of the date that the person first becomes an interested stockholder, a publicly traded corporation, unless the corporation's articles of incorporation provide otherwise.

(b) Whose articles of incorporation have been amended to provide that the resident domestic corporation is subject to NRS 78.411 to 78.444, inclusive, and which was not a publicly traded corporation on the effective date of the amendment, if the combination is with a person who first became an interested stockholder before the effective date of the amendment.

(c) With an interested stockholder of the resident domestic corporation after the expiration of 4 years after the person first became an interested stockholder.

2. The articles of incorporation of a resident domestic corporation may impose on combinations of the resident domestic corporation stricter requirements than the requirements of NRS 78.411 to 78.444, inclusive.

3. ~~[The]~~ ***Without limiting the provisions of NRS 78.138 or 78.139, the*** provisions of NRS 78.411 to 78.444, inclusive, do not restrict the directors of a resident domestic corporation from taking action ***not in circumvention or contravention of this title*** to protect the ***long-term or short-term*** interests of the corporation ~~[and its]~~ ***or the long-term or short-term interests of the corporation's*** stockholders, including, without limitation, adopting or signing plans, arrangements or instruments that ***issue,*** grant or deny rights ~~[, privileges, power or authority]~~ ***or options pursuant to NRS 78.200*** to a holder or holders

of a specified number of shares or percentage of share ownership or voting power ~~[.]~~ ***, for the purpose or having the effect of granting or denying rights, privileges, power or authority to any such holder or holders.***

Sec. 15. NRS 78.439 is hereby amended to read as follows:

78.439 A resident domestic corporation may not engage in any combination with an interested stockholder of the resident domestic corporation after the expiration of 2 years after the person first became an interested stockholder unless the combination meets all of the requirements of the articles of incorporation of the resident domestic corporation and:

1. The combination or transaction by which the person first became an interested stockholder is approved by the board of directors of the resident domestic corporation before the person first became an interested stockholder;

2. The combination is approved by a majority of the outstanding voting power of the resident domestic corporation not beneficially owned by the interested stockholder or any affiliate or associate of the interested stockholder; or

3. The combination meets the requirements specified in NRS ~~[78.411]~~ ***78.441*** to 78.444, inclusive.

Sec. 16. ~~[NRS 78.565 is hereby amended to read as follows:~~

~~78.565 1. Unless otherwise provided in the articles of incorporation, every corporation may, by action taken at any meeting of its board of directors, sell, lease or exchange all *or substantially all* of its property and assets, including its goodwill and its corporate franchises, upon such terms and conditions as its board of directors may approve, [when] *only if* and as authorized by the affirmative vote of stockholders holding stock in the corporation entitling them to exercise at least a majority of the voting power.~~

~~2. Unless otherwise provided in the articles of incorporation, a vote of stockholders is not necessary:~~

~~(a) For a transfer of assets by way of mortgage, or in trust or in pledge to secure indebtedness of the corporation; or~~

~~(b) To abandon the sale, lease or exchange of assets.]~~ **(Deleted by amendment.)**

Sec. 16.5. **NRS 80.007 is hereby amended to read as follows:**

80.007 1. A foreign corporation may correct a record filed in the Office of the Secretary of State if the record contains an incorrect statement or was defectively signed, attested, sealed ***,*** ~~[or]~~ verified ~~[.]~~ ***or acknowledged, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by an officer of the corporation or, if no stock has been issued by the corporation, by the incorporator or a director of the corporation, or by some other person specifically authorized by the corporation to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a foreign corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the foreign corporation may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying the required fee pursuant to subsection 7 of NRS 78.785.

Sec. 17. NRS 81.006 is hereby amended to read as follows:

81.006 1. A nonprofit cooperative corporation, a cooperative association, a charitable organization or any other entity formed under the provisions of this chapter may correct a record filed with the Secretary of State with respect to the entity if the record contains an inaccurate description of an action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the entity must:

(a) Prepare a certificate of correction which:

(1) States the name of the entity;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by an officer of the entity or, if the certificate is filed before the first meeting of the board of directors, by an incorporator or director, or by some other person specifically authorized by the entity to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a nonprofit cooperative corporation, a cooperative association, a charitable organization or any other entity formed under the provisions of this chapter has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the nonprofit cooperative corporation, cooperative association, charitable organization or other entity may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 18. NRS 82.534 is hereby amended to read as follows:

82.534 1. A corporation may correct a record filed in the Office of the Secretary of State with respect to the corporation if the record contains an inaccurate description of a corporate action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[;]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by an officer of the corporation or, if the certificate is filed before the first meeting of the board of directors, by an incorporator or director, or by some other person specifically authorized by the corporation to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 19. NRS 84.009 is hereby amended to read as follows:

84.009 1. A corporation sole may correct a record filed with the Office of the Secretary of State with respect to the corporation sole if the record contains an inaccurate description of an action of the corporation sole or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the corporation sole must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation sole;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by an archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent or other presiding officer or member of the clergy of a church, religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church, religious society or denomination, and in whom is vested the legal title to the property held for the purpose, use or benefit of the church or religious society or denomination or by some other person specifically authorized by the corporation sole to sign the certificate of correction.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a corporation sole has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation sole may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 20. NRS 86.568 is hereby amended to read as follows:

86.568 1. A limited-liability company may correct a record filed in the Office of the Secretary of State with respect to the limited-liability company if the record contains an inaccurate description of a company action or was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the limited-liability company must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited-liability company;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by a manager of the company or, if management is not vested in a manager, by a member of the company, or by some other person specifically authorized by the company to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a limited-liability company has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited-liability company may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 21. NRS 87.547 is hereby amended to read as follows:

87.547 1. A registered limited-liability partnership may correct a record filed in the Office of the Secretary of State with respect to the registered limited-liability partnership if the record contains an inaccurate description of a partnership action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the registered limited-liability partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the registered limited-liability partnership;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by a managing partner of the registered limited-liability partnership or by some other person specifically authorized by the registered limited-liability partnership to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a registered limited-liability partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the registered limited-liability partnership may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 22. NRS 87A.275 is hereby amended to read as follows:

87A.275 1. A limited partnership or foreign limited partnership may correct a record filed in the Office of the Secretary of State with respect to the limited partnership or foreign limited partnership if the record contains false or erroneous information or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the limited partnership or foreign limited partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited partnership or foreign limited partnership;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the false or erroneous information or the defect ~~[;]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the false or erroneous information or the defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by a general partner of the limited partnership or foreign limited partnership or by some other person specifically authorized by the limited partnership or foreign limited partnership to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction must not state a delayed effective date and is effective on the effective date of the record it corrects, except that the certificate is effective when filed:

(a) For the purposes of subsections 3 and 4 of NRS 87A.150; and

(b) As to persons relying on the uncorrected record and adversely affected by the correction.

4. If a limited partnership or foreign limited partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited partnership or foreign limited partnership may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 23. NRS 88.339 is hereby amended to read as follows:

88.339 1. A limited partnership may correct a record filed in the Office of the Secretary of State with respect to the limited partnership if the record

contains an inaccurate description of a partnership action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the limited partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited partnership;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[;]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by a general partner of the limited partnership or by some other person specifically authorized by the limited partnership to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a limited partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited partnership may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 24. NRS 88A.930 is hereby amended to read as follows:

88A.930 1. A business trust may correct a record filed in the Office of the Secretary of State with respect to the business trust if the record contains an inaccurate description of a trust action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the business trust must:

(a) Prepare a certificate of correction that:

(1) States the name of the business trust;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[;]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by a trustee of the business trust or by some other person specifically authorized by the business trust to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a business trust has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the business trust may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 25. Chapter 92A of NRS is hereby amended by adding thereto the provisions set forth as sections 26 and 27 of this act.

Sec. 26. ***"Advance notice statement" when used in reference to a proposed corporate action creating dissenter's rights that is taken or submitted for approval pursuant to a written consent of the stockholders or taken without a vote of the stockholders, means written notice of the proposed corporate action sent by the subject corporation to all stockholders of record entitled to assert dissenter's rights if the corporate action is effectuated. Such notice must:***

1. Be sent not later than 20 days before the effective date of the proposed corporate action;

2. Identify the proposed corporate action;

3. Provide that a stockholder who wishes to assert dissenter's rights with respect to any class or series of shares must deliver a statement of intent to the subject corporation and set a date by which the subject corporation must receive the statement of intent, which may not be less than 15 days after the date the notice is sent, and state that the stockholder shall be deemed to have waived the right to assert dissenter's rights with respect to the shares unless the statement of intent is received by the subject corporation by such specified date; and

4. Be accompanied by a copy of this section and NRS 92A.300 to 92A.500, inclusive, and section 27 of this act.

Sec. 27. ***"Statement of intent" when used in reference to a proposed corporate action creating dissenter's rights, means written notice of a stockholder's intent to assert dissenter's rights and demand payment for the stockholder's shares if the corporate action is effectuated.***

Sec. 28. NRS 92A.005 is hereby amended to read as follows:

92A.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[92A.006 to 92A.095,]~~ ***92A.007 to 92A.092,*** inclusive, have the meanings ascribed to them in those sections.

Sec. 29. NRS 92A.120 is hereby amended to read as follows:

92A.120 1. After adopting a plan of merger, exchange or conversion, the board of directors of each domestic corporation that is a constituent entity in the merger or conversion, or the board of directors of the domestic corporation

whose shares will be acquired in the exchange, must submit the plan of merger, except as otherwise provided in NRS 92A.130 ***, 92A.133*** and 92A.180, the plan of conversion or the plan of exchange for approval by its stockholders who are entitled to vote on the plan in accordance with the provisions of this section.

2. For a plan of merger, conversion or exchange to be approved:

(a) The board of directors must recommend the plan of merger, conversion or exchange to the stockholders, unless the board of directors determines that because of a conflict of interest or other special circumstances it should make no recommendation and it communicates the basis for its determination to the stockholders with the plan; and

(b) The stockholders entitled to vote must approve the plan.

3. The board of directors may condition its submission of the proposed merger, conversion or exchange on any basis. The provisions of this section or this chapter must not be construed to permit a board of directors to submit, or to agree to submit, a plan of merger, conversion or exchange to the stockholders without the recommendation of the board required pursuant to paragraph (a) of subsection 2 unless the board of directors determines that because of a conflict of interest or other special circumstances it should make no recommendation and it communicates the basis for its determination to the stockholders with the plan. Any agreement of the board of directors to submit a plan of merger, conversion or exchange to the stockholders notwithstanding an adverse recommendation of the board of directors shall be deemed to be of no force or effect.

4. Unless the plan of merger, conversion or exchange is approved by the written consent of stockholders pursuant to subsection 7, the domestic corporation must notify each stockholder, whether or not the stockholder is entitled to vote, of the proposed stockholders' meeting in accordance with NRS 78.370. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger, conversion or exchange and must contain or be accompanied by a copy or summary of the plan.

5. Unless this chapter, the articles of incorporation, the resolutions of the board of directors establishing the class or series of stock or the board of directors acting pursuant to subsection 3 require a greater vote or a vote by classes of stockholders, the plan of merger or conversion must be approved by a majority of the voting power of the stockholders.

6. Unless the articles of incorporation or the resolution of the board of directors establishing a class or series of stock provide otherwise, or unless the board of directors acting pursuant to subsection 3 requires a greater vote, the plan of exchange must be approved by a majority of the voting power of each class and each series to be exchanged pursuant to the plan of exchange.

7. Unless otherwise provided in the articles of incorporation or the bylaws of the domestic corporation, the plan of merger, conversion or exchange may be approved by written consent as provided in NRS 78.320.

8. If an officer, director or stockholder of a domestic corporation, which will be the constituent entity in a conversion, will have any liability for the obligations of the resulting entity after the conversion because the officer, director or stockholder will be the owner of an owner's interest in the resulting entity, then that officer, director or stockholder must also approve the plan of conversion.

9. Unless otherwise provided in the articles of incorporation or bylaws of a domestic corporation, a plan of merger, conversion or exchange may contain a provision that permits amendment of the plan of merger, conversion or exchange at any time after the stockholders of the domestic corporation approve the plan of merger, conversion or exchange, but before the articles of merger, conversion or exchange become effective, without obtaining the approval of the stockholders of the domestic corporation for the amendment if the amendment does not:

(a) Alter or change the manner or basis of exchanging an owner's interest to be acquired for owner's interests, rights to purchase owner's interests, or other securities of the acquiring entity or any other entity, or for cash or other property in whole or in part; or

(b) Alter or change any of the terms and conditions of the plan of merger, conversion or exchange in a manner that adversely affects the stockholders of the domestic corporation.

10. A board of directors shall cancel the proposed meeting or remove the plan of merger, conversion or exchange from consideration at the meeting if the board of directors determines that it is not advisable to submit the plan of merger, conversion or exchange to the stockholders for approval.

Sec. 30. NRS 92A.300 is hereby amended to read as follows:

92A.300 As used in NRS 92A.300 to 92A.500, inclusive, ***and sections 26 and 27 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 92A.305 to 92A.335, inclusive, ***and sections 26 and 27 of this act*** have the meanings ascribed to them in those sections.

Sec. 31. NRS 92A.006 and 92A.095 are hereby repealed.

Sec. 32. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

92A.006 "Advance notice statement" defined. "Advance notice statement" when used in reference to a proposed corporate action creating dissenter's rights that is taken or submitted for approval pursuant to a written consent of the stockholders or taken without a vote of the stockholders, means written notice of the proposed corporate action sent by the subject corporation to all stockholders of record entitled to assert dissenter's rights if the corporate action is effectuated. Such notice must:

1. Be sent not later than 20 days before the effective date of the proposed corporate action;

2. Identify the proposed corporate action;

3. Provide that a stockholder who wishes to assert dissenter's rights with respect to any class or series of shares must deliver a statement of intent to the subject corporation and set a date by which the subject corporation must receive the statement of intent, which may not be less than 15 days after the date the notice is sent, and state that the stockholder shall be deemed to have waived the right to assert dissenter's rights with respect to the shares unless the statement of intent is received by the subject corporation by such specified date; and

4. Be accompanied by a copy of NRS 92A.300 to 92A.500, inclusive.

92A.095 "Statement of intent" defined. "Statement of intent" when used in reference to a proposed corporate action creating dissenter's rights, means written notice of a stockholder's intent to assert dissenter's rights and demand payment for the stockholder's shares if the corporate action is effectuated.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 127.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 182.

AN ACT relating to insurance; prohibiting an insurer from treating Medicare supplemental policies differently for certain purposes relating to the payment of commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal regulations define the term "Medicare supplemental policy" to mean a policy offered by a private insurer that is primarily designed to pay expenses not reimbursed under Medicare because of certain limitations under Medicare. (42 C.F.R. § 403.205) Existing law requires an insurer offering a Medicare supplemental policy or the Public Employees' Benefits Program or any local government that provides a similar policy for public employees to offer an open enrollment period for persons covered by such policies, during which the insurer or governmental entity is prohibited from placing certain restrictions on the issuance of such a policy. (NRS 287.010, 287.04335, 687B.352, 695B.320) Existing federal law requires the issuance of a Medicare supplemental policy under certain circumstances, under which such a policy is considered to be guaranteed issue. (42 U.S.C. § 1395ss) This bill prohibits an insurer or other person or entity from varying the commission

~~[paid for]~~ **associated with** the ~~[sale]~~ **purchase** of Medicare supplemental policies ~~[,]~~ **during the open enrollment period,** paying differential commissions ~~[for]~~ **associated with** the ~~[sale]~~ **purchase** of Medicare supplemental policies **during the open enrollment period** or otherwise treating Medicare supplemental policies **purchased during the open enrollment period** differently for the purposes of commission for any reason, including: (1) because the Medicare supplemental policy is issued during the open enrollment period or classified as guaranteed issue; or (2) because of the age, health status, claims experience, receipt of health care or medical condition of the insured. **This bill additionally requires an insurer or other person or entity to treat the purchase of a Medicare supplemental policy during the open enrollment period in the same manner as the renewal of a Medicare supplemental policy for purposes relating to the payment of a commission.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 687B.352 is hereby amended to read as follows:

687B.352 1. An insurer that issues a Medicare supplemental policy shall offer to a person currently insured under any such policy an annual open enrollment period commencing with the first day of the birthday month of the person and remaining open for at least 60 days thereafter, during which the person may purchase any Medicare supplemental policy made available by the insurer in this State that includes the same or lesser benefits. Innovative benefits, as described in 42 U.S.C. § 1395ss(p)(4)(B), must not be considered when determining whether a Medicare supplemental policy includes the same benefits as or lesser benefits than another such policy.

2. During the open enrollment period offered pursuant to subsection 1, an insurer shall not deny or condition the issuance or effectiveness, or discriminate in the price of coverage, of a Medicare supplemental policy based on the health status, claims experience, receipt of health care or medical condition of a person described in subsection 1.

3. At least 30 days before the beginning of the open enrollment period offered pursuant to subsection 1 but not more than 60 days before the beginning of that period, an insurer that issues a Medicare supplemental policy shall notify each person to whom the open enrollment period applies of:

(a) The dates on which the open enrollment period begins and ends and the rights of the person established by the provisions of this section; and

(b) Any modification to the benefits provided by the policy under which the person is currently insured or adjustment to the premiums charged for that policy.

4. ***An insurer or other person or entity shall not vary the commission ~~[paid for]~~ associated with the ~~[sale]~~ purchase of Medicare supplemental policies ~~[,]~~ during the open enrollment period offered pursuant to subsection 1, pay differential commissions ~~[for]~~ associated with the ~~[sale]~~***

purchase of Medicare supplemental policies during that open enrollment period or otherwise treat Medicare supplemental policies purchased during that open enrollment period differently for the purposes of commission for any reason, including, without limitation:

(a) Because ~~[a]~~ the Medicare supplemental policy was purchased during the open enrollment period offered pursuant to subsection 1;

(b) Because ~~[a]~~ the Medicare supplemental policy is classified as guaranteed issue under 42 U.S.C. § 1395ss or any other applicable federal or state law or regulations; or

(c) Because of the age, health status, claims experience, receipt of health care or medical condition of the insured.

5. An insurer or other person or entity must treat the purchase of a Medicare supplemental policy during the open enrollment period offered pursuant to subsection 1 in the same manner as the renewal of a Medicare supplemental policy for all purposes relating to the payment of a commission.

6. As used in this section, "Medicare supplemental policy" has the meaning ascribed to it in 42 C.F.R. § 403.205 and additionally includes policies offered by public entities that otherwise meet the requirements of that section.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 135.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 173.

AN ACT relating to homelessness; revising the process for persons who are homeless to apply for a certified or official copy of a birth certificate; requiring the Nevada Housing Crisis Response System to assist persons in crisis who are applying for a state identification card; revising requirements for the issuance of a state identification card to certain homeless children and youth; ~~[requiring certain counties to develop a strategic plan to address homelessness;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to provide, and the State Registrar of Vital Statistics to carry out, a system for the registration of births and deaths in this State. (NRS 440.120) Existing law requires the State Registrar, and authorizes certain other entities, to issue a certified copy of a certificate of birth to an applicant if the applicant meets certain requirements. (NRS 440.175, 440.650) Existing law prohibits: (1) the State Registrar from

charging a fee for a certified copy of a record of birth to a homeless person who submits on a form prescribed by the State Registrar a statement signed under penalty of perjury that the person is homeless; and (2) another person or governmental organization from charging a fee for a certified or official copy of a certificate of birth to a homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless. (NRS 440.175, 440.700) Existing law prohibits the State Registrar from requiring the signed statement that a person is homeless be notarized. (NRS 440.700) **Section 1** of this bill: (1) requires a homeless person who wishes to obtain a certified or official copy of a certificate of birth from a person or governmental organization, other than the State Registrar, to submit a statement signed under penalty of perjury that the person is homeless rather than a signed affidavit; and (2) prohibits such a person or governmental entity from requiring that such a signed statement be notarized.

Sections 1 and 2 of this bill require the State Registrar and other entities who issue certified or official copies of birth certificates to notify an applicant for a certified or official copy of a birth certificate upon determining that required documents are missing from the application. If the applicant is homeless, **sections 1 and 2** require the State Registrar or other entity to allow the applicant at least 30 days after the notice was provided to submit the missing documents.

Existing law allows certain residents or seasonal residents of this State who do not hold a valid driver's license or identification card to apply for an identification card in this State. (NRS 483.810-483.890) Existing law requires the Department of Health and Human Services to establish and administer the Nevada Housing Crisis Response System to provide certain types of assistance to persons who are transient, at imminent risk of homelessness or homeless. (NRS 422A.680) **Section 3** of this bill requires the System to collaborate with the Department of Motor Vehicles to facilitate assistance to persons in crisis who wish to apply for such an identification card.

Existing law requires the Department of Motor Vehicles to waive, not more than one time, all fees and costs for the issuance of an original or duplicate identification card to a homeless child or youth less than 25 years of age. (NRS 483.825) **Section 4** of this bill removes the limitation that such fees and costs may be waived only once, thus requiring the Department to waive all fees and costs for the issuance of any identification card issued to a homeless child or youth less than 25 years of age.

Existing law requires an applicant for an identification card to provide to the Department of Motor Vehicles: (1) proof of his or her full legal name and age; and (2) if he or she has been issued a social security number, proof of that social security number. (NRS 483.850, 483.860) **Section 5** of this bill removes the requirement to provide proof of a social security number for any applicant who is a homeless child or youth less than 25 years of age. **Section 6** of this bill authorizes an applicant who is a homeless child or youth less than 25 years

of age to prove his or her legal name and age by providing **: (1)** a school identification card that meets certain requirements ~~[.~~

~~Section 7 of this bill requires each county whose population is 100,000 or more (currently Clark and Washoe Counties), during the 2023-2024 legislative interim, to: (1) develop a strategic plan to address homelessness in the county and the cities or towns within the county; (2) submit the plan to the Joint Interim Standing Committee on Health and Human Services; and (3) present the contents of the plan at a meeting of the Committee.]~~ **; and (2) an unofficial transcript from the respective school that contains the date of birth of the applicant.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 440.175 is hereby amended to read as follows:

440.175 1. Upon request, the State Registrar may furnish statistical data to any federal, state, local or other public or private agency, upon such terms or conditions as may be prescribed by the Board.

2. No person may prepare or issue any document which purports to be an original, certified copy, certified abstract or official copy of:

(a) A certificate of birth, death or fetal death, except as authorized in this chapter or by the Board.

(b) A certificate of marriage, except a county clerk, county recorder or a person so required pursuant to NRS 122.120.

(c) A decree of divorce or annulment of marriage, except a county clerk or the judge of a court of record.

3. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall:

(a) Not charge a fee for issuing a certified or official copy of a certificate of birth to:

(1) A homeless person who submits ~~[a signed affidavit]~~ on a form prescribed by the State Registrar ~~[stating]~~ ***a statement signed under penalty of perjury*** that the person is homeless. ***The issuing person or governmental organization shall not require such a statement to be notarized.***

(2) A person who submits documentation from the Department of Corrections verifying that the person is imprisoned or was released from prison within the immediately preceding 90 days.

(b) Remit to the State Registrar fees collected which are charged in an amount established by the State Registrar by regulation:

(1) For each registration of a birth or death in its district.

(2) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a).

(3) For each copy issued of a certificate of death in its district.

4. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall, upon determining that required documents are missing from an application for a

certified or official copy of a certificate of birth, notify the applicant of the deficiency. Such notice must include, without limitation, notice of the additional documents that the applicant must submit. If the applicant is a homeless person who submits on a form prescribed by the State Registrar a statement signed under penalty of perjury that the person is homeless, the person or governmental organization shall allow the applicant at least 30 days after the date of the notice to submit the missing documents. The issuing person or governmental organization shall not require the signed statement to be notarized.

Sec. 2. NRS 440.650 is hereby amended to read as follows:

440.650 1. Upon request, the State Registrar shall furnish any applicant a certified copy of the record of any birth or death registered under the provisions of this chapter.

2. The State Registrar shall not issue a certified copy of a certificate or parts thereof unless the State Registrar is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded, subject, however, to review by the Board or a court of competent jurisdiction under the limitations of NRS 440.170.

3. The State Registrar shall, upon determining that required documents are missing from an application for a certified copy of a certificate of birth, notify the applicant of the deficiency. Such notice must include, without limitation, notice of the additional documents that the applicant must submit. If the applicant is a homeless person who submits on a form prescribed by the State Registrar a statement signed under penalty of perjury that the person is homeless, the State Registrar shall allow the applicant at least 30 days after the date of the notice to submit the missing documents. The State Registrar shall not require the signed statement to be notarized.

Sec. 3. NRS 422A.680 is hereby amended to read as follows:

422A.680 1. To the extent that money is available for this purpose, the Department shall establish and administer the Nevada Housing Crisis Response System.

2. The System must:

(a) Coordinate with social service agencies, local governments and nonprofit organizations to, as quickly as possible, identify, assess, refer and connect persons in crisis to housing, assistance and services, including, without limitation, emergency services, emergency shelters, interim housing and permanent housing.

(b) Provide and operate a system for responding to a crisis that is accessible by a person in crisis 24 hours a day, 7 days a week, including holidays, through which a person in crisis may be identified, assessed, referred and connected to housing, assistance and services pursuant to paragraph (a).

(c) Provide education or information on how persons in crisis may access and use the System for responding to a crisis that is provided pursuant to paragraph (b).

(d) To prevent homelessness, develop prevention assistance programs that assist persons who are:

(1) Transient or at imminent risk of homelessness in:

(I) Preserving their current housing situation;

(II) Identifying housing arrangements as an alternative to their current housing situation; or

(III) Immediately finding housing arrangements for persons who are leaving a housing situation that is not safe; and

(2) Homeless in finding housing arrangements.

(e) Collaborate with the Department of Motor Vehicles to facilitate assistance to persons in crisis who wish to apply for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive.

3. The System may perform any other action that:

(a) Assists persons in crisis; and

(b) Helps prevent or address homelessness in this State.

4. The Department may adopt such regulations as are necessary to carry out the provisions of this section and NRS 422A.690, including, without limitation, regulations requiring a person or entity that accepts money from the Department or a division thereof to participate in the System.

5. As used in this section, "person in crisis" means a person who is transient, at imminent risk of homelessness or homeless.

Sec. 4. NRS 483.825 is hereby amended to read as follows:

483.825 1. Except as otherwise provided in subsection 4, the Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail, as applicable, within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person or person released from prison, a county, city or town jail or detention facility for a duplicate identification card.

3. Except as otherwise provided in subsection 4, if the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

4. The Department shall waive the fee prescribed by NRS 483.820, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection 3 ~~[not more than one time]~~ for furnishing an original identification card or a duplicate identification card to a homeless child or youth less than 25 years of age who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and less than 25 years of age.

5. The Department may accept gifts, grants and donations of money to fund the provision of original and duplicate identification cards without a fee to persons pursuant to subsections 1 and 4.

6. As used in this section:

(a) "Homeless child or youth" has the meaning ascribed to ~~[it]~~ ***"homeless children and youths"*** in 42 U.S.C. § 11434a.

(b) "Photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 5. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. ~~[An]~~ ***Except as otherwise provided in subsection 6, an*** applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.5727 or 293.5742.

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

6. The provisions of subsection 3 do not apply to a homeless child or youth less than 25 years of age who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and less than 25 years of age.

7. As used in this section, "homeless child or youth" has the meaning ascribed to "homeless children and youths" in 42 U.S.C. § 11434a.

Sec. 6. NRS 483.860 is hereby amended to read as follows:

483.860 1. ~~[Every]~~ ***Except as otherwise provided in subsection 4, every*** applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 5 of that section.

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

4. If an applicant is a homeless child or youth less than 25 years of age who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and less than 25 years of age, the applicant may satisfy the requirements of subsection 1 by presenting a school identification card ~~[,]~~ ***and an unofficial transcript from the respective school that includes the date of birth of the applicant. A school identification card presented pursuant to this subsection must include, without limitation:***

(a) The name of the school that issued the card;

(b) The first and last name of the applicant; and

(c) A photograph of the applicant . ~~[; and~~

~~***(d) The date of birth of the applicant.]***~~

5. As used in this section:

(a) "Homeless child or youth" has the meaning ascribed to "homeless children and youths" in 42 U.S.C. § 11434a.

(b) "Photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 7. ~~[1. During the 2023-2024 legislative interim, each county whose population is 100,000 or more shall develop a strategic plan to address homelessness in the county and the cities and towns within the county. The strategic plan must include, without limitation:~~

~~(a) A needs assessment, which must:~~

~~(1) Comprehensively address homelessness within the county, with a special focus on homeless children and youths less than 25 years of age and children in foster care who are at risk of becoming homeless; and~~

~~(2) Address behavioral and mental health issues of youth and young adults that may increase the risk of homelessness.~~

~~(b) Measures to establish a formal and holistic framework for coordination between the county and the cities and towns within the county to ensure the provision of permanent supportive housing and other services for persons who are homeless.~~

~~(c) A plan to increase the amount of permanent supportive housing for persons with severe mental health disorders who require long-term supportive care, with an emphasis on adults less than 25 years of age with such disorders.~~

~~(d) Solutions for simplifying the process to find and establish locations for permanent supportive housing, transitional housing or other services for persons who are homeless, including, without limitation, actions to remove barriers in local ordinances to the development of housing for persons who are homeless.~~

~~(e) Potential sources of funding, including, without limitation:~~

~~(1) Reimbursement through federal programs that would allow the county and cities and towns within the county to increase services for persons who are homeless in a sustainable manner; and~~

~~(2) Additional funding for transitional housing, including, without limitation, programs for independent living for youth and adults less than 25 years of age who are homeless or in foster care.~~

~~2. Each county that develops a strategic plan pursuant to subsection 1 shall, on or before August 1, 2024:~~

~~(a) Prepare and submit the plan to the Joint Interim Standing Committee on Health and Human Services; and~~

~~(b) Make a presentation of the contents of the plan at a meeting of the Joint Interim Standing Committee on Health and Human Services.~~

~~3. As used in this section, "homeless child or youth" has the meaning ascribed to "homeless children and youths" in 42 U.S.C. § 11434a.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[1. This section and section 7 of this act become effective on July 1, 2023.~~

~~2. Sections 1 to 6, inclusive, of this act become effective on October 1, 2023.]~~ **(Deleted by amendment.)**

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 126.

ASSEMBLYWOMEN GORELOW, BILBRAY-AXELROD THOMAS, GONZÁLEZ; **ANDERSON, BROWN-MAY,** DURAN **, PETERS** AND SUMMERS-ARMSTRONG

JOINT SPONSORS: SENATORS CANNIZZARO, DONDERO LOOP AND KRASNER

AN ACT relating to feminine hygiene products; **defining certain terms relating to the labeling of feminine hygiene products;** requiring, with certain exceptions, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product; **providing certain requirements for the revision of a list of ingredients in a feminine hygiene product;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions relating to the labeling of certain foods, drugs, devices and cosmetics. (Chapter 585 of NRS) **Section 3** of this bill **: (1)** requires, with certain exceptions, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product ~~[. Section 2 of this bill defines "feminine hygiene product." Section 4 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes.]~~ **; (2) requires the ingredients identified on such label to be listed in order of predominance by weight and identified by using standardized nomenclature, unless the ingredient is confidential business information; (3) if the ingredient is confidential business information, authorizes the ingredient to be identified by its common name; and (4) requires, if a manufacturer has an Internet website, the manufacturer to post the list of ingredients on the Internet website of the manufacturer. Section 3.5 of this bill requires, with certain exceptions, a manufacturer to revise the list of ingredients on the label of a feminine hygiene product not later than: (1) for a label on a package or box containing a feminine**

hygiene product, 18 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list; and (2) for a list of ingredients posted on the Internet website of the manufacturer, 6 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list. Sections 1.3-2.9 of this bill define certain terms related to the labeling of feminine hygiene products.

Existing law provides that a violation of any provision of chapter 585 of NRS relating to the labeling of certain foods, drugs, devices and cosmetics is a gross misdemeanor, except for certain violations of the chapter that are punishable as a category D felony. (NRS 585.550) A violation of ~~[section]~~ **sections 3 or 3.5** is also a gross misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 585 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 and 3]~~ **1.1 to 3.5, inclusive,** of this act.

Sec. 1.1. As used in sections 1.1 to 3.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.3 to 2.9, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 1.3. 1. "Confidential business information" means an intentionally added ingredient or combination of ingredients for which:

(a) A claim has been approved by the Administrator of the United States Environmental Protection Agency for inclusion on the Toxic Substances Control Act confidential Chemical Substance Inventory pursuant to 15 U.S.C. § 2607(b); or

(b) The manufacturer or supplier claims is a trade secret, as that term is defined in NRS 600A.030.

2. The term does not include:

(a) An intentionally added ingredient or combination of ingredients that is on a designated list; or

(b) A fragrance allergen included on Annex III of the European Union Cosmetics Regulation No. 1223/2009, as that regulation existed on January 20, 2023, if the fragrance allergen is present in the product at a concentration at or above 0.001 percent or 10 parts per million.

Sec. 1.5. "Designated list" means any of the following, in the form most recently published:

1. Chemicals for which a reference does or reference concentration has been developed based on neurotoxicity in the Integrated Risk Information System maintained by the United States Environmental Protection Agency.

2. Chemicals identified as carcinogenic to humans, likely to be carcinogenic to humans, or as Group A, B1 or B2 carcinogens in the Integrated Risk Information System maintained by the United States Environmental Protection Agency.

3. Neurotoxicants that are identified in the Toxic Substances Portal of the Agency for Toxic Substances and Disease Registry of the United States Department of Health and Human Services.

4. Persistent bioaccumulative and toxic priority chemicals that are identified in the United States Environmental Protection Agency's National Waste Minimization Program.

5. Reproductive or developmental toxicants identified in monographs on the Potential Human Reproductive and Developmental Effects published by the National Toxicology Program.

6. Chemicals identified on the Toxics Release Inventory maintained by the United States Environmental Protection Agency as persistent, bioaccumulative and toxic that are subject to the reporting requirements pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11001 et seq.

7. Chemicals that are identified as known to be, or reasonably anticipated to be, human carcinogens by the 15th Report on Carcinogens published by the National Toxicology Program.

8. Chemicals that are identified as priority pollutants in the Nevada water quality control plans pursuant to 33 U.S.C. § 1341 or identified as pollutants by this State or the United States Environmental Protection Agency for one or more bodies of water in this State pursuant to 33 U.S.C. § 1341 and 40 C.F.R. § 130.7.

9. Chemicals that are identified with noncancer endpoints and listed with an inhalation or oral reference exposure level by the California Office of Environmental Health Hazard Assessment pursuant to Cal. Health & Safety Code § 44360(b)(2).

Sec. 2. *"Feminine hygiene product" means any product used for the purpose of catching menstruation and vaginal discharge, including, without limitation, tampons, pads and menstrual cups, whether disposable or reusable.*

Sec. 2.3. "Ingredient" means an ingredient for a fragrance or other intentionally added substance or combination of substances in a feminine hygiene product, unless the intentionally added substance or combination of substances is confidential business information.

Sec. 2.6. "Intentionally added" means a substance that serves a technical or functional purpose in the finished feminine hygiene product.

Sec. 2.9. "Manufacturer" means a person or entity:

1. That manufacturers feminine hygiene products and whose name appears on the product label; or

2. For whom the product is manufactured or distributed, as identified on the product label pursuant to the Fair Packaging and Labeling Act, 15 U.S.C. §§ 1451 et seq.

Sec. 3. *1. Except as otherwise provided in this ~~[section,]~~ subsection, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this*

State must bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product. Reasonable variations shall be permitted, and exemptions as to a small package shall be established by regulations prescribed by the Commissioner.

2. On the list of ingredients required pursuant to subsection 1, the ingredients must be:

(a) Listed in order of predominance by weight unless the weight of the ingredient is 1 percent or less. If the weight of an ingredient is less than 1 percent, the ingredient may be listed in any order following the other ingredients.

(b) Except as otherwise provided in this paragraph, identified using standardized nomenclature, including, without limitation, the International Nomenclature of Cosmetic Ingredients, the Consumer Product Ingredients Dictionary published by the Household and Commercial Products Association or the common name of the chemical. If the ingredient is confidential business information, the ingredient may be identified by its common name.

3. If a manufacturer has an Internet website, the list of ingredients that is required pursuant to subsection 1 must be posted on the Internet website of the manufacturer.

Sec. 3.5. A manufacturer must revise the list of ingredients on the label of a feminine hygiene product pursuant to section 3 of this act not later than:

1. For the label on a package or box containing a feminine hygiene product, 18 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list, unless the designated list becomes effective at a later date.

2. For a list of ingredients posted on the Internet website of the manufacturer, 6 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list, unless the designated list becomes effective at a later date.

Sec. 4. ~~[NRS 585.020 is hereby amended to read as follows:~~

~~585.020 For the purpose of this chapter, the words and terms defined in NRS 585.030 to 585.150, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 171.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 250.

AN ACT relating to public works; revising the procedures governing the award of certain contracts for a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with limited exceptions, a public body or its authorized representative to award a contract for a public work for which the estimated cost exceeds $100,000 to the lowest responsive and responsible bidder or, if the estimated amount of the contract exceeds $250,000, to the contractor who submits the best bid if such a bid is not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder. (NRS 338.1385, 338.1389, 338.143, 338.147)

This bill authorizes a public body or its authorized representative to award a contract for a public work for which the estimated cost exceeds $100,000 to the responsive and responsible bidder offering the best value bid if, after notice and a public hearing, the public body or its authorized representative determines that the public work presents unique and complex construction challenges. This bill also sets forth the criteria for a public body or its authorized representative to consider in selecting the responsive and responsible bidder offering the best value bid, which are: (1) ~~[the estimated cost to complete the project;]~~ **whether the contractor provides bona fide fringe benefits, including, without limitation, health insurance coverage to the contractor's employees and the dependents of such employees;** (2) ~~[the qualifications, experience and technical expertise of the contractor, subcontractors and key personnel thereof; (3) the quality of the services, materials, equipment or labor offered in the bid; (4) the reputation of the contractor and subcontractors for safety, quality and timeliness of completion of projects; (5)]~~ the history of ~~[customer satisfaction on previous projects completed by]~~ the contractor ~~[; (6)]~~ **in complying with certain laws and regulations governing public works and prevailing wage; (3)** the history of the contractor in ~~[initiating change orders or modifications to projects; (7) the history of the contractor in completing projects within the budget or with minimal increases to the budget; (8) any past experience that the public body has had with the contractor or subcontractors; (9) the uniqueness and complexity of the construction challenges; and (10) any other criteria that the public body determines is relevant.]~~ **complying with certain laws and regulations governing industrial insurance; and (4) whether the contractor offers any workforce training or education program.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection ~~[9,]~~ ***10,*** this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 6 ***and 7*** and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. ***A public body or its authorized representative may award a contract to the responsive and responsible bidder offering the best value bid if, after notice and a public hearing, the public body or its authorized representative determines that the public work presents unique and complex construction challenges. In selecting the responsive and responsible bidder offering the best value bid, a public body shall consider the following criteria:***

(a) ~~***[The estimated cost to complete the project;]***~~ ***Whether the contractor provides bona fide fringe benefits, as defined in subsection 2 of NRS 338.010, including, without limitation, health insurance coverage to the contractor's employees and the dependents of such employees. As used in this paragraph, the term "health insurance coverage" does not include Medicare, Medicaid or health insurance coverage purchased through the Silver State Health Insurance Exchange.***

~~*(b) [The qualifications, experience and technical expertise of the contractor, subcontractors and key personnel thereof;*~~

~~*(c) The quality of the services, materials, equipment or labor offered in the bid;*~~

~~*(d) The reputation of the contractor and subcontractors for safety, quality and timeliness of completion of projects;*~~

~~*(e)]*~~ ***The history of*** ~~*[customer satisfaction on previous projects completed by the contractor;*~~

~~*(f)]*~~ ***the contractor in complying with laws and regulations governing public works and prevailing wage as set forth in this chapter and any regulations adopted pursuant thereto.***

(c) The history of the contractor in ~~*[initiating change orders or modifications to projects;*~~

~~*(g) The history of]*~~ ***complying with the laws and regulations governing industrial insurance set forth in chapters 616A to 616D, inclusive, of NRS and chapters 616A to 616D, inclusive, of NAC.***

(d) Whether the contractor ~~*[in completing projects within the budget or with minimal increases to the budget;*~~

~~*(h) Any past experience that the public body has had with the contractor or subcontractors;*~~

~~*(i) The uniqueness and complexity of the construction challenges; and*~~

~~*(j) Any other criteria that the public body determines is relevant.]*~~ ***offers any workforce training or education program, including, without limitation, tuition assistance, participation in a registered apprenticeship program or reimbursement for a professional certificate or on-the-job training.***

7. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

~~[7.]~~ ***8.*** A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder ~~[~~.

~~8.~~ ***or the responsive and responsible bidder offering the best value bid, as applicable.***

9. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

~~[9.]~~ ***10.*** This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.1685 to 338.16995, inclusive.

Sec. 2. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest ***or best value*** bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit

from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 3. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection **[**~~8,~~**]** ***9,*** a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in **[**~~subsection~~**]** ***subsections*** 5 ***and 6*** and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. ***A local government or its authorized representative may award a contract to the responsive and responsible bidder offering the best value bid if, after notice and a public hearing, the local government or its authorized representative determines that the public work presents unique and complex***

construction challenges. In selecting the responsive and responsible bidder offering the best value bid, a local government shall consider the following criteria:

(a) [The estimated cost to complete the project;] Whether the contractor provides bona fide fringe benefits, as defined in subsection 2 of NRS 338.010, including, without limitation, health insurance coverage to the contractor's employees and the dependents of such employees. As used in this paragraph, the term "health insurance coverage" does not include Medicare, Medicaid or health insurance coverage purchased through the Silver State Health Insurance Exchange.

(b) [The qualifications, experience and technical expertise of the contractor, subcontractors and key personnel thereof;

(c) The quality of the services, materials, equipment or labor offered in the bid;

(d) The reputation of the contractor and subcontractors for safety, quality and timeliness of completion of projects;

(e)] The history of [customer satisfaction on previous projects completed by the contractor;

(f)] the contractor in complying with laws and regulations governing public works and prevailing wage as set forth in this chapter and any regulations adopted pursuant thereto.

(c) The history of the contractor in [initiating change orders or modifications to projects;

(g) The history of] complying with the laws and regulations governing industrial insurance set forth in chapters 616A to 616D, inclusive, of NRS and chapters 616A to 616D, inclusive, of NAC.

(d) Whether the contractor [in completing projects within the budget or with minimal increases to the budget;

(h) Any past experience that the local government has had with the contractor or subcontractors;

(i) The uniqueness and complexity of the construction challenges; and

(j) Any other criteria that the local government determines is relevant.] offers any workforce training or education program, including, without limitation, tuition assistance, participation in a registered apprenticeship program or reimbursement for a professional certificate or on-the-job training.

6. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

~~[6.]~~ ***7.*** A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder ~~[.~~

~~7.]~~ ***or the responsive and responsible bidder offering the best value bid, as applicable.***

8. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

~~[8.]~~ ***9.*** This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.1685 to 338.16995, inclusive.

Sec. 4. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest ***or best value*** bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 5. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 173.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 331.

AN ACT relating to public works; revising provisions relating to certain bids for a public work for which a list disclosing first tier subcontractors is required; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a prime contractor who submits a bid for certain public work to include the names of each first tier subcontractor who will ~~[perform]~~ **provide labor or** a certain portion of the work on the public work to the prime contractor ~~[.]~~ **for which the first tier subcontractor will be paid an amount exceeding $250,000.** Existing law further requires that if any one of the

contractors who submitted one of the three lowest bids will employ a first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which that first tier subcontractor will not be paid an amount exceeding $250,000, the first tier subcontractor will be paid 1 percent of the prime contractor's total bid or $50,000, whichever is greater. (NRS 338.141) This bill ~~[revises]~~ **: (1) removes** this payment requirement ~~[to be not less than $50,000.]~~ **; and (2) revises the requirement for a prime contractor who submits a bid for certain public work to include the names of each first tier subcontractor who will provide labor or a certain portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding $100,000, instead of an amount exceeding $250,000.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.141 is hereby amended to read as follows:

338.141 1. Except as otherwise provided in NRS 338.1727, each bid submitted to a public body for any public work to which paragraph (a) of subsection 1 of NRS 338.1385, paragraph (a) of subsection 1 of NRS 338.143 or NRS 408.327 applies, must include ~~[:~~

~~(a) If the public body provides a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide such labor or portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work; or~~

~~(b) If the public body does not provide a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work,]~~ the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 5 percent of the prime contractor's total bid. ~~[If the bid is submitted pursuant to this paragraph, within]~~ ***Within*** 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing:

~~[(1)]~~ ***(a)*** The name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding ~~[$250,000.~~

~~(2) If any one of the contractors who submitted one of the three lowest bids will employ a first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will not be paid an amount exceeding $250,000, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid 1 percent of the prime contractor's total bid or *not less than* $50,000 .~~, whichever is greater.

~~(3)~~] ***$100,000.***

(b) For each first tier subcontractor whose name is listed pursuant to ~~[subparagraph (1) or (2),]~~ ***paragraph (a),*** the number of the license issued ***, if applicable,*** to the first tier subcontractor pursuant to chapter 624 of NRS.

2. The ~~[lists]~~ ***list*** required by subsection 1 must include a description of the labor or portion of the work which each first tier subcontractor named in the list will provide to the prime contractor.

3. A prime contractor shall include his or her name on a list required by ~~[paragraph (a) or (b) of]~~ subsection 1. If the prime contractor will perform any work which is more than 1 percent of the prime contractor's total bid and which is not being performed by a subcontractor listed pursuant to ~~[paragraph (a) or (b) of]~~ subsection 1, the prime contractor shall also include on the list:

(a) A description of the labor or portion of the work that the prime contractor will perform; or

(b) A statement that the prime contractor will perform all work other than that being performed by a subcontractor listed pursuant to ~~[paragraph (a) or (b) of]~~ subsection 1.

4. Except as otherwise provided in this subsection, if a contractor:

(a) Fails to submit the list within the required time; or

(b) Submits a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376,

➥ the contractor's bid shall be deemed not responsive. A contractor's bid shall not be deemed not responsive on the grounds that the contractor submitted a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376 if the contractor, before the award of the contract, provides an acceptable replacement subcontractor in the manner set forth in subsection 1 or 2 of NRS 338.13895.

5. A prime contractor shall not substitute a subcontractor for any subcontractor who is named in the bid, unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change.

(b) The substitution is approved by the public body or its authorized representative. The substitution must be approved if the public body or its authorized representative determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the named subcontractor with the same general terms that all other subcontractors on the project were offered;

(2) The named subcontractor files for bankruptcy or becomes insolvent;

(3) The named subcontractor fails or refuses to perform his or her subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025; or

(4) The named subcontractor is not properly licensed to provide that labor or portion of the work.

(c) If the public body awarding the contract is a governing body, the public body or its authorized representative, in awarding the contract pursuant to NRS 338.1375 to 338.139, inclusive:

(1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and

(2) Requests in writing a substitution of the subcontractor.

6. If a prime contractor substitutes a subcontractor for any subcontractor who is named in the bid without complying with the provisions of subsection 5, the prime contractor shall forfeit, as a penalty to the public body that awarded the contract, an amount equal to 1 percent of the total amount of the contract.

7. If a prime contractor, after the submission of the bid, substitutes a subcontractor to perform the work indicated pursuant to subsection 3 that the prime contractor would perform, the prime contractor shall forfeit as a penalty to the public body that awarded the contract, the lesser of, and excluding any amount of the contract that is attributable to change orders:

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the prime contractor indicated pursuant to subsection 3 that he or she would perform on the public work.

8. As used in this section:

(a) "First tier subcontractor" means a subcontractor who contracts directly with a prime contractor to provide labor, materials or services for a construction project.

(b) "General terms" means the terms and conditions of a contract that set the basic requirements for a public work and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the public work that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 497.

AN ACT relating to education; revising provisions governing the election and appointment of members of the board of trustees of certain school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the members of the board of trustees of a county school district in which more than 75,000 pupils are enrolled (currently Clark County School District) are elected from seven election districts, established by the board of trustees, that are as nearly equal in population as possible and are composed of contiguous territory. (NRS 386.165) **Section** ~~[1]~~ **1.5** of this bill ~~[amends the electoral process for electing members of the board of trustees of a county school district in which more than 75,000 pupils are enrolled by requiring that the board of trustees consist of: (1)]~~ **adds** four **nonvoting** members ~~[elected in election districts established by]~~ **to** the board of ~~[county commissioners]~~ **trustees** of ~~[the]~~ **such a** county ~~[in which the]~~ school district ~~[is located; (2)]~~ **, of whom: (1)** one **nonvoting** member **must be** appointed by the board of county commissioners of the county in which the school district is located who **must** also ~~[resides]~~ **reside** in the school district; and ~~[(3) two]~~ **(2) three nonvoting** members **must be** appointed by the governing bodies of the ~~[two]~~ **three** most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member who ~~[resides]~~ **must reside** in the city of the governing body that appoints him or her.

~~[Existing law similarly requires that the members of the board of trustees of a county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled (currently Washoe County School District) establish seven election districts as follows: (1) five districts which are as nearly equal in population as is practicable, each of which includes approximately one-fifth of the population of the county; and (2) two districts which are as nearly equal in population as possible, each of which includes approximately one-half of the population of the county. (NRS 386.165) Section 1 revises the provisions governing the election of members of the board of trustees of a county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled by requiring: (1) four members to be elected in an election district established by the board of county commissioners of the county in which the school district is located; (2) one member to be appointed by the board of county commissioners of the county in which the school district is located; and (3) two members to be appointed by the governing bodies of the two most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member.]~~

Section ~~[1 additionally requires election districts established by the board of county commissioners of the county in which a school district is located to be as nearly equal in population as possible and composed of contiguous territory.]~~ **1.5 also provides that the nonvoting members of the board of trustees have: (1) the same rights and responsibilities as the voting members; (2) voting rights for the election of officers; and (3) the**

authority to serve as an officer of the board of trustees. Section ~~[1]~~ 1.5 further provides that each trustee holds office until his or her successor is appointed or elected and qualified.

Section 1 of this bill makes a conforming change to provide that a board of trustees of a county school district in which more than 75,000 pupils are enrolled consists of 11 members.

Sections 2-4 of this bill make conforming changes that clarify that certain requirements for a candidate for the board of trustees of a school district only apply to candidates who are elected and not appointed.

Section 5 of this bill makes a conforming change that requires vacancies among the elected members of a board of trustees of a school district to be filled by appointment at a public meeting of the board of trustees. **Section 5** additionally requires that vacancies that occur among the appointed members of a board of trustees of a school district must be filled by the appointing authority. **Section 6** of this bill makes a conforming change by allowing for the governing body, and not exclusively the board of trustees, to appoint a member to a temporary vacancy in the event a vacancy occurs due to a member entering active military service.

Section 7 of this bill makes a conforming change by deleting certain provisions governing the term of office of a member of a board of trustees of a school district which have been moved to section ~~[1.]~~ **1.5.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 386.120 is hereby amended to read as follows:**

386.120 1. The board of trustees of a county school district consists of ~~[five]~~ ***5, 7*** or ~~[seven]~~ ***11*** members as follows:

(a) ***If more than 75,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of 11 members. The members of the board must be elected and appointed as provided in NRS 386.165.***

(b) If 1,000 or more ***but not more than 75,000*** pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members. Except in school districts in which more than 25,000 pupils are enrolled, the members of the board must be elected at large until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~[(b)]~~ ***(c)*** If fewer than 1,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of five members. The members of the board must be elected as provided in NRS 386.160 until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~[(c)]~~ ***(d)*** If 1,000 or more, but fewer than 1,500 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members unless the board, on or before December 1 in any

year before a general election will be held, adopts a resolution specifying that the board will consist of five members. If the board consists of seven members, the election of members is governed by paragraph ~~[(a).]~~ ***(b).*** If the board consists of five members, the election of members is governed by paragraph ~~[(b).]~~ ***(c).***

2. Before the adoption of a resolution pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1, the board of trustees shall post conspicuously, in three different places in the school district, a notice containing in full the text of the resolution with the

date upon which the board of trustees of the school district is to meet to act upon the resolution. Posting of the notice must be made not less than 10 days before the date fixed in the resolution for action thereon.

3. If a board of trustees adopts a resolution pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1, it must transmit a copy of the resolution to the Superintendent of Public Instruction on or before December 15 of the year before the general election will be held.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 386.165 is hereby amended to read as follows:

386.165 1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:

(a) As nearly equal in population as practicable; and

(b) Composed of contiguous territory.

2. The board of trustees in each county school district in which more than 75,000 pupils are enrolled is composed of ~~[seven]~~ 11 members, of whom:

(a) ~~[Four]~~ Seven voting members must be elected in election districts established pursuant to subsection 1 by the board of ~~[county commissioners of the county in which the school district is located.]~~ trustees.

(b) One nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.

(c) ~~[Two]~~ Three nonvoting members must be appointed by the governing bodies of the ~~[two]~~ three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.

~~[2.]~~ ***3.*** In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

➥ The districts must be composed of contiguous territory.

~~[3. Each trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.]~~

4. In each school district in which more than 25,000 pupils ***but not more than 75,000 pupils*** are enrolled, the ***board of trustees*** ***is composed of seven*** ~~*[members, of whom:*~~

~~*(a) Four]*~~ ***members who must be elected in an election district established pursuant to subsection 3 by the board of*** ~~*[county commissioners of the county in which the school district is located.*~~

~~*(b) One member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.*~~

~~*(c) Two members must be appointed by the governing bodies of the two most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.*~~

~~*3. Election districts established by a board of county commissioners pursuant to subsection 1 or 2 must be:*~~

~~*(a) As nearly equal in population as practicable; and*~~

~~*(b) Composed of contiguous territory.*~~

~~*4.]*~~ ***trustees.***

5. The appointing authority shall make an appointment pursuant to ~~*[this section]*~~ ***subsection 2 at least 30 days but not more than 90 days before the expiration of the term of office of the incumbent member.***

~~*[5.]*~~ ***6. The*** term of ***office of*** a school trustee is 4 years ~~[. Three trustees must be elected at the general election of 1982 and four trustees must be elected at the general election of 1984.]~~ ***, commencing on the first Monday of January thereafter next following the election*** ~~*[or appointment]*~~ ***of the trustee.***

~~*[6.]*~~ ***7. Each trustee shall hold office until his or her successor is appointed or elected and qualified.***

8. The nonvoting members of the board of trustees appointed pursuant to subsection 2 shall have:

(a) The same rights and responsibilities as voting members of the board of trustees, including, without limitation, being involved in any briefings, interviews, evaluations, closed-door sessions and policy and operational discussions;

(b) Voting rights for the election of officers; and

(c) The authority to serve as an officer of the board of trustees.

Sec. 2. NRS 386.240 is hereby amended to read as follows:

386.240 A candidate for ***election to*** the office of trustee of a school district shall:

1. Be a qualified elector.

2. Have the qualifications of residence within the county school district required for the office for which he or she seeks election.

Sec. 3. NRS 386.250 is hereby amended to read as follows:

386.250 A candidate for ***election to*** the office of trustee of a county school district must:

1. Be nominated in the manner provided by the primary election laws of this State; and

2. File a declaration of candidacy, as defined in NRS 293.0455, with the county clerk of the county whose boundaries are conterminous with the boundaries of the county school district.

Sec. 4. NRS 386.260 is hereby amended to read as follows:

386.260 1. Trustees ~~[shall]~~ ***who are required to be elected pursuant to NRS 386.165 must*** be elected as provided in the election laws of this state.

2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue election certificates to the candidates elected.

3. Immediately, the county clerk shall transmit a copy of each election certificate to the Superintendent of Public Instruction.

Sec. 5. NRS 386.270 is hereby amended to read as follows:

386.270 Except as otherwise provided in NRS 386.275:

1. Any vacancy occurring ~~[in]~~ ***among the elected members of*** a board of trustees must be filled by appointment by the remaining members of the board at a public meeting held after notice of the meeting is published at least once each week for 2 weeks in a newspaper qualified pursuant to the provisions of chapter 238 of NRS. The appointee shall serve until the next general election, at which time his or her successor must be elected for the balance of the unexpired term.

2. ***Any vacancy occurring among the appointed members of a board of trustees must be filled by the appointing authority. The appointee serves for the balance of the unexpired term and may be reappointed.***

3. Any person appointed to fill a vacancy must have the qualifications provided in NRS ***386.165 or*** 386.240 ~~[.]~~ ***, as applicable.***

Sec. 6. NRS 386.275 is hereby amended to read as follows:

386.275 1. If a vacancy occurs, or will occur, in a board of trustees because a member of the board has entered, or is entering, into active military service, ~~[the board of trustees may appoint]~~ a person ***may be appointed*** to serve as a temporary replacement for that member. Such a temporary appointment must be made in the manner, and subject to the requirements, otherwise prescribed in NRS 386.270, except that the member of the board of trustees who has entered, or is entering, into active military service may participate in the process to appoint his or her temporary replacement.

2. If a person is temporarily appointed to serve on a board of trustees pursuant to this section:

(a) The person fully assumes the duties, rights and responsibilities of a member of the board of trustees, and is entitled to the compensation, allowances and expenses otherwise payable to a member, for the duration of his or her appointment.

(b) The member of a board of trustees who is temporarily replaced shall be deemed to be on leave without pay from the board of trustees for the duration of the appointment of his or her temporary replacement.

3. A person appointed to serve on the board of trustees pursuant to this section serves:

(a) Until the member of the board of trustees being temporarily replaced returns from active military service; or

(b) For the remainder of the unexpired term of that member,

➥ whichever occurs first.

Sec. 7. NRS 386.300 is hereby amended to read as follows:

386.300 Each trustee shall:

1. ~~[Enter upon the duties of office on the 1st Monday in January next following the election of the trustee.~~

~~2. Hold office until his or her successor is elected and qualified.~~

~~3.]~~ Take and subscribe to the official oath.

~~[4.]~~ ***2.*** File with the Superintendent of Public Instruction a copy of his or her official oath together with a statement showing the term for which the trustee has been elected or appointed.

Sec. 8. ~~[1. Notwithstanding the provisions of NRS 386.165, as amended by section 1 of this act, the members of a board of trustees:~~

~~(a) Of a school district in which more than 25,000 pupils are enrolled; and~~

~~(b) Who are incumbent on July 1, 2023,~~

~~➥ shall continue to serve until the expiration of the term for which each was elected.~~

~~2. The successors of the members of the board of trustees of each school district in which more than 25,000 pupils are enrolled whose terms expire on January 5, 2025, must be elected at large at the general election on November 5, 2024, in accordance with the provisions of NRS 386.165, as amended by section 1 of this act, to terms commencing on January 6, 2025. Any vacancy occurring before the expiration of the term of such a member must be filled as provided in NRS 386.270, as amended by section 5 of this act.~~

~~3. Between October 5, 2026, and December 4, 2026, the appointing authorities shall appoint the successors of the members of the board of trustees of each school district in which more than 25,000 pupils are enrolled whose terms expire on January 3, 2027, in accordance with the provisions of NRS 386.165, as amended by section 1 of this act, to terms commencing on January 4, 2027. Any vacancy occurring before the expiration of the term of a such a member must be filled as provided in NRS 386.270, as amended by section 5 of this act.~~**]** **(Deleted by amendment.)**

Sec. 9. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 200.

AN ACT relating to air pollution; creating the Account for Clean Trucks and Buses; creating the Clean Trucks and Buses Incentive Program; establishing various requirements for the Program; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Environmental Commission to prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines. (NRS 445B.760) Existing law also requires the Commission to establish, by regulation, a program for the regulation of smoke and other emissions by inspection of heavy-duty motor vehicles that are powered by diesel fuel or motor vehicle fuel. (NRS 445B.780) This bill establishes a voucher incentive program called the Clean Trucks and Buses Incentive Program in which the Division of Environmental Protection of the State Department of Conservation and Natural Resources will, within the limits of ~~[federal and private]~~ money available for such purposes, issue vouchers to approved contractors to redeem with the Division for offering certain price incentives to certain entities for the sale of eligible zero-emission medium-duty and heavy-duty vehicles.

Sections 2-15 of this bill define various terms related to the Clean Trucks and Buses Incentive Program.

Section 16 of this bill creates the Account for Clean Trucks and Buses, which is administered by the Division to carry out the Clean Trucks and Buses Incentive Program. **Section 16** requires ~~[that]~~ **the Department of Transportation to enter into an agreement with the Division to: (1) enable the Division to administer** 35 percent of the ~~[allocation]~~ **apportionment** of federal money to this State for the federal Carbon Reduction Program, 23 U.S.C. § 175, ~~[be deposited in the Account]~~ beginning in January 2024 **;** ~~[, and continuing for as long as the Carbon Reduction Program allocates money to the states that may be used for this purpose.]~~ **; (2) coordinate with the Division to ensure that the use of the money is consistent with all requirements of federal law; and (3) ensure that any necessary waivers for the Clean Trucks and Buses Program are obtained from the federal government.**

Section 17 of this bill creates the Clean Trucks and Buses Incentive Program and sets forth the base incentives and incentive increases that are available to

eligible entities for the purchase of a clean truck or bus. To be eligible for an incentive from the Program, **section 17** requires that an entity: (1) own or operate a diesel-powered or gasoline-powered medium-duty or heavy-vehicle or a fleet of medium-duty or heavy-duty vehicles; and (2) be domiciled in this State.

Section ~~[18]~~ **20.5** of this bill ~~[authorizes a contractor to submit an application to]~~ **requires the Commission to adopt regulations to carry out the Program, which must include requirements for: (1)** the Division to approve a clean truck or bus or repowered vehicle as eligible for purchase using an incentive from the Program ~~[.~~

~~Section 19 of this bill establishes requirements for]~~ **; (2)** a contractor to submit an application to be approved to sell eligible clean trucks or buses using an incentive from the Program ~~[.~~

~~Section 20 of this bill requires an entity that would like to receive an incentive from the Program to: (1) agree to operate the clean truck or bus for at least 5 years and domicile the clean truck or bus in this State for at least 5 years; (2) certify that the clean truck or bus will travel at least 5,000 miles per year or for 1,000 hours per year; and (3) certify that the clean truck or bus will be operated in this State 75 percent of the time that it is being operated. Section 20 also: (1) requires]~~ **; and (3)** an eligible entity to work with an approved contractor to submit an application to receive an incentive from the Program **.** ~~[; and (2) sets forth certain criteria that must be included in an application to receive an incentive from the Program, which will be used by the Division to prioritize applications for an incentive.]~~

Section 21 of this bill requires the Division to review applications on a quarterly basis. Upon approval of an application, **section 21** requires the Division to reserve the amount of the incentive from the Program offered to the entity in the Account for Clean Trucks and Buses and, with certain exceptions, issue the approved contractor a voucher for that amount, which is valid for 1 year ~~[.]~~ **and may be extended for an additional 1 year upon the request of the approved contractor.** Once the clean truck or bus has been purchased, delivered and placed into operation by the entity, **section 21** authorizes the contractor to redeem the voucher with the Division.

Section 22 of this bill requires an entity that receives an incentive for the purchase of a clean truck or bus from the Clean Trucks and Buses Incentive Program to submit written reports to the Division in accordance with regulations adopted by the ~~[State Environmental]~~ Commission. **Section 22** further requires the Division to submit an annual summary of these reports to the Director of the Legislative Counsel Bureau.

Section 22.5 of this bill makes an appropriation to the Account for Clean Trucks and Buses created by section 16 for carrying out the Clean Trucks and Buses Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 15, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Clean truck or bus" means a medium-duty or heavy-duty vehicle that:***

1. Is powered by electricity that is stored in a battery or produced by a hydrogen fuel cell; and

2. Produces zero exhaust emissions.

Sec. 4. ***"Clean Trucks and Buses Incentive Program" or "Program" means the Clean Trucks and Buses Incentive Program created by section 17 of this act.***

Sec. 5. ***"Commission" means the State Environmental Commission.***

Sec. 6. ***"Contractor" means:***

1. An original equipment manufacturer;

2. An upfit manufacturer; or

3. A vehicle dealership that sells clean trucks or buses and that has an agreement with an original equipment manufacturer or upfit manufacturer to sell eligible clean trucks or buses using incentives from the Clean Trucks and Buses Incentive Program.

Sec. 7. ***"Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.***

Sec. 8. ***"Eligible entity" or "entity" means:***

1. A local government, which includes, without limitation, any county, city, district, agency, regional transportation commission, school district or other political subdivision of this State;

2. A state agency that operates a medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles;

3. A nonprofit organization;

~~*[3.]*~~ ***4. A commercial entity that owns a medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles; or***

~~*[4.]*~~ ***5. An independent truck operator.***

Sec. 9. ***"Gross vehicle weight rating" means the maximum weight specified by the manufacturer of a vehicle at which a vehicle can be operated safely.***

Sec. 10. ***"Historically underserved community" has the meaning ascribed to it in NRS 445B.834.***

Sec. 11. ***"Independent truck operator" means a person who is the owner or operator of a medium-duty or heavy-duty vehicle that is hired as a third-party contractor to transport goods for a commercial entity.***

Sec. 12. ***"Medium-duty or heavy-duty vehicle" means any medium-duty vehicle or heavy-duty vehicle that:***

1. Has a gross vehicle weight rating of more than 8,500 pounds; or

2. Is classified as having a gross vehicle weight rating class established by the ~~[Federal Highway Administration of the]~~ United States ~~[Department of Transportation]~~ Environmental Protection Agency of 2b or higher.

Sec. 13. *"Original equipment manufacturer" means a company that builds or assembles the completed drivetrain and chassis of a medium-duty or heavy-duty vehicle.*

Sec. 14. *"Repowered vehicle" means a medium-duty or heavy-duty vehicle that was previously powered by diesel or gasoline which has been upfitted or retrofitted by an upfit manufacturer to be powered by a battery electric or fuel cell electric powertrain.*

Sec. 15. *"Upfit manufacturer" means a company that installs equipment on the rolling chassis of a medium-duty or heavy-duty vehicle that was purchased from an original equipment manufacturer to switch the power source of the vehicle from diesel or gasoline to a battery electric or a fuel cell electric powertrain in order to create a repowered vehicle.*

Sec. 16. *1. The Account for Clean Trucks and Buses is hereby created in the State Treasury to be administered by the Division.*

2. The interest and income earned on the money in the Account must, after deducting any applicable charges, be credited to the Account. All claims against the Account must be paid as other clams against the State are paid.

3. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund remaining, and the balance in the Account must be carried forward to the next fiscal year.

4. All money that is deposited or paid into the Account must be used by the Division to carry out the Clean Trucks and Buses Incentive Program created pursuant to section 17 of this act.

5. Beginning in fiscal year 2024, and for the duration of the time in which ~~[such allocations]~~ apportionments are made to the State of Nevada by the Federal Government pursuant to the federal Carbon Reduction Program, 23 U.S.C. § 175, and available for such purposes, the Department of Transportation shall ~~[deposit]~~ :

(a) Enter into an agreement with the Division under which the Division will administer 35 percent of the federal money ~~[allocated]~~ apportioned to this State pursuant to the federal Carbon Reduction Program, 23 U.S.C. § 175, ~~[into the Account]~~ and the Department of Transportation will make such federal money available for use by the Division to carry out the provisions of sections 2 to 22, inclusive, of this act, including, without limitation, to the extent authorized by federal law, for the costs of administering the Clean Trucks and Buses Incentive Program and staffing costs.

(b) Coordinate with the Division to ensure all requirements of federal law are met in developing the Clean Trucks and Buses Incentive Program created by section 17 of this act and administering any federal money apportioned under federal law.

(c) Assist the Division to request and obtain any waivers from the Federal Highway Administration that are necessary to comply with federal law and any conditions for any federal money.

6. The Division may apply for and accept gifts, grants, donations, bequests and any other source of money available under federal law, including, without limitation, the Clean Heavy-Duty Vehicle Program, 42 U.S.C. § 7432, the Greenhouse Gas Reduction Fund, 42 U.S.C. § 7434 or the Diesel Emissions Reduction Act, 42 U.S.C. §§ 16131-16139, inclusive, and from private sources for deposit in the Account to carry out the provisions of the Clean Trucks and Buses Incentive Program created by section 17 of this act.

Sec. 17. *1. The Clean Trucks and Buses Incentive Program is hereby created for the purpose of awarding incentives to eligible entities for the purchase of eligible clean trucks and buses from approved contractors. [The] Except as otherwise provided in subsection 2, the Division shall administer the Program in accordance with the provisions of sections 2 to 22, inclusive, of this act.*

2. In accordance with subsection 5 of section 16 of this act, the Department of Transportation shall oversee the use of federal money for the Clean Trucks and Buses Incentive Program, ensure all requirements of federal law are met for such federal money and administer payments of federal money to the Division to carry out the Program.

3. In administering the Clean Trucks and Buses Incentive Program, the Division shall establish [:] , in accordance with the regulations adopted by the Commission pursuant to section 20.5 of this act:

(a) The clean trucks and buses that are eligible for purchase using an incentive from the Program ; [pursuant to section 18 of this act;]

(b) The contractors that are approved to sell eligible clean trucks and buses ; [pursuant to section 19 of this act;]

(c) A process for reviewing applications submitted by an approved contractor to determine which entities will receive an incentive in accordance with the requirements set forth in this section ; [and section 20 of this act;] and

(d) A process for issuing vouchers to approved contractors who have sold an eligible clean truck or bus to an eligible entity to redeem the incentive offered to the entity.

[3.] 4. To receive an incentive for the purchase of an eligible clean truck or bus, an entity must:

(a) Own or operate a diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles; and

(b) Be domiciled in this State.

[4.] 5. The base incentive that is available to an eligible entity from the Program for a clean truck or bus is based on the gross vehicle weight rating class established by [the Federal Highway Administration of] the United

States ~~[Department of Transportation]~~ Environmental Protection Agency as follows:

(a) For a gross vehicle weight rating class of 2b, $20,000;

(b) For a gross vehicle weight rating class of 3, $50,000;

(c) For a gross vehicle weight rating class of 4, $65,000;

(d) For a gross vehicle weight rating class of 5, $75,000;

(e) For a gross vehicle weight rating class of 6, $90,000;

(f) For a gross vehicle weight rating class of 7, $135,000; and

(g) For a gross vehicle weight rating class of 8, $175,000.

~~[5.]~~ 6. If an eligible entity demonstrates that the entity meets one of the following criteria, the base incentives set forth in subsection 4 may be increased as follows:

(a) For a minority-owned , ~~[or]~~ veteran-owned , LGBTQ-owned or woman-owned business, a 5 percent increase to the base incentive.

(b) For a small business, a 20 percent increase to the base incentive.

(c) For an independent truck operator, a 33 percent increase to the base incentive. An independent truck operator may not also apply to receive the small business increase to the base incentive.

(d) For a regional transportation commission, a 10 percent increase to the base incentive.

(e) For a school district, charter school or university school for profoundly gifted pupils:

(1) A 10 percent increase to the base incentive; or

(2) If the school district, charter school or university school for profoundly gifted pupils is located in a historically underserved community, a 20 percent increase to the base incentive.

(f) For a tribal government, a 20 percent increase to the base incentive.

(g) For a business owned by a resident of an Indian reservation or Indian colony, a 20 percent increase to the base incentive.

~~[6.]~~ 7. An eligible entity:

(a) May not receive more than 2 increases to the base incentive pursuant to subsection ~~[5,]~~ 6;

(b) Except as otherwise provided in paragraph (c), may not receive more than ~~[5]~~ 10 incentives in one year; and

(c) That is a school district or regional transportation commission in a county whose population is 700,000 or more may not receive more than ~~[10]~~ 15 incentives in a year.

~~[7.]~~ 8. ~~[The Commission may adopt any regulations necessary to carry out the Program in accordance with the provisions of sections 2 to 22, inclusive, of this act.]~~ As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

Sec. 18. ~~[1. A contractor may submit an application, in the form required by the Division, for approval of the eligibility of a clean truck or bus to be purchased by an entity who receives an incentive from the Program.~~

~~2. Except as otherwise provided in subsection 4, to be eligible for the Program:~~

~~(a) A clean truck or bus must have a model year that is not more than 1 year older than the calendar year in which the clean truck or bus is being purchased; and~~

~~(b) The final assembly of the clean truck or bus must have been in the United States.~~

~~3. An application for approval of a clean truck or bus submitted to the Division pursuant to this section must include, without limitation:~~

~~(a) The make and model of the clean truck or bus;~~

~~(b) The model year of the clean truck or bus;~~

~~(c) The fuel type used by the clean truck or bus;~~

~~(d) The manufacturer's gross vehicle weight rating of the clean truck or bus;~~

~~(e) The energy and environmental attributes of the clean truck or bus;~~

~~(f) The manufacturer's suggested retail price for the clean truck or bus, which must be the price of the clean truck or bus before taxes and must include, without limitation, evidence of the price of the clean truck or bus;~~

~~(g) The price before taxes to purchase a comparable diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle instead of the clean truck or bus which must include, without limitation, evidence of the price of the comparable diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle;~~

~~(h) The incremental cost of the clean truck or bus in comparison to the comparable diesel-powered or gasoline-powered alternative;~~

~~(i) Evidence that the final assembly of the clean truck or bus occurred in the United States, which must include, without limitation, the location where the final assembly occurred, the actions performed during the final assembly and the total value of the final assembly;~~

~~(j) An affirmation that the clean truck or bus meets any applicable federal and state requirements; and~~

~~(k) Proof that the clean truck or bus has a guaranteed warranty for the motor, powertrain, parts and labor.~~

~~4. An upfit manufacturer may submit an application to the Division for the approval of a repowered vehicle as a clean truck or bus if the repowered vehicle is:~~

~~(a) At least 8 years older than the current model year of medium-duty and heavy-duty vehicles; and~~

~~(b) Certified with an expected operational lifespan of at least 10 years.~~

~~5. In addition to the applicable requirements of subsection 3, the application for a repowered vehicle submitted pursuant to subsection 4 must include, without limitation, a comparison of the cost of purchasing a comparable diesel-powered or gasoline-powered alternative to the repowered vehicle. The Division shall determine the level of incentive to be offered based on the cost of the purchase of such a comparable vehicle, but the incentive offered for a repowered vehicle must not be more than the incentive offered for the purchase of a new clean truck or bus.~~

~~6. For the purposes of paragraph (h) of subsection 3:~~

~~(a) The incremental cost of a clean truck or bus is the difference in cost between the new clean truck or bus and a comparable new diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle.~~

~~(b) The incremental cost of a repowered vehicle is the entire cost to repower the vehicle.~~] (Deleted by amendment.)

Sec. 19. [~~1. A contractor may submit an application to the Division, in the form required by the Division, for approval to participate as an approved contractor in the Clean Trucks and Buses Incentive Program.~~

~~2. A vehicle dealership that sells clean trucks or buses must submit with his or her application proof that the dealership has been authorized by an original equipment manufacturer or an upfit manufacturer to sell a clean truck or bus using an incentive from the Program.~~

~~3. An approved contractor may:~~

~~(a) Market the availability of incentives from the Clean Trucks and Buses Incentive Program;~~

~~(b) Submit an application for a voucher to the Division on behalf of an eligible entity pursuant to section 20 of this act; and~~

~~(c) Redeem a voucher with the Division after selling an eligible clean truck or bus to an eligible entity in accordance with the provisions of sections 20 and 21 of this act.~~] (Deleted by amendment.)

Sec. 20. [~~1. To receive an incentive for the purchase of an eligible clean truck or bus pursuant to sections 2 to 22, inclusive, of this act, an entity must:~~

~~(a) Agree to operate the clean truck or bus for at least 5 years;~~

~~(b) Agree to domicile the clean truck or bus in this State for at least 5 years;~~

~~(c) Certify that the clean truck or bus will travel at least 5,000 miles per year or for 1,000 hours per year; and~~

~~*(d) Certify that the clean truck or bus will be operated in this State for at least 75 percent of the time that the clean truck or bus is operated.*~~

~~*2. An eligible entity must work with a contractor approved pursuant to section 19 of this act who shall submit an application on behalf of the entity. An application submitted on behalf of an entity must include, without limitation:*~~

~~*(a) Whether the entity is domiciled in this State and operates in a historically underserved community;*~~

~~*(b) Whether the entity has the necessary infrastructure in place to charge clean trucks or buses or has plans to install such infrastructure;*~~

~~*(c) Whether the entity qualifies for one or more of the increases to the base incentive described in subsection 4 of section 17 of this act;*~~

~~*(d) How the entity plans to meet the demands of its charging loads, including, without limitation, any managed charging programs or vehicle-to-grid or vehicle-to-building use;*~~

~~*(e) The estimated annual mileage of the clean truck or bus that will be purchased by the entity;*~~

~~*(f) Any long-term plans of the entity for the additional electrification of the fleet of medium-duty and heavy-duty vehicles of the entity, if applicable;*~~

~~*(g) Whether the entity has been waitlisted pursuant to section 21 of this act during the previous application cycle; and*~~

~~*(h) Any other criteria the Division determines is appropriate for prioritizing applications for an incentive.*~~

~~*3. The Division may reject an application that the Division determines is incomplete.]*~~ **(Deleted by amendment.)**

Sec. 20.5. ***The Commission shall adopt regulations to carry out the Clean Trucks and Buses Incentive Program in accordance with the provisions of sections 2 to 22, inclusive of this act. Any such regulations adopted by the Commission pursuant to this section must be consistent with all applicable requirements of federal law and must include, without limitation:***

1. The requirements to approve a clean truck or bus as eligible for an incentive, including, without limitation:

(a) The process by which applications must be submitted to the Division to approve a clean truck or bus as eligible to receive an incentive;

(b) The contents of an application required for approval of a clean truck or bus as eligible to receive an incentive;

(c) Any specific requirements relating to the manufacturing and final assembly of clean trucks or buses that are necessary to meet any requirements of federal law for the use of federal money;

(d) Any specific requirements for repowered vehicles; and

(e) Any other necessary requirements relating to approving a clean truck or bus, as determined by the Commission.

2. The requirements to approve a contractor to participate as an approved contractor in the Program, including, without limitation:

(a) The process by which applications must be submitted by contractors to the Division;

(b) The contents of the application required to be submitted by a contractor to participate as an approved contractor;

(c) Any activities in which an approved contractor may engage under the Program; and

(d) Any other necessary requirements relating to approving a contractor, as determined by the Commission.

3. The requirements relating to entities which are eligible to receive an incentive for the purchase of an eligible clean truck or bus, including, without limitation:

(a) The process to determine the eligibility of entities to receive an incentive;

(b) Any requirements for eligible entities;

(c) The contents of the application submitted by an entity who may be eligible for an incentive and an approved contractor for a voucher from the Program;

(d) The process by which applications for a voucher are submitted and processed by the Division;

(e) Any performance requirements for eligible vehicles to meet in order to participate in the Program; and

(f) Any other necessary requirements relating to applications for incentives, as determined by the Commission.

Sec. 21. *1. The Division shall review the applications submitted in accordance with the regulations adopted pursuant to section [20] 20.5 of this act on a rolling basis beginning on January 1, March 1, June 1 and September 1 of each year and, within the limits of money available from the Account for Clean Trucks and Buses for that quarter, grant applications for incentives. If an eligible entity meets the requirements for an incentive but does not receive an incentive after submitting an application, the entity must be waitlisted and granted priority to receive an incentive during the next application cycle.*

2. Upon approving an application, the Division shall reserve the amount of the incentive in the Account for Clean Trucks and Buses and, except as otherwise provided in subsection 4, issue the approved contractor a voucher for that amount, which , except as otherwise provided in this subsection, is valid for a period of 1 year from the date of issuance. The approved contractor may redeem the voucher by submitting proof to the Division that the clean truck or bus has been purchased, delivered and placed into operation by the entity who received the incentive. The approved contractor may submit a request to the Division for an extension of the voucher for an additional period of 1 year.

3. The approved contractor must reduce the price of the clean truck or bus by the full amount of the voucher issued to the approved contractor and must not charge any additional fees for selling the clean truck or bus,

including, without limitation, any fees associated with processing the voucher.

4. If the incremental cost of an eligible clean truck or bus is less than the incentive which an entity is eligible to receive, the Division shall reduce the value of the voucher to the incremental cost of purchasing the clean truck or bus instead of a comparable diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle.

Sec. 22. ***1. An entity that receives an incentive for the purchase of a clean truck or bus from the Clean Trucks and Buses Incentive Program must submit written reports to the Division in accordance with the regulations adopted by the Commission pursuant to subsection 2.***

2. The Commission shall adopt regulations establishing reporting requirements in accordance with this section for recipients of an incentive from the Program. Such regulations:

(a) ~~[Must require recipients to demonstrate that the recipient is complying with the requirements of subsection 1 of section 20 of this act;~~

~~(b)]~~ May not require a recipient to submit a report more than two times each year; and

~~[(c)]~~ (b) May not require a recipient to submit a report for more than 3 years ~~[.]~~ , unless otherwise required to comply with federal law.

3. On or before December 31 of each year, the Division shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session to the Legislative Commission, a summary of the reports submitted to the Division pursuant to this section.

Sec. 22.5. **There is hereby appropriated from the State General Fund to the Account for Clean Trucks and Buses, created by section 16 of this act, the sum of $4,000,000 for carrying out the Clean Trucks and Buses Incentive Program created by section 17 of this act.**

Sec. 23. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 24. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[23,]~~ **20.5,** inclusive, **22 and 23** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Section 21 of this act becomes effective on the date that the permanent regulations required to be adopted by the State Environmental Commission pursuant to section 20.5 of this act are filed with the Secretary of State pursuant to NRS 233B.070.

4. Section 22.5 of this act becomes effective on July 1, 2023.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 190.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 384.

AN ACT relating to elections; requiring the Secretary of State to prescribe by regulation a voter registration form that ~~[must]~~ **may** be distributed by a title company **,** ~~[and certain]~~ apartment ~~[associations]~~ **association** and property management ~~[companies]~~ **company** under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe standard and special forms for applications to preregister or register to vote. (NRS 293.507) This bill requires the Secretary of State to also prescribe by regulation the content of and instructions for completing a voter registration form to be provided to title companies **,** ~~[and certain]~~ apartment associations and property management companies in this State for distribution to persons who complete a real estate transaction or enter into a lease in this State at the time of closing or at the signing of the lease. Such a form must allow a person to register to vote, update his or her voter registration information or cancel his or her voter registration in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State shall prescribe by regulation the content of and instructions for completing a voter registration form to register to vote, update voter registration information or cancel voter registration which must be provided to title companies, apartment associations and property management companies in this State to distribute to any person who purchases or sells real estate or enters into a lease in this State at the time of the closing of a real estate transaction or the signing of the lease.

2. The voter registration form prescribed pursuant to subsection 1 must:

(a) Allow a person to:

(1) Register to vote in this State;

(2) Update his or her voter registration information in this State, including, without limitation, his or her name, address and political party affiliation; and

(3) Cancel his or her voter registration in this State;

(b) Be in paper form which may be returned by mail; and

(c) Be accepted by each county clerk in this State.

3. The instructions for the voter registration form prescribed pursuant to subsection 1 must provide any information relevant to voter registration, including, without limitation, the qualifications to register to vote and all methods of registering to vote or updating voter registration information in this State.

4. A title company, apartment association or property management company ~~[shall]~~ may distribute the voter registration form prescribed by the Secretary of State pursuant to subsection 1 at the time of the closing of a real estate transaction or the signing of a lease.

~~***[5. For the purposes of this section:***~~

~~***(a) "Apartment association" means an owner of a complex that has more than 100 apartment units.***~~

~~***(b) "Property management company" means a company that manages more than 100 properties.]***~~

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 260.

AN ACT relating to criminal procedure; prohibiting a peace officer or other person authorized to conduct a custodial interrogation of a child from making certain statements during a custodial interrogation of a child; **providing that a statement by a child obtained in violation of such a prohibition is presumed involuntary and inadmissible in any criminal or juvenile proceeding;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements relating to custodial interrogations. (NRS 62C.013, 171.1239) This bill prohibits a peace officer or other person authorized to conduct a custodial interrogation of a child from: (1) knowingly ~~[providing]~~ **making** certain **materially** false ~~[information]~~ **statements** about evidence to a child who is the subject of a custodial interrogation; or (2) making certain express or implied promises of leniency or advantage to a child who is the subject of a custodial interrogation. **This bill**

additionally creates a presumption that any statement by a child obtained in violation of this bill is involuntary and inadmissible in any criminal or juvenile proceeding. To overcome this presumption, the State must prove, by a preponderance of the evidence, that the statement was voluntary, reliable and not induced by a violation of this bill. Finally, this bill creates an exception to the prohibition created by this bill for circumstances in which: (1) the peace officer or other person who conducted the custodial interrogation reasonably believed that the information sought was necessary to protect life or property from an imminent threat; and (2) the questions asked by such a person were limited to those reasonably necessary to obtain information related to the imminent threat.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. [A] Except as otherwise provided in subsection 3, a peace officer or other person authorized to conduct a custodial interrogation of a child taken into custody shall not [, at any time] during a custodial interrogation of a child:

(a) Knowingly [provide] make a materially false [information] statement about evidence that is reasonably likely to elicit an incriminating response from the child; or

(b) Make any express or implied promise to the child of leniency or advantage for the child that the peace officer or other person conducting the investigation lacks the authority to make, including, without limitation, any promise about the filing of charges or prosecution of the child.

2. A statement by a child obtained in violation of this section is presumed to be involuntary and inadmissible in any criminal or juvenile proceeding. The State may overcome the presumption set forth in this subsection by proving by a preponderance of the evidence that the statement was voluntary, reliable and not induced by an act in violation of this section. In making a determination pursuant to this subsection of whether the presumption has been overcome, the finder of fact shall consider the totality of the circumstances of the interrogation.

3. Subsection 1 does not apply to a custodial interrogation of a child if:

(a) The peace officer or other person who conducted the custodial interrogation of the child reasonably believed the information sought was necessary to protect life or property from an imminent threat; and

(b) The questions asked by the peace officer or other person were limited to those reasonably necessary to obtain information related to the imminent threat.

4. As used in this section:

(a) "Child" means a person who is less than 18 years of age.

(b) "Custodial interrogation" means any interrogation of a person who is required to be advised of his or her rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966).

Sec. 2. This act becomes effective on July 1, ~~[~~2023.~~]~~ **2024.**

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 197.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 175.

AN ACT relating to health care; authorizing the Division of Health Care Financing and Policy of the Department of Health and Human Services to impose an assessment on certain health care providers; creating the Account to Improve Health Care Quality and Access for Patients of Certain Providers; prescribing the authorized uses of the revenue generated by the assessment; requiring the Division to adopt regulations establishing administrative penalties against a health care provider who does not pay an assessment in a timely manner; authorizing the Division to take certain measures to collect an unpaid assessment or administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services to impose an assessment on agencies to provide personal care services in the home or medical facilities that are required to obtain a certain type of license after obtaining the approval of at least 67 percent of the operators of such agencies or facilities. (NRS 422.3794) Existing law requires the Division to expend the revenue generated from the assessment to: (1) provide supplemental payments and enhanced ratio of reimbursements to operators of agencies to provide personal care in the home and operators of medical facilities for services rendered to recipients of Medicaid; and (2) pay administrative costs. (NRS 422.37945) **Sections 2-8** of this bill authorize the imposition of a similar assessment on groups of health care providers, other than hospitals ~~[,]~~ **or physicians,** who provide similar services or ~~[physicians who]~~ practice in a specialty area. **Sections 3-5** of this bill define necessary terms. **Section 6** of this bill provides for the imposition of the assessment upon the affirmative vote of at least 67 percent of the affected providers.

Section 7 of this bill creates the Account to Improve Health Care Quality and Access for Patients of Certain Providers and requires the Division to administer the Account and deposit the proceeds from the assessment into the Account. **Section 7** authorizes the Division to use the money in the Account

to: (1) increase the rates of reimbursement of providers in the assessed group receive from Medicaid to rates equal to certain benchmarks prescribed in federal law; and (2) pay administrative costs related to the assessment. If the Legislature authorizes the money in the Account for any other purpose, **section 7** requires the Division to poll each provider group against which an assessment is currently being imposed concerning the continued imposition of the assessment. If the poll does not receive an affirmative vote from at least 67 percent of the affected providers, **section 7**: (1) requires that the Division cease imposing the assessment; and (2) provides that the regulations adopted to impose the assessment are void.

Section 8 of this bill requires the Division to adopt regulations establishing administrative penalties against a health care provider who fails to pay an assessment in a timely manner. **Section 8** also authorizes the Division, after notifying the provider, to deduct the amount of an unpaid assessment or administrative penalty from future payments owed to the provider under the State Plan for Medicaid. Finally, **section 8** authorizes the Division to negotiate a payment plan with a health care provider before making such deductions.

Section 9 of this bill makes a conforming change to indicate the proper placement of **sections 2-8** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 ~~[, 4 and]~~ to 5 , inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Account" means the Account to Improve Health Care Quality and Access for Patients of Certain Providers created by section 7 of this act.***

Sec. 4. ***"Health care provider" has the meaning ascribed to it in 42 C.F.R. § 433.52, except that the term does not include a hospital ~~[, as defined in NRS 449.012,]~~ or a physician.***

Sec. 4.5. "Hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 5. ***"Provider group" : ~~[means:]~~***

1. ~~[All]~~ Except as otherwise provided in subsection 3, means all health care providers who provide a class of health care items or services listed in 42 C.F.R. § ~~[433.56(a)(1) to (18), inclusive; and]~~ 433.56(a) or who are otherwise eligible to be subject to an assessment under 42 C.F.R. § 433.68.

2. ~~[All physicians who practice in a specialty area.]~~ Includes, without limitation, a group described in subsection 1 that includes health care providers who practice in only one specialty area or in different specialty areas.

3. Does not include hospitals, providers of physician services or physicians acting in any other capacity.

Sec. 6. ***1. Except as otherwise provided in this section, after polling the health care providers in a provider group and receiving an affirmative vote from at least 67 percent of the health care providers in that provider group, the Division may impose by regulation, against each health care provider in the provider group, an assessment in an amount equal to a percentage of the net revenue generated by the health care provider from providing care in this State during a calendar or fiscal year. The Division shall adopt:***

(a) Regulations prescribing the percentage that must be used to calculate the amount of the assessment, the date on which the assessment is due and the manner in which the assessment must be paid; and

(b) Any other regulations necessary or convenient to carry out the provisions of this section.

2. The revenue from an assessment imposed pursuant to subsection 1 must be deposited in the Account.

3. An assessment imposed pursuant to subsection 1 must comply with the provisions of 42 C.F.R. § 433.68. An assessment must not be imposed pursuant to subsection 1 if federal law or regulations prohibit using the revenue generated by the assessment for the purposes prescribed in section 7 of this act. If new federal law or regulations imposing such a prohibition are enacted or adopted, as applicable:

(a) An assessment must not be collected after the effective date of the law or regulations; and

(b) Any money collected during the calendar or fiscal year, as applicable, in which the federal law or regulations become effective must be returned to the health care providers from whom it was collected.

4. A health care provider shall submit to the Division any information requested by the Division for the purposes of carrying out the provisions of this section.

Sec. 7. ***1. The Account to Improve Health Care Quality and Access for Patients of Certain Providers is hereby created in the State General Fund. The Division shall administer the Account. The revenue from assessments and penalties imposed on the health care providers in each provider group pursuant to section 6 of this act must be accounted for separately in the Account.***

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. The money in the Account must be expended to:

(a) Increase the rates of reimbursement that health care providers in the provider group upon whom an assessment is imposed would otherwise receive under the State Plan for Medicaid to rates that are equal to:

(1) The upper payment limit for the relevant services established pursuant to 42 C.F.R. § 447.272 or 447.321, as applicable; or

(2) If no upper payment limit has been established for the relevant services, the average commercial rate for the relevant services, as calculated

in accordance with the guidance prescribed by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(b) Administer the provisions of sections 2 to 8, inclusive, of this act.

4. Money in the Account must not be expended to replace money that would otherwise be used to provide reimbursement under the State Plan for Medicaid to health care providers in a provider group upon whom an assessment is imposed.

5. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance of the Account must be carried forward to the next fiscal year.

6. If the Legislature authorizes money in the Account to be used for any purpose other than those authorized by subsection 3, the Division shall poll the health care providers in each provider group against which an assessment is being imposed pursuant to section 6 of this act concerning the continued imposition of the assessment. If the poll does not receive an affirmative vote from at least 67 percent of the health care providers in that provider group:

(a) The Division shall cease imposing the assessment against the provider group; and

(b) The regulations adopted to impose the assessment pursuant to section 6 of this act against the provider group are void.

Sec. 8. ***1. The Division shall adopt regulations that establish administrative penalties for failure to timely pay an assessment imposed pursuant to section 6 of this act. Any money collected from such a penalty must be deposited in the Account.***

2. If a health care provider fails to remit to the Division any penalty imposed pursuant to this section or any assessment imposed pursuant to section 6 of this act within 30 days after the date on which the penalty or assessment is due, the Division may deduct the amount of the assessment or penalty, as applicable, from future payments owed to the health care provider under the State Plan for Medicaid. Before doing so, the Division:

(a) Shall notify the health care provider of the intended deduction; and

(b) May negotiate a payment plan with the health care provider.

Sec. 9. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and sections 2 to 8, inclusive, of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 222.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 252.

AN ACT relating to the Public Employees' Retirement System; revising the computation of credit for service for certain members of the Public Employees' Retirement System who are employed by a school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a method for calculating the credit for service received by a public employee who is a member of the Public Employees' Retirement System. (NRS 286.470-286.505) Under existing law, a school district employee who is a member of the System receives a full year of service credit if the employee works full-time for the full school year. (NRS 286.501) **Section 2** of this bill provides for an employee of a school district who is a member of the Public Employees' Retirement System to receive a full year of service credit if the employee works ~~[on a scheduled basis, an on-call basis or any combination thereof, for not less than 8 months of the]~~ **at least 900 hours in a** school year. **Section 1** of this bill makes a conforming change to allow for the computation of service credit in **section 2**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 286.481 is hereby amended to read as follows:

286.481 A member shall not be credited with service for:

1. Except as otherwise provided in NRS 286.385, leave of absence without pay;

2. Overtime work;

3. Employment in a position which does not qualify the member for participation in the System;

4. ~~[More]~~ ***Except as otherwise provided in NRS 286.501, more*** than 1 day within a day, 1 month within a month, or 1 year of service in any 12-month period; or

5. Any period for which compensation is not received by the member unless specifically otherwise provided in this chapter.

Sec. 2. NRS 286.501 is hereby amended to read as follows:

286.501 Each member who is employed by a school district for less than 12 months per school year and each member of the professional staff of the Nevada System of Higher Education employed for the academic year who is employed for less than 12 months per fiscal year is credited with service as follows:

1. Service is credited on the basis of a full year if the member works ~~[:~~ ~~*(a) Works* full-time for the full~~]~~ ***at least 900 hours in a*** school year ~~*., [; or (b) Is employed by a school district and works on a scheduled basis, on an on-call basis or any combination thereof, for not less than 8 months of the school year.]*~~

2. Employment for ~~[a part of]~~ ***less than 900 hours in*** a school year is ~~*[, except as otherwise provided in paragraph (b) of subsection 1,]*~~ credited on a ratio of one and one-third days for each day worked, but credit may not be given in advance or until the appropriate period has expired.

3. A full year of service is not credited until the full 12-month period has expired. If the employee begins work under a new contract before the expiration of the 12-month period for the old contract, credit must be granted for the period of overlap, as certified by the school district, at the first period in which there is a lapse in service.

4. Service credit under this section must be computed according to:

(a) The school year for school district employees.

(b) The fiscal year for members of the professional staff of the Nevada System of Higher Education.

5. A member receives full credit while on sabbatical leave if the public employer certifies that the compensation and contributions reported for the member are the same as if the member were employed full-time. If the employer does not so certify, the member receives credit in the proportion that the member's actual compensation bears to the member's previous compensation.

➥ No member may receive less credit under this section than was provided under the law in force when the credit was earned.

Sec. 3. **This bill becomes effective on July 1, 2023.**

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 72.

AN ACT relating to collection agencies; requiring a collection agency to provide a payoff letter upon the request of a debtor; **requiring a collection agency to provide a satisfaction letter to a debtor after a claim has been satisfied;** authorizing a debtor to bring a civil action against a collection agency that violates ~~[that]~~ **the** requirement ~~[;]~~ **to provide a payoff letter or a satisfaction letter to the debtor; revising the method by which a collection agency must notify a medical debtor before taking any action to collect a medical debt;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons who operate a collection agency or otherwise engage in the collection of claims for others in this State to obtain a license from the Commissioner of Financial Institutions and adhere to certain other requirements. (Chapter 649 of NRS) **Section 1** of this bill requires a collection agency to provide, without charge, a debtor with a **: (1)** payoff letter concerning a claim which is owed or asserted to be owed by the debtor not later than 10 **business** days after the debtor requests the payoff letter ~~[.]~~ **; and (2) satisfaction letter concerning a claim which is owed or asserted to be owed by the debtor not later than 5 business days after a claim has been satisfied.** **Section 1** defines the term **: (1)** "payoff letter" to mean a written communication from a collection agency ~~[stating, at minimum,]~~ **containing** the amount outstanding and required to be paid to satisfy a claim ~~[.]~~ **and certain other information relating to the claim; and (2) "satisfaction letter" to mean a written communication from a collection agency stating that a claim has been satisfied. Section 1 sets forth various requirements for the content and provision of a payoff letter or satisfaction letter and** authorizes a debtor aggrieved by a violation of the requirement to provide a payoff letter **or a satisfaction letter** to bring a civil action against the collection agency that committed the violation. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law requires a collection agency, not less than 60 days before taking any action to collect a medical debt, to send by registered or certified mail to the medical debtor written notification setting forth certain information. (NRS 649.366) Section 3 of this bill removes the requirement that the written notification be sent by mail that is registered or certified.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 649 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 4, a collection agency shall, without charge, provide a debtor with a payoff letter concerning a

claim which is owed or asserted to be owed by the debtor not later than 10 business days after the date on which the debtor requests the payoff letter.

2. A request made by a debtor for a payoff letter to be provided pursuant to subsection 1 must:

(a) Be in writing;

(b) Be provided to the collection agency by:

(1) Any method of mailing offered by the United States Postal Service or another mail delivery service that may provide evidence of mailing; or

(2) Electronic mail at an electronic mail address that the collection agency has:

(I) Used to communicate with the debtor;

(II) Provided in written correspondence with the debtor; or

(III) Made publicly available; and

(c) Contain, without limitation, the following information:

(1) The first and last name of the debtor;

(2) The account number associated with the claim which is owed or asserted to be owed by the debtor or any other information reasonably necessary for the collection agency to identify the claim;

(3) The mailing address of the debtor; and

(4) If the request is sent by electronic mail, the electronic mail address of the debtor.

3. A payoff letter provided to a debtor by a collection agency pursuant to subsection 1:

(a) Must contain, without limitation, the date on which the payoff letter is prepared and the following information concerning the claim which is owed or asserted to be owed by the debtor:

(1) The total amount required to satisfy the claim as of the date on which the payoff letter is prepared;

(2) The principal amount of the claim;

(3) The amount of interest and each fee or other charge included in the amount identified pursuant to subparagraph (1) that has accrued as of the date on which the payoff letter is prepared;

(4) The name of the creditor to whom the claim was originally owed or asserted to have been owed; and

(5) A method to calculate interest, fees or other charges accruing after the date on which the payoff letter is prepared to allow the debtor to reasonably determine the total amount required to satisfy the claim at a future date.

(b) Must not contain any estimate of the total amount required to satisfy the claim that is owed or asserted to be owed by the debtor as of any future date that is later than 60 days after the date on which the payoff letter is prepared.

4. A debtor is entitled to request, within any 180-day period, not more than three payoff letters concerning a single claim to be provided without charge pursuant to subsection 1. A collection agency may charge a debtor a

reasonable fee to provide any additional payoff letter concerning the claim in excess of that amount that is requested by the debtor within the 180-day period.

5. A collection agency shall, without charge, provide a debtor with a satisfaction letter concerning a claim that is owed or asserted to be owed by the debtor not later than 5 business days after the date on which the debtor satisfies the claim. The satisfaction letter must be:

(a) Written or printed on letterhead that identifies the collection agency; and

(b) Provided to the debtor by:

(1) A method of mailing offered by the United Stated Postal Service or another mail delivery service which may provide evidence of the mailing; and

(2) Electronic mail, if requested by the debtor.

6. In addition to any other remedies, a debtor aggrieved by a violation of subsection 1 or 5 may bring a civil action against the collection agency that committed the violation in any court of competent jurisdiction to seek any or all of the following relief:

(a) Declaratory and injunctive relief;

(b) Actual damages;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that a court deems appropriate.

[3.] 7. As used in this section [, "payoff"] :

(a) "Payoff letter" means a written communication from a collection agency [stating, at minimum,] containing the [amount outstanding and] information required [to be paid to satisfy a claim.] by subsection 3.

(b) "Satisfaction letter" means a written communication from a collection agency stating that a claim has been satisfied.

Sec. 2. NRS 649.171 is hereby amended to read as follows:

649.171 1. A person who is not licensed in this State as a collection agency may apply to the Commissioner for a certificate of registration as a foreign collection agency.

2. To be issued and to hold a certificate of registration as a foreign collection agency, a person:

(a) Must meet the qualifications to do business as a collection agency in this State;

(b) Must not have any employees or agents present in this State who engage in the collection of claims and must not maintain any business locations in this State as a collection agency;

(c) Must submit proof to the Commissioner, upon application and upon each annual renewal of the certificate of registration, that the person and his or her employees and agents will not, in this State:

(1) Engage in the business of soliciting the right to collect or receive payment for another of any claim;

(2) Respond to a bid, proposal or invitation for the right to collect or receive payment for another of any claim, unless the bid, proposal or invitation is for the collection of claims owed by residents of another state; or

(3) Advertise or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim;

(d) When collecting claims against debtors who are present in this State, must:

(1) Limit his or her activities and those of his or her employees and agents to interstate communications by telephone, mail or facsimile;

(2) Limit his or her activities and those of his or her employees and agents to the collection of claims from residents of this State on behalf of residents of another state; and

(3) Comply with the requirements of NRS 649.305 to 649.375, inclusive, ***and section 1 of this act*** with regard to his or her activities and those of his or her employees and agents;

(e) Must pay:

(1) A fee to apply for a certificate of registration of not less than $200 prorated on the basis of the registration year as determined by the Commissioner; and

(2) An annual renewal fee of not more than $200;

(f) Must deposit and maintain a bond or an appropriate substitute for the bond in the same manner as an applicant or licensee pursuant to NRS 649.105, 649.115 and 649.119;

(g) Must maintain the accounts, books and records of the collection agency in accordance with generally accepted accounting principles and in accordance with the requirements of subsection 1 of NRS 649.335; and

(h) Must pay any fees related to any examination of the accounts, books and records of the collection agency conducted by the Commissioner pursuant to subsection 5.

3. A certificate of registration issued pursuant to this section expires on December 31 of each year, unless it is renewed. To renew a certificate of registration, a foreign collection agency must submit to the Commissioner:

(a) An application for renewal which contains, without limitation, the information specified in paragraph (c) of subsection 2; and

(b) The renewal fee specified in subparagraph (2) of paragraph (e) of subsection 2.

4. If a foreign collection agency fails to submit any item required pursuant to subsection 3 to the Commissioner on or after November 1 and on or before December 31 of any year, the certificate of registration of the foreign collection agency is cancelled as of December 31 of that year. The Commissioner shall not reinstate a certificate of registration that has been cancelled pursuant to this subsection.

5. The Commissioner may conduct an annual examination and any additional examinations pursuant to NRS 649.335 of the accounts, books and

records of each person who holds a certificate of registration as a foreign collection agency.

6. The Commissioner may take disciplinary action pursuant to NRS 649.385, 649.390 and 649.395 against a person who holds a certificate of registration as a foreign collection agency for any act or omission that would be grounds for taking such disciplinary action under those sections.

7. The Commissioner shall adopt:

(a) Regulations establishing the amount of the fees required pursuant to this section; and

(b) Any other regulations as may be necessary to carry out the provisions of this section.

Sec. 3. **NRS 649.366 is hereby amended to read as follows:**

649.366 1. Not less than 60 days before taking any action to collect a medical debt, a collection agency shall send by ~~[registered or certified]~~ mail to the medical debtor written notification that sets forth:

(a) The name of the medical facility, provider of health care or provider of emergency medical services that provided the goods or services for which the medical debt is owed;

(b) The date on which those goods or services were provided; and

(c) The principal amount of the medical debt.

2. The written notification required by subsection 1 must:

(a) Identify the name of the collection agency; and

(b) Inform the medical debtor that, as applicable:

(1) The medical debt has been assigned to the collection agency for collection; or

(2) The collection agency has otherwise obtained the medical debt for collection.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 254.

AN ACT relating to governmental administration; creating the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund; revising the membership of the Board of Museums and History; requiring the Administrator of the Division of Museums and History of the Department of Tourism and Cultural Affairs to develop and maintain an Internet website related to institutions of the Division and ensure that the Internet website is accessible to persons ~~[who are blind or visually impaired;]~~ **with disabilities;** authorizing the Administrator to authorize or require a

museum director of an institution of the Division to establish certain procedures that enable the accessibility of the exhibits in the institution to persons who are blind or visually impaired; requiring the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to study during the 2023-2024 interim any issues that exist that limit the ability of persons with disabilities to access the institutions of the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Division of Museums and History of the Department of Tourism and Cultural Affairs, which consists of the Office of the Administrator and certain museums and historical societies which are established as institutions of the Division. (NRS 381.004) Existing law further sets forth various duties of the Administrator. (NRS 381.006, 381.0063) **Section 3** of this bill requires the Administrator to also: (1) develop and maintain an Internet website related to the institutions of the Division and ensure that the Internet website is accessible to persons **with disabilities, including, without limitation, persons** who are blind or visually impaired; and (2) consult with certain organizations regarding the accessibility of institutions of the Division to persons **with disabilities, including, without limitation, persons** who are blind or visually impaired. **Section 4** of this bill authorizes the Administrator to authorize or require a museum director of an institution of the Division to establish certain procedures that enable the accessibility of the exhibits in the institution for persons who are blind or visually impaired.

Section 1 of this bill creates the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund, to be administered by the Administrator. Money in the Account must be expended only to improve access at institutions of the Division for persons with disabilities, including, without limitation, persons who are blind or visually impaired.

Existing law creates the Board of Museums and History, which consists of twelve members, including five representatives of the general public who are knowledgeable about museums. (NRS 381.002) **Section 2** of this bill provides that one of the representatives of the general public must be a person who is knowledgeable about museums and has a disability**.** ~~[, including, without limitation, a person who is blind or visually impaired.]~~ **Section 6** of this bill clarifies that the provisions of **section 2** do not affect the term of any person who is a member of the Board on June 30, 2023.

Section 5 of this bill requires the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to study during the 2023-2024 interim any issues that exist which limit the ability of persons with disabilities, including, without limitation, persons who are blind or visually impaired, to access the institutions of the Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 381 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund. The Account shall be administered by the Administrator.

2. The money in the Account must be expended only to improve access at institutions of the Division that are established pursuant to NRS 381.004 for persons with disabilities, including, without limitation, persons who are blind or visually impaired.

3. The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account.

4. The interest and income earned on money in the Account from any gift, donation, bequest or appropriation, after deducting any applicable charges, must be credited to the Account.

5. Money from any gift, donation, bequest or appropriation that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 2. NRS 381.002 is hereby amended to read as follows:

381.002 1. The Board of Museums and History, consisting of twelve members appointed by the Governor, is hereby created.

2. The Governor shall appoint to the Board:

(a) Five representatives of the general public who are knowledgeable about museums ~~[.]~~ ***, one of whom must be a person with a disability*** ***. [, including, without limitation, a person who is blind or visually impaired.]***

(b) Six members representing the fields of history, prehistoric archeology, historical archeology, architectural history, and architecture with qualifications as defined by the Secretary of Interior's standards for historic preservation in the following fields:

(1) One member who is qualified in history;

(2) One member who is qualified in prehistoric archeology;

(3) One member who is qualified in historic archeology;

(4) One member who is qualified in architectural history;

(5) One member who is qualified as an architect; and

(6) One additional member who is qualified, as defined by the Secretary of Interior's standards for historic preservation, in any of the fields of expertise described in subparagraphs (1) to (5), inclusive.

(c) One member, after giving consideration to any recommendation of an enrolled member of a Nevada Indian tribe which is submitted by the Nevada Indian Commission, after consultation with the Inter-Tribal Council of Nevada, Inc., or its successor organization.

3. The Board shall elect a Chair and a Vice Chair from among its members at its first meeting of every even-numbered year. The terms of the Chair and Vice Chair are 2 years or until their successors are elected.

4. With respect to the functions of the Office of Historic Preservation, the Board may develop, review and approve policy for:

(a) Matters relating to the State Historic Preservation Plan;

(b) Nominations to the National Register of Historic Places and make a determination of eligibility for listing on the Register for each property nominated; and

(c) Nominations to the State Register of Historic Places and make determination of eligibility for listing on the Register for each property nominated.

5. With respect to the functions of the Division, the Board shall develop, review and make policy for investments, budgets, expenditures and general control of the Division's private and endowed dedicated trust funds pursuant to NRS 381.003 to 381.0037, inclusive.

6. In all other matters pertaining to the Office of Historic Preservation and the Division of Museums and History, the Board serves in an advisory capacity.

7. The Board may adopt such regulations as it deems necessary to carry out its powers and duties.

Sec. 2.5. **NRS 381.0031 is hereby amended to read as follows:**

381.0031 1. ~~[All]~~ ***Except as otherwise provided in subsection 5, all*** money and the proceeds from property received by the Division or any institution of the Division through any grant other than a grant of federal money, bequest or devise, and the proceeds from memberships, sales, interest and dividends from any sources other than appropriation by the Legislature, admission charges and sales of tickets for train rides, are private money and not state money. The Board shall establish a Division of Museums and History Dedicated Trust Fund. All private money must be accounted for in that Fund. No other money may be accounted for in that Fund.

2. Except as otherwise provided in this chapter, all of the money in the Dedicated Trust Fund must be deposited in a financial institution to draw interest or be expended, invested and reinvested pursuant to the specific instructions of the donor, or, where no such specific instructions exist, in the sound discretion of the Board. The provisions of subsections 3 and 4 of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. The Board shall account separately for the portions of the private money received by each institution of the Division but may combine all or any portion of the private money for the purposes of investment and reinvestment.

4. The Board shall adopt an investment policy for the private money.

5. The provisions of this section do not apply to any money received for deposit in the Account for Improving Access to State Museums for Persons with Disabilities created by section 1 of this act.

Sec. 3. NRS 381.006 is hereby amended to read as follows:

381.006 ***1.*** For the property and facilities of the Division, the Administrator:

~~[1.]~~ ***(a)*** Is responsible to the Director for the general administration of the Division and its institutions and for the submission of its budgets, which must include the combined budgets of its institutions.

~~[2.]~~ ***(b)*** Shall supervise the museum directors of its institutions in matters pertaining to the general administration of the institutions.

~~[3.]~~ ***(c)*** Shall coordinate the submission of requests by its institutions for assistance from governmental sources.

~~[4.]~~ ***(d)*** Shall oversee the public relations of its institutions.

~~[5.]~~ ***(e)*** Shall superintend the planning and development of any new facilities for the Division or its institutions.

~~[6.]~~ ***(f)*** Shall assist the efforts of its institutions in improving their services to the rural counties.

~~[7.]~~ ***(g)*** Shall supervise the facilities for storage which are jointly owned or used by any of its institutions.

~~[8.]~~ ***(h)*** Shall trade, exchange and transfer exhibits and equipment when the Administrator considers it proper and the transactions are not sales.

~~[9.]~~ ***(i)*** May contract with any person to provide concessions on the grounds of the property and facilities of the Division, provided that any contract permitting control of real property of the Division by a nongovernmental entity must be executed as a lease pursuant to NRS 321.003, 321.335, 322.050, 322.060 and 322.070.

~~[10.]~~ ***(j)*** Shall oversee the supervision, control, management and operation of any buildings or properties in this State that are under the control of the Division.

~~[11.]~~ ***(k)*** Shall supervise the furnishing, remodeling, repairing, alteration and erection of premises and buildings of the Division or premises and buildings that may be conveyed or made available to the Division.

2. In addition to the duties set forth in subsection 1, the Administrator shall:

(a) Develop and maintain an Internet website related to the museums and historical societies established as institutions of the Division pursuant to NRS 381.004 and ensure that the Internet website is accessible to persons with disabilities, including, without limitation, persons who are blind or visually impaired.

(b) Consult with organizations that are dedicated to the welfare of persons with disabilities, including, without limitation, persons who are blind or visually impaired . ~~[, including,]~~ Such organizations may include, without limitation, the American Council of the Blind and the National Federation of the Blind, regarding the accessibility of institutions of the Division that are established pursuant to NRS 381.004 to persons who are blind or visually impaired.

Sec. 4. NRS 381.0063 is hereby amended to read as follows:

381.0063 1. The Administrator shall, in accordance with any directive received from the Director pursuant to NRS 232.005, authorize or require each museum director to perform such duties set forth in subsections 2 and 3 as are necessary for the operation of the institution administered by the museum director, after giving consideration to:

(a) The size and complexity of the programs the museum director is required to administer;

(b) The number of personnel needed to carry out those programs;

(c) Requirements for accreditation; and

(d) Such other factors as are relevant to the needs of the institution and the Division.

2. The Administrator may authorize or require a museum director to:

(a) Oversee duties related to the auditing and approval of all bills, claims and accounts of the institution administered by the museum director.

(b) Receive, collect, exchange, preserve, house, care for, document, interpret, display and exhibit, particularly, but not exclusively, respecting the State of Nevada:

(1) Samples of the useful and fine arts, sciences and industries, relics, memorabilia, products, works, records, rare and valuable articles and objects, including, without limitation, drawings, etchings, lithographs, photographs, paintings, statuary, sculpture, fabrics, furniture, implements, machines, geological and mineral specimens, precious, semiprecious and commercial minerals, metals, earths, gems and stones.

(2) Books, papers, records and documents of historic, artistic, literary or industrial value or interest by reason of rarity, representative character or otherwise.

(c) Collect, gather and prepare the natural history of Nevada and the Great Basin.

(d) Establish such programs in history, archeology, anthropology, paleontology, mineralogy, ethnology, ornithology and such other programs as in the judgment of the Board and Administrator may be proper and necessary to carry out the objects and purposes appropriate to the institution administered by the museum director.

(e) Receive and collect property from any appropriate agency of the State of Nevada, or from accessions, gifts, exchanges, loans or purchases from any other agencies, persons or sources.

(f) House and preserve, care for and display or exhibit property received by an institution. This paragraph does not prevent the permanent or temporary retention, placement, housing or exhibition of a portion of the property in other places or locations in or outside of the State at the sole discretion of the Board.

(g) Make and obtain plans and specifications and let and supervise contracts for work or have the work done on force account or day labor, supplying material or labor, or otherwise.

(h) Receive, accept and obtain by exchange in the name of the State of Nevada all property loaned to the institution administered by the museum director for preservation, care, display or exhibit, or decline and reject the property in his or her discretion, and undertake to be responsible for all property loaned to the institution or make just payment of any reasonable costs or rentals therefor.

(i) Apply for and expend all gifts and grants that the institution administered by the museum director is authorized to accept in accordance with the terms and conditions of the gift or grant.

(j) Govern, manage and control the exhibit and display of all property and things of the institution administered by the museum director at other exhibits, expositions, world's fairs and places of public or private exhibition. Any property of the State of Nevada that may be placed on display or on exhibition at any world's fair or exposition must be taken into custody by the Administrator at the conclusion of the world's fair or exposition and placed and kept in the institution, subject to being removed and again exhibited at the discretion of the Administrator or a person designated by the Administrator.

(k) Negotiate and consult with and agree with other institutions, departments, officers and persons or corporations of and in the State of Nevada and elsewhere respecting quarters for and the preservation, care, transportation, storage, custody, documentation, interpretation, display and exhibit of articles and things controlled by the institutions and respecting the terms and cost, the manner, time, place and extent, and the return thereof.

(l) Trade, exchange and transfer exhibits and duplicates when the Administrator deems it proper. Such transactions shall not be deemed sales.

(m) Establish the qualifications for life, honorary, annual, sustaining and such other memberships as are established by the Board pursuant to NRS 381.0045.

(n) Adopt rules for the internal operations of the institution administered by the museum director, including, without limitation, the operation of equipment of the institution.

(o) Establish procedures that enable the accessibility of the exhibits in an institution administered by the museum director for persons who are blind or visually impaired, including, without limitation, by providing audio guides, audio descriptive displays, tactile displays and experiences, dedicated tours for persons who are blind or visually impaired, Braille signage and descriptions, temporary lighting and adapted educational classes.

3. The Administrator shall require a museum director to serve as, or to designate an employee to serve as, ex officio State Paleontologist. The State Paleontologist shall, within the limits of available time, money and staff:

(a) Systematically inventory the paleontological resources within the State of Nevada;

(b) Compile a database of fossil resources within this State;

(c) Coordinate and promote paleontological research activities within this State, including, without limitation, regulating and issuing permits to engage in such activities;

(d) Disseminate and assist other persons in disseminating information gained from research conducted by the State Paleontologist; and

(e) Display and promote, and assist other persons in displaying and promoting, the paleontological resources of this State to enhance education, culture and tourism within this State.

4. The enumeration of the powers and duties that may be assigned to a museum director pursuant to this section is not exclusive of other general objects and purposes appropriate to a public museum.

5. The provisions of this section do not prohibit the Administrator from making such administrative and organizational changes as are necessary for the efficient operation of the Division and its institutions and to ensure that an institution properly carries out the duties and responsibilities assigned to that institution.

Sec. 5. 1. The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 shall study during the 2023-2024 interim any issues that exist which limit the ability of persons with disabilities, including, without limitation, persons who are blind or visually impaired, to access the museums and historical societies established as institutions of the Division of Museums and History of the Department of Tourism and Cultural Affairs pursuant to NRS 381.004.

2. In the report required pursuant to subsection 3 of NRS 218E.760, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs shall set forth any recommended legislation for improving the accessibility of the museums and historical societies established as institutions of the Division of Museums and History of the Department of Tourism and Cultural Affairs pursuant to NRS 381.004 to persons with disabilities, including, without limitation, persons who are blind or visually impaired.

Sec. 6. The provisions of NRS 381.002, as amended by section 2 of this act, do not apply to the existing terms of members of the Board of Museums and History who were appointed to the Board pursuant to paragraph (a) of subsection 2 of NRS 381.002, as that section existed on June 30, 2023.

Sec. 7. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 145.

AN ACT relating to education; **revising the requirements to receive approval from the State Board of Education to offer a work-based learning program;** requiring the Department of Education to adopt regulations prescribing a method for the board of trustees of a school district to determine whether the employment and supervision of a pupil in a work-based learning program is appropriate; ~~[requiring]~~ **authorizing the board of trustees of a school district to exempt** certain volunteers participating in a work-based learning program ~~[to be exempted]~~ from submitting fingerprints for the purpose of a criminal background check; deeming certain employees of a business, agency or organization that participates in a work-based learning program not to be volunteers at a school **;** ~~[for the purposes of certain fingerprinting requirements;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each volunteer at a public school, including a charter school or university school for profoundly gifted pupils, and a private school who is likely to have unsupervised contact with pupils to submit his or her fingerprints to the governing body of a charter school or university school for profoundly gifted pupils, the administrator of the private school or the board of trustees of the school district, as applicable, for the purposes of a criminal background check before beginning his or her service as a volunteer and at least once every 5 years thereafter. (NRS 388A.515, 388C.200, 391.104, 394.155) Existing law defines the term "volunteer" to mean any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by the school during or outside of school hours. (NRS 388A.510, 388C.190, 391.1035, 394.154)

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon application to and with the approval of the State Board of Education. **Under existing law, a work-based learning program must include certain requirements to receive approval from the State Board to offer a work-based learning program.** (NRS 389.167) **Section 1.5 of this bill requires a work-based learning program to additionally include a requirement that each pupil participating in the work-based learning program complete training on: (1) identifying and reporting harassment in the workplace; and (2) developing and maintaining healthy relationships in the workplace.**

Section 2 of this bill requires the Department of Education to prescribe by regulation a method for the board of trustees of a school district to: (1) examine a business, agency or organization seeking to participate in a work-based learning program; and (2) determine if the employment and supervision of a pupil by the business, agency or organization would be appropriate. If the board of trustees of a school district determines the employment and supervision of a pupil in a work-based learning program by the business,

agency or organization is appropriate, **section 2** ~~[exempts]~~ **authorizes a board of trustees of a school district to exempt** a volunteer employed by the business, agency or organization from submitting his or her fingerprints for the purposes of a criminal background check. **Section 5** of this bill makes a conforming change to specifically exempt such a volunteer from submitting his or her fingerprints for the purposes of a criminal background check. **Section 3** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Sections 1 and 4 of this bill revise the definition of the term "volunteer" for the purposes of public schools to exclude an employee of a business, agency or organization that participates in a work-based learning program, other than an employee who directly oversees the participation of a pupil in the work-based learning program **.** ~~[, thereby excluding such an employee from the requirement to submit his or her fingerprints for the purposes of a criminal background check.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388A.510 is hereby amended to read as follows:

388A.510 "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a charter school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of any overnight trip.

2. Does not include ~~[a]~~ ***:***

(a) A student who is enrolled at an institution of higher education and is:

~~[(a)]~~ ***(1)*** Taking a course which requires the student to be present in the classroom of the charter school on a limited basis to observe and to be observed in the classroom; and

~~[(b)]~~ ***(2)*** Under direct supervision of a teacher or his or her professor at all times while in the classroom.

(b) An employee of a business, agency or organization that participates in a work-based learning program pursuant to NRS 389.167, other than an employee who directly oversees the participation of a pupil in the work-based learning program.

Sec. 1.5. **NRS 389.167 is hereby amended to read as follows:**

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to

and with the approval of the State Board. An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the State Board of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

(a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.

(b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the State Board to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

(a) A detailed training agreement and training plan be completed for each pupil participating in the work-based learning program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program; ~~[and]~~

(c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway~~.~~ ~~[.]~~ ***; and***

(d) Training be completed by each pupil participating in the work-based learning program on:

(1) Identifying and reporting harassment in the workplace; and

(2) Developing and maintaining healthy relationships in the workplace.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:

(a) The number of pupils participating in the work-based learning program; and

(b) The types of work-based learning offered through the work-based learning program.

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall prescribe by regulation a method for the board of trustees of a school district to determine if a business, agency or organization that is seeking to employ and supervise a pupil as a part of a work-based learning program pursuant to NRS 389.167 should be subject to the provisions of NRS 391.104 requiring a volunteer who is likely to have unsupervised contact with pupils to submit his or her fingerprints for an investigation into the criminal background of the volunteer.

2. The method prescribed by the Department pursuant to subsection 1 must include, without limitation, a process outlining how the board of trustees of a school district shall:

(a) Examine a business, agency or organization seeking to participate in a work-based learning program pursuant to NRS 389.167; and

(b) Determine if the employment and supervision of a pupil in the work-based learning program by the business, agency or organization examined pursuant to paragraph (a) would be appropriate for the pupil.

3. If the board of trustees of a school district determines the employment of a pupil in a work-based learning program pursuant to this section is appropriate for the pupil pursuant to subsection 2, the board of trustees may exempt any volunteers employed by the business, agency or organization [are exempt] from the requirements of NRS 391.104 requiring a volunteer

who is likely to have unsupervised contact with pupils to submit his or her fingerprints for an investigation into the criminal background of the volunteer.

Sec. 3. NRS 391.1025 is hereby amended to read as follows:

391.1025 As used in NRS 391.1025 to 391.106, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 391.103 and 391.1035 have the meanings ascribed to them in those sections.

Sec. 4. NRS 391.1035 is hereby amended to read as follows:

391.1035 "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a public school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of an overnight trip.

2. Does not include ~~[(a)]~~ ***:***

(a) A student who is enrolled at an institution of higher education and is:

~~[(a)]~~ ***(1)*** Taking a course which requires the student to be present in the classroom of the public school on a limited basis to observe and to be observed in the classroom; and

~~[(b)]~~ ***(2)*** Under direct supervision of a teacher or his or her professor at all times while in the classroom.

(b) An employee of a business, agency or organization that participates in a work-based learning program pursuant to NRS 389.167, other than an employee who directly oversees the participation of a pupil in the work-based learning program.

Sec. 5. NRS 391.104 is hereby amended to read as follows:

391.104 1. Except as otherwise provided in NRS 391.105 ~~[.]~~ ***and section 2 of this act,*** each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 and NRS 391.105.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 or NRS 391.105.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Section 2 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

3. Sections 1, **1.5,** 3, 4 and 5 of this act become effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 394.

AN ACT relating to forensic medical examinations; requiring the county in whose jurisdiction a domestic violence battery by strangulation is committed to pay the costs of a strangulation forensic medical examination of the victim; authorizing a county to be reimbursed for such costs ~~[.]~~ **, to the extent that money is available from legislative appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a county in whose jurisdiction a sexual assault is committed to pay for the costs of a forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim. (NRS 217.300) **Section 1** of this bill similarly: (1) requires a county in whose jurisdiction a domestic violence battery by strangulation was committed to pay for the costs of a strangulation forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim.

~~[Existing law authorizes a compensation officer of the Department of Administration to order the payment of compensation from the Fund for the Compensation of Victims of Crime to or for the benefit of victims of certain crimes or to certain other specified persons. (NRS 217.033, 217.160, 217.260) Section 2 of this bill additionally authorizes a compensation officer to order the payment of compensation to a county for the reimbursement of costs associated with conducting a strangulation forensic medical examination of a victim of domestic violence battery by strangulation that are paid by the county pursuant to section 1.]~~ **Section 1 additionally provides that a county which pays such costs may receive reimbursement from the State, to the extent that money is available for that purpose from legislative appropriation.**

Section 3 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The county in whose jurisdiction a domestic violence battery by strangulation is committed shall pay any costs incurred by a hospital for a strangulation forensic medical examination of the victim.

2. Any costs incurred pursuant to subsection 1:

(a) Must not be charged directly to the victim.

(b) Must be charged to the county in whose jurisdiction the offense was committed.

3. A county which pays costs related to a strangulation forensic medical examination pursuant to subsection 1 may, to the extent that money is available for that purpose from legislative appropriation, receive reimbursement from the State.

4. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a strangulation forensic medical examination pursuant to this section.

5. Nothing in this section shall be construed to prohibit the use of evidence obtained from a strangulation forensic medical examination during the investigation or prosecution of a person for domestic violence battery by strangulation.

~~*[4.]*~~ ***6. As used in this section:***

(a) "Domestic violence battery by strangulation" means a battery which constitutes domestic violence pursuant to NRS 33.018 that is committed by strangulation as described in NRS 200.481.

(b) "Strangulation forensic medical examination" means an examination conducted by a health care provider ~~[to obtain evidence from]~~ for the purpose of assessing the health care needs of a victim of a domestic violence battery by strangulation ~~[.]~~ and coordinating the treatment of any injuries of the victim.

Sec. 2. ~~[NRS 217.160 is hereby amended to read as follows:~~

~~217.160 1. The compensation officer may order the payment of compensation:~~

~~(a) To or for the benefit of the victim.~~

~~(b) If the victim has suffered personal injury, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury.~~

~~(c) If the victim dies, to or for the benefit of any one or more of the dependents of the victim.~~

~~(d) To a minor who is a member of the household or immediate family of a victim of a battery which constitutes domestic violence pursuant to NRS 33.018 who needs an assessment, a psychological evaluation or psychological~~

~~counseling for emotional trauma suffered by the minor as a result of the battery.~~

~~(e) To a member of the victim's household or immediate family for psychological counseling for emotional trauma suffered by the member as a result of the crime of murder as defined in NRS 200.010.~~

~~(f) To a county in whose jurisdiction a sexual assault was committed for the reimbursement of costs associated with a forensic medical examination of a victim of sexual assault that are paid by the county pursuant to NRS 217.300. A county may be reimbursed pursuant to this paragraph in an amount equal to the cost of 10 forensic medical examinations or $10,000, whichever is less, each fiscal year.~~

~~***(g) To a county in whose jurisdiction a domestic violence battery by strangulation was committed for the reimbursement of costs associated with conducting a strangulation forensic medical examination of a victim of domestic violence battery by strangulation that are paid by the county pursuant to section 1 of this act.***~~

~~2. As used in this section:~~

~~(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.~~

~~(b) ***"Domestic violence battery by strangulation" has the meaning ascribed to it in section 1 of this act.***~~

~~***(c)*** "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.~~

~~**[**(c)**]** ***(d)*** "Household" means an association of persons who live in the same home or dwelling and who:~~

~~(1) Have significant personal ties to the victim; or~~

~~(2) Are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.~~

~~**[**(d)**]** ***(e)*** "Immediate family" means persons who are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.~~

~~**[**(e)**]** ***(f) "Strangulation forensic medical examination" has the meaning ascribed to it in section 1 of this act.***~~

~~***(g)*** "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.~~**]** **(Deleted by amendment.)**

Sec. 3. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incapacitated person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. "Victim of human trafficking" means a person who is a victim of:

(a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

(b) A violation of any provision of NRS 200.465.

(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

(d) Sex trafficking in violation of any provision of NRS 201.300.

(e) A violation of NRS 201.320 or 201.395.

8. "Victim of sexual assault" and "victim of sexual violence" mean a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 177.

AN ACT relating to disabilities; requiring a provider of jobs and day training services to develop a plan to transition persons earning less than the state minimum wage to earning at least the state minimum wage or pursuing other services and assisting such persons to participate in certain activities; requiring a provider of jobs and day training services to submit a report relating to such a plan to the Aging and Disability Services Division of the Department of Health and Human Services; authorizing a recipient of jobs and day training services to have an advocate present at certain meetings; prohibiting any person from paying less than the state minimum wage to a person with an intellectual disability or developmental disability after a certain date; providing for the inclusion ~~[in the State Plan for]~~ **under** Medicaid **of** certain services to assist such a person in pursuing competitive integrated employment; requiring the Department to seek a waiver of certain federal requirements governing the compensation of a recipient of prevocational services under Medicaid; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state and federal law authorize a provider of jobs and day training services to enter into a contract or other arrangement with an employer to provide for the employment of a person with an intellectual disability or person with a developmental disability for less than the state minimum wage if: (1) the person was employed on July 22, 2016, and the employer holds a federal certification authorizing the employer to pay less than the state minimum wage; or (2) before the person began employment, the person received certain employment-related services and applied for federal vocational rehabilitation services. (29 U.S.C. § 794g; NRS 435.305) Existing federal law authorizes an employer to request a special certificate to employ a person impaired by age, physical or mental deficiency or injury at wages less than minimum wage. (29 U.S.C. § 214(c))

Section 8 of this bill prohibits a provider of jobs and day training services from entering into a contract that provides for a recipient of jobs and day training services to receive a wage that is less than the state minimum wage on or after January 1, ~~[2024.]~~ **2025.** **Sections 6 and 7** of this bill make conforming changes to remove references to such contracts. **Sections 9, 13 and 14** of this

bill prohibit the payment of a wage that is less than the state minimum wage to a recipient of jobs and day training services on or after January 1, 2028. **Section 12** of this bill prohibits a person from employing a person under a special certificate at less than minimum wage on or after that date. **Section 3** of this bill requires a provider of jobs and day training services that ~~[has entered into a contract or other arrangement that provides for a recipient of such services to receive a wage that is less than the state minimum wage]~~ **holds a special certificate** to annually submit to the Aging and Disability Services Division of the Department of Health and Human Services for approval a plan to: (1) transition the recipient earning less than the state minimum wage to earning at least the state minimum wage by January 1, 2028, or in obtaining competitive integrated employment, supported employment or community activities related to the goals of the person; and (2) assist the recipient in participating in unpaid activities that are not related to employment. **Section 3** requires the plan submitted by a provider of jobs and day training services to be accompanied by a report that includes ~~[: (1)]~~ certain benchmarks showing the progress the provider is making toward transitioning a recipient of jobs and day training services who is earning less than the state minimum wage to earning at least the state minimum wage **.** ~~[; and (2) data relating to the plan.]~~

Section 4 of this bill: (1) authorizes a person with a disability who is earning less than the state minimum wage to choose a person to advocate on his or her behalf at any meeting concerning employment with his or her employer or a member of the staff of a provider of jobs and day training services; and (2) requires the Division **, upon the request of such a person,** to assist ~~[such a]~~ **the** person in finding such an advocate. **Section 2** of this bill defines the term "competitive integrated employment" and **sections 5, 8 and 9** of this bill make conforming changes to indicate the proper placement of **sections 2-4** in the Nevada Revised Statutes.

Federal law authorizes states to receive federal financial participation to support the provision of certain home and community-based services, including habilitation services, for recipients of Medicaid who are elderly or disabled. (42 U.SC. § 1396n(i)) Existing law requires the Department to apply to the Secretary of Health and Human Services for a waiver that provides such federal authorization. (NRS 422.396) **Section 11** of this bill requires the Department to amend its waiver to: (1) include as medical assistance under ~~[the State Plan for]~~ Medicaid certain habilitation services that are designed to provide persons assistance in pursuing competitive integrated employment; and (2) authorize the compensation of a recipient of Medicaid who is receiving prevocational services at a rate equal to or greater than the state minimum wage. **Section 11** also requires the Department to adopt necessary regulations to carry out the provisions of **section 11**. **Section 10** of this bill makes a conforming change to indicate the proper placement of **section 11** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 435 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705(5).***

Sec. 3. ***1. On or before January 1 of each year, a provider of jobs and day training services that*** ~~***[has entered into a contract or other arrangement pursuant to subsection 1 of NRS 435.305 to provide for the employment of a person under 25 years of age under which the person will be paid]***~~ ***holds a valid certificate issued pursuant to 29 U.S.C. § 214(c) authorizing the provider of jobs and day training services to pay less than the state minimum wage in effect on that date***

shall submit to the Division for its approval a plan detailing the manner in which the provider of jobs and day training services will:

(a) Transition such persons from earning less than the state minimum wage to earning at least the state minimum wage by January 1, 2028, or support such persons in obtaining competitive integrated employment, supported employment or community activities related to the goals of the persons; and

(b) Assist such persons to participate in unpaid activities that are not related to employment.

2. A plan submitted pursuant to subsection 1 must be informed by evidence-based practices and models for providing effective employment and align with any applicable federal laws and regulations. Such a plan must be accompanied by a report that contains ~~***[:***~~

~~***(a) For]***~~ ***for each person who is earning less than the state minimum wage*** ~~***[pursuant to]***~~ ***under a*** ~~***[contract or other arrangement entered into pursuant to subsection 1 of NRS 435.305,]***~~ ***valid certificate issued pursuant to 29 U.S.C. § 214(c), measurable benchmarks to show the progress the provider of jobs and day training services is making toward:***

~~***[(1)]***~~ ***(a) Transitioning the person to earning at least the state minimum wage or supporting the person in pursuing competitive integrated employment, supported employment or community activities related to the goals of the person; and***

~~***[(2)]***~~ ***(b) Assisting the person to participate in unpaid activities that are not related to employment.*** ~~***[;***~~

~~***(b) The number of active contracts or other arrangements the provider of jobs and day training services has entered into pursuant to subsection 1 of NRS 435.305;***~~

~~***(c) The number of persons currently earning less than the state minimum wage pursuant to a contract or other arrangement entered into by the provider of jobs and day training services pursuant to subsection 1 of NRS 435.305;***~~

~~*(d) The number of hours per week worked by each person described in paragraph (c) and the hourly wage currently paid to each such person;*~~

~~*(e) The number of persons who met the criteria specified in paragraph (c) when the pervious plan was submitted pursuant to this section and have, in the time period after the plan was submitted:*~~

~~*(1) Begun to earn at least the state minimum wage;*~~

~~*(2) Resigned their employment with an employer to pursue employment with a different employer;*~~

~~*(3) Begun to receive services from a different provider of jobs and day training services;*~~

~~*(4) Transitioned to competitive integrated employment;*~~

~~*(5) Transitioned to supported employment that is not competitive integrated employment;*~~

~~*(6) Transitioned to another community activity related to the goals of the person; or*~~

~~*(7) Participated in unpaid activities that are not related to employment.]*~~

3. If the Division determines that a plan submitted pursuant to this section does not meet the requirements of this section or will not make adequate progress towards the goals prescribed by subsection 1, the Division shall require the provider of jobs and day training services to submit a revised plan.

4. ~~[The Division shall compile the data submitted pursuant to subsection 1 and make the data available to the public on an Internet website of the Division.~~

~~5.]~~ The Division may adopt any regulations necessary to carry out the provisions of this section and section 4 of this act.

~~[6.]~~ 5. As used in this section, "supported employment" has the meaning ascribed to it in 29 U.S.C. § 705(38).

Sec. 4. ***1. A person with an intellectual disability or person with a developmental disability who is earning less than the state minimum wage ~~[pursuant to]~~ under a ~~[contract or other arrangement described in subsection 1 of NRS 435.305,]~~ valid certificate issued pursuant to 29 U.S.C. § 214(c) may choose a person, including, without limitation, his or her case manager, parent or legal guardian, to advocate on his or her behalf at any meeting concerning the employment with his or her employer or a member of the staff of the provider of jobs and day training services.***

2. ~~[The Division shall notify each person with an intellectual disability or person with a developmental disability who is earning less than the state minimum wage pursuant to a contract or other arrangement described in subsection 1 of NRS 435.305 of the provisions of subsection 1.]~~ Upon request ~~[,]~~ of a person with an intellectual disability or person with a developmental disability, the Division shall assist the person in finding an independent advocate to perform the functions described in subsection 1.

Sec. 5. NRS 435.140 is hereby amended to read as follows:

435.140 As used in NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 435.172, 435.176 and 435.179 ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 435.220 is hereby amended to read as follows:

435.220 1. The Administrator shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual disabilities or persons with developmental disabilities with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that ~~[~~**:**
~~(a) Is]~~ ***is*** comparable to employment of persons without intellectual disabilities or persons without developmental disabilities **.** ~~[; and~~
~~(b) Pays at or above the minimum wage set forth in NRS 608.250.]~~

Sec. 7. NRS 435.225 is hereby amended to read as follows:

435.225 1. A partnership, firm, corporation or association, including, without limitation, a nonprofit organization, or a state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual disabilities or persons with developmental disabilities with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that ~~[~~**:**
~~(a) Is]~~ ***is*** comparable to employment of persons without intellectual disabilities or persons without developmental disabilities **.** ~~[; and~~

~~(b) Pays at or above the minimum wage set forth in NRS 608.250.~~]

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

Sec. 8. NRS 435.305 is hereby amended to read as follows:

435.305 1. Except as otherwise provided in subsection 3, a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** may enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age under which the person will be paid less than the state minimum wage if the person was ~~[employed]~~ ***:***

(a) Employed on July 22, 2016, by an entity that holds a valid certificate pursuant to 29 U.S.C. § 214(c) ***;*** or ~~[.]~~

(b) ~~*[The person was employed before January 1, 2024, and,* before]~~ ***Before*** beginning such employment, the person has:

~~[(a)]~~ ***(1)*** Received preemployment transition services available under the provisions of 29 U.S.C. § 733 or transition services under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

~~[(b)]~~ ***(2)*** Received career counseling, information and referrals to federal and state programs and other resources in the geographic area in which the person resides that offer services and supports that are designed to enable the person to attain competitive integrated employment and meet the requirements of subsection 2; and

~~[(c)]~~ ***(3)*** Applied for vocational rehabilitation services under the provisions of 29 U.S.C. §§ 720 to 751, inclusive, and been found:

~~[(1)]~~ ***(I)*** Ineligible for such services; or

~~[(2)]~~ ***(II)*** Eligible for such services and ~~[:~~

~~(I) Has~~] ***has*** an individualized plan for employment pursuant to 29 U.S.C. § 722 ~~[;~~

~~(II) Has~~] ***, has*** been working, with appropriate supports and services, toward an employment outcome specified in that plan without success ~~[;]~~ and

~~[(III) The~~] ***the*** person's vocational rehabilitation case has been closed.

2. Counseling, information, referrals, services and supports provided pursuant to ***subparagraph (2) of*** paragraph (b) of subsection 1 must not be provided to a person for the purpose of obtaining employment compensated at less than the state minimum wage.

3. A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** shall not enter into a contract or other arrangement described in subsection 1 ~~[with:~~

~~*(a) With* a local educational agency.~~ ***; or***

~~*(b) On]* on or after January 1, [2024,]* 2025.**

4. Except as otherwise provided in subsection 5, if a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** enters into a contract or other arrangement described in subsection 1:

(a) The Division shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, provide the person employed pursuant to the arrangement with career counseling, information and referrals as described in ***subparagraph (2) of*** paragraph (b) of subsection 1 in a manner that facilitates independent decisions and informed choice; and

(b) The employer of the person shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, inform the person of opportunities in the geographic area in which the person resides to receive training concerning self-advocacy, self-determination and peer mentoring that is provided by a person or entity that does not have a financial interest in the employment outcome of the person.

5. If a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** enters into a contract or other arrangement described in subsection 1 with a business with fewer than 15 employees, the business may satisfy the requirements of subsection 4 by referring a person employed pursuant to the arrangement to the Division for the services described in that subsection at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment.

6. The Division, in consultation with the Department of Education, shall adopt regulations prescribing the manner in which compliance with the requirements of subsections 1 and 4 may be documented.

7. An employer who employs a person pursuant to a contract or other arrangement described in subsection 1 shall:

(a) Before the employment begins, verify that the person meets the requirements of subsection 1 by reviewing the documentation prescribed for that purpose pursuant to subsection 6;

(b) For the duration of the employment:

(1) Verify that the person has received the services required by subsection 4 by reviewing the documentation prescribed for that purpose pursuant to subsection 6; and

(2) Maintain on file a copy of the documentation reviewed pursuant to subparagraph (1) and paragraph (a).

8. The Division may inspect the documentation maintained pursuant to subparagraph (2) of paragraph (b) of subsection 7 as necessary to ensure compliance with the requirements of this section.

~~[9. As used in this section:~~

~~(a) "Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705.~~

~~(b) "Local~~***~~, "local~~*** ~~educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(19).]~~

Sec. 9. NRS 435.310 is hereby amended to read as follows:

435.310 A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive ~~[:]~~ ***, and sections 2, 3 and 4 of this act:***

1. Except as otherwise provided in subsection 2, may enter into contracts with authorized county and school officials and public and private agencies to give care and training to persons with intellectual disabilities or persons with developmental disabilities who would also qualify for care or training programs offered by the public schools or by county welfare programs.

2. ~~[Except as otherwise provided in NRS 435.305, shall]~~ ***Shall*** not enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person ~~[under 25 years of age]~~ where the person will be paid less than the state minimum wage.

Sec. 10. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 11 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 11. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall apply to the Secretary of Health and Human Services to amend its home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n. The waiver must be amended, in addition to providing coverage for any home and community-based service which the waiver covers on January 1, ~~[2024,]~~ 2025, to authorize:

(a) The Department to include as medical assistance under Medicaid the funding of habilitation services designed to provide persons with intellectual disabilities or persons with developmental disabilities assistance in pursuing competitive integrated employment, including, without limitation:

(1) Benefit counseling to assist a person with an intellectual disability or person with a developmental disability in earning a higher income while retaining any benefits or services that the person may be receiving.

(2) Job coaching and job development. To the extent authorized by the Federal Government, the services described in this subparagraph must not be subject to authorization limits.

(b) The compensation of a recipient of ~~[Medicaid]~~ services under the waiver described in subsection 1 who is receiving prevocational services at a rate equal to or greater than the state minimum wage ~~[.]~~ , including, without limitation, by waiving the requirement prescribed by 42 C.F.R. § 440.180(c)(2)(i)(B) that a person receiving prevocational services be compensated at less than 50 percent of the minimum wage.

2. The Department shall:

(a) Cooperate with the Federal Government in amending the waiver pursuant to this section;

(b) If the Federal Government approves the amendments to the waiver, adopt regulations necessary to carry out the provisions of this section, including, without limitation, the criteria to be used in determining eligibility for the habilitation services designed to provide assistance to persons pursuing competitive integrated employment pursuant to subsection 1; and

(c) Implement the amendments to the waiver only to the extent that the amendments are approved by the Federal Government.

3. As used in this section, "competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705(5).

Sec. 12. NRS 608.250 is hereby amended to read as follows:

608.250 1. Each employer shall pay to each employee of the employer a wage of not less than:

(a) Beginning July 1, 2019:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $7.25 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.25 per hour worked.

(b) Beginning July 1, 2020:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.00 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.00 per hour worked.

(c) Beginning July 1, 2021:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.75 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.75 per hour worked.

(d) Beginning July 1, 2022:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.50 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $10.50 per hour worked.

(e) Beginning July 1, 2023:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $10.25 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $11.25 per hour worked.

(f) Beginning July 1, 2024:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $11.00 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $12.00 per hour worked.

2. It is unlawful for any person ***, including, without limitation, a person who employs a person under a special certificate issued pursuant to 29 U.S.C. § 214(c),*** to employ, cause to be employed or permit to be employed, or to contract with, cause to be contracted with or permit to be contracted with, any person for a wage less than that established by this section.

Sec. 13. 1. Any contract or other arrangement entered into pursuant to NRS 435.305 between a provider of jobs and day training services and a person or governmental entity that provides for the employment of a person under which the person will be paid less than the state minimum wage must expire or terminate on or before December 31, 2027.

2. As used in this section, "jobs and day training services" has the meaning ascribed to it in NRS 435.176.

Sec. 14. NRS 435.305 is hereby repealed.

Sec. 15. 1. This section and section 13 of this act become effective upon passage and approval.

2. Sections 1 to 8, inclusive, 10 and 11 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[~~October~~]~~ **January** 1, ~~[~~2024,~~]~~ **2025,** for all other purposes.

3. Sections 9, 12 and 14 of this act become effective on January 1, 2028.

4. Sections 2, 3 and 4 of this act expire by limitation on December 31, 2027.

~~[~~TEXT~~]~~ LEADLINE OF REPEALED SECTION

435.305 Conditions under which provider of services may enter into arrangement to provide for employment of person under 25 years of age for less than state minimum wage; regulations concerning documentation.

~~[~~435.305 1. Except as otherwise provided in subsection 3, a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, may enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age under which the person will be paid less than the state minimum wage if the person was employed on July 22, 2016, by an entity that holds a valid

~~certificate pursuant to 29 U.S.C. § 214(c) or, employed on or before January 1, 2024, the person has:~~

~~(a) Received preemployment transition services available under the provisions of 29 U.S.C. § 733 or transition services under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;~~

~~(b) Received career counseling, information and referrals to federal and state programs and other resources in the geographic area in which the person resides that offer services and supports that are designed to enable the person to attain competitive integrated employment and meet the requirements of subsection 2; and~~

~~(c) Applied for vocational rehabilitation services under the provisions of 29 U.S.C. §§ 720 to 751, inclusive, and been found:~~

~~(1) Ineligible for such services; or~~

~~(2) Eligible for such services and:~~

~~(I) Has an individualized plan for employment pursuant to 29 U.S.C. § 722;~~

~~(II) Has been working, with appropriate supports and services, toward an employment outcome specified in that plan without success; and~~

~~(III) The person's vocational rehabilitation case has been closed.~~

~~2. Counseling, information, referrals, services and supports provided pursuant to paragraph (b) of subsection 1 must not be provided to a person for the purpose of obtaining employment compensated at less than the state minimum wage.~~

~~3. A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, shall not enter into a contract or other arrangement described in subsection 1 with a local educational agency.~~

~~4. Except as otherwise provided in subsection 5, if a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, enters into a contract or other arrangement described in subsection 1:~~

~~(a) The Division shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, provide the person employed pursuant to the arrangement with career counseling, information and referrals as described in paragraph (b) of subsection 1 in a manner that facilitates independent decisions and informed choice; and~~

~~(b) The employer of the person shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, inform the person of opportunities in the geographic area in which the person resides to receive training concerning self-advocacy, self-determination and peer mentoring that is provided by a person or entity that does not have a financial interest in the employment outcome of the person.~~

~~5. If a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, enters into a contract or other arrangement described in subsection 1 with a business with fewer than 15 employees, the business may satisfy the requirements of subsection 4 by referring a person~~

~~employed pursuant to the arrangement to the Division for the services described in that subsection at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment.~~

~~6. The Division, in consultation with the Department of Education, shall adopt regulations prescribing the manner in which compliance with the requirements of subsections 1 and 4 may be documented.~~

~~7. An employer who employs a person pursuant to a contract or other arrangement described in subsection 1 shall:~~

~~(a) Before the employment begins, verify that the person meets the requirements of subsection 1 by reviewing the documentation prescribed for that purpose pursuant to subsection 6;~~

~~(b) For the duration of the employment:~~

~~(1) Verify that the person has received the services required by subsection 4 by reviewing the documentation prescribed for that purpose pursuant to subsection 6; and~~

~~(2) Maintain on file a copy of the documentation reviewed pursuant to subparagraph (1) and paragraph (a).~~

~~8. The Division may inspect the documentation maintained pursuant to subparagraph (2) of paragraph (b) of subsection 7 as necessary to ensure compliance with the requirements of this section.~~

~~9. As used in this section:~~

~~(a) "Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705.~~

~~(b) "Local educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(19).~~**]**

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 479.

AN ACT relating to governmental administration; requiring the State Plan for Economic Development to include a statement regarding the efficient use of water resources; requiring a plan submitted by a regional development authority to include water conservation strategies; requiring the Office of **[**~~Energy~~**]** **Economic Development** to conduct a study relating to consumptive water use and economic development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law **creates the Office of Economic Development within the Office of the Governor and** requires the Executive Director of the Office of Economic Development to develop and periodically revise a State Plan for

Economic Development. (NRS **231.043,** 231.053) **Section 1** of this bill requires the Executive Director ~~[of the Office of Economic Development]~~ to include a statement in the State Plan regarding the manner in which this State can maximize the efficient use of the water resources of this State through its economic development programs.

Existing law requires each regional development authority to present a plan to the Executive Director ~~[of the Office of Economic Development]~~ regarding the development and enhancement of certain recruiting and marketing efforts. (NRS 231.054) **Section 2** of this bill requires such a plan to also include strategies on conserving the water resources of this State through such recruiting and marketing efforts.

~~[Existing law creates the Office of Energy within the Office of the Governor and prescribes the duties of the Office of Energy relating to the supply, demand and conservation of energy in this State. (NRS 701.150)]~~ **Section 3** of this bill requires the Office of ~~[Energy]~~ **Economic Development** to conduct a study of consumptive water use and economic development of businesses receiving certain related abatements and submit a report of its findings and recommendations for legislation to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 231.053 is hereby amended to read as follows:

231.053 After considering any advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which:

(a) Must include a statement of:

(1) New industries which have the potential to be developed in this State;

(2) The strengths and weaknesses of this State for business incubation;

(3) The competitive advantages and weaknesses of this State;

(4) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(5) The manner in which this State can maximize the efficient use of the water resources of this State through the programs of economic development in this State;

~~[(5)]~~ ***(6)*** A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

~~[(6)]~~ ***(7)*** Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities; and

(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.130 or the gaming license fees imposed by the provisions of NRS 463.370.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.

7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.

8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

Sec. 2. NRS 231.054 is hereby amended to read as follows:

231.054 Each regional development authority shall present a plan to the Executive Director ~~[regarding]~~ ***that includes ~~[, without limitation,]~~*** the development and enhancement of a recruiting and marketing effort to attract professionals and businesses to the region of this State served by the regional development authority ~~[.]~~ ***and strategies to encourage the conservation of the water resources of this State through such effort.*** The Executive Director shall consider any plan presented pursuant to this section in carrying out the provisions of NRS 231.053.

Sec. 3. 1. The Office of ~~[Energy]~~ **Economic Development** shall conduct a study during the 2023-2024 interim relating to consumptive water use and economic development of businesses receiving certain abatements pursuant to NRS 360.750.

2. The study must include, without limitation, a review of:

(a) The amount of consumptive water use per primary job created under NRS 360.750 organized by the economic sector in which the business related to the job operates;

(b) Any consumptive water analysis conducted by businesses for measurement of consumptive water use over the duration for which the abatement or partial abatement of certain property taxes is granted;

(c) Financial incentives that encourage companies to manage water efficiently; and

(d) Programs that are mutually beneficial for new businesses and the State that reduce water risks and operating costs related to economic development.

3. In conducting the study, the Office shall consult with and solicit input from persons and organizations with relevant expertise, including, without limitation:

(a) Institutions of higher education;

(b) Nonprofit organizations;

(c) Private industry and chambers of commerce;

(d) Regional development authorities; and

(e) Water authorities.

4. In carrying out its duties pursuant to this section, the Office may enter into contracts necessary to complete the study conducted pursuant to subsection 1.

5. On or before September 1, 2024, the Office shall submit a report of the results of the study conducted pursuant to subsection 1 and any recommendations for legislation to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 274.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 141.

ASSEMBLYMEN NGUYEN, GALLANT, CONSIDINE, SUMMERS-ARMSTRONG; BILBRAY-AXELROD, COHEN, D'SILVA, GONZÁLEZ, GORELOW, **GRAY,** GURR, HIBBETTS, KASAMA, KOENIG, BRITTNEY MILLER, C.H. MILLER, MOSCA, NEWBY, PETERS, TAYLOR AND THOMAS.

JOINT SPONSORS: SENATORS DONDERO LOOP, PAZINA, D. HARRIS, BUCK; HAMMOND, KRASNER AND LANGE.

CONTAINS UNFUNDED MANDATE (§ ~~(1)~~ **1.5**
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; **changing the membership of the State Financial Literacy Advisory Council;** requiring certain pupils enrolled in a public high school to enroll in a certain number of credits in social studies, which includes a certain number of credits in financial literacy; requiring instruction in financial literacy to include certain skills necessary to develop a personal financial plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Financial Literacy Advisory Council, composed of members appointed by the Governor, certain Legislators and the Chancellor of the Nevada System of Higher Education. Existing law requires the Council to: (1) develop a strategic plan for the development of educational resources in financial literacy; (2) identify learning activities targeted toward standards and criteria of a curriculum in financial literacy; (3) develop and facilitate certain events related to financial literacy; (4) develop the criteria required for a pupil to earn the State Seal of Financial Literacy; (5) apply for grants, gifts and donations to carry out its objectives; and (6) prepare a written report to provide to certain entities. (NRS 388.5966, 388.5968) Section 1 of this bill changes the composition of the Council by eliminating certain members appointed by the Governor, certain Legislators and the Chancellor of the System and adding a pupil enrolled in high school as a member of the Council. Section 1 also places the Council within the Department of Education and provides that the Superintendent of Public Instruction must appoint the members of the Council.

Existing law: (1) designates certain academic subjects, including social studies, which encompasses financial literacy, as core academic subjects that must be taught in all public schools; and (2) requires a pupil enrolled in a public high school to enroll in a minimum of one-half unit of credit in the subject of economics. (NRS 389.018) **Section ~~1~~ 1.5** of this bill revises the contents of the one-half unit of credit in economics in which a pupil must enroll to also include financial literacy.

Existing law: (1) requires that pupils who are enrolled in public schools are provided with instruction in financial literacy; and (2) sets forth the required contents for such instruction, including the skills necessary to manage finances, which includes developing a personal financial plan. (NRS 389.074) **Section 2** of this bill provides that the skills necessary to manage finances relating to developing a personal financial plan include understanding and budgeting for the costs of housing, transportation and health care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 388.5966 is hereby amended to read as follows:**

388.5966 1. The State Financial Literacy Advisory Council is hereby created ~~[.]~~ ***in the Department.*** The Council consists of ~~[:~~

~~(a) The following ex officio members:~~

~~(1) The Superintendent of Public Instruction or his or her designee; and~~

~~(2) The Chancellor of the Nevada System of Higher Education or his or her designee;~~

~~(b) Three members appointed by the Governor;~~

~~(c) Two members appointed by the Majority Leader of the Senate;~~

~~(d) Two members appointed by the Speaker of the Assembly;~~

~~(e) One member appointed by the Minority Leader of the Senate;~~

~~(f) One member appointed by the Minority Leader of the Assembly; and~~

~~(g) One member appointed by the Chancellor of the Nevada System of Higher Education who has a background in economics or financial literacy.~~

~~2. The Governor, the Majority Leader and the Minority Leader of the Senate, the Speaker and Minority Leader of the Assembly and the Chancellor of the Nevada System of Higher Education shall coordinate their respective appointments of members to the Council to ensure that, to the extent practicable, the members appointed to the Council reflect the gender, ethnic and geographic diversity of this State and that:]~~ ***the following members appointed by the Superintendent of Public Instruction:***

(a) Three members ~~[of the Council]~~ ***who*** are members of the business community with a background in economics;

(b) One member ~~[of the Council]~~ ***who*** is a member of the business community who is employed in the banking industry;

(c) One member ~~[of the Council]~~ ***who*** is a member of the business community who is employed by a credit union;

(d) Three members ~~[of the Council]~~ ***who*** are teachers who hold a license to teach elementary, middle or junior high school or secondary education, respectively, and who:

(1) Teach in an elementary, middle or junior high or high school, respectively;

(2) Have received training in financial literacy; and

(3) Are responsible for teaching courses relating to financial literacy;

(e) One member ~~[of the Council]~~ ***who*** is an administrator of a public school; ~~[and]~~

(f) One member ~~[of the Council]~~ ***who*** is an administrator of a school district ~~[.]~~ ***; and***

(g) One member who is a pupil enrolled in high school.

~~[3.]~~ ***2.*** Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

~~[4.]~~ ***3.*** The Council shall elect a Chair and Vice Chair from among its members at the first meeting of the Council and at the first meeting of the calendar year each year thereafter. The Chair and Vice Chair serve a term of 1 year.

~~[5.]~~ ***4.*** Each member of the Council serves a term of 2 years and may be reappointed.

~~[6.]~~ ***5.*** The Council shall meet at least four times a year at the call of the Chair. One meeting of the Council must be held in person and any other meeting may be held by videoconference.

~~[7.]~~ ***6.*** A majority of the members of the Council constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Council.

~~[8.]~~ ***7.*** The Chair may appoint such subcommittees of the Council as the Chair determines necessary to carry out the duties of the Council.

~~[9.]~~ ***8.*** The members of the Council serve without compensation, except that each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Council.

~~[10.]~~ ***9.*** Each member of the Council who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Council to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

~~[11.]~~ ***10.*** Any costs associated with employing a substitute teacher while a member of the Council who is a teacher attends a meeting of the Council must be paid by the school district that employs the member.

~~[12. To the extent that money is available, the Department shall provide administrative support to the Council.]~~

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) One-half unit of credit in American government;

(2) Two units of credit in American history, world history or geography; and

(3) One-half unit of credit in economics ~~[.]~~ ***and financial literacy.***

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable. A school district may authorize one or more public high schools in the school district to offer a combined course in American government and economics ***and financial literacy*** for one unit of credit which satisfies the requirements of subparagraphs (1) and (3) if the curriculum of an advanced placement course is used for American government in the combined course.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

Sec. 2. NRS 389.074 is hereby amended to read as follows:

389.074 1. The board of trustees of each school district and the governing body of each charter school shall ensure that instruction in financial literacy is provided to pupils enrolled in grades 3 to 12, inclusive, in each public school within the school district or in the charter school, as applicable. The instruction must include, without limitation:

(a) The skills necessary to develop financial responsibility, including, without limitation:

(1) Making reasonable financial decisions by analyzing the alternatives and consequences of those financial decisions;

(2) Locating and evaluating financial information from various sources;

(3) Judging the quality of services offered by a financial institution;

(4) Developing communication strategies to discuss financial issues;

(5) Controlling personal information; and

(6) Reviewing and summarizing federal and state consumer protection laws.

(b) The skills necessary to manage finances, including, without limitation:

(1) Developing a plan for spending and saving;

(2) Developing a system for keeping and using financial records; and

(3) Developing a personal financial plan ~~[.]~~ ***that includes, without limitation, understanding and budgeting for the costs of housing, transportation and health care.***

(c) The skills necessary to understand the use of credit and the incurrence of debt, including, without limitation:

(1) Identifying the costs and benefits of various types of credit;

(2) Understanding the methods to manage debt and the consequences of acquiring debt;

(3) Understanding how interest rates, compounding frequency and the terms of a loan can affect the cost of credit;

(4) Completing an application for a loan;

(5) Understanding different types of loans, including, without limitation, payday loans, automobile loans, student loans and mortgages;

(6) Explaining the purpose of a credit report, including, without limitation, the manner in which a credit report is used by lenders;

(7) Describing the rights of a borrower regarding his or her credit report;

(8) Identifying methods to avoid and resolve debt problems; and

(9) Reviewing and summarizing federal and state consumer credit protection laws.

(d) The skills necessary to understand the basic principles of saving and investing, including, without limitation:

(1) Understanding how saving and investing contribute to financial well-being;

(2) Understanding the methods of investing and alternatives to investing;

(3) Understanding how to buy and sell investments;

(4) Understanding compound interest, including, without limitation, in the context of investments;

(5) Understanding various types of securities, including, without limitation, stocks and bonds; and

(6) Understanding how the regulation of financial institutions protects investors.

(e) The skills necessary to prevent and limit the consequences of identity theft and fraud.

(f) The skills necessary to understand the basic assessment of taxes, including, without limitation, understanding the matter in which taxes are computed by local, state and federal governmental entities.

(g) The skills necessary to understand the basic principles of insurance, including, without limitation:

(1) Understanding the function of various insurance policies; and

(2) Determining the quality of an insurance provider.

(h) The skills necessary to plan for higher education and career choices, including, without limitation:

(1) Information concerning institutions of higher education and college preparedness;

(2) Information concerning career options;

(3) Writing a resume;

(4) Information concerning opportunities for financial aid, including the Free Application for Federal Student Aid and the programs of the Western Interstate Commission for Higher Education, and the manner in which to qualify for such opportunities;

(5) Information concerning scholarship opportunities, including, without limitation, the Governor Guinn Millennium Scholarship Program and Silver State Opportunity Grant Program; and

(6) Information concerning prepaid tuition and college savings programs and plans established pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529.

2. The standards of content and performance for the instruction in financial literacy required by subsection 1 must be included in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520. The instruction required by subsection 1 must be:

(a) Age-appropriate; and

(b) Included within a course of study for which the Council has established the relevant standards of content and performance, including, without limitation, a course of study in economics, mathematics or social studies.

3. The board of trustees of each school district and the governing body of each charter school in which pupils are enrolled in any grade of grades 3 to 12, inclusive, shall encourage:

(a) Persons to volunteer time, expertise and resources to assist a school district, governing body of a charter school, public school or teacher in the provision of instruction in financial literacy; and

(b) Partnerships between a school district or charter school and relevant persons, businesses or entities in which those persons, businesses or entities provide the resources necessary to provide instruction in financial literacy.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1**, 1.5** and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2028, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 275.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 261.

ASSEMBLYMEN HARDY, HAFEN, YUREK; **CONSIDINE,** HANSEN **, TAYLOR** AND THOMAS

JOINT SPONSORS: SENATORS HAMMOND AND SPEARMAN

AN ACT relating to criminal records; **requiring a convicted person who is petitioning the court to have his or her criminal record sealed to include certain information in the petition under certain circumstances;** prohibiting a court or agency of criminal justice from charging fees related to the sealing of criminal records under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain acts that constitute the crime of sex trafficking. (NRS 201.300) Existing law authorizes a person convicted of certain offenses to petition the court to seal all records relating to the conviction. (NRS 179.245) This bill **: (1) requires, in certain circumstances, such a petition to include a statement from the petitioner certifying that at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked; and (2)** prohibits a court or agency of criminal justice in this State from charging any fees related to the sealing of a criminal record if, at the time the crime for which the record to be sealed was committed, the petitioner was being sex trafficked.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; ~~[and]~~

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain ~~[.]~~ ***; and***

(e) If applicable, include a statement from the petitioner certifying that at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked pursuant to NRS 201.300.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who

prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.430;

(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS

484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. ***Notwithstanding any other provision of law, no fee may be charged by any court or agency of criminal justice in this State related to a petition for the sealing of records pursuant to this section if, at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked pursuant to NRS 201.300. As used in this subsection, "fee" includes, without limitation, any fee to file a petition, obtain fingerprints if provided by a governmental agency of this State, obtain any records of criminal history, obtain records of past arrests and convictions or obtain or certify copies of documents pursuant to NRS 19.013 and any other fee related to the sealing of records pursuant to this section.***

10. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 372.

AN ACT relating to the Nevada System of Higher Education; prohibiting the assessment of tuition charges against a student within the System whose parent is a veteran who has been awarded the Purple Heart; requiring the waiver of the payment of registration fees and certain other fees assessed against such a student; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to assess tuition charges for students at all campuses of the Nevada System of Higher Education who are not residents of Nevada. Existing law also prevents the Board of Regents from assessing tuition charges against veterans who have been awarded the Purple Heart. (NRS 396.540) **Section 1** of this bill prohibits the Board of Regents from assessing tuition charges against the child of a veteran who has been awarded the Purple Heart.

Existing law authorizes the Board of Regents to grant a waiver of registration and certain other fees to certain persons, including a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart. (NRS 396.5443) **Section 2** of this bill requires the Board of Regents to waive the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is the child of a veteran of the Armed Forces of the United States who has been awarded the Purple Heart to the extent that the fees exceed the amount of any federal educational benefits to which the student is entitled. **Section 2 additionally**

provides that a child who is eligible to receive such a waiver may use it for: (1) ten years after he or she attains 18 years of age; or (2) if he or she enrolls in the System before attaining 18 years of age, for 10 years after the date of enrollment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged;

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart ~~[.]~~ ***and the children of such veterans;***

(l) All students who are:

(1) Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or

(2) Spouses or dependents using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;

(m) All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive; and

(n) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 2. NRS 396.5443 is hereby amended to read as follows:

396.5443 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is a veteran of the Armed Forces of the United

States who has been awarded the Purple Heart ~~[.]~~ ***or the child of such a veteran.***

2. The amount of the waiver must be equal to:

(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or

(b) If the student is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

4. For the purpose of assessing fees and charges against a student to whom a waiver is granted pursuant to this section, including, without limitation, tuition charges pursuant to NRS 396.540, such a student shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may grant more favorable waivers of registration fees, laboratory fees and any other mandatory fees for veterans of the Armed Forces of the United States who have been awarded the Purple Heart ***or the child of such a veteran*** than the waiver provided pursuant to this section if required for the receipt of federal money.

6. A child of a veteran of the Armed Forces of the United States who has been awarded the Purple Heart may use a waiver granted pursuant to this section for 10 years after the child attains 18 years of age, or, if the child enrolls in the System before attaining 18 years of age, for 10 years after the date of such enrollment.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 178.

AN ACT relating to Medicaid; requiring the Medicaid program to provide coverage of certain services provided by a medical-legal partnership; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to ~~[develop and]~~ administer ~~[a State Plan for]~~ Medicaid ~~[.]~~ ***.*** ~~[which includes a list of~~

~~specific medical services required to be provided to Medicaid recipients.]~~ (NRS ~~[422. 063,]~~ 422.270 ~~[; 42 U.S.C. § 1396a)]~~ **Section 1** of this bill requires the Director of the Department, to the extent that money and federal financial participation are available, to ~~[cover]~~ **include under Medicaid coverage for** supports and services provided to recipients of Medicaid through medical-legal partnerships that are aimed at addressing social determinants of health. **Section 1** also authorizes the Department to apply to the Federal Government for any waiver granted pursuant to federal law or amendment necessary to the State Plan for Medicaid to receive federal funding to ~~[include]~~ **provide** such coverage ~~[in the State Plan.]~~ **under Medicaid. Section 2** of this bill makes a conforming change to indicate that the provisions of **section 1** will be administered in the same manner as the provisions of existing law governing ~~[the State Plan for]~~ Medicaid.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall, to the extent that money and federal financial participation are available, ~~[cover]~~ include under Medicaid coverage for supports and services provided to recipients of Medicaid through medical-legal partnerships that are aimed at addressing social determinants of health. Such services:

(a) May be provided by a case manager.

(b) Must be limited to providing advice and counsel to recipients of Medicaid concerning matters that have legal implications that influence the ability to secure or maintain optimal health.

(c) Must not consist of legal representation.

2. The Department may apply to the Secretary of Health and Human Services for any waiver granted pursuant to federal law or amendment to the State Plan for Medicaid that authorizes the Department to receive federal funding to ~~[include in the State Plan for Medicaid]~~ provide the coverage described in subsection 1 ~~[.]~~ under Medicaid. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. As used in this section, "medical-legal partnership" means the delivery of services in a manner that integrates legal supports and services into a health-care setting to address legal matters that may affect the health and well-being of a person, including, without limitation, eviction, denial of health care coverage and denial of social services or benefits.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 144.

AN ACT relating to motor vehicles; **authorizing the governing body of a local government to adopt an ordinance prohibiting the unlawful possession of unregistered vehicles unfit for use;** revising the penalty for the unlawful possession of unregistered vehicles unfit for use; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law makes it a misdemeanor for a person to keep more than two unregistered vehicles on real property owned by or under the possession or control of the person if the vehicles are no longer intended for or in condition for lawful use on the highway. (NRS 487.290, 487.300) ~~[This]~~ **Sections 1 and 3 of this** bill ~~[revises]~~ **revise** the penalty by providing that such an act is punishable by a civil penalty of not more than $100 for each day of the violation. **Section 1 authorizes a local authority to adopt an ordinance prohibiting the same conduct and imposing a different, non-criminal penalty for such conduct. Section 1 provides that such a local ordinance applies instead of the state law prohibiting the same conduct under certain circumstances. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this section, any person who violates any provisions of NRS 487.290 is liable for a civil penalty of not more than $100 for each day of the violation.

2. A local authority may adopt an ordinance prohibiting the same conduct as is prohibited by NRS 487.290. If a local authority adopts such an ordinance:

(a) The local authority may establish a different penalty for a violation of the ordinance than the penalty provided by subsection 1, except that a local authority shall not establish a criminal penalty for the violation of such an ordinance.

(b) A person who commits the conduct prohibited by NRS 487.290 within the jurisdiction of the local authority shall be subject to the provisions of the local ordinance, including, without limitation, any penalty established by the local ordinance, instead of the penalty provided by subsection 1.

3. As used in this section, "local authority" means the governing board of a county, city or other political subdivision having authority to enact ordinances.

Sec. 2. **NRS 487.210 is hereby amended to read as follows:**

487.210 As used in NRS 487.210 to 487.300, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Abandoned vehicle" means a vehicle:

(a) If the vehicle is discovered upon public lands, that the owner has discarded.

(b) If the vehicle is discovered upon public or private property other than public lands:

(1) That the owner has discarded; or

(2) Which has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250.

2. "Public lands" means all lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges or which are lands acquired by purchase consented to by the Legislature;

(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or

(e) Which are held in trust for Indian purposes or are Indian reservations.

~~[Section 1.]~~ ***Sec. 3.*** NRS 487.300 is hereby amended to read as follows:

487.300 ~~***[1.]***~~ Every person who violates any provision of NRS 487.281 ~~[or 487.290]~~ is guilty of a misdemeanor.

~~***[2. Any person who violates any provision of NRS 487.290 is liable for a civil penalty of not more than $100 for each day of the violation.]***~~

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 318.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 181.

AN ACT relating to medicine; **revising the account in which proceeds from certain penalties are deposited;** revising certain procedures relating to the expiration of a license to practice medicine; requiring a physician assistant, practitioner of respiratory care or perfusionist or the insurer of such a person to report certain information relating to an action or claim of malpractice to the Board of Medical Examiners; providing administrative penalties; requiring the Board to investigate a physician assistant, practitioner of respiratory care or perfusionist in certain circumstances; authorizing the Board to examine such a person under certain circumstances; **increasing the maximum amount of certain fines;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Medical Examiners to impose upon a person a fine not to exceed $5,000 for each violation committed by the person that constitutes grounds for disciplinary action against the person. (NRS 630.352) Existing law additionally requires that all money received by the Board from penalties be deposited with the State Treasurer for credit to the State General Fund. (NRS 630.110) Section 1 of this bill requires that all money from penalties be credited to an account in the State Treasury, selected by the State Treasurer and requires that the money in the account be used to support the improvement of health care or the practice of medicine in this State. Section 5.5 of this bill increases the maximum amount of the fine that the Board is authorized to impose for a violation that constitutes grounds for disciplinary action to $10,000 for each such violation.

Existing law requires the holder of a license to practice medicine to submit a registration fee and certain information to the Board ~~[of Medical Examiners]~~ on or before June 30, or if June 30 is a Saturday, Sunday or legal holiday, on the next business day after June 30, of each odd-numbered year. Existing law requires the Board to make reasonable attempts to notify a licensee: (1) at least once that the fee for biennial registration and the required information are due; and (2) that his or her license has expired. Existing law requires the Board to send a copy of such notice to the Drug Enforcement Administration of the United States Department of Justice. (NRS 630.267) **Section ~~[1]~~ 1.5** of this bill requires the Board to provide notice to the holder of a license to practice medicine at least 60 days before the scheduled expiration of the license:

(1) that the fees and required information are due; and (2) of the date on which the license is scheduled to expire. After such a license expires, **section ~~[1]~~ 1.5** requires the Board to make reasonable attempts to notify the licensee of the expiration. **Section ~~[1]~~ 1.5** also removes the requirement for the Board to provide a copy of each notice to the Drug Enforcement Administration and instead requires the Board to provide a list of expired licenses to the Drug Enforcement Administration and the State Board of Pharmacy.

Existing law requires a physician and the insurer of a physician to report to the Board any: (1) action for malpractice against the physician; (2) claim for malpractice against the physician that is submitted to arbitration or mediation; or (3) settlement, award, judgment or other disposition of such an action or claim. (NRS 630.3067, 630.3068) Existing law additionally requires a physician to report to the Board any sanctions imposed against the physician that are reportable to the National Practitioner Data Bank. (NRS 630.3068) Existing law authorizes the imposition of an administrative penalty against an insurer or physician that fails to report the required information. (NRS 630.3067, 630.3068) After receiving a report from an insurer or physician indicating that a judgment has been rendered or that such an action or claim has been resolved by settlement, existing law requires the Board to conduct an investigation to determine whether to impose disciplinary action against the physician, unless such an investigation has already commenced or been completed. (NRS 630.3069) Upon receiving such a report or determining that the conduct of a physician has raised a reasonable question as to his or her competence to practice medicine, existing law authorizes the Board to order the physician to undergo certain examinations to determine the fitness of the physician to practice medicine. (NRS 630.318) **Sections 2-5** of this bill make those provisions additionally applicable to physician assistants, practitioners of respiratory care and perfusionists.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 630.110 is hereby amended to read as follows:**

630.110 1. Out of the money coming into the possession of the Board, each member and advisory member of the Board is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Expenses of the Board and the expenses and salaries of its members and employees must be paid from the fees received by the Board pursuant to the

provisions of this chapter, and no part of the salaries or expenses of the Board may be paid out of the State General Fund or from the penalties imposed by the Board pursuant to this chapter.

4. All money received by the Board from:

(a) Fees must be deposited in financial institutions in this State that are federally insured or insured by a private insurer pursuant to NRS 672.755, invested in treasury bills or notes of the United States, deposited in institutions in this State whose business is the making of investments, or invested as authorized by NRS 355.140.

(b) Penalties must be deposited with the State Treasurer for credit to ~~[the State General Fund.]~~ ***an account in the State Treasury, selected by the State Treasurer. The money in the account must be used to support the improvement of health care or the practice of medicine in this State.***

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 630.267 is hereby amended to read as follows:

630.267 1. Each holder of a license to practice medicine must, on or before June 30, or if June 30 is a Saturday, Sunday or legal holiday, on the next business day after June 30, of each odd-numbered year:

(a) Submit a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him or her during the previous 2 years.

(b) Pay to the Secretary-Treasurer of the Board the applicable fee for biennial registration. This fee must be collected for the period for which a physician is licensed.

(c) Submit all information required to complete the biennial registration.

2. When a holder of a license fails to pay the fee for biennial registration and submit all information required to complete the biennial registration after they become due, his or her license to practice medicine in this State expires. The holder may, within 2 years after the date the license expires, upon payment of twice the amount of the current fee for biennial registration to the Secretary-Treasurer and submission of all information required to complete the biennial registration and after he or she is found to be in good standing and qualified under the provisions of this chapter, be reinstated to practice.

3. ~~[The]~~ ***Not later than 60 days before a license is scheduled to expire, the*** Board shall make such reasonable attempts as are practicable to notify ~~[a]~~ ***the*** licensee:

(a) At least once that the fee for biennial registration and all information required to complete the biennial registration are due; and

(b) ~~[That]~~ ***The date on which*** his or her license ~~[has expired. → A copy of this notice must be sent]~~ ***is scheduled to expire.***

4. After a license expires, the Board shall make such reasonable attempts as are practicable to notify the holder of the license that his or her license has expired.

5. Not later than September 30 of each odd-numbered year, the Board shall provide a list of licenses to practice medicine that have expired during that year to the Drug Enforcement Administration of the United States

Department of Justice or its successor agency ~~[.]~~ ***and the State Board of Pharmacy.***

Sec. 2. NRS 630.3067 is hereby amended to read as follows:

630.3067 1. The insurer of a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** licensed under this chapter shall report to the Board:

(a) Any action for malpractice against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** not later than 45 days after the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation; and

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.

2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this State to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than $10,000 against the insurer for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

Sec. 3. NRS 630.3068 is hereby amended to read as follows:

630.3068 1. A physician ***, physician assistant, practitioner of respiratory care or perfusionist*** shall report to the Board:

(a) Any action for malpractice against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** not later than 45 days after the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation;

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition ~~[;]~~ ***, including, without limitation, any amount paid to resolve the claim;*** and

(d) Any sanctions imposed against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** that are reportable to the National Practitioner Data Bank not later than 45 days after the sanctions are imposed.

2. If the Board finds that a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** has violated any provision of this section, the Board may impose a fine of not more than $5,000 against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** for each violation, in addition to any other fines or penalties permitted by law.

3. All reports made by a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** pursuant to this section are public records.

Sec. 4. NRS 630.3069 is hereby amended to read as follows:

630.3069 If the Board receives a report pursuant to the provisions of NRS 630.3067, 630.3068 or 690B.250 indicating that a judgment has been rendered or an award has been made against a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** regarding an action or claim for malpractice or that such an action or claim against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** has been resolved by settlement, the Board shall conduct an investigation to determine whether to impose disciplinary action against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 5. NRS 630.318 is hereby amended to read as follows:

630.318 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any physician ***, physician assistant, practitioner of respiratory care or perfusionist*** has raised a reasonable question as to his or her competence to practice medicine ***, respiratory care or perfusion or practice as a physician assistant, as applicable,*** with reasonable skill and safety to patients, or if the Board has received a report pursuant to the provisions of NRS 630.3067, 630.3068 or 690B.250 indicating that a judgment has been rendered or an award has been made against a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** regarding an action or claim for malpractice or that such an action or claim against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** has been resolved by settlement, the Board or committee may order that the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** undergo a mental or physical examination, an examination testing his or her competence to practice medicine ***, respiratory care or perfusion or practice as a physician assistant, as applicable,*** or any other examination designated by the Board to assist the Board or committee in determining the fitness of the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** to practice medicine ~~[.]~~ ***, respiratory care or perfusion or practice as a physician assistant, as applicable.***

2. For the purposes of this section:

(a) Every physician ***, physician assistant, practitioner of respiratory care or perfusionist*** who applies for a license or who is licensed under this chapter shall be deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice

medicine ***, respiratory care or perfusion or practice as a physician assistant, as applicable,*** when ordered to do so in writing by the Board or an investigative committee of the Board.

(b) The testimony or reports of a person who conducts an examination of a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** on behalf of the Board or an investigative committee of the Board pursuant to this section are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** licensed under this chapter to submit to an examination when directed as provided in this section constitutes an admission of the charges against the physician ~~[.]~~ ***, physician assistant, practitioner of respiratory care or perfusionist.***

Sec. 5.5. **NRS 630.352 is hereby amended to read as follows:**

630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation subject to the provisions of NRS 622A.200 and 622A.210;

(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and

(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.

➥ The Board may limit the time within which the parties and the complainant may make their arguments and statements.

2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant.

3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.

4. Except as otherwise provided in subsection 5, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer a written public reprimand to the person;

(c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;

(d) Suspend the person's license for a specified period or until further order of the Board;

(e) Revoke the person's license;

(f) Require the person to participate in a program to correct an alcohol or other substance use disorder or any other impairment;

(g) Require supervision of the person's practice;

(h) Impose a fine not to exceed ~~[$5,000]~~ ***$10,000*** for each violation;

(i) Require the person to perform community service without compensation;

(j) Require the person to take a physical or mental examination or an examination testing his or her competence; and

(k) Require the person to fulfill certain training or educational requirements.

5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.

6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

7. Within 30 days after the conclusion of the adjudication by the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 6. **1.** The provisions of NRS 630.3067, 630.3068, 630.3069 and 630.318, as amended by sections 2 to 5, inclusive, of this act, apply to any activity described in those sections which occurs on or after January 1, 2024, or is ongoing on January 1, 2024, regardless of when the relevant conduct of a physician assistant, practitioner of respiratory care or perfusionist occurred.

2. The amendatory provisions of section 5.5 of this act apply only to fines for violations that occur on or after January 1, 2024.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 114.

AN ACT relating to public safety; setting forth certain requirements and restrictions concerning foil balloons that are sold, offered for sale or manufactured in this State; prohibiting, with certain exceptions, a person from selling, offering for sale or manufacturing a foil balloon that fails to meet certain requirements; requiring the Public Utilities Commission of Nevada to adopt a standard for the testing and evaluation of the dielectric performance of foil balloons; **providing enhanced penalties in certain circumstances for committing assault or battery upon a utility worker;** prohibiting a person from committing certain acts against the infrastructure of a public utility; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-10 of this bill set forth certain requirements and restrictions concerning the manufacturing and sale of foil balloons, which **section 5** of this bill defines, in general, to mean a balloon that is constructed of electrically conductive material and that is not a hot air balloon or a balloon used in a governmental or scientific research project.

Section 2 sets forth certain legislative findings and declarations concerning foil balloons.

Section 7 of this bill requires a person who manufactures a foil balloon in this State to include certain markings on the foil balloon. **Section 7** also prohibits a person from selling, offering for sale or distributing a foil balloon that is filled with a gas that is lighter than air unless: (1) an object of sufficient weight is affixed to the balloon or its appurtenance to counter the lift capability of the foil balloon; and (2) no electrically conductive string, tether or streamer or other electrically conductive object is attached to the foil balloon.

Section 9 of this bill requires the Public Utilities Commission of Nevada to adopt a standard for the testing and evaluation of the dielectric performance of foil balloons. **Section 9**: (1) requires that standard to be the P2845 Standard, if the P2845 Standard is deemed final and approved; and (2) sets forth the conditions under which the P2845 Standard is deemed final and approved. **Section 6** of this bill defines "P2845 Standard" to mean, in general, a certain specified standard for the testing and evaluation of the dielectric performance of foil balloons established by the Institute of Electrical and Electronics Engineers.

Section 8 of this bill: (1) requires any foil balloon sold, offered for sale or manufactured in this State to have been tested in accordance with, and meet the performance standards set forth in, the standard adopted by the Commission pursuant to **section 9**; and (2) prohibits a person from selling, offering for sale or manufacturing a foil balloon in this State unless the foil balloon meets those requirements. **Section 8** provides for the gradual implementation of those requirements by setting forth certain deadlines by which certain percentages of the foil balloons sold, offered for sale or manufactured by a person must comply with those requirements. **Section 8** sets forth certain circumstances under which those deadlines may be extended.

Section 10 provides for the imposition of a civil penalty against a person who sells, offers for sale or manufactures a foil balloon in violation of **sections 2-10** not to exceed $50 for each balloon sold, offered for sale or manufactured, not to exceed $2,500 for each day on which a violation occurs. **Section 10** authorizes the Attorney General, a district attorney or a city attorney to: (1) recover the civil penalties in a civil action; and (2) bring an action to enjoin any violation of **sections 2-10**.

Existing law: (1) makes it unlawful to commit certain acts involving theft or damage to property of a public utility; (2) prescribes certain criminal penalties for the commission of such unlawful acts; and (3) provides for a civil action for damages for an injury to or the destruction of the property of a public utility. (NRS 704.800, 704.805) **Section 11** of this bill makes it unlawful for a person, with the intent to interfere or otherwise prevent the performance of the normal function of any infrastructure owned by a public utility, to: (1) commit any trespass upon the infrastructure; or (2) intentionally or recklessly deface, damage or tamper with the infrastructure. **Section 12** of this bill authorizes a public utility to bring a civil action for damages against any person who violates the prohibition created by **section 11**.

Under existing law, if a person commits an assault upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty and the person knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, the person is guilty of: (1) a category B felony if the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon; (2) a category D felony if the person is a probationer, prisoner or parolee; or (3) if neither of those circumstances is present, a gross misdemeanor. (NRS 200.471) Additionally, under existing law, if a person commits a battery upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, and the person knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, the person is guilty of: (1) a category B felony if the battery causes substantial bodily harm or is committed by strangulation; or (2) if those circumstances are not present and no greater penalty is provided by law, a gross misdemeanor. (NRS 200.481) Sections

10.3 and 10.6 of this bill provide for the imposition of those penalties for an assault or battery committed upon a utility worker.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. Electric utilities in this State are responsible for delivering safe, reliable energy through large transmission and distribution networks. Equipment failure or damage from weather, animals and human activity can cause power outages.

2. Electric utilities report that foil balloons are among the top causes of outages. Foil balloons are coated with a shiny metallic film that conducts electricity. If a foil balloon contacts power lines, this can create an electrical fault that can damage power lines, cause blackouts and start fires.

3. Because of the risk of power outages and fires caused by foil balloons coming into contact with power lines, other states and jurisdictions have considered bans on foil balloons.

4. Modern technology has advanced to allow for the manufacturing of foil balloons that resist conducting electricity. The Institute of Electrical and Electronics Engineers is developing standards for such balloons.

5. Requiring foil balloons to be tested and to meet performance standards concerning their dielectric performance will minimize the risks of power outages and fires.

Sec. 3. ***As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Commission" means the Public Utilities Commission of Nevada.***

Sec. 5. ***1. "Foil balloon" means a balloon that is constructed of electrically conductive material.***

2. The term does not include a hot air balloon or a balloon used in a governmental or scientific research project.

Sec. 6. ***"P2845 Standard" means the "Standard for Testing and Evaluating the Dielectric Performance of Celebratory Balloons in Contact with Overhead Power Distribution Lines Rated up to 38 kV System Voltage," IEEE P2845, of the Institute of Electrical and Electronics Engineers.***

Sec. 7. ***1. A person who manufactures a foil balloon in this State shall include on the foil balloon a suitable, permanent mark that:***

(a) Identifies the manufacturer of the foil balloon.

(b) If the foil balloon meets the requirements of section 8 of this act, indicates that the foil balloon meets those requirements. If the Commission has adopted the P2845 Standard pursuant to section 9 of this act, any

marking specified in the P2845 Standard shall be deemed to be a suitable mark for the purposes of this subsection.

2. A person shall not sell, offer for sale or distribute a foil balloon that is filled with a gas that is lighter than air in this State unless:

(a) An object of sufficient weight is affixed to the foil balloon or its appurtenance to counter the lift capability of the foil balloon; and

(b) No electrically conductive string, tether or streamer or any other electrically conductive object is attached to the foil balloon.

Sec. 8. ***1. Except as otherwise provided in this section, a person shall not sell, offer to sell or manufacture a foil balloon in this State unless the foil balloon meets the requirements set forth in this section.***

2. Except as otherwise provided in this section, any foil balloon sold, offered for sale or manufactured in this State must be tested in accordance with, and meet the performance standards set forth in, a standard for the testing and evaluation of the dielectric performance of foil balloons adopted by the Commission pursuant to section 9 of this act.

3. Except as otherwise provided in subsections 4 and 5, a person who sells, offers for sale or manufactures foil balloons in this State shall ensure that:

(a) Not less than 25 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, ~~[2024.]~~ 2027.

(b) Not less than 55 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, ~~[2025.]~~ 2028.

(c) Not less than 80 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, ~~[2026.]~~ 2029.

(d) One hundred percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, ~~[2027.]~~ 2030.

4. A period described in subsection 3 must be tolled during any period in which a serious development, manufacturing, production or supply chain issue or event in the nature of force majeure occurs if the issue or event:

(a) Makes it infeasible to develop, manufacture, produce or sell foil balloons in compliance with the requirements of this section; and

(b) Is outside of the control of the person who sells, offers to sell or manufactures a foil balloon in this State.

5. If a period of tolling is required pursuant to subsection 4, the period must be:

(a) Twenty four months; or

(b) Until the serious development, manufacturing, production or supply chain issue or event in the nature of force majeure is resolved,

↪ whichever occurs first.

6. As used in this section, "infeasible" means incapable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors.

Sec. 9. *1. The Commission shall adopt, by regulation, a standard for testing and evaluating the dielectric performance of foil balloons. If the P2845 Standard is final and approved, the Commission shall adopt the P2845 Standard as the standard required by this section.*

2. For the purposes of subsection 1, the P2845 Standard shall be deemed to be final and approved if the Institute for Electrical and Electronics Engineers has:

(a) Published an interim version of the P2845 Standard;

(b) Completed a trial of the interim version of the P2845 Standard; and

(c) After any materially substantive adjustments, if any, to the interim version, published a final version of the P2845 Standard.

Sec. 10. *1. A person who sells, offers for sale or manufactures a foil balloon in violation of sections 2 to 10, inclusive, of this act is subject to a civil penalty not to exceed $50 for each such foil balloon sold, offered for sale or manufactured, except that the penalty against the person must not exceed $2,500 for each day on which a violation occurs.*

2. A civil penalty imposed pursuant to subsection 1 must be recovered in a civil action brought by the Attorney General or by the district attorney or city attorney for the jurisdiction in which the violation occurred.

3. Any civil penalty collected pursuant to this section by:

(a) The Attorney General must be paid to the State Treasurer for credit to the State General Fund.

(b) A district attorney or city attorney must deposited in the county or city treasury, as applicable.

~~*[5.]*~~ *4. In determining whether to impose a civil penalty pursuant to subsection 1, the court shall consider:*

(a) The nature, extent and severity of the violation;

(b) If multiple violations occurred, the number of violations;

(c) The economic effect of the civil penalty on the person;

(d) The annual revenue of the person in both sales of foil balloons and total sales;

(e) Whether the person took good faith measures to comply with the requirements of sections 2 to 10, inclusive, of this act and when such measures were taken;

(f) The deterrent effect that the imposition of the penalty would have on both the person and the regulated community as a whole;

(g) The willfulness of the person responsible for the violation; and

(h) Any other factors that justice may require.

~~*[6.]*~~ *5. The Attorney General or the district attorney or city attorney of a county or city, as applicable, in which a person sells, offers for sale or manufactures a foil balloon in violation of sections 2 to 10, inclusive, of this act may bring an action to enjoin the violation.*

Sec. 10.3. **NRS 200.471 is hereby amended to read as follows:**

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

(k) "Utility worker" means an employee or contractor of a public utility as defined in NRS 704.020.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver **,** ~~[or]~~ a transit operator ***or a utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator ***, a utility worker*** or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a

category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver **, ~~[or]~~** a transit operator ***or a utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator ***, a utility worker*** or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 10.6. **NRS 200.481 is hereby amended to read as follows:**

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

(j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(k) "Taxicab driver" means a person who operates a taxicab.

(l) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

(m) "Utility worker" means an employee or contractor of a public utility as defined in NRS 704.020.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver ***,*** ~~[or]~~ transit operator ***or utility worker*** who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver ~~, [or]~~ transit operator ***or utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 11. NRS 704.800 is hereby amended to read as follows:

704.800 1. It is unlawful for a person to obtain any water, gas, electricity, power or other service, goods or product provided by a public utility with the intent to avoid payment therefor, by:

(a) Opening, breaking into, tapping or connecting with any pipe, flume, ditch, conduit, reservoir, wire, meter or other apparatus belonging to or used by any other person or by the State, any county, city, district or municipality, and taking and removing therefrom or allowing to flow or be taken therefrom any water, gas, electricity or power belonging to another;

(b) Connecting a pipe, tube, flume, conduit, wire or other instrument or appliance with any pipe, conduit, tube, flume, wire, line, pole, lamp, meter or other apparatus belonging to or used by any water, irrigation, gas, electric or power company or corporation, or belonging to or used by any other person in such a manner as to take therefrom water, gas, electricity or power for any purpose or use without passing through the meter or instrument or other means provided for registering the quantity consumed or supplied;

(c) Altering, disconnecting, removing, injuring or preventing the action of any headgate, meter or other instrument used to measure or register the quantity of water, gas, electricity or power used or supplied; or

(d) Injuring or interfering with the efficiency of any meter, pipe, conduit, flume, wire, pole, line, lamp, fixture, hydrant or other attachment or apparatus belonging to or used by any water, irrigation, gas, electric or power company or corporation.

2. ***It is unlawful for a person, with the intent to interfere with or otherwise prevent the performance of the normal function of any infrastructure owned by a public utility and without the consent of the public utility, to:***

(a) Commit any trespass upon the infrastructure; or

(b) Intentionally or recklessly deface, damage or tamper with the infrastructure.

3. If the value of the service involved or the property damaged or stolen is:

(a) Five hundred dollars or more, a person who violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Less than $500, a person who violates the provisions of this section is guilty of a misdemeanor.

➥ In determining the value of the service involved, the value of all services unlawfully obtained or attempted to be obtained within 3 years before the time the indictment is found or the information is filed may be aggregated.

~~[3.]~~ ***4.*** This section applies when the service involved either originates or terminates, or both originates and terminates, in this state, or when the charges for the service would have been billable in the normal course by a person providing the service in this state but for the fact that the service was obtained

or attempted to be obtained by one or more of the means set forth in subsection 1.

Sec. 12. NRS 704.805 is hereby amended to read as follows:

704.805 1. Any public utility may bring a civil action for damages against any person who ~~[willfully]~~ ***:***

(a) Willfully and knowingly obtains, attempts to obtain or solicits, aids or abets another to obtain any service provided by the public utility by:

~~[(a)]~~ ***(1)*** Opening, breaking into, tapping or connecting with any pipe, flume, ditch, conduit, reservoir, wire, meter or other apparatus owned or used by another person;

~~[(b)]~~ ***(2)*** Bypassing any meter or other instrument used to register the quantity consumed or supplied; or

~~[(c)]~~ ***(3)*** Altering, disconnecting, removing, injuring or preventing the action of any meter or other instrument used to register the quantity consumed or supplied ~~[.]~~ ***; or***

(b) Violates subsection 2 of NRS 704.800,

➥ and recover a sum equal to treble the amount of the actual damages, plus all reasonable costs and expenses incurred by the public utility because of that conduct, including the cost of equipment, investigating the matter and expert witnesses and attorney's fees.

2. There is a rebuttable presumption that the person responsible for payment for the delivery of the service of a public utility to any premises caused or had knowledge of any act specified in ***paragraph (a) of*** subsection 1 if the person:

(a) Is the occupant of the premises; or

(b) Has any access to the system for delivery of the service to the premises.

3. The presumption provided in subsection 2 only shifts the burden of going forward with the evidence and does not shift the burden of proof to the defendant.

4. A person who willfully or negligently injures or destroys the property of a public utility which is used in the actual production, distribution or delivery of the service provided by the public utility is liable to the public utility for the cost of the repair or replacement of the property injured or destroyed, including the direct and indirect costs attributable to the repair or replacement but subtracting the value, if any, of salvage.

5. Nothing in this section abridges or alters any other right of action or remedy available to a public utility before or after July 1, 1985.

6. As used in this section, "direct and indirect costs attributable to repair or replacement" include, but are not limited to, costs for:

(a) Labor;

(b) Materials;

(c) Supervision of employees;

(d) Supplies;

(e) Tools;

(f) Taxes;

(g) Transportation;
(h) General and administrative expenses;
(i) Allocable benefits for employees;
(j) Allowances for meals; and
(k) Any other related expenses.

Assemblywoman Marzola moved the adoption of the amendment.
Remarks by Assemblywoman Marzola.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 334.
Bill read second time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 198.
AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle **for repair** relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law requires: (1) with certain exceptions, an insurer to approve or deny a claim of its insured relating to a contract of casualty of insurance within 30 days after receiving the claim; and (2) an insurer to notify a policyholder within 20 days after receiving the claim if the insurer requires additional information or time to determine whether to approve or deny the claim. (NRS 690B.012)
Section 1 of this bill provides that if an insurer requires the inspection **for repair** of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[6]~~ **8** business days after receiving the claim and accepting liability: (1) request that the insured or claimant, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. **The insurer is required to furnish a copy of the estimate which includes, without limitation, an indication of the extent of known damages and manner of repair at the time of the inspection. Section 1** further provides that if, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[6]~~ **8** business days after making such determination: (1) request that the insured or claimant, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. **The insurer is required to furnish a copy of the estimate which includes, without limitation, an indication of the extent of known damages and manner of repair at the time of the inspection.** If the insurer fails to inspect or further inspect the vehicle during the time in which it is required to do so **~~[,]~~ or fails to provide the required estimate,** the insurer waives its right to inspect

or further inspect the vehicle and, with certain exceptions, negotiations for payment of the claim are limited to the cost of labor and price of parts. Finally, **section 1** authorizes ~~[, under certain circumstances, an insured or claimant, as applicable, or the repair facility to file a complaint against the insurer with]~~ the Division of Insurance of the Department of Business and Industry ~~[.]~~ **to impose an administrative fine of not more than $1,200 for each violation of section 1.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[6]~~ 8 business days after receiving the claim , ~~[and]~~ accepting liability ~~[,]~~ and confirming coverage:

(a) Request that the insured or claimant, as applicable, make the motor vehicle available for inspection; and

(b) Except as otherwise provided in subsection 3, inspect the motor vehicle.

➥ The insurer shall furnish a copy of the estimate at the time of the inspection which includes, without limitation, an indication of the extent of known damages and manner of repair.

2. If, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[6]~~ 8 business days after making such determination:

(a) Request that the insured or claimant, as applicable, make the motor vehicle available for further inspection; and

(b) Except as otherwise provided in subsection 3, conduct such further inspection of the motor vehicle.

➥ The insurer shall furnish a copy of the estimate at the time of the inspection which includes, without limitation, an indication of the extent of known damages and manner of repair.

3. If the insured or claimant does not make a motor vehicle available for inspection or further inspection within ~~[6]~~ 8 business days after receiving a request from the insurer pursuant to subsection 1 or 2, the insurer shall inspect or further inspect the vehicle as soon as practicable after the insured or claimant makes the motor vehicle available.

4. If an insurer fails to inspect the motor vehicle during the period required pursuant to subsection 1, 2 or 3, as applicable, or fails to furnish a copy of the estimate required pursuant to subsection 1 or 2, as applicable, the insurer waives its right to inspect or further inspect the motor vehicle before any repairs are made to the vehicle. Unless the repair facility or, as applicable, the insured or claimant allows an inspection or further inspection of the vehicle after the period required pursuant to subsection 1,

2 or 3, negotiations for payment of the claim are limited to the cost of labor and the price of parts unless the insurer provides objective evidence to dispute the existence of damage or the chosen manner of repair.

5. The insured or ~~[complainant,]~~ claimant, as applicable, or a repair facility may file a complaint against the insurer with the Division if the insurer waives its right to inspect or further inspect the vehicle and does not limit negotiations for payment of the claim to the cost of labor and the price of parts or provide objective evidence to dispute the existence of the damage or the chosen manner of repair.

6. ~~[If the Division finds the complaint may have a basis in law or fact, the Division shall order a hearing to be conducted in accordance with the provisions of chapter 233B of NRS that apply to a contested case. If the Division or a hearing officer finds that the insurer waived its right to inspect or further the vehicle and did not limit negotiations for payment of the claim to the cost of labor and the price of parts or provide objective evidence to dispute the existence of the damage or the chosen manner of repair, the]~~ The Division ~~[or hearing officer, as applicable,]~~ may ~~[require the insurer to pay]~~ impose against an insurer an administrative fine of not more than ~~[$1,500.]~~ $1,200 for a violation of the provisions of this section.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 338.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 189.

AN ACT relating to Medicaid; requiring the State Plan for Medicaid to provide coverage of ~~[art]~~ **creative arts** therapy services to the extent authorized by federal law; requiring the Department of Health and Human Services to apply for a waiver or an amendment of the State Plan to receive federal funding for coverage of ~~[art]~~ **creative arts** therapy services; requiring any person who wishes to provide ~~[art]~~ **creative arts** therapy services to a recipient of Medicaid to enroll with the Division of Health Care Financing and Policy of the Department; requiring an enrolled ~~[art]~~ **creative arts** therapist to report the abuse of certain persons; **authorizing the expenditure of funds in the Nevada Cultural Account for certain purposes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to develop and administer the State Plan for Medicaid, which must include specific medical services required to be provided to recipients of Medicaid. (NRS 422.063, 422.270) Existing law requires: (1) the Director of the

Department to include in the State Plan a requirement that the State pay the nonfederal share of expenditures for certain medical services; and (2) the Department to apply to the United States Department of Health and Human Services for a waiver of certain provisions of federal law or an amendment of the State Plan to authorize the receipt of federal funding to provide certain medical services to recipients of Medicaid. (NRS 422.270-422.27495) **Section 1** of this bill requires the Director to include in the State Plan a requirement that the State pay certain costs for ~~[art]~~ **creative arts** therapy provided to Medicaid recipients. **Section 1** also requires the Department to apply for a waiver of federal Medicaid requirements or request to amend the State Plan to receive federal funding to provide coverage of ~~[art]~~ **creative arts** therapy. Finally, **section 1** requires a person who wishes to provide ~~[art]~~ **creative arts** therapy services to a recipient of Medicaid to enroll with the Division of Health Care Financing and Policy of the Department. **Section 4** of this bill makes a conforming change by including the duties listed in **section 1** among the duties the Director of the Department is required to fulfill.

Existing law requires certain persons in their professional or occupational capacity to report the suspected abuse, neglect, exploitation, isolation or abandonment of older or vulnerable persons or the suspected abuse or neglect of a child. (NRS 200.5093, 432B.220) Under existing law, a person who is required to make such a report but knowingly and willfully fails to do so is guilty of: (1) a misdemeanor for a first violation of failing to make such a report concerning a child or a gross misdemeanor for each subsequent violation; or (2) a misdemeanor for failing to make such a report concerning an older or vulnerable person. (NRS 200.5093, 432B.240) **Sections 2 and 3** of this bill expand these reporting requirements to an enrolled ~~[art]~~ **creative arts** therapist.

Existing law creates the Nevada Cultural Account in the State General Fund to provide resources and support for organizations, projects and activities relating to the arts and humanities in this State. (NRS 233C.095, 233C.096) Section 4.5 of this bill authorizes certain funds in the Account to be expended to support programs and projects to improve health outcomes through the arts and humanities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for ~~[art]~~ creative arts therapy provided by an enrolled ~~[art]~~ creative arts therapist.

2. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 or apply for an amendment of the State Plan for Medicaid that authorizes the Department

to receive federal funding to include in the State Plan for Medicaid coverage of ~~[art]~~ creative arts therapy provided by an enrolled ~~[art]~~ creative arts therapist. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. A person who wishes to receive reimbursement through the Medicaid program for ~~[art]~~ creative arts therapy provided to a recipient of Medicaid must submit to the Division:

(a) An application for enrollment in the form prescribed by the Division; and

(b) Proof that he or she possesses the required training and qualifications prescribed by the Division pursuant to subsection 4.

4. The Division shall prescribe the required training and qualifications for enrollment pursuant to subsection 3 to receive reimbursement through Medicaid for ~~[art]~~ creative arts therapy.

5. As used in this section:

(a) ~~["Art]~~ "Creative arts therapy" means the clinical use of ~~[art]~~ artistic interventions to accomplish individualized goals within a therapeutic relationship by a professional who has completed ~~[a]~~ an accredited program for art therapy ~~[.]~~ , drama therapy, dance therapy or music therapy.

(b) "Enrolled ~~[art]~~ creative arts therapist" means a person who is enrolled with the Division pursuant to subsection 3 to receive reimbursement through Medicaid for ~~[art]~~ creative arts therapy.

Sec. 2. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the

abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide ~~[~~doula~~]~~ ***:***

(1) Doula services to recipients of Medicaid pursuant to NRS 422.27177 ~~[.]~~ ***; or***

(2) ~~[Art]~~ Creative arts therapy services to recipients of Medicaid pursuant to section 1 of this act.

(n) A peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 3. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person

and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide ~~[~~doula~~]~~ ***:***

(1) Doula services to recipients of Medicaid pursuant to NRS 422.27177 ~~[.]~~ ***; or***

(2) ~~***[Art]***~~ ***Creative arts therapy services to recipients of Medicaid pursuant to section 1 of this act.***

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 4. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 4.5. **NRS 233C.096 is hereby amended to read as follows:**

233C.096 The Division shall administer the Nevada Cultural Account and may expend only the amount of any gifts, grants, donations, interest and income credited to the Account to:

1. Provide resources for developing the artistic, administrative and financial stability of cultural organizations that serve and enrich communities throughout this state regarding the arts and humanities;

2. Support programs and projects that provide residents of and visitors to this state with access to a broad range of activities regarding the arts and humanities;

3. Encourage cultural organizations to reduce their deficits, to establish cash reserves and endowments and to engage in capital projects that will aid in their stabilization; ~~[and]~~

4. Support initiatives and organizations that encourage access to, the awareness of and education in the arts ~~[.]~~ ***; and***

5. Support programs and projects to improve health outcomes through the arts and humanities.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[4,]~~ **4.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 395.

SUMMARY—Requires ~~[an adult-use cannabis retail store and cannabis consumption lounge]~~ **a cannabis establishment agent** to take certain actions to verify the age of a consumer before selling cannabis or a cannabis product. (BDR 56-1024)

AN ACT relating to cannabis; requiring ~~[an adult-use cannabis retail store and cannabis consumption lounge to take certain actions]~~ **a cannabis establishment agent** to verify the age of a consumer before selling cannabis or a cannabis product to the consumer; ~~[requiring the Cannabis Compliance Board to adopt regulations]~~ setting forth ~~[standards for an independent, third-party]~~ **the method by which the** age verification ~~[service to be used by an adult-use cannabis retail store and cannabis consumption lounge;]~~ **is required to be performed;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing ~~[law exempts a person who is 21 years of age or older from certain offenses relating to]~~ **regulations of the Cannabis Compliance Board require a** cannabis ~~[. (NRS 678D.200) Existing law sets forth various requirements for the sale of]~~ **establishment agent, before selling** cannabis ~~[and]~~ **or** cannabis products to ~~[consumers by a cannabis sales facility, including an adult-use cannabis retail store and a cannabis consumption lounge. (NRS 678B.520, 678D.470, 678D.475) This bill requires an adult-use cannabis retail store and cannabis consumption lounge, before selling cannabis or a cannabis product, to: (1) require the consumer to present a]~~ **a consumer, to verify the age of the consumer by checking a** government-issued identification ~~[; and (2) perform an age verification through an independent, third-party age verification service that establishes that]~~ **containing a photograph of** the consumer ~~[is 21 years of age or older. This bill also requires the Cannabis Compliance Board to adopt regulations setting forth standards for such an age verification service.]~~ **using an identification scanner approved by an appropriate agent of the Board to determine the validity of any government-issued identification. (Nevada Cannabis Compliance Regulations § 7.015) This bill codifies that requirement in statute.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[678D]~~ **678B** of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1.]~~ Before ~~[an adult-use cannabis retail store or cannabis consumption lounge sells]~~ a cannabis establishment agent sells cannabis or a cannabis product to a consumer, the ~~[adult-use cannabis retail store or cannabis consumption lounge]~~ cannabis establishment agent shall ~~[:~~

~~(a) Require]~~ verify the age of the consumer ~~[to present a]~~ by checking a government-issued identification ~~[; and~~

~~(b) Perform an age verification through an independent, third-party age verification service that compares information available from public records~~

~~*to the personal information obtained from the]*~~ *that contains a photograph of the consumer using an identification scanner which has been approved by an appropriate agent of the Board to determine the validity of any government-issued identification* . ~~*[that establishes that the consumer is 21 years of age or older.*~~

~~*2. The Board shall adopt regulations prescribing standards for an independent, third-party age verification service required to be used by an adult-use cannabis retail store and cannabis consumption lounge pursuant to subsection 1. The standards must require such an age verification service to verify the age of consumers with not less than 95 percent accuracy.]*~~

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 355.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 321.

AN ACT relating to firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a child under the age of 18 years from handling, possessing or controlling a firearm under certain circumstances. (NRS 202.300) **Section 1** of this bill makes it a gross misdemeanor for a person who is less than 21 years of age to possess or control a: (1) semiautomatic shotgun; or (2) semiautomatic centerfire rifle.

Existing law provides that a person does not aid or knowingly permit a child to handle, possess or control a firearm if the firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure. Under existing law, a person who aids or knowingly permits a child to handle, possess or control a firearm is guilty of: (1) for the first offense, a misdemeanor; (2) for a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm

to commit a violent act, a category C felony; and (3) for a second or any subsequent offense, a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years. (NRS 202.300) **Section 1**: (1) provides the same penalties for a person who aids or knowingly permits a person who is less than 21 years of age to handle, possess or control certain firearms; and (2) includes similar provisions concerning the circumstances in which a person does not aid or knowingly permit a person who is less than 21 years of age to handle, possess or control such firearms.

Existing law makes it a misdemeanor for a person to negligently store or leave a firearm at a location under his or her control if the person knows or has reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling, possessing or controlling a firearm, may obtain the firearm. (NRS 202.300) **Section 1** adds a similar provision imposing the same penalty for a person who negligently stores or leaves a firearm at a similar location from which a person who is less than 21 years of age may obtain the firearm.

Existing law authorizes a child who is 14 years of age or older and who, among other requirements, has a valid hunting license, to handle, possess or control a: (1) rifle or shotgun; or (2) firearm capable of being concealed upon the person. However, existing law provides that the rifle or shotgun must not be a fully automatic firearm. (NRS 202.300) **Section 3** of this bill prohibits a child who is 14 years of age or older from handling, possessing or controlling a semiautomatic shotgun or semiautomatic centerfire rifle.

Under certain circumstances, existing law authorizes a child who is 14 years of age or older to handle, possess or control a rifle or shotgun that is not a fully automatic firearm at his or her residence. (NRS 202.300) **Section 3**: (1) provides that the rifle or shotgun must not be a semiautomatic shotgun or semiautomatic centerfire rifle; and (2) requires that the rifle or shotgun, while not in use, must remain unloaded and stored in a securely locked container under the possession of certain persons.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is less than 21 years of age shall not handle or have in his or her possession or under his or her control any:

(a) Semiautomatic shotgun; or

(b) Semiautomatic centerfire rifle.

➥ A person who violates this subsection is guilty of a gross misdemeanor.

2. A person who aids or knowingly permits a person who is less than 21 years of age to violate subsection 1:

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the person who is less than 21 years of age will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

3. A person does not aid or knowingly permit a person who is less than 21 years of age to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The person who is less than 21 years of age obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The person who is less than 21 years of age gained possession of the firearm from a member of the Armed Forces of the United States , a reserve component thereof or the National Guard or a law enforcement officer while the member or law enforcement officer was carrying out official duties.

4. The provisions of subsection 1 do not apply to a person who is less than 21 years of age and who [is] :

(a) Is a member of the Armed Forces of the United States [carrying out official duties.] , a reserve component thereof or the National Guard;

(b) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions; or

(c) Is a law enforcement officer who is employed by a federal, state or local law enforcement agency.

5. Unless a greater penalty is provided by law, a person is guilty of a misdemeanor who:

(a) Negligently stores or leaves a firearm at a location under his or her control; and

(b) Knows or has reason to know that there is a substantial risk that a person who is less than 21 years of age and who is prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

Sec. 2. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive [,] ***, and section 1 of this act:***

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms importer or manufacturer" means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. "Motor vehicle" means every vehicle that is self-propelled.

8. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

9. "Unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 3. NRS 202.300 is hereby amended to read as follows:

202.300 1. Except as otherwise provided in this section, a child under the age of 18 years shall not handle or have in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, any firearm of any kind for hunting or target practice or for other purposes. A child who violates this subsection commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.

2. A person who aids or knowingly permits a child to violate subsection 1:

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

3. A person does not aid or knowingly permit a child to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The child obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The child gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his or her official duties.

4. The provisions of subsection 1 do not apply to a child who is a member of the Armed Forces of the United States.

5. Unless a greater penalty is provided by law, a person is guilty of a misdemeanor who:

(a) Negligently stores or leaves a firearm at a location under his or her control; and

(b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

6. Except as otherwise provided in subsection 9, a child who is 14 years of age or older, who has in his or her possession a valid license to hunt, may handle or have in his or her possession or under his or her control, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child:

(a) A rifle or shotgun that is not a ***semiautomatic shotgun, semiautomatic centerfire rifle or*** fully automatic firearm, if the child is not otherwise prohibited by law from possessing the rifle or shotgun and the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun; or

(b) A firearm capable of being concealed upon the person, if the child has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm and the child is not otherwise prohibited by law from possessing such a firearm,

➥ and the child is traveling to the area in which the child will be hunting or returning from that area and the firearm is not loaded, or the child is hunting pursuant to that license.

7. Except as otherwise provided in subsection 9, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control a rifle or shotgun that is not a ***semiautomatic shotgun, semiautomatic***

centerfire rifle or fully automatic firearm if the child is not otherwise prohibited by law from possessing the rifle or shotgun, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun and the child is:

(a) Attending a course of instruction in the responsibilities of hunters or a course of instruction in the safe use of firearms;

(b) Practicing the use of a firearm at an established firing range or at any other area where the discharge of a firearm is permitted;

(c) Participating in a lawfully organized competition or performance involving the use of a firearm;

(d) Within an area in which the discharge of firearms has not been prohibited by local ordinance or regulation and the child is engaging in a lawful hunting activity in accordance with chapter 502 of NRS for which a license is not required;

(e) Traveling to or from any activity described in paragraph (a), (b), (c) or (d), and the firearm is not loaded;

(f) On real property that is under the control of an adult, and the child has the permission of that adult to possess the firearm on the real property; or

(g) At his or her residence ~~[.]~~ ***, so long as the rifle or shotgun, when not in use, is unloaded and stored in a securely locked container under the possession of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child.***

8. Except as otherwise provided in subsection 9, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control, for the purpose of engaging in any of the activities listed in paragraphs (a) to (g), inclusive, of subsection 7, a firearm capable of being concealed upon the person, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child:

(a) Has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm for the purpose of engaging in such an activity; and

(b) Is not otherwise prohibited by law from possessing such a firearm.

9. A child shall not handle or have in his or her possession or under his or her control a loaded firearm if the child is:

(a) An occupant of a motor vehicle;

(b) Within any residence, including his or her residence, or any building other than a facility licensed for target practice, unless possession of the firearm is necessary for the immediate defense of the child or another person; or

(c) Within an area designated by a county or municipal ordinance as a populated area for the purpose of prohibiting the discharge of weapons, unless the child is within a facility licensed for target practice.

10. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 322.

ASSEMBLYMEN DICKMAN, LA RUE HATCH, ANDERSON, HANSEN, KASAMA; CARTER, D'SILVA, DURAN, GALLANT, GRAY, GURR, HAFEN, HARDY, KOENIG, MCARTHUR, MOSCA, O'NEILL, TAYLOR, WATTS, YEAGER, AND YUREK.

JOINT SPONSORS: SENATORS SEEVERS GANSERT, GOICOECHEA, TITUS, HANSEN; **FLORES** AND NEAL

AN ACT relating to mobile tracking devices; prohibiting a person from installing, concealing or otherwise placing a mobile tracking device in or on the motor vehicle of another person under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The United States District Court for the District of Nevada has held that using a GPS tracking device to monitor the movements of a person implicates the tort of invasion of privacy because a person has a reasonable expectation of privacy with respect to his or her daily movements in a motor vehicle. (*Ringelberg v. Vanguard Integrity Prof'ls-Nev., Inc.*, No. 2:17-CV-01788-JAD-PAL (D. Nev. Dec. 3, 2018)) Existing law does not expressly prohibit a person from installing a tracking device on the motor vehicle of another person. This bill expressly provides that a person commits the crime of unlawful installation of a mobile tracking device if the person installs, conceals or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the motor vehicle, unless the person is a **[**~~: (1)~~**]** law enforcement officer who installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle pursuant to a warrant or court order **. [**~~; (2) manufacturer of a motor vehicle; and (3) certain creditors.~~**]** This bill provides that a person who commits any such offense is guilty of: (1) for the first offense, a misdemeanor; (2) for the second offense, a gross misdemeanor; or (3) for the third or any subsequent offense, a category C felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person commits the crime of unlawful installation of a mobile tracking device if the person knowingly installs, conceals or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the motor vehicle.

2. The provisions of subsection 1 do not apply to ~~***[***~~***:***

~~***(a) A]***~~ ***a law enforcement officer who installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle pursuant to a warrant or court order*** ~~***.***~~ ~~***[;***~~

~~***(b) A manufacturer of a motor vehicle who installs a tracking system in a motor vehicle; or***~~

~~***(c) A creditor who installs any electronic tracking technology pursuant to NRS 598.9701 to 598.9718, inclusive.]***~~

3. A person who commits the crime of unlawful installation of a mobile tracking device is guilty of:

(a) For the first offense, a misdemeanor.

(b) For the second offense, a gross misdemeanor.

(c) For the third or any subsequent offense, a category C felony and shall be punished as provided in NRS 193.130.

4. As used in this section, "mobile tracking device" means any device that permits a person to track the movement or location of another person or object through the transmission of any signal, including, without limitation, a radio or electronic signal.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 358.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 487.

AN ACT relating to health care; creating the Bureau of Emergency Medical Services in the State Fire Marshal Division of the Department of Public Safety; transferring to the Bureau certain duties related to emergency medical services; revising the membership of the Committee on Emergency Medical Services; requiring the State Fire Marshal to appoint a Chief of the Bureau; making

various other changes relating to emergency medical services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Fire Marshal Division in the Department of Public Safety, consisting of the Fire Protection and Control Section, the Fire Investigation Section, the Public Education Section, the Fire Service Training Section and the Fire Data Section. (NRS 477.010) **Section 42** of this bill adds the Bureau of Emergency Medical Services to the State Fire Marshal Division. **Section 43** of this bill requires the State Fire Marshal to appoint as Chief of the Bureau a person who has experience as a paramedic and has at least a bachelor's degree in some related field.

Existing law regulates emergency medical services in this State. (Chapter 450B of NRS) Certain authority and duties relating to emergency medical services are given to the "board," which means: (1) the State Board of Health in a county whose population is less than 700,000 (currently all counties other than Clark County); or (2) the district board of health in a county whose population is 700,000 or more (currently only Clark County). (NRS 450B.060) The authority and duties given to the board include: (1) establishing certain minimum standards and requirements for ambulances and air ambulances, for permits for the operation of air ambulances and for the certification or licensure of certain persons who provide emergency medical care; (2) approving certain training for emergency medical dispatchers; (3) issuing licenses to ambulance attendants and certain firefighters; (4) approving programs of training for certification as an emergency medical technician, advanced emergency medical technician or paramedic; (5) setting forth certain procedures that may be performed and drugs that may be administered by an advanced emergency medical technician or an attendant or a fire firefighter who is a paramedic; (6) determining eligibility for training as a paramedic; (7) setting forth certain provisions relating to the issuance of an endorsement on a permit which allows certain emergency medical providers to provide community paramedicine services; (8) setting forth qualifications for and issuing a permit to operate an ambulance, air ambulance or a vehicle of a fire-fighting agency and maintaining a registry of such permits; (9) issuing provisional permits to operate an ambulance, air ambulance or a vehicle of a fire-fighting agency; (10) adopting regulations specifying the acceptable documentation that staff of an air ambulance meet certain minimum qualifications; (11) setting forth the equipment required for an ambulance, air ambulance or vehicle used in providing emergency medical care; and (12) designating geographic areas in which an ambulance driver or attendant that meet certain lesser qualifications may transport a sick or injured person. (NRS 450B.120, 450B.130, 450B.140, 450B.155, 450B.160, 450B.180, 450B.1905, 450B.191, 450B.1915, 450B.195, 450B.197, 450B.1993, 450B.200, 450B.210, 450B.225, 450B.230, 450B.260) **Sections 9, 12, 13 and 19-33** of this bill transfer from the State Board of Health to the Bureau such authority and duties in a county whose population is less than 700,000.

(NRS 450B.077) **Sections 7, 8 and 10** of this bill make conforming changes to amend the definition of "advanced emergency medical technician," "emergency medical technician" and "paramedic" to clarify that the terms mean certain persons certified by the health authority. (NRS 450B.025, 450B.065, 450B.095) **Section 1** of this bill makes a conforming change relating to the transfer of certain powers and duties to a health authority, as set forth in **sections 12, 13 and 19-33**, to create an exception to the provision that the State Board of Health is supreme in all nonadministrative health matters. (NRS 439.150)

Existing law requires the board to establish and promulgate rules, regulations, standards and procedures as it determines are necessary to administer the provisions of the Nevada Revised Statutes relating to emergency medical services. (NRS 450B.120) **Section 11** of this bill grants similar authority to a health authority.

Section 5.5 of this bill requires any regulation adopted by the Bureau or Chief to be approved by the State Board of Health.

Section 14 of this bill transfers from the State Board of Health to the Chief of the Bureau the requirement to establish by regulation: (1) a fee for the issuance or renewal of certain licenses, permits and certificates in a county whose population is less than 700,000; and (2) a schedule of fees for the services and regulatory activities performed by the Bureau. (NRS 439.150, 450B.200)

Existing law provides that certain money received by the Division of Public and Behavioral Health of the Department of Health and Human Services must be accounted for separately, administered by the Administrator of the Division and used only to carry out a training program for emergency medical services personnel who work for a volunteer ambulance service or firefighting agency. (NRS 450B.1505) **Section 14** provides instead that such money must be administered by the Chief of the Bureau.

Existing law creates the Committee on Emergency Medical Services, consisting of nine members appointed by the State Board of Health, which has various duties relating to emergency medical services. (NRS 450B.151, 450B.153) **Section 15** of this bill provides that the Director of the Department of Public Safety appoints the members of the Committee and revises the membership of the Committee. **Section 16** of this bill makes a conforming change to provide that the per diem and travel expenses of members of the Committee are paid by the Bureau rather than the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 450B.152) **Section 17** of this bill revises the duties of the Committee to require the Committee to advise the Bureau rather than the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 450B.153) **Section 18** of this bill provides that the Bureau, rather than the Division, is required to provide administrative support and assistance to the Committee.

Existing law sets forth certain authority for the health authority related to the issuance of do-not-resuscitate identification. (NRS 450B.400-450B.590) Because of the amendment to the definition of "health authority" in **section 9**, **sections 34-38** of this bill amend these provisions so that such authority remains with the Division of Public and Behavioral Health of the Department of Health and Human Services in a county whose population is less than 700,000, and to the district board of health in a county whose population is 700,000 or more.

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to: (1) post on an Internet website maintained by the Division certain information about programs to provide peer support counseling to emergency response employees; (2) collect information, under certain circumstances, regarding suicide and attempted suicide among emergency response employees; and (3) report such information to the Chief Medical Officer. (NRS 450B.855) **Section 39** of this bill provides instead that the Bureau shall: (1) post information about programs to provide peer support counseling to emergency response employees; (2) collect information, under certain circumstances, regarding suicide and attempted suicide among emergency response employees; and (3) report such information to the State Fire Marshal.

Existing law authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to impose an administrative penalty against any person who violates any of the provisions of chapter 450B of NRS. (NRS 450B.900) **Section 40** of this bill authorizes the Bureau to similarly impose an administrative penalty against a person who violates any provision of chapter 450B of NRS that is administered by the Bureau.

Existing law requires the Department of Health and Human Services to provide to the Interagency Council on Veterans Affairs the total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program. (NRS 417.0194) **Section 41** of this bill requires instead that the Department of Public Safety provide such information to the Council.

Sections 3-5 of this bill define the terms "Bureau," "Chief" and "provider of emergency medical services," respectively. **Section 6** of this bill makes a conforming change to indicate the proper placement of **sections 3-5** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.150 is hereby amended to read as follows:

439.150 1. ~~[The]~~ ***Except as otherwise provided in chapter 450B of NRS, the*** State Board of Health is hereby declared to be supreme in all nonadministrative health matters. It has general supervision over all matters, except for administrative matters and as otherwise provided in NRS 439.950

to 439.983, inclusive, relating to the preservation of the health and lives of citizens of this State and over the work of the Chief Medical Officer and all district, county and city health departments, boards of health and health officers.

2. The Department is hereby designated as the agency of this State to cooperate with the federal authorities in the administration of those parts of the Social Security Act which relate to the general promotion of public health. It may receive and expend all money made available to the Division by the Federal Government, the State of Nevada or its political subdivisions, or from any other source, for the purposes provided in this chapter. In developing and revising any state plan in connection with federal assistance for health programs, the Department shall consider, without limitation, the amount of money available from the Federal Government for those programs, the conditions attached to the acceptance of that money and the limitations of legislative appropriations for those programs.

3. Except as otherwise provided in NRS 576.128, the State Board of Health may set reasonable fees for the:

(a) Licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the Division;

(b) Programs and services of the Division;

(c) Review of plans; and

(d) Certification and licensing of personnel.

➥ Fees set pursuant to this subsection must be calculated to produce for that period the revenue from the fees projected in the budget approved for the Division by the Legislature.

Sec. 2. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 ~~[, 4 and 5]~~ **to 5.5, inclusive,** of this act.

Sec. 3. ***"Bureau" means the Bureau of Emergency Medical Services of the State Fire Marshal Division of the Department of Public Safety.***

Sec. 4. ***"Chief" means the Chief of the Bureau of Emergency Medical Services of the State Fire Marshal Division of the Department of Public Safety.***

Sec. 5. ***"Provider of emergency medical services" means each operator of an ambulance or fire-fighting agency which:***

1. Has a permit to operate pursuant to this chapter; and

2. Provides transportation for persons in need of emergency services and care to a hospital.

Sec. 5.5. 1. Notwithstanding any provision of this chapter that authorizes or requires the Bureau or the Chief to adopt any regulation, after adopting any such regulation and before submitting the regulation to the Legislative Counsel for review by the Legislative Commission pursuant to NRS 233B.067, the Bureau or Chief, as applicable, must submit the regulation for approval to the State Board of Health.

2. If the Board approves the regulation, the Board shall promptly notify the Bureau or Chief, as applicable, in writing. The Bureau or Chief, as

applicable, must attach a copy of such approval of the Board when sending the regulation to the Legislative Counsel for review by the Legislative Commission.

3. If the Board objects to the regulation, the Board shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the Bureau or Chief, as applicable. The Bureau or Chief, as applicable, may not submit a regulation to which the Board has objected to the Legislative Counsel for review by the Legislative Commission.

Sec. 6. NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 450B.025 is hereby amended to read as follows:

450B.025 "Advanced emergency medical technician" means a person certified by the health ~~[officer]~~ ***authority*** as having satisfactorily completed a program of training for certification as an advanced emergency medical technician pursuant to NRS 450B.191.

Sec. 8. NRS 450B.065 is hereby amended to read as follows:

450B.065 "Emergency medical technician" means a person certified by the health ~~[officer]~~ ***authority*** as having satisfactorily completed a program of training for certification as an emergency medical technician pursuant to NRS 450B.1905.

Sec. 9. NRS 450B.077 is hereby amended to read as follows:

450B.077 "Health authority" means:

1. In a county whose population is less than 700,000, the ~~[Division.]~~ ***Bureau.***

2. In a county whose population is 700,000 or more, the district board of health.

Sec. 10. NRS 450B.095 is hereby amended to read as follows:

450B.095 "Paramedic" means a person certified by the health ~~[officer]~~ ***authority*** as having satisfactorily completed a program of training for certification as a paramedic pursuant to NRS 450B.195.

Sec. 11. NRS 450B.120 is hereby amended to read as follows:

450B.120 The board ***and a health authority*** shall establish and promulgate such rules, regulations, standards and procedures as ~~[it determines]~~ are necessary to administer the provisions of this chapter.

Sec. 12. NRS 450B.130 is hereby amended to read as follows:

450B.130 1. The ~~[board]~~ ***health authority*** shall adopt regulations establishing reasonable minimum standards for:

(a) Sanitation in ambulances and air ambulances;

(b) Medical and nonmedical equipment and supplies to be carried in ambulances and medical equipment and supplies to be carried in air ambulances and vehicles of a fire-fighting agency;

(c) Interior configuration, design and dimensions of ambulances placed in service after July 1, 1979;

(d) Permits for operation of ambulances, air ambulances and vehicles of a fire-fighting agency;

(e) Records to be maintained by an operator of an ambulance or air ambulance or by a fire-fighting agency; and

(f) Treatment of patients who are critically ill or in urgent need of treatment.

2. Any regulations adopted by the ~~[board]~~ ***health authority*** pursuant to subsection 1 establishing reasonable minimum standards for a permit for the operation of an air ambulance or records to be maintained by an operator of an air ambulance must:

(a) Except as otherwise provided in paragraph (b), be based on the medical aspects of the operation of an air ambulance, including, without limitation, aspects related to patient care; and

(b) Not be based on economic factors, including, without limitation, factors related to the prices, routes or nonmedical services of an air ambulance.

3. The health officers of this state shall jointly adopt regulations to establish the minimum standards for the certification or licensure of persons who provide emergency medical care. Upon adoption of the regulations, each health authority shall adopt the regulations for its jurisdiction. After each health authority adopts the regulations, the standards established constitute the minimum standards for certification or licensure of persons who provide emergency medical care in this state. Any changes to the minimum standards must be adopted jointly by the health officers and by each health authority in the manner set forth in this subsection. Any changes in the minimum standards which are not adopted in the manner set forth in this subsection are void.

4. A health officer may adopt regulations that impose additional requirements for the certification or licensure of persons who provide emergency medical care in the jurisdiction of the health officer, but the health officer must accept the certification or licensure of a person who provides emergency medical care from the jurisdiction of another health officer as proof that the person who provides emergency medical care has met the minimum requirements for certification or licensure.

5. As used in this section, "person who provides emergency medical care" means an emergency medical technician, advanced emergency medical technician, paramedic, attendant of an ambulance or air ambulance or firefighter employed by or serving with a fire-fighting agency.

Sec. 13. NRS 450B.140 is hereby amended to read as follows:

450B.140 1. In adopting regulations under NRS 450B.120 and 450B.130, the board ***or health authority, as applicable,*** may use standards and regulations proposed by:

(a) The Committee on Trauma of the American College of Surgeons;

(b) The United States Department of Transportation;

(c) The United States Public Health Service;

(d) The Bureau of Health Insurance of the Social Security Administration;

(e) The American Academy of Orthopaedic Surgeons;

(f) The National Academy of Sciences—National Research Council;

(g) The American Heart Association; and

(h) Regional, state and local emergency medical services committees and councils.

2. The board ***or health authority, as applicable,*** may establish different standards for commercial, volunteer, industrial and other categories of ambulances and fire-fighting agencies to reflect different circumstances and in the public interest.

Sec. 14. NRS 450B.1505 is hereby amended to read as follows:

450B.1505 1. ***The Chief shall establish by regulation:***

(a) A fee for the issuance or renewal of any license, permit or certificate issued by the Bureau pursuant to this chapter; and

(b) A schedule of fees for the services and regulatory activities performed by the Bureau pursuant to the provisions of this chapter. Any such fee must be based on the actual cost of the service or activity, as applicable.

2. Any money ~~[~~the Division receives~~]~~ ***received*** from a fee ~~[~~set by the State Board of Health~~]~~ ***established*** pursuant to ~~[~~NRS 439.150 for the issuance or renewal of a license pursuant to NRS 450B.160,~~]~~ ***subsection 1,*** an administrative penalty imposed pursuant to NRS 450B.900 or an appropriation made by the Legislature for the purposes of training related to emergency medical services:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May be used only to carry out a training program for emergency medical services personnel who work for a volunteer ambulance service or firefighting agency, including, without limitation, equipment for use in the training; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

~~[~~2.~~]~~ ***3.*** Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid in the manner that other claims against the State are paid.

~~[~~3.~~]~~ ***4.*** The ~~[~~Administrator of the Division~~]~~ ***Chief*** shall administer the account.

Sec. 15. NRS 450B.151 is hereby amended to read as follows:

450B.151 1. The Committee on Emergency Medical Services, consisting of nine members appointed by the ~~[~~State Board of Health,~~]~~ ***Director of the Department of Public Safety,*** is hereby created.

2. Upon request of the ~~[~~State Board of Health,~~]~~ ***Director of the Department of Public Safety,*** employee associations that represent persons that provide emergency medical services, including, without limitation, physicians and nurses that provide emergency medical services, emergency medical technicians, ambulance attendants, firefighters, fire chiefs and employees of rural hospitals, shall submit to the ~~[~~State Board of Health~~]~~ ***Director of the Department of Public Safety*** written nominations for appointments to the Committee.

3. After considering the nominations submitted pursuant to subsection 2, the ~~[~~State Board of Health~~]~~ ***Director of the Department of Public Safety*** shall appoint to the Committee:

(a) One member who is a physician licensed pursuant to chapter 630 or 633 of NRS and who ~~[~~has experience providing~~]~~ ***is a director or holds an equivalent position for a provider of*** emergency medical services;

(b) One member who is a registered nurse and who ~~[~~has experience providing~~]~~ ***provides*** emergency medical services;

(c) One member who is ~~[~~a volunteer for an organization that provides emergency medical services pursuant to this chapter;~~]~~ ***employed by a fire protection district that provides emergency medical services and transportation of persons by ambulance;***

(d) One member who is ***a certified emergency medical technician and*** employed by a ***volunteer organization that provides emergency medical services or by a*** fire-fighting agency at which some of the firefighters and persons who provide emergency medical services for the agency are employed and some serve as volunteers;

(e) One member who is employed by ***a provider of emergency medical services and is based in*** an urban ~~[~~fire-fighting agency;~~]~~ ***area;***

(f) One member who ***provides emergency medical services and*** is employed by or serves as a volunteer with a medical facility that is located in a rural area and that provides emergency medical services;

(g) One member who is employed by an organization that provides emergency medical services in an air ambulance and whose duties are closely related to such emergency medical services;

(h) One member who is employed by a privately owned entity that provides emergency medical services; and

(i) One member who is employed by an operator of a service which is:

(1) Provided for the benefit of the employees of an industry who become sick or are injured at the industrial site; and

(2) Staffed by employees who are licensed attendants and perform emergency medical services primarily for the industry.

4. In addition to the members set forth in subsection 3, the following persons are ex officio members of the Committee:

(a) An employee of the ~~[~~Division,~~]~~ ***Department of Health and Human Services,*** appointed by the ~~[~~Administrator~~]~~ ***Director*** of the ~~[~~Division,~~]~~ ***Department,*** whose duties relate to administration and enforcement of the provisions of this chapter ~~[~~,~~]~~ ***over which the Department has authority.***

(b) The county health officer appointed pursuant to NRS 439.290 in each county whose population is 100,000 or more, or the county health officer's designee;

(c) A physician who is a member of a committee which consists of directors of trauma centers in this State and who is nominated by that committee; and

(d) A representative of a committee or group which focuses on the provision of emergency medical services to children in this State and who is nominated by that committee or group.

5. The term of each member appointed by the ~~[State Board of Health]~~ ***Director of the Department of Public Safety*** is 2 years. A member may not serve more than two consecutive terms but may serve more than two terms if there is a break in service of not less than 2 years.

6. The ~~[State Board of Health]~~ ***Director of the Department of Public Safety*** shall not appoint to the Committee two persons who are employed by or volunteer with the same organization, except the ~~[State Board of Health]~~ ***Director of the Department of Public Safety*** may appoint a person who is employed by or volunteers with the same organization of which a member who serves ex officio is an employee.

7. Each member of the Committee shall appoint an alternate to serve in the member's place if the member is temporarily unable to perform the duties required of him or her pursuant to NRS 450B.151 to 450B.154, inclusive.

8. A position on the Committee that becomes vacant before the end of the term of the member must be filled in the same manner as the original appointment.

Sec. 16. NRS 450B.152 is hereby amended to read as follows:

450B.152 1. The Committee shall elect a Chair from among its members. The term of the Chair is 1 year.

2. The Committee shall meet at the call of the Chair at least four times each year.

3. The Committee shall adopt rules for its own management.

4. A member of the Committee serves without compensation, except that, for each day or portion of a day during which a member attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses must be paid by the ~~[Division]~~ ***Bureau*** from money not allocated by specific statute for another use.

Sec. 17. NRS 450B.153 is hereby amended to read as follows:

450B.153 The Committee shall:

1. Review and advise the ~~[Division]~~ ***Bureau*** regarding the management and performance of emergency medical services in this State and regarding statewide emergency medical protocols;

2. Advise the ~~[Division]~~ ***Bureau*** on matters of policy relating to emergency care, including, without limitation, the qualifications of persons who provide emergency medical services;

3. Advise the board and ~~[Division]~~ ***the Bureau*** with respect to the preparation and adoption of regulations regarding emergency care;

4. Review periodically the budget of the ~~[Division that relates to emergency medical services;]~~ ***Bureau;***

5. Encourage the training and education of emergency medical service personnel to improve the system of public safety in this State; and

6. Perform such other duties as may be required by law or regulation.

Sec. 18. NRS 450B.154 is hereby amended to read as follows:

450B.154 The ~~[~~Division~~]~~ ***Bureau*** shall provide administrative support and assistance to the Committee.

Sec. 19. NRS 450B.155 is hereby amended to read as follows:

450B.155 1. An educational institution, public or private agency or other entity may provide a training program for emergency medical dispatchers and issue certificates of completion if the program meets the requirements set forth in the regulations of the ~~[~~board~~]~~ ***health authority*** and is approved by the ~~[~~board.~~]~~ ***health authority.***

2. The ~~[~~board~~]~~ ***health authority*** shall adopt regulations:

(a) Prescribing the requirements for a program for training and certifying an emergency medical dispatcher;

(b) Prescribing the procedures for an educational institution, public or private agency or other entity to obtain the approval of the ~~[~~board~~]~~ ***health authority*** to provide such a program; and

(c) Establishing such fees as are necessary to cover the cost of administering the provisions of this section.

Sec. 20. NRS 450B.160 is hereby amended to read as follows:

450B.160 1. The health authority may issue licenses to attendants and to firefighters employed by or serving as volunteers with a fire-fighting agency.

2. Each license must be evidenced by a card issued to the holder of the license, is valid for a period not to exceed 2 years and is renewable.

3. An applicant for a license must file with the health authority:

(a) A current, valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as an attendant, or, if a volunteer attendant, at a level of skill determined by the board.

(b) A current valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as a firefighter with a fire-fighting agency.

(c) A signed statement showing:

(1) The name and address of the applicant;

(2) The name and address of the employer of the applicant; and

(3) A description of the applicant's duties.

(d) Proof that the applicant has completed the training required by subsection 4.

(e) Such other certificates for training and such other items as the board may specify.

4. In addition to the training required by subsection 3, each applicant for a license must complete training concerning identifying and interacting with persons with developmental disabilities.

5. The ~~[board]~~ ***health authority*** shall adopt such regulations as it determines are necessary for the issuance, suspension, revocation and renewal of licenses.

6. Each ~~[operator of an ambulance or air ambulance and each fire-fighting agency]~~ ***provider of emergency medical services*** shall annually file with the health authority a complete list of the licensed persons in its service.

7. Licensed physicians, registered nurses and licensed physician assistants may serve as attendants without being licensed under the provisions of this section. A registered nurse who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the State Board of Nursing. A licensed physician assistant who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the Board of Medical Examiners.

8. Each licensed physician, registered nurse and licensed physician assistant who serves as an attendant must have current certification of completion of training in:

(a) Advanced life-support procedures for patients who require cardiac care;

(b) Life-support procedures for pediatric patients who require cardiac care; and

(c) Life-support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.

➥ The certification must be issued by the Board of Medical Examiners for a physician or licensed physician assistant or by the State Board of Nursing for a registered nurse.

9. The Board of Medical Examiners and the State Board of Nursing shall issue a certificate pursuant to subsection 8 if the licensed physician, licensed physician assistant or registered nurse attends:

(a) A course offered by a national organization which is nationally recognized for issuing such certification;

(b) Training conducted by the operator of an ambulance or air ambulance; or

(c) Any other course or training,

➥ approved by the Board of Medical Examiners or the State Board of Nursing, whichever is issuing the certification.

10. As used in this section, "developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 21. NRS 450B.180 is hereby amended to read as follows:

450B.180 1. Any person desiring certification as an emergency medical technician, advanced emergency medical technician or paramedic must apply to the health authority using forms prescribed by the health authority.

2. The health authority, pursuant to regulations and procedures adopted by the ~~[board,]~~ ***health authority,*** shall make a determination of the applicant's

qualifications to be certified as an emergency medical technician, advanced emergency medical technician or paramedic and shall issue the appropriate certificate to each qualified applicant.

3. A certificate is valid for a period not exceeding 2 years and may be renewed if the holder of the certificate complies with the provisions of this chapter and meets the qualifications set forth in the regulations and standards established by the ~~[board]~~ ***health authority*** pursuant to this chapter. The regulations and standards established by the ~~[board]~~ ***health authority*** must provide for the completion of:

(a) A course of instruction, within 2 years after initial certification, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The ~~[board]~~ ***health authority*** may thereafter determine whether to establish regulations and standards requiring additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

(b) Training before initial certification concerning identifying and interacting with persons with developmental disabilities. Training completed pursuant to this paragraph also satisfies the requirement for such training prescribed by NRS 289.605 or 450B.160, if applicable.

4. The health authority may suspend or revoke a certificate if it finds that the holder of the certificate no longer meets the prescribed qualifications. Unless the certificate is suspended by the district court pursuant to NRS 425.540, the holder of the certificate may appeal the suspension or revocation of his or her certificate pursuant to regulations adopted by the ~~[board.]~~ ***health authority.***

5. The ~~[board]~~ ***health authority*** shall determine the procedures and techniques which may be performed by an emergency medical technician, advanced emergency medical technician or paramedic.

6. A certificate issued pursuant to this section is valid throughout the State, whether issued by the ~~[Division]~~ ***Bureau*** or a district board of health.

7. The ~~[Division]~~ ***Bureau*** shall maintain a central registry of all certificates issued pursuant to this section, whether issued by the ~~[Division]~~ ***Bureau*** or a district board of health.

8. The ~~[board]~~ ***health authority*** shall adopt such regulations as are necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 22. NRS 450B.190 is hereby amended to read as follows:

450B.190 1. The health authority may, at its discretion, issue a provisional license as an attendant to a person who does not meet the qualifications established pursuant to this chapter, if the health authority determines that such issuance will be in the public interest.

2. A provisional license as an attendant must not be made valid for more than 1 year from the date of issuance and is not renewable.

3. A person who does not meet the qualifications established pursuant to this chapter is not required to obtain a provisional license to serve in a training capacity if the person:

(a) Is not employed by the provider of emergency services;

(b) Is accompanied at all times during the training period by an emergency medical technician, advanced emergency medical technician or paramedic; and

(c) Will be serving in a training capacity for less than a 24-hour period as part of a course of study at an institution of higher learning in this State.

Sec. 23. NRS 450B.1905 is hereby amended to read as follows:

450B.1905 1. A program of training for certification as an emergency medical technician must be:

(a) Supervised by a physician and approved by the health authority; or

(b) Presented by a national organization which is nationally recognized for providing such training and approved by the ~~[board.]~~ ***health authority.***

2. A program of training for certification as an emergency medical technician must follow the curriculum or educational standards prepared by the United States Department of Transportation as a national standard for emergency medical technicians.

3. The ~~[board]~~ ***health authority*** may adopt regulations which prescribe other requirements of training for certification as an emergency medical technician.

4. An owner of an ambulance shall not offer emergency medical care to a patient in urgent need of medical care or observation unless the attendant has successfully completed a program of training for certification as an emergency medical technician or is exempt, pursuant to subsection 7 of NRS 450B.160, from the requirement to obtain that training.

5. The ~~[board]~~ ***health authority*** may by regulation prescribe additional requirements for receiving and maintaining certification as an emergency medical technician. The curriculum or educational standards for training must be:

(a) At the level of advanced first aid; or

(b) At least equivalent to any curriculum or educational standards prepared by the Department of Transportation as a national standard for emergency medical technicians.

Sec. 24. NRS 450B.191 is hereby amended to read as follows:

450B.191 1. A program of training for certification as an advanced emergency medical technician must be supervised by a licensed physician and approved by the health authority.

2. A program of training for certification as an advanced emergency medical technician must include an approved curriculum in intravenous therapy and the management of a passage for air to the lungs. Only a certified emergency medical technician with experience as established by the ~~[board]~~ ***health authority*** is eligible for this training.

3. In order to maintain certification, each advanced emergency medical technician must annually:

(a) Comply with the requirements established by the ~~[board]~~ ***health authority*** for continuing medical education; and

(b) Demonstrate his or her skills as required by regulation of the ~~[board.]~~ ***health authority.***

4. The ~~[board]~~ ***health authority*** may by regulation prescribe the curriculum and other requirements for training and maintaining certification as an advanced emergency medical technician. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for advanced emergency medical technicians.

5. A person shall not represent himself or herself to be an advanced emergency medical technician unless the person has on file with the health authority a currently valid certificate demonstrating successful completion of the program of training required by this section.

6. Except as authorized by subsection 7 of NRS 450B.160, an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as an advanced emergency medical technician without fulfilling the requirements established by the ~~[board.]~~ ***health authority.***

Sec. 25. NRS 450B.1915 is hereby amended to read as follows:

450B.1915 An advanced emergency medical technician may perform any procedure and administer any drug:

1. Approved by regulation of the ~~[board;]~~ ***health authority;*** or

2. Authorized pursuant to NRS 450B.1975, if the advanced emergency medical technician has obtained an endorsement pursuant to that section.

Sec. 26. NRS 450B.195 is hereby amended to read as follows:

450B.195 1. Only a certified emergency medical technician with experience as established by the ~~[board]~~ ***health authority*** is eligible for training as a paramedic.

2. A program of training for certification as a paramedic must be supervised by a licensed physician and approved by the health authority.

3. To maintain certification, each paramedic must annually:

(a) Comply with the requirements established by the ~~[board]~~ ***health authority*** for continuing medical education; and

(b) Demonstrate his or her skills as required by regulation of the ~~[board.]~~ ***health authority.***

4. The ~~[board]~~ ***health authority*** may by regulation prescribe the curriculum and other requirements for training and maintaining certification as a paramedic. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for paramedics.

5. A person shall not represent himself or herself to be a paramedic unless the person has on file with the health authority a currently valid certificate evidencing the person's successful completion of the program of training required by this section.

6. Except as authorized by subsection 7 of NRS 450B.160, an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as a paramedic without fulfilling the requirements established by the ~~[board.]~~ ***health authority.***

Sec. 27. NRS 450B.197 is hereby amended to read as follows:

450B.197 An attendant or a firefighter who is a paramedic or emergency medical services registered nurse may perform any procedure and administer any drug:

1. Approved by regulation of the ~~[board;]~~ ***health authority;*** or

2. Authorized pursuant to NRS 450B.1975, if the attendant or firefighter who is a paramedic has obtained an endorsement pursuant to that section.

Sec. 28. NRS 450B.1993 is hereby amended to read as follows:

450B.1993 1. The ~~[board]~~ ***health authority*** shall adopt regulations to provide for the issuance of an endorsement on a permit which allows an emergency medical provider who is employed by or serves as a volunteer for the holder of the permit to provide community paramedicine services. Such regulations must establish, without limitation:

(a) The manner in which to apply for an endorsement;

(b) The qualifications and requirements of a holder of a permit to obtain an endorsement;

(c) The required training and qualifications of an emergency medical provider who will provide community paramedicine services and the proof necessary to demonstrate such training and qualifications;

(d) The scope of the community paramedicine services that may be provided by an emergency medical provider who is employed by or serves as a volunteer for the holder of the permit, which must not include any services that are outside the scope of practice of the emergency medical provider;

(e) The continuing education requirements or other evidence of continued competency for renewal of the endorsement; and

(f) Such other requirements as the ~~[board]~~ ***health authority*** deems necessary to carry out the provisions of this section and NRS 450B.199 and 450B.1996.

2. The holder of a permit may apply for an endorsement to provide community paramedicine services by submitting to the health authority an application upon forms prescribed by the ~~[board]~~ ***health authority*** and in accordance with procedures established by the ~~[board.]~~ ***health authority.*** The health authority must not approve an application for an endorsement or a renewal of an endorsement unless the applicant meets the requirements prescribed by the ~~[board]~~ ***health authority*** by regulation pursuant to subsection 1. No additional fee may be charged for an endorsement.

3. An endorsement to provide community paramedicine services expires on the same date as the permit and is renewable annually thereafter at least 30 days before the expiration date.

4. An emergency medical provider may provide community paramedicine services only as an employee of or volunteer for the holder of a permit who has obtained an endorsement and only if the emergency medical provider possesses the training and qualifications required by the ~~[board.]~~ ***health authority.*** Any services provided must not exceed the scope of practice of the emergency medical provider.

Sec. 29. NRS 450B.200 is hereby amended to read as follows:

450B.200 1. The health authority may issue a permit for:

(a) The operation of an ambulance or an air ambulance; or

(b) The operation of a vehicle of a fire-fighting agency:

(1) At the scene of an emergency; and

(2) To provide community paramedicine services, but only if the holder of the permit has obtained an endorsement on the permit to provide such services pursuant to NRS 450B.1993.

2. Each permit must be evidenced by a card issued to the holder of the permit.

3. No permit may be issued unless the applicant is qualified pursuant to the regulations of the ~~[board.]~~ ***health authority.***

4. An application for a permit must be made upon forms prescribed by the ~~[board]~~ ***health authority*** and in accordance with procedures established by the ~~[board,]~~ ***health authority,*** and must contain the following:

(a) The name and address of the owner of the ambulance or air ambulance or of the fire-fighting agency;

(b) The name under which the applicant is doing business or proposes to do business, if applicable;

(c) A description of each ambulance, air ambulance or vehicle of a fire-fighting agency, including the make, year of manufacture and chassis number, and the color scheme, insigne, name, monogram or other distinguishing characteristics to be used to designate the applicant's ambulance, air ambulance or vehicle;

(d) The location and description of the places from which the ambulance, air ambulance or fire-fighting agency intends to operate; and

(e) Such other information as the ~~[board]~~ ***health authority*** deems reasonable and necessary to a fair determination of compliance with the provisions of this chapter.

5. The ~~[board]~~ ***health authority*** shall establish a reasonable fee for annual permits.

6. All permits expire on July 1 following the date of issue, and are renewable annually thereafter upon payment of the fee required by subsection 5 at least 30 days before the expiration date.

7. The health authority shall:

(a) Revoke, suspend or refuse to renew any permit issued pursuant to this section for violation of any provision of this chapter or of any regulation adopted by the ~~[board;]~~ ***health authority;*** or

(b) Bring an action in any court for violation of this chapter or the regulations adopted pursuant to this chapter,

➥ only after the holder of a permit is afforded an opportunity for a public hearing pursuant to regulations adopted by the ~~[board.]~~ ***health authority.***

8. The health authority may suspend a permit if the holder is using an ambulance, air ambulance or vehicle of a fire-fighting agency which does not meet the minimum requirements for equipment as established by the ~~[board]~~ ***health authority*** pursuant to this chapter.

9. In determining whether to issue a permit for the operation of an air ambulance pursuant to this section, the health authority:

(a) Except as otherwise provided in paragraph (b), may consider the medical aspects of the operation of an air ambulance, including, without limitation, aspects related to patient care; and

(b) Shall not consider economic factors, including, without limitation, factors related to the prices, routes or nonmedical services of an air ambulance.

10. The issuance of a permit pursuant to this section or NRS 450B.210 does not authorize any person or governmental entity to provide those services or to operate any ambulance, air ambulance or vehicle of a fire-fighting agency not in conformity with any ordinance or regulation enacted by any county, municipality or special purpose district.

11. A permit issued pursuant to this section is valid throughout the State, whether issued by the ~~[Division]~~ ***Bureau*** or a district board of health. An ambulance, air ambulance or vehicle of a fire-fighting agency which has received a permit from the district board of health in a county whose population is 700,000 or more is not required to obtain a permit from the

~~[~~Division,~~]~~ ***Bureau,*** even if the ambulance, air ambulance or vehicle of a fire-fighting agency has routine operations outside the county.

12. The ~~[~~Division~~]~~ ***Bureau*** shall maintain a central registry of all permits issued pursuant to this section, whether issued by the ~~[~~Division~~]~~ ***Bureau*** or a district board of health.

13. The ~~[~~board~~]~~ ***health authority*** shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 30. NRS 450B.210 is hereby amended to read as follows:

450B.210 1. The ~~[~~board~~]~~ ***health authority*** may issue provisional permits limited as to time, place and purpose, based on the need therefor. No provisional permit may be issued for a period of longer than 6 months. The ~~[~~board~~]~~ ***health authority*** may establish a reasonable fee for such provisional permits.

2. Unless otherwise limited in the permit, a provisional permit issued pursuant to this section is valid for providing emergency services throughout the State, whether issued by the ~~[~~Division~~]~~ ***Bureau*** or a district board of health.

3. In determining whether to issue a permit for the operation of an air ambulance pursuant to this section, the health authority:

(a) Except as otherwise provided in paragraph (b), may consider the medical aspects of the operation of an air ambulance, including, without limitation, aspects related to patient care; and

(b) Shall not consider economic factors, including, without limitation, factors related to the prices, routes or nonmedical services of an air ambulance.

Sec. 31. NRS 450B.225 is hereby amended to read as follows:

450B.225 1. Except as otherwise provided in subsection 2, during any period in which an air ambulance is used to provide medical transportation services for which a permit is required, the air ambulance must be staffed with, at a minimum:

(a) One primary attendant who:

(1) Is an emergency medical services registered nurse who has at least 3 years of critical care nursing experience;

(2) Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and

(3) Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board; and

(b) One secondary attendant who meets the same qualifications as a primary attendant pursuant to paragraph (a) or:

(1) Is certified as a paramedic;

(2) Has at least 3 years of field experience as a paramedic;

(3) Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and

(4) Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board.

2. If, as determined by the pilot and medical director of the air ambulance, the weight of the secondary attendant could compromise the performance of the air ambulance, safety or patient care, an air ambulance providing medical transportation services may be staffed with only a primary attendant as described in paragraph (a) of subsection 1.

3. The ~~[board]~~ ***health authority*** may adopt regulations specifying the acceptable documentation of the requirements set forth in paragraph (a) or (b) of subsection 1.

4. The health authority may issue a letter of endorsement and identification card to an emergency medical services registered nurse or paramedic who satisfies the requirements of paragraph (a) or (b) of subsection 1.

Sec. 32. NRS 450B.230 is hereby amended to read as follows:

450B.230 1. The public or private owner of an ambulance or air ambulance or the fire-fighting agency who owns a vehicle used in providing emergency medical care shall not permit its operation and use without the equipment required by regulations and standards of the ~~[board.]~~ ***health authority.***

2. The provisions of this section do not apply to the equipment in or of an air ambulance unless the equipment is related to the medical aspects of the operation of the air ambulance.

Sec. 33. NRS 450B.260 is hereby amended to read as follows:

450B.260 1. Except as otherwise provided in this section, the public or private owner of an ambulance or air ambulance or a fire-fighting agency which owns a vehicle used in providing medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility shall not permit its operation and use by any person not licensed under this chapter.

2. An ambulance carrying a sick or injured patient must be occupied by a driver and an attendant, each of whom is licensed as an attendant pursuant to this chapter or exempt from licensing pursuant to subsection 7 of NRS 450B.160, except as otherwise provided in subsection 5 or in geographic areas which may be designated by the ~~[board]~~ ***health authority*** and for which the ~~[board]~~ ***health authority*** may prescribe lesser qualifications.

3. An air ambulance carrying a sick or injured patient must be occupied by a licensed attendant, or a person exempt from licensing pursuant to subsection 7 of NRS 450B.160, in addition to the pilot of the aircraft.

4. The pilot of an air ambulance is not required to have a license under this chapter.

5. A person who operates or uses a vehicle owned by a fire-fighting agency is not required to be licensed under this chapter, except that such a vehicle may not be used to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons:

(a) At the scene of an emergency unless at least one person in the vehicle is licensed to provide the care; or

(b) While transporting those persons to a medical facility unless at least two persons in the vehicle are licensed to provide the care.

6. Nothing in this section precludes the operation of an aircraft in this State in a manner other than as an air ambulance.

Sec. 34. NRS 450B.410 is hereby amended to read as follows:

450B.410 "Do-not-resuscitate identification" means:

1. A form of identification approved by the ~~[health authority,]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health,*** which signifies that:

(a) A person is a qualified patient who wishes not to be resuscitated in the event of cardiac or respiratory arrest; or

(b) The patient's attending physician or attending advanced practice registered nurse has:

(1) Issued a do-not-resuscitate order for the patient;

(2) Obtained the written approval of the patient concerning the order; and

(3) Documented the grounds for the order in the patient's medical record.

2. The term also includes a valid do-not-resuscitate identification issued under the laws of another state.

Sec. 35. NRS 450B.490 is hereby amended to read as follows:

450B.490 1. The board shall adopt regulations to carry out the provisions of NRS 450B.400 to 450B.590, inclusive. The regulations must establish:

(a) A do-not-resuscitate protocol; and

(b) The procedure to apply for a do-not-resuscitate identification.

2. The board may establish a fee for:

(a) A do-not-resuscitate identification to be collected by the ~~[health authority.]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health.*** The fee may not exceed the actual cost to the ~~[health authority]~~ ***Division*** of:

(1) Manufacturing or obtaining the identification from a manufacturer, including the cost of shipping and handling; and

(2) Engraving the identification.

(b) The issuance of a bracelet or medallion which indicates that a do-not-resuscitate identification has been issued to a qualified patient.

3. In the case of a district board of health, such regulations take effect immediately upon approval by the State Board of Health.

Sec. 36. NRS 450B.500 is hereby amended to read as follows:

450B.500 Each do-not-resuscitate identification issued by the ~~[health authority]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health,*** must include, without limitation:

1. An identification number that is unique to the qualified patient to whom the identification is issued;

2. The name and date of birth of the patient; and

3. The name of the attending physician or attending advanced practice registered nurse of the patient.

Sec. 37. NRS 450B.520 is hereby amended to read as follows:

450B.520 Except as otherwise provided in NRS 450B.525:

1. A qualified patient may apply to the ~~[health authority]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health*** for a do-not-resuscitate identification by submitting an application on a form provided by the ~~[health authority.]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health.*** To obtain a do-not-resuscitate identification, the patient must comply with the requirements prescribed by the board and sign a form which states that the patient has informed each member of his or her family within the first degree of consanguinity or affinity, whose whereabouts are known to the patient, or if no such members are living, the patient's legal guardian, if any, or if he or she has no such members living and has no legal guardian, his or her caretaker, if any, of the patient's decision to apply for an identification.

2. An application must include, without limitation:

(a) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient suffers from a terminal condition;

(b) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient is capable of making an informed decision or, when the patient was capable of making an informed decision, that the patient:

(1) Executed:

(I) A written directive that life-resuscitating treatment be withheld under certain circumstances;

(II) A durable power of attorney for health care pursuant to NRS 162A.700 to 162A.870, inclusive; or

(III) A Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment; or

(2) Was issued a do-not-resuscitate order pursuant to NRS 450B.510;

(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(d) The name, signature and telephone number of the patient's attending physician or attending advanced practice registered nurse; and

(e) The name and signature of the patient or the agent who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care decisions.

Sec. 38. NRS 450B.525 is hereby amended to read as follows:

450B.525 1. A parent or legal guardian of a minor may apply to the ~~[health authority]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health*** for a do-not-resuscitate identification on behalf of the minor if the minor has been:

(a) Determined by his or her attending physician or attending advanced practice registered nurse to be in a terminal condition; and

(b) Issued a do-not-resuscitate order pursuant to NRS 450B.510.

2. To obtain such a do-not-resuscitate identification, the parent or legal guardian must:

(a) Submit an application on a form provided by the ~~[health authority;]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health;*** and

(b) Comply with the requirements prescribed by the board.

3. An application submitted pursuant to subsection 2 must include, without limitation:

(a) Certification by the minor's attending physician or attending advanced practice registered nurse that the minor:

(1) Suffers from a terminal condition; and

(2) Has executed a Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the minor is not to receive life-resuscitating treatment or has been issued a do-not-resuscitate order pursuant to NRS 450B.510;

(b) A statement that the parent or legal guardian of the minor does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(c) The name of the minor;

(d) The name, signature and telephone number of the minor's attending physician or attending advanced practice registered nurse; and

(e) The name, signature and telephone number of the minor's parent or legal guardian.

4. The parent or legal guardian of the minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that he or she wishes to have the identification removed or destroyed.

5. If, in the opinion of the attending physician or attending advanced practice registered nurse, the minor is of sufficient maturity to understand the nature and effect of withholding life-resuscitating treatment:

(a) The do-not-resuscitate identification obtained pursuant to this section is not effective without the assent of the minor.

(b) The minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that the minor wishes to have the identification removed or destroyed.

Sec. 39. NRS 450B.855 is hereby amended to read as follows:

450B.855 1. A governmental entity which licenses and regulates emergency response employees may, within the limits of available money, enter into a contract with a nonprofit organization to establish a program to provide peer support counseling to emergency response employees.

2. A nonprofit organization that establishes a program to provide peer support counseling to emergency response employees pursuant to subsection 1 must:

(a) Establish and operate a toll-free hotline for emergency response employees to call if such employees are experiencing mental health issues as a result of the nature of their work.

(b) Establish and maintain a network of peer support counselors to provide peer support counseling to persons who call the toll-free hotline established pursuant to paragraph (a).

(c) Establish and maintain an Internet website that provides:

(1) Information on mental health issues associated with emergency response work, including, without limitation, stress, post-traumatic stress disorder, depression, addictive disorders and self-medication; and

(2) Information concerning local and national support groups for mental health issues.

3. The ~~[Division]~~ ***Bureau*** shall post on an Internet website maintained by the ~~[Division:]~~ ***Bureau:***

(a) The telephone number of each toll-free hotline established pursuant to subsection 2; and

(b) Information concerning local and national support groups for mental health issues.

4. To the extent money is available, the ~~[Division]~~ ***Bureau*** shall collect information regarding suicide and attempted suicide among emergency response employees and report that information to the ~~[Chief Medical Officer]~~ ***State Fire Marshal*** or his or her designee. Such a report must not include any confidential or privileged information.

Sec. 40. NRS 450B.900 is hereby amended to read as follows:

450B.900 1. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

2. In addition to any criminal penalty imposed ~~[, the]~~ ***:***

(a) The Division may impose against any person who violates any of the provisions of this chapter ~~[,]~~ ***over which the Division has authority,*** an administrative penalty in an amount established by the State Board of Health by regulation.

(b) The Bureau may impose against any person who violates any of the provisions of this chapter over which the Bureau has authority, an administrative penalty in an amount established by Bureau by regulation.

Sec. 41. NRS 417.0194 is hereby amended to read as follows:

417.0194 1. Each state agency and regulatory body identified in subsections 2 to 16, inclusive, shall report, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data identified in subsections 2 to 17, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information for the immediately preceding fiscal year to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.

2. The Department of Veterans Services shall provide annual statistics regarding:

(a) The distribution of expenditures in this State by the United States Department of Veterans Affairs;

(b) The number of veterans who receive care at a veterans' home operated by the State;

(c) The number of interments and other services provided by the veterans' cemeteries in this State;

(d) The total number of veterans service officers who are located in this State, by zip code;

(e) The number of claims filed on behalf of veterans and the family members of veterans by veterans service officers in this State;

(f) The amount of annual payments in the form of disability compensation and pension benefits made to veterans and the family members of veterans in this State as a result of claims filed by any veterans service officers employed or managed by the Department of Veterans Services;

(g) The number of persons who participate as advocates for veterans in this State in a volunteer program sponsored by the Department of Veterans Services, by zip code;

(h) The number of employers in this State who participate in a program sponsored by the Department of Veterans Services that facilitates the employment of veterans; and

(i) The number of events sponsored or supported by the Department of Veterans Services held in this State to provide outreach to veterans regarding benefits, claims and services, segregated by the geographical location of each event.

3. The Department of Administration shall provide:

(a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;

(b) The total combined number of veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are employed by each agency in the State; and

(c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3366 and 338.13844.

4. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:

(a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and

(b) Any discounted fees for access to or the use of state parks.

5. The Department of Corrections shall provide:

(a) An annual overview of the monthly population of inmates in this State who are veterans; and

(b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.

6. The Office of Economic Development shall provide an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class.

7. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.

8. The Department of Employment, Training and Rehabilitation shall provide a summary of:

(a) The average number of veterans served by a veteran employment specialist of the Department of Employment, Training and Rehabilitation per week;

(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 of NRS; and

(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to chapter 612 of NRS.

9. The Department of Health and Human Services shall provide ~~[:~~

~~(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and~~

~~(b) A~~] ***a*** report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

10. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued; and

(c) An overview of the data on veterans collected pursuant to NRS 483.292, 483.852 and 483.927.

11. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

12. The Department of Public Safety shall provide ~~[the]~~ ***:***

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the Bureau of Emergency Medical Services; and

(b) The percentage of veterans in each graduating class of its academy for training peace officers.

13. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

14. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

15. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

16. Each regulatory body shall provide the total number of veterans and service members who have:

(a) Applied for a license from the regulatory body.

(b) Been issued a license by the regulatory body.

(c) Renewed a license with the regulatory body.

17. Each state agency and regulatory body identified in subsections 2 to 16, inclusive, shall ensure that the form used to collect data from a veteran, including, without limitation, a digital form posted on an Internet website, includes the following questions:

(a) "Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"

(b) "Have you ever been assigned to duty for a minimum of 6 continuous years in the National Guard or a reserve component of the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"

(c) "Have you ever served the Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States in the capacity of a commissioned officer while on active duty in defense of the United States and separated from such service under conditions other than dishonorable?"

18. The Council shall, upon receiving the information submitted pursuant to this section and NRS 612.237, synthesize and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 8 of NRS 417.0195.

19. As used in this section:

(a) "License" has the meaning ascribed to it in NRS 622.030.

(b) "Regulatory body" has the meaning ascribed to it in NRS 622.060.

(c) "Service member" has the meaning ascribed to it in NRS 125C.0635.

Sec. 42. NRS 477.010 is hereby amended to read as follows:

477.010 1. The State Fire Marshal Division is hereby established in the Department of Public Safety.

2. The Division consists of the ***Bureau of Emergency Medical Services, the*** Fire Protection and Control Section, the Fire Investigation Section, the Public Education Section, the Fire Service Training Section and the Fire Data Section.

Sec. 43. NRS 477.013 is hereby amended to read as follows:

477.013 1. The Director of the Department of Public Safety shall consult the State Board of Fire Services and appoint the State Fire Marshal from the list of candidates presented by the Board. The Chief of the State Fire Marshal Division is the State Fire Marshal.

2. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** State Fire Marshal may appoint, within the limits of legislative appropriations, an assistant, deputies and such staff as is necessary to the performance of the duties of the State Fire Marshal. ***The State Fire Marshal shall appoint as Chief of the Bureau of Emergency Medical Services a person who has experience as a paramedic and at least a bachelor's degree in some related field.***

3. The ***Chief of the Bureau of Emergency Medical Services,*** assistant, deputies and additional personnel appointed by the State Fire Marshal are in the classified service of the State.

Sec. 44. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 45. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 44, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 373.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 263.

SUMMARY—Revises provisions relating to deceptive trade practices **.** ~~[directed toward elderly persons.]~~ (BDR 52-773)

AN ACT relating to deceptive trade practices; **clarifying the authority of the Attorney General with respect to a deceptive trade practice;** increasing **certain** civil ~~[and criminal]~~ penalties for engaging in a deceptive trade practice **under certain circumstances;** ~~[directed toward an elderly person;]~~ revising the statute of limitations for engaging in a deceptive trade practice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) **Existing law authorizes the Attorney General to obtain a temporary restraining order, a preliminary or permanent injunction or other appropriate relief by bringing an action in the name of the State against a person the Attorney General has reason to believe has engaged or is engaging in a deceptive trade practice. (NRS 598.0963) Section 1 of this bill clarifies that such other appropriate relief which the Attorney General may obtain includes, without limitation, the recovery of a civil penalty, disgorgement, restitution or the recovery of damages as parens patriae.**

_Existing law authorizes a court or the Director of the Department of Business and Industry or his or her designee, in certain actions and proceedings relating to the enforcement of the provisions prohibiting deceptive trade practices, to impose an additional maximum civil penalty of $12,500 for each violation if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973) **Section** ~~[1]~~ **1.5** of this bill increases the additional maximum civil penalty to $25,000 if the deceptive trade practice was directed toward an elderly person.

Existing law ~~[establishes a tier of criminal penalties for engaging in a deceptive trade practice that is based on the value of the property or services involved in the offense and which, in general, mirror the criminal penalties for theft. (NRS 205.0835, 598.0999) Section 2 of this bill establishes a tier of criminal penalties for engaging in a deceptive trade practice directed toward an elderly person which are more severe than the criminal penalties applicable for engaging in a deceptive trade practice in general. Under section 2, a person~~

~~who knowingly and willfully engages in a deceptive trade practice directed toward an elderly person is guilty of: (1) a category C felony for an offense involving a loss of property or services valued at $1,200 or more but less than $5,000; (2) a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000, for an offense involving a loss of property or services valued at $5,000 or more but less than $25,000; (3) a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and by a fine of not more than $15,000, for an offense involving a loss of property or services valued at $25,000 or more but less than $100,000; (4) a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and by a fine of not more than $20,000, for an offense involving a loss of property or services valued at $100,000 or more; and (5) a gross misdemeanor for any other offense.]~~ **authorizes the Commissioner of Insurance, the Director of the Department of Business and Industry, the district attorney of any county in this State or the Attorney General to recover a civil penalty not to exceed $5,000 if the court finds that a person has willfully engaged in a deceptive trade practice. (NRS 598.0999) Section 2 of this bill increases the maximum civil penalty for such a willful violation to $15,000.**

Existing law requires an indictment for the offense of engaging in certain trade practices punishable as a felony to be found, or an information or complaint to be filed, within 4 years after the commission of the offense. (NRS 171.085) **Section 3** of this bill imposes that requirement for all offenses involving the commission of any deceptive trade practice that is punishable as a felony. **Section 4** of this bill clarifies that the amendatory provisions of **section 3** apply to an offense committed: (1) before July 1, 2023, if the applicable statute of limitations has commenced but has not yet expired; and (2) on or after July 1, 2023.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 598.0963 is hereby amended to read as follows:**

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive. The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief ~~[.]~~ ***, including, without limitation, the recovery of a civil penalty, disgorgement, restitution or the recovery of damages:***

(a) As parens patriae of the persons residing this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly; or

(b) As parens patriae, with respect to direct or indirect damages to the general economy of the State of Nevada or any agency or political subdivision thereof.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 598.0973 is hereby amended to read as follows:

598.0973 1. Except as otherwise provided in NRS 598.0974, in any action or proceeding brought pursuant to NRS 598.0903 to 598.0999, inclusive, if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability, the court or the Director or his or her designee may, in addition to any other civil or criminal penalty, impose a civil penalty of ***:***

(a) For a deceptive trade practice directed toward a person with a disability, not more than $12,500 for each violation.

(b) For a deceptive trade practice directed toward an elderly person, not more than $25,000 for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court or the Director or his or her designee shall consider whether:

(a) The conduct of the person was in disregard of the rights of the elderly person or person with a disability;

(b) The person knew or should have known that his or her conduct was directed toward an elderly person or a person with a disability;

(c) The elderly person or person with a disability was more vulnerable to the conduct of the person because of the age, health, infirmity, impaired understanding, restricted mobility or disability of the elderly person or person with a disability;

(d) The conduct of the person caused the elderly person or person with a disability to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the elderly person or person with a disability to suffer:

(1) Mental or emotional anguish;

(2) The loss of the primary residence of the elderly person or person with a disability;

(3) The loss of the principal employment or source of income of the elderly person or person with a disability;

(4) The loss of money received from a pension, retirement plan or governmental program;

(5) The loss of property that had been set aside for retirement or for personal or family care and maintenance;

(6) The loss of assets which are essential to the health and welfare of the elderly person or person with a disability; or

(7) Any other interference with the economic well-being of the elderly person or person with a disability, including the encumbrance of his or her primary residence or principal source of income; or

(f) Any other factors that the court or the Director or his or her designee deems to be appropriate.

Sec. 2. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed ~~[$5,000]~~ ***$15,000*** for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A ~~*[Except as otherwise provided in subsection 4, a]*~~ natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(d) For an offense involving a loss of property or services valued at $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. ~~*[A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice directed toward an elderly person:*~~

~~*— (a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.*~~

~~*— (b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.*~~

~~*— (c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and by a fine of not more than $15,000.*~~

~~*— (d) For an offense involving a loss of property or services valued at $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and by a fine of not more than $20,000.*~~

~~*(c) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a gross misdemeanor.*~~

~~*➥ The court may require the natural person, firm or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.*~~

~~*5.]*~~ If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

5. ~~*[6.]*~~ If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. ~~*[7.]*~~ In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5 , ~~*[or 6,]*~~ process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. ~~*[8.]*~~ As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that

determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 3. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080 to 171.084, inclusive, and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, a violation of NRS 90.570, a violation punishable pursuant to ~~[~~paragraph (c)~~]~~ ***paragraphs (a) to (d), inclusive,*** of subsection 3 ~~***[for paragraphs (a) to (d), inclusive, of subsection 4]***~~ of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.

3. Sex trafficking must be found, or an information or complaint filed, within 6 years after the commission of the offense.

4. Any felony other than the felonies listed in subsections 1, 2 and 3 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 4. The amendatory provisions of section 3 of this act apply to an offense committed:

1. Before July 1, 2023, if the applicable statute of limitations has commenced but has not expired on July 1, 2023.

2. On or after July 1, 2023.

Sec. 5. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 376.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 334.

AN ACT relating to state employment; establishing provisions governing paid family leave for certain state employees under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, state employees in the public service are entitled to certain types of leave, including, without limitation, annual, sick and disability leave and leaves of absence under certain provisions. (NRS 284.355, 284.360) **Section 1** of this bill provides that ~~[all eligible employees in the classified public service]~~ **an employee** of the **Executive Department of the** State ~~[are]~~ **Government is** entitled to take 8 weeks of paid family leave over the course of a 12-month period to: (1) bond with a newborn child of the employee or a

newborn child of the domestic partner of the employee; (2) bond with a newly adopted child of the employee; (3) recover from or undergo treatment for a serious illness; (4) care for a seriously ill member of the immediate family of the employee; or (5) participate in a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee. To be eligible for such paid family leave, **section 1** provides that an employee must: (1) ~~[be a permanent employee in the classified service of the State; (2)]~~ be employed **by the State** for not less than 12 consecutive months; ~~[(3)]~~ **(2)** have accrued not less than 40 hours of sick leave; and ~~[(4)]~~ **(3)** have used any accrued sick leave in excess of 40 hours before taking paid family leave. **Section 1** further: (1) requires an appointing authority to pay an employee on paid family leave 50 percent of the regular wage the employee would have earned if the employee was not on leave; and (2) prohibits the appointing authority or designee of the appointing authority from denying an eligible employee paid family leave or retaliating or taking any adverse action against an employee for taking paid family leave.

Section 2 of this bill makes a conforming change to provide that an employee may use his or her sick leave for the purposes set forth in **section 1** before taking paid family leave. **Section 3** of this bill makes a conforming change to provide that the provisions authorizing an employee to be granted a leave of absence without pay do not affect the rights of an employee to take paid family leave.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, ~~[a permanent]~~ an employee ~~[in]~~ of the ~~[classified service]~~ Executive Department of the State Government who has been employed for not less than 12 consecutive months is entitled to take 8 weeks of paid family leave:

(a) To bond with a newborn child of the employee or a newborn child of the domestic partner of the employee;

(b) To bond with a newly adopted child of the employee;

(c) To recover from or undergo treatment for a serious illness;

(d) To care for a seriously ill member of the immediate family of the employee; or

(e) For a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee.

2. An employee eligible for paid family leave pursuant to subsection 1 must have not less than 40 hours of sick leave accrued pursuant to NRS 284.355 before taking paid family leave. Any sick leave accrued in excess of 40 hours must be used before taking paid family leave.

3. An appointing authority shall pay an employee on paid family leave 50 percent of the regular wage the employee would have earned if the employee was not on leave.

4. An employee that is entitled to take paid family leave pursuant to subsection 1 is not required to take paid family leave consecutively and may take paid family leave over the course of a 12-month period.

5. An appointing authority or his or her designee shall not deny an eligible employee the right to take paid family leave in accordance with the provisions of this section or retaliate or take any adverse action against an employee for taking paid family leave pursuant to subsection 1.

6. As used in this section:

(a) "Domestic partner" means a person who is in a domestic partnership which is registered or recognized pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.

(b) "Immediate family" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.

(c) "Qualifying event" means any military event or essential need resulting from the military deployment of an immediate family member. The term includes, without limitation, arranging for child care or parental care during deployment, representing the military family member at a federal, state or local event during deployment and addressing issues due to the death of the military family member.

(d) "Serious illness" has the meaning ascribed to it in NRS 232.4854.

Sec. 2. NRS 284.355 is hereby amended to read as follows:

284.355 1. Except as otherwise provided in this section, all employees in the public service, whether in the classified or unclassified service, are entitled to sick and disability leave with pay of 1 1/4 working days for each month of service, which may be cumulative from year to year. After an employee has accumulated 90 working days of sick leave, the amount of additional unused sick leave which the employee is entitled to carry forward from 1 year to the next is limited to one-half of the unused sick leave accrued during that year, but the Commission may by regulation provide for subsequent use of unused sick leave accrued but not carried forward because of this limitation in cases where the employee is suffering from a long-term or chronic illness and has used all sick leave otherwise available to the employee.

2. ***An employee who is entitled to receive paid family leave pursuant to section 1 of this act may use his or her accrued sick leave for any purpose set forth in subsection 1 of section 1 of this act.***

3. Upon the retirement of an employee, the employee's termination through no fault of the employee or the employee's death while in public employment, the employee or the employee's beneficiaries are entitled to payment:

(a) For the employee's unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to the

employee's number of years of public service, except service with a political subdivision of the State, as follows:

(1) For 10 years of service or more but less than 15 years, not more than $2,500.

(2) For 15 years of service or more but less than 20 years, not more than $4,000.

(3) For 20 years of service or more but less than 25 years, not more than $6,000.

(4) For 25 years of service, not more than $8,000.

(b) For the employee's unused sick leave accrued but not carried forward, an amount equal to one-half of the sum of:

(1) The employee's hours of unused sick leave accrued but not carried forward; and

(2) An additional 120 hours.

~~[3.]~~ ***4.*** The Commission may by regulation provide for additional sick and disability leave for long-term employees and for prorated sick and disability leave for part-time employees.

~~[4.]~~ ***5.*** An employee entitled to payment for unused sick leave pursuant to subsection ~~[2]~~ ***3*** may elect to receive the payment in any one or more of the following forms:

(a) A lump-sum payment.

(b) An advanced payment of the premiums or contributions for insurance coverage for which the employee is otherwise eligible pursuant to chapter 287 of NRS. If the insurance coverage is terminated and the money advanced for premiums or contributions pursuant to this subsection exceeds the amount which is payable for premiums or contributions for the period for which the former employee was actually covered, the unused portion of the advanced payment must be paid promptly to the former employee or, if the employee is deceased, to the employee's beneficiary.

(c) The purchase of additional retirement credit, if the employee is otherwise eligible pursuant to chapter 286 of NRS.

~~[5.]~~ ***6.*** Officers and members of the faculty of the Nevada System of Higher Education are entitled to sick and disability leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

~~[6.]~~ ***7.*** The Commission may by regulation provide policies concerning employees with mental or emotional disorders which:

(a) Use a liberal approach to the granting of sick leave or leave without pay to such an employee if it is necessary for the employee to be absent for treatment or temporary hospitalization.

(b) Provide for the retention of the job of such an employee for a reasonable period of absence, and if an extended absence necessitates separation or retirement, provide for the reemployment of such an employee if at all possible after recovery.

(c) Protect employee benefits, including, without limitation, retirement, life insurance and health benefits.

~~[7.]~~ ***8.*** The Commission shall establish by regulation a schedule for the accrual of sick leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of sick leave at the same rate proportionately as employees who work a 40-hour week accrue sick leave.

~~[8.]~~ ***9.*** The Division may investigate any instance in which it believes that an employee has taken sick or disability leave to which the employee was not entitled. If, after notice to the employee and a hearing, the Commission determines that the employee has taken sick or disability leave to which the employee was not entitled, the Commission may order the forfeiture of all or part of the employee's accrued sick leave.

Sec. 3. NRS 284.360 is hereby amended to read as follows:

284.360 1. Any person holding a permanent position in the classified service may be granted a leave of absence without pay. Leave of absence may be granted to any person holding a position in the classified service to permit acceptance of an appointive position in the unclassified service. Leave of absence must be granted to any person holding a position in the classified service to permit acceptance of a position in the Legislative Branch during a regular or special session of the Legislature, including a reasonable period before and after the session if the entire period of employment in the Legislative Branch is continuous.

2. If a person is granted a leave of absence without pay to permit acceptance of an appointive position in the unclassified service or a position in the Legislative Branch, any benefits earned while the person is in the:

(a) Classified service are retained and must be paid by the employer in the classified service, whether or not the person returns to the classified service.

(b) Unclassified service or employed by the Legislative Branch are retained and must be paid by the appointing authority in the unclassified service or by the Legislative Branch, if the person does not return to the classified service, or by the employer in the classified service, if the person returns to the classified service.

3. Any person in the unclassified service, except members of the academic staff of the Nevada System of Higher Education, may be granted by the appointing authority a leave of absence without pay for a period not to exceed 6 months.

4. Officers and members of the faculty of the Nevada System of Higher Education may be granted leaves of absence without pay as provided by the regulations prescribed pursuant to subsection 2 of NRS 284.345.

5. Except as otherwise provided in subsection 6, a person in the classified or unclassified service who:

(a) Is the natural parent of a child who is less than 6 months old; or

(b) Has recently adopted a child,

➥ must be granted, upon request, a leave of absence without pay for a period not to exceed 12 weeks. Such a request by natural parents must be submitted at least 3 months before the date upon which the requested leave will begin,

unless a shorter notice is approved by the employer. Such a request by adoptive parents must be submitted not fewer than 2 working days after the parents receive notice of the approval of the adoption. This subsection does not affect the rights of an employee set forth in NRS 284.350 ~~[or]~~ 284.355 ~~[.]~~ ***and section 1 of this act.***

6. The provisions of subsection 5 are effective only if the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., or a subsequent federal law ceases to provide for a parental leave of absence of at least 12 weeks.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 387.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 286.

AN ACT relating to water; ~~[revising provisions relating to groundwater basins;]~~ requiring the State Engineer to consider the best available science when rendering decisions; revising provisions relating to the appropriation of underground water; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, upon receipt of a petition signed by not less than 40 percent of the appropriators of record in any particular groundwater basin or portion thereof, the State Engineer is required to designate the basin for administration if the findings of the State Engineer determine that administration would be justified. The State Engineer may also designate a basin where no petition is received if, following a public hearing, the State Engineer determines that administration of the basin is justified. To designate a basin, the State Engineer must enter an official order describing the boundaries of the basin by legal subdivision as nearly as possible. (NRS 534.030) Sections 2 and 8 of this bill define the term "groundwater basin" or "basin" to mean one or more groundwater basins that are designated by the State Engineer and administered as a single source and supply of water for administration in accordance with existing law. Sections 4 and 9 of this bill make conforming changes to indicate the proper placement of sections 2 and 8, respectively, in the Nevada Revised Statutes. Section 7 of this bill makes a conforming change to remove a duplicative definition.]~~

Existing law declares that it is the policy of this State to encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in this State. (NRS 533.024) **Sections 3 and 5** of this bill remove this provision from the legislative declaration and instead require the State Engineer to consider the best available science.

Existing law provides that all underground waters within the boundaries or the State, subject to all existing rights to the use thereof, are subject to appropriation for beneficial use under the laws of this State. (NRS 534.020) **Section 10** of this bill provides that the appropriation **or use** of underground waters is subject to all existing rights ~~[regardless of where the points of diversion are located, and]~~ **to the use of the source thereof,** if the State Engineer finds that a ~~[sufficient]~~ hydrologic connection exists ~~[, regardless of whether the points of diversion are located in separate basins.]~~ **that is sufficient to cause a conflict with existing rights.**

Under existing law, the State Engineer is required to determine whether there is unappropriated water in an affected area and may issue permits for a well only if the determination is affirmative. (NRS 534.110) Existing law prohibits the State Engineer from issuing a permit to appropriate water under certain circumstances, including, without limitation, if there is no unappropriated water or where the proposed use or change conflicts with existing rights or with protectable interests or threatens to prove detrimental to the public interest. (NRS 533.370) ~~[Sections]~~ **Section 6** ~~[and 13]~~ of this bill ~~[require]~~ **requires** the State Engineer, in determining whether there is unappropriated water, to consider whether the permit would conflict with ~~[existing rights or threaten to prove detrimental to the public interest.]~~ **any hydrologically connected surface water or groundwater. Section 13 of this bill clarifies that the State Engineer must determine whether there is unappropriated water in an affected area in accordance with existing law governing the issuance of permits to appropriate water. Sections 11 and 12** of this bill make conforming changes to revise certain internal references.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~***[“Groundwater basin” or “basin” has the meaning ascribed to it in section 8 of this act.]***~~ **(Deleted by amendment.)**

Sec. 3. ***1. The State Engineer shall consider the best available science in rendering decisions concerning the surface and underground sources of water in this State.***

2. As used in this section, “best available science” means the use of credible information and data that is specific to the decision being made and the time frame available for making such a decision and consistent with professional scientific and engineering standards and practices.

Sec. 4. ~~[NRS 533.005 is hereby amended to read as follows:~~

~~533.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 533.007 to 533.023, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 533.024 is hereby amended to read as follows:

533.024 The Legislature declares that:

1. It is the policy of this State:

(a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.

(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

(c) ~~[To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.~~

~~(d)]~~ To encourage and promote the use of water to prevent or reduce the spread of wildfire or to rehabilitate areas burned by wildfire, including, without limitation, through the establishment of vegetative cover that is resistant to fire.

~~[(e)]~~ ***(d)*** To manage conjunctively the appropriation, use and administration of all waters of this State, regardless of the source of the water.

2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.

Sec. 6. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, where there is no unappropriated water in the proposed source of supply, where the groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 or where its proposed use or change conflicts with existing rights **,** ***including, without limitation, ~~[the existing rights of holders of permits, claimants of vested rights or the existing rights associated with]~~ conflicts from any hydrologically connected surface water or groundwater*** or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the

successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 7. **[**~~NRS 533.438 is hereby amended to read as follows:~~

~~533.438 1. Except as otherwise provided in subsection 4, if an appropriation of groundwater pursuant to a permit to appropriate groundwater results in the transfer to and beneficial use of water in a county in this State other than the county in which the water is appropriated or in another state, the county of origin may impose a fee of $10 per acre-foot per year on the transfer.~~

~~2. A county of origin shall not impose a fee pursuant to subsection 1 without the prior approval of the State Engineer. The county of origin shall notify the State Engineer in writing of its intent to impose the fee. The State Engineer shall review the notice of intent to impose the fee to determine:~~

~~(a) Whether the appropriation of groundwater pursuant to the permit specified in subsection 1 results in a transfer to and beneficial use of water in a county in this State other than the county of origin or in another state; and~~

~~(b) The amount of water, if any, that is:~~

~~(1) Subject to the proposed fee because of that transfer and beneficial use; or~~

~~(2) Not subject to the proposed fee pursuant to subsection 4.~~

~~3. Within 30 days after reviewing the notice of intent to impose the fee, the State Engineer shall send a written notice to the county of origin that includes the results of his or her review. If the State Engineer determines that the appropriation of groundwater pursuant to the permit results in a transfer to and beneficial use of water in a county in this State other than the county of origin or in another state, the State Engineer shall include in the notice the amount of water that is subject to the proposed fee. The county may, upon such a determination, impose the fee on the transfer.~~

~~4. A fee may not be imposed pursuant to this section on water that is appropriated and beneficially used pursuant to a permit to appropriate groundwater which is issued for a point of diversion and a place of beneficial use in the county of origin and which, after the water is diverted and beneficially used, is discharged or migrates into a county in this State other than the county of origin or into another state.~~

~~5. All money collected from a fee imposed pursuant to this section must be deposited in a trust fund for the county. The principal and interest of the~~

~~trust fund may be used by the county only for the purposes of economic development, health care and education.~~

~~6. For the purposes of this section, if a basin includes land lying in more than one county, each county any part of whose land is included is a county of origin to the extent of the proportionate amount of water transferred from it. The State Engineer shall determine the respective proportions.~~

~~7. As used in this section [:~~

~~(a) A "basin" is one designated by the State Engineer for the purposes of chapter 534 of NRS.~~

~~(b) "Origin"] , "*origin*" means the place where water is taken from underground.] **(Deleted by amendment.)**~~

Sec. 8. ~~[Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~"*Groundwater basin" or "basin" means one or more groundwater basins designated by the State Engineer pursuant to NRS 534.030 which are administered as a single source and supply of water by the State Engineer in accordance with the provisions of this chapter and chapter 533 of NRS.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 534.010 is hereby amended to read as follows:~~

~~534.010 1. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 534.0105 to 534.0175, inclusive, *and section 8 of this act* have the meanings ascribed to them in those sections.~~

~~2. As used in this chapter, the terms "underground water" and "groundwater" are synonymous.] **(Deleted by amendment.)**~~

Sec. 10. NRS 534.020 is hereby amended to read as follows:

534.020 1. ***Any appropriation or use of underground waters within the boundaries of this State is subject to all existing rights to the use of the source thereof, [regardless of where the respective points of diversion are located and,] if the State Engineer finds that a [sufficient] hydrologic connection exists [, regardless of whether the respective points of diversion are located in separate basins.] that is sufficient to cause a conflict with existing rights.***

2. All underground waters within the boundaries of the State belong to the public, and, subject to all existing rights to the use thereof ~~[,]~~ ***as set forth in subsection 1,*** are subject to appropriation for beneficial use only under the laws of this State relating to the appropriation and use of water and not otherwise.

~~[2.]~~ ***3.*** It is the intention of the Legislature, by this chapter, to prevent the waste of underground waters and pollution and contamination thereof and provide for the administration of the provisions thereof by the State Engineer, who ~~[is hereby empowered to]~~ ***shall*** make such rules and regulations within the terms of this chapter as may be necessary for the proper execution of the provisions of this chapter.

Sec. 11. NRS 534.037 is hereby amended to read as follows:

534.037 1. In a basin that has been designated as a critical management area by the State Engineer pursuant to subsection ~~[7]~~ ***8*** of NRS 534.110, a

petition for the approval of a groundwater management plan for the basin may be submitted to the State Engineer. The petition must be signed by a majority of the holders of permits or certificates to appropriate water in the basin that are on file in the Office of the State Engineer and must be accompanied by a groundwater management plan which must set forth the necessary steps for removal of the basin's designation as a critical management area.

2. In determining whether to approve a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall consider, without limitation:

(a) The hydrology of the basin;

(b) The physical characteristics of the basin;

(c) The geographic spacing and location of the withdrawals of groundwater in the basin;

(d) The quality of the water in the basin;

(e) The wells located in the basin, including, without limitation, domestic wells;

(f) Whether a groundwater management plan already exists for the basin; and

(g) Any other factor deemed relevant by the State Engineer.

3. Before approving or disapproving a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall hold a public hearing to take testimony on the plan in the county where the basin lies or, if the basin lies in more than one county, within the county where the major portion of the basin lies. The State Engineer shall cause notice of the hearing to be:

(a) Given once each week for 2 consecutive weeks before the hearing in a newspaper of general circulation in the county or counties in which the basin lies.

(b) Posted on the Internet website of the State Engineer for at least 2 consecutive weeks immediately preceding the date of the hearing.

4. The decision of the State Engineer on a groundwater management plan may be reviewed by the district court of the county pursuant to NRS 533.450.

5. An amendment to a groundwater management plan must be proposed and approved in the same manner as an original groundwater management plan is proposed and approved pursuant to this section.

Sec. 12. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse.

2. If the records of the State Engineer or any other documents obtained by or provided to the State Engineer indicate 4 or more consecutive years of nonuse of all or any part of a water right which is governed by this chapter:

(a) The State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail of the nonuse and that the owner has 1 year after the date of the notice of nonuse in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 3 to avoid forfeiting the water right.

(b) If, after 1 year after the date of the notice of nonuse pursuant to paragraph (a), proof of resumption of beneficial use is not filed in the Office of the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, send a final notice to the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail, that the water right is held for forfeiture. If the owner of the water right, within 30 days after the date of such final notice, fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture, the State Engineer shall declare the right, or the portion of the right not returned to beneficial use, forfeited. The State Engineer shall send notice of the declaration of forfeiture, by registered or certified mail, to the owner of record, as determined in the records of the Office of the State Engineer, of the water right that has been declared forfeited.

(c) If, after receipt of a notice of the declaration of forfeiture pursuant to paragraph (b), the owner of record of the water right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. Upon the forfeiture of the water right, the water reverts to the public and is available for further appropriation, subject to existing rights.

3. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under subsection 2 if the request is made before the expiration of the time necessary to work a forfeiture. Except as otherwise provided in subsection 4, the State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has submitted proof and evidence that the holder is proceeding in good faith and with reasonable diligence to resume use of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The number of years during which the water has not been put to the beneficial use for which the right is acquired or claimed;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Whether the water right is located in a basin within a county under a declaration of drought by the Governor, United States Secretary of Agriculture or the President of the United States;

(e) Whether the holder has demonstrated efforts to conserve water which have resulted in a reduction in water consumption;

(f) Whether the water right is located in a basin that has been designated as a critical management area by the State Engineer pursuant to subsection ~~[7]~~ ***8*** of NRS 534.110;

(g) The date of priority of the water right as it relates to the potential curtailment of water use in the basin;

(h) The availability of water in the basin, including, without limitation, whether withdrawals of water consistently exceed the perennial yield of the basin; and

(i) Any orders restricting use or appropriation of water in the basin.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall send a final notice to the owner of the water right, by registered or certified mail, that the water right will be declared forfeited if the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of the final notice. If the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of such final notice, the State Engineer shall declare the water right, or the portion of the right not returned to beneficial use, forfeited.

4. If the State Engineer grants an extension pursuant to subsection 1 in a basin:

(a) Where withdrawals of groundwater consistently exceed the perennial yield of the basin; or

(b) That has been designated as a critical management area by the State Engineer pursuant to subsection ~~[7]~~ ***8*** of NRS 534.110,

➥ a single extension must not exceed 3 years, but any number of extensions may be granted to the holder of such a right.

5. The failure to receive a notice pursuant to subsection 2 or 3 does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

6. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from

his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 13. NRS 534.110 is hereby amended to read as follows:

534.110 1. The State Engineer shall administer this chapter and shall prescribe all necessary regulations within the terms of this chapter for its administration.

2. The State Engineer may:

(a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.

(b) Upon his or her own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.

3. ~~[The]~~ ***In accordance with NRS 533.370, the*** State Engineer shall determine whether there is unappropriated water in the area affected and may issue permits only if the determination is affirmative. ~~***[In determining whether there is unappropriated water in the area affected, the State Engineer shall, in accordance with NRS 533.370, consider whether the proposed use will:***~~

~~***(a) Conflict with existing rights, including, without limitation, the existing rights:***~~

~~***(1) Of holders of permits;***~~

~~***(2) Of claimants of vested rights; and***~~

~~***(3) Associated with any hydrologically connected surface water and groundwater; or***~~

~~***(b) Prove detrimental to the public interest in the area affected.]***~~

4. The State Engineer may require each applicant to whom a permit is issued for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ to report periodically to the State Engineer concerning the effect of that well on other previously existing wells that are located within 2,500 feet of the well.

~~[4.]~~ ***5.*** It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water and that the right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining a reasonable lowering of the static water level in a particular area, the State Engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of using water on the economy of the area in general.

~~[5.]~~ ***6.*** This section does not prevent the granting of permits to applicants later in time on the ground that the diversions under the proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as any protectable interests in existing domestic wells as set forth in NRS 533.024 and the rights of holders of existing appropriations can be satisfied under such express conditions. At the time a permit is granted for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse effects.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** the State Engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants, and if the findings of the State Engineer so indicate, except as otherwise provided in subsection ~~[9,]~~ ***10,*** the State Engineer may order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted to conform to priority rights.

~~[7.]~~ ***8.*** The State Engineer:

(a) May designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin.

(b) Shall designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such a designation which is signed by a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer.

➥ The designation of a basin as a critical management area pursuant to this subsection may be appealed pursuant to NRS 533.450. If a basin has been designated as a critical management area for at least 10 consecutive years, except as otherwise provided in subsection ~~[9,]~~ ***10,*** the State Engineer shall order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights, unless a groundwater management plan has been approved for the basin pursuant to NRS 534.037.

~~[8.]~~ ***9.*** In any basin or portion thereof in the State designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells. Any order or decision of the State

Engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to NRS 533.450.

~~[9.]~~ ***10.*** If a court of competent jurisdiction orders the State Engineer to restrict withdrawals to conform to priority rights or if pursuant to subsection ~~[6 or]~~ 7 ***or 8*** the State Engineer orders that withdrawals be restricted to conform to priority rights, the State Engineer must limit the restriction of withdrawals from a domestic well to allow a domestic well to continue to withdraw 0.5 acre-feet of water per year, which must be recorded by a water meter.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 392.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 289.

AN ACT relating to property; prohibiting certain deceptive service agreements between an owner of residential property and a service provider; revising provisions governing persons who hold a permit to engage in property management; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any provision in a written instrument relating to real property that is discriminatory, prohibits the display of the flag of the United States or prohibits or restricts an owner of property from obtaining solar or wind energy on his or her property is void and unenforceable. (NRS 111.237-111.2395) **Section 1** of this bill prohibits, with certain exceptions, a service provider from entering into or recording a service agreement with an owner of residential property that provides for the performance of the agreement more than 1 year from the date of the execution of the agreement if the service agreement: (1) purports to run with the land or bind future owners; (2) allows for the assignment of the right to provide service without requiring notice to and the agreement of the owner; or (3) purports to create a security interest in the residential property. **Section 1** provides that such a service agreement is void and unenforceable. **Section 1** also: (1) provides that a county recorder may refuse to record such an agreement; (2) provides that any person who attempts to record such an agreement is guilty of a misdemeanor; and (3) authorizes persons with an interest in a residential property subject to such a service agreement to bring a civil action for equitable relief, actual damages and actual costs and attorney's fees.

Section 1 further requires a service provider that has entered into a service agreement on or before October 1, 2023, to record a notice of the service agreement with the county ~~[clerk]~~ **recorder** of the county in which the real

property that is subject to the service agreement is located. If the service provider fails to record the notice, **section 1** provides that the service agreement is void and unenforceable.

Existing law defines various activities involving businesses and occupations that constitute deceptive trade practices. (NRS 598.0915-598.0925) If a person knowingly engages in a deceptive trade practice, the person may be subject to restraint by injunction and the imposition of civil and criminal penalties. (NRS 598.0979, 598.0985, 598.0999) **Section 1** provides that a service provider who enters into or records such a service agreement prohibited by **section 1** is engaged in a deceptive trade practice.

Existing law authorizes a person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson to apply to the Real Estate Division of the Department of Business and Industry for a permit to engage in property management. (NRS 645.6052) A real estate broker who holds a permit to engage in property management is prohibited from acting as a property manager unless the broker has first obtained a property management agreement signed by the broker and the client for whom the broker will manage the property. (NRS 645.6056) **Section 2** of this bill sets forth certain duties of a person who acts as a property manager when entering into a property management agreement and performing his or her duties pursuant to such agreement, including, without limitation, requiring the property manager to: (1) make certain disclosures to each party to the property management agreement; (2) exercise reasonable skill and care; (3) provide a form to all parties to the property management agreement disclosing the duties owed by the property manager; (4) seek a rental or lease of real property at the price set forth in the property management agreement; (5) advise the client to seek expert advice when needed; and (6) account for all money and property the property manager receives in which the client may have an interest.

Section 3 of this bill revises the definition of the term "agency" to include a relationship arising out of a property management agreement.

Section 6 of this bill prohibits a property manager from waiving any duty set forth in **section 2**. **Section 7** of this bill authorizes a person who has suffered damages as the proximate result of a property manager's failure to perform any duty set forth in **section 2** to bring an action against the property manager for the recovery of the person's actual damages.

Existing law requires the Division to prepare and distribute a form to persons licensed as real estate brokers, real estate broker-salespersons or real estate salespersons which sets forth the duties owed by a licensee. (NRS 645.193) **Section 4** of this bill also requires the Division to prepare such a form for property managers.

Existing law provides that if a real estate broker assigns different licensees affiliated with his or her brokerage to separate parties to a real estate transaction, the licensees are not required to obtain the written consent of each party to the transaction. (NRS 645.252, 645.253) **Section 5** of this bill provides that property managers affiliated with a brokerage who are assigned to separate

parties to a property management agreement are also not required to obtain such written consent.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A service provider shall not enter into or record a service agreement with an owner of residential property that provides for performance of the service agreement more than 1 year from the date of execution of the service agreement if the service agreement:

(a) Purports to run with the land or bind future owners of interests in the residential property;

(b) Allows for the assignment of the right to provide service without requiring notice to and agreement of the owner of the residential property; or

(c) Purports to create a security interest in the residential property, including, without limitation, a lien or encumbrance.

2. The provisions of this section do not apply to:

(a) A home warranty or similar product that covers the cost of maintenance of a major housing system, including, without limitation, a plumbing or electrical system, for a set period of time;

(b) An insurance contract;

(c) An option to purchase or right of refusal;

(d) A maintenance or repair agreement entered into by a homeowners' association in a common interest community;

(e) A mechanic's lien;

(f) A mortgage loan or a commitment to make or receive a mortgage loan;

(g) A security agreement relating to the sale or rental of personal property or fixtures;

(h) Any utility service provided by a public utility, including, without limitation, water, sewer, electrical, telephone or cable; or

(i) A declaration created in the formation of a common-interest community or an amendment thereto.

3. A service agreement prohibited pursuant to this section that is recorded on or after October 1, 2023, is void and unenforceable. A county recorder may refuse to record any written instrument that contains a service agreement that is prohibited pursuant to this section. A person who submits a written instrument for recordation to the county ~~[clerk]~~ recorder that contains such a service agreement is guilty of a misdemeanor.

4. The recording of a service agreement prohibited pursuant to this section does not provide actual or constructive notice to a bona fide purchaser or creditor of residential property.

5. A violation of subsection 1 constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. Any person with an

interest in a residential property for which a service agreement prohibited pursuant to this section is recorded may bring a civil action in any court of competent jurisdiction for such a violation. If a person brings such an action, the court may award the person:

(a) Any equitable relief that the court deems appropriate;

(b) Actual damages; and

(c) Actual costs and attorney's fees.

6. On or before July 31, 2024, a service provider that has entered into a service agreement on or before October 1, 2023, shall record a notice of service agreement with the county recorder of the county in which the real property that is the subject of the service agreement is located, which must include, without limitation:

(a) The title "Notice of Service Agreement" in not less than 14-point boldface type;

(b) A legal description of the real property;

(c) The amount of the fee provided in the service agreement or the method by which the fee must be calculated;

(d) The date or circumstances under which the obligation set forth in the service agreement expires;

(e) The name, address and telephone number of the service provider; and

(f) If the service provider is:

(1) A natural person, the notarized signature of the service provider; or

(2) A business entity, the notarized signature of an authorized officer or employee of the business entity.

7. If a service provider fails to record the notice required pursuant to subsection 6 on or before July 31, 2024, the service agreement is hereby declared void and unenforceable and any interest in the real property that is subject to the service agreement may be conveyed free and clear of the service agreement.

8. As used in this section:

(a) "Residential property" means any land in this State which is primarily used for personal, family or household purposes to which is affixed not less than one nor more than four dwelling units.

(b) "Service agreement" means a contract under which a person agrees to provide services in connection with the maintenance, purchase or sale of residential property.

(c) "Service provider" means a person who provides services to another party.

Sec. 2. Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who holds a permit to engage in property management when entering into a property management agreement and performing his or her duties pursuant to such property management agreement, as applicable:

1. Shall disclose to each party to the property management agreement as soon as practicable:

(a) Any material and relevant facts, data or information which the property manager knows, or which by the exercise of reasonable care and diligence should have known, relating to the property which is the subject of the property management agreement.

(b) Each source from which the property manager will receive compensation as a result of the agreement.

(c) That the property manager is a principal to the agreement or has an interest in a principal to the agreement.

(d) That the property manager is acting for more than one party to the agreement. If a property manager makes such a disclosure, he or she must obtain the written consent of each party to the agreement for whom the property manager is acting before he or she may continue to act in his or her capacity as an agent. The written consent must include:

(1) A description of the property management agreement.

(2) A statement that the property manager is acting for two or more parties to the agreement who have an adverse interest and that in acting for these parties, the property manager has a conflict of interest.

(3) A statement that the property manager will not disclose any confidential information for 1 year after the revocation or termination of any property management agreement entered into with a party to the agreement, unless he or she is required to do so by a court of competent jurisdiction or is given written permission to do so by that party.

(4) A statement that a party is not required to consent to the property manager acting on behalf of the party.

(5) A statement that the party is giving consent without coercion and understands the terms of the consent given.

(6) Any changes in the property manager's relationship to a party to the agreement or activity.

2. Shall exercise reasonable skill and care with respect to all parties to the property management agreement in carrying out the terms of the property management agreement and performing his or her duties.

3. Shall provide the appropriate form prepared by the Division pursuant to NRS 645.193 to:

(a) Each party for whom the property manager is acting as a property manager in the property management agreement; and

(b) Each unrepresented party to the property management agreement, if any.

4. Shall seek a rental or lease of real property at the price and terms stated in the property management agreement or at a price acceptable to the client.

5. Shall advise the client to obtain advice from an expert relating to matters which are beyond the expertise of the property manager.

6. Shall account for all money and property the property manager receives in which the client may have an interest as soon as is practicable.

7. Unless otherwise agreed upon in writing, owes no duty to:

(a) Independently verify the accuracy of a statement made by an inspector certified pursuant to chapter 645D of NRS or another appropriate licensed or certified expert.

(b) Conduct an independent inspection of the financial condition of a party to the property management agreement.

(c) Conduct an investigation of the condition of the property which is the subject of the property management agreement.

Sec. 3. NRS 645.0045 is hereby amended to read as follows:

645.0045 1. "Agency" means a relationship between a principal and an agent arising out of a brokerage agreement ***or property management agreement*** whereby the agent is engaged to do certain acts on behalf of the principal in dealings with a third party.

2. The term does not include a relationship arising solely from negotiations or communications with a client of another broker with the written permission of the broker in accordance with the provisions of subsection 2 of NRS 645.635.

Sec. 4. NRS 645.193 is hereby amended to read as follows:

645.193 The Division shall prepare and distribute to licensees ~~[.]~~ ***and property managers:***

1. A form which sets forth the duties owed by a licensee ***or property manager*** who is acting for only one party to a real estate transaction ~~[.]~~ ***or property management agreement, as applicable.***

2. A form which sets forth the duties owed by a licensee ***or property manager*** who is acting for more than one party to a real estate transaction ~~[.]~~ ***or property management agreement, as applicable.***

3. A form which sets forth the duties owed by a real estate broker who assigns different licensees ***or property managers*** affiliated with his or her brokerage to separate parties to a real estate transaction ~~[.]~~ ***or property management agreement, as applicable.***

Sec. 5. NRS 645.253 is hereby amended to read as follows:

645.253 If a real estate broker assigns different ~~[licensees]~~ ***:***

1. Licensees affiliated with his or her brokerage to separate parties to a real estate transaction, the licensees are not required to obtain the written consent required pursuant to paragraph (d) of subsection 1 of NRS 645.252. Each licensee shall not disclose, except to the real estate broker, confidential information relating to a client in violation of NRS 645.254.

2. Licensees affiliated with his or her brokerage who hold permits to engage in property management to separate parties to a property management agreement, the property managers are not required to obtain the written consent required pursuant to paragraph (d) of subsection 1 of section 2 of this act. Each property manager shall not disclose, except to the real estate broker, confidential information relating to a client in violation of section 2 of this act.

Sec. 6. NRS 645.255 is hereby amended to read as follows:

645.255 Except as otherwise provided in subsection 4 of NRS 645.254, no duty of a licensee set forth in NRS 645.252 or 645.254 ***or a property manager set forth in section 2 of this act*** may be waived.

Sec. 7. NRS 645.257 is hereby amended to read as follows:

645.257 1. A person who has suffered damages as the proximate result of a licensee's ***or property manager's*** failure to perform any duties required by NRS 645.252, 645.253 or 645.254 ***or section 2 of this act*** or the regulations adopted to carry out those sections may bring an action against the licensee ***or property manager*** for the recovery of the person's actual damages.

2. In such an action, any knowledge of the client ~~[of]~~ ***:***

(a) Of the licensee of material facts, data or information relating to the real property which is the subject of the real estate transaction may not be imputed to the licensee ~~[.]~~ ***; and***

(b) Of the property manager of material facts, data or information relating to the real property which is the subject of the property management agreement may not be imputed to the property manager.

3. In an action brought by a person ~~[against a licensee]~~ pursuant to subsection 1 ~~[, the]~~ ***:***

(a) The standard of care owed by a licensee is the degree of care that a reasonably prudent real estate licensee would exercise and is measured by the degree of knowledge required to be obtained by a real estate licensee pursuant to NRS 645.343 and 645.345 ~~[.]~~ ***; and***

(b) The standard of care owed by a property manager is the degree of care that a reasonably prudent property manager would exercise and is measured by the degree of knowledge required to be obtained by a permit to engage in property management pursuant to NRS 645.6052.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 288.

AN ACT relating to insurance; prohibiting an insurer from issuing or renewing a policy of liability insurance that contains certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Insurance Code which governs contracts of insurance. (Title 57 of NRS) This bill prohibits an insurer from issuing or renewing a policy of liability insurance that contains a provision that: (1) reduces the limit of liability stated in the policy by the costs of defense,

legal costs and fees and other expenses for claims; **or** (2) ~~[authorizes the costs of defense, legal costs and fees and other expenses for claims to be applied to the deductible; or (3)]~~ otherwise limits the availability of coverage for the costs of defense, legal costs and fees and other expenses for claims.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 679A of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, an insurer, including, without limitation, an insurer listed in NRS 679A.160, shall not issue or renew a policy of liability insurance that contains a provision that:

1. Reduces the limit of liability stated in the policy by the costs of defense, legal costs and fees and other expenses for claims; or

2. ~~[Authorizes the costs of defense, legal costs and fees and other expenses for claims to be applied to the deductible; or~~

~~3.]~~ Otherwise limits the availability of coverage for the costs of defense, legal costs and fees and other expenses for claims.

Sec. 2. The provisions of this act do not apply to any contract for liability insurance existing on October 1, 2023, but apply to any renewal of such a contract.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 399.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 380.

AN ACT relating to education; creating and establishing the membership, powers and duties of the Subcommittee on Education Accountability of the Interim Finance Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Interim Finance Committee to exercise certain fiscal duties when the Legislature is not in a regular or special session. (NRS 218E.400, 218E.405) **Section 2** of this bill creates the Subcommittee on Education Accountability of the Interim Finance Committee, consisting of five members of the Assembly and three members of the Senate.

Section 3 of this bill: (1) requires the Subcommittee to meet at least once every 6 months; and (2) provides that the general objectives and functions of the Subcommittee are to discuss, evaluate and make recommendations relating

to accountability in public education in this State in order to improve the educational achievements and outcomes for pupils. **Section 3** further provides that the Subcommittee may study, without limitation: (1) fiscal policy, school finance or similar or related financial activities; (2) the sufficiency of current revenue and expenditures relating to public education in this State and the anticipated revenue and expenditures that are necessary to improve educational achievements and outcomes for pupils; (3) administrative support and policies; (4) corrective action plans for public schools to improve educational achievements and outcomes; and (5) the rules, regulations and policies of individual school districts or public schools.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. There is hereby created the Subcommittee on Education Accountability of the Interim Finance Committee, consisting of the following members:***

(a) Five members of the Assembly appointed by the Speaker of the Assembly, three of whom must be members of the majority political party and two of whom must be members of the minority political party; and

(b) Three members of the Senate appointed by the Majority Leader of the Senate, two of whom must be members of the majority political party and one of whom must be a member of the minority political party.

2. The Director of the Legislative Counsel Bureau shall act as Secretary of the Subcommittee.

3. If any regular member of the Subcommittee informs the Secretary that the member will be unable to attend a particular meeting, the Secretary shall notify the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, to appoint an alternate for the meeting from the same House and political party as the absent member.

4. The Chair of the Interim Finance Committee shall appoint a Chair of the Subcommittee from one House and a Vice Chair of the Subcommittee from the other House.

5. Except as otherwise provided in subsection 6, the term of a member of the Subcommittee expires upon the convening of the next regular legislative session, unless the member is replaced by the appointing authority.

6. The membership of any member of the Subcommittee described in subsection 1 who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

7. Vacancies on the Subcommittee must be filled in the same manner as original appointments.

Sec. 3. ***1. The members of the Subcommittee on Education Accountability of the Interim Finance Committee shall meet at least once***

every 6 months at the times and places specified by a call of the Chair of the Subcommittee or a majority of the Subcommittee.

2. A meeting held jointly by the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during a regular session that has agenda items similar to subsection 4 constitutes a meeting of the Subcommittee.

3. A majority of the members of the Subcommittee constitutes a quorum.

4. The general objectives and functions of the Subcommittee are to discuss, evaluate and make recommendations relating to accountability in public education in this State to improve the educational achievements and outcomes for pupils. The Subcommittee may study, without limitation:

(a) Fiscal policy, school finance or similar or related financial activities;

(b) The sufficiency of current revenue and expenditures relating to public education in this State and the anticipated revenue and expenditures that are necessary to improve educational achievements and outcomes for pupils;

(c) Administrative support and policies;

(d) Corrective action plans for public schools to improve educational achievements and outcomes; and

(e) The rules, regulations and policies of individual school districts or public schools.

5. The Subcommittee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, including, without limitation, compelling the attendance at any meeting of the Subcommittee of:

(a) The Superintendent of Public Instruction;

(b) Any member of the State Board of Education;

(c) Any member of a board of trustees of a school district in this State;

(d) Any superintendent or chief financial officer of a school district in this State; or

~~[(c)]~~ (e) The Executive Director of the State Public Charter School Authority.

6. Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of the Subcommittee or appointed alternate attends a meeting of the Subcommittee or is otherwise engaged in the business of the Subcommittee, the member or appointed alternate, as applicable, is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

7. All such compensation, per diem allowances and travel expenses of a member or appointed alternate of the Subcommittee must be paid from the Contingency Fund in the State Treasury.

Sec. 4. This act becomes effective ~~[on July 1, 2023.]~~ **upon passage and approval.**

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 274.

AN ACT relating to medical facilities; removing a halfway house for persons recovering from alcohol or other substance use disorders from the definition of a facility for the dependent; revising terminology used to refer to such facilities; removing the requirement that such a facility be licensed and regulated as a facility for the dependent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a facility for the dependent to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services; (2) imposes certain duties on a facility for the dependent concerning treatment of patients; (3) requires agents and employees of a facility for the dependent to receive cultural competency training; (4) prohibits a facility for the dependent from using a misleading name; and (5) exempts a facility for the dependent from a requirement that imposes certain safeguards relating to smoking from a requirement to equip every door to an exit corridor which serves 30 or more occupants with a device which closes the door. (NRS 449.030, 449.101-449.104, 449.204, 449A.100-449A.118, 477.120) Existing law requires a halfway house for persons recovering from alcohol or other substance use disorders to be licensed as a facility for the dependent and otherwise follow the laws and regulations governing facilities for the dependent. (NRS 449.0045, 449.030) Existing law also requires a facility for the education, prevention and treatment of persons with alcohol or other substance use disorders, including a halfway house for persons recovering from alcohol or other substance use disorders, to be certified by the Division ~~[.]~~ **as a condition of receiving public money.** (NRS 458.025) **Section 1** of this bill removes the designation of a halfway house for persons recovering from alcohol or **other** substance use disorders as a facility for the dependent, thereby: (1) removing the requirement that such a halfway house be licensed by the Division while preserving the requirement that such a halfway house be certified by the Division ~~[.]~~ **in order to receive public money;** and (2) excluding such a halfway house from the duties, requirements, prohibitions and exemptions that apply to a facility for the dependent. **Section 3** of this bill makes a conforming change to remove a requirement that the Division post on

the Internet information concerning the licensing status and quality of halfway houses for persons recovering from alcohol or other substance use disorders. **Section 5** of this bill makes a conforming change to remove a reference to a halfway house for persons recovering from alcohol or other substance use disorders as a type of facility for the dependent. **Sections 2 and 6-9** of this bill replace the term "halfway house for persons recovering from alcohol or other substance use disorders" with the term "recovery house for persons recovering from alcohol or other substance use disorders." **Section 4** of this bill preserves certain immunity from liability for volunteers of a recovery house for persons recovering from alcohol or other substance use disorders.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.0045 is hereby amended to read as follows:

449.0045 "Facility for the dependent" includes:

1. A facility for the treatment of alcohol or other substance use disorders;

2. ~~[A halfway house for persons recovering from alcohol or other substance use disorders;~~

~~3.]~~ A facility for the care of adults during the day;

~~[4.]~~ ***3.*** A residential facility for groups;

~~[5.]~~ ***4.*** An agency to provide personal care services in the home;

~~[6.]~~ ***5.*** A facility for transitional living for released offenders;

~~[7.]~~ ***6.*** A home for individual residential care;

~~[8.]~~ ***7.*** A community health worker pool; and

~~[9.]~~ ***8.*** A provider of community-based living arrangement services.

Sec. 2. NRS 449.008 is hereby amended to read as follows:

449.008 ~~["Halfway]~~ ***"Recovery*** house for persons recovering from alcohol or other substance use disorders" ~~[means a residence that provides housing and a living environment for persons recovering from alcohol or other substance use disorders and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or other substance use disorders. The term does not include a facility for transitional living for released offenders.]~~ ***has the meaning ascribed to it in NRS 278.02374.***

Sec. 3. NRS 449.03075 is hereby amended to read as follows:

449.03075 The Division shall:

1. Compile and post on an Internet website maintained by the Division information concerning the licensing status and quality of:

(a) Facilities for the treatment of alcohol or other substance use disorders;

(b) ~~[Halfway houses for persons recovering from alcohol or other substance use disorders;~~

~~(c)]~~ Medical facilities that provide a program of treatment for alcohol or other substance use disorders; and

~~[(d)]~~ ***(c)*** To the extent that such information is available, unlicensed programs of treatment for alcohol or other substance use disorders; and

2. Update the information described in subsection 1 at least annually.

Sec. 4. NRS 41.485 is hereby amended to read as follows:

41.485 1. Except as otherwise provided in subsection 2, a volunteer of a charitable organization is immune from liability for civil damages as a result of an act or omission:

(a) Of an agent of the charitable organization; or

(b) Concerning services the volunteer performs for the charitable organization that are not supervisory in nature and are not part of any duties or responsibilities

the volunteer may have as an officer, director or trustee of the charitable organization, unless the act is intentional, willful, wanton or malicious.

2. This section does not restrict the liability of a charitable organization for the acts or omissions of a volunteer performing services on its behalf.

3. As used in this section:

(a) "Agent" means an officer, director, trustee or employee, whether or not compensated, or a volunteer;

(b) "Charitable organization" means a nonprofit corporation, association or organization, ***a recovery house for persons recovering from alcohol or other substance use disorders*** or a licensed medical facility or facility for the dependent, but does not include a fire department, law enforcement agency or auxiliary thereof; ~~[and]~~

(c) ***"Recovery house for persons recovering from alcohol or other substance use disorders" has the meaning ascribed to it in NRS 278.02374; and***

(d) "Volunteer" means an officer, director, trustee or other person who performs services without compensation, other than reimbursement for actual and necessary expenses on behalf of or to benefit a charitable organization.

Sec. 5. NRS 129.050 is hereby amended to read as follows:

129.050 1. Except as otherwise provided in NRS 449A.551 and 450B.525, any minor who is under the influence of, or suspected of being under the influence of, a controlled substance:

(a) May give express consent; or

(b) If unable to give express consent, shall be deemed to consent,

➥ to the furnishing of hospital, medical, surgical or other care for the treatment of substance use disorders or related illnesses by any public or private hospital, medical facility, facility for the dependent ~~[, other than a halfway house for persons recovering from alcohol and other substance use disorders,]~~ or any licensed physician, and the consent of the minor is not subject to disaffirmance because of minority.

2. Immunity from civil or criminal liability extends to any physician or other person rendering care or treatment pursuant to subsection 1, in the absence of negligent diagnosis, care or treatment.

3. The consent of the parent, parents or legal guardian of the minor is not necessary to authorize such care, but any physician who treats a minor pursuant to this section shall make every reasonable effort to report the fact of treatment to the parent, parents or legal guardian within a reasonable time after treatment.

Sec. 6. NRS 244.3549 is hereby amended to read as follows:

244.3549 1. Except as otherwise provided in subsections 2 and 3, each board of county commissioners shall adopt an ordinance using the following terms to describe the following types of facilities, homes, houses and institutions:

(a) Child care institution, as that term is used in NRS 432A.0245.

(b) Facility for transitional living for released offenders, as that term is used in NRS 449.0055.

(c) Group foster home, as that term is used in NRS 424.015.

(d) ~~[Halfway house for persons recovering from alcohol and other substance use disorders, as that term is used in NRS 449.008.~~

~~(e)]~~ Home for individual residential care, as that term is used in NRS 449.0105.

(e) Recovery house for persons recovering from alcohol ~~[and]~~ or other substance use disorders, as that term is defined in NRS 278.02374.

(f) Residential facility for groups, as that term is used in NRS 449.017.

2. Subsection 1 requires the board of county commissioners to use the specified terms solely for the purpose of referring to the named facilities, homes, houses and institutions and does not require the board to adopt the State's definition for the purpose of regulating or imposing any requirement with respect to such a facility, home, house or institution.

3. A board of county commissioners is not required to include a term set forth in subsection 1 in the ordinance if:

(a) A facility, home, house or institution of the type corresponding to the term does not exist in the county; or

(b) The county's ordinances do not otherwise, by whatever name, refer to a facility, home, house or institution of the type corresponding to the term.

Sec. 7. NRS 268.0193 is hereby amended to read as follows:

268.0193 1. Except as otherwise provided in subsections 2 and 3, the governing body of each city shall adopt an ordinance using the following terms to describe the following types of facilities, homes, houses and institutions:

(a) Child care institution, as that term is used in NRS 432A.0245.

(b) Facility for transitional living for released offenders, as that term is used in NRS 449.0055.

(c) Group foster home, as that term is used in NRS 424.015.

(d) ~~[Halfway house for persons recovering from alcohol and other substance use disorders, as that term is used in NRS 449.008.~~

~~(e)]~~ Home for individual residential care, as that term is used in NRS 449.0105.

(e) Recovery house for persons recovering from alcohol ~~[and]~~ or other substance use disorders, as that term is used in NRS 278.02374.

(f) Residential facility for groups, as that term is used in NRS 449.017.

2. Subsection 1 requires the governing body of the city to use the specified terms solely for the purpose of referring to the named facilities, homes, houses and institutions and does not require the governing body to use the State's

definition for the purpose of regulating or imposing any requirement with respect to such a facility, home, house or institution.

3. The governing body of a city is not required to include a term set forth in subsection 1 in the ordinance if:

(a) A facility, home, house or institution of the type corresponding to the term does not exist in the city; or

(b) The city's ordinances do not otherwise, by whatever name, refer to a facility, home, house or institution of the type corresponding to the term.

Sec. 8. NRS 278.02374 is hereby amended to read as follows:

278.02374 ~~[~~"Halfway~~]~~ ***"Recovery*** house for persons recovering from alcohol ~~[~~and~~]~~ ***or*** other substance use disorders" ~~[~~has the meaning ascribed to it in NRS 449.008.~~]~~ ***means a residence that provides housing and a living environment for persons recovering from alcohol or other substance use disorders and is operated to facilitate their reintegration into the community but does not provide any treatment for alcohol or other substance use disorders. The term does not include a facility for transitional living for released offenders.***

Sec. 9. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "recovery house for persons recovering from alcohol ~~[~~and~~]~~ **or** other substance use disorders" for the term "halfway house for persons recovering from alcohol ~~[~~and~~]~~ **or** other substance use disorders."

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the term "recovery house for persons recovering from alcohol ~~[~~and~~]~~ **or** other substance use disorders" for the term "halfway house for persons recovering from alcohol ~~[~~and~~]~~ **or** other substance use disorders."

Sec. 10. **1.** This ~~[~~act~~]~~ **section** becomes effective ~~[~~on July 1, 2023.~~]~~ **upon passage and approval.**

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 212.

AN ACT relating to the Department of Motor Vehicles; prohibiting the Director of the Department of Motor Vehicles from releasing any personal information from the files or records of the Department for any ~~[commercial]~~ purpose ~~[or otherwise for commercial use in the bulk distribution of surveys, marketing material or solicitations;]~~ **relating to the enforcement of immigration laws, except under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the Director of the Department of Motor Vehicles is prohibited from releasing personal information from a file or record relating to a driver's license or identification card or the title or registration of a motor vehicle except under certain circumstances.]~~ Existing law ~~[specifically]~~ prohibits the Director **of the Department of Motor Vehicles** from ~~[providing personal]~~ **releasing any** information ~~[to individuals or companies for the purpose of marketing extended vehicle warranties.]~~ **relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle for any purpose relating to the enforcement of immigration laws.** (NRS 481.063) This bill ~~[expands]~~ **revises** this prohibition by **instead** prohibiting the Director from ~~[providing]~~ **releasing any** personal information for ~~[: (1)]~~ any ~~[commercial]~~ purpose ~~[; or (2) commercial use in the bulk distribution of surveys, marketing material or solicitations. This bill also provides that the existing authorized release of personal information by the Director for activities relating to research and the production of statistical reports is only authorized for noncommercial activities relating to such research or statistical reports.]~~ **relating to the enforcement of immigration laws unless: (1) the requester submits a written release from the person about whom the information is requested; or (2) the Director releases the personal information pursuant to an order, subpoena or warrant issued by a court of competent jurisdiction. This bill prohibits the Director, when responding to such an order, subpoena or warrant, from releasing personal information beyond what is specifically required to comply with the order, subpoena or warrant.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

➥ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4, 6 **,** ~~[and]~~ 7 ***and 11*** and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and ~~[subsection]~~ ***subsections*** 8 ~~[,]~~ ***and 11,*** if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

(1) The safety of drivers of motor vehicles;

(2) Safety and thefts of motor vehicles;

(3) Emissions from motor vehicles;

(4) Alterations of products related to motor vehicles;

(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;

(6) Monitoring the performance of motor vehicles;

(7) Parts or accessories of motor vehicles;

(8) Dealers of motor vehicles; or

(9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) Except as otherwise provided in subsection 6 of NRS 482.2175, by any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department

may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In ***[noncommercial]*** activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

7. Upon the request of a court or its traffic violations bureau, the Director shall release the mailing address and contact information of a person who has been issued a traffic citation that is filed with the court or traffic violations bureau from a file or record relating to the driver's license of the person or the title or registration of the person's vehicle for the purpose of enabling the court or traffic violations bureau to provide notifications concerning the traffic citation to the person.

8. Except as otherwise provided in paragraph (j) of subsection 6, the ***[The]*** Director shall not provide personal information to individuals or companies for ***[any commercial purpose, including without limitation, for]*** the purpose of marketing extended vehicle warranties, and a ***[or otherwise for commercial use in the bulk distribution of surveys, marketing material or solicitations. 9. A]*** person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➥ The record must be made available for examination by the Department at all reasonable times upon request.

9. ***[10.]*** Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

10. ***[11.]*** Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

11. ***[12.]*** The Director shall not release any ***personal*** information ~~[relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship]~~ from a file or record relating to a ~~[request for or the issuance of a]~~ license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws ~~[.]~~ ***unless the requester submits a written release from the person about whom the information is requested or the Director releases the personal information pursuant to a lawful order, subpoena or warrant issued by a court of competent jurisdiction. If the Director releases personal***

information pursuant to this subsection in response to an order, subpoena or warrant, the Director shall not release personal information beyond what is specifically required to comply with the order, subpoena or warrant.

12. ~~***[13.]***~~ The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

13. ~~***[14.]***~~ It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

14. ~~***[15.]***~~ As used in this section:

(a) ~~["Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.~~

~~(b)]~~ "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular crashes or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

~~[(c)]~~ ***(b)*** "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 409.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 449.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYWOMEN** THOMAS **AND MOSCA**

AN ACT relating to cultural affairs; creating and setting forth the duties of the Juneteenth Educational and Economic Commission; creating the Juneteenth Educational and Economic Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Tourism and Cultural Affairs whose duties include, without limitation, the oversight of plans for tourism, publications and cultural affairs. (NRS 231.167, 231.220) **Section 7** of this bill creates the Juneteenth Education and Economic Commission within the Department of Tourism and Cultural Affairs and provides that the membership of the Commission consists of: (1) three members, each of whom is from the African American studies department or similar cultural studies program at the Nevada State College, the University of Nevada, Las Vegas ~~[or]~~ **and** the University of Nevada, Reno **~~[,]~~ , respectively;** (2) one representative of Juneteenth Nevada, or a similar nonprofit organization in this State whose mission is focused on Juneteenth education, unity and diversity; (3) one member who represents a professional association representing African-American businesses; (4) one member who represents an African American cultural awareness advocacy group; (5) one member who represents an educational advocacy group with a statewide presence; ~~[and]~~ (6) one member who represents a cultural history organization in this State **~~[.]~~ ; and (7) one member who represents the Office of the Governor.** **Section 7** of this bill requires the Department to provide administrative support to the Commission.

Section 8 of this bill sets forth the duties of the Commission, which are to: (1) create and distribute written, electronic or printed materials to educate the public on the history and meaning of Juneteenth Day in the State of Nevada and the United States; (2) develop strategies with businesses, nonprofit organizations and community groups to support education on the significance of Juneteenth Day; (3) support the efforts of businesses, community groups and local governments to establish events and programs relating to Juneteenth Day throughout the State; and (4) support programs in the arts to celebrate Juneteenth Day.

Section 9 of this bill creates the Juneteenth Education and Economic Fund for the support of the Commission.

Sections 3-6 of this bill define certain terms.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Commission" means the Juneteenth Educational and Economic Commission created by section 7 of this act.***

Sec. 4. ***"Department" means the Department of Tourism and Cultural Affairs.***

Sec. 5. ***"Director" means the Director of the Department.***

Sec. 6. ***"Fund" means the Juneteenth Educational and Economic Fund created by section 9 of this act.***

Sec. 7. ***1. The Juneteenth Educational and Economic Commission is hereby created within the Department.***

2. The Juneteenth Educational and Economic Commission is composed of:

(a) Eight voting members appointed by the Governor based on recommendations from the Director, as follows:

(1) One member from the African American studies department or similar cultural studies program at the University of Nevada, Las Vegas;

(2) One member from the African American studies department or similar cultural studies program at the University of Nevada, Reno;

(3) One member from the African American studies department or similar cultural studies program at the Nevada State College;

(4) One representative of Juneteenth Nevada or any successor nonprofit organization in this State whose mission is focused on Juneteenth Day education, unity and diversity;

(5) One member who represents a professional association representing African-American businesses;

(6) One member who represents an African American cultural awareness advocacy group;

(7) One member who represents an educational advocacy group with a statewide presence; and

(8) One member who represents a cultural history organization in this State.

(b) <u>One voting member appointed by the Governor who represents the Office of the Governor.</u>

(c) The following ex officio, nonvoting members:

(1) A representative of the Nevada Arts Council; and

(2) A representative of the Division Museums and History.

3. The term of each voting member of the Commission is 4 years. Members may be reappointed for additional terms of 4 years. Any vacancy

occurring in the membership of the Commission must be filled in the same manner as the original appointment.

4. The Commission shall meet once each calendar quarter. At the first regular meeting of each year, the members of the Commission shall select a Chair and Vice Chair by majority vote who shall serve until the next Chair and Vice Chair is elected.

5. A majority of members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

6. While engaged in the business of the Commission, each member is entitled to receive:

(a) A salary of $80 per day for each day's attendance at each meeting of the Commission; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

7. The Department shall provide administrative support to the Commission as necessary for the Commission to carry out its duties.

Sec. 8. *1. The Commission shall:*

(a) Create and distribute written, electronic or printed materials to educate the public on the history and meaning of Juneteenth Day in the State of Nevada and the United States;

(b) Develop strategies with businesses, nonprofit organizations and community groups to support education in this State on the significance of Juneteenth Day;

(c) Support the efforts of businesses, community groups and local governments to establish events and programs relating to Juneteenth Day throughout the State; and

(d) Support programs in the arts to celebrate Juneteenth Day.

2. On or before July 1 of each year, the Commission shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislature, or if the Legislature is not in session, the Legislative Commission. The report must include, without limitation, a summary of the work of the Commission during the past fiscal year and any recommendations for legislation to improve awareness of Juneteenth Day and African American history in this State.

Sec. 9. *1. There is hereby created the Juneteenth Educational and Economic Fund in the State Treasury, to be administered by the Director, for the support of the Commission.*

2. Any interest earned on money in the Fund must be credited to the Fund.

3. Money that remains in the Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.

4. The Director may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 11. This act becomes effective upon passage and approval.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 336.

AN ACT relating to the boards of trustees of school districts; restricting **, with certain exceptions,** the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting; authorizing, under certain circumstances, the board of trustees to restrict certain public comment at a regular or special meeting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that a public body such as the board of trustees of a school district give notice of its meetings by: (1) posting an agenda consisting of a list describing the items on which action may be taken by the public body; and (2) clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, under certain circumstances, by placing the term "for possible corrective action" next to the appropriate item. (NRS 241.015, 241.020) Existing law sets forth certain requirements and procedures for meetings of the board of trustees of a school district, including, without limitation: (1) a requirement that the board of trustees hold a regular meeting at least once each month; and (2) the authority for the president of the board of trustees to call special meetings under certain circumstances. (NRS 386.330) **Section 1** of this bill prohibits **, except in an emergency that impacts the school district,** the board of trustees of a school district from taking any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to the Open Meeting Law after 11:59 p.m. on the day of the meeting. **Section 1** further provides that if the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must ~~[wait until at least 8 a.m. on the following day to]~~ **not** take any further action or corrective action on any item that is on the meeting agenda ~~.[.]~~ **unless the board of trustees: (1) schedules the delayed agenda item at a future meeting; or (2) waits at least 24 hours after the originally scheduled time of the meeting but not later**

than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

The United States Constitution and the Nevada Constitution protect the freedom of speech but a public body may, under certain circumstances, limit speech at a public meeting. (U.S. Const. Amend. I; Nev. Const. Art. 1, § 9; *Minnesota State Bd. for Community Colleges v. Knight*, 465 U.S. 271, 281-85 (1984); *White v. City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990)) Under existing case law, a public body may: (1) impose reasonable time, place and manner restrictions that are viewpoint neutral and maintain decorum and order; and (2) limit public comment that is not relevant to or within the authority of the public body. (*Norwalk* at 1425; *Reza v. Pearce*, 806 F.3d 497, 503-04 (9th Cir. 2015); *see also* OMLO 2001-22 (12-17-2002); *Nevada Open Meeting Law Manual*, § 8.05 (11th ed. 2012)) However, existing case law prohibits a public body from restricting public comment that is slanderous or offensive unless such public comment causes an actual disturbance at the meeting. (*Acosta v. City of Costa Mesa*, 718 F.3d 800, 813 (9th Cir. 2013)) Consistent with existing case law, the Open Meeting Law authorizes the removal from a meeting of a public body any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (NRS 241.030) **Section 1** authorizes a board of trustees of a school district, consistent with existing case law, to restrict public comment at a regular meeting or special meeting if the public comment: (1) is a topic that is not relevant to or within the authority of the board of trustees; or (2) is willfully disruptive of the meeting by being slanderous or offensive.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

6. ~~[The]~~ Except in an emergency that impacts the school district, the board of trustees shall not take any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to chapter 241 of NRS after 11:59 p.m. on the day of the meeting. If the board of

trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must ~~[wait until at least 8 a.m. the following day to]~~ not take any further action or corrective action on any item that is on the meeting agenda ~~[.]~~ unless the board of trustees:

(a) Schedules the delayed agenda item at a future meeting by placing the item on its agenda for the future meeting pursuant to chapter 241 of NRS; or

(b) Waits until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

7. The board of trustees may restrict public comment at a regular meeting or special meeting if the public comment:

(a) Is a topic that is not relevant to or within the authority of the board of trustees; or

(b) Is willfully disruptive of the meeting by being slanderous or offensive.

8. As used in this section, "emergency" has the meaning ascribed to it in NRS 241.020.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 211.

AN ACT relating to net metering; authorizing the users of a low-income housing shared net metering system to participate in net metering; exempting the owner or operator of a low-income housing shared net metering system from certain provisions of law; requiring the Public Utilities Commission of Nevada to adopt certain regulations; revising provisions governing the administration of net metering; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each electric utility in this State to offer net metering to customer-generators operating in the service area of the utility. (NRS 704.773) **Section 10 and 11** of this bill authorize the users of a low-income housing shared net metering system to participate in net metering. **Sections 2-7** of this bill define terms related to low-income housing shared net metering systems. **Section 8** of this bill excludes persons who own or operate a low-income housing shared net metering system from the definition of "public utility." **Section 9** of this bill makes a conforming change to ~~[indicate the proper placement of sections 2-7 in the Nevada Revised Statutes.]~~ **make the definitions set forth in sections 2-7 applicable to the law governing net metering.** **Sections 12-14** of this bill revise existing provisions governing net metering to provide for the administration of net metering with respect to low-income housing shared net metering systems, including the measuring of net electricity produced or consumed and the awarding of credit for excess electricity produced by a low-income housing shared net metering system. **Section 12** of this bill requires the Public Utilities Commission of Nevada to adopt regulations prescribing the form and substance for a low-income housing shared net metering tariff **or tariffs** and a standard low-income housing shared net metering contract. **Section 15** of this bill provides that, with certain exceptions, certain provisions governing the rates charged for the provision of electric service by the landlord of a manufactured home park or mobile home park or owner of a company town do not apply to the owner or operator of a low-income housing shared net metering system.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***"Allocation" means a portion of the capacity from or the electricity that is produced by a low-income housing shared net metering system that is attributed to one of its users.***

Sec. 3. ***"Low-income housing shared net metering system" means an energy system for the generation of electricity that:***

1. Uses renewable energy as its primary source of energy to generate electricity;

2. Has a generating capacity of not more than 1 megawatt as measured in alternating current;

3. Is a qualified low-income residential building project that is located on a qualified multifamily affordable housing property;

4. Operates in parallel with the utility's transmission and distribution facilities;

5. Is owned by the landlord or another third party that either equitably allocates the capacity and associated production of the energy system to each of the individually metered units or common areas within the qualified multifamily affordable housing property or, if the property is master-metered, equitably allocates benefits to residents;

6. Is intended primarily to offset part or all of the qualified multifamily affordable housing property's requirements for electricity, subject to the following maximum allocations:

(a) ~~[A]~~ In the case of common-area meters or master meters, a capacity that is sized to supply not more than ~~[120]~~ 100 percent of the metered historic usage or reasonably expected future usage ; ~~[for common-area meters or master meters;]~~ and

(b) ~~[A]~~ In the case of meters serving tenant units, a capacity of not more than 25 kilowatts per unit ; ~~[for meters serving tenant units;]~~ and

7. Is net metered by the utility by allocating ~~[credit for excess electricity]~~ net metering credits either to common area meters or to individually-metered accounts, or both, that receive an allocation, according to the allocation schedule provided by the owner of the energy system, without requiring the energy system to be physically interconnected with ~~[each]~~ the meter ~~[associated with a customer account.]~~ of each user.

Sec. 4. *"Master meter" means a single electric meter used to measure electricity usage for multiple tenants or units within a multi-unit building.*

Sec. 4.5. **"Net metering credits" means the credit that the utility is required to provide to a customer-generator for each kilowatt-hour of excess electricity governed by paragraph (c) of subsection 2 of NRS 704.775 that is generated by the customer-generator.**

Sec. 5. *"Qualified low-income residential building" means a residential rental building which participates in:*

1. A covered federal housing program, as defined in 34 U.S.C. § 12491(a)(3);

2. A housing assistance program administered by the United States Department of Agriculture under Title V of the federal Housing Act of 1949;

3. A housing program administered by a tribally designated housing entity, as defined in 25 U.S.C. § 4103(22); or

4. Such other affordable housing programs as federal law may provide.

Sec. 6. *"Qualified low-income residential building project" means an energy facility that:*

1. Is installed on the premises of a qualified low-income residential building; and

2. For which the financial benefits of the electricity produced by the energy facility are allocated equitably among the occupants of the dwelling units of the qualified low-income residential building.

Sec. 7. ***"Qualified multifamily affordable housing property":***

1. Means a multifamily residential property with at least five rental housing units that:

(a) Contains one or more qualifying low-income residential buildings that are part of a single low-income housing enterprise ***;*** ~~***[on the same property or contiguous property;]***~~ ***and***

(b) Consists of tenant housing units, which may be individually metered and the occupants of which may maintain individual customer accounts with the utility, along with common areas served by one or more common meters under the customer account of the property owner.

2. In the case of a mixed-use property, does not include any independent commercial units on the premises that are not appurtenant to the housing use.

Sec. 8. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) ***or (d)*** of subsection 1 of NRS 704.771.

10. Persons who own or operate a net metering system or systems described in paragraph (a) of subsection 1 of NRS 704.771 and deliver electricity to multiple persons, units or spaces on the premises if:

(a) The electricity is delivered only to persons, units or spaces located on the premises on which the net metering system or systems are located;

(b) The residential or commercial units or spaces do not have individual meters measuring electricity use by an individual unit or space; and

(c) Persons occupying the individual units or spaces are not charged for electricity based upon volumetric usage at the person's individual unit or space.

11. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➥ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7715.

12. Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.

13. Any plant or equipment that is used by a data center to produce, deliver or furnish electricity at agreed-upon prices for or to persons on the premises of the data center for the sole purpose of those persons storing, processing or distributing data, but only with regard to those operations which consist of providing electric service. As used in this subsection, "data center" has the meaning ascribed to it in NRS 360.754.

Sec. 9. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.776, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, ***and sections 2 to 7, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 704.768 is hereby amended to read as follows:

704.768 "Customer-generator" means a user of a net metering system ~~[.]~~ ***, including, without limitation:***

1. The owner of a low-income housing shared net metering system; and

2. Any user of a low-income housing shared net metering system, including, without limitation, tenant meters and common area meters that receive an allocation of the capacity and associated production of the low-income housing shared net metering system, regardless of the legal ownership of the low-income housing shared net metering system.

Sec. 11. NRS 704.771 is hereby amended to read as follows:

704.771 1. "Net metering system" means:

(a) A facility or energy system for the generation of electricity that:

(1) Uses renewable energy as its primary source of energy to generate electricity;

(2) Has a generating capacity of not more than 1 megawatt;

(3) Is located on the customer-generator's premises;

(4) Operates in parallel with the utility's transmission and distribution facilities; and

(5) Is intended primarily to offset part or all of the customer-generator's requirements for electricity;

(b) A facility or energy system for the generation of electricity that:

(1) Uses waterpower as its primary source of energy to generate electricity;

(2) Is located on property owned by the customer-generator;

(3) Has a generating capacity of not more than 1 megawatt;

(4) Generates electricity that is delivered to the transmission and distribution facilities of the utility; and

(5) Is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or contiguous property owned by the customer-generator; ~~[or]~~

(c) A facility or energy system for the generation of electricity:

(1) Which uses wind power as its primary source of energy to generate electricity;

(2) Which is located on property owned or leased by an institution of higher education in this State;

(3) Which has a generating capacity of not more than 1 megawatt;

(4) Which operates in parallel with the utility's transmission and distribution facilities;

(5) Which is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or on contiguous property owned or leased by the customer-generator;

(6) Which is used for research and workforce training; and

(7) The construction or installation of which is commenced on or before December 31, 2011, and is completed on or before December 31, 2012 ~~[.]~~ ***; or***

(d) A low-income housing shared net metering system.

2. The term does not include a facility or energy system for the generation of electricity ***, other than a low-income housing shared net metering system,*** which has a generating capacity that exceeds the greater of:

(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or

(b) One hundred percent of the customer-generator's annual requirements for electricity.

Sec. 12. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering in accordance with the provisions of NRS 704.766 to 704.776, inclusive, ***and sections 2 to 7, inclusive, of this act*** to the customer-generators operating within its service area.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts , ~~*[or if a customer-generator is allocated not more than 25 kilowatts from a low-income housing shared net metering system,]*~~ the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system.

(d) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts , ~~*[or if a customer-generator is allocated more than 25 kilowatts from a low-income housing shared net metering system,]*~~ the utility:

(a) May require the customer-generator ***or, if the net metering system is a low-income housing shared net metering system, the owner of the low-income housing shared net metering system,*** to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (d) and subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, customer, demand and facility charges.

(c) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

(d) Shall not charge the customer-generator any standby charge.

4. At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by subsection 3 to pay the entire cost of the installation or upgrade of the portion of the net metering system.

5. Except as otherwise provided in subsections 2, 3 and 6 and NRS 704.7732, the utility shall not for any purpose assign a customer-generator to a rate class other than the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, for the purpose of any fee or charge.

6. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

7. A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; and

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator.

➥ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

8. The Commission and the utility must allow a customer-generator who accepts the offer of the utility for net metering to continue net metering pursuant to NRS 704.766 to 704.776, inclusive, ***and sections 2 to 7, inclusive, of this act*** at the location at which the net metering system is originally installed for 20 years. For the purposes of this subsection, "to continue net metering" includes, without limitation:

(a) Retaining the percentage set forth in subsection 3 of NRS 704.7732 to be used to determine the credit for electricity governed by paragraph (c) of subsection 2 of NRS 704.775, which is applicable to the customer-generator; and

(b) Replacing the originally installed net metering system, as needed, at any time before 20 years after the date of the installation of the originally installed net metering system.

9. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.776, inclusive ~~[.]~~ ***, and sections 2 to 7, inclusive, of this act.***

10. The Commission shall adopt regulations prescribing the form and substance for a low-income housing shared net metering tariff or tariffs and a standard low-income housing shared net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator who is an owner of a low-income housing shared net metering system, a customer-generator who is a user of a low-income housing shared net metering system and the utility which must be included in a standard net metering contract.

(b) A provision authorizing the allocation by the owner of a low-income housing shared net metering system, in consultation with the owner of the qualified multifamily affordable housing property where the low-income housing shared net metering system is located, of the financial benefits of the electricity produced by the low-income housing shared net metering system in a manner which ensures:

(1) In the case of individually metered tenant units, net metering credits are equitably allocated among the tenant units ~~[in a manner that is equitable and]~~ as a percentage of system production in proportion to the size of each unit measured in square feet; and

(2) In the case of master-metered buildings, residents receive such financial benefits in the form of additional property amenities or services that are equitably accessible to all residents of the property.

➥ An equitable allocation of the financial benefits of the electricity produced by the low-income housing shared net metering system to the occupants does not preclude any allocation of the generation output to common-area accounts.

(c) The manner in which the owner of a low-income housing shared net metering system may update the utility on the proper allocation of capacity

and its associated production to various customer-generators and the frequency with which the owner may submit such updates, which must be not less than annually.

(d) The manner in which a utility is required to meter and bill customer-generators who are allocated shares of the capacity of a low-income housing net metering system [.] , including, without limitation, the provision of net metering credits on the bill of a customer-generator.

(e) Provisions governing the interconnection of a low-income housing shared net metering system to the system of the utility without requiring the meters [in] of individual [units] users or owners of the low-income housing shared net metering system to be directly interconnected to the low-income housing shared net metering system, including, without limitation, procedures and timelines that are consistent with the procedures and timelines established for other net metering systems.

(f) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.776, inclusive, and sections 2 to 7, inclusive, of this act.

Sec. 13. NRS 704.7732 is hereby amended to read as follows:

704.7732 1. If a customer-generator accepts the offer of a utility for net metering on or after June 15, 2017, and the net metering system of the customer-generator has a capacity of not more than 25 kilowatts [.] ***or the customer-generator is [allocated not more than 25 kilowatts from a low-income housing shared net metering system or the customer-generator is using an allocation from] a user or owner of a low-income housing shared net metering system , [to serve common areas of a qualified affordable housing property,]*** the utility must, in accordance with this section, provide to the customer-generator a credit for each kilowatt-hour of excess electricity governed by paragraph (c) of subsection 2 of NRS 704.775 that is generated by the customer-generator [.] ***or which represents the customer-generator's allocation of the excess electricity generated by a low-income housing shared net metering system.***

2. The credit for each kilowatt-hour of excess electricity described in subsection 1 must equal a percentage, as set forth in subsection 3, of the rate the customer-generator would have paid for a kilowatt-hour of electricity supplied by the utility at the time the customer-generator fed the kilowatt-hour of excess electricity back to the utility.

3. The percentage to be used to determine the credit pursuant to subsection 2 for each kilowatt-hour of excess electricity must equal:

(a) Ninety-five percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after June 15, 2017; and

(2) Before the date on which the Commission determines and posts on its Internet website its determination that the cumulative installed capacity of all net metering systems in this State with a capacity of not more than 25 kilowatts

for customer-generators who accepted the offer of the utility for net metering on or after June 15, 2017, is equal to 80 megawatts;

(b) Eighty-eight percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the date that the Commission determines that the condition set forth in subparagraph (2) of paragraph (a) has been met; and

(2) Before the date on which the Commission determines and posts on its Internet website its determination that the cumulative installed capacity of all net metering systems in this State with a generating capacity of not more than 25 kilowatts for customer generators who accepted the offer of the utility for net metering on or after the date described in subparagraph (1) is equal to 80 megawatts;

(c) Eighty-one percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the date that the Commission determines that the condition set forth in subparagraph (2) of paragraph (b) has been met; and

(2) Before the date on which the Commission determines and posts on its Internet website its determination that the cumulative installed capacity of all net metering systems in this State with a generating capacity of not more than 25 kilowatts for customer generators who accepted the offer of the utility for net metering on or after the date described in subparagraph (1) is equal to 80 megawatts;

(d) Seventy-five percent, if the customer-generator accepts the offer of the utility for net metering on or after the date that the Commission determines that the condition set forth in subparagraph (2) of paragraph (c) has been met.

4. On or before the 15th day of each calendar month, a utility shall post on its Internet website and report to the Commission the cumulative installed capacity of the net metering systems with a capacity of not more than 25 kilowatts for which a customer-generator has accepted the offer of that utility as of the close of business of the utility on the last business day of the immediately preceding calendar month.

5. Except as otherwise provided in this subsection, for the purposes of this section, a customer-generator shall be deemed to accept the offer of the utility for net metering on the date the customer-generator submits to the utility a complete application to install a net metering system within the service area of the utility. A customer-generator who accepted the offer of the utility for net metering before June 15, 2017, and whose net metering system has a capacity of not more than 25 kilowatts may, but is not required to, submit a request to be treated for all purposes, including, without limitation, for the purposes of subsection 3, as a customer-generator who accepted the offer of the utility for net metering on the date of submitting the request.

Sec. 14. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering must be a monthly period.

2. The net energy measurement must be calculated in the following manner:

(a) The utility shall measure, in kilowatt-hours, the net electricity produced or consumed during the billing period ~~[,]~~ ***:***

(1) For a net metering system ~~***[other than a low-income housing shared net metering system or for a low-income housing shared net metering system]***~~*****~~ ***that serves only one meter,*** in accordance with normal metering practices.

(2) For a low-income housing shared net metering system that serves multiple meters, by measuring the total generation output of the low-income housing shared net metering system using a production meter. The utility shall:

(I) For capacity allocations to individually-metered accounts, calculate the total kilowatt-hour output associated with each user's allocated share of the low-income housing shared net metering system's production and deduct the allocated total kilowatt-hour output from each user's total measured consumption.

(II) For premises that contain more than one master meter, calculate the total kilowatt-hour output associated with each master meter's allocated share of the production of the low-income housing shared net metering system and deduct the allocated total kilowatt-hour output from each master meter's total measured consumption.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator ***, or the customer-generator's allocated share of the electricity generated by a low-income housing shared net metering system,*** which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) Except as otherwise provided in NRS 704.7732, if the electricity generated by the customer-generator ***, or the customer-generator's allocated share of the electricity generated by a low-income housing shared net metering system,*** which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for the electricity provided to the other during the billing period.

(2) The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt-hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.

(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The value of the excess electricity must not be used to reduce any other fee or charge imposed by the utility.

3. If the cost of purchasing and installing a net metering system was paid for:

(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

(b) Entirely by a customer-generator ~~[.]~~ ***, including a customer-generator that is the owner of a low-income housing shared net metering system,*** the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the electricity generated by the net metering system.

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 15. NRS 704.940 is hereby amended to read as follows:

704.940 1. In a manufactured home park, mobile home park or company town where the landlord or owner is billed by a gas or electric utility or an alternative seller and in turn charges the tenants or occupants of the dwellings for the service provided by the utility or alternative seller, and the park or town:

(a) Is equipped with individual meters for each lot, the landlord or owner shall not charge a tenant or occupant for that service at a rate higher than the rate paid by the landlord or owner.

(b) Is not equipped with individual meters for each lot, the landlord or owner shall prorate the cost of the service equally among the tenants of the park or occupants of the dwellings who use the service, but the prorated charges must not exceed in the aggregate the cost of the service to the landlord or owner.

2. In a manufactured home park, mobile home park or company town that:

(a) Is equipped with individual water meters for each lot, the individual meters must be read and billed by the purveyor of the water.

(b) Is not equipped with individual water meters for each lot and the landlord or owner is billed by the purveyor of the water and in turn charges the tenants or occupants of the dwellings for the service provided by the purveyor, the landlord or owner shall prorate the cost of the service equally among the tenants of the park or occupants of the dwellings who use the service, but the prorated charges must not exceed in the aggregate the cost of the service to the landlord or owner.

➥ The landlord or owner of a manufactured home park or mobile home park that converts from a master-metered water system to individual water meters for each mobile home lot shall not charge or receive any fee, surcharge or rent increase to recover from the landlord's or owner's tenants the costs of the conversion. The owner of a company town that is not equipped with individual water meters shall not convert from the master-metered water system to individual water meters.

3. To the extent that the cost of providing a utility service to the common area of a manufactured home park, mobile home park or company town can be identified, the landlord or owner may not recover the cost of the utility service provided to the common area by directly charging a tenant or the occupant of a dwelling for those services.

4. The landlord of a manufactured home park or mobile home park or owner of a company town may assess and collect a charge to reimburse the landlord or owner for the actual cost of the service charge the landlord or owner is required to pay to a water utility serving the park or town. If the landlord or owner collects such a charge, the landlord or owner shall prorate the actual cost of the service charge to the tenants or occupants of dwellings who use the service. The landlord or owner shall not collect more than the aggregate cost of the service to the landlord or owner.

5. The landlord may assess and collect a service charge from the tenants of the park for the provision of gas and electric utility services, but the amount of the charge must not be more than the tenants would be required to pay the utility or alternative seller providing the service. The landlord shall:

(a) Keep the money from the service charges in a separate account and expend it only for federal income taxes which must be paid as a result of the collection of the service charge, for preventive maintenance or for repairing or replacing utility lines or equipment when ordered or granted permission to do so by the Commission; and

(b) Retain for at least 3 years a complete record of all deposits and withdrawals of money from the account and file the record with the Commission on or before March 30 of each year.

6. Money collected by the landlord or owner for service provided by a utility or an alternative seller to the tenants of a manufactured home park or mobile home park or occupants of the dwellings may not be used to maintain, repair or replace utility lines or equipment serving the common area of the manufactured home park, mobile home park or company town.

7. The owner of a company town who provides a utility service directly to the occupants of the town may charge the occupants their pro rata share of the owner's cost of providing that service. Where meters are available, the pro rata share must be based on meter readings. Where meters are not available, the owner shall determine a fair allocation which must be explained in detail to the Commission in the reports required by NRS 704.960. The Commission may modify the allocation in accordance with its regulations if it determines the owner's method not to be fair. The Commission shall adopt regulations

governing the determination of the costs which an owner of a company town may recover for providing a utility service directly to the occupants of that town and the terms and conditions governing the provision of that service.

8. The landlord or owner shall itemize all charges for utility services on all bills for rent or occupancy. The landlord or owner may pass through to the tenant or occupant any increase in a rate for a utility service and shall pass through any decrease in a charge for a utility service as it becomes effective.

9. The landlord or owner shall retain for at least 3 years a copy of all billings for utility services made to the tenants or the occupants of the landlord's or owner's dwellings and shall make these records available upon request to the Commission for verification of charges made for utility services.

10. A landlord whose interest in a manufactured home park or mobile home park terminates for any reason shall transfer to the landlord's successor in interest any balance remaining in the account for service charges for utilities. Evidence of the transfer must be filed with the Commission.

11. The Commission may at any time examine all books and records which relate to the landlord's or owner's purchase of or billing for a service provided by a utility or an alternative seller if the landlord or owner is charging the tenants of the manufactured home park or mobile home park or occupants of the dwellings for that service.

12. The provisions of this section do not apply to the owner or operator of a low-income housing shared net metering system, except that:

(a) If the owner of a low-income housing shared net metering system is the landlord of a qualified multifamily affordable housing property in which the tenant units are equipped with individual meters, the owner of the low-income housing shared net metering system must follow any applicable federal laws or regulations to ensure that the owner of the low-income housing shared net metering system does not charge a tenant or occupant for utility service at a rate that is higher than the rate paid by the owner of the low-income housing shared net metering system.

(b) A landlord who is the owner or operator of a low-income housing shared net metering system shall ensure that the financial benefits of the electricity produced by the low-income housing shared net metering system are allocated among the tenant units in a manner that is equitable as required pursuant to NRS 704.773.

Sec. 16. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 15, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act.

(b) On January 1, 2024, for all other purposes.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 455.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 329.

AN ACT relating to tobacco; authorizing the Department of Taxation to impose a civil penalty for certain violations relating to contraband tobacco products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits a person from knowingly selling or possessing for the purpose of selling any contraband tobacco products; and (2) provides that any person who exports, imports, possesses or constructively possesses contraband tobacco products, with certain exceptions, is guilty of a gross misdemeanor. (NRS 370.405, 370.410) Existing law also requires the Department of Taxation and its agents, sheriffs and all other peace officers of this State to seize any counterfeit stamps, contraband tobacco products, machinery used to manufacture contraband tobacco products and cigarette rolling machines used in violation of existing law that are found in this State. (NRS 370.415) This bill authorizes the Department to impose a civil penalty on any person who violates such provisions of existing law resulting in the seizure of counterfeit stamps, contraband tobacco products, machinery or cigarette rolling machines. This bill further requires any civil penalty to be credited to a separate account in the State General Fund to be used to enforce the provisions governing contraband tobacco products.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 370.415 is hereby amended to read as follows:

370.415 1. The Department, its agents, sheriffs within their respective counties and all other peace officers of the State of Nevada shall seize any counterfeit stamps, contraband tobacco products, machinery used to manufacture
contraband tobacco products and cigarette rolling machines being used in violation of any provision of this chapter that are found or located in the State of Nevada.

2. A sheriff or other peace officer who seizes stamps, contraband tobacco products, machinery or cigarette rolling machines pursuant to this section shall provide written notification of the seizure to the Department not later than 5 working days after the seizure. The notification must include the reason for the seizure.

3. After consultation with the Department, the sheriff or other peace officer shall transmit the contraband tobacco products to the Department if:

(a) The contraband tobacco products consist of cigarettes and:

(1) Except for revenue stamps being properly affixed as required by this chapter, the cigarettes comply with all state and federal statutes and regulations; and

(2) The Department approves the transmission of the cigarettes; or

(b) The contraband tobacco products consist of any other tobacco products and the Department approves the transmission of the other tobacco products.

4. Upon the receipt of any:

(a) Cigarettes pursuant to subsection 3, the Department shall dispose of the cigarettes as provided in subsection 4 of NRS 370.270; or

(b) Other tobacco products pursuant to subsection 3, the Department shall:

(1) Sell the other tobacco products to the highest bidder among the licensed wholesale dealers in this State after due notice to all licensed Nevada wholesale dealers has been given by mail to the addresses contained in the Department's records; or

(2) If there is no bidder, or in the opinion of the Department the quantity of the other tobacco products is insufficient, or for any other reason such disposition would be impractical, destroy or dispose of the other tobacco products as the Department may see fit.

➥ The proceeds of all sales pursuant to this paragraph must be classed as revenues derived under the provisions of NRS 370.440 to 370.503, inclusive.

5. The sheriff or other peace officer who seizes any stamps, contraband tobacco products, machinery or cigarette rolling machines pursuant to this section shall:

(a) Destroy the stamps, machinery and cigarette rolling machines; and

(b) If he or she does not transmit the contraband tobacco products to the Department, destroy the contraband tobacco products.

6. In addition to any other penalty provided by law, the Department may impose a civil penalty upon a person who violates NRS 370.405 or 370.410 resulting in the seizure of counterfeit stamps, contraband tobacco products, machinery or cigarette rolling machines pursuant to this section in the amount [determined by the Department which may not exceed the greater] of [$25,000] $10,000 or the total costs incurred by the Department for the transportation, storage and disposal of the counterfeit stamps, contraband tobacco products, machinery or cigarette rolling machines [.] , whichever is greater.

7. All penalties imposed pursuant to subsection 6 must be paid to the Department in the form of remittances payable to the Department and deposited in a separate account in the State General Fund to be used for the enforcement of the provisions of this section.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 77, 125, 135, 184, 197, 222, 252, 257, 259, 261, 279, 293, 321, 338, 376, 399, 403, 409, and 425 be rereferred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:25 a.m.

ASSEMBLY IN SESSION

At 1:40 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 8 revises the membership of a metropolitan police committee on fiscal affairs. The number of members from a participating county is increased from two to three, and the number of members from the general public is increased from one to two.

Roll call on Assembly Bill No. 8:

YEAS—26.

NAYS—DeLong, Dickman, D'Silva, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Newby, O'Neill, Yurek—16.

Assembly Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Assembly Bill 32 revises certain provisions governing the Department of Sentencing Policy, including changing the requirements to serve as executive director. This bill also revises provisions relating to the Division of Parole and Probation of the Department of Public Safety, including revising the risk and needs assessments administered to certain probationers and parolees.

Lastly, this bill authorizes a court or the State Board of Parole Commissioners to revoke probation, suspension of sentence, or parole supervision at the request of a probationer or parolee.

Roll call on Assembly Bill No. 32:

YEAS—42.

NAYS—None.

Assembly Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

Assembly Bill 60 requires the governing body of a municipality that acquires or improves a neighborhood improvement project to annually prepare an amendment to the assessment roll and an estimate of the expenditures for the next fiscal year. The governing body must provide notice and hold a public hearing regarding the amendment and confirm and mail notice of the amendment.

Roll call on Assembly Bill No. 60:

YEAS—42.

NAYS—None.

Assembly Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblyman Gurr.

ASSEMBLYMAN GURR:

I think the Chief Clerk read most of what that bill does. The bill allows current information to go to the 811 operator so when you dig in your yard, you do not blow yourself up. In layman's terms, that is essentially what the bill does.

Roll call on Assembly Bill No. 177:

YEAS—42.

NAYS—None.

Assembly Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 185.

Bill read third time.

Remarks by Assemblywoman Mosca.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 185 requires a school district, charter school, or university school for profoundly gifted pupils to make reasonable efforts to accommodate a pupil who transfers schools due to the documented military transfer of a parent or legal guardian.

As a proud active duty, enlisted military spouse, I am very excited for this bill, which aligns Nevada with almost every other state in terms of supporting military families through advanced enrollment.

Roll call on Assembly Bill No. 185:

YEAS—42.

NAYS—None.

Assembly Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblyman Koenig.

ASSEMBLYMAN KOENIG:

Assembly Bill 207 authorizes the board of trustees of a school district or the governing body of a charter school to purchase and maintain insurance against any liability arising out of a student's participation in a work-based learning program. The bill also prohibits a school district or charter school from charging a student or the parent or legal guardian of a student for the cost of such insurance coverage.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 207:

YEAS—42.

NAYS—None.

Assembly Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 214.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 214 requires a regional transportation commission in a county whose population is 100,000 or more but less than 700,000—currently, Washoe County—to establish an advisory committee to provide certain information and advice to the RTC [Regional Transportation Commission] relating to public mass transportation in the county. The bill also makes various changes to the membership of such an advisory committee that already exists in a county whose population is 700,000 or more—currently, Clark County. Among other changes, the RTC in such a county must appoint all members.

The bill further requires an RTC, or any person who contracts with an RTC to operate a public transit system, to maintain any audio or video recording that is used as evidence in certain disciplinary actions or contains an incident on a public transit system that results in an injury to an employee.

Finally, AB 214 allows an RTC to establish fines for passengers who refuse to comply with a regional or statewide health and safety standard or mandate.

Roll call on Assembly Bill No. 214:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblymen Backus and Yurek.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 231 enacts certain amendments to the Uniform Commercial Code, which is a set of uniform laws governing commercial transactions. Among other things, this bill revises provisions related to various emerging technologies, including transactions involving controllable electronic records, certain electronic payment rights, chattel paper, and controllable electronic accounts.

ASSEMBLYMAN YUREK:

Changes to the Uniform Commercial Code are typically perfunctory updates that help commerce in our state and country run smoothly. As originally presented, AB 231 was just that—a regular and helpful update to the Uniform Commercial Code—apart from one section that we felt deserved more thought and attention before we passed it.

I would like to start by offering a word of thanks to the bill sponsor, my colleague from District 37, for her willingness to work with us to address the concerns that were identified in the original version of AB 231. As amended, I believe it serves as a great example of how the legislative process should and often does work in Nevada, wherein the various stakeholders and the parties can come together to work through the issues and advance the right policies at the right time.

Today, in its amended form, AB 231 excludes from the definition of "money" any medium of exchange in an electronic form. As a result, the central bank digital currencies, or CBDCs, of any type and issued by any government would not be covered by the rules applicable to money. Because cryptographic currencies, like Bitcoin, would be controllable electronic records, or CERs, all of the CER rules would apply to them, including perfection of security interests by filing or control and protection of qualifying purchasers of CERs against competing property interests.

Again, we are grateful for the opportunity to work with the bill sponsor to identify a workable solution to AB 231 and are pleased to offer our full support today as amended.

Roll call on Assembly Bill No. 231:

YEAS—42.

NAYS—None.

Assembly Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 267 requires the State Board of Health to adopt regulations to require a medical facility, facility for the dependent, and certain other facilities to conduct training relating specifically to cultural competency for certain persons providing care to patients or residents of a facility.

Further, the measure requires certain health care professionals to complete a certain number of hours of instruction relating to cultural competency and diversity, equity, and inclusion.

Roll call on Assembly Bill No. 267:

YEAS—32.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, McArthur, O'Neill—10.

Assembly Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 272.
Bill read third time.
Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:
Assembly Bill 272 establishes the crime of mail theft. A person who commits mail theft is guilty of a category D felony—with a prison term of one to four years and a fine up to $5,000—and must pay restitution.

Roll call on Assembly Bill No. 272:
YEAS—42.
NAYS—None.
Assembly Bill No. 272 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 303.
Bill read third time.
Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:
Assembly Bill 303 removes the time restriction when a towing operator can charge a fee or cost for the towing and storing of a vehicle. The bill also prohibits towing operators from charging a fee or cost for towing vehicles solely due to an expired registration and provides that doing so is a violation subject to certain penalties.
Lastly, the bill revises the situations in which an owner may pay a hardship tariff but limits the owner of a towed motor vehicle from paying the hardship tariff more than once per year.

Roll call on Assembly Bill No. 303:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Assembly Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 343.
Bill read third time.
Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:
Assembly Bill 343 revises requirements to obtain or renew a license or a temporary license as an occupational therapist or occupational therapy assistant and authorizes the Board of Occupational Therapy to issue a license by reciprocity as an occupational therapist or occupational therapy assistant. It also provides for the issuance of a provisional license; revises the applicability of an exemption for students; authorizes the Board to issue a citation and impose an administrative fine; and, lastly, provides that each member of the Board is entitled to a salary while engaged in the business of the Board.

Roll call on Assembly Bill No. 343:
YEAS—42.
NAYS—None.

Assembly Bill No. 343 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

The following amendment was proposed by Assemblywoman Brittney Miller:

Amendment No. 485.

AN ACT relating to crimes; revising provisions relating to the prosecution of certain crimes; **making an appropriation to be used for the prosecution of retail crime;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the crime of organized retail theft, which is defined as committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, with the intent to: (1) return the merchandise to the merchant for value; or (2) resell, trade or barter the merchandise for value in any manner. (NRS 205.08345) **Section 1** of this bill authorizes the Attorney General to investigate and prosecute the crime of organized retail theft and any other crime committed in the course of committing organized retail theft.

Existing law also prohibits a person from selling, displaying or advertising, or possessing with the intent to sell, goods that have an unauthorized or counterfeit label or trademark. (NRS 205.210) **Section 2** of this bill authorizes the Attorney General to investigate and prosecute such a crime and any other crime that is committed in the course of committing such a crime.

Additionally, existing law provides that it is a crime for a person, in the course of an enterprise or occupation, knowingly and with the intent to defraud, to engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that: (1) the person knows to be false or omitted; (2) the person intends another to rely on; and (3) results in a loss to any person who relied on the false representation or omission, in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than $1,200. (NRS 205.377) **Section 3** of this bill authorizes the Attorney General to investigate and prosecute such a crime and any other crime committed in the course of committing such a crime.

Section 3.5 of this bill makes an appropriation to the Office of the Attorney General to be used for personnel, operating, travel and information technology expenses relating to the prosecution of retail crime.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who knowingly participates directly or indirectly in or engages in conduct with the intent to further an organized retail theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days is at least $3,500 but less than $10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(b) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days is $10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than $20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in the organized retail theft was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

6. As used in this section:

(a) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

(b) "Merchant" has the meaning ascribed to it in NRS 597.850.

(c) "Organized retail theft" means committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, in this State with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade or barter the merchandise for value in any manner, including, without limitation, through the use of an Internet or network site.

Sec. 2. NRS 205.210 is hereby amended to read as follows:

205.210 1. A person shall not knowingly sell, display or advertise, or have in his or her possession with intent to sell, any goods, wares, merchandise, mixture, preparation or compound having affixed thereto any label, trademark, term, design, device or form of advertisement lawfully filed for record in the Office of the Secretary of State by any person, corporation, association or union, or the exclusive
right to the use of which is guaranteed to the person, corporation, association or union under the laws of the United States, if the label, trademark, term, design, device or form of advertisement has been used or affixed thereto without the written authority of the person, corporation, association or union, or having affixed thereto any forged or counterfeit representation, likeness, similitude, copy or imitation thereof.

2. Except as otherwise provided in subsection 3, a violation of the provisions of subsection 1 is a misdemeanor.

3. A violation of the provisions of subsection 1 is:

(a) A category E felony if:

(1) The person committing the violation has been previously convicted one time for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 100 but less than 1,000 salable units; or

(II) Has a retail value of at least $1,000 but less than $10,000.

(b) A category D felony if:

(1) The person committing the violation has been previously convicted two or more times for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 1,000 salable units; or

(II) Has a retail value of at least $10,000.

4. For the purposes of this section, in accordance with the provisions of NRS 47.230, it may be reasonably inferred that a person intends to sell goods, wares, merchandise, a mixture, a preparation or a compound if the person knowingly possesses at least 26 salable units of the goods, wares, merchandise, mixture, preparation or compound.

5. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

6. As used in this section, "retail value" means:

(a) If the item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1 is a component of a finished product with multiple components, the price at which the person in violation of subsection 1 regularly sells the finished product; or

(b) For any other item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1, the price at which the person in violation of subsection 1 regularly sells the item.

Sec. 3. NRS 205.377 is hereby amended to read as follows:

205.377 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:

(a) The person knows to be false or omitted;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➥ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than $1,200.

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

7. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 3.5. **1. There is hereby appropriated from the State General Fund to the Office of the Attorney General to be used for personnel, operating, travel and information technology expenses relating to the prosecution of retail crime the following sums:**

For the Fiscal Year 2023-2024 ..... $112,244

For the Fiscal Year 2024-2025 ..... $139,945

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively,

by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.
Remarks by Assemblywoman Brittney Miller.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:03 p.m.

ASSEMBLY IN SESSION

At 2:03 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bill No. 50 be rereferred to the Committee on Ways and Means.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Johnson, Nicole Lamboley, and Tami Hance-Lehr.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Desirae Wingerter, Lesley Jackson, and Samuel Wellington.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Bridget Phillips, Jeff Geihs, and Debbie Springer.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Brown and Jessica Rauch.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Anissa Simmons and Sheila Hall.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to William Supple, Taylor Palmer, and William Belovin.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Chloe Vieira.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Juan Aguirre, Kelly Loving, and Marcus James.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Abbi Whitaker.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to A.J. Huth, Brian Hosier, and Shelly Kopinski.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Aura Delisle, Kate McLaughlin, and Mari Hutchinson.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Bridges, Patrick Callahan, and Yarleny Roa-Dugan.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Bobby Ernaut, Gabriella Everett, and Mallory Jett-Edwards.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Debra O'Kelly, Rose Eshe, and Sharon Schlegel.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Blake Pang.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Aminta Polanco-Loew, Greci Zalaya Martinez, and Lynda Tache.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Billy Jo Winbush, Brandy Foreman, and Faiza Ibrahim.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Smith, Audra Hamernik, and Michell Upton.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Courtney Vogt, Shanikka Thompson, and Shelly Speck.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Erpelding-Welch, Pam Joaan, and Richard Hodgson.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Stumpf, Marcia Blake, and Sarahi Ramirez.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Cheree Boteler, Elena Espinoza, and Lanethia Harris.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Arielle Edwards, Greg Gudenkauf, and Jasmine Cazares.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Esparza, Mary Mazur, and Tom Roberts.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Ahsaki Hardy, Julian High, and William Rucker.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Natalie Prochaska and Xavier Watkins.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Maese, Sharon Savoy-Durisseau, and Tenesha Harvey.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Foothills Church Academy: Angelina Elliott, Ayla Capurro, Ayla Orr, Dylan Wynne, Grayson Orr, Joseph Ketterman, Landen Kliegl, Lillian Taylor, Myra Werner, Owen Wynne, Paeton Bunnell, Paisley Greendahl, Paisley Solferino, Paitynn Solferino, Von Elliott, and Zaydon Capurro.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Ashlee Cooper, Charity Mills, and Lisa High.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Firestone, Bri Konz, and Eaton Dunkelberger.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Leah Dods, Ninfa McDaniels, and Stephanie Hughes.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Bybee, Genevieve Frederick, and Jessica Johnson.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Speck, Grace Vergara Mactal, Patricia Armstrong, and Robin Shanetta-Franklin.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Tu`ua, Liz Ortenburger, and Sara Evans.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Andy Bischel, Devonte Woodson, and Rachel Bergren.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Carey.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Green, Fidel Garcia, and Ryan Hamilton.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, April 21, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:05 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

EIGHTY-SECOND SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2023

BEGUN ON MONDAY, THE SIXTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIFTH DAY OF JUNE

VOLUME 2

THE SEVENTY-FIFTH DAY—THE SEVENTY-EIGHTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 5 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 2

Page

ASSEMBLY PROCEEDINGS 1506

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 21, 2023

Assembly called to order at 11:50 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywomen González and Thomas, who were excused.

Prayer by the Chaplain, Pastor Peggy Locke.

The Bible says in 2 Chronicles 16:9a, "For the eyes of the Lord run to and fro throughout the whole earth, to show Himself strong on behalf of those whose heart is loyal to Him."

You, O Lord, are Most High over all the earth; You are exalted far above all gods. Show Yourself strong and be a refuge and fortress to all who put their trust in You.

We give You thanks for this beautiful day, for our loved ones, for those we work with. We ask for Your divine protection for each one. We also ask for Your continued grace and strength for those serving in harm's way.

You are our Father who art in heaven, Hallowed be thy name. Thy kingdom come, Thy will be done on earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil: For Thine is the kingdom, and the power, and the glory, forever.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 12:07 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 216, 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 270, 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 7, 132, 156, 237, 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 154, 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 75, 244, 253, 292, 369, 381, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bill No. 242; Assembly Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 162, 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

April 20, 2023

SPEAKER STEVE YEAGER, Nevada State Capitol, 101 N Carson St., Carson City, NV 89701

MAJORITY LEADER NICOLE CANNIZZARO, Majority Leader, Nevada State Capitol, 101 N Carson St., Carson City, NV 89701

DEAR SPEAKER YEAGER & MAJORITY LEADER CANNIZZARO,

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Wednesday, May 3, 2023.

As the Representative for Nevada's 4th Congressional District, I look forward to sharing information from the United States Capitol and discussing opportunities to improve and grow our state's economy and improve Nevada's future. I hope my address will provide an opportunity to identify areas in which we can partner for all of us to better serve the people of the Silver State.

I am honored and grateful for this opportunity. Thank you in advance for your consideration.

Sincerely,
STEVEN HORSFORD
Congressman Steven Horsford
4th District, Nevada

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 83, 171, 180, 247, 262, 272, 363, 371.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 21, 196, 257, 258, 259, 289, 299, 322, 338, 386, 418, 424.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 50.

SARAH COFFMAN
Fiscal Analysis Division

April 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 143.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 159.

WAYNE THORLEY
Fiscal Analysis Division

April 21, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 156.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that, through Monday, April 24, 2023, all bills and resolutions reported out of committee be immediately placed on the appropriate reading file.

Motion carried.

Assembly Joint Resolution No. 8.

Resolution read.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 484.

ASSEMBLYMEN D'SILVA**, ~~[AND]~~** BRITTNEY MILLER **; ANDERSON, BROWN-MAY, CARTER, COHEN, CONSIDINE, DELONG, DICKMAN, GALLANT, GONZÁLEZ, GORELOW, LA RUE HATCH, C.H. MILLER, MONROE-MORENO, MOSCA, NEWBY, NGUYEN, O'NEILL, ORENTLICHER, PETERS, SUMMERS-ARMSTRONG, TAYLOR, THOMAS, TORRES, WATTS AND YEAGER**

JOINT SPONSORS: SENATORS DONATE, FLORES, HAMMOND, D. HARRIS, NEAL, NGUYEN, OHRENSCHALL, SPEARMAN AND STONE

ASSEMBLY JOINT RESOLUTION—Urging the Congress of the United States to deschedule marijuana as a schedule I controlled substance.

WHEREAS, Under Nevada law, cannabis and marijuana share an identical meaning; and

WHEREAS, Under the Controlled Substance Act, drugs, substances and certain chemicals used to make drugs are classified into five distinct schedules depending upon the acceptable medical use of the drug and the potential of the drug for abuse; and

WHEREAS, Schedule I drugs, substances or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse; and

WHEREAS, Cannabis is classified as a schedule I drug, alongside heroin, although marijuana has many well documented medical uses; and

WHEREAS, According to the National Academy of Medicine, modern medical research has confirmed the beneficial uses for marijuana in treating or alleviating the pain, nausea and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis and HIV/AIDS; and

WHEREAS, Marijuana has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 350,000 patients in states with medical marijuana laws; and

WHEREAS, Marijuana's medical utility has been recognized by a wide range of medical and public health organizations, including, without limitation, the American Academy of HIV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association and the Leukemia and Lymphoma Society; and

WHEREAS, In 1998 and 2000, Nevada voters approved the *Nevada Medical Marijuana Act*, a referendum initiative intended to amend the Nevada Constitution to legalize marijuana for medical use in Nevada, which passed in two consecutive elections, as is required for a constitutional amendment; and

WHEREAS, The medical value of cannabis was enshrined into Nevada's constitution through the addition of Article 4, Section 38 of the Nevada Constitution, which requires the Nevada Legislature to provide by law for the use by a patient, upon the advice of his physician, of a plant of the genus Cannabis for the treatment or alleviation of cancer, glaucoma, acquired immunodeficiency syndrome, severe, persistent nausea of cachexia resulting from these or other chronic or debilitating medical conditions, epilepsy and other disorders characterized by seizure, multiple sclerosis and other disorders

characterized by muscular spasticity, or other conditions approved pursuant to law for such treatment; and

WHEREAS, In 2016, Nevada voters voted upon and approved the Initiative to Regulate and Tax Marijuana, which legalized possession of marijuana for recreational purposes; and

WHEREAS, A district court in Nevada has already held that cannabis is no longer a schedule I controlled substance in Nevada; and

WHEREAS, There are approximately 5.4 million state-legal patients in the United States and its territories who are unable to receive medical insurance prescription health coverage for medical marijuana, primarily because of marijuana's federal designation as a schedule I controlled substance; and

WHEREAS, In its State of the States 2021 report, the advocacy group Safe Access Now estimated that medical marijuana customers at state dispensaries were likely to pay as much as $350 before they could access and pay for the cost of marijuana; and

WHEREAS, Marijuana is not an eligible health savings account expense because of its current federal designation as a schedule I controlled substance; and

WHEREAS, Because of marijuana's current federal designation as a schedule I controlled substance, tracing money back to a state marijuana operation could result in criminal prosecution for aiding and abetting a federal crime or money laundering, and most financial institutions are therefore unwilling to accept the legal risks associated with offering financial services to the medical marijuana industry, resulting in medical marijuana distributors having limited access to traditional banking and financial services and forcing them to operate using only cash; and

WHEREAS, Operating a business with large amounts of cash on hand is a public safety threat, causing such a business to become a target for crime, thereby putting the safety of staff and patients at risk; and

WHEREAS, Marijuana does not belong in schedule I of the Controlled Substances Act, a classification intended for exceptionally dangerous substances with high potential for abuse and no currently accepted medical use; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 82nd Session of the Nevada Legislature hereby urge Congress to support legislation to remove cannabis from schedule I of the Controlled Substances Act; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 21.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 83.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 171.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 180.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 196.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 247.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 257.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 258.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 259.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 262.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 272.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 289.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 299.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 322.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 388.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 363.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 371.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 386.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 418.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 424.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 53.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 480.

AN ACT relating to tobacco products; revising penalties for sales of certain tobacco products to persons under 21 years of age; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing of persons engaged in the manufacture, distribution and sale of cigarettes and other tobacco products, including manufacturers, wholesale dealers of cigarettes, wholesale dealers of other tobacco products, tobacco retail dealers, logistics companies and persons who operate a warehouse or distribution center. (NRS 370.531-370.597) Existing law prohibits a person from selling, distributing or offering to sell cigarettes, cigarette paper, any product containing, made or derived from tobacco, any vapor product, any alternative nicotine product or any product containing, made or derived from nicotine to a person under the age of 21 years. (NRS 370.521) Existing law establishes certain penalties which a licensee is liable for if an employee or agent of the licensee violates this prohibition, including a warning for a first or second violation within a 24-month period at the same premises and certain civil penalties for subsequent violations within a 24-month period at the same premises. (NRS 370.521)

This bill provides that, for violations which occur within a 24-month period at the same premises, a licensee is liable for a civil penalty of: (1) ~~[$500]~~ **$2,500** for a first violation; (2) ~~[$1,000]~~ **$5,000** for a second violation; ~~[and]~~ (3) ~~[$2,500]~~ **$7,500** for a third **violation;** and **(4) $10,000 for a fourth and** any subsequent violation. ~~[Additionally, this bill requires the Department of Taxation to suspend the license of a licensee for 30 days for a second violation and for not more than 180 days for a third or any subsequent violation within a 24-month period at the same premises.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 370.521 is hereby amended to read as follows:

370.521 1. Except as otherwise provided in subsections 2, 4 and 5, a person shall not sell, distribute or offer to sell cigarettes, cigarette paper, any product containing, made or derived from tobacco, any vapor product, any alternative nicotine product or any product containing, made or derived from nicotine to any person under the age of 21 years.

2. A person shall be deemed to be in compliance with the provisions of subsection 1 if, before the person sells, distributes or offers to sell to another any item described in subsection 1, the person:

(a) Demands that the other person present a valid driver's license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is 21 years of age or older;

(b) Is presented a valid driver's license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is 21 years of age or older; and

(c) Reasonably relies upon the driver's license, permanent resident card, tribal identification card or other written or documentary evidence presented by the other person.

3. A person shall not sell, distribute or offer to sell cigarettes, cigarette paper or other tobacco products to any person under 40 years of age without first performing age verification through enhanced controls that utilize a scanning technology or other automated, software-based system to verify that the person is 21 years of age or older. A person who violates this subsection is liable for a civil penalty of $100 for each offense.

4. The employer of a person who is under 21 years of age may, for the purpose of allowing the person to handle or transport any item described in subsection 1 in the course of the person's lawful employment, provide an item described in subsection 1 to the person under 21 years of age.

5. The provisions of this section do not apply to any product regulated by the United States Food and Drug Administration under Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

6. A person who violates subsection 1 is liable for a civil penalty of:

(a) For the first ~~[and second]~~ violation ***,*** within a 24-month period at the same premises, the licensee ~~[must be issued a warning.~~

~~(b) For the third violation within a 24-month period at the same premises, the licensee]~~ is liable for a civil penalty of ~~[$500.~~

~~(c)]~~ ***$2,500.***

(b) For the ~~[fourth]~~ ***second*** violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of ~~[$1,250.~~

7. If an employee or agent of a licensee has violated subsection 1:

~~(d) $*1000* *and the Department shall suspend the license of the licensee for 30 days.]~~ ***$5,000.***

(c) For the ~~[~~fifth~~]~~ ***third*** ~~[~~and any subsequent~~]~~ violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of ~~[$2,500 *. and the Department shall suspend the license of the licensee for not more than 180 days.]~~* ***$7,500.***

(d) For the fourth and any subsequent violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of $10,000.

8. A peace officer or any person performing an inspection pursuant to NRS 202.2496 may issue a notice of infraction for a violation of this section. A notice of infraction must be issued on a form prescribed by the Department and must contain:

(a) The location at which the violation occurred;

(b) The date and time of the violation;

(c) The name of the establishment at which the violation occurred;

(d) The signature of the person who issued the notice of infraction;

(e) A copy of the section which allegedly is being violated;

(f) Information advising the person to whom the notice of infraction is issued of the manner in which, and the time within which, the person must submit an answer to the notice of infraction; and

(g) Such other pertinent information as the peace officer or person performing the inspection pursuant to NRS 202.2496 determines is necessary.

9. A notice of infraction issued pursuant to subsection 8 or a facsimile thereof must be filed with the Department and retained by the Department and is deemed to be a public record of matters which are observed pursuant to a duty imposed by law and is prima facie evidence of the facts alleged in the notice.

10. A person to whom a notice of infraction is issued pursuant to subsection 8 shall respond to the notice by:

(a) Admitting the violation stated in the notice and paying to the State of Nevada the applicable civil penalty set forth in subsection 3, 6 or 7.

(b) Denying liability for the infraction by notifying the Department and requesting a hearing in the manner indicated on the notice of infraction. Upon receipt of a request for a hearing pursuant to this paragraph, the Department shall provide the person submitting the request an opportunity for a hearing pursuant to chapter 233B of NRS.

11. Any money collected by the State of Nevada from a civil penalty pursuant to this section must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2493 and 202.2494.

12. As used in this section, "licensee" means a person who holds a license issued by the Department pursuant to this chapter.

Sec. 2. **This act becomes effective on January 1, 2024.**

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 73.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 139.

AN ACT relating to education; establishing the right of public school pupils to wear traditional tribal regalia or recognized objects of religious or cultural significance at school graduation ceremonies; **establishing a process for a pupil to appeal a decision that prohibits the wearing of such adornments;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, each pupil of a public school is entitled to express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution. Any such expression by pupils must not be disruptive to instruction or used to engage in discrimination based on race or bullying and must not be organized, broadcast or endorsed by a public school. (NRS 388.077) This bill establishes that the pupils of a public school are entitled to wear traditional tribal regalia or recognized objects of religious or cultural significance **as an adornment** at school graduation ceremonies. This bill provides that the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils may nonetheless prohibit an item that is likely to cause a substantial disruption of, or material interference with, such a ceremony. **This bill authorizes a pupil who is prohibited from wearing such an item to appeal that decision to the Superintendent of Public Instruction, who must consult with certain groups before rendering a decision on such an appeal. This bill further provides that, if the Superintendent of Public Instruction does not render a decision within 5 business days after an appeal is submitted, the appeal is deemed to be decided in favor of the pupil.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pupil of a public school, including, without limitation, a pupil of a university school for profoundly gifted pupils, is entitled to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at a school graduation ceremony.

2. Nothing in this section shall be construed to prohibit the board of trustees of a school district, the governing body of a charter school or the

governing body of a university school for profoundly gifted pupils from prohibiting an item that is likely to cause a substantial disruption of, or material interference with, such a ceremony.

3. If the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils prohibits a pupil from wearing an item as an adornment at a school graduation ceremony, the pupil may submit a written appeal to the Superintendent of Public Instruction which includes an explanation of the religious or cultural significance of the item. Before rendering a decision on such an appeal, the Superintendent of Public Instruction shall consult with the Nevada Indian Commission created by NRS 233A.020 and the Nevada Commission on Minority Affairs created by NRS 232.852. If an appeal is decided in favor of the pupil, the board of trustees or governing body shall allow the pupil to wear the item as an adornment at the school graduation ceremony. If the Superintendent of Public Instruction fails to render a decision within 5 business days after the appeal is submitted, the appeal is deemed to be decided in favor of the pupil.

4. As used in this section:

(a) "Adornment" means something attached to, or worn with, but not replacing, the cap and gown customarily worn at school graduation ceremonies.

(b) "Cultural" means recognized practices and traditions of a certain group of people.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 491.

AN ACT relating to water; revising provisions relating to sinking or boring certain wells for water already appropriated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to submit an application for a permit to change the place of diversion of water already appropriated. (NRS 533.325-533.345) Existing law provides an exception for a person to sink or bore a replacement well without submitting such an application for a permit if: (1) both the original site of the well and the site of the replacement well are located on property owned by the same person for whom the water has already been appropriated; and (2) the site of the replacement well is located not more than

300 feet from the original place of diversion described on the permit to appropriate water. (NRS 534.065) This bill: (1) expands the exception for a person to sink or bore a replacement well without submitting an application for a permit if both the original site of the well and the site of the replacement well are on public lands; and (2) requires the site of the replacement well to be located anywhere on public lands or on the property of the person who holds the permit to appropriate water that is not more than 300 feet from the original place of diversion described on the permit to appropriate water. **This bill further requires a person who is seeking to sink or bore a replacement well on public lands to notify any relevant federal agency that is charged with administering such public lands and to comply with all applicable federal laws.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 534.065 is hereby amended to read as follows:

534.065 1. If a person is seeking to sink or bore a replacement well to divert groundwater already appropriated and:

(a) The original site of the well and the site of the replacement well are on ***public lands or on*** property owned by the same person for whom the groundwater has already been appropriated; and

(b) The site of the replacement well is located not more than 300 feet from the original place of diversion described on the permit to appropriate water,

➥ the person is not required to file an application to change the place of diversion pursuant to NRS 533.345.

2. If a change to the site of a replacement well meets the requirements of subsection 1, the site of the replacement well must be located anywhere on ***public lands or on*** the property of the person who holds the permit to appropriate water that is not more than 300 feet from the original place of diversion described on the permit to appropriate water.

3. The person who holds the permit to appropriate water must:

(a) Record the site of the replacement well in the office of the county recorder of each county in which the water is applied to beneficial use and in each county in which the water is diverted from its natural source; and

(b) Inform the State Engineer of the site of the replacement well.

➥ Compliance with the provisions of this subsection shall be deemed to impart notice of the site of the replacement well to all persons.

4. If a person is seeking to sink or bore a replacement well on public lands, the person must notify any relevant federal agency that is charged with administering such public lands and comply with all applicable federal laws.

5. As used in this section, "public lands" has the meaning ascribed to it in NRS 408.078.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 183.

AN ACT relating to real property; **requiring a landlord or his or her agent to provide a tenant at least one method of paying rent or any other fee or charge that meets certain requirements;** prohibiting ~~[certain landlords]~~ **a landlord** from charging a tenant a fee to make a payment through an Internet website or online portal that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of such service; requiring a written rental agreement to separately identify such a fee under certain circumstances; **requiring a landlord or his or her agent to provide, upon request, a copy of a written rental agreement to a prospective tenant;** requiring ~~[any reference in a written rental agreement]~~ **certain references** to the amount of rent due under ~~[the]~~ **a rental** agreement to be set forth in a certain manner; establishing certain practices as deceptive trade practices; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement. Existing law requires any written agreement for the use and occupancy of a dwelling unit or premises to contain provisions relating to the amount of rent due and the manner and time of its payment. (NRS 118A.200) **Section 4** of this bill requires **that, in each place where a landlord lists the amount of rent due under a rental agreement and in** any reference to the amount of rent due in a written rental agreement ~~[to]~~ **, the rent must** be set forth as a single figure representing the total amount of periodic rent that includes the amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent. **Section 4** prohibits a landlord from charging a tenant an amount for periodic rent that exceeds the amount of rent due under the written rental agreement, as set forth in the manner required by **section 4**. **Section 3.5 of this bill requires a landlord or his or her agent, upon request, to provide a prospective tenant with a copy of the written rental agreement, if any, to which the prospective tenant would be subject if he or she were to become a tenant.**

Section 2 of this bill **requires a landlord to provide a tenant at least one method to pay rent or any other fee or charge which does not require the tenant to: (1) pay any fee or charge to use the method; or (2) provide information concerning a bank account of the tenant. Section 2 also**

prohibits a landlord or his or her agent who ~~[requires]~~ **allows** a tenant to pay rent or any other fee or charge ~~[exclusively]~~ through an Internet website or online portal ~~[or by means which require the tenant to provide direct access to his or her bank account]~~ from charging the tenant a fee to make a payment through the Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal. **Section 2** ~~[also]~~ requires the amount of any fee to be charged to the tenant by the landlord or his or her agent for the use of an Internet website or online portal to make a payment to be separately identified in any written rental agreement**.** ~~[, in addition to including the amount of the fee in the calculation of the amount of rent due pursuant to section 4, if applicable.]~~

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) **Section 3** of this bill makes it a deceptive trade practice to: (1) ~~[charge a tenant a fee to make a payment through an Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal, in violation of section 2;]~~ **violate the requirements of section 4 concerning the manner in which rent must be listed or referenced in a written rental agreement;** and (2) charge a tenant an amount for periodic rent that exceeds the amount of rent due under a written rental agreement in violation of **section 4**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 2**,** ~~[and]~~ 3 **and 3.5** of this act.

Sec. 2. ***1. A landlord or his or her agent shall provide a tenant at least one method of paying rent or any other fee or charge which does not require the tenant to:***

(a) Pay any fee or charge for using the method; or

(b) Provide information concerning a bank account of the tenant.

2. If a landlord or his or her agent ~~[requires]~~ allows a tenant to pay rent or any other fee or charge ~~[exclusively]~~ through an Internet website or online portal : ~~[or by means which require the tenant to provide direct access to his or her bank account:~~

~~1.~~ (a) The landlord or his or her agent shall not charge the tenant a fee to make a payment through ~~[an]~~ the Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal; and

~~[2.]~~ (b) The amount of any fee charged to the tenant by the landlord or his or her agent for the use of the Internet website or online portal ~~[, in addition to being included in the calculation of the amount of rent due

~~pursuant to subsection 6 of NRS 118A.200, if applicable,~~ must be separately identified in any written rental agreement.

Sec. 3. ***1. A violation of subsection 6 or 7 of NRS 118A.200 ~~[or subsection 1 of section 2 of this act]~~ constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. A tenant injured by such a violation may bring a civil action in any court of competent jurisdiction for such violation.***

2. If a tenant prevails in an action brought pursuant to subsection 1, the court shall award the tenant:

(a) Any damages the tenant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The tenant's costs in the action and reasonable attorney's fees.

Sec. 3.5. A landlord or his or her agent shall, upon request, provide to a prospective tenant a copy of the written rental agreement, if any, to which the tenant would be subject if he or she were to become a tenant.

Sec. 4. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent ***, set forth in the manner required by subsection 6,*** and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. ~~***[Any]***~~ ***In each place where a landlord lists the amount of rent due under a rental agreement and in any reference in a written rental agreement to the amount of rent due under the agreement , the rent must be set forth as a single figure representing the total amount of periodic rent that includes the amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent.***

7. A landlord shall not charge a tenant an amount for periodic rent that exceeds the amount of rent due under a written rental agreement as set forth in the manner required by subsection 6.

8. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does

not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

~~[7.]~~ ***9.*** As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 117.

AN ACT relating to collective bargaining; authorizing collective bargaining for certain state employees; providing for the recognition of professional organizations; providing for the establishment of bargaining units and the designation of exclusive representatives; establishing certain rights for professional organizations and professional employees; establishing procedures for collective bargaining and for making collective bargaining agreements; authorizing the Government Employee-Management Relations Board to collect certain fees; prohibiting certain practices relating to collective bargaining; authorizing a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General for certain purposes; authorizing the Board of Regents of the University of Nevada to conduct collective bargaining negotiations and enter into collective bargaining agreements with certain employees; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes collective bargaining between: (1) local government employers and local government employees; and (2) the State and certain state employees. (Chapter 288 of NRS) This bill authorizes collective bargaining between state professional employers and professional employees. **Section 5** of this bill defines "state professional employer" to mean a board, commission or similar body within the Executive Department of the State Government, including, without limitation, the Board of Regents of the University of Nevada, that employs 400 or more professional employees. **Section 13** of this bill defines "professional employee" to mean a person who, with various exceptions, is employed by a state professional employer and who is: (1) in the unclassified service of the State; or (2) paid in accordance with any arrangement other than the pay plan for the classified service of the State.

Sections 2, 57 and 59 of this bill expand the powers and duties of the Government Employee-Management Relations Board to include hearing and

deciding disputes between state professional employers and professional employees.

Section 17 of this bill sets forth certain legislative findings and declarations. **Section 18** of this bill authorizes professional employees to organize, form, join and assist professional organizations and engage in collective bargaining activity or refrain from engaging in such activity. **Sections 1 and 22** of this bill authorize an officer of a state professional employer to, upon written authorization by a professional employee, withhold money from the salary or wages of the employee to pay dues or fees to a professional organization.

Section 19 of this bill provides for the recognition of a professional organization by a state professional employer. **Sections 19 and 58** of this bill set forth the conditions under which a state professional employer is authorized to withdraw such recognition. **Section 23** of this bill: (1) authorizes a recognized professional organization to, with certain limitations, represent a professional employee with respect to any condition of the employment of the employee; and (2) provides that only an exclusive representative may engage in collective bargaining on behalf of the professional employees of the applicable bargaining unit.

Section 24 of this bill authorizes, with certain conditions, a professional employee to act for himself or herself with respect to conditions of his or her employment. **Section 20** of this bill establishes certain rights of professional organizations. **Section 21** of this bill requires, upon request by an exclusive representative, a state professional employer to furnish to the representative certain personal contact information relating to each professional employee represented by the representative. **Section 25** of this bill requires a professional employee who could be subject to certain adverse employment actions to be provided with certain notice and afforded certain rights.

Section 26 of this bill provides for the creation and organization of bargaining units. **Sections 27-31** of this bill set forth procedures for a professional organization to be designated by the Board, either with or without an election, as an exclusive representative of a bargaining unit. **Sections 29 and 62** of this bill: (1) require the Board to verify each showing of interest filed by a professional organization against the employment records of the state professional employer; and (2) provide that a showing of interest by a professional employee or a petition requesting an election relating to exclusive representation submitted to the Board is confidential and not a public record.

Section 32 of this bill requires each state professional employer that has recognized one or more professional organizations and each professional organization to file certain reports with the Board annually.

Section 33 of this bill sets forth certain subjects that constitute the scope of mandatory bargaining. **Section 34** of this bill requires negotiations between an exclusive representative and a state professional employer to commence not later than 60 **calendar** days after one party gives notice to the other party. **Section 35** of this bill sets forth certain duties of an exclusive representative. **Section 36** of this bill requires a state professional employer to designate a

representative to engage in collective bargaining with an exclusive representative. **Section 36** further requires a state professional employer to **comply with reasonable requests to** furnish certain data to the exclusive representative **.** ~~[upon request.]~~ **Section 39** of this bill authorizes a professional organization to be represented by a licensed attorney in negotiations with a state professional employer.

Sections 37, 38, 41 and 42 of this bill set forth various requirements and limitations relating to the provisions of a collective bargaining agreement. **Section 64** of this bill provides that in the event of a conflict between certain policies and procedures for personnel adopted by the Board of Regents of the University of Nevada and the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement prevail.

Section 40 of this bill requires any new or modified collective bargaining agreement between a state professional employer and an exclusive representative to be: (1) submitted to the members of the professional organization for a ratification vote; and (2) approved at a public hearing by, depending on the state professional employer, either the State Board of Examiners or the Board of Regents. **Sections 46 and 63** of this bill provide that certain meetings convened for the purpose of collective bargaining and resolving disputes relating to collective bargaining are exempt from the provisions of existing law requiring open and public meetings of public bodies.

Sections 43-45 of this bill provide for the mediation and arbitration of disputes between state professional employers and exclusive representatives.

Section 47 of this bill prohibits certain practices in the context of collective bargaining. **Section 48** of this bill sets forth procedures to establish that a party has committed such a prohibited practice.

Section 49 of this bill establishes certain provisions relating to actions brought by or against state professional employers or professional organizations.

Existing law requires the Government Employee-Management Relations Board to annually assess a fee on local government employers and the Executive Department for the support of the Board based on the number of employees employed by the local government employer or the Executive Department in the first pay period of the immediately preceding year. (NRS 288.139, 288.475) **Section 50** of this bill requires the Board to assess a similar fee on each state professional employer based on the number of professional employees in a bargaining unit that had an exclusive representative in the first pay period of the immediately preceding year.

Sections 51 and 52 of this bill authorize: (1) a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General to provide support to the state professional employer to carry out the provisions of **sections 6-52** of this bill; and (2) the Division of Human Resource Management and the Attorney General to charge the state professional employer for any such services provided.

Section 61 of this bill authorizes the Governor to request the drafting of as many legislative measures as are necessary to carry out the provisions of **sections 6-52**. **Sections 56 and 60** of this bill revise provisions of existing law prohibiting strikes against the State or a local government employer by an employee organization or labor organization for the purpose of also prohibiting strikes by a professional organization.

Sections 4, 5 and 7-16 of this bill define certain words and terms applicable to the provisions of this bill. **Sections 54 and 55** of this bill revise certain definitions relating to collective bargaining that are applicable to employee organizations and labor organizations to also include professional organizations. **Section 53** of this bill makes a conforming change to indicate the proper placement of **sections 4 and 5** in the Nevada Revised Statutes.

Section 65 of this bill grants the Board of Regents the authority to conduct collective bargaining negotiations and to enter into collective bargaining agreements with the professional employees of the Nevada System of Higher Education.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(3) Except as otherwise provided in paragraph (c), insurers;

(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) Except as otherwise provided in NRS 288.545 ~~[,]~~ ***and section 22 of this act,*** employee organizations ***,*** ~~[and]~~ labor organizations ~~[.]~~ ***and professional organizations.***

(b) May, in accordance with an agreement entered into pursuant to NRS 701A.450 between the Director of the Office of Energy and the officer or employee specifying amounts, withhold those amounts and pay them to the Director of the Office of Energy for credit to the Renewable Energy Account created by NRS 701A.450.

(c) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the Executive Department.

Sec. 2. NRS 281.755 is hereby amended to read as follows:

281.755 1. Except as otherwise provided in subsections 2 and 5, a public body shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If the public body determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the public body, the public body may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the public body may require the employee to accept a reasonable alternative selected by the public body and the employee may appeal the decision by filing a complaint in the manner set forth in subsection 4.

3. An officer or agent of a public body shall not retaliate, or direct or encourage another person to retaliate, against an employee of the public body because the employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 2 to express breast milk; or

(b) Taken any action to require the public body to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

4. An employee who is aggrieved by the failure of a public body to comply with the provisions of this section may:

(a) If the employee is employed by the Executive Department of State Government, is not an employee of an entity described in NRS 284.013 and is not an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, ***or sections 6 to 52, inclusive, of this act,*** file a complaint with the Employee-Management Committee in accordance with the procedures provided pursuant to NRS 284.384;

(b) If the employee is employed by the Legislative Department of State Government, file a complaint with the Director of the Legislative Counsel Bureau;

(c) If the employee is employed by the Judicial Department of State Government, file a complaint with the Court Administrator; and

(d) If the employee is employed by a political subdivision of this State or any public or quasi-public corporation organized under the laws of this State or if the employee is employed by the Executive Department of State

Government and is an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, ***or sections 6 to 52, inclusive, of this act,*** file a complaint with the Government Employee-Management Relations Board in the manner set forth in NRS 288.115.

5. The requirements of this section do not apply to the Department of Corrections. The Department is encouraged to comply with the provisions of this section to the extent practicable.

6. As used in this section, "public body" means:

(a) The State of Nevada, or any agency, instrumentality or corporation thereof;

(b) The Nevada System of Higher Education; or

(c) Any political subdivision of this State or any public or quasi-public corporation organized under the laws of this State, including, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

Sec. 3. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 52, inclusive, of this act.

Sec. 4. ***"Professional organization" means an organization of any kind that:***

1. Has, as one of its purposes, the improvement of the terms and conditions of employment of professional employees, as defined in section 13 of this act; and

2. Provides the service of representation to professional employees, including, without limitation, in collective bargaining with state professional employers.

Sec. 5. ***"State professional employer" means a board, commission or similar body within the Executive Department, including, without limitation, the Board of Regents of the University of Nevada on behalf of the Nevada System of Higher Education, that employs 400 or more professional employees as defined in section 13 of this act.***

Sec. 6. ***As used in sections 6 to 52, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 16, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 7. ***"Arbitration" means a process of dispute resolution in which the parties involved in an impasse or grievance submit their dispute to a third party for a final and binding decision.***

Sec. 8. ***"Bargaining unit" means a group of professional employees recognized by a state professional employer as having sufficient community of interest for representation by a professional organization for the purpose of collective bargaining.***

Sec. 9. ***"Confidential employee" means an employee who provides administrative support to an employee who assists in the formulation, determination and effectuation of managerial personnel policies concerning collective bargaining.***

Sec. 10. *"Exclusive representative" means a professional organization that, as a result of its designation as such by the Board, has the exclusive right to:*

1. Represent all the professional employees within a bargaining unit; and

2. Engage in collective bargaining with a state professional employer pursuant to sections 6 to 52, inclusive, of this act concerning wages, hours and other terms and conditions of employment for those professional employees.

Sec. 11. *"Grievance" means an act, omission or occurrence that a professional employee or an exclusive representative believes to be an injustice relating to any condition arising out of the relationship between a state professional employer and a professional employee, including, without limitation, working hours, working conditions, membership in a professional organization or the interpretation of any law, regulation or agreement.*

Sec. 12. *1. "Managerial employee" means an employee whose primary function is to administer and control the business of any state professional employer and who is vested with discretion and independent judgment with regard to the general conduct and control of the state professional employer.*

2. The term includes, without limitation:

(a) A chief administrative officer, the chief administrative officer's deputy and immediate assistants, department heads and their deputies and immediate assistants, appointed officials and others who are primarily responsible for formulating and administering management policies and programs;

(b) Administrators of an academic institution, including, without limitation:

(1) Chancellors, presidents, provosts and deans;

(2) Vice, associate and assistant chancellors, presidents, provosts and deans; and

(3) Other employees who are primarily responsible for formulating and administering management policies and programs; and

(c) Attorneys who serve a state professional employer or advise other managerial employees.

3. With respect to professional employees of an academic institution:

(a) A professional employee shall not be deemed a managerial employee solely because the professional employee participates in decisions with respect to courses, curriculum, personnel or other matters of educational policy through shared governance mechanisms or peer review.

(b) A chair or head of a department or similar academic unit or program who performs the duties described in paragraph (a) primarily on behalf of the members of the academic unit or program shall not be deemed a managerial employee solely because of those duties.

Sec. 13. *1. "Professional employee" means a person who is employed by a state professional employer and:*

(a) Is in the unclassified service of the State; or

(b) Is paid in accordance with any arrangement other than the pay plan for the classified service of the State.

2. The term does not include:

(a) A local government employee;

(b) A person who is employed in the classified service of the State pursuant to chapter 284 of NRS;

(c) A person who is employed by the Nevada System of Higher Education:

(1) In the classified service of the State; or

(2) Who is required to be paid in accordance with the pay plan for the classified service of the State;

(d) A person employed by the Public Employees' Retirement System who is required to be paid in accordance with the pay plan for the classified service of the State;

(e) An elected official or any person appointed to fill a vacancy in an elected office;

(f) A person who is employed in neither the classified nor the unclassified service of the State pursuant to NRS 223.085;

(g) A person whose employment is the result of an appointment by the Governor to a position which deems the person to be a civil officer of the State pursuant to NRS 232A.030 or 616C.340;

(h) A managerial employee;

(i) A confidential employee;

(j) A temporary, intermittent or seasonal worker who is employed for less than 90 calendar days in a ~~[365-day]~~ period ~~[,]~~ of 365 calendar days;

(k) A commissioned officer or an enlisted member of the Nevada National Guard; or

(l) A person who is employed within the office of a statewide elected constitutional officer.

Sec. 14. *"Recognition" or "recognized" means the formal acknowledgment by a state professional employer that a particular professional organization has the right to represent professional employees of the state professional employer.*

Sec. 15. *"Showing of interest" means written or electronic documentation that provides evidence of the membership of a professional employee in or his or her support for a professional organization for the purpose of exclusive representation. The term includes any electronic signature pursuant to chapter 719 of NRS.*

Sec. 16. *1. "Supervisory employee" means a person who does not have the responsibility for the general conduct and control of a state professional employer, but who:*

(a) Performs management duties, including, without limitation:

(1) Establishing performance standards for subordinate employees;

(2) Scheduling, assigning, overseeing or reviewing the work of subordinate employees under established performance standards; or

(3) Effectively recommending the performance of the duties described in subparagraphs (1) and (2) and the manner in which such duties are performed; or

(b) Has the authority to adjust grievances, apply established personnel policies and procedures, enforce the provisions of a collective bargaining agreement or effectively recommend such action,

➥ if the exercise of the duties or authority described in paragraph (a) or (b) is not of a merely routine or clerical nature but requires the use of independent judgment and occupies a regular and significant portion of the employee's workday.

2. With respect to professional employees of an academic institution:

(a) A professional employee shall not be deemed to be a supervisory employee solely because the professional employee participates in decisions with respect to courses, curriculum, personnel or other matters of educational policy through shared governance mechanisms or peer review.

(b) A chair or head of a department or similar academic unit or program who performs the duties described in paragraph (a) primarily on behalf of the members of the academic unit or program shall not be deemed a supervisory employee solely because of those duties.

Sec. 17. *1. The Legislature hereby finds and declares that there is a great need to:*

(a) Promote harmonious and constructive relations between state professional employers and their professional employees; and

(b) Increase the efficiency of state professional employers. ~~[; and~~

~~*(c) Provide the means by which relations between state professional employers and their professional employees are carried out in an atmosphere which permits the fullest participation by professional employees in the determination of conditions of employment that affect them.]~~*

2. It is therefore in the public interest that the Legislature enact provisions:

(a) Granting certain professional employees the right to associate with others in organizing and choosing exclusive representatives for the purpose of engaging in collective bargaining;

(b) Requiring state professional employers to recognize professional organizations and to negotiate wages, hours and other terms and conditions of employment with exclusive representatives and to enter into written agreements evidencing the result of collective bargaining; and

(c) Establishing standards and procedures that protect the rights of professional employees, state professional employers and the people of the State.

3. The Legislature further finds and declares that:

(a) Joint decision making and consultation between administration and faculty or academic professional employees is a long-accepted manner of

shared governance in institutions of higher education and is essential to the advancement of the educational missions of those institutions;

(b) It is a purpose of sections 6 to 52, inclusive, of this act to preserve and encourage the practice and mechanisms of shared governance with respect to professional employees of public institutions of higher education in this State; and

(c) The provisions of sections 6 to 52, inclusive, of this act are not intended to restrict, limit or prohibit the full exercise of the functions of faculty in any shared governance mechanism or practice, including, without limitation, the establishment and function of faculty senates and the principle of peer review in the appointment, retention and tenure of faculty in an institution of higher education.

Sec. 18. ***1. For the purposes of collective bargaining and other mutual aid or protection, every professional employee has the right to:***

(a) Organize, form, join and assist professional organizations, engage in collective bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such an activity.

2. A state professional employer shall not discriminate in any way among its professional employees on account of membership or nonmembership in a professional organization.

3. Professional employees have the right to communicate with one another and with representatives of professional organizations concerning organization, representation, issues in the workplace, collective bargaining and the business and programs of a professional organization, including, without limitation, communicating by means of electronic mail, text messages and other electronic communications, telephone, paper documents and other means of communications of the workplace subject to the reasonable regulations of a state professional employer or such limitations as may be set forth in a collective bargaining agreement.

Sec. 19. ***1. A state professional employer shall recognize a professional organization that presents to the state professional employer:***

(a) A copy of the bylaws, charter or constitution of the professional organization, which demonstrates that the organization has as one of its purposes the improvement of the terms and conditions of employment of professional employees;

(b) A roster of its officers, if any, and representatives; and

(c) An identification of the professional employees that the professional organization seeks to represent.

2. If a state professional employer first receives the written permission of the Board, the state professional employer may withdraw recognition from a professional organization that fails to:

(a) Present a copy of each change in its bylaws, charter or constitution, if any; or

(b) Give notice of any change in the roster of its officers and representatives, if any.

Sec. 20. *1. Except as otherwise provided in subsection 2 and subject to such reasonable regulations as a state professional employer may prescribe or such conditions and limitations as may be set forth in a collective bargaining agreement, a professional organization that has been recognized shall have the right to:*

(a) At reasonable times, access areas in which professional employees work;

(b) Use bulletin boards, mailboxes, electronic mail and other means of communication to communicate with professional employees at their workplace;

(c) At reasonable times, use the facilities of a workplace for the purpose of meetings concerned with the exercise of any rights guaranteed under the provisions of sections 6 to 52, inclusive, of this act; and

(d) Provide information to professional employees during the orientation or on-boarding of new employees.

2. If a professional organization has been designated as the exclusive representative of a bargaining unit, no professional organization other than the professional organization designated as the exclusive representative may exercise the rights set forth in subsection 1 with respect to professional employees in the bargaining unit except to the extent that such access is otherwise provided to the general public.

Sec. 21. *1. Unless a professional employee has directed a state professional employer not to furnish that employee's personal contact information to an exclusive representative, a state professional employer shall, upon the request of an exclusive representative but not more than once each calendar quarter, furnish to the exclusive representative the following personal contact information, as contained in the records of the state professional employer, for each professional employee who is represented by the exclusive representative:*

(a) Home address;

(b) Home telephone number or other personal telephone number; and

(c) Personal electronic mail address.

2. The furnishing of an employee's personal contact information pursuant to subsection 1 does not make that information a public record for the purposes of chapter 239 of NRS.

Sec. 22. *1. Except as otherwise provided in subsection 4, an officer of a state professional employer shall, upon written authorization by a professional employee, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to a recognized professional organization.*

2. If applicable, a written authorization provided pursuant to subsection 1 must comply with the provisions of chapter 719 of NRS.

3. Except as otherwise provided in this subsection, a written authorization provided pursuant to subsection 1 is binding for the period specified in the authorization. An authorization may be revoked by the professional employee by notifying the professional organization in accordance with the terms of the authorization. The professional organization shall process a revocation of an authorization in a timely manner.

4. If the Board designates a professional organization as the exclusive representative of a bargaining unit pursuant to sections 6 to 52, inclusive, of this act, an officer of a state professional employer shall not, pursuant to NRS 281.129, withhold any amount of money from the salary or wages of a professional employee within the bargaining unit to pay dues or similar fees to a professional organization other than the professional organization that is the exclusive representative of the bargaining unit.

Sec. 23. ***1. Except as otherwise provided in this section, a recognized professional organization may represent a professional employee of a state professional employer that has recognized the professional organization with respect to any condition of the employment of the professional employee, including, without limitation, representation in disciplinary proceedings and investigations and proceedings for the adjustment of grievances, regardless of whether the professional employee is a member of the professional organization.***

2. If a professional employee is in a bargaining unit that has an exclusive representative, no professional organization other than the professional organization designated as the exclusive representative for the bargaining unit may represent the professional employee.

3. Only the professional organization which has been designated by the Board as the exclusive representative of a bargaining unit pursuant to sections 6 to 52, inclusive, of this act may engage in collective bargaining on behalf of the professional employees of that bargaining unit.

Sec. 24. ***1. Except as otherwise provided in this section, the recognition of a professional organization or the designation of a professional organization as an exclusive representative does not preclude a professional employee from acting for himself or herself with respect to any condition of his or her employment. Such a professional employee has the right to present grievances to a state professional employer at any time and to have those grievances adjusted.***

2. If a professional employee, acting for himself or herself, presents a grievance to a state professional employer pursuant to subsection 1:

(a) Any action taken in the adjustment of a grievance must be consistent with the terms of an applicable collective bargaining agreement in effect, if any; and

(b) If the professional employee is in a bargaining unit that has an exclusive representative, the exclusive representative must be given an opportunity to be present at any meetings or hearings related to the

adjustment of the grievance and be provided a copy of the adjustment of the grievance.

Sec. 25. ***1. Subject to the conditions imposed by section 23 of this act and any other conditions and limitations as may be set forth in a collective bargaining agreement, a professional employee who is the subject of an internal administrative investigation that could lead to dismissal, involuntary demotion, suspension, reduction of pay, payment of restitution or other similar adverse employment action against the professional employee must be:***

(a) Provided notice in writing of the allegations against the professional employee within 30 calendar days after the date on which the state professional employer becomes aware, or reasonably should have become aware, of the allegations. The notice must be provided before the professional employee is questioned regarding the allegations.

(b) Afforded the right to have a lawyer or other representative of the professional employee's choosing present with the professional employee at any time that the professional employee is questioned regarding the allegations. The professional employee must be given not less than 2 business days to obtain such representation, unless the professional employee waives, in writing, his or her right to be represented.

2. If, during any questioning by a state professional employer, a professional employee who does not have a representative present has a reasonable belief that the questioning could lead to dismissal, involuntary demotion, suspension, reduction of pay, payment of restitution or similar adverse employment action against the professional employee and makes a clear request for representation by a recognized professional organization, the state professional employer must:

(a) Grant the request and delay the questioning by not less than 2 business days to allow a representative of the professional organization to be present and to provide an opportunity for the professional employee to consult with the representative; or

(b) Deny the request and end the questioning immediately.

3. A state professional employer must not retaliate in any way against a professional employee for asserting his or her rights under subsection 2.

4. A state professional employer shall annually inform its professional employees of the rights afforded to professional employees under subsection 2.

Sec. 26. ***1. Each state professional employer which has recognized a professional organization shall determine, in consultation with the recognized organization, which group or groups of its professional employees constitute an appropriate bargaining unit or bargaining units. The primary criterion for that determination must be the community of interest among the employees concerned. Without restricting the rights of the parties to make their determination pursuant to this subsection, for the Nevada System of Higher Education, there is a presumption that the contact,***

interests and working conditions of employees within a branch university, college or other branch create a sufficient community of interest.

2. Managerial employees must be excluded from any bargaining unit.

3. Confidential employees must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

4. A supervisory employee must not be a member of the same bargaining unit as the professional employees under the supervision of the supervisory employee. Any dispute between the parties as to whether a professional employee is a supervisor must be submitted to the Board. A professional organization which is negotiating on behalf of two or more bargaining units may select members of each unit to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.

5. If any professional organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the state professional employer and any professional organization involved. The Board shall apply the same criterion as specified in subsection 1.

Sec. 27. *~~[1.]~~ If no professional organization is designated as the exclusive representative of a bargaining unit and a recognized professional organization files with the Board a showing of interest for the professional organization by more than 50 percent of the professional employees in a bargaining unit which is verified by the Board pursuant to section 29 of this act, the Board shall designate the professional organization as the exclusive representative of the bargaining unit without ordering an election.*

~~[2. Upon the designation of a professional organization as the exclusive representative of a bargaining unit without an election pursuant to subsection 1, the Board shall require the state professional employer to distribute a notice to all professional employees in the bargaining unit advising the professional employees:~~

~~(a) That the professional organization has been designated as the exclusive representative of the bargaining unit; and~~

~~(b) Of the rights afforded to the professional employees under sections 18, 23, 24 and 25 of this act.]~~

Sec. 28. *1. If no professional organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit if:*

(a) A recognized professional organization files with the Board a written request for an election which includes a showing of interest for the professional organization by at least 30 percent but not more than 50 percent of the professional employees within the bargaining unit which is verified by the Board pursuant to section 29 of this act; and

(b) No other election to choose, change or discontinue exclusive representation has been conducted within the bargaining unit during the immediately preceding 12 months.

2. ~~[Upon ordering an election pursuant to subsection 1, the Board shall require the state professional employer to distribute a notice to all professional employees in the bargaining unit:~~

~~(a) Identifying:~~

~~(1) The bargaining unit for which representation is sought; and~~

~~(2) The professional organization which seeks to be the exclusive representative of the bargaining unit;~~

~~(b) Explaining the election process; and~~

~~(c) Advising the professional employees of the rights afforded to the professional employees under sections 18, 23, 24 and 25 of this act.~~

~~3.]~~ If the Board has designated a professional organization as the exclusive representative of a bargaining unit following an election pursuant to subsection 1 or without an election pursuant to section 27 of this act, the Board shall order an election:

(a) If:

(1) Another recognized professional organization files with the Board a written request for an election which includes a showing of interest for the professional organization by more than 50 percent of the professional employees within the bargaining unit; or

(2) A group of professional employees within the bargaining unit files with the Board a written request for an election which includes a petition or other evidence showing that more than 50 percent of the professional employees within the bargaining unit have requested that an election be conducted to change or discontinue exclusive representation;

(b) If applicable, the written request filed pursuant to paragraph (a) is filed at least 225 calendar days but not more than 270 calendar days before the date on which the current collective bargaining agreement in effect for the bargaining unit expires; and

(c) If no other election to choose, change or discontinue exclusive representation has been conducted within the bargaining unit during the immediately preceding 12 months.

Sec. 29. *1. The Board shall verify each showing of interest filed by a professional organization pursuant to section 27 or 28 of this act and the identity of each professional employee identified in a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection ~~[3]~~ 2 of section 28 of this act by comparing the name of a professional employee included in the showing of interest or written request, as applicable, with the employment records of the state professional employer.*

2. A showing of interest filed by a professional organization pursuant to section 27 or 28 of this act or a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of

subsection ~~[3]~~ 2 of section 28 of this act is confidential and is not a public record.

3. The Board shall not disclose to any person the identity of any professional employee who has participated in a showing of interest filed by a professional organization pursuant to section 27 or 28 of this act or a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection ~~[3]~~ 2 of section 28 of this act.

Sec. 30. *1. If the Board orders an election within a bargaining unit pursuant to section 28 or 31 of this act, the Board shall order that each of the following be placed on the ballot for the election:*

(a) If applicable, a choice for the recognized professional organization that requested the election pursuant to section 28 of this act;

(b) If applicable, a choice for the recognized professional organization that is currently designated as the exclusive representative of the bargaining unit;

(c) A choice for any other recognized professional organization that, on or before the date that is prescribed by the rules adopted by the Board pursuant to NRS 288.110 and section 31 of this act, files with the Board a written request to be placed on the ballot for the election and includes with the written request a showing of interest for that other professional organization by at least 30 percent of the professional employees within the bargaining unit; and

(d) A choice for "no exclusive representation."

2. If a ballot for an election contains more than two choices and none of the choices on the ballot receives a majority of the votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

3. If the choice for "no exclusive representation" receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the bargaining unit as being without an exclusive representative.

4. If a recognized professional organization receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate that professional organization as the exclusive representative of the bargaining unit.

Sec. 31. *1. The Board shall preside over all elections that are conducted pursuant to this section or section 28 or 30 of this act and shall determine the eligibility requirements for professional employees to vote in any such election.*

2. An election conducted pursuant to this section or section 28 or 30 of this act must be conducted by secret ballot. The Board may adopt rules prescribing the manner in which voting in such an election may be conducted, which may include, without limitation, voting in person, by mail or by secure electronic means.

3. A professional organization that is placed as a choice on the ballot for an election or any professional employee who is eligible to vote at an election may file with the Board a written objection to the results of the election. The objection must be filed not later than 10 business days after the date on which the notice of the results of the election is given by the Board.

4. In response to a written objection filed pursuant to subsection 3 or upon its own motion, the Board may invalidate the results of an election and order a new election if the Board finds that any conduct or circumstances raise substantial doubt that the results of the election are reliable.

Sec. 32. *1. Each state professional employer that has recognized one or more professional organizations shall, on or before November 30 of each year, file with the Board:*

(a) A list of each professional organization recognized by the state professional employer;

(b) A list of each professional organization designated as the exclusive representative for a bargaining unit within the state professional employer; and

(c) A description of each bargaining unit within the state professional employer.

2. Each professional organization recognized by a state professional employer shall file a report with the Board on or before November 30 of each year. The report must include:

(a) The full name of the professional organization;

(b) The name of each state professional employer which has recognized the professional organization;

(c) The names of the officers of the professional organization;

(d) If applicable, the total number of professional employees in each bargaining unit for which the professional organization has been designated as the exclusive representative;

(e) Copies of all changes to the bylaws, charter or constitution of the professional organization that were adopted during the preceding year;

(f) The name, address and telephone number of the person designated by the professional organization to receive communications from the Board on business relating to the professional organization; and

(g) A copy of any collective bargaining agreement in effect between the professional organization and a state professional employer.

3. A professional organization which has not previously been recognized by a state professional employer shall file the report required by subsection 2 not later than 30 calendar days after recognition.

Sec. 33. *1. Collective bargaining entails a mutual obligation between a state professional employer and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:*

(a) The subjects of mandatory bargaining set forth in subsection 2;

(b) The negotiation of an agreement;

(c) The resolution of any question arising under an agreement; and

(d) The execution of a written contract incorporating the provisions of an agreement.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Maternity or paternity leave and family medical leave.

(f) Other paid or nonpaid leaves of absence.

(g) Except as otherwise provided in subsection 3, insurance and health care benefits provided by the state professional employer.

(h) Total hours of work required of a professional employee on each workday or workweek.

(i) Total number of days of work required of a professional employee in a work year.

(j) Discharge and disciplinary procedures.

(k) Recognition clause.

(l) The method for determining the classification and titles of professional employees in the bargaining unit.

(m) Deduction of dues for the recognized professional organization.

(n) Protection of professional employees in the bargaining unit from discrimination because of participation in recognized professional organizations consistent with the provisions of sections 6 to 52, inclusive, of this act.

(o) No-strike provisions consistent with the provisions of ~~[sections 6 to 52, inclusive, of this act,]~~ this chapter.

(p) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(q) General savings clauses.

(r) Except as otherwise provided in section 38 of this act, the duration of collective bargaining agreements.

(s) Safety of professional employees. ~~[and safety in the workplace.]~~

(t) Facilities for meeting with students for professional employees who have teaching or advising responsibilities.

(u) Policies for the transfer and reassignment of professional employees.

(v) Procedures for reduction in or addition to the workforce consistent with the provisions of sections 6 to 52, inclusive, of this act.

3. The following are not subject to negotiation pursuant to this section:

(a) Pension or retirement benefits provided by the Public Employees' Retirement System pursuant to chapter 286 of NRS to persons employed by this State, state agencies, as described in subsection 2 of NRS 286.070, and the Public Employees' Retirement System.

(b) Benefits provided by the Public Employees' Benefits Program pursuant to NRS 287.0402 to 287.049, inclusive, to persons employed by a participating state agency as defined in NRS 287.04054.

(c) Provisions governing participation in the Public Employees' Deferred Compensation Program pursuant to NRS 287.250 to 287.370, inclusive.

4. The following are not subjects within the scope of mandatory bargaining and are reserved to the state professional employer without negotiation:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee. This right does not include the right to assign or transfer an employee as a form of discipline.

(b) The right to determine the quality and quantity of services to be offered to the public.

(c) Safety of the public.

5. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of sections 6 to 52, inclusive, of this act, a state professional employer is entitled to take whatever actions may be necessary to carry out its responsibilities during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070. Those actions may include the suspension of any such collective bargaining agreement or any portion thereof for the duration of the emergency or disaster to the extent necessary to carry out the responsibilities of the state professional employer. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

~~[5.]~~ *6. This section does not preclude, but the provisions of sections 6 to 52, inclusive, of this act, do not require, a state professional employer to negotiate subject matters outside of the scope of mandatory bargaining or consult with any professional employee or professional organization on any such matter. A state professional employer shall discuss subject matters outside the scope of mandatory bargaining but is not required to negotiate those matters.*

Sec. 34. *1. Whenever an exclusive representative or a state professional employer desires to negotiate any matter which is subject to negotiation pursuant to the provisions of sections 6 to 52, inclusive, of this act, it shall give written notice to the other party.*

2. The parties shall commence negotiations not later than 60 calendar days following the notification provided for in subsection 1.

Sec. 35. *1. An exclusive representative shall:*

(a) Act as the representative of all professional employees within each bargaining unit that it represents; and

(b) In good faith and on behalf of each bargaining unit that it represents, individually or collectively, bargain with a state professional employer concerning the wages, hours and other terms and conditions of employment for the professional employees within each bargaining unit that it represents.

2. A professional organization may serve as an exclusive representative for multiple bargaining units.

Sec. 36. *1. A state professional employer shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the state professional employer. For the Nevada System of Higher Education, where a bargaining unit has been determined pursuant to section 26 of this act and that bargaining unit is unique to an institution within the System, a representative of that institution may be, but is not required to be, designated as the representative to conduct negotiations concerning collective bargaining agreements on behalf of the Nevada System of Higher Education for that institution.*

2. A representative designated pursuant to subsection 1 shall, on behalf of the state professional employer, negotiate in good faith with an exclusive representative concerning a collective bargaining agreement, as required by section 33 of this act.

3. ~~[Upon request by an exclusive representative, a]~~ A state professional employer shall comply with reasonable requests by an exclusive representative to furnish ~~[to an exclusive representative information]~~ data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of the subjects of mandatory bargaining described in section 33 of this act. This subsection shall not be construed to require a state professional employer to furnish to the exclusive representative any advice or training received by representatives of the state professional employer concerning collective bargaining.

Sec. 37. *1. Each collective bargaining agreement negotiated between a state professional employer and an exclusive representative pursuant to sections 6 to 52, inclusive, of this act must be in writing and must include, without limitation:*

(a) A procedure to resolve grievances that applies to all professional employees in the bargaining unit and culminates in ~~[final and]~~ binding arbitration ~~[.]~~ as the final stage of appeal by either party. Such a procedure:

(1) Must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreements, the applicability of any law, rule or regulation relating to the employment and appeal of discipline and other adverse personnel actions; and

(2) May, for professional employees of academic institutions, incorporate established shared governance mechanisms, including, without limitation, oversight by a faculty senate and peer review.

(b) A nonappropriation clause that provides that any provision of the collective bargaining agreement which requires the Legislature to appropriate money is effective only:

(1) To the extent of the legislative appropriation; and

(2) Until the collective bargaining agreement is reopened and the provision is renegotiated.

2. A professional employee in a bargaining unit who is aggrieved by the failure of the state professional employer or its designated representative to

comply with the requirements of NRS 281.755 may pursue a grievance related to that failure through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 288.115,

➥ but once the professional employee has properly filed a grievance in writing under the procedure described in paragraph (a) or filed a complaint under the procedure described in paragraph (b), the professional employee may not proceed in an alternative manner.

3. If there is a conflict between any provision of a collective bargaining agreement between a state professional employer and an exclusive representative and:

(a) Any policy, procedure or regulation adopted by the state professional employer, the provision of the agreement prevails unless the provision of the agreement is outside the lawful scope of collective bargaining.

(b) An existing statute, the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

Sec. 38. ***If the parties to collective bargaining cannot agree to a new collective bargaining agreement before the end of the term of a collective bargaining agreement, the terms of the existing collective bargaining agreement remain in effect until a new collective bargaining agreement takes effect.***

Sec. 39. ***Whenever a professional organization enters into negotiations with a state professional employer pursuant to sections 6 to 52, inclusive, of this act, the professional organization may , at the sole expense of the professional organization, be represented by an attorney licensed to practice law in this State.***

Sec. 40. ***1. The draft of any new collective bargaining agreement or similar agreement or of any proposed modifications to an existing collective bargaining agreement or similar agreement between a state professional employer and an exclusive representative must be submitted in writing by the professional organization to the members of the organization within the relevant bargaining unit before a vote on the ratification of the agreement is taken.***

2. A vote on the ratification of a collective bargaining agreement must be conducted in accordance with the internal rules and procedures of the professional organization.

3. Any new or modified collective bargaining agreement or similar agreement between a state professional employer and an exclusive representative must be approved, at a public hearing, by:

(a) If the agreement concerns professional employees of the Nevada System of Higher Education, the Board of Regents of the University of Nevada; or

(b) If the agreement does not concern professional employees of the Nevada System of Higher Education, the State Board of Examiners.

4. Not less than 3 business days before the date of the hearing conducted pursuant to subsection 3, the Board of Regents of the University of Nevada or the State Board of Examiners, as applicable, shall cause the following documents to be posted and made available on the Internet website used by the Board of Regents or the State Board of Examiners, as applicable, to provide public notice of meetings:

(a) The proposed collective bargaining agreement and any exhibits or other attachments to the proposed agreement;

(b) If the proposed collective bargaining agreement is a modification of a previous agreement, a document showing any language added to or deleted from the previous agreement; and

(c) Any supporting material prepared for the Board of Regents or the State Board of Examiners, as applicable, relating to the financial impact of the agreement.

Sec. 41. *If a provision of a collective bargaining agreement:*

1. Does not require an act of the Legislature to be given effect, the provision becomes effective in accordance with the terms of the agreement.

2. Requires an act of the Legislature to be given effect:

(a) The state professional employer shall request that the Governor request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision;

(b) The Governor shall request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision; and

(c) The provisions become effective, if at all, on the date on which the act of the Legislature becomes effective.

Sec. 42. *1. If a provision of a collective bargaining agreement requires the Legislature to appropriate money to implement the provision:*

(a) The state professional employer that is a party to the agreement shall include the full amount necessary to fund the provision in the proposed budget of the state professional employer submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210.

(b) The Governor may include in the biennial proposed executive budget of the State any amount of money the Governor deems appropriate for the state professional employer. If such amount is not sufficient to fully fund the provision of the collective bargaining agreement, the Governor shall submit to the Legislature and the state professional employer a statement setting forth the reasons for not including the amount necessary to fully fund the provision.

2. If the Legislature does not appropriate the amount of money that is necessary to implement fully a provision of a collective bargaining agreement, any such agreement may be opened by either party to that agreement solely for the purpose of renegotiating the provision that was not

fully funded by the appropriation. All other terms and conditions of the collective bargaining agreement remain in full force and effect.

Sec. 43. ***1. Either party may request mediation through the Federal Mediation and Conciliation Service if the parties do not reach a collective bargaining agreement:***

(a) Not later than 120 calendar days after the date on which the parties began negotiations; or

(b) On or before any later date set by the agreement of the parties in writing.

2. The mediator shall bring the parties together as soon as possible after his or her appointment and shall attempt to settle each issue in dispute not later than 21 calendar days after his or her appointment or any later date set by the agreement of the parties.

Sec. 44. ***1. If a mediator appointed pursuant to section 43 of this act determines that his or her services are no longer helpful, or if the parties do not reach a collective bargaining agreement through mediation within 21 calendar days after the appointment of the mediator or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall attempt to agree upon an impartial arbitrator.***

2. If the parties do not agree upon an impartial arbitrator within 5 business days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date set by agreement of the parties, the parties shall request from the Federal Mediation and Conciliation Service a list of seven potential arbitrators. Not later than 5 business days after receipt of the list of arbitrators, the parties shall select an arbitrator from the list by alternately striking one name until the name of only one arbitrator remains, and the parties must accept that arbitrator to hear the dispute in question. The party who will strike the first name must be determined by a coin toss.

3. The arbitrator shall begin arbitration proceedings not later than 15 calendar days after the appointment or any later date set by agreement of the parties.

4. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

5. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

6. The arbitrator shall render a decision not later than 15 calendar days after beginning arbitration proceedings or any later date set by agreement of the parties.

7. The state professional employer and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 45. *1. For issues in dispute after arbitration proceedings are held pursuant to section 44 of this act, the arbitrator shall incorporate either the final offer of the state professional employer or the final offer of the exclusive representative into his or her decision. The decision of the arbitrator must be limited to a selection of one of the two final offers of the parties. As incorporated in his or her decision, the arbitrator shall not revise or amend the selected final offer of the applicable party on any issue.*

2. To determine which final offer to incorporate into his or her decision, the arbitrator shall assess the reasonableness of:

(a) The position of each party as to each issue in dispute; and

(b) The proposed contractual terms and provisions contained in each final offer.

3. In assessing reasonableness pursuant to subsection 2, the arbitrator shall:

(a) Compare the salaries, wages, hours and other terms and conditions of employment for the professional employees within the bargaining unit with the salaries, wages, hours and other terms and conditions of employment for other employees performing similar services and for other employees generally:

(1) In public employment in comparable communities or institutions; and

(2) In private employment in comparable communities or institutions.

(b) Consider, without limitation:

(1) The financial ability of the state professional employer to pay the costs associated with the proposed collective bargaining agreement, with due regard for the primary obligation of the state professional employer to safeguard the health, safety and welfare of the people of this State ~~[;]~~ and to fulfill the mission of the state professional employer;

(2) Any legal or contractual restrictions on funds based on the sources of those funds, including, without limitation, legislative appropriations, fees, gifts and federal, state, local and private grants and contracts;

(3) The average prices paid by consumers for goods, services and housing in the geographic location where the professional employees work; and

~~[(3)]~~ (4) Such other factors as are normally or traditionally used as part of collective bargaining, mediation, arbitration or other methods of dispute resolution to determine the wages, hours and other terms and conditions of employment for professional employees in public or private employment.

4. The decision of the arbitrator is final and binding upon the parties.

Sec. 46. *The following proceedings, required by or conducted pursuant to this chapter, are not subject to any provision of NRS which requires a meeting to be open or public:*

1. Any negotiation or informal discussion between a state professional employer and a professional organization or professional employees as individuals.

2. Any meeting of a mediator with either party or both parties to a negotiation.

3. Any meeting or investigation conducted by a mediator or arbitrator.

4. Any meeting of a state professional employer with its management representative or representatives.

5. Deliberations of the Board toward a decision on a complaint, appeal or petition for declaratory relief.

Sec. 47. *1. It is a prohibited practice for a state professional employer or its designated representative to willfully:*

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 6 to 52, inclusive, of this act.

(b) Dominate, interfere or assist in the formation or administration of any professional organization.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any professional organization.

(d) Discharge or otherwise discriminate against any professional employee because the professional employee has:

(1) Signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter; or

(2) Formed, joined or chosen to be represented by any professional organization.

(e) Refuse to bargain collectively in good faith with an exclusive representative as required by sections 33, 35 and 36 of this act.

(f) Deny to any professional organization the rights guaranteed to it under sections 6 to 52, inclusive, of this act.

(g) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin or because of political or personal reasons or affiliations.

(h) Fail to provide the ~~[information]~~ data required by subsection 3 of section 36 of this act.

(i) Fail to comply with the requirements of NRS 281.755.

2. It is a prohibited practice for a professional organization or its designated agent to willfully:

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 6 to 52, inclusive, of this act.

(b) If the professional organization is an exclusive representative, refuse to bargain collectively in good faith with a state professional employer, as required by sections 33, 35 and 36 of this act.

(c) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin or because of political or personal reasons or affiliations.

3. As used in this section:

(a) "Bargain collectively" includes the entire bargaining process, including mediation and arbitration, as provided in sections 6 to 52, inclusive, of this act.

(b) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(c) "Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 48. ***1. To establish that a party committed a prohibited practice in violation of section 47 of this act, the party aggrieved by the practice must file a complaint with the Board in accordance with procedures prescribed by the Board.***

2. Except as otherwise provided in this section, the Board shall hear a complaint filed pursuant to subsection 1 in accordance with the provisions of NRS 288.110 and any rules adopted by the Board pursuant to that section.

3. The Board shall conduct any hearing on the complaint in accordance with:

(a) The provisions of chapter 233B of NRS that apply to a contested case; and

(b) Any rules adopted by the board pursuant to NRS 288.110.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 4 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 business days after being served with the order or decision of the Board.

Sec. 49. ***1. Except as otherwise provided by specific statute, a professional organization and a state professional employer may sue or be sued as an entity pursuant to sections 6 to 52, inclusive, of this act.***

2. If any action or proceeding is brought by or against a professional organization pursuant to sections 6 to 52, inclusive, of this act, the district court in and for the county in which the professional organization maintains

its principal office or the county in which the claim arose has jurisdiction over the claim.

3. A natural person and his or her assets are not subject to liability for any judgment awarded pursuant to sections 6 to 52, inclusive, of this act, against a state professional employer or a professional organization.

Sec. 50. *1. On or before July 1 of each year, the Board shall charge and collect a fee from each state professional employer that has recognized one or more professional organizations in an amount not to exceed $10 for each professional employee who was, in the first pay period of the immediately preceding fiscal year:*

(a) Employed by the state professional employer; and

(b) In a bargaining unit that had an exclusive representative.

2. A state professional employer shall pay the fee imposed pursuant to subsection 1 on or before July 31 of each year. A state professional employer shall not impose the fee against its employees.

3. If a state professional employer fails to pay the fee assessed pursuant to subsection 1 on or before July 1 of that year, the Board shall impose a civil penalty not to exceed $10 for each professional employee employed by the state professional employer for whom the fee was not paid.

4. A state professional employer may not receive a reduction in the amount of the fee imposed pursuant to subsection 1 or a refund of that amount if a professional employee is not employed for a full calendar year. The fee must be imposed whether or not the professional employee is a member of a professional organization.

5. To carry out the provisions of this section, the Board may, by any reasonable means, verify the identities and number of professional employees employed by a state professional employer in bargaining units that have an exclusive representative.

Sec. 51. *1. Except as otherwise provided in subsection 5, a state professional employer may use the services of the Division of Human Resource Management of the Department of Administration to provide support to the state professional employer to carry out the provisions of sections 6 to 52, inclusive, of this act.*

2. If a state professional employer uses the services of the Division of Human Resource Management pursuant to subsection 1, the Division may charge an annual fee to the state professional employer for each professional employee who is within a bargaining unit with a designated exclusive representative. The state professional employer shall pay the annual fee to the Division on or before the date on which the payment is due, as specified by the Division. The Division may specify a different due date for the annual fee for each state professional employer.

3. Any money received from the fees collected pursuant to subsection 2 must be accounted for separately for each state professional employer and may only be used by the Division of Human Resource Management to provide support to the state professional employer to carry out the provisions

of sections 6 to 52, inclusive, of this act, including, without limitation, the personnel and operating costs of the Division in providing such support.

4. To carry out the provisions of this section, the Division of Human Resource Management may verify by any reasonable means the number of professional employees of the state professional employer within bargaining units that are represented by a professional organization as the exclusive representative.

5. As the entity with the authority to fix salaries and establish policies and procedures of the unclassified personnel of the Nevada System of Higher Education pursuant to chapter 396 of NRS, the Board of Regents of the University of Nevada shall conduct its own negotiations pursuant to the provisions of sections 6 to 52, inclusive, of this act.

Sec. 52. ***1. A state professional employer may use the services of the Attorney General to provide support to the state professional employer to carry out the provisions of sections 6 to 52, inclusive, of this act.***

2. If a state professional employer uses the services of the Attorney General pursuant to subsection 1, the Attorney General may charge the state professional employer for those services pursuant to NRS 228.113.

Sec. 53. NRS 288.015 is hereby amended to read as follows:

288.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.029 to 288.074, inclusive, ***and sections 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 54. NRS 288.032 is hereby amended to read as follows:

288.032 "Collective bargaining" means a method of determining conditions of employment by negotiation between representatives of the Executive Department ***, state professional employer*** or local government employer and an employee organization ***, professional organization*** or labor organization, entailing a mutual obligation of the Executive Department ***, state professional employer*** or local government employer, as applicable, and the representative of the state or local government employees to meet at reasonable times and bargain in good faith with respect to:

1. Wages, hours and other terms and conditions of employment;
2. The negotiation of an agreement;
3. The resolution of any question arising under a negotiated agreement; or
4. The execution of a written contract incorporating any agreement reached if requested by either party,

➥ but this obligation does not compel either party to agree to a proposal or require the making of a concession.

Sec. 55. NRS 288.065 is hereby amended to read as follows:

288.065 "Mediation" means assistance by an impartial third party to reconcile differences between the Executive Department ***, a state professional employer*** or a local government employer and an exclusive representative through interpretation, suggestion and advice.

Sec. 56. NRS 288.074 is hereby amended to read as follows:

288.074 "Strike" means any concerted:

1. Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees;

2. Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact; or

3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization ***, professional organization*** or labor organization.

Sec. 57. NRS 288.080 is hereby amended to read as follows:

288.080 1. The Government Employee-Management Relations Board is hereby created, consisting of five members, broadly representative of the public and not closely allied with any employee organization, ***any professional organization,*** any labor organization, the Executive Department ***, any state professional employer*** or any local government employer.

2. Not more than three of the members of the Board may be members of the same political party, and at least three of the members must reside in southern Nevada. The term of office of each member is 4 years.

3. The Governor shall appoint the members of the Board.

Sec. 58. NRS 288.090 is hereby amended to read as follows:

288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. Except as otherwise provided in this section, any three members of the Board constitute a quorum, and a majority of a quorum present at any meeting may exercise all the power and authority conferred on the Board.

2. Except by a majority vote of the entire membership of the Board, the Board may not:

(a) Elect a Chair or Vice Chair;

(b) Appoint the Commissioner or Secretary of the Board, or terminate the employment of the Commissioner or Secretary;

(c) Adjust the fee charged to local government employers pursuant to NRS 288.139 or impose a civil penalty for failure to pay the fee;

(d) Make or adopt any rule or regulation; ~~[or]~~

(e) ***Grant permission to a state professional employer to withdraw recognition from a professional organization pursuant to section 19 of this act; or***

(f) Grant permission to a local government employer to withdraw recognition from an employee organization or order an election pursuant to NRS 288.160.

3. Whenever less than five members of the Board are present at any meeting, not more than two of the members present may be members of the same political party.

4. The Board may, within the limits of legislative appropriations and any other available money:

(a) Appoint a Commissioner and a Secretary, who are in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.

Sec. 59. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding ~~[,]~~ ***, mediation and arbitration;***

(c) ***The recognition, as defined in section 14 of this act, of professional organizations;***

(d) The recognition, as defined in NRS 288.136, of employee organizations;

~~[(d)]~~ ***(e) The designation of the exclusive representative, as defined in section 10 of this act, of a bargaining unit of professional employees in accordance with sections 27 to 31, inclusive, of this act;***

(f) The designation of the exclusive representative ***, as defined in NRS 288.430,*** of a bargaining unit in accordance with the provisions of NRS 288.520, 288.525 and 288.530; and

~~[(e)]~~ ***(g)*** The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by the Executive Department, ***any state professional employer,*** any local government employer, any employee, as defined in NRS 288.425, ***any professional employee, as defined in section 13 of this act,*** any local government employee, any employee organization ***, any professional organization*** or any labor organization. Except as otherwise provided in this subsection and NRS 288.115, 288.280 and 288.625 ~~[,]~~ ***and section 48 of this act,*** the Board shall conduct a hearing within 180 days after it decides to hear a complaint. If a complaint alleges a violation of paragraph (a) of subsection 1 of NRS 288.620***,*** ~~[or]~~ paragraph (b) of subsection 2 of NRS 288.620, ***subsection 1 of section 47 of this act or paragraph (b) of subsection 2 of section 47 of this act,*** the Board shall conduct a hearing not later than 45 days after it decides to hear the complaint, unless the parties agree to waive this requirement. The Board, after a hearing, if it finds that the complaint is well taken, may order any person or entity to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. Except when an expedited hearing is conducted pursuant to NRS 288.115, the Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

7. As used in this section ~~[, "bargaining unit"]~~ ***:***

(a) "Arbitration" has the meaning ascribed to it in NRS 288.410 or section 7 of this act, as applicable.

(b) "Bargaining unit" has the meaning ascribed to it in NRS 288.134 or 288.415 ~~[.]~~ ***or section 8 of this act, as applicable.***

Sec. 60. NRS 288.710 is hereby amended to read as follows:

288.710 1. If a strike is commenced or continued in violation of an order issued pursuant to NRS 288.705, the court may:

(a) Punish each employee organization ***, professional organization*** or labor organization guilty of such violation by a fine of not more than $50,000 against each employee organization ***, professional organization*** or labor organization for each day of continued violation.

(b) Punish any officer of an employee organization ***, professional organization*** or labor organization who is wholly or partly responsible for such violation by a fine of not more than $1,000 for each day of continued violation, or by imprisonment as provided in NRS 22.110.

(c) Punish any employee of the State or of a local government employer who participates in such strike by ordering the dismissal or suspension of such employee.

2. Any of the penalties enumerated in subsection 1 may be applied alternatively or cumulatively, in the discretion of the court.

Sec. 61. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. Except as otherwise provided in subsection 2, for a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 110 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceding the regular session.

2. The Governor or the Governor's designated representative may request at any time before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary to carry out the provisions of NRS 288.400 to 288.630, inclusive ~~[.]~~ ***, or sections 6 to 52, inclusive, of this act.***

3. The Director of the Office of Finance may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

4. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor 3
Secretary of State 6
State Treasurer 5
State Controller 5
Attorney General 20

5. In addition to the requests authorized by subsection 4, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 31 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 4 must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 62. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110,

286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170,

673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 21, 29 and 46 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 63. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 ~~[.]~~ ***and section 46 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 64. NRS 396.251 is hereby amended to read as follows:

396.251 1. The Board of Regents may establish policies and procedures for personnel which govern student employees, physicians engaged in a program for residency training and postdoctoral fellows of the System and which are separate from the policies and procedures established for the unclassified personnel of the System. Any such policy or procedure does not diminish the eligibility of those persons for coverage as employees under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

2. ***Except as otherwise provided in sections 6 to 52, inclusive, of this act:***

(a) In establishing policies and procedures pursuant to subsection 1, the Board of Regents is not bound by any of the other provisions of this chapter or the provisions of title 23 of NRS. ~~[~~Those~~]~~

(b) The provisions ***of this chapter and the provisions of title 23 of NRS*** do not apply to a student employee, a physician engaged in a program for residency training or a postdoctoral fellow of the System unless otherwise provided by the Board of Regents.

3. In the event of a conflict between the policies and procedures established pursuant to subsection 1 and the provisions of a collective bargaining agreement entered into pursuant to sections 6 to 52, inclusive, of this act, the provisions of the agreement prevail.

Sec. 65. NRS 396.280 is hereby amended to read as follows:

396.280 The Board of Regents shall have ~~[~~the~~]~~ ***:***

1. The power to fix the salaries of the academic staff of the System.

2. The authority to conduct collective bargaining negotiations and to enter into collective bargaining agreements with the professional employees of the System pursuant to sections 6 to 52, inclusive, of this act to establish the terms and conditions of employment of the academic staff and other professional employees of the System. As used in this subsection, "professional employee" has the meaning ascribed to it in section 13 of this act.

Sec. 66. 1. ~~[~~Insofar~~]~~ **Except as otherwise provided in subsection 2, insofar** as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before July 1, 2023, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after July 1, 2023.

2. **If a collective bargaining agreement entered into before July 1, 2023, has a provision authorizing the reopening of negotiations, the amendatory provisions of this act do not apply to the reopened negotiations of the provisions of that collective bargaining agreement if a renegotiated collective bargaining agreement is entered into before January 1, 2024.**

3. If a state professional employer has established a bargaining unit for any of its professional employees or has designated a professional organization as the exclusive representative for a bargaining unit as of July 1, 2023, such bargaining unit or exclusive representative shall be deemed the bargaining unit or exclusive representative representing the same professional employees on and after July 1, 2023, until such time, if any, the bargaining unit or exclusive representative is changed or modified in accordance with the provisions of this act.

~~[~~3.~~]~~ **4.** As used in this section:

(a) "Bargaining unit" has the meaning ascribed to it in section 8 of this act.

(b) "Exclusive representative" has the meaning ascribed to it in section 10 of this act.

(c) "Professional employee" has the meaning ascribed to it in section 13 of this act.

(d) "Professional organization" has the meaning ascribed to it in section 4 of this act.

(e) "State professional employer" has the meaning ascribed to it in section 5 of this act.

Sec. 67. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 228.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 369.

ASSEMBLYMEN LA RUE HATCH, GONZÁLEZ; ANDERSON, BROWN-MAY, D'SILVA, GURR, KASAMA **,** ~~[AND]~~ BRITTNEY MILLER **AND THOMAS**

AN ACT relating to education; revising requirements relating to social studies courses in high school; requiring the adoption of certain regulations prescribing the requirements to receive a standard high school diploma; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each pupil enrolled in a public high school to enroll in at least three units of credit in social studies, including, without limitation: (1) one-half unit of credit in American government; (2) two units of credit in American history, world history or geography; and (3) one-half unit of credit in economics. (NRS 389.018) Beginning in the 2028-2029 school year, this bill: (1) increases the required enrollment in social studies from at least three units of credit to at least four units of credit; and (2) additionally requires the completion of one unit of credit in geography.

Existing regulations of the State Board of Education require a pupil to complete 1 unit of credit in American government and 1 unit of credit in American history in order to receive a standard high school diploma. Existing regulations do not require a pupil to complete credit in economics **, world history or geography** to receive a standard high school diploma. (NAC 390.440) **Section 2** of this bill requires the State Board to adopt regulations as soon as possible to update the requirements to receive a standard high school diploma to reflect the requirements prescribed by existing law. **Section 2** also requires the State Board to adopt regulations on or before July 1, ~~[2028,]~~ **2025,** to update those requirements to reflect the revisions made by **section 1** of this bill, without increasing the total number of credits required to receive a standard high school diploma.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) ~~[~~Three~~]~~ ***Four*** units of credit in social studies, including, without limitation:

(1) One-half unit of credit in American government;

(2) ~~[~~Two units~~]~~ ***One unit*** of credit in American history ~~[~~,~~]~~ ***;***

(3) One unit of credit in world history ~~[~~or~~]~~ ***;***

(4) One unit of credit in geography; and

~~[~~(3)~~]~~ ***(5)*** One-half unit of credit in economics.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable. A school district may authorize one or more public high schools in the school district to offer a combined course in American government and economics for one unit of credit which satisfies the requirements of subparagraphs (1) and ~~[~~(3)~~]~~ ***(5)*** if the curriculum of an advanced placement course is used for American government in the combined course.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

Sec. 2. 1. As soon as possible after the effective date of this section, the State Board of Education shall adopt regulations pursuant to NRS 390.600 that, at a minimum, require a pupil to successfully earn the units of credit in which a pupil is required to enroll by subsection 2 of NRS 389.018, as that section exists on the effective date of this section, to receive a standard high school diploma.

2. On or before July 1, ~~[2028,]~~ **2025,** the State Board of Education shall adopt regulations pursuant to NRS 390.600 that, at a minimum, require a pupil to successfully earn the units of credit in which a pupil is required to enroll by subsection 2 of NRS 389.018, as amended by section 1 of this act, to receive a standard high school diploma. Those regulations must not increase the total number of credits that a pupil must complete to receive a standard high school diploma.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and sections 2 and 3 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2028, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 201.

AN ACT relating to agriculture; authorizing the use of hemp in certain commercial feed under certain circumstances; prohibiting, with certain exceptions, the manufacture, distribution or sale in this State of commercial feed containing hemp for consumption by any livestock other than horses; **authorizing a research facility to submit an application to the State Department of Agriculture to conduct a study concerning animal feed and the use and impact of hemp products on livestock other than horses; authorizing the Department to adopt regulations establishing the application process;** authorizing the ~~[State]~~ Department ~~[of Agriculture]~~ and the Director of the Department to take certain actions against an applicant for a license to manufacture, distribute or be a guarantor of commercial feed or a licensee for certain violations relating to commercial feed containing hemp; providing that certain commercial feed containing hemp shall not be deemed adulterated under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions for the manufacture, distribution and labeling of commercial feed for animals. (NRS 587.841-587.899) **Section 3** of this bill: (1) authorizes the use of hemp in pet food, specialty pet food and other commercial feed intended for consumption by horses if the commercial feed is manufactured, distributed and sold exclusively in this State for use in this State; and (2) requires the State Department of Agriculture to adopt regulations relating to such commercial feed. **Section 3** prohibits the manufacture, distribution and sale in this State of commercial feed containing hemp for consumption by any livestock other than horses.

Section 3.5 of this bill: (1) authorizes a research facility to submit an application to the Department to conduct a study concerning animal feed that includes research on the use and impact of hemp products on livestock other than horses; (2) requires any such research to comply with applicable federal laws and requirements prescribed by the Department; and (3) provides that an animal fed with feed containing hemp, or any products from such an animal, may not be distributed or sold into interstate commerce. Section 3.5 also authorizes the Department to adopt regulations establishing the application process. **Section 2** of this bill defines the term "hemp." **Section 4** of this bill makes conforming changes to indicate the proper placement of **sections 2, ~~[and]~~ 3 and 3.5** in the Nevada Revised Statutes.

Section 5 of this bill provides that the provisions of **section 3** do not apply to customer-formula feed or a contract feeder. **Section 6** of this bill authorizes the Department to refuse to issue or renew or to suspend, revoke or place

conditions on an applicant for a license to manufacture, distribute or be a guarantor of commercial feed or a licensee for a violation of **section 3**. **Section 8** of this bill authorizes the Director of the Department or a representative of the Department to take certain actions against a licensee who does not comply with the provisions of **section 3**. **Sections 9 and 10** of this bill provide that certain civil penalties may be imposed for violations of **section 3**.

Existing law provides it is unlawful for a person to adulterate commercial feed. (NRS 587.889) **Section 7** of this bill provides that pet food, specialty pet food and other commercial feed intended for consumption by horses shall not be deemed adulterated solely because the commercial feed contains hemp if the commercial feed is manufactured and distributed in accordance with the provisions of **section 3** and any regulations adopted pursuant thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 587 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **,** ~~[and]~~ 3 **and 3.5** of this act.

Sec. 2. ***"Hemp" has the meaning ascribed to it in NRS 557.160.***

Sec. 3. ***1. Pet food, specialty pet food and other commercial feed that is intended for consumption by horses may contain hemp if such commercial feed is manufactured, distributed and sold exclusively in this State for use in this State.***

2. Commercial feed containing hemp shall not be manufactured, distributed or sold in this State for consumption by any livestock other than horses.

3. The Department shall adopt regulations to carry out the provisions of this section, which may include, without limitation, specific requirements for the labeling and inspection of commercial feed containing hemp.

Sec. 3.5. 1. A research facility may submit an application to the Department to conduct a study concerning animal feed that includes research on the use and impact of hemp products on livestock other than horses. The application must include a detailed description of the study, including, without limitation:

(a) The goals of the study;

(b) The scope of the study;

(c) The methods to be used in conducting the study;

(d) The duration of the study; and

(e) Any other information that is requested by the Department.

2. Any research conducted pursuant to this section must comply with any applicable federal laws and any requirements prescribed by the Department, including, without limitation, that an animal fed with feed containing hemp, or any products from such an animal, may not be distributed or sold into interstate commerce after the study is completed.

3. The Department may adopt regulations to carry out the provisions of this section.

Sec. 4. NRS 587.841 is hereby amended to read as follows:

587.841 As used in NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 587.843 to 587.861, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 587.863 is hereby amended to read as follows:

587.863 1. The provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act*** do not apply to customer-formula feed, or a manufacturer, distributor or guarantor thereof, or a contract feeder.

2. As used in this section:

(a) "Contract feeder" means a person who as an independent contractor feeds commercial feed to animals pursuant to a contract whereby the commercial feed is supplied, furnished or otherwise provided to the person and whereby the person's remuneration is determined in whole or in part by feed consumption, mortality, profits or the amount or quality of the product.

(b) "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds or ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

Sec. 6. NRS 587.869 is hereby amended to read as follows:

587.869 1. Except as otherwise provided in subsection 2 and NRS 587.871, the Department shall issue a license to or renew the license of an applicant who files with the Department a complete application and pays the fee established by the Department pursuant to NRS 587.867.

2. The Department may refuse to issue or renew or may suspend, revoke or place conditions on a license for a violation of any provision of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** but no license may be refused, suspended or revoked or have conditions imposed upon its issuance pursuant to this section until the Department has provided the applicant or licensee an opportunity for a hearing.

Sec. 7. NRS 587.889 is hereby amended to read as follows:

587.889 1. It is unlawful for a person to adulterate commercial feed.

2. For the purposes of subsection 1, commercial feed is adulterated if:

(a) It contains a poisonous or deleterious substance which may cause it to be injurious to the health of an animal;

(b) It contains a poisonous, deleterious or nonnutritive substance which is unsafe pursuant to section 406 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346;

(c) It contains a food additive which is unsafe pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;

(d) It is a raw agricultural commodity that contains a pesticide which is unsafe pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a, unless:

(1) The raw agricultural commodity has been processed using a method such as canning, cooking, freezing, dehydrating or milling;

(2) The residue of the pesticide has been removed to the extent possible through such a method;

(3) The concentration of the pesticide in the commercial feed is not greater than the tolerance prescribed for the raw agricultural commodity; and

(4) Feeding the commercial feed to an animal is not likely to result in a pesticide residue in any edible product of the animal which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a;

(e) It contains any color additive which is unsafe pursuant to section 721 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 379e;

(f) It contains an animal drug which is unsafe pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360b;

(g) It contains any filthy, putrid or decomposed substance or is for any other reason unfit to be used as commercial feed;

(h) It has been prepared, packaged or held under unsanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to the health of an animal;

(i) It contains the product of a diseased animal or an animal which has died in a manner which is unsafe within the meaning of section 402 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 342;

(j) The container of the commercial feed is composed, in whole or in part, of any poisonous or deleterious substance which may render the commercial feed injurious to the health of an animal;

(k) It has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;

(l) Any valuable component of the commercial feed has been, in whole or in part, omitted or abstracted;

(m) The composition or quality of the commercial feed is below or differs from that which is listed on the label;

(n) It contains a drug and the methods, facilities or controls used to manufacture, process or package the commercial feed do not conform to current practices of good manufacturing, unless the Department determines that such a practice is not appropriate for use in this State; or

(o) It contains viable weed seeds in an amount which exceeds the limits established by the Department. As used in this paragraph, "weed seeds" has the meaning ascribed to it in NRS 587.073.

3. Pet food, specialty pet food and other commercial feed that is intended for consumption by horses shall not be deemed adulterated solely because it contains hemp if such commercial feed is manufactured and distributed pursuant to section 3 of this act and any regulations adopted pursuant thereto.

Sec. 8. NRS 587.893 is hereby amended to read as follows:

587.893 1. If the Director or a representative of the Department has reasonable cause to believe that any commercial feed does not comply with the provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** the Director or a representative of the Department may issue an order that:

(a) Prohibits the licensee from disposing of the lot of commercial feed until written permission is provided by the Director; and

(b) Requires the licensee to allow the Director or a representative of the Department to inspect the commercial feed.

2. If the Director or representative of the Department determines that the commercial feed:

(a) Complies with the provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** the Director or representative of the Department must immediately rescind the order issued pursuant to paragraph (a) of subsection 1.

(b) Does not comply with the provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** the Director or representative of the Department must provide to the licensee an explanation of how the commercial feed does not comply with the provisions of NRS 587.841 to 587.899, inclusive ~~[.]~~ ***, and sections 2 , ~~[and]~~ 3 and 3.5 of this act.*** If the licensee does not demonstrate compliance with the provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act*** within 30 days after receipt of the explanation, the Director must begin proceedings to condemn the lot of commercial feed pursuant to the requirements established by the Department.

Sec. 9. NRS 587.895 is hereby amended to read as follows:

587.895 1. A person who violates the provisions of NRS 587.841 to 587.899, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** or any regulation adopted pursuant thereto, is subject to a civil penalty not to exceed:

(a) For a first offense, $250.

(b) For a second offense, $500.

(c) For a third or subsequent offense, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds created by NRS 555.035.

Sec. 10. NRS 587.900 is hereby amended to read as follows:

587.900 1. The Director may, after notice and an opportunity for a hearing, impose a civil penalty of not more than $500 for each violation of this chapter other than a violation of NRS 587.841 to 587.899, inclusive ~~[.]~~ ***, and sections 2 , ~~[and]~~ 3 and 3.5 of this act.***

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 298.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 290.

AN ACT relating to real property; requiring, under certain circumstances, a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to return such fees; **prohibiting a landlord from collecting certain application fees for a minor in the household of a prospective tenant;** requiring any written agreement for the use and occupancy of a dwelling unit or premises to contain separate appendices relating to fees and tenant rights; making it unlawful for a landlord or certain other persons to charge a tenant certain fees; ~~[temporarily exempting certain transfers, assignments or conveyances of real property from the real property transfer tax;]~~ temporarily prohibiting a landlord from entering into a rental agreement with certain existing tenants that increases the rent due from the tenant by more than a certain amount; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement for the use and occupancy of a dwelling unit or premises, including, without limitation, that the agreement contain provisions relating to fees which are required and the purposes for which they are required. (NRS 118A.200) **Section 2** of this bill: (1) provides that such a rental agreement also include a separate appendix that contains a clear and concise explanation of each fee that may be charged during the term of the rental agreement and the purpose for which the fee may be charged; ~~[and]~~ (2) **requires such appendix to state with specificity for each fee that is variable, that the tenant pays the actual cost**

incurred by the tenant, and, for each fee that is fixed or provided by a third-party vendor, the tenant pays the current amount of the fee; and (3) makes it unlawful for a landlord or other person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount or for any purpose that is not set forth in such an appendix. **Section 2** further requires such a rental agreement to include a separate appendix that contains a clear and concise explanation of the rights of the tenant pursuant to federal and state law and local ordinances.

Section 1 of this bill requires a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to refund the fee if the landlord: (1) rents the dwelling unit to a different prospective tenant; and (2) does not conduct the activity for which the fee was collected.

~~[Section 3 of this bill exempts from the real property transfer tax between July 1, 2023, and December 31, 2024, a transfer, assignment or other conveyance of real property to a bona fide resident who attests, under penalty of perjury, that he or she will use the real property as his or her primary residence.]~~ **Section 1 further prohibits a landlord from collecting an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.**

Section 4 of this bill provides that during the period beginning July 1, 2023, and ending on December 31, 2024, a landlord shall not renew the rental agreement or enter into a new rental agreement for a dwelling unit with the existing tenant that increases the rent payable by the existing tenant for the dwelling unit in an amount that is more than 10 percent of the rent payable by the existing tenant pursuant to the rental agreement that is in effect on June 30, 2023. **Section 4** further defines "tenant" to mean a person who is entitled under a rental agreement that exists on June 30, 2023, between the person and the landlord to occupy a dwelling unit to the exclusion of others and: (1) is 62 years of age or older; or (2) relies on payments received pursuant to the federal Social Security Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit, including, without limitation, an application fee, a fee to obtain a credit report or a fee to obtain a background check, shall refund the fee to the prospective tenant if the landlord:

~~[1.]~~ (a) Rents the dwelling unit to a different prospective tenant; and

~~[2.]~~ (b) Does not conduct the activity for which the fee was collected, including, without limitation, processing the application or obtaining a credit report or background check of the prospective tenant.

2. A landlord shall not collect an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

3. As used in this section:

(a) "Household" means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.

(b) "Minor" means a person who is under 18 years of age.

Sec. 2. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

(o) A separate appendix that contains a clear and concise explanation of each fee that may be charged during the term of the rental agreement and the purpose for which the fee may be charged. The appendix must state with specificity:

(1) For each fee that is variable, that the cost to be paid by the tenant is the actual cost incurred and that no additional fee will be added unless the fee is for a charge incurred by the tenant, including, without limitation, a late fee; and

(2) For each fee that is fixed or provided by a third-party vendor, the current amount of the fee.

(p) A separate appendix that contains a clear and concise explanation of the rights of the tenant pursuant to federal and state laws and local ordinances.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

7. ***It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount***

or for any purpose that is not set forth in the appendix to the rental agreement that is required pursuant to paragraph (o) of subsection 3.

8. As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 3. ~~[NRS 375.090 is hereby amended to read as follows:~~

~~375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:~~

~~1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.~~

~~2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.~~

~~3. A transfer of title recognizing the true status of ownership of the real property, including, without limitation, a transfer by an instrument in writing pursuant to the terms of a land sale installment contract previously recorded and upon which the taxes imposed by this chapter have been paid.~~

~~4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.~~

~~5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.~~

~~6. A transfer of title between former spouses in compliance with a decree of divorce.~~

~~7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.~~

~~8. Transfers, assignments or conveyances of unpatented mines or mining claims.~~

~~9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.~~

~~10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.655 to 111.699, inclusive, and a Death of Grantor Affidavit recorded in the office of the county recorder pursuant to NRS 111.699.~~

~~11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:~~

~~(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;~~

~~(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or~~

~~(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,~~

~~→ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.~~

~~12. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.~~

~~13. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.~~

~~14. A transfer to a library foundation. As used in this subsection, "library foundation" has the meaning ascribed to it in NRS 379.0056.~~

~~***15. A transfer, assignment or other conveyance of real property to a bona fide resident who attests, under penalty of perjury, that he or she will use the real property as his or her primary residence. As used in this subsection, "bona fide resident" has the meaning ascribed to it in NRS 361.015.]*** **(Deleted by amendment.)**

Sec. 4. 1. During the period beginning July 1, 2023, and ending December 31, 2024, a landlord shall not renew the rental agreement or enter into a new rental agreement for a dwelling unit with the existing tenant of the dwelling unit that increases the rent payable by the existing tenant for the dwelling unit in an amount that is more than 10 percent of the rent payable by the existing tenant pursuant to the rental agreement that is in effect on June 30, 2023.

2. As used in this section:

(a) "Landlord" has the meaning ascribed to it in NRS 118A.100.

(b) "Tenant" means a person who is entitled under a rental agreement that exists on June 30, 2023, between the person and a landlord to occupy a dwelling unit to the exclusion of others and:

(1) Is 62 years of age or older; or

(2) Relies on payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Section 4 of this act becomes effective on July 1, 2023.

3. Section 3 of this act becomes effective on July 1, 2023, and expires by limitation on December 31, 2024.

4. Sections 1 and 2 of this act become effective on October 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 332.

ASSEMBLYWOMEN MONROE-MORENO **;** ~~[AND]~~ CONSIDINE **AND THOMAS**

AN ACT relating to public works; requiring a contractor or subcontractor to comply with certain requirements relating to the use of apprentices who are women on a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a contractor or subcontractor engaged in: (1) vertical construction who employs a worker on a public work to use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed; and (2) horizontal construction who employs a worker on a public work to use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. (NRS 338.01165) **Section 1** of this bill requires that **, to the extent practicable: (1)** at least ~~[5]~~ **2** percent of the hours of labor **for vertical construction** that is required to be performed by apprentices must be performed by women **; and (2) at least 1 percent of the hours of labor for horizontal construction** ~~[who are veterans or in a minority group.]~~ **that is required to be performed by apprentices must be performed by women.** **Section 2** of this bill provides that such requirements do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ~~*[At]*~~ ***To the extent practicable, at least*** ~~*[5]*~~ ***2 percent of the hours of labor that is required to be performed by apprentices must be performed by women . [who are veterans or in a minority group.]***

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ~~*[At]*~~ ***To the extent practicable, at least*** ~~*[5]*~~ ***1 percent of the hours of labor that is required to be performed by apprentices must be performed by women . [who are veterans or in a minority group.]***

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

6. A public body may, upon the request of a contractor or subcontractor, submit a request to the Labor Commissioner to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection 10.

7. The Labor Commissioner shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.

8. A public body, contractor or subcontractor may request a hearing on the determination of the Labor Commissioner within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

9. A contractor or subcontractor engaged on a public work shall enter into an apprenticeship agreement for all apprentices required to be used in the construction of a public work. If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection 10 and apprentices are later provided, then the

contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.

10. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) "Good cause" means:

(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;

(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or

(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.

➥ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.

(e) "Journeyman" has the meaning ascribed to it in NRS 624.260.

(f) ~~*[*~~*"Minority group" means:*

~~*(1) A racial or ethnic minority group; or*~~

~~*(2) A group of persons who identify as LGBTQ. As used in this subparagraph, "LGBTQ" means lesbian, gay, bisexual, transgender, queer, intersex or any other nonheterosexual or noncisgender orientation or gender identity or expression.*~~

~~*(g)]*~~ "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

~~*[(h) "Veteran" has the meaning ascribed to it in NRS 417.005.]*~~

Sec. 2. The amendatory provisions of this act do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

Sec. 3. This act becomes effective on January 1, 2024.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 310.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 255.

AN ACT relating to affordable housing; requiring the Housing Division of the Department of Business and Industry to develop and implement a supportive housing grant program; creating the Nevada Supportive Housing Development Fund in the State Treasury; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law charges the Housing Division of the Department of Business and Industry with certain duties relating to low-income housing and affordable housing, including creating a statewide low-income housing database and administering the Account for Affordable Housing. (NRS 319.143, 319.500)

Section 2 of this bill requires the Division to, subject to the availability of funds appropriated for such a purpose, develop and implement a supportive housing grant program. The program must include a process for applying for a grant to: (1) procure and develop supportive housing; ~~[and]~~ (2) **train and build the capacity of a supportive housing partnership; (3)** fund the operation of a supportive housing partnership ~~[.]~~ **; and (4) analyze the progress of supportive housing in this State.** **Section 2** also requires the Division to: (1) consult with the Nevada Interagency Advisory Council on ~~[Homeless]~~ **Homelessness** to Housing before approving any application for a grant to procure and develop supportive housing; (2) adopt regulations to carry out the grant program which must include the criteria for eligibility to receive money and procedures for the submission and review of applications; and (3) submit an annual report containing certain information about the grant program to the **Chair of the Nevada Interagency Advisory Council on Homelessness to Housing, the** Governor and the Director of the Legislative Counsel Bureau.

Section 3 of this bill creates the Nevada Supportive Housing Development Fund in the State Treasury and provides that the money in the Fund must be used to carry out the provisions of **section 2**.

Section 4 of this bill makes an appropriation to the Fund to carry out the supportive housing grant program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Division shall, subject to the availability of funds appropriated for such a purpose, develop and implement a supportive housing grant program for the purpose of awarding grants for the development of supportive housing and the provision of supportive housing services. The program must include a process for applying for a grant to:***

(a) Procure and develop supportive housing; ~~[and]~~

(b) Train and build the capacity of a supportive housing partnership;

(c) Fund the operation of a supportive housing partnership ~~[.]~~ ; and

(d) Analyze the progress of supportive housing in this State.

2. Any recipient of a grant for supportive housing must agree in writing to comply with all applicable provisions of chapter 118A of NRS.

3. The Division shall consult with the Nevada Interagency Advisory Council on Homelessness to Housing created by NRS 232.4981 before approving any application for a grant pursuant to paragraph (a) of subsection 1.

~~[3.]~~ 4. The Division shall adopt regulations to carry out the provisions of this section. The regulations must prescribe , without limitation:

(a) The criteria for eligibility to receive money from the supportive housing grant program; and

(b) Procedures for the submission and review of applications to receive money from the supportive housing grant program.

~~[4.]~~ 5. On or before December 1 of each year that the supportive housing grant program is funded, the Division shall submit a report to the Chair of the Nevada Interagency Advisory Council on Homelessness to Housing, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Commission, if the Legislature is not in session. The report must include:

(a) Information on and feedback from grant recipients; and

(b) Information on the use of grant money and participation in the supportive housing grant program.

~~[5.]~~ 6. The Division may use a portion of the money in the Nevada Supportive Housing Development Fund created by section 3 of this act to prepare the report required by subsection ~~[4.]~~ 5.

~~[6.]~~ 7. As used in this section:

(a) "Supportive housing" means ~~[affordable]~~ subsidized housing that ~~[is combined with]~~ reduces barriers to retaining housing that are caused by a person's rental history, criminal history and income through the provision of onsite and offsite supportive services that are designed to assist ~~[people]~~ a person who ~~[are experiencing homelessness]~~ has:

(1) A disabling behavioral or physical health condition; and

(2) Experienced:

(I) Homelessness or been at imminent risk of homelessness ~~[.]~~ ; or

(II) Unnecessary institutionalization.

(b) "Supportive services" includes, without limitation, social services, community support services, case management services, employment services, health care and behavioral health treatment.

Sec. 3. *1. There is hereby created as a special revenue fund in the State Treasury the Nevada Supportive Housing Development Fund.*

2. The Division may accept gifts, bequests, grants, appropriations and donations from any sources for deposit in the Fund.

3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of money in the Fund, after deducting any applicable charges, must be credited to the Fund.

Claims against the Fund must be paid as other claims against the State are paid.

4. The money in the Fund must be used to carry out the provisions of section 2 of this act.

Sec. 4. There is hereby appropriated from the State General Fund to the Nevada Supportive Housing Development Fund created by section 3 of this act the sum of $32,200,000 to carry out the supportive housing grant program developed ~~[by]~~ **pursuant to** section 2 of this act.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. 1. This section and section 5 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 283.

AN ACT relating to mining; ~~[requiring an operator of a mining operation to submit a revised plan for reclamation under certain circumstances;]~~ revising provisions relating to the reclamation of exploration projects and mining operations; revising requirements relating to a plan for reclamation; **requiring certain state agencies to prepare reports relating to certain impacts of pit lakes and mining;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who applies for a permit for a mining operation to file a plan for reclamation with the Division of Environmental Protection of the State Department of Conservation and Natural Resources. (NRS 519A.210) ~~[Section 3 of this bill requires an operator of a mining operation to submit a revised plan for reclamation if: (1) the operator is renewing a permit for the control of water pollution or requesting a major modification to a permit to engage in a mining operation; and (2) the renewal or modification will impact the plan for reclamation or, at the time of the~~

~~renewal or modification, the plan is not consistent with the requirements for a plan for reclamation.]~~

Section 4 of this bill requires that if an open pit will be excavated below the premining water table, a plan for reclamation must, with certain exceptions, provide for the backfilling of the open pit to a level where no pit lake will form and no seasonal or permanent wetland will exist. **Section 2** of this bill defines "pit lake." **Section 4** also provides that an operator may apply to the Division for an exception from this requirement.

Section 6 of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Sections 14 and 15 of this bill make conforming changes to indicate that certain provisions governing violations and penalties relating to a plan for reclamation are applicable to the provisions of **sections 2 ~~[, 3]~~ and 4**.

Under existing law, a person who submits an application to engage in an exploration project or mining operation must agree to assume responsibility for the reclamation of any surface area or land, respectively, damaged as a result of the exploration project or mining operation. (NRS 519A.190, 519A.210) **Sections 9 and 10** of this bill require such a person to also agree to assume responsibility for the reclamation of any surface water and groundwater affected as a result of the exploration project or mining operation. **Section 12** of this bill requires a plan for reclamation to provide for the reclamation and restoration of affected surface water and groundwater.

Section 7 of this bill revises the definition of the term "affected" to include surface water and groundwater that is or will be used or disturbed by mining. **Section 8** of this bill revises the definition of the term "reclamation" to include actions performed during or after an exploration project or mining operation relating to surface water and groundwater.

Existing law requires the Division to develop a checklist to be completed by applicants for a permit to engage in a mining operation, which must include certain information relating to the plan for reclamation. (NRS 519A.220) **Section 11** of this bill requires the information relating to the plan for reclamation on the checklist to include: (1) the proposed subsequent use of any pit lake after the mining operation is completed; and (2) the monitoring and restoration of affected surface water and groundwater that will be performed by the operator.

Existing law authorizes an operator of a mining operation to request that the Division grant an exception from reclamation requirements for open pits and rock faces which may not be feasible to reclaim. (NRS 519A.230) **Section 12** provides that an operator may request an exception for open pits and rock faces only if no pit lake is anticipated to result from the mining operation.

~~[Under existing law, with certain exceptions, if a pit lake will have a predicted filled surface area of more than 200 acres, the plan for reclamation must provide for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. (NRS 519A.230) Section 12~~

~~instead provides that the plan for reclamation must provide for such public access if a pit lake will have a predicted filled surface area of more than 85 acres.]~~

Existing law requires each operator of a mining operation or exploration project to submit an annual report to the Administrator of the Division relating to the status and production of all mining operations and exploration projects in which the operator has engaged and identifying each acre of land affected and land reclaimed by that mining operation or exploration project through the preceding calendar year. (NRS 519A.260) **Section 13** of this bill requires an operator to map each such acre and include in the map all disturbances by such mining operations and exploration projects to: (1) the water balance; and (2) the quality and quantity of the surface water and groundwater.

Consistent with the changes of **sections 2-13** of this bill pertaining to reclamation of surface water and groundwater, **section 5** of this bill makes a conforming change to revise the legislative declaration to provide that proper reclamation is necessary to prevent undesirable land, surface water and groundwater conditions.

Section 16 of this bill requires, on or before August 1, 2025, a written report to be submitted to the Joint Interim Standing Committee on Natural Resources by: (1) the Division of Minerals of the Commission on Mineral Resources in coordination with the Division of Environmental Protection regarding certain impacts of pit lakes; and (2) the Department of Wildlife regarding the impacts of mining on wildlife and habitats in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 519A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3]~~ and 4 of this act.

Sec. 2. ***"Pit lake" means a body of water that has resulted from an open pit from a mining operation or exploration project that has penetrated the water table of the area in which the pit is located.***

Sec. 3. ~~***[An operator of a mining operation must submit a revised plan for reclamation if:***~~

~~***1. The operator:***~~

~~***(a) Renews his or her permit for the control of water pollution issued pursuant to NRS 445A.300 to 445A.730, inclusive; or***~~

~~***(b) Requests a major modification to his or her permit to engage in a mining operation issued pursuant to NRS 519A.210; and***~~

~~***2. At the time of the renewal or modification of the permit, the plan for reclamation is:***~~

~~***(a) Impacted by the renewal or modification; or***~~

~~***(b) Not consistent with the requirements for a plan for reclamation set forth in NRS 519A.010 to 519A.280, inclusive, and sections 2, 3 and 4 of this act.]***~~ **(Deleted by amendment.)**

Sec. 4. ***1. In addition to the requirements of NRS 519A.230, if an open pit will be excavated below the premining water table, a plan for reclamation must, except as otherwise provided in subsection 2, provide for the backfilling of the open pit to a level where no pit lake will form and no seasonal or permanent wetland will exist.***

2. An operator of a mining operation may apply to the Division for an exception to the requirement of subsection 1. In submitting an application for an exception, the operator must demonstrate:

(a) For ~~***[a new]***~~ ***an application for a permit to engage in a mining operation*** ~~***[for a request for a major modification to an existing permit to engage in a mining operation,]***~~ ***submitted on or after January 1, 2025, by clear and convincing evidence that backfilling the open pit is technically not possible without indefinite long-term management to avoid groundwater degradation;*** ~~***[and]***~~ ***or***

(b) ~~***[If submitted at the time of a renewal of a permit for the control of water pollution pursuant to section 3 of this act:***~~

~~***(1) By clear and convincing evidence, that backfilling the open pit is technically not possible without indefinite long-term management to avoid groundwater degradation; or***~~

~~***(2)]***~~ ***By a preponderance of the evidence, that backfilling the open pit would result in undue hardship on the operator*** ~~***.]***~~ ***because the plan for the mining operation would be unprofitable.***

3. In considering an application for an exemption pursuant to subsection 2, the Division:

(a) Shall hold at least one public hearing on the application; and

(b) May ~~***[not take the economics of the operator into consideration when determining whether to approve or deny the application.]***~~ ***contract with an independent consultant to assist in reviewing the application for an exception submitted pursuant to subsection 2.***

Sec. 5. NRS 519A.010 is hereby amended to read as follows:

519A.010 1. The Legislature hereby finds that:

(a) The extraction of minerals by mining is a basic and essential activity making an important contribution to the economy of the State of Nevada;

(b) Proper reclamation of mined land, areas of exploration and former areas of mining or exploration is necessary to prevent undesirable land ***,*** ~~[and]~~ surface water ***and groundwater*** conditions detrimental to the ecology and to the general health, welfare, safety and property rights of the residents of this state; and

(c) The success of reclamation efforts in this state is dependent upon cooperation among state and federal agencies.

2. The Legislature hereby directs that all agencies and political subdivisions of the State of Nevada which are involved in or whose work is related to the administration or enforcement of the provisions of this chapter shall cooperate fully with all other state and federal agencies in any related matter.

Sec. 6. NRS 519A.020 is hereby amended to read as follows:

519A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 519A.030 to 519A.130, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 519A.040 is hereby amended to read as follows:

519A.040 "Affected" means that the surface of the land ***, surface water or groundwater*** is or will be disturbed by mining, or that the land ***or water*** will be used:

1. As an evaporation or settling pond, leach dump, placer area or tailings pond or dump; or

2. In conjunction with any structure, facility, equipment, machine, tool, material or property incident to mining.

Sec. 8. NRS 519A.100 is hereby amended to read as follows:

519A.100 "Reclamation" means actions performed during or after an exploration project or mining operation to shape, stabilize, revegetate or otherwise treat the land ***, surface water and groundwater*** in order to return it to a safe, stable condition consistent with the establishment of a productive postmining use of the land ***, surface water and groundwater*** and the abandonment of a facility in a manner which ensures the public safety, as well as the encouragement of techniques which minimize the adverse visual effects.

Sec. 9. NRS 519A.190 is hereby amended to read as follows:

519A.190 1. A person who desires to engage in an exploration project must:

(a) File with the Division, upon a form approved by it, an application for a permit. The application must include:

(1) The name and address of the applicant and, if the applicant is a corporation or other business entity:

(I) The name and address of each person who has a controlling interest in the corporation or business entity; and

(II) The name and address of the registered agent of the corporation or business entity for service of process;

(2) An exploration map or sketch in sufficient detail to enable the Division to locate the area to be explored and to determine whether significant environmental problems are likely to result;

(3) The kinds of prospecting and excavation techniques that will be used in the exploration project;

(4) An affidavit stating whether or not the applicant and, if applicable, each person who has a controlling interest in the corporation or business entity is in good standing with all agencies of other states and federal agencies in relation to the reclamation of exploration projects outside of this State; and

(5) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

(c) Agree in writing to assume responsibility for the reclamation of any surface area ~~[~~damaged~~]~~ ***, surface water and groundwater affected*** as a result of the exploration project.

(d) File with the Division a bond or other surety in a form approved by the Administrator and in an amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

2. Except as otherwise provided in subsections 3 and 4, the Division shall not issue a permit to engage in an exploration project pursuant to this section to an applicant if:

(a) The applicant has defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280;

(b) For an applicant who is a corporation or other business entity, any person who has a controlling interest in the corporation or business entity has or previously had a controlling interest in another corporation or business entity that defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280; or

(c) The applicant or, if the applicant is a corporation or other business entity, a person who has a controlling interest in the corporation or business entity is not in good standing with an agency of another state or a federal agency in relation to the reclamation of an exploration project outside of this State.

3. The Division may issue a permit to engage in an exploration project pursuant to this section to an applicant described in paragraph (a) or (b) of subsection 2 if the applicant:

(a) Pays to the Division the full amount of the defaulted obligation described in paragraph (a) or (b) of subsection 2, as applicable, or provides evidence of satisfaction of that defaulted obligation; and

(b) Demonstrates to the Division that any conditions which led to the default have been remedied and that such conditions no longer exist.

4. The Division may issue a permit to engage in an exploration project pursuant to this section to an applicant described in paragraph (c) of subsection 2 if the applicant demonstrates to the Division that the applicant or person who has a controlling interest in the corporation or business entity has remedied all issues related to the reclamation of the exploration project outside of this State and becomes in good standing with all agencies of the other state and federal agencies in relation to the reclamation of the exploration project.

5. As used in this section, "person who has a controlling interest" means:

(a) The president, secretary, treasurer or equivalent thereof of the corporation or business entity;

(b) A partner, director or trustee of the corporation or business entity; or

(c) A person who, directly or indirectly, possesses the power to direct the management or determine the policy of the corporation or business entity resulting from, without limitation, his or her ownership of voting stock in the corporation or business entity, a contract or any other circumstance.

➥ The term does not include a person designated to act as a proxy, including, without limitation, an agent, bank, broker, nominee or custodian, for one or more persons who own voting stock unless the proxy otherwise has the power to direct the management or determine the policy of the corporation or business entity.

Sec. 10. NRS 519A.210 is hereby amended to read as follows:

519A.210 1. A person who desires to engage in a mining operation must:

(a) File with the Division, upon a form approved by it, an application for a permit for each location at which the person will conduct operations. The application must include:

(1) The name and address of the applicant and, if the applicant is a corporation or other business entity:

(I) The name and address of each person who has a controlling interest in the corporation or business entity; and

(II) The name and address of the registered agent of the corporation or business entity for service of process;

(2) A completed checklist developed by the Division pursuant to NRS 519A.220;

(3) An affidavit stating whether or not the applicant and, if applicable, each person who has a controlling interest in the corporation or business entity is in good standing with all agencies of other states and federal agencies in relation to the reclamation of mining operations outside of this State; and

(4) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

(c) Agree in writing to assume responsibility for the reclamation of any land ~~[damaged]~~ ***, surface water and groundwater affected*** as a result of the mining operation.

(d) File with the Division a bond or other surety in a form and amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

(e) File with the Division of Minerals of the Commission on Mineral Resources a copy of the plan for reclamation which is filed with the application pursuant to paragraph (a), on the same day the application is filed with the Division.

2. Except as otherwise provided in subsections 3 and 4, the Division shall not issue a permit to engage in a mining operation pursuant to this section to an applicant if:

(a) The applicant has defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or

failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280;

(b) For an applicant who is a corporation or other business entity, any person who has a controlling interest in the corporation or business entity has or previously had a controlling interest in another corporation or business entity that defaulted on any obligation relating to reclamation pursuant to this chapter, including, without limitation, by forfeiting a surety or failing to pay the full costs of reclamation or any penalty assessed pursuant to NRS 519A.280; or

(c) The applicant or, if the applicant is a corporation or other business entity, a person who has a controlling interest in the corporation or business entity is not in good standing with an agency of another state or a federal agency in relation to the reclamation of a mining operation outside of this State.

3. The Division may issue a permit to engage in a mining operation pursuant to this section to an applicant described in paragraph (a) or (b) of subsection 2 if the applicant:

(a) Pays to the Division the full amount of the defaulted obligation described in paragraph (a) or (b) of subsection 2, as applicable, or provides evidence of satisfaction of that defaulted obligation; and

(b) Demonstrates to the Division that any conditions which led to the default have been remedied and that such conditions no longer exist.

4. The Division may issue a permit to engage in a mining operation pursuant to this section to an applicant described in paragraph (c) of subsection 2 if the applicant demonstrates to the Division that the applicant or person who has a controlling interest in the corporation or business entity has remedied all issues related to the reclamation of the mining operation outside of this State and becomes in good standing with all agencies of the other state and federal agencies in relation to the reclamation of the mining operation.

5. As used in this section, "person who has a controlling interest" means:

(a) The president, secretary, treasurer or equivalent thereof of the corporation or business entity;

(b) A partner, director or trustee of the corporation or business entity; or

(c) A person who, directly or indirectly, possesses the power to direct the management or determine the policy of the corporation or business entity resulting from, without limitation, his or her ownership of voting stock in the corporation or business entity, a contract or any other circumstance.

➥ The term does not include a person designated to act as a proxy, including, without limitation, an agent, bank, broker, nominee or custodian, for one or more persons who own voting stock unless the proxy otherwise has the power to direct the management or determine the policy of the corporation or business entity.

Sec. 11. NRS 519A.220 is hereby amended to read as follows:

519A.220 The Division shall develop a checklist to be completed by applicants for a permit to engage in a mining operation. The information requested by the checklist must include:

1. Information relating to the plan for reclamation, including:

(a) The proposed subsequent use of the land ***and, if applicable, pit lake,*** after the mining operation is completed;

(b) The proposed schedule of reclamation that will be followed;

(c) The proposed topography of the land after the mining operation is completed;

(d) The treatment of slopes created or affected by the mining operation;

(e) The proposed use of impoundments;

(f) The kinds of access roads to be built and the manner of reclamation of road sites;

(g) The methods of drainage that will be used during the mining operation and reclamation;

(h) The revegetation of the land;

(i) The monitoring and maintenance of the reclaimed land that will be performed by the operator;

(j) ***The monitoring and restoration of affected surface water and groundwater that will be performed by the operator;***

(k) The reclamation that will be necessary as a result of instream mining;

~~[(k)]~~ ***(l)*** The effect that reclamation will have on future mining in that area; and

~~[(l)]~~ ***(m)*** The effect of the reclamation on public safety.

2. Information relating to the mining operation and maps of the area which is required by the regulations adopted by the Commission pursuant to NRS 519A.160.

3. Other information as requested by the Administrator which the Administrator determines is pertinent to the reclamation activities of the mining operation.

Sec. 12. NRS 519A.230 is hereby amended to read as follows:

519A.230 1. A plan for reclamation must provide:

(a) That reclamation activities, particularly those relating to the control of erosion, must be conducted simultaneously with the mining operation to the extent practicable, and otherwise must be initiated promptly upon the completion or abandonment of the mining operation in any area that will not be subject to further disturbance. Reclamation activities must be completed within the time set by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) For vegetative cover if appropriate to the future use of the land.

(c) For the reclamation of all land disturbed by the exploration project or mining operation to a stability comparable to that of adjacent areas.

(d) For the reclamation and restoration of affected surface water and groundwater.

2. ~~[The]~~ ***If an operator does not anticipate a pit lake will be created, the*** operator may request the Division to grant an exception for open pits and rock faces which may not be feasible to reclaim. If an exception is granted, other than for a pit lake for which public access is provided in a plan for reclamation pursuant to subsection 3, the Division shall require the operator to take sufficient measures to ensure public safety.

3. Except as otherwise provided in this subsection, for a pit lake that will have a predicted filled surface area of more than 200 ~~*[85]*~~ acres, a plan for reclamation must provide, in consultation with the operator and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. This subsection:

(a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;

(b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and

(c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.

4. A protected person with respect to any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3 owes no duty to keep the premises, including, without limitation, the access area and the pit lake and its surroundings, safe for entry or use by any other person for participation in any activity, or to give a warning of any hazardous condition, activity or use of the premises to any person entering the premises.

5. If a protected person gives permission to another person to access or engage in any activity with respect to any premises specified in subsection 4, the protected person does not thereby extend any assurance that the premises are safe for that activity or any other purpose or assume responsibility for or incur any liability for any injury to any person or property caused by any act of a person to whom the permission is granted. The provisions of this subsection do not confer any liability upon a protected person for any injury to any other person or property, whether actual or implied, or create a duty of care or ground of liability for any injury to any person or property.

6. Except in the case of an emergency, an operator shall not depart from an approved plan for reclamation without prior written approval from the Division.

7. Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.

8. As used in this section ~~[:~~

~~(a) "Pit lake" means a body of water that has resulted, after the completion of an exploration project or mining operation, from an open pit that has penetrated the water table of the area in which the pit is located.~~

~~(b) "Protected]~~ ***, "protected*** person" means any past or present:

~~[(1)]~~ ***(a)*** Owner of any estate or interest in any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3;

~~[(2)]~~ ***(b)*** Operator of all or any part of the premises, including, without limitation, any entity that has conducted or is conducting a mining operation or any reclamation activity with respect to the premises;

~~[(3)]~~ ***(c)*** Lessee or occupant of all or any part of the premises; or

~~[(4)]~~ ***(d)*** Contractor, subcontractor, employee or agent of any such owner, operator, lessee or occupant.

Sec. 13. NRS 519A.260 is hereby amended to read as follows:

519A.260 1. Each operator shall, on or before April 15 of each year ~~[, submit]~~ ***:***

(a) Submit to the Administrator a report relating to the status and production of all mining operations and exploration projects in which the operator has engaged and identifying ~~[each]~~ ***and mapping for such mining operations and exploration projects through the preceding calendar year:***

(1) Each acre of land affected and land reclaimed ~~[by that mining operation or exploration project through the preceding calendar year,]~~ ***;***

(2) All disturbances to the prevailing water balance; and ~~[shall pay]~~

(3) All disturbances to the quality and quantity of the surface water and groundwater; and

(b) Pay to the Division a fee of:

~~[(a)]~~ ***(1)*** One dollar and fifty cents for each acre of public land administered by a federal agency; and

~~[(b)]~~ ***(2)*** Five dollars and fifty cents for each acre of privately owned land, ➥ which has been disturbed by mining operations or exploration projects engaged in by the operator and not reclaimed.

2. All money received by the State Treasurer pursuant to ***subparagraph (1) of*** paragraph ~~[(a)]~~ ***(b)*** of subsection 1 together with three-elevenths of all money received by the State Treasurer pursuant to ***subparagraph (2) of*** paragraph (b) of subsection 1, up to a maximum of $100,000 annually, must be distributed directly to the Bureau of Mines and Geology of the State of Nevada to be used to carry out the provisions of NRS 514.060. Any money in excess of the maximum and the balance collected pursuant to ***subparagraph (2) of*** paragraph (b) of subsection 1 must be credited to the appropriate account for the Division and used to administer the provisions of this chapter.

Sec. 14. NRS 519A.270 is hereby amended to read as follows:

519A.270 If the Division has reason to believe that any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 ~~[, 3]~~ and 4 of this act,*** a plan for reclamation, any condition placed on a plan for reclamation or any regulation adopted by the Commission pursuant to NRS 519A.160, has been

violated, the Division shall serve a notice of noncompliance upon the holder of the permit. The notice must:

1. Be served personally or by registered mail addressed to the holder of the permit at his or her address as shown on the records of the Division;

2. Specify each violation; and

3. Set a date and time for a hearing and inform the person that the person's permit may be suspended or revoked and the person's bond or other surety forfeited upon completion of the hearing or if the person fails to attend the hearing.

Sec. 15. NRS 519A.280 is hereby amended to read as follows:

519A.280 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person who violates any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 ~~[, 3]~~ and 4 of this act*** or any regulation adopted by the Commission pursuant to NRS 519A.160, is guilty of a misdemeanor and, in addition to any criminal penalty, is subject to a civil penalty imposed by the Division at a hearing for which notice has been given, in an amount determined pursuant to the schedule adopted by the Commission pursuant to NRS 519A.160.

2. Any money received by the Division pursuant to subsection 1 must be deposited with the State Treasurer for credit to the appropriate account of the Division. All interest earned on the money credited pursuant to this section must be credited to the account to which the money was credited.

3. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 ~~[, 3]~~ and 4 of this act*** or of any regulation adopted or permit or order issued pursuant to those sections, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 16. **On or before August 1, 2025:**

1. The Division of Minerals of the Commission on Mineral Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources shall coordinate to prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Natural Resources, which must include, without limitation, an analysis of the impact of pit lakes on:

(a) Water in this State, including, without limitation, evaporative losses, surface water and groundwater and hydrologic impacts;

(b) Current and future land use and water use in this State; and

(c) In consultation with the Department of Wildlife, wildlife.

2. The Department of Wildlife shall prepare and submit an analysis of the impacts of mining on terrestrial and aquatic wildlife and habitat in this State and any recommendations relating thereto, to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Natural Resources.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 333.

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to housing; requiring, under certain circumstances, a housing authority to perform an inspection of and have certain repairs made to ~~[the]~~ **certain** dwelling units ~~[of certain residents;]~~ **; eliminating the applicability of the Local Government Budget and Finance Act to a regional housing authority and the commissioners of a regional housing authority;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates local housing authorities and the Nevada Rural Housing Authority to operate housing projects for persons of low income in this State. (NRS 315.320, 315.440, 315.977, 315.988) Existing law also authorizes two or more housing authorities in a county whose population is 700,000 or more (currently only Clark County) to form a regional housing authority for such purposes. (NRS 315.7805) **Section 1** of this bill requires each housing authority in this State to ~~[contact a person who is 60 years of age or older and has lived in any public housing or housing project that is operated or managed by the housing authority to offer to perform]~~ **conduct** an inspection of ~~[the]~~ **each** dwelling unit ~~[at least every 5 years. If the resident wants the inspection performed, section 1 requires the housing authority to conduct such inspection on a day and time that is convenient for the tenant.]~~ **that is owned or managed by the housing authority and any dwelling unit leased pursuant to certain federal law. (42 U.S.C. § 1437f) Section 1** further requires: (1) ~~[such an inspection be conducted to determine whether the dwelling unit of the person is in a decent, safe and sanitary condition, including, without limitation, that the fixtures, appliances and plumbing are in good working order;]~~ **the housing authority to obtain the handwritten or electronic signature of the tenant after performing the inspection to confirm that the inspection was conducted;** and (2) the housing authority **, or the housing authority in coordination with the owner of certain privately owned dwelling units,** to ensure that all necessary repairs are made as soon as practicable after the inspection to ensure that the dwelling unit is in a decent, safe and sanitary condition.

The Local Government Budget and Finance Act sets forth various requirements, procedures and limitations relating to the financial

administration of local governments. (NRS 354.470-354.626) For the purposes of the Act, a regional housing authority is a local government. (NRS 354.474, 354.536) Sections 3 and 4 of this bill eliminate a regional housing authority and the commissioners of a regional housing authority, respectively, from the definitions of "local government" and "governing body" so that the Act no longer applies to a regional housing authority or its commissioners.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 315 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each housing authority in this State shall ~~[contact a person who is 60 years of age or older and has lived in any public housing or housing project that is operated or managed by the housing authority to offer to perform]~~ conduct an inspection of ~~[the]~~ each dwelling unit ~~[of the person at least every 5 years. If the resident wants the inspection of the dwelling unit performed, the housing authority shall conduct such inspection on a day and time that is convenient for the tenant.]~~ owned or managed by the housing authority and any dwelling unit leased pursuant to 42 U.S.C. § 1437f, on a regular basis as required by the United States Department of Housing and Urban Development. After performing such an inspection, the housing authority shall obtain the handwritten or electronic signature of the tenant to confirm that the inspection was conducted.

2. ~~[An]~~ If an inspection conducted pursuant to subsection 1 ~~[must determine whether the dwelling unit of the person is in a decent, safe and sanitary condition, including, without limitation, that the fixtures, appliances and plumbing are in good working order.

~~3. The]~~ identifies necessary repairs, the housing authority or the housing authority in coordination with the private owner, as applicable, shall ensure that all necessary repairs are made as soon as practicable after the inspection so that the dwelling unit is in a decent, safe and sanitary condition.

~~[4.]~~ 3. As used in this section ~~[:

(a) "Housing]~~ , "housing authority" has the meaning ascribed to it in NRS 315.021. The term includes, without limitation, a regional housing authority and the Nevada Rural Housing Authority.

~~[(b) "Housing project" has the meaning ascribed to it in NRS 315.969.]~~

Sec. 2. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 3. **NRS 354.474 is hereby amended to read as follows:**

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" includes ~~[:~~

~~(1) The]~~ ***the*** Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose.

~~[(2) A regional authority formed pursuant to NRS 315.7805 but, except as otherwise provided in subparagraph (1), does not include any other housing authority created by or pursuant to chapter 315 of NRS.]~~

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 4. **NRS 354.536 is hereby amended to read as follows:**

354.536 "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of the local government are vested. ~~[The term includes, without limitation, the commissioners of a regional authority formed pursuant to NRS 315.7805, if the general legislative and fiscal powers of the regional authority are vested in the commissioners.]~~

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 335.

AN ACT relating to public works; authorizing ~~[, under certain circumstances,]~~ a local government to **require a contractor on a public work to** give a preference ~~[in bidding on certain public works to a contractor who agrees to certain conditions relating to]~~ **for** local hiring; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[authorizes a preference of 5 percent for a bid or proposal which is submitted on certain public works for contractors who ensure that, among other requirements, at least 50 percent of the workers employed on the public work for the duration of the project have a valid driver's license or identification card from the Department of Motor Vehicles of the State of Nevada. (NRS 338.0117) Section 1 of this bill authorizes]~~ **sets forth a process for** a local government to award a ~~[preference of 5 percent to certain contractors who bid on a]~~ contract for ~~[: (1) a public work for which the estimated cost exceeds $250,000; (2)]~~ a public work ~~. [involving a construction manager at risk; and (3) a public work involving a design-build team. To receive the preference,]~~ **(NRS 338.1385) This bill authorizes a local government to require** a contractor ~~[must sign an affidavit ensuring that at least 50 percent of the workers employed on the]~~ **on a** public work ~~[for the duration of the project]~~ **to give a preference for hiring labor on the public work to local residents who** reside **: (1)** within the jurisdiction of the local government ~~[or]~~ **; (2)** within a certain specified distance of the jurisdiction of the local government ~~[, as provided by the local government. Sections 3, 4 and 5 of this bill make conforming changes to incorporate the preference into provisions of existing law relating to a contract with a local government for: (1) a public work for which the estimated cost exceeds $250,000; (2) a public work involving a construction manager at risk; and (3) a public work involving a design-build team. (NRS 338.147, 338.1693, 338.1727)~~

~~Section 2 of this bill makes a conforming change to create an exception to the requirements under existing law for obtaining a 5 percent bidder's preference on certain public works.]~~ **; or (3) within a certain geographic area within the jurisdiction of the local government. This authority doesn't apply if any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work. This bill also clarifies that this authority shall not be construed to authorize a contractor on a public work to pay any worker on the public work less than the applicable prevailing wage.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in [NRS 338.0117, to qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693 or subsection 3 of NRS 338.1727, a contractor or an applicant must submit to the] subsection 2, a local government sponsoring or financing a public work [a signed affidavit which certifies that, for the duration of the project, collectively, and not on any specific day:] may require that a contractor on the public work give preference for hiring labor on the public work to local residents who possess a valid driver's license or identification card issued by the Department of Motor Vehicles or other proof of current address which indicates that the person resides:

(a) [At least 50 percent of the workers employed on the public work, including, without limitation, any employees of the contractor or applicant and of any subcontractor engaged on the public work, resides:

[(1)] Within the jurisdiction of the local government; [or

[(2)] (b) Within a certain specified distance of the jurisdiction of the local government, as provided by the local government sponsoring or financing the public work; [and

(b) The contractor or applicant and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work that is awarded to a contractor or applicant who submits the affidavit described in subsection 1 as a result of the contractor or applicant receiving a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of subsection 1; and

(b) Provide that a failure to comply with any requirement of subsection 1 entitles the public body to a penalty only as provided in subsections 5 and 6.

3. A person who submitted a bid on the public work or an entity who believes that a contractor or applicant has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of subsection 1 may file, before the substantial completion of the public work, a written objection with the local government for which the contractor or applicant is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor or applicant has failed to comply with a requirement of subsection 1.

4. If a local government receives a written objection pursuant to subsection 3, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection. If the local government determines

~~*that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of subsection 1 exists, the local government shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of subsection 1 and the local government or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.*~~

~~*5. In addition to any other remedy or penalty provided by law, a local government may recover, by civil action against the party responsible for a failure to comply with a requirement of subsection 1, a penalty as described in subsection 6 for a failure to comply with a requirement of subsection 1. If a local government recovers a penalty pursuant to this subsection, the local government shall report to the State Contractors' Board the date of the failure to comply, the name of each entity which failed to comply and the cost of the contract to which the entity that failed to comply was a party. The Board shall maintain such information for not less than 6 years. Upon request, the Board shall provide such information to any public body or its authorized representative.*~~

~~*6. If a contractor or applicant submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract as a result of that preference, the contract between the contractor or applicant and the local government, each contract between the contractor or applicant and a subcontractor and each contract between a subcontractor and a lower tier subcontractor must provide that:*~~

~~*(a) If a party to the contract causes the contractor or applicant to fail to comply with a requirement of subsection 1, the party is liable to the local government for a penalty in the amount of 1 percent of the cost of the largest contract to which he or she is a party;*~~

~~*(b) The right to recover the amount determined pursuant to paragraph (a) by the local government pursuant to subsection 5 may be enforced by the local government directly against the party that caused the failure to comply with a requirement of subsection 1; and*~~

~~*(c) No other party to the contract is liable to the local government for a penalty.*~~

~~*7. A local government that awards a contract for a public work to a contractor or applicant who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor or applicant who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor or*~~

~~*applicant who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor or applicant and each subcontractor complied with the requirements of subsection 1.*~~

~~*8. As used in this section, "lower tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.]*~~ ***;***

or

(c) Within a certain geographic area within the jurisdiction of the local government.

2. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 1, those provisions do not apply insofar as their application would preclude or reduce federal assistance.

3. Nothing in this section shall be construed to authorize a contractor on a public work to pay any worker on the public work less than the applicable prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive.

Sec. 2. ~~[~~NRS 338.0117 is hereby amended to read as follows:

338.0117 1. ~~[~~To~~]~~ ***Except as otherwise provided in section 1 of this act, to*** ~~qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project, collectively, and not on any specific day:~~

~~(a) At least 50 percent of the workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada;~~

~~(b) All vehicles used primarily for the public work will be:~~

~~(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or~~

~~(2) Registered in this State;~~

~~(c) If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at least 50 percent of the design professionals working on the public work, including, without limitation, employees of the design-build team and of any subcontractor or consultant engaged in the design of the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada; and~~

~~(d) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection~~

~~within this State his or her records concerning payroll relating to the public work.~~

~~— 2. Any contract for a public work that is awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 as a result of the contractor, applicant or design-build team receiving a preference in bidding described in subsection 1 must:~~

~~— (a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (d), inclusive, of subsection 1; and~~

~~— (b) Provide that a failure to comply with any requirement of paragraphs (a) to (d), inclusive, of subsection 1 entitles the public body to a penalty only as provided in subsections 5 and 6.~~

~~— 3. A person who submitted a bid on the public work or an entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 may file, before the substantial completion of the public work, a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1.~~

~~— 4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.~~

~~— 5. In addition to any other remedy or penalty provided by law, a public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1, a penalty as described in subsection 6 for a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1. If a public body recovers a penalty pursuant to this subsection, the public body shall report to the State Contractors' Board the date of the failure to comply, the name of each entity which failed to comply and the cost of the contract to which the entity that failed to comply was a party. The Board shall maintain this information~~

~~for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.~~

~~— 6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract as a result of that preference, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor and each contract between a subcontractor and a lower-tier subcontractor must provide that:~~

~~— (a) If a party to the contract causes the contractor, applicant or design-build team to fail to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1, the party is liable to the public body for a penalty in the amount of 1 percent of the cost of the largest contract to which he or she is a party;~~

~~— (b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that caused the failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1; and~~

~~— (c) No other party to the contract is liable to the public body for a penalty.~~

~~— 7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (d), inclusive, of subsection 1.~~

~~— 8. As used in this section:~~

~~— (a) "Lower-tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.~~

~~— (b) "Vehicle used primarily for the public work" does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of this paragraph, the term includes any vehicle which is:~~

~~——— (1) Owned or operated by the contractor or any subcontractor who is engaged on the public work; and~~

~~——— (2) Present at the site of the public work.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 338.147 is hereby amended to read as follows:~~

~~338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.~~

~~2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~(a) Submitted by a contractor who:~~

~~(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;~~

~~(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117~~ **~~[;] or subsection 1 of section 1 of this act, as applicable;~~** ~~and~~

~~(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:~~

~~(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117~~ ~~**or subsection 1 of section 1 of this act, as applicable,**~~ ~~for the duration of the contract,~~

~~→ shall be deemed to be the best bid for the purposes of this section.~~

~~3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:~~

~~(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

~~(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~

~~(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.~~

~~14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.~~**]** **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 338.1693 is hereby amended to read as follows:~~

~~338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.~~

~~2. The panel appointed pursuant to subsection 1 shall rank the proposals by:~~

~~(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and~~

~~(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.~~

~~3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117~~ ~~**[.]** ***or subsection 1 of section 1 of this act, as applicable.*** ~~If any federal statute or regulation precludes the granting of federal~~

~~assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~4. After the panel appointed pursuant to subsection 1 ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection 8, select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.~~

~~5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.~~

~~6. During the interview process, the panel conducting the interview may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, including, without limitation, the cost of general overhead and profit, but in no event shall the proposed amount of compensation be less than 5 percent or more than 20 percent of the scoring for the selection of the most qualified applicant. All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.~~

~~7. After conducting such interviews, the panel that conducted the interviews shall rank the applicants by using a ranking process that is separate from the process used to rank the applicants pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant. When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117~~ ***[.] or subsection 1 of section 1 of this act, as applicable.*** ~~If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.~~

~~9. Upon receipt of the final rankings of the applicants from the panel that conducted the interviews, the public body or its authorized representative shall~~

~~enter into negotiations with the most qualified applicant determined pursuant to the provisions of this section for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.~~

~~10. The public body or its authorized representative shall:~~

~~(a) Make available to all applicants and the public the following information, as determined by the panel appointed pursuant to subsection 1 and the panel that conducted the interviews, as applicable:~~

~~(1) The final rankings of the applicants;~~

~~(2) The score assigned to each proposal received by the public body; and~~

~~(3) For each proposal received by the public body, the score assigned to each factor that the public body specified in the request for proposals; and~~

~~(b) Provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.~~**] (Deleted by amendment.)**

Sec. 5. ~~[NRS 338.1727 is hereby amended to read as follows:~~

~~338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:~~

~~(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and~~

~~(b) Set forth the date by which final proposals must be submitted to the public body.~~

~~2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.~~

~~3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team if the contractors submit signed affidavits that meet the requirements of subsection 1 of NRS 338.0117~~ **[,]** ~~***or subsection 1 of section 1 of this act, as applicable,*** and a certificate of eligibility to receive a preference when

~~competing for public works by all design professionals on the design-build team, and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference in bidding on public works, or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.~~

~~4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.~~

~~5. A final proposal is exempt from the requirements of NRS 338.141.~~

~~6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.~~

~~7. If a public body selects a final proposal and awards a design-build contract pursuant to subsection 6, the public body shall:~~

~~(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.~~

~~(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.~~

~~8. A contract awarded pursuant to this section:~~

~~(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.~~

~~(b) Must specify:~~

~~(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;~~

~~(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and~~

~~(3) A date by which performance of the work required by the contract must be completed.~~

~~(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.~~

~~(d) Except as otherwise provided in paragraph (c), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.~~

~~(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.~~

~~(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.~~

~~9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.~~**]** **(Deleted by amendment.)**

Sec. 6. 1. The amendatory provisions of this act apply to a public work for which bids are first advertised by a local government ~~**[**pursuant to NRS 338.147, 338.1693 or 338.1727~~**]** after the effective date of this act.

2. As used in this section, "local government" and "public work" have the meanings ascribed to them in NRS 338.010.

Sec. 7. ~~**[**The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.~~**]** **(Deleted by amendment.)**

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 410.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 297.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYMEN** JAUREGUI **, YEAGER, O'NEILL AND MONROE-MORENO**

AN ACT relating to industrial insurance; revising the circumstances in which certain employees are authorized to receive compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, an injury or disease sustained by an employee caused by stress is compensable under industrial insurance only if the employee can prove by clear and convincing medical or psychiatric evidence that: (1) the employee has a mental injury caused by extreme stress in time of danger; (2) the primary cause of the injury was an event that arose out of and during the course of his or her employment; and (3) the stress was not caused by a layoff, termination or disciplinary action. **Existing law provides that a first responder may prove by clear and convincing medial or psychiatric evidence that the mental injury was primarily caused by the first responder witnessing an event of a certain specified type during the course of his or her employment.** Under existing law, an ailment or disorder caused by any gradual mental stimulus or any death or disability ensuing therefrom is not compensable under industrial insurance. (NRS 616C.180)

Section 1 of this bill ~~[removes provisions prohibiting an ailment or disorder caused by any gradual mental stimulus or any death or disability ensuing therefrom from being compensable under industrial insurance. Section 1]~~ expands the stress-related injuries that may be compensable under industrial insurance under certain circumstances to include a mental injury **which afflicts a first responder and which is** caused by extreme stress for which the primary cause was ~~[a]~~ **witnessing an event or** series of events ~~[, rather than a single event,]~~ that arose out of and during the course of employment ~~[. Sections 2 and 3 of this bill make conforming changes to refer to provisions that have been renumbered by this bill.]~~ **and involved: (1) the death, or aftermath of the death, of a person as a result of a violent event; or (2) an injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable

pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. ~~[Any]~~ ***Except as otherwise provided in subsection 4, any*** ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. Except as otherwise provided by subsections 4 ~~*[3]*~~ and 5, ~~*[4,]*~~ an injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event ~~*[or series of events]*~~ that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. ~~*[3.]*~~ An injury or disease caused by stress shall be deemed to arise out of and in the course of employment ~~[, and shall not be deemed the result of gradual mental stimulus,]~~ if the employee is a first responder and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event ***or a series of events*** described in paragraph (a) during the course of his or her employment.

5. ~~*[4.]*~~ An injury or disease caused by stress shall be deemed to arise out of and in the course of employment , and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. ~~*[5.]*~~ An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. ~~*[6.]*~~ The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

8. ~~*[7.]*~~ As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

Sec. 2. ~~[NRS 616C.400 is hereby amended to read as follows:~~

~~616C.400 1. Temporary compensation benefits must not be paid under chapters 616A to 616D, inclusive, of NRS for an injury which does not incapacitate the employee for at least 5 consecutive days, or 5 cumulative days within a 20-day period, from earning full wages, but if the incapacity extends for 5 or more consecutive days, or 5 cumulative days within a 20-day period, compensation must then be computed from the date of the injury.~~

~~2. The period prescribed in this section does not apply to:~~

~~(a) Accident benefits, whether they are furnished pursuant to NRS 616C.255 or 616C.265, if the injured employee is otherwise covered by the provisions of chapters 616A to 616D, inclusive, of NRS and entitled to those benefits.~~

~~(b) Compensation paid to the injured employee pursuant to subsection 1 of NRS 616C.477.~~

~~(c) A claim which is filed pursuant to NRS 617.453, 617.455 or 617.457.~~

~~(d) A claim to which subsection~~ **[**~~4~~**]** ***3*** ~~or~~ **[**~~5~~**]** ***4*** ~~of NRS 616C.180 applies.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 617.420 is hereby amended to read as follows:~~

~~617.420 1. No compensation may be paid under this chapter for temporary total disability which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages, but if the incapacity extends for 5 or more days within a 20-day period, the compensation must then be computed from the date of disability.~~

~~2. The limitations in this section do not apply to medical benefits, including, without limitation, medical benefits pursuant to NRS 617.453, 617.455 or 617.457, or a claim to which subsection~~ **[**~~4~~**]** ***3*** ~~or~~ **[**~~5~~**]** ***4*** ~~of NRS 616C.180 applies, which must be paid from the date of application for payment of medical benefits.~~**]** **(Deleted by amendment.)**

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 265.

CONTAINS UNFUNDED MANDATE (§**§1.3,** 2)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to health care; **authorizing the Director of the Department of Health and Human Services to contract with multiple health information exchanges to perform certain functions; requiring the Director to prescribe certain standards governing the maintenance and exchange of electronic health records;** expanding immunity from certain liability for health care providers who use a health information exchange; requiring ~~[certain health care records to be created, authenticated and stored on a computer system that meets certain requirements;]~~ **medical facilities and providers of health care to store, transmit and exchange health records electronically; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Health and Human Services to contract with not more than one health information exchange to be responsible for compiling statewide master indexes of patients, health care providers and payers. (NRS 439.587) Section 1 of this bill authorizes the Director to contract with multiple health information exchanges to perform those functions. Section 1 also removes a requirement that the Director encourage the use of health information exchanges and prohibits the Director from requiring any person to use a health information exchange.

Existing law provides that a health care provider who with reasonable care relies upon an apparently genuine electronic health record accessed from a health information exchange to make a decision concerning the provision of health care to a patient is immune from civil or criminal liability for the decision if: (1) the electronic health record is inaccurate; (2) the inaccuracy was not caused by the health care provider; (3) the inaccuracy resulted in an inappropriate health care decision; and (4) the health care decision was appropriate based upon the information contained in the inaccurate electronic

health record. (NRS 439.593) **Section ~~[1]~~ 1.1** of this bill expands this immunity from liability to also apply to any health care provider who ~~[: (1) submits an apparently genuine electronic health record to a health information exchange; (2) accesses an apparently genuine electronic health record from a health information exchange; or (3) utilizes or discloses an apparently genuine electronic health record accessed from a health information exchange.~~

~~Existing law authorizes the creation, authentication and storage of health care records on a computer system that is part of a health information exchange. (NRS 629.051) Beginning on January 1, 2028, sections 2 and 4 of this bill require, with certain exceptions, the creation, authentication and storage of health care records on a computer system that is part of a health information exchange and allows patients to access and forward their health care records electronically.]~~ **transmits, accesses, utilizes, discloses, relies upon or provides to the patient any apparently genuine electronic health record in accordance with applicable law and regulations. Section 1.2 of this bill provides that transmitting, accessing, utilizing or disclosing an electronic health record is not an unfair trade practice.**

Existing law: (1) provides for the regulation of medical facilities; and (2) establishes requirements governing the maintenance of the health records of providers of health care. (Chapter 449 of NRS; NRS 629.051-629.069) Beginning on January 1, 2028, sections 1.3 and 2 of this bill require such facilities and providers of health care to maintain, transmit and exchange health records electronically in a manner that: (1) allows patients to electronically access their health records directly from the facility or custodian of the records and forward such records electronically to other persons and entities; and (2) allows for the interoperability of health records with the electronic health records and systems of other facilities and providers of health care.

Section 2.5 of this bill makes an appropriation to the Department to award grants to certain small facilities and providers of health care who work in small business settings to assist in compliance with the requirements of sections 1.3 and 2. Section 1 of this bill requires the Director to prescribe standards for the electronic maintenance and exchange of such records. Sections 1.4-1.9 of this bill make conforming changes to indicate the proper placement of and provide for the enforcement of section 1.3.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 439.587 is hereby amended to read as follows:**

439.587 1. The Director is the state authority for health information technology. The Director shall:

(a) Ensure that a health information exchange complies with the specifications and protocols for exchanging electronic health records, health-related information and related data prescribed pursuant to the provisions of

the Health Information Technology for Economic and Clinical Health Act of 2009, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., and other applicable federal and state law;

(b) ~~[Encourage the use of a health information exchange by health care providers, payers and patients;~~

~~(c)]~~ Prescribe by regulation standards for the electronic ***maintenance,*** transmittal ***and exchange*** of electronic health records, prescriptions, health-related information, electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law;

~~[(d)]~~ ***(c)*** Prescribe by regulation rules governing the ownership, management and use of electronic health records, health-related information and related data retained or shared by a health information exchange; and

~~[(e)]~~ ***(d)*** Prescribe by regulation, in consultation with the State Board of Pharmacy, standards for the electronic transmission of prior authorizations for prescription medication using a health information exchange.

2. The Director may establish or contract with ~~[not more than]~~ one ***or more*** health information ~~[exchange to serve as the statewide health information exchange]~~ ***exchanges*** to be responsible for compiling statewide master indexes of patients, health care providers and payers. The Director may by regulation prescribe the requirements for ***such*** a ~~[statewide]~~ health information exchange, including, without limitation, the procedure by which any patient, health care provider or payer master index created pursuant to any contract is transferred to the State upon termination of the contract.

3. The Director may enter into contracts, apply for and accept available gifts, grants and donations, and adopt such regulations as are necessary to carry out the provisions of NRS 439.581 to 439.595, inclusive.

4. The regulations adopted pursuant to this section and NRS 439.589 must not require any person or entity, other than the Department, to use a health information exchange.

~~[Section 1.]~~ ***Sec. 1.1.*** NRS 439.593 is hereby amended to read as follows:

439.593 A health care provider who with reasonable care ~~***[submits an apparently genuine electronic health record to a health information exchange, accesses an apparently genuine electronic health record from a health information exchange or]***~~ ***transmits, accesses, utilizes, discloses*** ~~***[or]***~~ relies upon ***or provides to a patient*** an apparently genuine electronic health record ~~[accessed from a health information exchange to make a decision concerning the provision of health care to a patient]~~ ***in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto*** is immune from civil or criminal liability for ~~[the]~~ ***any*** decision ***concerning the provision of health care to a patient and any civil or criminal liability resulting from the provision of an apparently genuine electronic health record to a patient*** if:

1. The electronic health record is inaccurate;

2. The inaccuracy was not caused by the health care provider;

3. The inaccuracy resulted in an inappropriate health care decision; and

4. The health care decision was appropriate based upon the information contained in the inaccurate electronic health record.

Sec. 1.2. **NRS 439.595 is hereby amended to read as follows:**

439.595 Providing information to ***, transmitting, accessing, utilizing or disclosing*** an electronic health record or participating in a health information exchange in accordance with NRS 439.581 to 439.595, inclusive, does not constitute an unfair trade practice pursuant to chapter 598A or 686A of NRS.

Sec. 1.3. **Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:**

Except as otherwise provided in NRS 439.538 and 439.591, a medical facility shall maintain, transmit and exchange health records electronically in accordance with paragraph (a) of subsection 1 of NRS 629.051.

Sec. 1.4. **NRS 449.029 is hereby amended to read as follows:**

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 1.3 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 1.5. **NRS 449.0301 is hereby amended to read as follows:**

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 1.6. **NRS 449.089 is hereby amended to read as follows:**

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 1.7. **NRS 449.160 is hereby amended to read as follows:**

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and section 1.3 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1.3 of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 1.75. **NRS 449.163 is hereby amended to read as follows:**

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1.3 of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 1.8. **NRS 449.220 is hereby amended to read as follows:**

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and section 1.3 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 1.9. **NRS 449.240 is hereby amended to read as follows:**

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 1.3 of this act.***

Sec. 2. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each custodian of health care records shall retain the health care records of patients as part of the regularly maintained records of the custodian for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. ~~[Health]~~ ***Except as otherwise provided in NRS 439.538 and 439.591, health*** care records ~~[may *must*]~~ ***:***

(a) Must be maintained, transmitted and exchanged electronically in a manner that:

(1) Allows patients to electronically access their health records directly from the custodian of health care records and forward such records electronically to other persons and entities;

(2) Allows for the interoperability of health records with the electronic health records and systems of health care facilities and other providers of health care; and

(3) Complies with the applicable provisions of NRS 439.581 to 439.595, inclusive, and any regulations adopted pursuant thereto.

(b) May be created, authenticated and stored in a ~~[computer system]~~ ***health information exchange*** which meets ***[:***

(a) Meets] the requirements of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto . ***[; and***

(b) Allows patients to access their health care records electronically and forward their health care records electronically to other persons.]

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A custodian of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. The provisions of this section **, *except for the provisions of paragraph (a) of subsection 1,*** do not apply to a pharmacist.

9. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

Sec. 2.5. **1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $3,000,000 for the purpose of awarding grants to providers of health care and medical facilities for the purposes of complying with the requirements of section 1.3 of this act and paragraph (a) of subsection 1 of NRS 629.051, as amended by section 2 of this act. To receive such a grant, a provider of health care or medical facility must have a staff of less than 50 persons or work for an entity that has a staff of less than 50 persons, as applicable.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

3. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and sections 1 ~~[and 3 of this act become effective upon passage and approval.~~

~~2. Section 2~~ **, 1.1, 1.2 and 2.5 of this act become effective on July 1, 2023.**

2. Sections 1.3 to 2, inclusive, and 3 of this act ~~becomes~~ **become** effective on January 1, 2028.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 75.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 152.

SUMMARY— ~~Exempts~~ **Revises** certain ~~offers or sales of securities from registration~~ requirements ~~for~~ **relating to** securities. (BDR 7-145)

AN ACT relating to securities; defining "Nevada certified investor"; authorizing the Administrator of the Securities Division of the Office of the Secretary of State, who is the Deputy of Securities, to adopt certain regulations in consultation with the Office of Economic Development; **revising the information that must be included in a registration statement for a security that may be registered by qualification; exempting a person who files a registration statement for a security that may be registered by qualification from paying any fees associated with that filing;** providing for an exemption from certain requirements concerning the registration of securities for certain transactions involving an offer to sell or sale of a security by certain issuers who are residents of this State to a Nevada certified investor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law, with certain exceptions, prohibits a person from engaging in certain activities relating to offering to sell or selling a security unless the security is registered with the Securities and Exchange Commission. (15 U.S.C. § 77e) Existing federal law creates an exemption from this requirement for a security which is part of an issue offered or sold only to persons who are residents of the same state of which the issuer is also a resident and doing business within or, if the issuer is a corporation, incorporated by and doing business within. (15 U.S.C. § 77c(a)(11)) Existing federal regulations set forth: (1) requirements that an issuer must meet to be deemed to be a resident of and doing business within a state where the issuer offers and sells securities; and (2) various other requirements for transactions involving intrastate offers or sales of securities for the transaction to qualify for the exemption from the federal registration requirements. (17 C.F.R. §§ 230.147, 230.147A)

Existing state law prohibits a person from offering to sell or selling any security in this State unless the security meets certain registration requirements or the security transaction is exempt from the registration requirements. (NRS

90.460) **Section 5** of this bill creates an exemption from those state registration requirements for certain transactions involving an offer to sell or sale of a security to a Nevada certified investor. **Section 2** of this bill defines "Nevada certified investor" to mean, in general, a natural person who is, or a married couple who each are, a resident of this State and who meets certain financial qualifications. Under **section 5**, a transaction involving an offer to sell or sale of a security to a Nevada certified investor is exempt from the registration requirements provided under existing state law if: (1) the transaction meets the requirements for the federal exemption for intrastate offers and sales of securities; (2) the transaction meets any other requirements established by regulations adopted by the Administrator of the Securities Division of the Office of the Secretary of State, who is the Deputy of Securities, pursuant to **section 3** of this bill; ~~[and]~~ (3) the transaction involves certain types of Nevada certified investors, the total amount paid by the Nevada certified investor for all of the securities involved in the transaction does not exceed 10 percent of the net worth of the investor, subject to certain requirements concerning the net worth of the investor~~.~~ **;** ~~[.]~~ **; (4) the transaction is part of an issue in which not more than 75 purchasers are Nevada certified investors; and (5) the person offering to sell or selling the security first undergoes a criminal background check.**

Section 3 authorizes the Administrator, in consultation with the Office of Economic Development within the Office of the Governor, to adopt regulations establishing additional requirements for transactions involving an offer to sell or sale of a security to a Nevada certified investor to qualify for an exemption from the registration requirements pursuant to **section 5**.

Section 4 of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Existing law authorizes the registration of a security by qualification and requires the registration statement for such a security to contain certain information relating to the issuer and certain other persons. (NRS 90.490) Section 4.5 of this bill revises the information which is required to be included in the registration statement.

Existing law sets forth certain fees associated with the filing of a registration statement or an amendment to a registration statement. (NRS 90.500) Section 4.7 of this bill exempts a person who files a registration statement to register a security by qualification or an amendment to such a registration statement from paying any fees associated with such filings. Sections 4.1-4.9 and 5.5 make conforming changes to revise certain internal references.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. "Nevada certified investor" means a natural person who is, or a married couple who each are, a resident of this State and who, at the time an offer to sell or sale of a security is made to the person or couple:***

[1.] (a) Holds an ownership interest of more than 50 percent in a business that has reported a gross revenue of more than $200,000 or 2 1/2 times the median household income, whichever is greater, on each federal income tax return filed for the 2 immediately preceding calendar years; or

[2.] (b) Has reported an income on the federal income tax return of the person or couple filed for the immediately preceding calendar year that exceeds $100,000 or the median household income [in this State, as identified in the most recent data from the American Community Survey published by the Bureau of the Census of the United States Department of Commerce or as determined by the Administrator based on another source of data specified by the Administrator by regulation.] , whichever is greater.

2. As used in this section, "median household income" means the median household income in this State, as identified in the most recent data from the American Community Survey published by the Bureau of the Census of the United States Department of Commerce or as determined by the Administrator based on another source of data specified by the Administrator by regulation.

Sec. 3. ***The Administrator may, in consultation with the Office of Economic Development, adopt regulations that set forth additional requirements for transactions involving an offer to sell or sale of a security to a Nevada certified investor that must be met for the transaction to qualify for an exemption pursuant to subsection 22 of NRS 90.530. Such regulations may include, without limitation, provisions establishing minimum qualifications for an issuer who engages in such a transaction.***

Sec. 4. NRS 90.211 is hereby amended to read as follows:

90.211 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 90.215 to 90.309, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4.1. **NRS 90.470 is hereby amended to read as follows:**

90.470 1. Securities for which a registration statement has been filed under the Securities Act of 1933 in connection with the offering of the securities may be registered by filing, whether or not they are also eligible for registration under NRS 90.480 or 90.490, if:

(a) The issuer is organized under the laws of the United States or a state or, if the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process;

(b) The issuer has actively engaged in business operations in the United States for a period of at least 36 consecutive calendar months immediately before the filing of the federal registration statement;

(c) The issuer has registered a class of equity securities under section 12(b) or 12(g) of the Securities Exchange Act of 1934, and the class of securities is held of record by 500 or more persons;

(d) The issuer has:

(1) Either a total net worth of $4,000,000 or a total net worth of $2,000,000 and net pretax income from operations before allowances for extraordinary items, for at least 2 of the 3 preceding fiscal years;

(2) Not less than 400,000 units of the class of security registered under section 12 of the Securities Exchange Act of 1934 held by the public, excluding securities held by officers and directors of the issuer, underwriters and persons beneficially owning 10 percent or more of that class of security; and

(3) No outstanding warrants and options held by the underwriters and executive officers and directors of the issuer in an amount exceeding 10 percent of the total number of shares to be outstanding after completion of the offering of the securities being registered;

(e) The issuer has been subject to the requirements of section 12 of the Securities Exchange Act of 1934 and has filed all the material required to be filed under sections 13 and 14 of that act for at least 36 consecutive calendar months immediately before the filing of the statement and the issuer has filed in a timely manner all reports required to be filed during the 12 calendar months next preceding the filing of the federal registration statement;

(f) For at least 30 days during the 3 months next preceding the offering of the securities registered there have been at least four market makers for the class of equity securities registered under section 12 of the Securities Exchange Act of 1934;

(g) Each of the underwriters participating in the offering of the security and each broker-dealer who will offer the security in this State is a member of or is subject to the regulations of fair practice of a national association of securities dealers with respect to the offering and the underwriters have contracted to purchase the securities offered in a principal capacity;

(h) The aggregate commissions or discounts to be received by the underwriters will not exceed 10 percent of the aggregate price at which the securities being registered are offered to the public;

(i) Neither the issuer nor any of its subsidiaries, since the end of the fiscal year next preceding the filing of the registration statement, have:

(1) Failed to pay a dividend or sinking fund installment on preferred stock;

(2) Defaulted on indebtedness for borrowed money; or

(3) Defaulted on the rental on one or more long-term leases, and the defaults in the aggregate are material to the financial position of the issuer and its subsidiaries, taken as a whole; and

(j) In the case of an equity security, the price at which the security will be offered to the public is not less than $5 per share.

2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection ~~[4]~~ ***5*** of NRS 90.500 and the consent to service of process required by NRS 90.770:

(a) A statement demonstrating eligibility for registration by filing;

(b) The name, address and form of organization of the issuer;

(c) With respect to a person on whose behalf a part of the offering is to be made in a nonissuer distribution:

(1) Name and address;

(2) The amount of securities of the issuer held by the person as of the date of the filing of the registration statement; and

(3) A statement of the reasons for making the offering;

(d) A description of the security being registered; and

(e) A copy of the latest prospectus filed with the registration statement under and satisfying the requirements of section 10 of the Securities Act of 1933.

3. If the information and records required to be filed by subsection 2 have been on file with the Administrator for at least 5 business days, or any shorter period the Administrator allows by regulation or order, and the applicable registration fee has been paid before the effectiveness of the federal registration statement, a registration statement under this section automatically becomes effective concurrently with the effectiveness of the federal registration statement. If the federal statement becomes effective before the conditions in this section are satisfied and they are not waived, the registration statement becomes effective when the conditions are satisfied. The registrant shall promptly notify the Administrator by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall file promptly a posteffective amendment containing the information and records in the price amendment. The Administrator shall promptly acknowledge receipt of notification and effectiveness of the registration statement as of the date and time the registration statement became effective with the Securities and Exchange Commission.

Sec. 4.3. **NRS 90.480 is hereby amended to read as follows:**

90.480 1. Securities for which a registration statement has been filed under the Securities Act of 1933 in connection with the offering of the securities may be registered by coordination.

2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection ~~[4]~~ ***5*** of NRS 90.500 and the consent to service of process required by NRS 90.770:

(a) One copy of the latest form of prospectus filed under the Securities Act of 1933;

(b) If the Administrator by regulation or order requires:

(1) A copy of the articles of incorporation and bylaws, or their substantial equivalents, currently in effect;

(2) A copy of any agreement with or among underwriters;

(3) A copy of any indenture or other instrument governing the issuance of the security to be registered; and

(4) A copy, specimen or description of the security;

(c) If the Administrator requests and subject to the provisions of NRS 90.730, any other information or copies of any other records filed under the Securities Act of 1933; and

(d) An undertaking to forward promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, all future amendments to the federal prospectus, other than an amendment that delays the effective date of the registration statement, whichever occurs first.

3. A registration statement under this section becomes effective when the federal registration statement becomes effective and all the following conditions are satisfied:

(a) No order is in effect, and no proceeding is pending, under NRS 90.510;

(b) The registration statement has been on file with the Administrator for at least 10 days, but if the registration statement is not filed with the Administrator within 5 days after the initial filing under the Securities Act of 1933, the registration statement must have been on file with the Administrator for 30 days or any shorter period as the Administrator by regulation or order specifies; and

(c) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for 2 full business days or any shorter period the Administrator permits and the offering is made within those limitations.

4. The registrant shall promptly notify the Administrator of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a posteffective amendment containing the information and records in the price amendment.

5. Upon failure to receive the required notification and posteffective amendment with respect to the price amendment, the Administrator may enter an order, retroactively denying effectiveness to the registration statement or suspending its effectiveness until the registrant complies with subsection 4. The Administrator shall promptly notify the registrant of the issuance of the order. If the registrant proves compliance with the requirements of subsection 4 as to notice and posteffective amendment, the order is void as of its entry.

6. The Administrator by regulation or order may waive either or both of the conditions specified in paragraphs (b) and (c) of subsection 3.

7. If the federal registration statement becomes effective before all the conditions in subsection 3 are satisfied and they are not waived, the registration statement automatically becomes effective when all the conditions are satisfied. If the registrant advises the Administrator of the date when the

federal registration statement is expected to become effective, the Administrator shall promptly advise the registrant, at the registrant's expense, whether all conditions are satisfied and whether the Administrator then contemplates the institution of a proceeding under NRS 90.510, but the advice by the Administrator does not preclude the institution of a proceeding for an order suspending the effectiveness of the registration statement. An order issued under this subsection is not retroactive.

8. The Administrator by regulation or order may waive or modify the application of a requirement of this section if a provision or an amendment, repeal or other alteration of the provisions of the Securities Act of 1933 for the registration of securities or of the regulations adopted under that act renders the waiver or modification appropriate for further coordination of state and federal registration.

Sec. 4.5. **NRS 90.490 is hereby amended to read as follows:**

90.490 1. A security may be registered by qualification.

2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection ~~[4]~~ ***5*** of NRS 90.500 and the consent to service of process required by NRS 90.770:

(a) With respect to the issuer and any significant subsidiary:

(1) Its name, address and form of organization;

(2) The state or foreign jurisdiction and date of its organization;

(3) The general character and location of its business;

(4) A description of its physical property and equipment; and

(5) A statement of the general competitive conditions in the industry or business in which it is or will be engaged;

(b) With respect to every director and officer of the issuer or person occupying a similar status or performing similar functions:

(1) Name ~~[,]~~ ***and*** address ***:*** ~~[and principal occupation for the last 5 years;]~~

(2) The amount of securities of the issuer held by the person as of a specified date within 30 days before the filing of the registration statement;

(3) The amount of the securities covered by the registration statement to which the person has indicated an intention to subscribe; and

(4) A description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past 3 years or proposed to be effected ~~[;]~~ ***, including, without limitation, compensation provided to the person or that is proposed to be provided to the person by the issuer or the significant subsidiary;***

(c) ~~[With respect to persons covered by paragraph (b), the compensation paid or given, directly or indirectly, during the last 12 months and estimated to be paid during the next 12 months by the issuer together with all predecessors, parents, subsidiaries and affiliates, to all those persons in the aggregate;~~

~~(d)]~~ With respect to any person owning of record, or beneficially if known, 10 percent or more of the outstanding shares of a class of equity security of the issuer, the information specified in paragraph (b) ~~[other than occupation;~~

~~(e)~~ ***;***

(d) With respect to a promoter, ***if such a promoter exists, and*** if the issuer was organized within the last 3 years:

(1) The information specified in paragraph (b);

(2) The amount paid to the person within that period or intended to be paid; and

(3) The consideration for the payment;

~~[(f) With respect to a person on whose behalf a part of the offering is to be made in a nonissuer distribution:~~

~~(1) Name and address;~~

~~(2) The amount of securities of the issuer held by the person as of the date of the filing of the registration statement;~~

~~(3) A description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past 3 years or proposed to be effected; and~~

~~(4) A statement of the reasons for making the offering;~~

~~(g)~~ ***(e)*** The capitalization and long-term debt, on both a current and a pro forma basis, of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and ***, if applicable,*** a statement of the amount and kind of consideration, whether in the form of cash, physical assets, services, patents, goodwill or anything else, for which the issuer or a subsidiary has issued its securities within the last 2 years or is obligated to issue its securities;

~~[(h)]~~ ***(f)*** The kind and amount of securities to be offered, the proposed offering price or the method by which it is to be computed, any variation therefrom at which a proportion of the offering is to be made to a person or class of persons other than the underwriters, with a specification of the person or class, the basis upon which the offering is to be made if otherwise than for cash, the estimated aggregate underwriting and selling discounts or commissions and finder's fees, including separately cash, securities, contracts or anything else of value to accrue to the underwriters or finders in connection with the offering or, if the selling discounts or commissions are variable, the basis of determining them and their maximum and minimum amounts, the estimated amounts of other selling expenses, including legal, engineering and accounting charges, the name and address of every underwriter and every recipient of a finder's fee, a copy of any underwriting or selling-group agreement pursuant to which the distribution is to be made, or the proposed form of the agreement whose terms have not yet been determined, and a description of the plan of distribution of securities that are to be offered otherwise than through an underwriter;

~~[(i)]~~ ***(g)*** The estimated cash proceeds to be received by the issuer from the offering, the purposes for which the proceeds are to be used by the issuer, the amount to be used for each purpose, the order of priority in which the proceeds will be used for the purposes stated, the amounts of funds to be raised from other sources to achieve the purposes stated, the sources of the funds, and, if

part of the proceeds is to be used to acquire property, including goodwill, otherwise than in the ordinary course of business, the names and addresses of the vendors, the purchase price, the names of the persons who have received commissions in connection with the acquisition and the amounts of commissions and any other expense in connection with the acquisition, including the cost of borrowing money to finance the acquisition;

~~[(j)]~~ ***(h)*** A description of the stock options or other security options outstanding or to be created in connection with the offering and the amount of the options held or to be held by every person required to be named in paragraph (b), ***(c),*** (d) ~~[, (e),]~~ ***or*** (f) ~~[or (h)]~~ and by a person who holds or will hold 10 percent or more in the aggregate of the options;

~~[(k)]~~ ***(i)*** The dates of, parties to and general effect, concisely stated, of every management or other material contract made or to be made otherwise than in the ordinary course of business if it is to be performed in whole or in part at or after the filing of the registration statement or was made within the last 2 years, and a copy of the contract;

~~[(l)]~~ ***(j)*** A description of any pending litigation or proceedings to which the issuer is a party and that materially affect its business or assets, including any litigation or proceeding known to be contemplated by a governmental authority;

~~[(m)]~~ ***(k)*** A copy of any prospectus, pamphlet, circular, form letter, advertisement or other sales literature intended as of the effective date to be used in connection with the offering ~~[;~~

~~(n)]~~ ***, if such materials exist;***

(l) A copy, specimen or description of the security being registered, a copy of the issuer's articles of incorporation and bylaws or their substantial equivalents, as currently in effect, and a copy of any indenture or other instrument covering the security to be registered;

~~[(o) A signed or conformed copy of an opinion of counsel as to the legality of the security being registered, with an English translation if it is in a foreign language, which states whether the security when sold will be legally issued, fully paid and nonassessable and, if a debt security, a binding obligation of the issuer;~~

~~(p) The written consent of an accountant, engineer, appraiser or other person whose profession gives authority to a statement made by the person, if the person is named as having prepared or certified a report or valuation, other than a public and official record or statement, which is used in connection with the registration statement;~~

~~(q) A statement of financial condition of the issuer as of a date within 4 months before the filing of the registration statement, a statement of results of operations and analysis of surplus for each of the 3 fiscal years preceding the date of the statement of financial condition and for any period between the close of the last fiscal year and the date of the statement of financial condition, or for the period of the issuer's and any predecessors' existence if less than 3 years, and, if part of the proceeds of the offering is to be applied to the~~

~~purchase of a business, the same financial statements which would be required if that business were the registrant; and~~

~~(r)~~ ***and***

(m) Any additional information the Administrator by regulation or order specifies.

3. A statement under this section becomes effective 30 calendar days, or any shorter period as the Administrator by regulation or order specifies, after the date the registration statement or the last amendment other than a price amendment is filed, if:

(a) No order is in effect and no proceeding is pending under NRS 90.510;

(b) The Administrator has not, under subsection 4, ordered that effectiveness be delayed; and

(c) The registrant has not requested that effectiveness be delayed.

4. The Administrator may delay effectiveness for a single period of not more than 90 days if the Administrator determines the registration statement is not complete in all material respects and promptly notifies the registrant of that determination. The Administrator may delay effectiveness for a single period of not more than 30 days if the Administrator determines that the delay is necessary, whether or not the Administrator previously delayed effectiveness under this subsection.

Sec. 4.7. **NRS 90.500 is hereby amended to read as follows:**

90.500 1. A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a broker-dealer licensed under this chapter.

2. Except as otherwise provided in subsection 3 ~~[,]~~ ***or 4,*** a person filing a registration statement shall pay a filing fee of 0.2 percent of the maximum aggregate offering price at which the registered securities are to be offered in this State, but not less than $700 or more than $5,000. If a registration statement is withdrawn before the effective date or a pre-effective order is entered under NRS 90.510, the Administrator shall retain the fee.

3. An open-end management company, a face-amount certificate company or a unit investment trust, as defined in the Investment Company Act of 1940, may register an indefinite amount of securities under a registration statement. The registrant shall pay:

(a) A fee of $1,000 at the time of filing; and

(b) Within 60 days after the registrant's fiscal year during which its statement is effective, a fee of $4,000, or file a report on a form the Administrator adopts, specifying its sale of securities to persons in this State during the fiscal year and pay a fee of 0.2 percent of the aggregate sales price of the securities sold to persons in this State, but the latter fee must not be less than $700 or more than $5,000.

4. ***A person filing a registration statement pursuant to NRS 90.490 is exempt from paying any fee to file the registration statement.***

5. Except as otherwise permitted by subsection 3, a statement must specify:

(a) The amount of securities to be offered in this State and the states in which a statement or similar record in connection with the offering has been or is to be filed; and

(b) Any adverse order, judgment or decree entered by a securities agency or administrator in any state or by a court or the Securities and Exchange Commission in connection with the offering.

~~[5.]~~ ***6.*** A record filed under this chapter as now or previously in effect, within 5 years before the filing of a registration statement, may be incorporated by reference in the registration statement if the record is currently accurate.

~~[6.]~~ ***7.*** The Administrator by regulation or order may permit the omission of an item of information or record from a statement.

~~[7.]~~ ***8.*** In the case of a nonissuer offering, the Administrator may not require information under subsection ~~[13]~~ ***14*** or NRS 90.510 unless it is known to the person filing the registration statement or to the person on whose behalf the offering is to be made, or can be furnished by one of them without unreasonable effort or expense.

~~[8.]~~ ***9.*** In the case of a registration under NRS 90.480 or 90.490 by an issuer who has no public market for its shares and no significant earnings from continuing operations during the last 5 years or any shorter period of its existence, the Administrator by regulation or order may require as a condition of registration that the following securities be deposited in escrow for not more than 3 years:

(a) A security issued to a promoter within the 3 years immediately before the offering or to be issued to a promoter for a consideration substantially less than the offering price; and

(b) A security issued to a promoter for a consideration other than cash, unless the registrant demonstrates that the value of the noncash consideration received in exchange for the security is substantially equal to the offering price for the security.

➥ The Administrator by regulation may determine the conditions of an escrow required under this subsection, but the Administrator may not reject a depository solely because of location in another state.

~~[9.]~~ ***10.*** The Administrator by regulation may require as a condition of registration under NRS 90.480 or 90.490 that the proceeds from the sale of the registered security in this State must be impounded until the issuer receives a specified amount from the sale of the security. The Administrator by regulation or order may determine the conditions of an impounding arrangement required under this subsection, but the Administrator may not reject a depository solely because of its location in another state.

~~[10.]~~ ***11.*** If a security is registered pursuant to NRS 90.470 or 90.480, the prospectus filed under the Securities Act of 1933 must be delivered to each purchaser in accordance with the requirements of that act for the delivery of a prospectus.

~~[11.]~~ ***12.*** If a security is registered pursuant to NRS 90.490, an offering record containing information the Administrator by regulation or order designates must be delivered to each purchaser with or before the earliest of:

(a) The first written offer made to the purchaser by or for the account of the issuer or another person on whose behalf the offering is being made or by an underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by it as a participant in the distribution;

(b) Confirmation of a sale made by or for the account of a person named in paragraph (a);

(c) Payment pursuant to a sale; or

(d) Delivery pursuant to a sale.

~~[12.]~~ ***13.*** Except for a registration statement under which an indefinite amount of securities are registered as provided in subsection 3, a statement remains effective for 1 year after its effective date unless the Administrator by regulation extends the period of effectiveness. A registration statement under which an indefinite amount of securities are registered remains effective until 60 days after the beginning of the registrant's next fiscal year following the date the statement was filed. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of a nonissuer transaction while the registration statement is effective, unless the Administrator by regulation or order provides otherwise. A registration statement may not be withdrawn after its effective date if any of the securities registered have been sold in this State, unless the Administrator by regulation or order provides otherwise. No registration statement is effective while an order is in effect under subsection 1 of NRS 90.510.

~~[13.]~~ ***14.*** During the period that an offering is being made pursuant to an effective registration statement, the Administrator by regulation or order may require the person who filed the registration statement to file reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering.

~~[14.]~~ ***15.*** A registration statement filed under NRS 90.470 or 90.480 may be amended after its effective date to increase the securities specified to be offered and sold. The amendment becomes effective upon filing of the amendment and payment of an additional filing fee of 3 times the fee otherwise payable, calculated in the manner specified in subsection 2, with respect to the additional securities to be offered and sold. The effectiveness of the amendment relates back to the date or dates of sale of the additional securities being registered.

~~[15.]~~ ***16.*** A registration statement filed under NRS 90.490 may be amended after its effective date to increase the securities specified to be offered and sold, if the public offering price and underwriters' discounts and commissions are not changed from the respective amounts which the Administrator was informed. The amendment becomes effective when the Administrator so orders and relates back to the date of sale of the additional securities being registered. ~~[A person filing an amendment shall pay an~~

~~additional filing fee of 3 times the fee otherwise payable, calculated in the manner specified in subsection 2, with respect to the additional securities to be offered and sold.]~~

Sec. 4.9. **NRS 90.510 is hereby amended to read as follows:**

90.510 1. The Administrator may issue an order denying effectiveness to, or suspending or revoking the effectiveness of, a registration statement if the Administrator finds that the order is in the public interest and that:

(a) The registration statement as of its effective date or as of the proposed effective date in the case of an order denying effectiveness, an amendment under subsection ~~[14]~~ ***15*** or ~~[15]~~ ***16*** of NRS 90.500, as of its effective date, or a report under subsection ~~[13]~~ ***14*** of NRS 90.500, is incomplete in any material respect or contains a statement that, in the light of the circumstances under which it was made, was false or misleading with respect to a material fact;

(b) This chapter, or a regulation, order or condition lawfully imposed under this chapter, has been willfully violated in connection with the offering by:

(1) The person filing the registration statement;

(2) The issuer, a partner, officer or director of the issuer, a person occupying similar status or performing similar functions, or a person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer; or

(3) An underwriter;

(c) The security registered or sought to be registered is the subject of a permanent or temporary injunction of a court of competent jurisdiction or an administrative order similar to an order under this section entered under any other federal or state law applicable to the offering, except that the Administrator may not:

(1) Institute a proceeding against an effective registration statement under this paragraph more than 1 year after the date of the order or injunction relied on; or

(2) Enter an order under this paragraph on the basis of an order or injunction entered under the securities act of another state unless the order or injunction was based on facts that currently would constitute a ground for an order under this section;

(d) The issuer's enterprise or method of business includes or would include activities that are illegal where performed;

(e) The offering has worked or tended to work a fraud upon purchasers or would so operate;

(f) The offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions or other compensation, or promoters' profits or participation, or unreasonable amounts or kinds of options;

(g) A security sought to be registered pursuant to NRS 90.470 is not eligible for such registration;

(h) With respect to a security sought to be registered pursuant to NRS 90.480, there has been a failure to comply with the undertaking required by paragraph (d) of subsection 2 of that section; or

(i) The applicant or registrant has failed to pay the proper filing fee, but the Administrator may enter only an order denying effectiveness under this paragraph and shall vacate the order if the deficiency is corrected.

2. The Administrator may not institute a proceeding:

(a) Against an effective registration statement on the basis of a fact or transaction known to the Administrator when the registration statement became effective unless the proceeding is instituted within 30 days after the registration statement became effective; or

(b) With respect to a registration filed under NRS 90.470 on the basis of paragraph (e) or (f) of subsection 1.

3. The Administrator may vacate or modify an order entered under this section if the Administrator finds that the conditions which prompted entry have changed or that it is otherwise in the public interest.

Sec. 5. NRS 90.530 is hereby amended to read as follows:

90.530 The following transactions are exempt from NRS 90.460 and 90.560:

1. An isolated nonissuer transaction, whether or not effected through a broker-dealer.

2. A nonissuer transaction in an outstanding security if the issuer of the security has a class of securities subject to registration under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and has been subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78m and 78o(d), for not less than 90 days next preceding the transaction, or has filed and maintained with the Administrator for not less than 90 days preceding the transaction information, in such form as the Administrator, by regulation, specifies, substantially comparable to the information the issuer would be required to file under section 12(b) or 12(g) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78l(b) and 78l(g), were the issuer to have a class of its securities registered under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and paid a fee of $300 with the filing.

3. A nonissuer transaction by a sales representative licensed in this State, in an outstanding security if:

(a) The security is sold at a price reasonably related to the current market price of the security at the time of the transaction;

(b) The security does not constitute all or part of an unsold allotment to, or subscription or participation by, a broker-dealer as an underwriter of the security;

(c) At the time of the transaction, a recognized securities manual designated by the Administrator by regulation or order contains the names of the issuer's officers and directors, a statement of the financial condition of the issuer as of a date within the preceding 18 months, and a statement of income or operations

for each of the last 2 years next preceding the date of the statement of financial condition, or for the period as of the date of the statement of financial condition if the period of existence is less than 2 years;

(d) The issuer of the security has not undergone a major reorganization, merger or acquisition within the preceding 30 days which is not reflected in the information contained in the manual; and

(e) At the time of the transaction, the issuer of the security has a class of equity security listed on the New York Stock Exchange, American Stock Exchange or other exchange designated by the Administrator, or on the National Market System of the National Association of Securities Dealers Automated Quotation System. The requirements of this paragraph do not apply if:

(1) The security has been outstanding for at least 180 days;

(2) The issuer of the security is actually engaged in business and is not developing the issuer's business, in bankruptcy or in receivership; and

(3) The issuer of the security has been in continuous operation for at least 5 years.

4. A nonissuer transaction in a security that has a fixed maturity or a fixed interest or dividend provision if there has been no default during the current fiscal year or within the 3 preceding years, or during the existence of the issuer, and any predecessors if less than 3 years, in the payment of principal, interest or dividends on the security.

5. A nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to purchase.

6. A transaction between the issuer or other person on whose behalf the offering of a security is made and an underwriter, or a transaction among underwriters.

7. A transaction in a bond or other evidence of indebtedness secured by a real estate mortgage, deed of trust, personal property security agreement, or by an agreement for the sale of real estate or personal property, if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

8. A transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

9. A transaction executed by a bona fide secured party without the purpose of evading this chapter.

10. An offer to sell or the sale of a security to a financial or institutional investor or to a broker-dealer.

11. Except as otherwise provided in this subsection, a sale or an offer to sell securities of an issuer if:

(a) The transaction is part of an issue in which there are not more than 35 purchasers in this State, other than those designated in subsection 10, during any 12 consecutive months;

(b) No general solicitation or general advertising is used in connection with the offer to sell or sale of the securities;

(c) No commission or other similar compensation is paid or given, directly or indirectly, to a person, other than a broker-dealer licensed or not required to be licensed under this chapter, for soliciting a prospective purchaser in this State; and

(d) One of the following conditions is satisfied:

(1) The seller reasonably believes that all the purchasers in this State, other than those designated in subsection 10, are purchasing for investment; or

(2) Immediately before and immediately after the transaction, the issuer reasonably believes that the securities of the issuer are held by 50 or fewer beneficial owners, other than those designated in subsection 10, and the transaction is part of an aggregate offering that does not exceed $500,000 during any 12 consecutive months.

➥ The Administrator by rule or order as to a security or transaction or a type of security or transaction may withdraw or further condition the exemption set forth in this subsection or waive one or more of the conditions of the exemption.

12. An offer to sell or sale of a preorganization certificate or subscription if:

(a) No commission or other similar compensation is paid or given, directly or indirectly, for soliciting a prospective subscriber;

(b) No public advertising or general solicitation is used in connection with the offer to sell or sale;

(c) The number of offers does not exceed 50;

(d) The number of subscribers does not exceed 10; and

(e) No payment is made by a subscriber.

13. An offer to sell or sale of a preorganization certificate or subscription issued in connection with the organization of a depository institution if that organization is under the supervision of an official or agency of a state or of the United States which has and exercises the authority to regulate and supervise the organization of the depository institution. For the purpose of this subsection, "under the supervision of an official or agency" means that the official or agency by law has authority to require disclosures to prospective investors similar to those required under NRS 90.490, impound proceeds from the sale of a preorganization certificate or subscription until organization of the depository institution is completed, and require refund to investors if the depository institution does not obtain a grant of authority from the appropriate official or agency.

14. A transaction pursuant to an offer to sell to existing security holders of the issuer, including persons who at the time of the transaction are holders of transferable warrants exercisable within not more than 90 days after their issuance, convertible securities or nontransferable warrants, if:

(a) No commission or other similar compensation, other than a standby commission, is paid or given, directly or indirectly, for soliciting a security holder in this State; or

(b) The issuer first files a notice specifying the terms of the offer to sell, together with a nonrefundable fee of $300, and the Administrator does not by order disallow the exemption within the next 5 full business days.

15. A transaction involving an offer to sell, but not a sale, of a security not exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration or offering statement or similar record as required under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., has been filed, but is not effective;

(b) A registration statement, if required, has been filed under this chapter, but is not effective; and

(c) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator or the Securities and Exchange Commission, and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

16. A transaction involving an offer to sell, but not a sale, of a security exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration statement has been filed under this chapter, but is not effective; and

(b) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

17. A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets or other reorganization to which the issuer, or its parent or subsidiary, and the other person, or its parent or subsidiary, are parties, if:

(a) The securities to be distributed are registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., before the consummation of the transaction; or

(b) The securities to be distributed are not required to be registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., written notice of the transaction and a copy of the materials, if any, by which approval of the transaction will be solicited, together with a nonrefundable fee of $300, are given to the Administrator at least 10 days before the consummation of the transaction and the Administrator does not, by order, disallow the exemption within the next 10 days.

18. A transaction involving the offer to sell or sale of one or more promissory notes each of which is directly secured by a first lien on a single parcel of real estate, or a transaction involving the offer to sell or sale of participation interests in the notes if the notes and participation interests are

originated by a depository institution and are offered and sold subject to the following conditions:

(a) The minimum aggregate sales price paid by each purchaser may not be less than $250,000;

(b) Each purchaser must pay cash either at the time of the sale or within 60 days after the sale; and

(c) Each purchaser may buy for the purchaser's own account only.

19. A transaction involving the offer to sell or sale of one or more promissory notes directly secured by a first lien on a single parcel of real estate or participating interests in the notes, if the notes and interests are originated by a mortgagee approved by the Secretary of Housing and Urban Development under sections 203 and 211 of the National Housing Act, 12 U.S.C. §§ 1709 and 1715b, and are offered or sold, subject to the conditions specified in subsection 18, to a depository institution or insurance company, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Government National Mortgage Association.

20. A transaction between any of the persons described in subsection 19 involving a nonassignable contract to buy or sell the securities described in subsection 18 if the contract is to be completed within 2 years and if:

(a) The seller of the securities pursuant to the contract is one of the parties described in subsection 18 or 19 who may originate securities;

(b) The purchaser of securities pursuant to a contract is any other person described in subsection 19; and

(c) The conditions described in subsection 18 are fulfilled.

21. A transaction involving one or more promissory notes secured by a lien on real estate, or participating interests in those notes, by a mortgage company licensed pursuant to chapter 645B of NRS to engage in those transactions.

22. A transaction involving an offer to sell or sale of a security to a Nevada certified investor if all of the following conditions are satisfied:

(a) The transaction satisfies the requirements for exemption under section 3(a)(11) of the Securities Act of 1933, 15 U.S.C. § 77c(a)(11) and Rule 147 or 147A of the Securities and Exchange Commission, 17 C.F.R. § 230.147 or 230.147A.

(b) The transaction satisfies any requirements established by the Administrator by regulation pursuant to section 3 of this act.

(c) For a transaction involving the sale of a security to a Nevada certified investor described in paragraph (b) of subsection ~~[2]~~ 1 of section 2 of this act, the total amount paid by the Nevada certified investor for all of the securities involved in the transaction does not exceed 10 percent of the net worth of the investor. For the purposes of meeting the requirements of this paragraph, the equity the Nevada certified investor holds in a primary residence must not account for more than 50 percent of the net worth of the Nevada certified investor.

(d) The transaction is part of an issue in which there are not more than 75 purchasers who are Nevada certified investors.

(e) The person offering to sell or selling the security has submitted to the Administrator a complete set of his or her fingerprints and written permission authorizing the Administrator to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for forwarding to the Federal Bureau of Investigation for its report on the criminal history of the person.

Sec. 5.5. **NRS 90.660 is hereby amended to read as follows:**

90.660 1. A person who offers or sells a security in violation of any of the following provisions:

(a) Subsection 1 of NRS 90.310;

(b) NRS 90.460;

(c) Subsection ~~[10]~~ ***11*** of NRS 90.500;

(d) Subsection 2 of NRS 90.570;

(e) Subsection 2 of NRS 90.610; or

(f) A condition imposed in subsection ~~[8]~~ ***9*** or ~~[9]~~ ***10*** of NRS 90.500,

➥ is liable to the person purchasing the security. Upon tender of the security, the purchaser may recover the consideration paid for the security and interest at the legal rate of this State from the date of payment, costs and reasonable attorney's fees, less the amount of income received on the security. A purchaser who no longer owns the security may recover damages. Damages are the amount that would be recoverable upon a tender less the value of the security when the purchaser disposed of it, plus interest at the legal rate of this State from the date of disposition of the security, costs and reasonable attorney's fees determined by the court. Tender requires only notice of willingness to exchange the security for the amount specified.

2. A person who offers or sells a security in violation of subsection 2 of NRS 90.570 is not liable under subsection 1 of this section if:

(a) The purchaser knew that a statement of a material fact was untrue or that there was an omission of a statement of a material fact; or

(b) The seller did not know and in the exercise of reasonable care could not have known of the untrue statement or misleading omission.

3. A person who willfully participates in any act or transaction in violation of NRS 90.580 is liable to a person who purchases or sells a security, other than a security traded on a national securities exchange or quoted on a national automated quotation system administered by a self-regulatory organization, at a price that was affected by the act or transaction for the damages sustained as a result of the act or transaction. Damages are the difference between the price at which the securities were purchased or sold and the market value the securities would have had at the time of the person's purchases or sale in the absence of the act or transaction, plus interest at the legal rate of this State from the date of the act or transaction and reasonable attorney's fees.

4. A person who directly or indirectly controls another person who is liable under subsection 1 or 3, a partner, officer or director of the person liable, a

person occupying a similar status or performing similar functions, any agent of the person liable, an employee of the person liable if the employee materially aids in the act, omission or transaction constituting the violation, and a broker-dealer or sales representative who materially aids in the act, omission or transaction constituting the violation, are also liable jointly and severally with and to the same extent as the other person, but it is a defense that the person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by which the liability is alleged to exist. With respect to a person who directly or indirectly, controls another person who is liable under subsection 3, it is also a defense that the controlling person acted in good faith and did not, directly or indirectly, induce the act, omission or transaction constituting the violation. Contribution among the several persons liable is the same as in cases arising out of breach of contract.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[5,]~~ **5.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 120.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 431.

AN ACT relating to health care; ~~[eliminating]~~ **revising** certain restrictions on the provision of voluntary health care service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally authorizes a provider of health care who is licensed or certified in this State or another state or territory of the United States to provide voluntary health care service in this State in association with a sponsoring organization. Existing law prohibits a provider of health care who has not actively practiced his or her profession continuously for the immediately preceding 3 years from providing voluntary health care service. (NRS 629.450) This bill ~~[removes]~~ **revises** this restriction ~~[, thereby authorizing]~~ **to instead prohibit** a provider of health care who **was not initially issued his or her professional license or certificate within the immediately preceding 3 years and who** has not ~~[actively]~~ practiced his or her profession ~~[continuously for]~~ **within** the immediately preceding 3 years ~~[to~~

~~provide~~] **from providing** voluntary health care service in this State**.** ~~[in association with a sponsoring organization.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.450 is hereby amended to read as follows:

629.450 1. Notwithstanding any provision of law to the contrary and except as otherwise provided in this section, a provider of health care may provide voluntary health care service in this State in association with a sponsoring organization.

2. A provider of health care shall not provide voluntary health care service in this State if:

(a) The professional license or certificate of the provider of health care is suspended or revoked, or has been suspended or revoked within the immediately preceding 5 years, pursuant to disciplinary proceedings in this State or in any other state or territory of the United States; ~~***[or]***~~

(b) The voluntary health care service provided is outside the scope of practice authorized by the professional license or certificate of the provider of health care ~~***[.]***~~ ; or

(c) ~~[The]~~ ***For a provider of health care who was not initially issued his or her professional license or certificate within the immediately preceding 3 years, the*** provider of health care has not ~~[actively]~~ practiced his or her profession ~~[continuously for]~~ ***within*** the immediately preceding 3 years.

3. A provider of health care who provides voluntary health care service pursuant to this section shall not accept compensation of any type, directly or indirectly, or any other benefit or consideration from any person or other source for the provision of the service.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 172.

SUMMARY— ~~[Creates the Committee to Review Overdose Fatalities.]~~ **Establishes provisions relating to the review of opioid overdose fatalities.** (BDR 40-721)

AN ACT relating to public health; ~~[creating the Committee to Review Overdose Fatalities; providing for the membership of the Committee; setting forth the powers and duties of the Committee;]~~ **authorizing certain persons and entities to conduct an opioid overdose fatality review; prohibiting the**

use of an opioid overdose fatality review for certain purposes; requiring certain information to be made available to ~~[the Committee;]~~ **a person or entity conducting an opioid overdose fatality review; providing certain immunity from liability;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Committee to Review Suicide Fatalities within the Department of Health and Human Services, consisting of 10 members appointed by the Director of the Department. (NRS 439.5104) The Committee has certain powers and duties, including obtaining and using data and information to: (1) review suicide fatalities in this State to determine trends, risk factors and strategies for prevention; (2) determine and prepare reports concerning trends and patterns of suicide fatalities in this State; (3) identify and evaluate the prevalence of risk factors for preventable suicide fatalities in this State; (4) evaluate and prepare reports concerning high-risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of suicide in this State; and (5) recommend any improvement in sources of information relating to investigating reported suicide fatalities and preventing suicide in this State. (NRS 439.5106) The Committee also may: (1) conduct certain investigations; (2) petition a district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose recommended legislation concerning suicide fatalities in this State; and (4) issue certain reports. (NRS 439.5108) This bill ~~[creates a similar committee related to overdose]~~ **enables certain persons and entities to review** fatalities **resulting from opioid overdoses** in this State.

~~[Section 3 of this bill: (1) creates the Committee to Review Overdose Fatalities within the Department; and (2) requires the Director of the Department to appoint 10 members to the Committee, who must be certain persons or represent certain groups or organizations.~~

~~Section 4 of this bill sets forth the powers and duties of the Committee, including obtaining and using data and information to: (1) review overdose fatalities in this State to determine trends, risk factors and strategies for prevention; (2) determine and prepare reports concerning trends and patterns of overdose fatalities in this State; (3) identify and evaluate the prevalence of risk factors for preventable overdose fatalities in this State; (4) evaluate and prepare reports concerning high risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of overdose or unintentional substance poisoning in this State; (5) identify current practices for certain forensic toxicology examinations and make any recommendations for changes to such practices; and (6) recommend any improvement in sources of information relating to investigating reported overdose fatalities and preventing overdose fatalities in this State.]~~ **Section 2 of this bill defines the term "opioid overdose fatality review" to mean a review of one or more deaths resulting from an opioid overdose. Section**

3.5 of this bill authorizes certain governmental entities and health care facilities, a provider of health care or faculty or students at an institution of higher education to conduct an opioid overdose fatality review. Section 3.5 also authorizes other entities to enter into a memorandum of understanding with a governmental entity or an institution of higher education authorizing the entity to conduct an opioid overdose fatality review. Section 3.5: (1) requires a person or entity conducting an opioid overdose fatality review to make any results, findings or recommendations from the opioid overdose fatality review available to the public; and (2) prohibits such a person or entity from using the opioid overdose fatality review for the commercial or exclusive benefit of the entity.

Section 4 of this bill authorizes a person or entity conducting an opioid overdose fatality review to consult and cooperate with certain entities and access certain information. Section 4 also prescribes certain activities that may be conducted as part of an opioid overdose fatality review.

Section 5 of this bill authorizes ~~[the Committee]~~ **a person or entity conducting an opioid overdose fatality review** to: (1) conduct certain investigations; (2) petition a district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose ~~[recommended legislation]~~ **recommendations** concerning overdose fatalities in this State; and (4) ~~[issue]~~ **publish** certain reports. **Sections 3.5, 5 and 8** of this bill provide that certain books, records or papers received by ~~[the Committee]~~ **a person or entity conducting an opioid overdose fatality review** are confidential. **Section 5 also provides immunity from civil and criminal liability for persons and entities that act in due care in accordance with sections 2-5 of this bill and other applicable law.**

Sections 7, 9 and 10 of this bill make conforming changes to require that certain information be made available to ~~[the Committee.~~

~~Section 2 of this bill defines the term "Committee" to mean the Committee to Review Overdose Fatalities.~~

~~Existing law requires, with certain exceptions, that the provisions of chapter 439 of NRS be administered by the Administrator of the Division of Public and Behavioral Health of the Department and the Division. Section 6 of this bill adds an additional exception to account for the administration of the provisions of sections 2-5 by the Director.]~~ **a person or entity conducting an opioid overdose fatality review.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, ~~[***"Committee" means the Committee to Review Overdose Fatalities created by section 3 of this act.~~]*** ***"opioid overdose fatality review"***

means a review of one or more deaths resulting from an opioid overdose which is conducted in accordance with sections 2 to 5, inclusive, of this act.

Sec. 3. ~~*[1. The Committee to Review Overdose Fatalities is hereby created within the Department. The Committee must consist of the following 10 members appointed by the Director:*~~

~~*(a) A county coroner or medical examiner or his or her designee;*~~

~~*(b) One person who represents providers of health care;*~~

~~*(c) One person who represents organizations having expertise in overdose prevention;*~~

~~*(d) One person who represents organizations having expertise in the treatment of substance use disorder and prevention;*~~

~~*(e) One person who represents mental health agencies;*~~

~~*(f) One person who represents law enforcement;*~~

~~*(g) One person who represents the field of pain management;*~~

~~*(h) One person who represents Native American tribes;*~~

~~*(i) One person who represents advocates for persons with addictive disorders and their families; and*~~

~~*(j) One person who represents veterans.*~~

~~*2. After the initial term, each member of the Committee shall serve for a term of 3 years and may be reappointed. Each member of the Committee serves at the pleasure of the Director. If a vacancy occurs, the Director shall appoint a new member to fill the vacancy for the remainder of the unexpired term in the same manner as the initial appointment.]~~* **(Deleted by amendment.)**

Sec. 3.5. ***1. Any of the following entities may conduct an opioid overdose fatality review:***

(a) A state or local governmental entity.

(b) A hospital, as defined in NRS 449.012, or other facility licensed pursuant to chapter 449 of NRS that is engaged in the treatment of mental health or substance use disorders.

(c) A provider of health care, as defined in NRS 629.031, for whom conducting an opioid overdose fatality review is within his or her scope of practice.

(d) A faculty member, student or group of faculty members or students at an institution of higher education, if:

(1) The student, faculty member or group is engaged in relevant research and has the express permission of the institution; and

(2) The institution assumes responsibility for ensuring that the confidentiality of the information collected during the opioid overdose fatality review is protected, including, without limitation, by storing such information in accordance with all applicable state and federal laws.

(e) Any other entity that has entered into a memorandum of understanding that meets the requirements of subsection 3 with a state or local governmental entity or an institution of higher education.

2. A state or local governmental entity or an institution of higher education shall not enter into a memorandum of understanding with an entity pursuant to paragraph (e) of subsection 1 unless the entity proposing to conduct an opioid overdose fatality review demonstrates that the entity is:

(a) Capable of conducting an opioid overdose fatality review in accordance with sections 2 to 5, inclusive, of this act; and

(b) Able to maintain the confidentiality of information obtained during the opioid overdose fatality review and otherwise comply with sections 2 to 5, inclusive, of this act and all other relevant state and federal laws.

3. A memorandum of understanding entered into pursuant to paragraph (e) of subsection 1 must:

(a) Define the scope of the opioid overdose fatality review and the activities that will comprise the opioid overdose fatality review;

(b) Prescribe the measures the entity proposing to conduct the opioid overdose fatality review will take to:

(1) Maintain the confidentiality of information obtained during the opioid overdose fatality review; and

(2) Otherwise comply with sections 2 to 5, inclusive, of this act and all other relevant state and federal laws;

(c) Prescribe the duties of the entity proposing to conduct the opioid overdose fatality review and the state or local governmental entity or institution of higher education, as applicable;

(d) Authorize the state or local governmental entity or institution of higher education, as applicable, to access any information obtained as part of the opioid overdose fatality review; and

(e) Transfer any copyright or other intellectual property resulting from the opioid overdose fatality review to the state or local governmental entity or institution of higher education, as applicable.

4. A person or entity that conducts an opioid overdose fatality review or enters into a memorandum of understanding pursuant to paragraph (e) of subsection 1 authorizing another entity to conduct an opioid overdose fatality review:

(a) Shall make any results, findings or recommendations from the opioid overdose fatality review available to the public; and

(b) Shall not use the opioid overdose fatality review or any work product, results, findings or recommendations resulting from the opioid overdose fatality review for commercial purposes or other purposes to exclusively benefit the person or entity.

Sec. 4. *1.* ~~*[The Committee:*~~

~~*(a) Except as otherwise provided in this paragraph, shall adopt a written protocol setting forth the overdose fatalities in this State which must be reported to the Committee and screened for review by the Committee and the overdose fatalities in this State which the Committee may reject for review. The Committee shall not review any case in which litigation is pending.*~~

~~(b) May review any accidental death which the Committee determines may assist in overdose prevention efforts in this State, including, without limitation, any unintentional death from substance poisoning.~~

~~(c) May establish differing levels of review, including, without limitation, a comprehensive or limited review depending upon the nature of the incident or the purpose of the review.~~

~~2. The Committee shall obtain and use any data or other information to:~~

~~(a) Review overdose fatalities in this State to determine trends, risk factors and strategies for prevention;~~

~~(b) Determine and prepare reports concerning trends and patterns of overdose fatalities in this State;~~

~~(c) Identify and evaluate the prevalence of risk factors for preventable overdose fatalities in this State;~~

~~(d) Evaluate and prepare reports concerning high risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of overdose or unintentional substance poisoning in this State;~~

~~(e) Identify current practices for forensic toxicology examinations performed during an autopsy that are specific to opioid related drug overdoses and make any recommendations for changes to such practices; and~~

~~(f) Recommend any improvement in sources of information relating to investigating reported overdose fatalities and preventing overdose in this State.~~

~~3. In~~ A person or entity conducting ~~[a]~~ an opioid overdose fatality review ~~[of an overdose fatality in this State, the Committee shall, to the greatest extent practicable,]~~ may consult and cooperate with:

(a) The Advisory Committee for a Resilient Nevada created by NRS 433.726;

(b) The Committee to Review Suicide Fatalities created by NRS 439.5104;

(c) Halfway houses licensed pursuant to chapter 449 of NRS;

(d) The Statewide Substance Use Response Working Group created by NRS 458.460; and

(e) A multidisciplinary team to:

(1) Review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 or 228.495;

(2) Review the death of a child organized pursuant to NRS 432B.405; and

(3) Oversee the review of the death of a child pursuant to NRS 432B.4075.

~~[4. Any review conducted by the Committee pursuant to sections 2 to 5, inclusive, of this act,]~~

2. An opioid overdose fatality review is separate from, independent of and in addition to any investigation or review which is required or authorized

by law to be conducted, including, without limitation, any investigation conducted by a coroner or coroner's deputy pursuant to NRS 259.050.

~~[5. To conduct a review pursuant to sections 2 to 5, inclusive, of this act, the Committee]~~

3. A person or entity conducting an opioid overdose fatality review may access information, including, without limitation, any:

(a) Investigative information obtained by a law enforcement agency relating to a death;

(b) Records from an autopsy or an investigation conducted by a coroner or coroner's deputy relating to a death, including, without limitation, toxicology test records;

(c) Medical, mental health or substance use disorder records of a decedent;

(d) Records relating to social or rehabilitative services provided to a decedent; and

(e) Records of a social services agency which has provided services to a decedent.

4. An opioid overdose fatality review may include, without limitation:

(a) Consideration of the points of contact between the decedent and:

(1) The health care system;

(2) Social services agencies, including, without limitation, agencies which provide child welfare services, as defined in NRS 432B.030;

(3) Law enforcement agencies and other agencies within the criminal justice system; and

(4) Any other relevant persons or entities;

(b) Identification of specific factors, including, without limitation, social determinants of health, that increased the decedent's risk of an opioid overdose;

(c) The collection, maintenance and analysis of data relating to fatalities resulting from opioid overdoses; and

(d) The development of strategies to reduce opioid overdoses that are specific to particular communities.

Sec. 5. *1. ~~[The Committee]~~ A person or entity conducting an opioid overdose fatality review may:*

(a) Conduct investigations ~~[and hold hearings]~~ in connection with carrying out the provisions of sections 2 to 5, inclusive, of this act.

(b) If appropriate, meet and share information with any person or team specified in subsection ~~[3]~~ 1 of section 4 of this act.

(c) Petition a district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to ~~[any]~~ the overdose fatality ~~[in this State]~~ that is the subject of ~~[a]~~ the opioid overdose fatality review. ~~[conducted by the Committee.]~~ Except as otherwise provided in NRS 239.0115, any books, records or papers received ~~[by the Committee]~~ pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

(d) Propose ~~[recommended legislation]~~ recommendations concerning overdose fatalities in this State. Such recommendations may include, without limitation:

(1) Recommended strategies to improve the coordination among agencies of services and investigations to reduce opioid overdoses; and

(2) Advice to local, regional or state policymakers concerning changes to law, policy, funding or procedures to prevent opioid overdoses.

(e) Issue a special report to notify the appropriate authorities or members of the public concerning the need to take any prompt corrective action concerning overdose fatalities in this State.

~~[(f) Engage in any other activity required by the Director concerning overdose fatalities in this State.]~~

2. ~~[The Committee shall annually submit to the Director a report concerning the activities of the Committee. The report must include, without limitation, a statement setting forth:]~~ A person or entity that conducts an opioid overdose fatality review may publish reports concerning:

(a) Any trends or patterns in overdose fatalities in this State or serious risk factors concerning those fatalities; and

(b) ~~[In addition to any recommendation made pursuant to section 4 of this act, any]~~ Any recommendations for changes in any law, policy or practice that may assist ~~[the Committee]~~ in preventing overdose fatalities in this State or related serious occurrences.

3. A report ~~[submitted]~~ published pursuant to subsection 2 must not include any confidential or privileged information.

4. Except as otherwise provided in this section and NRS 239.0115 ~~[,]~~ and section 3.5 of this act, any information acquired ~~[by]~~ as part of an opioid overdose fatality review or any records ~~[of the Committee]~~ concerning an opioid overdose fatality review are confidential, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

5. Except as otherwise provided in this subsection, a person or entity who, exercising due care, takes any action authorized by sections 2 to 5, inclusive, of this act, including, without limitation, making information available to a person or entity conducting an opioid overdose fatality review, is immune from civil or criminal liability for that action. The provisions of this subsection do not apply to a person or entity that fails to comply with:

(a) Any provision of sections 2 to 5, inclusive, of this act or other applicable law; or

(b) A memorandum of understanding entered into pursuant to paragraph (e) of subsection 1 of section 3.5 of this act.

Sec. 6. ~~[NRS 439.010 is hereby amended to read as follows:~~

~~439.010 Except as otherwise provided in NRS 439.5102 to 439.5108, inclusive, and 439.581 to 439.595, inclusive, *and sections 2 to 5, inclusive, of this act,* the provisions of this chapter must be administered by the~~

~~Administrator and the Division, subject to administrative supervision by the Director.~~] **(Deleted by amendment.)**

Sec. 7. NRS 440.170 is hereby amended to read as follows:

440.170 1. All certificates in the custody of the State Registrar are open to inspection subject to the provisions of this chapter. It is unlawful for any employee of the State to disclose data contained in vital statistics, except as authorized by this chapter or by the Board.

2. Information in vital statistics indicating that a birth occurred out of wedlock must not be disclosed except upon order of a court of competent jurisdiction.

3. The Board:

(a) Shall allow the use of data contained in vital statistics to carry out the provisions of NRS 442.300 to 442.330, inclusive;

(b) Shall allow the use of certificates of death by a multidisciplinary team:

(1) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475; and

(2) To review the death of a child established pursuant to NRS 432B.405 and 432B.406;

(c) Shall allow the use of certificates of death by ~~[the:]~~ ***:***

(1) ***The*** Committee on Domestic Violence appointed pursuant to NRS 228.470; ~~[and]~~

(2) ***The*** Committee to Review Suicide Fatalities created by NRS 439.5104; and

(3) ~~[Committee to Review Overdose Fatalities created by section 3]~~ A person or entity conducting an opioid overdose fatality review pursuant to sections 2 to 5, inclusive, of this act; and

(d) May allow the use of data contained in vital statistics for other research purposes, but without identifying the persons to whom the records relate.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270,

228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190,

640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and ~~[section]~~ sections 3.5 and 5 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 9. NRS 392.317 is hereby amended to read as follows:

392.317 Except as otherwise provided in NRS 392.317 to 392.337, inclusive, and in addition to information provided pursuant to NRS 392.337, information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, may, at the discretion of the agency which provides child welfare services, be made available only to:

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560, 392.4633 or 394.366 to a public agency and the identity of any child witness are kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child who is the subject of the report;

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected or subject to a violation of NRS 201.540, 201.560, 392.4633 or 394.366;

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

6. A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

7. A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations

of NRS 201.540, 201.560, 392.4633 or 394.366 or similar statutes in another jurisdiction;

9. A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

10. A team organized pursuant to NRS 432B.405 to review the death of a child;

11. Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(a) The identity of the person making the report is kept confidential; and

(b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

12. The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; ~~[and]~~

16. The Committee to Review Suicide Fatalities created by NRS 439.5104 ~~[.]~~ ***; and***

17. ~~[The Committee to Review Overdose Fatalities created by section 3]~~ A person or entity conducting an opioid overdose fatality review pursuant to sections 2 to 5, inclusive, of this act.

Sec. 10. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court, as defined in NRS 159A.015, to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments

or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A multidisciplinary team, as defined in NRS 432B.4014;

(q) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(r) The child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(s) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(t) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(u) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(v) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(w) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(x) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(y) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(z) An employer in accordance with subsection 3 of NRS 432.100;

(aa) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence;

(bb) The Committee on Domestic Violence appointed pursuant to NRS 228.470; ~~[or]~~

(cc) The Committee to Review Suicide Fatalities created by NRS 439.5104 ~~[.]~~ ***; or***

(dd) ~~[The Committee to Review Overdose Fatalities created by section 3]~~ A person or entity conducting an opioid overdose fatality review pursuant to sections 2 to 5, inclusive, of this act.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of a report of child abuse or neglect made pursuant to this chapter that is assigned a disposition other than substantiated

pursuant to NRS 432B.305 and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 11. ~~[As soon as practicable after October 1, 2023, the Director of the Department of Health and Human Services shall appoint the members of the Committee to Review Overdose Fatalities required by section 3 of this act to initial terms as follows:~~

~~1. Four members to serve for a term of 3 years;~~

~~2. Three members to serve for a term of 2 years; and~~

~~3. Three members to serve for a term of 1 year.]~~ **(Deleted by amendment.)**

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 154.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 490.

AN ACT relating to tissue donation; ~~[requiring the State Board of Health to regulate the living donation of birth tissue; requiring an organization that processes birth tissue to be certified; providing a penalty;]~~ **imposing certain requirements to ensure access to certain information concerning entities that accept living donations of birth tissue;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes rules and procedures governing anatomical gifts, which take effect after the death of the donor, for the purposes of transplantation, therapy, research or education. (NRS 451.500-451.598) ~~[Section 2 of this bill requires the State Board of Health to adopt regulations to prescribe standards and guidelines for the living donation of birth tissue by a patient who is pregnant. Section 2 also requires a private umbilical cord and placental tissue bank or any other organization that processes birth tissue in this State to be certified by the Division of Public and Behavioral Health of the Department of Health and Human Services. Section 2 makes it a felony to violate the regulations of the Board or to act as a private umbilical cord and placental tissue bank or other organization that processes birth tissue without such certification. Section 3 of this bill: (1) requires an applicant for the renewal of such a certification which has a state business license to include the business identification number of the applicant in the application; and (2) prohibits the Division from renewing such a certification if the applicant fails to submit that information or owes a debt to a state agency and has not entered~~

~~into an agreement to pay the debt.]~~ **This bill requires the Division of Public and Behavioral Health of the Department of Health and Human Services to publish on an Internet website a list of certain entities that accept living donations of birth tissue made in a hospital or freestanding birthing center in this State. This bill authorizes the Division to include certain other information concerning living donations of birth tissue on the Internet website. This bill requires a hospital or a physician practicing in the area of obstetrics and gynecology to provide a patient who is pregnant with a link to that Internet website or a printed copy of that list.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[460]~~ **442** of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 and 3 of this act.]~~ **a new section to read as follows:**

1. The Division shall publish on an Internet website maintained by the Division a list of entities that accept living donations of birth tissue made in a hospital or freestanding birthing center in this State. To be included on the list, an entity must submit to the Division:

(a) A request that the entity be included on the list; and

(b) Proof of accreditation by the American Association of Tissue Banks, or its successor organization, for the acquisition, collection or recovery of birth tissue. Such proof must include, without limitation, the date on which the accreditation expires.

2. The Division shall remove an entity from the list published pursuant to subsection 1 on the date on which the accreditation described in paragraph (b) of subsection 1 expires, unless the entity submits to the Division proof that the accreditation has been renewed.

3. The Division may post on the Internet website maintained pursuant to subsection 1 information concerning:

(a) The manner in which a patient who is pregnant may make a living donation of birth tissue to an entity included on the list published pursuant to subsection 1; and

(b) Federal and state laws and regulations governing the living donation of birth tissue.

4. A hospital or physician practicing in the area of obstetrics and gynecology shall provide to any patient who is pregnant:

(a) A link to the Internet website maintained pursuant to subsection 1; or

(b) A printed version of the list published pursuant to subsection 1 that was printed not more than 3 months before the provision of the list.

5. As used in this section:

(a) "Birth tissue" means tissue derived from a live birth.

(b) "Live birth" has the meaning ascribed to it in NRS 440.030.

Sec. 2. ~~*[1. A patient who is pregnant may make a living donation of birth tissue in the manner prescribed by the regulations adopted pursuant to subsection 3.*~~

~~*2. A private umbilical cord and placental tissue bank or any other organization that processes birth tissue in this State for any reason must be certified by the Division.*~~

~~*3. The State Board of Health shall:*~~

~~*(a) Adopt regulations that establish standards and guidelines for the donation and use of birth tissue, which must be substantially based on the provisions of 21 C.F.R. Part 1271 and the best standards and practices in the industry; and*~~

~~*(b) Adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that establish a fee for an application for the issuance or renewal of a certification issued by the Division pursuant to subsection 2.*~~

~~*4. The regulations adopted pursuant to subsection 3 must authorize a patient who is pregnant to donate blood extracted from the umbilical cord or placenta of the patient's newborn child to, or store such blood at, a certified private umbilical cord blood and placental tissue bank.*~~

~~*5. A person who engages in the activity of a private umbilical cord and placental tissue bank or other organization that processes birth tissue without being certified by the Division pursuant to this section or who violates the standards and guidelines adopted by the State Board of Health pursuant to subsection 3 is guilty of a category C felony and shall be punished as provided in NRS 193.130 or by a fine of not more than $50,000, or by both a fine and the punishment provided in NRS 193.130.*~~

~~*6. As used in this section:*~~

~~*(a) "Birth tissue" means gestational tissue donated at the time of delivery of a living newborn child, placenta, Wharton's jelly, amniotic fluid, chorionic membrane, amniotic membrane, placental disc, umbilical veins and umbilical tissue.*~~

~~*(b) "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.]*~~

(Deleted by amendment.)

Sec. 3. ~~*[1. In addition to any other requirements set forth in the regulations adopted pursuant to section 2 of this act, an applicant for the renewal of a certification as a private umbilical cord and placental tissue bank or other organization that processes birth tissue must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.*~~

~~*2. A certification as a private umbilical cord and placental tissue bank or other organization that processes birth tissue may not be renewed by the Division if:*~~

~~*(a) The applicant fails to submit the information required by subsection 1; or*~~

~~*(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:*~~

~~*(1) Satisfied the debt;*~~

~~*(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or*~~

~~*(3) Demonstrated that the debt is not valid.*~~

~~*3. As used in this section:*~~

~~*(a) "Agency" has the meaning ascribed to it in NRS 353C.020.*~~

~~*(b) "Debt" has the meaning ascribed to it in NRS 353C.040.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[Notwithstanding the provisions of section 2 of this act, a private umbilical cord and placental tissue bank or other organization that processes birth tissue in this State for any reason which is operating on or before January 1, 2024, is not required to be certified pursuant to section 2 of this act until July 1, 2024.~~ ~~]~~ **(Deleted by amendment.)**

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 156.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 174.

CONTAINS UNFUNDED MANDATE ~~[(§§ 8, 9)]~~ **(§ 3.5)**

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to substance use disorders; **providing for the separate accounting of certain money for the purchase of opioid antagonists;** establishing the order in which a provider or program is required to prioritize persons for participation in certain publicly funded programs for the treatment of alcohol or other substance use disorders; ~~[~~prescribing certain requirements

~~to ensure the access of offenders or prisoners who have been diagnosed with an opioid use disorder to medication-assisted treatment and the continuation of such treatment upon the release or transfer of such offenders or prisoners; prohibiting certain discrimination regarding such treatment;]~~ **authorizing a pharmacist to prescribe and dispense drugs for medication-assisted treatment of opioid use disorder and perform certain assessments under certain conditions; requiring certain health plans to include coverage for such drugs and assessments;** prescribing certain requirements concerning the diagnosis and treatment of a patient with an opioid use disorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires all gifts or grants of money for a program for alcohol or other substance use disorders which the Division of Public and Behavioral Health of the Department of Health and Human Services is authorized to accept to be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol or Other Substance Use Disorders. (NRS 458.100) Sections 1 and 1.3 of this bill authorize the Division to accept and deposit into a separate account gifts, grants, donations, bequests or money from any other source for the purpose of funding the bulk purchase of opioid antagonists. Section 1 provides that such money is not subject to provisions of law governing budgeting by agencies of the State Government. Section 1 requires the Division to use the money in the account to fund the bulk purchase of opioid antagonists and the distribution of those opioid antagonists.

Existing federal regulations require programs funded by certain federal grants for injection drug users to prioritize persons for participation in such programs in the following order: (1) pregnant injecting drug users; (2) pregnant persons with a substance use disorder; (3) other injecting drug users; and (4) all others. (45 C.F.R. § 96.131) **Section ~~[1]~~ 1.7** of this bill requires any treatment provider, provider of health care or program for the treatment of alcohol or other substance use disorders to prioritize persons to receive services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money in that order, except that **section ~~[1]~~ 1.7** authorizes the State Board of Health to adopt regulations prioritizing additional categories of people for such services.

Existing law ~~[requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) Sections 2 and 7-9 of this bill require a public or private penal institution or facility and the sheriff, chief of police or town marshal responsible for a local jail or detention center to take reasonable measures to ensure: (1) the availability of medication-assisted treatment for an offender or prisoner who~~

~~has been diagnosed with an opioid use disorder to the same extent and under the same conditions as other medical care for offenders or prisoners; and (2) the continuation of such treatment when such an offender or prisoner is released or transferred. Sections 2, 8 and 9 also prohibit such an institution, facility, local jail or detention facility from discriminating against such treatment or an offender or prisoner who is receiving such treatment. Sections 2 and 7-9 require the Department of Corrections, an official who is responsible for local jail or detention facility or the Department of Health and Human Services, depending on the circumstances, to take reasonable measures to ensure the continuation of such treatment for an offender or prisoner who is released or transferred. Sections 3 and 6 of this bill require a program of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison to include medication-assisted treatment where required by section 2. Sections 4 and 5 of this bill clarify that certain provisions concerning the eligibility of an offender to participate in a program of treatment for offenders with substance use or co-occurring disorders and the removal of an offender from such a program do not affect the ability of an offender who has been diagnosed with an opioid use disorder to receive medication-assisted treatment.]~~ **defines the term "practice of pharmacy" for the purpose of determining which activities require a person to be registered and regulated by the State Board of Pharmacy as a pharmacist. (NRS 639.0124) Section 12.3 of this bill requires the Board to prescribe a protocol to allow a pharmacist who registers with the Board to: (1) assess a patient to determine whether the patient has an opioid use disorder and medication-assisted treatment would be appropriate for the patient; and (2) prescribe and dispense a drug for medication-assisted treatment without a prescription from a practitioner. Section 12.6 of this bill provides that the practice of pharmacy includes actions authorized by the protocol established in section 12.3. Section 16.05 of this bill makes a conforming change to account for the provisions of section 12.3 authorizing a pharmacist to dispense a drug that has not been prescribed by a practitioner. The Board would be authorized to suspend or revoke the registration of a pharmacist who orders or assesses a patient or prescribes or dispenses drugs under the protocol established pursuant to section 12.3 without complying with the provisions of the protocol. (NRS 639.210)**

Sections 3.5-5.8, 16.1, 16.3, 16.4, 16.48-16.75 and 16.9 of this bill require public and private health plans, including Medicaid and health plans for state and local government employees, to: (1) cover drugs approved by the Food and Drug Administration for medication-assisted treatment; and (2) reimburse assessment, prescribing and dispensing by a pharmacist in accordance with section 12.3 at a rate equal to that provided to a physician, physician assistant or advanced practice registered nurse for similar services. Sections 2.5 and 16.2 of this bill make conforming changes to indicate the proper placement of sections 5.5 and 16.1,

respectively, of this bill in the Nevada Revised Statutes. Sections 6.5, 16.13, 16.16, 16.43 and 16.45 of this bill make conforming changes to indicate that the coverage required by sections 16.1, 16.3 and 16.4 is in addition to certain coverage for the treatment of substance use disorder that certain insurers are required by existing law to provide. Section 16.8 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 16.7 of this bill. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections 16.1, 16.3, 16.48-16.6 or 16.9 of this bill. (NRS 680A.200)

Existing law authorizes a physician, physician assistant or advanced practice registered nurse to prescribe controlled substances if he or she is registered with the State Board of Pharmacy. (NRS 453.126, 453.231, 630.271, 632.237, 633.432) Existing federal law requires a physician, physician assistant or advanced practice registered nurse who prescribes or dispenses narcotic drugs for the treatment of opioid use disorder to register with the Drug Enforcement Administration of the United States Department of Justice for the specific purpose of dispensing such drugs. (21 U.S.C. § 822(a)) **Sections ~~[~~10-16~~]~~ 10-12 and 13-16** of this bill require a physician, physician assistant, advanced practice registered nurse, osteopathic physician or certain providers of behavioral health care who diagnose a patient with an opioid use disorder to counsel and provide information to the patient concerning evidence-based treatment for opioid use disorder, including medication-assisted treatment. If the patient requests medication-assisted treatment: (1) **sections 10-12 ~~[~~of this bill~~]~~** require a physician, physician assistant, advanced practice registered nurse or osteopathic physician who is authorized under federal and state law to prescribe such treatment to offer to issue such a prescription; and (2) **sections ~~[~~10-16~~]~~ 10-12 and 13-16** require all other physicians, physician assistants, advanced practice registered nurses, osteopathic physicians and certain providers of behavioral health care to refer the patient to a physician, physician assistant, advanced practice registered nurse ~~[or]~~ **,** osteopathic physician **or pharmacist** who is authorized to issue such a prescription.

Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) Section 17.5 of this bill requires the Department of Corrections, in collaboration with the Department of Health and Human Services, and each county, city or town that maintains a jail or detention facility to study during the 2023-2024 interim certain issues relating to the provision of medication-assisted treatment to incarcerated persons.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Division may accept gifts, grants, donations, bequests or money from any other source for the purpose of funding the bulk purchase of opioid antagonists. Any money so received must be accounted for separately in the State General Fund.

2. Money accepted pursuant to subsection 1 or deposited into the account created pursuant to subsection 1 is not subject to the State Budget Act.

3. Interest and income earned on money in the account created pursuant to subsection 1 must be credited to the account. Any money remaining in the account at the end of a fiscal year does not revert to the State General Fund, and the balance in the account must be carried forward to the next fiscal year.

4. The money in the account created pursuant to subsection 1 must be used only to fund the bulk purchase of opioid antagonists and pay the costs of the Division to distribute those opioid antagonists.

5. As used in this section, "opioid antagonist" has the meaning ascribed to it in NRS 453C.040.

Sec. 1.3. **NRS 458.100 is hereby amended to read as follows:**

458.100 1. ~~[All]~~ ***Except as otherwise provided in section 1 of this act, all*** gifts or grants of money for a program for alcohol or other substance use disorders which the Division is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol or Other Substance Use Disorders which is hereby created in the Department of Health and Human Services' Gift Fund.

2. Subject to the limitations set forth in NRS 458.094, money in the Account must be used to carry out the provisions of this chapter.

3. All claims must be approved by the Administrator before they are paid.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 458.103 is hereby amended to read as follows:

458.103 ***1.*** The Division may accept:

~~[1.]~~ ***(a)*** Money appropriated and made available by any act of Congress for any program for alcohol or other substance use disorder administered by the Division as provided by law.

~~[2.]~~ ***(b)*** Money appropriated and made available by the State of Nevada or by a county, a city, a public district or any political subdivision of this State for any program for alcohol or other substance use disorder administered by the Division as provided by law.

2. Except as otherwise provided in any regulations adopted pursuant to subsection 3, a treatment provider, provider of health care or program for alcohol or other substance use disorders shall prioritize persons to receive

services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money in accordance with 45 C.F.R. § 96.131(a).

3. To the extent that such regulations do not conflict with federal law or impair an obligation under any existing grant, contract or other agreement, the State Board of Health may adopt regulations prioritizing categories of persons, in addition to the categories prescribed in 45 C.F.R. § 96.131(a), to receive services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2. ~~[Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. An institution, facility or private facility or institution shall take reasonable measures to ensure the availability of medication assisted treatment for offenders who have been diagnosed with an opioid use disorder to the same extent and under the same conditions as other medical care for offenders.*~~

~~*2. An institution, facility or private facility or institution shall not discriminate against:*~~

~~*(a) Treatment described in subsection 1 as compared to other forms of treatment for opioid use disorder or abstinence from opioids without such treatment; or*~~

~~*(b) An offender because the offender is receiving such treatment.*~~

~~*3. The Department and the Department of Health and Human Services shall take reasonable measures to ensure the continuation of treatment described in subsection 1 when an offender who is receiving such treatment is released from custody or transferred to another institution, facility or private facility or institution or the custody of another governmental agency.*~~

~~*4. As used in this section, "medication assisted treatment" means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ **(Deleted by amendment.)**

Sec. 2.5. **NRS 232.320 is hereby amended to read as follows:**

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 5.5 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3. ~~[NRS 209.4236 is hereby amended to read as follows:~~

~~209.4236 1. The Director shall, in conjunction with the Division and with the approval of the Board, establish one or more programs of treatment~~

~~for offenders with substance use or co-occurring disorders to provide treatment to certain offenders with substance use or co-occurring disorders. A program of treatment for offenders with substance use or co-occurring disorders must include, but is not limited to, the requirements set forth in this section.~~

~~2. A program of treatment for offenders with substance use or co-occurring disorders established pursuant to subsection 1 must provide an offender with:~~

~~(a) Intensive treatment for a substance use or co-occurring disorder~~ **~~[;] ,~~** ~~***including, without limitation, treatment described in section 2 of this act, where appropriate;***~~

~~(b) A clearly defined set of goals;~~

~~(c) A clearly defined structure of authority; and~~

~~(d) A highly structured schedule that includes, but is not limited to, the treatment listed in paragraph (a) and, if practicable, programs of employment, general education or vocational training.~~

~~3. Except as otherwise provided in NRS 209.4231 to 209.4244, inclusive, offenders who are assigned to a program of treatment for offenders with substance use or co-occurring disorders, to the extent practicable as determined by the Director or a person designated by the Director:~~

~~(a) May be housed in areas of a facility or institution that are segregated from other areas of the facility or institution in which offenders who are not assigned to the program of treatment for offenders with substance use or co-occurring disorders are housed;~~

~~(b) May be taken outside an institution or facility, under appropriate precautions to prevent escape, to participate in a program of treatment for offenders with substance use or co-occurring disorders; and~~

~~(c) Must participate in the program of treatment for offenders with substance use or co-occurring disorders for a period of not less than 5 months and a program of aftercare for a period of not less than 3 months, as deemed appropriate for the level of care being offered.~~**~~]~~** **(Deleted by amendment.)**

Sec. 3.5. **NRS 287.010 is hereby amended to read as follows:**

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the

compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, ***and section 16.3 of this act,*** 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 4. ~~[NRS 209.4239 is hereby amended to read as follows:~~

~~209.4239 1.~~ ***Except as otherwise provided in this section:***

~~***(a)*** The Director or a person designated by the Director may remove an offender from a program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare, temporarily or permanently, for any lawful reason or purpose.~~

~~[2.]*(b)* The Director may impose conditions on the participation of an offender in a program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare and may establish sanctions and incentives relating to participation in a program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare.~~

~~[3.]*(c)* The provisions of NRS 209.4231 to 209.4244, inclusive, do not create a right on behalf of an offender to participate in a program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare and do not establish a basis for any cause of action against the State or its officers or employees for denial of the ability to participate in or for removal from a program of treatment for offenders with substance use or co-occurring disorders or a program of aftercare.~~

~~***2. The provisions of this section do not affect the ability of an offender who has been diagnosed with an opioid use disorder to receive medication-assisted treatment pursuant to section 2 of this act.]*** **(Deleted by amendment.)**

Sec. 4.5. **NRS 287.04335 is hereby amended to read as follows:**

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, ***and section 16.9 of this act,*** 695G.176, 695G.177, 695G.200 to

695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 5. ~~[NRS 209.424 is hereby amended to read as follows:~~

~~209.424 [An]~~

~~*1. Except as otherwise provided in this section, an* offender may not participate in a program of treatment for offenders with substance use or co-occurring disorders if the offender:~~

~~[1.] *(a)* Was sentenced to death or a term of imprisonment for life without the possibility of parole; or~~

~~[2.] *(b)* Is or was eligible to participate in the program of treatment established pursuant to NRS 209.425, whether or not the offender actually participated in or completed that program of treatment.~~

~~*2. The provisions of this section do not affect the ability of an offender who has been diagnosed with an opioid use disorder to receive medication-assisted treatment pursuant to section 2 of this act.]~~ **(Deleted by amendment.)**

Sec. 5.5. **Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for the services of a pharmacist described in section 12.3 of this act.

2. The State must provide reimbursement for the services of a pharmacist described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

Sec. 5.8. **NRS 422.4025 is hereby amended to read as follows:**

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager, health maintenance organization or one or more public or private entities in this State, the District of Columbia or other states or territories of the United States, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus, including, without limitation, antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation:

(a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants; ~~[and]~~

(b) Prescription drugs to prevent the acquisition of human immunodeficiency virus~~[.]~~ ***; and***

(c) All prescription drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone. As used in this paragraph, "medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager, contracts with a health

maintenance organization and contracts with public and private entities from this State, the District of Columbia and other states and territories of the United States; and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislature; or

(2) In even-numbered years, the Legislative Commission.

Sec. 6. ~~[NRS 209.425 is hereby amended to read as follows:~~

~~209.425 1. The Director shall, with the approval of the Board, establish a program for the treatment of a person with an alcohol or substance use disorder who is imprisoned for a violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410 or a violation of NRS 484C.130, 484C.430, 488.420, 488.425 or 488.427. The program must include an initial period of intensive mental and physical rehabilitation in a facility of the Department, followed by regular sessions of education, counseling and any other necessary or desirable treatment~~ ~~[.] , *including, without limitation, medication-assisted treatment where required by section 2 of this act.*~~

~~2. The Director may, upon the request of the offender after the initial period of rehabilitation, allow the offender to earn wages under any other program established by the Department if the offender assigns to the Department any wages the offender earns under such a program. The Director may deduct from the wages of the offender an amount determined by the Director, with the approval of the Board, to:~~

~~(a)~~ ~~[Offset]~~ ~~*Except as otherwise provided in section 2 of this act, offset*~~ ~~the costs, as reflected in the budget of the Department, to maintain the offender in a facility or institution of the Department and in the program of treatment established pursuant to this section; and~~

~~(b) Meet any existing obligation of the offender for the support of his or her family or restitution to any victim of his or her crime.~~] **(Deleted by amendment.)**

Sec. 6.5. **NRS 608.156 is hereby amended to read as follows:**

608.156 1. ~~[If]~~ ***In addition to any benefits required by NRS 608.155, if*** an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of alcohol and substance use disorders. The annual benefits provided by the employer must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of $2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is $39,000.

3. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 7. ~~[NRS 209.511 is hereby amended to read as follows:~~

~~209.511 1. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.~~

~~2. As soon as practicable after an offender is authorized to apply for enrollment in Medicaid pursuant to NRS 422.27487, the Director shall complete the paperwork for the application if the offender may be eligible for Medicaid upon release.~~

~~3. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.~~

~~4. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:~~

~~(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;~~

~~(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;~~

~~(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);~~

~~(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;~~

~~(e) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a~~

~~valid driver's license or identification card to enable the offender to obtain employment, if the offender:~~

~~(1) Requests a photo identification card;~~

~~(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles; or~~

~~(3) Is not currently in possession of a photo identification card;~~

~~(f) Shall provide the offender with clothing suitable for reentering society;~~

~~(g) Shall provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;~~

~~(h) If appropriate, shall release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS;~~

~~(i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus;~~

~~(j) If the offender is eligible for Medicare, shall complete enrollment application paperwork for the offender; [and]~~

~~(k) If the offender was receiving a prescribed medication while in custody, shall ensure that the offender is provided with a 30-day supply of any such prescribed medication [.] ; and~~

~~(l) If the offender was receiving medication assisted treatment for an opioid use disorder, shall ensure compliance with the provisions of section 2 of this act.~~

~~5. The Director shall not provide an offender with a photo identification card pursuant to paragraph (c) of subsection 4 unless the photo identification card clearly indicates whether the Director:~~

~~(a) Has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card; or~~

~~(b) Has not verified the full legal name and age of the offender pursuant to paragraph (a).~~

~~6. The costs authorized or required in paragraphs (a), (e), (f), (g), (i) and (k) of subsection 4 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.~~

~~7. The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.~~

~~8. As used in this section:~~

~~(a) "Eligible offender" means an offender who is:~~

~~(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment System instrument, or its successor risk assessment tool; and~~

~~(2) Enrolled in:~~

~~(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or~~

~~(II) A community based program to assist offenders to reenter the community.~~

~~(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.~~

~~(c) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.~~

~~(d) "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does not have sufficient research or replication to support recognition as an evidence-based practice.~~**]** **(Deleted by amendment.)**

Sec. 8. **[**~~Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall take reasonable measures to ensure the availability of medication-assisted treatment for prisoners who have been diagnosed with an opioid use disorder to the same extent and under the same conditions as other medical care for prisoners.*~~

~~*2. A county, city or town jail or detention facility shall not discriminate against:*~~

~~*(a) Treatment described in subsection 1 as compared to other forms of treatment for opioid use disorder or abstinence from opioids without such treatment; or*~~

~~*(b) A prisoner because the prisoner is receiving such treatment.*~~

~~*3. A sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall:*~~

~~*(a) Take reasonable measures to ensure the continuation of treatment described in subsection 1 when a prisoner who is receiving such treatment is transferred to another jail or detention facility or the custody of another governmental agency; and*~~

~~*(b) Cooperate with the Department of Health and Human Services concerning any measures taken by the Department of Health and Human Services pursuant to subsection 8 of NRS 211.140 for the continuation of treatment described in subsection 1 for a prisoner who is released from custody.*~~

~~*4. As used in this section, "medication-assisted treatment" means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 211.140 is hereby amended to read as follows:~~

~~"211.140 1. The sheriff of each county has charge and control over all prisoners committed to his or her care in the respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout this State have charge and control over all prisoners committed to their respective city and town jails and detention facilities.~~

~~2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:~~

~~(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his or her conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.~~

~~(b) An opportunity to be heard on the issue.~~

~~As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.~~

~~3. The sheriffs, chiefs of police and town marshals shall see that the prisoners under their care are kept at labor for reasonable amounts of time within the jail or detention facility, on public works in the county, city or town, or as part of a program of release for work established pursuant to NRS 211.120 or 211.171 to 211.200, inclusive.~~

~~4. The sheriff, chief of police or town marshal shall arrange for the administration of medical care required by prisoners while in his or her custody. The county, city or town shall pay the cost of appropriate medical:~~

~~(a) Treatment provided to a prisoner while in custody for injuries incurred by a prisoner while the prisoner is in custody and for injuries incurred during the prisoner's arrest for commission of a public offense if the prisoner is not convicted of that offense;~~

~~(b) Treatment provided to a prisoner while in custody for any infectious, contagious or communicable disease which the prisoner contracts while the prisoner is in custody; and~~

~~(c) Examinations required by law or by court order conducted while the prisoner is in custody unless the order otherwise provides.~~

~~5. A prisoner shall pay the cost of medical treatment for:~~

~~(a) Injuries incurred by the prisoner during his or her commission of a public offense or for injuries incurred during his or her arrest for commission of a public offense if the prisoner is convicted of that offense;~~

~~(b) Injuries or illnesses which existed before the prisoner was taken into custody;~~

~~(c) Self-inflicted injuries; and~~

~~(d) Except treatment provided pursuant to subsection 4, any other injury or illness incurred by the prisoner.~~

~~6. A medical facility furnishing treatment pursuant to subsection 5 shall attempt to collect the cost of the treatment from the prisoner or the prisoner's insurance carrier. If the facility is unable to collect the cost and certifies to the appropriate board of county commissioners that it is unable to collect the cost of the medical treatment, the board of county commissioners shall pay the cost of the medical treatment.~~

~~7. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section may attempt to collect from the prisoner or the insurance carrier of the prisoner the cost of arranging for the administration of medical care including the cost of any transportation of the prisoner for the purpose of medical care. The prisoner shall obey the requests of, and fully cooperate with the sheriff, chief of police or town marshal in collecting the costs from the prisoner or the prisoner's insurance carrier.~~

~~8. While a prisoner is in custody, a sheriff, chief of police or town marshal, in collaboration with the Department of Health and Human Services and the various divisions thereof, for the purpose of maintaining continuity of care, shall arrange for the coordination of the care for treatment of mental health and substance use disorders provided to the prisoner by all providers of such care in the county, city or town jail or detention facility. After a prisoner is released from custody:~~

~~(a) The Department and the various divisions thereof shall arrange for the coordination of the care for treatment of mental health and substance use disorders provided to the prisoner~~ **[.]** ***, including, without limitation, by taking reasonable measures to ensure the continuation of medication assisted treatment provided pursuant to section 8 of this act.***

~~(b)~~ **[**~~The~~**]** ***Except to the extent provided in section 8 of this act, the*** ~~sheriff, chief of police or town marshal is no longer responsible for arranging the coordination of such care.~~

~~9. Each sheriff described in subsection 8, or his or her representative, and the Director of the Department of Health and Human Services, or his or her representative, shall, at the request of the Joint Interim Standing Committee on Health and Human Services, appear before the Committee during the legislative interim to report on the collaboration and coordination provided pursuant to subsection 8.~~

~~10. Treatment of mental health and substance use disorders provided pursuant to subsection 8~~ ***must, to the extent required by section 8 of this act, and*** ~~may~~ ***, in all other circumstances,*** ~~include any medication that has been:~~

~~(a) Approved by the United States Food and Drug Administration; and~~

~~(b) Prescribed by a treating physician as medically necessary for use by the prisoner to address issues relating to mental health or a substance use disorder.~~**]**

(Deleted by amendment.)

Sec. 10. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, a physician or physician assistant shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the physician or physician assistant shall:

(a) If the physician or physician assistant is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the physician or physician assistant is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to this chapter or chapter 633 of NRS, ~~[or]~~ advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, "medication-assisted treatment" ~~[means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ has the meaning ascribed to it in section 12.3 of this act.

Sec. 11. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, an advanced practice registered nurse shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the advanced practice registered nurse shall:

(a) If the advanced practice registered nurse is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the advanced practice registered nurse is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, ~~[or]~~ advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, "medication-assisted treatment" ~~[means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ has the meaning ascribed to it in section 12.3 of this act.

Sec. 12. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, an osteopathic physician or physician assistant shall counsel and provide

information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the osteopathic physician or physician assistant shall:

(a) If the osteopathic physician or physician assistant is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the osteopathic physician or physician assistant is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to this chapter or chapter 630 of NRS, ~~[or]~~ advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, "medication-assisted treatment" ~~[means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.]~~ has the meaning ascribed to it in section 12.3 of this act.

Sec. 12.3. **Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. To the extent authorized by federal law, a pharmacist who registers with the Board to engage in the activity authorized by this section may, in accordance with the requirements of the protocol prescribed pursuant to subsection 2:

(a) Assess a patient to determine whether:

(1) The patient has an opioid use disorder; and

(2) Medication-assisted treatment would be appropriate for the patient;

(b) Counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment; and

(c) Prescribe and dispense a drug for medication-assisted treatment.

2. The Board shall adopt regulations:

(a) Prescribing the requirements to register with the Board to engage in the activity authorized by this section; and

(b) Establishing a protocol for the actions authorized by this section.

3. As used in this section, "medication-assisted treatment" means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 12.6. **NRS 639.0124 is hereby amended to read as follows:**

639.0124 1. "Practice of pharmacy" includes, but is not limited to, the:

(a) Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

(b) Interpretation and evaluation of prescriptions or orders for medicine.

(c) Participation in drug evaluation and drug research.

(d) Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

(e) Selection of the source, storage and distribution of a drug.

(f) Maintenance of proper documentation of the source, storage and distribution of a drug.

(g) Interpretation of clinical data contained in a person's record of medication.

(h) Development of written guidelines and protocols in collaboration with a practitioner which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2629.

(i) Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.

(j) Prescribing, dispensing and administering of drugs for preventing the acquisition of human immunodeficiency virus and ordering and conducting laboratory tests necessary for therapy that uses such drugs pursuant to the protocol prescribed pursuant to NRS 639.28085.

(k) Dispensing a self-administered hormonal contraceptive pursuant to NRS 639.28078.

(l) Assessing a patient and prescribing and dispensing a drug for medication-assisted treatment in accordance with section 12.3 of this act.

2. The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583, 639.28078 and 639.28085.

Sec. 13. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, a psychologist shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the psychologist shall refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS , [or] advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" [means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.] has the meaning ascribed to it in section 12.3 of this act.

Sec. 14. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, a marriage and family therapist or clinical professional counselor shall counsel and provide information to the client concerning evidence-based treatment for

opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the marriage and family therapist or clinical professional counselor shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS , [or] advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" [means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.] has the meaning ascribed to it in section 12.3 of this act.

Sec. 15. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, a clinical social worker shall counsel and provide information to the client concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the clinical social worker shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS , [or] advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" [means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.] has the meaning ascribed to it in section 12.3 of this act.

Sec. 16. Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, an alcohol and drug counselor, clinical alcohol and drug counselor or problem gambling counselor shall counsel and provide information to the client concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the alcohol and drug counselor, clinical alcohol and drug counselor or problem gambling counselor shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS , [or] advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" [means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.] has the meaning ascribed to it in section 12.3 of this act.

Sec. 16.05. **NRS 683A.179 is hereby amended to read as follows:**

683A.179 1. A pharmacy benefit manager shall not:

(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning:

(1) The amount of any copayment or coinsurance for a prescription drug; or

(2) The availability of a less expensive alternative or generic drug including, without limitation, information concerning clinical efficacy of such a drug;

(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative or generic drug to a covered person;

(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; or

(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party.

2. The provisions of this section:

(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125, except to the extent authorized by a specific provision of law, including, without limitation, NRS 453C.120, 639.28078 and 639.28085 **[.]** ***and section 12.3 of this act.***

(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.

3. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 16.1. **Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in section 12.3 of this act at a rate equal to the rate

of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. An insurer may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.13. **NRS 689A.030 is hereby amended to read as follows:**

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, domestic partner as defined in NRS 122A.030, dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any child on or before the last day of the month in which the child attains 26 years of age, and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be

plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. "Text" includes all printed matter except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. ~~[The]~~ ***Except as otherwise provided by this subsection, the*** policy must provide ~~[, at the option of the applicant,]~~ benefits for expenses incurred for the treatment of alcohol or substance use disorder ***. ~~[, unless]~~ Except for the benefits required by section 16.1 of this act, such benefits must be provided:***

(a) At the option of the applicant; and

(b) Unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 16.16. **NRS 689A.046 is hereby amended to read as follows:**

689A.046 1. ~~[The]~~ ***In addition to the benefits required by section 16.1 of this act, the*** benefits provided by a policy for health insurance for treatment of alcohol or substance use disorder must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorder which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorder as part of its accredited activities.

Sec. 16.2. **NRS 689A.330 is hereby amended to read as follows:**

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~.~~ ***, and section 16.1 of this act.***

Sec. 16.3. **Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of group health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. An insurer may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.4. **Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the carrier.

2. A carrier that offers or issues a health benefit plan shall reimburse a pharmacist who participates in the network plan of the carrier for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A carrier may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and

services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.43. **NRS 689C.166 is hereby amended to read as follows:**

689C.166 Each group health insurance policy must contain in substance a provision for benefits payable for expenses incurred for the treatment of alcohol or substance use disorder, as provided in NRS 689C.167 ~~[.]~~ ***and section 16.4 of this act.***

Sec. 16.45. **NRS 689C.167 is hereby amended to read as follows:**

689C.167 1. ~~[The]~~ ***In addition to the benefits required by section 16.4 of this act, the*** benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of alcohol or substance use disorders must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 16.48. **NRS 689C.425 is hereby amended to read as follows:**

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 16.4 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 16.5. **Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A society that offers or issues a benefit contract shall include in the contract coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the society.

2. A society that offers or issues a benefit contract shall reimburse a pharmacist who participates in the network plan of the society for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A society may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.6. **Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A hospital or medical services corporation may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.7. **Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the health maintenance organization.

2. A health maintenance organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the health maintenance organization for the services described in section

12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A health maintenance organization may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.75. **NRS 695C.050 is hereby amended to read as follows:**

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health

maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 ***and section 16.7 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 16.8. **NRS 695C.330 is hereby amended to read as follows:**

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***or section 16.7 of this act,*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 16.9. **Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist who participates in the network plan of the managed care organization.

2. A managed care organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the managed care organization for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A managed care organization may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 17. 1. Notwithstanding the provisions of subsection 2 of NRS 458.103, as amended by section ~~[1]~~ **1.7** of this act, a treatment provider, provider of health care or program for alcohol or substance use disorders is not, unless otherwise required by federal law, required to terminate services to which the provisions of that subsection would otherwise apply to a person who is receiving such services on or before October 1, 2023 from the treatment provider, provider of health care or program in order to provide such services to a person who would otherwise receive priority under that subsection.

2. The provisions of subsection 2 of NRS 458.103, as amended by section ~~[1]~~ **1.7** of this act, do not apply to treatment for an alcohol or other substance use disorder provided under any grant, contract or other agreement accepted or entered into on or before October 1, 2023, but do apply to any such treatment provided under such a grant, contract or agreement that is renewed or extended.

3. As used in this section:

(a) "Program for alcohol or other substance use disorders" has the meaning ascribed to it in NRS 458.010.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(c) "Treatment provider" has the meaning ascribed to it in NRS 458.010.

Sec. 17.5. **1. During the 2023-2024 interim, the Department of Corrections, in collaboration with the Department of Health and Human**

Services, shall study the provision of medication-assisted treatment to offenders with opioid use disorder. The study must include, without limitation, an examination of:

(a) Barriers to accessing medication-assisted treatment at institutions and facilities of the Department of Corrections and private facilities and institutions, including, without limitation:

(1) A shortage of providers of health care who are authorized and willing to prescribe a drug for medication-assisted treatment to offenders; and

(2) Barriers relating to the licensure, credentialing and regulation of such providers of health care;

(b) The feasibility of forming multidisciplinary review teams consisting of experts on behavioral health care and criminal justice to make informed decisions about the medication-assisted treatment provided to offenders;

(c) The feasibility of establishing medication-assisted treatment programs on the grounds of institutions and facilities of the Department of Corrections and private facilities and institutions to provide medication-assisted treatment to offenders with opioid use disorder to the same extent as other health care provided to offenders;

(d) The feasibility of forming partnerships with providers of health care and agencies, including, without limitation, the Department of Health and Human Services and local agencies that provide social services, to provide medication-assisted treatment inside or nearby institutions and facilities of the Department of Corrections and private facilities and institutions;

(e) The feasibility of forming partnerships with counties, cities and towns that maintain jails or detention facilities to provide medication-assisted treatment to prisoners in such jails or detention facilities;

(f) The feasibility of storing information concerning offenders who are receiving medication-assisted treatment and sharing such information with providers of treatment, providers of community-based services and other interested persons and entities;

(g) Strategies for facilitating the continuation of medication-assisted treatment by an offender upon release, including, without limitation:

(1) Affiliating with providers of community-based services or federally qualified health centers; and

(2) Obtaining a waiver pursuant to 42 U.S.C. § 1315 to provide coverage under Medicaid for services to offenders before they are released;

(h) The funding that would be needed to provide medication-assisted treatment to all offenders with opioid use disorder in each institution or facility of the Department of Corrections and each private facility or institution; and

(i) Opportunities to obtain federal and private funding to defray the costs described in paragraph (h).

2. During the 2023-2024 interim, each county, city or town that maintains a jail or detention facility shall study opioid use disorder among prisoners. Each study must include, without limitation:

(a) An examination of the current prevalence of opioid use disorder among prisoners in the jail or detention facility;

(b) An examination of the treatment prescribed for and provided to prisoners with opioid use disorder, including, without limitation, treatments provided by the staff of the jail or detention facility; and

(c) For a county whose population is 100,000 or more or any city or town within such a county, an examination of the feasibility of:

(1) Establishing a program to provide medication-assisted treatment for prisoners with opioid use disorder that meets national standards of care for the provision of medication-assisted treatment in a correctional setting, including, without limitation, with regard to personnel and funding; and

(2) Forming partnerships with providers of health care and agencies to provide medication-assisted treatment inside or nearby the jail or detention facility and facilitate the continuation of medication-assisted treatment after a prisoner is released.

3. A county whose population is less than 100,000 or a city or town within such a county that maintains a jail or detention facility may:

(a) Conduct the examination described in paragraph (c) of subsection 2; and

(b) Cooperate with the regional behavioral health policy board created by NRS 433.429 for the behavioral health region established by NRS 433.428 in which the county is located for the purpose of conducting that examination.

4. On or before June 30, 2024, the Department of Corrections and each county, city or town that maintains a jail or detention facility shall:

(a) Submit a report of the findings of the study conducted pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on the Judiciary; and

(b) Present the findings of the study conducted pursuant to this section at meetings of the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on the Judiciary.

5. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Institution" has the meaning ascribed to it in NRS 209.071.

(d) "Medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

(e) "Offender" has the meaning ascribed to it in NRS 209.081.

(f) "Private facility or institution" has the meaning ascribed to it in NRS 209.083.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 19. **1. This section becomes effective upon passage and approval.**

2. Sections 1, 1.3 and 17.5 of this act becomes effective on July 1, 2023.

3. Sections 1.7 and 17 of this act become effective on October 1, 2023.

4. Sections 2 to 16.9, inclusive, and 18 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 162.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 285.

ASSEMBLYMEN GORELOW; BILBRAY-AXELROD, **BROWN-MAY,** CARTER, **CONSIDINE, GONZÁLEZ, LA RUE HATCH, NEWBY,** PETERS AND WATTS

SUMMARY—**[**Revises**]** **Establishes** provisions governing **[**restricted use**]** **the use of neonicotinoid** pesticides**.** **[**containing certain chemicals.**]** (BDR 51-97)

AN ACT relating to pesticides; **[**requiring the Director of the State Department of Agriculture to classify neonicotinoid pesticides as restricted use pesticides;**]** prohibiting the use of neonicotinoid pesticides **[**on state lands; establishing certain exceptions for neonicotinoid pesticides to certain fees relating to restricted use pesticides;**]** **for certain purposes;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law **[**requires the Director of the State Department of Agriculture to classify any pesticide as a restricted use pesticide that, unless carefully used, the Director finds is likely to be: (1) injurious to persons, pollinating insects, bees, animals, crops or land, other than the pest or vegetation it is intended to prevent, destroy, control or mitigate; or (2) detrimental to certain vegetation,

~~wildlife or public health and safety. (NRS 586.237) Existing law also prohibits a person from using any restricted-use pesticide without a certificate issued by the Director, except a person using a restricted-use pesticide under the supervision of an authorized commercial applicator, a certified non-private applicator or private applicator. (NRS 555.351) Section 4 of this bill requires the Director to classify neonicotinoid pesticides as restricted-use pesticides.]~~ **establishes the Nevada Pesticides Act to regulate the use of pesticides in this State. (Chapter 586 of NRS) Section 1.6 of this bill prohibits the purchase or use of neonicotinoid pesticides on plants in this State except for commercial agricultural use. Section 1.6 further requires any person seeking to use neonicotinoid pesticides for commercial agricultural purposes to obtain a certificate of commercial agricultural use from the Internet website of the State Department of Agriculture.**

Sections ~~[1]~~ **1.3 and 7** of this bill define "neonicotinoid pesticide." **Sections 2 and 8** of this bill make conforming changes to incorporate these definitions into the Nevada Revised Statutes.

~~[Sections 3 and 9 of this bill revise the definition of "restricted-use pesticide" to include neonicotinoid pesticides.]~~

Sections 6 and 10 of this bill prohibit the application of neonicotinoid pesticides ~~[on state land.~~

~~Existing law prohibits any person from selling or offering to sell at the retail level or distributing or delivering for transportation for delivery to the consumer or user a restricted-use pesticide unless the person registers with the Director and pays an annual registration fee and, under certain circumstances, a penalty fee. (NRS 586.406) Section 5 of this bill provides that the State Board of Agriculture may not establish a fee for registering a neonicotinoid pesticide.~~

~~Existing law authorizes the Director to require an applicant for a certificate to use restricted-use pesticides in this State to pass an examination on the proper use and application of restricted-use pesticides and pay a testing fee established by the Board by regulation. (NRS 555.355) Section 11 of this bill prohibits the Director from collecting a fee for an examination or reexamination from an applicant seeking to only use neonicotinoid pesticides.]~~ **in violation of the requirements of section 1.6.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 586 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.6 of this act.**

Sec. 1.3. "Neonicotinoid pesticide" means any pesticide containing a chemical belonging to the neonicotinoid class of chemicals, including, without limitation:

1. ***Acetamiprid;***
2. ***Clothianidin;***
3. ***Dinotefuran;***

4. Imidacloprid;

5. Nithiazine;

6. Thiacloprid; and

7. Thiamethoxam.

Sec. 1.6. 1. A person shall not purchase or use neonicotinoid pesticides on plants in this State, except for commercial agricultural purposes.

2. Neonicotinoid pesticides may be purchased and used in this State for purposes other than for use on plants, including, without limitation:

(a) Pet care.

(b) Veterinary treatment.

(c) Personal care products.

(d) Pest control pesticides that are for indoor use.

(e) Outdoor items and structures, other than plants. This paragraph does not authorize the spraying or application of a neonicotinoid pesticide on any plant.

(f) Pesticides that are intended to act as a wood preservative and pesticide-treated wood products.

(g) Structural insulation.

➥ Any purchase or use of neonicotinoid pesticides pursuant to this section must be in accordance with the on-label use of such neonicotinoid pesticide and as directed by the instructions.

3. The Director shall make available on the Internet website of the State Department of Agriculture an application for a certificate of commercial agricultural use. The certificate must, without limitation:

(a) State that the use of neonicotinoid pesticides is limited to commercial agricultural purposes; and

(b) Include a space for the business identification number of the person seeking a certificate of commercial agricultural use.

4. Any person seeking to apply neonicotinoid pesticides for commercial agricultural purposes must obtain a certificate of commercial agricultural use from the Internet website of the State Department of Agriculture.

5. The Director may adopt regulations to carry out the provisions of this section.

6. As used in this section, "commercial agricultural purposes" means the cultivation of plants or the use of farm and agricultural land to produce an agricultural product to be sold in commerce.

Sec. 2. NRS 586.020 is hereby amended to read as follows:

586.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 586.030 to 586.220, inclusive, ***and section ~~1~~ 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. ~~[NRS 586.205 is hereby amended to read as follows:~~

~~586.205 "Restricted-use pesticide" means any pesticide, including any highly toxic pesticide, which:~~

~~1. The Director has determined after a hearing, to be:~~

~~(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or~~

~~(b) Detrimental to:~~

~~(1) Vegetation, except weeds;~~

~~(2) Wildlife; or~~

~~(3) Public health and safety; **[**or**]**~~

~~2. Has been classified for restricted use by or under the supervision of a certified applicator in accordance with the Federal Environmental Pesticide Control Act, 7 U.S.C. §§ 136 et seq.~~ ***; or***

~~***3. Is required to be classified as a restricted-use pesticide pursuant to subsection 3 of NRS 586.237.]***~~ **(Deleted by amendment.)**

Sec. 4. **[**~~NRS 586.237 is hereby amended to read as follows:~~

~~586.237 1. The Director shall adopt regulations governing the application and distribution of any pesticides which the Director finds must necessarily be applied in pest control but which unless carefully used are likely to be:~~

~~(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than the pest or vegetation it is intended to prevent, destroy, control or mitigate; or~~

~~(b) Detrimental to:~~

~~(1) Vegetation, except weeds;~~

~~(2) Wildlife; or~~

~~(3) Public health and safety.~~

~~2. The Director in classifying pesticides as restricted use pesticides shall determine if:~~

~~(a) They are highly toxic to humans or other animals, including wildlife.~~

~~(b) The regulations governing their application and distribution are reasonably calculated to avoid injury and are necessary for their proper use.~~

~~(c) The benefit received from their use is of greater public value than a detriment to the environment, public health and safety.~~

~~(d) They can be used by permit for purposes other than their registered purposes.~~

~~3.~~ ***The Director shall classify any neonicotinoid pesticide as a restricted-use pesticide.***

~~***4.*** The Director may adopt such other rules and regulations as are necessary to carry out the provisions of this chapter, including, but not limited to:~~

~~(a) The collection and examination of pesticides.~~

~~(b) The use of certain types of containers or packages for specific pesticides, applicable to construction, strength or size to avoid the danger of spillage, breakage or misuse.~~

~~(c) The safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers.~~

~~(d) The information to be recorded and maintained of the sale, use and distribution of pesticides classified for restricted use.~~] **(Deleted by amendment.)**

Sec. 5. ~~[NRS 586.406 is hereby amended to read as follows:~~

~~586.406 1. It is unlawful for any person to sell or offer to sell at the retail level or distribute or deliver for transportation for delivery to the consumer or user a pesticide classified for restricted use pursuant to NRS 586.237 or the Federal Environmental Pesticide Control Act, 7 U.S.C. §§ 136 et seq., unless the person is registered with the Director.~~

~~2. Each person applying for registration must provide a statement including:~~

~~(a) The name and address of the person registering; and~~

~~(b) The name and address of any person who, on behalf of the person registering, sells, offers to sell, distributes or delivers for transportation a restricted use pesticide.~~

~~3. All registrations expire on December 31 and are renewable annually.~~

~~4. [Each]~~ ***Except as otherwise provided in subsection 5, each*** ~~person registering shall pay:~~

~~(a) An annual registration fee established by regulation of the State Board of Agriculture; and~~

~~(b) A penalty fee of $5 if the person's previous registration has expired by the failure to reregister on or before February 1, unless the person's registration is accompanied by a signed statement that no person named on the registration statement has sold or distributed any restricted use pesticides during the year the registration was not in effect.~~

~~5.~~ ***The State Board of Agriculture may not establish a fee for registering a neonicotinoid pesticide classified in accordance with subsection 3 of NRS 586.237.***

~~6.~~ ***6.*** ~~Each person who is registered shall maintain for 2 years a record of each sale and distribution of restricted use pesticides in accordance with the requirements for State certification plans set forth in 40 C.F.R. § 171.303(b)(7)(vii).~~

~~[6.]~~ ***7.*** ~~Each person registered pursuant to this section shall, on or before the 15th day of each month, file a report with the Director specifying the restricted use pesticides sold or distributed during the previous month. The Director shall provide the form for the report. The form must be filed regardless of whether the person sold or distributed any pesticides during the previous month.~~] **(Deleted by amendment.)**

Sec. 6. NRS 586.945 is hereby amended to read as follows:

586.945 ~~(1.)~~ It shall be unlawful for any person to apply ~~[any]~~ ***:***

~~(a)~~ ***[(a)] 1. Any*** restricted-use pesticide for which regulations have been adopted, except as provided in such regulations ~~[.]~~ ***; and***

~~(b)~~ ***[(b)] 2. Any neonicotinoid pesticide*** ~~***on state land.***~~

~~***2. As used in this section, "state land" has the meaning ascribed to it in NRS 383.425.]***~~ ***in violation of the requirements of section 1.6 of this act.***

Sec. 7. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

"Neonicotinoid pesticide" has the meaning ascribed to it in section ~~[1]~~ 1.3 of this act.

Sec. 8. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, ***and section ~~[1]~~ 7 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. ~~[NRS 555.2683 is hereby amended to read as follows:~~

~~555.2683 "Restricted-use pesticide" means any pesticide, including any highly toxic pesticide, which:~~

~~1. The Director has found and determined, after a hearing, to be:~~

~~(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or~~

~~(b) Detrimental to:~~

~~(1) Vegetation, except weeds;~~

~~(2) Wildlife; or~~

~~(3) Public health and safety;~~ ~~[or]~~

~~2. Has been classified for restricted use in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.~~ ***~~; or~~***

~~3. Is required to be classified as a restricted-use pesticide pursuant to subsection 3 of NRS 586.237.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 555.351 is hereby amended to read as follows:

555.351 1. Except as otherwise provided in subsection 3, a person shall not use ~~[any]~~ ***:***

(a) Any restricted-use pesticide within this State at any time without a certificate issued by the Director except a person using any restricted-use pesticide under the supervision of an authorized commercial applicator who complies with the provisions of subsection 3, certified non-private applicator or private applicator ~~[.]~~ ***; or***

(b) Any neonicotinoid pesticide ~~[on state land.]~~ in violation of the requirements of section 1.6 of this act. Any person seeking to apply a neonicotinoid pesticide for commercial agricultural purposes must obtain a certificate of commercial agricultural use pursuant to section 1.6 of this act.

2. If the Director has adopted regulations requiring:

(a) A permit pursuant to NRS 586.403; or

(b) A special use permit pursuant to NRS 586.405,

➥ for a restricted-use pesticide, a person shall not use that pesticide without obtaining the required permit.

3. A person licensed as a commercial applicator and authorized to engage in pest control is authorized to use or supervise the use of a restricted-use pesticide without obtaining a certificate issued by the Director pursuant to NRS 555.357, if the person:

(a) Demonstrates that he or she satisfies the standards set forth in 40 C.F.R. § 171.103; and

(b) Otherwise complies with the provisions of this chapter and any regulations adopted pursuant to this chapter governing the use of restricted-use pesticides.

4. As used in this section, ~~[“state land”]~~ “commercial agricultural purposes” has the meaning ascribed to it in ~~[NRS 383.425.]~~ section 1.6 of this act.

Sec. 11. ~~[~~NRS 555.355 is hereby amended to read as follows:~~

~~555.355 1. The Director may require~~ **[**~~the~~**]** ***an*** ~~applicant~~ ***for a certificate*** ~~to show, upon examination, that the applicant possesses adequate knowledge concerning the proper use and application of restricted-use pesticides and the dangers involved and precautions to be taken in connection with the application of those pesticides.~~

~~2. In addition, the Director may require the applicant to meet special qualifications of competency to meet the special needs of a given locality regarding the use or application of a specific restricted-use pesticide.~~

~~3. The Director shall require an applicant to demonstrate:~~

~~(a) If the applicant is applying to be certified as a non-private applicator, that he or she satisfies the standards set forth in 40 C.F.R. § 171.103.~~

~~(b) If the applicant is applying to be certified as a private applicator, that he or she satisfies the standards set forth in 40 C.F.R. § 171.105.~~

~~4.~~ **[**~~The~~**]** ***Except as otherwise provided in subsection 5, the*** ~~Director shall collect from each person applying for an examination or reexamination, in connection with the issuance of a certificate, a testing fee established by regulation of the State Board of Agriculture for any one examination period.~~

~~***5. The Director shall not collect a fee for an examination or reexamination, in connection with the issuance of a certificate, from an applicant seeking to use only neonicotinoid pesticides.]***~~ **(Deleted by amendment.)**

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 216.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 115.

AN ACT relating to insurance; repealing, reenacting, reorganizing and revising various provisions relating to travel insurance; authorizing the Commissioner of Insurance to adopt regulations relating to travel insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Insurance to license producers of limited lines travel insurance to sell, solicit or negotiate travel insurance. (NRS 683A.265) Existing law sets forth various requirements and restrictions relating to producers of limited lines travel insurance and travel retailers who offer and disseminate travel insurance on behalf of a producer of limited lines travel insurance. (NRS 683A.193-683A.199, 683A.242, 683A.368-683A.3695) **Section 49** of this bill repeals the provisions of existing law governing producers of limited lines travel insurance and travel retailers. **Sections 2-36** of this bill reenact, reorganize and revise those provisions into a new chapter of the Nevada Revised Statutes governing travel insurance for the purpose of conforming more closely to the Travel Insurance Model Act adopted by the National Association of Insurance Commissioners. **Sections 3-19** define words and terms for the purposes of this bill. **Section 20** sets forth the applicability of this bill.

Section 21 authorizes the Commissioner to issue a license as a producer of limited lines travel insurance to a person who ~~[holds a license as a producer of insurance or managing general agent or a certificate of registration as an administrator.]~~ **has filed an application with the Commissioner.**

With certain exceptions, existing law prohibits a person from selling, soliciting or negotiating insurance for any class of insurance unless the person is licensed for that class of insurance. (NRS 683A.201) Existing law prohibits a producer of insurance from acting as an agent unless he or she is appointed as an agent by the insurer. (NRS 683A.321) **Section 29** authorizes a producer of insurance licensed for life insurance, accident and health insurance, property insurance, casualty insurance, variable annuities and variable life insurance or personal lines to **act as a producer of limited lines travel insurance and** sell, solicit or negotiate travel insurance. **Sections 29 and 41** of this bill provide that a producer of insurance who is licensed for property insurance and casualty insurance is not required to be appointed by an insurer to **act as a producer of limited lines travel insurance and** sell, solicit or negotiate travel insurance.

Section 22 authorizes a travel retailer to offer and disseminate travel insurance under the license of a producer of limited lines travel insurance under certain conditions. **Section 23** requires a producer of limited lines travel insurance to establish and maintain a register of each travel retailer that offers and disseminates travel insurance on behalf of the producer of limited lines travel insurance. **Section 24** requires a travel retailer to make available to each prospective purchaser of travel insurance certain written materials. **Section 25** prohibits a travel retailer from engaging in certain activities. **Sections 26 and**

42 of this bill authorize a travel retailer to receive compensation relating to his or her activities authorized by the provisions of this bill. **Section 28** makes a producer of limited lines travel insurance responsible for the acts of a travel retailer who offers and disseminates travel insurance under the license of the producer of limited lines travel insurance. **Section 27** makes a producer of limited lines travel insurance and a travel retailer subject to: (1) disciplinary action in the same manner as a producer of insurance; and (2) the provisions of existing law governing insurance trade practices and fraud.

Section 18 defines "travel protection plan" to mean a product that provides: (1) travel insurance; (2) travel assistance services; (3) a cancellation fee waiver; or (4) any combination of those items. **Section 30**: (1) authorizes a travel protection plan to be offered for one price for the combined items of the plan if certain conditions are met; and (2) provides that a purchaser of a travel protection plan who cancels the plan is entitled to a full refund under certain circumstances.

Section 31 requires: (1) all documents provided to a prospective purchaser of travel insurance to be consistent with the policy of travel insurance itself; and (2) certain information to be provided to a purchaser or prospective purchaser of travel insurance. **Sections 32 and 33** set forth certain authorized and prohibited practices in the sale and marketing of travel insurance.

Section 15 defines "travel administrator" as a person who directly or indirectly underwrites, collects charges, collateral or premiums from or adjusts or settles claims of residents of this State in connection with travel insurance. **Section 34** prohibits a person from acting as a travel administrator unless the person holds: (1) a license as a producer of insurance for a property insurance or casualty insurance line of authority; (2) a license as a managing general agent; or (3) a certificate of registration as an administrator. **Section 43** of this bill excludes a travel administrator and the employees of a travel administrator from the definition of "adjuster," thereby exempting those persons from the licensing requirements applicable to an adjuster.

Under existing law, authorized insurers and certain rate service organizations are required to file with the Commissioner all rates and proposed increases thereto, as well as the forms of policies to which the rates apply, certain supplementary rate information and any changes or amendments to the rates. (NRS 686B.070) Existing regulations require an insurer to annually submit to a statistical agent designated by the Commissioner certain information concerning certain lines of insurance, including, among others, an inland marine line of insurance. (NAC 686B.365) **Section 35** provides that, for the purposes of such filings, with certain exceptions, travel insurance is required to be classified and filed as an inland marine line of insurance. **Section 35** also authorizes an insurer to establish and use certain eligibility and underwriting standards. **Section 36** authorizes the Commissioner to adopt regulations to carry out the provisions of this bill.

Existing law requires an insurer to pay a tax upon his or her direct premiums and net direct considerations at the rate of 3.5 percent. (NRS 680B.027)

Section 37 of this bill specifies the premiums concerning travel insurance to which the tax applies. **Sections 38 and 39** of this bill make conforming changes to indicate the proper placement of **section 37** in the Nevada Revised Statutes.

Section 40 of this bill makes a conforming change to account for the repeal of the definition of "travel insurance" in **section 49** and the reenactment of a revised definition of "travel insurance" in **section 17**.

Existing law prohibits a person from engaging in any practice that is an unfair method of competition or an unfair or deceptive act or practice in the business of insurance. (NRS 686A.020) **Section 44** of this bill provides that it is an unfair method of competition or an unfair or deceptive act or practice in the business of insurance to: (1) offer or sell a policy that could never result in payment of any claims; or (2) market blanket travel insurance as free. **Sections 45-47** of this bill make conforming changes to indicate the proper placement of **section 44** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 36, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 3. ***"Aggregator site" means an Internet website that provides access to information regarding insurance products from more than one insurer, including, without limitation, information about the insurance products and the insurers offering the insurance products, for use in comparison shopping.***

Sec. 4. ***"Blanket travel insurance" means a policy of group travel insurance issued to an eligible group that provides coverage for all members of the eligible group*** ***or for specific classes within the eligible group defined in the policy with coverage provided to all members of the eligible group or specific class*** ***without a separate charge to any individual member of the eligible group*** ~~***.***~~ ***or specific class.***

Sec. 5. ***"Cancellation fee waiver" means a contractual arrangement between a supplier of travel services and a purchaser of such services to waive any provision of the underlying contract for travel services which imposes a nonrefundable cancellation fee, with or without regard to the reason for the cancellation or the form of reimbursement.***

Sec. 6. ***"Eligible group" means two or more persons who are engaged in a common enterprise or have an economic, educational or social affinity or relationship, including, without limitation:***

1. An entity engaged in the business of providing travel or travel services if, with regard to any particular travel or type of travel or travelers, all

members or customers of the entity have a common exposure to the risk attendant to such travel. For the purposes of this subsection, "entity engaged in the business of providing travel or travel services" includes, without limitation, a tour operator, lodging provider, vacation property owner, hotel, resort, travel club, travel agency, property manager, cultural exchange program and common carrier or operator, owner or lessor of a means of transportation of passengers, including, without limitation, an airline, cruise line, railroad, steamship company and public bus carrier.

2. A college, school or other institution of learning obtaining travel insurance coverage for any group of students, teachers, employees or volunteers.

3. An employer obtaining travel insurance coverage for any group of employees, volunteers, contractors, board of directors, dependents or guests.

4. A sports team, camp or sponsor of a sports team or camp obtaining travel insurance coverage for any group of participants, members, campers, employees, officials, supervisors or volunteers.

5. A religious, charitable, recreational, educational or ~~[civil]~~ civic organization, or a branch of such an organization, obtaining travel insurance coverage for any group of members, participants or volunteers.

6. A financial institution, vendor of a financial institution, or a parent holding company, trustee, agent of or designated by a financial institution or vendor of a financial institution, including, without limitation, an accountholder, credit card holder, debtor, guarantor or purchaser.

7. An incorporated or unincorporated association, including, without limitation, a labor union, that has a common interest, constitution and bylaws and is organized and maintained in good faith for purposes other than obtaining insurance for its members or participants, obtaining travel insurance coverage for any group of its members or participants.

8. Subject to the approval of the Commissioner for the use of a trust and the provisions of section 37 of this act, a trust or the trustees of a fund established, created or maintained for the benefit of the members, employees or customers of ~~[an association]~~ one or more associations described in subsection 7.

9. An entertainment production company obtaining travel insurance coverage for any group of participants, volunteers, audience members, contestants or workers.

10. A volunteer fire department, entity providing emergency medical services, police department or court.

11. A first aid, civil defense or similar volunteer group.

12. A preschool, daycare center for children or adults or club for senior citizens.

13. An entity engaged in the business of renting or leasing motor vehicles, which shall be deemed the policyholder for a policy of travel insurance to which this subsection applies, obtaining travel insurance coverage for any group of persons who may become renters, lessees or

passengers defined by the travel status of the group on the rented or leased vehicles.

14. Any other group for which the Commissioner has determined that:

(a) The members of the group are engaged in a common enterprise, or have an economic, educational or social affinity or relationship; and

(b) The issuance of a policy of travel insurance to the group is not contrary to the public interest.

Sec. 7. *"Fulfillment materials" means documentation provided* ***or sent*** *to the purchaser of a travel protection plan that confirms the purchase of the plan and provides information regarding the travel insurance coverage, travel assistance services and cancellation fee waivers, as applicable.*

Sec. 8. *"Group travel insurance" means travel insurance issued to any eligible group.*

Sec. 9. *"Home state" has the meaning ascribed to it in NRS 683A.041.*

Sec. 10. *"Negotiate" has the meaning ascribed to it in NRS 683A.065.*

Sec. 11. *"Offer and disseminate" means the provision of general information, including, without limitation, a description of* ~~*[the]*~~ *coverage and price* ***,*** ~~*[of travel insurance,]*~~ *as well as the processing of applications and the collection of premiums.*

Sec. 12. *"Producer of limited lines travel insurance" means a person licensed pursuant to section 21 of this act who is authorized by an insurer to solicit travel insurance either directly or through a travel retailer.*

Sec. 13. *"Sell" has the meaning ascribed to it in NRS 683A.072.*

Sec. 14. *"Solicit" has the meaning ascribed to it in NRS 683A.074.*

Sec. 15. *1. "Travel administrator" means a person who directly or indirectly underwrites, collects charges, collateral or premiums from or adjusts or settles claims of, residents of this State in connection with travel insurance.*

2. The term does not include:

(a) ~~*[An employee of]*~~ ***A person working for*** *a travel administrator to the extent that the activities of the person are subject to the supervision and control of the travel administrator.*

(b) A licensed producer of insurance selling insurance or engaged in administrative activities and activities relating to claims that are within the scope of his or her license.

(c) A travel retailer who is listed on the register maintained by a producer of limited lines travel insurance pursuant to section 23 of this act and who offers and disseminates travel insurance under the license of a producer of limited lines travel insurance in accordance with the provisions of this chapter.

(d) A person adjusting or settling claims in the normal course of his or her practice or employment as an attorney who does not collect charges or premiums in connection with travel insurance coverage.

(e) A person who is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of the insurer.

Sec. 16. *1. "Travel assistance services" means services that are furnished in connection with planned travel, the provision of which does not result in the transfer or shifting of risk that would constitute the business of insurance, and for which the purchaser is not indemnified based on a fortuitous event.*

2. The term includes, without limitation, security advisories, destination information, vaccination and immunization information services, travel reservation services, entertainment, activity and event planning, translation assistance, emergency messaging, international legal and medical referrals, medical case monitoring, coordination of transportation arrangements, emergency cash transfer assistance, medical prescription replacement assistance, passport and travel document replacement assistance, lost luggage assistance, concierge services and any other service furnished in connection with planned travel that meets the conditions set forth in subsection 1.

Sec. 17. *1. "Travel insurance" means insurance coverage for personal risks incident to planned travel, including, without limitation:*

(a) Interruption or cancellation of a trip or event;

(b) Loss of baggage or personal effects;

(c) Damages to accommodations or rental vehicles;

(d) Sickness, accident, disability or death occurring during travel;

(e) Emergency evacuation;

(f) Repatriation of remains; or

(g) Any other contractual obligation to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel that is approved by the Commissioner.

2. The term does not include:

(a) Travel assistance services;

(b) A cancellation fee waiver;

(c) A major medical plan that provides comprehensive medical protection for a traveler on a trip lasting longer than 6 months, including, without limitation, a traveler who is working or residing overseas as an expatriate; or

(d) Any other product that a person is prohibited from selling, soliciting or negotiating unless the person holds a specific license as a producer of insurance.

Sec. 18. *"Travel protection plan" means a product that provides:*

1. Travel insurance;

2. Travel assistance services;

3. A cancellation fee waiver; or

4. Any combination of the items described in subsections 1, 2 and 3.

Sec. 19. *"Travel retailer" means a person that makes, arranges or offers travel services and, as a service to the customers of the person, may offer and disseminate travel insurance on behalf of, and under the direction of, a producer of limited lines travel insurance.*

Sec. 20. *1. The provisions of this chapter apply to:*

(a) Travel insurance that covers any resident of this State and is sold, solicited, negotiated or offered in this State; and

(b) Policies and certificates of travel insurance that are delivered or issued for delivery in this State.

2. ~~[Except]~~ A cancellation fee waiver or travel assistance services do not constitute insurance and, except as otherwise expressly provided in this chapter, the provisions of this chapter do not apply to a cancellation fee waiver or travel assistance services.

Sec. 21. *1. ~~[A]~~ Except as otherwise provided in section 29 of this act, a person shall not act as a producer of limited lines travel insurance unless the person is licensed pursuant to this section.*

2. In accordance with the provisions of NRS 683A.201 to 683A.370, inclusive, the Commissioner may issue a license as a producer of limited lines travel insurance to a person who has filed an application with the Commissioner . ~~[and who holds a:~~

~~(a) License as a producer of insurance issued by the Commissioner pursuant to NRS 683A.261 or 683A.271;~~

~~(b) License as a managing general agent issued by the Commissioner pursuant to 683A.160; or~~

~~(c) Certificate of registration as an administrator issued by the Commissioner pursuant to NRS 683A.08524.]~~

3. A license issued pursuant to this section authorizes the holder of the license to sell, solicit or negotiate travel insurance on behalf of a licensed insurer.

Sec. 22. *1. A person shall not act as a travel retailer unless the person is listed on the register maintained by a producer of limited lines travel insurance pursuant to section 23 of this act.*

2. A travel retailer may offer and disseminate travel insurance under the license of a producer of limited lines travel insurance issued pursuant to section 21 of this act if the following conditions are met:

(a) The producer of limited lines travel insurance or travel retailer provides to each purchaser of travel insurance:

(1) A description of the material terms, or the actual material terms, of the travel insurance coverage;

(2) A description of the process for filing a claim;

(3) A description of the review or cancellation process for the policy of travel insurance; and

(4) The identity and contact information of the insurer and the producer of limited lines travel insurance;

(b) The travel retailer is listed on the register maintained by the producer of limited lines travel insurance pursuant to section 23 of this act;

(c) The producer of limited lines travel insurance has designated a natural person who is employed by the producer of limited lines travel insurance and who is a licensed producer of insurance to be responsible for the compliance of the producer of limited lines travel insurance with the provisions of this title and any rules and regulations adopted pursuant thereto;

(d) The person designated pursuant to paragraph (c), the officers of the producer of limited lines travel insurance and any other person who directs or controls the insurance operations of the producer of limited lines travel insurance have complied with any requirements relating to fingerprinting which are applicable to producers of insurance in the home state of the producer of limited lines travel insurance;

(e) The producer of limited lines travel insurance has paid all licensing fees applicable to a producer of insurance pursuant to chapter 683A of NRS; and

(f) The producer of limited lines travel insurance requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training.

3. A program of instruction or training described in paragraph (f) of subsection 2 is subject to review and approval by the Commissioner. The training materials provided as part of such a program must, at a minimum, contain adequate instructions on the types of travel insurance offered, ethical sales practices and required disclosures to prospective purchasers.

Sec. 23. *1. Each producer of limited lines travel insurance shall, at the time of licensure, establish and maintain a register, on a form and in a manner prescribed by the Commissioner, which includes a list of each travel retailer that offers and disseminates travel insurance on behalf of the producer of limited lines travel insurance. The register must include, without limitation:*

(a) The name, address and contact information of the travel retailer;

(b) The name, address and contact information of an officer or person who directs or controls the operations of the travel retailer; and

(c) The federal tax identification number of the travel retailer.

2. The producer of limited lines travel insurance shall:

(a) Maintain and regularly update the register; and

(b) Submit a copy of the register to the Commissioner upon reasonable request.

3. A producer of limited lines travel insurance shall certify that each travel retailer listed on the register complies with the provisions of 18 U.S.C. § 1033.

Sec. 24. *A travel retailer who offers and disseminates travel insurance shall make available to each prospective purchaser a brochure or other*

written material that has been approved by the insurer providing the travel insurance and which, at a minimum:

1. Provides the identity and contact information of the insurer and the producer of limited lines travel insurance;

2. Explains that the purchase of travel insurance is not required in order to purchase any other product or service of the travel retailer; and

3. Explains that a travel retailer who is not a licensed producer of insurance may provide only general information about the travel insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the travel insurance offered by the travel retailer or evaluate the adequacy of any existing insurance coverage that the prospective purchaser may have.

Sec. 25. ***A travel retailer, or any employee or authorized representative of the travel retailer, who is not a licensed producer of insurance shall not:***

1. Evaluate or interpret technical terms, benefits and conditions of any travel insurance coverage offered by the travel retailer;

2. Evaluate, provide advice or render an opinion concerning any existing insurance coverage of a prospective purchaser; or

3. Hold himself or herself out as a licensed insurer, licensed producer of insurance or insurance expert.

Sec. 26. ***A travel retailer who is listed on the register maintained by a producer of limited lines travel insurance pursuant to section 23 of this act and who limits his or her activities and those of his or her employees or authorized representatives to offering and disseminating travel insurance on behalf of and under the direction of the producer of limited lines travel insurance in accordance with the provisions of this chapter is entitled to receive compensation relating to those activities.***

Sec. 27. ***A producer of limited lines travel insurance and each travel retailer who offers or disseminates travel insurance under the license of a producer of limited lines travel insurance is subject to the provisions of NRS 683A.451 to 683A.520, inclusive, and chapter 686A of NRS.***

Sec. 28. ***A producer of limited lines travel insurance is responsible for the acts of a travel retailer who offers and disseminates travel insurance under the license of the producer of limited lines travel insurance and shall use reasonable means to ensure compliance by the travel retailer with the provisions of this chapter and the regulations adopted pursuant thereto.***

Sec. 29. ***1. A producer of insurance who is licensed for a line of authority specified in paragraphs (a) to (e), inclusive, or (g) of subsection 1 of NRS 683A.261 may act as a producer of limited lines travel insurance and sell, solicit or negotiate travel insurance*** ~~[,]~~ ***pursuant to this chapter without obtaining a license as a producer of limited lines travel insurance issued pursuant to section 21 of this act.***

2. A producer of insurance who is licensed for the lines of authority specified in paragraphs (c) and (d) of subsection 1 of NRS 683A.261 is not

required to be appointed by an insurer to act as a producer of limited lines travel insurance and sell, solicit or negotiate travel insurance ~~[.]~~ pursuant to this chapter.

Sec. 30. ***1. A travel protection plan that provides any combination of travel insurance, travel assistance services or cancellation fee waivers may be offered in this State for one price for the combined items if:***

(a) At or before the time of purchase:

(1) The travel protection plan clearly discloses to the purchaser or prospective purchaser that the plan includes travel insurance, travel assistance services and cancellation fee waivers, as applicable; and

(2) The purchaser or prospective purchaser is provided with information regarding the items included in the plan and an opportunity to obtain additional information regarding the items included in the plan and the pricing of each item; and

(b) The fulfillment materials concerning the travel protection plan:

(1) Describe and delineate the travel insurance, travel assistance services and any cancellation fee waivers in the travel protection plan, as applicable; and

(2) Include, as applicable, the disclosures required by paragraph (a) of subsection 2 of section 22 of this act and the contact information for any person providing travel assistance services or cancellation fee waivers.

2. As soon as practicable after the purchase of a travel protection plan, the fulfillment materials concerning the plan must be personally delivered to the purchaser of the travel protection plan or sent to the purchaser by mail or electronic transmission.

3. Unless the insured has started a covered trip or filed a claim under the travel insurance coverage, a policyholder or certificate holder who cancels a travel protection plan that includes travel insurance is entitled to a full refund of the price of the travel protection plan if the cancellation occurs not later than:

(a) If the fulfillment materials are sent by mail, 15 days after the date on which the fulfillment materials are sent.

(b) If the fulfillment materials are personally delivered or sent by electronic transmission, 10 days after the date on which the fulfillment materials are delivered or sent.

Sec. 31. ***1. All documents provided to a prospective purchaser before the purchase of travel insurance, including, without limitation, any sales, advertising or marketing materials, must be consistent with the policy of travel insurance.***

2. If a certificate or policy of travel insurance contains an exclusion for preexisting conditions, a prospective purchaser must be provided, before the time of purchase, information concerning the exclusion and an opportunity to learn more about the exclusion. If travel insurance is included in a travel protection plan, information concerning the exclusion must be included in the fulfillment materials concerning the plan.

3. An insurer providing travel insurance shall disclose in the policy of travel insurance documentation and, if the travel insurance is included in a travel protection plan, the fulfillment materials concerning the plan, whether the travel insurance is primary or secondary to other applicable insurance coverage.

4. As used in this section, "policy of travel insurance" includes, without limitation, any form, endorsement, policy, rate filing and certificate of insurance associated with a policy of travel insurance.

Sec. 32. ***A person shall not sell, solicit or negotiate travel insurance or a travel protection plan on an individual or group basis using a negative option or opt out process that requires a person who purchases a trip to take an affirmative action to refuse travel insurance coverage, including, without limitation, unchecking a box on an electronic form.***

Sec. 33. ***1. If travel insurance is marketed directly to a prospective purchaser by an insurer through the Internet website of the insurer or by a person through an aggregator site, the insurer or person may provide on the Internet website or aggregator site an accurate summary or short description of the travel insurance coverage, so long as the prospective purchaser has access to the full provisions of the policy of travel insurance by electronic means.***

2. If a producer of limited lines travel insurance or travel retailer offers a trip or travel package to a prospective purchaser and the destination jurisdiction of the prospective purchaser requires travel insurance coverage, the producer of limited lines travel insurance or travel retailer may require the prospective purchaser, as a condition of purchasing the trip or travel package, to choose between:

(a) Purchasing the coverage required by the destination jurisdiction through the producer of limited lines travel insurance or travel retailer supplying the trip or travel package; or

(b) Agreeing to obtain and provide proof of coverage that meets the requirements of the destination jurisdiction before departure.

Sec. 34. ***1. Notwithstanding any other provision of this title, a person shall not act or represent himself or herself as a travel administrator in this State unless the person holds a:***

(a) License as a producer of insurance issued by the Commissioner pursuant to NRS 683A.261 or 683A.271 for a line of authority specified in paragraph (c) or (d) of subsection 1 of NRS 683A.261;

(b) License as a managing general agent issued by the Commissioner pursuant to NRS 683A.160; or

(c) Certificate of registration as an administrator issued by the Commissioner pursuant to NRS 683A.08524.

2. An insurer is responsible for:

(a) The acts of a travel administrator administering travel insurance underwritten by the insurer; and

(b) Ensuring that the travel administrator maintains all books and records relevant to the insurer.

3. A travel administrator shall make available to the Commissioner upon request the books and records described in paragraph (b) of subsection 2.

Sec. 35. ***1. Travel insurance may be provided in this State in the form of an individual policy of travel insurance, a policy of group travel insurance or a policy of blanket travel insurance.***

2. Except as otherwise provided in this subsection, for the purposes of any filing required by chapter 686B of NRS or the regulations adopted pursuant thereto, travel insurance must be classified and filed under an inland marine line of insurance. Travel insurance that provides coverage, either exclusively or in conjunction with coverage for emergency evacuation or repatriation of remains, for sickness, accident, disability or death occurring during travel, may be classified and filed under an accident and health line of insurance or an inland marine line of insurance.

3. An insurer may establish and use eligibility and underwriting standards for travel insurance based on travel protection plans designed for individual or identified marketing or distribution channels so long as the standards meet any requirements imposed by this title or the regulations adopted pursuant thereto relating to eligibility and underwriting standards for inland marine insurance.

Sec. 36. ***The Commissioner may adopt regulations to carry out the provisions of this chapter.***

Sec. 37. Chapter 680B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall pay the tax imposed by NRS 680B.027 on all premiums for travel insurance paid by any of the following persons:

(a) A primary policyholder who is a resident of this State.

(b) A primary certificate holder who is a resident of this State ~~[.]~~ and who elects coverage under a policy of group travel insurance.

(c) Subject to any apportionment rules which apply to the insurer across multiple taxing jurisdictions or that allow the insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions, a policyholder of blanket travel insurance:

(1) Who is a resident of this State;

(2) Whose principal place of business is in this State; or

(3) Whose affiliate or subsidiary has a principal place of business in this State, if the affiliate or subsidiary has purchased blanket travel insurance in this State for members of an eligible group.

2. An insurer shall:

(a) Document the state of residence or principal place of business of each primary policyholder, primary certificate holder or policyholder of blanket travel insurance described in subsection 1; and

(b) Report as premium only the amount allocable to travel insurance and not any amount received by the insurer for travel assistance services or cancellation fee waivers.

3. As used in this section:

(a) "Blanket travel insurance" has the meaning ascribed to it in section 4 of this act.

(b) "Cancellation fee waiver" has the meaning ascribed to it in section 5 of this act.

(c) "Eligible group" has the meaning ascribed to it in section 6 of this act.

(d) "Group travel insurance" has the meaning ascribed to it in section 8 of this act.

(e) "Primary certificate holder" means a person who elects and purchases travel insurance under a policy of group travel insurance.

(f) "Primary policyholder" means a person who elects and purchases an individual policy of travel insurance.

(g) "Travel assistance services" has the meaning ascribed to it in section 16 of this act.

(h) "Travel insurance" has the meaning ascribed to it in section 17 of this act.

Sec. 38. NRS 680B.025 is hereby amended to read as follows:

680B.025 For the purposes of NRS 680B.025 to 680B.039, inclusive ~~[.]~~ ***and section 37 of this act:***

1. "Total income derived from direct premiums written":

(a) Does not include premiums written or considerations received from life insurance policies or annuity contracts issued in connection with the funding of a pension, annuity or profit-sharing plan qualified or exempt pursuant to sections 401, 403, 404, 408, 457 or 501 of the United States Internal Revenue Code as renumbered from time to time.

(b) Does not include payments received by an insurer from the Secretary of Health and Human Services pursuant to a contract entered into pursuant to section 1876 of the Social Security Act, 42 U.S.C. § 1395mm.

(c) As to title insurance, consists of the total amount charged by the company for the sale of policies of title insurance.

2. Money accepted by a life insurer pursuant to an agreement which provides for an accumulation of money to purchase annuities at future dates may be considered as "total income derived from direct premiums written" either upon receipt or upon the actual application of the money to the purchase of annuities, but any interest credited to money accumulated while under the latter alternative must also be included in "total income derived from direct premiums written," and any money taxed upon receipt, including any interest later credited thereto, is not subject to taxation upon the purchase of annuities. Each life insurer shall signify on its return covering premiums for the calendar year 1971 or for the first calendar year it transacts business in this State, whichever is later, its election between those two alternatives. Thereafter an insurer shall not change his or her election without the consent of the

Commissioner. Any such money taxed as "total income derived from direct premiums written" is, in the event of withdrawal of the money before its actual application to the purchase of annuities, eligible to be included as "return premiums" pursuant to the provisions of NRS 680B.030.

Sec. 39. NRS 680B.039 is hereby amended to read as follows:

680B.039 Any insurer that fails to file the report or pay the tax as required by NRS 680B.025 to 680B.039, inclusive, ***and section 37 of this act*** within the time for filing and payment as provided in those sections shall in addition to any other applicable penalty pay a penalty of not more than 10 percent of the amount of the tax which is owed, as determined by the Department of Taxation, in addition to the tax, plus interest at the rate of 1.5 percent per month, or fraction of a month, from the date on which the tax should have been paid until the date of payment.

Sec. 40. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability income.

(b) Accident and health insurance for sickness, bodily injury or accidental death, which may include benefits for disability income.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property. For the purposes of a producer of insurance, this line of insurance includes surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(e) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(f) Credit insurance, including credit life, credit accident and health, credit property, credit involuntary unemployment, guaranteed asset protection, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(g) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(h) Travel insurance, as defined in ~~[~~NRS 683A.197,~~]~~ ***section 17 of this act,*** as a limited line.

(i) Rental car as a limited line.

(j) Portable electronics as a limited line.

(k) Crop as a limited line.

(l) Personal property storage insurance, as defined in NRS 683A.1828, as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if, on or before the renewal date for the license:

(a) A request for a renewal is submitted;

(b) All applicable fees for renewal are paid for each license; and

(c) Any requirement for education or any other requirement to renew the license is satisfied.

3. A producer of insurance may submit a request for a renewal of his or her license within 30 days after the renewal date if the producer of insurance otherwise complies with the provisions of subsection 2 and pays, in addition to any fee paid pursuant to subsection 2, a penalty of 50 percent of all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110.

4. Except as otherwise provided in subsection 7, a license as a producer of insurance expires if the Commissioner does not receive from the producer of insurance a request for renewal of the license pursuant to subsection 2 or 3, as applicable, on or before the date which is 30 days after the renewal date.

5. A fee paid pursuant to subsection 2, 3 or 6 is nonrefundable.

6. A natural person who allows his or her license as a producer of insurance to expire pursuant to subsection 4 may, within 12 months after the renewal date, reinstate the license without passing a written examination if the natural person:

(a) Completes all applicable continuing education requirements; and

(b) Pays a penalty of twice all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110.

7. A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

8. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. The license must be made available for public inspection upon request.

9. A licensee shall inform the Commissioner of each change of business, residence or electronic mail address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes his or her business, residence or electronic mail address without giving written

notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

10. As used in this section, "renewal date" means:

(a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.

(b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

Sec. 41. NRS 683A.321 is hereby amended to read as follows:

683A.321 1. ~~[A]~~ ***Except as otherwise provided in section 29 of this act, a*** producer of insurance shall not act as an agent unless he or she is appointed as an agent by the insurer. A producer who is not acting as an agent is a broker who does not need to be appointed.

2. To appoint a producer of insurance as its agent, an insurer must file, in a form approved by the Commissioner, a notice of appointment within 15 days after the contract is executed or the first application for insurance is submitted. An insurer may appoint a producer to act as agent for all or some insurers within its holding company or group by filing a single notice of appointment. A notice of appointment may include several agents.

3. Upon receipt of a notice of appointment, the Commissioner shall determine within 30 days whether the producer of insurance is eligible for appointment. If the producer of insurance is not, the Commissioner shall so notify the insurer within 5 days after the determination is made.

4. An insurer shall pay an appointment fee and remit an annual renewal fee for each producer of insurance appointed as its agent. A payment or remittance may include fees for several agents.

5. A broker shall not place insurance, other than life insurance, health insurance, annuity contracts or coverage written pursuant to the Nonadmitted Insurance Law set forth in chapter 685A of NRS, that covers property or risks within this state unless the broker does so with a licensed agent of an authorized insurer.

6. A producer who is acting as an agent may also act as and be a broker with regard to insurers for which he or she is not acting as an agent. The sole relationship between an insurer and a broker who is appointed as an agent by the insurer as to any transactions arising during the period in which the broker is appointed as an agent is that of insurer and agent, and not insurer and broker.

7. As used in this section:

(a) "Agent" means a producer of insurance who is compensated by the insurer and sells, solicits or negotiates insurance for the insurer.

(b) "Broker" means a producer of insurance who:

(1) Is not an agent of an insurer;

(2) Solicits, negotiates or procures insurance on behalf of an insured or prospective insured; and

(3) Does not have the power, by his or her own actions as a broker, to obligate an insurer upon any risk or with reference to any transaction of insurance.

Sec. 42. NRS 683A.325 is hereby amended to read as follows:

683A.325 1. Except as otherwise provided in NRS ~~[~~683A.3687 or~~]~~ 691D.220 ~~[,]~~ ***or section 26 of this act,*** a producer of insurance who is appointed as an agent may pay a commission or compensation for or on account of the selling, soliciting, procuring or negotiating of insurance in this State only to a licensed and appointed producer of insurance of the insurer with whom insurance was placed or to a licensed producer acting as a broker.

2. A licensee shall not accept any commission or compensation to which the licensee is not entitled pursuant to the provisions of this title.

Sec. 43. NRS 684A.020 is hereby amended to read as follows:

684A.020 1. Except as otherwise provided in subsection 2, "adjuster" means any person who, for compensation, including, without limitation, a fee or commission, investigates and settles, and reports to his or her principal relative to, claims:

(a) Arising under insurance contracts for property, casualty or surety coverage, including, without limitation, workers' compensation coverage, on behalf solely of the insurer or the insured; or

(b) Against a self-insurer who is providing similar coverage.

2. For the purposes of this chapter:

(a) An attorney at law who adjusts insurance losses from time to time incidental to the practice of his or her profession;

(b) An adjuster of ocean marine losses;

(c) A salaried employee of an insurer, unless the employee:

(1) Investigates, negotiates or settles workers' compensation claims; and

(2) Obtains a license pursuant to this chapter;

(d) A salaried employee of a managing general agent maintaining an underwriting office in this state;

(e) An employee of an independent adjuster or an employee of an affiliate of an independent adjuster who is one of not more than 25 such employees under the supervision of an independent adjuster or licensed agent and who:

(1) Collects information relating to a claim for coverage arising under an insurance contract from or furnishes such information to an insured or a claimant; and

(2) Conducts data entry, including, without limitation, entering data into an automated claims adjudication system;

(f) A licensed agent who supervises not more than 25 employees described in paragraph (e);

(g) A person who is employed only to collect factual information concerning a claim for coverage arising under an insurance contract;

(h) A person who is employed solely to obtain facts surrounding a claim or to furnish technical assistance to a licensed independent adjuster;

(i) A person who is employed to investigate suspected fraudulent insurance claims but who does not adjust losses or determine the payment of claims;

(j) A person who performs only executive, administrative, managerial or clerical duties, or any combination thereof, but does not investigate, negotiate or settle claims with a policyholder or claimant or the legal representative of a policyholder or claimant;

(k) A licensed health care provider or any employee thereof who provides managed care services if those services do not include the determination of compensability;

(l) A managed care organization or any employee thereof or an organization that provides managed care services or any employee thereof if the services provided do not include the determination of compensability;

(m) A person who settles only reinsurance or subrogation claims;

(n) A broker, agent or representative of a risk retention group;

(o) An attorney-in-fact of a reciprocal insurer;

(p) A manager of a branch office of an alien insurer that is located in the United States; ~~[or]~~

(q) A person authorized to adjust claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524, unless the person investigates, negotiates or settles workers' compensation claims ~~[,]~~ ***; or***

(r) A travel administrator, as defined in section 15 of this act, and any employee thereof,

➥ is not considered an adjuster.

Sec. 44. Chapter 686A of NRS is hereby amended by adding thereto a new section to read as follows:

1. It constitutes an unfair method of competition or an unfair or deceptive act or practice in the business of insurance to:

(a) Offer or sell a policy of travel insurance that could never result in payment of any claims for any insured under the policy; or

(b) Market blanket travel insurance as free.

2. As used in this section:

(a) "Blanket travel insurance" has the meaning ascribed to it in section 4 of this act.

(b) "Travel insurance" has the meaning ascribed to it in section 17 of this act.

Sec. 45. NRS 686A.010 is hereby amended to read as follows:

686A.010 The purpose of NRS 686A.010 to 686A.310, inclusive, ***and section 44 of this act*** is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress approved March 9, 1945, being c. 20, 59 Stat. 33, also designated as 15 U.S.C. §§ 1011 to 1015, inclusive, and Title V of Public Law 106-102, 15 U.S.C. §§ 6801 et seq.

Sec. 46. NRS 686A.183 is hereby amended to read as follows:

686A.183 1. After the hearing provided for in NRS 686A.160, the Commissioner shall issue an order on hearing pursuant to NRS 679B.360. If the Commissioner determines that the person charged has engaged in an unfair method of competition or an unfair or deceptive act or practice in violation of NRS 686A.010 to 686A.310, inclusive, ***and section 44 of this act,*** the Commissioner shall order the person to cease and desist from engaging in that method of competition, act or practice, and may order one or both of the following:

(a) If the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive, ***and section 44 of this act,*** payment of an administrative fine of not more than $5,000 for each act or violation, except that as to licensed agents, brokers, solicitors and adjusters, the administrative fine must not exceed $500 for each act or violation.

(b) Suspension or revocation of the person's license if the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive ~~[.]~~ ***and section 44 of this act.***

2. Until the expiration of the time allowed for taking an appeal, pursuant to NRS 679B.370, if no petition for review has been filed within that time, or, if a petition for review has been filed within that time, until the official record in the proceeding has been filed with the court, the Commissioner may, at any time, upon such notice and in such manner as the Commissioner deems proper, modify or set aside, in whole or in part, any order issued by him or her under this section.

3. After the expiration of the time allowed for taking an appeal, if no petition for review has been filed, the Commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him or her under this section whenever in the opinion of the Commissioner conditions of fact or of law have so changed as to require such action or if the public interest so requires.

Sec. 47. NRS 686A.520 is hereby amended to read as follows:

686A.520 1. The provisions of NRS 683A.341, 683A.451, 683A.461 and 686A.010 to 686A.310, inclusive, ***and section 44 of this act*** apply to companies.

2. For the purposes of subsection 1, unless the context requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "company."

Sec. 48. A person who, on December 31, 2023, holds a valid license as a producer of limited lines travel insurance issued by the Commissioner of Insurance pursuant to NRS 683A.265 shall be deemed to hold a valid license as a producer of a limited lines travel insurance issued by the Commissioner pursuant to section 21 of this act.

Sec. 49. NRS 683A.191, 683A.193, 683A.195, 683A.197, 683A.199, 683A.242, 683A.265, 683A.368, 683A.3683, 683A.3685, 683A.3687, 683A.369, 683A.3693 and 683A.3695 are hereby repealed.

Sec. 50. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 49, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

683A.191 Definitions.

683A.193 "Offer and disseminate" defined.

683A.195 "Producer of limited lines travel insurance" defined.

683A.197 "Travel insurance" defined.

683A.199 "Travel retailer" defined.

683A.242 Exemption from written examination and certain educational requirements for producers of limited lines travel insurance and travel retailers.

683A.265 Licensing of producer of limited lines travel insurance.

683A.368 Liability of producers of limited lines travel insurance for acts of travel retailers.

683A.3683 Applicability of certain provisions to producers of limited lines travel insurance and travel retailers.

683A.3685 Producer of limited lines travel insurance required to maintain register of travel retailers acting on behalf of producer; submission of register to Commissioner; certification.

683A.3687 Compensation of travel retailer by producer of limited lines travel insurance; limitations.

683A.369 Travel retailers: Authorized scope of activities.

683A.3693 Travel retailers: Prohibited activities.

683A.3695 Travel retailers: Required written disclosures.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 251.

AN ACT relating to governmental administration; requiring ~~[, under certain circumstances,]~~ a public body to ~~[have an additional period]~~ **hold certain periods** devoted to public comment when **the agenda for** a public meeting ~~[is continued to another day; prohibiting, with certain exceptions, a public body from considering any item that is not set forth on the original agenda for the~~

~~meeting if a meeting is continued to a day other than the date set forth on the agenda for the meeting;~~ **authorizes the continuation of the meeting to one or more other calendar days;** requiring, under certain circumstances, a public body to post a copy of the notice of a meeting at the building in which the meeting is to be held; requiring, under certain circumstances, a meeting agenda to include clear and complete instructions for a member of the general public to call in to a meeting to provide public comment; ~~[requiring a member of a public body to attend a certain number of meetings of the public body in person at a physical location;]~~ requiring, under certain circumstances, instructions for a member of the general public to call in to a meeting to provide public comment to be read verbally ~~[verbatim]~~ before ~~[each]~~ **the first** period **of the day** devoted to public comment begins; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires a public body to have periods devoted to comments by the general public, if any, and discussion of those comments at a meeting. Specifically, the public body must take public comments: (1) at the beginning of the meeting before any items on which action may be taken are heard and again before the adjournment of the meeting; or (2) after each agenda item on which action may be taken is discussed by the public body, but before the public body takes action on the item. Further, a public body may have additional public comment periods in addition to the minimum requirements and the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some point before the adjournment of the meeting. (NRS 241.020) **Section 1** of this bill reorganizes the existing requirements for public comment periods into a new section of the Open Meeting Law. **Section 1** further provides that if ~~[a]~~ **the agenda for a** meeting ~~[is continued by]~~ **authorizes the continuation of the meeting of** a public body ~~[to: over more than 1 day]~~ **to one or more other calendar days, public comment must be held:** (1) ~~[the next business day, the public body may have a public comment period that is in addition to the public comment periods set forth on the agenda; and]~~ **at the beginning of each day that the meeting is held before any item on which action may be taken is heard by the public body and again before the meeting recesses for the day or adjourns; or** (2) ~~[a day other than the next business day, in addition to the existing public comment requirements, the public body must have at least one more public comment period on the day on which the meeting reconvenes. Section 1 also provides that if a public body continues a meeting to a day other than the date set forth on the agenda for the meeting, the public body is prohibited from considering any item that is not set forth on the original agenda unless the public body provides the same written notice that is generally required for any meeting of a public body.]~~ **after each item on the agenda on which action may be taken is discussed by the public body but before the public body takes action on the item.**

The Open Meeting Law requires that written notice of all meetings of a public body be given at least 3 working days before the meeting. The notice must include an agenda consisting of, in relevant part, certain information related to periods devoted to public comment. (NRS 241.020) **Section 2** of this bill requires that, if a meeting is being held using a remote technology system and does not have a physical location designated for the meeting where members of the general public are permitted to attend and participate, the agenda must also include clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including, without limitation, a telephone number and any necessary identification number of the meeting or other access code. ~~[Section 3 of this bill requires such instructions to be read verbally verbatim at the meeting before each period devoted to public comment.]~~

The Open Meeting Law provides that minimum public notice of a meeting of a public body includes posting a copy of the notice at the principal office of the public body. (NRS 241.020) **Section 2** ~~[requires that]~~ **instead provides that a copy of the notice must be posted at the principal office of the public body, or,** if the meeting has a physical location, ~~[the public body must also post a copy of the notice]~~ at the building in which the meeting is to be held.

The Open Meeting Law authorizes, under certain circumstances, a public body to conduct a meeting by means of a remote technology system. (NRS 241.023) **Section 3 of this bill** provides that notwithstanding such authority to conduct a meeting by means of a remote technology system, ~~[each member of]~~ a public body ~~[must attend at least 25 percent of the meetings of the public body each year in person at]~~ **may not hold certain meetings relating to contested cases and regulations by means of a remote technology system without** a physical location designated for the meeting where members of the general public are permitted to attend and participate. **Section 3 further requires clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including, without limitation, a telephone number and any necessary identification number of the meeting or other access code, to be made verbally before the first period of the day devoted to public comment.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 241 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, comments by the general public must be taken by a public body:

(a) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(b) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

2. Regardless of whether a public body takes comments from the general public pursuant to paragraph (a) or (b) of subsection 1, the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of paragraph (d) of subsection 3 of NRS 241.020.

3. The provisions of subsections 1 and 2 do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to subsection 1 or 2.

4. If ~~[a]~~ the agenda for a meeting ~~[is continued by]~~ authorizes the continuation of the meeting of a public body ~~[to:

(a) The next business day, the public body may have one or more periods devoted to comments by the general public that are in addition to the periods set forth on the agenda for the meeting pursuant to NRS 241.020.

(b) A day other than the next business day, the public body must have at least one more period devoted to comments by the general public on the day on which the meeting reconvenes that is in addition to the periods set forth on the agenda for the meeting pursuant to NRS 241.020.

5. If a public body continues a meeting to a day other than the date set forth on the agenda for the meeting that was posted pursuant to NRS 241.020, the public body shall not consider any item that is not set forth on the original agenda for the meeting unless the public body provides notice pursuant to NRS 241.020.] ***to one or more other calendar days, the public body must have a period devoted to comments by the general public:***

(a) At the beginning of each day that the meeting is held before any item on which action may be taken is heard by the public body and again before the meeting recesses for the day or the adjournment of the meeting; or

(b) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

Sec. 2. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies at a physical location or by means of a remote technology system. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public

officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade, improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.

3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the notice must include information on how a member of the public may:

(1) Use the remote technology system to hear and observe the meeting;

(2) Participate in the meeting by telephone; and

(3) Provide live public comment during the meeting and, if authorized by the public body, provide prerecorded public comment.

(b) A list of the locations where the notice has been posted.

(c) The name, contact information and business address for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 7 and:

(1) A list of the locations where the supporting material is available to the public; or

(2) Information about how the supporting material may be found on the Internet website of the public body.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. ~~[Comments by the general public must be taken:~~

~~(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or~~

~~(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.~~

~~➥ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).~~**]**

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

(8) If the meeting is being held using a remote technology system pursuant to NRS 241.023 and does not have a physical location designated for the meeting where members of the general public are permitted to attend and participate, clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including, without limitation, a telephone number and any necessary identification number of the meeting or other access code.

4. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body ~~[.~~ ~~*and,]*~~ ***or, if the meeting has a physical location, at the building in which the meeting is to be held.*** If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the public body must also post the notice to the Internet website of the public body not later than 9 a.m. of the third working day before the meeting is to be held unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the Internet website of the public body.

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State.

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) Transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

5. For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 4. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

6. Except as otherwise provided in paragraph (a) of subsection 4, if a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 4. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

7. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 8 or 9, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

8. Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 7 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 7 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

9. Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, and except as otherwise provided in subsection 11, the governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection 7 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 7. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

10. Except as otherwise provided in subsection 11, a public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such

notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

11. If a public body holds a meeting using a remote technology system pursuant to NRS 241.023 and has no physical location for the meeting, the public body must:

(a) Have an Internet website; and

(b) Post to its Internet website:

(1) The public notice required by this section; and

(2) Supporting material not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting.

➥ The inability of the governing body, as a result of technical problems with its Internet website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

12. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 3. NRS 241.023 is hereby amended to read as follows:

241.023 1. Except as otherwise provided in subsection 2, a public body may conduct a meeting by means of a remote technology system if:

(a) A quorum is actually or collectively present, whether in person, by using the remote technology system or by means of electronic communication.

(b) Members of the public are permitted to:

(1) Attend and participate at a physical location designated for the meeting where members of the public are permitted to attend and participate; or

(2) Hear and observe the meeting, participate in the meeting by telephone and provide live public comment during the meeting using the remote technology system. A public body may also allow public comment by means of prerecorded messages.

(c) The public body reasonably ensures that any person who is not a member of the public body or a member of the public but is otherwise required or allowed to participate in the meeting is able to participate in the portion of the meeting that pertains to the person using the remote technology system. The public body shall be deemed to have complied with the requirements of this paragraph if the public body provides the person with a web-based link and a telephone number, in case of technical difficulties, that allows the person in real time to attend and participate in the meeting. Nothing in this paragraph requires a public body to provide a person with technical support to address the person's individual hardware, software or other technical issues.

2. If all members of a public body:

(a) Are required to be elected officials, the public body shall not conduct a meeting by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate.

(b) Are not required to be elected officials, the public body shall not conduct a meeting by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate unless the public body complies with the provisions of subsection 11 of NRS 241.020.

3. If any member of a public body attends a meeting by means of a remote technology system, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that:

(a) Members of the public body and members of the public present at the physical location of the meeting can hear or observe each member attending by a remote technology system; and

(b) Each member of the public body in attendance can participate in the meeting.

4. Notwithstanding the provisions of subsections 1, 2 and 3, ~~[each member of]~~ a public body ~~[must attend at least 25 percent of the meetings of the public body each year in person at a physical location designated]~~ may not hold a meeting to consider a contested case, as defined in NRS 233B.032 or a regulation as defined in NRS 233B.038 by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate.

5. If a meeting is conducted pursuant to this section using a remote technology system , ~~[and does not have a physical location designated for the meeting where members of the public are permitted to attend and participate,]~~ before ~~[each]~~ the first period of the day devoted to public comment, the clear and complete instructions ~~[set forth on the agenda pursuant to NRS 241.020]~~ for a member of the general public to be able to call in to the meeting to provide public comment , including, without limitation, a telephone number or any necessary identification number of the meeting or other access code, must be read verbally . ~~[verbatim.]~~

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 220.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 203.

AN ACT relating to water; requiring certain property owners with a septic system to connect to a community sewerage disposal system by January 1, 2054; revising provisions relating to a permit to operate a water system; revising provisions relating to water and sewer facilities; revising provisions relating to tentative maps and final maps for a subdivision of land; establishing minimum standards for certain landscaping irrigation fixtures in new construction and expansions and renovations in certain structures; revising provisions relating to grants of money for water conservation; ~~[requiring the State Engineer to restrict withdrawals of groundwater under certain circumstances;]~~ **exempting the use of water by certain entities to extinguish fires in an emergency from provisions governing the appropriation of water;** revising provisions relating to groundwater in certain designated areas; revising conditions under which the State Engineer may require the plugging of certain wells used for domestic purposes; defining certain terms relating to the Conservation of Colorado River Water Act; authorizing the Board of Directors of the Southern Nevada Water Authority to enact certain restrictions on water use for single-family residences under certain circumstances; prohibiting, with certain exceptions, the use of the waters of the Colorado River for certain purposes; establishing requirements relating to an irrigation water efficiency monitoring program; revising certain provisions relating to the use of the waters of the Colorado River to irrigate nonfunctional turf; authorizing the Authority to operate a program to convert properties using a septic system to a municipal sewer system and to impose a fee for such a program; authorizing the **Board of Directors to authorize the** General Manager of the Authority to restrict the use of water under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district board of health may adopt regulations to control the use of a residential individual system for disposal of sewage in the district. (NRS 444.650) Existing law also authorizes a district board of health, upon approval of the State Board of Health, to adopt regulations to regulate sanitation and the sanitary protection of water and food supplies. (NRS 439.366, 439.410) **Section 1** of this bill requires a district board of health in a county whose population is 700,000 or more (currently only Clark County) to: (1) require all property owners with an existing septic system ~~[that is within 400 feet of a community sewerage disposal]~~ **whose property is served by a municipal water** system to connect to the community sewerage disposal system ~~[by]~~ **not later than** January 1, 2054; ~~[(2) review existing permits for individual septic systems every 5 years to determine if the property is within 400 feet of a community sewerage disposal system, notify such owners that each owner must connect to the community sewerage disposal system and revoke the permit for the septic system after 365 days; (3) upon review of any building or development permit, deny a request for an individual septic system if the property is within 400 feet of a community sewerage disposal system;]~~

and ~~[(4)]~~ **(2) enter into an agreement with a water authority to** establish a program to pay not less than ~~[50]~~ **85** percent of the cost for property owners to abandon an existing individual septic system and ~~[require such owners to]~~ connect to the community sewerage disposal system. **Section 1** also authorizes such a district board of health to, upon an affirmative vote of two-thirds of the members of the board, impose a fee on owners of such septic systems to carry out such requirements. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Under existing law, a permit to operate a water system may not be issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources or certain district boards of health unless certain conditions are met, including, without limitation, that: (1) the local governing body assumes responsibility in case of default and assumes the duty of assessing the lands served; (2) the applicant furnishes the local governing body sufficient surety; (3) the owners of the lands to be served by the water system agree to be assessed by the local governing body for the cost of the water system if there is a default; and (4) the owners agree that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users may be required to connect to the water system provided by the public utility, municipality or other public entity and be assessed the costs for the connection. (NRS 445A.895) **Section 4** of this bill ~~[removes the first three conditions for issuing a permit to operate a water system. Section 4]~~ revises ~~[the last condition]~~ **these conditions** to **: (1)** provide that **, with certain exceptions, the sole and exclusive obligation of the local governing body is to use the surety in the event of a default to contract and pay the operator responsible for the continued operation and maintenance of the water system; (2) require the owners of property served by the water system to also provide a surety to the local governing body; and (2) provide that** if the Division determines that water provided by a public utility or a municipality or other public entity ~~[may be accessed within 400 feet of any lot or parcel served by the water system,]~~ **is reasonably available,** all users of the water system in certain counties are required to connect. **Section ~~[5]~~ 4** of this bill makes conforming changes to ~~[remove]~~ **revise** certain provisions relating to **the responsibility of** a local governing body ~~[assuming responsibility of]~~ **for** a public water system ~~[.]~~ **in the event of a default. Section 3** of this bill ~~[make a conforming change to eliminate]~~ **revises** a reference to ~~[section 5 relating to the Division making]~~ certain findings.

Under existing law, a board of county commissioners of a county whose population is 700,000 or more (currently only Clark County) is authorized to prohibit certain persons, associations and corporations from using, constructing, acquiring or cause or permit the use, construction or acquisition of any type of private sewage system and to provide for the disconnection of any plumbing facilities from a private sewage system. (NRS 244.366) **Section 8** of this bill also authorizes such a board of county commissioners to

require any building or other structure that uses or is served by any type of private sewage system to connect to a public sewage system if the **building or other structure is served by a municipal water system and is within 400 feet of the service lines and appurtenances of a** public sewage system **.** ~~[is within 400 feet of the building or other structure.]~~

Under existing law, if the State Environmental Commission determines that, in relevant part, water provided by a public utility or a municipality or other public entity is reasonably available to users of a water system, the board of county commissioners of that county may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity. (NRS 244.3655) **Section** ~~[6]~~ **7** of this bill provides instead that if the Commission determines that water provided by a public utility or a municipality or other public entity may be accessed within ~~[400]~~ **1,250** feet of any lot or parcel served by the water system, the board of county commissioners shall, in a county whose population is 700,000 or more (currently only Clark County), and may, in all other counties, require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity.

Under existing law, if the State Environmental Commission or the governing body of certain cities determines certain water systems or package plants for sewage treatment within the city limits are not serving the needs of its users and water or sewerage provided by a public utility, the city or another municipality or public entity is reasonably available to those users, the governing body may require all users of the system or plant to connect into the available water system or sewers and assess each lot or parcel for its share of the cost. (NRS 268.4102, 268.4105) ~~[Sections]~~ **Section 10** ~~[and 11]~~ of this bill ~~[provide]~~ **provides** instead that if the water system or sewerage may be accessed within ~~[400]~~ **1,250** feet of the property of such users, the governing body **of a county whose population is 700,000 or more (currently only Clark County)** shall require all users to connect. **Section 11 of this bill provides that if the property served by a package plant for sewage treatment receives water from a municipal water system, the governing body of a county whose population is 700,000 or more shall require all users of the plant to connect. Sections 10 and 11 also provide that all other governing bodies of a county may require all users to connect in such circumstances.**

Section 9 of this bill provides that if the governing body of a city in a county whose population is 700,000 or more determines that a private septic system or any package plant for sewage treatment is located within the city and ~~[sewerage provided by a public utility, the city, another municipality or any other public entity may be accessed within 400 feet of the property served by]~~ **a user of** the private septic system or package plant for sewage treatment ~~[,]~~ **receives water from a municipal water system,** the governing body must require all users of the septic system or package plant for sewage treatment to

connect to the public sewers and may assess each lot or parcel for its share of the cost for the connection.

Existing law sets forth an approval process for the subdivision of land that requires: (1) a subdivider of land to submit a tentative map to the planning commission or the governing body of a county or city, as applicable; and (2) the planning commission or governing body to forward a copy of the tentative map to certain other state and local agencies for review and comment. (NRS 278.330-278.460) **Sections 13 and 16** of this bill require that if a proposed subdivision will be served by a public water system **[,] : (1) in a county whose population is 700,000 or more,** the planning commission or the governing body, as applicable, must file the tentative map with the supplier of water for review and comment **;** and **[,] (2)** if the subdivision is located in a general improvement district, **the planning commission or the governing body must file the tentative map** with the supplier of water in the district. **Section 17** of this bill provides that **[**the**]** **such a** governing body of a county or city may not approve a tentative map, unless the supplier of water determines that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

Under existing law, a final map presented for filing must include certificates and acknowledgements from certain entities. (NRS 278.374-278.378) **Section 14** of this bill requires that if a subdivision **in a county whose population is 700,000 or more or in a general improvement district** will be served by a public water system, the final map presented for filing must include a certificate of approval from the supplier of water.

Section 15 of this bill makes conforming changes to indicate the proper placement of **sections 13 and 14** in the Nevada Revised Statutes. **Section 18** of this bill makes a conforming change to require the certificate of approval required by **section 14** to appear on the final map. **Sections 19 and 21** of this bill make conforming changes to also require a map of reversion and a final map for a planned development to have such a certificate of approval, if applicable.

Existing law establishes certain minimum standards for plumbing fixtures in new construction, expansions and renovations in residential, commercial, industrial or manufactured structures, public buildings, manufactured homes and mobile homes and requires the use of certain plumbing fixtures that have been certified under the WaterSense program established by the United States Environmental Protection Agency if a final product specification has been developed by the WaterSense program. (NRS 278.582, 338.193, 461.175, 489.706) **Sections 6, 20, 22 and 24** of this bill requires that, with certain exceptions, if the WaterSense program has established a final product specification for an irrigation controller or spray sprinkler body, any new construction, expansions and renovations on such structures, buildings and homes must install irrigation controllers and spray sprinkler bodies that have been certified under the WaterSense program.

Existing law establishes a program to provide grants of money for water conservation and capital improvements to certain water systems, including grants to an eligible recipient to pay certain costs associated with connecting a well to a municipal water system under certain circumstances. (NRS 349.981) **Section ~~[22]~~ 23** of this bill provides instead for grants of money to pay certain costs associated with plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system under certain circumstances.

~~[Under existing law, the State Engineer: (1) may order that withdrawals of groundwater be restricted to conform to priority rights if the State Engineer finds that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants; and (2) is required, with certain exceptions, to order that withdrawals of groundwater be restricted to conform to priority rights in a basin that has been designated as a critical management area for at least 10 consecutive years. (NRS 534.110) Section 25 of this bill revises these provisions to require the State Engineer to order that withdrawals be restricted to conform to priority rights: (1) if the State Engineer finds that the average annual replenishment may not be adequate; and (2) in any basin that has been designated as a critical management area for 10 consecutive years.]~~

Existing law exempts, under certain circumstances, the de minimus collection of precipitation from the requirements of the Nevada Revised Statutes relating to the appropriation of water. (NRS 533.027) Section 24.5 of this bill also exempts the use of water by public agencies or volunteer fire departments to extinguish fires in an emergency.

Under existing law, the State Engineer may issue temporary permits to appropriate groundwater in certain designated areas which may be revoked if the property served by the permit is within 180 feet of water furnished by an entity such as a water district or a municipality and the well needs to be redrilled or have certain repairs made. (NRS 534.120) **Section 26** of this bill instead ~~[requires]~~ **provides that** the State Engineer ~~[to revoke]~~ **: (1) may only issue** a temporary permit if **water cannot be furnished by a public entity that furnishes water; and (2) authorizes the State Engineer to revoke such a temporary permit if** the property served by the temporary permit is within 1,250 feet of water furnished by ~~[an]~~ **a public** entity such as a water district or a municipality. **Section 26** also requires the State Engineer to ~~[adopt regulations relating to such temporary permits by June 30, 2025.~~

~~Under existing law, the State Engineer is authorized in certain designated areas to deny applications to appropriate groundwater if water can be furnished by certain entities, limit the depth of domestic wells, prohibit the drilling of wells for domestic use and require a dedication of a right to appropriate water under certain conditions. (NRS 534.120) Section 26 requires, rather than authorizes, the State Engineer to take such actions.]~~ **, in an area in which such temporary permits have been issued: (1) deny applications to appropriate groundwater if a public entity that furnishes water serves the area; (2)**

limit the depth of domestic wells; and (3) prohibit the drilling of wells for domestic use.

Under existing law, the State Engineer may require the plugging of certain domestic wells drilled in a basin in which such wells must be registered if water can be furnished by certain entities, but only if the charge for connecting to the furnished water is less than $200. (NRS 534.180) **Section 27** of this bill **: (1)** removes the requirement that the charge for connecting be less than $200 ~~.~~ **; and (2) requires plugging of a well if the well is within 1,250 feet of a municipal water system.**

Existing law requires that applications for the appropriation of water or to change the place of diversion, manner of use or place of use of certain waters must be made to the Colorado River Commission. (NRS 538.171) Section 27.5 of this bill also requires that applications to change the holder of the entitlement to appropriate certain waters be submitted to the Colorado River Commission.

The Conservation of Colorado River Water Act prohibits, with certain exceptions, the waters of the Colorado River that are distributed by the Southern Nevada Water Authority or one of the member agencies of the Authority from being used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence on and after January 1, 2027. (Section 39 of chapter 364, Statutes of Nevada 2021, at page 2180) **Section 31** of this bill prohibits the use of such waters of the Colorado River for irrigating nonfunctional turf on any parcel of property that is not used exclusively as a single-family residence.

Section 28 of this bill defines "General Manager" for the purposes of the Conservation of Colorado River Water Act. **Section ~~[27]~~ 29** of this bill authorizes the Board of Directors of the Authority to restrict the use of water by a single-family residence to not more than 0.5 acre-feet of water during any year in which a shortage on the Colorado River has been declared by the Federal Government. **Section 29** also prohibits, with certain exceptions, the installation of new turf on any parcel of property that uses such waters of the Colorado River for irrigation beginning on the effective date of this bill and ending on December 31, 2023. Any new turf installed on and after January 1, 2024, must meet the requirements established by the Board of Directors, unless the General Manager approves a waiver.

Section 29 further: (1) prohibits the installation of a new septic system on any parcel of property that uses such waters of the Colorado River; and (2) requires any parcel of property which uses such waters of the Colorado River to discontinue the use of the septic system and connect to a public sewer system if ~~[such a system may be accessed within 400 feet of]~~ the property served by the existing septic system ~~[.]~~ **is connected to a municipal water system.**

Section 30 of this bill requires certain parcels of property which use such waters of the Colorado River to participate in an irrigation water efficiency monitoring program if the property: (1) is not used exclusively as a single-

family residence; and (2) consists of 20,000 square feet or more of turf. **Section 30** also: (1) requires the Board of Directors to develop and establish policies, guidelines and deadlines for participation in such an irrigation water efficiency monitoring program; and (2) authorizes the General Manager to approve an extension or waiver from the irrigation water efficiency monitoring program.

The Southern Nevada Water Authority Act authorizes the Authority, in consultation with the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin, to operate a project for the recharge and recovery or underground storage and recovery of groundwater for the benefit of owners of wells in the Las Vegas Valley Groundwater Basin. (Section 14.5 of chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387) The Act also authorizes the Authority to assess certain fees on users of groundwater and owners of domestic wells, including a fee if the Authority operates such a project. (Section 13 of chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387) **Section 33** of this bill also authorizes the Authority, in consultation with the Advisory Committee, to operate a program to convert any property served by a septic system to a municipal sewer system. **Section ~~[29]~~ 32** of this bill authorizes the Authority to assess a fee on users of groundwater and owners of domestic wells for the program to convert septic systems.

The Southern Nevada Water System Act of 1995 establishes certain powers and duties of the Authority. (Section 2 of chapter 393, Statutes of Nevada 1995, at page 963) **Section 34** of this bill authorizes the ~~[~~General Manager~~]~~ **Board of Directors** of the Authority **, by resolution, to authorize the General Manager of the Authority** to restrict water usage during certain water emergencies and shortages and provides that the Board of Directors ~~[~~may modify~~]~~ **must ratify** any such restrictions imposed by the General Manager.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district board of health shall require a property owner with an existing septic system whose property is ~~[within 400 feet of a community sewerage disposal]~~ served by a municipal water system to connect to the community sewerage disposal system ~~[by]~~ not later than January 1, 2054.

2. To carry out the requirement of subsection 1, the district board of health shall ~~[~~:

~~(a) Review each permit issued for a septic system every 5 years to determine if the property is within 400 feet of a community sewerage disposal system. If the district board of health determines that the property is within~~

~~*400 feet of a community sewerage disposal system, the district board of health shall:*~~

~~*(1) Notify the property owner and require the property owner to connect to the community sewerage disposal system within 365 days; and*~~

~~*(2) After the 365 days provided pursuant to subparagraph (1), revoke the permit for the existing septic system.*~~

~~*(b) Review any building or development permit required to be reviewed by the district board of health. If the district board of health determines the building or development is located within 400 feet of a community sewerage disposal system, the district board of health shall deny any request for a permit for a septic system for the building or development and require the property owner to connect to the community sewerage disposal system.*~~

~~*(c) Establish]*~~ *enter into an agreement with a water authority created by cooperative agreement pursuant to chapter 277 of NRS to establish a program to pay not less than ~~[50]~~ 85 percent of the cost for property owners to abandon a septic system and connect to a community sewerage disposal system. Such a program must pay such costs for up to 200 property owners each calendar year.*

3. Upon an affirmative vote of two-thirds of all the members of the district board of health, the district board of health may impose a fee on property owners with existing septic systems to carry out the provisions of this section.

4. The district board of health shall adopt regulations to carry the provisions of this section, which:

(a) Must prioritize properties with a septic system where the community sewerage disposal system is adjacent to the property; and

(b) May, upon an affirmative vote of two-thirds of all the members of the district board of health, provide for administrative penalties for noncompliance with the provisions of this section.

5. In carrying out the program created pursuant to subsection 2, the district board of health may:

(a) Grant a one-time extension of not more than 5 years to a property owner that is required to abandon a septic system and connect to a community sewerage disposal system if there is insufficient money for the program to pay 85 percent of the cost pursuant to subsection 2;

(b) Enter into agreements with the governing body of a county or city to establish special improvement districts and landscape improvement districts;

(c) Revoke a septic permit held by any property owner who fails to pay the fee authorized pursuant to subsection 3, if imposed, and require such property owner to immediately connect to a community sewerage disposal system without financial assistance; and

(d) Enter into cooperative agreements pursuant to chapter 277 of NRS to secure money for the program created pursuant to subsection 2.

6. As used in this section:

(a) "Community sewerage disposal system" means a public system of sewage disposal which is operated for the benefit of a county, city, district or other political subdivision of this State.

(b) "Septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system. The term includes a residential individual system for disposal of sewage . ~~[and a commercial individual system for the disposal of sewage.]~~

Sec. 2. NRS 439.361 is hereby amended to read as follows:

439.361 The provisions of NRS 439.361 to 439.3685, inclusive, ***and section 1 of this act,*** apply to a county whose population is 700,000 or more.

Sec. 3. NRS 445A.890 is hereby amended to read as follows:

445A.890 Before making the finding specified in NRS 445A.910 and before making the determinations specified in NRS 244.3655, 268.4102 and 445A.895, the ***Commission or*** Division ***, as applicable,*** shall request comments from the:

1. Public Utilities Commission of Nevada;
2. State Engineer;
3. Local government within whose jurisdiction the water system is located; and
4. Owner of the water system.

Sec. 4. NRS 445A.895 is hereby amended to read as follows:

445A.895 A permit to operate a water system may not be issued pursuant to NRS 445A.885 unless all of the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.
2. The applicant fully complies with all of the conditions of NRS 445A.885 to 445A.915, inclusive.
3. The applicant submits to the Division or the district board of health designated by the Commission documentation issued by the State Engineer which sets forth that the applicant holds water rights that are sufficient to operate the water system.
4. The local governing body ~~[assumes:]~~ ***agrees:***

(a) ~~[Responsibility in case of]~~ ***That, except as otherwise provided in paragraph (b), in the event of a*** default by the builder ***,*** ~~[or]~~ developer ***or owner*** of the water system ***, the sole and exclusive obligation of the local governing body shall be to use the surety furnished to the local governing body pursuant to subsection 5 to contract with and pay the operator of the water system*** for ~~[its]~~ ***the*** continued operation and maintenance ~~[in accordance with all the terms and conditions of the permit.]~~ ***of the water system.***

(b) ~~[The]~~ ***To assume the*** duty of assessing the lands served as provided in subsection 6 ~~[.]~~ ***in the event of default by the builder, developer or owner of the water system.***

5. The applicant furnishes the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate ***, properly established and funded reserve account*** or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold,

➥ whichever is later.

6. The owners of the lands to be served by the water system ~~[record]~~ ***:***

(a) Furnish the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate, properly established and funded reserve account or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system and continued technical, financial and managerial capability of the water system; and

(b) Record a declaration of covenants, conditions and restrictions which is an equitable servitude running with the land and which must provide ~~[that]~~ ***:***

(1) That each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of ***replenishing or augmenting the surety required pursuant to paragraph (a) as necessary for the*** continued operation and maintenance of the water system if there is a default by the ~~[applicant or operator]~~ ***builder, developer or owner*** of the water system ~~[and a sufficient surety, as provided in subsection 5, is not available.]~~ ***;***

(2) That the owners of the lands will annually provide the local governing body with a financial audit of the water system, including, without limitation, any reserve account, if established, to ensure the adequacy of the financial management of the water system; and

(3) An acknowledgement of and agreement with the obligations of the local governing body pursuant to subsection 4 and subsection 3 of NRS 445A.905.

7. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

8. ~~*[5.]*~~ The ***owners of the lands to be served by the water system record a*** declaration of covenants, conditions and restrictions ~~[recorded by the owners of the lands further]~~ ***, which is an equitable servitude running with the land, and*** provides that if the Division determines that:

(a) The water system is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available, ~~*[may be accessed within 400 feet of any lot or parcel served by the water system,]*~~

➥ the local governing body ***shall, in a county whose population is 700,000 or more, and*** may, ***in all other counties,*** pursuant to NRS 244.3655 or

268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

9. ~~[6.]~~ Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

Sec. 4.5. **NRS 445A.905 is hereby amended to read as follows:**

445A.905 1. The proceeds of any assessments upon lots or parcels ***and the sureties required pursuant to NRS 445A.895*** must be deposited with the treasurer of the local governing body which received them, and they may be expended only for the:

(a) Continued maintenance and operation of the water system;

(b) Replacement of the water system if necessary; and

(c) Payment of the costs, including, but not limited to, the direct costs of connection and the costs of necessary new or rehabilitated facilities and any necessary water rights, associated with connection to any water system provided by a public utility or a municipality or other public entity that becomes reasonably available.

2. If any surplus exists in the proceeds of assessments after all purposes of the assessments have been fully met, the surplus must be refunded to the persons who paid the assessments, in the proportion that their respective assessments bear to the gross proceeds of all assessments collected by the local governing body.

3. For the purposes set forth in subsection 1, the local governing body is not obligated to:

(a) Expend money from any source other than the assessments and surety deposited pursuant to NRS 445A.895;

(b) Extend credit on behalf of a builder, developer or owner of land to be served by the water system; or

(c) Collect any unpaid assessment, unless the local governing body has agreed to assume the duty for the assessments pursuant to subsection 4 of NRS 445A.895.

Sec. 5. ~~[NRS 445A.910 is hereby amended to read as follows:~~

~~445A.910 [1. If the Division has found that any of the conditions of a permit to operate a water system issued pursuant to NRS 445A.885 are being violated and has notified the holder of the permit that he or she must bring the water system into compliance, but the holder of the permit has failed to comply within a reasonable time after the date of the notice, the local governing body, if requested to do so in writing by the Division, may take the following actions independently of any further action by the Division:~~

~~(a) Give written notice, by certified mail, to the owner of the water system and the owners of the property served by the system that if the violation is not corrected within 30 days after the date of the notice, the local governing body will seek a court order authorizing it to assume control; and~~

~~(b) After the 30-day period has expired, if the water system has not been brought into compliance, apply to the district court for an order authorizing the local governing body to assume control of the system and assess the property for the continued operation and maintenance of the system as provided in subsection 6 of NRS 445A.895.~~

~~2.~~**]** ~~If the local governing body determines at any time that immediate action is necessary to protect the public health and welfare, it may assume physical control and operation of a water system~~ **. [**~~without complying with any of the requirements set forth in subsection 1.~~**]** ~~The local governing body may not maintain control of a water system pursuant to this~~ **[**~~subsection~~**]** ***section*** ~~for a period greater than 30 days unless it obtains an order from the district court authorizing an extension.~~**] (Deleted by amendment.)**

Sec. 6. NRS 461.175 is hereby amended to read as follows:

461.175 1. Each manufactured building on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured building on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured building on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured building on which construction begins on or after January 1, 2024, and each existing manufactured building which is expanded or renovated on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape irrigation fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 7. NRS 244.3655 is hereby amended to read as follows:

244.3655 1. If the State Environmental Commission determines that:

(a) A water system which is located in a county and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within ~~[400]~~ 1,250 feet of any lot of parcel served by the water system,***

➥ the board of county commissioners of that county ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 8. NRS 244.366 is hereby amended to read as follows:

244.366 1. The board of county commissioners of any county whose population is 700,000 or more has the power, outside of the limits of incorporated cities and towns:

(a) To construct, acquire by gift, purchase or the exercise of eminent domain, otherwise acquire, reconstruct, improve, extend, better and repair water and sewer facilities, such as:

(1) A water system, including but not limited to water mains, conduits, aqueducts, pipelines, ditches, canals, pumping stations, and all appurtenances and machinery necessary or useful and convenient for obtaining, transporting or transferring water.

(2) A water treatment plant, including but not limited to reservoirs, storage facilities, and all appurtenances necessary or useful and convenient thereto for the collection, storage and treatment, purification and disposal of water for domestic uses and purposes.

(3) A storm sewer or sanitary sewage collection system, including but not limited to intercepting sewers, outfall sewers, force mains, collecting sewers, storm sewers, combined sanitary and storm sewers, pumping stations, ejector stations, and all other appurtenances necessary, useful or convenient for the collection, transportation and disposal of sewage.

(4) A sewage treatment plant, including but not limited to structures, buildings, machinery, equipment, connections and all appurtenances necessary, useful or convenient for the treatment, purification or disposal of sewage.

(b) To acquire, by gift, purchase or the exercise of the right of eminent domain, lands or rights in land or water rights in connection therewith, including but not limited to easements, rights-of-way, contract rights, leases, franchises, approaches, dams and reservoirs.

(c) To operate and maintain those water facilities, sewer facilities, lands, rights in land and water rights.

(d) To sell, lease, donate for public use and otherwise dispose of those water facilities, sewer facilities, lands, rights in land and water rights.

(e) To prescribe and collect rates, fees, tolls or charges, including but not limited to the levy or assessments of such rates, fees, tolls or charges against governmental units, departments or agencies, including the State of Nevada and political subdivisions thereof, for the services, facilities and commodities furnished by those water facilities and sewer facilities, and to provide methods of collections, and penalties, including but not limited to denial of service, for nonpayment of the rates, fees, tolls or charges.

(f) To provide it is unlawful for any persons, associations and corporations owning, occupying or in any way controlling any building or other structure, any part of which is within 400 feet of any street, alley, court, passageway, other public highway, right-of-way, easement or other alley owned or occupied by the county in which a public sewer is then in existence and use, to construct, otherwise acquire, to cause or permit to be constructed or otherwise acquired,

or to use or continue to use any private sewage disposal plant, privy vault, ***septic system,*** septic tank, cesspool or other private sewage system, upon such terms and conditions as the board of county commissioners may provide.

(g) To provide for the disconnection of plumbing facilities from any ~~[of those]~~ ***private sewage disposal plant, privy vault, septic system, septic tank, cesspool or other*** private sewage ~~[facilities]~~ ***system or facility*** and for the discontinuance and elimination of ~~[those]~~ ***such a*** private sewage ~~[facilities.]~~ ***system or facility.***

(h) To require any building or other structure that uses or is served by any private sewage disposal plant, privy vault, septic system, septic tank, cesspool or other private sewage system or facility to connect to a public sewage system if the building or other structure is served by a municipal water system and is within 400 feet of the service lines and appurtenances of public sewage system provided by a public utility, municipality or other public entity.

2. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

3. This section, being necessary to secure and preserve the public health, safety and convenience and welfare, must be liberally construed to effect its purpose.

4. Any person, association or corporation violating any of the provisions of any ordinance adopted pursuant to this section is guilty of a misdemeanor.

5. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.

Sec. 9. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the governing body of a city in a county whose population is 700,000 or more determines that:

(a) A private septic system or a package plant for sewage treatment is located within the city limits; and

(b) ~~[Sewerage provided by a public utility, the city or another municipality or other public entity may be accessed within 400 feet of the property of such users,]~~ A user of the private septic system or package plant for sewage treatment receives water from a municipal water system,

↳ the governing body shall require all users of the private septic system or package plant for sewage treatment to connect into the available sewers provided by the public utility, the city or another municipality or other public entity, and may assess each lot or parcel served for its proportionate share

of the cost of connecting into such sewers. These assessments are not subject to the jurisdiction of the Public Utilities Commission of Nevada.

2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system.

Sec. 10. NRS 268.4102 is hereby amended to read as follows:

268.4102 1. If the State Environmental Commission determines that:

(a) A water system which is located within the boundaries of a city and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within ~~[400]~~ 1,250 feet of any lot or parcel served by the water system,***

➥ the governing body of that city ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 11. NRS 268.4105 is hereby amended to read as follows:

268.4105 1. If the governing body of the city determines that:

(a) A package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is not satisfactorily serving the needs of its users; and

(b) ~~[Sewerage provided by a public utility, the city or another municipality or other public entity~~ is reasonably available to ~~*may be accessed within 400 feet of the property of*~~ those users,~~]~~ ***A user of the private septic system or package plant for sewage treatment receives water from a municipal water system,***

➥ the governing body ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the plant to connect into the available sewers provided by ~~[a]~~ ***the*** public utility, the city or another municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the cost of connecting into those sewers. These assessments are not subject to the jurisdiction of the Public Utilities Commission of Nevada.

2. If the State Department of Conservation and Natural Resources has found that a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is violating any of the conditions of NRS 445A.465 to 445A.515, inclusive, and has notified the

holder of the permit that he or she must bring the plant into compliance, but the holder of the permit has failed to comply within a reasonable time after the date of the notice, the governing body of the city in which the plant is located may take the following actions independently of any further action by the State Department of Conservation and Natural Resources:

(a) Give written notice, by certified mail, to the owner of the plant and the owners of the property served by the plant that if the violation is not corrected within 30 days after the date of the notice, the governing body of the city will seek a court order authorizing it to assume control; and

(b) After the 30-day period has expired, if the plant has not been brought into compliance, apply to the district court for an order authorizing the governing body to assume control of the plant and assess the property for the continued operation and maintenance of the plant as provided in subsection 4.

3. If the governing body of the city determines at any time that immediate action is necessary to protect the public health and welfare, it may assume physical control and operation of a package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, without complying with any of the requirements set forth in subsection 2. The governing body may not maintain control of the plant pursuant to this subsection for a period greater than 30 days unless it obtains an order from the district court authorizing an extension.

4. Each lot and parcel served by a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is subject to assessment by the governing body of the city in which the plant is located for its proportionate share of the cost of continued operation and maintenance of the plant if there is a default or the city assumes control and operation of the plant pursuant to subsection 2 or 3.

Sec. 12. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ~~***[When]***~~ ***In a county whose population is 700,000 or more, when any subdivider proposes to subdivide land that will be served by a public water system, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body, shall file a copy of the subdivider's tentative map with the supplier of water. The supplier of water shall, within 30 days, review and comment in writing upon the tentative map to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

Sec. 14. ***A final map presented for filing which is subject to the provisions of*** ~~***[section 13 of this act or]***~~ ***NRS 278.347 or section 13 of this act must include a certificate by the supplier of water showing that the final map is approved by the supplier of water with regard to the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

Sec. 15. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 13 and 14 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 16. NRS 278.347 is hereby amended to read as follows:

278.347 ***1.*** When any subdivider proposes to subdivide land, any part of which is located within the boundaries of any general improvement district organized or reorganized pursuant to chapter 318 of NRS, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with ~~[the]~~ ***:***

(a) The board of trustees of the district ~~[. The board of trustees may within]~~ ***; and***

(b) If the subdivision will be served by a public water system, the supplier of water in the district.

2. Within 30 days ***:***

(a) The board of trustees may review and comment in writing upon the ***tentative*** map ***filed pursuant to subsection 1*** to the planning commission or governing body ~~[.]~~ ***; and***

(b) If applicable, the supplier of water shall review and comment in writing upon the tentative map filed pursuant to subsection 1 to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

3. The planning commission or governing body shall take any such comments ***submitted pursuant to subsection 2 by the board of trustees and the supplier of water, if applicable,*** into consideration before approving the tentative map.

Sec. 17. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands;

(k) The potential impacts to wildlife and wildlife habitat; and

(l) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless ~~[the]~~ ***:***

(a) The subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest ~~[.]~~ ***; and***

(b) For any tentative map subject to the requirements of ~~[section 13 of this act or]~~ NRS 278.347 or section 13 of this act , the supplier of water that will serve the subdivision has determined that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

➥ Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 18. NRS 278.373 is hereby amended to read as follows:

278.373 The certificates and acknowledgments required by NRS 116.2109 and 278.374 to 278.378, inclusive, ***and section 14 of this act, if applicable,*** must appear on a final map and may be combined where appropriate.

Sec. 19. NRS 278.4955 is hereby amended to read as follows:

278.4955 1. The map of reversion submitted pursuant to NRS 278.490 must contain the appropriate certificates required by NRS 278.376 ***,*** ~~[and]~~ 278.377 ***and section 14 of this act, if applicable,*** for the original division of the land, any agreement entered into for a required improvement pursuant to NRS 278.380 for the original division of the land, and the certificates required by NRS 278.496 and 278.4965. If the map includes the reversion of any street or easement owned by a city, a county or the State, the provisions of NRS 278.480 must be followed before approval of the map.

2. The final map of reversion must:

(a) Be prepared by a professional land surveyor licensed pursuant to chapter 625 of NRS. The professional land surveyor shall state in his or her certificate that the map has been prepared from information on a recorded map or maps that are being reverted. The professional land surveyor may state in the certificate that he or she assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in the certificate information which is sufficient to identify clearly the recorded map or maps being reverted.

(b) Be clearly and legibly drawn in black permanent ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with black permanent ink.

3. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

4. The scale of the final map must be large enough to show all details clearly, and enough sheets must be used to accomplish this end.

5. The particular number of the sheet and the total number of sheets comprising the final map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

6. Each future conveyance of the reverted property must contain a metes and bounds legal description of the property and must include the name and mailing address of the person who prepared the legal description.

Sec. 20. NRS 278.582 is hereby amended to read as follows:

278.582 1. Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their

enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture ***or landscape irrigation fixture*** which does not meet the standards made applicable for the respective county or city pursuant to this section.

2. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A urinal which continually flows or flushes water must not be installed.

3. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after

January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. ***Except as otherwise provided in subsection 7, each residential, commercial or industrial structure on which construction begins on or after January 1, 2024, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of ~~[subsection]~~ ***subsections*** 4 ~~[.]~~ ***and 5:***

(a) A plumbing fixture ***or landscape irrigation fixture*** is considered certified under the WaterSense program if the fixture has been:

(1) Tested by an accredited third-party certifying body or laboratory in accordance with the United States Environmental Protection Agency's WaterSense program or an analogous successor program;

(2) Certified by the certifying body or laboratory as meeting the performance and efficiency requirements of the WaterSense program or an analogous successor program; and

(3) Authorized by the WaterSense program or an analogous successor program to use the WaterSense label or the label of an analogous successor program.

(b) If the WaterSense program modifies the requirements for a plumbing fixture ***or landscape irrigation fixture*** to be certified under the WaterSense program, a plumbing fixture ***or landscape irrigation fixture*** that was certified under the previous requirements shall be deemed certified for use under the WaterSense program for a period of 12 months following the modification of the requirements for certification.

~~[6.]~~ ***7.*** The requirements of this section ~~[for]~~ **:**

(a) For the installation of certain plumbing fixtures ~~***[and landscape irrigation fixtures]***~~ do not apply ~~***[:***~~

~~***(a) Apply]***~~ to any portion of:

~~**[**(a)~~**]** ***(1)*** An existing residential, commercial or industrial structure which is not being expanded or renovated; or

~~**[**(b)~~**]** ***(2)*** An existing residential, commercial or industrial structure if the structure was constructed 50 years or more before the current year, regardless of whether that structure has been expanded or renovated since its original construction.

(b) Except as otherwise provided in federal law, do not prohibit the governing body of a county or city from adopting more stringent requirements for plumbing fixtures or landscape irrigation fixtures.

Sec. 21. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan which has been given final approval by the city or county must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance with that plan. A county recorder shall not file for record any final plan unless it includes:

(a) A final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive ~~**[**.**]**~~ ***, and sections 13 and 14 of this act;***

(b) The certifications required pursuant to NRS 116.2109; and

(c) The same certificates of approval as are required under NRS 278.377 ***and section 14 of this act, if applicable,*** or evidence that:

(1) The approvals were requested more than 30 days before the date on which the request for filing is made; and

(2) The agency has not refused its approval.

2. Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.

3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of any landowners affected by the modification and in accordance with the provisions of NRS 278A.410.

4. For the recording or filing of any final map, plat or plan, the county recorder shall collect a fee of $50 for the first sheet of the map, plat or plan plus $10 for each additional sheet. The fee must be deposited in the general fund of the county where it is collected.

Sec. 22. NRS 338.193 is hereby amended to read as follows:

338.193 1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.

2. Except as otherwise provided in subsection 6, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing public building which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.

3. Except as otherwise provided in subsection 6, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing public building which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection 6, each public building, other than a prison or jail, on which construction begins on or after January 1, 2020, and each existing public building which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification

for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. For the purposes of subsection 4, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

6. ***Each public building, other than a prison or jail, on which construction begins on or after January 1, 2024, and each existing public building which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

7. For the purposes of subsection 6, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

8. The requirements of this section for the installation of certain plumbing fixtures ~~***[or landscape irrigation fixtures]***~~ do not apply to any portion of:

(a) An existing public building which is not being expanded or renovated; or

(b) A public building if the public building was constructed 50 years or more before the current year, regardless of whether that public building has been expanded or renovated since its original construction.

Sec. 23. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

(1) Piping or lining of an irrigation canal;

(2) Recovery or recycling of wastewater or tailwater;

(3) Scheduling of irrigation;

(4) Measurement or metering of the use of water;

(5) Improving the efficiency of irrigation operations; and

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with ***plugging and abandoning a well and*** connecting ~~[a]~~ ***the property formerly served by the*** well to a municipal water system, ***if the State Engineer requires the plugging of the well pursuant to subsection 3 of NRS 534.180 or*** if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(3) The cost of plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system.

(f) A governing body to pay the costs associated with developing and maintaining a water resource plan.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section:

(a) "Eligible recipient" means:

(1) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

(2) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) "Governing body" has the meaning ascribed to it in NRS 278.015.

(c) "Water resource plan" means a water resource plan created pursuant to NRS 278.0228.

Sec. 24. NRS 489.706 is hereby amended to read as follows:

489.706 1. Each manufactured home or mobile home on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured home or mobile home on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured home or mobile home on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured home or mobile home on which construction begins on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 24.5. **NRS 533.027 is hereby amended to read as follows:**

533.027 1. The provisions of this chapter do not apply to ~~[the]~~ **:**

(a) The use of water in emergency situations to extinguish fires by a public agency or a volunteer fire department; or

(b) The de minimus collection of precipitation:

~~[(a)]~~ ***(1)*** From the rooftop of a single-family dwelling for nonpotable domestic use; or

~~[(b)]~~ ***(2)*** If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. The guzzler must:

~~[(1)]~~ ***(I)*** Have a capacity of 20,000 gallons or less;

~~[(2)]~~ ***(II)*** Have a capture area of 1 acre or less;

~~[(3)]~~ ***(III)*** Have a pipe length of 1/4 mile or less;

~~[(4)]~~ ***(IV)*** Be developed by a state or federal agency responsible for wildlife management or by any other person in consultation with the Department of Wildlife; and

~~[(5)]~~ ***(V)*** Be approved for use by the Department of Wildlife.

2. As used in this section:

(a) "Domestic use" has the meaning ascribed to it in NRS 534.013 ***.*** ~~[; and]~~

(b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

(c) "Public agency" means an agency, bureau, board, commission, department or division of this State or a political subdivision of this State.

Sec. 25. ~~[NRS 534.110 is hereby amended to read as follows:~~

~~534.110 1. The State Engineer shall administer this chapter and shall prescribe all necessary regulations within the terms of this chapter for its administration.~~

~~2. The State Engineer may:~~

~~(a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.~~

~~(b) Upon his or her own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.~~

~~3. The State Engineer shall determine whether there is unappropriated water in the area affected and may issue permits only if the determination is affirmative. The State Engineer may require each applicant to whom a permit is issued for a well:~~

~~(a) For municipal, quasi-municipal or industrial use; and~~

~~(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,~~

~~" to report periodically to the State Engineer concerning the effect of that well on other previously existing wells that are located within 2,500 feet of the well.~~

~~4. It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water and that the right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining a reasonable lowering of the static water level in a particular area, the State Engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of using water on the economy of the area in general.~~

~~5. This section does not prevent the granting of permits to applicants later in time on the ground that the diversions under the proposed later~~

~~appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as any protectable interests in existing domestic wells as set forth in NRS 533.024 and the rights of holders of existing appropriations can be satisfied under such express conditions. At the time a permit is granted for a well:~~

~~(a) For municipal, quasi-municipal or industrial use; and~~

~~(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,~~

~~➥ the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse effects.~~

~~6. Except as otherwise provided in subsection 7, the State Engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants, and if the findings of the State Engineer so indicate, except as otherwise provided in subsection 9, the State Engineer~~ **[**may**]** ***shall*** ~~order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted to conform to priority rights.~~

~~7. The State Engineer:~~

~~(a) May designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin.~~

~~(b) Shall designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such a designation which is signed by a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer.~~

~~➥ The designation of a basin as a critical management area pursuant to this subsection may be appealed pursuant to NRS 533.450. If a basin has been designated as a critical management area for~~ **[**at least**]** ~~10 consecutive years, except as otherwise provided in subsection 9, the State Engineer shall order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights, unless a groundwater management plan has been approved for the basin pursuant to NRS 534.037.~~

~~8. In any basin or portion thereof in the State designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells. Any order or decision of the State Engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to NRS 533.450.~~

~~9. If a court of competent jurisdiction orders the State Engineer to restrict withdrawals to conform to priority rights or if pursuant to subsection 6 or 7 the State Engineer orders that withdrawals be restricted to conform to priority rights, the State Engineer must limit the restriction of withdrawals from a domestic well to allow a domestic well to continue to withdraw 0.5 acre-feet of water per year, which must be recorded by a water meter.~~ **(Deleted by amendment.)**

Sec. 26. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. ~~[~~Except as otherwise provided in subsection 5, the~~]~~ ***The*** State Engineer may ~~[~~:

~~(a) Issue~~] ***only issue*** temporary permits to appropriate groundwater ~~[~~which~~]~~ ***if water cannot be furnished by a public entity such as a water district or municipality presently engaged in furnishing water to the inhabitants thereof. Such temporary permits*** can be limited as to time and ~~[~~which~~]~~ may, ~~[~~except as limited by subsection 4, ***shall]*** be revoked if and when ~~[~~water~~]~~ ***:***

(a) Water can be furnished by ~~[~~an~~]~~ ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof ~~[~~.~~]~~ ***; and***

(b) ***The property served is within 1,250 feet of the water furnished pursuant to paragraph (a).***

➥ The holder of a temporary permit that is revoked pursuant to this subsection must be given 730 days from the date of revocation to connect to the public entity furnishing water.

4. [The] In a basin designated pursuant to NRS 534.030, the State Engineer [shall:] may:

(a) Deny applications to appropriate groundwater for any use in areas served by ~~[~~such an~~]~~ ***a public*** entity ~~[~~.

~~(c)~~] ***such as a water district or a municipality presently engaged in furnishing water to the inhabitants of the area.***

(b) Limit the depth of domestic wells.

~~[~~(d)~~]~~ ***(c)*** Prohibit the drilling of wells for domestic use ~~[~~, as defined in NRS 534.013,~~]~~ in areas where water can be furnished by ~~[~~an~~]~~ ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

~~[~~(e)~~]~~ ***(d)*** In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

~~[4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well-drilling rig.~~]

5. ~~[~~The State Engineer may, in~~]~~ ***In*** an area in which have been issued temporary permits pursuant to subsection 3, ~~[~~limit~~]~~ ***the State Engineer:***

(a) Shall:

(1) Deny any applications to appropriate groundwater for use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water;

(2) Limit the depth of a domestic well ~~[~~pursuant to paragraph (c) of subsection 3 or~~]~~ ***; or***

(3) Prohibit the drilling of wells for domestic use in areas where water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants; and

(b) May prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from ~~[~~an~~]~~ ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

~~[~~(a)~~]~~ ***(1)*** The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

~~[~~(b)~~]~~ ***(2)*** The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. ~~[~~***6.***~~]~~ The provisions of this section do not prohibit the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel

served by a well pursuant to the temporary permit is currently obtaining water from ~~[an]~~ ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

~~***[7. Not later than June 30, 2025, the State Engineer shall adopt regulations setting forth the requirements for the issuance, use and revocation of temporary permits pursuant to this section.]***~~

Sec. 27. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year.

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada ~~***[)***~~ .

➥ but only if ~~[the charge for making the connection to the service is less than $200.]~~ ***such a well is within 1,250 feet of a municipal water system.***

4. If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:

(a) The owner of the well shall:

(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;

(2) Install a water meter capable of measuring the total withdrawal of water from the well; and

(3) Ensure the total withdrawal of water from the well does not exceed 2 acre-feet per year;

(b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;

(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.

Sec. 27.5. **NRS 538.171 is hereby amended to read as follows:**

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada under and by virtue of any Act of the Congress of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of such waters, or to change the ***holder of the entitlement to appropriate water,*** place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the Commission in accordance with the regulations of the Commission. In considering such an application, the Commission shall use the criteria set forth in ~~[subsection 3 of]~~ NRS 533.370. The Commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The Commission shall furnish to the State Engineer a copy of all agreements entered into by the Commission concerning the original appropriation and use of such waters. It shall also furnish to the State Engineer any other information it possesses relating to the use of water from the Colorado River which the State Engineer deems necessary to allow the State Engineer to act on applications for permits for the subsequent appropriation of these waters after they fall within the State Engineer's jurisdiction.

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the Commission or by any entity to whom or with whom the Commission has contracted the water is not subject to regulation by the State Engineer.

5. Any use of water from the Muddy River or the Virgin River for the creation of any developed shortage supply or intentionally created surplus does not require the submission of an application to the State Engineer to change the place of diversion, manner of use or place of use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in NRS 533.030.

(b) "Intentionally created surplus" has the meaning ascribed to it in NRS 533.030.

Sec. 28. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 37.5, immediately following section 37, to read as follows:

Sec. 37.5. "General Manager" means the General Manager of the Southern Nevada Water Authority.

Sec. 29. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto new sections to be designated as sections 38.2, 38.4 and 38.6, respectively, immediately following section 38, to read as follows:

Sec. 38.2. 1. If the Federal Government declares a shortage on the Colorado River for the upcoming year, the Board of Directors may limit each single-family residence that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or a member agency of the Southern Nevada Water Authority to not more than 0.5 acre-feet of water for that upcoming year. Any limitation imposed by the Board of Directors may not go into effect before December 31 of the year before the year for which the shortage is declared.

2. If the Board of Directors limits water usage of single-family residences pursuant to subsection 1, the Southern Nevada Water Authority and the member agencies of the Southern Nevada Water Authority shall notify all customers of the action of the Board of Directors to limit water usage by not later than October 1 of the year before the year for which the shortage is declared.

Sec. 38.4. 1. Except as otherwise provided in this section, on and after the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority:

(a) No new septic system may be installed; and

(b) If the parcel of property has an existing septic system installed and ~~[there is a public sewer system that may be accessed within 400 feet of the property,]~~ a connection to a municipal water system, the owner of the property shall be required to connect to the public sewer system and discontinue the use of the existing septic system.

2. The General Manager may, in his or her discretion, approve a waiver of the prohibitions set forth in subsection 1.

3. The provisions of this section do not apply to any decreed, certificated or permitted right to appropriate water that is diverted from the Virgin River or Muddy River.

4. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground which is typically composed of a septic tank and a subsurface fluid distribution or disposal system.

Sec. 38.6. 1. Except as otherwise provided in this subsection, beginning on the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, and ending on December 31, 2023, new turf may not be installed on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada

Water Authority. The provisions of this subsection do not apply to the installation of warm-season turf in parks, schools or cemeteries.

2. Except as otherwise provided in subsection 4, on and after January 1, 2024, any new turf that is installed on a parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority must be installed in accordance with any requirements for turf adopted by the Board of Directors pursuant to subsection 3.

3. The Board of Directors shall adopt requirements for the installation of new turf on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority.

4. The General Manager or his or her designee may approve a waiver from the prohibition set forth in subsection 2 or any turf requirements adopted by the Board of Directors pursuant to subsection 3.

Sec. 30. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 39.5, immediately following section 39, to read as follows:

Sec. 39.5. 1. Except as otherwise provided in this section, the Southern Nevada Water Authority shall require the owner of any parcel of property that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority to participate in an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority, if the parcel of property:

(a) Is not used exclusively as a single-family residence; and

(b) Consists of 20,000 square feet or more of turf.

2. The Board of Directors shall:

(a) Develop and establish policies and guidelines for an irrigation water efficiency monitoring program;

(b) Establish deadlines within the service area of the Southern Nevada Water Authority for any owner subject to the requirements of subsection 1 to begin participating in the irrigation water efficiency monitoring program; and

(c) Not later than January 1, ~~[2024,]~~ 2025, notify the owner of any parcel of property subject to the requirements of subsection 1 that he or she is required to participate in the irrigation water efficiency monitoring program by the deadline established pursuant to paragraph (b).

3. The General Manager or his or her designee may approve an extension or waiver from:

(a) The provisions of subsection 1; or

(b) The provisions of the policies and guidelines developed pursuant to subsection 2.

Sec. 31. Section 39 of the Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2180, is hereby amended to read as follows:

Sec. 39. 1. Except as otherwise provided in this section, on and after January 1, 2027, the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority may not be used to irrigate nonfunctional turf on any ***parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence.

2. The Board of Directors shall:

(a) Define "functional turf" and "nonfunctional turf" for the purposes of subsection 1 and promulgate the definitions in the service rules ***, ordinances or codes*** of the member agencies of the Southern Nevada Water Authority; and

(b) Develop a plan to identify and facilitate the removal of existing nonfunctional turf within the service area of the Southern Nevada Water Authority on ***each parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence. The plan must, without limitation:

(1) Establish phases for the removal of nonfunctional turf based on categories of water users; and

(2) Establish deadlines within the service area of the Southern Nevada Water Authority for existing customers to remove nonfunctional turf on ***any parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence before December 31, 2026.

3. The ~~[Board of Directors]~~ ***General Manager or his or her designee*** may approve an extension or a waiver from:

(a) The prohibition set forth in subsection 1; and

(b) The provisions of the plan developed pursuant to subsection 2.

4. The provisions of this section do not prohibit a person from:

(a) Complying with any requirement adopted by the governing body of a county or city pursuant to chapter 278 of NRS to maintain open space or drought tolerant landscaping on any property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single family residence; or

(b) Using alternative sources of water to irrigate nonfunctional turf on and after January 1, 2027, on any property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence.

Sec. 32. Section 13 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 13. 1. The Southern Nevada Water Authority may establish and collect each calendar year a fee to be assessed on users of groundwater

in the Basin. Money raised from the fees must be used as provided in section 14 of this act.

2. Except as otherwise provided in this section:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $13 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $13.

3. Except as otherwise provided in subsections 4 and 5, if the Southern Nevada Water Authority operates a project for the recharge and recovery or underground storage and recovery of water ***or a program for the conversion of properties served by a septic system*** pursuant to section 14.5 of this act:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $30 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $30.

4. The maximum fees specified in subsections 2 and 3 may be adjusted ***not more than*** once each year for inflation. The maximum amount of the adjustment must be determined by multiplying the respective amounts of the fees by the percentage of inflation, if any. The Consumer Price Index published by the United States Department of Labor for July preceding the year for which the adjustment is made must be used in determining the percentage of inflation.

5. The maximum fees may be increased by an amount that is greater than the amount of the adjustment for inflation as calculated pursuant to subsection 4 only if the increase is approved by the Legislature.

6. As used in this section, "water right" means the legal right to use water that has been appropriated pursuant to chapters 533 and 534 of NRS by means of application, permit, certificate, decree or claim of vested right.

Sec. 33. Section 14.5 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 14.5. ***1.*** The Southern Nevada Water Authority may, in consultation with the Advisory Committee, operate ~~[a]~~ ***:***

(a) A project for the recharge and recovery or underground storage and recovery of water pursuant to chapter 534 of NRS for the benefit of owners of wells in the Basin ~~[.]~~ ***; and***

(b) A program for the conversion of properties served by a septic system to a municipal sewer system.

2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.

Sec. 34. The Southern Nevada Water System Act of 1995, being chapter 393, Statutes of Nevada 1995, at page 963, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. 1. The ~~[General Manager]~~ Board of Directors of the Southern Nevada Water Authority may , by resolution, authorize the General Manager to restrict the use of water:

(a) During any period in which the Federal Government has declared a water shortage in the Colorado River;

(b) If emergency conditions exist; or

(c) If the delivery system is unable to provide adequate volumes of water.

2. Any restrictions imposed by the General Manager pursuant to subsection 1 ~~[may be modified]~~ must be ratified by the Board of Directors of the Southern Nevada Water Authority ~~.]~~ not more than 15 calendar days after the date the restrictions are imposed.

Sec. 35. The provisions of NRS 354.599 do not apply to any additional expense of a local government that are related to the provisions of this act.

Sec. 36. This act becomes effective upon passage and approval.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 176.

SUMMARY—Makes revisions relating to **~~[~~Medicaid.~~]~~ health care.** (BDR 38-328)

AN ACT relating to **~~[~~**~~Medicaid; establishing the Alternative Billing Resource Office in the Division of Health Care Financing and Policy of the Department of Health and Human Services for the purpose of providing certain assistance relating to participation in Medicaid as a provider;~~]~~ **health care; requiring the Director of the Department of Health and Human Services to take certain measures to facilitate the provision of health services to pupils who are recipients of Medicaid;** requiring a Medicaid managed care program to negotiate in good faith with each school-based health center for the provision of health care services to recipients of Medicaid; **~~[~~**~~providing for a study of the requirements applicable to school-based health centers that~~

~~provide health care services to recipients of~~] **requiring a private insurer to provide certain reimbursement for certain services provided by a school health services program; providing for the increase of certain rates of reimbursement under** Medicaid; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services, through the Division of Health Care Financing and Policy of the Department, to administer Medicaid. (NRS 422.2357, 422.270) **Section 2** of this bill defines "school-based health center" to mean a health center located or based on, in or near school grounds, property, buildings or any other school district facilities for the purpose of rendering care or services to any person. ~~[Section 3 of this bill establishes the Alternative Billing Resource Office within the Division for the purpose of assisting school-based health centers and other providers of services under the State Plan for Medicaid and persons and entities who wish to provide such services to evaluate and utilize different methods of participating in and billing Medicaid.]~~ **Section 3.5 of this bill requires the Director of the Department to establish a means to facilitate the sharing of data concerning a child who is a recipient of Medicaid between: (1) educational agencies; and (2) school-based health centers and other qualified providers of services covered by Medicaid. Section 3.5 also requires the Director to: (1) take any action necessary to ensure that local and state educational agencies are able to receive reimbursement for health services covered by Medicaid when provided on the premises of a school; and (2) establish incentives for certain providers to enter into an agreement with a school district or charter school or the Department of Education to provide health services to pupils.** **Sections 4 and 6** of this bill make conforming changes to indicate the proper placement of **sections 2 and** ~~[3]~~ **3.5** in the Nevada Revised Statutes. ~~[Section 7 of this bill requires the Division and the Department of Education to: (1) conduct a study of the requirements applicable to school-based health centers that provide health care services to recipients of Medicaid; and (2) report to the Joint Interim Standing Committee on Health and Human Services concerning the results of the study.]~~

Existing law requires a health maintenance organization with which the Department of Health and Human Services contracts for the provision of services through a Medicaid managed care program to negotiate in good faith with federally-qualified health centers, the University Medical Center of Southern Nevada and the University of Nevada School of Medicine to provide services to recipients of Medicaid. (NRS 422.273) **Section 5** of this bill similarly requires such a health maintenance organization to negotiate in good faith with each school-based health center in this State to provide services to recipients of Medicaid. **Section 7.5 of this bill requires the Director to apply for any necessary federal authority to increase by at least 5 percent the rates of reimbursement for services covered by Medicaid when provided**

on the premises of a school by an employee or independent contractor of: (1) a school district or charter school; or (2) the Department of Education.

Sections 6.1, 6.2-6.6 and 6.8 of this bill require private health insurers to reimburse a school health services program for certain health services provided to an insured who is a pupil enrolled in a public school in this State at certain rates. Sections 6.7 and 6.9 of this bill exclude insurers that provide services to recipients of Medicaid or members of the Public Employees' Benefits Program through managed care from that requirement. Section 6.15 of this bill makes a conforming change to indicate the proper placement of section 6.1 in the Nevada Revised Statutes. Section 6.75 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 6.6 of this bill. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections 6.1, 6.2-6.5 and 6.8. (NRS 680A.200)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and ~~[3]~~ **3.5** of this act.

Sec. 2. ***"School-based health center" means a health center located or based on, in or near school grounds, property, buildings or any other school district facilities for the purpose of rendering health care or services to any person.***

Sec. 3. ~~*[1. The Alternative Billing Resource Office is hereby established within the Division.*~~

~~*2. The Alternative Billing Resource Office shall assist school-based health centers and other providers of services under the State Plan for Medicaid and persons and entities that wish to provide such services to:*~~

~~*(a) Evaluate the benefits and drawbacks of various methods of participating in and billing Medicaid that are available to the provider, person or entity,*~~

~~*including, without limitation, different provider types under which a provider, person or entity may be authorized to participate in and bill Medicaid; and*~~

~~*(b) Meet the requirements and carry out the procedures necessary to participate in and bill Medicaid using the methods chosen by the provider, person or entity, as applicable.*~~

~~*3. The Division shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the Office to carry out its functions.]*~~ **(Deleted by amendment.)**

Sec. 3.5. ***1. The Director shall:***

(a) Establish a means to facilitate the sharing of data concerning a child who is a recipient of Medicaid between:

(1) The Department of Education, school districts and charter schools; and

(2) School-based health centers and other qualified providers of health services covered by Medicaid.

(b) Allow an applicant for Medicaid to opt out of the sharing of data pursuant to paragraph (a).

(c) Take any action necessary to ensure that school districts, charter schools and the Department of Education are able to receive reimbursement for health services covered by Medicaid when such services are provided on the premises of a school to children who are recipients of Medicaid.

(d) Establish a program of incentive payments that increase the effective rates of reimbursement provided under Medicaid to a certified community behavioral health clinic or federally-qualified health center that enters into an agreement with a school district, a charter school or the Department of Education to provide services covered by Medicaid to pupils who are:

(1) Enrolled in a public school; and

(2) Recipients of Medicaid.

2. The incentives provided pursuant to paragraph (d) of subsection 1 may be provided through increased rates of reimbursement or value-based payment models.

3. The Department shall apply to the Secretary of Health and Human Services for any necessary waiver, amendment of the State Plan for Medicaid or other federal authority that authorizes the Department to receive federal funding to carry out the provisions of this section. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver, amendment or other federal authority pursuant to this section.

4. As used in this section:

(a) "Certified community behavioral health clinic" means a community behavioral health clinic certified in accordance with section 223 of the Protecting Access to Medicare Act of 2014, Public Law No. 113-93.

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Value-based payment model" means a method of payment for health care services that provides incentives based on the quality of care.

Sec. 4. NRS 422.001 is hereby amended to read as follows:

422.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 422.003 to 422.054, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) ***Negotiated in good faith with each school-based health center in this State to provide health care services to recipients of Medicaid;***

(c) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

~~[(c)]~~ ***(d)*** Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

➥ Nothing in this section shall be construed as exempting a federally-qualified health center, ***a school-based health center,*** the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

6. As used in this section, unless the context otherwise requires:

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 6. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and sections 2 and ~~[3]~~ 3.5 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 6.1. **Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a policy of health insurance provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the insurer; and

(b) The insurer shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the insurer must be:

(a) If the insurer covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the insurer;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between an insurer and a provider of health care specifying the rights and responsibilities of the

insurer and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which an insurer has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.15. **NRS 689A.330 is hereby amended to read as follows:**

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 6.1 of this act.***

Sec. 6.2. **Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a policy of group health insurance provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the insurer; and

(b) The insurer shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the insurer must be:

(a) If the insurer covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the insurer;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between an insurer and a provider of health care specifying the rights and responsibilities of the insurer and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which an insurer has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.3. **Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a health benefit plan provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the carrier; and

(b) The carrier shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the carrier must be:

(a) If the carrier covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the carrier;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between a carrier and a provider of health care specifying the rights and responsibilities of the carrier and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which a carrier has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.35. **NRS 689C.425 is hereby amended to read as follows:**

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 6.3 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6.4. **Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a benefit contract provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the society; and

(b) The society shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the society must be:

(a) If the society covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the society;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between a society and a provider of health care specifying the rights and responsibilities of the society and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which a society has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.5. **Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a policy of health insurance provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the hospital or medical services corporation; and

(b) The hospital or medical services corporation shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the hospital or medical services corporation must be:

(a) If the hospital or medical services corporation covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the hospital or medical services corporation;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers

under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between a hospital or medical services corporation and a provider of health care specifying the rights and responsibilities of the hospital or medical services corporation and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which a hospital or medical services corporation has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.6. **Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a health care plan provides coverage for a qualified health-related service:

(a) An enrollee who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health services program participates in the network plan of the health maintenance organization; and

(b) The health maintenance organization shall not require an enrollee to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the health maintenance organization must be:

(a) If the health maintenance organization covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the health maintenance organization;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between a health maintenance organization and a provider of health care specifying the rights and responsibilities of the health maintenance organization and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which a health maintenance organization has entered with a provider of health care in the same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district, a charter school or the Department of Education to provide health services to pupils.

Sec. 6.7. **NRS 695C.050 is hereby amended to read as follows:**

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 ***and section 6.6 of this act*** do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of section 6.6 of this act do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 6.75. **NRS 695C.330 is hereby amended to read as follows:**

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 6.6 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 6.8. **Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a health care plan provides coverage for a qualified health-related service:

(a) An insured who is a pupil enrolled in a public school in this State is entitled for reimbursement for the qualified health-related service provided by a school health services program, regardless of whether the school health

services program participates in the network plan of the managed care organization; and

(b) The managed care organization shall not require an insured to pay any deductible, copayment or coinsurance for any qualified health-related service to which paragraph (a) applies or impose any other cost-sharing requirement for such a service.

2. Reimbursement pursuant to subsection 1 for a qualified health-related service provided by a school health services program that does not participate in the network plan of the managed care organization must be:

(a) If the managed care organization covers the service through a network plan when provided in the same geographic area where the service to which the reimbursement applies is provided, in an amount that is equal to or greater than the lowest amount provided for the service under a provider network contract between a provider of health care in the relevant geographic area and the managed care organization;

(b) If the provisions of paragraph (a) do not apply and the service is covered by Medicare, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicare; or

(c) If the provisions of paragraph (a) or (b) do not apply, in an amount that is equal to or greater than the amount at which the service would be reimbursed under Medicaid.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider network contract" means a contract between a managed care organization and a provider of health care specifying the rights and responsibilities of the managed care organization and the provider of health care for delivery of health care services pursuant to a network plan.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health-related service" means a service that is:

(1) Medically appropriate for the diagnosis, treatment, or prevention of a medical or behavioral health condition; and

(2) Reimbursable under a provider network contract into which a managed care organization has entered with a provider of health care in the

same geographic area in which the service is provided or under Medicare or Medicaid.

(e) "School health services program" means a program established by a school district or charter school or the Department of Education to provide health services to pupils.

Sec. 6.9. **NRS 695G.090 is hereby amended to read as follows:**

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.127, 695G.164, 695G.1645, 695G.167 and 695G.200 to 695G.230, inclusive, ***and section 6.8 of this act*** do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. ~~[This subsection does]~~

4. The provisions of section 6.8 of this act do not apply to a managed care organization that provides health care services to members of the Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043.

5. Subsections 3 and 4 do not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 7. ~~[1. The Division of Health Care Financing and Policy of the Department of Health and Human Services and the Department of Education shall:~~

~~(a) Conduct a study of the requirements applicable to school-based health centers that provide health care services to recipients of Medicaid. The study must consist of:~~

~~(1) A review of the standards for school-based health centers to become eligible to provide health care services to recipients of Medicaid and possible ways of increasing the flexibility and reducing the complexity of those standards, including, without limitation:~~

~~(I) Increased flexibility for school-based health centers to operate on or off the premises of a school or as a mobile unit;~~

~~(II) The use of telehealth in each setting in which a school-based health center is authorized to operate;~~

~~(III) Authorization for school-based health centers to offer behavioral health services and dental services;~~

~~(IV) The integration of school-based health centers into other health services offered by, on the premises of or in association with schools; and~~

~~(V) Opportunities to serve parents, siblings and other family members of pupils;~~

~~(2) An evaluation of the need for an on-site laboratory at a school-based health center;~~

~~(3) A review of the need for the board of trustees of a school district to approve the operation of a school-based health center that is near to or associated with, but not on the premises of, a school;~~

~~(4) A review of rates of reimbursement under the State Plan for Medicaid for school-based health centers, a comparison of those rates of reimbursement to the rates of reimbursement under the State Plan for physicians and federally-qualified health centers and possible ways to create parity between rates of reimbursement under the State Plan for all persons and entities described in this subparagraph; and~~

~~(5) A consideration of strategies to incentivize the formation and operation of school-based health centers including, without limitation, through the promotion of well visits and the use of value-based payments.~~

~~(b) On or before December 31, 2023, submit a report of the findings of the study conducted pursuant to paragraph (a) and any recommendations resulting from those findings to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.~~

~~2. As used in this section:~~

~~(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).~~

~~(b) "School-based health center" has the meaning ascribed to it in section 2 of this act.~~

~~(c) "Telehealth" has the meaning ascribed to it in NRS 629.515.~~

~~(d) "Value-based payment" means a model of paying for health care in which providers are reimbursed based on health outcomes including, without limitation, helping patients improve their health, reduce the effects and incidence of chronic disease and live healthier lives, in an evidence-based manner.~~

~~(e) "Well visit" means a regularly scheduled physical examination.]~~ **(Deleted by amendment.)**

Sec. 7.5. **On or before October 1, 2023, the Director of the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid or for any other necessary federal authority to**

increase by at least 5 percent the rates of reimbursement for services covered by Medicaid when provided:

1. On the premises of a school; and

2. By an employee or independent contractor of a school district, a charter school or the Department of Education.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Section ~~[7]~~ **7.5** of this act becomes effective ~~[:~~

~~(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On]~~ **on** July 1, 2023~~. [, for all other purposes.]~~

3. Sections 1 to ~~[6,]~~ **7,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 383.

AN ACT relating to elections; revising provisions relating to the authorized methods of voting in an election under certain circumstances; revising provisions relating to accommodations for certain voters who are elderly or have a disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that voting at any election conducted under title 24 of NRS must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law. (NRS 293.270) Existing law also provides that mechanical voting systems may be used to cast, register, record and count ballots or votes in all statewide, county, city and district elections of any kind held in this State. (NRS 293B.050) **Sections 5, 9 and 15** of this bill prohibit the ~~[use]~~ **marking** of paper ballots **by hand** when voting in person at the polls at an election in this State and instead require that all votes cast in person at a polling place be cast using a mechanical voting system. **Sections 2, 4, 7, 11, 14, 16, 18, 21, 25, 27, 29, 31, 33, 35, 37, 39, 40, 42, 44 and 46** of this bill make conforming changes to remove references to paper ballots and printing on paper ballots. **Sections 1, 3, 10, 12, 13, 20, 22-24, 26, 28, 30, 32, 34, 36, 38, 41, 43, 45 and 47** of this bill make conforming changes to require the use of a mechanical voting system when voting in person.

Section 49 of this bill makes conforming changes to repeal certain provisions relating to paper ballots and the discretionary use of mechanical voting systems. **Section 8.5 of this bill revises the term "mechanical voting system" to include marking a mail ballot which is subsequently counted on an electronic tabulator.**

Existing law requires that, with certain exceptions, each polling place must have at least one voting booth that is specifically designed, designated and equipped for voters who are elderly or voters with a disability. (NRS 293.2955, 293C.281) **Sections 6 and 17** of this bill instead require, with certain exceptions, that each polling place must have at least two such voting booths and additional voting booths if determined necessary by the county clerk or city clerk. **Sections 6 and 17** further require each county clerk, city clerk and all election board officers to complete training in the use of the voting booths and specially equipped voting devices in order to assist such voters. **Sections 8 and 19** of this bill make conforming changes to revise existing internal references relating to **sections 6 and 17**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of 5,000 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct **.** ~~[in those precincts in which a mechanical voting system is used.]~~

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 2. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of:

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

(2) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to ~~[be printed]~~ ***appear*** on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first

paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must ~~[be printed]~~ ***appear*** only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide ~~[paper]~~ ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 3. NRS 293.267 is hereby amended to read as follows:

293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the words "no political party" or the abbreviation "NPP," as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation "NP."

4. ~~[Where a]~~ ***For ballots cast using a mechanical voting*** system ***,*** ~~[of voting other than by paper ballot is used,]~~ the Secretary of State may provide for any placement of the name or abbreviation of the political party, the words "no political party" or "nonpartisan" or the abbreviation "NPP" or "NP," as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

> The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 4. NRS 293.2693 is hereby amended to read as follows:

293.2693 ~~[If a county or city uses paper ballots, including, without limitation, for mail ballots, the]~~ ***The*** county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information

concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

Sec. 5. NRS 293.270 is hereby amended to read as follows:

293.270 1. Voting at any election regulated by this title must be ~~[on printed]~~ ***by mechanical voting system, by mail*** ballots or by any other system approved by the Secretary of State or specifically authorized by law.

2. ***Except as otherwise provided in subsection 3, all votes cast in person at a polling place at any election must be cast using a mechanical voting system and not by the marking of a paper ballot*** ~~***[.]***~~ ***by hand. This includes votes cast by:***

(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and

(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

3. The requirements of subsection 2 do not ~~***[apply]***~~ ***:***

(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.

(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.

4. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the ballot prepared by the election officers, and no person may write in the name of an additional candidate for any office.

5. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 6. NRS 293.2955 is hereby amended to read as follows:

293.2955 1. Except as otherwise provided in subsection 2, at all times during which a polling place is open:

(a) The polling place must:

(1) Be accessible to a voter who is elderly or a voter with a disability; and

(2) Have at least ~~[one]~~ ***two*** voting ~~[booth]~~ ***booths*** that ~~[is:]~~ ***are:***

(I) Designed to allow a voter in a wheelchair to vote;

(II) Designated for use by a voter who is elderly or a voter with a disability;

(III) Equipped to allow a voter who is elderly or a voter with a disability to vote with the same privacy as a voter who is not elderly or as a voter without a disability; and

(IV) Equipped with a mechanical recording device which directly records the votes electronically and which may be used by a voter with a disability; and

(b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate

line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

2. A polling place that does not comply with the provisions of paragraph (a) of subsection 1 may be used if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.

3. ***If, in the opinion of the county clerk, more than two voting booths described in subparagraph (2) of paragraph (a) of subsection 1 are required to accommodate the needs of voters who are elderly or voters with a disability, the county clerk shall place additional voting booths at the polling place as needed.***

4. At each polling place, the county clerk is encouraged to:

(a) Post in a conspicuous place, in at least 12-point type, instructions for voting;

(b) Provide ballots in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability; and

(c) Provide, in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability, all materials that are:

(1) Related to the election; and

(2) Made available to a voter in printed form at the polling place.

~~[4.]~~ ***5.*** As an alternative to carrying out the functions described in subsection ~~[3,]~~ ***4,*** if, in the opinion of the county clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices will be best served by placing such devices at centralized voting locations, the county clerk may so provide. If the county clerk provides for the placement of specially equipped voting devices at centralized locations, a voter who is elderly or disabled and requires the use of such a device to be able to cast a ballot without assistance may cast his or her ballot at any centralized voting location designated by the county clerk.

6. Each county clerk and all election board officers must complete training in the use of the voting booths and specially equipped voting devices required pursuant to this section to ensure that the county clerk and election board officers are able to assist voters who are elderly or voters with a disability in the use of such voting booths and devices.

Sec. 7. NRS 293.363 is hereby amended to read as follows:

293.363 ~~[1.]~~ When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are~~

~~found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.~~

~~(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~**]**

Sec. 8. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection ~~[4]~~ ***5*** of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

13. The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 8.5. **NRS 293B.033 is hereby amended to read as follows:**

293B.033 "Mechanical voting system" means a system of voting whereby a voter may cast a vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By marking a paper ballot ***, including, without limitation, a mail ballot,*** which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 9. NRS 293B.050 is hereby amended to read as follows:

293B.050 ***1.*** At all statewide, county, city and district elections of any kind held in this State, ballots or votes ~~[may]~~ ***:***

(a) May be cast, registered ~~[,]~~ ***and*** recorded ~~[and counted]~~ by means of a mechanical voting system.

(b) Must be counted by means of a mechanical voting system.

2. Except as otherwise provided in subsection 3, all votes cast in person at a polling place in an election must be cast using a mechanical voting system and not by the marking of a paper ballot ~~[.]~~ by hand. This includes votes cast by:

(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and

(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

3. The requirements of subsection 2 do not ~~[apply]~~ :

(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.

(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.

4. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 10. NRS 293B.105 is hereby amended to read as follows:

293B.105 The board of county commissioners of any county or the city council or other governing body of any city may purchase and adopt for use at elections any mechanical voting system and mechanical recording device ~~[. The system or device may be used at any or all elections held in the county or city,]~~ for voting, registering and counting votes cast.

Sec. 11. NRS 293B.110 is hereby amended to read as follows:

293B.110 A mechanical voting system or mechanical recording device may be adopted ***and used*** for some of the precincts or districts in the same county or city, while the remainder of the precincts or districts in that county or city may ~~[be furnished with paper ballots or any other]~~ ***adopt and use a different*** mechanical voting system or mechanical recording device.

Sec. 12. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election ***,*** ~~[where a mechanical voting system is to be used,]~~ the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, without limitation, overvotes or, in a primary election or presidential preference primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year;

(2) A presidential preference primary election; or

(3) A general election,

➥ the total votes, other than mail ballots, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election or presidential preference primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 13. NRS 293B.175 is hereby amended to read as follows:

293B.175 ~~[In those districts or precincts in which a mechanical voting system is used, the]~~ ***The*** list of offices and candidates and the statements of measures appropriate for use with ~~[that]~~ ***a mechanical voting*** system in combination with the device upon which a vote is registered is an official ballot.

Sec. 14. NRS 293B.365 is hereby amended to read as follows:

293B.365 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ~~[paper]~~ ballots to the ballot duplicating board.

5. Receive duplicates of damaged ~~[paper]~~ ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct.

6. Place each damaged original ~~[paper]~~ ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct.

7. Reject any ~~[paper]~~ ballot that has been marked in a way that identifies the voter.

8. Place each rejected ~~[paper]~~ ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot.

Sec. 15. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, all votes cast in person at a polling place in an election must be cast using a mechanical voting system and not by the marking of a paper ballot ~~***[.]***~~ ***by hand. This includes votes cast by:***

(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and

(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

2. The requirements of subsection 1 do not ~~***[apply]***~~ ***:***

(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.

(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.

3. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 16. NRS 293C.262 is hereby amended to read as follows:

293C.262 1. The offices for which there are candidates, the names of the candidates therefor and the questions to be voted upon must ~~[be printed]~~ ***appear*** on ballots for a city election in the following order:

(a) City offices:

(1) Mayor;

(2) Council members according to ward in numerical order, if no wards, in alphabetical order; and

(3) Municipal judges.

(b) Questions presented to the voters of a city or a portion of a city with advisory questions listed in consecutive order after any other questions presented to the voters of the city.

2. The city clerk:

(a) May divide ~~[paper]~~ ballots into two sheets in a manner that provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 17. NRS 293C.281 is hereby amended to read as follows:

293C.281 1. Except as otherwise provided in subsection 2, at all times during which a polling place is open:

(a) The polling place must:

(1) Be accessible to a voter who is elderly or a voter with a disability; and

(2) Have at least ~~[one]~~ ***two*** voting ~~[booth]~~ ***booths*** that ~~[is:]~~ ***are:***

(I) Designed to allow a voter in a wheelchair to vote;

(II) Designated for use by a voter who is elderly or a voter with a disability;

(III) Equipped to allow a voter who is elderly or a voter with a disability to vote with the same privacy as a voter who is not elderly or as a voter without a disability; and

(IV) Equipped with a mechanical recording device which directly records the votes electronically and which may be used by persons with disabilities; and

(b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

2. A polling place that does not comply with the provisions of paragraph (a) of subsection 1 may be used if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.

3. ***If, in the opinion of the city clerk, more than two voting booths described in subparagraph (2) of paragraph (a) of subsection 1 are required to accommodate the needs of voters who are elderly or voters with a disability, the city clerk shall place additional voting booths at the polling place as needed.***

4. At each polling place, the city clerk is encouraged to:

(a) Post in a conspicuous place, in at least 12-point type, instructions for voting;

(b) Provide ballots in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability; and

(c) Provide, in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability, all materials that are:

(1) Related to the election; and

(2) Made available to a voter in printed form at the polling place.

~~[4.]~~ ***5.*** As an alternative to carrying out the functions described in subsection ~~[3,]~~ ***4,*** if, in the opinion of the city clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices will be best served by placing such devices at centralized voting locations, the city clerk may so provide. If the city clerk provides for the placement of specially equipped voting devices at centralized locations, a voter who is elderly or disabled and requires the use of such a device to be able to cast a ballot without assistance may cast his or her ballot at any centralized voting location designated by the city clerk.

6. Each city clerk and all election board officers must complete training in the use of the voting booths and specially equipped voting devices required pursuant to this section to ensure that the city clerk and election board officers are able to assist voters who are elderly or voters with a disability in the use of such voting booths and devices.

Sec. 18. NRS 293C.362 is hereby amended to read as follows:

293C.362 ~~[1.]~~ When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by~~

~~the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.~~

~~(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~**]**

Sec. 19. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection ~~[4]~~ ***5*** of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 20. NRS 293C.600 is hereby amended to read as follows:

293C.600 1. Before any election **,** ~~[where a mechanical voting system will be used,]~~ the city clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or

counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, but not limited to, overvotes must not be counted.

(c) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered that lacks a code identifying the precinct in which it was voted.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The city clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 21. NRS 293C.645 is hereby amended to read as follows:

293C.645 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the storage devices that store the ballots voted on mechanical recording devices that directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ~~[~~paper~~]~~ ballots to the ballot duplicating board.

5. Receive duplicates of damaged ~~[~~paper~~]~~ ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct.

6. Place each damaged original ~~[~~paper~~]~~ ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct.

7. Reject any ~~[~~paper~~]~~ ballot that has been marked in a way that identifies the voter.

8. Place each rejected ~~[~~paper~~]~~ ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot.

Sec. 22. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks.

3. The title of the statute or resolution must be set out on the ballot, and the question ~~[~~printed~~]~~ ***appear*** upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. ~~[~~Where~~]~~ ***For ballots cast using*** a mechanical voting system ***,*** ~~[~~is used,~~]~~ the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 23. NRS 295.170 is hereby amended to read as follows:

295.170 1. The subject matter of such questions must be stated concisely on the ballot, and the question ~~[printed]~~ ***appear*** upon the ballot for the information of the voter must be as follows: "Shall the act (setting out the title thereof) be approved?"

2. ~~[Where]~~ ***For ballots cast using*** a mechanical voting system ***,*** ~~[is used,]~~ the title of the act must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed by the district attorney to 20 words.

3. The district attorney shall prepare an explanation of each such question, which must be placed on the ballot or the list of offices and candidates and the statements of measures to be voted on, or posted in the polling place.

4. The votes cast upon such question must be counted and canvassed as the votes for county officers are counted and canvassed.

Sec. 24. NRS 306.060 is hereby amended to read as follows:

306.060 1. If the officer against whom the petition is filed furnishes no justification of the officer's course in office, none need appear on the ballot at the election upon the officer's recall.

2. ~~[Where]~~ ***For ballots cast using*** a mechanical voting system ***,*** ~~[is used,]~~ the reason for demanding the recall of the officer and the officer's justification need not ~~[be printed]~~ ***appear*** on the ballot, but must be printed on sample ballots, which must be presented to registered voters upon their application to vote.

Sec. 25. Section 5.050 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1728, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 26. Section 5.090 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 67, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 27. Section 5.040 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible before the close of filing and any applicable period for withdrawal of candidacy, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 28. Section 5.080 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 616, is hereby amended to read as follows:

Sec. 5.080 Voting machines. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 29. Section 5.050 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 30. Section 5.090 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 306, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The Board ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 31. Section 5.040 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 32. Section 5.080 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 464, is hereby amended to read as follows:

Sec. 5.080 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting votes ~~[that is not inconsistent]~~ ***in accordance*** with ~~[law or the]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 33. Section 5.050 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 34. Section 5.090 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 417, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 35. Section 5.050 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all of the candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same name or names which are so similar as likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballots; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 36. Section 5.090 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1416, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or for counting the votes, or both, ~~[which are not inconsistent]~~ ***in accordance*** with the ~~[law or the]~~ ***election laws of this State and any*** regulations of the Secretary of State.

Sec. 37. Section 5.060 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1886, is hereby amended to read as follows:

Sec. 5.060 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of both candidates must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 38. Section 5.090 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1887, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 39. Section 5.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

3. In any election regulated by this Charter, the names of candidates as ~~[printed]~~ ***placed*** on the ballot shall not include any title, designation or other reference which will indicate the profession or occupation of such candidates.

Sec. 40. Section 5.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 41. Section 5.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1979, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 42. Section 5.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 43. Section 5.090 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 737, is hereby amended to read as follows:

Sec. 5.090 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 44. Section 5.040 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 493, Statutes of Nevada 2009, at page 2938, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible before the close of filing and any applicable period for withdrawal of candidacy, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 45. Section 5.080 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 470, is hereby amended to read as follows:

Sec. 5.080 Voting machines. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 46. Section 5.040 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be ~~[printed]~~ ***placed*** on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as ~~[printed]~~ ***placed*** on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must ~~[be printed]~~ ***appear*** in bold type.

Sec. 47. Section 5.080 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.080 Voting machines. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for voting or counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

Sec. 48. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 49. NRS 293.365, 293.373, 293B.050, 293C.365 and 293C.375 are hereby repealed.

Sec. 50. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

293.365 Accounting for all paper ballots before counting of votes begins. Except as otherwise provided in NRS 293.269931, no counting board in any precinct, district or polling place in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.

293.373 Duties of officers of counting board after ballots counted if paper ballots used. If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The rosters and tally lists must be returned to the county clerk.

293B.050 Authorization for use of mechanical voting system. At all statewide, county, city and district elections of any kind held in this State, ballots or votes may be cast, registered, recorded and counted by means of a mechanical voting system.

293C.365 Accounting for all paper ballots before counting of votes begins. Except as otherwise provided in NRS 293C.26331, a counting board in any precinct, district or polling place in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.

293C.375 Duties of officers of counting board after ballots counted if paper ballots used. If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

2. The rosters and tally lists must be returned to the city clerk.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 318.

AN ACT relating to health care; establishing the substantive rights of a person compelled to submit to a mental or physical examination under certain circumstances; authorizing a person who has been aggrieved by the violation of certain rights to institute an action for injunctive and other appropriate relief; repealing provisions relating to a mental or physical examination required of certain persons in a civil action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an observer to be present at a mental or physical examination ordered by a court for the purpose of discovery in a civil action. The observer may: (1) be an attorney for the person undergoing the examination; and (2) make an audio or stenographic recording of the examination. (NRS 52.380) In 2021, the Nevada Supreme Court held that such a statute is unconstitutional because it: (1) is a procedural statute that does not create a substantive right; and (2) attempts to abrogate an existing rule of procedure that the court "prescribed under its inherent authority to regulate the judicial process." (*Lyft, Inc. v. Eighth Jud. Dist. Court*, 137 Nev. Adv. Op. 86, 501 P.3d 994, 1002 (2021); N.R.C.P. 35) **Section 2** of this bill repeals this statute.

Section 1 of this bill provides that **, with certain exceptions,** a person compelled to submit to a mental or physical examination pursuant to a court order, a contractual obligation or any other type of obligation has the right to: (1) receive notice of the examination at least 21 days before the date of the examination; (2) have an interpreter and certain observers present throughout the examination; (3) take notes or appoint an observer to take notes during the examination; and (4) after providing notice to the person conducting the examination, make certain recordings of the examination. **Section 1** further provides that the testimony or reports of the person conducting the examination are not privileged communications. **Section 1** authorizes a person

compelled to submit to a mental or physical examination to bring an action against a person who has violated the rights established by **section 1** and to obtain certain remedies in that action, including: (1) attorney's fees; (2) actual damages or a fine of $1,500, whichever is greater; (3) injunctive and protective relief; and (4) an order prohibiting the use of any information gathered during the examination in any judicial or administrative proceeding.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law ~~[,]~~ and except as otherwise provided in this section, a person compelled to submit to a mental or physical examination pursuant to a court order, a contractual obligation or any other type of obligation retains the right to:

(a) Unless otherwise specified or agreed upon by both parties, receive notice of the requesting party's intention to compel the person to submit to a mental or physical examination at least 21 days before the date of the examination;

(b) Have any observer of choice present throughout the examination, including, without limitation, the person's attorney, provider of health care or any other person hired by or on behalf of the person;

(c) Have an interpreter present if the person believes that an interpreter is necessary to facilitate communication with the examiner;

(d) Take notes or appoint an observer to take notes during the examination; and

(e) After providing notice to the person conducting the examination, make an audio, stenographic or video recording of the examination or appoint an observer to make such a recording.

2. The testimony or reports of a person who conducts an examination of a person compelled to submit to a mental or physical examination described in subsection 1 are not privileged communications.

3. A person compelled to submit to a mental or physical examination may bring an action in a court of competent jurisdiction for a violation of this section to seek any or all of the following relief:

(a) Attorney's fees;

(b) Actual damages or a fine of $1,500, whichever is greater;

(c) Injunctive relief;

(d) Protective relief; or

(e) An order prohibiting the use of any information gathered at the examination in any judicial or administrative proceeding.

4. The provisions of subsection 1 do not apply to a person compelled to submit to a mental or physical examination pursuant to titles 5, 14 and 15 of NRS and chapter 432B of NRS.

5. As used in this section, "mental or physical examination" does not include any evaluation made with respect to a child custody proceeding, as defined in NRS 125A.055.

Sec. 1.5. **1. The amendatory provisions of this act do not apply to a mental or physical examination conducted before October 1, 2023.**

2. As used in this section, "mental or physical examination" has the meaning ascribed to it in section 1 of this act.

Sec. 2. NRS 52.380 is hereby repealed.

TEXT OF REPEALED SECTION

52.380 Attendance by observer.

1. An observer may attend an examination but shall not participate in or disrupt the examination.

2. The observer attending the examination pursuant to subsection 1 may be:

(a) An attorney of an examinee or party producing the examinee; or

(b) A designated representative of the attorney, if:

(1) The attorney of the examinee or party producing the examinee, in writing, authorizes the designated representative to act on behalf of the attorney during the examination; and

(2) The designated representative presents the authorization to the examiner before the commencement of the examination.

3. The observer attending the examination pursuant to subsection 1 may make an audio or stenographic recording of the examination.

4. The observer attending the examination pursuant to subsection 1 may suspend the examination if an examiner:

(a) Becomes abusive towards an examinee; or

(b) Exceeds the scope of the examination, including, without limitation, engaging in unauthorized diagnostics, tests or procedures.

5. An examiner may suspend the examination if the observer attending the examination pursuant to subsection 1 disrupts or attempts to participate in the examination.

6. If the examination is suspended pursuant to subsection 4 or 5, the party ordered to produce the examinee may move for a protective order pursuant to the Nevada Rules of Civil Procedure.

7. As used in this section:

(a) "Examination" means a mental or physical examination ordered by a court for the purpose of discovery in a civil action.

(b) "Examinee" means a person who is ordered by a court to submit to an examination.

(c) "Examiner" means a person who is ordered by a court to conduct an examination.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 253.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 393.

AN ACT relating to cannabis; providing for the licensure and regulation by the Cannabis Compliance Board of certain events at which the sale and consumption of cannabis or cannabis products is allowed; setting forth certain requirements for the issuance of a ~~[cannabis event organizer license,]~~ temporary cannabis event permit and portable cannabis vendor license; setting forth certain requirements concerning the operation of a temporary cannabis event; imposing various requirements on ~~[cannabis event organizers and]~~ portable cannabis vendors; revising provisions relating to social equity applicants; requiring the Board to adopt regulations establishing certain fees; revising provisions relating to the consumption of cannabis in a public place; revising provisions relating to the excise tax on retail sales of cannabis and cannabis products; exempting a ~~[cannabis event organizer]~~ **portable cannabis vendor** who holds a temporary cannabis event from certain provisions prohibiting a person from maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) This bill provides for the licensure and regulation of events at which the sale of cannabis or cannabis products and the consumption of cannabis or cannabis products by persons 21 years of age or older is allowed. **Section 6** of this bill designates such events as "temporary cannabis events."

Section 14 of this bill prohibits a person from holding a temporary cannabis event unless: (1) the person has been licensed by the Board as a **portable** cannabis ~~[event organizer;]~~ **vendor;** and (2) the Board has issued a temporary cannabis event permit for the event. **Section 4 of this bill defines "portable cannabis vendor" to mean, in general, a business that: (1) is licensed by the Board; (2) holds temporary cannabis events; and (3) purchases cannabis or cannabis products from an adult-use cannabis retail store and sells such cannabis or cannabis products at temporary cannabis events held by the business. Section ~~[13]~~ 18** of this bill establishes requirements for licensure as a ~~[cannabis event organizer.]~~ **portable cannabis vendor. Section 14** sets forth certain requirements for a ~~[cannabis event organizer]~~ **portable cannabis vendor** to obtain a temporary cannabis event permit. **Section 14.5 of this bill: (1) deems a temporary cannabis event permit conditional until the portable cannabis vendor has obtained the necessary**

approvals from the local government having jurisdiction over the location where the temporary cannabis event will be located; (2) requires the Board to adopt regulations requiring the surrender of a conditional temporary cannabis event permit for the failure to obtain such approvals within a certain period of time; and (3) requires a portable cannabis vendor who is issued a temporary cannabis event permit to comply with all local ordinances and rules.

Section 15 of this bill prohibits a person other than ~~[a participating adult-use cannabis retail store or]~~ **the** portable cannabis vendor **to whom the temporary cannabis event permit was issued** from selling cannabis or cannabis products at a temporary cannabis event and sets forth certain requirements for such sales. ~~[Sections]~~ **Section 16** ~~[and 17]~~ of this bill ~~[impose]~~ **imposes** certain requirements and restrictions on a ~~[cannabis event organizer]~~ **portable cannabis vendor** relating to the operation of a temporary cannabis event.

~~[Section 18 of this bill establishes requirements for licensure as a "portable cannabis vendor," which is defined by section 4 of this bill to mean a business that: (1) is licensed by the Board; and (2) purchases cannabis or cannabis products from an adult-use cannabis retail store and sells such cannabis or cannabis products at a temporary cannabis event.]~~

Section 19 of this bill requires a portable cannabis vendor who ~~[participates in]~~ **holds** a temporary cannabis event to purchase all cannabis or cannabis products for resale at a temporary cannabis event from an adult-use cannabis retail store.

Existing law defines "social equity applicant" to mean, in general, an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge who has been adversely affected by previous laws which criminalized activity relating to cannabis. (NRS 678B.065) Existing law requires the Board to adopt regulations establishing criteria for determining whether an applicant qualifies as a social equity applicant. (NRS 678B.323) **Section 24** of this bill expands the definition of "social equity applicant" to include an applicant for the issuance or renewal of a ~~[cannabis event organizer license or]~~ portable cannabis vendor license who has been adversely affected by previous laws which criminalized activity relating to cannabis. **Section 27** of this bill requires the Board to adopt regulations establishing criteria for determining whether such an applicant qualifies as a social equity applicant. **Section 21** of this bill requires the Board to ~~[give priority]~~ **issue the first portable cannabis vendor license** to a social equity applicant ~~[in: (1) processing applications for a cannabis event organizer license or]~~ **and the second** portable cannabis vendor license ~~[; and (2) the issuance of such a license.]~~ **to an applicant who is not a social equity applicant. After the issuance of the first two portable cannabis vendor licenses, section 21 requires the Board to issue portable cannabis vendor licenses by alternately issuing such a license to a social equity applicant and an applicant who is not a social equity applicant.**

Section 22 of this bill sets forth certain requirements for the issuance of ~~[cannabis event organizer licenses and]~~ **a** portable cannabis vendor ~~[licenses in a local governmental jurisdiction that limits the number of business licenses issued to cannabis event organizers and portable cannabis vendors, which include, among other requirements, a requirement that a certain number of those licenses be issued to social equity applicants.]~~ **license under circumstances in which more than one qualified applicant has applied for a license. Section 22 requires the Board to revoke the license of a portable cannabis vendor who has not held a temporary cannabis event in the immediately preceding 18 months and provides for the reissuance of such a revoked license.**

Existing law imposes an excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge. (NRS 372A.290) **Section 39** of this bill applies this excise tax to retail sales of cannabis or cannabis products by a portable cannabis vendor. **Sections 36 and 38** of this bill make conforming changes to reflect the imposition of the excise tax on retail sales of cannabis or cannabis products by a portable cannabis vendor.

Section 20 of this bill authorizes a local government to charge a ~~[cannabis event organizer]~~ **portable cannabis vendor** a fee for holding a temporary cannabis event. **Section 29** of this bill requires the Board to adopt regulations establishing fees associated with a ~~[cannabis event organizer license, temporary cannabis event permit and]~~ portable cannabis vendor license. Existing law authorizes the Board to establish reduced fees for the initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge for social equity applicants. (NRS 678B.390) **Section 29** similarly authorizes the Board to establish reduced fees for the initial issuance or renewal of a ~~[cannabis event organizer license and]~~ portable cannabis vendor license for social equity applicants.

Section 9 of this bill includes a ~~[cannabis event organizer and]~~ portable cannabis vendor within the definition of "cannabis establishment" provided in existing law, thereby subjecting such businesses to the requirements of existing law applicable to cannabis establishments. (NRS 678A.095) Similarly, **section 10** of this bill includes a ~~[cannabis event organizer license,]~~ a temporary cannabis event permit and a portable cannabis vendor license within the definition of "license" provided in existing law, thereby subjecting the holders of such licenses to the provisions of existing law applicable to holders of other licenses issued by the Board. (NRS 678A.160) **Section 11** of this bill authorizes the Board to adopt regulations providing policies and procedures under which the Board is authorized to waive any requirement applicable to a cannabis establishment that the Board determines is not appropriate for a ~~[cannabis event organizer or]~~ portable cannabis vendor. **Section 31** of this bill requires the Board to adopt regulations concerning the safe and healthful operation of temporary cannabis events.

Section 23 of this bill provides that a **portable cannabis vendor** license or **temporary cannabis event** permit issued by the Board pursuant to the provisions of this bill is a revocable privilege. **Sections 25 and 26** of this bill prohibit the issuance of a medical cannabis establishment license or an adult-use cannabis establishment license, respectively, if any of the persons proposed to be owners, officers or board members of the establishment have previously served in such a position for a cannabis establishment that has had a **portable cannabis vendor** license or **temporary cannabis event** permit issued by the Board ~~[pursuant to the provisions of this bill]~~ revoked.

Existing law requires the Board to adopt regulations setting forth procedures and requirements for the transfer of a license. (NRS 678B.380) **Section 28** of this bill specifies that such regulations must set forth procedures and requirements for the transfer of a ~~[cannabis event organizer license or]~~ portable cannabis vendor license that is held by a social equity applicant.

Section 30 of this bill revises provisions of existing law that prohibit a person from selling or advertising the sale of cannabis or cannabis products for the purpose of authorizing the holder of a portable cannabis vendor license to engage in such activities. (NRS 678B.530) Existing law exempts, in general, persons who hold certain licenses issued by the Board from state prosecution for certain offenses relating to cannabis. (NRS 678D.200) **Section 33** of this bill expands this exemption to include the holder of a ~~[cannabis event organizer license or]~~ portable cannabis vendor license.

Existing law prohibits, with certain exceptions, the consumption of cannabis or cannabis products in a public place. (NRS 678C.300, 678D.300, 678D.310) **Sections 32, 34 and 35** of this bill revise these provisions for the purposes of authorizing a person to consume cannabis or cannabis products in an area designated for that activity at a temporary cannabis event.

Existing law prohibits a person from opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance. (NRS 453.316) **Section 41** of this bill exempts a ~~[cannabis event organizer]~~ **portable cannabis vendor** whose activities are confined to those authorized under the provisions of this bill from the application of this provision.

Sections ~~[2-7]~~ 4-7 of this bill define words and terms applicable to the provisions of this bill. **Sections 8 and 37** of this bill make conforming changes to indicate the proper placement of new provisions in the Nevada Revised Statutes. **Section 40** of this bill makes a conforming change to reflect the addition of the provisions of **section 29**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ~~***[“Cannabis event organizer” means a business that:***~~

~~***1. Is licensed by the Board pursuant to section 13 of this act; and***~~

~~*2. Permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to temporary cannabis events.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[“Cannabis event organizer license” means a license that is issued by the Board pursuant to section 13 of this act to authorize the operation of a cannabis event organizer.]*~~ **(Deleted by amendment.)**

Sec. 4. ***“Portable cannabis vendor” means a business that:***

1. Is licensed by the Board pursuant to section 18 of this act; ~~*[and]*~~

2. Permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to temporary cannabis events; and

3. Purchases cannabis or cannabis products from an adult-use cannabis retail store and sells such cannabis or cannabis products at a temporary cannabis event ~~*[.]*~~ ***held by the business.***

Sec. 5. ***“Portable cannabis vendor license” means a license that is issued by the Board pursuant to section 18 of this act to authorize the operation of a portable cannabis vendor.***

Sec. 6. ***“Temporary cannabis event” means an event held by a*** ~~*[cannabis event organizer]*~~ ***portable cannabis vendor for which a temporary cannabis event permit has been issued by the Board pursuant to section 14 of this act and at which:***

1. ~~*[Participating adult-use cannabis retail stores or]*~~ ***The portable cannabis*** ~~*[vendors sell]*~~ ***vendor sells cannabis or cannabis products to persons 21 years of age or older; and***

2. The consumption of cannabis or cannabis products by persons 21 years of age or older is allowed.

Sec. 7. ***“Temporary cannabis event permit” means a license that is issued by the Board pursuant to section 14 of this act to authorize a*** ~~*[cannabis event organizer]*~~ ***portable cannabis vendor to hold a temporary cannabis event.***

Sec. 8. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, ***and sections 2 to 7, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 678A.095 is hereby amended to read as follows:

678A.095 “Cannabis establishment” means:

1. An adult-use cannabis establishment; ~~[or]~~
2. A medical cannabis establishment ~~[.]~~ ***; or***
3. ~~*[A cannabis event organizer; or*~~

~~*4.]*~~ ***A portable cannabis vendor.***

Sec. 10. NRS 678A.160 is hereby amended to read as follows:

678A.160 “License” means:

1. An adult-use cannabis establishment license; ~~[or]~~
2. A medical cannabis establishment license ~~[.]~~ ***;***

3. ~~[A cannabis event organizer license;~~

~~4.]~~ A temporary cannabis event permit; or

~~[5.]~~ 4. A portable cannabis vendor license.

Sec. 11. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) ***Policies and procedures governing the circumstances under which the Board may waive any requirement applicable to a cannabis establishment that the Board determines is not appropriate for a ~~[cannabis event organizer or]~~ portable cannabis vendor.***

(i) Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for

transmission to the Legislature on or before January 1 of each odd-numbered year.

4. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 12. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 22, inclusive, of this act.

Sec. 13. ~~[*1. A person shall not engage in the business of a cannabis event organizer unless the person holds a cannabis event organizer license issued pursuant to this section.*~~

~~*2. A person who wishes to engage in the business of a cannabis event organizer must submit to the Board an application on a form prescribed by the Board.*~~

~~*3. The Board shall issue a cannabis event organizer license to an applicant if:*~~

~~*(a) The person who wishes to engage in the business of a cannabis event organizer has submitted to the Board all of the following:*~~

~~*(1) The application fee, as set forth in NRS 678B.390;*~~

~~*(2) An application, which must include:*~~

~~*(I) The legal name of the proposed cannabis event organizer;*~~

~~*(II) The physical address where the proposed cannabis event organizer will be located;*~~

~~*(III) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed cannabis event organizer, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*~~

~~*(IV) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed cannabis event organizer;*~~

~~*(3) Operating procedures consistent with the rules of the Board for oversight of the proposed cannabis event organizer; and*~~

~~*(4) Such other information as the Board may require by regulation;*~~

~~*(b) None of the persons who are proposed to be owners, officers or board members of the proposed cannabis event organizer have:*~~

~~*(1) Served as an owner, officer or board member for a cannabis establishment that has had its cannabis event organizer license, temporary cannabis event permit, portable cannabis vendor license, adult use cannabis establishment license or medical cannabis establishment license revoked;*~~

~~*(2) Previously had a cannabis establishment agent registration card revoked;*~~

~~*(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or*~~

~~*(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and*~~

~~*(c) None of the persons who are proposed to be owners, officers or board members of the proposed cannabis event organizer are under 21 years of age.*~~

~~*4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed cannabis event organizer, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.*~~

~~*5. Except as otherwise provided in section 22 of this act, if an applicant for licensure to engage in the business of a cannabis event organizer satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant a cannabis event organizer license. A cannabis event organizer license expires 1 year after the date of issuance and may be renewed upon:*~~

~~*(a) Submission of the information required by the Board by regulation; and*~~

~~*(b) Payment of the renewal fee set forth in NRS 678B.390.]*~~ **(Deleted by amendment.)**

Sec. 14. *1. A person shall not hold a temporary cannabis event unless the person:*

(a) Is a ~~[cannabis event organizer;]~~ portable cannabis vendor; and

(b) Has been issued a temporary cannabis event permit for the temporary cannabis event by the Board pursuant to this section.

2. A ~~[cannabis event organizer]~~ portable cannabis vendor who wishes to obtain a temporary cannabis event permit must submit to the Board the application ~~[fee,]~~ deposit, as set forth in ~~[NRS 678B.390,]~~ subsection 6, and an application on a form prescribed by the Board. The application must include:

(a) The name , ~~[and]~~ address , telephone number and electronic mail address of the applicant;

(b) The physical address of the location at which the proposed temporary cannabis event will be held ~~[;]~~ , the location of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the temporary cannabis event permit was submitted to the Board, within 300 feet of a community facility that existed on the date on

which the application for the temporary cannabis event permit was submitted to the Board or, if the temporary cannabis event will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the temporary cannabis event permit was submitted to the Board;

(c) The date or dates of the proposed temporary cannabis event ~~[;]~~ , which must not exceed 3 consecutive days;

(d) The number of persons reasonably expected to attend the proposed temporary cannabis event ~~[;]~~ , which must be not less than 750 persons, estimated using the method set forth by the Board by regulation, and evidence to support this expectation;

(e) A ~~[detailed description of each area within]~~ diagram of the physical layout of the proposed temporary cannabis event , which clearly sets forth each:

(1) Entrance and exit to the proposed temporary cannabis event that will be used by participants during the event;

(2) Area within the proposed temporary cannabis event designated for the sale of cannabis or cannabis products;

~~[(f) A detailed description of each area]~~

(3) Area within the proposed temporary cannabis event designated for the consumption of cannabis or cannabis products; and

(4) Area within the proposed temporary cannabis event designated for the storage of cannabis or cannabis products;

~~[(g)]~~ (f) Operating procedures consistent with the regulations of the Board for the safe and healthful operation of temporary cannabis events ~~[;~~

~~(h) Evidence that the local government having jurisdiction over the location in which the proposed temporary cannabis event is to be held has approved the event to be held at the specified location and on the specified date or dates;~~

~~(i) A list of each adult use cannabis retail store, portable cannabis vendor and cannabis establishment agent that will be participating in the proposed temporary cannabis event; and~~

~~(j)]~~ , including, without limitation:

(1) Procedures to ensure the use of adequate security measures;

(2) The use of an inventory control system; and

(3) Procedures to ensure adequate controls for the sale of cannabis and cannabis products;

(g) An attestation by the applicant that he or she understands and agrees to comply with the requirements set forth in section 16 of this act; and

(h) Such other information as the Board may require by regulation.

3. The Board shall issue a temporary cannabis event permit to an applicant if:

(a) The application satisfies the requirements of this section;

(b) The applicant is a ~~[cannabis event organizer]~~ portable cannabis vendor who is qualified in the determination of the Board pursuant to NRS 678B.200; and

(c) The temporary cannabis event is not disqualified from being licensed pursuant to any other applicable law.

4. Each temporary cannabis event permit issued pursuant to this section must set forth the location and date or dates of the temporary cannabis event for which the temporary cannabis event permit is issued.

5. The Board shall not issue a temporary cannabis event permit to a portable cannabis vendor that has held a temporary cannabis event within the immediately preceding 30 days.

6. The Board shall, by regulation, set forth the amount of the application deposit required by subsection 2, which must be an amount sufficient to cover the actual administrative cost of processing the application. Not more than 30 days after the issuance or denial of a temporary cannabis event permit pursuant to this section, the Board shall return to the applicant any unused money from the deposit.

7. For the purposes of paragraph (b) of subsection 2, the distance must be measured from the main entrance of the proposed temporary cannabis event to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" has the meaning ascribed to it in NRS 678B.250.

Sec. 14.5. 1. The issuance by the Board of a temporary cannabis event permit pursuant to section 14 of this act shall be deemed to be conditional until the local government having jurisdiction over the location in which the event will be located has issued a business license for the operation of the temporary cannabis event, if applicable, and any other approval necessary for the operation of the temporary cannabis event.

2. The Board shall adopt regulations:

(a) Requiring the surrender of a conditional temporary cannabis event permit if the portable cannabis vendor to which the permit is issued does not satisfy the requirements of subsection 1 within a period of time determined by the Board; and

(b) Authorizing a portable cannabis vendor to request an extension of the period of time established pursuant to paragraph (a) as a result of factors outside of the control of the portable cannabis vendor that cause a delay is satisfying the requirements of subsection 1.

3. A portable cannabis vendor that is issued a temporary cannabis event permit shall comply with all applicable ordinances and rules of the local government having jurisdiction over the location in which the temporary cannabis event will be located, including, without limitation, ordinances and rules pertaining to zoning and land use and ordinances and rules imposing any other requirement upon the portable cannabis vendor and the temporary cannabis event.

Sec. 15. *1. A person shall not sell cannabis or cannabis products at a temporary cannabis event unless the person is ~~[an adult-use cannabis retail store or a]~~ the portable cannabis vendor ~~[and has been listed as a participant in the event in a list submitted to the Board pursuant to section 14 of this act.]~~ to whom the temporary cannabis event permit was issued.*

2. Except as otherwise provided by regulations adopted by the Board, all provisions of this title and the regulations adopted pursuant thereto relating to the testing and labeling of cannabis and cannabis products and the sale of cannabis and cannabis products on the premises of an adult-use cannabis retail store or a retail cannabis consumption lounge also apply to cannabis and cannabis products sold at a temporary cannabis event.

Sec. 16. *A ~~[cannabis event organizer]~~ portable cannabis vendor that holds a temporary cannabis event shall:*

1. Ensure that only persons who are 18 years of age or older are allowed to access the temporary cannabis event and only persons 21 years of age or older are allowed to access areas within the temporary cannabis event designated for the sale or consumption of cannabis or cannabis products;

2. Comply with all procedures and requirements prescribed by regulation of the Board for the collection and disposal of cannabis or cannabis products which are left at the temporary cannabis event ~~;~~ and for the management of other cannabis waste;

3. Ensure that all sales and consumption of cannabis or cannabis products at the temporary cannabis event are confined to areas within the event designated for such activities;

4. Ensure that ~~[each adult-use cannabis retail store and portable cannabis vendor that participates in the temporary cannabis event complies with the requirements set forth in section 15 of this act and any other requirements prescribed by regulation of the Board; and]~~ firearms and other weapons are prohibited at the temporary cannabis event;

5. Ensure that no sales of cannabis or cannabis products are conducted within 1 hour before the close of the temporary cannabis event on each day of the temporary cannabis event;

6. Ensure that the temporary cannabis event is held entirely outdoors; and

7. Comply with any other requirements prescribed by regulation of the Board.

Sec. 17. ~~*[A cannabis event organizer shall not sell cannabis or cannabis products at a temporary cannabis event unless the cannabis event organizer is an adult-use cannabis retail store or portable cannabis vendor and has been listed as a participant in the event in a list submitted to the Board pursuant to section 14 of this act.]*~~ **(Deleted by amendment.)**

Sec. 18. *1. A person shall not engage in the business of a portable cannabis vendor unless the person holds a portable cannabis vendor license issued pursuant to this section.*

2. A person who wishes to engage in the business of a portable cannabis vendor must submit to the Board an application on a form prescribed by the Board.

3. The Board shall issue a portable cannabis vendor license to an applicant if:

(a) The person who wishes to engage in the business of a portable cannabis vendor has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed portable cannabis vendor;

(II) The physical address where the proposed portable cannabis vendor will be located;

(III) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed portable cannabis vendor, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(IV) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed portable cannabis vendor;

(3) Operating procedures consistent with the rules of the Board for oversight of the proposed portable cannabis vendor; and

(4) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed portable cannabis vendor have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its portable cannabis vendor license ~~***[, cannabis event organizer license,]***~~ ***or temporary cannabis event permit*** ~~***[, adult-use cannabis establishment license or medical cannabis establishment license]***~~ ***revoked;***

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(c) None of the persons who are proposed to be owners, officers or board members of the proposed portable cannabis vendor are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed portable cannabis vendor, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of

Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in ~~[section]~~ sections 21 and 22 of this act, if an applicant for licensure to engage in the business of a portable cannabis vendor satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant a portable cannabis vendor license. A portable cannabis vendor license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

Sec. 19. *A portable cannabis vendor that ~~[participates in]~~ holds a temporary cannabis event shall purchase all cannabis or cannabis products for resale at the temporary cannabis event from an adult-use cannabis retail store.*

Sec. 20. *A local government having jurisdiction over the location in which a temporary cannabis event is to be held may charge the ~~[cannabis event organizer]~~ portable cannabis vendor a fee for holding the event.*

Sec. 21. *~~[In processing applications for a cannabis event organizer license or portable cannabis vendor license and in the issuance of such a license,]~~*

1. Except as otherwise provided in section 22 of this act, the Board shall ~~[give priority to a social equity applicant.]~~ issue:

(a) The first portable cannabis vendor license to a social equity applicant; and

(b) The second portable cannabis vendor license to an applicant who is not a social equity applicant.

2. After the Board has issued the first two portable cannabis vendor licenses pursuant to subsection 1, the Board:

(a) Shall issue portable cannabis vendor licenses by alternately issuing such a license to a social equity applicant and an applicant who is not a social equity applicant; and

(b) Shall not issue a license to an applicant who is not a social equity applicant unless the previous license issued by the Board was issued to a social equity applicant and vice versa.

Sec. 22. *1. ~~[The]~~ Subject to the requirements of section 21 of this act, if there is more than one qualified applicant for a single portable cannabis vendor license, the Board shall ~~[, for each local governmental jurisdiction that limits the number of business licenses that may be issued to cannabis event organizers and portable cannabis vendors, determine the number of licenses allocated to the jurisdiction for cannabis event organizers and portable cannabis vendors.]~~ select the qualified applicant to be issued the license at random.*

2. [Except as otherwise provided in this subsection, at least 50 percent of the licenses allocated to a local governmental jurisdiction pursuant to subsection 1 must be issued to social equity applicants. If there are an insufficient number of social equity applicants to distribute licenses in that manner, the local governmental jurisdiction shall issue business licenses to all qualified social equity applicants and hold the remaining business licenses in reserve for future issuance to social equity applicants.

3. If the number of qualified applicants in a local governmental jurisdiction exceeds the number of licenses allocated to that jurisdiction pursuant to subsection 1, the Board shall issue cannabis event organizer licenses and portable cannabis vendor licenses in the local governmental jurisdiction to qualified applicants who are not social equity applicants using a separate lottery system for each type of license.

4. As used in this section, "local governmental jurisdiction" means a city or unincorporated area within a county.] ***The Board shall revoke the license of a portable cannabis vendor who has not held a temporary cannabis event in the immediately preceding 18 months. If the portable cannabis vendor whose license is revoked pursuant to this section is:***

(a) A social equity applicant, the Board shall reissue the license to another qualified social equity applicant; and

(b) Not a social equity applicant, the Board shall reissue the license to another qualified applicant who is not a social equity applicant.

Sec. 23. NRS 678B.010 is hereby amended to read as follows:

678B.010 The Legislature hereby finds and declares that:

1. The purpose for licensing cannabis establishments and registering cannabis establishment agents is to protect the public health and safety and the general welfare of the people of this State.

2. Any:

(a) Medical cannabis establishment license issued pursuant to NRS 678B.210;

(b) Adult-use cannabis establishment license issued pursuant to NRS 678B.250;

(c) ***[Cannabis event organizer license issued pursuant to section 13 of this act;***

(d)] ***Temporary cannabis event permit issued pursuant to section 14 of this act;***

[(e)**]** ***(d) Portable cannabis vendor license issued pursuant to section 18 of this act;***

[(f)**]** ***(e)*** Cannabis establishment agent registration card issued pursuant to NRS 678B.340;

[(d)**]** **[**(g)**]** ***(f)*** Cannabis establishment agent registration card for a cannabis executive issued pursuant to NRS 678B.350; and

[(e)**]** **[**(h)**]** ***(g)*** Cannabis establishment agent registration card for a cannabis receiver issued pursuant to NRS 678B.355,

➥ is a revocable privilege and the holder of such a license or card, as applicable, does not acquire thereby any vested right.

Sec. 24. NRS 678B.065 is hereby amended to read as follows:

678B.065 "Social equity applicant" means an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge ~~***[, cannabis event organizer license]***~~ ***or portable cannabis vendor license*** who has been adversely affected by provisions of previous laws which criminalized activity relating to cannabis, as determined by the Board in accordance with the regulations adopted pursuant to NRS 678B.323. Such adverse effects may include, without limitation, adverse effects on an owner or officer of the applicant.

Sec. 25. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license ***,*** ~~[or]~~ adult-use cannabis establishment license ***, [cannabis event organizer license,] temporary cannabis event permit or portable cannabis vendor license*** revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 26. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270, 678B.280, 678B.322 and 678B.324 to 678B.328, inclusive, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license **,** ~~[or]~~ medical cannabis establishment license **,** ~~***[cannabis event organizer license,]***~~ ***temporary cannabis event permit or portable cannabis vendor license*** revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or 678B.324, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 27. NRS 678B.323 is hereby amended to read as follows:

678B.323 1. The Board shall adopt regulations establishing criteria to be used by the Board for determining whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge ~~[, cannabis event organizer license]~~ ***or portable cannabis vendor license*** qualifies as a social equity applicant for the purposes of this chapter.

2. The regulations adopted pursuant to subsection 1 must establish the minimum percentage of ownership in a proposed independent cannabis consumption lounge ~~***[, cannabis event organizer]***~~ ***or portable cannabis vendor*** which will be held by a person or group of persons who have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis for the applicant to qualify as a social equity applicant.

Sec. 28. NRS 678B.380 is hereby amended to read as follows:

678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:

(a) A cannabis establishment agent registration card.

(b) A cannabis establishment agent registration card for a cannabis executive.

(c) A cannabis establishment agent registration card for a cannabis receiver.

(d) A medical cannabis establishment license.

(e) An adult-use cannabis establishment license.

(f) ~~***[A cannabis event organizer license.***~~

~~***(g)]***~~ ***A temporary cannabis event permit.***

~~***[(h)]***~~ ***(g) A portable cannabis vendor license.***

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of a license ***, including, without limitation, the holder of a*** ~~***[cannabis event organizer license or]***~~ ***portable cannabis vendor license who is a social equity applicant,*** may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter. Such regulations may give priority in the processing of transfers of licenses to a transfer in which the transferor is:

(a) Subject to a receivership;

(b) Involved in a recapitalization; or

(c) A party to a court proceeding involving financial distress.

3. The regulations adopted pursuant to subsection 2 must:

(a) Prohibit the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge from transferring the license until

at least 2 years from the date on which the independent cannabis consumption lounge for which the license was issued became operational;

(b) Require the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge who wishes to cease operations before the independent cannabis consumption lounge for which the license was issued has been operational for at least 2 years to surrender the license to the Board; and

(c) Require the Board to hold a license surrendered pursuant to paragraph (b) in reserve for issuance to an applicant for such a license in the future.

Sec. 29. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary	$30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary	5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory	5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory	3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store	20,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store	6,600
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	30,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility	10,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility	3,300

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory 15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory 5,000
For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge 10,000
For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge 10,000
For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge 10,000
For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge 10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor 15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor 5,000
For each person identified in an application for the initial issuance of a cannabis establishment agent registration card 150
For each person identified in an application for the renewal of a cannabis establishment agent registration card 150

2. ***The Board shall establish by regulation fees for*** ~~***[:***~~

~~***(a) The issuance and renewal of a cannabis event organizer license.***~~

~~***(b) The issuance of a temporary cannabis event permit.***~~

~~***(c) The]***~~ ***the issuance and renewal of a portable cannabis vendor license.***

3. The Board may by regulation establish reduced fees for:

(a) The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; ~~[and]~~

(b) The application fee set forth in ***paragraph (c) of*** subsection ~~[3,]~~ ***4; and***

(c) ~~***[The initial issuance and renewal of a cannabis event organizer license; and***~~

~~***(d)]***~~ ***The initial issuance and renewal of a portable cannabis vendor license,***

➥ for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection ~~[2,]~~ ***3,*** in addition to the fees described in subsection 1, each applicant for a medical cannabis

establishment license or adult-use cannabis establishment license must pay to the Board:

(a) For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a one-time, nonrefundable application fee of $5,000;

(b) For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of $100,000;

(c) For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of $10,000; and

(d) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

~~[4.]~~ ***5.*** Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 30. NRS 678B.530 is hereby amended to read as follows:

678B.530 1. A person shall not:

(a) Advertise the sale of cannabis or cannabis products by the person; or

(b) Sell, offer to sell or appear to sell cannabis or cannabis products or allow the submission of an order for cannabis or cannabis products,

➥ unless the person holds an adult-use cannabis establishment license ***,*** ~~[or]~~ a medical cannabis establishment license ~~[.]~~ ***or a portable cannabis vendor license.***

2. A local government shall not regulate the content of an advertisement for the sale of cannabis or cannabis products unless the local government adopts an ordinance setting forth such regulations.

Sec. 31. NRS 678B.650 is hereby amended to read as follows:

678B.650 The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;

2. Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;

3. Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in NRS 678C.080 and 678C.070, respectively;

(b) Minimum requirements for the oversight of cannabis establishments;

(c) Minimum requirements for the keeping of records by cannabis establishments;

(d) Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and

(e) Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from hemp, as defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;

4. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 678B.390 may be reduced over time to ensure that the fees imposed pursuant to NRS 678B.390 are, insofar as may be practicable, revenue neutral;

5. Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and a cannabis establishment agent registration card for a cannabis receiver and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;

6. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;

7. Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;

8. Determine whether any provision of this chapter or chapter 678C or 678D of NRS would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable;

9. Allow for any record relating to the delivery of cannabis or cannabis products that is required to be kept by a cannabis establishment to be created and maintained in an electronic format;

10. Prescribe the manner in which the Board will determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses pursuant to NRS 678B.325 and 678B.328;

11. Set forth rules pertaining to the safe and healthful operation of cannabis consumption lounges, including, without limitation:

(a) Standards for the air quality in a cannabis consumption lounge;

(b) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a cannabis consumption lounge; and

(c) Requirements for the training of employees of a cannabis consumption lounge in the sale and safe consumption of single-use cannabis products and ready-to-consume cannabis products; ~~[and]~~

12. ***Set forth rules pertaining to the safe and healthful operation of temporary cannabis events, including, without limitation:***

(a) Requirements for the testing, labeling and sale of cannabis and cannabis products at a temporary cannabis event; ~~[and]~~

(b) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a temporary cannabis event ~~[.]~~ and the management of cannabis waste; and

(c) The method by which a portable cannabis vendor must estimate the expected attendance at a proposed temporary cannabis event; and

13. Address such other matters as the Board deems necessary to carry out the provisions of this title.

Sec. 32. NRS 678C.300 is hereby amended to read as follows:

678C.300 1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to NRS 678C.230 or 678C.270 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged or assisted in the medical use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Delivering cannabis to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

(f) Delivering cannabis for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

2. Except as otherwise provided in NRS 678C.240 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.

3. ***For the purposes of sub-subparagraph (I) of subparagraph (1) of paragraph (d) of subsection 1, an area within a temporary cannabis event that is designated for the consumption of cannabis or cannabis products is not a public place or a place open to the public or exposed to public view.***

4. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678D of NRS relating to the adult use of cannabis.

~~[4.]~~ ***5.*** As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 33. NRS 678D.200 is hereby amended to read as follows:

678D.200 1. Except as otherwise provided in NRS 678D.300, a person who is 21 years of age or older is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the adult use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person:

(a) Is 21 years of age or older;

(b) Is not employed by any agency or political subdivision of this State in a position which requires the person to be certified by the Peace Officers' Standards and Training Commission;

(c) Engages in the adult use of cannabis in accordance with the provisions of this title;

(d) Does not, at any one time, possess, deliver or produce more than:

(1) One ounce of usable cannabis;

(2) One-eighth of an ounce of concentrated cannabis;

(3) Six cannabis plants, irrespective of whether the cannabis plants are mature or immature; and

(4) A maximum allowable quantity of adult-use cannabis products as established by regulation of the Board;

(e) Cultivates, grows or produces not more than six cannabis plants:

(1) Within an enclosed area that is not exposed to public view that is equipped with locks or other security devices which allow access only by an authorized person; and

(2) At a residence or upon the grounds of a residence in which not more than 12 cannabis plants are cultivated, grown or produced;

(f) Delivers 1 ounce or less of usable cannabis or one-eighth of an ounce or less of concentrated cannabis without remuneration to a person who is 21 years of age or older so long as such delivery is not advertised or promoted to the public; and

(g) Assists another person who is 21 years of age or older in carrying out any of the acts described in paragraphs (a) to (f), inclusive.

4. If a person possesses, uses or produces cannabis in an amount which exceeds the amount set forth in paragraph (d) of subsection 3 or in any manner other than that set forth in subsection 3, the person is not exempt from state prosecution for the possession, delivery or production of cannabis.

5. A person who holds an adult-use cannabis establishment license issued to the person pursuant to NRS 678B.250, ~~***[a cannabis event organizer license issued to the person pursuant to section 13 of this act,]***~~ ***a portable cannabis vendor license issued to the person pursuant to section 18 of this act,*** a cannabis establishment agent registration card issued to the person pursuant to NRS 678B.340, a cannabis establishment agent registration card for a cannabis executive issued to the person pursuant to NRS 678B.350 or a cannabis establishment agent registration card for a cannabis receiver issued to the person pursuant to NRS 678B.355, and confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. The commission of any act by a person for which the person is exempt from state prosecution pursuant to this section must not be used as the basis for the seizure or forfeiture of any property of the person or for the imposition of a civil penalty.

Sec. 34. NRS 678D.300 is hereby amended to read as follows:

678D.300 1. A person is not exempt from state prosecution for any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged in the adult use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Knowingly delivering cannabis to another person who is not 21 years of age or older unless:

(1) The recipient holds a valid registry identification card or letter of approval issued to the person by the Division of Public and Behavioral Health of the Department of Health and Human Services or its designee pursuant to NRS 678C.230 or 678C.270.

(2) The person demanded and was shown bona fide documentary evidence of the age and identity of the recipient issued by a federal, state, county or municipal government, or subdivision or agency thereof.

2. ***For the purposes of sub-subparagraph (I) of subparagraph (1) of paragraph (d) of subsection 1, an area within a temporary cannabis event that is designated for the consumption of cannabis or cannabis products is not a public place or a place open to the public or exposed to public view.***

3. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 35. NRS 678D.310 is hereby amended to read as follows:

678D.310 1. Except as otherwise provided in chapter 678C of NRS, a person shall not:

(a) Cultivate cannabis within 25 miles of an adult-use cannabis retail store licensed pursuant to chapter 678B of NRS, unless the person is an adult-use cannabis cultivation facility or is a cannabis establishment agent volunteering at, employed by or providing labor to an adult-use cannabis cultivation facility;

(b) Cultivate cannabis plants where they are visible from a public place by normal unaided vision; or

(c) Cultivate cannabis on property not in the cultivator's lawful possession or without the consent of the person in lawful physical possession of the property.

2. A person who violates the provisions of subsection 1 is guilty of:

(a) For a first violation, a misdemeanor punished by a fine of not more than $600.

(b) For a second violation, a misdemeanor punished by a fine of not more than $1,000.

(c) For a third violation, a gross misdemeanor.

(d) For a fourth or subsequent violation, a category E felony.

3. Except as otherwise provided in subsection 10 or by regulations adopted by the Board pursuant to NRS 678B.645, a person who smokes or otherwise consumes cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle is guilty of a misdemeanor punished by a fine of not more than $600.

4. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain cannabis is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 2 of NRS 484C.350,

➥ or any combination thereof.

5. If a person under 21 years of age fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

6. A person under 21 years of age who knowingly enters, loiters or remains on the premises of an adult-use cannabis establishment shall be punished by a fine of not more than $500 unless the person is authorized to possess cannabis

pursuant to chapter 678C of NRS and the adult-use cannabis establishment is a dual licensee.

7. A person who manufactures cannabis by chemical extraction or chemical synthesis, unless done pursuant to an adult-use cannabis establishment license for an adult-use cannabis production facility issued by the Board or authorized by this title, is guilty of a category E felony.

8. A person who knowingly gives cannabis or a cannabis product to any person under 21 years of age or who knowingly leaves or deposits any cannabis or cannabis product in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

9. A person who knowingly gives cannabis to any person under 18 years of age or who knowingly leaves or deposits any cannabis in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

10. A person may smoke or otherwise consume cannabis or a cannabis product in ~~[a]~~ ***:***

(a) A cannabis consumption lounge.

(b) An area within a temporary cannabis event that is designated for the consumption of cannabis or cannabis products.

Sec. 36. Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:

"Portable cannabis vendor" has the meaning ascribed to it in section 4 of this act.

Sec. 37. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, ***and section 36 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, ***and section 36 of this act,*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 372A.250 is hereby amended to read as follows:

372A.250 "Taxpayer" means a:

1. Cannabis cultivation facility;
2. Adult-use cannabis retail store; ~~[or]~~
3. Cannabis consumption lounge ~~[.]~~ ***; or***
4. ***Portable cannabis vendor.***

Sec. 39. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store **,** ~~[or]~~ cannabis consumption lounge ***or portable cannabis vendor*** at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the seller of the cannabis or cannabis product;

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(c) "Local government" has the meaning ascribed to it in NRS 360.640.

(d) "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.

(e) "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.

(f) "Wholesale sale" means a sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

Sec. 40. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The money identified in subsection 8 of NRS 120A.610;

(e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;

(g) The money identified in subsection 1 of NRS 328.450;

(h) The money identified in subsection 1 of NRS 328.460;

(i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(k) The money required to be transferred to the State Education Fund pursuant to NRS 362.100;

(l) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(m) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(n) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(o) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(p) The money identified in subsection 5 of NRS 445B.640;

(q) The money identified in paragraph (b) of subsection ~~[4]~~ ***5*** of NRS 678B.390;

(r) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(s) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(t) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;

(u) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(v) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

(w) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;

(x) The money required to be distributed to the State Education Fund pursuant to NRS 363D.290; and

(y) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

Sec. 41. NRS 453.316 is hereby amended to read as follows:

453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.

3. This section does not apply to:

(a) Any rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.

(b) Any cannabis consumption lounge, as defined in NRS 678A.087, whose activities are confined to those authorized in title 56 of NRS.

(c) A ~~[cannabis event organizer,]~~ portable cannabis vendor, as defined in section ~~[2]~~ 4 of this act, that holds a temporary cannabis event, as defined in section 6 of this act, and whose activities are confined to those authorized in title 56 of NRS.

~~[(c)]~~ ***(d)*** Any person who opens or maintains any public place in which a person is authorized to consume cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, pursuant to regulations adopted by the Cannabis Compliance Board pursuant to NRS 678B.645, and whose activities are confined to those authorized by such regulations.

Sec. 42. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024 for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 295.

AN ACT relating to providers of health care; providing for the licensure and regulation of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; requiring an anesthesiologist assistant to work under the supervision of a supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable, except when rendering emergency care under certain circumstances; establishing the maximum fee the Boards may impose for the licensure of an anesthesiologist assistant and the biennial registration of such licenses; exempting an anesthesiologist assistant from civil liability under certain circumstances; requiring an anesthesiologist assistant to report instances of neglect or abuse of older persons and vulnerable persons; authorizing an anesthesiologist assistant to be simultaneously licensed by the Board of Medical Examiners and the State Board of Osteopathic Medicine; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure by the Board of Medical Examiners and the State Board of Osteopathic Medicine of a physician assistant who works under the supervision of a physician or osteopathic physician,

respectively. (NRS 630.273, 633.305) **Sections 8, 9, 47 and 48** of this bill provide for the licensure of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine, respectively, and prescribe the qualifications necessary for licensure. **Sections 12, 13, 51 and 52** of this bill require that an anesthesiologist assistant work under the supervision of a supervising anesthesiologist or supervising osteopathic anesthesiologist, except when rendering emergency care directly related to an emergency or disaster, under certain circumstances. **Sections 10 and 49** of this bill require the Boards to adopt regulations establishing requirements for the licensure of anesthesiologist assistants. **Sections 31 and 66** of this bill prescribe the maximum fee that the Boards may charge for the respective applications for and the issuance of a license to practice as an anesthesiologist assistant and the biennial registration of an anesthesiologist assistant. **Section 24** of this bill authorizes the Board of Medical Examiners to select anesthesiologist assistants to serve as advisory members of the Board. **Sections 25-30, 33, 37, 61, 64, 65, 67, 70-73 and 77-84** of this bill make conforming changes to the duties of the Boards to include anesthesiologist assistants for the purposes of licensure, investigation and discipline.

Sections 7 and 46 of this bill authorize a licensed anesthesiologist assistant to assist in the practice of medicine under the supervision of a supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable. **Sections 7 and 46** list the services and duties that an anesthesiologist assistant may perform, including requirements for the ~~[ordering]~~ **possession** and administration of controlled substances. **Sections 7 and 46** also provide that an anesthesiologist assistant may not perform any duties that are outside the scope of the duties assigned to the anesthesiologist assistant by the supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable, or delegate to any other person any medical care task assigned to the anesthesiologist assistant by a supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable.

Sections 32, 74-76 and 87-89 of this bill establish the process for the filing with the Boards of certain complaints concerning an anesthesiologist assistant. **Sections 33, 62, 63 and 67** set forth procedures for the investigation of complaints and the imposition of disciplinary action by the Boards against an anesthesiologist assistant. **Sections 39 and 90** of this bill provide that a person who holds himself or herself out as an anesthesiologist assistant without being licensed as such by the Board is guilty of a category C or D felony. **Sections 14 and 53** of this bill require each medical facility in this State employing an anesthesiologist assistant to submit to the Boards a list of such personnel at least three times annually, as directed by the Boards. **Sections 14, 53 and 97** of this bill provide that such a list is confidential. **Sections 14 and 53** also require a medical facility to obtain validation from the Boards that a prospective employee is licensed pursuant to the provisions of **sections 8, 9, 47 or 48** of this bill, as applicable.

Sections 1, 94, 95, 101 and 102 of this bill include anesthesiologist assistants in the definition of the term "provider of health care" for certain purposes. **Section 40** of this bill requires an anesthesiologist assistant to report to the Executive Director of the State Board of Nursing any conduct of a licensee of that Board or holder of a certificate issued by that Board which violates provisions governing nursing. **Sections 86, 92 and 93** of this bill provide that an anesthesiologist assistant is immune from civil liability for rendering medical care in certain emergency situations. **Section 96** of this bill requires an anesthesiologist assistant to report instances of suspected abuse, neglect, exploitation, isolation or abandonment of older persons and vulnerable persons.

Sections 99 and 100 of this bill include anesthesiologist assistants as a medical field of study eligible for certain scholarships.

Sections 3-6 and 42-45 of this bill define certain terms pertaining to anesthesiologist assistants. **Sections 11 and 50** of this bill require an anesthesiologist assistant to identify himself or herself as an anesthesiologist assistant when engaged in professional duties. **Sections 19-23, 27, 34-36, 38, 41, 98, 101, 103 and 104** of this bill make conforming changes to include anesthesiologist assistants with certain other providers of health care for certain purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) ***An anesthesiologist assistant;***

(d) A dentist;

~~[(d)]~~ ***(e)*** A licensed nurse;

~~[(e)]~~ ***(f)*** A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

~~[(f)]~~ ***(g)*** A dispensing optician;

~~[(g)]~~ ***(h)*** An optometrist;

~~[(h)]~~ ***(i)*** A speech-language pathologist;

~~[(i)]~~ ***(j)*** An audiologist;

~~[(j)]~~ ***(k)*** A practitioner of respiratory care;

~~[(k)]~~ ***(l)*** A licensed physical therapist;

~~[(l)]~~ ***(m)*** An occupational therapist;

~~[(m)]~~ ***(n)*** A podiatric physician;

~~[(n)]~~ ***(o)*** A licensed psychologist;

~~[(o)]~~ ***(p)*** A licensed marriage and family therapist;

~~[(p)]~~ ***(q)*** A licensed clinical professional counselor;

~~[(q)]~~ ***(r)*** A music therapist;

~~[(r)]~~ ***(s)*** A chiropractic physician;

~~[(s)]~~ ***(t)*** An athletic trainer;

~~[(t)]~~ ***(u)*** A perfusionist;

~~[(u)]~~ ***(v)*** A doctor of Oriental medicine in any form;

~~[(v)]~~ ***(w)*** A medical laboratory director or technician;

~~[(w)]~~ ***(x)*** A pharmacist;

~~[(x)]~~ ***(y)*** A licensed dietitian;

~~[(y)]~~ ***(z)*** An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

~~[(z)]~~ ***(aa)*** An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

~~[(aa)]~~ ***(bb)*** An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

~~[(bb)]~~ ***(cc)*** A behavior analyst, assistant behavior analyst or registered behavior technician; or

~~[(cc)]~~ ***(dd)*** A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 18, inclusive, of this act.

Sec. 3. ***"Anesthesiologist assistant" means a person who has been issued a license by the Board pursuant to section 8 or 9 of this act, as applicable, and is approved by the Board to assist in the practice of medicine under the supervision of a supervising anesthesiologist.***

Sec. 4. ***"Assist in the practice of medicine" means an anesthesiologist assistant personally performs the duties assigned to the anesthesiologist assistant by and under the supervision of a supervising anesthesiologist.***

Sec. 5. ***"Certification examination" means the initial certifying examination approved by the Board for the certification of anesthesiologist assistants, including, without limitation, the examination administered by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistants that has been reviewed and approved by the Board.***

Sec. 6. ***"Supervising anesthesiologist" means an active physician who is licensed and in good standing in this State, is certified or is eligible to be certified as an anesthesiologist by the American Board of Anesthesiology or***

its successor organization and supervises one or more anesthesiologist assistants.

Sec. 7. *1. An anesthesiologist assistant licensed under the provisions of this chapter may assist in the practice of medicine in accordance with the regulations adopted by the Board pursuant to section 10 of this act and under the supervision of a supervising anesthesiologist.*

2. An anesthesiologist assistant may perform the following duties and responsibilities as delegated by and under the supervision of a supervising anesthesiologist, including, without limitation:

(a) Developing and implementing an anesthesia care plan for a patient;

(b) Obtaining the comprehensive health history of a patient, performing relevant elements of a physical examination of a patient and recording relevant data;

(c) Ordering and performing preoperative and postoperative anesthetic patient evaluations and consultations and maintaining patient progress notes;

(d) Subject to the limitations of NRS 453.375, ~~[ordering]~~ possessing and administering preoperative and perioperative medications, including, without limitation, controlled substances, administering anesthetic agents, related pharmaceutical agents, fluid and blood products and adjunctive treatment, ~~[maintaining]~~ for purposes of:

(1) Maintaining and altering the levels of anesthesia and providing continuity of anesthetic care into and during the postoperative recovery period;

(2) The continuation of perioperative medications;

(3) Performing general anesthesia, including, without limitation, induction, maintenance, emergence and other procedures associated with general anesthesia;

(4) Administering vasoactive drugs and starting and titrating vasoactive infusions to treat a response of a patient to anesthesia; and

(5) Administering postoperative sedation, anxiolysis or analgesia medication to treat patient responses to anesthesia;

(e) Entering in the medical record of a patient verbal or written medication chart orders as prescribed by the supervising anesthesiologist;

(f) Changing or discontinuing an anesthesia care plan after consulting with the supervising anesthesiologist;

~~[(f)]~~ (g) Obtaining informed consent from a patient or the parent or guardian of the patient, as applicable, for the administration of anesthesia or related procedures;

~~[(g) Ordering perioperative continuation of current medications;]~~

(h) Pretesting and calibrating anesthesia delivery systems and obtaining information from such systems and from monitors;

(i) Implementing medically accepted monitoring techniques;

(j) Establishing airway interventions and performing ventilatory support, including, without limitation, endotracheal intubation, laryngeal mask insertion and other advanced airway techniques;

(k) Establishing peripheral intravenous lines, including, without limitation, the use of subcutaneous lidocaine, and performing invasive procedures, including, without limitation, the placement of arterial lines, central lines and Swan-Ganz catheters;

(l) ~~[Performing general anesthesia, including, without limitation, induction, maintenance, emergence and other procedures associated with general anesthesia;~~

~~(m) Administering vasoactive drugs and starting and titrating vasoactive infusions to treat patient responses to anesthesia;~~

~~(n)]~~ Performing, maintaining, evaluating and managing epidural, spinal and regional anesthesia, including, without limitation, catheters;

~~[(o)]~~ (m) Performing monitored anesthesia care;

~~[(p)]~~ (n) Conducting laboratory and other related studies, including, without limitation, taking blood samples and administering blood, blood products and supportive fluids;

~~[(q)]~~ (o) Performing, ordering and interpreting preoperative, point-of-care, intraoperative or postoperative diagnostic testing or procedures;

~~[(r)]~~ (p) Monitoring the patient while in the preoperative suite, recovery area or labor suites and making postanesthesia rounds;

~~[(s) Ordering postoperative sedation, anxiolysis or analgesia, postoperative respiratory therapy and medication to treat patient responses to anesthesia and postoperative oxygen therapy, including, without limitation, ventilator therapy;~~

~~(t)]~~ (q) Participating in administrative, research and clinical teaching activities, including, without limitation, supervising student anesthesiologist assistants and students involved in anesthesia training;

~~[(u)]~~ (r) Initiating and managing cardiopulmonary resuscitation in response to a life-threatening situation; and

~~[(v)]~~ (s) Performing such other tasks that are not otherwise prohibited by law and in which the anesthesiologist assistant has been trained and is competent.

3. An anesthesiologist assistant shall not prescribe any controlled substance or any dangerous drug, as defined in NRS 454.201.

4. An anesthesiologist assistant may not perform any duties which are outside the scope of the duties assigned to the anesthesiologist assistant by the supervising anesthesiologist or delegate any medical care task assigned to the anesthesiologist assistant by the supervising anesthesiologist to any other person.

Sec. 8. *1. The Board may issue a license to practice as an anesthesiologist assistant to an applicant who:*

(a) Graduated from an anesthesiologist assistant program accredited by the Commission on Accreditation of Allied Health Education Programs or its predecessor or successor organization;

(b) Has passed a certification examination administered by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistants that has been reviewed and approved by the Board;

(c) Is certified by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistances that has been reviewed and approved by the Board;

(d) Submits an application for a license as an anesthesiologist assistant in accordance with the regulations adopted by the Board pursuant to section 10 of this act;

(e) Pays the application fee for the application for and issuance of a license as an anesthesiologist assistant required by NRS 630.268; and

(f) Meets the qualifications prescribed by the regulations adopted by the Board pursuant to section 10 of this act to assist in the practice of medicine under the supervision of a supervising anesthesiologist.

2. An applicant for a license to practice as an anesthesiologist assistant submitted pursuant to this section must include, without limitation, all the information required by the Board to complete the application.

3. A license issued by the Board pursuant to subsection 1 is valid for a period of 2 years and may be renewed in a manner consistent with the regulations adopted by the Board pursuant to section 10 of this act.

Sec. 9. *1. The Board may issue a temporary license to practice as an anesthesiologist assistant to an applicant who:*

(a) Graduated from an anesthesiologist assistant program accredited by the Commission on Accreditation of Allied Health Education Programs or its predecessor or successor organization or another program for educating and training anesthesiologist assistants but who has not yet passed the certification examination required by paragraph (b) of subsection 1 of section 8 of this act;

(b) Submits an application for temporary licensure; and

(c) Pays the application fee required by NRS 630.268.

2. An applicant for a temporary license to practice as an anesthesiologist assistant submitted pursuant to this section must include all the information required by the Board to complete the application.

3. An applicant issued a temporary license to practice as an anesthesiologist assistant pursuant to subsection 1 must take the next available certification examination required by paragraph (b) of subsection 1 of section 8 of this act after receiving a temporary license.

4. A temporary license to practice as an anesthesiologist assistant issued pursuant to subsection 1 is valid for a period of 1 year and is subject to any

requirements established by the regulations adopted by the Board pursuant to section 10 of this act.

Sec. 10. *The Board shall adopt regulations establishing the requirements for the issuance of a license to practice as an anesthesiologist assistant pursuant to section 8 of this act and a temporary license to practice as an anesthesiologist assistant pursuant to section 9 of this act, including, without limitation:*

1. The required qualifications of an applicant for such a license or temporary license;

2. The academic or educational certificates, credentials or programs of study required of an applicant for such a license or temporary license;

3. The procedures for submitting an application for such a license or temporary license;

4. The standards of review for applications submitted pursuant to sections 8 and 9 of this act and procedures for the issuance of such licenses;

5. The testing or examination of applicants by the Board;

6. The renewal, revocation, suspension and termination of licenses;

7. The regulation and discipline of anesthesiologist assistants, including, without limitation, the reporting of complaints, conducting investigations of alleged misconduct and disciplinary proceedings;

8. The requirements for the supervision of an anesthesiologist assistant by a supervising anesthesiologist; and

9. Consistent with the provisions of section 7 of this act, the duties which an anesthesiologist assistant may perform under the supervision of a supervising anesthesiologist.

Sec. 11. *An anesthesiologist assistant licensed pursuant to section 8 or 9 of this act shall identify himself or herself as an anesthesiologist assistant when engaged in professional duties.*

Sec. 12. *1. An anesthesiologist assistant licensed pursuant to section 8 or 9 of this act who is responding to a need for medical care created by an emergency or disaster, as declared by a governmental agency, may render emergency care that is directly related to the emergency or disaster without the supervision of a supervising anesthesiologist as required by this chapter. The provisions of this subsection apply only for the duration of the emergency or disaster.*

2. A supervising anesthesiologist who supervises an anesthesiologist assistant who is rendering emergency care that is directly related to an emergency or disaster, as described in subsection 1, is not required to meet the requirements set forth in this chapter for such supervision.

Sec. 13. *1. A supervising anesthesiologist shall be immediately available in such proximity to an anesthesiologist assistant during the performance of his or her duties that the supervising anesthesiologist is able to effectively reestablish direct contact with the patient to meet the medical needs of the patient and intervene to address any urgent or emergent clinical problems.*

2. A supervising anesthesiologist shall supervise an anesthesiologist assistant in a manner consistent with any applicable federal rule or regulation for reimbursement for anesthesia services.

Sec. 14. ***1. Each medical facility in this State employing an anesthesiologist assistant shall submit to the Board a list of such personnel at least three times annually, as directed by the Board. Except as otherwise provided in NRS 239.0115, each list submitted to the Board pursuant to this subsection is confidential.***

2. A medical facility shall, before hiring an anesthesiologist assistant, obtain validation from the Board that the prospective employee is licensed pursuant to the provisions of section 8 or 9 of this act, as applicable.

Sec. 15. ***A person applying for an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS must:***

1. Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS;

2. Apply for a license to practice as an anesthesiologist assistant to:

(a) The Board pursuant to this chapter; and

(b) The State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The fee for application for and issuance of a simultaneous license as an anesthesiologist assistant pursuant to NRS 630.268; and

(b) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 633.501.

Sec. 16. ***A person applying to renew an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous anesthesiologist assistant license pursuant to the provisions of chapter 633 of NRS must:***

1. Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS;

2. Apply:

(a) To renew an anesthesiologist assistant license to the Board pursuant to this chapter; and

(b) For an anesthesiologist assistant license to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The fee for biennial simultaneous registration of an anesthesiologist assistant pursuant to NRS 630.268; and

(b) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 633.501.

Sec. 17. ***If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS, the person must:***

1. Apply for an anesthesiologist assistant license to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

2. Pay all applicable fees, including, without limitation:

(a) The fee for biennial simultaneous registration of an anesthesiologist assistant pursuant to NRS 630.268; and

(b) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 633.501.

Sec. 18. ***On or before the last day of each quarter, the Board shall provide the State Board of Osteopathic Medicine a list of all anesthesiologist assistants licensed by the Board.***

Sec. 19. NRS 630.003 is hereby amended to read as follows:

630.003 1. The Legislature finds and declares that:

(a) It is among the responsibilities of State Government to ensure, as far as possible, that only competent persons practice medicine, perfusion and respiratory care within this State;

(b) For the protection and benefit of the public, the Legislature delegates to the Board of Medical Examiners the power and duty to determine the initial and continuing competence of physicians, perfusionists, physician assistants **,** ***anesthesiologist assistants*** and practitioners of respiratory care who are subject to the provisions of this chapter;

(c) The Board must exercise its regulatory power to ensure that the interests of the medical profession do not outweigh the interests of the public;

(d) The Board must ensure that unfit physicians, perfusionists, physician assistants **,** ***anesthesiologist assistants*** and practitioners of respiratory care are removed from the medical profession so that they will not cause harm to the public; and

(e) The Board must encourage and allow for public input into its regulatory activities to further improve the quality of medical practice within this State.

2. The powers conferred upon the Board by this chapter must be liberally construed to carry out these purposes for the protection and benefit of the public.

Sec. 20. NRS 630.005 is hereby amended to read as follows:

630.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630.007 to 630.026, inclusive, ***and sections 3 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 630.021 is hereby amended to read as follows:

630.021 "Practice of respiratory care" includes:

1. Therapeutic and diagnostic use of medical gases, humidity and aerosols and the maintenance of associated apparatus;

2. The administration of drugs and medications to the cardiopulmonary system;

3. The provision of ventilatory assistance and control;

4. Postural drainage and percussion, breathing exercises and other respiratory rehabilitation procedures;

5. Cardiopulmonary resuscitation and maintenance of natural airways and the insertion and maintenance of artificial airways;

6. Carrying out the written orders of a physician, physician assistant, ***anesthesiologist assistant,*** certified registered nurse anesthetist or an advanced practice registered nurse relating to respiratory care;

7. Techniques for testing to assist in diagnosis, monitoring, treatment and research related to respiratory care, including the measurement of ventilatory volumes, pressures and flows, collection of blood and other specimens, testing of pulmonary functions and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and

8. Training relating to the practice of respiratory care.

Sec. 22. NRS 630.045 is hereby amended to read as follows:

630.045 1. The purpose of licensing physicians, perfusionists, physician assistants ***, anesthesiologist assistants*** and practitioners of respiratory care is to protect the public health and safety and the general welfare of the people of this State.

2. Any license issued pursuant to this chapter is a revocable privilege.

Sec. 23. NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or perfusionist or practitioner of respiratory care of the Armed Forces or a medical officer or perfusionist or practitioner of respiratory care of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) Physicians who are temporarily exempt from licensure pursuant to NRS 630.2665 and are practicing medicine within the scope of the exemption;

(e) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

(f) The practice of respiratory care by a student as part of a program of study in respiratory care that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the

student is enrolled in the program and provides respiratory care only under the supervision of a practitioner of respiratory care;

(g) The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under the supervision of the physician until a practitioner of respiratory care is available;

(h) The practice of respiratory care by a person on himself or herself or gratuitous respiratory care provided to a friend or a member of a person's family if the provider of the care does not represent himself or herself as a practitioner of respiratory care;

(i) A person who is employed by a physician and provides respiratory care or services as a perfusionist under the supervision of that physician;

(j) The maintenance of medical equipment for perfusion or respiratory care that is not attached to a patient;

(k) A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his or her practice;

(l) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program; and

(m) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, perfusionist, physician assistant **,** ***anesthesiologist assistant*** or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 24. NRS 630.075 is hereby amended to read as follows:

630.075 The Board may, by majority vote, select physicians **,** ***anesthesiologist assistants*** and members of the public, who must meet the same qualifications as required for members of the Board, to serve as advisory members of the Board. One or more advisory members may be designated by the Board to assist a committee of its members in an investigation as provided

in NRS 630.311 but may not vote on any matter before the committee. Advisory members may also serve as members of the panel selected to hear charges as provided in NRS 630.339 and may vote on any recommendation made by the panel to the Board.

Sec. 25. NRS 630.120 is hereby amended to read as follows:

630.120 1. The Board shall procure a seal.

2. All licenses issued to physicians, perfusionists, physician assistants ***, anesthesiologist assistants*** and practitioners of respiratory care must bear the seal of the Board and the signatures of its President and Secretary-Treasurer.

Sec. 26. NRS 630.137 is hereby amended to read as follows:

630.137 1. Notwithstanding any other provision of law and except as otherwise provided in this section, the Board shall not adopt any regulations that prohibit or have the effect of prohibiting a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care from collaborating or consulting with another provider of health care.

2. The provisions of this section do not prevent the Board from adopting regulations that prohibit a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care from aiding or abetting another person in the unlicensed practice of medicine or the unlicensed practice of perfusion or respiratory care.

3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 27. NRS 630.167 is hereby amended to read as follows:

630.167 1. In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine, including, without limitation, an expedited license pursuant to NRS 630.1606 or 630.1607 or chapter 629A of NRS, and each applicant for a license to practice as a perfusionist, to practice as a physician assistant ***, to practice as an anesthesiologist assistant*** or to practice respiratory care shall submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. Any fees or costs charged by the Board for this service pursuant to NRS 630.268 are not refundable.

2. Any communication between the Board and the Interstate Medical Licensure Compact Commission created by NRS 629A.100 relating to verification of a physician's eligibility for expedited licensure pursuant to that section must not include any information received in a report from the Federal Bureau of Investigation relating to a state and federal criminal records check performed for the purposes of an application for an expedited license issued pursuant to NRS 629A.100.

Sec. 28. NRS 630.197 is hereby amended to read as follows:

630.197 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant ***, to practice as***

an anesthesiologist assistant or to practice as a practitioner of respiratory care shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant ***, to practice as an anesthesiologist assistant*** or to practice as a practitioner of respiratory care shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice medicine, to practice as a perfusionist, to practice as a physician assistant ***, to practice as an anesthesiologist assistant*** or to practice as a practitioner of respiratory care may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 29. NRS 630.198 is hereby amended to read as follows:

630.198 1. The Board shall not issue or renew a license to practice as a physician, physician assistant ***, anesthesiologist assistant*** or perfusionist unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

2. In addition to the attestation provided pursuant to subsection 1, a physician shall attest that any person:

(a) Who is under the control and supervision of the physician;

(b) Who is not licensed pursuant to this chapter; and

(c) Whose duties involve injection practices,

➥ has knowledge of and is in compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 30. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; ~~[or]~~

(b) ***Renewal of a license as an anesthesiologist assistant; or***

(c) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 6.

(d) Must provide for the completion of at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

(e) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

(f) Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

3. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 2.

4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

9. Except as otherwise provided in NRS 630.2535, a holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, care for persons with an addictive disorder or the screening, brief intervention and referral to treatment approach to substance use disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 31. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement	$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400
For renewal of a limited, restricted, authorized facility or special license	400
For application for and issuance of a license as a physician assistant, including a license by endorsement	400
For application for and issuance of a simultaneous license as a physician assistant	200
For biennial registration of a physician assistant	800
For biennial simultaneous registration of a physician assistant	400
For biennial registration of a physician	800

For application for and issuance of a license as a perfusionist or practitioner of respiratory care 400
For biennial renewal of a license as a perfusionist 600
For application for and issuance of a license or temporary license to practice as an anesthesiologist assistant 400
For application for and initial issuance of a simultaneous license as an anesthesiologist assistant..... 200
For biennial registration of an anesthesiologist assistant 800
For biennial simultaneous registration of an anesthesiologist assistant 400
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive status..... 400
For written verification of licensure 50
For a duplicate identification card..... 25
For a duplicate license..... 50
For computer printouts or labels..... 500
For verification of a listing of physicians, per hour..... 20
For furnishing a list of new physicians..... 100

2. Except as otherwise provided in subsections 4 and 5, in addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) NRS 630.1607, and the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) NRS 630.2752, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

5. If an applicant submits an application for a license by endorsement pursuant to NRS 630.1606 or 630.2751, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the application for and initial issuance of a license.

Sec. 32. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care to practice that is based on:

(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division of Public and Behavioral Health determines that any such facility or society failed to comply with the requirements of subsection 3 or 4, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must

be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

7. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 33. NRS 630.309 is hereby amended to read as follows:

630.309 To institute a disciplinary action against a perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care, a written complaint, specifying the charges, must be filed with the Board by:

1. The Board or a committee designated by the Board to investigate a complaint;

2. Any member of the Board; or

3. Any other person who is aware of any act or circumstance constituting a ground for disciplinary action set forth in the regulations adopted by the Board.

Sec. 34. NRS 630.326 is hereby amended to read as follows:

630.326 1. If an investigation by the Board regarding a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care reasonably determines that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm, the Board may summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal complaint against the licensee. The order of summary suspension may be issued only by the Board or an investigative committee of the Board.

2. If the Board or an investigative committee of the Board issues an order summarily suspending the license of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care pursuant to subsection 1, the Board shall hold a hearing not later than 60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on

which a hearing is held pursuant to this section, the Board shall reinstate the license of the licensee.

3. If the Board or an investigative committee of the Board issues an order summarily suspending the license of a licensee pursuant to subsection 1 and the Board requires the licensee to submit to a mental or physical examination or an examination testing his or her competence to practice, the examination must be conducted and the results obtained not later than 30 days after the order is issued.

Sec. 35. NRS 630.329 is hereby amended to read as follows:

630.329 If the Board issues an order suspending the license of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care pending proceedings for disciplinary action, including, without limitation, a summary suspension pursuant to NRS 233B.127, the court shall not stay that order.

Sec. 36. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The formal complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or agency or any agency which is investigating a person, including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 37. NRS 630.366 is hereby amended to read as follows:

630.366 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant ***, to practice as an anesthesiologist assistant*** or to practice as a practitioner of respiratory care, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant ***, to practice as an anesthesiologist assistant*** or to practice as a practitioner of respiratory care that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 38. NRS 630.388 is hereby amended to read as follows:

630.388 1. In addition to any other remedy provided by law, the Board, through its President or Secretary-Treasurer or the Attorney General, may apply to any court of competent jurisdiction:

(a) To enjoin any prohibited act or other conduct of a licensee which is harmful to the public;

(b) To enjoin any person who is not licensed under this chapter from practicing medicine, perfusion or respiratory care;

(c) To limit the practice of a physician, perfusionist, physician assistant ***, anesthesiologist assistant*** or practitioner of respiratory care, or suspend his or her license to practice;

(d) To enjoin the use of the title "P.A.," "P.A.-C," ***"C.A.A.,"*** "R.C.P." or any other word, combination of letters or other designation intended to imply or designate a person as a physician assistant ***, anesthesiologist assistant*** or

practitioner of respiratory care, when not licensed by the Board pursuant to this chapter, unless the use is otherwise authorized by a specific statute; or

(e) To enjoin the use of the title "L.P.," "T.L.P.," "licensed perfusionist," "temporarily licensed perfusionist" or any other word, combination of letters or other designation intended to imply or designate a person as a perfusionist, when not licensed by the Board pursuant to this chapter, unless the use is otherwise authorized by a specific statute.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for the purposes set forth in subsection 1:

(a) Without proof of actual damage sustained by any person;

(b) Without relieving any person from criminal prosecution for engaging in the practice of medicine, perfusion or respiratory care without a license; and

(c) Pending proceedings for disciplinary action by the Board.

Sec. 39. NRS 630.400 is hereby amended to read as follows:

630.400 1. It is unlawful for any person to:

(a) Present to the Board as his or her own the diploma, license or credentials of another;

(b) Give either false or forged evidence of any kind to the Board;

(c) Practice medicine, perfusion or respiratory care under a false or assumed name or falsely personate another licensee;

(d) Except as otherwise provided by a specific statute, practice medicine, perfusion or respiratory care without being licensed under this chapter;

(e) Hold himself or herself out as a perfusionist or use any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

(f) Hold himself or herself out as a physician assistant or use any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; ~~[or]~~

(g) ***Hold himself or herself out as an anesthesiologist assistant or use any other term indicating or implying that he or she is an anesthesiologist assistant without being licensed by the Board; or***

(h) Hold himself or herself out as a practitioner of respiratory care or use any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board.

2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and

desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, ***anesthesiologist assistant,*** psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 41. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 42 to 57, inclusive, of this act.

Sec. 42. ***"Anesthesiologist assistant" means a person who has been issued a license by the Board pursuant to section 47 or 48 of this act, as applicable, and is approved by the Board to assist in the practice of medicine under the supervision of a supervising osteopathic anesthesiologist.***

Sec. 43. ***"Assist in the practice of medicine" means an anesthesiologist assistant personally performs the duties assigned to the anesthesiologist assistant by and under the supervision of a supervising osteopathic anesthesiologist.***

Sec. 44. ***"Certification examination" means the initial certifying examination approved by the Board for the certification of anesthesiologist assistants, including, without limitation, the examination administered by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistants that has been reviewed and approved by the Board.***

Sec. 45. *"Supervising osteopathic anesthesiologist" means an active osteopathic physician who is licensed and in good standing in this State, is certified or eligible to be certified as an anesthesiologist by the American Board of Anesthesiology or its successor organization and supervises one or more anesthesiologist assistants.*

Sec. 46. *1. An anesthesiologist assistant licensed under the provisions of this chapter may assist in the practice of medicine in accordance with the regulations adopted by the Board pursuant to section 49 of this act and under the supervision of a supervising osteopathic anesthesiologist.*

2. An anesthesiologist assistant may perform the following duties and responsibilities as delegated by and under the supervision of a supervising osteopathic anesthesiologist, including, without limitation:

(a) Developing and implementing an anesthesia care plan for a patient;

(b) Obtaining the comprehensive health history of a patient, performing relevant elements of a physical examination of a patient and recording relevant data;

(c) Ordering and performing preoperative and postoperative anesthetic patient evaluations and consultations and maintaining progress notes;

(d) Subject to the limitations for NRS 453.375, ~~[ordering]~~ possessing and administering preoperative and perioperative medications, including, without limitation, controlled substances, administering anesthetic agents, related pharmaceutical agents, fluid and blood products and adjunctive treatment, ~~[maintaining]~~ for purposes of:

(1) Maintaining and altering the levels of anesthesia and providing continuity of anesthetic care into and during the postoperative recovery period;

(2) The continuation of perioperative medications;

(3) Performing general anesthesia, including, without limitation, induction, maintenance, emergence and other procedures associated with general anesthesia;

(4) Administering vasoactive drugs and starting and titrating vasoactive infusions to treat a response of a patient to anesthesia; and

(5) Administering postoperative sedation, anxiolysis or analgesia medication to treat patient responses to anesthesia;

(e) Entering in the medical record of a patient verbal or written medication chart orders prescribed by the supervising osteopathic anesthesiologist;

(f) Changing or discontinuing an anesthesia care plan after consulting with the supervising osteopathic anesthesiologist;

~~[(f)]~~ (g) Obtaining informed consent from a patient or the parent or guardian of the patient, as applicable, for the administration of anesthesia or related procedures;

~~[(g) Ordering perioperative continuation of current medications;]~~

(h) Pretesting and calibrating anesthesia delivery systems and obtaining information from such systems and from monitors;

(i) Implementing medically accepted monitoring techniques;

(j) Establishing airway interventions and performing ventilatory support, including, without limitation, endotracheal intubation, laryngeal mask insertion and other advanced airway techniques;

(k) Establishing peripheral intravenous lines, including, without limitation, the use of subcutaneous lidocaine, and performing invasive procedures, including, without limitation, the placement of arterial lines, central lines and Swan-Ganz catheters;

(l) ~~[Performing general anesthesia, including, without limitation, induction, maintenance, emergence and other procedures associated with general anesthesia;~~

~~(m) Administering vasoactive drugs and starting and titrating vasoactive infusions to treat patient responses to anesthesia;~~

~~(n)]~~ Performing, maintaining, evaluating and managing epidural, spinal and regional anesthesia including, without limitation, catheters;

~~[(o)]~~ (m) Performing monitored anesthesia care;

~~[(p)]~~ (n) Conducting laboratory and other related studies, including, without limitation, taking blood samples and administering blood, blood products and supportive fluids;

~~[(q)]~~ (o) Performing, ordering and interpreting preoperative, point-of-care, intraoperative or postoperative diagnostic testing or procedures;

~~[(r)]~~ (p) Monitoring the patient while in the preoperative suite, recovery area or labor suites and making postanesthesia rounds;

~~[(s) Ordering postoperative sedation, anxiolysis or analgesia, postoperative respiratory therapy and medication to treat patient responses to anesthesia and postoperative oxygen therapy, including, without limitation, ventilator therapy;~~

~~(t)]~~ (q) Participating in administrative, research and clinical teaching activities, including, without limitation, supervising student anesthesiologist assistants and students involved in anesthesia training;

~~[(u)]~~ (r) Initiating and managing cardiopulmonary resuscitation in response to a life-threatening situation; and

~~[(v)]~~ (s) Performing such other tasks that are not otherwise prohibited by law and in which the anesthesiologist assistant has been trained and is competent.

3. An anesthesiologist assistant shall not prescribe any controlled substance or any dangerous drug, as defined in NRS 454.201.

4. An anesthesiologist assistant may not perform any duties which are outside the scope of the duties assigned to the anesthesiologist assistant by the supervising osteopathic anesthesiologist or delegate any medical care task assigned to the anesthesiologist assistant by the supervising osteopathic anesthesiologist to any other person.

Sec. 47. *1. The Board may issue a license to practice as an anesthesiologist assistant to an applicant who:*

(a) Graduated from an anesthesiologist assistant program accredited by the Commission Accreditation of Allied Health Education Programs or its predecessor or successor organization;

(b) Has passed a certification examination administered by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized for the certification of anesthesiologist assistants that has been reviewed and approved by the Board;

(c) Is certified by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistant that has been reviewed and approved by the Board;

(d) Submits an application for a license as an anesthesiologist assistant in accordance with the regulations adopted by the Board pursuant to section 49 of this act;

(e) Pays the application fee for the application for and issuance of a license as an anesthesiologist assistant required by NRS 633.501; and

(f) Meets the qualifications prescribed by the regulations adopted by the Board pursuant to section 49 of this act to assist in the practice of medicine under the supervision of a supervising osteopathic anesthesiologist.

2. An applicant for a license to practice as an anesthesiologist assistant submitted pursuant to this section must include, without limitation, all the information required by the Board to complete the application.

3. A license issued by the Board pursuant to subsection 1 is valid for a period of 2 years and may be renewed in a manner consistent with the regulations adopted by the Board pursuant to section 49 of this act.

Sec. 48. ***1. The Board may issue a temporary license to practice as an anesthesiologist assistant to an applicant who:***

(a) Graduated from an anesthesiologist assistant program accredited by the Commission on Accreditation of Allied Health Education Programs or its predecessor or successor organization or another program for educating and training anesthesiologist assistants but who has not yet passed the certification examination required by paragraph (b) of subsection 1 of section 47 of this act;

(b) Submits an application for temporary licensure; and

(c) Pays the application fee required by NRS 633.501.

2. An applicant for a temporary license to practice as an anesthesiologist assistant submitted pursuant to this section must include all the information required by the Board to complete the application.

3. An applicant issued a temporary license to practice as an anesthesiologist assistant pursuant to subsection 1 must take the next available certification examination required by paragraph (b) of subsection 1 of section 47 of this act after receiving a temporary license.

4. A temporary license to practice as an anesthesiologist assistant issued pursuant to subsection 1 is valid for a period of 1 year and is subject to any requirements established by the Board pursuant to section 47 of this act.

Sec. 49. *The Board shall adopt regulations establishing the requirements for the issuance of a license to practice as an anesthesiologist assistant pursuant to section 47 of this act and a temporary license to practice as an anesthesiologist assistant pursuant to section 48 of this act, including, without limitation:*

1. The required qualifications of an applicant for such a license or temporary license;

2. The academic or educational certificates, credentials or programs of study required of an applicant for such a license or temporary licenses;

3. The procedures for submitting an application for a license or temporary license;

4. The standards of review for applicants submitted pursuant to sections 47 and 48 of this act and procedures for the issuance of such licenses;

5. The testing or examination of applicants by the Board;

6. The renewal, revocation, suspension and termination of licenses;

7. The regulation and discipline of anesthesiologist assistants, including, without limitation, the reporting of complaints, conducting investigations of alleged misconduct and disciplinary proceedings;

8. The requirements for the supervision of an anesthesiologist assistant by a supervising osteopathic anesthesiologist; and

9. Consistent with the provisions of section 46 of this act, the duties which an anesthesiologist assistant may perform under the supervision of a supervising osteopathic anesthesiologist.

Sec. 50. *An anesthesiologist assistant licensed pursuant to section 47 or 48 of this act shall identify himself or herself as an anesthesiologist assistant when engaged in professional duties.*

Sec. 51. *1. An anesthesiologist assistant licensed pursuant to section 47 or 48 of this act who is responding to a need for medical care created by an emergency or disaster, as declared by a governmental agency, may render emergency care that is directly related to the emergency or disaster without the supervision of a supervising osteopathic anesthesiologist as required by this chapter. The provisions of this subsection apply only for the duration of the emergency or disaster.*

2. A supervising osteopathic anesthesiologist who supervises an anesthesiologist assistant who is rendering emergency care that is directly related to an emergency or disaster, as described in subsection 1, is not required to meet the requirements set forth in this chapter for such supervision.

Sec. 52. *1. A supervising osteopathic anesthesiologist shall be immediately available in such proximity to an anesthesiologist assistant during the performance of his or her duties that the supervising osteopathic*

anesthesiologist is able to effectively reestablish direct contact with the patient to meet the medical needs of the patient and intervene to address any urgent or emergent clinical problems.

2. A supervising osteopathic anesthesiologist shall supervise an anesthesiologist assistant in a manner consistent with any applicable federal rule or regulation for reimbursement for anesthesia services.

Sec. 53. ***1. Each medical facility in this State employing an anesthesiologist assistant shall submit to the Board a list of such personnel at least three times annually, as directed by the Board. Except as otherwise provided in NRS 239.0115, each list submitted to the Board pursuant to this subsection is confidential.***

2. A medical facility shall, before hiring an anesthesiologist assistant, obtain validation from the Board that the prospective employee is licensed pursuant to the provisions of section 47 or 48 of this act, as applicable.

Sec. 54. ***A person applying for a license to practice as an anesthesiologist assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS must:***

1. Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS;

2. Apply for a license to practice as an anesthesiologist assistant to:

(a) The Board pursuant to this chapter; and

(b) The State Board of Medical Examiners pursuant to chapter 630 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 633.501; and

(b) The fee for application for and issuance of a simultaneous license as an anesthesiologist assistant pursuant to NRS 630.268.

Sec. 55. ***A person applying to renew an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous anesthesiologist assistant license pursuant to the provisions of chapter 630 of NRS must:***

1. Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS;

2. Apply:

(a) To renew an anesthesiologist assistant license to the Board pursuant to this chapter; and

(b) For an anesthesiologist assistant license to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The fee for initial simultaneous license as an anesthesiologist assistant pursuant to NRS 633.501; and

(b) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 630.268.

Sec. 56. ***If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS, the person must:***

1. Apply for an anesthesiologist assistant license to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

2. Pay all applicable fees, including, without limitation:

(a) The fee for biennial simultaneous registration of an anesthesiologist assistant pursuant to NRS 633.501; and

(b) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 630.268.

Sec. 57. ***On or before the last day of each quarter, the Board shall provide the Board of Medical Examiners a list of all anesthesiologist assistants licensed by the Board.***

Sec. 58. NRS 633.011 is hereby amended to read as follows:

633.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 633.021 to 633.131, inclusive, ***and sections 42 to 45, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 59. NRS 633.071 is hereby amended to read as follows:

633.071 "Malpractice" means failure on the part of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to exercise the degree of care, diligence and skill ordinarily exercised by osteopathic physicians **,** ~~[or]~~ physician assistants ***or anesthesiologist assistants*** in good standing in the community in which he or she practices.

Sec. 60. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Knowingly or willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine **,** ~~[or]~~ to practice as a physician ***assistant or to practice as an anesthesiologist*** assistant, or in applying for the renewal of a license to practice osteopathic medicine **,** ~~[or]~~ to practice as a physician ***assistant or to practice as an anesthesiologist*** assistant.

(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine or in practice as a physician ***assistant or anesthesiologist*** assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) An alcohol or other substance use disorder.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.

(j) Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.

(k) Knowingly or willfully disobeying regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or knowingly or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061, if the licensee is the custodian of health care records with respect to those records.

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized

by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each person; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

3. As used in this section, "custodian of health care records" has the meaning ascribed to it in NRS 629.016.

Sec. 61. NRS 633.151 is hereby amended to read as follows:

633.151 The purpose of licensing osteopathic physicians **,** ~~[and]~~ physician assistants ***and anesthesiologist assistants*** is to protect the public health and safety and the general welfare of the people of this State. Any license issued pursuant to this chapter is a revocable privilege, and a holder of such a license does not acquire thereby any vested right.

Sec. 62. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians **,** ~~[and]~~ physician assistants ***and anesthesiologist assistants*** for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 3 and 6 of NRS 633.533 and NRS 690B.250; and

(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

Sec. 63. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of

the license of every osteopathic physician **,** ~~[and every]~~ physician assistant ***and anesthesiologist assistant*** licensed under this chapter.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 64. NRS 633.3619 is hereby amended to read as follows:

633.3619 The Board shall not issue or renew a license to practice osteopathic medicine or as a physician ***assistant or anesthesiologist*** assistant unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 65. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 14 and NRS 633.491, every holder of a license, except a physician ***assistant or an anesthesiologist*** assistant, issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Subject to subsection 13, submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant ~~[.]~~ ***or anesthesiologist assistant.*** Subject to subsection 13, upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant ***or anesthesiologist assistant*** shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.

8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician ***,*** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(a) May include the training provided pursuant to NRS 449.103, where applicable.

(b) Must be based upon a range of research from diverse sources.

(c) Must address persons of different cultural backgrounds, including, without limitation:

(1) Persons from various gender, racial and ethnic backgrounds;

(2) Persons from various religious backgrounds;

(3) Lesbian, gay, bisexual, transgender and questioning persons;

(4) Children and senior citizens;

(5) Veterans;

(6) Persons with a mental illness;

(7) Persons with an intellectual disability, developmental disability or physical disability; and

(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

13. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.

14. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 66. NRS 633.501 is hereby amended to read as follows:

633.501 1. Except as otherwise provided in subsection 2, the Board shall charge and collect fees not to exceed the following amounts:

(a) Application and initial license fee for an osteopathic physician $800

(b) Annual license renewal fee for an osteopathic physician 500

(c) Temporary license fee 500

(d) Special or authorized facility license fee 200

(e) Special event license fee 200

(f) Special or authorized facility license renewal fee 200

(g) Reexamination fee 200

(h) Late payment fee 300

(i) Application and initial license fee for a physician assistant $400

(j) Application and initial simultaneous license fee for a physician assistant 200

(k) Annual registration fee for a physician assistant 400

(l) Annual simultaneous registration fee for a physician assistant 200

(m) Inactive license fee 200

(n) Application and initial license fee for an anesthesiologist assistant 400

(o) Application and initial simultaneous license fee for an anesthesiologist assistant 200

2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) or (i) of subsection 1 which expires less than 6 months after the date of issuance.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting the meeting has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) NRS 633.399 or 633.400 and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) NRS 633.4336, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 67. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician ***assistant or anesthesiologist*** assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant ***or anesthesiologist assistant*** by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter, except for a violation of NRS 633.4717, or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

(z) Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

(aa) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 68. NRS 633.512 is hereby amended to read as follows:

633.512 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine or as a physician assistant ***or anesthesiologist assistant*** and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation:

1. An inspection to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant ***or anesthesiologist assistant*** without the appropriate license issued pursuant to the provisions of this chapter; or

2. An inspection to determine whether any osteopathic physician is allowing a person to perform or participate in any activity under the supervision of the osteopathic physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine in violation of NRS 633.6955.

Sec. 69. NRS 633.526 is hereby amended to read as follows:

633.526 1. The insurer of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** licensed under this chapter shall report to the Board:

(a) Any action for malpractice against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** not later than 45 days after the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation; and

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.

2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this State to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than $10,000 against the insurer for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

Sec. 70. NRS 633.527 is hereby amended to read as follows:

633.527 1. An osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** shall report to the Board:

(a) Any action for malpractice against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** not later than 45 days after the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation;

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition; and

(d) Any sanctions imposed against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** that are reportable to the National Practitioner Data Bank not later than 45 days after the sanctions are imposed.

2. If the Board finds that an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** has violated any provision of this section, the Board may impose a fine of not more than $5,000 against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** for each violation, in addition to any other fines or penalties permitted by law.

3. All reports made by an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** pursuant to this section are public records.

Sec. 71. NRS 633.528 is hereby amended to read as follows:

633.528 If the Board receives a report pursuant to the provisions of NRS 633.526, 633.527 or 690B.250 indicating that a judgment has been rendered or an award has been made against an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** regarding an action or claim for malpractice or that such an action or claim against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** has been resolved by settlement, the Board shall conduct an investigation to determine whether to discipline the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 72. NRS 633.529 is hereby amended to read as follows:

633.529 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board or an investigative committee of the Board receives a report pursuant to the provisions of NRS 633.526, 633.527 or 690B.250 indicating that a judgment has been rendered or an award has been made against an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** regarding an action or claim for malpractice, or that such an action or claim against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** has been resolved by settlement, the Board or committee may order the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to undergo a mental or physical examination or any other examination designated by the Board to test his or her competence to practice osteopathic medicine or to practice as a physician assistant ~~[,]~~ ***or an anesthesiologist assistant*** as applicable. An examination conducted pursuant to this subsection must be conducted by a person designated by the Board.

2. For the purposes of this section:

(a) An osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** who applies for a license or who holds a license under this chapter is deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice osteopathic medicine or to practice as a physician assistant ~~[,]~~ ***or anesthesiologist assistant,*** as applicable, pursuant to a written order by the Board.

(b) The testimony or reports of a person who conducts an examination of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** on behalf of the Board pursuant to this section are not privileged communications.

Sec. 73. NRS 633.531 is hereby amended to read as follows:

633.531 1. The Board or any of its members, or a medical review panel of a hospital or medical society, which becomes aware of any conduct by an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** that may constitute grounds for initiating disciplinary action shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board.

2. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 74. NRS 633.533 is hereby amended to read as follows:

633.533 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing osteopathic medicine or practicing as a physician assistant ***or anesthesiologist assistant*** in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall file a written report with the Board of any change in the privileges of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to practice while the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** is under investigation, and the outcome of any disciplinary action taken by the facility or society against the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** concerning the care of a patient or the competency of the osteopathic physician **,** ~~[or]~~ physician assistant

~~[,]~~ ***or anesthesiologist assistant,*** within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** that is based on:

(a) An investigation of the mental, medical or psychological competency of the osteopathic physician **,** ~~[or]~~ physician assistant ~~[,]~~ ***or anesthesiologist assistant;*** or

(b) A suspected or alleged substance use disorder in any form by the osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division determines that any such facility or society failed to comply with the requirements of subsection 3 or 4, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after the finding, judgment or determination.

Sec. 75. NRS 633.542 is hereby amended to read as follows:

633.542 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice osteopathic medicine or as a physician assistant ***or anesthesiologist assistant*** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 76. NRS 633.561 is hereby amended to read as follows:

633.561 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board or a member of the Board designated to review a complaint pursuant to NRS 633.541 has reason to believe that the conduct of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** has raised a reasonable question as to his or her competence to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant,

as applicable, with reasonable skill and safety to patients, the Board or the member designated by the Board may require the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to submit to a mental or physical examination conducted by physicians designated by the Board. If the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** participates in a diversion program, the diversion program may exchange with any authorized member of the staff of the Board any information concerning the recovery and participation of the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** in the diversion program. As used in this subsection, "diversion program" means a program approved by the Board for an alcohol or other substance use disorder or any other impairment of an osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant.

2. For the purposes of this section:

(a) An osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** who is licensed under this chapter and who accepts the privilege of practicing osteopathic medicine or practicing as a physician assistant ***or anesthesiologist assistant*** in this State is deemed to have given consent to submit to a mental or physical examination pursuant to a written order by the Board.

(b) The testimony or examination reports of the examining physicians are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** who is licensed under this chapter to submit to an examination pursuant to this section constitutes an admission of the charges against the osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant.

Sec. 77. NRS 633.571 is hereby amended to read as follows:

633.571 Notwithstanding the provisions of chapter 622A of NRS, if the Board has reason to believe that the conduct of any osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** has raised a reasonable question as to his or her competence to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant, as applicable, with reasonable skill and safety to patients, the Board may require the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** to submit to an examination for the purposes of determining his or her competence to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant, as applicable, with reasonable skill and safety to patients.

Sec. 78. NRS 633.581 is hereby amended to read as follows:

633.581 1. If an investigation by the Board of an osteopathic physician**,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** reasonably determines that the health, safety or welfare of the public or any patient served by the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** is at risk of imminent or continued harm, the Board may summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal

complaint against the licensee. The order of summary suspension may be issued only by the Board or an investigative committee of the Board.

2. If the Board or an investigative committee of the Board issues an order summarily suspending the license of a licensee pursuant to subsection 1, the Board shall hold a hearing not later than 60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held pursuant to this section, the Board shall reinstate the license of the licensee.

3. Notwithstanding the provisions of chapter 622A of NRS, if the Board or an investigative committee of the Board issues an order summarily suspending the license of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** pursuant to subsection 1 and the Board requires the licensee to submit to a mental or physical examination or a medical competency examination, the examination must be conducted and the results must be obtained not later than 30 days after the order is issued.

Sec. 79. NRS 633.591 is hereby amended to read as follows:

633.591 Notwithstanding the provisions of chapter 622A of NRS, if the Board issues an order summarily suspending the license of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** pending proceedings for disciplinary action, including, without limitation, a summary suspension pursuant to NRS 233B.127, the court shall not stay that order unless the Board fails to institute and determine such proceedings as promptly as the requirements for investigation of the case reasonably allow.

Sec. 80. NRS 633.601 is hereby amended to read as follows:

633.601 1. In addition to any other remedy provided by law, the Board, through an officer of the Board or the Attorney General, may apply to any court of competent jurisdiction to enjoin any unprofessional conduct of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** which is harmful to the public or to limit the practice of the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** or suspend his or her license to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant, as applicable, as provided in this section.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for such purposes:

(a) Without proof of actual damage sustained by any person, this provision being a preventive as well as punitive measure; and

(b) Pending proceedings for disciplinary action by the Board. Notwithstanding the provisions of chapter 622A of NRS, such proceedings shall be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

Sec. 81. NRS 633.631 is hereby amended to read as follows:

633.631 Except as otherwise provided in subsection 2 and chapter 622A of NRS:

1. Service of process made under this chapter must be either personal or by registered or certified mail with return receipt requested, addressed to the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** at his or her last known address, as indicated in the records of the Board. If personal service cannot be made and if mail notice is returned undelivered, the President or Secretary-Treasurer of the Board shall cause a notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** or, if no newspaper is published in that county, in a newspaper widely distributed in that county.

2. In lieu of the methods of service of process set forth in subsection 1, if the Board obtains written consent from the osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant, service of process under this chapter may be made by electronic mail on the licensee at an electronic mail address designated by the licensee in the written consent.

3. Proof of service of process or publication of notice made under this chapter must be filed with the Secretary-Treasurer of the Board and may be recorded in the minutes of the Board.

Sec. 82. NRS 633.641 is hereby amended to read as follows:

633.641 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Board, a hearing officer or a panel:

1. Proof of actual injury need not be established where the formal complaint charges deceptive or unethical professional conduct or medical practice harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license to practice osteopathic medicine or to practice as a physician assistant ***or anesthesiologist assistant*** is conclusive evidence of its occurrence.

Sec. 83. NRS 633.651 is hereby amended to read as follows:

633.651 1. If the Board finds a person guilty in a disciplinary proceeding, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period or until further order of the Board.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine.

(d) Suspend the license of the person to practice osteopathic medicine or to practice as a physician assistant ***or anesthesiologist assistant*** for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant.

(f) Impose a fine not to exceed $5,000 for each violation.

(g) Require supervision of the practice of the person.

(h) Require the person to perform community service without compensation.

(i) Require the person to complete any training or educational requirements specified by the Board.

(j) Require the person to participate in a program for an alcohol or other substance use disorder or any other impairment.

➥ The order of the Board may contain any other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 84. NRS 633.671 is hereby amended to read as follows:

633.671 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order as provided by law.

2. Every order of the Board which limits the practice of osteopathic medicine or the practice of a physician assistant ***or anesthesiologist assistant*** or suspends or revokes a license is effective from the date on which the order is issued by the Board until the date the order is modified or reversed by a final judgment of the court.

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

Sec. 85. NRS 633.681 is hereby amended to read as follows:

633.681 1. Any person:

(a) Whose practice of osteopathic medicine or practice as a physician assistant ***or anesthesiologist assistant*** has been limited; or

(b) Whose license to practice osteopathic medicine or to practice as a physician assistant ***or anesthesiologist assistant*** has been:

(1) Suspended until further order; or

(2) Revoked,

➥ may apply to the Board after a reasonable period for removal of the limitation or suspension or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license.

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination by physicians whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.

Sec. 86. NRS 633.691 is hereby amended to read as follows:

633.691 1. In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Board, a medical review panel of a hospital, a hearing officer, a panel of the Board, an employee or volunteer of a diversion program specified in NRS 633.561, or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** for gross malpractice, malpractice, professional incompetence or unprofessional conduct is immune from any civil action for such initiation or assistance or any consequential damages, if the person or organization acted in good faith.

2. Except as otherwise provided in subsection 3, the Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** for:

(a) Disclosing to a governmental entity a violation of a law, rule or regulation by an applicant for a license to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant, or by an osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant; or

(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.

3. An osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** who discloses information to or cooperates with a governmental entity pursuant to subsection 2 with respect to the violation of any law, rule or regulation by the osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** is subject to investigation and any other administrative or disciplinary action by the Board under the provisions of this chapter for such violation.

4. As used in this section, "governmental entity" includes, without limitation:

(a) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(b) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(c) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(d) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(e) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 87. NRS 633.701 is hereby amended to read as follows:

633.701 The filing and review of a complaint and any subsequent disposition by the Board, the member designated by the Board to review a complaint pursuant to NRS 633.541 or any reviewing court do not preclude:

1. Any measure by a hospital or other institution to limit or terminate the privileges of an osteopathic physician **,** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** according to its rules or the custom of the profession. No civil liability attaches to any such action taken without malice even if the ultimate disposition of the complaint is in favor of the osteopathic physician **,** ~~[or]~~ physician ***assistant or anesthesiologist*** assistant.

2. Any appropriate criminal prosecution by the Attorney General or a district attorney based upon the same or other facts.

Sec. 88. NRS 633.711 is hereby amended to read as follows:

633.711 1. The Board, through an officer of the Board or the Attorney General, may maintain in any court of competent jurisdiction a suit for an injunction against any person:

(a) Practicing osteopathic medicine or practicing as a physician assistant ***or anesthesiologist assistant*** without a valid license to practice osteopathic medicine or to practice as a physician ***assistant or anesthesiologist*** assistant ~~[:]~~ ***, as applicable;*** or

(b) Providing services through telehealth, as defined in NRS 629.515, without a valid license.

2. An injunction issued pursuant to subsection 1:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Must not relieve such person from criminal prosecution for practicing without such a license.

Sec. 89. NRS 633.721 is hereby amended to read as follows:

633.721 In a criminal complaint charging any person with practicing osteopathic medicine or practicing as a physician assistant ***or anesthesiologist assistant*** without a valid license issued by the Board, it is sufficient to charge that the person did, upon a certain day, and in a certain county of this State, engage in such practice without having a valid license to do so, without averring any further or more particular facts concerning the violation.

Sec. 90. NRS 633.741 is hereby amended to read as follows:

633.741 1. It is unlawful for any person to:

(a) Except as otherwise provided in NRS 629.091, practice:

(1) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

(2) As a physician assistant ***or anesthesiologist assistant*** without a valid license under this chapter; or

(3) Beyond the limitations ordered upon his or her practice by the Board or the court;

(b) Present as his or her own the diploma, license or credentials of another;

(c) Give either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

(d) File for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

(e) Practice osteopathic medicine or practice as a physician assistant ***or anesthesiologist assistant*** under a false or assumed name or falsely personate another licensee of a like or different name;

(f) Hold himself or herself out as a physician assistant ***or anesthesiologist assistant*** or use any other term indicating or implying that he or she is a physician assistant ~~[,]~~ ***or anesthesiologist assistant, as applicable,*** unless the person has been licensed by the Board as provided in this chapter; or

(g) Supervise a person as a physician assistant ***or anesthesiologist assistant*** before such person is licensed as provided in this chapter.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 91. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS 126.121 and 652.186, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS, ***a licensed***

anesthesiologist assistant, a licensed dentist or a registered pharmacist may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 92. NRS 41.504 is hereby amended to read as follows:

41.504 1. Any physician, physician assistant ***, anesthesiologist assistant*** or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant, physician assistant ***, anesthesiologist assistant*** or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision.

2. An emergency medical attendant, physician assistant, ***anesthesiologist assistant,*** registered nurse or licensed practical nurse who obeys an instruction given by a physician, physician assistant, ***anesthesiologist assistant,*** registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

3. As used in this section, "emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

Sec. 93. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance, including, without limitation, emergency obstetrical care or assistance, in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, physician assistant ***, anesthesiologist assistant*** or nurse from liability for damages resulting from that person's acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

2. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of that person's license to an indigent person,

➥ is not liable for any civil damages as a result of any act or omission by that person, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

3. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

4. As used in this section, "gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 94. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, ***anesthesiologist assistant,*** dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 95. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist ***, an anesthesiologist assistant*** or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician ***assistant or anesthesiologist*** assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS,

an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 96. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, ***anesthesiologist assistant,*** perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and

Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 97. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007,

241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625,

645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 14 and 53 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 98. NRS 244.1605 is hereby amended to read as follows:

244.1605 The boards of county commissioners may:

1. Establish, equip and maintain limited medical facilities in the outlying areas of their respective counties to provide outpatient care and emergency treatment to the residents of and those falling sick or being injured or maimed in those areas.

2. Provide a full-time or part-time staff for the facilities which may include a physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, ***an anesthesiologist assistant,*** a registered nurse or a licensed practical nurse, a certified emergency medical technician, advanced emergency medical technician or paramedic, and such other personnel as the board deems necessary or appropriate to ensure adequate staffing commensurate with the needs of the area in which the facility is located.

3. Fix the charges for the medical and nursing care and medicine furnished by the facility to those who are able to pay for them, and to provide that care and medicine free of charge to those persons who qualify as medical indigents under the county's criteria of eligibility for medical care.

4. Purchase, equip and maintain, either in connection with a limited medical facility as authorized in this section or independent therefrom, ambulances and ambulance services for the benefit of the residents of and those falling sick or being injured or maimed in the outlying areas.

Sec. 99. NRS 244.382 is hereby amended to read as follows:

244.382 The Legislature finds that:

1. Many of the less populous counties of the State have experienced shortages of physicians, surgeons, anesthetists, dentists, other medical professionals **,** ~~[and]~~ physician ***assistants and anesthesiologist*** assistants.

2. Some of the more populous counties of the State have also experienced shortages of physicians, surgeons, anesthetists, dentists, other medical professionals **,** ~~[and]~~ physician ***assistants and anesthesiologist*** assistants in their rural communities.

3. By granting county scholarships to students in such medical professions who will agree to return to the less populous counties or the rural communities of the more populous counties for residence and practice, these counties can

alleviate the shortages to a degree and thereby provide their people with needed health services.

Sec. 100. NRS 244.3821 is hereby amended to read as follows:

244.3821 1. In addition to the powers elsewhere conferred upon all counties, except as otherwise provided in subsection 2, any county may establish a medical scholarship program to induce students in the medical professions to return to the county for practice.

2. Any county whose population is 100,000 or more may only establish a medical scholarship program to induce students in the medical professions to return to the less populous rural communities of the county for practice.

3. Students in the medical professions for the purposes of NRS 244.382 to 244.3823, inclusive, include persons studying to be physician assistants licensed pursuant to chapter 630 or 633 of NRS ~~[.]~~ ***or anesthesiologist assistants licensed pursuant to chapters 630 and 633 of NRS.***

4. The board of county commissioners of a county that has established a medical scholarship program may appropriate money from the general fund of the county for medical scholarship funds and may accept private contributions to augment the scholarship funds.

Sec. 101. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse ***, anesthesiologist assistant*** or veterinarian licensed in accordance with state law, a physician assistant licensed pursuant to chapter 630 or 633 of NRS or a pharmacist registered pursuant to chapter 639 of NRS.

Sec. 102. NRS 441A.334 is hereby amended to read as follows:

441A.334 As used in this section and NRS 441A.335 and 441A.336, "provider of health care" means a physician, nurse ***,*** ~~[or]~~ physician assistant ***or anesthesiologist assistant*** licensed in accordance with state law.

Sec. 103. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced practice registered nurse, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant ***or anesthesiologist assistant*** licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 104. NRS 453.375 is hereby amended to read as follows:

453.375 1. A controlled substance may be possessed and administered by the following persons:

(a) A practitioner.

(b) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist,

podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(c) A paramedic:

(1) As authorized by regulation of:

(I) The State Board of Health in a county whose population is less than 100,000; or

(II) A county or district board of health in a county whose population is 100,000 or more; and

(2) In accordance with any applicable regulations of:

(I) The State Board of Health in a county whose population is less than 100,000;

(II) A county board of health in a county whose population is 100,000 or more; or

(III) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(d) A respiratory therapist, at the direction of a physician or physician assistant.

(e) ***An anesthesiologist assistant, at the direction of a supervising anesthesiologist or supervising osteopathic anesthesiologist.***

(f) A medical student, student in training to become a physician assistant or ***anesthesiologist assistant,*** student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician or physician assistant and:

(1) In the presence of a physician, physician assistant or a registered nurse; or

(2) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

~~[(f)]~~ ***(g)*** An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

~~[(g)]~~ ***(h)*** Any person designated by the head of a correctional institution.

~~[(h)]~~ ***(i)*** A veterinary technician at the direction of his or her supervising veterinarian.

~~[(i)]~~ ***(j)*** In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

~~[(j)]~~ ***(k)*** In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

~~[(k)]~~ ***(l)*** A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

~~[(l)]~~ ***(m)*** A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

2. As used in this section ~~[, "accredited]~~ ***:***

(a) "Accredited college of medicine" means:

~~[(a)]~~ ***(1)*** A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

~~[(b)]~~ ***(2)*** A school of osteopathic medicine, as defined in NRS 633.121.

(b) "Anesthesiologist assistant" means a person who holds a license issued pursuant to section 8 or 47 of this act or a temporary license issued pursuant to section 9 or 48 of this act.

Sec. 105. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS ~~[,]~~ ***or an anesthesiologist assistant,*** at the direction of his or her supervising physician or ***supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable, or*** a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant ***or anesthesiologist assistant*** licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant ***or anesthesiologist assistant*** licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 106. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 105, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 283.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 392.

SUMMARY—Makes changes relating to doula services. (BDR ~~[S-844)]~~ **38-844)**

AN ACT relating to health care; ~~[requiring]~~ **authorizing** the Department of Health and Human Services to **establish an incentive payment under the Medicaid program for doula services provided in rural areas; requiring the Department to** seek an increase to certain reimbursement rates under the Medicaid program for doula services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) ~~[This]~~ **Existing law requires the Director of the Department, to the extent authorized by federal law, to include under Medicaid coverage for certain doula services. (NRS 422.27717) Section 1 of this bill authorizes the Department to establish an incentive payment for enrolled doulas who provide doula services to recipients of Medicaid in rural areas of this State. Section 1 also makes changes to reflect that federal law requires services provided under a federal waiver to be included in a waiver document that is separate from the State Plan for Medicaid. Section 1.5 of this** bill requires the Department to submit to the United States Secretary of Health and Human Services on or before October 1, 2023, a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis pursuant to the State Plan for certain services provided by a doula ~~[to at least $1200. This bill provides that such reimbursement is limited to once~~

~~per pregnancy.]~~ **to an amount that is intended to cover the cost of the services.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 422.27177 is hereby amended to read as follows:**

422.27177 1. The Director shall, to the extent authorized by federal law, include ~~[in the State Plan for]~~ ***under*** Medicaid ~~[a requirement that the State pay the nonfederal share of expenditures incurred]~~ ***coverage*** for doula services provided by an enrolled doula.

2. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 or apply for an amendment of the State Plan for Medicaid that authorizes the Department to receive federal funding to ~~[include in the State Plan for Medicaid]~~ ***provide*** coverage of doula services provided by an enrolled doula. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. A person who wishes to receive reimbursement through the Medicaid program for doula services provided to a recipient of Medicaid must submit to the Division:

(a) An application for enrollment in the form prescribed by the Division; and

(b) Proof that he or she possesses the required training and qualifications prescribed by the Division pursuant to subsection 4.

4. The Division, in consultation with community-based organizations that provide services to pregnant women in this State, shall prescribe the required training and qualifications for enrollment pursuant to subsection 3 to receive reimbursement through Medicaid for doula services.

5. ***The Department may establish a program to provide incentive payments for enrolled doulas who provide doula services to recipients of Medicaid in rural areas of this State.***

6. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Enrolled doula" means a doula who is enrolled with the Division pursuant to this section to receive reimbursement through Medicaid for doula services.

~~[Section 1.]~~ ***Sec. 1.5.*** 1. On or before October 1, 2023, the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis pursuant to the State Plan for services provided by a doula ~~[to at least $1200, limited to one reimbursement per pregnancy. Such]~~ **to an amount**

that is intended to cover the cost of the services **.** ~~[must consist of services related to labor and delivery under the codes in Current Procedural Terminology published by the American Medical Association:~~

~~(a) Code 59409, Vaginal delivery only.~~

~~(b) Code 59514, Cesarean delivery only.~~

~~(c) Code 59612, Vaginal delivery only after previous cesarean delivery.~~

~~(d) Code 59620, cesarean delivery only after attempted vaginal delivery after previous cesarean delivery.]~~

2. The request submitted pursuant to subsection 1 must be supported using methods for determining reimbursement rates accepted by the Secretary.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 337.

~~[CONTAINS UNFUNDED MANDATE (§§ 13, 14, 15, 17, 18)~~
~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to incarceration; ~~[setting forth certain rights of offenders and prisoners; requiring certain persons and governmental entities to take certain actions relating to such rights; providing for the designation of an ombudsman for each institution, facility or jail and prescribing the powers and duties relating to that position; revising provisions relating to training for correctional staff; revising provisions relating to a risk and needs assessment; prohibiting the use of]~~ **requiring the Department of Corrections to adopt certain regulations relating to the care of women who are in the custody of the Department; requiring the warden of an institution or manager of a facility to adopt policies relating to conduct between male correctional officers and women who are incarcerated; requiring the warden of an institution or manager of a facility to adopt policies relating to the care of a pregnant offender; requiring the Department to develop and adopt certain policies and regulations relating to the care of a pregnant offender; requiring a correctional officer to submit a written report if** restraints **are used** on a pregnant offender **;** ~~[or prisoner who is being transferred or transported under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections:]~~ **Section** 2 ~~[and 13]~~ of this bill ~~[set forth certain rights of offenders in the custody of the Department of Corrections and prisoners in the custody of a jail or detention facility. Sections 3 and 14 of this bill require each institution or facility of the Department and each county, city or town jail or~~

~~detention facility to treat each offender or prisoner, as applicable, in accordance with the gender identity or expression of the offender or prisoner. Sections 3 and 14 also require certain persons responsible for an institution or facility of the Department or a jail or detention facility to establish appropriate policies to carry out these requirements.~~

~~Sections 4 and 15 of this bill require certain persons responsible for the operation of an institution or facility of the Department and certain persons responsible for the operation of a jail or detention facility to designate an ombudsman for the institution, jail or facility, as applicable. Sections 4 and 15 also prescribe certain powers and duties of an ombudsman. Sections~~ **requires the Department of Corrections to: (1) ensure that a woman who is assigned to an institution or facility completes a form to assess the needs of the woman while in the custody of the Department; (2) provide a woman who is incarcerated access to certain necessary medical and behavioral health services; and (3) provide a woman who is incarcerated with a sufficient supply of feminine hygiene products at no cost. Section 2 additionally requires the Department to provide the woman with a preferred type of feminine hygiene products upon request. Section 2 also requires the Department to adopt any regulations necessary to carry out the provisions of section 2.**

Section 5 ~~and 16~~ of this bill ~~require~~ **requires** certain persons responsible for the operation of an institution or facility of the Department ~~and certain persons responsible for the operation of a jail or detention facility~~ to adopt a policy setting forth standards of conduct for interactions between a **male** staff member and ~~an offender or prisoner of~~ a ~~different gender identity or expression than the staff member. Sections~~ **woman who is incarcerated in the institution or facility. Section 5** ~~and 16 require~~ **also requires** any such policy to ~~include a requirement that~~ **prohibit** a **male** staff member ~~who searches an offender or prisoner of a different gender identity or expression or views an offender or prisoner of a different gender identity or expression~~ **from inspecting or searching a woman who is incarcerated in an institution or facility and who is in a state of undress** while ~~the offender or prisoner is showering, performing bodily functions or changing clothing~~ **located in a private location, unless: (1) there are extraordinary circumstances; and (2) a female correctional staff member, or any female staff member of the institution or facility if a female correctional staff member is unavailable, is present at the time of the inspection or search. Section 5 additionally requires a male correctional staff member who conducts such an inspection or search** to ~~file~~ **submit** a written report concerning the ~~incident~~ **inspection or search** with the ~~ombudsman appointed pursuant to section 4 or 15, as applicable.~~

~~Sections~~ **warden of the institution or manager of the facility within 72 hours. Section 6** ~~and 17~~ of this bill ~~: (1) require~~ **requires the Department to provide a woman who is pregnant and in the custody of the Department access to necessary medical and behavioral health care services, including**

obstetrical services. Section 6 also: (1) requires certain persons responsible for the operation of an institution or facility of the Department ~~[or a jail or detention facility]~~ to adopt a policy for the prenatal and postnatal care of an offender **;** ~~[or prisoner;]~~ and (2) ~~[prescribe]~~ **prescribes** requirements for such a policy.

~~[Existing law requires the Director of the Department to include certain topics and courses in a program of facility training for correctional staff. (NRS 209.1315) Section 7 of this bill requires training provided through the program to be trauma-informed. Section 7 also requires the program to include a course on interacting with offenders who have diverse gender identities or expressions.~~

~~Existing law requires the Director of the Department to: (1) establish a system of classification and evaluation for offenders who are sentenced to imprisonment in the state prison; and (2) assign a person who is sentenced to imprisonment in the state prison to an appropriate institution or facility of the Department based on certain criteria. (NRS 209.341) Section 8 of this bill instead requires the Department to adopt regulations: (1) establishing such a system; and (2) prescribing procedures for the assignment of a person to an appropriate institution or facility of the Department, which must be based, in part, on the proximity of the institution or facility to the address at which any child or other dependent of the offender resides. Section 8 also requires the Department to adopt regulations which establish protocols for an institution or facility to follow when placing an offender within the institution or facility.~~

~~Existing law requires the Director of the Department to administer a risk and needs assessment to each offender for the purpose of guiding institutional programming and placement. (NRS 209.341) Section 8 requires any such assessment to be valid and appropriate for assessing the risks and needs of an offender, regardless of the gender identity or expression of the offender.~~

~~In general, existing]~~ **Section 6 additionally requires the Department to adopt any regulations necessary to carry out the provisions of section 6. Section 6 additionally requires the Department to develop and adopt a policy to be carried out in each institution and facility concerning the physical and mental health of offenders who are pregnant.**

Existing law prohibits the use of restraints on an offender ~~[, prisoner or child]~~ confined in a facility or institution ~~[for the detention of children]~~ who is in labor, delivering a baby or recuperating from delivery. Under existing law, if restraints are used on such a person, the restraints used must be the least restrictive restraints which are necessary to ensure safety and security. (NRS ~~[62B.230, 63.185,]~~ 209.376 ~~[, 211.155) Sections]~~ **) Section 9** ~~[and 20-22]~~ of this bill ~~[additionally prohibit]~~ **requires a correctional staff member who orders** the use of restraints on **such** an offender ~~[, prisoner or child who is being transferred or transported while the offender is pregnant.~~

~~Existing law entitles each offender in an institution or facility of the Department to appropriate, sanitary housing. (NRS 209.381) Section 10 of this bill provides that housing for an offender who is pregnant or recuperating from~~

~~delivery is not appropriate if the housing is more restrictive than necessary to ensure the safety and security of the offender, other offenders and correctional staff members. Sections 20-22 similarly prohibit a prisoner or child confined in a facility or institution for the detention of children who is pregnant or recuperating from delivery from being held in more restrictive housing than necessary to ensure the safety and security of the prisoner or child, as applicable, and certain other persons.~~

~~Existing law requires the Director of the Department to establish standards for personal hygiene of offenders and for the medical and dental services of each institution or facility. (NRS 209.381) Section 10 requires such standards to: (1) ensure the protection of the rights prescribed by section 2; (2) provide for annual gynecological examinations upon request; (3) ensure access to appropriate follow-up care under certain circumstances; and (4) to the extent practicable, ensure that certain communications concerning medical or dental services are provided in the primary language of an offender.~~

~~Existing law requires the sheriff, chief of police or town marshal responsible for the operation of a jail or facility to arrange for the administration of medical care required by prisoners. (NRS 211.140) With certain exceptions, section 19 of this bill requires a sheriff, chief of police or town marshal to ensure that any significant communication concerning such care is provided in the primary language of a prisoner.~~

~~Section 11 of this bill requires the Department to adopt regulations relating to visits between offenders and certain other persons. Section 11 requires such regulations to prescribe requirements for: (1) a visitation schedule established by an institution or facility; and (2) a visitation policy for offenders who are parents. Section 18 of this bill similarly requires the sheriff, chief of police or town marshal responsible for the operation of a jail or facility to adopt a policy relating to visits between prisoners and appropriate friends and other persons. Section 18 requires such a policy to prescribe requirements for: (1) a visitation schedule established by the jail or facility; and (2) a visitation policy for prisoners who are parents.~~**] to submit a report to the warden of the institution or manager of the facility which: (1) describes the reasons for the use of the restraints; and (2) must be submitted to the warden or manager within 5 hours after the use of the restraints.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***1. [Except as otherwise provided in subsection 2, an offender in the custody of the Department has the right:***

(a) To be treated with basic human dignity and respect, without intentional infliction of humiliation, including, without limitation, the right to:

~~(1) Be searched by a correctional staff member of the same gender identity or expression;~~

~~(2) Shower, perform bodily functions and change clothes without having a correctional staff member who has a different gender identity or expression than the offender view the unclothed genitals, pubic area, anus, buttocks or breasts of the offender; and~~

~~(3) Be treated in accordance with the gender identity or expression of the offender.~~

~~(b) To receive adequate, appropriate and accessible basic necessities free of charge, including, without limitation:~~

~~(1) Clean clothing, undergarments and socks; and~~

~~(2) Personal hygiene products.~~

~~(c) To have]~~ The Department shall ensure that each woman who is assigned to an institution or facility completes a form at the time of intake to assess the needs of the woman while in the custody of the Department. The form must include, without limitation, questions relating to:

(a) How recently the woman has received preventative gynecological care and, if applicable, obstetrical care; and

(b) The needs of the woman for feminine hygiene products for the purpose of providing the woman with a suitable supply of feminine hygiene products.

2. The Department shall provide a woman who is in the custody of the Department access to necessary medical and behavioral health care services, including ~~[, without limitation:~~

~~(1) Treatment]~~ :

(a) Counseling pertaining to mental health or a substance use disorder;

~~[(2) Gynecological or obstetrical services, including, without limitation, prenatal and postnatal health care services; and~~

~~(3) Mammography.~~

~~(d) To be free from:~~

~~(1) Discrimination or harassment on the basis of the sex, sexual orientation or gender identity or expression of the offender; and~~

~~(2) Being searched for the purpose of harassment or as a form of punishment or discipline.~~

~~(e) To communicate with other persons, including, without limitation, the right:~~

~~(1) To have regular contact through visits, telephone calls and mail with any children of the offender; and~~

~~(2) Other adults with whom the offender has established a mentoring relationship, including, without limitation, persons released from incarceration, upon approval of an institution or facility.~~

~~(f) To report an alleged violation of any of the rights set forth in this subsection without being threatened or punished.~~

~~2. An institution or facility may impose reasonable restrictions on the time, place and manner in which an offender may exercise the rights set forth in~~

~~subsection 1 if such restrictions are necessary to preserve the order, security or safety of the offender, the public, correctional staff members or other offenders in the institution or facility.]~~

(b) Medication prescribed for the treatment for mental health issues;

(c) An annual pelvic examination and mammography; and

(d) Any appropriate follow-up care necessary for a woman who receives an examination pursuant to paragraph (c).

3. The Department shall provide a woman who is in the custody of the Department with a sufficient supply of feminine hygiene products at no cost. The Department shall provide the woman with a preferred type of feminine hygiene products upon request. A woman may at any time inform the Department of a need to adjust the supply of feminine hygiene products necessary to constitute a sufficient supply for the needs of the woman.

4. The Department shall adopt ~~[such]~~ regulations ~~[as it determines are]~~ necessary to ~~[ensure the protection of the rights set forth in]~~ carry out the provisions of this section.

~~[4.]~~ 5. As used in this section:

(a) "Feminine hygiene product" means a sanitary napkin, tampon or other similar item used during a menstrual cycle.

(b) "Mammography" has the meaning ascribed to it in NRS 457.182.

~~[(b) "Personal hygiene products" includes, without limitation, soap, deodorant, a toothbrush, toothpaste or powder, toilet paper, shampoo, incontinence products and feminine hygiene products.]~~

Sec. 3. ~~[1. Each institution or facility shall treat each offender in all respects in accordance with the gender identity or expression of the offender, including, without limitation, by:~~

~~(a) Addressing each offender in a manner that is consistent with the gender identity or expression of the offender; and~~

~~(b) Providing each offender with access to commissary items, clothing and institutional programming consistent with the gender identity or expression of the offender.~~

~~2. Subject to the approval of the Director, the warden of each institution and the manager of each facility shall establish appropriate policies to carry out the requirements of subsection 1. Any such policy must be consistent with the regulations adopted by the Department pursuant to section 2 of this act and any other applicable laws or regulations.~~

~~3. Each institution or facility shall follow the protocols established in the regulations adopted pursuant to NRS 209.341 when placing an offender within the institution or facility.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[1. The warden of each institution and the manager of each facility shall designate an ombudsman for the institution or facility.~~

~~2. An ombudsman designated pursuant to subsection 1:~~

~~*(a) Shall:*~~

~~*(1) Assist offenders to understand the rights prescribed by section 2 of this act;*~~

~~*(2) Monitor the implementation of the policy adopted pursuant to section 3 of this act; and*~~

~~*(3) Receive and review each report filed pursuant to section 5 of this act and reports concerning the alleged violations of the rights set forth in section 2 of this act; and*~~

~~*(b) May:*~~

~~*(1) Investigate apparent violations of the rights set forth in section 2 of this act; and*~~

~~*(2) Act to resolve disputes relating to apparent violations.]*~~ **(Deleted by amendment.)**

Sec. 5. *1. Subject to the approval of the Director, the warden of each institution and the manager of each facility shall adopt a policy setting forth standards of conduct for interactions between a male correctional staff member and ~~[an offender of]~~ a ~~[different gender identity or expression than the correctional staff member.]~~ woman who is incarcerated in the institution or facility.*

2. The policy adopted pursuant to subsection 1 must:

(a) Be consistent with ~~[the regulations adopted by the Department pursuant to section 2 of this act and]~~ any other applicable laws or regulations; ~~[and]~~

(b) Prohibit a male correctional staff member from conducting an inspection or search of a woman who is incarcerated in the institution or facility and is in a state of undress in a private location, unless:

(1) There are extraordinary circumstances; and

(2) A female correctional staff member, or any female staff member of the institution or facility if a female correctional staff member is unavailable, is present at the time of the inspection or search; and

(c) Include, without limitation, a requirement that a male correctional staff member who inspects or searches ~~[an offender of a different gender identity or expression or views an offender of a different gender identity or expression while the offender is showering, performing bodily functions or changing clothes prepare and file with]~~ a woman pursuant to paragraph (b) submit to the ~~[ombudsman appointed pursuant to section 4]~~ warden of ~~[this act]~~ the institution or manager of the facility a written report concerning the ~~[incident.]~~ inspection or search.

3. A written report filed pursuant to subsection 2 must:

(a) Be filed not later than ~~[3 days]~~ 72 hours after the ~~[date on which the incident]~~ inspection or search occurs; and

(b) Include a description of the ~~[incident]~~ inspection or search and any other information requested by the warden or manager, as applicable.

4. As used in this section:

(a) "Private location" means an area in an institution or facility in which a woman has a reasonable expectation of privacy, including, without limitation, an area which contains a shower or toilet, a medical examination room or an area in which body cavity searches are conducted.

(b) "State of undress" means that the naked or undergarment-clad genitals, pubic area, buttocks or breast of a woman are exposed.

Sec. 6. *1. The Department shall provide an offender who is pregnant and in the custody of the Department access to necessary medical and behavioral health care services, including, without limitation, obstetrical services.*

2. Subject to the approval of the Director, the warden of each institution and the manager of each facility shall adopt a policy for the prenatal and postnatal care of offenders. Any such policy must be consistent with [the regulations adopted by the Department pursuant to section 2 of this act and] any other applicable laws or regulations.

[2.] 3. A policy adopted pursuant to subsection [1] 2 must include, without limitation:

(a) A requirement that each offender who is pregnant receive:

(1) [Counseling and] Training, educational programming or written materials concerning prenatal care, pregnancy, hygiene and health concerns relating to pregnancy, the impact of alcohol and drugs on a fetus, labor, the care of newborns and the postpartum period;

(2) [Appropriate, trauma-informed prenatal health care services, including, without limitation, periodic monitoring and evaluation of the health of the offender and the unborn child of the offender;

(3)] Prenatal vitamins or supplements, as deemed necessary by the Medical Director;

[(4)] (3) A diet containing the nutrients necessary to maintain a healthy pregnancy, as deemed necessary by the Medical Director; [and]

(4) Any hygiene products which are reasonably necessary and specifically designed for a person who is pregnant; and

(5) Counseling regarding parenting skills [upon the request of the offender;] ; and

(b) A requirement that each offender who delivers a baby while in the custody of the Department:

(1) Receives appropriate, trauma-informed medical care at the institution or facility, including, without limitation, treatment for postpartum depression;

(2) Receives counseling regarding parenting skills upon the request of the offender; and

(3) To [the extent reasonably practicable,] be provided an opportunity to [reside] bond with a baby delivered while in the custody of the Department [in a safe and secure location within the institution or facility] for [:

(I) A] a minimum period [not to exceed 30 months, if the offender is assigned to an institution or facility] of [minimum security; or

~~*(II) A period of time appropriate to facilitate bonding between the offender and the child, if the offender is not assigned to an institution or facility of minimum security; and*~~

~~*(c) A lactation policy,]*~~ *not less than 72 hours after delivery.*

~~*[3.]*~~ *4. The counseling and written materials required by subsection* ~~*[2]*~~ *3 must* ~~*[:*~~

~~*(a) Be]*~~ *be communicated or written in easily understood language* ~~*. [; and*~~

~~*(b) Include, without limitation, information regarding:*~~

~~*(1) Available options concerning the pregnancy, including, without limitation, abortion, alternatives to abortion and adoption;*~~

~~*(2) Prenatal nutrition;*~~

~~*(3) Maintaining a healthy pregnancy;*~~

~~*(4) The policy adopted pursuant to subsection 1; and*~~

~~*(5) The limitation on the use of restraints on a pregnant offender prescribed by NRS 209.376.*~~

~~*4.]*~~ *5. The Department shall develop and adopt a policy to be carried out in each institution and facility concerning the physical and mental health of offenders who are pregnant. In developing such a policy, the Department shall take into consideration the impact of certain actions on the offender and the fetus, including, without limitation, the impact of:*

(a) The use of restraints; and

(b) An invasive body cavity search.

6. The Department shall adopt any regulations necessary to carry out the provisions of this section.

7. Nothing in this section shall be construed to require an institution or facility to adopt any policy that does not comply with federal law or regulation.

Sec. 7. ~~**[**NRS 209.1315 is hereby amended to read as follows:~~

~~209.1315 The Director **[**may continue to**]** ***shall*** develop and implement, in each institution and facility of the Department, a program of facility training for the correctional staff. Such training must include:~~

~~1. Training in ***trauma-informed,*** evidence-based practices, including, without limitation, principles of **[**effective**]** ***:***~~

~~***(a) Effective*** intervention **[**, effective**]** ***;***~~

~~***(b) Effective*** case management ***;***~~

~~***(c) Gender-responsive strategies;*** and **[**core**]**~~

~~***(d) Core*** correctional practices; and~~

~~2. Courses on interacting with **[**victims**]** ***offenders who:***~~

~~***(a) Are victims*** of domestic violence and trauma **[**and people with**]** ***;***~~

~~***(b) Have*** behavioral health needs **[**and both**]** ***;***~~

~~***(c) Have*** physical and intellectual disabilities **[**.**]** ***; and***~~

~~***(d) Have diverse gender identities or expressions.]***~~ **(Deleted by amendment.)**

Sec. 8. ~~**[**NRS 209.341 is hereby amended to read as follows:~~

~~209.341 1. The **[**Director shall:~~

~~(a) Establish, with the approval of the Board,~~ ***Department shall adopt regulations which establish*** ~~a system of initial classification and evaluation for offenders who are sentenced to imprisonment in the state prison.~~

~~[(b) Assign every~~ ***Such regulations must include, without limitation, procedures for the assignment of a*** ~~person who is sentenced to imprisonment in the state prison to an appropriate institution or facility of the Department [. The assignment must be]~~ based ~~[on an evaluation of the]~~ ***upon:***

~~***(a) The*** offender's records ~~[,]~~ ***;***

~~***(b) The*** particular needs ***of the offender;***

~~***(c) The proximity of the institution or facility to the address at which any child or other dependent of the offender resides, if known;*** and~~

~~***(d) Any applicable*** requirements for custody.~~

~~[(c) Administer]~~

~~***2. The Director shall assign every person who is sentenced to imprisonment in the state prison in accordance with the regulations adopted pursuant to subsection 1.***~~

~~***3. The Department shall adopt regulations which establish protocols for an institution or facility to follow when placing an offender within the institution or facility. Such regulations must be designed to ensure that each offender is placed in a manner that is appropriate for the gender identity or expression of the offender.***~~

~~***4. The Department shall cause to be administered*** a risk and needs assessment to each offender for the purpose of guiding institutional programming and placement. The Department may consider the responsivity factors of an offender when making decisions concerning such programming and placement.~~

~~[2.]~~ ***5.*** ~~Any risk and needs assessment used by the Department pursuant to this section must [undergo]~~ ***:***

~~***(a) Be valid and appropriate for assessing the risks and needs of an offender, regardless of the gender identity or expression of the offender; and***~~

~~***(b) Undergo*** a validation study not less than once every 3 years.~~

~~***6.*** The Department shall establish quality assurance procedures to ensure proper and consistent scoring of any risk and needs assessment used pursuant to this section.~~

~~[3.]~~ ***7.*** ~~As used in this section:~~

~~(a) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.~~

~~(b) "Risk and needs assessment" has the meaning ascribed to it in NRS 213.107.]~~ **(Deleted by amendment.)**

Sec. 9. NRS 209.376 is hereby amended to read as follows:

209.376 1. No ~~***[Except as otherwise provided in subsection 2, no]***~~ restraints of any kind may be used on an offender who is in ~~***[:***~~

~~***(a) Being transferred or transported by a correctional staff member or other authorized person while the offender is pregnant; or***~~

~~***(b) In]*** labor, delivering her ~~***[a]***~~ baby or ~~[recuperating from delivery .]~~ ***in the postpartum period,*** unless

[2. Restraints may be used on an offender who is pregnant if] there are compelling reasons to believe that the offender presents:

(a) A serious and immediate threat of harm to herself, ***[the offender, correctional]*** staff ***[members]*** or others; or

(b) A substantial flight risk and cannot be reasonably confined by other means.

2. If an offender who is in labor, delivering her baby or ~~[recuperating from delivery]~~ ***in the postpartum period*** is restrained, only

[3. Any restraints used on an offender who is pregnant must be] the least restrictive restraints which are necessary to ensure safety and security ~~[.]~~ may be used.

3. A correctional staff member who orders the use of restraints on an offender who is pregnant or in the postpartum period shall submit a written report to the warden of the institution or manager of the facility. The report must:

(a) Describe the reasons for the use of the restraints on the offender; and

(b) Be submitted to the warden or manager within 5 hours after the use of the restraints.

4. As used in this section:

(a) "Postpartum period" means the period of time an offender is recuperating from delivering a baby, as determined by the physician of the offender, immediately following delivery and directly related to the birth, including the period an offender is in a hospital or infirmary after birth.

(b) "Restraints" means any physical restraint or mechanical device used to control the movement of the limbs of a person, including, without limitation, flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security tether chain or a convex shield.

Sec. 10. ~~[NRS 209.381 is hereby amended to read as follows:~~

~~209.381 1. Each offender in an institution or facility of the Department must be provided a healthful diet and appropriate, sanitary housing.~~ ***For purposes of this subsection, housing for an offender who is pregnant or recuperating from delivery is not appropriate if the housing is more restrictive than necessary to ensure safety and security.***

~~2. The Director with the approval of the Board shall establish standards for :~~

~~***(a) The*** personal hygiene of offenders ***, which must ensure the protection of the rights set forth in section 2 of this act;*** and ~~[for the]~~

~~***(b) The*** medical and dental services of each institution or facility ~~[.]~~ ***, which must:***

~~***(1) Ensure the protection of the rights set forth in section 2 of this act;***~~

~~***(2) Provide for annual gynecological examinations of offenders upon request;***~~

~~***(3) Ensure access to appropriate follow-up care is provided to an offender who receives an annual gynecological examination; and***~~

~~*(4) To the extent practicable, ensure that any significant communication concerning medical or dental services is provided in the primary language of the offender.*~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 209.423 is hereby amended to read as follows:~~

~~209.423~~ ~~*1. The Department shall adopt regulations relating to visits between offenders and appropriate friends, relatives and other persons. Such regulations must prescribe requirements for:*~~

~~*(a) A visitation schedule established by an institution or facility, including, without limitation, a requirement that any such schedule allow visitors for at least 8 hours per day on:*~~

~~*(1) Saturday and Sunday; and*~~

~~*(2) At least 4 other days per week; and*~~

~~*(b) A visitation policy for offenders who are parents of children who are under 18 years of age, which must:*~~

~~*(1) Authorize in-person visits between such offenders and their children to the greatest extent possible;*~~

~~*(2) Not limit the number of children on the authorized visitor list of an offender; and*~~

~~*(3) Not limit the number of children an offender may receive at a given time.*~~

~~*2.*~~ ~~Wardens and managers may authorize visits and correspondence between offenders and appropriate friends, relatives, and others~~ ~~[under]~~ ~~*in accordance with the*~~ ~~regulations adopted by the~~ ~~[Director and approved by the Board.]~~ ~~*Department pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~[Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 18, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[*1. Except as otherwise provided in subsection 2, a prisoner in the custody of a county, city or town jail or detention facility has the right:*~~

~~*(a) To be treated with basic human dignity and respect, without intentional infliction of humiliation, including, without limitation, the right to:*~~

~~*(1) Be searched by a staff member of the same gender identity or expression;*~~

~~*(2) Shower, perform bodily functions and change clothes without having a staff member who has a different gender identity or expression than the prisoner view the unclothed genitals, pubic area, anus, buttocks or breasts of the prisoner; and*~~

~~*(3) Be treated in accordance with the gender identity or expression of the prisoner.*~~

~~*(b) To receive adequate, appropriate and accessible basic necessities free of charge, including, without limitation:*~~

~~*(1) Clean clothing, undergarments and socks; and*~~

~~*(2) Personal hygiene products.*~~

~~*(c) To have access to necessary medical and behavioral health care services, including, without limitation:*~~

~~*(1) Treatment pertaining to mental health or a substance use disorder;*~~

~~*(2) Gynecological or obstetrical services, including, without limitation, prenatal and postnatal health care services; and*~~

~~*(3) Mammography.*~~

~~*(d) To be free from:*~~

~~*(1) Discrimination or harassment on the basis of the sex, sexual orientation or gender identity or expression of the prisoner; and*~~

~~*(2) Being searched for the purpose of harassment or as a form of punishment or discipline.*~~

~~*(e) To communicate with other persons, including, without limitation, the right:*~~

~~*(1) To have regular contact through visits, telephone calls and mail with any children of the prisoner; and*~~

~~*(2) Other adults with whom the prisoner has established a mentoring relationship, including, without limitation, persons released from incarceration, upon approval of a county, city or town jail or detention facility.*~~

~~*(f) To report an alleged violation of any of the rights set forth in this subsection without being threatened or punished.*~~

~~*2. A county, city or town jail or detention facility may impose reasonable restrictions on the time, place and manner in which a prisoner may exercise the rights set forth in subsection 1 if such restrictions are necessary to preserve the order, security or safety of the prisoner, the public, staff members or other prisoners in the jail or detention facility.*~~

~~*3. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall establish appropriate policies to ensure the protection of the rights set forth in this section.*~~

~~*4. As used in this section:*~~

~~*(a) "Mammography" has the meaning ascribed to it in NRS 457.182.*~~

~~*(b) "Personal hygiene products" includes, without limitation, soap, deodorant, a toothbrush, toothpaste or powder, toilet paper, shampoo, incontinence products and feminine hygiene products.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[1. Each county, city or town jail or detention facility shall treat each prisoner in all respects in accordance with the gender identity or expression of the prisoner, including, without limitation, by:*~~

~~*(a) Addressing each prisoner in a manner that is consistent with the gender identity or expression of the prisoner; and*~~

~~*(b) Providing each prisoner with access to commissary items, clothing and institutional programming consistent with the gender identity or expression of the prisoner.*~~

~~*2. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall establish appropriate policies to carry out the requirements of subsection 1.*~~ **(Deleted by amendment.)**

Sec. 15. ~~*1. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall designate an ombudsman for each jail or facility.*~~

~~*2. An ombudsman designated pursuant to subsection 1:*~~

~~*(a) Shall:*~~

~~*(1) Assist prisoners to understand the rights prescribed by section 13 of this act;*~~

~~*(2) Monitor the implementation of the policy adopted pursuant to section 14 of this act; and*~~

~~*(3) Receive and review each report filed pursuant to section 16 of this act and reports concerning the alleged violations of the rights set forth in section 13 of this act; and*~~

~~*(b) May:*~~

~~*(1) Investigate apparent violations of the rights set forth in section 13 of this act; and*~~

~~*(2) Act to resolve disputes relating to apparent violations.*~~ **(Deleted by amendment.)**

Sec. 16. ~~*1. A staff member of a city, county or town jail or detention facility who searches a prisoner of a different gender identity or expression or views a prisoner of a different gender identity or expression while the prisoner is showering, performing bodily functions or changing clothes shall prepare and file with the ombudsman appointed pursuant to section 15 of this act a report concerning the incident.*~~

~~*2. A written report filed pursuant to subsection 1 must be filed not later than 3 days after the date on which the incident occurs.*~~ **(Deleted by amendment.)**

Sec. 17. ~~*1. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall adopt a policy concerning the prenatal and postnatal care of prisoners.*~~

~~*2. The policy adopted pursuant to subsection 1 must include, without limitation:*~~

~~*(a) A requirement that each prisoner who is pregnant receive:*~~

~~*(1) Counseling and written materials concerning pregnancy, labor, the care of newborns and the postpartum period;*~~

~~*(2) Appropriate, trauma-informed prenatal health care services, including, without limitation, periodic monitoring and evaluation of the health of the prisoner and the unborn child of the prisoner;*~~

~~*(3) Prenatal vitamins or supplements, as deemed necessary by a treating physician;*~~

~~*(4) A diet containing the nutrients necessary to maintain a healthy pregnancy, as deemed necessary by a treating physician; and*~~

~~(5) Counseling regarding parenting skills upon the request of the prisoner;~~

~~(b) A requirement that each prisoner who delivers a baby while in the custody of a jail or detention facility:~~

~~(1) Receives appropriate, trauma-informed medical care at the jail or detention facility, including, without limitation, treatment for postpartum depression;~~

~~(2) Receives counseling regarding parenting skills upon the request of the prisoner; and~~

~~(3) To the extent reasonably practicable, be provided an opportunity to reside with a baby delivered while in the custody of the jail or detention facility in a safe and secure location within the jail or detention facility for a period of time appropriate to facilitate bonding between the prisoner and the baby; and~~

~~(c) A lactation policy.~~

~~3. The counseling and written materials required by subsection 2 must:~~

~~(a) Be communicated or written in easily understood language; and~~

~~(b) Include, without limitation, information regarding:~~

~~(1) Available options concerning the pregnancy, including, without limitation, abortion, alternatives to abortion and adoption;~~

~~(2) Prenatal nutrition;~~

~~(3) Maintaining a healthy pregnancy;~~

~~(4) The policy adopted pursuant to subsection 1; and~~

~~(5) The limitation on the use of restraints on a prisoner who is pregnant prescribed by NRS 211.155.~~

~~4. Nothing in this section shall be construed to require a jail or detention facility to adopt any policy that does not comply with federal law or regulation.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[1. The sheriff, chief of police or town marshal responsible for the operation of a county, city or town jail or detention facility shall adopt a policy relating to visits between prisoners and appropriate friends, relatives and other persons.~~

~~2. The policy adopted pursuant to subsection 1 must prescribe requirements for:~~

~~(a) A visitation schedule that allows visitors for at least 8 hours per day on:~~

~~(1) Saturday and Sunday; and~~

~~(2) At least 4 other days per week; and~~

~~(b) A visitation policy that must:~~

~~(1) Authorize in-person visits between prisoners who are parents of children who are under 18 years of age and the children of such prisoners to the greatest extent possible;~~

~~(2) Not limit the number of children on the authorized visitor list of a prisoner; and~~

~~*(3) Not limit the number of children a prisoner may receive at a given time.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~[~~NRS 211.140 is hereby amended to read as follows:~~

~~211.140 1. The sheriff of each county has charge and control over all prisoners committed to his or her care in the respective county jails, and the chiefs of police and town marshals in the several cities and towns throughout this State have charge and control over all prisoners committed to their respective city and town jails and detention facilities.~~

~~2. A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:~~

~~(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his or her conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.~~

~~(b) An opportunity to be heard on the issue.~~

~~3. As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.~~

~~3. The sheriffs, chiefs of police and town marshals shall see that the prisoners under their care are kept at labor for reasonable amounts of time within the jail or detention facility, on public works in the county, city or town, or as part of a program of release for work established pursuant to NRS 211.120 or 211.171 to 211.200, inclusive.~~

~~4. The sheriff, chief of police or town marshal shall arrange for the administration of medical care required by prisoners while in his or her custody. The county, city or town shall pay the cost of appropriate medical:~~

~~(a) Treatment provided to a prisoner while in custody for injuries incurred by a prisoner while the prisoner is in custody and for injuries incurred during the prisoner's arrest for commission of a public offense if the prisoner is not convicted of that offense;~~

~~(b) Treatment provided to a prisoner while in custody for any infectious, contagious or communicable disease which the prisoner contracts while the prisoner is in custody; and~~

~~(c) Examinations required by law or by court order conducted while the prisoner is in custody unless the order otherwise provides.~~

~~5. A prisoner shall pay the cost of medical treatment for:~~

~~(a) Injuries incurred by the prisoner during his or her commission of a public offense or for injuries incurred during his or her arrest for commission of a public offense if the prisoner is convicted of that offense;~~

~~(b) Injuries or illnesses which existed before the prisoner was taken into custody;~~

~~(c) Self-inflicted injuries; and~~

~~(d) Except treatment provided pursuant to subsection 4, any other injury or illness incurred by the prisoner.~~

~~6. A medical facility furnishing treatment pursuant to subsection 5 shall attempt to collect the cost of the treatment from the prisoner or the prisoner's insurance carrier. If the facility is unable to collect the cost and certifies to the appropriate board of county commissioners that it is unable to collect the cost of the medical treatment, the board of county commissioners shall pay the cost of the medical treatment.~~

~~7. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section may attempt to collect from the prisoner or the insurance carrier of the prisoner the cost of arranging for the administration of medical care including the cost of any transportation of the prisoner for the purpose of medical care. The prisoner shall obey the requests of, and fully cooperate with the sheriff, chief of police or town marshal in collecting the costs from the prisoner or the prisoner's insurance carrier.~~

~~8. While a prisoner is in custody, a sheriff, chief of police or town marshal, in collaboration with the Department of Health and Human Services and the various divisions thereof, for the purpose of maintaining continuity of care, shall arrange for the coordination of the care for treatment of mental health and substance use disorders provided to the prisoner by all providers of such care in the county, city or town jail or detention facility. After a prisoner is released from custody:~~

~~(a) The Department and the various divisions thereof shall arrange for the coordination of the care for treatment of mental health and substance use disorders provided to the prisoner.~~

~~(b) The sheriff, chief of police or town marshal is no longer responsible for arranging the coordination of such care.~~

~~9. Each sheriff described in subsection 8, or his or her representative, and the Director of the Department of Health and Human Services, or his or her representative, shall, at the request of the Joint Interim Standing Committee on Health and Human Services, appear before the Committee during the legislative interim to report on the collaboration and coordination provided pursuant to subsection 8.~~

~~10. Treatment of mental health and substance use disorders provided pursuant to subsection 8 may include any medication that has been:~~

~~(a) Approved by the United States Food and Drug Administration; and~~

~~(b) Prescribed by a treating physician as medically necessary for use by the prisoner to address issues relating to mental health or a substance use disorder.~~

~~*11. A sheriff, chief of police or town marshal who arranges for the administration of medical care pursuant to this section shall, to the greatest extent practicable, ensure that any significant communication concerning such care is provided in the primary language of the prisoner.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 211.155 is hereby amended to read as follows:~~

~~211.155 1. [No] *Except as otherwise provided in subsection 2, no* restraints of any kind may be used on a prisoner who is [in] *:*~~

~~*(a) Being transferred or transported by a staff member or other authorized person while the prisoner is pregnant; or*~~

~~*(b) In* labor, delivering [her] *a* baby or recuperating from delivery *.* [unless]~~

~~*2. Restraints may be used on a prisoner who is pregnant if* there are compelling reasons to believe that the prisoner presents:~~

~~(a) A serious and immediate threat of harm to [herself,] *the prisoner, a* staff *member* or others; or~~

~~(b) A substantial flight risk and cannot be reasonably confined by other means.~~

~~[2. If a prisoner who is in labor, delivering her baby or recuperating from delivery is restrained, only]~~

~~*3. Any restraints used on a prisoner who is pregnant must be* the least restrictive restraints which are necessary to ensure safety and security *.* [may be used.]~~

~~*4. A prisoner who is pregnant or recuperating from delivery must not be held in more restrictive housing than necessary to ensure safety and security.]~~ (Deleted by amendment.)**

Sec. 21. ~~[NRS 62B.230 is hereby amended to read as follows:~~

~~62B.230 1. [No] *Except as otherwise provided in subsection 2, no* restraints of any kind may be used on a child who is [in] *:*~~

~~*(a) Being transferred or transported by a staff member or other authorized person while the child is pregnant; or*~~

~~*(b) In* labor, delivering [her] *a* baby or recuperating from delivery *.* [unless]~~

~~*2. Restraints may be used on a child who is pregnant if* there are compelling reasons to believe that the child presents:~~

~~(a) A serious and immediate threat of harm to [herself,] *the child, a* staff *member* or others; or~~

~~(b) A substantial flight risk and cannot be reasonably confined by other means.~~

~~[2. If]~~

~~*3. Any restraints used on* a child who is [in labor, delivering her baby or recuperating from delivery is restrained, only] *pregnant must be* the least restrictive restraints which are necessary to ensure safety and security *.* [may be used.]~~

~~*4. A child who is pregnant or recuperating from delivery must not be held in more restrictive housing than necessary to ensure the safety and security of the child, other children held in the institution and staff members of the institution.]~~ (Deleted by amendment.)**

Sec. 22. ~~[NRS 63.185 is hereby amended to read as follows:~~

~~63.185 1. [No] *Except as otherwise provided in subsection 2, no* restraints of any kind may be used on a child who is [in] *:*~~

~~*(a) Being transferred or transported by a staff member or other authorized person while the child is pregnant; or*~~

~~*(b) In* labor, delivering ~~[~~her~~]~~ *a* baby or recuperating from delivery *.* ~~[~~unless~~]~~

~~*2. Restraints may be used on a child who is pregnant if* there are compelling reasons to believe that the child presents:~~

~~(a) A serious and immediate threat of harm to ~~[~~herself,~~]~~ *the child, a* staff *member* or others; or~~

~~(b) A substantial flight risk and cannot be reasonably confined by other means.~~

~~~~[~~2. If~~]~~

~~*3. Any restraints used on* a child who is ~~[~~in labor, delivering her baby or recuperating from delivery is restrained, only~~]~~ *pregnant must be* the least restrictive restraints which are necessary to ensure safety and security *.* ~~[~~may be used.~~]~~

~~*4. A child who is pregnant or recuperating from delivery must not be held in more restrictive housing than necessary to ensure the safety and security of the child, other children held in the facility and the staff members of the facility.]~~* **(Deleted by amendment.)**

Sec. 23. ~~[~~The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~]~~ **(Deleted by amendment.)**

Sec. 24. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 23, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations or policies and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 369.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 396.

AN ACT relating to the judiciary; revising provisions relating to certain fines, administrative assessments and fees; revising provisions relating to community service performed in lieu of certain **fines,** administrative assessments or fees; prohibiting a person from threatening or intimidating a tribal judge under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the imposition of certain fines, administrative assessments and fees against a defendant. (Chapter 176 of NRS) Existing law
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establishes the circumstances in which a person who commits a minor traffic offense is presumed to be indigent and prohibits a court from taking certain actions against an indigent person. (NRS 176.0643, 176.075) **Section 7** of this bill: (1) expands the circumstances in which a person is presumed to be indigent; and (2) makes the presumption of indigence applicable to a person who commits an offense punishable as a misdemeanor.

Under certain circumstances, existing law authorizes a judge or justice or his or her successor to reduce a fine imposed against a defendant. (NRS 176.085) **Section 4** of this bill requires: (1) the court to inform a defendant who commits a minor traffic offense or an offense punishable as a misdemeanor that the defendant may be eligible for a waiver or reduction of the fine, administrative assessment or fee if the defendant is presumed indigent; and (2) a defendant who wishes to have a fine, administrative assessment or fee waived or reduced to file an ability to pay assessment. **Section 5** of this bill requires the court to calculate the household income limit of a defendant who is presumed indigent pursuant to **section 7**. Using the guidelines prescribed by the HOME Investment Partnerships Act and the household income limit of the defendant, **section 5** requires the court to: (1) waive any fee assessed against a defendant if the household income limit of the defendant is less than ~~[400]~~ **200** percent of the very low income limit for a family of equal size to the defendant; and (2) waive or reduce any administrative assessment or fine imposed against the defendant based upon the household income limit of the defendant. **Section 3** of this bill defines the term "HOME Investment Partnerships Act" for the purposes of **sections 5 and 7**. **Sections 2 and 6** of this bill make conforming changes related to the definition prescribed by **section 3**.

Existing law provides that any delinquent fine, administrative assessment or fee owed by a defendant for the commission of a minor traffic offense is deemed to be uncollectible if after 10 years it remains impossible or impracticable to collect the delinquent amount. (NRS 176.0647) **Section 8** of this bill: (1) reduces that period to 5 years; and (2) deems any delinquent fine, administrative assessment or fee owed by a defendant who commits an offense punishable as a misdemeanor uncollectible under the same circumstances.

Under certain circumstances, existing law authorizes a judge or justice or his or her successor to direct that a fine be paid in installments. (NRS 176.085) **Section 9** of this bill instead authorizes the court to direct a defendant to pay a fine**,** ~~[or]~~ administrative assessment **or fee** in installments. If the court directs a defendant to pay a fine**,** ~~[or]~~ administrative assessment **or fee** in installments, **section 9** provides that the amount of each installment must not exceed 2 percent of the annual income of the defendant.

Existing law authorizes a court to order a convicted person or a person who commits a minor traffic offense to perform supervised community service in lieu of all or part of certain fines, administrative assessments or fees. **Existing law additionally requires a court to provide a credit of $10 or the amount of the state minimum wage if health insurance is not offered, whichever is**

greater, for each hour of community service. (NRS 176.087, 484A.7045) **Sections 10 and 12** of this bill define "community service" for the purpose of any such order to include public service, work on public projects, supervised work for the benefit of the community and participation in certain programs and counseling. **Sections 10 and 12** also prohibit a court from ordering a person who commits an offense punishable as a misdemeanor or a person who commits a minor traffic offense to perform more than 100 hours of community service. **Sections 10 and 12** also revise certain requirements relating to a supervising authority. **Sections 10 and 12 additionally remove the ability of a court to require a convicted person to deposit a reasonable sum of money to pay for the cost of certain insurance relating to community service. Sections 10 and 12 also increase the credit that a court provides for community service from $10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater, to not less than $20. Sections 10 and 12 additionally clarify that such credit is to be counted toward the payment of any fine, administrative assessment or fee.**

Existing law establishes various crimes against public justice. (Chapter 199 of NRS) One such crime prohibits a person from threatening or intimidating a public officer, public employee or certain other persons authorized to hear or determine a controversy or matter with the intent to induce the officer, employee or person to act in a manner contrary to his or her duties with regard to the controversy or matter. (NRS 199.300) **Section 11** of this bill makes this prohibition applicable to a person who threatens or intimidates a tribal judge with such intent. Under existing law, a person who violates this prohibition is guilty of: (1) a category B or C felony, if physical force or the immediate threat of physical force is used; and (2) a gross misdemeanor, if no physical force or immediate threat of physical force is used. (NRS 199.300) **Section 11** thereby makes a person who violates this prohibition by threatening or intimidating a tribal judge guilty of a category B or C felony or a gross misdemeanor, depending on the circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 176.002 and section 3 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"HOME Investment Partnerships Act" means the HOME Investment Partnerships Act, 42. U.S.C. §§ 12701 et seq.***

Sec. 4. ***1. If a fine, administrative assessment or fee is imposed against a defendant who commits a minor traffic offense or an offense punishable as a misdemeanor, the court shall inform the defendant that:***

(a) The defendant may be eligible for a waiver or reduction of the fine, administrative assessment or fee.

(b) In order to receive a waiver or reduction of the fine, administrative assessment or fee, the defendant must comply with the requirements prescribed by subsection 2.

2. A defendant who wishes to have a fine, administrative assessment or fee waived or reduced by the court must file, on a form provided by the court, an ability to pay assessment, which must include a declaration that complies with the provisions of NRS 53.045.

3. No fee may be charged or collected for filing an ability to pay assessment.

Sec. 5. ***1. Upon the filing of an ability to pay assessment, the court shall, for each defendant who is presumed to be indigent pursuant to NRS 176.0643, calculate the household income limit of the defendant by:***

(a) Calculating the monthly income of the defendant, excluding any payments received by the defendant pursuant to the Social Security Act, including, without limitation, supplemental security income benefits and child support payments that are processed pursuant to Part D of Title IV of the Social Security Act; and

(b) Adjusting the monthly income of the defendant based on the size of the family of the defendant in accordance with the guidelines prescribed by the HOME Investment Partnerships Act.

2. Using the guidelines prescribed by the HOME Investment Partnerships Act and the household income limit of the defendant calculated pursuant to subsection 1, the court shall calculate the ability of the defendant to pay a fine, administrative assessment or fee and:

(a) Waive any fee assessed against the defendant if the household income limit of the defendant is less than ~~[400]~~ 200 percent of the very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act; and

(b) Waive or reduce any administrative assessment or fine imposed upon the defendant in accordance with subsection 3.

3. If the household income limit of the defendant is:

(a) Below the very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act, the court shall waive any ~~[fine or]~~ administrative assessment imposed against the defendant ~~[.]~~ and reduce any fine to the lowest fine allowed by law or $10, whichever is greater.

(b) Greater than 100 percent but not more than ~~[200]~~ 125 percent of the very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act, the court shall reduce by 75 percent the amount of any fine or administrative assessment imposed against the defendant.

(c) Greater than ~~[200]~~ 125 percent but not more than ~~[300]~~ 150 percent of the very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act, the

court shall reduce by 50 percent the amount of any fine or administrative assessment imposed against the defendant.

(d) Greater than ~~[300]~~ 150 percent but not more than ~~[400]~~ 200 percent of the very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act, the court shall reduce by 25 percent the amount of any fine or administrative assessment imposed against the defendant.

Sec. 6. NRS 176.002 is hereby amended to read as follows:

176.002 ~~[As used in this chapter, unless the context otherwise requires,]~~ "Division" means the Division of Parole and Probation of the Department of Public Safety.

Sec. 7. NRS 176.0643 is hereby amended to read as follows:

176.0643 1. For the purposes of this chapter, a person who commits a minor traffic offense ***or an offense punishable as a misdemeanor*** is presumed to be indigent and not to have the ability to pay a fine, administrative assessment or fee imposed pursuant to this chapter if the person:

(a) Receives public assistance, as that term is defined in NRS 422A.065;

(b) Resides in public housing, as that term is defined in NRS 315.021; ~~[or]~~

(c) Has a household income that is less than 200 ~~*[400]*~~ percent of the ~~[federally designated level signifying poverty.]~~ ***very low income limit for a family of equal size to the defendant based on the guidelines prescribed by the HOME Investment Partnerships Act;***

(d) Has experienced homelessness at any time in the immediately preceding 12 months; or

(e) Received treatment at a psychiatric facility at any time in the immediately preceding 6 months.

2. As used in this section ~~[, "minor]~~ ***:***

(a) "Minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

~~[(a)]~~ ***(1)*** A violation of chapters 484A to 484E, inclusive, or 706 of NRS that causes the death of a person;

~~[(b)]~~ ***(2)*** A violation of NRS 484C.110 or 484C.120; or

~~[(c)]~~ ***(3)*** A violation declared to be a felony.

(b) "Psychiatric facility" means a psychiatric hospital or facility which provides residential treatment for mental illness.

Sec. 8. NRS 176.0647 is hereby amended to read as follows:

176.0647 ***1.*** Any delinquent fine, administrative assessment or fee owed by a defendant pursuant to NRS 176.064 who commits a minor traffic offense ~~[as defined in NRS 176.0643]~~ ***or an offense punishable as a misdemeanor*** is deemed to be uncollectible if after ~~[10]~~ ***5*** years it remains impossible or impracticable to collect the delinquent amount.

2. "Minor traffic offense" has the meaning ascribed to it in NRS 176.0643.

Sec. 9. NRS 176.085 is hereby amended to read as follows:

176.085 ~~[Whenever, after a fine and administrative assessment have been imposed but before they have been discharged by payment or confinement, it is made to appear to the judge or justice imposing the fine or administrative assessment or his or her successor:]~~

1. ~~[That]~~ ***In addition to any other waiver or reduction to which a defendant may be entitled pursuant to section 5 of this act,*** the ***court may waive or reduce any*** fine**,** ~~[or]~~ administrative assessment ***or fee imposed against a defendant pursuant to this chapter upon a determination that the fine*** **,** ~~***[or]***~~ ***administrative assessment or fee*** is excessive in relation to the financial resources of the defendant **.** ~~[, the judge or justice or his or her successor may reduce the fine accordingly.]~~

2. ~~[That the discharge of the]~~ ***Upon a determination by the court that payment of a*** fine**,** ~~[or]~~ administrative assessment ***or fee imposed against a defendant pursuant to this chapter*** is not within the defendant's present financial ability to pay, the ~~[judge or justice or his or her successor]~~ ***court*** may direct ~~[that]~~ the ***defendant to pay the*** fine**,** ~~[be paid or]~~ ***administrative assessment or fee*** in installments. ***If the court directs a defendant to pay a fine*** **,** ~~***[or]***~~ ***administrative assessment or fee in installments, the amount of each installment must not exceed 2 percent of the annual income of the defendant.***

Sec. 10. NRS 176.087 is hereby amended to read as follows:

176.087 1. Except where the imposition of a specific criminal penalty is mandatory, a court may order a convicted person to perform supervised community service:

(a) In lieu of all or a part of any fine, administrative assessment, fee or imprisonment that may be imposed for the commission of a misdemeanor; or

(b) As a condition of probation granted for another offense.

2. The community service must be performed for and under the supervising authority of ~~[a]~~ ***:***

(a) A county, city, town or other political subdivision or agency of the State of Nevada ***;***

(b) An educational institution; or ~~[a]~~

(c) A charitable organization that renders service to the community or its residents.

3. ~~[The court may require the convicted person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.~~

~~4.]~~ The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed as punishment or a condition of probation and distribute the period over

weekends or over other appropriate times that will allow the convicted person to continue employment and to care for the person's family. The period of community service fixed by the court must ***not necessitate the performance of more than 16 hours of community service per week and must*** not exceed, for a:

(1) Misdemeanor, ~~[200]~~ ***100*** hours;

(2) Gross misdemeanor, 600 hours; or

(3) Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for community service before the court may require the convicted person to perform community service for that supervising authority. The supervising authority ~~[must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority]~~ may be located ~~[outside the jurisdiction of the court.]~~ ***anywhere that is accessible to a convicted person in person or remotely.***

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority. ***An official or designee may supervise the performance of community service in person or remotely.***

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

~~[5.]~~ ***4.*** For each hour of community service that is performed by a person pursuant to this section, the court must provide a credit of ~~[$10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater,]~~ ***not less than $20*** toward the payment of any fine ***, administrative assessment or fee*** that was imposed against the person for the commission of the offense for which the person was ordered to perform community service.

~~*[6.]*~~ ***5.*** ***As used in this section:***

(a) "Community service" includes, without limitation:

(1) Public service;

(2) Work on public projects;

(3) Supervised work for the benefit of the community;

(4) Any other work or activity required by the court, including, without limitation, participating in:

(I) A job skills training program;

(II) A program designed to prepare a person to take the high school equivalency assessment selected by the State Board of Education pursuant to NRS 390.055;

(III) A mentoring program;

(IV) Counseling; and

(V) A program for self-improvement.

(b) "Educational institution" includes, without limitation, a public school, vocational or technical school or college or university.

Sec. 11. NRS 199.300 is hereby amended to read as follows:

199.300 1. A person shall not, directly or indirectly, address any threat or intimidation to a public officer, public employee, juror, referee, arbitrator, appraiser, assessor or any person authorized by law to hear or determine any controversy or matter, ***including, without limitation, a tribal judge,*** with the intent to induce such a person contrary to his or her duty to do, make, omit or delay any act, decision or determination, if the threat or intimidation communicates the intent, either immediately or in the future:

(a) To cause bodily injury to any person;

(b) To cause physical damage to the property of any person other than the person addressing the threat or intimidation;

(c) To subject any person other than the person addressing the threat or intimidation to physical confinement or restraint; or

(d) To do any other act which is not otherwise authorized by law and is intended to harm substantially any person other than the person addressing the threat or intimidation with respect to the person's health, safety, business, financial condition or personal relationships.

2. The provisions of this section must not be construed as prohibiting a person from making any statement in good faith of an intention to report any misconduct or malfeasance by a public officer or employee.

3. A person who violates subsection 1 is guilty of:

(a) If physical force or the immediate threat of physical force is used in the course of the intimidation or in the making of the threat:

(1) For a first offense, a category C felony and shall be punished as provided in NRS 193.130.

(2) For a second or subsequent offense, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(b) If no physical force or immediate threat of physical force is used in the course of the intimidation or in the making of the threat, a gross misdemeanor.

4. As used in this section, "public employee" means any person who performs public duties for compensation paid by the State, a county, city, local government or other political subdivision of the State or an agency thereof, including, without limitation, a person who performs a service for compensation pursuant to a contract with the State, county, city, local government or other political subdivision of the State or an agency thereof.

Sec. 12. NRS 484A.7045 is hereby amended to read as follows:

484A.7045 1. Except where the imposition of a specific civil penalty is mandatory, a court may order a person who is found to have committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, to perform community service that is supervised in accordance with subsection 2:

(a) In lieu of all or a part of any civil penalty**,** ~~[or]~~ administrative assessment ~~[, or both,]~~ ***or fee*** that may be imposed for the commission of the civil infraction; or

(b) As all or part of the punishment for the commission of the civil infraction.

2. The community service must be performed for and under the supervising authority of ~~[(a)]~~ ***:***

(a) A county, city, town or other political subdivision or agency of the State of Nevada ***;***

(b) An educational institution; or ~~[(a)]~~

(c) A charitable organization that renders service to the community or its residents.

3. ~~[The court may require the person who committed the civil infraction to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.~~

~~4.]~~ The following conditions apply to any such community service imposed by the court:

(a) The court must fix the period of community service that is imposed and distribute the period over weekends or over other appropriate times that will allow the person to continue employment and to care for his or her family. The period of community service fixed by the court must not ***necessitate the performance of more than 16 hours of community service per week and must not*** exceed ~~[200]~~ ***100*** hours.

(b) A supervising authority listed in subsection 2 must agree to accept the person for community service before the court may require the person to perform community service for that supervising authority. The supervising authority ~~[must be located in or be the town or city of the person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority]~~ may be located ~~[outside the jurisdiction of the court.]~~ ***anywhere that is accessible to a person in person or remotely.***

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority. ***An official or designee may supervise the performance of community service in person or remotely.***

(d) The court may require the supervising authority to report periodically to the court the person's performance in carrying out the community service.

(e) A person performing community service in lieu of the payment of a civil penalty ***, administrative assessment or fee*** must receive credit toward the civil penalty ***, administrative assessment or fee*** at a rate per hour of community service performed that is equal to at least ~~[$10 or the state minimum wage for an employee who is not provided health benefits by his or her employer, whichever is greater.]~~ ***$20.***

~~[5.]~~ 4. As used in this section:

(a) "Community service" includes, without limitation:

(1) Public service;

(2) Work on public projects;

(3) Supervised work for the benefit of the community;

(4) Any other work or activity required by the court, including, without limitation, participating in:

(I) A job skills training program;

(II) A program designed to prepare a person to take the high school equivalency assessment selected by the State Board of Education pursuant to NRS 390.055;

(III) A mentoring program;

(IV) Counseling; and

(V) A program for self-improvement.

(b) "Educational institution" includes, without limitation, a public school, vocational or technical school or college or university.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 381.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 338.

AN ACT relating to guardianship; revising various provisions relating to certain petitions regarding guardianships; revising various provisions relating to a guardian ad litem; authorizing a protected person or proposed protected person to object to certain petitions; revising provisions relating to the termination or modification of a guardianship; revising provisions relating to the rights of a protected person; making various other changes relating to guardianships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes a proposed protected person, a governmental agency, a nonprofit organization or any interested person to petition the court for the appointment of a guardian; and (2) requires a petition for the appointment of a guardian to include certain information. (NRS 159.044) **Section 1** of this bill requires a petition for the appointment of a guardian to contain certain additional information, including the telephone number and electronic mail address of certain persons. ~~[Section 1 also makes a technical change to reorganize certain requirements relating to the information and documentation that must be filed with a petition.]~~

Existing law authorizes a court to appoint a person to represent a protected person or proposed protected person as a guardian ad litem if the court believes that the protected person or proposed protected person will benefit from the appointment and the services of the guardian ad litem will be beneficial in

determining the best interests of the protected person or proposed protected person. Existing law requires the guardian ad litem to represent the protected person or proposed protected person until relieved of that duty by court order. Existing law further authorizes a court to appoint a person who is not an attorney as a guardian ad litem to represent a protected person or proposed protected person if a court-approved volunteer advocate program for guardians ad litem has been established in the judicial district. (NRS 159.0455)

Section 2 of this bill: (1) requires a court to set forth with specificity in the order of appointment the scope and the duties of the guardian ad litem; (2) authorizes the protected person or proposed protected person to object to the appointment and to have a hearing on the objection before the guardian ad litem commences performing services; (3) ~~[requires, rather than authorizes, a court to appoint a person who is not an attorney as a guardian ad litem to represent a protected person or proposed protected person if a court-approved volunteer advocate program for guardians ad litem has been established in the judicial district; (4)]~~ clarifies that the appointment of a guardian ad litem does not relieve the court of its obligation to appoint counsel to represent the protected person or proposed protected person; ~~[(5)]~~ **(4)** requires the court, in the order of appointment, to set the hourly rate of compensation for the guardian ad litem ~~[;]~~ and **, unless the guardian ad litem is a volunteer;** ~~[(6)]~~ **(5)** provides that if the guardian ad litem is an attorney, the hourly rate of compensation set by the court must not exceed the customary hourly rate of compensation for a guardian ad litem who is not an attorney.

Existing law: (1) authorizes a petitioner to request that the court appoint a temporary guardian for a proposed protected person; and (2) requires the petitioner to support such a request with documentation that shows the proposed protected person faces a substantial and immediate risk of physical harm or needs immediate medical attention and lacks capacity to respond to the risk of harm or obtain the necessary medical attention. (NRS 159.0523) **Section 3** of this bill: (1) requires the petitioner to set forth in the petition and present under oath a detailed explanation of the substantial and immediate risk of physical harm the proposed protected person faces or the immediate medical attention the proposed protected person needs ~~[but]~~ **and** lacks capacity to respond to the risk of harm or obtain the necessary medical attention; and (2) provides that if the court appoints a temporary guardian, the court must limit the authority of the temporary guardian to that which is necessary to respond to a specific risk of harm or to a specific need for immediate medical attention identified in the petition.

Existing law authorizes a petitioner to request that the court appoint a temporary guardian for a protected person who is unable to respond to a substantial and immediate risk of financial loss. (NRS 159.0525) **Section 4** of this bill provides that any court order for the appointment of a temporary guardian or to extend a temporary guardianship must state the specific substantial and immediate risk of financial loss, the powers of the temporary guardian and the reasons that the powers of the temporary guardian are

necessary to address the specific substantial and immediate risk of financial loss.

Existing law requires the court to: (1) dismiss a petition for the appointment of a guardian if the court finds that the proposed protected person is not incapacitated and is not in need of a guardian; and (2) appoint a guardian if the court finds that appointment of a guardian is required. (NRS 159.054) **Section 5** of this bill requires the court to: (1) dismiss a petition if the court finds that either the proposed protected person is not incapacitated and is not in need of a guardian or that there are less restrictive alternatives to guardianship available to the proposed protected person; and (2) appoint a guardian if the court finds that there are no less restrictive alternatives to guardianship available to the proposed protected person and the proposed protected person is in need of a guardian.

Existing law requires the court to include certain information in an order appointing a guardian. (NRS 159.055) **Section 6** of this bill requires that an order of appointment must state that there are no less restrictive alternatives to guardianship available to the proposed protected person and that the proposed protected person is in need of a guardian.

Existing law provides that subject to the discretion and approval of the court, a guardian must be allowed reasonable compensation for his or her services and reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services. Existing law authorizes the court to consider certain factors in determining whether the compensation is reasonable. (NRS 159.183) **Section 7** of this bill: (1) provides that a guardian is not allowed reasonable expenses incurred for retaining attorneys to represent a petitioner or guardian in the guardianship proceeding; and (2) requires, rather than authorizes, the court to consider certain factors in determining whether the compensation is reasonable.

Existing law authorizes a protected person, the guardian or another person to petition the court for the termination or modification of a guardianship. Existing law provides that for such a petition to be granted, the petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship is in the best interests of the protected person. (NRS 159.1905) **Section 8** of this bill instead requires: (1) the petitioner to present prima facie evidence showing that the guardianship is no longer necessary or in the best interests of the protected person and should be terminated or that the needs of the protected person have changed such that the powers of the guardian should be modified; and (2) the court to terminate the guardianship if it is shown by clear and convincing evidence that the guardianship is no longer necessary or in the best interests of the protected person or to modify the guardianship if it is shown by clear and convincing evidence that the needs of the protected person have changed such that the powers of the guardian should be modified. If the petitioner meets the burden of proof, **section 8** requires the court to enter an order: (1) terminating the guardianship unless it is proven by clear and convincing evidence that

continuation of the guardianship is in the best interests of the protected person; or (2) modifying the guardianship unless it is shown that the needs of the protected person have changed such that the powers of the guardian should be modified. **Section 8** additionally requires the court, in ruling on a petition to terminate a guardianship, to consider whether less restrictive alternatives to a guardianship are available to the protected person. Finally, **section 8** authorizes **[: (1)]** the protected person to seek reasonable attorney's fees from any person who opposed the petition **[**~~if the protected person prevails on a petition for termination or modification; and (2) the court to impose sanctions on the objector in an amount sufficient to reimburse the estate of the protected person for expenses and any other losses incurred as the result of the objection.~~**]** **under certain circumstances.**

Existing law establishes the Protected Persons' Bill of Rights, which sets forth certain specific rights of each protected person. (NRS 159.327, 159.328) Existing law authorizes, for good cause, a guardian to petition a court to issue an order restricting the ability of a relative or person of natural affection to communicate, visit or interact with the protected person. (NRS 159.333) **Section 9** of this bill: (1) clarifies that the right of a protected person to communicate, visit and interact with other persons includes, without limitation, the right to have regular contact through telephone calls and personal mail and have visitors, unless his or her guardian and the court determine the particular communications or interactions or a particular visitor will cause harm to the protected person; and (2) adds the right to deny communication, visitation or interaction with another person. **Section 10** of this bill: (1) prohibits a court, under any circumstances, from issuing an order requiring a protected person to communicate, visit or interact with a **relative or a** person **[,] of natural affection;** and (2) requires the court to appoint an attorney for a protected person after a petition is filed by a guardian to restrict communication, unless an attorney has already been appointed for the protected person or the protected person has already retained an attorney. **Section 11** of this bill places the burden of proof on the guardian if he or she opposes a petition filed by the protected person to modify or restrict an order restricting communication, visitation or interaction between a protected person and a relative or person of natural affection.

Existing law authorizes a person who is liable for attorney's fees and costs incurred for retaining an attorney to represent a party in a guardianship proceeding to petition the court for an order authorizing payment for such fees and costs from the estate of a protected person. Existing law sets forth a list of factors that the court may consider in determining whether attorney's fees are just, reasonable and necessary. (NRS 159.344) **Section 12** of this bill: (1) requires, rather than authorizes, the court to consider the list of factors; (2) **[**~~prohibits the court from awarding compensation for time spent performing tasks that could be performed by a different type of professional; (3) clarifies certain provisions in the list of factors; (4)~~**]** requires the court, regardless of whether or not the court orders the payment of attorney's fees, to include in its

order written findings on the list of factors; ~~[and (5)]~~ **(3)** provides that a guardian is not allowed attorney's fees for services incurred by the guardian as a result of a petition to have him or her removed as guardian if the court removes the guardian ~~[.]~~ **; and (4) prohibits the award of attorney's fees if the person who petitions the court for attorney's fees failed to file the required written notice.**

Existing law lists certain court orders that may be appealed. (NRS 159.375) **Section 13** of this bill adds to that list an order: (1) restricting communication, visitation or interaction between a protected person and a relative or person of natural affection; (2) ordering or authorizing a guardian to move a protected person from this State to another state; or (3) ordering or authorizing a guardian to consent to experimental medical, biomedical or behavioral treatment of a protected person, the participation of a protected person in any biomedical or behavioral experiment or the sterilization of a protected person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 159.044 is hereby amended to read as follows:

159.044 1. A proposed protected person, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name **,** ~~[and]~~ address **,** ***telephone number and electronic mail address*** of the petitioner.

(b) The name, date of birth **,** ~~[and]~~ current address **,** ***telephone number and electronic mail address*** of the proposed protected person.

(c) A copy of one of the following forms of identification of the proposed protected person which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;
(2) A taxpayer identification number;
(3) A valid driver's license number;
(4) A valid identification card number;
(5) A valid passport number;
(6) A valid permanent resident card number; or
(7) A valid tribal identification card number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) Whether the proposed protected person is a resident or nonresident of this State.

(e) The names **,** ~~[and]~~ addresses **,** ***telephone numbers and electronic mail addresses*** of the spouse of the proposed protected person and the relatives of the proposed protected person who are within the second degree of consanguinity.

(f) The name, date of birth **,** ~~[and]~~ current address **,** ***telephone number and electronic mail address*** of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595 or 159A.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one protected person who is not related to the person by blood or marriage. As used in this paragraph, "protected person" includes a protected minor.

(g) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number;

(5) A valid passport number;

(6) A valid permanent resident card number; or

(7) A valid tribal identification card number.

(h) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(i) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

(I) The need for a guardian;

(II) Whether the proposed protected person presents a danger to himself or herself or others;

(III) Whether the attendance of the proposed protected person at a hearing would be detrimental to the proposed protected person;

(IV) Whether the proposed protected person would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed protected person is capable of living independently with or without assistance; and

(2) If the proposed protected person is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the protected person.

(j) Whether the appointment of a general or a special guardian is sought.

(k) A general description and the probable value of the property of the proposed protected person and any income to which the proposed protected person is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed protected person by the United States through the Department of Veterans Affairs, the petition must so state.

(l) The name **,** ~~[and]~~ address ***and telephone number*** of any person or care provider having the care, custody or control of the proposed protected person.

(m) If the petitioner is not the spouse or natural child of the proposed protected person, a declaration explaining the relationship of the petitioner to the proposed protected person or to the family or friends of the proposed protected person, if any, and the interest, if any, of the petitioner in the appointment.

(n) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(o) If the guardianship is sought as the result of an investigation of a report of abuse, neglect, exploitation, isolation or abandonment of the proposed protected person, whether the referral was from a law enforcement agency or a state or county agency.

(p) Whether the proposed protected person or the proposed guardian is a party to any pending criminal or civil litigation.

(q) Whether the guardianship is sought for the purpose of initiating litigation.

(r) Whether the proposed protected person has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

(s) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed protected person must provide the court with an assessment of the needs of the proposed protected person completed by a licensed physician which identifies the limitations of capacity of the proposed protected person and how such limitations affect the ability of the proposed protected person to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed protected person must be filed. ***[A petition pursuant to this section must include a summary of the reasons why a guardian is needed and recent***

~~*documentation demonstrating the need for a guardianship. The documentation must be attached to the petition. The documentation must include, without limitation:*~~

~~*(a) An assessment of the needs of the proposed protected person completed by a licensed physician, psychologist or psychiatrist who identifies the limitations of capacity of the proposed protected person and how such limitations affect the ability of the proposed protected person to maintain his or her safety and basic needs; and*~~

~~*(b) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:*~~

~~*(1) The need for a guardian;*~~

~~*(2) Whether the proposed protected person presents a danger to himself or herself or others;*~~

~~*(3) Whether the attendance of the proposed protected person at a hearing would be detrimental to the proposed protected person;*~~

~~*(4) Whether the proposed protected person would comprehend the reason for a hearing or contribute to the proceeding; and*~~

~~*(5) Whether the proposed protected person is capable of living independently with or without assistance.]*~~

Sec. 2. NRS 159.0455 is hereby amended to read as follows:

159.0455 1. On or after the date of the filing of a petition to appoint a guardian:

(a) The court may, in any proceeding, appoint a person to represent the protected person or proposed protected person as a guardian ad litem if the court believes that the protected person or proposed protected person will benefit from the appointment and the services of the guardian ad litem will be beneficial in determining the best interests of the protected person or proposed protected person; and

(b) The guardian ad litem must represent the protected person or proposed protected person as a guardian ad litem ***, in accordance with the scope and duties of the guardian ad litem set forth in the order of appointment pursuant to subsection 2,*** until relieved of that duty by court order.

2. ***The order of appointment must set forth with specificity the scope and duties of the guardian ad litem. The guardian ad litem shall not commence performing any services until authorized to do so as provided in subsection 3.***

3. Upon the appointment of the guardian ad litem, the ~~[~~court shall set forth in~~]~~ ***clerk shall provide notice to the protected person or proposed protected person of*** the order of appointment ~~[~~the duties of~~]~~ ***to allow the protected person or proposed protected person the opportunity to object to the appointment before the guardian ad litem commences performing any services. If the protected person or proposed protected person does not file an objection within*** ~~*[21]*~~ ***10 days after receiving notice of the appointment,***

the guardian ad litem ~~[.]~~ ***may commence performing services. If the protected person or proposed protected person files an objection within ~~[21]~~ 10 days after receiving notice of the appointment, the matter must be set for a hearing and the guardian ad litem shall not commence performing services unless and until the court enters an order overruling the objection and confirming the order of appointment.***

~~[3.]~~ ***4.*** If a court-approved volunteer advocate program for guardians ad litem has been established in a judicial district, a court may ~~***[shall]***~~ appoint a person who is not an attorney to represent a protected person or proposed protected person as a guardian ad litem. If such a program has been established, all volunteers participating in the program must complete appropriate training, as determined by relevant national or state sources or as approved by the Supreme Court or the district court in the judicial district, before being appointed to represent a protected person or proposed protected person.

~~[4.]~~ ***5.*** A guardian ad litem appointed pursuant to this section is an officer of the court and is not a party to the case. A guardian ad litem appointed pursuant to this section shall not offer legal advice to the protected person or proposed protected person but shall:

(a) Advocate for the best interests of the protected person or proposed protected person in a manner that will enable the court to determine the action that will be the least restrictive and in the best interests of the protected person or proposed protected person; and

(b) Provide any information required by the court.

6. The appointment of a guardian ad litem pursuant to this section does not affect the obligation to appoint counsel to represent a protected person or proposed protected person pursuant to NRS 159.0485.

7. The court shall, in the order of appointment, set the hourly rate of compensation for the guardian ad litem. If the guardian ad litem is an attorney, the hourly rate set by the court must not exceed the customary hourly rate of compensation for a guardian ad litem who is not an attorney. The provisions of this subsection do not apply if a court appoints a volunteer as a guardian ad litem.

Sec. 3. NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a proposed protected person who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows the proposed protected person faces a substantial and immediate risk of physical harm or needs immediate medical attention and lacks capacity to respond to the risk of harm or obtain the necessary medical attention. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans

Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:

(1) That the proposed protected person is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Whether the proposed protected person presents a danger to himself or herself or others; and

(3) Whether the proposed protected person is or has been subjected to abuse, neglect, exploitation, isolation or abandonment; ~~[and]~~

(b) ***A detailed explanation of the substantial and immediate risk of physical harm the proposed protected person faces or the immediate medical attention the proposed protected person needs*** ~~***[but]***~~ ***and lacks capacity to respond to the risk of harm or obtain the necessary medical attention; and***

(c) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed protected person would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days ***only*** if the court:

(a) Finds reasonable cause to believe that the proposed protected person is unable to respond to a ***specific*** substantial and immediate risk of physical harm ***identified in the petition*** or to a ***specific*** need for immediate medical attention ~~[;]~~ ***identified in the petition;*** and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph ~~[(b)]~~ ***(c)*** of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph ~~[(b)]~~ ***(c)*** of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than

48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection ~~[8]~~ ***9*** if:

(a) The court finds by clear and convincing evidence that the proposed protected person is unable to respond to a ***specific*** substantial and immediate risk of physical harm or to a ***specific*** need for immediate medical attention ~~[.]~~ ***identified in the petition;*** and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed protected person.

6. ***If the court appoints a temporary guardian pursuant to this section, the court shall limit the authority of the temporary guardian to that which is necessary to respond to a specific substantial and immediate risk of physical harm or to a specific need for immediate medical attention identified in the petition.***

7. If the court ~~[appoints a temporary guardian or]~~ extends the temporary guardianship pursuant to this section, the court shall limit the authority of the temporary guardian to that which is necessary to perform any actions required to ensure the health, safety or care of a proposed protected person, including, without limitation:

(a) Responding to ~~[the]~~ ***a specific*** substantial and immediate risk of physical harm or to a ***specific*** need for immediate medical attention ~~[.]~~ ***identified in the petition;*** and

(b) Applying for Medicaid or other appropriate assistance, coverage or support for the proposed protected person for the purpose of providing adequate care for and ensuring the appropriate placement of the proposed protected person.

~~[7.]~~ ***8.*** The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to the Nevada Rules of Civil Procedure is currently being undertaken.

~~[8.]~~ ***9.*** The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

~~[9.]~~ ***10.*** If a court is making a determination regarding the extension of a temporary guardianship or the issuance of any ex parte or emergency order, the court may consider the actions taken by a temporary guardian to carry out

any requested activities for the benefit of a proposed protected person during the temporary guardianship.

Sec. 4. NRS 159.0525 is hereby amended to read as follows:

159.0525 1. A petitioner may request the court to appoint a temporary guardian for a protected person who is unable to respond to a substantial and immediate risk of financial loss. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows that the proposed protected person faces a substantial and immediate risk of financial loss and lacks capacity to respond to the risk of loss. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:

(1) That the proposed protected person is unable to respond to a substantial and immediate risk of financial loss;

(2) Whether the proposed protected person can live independently with or without assistance or services; and

(3) Whether the proposed protected person is or has been subjected to abuse, neglect, exploitation, isolation or abandonment;

(b) A detailed explanation of what risks the proposed protected person faces, including, without limitation, termination of utilities or other services because of nonpayment, initiation of eviction or foreclosure proceedings, exploitation or loss of assets as the result of fraud, coercion or undue influence; and

(c) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed protected person would be exposed to an immediate risk of financial loss if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days ***only*** if the court:

(a) Finds reasonable cause to believe that the proposed protected person is unable to respond to a ***specific*** substantial and immediate risk of financial loss ~~[;]~~ ***identified in the petition;*** and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (c) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (c) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:

(a) The court finds by clear and convincing evidence that the proposed protected person is unable to respond to a ***specific*** substantial and immediate risk of financial loss ~~[:]~~ ***identified in the petition;*** and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed protected person.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to ~~[the]~~ ***a specific*** substantial and immediate risk of financial loss ~~[,]~~ ***identified in the petition,*** specifically limiting the temporary guardian's authority to take possession of, close or have access to any accounts of the protected person or to sell or dispose of tangible personal property of the protected person to only that authority as needed to provide for the basic living expenses of the protected person until a general or special guardian can be appointed. The court may freeze any or all of the accounts of the protected person to protect such accounts from loss.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to the Nevada Rules of Civil Procedure is currently being undertaken.

8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

9. Any court order issued pursuant to this section for the appointment of a temporary guardian or to extend the temporary guardianship must state a specific substantial and immediate risk of financial loss, the powers of the temporary guardian and the reasons that the powers of the temporary guardian are necessary to address a specific substantial and immediate risk of financial loss.

Sec. 5. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds that ~~[the]~~ ***:***

(a) The proposed protected person is not incapacitated and is not in need of a guardian ~~[,]~~ ***; or***

(b) There are less restrictive alternatives to guardianship available to the proposed protected person,

➥ the court shall dismiss the petition.

2. If the court finds that the proposed protected person is of limited capacity and is in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that ~~[appointment of a general guardian is required,]~~ ***:***

(a) There are no less restrictive alternatives to guardianship available to the proposed protected person; and

(b) The proposed protected person is in need of a guardian,

➥ the court shall appoint a general guardian of the person, estate, or person and estate of the proposed protected person.

Sec. 6. NRS 159.055 is hereby amended to read as follows:

159.055 1. The petitioner has the burden of proving by clear and convincing evidence that the appointment of a guardian of the person, of the estate, or of the person and estate is necessary.

2. If it appears to the court that the allegations of the petition are sufficient and that a guardian should be appointed for the proposed protected person, the court shall enter an order appointing a guardian. The order must:

(a) ***State that there are no less restrictive alternatives to guardianship available to the proposed protected person and that the proposed protected person is in need of a guardian;***

(b) Specify whether the guardian appointed is ***a*** guardian of the person, of the estate, of the person and estate or a special guardian;

~~[(b)]~~ ***(c)*** Specify whether the proposed protected person is a resident or nonresident of this State;

~~[(c)]~~ ***(d)*** Specify the amount of the bond to be executed and filed by the guardian; and

~~[(d)]~~ ***(e)*** Designate the names and addresses, so far as may be determined, of:

(1) The relatives of the proposed protected person upon whom notice must be served pursuant to NRS 159.047; and

(2) Any other interested person.

3. A notice of entry of the court order must be sent to:

(a) The relatives of the proposed protected person upon whom notice must be served pursuant to NRS 159.047; and

(b) Any other interested person.

Sec. 7. NRS 159.183 is hereby amended to read as follows:

159.183 1. Subject to the discretion and approval of the court and except as otherwise provided in subsection 5, a guardian must be allowed:

(a) Reasonable compensation for the guardian's services;

(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and

(c) Reasonable expenses incurred in retaining accountants, attorneys ~~[,]~~ ***other than attorneys retained to represent a petitioner or guardian in the guardianship proceeding,*** appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court ~~[may]~~ ***shall*** consider:

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the protected person. In evaluating the ability of a protected person to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the assets of the protected person;

(b) The disposable net income of the protected person;

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

4. Any compensation or expenses ~~[, including, without limitation, attorney's fees,]~~ must not be paid from the estate of the protected person unless and until the payment of such fees is approved by the court pursuant to this section **.** ~~[or NRS 159.344, as applicable.]~~

5. A guardian is not allowed compensation or expenses ~~[, including, without limitation, attorney's fees,]~~ for services incurred by the guardian as a result of a petition to have him or her removed as guardian if the court removes the guardian.

Sec. 8. NRS 159.1905 is hereby amended to read as follows:

159.1905 1. A protected person, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:

(a) The name and address of the petitioner.

(b) The relationship of the petitioner to the protected person.

(c) The name, age and address of the protected person, if the protected person is not the petitioner, or the date of death of the protected person if the protected person is deceased.

(d) The name and address of the guardian, if the guardian is not the petitioner.

(e) The reason for termination or modification.

(f) Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.

(g) A general description and the value of the remaining property of the protected person and the proposed disposition of that property.

2. Upon the filing of the petition, the court shall appoint an attorney to represent the protected person if:

(a) The protected person is unable to retain an attorney; or

(b) The court determines that the appointment is necessary to protect the interests of the protected person.

3. The petitioner ~~[has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the protected person.]~~ ***must present prima facie evidence showing that:***

(a) The guardianship is no longer necessary or in the best interests of the protected person such that the guardianship should be terminated; or

(b) The needs of the protected person have changed such that the powers of the guardian should be modified.

4. ***If the petitioner presents prima facie evidence showing that:***

(a) The guardianship is no longer necessary or in the best interests of the protected person, the court shall enter an order terminating the guardianship unless it is proven by clear and convincing evidence that continuation of the guardianship is in the best interests of the protected person. In ruling on a petition pursuant to this paragraph, the court shall consider whether less restrictive alternatives to a guardianship are available to the protected person to meet the current needs of the protected person.

(b) The needs of the protected person have changed such that the powers of the guardian should be modified, the court shall enter an order modifying the guardianship unless it is proven by clear and convincing evidence that continuation of the guardianship without modification is in the best interests of the protected person.

5. The court shall issue a citation to the guardian and all interested persons requiring them to appear and show cause why termination or modification of the guardianship should not be granted.

~~[5.]~~ ***6.*** If the court finds that the petitioner ***or an objector*** did not file a petition for termination or modification ***or an objection thereto*** in good faith or in furtherance of the best interests of the protected person, the court may:

(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected person; and

(b) Impose sanctions on the petitioner ***or an objector*** in an amount sufficient to reimburse the estate of the protected person for all or part of the expenses and for any other pecuniary losses which are incurred by the estate of the protected person and associated with the petition ~~[.]~~ ***or objection.***

7. If the protected person prevails on a petition for termination or modification, the protected person is entitled to seek reasonable attorney's fees from any person who opposed the petition of the protected person ~~***[.]***~~ ***unless the court finds that the objector filed an objection to the petition in good faith or in furtherance of the best interests of the protected person.***

Sec. 9. NRS 159.328 is hereby amended to read as follows:

159.328 1. The Legislature hereby declares that, except as otherwise specifically provided by law, each proposed protected person has the right to have an attorney before a guardianship is imposed to ask the court for relief, and each protected person has the right to:

(a) Have an attorney at any time during a guardianship to ask the court for relief.

(b) Receive notice of all guardianship proceedings and all proceedings relating to a determination of capacity unless the court determines that the protected person lacks the capacity to comprehend such notice.

(c) Receive a copy of all documents filed in a guardianship proceeding.

(d) Have a family member, an interested party, a person of natural affection, an advocate for the protected person or a medical provider speak or raise any issues of concern on behalf of the protected person during a court hearing, either orally or in writing, including, without limitation, issues relating to a conflict with a guardian.

(e) Be educated about guardianships and ask questions and express concerns and complaints about a guardian and the actions of a guardian, either orally or in writing.

(f) Participate in developing a plan for his or her care, including, without limitation, managing his or her assets and personal property and determining his or her residence and the manner in which he or she will receive services.

(g) Have due consideration given to his or her current and previously stated personal desires, preferences for health care and medical treatment and religious and moral beliefs.

(h) Remain as independent as possible, including, without limitation, to have his or her preference honored regarding his or her residence and standard of living, either as expressed or demonstrated before a determination was made relating to capacity or as currently expressed, if the preference is reasonable under the circumstances.

(i) Be granted the greatest degree of freedom possible, consistent with the reasons for a guardianship, and exercise control of all aspects of his or her life that are not delegated to a guardian specifically by a court order.

(j) Engage in any activity that the court has not expressly reserved for a guardian, including, without limitation, voting, marrying or entering into a domestic partnership, traveling, working and having a driver's license.

(k) Be treated with respect and dignity.

(l) Be treated fairly by his or her guardian.

(m) Maintain privacy and confidentiality in personal matters.

(n) ~~[~~Receive~~]~~ ***Communicate, visit and interact with other persons, including, without limitation, have regular contact through*** telephone calls and personal mail and have visitors, unless his or her guardian and the court determine that particular ~~[~~correspondence~~]~~ ***communications or interactions*** or a particular visitor will cause harm to the protected person.

(o) ***Deny communication, visitation or interaction with other persons.***

(p) Receive timely, effective and appropriate health care and medical treatment that does not violate his or her rights.

~~[~~(p)~~]~~ ***(q)*** Have all services provided by a guardian at a reasonable rate of compensation and have a court review any requests for payment to avoid excessive or unnecessary fees or duplicative billing.

~~[~~(q)~~]~~ ***(r)*** Receive prudent financial management of his or her property and regular detailed reports of financial accounting, including, without limitation, reports on any investments or trusts that are held for his or her benefit and any expenditures or fees charged to his or her estate.

~~[~~(r)~~]~~ ***(s)*** Receive and control his or her salary, maintain a bank account and manage his or her personal money.

~~[~~(s)~~]~~ ***(t)*** Ask the court to:

(1) Review the management activity of a guardian if a dispute cannot be resolved.

(2) Continually review the need for a guardianship or modify or terminate a guardianship.

(3) Replace the guardian.

(4) Enter an order restoring his or her capacity at the earliest possible time.

2. The rights of a protected person set forth in subsection 1 do not abrogate any remedies provided by law. All such rights may be addressed in a guardianship proceeding or be enforced through a private right of action.

Sec. 10. NRS 159.333 is hereby amended to read as follows:

159.333 1. ***A court shall not, under any circumstances, issue an order requiring a protected person to communicate, visit or interact with*** ~~***[another]***~~ ***a relative or person*** ~~***[.]***~~ ***of natural affection.***

2. For good cause, a guardian may petition a court to issue an order restricting the ability of a relative or person of natural affection to communicate, visit or interact with a protected person.

~~[~~2.~~]~~ ***3.*** After a petition is filed by a guardian pursuant to subsection ~~[~~1,~~]~~ ***2,*** a court:

(a) ~~[~~May~~]~~ ***Shall*** appoint ~~[~~a person to meet with~~]~~ ***an attorney for*** the protected person ~~[~~to determine his or her wishes regarding communication, visitation or interaction with the relative or person of natural affection;~~]~~ ***, unless an attorney has already been appointed for the protected person or the protected person has already retained an attorney;***

(b) Shall give notice and an opportunity to be heard to the guardian, the protected person and the relative or person of natural affection;

(c) Shall preserve the right of the protected person to be present at the hearing on the petition; and

(d) May order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection ~~[before]~~ ***until*** the hearing on the petition.

~~[3.]~~ ***4.*** Upon a showing of good cause by a guardian, a court may issue an order restricting the communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to this section. When determining whether to issue an order, a court shall consider the following factors:

(a) Whether any protective order has been issued to protect the protected person from the relative or person of natural affection;

(b) Whether the relative or person of natural affection has been charged with abuse, neglect or financial exploitation of the protected person;

(c) Whether the protected person has expressed ~~[to the court or to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person a desire to or]~~ a desire not to communicate, visit or interact with the relative or person of natural affection;

(d) If the protected person is unable to communicate, whether a properly executed living will, durable power of attorney or other written instrument contains a preference by the protected person regarding his or her communication, visitation or interaction with the relative or person of natural affection; and

(e) Any other factor deemed relevant by the court.

~~[4.]~~ ***5.*** If a protected person is unable to communicate verbally, the guardian shall provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact with a relative or person of natural affection or any opposition by the protected person to any communication, visitation or interaction with a relative or person of natural affection for the purpose of allowing the court to consider whether the protected person has expressed a desire not to communicate, visit or interact with the relative or person of natural affection, as set forth in paragraph (c) of subsection ~~[3.]~~ ***4.*** Such documentation may include, without limitation, any nursing notes, caregiver records, medical records or testimony of witnesses.

~~[5.]~~ ***6.*** A guardian, protected person, relative or person of natural affection may petition the court to modify or rescind any order issued pursuant to this section.

Sec. 11. NRS 159.337 is hereby amended to read as follows:

159.337 In a proceeding held pursuant to NRS 159.331 to 159.338, inclusive:

1. The guardian has the burden of proof if he or she:

(a) Petitions the court to restrict the ability of a relative or person of natural affection to communicate, visit or interact with a protected person pursuant to subsection ~~[1]~~ ***2*** of NRS 159.333;

(b) Petitions the court to modify or rescind an order pursuant to subsection ~~[5]~~ ***6*** of NRS 159.333; ~~[or]~~

(c) ***Opposes a petition filed by the protected person pursuant to subsection 6 of NRS 159.333; or***

(d) Opposes a petition filed pursuant to NRS 159.335.

2. A relative or person of natural affection has the burden of proof if he or she petitions the court to modify or rescind an order pursuant to subsection ~~[5]~~ ***6*** of NRS 159.333.

Sec. 12. NRS 159.344 is hereby amended to read as follows:

159.344 1. Any person, including, without limitation, a guardian or proposed guardian, who retains an attorney for the purposes of representing a party in a guardianship proceeding is personally liable for any attorney's fees and costs incurred as a result of such representation.

2. Notwithstanding the provisions of subsection 1 and except as otherwise provided in subsection ~~[5 of NRS 159.183,]~~ ***9,*** a person who is personally liable for attorney's fees and costs may petition the court for an order authorizing such attorney's fees and costs to be paid from the estate of the protected person in accordance with this section. Any such attorney's fees and costs must not be paid from the guardianship estate unless and until the court authorizes the payment pursuant to this section.

3. When a person who intends to petition the court for payment of attorney's fees and costs from the guardianship estate first appears in the guardianship proceeding, the person must file written notice of his or her intent to seek payment of attorney's fees and costs from the guardianship estate. The written notice:

(a) Must provide a general explanation of the compensation arrangement and how compensation will be computed;

(b) Must include the hourly billing rates of all timekeepers, including, without limitation, attorneys, law clerks and paralegals;

(c) Must provide a general ~~*[an]*~~ explanation of the reasons why the services of the attorney are necessary to further the best interests of the protected person;

(d) Must be served by the person on all persons entitled to notice pursuant to NRS 159.034 and 159.047; and

(e) Is subject to approval by the court after a hearing.

4. If written notice was filed and approved by the court pursuant to subsection 3, a person may file with the court a petition requesting payment of attorney's fees and costs from the guardianship estate. Such a petition must include the following information:

(a) A detailed statement as to the nature and extent of the services performed by the attorney;

(b) An itemization of each task performed by the attorney, with reference to the time spent on each task in an increment to the nearest one-tenth of an hour and with no minimum billing unit in excess of one-tenth of an hour;

(c) An indication of whether any time billed, including, without limitation, any time spent traveling or waiting, benefited any clients of the attorney other than the protected person and, if so, how many other clients benefited from such time; and

(d) Any other information considered relevant to a determination of whether attorney's fees are just, reasonable and necessary.

➥ Absent approval from all parties who have appeared in the proceeding, any supplemental requests for the payment of attorney's fees and costs cannot be augmented in open court and must be properly noticed in the same manner as the underlying petition requesting payment.

5. In determining whether attorney's fees are just, reasonable and necessary, the court ~~[may]~~ ***shall*** consider all the following factors:

(a) The written notice approved by the court pursuant to subsection 3.

(b) Whether the services conferred any actual benefit upon the protected person or attempted to advance the best interests of the protected person.

(c) The qualities of the attorney, including, without limitation, his or her ability, training, education, experience, professional standing and skill.

(d) The character of the work performed, including, without limitation, the difficulty, intricacy and importance of the work, the time and skill required to complete the work, the responsibility imposed and the nature of the proceedings.

(e) The work actually performed by the attorney, including, without limitation, the skill, time and attention given to the work.

(f) The result of the work, including, without limitation, whether the attorney was successful and any benefits that were derived.

(g) The usual and customary fees charged in the relevant professional communities for each task performed, regardless of who actually performed the task. The court may only award:

(1) Compensation at an attorney rate for time spent performing services that require an attorney;

(2) Compensation at a paralegal rate for time spent performing paralegal services; ~~***[and]***~~

(3) Compensation at a fiduciary rate for time spent performing fiduciary services ~~***[.]***~~ ; and

(4) No

~~***[➥ The court may not award]***~~ compensation for time spent performing secretarial or clerical services . ~~***[or tasks that could be performed by a different type of professional at a lower rate.]***~~

(h) The appropriate apportionment among multiple clients of any billed time that benefited multiple clients of the attorney.

(i) The extent to which the services were provided in a reasonable, efficient and cost-effective manner, including, without limitation, whether there was appropriate and prudent delegation of services to others.

(j) The ability of the estate of the protected person to pay, including, without limitation:

(1) The value of the estate;

(2) The nature, extent and liquidity of the assets of the estate;

(3) The disposable net income of the estate;

(4) The anticipated future needs of the protected person; and

(5) Any other foreseeable expenses.

(k) The efforts made by the person and attorney to reduce and minimize any issues.

(l) Any actions by the person or attorney that unnecessarily expanded issues or delayed or hindered the efficient administration of the estate . ***[, including, without limitation, errors that necessitate additional time spent on tasks.]***

(m) Whether any actions taken by the person or attorney were taken for the purpose of advancing or protecting the interests of the person as opposed to the interests of the protected person.

(n) Any other factor that is relevant in determining whether attorney's fees are just, reasonable and necessary, including, without limitation, any other factor that is relevant in determining whether the person was acting in good faith and was actually pursuing the best interests of the protected person.

➥ ***Regardless of whether or not the court orders the payment of attorney's fees pursuant to this section, the court shall include in its order written findings on the factors set forth in this subsection.***

6. The court shall not approve compensation for an attorney for:

(a) Time spent on internal business activities of the attorney, including, without limitation, clerical or secretarial support; or

(b) Time reported as a total amount of time spent on multiple tasks, rather than an itemization of the time spent on each task.

7. Any fees paid by a third party, including, without limitation, a trust of which the estate is a beneficiary, must be disclosed to ***[the court]*** and ***[may only be]*** approved by the court . ***[after consideration of the factors listed in subsection 5.]***

8. In addition to any payment provided to a person pursuant to this section for the services of an attorney, a person may receive payment for ordinary costs and expenses incurred in the scope of the attorney's representation.

9. ***A guardian is not allowed attorney's fees for services incurred by the guardian as a result of a petition to have him or her removed as guardian if the court removes the guardian. If a court grants a petition for removal of a guardian, any person who objected to the petition must not be awarded attorney's fees if the court finds that the person did not file the objection to the petition for removal in good faith or in furtherance of the best interests of the protected person.***

10. If two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for payment of attorney's fees and costs from the guardianship estate pursuant to this section. If the court determines that there is no prevailing party, the court may authorize a portion of each party's attorney's fees and costs to be paid from the guardianship estate if the court determines that such fees and costs are just, reasonable and necessary given the nature of any issues in dispute.

~~[10.]~~ ***11.*** If an attorney is appointed by the court in a guardianship proceeding, he or she may petition the court for compensation for his or her services from the guardianship estate in accordance with the procedure set forth in this section.

12. If a person fails to file the written notice required pursuant to subsection 3, the court shall dismiss any petition filed by the person for an award of attorney's fees from the estate of the protected person.

13. As used in this section, "secretarial or clerical services" means:

(a) Those tasks that are clerical and not legally substantive in nature, including, without limitation, preparing cover sheets, drafting notices, filling out and printing form documents, drafting certificates of service, preparing summons and affidavits, filing documents with the court, organizing files, calendaring, scheduling, transmitting documents and performing other similar tasks that are clerical in nature; and

(b) Time spent by an attorney reviewing work that is clerical in nature performed by other persons.

Sec. 13. NRS 159.375 is hereby amended to read as follows:

159.375 In addition to any order from which an appeal is expressly authorized pursuant to this chapter, an appeal may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution within 30 days after its notice of entry from an order:

1. Granting or revoking letters of guardianship.
2. Directing or authorizing the sale or conveyance, or confirming the sale, of property of the estate of a protected person.
3. Settling an account.
4. Ordering or authorizing a guardian to act pursuant to NRS 159.113.
5. Ordering or authorizing the payment of a debt, claim, devise, guardian's fees or attorney's fees.
6. Determining ownership interests in property.
7. Granting or denying a petition to enforce the liability of a surety.
8. Granting or denying a petition for modification or termination of a guardianship.
9. Granting or denying a petition for removal of a guardian or appointment of a successor guardian.

10. Restricting communication, visitation or interaction between the protected person and a relative or person of natural affection pursuant to NRS 159.333.

11. Ordering or authorizing a guardian to move the protected person from this State to another state.

12. Ordering or authorizing a guardian to act pursuant to NRS 159.0805 or 159.0806.

Sec. 14. The amendatory provisions of this act apply to any proceeding or matter commenced on or after July 1, 2023.

Sec. 15. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 273.

AN ACT relating to Medicaid; requiring the ~~[State Plan for]~~ Medicaid **program** to provide certain coverage for certain persons who are incarcerated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to ~~[develop and]~~ administer ~~[a State Plan for]~~ Medicaid. (NRS ~~[422.063,]~~ 422.270) Existing law requires the Department to authorize a person who is incarcerated to apply for enrollment in Medicaid up to 6 months before the person is scheduled to be released from incarceration. Under existing law, such enrollment is effective immediately upon release. (NRS 422.27487) Existing federal law prohibits federal funding to provide coverage under Medicaid to incarcerated persons. (42 U.S.C. § 1396d(a)(31)(A)) Existing federal law authorizes a state to apply for a waiver of certain provisions of federal law governing Medicaid for the purpose of an experimental, pilot or demonstration project. (42 U.S.C. § 1315) **Section 1** of this bill requires the Director of the Department to apply for such a waiver for the purpose of ~~[including in the State Plan for]~~ **providing under** Medicaid coverage of certain services for incarcerated youths and incarcerated persons with certain health conditions for not more than 90 days before the scheduled release of such persons. **Sections 1 and 4.5 of this bill require the screening of incarcerated persons to determine eligibility for such coverage.** **Section 4** of this bill makes a conforming change to indicate that the provisions of **section 1** will be administered in the same manner as the provisions of existing law governing the State Plan for Medicaid. **Sections 2 and 3** of this bill make conforming changes to reflect the eligibility of certain incarcerated persons for Medicaid

pursuant to **section 1**. **Sections 1.5 and 2.5 of this bill make conforming changes to reflect that federal law requires services provided under a federal waiver to be included in a waiver document that is separate from the State Plan for Medicaid.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall , to the extent that federal financial participation is available, include ~~[in the State Plan for]~~ under Medicaid ~~[a requirement that, to the extent that federal financial participation is available, the State pay the nonfederal share of expenditures incurred]~~ coverage for limited services for persons described in subsection 2 who are incarcerated, for not more than 90 days before the scheduled release of such persons. Such services must include, without limitation:

(a) Case management;

(b) Consultations with providers of physical and behavioral health care;

(c) Laboratory and radiology services;

(d) Prescription drugs, including, without limitation, medication-assisted treatment; and

(e) The services of a community health worker.

2. A person is eligible for the coverage described in subsection 1 if the person would otherwise be eligible for Medicaid if he or she were not incarcerated and:

(a) Is under 18 years of age;

(b) Has been diagnosed with:

(1) A mental illness;

(2) Substance use disorder;

(3) A chronic disease or other significant disease;

(4) An intellectual disability;

(5) A developmental disability;

(6) A traumatic brain injury; or

(7) Human immunodeficiency virus; or

(c) Is pregnant or not more than 12 weeks postpartum.

3. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 that authorizes the Department to receive federal funding to ~~[include in the State Plan for Medicaid]~~ provide the coverage required by this section. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver ~~[or amendment]~~ pursuant to this section.

4. If the Secretary of Health and Human Services grants the waiver applied for pursuant to subsection 3, the Department of Corrections shall coordinate with the Department of Health and Human Services on an

ongoing basis to ensure persons described in subsection 2 who are incarcerated are screened and identified for eligibility to receive the coverage described in subsection 1.

5. As used in this section:

(a) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

(b) "Community health worker" has the meaning ascribed to it in NRS 449.0027.

(c) "Developmental disability" has the meaning ascribed to it in NRS 433.069.

(d) "Intellectual disability" has the meaning ascribed to it in NRS 433.099.

(e) "Medication-assisted treatment" means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.

(f) "Mental illness" means any mental dysfunction leading to the impaired ability of a person to maintain himself or herself and to function effectively in his or her life situation without external support.

(g) "Traumatic brain injury" means a sudden shock or damage to the brain or its coverings which is not of a degenerative nature and produces an altered state of consciousness or temporarily or permanently impairs the mental, cognitive, behavioral or physical functioning of the brain. The term does not include:

(1) A cerebral vascular accident;

(2) An aneurism; or

(3) A congenital defect.

Sec. 1.5. **NRS 422.27248 is hereby amended to read as follows:**

422.27248 1. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 that authorizes the Department to receive federal funding to ~~[include in the State Plan for Medicaid]~~ ***provide*** coverage ***under Medicaid*** for the treatment of the substance use disorder of a person who is in an institution for mental diseases.

2. The Department may apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 that authorizes the Department to receive federal funding to ~~[include in the State Plan for Medicaid]~~ ***provide*** coverage ***under Medicaid*** for the treatment of an adult with a serious mental illness or a child with a serious emotional disturbance in an institution for mental diseases.

3. The Department shall cooperate with the Federal Government in obtaining:

(a) A waiver pursuant to subsection 1; and

(b) Any waiver for which the Department applies pursuant to subsection 2.

4. As used in this section:

(a) "Adult with a serious mental illness" means a person who is at least 18 years of age and has been diagnosed within the immediately preceding

12 months as having a mental, behavioral or emotional disorder as defined in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, other than an addictive disorder, intellectual or developmental disability, irreversible dementia or a substance use disorder, which interferes with or limits one or more major life activities of the person.

(b) "Child with a serious emotional disturbance" means a person who is less than 18 years of age and has been diagnosed within the immediately preceding 12 months as having a mental, behavioral or emotional disorder as defined in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, other than a disorder designated as a Code V disorder in the Manual, a developmental disability or a substance use disorder, which substantially interferes with or limits the person from developing social, behavioral, cognitive, communicative or adaptive skills or his or her activities relating to family, school or community. The term does not include a person with a disorder which is temporary or is an expected response to a stressful event.

(c) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

(d) "Institution for mental diseases" has the meaning ascribed to it in 42 U.S.C. § 1396d(i).

(e) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

Sec. 2. NRS 422.27487 is hereby amended to read as follows:

422.27487 1. To the extent not prohibited by federal law, the Department shall:

(a) Suspend, rather than terminate, the eligibility for Medicaid of a person who is incarcerated for the amount of time authorized by regulation pursuant to subsection 2;

(b) Authorize a person who is incarcerated and was not eligible for Medicaid before being incarcerated or whose eligibility for Medicaid has been terminated to apply up to 6 months before his or her scheduled release for enrollment in Medicaid immediately upon release ~~[.]~~ ***, except where such a person is authorized to enroll earlier pursuant to section 1 of this act;*** and

(c) Reinstate or institute, as applicable, eligibility for and coverage under Medicaid for a person described in paragraph (a) or (b) as soon as possible upon his or her release from incarceration if the person otherwise meets the requirements to be eligible for Medicaid at that time.

2. The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that prescribe the amount of time that the eligibility for Medicaid of a person may be suspended pursuant to paragraph (a) of subsection 1 before being terminated.

Sec. 2.5. **NRS 422.396 is hereby amended to read as follows:**

422.396 1. The Department, through a division of the Department designated by the Director, shall establish and administer a program to provide

community-based services necessary to enable a person with a physical disability to remain in his or her home or with his or her family and avoid placement in a facility for long-term care. The Department shall coordinate the provision of community-based services pursuant to this section.

2. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1396n(c) ***or apply for an amendment to the State Plan for Medicaid*** that authorizes ~~[the Department to amend the State Plan for Medicaid adopted by the Department pursuant to NRS 422.063 in order to authorize]~~ the Department to include as medical assistance under ~~[the State Plan]~~ ***Medicaid*** the following services for persons with physical disabilities:

(a) Respite care;

(b) Habilitation;

(c) Residential habilitation;

(d) Environmental modifications;

(e) Supported living;

(f) Supported living habilitation;

(g) Supported personal care; and

(h) Any other community-based services approved by the Secretary of Health and Human Services.

➥ The Department shall cooperate with the Federal Government in obtaining a waiver ***or amendment*** pursuant to this subsection.

3. The Department may use personnel of the Department or it may contract with any appropriate public or private agency, organization or institution to provide the community-based services necessary to enable a person with a physical disability to remain in his or her home or with his or her family and avoid placement in a facility for long-term care.

4. A contract entered into with a public or private agency, organization or institution pursuant to subsection 3 must:

(a) Include a description of the type of service to be provided;

(b) Specify the price to be paid for each service and the method of payment; and

(c) Specify the criteria to be used to evaluate the provision of the service.

5. The Department shall adopt regulations necessary to carry out the provisions of this section, including, without limitation, the criteria to be used in determining eligibility for the services provided pursuant to the program. Before adopting regulations pursuant to this section, the Department shall solicit comments from persons with a variety of disabilities and members of the families of those persons.

6. As used in this section, "person with a physical disability" means a person with a severe physical disability that substantially limits his or her ability to participate and contribute independently in the community in which the person lives.

Sec. 3. NRS 209.511 is hereby amended to read as follows:

209.511 1. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.

2. As soon as practicable after an offender is authorized to apply for enrollment in Medicaid pursuant to NRS 422.27487 ~~[,]~~ ***or section 1 of this act,*** the Director shall complete the paperwork for the application if the offender may be eligible for Medicaid ***:***

(a) Not more than 90 days before the scheduled release of the offender pursuant to section 1 of this act; or

(b) Immediately upon ***the scheduled*** release ~~[.]~~ ***of the offender pursuant to NRS 422.27487.***

3. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.

4. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card;

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles; or

(3) Is not currently in possession of a photo identification card;

(f) Shall provide the offender with clothing suitable for reentering society;

(g) Shall provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(h) If appropriate, shall release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS;

(i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus;

(j) If the offender is eligible for Medicare, shall complete enrollment application paperwork for the offender; and

(k) If the offender was receiving a prescribed medication while in custody, shall ensure that the offender is provided with a 30-day supply of any such prescribed medication.

5. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection 4 unless the photo identification card clearly indicates whether the Director:

(a) Has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card; or

(b) Has not verified the full legal name and age of the offender pursuant to paragraph (a).

6. The costs authorized or required in paragraphs (a), (e), (f), (g), (i) and (k) of subsection 4 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

7. The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.

8. As used in this section:

(a) "Eligible offender" means an offender who is:

(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment System instrument, or its successor risk assessment tool; and

(2) Enrolled in:

(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or

(II) A community-based program to assist offenders to reenter the community.

(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(c) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

(d) "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does

not have sufficient research or replication to support recognition as an evidence-based practice.

Sec. 4. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning

demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 4.5. **If the Secretary of Health and Human Services grants a waiver pursuant to subsection 3 of section 1 of this act to authorize Medicaid to provide the coverage described in section 1 of this act, the Department of Corrections shall cooperate with the Department of Health and Human Services to evaluate incarcerated persons who may be released not later than 6 months after the date on which the waiver is approved to determine which of those persons may be eligible for and benefit from services covered under the waiver.**

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[4,]~~ **4.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 287.

AN ACT relating to dispensing opticians; defining certain terms and revising certain definitions relating to ophthalmic dispensing; authorizing the Board of Dispensing Opticians to employ an Executive Director; providing immunity from civil liability to the Board and any of its members for certain acts; authorizing the Board to take certain actions against a person who commits certain violations; expanding the purposes for which the Board is authorized to accept gifts, grants, donations and contributions; revising provisions relating to the issuance, renewal, reinstatement, revocation and suspension of licenses; authorizing the Board to adopt certain regulations; requiring the Board to establish a schedule of fees relating to licensing;

revising provisions relating to the confidentiality of certain information maintained by the Board; prescribing criteria for eligibility for a license as an apprentice dispensing optician; **imposing certain requirements on an optical establishment;** revising the criteria for eligibility for a license as a dispensing optician; revising certain provisions relating to a limited license as a dispensing optician; removing the authority of the Board to issue a special license as a dispensing optician; reorganizing various provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of Dispensing Opticians to regulate the practice of ophthalmic dispensing and requires the Governor to appoint the members to the Board. (NRS 637.030) **Section 17** of this bill authorizes a member of the Board to continue in office until his or her successor is appointed. **Sections 18, 20, 21 and 33** of this bill revise and reorganize certain provisions governing the powers, duties and operations of the Board. **Section 18** prescribes requirements for determining whether a quorum is present at a meeting of the Board. **Section 20** authorizes the Board to employ an Executive Director. **Sections 21 and 30** of this bill expand the purposes for which the Board is authorized to accept gifts, grants, donations and contributions. **Section 19** of this bill clarifies certain language relating to the compensation and travel expenses of members and employees of the Board. **Section 6** of this bill provides that the Board and any of its members, staff and employees are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duty of the Board. **Section 2** of this bill sets forth certain legislative declarations concerning the regulation of the practice of ophthalmic dispensing.

Existing law authorizes the Board to issue a license as a dispensing optician, a limited license as a dispensing optician and a license as an apprentice dispensing optician. (NRS 637.120, 637.121, 637.123) Existing law establishes requirements concerning the expiration and renewal of such licenses and, for a license or limited license as a dispensing optician, the placement of such a license on inactive status and the reactivation of such a license. (NRS 637.121, 637.123, 637.140) **Section 33** repeals various requirements relating to the expiration and renewal of a license, the placement of a license on inactive status and the reactivation of a license. **Section 8** of this bill authorizes the Board to adopt regulations prescribing such requirements, as well as various other requirements relating to licensure.

Existing law: (1) authorizes the Board to adopt regulations necessary to carry out the provisions of existing law governing ophthalmic dispensing; and (2) requires the Board to adopt regulations setting forth minimum standards of optical and ophthalmic devices. (NRS 637.070, 637.073) **Sections 22, 28 and 33** of this bill: (1) reorganize certain provisions authorizing the Board to adopt regulations; (2) authorize, rather than require, the Board to adopt standards for optical and ophthalmic devices; and (3) authorize the Board to adopt certain other regulations.

Existing law provides that, in order to be eligible to hold a limited license as a dispensing optician, a person must have held such a license on February 1, 2004. Existing law: (1) authorizes the holder of such a license to practice ophthalmic dispensing; and (2) prohibits the holder of such a license from selling, furnishing or fitting contact lenses. (NRS 637.121) **Section 27** of this bill clarifies that, in order to be eligible for a limited license as a dispensing optician, a person must have held such a license since February 1, 2004. **Section 27** also: (1) requires a limited license to be displayed at the holder's place of practice; and (2) prohibits a limited license from being placed on inactive status on or after January 31, 2023. **Section 32.5 of this bill sets forth the procedure by which a limited license as a dispensing optician that has been transferred to an inactive list on or before January 31, 2023, may be reactivated.**

Existing law authorizes the Board to take certain actions and impose certain penalties against an applicant for or the holder of a license or an unlicensed person who commits certain violations of the provisions of existing law governing ophthalmic dispensing. (NRS 637.150, 637.181, 637.183, 637.185) **Section 10** of this bill authorizes a person to file a complaint with the Board if the person reasonably believes a violation is occurring or about to occur. **Section 11** of this bill authorizes the Board to issue or authorize the issuance of an administrative citation against a person who the Board believes, based on a preponderance of the evidence, has committed a violation. **Section 12** of the bill sets forth procedures by which a person may contest a citation. **Sections 29 and 31** revise and reorganize provisions authorizing the Board to take: (1) certain disciplinary actions against the holder of a license under certain circumstances; and (2) certain actions against a person who commits, or employs a person who commits, certain violations. **Section 30** of this bill revises and reorganizes certain provisions relating to subpoenas issued by the Board and certain hearings and investigations conducted by the Board.

Existing law sets forth certain unlawful acts relating to ophthalmic dispensing, including filling a prescription for a contact lens in violation of the expiration date or the number of refills specified by the prescription. (NRS 637.200) **Sections 32 and 33** of this bill: (1) set forth certain additional unlawful acts relating to ophthalmic dispensing; and (2) reorganize certain provisions defining when a prescription expires.

Existing law establishes qualifications for examination and licensing as a dispensing optician. (NRS 637.100) **Section 25** of this bill revises the requirements for an applicant to be eligible for a license as a dispensing optician and authorizes the Board to waive certain requirements for a person who provides proof that he or she: (1) is a graduate of a foreign school and has acquired education and experience that is equivalent to or greater than those required for licensure in this State; (2) is an active member of, or the spouse of an active member of, the Armed Forces of the United States who is on active duty; (3) has at least 5 consecutive years of work experience in the practice of ophthalmic dispensing in the District of Columbia or any other state or territory

of the United States that has requirements for licensure which are equal to or greater than the requirements in this State; or (4) holds a valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any other state or territory in the United States.

Existing law requires the Board to issue a special license as a dispensing optician to certain applicants who meet certain requirements and who: (1) have an active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or (2) have not less than 5 years of experience as a dispensing optician. (NRS 637.127) **Section 33** of this bill eliminates that type of license.

Existing law requires the Board to maintain records pertaining to applicants to whom licenses have been issued or denied. (NRS 637.115) **Section 26** of this bill revises the type of information concerning applicants the Board is required to maintain. **Section 26** also requires the Board to maintain certain information concerning holders of a license and disclose certain information concerning applicants for and holders of licenses upon request. **Section 23** of this bill revises provisions relating to the confidentiality of certain information maintained by the Board.

Existing law prohibits a person from managing a business engaged in ophthalmic dispensing without a valid license issued by the Board. (NRS 637.090) **Section 24** of this bill revises that prohibition to instead prohibit a person from managing an optical establishment, as defined in **section 5** of this bill, without a valid license issued by the Board. **Section 24 also requires an optical establishment to post a sign notifying the public when a licensed dispensing optician is not physically present in the optical establishment.**

Existing law authorizes an apprentice dispensing optician to perform the services of a dispensing optician under the direct supervision of a dispensing optician, licensed ophthalmologist or licensed optometrist. (NRS 637.125) **Section 7** of this bill prescribes criteria for eligibility for a license as an apprentice dispensing optician. **Section 3** of this bill defines the term "direct supervision." **Section 28** of this bill revises the circumstances under which an apprentice dispensing optician may engage in ophthalmic dispensing.

Existing law establishes maximum fees relating to licenses issued by the Board, which the Board sets by regulation. (NRS 637.110, 637.120, 637.121, 637.123, 637.140) **Sections 27 and 33** of this bill remove provisions setting forth those maximum fees. Instead, **section 9** of this bill requires the Board to establish a schedule of various fees relating to licensure and sets forth the maximum amount of those fees.

Section 4 of this bill defines "license" to mean a license issued by the Board. **Section 13** of this bill makes a conforming change to ~~[indicate the proper placement of]~~ **make the definitions set forth in sections 3-5** ~~[in the Nevada Revised Statutes.]~~ **applicable to the statutes governing opthalmic dispensing. Section 14 of this bill revises the definition of "dispensing optician." Section 15** of this bill revises the definition of "ophthalmic dispensing" to: (1) include the issuing of a final authorization to deliver lenses,

frames or other specially fabricated devices to the intended wearer and the making of certain recommendations relating to a prescription; and (2) exclude certain other activities. **Section 16** of this bill makes a conforming change to account for the revised definition of ophthalmic dispensing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***The Legislature declares that the purpose of this chapter is to protect the public safety and welfare by ensuring that:***

1. Only competent and scrupulous people practice ophthalmic dispensing in this State; and

2. Persons who practice ophthalmic dispensing in this State maintain an appropriate standard of professional conduct.

Sec. 3. ***"Direct supervision" means that a person is physically ~~[on the premises]~~ present in the optical establishment where ophthalmic dispensing is taking place to provide individual direction, control, inspection and evaluation of work to the person he or she is supervising.***

Sec. 4. ***"License" means a license issued by the Board.***

Sec. 5. ***"Optical establishment" means a single physical store, office or department of a business where ophthalmic dispensing takes place. The term includes such a store, office or department that is owned or operated by a business which owns or operates multiple stores, offices or departments where ophthalmic dispensing takes place.***

Sec. 6. ***The Board and any of its members, staff and employees are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duties pursuant to this chapter.***

Sec. 7. ***1. To be eligible for a license as an apprentice dispensing optician, an applicant must:***

(a) Be at least 18 years of age; and

(b) Be a graduate of an accredited high school or its equivalent.

2. A license as an apprentice dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist; and

(b) Must at all times be conspicuously displayed at the holder's place of practice.

Sec. 8. ***The Board may adopt regulations:***

1. Establishing requirements for the issuance of licenses and the program of apprenticeship for apprentice dispensing opticians.

2. Prescribing or adopting any examination or certificate required for the issuance of a license as a dispensing optician. Any examination prescribed or adopted by the Board must, without limitation, be designed to

test an applicant's knowledge of the theory and practice of ophthalmic dispensing.

3. Prescribing the procedure for:

(a) Submitting an application for licensure and any required documentation to the Board; and

(b) Approving or denying applications and issuing licenses.

4. Prescribing the period for which a license or limited license as a dispensing optician is valid and the terms for the renewal and reinstatement of such a license, which may include, without limitation, requirements for continuing education. Unless otherwise prescribed by regulation pursuant to this subsection, a license or limited license as a dispensing optician:

(a) Expires on January 31 each year;

(b) Is valid until its expiration date;

(c) Becomes delinquent if not renewed by January 31; and

(d) May be reinstated not more than 1 year after the date on which it becomes delinquent.

5. Prescribing the period for which a license as an apprentice dispensing optician is valid and the terms for the renewal and reinstatement of such a license, which may limit the number of times the license may be renewed and restrict the issuance of a new license if the apprentice dispensing optician does not meet requirements adopted pursuant to subsection 1. Unless otherwise prescribed by regulation pursuant to this subsection, a license as an apprentice dispensing optician:

(a) Expires on January 31 each year;

(b) Is valid until its expiration date;

(c) Becomes delinquent if not renewed by January 31; and

(d) May be reinstated not more than ~~[1 month]~~ 30 days after the date on which it becomes delinquent.

6. Prescribing requirements for the placement of a license as a dispensing optician on inactive status and the reactivation of such a license. ~~[The regulations adopted pursuant to this subsection must prohibit the reactivation of a license as a dispensing optician if the license is inactive for 10 consecutive years.]~~

7. Prescribing requirements for the approval of a course of continuing education or a provider of a course of continuing education.

Sec. 9. *The Board shall establish a schedule of fees and charges for the following items, which must not exceed the following amounts:*

An examination established by the Board pursuant to this chapter	*~~[$500]~~ $250*
An application for a license as a dispensing optician	*~~[$500]~~ $250*
An application for a license as an apprentice dispensing optician	*$250*
The renewal of a license as a dispensing optician	*$500*
The renewal of a limited license as a dispensing optician	*$200*

The renewal of a license as an apprentice dispensing optician $200
The delinquency fee for a license as a dispensing optician $500
The delinquency fee for a limited license as a dispensing optician $500
The delinquency fee for a license as an apprentice dispensing optician $100
The placement of a license as a dispensing optician on inactive status $300
The reactivation of a license that has been placed on inactive status $300

Sec. 10. *Any member of the public or a member or employee of the Board may file a complaint with the Board if the person reasonably believes that a provision of this chapter or any regulation adopted pursuant to this chapter has been or is about to be violated. The complaint must:*

1. Be submitted on a form and in the manner prescribed by the Board;

2. Set forth the alleged facts constituting the violation; and

3. Be signed and verified by the person filing the complaint.

Sec. 11. *1. If the Board or its designee has reason to believe, based upon a preponderance of evidence, that a person has violated any provision of this chapter or any regulation of the Board, the Board may issue, or authorize its designee to issue, a written administrative citation to the person. A citation issued pursuant to this section may include, without limitation, an order to:*

(a) Pay an administrative fine for each violation;

(b) Reimburse the Board for the amount of the expenses the Board incurred to investigate each violation, not to exceed $150; and

(c) Correct, at the cost of the person, a condition resulting from the violation. The order to correct the condition must:

(1) State the date by which the person must comply, which must be not less than 15 days after the date on which the person receives the citation. The Board may, for good cause, extend the date for compliance with the order.

(2) Describe in detail the actions that must be taken.

2. If a citation is issued to the holder of a license pursuant to this section and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine must not exceed the maximum amount authorized by subsection 2 of NRS 637.150 for each violation.

3. Except as otherwise provided in NRS 637.181, if a citation is issued pursuant to this section to a person who is not licensed by the Board and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine:

(a) For the first violation, must not be less than $100 or more than $1,000;

(b) For the second violation, must not be less than $250 or more than $5,000; and

(c) For the third violation and for each subsequent violation, must not be less than $500 and not more than $10,000.

4. Any sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

5. If a person does not pay an administrative fine imposed pursuant to this section or make satisfactory payment arrangements with the Board not later than 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 12. ***1. If a person is issued a written administrative citation pursuant to section 11 of this act, the person may request a hearing before the Board to contest the citation by filing a written request with the Board not later than 15 business days after the date on which the citation is received by the person, unless the Board authorizes a later date for good cause.***

2. If a person files a written request for a hearing within the time allowed by subsection 1, the Board shall provide notice of and conduct the hearing in the same manner as other disciplinary hearings.

3. If a person does not file a written request for a hearing to contest a citation within the time allowed by subsection 1, the citation shall be deemed a final order of the Board.

4. For the purposes of this section, a citation issued pursuant to section 11 of this act shall be deemed to be received by the person to whom it was issued:

(a) On the date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, 3 business days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 13. NRS 637.020 is hereby amended to read as follows:

637.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637.021 to ~~[637.024,]~~ ***637.0235,*** inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 14. NRS 637.0215 is hereby amended to read as follows:

637.0215 "Dispensing optician" means a person ~~[engaged in the practice of ophthalmic]~~ ***who holds a:***

1. License as a dispensing ~~[.]~~ ***optician issued pursuant to NRS 637.120; or***

2. Limited license as a dispensing optician issued pursuant to NRS 637.121.

Sec. 15. NRS 637.022 is hereby amended to read as follows:

637.022 1. "Ophthalmic dispensing" means ~~[the]~~ ***:***

(a) The design ~~[, verification and delivery to the intended wearer]~~ of lenses, frames and other specially fabricated optical devices upon prescription ~~[.]~~ ***;***

(b) The inspection of such lenses, frames and devices; and

(c) The issuing of the final authorization ~~[in writing]~~ to deliver to the intended wearer such lenses, frames and devices.

2. The term includes:

(a) The taking of measurements to determine the size, shape and specifications of the lenses, frames or contact lenses;

(b) ***The making of recommendations to the intended wearer of the lenses regarding lens material and other design features necessary to fill the prescription;***

(c) The preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear ~~[~~;

~~(c)]~~ ***, including, without limitation, the preparation and delivery of work orders by entering prescription information and related instructions for fabricating eyewear into a ~~[computer or any other device connected to the Internet;]~~ paper or electronic form or other system used for work orders.***

(d) The ~~[~~verification~~]~~ ***final physical inspection*** of the quality of finished ophthalmic products;

~~[(d)]~~ ***(e)*** The adjustment of lenses or frames to the intended wearer's face or eyes;

~~[(e)]~~ ***(f)*** The adjustment, replacement, repair and reproduction of previously prepared ophthalmic lenses, frames or other specially fabricated ophthalmic devices; and

~~[(f)]~~ ***(g)*** The fitting of contact lenses and the dispensing of prepackaged contact lenses pursuant to a written prescription ~~[~~, when done~~]~~ by a ~~[~~dispensing optician or apprentice dispensing optician who is authorized~~]~~ ***person licensed*** to do so pursuant to the provisions of this chapter.

3. The term does not include ~~[~~any~~]~~ ***:***

(a) The making of recommendations regarding frame designs or other design features that are not necessary to fill a prescription;

(b) The completion of sales transactions;

(c) ~~[The transfer of physical possession of lenses, frames or other specially fabricated optical devices subsequent to the performance of all services of the dispensing optician if the transfer does not occur until the dispensing optician has:~~

~~(1) Completed the final physical inspection of the lenses, frames or other specially fabricated optical device;~~

~~(2) Fitted the lenses, frames or device upon the person for whom the lenses, frames or device is intended; and~~

~~(3) Issued written authorization to dispense the lenses, frames or device;~~

~~(d)]~~ The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses; or

~~[(e)]~~ ***(d) Any*** act for which a license is required pursuant to chapter 630 or 636 of NRS, and the provisions of this chapter do not authorize a dispensing optician or apprentice dispensing optician to perform any such act.

Sec. 16. NRS 637.025 is hereby amended to read as follows:

637.025 The provisions of this chapter do not apply to:

1. Ophthalmic dispensing personally by a licensed physician, surgeon or optometrist unless exclusively engaged in the business of filling prescriptions.

2. Ophthalmic dispensing by an employee of a licensed physician, surgeon or optometrist if the employee practices ophthalmic dispensing only under the direct supervision of the licensed physician, surgeon or optometrist and only as an assistant to the licensed physician, surgeon or optometrist.

3. ~~[~~A licensed pharmacist~~]~~ ***The*** dispensing ***of*** prepackaged contact lenses ***by a licensed pharmacist*** pursuant to the provisions of NRS 639.2825.

~~[~~4. The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses.~~]~~

Sec. 17. NRS 637.030 is hereby amended to read as follows:

637.030 1. The Board of Dispensing Opticians, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Four members who ***are dispensing opticians and*** have actively engaged in the practice of ophthalmic dispensing for not less than 3 years in the State of Nevada immediately preceding the appointment.

(b) One member who is a representative of the general public. This member must not be:

(1) A dispensing optician; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a dispensing optician.

3. ***A member of the Board may continue in office until his or her successor is appointed.***

4. The Governor, after hearing, may remove any member for cause.

Sec. 18. NRS 637.040 is hereby amended to read as follows:

637.040 1. The Board shall ~~[~~elect~~]~~ ***:***

(a) Elect a President, Vice President, Secretary and Treasurer from its membership ~~[.]~~ ***; and***

(b) Meet at least once each year on a date determined by the Board.

2. ~~[~~Any member~~]~~ ***A majority*** of the ***members of the*** Board ~~[~~may:

~~(a) Issue subpoenas to compel~~] ***constitutes a quorum for*** the ~~[~~attendance~~]~~ ***transaction*** of ~~[~~witnesses to testify before~~]~~ ***business of*** the Board ***.*** ~~[~~or the production of books, papers and documents. Subpoenas must issue under the seal of the~~]~~

3. The Board ~~[~~and must be served in~~]~~ ***shall operate on*** the ~~[~~same manner as subpoenas issued out of the district court.

~~(b) Administer oaths in taking testimony in any matter pertaining to the duties of the Board.~~] ***basis of a fiscal year commencing on July 1 and terminating on June 30.***

Sec. 19. NRS 637.045 is hereby amended to read as follows:

637.045 ***While engaged in the business of the Board:***

1. Each member of the Board is entitled to receive [~~:~~

~~(a) A~~] ***a*** salary of not more than $150 per day, as fixed by the [~~Board, while engaged in the business of the~~] Board; and

[~~(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.~~]

2. [~~While engaged in the business of the Board, each~~] ***Each member and*** employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 20. NRS 637.050 is hereby amended to read as follows:

637.050 ***The Board may:***

1. [~~The principal office of the Board is the place of business or employment of the Secretary of the Board, but it may maintain~~] ***Maintain*** offices in as many [~~localities~~] ***locations*** in the State as it finds necessary to carry out the provisions of this chapter ***;*** [~~, and may meet or conduct any of its business at any place in the State.~~]

2. [~~The Board shall meet at least once in~~] ***Employ and fix*** the [~~fall~~] ***compensation*** of [~~each year on a date determined by the Board, at which time candidates applying for licensing must be examined~~] ***an Executive Director*** and [~~their qualifications determined.~~] ***any other employees, including, without limitation, investigators, lobbyists, attorneys, other professional consultants and clerical personnel the Board deems necessary to carry out the provisions of this chapter;***

3. [~~In addition to the meeting required by subsection 2, the Board may hold such other meetings as it may deem advisable. The time~~] ***Contract with professional consultants*** and [~~place of all such meetings must be determined by the Board.~~] ***service providers, including, without limitation, investigators, lobbyists and attorneys, as the Board deems necessary to carry out the provisions of this chapter; and***

4. Transact any other business necessary to carry out the provisions of this chapter.

Sec. 21. NRS 637.060 is hereby amended to read as follows:

637.060 1. Except as otherwise provided in subsection [~~3,~~] ***4,*** all money received by the Board under the provisions of this chapter must be deposited in banks, credit unions, savings and loan associations or savings banks in the State of Nevada. The money may be drawn on by the Board for payment of all expenses incurred in the administration of the provisions of this chapter.

2. ***The Board may accept gifts, grants, donations and contributions of money from any source to assist in carrying out the provisions of this chapter.***

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

~~[3.]~~ ***4.*** If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection ~~[2]~~ ***3*** and the Board deposits the money collected from the imposition of administrative fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 22. NRS 637.070 is hereby amended to read as follows:

637.070 ~~[1.]~~ The Board may adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter ~~[.~~

~~2. The Board shall have a common seal of which all courts of this State shall take judicial notice.~~

~~3. The Board may empower any member to conduct any proceeding, hearing or investigation necessary to its purposes.~~

~~4. The Board may employ and fix the compensation of attorneys, investigators and other professional consultants and such other employees and assistants as it may deem necessary to carry out the provisions of this chapter.~~**]**, ***including, without limitation, regulations:***

1. Establishing standards of practice for persons licensed pursuant to this chapter.

2. Setting forth minimum standards for lenses, frames, specially fabricated optical devices and other ophthalmic devices dispensed by a dispensing optician. Such standards must be consistent with the minimum standards of quality approved by the American National Standards Institute.

3. Prescribing the form of an administrative citation issued pursuant to section 11 of this act.

4. Prescribing a schedule of administrative fines that may be imposed in connection with issuance of an administrative citation.

Sec. 23. NRS 637.085 is hereby amended to read as follows:

637.085 ~~[1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.~~

~~2.]~~ Except as otherwise provided in ~~[this section and]~~ NRS 239.0115, the following may be kept confidential:

~~[(a)]~~ ***1.*** Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

~~[(b)]~~ ***2.*** Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

~~[(c)]~~ ***3.*** Any communication between:

~~[(1)]~~ ***(a)*** The Board and any of its committees or panels; and

~~[(2)]~~ ***(b)*** The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

~~[(d) Any other information or records in the possession of the Board.~~

~~3.]~~ ***4.*** ~~[Except as otherwise provided in this section and NRS 239.0115, a]~~ ***A*** complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person ***.*** ~~[are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~

~~4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.]~~

5. ~~[The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or]~~ ***Any*** other information ~~[to any other licensing board]~~ or ~~[any other agency]~~ ***record in possession of the Board*** that is ~~[investigating]~~ ***not*** a ~~[person, including, without limitation, a law enforcement agency.]~~ ***public record subject to the provisions of chapter 239 of NRS.***

Sec. 24. NRS 637.090 is hereby amended to read as follows:

637.090 ***1.*** A person shall not engage in the practice of ophthalmic dispensing or manage ~~[a business engaged in ophthalmic dispensing]~~ ***an optical establishment*** without holding a valid, active license issued as provided by this chapter.

2. If an optical establishment is open to the public at any time during which no licensed dispensing optician is physically present at the optical establishment, the optical establishment must display a clear and conspicuous sign indicating that a licensed dispensing optician is not present and that no services requiring a licensed dispensing optician may be performed at the optical establishment without a licensed dispensing optician present.

Sec. 25. NRS 637.100 is hereby amended to read as follows:

637.100 1. To ~~[qualify]~~ ***be eligible*** for ~~[examination and licensing]~~ ***a license*** as a dispensing optician, an applicant must ***:*** ~~[furnish proof that the applicant:]~~

(a) ~~[Is]~~ ***Be*** at least 18 years of age.

(b) ~~[Is of good moral character.~~

~~(c) Is]~~ ***Be*** a graduate of an accredited high school or its equivalent.

~~[(d) Has passed the examination of the American Board of Opticianry.~~

~~(e) Has]~~

(c) Have done either of the following:

(1) ~~[~~Served~~]~~ ***Successfully completed an educational program on ophthalmic dispensing approved by the Board and served*** as an apprentice dispensing optician for not less than ~~[~~3~~]~~ ***2*** years in ~~[~~an optical establishment where prescriptions for spectacles or contact lenses from given formulae are fitted and filled under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist for the purpose of acquiring experience in ophthalmic dispensing and has passed an educational program on the theory of ophthalmic dispensing approved~~]~~ ***accordance with regulations adopted*** by the Board ~~[~~,~~]~~ ***pursuant to NRS 637.070;*** or

(2) ~~[~~Successfully completed a course of study in a school which offers a~~]~~ ***Been awarded an associate's*** degree ~~[~~of associate~~]~~ in applied science for studies in ophthalmic dispensing ***from a school which is*** approved by the Board and ~~[~~has had 1 year of ophthalmic experience~~]~~ ***served*** as an apprentice dispensing optician ~~[~~under~~]~~ ***for not less than 1 year in accordance with regulations adopted by*** the ~~[~~direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist.

~~(f) Has done all~~~~]~~ ***Board pursuant to NRS 637.070.***

(d) Have passed any examination or obtained any certificate required by regulations adopted by the Board pursuant to NRS 637.070 for the issuance of ~~[~~the following:

~~(1) Successfully completed a course of instruction on the fitting of contact lenses approved by the Board;~~

~~(2) Completed at least 100 hours of training and experience in the fitting of and filling of prescriptions for contact lenses under the direct supervision of a licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, a licensed ophthalmologist or a licensed optometrist;~~

~~(3) Passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and~~

~~(4) Passed the practical examination on the fitting of and filling of prescriptions for contact lenses adopted by the Board.~~~~]~~ ***a license as a dispensing optician.***

2. The Board ~~[~~shall adopt regulations to carry out~~]~~ ***may waive*** the ~~[~~provisions of this section, including, without limitation, regulations that establish requirements for:

~~(a) The program of apprenticeship for apprentice dispensing opticians;~~

~~(b) The training and experience of apprentice dispensing opticians; and~~

~~(c) The issuance of licenses to apprentice dispensing opticians.~~~~]~~ ***requirements of paragraph (c) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant:***

(a) Is a graduate of a foreign school and has acquired education and experience that the Board deems equivalent to or greater than the education and experience required for the issuance of a license as a dispensing optician in this State;

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States who is on active duty; or

(c) Has at least 5 consecutive years of work experience in the practice of ophthalmic dispensing in the District of Columbia or any state or territory of the United States that does not have requirements for licensure which the Board deems equal to or greater than the requirements for the issuance of a license as a dispensing optician in this State. Some portion of the 5 consecutive years of work experience must have been obtained within the 2 years immediately preceding the date of application for licensure.

3. The Board may waive the requirements of paragraphs (c) and (d) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant holds a valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any state or territory of the United States that has requirements for licensure which the Board deems to be equal to or greater than the requirements for the issuance of a license as a dispensing optician in this State.

4. A license as a dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State; and

(b) Must be conspicuously displayed at all times at the holder's place of practice.

Sec. 26. NRS 637.115 is hereby amended to read as follows:

637.115 ***1.*** The Board shall maintain records pertaining to applicants to whom licenses have been issued or denied. These records must ~~[be open to the public and must]~~ include:

~~[1.]~~ ***(a)*** The name of each applicant.

~~[2.]~~ ***(b)*** The name of ~~[the school granting the diploma to the applicant.~~

~~3. The date of the diploma.~~

~~4.]~~ ***each person who is issued a license.***

(c) The business address of the applicant ~~[.]~~ ***or holder of a license.***

~~[5.]~~ ***(d)*** The date of issuance or denial of the license.

~~[6.]~~ ***(e)*** The current status of the license.

(f) The name of each holder of a license who has been subject to disciplinary action by the Board.

2. Upon request, the Board shall disclose any information maintained pursuant to subsection 1 and may charge a fee for a copy of the information. The fee must not exceed the actual cost incurred by the Board in producing the copy.

Sec. 27. NRS 637.121 is hereby amended to read as follows:

637.121 1. ~~[Except as otherwise provided in this section, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.~~

~~2.]~~ Only a person who is deemed to ~~[hold]~~ ***have held*** an active ~~[,]~~ ***or*** inactive ~~[or delinquent]~~ limited license as a dispensing optician ~~[on]~~ ***since***

February 1, 2004, may hold a limited license as a dispensing optician. A limited license as a dispensing optician may not be issued to any other person.

2. ~~[Except as otherwise provided in subsection 3, a]~~ A limited license as a dispensing optician : ~~[authorizes]~~

(a) Authorizes the holder to engage in the practice of ophthalmic dispensing pursuant to this chapter ~~[~~.

~~3. A person practicing ophthalmic dispensing pursuant to a limited license :~~

~~(a) Except as otherwise provided in this section, is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal or reactivation of a license; and~~

~~(b) Shall~~ ***, except that the holder shall*** not ~~[sell, furnish or fit]~~ ***dispense*** contact lenses ~~[.~~

~~4. A limited license as a dispensing optician:~~

~~(a) Expires on January 31 of each year.]~~ ***or supervise the dispensing of contact lenses by a person licensed as an apprentice dispensing optician pursuant to this chapter.***

(b) Must at all times be conspicuously displayed at the holder's place of practice.

~~[(b)]~~ ***(c)*** May ***not*** be ~~[renewed before its expiration upon:~~

~~(1) Presentation of proof of completion of the continuing education required by this section; and~~

~~(2) Payment of a renewal fee set by the Board of not more than $200.~~

~~(c) Except as otherwise provided in subsection 5, is delinquent if it is not renewed before January 31 of each year. Not later than 2 years after the expiration of a limited license, a delinquent limited license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than $500.~~

~~5. Upon written request to the Board, and payment of a fee not to exceed $300, a licensee in good standing may have his or her name and limited license as a dispensing optician transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the limited license is inactive. If an inactive licensee wishes to resume the practice of ophthalmic dispensing as limited by this section, the Board shall reactivate the limited license upon:~~

~~(a) If deemed necessary by the Board, the demonstration by the licensee that the licensee is then qualified and competent to practice;~~

~~(b) The completion of an application; and~~

~~(c) Payment of the renewal fee set by the Board pursuant to subsection 4.~~

~~6. To reactivate a limited license as a dispensing optician pursuant to subsection 5, an inactive licensee is not required to pay the delinquency fee and the renewal fee for any year while the license was inactive.~~

~~7. Except as otherwise provided in subsection 8, each person with a limited license as a dispensing optician must complete courses of continuing education in ophthalmic dispensing each year. Such continuing education must:~~

~~(a) Encompass such subjects as are established by regulations of the Board.~~

~~(b) Consist of a minimum of 12 hours for a period of 12 months.~~

~~8. A person with a limited license as a dispensing optician who is on active military service is exempt from the requirements of subsection 7.~~

~~9. The Board shall adopt any other regulations it determines are necessary to carry out the provisions of this section.~~**]** ***placed on inactive status on or after January 31, 2023.***

Sec. 28. NRS 637.125 is hereby amended to read as follows:

637.125 1. A person may not employ another person to perform the services of a dispensing optician unless the other person:

(a) Is licensed by the Board as a dispensing optician; or

(b) Is licensed by the Board as an apprentice dispensing optician and is directly supervised as required by the provisions of this chapter.

2. A licensed dispensing optician may not allow another person who is under his or her direct supervision to perform the services of a dispensing optician unless the other person is licensed by the Board as a dispensing optician or an apprentice dispensing optician.

3. **[**~~If a person is~~**]** ***A*** licensed **[**~~by the Board as an~~**]** apprentice dispensing optician **[**~~, a~~**]** ***may engage in ophthalmic dispensing only when*** ***[***~~:~~

~~*(a) A]*~~ ***a*** licensed dispensing optician, **[**~~licensed~~**]** ophthalmologist or **[**~~licensed~~**]** optometrist **[**~~must:~~

~~(a) Directly supervise~~**]** ***is*** ***[***~~directly supervising]~~ ***physically present in the optical establishment to provide direct supervision for*** all **[**~~work done by the apprentice~~**]** dispensing **[**~~optician.~~**]** ***activities performed by the apprentice and*** ***[***~~verifying]~~ ***to verify the quality of the finished products to be dispensed . [***~~;~~

~~(b) Be in attendance whenever the~~ ~~*The]*~~

4. A licensed dispensing optician, ***[***~~licensed]~~ ***ophthalmologist or*** ***[***~~licensed]~~ ***optometrist*** ***[***~~supervising the]~~ ***who is providing direct supervision to an apprentice dispensing optician*** ***[***~~is]~~ ***shall not*** ***[***~~supervising]~~ ***supervise more than two*** ***[***~~licensed]~~ apprentice dispensing **[**~~optician is engaged in ophthalmic dispensing.~~**]** ***opticians at any one time . [***~~; and~~

~~(c) Post the license of the~~ ~~*The*~~ ~~apprentice dispensing optician in~~ ~~*is not being supervised by the holder of*~~ ~~a conspicuous place where the apprentice~~ ~~*limited license as a*~~ ~~dispensing optician works.~~

~~4. A licensed dispensing optician may not have under his or her supervision more than two licensed apprentice dispensing opticians at any one time.~~

~~5. A licensed dispensing optician or a person who employs a licensed dispensing optician may employ other persons to assist in consulting on optical fashions, and a licensed dispensing optician may supervise such other persons. Such other persons:~~

~~(a) Are not required to be licensed pursuant to the provisions of this chapter.~~

~~(b) May not perform the services of a dispensing optician.~~

~~6. The Board may adopt regulations to carry out the provisions of this section.~~ ***~~while the apprentice dispensing optician is performing any service relating to dispensing contact lenses.~~]***

Sec. 29. NRS 637.150 is hereby amended to read as follows:

637.150 1. If the Board finds, ~~[by a preponderance of the evidence,]~~ ***after notice and a hearing as required by law,*** that an applicant or holder of a license ~~[~~:

~~(a) Has~~] ***has*** been adjudicated insane ~~[~~;

~~(b) Habitually~~] ***, habitually*** uses any controlled substance or intoxicant ~~[~~;

~~(c) Has~~] ***or has*** been ***diagnosed with a medical or mental health condition that is likely to impede the safe practice of ophthalmic dispensing, the Board may:***

(a) For an applicant, refuse to grant the applicant a license; or

(b) For a holder of a license:

(1) Place the holder on probation;

(2) Suspend or revoke the license;

(3) Refuse to renew or reinstate the license; or

(4) Take any combination of the disciplinary actions described in subparagraphs (1), (2) and (3).

2. If the Board finds, after notice and a hearing as required by law, that an applicant or holder of a license has committed unprofessional conduct which has endangered or is likely to endanger public health, safety or welfare, the Board may:

(a) For an applicant, refuse to grant the applicant a license; or

(b) For a holder of a license:

(1) Place the holder on probation;

(2) Suspend or revoke the license;

(3) Refuse to renew or reinstate the license;

(4) Reprimand the holder publicly;

(5) Require the holder to reimburse the Board for the cost of any investigation or hearing related to the disciplinary action;

(6) Require the holder to pay an administrative fine of not more than $10,000 for each act constituting unprofessional conduct; or

(7) Take any combination of the disciplinary actions described in subparagraphs (1) to (6), inclusive.

3. The Board shall not privately reprimand a holder of a license.

4. Pursuant to NRS 622A.410, the Board may reinstate a license that has been revoked if the person who was issued the license applies to the Board for its reinstatement.

5. Notwithstanding the provisions of chapter 622A of NRS, if the Board receives a report pursuant to subsection 5 of NRS 228.420, the Board must commence disciplinary proceedings regarding the report not later than 30 days after receiving the report.

6. The Board shall, to the extent feasible, communicate and cooperate with or provide any documents or information to any other licensing board or agency, including, without limitation, a law enforcement agency, that is investigating a person licensed pursuant to this chapter.

7. An order of the Board that imposes discipline and the findings of fact and conclusions of law supporting the order are public records.

8. As used in this section, "unprofessional conduct" includes:

(a) Being convicted of ~~[(a)]~~ ***any*** crime involving moral turpitude ~~[;~~

~~(d) Has been convicted of]~~ ***or*** violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

~~[(e) Has advertised]~~

(b) Advertising in any manner which would tend to deceive, defraud or mislead the public;

~~[(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained]~~

(c) Obtaining a license to practice in this State through fraud ***or the misrepresentation or concealment*** of ~~[any kind;~~

~~(g) Has been convicted of a violation of any federalor state law relating to a controlled substance;~~

~~(h) Has, without proper verification, dispensed a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to NRS 637.073;~~

~~(i) Has violated any regulation of the Board;~~

~~(j) Has violated]~~ ***a material fact;***

(d) Committing fraud or deceit in the practice of ophthalmic dispensing;

(e) Violating any provision of this chapter ~~[;~~

~~(k) Is incompetent;~~

~~(l) Is guilty of unethical or unprofessional conduct as determined by]~~ ***or any regulations of*** the Board ~~[;~~

~~(m) Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;~~

~~(n) Is guilty of a fraudulent or deceptive practice as determined by the Board; or~~

~~(o) Has operated]~~ ***adopted pursuant to this chapter; and***

(f) Operating a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160 ***.*** ~~[.~~

~~➥ the Board may, in the case of an applicant, refuse to grant the applicant a license, or may, in the case of a holder of a license, place the holder on probation, reprimand the holder publicly, require the holder to pay an administrative fine of not more than $10,000, suspend or revoke the holder's license, or take any combination of these disciplinary actions.~~

~~2. The Board shall not privately reprimand a holder of a license.~~

~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~4. The provisions of paragraph (o) of subsection 1 apply to an owner or other principal responsible for the operation of the medical facility.~~

~~5. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.~~**]**

Sec. 30. NRS 637.154 is hereby amended to read as follows:

637.154 1. **[**~~To the extent that money is available for that purpose, the~~**]** ***The*** Board may, **[**~~upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license.~~**]** ***in a manner that is consistent with the provisions of chapter 622A of NRS, conduct investigations, hold hearings and examine witnesses in carrying out its duties pursuant to this chapter.***

2. **[**~~The~~**]** ***For the purposes of this chapter, any member of the*** Board may **[**~~accept gifts, grants~~**]** ***administer oaths*** and **[**~~donations of money from any source~~**]** ***issue subpoenas*** to **[**~~carry out~~**]** ***compel*** the **[**~~provisions~~**]** ***attendance*** of **[**~~this section.~~**]** ***witnesses and the production of books, papers, documents and any other articles related to the practice of ophthalmic dispensing.***

3. If any person fails to comply with a subpoena within 10 days after its issuance, the Board may petition the district court for an order compelling compliance with the subpoena.

4. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

5. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order, the person must be dealt with as for contempt of court.

Sec. 31. NRS 637.181 is hereby amended to read as follows:

637.181 Notwithstanding the provisions of chapter 622A of NRS **[**~~:~~

~~1. The Board shall conduct an investigation if it receives a complaint that sets forth reason to believe that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter. The complaint must be:~~

~~(a) Made in writing; and~~

~~(b) Signed and verified by the person filing the complaint.~~

~~2. If~~**]** ***, if*** the Board determines that a person **[**~~, without the proper license, is engaging~~**]** ***who is not licensed pursuant to this chapter has engaged*** in an activity for which a license is required pursuant to this chapter, **[**~~the Board:~~

~~(a) Shall issue~~] ***or has violated, or employed a person who, in the course of his or her employment, has violated any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section, the Board may:***

1. Issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains the proper license from the Board.

~~[(b) May, after notice and opportunity for a hearing, impose upon~~]

2. Issue a citation to the person ***pursuant to section 11 of this act. Such a citation must describe with particularity the nature of the violation and inform the person of the provisions of this section.***

3. Order the person to reimburse the Board the costs of any investigation or hearing related to a violation.

4. Assess against the person an administrative fine of not more than $10,000 ~~[.]~~ ***for each separate violation.*** The imposition of an administrative fine is a final decision for the purposes of judicial review.

~~[3. An administrative fine imposed pursuant to this section is in addition to~~]

5. Impose any ~~[other penalty provided in this chapter.~~

~~4. The Board shall retain all complaints received by~~] ***combination of*** the ~~[Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.~~] ***penalties set forth in subsections 1, 2 and 3.***

Sec. 32. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription ~~[for a contact lens]~~ in violation of the expiration date or ***, for a prescription for a contact lens, in violation of the*** number of refills specified by the prescription. ***A prescription shall be deemed to have an expiration date of 2 years after the date on which the prescription was issued, unless the practitioner who wrote the prescription includes on the prescription a different period.***

6. ***Holding oneself out to the public, either verbally or in writing, to be an optician, a dispensing optician or an apprentice dispensing optician without holding a valid and active license issued pursuant to this chapter.***

7. Failing to comply with a citation or order issued pursuant to this chapter after the citation or order is final.

8. Violating any provision of this chapter.

Sec. 32.5. **Notwithstanding the amendatory provisions of this act, a person who, on January 31, 2023, holds a limited license as a dispensing optician which has been transferred to an inactive list pursuant to NRS 637.121, as that section existed before October 1, 2023, may reactivate the limited license as a dispensing optician in accordance with NRS 637.121, as that section existed before October 1, 2023.**

Sec. 33. NRS 637.010, 637.024, 637.041, 637.073, 637.075, 637.110, 637.120, 637.123, 637.127, 637.135, 637.140, 637.155, 637.170, 637.175 and 637.183 are hereby repealed.

Sec. 34. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 33, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

637.010 Short title.

637.024 "Supervision" defined.

637.041 Enforcement of subpoenas issued by Board.

637.073 Regulations setting minimum standards for optical and ophthalmic devices.

637.075 Fiscal year.

637.110 Fees for application for license; requirements for, waiver of and passing score for examination of applicant for license as dispensing optician; prohibition on participation in preparing, conducting and grading examination.

637.120 Issuance of license as dispensing optician; display of license; nontransferability; issuance of duplicate license.

637.123 Apprentice dispensing optician: Expiration, renewal and reinstatement of license; fees; continuing education; limitations on renewal.

637.127 Special license as dispensing optician.

637.135 Dispensing optician: Continuing education.

637.140 Dispensing optician: Expiration, renewal and reinstatement of license; fees; inactive status; reactivation of inactive license.

637.155 Hearing required after receipt of report of certain violations of Industrial Insurance Act.

637.170 Reinstatement of revoked license; fee.

637.175 Expiration of prescriptions.

637.183 Administrative fine for violation of provisions governing employment and supervision of dispensing opticians, apprentice dispensing opticians and other assistants.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 426.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 210.

SUMMARY—Revises provisions governing special event advertising. (BDR ~~[35-975)]~~ **43-975)**

AN ACT relating to public highways; exempting special events on or near certain highways ~~[and structures]~~ from certain restrictions on commercial advertising; ~~[exempting such advertising from being classified as a public nuisance; exempting such advertising from certain restrictions on outdoor advertisements in or near a right of way; exempting such an advertisement from certain fees;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law restricts the placement of commercial advertising on or near certain highways **,** ~~[, rights-of-way, bridges or structures,]~~ with certain exceptions for: (1) benches and shelters for passengers of mass transit and monorail stations; and (2) touchdown structures, as authorized by a public authority. (NRS 405.110, 410.320, 484B.313) **Section** ~~[4]~~ **5** of this bill creates an exception for **any sign, signal, marking or street banner bearing** commercial advertising erected before, during or after a special event that is located ~~[: (1)]~~ on or over any highway **.** ~~[, (2) on any bridge or structure thereon; or (3) on a temporary structure or barrier erected on a highway.]~~ For such an exception to be granted, **section** ~~[4]~~ **5** requires: (1) the organizer of the special event to receive authorization from a public authority concerning the use and location of such advertising and the placement and maintenance of such advertising; (2) the organizer to enter into a written agreement with the public authority on terms and conditions acceptable to the public authority; (3) such advertising to not constitute a hazard or prevent the safe use of the highway by the public; and (4) such advertising to be placed and maintained for not more than 14 days. **Section** ~~[4]~~ **5** also defines the term "special event" to mean a sporting event, concert, festival or other similar event which: (1) will provide an anticipated economic impact of at least $250,000,000; and (2) is issued a permit as a special event by the public authority with jurisdiction over a highway. ~~[Section 5 of this bill establishes similar provisions for any sign, signal, marking or street banner bearing special event advertising that is located on or over a highway.~~

~~Existing law deems certain forms of outdoor advertisement a public nuisance and requires certain officials to remove, efface or destroy such advertisements. (NRS 405.020) Section 1 of this bill exempts the special event advertising permitted pursuant to section 4 from being deemed a public nuisance.~~

~~Existing law prohibits the placement of various forms of outdoor advertisements: (1) within any right of way of any state highway or road; (2) within 20 feet of the main traveled way of any unimproved highway; or (3) on the property of another within view of such a highway, if placed without the consent of the owner of such property. (NRS 405.030) Existing law exempts from such a prohibition: (1) advertisements placed on benches and shelters for passengers of mass transit and monorail stations; (2) political signs placed in the right of way of a state highway or road if it is located in the lot of a tenant of a mobile home park; (3) advertisements within the limits of a city or town through which the highway runs; and (4) certain street banners. (NRS 277A.310, 405.030) Section 2 of this bill additionally exempts the special event advertising permitted pursuant to sections 4 and 5.~~

~~Existing law requires a person, firm, association or corporation seeking to place a billboard, sign or other form of advertising outside the city limits of a city or town to pay a fee in the sum of $5 to receive a permit to undertake such an action. (NRS 405.040) Section 3 of this bill exempts from the fee requirement any billboard, sign or advertisement for a special event permitted pursuant to sections 4 and 5.~~**]**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~**[**NRS 405.020 is hereby amended to read as follows:~~

~~405.020 Any billboard, sign, placard, notice or other form of outdoor advertisement erected, placed, painted, posted or maintained otherwise than is provided in NRS 405.020 to~~ **[**~~405.100,~~**]** ***405.110,*** ~~inclusive, or in NRS 408.275 shall be deemed a public nuisance and shall be removed, effaced or destroyed by the sheriff and other peace officers having authority wherever such nuisance may be located.~~**]** **(Deleted by amendment.)**

Sec. 2. ~~**[**NRS 405.030 is hereby amended to read as follows:~~

~~405.030 1. Except as otherwise provided in subsection 3~~ **,** ~~**[**and**]** NRS 277A.310,~~ ***405.110 and 484B.313,*** ~~and except within the limits of any city or town through which the highway may run, and on benches and shelters for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.330, or on monorail stations, it is unlawful for any person, firm or corporation to paste, paint, print or in any manner whatever place or attach to any building, fence, gate, bridge, rock, tree, board, structure or anything whatever, any written, printed, painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:~~

~~(a) Within any right-of-way of any state highway or road which is owned or controlled by the Department of Transportation.~~

~~(b) Within 20 feet of the main traveled way of any unimproved highway.~~

~~(c) On the property of another within view of any such highway, without the owner's written consent.~~

~~2. Nothing in this section prevents the posting or maintaining of any notices required by law to be posted or maintained, or the placing or maintaining of highway signs giving directions and distances for the information of the traveling public if the signs are approved by the Department of Transportation.~~

~~3. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of the tenant's lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.~~

~~4. If a franchisee receives revenues from an advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.~~

~~5. As used in this section, "monorail station" means:~~

~~(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and~~

~~(b) Any facilities or appurtenances within such a structure.~~**] (Deleted by amendment.)**

Sec. 3. ~~[NRS 405.040 is hereby amended to read as follows:~~

~~405.040 1. It shall be unlawful for any person, firm, association or corporation, personally or by agent, to erect, place or maintain any billboard, sign or any form of notice or advertising outside the city limits of any city or town:~~

~~(a) On the public domain;~~

~~(b) On land owned or leased by such advertiser or agent but not used as the site for manufacturing the goods or articles advertised; or~~

~~(c) On the lands of another except where, by painting, an area of the barns or other outbuildings thereon may be preserved (for the purposes of this paragraph "area" is defined as the entire wall or roof aspect on which an advertisement may be painted),~~

~~* without first having secured from the county building official, if one has been appointed pursuant to NRS 278.570, or if not, from the county clerk of the county in which the sign may be located a permit to erect, or continue the use of, such sign, billboard or other form of notice or advertisement.~~

~~2. No permit for the erection of such sign, billboard or other form of advertisement shall be issued unless and until the applicant shall have paid a fee in the sum of $5. On the tender of the fee the county building official or county clerk shall issue the permit.~~

~~3. No fee shall be required for any billboard, sign or advertisement [erected] :~~

~~*(a) Erected* or placed by any farm bureau, chamber of commerce or lawful authority to advertise exclusively any city, town or geographic area, or public event [.] ; or~~

~~*(b) Permitted by a public authority pursuant to a written agreement entered into pursuant to:*~~

~~*(1) Paragraph (d) of subsection 5 of NRS 405.110; or*~~

~~*(2) Paragraph (d) of subsection 5 of NRS 484B.313.*~~

~~4. This section shall not apply to the owner or occupant of any land outside the limits of any city, who may place or erect on the land or on the outbuildings thereon any sign or notice or advertisement intended to benefit the land or improvements thereon and advertise the business conducted in the buildings on the land.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 405.110 is hereby amended to read as follows:~~

~~405.110 1. Except as otherwise provided in subsection 5, no advertising signs, signboards, boards or other materials containing advertising matter may:~~

~~(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.~~

~~(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right-of-way.~~

~~(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.~~

~~(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.~~

~~2. With the permission of the Department of Transportation, counties, towns or cities of this State may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.~~

~~3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:~~

~~(a) The Department of Transportation has leased the airspace to the person pursuant to subsection 3 of NRS 408.507, the airspace is over an interstate highway and:~~

~~(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace,~~

~~services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and~~

~~(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or~~

~~(b) The person owns real property adjacent to an interstate highway and:~~

~~(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which the person is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;~~

~~(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;~~

~~(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and~~

~~(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.~~

~~4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of the tenant's lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.~~

~~5. The provisions of subsection 1 do not apply to any advertising, signs, signboards or other materials containing advertising matter located:~~

~~(a) On a bench or shelter for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330;~~

~~(b) On a monorail station; **[**or**]**~~

~~(c) On a touchdown structure if a public authority authorizes such advertising matter and the advertising matter is placed and maintained by a person who owns real property adjacent to the touchdown structure and who has:~~

~~(1) Dedicated the touchdown structure to the public authority or has granted a fee or perpetual easement to the public authority for the construction or maintenance of the touchdown structure; and~~

~~(2) Entered a written agreement with the public authority on terms and conditions acceptable to the public authority **[**.**] ; or**~~

~~*(d) On or over any highway, on any bridge or structure thereon or on a temporary structure or barrier permitted to be placed on a highway before, during or after a special event, if:*~~

~~*(1) A public authority authorizes the use and location of such advertising, and the advertising is placed and maintained by the organizer of a special event for itself or its sponsors or partners;*~~

~~*(2) The organizer of a special event enters into a written agreement with the public authority on terms and conditions acceptable to the public authority;*~~

~~*(3) The advertising does not constitute a hazard or prevent the safe use of the highway by the public; and*~~

~~*(4) Such advertising is placed and maintained for not more than 14 consecutive days.*~~

~~6. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.~~

~~7. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than $250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.~~

~~8. If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.~~

~~9. As used in this section:~~

~~(a) "Monorail station" means:~~

~~(1) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and~~

~~(2) Any facilities or appurtenances within such a structure.~~

~~(b) *"Special event" means a sporting event, concert, festival or other similar event which:*~~

~~*(1) Will provide an anticipated economic impact of $250,000,000 or more, certified by the convention and visitors authority in the jurisdiction where the special event will occur or, if none, the county fair and recreation board of the county in which the special event will occur; and*~~

~~*(2) After the certification of the anticipated economic impact pursuant to subparagraph (1), is designated as a special event by the public authority*~~

~~*with jurisdiction over a highway and is issued a permit as a special event by that public authority.*~~

~~*(c)* "Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.~~] **(Deleted by amendment.)**

Sec. 5. NRS 484B.313 is hereby amended to read as follows:

484B.313 1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and except as otherwise provided in subsections 4 and 5, a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal, marking or street banner bearing thereon any commercial advertising.

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110.

5. The provisions of subsection 1 do not apply to any sign, signal, marking or street banner bearing thereon any commercial advertising that is located:

(a) On a bench or shelter for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330;

(b) On a monorail station; ~~[or]~~

(c) On a touchdown structure if a public authority authorizes such advertising and the advertising is placed and maintained by a person who owns real property adjacent to the touchdown structure and who has:

(1) Dedicated the touchdown structure to the public authority or has granted a fee or perpetual easement to the public authority for the construction or maintenance of the touchdown structure; and

(2) Entered a written agreement with the public authority on terms and conditions acceptable to the public authority ~~[.]~~ ***; or***

(d) On or over any highway before, during or after a special event, if:

(1) A public authority authorizes the use and location of such advertising, and the advertising is placed and maintained by the organizer of a special event for itself or its sponsors or partners;

(2) The organizer of a special event enters into a written agreement with the public authority on terms and conditions acceptable to the public authority;

(3) The advertising does not constitute a hazard or prevent the safe use of the highway by the public; and

(4) Such advertising is placed and maintained for not more than 14 consecutive days.

6. If a franchisee receives revenues from commercial advertising authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

7. As used in this section:

(a) "Monorail station" means:

(1) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(2) Any facilities or appurtenances within such a structure.

(b) ***"Special event" means a sporting event, concert, festival or other similar event which:***

(1) Will provide an anticipated economic impact of $250,000,000 or more, as certified by the ~~[convention and visitors authority in the jurisdiction where the special event will occur or, if none, the]~~ county fair and recreation board of the county in which the special event will occur; and

(2) After the certification of the anticipated economic impact pursuant to subparagraph (1), is designated as a special event by the public authority with jurisdiction over a highway and is issued a permit as a special event by that public authority.

(c) "Street banner" has the meaning ascribed to it in NRS 277A.130.

~~[(c)]~~ ***(d)*** "Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.

Sec. 6. This act becomes effective upon passage and approval.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 432.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 434.

AN ACT relating to optometry; prohibiting certain persons from owning or controlling an optometry practice under certain circumstances; requiring a licensee to provide certain notifications to the Nevada State Board of Optometry; authorizing persons enrolled in certain educational or residency programs to practice optometry under certain circumstances; prohibiting a licensee from prescribing ophthalmic lenses under certain circumstances; establishing certain requirements relating to the use of optometric telemedicine; reducing the fee for ~~[an application submitted by]~~ a veteran to obtain an initial license to practice optometry; revising certain requirements to obtain a license; revising ~~[requirements for owning]~~ **provisions relating to the ownership of** an optometry practice under an assumed or fictitious name under certain circumstances; authorizing the Board to issue citations for certain violations; requiring certain regulations adopted by the State Board of Health to authorize a licensed optometrist to serve as the director of a medical laboratory under certain circumstances; ~~[authorizing certain persons acting under the supervision of an optometrist to collect certain specimens;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada State Board of Optometry to adopt policies and regulations necessary to regulate the practice of optometry in this State and issue licenses to engage in the practice of optometry. (NRS 636.125, 636.215) **Sections 2-12** of this bill define certain terms relating to the practice of optometry. **Section 20** of this bill makes a conforming change to indicate the proper placement of **sections 2-12** in the Nevada Revised Statutes. **Section 28** of this bill authorizes the Board to issue a citation to a person who violates certain provisions of law governing the practice of optometry.

Existing law establishes a schedule of fees which the Board may not exceed when charging for the issuance of a license to practice optometry and for certain other purposes. (NRS 636.143) **Section 21** of this bill ~~[prohibits the Board from requiring]~~ **revises the fees associated with the initial issuance of a license. Section 21 sets forth the maximum fee the Board is authorized to charge for the initial issuance of a license to an applicant who is** a veteran ~~[to pay more than]~~ **, which is** one-half of the maximum fee ~~[for an application for]~~ the ~~[issuance of a 1-year license to practice optometry.]~~ **Board is authorized to charge an applicant who is not a veteran.**

Existing law authorizes the Board to issue a license by endorsement to certain persons who hold a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States and who meet certain other requirements. (NRS 636.206 ~~[, 636.207) Sections]~~ **) Section 24** ~~[and 25]~~ of this bill ~~[require]~~ **requires** the: (1) corresponding license to be active; and (2) applicant to ~~[submit to]~~ **not have been licensed by the Board to practice optometry in**

this State in the ~~[Board proof that the applicant has completed certain requirements relating to continuing education.~~

~~Existing law requires an applicant for a license to practice optometry to provide certain information to the Board. (NRS 636.150) Sections 23-25 of this bill require all applicants for a license to practice optometry, including an applicant for licensure by endorsement, to submit to the Board a complete set of his or her fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.]~~ **immediately preceding year.**

Existing law requires a licensee to notify the Executive Director of the Board in advance of changing the location where the licensee practices optometry or establishing an additional location to practice optometry. (NRS 636.370) ~~[Section 27 of this bill removes the requirement that a licensee notify the Executive Director before changing his or her practice location.]~~ **Section 15** of this bill requires a licensee to notify the Board not later than 30 days after a change of the personal mailing address or primary telephone number of the licensee ~~[, any location where the licensee is licensed to practice in this State]~~ or the electronic mail address that the licensee most recently provided to the Board. **Section 16** of this bill requires a licensee to report to the Board within 30 days the revocation, suspension or surrender of, or any disciplinary action taken against, a license, certificate or registration to practice ~~[optometry]~~ **any occupation or profession** issued by any other jurisdiction.

Section 13 of this bill prohibits, with certain exceptions, a person who is not licensed to practice optometry in this State from: (1) owning, being an officer or board member of or having control over the management or operations of an optometry practice located in this State; or (2) being an officer or board member of an entity that operates such an optometry practice or holding a position in such an entity that allows the person to have control over the management or operations of an optometry practice. **Section 13** also prohibits a person who is employed by a ~~[managed]~~ **management** service provider which is providing certain business services to an optometry practice from performing certain roles for the optometry practice or the entity that operates the optometry practice ~~[.]~~ **using those services.**

Existing law prohibits an optometrist from owning all or any part of an optometry practice under an assumed or fictitious name unless the optometrist has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name at a specified location. (NRS 636.350) **Section 26** of this bill ~~[: (1) requires]~~ **specifies that** each ~~[optometrist]~~ **person** who owns any part of such a practice ~~[to]~~ hold an active license to practice optometry in this State and have been issued such a certificate of registration **.** ~~[; and (2) provides that the certificate of registration expires 5 years after the date on which it is issued and may be renewed upon the submission of a current list of all assumed and fictitious names associated with the optometry practice and all owners of the optometry practice.]~~

Section 14 of this bill authorizes a surviving family member of a licensed optometrist who has died and who was the sole owner of an optometry practice to own the optometry practice without holding a license to practice optometry in this State for not more than 1 year after the death of the licensed optometrist. **Section 14** ~~[additionally authorizes]~~ **requires** such a surviving family member**, not later than 1 year after the death of the licensee,** to transfer ownership of that optometry practice to another licensed optometrist ~~[.]~~ **or to dissolve the practice.**

Existing law prohibits a person from engaging in the practice of optometry in this State unless the person is licensed by the Board. (NRS 636.145) **Section 17** of this bill authorizes students who are participating in certain externship programs pursuant to a course of study in optometry or certain persons engaged in a residency program for optometry to perform certain procedures pursuant to those programs which constitute engaging in the practice of optometry. **Section 22** of this bill makes a conforming change to indicate that the performance of such procedures does not constitute the unlawful practice of optometry.

Existing law authorizes a licensed optometrist to prescribe therapeutic or corrective lenses for the correction or relief of or remedy for an abnormal condition or inefficiency of the eye or visual process. (NRS 636.025, 636.215) **Section 18** of this bill prohibits a licensed optometrist from issuing, offering to issue, duplicating or extending a prescription for certain lenses if the optometrist has not performed, or does not have access to records relating to, a comprehensive eye examination performed within the immediately preceding 2 years on the intended recipient of the lenses.

Existing law defines the term "telehealth" to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. (NRS 629.515) **Section** ~~[9]~~ **8** of this bill defines the term "optometric telemedicine" to mean, in general, the use of telehealth by a licensed optometrist to deliver health care services within the scope of the practice of optometry to a patient at a different location. **Section 19** of this bill authorizes and sets forth certain requirements for the use of optometric telemedicine by a licensed optometrist for certain purposes. **Section 19** requires, with certain exceptions, a licensed optometrist to have performed a comprehensive examination on a patient within the immediately preceding 2 years to deliver health care services to the patient through optometric telemedicine. **Section 19** additionally authorizes an licensed optometrist to remotely monitor certain health data of a patient.

Existing law authorizes the State Board of Health to prescribe regulations relating to the operation of medical laboratories and the qualifications of the directors of those laboratories. (NRS 652.130) **Section 29** of this bill requires the regulations to include licensed optometrists among the licensed physicians qualified to serve as the laboratory director of certain laboratories under certain circumstances.

~~[Existing law authorizes licensed optometrists, licensed physicians and certain other persons to manipulate a person for the collection of specimens and perform certain laboratory tests without having to obtain certification as an assistant in a medical laboratory. (NRS 652.210) Section 30 of this bill additionally authorizes a person who is employed by a licensed optometrist or any medical provider or medical facility while acting under the direct supervision of a licensed optometrist to manipulate a person for the collection of such specimens and the performance of such laboratory tests without obtaining such certification.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. ***"Asynchronous optometric telemedicine" means a form of optometric telemedicine in which data that is collected from an examination of a patient that is conducted in person is later transmitted to an optometrist for review.***

Sec. 3. ***1. "Comprehensive examination" means an examination of a patient which is conducted in person and during which all of the following tests , ~~[or]~~ procedures or actions are performed:***

(a) ~~[Tests and procedures concerning]~~ The documentation of the primary reason for which the examination is conducted;

(b) A review of the medical history and ocular history of both the patient and his or her immediate family;

(c) A review of any medications used by the patient;

(d) A review of any allergies of the patient;

(e) A review of documentation identifying the patient's primary care physician;

(f) General medical observations, including, without limitation, neurological and psychological orientation;

(g) Eye pressure;

(h) Gross, confrontation or formal visual fields;

(i) ~~[Versions;]~~ A basic sensorimotor examination;

(j) A complete pupillary assessment, including, without limitation, an examination of the presence of an afferent pupillary defect;

(k) Eye alignment;

(l) Visual acuities;

(m) ~~[Autorefraction or retinoscopy;~~

~~(n)]~~ Keratometry or autokeratometry;

~~[(o)]~~ (n) Anterior segment examination using a slit beam and magnification, as through a biomicroscope slit lamp, to include ocular adnexa, eyelid, eyelashes, conjunctiva, pupil, cornea, anterior chamber and lens; ~~[and~~

~~(p)~~ *(o) Posterior segment examination that includes the examination of the optic nerve, macula, retina and vessels* ~~.~~ *; and*

(p) A review and assessment of all data collected pursuant to paragraphs (a) to (o), inclusive, and the development of a plan to provide necessary treatment.

2. The term includes an examination in which a test, procedure or action specified in paragraphs (a) to (p), inclusive, of subsection 1 was not performed if the person conducting the examination was unable to perform the test, procedure or action and used an alternative method to obtain comparable data to that which would have been obtained by the proper performance of the test, procedure or action.

Sec. 4. *"Distant site" has the meaning ascribed to it in NRS 629.515.*

Sec. 5. *"Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease that are within the scope of the practice of optometry.*

Sec. 6. *"Licensee" means a person who is licensed to practice optometry pursuant to this chapter.*

Sec. 7. *"Non-comprehensive examination" means an examination that includes some but not all of the elements of a comprehensive examination.*

Sec. 8. *"Optometric telemedicine" means the use of telehealth, as defined in NRS 629.515, by a licensee who is located at a distant site to deliver health care services to a patient who is located at an originating site. The term includes, without limitation, synchronous optometric telemedicine and asynchronous optometric telemedicine.*

Sec. 9. *"Optometry practice" or "optometric practice" means a business through which one or more optometrists practice optometry.*

Sec. 10. *"Originating site" has the meaning ascribed to it in NRS 629.515.*

Sec. 11. *"Remote patient monitoring" means the monitoring by a licensee of data:*

1. Collected from a patient of the licensee at one location and transmitted to the licensee at another location; and

2. That is necessary to make informed decisions about providing health care services to the patient.

Sec. 12. *"Synchronous optometric telemedicine" means a form of optometric telemedicine in which information is exchanged via electronic communication in real time and includes, without limitation, communication via telephone, video, a mobile application or an online platform on an Internet website.*

Sec. 13. *1. Except as otherwise provided in section 14 of this act, a person who is not licensed to practice optometry pursuant to this chapter shall not:*

(a) Hold an ownership interest in an optometry practice;

(b) Be an officer or board member of an optometry practice or occupy any other position of authority at an optometry practice that allows the person to exert control over the management or operation of the optometry practice; or

(c) Be an officer or board member of an entity that operates one or more optometry practices or occupy any other position of authority at such an entity that allows the person to exert control over the management or operations of an optometry practice that the entity operates.

2. A person shall not accept compensation to perform any services ~~[in exchange for compensation]~~ for a ~~[managed]~~ management service provider that is providing services to an optometry practice if the person is:

(a) An officer or board member of the optometry practice or occupies any other position of authority at an optometry practice that allows the person to exert control over the management or operation of ~~[an]~~ the optometry practice ~~[.]~~ receiving those services; or

(b) An officer or board member of an entity that operates the optometry practice or occupies any other position of authority at such an entity that allows the person to exert control over the management or operations of the optometry practice ~~[.]~~ receiving those services.

3. As used in this section ~~["managed]~~ :

(a) "Management service provider" means a person ~~[who provides]~~ that contracts to provide management ~~[and]~~ or administrative support services to an optometry practice. The term does not include a provider of insurance, a provider of health care as defined in NRS 41A.017 or a person that offers optometric care at an optometry practice or that offers comprehensive examinations.

(b) "Management or administrative support services" includes, without limitation, legal services and services relating to management, billing, credentialing, accounting, marketing, the storage of electronic medical records, the management of human resources, the provision of malpractice insurance, information technology, the financing of equipment, recruitment, transactions involving real estate and technical support for optometric telemedicine.

Sec. 14. *1. For not more than 1 year after the death of a licensee who is the sole owner of an optometry practice, a surviving member of the licensee's family may own the optometry practice without being licensed pursuant to this chapter. ~~[The]~~ Not later than 1 year after the death of the licensee, the surviving member of the licensee's family ~~[may]~~ shall transfer ownership of the optometry practice to a licensee ~~[.]~~ or dissolve the optometry practice.*

2. The provisions of this section do not abrogate, alter or otherwise affect any obligation to comply with the requirements of chapters 629 and 636 of NRS relating to the custody of health care records.

3. As used in this section, "member of the licensee's family" means any person related to the licensee by blood, adoption or marriage ~~[.]~~ within the third degree of consanguinity.

Sec. 15. *A licensee shall notify the Board of any change in the personal mailing address or primary telephone number of the licensee* ~~[,]~~ *or any change of the electronic mail address most recently provided by the licensee to the Board* ~~[or a change of address of any location where the licensee practices optometry in this State]~~ *not later than 30 calendar days after the change.*

Sec. 16. *A licensee shall report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued to the licensee by another state or territory of the United States, the District of Columbia or a foreign country.*

Sec. 17. *1. A student who is enrolled in a* ~~[program of an undergraduate or]~~ *graduate course of study in optometry at an accredited school or college of optometry and who is participating in an externship authorized by the school or college, as applicable, as part of that course of study may perform procedures within the scope of a license to practice optometry issued pursuant to this chapter if an optometrist or ophthalmologist licensed in this State:*

(a) Is physically present at the clinic where the student is performing the procedures at all times while those procedures are being performed; and

(b) Examines the person on whom the student performed any procedure before the person is discharged.

2. Except as otherwise provided in subsection 3, a person who has received a degree of doctor of optometry and who is engaged in a residency program for optometry in this State may, without a license, engage in the practice of optometry within the scope of a license to practice optometry issued pursuant to this chapter and examine and manage patients without supervision if an optometrist or ophthalmologist licensed in this State is physically present at the clinic at all times when the person is practicing optometry.

3. A person described in subsection 2 may, in an emergency, provide care to a patient without an optometrist or ophthalmologist licensed in this State being physically present at the clinic if the person ~~[first]~~ *consults with an appropriate optometrist or ophthalmologist associated with the clinic to determine the proper care and management of the treatment of the patient.*

4. As used in this section, "clinic" means a facility at which a licensed optometrist or ophthalmologist provides services to patients.

Sec. 18. *It is unlawful for a licensee to issue, offer to issue, duplicate or extend a prescription for an ophthalmic lens for a person if the licensee has not performed a comprehensive examination, or does not have access to the complete results of a comprehensive examination that was performed, on the person within the immediately preceding 2 years.*

Sec. 19. *1. Except as otherwise provided in subsection 5, a person shall not engage in optometric telemedicine to provide health care services*

to a patient located at an originating site in this State unless the person is licensed to practice optometry pursuant to this chapter.

2. Except as otherwise provided in subsection 3, a licensee may engage in synchronous or asynchronous optometric telemedicine to provide health care services to a patient only if the licensee has completed a comprehensive examination on the patient within the immediately preceding 2 years.

3. A licensee may engage in synchronous optometric telemedicine to perform a non-comprehensive examination of a new patient if the licensee has access to all the information obtained from a comprehensive examination of the patient that was conducted by an optometrist or ophthalmologist within the immediately preceding 2 years.

4. A licensee may engage in asynchronous optometric telemedicine to conduct a consultation regarding a patient on whom the licensee has not completed a comprehensive examination within the immediately preceding 2 years if:

(a) An optometrist, ophthalmologist or primary care physician providing care to the patient requests that the licensee conduct the consultation and provides the licensee with all the information about the patient that is necessary to determine whether the patient requires a comprehensive examination; and

(b) The consultation performed by the licensee is limited to a determination of whether the patient requires a comprehensive examination and does not involve any diagnosis, recommendation for or treatment of the patient or a prescription for the patient.

5. A person who holds a valid, active and unrestricted license issued by the District of Columbia or any state or territory of the United States to practice optometry may conduct a consultation through asynchronous optometric telemedicine described in subsection 4 in the same manner as a licensee pursuant to that subsection without holding a license to practice optometry in this State.

6. A licensee may engage in remote patient monitoring of a patient on whom the licensee has completed a comprehensive examination within the immediately preceding 2 years for the purposes of:

(a) Acquiring data about the health of the patient;

(b) Assessing changes in previously diagnosed chronic health conditions;

(c) Confirming the stability of the health of the patient; or

(d) Confirming expected therapeutic results.

7. A licensee may engage in optometric telemedicine to provide health care services to a patient who is located at an originating site outside this State if the licensee has completed a comprehensive examination of the patient within the immediately preceding 2 years and such action is permitted by the laws of the state in which the patient is located.

8. A licensee shall not engage in optometric telemedicine to provide any health care service to the patient that the licensee has determined should be provided in person.

9. A licensee engaging in optometric telemedicine or remote patient monitoring shall not:

(a) Conduct himself or herself in a manner that violates the standard of care required of an optometrist who is treating a patient in person, including, without limitation, by issuing a prescription for ophthalmic lenses based solely upon [,] one or more of the following:

(1) Answers provided by a patient in an online questionnaire;

(2) The application of lensometry; or

(3) The application of auto-refraction; or

(b) Condition the provision of optometric telemedicine or remote patient monitoring on the patient consenting to receiving a standard of care below that which is required by paragraph (a).

Sec. 20. NRS 636.015 is hereby amended to read as follows:

636.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 636.016 to 636.023, inclusive, ***and sections 2 to 12, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 636.143 is hereby amended to read as follows:

636.143 ***1.*** At least once every 2 years, the Board shall review and, if the Board deems it necessary, establish or revise, within the limits prescribed a schedule of fees for the following purposes:

	Not more than
[1.] ***(a)*** Examinations	$250
[2.] ***(b)*** [Applications for the issuance of a 1-year license	$600
3. ***(c)*** Renewal] ***Initial issuance or renewal*** of a license	$1,200
[4.] ***(d)*** ***(c)*** Granting certification or issuing certificates	$1,000
[5.] ***(e)*** ***(d)*** Licensing of extended clinical facilities and other practice locations	$500
[6.] ***(f)*** ***(e)*** Individually verifying licensure or disciplinary status	$100
[7.] ***(g)*** ***(f)*** Late fee	$1,000
[8.] ***(h)*** ***(g) Initial issuance of a license to an applicant who is a veteran***	***$600***
(h) Any other service provided by the Board pursuant to this chapter	$1,000

2. [If a veteran submits an application for the issuance of a 1-year license, the Board shall collect not more than one-half of the fee specified in subsection 1 for the application for the issuance of a 1-year license.

3.] As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 22. NRS 636.145 is hereby amended to read as follows:

636.145 1. [A] ***Except as otherwise provided in section 17 of this act, a*** person shall not engage in the practice of optometry in this State unless:

(a) The person has obtained a license pursuant to the provisions of this chapter; and

(b) Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. The Board shall conduct an investigation pursuant to subsection 3 if the Board receives a complaint which sets forth any reason to believe that a person has engaged in the practice of optometry in this State without a license issued pursuant to this chapter.

3. In addition to any other penalty prescribed by law, if the Board, after conducting an investigation and hearing in accordance with chapters 233B, 622 and 622A of NRS, determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist from the practice of optometry until the person obtains a license from the Board.

(b) Issue a citation to the person ~~[.]~~ ***pursuant to NRS 636.420.***

(c) Impose any combination of the penalties set forth in paragraphs (a) and (b).

4. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to this chapter.

5. Each instance of unlicensed activity constitutes a separate offense for which a separate citation may be issued.

Sec. 23. ~~[~~NRS 636.150 is hereby amended to read as follows:

~~636.150 Except as otherwise provided in NRS 636.206 and 636.207, any person applying for a license to practice optometry in this State must:~~

~~1. File proof of his or her qualifications;~~

~~2. Take and pass each examination identified, administered or approved by the Board;~~

~~3. Pay the prescribed fees;~~ ~~[~~and~~]~~

~~4. *Submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*~~

~~*5.* Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.~~]~~ **(Deleted by amendment.)**

Sec. 24. NRS 636.206 is hereby amended to read as follows:

636.206 1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid ***, active*** and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of optometry for the past 5 years;

(4) ***Has not held a license to practice optometry in this State in the immediately preceding year;***

(5) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

~~[(5)]~~ ***(6)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) ~~***[A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 636.150;***~~

~~***(c) Satisfactory evidence that the person, within the immediately preceding 24-month period, has completed the number of hours in a course or courses of continuing education that have been approved by the Board which are required for the renewal of a license pursuant to NRS 636.260; and***~~

~~***(d)]***~~ An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) ~~(c)~~ Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 ~~***[***~~

~~***(a) Forty-five days]***~~ days after receiving the ~~***[additional information required by the Board to complete the]***~~ application ~~***., [; or***~~

~~***(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,***~~

~~***→ whichever occurs later.]***~~

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 25. ~~**[**~~NRS 636.207 is hereby amended to read as follows:

~~636.207 1. The Board may issue a license by endorsement to practice optometry to an applicant who meets the requirements set forth in this section.~~

~~An applicant may submit to the Board an application for such a license if the applicant:~~

~~(a) Holds a corresponding valid and unrestricted license to practice optometry in the District of Columbia or any state or territory of the United States; and~~

~~(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

~~2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~(a) Proof satisfactory to the Board that the applicant:~~

~~(1) Satisfies the requirements of subsection 1;~~

~~(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice optometry; and~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~(b) ***A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;***~~

~~***(c) Satisfactory evidence that the person, within the immediately preceding 24 month period, has completed the number of hours in a course or courses of continuing education that have been approved by the Board which are required for the renewal of a license pursuant to NRS 636.260; and***~~

~~***(d)*** An affidavit stating that the information contained in the application and any accompanying material is true and correct; and~~

~~**[**(c)**]** ***(e)*** Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement to practice optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice optometry to the applicant not later than **[**45**]** :~~

~~***(a) Forty-five*** days after receiving all the additional information required by the Board to complete the application **[**.**]** ***; or***~~

~~***(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,***~~

~~**"** ***whichever occurs later.***~~

~~4. A license by endorsement to practice optometry may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice optometry in accordance with regulations adopted by the Board.~~

~~6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.~~**] (Deleted by amendment.)**

Sec. 26. NRS 636.350 is hereby amended to read as follows:

636.350 1. **[**~~An optometrist~~**]** ***A person*** shall not own all or any portion of an optometry practice under an assumed or fictitious name unless the **[**~~optometrist has~~**]** ***person:***

(a) Holds an active license to practice optometry in this State; and

(b) Has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name and at a specific location.

2. **[**~~An optometrist~~**]** ***A person*** who applies for a certificate of registration to own all or any portion of an optometry practice under an assumed or fictitious name must submit to the Board an application on a form provided by the Board. The application must be accompanied by proof satisfactory to the Board that the assumed or fictitious name has been registered or otherwise approved by any appropriate governmental entity, including, without limitation, any incorporated city or unincorporated town in which the optometrist practices, if the registration or other approval is required by the governmental entity.

3. Each **[**~~optometrist~~**]** ***person*** who is issued a certificate of registration pursuant to this section shall:

(a) Comply with the provisions of chapter 602 of NRS;

(b) Display or cause to be displayed near the entrance of his or her business the full name of the optometrist and the words or letters that designate him or her as an optometrist; and

(c) Display or cause to be displayed near the entrance of his or her business the full name of any optometrist who regularly provides optometric services at the business and the words or letters that designate him or her as an optometrist.

4. ~~***[A certificate of registration issued pursuant to this section expires 5 years after the date on which it is issued and may be renewed upon submission to the Board of a current list of all:***~~

~~***(a) Assumed or fictitious names associated with the optometry practices; and***~~

~~***(b) Owners of the optometry practice.***~~

~~***5.]***~~ The Board shall adopt regulations that prescribe the requirements for the issuance ~~***[and renewal]***~~ of a certificate of registration to practice optometry under an assumed or fictitious name.

5. ~~***[6.]***~~ As used in this section, "assumed or fictitious name" means a name other than the name of the optometrist printed on his or her license to practice optometry.

Sec. 27. ~~[NRS 636.370 is hereby amended to read as follows:~~

~~636.370 1. A person who has been issued an initial license to practice optometry in this State or who is re-establishing a practice in this State shall, before commencing the practice, notify the Executive Director, in writing, of the location or locations where the person intends to practice.~~

~~2. A licensee shall notify the Executive Director in writing before [changing the location of his or her practice or] establishing an additional location to practice optometry.]~~ **(Deleted by amendment.)**

Sec. 28. NRS 636.420 is hereby amended to read as follows:

636.420 ***1.*** After providing notice and a hearing pursuant to chapter 622A of NRS, the Board may impose an administrative fine of not more than $5,000 for each violation against a person licensed under this chapter who engages in any conduct constituting grounds for disciplinary action set forth in NRS 636.295.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has violated any provision of this chapter, the Board may issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit to the Board a written request for a hearing not later than 30 days after the date of issuance of the citation.

Sec. 29. NRS 652.130 is hereby amended to read as follows:

652.130 1. Except as otherwise provided in NRS 652.127, the Board, with the advice of the Medical Laboratory Advisory Committee, may prescribe and publish rules and regulations relating to:

(a) The education, training and experience qualifications of laboratory directors and technical personnel.

(b) The location and construction of laboratories, including plumbing, heating, lighting, ventilation, electrical services and similar conditions, to ensure the conduct and operation of the laboratory in a manner which will protect the public health.

(c) Sanitary conditions within the laboratory and its surroundings, including the water supply, sewage, the handling of specimens and matters of general hygiene, to ensure the protection of the public health.

(d) The equipment essential to the proper conduct and operation of a laboratory.

(e) The determination of the accuracy of test results produced by a laboratory and the establishment of minimum qualifications therefor.

2. Any regulations adopted by the Board pursuant to this section must not require that the laboratory director of a laboratory in which the only test performed is a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations:

(a) Be a licensed physician; or

(b) Perform duties other than those prescribed in NRS 652.180.

3. Any regulations adopted by the Board pursuant to this section that require the laboratory director of a laboratory in which the only tests performed are tests that are classified as waived tests pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations to be a licensed physician must include a licensed optometrist among the types of licensed physicians who are qualified to serve as a laboratory director of such a laboratory.

Sec. 30. ~~[NRS 652.210 is hereby amended to read as follows:~~

~~652.210 1. Except as otherwise provided in subsection 2 and NRS 126.121 and 652.186, no person other than a licensed physician, a licensed optometrist, *a person employed by a licensed optometrist or any medical provider or medical facility while acting under the direct supervision of a licensed optometrist,* a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS, a licensed dentist or a registered pharmacist may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.~~

~~2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.]~~ **(Deleted by amendment.)**

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 456.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 209.

~~[CONTAINS UNFUNDED MANDATE (§ 4)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to railroads; ~~[prohibiting the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks; establishing provisions governing the duty hours of yardmasters; requiring a local authority or the Department of Transportation to install traffic control devices and automated traffic enforcement systems at certain railroad grade crossings; providing civil penalties; establishing provisions governing the~~

~~issuance of a civil infraction citation based on evidence detected by an automated traffic enforcement system;~~] **establishing requirements for the installation and operation of wayside detector systems; requiring a stopped train or other equipment to be cut, separated or moved to clear a railroad grade crossing upon the approach of an emergency vehicle; providing a civil penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing the operation of railroads in this State. (Chapter 705 of NRS) ~~[Section 1 of this bill: (1) prohibits a railroad doing business in this State from running or allowing to be run on certain railroad tracks a work or freight train that exceeds 7,500 feet in length; and (2) provides that a person who violates this prohibition is liable to the Public Utilities Commission of Nevada for a civil penalty.~~

~~Existing law limits the total hours and consecutive hours that certain railroad employees are permitted to be on duty in any 24-hour period. (NRS 705.210) Section 2 of this bill restricts the duty hours which a yardmaster may be required or permitted to work and prohibits a yardmaster from being required or permitted to remain on duty or go on duty if he or she has not had a certain number of consecutive hours off duty.~~

~~Existing law prohibits a governmental entity or its agent from using photographic, video or digital equipment to gather evidence in order to issue a traffic citation or civil infraction citation, unless that equipment is: (1) a portable camera or event recording device worn or held by a peace officer; (2) installed within a vehicle or facility of a law enforcement agency; or (3) privately owned by a nongovernmental entity. (NRS 484A.600) Section 5 of this bill provides for an exception to this prohibition, and section 4 of this bill requires a local authority or the Department of Transportation to install and maintain at certain railroad grade crossings where there has been an impact between a motor vehicle and a train or other on-track equipment or a near-miss incident: (1) an official traffic-control device; and (2) an automated traffic enforcement system to enforce the laws governing obedience to such a traffic control device. Section 4 requires a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system to review the evidence of a violation detected by an automatic traffic enforcement system before a citation is issued. Section 4 establishes requirements for the contents and delivery of a civil infraction citation issued based upon evidence collected by an automated traffic enforcement system. Section 4 creates a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system and provides a method for rebutting this presumption. Section 4 provides that a violation detected by an automated traffic enforcement system is not a moving traffic violation. Sections 3, 6 and 7 of this bill make conforming changes to: (1) exclude traffic violations detected by an automated traffic enforcement system from the assessment of~~

~~demerit points; and (2) provide for the issuance of civil infraction citations for violations detected by an automated traffic enforcement system.]~~ **Section 1.18 of this bill prohibits a person from installing a wayside detector system in this State unless the wayside detector system has certain features. Section 1.18 requires a person who installs a wayside detector system alongside or on a railroad to ensure such systems are located within a certain distance of each other and requires the operator of any train, rolling stock or on-track equipment to take certain actions when passing wayside detector systems which are not located in this manner. Section 1.2 of this bill establishes requirements for the alarm on a wayside detector system. Section 1.22 of this bill requires the operator of any train, rolling stock or on-track equipment to take certain action when notified by a wayside detector system of a defect or that the number of axles on a train is more or less than the reported number. Sections 1.1-1.16 of this bill define terms related to wayside detector systems. Section 1.24 of this bill requires a railroad company to ensure the employees of the company are aware of and understand the provisions of sections 1.1-1.22 of this bill and imposes a penalty for the knowing violation of those provisions.**

Section 1.26 of this bill requires, except in the case of a mechanical failure, a train, rolling stock or other on-track equipment which has come to a complete stop and is blocking a railroad grade crossing to be cut, separated or moved upon the approach of an authorized emergency vehicle.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 705 of NRS is hereby amended by adding thereto ~~[a~~ new section to read as follows:

~~*1. It shall be unlawful for any railroad doing business in this State to run or allow to be run on any part of a main line or branch line a work or freight train that exceeds 7,500 feet in length.*~~

~~*2. Any railroad doing business in this State which violates the provisions of this section is liable to the Public Utilities Commission of Nevada for a penalty of:*~~

~~*(a) Not less than $5,000 for the first violation;*~~

~~*(b) Not more than $10,000 for the second violation within 3 years of the first violation; and*~~

~~*(c) Not more than $25,000 for a third and any subsequent violation within 3 years of the first violation.*~~

~~*3. As used in this section:*~~

~~*(a) "Branch line" means a secondary railroad track that branches off from a main line.*~~

~~*(b) "Main line" means:*~~

~~*(1) A segment or route of railroad tracks over which 5,000,000 gross tons or more of freight railroad traffic is transported annually; and*~~

~~*(2) Such other tracks as the Commission may prescribe by regulation.]*~~ **the provisions set forth as sections 1.1 to 1.26, inclusive, of this act.**

Sec. 1.1. ***As used in sections 1.1 to 1.26, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.12, 1.14 and 1.16 of this act have the meanings ascribed to them in those sections.***

Sec. 1.12. ***"Defect" includes, without limitation, hot wheel bearings, hot wheels, defective bearings that are detected through acoustics, dragging equipment, excessive height or weight, shifted loads, low hose, rail temperature and wheel condition.***

Sec. 1.14. ***"Wayside detector communications system" means technology that uses wireless communications systems or algorithms to allow communication between one wayside detector system with another wayside detector system in order to predict and detect defects.***

Sec. 1.16. ***"Wayside detector system" means an electronic device or a series of connected devices that scan passing trains, rolling stock, on-track equipment and their component equipment and parts for defects.***

Sec. 1.18. ***1. No person shall install or operate a wayside detector system in this State unless it is equipped with:***

(a) A hot box detector;

(b) A hot wheel detector;

(c) A dragging equipment detector;

(d) An audible alarm that operates in accordance with section 1.22 of this act.

2. Except as otherwise provided in this subsection, any person responsible for the installation of a wayside detector system alongside or on a railroad shall ensure that each wayside detector system location is not more than 10 miles from the adjacent wayside detector system location. If the natural terrain does not allow for the placement of the next adjacent wayside detector system location within 10 miles from the prior wayside detector system location, the next adjacent wayside detector system location shall be installed not more than 15 miles from the prior wayside detector system location.

3. If the wayside detector systems installed on or alongside a railroad do not comply with the requirements of subsection 2 and are further than 15 miles apart, the operator of any train, rolling stock or on-track equipment passing between the noncompliant wayside detector systems shall reduce speed to not more than 10 miles per hour until the train, rolling stock or on-track equipment passes the next available wayside detector system and is issued a "no defects" message from the wayside detector system.

Sec. 1.2. ***1. No person shall install or operate a wayside detector system in this State unless the audible alarm for the system:***

(a) Is assigned to the "AAR Frequency" that is assigned to the specific territory in which the wayside detector system is located; and

(b) In the event of a defect, sounds over the assigned radio channel or frequency not less than three consecutive times with each audible signal lasting not less than 5 seconds and with not less than 5 seconds of silence between each audible alarm.

2. No person shall install or operate a wayside detector system in this State unless:

(a) The inspection results generated by the wayside detector system provide an audible message, delivered over the applicable radio channel or frequency that contains the following information delivered to the operator of the train, rolling stock or on-track equipment:

(1) The wayside detector system location milepost and name;

(2) The track number, if applicable;

(3) The total number of axles on the train, including, without limitation, motive power;

(4) If a defect is found, the location of the defect within the train, rolling stock or on-track equipment or the component parts or equipment of the train, rolling stock or on-track equipment; and

(5) If no defect is found, the speed of the train, rolling stock or on-track equipment and a message that no defects were found.

(b) If a defect is found by the wayside detector system, in addition to the audible alarm signal required pursuant to paragraph (b) of subsection 1, the audible message required to be provided pursuant to paragraph (a) is repeated not less than three times over the applicable radio channel or frequency with 20 seconds of silence between each iteration of the audible message.

Sec. 1.22. 1. If the operator of a train, rolling stock or other on-track equipment receives a message pursuant to section 1.2 of this act indicating that a defect was found, the operator shall:

(a) Stop the train, rolling stock or other on-track equipment in accordance with the safety procedures issued by the managing railroad company;

(b) Inspect the location of the defect from a position on the ground;

(c) Note and present all inspection results to the appropriate officer of the railroad company, a local dispatcher or another qualified person based on company protocol; and

(d) Based on the inspection results:

(1) If the operator believes it is safe to do so, proceed along the route at a speed not exceeding 10 miles per hour if carrying hazardous materials or 30 miles per hour if not carrying hazardous materials; and

(2) If the operator believes continued operation is not safe, have the train, rolling stock or on-track equipment, or the applicable component or equipment of the train, rolling stock or on-track equipment, fully inspected by a qualified person to make a determination of whether it is safe to proceed.

2. If the operator of a train, rolling stock or other on-track equipment receives a message from a wayside detector system pursuant to section 1.2 of

this act indicating that a defect was found and that defect was previously detected by a prior wayside detector system, the operator shall:

(a) Stop the train, rolling stock or on-track equipment in accordance with the safety procedures issued by the managing railroad company;

(b) Have the train, rolling stock or on-track equipment, or the applicable component or equipment of the train, rolling stock or on-track equipment, fully inspected by a qualified person to make a determination of whether it is safe to proceed; and

(c) Not allow the train, rolling stock or on-track equipment to proceed unless and until a qualified person has thoroughly inspected the defect, made any necessary repairs and declared it safe to proceed.

3. All inspections performed pursuant to this section must be performed on the ground. A person must not perform any inspection pursuant to this section from within or on a vehicle or any other mode of transportation.

4. If the operator of a train receives a message pursuant to section 1.2 of this act indicating that the number of axles on a train is less than the reported number of axles for that train, the operator shall report the discrepancy to the proper railroad authority.

5. If the operator of a train receives a message pursuant to section 1.2 of this act indicating that the number of axles on a train is more than the reported number of axles for that train, the operator shall report the discrepancy to the proper railroad authority. If the discrepancy is not resolved within 5 miles of receiving the message pursuant to section 1.22 of this act the operator shall stop the train. The operator shall not proceed until the discrepancy is resolved, all extra equipment or cars are identified and any necessary documentation is issued.

Sec. 1.24. 1. Any railroad company doing business in this State shall ensure that its employees are aware of and understand the requirements of sections 1.1 to 1.24, inclusive, of this act.

2. Any person who knowingly violates a provision of sections 1.1 to 1.24, inclusive, of this act is liable for a civil penalty of not more than $25,000 for each violation.

Sec. 1.26. 1. Except for a train, rolling stock or other on-track equipment that is stopped due to mechanical failure where separation or movement is not possible, any train, rolling stock or other on-track equipment that has come to a complete stop and is blocking a railroad grade crossing must be cut, separated or moved to clear the crossing upon the approach of an authorized emergency vehicle.

2. As used in this section, "authorized emergency vehicle" has the meaning ascribed to it in NRS 484A.020.

Sec. 2. ~~[NRS 705.210 is hereby amended to read as follows:~~

~~705.210 1. As used in this section:~~

~~(a) "Employees" means persons actually engaged in or connected with the movement of any train~~ **[.] *, not including a yardmaster.***

~~(b) "Railroad" includes all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract agreement or lease.~~

~~***(c) "Yardmaster" means a person who is responsible for supervising and coordinating the control of trains and engines operating within a rail yard, not including a dispatching service employee, signal employee or train employee as those terms are defined in 49 U.S.C. § 21101.***~~

~~2. The provisions of this section apply to any common carrier or carriers, their officers, agents and employees engaged in the transportation of passengers or property by railroad in the State of Nevada.~~

~~3. It is unlawful for any common carrier, its officers or agents, subject to this section, to require or permit any employee subject to this section to be or remain on duty for a longer period than 16 consecutive hours, and whenever any such employee of such common carrier has been continuously on duty for 16 hours the employee must be relieved and not required or permitted again to go on duty until the employee has had at least 10 consecutive hours off duty. No such employee who has been on duty 16 hours in the aggregate in any 24-hour period must be required or permitted to continue or again go on duty without having had at least 8 consecutive hours off duty.~~

~~4. No employee who, by the use of the telegraph or telephone or other electrical device, dispatches, reports, transmits, receives or delivers orders or who from towers, offices, places and stations operates signals or switches or similar mechanical devices controlling, pertaining to, or affecting the movement of trains of more than two cars must be required or permitted to be or remain on duty in any 24-hour period for a longer period than 8 hours, which must be wholly within the limits of a continuous shift and upon the completion of that period the employee must not be required or permitted again to go on duty until the expiration of 16 hours. This subsection does not apply to employees who, in case of emergency, use the telephone to obtain orders or information governing the movement of trains. In case of emergency, such employees may be permitted to be and remain on duty for 4 additional hours in a 24-hour period of not exceeding 3 days in any week.~~

~~5. ***It is unlawful for any common carrier, its officers or agents, subject to this section, to require or permit a yardmaster to be or remain on duty or go again on duty:***~~

~~***(a) In any calendar month where the yardmaster has spent a total of 276 hours on duty, waiting for deadhead transportation or in deadhead transportation from a duty assignment to the place of final release, or in any other mandatory service for the carrier;***~~

~~***(b) For a longer period than 12 consecutive hours;***~~

~~***(c) Unless that yardmaster has had at least 10 consecutive hours off duty during the preceding 24 hours; or***~~

~~***(d) After the yardmaster has initiated an on-duty period each day for 6 consecutive days, unless that yardmaster has had at least 48 consecutive***~~

hours off duty at the yardmaster's home terminal during which time the yardmaster is unavailable for any service.

6. Any common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be or remain on duty in violation of subsections 3**,** **[**and**]** 4 ***and 5*** shall be punished by a fine of not more than $500.

[6.**]** ***7.*** In all prosecutions under this section the common carrier shall be deemed to have had knowledge of all acts of its officers and agents.

[7.**]** ***8.*** The provisions of this section do not apply:

(a) In any case of casualty or unavoidable accident or the act of God.

(b) Where the delay was the result of a cause not known to the carrier or its officers or agents in charge of such employee at the time the employee left the terminal and which could not have been foreseen.

(c) To the crews of wrecking or relief trains.

(d) To railroads not maintaining a regular night train schedule.

[8.**]** ***9.*** The Public Utilities Commission of Nevada shall:

(a) Execute and enforce the provisions of this section, and all powers granted by law to the Public Utilities Commission of Nevada are hereby extended to it in the execution of this section.

(b) Lodge with the proper district attorneys information of any violations of this section which may come to its knowledge.**]** **(Deleted by amendment.)**

Sec. 3. **[**NRS 483.473 is hereby amended to read as follows:

483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation in any municipal court, justice court or district court in this State or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include **[**a**]** ***:***

(a) A conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617 **[**.**]** ***; or***

(b) A civil infraction citation issued for a violation detected by an automated traffic enforcement system pursuant to section 4 of this act.

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed

~~for one offense or civil infraction, and if the point values differ, points must be assessed for the offense or civil infraction having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction or finding is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.~~**]** **(Deleted by amendment.)**

Sec. 4. **[**~~Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. A local authority or the Department of Transportation shall install and maintain at each railroad grade crossing under its jurisdiction where there has been, in the immediately preceding 5 years, an impact between a motor vehicle and a train or other on-track equipment or a near-miss incident:***~~

~~***(a) An official traffic control device described in NRS 484B.307; and***~~

~~***(b) An automated traffic enforcement system to enforce the provisions of NRS 484B.307, and any corresponding traffic regulation.***~~

~~***2. Before a civil infraction citation is issued pursuant to NRS 484A.7033 for a violation of the provisions of NRS 484B.307 or any corresponding traffic regulation which was detected by an automated traffic enforcement system, the evidence of the violation from the automated traffic enforcement system must be reviewed for accuracy by a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system.***~~

~~***3. A civil infraction citation issued pursuant to NRS 484A.7033 for a violation described in subsection 2 must be sent by the traffic enforcement agency described in subsection 2 by first class mail to the address listed with the Department for the registered owner of the vehicle identified by the automated traffic enforcement system.***~~

~~***4. In addition to the information required pursuant to subsection 1 of NRS 484A.7035, a civil infraction citation issued pursuant to NRS 484A.7033 for a violation described in subsection 2 must include:***~~

~~***(a) The date and time of the violation;***~~

~~***(b) An image taken by the automated traffic enforcement system showing the vehicle involved in the violation or the address of the Internet website on which such an image may be viewed; and***~~

~~***(c) A statement summarizing the provisions of subsection 5.***~~

~~***5. The registered owner of a vehicle is presumed to be the driver of the vehicle at the time of a violation of the provisions of NRS 484B.307 or any corresponding traffic regulation which was detected by an automated traffic enforcement system. Such a presumption may be rebutted if the registered owner of the vehicle presents as evidence at a hearing held pursuant to subsection 3 of NRS 484A.704, an affidavit stating:***~~

~~***(a) The name and address of the person having care, custody and control of the vehicle at the time of the violation; or***~~

~~*(b) That the vehicle was, at the time of the violation, stolen. Such an affidavit must be accompanied by evidence that supports the affidavit, including, without limitation, a police report or an insurance report.*~~

~~*6. The provisions of this section do not prohibit a peace officer from issuing a citation for a violation of any law of this State at the place where an automated traffic enforcement system is installed and in use if the peace officer witnesses a violation. A person who is issued a citation by a peace officer pursuant to this subsection must not be issued a civil infraction citation based on evidence from the automated traffic enforcement system for the same violation for which the peace officer issued the person the citation.*~~

~~*7. A violation of the provisions of NRS 484B.307 for which a civil infraction citation is issued pursuant to NRS 484A.7033 for a violation described in subsection 2:*~~

~~*(a) Is not a moving traffic violation under NRS 483.473; and*~~

~~*(b) Is punishable by an administrative fine in an amount set by the local authority, but not less than $50.*~~

~~*8. As used in this section:*~~

~~*(a) "Automated traffic enforcement system" means a stationary electronic or digital system which creates a photograph or other recorded image of a vehicle which is used as evidence of a violation of a traffic law by the driver of the vehicle.*~~

~~*(b) "Corresponding traffic regulation" means a traffic regulation enacted by ordinance by a local authority pursuant to NRS 484A.400 that prohibits the same conduct prohibited by NRS 484B.307.*~~

~~*(c) "Near-miss incident" means an occurrence that could have resulted in an impact between a motor vehicle and a train or other on-track equipment but the impact was prevented.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 484A.600 is hereby amended to read as follows:~~

~~484A.600~~ **[**~~A~~**]** ***Except as otherwise provided in section 4 of this act, a*** ~~governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation or civil infraction citation pursuant to NRS 484A.7035 for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is a portable camera or event recording device worn or held by a peace officer, the equipment is otherwise installed temporarily or permanently within a vehicle or facility of a law enforcement agency or the equipment is privately owned by a nongovernmental entity.~~**]** **(Deleted by amendment.)**

Sec. 6. ~~[NRS 484A.640 is hereby amended to read as follows:~~

~~484A.640 1. Except for a citation issued pursuant to NRS 484A.700~~ **[**~~,~~**]** ***or section 4 of this act,*** ~~whenever a police officer makes an arrest or issues a citation to a person for any violation of chapters 484A to 484E, inclusive, of NRS, the police officer shall record the name as given by that person, the number of the person's driver's license and a brief description of the person's~~

~~physical appearance. This information must be maintained in a record for offenses kept at the traffic enforcement agency which employs that officer.~~

~~2. Whenever a police officer stops a driver of a motor vehicle for any violation of chapters 484A to 484E, inclusive, of NRS and requests information from a traffic enforcement agency concerning that person's record of prior offenses, the police officer shall compare not only the driver's name but also the number of his or her driver's license and physical description with any information obtained from the agency as a result of the request. If the information received from the agency indicates that the driver's name is on an outstanding warrant for a prior offense, the officer shall not arrest the driver for that prior offense unless the additional information used for comparison also connects the driver with that prior offense.~~**]** **(Deleted by amendment.)**

Sec. 7. **[**~~NRS 484A.704 is hereby amended to read as follows:~~

~~484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049~~ ***, or section 4 of this act,*** ~~shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued.~~

~~2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.~~

~~3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.~~

~~4. Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A~~

~~person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.~~

~~5. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.~~

~~6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.~~

~~7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.~~**] (Deleted by amendment.)**

Sec. 8. **[**~~The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~**] (Deleted by amendment.)**

Sec. 9. This act becomes effective on July 1, 2023.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 7, 156, 216, 224, 228, 237, 249, 253, 270, 283, 292, 310, 313, 369, and 389 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblymen Newby and Gray.

ASSEMBLYWOMAN NEWBY:

Assembly Bill 14 creates the Business Licensing Working Group to study certain issues relating to business licensing during the 2023-2024 interim. The Working Group is required to submit a report to the Legislature that addresses the issues reviewed or studied and any recommendations by December 31, 2024.

ASSEMBLYMAN GRAY:

I rise in support of Assembly Bill 14. I applaud the Lieutenant Governor and the Secretary of State for working together on this legislation. I look forward to seeing the solutions the Working

Group comes up with to ease the licensing burden that businesses in Nevada are currently facing. I urge all of my colleagues to support this.

Roll call on Assembly Bill No. 14:
YEAS—40.
NAYS—None.
EXCUSED—González, Thomas—2.
Assembly Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 49.
Bill read third time.
Remarks by Assemblywoman La Rue Hatch.

ASSEMBLYWOMAN LA RUE HATCH:
Assembly Bill 49 makes changes to clarify the process of filing for a petition for a writ of habeas corpus.

Roll call on Assembly Bill No. 49:
YEAS—40.
NAYS—None.
EXCUSED—González, Thomas—2.
Assembly Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 55.
Bill read third time.
Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:
Assembly Bill 55 revises provisions of the Uniform Unclaimed Property Act, including, but not limited to, making various changes relating to the dates on which certain unclaimed property is presumed abandoned.

Roll call on Assembly Bill No. 55:
YEAS—40.
NAYS—None.
EXCUSED—González, Thomas—2.
Assembly Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 70.
Bill read third time.
Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:
Assembly Bill 70 revises provisions relating to the use of proceeds collected from the $3 game tag application processing fee. Specifically, the bill requires the Department of Wildlife to use such proceeds, as directed by the applicant, for either developing and implementing a program for the lethal removal of predatory wildlife or wildlife management activities for the protection of nonpredatory game species and their habitats.

Roll call on Assembly Bill No. 70:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126.

Bill read third time.

Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

Assembly Bill 126 is an omnibus measure that revises various provisions governing Nevada business entities. Among other things, the bill authorizes certain business entities to correct an erroneously filed record with the Office of the Secretary of State; clarifies the content of the affidavit required to be submitted with a demand to inspect certain private corporation records; authorizes a publicly traded corporation, with the approval of certain stockholders, to decrease the number of issued and outstanding shares of a class or series; revises provisions governing permissible restrictions on the transfer of shares of a corporation by clarifying the manner in which a transferee may be presumed to have knowledge of the restriction; and repeals, reenacts, and reorganizes the definitions of "advance notice statement" and "statement of intent" for the purposes of certain provisions relating to dissenters' rights.

The bill also authorizes the board of directors to require a confidentiality agreement with a stockholder or other person who submits a demand to inspect the books of account or financial statements of the corporation and to change the name of a corporation without the approval of the stockholders, unless the articles of incorporation require such approval. Finally, the bill clarifies the actions available to a board of directors with respect to the adoption or signing of plans, arrangements, or instruments and protecting the interests of the corporation and its stockholders.

Roll call on Assembly Bill No. 126:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 127.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 127 says that an insurer, other person, or entity must treat the purchase of a Medicare supplemental policy during the open enrollment period in the same manner as a renewal of a Medicare supplemental policy for the purposes of paying a commission.

Roll call on Assembly Bill No. 127:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 169.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 169 requires boxes containing feminine hygiene products manufactured on or after January 1, 2025, to have a label listing all product ingredients.

Roll call on Assembly Bill No. 169:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, McArthur, O'Neill, Yurek—12.

EXCUSED—González, Thomas—2.

Assembly Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 171.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

This bill establishes the criteria for a public body or its authorized representative to consider in selecting the responsive and responsible bidder offering the best value bid. It is effective on July 1, 2023.

Roll call on Assembly Bill No. 171:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—González, Thomas—2.

Assembly Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblyman Gray.

ASSEMBLYMAN GRAY:

Assembly Bill 173 revises provisions relating to certain bids for a public work for which a list disclosing first-tier subcontractors is required. Specifically, the bill requires the prime contractors who submitted the three lowest bids to submit, within two hours after the completion of the opening of the bids, the names of each first-tier subcontractor who will provide labor or a certain portion of the work to the prime contractor for which the first-tier subcontractor will be paid an amount exceeding $100,000 instead of an amount exceeding $250,000.

Roll call on Assembly Bill No. 173:

YEAS—38.

NAYS—Anderson, La Rue Hatch—2.

EXCUSED—González, Thomas—2.

Assembly Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 175.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 175, as amended, adds four appointed, nonvoting members to the board of trustees of a county school district with more than 75,000 students, which is currently only Clark County. It also specifies the appointment process and certain roles and responsibilities for these members.

Roll call on Assembly Bill No. 175:

YEAS—29.

NAYS—Anderson, DeLong, Dickman, Gray, Gurr, Hafen, Hansen, La Rue Hatch, McArthur, Brittney Miller, Summers-Armstrong—11.

EXCUSED—González, Thomas—2.

Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 190.

Bill read third time.

Remarks by Assemblywoman Kasama.

ASSEMBLYWOMAN KASAMA:

Assembly Bill 190 authorizes a title company, apartment association, or property management company to distribute a voter registration form provided by the Secretary of State to persons who complete a real estate transaction or sign a lease at the time of closing or at the signing of the lease. The voter registration form must allow a person to register to vote, update his or her voter registration, or cancel his or her voter registration.

Roll call on Assembly Bill No. 190:

YEAS—34.

NAYS—Anderson, Considine, La Rue Hatch, Brittney Miller, Nguyen, Summers-Armstrong—6.

EXCUSED—González, Thomas—2.

Assembly Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:
Assembly Bill 193 revises procedures related to a custodial interrogation of a child. A statement by a child obtained in violation of the provisions of this bill is presumed to be involuntary and inadmissible in any criminal or juvenile proceeding.

Roll call on Assembly Bill No. 193:
YEAS—26.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
EXCUSED—González, Thomas—2.
Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 223.
Bill read third time.
Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:
Assembly Bill 223 requires a collection agency to provide, without charge, a debtor with a payoff letter.

Roll call on Assembly Bill No. 223:
YEAS—38.
NAYS—Dickman, Gallant—2.
EXCUSED—González, Thomas—2.
Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 256.
Bill read third time.
Remarks by Assemblywoman Mosca.

ASSEMBLYWOMAN MOSCA:
Assembly Bill 256 makes various changes to work-based learning programs.

Roll call on Assembly Bill No. 256:
YEAS—40.
NAYS—None.
EXCUSED—González, Thomas—2.
Assembly Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 274.
Bill read third time.
Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:
Assembly Bill 274 revises the one-half credit of economics in which a public high school pupil must enroll to include financial literacy, and it adds understanding and budgeting for certain costs to the description of skills necessary to manage finances. The bill also changes membership of

the State Financial Literacy Advisory Council, adding one member who is a pupil enrolled in high school. Finally, the bill places the Council under Nevada's Department of Education.

Roll call on Assembly Bill No. 274:
YEAS—40.
NAYS—None.
EXCUSED—González, Thomas—2.
Assembly Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 275.
Bill read third time.
Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:
Assembly Bill 275 prohibits a court or agency of criminal justice in this state from charging any fees related to the sealing of a criminal record if, at the time the crime for which the record to be sealed was committed, the petitioner was being sex trafficked. The petitioner is required to include a statement in the petition certifying that at the time of the crime, the petitioner was being sex trafficked.
This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 275:
YEAS—40.
NAYS—None.
EXCUSED—González, Thomas—2.
Assembly Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 316.
Bill read third time.
Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:
Assembly Bill 316 revises the penalty for the unlawful possession of a certain number of unregistered vehicles unfit for use to be punishable by a civil penalty and not a criminal penalty. The bill also authorizes a local authority to adopt an ordinance prohibiting the same conduct. Lastly, the bill provides that such a local ordinance applies instead of the state law.

Roll call on Assembly Bill No. 316:
YEAS—35.
NAYS—Gray, Gurr, Hafen, Hibbetts, McArthur—5.
EXCUSED—González, Thomas—2.
Assembly Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 318.
Bill read third time.
Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

Assembly Bill 318 revises certain procedures the Board of Medical Examiners must follow to provide notice to a holder of a license to practice medicine that his or her license is scheduled to expire.

The measure also requires a physician assistant, a practitioner of respiratory care, a perfusionist, or an insurer of such a person to report to the Board any actions for malpractice; claim for malpractice that is submitted in arbitration or mediation, settlement, award judgment, or other disposition of such an action or claim; and certain sanctions imposed that are reportable to the National Practitioner Data Bank.

Roll call on Assembly Bill No. 318:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 334 provides that if an insurer requires the inspection for repair or further inspection of a motor vehicle relating to a claim by the insured or a claimant, the insurer must conduct the inspection within eight business days after receiving the claim and accepting liability. Additionally, the measure authorizes the Division of Insurance of the Department of Business and Industry to impose an administrative fine of not more than $1,200 for each violation.

Roll call on Assembly Bill No. 334:

YEAS—30.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, McArthur, O'Neill—10.

EXCUSED—González, Thomas—2.

Assembly Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 342.

Bill read third time.

Remarks by Assemblyman Hibbetts.

ASSEMBLYMAN HIBBETTS:

Assembly Bill 342 requires a cannabis establishment agent to verify the age of a consumer by checking a government-issued identification that contains a photograph of the consumer, using an approved scanner to determine the validity of the identification before selling cannabis or a cannabis product to the consumer.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks, and on January 1, 2024, for all other purposes.

Roll call on Assembly Bill No. 342:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 355.

Bill read third time.

Remarks by Assemblymen Jauregui and Yurek.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 355 provides that a person who is less than 21 years of age is prohibited from handling, having possession of, or controlling any semiautomatic shotgun or a semiautomatic centerfire rifle. The bill provides an exception for a person who is under 21 years of age and who is a member, or an honorably discharged member, of the Armed Forces of the United States, the National Guard, a reserve component, or a law enforcement officer.

Today in Nevada, we are passing landmark legislation. As many of you know, I have been a strong advocate for gun violence prevention legislation since I entered public service, but particularly after the 1 October massacre, the worst mass shooting in our nation's history. Since then, I have helped lead the charge to pass Assembly Bill 291 of the 80th Session—which banned bump stocks, the type of accessory used in the massacre that mimics a fully automatic firearm—as well as implement several other gun safety laws that improve public safety, such as red flag laws, child-safe storage laws, and a ban on ghost guns. These measures are necessary because gun violence is an inescapable epidemic across the country.

In the last five years, six of the nine deadliest mass shootings have been committed by individuals under the age of 21. Right now, guns are the number one killer of our children—from schools in Texas and Tennessee, to the front porches of Arkansas, to countless other unreported tragedies across this nation. Our children are dying, and our communities are mourning.

Well, I believe we can protect second-graders and the Second Amendment at the same time. Raising the age requirement to purchase an assault weapon to 21 is a commonsense gun safety measure that will make everyday Nevadans safer and more secure in their community. I urge this body to support this piece of legislation to keep our communities safe.

ASSEMBLYMAN YUREK:

Today, I stand in opposition to Assembly Bill 355. As I do, I hope we can all agree on three things. Number one: Currently, the *United States Constitution* and our *Nevada Constitution* protect the rights of our citizens to both keep and bear arms. Number two: Every individual involved in the legislation before us today has good intentions and a strong desire to protect Nevadans. Number three: We need to do something about the increasing incidence of gun violence against innocent Americans and, more specifically, Nevadans. However, the issue on which we do not agree is how to protect Nevadans and safeguard their constitutional rights.

I believe AB 355 was drafted with good intentions. However, to quote Ninth Circuit Court Judge Kenneth K. Lee who, when his court struck down a similar law in California this past year, stated, "We cannot allow good intentions to trump an enumerated and 'fundamental right' deeply rooted in the history and tradition of this country." The question this legislation asks is whether 18-, 19-, and 20-year-old individuals are mature enough to safely and wisely handle firearms, suggesting that this demographic is largely responsible for the gun violence epidemic in our country. But this assumption is factually untrue. Of the 142 mass shootings that have taken place over the past 40 years, only 6 percent were committed by an 18-, 19-, or 20-year-old individual who bought a gun legally. This is less than 1 percent of the guns purchased in Nevada, and not one of those incidents took place in Nevada.

Recent events as well as our own tragedy on October 1 have left us sensitive to this issue. But this legislation would affect less than 1 percent of the mass shootings that have taken place over the past 40 years. The more appropriate and relevant question is this: How do we prevent an individual with the intent to harm themselves or others from using a firearm to that end? Removing guns from the hands of individuals because of their age does not solve the problem, nor

does it address the real issue. Additionally, we are creating an age discrimination issue that inarguably violates the *Nevada Constitution*.

By shifting our focus away from gun control and instead focusing on gun safety, we may be able to find a more effective solution that resolves all our concerns. The RAND Corporation reminds us, "Good gun policies require consideration of many factors, including the law and constitutional rights, the interests of various stakeholder groups, and information about the likely effects of different laws or policies on a range of outcomes." We know that background checks and safe storage laws have proven track records of reducing firearm injuries among children and youth. But laws regulating the type of firearms people have access to have made little impact on the rate of firearm-related homicides. Additionally, the minimum age of 21 required to purchase handguns has little effect on reducing firearm suicides among youth.

We do need a solution, but AB 355 is not it. I respectfully request that you vote no on AB 355. Let us try together to find gun safety solutions that both protect Nevadans and safeguard our constitutional rights.

Roll call on Assembly Bill No. 355:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—González, Thomas—2.

Assembly Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 356 provides that a person commits the crime of unlawful installation of a mobile tracking device if the person knowingly installs, conceals, or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the vehicle. A person who commits such a crime is guilty of a misdemeanor for the first offense, a gross misdemeanor for the second offense, or a category C felony for the third or any subsequent offense. The provisions of the bill do not apply to a law enforcement officer who installs, conceals, or otherwise places a mobile tracking device in or on a motor vehicle pursuant to a warrant or court order.

Roll call on Assembly Bill No. 356:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 358.

Bill read third time.

Remarks by Assemblyman Gray.

ASSEMBLYMAN GRAY:

Assembly Bill 358 transfers various duties, powers, and responsibilities related to emergency medical services for all counties except Clark County from the State Board of Health to the Bureau of Emergency Medical Services, which is established in the State Fire Marshal Division,

Department of Public Safety. This bill further requires the Director of the Department of Public Safety to appoint the Committee on Emergency Medical Services and revises the Committee's membership and duties, requiring it to advise the Bureau instead of the Division of Public and Behavioral Health.

Roll call on Assembly Bill No. 358:

YEAS—39.

NAYS—Gurr.

EXCUSED—González, Thomas—2.

Assembly Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 373.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 373 revises provisions relating to deceptive trade practices. This bill is about protecting senior citizens.

Roll call on Assembly Bill No. 373:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 373 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 387.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 387 requires the State Engineer to use the best available science in rendering decisions concerning surface and underground sources of water in Nevada. The bill also adds language recognizing hydrologically connected surface waters and groundwaters and other language related to managing water rights and conflicts.

Roll call on Assembly Bill No. 387:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—González, Thomas—2.

Assembly Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

Remarks by Assemblywoman Kasama.

ASSEMBLYWOMAN KASAMA:

Assembly Bill 392 prohibits a service provider from entering into or recording a service agreement with an owner of residential property that provides for the performance of that agreement more than one year from the date of the execution, with additional criteria. Such a service agreement recorded on or after October 1, 2023, is void and unenforceable. The bill provides that a county recorder may refuse to record such an agreement. In addition, a person with an interest in a residential property subject to such an agreement may bring a civil action for equitable relief, actual damages, actual costs, and attorney's fees.

The measure also revises provisions governing persons who hold a permit to engage in property management.

Roll call on Assembly Bill No. 392:

YEAS—40.

NAYS—None.

EXCUSED—González, Thomas—2.

Assembly Bill No. 392 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 398.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 398 prohibits an insurer from issuing or renewing a liability insurance policy that contains certain provisions.

Roll call on Assembly Bill No. 398:

YEAS—29.

NAYS—Backus, DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Kasama, McArthur, O'Neill—11.

EXCUSED—González, Thomas—2.

Assembly Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 407.

Bill read third time.

Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:

Assembly Bill 407 prohibits the Director of the Department of Motor Vehicles from releasing any personal information for any purpose relating to the enforcement of immigration laws without a court order, subpoena, or warrant.

Roll call on Assembly Bill No. 407:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—González, Thomas—2.

Assembly Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 423.
Bill read third time.
Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:
Assembly Bill 423 prohibits a board of trustees of a school district from taking any action at a regular or special meeting after 11:59 p.m. on the day of the meeting, except in an emergency that impacts the school district.

Roll call on Assembly Bill No. 423:
YEAS—40.
NAYS—None.
EXCUSED—González, Thomas—2.
Assembly Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 455.
Bill read third time.
Remarks by Assemblywoman Gallant.

ASSEMBLYWOMAN GALLANT:
Assembly Bill 455, in its first reprint, authorizes the Department of Taxation to impose a civil penalty for certain violations relating to contraband tobacco products. The penalty that the Department may impose for these violations may not exceed the greater of $10,000 or the total costs incurred by the Department relating to transportation, storage, and disposal of contraband tobacco.

Roll call on Assembly Bill No. 455:
YEAS—40.
NAYS—None.
EXCUSED—González, Thomas—2.
Assembly Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Kirby, Michele Stevenson, and Tracy Byers.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Striejewske, Ciara Ressel, J.J. Goicoechea, and Meghan Brown.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Ella Mary Brannon, Erin Brannon, and Megyn Emery Brannon.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Jorjorian, Kenya Henderson, and Shalimar Cabrera.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Carmen Gilbert, Cory Nelson, and Misti Duplex.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Smith, Sandi Milton, and Trinh Dang.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Mayor Lori Bagwell, Ronni Hannaman, and the following students, teachers, and chaperones from Edith W. Fritch Elementary School: Adam Woolridge, Adien Garnica-Preciado, Aedon Atkinson, Allie McGinley, Alondra Lopez-Rayo, Andrew Miner, Andrew Warner, Angel Victorio, Annabelle Lyons-Avedano, Annalis Porter, Asher Gragg, Ataya Belmont, Augustus Noll, Austin Briscoe, Braxton McGee, Briella Harrison, Brooklyn Falconer, Bryslee Peters, Cassidy Mills, Charlize Aguirre, Charlotte DeSerrano, Clark Wood, Conrad (Moose) Macgill, Dakota Wilson Soria, Dayana Gutierrez, Dayla Kuchnicki, Derrick Manley, Edgar Munoz, Elijah Pinedo, Emma Besaw, Emmy Maxfield, Eric Luna-Solis, Evelyn Bueltel, Hannah Parker, Harper Moreno, Hope Ponczoch, Houston Hohl, Jayden Acosta Bruno, Jazmin Flores, Jordan Kuhlman, Joy Ponczoch, Juliette Ipsen, Jullian Jesse, Kaydence Gomez, Ki-lee Laliberte, Kimberly Tovar, Knox Seaver, Kyle Feser, Liam Johnson, Liam Kulleseid, Luis Mariscal, Marley Coclich, Mary Wonner, Matthew Cooper, Mavis Dwyer, Maximus Martinez, Micah Johnson, Michael Bittner, Mira Redick, Navneet Gill, Neil Porterfield, Oliver Jensick, Oliver Robinson, Randy Hunsaker, Robert Haney IV, Romeo Ampudia, Ruari Cornmesser, Ryan Showen, Scarlett Richmond, Silas Kingman, Skyler England, Sonia (Izzy) Basilio, Sophia Wilson, Stefan (Max) Giurca, Tamia Julian, Tristyn Ardinger, Violet Olson, William Helton, Wyatt Huneycutt, Yasmin Payon, and Zahra Anderson.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Boyd Spratling and John Griggs.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Yurek.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, April 24, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:05 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 24, 2023

Assembly called to order at 12:03 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Rajan Zed.

Om,
bhur bhuvah svah, tat savitur varenyam,
bhargo devasya dhimahi, dhiyo you nah prachodayat.

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky, and inside the soul of the heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya
tamaso ma jyotir gamaya
mrityor mamrtam gamaya.

Lead us from the unreal to the Real. Lead us from darkness to light. Lead us from death to immortality.

Tasmadasaktah satatam karyam karma samacara,
asakto hyacarankarma paramapnoti purusah.
Karmanaiva hi samsiddhimasthita janakadayah,
lokasangrahamevapi sampasyankartumarhasi.

Strive constantly to serve the welfare of the world; by devotion to selflessness one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu, saha nau bhunaktu,
saha viiryan karavaavahai, tejasvi naavadhiitamastu,
maa vidhvishhaavahai.

May we be protected together. May we be nourished together. May we work together with great vigor. May our study be enlightening. May no obstacle arise between us.

Om shanti, shanti, shanti.
Peace, peace, peace be unto all.
Om.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 153, 322, 332, 364, 434, 439, 441, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 213, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 250, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 42, 65, 226, 241, 264, 269, 285, 296, 323, 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 150, 182, 282, 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 225, 312, 378, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 11, 85, 155, 168, 265, 383, 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 179, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 117, 148, 160, 227, 309, 354, 371, 405, 408, 414, 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was rereferred Assembly Bill No. 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 246, 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, to which was referred Assembly Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Assembly Bills Nos. 41, 232, 416, 428, 429, 430, 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA BACKUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 441.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 22, 106, 146, 161, 260, 315, 354, 410.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 8.

Resolution read.

Remarks by Assemblyman D'Silva.

ASSEMBLYMAN D'SILVA:

Assembly Joint Resolution 8 urges the United States Congress to support legislation to remove cannabis from schedule I of the Controlled Substances Act.

YEAS—37.

NAYS—Hafen, Hansen, Hardy, McArthur, Yurek—5.

Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

NOTICE OF EXEMPTION

April 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Senate Bills Nos. 242, 373.

WAYNE THORLEY
Fiscal Analysis Division

April 23, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 419, 422, 434.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that the Assembly withdraw Senate Bill No. 418 from the Committee on Judiciary.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 418 be rereferred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblywoman Monroe-Moreno moved that Assembly Bill No. 381 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 22.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 106.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 146.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 161.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 260.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 315.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 354.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 410.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 441.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 11.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 266.

SUMMARY— ~~[Prohibits certain]~~ **Revising provisions governing** hospitals**.** ~~[from employing a physician.]~~ (BDR 40-382)

AN ACT relating to health care; prohibiting a hospital or psychiatric hospital from employing a physician under certain circumstances; providing penalties for a violation of such prohibition; **prohibiting a hospital from taking measures to restrict certain activity of a provider of health care who is employed by or serves as an independent contractor of the hospital;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements governing the staffing of hospitals, psychiatric hospitals and certain other health care facilities. (NRS 449.241-449.2428) In 2010, the Attorney General issued an opinion explaining that, while it is the longstanding practice in Nevada that a physician generally works as a contractor for, rather than an employee of, a hospital, there is no provision of law prohibiting a hospital from employing a physician. (Att'y Gen. Op. 2010-04 (March 5, 2010)) **Section 1** of this bill expressly prohibits a hospital or psychiatric hospital from employing a physician for the purpose of practicing medicine, homeopathic medicine or osteopathic medicine except where expressly authorized by law.

Existing law authorizes a county hospital or hospital district, a private nonprofit medical school **,** ~~[or]~~ a nonprofit medical research institution **or certain mental health facilities operated by divisions of the Department of Health and Human Services** to employ a physician under certain circumstances. (NRS **433.264, 433B.150,** 450.180, 450.640, 630.365) **Section 1** additionally authorizes a hospital or psychiatric hospital to employ a physician **: (1)** who is participating in certain graduate programs ~~[.]~~ **; or (2) if the hospital or psychiatric hospital is owned or operated by the State Government.**

Existing law exempts a medical facility from certain requirements of existing law relating to the licensing and regulation of medical facilities if the facility: (1) is conducted by and for the adherents of any church or religious denomination for the purpose of providing care and treatment in accordance with the practices of the religion of the church or denomination; or (2) is operated and maintained by the United States Government or an agency thereof. (NRS 449.0301) **Section 2** of this bill exempts these facilities from the provisions of **section 1**.

Existing law authorizes certain penalties to be imposed against certain medical facilities that violate certain laws and regulations governing the operation of such medical facilities. (NRS 449.160, 449.163, 449.220, 449.240) **Sections 3 and 4** of this bill apply these same penalties to a hospital or psychiatric hospital that violates **section 1**. Specifically: (1) **section 3** of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to suspend or revoke the license of a hospital or psychiatric hospital that violates **section 1**; and (2) **section 4** authorizes the Division to impose certain other penalties on a hospital or psychiatric hospital that violates **section 1**, including, without limitation, the imposition of an administrative penalty of not more than $5,000 per day for each violation, together with interest at a rate not to exceed 10 percent per year.

Sections ~~[5-8]~~ **5-7 and 8** of this bill make conforming changes to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law makes it an unlawful employment practice to discriminate against any employee because the employee has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another employee. (NRS 613.330) Section 7.3 of this bill prohibits a hospital from including in a contract with a provider of health care any provision prohibiting the provider from discussing with other persons his or her wages or salary or other information relating to working conditions. Section 7.3 also prohibits a hospital from taking any action to prevent a provider of health care from: (1) discussing such topics; or (2) working for another medical facility or office.

Existing law provides that a noncompetition covenant is void unless the covenant: (1) is supported by valuable consideration; (2) does not impose any restraint that is greater than is required for the protection for the employer; (3) does not impose an undue hardship on the employee; and (4) imposes restrictions that are appropriately related to the consideration for the covenant. (NRS 613.195) Section 7.8 of this bill prohibits a hospital from entering into a noncompetition covenant with a provider of health care that prohibits the provider from providing medical services at another medical facility or office during or after the term of the employment or contract, as applicable. Section 7.8 provides that any provision of a noncompetition covenant that violates that prohibition is void. Additionally, the provisions of sections 7.3 and 7.8 would be subject

to administrative enforcement by the Labor Commissioner. (NRS 607.160)

Section 8.5 of this bill requires the Joint Interim Standing Committee on Health and Human Services to conduct a study on the employment of physicians by corporations. Section 8.5 authorizes the Standing Committee to request the drafting of 1 legislative measure to amend or repeal section 1 or make other changes relating to the study at the 83rd Session of the Legislature.

Section 10 of this bill makes this bill effective upon the passage of the bill by the Legislature and approval of the bill by the Governor. **Section 9** of this bill provides that **section 1** does not apply to any contract existing on the date on which this bill becomes effective . ~~[but does apply to any renewal of such a contract.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, NRS 433.264, 433B.150, 450.180 , 450.640 and 630.365 or any other provision of law, a hospital or psychiatric hospital shall not employ as an employee a physician for the purpose of engaging in the practice of medicine, homeopathic medicine or osteopathic medicine.

2. A hospital or psychiatric hospital may employ as an employee a physician ~~[who]~~ :

(a) Who is participating in a graduate program approved by the Accreditation Council for Graduate Medical Education, or its successor organization, for the purpose of engaging in the practice of medicine, homeopathic medicine or osteopathic medicine ~~[.]~~ ; or

(b) If the hospital or psychiatric hospital is owned or operated by the State Government.

3. A hospital or psychiatric hospital that employs or contracts with a physician or other provider of health care shall ensure the contract complies with the provisions of section 7.3 of this act and NRS 613.195.

4. As used in this section:

(a) "Homeopathic medicine" has the meaning ascribed to it in NRS 630A.040.

(b) "Osteopathic medicine" has the meaning ascribed to it in NRS 633.081.

(c) "Practice of medicine" has the meaning ascribed to it in NRS 630.020.

Sec. 2. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and

treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 3. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and section 1 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1 of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 4. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1 of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 5. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and section 1 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 6. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 7. NRS 449.241 is hereby amended to read as follows:

449.241 As used in NRS 449.241 to 449.2428, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 449.2413 to 449.2418, inclusive, have the meanings ascribed to them in those sections.

Sec. 7.3. **Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A hospital that employs or contracts with a provider of health care shall not:

(a) Include in the contract for employment or services any provision prohibiting the provider of health care from discussing with other persons matters relating to the contract or his or her experience at the hospital, including, without limitation:

(1) His or her wages or salary;

(2) Any harassment, violence or retaliation he or she or any other person experienced at the hospital; or

(3) Any other information relating to the working conditions at the hospital.

(b) Act to prevent a provider of health care from discussing information described in paragraph (a) or providing medical services at another medical facility or office during or after the term of the employment or contract, as applicable.

(c) Retaliate against or impose discipline upon a provider of health care who discusses information described in paragraph (a) or provides medical services at another medical facility or office during or after the term of the employment or contract, as applicable.

2. The provisions of this section must not be construed to prevent a hospital from taking any action necessary to prevent the disclosure of information protected by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or that is otherwise confidential.

3. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 7.8. **NRS 613.195 is hereby amended to read as follows:**

613.195 1. A noncompetition covenant is void and unenforceable unless the noncompetition covenant:

(a) Is supported by valuable consideration;

(b) Does not impose any restraint that is greater than is required for the protection of the employer for whose benefit the restraint is imposed;

(c) Does not impose any undue hardship on the employee; and

(d) Imposes restrictions that are appropriate in relation to the valuable consideration supporting the noncompetition covenant.

2. A noncompetition covenant may not restrict, and an employer may not bring an action to restrict, a former employee of an employer from providing service to a former customer or client if:

(a) The former employee did not solicit the former customer or client;

(b) The customer or client voluntarily chose to leave and seek services from the former employee; and

(c) The former employee is otherwise complying with the limitations in the covenant as to time, geographical area and scope of activity to be restrained, other than any limitation on providing services to a former customer or client who seeks the services of the former employee without any contact instigated by the former employee.

➥ Any provision in a noncompetition covenant which violates the provisions of this subsection is void and unenforceable.

3. A noncompetition covenant may not apply to an employee who is paid solely on an hourly wage basis, exclusive of any tips or gratuities.

4. ***A noncompetition covenant may not restrict a provider of health care employed by or contracted with a hospital in this State from providing medical services at another medical facility or office during or after the term***

of the employment or contract, as applicable. This subsection does not prevent a hospital from taking any action necessary to prevent the disclosure of information protected by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or that is otherwise confidential. Any provision in a noncompetition covenant which violates the provisions of this subsection is void and unenforceable.

5. An employer in this State who negotiates, executes or attempts to enforce a noncompetition covenant that is void and unenforceable under this section does not violate the provisions of NRS 613.200.

~~[5.]~~ ***6.*** If the termination of the employment of an employee is the result of a reduction of force, reorganization or similar restructuring of the employer, a noncompetition covenant is only enforceable during the period in which the employer is paying the employee's salary, benefits or equivalent compensation, including, without limitation, severance pay.

~~[6.]~~ ***7.*** If an employer brings an action to enforce a noncompetition covenant or an employee brings an action to challenge a noncompetition covenant and the court finds the covenant is supported by valuable consideration but contains limitations as to time, geographical area or scope of activity to be restrained that are not reasonable, imposes a greater restraint than is necessary for the protection of the employer for whose benefit the restraint is imposed or imposes undue hardship on the employee, the court shall revise the covenant to the extent necessary and enforce the covenant as revised. Such revisions must cause the limitations contained in the covenant as to time, geographical area and scope of activity to be restrained to be reasonable, to not impose undue hardship on the employee and to impose a restraint that is not greater than is necessary for the protection of the employer for whose benefit the restraint is imposed.

~~[7.]~~ ***8.*** If an employer brings an action to enforce a noncompetition covenant or an employee brings an action to challenge a noncompetition covenant and the court finds that the noncompetition covenant applies to an employee described in subsection 3***,*** ~~[or]~~ that the employer has restricted or attempted to restrict a former employee in the manner described in subsection 2~~[,]~~ ***or that the noncompetition covenant violates subsection 4,*** the court shall award the employee reasonable attorney's fees and costs. Nothing in this subsection shall be construed as prohibiting a court from otherwise awarding attorney's fees to a prevailing party pursuant to NRS 18.010.

~~[8.]~~ ***9.*** As used in this section:

(a) "Employer" means every person having control or custody of any employment, place of employment or any employee.

(b) ***"Hospital" has the meaning ascribed to it in NRS 449.012.***

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Noncompetition covenant" means an agreement between an employer and employee which, upon termination of the employment of the employee, prohibits the employee from pursuing a similar vocation in competition with or becoming employed by a competitor of the employer.

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 8. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act,*** as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 8.5. **1. As part of its review of health and human services during the 2023-2024 legislative interim, the Joint Interim Standing Committee on Health and Human Services shall study the employment of physicians by corporations, including, without limitation, the benefits and drawbacks of such employment in different situations.**

2. The Joint Interim Standing Committee on Health and Human Services may request the drafting of 1 legislative measure, in addition to those requested pursuant to NRS 218D.160, to amend or repeal section 1 of this act or make other changes relating to the study conducted pursuant to this section at the 83rd Session of the Nevada Legislature.

Sec. 9. 1. The provisions of section 1 of this act do not apply to any contract existing on the effective date of this act between a hospital or psychiatric hospital, as defined in NRS 449.2414, and a physician **. [,]**

2. The provisions of section 7.3 and NRS 613.195, as amended by section 7.8 of this act, do not apply to any contract existing on the effective date of this act between a hospital, as defined in NRS 449.012, and a provider of health care, as defined in NRS 629.031, but apply to any renewal of such a contract.

Sec. 10. This act becomes effective upon passage and approval.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 34.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 281.

AN ACT relating to water; revising various public notice requirements relating to water; revising certain requirements for maps relating to water rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is required to publish certain notices and court orders in a newspaper of general circulation consecutively for certain periods of time. (NRS 533.087, 533.095, 533.165, 533.360 **) [, 534.037, 534.270)] Sections 1, 2, 5 [,] and 6 [, 12 and 13]** of this bill **[revise these requirements] eliminate the requirement** to **[: (1) provide that if a newspaper of general circulation fails to]** publish the notice or order submitted by the State Engineer **[the required number of times or]** consecutively **. [, the State Engineer is not required to republish the notice or order if the notice or order is published at least once by the newspaper; and (2) require the State Engineer to mail the notice or order to not less than one public library in an affected county or counties or, if there is no public library, another public place, for public posting.**

Existing law requires the State Engineer to: (1) publish notice that an application has been filed in compliance with chapter 533 of NRS once a week for 4 consecutive weeks in a newspaper of general circulation where the point of diversion is located; and (2) file proof of publication within 30 days after the final day of publication. (NRS 533.360) Section 6 eliminates the

~~requirement that the State Engineer file proof of publication.]~~ **Sections 2, 5 and 6 further require the Division of Water Resources of the State Department of Conservation and Natural Resources to post the notice or court order on the Internet website of the Division.**

Existing law authorizes any interested person to file a written protest against the granting of an application for a permit within 30 days of the last publication of the notice of application. (NRS 533.365) ~~[Section 6 requires the State Engineer to add to the notice of an application the date on which the period of notice will end.]~~ **Section 8** of this bill provides that a person may file a protest against the granting of an application for a permit within **60 days after the first date of publication or if the notice is not posted consecutively, within** 30 days after the ~~[end of the required period]~~ **last date of publication** of **the** notice for certain applications ~~[.~~**,**

~~Existing law provides that if water for which a permit is requested will be used or diverted from a county other than the county in which the water is or is currently used or diverted, the State Engineer must notify the board of county commissioners of the county in which the water will be appropriated and the board of county commissioners of the county in which the water will be diverted or used. Each board of county commissioners must consider the request at a public meeting and provide public notice of the meeting in a newspaper of general circulation in the county for a period of 3 consecutive weeks before the meeting. (NRS 533.363) Section 7 of this bill provides that if the newspaper fails to publish the notice 3 times or consecutively for 3 weeks, the board of county commissioners is not required to republish the notice if the notice is published at least once by the newspaper.~~

~~Existing law provides that if the State Engineer has not acted on an application within 7 years after the final date for filing a protest, the State Engineer must republish notice of the application and the applicant must pay the cost of the republication. (NRS 533.370) Section 9 of this bill provides that the State Engineer will pay the cost of remailing the notice to a public library or other public place in the county where the point of diversion is located.]~~ **, whichever is later. Section 8 further provides that if the State Engineer does not receive any protests to an application within 60 days after the first date of publication, the State Engineer: (1) may presume that the notice was published consecutively and process the application conditionally; and (2) may not grant the application or issue a permit until the State Engineer files proof that the notice was published and posted.**

Sections 3, 10 and 11 of this bill remove requirements that certain maps relating to water rights be on mylar and tracing linen.

Section 4 of this bill clarifies that certain blank forms for a proof of appropriation must be included in the notice sent by the State Engineer to certain persons claiming rights in or to the waters of certain stream systems.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 533.087 is hereby amended to read as follows:

533.087 1. A claimant of any vested water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2027. If a claimant fails to file such proof on or before December 31, 2027, the claim shall be deemed to be abandoned.

2. Until December 31, 2027, the State Engineer shall cause notice of the provisions of subsection 1 to be:

(a) Published ~~*[Submitted for publication]*~~ annually for 4 ~~[~~consecutive~~]~~ weeks in ~~*[to]*~~ at least one newspaper of general circulation within the boundaries of each groundwater basin throughout the State. ~~*[If a newspaper to which the notice was submitted fails to publish the notice 4 times or consecutively for 4 weeks, the State Engineer is not required to republish the notice so long as the State Engineer ensures that the newspaper published the notice at least once.]*~~

(b) Posted on the Internet website maintained by the State Engineer.

~~*[(c) Mailed to not less than one public library in each county of the State to be posted publicly. If there is no public library in a county, the notice must be mailed to another public place in the county.]*~~

Sec. 2. NRS 533.095 is hereby amended to read as follows:

533.095 1. As soon as practicable after the State Engineer enters an order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.

2. The notice shall ~~*[must]*~~ set forth:

(a) That all claimants to rights in the waters of the stream system are required, as provided in this chapter, to make proof of their claims, except claimants who submitted proof of their claims pursuant to NRS 533.087;

(b) The date on which the State Engineer will commence taking proofs of appropriation regarding the rights in and to the waters of the stream system;

(c) The date by which all proofs of appropriation must be filed; and

(d) That all proofs of appropriation must be accompanied by maps prepared in accordance with and depicting any information required pursuant to NRS 533.100 and 533.115.

3. The notice ~~*[State Engineer]*~~ shall be ~~[~~published~~]~~ ***:***

(a) ~~*[Submit the notice for publication]*~~ ***Published*** for a period of 4 ~~[~~consecutive~~]~~ weeks in one or more newspapers of general circulation within the boundaries of the stream system. ~~*[If a newspaper to which the notice was submitted fails to publish the notice 4 times or consecutively for 4 weeks, the State Engineer is not required to republish the notice so long as the State Engineer ensures that the newspaper published the notice at least once.]*~~

(b) ~~*[Mail the notice to not less than one public library in each county within the boundaries of the stream system to be posted publicly. If there is no public library in a county within the boundaries of the stream system, the notice must be mailed to another public place in the county to be posted*~~

~~publicly.~~ ***Posted on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.***

4. At or near the time of the first ***~~[State Engineer submits the notice for]~~*** publication of the notice, ***~~[to a newspaper of general circulation,]~~*** the State Engineer shall send by mail to each person, or deliver to each person, in person, hereinafter designated as claimant, claiming rights in or to the waters of the stream system, insofar as such claimants can be reasonably ascertained, a notice equivalent in terms to the published notice setting forth the date when the State Engineer will commence the taking of proofs, and the date prior to which proofs must be filed with the State Engineer. The notice must be mailed at least 30 days prior to the date fixed for the commencement of the taking of proofs. The date set prior to which the proofs must be filed shall not be less than 60 days from the date set for the commencement of taking proofs. The notice shall be deemed to be an order of the State Engineer as to its contents.

Sec. 3. NRS 533.100 is hereby amended to read as follows:

533.100 1. The State Engineer shall begin an investigation of the flow of the stream and of the ditches diverting water, and of the lands irrigated therefrom, and shall gather such other data and information as may be essential to the proper determination of the water rights in the stream.

2. The State Engineer shall:

(a) Reduce his or her observations and measurements to writing.

(b) If necessary, execute surveys or cause them to be executed.

(c) If necessary, prepare, or cause to be prepared, maps from the observations of such surveys in accordance with such uniform rules and regulations as the State Engineer may adopt.

3. The surveys and maps shall show with substantial accuracy:

(a) The course of the stream.

(b) The location of each ditch or canal diverting water therefrom, together with the point of diversion thereof.

(c) The area and outline of each parcel of land upon which the water of the stream has been employed for the irrigation of crops or pasture.

(d) The kind of culture upon each of the parcels of land.

4. The map shall be prepared as the surveys and observations progress, and, when completed, shall be filed and made of record in the Office of the State Engineer. Such map for original filing in the Office of the State Engineer shall, in addition to complying with any other applicable rule or regulation of the State Engineer, be on ***~~[~~***~~mylar, on~~***~~]~~*** a scale of not less than 1,000 feet to the inch.

Sec. 4. NRS 533.115 is hereby amended to read as follows:

533.115 1. The State Engineer shall, in addition, enclose with the notice to be mailed as provided in ***subsection 4 of*** NRS 533.095, blank forms upon which a claimant who has not submitted proof pursuant to NRS 533.087 shall present in writing all particulars necessary for the determination of the claimant's right in or to the waters of the stream system. The form for a proof of appropriation must include the following:

(a) The name and mailing address of the claimant.

(b) The nature of the right or use on which the claim for appropriation is based.

(c) The time of the initiation of such right, the priority date claimed and a description of the place of diversion and works of diversion and distribution.

(d) The date of beginning of construction.

(e) The date when completed.

(f) The dates of beginning and completion of enlargements.

(g) The dimensions of the ditch as originally constructed and as enlarged.

(h) The date when water was first used for irrigation or other beneficial purposes.

(i) If the water was used for irrigation, the number of acres irrigated the first year, the number of acres irrigated in subsequent years, the dates of irrigation, the area and location of the lands which were irrigated, the character of the soil and the kind of crops cultivated, the rate of diversion and the number of acre-feet of water per annum required to irrigate the land.

(j) If the water was used for a beneficial purpose other than irrigation, the rate of diversion and the number of acre-feet of water used annually.

(k) If the water was used for watering livestock, the number and type of livestock.

(l) Any other facts as will show the extent and nature of the right and compliance with the law in acquiring the same, as may be required by the State Engineer.

2. A claimant must submit a separate proof of appropriation for each source of water of the stream system in which or to which the claimant claims a right.

3. The proof of appropriation submitted by the claimant must be accompanied by a map prepared, except as otherwise provided in subsection 4, in accordance with and depicting any information required pursuant to the requirements of subsections 3 and 4 of NRS 533.100.

4. If the map submitted with a proof of appropriation is prepared for water used for watering livestock, the map must be on a scale of not less than 1:24,000 or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude, and further identifying the location or extent of the livestock use by one-sixteenth sections within a numbered section, township and range.

Sec. 5. NRS 533.165 is hereby amended to read as follows:

533.165 1. As soon as practicable thereafter, a certified copy of the order of determination, together with the copies of the original evidence and transcript of testimony filed with, or taken before, the State Engineer, duly certified by the State Engineer, shall be filed with the clerk of the county, as ex officio clerk of the district court, in which the stream system is situated, or, if in more than one county but all within one judicial district, then with the clerk of the county wherein reside the largest number of parties in interest.

2. If such stream system shall be in two or more judicial districts, then the State Engineer shall notify the district judge of each of such judicial districts of his or her intent to file such order of determination, whereupon, within 10 days after receipt of such notice, such judges shall confer and agree where the court proceedings under this chapter shall be held and upon the judge who shall preside, and on notification thereof the State Engineer shall file the order of determination, evidence and transcripts with the clerk of the court so designated.

3. If such district judges fail to notify the State Engineer of their agreement, as provided in subsection 2, within 5 days after the expiration of such 10 days, then the State Engineer may file such order of determination, evidence and transcript with the clerk of any county the State Engineer may elect, and the district judge of such county shall have jurisdiction over the proceedings in relation thereto.

4. If the judge so selected and acting shall retire from office, or be removed from office or be disqualified, for any cause, then the judge of the district court having jurisdiction of the proceedings shall act as the judge on the matter or shall select the judge to preside in such matter.

5. In all instances a certified copy of the order of determination shall be filed with the county clerk of each county in which such stream system, or any part thereof, is situated.

6. Upon the filing of the certified copy of the order, evidence and transcript with the clerk of the court in which the proceedings are to be had, the State Engineer shall procure an order from the court setting the time for hearing. The clerk of such court shall immediately furnish the State Engineer with a certified copy thereof. The State Engineer immediately thereupon shall ~~[~~mail~~]~~ ***:***

(a) Mail a copy of ~~[~~such~~]~~ ***the*** certified order of the court, by registered or certified mail, addressed to each party in interest at the party's last known place of residence ***.*** ~~[~~, and shall cause the same~~]~~

(b) Submit a copy of the certified order of the court to be published at least once a week for 4 ~~[~~consecutive~~]~~ weeks in some newspaper of general circulation that is available in general circulation in each county in which such stream system or any part thereof is located. ~~*[If a newspaper fails to publish the order 4 times or consecutively for 4 weeks, the State Engineer is not required to republish the order so long as the State Engineer ensures that the newspaper published the order at least once.]*~~

(c) ~~*[Mail]*~~ ***Post a copy of the certified order*** ~~*[to not less than one public library in each county in which such stream system or any part thereof is located to be posted publicly. If there is no public library in a county in which such stream system or any part thereof is located, the order must be mailed to another public place in the county to be posted publicly.*~~

~~*➥ Such service, publication and mailing shall be deemed to be full and sufficient notice to all parties in interest of the date and purpose of such hearing.]*~~ ***of the court on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.***

7. The State Engineer shall file with the clerk of the court ~~[proof]~~ ***:***

(a) Proof of ~~[such]~~ service by registered or certified mail ~~[and by]~~ ***in accordance with the requirements of paragraph (a) of subsection 6;***

(b) Proof that the certified order was submitted for publication ~~[.]~~ ***; and***

(c) Proof that the certified order was posted on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources,

➥ Such service by registered or certified mail and by publication ***and posting*** shall be deemed full and sufficient notice to all parties in interest of the date and purpose of such hearing. ~~***[and published at least once in accordance with the requirements of paragraph (b) of subsection 6; and***~~

~~***(c) Proof of mailing in accordance with the requirements of paragraph (c) of subsection 6.]***~~

Sec. 6. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 2 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days , publish or cause to be published once a week for 4 ~~[consecutive]~~ weeks in a newspaper of general circulation in the county where the point of diversion is located, ~~***[:***~~

~~***(a) Prepare]***~~ ***and post on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources,*** a notice of the application which sets forth:

(a) ~~***[(1)]***~~ That the application has been filed.

(b) ~~***[(2)]***~~ The date of the filing.

(c) ~~***[(3)]***~~ The name and address of the applicant.

(d) ~~***[(4)]***~~ The name of the source from which the appropriation is to be made.

(e) ~~***[(5)]***~~ The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

(f) ~~***[(6)]***~~ The purpose for which the water is to be appropriated.

➥ The publisher shall add thereto

~~***[(b) For the notice prepared pursuant to paragraph (a):***~~

~~***(1) Submit the notice for publication once a week for 4 consecutive weeks to a newspaper of general circulation in the county where the point of diversion is located. If the newspaper fails to publish the notice 4 times or consecutively for 4 weeks, the State Engineer is not required to republish the notice so long as the State Engineer ensures that the newspaper published the notice at least once.***~~

~~***(2) Mail a copy of the notice to be posted publicly to not less than one public library in the county where the point of diversion is located. If there is no public library in the county in which the point of diversion is located, the order must be mailed to another public place in the county to be posted publicly.***~~

~~*(c) Set forth in]*~~ the ~~*[notice the]*~~ date of the first publication and the date of ~~*[on which:*~~

~~*(1) The notice was mailed to]*~~ the last publication. ~~*[public library or other public place in the county, as applicable; and*~~

~~*(2) The period of notice ends, which must not be less than 45 days after the date the notice was mailed to a public library or other public place.]*~~

2. Except as otherwise provided in subsection 4, proof of publication ***and posting*** must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

Sec. 7. ~~**[**NRS 533.363 is hereby amended to read as follows:~~

~~533.363 1. Except as otherwise provided in subsection 2, if water for which a permit is requested is to be used in a county other than that county in which it is to be appropriated, or is to be diverted from or used in a different county than that in which it is currently being diverted or used, then the State Engineer shall give notice of the receipt of the request for the permit to:~~

~~(a) The board of county commissioners of the county in which the water for which the permit is requested will be appropriated or is currently being diverted or used; and~~

~~(b) The board of county commissioners of the county in which the water will be diverted or used.~~

~~2. The provisions of subsection 1 do not apply:~~

~~(a) To an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.~~

~~(b) If:~~

~~(1) The water is to be appropriated and used; or~~

~~(2) Both the current and requested place of diversion or use of the water are,~~

~~➥ within a single, contiguous parcel of real property.~~

~~3. A person who requests a permit to which the provisions of subsection 1 apply shall submit to each appropriate board of county commissioners a copy of the application and any information relevant to the request.~~

~~4. Each board of county commissioners which is notified of a request for a permit pursuant to this section shall consider the request at the next regular or special meeting of the board held not earlier than 3 weeks after the notice is received. The board shall [provide] *submit to a newspaper of general circulation in the county a* public notice of the meeting *for publication* for 3 consecutive weeks . [in a newspaper of general circulation in its county.] The notice must state the time, place and purpose of the meeting. At the conclusion of the meeting the board may recommend a course of action to the State Engineer, but the recommendation is not binding on the State Engineer.~~

~~*5. If a newspaper fails to publish the notice required pursuant to subsection 4 consecutively for 3 weeks or 3 times, the board of county commissioners is not required to republish the notice so long as the board of county commissioners ensures that the newspaper published the notice at least once.]*~~ **(Deleted by amendment.)**

Sec. 8. NRS 533.365 is hereby amended to read as follows:

533.365 1. Any person interested may, within ***60 days after the first date of publication or, if the notice is not published consecutively,*** 30 days after the date of last publication ~~*[end of the period]*~~ of the notice of ~~*[for the]*~~ application ~~[,]~~ ***that is set forth in the notice pursuant to*** ~~*[subparagraph (2) of paragraph (c) of]*~~ ***subsection 1 of NRS 533.360, whichever is later,*** file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which, except as otherwise provided in subsection 2, must be verified by the affidavit of the protestant, or an agent or attorney thereof.

2. If the application is for a permit to change the place of diversion, manner of use or place of use of water already appropriated within the same basin, a protest filed against the granting of such an application by a government, governmental agency or political subdivision of a government must be verified by the affidavit of:

(a) Except as otherwise provided in paragraph (b), the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or

(b) If the governmental agency or political subdivision is a division or other part of a department, the director or other person in charge of that department in this State, including, without limitation:

(1) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;

(2) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;

(3) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;

(4) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;

(5) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or

(6) The chair of the board of county commissioners, if the protest is filed by a county.

3. On receipt of a protest that complies with the requirements of subsection 1 or 2, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which advice must be sent by certified mail.

4. The State Engineer shall consider the protest, and may, in his or her discretion, hold hearings and require the filing of such evidence as the State Engineer may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.

5. Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.

6. If the State Engineer holds a hearing pursuant to subsection 4, the State Engineer shall render a decision on each application not later than 240 days after the later of:

(a) The date all transcripts of the hearing become available to the State Engineer; or

(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.

7. The State Engineer shall adopt rules of practice regarding the conduct of a hearing held pursuant to subsection 4. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.

8. If the State Engineer does not receive any written protest against the granting of an application within 60 days after the first date of publication pursuant to subsection 1 of NRS 533.360, the State Engineer may presume that the notice was published consecutively and process the application conditionally. The State Engineer may not grant the application or issue a permit until the State Engineer files proof that the notice was published and posted pursuant to the requirements of NRS 533.360.

Sec. 9. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, the State Engineer

shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, where there is no unappropriated water in the proposed source of supply, where the groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause ~~***[submit]***~~ notice of the application to be republished ***and*** ~~***[remail the notice of the application to be publicly posted]***~~ ***reposted*** pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. ~~***[The cost of the remailing must be paid by the State Engineer.]***~~ After such republication, ~~***[renotification,]***~~ ***and reposting,*** a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution

of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 10. NRS 533.405 is hereby amended to read as follows:

533.405 1. The State Engineer may, in his or her discretion, request that the statement required by NRS 533.400 be accompanied by a map on ~~[tracing linen on]~~ a scale of not less than 1,000 feet to the inch, which shall show with substantial accuracy the following:

(a) The point of diversion by legal subdivisions or by metes and bounds from some corner, when possible, from the source of supply.

(b) The traverse of the ditch or other conduit, together with cross sections of the same.

(c) The legal subdivisions of the land embraced in the application for the permit and the outline by metes and bounds of the irrigated area, with the amount thereof.

(d) The average grade and the difference in elevation of the termini of the conduit, and the carrying capacity of the same.

(e) The actual quantity of water flowing in the canal or conduit during the time the survey was being made.

2. The map must bear the affidavit of the surveyor or engineer making such survey and map. If the survey and map are made by different persons the affidavit of each must be on the map, showing that the map as compiled agrees with the survey.

3. The map shall conform with such rules and regulations as the State Engineer shall make, which rules shall not be in conflict herewith.

Sec. 11. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water $360.00
This fee includes the cost of publication, which is $50.
For reviewing a corrected application or map, or both, in connection with an application for a water right permit 100.00
For examining and acting upon plans and specifications for construction of a dam 1,200.00
For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right 240.00
This fee includes the cost of publication, which is $50.
For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing right 180.00
For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water, watering livestock or wildlife purposes 360.00
plus $3 per acre-foot approved or fraction thereof.
Except for generating hydroelectric power, watering livestock or wildlife purposes, for issuing and recording each permit to change an existing water right whether temporary or permanent for any purpose 300.00
plus $3 per acre-foot approved or fraction thereof.
For issuing and recording each permit for additional rate of diversion from a well where no additional volume of water is granted 1,000.00
For issuing and recording each permit to change the point of diversion or place of use of an existing right whether temporary or permanent for irrigation purposes, a maximum fee of 750.00
For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for watering livestock or wildlife purposes 240.00
plus $50 for each cubic foot of water per second approved or fraction thereof.
For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric

power which results in nonconsumptive use of the water 480.00
plus $50 for each cubic foot per second of water approved or fraction thereof.
For filing and examining a request for a waiver in connection with an application to drill a well 120.00
For filing and examining a notice of intent to drill a well 25.00
For filing and examining an affidavit to relinquish water rights in favor of use of water for domestic wells 300.00
For filing a secondary application under a reservoir permit 300.00
For approving and recording a secondary permit under a reservoir permit 540.00
For reviewing each tentative subdivision map 180.00
plus $1 per lot.
For reviewing and approving each final subdivision map 120.00
For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet 480.00
plus $1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.
For flood control detention basins 480.00
plus $1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.
For filing proof of completion of work 60.00
For filing proof of beneficial use 60.00
For issuing and recording a certificate upon approval of the proof of beneficial use 350.00
For filing proof of resumption of a water right 360.00
For filing any protest 30.00
For filing any application for extension of time within which to file proofs, of completion or beneficial use, for each year for which the extension of time is sought 120.00
For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought 120.00
For reviewing a cancellation of a water right pursuant to a petition for review 360.00
For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384 ..... 120.00

plus $20 per conveyance document.
For filing any other instrument 10.00
For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page 1.00
For each additional page ..... .20
For certifying to copies of documents, records or maps, for each certificate 6.00
For each copy of any full size drawing or map 6.00
For each color copy of any full size drawing or map (2′ x 3′) 12.00
For colored ~~[~~mylar~~]~~ plots 10.00

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the State General Fund. All fees received for copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the State General Fund.

Sec. 12. ~~[~~NRS 534.037 is hereby amended to read as follows:

~~534.037 1. In a basin that has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110, a petition for the approval of a groundwater management plan for the basin may be submitted to the State Engineer. The petition must be signed by a majority of the holders of permits or certificates to appropriate water in the basin that are on file in the Office of the State Engineer and must be accompanied by a groundwater management plan which must set forth the necessary steps for removal of the basin's designation as a critical management area.~~

~~2. In determining whether to approve a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall consider, without limitation:~~

~~(a) The hydrology of the basin;~~

~~(b) The physical characteristics of the basin;~~

~~(c) The geographic spacing and location of the withdrawals of groundwater in the basin;~~

~~(d) The quality of the water in the basin;~~

~~(e) The wells located in the basin, including, without limitation, domestic wells;~~

~~(f) Whether a groundwater management plan already exists for the basin; and~~

~~(g) Any other factor deemed relevant by the State Engineer.~~

~~3. Before approving or disapproving a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall hold a public hearing to take testimony on the plan in the county where the basin lies or, if the basin lies in more than one county, within the county where the major portion of the basin lies. The State Engineer shall cause notice of the hearing to be:~~

~~(a) [Given] *Submitted for publication* once each week for 2 consecutive weeks before the hearing [in] *to* a newspaper of general circulation in the county or counties in which the basin lies.~~ ***If the newspaper fails to publish the notice 2 times or consecutively for 2 weeks, the State Engineer is not required to republish the notice so long as the State Engineer ensures that the newspaper published the notice at least once.***

~~(b) Posted on the Internet website of the State Engineer for at least 2 consecutive weeks immediately preceding the date of the hearing.~~

~~*(c) Mailed to not less than one public library in the county or counties in which the basin lies to be publicly posted. If there is no public library in the county or counties in which the basin lies, the notice must be mailed to another public place in the county or counties to be publicly posted.*~~

~~4. The decision of the State Engineer on a groundwater management plan may be reviewed by the district court of the county pursuant to NRS 533.450.~~

~~5. An amendment to a groundwater management plan must be proposed and approved in the same manner as an original groundwater management plan is proposed and approved pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 534.270 is hereby amended to read as follows:~~

~~534.270 1. Upon receipt of an application for a permit to operate a project, the State Engineer shall endorse on the application the date it was received and keep a record of the application. The State Engineer shall conduct an initial review of the application within 45 days after receipt of the application. If the State Engineer determines in the initial review that the application is incomplete, the State Engineer shall notify the applicant. The application is incomplete until the applicant files all the information requested in the application. The State Engineer shall determine whether the application is correct within 180 days after receipt of a complete application. The State Engineer may request additional information from the applicant. The State Engineer may conduct such independent investigations as are necessary to determine whether the application should be approved or rejected.~~

~~2. If the application is determined to be complete and correct, the State Engineer, within 30 days after such a determination or a longer period if requested by the applicant, shall [cause]~~ ***:***

~~*(a) Submit* notice of the application [to be given] once each week for 2 consecutive weeks [in] *to* a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be~~

~~affected by the project.~~ ***If the newspaper fails to publish the notice 2 times or consecutively for 2 weeks, the State Engineer is not required to republish the notice so long as the State Engineer ensures that the newspaper published the notice at least once.***

~~***(b) Mail notice of the application to not less than one public library in the county or counties in which persons reside who could reasonably be expected to be affected by the project to be publicly posted. If there is no public library in the county or counties in which such persons reside, the notice must be mailed to another public place in the county or counties to be publicly posted.***~~

~~***3.*** The notice ***required pursuant to subsection 2*** must state:~~

~~(a) The legal description of the location of the proposed project;~~

~~(b) A brief description of the proposed project including its capacity;~~

~~(c) That any person who may be adversely affected by the project may file a written protest with the State Engineer within 30 days after the last publication of the notice;~~

~~(d) The date of the last publication;~~

~~(e) That the grounds for protesting the project are limited to whether the project would be in compliance with subsection 2 of NRS 534.250;~~

~~(f) The name of the applicant; and~~

~~(g) That a protest must:~~

~~(1) State the name and mailing address of the protester;~~

~~(2) Clearly set forth the reason why the permit should not be issued; and~~

~~(3) Be signed by the protester or the protester's agent or attorney or, if the protester is a government, governmental agency or political subdivision of a government, be approved and signed in the manner specified in paragraph (g) of subsection~~ **[**~~3.~~**]** ***4.***

[~~3.~~**]** ***4.*** ~~A protest to a proposed project:~~

~~(a) May be made by any person who may be adversely affected by the project;~~

~~(b) Must be in writing;~~

~~(c) Must be filed with the State Engineer within 30 days after the last publication of the notice;~~

~~(d) Must be upon a ground listed in subsection 2 of NRS 534.250;~~

~~(e) Must state the name and mailing address of the protester;~~

~~(f) Must clearly set forth the reason why the permit should not be issued; and~~

~~(g) Except as otherwise provided in this paragraph, must be signed by the protester or the protester's agent or attorney. If the protester is a government, governmental agency or political subdivision of a government, the protest must be:~~

~~(1) Except as otherwise provided in subparagraph (2), approved and signed by the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or~~

~~(2) If the governmental agency or political subdivision is a division or other part of a department, approved and signed by the director or other person in charge of that department in this State, including, without limitation:~~

~~(I) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;~~

~~(II) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;~~

~~(III) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;~~

~~(IV) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;~~

~~(V) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or~~

~~(VI) The chair of the board of county commissioners, if the protest is filed by a county.~~

~~**[**4.**]** ***5.*** Upon receipt of a protest, the State Engineer shall advise the applicant by certified mail that a protest has been filed.~~

~~**[**5.**]** ***6.*** Upon receipt of a protest, or upon the motion of the State Engineer, the State Engineer may hold a hearing. Not less than 30 days before the hearing, the State Engineer shall send by certified mail notice of the hearing to the applicant and any person who filed a protest.~~

~~**[**6.**]** ***7.*** The State Engineer shall either approve or deny each application within 1 year after the final date for filing a protest, unless the State Engineer has received a written request from the applicant to postpone making a decision or, in the case of a protested application, from both the protester and the applicant. The State Engineer may delay action on the application pursuant to paragraph (d) of subsection 4 of NRS 533.370.~~

~~**[**7.**]** ***8.*** Any person aggrieved by any decision of the State Engineer made pursuant to subsection **[**6**]** *7* may appeal that decision to the district court pursuant to NRS 533.450.**]** **(Deleted by amendment.)**

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 481.

AN ACT relating to economic development; establishing the Nevada Innovation Account; requiring the Executive Director of the Office of Economic Development within the Office of the Governor to establish certain programs to be funded from the Account; establishing certain duties of the Executive Director regarding such programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Economic Development within the Office of the Governor, the administration and technical activities of which are directed and supervised by an Executive Director. (NRS 231.043, 231.047) Existing law authorizes the Executive Director to cause the formation of a nonprofit entity for certain economic development purposes, upon approval by the Board of Economic Development. (NRS 231.0545) **Section 3** of this bill creates the Nevada Innovation Account in the State General Fund and requires the Executive Director to administer the Account. **Section 5** of this bill requires the Executive Director to establish certain programs to be funded from the Account and to establish procedures for applying for an allocation of money from the Account pursuant to such programs. **Section 4** of this bill requires the Executive Director to enter into a contract with a nonprofit corporation for economic development to operate such programs. **Section 5** requires applications for an allocation from the Account to be made to the nonprofit corporation and authorizes the nonprofit corporation to approve such applications if the nonprofit corporation makes certain findings. **Section 5** authorizes the Executive Director to make an allocation from the Account to an applicant whose application is approved by the nonprofit corporation. **Section 6** of this bill sets forth various duties of the Executive Director regarding the programs established pursuant to **section 5**. **Section 7** of this bill makes a conforming change to exclude an allocation of money from the Account from the definition of "development resource."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires:***

1. "Accelerator" means a full-time, immersive program which is administered by a private entity or ~~[research university]~~ the Nevada System of Higher Education to potentially invest in, mentor and accelerate the commercial development of start-up businesses.

2. "Incubator" means a facility designed to assist entrepreneurs and support the growth of start-up businesses by providing assistance which may include, without limitation, shared business services, equipment, space and access to on-site business consultants.

3. "Nonprofit corporation for economic development" means the nonprofit corporation formed by the Executive Director pursuant to NRS 231.0545 with which the Executive Director has entered into a contract pursuant to section 4 of this act.

4. "Private entity" means a privately owned corporation, limited-liability company, partnership, sole proprietorship or other business entity or association including, without limitation, a nonprofit corporation.

5. ~~["Research universities" means the University of Nevada, Las Vegas, and the University of Nevada, Reno.~~

~~6.]~~ "Small Business Innovation Research Program" means the Small Business Innovation Research Program enacted pursuant to the Small Business Innovation Development Act of 1982, 15 U.S.C. § 638, as amended.

~~[7.]~~ 6. "Small Business Technology Transfer Program" means the Small Business Technology Transfer Program enacted pursuant to the Small Business Technology Transfer Act of 1992, 15 U.S.C. § 638, as amended.

~~[8.]~~ 7. "Technology readiness level" means the level of maturity of a technology as determined using the method for assessing such maturity that is used by the Federal Government and is determined by the nonprofit corporation for economic development to be most appropriate for assessing the maturity of the technology.

Sec. 3. *1. The Nevada Innovation Account is hereby created in the State General Fund.*

2. The interest and income earned on:

(a) Money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↳ must be credited to the Account.

3. Any money in the Account and any unexpended appropriations made to the Account from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The Executive Director may apply for and accept any gift, grant, donation, bequest, federal allocation or other source of money for deposit into the Account. The Executive Director and the nonprofit corporation for economic development may enter into any agreement necessary to claim federal funds for deposit in the Account.

5. The Executive Director shall administer the Account in a manner that is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

Sec. 4. *The Executive Director shall enter into a contract with a nonprofit corporation formed pursuant to NRS 231.0545 for the operation of the programs established pursuant to section 5 of this act and to carry out the duties assigned to the nonprofit corporation for economic development pursuant to sections 2 to 6, inclusive, of this act.*

Sec. 5. *1. The Executive Director shall, to the extent that money in the Nevada Innovation Account is available for this purpose, establish:*

(a) One or more competitive grant programs that:

(1) Are designed to:

(I) Address market gaps in the development of technology in this State; and

(II) Support research, development and innovation of promising technologies with strong market potential and that have a technology readiness level of at least 3 and not more than 5.

(2) Offer grants, on a competitive basis, to:

(I) Private entities that had not more than $2,000,000 in combined financing, grant funding and revenues within the 3 years immediately preceding the date of the grant application and employ not more than ten full-time equivalent employees; or

(II) Partnerships between the ~~[research universities or the Desert Research Institute]~~ Nevada System of Higher Education and private entities that had not more than $2,000,000 in combined financing, grant funding and revenues within the 3 years immediately preceding the date of the grant application and employ not more than ten full-time equivalent employees.

(3) Do not overlap with or duplicate other state funded programs.

(b) A program that provides matching funds to businesses that have received an award under the Small Business Innovation Research Program or the Small Business Technology Transfer Program.

(c) A program to promote and encourage the establishment, maintenance and operation of incubators and accelerators in this State by providing grants or other financial assistance to companies, nonprofit entities, economic development agencies, educational institutions, governmental agencies or other entities for programs that promote an entrepreneurial business environment or train or educate entrepreneurs.

(d) A program, in cooperation with entrepreneurial support organizations operating in this State and the Nevada System of Higher Education, to provide internship opportunities on a competitive basis, at Nevada companies in targeted technology areas to university and college students who are studying relevant fields including, without limitation, computer science, business, engineering or science.

2. After considering any advice and recommendations of the Board and the nonprofit corporation for economic development, the Executive Director shall establish procedures for applying for an allocation of money from the Account pursuant to the programs established pursuant to subsection 1. The procedures must include, without limitation, a requirement that applications for allocations of money from the Account must set forth:

(a) The proposed use of the money;

(b) The plans, projects and programs for which the money will be used;

(c) The expected benefits of the money; and

(d) A statement of the short-term and long-term impacts of the use of the money.

3. An application for an allocation from the Account must be made to the nonprofit corporation for economic development. Upon receipt of an application for an allocation from the Account, the nonprofit corporation for economic development shall review the application and determine whether the approval of the application would promote the economic

development of this State and aid in the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053. The nonprofit corporation for economic development may approve the application if the nonprofit corporation for economic development determines that:

(a) Approving the application will promote the economic development of this State and aid in the implementation of the State Plan for Economic Development; and

(b) The applicant has satisfied any other requirements of the program under which the application was made.

4. The Executive Director may make an allocation of money from the Account to an applicant whose application is approved by the nonprofit corporation for economic development pursuant to subsection 3.

Sec. 6. ***The Executive Director shall:***

1. For each program established pursuant to subsection 1 of section 5 of this act, establish economic development goals which are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

2. Verify that the programs established pursuant to subsection 1 of section 5 of this act are meeting the economic development goals established pursuant to subsection 1.

3. Monitor the nonprofit corporation for economic development to ensure that allocations from the Nevada Innovation Account are being made in accordance with legislative intent and to maximize the benefit and return to this State.

4. Develop methods and incentives to encourage investment in and contributions to the programs established pursuant to subsection 1 of section 5 of this act from the private sector and the Federal Government.

5. Establish requirements for periodic reports to be submitted by each recipient of an allocation from the Account to the Executive Director and the nonprofit corporation for economic development concerning the use of allocations from the Account. The requirements must include, without limitation, a requirement that each recipient of an allocation provide a report that includes:

(a) A description of each activity undertaken with money from the allocation and the amount of money used for each such activity; and

(b) Such documentation as the Executive Director and the nonprofit corporation for economic development deem appropriate to support the information provided in the report.

6. On or before November 1, 2024, and on or before November 1 of every year thereafter, submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation:

(a) The dollar amount of allocations awarded from the Account;

(b) The number of applications received for an allocation from the Account;

(c) The number of applicants awarded an allocation from the Account;

(d) The amount of all grants, gifts, allocations and donations made to the Account from public and private sources;

(e) The number of businesses which have been created or expanded in this State, or relocated to this State, because of the programs established pursuant to subsection 1 of section 5 of this act;

(f) The number of jobs created or saved as a result of the programs established pursuant to subsection 1 of section 5 of this act; and

(g) The number of university and college students placed as interns as a result of the programs established pursuant to subsection 1 of section 5 of this act.

Sec. 7. NRS 231.005 is hereby amended to read as follows:

231.005 1. "Development resource" means any funding or other resource for economic development, including, without limitation, a structured lease of real property.

2. The term does not include any:

(a) Funding for administrative or operating purposes;

(b) Grant or loan of money from the Catalyst Account created by NRS 231.1573;

(c) Issuance of a certificate of eligibility for transferable tax credits or a certificate of transferable tax credits pursuant to NRS 231.1555; ~~[or]~~

(d) Allocation of money from the Knowledge Account created by NRS 231.1592 ~~[.]~~ ***; or***

(e) Allocation of money from the Nevada Innovation Account created by section 3 of this act.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 42.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 136.

AN ACT relating to education; requiring annual reports of accountability for public schools to include information relating to requests for variances from prescribed maximum pupil-teacher **and pupil-school counselor** ratios; making certain requirements relating to pupil-teacher ratios applicable to

charter schools and university schools for profoundly gifted pupils; revising or prescribing the maximum pupil-teacher ratios for certain classes and grades ~~[,]~~ **and the maximum pupil-school counselor ratio for a school;** revising the procedure to request a variance from requirements concerning maximum ~~[pupil-teacher]~~ ratios; revising certain reporting requirements relating to pupil-teacher **and pupil-school counselor** ratios; ~~[removing authorization for certain smaller school districts to comply with the alternative maximum pupil-teacher ratios;]~~ eliminating certain requirements relating to the distribution of money for the reduction of pupil-teacher ratios; requiring the development of certain guidance concerning the reduction of pupil-teacher **and pupil-school counselor** ratios; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the maximum ratio of pupils per teacher in classes where core curriculum is taught in kindergarten and grades 1, 2 and 3. Existing law requires any school district that includes one or more elementary schools which exceed those maximum ratios or certain other maximum pupil-teacher ratios approved by the Legislature to request a variance from the State Board of Education for the next quarter of the school year. Existing law requires each school district to submit to the State Board a plan to reduce teacher-pupil ratios within the district. (NRS 388.700) Existing law requires the State Board to establish by regulation maximum pupil-teacher ratios for each grade other than kindergarten and grades 1, 2 and 3. (NRS 387.1234)

Sections ~~[3-9]~~ **3-5 and 6-9** of this bill make provisions relating to pupil-teacher ratios additionally applicable to charter schools and university schools for profoundly gifted pupils. **Section 5** of this bill makes requirements governing maximum pupil-teacher ratios apply to each campus of a school that operates at different campuses. ~~[Section 5 also increases the maximum ratio of pupils per licensed teacher in classes where core curriculum is taught: (1) from 16 to 1 to 18 to 1 in kindergarten; (2) from 16 to 1 to 20 to 1 in grades 1 and 2; and (3) from 18 to 1 to 20 to 1 in grade 3.]~~ **Section 5** additionally prescribes the maximum ratios of pupils per licensed teacher in English language arts and mathematics of: (1) 25 to 1 in grades 4, 5 and 6; and (2) 30 to 1 in grades 7-12. **Section 5.5 of this bill expands such maximum ratios of pupils per licensed teacher to include science and social science teachers. Section 5 also prescribes the maximum ratio of pupils per school counselor in a school or campus to 250 to 1 and requires a school district to request a variance to exceed such a ratio.** **Section 5** reduces from quarterly to annually the frequency with which a school district, charter school or university school for profoundly gifted pupils is required to request a variance. **Section 5** additionally requires a school district, charter school or university school for profoundly gifted pupils that is granted a variance to submit a report on or before April 15 explaining the changes in the ratio of pupils per licensed teacher **or pupils per school counselor** that occurred throughout the school year. **Sections 5 and 9** of this bill revise various reporting requirements concerning pupil-teacher ratios **and pupil-school counselor ratios** and

requests for a variance from provisions establishing maximum pupil-teacher ratios ~~[.]~~ **and pupil-school counselor ratios.**

Existing law requires: (1) each board of trustees of a school district or sponsor of a charter school to prepare an annual report of accountability for the schools within the district or the charter schools sponsored by the sponsor, as applicable; and (2) the State Board of Education to prepare an annual report of accountability for the public schools in this State. (NRS 385A.070, 385A.400) **Sections 1 and 2** of this bill require such reports to include certain information related to requests for variances from requirements governing pupil-teacher ratios ~~[.]~~ **and pupil-school counselor ratios.**

Existing law requires each school district to submit to the State Board a plan to reduce the district's pupil-teacher ratio. (NRS 388.720) **Section 7** of this bill revises this requirement to apply to each school district, charter school or university school for profoundly gifted pupils that operates one or more schools or campuses for which the pupil-teacher ratio exceeds a maximum pupil-teacher ratio prescribed by **section 5** ~~[.~~

~~Existing law authorizes a school district in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to submit to the State Board a plan to comply with alternative pupil-teacher ratios, which are larger than the pupil-teacher ratios that are otherwise required. (NRS 388.720) Section 7 eliminates the ability for such a school district to comply with such an alternative ratio, thereby requiring all school districts in this State to comply with the same maximum pupil-teacher ratios. Sections 3, 9 and 10 of this bill remove references and other language relating to such alternative ratios.]~~ **and requires a similar plan be submitted if the pupil-school counselor ratio exceeds the maximum pupil-school counselor ratio prescribed in section 5.**

Existing law requires the Department of Education to develop certain policies, procedures and guidance concerning the reduction of class sizes and compliance with prescribed pupil-teacher ratios. (NRS 388.723) **Section 8** of this bill requires such guidance to include guidance concerning the use of money over which school districts, charter schools and university schools for profoundly gifted pupils have discretion for the purpose of reducing pupil-teacher ratios ~~[.]~~ **and pupil-school counselor ratios. Section 8** also eliminates requirements that the Department: (1) develop policies and procedures for the distribution of money to each school district for the reduction of pupil-teacher ratios; and (2) communicate with the board of trustees of each school district regarding the expectations of the Department for the use of such money.

Existing law requires the State Board to develop nonbinding recommendations for the ratio of pupils per teacher and specialized instructional support personnel in public schools in this State. (NRS 388.890) Section 9.2 of this bill requires the State Board to prescribe a suggested ratio of pupils per school counselor in the nonbinding recommendations that does not exceed the ratio set forth in section 5.

Existing law requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to develop a plan to improve the ratio of pupils to specialized instructional support personnel to meet the ratio recommended by the State Board and submit a report to the Department on the implementation of the plan. (NRS 388.892) Section 9.5 of this bill requires the board of trustees of each school district to develop such a plan and submit such a report.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385A.210 is hereby amended to read as follows:

385A.210 The annual report of accountability prepared pursuant to NRS 385A.070 must include information on class sizes, including, without limitation:

1. The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district; ~~[and]~~

2. The average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district ~~[.]~~ ***; and***

3. The total number of:

(a) Requests for a variance filed with the State Board pursuant to subsection ~~[5]~~ 6 of NRS 388.700; and

(b) Pupils affected by the variances granted by the State Board pursuant to subsection ~~[6]~~ 7 of NRS 388.700.

Sec. 2. NRS 385A.420 is hereby amended to read as follows:

385A.420 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on class sizes, including, without limitation:

1. The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; ~~[and]~~

2. The average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole ~~[.]~~ ***; and***

3. The total number of:

(a) Requests for a variance filed with the State Board pursuant to subsection ~~[5]~~ 6 of NRS 388.700; and

(b) Pupils affected by the variances granted by the State Board pursuant to subsection ~~[6]~~ 7 of NRS 388.700.

Sec. 3. NRS 387.1234 is hereby amended to read as follows:

387.1234 1. Except as otherwise provided in ~~[~~subsection 3 and~~]~~ NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district ***, charter school and university school for profoundly gifted pupils*** of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district ***, or at the charter school or university school for profoundly gifted pupils,*** with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include ~~[~~educational television,~~]~~ ***, without limitation, virtual learning models, hybrid learning, competency-based education,*** team teaching or new teaching systems or techniques.

2. If the Superintendent of Public Instruction finds that any school district***, charter school or university school for profoundly gifted pupils*** is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district ***or governing body of the charter school or university school, as applicable,*** has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district ~~[.]~~ ***or school, as applicable,*** and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

~~[3. The provisions of this section do not apply to a charter school, a university school for profoundly gifted pupils, a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, or a challenge school.]~~

Sec. 4. NRS 387.304 is hereby amended to read as follows:

387.304 The Department shall:

1. Conduct an annual audit of the count of pupils for apportionment purposes reported each quarter by ~~[~~each~~]~~ school ~~[~~district~~]~~ ***districts, charter schools and university schools for profoundly gifted pupils*** pursuant to NRS 387.123 and the data reported by ~~[~~each~~]~~ school ~~[~~district~~]~~ ***districts, charter schools and university schools for profoundly gifted pupils*** pursuant to NRS 388.710 that is used to measure the effectiveness of the implementation of a plan developed by ~~[~~each~~]~~ ***a*** school district ***, charter school or university school for profoundly gifted pupils*** to reduce the pupil-teacher ratio as required by NRS 388.720.

2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared by each district as required by NRS 387.303, and report the findings of the

review to the State Board and the Joint Interim Standing Committee on Education, with any recommendations for legislation, revisions to regulations or training needed by school district employees. The report by the Department must identify school districts which failed to comply with any statutes or administrative regulations of this State or which had any:

(a) Long-term obligations in excess of the general obligation debt limit;

(b) Deficit fund balances or retained earnings in any fund;

(c) Deficit cash balances in any fund;

(d) Variances of more than 10 percent between total general fund revenues and budgeted general fund revenues; or

(e) Variances of more than 10 percent between total actual general fund expenditures and budgeted total general fund expenditures.

3. In preparing its biennial budgetary request for the State Education Fund, consult with the superintendent of schools of each school district or a person designated by the superintendent.

4. Provide, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, training to the financial officers of school districts in matters relating to financial accountability.

Sec. 5. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, for each ~~[school quarter of a]~~ school year, the ratio in each school district ***, charter school or university school for profoundly gifted pupils*** of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten ~~*[,]*~~ and grades 1 and 2, must not exceed 16 ~~*[18]*~~ to 1 ~~*[,]*~~, and in grade ~~*[and*~~

~~*(b) In grades 1, 2 and]*~~ 3, must not exceed 18 ~~*[20]*~~ to 1 ~~*[.]*~~ ; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan. ~~*[*~~

2. Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per licensed teacher designated to teach, on a full-time basis, in classes where English language arts or mathematics is taught:

(a) In grades 4, 5 and 6, must not exceed 25 to 1 , ~~[,]~~ and

~~*[(b) In]*~~ ***in grades 7 to 12, inclusive, must not exceed 30 to 1 ~~[.]~~ ; or***

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

3. In determining ~~[this]~~ ***the*** ratio ~~[,]~~ ***of pupils per licensed teacher pursuant to subsection 1 or 2,*** all licensed educational personnel who teach a grade level specified in ~~[paragraph (a)]~~ ***subsection 1 or 2, as applicable,*** or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS

388.720, as applicable for the school district, ~~*[subsection 1 or 2, as applicable,]*~~ must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject areas to more than one classroom of pupils, counselors, librarians, administrators, deans, specialists, any administrators or other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom and teachers who are not actively teaching pupils during a class period or who do not teach a subject area for which the ratio of pupils per licensed teacher is being determined.

~~[2.]~~ ***4.*** A school district ***, charter school or university school for profoundly gifted pupils*** may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the end of ~~[a quarter]~~ ***an instructional period*** during the school year to any existing class regardless of the number of pupils in the class if the school district ***, charter school or university school for profoundly gifted pupils*** requests and is approved for a variance from the State Board pursuant to subsection ~~[4. 6.~~ ~~3.]~~ ***7.***

5. Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per school counselor in a school or campus must not exceed 250 to 1.

6. Each school district ***, charter school or university school for profoundly gifted pupils*** that includes one or more ~~[elementary]~~ schools ***or campuses*** which exceed the ratio of pupils per class ***or pupils per school counselor*** during any ~~[quarter of a]~~ school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1 ~~[,~~;

~~(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program;~~ ~~*or]*~~ ***, 2 [,] or 5;*** or

~~[(c)]~~ ***(b)*** Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district, ***charter school or university school for profoundly gifted pupils,***

➥ must ~~[request]~~ ***, not later than October 15 of that school year, file with the State Board*** a ***request for a*** variance for each such school ***or campus*** for the ~~[next quarter of the]~~ current school year ~~[if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable, from the State Board]~~ by providing a written statement that includes the reasons for the request, ***the name of any school or campus within the school district, charter school or university school for profoundly gifted pupils that is requesting the class size variance,*** the justification for exceeding the applicable prescribed ratio ~~[of pupils per class]~~ and a plan of actions that the school district ***, charter school or university school for profoundly gifted pupils*** will take to reduce the ratio ***.*** ~~[of pupils per class.~~

~~4. 6.~~ **7.** The State Board may grant to a school district ***, charter school or university school for profoundly gifted pupils*** a variance from the limitation on the number of pupils per class ***or pupils per school counselor*** set forth in paragraph (a) ~~[,]~~ ***or*** (b) ~~[or (c)]~~ of subsection ~~[3 5]~~ ***6*** for good cause, including the lack of available financial support ~~[specifically set aside for the reduction of pupil-teacher ratios.]~~ ***or difficulties in hiring due to lack of qualified ~~[teachers]~~ persons applying for open ~~[teaching]~~ positions.***

~~[7.]~~ ***8. On or before April 15 of a school year in which a school district, charter school or university school for profoundly gifted pupils receives a variance pursuant to subsection ~~[6,]~~ 7, the school district, charter school or university school for profoundly gifted pupils shall submit to the State Board a report of any changes in the number of pupils per class or pupils per school counselor during the school year and the reasons for those changes.***

~~[5. 8.]~~ **9.** The State Board shall ~~[, on a quarterly basis, submit]~~ ***annually compile*** a report ~~[to the Interim Finance Committee]~~ on each variance requested by a school district ***, charter school or university school for profoundly gifted pupils*** pursuant to subsection ~~[4 during the preceding quarter and, if 5]~~ ***6 for the current school year. The report must include, without limitation:***

(a) A list of each school or campus for which a ***request for a*** variance ~~[was granted, an identification]~~ ***was filed;***

(b) A list of each ~~[elementary]~~ school ***or campus*** for which a variance was granted ~~[and the]~~ ***;***

(c) The specific justification for ~~[the]~~ ***each*** variance ~~[.~~

~~6. The State Board shall, on or before February 1 of each odd-numbered year, submit a report to the Legislature on:~~

~~(a) Each variance requested by a school district pursuant to subsection 4 during the preceding biennium and, if a variance was granted, an identification of each elementary school for which variance was granted and the specific justification for the variance.~~

~~(b)]~~ ***;***

(d) The total number of pupils affected by each variance;

(e) The approximate financial cost to each school district, charter school and university school for profoundly gifted pupils to bring schools and campuses for which a variance was granted into compliance with subsection 1 , ~~[or]~~ 2 ~~[,]~~ or 5, as applicable; and

(f) The data reported to it by the various school districts ***, charter schools and university schools for profoundly gifts pupils*** pursuant to subsection 2 of NRS 388.710, including ~~[an]~~ ***, without limitation:***

(1) An explanation of that data ~~[, and the]~~ ***; and***

(2) The current ~~[pupil-teacher]~~ ***:***

(I) Pupil-teacher ratios per class in the grade levels specified in ~~[paragraph (a) of subsection]~~ ***subsections*** 1 ***and 2*** or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district ~~[.~~

~~7.~~ ***~~and 2.~~***

~~9.~~] ***; and***

(II) Pupil-school counselor ratio specified in subsection 5.

10. On or before January 1 of each year, the State Board shall submit the report compiled pursuant to subsection ~~[8]~~ 9 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee and:

(a) In an odd-numbered year, the next regular session of the Legislature; and

(b) In an even-numbered year, the Joint Interim Standing Committee on Education.

~~[10.]~~ 11. The Department shall, on or before ~~[~~November 15~~]~~ ***January 1*** of each year, report to the Chief of the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau ***~~[:]~~ the number of school counselors employed at each school or campus during the current school year and:***

(a) The number of teachers employed full-time;

(b) ~~[~~The number of teachers employed in order to attain the ratio required by subsection 1;

~~(c)]~~ The number of substitute teachers filling vacancies or long-term positions;

~~[~~(d)~~]~~ ***(c)*** The number of pupils enrolled; and

~~[~~(e)~~]~~ ***(d)*** The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

➥ during the current school year in the grade levels specified in ~~[~~paragraph (a) of subsection~~]~~ ***subsections*** 1 ***and 2*** or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

~~[~~8. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.~~***and 2.]***~~

Sec. 5.5. NRS 388.700 is hereby amended to read as follows:

1. Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 and 2, must not exceed 16 to 1, and in grade 3, must not exceed 18 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

2. Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per licensed teacher designated to teach, on a full-time

basis, in classes where English language arts **, [or]** mathematics ***, science or social studies*** is taught:

(a) In grades 4, 5 and 6, must not exceed 25 to 1, and in grades 7 to 12, inclusive, must not exceed 30 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

3. In determining the ratio of pupils per licensed teacher pursuant to subsection 1 or 2, all licensed educational personnel who teach a grade level specified in subsection 1 or 2, as applicable, or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject areas to more than one classroom of pupils, counselors, librarians, administrators, deans, specialists, any administrators or other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom and teachers who are not actively teaching pupils during a class period or who do not teach a subject area for which the ratio of pupils per licensed teacher is being determined.

4. A school district, charter school or university school for profoundly gifted pupils may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the end of an instructional period during the school year to any existing class regardless of the number of pupils in the class if the school district, charter school or university school for profoundly gifted pupils requests and is approved for a variance from the State Board pursuant to subsection 7.

5. Except as otherwise provided in this section, for each school year, the ratio in each school district, charter school or university school for profoundly gifted pupils of pupils per school counselor in a school or campus must not exceed 250 to 1.

6. Each school district, charter school or university school for profoundly gifted pupils that includes one or more schools or campuses which exceed the ratio of pupils per class or pupils per school counselor during any school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1, 2 or 5; or

(b) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district, charter school or university school for profoundly gifted pupils,

➥ must, not later than October 15 of that school year, file with the State Board a request for a variance for each such school or campus for the current school year by providing a written statement that includes the reasons for the request, the name of any school or campus within the school district, charter school or university school for profoundly gifted pupils that is requesting the class size variance, the justification for exceeding the applicable prescribed ratio and a

plan of actions that the school district, charter school or university school for profoundly gifted pupils will take to reduce the ratio.

7. The State Board may grant to a school district, charter school or university school for profoundly gifted pupils a variance from the limitation on the number of pupils per class or pupils per school counselor set forth in paragraph (a) or (b) of subsection 6 for good cause, including the lack of available financial support or difficulties in hiring due to lack of qualified persons applying for open positions.

8. On or before April 15 of a school year in which a school district, charter school or university school for profoundly gifted pupils receives a variance pursuant to subsection 7, the school district, charter school or university school for profoundly gifted pupils shall submit to the State Board a report of any changes in the number of pupils per class or pupils per school counselor during the school year and the reasons for those changes.

9. The State Board shall annually compile a report on each variance requested by a school district, charter school or university school for profoundly gifted pupils pursuant to subsection 6 for the current school year. The report must include, without limitation:

(a) A list of each school or campus for which a request for a variance was filed;

(b) A list of each school or campus for which a variance was granted;

(c) The specific justification for each variance;

(d) The total number of pupils affected by each variance;

(e) The approximate financial cost to each school district, charter school and university school for profoundly gifted pupils to bring schools and campuses for which a variance was granted into compliance with subsection 1, 2 or 5, as applicable; and

(f) The data reported to it by the various school districts, charter schools and university schools for profoundly gifts pupils pursuant to subsection 2 of NRS 388.710, including, without limitation:

(1) An explanation of that data; and

(2) The current:

(I) Pupil-teacher ratios per class in the grade levels specified in subsections 1 and 2 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district; and

(II) Pupil-school counselor ratio specified in subsection 5.

10. On or before January 1 of each year, the State Board shall submit the report compiled pursuant to subsection 9 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee and:

(a) In an odd-numbered year, the next regular session of the Legislature; and

(b) In an even-numbered year, the Joint Interim Standing Committee on Education.

11. The Department shall, on or before January 1 of each year, report to the Chief of the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau the number of school counselors employed at each school or campus during the current school year and:

(a) The number of teachers employed full-time;

(b) The number of substitute teachers filling vacancies or long-term positions;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

➥ during the current school year in the grade levels specified in subsections 1 and 2 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

Sec. 6. NRS 388.710 is hereby amended to read as follows:

388.710 1. The State Board, in consultation with ~~[the trustees of the]~~ school districts ***, charter schools, university schools for profoundly gifted pupils*** and the recognized associations representing licensed educational personnel, after receiving comments from the general public, shall determine the data that must be monitored by each school district ***, charter school or university school for profoundly gifted pupils that is subject to the requirements of NRS 388.720*** and used to measure the effectiveness of the implementation of a plan developed by ~~[each]~~ ***a*** school district ***, charter school or university school for profoundly gifted pupils*** to reduce the pupil-teacher ratio ***or pupil-school counselor ratio, as applicable,*** pursuant to NRS 388.720.

2. Each school district ***, charter school and university school for profoundly gifted pupils that is subject to the requirements of NRS 388.720*** shall report the data to the State Board as required by the State Board.

Sec. 7. NRS 388.720 is hereby amended to read as follows:

388.720 1. ~~[Except as otherwise provided in subsection 2, each]~~ ***Each*** school district ***, charter school and university school for profoundly gifted pupils that has one or more schools or campuses which exceed the ratio of pupils per class or pupils per school counselor pursuant to NRS 388.700,*** together with the recognized associations representing licensed educational personnel shall develop a plan to reduce the ~~[district's]~~ pupil-teacher ratio per class ~~[in kindergarten and grades 1, 2 and 3]~~ ***or pupil-school counselor, as applicable, to conform with the maximum ~~[pupil-teacher]~~ ratios prescribed by NRS 388.700*** within the limits of available financial support specifically set aside for this purpose and submit that plan to the State Board.

2. In lieu of complying with the pupil-teacher ratio prescribed in paragraph (a) of subsection 1 of NRS 388.700, a school district in a county whose population is less than 100,000 may, in consultation with the recognized associations representing licensed educational personnel, develop a plan to reduce the district's pupil-teacher ratios per class for specified grade levels in

elementary schools. Alternative ratios for grade 6 may only be approved for those school districts that include grade 6 in elementary school. The alternative pupil-teacher ratios must not:

(a) Exceed 22 to 1 in grades 1, 2 and 3; and

(b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as applicable.

3. The State Board shall approve a plan submitted pursuant to subsection ~~[~~2~~]~~ ***1 or 2*** if the plan ~~[~~:

~~(a) Reduces~~]** ***reduces*** the district's pupil-teacher ratio ***or pupil-school counselor ratio*** in the ~~[~~elementary~~]~~ schools ***or campuses*** within the school district ~~[~~; and

~~(b) Is fiscally neutral such that the plan will not cost more to carry out than a plan that complies with the ratios prescribed in paragraph (a) of subsection 1 of NRS 388.700.~~]** ***, charter school or university school for profoundly gifted pupils.***

Sec. 8. NRS 388.723 is hereby amended to read as follows:

388.723 The Department shall:

1. Develop policies and procedures for:

(a) Monitoring the plan of ~~[~~each~~]~~ ***a*** school district ***, charter school or university school for profoundly gifted pupils*** to reduce the pupil-teacher ratio per class ***or pupil-school counselor ratio*** developed pursuant to NRS 388.720, which must include, without limitation, provisions for:

(1) The review of each plan submitted to the State Board to ensure the adequacy of such plans; and

(2) The review of any data submitted to the State Board pursuant to NRS 388.710.

(b) Monitoring the ~~[~~quarterly~~]~~ reports concerning the average daily enrollment of pupils ***, ~~[~~and~~]~~*** the pupil-teacher ratios ***and the pupil-school counselor ratios*** in each school district ***, charter school or university school for profoundly gifted pupils*** submitted by the ~~[~~board of trustees of the~~]~~ school district ***, charter school or university school for profoundly gifted pupils*** pursuant to NRS 388.725 to ensure the completeness and accuracy of such reports.

(c) The review of any requests for a variance submitted to the State Board pursuant to NRS 388.700, which must include, without limitation, provisions to verify the information in such requests to ensure the accuracy of the reports on variances submitted by the State Board to the Legislature pursuant to that section.

~~[~~(d) The distribution of money to each school district for the reduction of pupil-teacher ratios, which must include, without limitation, provisions for:

(1) The retention of all documents and records related to the distribution; and

(2) The review of the work performed to determine the distribution of such money to ensure the accuracy of supporting information and the calculations used in making such determinations.~~]~~

2. Provide guidance to the school districts ***, charter schools and university schools for profoundly gifted pupils*** on:

(a) The development of a plan to reduce the pupil-teacher ratio per class ***and pupil-school counselor ratio*** pursuant to NRS 388.720. In developing such guidance, the Department shall:

(1) Outline the criteria that each plan must include to meet the requirements of NRS 388.720.

(2) Provide examples of policies, plans or strategies adopted by other states to reduce class sizes ~~[.]~~ ***and pupil-school counselor ratios.***

(b) The requirements for reporting information related to the reduction of pupil-teacher ratios ~~[.]~~ ***and pupil-school counselor ratios.***

(c) The data that must be monitored pursuant to NRS 388.710 by ~~[each]~~ ***a*** school district ***, charter school or university school for profoundly gifted pupils*** and used to measure the effectiveness of the implementation of any plan to reduce pupil-teacher ratios ~~[.~~

~~3. Communicate with the board of trustees of each school district regarding the expectations of the Department for the use of any money distributed to reduce pupil-teacher ratios in the school district, including, without limitation, the minimum number of teachers the school district is expected to employ.]~~ ***and pupil-school counselor ratios.***

(d) The use of money over which the school districts, charter schools and university schools for profoundly gifted pupils have discretion for the purpose of reducing pupil-teacher ratios ~~***[.]***~~ ***and the pupil-school counselor ratios.***

Sec. 9. NRS 388.725 is hereby amended to read as follows:

388.725 ~~[1.]~~ On or before ~~[August 1, November 1, February 1 and May 1]~~ ***October 15 and April 15*** of each year, ~~[the board of trustees of]~~ each school district ***, charter school and university school for profoundly gifted pupils*** shall report to the Department for the ~~[preceding quarter:~~

~~(a) Except as otherwise provided in paragraph (b),]~~ ***current school year*** ~~[the]~~ ***:***

1. The average daily enrollment of pupils ~~[and the]~~ ***;***

2. The ratio of pupils per licensed teacher for ~~[grades 1, 2 and 3 for]~~ each ~~[elementary school in the school district.~~

~~(b) If the State Board has approved an alternative class-size reduction plan for the school district pursuant to NRS 388.720, the average daily enrollment of pupils and the ratio of pupils per licensed teacher for those grades which are required to comply with the alternative class-size reduction plan for each elementary school in the school district.~~

~~2. The board of trustees of each school district shall post on the Internet website maintained by the school district:~~

~~(a) The information concerning average daily enrollment and class size for each elementary school in the school district, as reported to the Department pursuant to subsection 1; and~~

~~(b) An identification of each elementary school in the school district, if any, for which a variance from the prescribed pupil-teacher ratios was granted by the State Board pursuant to subsection 4 of NRS 388.700.~~] ***grade or class that is required to have a certain ratio of pupils per licensed teacher pursuant to NRS 388.700*** ~~,~~] ***or subsection 2 of NRS 388.720 ; and***

3. The average ratio of pupils per school counselors pursuant to NRS 388.700.

Sec. 9.2. **NRS 388.890 is hereby amended to read as follows:**

388.890 1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher and specialized instructional support personnel in the public schools of this State for kindergarten and grades 1 to 12, inclusive. The board of trustees of each school district shall consider the recommendations in establishing the ratio of pupils per licensed teacher or specialized instructional support personnel, as applicable, in the school district.

2. The recommendations developed by the State Board must:

(a) Prescribe a suggested ratio of pupils per licensed teacher for each classroom and course of instruction, except choir, orchestra and band, in kindergarten and grades 1 to 12, inclusive;

(b) Prescribe a suggested ratio of pupils per each type of specialized instructional support personnel for each kind of public school described in NRS 388.020;

(c) ***Prescribe a suggested ratio of pupils per school counselor for each school that does not exceed the ratio set forth in NRS 388.700;***

(d) Be based on evidence-based national standards set forth by the licensing body for teachers and the licensing body for each type of specialized instructional support personnel;

~~[(d)]~~ ***(e)*** Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners;

~~[(e)]~~ ***(f)*** Require that administrators and other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom may not be counted in determining the ratio of pupils per licensed teacher; and

~~[(f)]~~ ***(g)*** Count only teachers who are actively teaching pupils during a class period and teach a subject, and are the teacher of record assigned to the classroom of pupils, for which the ratio of pupils per licensed teacher is being determined.

3. Nothing in this section shall be deemed to relieve a school district of its obligation to comply with the requirements of NRS 388.700 and 388.720, as applicable to the school district.

4. Not later than 30 days after the beginning of each school year, the board of trustees of each school district shall post on an Internet website maintained by the school district the ratio of pupils per licensed teacher that has been approved for each class in the district.

5. The board of trustees of a school district with one or more schools that exceed the recommended ratio of pupils to specialized instructional support personnel shall develop a 15-year strategic plan to achieve the ratio of pupils to specialized instructional support personnel in the district.

6. On or before February 1 of each odd-numbered year, the board of trustees of each school district shall submit a report on the progress of the school district in obtaining the ratio of pupils per licensed teacher and specialized instructional support personnel recommended pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

7. As used in this section:

(a) "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

(b) "Specialized instructional support personnel" includes persons employed by each school to provide necessary services such as assessment, diagnosis, counseling, educational services, therapeutic services and related services, as defined in 20 U.S.C. § 1401(26), to pupils. Such persons employed by a school include, without limitation:

(1) A school counselor;

(2) A school psychologist;

(3) A school social worker;

(4) A school nurse;

(5) A speech-language pathologist;

(6) A school library media specialist; and

(7) Any other qualified professional.

Sec. 9.5. **NRS 388.892 is hereby amended to read as follows:**

388.892 1. The board of trustees of ~~[a]~~ ***each*** school district ~~[in a county whose population is 100,000 or more]~~ shall develop a plan to improve the ratio of pupils to specialized instructional support personnel to meet the ratio recommended by the State Board pursuant to NRS 388.890. The plan must include, without limitation:

(a) Strategies to recruit and retain school counselors, school psychologists and school social workers and other specialized instructional support personnel; and

(b) Annual targets to meet the ratio of pupils to specialized instructional support personnel recommended by the State Board pursuant to NRS 388.890.

2. On or before October 1 of each year, the board of trustees of ~~[a]~~ ***each*** school district ~~[in a county whose population is 100,000 or more]~~ shall submit to the Department a report on the implementation of the plan developed pursuant to subsection 1 for the immediately preceding school year. The report must include, without limitation:

(a) The ratio of pupils to specialized instructional support personnel for the immediately preceding school year, disaggregated by type of specialized instructional support personnel, and any progress made to meet the recommended ratio;

(b) An evaluation of the strategies to recruit and retain specialized instructional support personnel implemented pursuant to paragraph (a) of subsection 1; and

(c) A strategy to be implemented over the next school year to meet the annual targets identified pursuant to paragraph (b) of subsection 1.

3. On or before February 1 of each year, the Department shall submit a compilation of the reports submitted to the Department pursuant to subsection 2 to:

(a) The Governor;

(b) In odd-numbered years, the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education;

(c) In even-numbered years, the Joint Interim Standing Committee on Education; and

(d) The State Board.

4. The compilation prepared by the Department pursuant to subsection 3 must allow the information included in the report to be disaggregated by school district. The Department shall post a copy of the compilation on its Internet website.

5. As used in this section, "specialized instructional support personnel" has the meaning ascribed to it in NRS 388.890.

Sec. 10. ~~[NRS 388G.120 is hereby amended to read as follows:~~

~~388G.120 1. Each empowerment plan for a school must:~~

~~(a) Set forth the manner by which the school will be governed;~~

~~(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;~~

~~(c) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;~~

~~(d) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the empowerment school, the college and career readiness assessment administered pursuant to NRS 390.610;~~

~~(e) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;~~

~~(f) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;~~

~~(g) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;~~

~~(h) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 ; [or 388.720, as applicable;]~~

~~(i) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;~~

~~(j) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;~~

~~(k) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385A.650;~~

~~(l) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and~~

~~(m) Set forth the calendar and schedule for the school.~~

~~2. If the empowerment plan includes an incentive pay structure, that pay structure must:~~

~~(a) Provide an incentive for all staff employed at the school;~~

~~(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and~~

~~(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.~~

~~3. An empowerment plan may:~~

~~(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.~~

~~(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.~~

~~4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:~~

~~(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.~~

~~(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.]~~ **(Deleted by amendment.)**

Sec. 11. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 13. ~~[This act becomes]~~

1. This section and sections 1 to 5, inclusive, and sections 6 to 12, inclusive, of this act become effective on July 1, 2023.

2. Section 5.5 of this act becomes effective on July 1, 2025.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 138.

AN ACT relating to education; revising provisions relating to reports regarding and investigations into incidents of discrimination based on race, bullying and cyber-bullying; revising provisions governing the approval of work-based learning programs; revising ~~[provisions governing performance evaluations of certain postprobationary teachers and administrators;]~~ **the requirement for children of a certain age to attend a public school;** revising provisions governing the placement of children in certain early grades; ~~[revising provisions relating to discipline in public schools;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office for a Safe and Respectful Learning Environment in the Department of Education and requires the Director of the Office to investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying. (NRS 388.1323) Existing law also requires the Director to establish the SafeVoice Program within the Office, which allows a person to make an anonymous report to a support center regarding dangerous, violent or unlawful activity that is conducted, or is threatened to be conducted, on the property of a public school or in certain other circumstances related to public schools. (NRS 388.1455) Any anonymous tip made through the SafeVoice Program is then forwarded to the appropriate public safety agencies and certain trained personnel at the public school for appropriate action to be taken. (NRS 388.14553) **Section 3** of this bill provides that the Director is not required to investigate a complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-

bullying if the complaint is made through the SafeVoice Program and investigated by certain trained personnel at the public school, unless the complaint alleges that a previous investigation of the same matter by the personnel at the public school failed to resolve the issue or was otherwise deficient.

Section 2 of this bill revises the definition of "bullying" to exclude acts, gestures and expressions which are engaged in as part of a mutual disagreement or conflict.

Upon receiving a report of discrimination based on race, bullying or cyber-bullying, existing law requires the administrator of a school or his or her designee to immediately begin an investigation into the report. With certain exceptions, existing law requires the investigation to be completed not later than 2 school days after receipt of the report. (NRS 388.1351) **Section 6** of this bill requires the investigation to be completed, to the greatest extent practicable, within 5 school days after the administrator or designee receives the report, or within 7 school days if extenuating circumstances prevent the investigation from being completed within 5 school days. **Section 6** also removes the requirement for a direct supervisor of a principal to submit to the Office a quarterly report regarding incidents of discrimination based on race, bullying or cyber-bullying.

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon the approval of the State Board of Education. (NRS 389.167) **Section 9** of this bill requires a work-based learning program to be approved instead by the Superintendent of Public Instruction.

~~[Existing law requires a postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as highly effective for 2 consecutive school years to participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher or administrator receives a second consecutive evaluation designating his or her performance as highly effective but does not require such a teacher or administrator to receive an evaluation for that year. (NRS 391.690, 391.710) Sections 10 and 11 of this bill authorize such a postprobationary teacher or administrator to receive an evaluation in the school year immediately following the school year in which the postprobationary teacher or administrator receives a second consecutive evaluation designating his or her performance as highly effective upon the request of the teacher or administrator or at the discretion of the administrator who conducts the observation cycle for that year.]~~

Existing law requires a child to be a certain age on or before the first day of the school year to be admitted to certain early grades of school. (NRS 392.040) **Section 12** of this bill changes the date by which a child must attain a certain age to start certain early grades from the first day of the school year to August 1 **of the school year, or if August 1 does not occur during a school year, on or before August 1** preceding a school year.

Existing law **, in general,** requires a child ~~[who is 6 years of age on or before the first day of school and has not completed kindergarten to be admitted to kindergarten. (NRS 392.040) Section 12 instead requires such a child to undergo an assessment to determine whether the child should be admitted to kindergarten or first grade.~~

~~Existing law requires a child who is 7 years of age on or before the first day of school to: (1) be admitted to second grade if the child has completed kindergarten and first grade; (2) be admitted to first grade if the child has completed kindergarten; and (3) if the child has not completed kindergarten, to undergo an assessment to determine whether the child should be admitted to kindergarten or first grade. (NRS 392.040) Section 12: (1) eliminates the requirement for a child who is 7 years of age by August 1 preceding a school year to complete kindergarten; and (2) requires such a child who has not completed first grade to be placed in either first or second grade based on the results of an assessment.~~

~~Existing law establishes provisions related to the discipline of pupils, including, without limitation, suspending, expelling or removing a pupil from school. (NRS 392.461-392.472) Existing law prohibits a public school from suspending, expelling or removing a pupil from a classroom or other premises of the school without first providing a plan of action based on restorative justice. (NRS 392.472) Section 15 of this bill removes the requirement for a public school to provide a plan of action based on restorative justice before suspending, expelling or removing a pupil from a classroom or other premises of the school and requires a public school to instead consider whether restorative approaches should be used as an alternative or in addition to suspending or expelling a pupil or removing a pupil from a classroom or other premises of the school. Section 15 defines "restorative approaches" and requires the Department to develop examples of disciplinary practices in which restorative approaches are used as an alternative or in addition to suspending or expelling a pupil or removing a pupil from a classroom or other premises of the school. Sections 1, 4, 5, 7, 8, 13 and 14 of this bill make conforming changes relating to restorative approaches.~~ **between 7 and 18 years of age to attend public school. (NRS 392.040) Section 12.5 of this bill revises this provision to require each child to begin attending public school once the child is 6 years of age, rather than 7 years of age. Section 15.5 of this bill requires a child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time to be admitted to kindergarten or first grade.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 385A.250 is hereby amended to read as follows:~~

~~385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:~~

~~(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.~~

~~(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.~~

~~(c) Records of the suspension or expulsion, or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467.~~

~~(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.~~

~~(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235:~~

~~(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;~~

~~(2) The number of incidents determined to be discrimination based on race, bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;~~

~~(3) The number of incidents resulting in suspension or expulsion, or both, for discrimination based on race, bullying or cyber-bullying; and~~

~~(4) Any actions taken to reduce the number of incidents of discrimination based on race, bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.~~

~~(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:~~

~~(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;~~

~~(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;~~

~~(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and~~

~~(4) The process used by the high school to address violations of a code of honor which are reported to the principal.~~

~~(g) For each school in the district, including, without limitation, each charter school sponsored by the district, information on:~~

~~(1) The [plan for restorative justice and the] process for progressive discipline used by the school [;] , *including, without limitation, any restorative approaches that are used by the school;* and~~

~~(2) The manner in which the school trains employees on restorative [justice] *approaches* and progressive discipline.~~

~~2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:~~

~~(a) Pupils who are economically disadvantaged;~~

~~(b) Pupils from major racial and ethnic groups;~~

~~(c) Pupils with disabilities;~~

~~(d) Pupils who are English learners;~~

~~(e) Pupils who are migratory children;~~

~~(f) Gender;~~

~~(g) Pupils who are homeless;~~

~~(h) Pupils in foster care; and~~

~~(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.~~

~~3. As used in this section:~~

~~(a) "Bullying" has the meaning ascribed to it in NRS 388.122.~~

~~(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.~~

~~(c) "Discrimination based on race" has the meaning ascribed to it in NRS 388.1235.~~

~~(d) "Expulsion" has the meaning ascribed to it in NRS 392.4603.~~

~~(e) "Restorative [justice"] *approaches"* has the meaning ascribed to it in NRS 392.472.~~

~~(f) "Suspension" has the meaning ascribed to it in NRS 392.4607.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 388.122 is hereby amended to read as follows:

388.122 1. "Bullying" means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:

(a) Have the effect of:

(1) Physically harming a person or damaging the property of a person; or

(2) Placing a person in reasonable fear of physical harm to the person or damage to the property of the person;

(b) Interfere with the rights of a person by:

(1) Creating an intimidating or hostile educational environment for the person; or

(2) Substantially interfering with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school; or

(c) Are acts or conduct described in paragraph (a) or (b) and are based upon the:

(1) Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; or

(2) Association of a person with another person having one or more of those actual or perceived characteristics.

2. The term includes, without limitation:

(a) Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;

(b) Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;

(c) Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;

(d) Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;

(e) Blackmail, extortion or demands for protection money or involuntary loans or donations;

(f) Blocking access to any property or facility of a school;

(g) Stalking; and

(h) Physically harmful contact with or injury to another person or his or her property.

3. The term does not include expressions, acts or gestures which are engaged in as part of a mutual disagreement or conflict.

Sec. 3. NRS 388.1323 is hereby amended to read as follows:

388.1323 1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, and obtain information about antidiscrimination and anti-bullying efforts and organizations; and

(b) Provides outreach and antidiscrimination and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:

(1) Training regarding methods, procedures and practice for recognizing discrimination based on race, bullying and cyber-bullying behaviors;

(2) Training regarding effective intervention and remediation strategies regarding discrimination based on race, bullying and cyber-bullying;

(3) Training regarding methods for reporting violations of NRS 388.135; and

(4) Information on and referral to available resources regarding suicide prevention and the relationship between discrimination based on race, bullying or cyber-bullying and suicide, including, without limitation, resources for pupils who are members of groups at a high risk of suicide. Such groups include, without limitation, the groups described in subsection 3 of NRS 388.256.

4. The Director of the Office shall establish procedures by which the Office may receive reports of discrimination based on race, bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive.

5. ~~[The]~~ **[***Except as otherwise provided in this subsection, the* Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated a provision of NRS 388.121 to 388.1395, inclusive. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety. ***The Director of the Office or his or her designee is not required to investigate a complaint pursuant to this subsection if the complaint is made through the SafeVoice Program established pursuant to NRS 388.1455 and investigated by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553, unless the complaint alleges that a previous investigation conducted by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553 regarding the same matter failed to resolve the issue or was otherwise deficient.***

Sec. 4. ~~[NRS 388.133 is hereby amended to read as follows:~~

~~388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber-bullying.~~

~~2. The policy must include, without limitation:~~

~~(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;~~

~~(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;~~

~~(c) Requirements and methods for restorative disciplinary practices that align with the statewide framework for restorative~~ **[**~~justice~~**]** ***approaches*** ~~if such a framework is developed pursuant to NRS 388.1333; and~~

~~(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:~~

~~(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;~~

~~(2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying;~~

~~(3) Training concerning the needs of persons with diverse gender identities or expressions;~~

~~(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;~~

~~(5) Methods to promote a positive learning environment;~~

~~(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and~~

~~(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.~~**] (Deleted by amendment.)**

Sec. 5. **[**~~NRS 388.1333 is hereby amended to read as follows:~~

~~388.1333 1. To the extent that money is available, the Department shall develop a statewide framework for restorative~~ **[**justice.**]** ***approaches.*** ~~The statewide framework must, without limitation:~~

~~(a) In accordance with NRS 392.472, establish standards for~~ **[**~~a plan of action based on~~**]** ~~restorative~~ **[**~~justice~~**]** ***approaches*** ~~to enable a public school to address the unique needs of pupils enrolled in the school;~~

~~(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;~~

~~(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;~~

~~(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information on, without limitation:~~

~~(1) Multi-tiered systems of support;~~

~~(2) Early warning systems;~~

~~(3) Positive behavioral interventions and support;~~

~~(4) The provision of school social workers;~~

~~(5) Curriculum on social and emotional learning; and~~

~~(6) Trauma-informed practices; and~~

~~(e) Provide for training for teachers, administrators and other school staff in:~~

~~(1) Child and adolescent development;~~

~~(2) Restorative~~ **[**~~justice,~~**]** ***approaches,*** ~~including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and~~

~~(3) Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.~~

~~2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative **[**justice.**]** ***approaches.***~~

~~3. As used in this section:~~

~~(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.~~

~~(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).~~

~~(c) "Restorative **[**justice"**]** ***approaches"*** has the meaning ascribed to it in NRS 392.472.~~

~~(d) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).~~**]** **(Deleted by amendment.)**

Sec. 6. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the discrimination based on race, bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the discrimination based on race, bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported discrimination based on race, bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the discrimination based on race, bullying or cyber-bullying. The notification must be provided:

(1) If the discrimination based on race, bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the discrimination based on race, bullying or cyber-bullying is reported; or

(2) If the discrimination based on race, bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school

day, before the school's administrative office closes on the school day following the day on which the discrimination based on race, bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed ~~[not later than 2]~~ ***, to the greatest extent practicable, within 5*** school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within ~~[2]~~ ***5*** school days after making a good faith effort, ~~[1]~~ ***2*** additional school ~~[day]~~ ***days*** may be used to complete the investigation. ~~[The time for completing an investigation into a report of cyber-bullying may also be extended to not more than 5 school days after the report is received with the consent of each reported victim of the cyber-bullying or, if a reported victim is under 18 years of age and is not emancipated, the parent or guardian of the reported victim.]~~

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred:

(a) The report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation; and

(b) Any action taken after the completion of the investigation to address the discrimination based on race, bullying or cyber-bullying must be based on restorative disciplinary practices and carried out in a manner that causes the least possible disruption for the victim or victims. When necessary, the administrator or ~~[his or her]~~ designee shall give priority to ensuring the safety and well-being of the victim or victims over any interest of the perpetrator or perpetrators when determining the actions to take.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the discrimination based on race, bullying or cyber-bullying to

inquire about the well-being of the reported victim and to ensure that the reported discrimination based on race, bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or ~~[his or her]~~ designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator ~~[, his]~~ or ~~[her]~~ designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or ~~[his or her]~~ designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of discrimination based on race, bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1 concerning incidents of bullying or cyber-bullying;

(b) Reports received pursuant to subsection 1 concerning incidents of discrimination based on race;

(c) Times in which a violation of NRS 388.135 is found to have occurred; and

(d) Times in which no violation of NRS 388.135 is found to have occurred.

13. ~~[A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235, the:~~

~~(a) Total number of reports received pursuant to subsection 1 concerning bullying or cyber-bullying;~~

~~(b) Total number of reports received pursuant to subsection 1 concerning incidents of discrimination based on race;~~

~~(c) Number of times in which a violation of NRS 388.135 is found to have occurred; and~~

~~(d) Number of times in which no violation of NRS 388.135 is found to have occurred.~~

~~14. The Office for a Safe and Respectful Learning Environment, in consultation with the direct supervisor of a principal, shall, after reviewing a report submitted pursuant to subsection 12 or 13, as applicable, make any recommendations based on identified trends and patterns the Office determines to be appropriate regarding interventions or training to address discrimination based on race, bullying and cyber-bullying at the school.~~

~~15.~~**]** School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

[~~16.~~**]** ***14.*** The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Sec. 7. **[**~~NRS 388A.495 is hereby amended to read as follows:~~

~~388A.495 1. A governing body of a charter school shall adopt:~~

~~(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and~~

~~(b) Appropriate punishments for violations of the rules.~~

~~2. If suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing.~~ ***Before a pupil is suspended or expelled, the charter school shall consider whether restorative approaches should be used as an alternative or in addition to suspension or expulsion.*** ~~If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.~~

~~3.~~ **[**~~A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a~~

~~reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.~~

~~4.~~**]** ~~A pupil with a disability who is at least 11 years of age and who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~(b) Expelled from school pursuant to this section.~~

~~(c) Permanently expelled from school pursuant to this section.~~

[~~5.~~**]** ***4.*** ~~A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:~~

~~(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.~~

~~(b) Available for public inspection at the charter school.~~

[~~6.~~**]** ***5.*** ~~The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.~~

[~~7.~~**]** ***6.*** ~~As used in this section:~~

~~(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.~~

~~(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:~~

~~(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and~~

~~(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.~~

~~(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.~~

~~(d)~~ ***"Restorative approaches" has the meaning ascribed to it in NRS 392.472.***

(e) ~~"Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.~~**] (Deleted by amendment.)**

Sec. 8. **[**~~NRS 388C.150 is hereby amended to read as follows:~~

~~388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:~~

~~(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and~~

~~(b) Appropriate punishments for violations of the rules.~~

~~2. If suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing.~~ ***Before a pupil is suspended or expelled, the university school shall consider whether restorative approaches should be used as an alternative or in addition to suspension or expulsion.*** ~~If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.~~

~~3. [A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.~~

~~4.] A pupil with a disability who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~(b) Expelled from school pursuant to this section.~~

~~(c) Permanently expelled from school pursuant to this section.~~

~~[5.]~~ ***4.*** ~~A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:~~

~~(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.~~

~~(b) Available for public inspection at the university school.~~

~~[6.]~~ ***5.*** ~~The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions~~

~~governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.~~

~~**[**7.**]** *6.* As used in this section:~~

~~(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.~~

~~(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:~~

~~(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and~~

~~(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.~~

~~(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.~~

~~(d) *"Restorative approaches" has the meaning ascribed to it in NRS 392.472.*~~

~~*(e)* "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.**]** **(Deleted by amendment.)**~~

Sec. 9. NRS 389.167 is hereby amended to read as follows:

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to and with the approval of the ~~**[**State Board.**]**~~ ***Superintendent of Public Instruction.*** An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the ~~[State Board]~~ ***Superintendent of Public Instruction*** of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

(a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.

(b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the ~~[State Board]~~ ***Superintendent of Public Instruction*** to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

(a) A detailed training agreement and training plan be completed for each pupil participating in the work-based training program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program; and

(c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:

(a) The number of pupils participating in the work-based learning program; and

(b) The types of work-based learning offered through the work-based learning program.

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 10. ~~[NRS 391.690 is hereby amended to read as follows:~~

~~391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as developing or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three observation cycles which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two observation cycles during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as developing or ineffective on the evaluation, the postprobationary teacher may request that the third observation cycle be conducted by another administrator. If a postprobationary teacher requests that his or her third observation cycle be conducted by another administrator, that administrator must be:~~

~~(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and~~

~~(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.~~

~~2. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of the school year.~~

~~3. If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective for 2 consecutive school years, the postprobationary teacher must:~~

~~(a) Participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as highly effective~~ **.** ~~[; and]~~ ***The postprobationary teacher may receive one evaluation based in part upon the observation cycle conducted pursuant to this paragraph:***

~~***(1) Upon request of the postprobationary teacher; or***~~

~~***(2) At the discretion of the administrator who conducts the observation cycle.***~~

~~(b) Receive one evaluation in the school year immediately following the school year in which the postprobationary teacher participated in the observation cycle pursuant to paragraph (a). The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of that school year.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 391.710 is hereby amended to read as follows:~~

~~391.710 1. If a postprobationary administrator receives an evaluation designating his or her overall performance as developing or ineffective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year which is based in part upon three observation cycles which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.705. If a postprobationary administrator receives evidence from the first two observation cycles indicating that, unless his or her performance improves, his or her overall performance may be rated as developing or ineffective on the evaluation, the postprobationary administrator may request that the third observation cycle be conducted by another administrator. If a postprobationary administrator requests that his or her third observation cycle be conducted by another administrator, that administrator must be:~~

~~(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and~~

~~(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.~~

~~2. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective, the postprobationary administrator must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of the school year.~~

~~3. If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective for 2 consecutive school years, the postprobationary administrator must:~~

~~(a) Participate in one observation cycle in the school year immediately following the school year in which the postprobationary administrator receives a second consecutive evaluation designating his or her performance as highly effective ; [; and] *The postprobationary administrator may receive one evaluation based in part upon the observation cycle conducted pursuant to this paragraph:*~~

~~*(1) Upon the request of the postprobationary administrator; or*~~

~~*(2) At the discretion of the administrator who conducts the observation cycle.*~~

~~(b) Receive one evaluation in the school year immediately following the school year in which the postprobationary administrator participated in the observation cycle pursuant to paragraph (a). The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of that school year.]~~ **(Deleted by amendment.)**

Sec. 12. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or

charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before ~~[~~the first day~~]~~ ***August 1*** of ***the school year, or if August 1 does not occur during the school year, on or before August 1 preceding*** ~~[~~a~~]~~ ***the*** school year ***,*** may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before ~~[~~the first day~~]~~ ***August 1*** of ***the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[~~a~~]~~ ***the*** school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before ~~[~~the first day~~]~~ ***August 1*** of ***the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[~~a~~]~~ ***the*** school year must:

(a) If the child has not completed kindergarten, ~~***[undergo an assessment by the school district or charter school, as applicable, pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the school district or charter school, as applicable, determines that the child is prepared developmentally, the child must be admitted to the first grade at the beginning of that school year. If the school district or charter school, as applicable, determines that the child is not so prepared, he or she must]***~~ be admitted to kindergarten at the beginning of that school year ~~[.]~~ ; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before ~~[~~the first day of~~]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[~~a~~]~~ ***the*** school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before ~~[~~the first day of~~]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[~~a~~]~~ ***the*** school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school

district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before ~~[~~the first day of~~]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade . ~~*[at the beginning of that school year.]*~~

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, ~~*[child has not completed first grade,]*~~ undergo an assessment by the ~~*[school]*~~ district ~~*[or charter school, as applicable,]*~~ pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first ~~*[second]*~~ grade. If the ~~*[school]*~~ district ~~*[or charter school, as applicable,]*~~ determines that the child is prepared developmentally, the child must be admitted to the first ~~*[second]*~~ grade . ~~*[at the beginning of that school year.]*~~ If the ~~*[school]*~~ district ~~*[or charter school, as applicable,]*~~ determines that the child is not so prepared, he or she must be admitted to kindergarten. ~~*[the first grade at the beginning of that school year.]*~~

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district ~~*[and charter school]*~~ shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) ~~*[Who is 6 years of age on or before August 1 preceding a school year and who has not completed kindergarten, to determine whether the child is prepared developmentally to be admitted to the first grade; or*~~

~~*(b)]*~~ Who is 7 years of age on or before ~~[~~the first day~~]~~ ***August 1*** of the ~~[~~next~~]~~ ***school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year ; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,

➥ ***[who has not completed first grade,]*** to determine whether the child is prepared developmentally to be admitted to the first ***[second]*** grade.

[➥] The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. Except as otherwise provided in subsection 9, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

10. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.3. **NRS 392.040 is hereby amended to read as follows:**

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of ***[7]*** ***6*** and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is ~~[6]~~ ***5*** years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year may elect for the child not to attend kindergarten ~~[or the first grade]~~ during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of ~~[7]~~ ***6*** years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. ~~[A child who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:~~

~~(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.~~

~~(b) If the child has completed kindergarten, be admitted to the first grade.~~

~~(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.~~

~~The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.~~

~~7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:~~

~~(a) Who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year; and~~

~~(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,~~

~~to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.~~

~~8.~~ Except as otherwise provided in subsection ~~[9,]~~ ***7,*** a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~[9.]~~ ***7.*** Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

~~[10.]~~ ***8.*** As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.5. **NRS 392.160 is hereby amended to read as follows:**

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of ~~[7]~~ ***6*** and 18 years; and

(b) Any child who has arrived at the age of ~~[6]~~ ***5*** years but not at the age of ~~[7]~~ ***6*** years and is enrolled in a public school,

➥ who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. ~~[~~NRS 392.4644 is hereby amended to read as follows:~~]~~

~~392.4644 1. The board of trustees of each school district shall establish a plan to provide for the restorative discipline of pupils and on-site review of disciplinary decisions. The plan must:~~

~~(a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, pupils who are enrolled in schools within the school district and the parents and guardians of pupils who are enrolled in schools within the school district.~~

~~(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.~~

~~(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.~~

~~(d) Provide restorative disciplinary practices which include, without limitation:~~

~~(1) Holding a pupil accountable for his or her behavior;~~

~~(2) Restoration or remedies related to the behavior of the pupil;~~

~~(3) Relief for any victim of the pupil; and~~

~~(4) Changing the behavior of the pupil.~~

~~(e) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.~~

~~(f) Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.~~

~~(g) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.~~

~~(h) Be in accordance with the statewide framework for restorative [justice] *approaches* developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.~~

~~(i) Be posted on the Internet website maintained by the school district.~~

~~2. On or before September 15 of each year, the principal of each public school shall:~~

~~(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators and other educational personnel and support personnel who are employed at the school and the parents and guardians of pupils and the pupils who are enrolled in the school;~~

~~(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;~~

~~(c) Based upon the review, recommend to the board of trustees of the school district revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel and the parents and guardians of pupils and the pupils who are enrolled in the school, if necessary;~~

~~(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.~~

~~3. On or before November 15 of each year, the board of trustees of each school district shall:~~

~~(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school within the district in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and~~

~~(b) Post a copy of the report on the Internet website maintained by the school district.~~

~~4. As used in this section, "restorative [justice"] *approaches"* has the meaning ascribed to it in NRS 392.472.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 392.466 is hereby amended to read as follows:~~

~~392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school~~

~~and his or her parent or legal guardian.~~ **[**~~The school shall provide a plan of action based on~~**]** ~~restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil.~~**]** ~~The pupil may be suspended or expelled from the school, in which case the pupil shall:~~

~~(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~

~~(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.~~

~~***"Before a pupil is suspended or expelled from the school, the school shall consider the use of restorative approaches as an alternative or in addition to suspension or expulsion.***~~

~~2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school~~ **[**~~the plan of action provided pursuant to subsection 1~~**]** ~~if:~~

~~(a) The employee feels any~~ ***disciplinary*** ~~actions taken~~ **[**~~pursuant to such plan~~**]** ~~are inappropriate; and~~

~~(b) For a pupil with a disability who committed the battery, the board of trustees of the school district or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~

~~3. Except as otherwise provided in this section, any pupil of any age, including, without limitation, a pupil with a disability, who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.~~

~~4. If~~ ***, after a meeting conducted pursuant to subsection 1,*** ~~a school~~ ***concludes that it*** ~~is unable to retain a pupil in the school~~ **[**~~pursuant to subsection 1~~**]** ~~for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school to~~ **[**~~create a plan of action based on restorative justice for the pupil~~**]** ***determine if any restorative approaches should be implemented*** ~~and to ensure that any resources required to~~ **[**~~execute~~**]** ***implement*** ~~the~~ **[**~~plan of action based on~~**]** ~~restorative~~ **[**~~justice~~**]** ***approaches*** ~~are available at the new school.~~

~~5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655 **[**,**]** *and* the pupil is at least 11 years of age **, [**and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil,**]** based on the seriousness of the acts which were the basis for the discipline, the pupil may be:~~

~~(a) Suspended from the school; or~~

~~(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.~~

~~6. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:~~

~~(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~

~~(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.~~

~~7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that **[**a plan of action based on**]** restorative **[**justice**]** ***approaches*** may be used successfully **[**.**]** ***as an alternative to the suspension or expulsion.***~~

~~8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.~~

~~9. Except as otherwise provided in this subsection and subsection 3, a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.~~

~~10. Except as otherwise provided in subsection 3, a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.~~

~~(b) Expelled from school pursuant to this section.~~

~~(c) Permanently expelled from school pursuant to this section.~~

~~11. A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.~~

~~12. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.~~

~~13. As used in this section:~~

~~(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.~~

~~(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.~~

~~(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.~~

~~(d) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.~~

~~(e) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).~~

~~(f) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled.~~

~~(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and~~

~~(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.~~

~~(g) "Restorative [justice"] *approaches"* has the meaning ascribed to it in NRS 392.472.~~

~~(h) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).~~

~~14. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 392.472 is hereby amended to read as follows:~~

~~392.472 1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall [provide a plan of action based on restorative justice before] *, before* removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school [.] *, consider the use of restorative approaches as an alternative or in addition to removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil.*~~

~~2. The Department shall develop one or more examples of [a plan of action which] *disciplinary practices in which restorative approaches are used as an alternative or in addition to removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school. Such disciplinary practices* may include, without limitation:~~

~~(a) [Positive behavioral interventions and support;~~

~~(b) A] *The development of a* plan for behavioral intervention;~~

~~[(c)] *(b)* A referral to a team of student support;~~

~~[(d)] *(c)* A referral to an individualized education program team;~~

~~[(e)] *(d)* A referral to appropriate community-based services; [and~~

~~(f)] *(e)* A conference with the principal of the school or his or her designee and any other appropriate personnel [.] *; and*~~

~~*(f) Any other method for implementing restorative approaches.*~~

~~3. [The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.~~

~~4.] The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:~~

~~(a) A description of the statewide framework for restorative [justice] *approaches* developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;~~

~~(b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;~~

~~(c) One or more models of restorative [justice] *approaches* and best practices relating to restorative [justice;] *approaches;*~~

~~(d) A curriculum for professional development relating to restorative [justice] *approaches* and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative [justice;] *approaches;* and~~

~~(e) One or more examples of [a plan of action based on restorative justice] *disciplinary practices* developed pursuant to subsection 2.~~

~~[5.] *4.* As used in this section:~~

~~(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).~~

~~(b) "Restorative [justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.] *approaches":*~~

~~*(1) Means a relationship-focused student discipline model that, without limitation:*~~

~~*(I) Is preventative and proactive;*~~

~~*(II) Emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well-being of the school community;*~~

~~*(III) In response to behavior that violates the clear behavioral expectations that contribute to the well-being of the school community, focuses on accountability for any harm done by such behavior; and*~~

~~*(IV) Addresses ways to repair the relationships affected by the problem behavior with the voluntary participation of any person who was harmed.*~~

~~*(2) May include, without limitation, conflict resolution, mediation, peer mediation, circle processes, restorative conferences, social-emotional learning, trauma-informed care, positive behavioral intervention supports, rehabilitation and de-escalation techniques.]*~~ **(Deleted by amendment.)**

Sec. 15.3. **NRS 422A.333 is hereby amended to read as follows:**

422A.333 1. A recipient who has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

➥ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 15.5. **A child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time must:**

1. If the child has not completed kindergarten, be admitted to kindergarten at the beginning of the 2024-2025 school year; or

2. If the child has completed kindergarten, be admitted to the first grade at the beginning of the 2024-2025 school year.

Sec. 16. **1.** This **section and sections 1 to 12, inclusive, 13, 14 and 15 of this** act becomes effective on July 1, 2023.

2. Sections 12.3, 12.5, 15.3 and 15.5 of this act become effective on July 1, 2024.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 85.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 267.

AN ACT relating to health care; creating the Independent Commission on Rates for Health Care Services; establishing procedures for fixing the rates charged by hospitals, independent centers for emergency medical care and surgical centers for ambulatory patients for certain goods and services **[.]** **provided to certain patients;** authorizing the imposition of a civil penalty and initiation of disciplinary action against such a facility that fails to comply with provisions concerning rate fixing; creating certain causes of action to enforce those provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes a procedure to determine the amount that a third party which provides health coverage to a person is required to pay to an out-of-network hospital, independent center for emergency medical care or other

provider of health care for medically necessary emergency services rendered to that person. (NRS 439B.700-439B.760) Existing law also requires certain major hospitals to reduce the total billed charge by at least 30 percent for hospital services provided to certain patients who have no insurance or other contractual agreement for the payment of the charges by a third party that provides health coverage. (NRS 439B.260) **Sections 2-13** of this bill establish procedures to fix rates charged by hospitals, independent centers for emergency medical care and surgical centers for ambulatory patients for goods and services that are reimbursable through Medicare when provided to a patient who is ~~[~~: (1) not indigent; and (2) not covered by Medicare or Medicaid.~~]~~ **covered by the Public Employees' Benefits Program. Section 27.5 of this bill additionally applies those fixed rates to such goods and services when provided to a patient who is covered by the Public Option, when the Public Option begins operating on January 1, 2026.** **Sections 3-5** of this bill define necessary terms. **Section 6** of this bill creates the Independent Commission on Rates for Health Care Services, which consists of members who are representatives of various health care and business entities. **Section 7** of this bill establishes procedures governing the meetings and operations of the Independent Commission.

Section 8 of this bill generally prohibits hospitals, independent centers for emergency medical care and surgical centers for ambulatory patients from charging rates different from those fixed under **sections 2-13** ~~[.]~~ **for services provided to patients to whom such fixed rates apply.** **Section 9** of this bill requires the Independent Commission to fix rates to ensure that each health care facility is able to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to its employees. **Section 9** requires the Independent Commission to generally: (1) presume that the rates paid by Medicare allow a health care facility to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees; and (2) fix rates at that amount. However, **section 9** authorizes a health care facility to request a different rate if the health care facility determines the rates paid by Medicare do not allow the health care facility to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees. **Section 10** of this bill: (1) requires the Division of Health Care Financing and Policy of the Department of Health and Human Services to evaluate such requests; and (2) prescribes the procedure for evaluating such a request and the criteria that the Division is required to consider during the evaluation. **Section 11** of this bill: (1) requires the Division to make a recommendation on the request to the Independent Commission; (2) requires the Independent Commission to review that recommendation and issue an order fixing rates for the health care facility that requested a different rate; and (3) prescribes the procedure and requirements concerning such a recommendation and order relating to such a request. **Section 11** provides that such an order is valid for 1 year and authorizes a health care facility to request to renew a rate. **Section 11.5 of this bill requires the Independent**

Commission to annually submit to the Legislature a report concerning the impacts of rate fixing in accordance with sections 2-13.

Section 12 of this bill requires the Division to adopt certain regulations governing rate fixing, including regulations establishing civil penalties to be imposed against a health care facility that violates provisions governing rate fixing. **Sections 13 and 21** of this bill provide for the imposition of disciplinary action against a health care facility for such a violation. **Section 13** also authorizes: (1) the Division or Attorney General to maintain a suit for an injunction against such a violation; and (2) any person or entity injured by such a violation to maintain a suit for damages. **Sections ~~[~~14,~~]~~ 15 , 17 and ~~[~~22-27~~]~~ 22-27.4** of this bill make conforming changes to clarify the application of or remove existing provisions concerning the rates that a health care facility may charge for certain services. ~~[Sections 16-20 and 30 of this bill remove the applicability of provisions that establish a procedure for determining rates for medically necessary emergency medical care to hospitals and independent centers for emergency medical care because sections 2-13 require the Independent Commission to fix the rates for such care.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Division" means the Division of Health Care Financing and Policy of the Department.***

Sec. 4. ***"Health care facility" means:***

1. A hospital, as defined in NRS 449.012, other than a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

2. An independent center for emergency medical care, as defined in NRS 449.013.

3. A surgical center for ambulatory patients, as defined in NRS 449.019.

Sec. 5. ***"Independent Commission" means the Independent Commission on Rates for Health Care Services created by section 6 of this act.***

Sec. 6. ***1. The Independent Commission on Rates for Health Care Services is hereby created within the Division.***

2. The Governor shall appoint nine members to the Independent Commission.

3. Each member of the Independent Commission must:

(a) Be a citizen of the United States and resident of this State;

(b) Have demonstrated leadership skills in his or her professional and civil life; and

(c) Offer expertise, knowledge and experience in consumer advocacy, management of a company that offers health insurance to its employees, public health, finance, organized labor, health care or operation of a small business.

4. Not more than four members of the Independent Commission may be persons whose household income, during the tenure of the person on the Independent Commission or within the 12 months immediately preceding the appointment of the person to the Independent Commission, is derived from health care or a field related to health care.

5. At least one member of the Independent Commission must be a ~~[provider of health care in this State.]~~ representative of a hospital in this State or the Nevada Hospital Association or its successor organization.

6. After the initial terms, each member of the Independent Commission serves for a term of 4 years, and members serve at the pleasure of the Governor. Each member of the Independent Commission continues in office until his or her successor is appointed. Any vacancy in the membership must be filled by the Governor for the remainder of the unexpired term. Each member may serve not more than two consecutive full terms.

7. Members of the Independent Commission serve without compensation but are entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

8. A member of the Independent Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from the duties of the member without loss of regular compensation so that the member may prepare for and attend meetings of the Independent Commission and perform any work necessary to carry out the duties of the Independent Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Independent Commission to:

(a) Make up the time the member is absent from work to carry out the duties required as a member of the Independent Commission; or

(b) Take annual leave or compensatory time for the absence.

9. As used in this section, "provider of health care" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

Sec. 7. ***1. At its first meeting and annually thereafter, the Independent Commission shall elect a Chair from its members.***

2. The Independent Commission shall meet at the call of the Chair or the Governor as is necessary to achieve its objectives and carry out its duties.

3. A majority of the Independent Commission constitutes a quorum for the transaction of business and a majority of a quorum present at a meeting is sufficient for any official action taken by the Independent Commission.

4. The Division shall provide any additional personnel, facilities, equipment and supplies required by the Independent Commission to carry out the provisions of sections 2 to 13, inclusive, of this act.

Sec. 8. ***1. A health care facility shall charge rates fixed in accordance with sections 2 to 13, inclusive, of this act for any goods or services described in subsection 2 that are provided to a patient who is ~~[not]~~ covered by ~~[Medicare, Medicaid or the Children's Health Insurance Program and is not entitled to relief under the provisions of chapter 428 of NRS.]~~ the Public Employees' Benefits Program.***

2. The provisions of sections 2 to 13, inclusive, of this act apply to goods and services that are reimbursable through Medicare. As used in this subsection, "reimbursable" means that Medicare provides reimbursement for a good or service when that good or service is provided to a patient who is covered by Medicare.

3. A health care facility shall not provide any person with a discount, incentive or price reduction or enter into any arrangement where the effective amount paid to the health care facility for goods or services is different from the rate established for those goods or services pursuant to sections 2 to 13, inclusive, of this act.

4. To the extent of their applicability, the provisions of sections 2 to 13, inclusive, of this act supersede any other provision of law relating to the rates charged by a health care facility, including, without limitation, provisions requiring or authorizing reduced or discounted rates.

Sec. 9. ***1. The Independent Commission shall fix rates pursuant to sections 2 to 13, inclusive, of this act to ensure that each health care facility is able to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees. If a health care facility does not request a different rate pursuant to subsection 2, the Independent Commission shall:***

(a) Presume that the rates at which Medicare provides reimbursement for the goods and services provided by the health care facility allow the health care facility to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees; and

(b) Fix the rates that the health care facility may charge for goods or services at rates equal to the rates set forth in paragraph (a).

2. A health care facility which determines that the rates set forth in paragraph (a) of subsection 1 do not allow the health care facility to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees may, on or before March 1 of any year, submit to the Independent Commission a request for a rate different from the rate set forth in paragraph (a) of subsection 1. A request for different rates ~~[:~~

~~(a) May apply to particular goods or services provided by the health care facility or to all goods and services provided by the health care facility.~~

~~(b) Must]~~ must include, without limitation:

~~*[(1) The goods and services for which the health care facility is requesting a different rate;*~~

~~*(2)]*~~ *(a) An explanation of why the health care facility is unable to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees charging the rates set forth in paragraph (a) of subsection 1;*

~~*[(3)]*~~ *(b) The rates that the health care facility has determined are necessary to cover reasonable costs, earn a fair and reasonable profit and provide fair and adequate compensation to employees* ~~*[.]*~~ *, which must be in the form of:*

(1) A multiplier of the rates at which Medicare provides reimbursement which applies to all goods and services provided by the health care facility; or

(2) Two separate multipliers of the rates at which Medicare provides reimbursement, one of which applies to goods and services provided to inpatients by the health care facility and the other of which applies to goods and services provided to outpatients by the health care facility; and

~~*[(4)]*~~ *(c) Any other information required by the regulations adopted pursuant to section 12 of this act.*

Sec. 10. *1. The Independent Commission shall refer requests submitted pursuant to subsection 2 of section 9 of this act to the Division for evaluation pursuant to this section.*

2. When evaluating requests submitted pursuant to subsection 2 of section 9 of this act, the Division shall ensure that each health care facility is able to cover reasonable costs and earn a fair and reasonable profit and that the employees of the facility are able to receive fair and adequate compensation. The health care facility that submitted the request has the burden of demonstrating that the health care facility will not cover reasonable costs, earn a fair and reasonable profit or provide fair and adequate compensation to employees charging the rates set forth in paragraph (a) of subsection 1 of section 9 of this act. When determining whether a health care facility has met that burden and, if so, the appropriate rate, the Division shall consider, without limitation:

(a) The relative populations of persons and entities who pay for goods and services provided by the health care facility and the relative amounts of reimbursement paid by those persons and entities;

(b) Where applicable, the disparities in compensation between providers of primary care and specialty services or between providers of different types of specialty services;

(c) The effectiveness and efficiency of the services provided by the health care facility;

(d) Any financial hardship that rapidly reducing the rates that a health care facility is authorized to charge would impose upon the health care facility;

(e) The extent to which the health care facility provides care to patients who are more vulnerable or who suffer from comorbidities that make treatment more difficult;

(f) The emphasis placed by the health care facility on promoting population health;

(g) Issues relating to the health care workforce and quality of jobs in health care; and

(h) Any other criteria prescribed by the regulations adopted pursuant to section 12 of this act.

3. When evaluating a request submitted pursuant to subsection 2 of section 9 of this act, the Division:

(a) May request from the health care facility any information that the Division determines to be necessary to make its recommendation; and

(b) Shall solicit input on the request from affected persons and entities, including, without limitation, insurers and patients.

Sec. 11. *1. After evaluating a request pursuant to section 10 of this act, the Division shall issue a recommendation to the Independent Commission to:*

(a) Deny the request and fix rates for the health care facility in the amount set forth in paragraph (a) of subsection 1 of section 9 of this act, which recommendation must state the reasons therefor;

(b) Fix the rates as requested by the health care facility pursuant to subsection 2 of section 9 of this act; or

(c) Fix specified rates for the health care facility that are different from the rates requested by the health care facility pursuant to subsection 2 of section 9 of this act.

2. A recommendation issued pursuant to subsection 1 concerning a request submitted pursuant to subsection 2 of section 9 of this act must be made on or before April 1 of the year in which the request was filed.

3. The Independent Commission shall review the recommendation issued by the Division pursuant to subsection 1 and the record underlying the recommendation, including, without limitation, all documents the Division reviewed in making its decision and arguments made, and issue an order on or before May 1 of the year, which:

(a) Denies the request and fixes rates for the health care facility in the amount set forth in paragraph (a) of subsection 1 of section 9 of this act and states the reasons therefor;

(b) Fixes the rates as requested by the health care facility pursuant to subsection 2 of section 9 of this act;

(c) Fixes specified rates for the health care facility that are different from the rates requested by the health care facility pursuant to subsection 2 of section 9 of this act; or

(d) Requests the Division to evaluate the request again under conditions specified by the Independent Commission and issue a new recommendation to the Independent Commission.

4. If the Independent Commission requests the Division to reevaluate a request and issue a new recommendation, the Division shall issue its new recommendation not later than 15 days after the issuance of the order by the Independent Commission pursuant to paragraph (d) of subsection 3. The Independent Commission shall issue a new order not later than 15 days after receiving the new recommendation. Such an order may take any action described in paragraph (a), (b) or (c) of subsection 3.

5. All rates fixed by the Independent Commission ~~[are]~~ :

(a) Must be in a form described in paragraph (b) of subsection 2 of section 9 of this act; and

(b) Are in force, and are prima facie lawful, from the date of the order until 1 year after that date.

6. The Division shall publish all rates fixed by the Independent Commission pursuant to this section or section 9 of this act on an Internet website maintained by the Division.

7. A health care facility may request to renew a fixed rate on or before March 1 of the year in which the rate is set to expire. The health care facility has the burden of demonstrating that the health care facility will not cover reasonable costs, earn a fair and reasonable profit or provide fair and adequate compensation to employees charging the rates set forth in paragraph (a) of subsection 1 of section 9 of this act.

Sec. 11.5. On or before July 30 of each even-numbered year, the Independent Commission shall:

1. Review and study the impacts of the provisions of sections 2 to 13, inclusive, of this act;

2. Compile a report with a summary of such information and any recommendations of the Independent Commission relating to the provisions of sections 2 to 13, inclusive, of this act; and

3 Submit the report compiled pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.

Sec. 12. *The Division shall adopt any regulations necessary to carry out the provisions of sections 2 to 13, inclusive, of this act. Those regulations must include, without limitation, regulations prescribing:*

1. Any information that must be included in a request made pursuant to subsection 2 of section 9 of this act;

2. The procedure and specific criteria, in addition to those prescribed by section 10 of this act, that the Division will and the Independent Commission must use when considering such a request;

3. A streamlined process for making and considering a request pursuant to subsection 7 of section 11 of this act to renew a rate established by the Independent Commission; and

4. Civil penalties that may be imposed against a health care facility that charges a rate different from those established for the health care facility pursuant to sections 2 to 13, inclusive, of this act.

Sec. 13. ***1. The Division may report any failure by a health care facility to comply with the provisions of sections 2 to 13, inclusive, of this act to the Division of Public and Behavioral Health of the Department for the initiation of disciplinary proceedings.***

2. The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from charging rates different from those established for the health care facility under the provisions of sections 2 to 13, inclusive, of this act. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person as a preventive or punitive measure.

(b) Does not relieve any person or business entity from any other legal action.

3. Any person or entity injured by the failure of a health care facility to charge rates in accordance with the provisions of sections 2 to 13, inclusive, of this act may maintain in any court of competent jurisdiction a suit to recover:

(a) Damages resulting from such failure; and

(b) Attorney's fees and costs.

Sec. 14. **[**~~NRS 439B.260 is hereby amended to read as follows:~~

~~439B.260 1. A major hospital shall reduce or discount the total billed charge by at least 30 percent for hospital services~~ ***, other than services subject to the provisions of sections 2 to 13, inclusive, of this act,*** ~~provided to an inpatient who:~~

~~(a) Has no policy of health insurance or other contractual agreement with a third party that provides health coverage for the charge;~~

~~(b) Is not eligible for coverage by a state or federal program of public assistance that would provide for the payment of the charge; and~~

~~(c) Makes reasonable arrangements within 30 days after the date that notice was sent pursuant to subsection 2 to pay the hospital bill.~~

~~2. A major hospital shall include on or with the first statement of the hospital bill provided to the patient after his or her discharge a notice of~~ **[**~~the~~**]** ***any*** ~~reduction or discount available pursuant to this section, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount.~~

~~3. A major hospital or patient who disputes the reasonableness of arrangements made pursuant to paragraph (c) of subsection 1 may submit the dispute to the Bureau for Hospital Patients for resolution as provided in NRS 232.462.~~

~~4. A major hospital shall reduce or discount the total billed charge of its outpatient pharmacy by at least 30 percent to a patient who is eligible for Medicare.~~

~~5. As used in this section, "third party" means:~~

~~(a) An insurer, as that term is defined in NRS 679B.540;~~

~~(b) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for services and care at a hospital;~~

~~(c) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or~~

~~(d) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.~~

~~"~~ ~~The term does not include an insurer that provides coverage under a policy of casualty or property insurance.~~**]** **(Deleted by amendment.)**

Sec. 15. NRS 439B.400 is hereby amended to read as follows:

439B.400 Each hospital in this State shall maintain and use a uniform list of billed charges for that hospital for units of service or goods provided to all inpatients. A hospital may not use a billed charge for an inpatient that is different than the billed charge used for another inpatient for the same service or goods provided. This section does not restrict the ability of a hospital or other person to negotiate a discounted rate from the hospital's billed charges or to contract for a different rate or mechanism for payment of the hospital ~~[.]~~ ***for services and goods that are not subject to the provisions of sections 2 to 13, inclusive, of this act.***

Sec. 16. ~~[~~NRS 439B.727 is hereby amended to read as follows:

~~439B.727 "Provider of health care" has the meaning ascribed to it in NRS 695G.070~~ ~~[.]~~ ~~*, except that the term does not include a health care facility, as defined in section 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 17. NRS 439B.742 is hereby amended to read as follows:

439B.742 The provisions of NRS 439B.745 and 439B.748 do not apply to:

1. A hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e) or any medically necessary emergency services provided at such a hospital;

2. A ~~*[a]*~~ person who is covered by a policy of health insurance that was sold outside this State ~~*[.]*~~ ; ~~[or]~~

3. Any health care services provided more than 24 hours after notification is provided pursuant to NRS 439B.745 that a person has been stabilized ~~[.]~~ ***; or***

4. Any goods or services subject to the provisions of sections 2 to 13, inclusive, of this act.

Sec. 18. ~~[~~NRS 439B.745 is hereby amended to read as follows:

~~439B.745 [1.] An out-of-network provider shall not collect from a covered person for medically necessary emergency services, and a covered person is not responsible for paying, an amount that exceeds the copayment, coinsurance or deductible required for such services provided by an in-network provider by the coverage for that person.~~

~~[2. An out-of-network emergency facility that provides medically necessary emergency services to a covered person shall:~~

~~(a) When possible, notify the third party that provides coverage for the covered person not later than 8 hours after the covered person presents at the out-of-network emergency facility to receive medically necessary emergency services; and~~

~~(b) Notify the third party that the condition of the covered person has stabilized to such a degree that the person may be transferred to an in-network emergency facility not later than 24 hours after the person's emergency medical condition is stabilized. Not later than 24 hours after the third party receives such notice, the third party shall arrange for the transfer of the person to such a facility.~~**]]** **(Deleted by amendment.)**

Sec. 19. **[**~~NRS 439B.751 is hereby amended to read as follows:~~

~~439B.751 1. If an out-of-network provider~~ **[**~~, other than an out-of-network emergency facility,~~**]** ~~had a provider contract as an in-network provider within the 12 months immediately preceding the date on which the medically necessary emergency services were rendered to a covered person and:~~

~~(a) The out-of-network provider terminated the most recent applicable provider contract between the third party that provides coverage for the covered person and the out-of-network provider without cause before it was scheduled to expire, the third party shall pay to the out-of-network provider for those services, and the out-of-network provider shall accept as payment in full for those services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider, the amount that would have been paid for those services pursuant to that provider contract, less the amount of the copayment, coinsurance or deductible, if applicable.~~

~~(b) The out-of-network provider terminated the most recent applicable provider contract between the third party that provides coverage for the covered person and the out-of-network provider for cause before it was scheduled to expire or the third party terminated the contract without cause, the third party shall pay to the out-of-network provider for those services, and the out-of-network provider shall accept as payment in full for those services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider, 108 percent of the amount that would have been paid for those services pursuant to the provider contract, less the amount of the copayment, coinsurance or deductible, if applicable.~~

~~(c) The third party that provides coverage for the covered person terminated the most recent applicable provider contract between the third party and the out-of-network provider for cause before it was scheduled to expire, the third party shall pay to the out-of-network provider an amount that the third party has determined to be fair and reasonable as payment for the medically necessary emergency services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider.~~

~~(d) The contract was not terminated by either party, the third party that provides coverage for the covered person shall pay to the out-of-network provider for those services, and the out-of-network provider shall accept as payment in full for those services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider, the amount that would have been paid for those services pursuant to the most recent applicable provider contract between the third party and the out-of-network provider plus an amount equal to the percentage of increase in the Consumer Price Index, Medical Care Component, during the immediately preceding calendar year, less the amount of the copayment, coinsurance or deductible, if applicable.~~

~~2. If an out-of-network provider [, other than an out-of-network emergency facility,] did not have a provider contract as an in-network provider within the 12 months immediately preceding the date on which the medically necessary emergency services were rendered to a covered person, the third party that provides coverage to the covered person shall submit to the out-of-network provider an offer of payment in full for the medically necessary emergency services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 439B.754 is hereby amended to read as follows:~~

~~439B.754 1. An out-of-network provider shall accept or reject an amount paid pursuant to [subsection 2 of NRS 439B.748 or] paragraph (c) of subsection 1 or subsection 2 of NRS 439B.751 as payment in full for the medically necessary emergency services for which the payment was offered within 30 days after receiving the payment. If an out-of-network provider fails to comply with the requirements of this section, the amount paid shall be deemed accepted as payment in full for the medically necessary emergency services for which the payment was offered 30 days after the out-of-network provider received the payment.~~

~~2. If an out-of-network provider rejects the amount paid as payment in full, the out-of-network provider must request from the third party an additional amount which, when combined with the amount previously paid, the out-of-network provider is willing to accept as payment in full for the medically necessary emergency services.~~

~~3. If the third party refuses to pay the additional amount requested by the out-of-network provider pursuant to subsection 2 or fails to pay that amount within 30 days after receiving the request for the additional amount, the out-of-network provider must request a list of five randomly selected arbitrators from an entity authorized by regulations of the Director of the Department to provide such arbitrators. Such regulations must require:~~

~~(a) For claims of less than $5,000, the use of arbitrators who will conduct the arbitration in an economically efficient manner. Such arbitrators may include, without limitation, qualified employees of the State and arbitrators from the voluntary program for the use of binding arbitration established in the~~

~~judicial district pursuant to NRS 38.255 or, if no such program has been established in the judicial district, from the program established in the nearest judicial district that has established such a program.~~

~~(b) For claims of $5,000 or more, the use of arbitrators from nationally recognized providers of arbitration services, which may include, without limitation, the American Arbitration Association, JAMS or their successor organizations.~~

~~4. Upon receiving the list of randomly selected arbitrators pursuant to subsection 3, the out-of-network provider and the third party shall each strike two arbitrators from the list. If one arbitrator remains, that arbitrator must arbitrate the dispute concerning the amount to be paid for the medically necessary emergency services. If more than one arbitrator remains, an arbitrator randomly selected from the remaining arbitrators by the entity that provided the list of arbitrators pursuant to subsection 3 must arbitrate that dispute.~~

~~5. The out-of-network provider and the third party shall participate in binding arbitration of the dispute concerning the amount to be paid for the medically necessary emergency services conducted by the arbitrator selected pursuant to subsection 4. The out-of-network provider or third party may provide the arbitrator with any relevant information to assist the arbitrator in making a determination.~~

~~6. The arbitrator shall require:~~

~~(a) The out-of-network provider to accept as payment in full for the provision of the medically necessary emergency services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider, the amount paid by the third party pursuant to [subsection 2 of NRS 439B.748 or] paragraph (c) of subsection 1 or subsection 2 of NRS 439B.751, as applicable; or~~

~~(b) The third party to pay the additional amount requested by the out-of-network provider pursuant to subsection 2.~~

~~7. If the arbitrator requires:~~

~~(a) The out-of-network provider to accept the amount paid by the third party pursuant to [subsection 2 of NRS 439B.748 or] paragraph (c) of subsection 1 or subsection 2 of NRS 439B.751, as applicable, as payment in full for the provision of the medically necessary emergency services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider, the out-of-network provider must pay the costs of the arbitrator.~~

~~(b) The third party to pay the additional amount requested by the out-of-network provider pursuant to subsection 2, the third party must pay the costs of the arbitrator.~~

~~8. An out-of-network provider or a third party must pay its own attorney's fees incurred during the process prescribed by this section.~~

~~9. Interest does not accrue on any claim for which an offer of payment is rejected pursuant to subsection 1 for the period beginning on the date of the rejection and ending 30 days after the arbitrator renders a decision.~~

~~10. Except as otherwise provided in this subsection and NRS 439B.760, any decision of an arbitrator pursuant to this section and any documents associated with such a decision are confidential and are not admissible as evidence during a legal proceeding, including, without limitation, a legal proceeding between the third party and the out-of-network provider. The decision of an arbitrator and any documents associated with such a decision may be disclosed and are admissible as evidence during a legal proceeding to enforce the decision.~~] **(Deleted by amendment.)**

Sec. 21. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of sections 2 to 13, inclusive, of this act, any regulations adopted pursuant thereto or any order issued pursuant thereto.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 22. NRS 449A.118 is hereby amended to read as follows:

449A.118 1. Every medical facility and facility for the dependent shall inform each patient or the patient's legal representative, upon the admission of the patient to the facility, of the patient's rights as listed in NRS 449A.100 and 449A.106 to 449A.115, inclusive.

2. In addition to the requirements of subsection 1, if a person with a disability is a patient at a facility, as that term is defined in NRS 449A.218, the facility shall inform the patient of his or her rights pursuant to NRS 449A.200 to 449A.263, inclusive.

3. In addition to the requirements of subsections 1 and 2, every hospital shall, upon the admission of a patient to the hospital, provide to the patient or the patient's legal representative:

(a) Notice of the right of the patient to:

(1) Designate a caregiver pursuant to NRS 449A.300 to 449A.330, inclusive; and

(2) Express complaints and grievances as described in paragraphs (b) to (f), inclusive;

(b) The name and contact information for persons to whom such complaints and grievances may be expressed, including, without limitation, a patient representative or hospital social worker;

(c) Instructions for filing a complaint with the Division;

(d) The name and contact information of any entity responsible for accrediting the hospital;

(e) A written disclosure approved by the Director of the Department of Health and Human Services, which written disclosure must set forth:

(1) Notice of the existence of the Bureau for Hospital Patients created pursuant to NRS 232.462;

(2) The address and telephone number of the Bureau; and

(3) An explanation of the services provided by the Bureau, including, without limitation, the services for dispute resolution described in subsection 3 of NRS 232.462; and

(f) Contact information for any other state or local entity that investigates complaints concerning the abuse or neglect of patients.

4. In addition to the requirements of subsections 1, 2 and 3, every hospital shall, upon the discharge of a patient from the hospital, provide to the patient or the patient's legal representative a written disclosure approved by the Director, which written disclosure must set forth:

(a) If the hospital is a major hospital:

(1) Notice of ~~[the]~~ ***any*** reduction or discount available pursuant to NRS 439B.260, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount under that section; and

(2) Notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide ~~[discounted]~~ ***discounts for*** services ***that are not subject to the provisions of sections 2 to 13, inclusive, of this act*** to persons, which policies and procedures are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260. The notice required by this subparagraph must describe the criteria a patient must satisfy to qualify for the additional reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

(b) If the hospital is not a major hospital, notice of any policies and procedures the hospital may have adopted to reduce charges for services ***that are not subject to the provisions of sections 2 to 13, inclusive, of this act*** provided to persons or to provide ~~[discounted]~~ ***discounts on such*** services to persons. The notice required by this paragraph must describe the criteria a patient must satisfy to qualify for the reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

➥ As used in this subsection, "major hospital" has the meaning ascribed to it in NRS 439B.115.

5. In addition to the requirements of subsections 1 to 4, inclusive, every hospital shall post in a conspicuous place in each public waiting room in the hospital a legible sign or notice in 14-point type or larger, which sign or notice must:

(a) Provide a brief description of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, including, without limitation:

(1) Instructions for receiving additional information regarding such policies and procedures; and

(2) Instructions for arranging to make payment;

(b) Be written in language that is easy to understand; and

(c) Be written in English and Spanish.

Sec. 23. NRS 450.420 is hereby amended to read as follows:

450.420 1. The board of county commissioners of the county in which a public hospital is located may determine whether patients presented to the public hospital for treatment are subjects of charity. Except as otherwise provided in NRS 439B.330, the board of county commissioners shall establish by ordinance criteria and procedures to be used in the determination of eligibility for medical care as medical indigents or subjects of charity.

2. The board of hospital trustees shall fix the charges for ~~[treatment of]~~ ***the provision of goods and services that are not subject to the provisions of sections 2 to 13, inclusive, of this act to*** those persons able to pay for the charges, as the board deems just and proper. The board of hospital trustees may impose an interest charge of not more than 12 percent per annum on unpaid accounts. The receipts must be paid to the county treasurer and credited to the hospital fund. In fixing charges pursuant to this subsection the board of hospital trustees shall not include, or seek to recover from paying patients, any portion of the expense of the hospital which is properly attributable to the care of indigent patients.

3. Except as provided in subsection 4 of this section and subsection 3 of NRS 439B.320, the county is chargeable with the entire cost of services rendered by the hospital and any salaried staff physician or employee to any person admitted for emergency treatment, including all reasonably necessary recovery, convalescent and follow-up inpatient care required for any such person as determined by the board of trustees of the hospital, but the hospital shall use reasonable diligence to collect the charges from the emergency patient or any other person responsible for the support of the patient. Any amount collected must be reimbursed or credited to the county.

4. The county is not chargeable with the cost of services rendered by the hospital or any attending staff physician or surgeon to the extent the hospital is reimbursed for those services pursuant to NRS 428.115 to 428.255, inclusive.

Sec. 23.5. **NRS 287.0434 is hereby amended to read as follows:**

287.0434 The Board may:

1. Use its assets only to pay the expenses of health care for its members and covered dependents, to pay its employees' salaries and to pay administrative and other expenses.

2. Enter into contracts relating to the administration of the Program, including, without limitation, contracts with licensed administrators and qualified actuaries. Each such contract with a licensed administrator:

(a) Must be submitted to the Commissioner of Insurance not less than 30 days before the date on which the contract is to become effective for approval as to the licensing and fiscal status of the licensed administrator and status of any legal or administrative actions in this State against the licensed administrator that may impair his or her ability to provide the services in the contract.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

3. Enter into contracts with physicians, surgeons, hospitals, health maintenance organizations and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of members and covered dependents. The Board shall not enter into a contract pursuant to this subsection unless:

(a) Provision is made by the Board to offer all the services specified in the request for proposals, either by a health maintenance organization or through separate action of the Board.

(b) The rates set forth in the contract ***for goods and services not subject to the provisions of sections 2 to 13, inclusive, of this act*** are based on:

(1) For active and retired state officers and employees and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool; and

(2) For active and retired officers and employees of public agencies enumerated in NRS 287.010 that contract with the Program to obtain group insurance by participation in the Program and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool.

4. Enter into contracts for the services of other experts and specialists as required by the Program.

5. Charge and collect from an insurer, health maintenance organization, organization for dental care or nonprofit medical service corporation, a fee for the actual expenses incurred by the Board or a participating public agency in administering a plan of insurance offered by that insurer, organization or corporation.

6. Charge and collect the amount due from local governments pursuant to paragraph (b) of subsection 4 of NRS 287.023. If the payment of a local government pursuant to that provision is delinquent by more than 90 days, the Board shall notify the Executive Director of the Department of Taxation pursuant to NRS 354.671.

Sec. 24. ~~[NRS 689A.041 is hereby amended to read as follows:~~

~~689A.041 1. A policy of health insurance which provides coverage for the surgical procedure known as a mastectomy must also provide commensurate coverage for:~~

~~(a) Reconstruction of the breast on which the mastectomy has been performed;~~

~~(b) Surgery and reconstruction of the other breast to produce a symmetrical structure; and~~

~~(c) Prostheses and physical complications for all stages of mastectomy, including lymphedemas.~~

~~2. The provision of services must be determined by the attending physician and the patient.~~

~~3. The plan or issuer may require deductibles and coinsurance payments if they are consistent with those established for other benefits.~~

~~4. Written notice of the availability of the coverage must be given upon enrollment and annually thereafter. The notice must be sent to all participants:~~

~~(a) In the next mailing made by the plan or issuer to the participant or beneficiary; or~~

~~(b) As part of any annual information packet sent to the participant or beneficiary,~~

~~whichever is earlier.~~

~~5. A plan or issuer may not:~~

~~(a) Deny eligibility, or continued eligibility, to enroll or renew coverage, in order to avoid the requirements of subsections 1 to 4, inclusive; or~~

~~(b) Penalize, or limit reimbursement to, a provider of care, or provide incentives to a provider of care, in order to induce the provider not to provide the care listed in subsections 1 to 4, inclusive.~~

~~6. [A]~~ ***Except as otherwise provided in section 8 of this act, a*** ~~plan or issuer may negotiate rates of reimbursement with providers of care.~~

~~7. If reconstructive surgery is begun within 3 years after a mastectomy, the amount of the benefits for that surgery must equal the amounts provided for in the policy at the time of the mastectomy. If the surgery is begun more than 3 years after the mastectomy, the benefits provided are subject to all of the terms, conditions and exclusions contained in the policy at the time of the reconstructive surgery.~~

~~8. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 2001, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.~~

~~9. For the purposes of this section, "reconstructive surgery" means a surgical procedure performed following a mastectomy on one breast or both breasts to re-establish symmetry between the two breasts. The term includes augmentation mammoplasty, reduction mammoplasty and mastopexy.~~**]**

(Deleted by amendment.)

Sec. 25. ~~[NRS 689B.0375 is hereby amended to read as follows:~~

~~689B.0375 1. A policy of group health insurance which provides coverage for the surgical procedure known as a mastectomy must also provide commensurate coverage for:~~

~~(a) Reconstruction of the breast on which the mastectomy has been performed;~~

~~(b) Surgery and reconstruction of the other breast to produce a symmetrical structure; and~~

~~(c) Prostheses and physical complications for all stages of mastectomy, including lymphedemas.~~

~~2. The provision of services must be determined by the attending physician and the patient.~~

~~3. The plan or issuer may require deductibles and coinsurance payments if they are consistent with those established for other benefits.~~

~~4. Written notice of the availability of the coverage must be given upon enrollment and annually thereafter. The notice must be sent to all participants:~~

~~(a) In the next mailing made by the plan or issuer to the participant or beneficiary; or~~

~~(b) As part of any annual information packet sent to the participant or beneficiary,~~

~~whichever is earlier.~~

~~5. A plan or issuer may not:~~

~~(a) Deny eligibility, or continued eligibility, to enroll or renew coverage, in order to avoid the requirements of subsections 1 to 4, inclusive; or~~

~~(b) Penalize, or limit reimbursement to, a provider of care, or provide incentives to a provider of care, in order to induce the provider not to provide the care listed in subsections 1 to 4, inclusive.~~

~~6. [A]~~ ***Except as otherwise provided in section 8 of this act, a*** ~~plan or issuer may negotiate rates of reimbursement with providers of care.~~

~~7. If reconstructive surgery is begun within 3 years after a mastectomy, the amount of the benefits for that surgery must equal those amounts provided for in the policy at the time of the mastectomy. If the surgery is begun more than 3 years after the mastectomy, the benefits provided are subject to all of the terms, conditions and exclusions contained in the policy at the time of the reconstructive surgery.~~

~~8. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 2001, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.~~

~~9. For the purposes of this section, "reconstructive surgery" means a surgical procedure performed following a mastectomy on one breast or both breasts to re-establish symmetry between the two breasts. The term includes augmentation mammoplasty, reduction mammoplasty and mastopexy.~~**]**

(Deleted by amendment.)

Sec. 26. ~~[NRS 695B.191 is hereby amended to read as follows:~~

~~695B.191 1. A policy of health insurance, issued by a medical service corporation, which provides coverage for the surgical procedure known as a mastectomy must also provide commensurate coverage for:~~

~~(a) Reconstruction of the breast on which the mastectomy has been performed;~~

~~(b) Surgery and reconstruction of the other breast to produce a symmetrical structure; and~~

~~(c) Prostheses and physical complications for all stages of mastectomy, including lymphedemas.~~

~~2. The provision of services must be determined by the attending physician and the patient.~~

~~3. The plan or issuer may require deductibles and coinsurance payments if they are consistent with those established for other benefits.~~

~~4. Written notice of the availability of the coverage must be given upon enrollment and annually thereafter. The notice must be sent to all participants:~~

~~(a) In the next mailing made by the plan or issuer to the participant or beneficiary; or~~

~~(b) As part of any annual information packet sent to the participant or beneficiary,~~

~~whichever is earlier.~~

~~5. A plan or issuer may not:~~

~~(a) Deny eligibility, or continued eligibility, to enroll or renew coverage, in order to avoid the requirements of subsections 1 to 4, inclusive; or~~

~~(b) Penalize, or limit reimbursement to, a provider of care, or provide incentives to a provider of care, in order to induce the provider not to provide the care listed in subsections 1 to 4, inclusive.~~

~~6. [A]~~ ***Except as otherwise provided in section 8 of this act, a*** ~~plan or issuer may negotiate rates of reimbursement with providers of care.~~

~~7. If reconstructive surgery is begun within 3 years after a mastectomy, the amount of the benefits for that surgery must equal those amounts provided for in the policy at the time of the mastectomy. If the surgery is begun more than 3 years after the mastectomy, the benefits provided are subject to all of the terms, conditions and exclusions contained in the policy at the time of the reconstructive surgery.~~

~~8. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 2001, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.~~

~~9. For the purposes of this section, "reconstructive surgery" means a surgical procedure performed following a mastectomy on one breast or both breasts to re-establish symmetry between the two breasts. The term includes augmentation mammoplasty, reduction mammoplasty and mastopexy.~~**]**

(Deleted by amendment.)

Sec. 27. **[**~~NRS 695C.171 is hereby amended to read as follows:~~

~~695C.171 1. A health maintenance plan which provides coverage for the surgical procedure known as a mastectomy must also provide commensurate coverage for:~~

~~(a) Reconstruction of the breast on which the mastectomy has been performed;~~

~~(b) Surgery and reconstruction of the other breast to produce a symmetrical structure; and~~

~~(c) Prostheses and physical complications for all stages of mastectomy, including lymphedemas.~~

~~2. The provision of services must be determined by the attending physician and the patient.~~

~~3. The plan or issuer may require deductibles and coinsurance payments if they are consistent with those established for other benefits.~~

~~4. Written notice of the availability of the coverage must be given upon enrollment and annually thereafter. The notice must be sent to all participants:~~

~~(a) In the next mailing made by the plan or issuer to the participant or beneficiary; or~~

~~(b) As part of any annual information packet sent to the participant or beneficiary,~~

~~whichever is earlier.~~

~~5. A plan or issuer may not:~~

~~(a) Deny eligibility, or continued eligibility, to enroll or renew coverage, in order to avoid the requirements of subsections 1 to 4, inclusive; or~~

~~(b) Penalize, or limit reimbursement to, a provider of care, or provide incentives to a provider of care, in order to induce the provider not to provide the care listed in subsections 1 to 4, inclusive.~~

~~6. [A]~~ ***Except as otherwise provided in section 8 of this act, a*** ~~plan or issuer may negotiate rates of reimbursement with providers of care.~~

~~7. If reconstructive surgery is begun within 3 years after a mastectomy, the amount of the benefits for that surgery must equal those amounts provided for in the policy at the time of the mastectomy. If the surgery is begun more than 3 years after the mastectomy, the benefits provided are subject to all of the terms, conditions and exclusions contained in the policy at the time of the reconstructive surgery.~~

~~8. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 1, 2001, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.~~

~~9. For the purposes of this section, "reconstructive surgery" means a surgical procedure performed following a mastectomy on one breast or both breasts to re-establish symmetry between the two breasts. The term includes, but is not limited to, augmentation mammoplasty, reduction mammoplasty and mastopexy.~~**]** **(Deleted by amendment.)**

Sec. 27.3. **NRS 695K.200 is hereby amended to read as follows:**

695K.200 1. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, shall design, establish and operate a health benefit plan known as the Public Option.

2. The Director:

(a) Shall make the Public Option available:

(1) As a qualified health plan through the Exchange to natural persons who reside in this State and are eligible to enroll in such a plan through the Exchange under the provisions of 45 C.F.R. § 155.305; and

(2) For direct purchase as a policy of individual health insurance by any natural person who resides in this State. The provisions of chapter 689A of

NRS and other applicable provisions of this title ***, except for any provisions authorizing an insurer to negotiate with providers of goods and services subject to the provisions of sections 2 to 13, inclusive, of this act,*** apply to the Public Option when offered as a policy of individual health insurance.

(b) May make the Public Option available to small employers in this State or their employees to the extent authorized by federal law. The provisions of chapter 689C of NRS and other applicable provisions of this title ***, except for any provisions authorizing a carrier to negotiate with providers of goods and services subject to the provisions of sections 2 to 13, inclusive, of this act,*** apply to the Public Option when it is offered as a policy of health insurance for small employers.

(c) Shall comply with all state and federal laws and regulations applicable to insurers when carrying out the provisions of this chapter, to the extent that such laws and regulations are not waived.

3. The Public Option must:

(a) Be a qualified health plan, as defined in 42 U.S.C. § 18021; and

(b) Provide at least levels of coverage consistent with the actuarial value of one silver plan and one gold plan.

4. Except as otherwise provided in this section, the premiums for the Public Option:

(a) Must be at least 5 percent lower than the reference premium for that zip code; and

(b) Must not increase in any year by a percentage greater than the increase in the Medicare Economic Index for that year.

5. The Director, in consultation with the Commissioner and the Executive Director of the Exchange, may revise the requirements of subsection 4, provided that the average premiums for the Public Option must be at least 15 percent lower than the average reference premium in this State over the first 4 years in which the Public Option is in operation.

6. As used in this section:

(a) ***"Carrier" has the meaning ascribed to it in NRS 689C.025.***

(b) "Gold plan" means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a gold level plan.

~~[(b)]~~ ***(c)*** "Health benefit plan" means a policy, contract, certificate or agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

~~[(c)]~~ ***(d)*** "Medicare Economic Index" means the Medicare Economic Index, as designated by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 42 C.F.R. § 405.504.

~~[(d)]~~ ***(e)*** "Reference premium" means, for any zip code, the lower of:

(1) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the 2024 plan year, adjusted by the percentage change in the Medicare Economic Index between January 1, 2024, and January 1 of the year to which a premium applies; or

(2) The premium for the second-lowest cost silver level plan available through the Exchange in the zip code during the year immediately preceding the year to which a premium applies.

~~[(e)]~~ ***(f)*** "Silver plan" means a qualified health plan that meets the requirements established by 42 U.S.C. § 18022 for a silver level plan.

~~[(f)]~~ ***(g)*** "Small employer" has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).

Sec. 27.4. **NRS 695K.240 is hereby amended to read as follows:**

695K.240 1. In establishing networks for the Public Option and reimbursing providers of health care that participate in the Public Option, the Director shall, to the extent practicable:

(a) Ensure that care for persons who were previously covered by Medicaid or the Children's Health Insurance Program and enroll in the Public Option is minimally disrupted;

(b) Encourage the use of payment models that increase value for persons enrolled in the Public Option and the State;

(c) Improve health outcomes for persons enrolled in the Public Option;

(d) Reward providers of health care and medical facilities for delivering high-quality services; and

(e) Lower the cost of care in both urban and rural areas of this State.

2. Except as otherwise provided in subsections 3 to 6, inclusive, reimbursement rates under the Public Option must be, in the aggregate, comparable to or better than reimbursement rates available under Medicare. For the purposes of this section, the aggregate reimbursement rate under Medicare:

(a) Includes any add-on payments or other subsidies that a provider receives under Medicare; and

(b) Does not include payments under Medicare for a patient encounter or a cost-based payment rate under Medicare.

3. If a provider of health care currently receives reimbursement under Medicare at rates that are cost-based, the reimbursement rates for that provider of health care under the Public Option must be comparable to or better than the cost-based reimbursement rates provided for that provider of health care by Medicare.

4. The reimbursement rates for a federally-qualified health center or a rural health clinic under the Public Option must be comparable to or better than the reimbursement rates established for patient encounters under the applicable Prospective Payment System established for Medicare by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services.

5. The reimbursement rates for a certified community behavioral health clinic under the Public Option must be comparable to or better than the reimbursement rates established for community behavioral health clinics under the State Plan for Medicaid.

6. The requirements of subsections 2 to 5, inclusive, do not apply to a payment model described in paragraph (b) of subsection 1.

7. ***The requirements of this section do not apply to the extent that they conflict with the provisions of sections 2 to 13, inclusive, of this act.***

8. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 27.5. **Section 8 of this act is hereby amended to read as follows:**

1. A health care facility shall charge rates fixed in accordance with sections 2 to 13, inclusive, of this act for any goods or services described in subsection 2 that are provided to a patient who is covered by the Public Employees' Benefits Program ~~[.]~~ ***or the Public Option established pursuant to NRS 695K.200.***

2. The provisions of sections 2 to 13, inclusive, of this act apply to goods and services that are reimbursable through Medicare. As used in this subsection, "reimbursable" means that Medicare provides reimbursement for a good or service when that good or service is provided to a patient who is covered by Medicare.

3. A health care facility shall not provide any person with a discount, incentive or price reduction or enter into any arrangement where the effective amount paid to the health care facility for goods or services is different from the rate established for those goods or services pursuant to sections 2 to 13, inclusive, of this act.

4. To the extent of their applicability, the provisions of sections 2 to 13, inclusive, of this act supersede any other provision of law relating to the rates charged by a health care facility, including, without limitation, provisions requiring or authorizing reduced or discounted rates.

Sec. 28. 1. On or before January 1, 2024, the Governor shall appoint to the Independent Commission on Rates for Health Care Services created by section 6 of this act:

(a) Four members to initial terms that expire on January 1, 2026; and

(b) Five members to initial terms that expire on January 2, 2028.

2. Notwithstanding the amendatory provisions of this act, a health care facility is not required to comply with the provisions of sections 2 to 13, inclusive, of this act until the later of:

(a) January 1, 2025; or

(b) One year after the date on which the regulations adopted pursuant to section 12 of this act become effective.

3. The amendatory provisions of this act do not affect any contract or other agreement that establishes the rates paid to a health care facility which is entered into on or before the effective date of this section. A health care facility shall not enter into a contract or other agreement after the effective date of this section that provides for the payment of rates for services to which sections 2 to 13, inclusive, of this act apply that differ from the rates fixed pursuant to those sections after the later of:

(a) January 1, 2025; or

(b) One year after the date on which the regulations adopted pursuant to section 12 of this act become effective.

4. As used in this section, "health care facility" has the meaning ascribed to it in section 4 of this act.

Sec. 28.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 29. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 30. ~~[NRS 439B.706, 439B.709, 439B.718 and 439B.748 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 31. 1. This section and section 28 of this act become effective upon passage and approval.

2. Sections 1 to 12, inclusive, **28.5** and 29 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Sections 13 to 27, inclusive, and 30 of this act become effective on the later of:

(a) January 1, 2025; or

(b) One year after the date on which the regulations adopted pursuant to section 12 of this act become effective.

4. Sections 27.3, 27.4 and 27.5 of this act becomes effective on January 1, 2026.

~~[~~

~~LEADLINES OF REPEALED SECTIONS~~

~~439B.706 "Independent center for emergency medical care" defined.~~
~~439B.709 "In-network emergency facility" defined.~~
~~439B.718 "Out-of-network emergency facility" defined.~~
~~439B.748 Payment to out-of-network emergency facility by third party.]~~

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 284.

AN ACT relating to animals; revising provisions relating to animal cruelty; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from ~~[engaging in cruelty to animals and prescribes minimum standards for the housing, keeping and restraint of dogs.]~~ **: (1) torturing or unjustifiably injuring, maiming, mutilating or killing an animal kept for companionship or pleasure or any cat or dog; or (2) overdriving, torturing, cruelly beating or unjustifiably injuring, maiming, mutilating or killing any animal or causing, procuring or allowing any such act against an animal.** (NRS 574.100) ~~[This]~~ **Section 1 of this** bill **also prohibits: (1) committing these acts against an animal kept for working purposes or a domesticated animal that is not owned by any person; and (2) with certain exceptions, depriving an animal of proper ventilation, necessary veterinary care or grooming and shearing under certain circumstances.**

Existing law prohibits the abandonment of maimed, diseased, disabled or infirm animals. (NRS 574.110) Section 1 prohibits the abandonment of any animal and sets forth what constitutes abandonment of an animal.

Existing law prescribes minimum standards for the housing, keeping and restraining of dogs and sets forth certain exceptions to these provisions. (NRS 574.100) Section 1 prohibits a person from restraining a dog using: (1) a collar, harness or other device that is not properly fitted; or (2) a tether, chain, tie, trolley or pulley system or other device that has a weight attached. ~~[This bill]~~ **Section 1** also prohibits leaving a dog outside and unattended unless the dog is provided with: (1) adequate shelter; (2) an area that allows the dog to avoid standing water and exposure to excessive animal waste; (3) shade from direct sunlight; and (4) potable water. **Section 1 provides an exception from these prohibitions for a dog that is actively engaged in or training for: (1) police, military, patrol or detection work; (2) search and rescue; (3) herding, livestock guarding or other work; (4) guide dogs, hearing dogs or service dogs; and (5) trials, sporting or other lawful competitions or competitive functions.**

Section 1.5 of this bill repeals a provision of existing law relating to the abandonment of disabled animals.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably ***injure,*** maim, mutilate or kill:

(1) An animal kept for companionship **,** ~~[or]~~ pleasure ~~[,]~~ ***or for working purposes,*** whether belonging to the person or to another; ~~[or]~~

(2) Any cat or dog; ***or***

(3) A domesticated animal that is not owned by any person.

(b) ~~[Except as otherwise provided in paragraph (a), overdrive, overload, torture,]~~ ***Cause, procure or allow an animal to be overdriven, overloaded, tortured,*** cruelly ~~[beat]~~ ***beaten*** or unjustifiably ~~[injure, maim, mutilate]~~ ***injured, maimed, mutilated*** or ~~[kill an animal, whether belonging]~~ ***killed, regardless of whether the animal belongs*** to the person ~~, [or to]~~ another ~~[,]~~ ***person or is not owned by any person;***

(c) Deprive an animal of ***or cause an animal to be deprived of*** necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) ~~[Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;~~

~~(e)]~~ ***If an animal is confined inside of an enclosed space, including, without limitation, a shed, barn or garage, deprive an animal of proper ventilation or neglect or refuse to furnish the animal with proper ventilation;***

(e) Except as otherwise provided in subsection 5, deprive an ill, infirm or injured animal of necessary veterinary care, or neglect or refuse to furnish the animal with necessary veterinary care, resulting in the animal experiencing unnecessary or unjustifiable pain, suffering or death;

(f) Except as otherwise provided in subsection 5, deprive an animal of grooming or shearing or refuse to furnish the animal such grooming or shearing, to the extent that such grooming or shearing is reasonably necessary to prevent adverse health effects, pain, injury or the impediment of the natural movement of the animal;

(g) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

~~[(f)]~~ ***(h)*** Abandon an animal ~~[in circumstances other than those prohibited in NRS 574.110. The provisions of this paragraph do not apply to:]~~ ***, regardless of whether the animal is healthy, maimed, diseased, disabled or infirm. For the purposes of this paragraph:***

(1) Except as otherwise provided in this paragraph, an animal is considered abandoned if a person who owns or has custody of the animal relinquishes his or her duty to care for that animal by leaving the animal without providing minimal care, which may include, without limitation, leaving an animal on the property of the owner or another person, in a public place or on open land, except that an animal that has been left on the property of the animal's owner or person having custody of the animal is not considered abandoned unless the animal is left for more than 72 hours.

(2) An animal is not considered abandoned if:

(I) A person delivers the animal to another person who will accept ownership or custody of the animal or an animal rescue organization or animal shelter; or

(II) The animal is a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. ~~[As~~

~~used in this paragraph, "feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.]~~

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not ~~[restrain]~~ ***:***

(a) Restrain a dog:

~~[(a)]~~ ***(1) Using a collar, harness or other device that is not properly fitted;***

(2) Using a tether, chain, tie, trolley or pulley system or other device that:

~~[(1)]~~ ***(I)*** Is less than 12 feet in length;

~~[(2)]~~ ***(II)*** Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; ~~[or]~~

~~[(3)]~~ ***(III)*** Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object; ***or***

(IV) Has a weight attached;

~~[(b)]~~ ***(3)*** Using a prong, pinch or choke collar or similar restraint; or

~~[(c)]~~ ***(4)*** For more than 14 hours during a 24-hour period ~~[.]~~ ***; or***

(b) Leave a dog , who does not have immediate access to the indoors, outside and unattended unless the person provides the dog with access to:

(1) Adequate shelter, which must include, without limitation, a sturdy structure that:

(I) ~~[Protects]~~ Is waterproof, ventilated and constructed of sound and substantial material that is adequate to protect the dog from inclement weather ~~[;]~~ and which allows the dog to maintain a normal body temperature;

(II) Provides a solid surface, resting platform, pad, floor mat or similar device large enough for the dog to lie on in a normal manner and that can be maintained in a sanitary manner;

(III) Is appropriate for the size and breed of the dog with sufficient dimensions that allow the dog to stand erect, sit, turn around and lie down in an unimpeded position while inside the structure; and

(IV) Prevents pain, injury or a significant risk to the health of the dog;

(2) An area that allows the dog to avoid standing water and exposure to excessive animal waste;

(3) Shade from direct sunlight; and

(4) Potable water.

3. ~~[Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog.]~~ If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of ~~[this subsection.]~~ ***paragraph (b) of subsection 2.***

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in ~~[a]~~ ***an animal*** shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; ~~[or]~~

(h) ***Actively engaged in or training for:***

(1) Police, military, patrol or detection work;

(2) Search and rescue;

(3) Herding, livestock guarding or otherwise working;

(4) A role as a guide dog, hearing dog or service dog; or

(5) Trials, sporting or other lawful competitions or competitive functions; or

(i) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. ***The provisions of paragraphs (e) and (f) of subsection 1 do not apply to an indigent person. A person may be determined to be indigent if the person:***

(a) Receives public assistance, as that term is defined in NRS 422A.065;

(b) Resides in public housing, as that term is defined in NRS 315.021;

(c) Has a household income that is less than 200 percent of the federally designated level signifying poverty; or

(d) Any other relevant factor, as determined by a court.

6. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

~~[6.]~~ ***7.*** A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[7.]~~ ***8.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** a person who violates subsection 1, 2, 3 or ~~[5.]~~ ***6:***

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[8.]~~ ***9.*** In addition to any other fine or penalty provided in subsection ~~[6 or]~~ 7 ~~[,]~~ ***or 8,*** a court shall order a person convicted of violating subsection 1, 2, 3 or ~~[5]~~ ***6*** to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or ~~[5]~~ ***6*** **,** including, without limitation, money expended for veterinary treatment, feed and housing.

~~[9.]~~ ***10.*** The court may order the person convicted of violating subsection 1, 2, 3 or ~~[5]~~ ***6*** to surrender ownership or possession of the mistreated animal ~~[.]~~ ***if ownership has not already been divested in accordance with NRS 574.055, 574.203 and 574.2035.***

~~[10.]~~ ***11.*** The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.

~~[11.]~~ ***12.*** As used in this section ~~[, "horse tripping"]~~ ***:***

(a) "Animal rescue organization" has the meaning ascribed to it in NRS 574.202.

(b) "Animal shelter" has the meaning ascribed to it in NRS 574.240.

(c) "Feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

(d) "Horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

~~[(a)]~~ ***(1)*** Tripping such an animal to provide medical or other health care for the animal; or

~~[(b)]~~ ***(2)*** Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

~~*[(b)]*~~ ***(e) "Minimal care" means proper sustenance or food reasonably sufficient to meet the nutritional needs of an animal, sufficient potable water and accessible shelter.***

(f) "Properly fitted" means a collar, harness or other device that:

(1) Is appropriate for the size of a dog based on the measurements and body weight of the dog;

(2) Does not choke the dog or impede the normal breathing or swallowing of the dog; and

(3) Does not cause pain or injury to the dog.

Sec. 1.5. **NRS 574.110 is hereby repealed.**

Sec. 2. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

574.110 Abandonment of disabled animal unlawful; penalty. 1. A person being the owner or possessor, or having charge or custody, of a maimed, diseased, disabled or infirm animal, who abandons such animal or leaves it to die in a public street, road or public place, or who allows it to lie in a public street, road or public place more than 3 hours after the person receives notice that it is left disabled, is guilty of a misdemeanor.

2. Any agent or officer of any society for the prevention of cruelty to animals, or of any society duly incorporated for that purpose, or any police officer, may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing, in the judgment of two reputable citizens called by the agent or officer to view the same in his or her presence, to be glandered, injured or diseased past recovery for any useful purpose, or after such agent or officer has obtained in writing from the owner of such animal the owner's consent to such destruction.

3. When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any

agent or officer of such society or societies or any police officer may take charge of such animal and of such vehicle and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof. All necessary expenses incurred in taking charge of such property shall be a charge thereon.

Assemblywoman Cohen moved the adoption of the amendment.
Remarks by Assemblywoman Cohen.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 117.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 316.

AN ACT relating to public safety; ~~[requiring the Investigation Division of the Department of Public Safety to investigate domestic terror activity;]~~ defining "domestic terror activity" to include certain offenses; creating the Anti-Domestic Terrorism Assistance Account in the State General Fund to award grants to support state and local programs to counter domestic terror activity; **requiring the Chief of the Investigation Division of the Department of Public Safety to assist in the investigation of domestic terror activity upon the request of a law enforcement agency;** authorizing ~~[counties to cooperate]~~ **the Chief of the Investigation Division to enter into agreements** with intelligence centers; **revising the definition of "act of terrorism" and the definitions of related terms; revising provisions relating to criminal anarchy and criminal syndicalism;** making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the primary ~~[functions and]~~ responsibilities of the **Chief of the** Investigation Division of the Department of Public Safety. (NRS 480.460) **Section 6** of this bill adds to the ~~[functions and]~~ responsibilities of the **Chief of the** Investigation Division the duty to ~~[investigate]~~ **assist in the investigation of** domestic terror activity ~~[.]~~ **upon the request of a law enforcement agency.** **Section 2** of this bill defines domestic terror activity to mean any of the following offenses: (1) acts of terrorism and certain related acts; (2) armed association; (3) criminal anarchy; (4) criminal syndicalism; (5) unlawful drill or parade with arms; (6) simulation of summons or other legal process; and (7) the commission of an unlawful act because of the actual or perceived characteristics of another person or group of persons. **Section 4** of this bill establishes the Anti-Domestic Terrorism Assistance Account within the State General Fund, to be administered by the Chief of the ~~[Investigation]~~ Division ~~[.]~~ **of Emergency Management of the Office of the Military and requires the Chief to submit a proposal for an expenditure from the Account to the Nevada Commission on Homeland Security, which is**

required to follow the same procedure for recommending the distribution of money from the Account as it does for recommending the distribution of money from any federal homeland security grant or related program. **Section 4** requires that the money in the Account be used to support state or local programs aimed at countering domestic terror activity ~~[. Section]~~ **, and section 8** of this bill makes an appropriation of $5,000,000 to the Account to provide grants to support such state and local programs.

~~[Existing law creates the Nevada Threat Analysis Center within the Investigation Division, which is recognized as a fusion intelligence center by the United States Department of Homeland Security. (NRS 480.530) Section 3 of this bill recognizes in statute the existence of two other intelligence centers: (1) the Southern Nevada Counter-Terrorism Center, hosted by the Las Vegas Metropolitan Police Department and designated as the primary fusion intelligence center for Nevada by the United States Department of Homeland Security; and (2) the Northern Nevada Regional Intelligence Center, located within the Washoe County Sheriff's Office. Section 3 permits the board of county commissioners of a county to enter into agreements to participate in and collaborate with intelligence centers in this State.]~~ **Section 7.8 of this bill makes a conforming change to provide that the duties of the Nevada Commission on Homeland Security include recommending the distribution of money from the Account for use by state and local agencies.**

Existing law authorizes the Chief of the Investigation Division to enter into agreements with any state or local law enforcement agency in this State or in any other state to carry out the duties of the Division. (NRS 480.480) **Section 7** of this bill ~~[clarifies]~~ **provides** that the Chief of the Investigation Division may also enter into agreements with intelligence centers **in this State or in any other state** in order to carry out the duties of the Division.

Existing law defines the term "act of terrorism," in part to include any act involving the use or attempted use of sabotage, coercion or violence which is intended to cause great bodily harm or death to the general population. (NRS 202.4415) Section 7.2 of this bill includes additional actions that constitute an act of terrorism and defines the terms "civil disobedience," "coercion," "sabotage" and "violence" for the purposes of the commission of an act of terrorism.

Existing law sets forth the actions that constitute criminal anarchy and criminal syndicalism. (NRS 203.115, 203.117) Sections 7.4 and 7.6 of this bill require that such actions be directed at inciting or producing imminent lawless action and likely to incite or produce such imminent lawless action.

Section 5 of this bill makes a conforming change to indicate the proper placement of **sections 2** ~~[,]~~ **and 4** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Domestic terror activity" means any of the following:***

1. Acts of terrorism and any of the offenses set forth in NRS 202.445 to 202.449, inclusive;

2. Armed association, as provided in NRS 203.080;

3. Criminal anarchy, as provided in NRS 203.115;

4. Criminal syndicalism, as provided in NRS 203.117;

5. Unlawful drill or parade with arms, as provided in NRS 412.604;

6. Simulation of summons or other legal process ***;*** ~~***[, as provided in NRS 207.337;]***~~ ***and***

7. The commission of an unlawful act because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons, as provided in NRS 207.185.

Sec. 3. ~~***[The board of county commissioners of a county may enter into an agreement to participate in and collaborate with any intelligence center in this State, including, without limitation:***~~

~~***1. The Northern Nevada Regional Intelligence Center;***~~

~~***2. The Southern Nevada Counter Terrorism Center;***~~

~~***3. The Nevada Threat Analysis Center created by NRS 480.530; and***~~

~~***4. Any fusion intelligence center designated by the Governor.]***~~ **(Deleted by amendment.)**

Sec. 4. ***1. The Anti-Domestic Terrorism Assistance Account is hereby created in the State General Fund.***

2. The Chief of the ~~***[Investigation]***~~ ***Division shall administer the*** ~~***[account.]***~~ ***Account.***

3. The money in the Account must be used to award grants of money to state and local agencies, including, without limitation, intelligence centers, to support programs for countering domestic terror activity.

4. Before money in the Account may be expended pursuant to subsection 3, the Chief of the ~~***[Investigation]***~~ ***Division must submit a proposal for the expenditure to the*** ~~***[State Board of Examiners.]***~~ ***Nevada Commission on Homeland Security created by NRS 239C.120.***

5. ~~***[Upon making a determination that the proposed expenditure is appropriate and necessary, the State Board of Examiners shall recommend to the Interim Finance Committee, or the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means when the Legislature is in general session, that the expenditure be approved. Upon approval of the appropriate committee or committees, the money may be so expended.]***~~ ***The Nevada Commission on Homeland Security shall follow the same procedure for recommending the distribution of money from the***

Account pursuant to this section as it does for recommending the distribution of money from any federal homeland security grant or related program for use by state, local and tribal government agencies and private sector organizations.

6. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

7. As used in this section, "Division" means the Division of Emergency Management of the Office of the Military.

Sec. 5. NRS 480.400 is hereby amended to read as follows:

480.400 As used in NRS 480.400 to 480.545, inclusive, ***and sections 2 [, 3] and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 480.405 to 480.440, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 480.460 is hereby amended to read as follows:

480.460 The Chief of the Investigation Division shall:

1. Furnish services relating to the investigation of crimes, including interrogation with the use of polygraph instruments, upon the request of the following:

(a) The Attorney General;

(b) The head of any agency, bureau, board, commission, department, division, office or other unit of the Executive Department of the State Government which is authorized or required to conduct criminal investigations; or

(c) Any sheriff, chief of police or district attorney.

2. Disseminate information relating to the dangers of the use of controlled substances and dangerous drugs.

3. Provide and operate a system of recording all information received by the Investigation Division relating to persons who have alleged connections with organized crime or have some connection with violations of laws regulating controlled substances or dangerous drugs.

4. Arrange for the purchase of controlled substances and dangerous drugs when such a purchase is necessary in an investigation of offenses relating to controlled substances and dangerous drugs.

5. Procure from law enforcement agencies and other reliable sources information relating to violators of laws which govern controlled substances and dangerous drugs, including information about their character, probable motives, circumstances of arrest, methods of operation and other pertinent information.

6. Enforce the provisions of chapter 453 of NRS.

7. Furnish information relating to any person of whom he or she maintains a record to any law enforcement agency.

8. Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124.

9. Upon request, assist:

(a) The Department of Taxation in carrying out a criminal investigation relating to cannabis pursuant to NRS 372A.200 to 372A.380, inclusive, and chapter 678A of NRS;

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out a criminal investigation relating to cannabis pursuant to chapter 678C of NRS; ~~[and]~~

(c) The Cannabis Compliance Board in carrying out a criminal investigation pursuant to title 56 of NRS ~~[.]~~ ***; and***

(d) A law enforcement agency in the investigation of domestic terror activity.

10. Investigate technological crime, as defined in NRS 205A.030, and enforce the provisions of the law of this State relating to technological crime, as defined in NRS 205A.030.

~~***[11. Investigate domestic terror activity.]***~~

Sec. 7. NRS 480.480 is hereby amended to read as follows:

480.480 The Chief of the Investigation Division may enter into agreements with any state or local law enforcement agency ***or intelligence center*** in this State or in any other state to carry out the duties of the Division. A peace officer, while carrying out the duties of the Investigation Division pursuant to such an agreement, has the same powers and responsibilities as an investigator of the Investigation Division.

Sec. 7.2. **NRS 202.4415 is hereby amended to read as follows:**

202.4415 1. "Act of terrorism" means any act that involves the use or attempted use of sabotage, coercion or violence which is intended to:

(a) Cause ~~[great]~~ ***substantial*** bodily harm or death to the general population ~~[,]~~ ***or to a specific population of persons with the same or a similar characteristic;***

(b) Intimidate or coerce a civilian population;

(c) Influence the policy of, affect the conduct of, or retaliate against any agency, bureau, board, commission, department or division of this State, a political subdivision of this State or any other branch or level of government; or

~~[(b)]~~ ***(d)*** Cause substantial destruction, contamination or impairment of:

(1) Any building or infrastructure, communications, transportation, utilities or services; or

(2) Any natural resource or the environment.

2. As used in this section ~~[, "coercion"]~~ ***:***

(a) "Civil disobedience" means an open and visible nonviolent violation of a provision of law that is punishable as a misdemeanor and is committed intentionally, symbolically and with the expectation of being punished.

(b) "Coercion" means the actions described in NRS 207.190 and does not include an act of civil disobedience.

(c) "Sabotage" means the intentional destruction of property or obstruction of a lawful activity and does not include an act of civil disobedience.

(d) "Violence" has the meaning ascribed to "crime of violence" in paragraph (b) of subsection 2 of NRS 200.408.

Sec. 7.4. **NRS 203.115 is hereby amended to read as follows:**

203.115 1. Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means.

2. It is unlawful:

(a) For any person, by word of mouth or writing, to advocate, advise or teach the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means ~~[;]~~ ***, if such advocacy, advice or teaching is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;***

(b) For any person to print, publish, edit, issue or knowingly to circulate, sell, distribute or publicly to display any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means ~~[;]~~ ***, if such contents, advocacy, advice or teaching is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;***

(c) For any person openly, willfully and deliberately to justify by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of any civilized nation having an organized government because of his or her official character, or any other crime, with the intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy ~~[;]~~ ***, if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;***

(d) For any person to organize or help to organize or become a member of or voluntarily to assemble with any society, group or assembly of persons formed to teach or advocate such a doctrine ~~[;]~~ ***, if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;***

(e) For two or more persons to assemble for the purpose of advocating or teaching the doctrines of criminal anarchy as defined in subsection 1 ~~[;]~~ ***, if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;*** or

(f) For any owner, agent, superintendent, janitor, caretaker or occupant of any place, building or room willfully and knowingly to permit therein any

assemblage of persons prohibited by paragraph (e), or, after notification that the premises are so used, to permit such use to be continued.

3. A person who violates the provisions of subsection 2 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.

Sec. 7.6. **NRS 203.117 is hereby amended to read as follows:**

203.117 1. Criminal syndicalism is the doctrine which advocates or teaches crime, sabotage, violence or unlawful methods of terrorism as a means of accomplishing industrial or political reform.

2. It is unlawful:

(a) For any person, by word of mouth or writing, to advocate or teach the duty, necessity or propriety of crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political reform ~~[:]~~ ***, if such advocacy or teaching is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;***

(b) For any person to print, publish, edit, issue or knowingly to circulate, sell, distribute or publicly to display any book, paper, document or written matter in any form, containing or advocating, advising or teaching the doctrine that industrial or political reform should be brought about by crime, sabotage, violence or other unlawful methods of terrorism ~~[:]~~ ***, if such contents, advocacy, advice or teaching is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;***

(c) For any person openly, willfully and deliberately to justify, by word of mouth or writing, the commission or the attempt to commit crime, sabotage, violence or other unlawful methods of terrorism with the intent to exemplify, spread or advocate the propriety of the doctrine of criminal syndicalism ~~[:]~~ ***, if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;***

(d) For any person to organize or help to organize or become a member of, or voluntarily to assemble with, any society, group or assemblage of persons formed to teach or advocate the doctrine of criminal syndicalism ~~[:]~~ ***, if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;***

(e) For two or more persons to assemble for the purpose of advocating or teaching the doctrines of criminal syndicalism as defined in subsection 1 ~~[:]~~ ***, if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;*** or

(f) For any owner, agent, superintendent, janitor, caretaker or occupant of any place, building or room, willfully and knowingly to permit therein any assemblage of persons prohibited by the provisions of paragraph (e), or, after notification that the premises are so used, to permit such use to be continued.

3. A person who violates the provisions of subsection 2 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

Sec. 7.8. **NRS 239C.160 is hereby amended to read as follows:**

239C.160 The Commission shall, within the limits of available money:

1. Make recommendations to the Governor, the Legislature, agencies of this State, political subdivisions, tribal governments, businesses located within this State and private persons who reside in this State with respect to actions and measures that may be taken to protect residents of this State and visitors to this State from potential acts of terrorism and related emergencies.

2. Upon consideration of the most recent statewide strategic plan prepared by the Nevada Office of Cyber Defense Coordination pursuant to NRS 480.930, make recommendations to the Governor, through the Division, on the use of money received by the State from any homeland security grant or related program, including, without limitation, the State Homeland Security Grant Program and Urban Area Security Initiative, in accordance with the following:

(a) The Division shall provide the Commission with program guidance and briefings;

(b) The Commission must be provided briefings on existing and proposed projects, and shall consider statewide readiness capabilities and priorities for the use of money, administered by the Division, from any homeland security grant or related program;

(c) The Commission shall serve as the public body which reviews and makes recommendations for the State's applications to the Federal Government for homeland security grants or related programs, as administered by the Division; and

(d) The Commission shall serve as the public body which recommends, subject to approval by the Governor, the distribution of money from any ~~[homeland]~~ ***:***

(1) Homeland security grant or related program for use by state, local and tribal government agencies and private sector organizations ~~[.]~~ ***; or***

(2) Grant from the Anti-Domestic Terrorism Assistance Account for use by state and local agencies in accordance with section 4 of this act.

3. Propose goals and programs that may be set and carried out, respectively, to counteract or prevent potential acts of terrorism and related emergencies before such acts of terrorism and related emergencies can harm or otherwise threaten residents of this State and visitors to this State.

4. With respect to buildings, facilities, geographic features and infrastructure that must be protected from acts of terrorism and related emergencies to ensure the safety of the residents of this State and visitors to this State, including, without limitation, airports other than international airports, the Capitol Complex, dams, gaming establishments, governmental buildings, highways, hotels, information technology infrastructure, lakes,

places of worship, power lines, public buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:

(a) Identify and categorize such buildings, facilities, geographic features and infrastructure according to their susceptibility to and need for protection from acts of terrorism and related emergencies; and

(b) Study and assess the security of such buildings, facilities, geographic features and infrastructure from acts of terrorism and related emergencies.

5. Examine the use, deployment and coordination of response agencies within this State to ensure that those agencies are adequately prepared to protect residents of this State and visitors to this State from acts of terrorism and related emergencies.

6. Assess, examine and review the use of information systems and systems of communication used by response agencies within this State to determine the degree to which such systems are compatible and interoperable. After conducting the assessment, examination and review, the Commission shall:

(a) Establish a state plan setting forth criteria and standards for the compatibility and interoperability of those systems when used by response agencies within this State; and

(b) Advise and make recommendations to the Governor relative to the compatibility and interoperability of those systems when used by response agencies within this State, with particular emphasis upon the compatibility and interoperability of public safety radio systems.

7. Assess, examine and review the operation and efficacy of telephone systems and related systems used to provide emergency 911 service.

8. To the extent practicable, cooperate and coordinate with the Division to avoid duplication of effort in developing policies and programs for preventing and responding to acts of terrorism and related emergencies.

9. Submit an annual briefing to the Governor assessing the preparedness of the State to counteract, prevent and respond to potential acts of terrorism and related emergencies, including, but not limited to, an assessment of response plans and vulnerability assessments of utilities, public entities and private business in this State. The briefing must be based on information and documents reasonably available to the Commission and must be compiled with the advice of the Division after all utilities, public entities and private businesses assessed have a reasonable opportunity to review and comment on the Commission's findings.

10. Perform any other acts related to their duties set forth in subsections 1 to 9, inclusive, that the Commission determines are necessary to protect or enhance:

(a) The safety and security of the State of Nevada;

(b) The safety of residents of the State of Nevada; and

(c) The safety of visitors to the State of Nevada.

Sec. 8. There is hereby appropriated from the State General Fund to the Anti-Domestic Terrorism Assistance Account created by section 4 of this act

the sum of $5,000,000 for the support of state and local programs countering domestic terror activity pursuant to section 4 of this act.

Sec. 9. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 324.

CONTAINS UNFUNDED MANDATE (§§ ~~[9, 10,]~~ 32, 33)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to child welfare; prescribing qualifications for magistrates who make certain determinations concerning child custody; providing for the appointment of a guardian ad litem for an incapacitated parent or other person responsible for the welfare of a child in certain child welfare proceedings; revising the titles of certain officials appointed to oversee proceedings concerning juveniles and child support; prescribing the procedure for the judicial review of the placement of a child who is in the custody of an agency which provides child welfare services in a qualified residential treatment program; revising the procedures governing the court-ordered admission of such a child who has an emotional disturbance to certain psychiatric facilities and the release of such a child from such a facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to follow certain procedures concerning how to determine custody when a magistrate determines probable cause exists that a party to the custody proceeding has committed an act of abduction against a child. (NRS 125C.0035, 125C.240, 432B.159) **Sections 2, 3 and 44** of this bill require the magistrate who makes such a determination to be a magistrate who has the power to issue a criminal arrest warrant.

Upon the filing of a petition that a child is in need of protection, existing law requires the appointment of a guardian ad litem to represent and protect the best interests of the child during the child welfare proceedings. (NRS 432B.500) **Sections ~~[9, 10,]~~ 32 and 33** of this bill prescribe a procedure for the appointment of a guardian ad litem to represent the best interests of ~~[:~~ ~~(1) a parent who is incapacitated in a proceeding to terminate parental rights; or (2)]~~ a parent or other person responsible for the welfare of a child who is incapacitated during a child welfare proceeding. ~~[Sections 11 and]~~ **Section 34** of this bill ~~[require]~~ **requires** a guardian ad litem appointed for a parent or other person responsible for the welfare of a child to act in the best interests of the parent or other person after considering the wishes of the parent or other person. ~~[Sections 11 and]~~ **Section 34** additionally: (1) ~~[provide]~~ **provides** that

communications between a parent or other person responsible for the welfare of a child and his or her guardian ad litem are privileged; and (2) ~~[prohibit]~~ **prohibits** a guardian ad litem from taking any action to **relinquish parental rights,** effectuate a termination of parental rights or consent to a specific adoption ~~[.]~~ **on behalf of the person for whom the guardian ad litem is appointed.**

In general, existing law provides that information maintained by an agency which provides child welfare services is confidential and may only be disclosed under certain circumstances. (NRS 432B.290) **Section 46** of this bill authorizes the disclosure of information maintained by an agency which provides child welfare services to the ~~[guardian ad litem of a parent or]~~ legal guardian of a child appointed pursuant to **section 32** under certain circumstances.

Existing law authorizes, and in certain circumstances, requires a court to appoint a master to preside over child support proceedings. (NRS 3.405, 425.381) Existing law also authorizes a court to appoint a master to preside over certain proceedings concerning juveniles. (NRS 62B.020) **Sections 17, 21, 22, 29 and 74** of this bill revise the title of those appointed officials to "child support magistrate" and "juvenile magistrate," respectively, without changing the duties of those positions. **Sections 1, 4-7, 12-16, 18, 19, 23-26, 48, 68 and 69** make various changes to conform to the terminology revised by **sections 17, 21, 22, 29 and 74**. **Section 71.5 of this bill provides that the change in the name of an appointed official from "master" to "child support magistrate" must not be construed to require the Division of Welfare and Supportive Services of the Department of Health and Human Services to modify any of the forms generated by the computer systems of the Division for the purpose of changing the term "master" to the term "magistrate."**

Existing law authorizes the placement of a child who is in need of protection in the protective custody of an agency which provides child welfare services under certain circumstances. (NRS 432B.390) If a court finds that such a child is in need of protection, existing law authorizes the court to place the child with certain entities, including a public agency or institution authorized to care for children. (NRS 432B.550) Existing law prescribes procedures governing the placement of a child who is in need of protection and requires such placement to be reviewed semiannually. (NRS 432B.450, 432B.580) Existing law also requires a court overseeing proceedings concerning such a child to hold an annual hearing concerning the permanent placement of the child. (NRS 432B.590) Existing federal law defines "qualified residential treatment program" to mean a program that: (1) provides trauma-informed treatment of children with serious emotional or behavioral disorders or disturbances; (2) has clinical staff available 24 hours a day and 7 days a week; and (3) meets certain other requirements. (42 U.S.C. § 672(k)(4)) **Section 31** of this bill adopts that federal definition, and **section 43** of this bill makes a conforming change to indicate the proper placement of **section 31** in the Nevada Revised

Statutes. **Section 52** of this bill makes a conforming change to remove a definition of the term "qualified residential treatment program" that duplicates the definition prescribed in **section 31**. **Sections 35, 50 and 51** of this bill require a court to review the appropriateness of the placement of a child who is in the custody of an agency which provides child welfare services in a qualified residential treatment program: (1) not later than 60 days after the beginning of the placement; (2) as part of each semiannual review concerning the temporary placement of the child; and (3) at each annual hearing concerning the permanent placement of the child. **Sections 20, 45 and 47-49** of this bill make conforming changes to indicate the proper placement of **sections 32-35** in the Nevada Revised Statutes.

Existing law prescribes the procedure for: (1) placing a person who is in a mental health crisis on a mental health crisis hold for assessment, evaluation, intervention and treatment at a hospital or mental health facility; (2) the emergency admission of such a person to a mental health facility; and (3) the involuntary court-ordered admission of such a person to a mental health facility or assisted outpatient treatment. (NRS 433A.145-433A.345) Existing law prescribes a separate procedure for the involuntary court-ordered admission of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to certain psychiatric facilities. (NRS 432B.607-432B.6085) **Sections 37-40 and 54-57** of this bill revise the latter procedure to provide separate procedures for: (1) the involuntary court-ordered admission of such a child for nonemergency mental health treatment; and (2) the continuation of the emergency admission of such a child for longer than 5 days. **Sections 37, 39, 54 and 56** of this bill authorize a physician, **a psychiatrist,** a psychologist ~~[, a physician assistant under the supervision of a psychologist]~~ or an advanced practice registered nurse ~~[or clinical social worker]~~ who possesses certain training to conduct certain examinations in the course of those procedures. ~~[Sections]~~ **Section 70** ~~[and 71]~~ of this bill ~~[make]~~ **makes** conforming changes to indicate the applicability of the training requirements for ~~[such]~~ an advanced practice registered nurse **.** ~~[or clinical social worker.]~~

Sections 38 and 55 of this bill authorize the court to order the nonemergency admission or continued emergency admission, respectively, of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services if the court finds by clear and convincing evidence that the child presents a substantial likelihood of serious harm to himself or herself or others and certain other requirements are met. **Section 36** of this bill prescribes the manner in which to determine whether a child presents a substantial likelihood of serious harm to himself or herself or others for those purposes. **Sections 41 and 58** of this bill provide for the expiration and renewal of an order for nonemergency mental health treatment or to continue an emergency admission, as applicable. **Sections 41 and 58** also authorize the release of a child who has been admitted to a facility under such an order under certain circumstances, and **section 75** of this bill repeals: (1) existing provisions

governing the release of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services from a facility; and (2) additional provisions of existing law which are duplicative of the provisions of **sections 37-40 and 54-57**.

Sections 42 and 59 of this bill require a facility to which a child who is in the custody of an agency which provides child welfare services is admitted under an involuntary court-ordered admission or a continued emergency admission to develop a written plan for the continued care ~~[,]~~ **or** treatment ~~[and training]~~ of the child upon discharge from the facility. **Sections 53 and 62** of this bill make conforming changes to indicate the proper placement of **sections** ~~[36-42]~~ **35.3-42** in the Nevada Revised Statutes. **Sections 27, 28, 60, 61 and 63-67** of this bill make other conforming changes to indicate the continued applicability of certain provisions of existing law to the procedures created by **sections 37-40 and 54-57**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 125B.200 is hereby amended to read as follows:

125B.200 As used in NRS 125B.200 to 125B.300, inclusive, unless the context otherwise requires:

1. "Court" includes a referee or ~~[master]~~ ***magistrate*** appointed by the court.

2. "Minor child" means a person who is:

(a) Under the age of 18 years;

(b) Under the age of 19 years, if the person is enrolled in high school;

(c) Under a legal disability; or

(d) Not declared emancipated pursuant to NRS 129.080 to 129.140, inclusive.

3. "Obligor-parent" means a parent who has been ordered by a court to pay for the support of a minor child.

Sec. 2. NRS 125C.0035 is hereby amended to read as follows:

125C.0035 1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to NRS 125C.0025 or to either parent pursuant to NRS 125C.003. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.

(b) Any nomination of a guardian for the child by a parent.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In

determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

➥ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised

visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.

10. As used in this section:

(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) "Domestic violence" means the commission of any act described in NRS 33.018.

(c) "Magistrate" has the meaning ascribed to it in NRS 169.095.

Sec. 3. NRS 125C.240 is hereby amended to read as follows:

125C.240 1. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking custody does not rebut the presumption, the court shall not enter an order for sole or joint custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

2. For purposes of subsection 1, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. If, after a court enters a final order concerning custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning custody, reconsider the previous order concerning custody pursuant to subsections 1 and 2.

4. As used in this section ~~[, "abduction"]~~ ***:***

(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) "Magistrate" has the meaning ascribed to it in NRS 169.095.

Sec. 4. NRS 126.111 is hereby amended to read as follows:

126.111 1. The court shall endeavor to resolve the issues raised in an action pursuant to this chapter by an informal hearing.

2. As soon as practicable after an action to declare the existence or nonexistence of the father and child relationship has been brought, an informal hearing must be held. The court may order that the hearing be held before a ~~[master]~~ ***magistrate appointed by the court*** or referee. The public shall be barred from the hearing. A record of the proceeding or any portion thereof must be kept if any party requests or the court orders. Strict rules of evidence need not be observed, but those prescribed in NRS 233B.123 apply.

3. Upon refusal of any witness, including a party, to testify under oath or produce evidence, the court may order the witness to testify under oath and produce evidence concerning all relevant facts. If the refusal is upon the ground that the witness's testimony or evidence might tend to incriminate the witness, the court may grant the witness immunity from prosecution for all criminal offenses shown in whole or in part by testimony or evidence the witness is required to produce, except for perjury committed in his or her testimony. The refusal of a witness who has been granted immunity to obey an order to testify or produce evidence is a civil contempt of the court.

4. Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.

Sec. 5. NRS 126.121 is hereby amended to read as follows:

126.121 1. The court may, and shall upon the motion of a party, order the mother, child, alleged father or any other person so involved to submit to one or more tests for the typing of blood or taking of specimens for genetic identification to be made by a designated person, by qualified physicians or by other qualified persons, under such restrictions and directions as the court or judge deems proper. Whenever such a test is ordered and made, the results of the test must be received in evidence and must be made available to a judge, ~~[master]~~ ***magistrate appointed by the court*** or referee conducting a hearing pursuant to NRS 126.111. The results of the test and any sample or specimen taken may be used only for the purposes specified in this chapter. Unless a party files a written objection to the result of a test at least 30 days before the hearing at which the result is to be received in evidence, the result is admissible as evidence of paternity without foundational testimony or other proof of authenticity or accuracy. The order for such a test also may direct that the testimony of the experts and of the persons so examined may be taken by deposition or written interrogatories.

2. If any party refuses to submit to or fails to appear for a test ordered pursuant to subsection 1, the court may presume that the result of the test would

be adverse to the interests of that party or may enforce its order if the rights of others and the interests of justice so require.

3. The court, upon reasonable request by a party, shall order that independent tests for determining paternity be performed by other experts or qualified laboratories.

4. In all cases, the court shall determine the number and qualifications of the experts and laboratories.

5. As used in this section:

(a) "Designated person" means a person who is:

(1) Properly trained to take samples or specimens for tests for the typing of blood and genetic identification; and

(2) Designated by an enforcing authority to take such samples or specimens.

(b) "Enforcing authority" means the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative, a district attorney or the Attorney General when acting pursuant to NRS 425.380.

Sec. 6. NRS 126.141 is hereby amended to read as follows:

126.141 1. On the basis of the information produced at the pretrial hearing, the judge, ~~[master]~~ ***magistrate appointed by the court*** or referee conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest of the child. On the basis of the evaluation, an appropriate recommendation for settlement must be made to the parties, which may include any of the following:

(a) That the action be dismissed with or without prejudice.

(b) That the matter be compromised by an agreement among the alleged father, the mother and the child, in which the father and child relationship is not determined but in which a defined economic obligation, fully secured by payment or otherwise, is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the judge, ~~[master]~~ ***magistrate appointed by the court*** or referee conducting the hearing. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the judge, ~~[master]~~ ***magistrate appointed by the court*** or referee conducting the hearing shall consider the best interest of the child, discounted by the improbability, as it appears to him or her, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on the alleged father.

(c) That the alleged father voluntarily acknowledge his paternity of the child.

2. If the parties accept a recommendation made in accordance with subsection 1, judgment may be entered accordingly.

3. If a party refuses to accept a recommendation made under subsection 1 and blood tests or tests for genetic identification have not been taken, the court shall require the parties to submit to blood tests or tests for genetic identification, if practicable. Thereafter the judge, ~~[master]~~ ***magistrate appointed by the court*** or referee shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action must be set for trial.

4. The guardian ad litem may accept or refuse to accept a recommendation under this section.

5. The pretrial hearing may be terminated and the action set for trial if the judge, ~~[master]~~ ***magistrate appointed by the court*** or referee conducting the hearing finds unlikely that all parties would accept a recommendation he or she might make under subsection 1 or 3.

Sec. 7. NRS 126.143 is hereby amended to read as follows:

126.143 After an action is set for trial pursuant to NRS 126.141, the judge, ~~[master]~~ ***magistrate appointed by the court*** or referee shall, upon the motion of a party, issue an order providing for the temporary support of the child pending the resolution of the trial if the judge, ~~[master]~~ ***magistrate appointed by the court*** or referee determines that there is clear and convincing evidence that the party against whom the order is issued is the father of the child.

Sec. 8. ~~[Chapter 128 of NRS is hereby amended by adding thereto the provisions set forth as sections 9, 10 and 11 of this act.]~~ **(Deleted by amendment.)**

Sec. 9. ~~*[1. If the parent of a child who is the subject of proceedings under this chapter is less than 18 years of age and is not emancipated, the court shall hold a hearing to determine whether the parent is incapacitated. If the court determines that the parent is incapacitated, the court shall appoint a guardian ad litem for the parent.*~~

~~*2. If the provisions of subsection 1 do not apply, a court may appoint a guardian ad litem for a parent of a child who is the subject of proceedings under this chapter upon the motion of a party or its own motion if the court determines that the parent is incapacitated. A party shall not make a motion pursuant to this subsection for the purpose of delay.*~~

~~*3. When determining whether a parent is incapacitated pursuant to subsection 1 or 2, a court shall consider:*~~

~~*(a) The ability of the parent to:*~~

~~*(1) Appreciate the allegations against him or her;*~~

~~*(2) Understand the possible outcomes of the proceedings;*~~

~~*(3) Understand the nature of the legal process;*~~

~~*(4) Disclose to his or her attorney the facts relevant to the proceedings;*~~

~~*(5) Display appropriate behavior in the courtroom; and*~~

~~*(6) Testify regarding issues relevant to the proceedings;*~~

~~(b) Any findings in another legal proceeding that the parent is incapacitated or incompetent;~~

~~(c) Any mental illness, intellectual disability or developmental disability that affects the capacity of the parent;~~

~~(d) The results of any psychiatric evaluation conducted pursuant to section 10 of this act; and~~

~~(e) Any other factor that affects the capacity of the parent or evidence concerning such capacity.~~

~~4. A court may determine that a parent is incapacitated pursuant to this section only if it finds by clear and convincing evidence that the parent is unable to:~~

~~(a) Understand the nature of the allegations against him or her;~~

~~(b) Understand the nature and purpose of the proceedings; or~~

~~(c) Aid and assist his or her attorney at any time during the proceedings with a reasonable degree of rational understanding.~~

~~5. If a court determines that a parent is incapacitated pursuant to this section, the court shall appoint a guardian ad litem for the parent. The court may not appoint the attorney for the parent as his or her guardian ad litem. When determining the person who will be appointed as the guardian ad litem, the court:~~

~~(a) Shall consider the wishes of the parent for whom the guardian ad litem will be appointed;~~

~~(b) May consider any other relevant evidence; and~~

~~(c) May call additional witnesses.~~

~~6. The court shall, upon the request of a parent for whom a guardian ad litem will be appointed pursuant to this section, conduct the initial evaluation of a person who may be appointed as the guardian ad litem outside the presence of the other parties.~~

~~7. An order appointing a guardian ad litem pursuant to this section must set forth:~~

~~(a) The reasons for the determination of the court that the parent is incapacitated; and~~

~~(b) The authority and duties of the guardian ad litem.~~

~~8. Except as otherwise provided in this subsection, the court shall review an order appointing a guardian ad litem pursuant to this section upon the request of any party to determine whether the parent for whom the guardian ad litem was appointed remains incapacitated. The court is not required to conduct such a review within 45 days after:~~

~~(a) The issuance of the order; or~~

~~(b) The most recent previous review.~~

~~9. If a court determines that a parent is incapacitated solely because of his or her age and appoints a guardian ad litem for the parent, the guardianship must terminate on the 18th birthday of the parent.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[*1. If a parent described in subsection 1 of section 9 of this act or a parent who is the subject of a motion pursuant to subsection 2 of section 9 of this act requests a psychiatric evaluation and the court determines that the parent might be incapacitated because he or she is not mentally competent, the court shall order the parent to undergo a psychiatric evaluation by a person professionally qualified in the field of psychiatric mental health. In all other circumstances, the court may, upon the motion of a party or its own motion, order such a psychiatric evaluation if it determines that the parent might be incapacitated because he or she is not mentally competent.*~~

~~*2. If a psychiatric evaluation is conducted pursuant to subsection 1 upon:*~~

~~*(a) The request of the parent who is the subject of the evaluation or the motion of court, the court may, except as otherwise provided in subsection 3, pay the cost of the psychiatric evaluation.*~~

~~*(b) The motion of a party, other than the parent who is the subject of the evaluation, the moving party shall pay the cost of the psychiatric evaluation.*~~

~~*3. The court shall pay the cost of a psychiatric evaluation conducted pursuant to subsection 1 if:*~~

~~*(a) The psychiatric evaluation is conducted upon the request of the parent who is the subject of the evaluation or the motion of court;*~~

~~*(b) The psychiatric evaluation is not covered by a third party or the third party that provides such coverage is unable or unwilling to pay for the psychiatric evaluation in a timely manner; and*~~

~~*(c) The parent who is the subject of the psychiatric evaluation has a household income that is less than 200 percent of the federally designated level signifying poverty.*~~

~~*4. If the court pays the cost of a psychiatric evaluation pursuant to subsection 3 and later determines that the parent who is the subject of the examination is financially able to pay all or part of the cost of the psychiatric evaluation, the court may require the parent to make such payment to the clerk of the court.*~~

~~*5. As used in this section:*~~

~~*(a) "Household" means persons of the first degree of consanguinity or affinity who live in the same dwelling.*~~

~~*(b) "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433A.018.*~~

~~*(c) "Third party" means any insurer or organization providing health coverage or benefits in accordance with state or federal law.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~[*1. In making decisions on behalf of a parent, a guardian ad litem appointed for the parent pursuant to section 9 of this act shall:*~~

~~*(a) Consider the wishes of the parent and inform the court of those wishes; and*~~

~~*(b) Act in the best interests of the parent, as determined by the guardian ad litem using his or her independent judgement.*~~

~~*2. Communications between a parent and his or her guardian ad litem are privileged and confidential to the same extent as communications between the parent and his or her attorney.*~~

~~*3. A guardian ad litem appointed pursuant to section 9 of this act may not take any action to effectuate a termination of parental rights or consent to a specific adoption.]*~~ **(Deleted by amendment.)**

Sec. 12. NRS 129.080 is hereby amended to read as follows:

129.080 Any minor who is at least 16 years of age, who is married or living apart from his or her parents or legal guardian, and who is a resident of the county, may petition the juvenile court of that county for a decree of emancipation. The district court may refer the petition to a ~~[master]~~ ***juvenile magistrate*** appointed pursuant to title 5 of NRS or chapter 432B of NRS.

Sec. 13. NRS 130.102 is hereby amended to read as follows:

130.102 1. The district court and, within the limitations of authority granted pursuant to NRS 3.405, 125.005 or 425.381 to 425.3852, inclusive, a ~~[master]~~ ***child support magistrate*** or referee appointed pursuant to any of those sections, are the tribunals of this State.

2. The support enforcement agency of this State may include, without limitation, a court, a district attorney, a law enforcement agency or the Division of Welfare and Supportive Services of the Department of Health and Human Services.

Sec. 14. NRS 3.025 is hereby amended to read as follows:

3.025 1. In each judicial district that includes a county whose population is 100,000 or more, the district judges of that judicial district shall choose from among those district judges a Chief Judge who is to be the presiding judge of the judicial district.

2. The Chief Judge shall:

(a) Assign cases to each judge in the judicial district;

(b) Prescribe the hours of court;

(c) Adopt such other rules or regulations as are necessary for the orderly conduct of court business; and

(d) Perform all other duties of the Chief Judge or of a presiding judge that are set forth in this chapter and any other provision of NRS.

3. If a case involves a matter within the jurisdiction of the family court and:

(a) The parties to the case are also the parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family court in the judicial district; or

(b) A child involved in the case is also involved in any other pending case or was involved in any other previously decided case assigned to a department of the family court in the judicial district, other than a case within the jurisdiction of the juvenile court pursuant to title 5 of NRS,

➥ the Chief Judge shall assign the case to the department of the family court to which the other case is presently assigned or, if the other case has been decided, to the department of the family court that decided the other case, unless a different assignment is required by another provision of NRS, a court rule or the Revised Nevada Code of Judicial Conduct or the Chief Judge determines that a different assignment is necessary because of considerations related to the management of the caseload of the district judges within the judicial district. If a case described in this subsection is heard initially by a ~~[master,]~~ ***magistrate appointed by the court,*** the recommendation, report or order of the ~~[master]~~ ***magistrate*** must be submitted to the district judge of the department of the family court to which the case has been assigned pursuant to this subsection for consideration and decision by that district judge.

Sec. 15. NRS 3.026 is hereby amended to read as follows:

3.026 1. In each judicial district that includes a county whose population is 100,000 or more, in addition to the other duties set forth in NRS 3.025:

(a) The Chief Judge shall ensure that:

(1) The procedures which govern the consideration and disposition of cases and other proceedings within the jurisdiction of the district court are applied as uniformly as practicable; and

(2) Cases and other proceedings within the jurisdiction of the district court are considered and decided in a timely manner.

(b) Except as otherwise provided in subsection 2, the Chief Judge shall establish procedures for addressing grievances that are:

(1) Submitted to the Chief Judge by a party in a case or other proceeding within the jurisdiction of the district court; and

(2) Directly related to the administration of the case or other proceeding.

2. For the purposes of paragraph (b) of subsection 1, a party in a case or other proceeding within the jurisdiction of the district court may not submit to the Chief Judge a grievance that:

(a) Addresses, in whole or in part, the merits of the case or other proceeding; or

(b) Challenges, in whole or in part, the merits of any decision or ruling in the case or other proceeding that is made by:

(1) The district court; or

(2) A ~~[master]~~ ***magistrate appointed by the court*** or other person who is acting pursuant to an order of the district court or pursuant to any authority that is granted to the ~~[master]~~ ***magistrate*** or other person by a specific statute, including, without limitation, NRS 3.405, 3.475 and 3.500.

Sec. 16. NRS 3.2201 is hereby amended to read as follows:

3.2201 1. The district court has exclusive jurisdiction to accept an application for, to consider an application for, and to issue or deny the issuance of any of the following orders when the adverse party against whom the order is sought is a child who is under 18 years of age:

(a) A temporary or extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive.

(b) A temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(c) An emergency or extended order for protection against high-risk behavior pursuant to NRS 33.500 to 33.670, inclusive.

(d) A temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

(e) A temporary or extended order for protection against stalking, aggravated stalking or harassment pursuant to NRS 200.591.

2. The district court shall appoint counsel for a child who is the adverse party against whom an order listed in subsection 1 is sought upon:

(a) The issuance of any emergency or temporary order listed in subsection 1; or

(b) Notice of an adversarial hearing on an application for an order listed in subsection 1.

3. If the district court issues an order listed in subsection 1, the order must be served upon:

(a) The child who is the adverse party; and

(b) The parent or guardian of the child.

4. The juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party in an order listed in subsection 1 has committed a delinquent act by violating a condition set forth in the order.

5. If the district court issues an order listed in subsection 1 and the adverse party reaches the age of 18 years while the order is still in effect, the order remains effective against the adverse party until the order expires or is dissolved by the district court.

6. The district court shall automatically seal all records related to the application for, consideration of and issuance of an order listed in subsection 1 as provided in NRS 62H.140 upon the dissolution or expiration of the order or when the adverse party reaches the age of 18 years, whichever is earlier, unless, at such a time, the order is still in effect, in which case the records must be automatically sealed by the district court upon the expiration or dissolution of the order.

7. A district court may appoint a ~~[master]~~ ***magistrate*** to conduct the proceedings described in this section.

Sec. 17. NRS 3.405 is hereby amended to read as follows:

3.405 1. In an action to establish paternity, the court may appoint a ~~[master]~~ ***magistrate, who may be the juvenile magistrate appointed pursuant to NRS 62B.020, the child support magistrate appointed pursuant to NRS 425.381 or another magistrate appointed as authorized by law,*** to take testimony and recommend orders.

2. The court may ~~***[shall]***~~ appoint a ~~[master]~~ ***child support magistrate, as*** ~~***[required]***~~ ***provided by NRS 425.381,*** to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.

3. The ~~[master]~~ ***child support magistrate*** must be an attorney licensed to practice in this State. The ~~[master:]~~ ***child support magistrate:***

(a) Shall take testimony and establish a record;

(b) In complex cases shall issue temporary orders for support pending resolution of the case;

(c) Shall make findings of fact, conclusions of law and recommendations for the establishment and enforcement of an order;

(d) May accept voluntary acknowledgments of paternity or liability for support and stipulated agreements setting the amount of support;

(e) May, subject to confirmation by the district court, enter default orders against a responsible parent who does not respond to a notice or service within the required time; and

(f) Has any other power or duty contained in the order of reference issued by the court.

➥ If a temporary order for support is issued pursuant to paragraph (b), the ~~[master]~~ ***child support magistrate*** shall order that the support be paid to the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.

4. The findings of fact, conclusions of law and recommendations of the ~~[master]~~ ***child support magistrate*** must be furnished to each party or the party's attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 10 days after receipt of the findings of fact, conclusions of law and recommendations, either party may file with the court and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter upon notice and motion.

Sec. 18. NRS 3.475 is hereby amended to read as follows:

3.475 1. In a county whose population is 700,000 or more, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases that involve the custody or visitation of a child.

2. The program must:

(a) Require the impartial mediation of the issues of custody and visitation and authorize the impartial mediation of any other nonfinancial issue deemed appropriate by the court.

(b) Authorize the court to exclude a case from the program for good cause shown, including, but not limited to, a showing that:

(1) There is a history of child abuse or domestic violence by one of the parties;

(2) The parties are currently participating in private mediation; or

(3) One of the parties resides outside of the jurisdiction of the court.

(c) Provide standards for the training of the mediators assigned to cases, including, but not limited to:

(1) Minimum educational requirements, which must not be restricted to any particular professional or educational training;

(2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as a mediator;

(3) A minimum period of apprenticeship for persons who have not previously acted as domestic mediators;

(4) Minimum requirements for continuing education; and

(5) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.

(d) Prohibit the mediator from reporting to the court any information about the mediation other than whether the dispute was resolved.

(e) Establish a sliding schedule of fees for participation in the program based on the ability of a party to pay.

(f) Provide for the acceptance of gifts and grants offered in support of the program.

(g) Allow the court to refer the parties to a private mediator.

3. The costs of the program must be paid from the county general fund. All fees, gifts and grants collected pursuant to this section must be deposited in the county general fund.

4. This section does not prohibit a court from referring a financial or other issue to a ~~[special master]~~ ***magistrate*** or other person for assistance in resolving the dispute.

Sec. 19. NRS 3.500 is hereby amended to read as follows:

3.500 1. In a county whose population is 100,000 or more and less than 700,000, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases which involve the custody or visitation of a child. A district court in a county whose population is less than 100,000 may establish such a program in the same manner for use in that county. The district courts in two or more counties whose populations are less than 100,000 may establish such a program in the same manner for use in the counties in which the courts are located.

2. The program must:

(a) Require the impartial mediation of the issues of custody and visitation and any other nonfinancial issue deemed appropriate by the court.

(b) Allow the court to exclude a case from the program for good cause shown, including a showing of a history of child abuse or domestic violence by one of the parties, ongoing private mediation or residency of one of the parties out of the jurisdiction of the court.

(c) Provide standards for the training of the mediators assigned to cases pursuant to the rule, including but not limited to:

(1) Minimum educational requirements, which may not be restricted to any particular professional or educational training;

(2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as a mediator;

(3) A minimum period of apprenticeship for persons who have not previously acted as domestic mediators;

(4) Minimum requirements for continuing education; and

(5) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.

(d) Prohibit the mediator from reporting to the court any information about the mediation other than whether the mediation was successful or not.

(e) Establish a sliding schedule of fees for participation in the program based on the client's ability to pay.

(f) Provide for the acceptance of gifts and grants offered in support of the program.

(g) Allow the court to refer the parties to a private mediator for assistance in resolving the issues.

3. The costs of the program must be paid from the account for dispute resolution in the county general fund. All fees, gifts and grants collected pursuant to this section must be deposited in the account.

4. This section does not prohibit a court from referring a financial or other issue to a ~~[special master]~~ ***magistrate*** or other person for assistance in resolving the dispute.

Sec. 20. NRS 49.295 is hereby amended to read as follows:

49.295 1. Except as otherwise provided in subsections 2 and 3 and NRS 49.305:

(a) A married person cannot be examined as a witness for or against his or her spouse without his or her consent.

(b) No spouse can be examined, during the marriage or afterwards, without the consent of the other spouse, as to any communication made by one to the other during marriage.

2. The provisions of subsection 1 do not apply to a:

(a) Civil proceeding brought by or on behalf of one spouse against the other spouse;

(b) Proceeding to commit or otherwise place a spouse, the property of the spouse or both the spouse and the property of the spouse under the control of another because of the alleged mental or physical condition of the spouse;

(c) Proceeding brought by or on behalf of a spouse to establish his or her competence;

(d) Proceeding in the juvenile court or family court pursuant to title 5 of NRS or NRS 432B.410 to 432B.590, inclusive ~~[,]~~ ***, and sections 32 to 35, inclusive, of this act;*** or

(e) Criminal proceeding in which one spouse is charged with:

(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or control of either, whether the crime was committed before or during marriage.

(2) Bigamy or incest.

(3) A crime related to abandonment of a child or nonsupport of the other spouse or child.

3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the spouses were married.

Sec. 21. NRS 62A.210 is hereby amended to read as follows:

62A.210 ~~[~~"Master of the juvenile court"~~]~~ ***"Juvenile magistrate"*** means a person who is appointed to act as a ~~[~~master of the~~]~~ juvenile ~~[~~court~~]~~ ***magistrate*** ~~***[appointed]***~~ ***of the juvenile court*** pursuant to NRS 62B.020.

Sec. 22. NRS 62B.020 is hereby amended to read as follows:

62B.020 1. Except as otherwise provided in this section, the juvenile court or the chief judge of the judicial district may appoint any person to act as a ~~[~~master of the~~]~~ juvenile ~~[~~court~~]~~ ***magistrate*** if the person is qualified by previous experience, training and demonstrated interest in the welfare of children to act as a ~~[~~master of the~~]~~ juvenile ~~[~~court.~~]~~ ***magistrate.***

2. A probation officer shall not act as a ~~[~~master of the~~]~~ juvenile ~~[~~court~~]~~ ***magistrate*** unless the proceeding concerns:

(a) A minor traffic offense;

(b) An offense related to tobacco; or

(c) A child who is alleged to be a habitual truant.

3. If a person is appointed to act as a ~~[~~master of the~~]~~ juvenile ~~[~~court,~~]~~ ***magistrate,*** the person shall attend instruction at the National Council of Juvenile and Family Court Judges in Reno, Nevada, in a course designed for the training of new judges of the juvenile court on the first occasion when such instruction is offered after the person is appointed.

4. If, for any reason, a ~~[~~master of the~~]~~ juvenile ~~[~~court~~]~~ ***magistrate*** is unable to act, the juvenile court or the chief judge of the judicial district may appoint another qualified person to act temporarily as a ~~[~~master of the~~]~~ juvenile ~~[~~court~~]~~ ***magistrate*** during the period that the ~~[~~master~~]~~ ***juvenile magistrate*** who is regularly appointed is unable to act.

5. The compensation of a ~~[~~master of the~~]~~ juvenile ~~[~~court:~~]~~ ***magistrate:***

(a) May not be taxed against the parties.

(b) Must be paid out of appropriations made for the expenses of the district court, if the compensation is fixed by the juvenile court.

Sec. 23. NRS 62F.350 is hereby amended to read as follows:

62F.350 1. The juvenile court may not refer to a ***juvenile magistrate or*** master any finding, determination or other act required to be made or performed by the juvenile court pursuant to NRS 62F.320 and 62F.340.

2. As used in this section, "master" has the meaning ascribed to it in Rule 53 of the Nevada Rules of Civil Procedure.

Sec. 24. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master ***or magistrate*** in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(h) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(i) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(j) Any county manager in this State.

(k) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.

(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.

(n) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 25. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master ***or magistrate*** in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may

request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

(f) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 26. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master ***or magistrate*** in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(i) Any county manager in this State.

(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possess specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.

(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.

(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 27. NRS 392.857 is hereby amended to read as follows:

392.857 1. If a pupil who is enrolled in a public school, including, without limitation, a university school for profoundly gifted pupils, is admitted by a court to a psychiatric hospital or facility which provides residential treatment for mental illness pursuant to NRS 432B.6076 ~~[,]~~ ***or section 38 of this act,*** the public school and, if applicable, the school district in which the pupil is enrolled, must:

(a) If the pupil is admitted to a psychiatric hospital, participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan; and

(b) If an individualized education program has been developed for the pupil, provide the individualized education program to the psychiatric hospital or facility.

2. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 28. NRS 394.1998 is hereby amended to read as follows:

394.1998 1. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital pursuant to NRS 432B.6076 ~~[,]~~ ***or section 38 of this act,*** the private school must participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan.

2. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital pursuant to NRS 432B.6076 ***or section 38 of this act*** and the school district within whose geographic boundaries the private school is located has developed a services plan for the child, the school district must:

(a) Participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan; and

(b) Provide the services plan to the psychiatric hospital.

3. As used in this section, "services plan" has the meaning ascribed to it in 34 C.F.R. § 300.37.

Sec. 29. NRS 425.381 is hereby amended to read as follows:

425.381 1. A ~~[master]~~ ***child support magistrate*** must be appointed as set forth in this section . ~~***[and NRS 3.405.]***~~

2. The district judges of:

(a) The Family Court of the Second Judicial District shall appoint the ~~[masters]~~ ***child support magistrates*** for that District, and shall establish the qualifications and duties of those ~~[masters;]~~ ***child support magistrates;*** and

(b) The Family Court of the Eighth Judicial District shall appoint the ~~[masters]~~ ***child support magistrates*** for that District, and shall establish the qualifications and duties of those ~~[masters.]~~ ***child support magistrates.***

3. The district judges of the remaining judicial districts shall appoint the ~~[masters]~~ ***child support magistrates*** for those districts, and shall establish the qualifications and duties of those ~~[masters.]~~ ***child support magistrates.***

4. A ~~[master]~~ ***child support magistrate*** serves at the pleasure of the district judges who appointed the ~~[master.]~~ ***child support magistrate.***

Sec. 30. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 31 to 42, inclusive, of this act.

Sec. 31. ***"Qualified residential treatment program" has the meaning ascribed to it in 42 U.S.C. § 672(k)(4).***

Sec. 32. ***1. If a parent or other person responsible for the welfare of a child who is the subject of proceedings under this section, NRS 432B.410 to 432B.590, inclusive, and sections 33, 34 and 35 of this act is less than 18 years of age and is not emancipated, the court shall hold a hearing to determine whether the parent or other person is incapacitated. If the court determines , by clear and convincing evidence, that the parent or other person is incapacitated, the court shall appoint a guardian ad litem for the parent or other person.***

2. If the provisions of subsection 1 do not apply, a court may appoint a guardian ad litem for a parent or other person responsible for the welfare of

a child who is the subject of proceedings under this section, NRS 432B.410 to 432B.590, inclusive, and sections 33, 34 and 35 of this act upon the motion of a party or its own motion if the court determines that the parent or other person is incapacitated. A party shall not make a motion pursuant to this subsection for the purpose of delay.

3. When determining whether the parent or other person responsible for the welfare of a child is incapacitated pursuant to subsection 1 or 2, a court shall consider:

(a) The ability of the parent or other person to:

(1) Appreciate the allegations against him or her;

(2) Understand the possible outcomes of the proceedings;

(3) Understand the nature of the legal process;

(4) Disclose to his or her attorney the facts relevant to the proceedings;

(5) Display appropriate behavior in the courtroom; and

(6) Testify regarding issues relevant to the proceedings;

(b) Any findings in another legal proceeding that the parent or other person is incapacitated or incompetent;

(c) Any mental illness, intellectual disability or developmental disability that affects the capacity of the parent or other person;

(d) The results of any ~~[psychiatric]~~ evaluation conducted pursuant to section 33 of this act; and

(e) Any other factor that affects the capacity of the parent or other person or evidence concerning such capacity.

4. A court may determine that a parent or other person responsible for the welfare of a child is incapacitated pursuant to this section only if it finds by clear and convincing evidence that the parent or other person is unable to:

(a) Understand the nature of the allegations against him or her;

(b) Understand the nature and purpose of the proceedings; or

(c) Aid and assist his or her attorney at any time during the proceedings with a reasonable degree of rational understanding.

5. If a court determines that a parent or other person responsible for the welfare of a child is incapacitated pursuant to this section, the court shall appoint a guardian ad litem for the parent or other person. The court may not appoint the attorney for the parent or other person as his or her guardian ad litem. When determining the person who will be appointed as the guardian ad litem, the court:

(a) Shall consider the wishes of the parent or other person for whom the guardian ad litem will be appointed;

(b) May consider any other relevant evidence; and

(c) May call additional witnesses.

6. The court shall, upon the request of a parent or other person responsible for the welfare of the child for whom a guardian ad litem will be appointed pursuant to this section, conduct the initial evaluation of a person

who may be appointed as the guardian ad litem outside the presence of the other parties.

7. An order appointing a guardian ad litem pursuant to this section must be based upon clear and convincing evidence and set forth:

(a) [The reasons for] Findings of fact regarding the determination of the court that the parent or other person responsible for the welfare of a child is incapacitated; and

(b) The authority and duties of the guardian ad litem.

8. Except as otherwise provided in this subsection, the court shall review an order appointing a guardian ad litem pursuant to this section upon the request of any party to determine whether the parent or other person responsible for the welfare of a child for whom the guardian ad litem was appointed remains incapacitated. The court [is not required to] must conduct such a review within 45 days after [:

(a) The issuance of the order; or

(b) The most recent previous review.] such a request is made.

9. If a court determines that a parent or other person responsible for the welfare of a child is incapacitated solely because of his or her age and appoints a guardian ad litem for the parent or other person, the [guardianship] appointment of the guardian ad litem must terminate on the 18th birthday of the parent or other person.

Sec. 33. *1. If a parent or other person responsible for the welfare of a child described in subsection 1 of section 32 of this act or a parent or other person responsible for the welfare of a child who is the subject of a motion pursuant to subsection 2 of section 32 of this act requests [a psychiatric] an evaluation and the court determines that the parent or other person might be incapacitated because he or she is not mentally competent, the court shall order the parent or other person to undergo [a psychiatric] an evaluation by a person professionally qualified in the field of psychiatric mental health. In all other circumstances, the court may, upon the motion of a party or its own motion, order such [a psychiatric] an evaluation if it determines that the parent or other person might be incapacitated because he or she is not mentally competent.*

2. If [a psychiatric] an evaluation is conducted pursuant to subsection 1 upon:

(a) The request of the parent or other person who is the subject of the evaluation or the motion of court, the court may, except as otherwise provided in subsection 3, pay the cost of the [psychiatric] evaluation.

(b) The motion of a party, other than the parent or other person who is the subject of the evaluation, the moving party shall pay the cost of the [psychiatric] evaluation.

3. The court shall pay the cost of [a psychiatric] an evaluation conducted pursuant to subsection 1 if:

(a) The ~~[psychiatric]~~ evaluation is conducted upon the request of the parent or other person who is the subject of the evaluation or the motion of court;

(b) The ~~[psychiatric]~~ evaluation is not covered by a third party or the third party that provides such coverage is unable or unwilling to pay for the ~~[psychiatric]~~ evaluation in a timely manner; and

(c) The parent or other person who is the subject of the ~~[psychiatric]~~ evaluation has a household income that is less than 200 percent of the federally designated level signifying poverty.

4. If the court pays the cost of ~~[a psychiatric]~~ an evaluation pursuant to subsection 3 and later determines that the parent or other person responsible for the welfare of a child who is the subject of the examination is financially able to pay all or part of the cost of the ~~[psychiatric]~~ evaluation, the court may require the parent or other person to make such payment to the clerk of the court.

5. Any other party to the proceeding may make an oral or written motion for the person to be evaluated by a person professionally qualified in the field of psychiatric mental health, a psychologist or other appropriate professional retained by the party. The party seeking the additional evaluation shall pay the costs related to the evaluation.

6. As used in this section:

(a) "Household" means persons of the first degree of consanguinity or affinity who live in the same dwelling.

(b) "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433A.018.

(c) "Third party" means any insurer or organization providing health coverage or benefits in accordance with state or federal law.

Sec. 34. *1. In making decisions on behalf of a parent or other person responsible for the welfare of a child, a guardian ad litem appointed for the parent or other person responsible for the welfare of a child pursuant to section 32 of this act shall:*

(a) Consider the wishes of the parent or other person and inform the court of those wishes; and

(b) Act in the best interests of the parent or other person, as determined by the guardian ad litem using his or her independent judgement.

2. Communications between a parent or other person responsible for the welfare of a child and his or her guardian ad litem are privileged and confidential to the same extent as communications between the parent and his or her attorney.

3. A guardian ad litem appointed pursuant to section 32 of this act may not take any action to relinquish parental rights, effectuate a termination of parental rights or consent to a specific adoption ~~[.]~~ on behalf of the person for whom the guardian ad litem is appointed.

Sec. 35. *1. Not later than 72 hours after an agency which provides child welfare services places a child who is in the custody of the agency*

which provides child welfare services in a qualified residential treatment program, the agency which provides child welfare services shall file written notice of the placement with the court and serve such notice upon each party to the proceedings concerning the child being conducted pursuant to this section, NRS 432B.410 to 432B.590, inclusive, and sections 32, 33 and 34 of this act.

2. Not later than 60 days after a child is placed in a qualified residential treatment program, the court shall conduct a hearing to review the status of the child and determine the appropriateness of the placement.

3. At the hearing held pursuant to subsection 2, as part of each review conducted pursuant to NRS 432B.580 and at each hearing held pursuant to 432B.590 for the duration of the placement in the qualified residential treatment program, the court shall:

(a) Review the assessment of the child ***;*** ~~***[conducted by a qualified individual, as defined in 42 U.S.C. § 675a(c)(1)(D);]***~~ ***and***

(b) Determine whether to approve or disapprove the placement.

4. A court may approve placement of a child in a qualified residential treatment program only if it finds by a preponderance of the evidence that placement in the qualified residential treatment program is:

(a) The least restrictive appropriate environment for the child, including, without limitation, that:

(1) Placement in a lower level of care is not capable of meeting the needs of the child; and

(2) The qualified residential treatment program provides the most effective care and appropriate care and treatment for the child; and

(b) Consistent with the short term and long term goals of the child's treatment.

5. After the court conducts a review pursuant to this section, the court shall issue a written determination concerning whether to approve the continued placement of the child in the qualified residential treatment program which must include, without limitation, written findings on each factor listed in subsection 4.

6. If a court disapproves the continued placement of a child in a qualified residential treatment program, the court:

(a) Shall order the agency which provides child welfare service to place the child in a less restrictive appropriate placement; and

(b) May make any other order that it determines to be in the best interest of the child.

Sec. 35.3. ***As used in sections 35.3 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 35.5 and 35.7 of this act have the meanings ascribed to them in those sections.***

Sec. 35.5. ***"Facility" means a psychiatric hospital or facility which provides residential treatment for mental or behavioral health care to which a child with an emotional disturbance is or will be admitted to a locked unit that prevents the child from leaving the facility.***

Sec. 35.7. ***"Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433A.018 and includes the same professionals licensed in the state in which the child is placed.***

Sec. 36. ***For the purposes of ~~[this section,]~~ NRS 432B.607 to 432B.6085, inclusive, and sections ~~[37]~~ 35.3 to 42, inclusive, of this act, a determination concerning whether a child presents a substantial likelihood of serious harm to himself or herself or others must be made as provided in NRS 433A.0195.***

Sec. 37. ***1. An agency which provides child welfare services shall not place a child in the custody of the agency in a facility for the purpose of receiving nonemergency mental health treatment unless the agency has petitioned the court for the placement and the court has ordered the placement, or except as provided in ~~[this section and]~~ sections ~~[38]~~ 35.3 to 42, inclusive, of this act.***

2. A proceeding for the admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility for nonemergency mental health treatment may be commenced by the filing of a petition with ~~[the clerk of]~~ the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent of the child. The petition must be accompanied:

(a) By a certificate of a physician, a psychiatrist, a psychologist ~~[, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160]~~ or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that the physician, psychiatrist, psychologist ~~[, physician assistant, clinical social worker]~~ or advanced practice registered nurse has examined the child alleged to be a child with an emotional disturbance and has concluded that the child:

(1) Is a child with an emotional disturbance and, because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(2) ~~[Is not capable of being]~~ Cannot be safely and effectively treated in a less restrictive environment that is appropriate for the child; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon personal observation of the child alleged to be a child with an emotional disturbance, probable cause to believe that the child:

(I) Is a child with an emotional disturbance and, because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(II) ~~[Is not capable of being]~~ Cannot be safely and effectively treated in a less restrictive environment that is appropriate for the child; and

(2) The child alleged to be a child with an emotional disturbance has refused to submit to examination or treatment by a person described in paragraph (a).

3. A child who is the subject of a petition filed pursuant to this section or the parent or guardian of such a child may oppose the petition:

(a) Orally at a hearing on the petition; or

(b) ~~[At any time by]~~ By filing a written opposition with the court.

Sec. 38. *1. A child who is the subject of a petition pursuant to section 37 of this act may, after conferring with his or her attorney, submit to the court written consent , or provide oral consent in the record of the court, to nonemergency mental health treatment. Upon receiving such ~~[written]~~ consent, the court ~~[may]~~ shall order the admission of the child to a facility for such treatment if it finds ~~[, with or without a hearing,]~~ that the treatment is in the best interests of the child.*

2. A court that receives a petition pursuant to section 37 of this act for the court-ordered admission of a child alleged to be a child with an emotional disturbance to a facility for nonemergency mental health treatment ~~[:~~

~~(a) Shall hold]~~ shall conduct a hearing on the petition ~~[upon the request of a person who opposes the petition pursuant to subsection 3 of section 37 of this act.~~

~~(b) In all other cases, may hold a hearing on the petition.]~~ , unless otherwise ordered by the court.

3. ~~[Except as otherwise provided in subsection 1, a]~~ A court may order the admission of a child with respect to whom a petition was filed pursuant to section 37 of this act to a facility only if the court finds that there is clear and convincing evidence that the child:

(a) Is a child with an emotional disturbance;

(b) Because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(c) ~~[Is incapable of being]~~ Cannot be treated in a less restrictive environment that is appropriate for the child.

4. The court shall issue a written order on a petition submitted pursuant to section 37 of this act. ~~[Except where the child consents to treatment pursuant to subsection 1, the]~~ The order must include, without limitation, specific findings concerning each factor prescribed by subsection 3. The order must be interlocutory and is subject to regular review pursuant to section 41 of this act.

Sec. 39. *1. A child or ~~[other person]~~ a parent or guardian of the child who opposes a petition for the admission of a child alleged to be a child with emotional disturbance to a facility for nonemergency mental health treatment pursuant to subsection 3 of section 37 of this act may petition the court to authorize a second examination. The court shall authorize such a second examination upon receiving such a petition. Except as otherwise ordered by the court, a second examination must be ~~[conducted]~~ completed*

not later than 45 business days after the court authorizes the examination ~~[.]~~ and before any evidentiary hearing is conducted.

2. If the court authorizes a second examination of the child, the examination must:

(a) Be conducted by an independent physician, psychiatrist, psychologist ~~[, physician assistant under the supervision of a psychiatrist, clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160]~~ or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 who is not:

(1) The same physician, psychiatrist, psychologist ~~[, clinical social worker]~~ or advanced practice registered nurse who completed a certificate pursuant to paragraph (a) of subsection 2 of section 37 of this act or a physician, psychologist, clinical social worker or advanced practice registered nurse who participated in the examination conducted pursuant to that paragraph; or

(2) Employed by, connected to or otherwise affiliated with:

(I) The person described in subparagraph (1) or any facility which employs that person ; ~~[or with which that person has entered into a contract;]~~ or

(II) Any facility into which the child may be placed;

(b) Include, without limitation:

(1) An evaluation of the diagnosis of the child, the risks of harm posed by the child to himself or herself or others and whether the child is capable of being safely and effectively treated in a less restrictive appropriate environment; and

(2) Recommendations concerning the placement of the child and the level of care required by the child; and

(c) Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 40. *In determining pursuant to sections 38 and 41 of this act whether to issue or renew an order for the admission of a child who is in the custody of an agency which provides child welfare services to a facility for nonemergency treatment, the court shall consider:*

1. The reports of any examinations or evaluations of a child by any person professionally qualified in the field of psychiatric mental health;

2. Any information concerning the child provided by:

(a) A person professionally qualified in the field of psychiatric mental health;

(b) A representative of the agency which provides child welfare services;

(c) An adult caretaker who is knowledgeable about the child; or

(d) A guardian ad litem appointed for the child pursuant to NRS 432B.500;

3. The wishes of the child concerning care ~~[,]~~ and treatment ~~[and training]~~ and placement in a facility;

4. The best interests of the child, including, without limitation, whether the court believes the child might experience any psychological trauma from court-ordered admission;

5. Any alternative care ~~[,]~~ or treatment ~~[or training]~~ options; and

6. Any other information the court deems relevant concerning the child.

Sec. 41. *1. If the court issues an order for the admission of a child who is in the custody of an agency which provides child welfare services to a facility for nonemergency mental health treatment pursuant to section 38 of this act, the order automatically expires:*

(a) At the end of 90 days if the facility does not release the child pursuant to subsection 4 ~~[prior to]~~ before the expiration of the order; or

(b) If the facility releases the child pursuant to subsection 4 ~~[prior to]~~ before the expiration of the order, on the date of the release.

2. ~~[At]~~ Before the expiration of an order for nonemergency medical treatment pursuant to paragraph (a) of subsection 1, the agency which provides child welfare services, the Division of Child and Family Services or any facility may petition to renew the admission of the child for additional periods not to exceed 60 days each. Each petition for renewal must set forth the specific reasons why further treatment in the facility is in the best interest of the child.

3. ~~[If]~~ To grant a petition filed pursuant to subsection 2, the court ~~[finds that:~~

~~(a) There is not~~ must find by clear and convincing evidence that the child ~~[with respect to whom the petition was filed is incapable of being]~~ cannot be safely and effectively treated in a less restrictive appropriate environment ~~.~~ ~~[,~~ If the court finds that the child can be safely and effectively treated in a less restrictive appropriate environment, the court ~~[:~~

~~(1) Must not renew the admission; and~~

~~(2) Shall]~~ must order the discharge of the child from the facility.

~~[(b) There is clear and convincing evidence that the child with respect to whom the petition was filed is incapable of being safely and effectively treated in a less restrictive environment, the court may renew the admission.]~~

4. A facility may unconditionally release a child who is admitted to the facility for nonemergency mental health treatment pursuant to section 38 of this act without an order of the court upon the recommendation of the psychiatrist and other persons professionally qualified in the field of psychiatric mental health who are responsible for treating the child. ~~[Not earlier than]~~ At least 30 days before the anticipated discharge, the facility shall provide notice of the recommendation to all parties. ~~[The facility shall provide such notice to the court at or before the next scheduled hearing after the notice is provided to the parties.]~~ Such notice must include, without limitation, an explanation of the reasons that:

(a) The release is clinically appropriate; and

(b) The child ~~[is capable of being]~~ can be safely and effectively treated in a less restrictive appropriate environment.

Sec. 42. ***A facility which provides care ~~[,]~~ or treatment ~~[or training]~~ to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to section 38 of this act shall develop a written plan, in consultation with the child, for the continued care ~~[,]~~ or treatment ~~[and training]~~ of the child upon discharge from the facility. The plan must:***

1. Be developed not later than 30 days after the child is admitted to the facility and be updated on an ongoing basis throughout the admission;

2. Be submitted to the court after each period of admission ordered by the court pursuant to section 38 of this act in the manner set forth in section 41 of this act; and

3. Include, without limitation:

(a) The anticipated length of treatment and the anticipated date of discharge of the child from the facility, if known;

(b) The name of any person professionally qualified in the field of psychiatric mental health who will provide care ~~[,]~~ or treatment ~~[or training]~~ to the child after the child is discharged from the facility, if known;

(c) A plan for any appropriate care ~~[,]~~ or treatment ~~[or training]~~ for the child for at least 60 days after the child is discharged from the facility; and

(d) The ~~[suggested]~~ recommended type of placement of the child after the child is discharged from the facility.

Sec. 43. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, ***and section 31 of this act*** have the meanings ascribed to them in those sections.

Sec. 44. NRS 432B.159 is hereby amended to read as follows:

432B.159 1. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking custody does not rebut the presumption, the court shall not enter an order for sole or joint custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

2. For purposes of subsection 1, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. If, after a court enters a final order concerning custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning custody, reconsider the previous order concerning custody pursuant to subsections 1 and 2.

4. A court, agency, institution or other person who places a child in protective custody shall not release a child to the custody of a person who a court has determined pursuant to this section has engaged in one or more acts of abduction against the child or any other child, unless a court determines that it is in the best interest of the child for the perpetrator of the abduction to have custody of the child.

5. As used in this section ~~[, "abduction"]~~ ***:***

(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) "Magistrate" has the meaning ascribed to it in NRS 169.095.

Sec. 45. NRS 432B.250 is hereby amended to read as follows:

432B.250 Any person who is required to make a report pursuant to NRS 432B.220 may not invoke any of the privileges set forth in chapter 49 of NRS:

1. For failure to make a report pursuant to NRS 432B.220;

2. In cooperating with an agency which provides child welfare services or a guardian ad litem for a child; or

3. In any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and sections 32 to 35, inclusive, of this act.***

Sec. 46. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court, as defined in NRS 159A.015, to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments

or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A multidisciplinary team, as defined in NRS 432B.4014;

(q) A parent or legal guardian of the child and an attorney ~~***[or guardian ad litem]***~~ of a parent or ***legal*** guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(r) The child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(s) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(t) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(u) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(v) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(w) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(x) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(y) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(z) An employer in accordance with subsection 3 of NRS 432.100;

(aa) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence;

(bb) The Committee on Domestic Violence appointed pursuant to NRS 228.470; or

(cc) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of a report of child abuse or neglect made pursuant to this chapter that is assigned a disposition other than substantiated pursuant to NRS 432B.305 and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically

set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 47. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and sections 32 to 35, inclusive, of this act.*** Except as otherwise provided in subsection 3, if the person is indigent, the court may appoint an attorney to represent the person.

2. A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and sections 32 to 35, inclusive, of this act.*** The court shall appoint an attorney to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and sections 32 to 35, inclusive, of this act.*** The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

4. Each attorney, other than an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed under the provisions of subsection 1 or 2, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime.

Sec. 48. NRS 432B.430 is hereby amended to read as follows:

432B.430 1. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is 700,000 or more:

(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, ***and sections 32 to 35, inclusive, of this act,*** other than a hearing held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 or a hearing held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately, must be open to the general public unless the judge or ~~[master,]~~ ***juvenile magistrate,*** upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be closed to the general public because such closure is in the best interests of the child who is the subject of the proceeding. In determining whether closing all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~[master]~~ ***juvenile magistrate*** must consider and give due weight to the desires of that child.

(b) If the judge or ~~[master]~~ ***juvenile magistrate*** determines pursuant to paragraph (a) that all or part of a proceeding must be closed to the general public:

(1) The judge or ~~[master]~~ ***juvenile magistrate*** must make specific findings of fact to support such a determination; and

(2) The general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~[master,]~~ ***juvenile magistrate,*** may be admitted to the proceeding.

(c) Any proceeding held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 and any proceeding held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately must be closed to the general public unless the judge or ~~[master,]~~ ***juvenile magistrate,*** upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~[master]~~ ***juvenile magistrate*** must consider and give due weight to the desires of that child. If the judge or ~~[master]~~ ***juvenile magistrate*** determines pursuant to this paragraph that all or part of a proceeding must be open to the general public, the judge or ~~[master]~~ ***juvenile magistrate*** must make specific findings of fact to support such a determination. Unless the judge or ~~[master]~~ ***juvenile magistrate*** determines pursuant to this paragraph that all or part of a proceeding described in this paragraph must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~[master,]~~ ***juvenile magistrate*** may be admitted to the proceeding.

2. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is less than 700,000:

(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, ***and sections 32 to 35, inclusive, of this act*** must be closed to the general public unless the judge or ~~[master,]~~ ***juvenile magistrate,*** upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~[master]~~ ***juvenile magistrate*** shall consider and give due weight to the desires of that child.

(b) If the judge or ~~[master]~~ ***juvenile magistrate*** determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the judge or ~~[master]~~ ***juvenile magistrate*** must make specific findings of fact to support such a determination.

(c) Unless the judge or ~~[master]~~ ***juvenile magistrate*** determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the general public must be excluded and only those persons having a direct

interest in the case, as determined by the judge or ~~[~~master,~~]~~ ***juvenile magistrate,*** may be admitted to the proceeding.

3. Except as otherwise provided in subsection 4 and NRS 432B.457, in a proceeding held pursuant to NRS 432B.470, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~[~~master,~~]~~ ***juvenile magistrate,*** may be admitted to the proceeding.

4. In conducting a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, ***and sections 32 to 35, inclusive, of this act,*** a judge or ~~[~~master~~]~~ ***juvenile magistrate*** shall keep information confidential to the extent necessary to obtain federal funds in the maximum amount available to this state.

Sec. 49. NRS 432B.4675 is hereby amended to read as follows:

432B.4675 Upon the entry of a final order by the court establishing a guardianship pursuant to NRS 432B.4665:

1. The custody of the child by the agency which has legal custody of the child is terminated;

2. The proceedings concerning the child conducted pursuant to NRS 432B.410 to 432B.590, inclusive, ***and sections 32 to 35, inclusive, of this act*** terminate; and

3. Unless subsequently ordered by the court to assist the court, the following agencies and persons are excused from any responsibility to participate in the guardianship case:

(a) The agency which has legal custody of the child;

(b) Any counsel or guardian ad litem appointed by the court to assist in the proceedings conducted pursuant to NRS 432B.410 to 432B.590, inclusive ~~[~~;~~]~~ ***, and sections 32 to 35, inclusive, of this act;*** and

(c) Any person nominated or appointed as the person who is legally responsible for the psychiatric care of the child pursuant to NRS 432B.4684 or 432B.4685, respectively.

Sec. 50. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be presented at the first hearing to occur after the siblings are separated and approved by the court. The plan for visitation must be updated as necessary to reflect any change in the placement of the child or a sibling, including, without limitation, any such change that occurs after the termination of parental rights to the child or a sibling or the adoption of a sibling.

(c) Information concerning the child's education, including:

(1) A copy of any academic plan or individual graduation plan developed for the child pursuant to NRS 388.155, 388.165, 388.205 or 388.227;

(2) The grade and school in which the child is enrolled;

(3) The name of each school the child attended before enrolling in the school in which he or she is currently enrolled and the corresponding dates of attendance;

(4) Whether the child has not completed or passed any course of instruction that the child should have completed or passed by the time the report is submitted, which has resulted in the child having a deficiency in credits;

(5) A copy of any individualized education program developed for the child;

(6) A copy of any plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

(7) A summary of any special education services received by the child;

(8) A copy of the most recent report card of the child;

(9) A statement of the number of credits earned by the child during the most recent semester, if applicable;

(10) A statement of the number of times the child has been absent from school during the current or most recent school year for which the child was enrolled in school;

(11) The scores the child received on any academic assessments or standardized examinations administered to the child;

(12) Any information provided by the educational decision maker appointed for the child pursuant to NRS 432B.462; and

(13) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. Upon the issuance of such an order, the court shall provide each sibling of the child with the case number of the proceeding for the purpose of allowing the sibling to petition the court for visitation or enforcement of the order for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in subsection 7 and subsection 5 of NRS 432B.520, notice of the hearing must be filed with the court and must be given by first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to:

(a) All the parties to any of the prior proceedings;

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to this section or NRS 127.171 and his or her attorney, if any;

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child; and

(e) The educational decision maker appointed for the child pursuant to NRS 432B.462.

7. The notice of the hearing required to be filed and given pursuant to subsection 6:

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;

(b) Must not include any confidential information described in NRS 127.140;

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040; and

(d) Need not be given to a parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall, after considering the report provided in subsection 2 and any other relevant evidence, determine based on a preponderance of the evidence:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child;

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship; and

(e) Whether the child is making adequate academic progress and receiving the educational services or supports necessary to ensure the academic success of the child.

10. ***If the child is placed in a qualified residential treatment program, the determination pursuant to paragraph (a) of subsection 9 must include, without limitation, a finding on each factor prescribed by subsection 4 of section 35 of this act.***

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

~~[11.]~~ ***12.*** As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 51. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in subsection 2 and NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

➥ Notice of this hearing must be filed with the court and must be given by first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

2. A parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.

3. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 a right to be heard at the hearing.

4. At the hearing, the court shall review the report submitted by the agency which provides child welfare services pursuant to subsection 2 of NRS 432B.580, any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and any other relevant evidence and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine, based on a preponderance of the evidence:

(a) Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of NRS 432B.553;

(b) Whether, and if applicable when:

(1) The child should be returned to the parents of the child or placed with other relatives;

(2) It is in the best interests of the child to:

(I) Initiate proceedings to terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption;

(II) Initiate proceedings to establish a guardianship pursuant to chapter 159A of NRS; or

(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of a child who has attained the age of 16 years in another permanent living arrangement;

(c) If the child will not be returned to the parents of the child, whether the agency with legal custody of the child fully considered placement options both within and outside of this State;

(d) If the child has attained the age of 14 years, whether the child will receive the services needed to assist the child in transitioning to independent living; and

(e) If the child has been placed outside of this State, whether the placement outside of this State continues to be appropriate for and in the best interests of the child.

5. The court shall prepare an explicit statement of the facts upon which each of its determinations is based pursuant to subsection 4. If the court determines that it is not in the best interests of the child to be returned to his or her parents, or to be placed for adoption, with a legal guardian or with a relative, the court must include compelling reasons for this determination and an explanation of those reasons in its statement of the facts.

6. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the

procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

7. The provisions of this section do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

8. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

9. This hearing may take the place of the hearing for review required by NRS 432B.580.

10. ***If a hearing pursuant to this section concerns a child who has been placed in a qualified residential treatment program, the hearing must include, without limitation, a review of that placement conducted in the manner prescribed by section 35 of this act.***

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 52. NRS 432B.595 is hereby amended to read as follows:

432B.595 1. Upon the request of a young adult who satisfies the requirements of subsection 1 of NRS 432B.594 to participate in the Program, the agency which provides child welfare services shall develop a written extended youth support services plan to assist the young adult in transitioning to self-sufficiency. Such a plan must include, without limitation:

(a) The persons or entities that will receive payments from the agency which provides child welfare services and the manner in which such payments will be allocated. The agency which provides child welfare services may make payments to more than one person or entity authorized to receive payments pursuant to subsection 2.

(b) The goals set forth in subsection 3.

2. The plan developed pursuant to subsection 1 may provide for the agency which provides child welfare services to make direct payments to:

(a) A foster home.

(b) A qualified residential treatment program.

(c) A child care institution.

(d) A person or entity, including, without limitation, a relative or fictive kin, who provides a supervised arrangement for independent living where the participant resides.

(e) A landlord, property manager or other entity that collects rental payments for housing.

(f) A participant.

(g) Any combination of the persons or entities listed in paragraphs (a) to (f), inclusive.

3. The plan developed pursuant to subsection 1 must include, without limitation, the following goals:

(a) That the young adult save enough money to pay for his or her monthly expenses for at least 3 months;

(b) If the young adult has not graduated from high school or obtained a general equivalency diploma or an equivalent document, that the young adult obtain a high school diploma or general equivalency diploma;

(c) If the young adult has graduated from high school or obtained a general equivalency diploma or an equivalent document, that the young adult:

(1) Complete a program of postsecondary or vocational education;

(2) Complete a program or activity designed to promote employment or remove obstacles to employment; or

(3) Be employed at least 80 hours per month;

(d) That the young adult secure housing;

(e) That the young adult have adequate income to meet his or her monthly expenses;

(f) That the young adult identify an adult who will be available to provide support to the young adult; and

(g) If applicable, that the young adult have established appropriate supportive services to address any mental health or developmental needs of the young adult.

4. If a young adult is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, of subsection 3, the young adult must have goals which are appropriate for the young adult based upon the needs of the young adult.

5. Based upon the needs of a participant, the agency which provides child welfare services may, at any time, after consulting with the participant, revise:

(a) The persons or entities to whom a payment is made pursuant to subsection 2.

(b) The manner in which payments are allocated between persons or entities to whom payments are made pursuant to subsection 2.

6. The plan developed pursuant to subsection 1 must be annually reviewed and mutually agreed upon by the young adult and the agency which provides child welfare services at the hearing required by NRS 432B.601.

7. The agency which provides child welfare services shall:

(a) Monitor the plan developed pursuant to subsection 1 and adjust the plan as necessary;

(b) Contact the young adult by telephone at least once each month and in person at least quarterly;

(c) Ensure that the young adult meets with a person who will provide guidance to the young adult and make the young adult aware of the services which will be available to the young adult; and

(d) Conduct a meeting with the young adult at least 30 days, but not more than 45 days, before he or she reaches the age of 21 years to determine whether the young adult requires any additional guidance.

8. As used in this section:

(a) "Child care institution" has the meaning ascribed to it in NRS 432A.0245.

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

~~[(c) "Qualified residential treatment program" has the meaning ascribed to it in 42 U.S.C. § 672.]~~

Sec. 53. NRS 432B.607 is hereby amended to read as follows:

432B.607 As used in NRS 432B.607 to 432B.6085, inclusive, ***and sections ~~[36]~~ 35.3 to 42, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 432B.6071 to 432B.6074, inclusive, have the meanings ascribed to them in those sections.

Sec. 54. NRS 432B.6075 is hereby amended to read as follows:

432B.6075 1. ~~[A proceeding for a court ordered admission of a child alleged to be]~~ ***If*** a child with an emotional disturbance who is in the custody of an agency which provides child welfare services ***is admitted*** to a facility ~~[may be commenced by the filing of]~~ ***under an emergency admission ~~[pursuant to NRS 433A.162]~~ and the child has not been released within 5 days after the admission, the agency which provides child welfare services shall file*** a petition ***to continue the emergency admission , not later than 5 days after the admission,*** with the clerk of the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent ***or guardian*** of the child. The petition must be accompanied ~~[:~~

~~(a) By]~~ ***by*** a certificate of a physician, ***a*** psychiatrist ~~[or licensed]~~ ***,*** ***a*** psychologist ~~[stating~~ ***~~, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160]~~ or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120:***

(a) Stating that the physician, psychiatrist ***,*** ~~[or licensed]~~ psychologist ~~*[]*~~ ***~~physician assistant, clinical social worker]~~ or advanced practice registered nurse*** has examined the child ~~[alleged to be a child with an emotional disturbance]~~ ***who is the subject of the petition*** and has concluded that the child ~~[has]~~ ***is a child with*** an emotional disturbance and, because of that condition, ~~[is likely to harm himself or herself or others if allowed liberty; or~~

~~(b) By a sworn written statement by the petitioner that:~~

~~(1) The petitioner has, based upon personal observation of the child alleged to be a child with an emotional disturbance, probable cause to believe that the child has an emotional disturbance and, because of that condition, is likely to harm himself or herself or others if allowed liberty; and~~

~~(2) The child alleged to be a child with an emotional disturbance has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.]~~ ***the child is a person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious***

harm to himself or herself or others , as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment [;] and

[(b) Which] includes, if available, the date on which the [physician, psychologist, physician assistant, clinical social worker or advanced practice registered nurse anticipates that the] child will be discharged from the emergency admission [.] to the facility; or

(b) By a sworn written statement by the petitioner that the child is:

(1) A person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to herself or himself or others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment; and

(2) Is alleged to be a child with an emotional disturbance and has refused to submit to examination or treatment by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120.

2. [If a] ***A child who is the subject of a*** petition filed pursuant to this section [is to continue the placement of the child after an emergency admission, the petition must be filed not later than 5 days after the emergency admission or the child must be released.] ***or the parent or guardian of such a child may oppose the petition:***

(a) Orally at a hearing on the petition; or

(b) [At any time by] By filing a written opposition with the court.

Sec. 55. NRS 432B.6076 is hereby amended to read as follows:

432B.6076 1. [Except as otherwise provided in NRS 432B.6077, if] ***A child who is the subject of a petition submitted pursuant to NRS 432B.6075 may, after conferring with his or her attorney, submit to the court written consent , or provide oral consent in the record of the court, to continue the emergency admission. Upon receiving such [written] consent, the court may order the continuation of the emergency admission if it finds [, with or without a hearing,] that continuing the emergency admission is in the best interests of the child.***

2. [Except as otherwise provided in subsection 1, a] A court that receives a petition submitted pursuant to NRS 432B.6075 to continue the emergency admission of a child alleged to be a child with an emotional disturbance to a facility [:

(a) Shall hold] shall conduct a hearing on the petition [upon the request of a person who opposes the petition pursuant to subsection 2 of NRS 432B.6075; and

(b) In all other cases, may hold a hearing on the petition.] , unless otherwise ordered by the court.

3. Except as otherwise provided in subsection 1, a court may order the continuation of the emergency admission of a child with respect to whom a petition was filed pursuant to NRS 432B.6075 to a facility only if the court finds [, after proceedings for the court-ordered admission of a child alleged to

~~be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility, including, without limitation, an evidentiary hearing:~~

~~(a) That there is not clear and convincing evidence that the child with respect to whom the hearing was held exhibits observable behavior such that the child is likely to harm himself or herself or others if allowed liberty, the court shall enter its finding to that effect and the child must not be admitted to a facility.~~

~~(b) That there is~~**]** ***by*** clear and convincing evidence that the child **[**~~with respect to whom the hearing was held is in need of treatment in a facility and is likely to harm himself or herself or others if allowed liberty, the court may order the admission of the child for the most appropriate course of treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the admission, the child is unconditionally released from the facility pursuant to NRS 432B.6084.~~

~~2. Before issuing an order for admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the child, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the child.~~**]** ***:***

(a) Is a child with an emotional disturbance; and

(b) ***[Because of that condition,]*** ***Is a person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to himself or herself or others , as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment.***

4. The court shall issue a written order on a petition submitted pursuant to NRS 432B.6075. If the court:

(a) Orders the continuation of the emergency admission, the order must [, except where the child consents to the continuation of the emergency admission pursuant to subsection 1,] include specific findings concerning each factor prescribed by subsection 3.

(b) Does not order the continuation of the emergency admission, the court must enter its findings to that effect and order the discharge of the child from the facility.

Sec. 56. NRS 432B.6078 is hereby amended to read as follows:

432B.6078 1. **[**~~Not later than 5 days after a child who is in the custody of an agency which provides child welfare services has been admitted to a facility pursuant to NRS 432B.6076, the agency which provides child welfare services shall inform the child of his or her legal rights and the provisions of NRS 432B.607 to 432B.6085, inclusive, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, and, if the child or the child's attorney desires, assist the child in requesting~~**]** ***A child or [other person] a parent or legal guardian of the child who opposes a petition to continue an emergency***

admission pursuant to subsection 2 of NRS 432B.6075 may petition the court to authorize a second examination ~~[by an evaluation team that includes a physician, psychiatrist or licensed psychologist who are not employed by, connected to or otherwise affiliated with the facility other than a physician, psychiatrist or licensed psychologist who performed an original examination which authorized the court to order the admission of the child to the facility.]~~ ***of any child examined pursuant to subsection 1 of NRS 432B.6075. The court shall authorize a second examination upon receiving such a petition.*** A second examination must be ~~[conducted]~~ ***completed*** not later than ~~[5]~~ ***6*** ~~[business]~~ days after the court authorizes the examination.

2. If the court authorizes a second examination of the child, the examination must:

(a) ***Be conducted by a physician, psychiatrist, psychologist*** ~~***[, physician assistant under the supervision of a psychiatrist, clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160]***~~ ***or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 who is not:***

(1) The same physician, psychiatrist, psychologist ~~***[, clinical social worker]***~~ ***or advanced practice registered nurse who completed the certificate pursuant to subsection 1 of NRS 432B.6075 or a physician, psychologist*** ~~***[, clinical social worker]***~~ ***or advanced practice registered nurse who participated in the examination conducted pursuant to that subsection; or***

(2) Employed by, connected to or otherwise affiliated with the facility where the child is admitted;

(b) Include, without limitation, an evaluation ~~[concerning whether the child should remain in the facility and a recommendation concerning the appropriate placement of the child which must be provided to the facility;]~~ ***of the diagnosis of the child, whether the child presents a substantial likelihood of serious harm to himself or herself or others , as determined pursuant to NRS 433A.0195, and whether the emergency admission should be continued;*** and

~~[(b)]~~ ***(c)*** Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 57. NRS 432B.6079 is hereby amended to read as follows:

432B.6079 In determining pursuant to NRS 432B.6076 and 432B.608 whether to issue or renew an order ~~[for]~~ ***to continue*** the ***emergency*** admission of a child who is in the custody of an agency which provides child welfare services to a facility, the court shall consider:

1. The reports of any examinations or evaluations of a child by any ~~[psychologist, psychiatrist or other physician;]~~ ***person professionally qualified in the field of psychiatric mental health;***

2. Any information concerning ~~[the child provided to the court by a licensed clinical social worker or other professional or any adult caretaker who~~

~~is knowledgeable about the child or a guardian ad litem appointed for the child pursuant to NRS 432B.500;~~**]** ***whether the child presents a substantial likelihood of serious harm to himself or herself or others provided by:***

(a) A person professionally qualified in the field of psychiatric mental health;

(b) A representative of the agency which provides child welfare services;

(c) An adult caretaker who is knowledgeable about the child; or

(d) A guardian ad litem appointed for the child pursuant to NRS 432B.500;

3. The wishes of the child concerning care, treatment ~~[and training]~~ and ~~[~~placement in a~~]~~ ***emergency admission to the*** facility;

4. The best interests of the child, including, without limitation, whether the court believes the child might experience any psychological trauma from ~~[~~court-ordered~~]~~ ***continued emergency*** admission;

5. Any alternative care ~~[,]~~ ***or*** treatment ~~[or training]~~ options; and

6. Any other information the court deems relevant concerning the child.

Sec. 58. NRS 432B.608 is hereby amended to read as follows:

432B.608 1. If the court issues an order ~~[for]~~ ***to continue*** the ***emergency*** admission to a facility of a child who is in the custody of an agency which provides child welfare services pursuant to NRS 432B.6076, the ~~[~~admission automatically expires at the end of 90 days if not terminated previously by the facility as provided for in subsection 2 of NRS 432B.6084.

~~2. At the end of the court-ordered period of treatment, the agency which provides child welfare services, the Division of Child and Family Services or any facility may petition to renew the admission of the child for additional periods not to exceed 60 days each.~~

~~3. For each renewal, the petition must set forth the specific reasons why further treatment in the facility would be in the best interests of the child and the court shall apply the same standards when considering a petition to renew the admission of the child as were applied for the original petition for the court-ordered admission of the child.~~**]** ***order must be interlocutory, and the child must be discharged from the facility if the order is not renewed within 14 days after the order is issued.*** ~~***[An agency which provides child welfare services may commence proceedings to renew such an order by filing a petition pursuant to NRS 432B.6075.]***~~

2. A facility may unconditionally release a child who is admitted under an emergency admission that has been continued pursuant to NRS 432B.6076 without ~~***[an]***~~ ***a prior order of the court upon the written recommendation of the psychiatrist and other person professionally qualified in the field of psychiatric mental health who are responsible for treating the child. Upon receipt of such a recommendation, the facility shall provide notice of the recommendation to the agency which provides child welfare services and the agency shall notify all parties and the court. Such notice must include, without limitation, an explanation of the reasons that:***

(a) The release is clinically appropriate; and

(b) The child is capable of being safely and effectively treated in a less restrictive appropriate environment.

Sec. 59. NRS 432B.6081 is hereby amended to read as follows:

432B.6081 A facility which provides care ~~[,]~~ ***or*** treatment ~~[or training]~~ to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility ***under an emergency admission continued*** pursuant to NRS 432B.6076 shall develop a ***written*** plan, in consultation with the child, for the continued care ~~[,]~~ ***or*** treatment ~~[and training]~~ of the child upon discharge from the facility. The plan must:

1. Be developed ~~[not later than 10 days *as soon as reasonably practicable* after the child is admitted *court issues an order to continue]*~~ ***at the time of the emergency admission of a child*** to the facility ~~[;]~~ ***and revised on an ongoing basis for the duration of the emergency admission based on the clinical status of the child;***

2. Be submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608; and

3. Include, without limitation:

(a) The anticipated date of discharge of the child from the facility;

(b) The name of any ~~[psychiatrist or psychologist]~~ ***person professionally qualified in the field of psychiatric mental health*** who will provide care ~~[,]~~ ***or*** treatment ~~[or training]~~ to the child after the child is discharged from the facility, if ~~[appropriate;]~~ ***known;***

(c) A plan for any appropriate care ~~[,]~~ ***or*** treatment ~~[or training]~~ for the child for at least 30 days after the child is discharged from the facility; and

(d) The ~~[suggested]~~ ***recommended type of*** placement ~~[of]~~ ***for*** the child after the child is discharged from the facility.

Sec. 60. NRS 432B.60845 is hereby amended to read as follows:

432B.60845 A facility which provides care ~~[,]~~ ***or*** treatment ~~[or training]~~ to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to NRS 432B.6076 ***or section 38 of this act*** shall:

1. Ensure that each employee of the facility who comes into direct contact with children at the facility receives, within 90 days after employment and annually thereafter, training that has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children;

2. Ensure that each child who is placed in the facility is treated in all respects in accordance with the child's gender identity or expression; and

3. Follow the protocols prescribed in the regulations adopted pursuant to NRS 432B.172 when placing the child within the facility.

Sec. 61. NRS 432B.60847 is hereby amended to read as follows:

432B.60847 1. A psychiatric hospital to which a child who is in the custody of an agency which provides child welfare services is admitted pursuant to NRS 432B.6076 ***or section 38 of this act*** shall, in consultation with

the public or private school in which the child was enrolled when he or she was admitted to the psychiatric hospital, any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the psychiatric hospital, the agency which provides child welfare services and any person responsible for the education of the child, develop a plan for the continued education of the child while the child remains enrolled in the public or private school or the school district yet is admitted to the psychiatric hospital. The plan must be:

(a) Provided to the child, the agency which provides child welfare services, the child's caseworker, if applicable, any person responsible for the education of the child, the school and, if applicable, the school district; and

(b) Submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608 ~~[.]~~ ***or section 38 of this act in the manner set forth in section 41 of this act.***

2. A plan for the continued education of a child developed pursuant to subsection 1 must include, without limitation:

(a) The number of hours of instruction each week that must be provided to the child while the child is admitted to the psychiatric hospital;

(b) Provisions for the transfer of instructional materials to the psychiatric hospital from the school in which the child was enrolled when he or she was admitted to the psychiatric hospital;

(c) Procedures for monitoring the implementation of the plan and the appropriateness of the instruction being provided to the child;

(d) If an individualized education program or services plan has been developed for the child and provided to the psychiatric hospital pursuant to NRS 392.857 or 394.1998, provisions to ensure that the psychiatric hospital maintains compliance with the individualized education program or services plan, as applicable; and

(e) A plan for continuing the education of the child after he or she is discharged from the psychiatric hospital, including, without limitation, a plan for transitioning the child into a school or any other educational setting in which the child will receive instruction after discharge.

3. Before admission of a child who is in the custody of an agency which provides child welfare services to a facility which provides residential treatment for mental illness, the public or private school or any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the facility must:

(a) For a child who is a pupil with a disability, convene an individualized education program meeting to consider the appropriateness of a residential placement under federal law as it relates to the child's education needs;

(b) Convene a meeting of representatives of the public or private school in which the child was enrolled, the school district in which the child was enrolled, the agency which provides child welfare services, any person responsible for the education of the child and any other organization that provides support to the child, as appropriate, to consider, pursuant to the

statewide framework for integrated student supports established pursuant to NRS 388.885, the appropriateness of a residential placement;

(c) Monitor the child's progress while the child is admitted to the facility; and

(d) Participate in discharge planning for transitioning the child into a school or any other educational setting in which the child will receive instruction after discharge. The Department of Education shall adopt regulations necessary to carry out the provisions of this paragraph.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Person responsible for the education of the child" includes, without limitation, the parent or guardian of the child and any educational decision maker appointed for the child pursuant to NRS 432B.462.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

(d) "Public school" includes, without limitation, a university school for profoundly gifted pupils.

(e) "Services plan" has the meaning ascribed to it in 34 C.F.R. § 300.37.

Sec. 62. NRS 432B.6085 is hereby amended to read as follows:

432B.6085 1. Nothing in this chapter purports to deprive any person of any legal rights without due process of law.

2. Unless the context clearly indicates otherwise, the provisions of NRS 432B.607 to 432B.6085, inclusive, ***and sections ~~[36]~~ 35.3 to 42, inclusive, of this act,*** 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, apply to all children who are in the custody of an agency which provides child welfare services.

Sec. 63. NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person in a mental health crisis is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless:

(a) A person described in NRS 433A.160 places the person on a mental health crisis hold; and

(b) The requirements prescribed by NRS 433A.162 have been met.

2. Except as otherwise provided in subsection 3 ~~[,]~~ ***and NRS 432B.6075,*** a person whose status is changed pursuant to subsection 1 must not be detained in excess of 72 hours, including weekends and holidays, after the person is placed on a mental health crisis hold pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be

filed on or before the close of the business day next following the expiration of that period.

Sec. 64. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. A person alleged to be a person in a mental health crisis who is placed on a mental health crisis hold pursuant to NRS 433A.160 may, subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital for assessment, evaluation, intervention and treatment, regardless of whether any parent or legal guardian of the person has consented to the mental health crisis hold.

2. Except as otherwise provided in subsection 3 ~~[,]~~ ***and NRS 432B.6075,*** a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the person is placed on a mental health crisis hold pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 65. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075 ~~[,]~~ ***and section 37 of this act,*** a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility with the clerk of the district court of the county where the person who is to be treated resides or the county where a mental health facility that is willing to admit the person is located. The petition may be filed by any physician, physician assistant, psychologist, social worker or registered nurse or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that he or she has examined the person alleged to be a person in a mental health crisis and has concluded that the person is a person in a mental health crisis; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person in a mental health crisis, probable cause to believe that the person is a person in a mental health crisis and the person alleged to be a person in a mental health crisis has refused to submit to

examination or treatment by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(2) The person alleged to be a person in a mental health crisis has been placed on a mental health crisis hold pursuant to NRS 433A.160 and the physician, physician assistant or advanced practice registered nurse who examined the person alleged to be a person with a mental health crisis pursuant to NRS 433A.165 determined that the person has a medical condition, other than a psychiatric condition, which requires immediate treatment.

2. Except as otherwise provided in NRS 432B.6075 ~~[,]~~ ***and section 37 of this act,*** if the person to be treated is an unemancipated minor and the petitioner is a person other than a parent or guardian of the minor, a petition submitted pursuant to subsection 1 must, in addition to the certificate or statement required by that subsection, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 66. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and ~~[~~432B.6077,~~]~~ ***section 38 of this act,*** if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held is a person in a mental health crisis, the court must enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility. If the person has been detained in a public or private mental health facility or hospital under a mental health crisis hold pursuant to NRS 433A.160, including, without limitation, where the person has been admitted under an emergency admission pursuant to NRS 433A.162, the court must issue a written order requiring the facility or hospital to release the person not later than 24 hours after the court issues the order, unless the person applies for admission as a voluntary consumer pursuant to NRS 433A.140.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held is a person in a mental health crisis, the court may order the involuntary admission of the person to a public or private mental health facility. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. Except as otherwise provided in NRS 432B.608 ~~[,]~~ ***and section 41 of this act,*** an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility after a determination by the physician primarily responsible for treating the patient, a psychiatrist or an advanced practice registered nurse as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS

432B.608 ~~[,]~~ ***and section 41 of this act,*** at the end of the involuntary court-ordered admission, the Division or any mental health facility that is not operated by the Division may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility.

3. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including assisted outpatient treatment, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

4. If the court issues an order involuntarily admitting a person to a public or private mental health facility pursuant to this section, the court must, notwithstanding the provisions of NRS 433A.715, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to:

(a) The Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System; and

(b) Each law enforcement agency of this State with which the court has entered into an agreement for such transmission, along with a statement indicating that the record is being transmitted for inclusion in each of this State's appropriate databases of information relating to crimes.

5. After issuing an order pursuant to this section, a court shall not transfer the case to another court.

6. A public or private mental health facility to which a person is involuntarily admitted pursuant to this section shall notify the court and the counsel for the person if the person is transferred to another facility.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 67. NRS 433A.390 is hereby amended to read as follows:

433A.390 1. When a consumer, involuntarily admitted to a mental health facility or required to receive assisted outpatient treatment by court order, is released at the end of the period specified pursuant to NRS 433A.310 or 433A.343, as applicable, written notice must be given to the court that issued the order not later than 3 judicial days after the release of the consumer. The consumer may be released without requiring further orders of the court. If the consumer has a legal guardian, the facility or the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the

facility or treatment or, if the consumer will be released in less than 3 days, as soon as practicable.

2. The legal guardian of a consumer involuntarily admitted to a mental health facility, if applicable, has discretion to determine where the consumer will be released pursuant to subsection 1, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility must discharge the consumer according to its proposed discharge plan.

3. ~~[A]~~ ***Except as otherwise provided in NRS 432B.608 and section 41 of this act, a*** consumer who is involuntarily admitted to a mental health facility may be unconditionally released before the period specified in NRS 433A.310 when the physician primarily responsible for treating the patient, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 determines that the consumer is no longer a person in a mental health crisis. If the consumer has a legal guardian, the facility shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the facility or, if the consumer will be released in less than 3 days, as soon as practicable. The legal guardian, if applicable, has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

4. A consumer who is required to receive assisted outpatient treatment may be unconditionally released before the period specified in NRS 433A.343 when the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment for the consumer determines that:

(a) The consumer no longer requires assisted outpatient treatment to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis;

(b) The consumer is willing and likely to voluntarily participate in outpatient treatment that enables the person to live safely in the community without the supervision of the court; or

(c) After the order for assisted outpatient treatment has been effective for at least 30 days, the assisted outpatient treatment is not meeting the needs of the consumer.

5. If a consumer who will be released from assisted outpatient treatment pursuant to subsection 4 has a legal guardian, the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment to the consumer shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the

consumer from the treatment or, if the consumer will be released in less than 3 days, as soon as practicable.

6. Notification of a guardian pursuant to subsection 1, 3 or 5 must be provided:

(a) In person or by telephone; or

(b) If the mental health facility or the person professionally qualified in the field of psychiatric mental health, as applicable, is not able to contact the guardian in person or by telephone, by facsimile, electronic mail or certified mail.

7. A mental health facility or a person professionally qualified in the field of psychiatric mental health responsible for providing treatment to a consumer shall provide written notice to the court that issued the order not later than 3 judicial days after unconditionally releasing a consumer pursuant to subsection 3 or 4.

Sec. 68. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master ***or magistrate*** in this State.

(d) Any clerk of the court, court administrator or court executive officer in this State.

(e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(h) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(i) Any county manager in this State.

(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.

(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.

(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.

(n) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 69. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➥ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 or 484A.7047.

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from any of the following:

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section.

(2) A traffic commissioner, referee, hearing master, ***magistrate appointed by the court,*** municipal judge, justice of the peace or district judge, as applicable, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 70. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the diagnoses, evaluations and examinations described in NRS ***432B.6078,*** 433A.162, 433A.240, 433A.335, 433A.390, 433A.430, 484C.300, 484C.320, 484C.330, 484C.340 and 484C.350 ~~[.]~~ ***and section 39 of this act,*** the certifications described in NRS

432B.6075, 433A.170, 433A.195 and 433A.200 ***and section 37 of this act*** and the sworn statements or declarations described in NRS 433A.210 and 433A.335.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➥ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 71. ~~[NRS 641B.160 is hereby amended to read as follows:~~

~~641B.160 1. The Board shall adopt:~~

~~(a) Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter;~~

~~(b) Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS *432B.6075,* 433A.162, 433A.170,~~

~~433A.195 and 433A.200 **[,] *and section 37 of this act,*** make a sworn statement or declaration described in NRS 433A.210 and 433A.335 and perform an evaluation described in NRS ***432B.6078 or*** 433A.335 **[;] *or section 39 of this act;***~~

~~(c) Regulations prescribing uniform standards concerning the locations at which interns provide services;~~

~~(d) Regulations authorizing the remote supervision, including, without limitation, electronic supervision, of interns working at remote sites and prescribing standards concerning such remote supervision; and~~

~~(e) Regulations prescribing the manner by which the qualifications for the issuance or renewal of a license under the provisions of this chapter will be made available to the public such that those qualifications are clearly defined and easily understood.~~

~~2. On the date that the Board gives notice pursuant to NRS 233B.060 of its intent to adopt, amend or repeal a regulation, the Board shall submit the regulation to the Commission on Behavioral Health for review. The Commission shall review the regulation and make recommendations to the Board concerning the advisability of adopting, amending or repealing the regulation and any changes that the Commission deems advisable.~~**]** **(Deleted by amendment.)**

Sec. 71.5. **The changes made by sections 17 and 29 of this act must not be construed to require the Division of Welfare and Supportive Services of the Department of Health and Human Services to modify any of the forms generated by the computer systems of the Division for the purpose of changing the term "master" to the term "magistrate." The term "master," as used in any such forms, shall be deemed to refer to a child support magistrate as set forth in sections 17 and 29 of this act.**

Sec. 72. 1. The provisions of sections ~~**[9, 10, 11,]**~~ 32, 33 and 34 of this act apply to any proceedings to which those provisions would otherwise apply which are instituted before, on or after October 1, 2023.

2. The provisions of section 35 of this act apply to any child in the custody of an agency which provides child welfare services who is placed in a qualified residential treatment program before, on or after October 1, 2023.

3. The provisions of section 36 and 75 of this act apply to any child in the custody of an agency which provides child welfare services who has been admitted to a facility where the admission is effective on or after October 1, 2023.

4. The provisions of sections 37 to 42, inclusive, of this act apply to any child in the custody of an agency which provides child welfare services:

(a) Who has been admitted to a facility; and

(b) Whose status is not that of an emergency consumer on or after October 1, 2023, regardless of the date on which he or she was admitted.

5. The amendatory provisions of sections 54 to 59, inclusive, of this act apply to any child in the custody of an agency which provides child welfare services:

(a) Who has been admitted to a facility; and

(b) Whose status is that of an emergency consumer on or after October 1, 2023, regardless of the date on which he or she was admitted.

6. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Facility" has the meaning ascribed to it in NRS 432B.6072.

(c) "Qualified residential treatment program" has the meaning ascribed to it in section 31 of this act.

Sec. 73. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 74. The Legislative Counsel shall, in preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately:

1. The term "juvenile magistrate" for the term "master" or "master of the juvenile court" as previously used in title 5 and chapter 432B of NRS; and

2. The term "child support magistrate" for the term "master" as previously used in chapter 425 of NRS.

Sec. 75. NRS 432B.6077, 432B.6083 and 432B.6084 are hereby repealed.

Sec. 76. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 51, inclusive, and 53 to 75, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

3. Section 52 of this act becomes effective on January 1, 2024.

TEXT OF REPEALED SECTIONS

432B.6077 Petition required before child may be placed in facility other than under emergency admission; psychological examination of child required under certain circumstances; placement in less restrictive environment; any person may oppose petition.

1. An agency which provides child welfare services shall not place a child who is in the custody of the agency in a facility, other than under an emergency admission, unless the agency has petitioned the court for the court-ordered admission of the child to a facility pursuant to NRS 432B.6075.

2. If a petition for the court-ordered admission of a child filed pursuant to NRS 432B.6075 is accompanied by the information described in paragraph (b) of subsection 1 of NRS 432B.6075, the court shall order a psychological evaluation of the child.

3. If a court which receives a petition filed pursuant to NRS 432B.6075 for the court-ordered admission to a facility of a child who is in the custody of an agency which provides child welfare services determines pursuant to

subsection 2 of NRS 432B.6076 that the child could be treated effectively in a less restrictive appropriate environment than a facility, the court must order the placement of the child in a less restrictive appropriate environment. In making such a determination, the court may consider any information provided to the court, including, without limitation:

(a) Any information provided pursuant to subsection 4;

(b) Any suggestions of psychologists, psychiatrists or other physicians who have evaluated the child concerning the appropriate environment for the child; and

(c) Any suggestions of licensed clinical social workers or other professionals or any adult caretakers who have interacted with the child and have information concerning the appropriate environment for the child.

4. If a petition for the court-ordered admission of a child who is in the custody of an agency which provides child welfare services is filed pursuant to NRS 432B.6075:

(a) Any person, including, without limitation, the child, may oppose the petition for the court-ordered admission of the child by filing a written opposition with the court or stating the opposition in court; and

(b) The agency which provides child welfare services must present information to the court concerning whether:

(1) A facility is the appropriate environment to provide treatment to the child; or

(2) A less restrictive appropriate environment would serve the needs of the child.

432B.6083 Conditional release: Authorized circumstances; duration; no liability of State; notice to court and attorney of agency; order to return to facility; judicial review of order to return to facility.

1. Except as otherwise provided in subsection 3, any child who is admitted to a facility by a court pursuant to NRS 432B.6076 may be conditionally released from the facility when, in the judgment of the medical director of the facility, the conditional release is in the best interest of the child and will not be detrimental to the public welfare. The medical director of the facility or the designee of the medical director shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of treatment specified pursuant to NRS 432B.608.

2. When a child is conditionally released pursuant to subsection 1, the State or a county, or any of its agents or employees, is not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the child.

3. A child who was admitted by a court because the child was likely to harm others if allowed to remain at liberty may be conditionally released only if, at the time of the release, written notice is given to the court which admitted the child and to the attorney of the agency which provides child welfare services that initiated the proceedings for admission.

4. Except as otherwise provided in subsection 6, the administrative officer of a facility or the designee of the administrative officer shall order a child who is conditionally released from that facility pursuant to this section to return to the facility if a psychiatrist and a member of that child's treatment team who is professionally qualified in the field of psychiatric mental health determine that the conditional release is no longer appropriate because that child presents a clear and present danger of harm to himself or herself or others. Except as otherwise provided in this subsection, the administrative officer or the designee of the administrative officer shall, at least 3 days before the issuance of the order to return, give written notice of the order to the court that admitted the child to the facility. If an emergency exists in which the child presents an imminent threat of danger of harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the child who was ordered to return to the facility at its next regularly scheduled hearing for the review of petitions for court-ordered admissions, but in no event later than 5 judicial days after the child is returned to the facility. The administrative officer or the designee of the administrative officer shall give written notice to the agency which provides child welfare services, to the child who was ordered to return to the facility and to the child's attorney of the time, date and place of the hearing and of the facts necessitating that child's return to the facility.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

432B.6084 Release without further order of court; early release.

1. When a child who is admitted to a facility by a court pursuant to NRS 432B.6076 is released at the end of the court-ordered period of treatment specified pursuant to NRS 432B.608, written notice must be given to the admitting court at least 10 days before the release of the child. The child may then be released without requiring further orders of the court.

2. A child who is admitted to a facility by a court pursuant to NRS 432B.6076 may be unconditionally released before the court-ordered period of treatment specified in NRS 432B.608 when:

(a) An evaluation team, including, without limitation, an evaluation team that conducts an examination pursuant to NRS 432B.6078, or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the child has recovered from any emotional disturbance or has improved to such an extent that the child is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the facility authorizes the

release and gives written notice to the admitting court at least 10 days before the release of the child.

Assemblywoman Brittney Miller moved the adoption of the amendment.
Remarks by Assemblywoman Brittney Miller.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 150.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 140.

AN ACT relating to education; **revising provisions prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against certain students who are Native American;** revising provisions requiring the Board of Regents ~~[of the University of Nevada]~~ to grant certain waivers of fees for certain students who are Native American; **making an appropriation to the Nevada System of Higher Education;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to grant a waiver of registration fees, laboratory fees and other mandatory fees assessed each semester for a Native American student who demonstrates that the student: (1) is a member of a federally recognized Indian tribe or nation, all or part of which is located in this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of the tribe or nation, regardless of membership status; (2) is eligible for enrollment in a school within the Nevada System of Higher Education; (3) has been a resident of this State for at least 1 year; (4) has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester, or the equivalent of a 2.0 grade point average if a different scale is used; and (5) has completed the Free Application for Federal Student Aid. (NRS 396.5449) ~~[This bill requires the Board of Regents to grant the waiver to a student who, in addition to meeting the other eligibility requirements for the wavier, has been a resident of this State, resided on qualified tribal land of an Indian tribe or nation, or a combination thereof, for not less than 1 year.]~~ **Section 1.3 of this bill removes the requirement to be a resident of this State for at least 1 year to be eligible for the waiver.**

Existing law requires the waiver to be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program. (NRS 396.5449) Existing law provides that a pupil enrolled in high school may earn college credit for a dual credit course taken while in high school and apply the credit received for such a course to the total number of credits required for graduation from his or her high school. (NRS 389.160) ~~[This bill]~~ **Section 1.3: (1) revises the requirement for the waiver to be**

granted to a student who enrolls in any program offered by a school within the System by excluding a course or program in a field other than health, social work, science, technology, engineering, art or mathematics in support of which an appropriation has not been made by the Legislature; and (2) requires the waiver to be granted to an eligible student who enrolls in a dual credit course offered by a school within the System.

Existing law requires the amount of the waiver to be limited based on the federal education benefits to which a student is entitled during a semester. (NRS 396.5449) Section 1.3 removes this requirement and instead requires the amount of the waiver to equal the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

Existing law prohibits the Board of Regents from assessing tuition charges against certain students. (NRS 396.540, 396.5449) Section 1 of this bill makes a conforming change to reflect the prohibition against the Board of Regents assessing tuition charges against students who have been granted the waiver. Section 1.7 of this bill makes an appropriation to the System to defray the cost of granting the waiver.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 396.540 is hereby amended to read as follows:**

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the

student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged;

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart;

(l) All students who are:

(1) Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or

(2) Spouses or dependents using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;

(m) All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive; ~~[and]~~

(n) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona

fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System ~~[.]~~ ***; and***

(o) All students who have been granted a waiver pursuant to NRS 396.5449.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

~~[Section 1.]~~ ***Sec. 1.3.*** NRS 396.5449 is hereby amended to read as follows:

396.5449 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is Native American and demonstrates that the student:

(a) Is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of this State, regardless of membership status;

(b) Is eligible for enrollment in a school within the System ~~[.]~~ ***, including, without limitation, enrollment in a dual credit course through a program for dual credit;***

(c) ~~[Has been:~~

~~*(1) Been]*~~ ***Is*** a ***bona fide*** resident of this State ***;***

~~*[(2) Resided on qualified tribal land, whether located within or outside the boundaries of this State; or*~~

~~*(3) Any combination thereof,*~~

~~" for not less than 1 year .;]~~

(d) Has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used; and

(e) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 ~~[.]~~ ***unless the student is or will be enrolled exclusively in one or more dual credit courses through a program for dual credit.***

2. The amount of the waiver must be equal to ~~[:~~

~~(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the~~

~~student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or~~

~~(b) If the student is not entitled to receive any federal educational benefits for a semester,~~ the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any ***course or*** program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program ~~[or]~~ a professional program ~~[.]~~ or a dual credit course through a program for dual credit ~~[.]~~ ***, except a course or program in a field other than health, social work, science, technology, engineering, arts or mathematics in support of which an appropriation has not been made by the Legislature.***

4. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, the person shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may request documentation confirming that the student is a member or descendant of a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State.

6. As used in this section:

(a) "Program for dual credit" means a program through which a pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, may enroll in a dual credit course offered by a school within the System.

(b) "Qualified tribal land" means any real property:

(1) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(2) Over which a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, exercises governmental power.

Sec. 1.7. **1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education to defray the cost of granting waivers pursuant to NRS 396.5449 the following sums:**

For the Fiscal Year 2023-2024 ..... $450,000

For the Fiscal Year 2024-2025 ..... $450,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to

which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 437.

AN ACT relating to naprapathy; ~~[requiring naprapaths to comply with certain requirements;]~~ establishing the Naprapathic Practice Advisory Board; providing for the regulation of the practice of naprapathy by the State Board of ~~[Osteopathic Medicine; prohibiting the unlicensed practice of naprapathy except in certain circumstances;]~~ **Health and the Division of Public and Behavioral Health of the Department of Health and Human Services;** prescribing the requirements for the issuance and renewal of a license to practice naprapathy; ~~[providing for the collection of certain information;]~~ prescribing certain requirements governing the practice of naprapathy; authorizing the ~~[State Board of Osteopathic Medicine]~~ **Division** to take certain actions to investigate and impose discipline against a naprapath; prescribing certain duties and authority of a naprapath; **prohibiting the unlicensed practice of naprapathy except in certain circumstances;** establishing a privilege for certain confidential communications; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of the practice of ~~[osteopathic medicine and osteopathic physician assistants]~~ **music therapy, dietetics, medical laboratory personnel, radiation therapy and radiologic imaging** by the State Board of ~~[Osteopathic Medicine. (Chapter 633]~~ **Health. (Chapters 640D, 640E, 652 and 653** of NRS) **Sections ~~[10-63]~~ 1.03-1.8** of this bill similarly require the Board **and the Division of Public and Behavioral Health of the Department of Health and Human Services** to regulate the practice of naprapathy. **Section ~~[30]~~ 1.19** of this bill exempts naprapaths employed by the Federal Government **and other licensed providers of health care** from such regulation. **Section ~~[12]~~ 1.18** of this bill defines the term "naprapathy" to mean the use of certain techniques to diagnose and treat various injuries and connective tissue disorders. **Sections ~~[10 and 11]~~ 1.06-1.15** of this bill define other relevant terms **. ~~[, and section 24 of this bill makes a conforming change to indicate the proper placement of sections 10-12 in the Nevada Revised Statutes.]~~ Sections 5, ~~[67 and 68]~~ 30,**

63.5, 64.5, 65.5, and 66.5-68 of this bill exempt naprapaths ~~[from provisions governing homeopathic physicians, dieticians and cosmetologists, respectively. Naprapaths would also be exempt]~~ from provisions governing certain other professions. ~~[(NRS 630.047, 637B.080, 640A.070, 640B.145, 640C.100, 644A.150)]~~

Section ~~[13]~~ 1.2 of this bill creates and prescribes the membership of the Naprapathic Practice Advisory Board. **Section ~~[13]~~ 1.2** also prescribes the terms of the members of the Advisory Board and certain procedures governing the appointment and compensation of the members. **Section ~~[14]~~ 1.23** of this bill prescribes certain requirements relating to the operations of the Advisory Board. **Section ~~[15]~~ 1.26** of this bill requires the State Board of ~~[Osteopathic Medicine,]~~ **Health,** with the advice of the Advisory Board, to adopt regulations governing the licensure of naprapaths, the practice of naprapathy and the approval of programs of education in naprapathy. **Section ~~[14]~~ 1.23** requires the Advisory Board to advise the State Board of ~~[Osteopathic Medicine]~~ **Health** on the adoption of those regulations.

Section ~~[63]~~ 1.8 of this bill makes it a ~~[felony]~~ **misdemeanor** for an unlicensed person to engage in or hold himself or herself out to engage in the practice of naprapathy. ~~[Sections 16 and 63]~~ **Section 1.29** of this bill ~~[create]~~ **creates** certain exceptions to that criminal penalty. **Sections 2-4, 6, 7, 35 and 64** of this bill clarify that providers of wellness services and certain providers of health care who are not also licensed as naprapaths are prohibited from engaging in the practice of naprapathy. **Section 66** of this bill provides that structural integration, as conducted by massage therapists, does not include the practice of naprapathy.

Section ~~[17]~~ 1.32 of this bill prescribes the qualifications to obtain a license to practice naprapathy, which include passing a test in the practice of naprapathy prepared, caused to be prepared or designated by the State Board of ~~[Osteopathic Medicine.]~~ **Health. Section ~~[20]~~ 1.46** of this bill requires the Board to prepare, cause to be prepared or designate such a test. **Sections ~~[18]~~ 1.35 and ~~[19]~~ 1.38** of this bill prescribe the qualifications and procedure to obtain a license by endorsement to practice naprapathy. **Section ~~[33]~~ 1.32** of this bill exempts applicants for licensure by endorsement from the standard licensure procedures used by the Board. **Section 1.4 of this bill requires an applicant for a license as a naprapath, including a license by endorsement, to submit his or her fingerprints for the purpose of a criminal background check. Section ~~[21]~~ 1.49** of this bill prescribes the expiration date and procedure to renew a license to practice naprapathy. ~~[Section 38 of this bill prescribes procedures governing: (1) placing such a license on inactive status; and (2) returning such a license to active status from inactive status or after retiring. Section 39 of this bill prescribes the maximum fees that the Board is authorized to charge to issue or renew a license to practice naprapathy.]~~

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) Sections 1.43 and 1.6 of this bill

enact such procedures as applicable to an applicant for a license as a naprapath in order to comply with federal law. Sections 87.5 and 91 of this bill remove a requirement that an application for a license as a naprapath include the social security number of the applicant on the date that those federal requirements are repealed, while leaving in place the other requirements of sections 1.43 and 1.6 until 2 years after that date. Section 1.85 of this bill makes a conforming change for applicants for licensure who do not have a social security number.

Section ~~[22]~~ 1.52 of this bill requires each licensed naprapath to conspicuously display his or her license and diploma from a program of education in naprapathy at each place where the licensee engages in the practice of naprapathy.

Existing law establishes a program whereby providers of health care are authorized to ask patients if they are veterans for the purpose of connecting patients who are veterans with the Department of Veterans Services. (NRS 417.123-417.128) Sections 1.54, 82 and 82.3 of this bill authorize naprapaths to participate in that program as providers of health care. Section ~~[23]~~ 1.55 of this bill requires a naprapath who determines that the diagnosis or treatment of a patient is beyond the scope of practice or the skill, training and competence of the naprapath to refer the patient to an appropriate provider of health care.

~~[Sections 25-32, 34 and 36-62 of this bill make various changes so that naprapaths are regulated similarly to other professions licensed by the Board. Specifically, sections 25-28 and 40]~~ **Section 1.58** of this bill ~~[prescribe]~~ **prescribes** grounds for discipline against a naprapath. ~~[Section 41 of this bill authorizes the Board to inspect the premises where a licensed naprapath practices naprapathy to determine whether a violation of provisions of law governing osteopathic medicine or naprapathy has occurred. Sections 42 and 43 of this bill require the insurer of a naprapath or a naprapath to report to the Board certain information relating to malpractice litigation or sanctions against the naprapath. Section 44 of this bill requires the Board to conduct an investigation upon receiving such a report of: (1) a judgment rendered or award made against a naprapath regarding an action or claim for malpractice; or (2) the settlement of such a claim or action. Sections 46, 47, 49-52, 54, 55 and 57 of this bill prescribe procedures governing disciplinary action against a naprapath, and section 56 of this bill prescribes the disciplinary action that the Board is authorized to impose. Sections 53 and 61]~~ **Section 1.65 of this bill requires the Division to hold a hearing upon receiving a report from the Attorney General that a naprapath has committed industrial insurance fraud. Sections 1.7 and 77.5 of this bill provide that certain documents relating to an investigation of a naprapath are confidential. Section 1.7 also provides that certain documents relating to disciplinary proceedings against a naprapath are public records. Section 1.75** of this bill ~~[authorize]~~ **authorizes** the Board **or Division** to apply to a court to ~~[: (1)]~~ enjoin certain misconduct by a naprapath or the unlicensed practice of naprapathy **. ~~[; (2)~~**

~~limit the practice of a naprapath; or (3) suspend the license of a naprapath. Section 58 of this bill prescribes the procedure to remove the suspension of or limitation on a license to practice naprapathy or reinstate a revoked license to practice naprapathy.]~~ **Sections 77.8 and 79.2-79.8 of this bill make conforming changes to indicate the proper placement of sections 1.03-1.8 in the Nevada Revised Statutes.**

Existing law defines the term "provider of health care" as a person who practices any of certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section ~~1~~ 1.95** of this bill includes naprapaths in the definition of "provider of health care," thereby subjecting naprapaths to those same requirements. **Section 8** of this bill requires a naprapath to report misconduct by a person licensed or certified by the State Board of Nursing to the Executive Director of that board.

Existing law establishes a privilege for confidential communications between a patient and a physician, dentist or chiropractor or person participating in the diagnosis or treatment of the patient under the direction of such a provider. (NRS 49.215-49.245) **Section 72** of this bill extends that same privilege to apply to confidential communications between a patient and a naprapath or a person under the direction of a naprapath.

Existing law provides that: (1) assault is generally a misdemeanor, with certain exceptions; and (2) assault upon a provider of health care is a gross misdemeanor **~~[.]~~ or felony, depending on the circumstances.** (NRS 200.471) **Section 75** of this bill includes a naprapath within the definition of "provider of health care" for that purpose, thereby making assault upon a naprapath a gross misdemeanor **~~[. Section]~~ or felony, depending on the circumstances. Sections 76 and 82.5** of this bill require a naprapath to report the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person **or the abuse or neglect of a child** in the same manner as other providers of health care. A naprapath would also be required to report the **~~[abuse, neglect or]~~** commercial sexual exploitation of a child. (NRS **~~[~~**~~432B.220,~~**]** 432C.110)

Existing law makes it a felony to perform a health care procedure for which certain licenses are required without such a license. (NRS 200.800-200.840) Sections 76.6 and 76.9 of this bill similarly make it a felony to perform a procedure for which a license as a naprapath is required without such a license. Sections 1.9, 65, 69-71, ~~[~~~~73, 74 and 77-87~~**~~]~~ 73-74.5, 76, 76.3, 77, 78, 79, 80-82 and 83-87** of this bill make revisions to treat naprapaths in the same manner as other similar providers of health care in other certain respects.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.03 to 1.8, inclusive, of this act.**

Sec. 1.03. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 1.06 to 1.18, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 1.06. ***"Advisory Board" means the Naprapathic Practice Advisory Board created by section 1.2 of this act.***

Sec. 1.09. ***"Board" means the State Board of Health.***

Sec. 1.12. ***"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.***

Sec. 1.15. ***"Naprapath" means a person who is a graduate of a program of education in naprapathy approved by the Division or who, by general education, practical training and experience determined to be satisfactory by the Division, is qualified to practice naprapathy and who has been issued a license by the Division.***

Sec. 1.18. ***1. "Naprapathy" means the diagnosis and treatment of contractures, muscle spasms, inflammation, scars, adhesions, lesions, laxity, hypotonicity, rigidity, structural imbalances, bruises, contusions, muscular atrophy, partial separation of connective tissue fibers and other connective tissue disorders through the use of techniques, including, without limitation:***

(a) Reviewing case history;

(b) The manipulation of connective tissue for examination and treatment;

(c) Therapeutic and rehabilitative exercise;

(d) Postural and nutritional counseling; and

(e) The application of heat, cold, light, water, radiant energy, electricity, sound, air and assistive devices for the purpose of preventing, correcting or alleviating a physical disability.

2. The term:

(a) Includes, without limitation:

(1) Advising or supervising the practice of naprapathy by another person who is licensed or otherwise authorized by this chapter to practice naprapathy; and

(2) Teaching the practice of naprapathy to any person.

(b) Does not include:

(1) Surgery, pharmacology or invasive diagnostic testing;

(2) Physical therapy, as defined in NRS 640.022, or the practice of physical therapy, as defined in NRS 640.024;

(3) Chiropractic, as defined in NRS 634.013, or any manipulation that constitutes chiropractic adjustment, as defined in NRS 634.014;

(4) Massage therapy, as defined in NRS 640C.060, or structural integration, as defined in NRS 640C.085; or

(5) Any procedure that breaks the skin, including, without limitation, the use of needles or syringes.

Sec. 1.19. ***This chapter does not apply to:***

1. A naprapath of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science.

Sec. 1.2. 1. The Naprapathic Practice Advisory Board is hereby created.

2. The Governor shall appoint to the Advisory Board:

(a) Three members who are licensed as naprapaths in this State or any other state; and

(b) Two members who are representatives of the public.

3. Each member of the Advisory Board:

(a) Must be a resident of this State; and

(b) May not serve more than two consecutive terms.

4. After the initial terms, the members of the Advisory Board must be appointed to terms of 4 years. A member:

(a) Serves until a replacement is appointed; and

(b) May not serve more than two full terms.

5. A vacancy on the Advisory Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

6. The Governor may remove a member of the Advisory Board for incompetence, neglect of duty, moral turpitude or malfeasance in office.

7. The members of the Advisory Board are not entitled to receive a salary. While engaged in the business of the Advisory Board, each member of the Advisory Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the State Board of Health. The rate must not exceed the rate provided for officers and employees of this State generally.

Sec. 1.23. 1. The Advisory Board shall:

(a) Elect from its members a Chair and any other officers determined necessary by the members of the Advisory Board at the first meeting of each year;

(b) Meet at least two times each year at the call of the Chair of the Advisory Board, or upon the written request of at least three members of the Advisory Board; and

(c) Advise the Board on the adoption of regulations pursuant to this chapter.

2. A majority of the members of the Advisory Board constitutes a quorum for the transaction of the business of the Advisory Board.

Sec. 1.26. The Board, with the advice of the Advisory Board, shall adopt regulations:

1. Governing the licensure of naprapaths and the practice of naprapathy, including, without limitation:

(a) The minimum hours of clinical experience and other minimum qualifications for licensure as a naprapath, in addition to the qualifications prescribed by section 1.32 of this act;

(b) Rules of professional conduct for naprapaths;

(c) The requirements to register as a teacher, advisor or supervisor pursuant to subsection 2 of section 1.29 of this act, including, without limitation, the fee for such registration;

(d) The requirements for continuing education for the renewal of a license as a naprapath; and

(e) Requirements governing advertising or the use of promotional materials by a naprapath; and

2. Prescribing requirements for the approval of programs of education in naprapathy by the Division, including, without limitation, regulations governing the curriculum for such programs.

Sec. 1.29. 1. A person who is enrolled in a program of education in naprapathy that is approved by the Division pursuant to the regulations adopted pursuant to subsection 2 of section 1.26 of this act and who is not licensed to practice naprapathy may engage in the practice of naprapathy while under the supervision of a licensed naprapath.

2. A person who is not licensed to practice naprapathy may practice naprapathy in this State for not more than 1 month in a calendar year as part of his or her duties as a teacher, advisor or supervisor in a program of education in naprapathy or a program of continuing education for naprapaths if the person registers with the Division as a teacher, advisor or supervisor.

3. A person who has graduated from a program of education in naprapathy that is approved by the Division pursuant to the regulations adopted pursuant to subsection 2 of section 1.26 of this act may hold himself or herself out as a doctor of naprapathy and use the letters "D.N." following his or her name, regardless of whether he or she is licensed pursuant to this chapter. Such a person who is not licensed pursuant to this chapter shall not identify himself or herself as a naprapath or otherwise hold himself or herself out as licensed or qualified to engage in the practice of naprapathy in this State.

Sec. 1.32. Except as otherwise provided in sections 1.35 and 1.38 of this act, an applicant for a license to practice naprapathy must:

1. Be at least 21 years of age;

2. Have a bachelor's degree;

3. Have graduated from a program of education in naprapathy approved by the Division pursuant to the regulations adopted pursuant to subsection 2 of section 1.26 of this act;

4. Pass the test prepared or designated by the Board pursuant to section 1.46 of this act;

5. Submit to the Division an application fee of $500; and

6. Possess any other qualifications required by the Board pursuant to section 1.26 of this act.

Sec. 1.35. 1. The Division may issue a license by endorsement to practice naprapathy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice naprapathy in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a license to practice naprapathy; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in section 1.4 of this act;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) An application fee of $500; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice naprapathy pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement to practice naprapathy to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section,

➥ whichever occurs later.

Sec. 1.38. 1. The Division may issue a license by endorsement to practice naprapathy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice naprapathy in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory of the United States in which the applicant holds a license to practice naprapathy; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in section 1.4 of this act;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) An application fee of $500; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice naprapathy pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement to practice naprapathy to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Division to complete the application; or

(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section, ➥ *whichever occurs later.*

4. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Division may grant a provisional license authorizing an applicant to practice naprapathy in accordance with regulations adopted by the Board, with the advice of the Advisory Board.

5 As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 1.4. In addition to any other requirements set forth in this chapter, each applicant for a license, including, without limitation, an expedited license pursuant to section 1.35 or 1.38 of this act, must submit to the Division a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada

Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 1.43. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license as a naprapath shall:

(a) Include the social security number of the applicant in the application submitted to the Division.

(b) Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 1.46. The Board shall:

1. Prepare or cause to be prepared a test on the practice of naprapathy which must be passed by an applicant for a license pursuant to section 1.32 of this act; or

2. Designate a national examination for that purpose.

Sec. 1.49. Each license to practice naprapathy issued pursuant to this chapter expires on January 1 of each year and may be renewed if, before the license expires, the licensee submits to the Division:

1. An application on a form prescribed by the Division;

2. Proof of completion of the requirements for continuing education prescribed by the Board pursuant to section 1.26 of this act; and

3. A renewal fee of $500.

Sec. 1.52. ***Each person licensed to practice naprapathy shall display his or her license and a copy of his or her diploma from a program of education in naprapathy conspicuously at each place where the person engages in the practice of naprapathy.***

Sec. 1.54. ***1. A naprapath may:***

(a) Ask each new patient who is 18 years of age or older if he or she is a veteran and document the response in the medical record of the patient; and

(b) Provide the contact information for the Department of Veterans Services to any such patient who indicates that he or she is a veteran.

2. The Division may ask each applicant for the renewal of a license as a naprapath if the applicant performs the actions described in subsection 1. If such a question is asked, the Division must allow the applicant to refuse to answer.

3. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.125.

Sec. 1.55. ***1. If a naprapath determines that the diagnosis or treatment of a patient is beyond the scope of practice or the skill, training and competence of the naprapath, the naprapath shall refer the patient to an appropriate provider of health care.***

2. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 1.58. ***1. A naprapath is subject to disciplinary action if the naprapath:***

(a) Violates any provision of this chapter or any regulation adopted pursuant thereto;

(b) Makes any misrepresentation in obtaining a license;

(c) Has been convicted of a felony relating to the practice of naprapathy;

(d) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(e) Fails to meet the minimum standards prescribed by the Board; or

(f) Commits any other act or omission designated by regulation of the Board, with the advice of the Advisory Board, as grounds for disciplinary action.

2. The Board, with the advice of the Advisory Board, shall adopt regulations governing the procedure for imposing disciplinary action pursuant to this section and the disciplinary actions that may be imposed. Such disciplinary actions may include, without limitation:

(a) The denial, suspension, revocation or refusal to renew a license;

(b) The imposition of limitations on the practice of the naprapath; and

(c) An administrative fine not to exceed $5,000 for each violation.

Sec. 1.6. ***1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the Division shall deem the license or certificate issued to that person to be***

suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or certificate was suspended stating that the person whose license or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 1.65. 1. If the Division receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held pursuant to regulations adopted by the Board, with the advice of the Advisory Board, to consider the contents of the report.

2. The Board, with the advice of the Advisory Board, shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 1.7. 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Division to initiate disciplinary action and all documents and information considered by the Division when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 1.75. 1. If the Board or the Division determines that a person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, the Board or Division may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation.

2. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prohibit the criminal prosecution and punishment of the person who commits the violation.

Sec. 1.8. 1. Except as authorized by section 1.29 of this act, person who is not licensed as a naprapath pursuant to this chapter, or a person whose license as a naprapath has expired or has been suspended or revoked by the Division, shall not:

(a) Provide naprapathy services;

(b) Use in connection with his or her name the words or letters "D.N," "naprapath," "licensed naprapath," "Doctor of Naprapathy" or any other letters, words or insignia indicating or implying that he or she is licensed to practice naprapathy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed or qualified to engage in the practice of naprapathy; or

(c) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "Naprapathy" or "Naprapath" or any other term that indicates or implies that he or she is licensed or qualified to practice naprapathy.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 1.85. **NRS 622.238 is hereby amended to read as follows:**

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 641D.330, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155 ~~[,]~~ ***and section 1.43 of this act,*** an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number,

provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 1.9. **NRS 622.520 is hereby amended to read as follows:**

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641D, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act,*** 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-

numbered years or to the Joint Interim Standing Committee on Health and Human Services in even-numbered years.

~~[Section 1.]~~ ***Sec. 1.95.*** NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractic physician;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

(bb) A behavior analyst, assistant behavior analyst or registered behavior technician; ~~[or]~~

(cc) ***A naprapath; or***

(dd) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS ***, the practice of naprapathy in violation of*** ~~***[chapter 633 of NRS]***~~ ***sections 1.03 to 1.8, inclusive, of this act*** or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060, reflexology as that term is defined in NRS 640C.080 or structural integration as that term is defined in NRS 640C.085;

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS; or

(m) Engages in the practice of applied behavior analysis in violation of chapter 641D of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is

advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) A statement in substantially the following form:

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➥ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

(a) Are unable to read;

(b) Are blind or visually impaired;

(c) Have communication impairments; or

(d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

(a) Anthroposophy.

(b) Aromatherapy.

(c) Traditional cultural healing practices.

(d) Detoxification practices and therapies.

(e) Energetic healing.

(f) Folk practices.

(g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

Sec. 3. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of licenses.

4. The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to NRS 630.2751 or 630.2752.

5. The tests or examinations of applicants required by the Board.

6. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, ***naprapaths,*** chiropractic physicians, podiatric physicians and optometrists under chapters 631, ~~***[633,]***~~ ***sections 1.03 to 1.8, inclusive, of this act,*** 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.

7. The duration, renewal and termination of licenses, including licenses by endorsement. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirements for the renewal of licenses.

8. The grounds and procedures respecting disciplinary actions against physician assistants.

9. The supervision of medical services of a physician assistant by a supervising physician.

10. A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States.

Sec. 4. NRS 630.279 is hereby amended to read as follows:

630.279 The Board shall adopt regulations regarding the licensure of practitioners of respiratory care, including, without limitation:

1. Educational and other qualifications of applicants;

2. Required academic programs which applicants must successfully complete;

3. Procedures for applying for and issuing licenses;

4. Tests or examinations of applicants by the Board;

5. The types of medical services that a practitioner of respiratory care may perform, except that a practitioner of respiratory care may not perform those specific functions and duties delegated or otherwise restricted by specific statute to persons licensed as dentists, chiropractic physicians, ***naprapaths,*** podiatric physicians, optometrists, physicians, osteopathic physicians or hearing aid specialists pursuant to this chapter or chapter 631, 633, 634, 635, 636 or 637B of NRS, as appropriate, or persons who hold a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS;

6. The duration, renewal and termination of licenses; and

7. The grounds and procedures for disciplinary actions against practitioners of respiratory care.

Sec. 5. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

(a) The practice of dentistry, chiropractic, ***naprapathy,*** Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 6. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a homeopathic assistant, including, but not limited to:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of certificates.

4. The tests or examinations of applicants by the Board.

5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, ***naprapaths,*** chiropractic physicians, podiatric physicians, optometrists or hearing aid specialists under chapter 631, ***~~[633,]~~ sections 1.03 to 1.8, inclusive, of this act,*** 634, 635, 636 or 637B, respectively, of NRS or persons licensed to engage in radiation therapy or radiologic imaging pursuant to chapter 653 of NRS.

6. The duration, renewal and termination of certificates.

7. The grounds respecting disciplinary actions against homeopathic assistants.

8. The supervision of a homeopathic assistant by a supervising homeopathic physician.

9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 7. NRS 632.235 is hereby amended to read as follows:

632.235 A registered nurse may perform such acts, under emergency or other special conditions prescribed by regulations adopted by the Board, which include special training, as are recognized by the medical and nursing professions as proper to be performed by a registered nurse under those conditions, even though the acts might otherwise be considered diagnosis and prescription, but nothing in this chapter authorizes registered nurses to perform those functions and duties specifically delegated by law to persons licensed as dentists, podiatric physicians, optometrists **,** ***naprapaths*** or chiropractic physicians.

Sec. 8. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, ***naprapath,*** chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The

superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 9. ~~[Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 23, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[*"Advisory Board" means the Naprapathic Practice Advisory Board created by section 13 of this act.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[*"Naprapath" means a person who is a graduate of a program of education in naprapathy approved by the Board or who, by general education, practical training and experience determined to be satisfactory by the Board, is qualified to practice naprapathy and who has been issued a license by the Board.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[*1. "Naprapathy" means the diagnosis and treatment of contractures, muscle spasms, inflammation, scars, adhesions, lesions, laxity, hypotonicity, rigidity, structural imbalances, bruises, contusions, muscular atrophy, partial separation of connective tissue fibers and other connective tissue disorders through the use of techniques including, without limitation:*

(a) Reviewing case history;

(b) The manipulation of connective tissue for examination and treatment;

(c) Therapeutic and rehabilitative exercise;

(d) Postural and nutritional counseling; and

(e) The application of heat, cold, light, water, radiant energy, electricity, sound, air and assistive devices for the purpose of preventing, correcting or alleviating a physical disability.

2. The term:

(a) Includes, without limitation:

(1) Advising or supervising the practice of naprapathy by another person who is licensed or otherwise authorized by this chapter to practice naprapathy; and

(2) Teaching the practice of naprapathy to any person.

(b) Does not include:

(1) Surgery, pharmacology or invasive diagnostic testing;

~~(2) Physical therapy, as defined in NRS 640.022, or the practice of physical therapy, as defined in NRS 640.024; or~~

~~(3) Chiropractic, as defined in NRS 634.013.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[1. The Naprapathic Practice Advisory Board is hereby created.~~

~~2. The Governor shall appoint to the Advisory Board:~~

~~(a) Three members who are licensed as naprapaths in this State or any other state; and~~

~~(b) Two members who are representatives of the public.~~

~~3. Each member of the Advisory Board:~~

~~(a) Must be a resident of this State; and~~

~~(b) May not serve more than two consecutive terms.~~

~~4. After the initial terms, the members of the Advisory Board must be appointed to terms of 4 years. A member:~~

~~(a) Serves until a replacement is appointed; and~~

~~(b) May not serve more than two full terms.~~

~~5. A vacancy on the Advisory Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.~~

~~6. The Governor may remove a member of the Advisory Board for incompetence, neglect of duty, moral turpitude or malfeasance in office.~~

~~7. The members of the Advisory Board are not entitled to receive a salary. While engaged in the business of the Advisory Board, each member of the Advisory Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the State Board of Osteopathic Medicine. The rate must not exceed the rate provided for officers and employees of this State generally.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[1. The Advisory Board shall:~~

~~(a) Elect from its members a Chair and any other officers determined necessary by the members of the Advisory Board at the first meeting of each year;~~

~~(b) Meet at least two times each year at the call of the Chair of the Advisory Board, or upon the written request of at least three members of the Advisory Board; and~~

~~(c) Advise the State Board of Osteopathic Medicine on the adoption of regulations pursuant to section 15 of this act.~~

~~2. A majority of the members of the Advisory Board constitutes a quorum for the transaction of the business of the Advisory Board.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[The State Board of Osteopathic Medicine, with the advice of the Advisory Board, shall adopt regulations:~~

~~1. Governing the licensure of naprapaths and the practice of naprapathy, including, without limitation:~~

~~*(a) The minimum hours of clinical experience and other minimum qualifications for licensure as a naprapath, in addition to the qualifications prescribed by section 17 of this act;*~~

~~*(b) Rules of professional conduct for naprapaths;*~~

~~*(c) The requirements to register as a teacher, advisor or supervisor pursuant to subsection 2 of section 16 of this act, including, without limitation, the fee for such registration;*~~

~~*(d) The requirements for continuing education for the renewal of a license as a naprapath; and*~~

~~*(e) Requirements governing advertising or the use of promotional materials by a naprapath; and*~~

~~*2. Prescribing requirements for the approval of programs of education in naprapathy, including, without limitation, regulations governing the curriculum for such programs.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[1. A person who is enrolled in a program of education in naprapathy that is approved by the Board pursuant to the regulations adopted pursuant to subsection 2 of section 15 of this act and who is not licensed to practice naprapathy may engage in the practice of naprapathy while under the supervision of a licensed naprapath.*~~

~~*2. A person who is not licensed to practice naprapathy may practice naprapathy in this State for not more than 1 month in a calendar year as part of his or her duties as a teacher, advisor or supervisor in a program of education in naprapathy or a program of continuing education for naprapaths if the person registers with the Board as a teacher, advisor or supervisor.*~~

~~*3. A person who has graduated from a program of education in naprapathy that is approved by the Board pursuant to the regulations adopted pursuant to subsection 2 of section 15 of this act may hold himself or herself out as a doctor of naprapathy and use the letters "D.N." following his or her name, regardless of whether he or she is licensed pursuant to this chapter. Such a person who is not licensed pursuant to this chapter shall not identify himself or herself as a naprapath or otherwise hold himself or herself out as licensed or qualified to engage in the practice of naprapathy in this State.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[Except as otherwise provided in sections 18 and 19 of this act, an applicant for a license to practice naprapathy must:*~~

~~*1. Be at least 21 years of age;*~~

~~*2. Have a bachelor's degree;*~~

~~*3. Have graduated from a program of education in naprapathy approved by the Board pursuant to the regulations adopted pursuant to subsection 2 of section 15 of this act;*~~

~~*4. Pass the test prepared or designated by the Board pursuant to section 20 of this act; and*~~

~~*5. Possess any other qualifications required by the Board pursuant to section 15 of this act.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~[1. The Board may issue a license by endorsement to practice naprapathy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice naprapathy in the District of Columbia or any state or territory of the United States.~~

~~2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~(a) Proof satisfactory to the Board that the applicant:~~

~~(1) Satisfies the requirements of subsection 1;~~

~~(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a license to practice naprapathy; and~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;~~

~~(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~(d) The application and initial license fee specified in this chapter; and~~

~~(e) Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement to practice naprapathy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice naprapathy to the applicant not later than:~~

~~(a) Forty-five days after receiving the application; or~~

~~(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section,~~

~~whichever occurs later.~~

~~4. A license by endorsement to practice naprapathy may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[1. The Board may issue a license by endorsement to practice naprapathy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:~~

~~(a) Holds a corresponding valid and unrestricted license to practice naprapathy in the District of Columbia or any state or territory of the United States; and~~

~~(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.~~

~~2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

~~(a) Proof satisfactory to the Board that the applicant:~~

~~(1) Satisfies the requirements of subsection 1;~~

~~(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory of the United States in which the applicant holds a license to practice naprapathy; and~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

~~(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;~~

~~(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~(d) The application and initial license fee specified in this chapter; and~~

~~(e) Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement to practice naprapathy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice naprapathy to the applicant not later than:~~

~~(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or~~

~~(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints pursuant to this section,~~

~~→ whichever occurs later.~~

~~4. A license by endorsement to practice as naprapathy may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.~~

~~5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice naprapathy in accordance with regulations adopted by the Board.~~

~~6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[The Board shall:~~

~~1. Prepare or cause to be prepared a test in the practice of naprapathy which must be passed by an applicant for a license pursuant to section 17 of this act; or~~

~~*2. Designate a national examination for that purpose.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[Each license to practice naprapathy issued pursuant to this chapter expires on January 1 of each year and may be renewed if, before the license expires, the licensee submits to the Board:*~~

~~*1. An application on a form prescribed by the Board;*~~

~~*2. Proof of completion of the requirements for continuing education prescribed by the Board pursuant to section 15 of this act; and*~~

~~*3. Except as otherwise provided in subsection 14 of NRS 633.471, the fee for the renewal of the license prescribed by the Board pursuant to NRS 633.501.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[Each person licensed to practice naprapathy shall display his or her license and a copy of his or her diploma from a program of education in naprapathy conspicuously at each place where the person engages in the practice of naprapathy.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[1. If a naprapath determines that the diagnosis or treatment of a patient is beyond the scope of practice or the skill, training and competence of the naprapath, the naprapath shall refer the patient to an appropriate provider of health care.*~~

~~*2. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.]*~~ **(Deleted by amendment.)**

Sec. 24. ~~[NRS 633.011 is hereby amended to read as follows:~~

~~633.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 633.021 to 633.131, inclusive, *and sections 10, 11 and 12 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 25. ~~[NRS 633.041 is hereby amended to read as follows:~~

~~633.041 "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:~~

~~1. [Performing surgery upon or otherwise ministering] *Providing medical or naprapathic services* to a patient while the osteopathic physician *, naprapath or physician assistant* is under the influence of alcohol or any controlled substance;~~

~~2. Gross negligence;~~

~~3. Knowing or willful disregard of established medical *or naprapathic* procedures; or~~

~~4. Knowing or willful and consistent use of medical *or naprapathic* procedures, services or treatment considered by osteopathic physicians *or naprapaths* in the community to be inappropriate or unnecessary in the cases where used.]~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 633.071 is hereby amended to read as follows:~~

~~633.071 "Malpractice" means failure on the part of an osteopathic physician *, naprapath* or physician assistant to exercise the degree of care, diligence and skill ordinarily exercised by osteopathic physicians *, naprapaths*~~

~~or physician assistants in good standing in the community in which he or she practices.~~**] (Deleted by amendment.)**

Sec. 27. **[**~~NRS 633.111 is hereby amended to read as follows:~~

~~633.111 "Professional incompetence" means lack of ability safely and skillfully to practice osteopathic medicine,~~ **[**~~or~~**]** ~~to practice one or more of its specified branches,~~ ***to practice naprapathy or to practice as a physician assistant*** ~~arising from:~~

~~1. Lack of knowledge or training;~~

~~2. Impaired physical or mental capability of the osteopathic physician~~ **[**~~;~~**],** ***naprapath or physician assistant;***

~~3. Indulgence in the use of alcohol or any controlled substance; or~~

~~4. Any other sole or contributing cause.~~**] (Deleted by amendment.)**

Sec. 28. **[**~~NRS 633.131 is hereby amended to read as follows:~~

~~633.131 1. "Unprofessional conduct" includes:~~

~~(a) Knowingly or willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine~~ ***, to practice naprapathy*** ~~or to practice as a physician assistant, or in applying for the renewal of a license to practice osteopathic medicine~~ ***, to practice naprapathy*** ~~or to practice as a physician assistant.~~

~~(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.~~

~~(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician~~ ***or naprapath*** ~~in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.~~

~~(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine~~ ***, in the practice of naprapathy*** ~~or in practice as a physician assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine~~ ***, to practice naprapathy*** ~~or to practice as a physician assistant.~~

~~(e) Advertising the practice of osteopathic medicine~~ ***or the practice of naprapathy*** ~~in a manner which does not conform to the guidelines established by regulations of the Board.~~

~~(f) Engaging in any:~~

~~(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or~~

~~(2) Medical~~ ***or naprapathic*** ~~practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.~~

~~(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.~~

~~(h) An alcohol or other substance use disorder.~~

~~(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.~~

~~(j) Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.~~

~~(k) Knowingly or willfully disobeying regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.~~

~~(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.~~

~~(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.~~

~~(n) Making alterations to the medical records of a patient that the licensee knows to be false.~~

~~(o) Making or filing a report which the licensee knows to be false.~~

~~(p) Failure of a licensee to file a record or report as required by law, or knowingly or willfully obstructing or inducing any person to obstruct such filing.~~

~~(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061, if the licensee is the custodian of health care records with respect to those records.~~

~~(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.~~

~~2. It is not unprofessional conduct:~~

~~(a) For persons holding valid licenses to practice osteopathic medicine *or to practice naprapathy* issued pursuant to this chapter to practice osteopathic medicine *or to practice naprapathy, as applicable,* in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;~~

~~(b) For two or more persons holding valid licenses to practice osteopathic medicine *or to practice naprapathy* issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each person; or~~

~~(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.~~

~~3. As used in this section, "custodian of health care records" has the meaning ascribed to it in NRS 629.016.~~ **(Deleted by amendment.)**

Sec. 29. ~~[NRS 633.151 is hereby amended to read as follows:~~

~~633.151 The purpose of licensing osteopathic physicians~~ ***, naprapaths*** ~~and physician assistants is to protect the public health and safety and the general welfare of the people of this State. Any license issued pursuant to this chapter is a revocable privilege, and a holder of such a license does not acquire thereby any vested right.~~**] (Deleted by amendment.)**

Sec. 30. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, ***naprapathy,*** podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program.

(f) A physician assistant ~~*[or naprapath]*~~ of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 31. ~~[NRS 633.286 is hereby amended to read as follows:~~

~~633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:~~

~~(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians~~ ***, naprapaths*** ~~and physician assistants for malpractice or negligence;~~

~~(b) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 3 and 6 of NRS 633.533 and NRS 690B.250; and~~

~~(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.~~

~~2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.~~**]** **(Deleted by amendment.)**

Sec. 32. **[**~~NRS 633.301 is hereby amended to read as follows:~~

~~633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician~~ ~~***, every naprapath***~~ ~~and every physician assistant licensed under this chapter.~~

~~2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~

~~3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.~~

~~4. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.~~**]** **(Deleted by amendment.)**

Sec. 33. **[**~~NRS 633.305 is hereby amended to read as follows:~~

~~633.305 Except as otherwise provided in NRS 633.399, 633.400, 633.4335 and 633.4336~~ **[**~~.~~**]** ***and sections 18 and 19 of this act:***

~~1. Every applicant for a license shall:~~

~~(a) File an application with the Board in the manner prescribed by regulations of the Board;~~

~~(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and~~

~~(c) Pay in advance to the Board the application and initial license fee specified in NRS 633.501.~~

~~2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.~~

~~3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.~~

~~4. The Board may reject an application if the Board has cause to believe that any credential or information submitted by the applicant is false, misleading, deceptive or fraudulent.~~**] (Deleted by amendment.)**

Sec. 34. ~~[~~NRS 633.3617 is hereby amended to read as follows:

~~633.3617 1. The Board may place any condition, limitation or restriction on any license issued pursuant to this chapter if the Board determines that such action is necessary to protect the public health, safety or welfare.~~

~~2. The Board shall not report any condition, limitation or restriction placed on a license pursuant to this section to the National Practitioner Data Bank unless the licensee fails to comply with the condition, limitation or restriction placed on the license. The Board may, upon request, report any such information to an agency of another state which regulates the practice of osteopathic medicine~~ ***or naprapathy*** ~~in that State.~~

~~3. The Board may modify any condition, limitation or restriction placed on a license pursuant to this section if the Board determines that the modification is necessary to protect the public health, safety or welfare.~~

~~4. Any condition, limitation or restriction placed on a license pursuant to this section is not a disciplinary action pursuant to NRS 633.651.~~**] (Deleted by amendment.)**

Sec. 35. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The procedures deemed necessary by the Board for applications for and the issuance of initial licenses by endorsement pursuant to NRS 633.4335 and 633.4336.
5. The tests or examinations of applicants by the Board.
6. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as ***naprapaths,*** dentists, chiropractic physicians, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under ***~~[this chapter or]~~ sections 1.03 to 1.8. inclusive, of this act or*** chapters 631, 634, 634A, 635, 636 and 637B, respectively, of NRS.
7. The grounds and procedures respecting disciplinary actions against physician assistants.

8. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 36. ~~[NRS 633.471 is hereby amended to read as follows:~~

~~"633.471 1. Except as otherwise provided in subsection 14 and NRS 633.491, every holder of a license, except a~~ ***naprapath or*** ~~physician assistant, issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:~~

~~(a) Applying for renewal on forms provided by the Board;~~

~~(b) Paying the annual license renewal fee specified in this chapter;~~

~~(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;~~

~~(d) Subject to subsection 13, submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and~~

~~(e) Submitting all information required to complete the renewal.~~

~~2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.~~

~~3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one third of the applicants for renewal of a license to practice osteopathic medicine~~ ***, a license to engage in the practice of naprapathy*** ~~or a license to practice as a physician assistant. Subject to subsection 13, upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine~~ ***, a license to engage in the practice of naprapathy*** ~~or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.~~

~~4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.~~

~~5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.~~

~~6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:~~

~~(a) Recognizing the symptoms of pediatric cancer; and~~

~~(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.~~

~~7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.~~

~~8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician or physician assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.~~

~~9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:~~

~~(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;~~

~~(b) Approaches to engaging other professionals in suicide intervention; and~~

~~(c) The detection of suicidal thoughts and ideations and the prevention of suicide.~~

~~10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.~~

~~11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.~~

~~12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:~~

~~(a) May include the training provided pursuant to NRS 449.103, where applicable.~~

~~(b) Must be based upon a range of research from diverse sources.~~

~~(c) Must address persons of different cultural backgrounds, including, without limitation:~~

~~(1) Persons from various gender, racial and ethnic backgrounds;~~

~~(2) Persons from various religious backgrounds;~~

~~(3) Lesbian, gay, bisexual, transgender and questioning persons;~~

~~(4) Children and senior citizens;~~

~~(5) Veterans;~~

~~(6) Persons with a mental illness;~~

~~(7) Persons with an intellectual disability, developmental disability or physical disability; and~~

~~(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.~~

~~13. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.~~

~~14. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.~~**] (Deleted by amendment.)**

Sec. 37. **[**~~NRS 633.472 is hereby amended to read as follows:~~

~~633.472 1. An osteopathic physician~~**, *naprapath*** ~~or physician assistant may:~~

~~(a) Ask each new patient who is 18 years of age or older if he or she is a veteran and document the response in the medical record of the patient; and~~

~~(b) Provide the contact information for the Department of Veterans Services to any such patient who indicates that he or she is a veteran.~~

~~2. The Board may ask each applicant for the renewal of a license as an osteopathic physician~~**, *naprapath*** ~~or physician assistant if the applicant performs the actions described in subsection 1. If such a question is asked, the Board must allow the applicant to refuse to answer.~~

~~3. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.125.~~**] (Deleted by amendment.)**

Sec. 38. **[**~~NRS 633.491 is hereby amended to read as follows:~~

~~633.491 1. A licensee who retires from practice is not required annually to renew his or her license after filing with the Board an affidavit stating the date on which he or she retired from practice and any other evidence that the Board may require to verify the retirement.~~

~~2. An osteopathic physician~~**, *naprapath*** ~~or physician assistant who retires from practice and who desires to return to practice may apply to renew his or her license by paying all back annual license renewal fees or annual registration fees from the date of retirement and submitting verified evidence~~

~~satisfactory to the Board that the licensee has attended continuing education courses or programs approved by the Board which total:~~

~~(a) Twenty-five hours if the licensee has been retired 1 year or less.~~

~~(b) Fifty hours within 12 months of the date of the application if the licensee has been retired for more than 1 year.~~

~~3. A licensee who wishes to have a license placed on inactive status must provide the Board with an affidavit stating the date on which the licensee will cease the practice of osteopathic medicine~~ ***, cease to practice as a naprapath*** ~~or cease to practice as a physician assistant~~ ***, as applicable,*** ~~in Nevada and any other evidence that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:~~

~~(a) The affidavit required pursuant to this subsection; and~~

~~(b) Payment of the inactive license fee prescribed by NRS 633.501.~~

~~4. An osteopathic physician~~ ***, naprapath*** ~~or physician assistant whose license has been placed on inactive status:~~

~~(a) Is not required to annually renew the license.~~

~~(b) Except as otherwise provided in subsection 6, shall annually pay the inactive license fee prescribed by NRS 633.501.~~

~~(c) Shall not practice osteopathic medicine~~ ***, practice naprapathy*** ~~or practice as a physician assistant in this State.~~

~~5. A physician assistant whose license has been placed on inactive status shall not practice as a physician assistant. The Board shall consider a physician assistant whose license has been placed on inactive status and who practices as a physician assistant to be practicing without a license. Such practice constitutes grounds for disciplinary action against the physician assistant in accordance with the regulations adopted by the Board pursuant to NRS 633.434.~~

~~6. The Board shall exempt a physician assistant whose license has been placed on inactive status from paying the inactive license fee prescribed by NRS 633.501.~~

~~7. An osteopathic physician~~ ***, naprapath*** ~~or physician assistant whose license is on inactive status and who wishes to renew his or her license to practice osteopathic medicine~~ ***, license to practice naprapathy*** ~~or license to practice as a physician assistant must:~~

~~(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:~~

~~(1) The year preceding the date of the application for renewal of the license; and~~

~~(2) Each year after the date the license was placed on inactive status.~~

~~(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would constitute grounds for disciplinary action pursuant to this chapter.~~

~~(c) Comply with all other requirements for renewal.~~**] (Deleted by amendment.)**

Sec. 39. ~~[NRS 633.501 is hereby amended to read as follows:~~

~~633.501 1. Except as otherwise provided in subsection 2, the Board shall charge and collect fees not to exceed the following amounts:~~

~~(a) Application and initial license fee for an osteopathic physician $800~~

~~(b) Annual license renewal fee for an osteopathic physician 500~~

~~(c) Temporary license fee 500~~

~~(d) Special or authorized facility license fee200~~

~~(e) Special event license fee 200~~

~~(f) Special or authorized facility license renewal fee 200~~

~~(g) Reexamination fee 200~~

~~(h) Late payment fee 300~~

~~(i) Application and initial license fee for a physician assistant 400~~

~~(j) Application and initial simultaneous license fee for a physician assistant 200~~

~~(k) Annual registration fee for a physician assistant 400~~

~~(l) Annual simultaneous registration fee for a physician assistant 200~~

~~(m) *Application and initial license fee for a naprapath 500*~~

~~*(n) Annual license renewal fee for a naprapath 500*~~

~~*(o)* Inactive license fee 200~~

~~2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a)~~ **, [**or**]** ~~(i)~~ ***or (m)*** ~~of subsection 1 which expires less than 6 months after the date of issuance.~~

~~3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting the meeting has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.~~

~~4. If an applicant submits an application for a license by endorsement pursuant to:~~

~~(a) NRS 633.399 or 633.400 and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.~~

~~(b) NRS 633.4336~~ **[,]** ~~*or section 19 of this act,* the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.~~**] (Deleted by amendment.)**

Sec. 40. ~~[NRS 633.511 is hereby amended to read as follows:~~

~~633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:~~

~~(a) Unprofessional conduct.~~

~~(b) Conviction of:~~

~~(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;~~

~~(2) A felony relating to the practice of osteopathic medicine~~ ***, the practice of naprapathy*** ~~or practice as a physician assistant;~~

~~(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;~~

~~(4) Murder, voluntary manslaughter or mayhem;~~

~~(5) Any felony involving the use of a firearm or other deadly weapon;~~

~~(6) Assault with intent to kill or to commit sexual assault or mayhem;~~

~~(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;~~

~~(8) Abuse or neglect of a child or contributory delinquency; or~~

~~(9) Any offense involving moral turpitude.~~

~~(c) The suspension of a license to practice osteopathic medicine~~ ***, to engage in the practice of naprapathy*** ~~or to practice as a physician assistant by any other jurisdiction.~~

~~(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.~~

~~(e) Professional incompetence.~~

~~(f) Failure to comply with the requirements of NRS 633.527.~~

~~(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.~~

~~(h) Failure to comply with the provisions of NRS 633.694.~~

~~(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~

~~(1) The license of the facility is suspended or revoked; or~~

~~(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~

~~➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.~~

~~(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.~~

~~(k) Signing a blank prescription form.~~

~~(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

~~(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~

~~(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;~~

~~(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or~~

~~(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.~~

~~(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.~~

~~(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.~~

~~(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.~~

~~(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter, except for a violation of NRS 633.4717, or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.~~

~~(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.~~

~~(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.~~

~~(s) Failure to comply with the provisions of NRS 629.515.~~

~~(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.~~

~~(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.~~

~~(v) Failure to comply with the provisions of NRS 633.6955.~~

~~(w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.~~

~~(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.~~

~~(y) Failure to comply with the provisions of NRS 454.217 or 629.086.~~

~~(z) Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.~~

~~(aa) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.~~

~~2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.~~**]** **(Deleted by amendment.)**

Sec. 41. **[**~~NRS 633.512 is hereby amended to read as follows:~~

~~633.512 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine~~ **, *naprapathy*** ~~or as a physician~~

~~assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation:~~

~~1. An inspection to determine whether any person at the premises is practicing osteopathic medicine , *naprapathy* or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter; or~~

~~2. An inspection to determine whether any osteopathic physician is allowing a person to perform or participate in any activity under the supervision of the osteopathic physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine in violation of NRS 633.6955.~~**]** **(Deleted by amendment.)**

Sec. 42. **[**~~NRS 633.526 is hereby amended to read as follows:~~

~~633.526 1. The insurer of an osteopathic physician , *naprapath* or physician assistant licensed under this chapter shall report to the Board:~~

~~(a) Any action for malpractice against the osteopathic physician , *naprapath* or physician assistant not later than 45 days after the osteopathic physician , *naprapath* or physician assistant receives service of a summons and complaint for the action;~~

~~(b) Any claim for malpractice against the osteopathic physician , *naprapath* or physician assistant that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation; and~~

~~(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.~~

~~2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this State to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than $10,000 against the insurer for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.~~**]** **(Deleted by amendment.)**

Sec. 43. **[**~~NRS 633.527 is hereby amended to read as follows:~~

~~633.527 1. An osteopathic physician , *naprapath* or physician assistant shall report to the Board:~~

~~(a) Any action for malpractice against the osteopathic physician , *naprapath* or physician assistant not later than 45 days after the osteopathic physician , *naprapath* or physician assistant receives service of a summons and complaint for the action;~~

~~(b) Any claim for malpractice against the osteopathic physician , *naprapath* or physician assistant that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation;~~

~~(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition; and~~

~~(d) Any sanctions imposed against the osteopathic physician **, *naprapath*** or physician assistant that are reportable to the National Practitioner Data Bank not later than 45 days after the sanctions are imposed.~~

~~2. If the Board finds that an osteopathic physician **, *naprapath*** or physician assistant has violated any provision of this section, the Board may impose a fine of not more than $5,000 against the osteopathic physician **, *naprapath*** or physician assistant for each violation, in addition to any other fines or penalties permitted by law.~~

~~3. All reports made by an osteopathic physician **, *naprapath*** or physician assistant pursuant to this section are public records.~~**]** **(Deleted by amendment.)**

Sec. 44. ~~[NRS 633.528 is hereby amended to read as follows:~~

~~633.528 If the Board receives a report pursuant to the provisions of NRS 633.526, 633.527 or 690B.250 indicating that a judgment has been rendered or an award has been made against an osteopathic physician **, *naprapath*** or physician assistant regarding an action or claim for malpractice or that such an action or claim against the osteopathic physician **, *naprapath*** or physician assistant has been resolved by settlement, the Board shall conduct an investigation to determine whether to discipline the osteopathic physician **, *naprapath*** or physician assistant regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.~~**]** **(Deleted by amendment.)**

Sec. 45. ~~[NRS 633.529 is hereby amended to read as follows:~~

~~633.529 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board or an investigative committee of the Board receives a report pursuant to the provisions of NRS 633.526, 633.527 or 690B.250 indicating that a judgment has been rendered or an award has been made against an osteopathic physician **, *naprapath*** or physician assistant regarding an action or claim for malpractice, or that such an action or claim against the osteopathic physician **, *naprapath*** or physician assistant has been resolved by settlement, the Board or committee may order the osteopathic physician **, *naprapath*** or physician assistant to undergo a mental or physical examination or any other examination designated by the Board to test his or her competence to practice osteopathic medicine **, *practice naprapathy*** or to practice as a physician assistant, as applicable. An examination conducted pursuant to this subsection must be conducted by a person designated by the Board.~~

~~2. For the purposes of this section:~~

~~(a) An osteopathic physician **, *naprapath*** or physician assistant who applies for a license or who holds a license under this chapter is deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice osteopathic medicine **, *practice naprapathy*** or to practice as a physician assistant, as applicable, pursuant to a written order by the Board.~~

~~(b) The testimony or reports of a person who conducts an examination of an osteopathic physician **, *naprapath*** or physician assistant on behalf of the

~~Board pursuant to this section are not privileged communications.~~**] (Deleted by amendment.)**

Sec. 46. **[**~~NRS 633.531 is hereby amended to read as follows:~~

~~"633.531 1. The Board or any of its members, or a medical review panel of a hospital or medical society, which becomes aware of any conduct by an osteopathic physician~~ ***, naprapath*** ~~or physician assistant that may constitute grounds for initiating disciplinary action shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board.~~

~~2. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.~~**] (Deleted by amendment.)**

Sec. 47. **[**~~NRS 633.533 is hereby amended to read as follows:~~

~~"633.533 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against an osteopathic physician~~ ***, naprapath*** ~~or physician assistant on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.~~

~~2. Any licensee, medical~~ ***or naprapathic*** ~~school or medical facility that becomes aware that a person practicing osteopathic medicine~~ ***, practicing naprapathy*** ~~or practicing as a physician assistant in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.~~

~~3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical~~ ***or naprapathic*** ~~society, shall file a written report with the Board of any change in the privileges of an osteopathic physician~~ ***, naprapath*** ~~or physician assistant to practice while the osteopathic physician~~ ***, naprapath*** ~~or physician assistant is under investigation, and the outcome of any disciplinary action taken by the facility or society against the osteopathic physician~~ ***, naprapath*** ~~or physician assistant concerning the care of a patient or the competency of the osteopathic physician~~ ***, naprapath*** ~~or physician assistant, within 30 days after the change in privileges is made or disciplinary action is taken.~~

~~4. A hospital, clinic or other medical facility licensed in this State, or medical~~ ***or naprapathic*** ~~society, shall report to the Board within 5 days after a change in the privileges of an osteopathic physician~~ ***, naprapath*** ~~or physician assistant that is based on:~~

~~(a) An investigation of the mental, medical or psychological competency of the osteopathic physician~~ ***, naprapath*** ~~or physician assistant; or~~

~~(b) A suspected or alleged substance use disorder in any form by the osteopathic physician~~ ***, naprapath*** ~~or physician assistant.~~

~~5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division determines that any such facility or society failed to comply with the requirements of subsection 3 or 4, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.~~

~~6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician~~ ~~**, *naprapath***~~ ~~or physician assistant:~~

~~(a) Is mentally ill;~~

~~(b) Is mentally incompetent;~~

~~(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;~~

~~(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or~~

~~(e) Is liable for damages for malpractice or negligence,~~

~~➥ within 45 days after the finding, judgment or determination.~~**]** **(Deleted by amendment.)**

Sec. 48. ~~**[**NRS 633.542 is hereby amended to read as follows:~~

~~633.542 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice osteopathic medicine~~ ~~**, *naprapathy***~~ ~~or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.~~**]** **(Deleted by amendment.)**

Sec. 49. ~~**[**NRS 633.561 is hereby amended to read as follows:~~

~~633.561 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board or a member of the Board designated to review a complaint pursuant to NRS 633.541 has reason to believe that the conduct of an osteopathic physician~~ ~~**, *naprapath***~~ ~~or physician assistant has raised a reasonable question as to his or her competence to practice osteopathic medicine~~ ~~**, *to practice naprapathy***~~ ~~or to practice as a physician assistant, as applicable, with reasonable skill and safety to patients, the Board or the member designated by the Board may require the osteopathic physician~~ ~~**, *naprapath***~~ ~~or physician assistant to submit to a mental or physical examination conducted by physicians designated by the Board. If the osteopathic physician~~ ~~**, *naprapath***~~ ~~or physician assistant participates in a diversion program, the diversion program may exchange with any authorized member of the staff of the Board any information concerning the recovery and participation of the osteopathic physician~~ ~~**, *naprapath***~~ ~~or physician assistant in the diversion program. As used in this subsection, "diversion program" means a program approved by the~~

~~Board for an alcohol or other substance use disorder or any other impairment of an osteopathic physician , *naprapath* or physician assistant.~~

~~2. For the purposes of this section:~~

~~(a) An osteopathic physician , *naprapath* or physician assistant who is licensed under this chapter and who accepts the privilege of practicing osteopathic medicine , *practicing naprapathy* or practicing as a physician assistant in this State is deemed to have given consent to submit to a mental or physical examination pursuant to a written order by the Board.~~

~~(b) The testimony or examination reports of the examining physicians are not privileged communications.~~

~~3. Except in extraordinary circumstances, as determined by the Board, the failure of an osteopathic physician , *naprapath* or physician assistant who is licensed under this chapter to submit to an examination pursuant to this section constitutes an admission of the charges against the osteopathic physician , *naprapath* or physician assistant.~~**]** **(Deleted by amendment.)**

Sec. 50. **[**~~NRS 633.571 is hereby amended to read as follows:~~

~~633.571 Notwithstanding the provisions of chapter 622A of NRS, if the Board has reason to believe that the conduct of any osteopathic physician , *naprapath* or physician assistant has raised a reasonable question as to his or her competence to practice osteopathic medicine , *to practice naprapathy* or to practice as a physician assistant, as applicable, with reasonable skill and safety to patients, the Board may require the osteopathic physician , *naprapath* or physician assistant to submit to an examination for the purposes of determining his or her competence to practice osteopathic medicine , *to practice naprapathy* or to practice as a physician assistant, as applicable, with reasonable skill and safety to patients.~~**]** **(Deleted by amendment.)**

Sec. 51. **[**~~NRS 633.581 is hereby amended to read as follows:~~

~~633.581 1. If an investigation by the Board of an osteopathic physician , *naprapath* or physician assistant reasonably determines that the health, safety or welfare of the public or any patient served by the osteopathic physician , *naprapath* or physician assistant is at risk of imminent or continued harm, the Board may summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal complaint against the licensee. The order of summary suspension may be issued only by the Board or an investigative committee of the Board.~~

~~2. If the Board or an investigative committee of the Board issues an order summarily suspending the license of a licensee pursuant to subsection 1, the Board shall hold a hearing not later than 60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held pursuant to this section, the Board shall reinstate the license of the licensee.~~

~~3. Notwithstanding the provisions of chapter 622A of NRS, if the Board or an investigative committee of the Board issues an order summarily suspending the license of an osteopathic physician , *naprapath* or physician assistant pursuant to subsection 1 and the Board requires the licensee to submit to a mental or physical examination or a medical *or naprapathic* competency examination, the examination must be conducted and the results must be obtained not later than 30 days after the order is issued.~~**]** **(Deleted by amendment.)**

Sec. 52. **[**~~NRS 633.591 is hereby amended to read as follows:~~

~~633.591 Notwithstanding the provisions of chapter 622A of NRS, if the Board issues an order summarily suspending the license of an osteopathic physician , *naprapath* or physician assistant pending proceedings for disciplinary action, including, without limitation, a summary suspension pursuant to NRS 233B.127, the court shall not stay that order unless the Board fails to institute and determine such proceedings as promptly as the requirements for investigation of the case reasonably allow.~~**]** **(Deleted by amendment.)**

Sec. 53. **[**~~NRS 633.601 is hereby amended to read as follows:~~

~~633.601 1. In addition to any other remedy provided by law, the Board, through an officer of the Board or the Attorney General, may apply to any court of competent jurisdiction to enjoin any unprofessional conduct of an osteopathic physician , *naprapath* or physician assistant which is harmful to the public or to limit the practice of the osteopathic physician , *naprapath* or physician assistant or suspend his or her license to practice osteopathic medicine , *practice naprapathy* or to practice as a physician assistant, as applicable, as provided in this section.~~

~~2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for such purposes:~~

~~(a) Without proof of actual damage sustained by any person, this provision being a preventive as well as punitive measure; and~~

~~(b) Pending proceedings for disciplinary action by the Board. Notwithstanding the provisions of chapter 622A of NRS, such proceedings shall be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.~~**]** **(Deleted by amendment.)**

Sec. 54. **[**~~NRS 633.631 is hereby amended to read as follows:~~

~~633.631 Except as otherwise provided in subsection 2 and chapter 622A of NRS:~~

~~1. Service of process made under this chapter must be either personal or by registered or certified mail with return receipt requested, addressed to the osteopathic physician , *naprapath* or physician assistant at his or her last known address, as indicated in the records of the Board. If personal service cannot be made and if mail notice is returned undelivered, the President or Secretary-Treasurer of the Board shall cause a notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the osteopathic physician , *naprapath*~~

~~or physician assistant or, if no newspaper is published in that county, in a newspaper widely distributed in that county.~~

~~2. In lieu of the methods of service of process set forth in subsection 1, if the Board obtains written consent from the osteopathic physician~~ ***, naprapath*** ~~or physician assistant, service of process under this chapter may be made by electronic mail on the licensee at an electronic mail address designated by the licensee in the written consent.~~

~~3. Proof of service of process or publication of notice made under this chapter must be filed with the Secretary-Treasurer of the Board and may be recorded in the minutes of the Board.~~**] (Deleted by amendment.)**

Sec. 55. ~~[~~NRS 633.641 is hereby amended to read as follows:

~~633.641 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Board, a hearing officer or a panel:~~

~~1. Proof of actual injury need not be established where the formal complaint charges deceptive or unethical professional conduct or medical~~ ***or naprapathic*** ~~practice harmful to the public.~~

~~2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license to practice osteopathic medicine~~ ***, practice naprapathy*** ~~or to practice as a physician assistant is conclusive evidence of its occurrence.~~**] (Deleted by amendment.)**

Sec. 56. ~~[~~NRS 633.651 is hereby amended to read as follows:

~~633.651 1. If the Board finds a person guilty in a disciplinary proceeding, it shall by order take one or more of the following actions:~~

~~(a) Place the person on probation for a specified period or until further order of the Board.~~

~~(b) Administer to the person a public reprimand.~~

~~(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine~~ **[.]** ***or limit the practice of naprapathy by the person, as applicable.***

~~(d) Suspend the license of the person to practice osteopathic medicine~~ ***, to practice naprapathy*** ~~or to practice as a physician assistant for a specified period or until further order of the Board.~~

~~(e) Revoke the license of the person to practice osteopathic medicine~~ ***, to practice naprapathy*** ~~or to practice as a physician assistant.~~

~~(f) Impose a fine not to exceed $5,000 for each violation.~~

~~(g) Require supervision of the practice of the person.~~

~~(h) Require the person to perform community service without compensation.~~

~~(i) Require the person to complete any training or educational requirements specified by the Board.~~

~~(j) Require the person to participate in a program for an alcohol or other substance use disorder or any other impairment.~~

~~*. The order of the Board may contain any other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law.~~

~~2. The Board shall not administer a private reprimand.~~

~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~] **(Deleted by amendment.)**

Sec. 57. [~~NRS 633.671 is hereby amended to read as follows:~~

~~633.671 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order as provided by law.~~

~~2. Every order of the Board which limits the practice of osteopathic medicine~~ ***, the practice of naprapathy*** ~~or the practice of a physician assistant or suspends or revokes a license is effective from the date on which the order is issued by the Board until the date the order is modified or reversed by a final judgment of the court.~~

~~3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.~~] **(Deleted by amendment.)**

Sec. 58. [~~NRS 633.681 is hereby amended to read as follows:~~

~~633.681 1. Any person:~~

~~(a) Whose practice of osteopathic medicine~~ ***, practice of naprapathy*** ~~or practice as a physician assistant has been limited; or~~

~~(b) Whose license to practice osteopathic medicine~~ ***, to practice naprapathy*** ~~or to practice as a physician assistant has been:~~

~~(1) Suspended until further order; or~~

~~(2) Revoked,~~

~~→ may apply to the Board after a reasonable period for removal of the limitation or suspension or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license.~~

~~2. In hearing the application, the Board:~~

~~(a) May require the person to submit to a mental or physical examination by physicians whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;~~

~~(b) Shall determine whether under all the circumstances the time of the application is reasonable; and~~

~~(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.~~] **(Deleted by amendment.)**

Sec. 59. [~~NRS 633.691 is hereby amended to read as follows:~~

~~633.691 1. In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Board, a medical review panel of a hospital, a hearing officer, a panel of the Board, an employee or volunteer of a diversion program specified in NRS 633.561, or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of an osteopathic physician~~ ***, naprapath*** ~~or physician assistant for gross malpractice, malpractice, professional incompetence or unprofessional conduct is immune from any civil action for such initiation or assistance or any consequential damages, if the person or organization acted in good faith.~~

~~2. Except as otherwise provided in subsection 3, the Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against an osteopathic physician , *naprapath* or physician assistant for:~~

~~(a) Disclosing to a governmental entity a violation of a law, rule or regulation by an applicant for a license to practice osteopathic medicine , *to practice naprapathy* or to practice as a physician assistant, or by an osteopathic physician , *naprapath* or physician assistant; or~~

~~(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.~~

~~3. An osteopathic physician , *naprapath* or physician assistant who discloses information to or cooperates with a governmental entity pursuant to subsection 2 with respect to the violation of any law, rule or regulation by the osteopathic physician , *naprapath* or physician assistant is subject to investigation and any other administrative or disciplinary action by the Board under the provisions of this chapter for such violation.~~

~~4. As used in this section, "governmental entity" includes, without limitation:~~

~~(a) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;~~

~~(b) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;~~

~~(c) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;~~

~~(d) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and~~

~~(e) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.~~ **(Deleted by amendment.)**

Sec. 60. ~~[~~NRS 633.701 is hereby amended to read as follows:~~

~~633.701 The filing and review of a complaint and any subsequent disposition by the Board, the member designated by the Board to review a complaint pursuant to NRS 633.541 or any reviewing court do not preclude:~~

~~1. Any measure by a hospital or other institution to limit or terminate the privileges of an osteopathic physician , *naprapath* or physician assistant according to its rules or the custom of the profession. No civil liability attaches to any such action taken without malice even if the ultimate disposition of the complaint is in favor of the osteopathic physician , *naprapath* or physician assistant.~~

~~2. Any appropriate criminal prosecution by the Attorney General or a district attorney based upon the same or other facts.~~ **(Deleted by amendment.)**

Sec. 61. ~~[NRS 633.711 is hereby amended to read as follows:~~

~~633.711 1. The Board, through an officer of the Board or the Attorney General, may maintain in any court of competent jurisdiction a suit for an injunction against any person:~~

~~(a) Practicing osteopathic medicine~~ ***~~, practicing naprapathy~~*** ~~or practicing as a physician assistant without a valid license to practice osteopathic medicine~~ ***~~, practice naprapathy~~*** ~~or to practice as a physician assistant; or~~

~~(b) Providing services through telehealth, as defined in NRS 629.515, without a valid license.~~

~~2. An injunction issued pursuant to subsection 1:~~

~~(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.~~

~~(b) Must not relieve such person from criminal prosecution for practicing without such a license.~~**] (Deleted by amendment.)**

Sec. 62. ~~[NRS 633.721 is hereby amended to read as follows:~~

~~633.721 In a criminal complaint charging any person with practicing osteopathic medicine~~ ***~~, practicing naprapathy~~*** ~~or practicing as a physician assistant without a valid license issued by the Board, it is sufficient to charge that the person did, upon a certain day, and in a certain county of this State, engage in such practice without having a valid license to do so, without averring any further or more particular facts concerning the violation.~~**] (Deleted by amendment.)**

Sec. 63. ~~[NRS 633.741 is hereby amended to read as follows:~~

~~633.741 1. It is unlawful for any person to:~~

~~(a) Except as otherwise provided in NRS 629.091~~ **~~[,]~~** ***~~or section 16 of this act,~~*** ~~practice:~~

~~(1) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;~~

~~(2)~~ ***~~Naprapathy without a valid license to practice naprapathy under this chapter;~~***

~~*(3)* As a physician assistant without a valid license under this chapter; or~~

~~**[**(3)**]** *(4)* Beyond the limitations ordered upon his or her practice by the Board or the court;~~

~~(b) Present as his or her own the diploma, license or credentials of another;~~

~~(c) Give either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;~~

~~(d) File for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;~~

~~(e) Practice osteopathic medicine~~ ***~~, practice naprapathy~~*** ~~or practice as a physician assistant under a false or assumed name or falsely personate another licensee of a like or different name;~~

~~(f) Hold himself or herself out as a~~ ***~~naprapath or~~*** ~~physician assistant or use any other term indicating or implying that he or she is a~~ ***~~naprapath or~~***

~~physician assistant, unless the person has been licensed *as such* by the Board as provided in this chapter; or~~

~~(g) Supervise a person as a physician assistant before such person is licensed as provided in this chapter.~~

~~2. A person who violates any provision of subsection 1:~~

~~(a) If no substantial bodily harm results, is guilty of a category D felony; or~~

~~(b) If substantial bodily harm results, is guilty of a category C felony,~~

~~➥ and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.~~

~~3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:~~

~~(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.~~

~~(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.~~

~~(c) Assess against the person an administrative fine of not more than $5,000.~~

~~(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).]~~ **(Deleted by amendment.)**

Sec. 63.5. **NRS 637B.080 is hereby amended to read as follows:**

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act,*** 640 to 641D, inclusive, or 653 of NRS,

➥ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 64. NRS 640.190 is hereby amended to read as follows:

640.190 This chapter does not authorize a physical therapist, whether licensed or not, to practice medicine, osteopathic medicine, ***naprapathy,*** homeopathic medicine, chiropractic or any other form or method of healing.

Sec. 64.5. **NRS 640A.070 is hereby amended to read as follows:**

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act,*** 640, 640B to 641B, inclusive, or 641D of NRS, who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 65. NRS 640B.085 is hereby amended to read as follows:

640B.085 "Physician" means:

1. A physician licensed pursuant to chapter 630 of NRS;

2. An osteopathic physician licensed pursuant to chapter 633 of NRS;

3. A homeopathic physician licensed pursuant to chapter 630A of NRS;

4. A chiropractic physician licensed pursuant to chapter 634 of NRS; ~~[or]~~

5. ***A naprapath licensed pursuant to ~~[chapter 633 of NRS;]~~ sections 1.03 to 1.8, inclusive, of this act; or***

6. A podiatric physician licensed pursuant to chapter 635 of NRS.

Sec. 65.5. **NRS 640B.145 is hereby amended to read as follows:**

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act,*** or chapter 640, 640A or 641D of NRS, when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 66. NRS 640C.085 is hereby amended to read as follows:

640C.085 1. "Structural integration" means the application of a system of manual therapy, movement education and embodiment education that is intended to improve the functional relationship of the parts of the human body to each other within the influences of gravity.

2. The term does not include:

(a) The practice of physical therapy, as defined in NRS 640.024; ~~[or]~~

(b) The practice of chiropractic, as defined in NRS 634.013, including, without limitation, chiropractic adjustment or manipulation, as defined in NRS 634.014 and 634.0173, respectively ~~[.]~~ ***; or***

(c) The practice of naprapathy, as defined in section ~~[12]~~ 1.18 of this act.

Sec. 66.5. **NRS 640C.100 is hereby amended to read as follows:**

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS ***or sections 1.03 to 1.8, inclusive, of this act,*** if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.

(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.

(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of

other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 67. NRS 640E.090 is hereby amended to read as follows:

640E.090 1. The provisions of this chapter do not apply to:

(a) Any person who is licensed or registered in this State as a physician pursuant to chapter 630, 630A or 633 of NRS, dentist, nurse, dispensing optician, optometrist, occupational therapist, practitioner of respiratory care, physical therapist, podiatric physician, psychologist, marriage and family therapist, chiropractic physician, ***naprapath,*** athletic trainer, massage therapist, reflexologist, structural integration practitioner, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician or pharmacist who:

(1) Practices within the scope of that license or registration;

(2) Does not represent that he or she is a licensed dietitian or registered dietitian; and

(3) Provides nutrition information incidental to the practice for which he or she is licensed or registered.

(b) A student enrolled in an educational program accredited by the Accreditation Council for Education in Nutrition and Dietetics, or its successor organization, if the student engages in the practice of dietetics under the supervision of a licensed dietitian or registered dietitian as part of that educational program.

(c) A registered dietitian employed by the Armed Forces of the United States, the United States Department of Veterans Affairs or any division or department of the Federal Government in the discharge of his or her official duties, including, without limitation, the practice of dietetics or providing nutrition services.

(d) A person who furnishes nutrition information, provides recommendations or advice concerning nutrition, or markets food, food materials or dietary supplements and provides nutrition information, recommendations or advice related to that marketing, if the person does not represent that he or she is a licensed dietitian or registered dietitian. While performing acts described in this paragraph, a person shall be deemed not to be engaged in the practice of dietetics or the providing of nutrition services.

(e) A person who provides services relating to weight loss or weight control through a program reviewed by and in consultation with a licensed dietitian or physician or a dietitian licensed or registered in another state which has equivalent licensure requirements as this State, as long as the person does not change the services or program without the approval of the person with whom he or she is consulting.

2. As used in this section, "nutrition information" means information relating to the principles of nutrition and the effect of nutrition on the human body, including, without limitation:

(a) Food preparation;

(b) Food included in a normal daily diet;

(c) Essential nutrients required by the human body and recommended amounts of essential nutrients, based on nationally established standards;

(d) The effect of nutrients on the human body and the effect of deficiencies in or excess amounts of nutrients in the human body; and

(e) Specific foods or supplements that are sources of essential nutrients.

Sec. 68. NRS 644A.150 is hereby amended to read as follows:

644A.150 1. The following persons are exempt from the provisions of this chapter:

(a) Except for those provisions relating to advanced estheticians, all persons authorized by the laws of this State to practice medicine, dentistry, osteopathic medicine, chiropractic ***, naprapathy*** or podiatry.

(b) Commissioned medical officers of the United States Army, Navy, or Marine Hospital Service when engaged in the actual performance of their official duties, and attendants attached to those services.

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a service relating to the practice of cosmetology except cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his or her employee does not advertise cosmetological services or the practice of makeup artistry and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the Department of Corrections or the Caliente Youth Center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644A.740.

(b) Notwithstanding the provisions of NRS 644A.735, shall maintain a staff of at least one licensed instructor.

3. Any health care professional, as defined in NRS 453C.030, is exempt from the provisions of this chapter relating to advanced estheticians.

Sec. 69. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first $50,000 recovered;

(b) Thirty-three and one-third percent of the next $50,000 recovered;

(c) Twenty-five percent of the next $500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, ***naprapath,*** doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 69.5. **NRS 41.138 is hereby amended to read as follows:**

41.138 1. In any civil action concerning any unwelcome or nonconsensual sexual conduct, including, without limitation, sexual harassment, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

2. As used in this section:

(a) "Person in a position of authority" means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, psychologist, ***naprapath,*** other health care provider, guardian ad litem, guardian, babysitter, police officer or other law

enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.

(b) "Sexual harassment" has the meaning ascribed to it in NRS 176A.280.

Sec. 70. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, ***naprapath,*** doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 71. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

(a) Recover any amount against the plaintiff; or

(b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds $50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic

payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, ***naprapath,*** licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 72. NRS 49.215 is hereby amended to read as follows:

49.215 As used in NRS 49.215 to 49.245, inclusive:

1. A communication is "confidential" if it is not intended to be disclosed to third persons other than:

(a) Those present to further the interest of the patient in the consultation, examination or interview;

(b) Persons reasonably necessary for the transmission of the communication; or

(c) Persons who are participating in the diagnosis and treatment under the direction of the doctor, including members of the patient's family.

2. "Doctor" means a person licensed to practice medicine, dentistry or osteopathic medicine **, ~~[or]~~** chiropractic ***or naprapathy*** in any state or nation, or a person who is reasonably believed by the patient to be so licensed, and in addition includes a person employed by a public or private agency as a psychiatric social worker, or someone under his or her guidance, direction or control, while engaged in the examination, diagnosis or treatment of a patient for a mental condition.

3. "Patient" means a person who consults or is examined or interviewed by a doctor for purposes of diagnosis or treatment.

Sec. 73. NRS 52.320 is hereby amended to read as follows:

52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:

1. "Custodian of medical records" means a chiropractic physician, ***naprapath,*** physician, registered physical therapist or licensed nurse who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who has care, custody and control of medical records for such a person or institution.

2. "Medical records" includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

Sec. 74. NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional entity may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional entity may own real and personal property appropriate to its business and may invest its money in any form of real property, securities or any other type of investment.

2. A professional entity may be organized to render a professional service relating to:

(a) Architecture, interior design, residential design, engineering and landscape architecture, or any combination thereof, and may be composed of persons:

(1) Engaged in the practice of architecture as provided in chapter 623 of NRS;

(2) Practicing as a registered interior designer as provided in chapter 623 of NRS;

(3) Engaged in the practice of residential design as provided in chapter 623 of NRS;

(4) Engaged in the practice of landscape architecture as provided in chapter 623A of NRS; and

(5) Engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine, homeopathy, osteopathy, ***naprapathy,*** chiropractic and psychology, or any combination thereof, and may be composed of persons engaged in the practice of:

(1) Medicine as provided in chapter 630 of NRS;

(2) Homeopathic medicine as provided in chapter 630A of NRS;

(3) Osteopathic medicine as provided in chapter 633 of NRS;

(4) ***Naprapathy as provided in ~~[chapter 633 of NRS;]~~ sections 1.03 to 1.8, inclusive, of this act;***

(5) Chiropractic as provided in chapter 634 of NRS; and

~~[(5)]~~ ***(6)*** Psychology and licensed to provide services pursuant to chapter 641 of NRS.

➥ Such a professional entity may market and manage additional professional entities which are organized to render a professional service relating to medicine, homeopathy, osteopathy, ***naprapathy,*** chiropractic and psychology.

(c) Mental health services, and may be composed of the following persons, in any number and in any combination:

(1) Any psychologist who is licensed to practice in this State;

(2) Any social worker who holds a master's degree in social work and who is licensed by this State as a clinical social worker;

(3) Any registered nurse who is licensed to practice professional nursing in this State and who holds a master's degree in the field of psychiatric nursing;

(4) Any marriage and family therapist who is licensed by this State pursuant to chapter 641A of NRS; and

(5) Any clinical professional counselor who is licensed by this State pursuant to chapter 641A of NRS.

➥ Such a professional entity may market and manage additional professional entities which are organized to render a professional service relating to mental health services pursuant to this paragraph.

3. A professional entity may render a professional service only through its officers, managers and employees who are licensed or otherwise authorized by law to render the professional service.

Sec. 74.5. **NRS 89.055 is hereby amended to read as follows:**

89.055 1. An owner of a professional entity organized pursuant to paragraph (b) of subsection 2 of NRS 89.050 shall not:

(a) Create a policy or contract, written or otherwise, to restrict or prohibit the good faith communication between a patient and a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS, ***or sections 1.03 to***

1.8, inclusive, of this act concerning the patient's medical records, health care, risks or benefits of such health care or treatment options.

(b) Influence or interfere with the professional judgment of a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS, ***or sections 1.03 to 1.8, inclusive, of this act,*** including, without limitation, the professional judgment of such a person concerning:

(1) The care of a patient;

(2) The custodian of the medical records of a patient;

(3) Employment decisions, including hiring or terminating an employee; or

(4) Coding or billing procedures.

(c) Terminate a contract or refuse to renew a contract with a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS ***or sections 1.03 to 1.8, inclusive, of this act*** because the person:

(1) Advocates on behalf of a patient in private or public;

(2) Assists a patient in seeking reconsideration of a denial of coverage of health care services; or

(3) Reports a violation of law to an appropriate authority.

(d) Require a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS ***or sections 1.03 to 1.8, inclusive, of this act*** to:

(1) Provide professional services to a specified number of patients within a particular amount of time; or

(2) Work a certain number of hours in a specified period of time.

(e) Require a person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS ***or sections 1.03 to 1.8, inclusive, of this act*** to obtain the approval or review of a contract by a third party, including, without limitation, a provider of insurance.

2. A person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS ***or sections 1.03 to 1.8, inclusive, of this act*** who renders a professional service through a professional entity organized pursuant to paragraph (b) of subsection 2 of NRS 89.050 shall not:

(a) Render such a professional service if the service exceeds the scope of his or her licensed authority pursuant to chapter 630, 630A, 633, 634 or 641 of NRS ~~[,]~~ ***or sections 1.03 to 1.8, inclusive, of this act;*** and

(b) Through the use of an agreement, directive, financial incentive or any other arrangement, influence or interfere with the professional judgment of another person licensed pursuant to chapter 630, 630A, 633, 634 or 641 of NRS ***or sections 1.03 to 1.8, inclusive, of this act*** who renders a professional service through the same professional entity.

Sec. 75. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory

technician, an optometrist, a chiropractic physician, a chiropractic assistant, ***a naprapath,*** a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged

knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 76. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractic physician, ***naprapath,*** optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst,

assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable

person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 76.3. **NRS 200.5095 is hereby amended to read as follows:**

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect,

exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive,

and sections 1.03 to 1.8, inclusive, of this act, 641D, 653 or 654 of NRS, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 76.6. **NRS 200.810 is hereby amended to read as follows:**

200.810 "Health care procedure" means any medical procedure, other than a surgical procedure, that requires a license to perform pursuant to chapters 630 to 637, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act,*** 639, 640 or 653 of NRS.

Sec. 76.9. **NRS 200.820 is hereby amended to read as follows:**

200.820 "Surgical procedure" means any invasive medical procedure where a break in the skin is created and there is contact with the mucosa or any minimally invasive medical procedure where a break in the skin is created or which involves manipulation of the internal body cavity beyond a natural or artificial body orifice which requires a license to perform pursuant to chapters 630 to 637, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act,*** 639, 640 or 653 of NRS.

Sec. 77. NRS 202.2491 is hereby amended to read as follows:

202.2491 1. Except as otherwise provided in subsections 5 and 6 and NRS 202.24915, the smoking of tobacco in any form is prohibited if done in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or

(2) Office of any chiropractic physician, ***naprapath,*** dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist or doctor of Oriental medicine.

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises.

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

(i) Video arcade.

2. The person in control of an area listed in paragraph (c), (d), (e) or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking, except for a room or portion of the area of a store described in paragraph (e) of subsection 1 if the room or portion of the area:

(1) Is leased to or operated by a person licensed pursuant to NRS 463.160; and

(2) Does not otherwise qualify for an exemption set forth in NRS 202.24915.

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

➥ A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.

5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.

6. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. As used in this section:

(a) "Child care facility" means an establishment operated and maintained to furnish care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children. The term does not include the home of a natural person who provides child care.

(b) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

(c) "Public building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System.

(2) The State of Nevada and used for any public purpose, other than that used by the Department of Corrections to house or provide other services to offenders.

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

➥ If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied.

(d) "School bus" has the meaning ascribed to it in NRS 483.160.

(e) "Video arcade" means a facility legally accessible to persons under 18 years of age which is intended primarily for the use of pinball and video machines for amusement and which contains a minimum of 10 such machines.

Sec. 77.5. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159,

396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ~~[1]~~ ***and section 1.7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may

be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 77.8. **NRS 284.013 is hereby amended to read as follows:**

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 1.03 to 1.8, inclusive,*** 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. Except as otherwise provided in NRS 284.4086, to the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 78. NRS 287.020 is hereby amended to read as follows:

287.020 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may adopt and carry into effect a system of medical or hospital service, or a combination thereof, through nonprofit membership corporations defraying the cost of medical service or hospital care, or both, open to participation by all licentiates of the particular class, whether doctors of medicine, doctors of osteopathy ***, doctors of naprapathy*** or doctors of chiropractic, offering services through such a nonprofit membership corporation, for the benefit of such of their officers and employees, and the dependents of such officers and employees, as may elect to accept membership in such nonprofit corporation and who have authorized the governing body to make deductions from their compensation for the payment of membership dues.

2. A part, not to exceed 50 percent, of the cost of such membership dues may be defrayed by such governing body by contribution. The money for such contributions must be budgeted for in accordance with the laws governing such

county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

3. The power conferred in this section, with respect to the rendition of medical or hospital service, or a combination thereof, is coextensive with the power conferred in NRS 287.010 with respect to insurance companies.

4. If a school district offers coverage for medical service or hospital care, or both, to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the coverage. If the amount of the deductions from compensation required to pay for the coverage exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

Sec. 79. NRS 288.140 is hereby amended to read as follows:

288.140 1. It is the right of every local government employee, subject to the limitations provided in subsections 3 and 4, to join any employee organization of the employee's choice or to refrain from joining any employee organization. A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.

2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself or herself with respect to any condition of his or her employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

3. A police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers.

4. The following persons may not be a member of an employee organization:

(a) A supervisory employee described in paragraph (b) of subsection 1 of NRS 288.138, including but not limited to appointed officials and department heads who are primarily responsible for formulating and administering management, policy and programs.

(b) A doctor or physician who is employed by a local government employer.

(c) Except as otherwise provided in this paragraph, an attorney who is employed by a local government employer and who is assigned to a civil law division, department or agency. The provisions of this paragraph do not apply with respect to an attorney for the duration of a collective bargaining agreement to which the attorney is a party as of July 1, 2011.

5. As used in this section, "doctor or physician" means a doctor, physician, homeopathic physician, osteopathic physician, ***naprapath,*** chiropractic physician, practitioner of Oriental medicine, podiatric physician or practitioner of optometry, as those terms are defined or used, respectively, in NRS 630.014,

630A.050, 633.091, ***section ~~[11]~~ 1.15 of this act,*** chapter 634 of NRS, chapter 634A of NRS, chapter 635 of NRS or chapter 636 of NRS.

Sec. 79.2. **NRS 353.005 is hereby amended to read as follows:**

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act,*** 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 79.4. **NRS 353A.020 is hereby amended to read as follows:**

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 79.6. **NRS 353A.025 is hereby amended to read as follows:**

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 79.8. **NRS 353A.045 is hereby amended to read as follows:**

353A.045 The Administrator shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

Sec. 80. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, ***naprapath,*** licensed dietitian or doctor of Oriental medicine in any form.

Sec. 81. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, ***naprapath,*** licensed dietitian or doctor of Oriental medicine in any form.

Sec. 82. NRS 417.124 is hereby amended to read as follows:

417.124 "Provider of health care" means a physician, physician assistant, advanced practice registered nurse, osteopathic physician, ***naprapath,*** chiropractic physician, psychologist, marriage and family therapist, clinical professional counselor, clinical social worker, alcohol and drug abuse counselor, clinical alcohol and drug abuse counselor or problem gambling counselor.

Sec. 82.3. **NRS 417.126 is hereby amended to read as follows:**

417.126 1. The Director shall develop and post on an Internet website maintained by the Department a questionnaire to be given to veterans who contact the Department using information provided by providers of health care pursuant to NRS 630.2675, 632.2385, 633.472, 634.1305, 641.229, 641A.295, 641B.350 and 641C.600 ~~[.]~~ ***and section 1.54 of this act.*** The questionnaire must be designed to obtain information concerning:

(a) The veteran's experience in the military, including, without limitation, the branch of the military in which the veteran served, the veteran's job while in the military, any battle, conflict or war in which the veteran served and the locations where the veteran was stationed;

(b) Any service-connected disabilities and diseases, including, without limitation, diseases presumed to be service-connected pursuant to 38 C.F.R. §§ 3.303 to 3.344, inclusive, from which the veteran may suffer; and

(c) Whether the veteran is enrolled with and receiving benefits from the United States Department of Veterans Affairs.

2. On or before January 31 of each year, the Director shall submit the information obtained pursuant to this section to the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 82.5. **NRS 432B.220 is hereby amended to read as follows:**

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms

resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS ~~.~~ ***, or sections 1.03 to 1.8, inclusive, of this act.***

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

(n) A peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 83. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 "Practitioner" means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, ***naprapath,*** doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 83.5. **NRS 439B.225 is hereby amended to read as follows:**

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of NRS ~~[.]~~ ***or sections 1.03 to 1.8, inclusive, of this act.***

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 84. NRS 604C.300 is hereby amended to read as follows:

604C.300 1. A consumer litigation funding company shall not:

(a) Pay or offer to pay a commission, referral fee or other form of consideration to an attorney, law firm, medical provider, chiropractic physician ***, naprapath*** or physical therapist, or any employee of such a person, for referring a consumer to the company.

(b) Accept a commission, referral fee or other form of consideration from an attorney, law firm, medical provider, chiropractic physician ***, naprapath*** or physical therapist, or any employee of such a person.

(c) Intentionally advertise materially false or misleading information regarding the products or services of the consumer litigation funding company.

(d) Refer a consumer to engage a specific attorney, law firm, medical provider, chiropractic physician ***, naprapath*** or physical therapist, or any employee of such a person. A company may refer a consumer in search of legal representation to a lawyer referral service operated, sponsored or approved by the State Bar of Nevada or a local bar association.

(e) Except as otherwise provided in subsection 2, knowingly provide consumer litigation funding to a consumer who has previously assigned or sold a portion of the right of the consumer to proceeds from his or her legal claim to another company without first making payment to or purchasing the entire funded amount and charges of that company, unless a lesser amount is otherwise agreed to in writing by the consumer litigation funding companies.

(f) Receive any right to, or make, any decisions with respect to the conduct, settlement or resolution of the legal claim of a consumer.

(g) Knowingly pay or offer to pay for court costs, filing fees or attorney's fees during or after the resolution of the legal claim of a consumer using money from a consumer litigation funding transaction.

2. Two or more consumer litigation funding companies may agree to contemporaneously provide consumer litigation funding to a consumer if the consumer and the attorney of the consumer agree to the arrangement in writing.

3. An attorney or law firm retained by the consumer in connection with his or her legal claim shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

4. An attorney who has referred the consumer to his or her retained attorney or law firm shall not have a financial interest in the consumer litigation funding company offering consumer litigation funding to that consumer.

5. A consumer litigation funding company shall not use any form of consumer litigation funding contract in this State unless the contract has been filed with the Commissioner in accordance with procedures for filing prescribed by the Commissioner.

Sec. 84.3. **NRS 608.0116 is hereby amended to read as follows:**

608.0116 "Professional" means pertaining to:

1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, ***and sections 1.03 to 1.8, inclusive, of this act,*** 645G and 656A of NRS.

2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.

Sec. 84.6. **NRS 679B.440 is hereby amended to read as follows:**

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS ***or sections 1.03 to 1.8, inclusive, of this act,*** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity;

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage; and

(d) Workers' compensation insurance.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

(a) Premiums directly written;

(b) Premiums directly earned;

(c) Number of policies issued;

(d) Net investment income, using appropriate estimates when necessary;

(e) Losses paid;

(f) Losses incurred;

(g) Loss reserves, including:

(1) Losses unpaid on reported claims; and

(2) Losses unpaid on incurred but not reported claims;

(h) Number of claims, including:

(1) Claims paid; and

(2) Claims that have arisen but are unpaid;

(i) Expenses for adjustment of losses, including allocated and unallocated losses;

(j) Net underwriting gain or loss;

(k) Net operation gain or loss, including net investment income; and

(l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

(a) Recoverable federal income tax;

(b) Net unrealized capital gain or loss; and

(c) All other expenses not included in subsection 2.

Sec. 85. NRS 685B.120 is hereby amended to read as follows:

685B.120 1. Any person who provides coverage in this State for the cost of:

(a) Medical care;

(b) Surgery;

(c) Chiropractic;

(d) Physical therapy;

(e) Speech-language pathology;

(f) Audiology;

(g) Professional care of mental health;

(h) Dental care;

(i) Hospital care;

(j) Ophthalmic care; ~~[or]~~

(k) ***Naprapathy; or***

(l) Ambulance services,

➥ whether the coverage provides for direct payment, reimbursement or any other method of payment, is subject to regulation by the Division and to the provisions of this Code unless the person shows that while providing such coverage the person is subject to regulation by the Federal Government.

2. A nonprofit corporation that provides prepaid ambulance services is not subject to regulation by the Division or to the provisions of this Code if the corporation presents evidence satisfactory to the Commissioner that the corporation is subject to regulation by a political subdivision of this State pursuant to an exclusive franchise which limits the number of times any such prepaid services may be used to a defined number that are medically necessary.

Sec. 86. NRS 686A.2825 is hereby amended to read as follows:

686A.2825 "Practitioner" means:

1. A physician, dentist, nurse, dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractic physician, ***naprapath,*** doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist, person who holds a license to engage in

radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS or other provider of health services who is authorized to engage in his or her occupation by the laws of this state or another state; and

2. An attorney admitted to practice law in this state or any other state.

Sec. 86.3. **NRS 686B.030 is hereby amended to read as follows:**

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***and sections 1.03 to 1.8, inclusive, of this act,*** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 86.6. **NRS 690B.250 is hereby amended to read as follows:**

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***and sections 1.03 to 1.8, inclusive, of this act,*** or who holds a license or limited license issued pursuant to chapter 653 of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the name of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***and sections 1.03 to 1.8, inclusive, of this act,*** or who holds a license or limited license issued pursuant to chapter 653 of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving

the practitioner's name, the name of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 86.9. **NRS 690B.320 is hereby amended to read as follows:**

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***and sections 1.03 to 1.8, inclusive, of this act,*** or who holds a license or limited license issued pursuant to chapter 653 of NRS, the insurer shall:

(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.

(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.

(c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.

(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.

(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 87. NRS 695F.040 is hereby amended to read as follows:

695F.040 "Limited health service" means:

1. Chiropractic, ***naprapathic,*** dental, hospital, medical, optometric, pharmaceutical, podiatric or surgical care;

2. Treatment relating to mental health or an alcohol or substance use disorder; or

3. Such other care or treatment as may be determined by the Commissioner to be a limited health service.

Sec. 87.5. **Section 1.43 of this act is hereby amended to read as follows:**

Sec. 1.43. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license as a naprapath shall ~~[:~~

~~(a) Include the social security number of the applicant in the application submitted to the Division.~~

~~(b) Submit]~~ ***submit*** to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 88. As soon as practicable on or after July 1, 2023, the Governor shall appoint to the Naprapathic Practice Advisory Board created by section ~~[13]~~ **1.2** of this act:

1. One member described in paragraph (a) of subsection 2 of section ~~[13]~~ **1.2** of this act and one member described in paragraph (b) of that subsection to initial terms that expire on July 1, 2025; and

2. Two members described in paragraph (a) of subsection 2 of section ~~[13]~~ **1.2** of this act and one member described in paragraph (b) of that subsection to initial terms that expire on July 1, 2027.

Sec. 89. 1. Notwithstanding the amendatory provisions of this act, any person who is engaged in the practice of naprapathy on or before January 1, 2024, may continue to engage in the practice of naprapathy without obtaining

a license pursuant to section ~~[17, 18]~~ **1.32, 1.35** or ~~[19]~~ **1.38** of this act, as applicable, until July 1, 2024.

2. As used in this section, "naprapathy" has the meaning ascribed to it in section ~~[12]~~ **1.18** of this act.

Sec. 90. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 91. 1. This section becomes effective upon passage and approval.

2. Sections ~~[13, 14]~~ **1.2, 1.23** and 88 of this act become effective on July 1, 2023.

3. Sections 1 to ~~[12,]~~ **1.19,** inclusive, ~~[15]~~ **1.26** to 87, inclusive, 89 and 90 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

4. Section 87.5 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

5. Section 1.85 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

6. Sections 1.43, 1.6 and 87.5 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 268.

ASSEMBLYMEN PETERS; ~~[AND]~~ **GONZÁLEZ, NGUYEN,** ORENTLICHER **AND THOMAS**

AN ACT relating to health care; ~~[establishing the Task Force on Precision Medicine and Biomarker Testing; prescribing the membership and duties of the Task Force; establishing March as Precision Medicine and Biomarker Testing Awareness Month;]~~ requiring policies of health insurance to include coverage of biomarker testing in certain circumstances; establishing certain conditions relating to such required coverage; ~~[making an appropriation; providing for a study of certain matters relating to precision medicine and biomarker testing;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes certain programs to improve public health in this State. (NRS 439.4921-439.5297) Section 12 of this bill defines the term "biomarker testing" to mean the analysis of the tissue, blood or other specimen of a patient for the presentation of a biomarker, which is further defined as an objectively measured characteristic that indicates certain biological processes. Section 12 also: (1) establishes the month of March as Precision Medicine and Biomarker Testing Awareness Month in this State; and (2) requires the Governor to annually issue a proclamation calling upon certain entities to raise awareness of biomarker testing during the month of March.~~

~~Section 8 of this bill establishes the Task Force on Precision Medicine and Biomarker Testing within the Department of Health and Human Services and prescribes the membership of the Task Force. Sections 2-7 of this bill define certain terms relating to the Task Force. Sections 8 and 9 of this bill prescribe certain requirements governing the operation of the Task Force. Section 9 also authorizes the Task Force to establish subcommittees and solicit expert testimony. Section 10 of this bill requires the Task Force to: (1) examine certain issues relating to the awareness, accessibility and use of biomarker testing; and (2) annually report its findings to the Director of the Department,~~

~~the Commissioner of Insurance and the Legislature. Section 31 of this bill terminates the Task Force on February 1, 2027.~~**]**

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2717-422.27248, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194-689C.195, 689C.425, 695A.184-695A.1875, 695B.1901-695B.1949, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) Sections 13-15, 17, 19, 20, 22-25 and 27 of this bill require certain public and private health plans, including Medicaid and health plans for state and local government employees, to provide coverage for **medically necessary** biomarker testing for the diagnosis, treatment, **appropriate** management and **ongoing** monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. **Sections 13-15, 17, 19, 20, 22-25 and 27** require such health plans to: (1) provide the required coverage in a manner that limits disruptions in care and the need for multiple specimens; and (2) establish a process for requesting an exception to a policy excluding coverage for biomarker testing or appealing a denial of coverage for biomarker testing. **Sections 13-17, 19, 20, 22-25 and 27** additionally require such health plans to respond to any request for preauthorization for biomarker testing within: (1) 24 hours for urgent requests; or (2) 72 hours for all other requests. **Sections 13-17, 19, 20, 22-25 and 27 clarify that an insurer is not required to cover biomarker testing for screening purposes or in certain circumstances. Sections 11, 18 and 21** of this bill make conforming changes to indicate the proper placement of **sections 15, 17 and 20**, respectively, in the Nevada Revised Statutes. **Section 26** of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 24** of this bill. The Commissioner would also be authorized to take such action against other private health insurers who fail to comply with the requirements of **section 17, 19, 20, 22, 23 or 27** of this bill. (NRS 680A.200)

[~~Section 29 of this bill requires the Department to contract with a college or university or another qualified entity that conducts research in the field of public health and is located in this State to study the awareness of and access to precision medicine and biomarker testing in this State. Section 29 requires the entity with which the Department enters into a contract to: (1) present its findings to the Joint Interim Standing Committee on Health and Human Services; and (2) submit a final report of the study to the Governor, the Director of the Department, the Commissioner of Insurance and the Legislature. Section 28 of this bill appropriates money to the Department to pay the costs of the study.~~**]**

[~~WHEREAS, Precision medicine, also known as personalized health care or individualized medicine, is an evolving field in which providers of health care~~

~~use the analysis of a specimen from a patient, known as biomarker testing, to determine which medical treatments will work best for the patient; and~~

~~— WHEREAS, By combining the data from biomarker testing with the medical history, circumstances and values of a patient, a provider of health care is capable of directing a patient to a targeted treatment, benefitting both the patient and the health care system; and~~

~~— WHEREAS, Precision medicine holds great promise in ensuring the delivery of the proper treatment to the proper patient at the proper time and avoiding treatment that is physically or financially harmful to the patient; and~~

~~— WHEREAS, A significant number of treatments currently in preclinical development rely on the data from biomarker testing; and~~

~~— WHEREAS, Biomedical science and the understanding of the characteristics of disease are evolving rapidly; and~~

~~— WHEREAS, Providers of health care are increasingly using biomarker testing and other technologies to help identify gene mutations or aberrations and protein expressions specific to individual patients; and~~

~~— WHEREAS, Health outcomes are frequently improved through the use of precision medicine; and~~

~~— WHEREAS, The National Academy of Medicine considers biomarker testing to be key to unlocking the promise of precision medicine; and~~

~~— WHEREAS, Biomarker testing is available for an increasing range of conditions and diseases, but access of patients to biomarker testing is not keeping pace with the rate of innovation in the field; and~~

~~— WHEREAS, A lack of awareness about biomarker testing among providers of health care and patients, a lack of common terminology in the field of biomarker~~

~~testing and deficient coverage policies by public and private payers are preventing the effective adoption and integration of biomarker testing into precision medicine, particularly for historically marginalized communities and in nonacademic health care settings; and~~

~~— WHEREAS, It is beneficial to promote appropriate awareness and education about the ways that biomarker testing may be used to support the diagnosis, treatment and monitoring of patients in a personalized way; now, therefore,~~**]**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ~~**[***As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***]**~~ **(Deleted by amendment.)**

Sec. 3. ~~**[***"Biomarker testing" has the meaning ascribed to it in section 12 of this act.***]**~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:*~~

~~*1. Informed by a systemic review of evidence and an assessment of the costs and benefits of alternative options for care; and*~~

~~*2. Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[*"Precision medicine" means the use of biomarker testing to determine the best medical treatment for a patient.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[*"Provider of health care" has the meaning ascribed to it in NRS 629.031.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[*"Task Force" means the Task Force on Precision Medicine and Biomarker Testing created by section 8 of this act.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[*1. The Task Force on Precision Medicine and Biomarker Testing is hereby created within the Department.*~~

~~*2. The Task Force consists of:*~~

~~*(a) The following four voting members appointed by the Governor:*~~

~~*(1) One representative of a medical school in this State that is conducting research on biomarker testing or precision medicine;*~~

~~*(2) One researcher in the field of molecular diagnostics or biomarker testing;*~~

~~*(3) One physician who specializes in the field of molecular pathology; and*~~

~~*(4) One provider of health care who uses biomarker testing to diagnose, treat or monitor patients;*~~

~~*(b) The following three voting members appointed by the Speaker of the Assembly:*~~

~~*(1) One researcher in the field of health technology who specializes in precision medicine;*~~

~~*(2) One representative of an organization that advocates for patients; and*~~

~~*(3) One representative of a reference laboratory, manufacturer of biomarker tests or other company involved in diagnostics;*~~

~~*(c) The following three voting members appointed by the Senate Majority Leader:*~~

~~*(1) One representative of an insurer, as defined in NRS 679B.540, or a health benefit plan, as defined in NRS 687B.470, for employees which provides coverage for biomarker testing;*~~

~~*(2) One representative of an organization or society that publishes nationally recognized clinical practice guidelines on biomarker testing or precision medicine; and*~~

~~(3) One representative of a community impacted by health inequalities related to biomarker testing or precision medicine; and~~

~~(d) The Director or his or her designee as an ex officio, nonvoting member.~~

~~3. Members of the Task Force serve at the pleasure of the appointing authority. A vacancy in the membership of the Task Force must be filled in the same manner as the original appointment.~~

~~4. The members of the Task Force serve without compensation, except that each member is entitled, while engaged in the business of the Task Force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~5. Each member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to make up the time the officer or employee is absent from work to carry out duties as a member of the Task Force or use annual leave or compensatory time for the absence.~~

~~6. The Department may accept gifts, grants or donations from any source to support the activities of the Task Force.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[1. The Speaker of the Assembly and the Majority Leader of the Senate, acting jointly, shall appoint the Chair of the Task Force from among the voting members of the Task Force. If the position of Chair becomes vacant, the Speaker of the Assembly and the Majority Leader of the Senate, acting jointly, shall appoint a Chair from among the voting members of the Task Force.~~

~~2. The members of the Task Force shall meet at least once each quarter at the call of the Chair. The Task Force shall prescribe regulations for its own management and government.~~

~~3. A majority of the voting members of the Task Force constitutes a quorum, and a quorum may exercise all the powers conferred on the Task Force.~~

~~4. The Task Force may establish subcommittees and solicit expert testimony as necessary to fulfill its duties.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[1. The Task Force shall:~~

~~(a) Review reports and studies on:~~

~~(1) The current status of precision medicine and biomarker testing;~~

~~(2) The evolution of science relating to precision medicine and biomarker testing;~~

~~(3) The experience of patients in accessing and receiving precision medicine and biomarker testing; and~~

~~*(4) The experience of providers of health care in accessing and providing precision medicine and biomarker testing.*~~

~~*(b) Examine barriers to the use of biomarker testing with a focus on diagnosis, treatment decisions and the post-treatment monitoring of disease. Such barriers may include, without limitation:*~~

~~*(1) Lack of awareness of biomarker testing;*~~

~~*(2) The use of inconsistent terminology when discussing biomarker testing;*~~

~~*(3) A lack of reimbursement or low rates of reimbursement from third parties for biomarker testing;*~~

~~*(4) A lack of coverage of biomarker testing or restrictive medical management techniques imposed by third parties; and*~~

~~*(5) Low levels of understanding of the uses of biomarker testing in measuring indicators of normal biological processes, pathogenic processes or pharmacologic responses to a specific therapeutic intervention.*~~

~~*(c) Study the role of nationally recognized clinical practice guidelines in the making of decisions by providers of health care and third parties relating to biomarker testing, focusing on situations where evidence-based biomarker testing is available but nationally recognized clinical practice guidelines have not been developed.*~~

~~*(d) Identify opportunities to expand awareness, education, understanding and usefulness of precision medicine and biomarker testing to improve care and reduce spending on health care.*~~

~~*(e) On or before January 31 of each year:*~~

~~*(1) Compile a report of the findings and recommendations of the Task Force, which must include, without limitation, findings and recommendations to:*~~

~~*(I) Improve awareness, education and insurance coverage of precision medicine and biomarker testing; and*~~

~~*(II) Optimize the use of precision medicine and biomarker testing in this State; and*~~

~~*(2) Submit the report to the Director, the Commissioner of Insurance and the Director of the Legislative Counsel Bureau for transmittal to:*~~

~~*(I) In odd-numbered years, the next regular session of the Legislature; and*~~

~~*(II) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services.*~~

~~*2. As used in this section:*~~

~~*(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.*~~

~~*(b) "Third party" means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.]*~~ **(Deleted by amendment.)**

Sec. 11. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 15 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning

demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 12. ~~[Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The month of March of each year is designated as "Precision Medicine and Biomarker Testing Awareness Month" in the State of Nevada.*~~

~~*2. The Governor shall issue annually a proclamation encouraging the observance of "Precision Medicine and Biomarker Testing Awareness Month." The proclamation must, without limitation, call upon the news media, state and local officers, medical facilities, providers of health care and other public and private entities to bring public attention to the manner in which biomarker testing is useful to diagnose, treat and monitor patients in a personalized way.*~~

~~*3. As used in this section:*~~

~~*(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation, a gene mutation or the expression of a protein.*~~

~~*(b) "Biomarker testing" means the analysis of the tissue, blood or other specimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multi-plex panel tests and whole genome sequencing.]*~~ **(Deleted by amendment.)**

Sec. 13. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase,

from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, ***and section 19 of this act,*** 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, ***and section 27 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 15. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[The]~~ Subject to the limitations prescribed by subsection 4, the Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~[(c)]~~ (d) *Nationally recognized clinical practice guidelines or consensus statements.*

2. The Director shall:

(a) Ensure that the coverage required by subsection 1 is provided in a manner that limits disruptions in care and the need for multiple specimens.

(b) Include in the State Plan for Medicaid a clear and readily accessible process for a recipient of Medicaid or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the Department.

3. If the State Plan for Medicaid requires a recipient of Medicaid to obtain prior authorization for a biomarker test described in subsection 1, the State Plan must require a response to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require the State Plan for Medicaid to include coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(d) Where a more cost-effective test is equally capable of meeting the medical needs of the recipient of Medicaid.

5. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" ~~[has the meaning ascribed to it in section 12 of this act,]~~ means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~[(b)]~~ (c) *"Consensus statement" means a statement aimed at a specific clinical circumstance that is:*

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~[(c)]~~ (d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~[costs]~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689C.1675, 695A.1856, 695B.1912, 695B.1913, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) ~~[Respond]~~ ***Unless a shorter time period is prescribed by a specific statute, including, without limitation, sections 17, 19, 20, 22, 23, 24 and 27***

of this act, respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 17. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An]~~ Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~[(c)]~~ (d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

~~[5.]~~ 6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" ~~[has the meaning ascribed to it in section 12 of this act.]~~ means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~[(b)]~~ (c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~[(c)]~~ (d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~[costs]~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ *, and section 17 of this act.*

Sec. 19. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An]~~ Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of group health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~[(c)]~~ (d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

~~*[5.]*~~ *6. As used in this section:*

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" ~~[has the meaning ascribed to it in section 12 of this act,]~~ means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~*[(b)]*~~ *(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:*

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~[(c)]~~ (d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~[costs]~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Subject to the limitations prescribed by subsection 4, a carrier that issues a health benefit plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~[(c)]~~ (d) Nationally recognized clinical practice guidelines or consensus statements.

2. A carrier shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the carrier.

3. If a carrier requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the carrier shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a carrier to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that is not in the applicable network plan of the carrier;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

~~[5.]~~ 6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" ~~[has the meaning ascribed to it in section 12 of this act.]~~ means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~[(b)]~~ (c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~[(c)]~~ (d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~[costs]~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 20 of this***

act, to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 22. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Subject to the limitations prescribed by subsection 4, a society that issues a benefit contract shall include in the contract coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~[(c)]~~ (d) Nationally recognized clinical practice guidelines or consensus statements.

2. A society shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the society.

3. If a society requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the society shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a society to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the society;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the benefit contract or renewal which is in conflict with the provisions of this section is void.

~~[5.]~~ 6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A gene mutation or characteristic; and

(3) The expression of a protein.

(b) "Biomarker testing" ~~[has the meaning ascribed to it in section 12 of this act.]~~ means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~[(b)]~~ (c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~[(c)]~~ (d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~[costs]~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Subject to the limitations prescribed by subsection 4, a hospital or medical service corporation that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~[(c)]~~ (d) Nationally recognized clinical practice guidelines or consensus statements.

2. A hospital or medical service corporation shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the hospital or medical service corporation.

3. If a hospital or medical service corporation requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the hospital or medical service corporation shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a hospital or medical service corporation to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the hospital or medical service corporation;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

~~[5.]~~ 6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" ~~[has the meaning ascribed to it in section 12 of this act.]~~ means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~[(b)]~~ (c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~[(c)]~~ (d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~[costs]~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of health insurance offered by a hospital or medical service corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical service corporation. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Subject to the limitations prescribed by subsection 4, a health maintenance organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~[(c)]~~ (d) Nationally recognized clinical practice guidelines or consensus statements.

2. A health maintenance organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an enrollee or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the health maintenance organization.

3. If a health maintenance organization requires an enrollee to obtain prior authorization for a biomarker test described in subsection 1, the health maintenance organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a health maintenance organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the health maintenance organization;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the enrollee.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

~~[5.]~~ 6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" ~~[has the meaning ascribed to it in section 12 of this act,]~~ means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation,

single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

[(b)] (c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

[(c)] (d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the [costs] risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated

pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 ***and section 24 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 26. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 24 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 27. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Subject to the limitations prescribed by subsection 4, a managed care organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of a disease or

condition when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

~~[(c)]~~ (d) Nationally recognized clinical practice guidelines or consensus statements.

2. A managed care organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing; or

(2) Appeal a denial of coverage for biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the managed care organization.

3. If a managed care organization requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the managed care organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. ~~[Evidence of coverage]~~ The provisions of this section do not require a managed care organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the managed care organization;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

~~[5.]~~ 6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" ~~[has the meaning ascribed to it in section 12 of this act.]~~ means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

~~[(b)]~~ (c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

~~[(c)]~~ (d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the ~~[costs]~~ risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole

or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 28. ~~[1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $500,000 for the purpose of entering into a contract with a college or university or another qualified entity that conducts research in the field of public health for the purposes described in section 29 of this act.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.~~**]** **(Deleted by amendment.)**

Sec. 29. ~~[1. The Department of Health and Human Services shall use a competitive bidding process conducted in accordance with the provisions of chapter 333 of NRS to enter into a contract with a college or university or another qualified entity that conducts research in the field of public health and is located in this State to study the awareness of and access to precision medicine and biomarker testing in this State. The study must include, without limitation:~~

~~(a) The collection of information on the policies of third parties concerning coverage of precision medicine and biomarker testing, including, without limitation, evidentiary standards of clinical utility used by third parties. Information must be collected for, at a minimum, Medicaid, the Public Employees' Benefits Program, the three largest plans regulated under chapter 689A of NRS and the three largest plans regulated under chapter 689C of NRS.~~

~~(b) Statewide surveys to determine levels of understanding among providers of health care about the availability and usefulness of biomarker testing to diagnose diseases and direct therapies.~~

~~(c) The compilation of published guidelines relating to precision medicine and biomarker testing that are commonly used by providers of health care and third parties in this State.~~

~~(d) Recommendations to promote equity in access to precision medicine and biomarker testing for use in making clinical decisions.~~

~~(e) Recommendations on policy changes to:~~

~~(1) Improve awareness of and access to precision medicine and biomarker testing; and~~

~~(2) Increase the use of data science in health care.~~

~~2. The entity with which the Department enters into a contract pursuant to subsection 1 shall:~~

~~(a) On or before August 1, 2024, present the findings from the study conducted pursuant to subsection 1 and any recommendations for legislation resulting from that study at a meeting of the Joint Interim Standing Committee on Health and Human Services.~~

~~(b) On or before December 31, 2024, submit a final report of the study conducted pursuant to subsection 1 and any recommendations resulting from that study to the Governor, the Director of the Department of Health and Human Services, the Commissioner of Insurance and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Regular Session of the Legislature.~~

~~3. The Department of Health and Human Services shall provide any support or assistance necessary for the entity with which the Department enters into a contract pursuant to subsection 1 to perform the duties described in subsections 1 and 2.~~

~~4. As used in this section:~~

~~(a) "Biomarker testing" has the meaning ascribed to it in section 12 of this act.~~

~~(b) "Precision medicine" has the meaning ascribed to it in section 5 of this act.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Third party" has the meaning ascribed to it in section 10 of this act.~~**]**

(Deleted by amendment.)

Sec. 30. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, 12, 28 and 29 of this act become effective on July 1, 2023.

3. Sections 11, 13 to 27, inclusive, and 30 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

~~**[**4. Sections 2 to 10, inclusive, of this act expire by limitation on February 1, 2027.**]**~~

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 160.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 259.

AN ACT relating to criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; **authorizing the Records, Communications and Compliance Division of the Department of Public Safety and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, necessary for the automatic sealing of criminal records; requiring the Administrative Office of the Courts to submit annual reports to the Legislature and adopt certain other rules; creating the Advisory Task Force on Automatic Record Sealing and establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Administrative Office of the Courts and the Legislature; expanding the circumstances in which there is a rebuttable presumption that criminal records should be sealed;** revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; **authorizing the Central Repository for Nevada Records of Criminal History and its employees to inquire into and inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain procedures pursuant to which a person is authorized to petition a court for the sealing of criminal records relating to: (1) convictions for certain offenses; (2) charges against a person that were dismissed or declined for prosecution or for which the person was acquitted; (3) a conviction which has been set aside; and (4) a conviction for an offense that has been decriminalized. Existing law: (1) establishes certain requirements concerning the amount of time that must elapse after a person was convicted or charged before the records relating to the conviction or charge are eligible to be sealed through the filing of such a petition; and (2) sets forth the circumstances under which a court is authorized or required to grant the petition. (NRS 179.245, 179.255, 179.271)

Section ~~[1]~~ 1.3 of this bill requires the Records, Communications and Compliance Division of the Department of Public Safety, not later than January 1, 2026, to develop and implement a process to identify each: (1) conviction of a person and each charge against a person that becomes an eligible conviction and eligible charge; and (2) agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge. **Section ~~[1]~~ 1.3** defines "eligible conviction" and "eligible charge" to mean, in general, certain convictions or charges if the records relating to the conviction or charge are eligible to be sealed pursuant to the provisions of existing law governing the sealing of records. After the development and implementation of the process of identifying eligible convictions and eligible charges, **section ~~[1]~~ 1.3** requires the Division to, each month: (1) identify and compile a list of each conviction

or charge that has become an eligible conviction or eligible charge in the immediately preceding month and each person or governmental entity identified as having possession of records relating to those eligible convictions and eligible charges; and (2) transmit the list to ~~[each court having jurisdiction to order sealed]~~ **the Administrative Office of the Courts to recommend the sealing of** the records relating to a listed eligible conviction or eligible charge.

Section 1.3 requires the Administrative Office of the Courts, not later than January 1, 2026, to develop and implement a process to review and approve such a list received from the Division and to transmit to every court having jurisdiction each conviction of a person or charge against a person that has become an eligible conviction or eligible charge. Section 1.3 also requires the Administrative Office of the Courts, upon receiving such a list from the Division, to confirm each eligible conviction and eligible charge and notify every court having jurisdiction over the sealing of each eligible conviction or eligible charge. Section ~~[1]~~ 1.3 requires a court that receives such a ~~[list]~~ **notification from the Administrative Office of the Courts** to ~~[order sealed all]~~ **then provide notice to the appropriate prosecuting attorney or agency and authorizes the prosecuting attorney or agency to object to the sealing of the** records relating to each listed eligible conviction or eligible charge**.** ~~[over which the court has jurisdiction to order the sealing of records.]~~ **Section 1.3 further establishes the circumstances in which the court may order the records to be sealed. Section 5** of this bill requires the order to be sent to the persons and governmental entities named in the order, who are then required to seal records relating to the eligible conviction or eligible charge. **Section 1.3 also: (1) authorizes the Division and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of section 1.3; and (2) requires the Administrative Office of the Courts to submit certain annual reports to the Legislature beginning on January 31, 2027.**

Existing law provides, in general, that there is a rebuttable presumption that certain records of a person should be sealed if the person petitions the court for the sealing of such records and satisfies all statutory requirements. (NRS 179.2445) Section 3.5 of this bill provides that there is also a rebuttable presumption that certain records of a person should be sealed if a court receives a list of confirmed eligible convictions or charges from the Administrative Office of the Courts pursuant to section 1.3 and the records relate to such confirmed eligible convictions or charges. Sections 3.7 and 3.9 of this bill make conforming changes to reflect the change in section 3.5.

Existing law provides that if a court seals certain records of a person, certain civil rights of the person are restored. Existing law requires the person to be given documentation demonstrating that fact. If the documentation is lost, damaged or destroyed, the person is authorized to request that a court issue an order to restore his or her civil rights. (NRS 179.285) **Section 6 of this bill**

makes a technical, nonsubstantive change to existing law by reorganizing the language in existing law. Section [6] 6.5 of this bill **[also]** provides for the restoration of civil rights if the records of a person are sealed pursuant to **section [1.] 1.3.** However, under **section [6,] 6.5,** the person is not required to be given documentation demonstrating that fact. Instead, **section [6] 6.5** authorizes a person who was not given documentation of the restoration of his or her civil rights to request that a court issue an order in the same manner as a person whose documentation is lost, damaged or destroyed.

Section 7 of this bill authorizes a person who is the subject of records that are sealed pursuant to **section [1] 1.3** to petition a court to allow for the inspection of the records. **Section 8** of this bill authorizes certain other governmental entities to inspect such records under certain circumstances. **Section 7.5 of this bill authorizes the Central Repository for Nevada Records of Criminal History and its employees to inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm. (NRS 202.360)**

If a person is arrested and the charges against the person are dismissed or declined for prosecution or the person is acquitted of the charges, existing law authorizes the person to petition a court for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. (NRS 179.255) **Section 4** of this bill authorizes a person against whom multiple charges were brought, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, to petition for the sealing of those portions of the records relating to the arrest of the person and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.

Section 2 of this bill provides that it is the public policy of this State to enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Section 1.7 of this bill creates the Advisory Task Force on Automatic Record Sealing and establishes requirements concerning the membership of the Task Force. Section 1.7 establishes the general duties of the Task Force, including reviewing the current petition-based process for the sealing of records and identifying the ways in which the process can be streamlined to simplify the process for petitioners. Section 1.7 also requires the Task Force to prepare and submit a report to the Administrative Office of the Courts and the Legislature: (1) on or before July 1, 2024, that sets forth the initial activities and findings of the Task Force; and (2) on or before July 1, 2025, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records of criminal history. Section 8.3 of this bill requires the Administrative Office of the Courts,

before January 1, 2025, to adopt rules to streamline the process for filing a petition for the sealing of records, as recommended by the Task Force.

Sections ~~[2 and 3]~~ **2-3.3** of this bill make conforming changes to indicate the proper placement of ~~[section 1]~~ **sections 1.3 and 1.7** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 179 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.7 of this act.**

Sec. 1.3. 1. Not later than January 1, 2026, the Division shall develop and implement a process to identify, based on data maintained in the records of the Division, each:

(a) Conviction of a person that becomes an eligible conviction;

(b) Charge against a person that becomes an eligible charge; and

(c) Agency of criminal justice or public or private company, agency, officer and other custodian of records that may reasonably be identified as having possession of records relating to a conviction or charge that becomes an eligible conviction or eligible charge.

2. After the development and implementation of the process described in subsection 1, the Division shall, each month:

(a) Identify each:

(1) Conviction of a person or charge against a person that has become an eligible conviction or eligible charge in the immediately preceding month; and

(2) Agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge identified pursuant to subparagraph (1);

(b) Compile a list of each eligible conviction, eligible charge and person or governmental entity identified pursuant to paragraph (a); and

(c) Transmit the list compiled pursuant to paragraph (b) to ~~[each court having jurisdiction pursuant to NRS 179.245, 179.255 or 179.271]~~ the Administrative Office of the Courts to ~~[order]~~ recommend the sealing of records relating to an eligible conviction or eligible charge identified on the list.

3. ~~[A court that receives]~~ Not later than January 1, 2026, the Administrative Office of the Courts shall develop and implement a process to review and approve the list received from the Division pursuant to paragraph (c) of subsection 2 and transmit to every court having jurisdiction each:

(a) Conviction of a person that has become an eligible conviction; and

(b) Charge against a person that has become an eligible charge.

4. Upon receiving a list transmitted by the Division pursuant to paragraph (c) of subsection 2 , the Administrative Office of the Courts shall ~~[order sealed all]~~ confirm each eligible conviction and eligible charge and, not later than 30 business days after receiving the list from the Division, notify every court having jurisdiction over the sealing of records relating to each confirmed eligible conviction ~~[or]~~ and eligible charge ~~[over which the court has jurisdiction pursuant to NRS 179.245, 179.255 or 179.271]~~ to order the sealing of such records. ~~[The]~~

5. A court that receives notification from the Administrative Office of the Courts pursuant to subsection 4 shall , ~~[issue the order without a hearing and]~~ not later than 15 calendar days after ~~[the receipt of the list.]~~ receiving such notification, provide notice to the appropriate prosecuting attorney or agency. The prosecuting attorney or agency may object to the sealing of such records not later than 30 calendar days after receiving notice from the court.

6. If, not later than 30 calendar days after receiving notice from the court pursuant to subsection 5, a prosecuting attorney or agency:

(a) Stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records.

(b) Does not stipulate to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records without a hearing. Each person or governmental entity identified on the list as having possession of records relating to an eligible conviction or eligible charge to which the order applies must be named in the order.

~~[4.]~~ (c) Objects to the sealing of the records, the court may conduct a hearing on the matter. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and order the sealing of the records.

7. The Division and the Administrative Office of the Courts shall take such actions as are necessary to ensure public awareness of the provisions of this section. Such actions may include, without limitation, the posting of appropriate information on an Internet website maintained by the Division or the Administrative Office of the Courts or the conducting of a public awareness campaign.

~~[5.]~~ 8. The Division and the Administrative Office of the Courts may adopt any rules or regulations , as applicable, that are necessary to carry out the provisions of this section ~~[.~~

~~6.]~~ , including, without limitation, rules or regulations concerning:

(a) Contracting with any vendors to update any necessary technology; and

(b) Applying for any grants available to carry out the provisions of this section.

9. The provisions of this section do not prohibit a person from petitioning the court for the sealing of any eligible records in accordance with any other applicable provision of law.

10. If a person believes that his or her records have been sealed, the person may make a written request to the appropriate court to confirm that his or her records have been sealed and review such records.

11. On or before January 31, 2027, and each year thereafter, the Administrative Office of the Courts shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to Legislature that sets forth, to the extent possible, the number of records that were identified to be eligible for sealing and the number of records that were ordered to be sealed during the previous calendar year.

12. As used in this section:

(a) "Division" means the Records, Communications and Compliance Division of the Department of Public Safety.

(b) "Eligible charge" means any charge against a person if the records relating to the charge are eligible to be sealed pursuant to subsection 1 of NRS 179.255.

(c) "Eligible conviction" means any conviction of a person if the records relating to the conviction are eligible to be sealed pursuant to ~~[:~~

~~(1) Subsection]~~ paragraph (c) or (g) of subsection 1 of NRS 179.245 ~~[,~~ ~~subsection 2 of NRS 179.255 or NRS 179.271; and~~

~~(2) Subsection 1 of NRS 179.245,]~~ for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351, and the person has not been, in the time period prescribed in ~~[that subsection,]~~ the applicable provision, charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations.

Sec. 1.7. 1. The Advisory Task Force on Automatic Record Sealing is hereby created. The Task Force consists of:

(a) Fifteen members appointed by the Department of Public Safety in accordance with subsection 2, consisting of:

(1) One member who is a representative of the Administrative Office of the Courts;

(2) One member who is a representative of the Nevada Supreme Court;

(3) One member who is a representative of a district court;

(4) One member who is a representative of a justice court;

(5) One member who is a representative of an outlying justice court;

(6) One member who is a representative of a municipal court;

(7) One member who is a representative of a district attorney's office;

(8) One member who is a representative of the Office of the Attorney General;

(9) One member who is a representative of the Office of the Clark County Public Defender or the Office of the Washoe County Public Defender or who is an attorney in private practice and experienced in defending criminal actions;

(10) One member who is a representative of a law enforcement agency;

(11) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety;

(12) One member who is a representative of the Department of Corrections; and

(13) Three members who are representatives from nonprofit organizations focused on issues relating to criminal justice;

(b) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

(c) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

2. The Department of Public Safety shall solicit applications for appointment to the Task Force pursuant to paragraph (a) of subsection 1. When appointing members to the Task Force pursuant to paragraph (a) of subsection 1, the Department shall ensure that all regions of this State are represented.

3. At the first meeting of the Task Force, the members shall elect a Chair and Vice Chair by a majority vote.

4. The Department of Public Safety shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.

5. The members of the Task Force serve without compensation or per diem allowance. If sufficient money is available, a member of the Task Force may, upon written request, receive reimbursement for travel expenses provided for state officers and employees generally while engaged in the business of the Task Force.

6. The Task Force shall:

(a) Review the current petition-based process for the sealing of records and identify the ways in which the process can be streamlined to simplify the process for petitioners;

(b) Conduct research on methods to implement the provisions of section 1.3 of this act, including, without limitation, necessary technology and system upgrades within the criminal justice system of this State;

(c) Identify and assess any technology and system gaps, necessary infrastructure and policy constraints to support the implementation of the automatic sealing of records; and

(d) Recommend approaches to improve the ability of this State to expand future provisions concerning the automatic sealing of records, including, without limitation, the feasibility of retroactively sealing eligible charges and convictions.

7. The Task Force may:

(a) Enter into a contract with a consultant or vendor to perform the research necessary for the Task Force to carry out its duties; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to assist the Task Force in carrying out its duties.

8. The Task Force shall:

(a) On or before July 1, 2024, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the initial activities and findings of the Task Force, including, without limitation, the ways in which the petition-based process for the sealing of records can be streamlined; and

(b) On or before July 1, 2025, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records.

Sec. 2. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to ~~[favor]~~ ***:***

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive ~~[.]~~ ***, and section ~~[1]~~ 1.7 of this act ~~[.]~~ ; and***

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.3. **NRS 179.2405 is hereby amended to read as follows:**

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~[section]~~ ***sections 1.3 and*** 1.7 of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.7. **NRS 179.2405 is hereby amended to read as follows:**

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~[sections]~~ ***section*** 1.3 ~~[and 1.7]~~ of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, ***and section ~~[1]~~ 1.7 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.1. **NRS 179.241 is hereby amended to read as follows:**

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~[section]~~ ***sections 1.3 and*** 1.7 of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.3. **NRS 179.241 is hereby amended to read as follows:**

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~[sections]~~ ***section*** 1.3 ~~[and 1.7]~~ of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.5. **NRS 179.2445 is hereby amended to read as follows:**

179.2445 1. Except as otherwise provided in subsection 2, upon the ~~[filing]~~ ***:***

(a) Filing of a petition for the sealing of records pursuant to NRS 179.245, 179.247, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

(b) Receipt by a court of the list of confirmed eligible convictions or eligible charges from the Administrative Office of the Courts pursuant to section 1.3 of this act, there is a rebuttable presumption that the records relating to the confirmed eligible convictions or eligible charges should be sealed.

2. The presumption set forth in ***paragraph (a) of*** subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.850 and applies to the court for the sealing of records relating to the conviction.

Sec. 3.7. **NRS 179.245 is hereby amended to read as follows:**

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving

notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.430;

(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 3.9. **NRS 179.247 is hereby amended to read as follows:**

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would

otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of:

(a) A violation of NRS 201.353 or 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) A crime under the laws of this State, other than a crime of violence; or

(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow the prosecuting attorney who prosecuted the petitioner for the crime and any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case. If the

prosecuting agency does not stipulate to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case or does not file a written objection within 30 days after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, the court shall vacate the judgment, apply the presumption and seal all documents, papers and exhibits related to the case.

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

(a) Vacate the judgment and dismiss the accusatory pleading; and

(b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

9. If the court enters an order pursuant to subsection 8, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 7, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

Sec. 4. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time 8 years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. ***If a person has been arrested for alleged criminal conduct and multiple charges were brought against the person, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, a petition filed pursuant to this subsection may request the sealing of those portions of the records relating to the arrest and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.***

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting agency that prosecuted or declined to prosecute the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, the court shall apply the presumption and seal the records.

7. If the court finds:

(a) That there has been an acquittal and there is no evidence that further action will be brought against the person, the court shall order sealed all records of the arrest and of the proceedings leading to the acquittal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada; or

(b) That prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 5. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[,]~~ ***or section ~~[1]~~ 1.3 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 6. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~*[or section 1 of this act:]*~~:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, ~~*[except if the person's records were sealed pursuant to section 1 of this act,]*~~ a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. ~~[A]~~ ***If a*** person ~~[who]~~ has had his or her records sealed in this State or any other state and ~~[whose]~~ ***was not given*** official documentation of the restoration of civil rights ***or if that documentation*** is lost, damaged or destroyed ***, the person*** may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 6.5. **NRS 179.285 is hereby amended to read as follows:**

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[,]~~ ***or section 1.3 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, ***except if the person's records were sealed pursuant to section 1.3 of this act,*** a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. If a person has had his or her records sealed in this State or any other state and was not given official documentation of the restoration of civil rights or if that documentation is lost, damaged or destroyed, the person may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 7. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295,

179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ***or section ~~[1]~~ 1.3 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ***or section ~~[1]~~ 1.3 of this act*** in determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.

Sec. 7.5. **NRS 179.301 is hereby amended to read as follows:**

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to ~~[sexual]~~ ***:***

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, ***or section*** ~~***[1]***~~ ***1.3 of this act,*** if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, ***or section*** ~~***[1]***~~ ***1.3 of this act,*** if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any,

which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section ~~[1]~~ 1.3 of this act*** if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section ~~[1]~~ 1.3 of this act*** that constitute information relating to:

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 ***or section ~~[1]~~ 1.3 of this act*** and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section ~~[1]~~ 1.3 of this act*** if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8.3. **1. Before January 1, 2025, the Administrative Office of the Courts shall adopt rules to streamline the process for filing a petition for the sealing of records of criminal history, as recommended by the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, rules regarding:**

(a) A standard order for the sealing of records of criminal history to be used by all courts having jurisdiction over the sealing of records of criminal history;

(b) The authority for a petitioner to file a request for the sealing of records of criminal history with one court; and

(c) Any other changes that will expedite or simplify the process for petitioners to seal records of criminal history.

2. As used in this section, "record of criminal history" has the meaning ascribed to it in NRS 179A.070.

Sec. 8.7. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 9. 1. This section ~~[becomes]~~ **and sections 1, 2, 3, 4, 6, 7.5, 8.3 and 8.7 become** effective upon passage and approval.

2. ~~[Sections 1 to 8, inclusive,]~~ **Section 1.3** of this act ~~[become]~~ **becomes** effective:

(a) Upon passage and approval for the purpose of **:**

(1) The Division developing and implementing the process required pursuant to subsection 1 of that section;

(2) The Administrative Office of the Courts developing and implementing the process required pursuant to subsection 3 of that section; and

(3) The Division and the Administrative Office of the Courts adopting any **rules or** regulations **, as applicable,** and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, ~~[2024,]~~ **2026,** for all other purposes.

3. Section 1.7 of this act becomes effective upon passage and approval and expires by limitation on June 30, 2026.

4. Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become effective on January 1, 2026.

5. Sections 2.3 and 3.1 of this act become effective on January 1, 2026, and expire by limitation on June 30, 2026.

6. Sections 2.7 and 3.3 of this act become effective on July 1, 2026.

7. As used in this section, "Division" means the Records, Communications and Compliance Division of the Department of Public Safety.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 168.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 269.

SUMMARY—Revises provisions ~~[governing the Maternal Mortality Review Committee in the Department of Health and Human Services.]~~ **relating to fetal and infant mortality.** (BDR 40-64)

AN ACT relating to ~~[maternal health; revising the duties of the Maternal Mortality Review Committee in the Department of Health and Human Services;]~~ **health care; establishing the Fetal and Infant Mortality Review Program; requiring the Program to review and make recommendations**

concerning the deaths of fetuses and infants; requiring the Program to coordinate with certain persons and entities involved in the review of the deaths of children to avoid duplication of efforts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Maternal Mortality Review Committee within the Department of Health and Human Services and requires the Committee to perform certain duties relating to studying and recommending measures to reduce maternal mortality. (NRS 442.751-442.774) ~~[This]~~ **Section 8 of this** bill ~~[requires the Committee, within the limits of available resources, to: (1) identify and review disparities in the incidence of preventable infant deaths; (2) develop recommendations to reduce the infant deaths; and (3) include certain information concerning preventable infant deaths in certain reports required by existing law. (NRS 442.767)]~~ **similarly establishes the Fetal and Infant Mortality Review Program within the Department. Sections 5-7 of this bill define certain terms. Section 8 requires the Program, at the direction of the Advisory Committee of the Office of Minority Health and Equity of the Department, to: (1) review incidents of fetal and infant death in this State; (2) identify factors associated with and develop recommendations concerning fetal and infant death in this State; and (3) disseminate findings and recommendations concerning fetal and infant death to providers of health care, medical facilities, other interested persons and the public. Section 9 of this bill entitles the Program to certain records it deems necessary to perform its duties and authorizes the Department, on behalf of the Program, to petition the district court for a subpoena to compel the production of such records. Sections 9 and 12 of this bill also provide that information acquired by and records of the Program are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. Section 10 of this bill authorizes the Department to convene a multidisciplinary team to: (1) review the findings of the Program; and (2) make recommendations to prevent fetal and infant death. Sections 9, 10 and 13 of this bill provide that certain meetings held by the Program or a multidisciplinary team are closed to the public.**

Existing law authorizes the director or other authorized representative of an agency that provides child welfare services to organize one or more multidisciplinary teams to review the death of a child for the purpose of developing a report and recommendations on the prevention of such deaths. (NRS 432B.405-432B.4075) Existing law establishes the Executive Committee to Review the Death of Children and requires each multidisciplinary team to transmit its report and recommendations to the Executive Committee. (NRS 432B.408, 432B.409) Sections 8, 14 and 16 of this bill require the Program, the director or other authorized representative of an agency which provides child welfare services, a multidisciplinary team organized to review the death of an infant and the

Executive Committee to coordinate to ensure that certain reports are made concerning the death of an infant and avoid duplication of efforts. Sections 8 and 15 of this bill authorize the sharing of information between the Program and a multidisciplinary team to review the death of an infant.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~**[**NRS 442.767 is hereby amended to read as follows:~~

~~442.767 1. The Committee shall:~~

~~(a) Identify and review each incident of maternal mortality in this State, regardless of the cause of death. Such a review must include, without limitation and to the extent that such records exist, a review of relevant medical records, birth and death certificates, records of an autopsy, records created by a medical facility or provider of emergency medical services, records of a social services agency, mental health records and records of a law enforcement agency described in NRS 442.774.~~

~~(b) Use the Maternal Mortality Review Information Application developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or, if that application ceases to exist, a similar application designated by the Director, to conduct reviews pursuant to paragraph (a).~~

~~(c) Within the limits of available resources:~~

~~(1) Review incidents and trends in severe maternal morbidity in this State.~~

~~(2) Identify and review disparities in the incidence of maternal mortality ***and preventable infant deaths*** in this State by analyzing:~~

~~(I) The race, ethnicity and age of mothers who experience maternal mortality **[**;**]** ***, infants who experience preventable death and mothers of infants who experience preventable death;***~~

~~(II) The geographic region of the residence of mothers who experience maternal mortality **[**;**]** ***and mothers of infants who experience preventable death;*** and~~

~~(III) Any other variables identified by the Committee.~~

~~(d) Based on the reviews conducted pursuant to paragraphs (a) and (c), develop recommendations to prevent maternal mortality **, [**and**]** severe maternal morbidity ***and the death of infants*** and disseminate findings and recommendations to providers of health care, medical facilities, other interested persons and entities and the public.~~

~~(e) On or before April 1 of each year, compile and publish on an Internet website operated by the Department a report that consists of data concerning maternal mortality **, [**and**]** severe maternal morbidity ***and preventable infant deaths*** in this State during the immediately preceding year. Such data must be aggregated and presented in a manner that does not allow for the identification of any person.~~

~~(f) On or before December 31 of each even-numbered year and in collaboration with the Advisory Committee of the Office of Minority Health and Equity of the Department and the Chief Medical Officer, develop and submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report that includes, without limitation:~~

~~(1) A description of the incidents of maternal mortality and severe maternal morbidity reviewed pursuant to paragraph (a) and subparagraph (1) of paragraph (e), respectively, during the immediately preceding 24 months, provided in a manner that does not allow for the identification of any person;~~

~~(2) A summary of the disparities identified and reviewed pursuant to subparagraph (2) of paragraph (e);~~

~~(3) Plans for corrective action to reduce maternal mortality~~ **,** ~~**[**and**]** severe maternal morbidity ***and preventable infant deaths*** in this State; and

~~(4) Recommendations for any legislation or other changes to policy to reduce maternal mortality~~ **,** ~~and**]** severe maternal morbidity ***and preventable infant deaths*** or otherwise improve the delivery of health care in this State.~~

~~2. The Advisory Committee of the Office of Minority Health and Equity may not access any information deemed as confidential pursuant to NRS 442.774 while collaborating with the Committee in the development of the report pursuant to paragraph (f) of subsection 1.~~

~~3. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.**]** **(Deleted by amendment.)**

Sec. 2. ~~**[**The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**]**~~ **(Deleted by amendment.)**

Sec. 3. **Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 10, inclusive, of this act.**

Sec. 4. ***As used in sections 4 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5, 6 and 7 of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Advisory Committee" means the Advisory Committee of the Office of Minority Health and Equity of the Department.***

Sec. 6. ***"Infant" means a child who is less than 1 year of age.***

Sec. 7. ***"Program" means the Fetal and Infant Mortality Review Program established by section 8 of this act.***

Sec. 8. ***1. The Fetal and Infant Mortality Review Program is hereby established within the Department.***

2. Within the limits of available resources and at the direction of the Advisory Committee, the Program shall:

(a) Review incidents and trends in the deaths of fetuses and infants in this State.

(b) Identify and review disparities in the incidence of fetal and infant death in this State by analyzing:

(1) The race, ethnicity and age of fetuses and infants who experience preventable death;

(2) The geographic regions where the parents of fetuses and infants who experience preventable death reside; and

(3) The causes of fetal and infant deaths in this State, including, without limitation, Sudden Unexpected Infant Death.

3. The Program shall, based on the reviews conducted pursuant to subsection 2:

(a) Identify factors that are associated with fetal and infant deaths in this State, including, without limitation, any factors specific to the particular geographic area in which the death of a fetus or infant occurs;

(b) Develop recommendations to prevent the deaths of fetuses and infants in this State; and

(c) Disseminate findings and recommendations to the Advisory Committee, providers of health care, medical facilities, local health authorities and other interested persons and entities and the public.

4. The Program shall coordinate with the director or other authorized representative of each agency which provides child welfare services, each multidisciplinary team appointed pursuant to paragraph (d) of subsection 2 of NRS 432B.409 to review the death of a child who is less than 1 year of age and the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 as necessary to:

(a) Avoid duplication of efforts;

(b) Clarify the scope of reviews conducted by the Program and a multidisciplinary team when the Program and the multidisciplinary team are each reviewing the same death; and

(c) Ensure the data and findings of the Program and a multidisciplinary team concerning the death of a child who is less than 1 year of age:

(1) Are reported to the national database of the National Center for Fatality Review and Prevention, or its successor organization;

(2) Are included in the statewide annual report on child deaths compiled by the Executive Committee to Review the Death of Children pursuant to NRS 432B.409; and

(3) Are not duplicated in the reports described in subparagraphs (1) and (2) or any other reports that contain such data and findings.

5. The Department shall adopt such regulations as are necessary to carry out the provisions of sections 4 to 10, inclusive, of this act, including, without limitation, regulations prescribing the procedures which must be used by the Program when conducting a review of the death of a fetus or infant.

6. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(c) "Sudden Unexpected Infant Death" means the sudden and unexpected death of an infant below 1 year of age in which the cause of the death was not obvious before investigation. Sudden unexpected infant death includes, without limitation, death by Sudden Infant Death Syndrome and accidental suffocation during sleep.

Sec. 9. 1. The Program is entitled to access to:

(a) All final investigative information of law enforcement agencies regarding the death of a fetus or infant being investigated by the Advisory Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to the death;

(c) Any medical or mental health records of the fetus or infant or the parent or guardian of the fetus or infant;

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the family of the fetus or infant;

(e) The system for the reporting of information on cancer and other neoplasms established pursuant to NRS 457.230;

(f) The system for the reporting of information on sickle cell disease and its variants established pursuant to NRS 439.4929;

(g) The system for the reporting of information on lupus and its variants established pursuant to NRS 439.4976; and

(h) Any other records determined by the Department to be necessary for the Program to perform its duties, except for the investigative information of a law enforcement agency not described in paragraph (a).

2. The staff of the Program may, if appropriate, meet and share information with a multidisciplinary team appointed pursuant to paragraph (d) of subsection 2 of NRS 432B.409 to review the death of an infant.

3. The Department may, on behalf of the Program, petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the Program. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Program pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

4. The Program may use data collected concerning a fetal death or death of an infant for the purpose of research or to prevent future deaths if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Program are confidential, are not public records, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

6. The Advisory Committee is entitled to access:

(a) Aggregated, deidentified data concerning the deaths of fetuses and infants in the possession of the Department; and

(b) The findings and recommendations of the Program.

7. Any meetings that are convened by the Program, including, without limitation, a meeting to coordinate pursuant to section 8 of this act with the director or other authorized representative of an agency which provides child welfare services, a multidisciplinary team appointed pursuant to paragraph (d) of subsection 2 of NRS 432B.409 or the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409, are closed to the public.

Sec. 10. 1. The Department may convene a multidisciplinary team to review the findings of the Program and make recommendations to prevent the deaths of fetuses and infants in this State.

2. The Department shall determine the membership of a multidisciplinary team convened pursuant to subsection 1 based on the findings that will be reviewed by the multidisciplinary team. Such members may include, without limitation:

(a) Representatives of local health authorities;

(b) Medical professionals and providers of services relating to health care, including, without limitation, providers of health care or other services, midwives, dieticians, providers of family planning services, persons who provide education in health care, community health workers and doulas;

(c) Representatives of medical facilities, including, without limitation, administrators of hospitals, clinics and freestanding birthing centers and providers of care for home births;

(d) Representatives of managed care organizations, including, without limitation, health maintenance organizations that have entered into a contract with the Department pursuant to NRS 422.273 to provide services to recipients of Medicaid;

(e) Representatives of the maternal and child health program administered by the Department pursuant to NRS 442.130 and the Special Supplemental Nutrition Program for Women, Infants and Children established by 7 C.F.R. Part 246;

(f) Representatives of centers for rehabilitation or treatment of alcohol or other substance use disorders;

(g) Representatives of communities in this State that have been economically disadvantaged or belong to a racial or ethnic minority group, including, without limitation:

(1) Advocates for the rights of such communities;

(2) Members of faith-based organizations within such communities;

(3) Members of the Nevada Indian Commission;

(4) Members of groups established to improve or advocate for the health of such communities; and

(5) Members of local coalitions that advocate for such communities; and

(h) Any other persons or organizations that the Department deems necessary based on the available data.

3. The meetings of a multidisciplinary team held to review data and develop recommendations are closed to the public.

4. As used in this section:

(a) "Community health worker" has the meaning ascribed to it in NRS 449.0027.

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Hospital" has the meaning ascribed to it in NRS 449.012.

(d) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(e) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 11. **NRS 232.484 is hereby amended to read as follows:**

232.484 The Advisory Committee shall:

1. Advise the Manager on all matters concerning the manner in which the purposes of the Office are being carried out;

2. Review the manner in which the Office uses any gifts, grants, donations or appropriations to carry out the purposes of the Office and make recommendations; ~~[and]~~

3. Review any reports to be submitted by the Manager, including, without limitation, the report required pursuant to NRS 232.479, and make recommendations ~~[.]~~ ***; and***

4. Direct and coordinate with the Fetal and Infant Mortality Review Program established by section 8 of this act.

Sec. 12. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,

268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,

648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 9 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 13. **NRS 241.016 is hereby amended to read as follows:**

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ***and sections 9 and 10 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 14. **NRS 432B.405 is hereby amended to read as follows:**

432B.405 1. The director or other authorized representative of an agency which provides child welfare services:

(a) May provisionally appoint and organize one or more multidisciplinary teams to review the death of a child;

(b) Shall submit names to the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 for review and approval of

persons whom the director or other authorized representative recommends for appointment to a multidisciplinary team to review the death of a child; and

(c) Shall organize one or more multidisciplinary teams to review the death of a child under any of the following circumstances:

(1) Upon receiving a written request from an adult related to the child within the third degree of consanguinity, if the request is received by the agency within 1 year after the date of death of the child;

(2) If the child dies while in the custody of or involved with an agency which provides child welfare services, or if the child's family previously received services from such an agency;

(3) If the death is alleged to be from abuse or neglect of the child;

(4) If a sibling, household member or day care provider has been the subject of a child abuse and neglect investigation within the previous 12 months, including, without limitation, cases in which the report was unsubstantiated or the investigation is currently pending;

(5) If the child was adopted through an agency which provides child welfare services; or

(6) If the child died of Sudden Infant Death Syndrome.

2. A review conducted pursuant to subparagraph (2) of paragraph (c) of subsection 1 must occur within 3 months after the issuance of a certificate of death.

3. The director or other authorized representative of each agency which provides child welfare services and each multidisciplinary team to review the death of a child who is less than 1 year of age shall coordinate with the Fetal and Infant Mortality Review Program established pursuant to section 8 of this act and the Executive Committee to Review the Death of Children established pursuant to NRS 432B.409 as necessary to:

(a) Avoid duplication of efforts;

(b) Clarify the scope of reviews conducted by the multidisciplinary team and the Program when the multidisciplinary team and the Program are each reviewing the same death; and

(c) Ensure the data and findings of a multidisciplinary team and the Program concerning the death of a child who is less than 1 year of age:

(1) Are reported to the national database of the National Center for Fatality Review and Prevention, or its successor organization;

(2) Are included in the statewide annual report on child deaths compiled by the Executive Committee to Review the Death of Children pursuant to NRS 432B.409; and

(3) Are not duplicated in the reports described in subparagraphs (1) and (2) or any other reports that contain such data and findings.

Sec. 15. **NRS 432B.407 is hereby amended to read as follows:**

432B.407 1. A multidisciplinary team to review the death of a child is entitled to access to:

(a) All investigative information of law enforcement agencies regarding the death;

(b) Any autopsy and coroner's investigative records relating to the death;

(c) Any medical or mental health records of the child; and

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the child or the child's family.

2. Each organization represented on a multidisciplinary team to review the death of a child shall share with other members of the team information in its possession concerning the child who is the subject of the review, any siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

3. A multidisciplinary team to review the death of a child may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475; ~~[or]~~

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470 ~~[.]~~ ***; or***

(c) Representatives of the Fetal and Infant Mortality Review Program established pursuant to section 8 of this act.

4. A multidisciplinary team to review the death of a child may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the team. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the team pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

5. A multidisciplinary team to review the death of a child may use data collected concerning the death of a child for the purpose of research or to prevent future deaths of children if the data is aggregated and does not allow for the identification of any person.

6. Except as otherwise provided in this section, information acquired by, and the records of, a multidisciplinary team to review the death of a child are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

Sec. 16. **NRS 432B.409 is hereby amended to read as follows:**

432B.409 1. The Administrator of the Division of Child and Family Services shall establish an Executive Committee to Review the Death of Children, consisting of:

(a) Representatives from multidisciplinary teams formed pursuant to paragraph (a) of subsection 1 of NRS 432B.405 and NRS 432B.406, vital statistics, law enforcement, public health and the Office of the Attorney General.

(b) Administrators of agencies which provide child welfare services, and agencies responsible for mental health and public safety, to the extent that such administrators are not already appointed pursuant to paragraph (a). Members

of the Executive Committee who are appointed pursuant to this paragraph shall serve as nonvoting members.

2. The Executive Committee shall:

(a) Adopt statewide protocols for the review of the death of a child;

(b) Adopt regulations to carry out the provisions of NRS 432B.403 to 432B.4095, inclusive;

(c) Adopt bylaws to govern the management and operation of the Executive Committee;

(d) Appoint one or more multidisciplinary teams to review the death of a child from the names submitted to the Executive Committee pursuant to paragraph (b) of subsection 1 of NRS 432B.405;

(e) Oversee training and development of multidisciplinary teams to review the death of children;

(f) Compile and distribute a statewide annual report, including statistics and recommendations for regulatory and policy changes; ~~[and]~~

(g) Carry out the duties specified in NRS 432B.408 ~~[.]~~ ***; and***

(h) Coordinate with the director or other authorized representative of each agency which provides child welfare services, each multidisciplinary team appointed pursuant to paragraph (d) to review the death of a child who is less than 1 year of age and the Fetal and Infant Mortality Review Program established pursuant to section 8 of this act as necessary to:

(1) Avoid duplication of efforts;

(2) Clarify the scope of reviews conducted by a multidisciplinary team and the Program when the multidisciplinary team and the Program are each reviewing the same death; and

(3) Ensure the data and findings of a multidisciplinary team and the Program concerning the death of a child who is less than 1 year of age:

(I) Are reported to the national database of the National Center for Fatality Review and Prevention, or its successor organization;

(II) Are included in the statewide annual report on child deaths compiled by the Executive Committee to Review the Death of Children pursuant to NRS 432B.409; and

(III) Are not duplicated in the reports described in sub-subparagraphs (I) and (II) or any other reports that contain such data and findings.

3. The Review of Death of Children Account is hereby created in the State General Fund. The Executive Committee may use money in the Account to carry out the provisions of NRS 432B.403 to 432B.4095, inclusive.

~~[Sec. 3.]~~ ***Sec. 17.*** This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 179.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 270.

SUMMARY—Establishes the Perinatal Quality ~~[Control]~~ Collaborative. (BDR 40-98)

AN ACT relating to health care; establishing the Perinatal Quality ~~[Control]~~ Collaborative; prescribing the membership, objectives and duties of the Collaborative; providing for the appointment of the Executive Director **and Clinical Director** of the Collaborative; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the: (1) Advisory Board on Maternal and Child Health to advise the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services, which performs certain duties relating to perinatal care and programs to improve the health of preschool children; and (2) Maternal Mortality Review Committee within the Department to identify and review each incident of maternal mortality in this State. (NRS 442.133, 442.137, 442.764, 442.767) **Section 3** of this bill creates the Perinatal Quality ~~[Control]~~ Collaborative, which consists of members who are representatives of various governmental agencies and other persons who are involved in maternal and neonatal health care. **Section 3** also establishes procedures governing the meetings and operations of the Collaborative. **Sections 3 and 8** of this bill provide that the meetings of the Collaborative are closed to the public, unless the Chair of the Collaborative opens a meeting to the public. **Section 4** of this bill prescribes the objectives and duties of the Collaborative and the actions the Collaborative is authorized to perform to achieve its objectives. The objectives of the Collaborative ~~[are to reduce:]~~ **include reducing:** (1) the number of premature births; (2) the rate of maternal morbidity and mortality; (3) **the rate of maternal substance use disorder; (4)** the number of infants born with neonatal abstinence syndrome and improve the identification of neonatal abstinence syndrome in infants; ~~[(4)]~~ **(5)** the disparities in pregnancy-related morbidities or death for economically disadvantaged and racial and ethnic minority groups; and ~~[(5)]~~ **(6)** the costs of perinatal care. **Sections 4 and 6** of this bill entitle the Collaborative to access certain records and information necessary to perform its duties. **Sections 4 and 7** of this bill provide that any record or information the Collaborative receives is confidential, with certain exceptions. **Section 4 requires the Collaborative to biennially report its findings and recommendations to the Legislature. Section 5** of this bill requires the Director of the Department to appoint ~~[an]~~ **: (1) an** Executive Director of the Collaborative to direct and supervise the administrative and technical activities of the Collaborative and perform other duties as may be assigned by the Director ~~[.]~~ **; and (2) a Clinical Director of the Collaborative to direct and supervise the clinical activities of the**

Collaborative and perform other duties as may be assigned by the Director.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Collaborative" means the Perinatal Quality ~~[Control]~~ Collaborative created by section 3 of this act.***

Sec. 3. ***1. The Perinatal Quality ~~[Control]~~ Collaborative is hereby created within the Division.***

2. The Collaborative consists of at least the following members:

(a) The Administrator of the Division or a designee of the Administrator;

(b) The Chair of the Maternal Mortality Review Committee established by NRS 442.764, or a designee of the Chair;

(c) The Chair of the Advisory Board or a designee of the Chair;

(d) The Chief Medical Officer or a designee of the Chief Medical Officer;

(e) ~~[The Dean of the School of Medicine of the University of Nevada, Reno, or a designee of the Dean;]~~ A physician who practices in this State and specializes in the area of perinatology, appointed by the Administrator;

(f) The Manager of the Office of Minority Health and Equity of the Department or a designee of the Manager;

(g) The President of the Nevada Public Health Association, or its successor organization, or a designee of the President;

(h) The Chair of the Nevada Section of the American College of Obstetricians and Gynecologists, or its successor organization, or a designee of the Chair;

(i) The President of the Nevada Chapter of the American Academy of Pediatrics, or its successor organization, or a designee of the President;

(j) The President of the Nevada Chapter of the American Academy of Family Physicians, or its successor organization, or a designee of the President;

(k) The Chair of the Nevada Section of the Association of Women's Health, Obstetric and Neonatal Nurses, or its successor organization, or a designee of the Chair;

(l) A representative of each ~~[hospital, as defined in NRS 449.012, in this State]~~ system of hospitals under common ownership that operates a hospital with a maternity unit ~~[;]~~ in this State; and

(m) ~~[A representative of each freestanding birthing center, as defined in NRS 449.0065, in this State; and~~

~~(n)]~~ A midwife, appointed by the Director, who is certified as:

(1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(2) A Certified Nurse-Midwife or a Certified Midwife by the American Midwifery Certification Board, or its successor organization.

3. In addition to the members required by subsection 2, the Collaborative may include, at the discretion of the persons and entities listed in this subsection:

(a) The dean of any school of medicine in this State approved by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges, or its successor organization, or a designee of the dean;

(b) The dean of any school of osteopathic medicine in this State accredited by the Commission on Osteopathic College Accreditation of the American Osteopathic Association, or its successor organization, or a designee of the dean; and

(c) A representative of any freestanding birthing center, as defined in NRS 449.0065, in this State.

4. An appointed member of the Collaborative serves at the pleasure of the appointing authority.

~~[4.]~~ 5. Members of the Collaborative serve without compensation but are entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

~~[5.]~~ 6. At its first meeting and annually thereafter, the Collaborative shall elect a Chair and a Vice Chair from among its members.

~~[6.]~~ 7. The Collaborative shall meet at the call of the Chair or the Director as is necessary to achieve its objectives and carry out its duties.

~~[7.]~~ 8. A member of the Collaborative who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties as an officer or employee without loss of regular compensation so that the person may prepare for and attend meetings of the Collaborative and perform any work necessary to carry out duties of the Collaborative in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee of the Collaborative to make up the time the member is absent from work to carry out the duties of the Collaborative or use annual leave or compensatory time for the absence.

~~[8.]~~ 9. A majority of the members of the Collaborative constitutes a quorum for the transaction of business and a majority of a quorum present at any meeting is sufficient for any official action taken by the Collaborative.

~~[9.]~~ 10. The meetings of the Collaborative are closed to the public, unless the Chair opens a meeting to the public.

~~[10.]~~ 11. The Collaborative may apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 5, inclusive, of this act.

Sec. 4. *1. The ~~[purpose]~~ purposes of the Collaborative ~~[is to achieve the following objectives in this State:]~~ include, without limitation:*

(a) ~~[Decrease]~~ Decreasing the number of premature births ~~[,]~~ in this State;

(b) ~~[Lower]~~ Lowering the ~~[rate]~~ rates of maternal morbidity and mortality ~~[;]~~ in this State;

(c) ~~[Decrease]~~ Decreasing the rate of maternal substance use disorder and the number of infants born with neonatal abstinence syndrome ~~[;]~~ in this State;

(d) ~~[Improve]~~ Increasing the identification of neonatal abstinence syndrome in infants ~~[;]~~ in this State;

(e) ~~[Reduce]~~ Reducing pregnancy-related morbidities or death for economically disadvantaged and racial and ethnic minority groups ~~[;]~~ in this State; and

(f) ~~[Reduce]~~ Reducing the costs of perinatal care ~~[.]~~ in this State.

2. The Collaborative shall:

(a) Maintain and publish on its Internet website a list of quality improvement projects to achieve its objectives based on best practices and interventions;

(b) Identify performance metrics to set statewide quality benchmarks relating to the objectives of the Collaborative; ~~[and]~~

(c) Provide the most recent data and best practices and interventions on perinatal care to physicians, hospitals, freestanding birthing centers, other relevant persons and entities and the public, including, without limitation, by creating an Internet website and conducting seminars in person and over the Internet ~~[.]~~ ;

(d) Review and analyze the recommendations:

(1) Contained in the report prepared by the Maternal Mortality Review Committee pursuant to paragraph (f) of subsection 1 of NRS 442.767;

(2) Contained in the report prepared by the Executive Committee to Review the Death of Children pursuant to paragraph (f) of subsection 2 of NRS 432B.409; and

(3) Of any other program or committee established by any agency or political subdivision of this State to address fetal death or the death of infants;

(e) Develop recommendations to improve perinatal care in this State, prioritizing the recommendations described in paragraph (d); and

(f) On or before June 30 of each even-numbered year:

(1) Compile a report of its findings and recommendations;

(2) Submit the report compiled pursuant to subparagraph (1) to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services; and

(3) Present the report compiled pursuant to subparagraph (1) at a meeting of the Joint Interim Standing Committee on Health and Human Services.

3. The Collaborative may:

(a) Partner with any hospital, freestanding birthing center, school of medicine, nonprofit organization providing perinatal care or serving an economically disadvantaged or racial or ethnic minority group, expert in

perinatal care or data collection and analysis or other interested person or entity to assist the Collaborative in achieving its objectives; and

(b) Take any other actions necessary to achieve the objectives of the Collaborative and carry out its duties.

4. The Collaborative is entitled to access to:

(a) The reports prepared by the Maternal Mortality Review Committee pursuant to paragraphs (e) and (f) of subsection 1 of NRS 442.767 and the data, information and documents used in creating such reports;

(b) The report prepared by the Executive Committee to Review the Death of Children pursuant to paragraph (f) of subsection 2 of NRS 432B.409;

(c) Any records of vital statistics maintained by this State or any political subdivision of this State concerning the birth or death of an infant or death of a person who gave birth, if the death occurs not later than 12 months after the birth of the infant;

~~[(c)]~~ (d) The statewide system for the collection and analysis of information concerning birth defects and other adverse birth outcomes established pursuant to NRS 442.320;

~~[(d) To the extent authorized by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, information]~~

(e) If the all-payer claims database is established pursuant to NRS 439B.835, information from ~~[medical facilities and providers of health insurance]~~ the all-payer claims database concerning the cost of perinatal care; and

~~[(e)]~~ (f) Any other information that the Collaborative requires to achieve its objectives and carry out its duties.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Collaborative are confidential, are not public records, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

6. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 439.805.

(b) "Provider of health insurance" means an insurer, producer of insurance, managing general agent, third-party administrator, organization composed of or using preferred providers of health care or health maintenance organization that insures or assists in insuring persons against bodily injury, disablement or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness.

(c) "Vital statistics" has the meaning ascribed to its in NRS 440.080.

Sec. 5. *1. The Director shall appoint ~~[the]~~ :*

(a) The Executive Director of the Collaborative.

(b) The Clinical Director of the Collaborative. The Clinical Director must:

(1) Have received the degree of:

(I) Doctor of medicine from a medical school approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges, or its successor organization; or

(II) Doctor of osteopathic medicine from a school of osteopathic medicine accredited by the Commission on Osteopathic College Accreditation of the American Osteopathic Association, or its successor organization;

(2) Have completed a residency program in obstetrics and gynecology approved by the Accreditation Council for Graduate Medical Education, its successor organization or an equivalent organization;

(3) Be currently certified in obstetrics and gynecology by a specialty board of the American Board of Medical Specialties, its successor organization or an equivalent organization;

(4) Be licensed to practice medicine or osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Have at least 5 years of clinical practice experience in the specialty area of obstetrics and gynecology; and

(6) To the extent practicable:

(I) Have completed a fellowship program in maternal-fetal medicine approved by the Accreditation Council for Graduate Medical Education, its successor organization or an equivalent organization; and

(II) Be currently certified in maternal-fetal medicine, or be eligible for such certification by a specialty board of the American Board of Medical Specialties, its successor organization or an equivalent organization.

2. The Executive Director:

(a) Is in the unclassified service of the State and serves at the pleasure of the Director, except that the Executive Director may be removed by the Collaborative upon a finding that the performance of the Executive Director is unsatisfactory.

(b) Shall direct and supervise the administrative and technical activities of the Collaborative and perform other duties as directed by the Director and as advised by the Collaborative.

(c) Must not be a member of the Collaborative.

~~[2.]~~ *3. The Clinical Director:*

(a) Is in the unclassified service of the State and serves at the pleasure of the Director, except that the Clinical Director may be removed by the Collaborative upon a finding that the performance of the Clinical Director is unsatisfactory.

(b) Shall direct and supervise the clinical activities of the Collaborative and perform other duties as directed by the Director and as advised by the Collaborative.

(c) Must not be a member of the Collaborative.

4. The Division shall provide any additional personnel, facilities, equipment and supplies required by the Collaborative to carry out the provisions of sections 2 to 5, inclusive, of this act.

Sec. 6. NRS 442.774 is hereby amended to read as follows:

442.774 1. The Committee is entitled to access to:

(a) All final investigative information of law enforcement agencies regarding a maternal death or incident of severe maternal morbidity being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to the death or incident;

(c) Any medical or mental health records of the person who gave birth to a child;

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the person who gave birth to a child or the family of the person who gave birth to a child;

(e) The system for the reporting of information on cancer and other neoplasms established pursuant to NRS 457.230; and

(f) Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475; or

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of severe maternal morbidity being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a maternal death or incident of severe maternal morbidity for the purpose of research or to prevent future maternal mortality and severe maternal morbidity if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section ~~[,]~~ ***and section 4 of this act,*** information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

6. The meetings of the Committee are closed to the public.

Sec. 7. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,

453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 4 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 8. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385,

388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ***and section 3 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 9. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 367.

AN ACT relating to education; requiring a person to hold a baccalaureate degree before obtaining certain licenses ~~[to teach]~~ **for educational personnel** or enrolling in an alternative route to licensure; requiring a person who holds an endorsement in certain fields of specialization to teach only in such a field; adding a license to serve as a substitute teacher as a kind of teaching license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, qualifications for licensure pursuant to an alternative route to licensure and for obtaining an endorsement in a field of specialization. (NRS 391.019) Existing law sets forth the kinds of licenses available to teachers and other educational personnel in this State. (NRS 391.031) **Section 5** of this bill adds a license to serve as a substitute teacher to the kinds of licenses available. **Section 4** of this bill requires the Commission to adopt regulations that require a person to obtain a baccalaureate degree before participating in a program for an alternative route to licensure. **Section 2** of this bill prohibits a person from obtaining a license to teach, except a license to serve as a substitute teacher **or**

a special license under certain circumstances, without first obtaining a baccalaureate degree.

Existing law authorizes the board of trustees of a school district to employ a person who does not hold an endorsement to teach in the subject area for which the person is teaching if there is a shortage of teachers at a public school within the district. (NRS 391.125) **Section 3** of this bill requires a person who holds only an endorsement in a field of specialization relating to career and technical education to teach only in that field. **Section 6** of this bill makes a conforming change related to the employment of persons who hold endorsements in subject areas at a school in which there is a shortage of teachers.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2, a person must hold a baccalaureate degree to obtain a license described in NRS 391.031.***

2. The Superintendent of Public Instruction may issue ~~[an]~~ :

(a) An endorsement or license to serve as a substitute teacher to a person who does not hold a baccalaureate degree if the person meets all other requirements prescribed by the Commission to obtain an endorsement or license to serve as substitute teacher.

(b) A special license described in subsection 6 of NRS 391.031 to a person who does not hold a baccalaureate degree if the person meets all other requirements prescribed by the Commission to obtain a special license.

Sec. 3. ***A person who holds an endorsement in a field of specialization relating to career and technical education but no endorsement in any other field of specialization may only teach in a public school in the field of specialization for which the person holds an endorsement.***

Sec. 4. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Require a person to obtain a baccalaureate degree before participating in a program for an alternative route to licensure;

~~[(VI)]~~ ***(VII)*** Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph ~~[(VII)]~~ ***(VIII)*** regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

~~[(VII)]~~ ***(VIII)*** Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to

engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 5. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach pupils in a program of early childhood education, which authorizes the holder to teach in any program of early childhood education in the State.

2. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

3. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

4. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

5. A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.

6. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

7. A license to serve as a substitute teacher.

Sec. 6. NRS 391.125 is hereby amended to read as follows:

391.125 1. ~~[If]~~ ***Except as otherwise provided by section 3 of this act, if*** the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may, on or before September 1 of the school year in which such a determination is made, submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district. The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than 3 school years to teach in that subject area at a public school within the school district.

2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission and the State Board that includes the name of the school district

for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission and the State Board shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

Sec. 7. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 432.

CONTAINS UNFUNDED MANDATE (§ **§ 1.6,** 12)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to land use planning; requiring the governing body of a city or county to publish certain information on its Internet website relating to certain applications relating to land use planning; **requiring the governing body of certain counties and cities to annually report certain information to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing;** revising provisions relating to the procedures for review of certain applications for land use planning; ~~[revising provisions relating to rural neighborhood preservation plans;]~~ revising provisions relating to the adoption of measures in certain counties relating to affordable housing; ~~[providing, under certain circumstances, that a tentative map shall be deemed to be unconditionally approved by certain state agencies;]~~ providing that certain deadlines relating to land use planning that apply to counties also apply to cities; requiring counties and cities to enact certain ordinances relating to projects for affordable housing on or before July 1, 2024; making certain legislative declarations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the governing body of certain cities or counties to include in its master plan a housing element, which includes certain information relating to housing. (NRS 278.150, 278.160) Section 1.6 of this bill requires the governing body of such a city or county to annually report this information to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing. The Housing Division is required to compile and post such reports on its Internet website. Section 12.5 of this bill requires the governing body of such a city or county to submit the first report required pursuant to section 1.6 on or before July 15, 2024.

Existing law: (1) provides that any application submitted to a governing body or its designee that concerns any matter relating to land use planning may not be accepted if the application is incomplete; and (2) sets forth a timeline and process for the governing body or its designee to review an application for completeness. (NRS 278.02327) **Section 3** of this bill provides that if the governing body or its designee fails to comply with the timeline and process, the application shall be deemed to be complete. **Section 3** also requires the governing body or designee to review and respond to a corrected application within 3 working days and prohibits a governing body or designee from using any preliminary application to circumvent the timeline or process in **section 3**.

Section ~~[1]~~ 1.3 of this bill requires a governing body to publish on its Internet website a list of applications ~~[that concern any matter]~~ relating to land use planning in areas zoned for residential housing.

~~[Existing law sets forth the elements of a master plan, including a land use element, which must include, in any county whose population is 700,000 or more (currently only Clark County), a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods. (NRS 278.160) Section 4 of this bill provides instead that such a rural neighborhoods plan must show general plans that consider the character and density of rural neighborhoods.~~

~~Existing law authorizes a governing body to divide the city, county or region into zoning districts, which must be adopted in accordance with the master plan for land use and be designed, in relevant part, to ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods. (NRS 278.250) Section 6 of this bill provides instead that the zoning districts be designed to ensure the consideration of existing neighborhoods and communities, including the consideration of rural preservation neighborhoods.]~~

Existing law provides that if the governing body of a city or county is required to include the housing element in its master plan, the governing body is required to adopt certain measures for maintaining and developing affordable housing. (NRS 278.235) **Section 5** of this bill authorizes the governing body to also offer increased residential density for multi-family or multi-story residential development as one such measure. **Section 5** also revises contents of the annual report that the governing body is required to submit to the Housing Division of the Department of Business and Industry relating to affordable housing.

Existing law requires a subdivider to file copies of a tentative map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission. The tentative map is then distributed to all state and local agencies and persons charged with reviewing the proposed subdivision. If there is no planning commission, the clerk of the governing body is required to submit the tentative map to the governing body at its next meeting. If there is a planning commission, the planning commission shall, after accepting as a complete application a tentative map: (1) in a county

whose population is 700,000 or more (currently only Clark County), within 45 days, approve, conditionally approve or disapprove the tentative map; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County), approve, conditionally approve or disapprove the tentative map. (NRS 278.330) **Section 7** of this bill provides that a city within such a county is subject to the same deadlines to approve, conditionally approve or disapprove the tentative map.

~~[Existing law requires: (1) a copy of a tentative map to be forwarded by the planning commission or its designated representative for review to certain state agencies; and (2) each reviewing agency to file its written comments with the planning commission or governing body recommending approval, conditional approval or disapproval and stating the reasons therefor within 15 days after receipt of the tentative map. (NRS 278.335) Section 8 of this bill provides that if a reviewing agency fails to file such written comments within 15 days after receipt of the tentative map, it shall be deemed that the reviewing agency recommends unconditionally the approval of the tentative map.]~~

Existing law provides that the planning commission or governing body, as applicable, shall recommend approval, conditional approval or disapproval of a parcel map: (1) within 45 days after accepting the parcel map as a complete application in a county whose population is 700,000 or more (currently only Clark County); or (2) within 60 days after accepting the parcel map as a complete application in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 278.464) **Section 9** of this bill provides that a city within such a county is subject to the same deadlines to recommend approval, conditional approval or disapproval of a parcel map.

Existing law provides that, under certain circumstances, a governing body or planning commission may waive the requirement for a parcel map and that a request for such a waiver must be acted upon: (1) in a county whose population is 700,000 or more (currently only Clark County) within 45 days; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County) within 60 days. (NRS 278.464) **Section 9** provides that a city within such a county is subject to the same deadlines.

Existing law provides that a planning commission or governing body must take final action on a final map: (1) in a county whose population is 700,000 or more (currently only Clark County) within 45 days after accepting the final map as a complete application; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County) within 60 days after accepting the final map as a complete application. (NRS 278.4725) **Section 10** of this bill provides that a city within such a county is subject to the same deadlines.

~~[Existing law provides that any regulations of the State Fire Marshal concerning matters relating to building codes do not apply in a county whose population is 700,000 or more (currently only Clark County) which has adopted a code at least as stringent as International Fire Code, the International~~

~~Building Code and the International Wildland-Urban Interface Code, published by the International Code Council. (NRS 477.030) Section 11 of this bill provides instead that such regulations of the State Fire Marshal do not apply in a county whose population is 700,000 or more (currently only Clark County), and in any city within such a county whose population is 220,000 or more (currently the Cities of Henderson and Las Vegas) and in a county whose population is 100,000 or more and less than 700,000 (currently only Washoe County), which has adopted a code at least as stringent as the International Fire Code, the International Building Code and the International Wildland-Urban Interface Code, published by the International Code Council.]~~

Section 12 of this bill requires, on or before July 1, 2024, the governing body of each county and city to enact: (1) an expedited process for the consideration and approval of projects for affordable housing in the county or city; and (2) incentives for the development of projects for affordable housing in the county or city.

Sections 13 and 14 of this bill make certain legislative declarations regarding this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.6 of this act.**

Sec. 1.3. 1. A governing body shall publish on its Internet website a list of all applications ~~[that concern any matter]~~ relating to land use planning ~~[in areas zoned]~~ for residential housing pursuant to NRS 278.010 to 278.630, inclusive.

2. The list must be updated at least monthly and include, without limitation:

(a) The date an application was initially filed;

(b) The number of days an application has been pending;

(c) The number of times an application was issued a notice for incompleteness; ~~[and]~~

(d) The number of applications rejected for being incomplete ~~[.]~~ ; and

(e) Any other information that is relevant to determine whether applications relating to land use planning for residential housing are processed efficiently and expeditiously.

3. As used in this section, "application" means any established preliminary application, including, without limitation, the preliminary application established pursuant to subsection 5 of NRS 278.02327. The term does not include an application for a building permit.

Sec. 1.6. 1. If the governing body of each city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body shall, on or before July 15 of each year, report the following information relating to the county or city, as applicable, to the Housing

Division of the Department of Business and Industry and the Advisory Committee on Housing created by NRS 319.174:

(a) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(b) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(c) An analysis of projected growth and the demographic characteristics of the community.

(d) A determination of the present and prospective need for affordable housing in the community.

(e) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(f) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(1) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(2) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land use planning restrictions that affect such parcels.

(g) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(h) A plan for maintaining and developing affordable housing and market rate housing to meet the housing needs of the community for a period of at least 5 years.

2. On or before September 15 of each year, the Housing Division of the Department of Business and Industry shall compile the reports submitted pursuant to subsection 1 and post the compilation on its Internet website.

3. As used in this section, "market rate housing" means housing for a household which has a total monthly gross income that is more than the total monthly gross income that would allow the household to qualify for affordable housing.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and ~~[section 1]~~ sections 1.3 and 1.6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.02327 is hereby amended to read as follows:

278.02327 1. Any application submitted to a governing body or its designee that concerns any matter relating to land use planning pursuant to NRS 278.010 to 278.630, inclusive, ***and ~~[section 1]~~ sections 1.3 and 1.6 of this act,*** or any ordinance, resolution or regulation adopted pursuant thereto, may not be accepted by the governing body or its designee if the application is incomplete.

2. The governing body or its designee shall, within 3 working days after receiving an application of the type described in subsection 1:

(a) Review the application for completeness;

(b) Accept the application if the governing body or its designee finds that the application is complete or return the application if the governing body or its designee finds that the application is incomplete; and

(c) If the governing body or its designee returns the application:

(1) Provide to the applicant a ***specific*** description of the additional information required; and

(2) ~~[If requested by the applicant, provide]~~ ***Provide*** to the applicant a copy of the relevant provision of the ordinance, resolution or regulation which specifically requires the additional information or an explanation of why the additional information is necessary.

3. If a governing body or its designee fails to comply with the provisions of subsection 2, the application shall be deemed to be complete.

4. Once an applicant submits a corrected application in response to a notice of incompleteness provided pursuant to subsection 2, the governing body or its designee shall review and respond to the corrected application within 3 working days.

5. A governing body or its designee may establish a preliminary application process to help an applicant submit a complete application but shall not use any ~~[kind of]~~ preliminary application process to circumvent the provisions of this section. Any preliminary application process established pursuant to this subsection must require a substantive meeting between an applicant and a governing body or its designee within 15 business days after the applicant's request.

6. As used in this section, "designee" means any division, department or agency of a governing body with jurisdiction over land use planning, improvement planning, permitting, inspection, zoning, roadways, utilities, public health, water, sewer, drainage, traffic control and public works.

Sec. 4. ~~[NRS 278.160 is hereby amended to read as follows:~~

~~278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:~~

~~(a) A conservation element, which must include:~~

~~(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.~~

~~(2) A solid waste disposal plan showing general plans for the disposal of solid waste.~~

~~(b) A historic preservation element, which must include:~~

~~(1) A historic neighborhood preservation plan which:~~

~~(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.~~

~~(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.~~

~~(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.~~

~~(c) A housing element, which must include, without limitation:~~

~~(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.~~

~~(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.~~

~~(3) An analysis of projected growth and the demographic characteristics of the community.~~

~~(4) A determination of the present and prospective need for affordable housing in the community.~~

~~(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.~~

~~(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:~~

~~(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and~~

~~(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land use planning restrictions that affect such parcels.~~

~~(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.~~

~~(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.~~

~~(d) A land use element, which must include:~~

~~(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.~~

~~(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:~~

~~(I) Must, if applicable, address mixed use development, transit oriented development, master planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.~~

~~(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.~~

~~(3) In any county whose population is 700,000 or more, a rural neighborhoods **[**preservation**]** plan showing general plans **[**to preserve**]** ***that consider*** the character and density of rural neighborhoods.~~

~~(e) A public facilities and services element, which must include:~~

~~(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.~~

~~(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.~~

~~(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.~~

~~(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.~~

~~(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights of way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric~~

~~service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.~~

~~(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.~~

~~(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.~~

~~(g) A safety element, which must include:~~

~~(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.~~

~~(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.~~

~~(h) A transportation element, which must include:~~

~~(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.~~

~~(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.~~

~~(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights of way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.~~

~~(i) An urban agricultural element, which must include a plan to inventory any vacant lands or other real property owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening. The plan to inventory any vacant lands or other real property may include, without limitation, any other real property in the city or county, as deemed appropriate by the commission.~~

~~2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and~~

~~nothing contained in NRS 278.010 to 278.630, inclusive, *and section 1 of this act,* prohibits the preparation and adoption of any such element as a part of the master plan.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) Reducing or subsidizing in whole or in part impact fees, fees for the issuance of building permits collected pursuant to NRS 278.580 and fees imposed for the purpose for which an enterprise fund was created.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented ***or multi-story*** housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

~~[(m) Offering increased residential density for multi-family or multi-story residential development.]~~

2. A governing body may reduce or subsidize impact fees, fees for the issuance of building permits or fees imposed for the purpose for which an enterprise fund was created to assist in maintaining or developing a project for affordable housing, pursuant to paragraph (a) of subsection 1, only if:

(a) When the incomes of all the residents of the project for affordable housing are averaged, the housing would be affordable on average for a family with a total gross income that does not exceed 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.

(b) The governing body has adopted an ordinance that establishes the criteria that a project for affordable housing must satisfy to receive assistance in maintaining or developing the project for affordable housing. Such criteria must be designed to put into effect all relevant elements of the master plan adopted by the governing body pursuant to NRS 278.150.

(c) The project for affordable housing satisfies the criteria set forth in the ordinance adopted pursuant to paragraph (b).

(d) The governing body makes a determination that reducing or subsidizing such fees will not impair adversely the ability of the governing body to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from such fees was pledged.

(e) The governing body holds a public hearing concerning the effect of the reduction or subsidization of such fees on the economic viability of the general fund of the city or county, as applicable, and, if applicable, the economic viability of any affected enterprise fund.

3. On or before ~~[January]~~ ***July*** 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Housing Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an ***~~[:~~***

~~(a) An]~~ analysis of the need for affordable housing within the city or county that exists at the end of the reporting period ***. ~~[:~~***

~~(b) The number and status of parcels of land that have been identified within the city or county for affordable housing projects;~~

~~(c) A summary of all residential dwelling units approved for development in the city or county in the preceding year; and~~

~~*(d) An estimate of the number of residential dwelling units expected to be necessary to accommodate the projected growth of the city or county in each of the next 5 years and a plan to provide appropriate zoning for such projected growth, including, without limitation, a list of parcels that may be appropriate for rezoning and a list of other parcels that may be developed into residential dwelling units.~~*

~~"~~**]** The governing body shall cooperate with the Housing Division to ensure that the information contained in the report is appropriate for inclusion in, and can be effectively incorporated into, the statewide low-income housing database created pursuant to NRS 319.143.

4. On or before ~~[February]~~ ***August*** 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 3 and post the compilation on the Internet website of the Housing Division.

Sec. 6. ~~[NRS 278.250 is hereby amended to read as follows:~~

~~278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive,~~ ***and section 1 of this act,*** ~~the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive~~ **.]** ***, and section 1 of this act.*** ~~Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.~~

~~2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:~~

~~(a) To preserve the quality of air and water resources.~~

~~(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.~~

~~(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.~~

~~(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.~~

~~(e) To provide for recreational needs.~~

~~(f) To protect life and property in areas subject to floods, landslides and other natural disasters.~~

~~(g) To conform to the adopted population plan, if required by NRS 278.170.~~

~~(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.~~

~~(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.~~

~~(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.~~

~~(k) To promote health and the general welfare.~~

~~(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.~~

~~(m) To ensure the~~ **[**~~protection~~**]** ***consideration*** ~~of existing neighborhoods and communities, including~~ **[**~~the protection~~**]** ***consideration*** ~~of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.~~

~~(n) To promote systems which use solar or wind energy.~~

~~(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.~~

~~3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.~~

~~4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.~~

~~5. As used in this section:~~

~~(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.~~

~~(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.~~

~~(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.~~**]** **(Deleted by amendment.)**

Sec. 7. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.

2. The subdivider shall file copies of the map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission, together with a filing fee in an amount determined by the governing body.

3. The commission, its designated representative, the clerk or other designated representative of the governing body or, when authorized by the governing body, the subdivider or any other appropriate agency shall distribute

copies of the map and any accompanying data to all state and local agencies and persons charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting.

5. Except as otherwise provided by subsection 6, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to take final action on a tentative map, the planning commission shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application a tentative map, approve, conditionally approve or disapprove the tentative map in the manner provided for in NRS 278.349. The planning commission shall file its written decision with the governing body.

Sec. 8. ~~[NRS 278.335 is hereby amended to read as follows:~~

~~278.335 1. A copy of the tentative map must be forwarded by the planning commission or its designated representative, or if there is no planning commission, the clerk or other designated representative of the governing body, for review to:~~

~~(a) The Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources.~~

~~(b) The district board of health acting for the Division of Environmental Protection pursuant to subsection 2.~~

~~(c) If the subdivision is subject to the provisions of NRS 704.6672, the Public Utilities Commission of Nevada.~~

~~(d) Except as otherwise provided in this paragraph, the Department of Wildlife. This paragraph does not apply if:~~

~~(1) The governing body has adopted a habitat conservation plan for multiple species of wildlife that evaluates the potential impacts to wildlife and wildlife habitats from the development of land, including, without limitation, any determination of impact to wildlife and wildlife habitat required pursuant to federal law, and the habitat conservation plan has been approved by the United States Fish and Wildlife Service; or~~

~~(2) The proposed subdivision is infill development which is proposed on a vacant or substantially vacant tract of land that is surrounded by land that is already developed.~~

~~2. In a county whose population is 100,000 or more, if the county and one or more incorporated cities in the county have established a district board of health, the authority of the Division of Environmental Protection to review and certify proposed subdivisions and to conduct construction or installation inspections must be exercised by the district board of health.~~

~~3. A district board of health which conducts reviews and inspections under this section shall consider all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities. At least four times annually, the district board of health shall notify the Division of Environmental Protection which subdivisions met these requirements of law and have been certified by the district board of health.~~

~~4. The State is not chargeable with any expense incurred by a district board of health acting pursuant to this section.~~

~~5. Each reviewing agency shall, within 15 days after the receipt of the tentative map, file its written comments with the planning commission or the governing body recommending approval, conditional approval or disapproval and stating the reasons therefor. *If a reviewing agency fails to file its written comments recommending approval, conditional approval or disapproval and stating the reasons therefor within 15 days after receipt of the tentative map, it shall be deemed that the reviewing agency recommends approval unconditionally.]*~~ **(Deleted by amendment.)**

Sec. 9. NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning commission shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 3 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. The planning commission and the governing body or director of planning or other authorized person or agency shall not approve the parcel map unless the person proposing to divide the land has submitted an affidavit stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the person proposing to divide the land or any successor in interest.

5. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.

6. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

7. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

8. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chair of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925 has been vacated or abandoned in accordance with NRS 278.480.

Sec. 10. NRS 278.4725 is hereby amended to read as follows:

278.4725 1. Except as otherwise provided in this section, if the governing body has authorized the planning commission to take final action on a final map, the planning commission shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting the final map as a complete application. The planning commission shall file its written decision with the governing body. Except as otherwise provided in subsection 5, or unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

2. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or its authorized representative shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after the final map is accepted as a complete application. Except as otherwise provided in subsection 5 or unless the time is extended by mutual agreement, if the governing body or its authorized representative fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

3. An applicant or other person aggrieved by a decision of the authorized representative of the governing body or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

4. If the map is disapproved, the governing body or its authorized representative or the planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of the changes necessary to render the map acceptable.

5. If the final map divides the land into 16 lots or more, the governing body or its authorized representative or the planning commission shall not approve a map, and a map shall not be deemed approved, unless:

(a) Each lot contains an access road that is suitable for use by emergency vehicles; and

(b) The corners of each lot are set by a professional land surveyor.

6. If the final map divides the land into 15 lots or less, the governing body or its authorized representative or the planning commission may, if reasonably necessary, require the map to comply with the provisions of subsection 5.

7. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

8. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by each owner of land to be divided consenting to the preparation of the map, the dedication of the roads and the granting of the easements.

(b) A certificate signed by the clerk of the governing body or authorized representative of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 or 2 for action by the governing body or its authorized representative or the planning commission has expired and that the requirements of subsection 5 have been met. A certificate signed pursuant to this paragraph must also indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480.

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

9. A governing body may by local ordinance require a final map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his or her consent to the division of land.

10. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

11. The county recorder shall charge and collect for recording the map a fee set by the board of county commissioners of not more than $50 for the first sheet of the map plus $10 for each additional sheet.

12. A county recorder who records a final map pursuant to this section shall, within 7 working days after he or she records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

Sec. 11. ~~[NRS 477.030 is hereby amended to read as follows:~~

~~477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:~~

~~(a) The prevention of fire.~~

~~(b) The storage and use of:~~

~~(1) Combustibles, flammables and fireworks; and~~

~~(2) Explosives in any commercial construction, but not in mining or the control of avalanches,~~

~~under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.~~

~~(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.~~

~~(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.~~

~~(e) The maintenance and testing of:~~

~~(1) Fire dampers, smoke dampers and combination fire and smoke dampers; and~~

~~(2) Smoke control systems.~~

~~➥ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal's authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.~~

~~2. The State Fire Marshal may:~~

~~(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and~~

~~(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.~~

~~3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the mitigation of the risk of a fire hazard from vegetation in this State pursuant to paragraph (g) of subsection 1 of NRS 472.040.~~

~~4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from foster homes.~~

~~5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.~~

~~6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:~~

~~(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.~~

~~(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.~~

~~(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit for Insurance established pursuant to NRS 228.412~~

~~in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.~~

~~(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.~~

~~(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.~~

~~7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.~~

~~8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.~~

~~9. The State Fire Marshal shall:~~

~~(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;~~

~~(b) Provide specialized training to local fire departments; and~~

~~(c) Assist local governments in drafting regulations and ordinances,~~

~~**~~ on request or as the State Fire Marshal deems necessary.

~~10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.~~

~~11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:~~

~~(a) Commercial trucking;~~

~~(b) Environmental crimes;~~

~~(c) Explosives and pyrotechnics;~~

~~(d) Drugs or other controlled substances; or~~

~~(e) Any similar activity specified by the State Fire Marshal.~~

~~12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:~~

~~(a) Do not apply in a county whose population is 700,000 or more~~ ***, and in any city within such county whose population is 220,000 or more, and in a county whose population is 100,000 or more and less than 700,000,*** which

~~has adopted a code at least as stringent as the International Fire Code, the International Building Code and the International Wildland-Urban Interface Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county ***or city*** must be at least as stringent as the most recently published edition of the International Fire Code, the International Building Code and the International Wildland-Urban Interface Code within 2 years after publication of such an edition.~~

~~(b) Apply in a county ***or city*** described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county ***or city*** and in those local jurisdictions in the county ***or city*** in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.~~**] (Deleted by amendment.)**

Sec. 12. 1. On or before July 1, 2024, the governing body of each county and city shall enact by ordinance:

(a) An expedited process for the consideration and approval of projects for affordable housing in the county or city, as applicable. Such expedited process must ~~[be at least 50 percent faster than]~~ **prioritize, to the extent practicable, the processing of projects for affordable housing in the county or city, as applicable, over all other projects** and allow deviation from the current process for the consideration and approval of projects for affordable housing. **Any such deviation includes, without limitation, authorizing the administrative approval for any applications relating to affordable housing projects by a person authorized by the governing body.**

(b) Incentives for the development of projects for affordable housing in the county or city, as applicable, that encourage the use of the expedited process required pursuant to paragraph (a).

2. As used in this section, "affordable housing" has the meaning ascribed to it NRS 278.0105.

Sec. 12.5. ***The governing body of each city or county that is required to submit a report pursuant to section 1.6 of this act shall submit the first report on or before July 15, 2024.***

Sec. 13. 1. The Legislature hereby finds and declares that the efficient and expeditious processing of land use applications and improvement plans by a governing body is important to the economic health and housing supply of this State.

2. By considering and adopting the amendments to the provisions of NRS 278.02327 pursuant to section 3 of this act, the Legislature recognizes the importance of an efficient and expeditious process for the review of land use applications and improvement plans.

Sec. 14. 1. The Legislature hereby finds and declares that a consistent and robust supply of housing is an important factor in the overall affordability of housing.

2. By considering and adopting the amendments to the provisions of NRS 278.235 pursuant to section 5 of this act, the Legislature recognizes the need for more affordable housing in this State.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. **1.** This **section and sections 1, 1.6 and 2 to 15, inclusive, of this** act **[**becomes**]** **become** effective on July 1, 2023.

2. Section 1.3 of this act becomes effective on January 1, 2024.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 253.

SUMMARY—Revises provisions concerning the confidentiality of **[**certain**]** personal information of **[**members of the military.**]** **certain persons.** (BDR 20-944)

AN ACT relating to governmental administration; authorizing **[**members of the Armed Forces of the United States, a reserve component thereof or the National Guard, and the spouse, domestic partner or minor child thereof,**]** **certain persons** to request **[**that**]** **a court order to make** certain personal information **in the possession of a county recorder, county assessor or elections official** be kept in a confidential manner; **making various other changes relating to the procedures for a person to request personal information in the possession of a county recorder, county assessor or elections official be maintained in a confidential manner; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain persons and the spouse, domestic partner or minor child thereof, to request a court order to require that a county recorder, county assessor, county clerk, city clerk or the Secretary of State maintain the personal information of the person contained in their records in a confidential manner. (NRS 247.540, 250.140, 293.908) **Sections [**1-3**]** **8, 16 and 25** of this bill **[**authorize any member of the Armed Forces of the United States, a reserve component thereof or the National Guard, and the spouse, domestic partner or minor child thereof, to make similar requests for such personal information.**]** **make the lists of persons who are authorized to request such a court order consistent. Sections 7, 15 and 26 of this bill provide that any order of a court obtained pursuant to existing law authorizes, under certain circumstances, the county recorder, county assessor, county clerk, city**

clerk or the Secretary of State to keep personal information received subsequent to the date of the court order confidential.

Sections 4, 12 and 22 of this bill set forth a process for a person who is not otherwise authorized under existing law, or a representative of a governmental agency for whom such a person is an employee, to petition the district court to make the personal information of the person that is contained in the records of the county recorder, county assessor, county clerk, city clerk or the Secretary of State confidential. Any such petition must set forth sufficient justification for the request for confidentiality, including, without limitation: (1) evidence of the existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information confidential; or (2) evidence that a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information of the person confidential. Any such order of the court expires 5 years after the date of the order, but may be extended in 5-year increments.

Sections 6, 14 and 24 of this bill make conforming changes to provide that the definitions of "confidential information" include personal information deemed confidential pursuant to sections 4, 12 and 22.

Sections 9, 17 and 27 of this bill make conforming changes to provide that if a person who obtains a court order pursuant to section 4, 12 or 22 requests confidentiality of his or her personal information, the confidential information may only be disclosed in certain circumstances.

Section 19 of this bill makes a conforming change to provide the personal information that has been made confidential pursuant to sections 4, 12 and 22 is not a public record.

Sections 10, 11, 13, 18-20, 23 and 27-29 of this bill make conforming changes to indicate the proper placement of sections 4, 12 and 22 in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[~~NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

~~(f) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(g) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(h) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~(i) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~(1) Interacts with the public; and~~

~~(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~(j) Any county manager in this State.~~

~~(k) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~

~~(1) Who possesses specialized training in code enforcement;~~

~~(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~(3) Whose primary duties are the performance of tasks related to code enforcement.~~

~~(l)~~ ***Any member of the Armed Forces of the United States, a reserve component thereof or the National Guard.***

(m) The spouse, ~~domestic partner or minor child of a person described in paragraphs (a) to~~ **[**(k),**]** ***(l),*** inclusive.

[(m)**]** ***(n)*** ~~The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to~~ **[**(k),**]** ***(l),*** ~~inclusive, who was killed in the performance of his or her duties.~~

[(n)**]** ***(o)*** ~~Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~

~~2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.~~

~~3. As used in this section:~~

~~(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~(d) "Social worker" means any person licensed under chapter 641B of NRS.~~**] (Deleted by amendment.)**

Sec. 2. ~~[NRS 250.140 is hereby amended to read as follows:~~

~~250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:~~

~~(a) Any justice or judge in this State.~~

~~(b) Any senior justice or senior judge in this State.~~

~~(c) Any court-appointed master in this State.~~

~~(d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.~~

~~(f) Any peace officer or retired peace officer.~~

~~(g) Any prosecutor.~~

~~(h) Any state or county public defender.~~

~~(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~(j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~(k) Any county manager in this State.~~

~~(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.~~

~~(m)~~ ***Any member of the Armed Forces of the United States, a reserve component thereof or the National Guard.***

~~***(n)***~~ The spouse, domestic partner or minor child of a person described in paragraphs ~~(a)~~ to ~~[~~(l),~~]~~ ***(m),*** inclusive.

~~[(n)]~~ ***(o)*** The surviving spouse, domestic partner or minor child of a person described in paragraphs ~~(a)~~ to ~~[~~(l),~~]~~ ***(m),*** inclusive, who was killed in the performance of his or her duties.

~~[(o)]~~ ***(p)*** Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

~~2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS~~

~~250.120 that is contained in the records of a county assessor be kept confidential.~~

~~3. As used in this section:~~

~~(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~(d) "Peace officer" means:~~

~~(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and~~

~~(2) Any person:~~

~~(I) Who resides in this State;~~

~~(II) Whose primary duties are to enforce the law; and~~

~~(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.~~

~~(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.~~

~~(f) "Social worker" means any person licensed under chapter 641B of NRS.~~**]** **(Deleted by amendment.)**

Sec. 3. **[**~~NRS 293.908 is hereby amended to read as follows:~~

~~293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:~~

~~(a) Any justice or judge in this State.~~

~~(b) Any senior justice or senior judge in this State.~~

~~(c) Any court-appointed master in this State.~~

~~(d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~(h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~(1) Interacts with the public; and~~

~~(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~(i) Any county manager in this State.~~

~~(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~

~~(1) Who possess specialized training in code enforcement;~~

~~(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~(3) Whose primary duties are the performance of tasks related to code enforcement.~~

~~(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.~~

~~(l) ***Any member of the Armed Forces of the United States, a reserve component thereof or the National Guard.***~~

~~***(m)*** The spouse, domestic partner or minor child of a person described in paragraphs (a) to **[**(k),**]** ***(l),*** inclusive.~~

~~**[**(m)**]** ***(n)*** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to **[**(k),**]** ***(l),*** inclusive, who was killed in the performance of his or her duties.~~

~~2. As used in this section:~~

~~(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~(d) "Social worker" means any person licensed under chapter 641B of NRS.~~**]** **(Deleted by amendment.)**

Sec. 4. **Chapter 247 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Any person who is not otherwise described in NRS 247.540 or a representative of a governmental agency, on behalf of a person who is an employee of the governmental agency and is not otherwise described in NRS 247.540, may petition a district court to have personal information of the person that is contained in the records of a county recorder be maintained in a confidential manner. Any such a petition must be based on a sworn affidavit which:

(a) Sets forth sufficient justification for the request for confidentiality, including, without limitation:

(1) Evidence of the existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information contained in the records of the county recorder confidential; or

(2) Evidence that a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information contained in the records of the county recorder confidential; and

(b) Sets forth the document numbers of all records of the county recorder that contain confidential information.

2. A petition filed pursuant to this section must be filed under seal and no filing fee may be charged.

3. The district court may order the personal information of the petitioner contained in the records of the county recorder to be confidential if, based on a preponderance of the evidence, the court finds:

(a) The existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information contained in the records of the county recorder confidential.

(b) That a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information contained in the records of the county recorder confidential.

4. Any order of a court requiring the personal information of a person contained in the records of the county recorder be maintained in a confidential manner pursuant to this section:

(a) Is sufficient for the person to request that any personal information set forth in a document that is filed with the county recorder subsequent to the court order be maintained in a confidential manner.

(b) Expires 5 years after the date of the order. The county recorder must notify the person at least 6 months before the expiration of the order. The person may submit a request to the district court to extend the order. Any such extension expires 5 years after the date of the extension.

5. Upon receipt of an order obtained pursuant to this section, the county recorder shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

6. As used in this section, "personal information" means:

(a) The home address of a person;

(b) The home address of the spouse, domestic partner or minor child of a person; and

(c) Any telephone number or electronic mail address of a person.

Sec. 5. **NRS 247.500 is hereby amended to read as follows:**

247.500 As used in NRS 247.500 to 247.600, inclusive, ***and section 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 247.510 and 247.520 have the meanings ascribed to them in those sections.

Sec. 6. **NRS 247.510 is hereby amended to read as follows:**

247.510 "Confidential information" means personal information deemed confidential pursuant to NRS 247.530 ~~[.]~~ ***or section 4 of this act.***

Sec. 7. **NRS 247.530 is hereby amended to read as follows:**

247.530 1. Except as otherwise provided in subsection 2, any person or entity listed in NRS 247.540 who wishes to have the personal information of the person or entity that is contained in the records of a county recorder be kept confidential must obtain an order of a court that requires the county recorder to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the person or, if an entity, a person authorized to sign on behalf of the entity, which affidavit:

(a) States that the affiant qualifies as a person listed in NRS 247.540 or that the entity on behalf of whom the person is signing qualifies as an entity listed in NRS 247.540;

(b) Sets forth sufficient justification for the request for confidentiality; and

(c) Sets forth the document numbers of all records of a county recorder that contain confidential information.

2. A person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, may request the county recorder to maintain the personal information of the person in a confidential manner without obtaining a court order pursuant to subsection 1 by submitting to the county recorder:

(a) A sworn affidavit which:

(1) States that the affiant has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; and

(2) Sets forth the document numbers of all records of a county recorder that contain confidential information; and

(b) Proof that the person has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, including, without limitation, a confirmation letter and a copy of the enrollment card if such documents are issued by the Division of Child and Family Services of the Department of Health and Human Services.

➥ Upon request of the county recorder, the Division shall verify whether a person who has submitted a request pursuant to this subsection has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

3. Upon receipt of an order obtained pursuant to subsection 1 or a request made pursuant to subsection 2, a county recorder shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

4. Any order of a court obtained pursuant to subsection 1 may authorize the county recorder to keep personal information confidential in a record that is filed with the county recorder subsequent to the date of the court order if the person submits a request to the county recorder along with the document number.

Sec. 8. **NRS 247.540 is hereby amended to read as follows:**

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) ***Any peace officer or retired peace officer.***

(g) Any ~~[district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(g)]~~ ***prosecutor.***

(h) Any state or county public defender ***.*** ~~[who as part of his or her normal job responsibilities defends persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(h)]~~ ***(i)*** Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

~~[(i)]~~ ***(j)*** Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(j)]~~ ***(k)*** Any county manager in this State.

~~[(k)]~~ ***(l)*** Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

~~[(l)]~~ ***(m)*** The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(k),]~~ ***(l),*** inclusive.

~~[(m)]~~ ***(n)*** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(k),]~~ ***(l),*** inclusive, who was killed in the performance of his or her duties.

~~[(n)]~~ ***(o)*** Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Peace officer" means:***

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

(f) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 9. **NRS 247.550 is hereby amended to read as follows:**

247.550 If a person or entity listed in NRS 247.540 ***or a person who obtains a court order pursuant to section 4 of this act*** requests confidentiality, the confidential information of that person or entity may only be disclosed as provided in NRS 239.0115 or 247.560 or as otherwise specifically authorized by law.

Sec. 10. **NRS 247.580 is hereby amended to read as follows:**

247.580 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to NRS 247.500 to 247.570, inclusive ~~[.]~~ ***, and section 4 of this act;*** or

(b) Knowingly obtain or disclose information pursuant to NRS 247.500 to 247.570, inclusive, ***and section 4 of this act,*** for any use not authorized pursuant to NRS 247.500 to 247.570, inclusive ~~[.]~~ ***, and section 4 of this act.***

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 11. **NRS 247.590 is hereby amended to read as follows:**

247.590 If a person discloses confidential information about a person or entity ~~[listed in NRS 247.540]~~ in violation of NRS 247.500 to 247.570, inclusive, ***and section 4 of this act,*** and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains or to a person to whom the entity is providing shelter, as applicable, the person who makes the disclosure is guilty of a misdemeanor.

Sec. 12. **Chapter 250 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Any person who is not otherwise described in NRS 250.140 or a representative of a governmental agency, on behalf of a person who is an employee of the governmental agency and is not otherwise described in NRS 250.140, may petition a district court to have personal information of the person that is contained in the records of a county assessor be maintained in a confidential manner. Any such a petition must be based on a sworn affidavit which:

(a) Sets forth sufficient justification for the request for confidentiality, including, without limitation:

(1) Evidence of the existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information contained in the records of the county assessor confidential; or

(2) Evidence that a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information contained in the records of the county assessor confidential; and

(b) Sets forth the document numbers of all records of the county assessor that contain confidential information.

2. A petition filed pursuant to this section must be filed under seal and no filing fee may be charged.

3. The district court may order the personal information of the petitioner contained in the records of the county assessor to be confidential if, based on a preponderance of the evidence, the court finds:

(a) The existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information contained in the records of the county assessor confidential.

(b) That a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information contained in the records of the county assessor confidential.

4. Any order of a court requiring the personal information of a person contained in the records of the county assessor be maintained in a confidential manner pursuant to this section:

(a) Is sufficient for the person to request that any personal information set forth in a document that is filed with the county assessor subsequent to the court order be maintained in a confidential manner.

(b) Expires 5 years after the date of the order. The county assessor must notify the person at least 6 months before the expiration of the order. The person may submit a request to the district court to extend the order. Any such extension expires 5 years after the date of the extension.

5. Upon receipt of an order obtained pursuant to this section, the county assessor shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

6. As used in this section, "personal information" means:

(a) The home address of a person;

(b) The home address of the spouse, domestic partner or minor child of a person; and

(c) Any telephone number or electronic mail address of a person.

Sec. 13. **NRS 250.100 is hereby amended to read as follows:**

250.100 As used in NRS 250.100 to 250.230, inclusive, ***and section 12 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 250.110 and 250.120 have the meanings ascribed to them in those sections.

Sec. 14. **NRS 250.110 is hereby amended to read as follows:**

250.110 "Confidential information" means personal information deemed confidential pursuant to NRS 250.130 ~~[.]~~ ***or section 12 of this act.***

Sec. 15. **NRS 250.130 is hereby amended to read as follows:**

250.130 1. Except as otherwise provided in subsection 2, any person or entity listed in NRS 250.140 who wishes to have the personal information of the person or entity that is contained in the records of a county assessor be kept confidential must obtain an order of a court that requires the county assessor to maintain the personal information of the person or entity in a confidential manner. Such an order must be based on a sworn affidavit by the person or, if an entity, a person authorized to sign on behalf of the entity, which affidavit:

(a) States that the affiant qualifies as a person listed in NRS 250.140 or that the entity on behalf of whom the person is signing qualifies as an entity listed in NRS 250.140; and

(b) Sets forth sufficient justification for the request for confidentiality.

2. A person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, may request a county assessor to maintain the personal information of the person in a confidential manner without obtaining a court order pursuant to subsection 1 by submitting to the county assessor:

(a) A sworn affidavit which states that the affiant has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; and

(b) Proof that the person has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, including, without limitation, a confirmation letter and a copy of the enrollment card if such documents are issued by the Division of Child and Family Services of the Department of Health and Human Services.

➥ Upon request of the county assessor, the Division shall verify whether a person who has submitted a request pursuant to this subsection has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

3. Upon receipt of an order obtained pursuant to subsection 1 or a request made pursuant to subsection 2, a county assessor shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

4. Any order of a court obtained pursuant to subsection 1 may authorize the county assessor to keep personal information confidential in a record that is filed with the county assessor subsequent to the date of the court order if the person submits a request to the county assessor along with the document number.

Sec. 16. **NRS 250.140 is hereby amended to read as follows:**

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities ~~[interacts]~~ ***:***

(1) Interacts with the public ***;*** and ~~[performs]~~

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer ~~[who]~~ **:**

(1) Who possesses specialized training in code enforcement ~~[,]~~ **;**

(2) Who, as part of his or her normal job responsibilities, interacts with the public **;** and ~~[whose]~~

(3) Whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

(f) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 17. **NRS 250.150 is hereby amended to read as follows:**

250.150 If a person or entity listed in NRS 250.140 ***or person who obtains a court order pursuant to section 12 of this act*** requests confidentiality, the

confidential information of that person or entity may only be disclosed as provided in NRS 239.0115, 250.087, 250.160 or 250.180 or as otherwise specifically authorized by law.

Sec. 18. **NRS 250.180 is hereby amended to read as follows:**

250.180 A county assessor may establish a program whereby a person may request a complete list of the assessor's roll, including, without limitation, any confidential information, by establishing an account with the office of the assessor to facilitate the person's ability to request such information electronically or by written request if the person has submitted to the assessor proof that he or she is eligible to request such information pursuant to NRS 250.160 and a signed and notarized affidavit acknowledging:

1. That the person has read and fully understands the current laws and regulations regarding the manner in which confidential information from the assessor's files and records may be obtained and the authorized use of such information.

2. That the person understands that any sale or disclosure of such information must be in accordance with the provisions of NRS 250.100 to 250.180, inclusive **[.]** ***, and section 12 of this act.***

3. That the person understands that the assessor will maintain a record of any confidential information he or she requests.

4. That the person understands the penalties for violating the provisions of NRS 250.100 to 250.180, inclusive **[.]** ***, and section 12 of this act.***

5. That the person understands that a violation of any of the provisions of NRS 250.100 to 250.180, inclusive, ***and section 12 of this act,*** may result in a revocation of his or her privilege to request documents pursuant to this section.

Sec. 19. **NRS 250.210 is hereby amended to read as follows:**

250.210 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to NRS 250.100 to 250.180, inclusive **[;]** ***, and section 12 of this act;*** or

(b) Knowingly obtain or disclose information pursuant to NRS 250.100 to 250.180, inclusive, ***and section 12 of this act,*** for any use not authorized pursuant to NRS 250.087 or 250.100 to 250.180, inclusive **[.]** ***, and section 12 of this act.***

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 20. **NRS 250.220 is hereby amended to read as follows:**

250.220 If a person discloses confidential information about a person or entity ~~[listed in NRS 250.140]~~ in violation of NRS 250.100 to 250.180, inclusive, ***and section 12 of this act,*** and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains or to a person to whom the entity is providing shelter, as applicable, the person who makes the disclosure is guilty of a misdemeanor.

Sec. 21. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056,

459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***sections 4, 12 and 22 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 22. **Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Any person who is not otherwise described in NRS 293.908 or a representative of a governmental agency, on behalf of a person who is an employee of the governmental agency and is not otherwise described in NRS 293.908, may petition a district court to have personal information of the person that is contained in the records of the Secretary of State or a county or city clerk be maintained in a confidential manner. Any such a petition must be based on a sworn affidavit which sets forth sufficient justification for the request for confidentiality, including, without limitation:

(a) Evidence of the existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information contained in the records of the Secretary of State or a county or city clerk confidential; or

(b) Evidence that a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was

mitigated by making the personal information contained in the records of the Secretary of State or a county or city clerk confidential; and

2. A petition filed pursuant to this section must be filed under seal and no filing fee may be charged.

3. The district court may order the personal information of the petitioner contained in the records of the Secretary of State or a county or city clerk to be confidential if, based on a preponderance of the evidence, the court finds:

(a) The existence of a threat to the petitioner or the spouse, domestic partner or minor child of the petitioner and that such threat is mitigated by making the personal information contained in the records of the Secretary of State or a county or city clerk confidential.

(b) That a threat has existed within the last 5 years to a person who holds a similar position as the petitioner and that such threat was mitigated by making the personal information contained in the records of the Secretary of State or a county or city clerk confidential.

4. Any order of a court requiring the personal information of a person contained in the records of the Secretary of State or a county or city clerk be maintained in a confidential manner pursuant to this section:

(a) Is sufficient for the person to request that any personal information set forth in the records of the Secretary of State or a county or city clerk subsequent to the court order be maintained in a confidential manner.

(b) Expires 5 years after the date of the order. The Secretary of State, county clerk and city clerk must notify the person at least 6 months before the expiration of the order. The person may submit a request to the district court to extend the order. Any such extension expires 5 years after the date of the extension.

5. Upon receipt of an order obtained pursuant to this section, the Secretary of State, county clerk and city clerk shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person or entity; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

6. As used in this section, "personal information" means:

(a) The home address of a person;

(b) The home address of the spouse, domestic partner or minor child of a person; and

(c) Any telephone number or electronic mail address of a person.

Sec. 23. **NRS 293.900 is hereby amended to read as follows:**

293.900 As used in NRS 293.900 to 293.920, inclusive, ***and section 22 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 293.902 and 293.904 have the meanings ascribed to them in those sections.

Sec. 24. **NRS 293.902 is hereby amended to read as follows:**

293.902 "Confidential information" means personal information deemed confidential pursuant to NRS 293.906 ~~[.]~~ ***or section 22 of this act.***

Sec. 25. **NRS 293.908 is hereby amended to read as follows:**

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) ***Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.***

(f) Any peace officer or retired peace officer.

(g) Any ~~[district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(f)]~~ ***prosecutor.***

(h) Any state or county public defender ***.*** ~~[who as part of his or her normal job responsibilities defends persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(g)]~~ ***(i)*** Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

~~[(h)]~~ ***(j)*** Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(i)]~~ ***(k)*** Any county manager in this State.

~~[(j)]~~ ***(l)*** Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possess specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

~~[(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.~~

~~(l)~~ ***(m)*** The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(k),]~~ ***(l),*** inclusive.

~~[(m)]~~ ***(n)*** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(k),]~~ ***(l),*** inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Peace officer" means:***

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

(f) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 26. **NRS 293.906 is hereby amended to read as follows:**

293.906 1. Any person listed in NRS 293.908 who wishes to have personal information about himself or herself that is contained in the records of the Secretary of State or a county or city clerk be kept confidential must obtain an order of a court that requires the Secretary of State or the county clerk or city clerk to maintain the personal information of the person in a confidential manner. Such an order must be based on a sworn affidavit by the person, which affidavit:

(a) States that the affiant qualifies as a person listed in NRS 293.908; and

(b) Sets forth sufficient justification for the request for confidentiality.

2. Upon receipt of such an order, the Secretary of State or a county or city clerk shall keep such information confidential and shall not:

(a) Disclose the confidential information to anyone, unless disclosure is specifically authorized in writing by that person; or

(b) Post the confidential information on the Internet or its successor, if any, or make the information available to others in any other way.

3. Any order of a court obtained pursuant to subsection 1 may authorize the Secretary of State or county or city clerk to keep personal information confidential that is received subsequent to the date of the court order if the

person submits a request to the Secretary of State or county or city clerk, as applicable.

Sec. 27. **NRS 293.910 is hereby amended to read as follows:**

293.910 If a person listed in NRS 293.908 ***or a person who obtains a court order pursuant to section 22 of this act*** requests confidentiality, the confidential information of that person may only be disclosed as provided in NRS 239.0115 or 293.912 or as otherwise specifically authorized by law.

Sec. 28. **NRS 293.916 is hereby amended to read as follows:**

293.916 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to NRS 293.900 to 293.914, inclusive ~~[,]~~ **,** ***and section 22 of this act;*** or

(b) Knowingly obtain or disclose information pursuant to NRS 293.900 to 293.914, inclusive, ***and section 22 of this act,*** for any use not authorized pursuant to NRS 293.900 to 293.914, inclusive ~~[.]~~ **,** ***and section 22 of this act.***

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 29. **NRS 293.918 is hereby amended to read as follows:**

293.918 If a person discloses confidential information about a person ~~[~~listed in NRS 293.908~~]~~ in violation of NRS 293.900 to 293.914, inclusive, ***and section 22 of this act,*** and the person who makes the disclosure knows or reasonably should know that such disclosure will create a substantial risk of bodily harm to the person about whom the information pertains, the person who makes the disclosure is guilty of a misdemeanor.

~~[Sec. 4.]~~ ***Sec. 30.*** This act becomes effective upon passage and approval.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 379.

AN ACT relating to education; prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against students who have successfully completed a high school equivalency assessment selected by the State Board of Education ~~[,]~~ **that was administered in this State;** prohibiting the Board of Regents from denying an exemption from tuition charges to a student ~~[solely]~~ on the basis of immigration status under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the Board of Regents of the University of Nevada from assessing tuition charges against certain students, including, without limitation, students who graduated from a high school located in this State. (NRS 396.540) Existing law requires the State Board of Education to select an

assessment to enable a person to demonstrate that he or she has achieved an educational level which is an acceptable substitute for completing a high school education. (NRS 390.055) This bill prohibits the Board of Regents from assessing tuition charges against a student who successfully completed the high school equivalency assessment selected by the State Board ~~[.]~~ **if the assessment was administered in this State.**

This bill also prohibits the Board of Regents from denying an exemption from tuition charges to a student ~~[solely]~~ on the basis that the student ~~[or the family of the student]~~ is not lawfully present in the United States if the student ~~[or family of the student]~~ has ~~[: (1)]~~ been granted temporary protected status by the United States Citizenship and Immigration Services of the United States Department of Homeland Security **.** ~~[; or (2) received a grant of deferred action under the federal policy of Deferred Action for Childhood Arrivals.]~~

Existing federal law provides that a person who is not lawfully present in the United States shall not be eligible on the basis of residence within a state for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit without regard to whether the citizen or national is such a resident. (8 U.S.C. § 1623) This bill prohibits the Board of Regents from denying an exemption from tuition charges which is not based on residency in this State to a student on the basis that the student is not lawfully present in the United States if the student has received a grant of deferred action from the United States Department of Homeland Security. This bill also prohibits the Board of Regents from denying an exemption from tuition charges which is based on residency to such a student on the basis that the student is not lawfully present in the United States if: (1) the provisions of the federal law which prohibit the granting of postsecondary education benefits on the basis of residency to persons who are not lawfully present in the United State unless such benefits are also granted to all citizens and nationals of the United States are repealed or otherwise cease to have effect; or (2) the Attorney General of this State issues a finding that such a student would be considered lawfully present in the United States for the purposes of the federal law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of ~~***[subsection]***~~ ***subsections 5*** ~~***[,]***~~ ***and 6,*** NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the

Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged;

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart;

(l) All students who are:

(1) Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or

(2) Spouses or dependents using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;

(m) All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive; and

(n) Students who graduated from a high school located in this State ~~[,]~~ ***or who successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055*** ~~[,]~~ ***if the assessment was administered in this State,*** regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

5. The Board of Regents shall not deny an exemption from tuition charges provided pursuant to subsection 2 to a student ~~*[solely]*~~ ***on the basis that the student*** ~~*[or the family of the student]*~~ ***is not lawfully present in the United States if the student*** ~~*[or the family of the student]*~~ ***has*** ~~*[:*~~

~~*(a) Been]*~~ ***been granted temporary protected status by the United States Citizenship and Immigration Services of the United States Department of Homeland Security*** ~~*[; or*~~

~~*(b) Received a grant of deferred action under the federal policy of Deferred Action for Childhood Arrivals.]*~~

6. The Board of Regents shall not deny an exemption from tuition charges provided pursuant to:

(a) Paragraphs (a) and (b) of subsection 2 to a student on the basis that the student is not lawfully present in the United States if the student has received a grant of deferred action from the United States Department of Homeland Security and:

(1) The provisions of 8 U.S.C. § 1623 are repealed, held to be invalid or otherwise cease to have effect; or

(2) The Attorney General of this State issues a finding that such a student would be considered lawfully present in the United States for the purposes of 8 U.S.C. § 1623.

(b) Paragraphs (c) to (n), inclusive, of subsection 2 to a student on the basis that the student is not lawfully present in the United States if the student has received a grant of deferred action from the United States Department of Homeland Security.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 317.

AN ACT relating to domestic relations; creating summary procedures for the resolution of certain matters relating to ~~[permanent support and maintenance, divorce,]~~ annulment and child custody; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes parties to a divorce to use a summary procedure to dissolve the marriage when both parties desire the court to enter a decree of divorce and, among other conditions, have reached an agreement regarding or ~~[: (1)]~~ have waived ~~[spousal support; (2) have no community or joint property or liabilities; and (3) have no minor children from the marriage.]~~ **their respective rights to: (1) a written notice of entry of the decree of divorce; (2) appeal; (3) request findings of fact and conclusions of law; and (4) move for a new trial.** (NRS 125.181) ~~[The summary procedure requires the parties to file a joint petition for divorce and waive certain procedural rights, including, without limitation, the right to appeal after a]~~ **Entry of the** final judgment ~~[is entered except in certain limited circumstances.]~~ **upon a joint petition for a summary proceeding for divorce constitutes a final adjudication of the rights and obligations of the parties with respect to the status of marriage and the property rights of the parties.** (NRS ~~[125.182,]~~ 125.184) ~~[Existing law also allows a person to seek permanent support and maintenance for himself or herself and any children in certain circumstances without applying for a divorce. (NRS 125.190) Sections 2-4, 10 and 12 of this bill create a summary procedure for permanent support and maintenance similar to the summary procedure for divorce when certain factors are present and both spouses agree to the summary procedure.]~~ **Sections 5-8** of this bill create a summary procedure for an annulment similar to the summary

procedure for divorce when certain factors are present and both spouses agree to the summary procedure. **Sections 16-19** of this bill create a summary procedure to determine child custody when the parents or legal guardians of a child have reached a detailed agreement on the custody, **medical or other** care, education, maintenance and support of the child and the court determines that using the summary procedure is in the best interest of the child.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 125 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8 of this act.

Sec. 2. ~~*[1. A summary proceeding for permanent support and maintenance pursuant to subsection 2 of NRS 125.190 may be commenced by filing in the district court a joint petition, signed under oath by both spouses, stating that as of the date of filing, every condition set forth in subsection 2 of NRS 125.190 has been met.*~~

~~*2. The petition must also state:*~~

~~*(a) The date and the place of the marriage.*~~

~~*(b) The mailing address of both spouses.*~~

~~*(c) Whether there are minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, and whether any spouse, to her knowledge, is pregnant.*~~

~~*3. If the parties have entered into an agreement pursuant to subsection 2 of NRS 125.190 of which the parties wish the court to approve or make a part of the judgment, the agreement must be identified and attached to the petition as an exhibit.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. At any time before the entry of a final judgment, either party to the marriage may revoke the joint petition filed pursuant to section 2 of this act and thereby terminate the summary proceeding for permanent support and maintenance.*~~

~~*2. The revocation may be effected by filing a notice of revocation with the clerk of the court in which the proceeding was commenced.*~~

~~*3. The revoking party shall send a copy of the notice of revocation to the other party by first class mail, postage prepaid, at his or her last known address.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[1. Entry of the final judgement upon a petition for a summary proceeding for permanent support and maintenance pursuant to section 2 of this act constitutes:*~~

~~*(a) A final adjudication of the rights and obligations of the parties with respect to:*~~

~~*(1) The custody and support of the minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, if any;*~~

~~*(2) The division of community property and the assumption of liabilities of the community, if any; and*~~

~~(3) The amount and manner of spousal support, if any.~~

~~(b) A waiver of the respective rights of the parties to written notice of entry of the judgment, to appeal, to request findings of fact and conclusions of law and to move for a new trial.~~

~~2. A final judgment entered pursuant to this section does not prejudice or bar the rights of either of the parties to institute an action to set aside the final judgment for fraud, duress, accident, mistake or other grounds recognized at law or in equity.]~~ **(Deleted by amendment.)**

Sec. 5. *A marriage may be dissolved by the summary procedure for annulment set forth in sections 5 to 8, inclusive, of this act, when all of the following conditions exist at the time the proceeding is commenced:*

1. Either party has met the jurisdictional requirements of NRS 125.360 or 125.370, as applicable.

2. ~~[There]~~ If there are ~~[no]~~ minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage ~~[and no]~~ or a spouse, to her knowledge, is pregnant ~~[, or the]~~ :

(a) The parties have executed an agreement as to the medical and other care, support, education, maintenance and custody of any children ~~[and setting forth the amount and manner of their support.]~~ ; or

(b) A court of this State has made a child custody determination consistent with NRS 125A.305 or 125A.325.

3. ~~[There is no community or joint property or the parties have executed an agreement setting forth the division of community property and the assumption of liabilities of the community, if any, and have executed any deeds, certificates of title, bills of sale or other evidence of transfer necessary to effectuate the agreement.]~~ The parties have executed an agreement settling all potential contested matters in the action.

4. ~~[The parties waive any rights to spousal support or the parties have executed an agreement setting forth the amount and manner of spousal support.~~

~~5.]~~ The parties waive their respective rights to written notice of entry of the decree of annulment, to appeal, to request findings of fact and conclusions of law and to move for a new trial.

~~[6.]~~ 5. The parties desire that the court enter a decree of annulment.

Sec. 6. *1. A summary proceeding for an annulment may be commenced by filing in any district court a joint petition, signed under oath by both spouses, stating that as of the date of filing, every condition set forth in section 5 of this act has been met and specifying the:*

(a) Facts which support the jurisdictional requirements of NRS 125.360 or 125.370, as applicable; and

(b) Grounds for the annulment.

2. The petition must also state:

(a) The date and the place of the marriage.

(b) The mailing address of both spouses.

(c) Whether there are minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, and whether any spouse, to her knowledge, is pregnant.

(d) Whether either spouse elects to have his or her former name restored and, if so, the name to be restored.

3. An affidavit of corroboration of residency which complies with the provisions of subsections 1, 2 and 4 of NRS 125.123 must accompany the petition.

Sec. 7. ***1. At any time before the entry of a final judgment, either party to the marriage may revoke the joint petition and thereby terminate the summary proceeding for an annulment.***

2. The revocation may be effected by filing a notice of revocation with the clerk of the court in which the proceeding was commenced.

3. The revoking party shall send a copy of the notice of revocation to the other party by first-class mail, postage prepaid, at his or her last known address.

Sec. 8. ***1. Entry of the final judgment upon a petition for a summary proceeding for an annulment constitutes a final adjudication of the rights and obligations of the parties with respect to the status of the marriage and the property rights of the parties and waives the respective rights of the parties to written notice of entry of the judgment or decree, to appeal, to request findings of fact and conclusions of law and to move for a new trial.***

2. A final judgment entered pursuant to this section does not prejudice or bar the right of either of the parties to institute an action to set aside the final judgement for fraud, duress, accident, mistake or other grounds recognized at law or in equity.

Sec. 9. NRS 125.090 is hereby amended to read as follows:

125.090 Except ~~[in a summary proceeding for divorce,]~~ ***as otherwise provided in sections 2 to 8, inclusive, of this act and NRS 125.181 to 125.184, inclusive,*** the proceedings, pleadings and practice must conform to the Nevada Rules of Civil Procedure as nearly as conveniently possible, but all preliminary and final orders may be in such form as best effects the object of this chapter, and produces substantial justice.

Sec. 10. ~~[NRS 125.190 is hereby amended to read as follows:~~

~~125.190 1. When a person has any cause of action for divorce or when a person has been deserted and the desertion has continued for 90 days, the person may, without applying for a divorce, maintain in the district court an action against his or her spouse for permanent support and maintenance of himself or herself and their children.~~

~~***2. If a person has a cause of action for permanent support and maintenance pursuant to subsection 1 and both the spouses agree, an action by the summary procedure may be commenced in the manner set forth in sections 2, 3 and 4 of this act when all of the following conditions exist at the time the proceeding is commenced:***~~

~~*(a) There are no minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage and no spouse, to her knowledge, is pregnant, or the parties have executed an agreement as to the custody of any such children setting forth the amount and manner of their support;*~~

~~*(b) There is no community or joint property or the parties have executed an agreement setting forth the division of community property and the assumption of liabilities of the community, and have, before the proceeding is commenced, executed any deeds, certificates of title, bills of sale or other evidence of transfer necessary to effectuate the agreement;*~~

~~*(c) The parties waive any right to spousal support or the parties have executed an agreement setting forth the amount and manner of spousal support;*~~

~~*(d) The parties waive their respective rights to written notice of entry of the judgment for permanent support and maintenance, to appeal, to request findings of fact and conclusions of law and to move for a new trial; and*~~

~~*(e) The parties desire that the court enter a judgment for permanent support and maintenance of one of the parties and their children, if any.]*~~

(Deleted by amendment.)

Sec. 11. ~~**[**NRS 125.210 is hereby amended to read as follows:~~

~~125.210 1. Except as otherwise provided in subsection 2, in any action brought pursuant to NRS 125.190, the court may **[**:**]** *make a preliminary or final judgment on any claim that may be raised during an action for divorce, including, without limitation:*~~

~~(a) **[**Assign and decree to either spouse the possession of any real or personal property of the other spouse;**]** *The custody and support of any minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage;*~~

~~(b) **[**Order or decree the payment of a fixed sum of money for the support of the other spouse and their children;**]** *The division of community property and the assumption of liabilities of the community;*~~

~~(c) **[**Provide that**]** *The amount and manner of spousal support;*~~

~~*(d) That* the payment of **[**that**]** money *for spousal support* be secured upon real estate or other security, or **[**make**]** any other suitable provision; **[**and~~

~~(d) Determine the**]**~~

~~*(e) The* time and manner in which the payments *for spousal support* must be made **[**.**]** *; and*~~

~~*(f) Attorney's fees and costs.*~~

~~2. The court may not:~~

~~(a) **[**Assign and decree to either spouse the possession of any real or personal property of the other spouse; or**]** *Order the division of community property and the assumption of liabilities of the community; or*~~

~~(b) Order **[**or decree**]** the **[**payment of a fixed sum of money for the support of the other spouse,**]** *amount and manner of spousal support,*~~

~~; if it is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.~~

~~3. Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS, in determining whether to award money for~~ **[**~~the support of a spouse~~**]** ***spousal support*** ~~or the amount of any award of money for~~ **[**~~the support of a spouse,~~**]** ***spousal support,*** ~~the court shall not attach, levy or seize by or under any legal or equitable process, either before or after receipt by a veteran, any federal disability benefits awarded to a veteran for a service-connected disability pursuant to 38 U.S.C. §§ 1101 to 1151, inclusive.~~

~~4. Except as otherwise provided in chapter 130 of NRS, the court may change, modify or revoke its orders and decrees from time to time.~~

~~5. No order or decree is effective beyond the joint lives of the spouses.~~**]** **(Deleted by amendment.)**

Sec. 12. **[**~~NRS 125.230 is hereby amended to read as follows:~~

~~125.230 1. The court in such actions may make such preliminary and final orders as it may deem proper for the custody, control and support of any minor child or children of the parties~~ **[**~~.~~**]** ***pursuant to chapter 125C of NRS.***

~~2. A court that enters an order pursuant to subsection 1~~ ***, NRS 125.210 or section 4 of this act*** ~~for the support of any minor child or children shall ensure that the social security numbers of the parties are provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.~~**]** **(Deleted by amendment.)**

Sec. 13. NRS 125.250 is hereby amended to read as follows:

125.250 In all cases commenced under NRS 125.190 to 125.280, inclusive, ***and sections 2 to 8, inclusive, of this act,*** the proceedings and practice must be the same, as nearly as may be, as those provided in actions for divorce. Suit may be brought in the county in which either party resides at the time the suit is commenced, or in the county in which the spouse may be found.

Sec. 14. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 19, inclusive, of this act.

Sec. 15. ***Except as otherwise provided in sections 16 to 19, inclusive, of this act, the proceedings, pleadings and practice must conform to the Nevada Rules of Civil Procedure as nearly as conveniently as possible, but all preliminary and final orders may be in such form as best effects the object of this chapter and produces substantial justice.***

Sec. 16. ***An action to determine custody of a child may be brought by the summary procedure set forth in sections 16 to 19, inclusive, of this act, when all of the following conditions exist at the time the proceeding is commenced:***

1. A court has jurisdiction pursuant to chapter 125A of NRS . ***~~[125A.305 to 125A.395, inclusive.]~~***

2. The parties have executed an agreement as to the custody of the child, which must specify, without limitation, the custody, medical or other care, education, maintenance and support of the child.

3. The use of the summary procedure set forth in sections 16 to 19, inclusive, of this act is in the best interest of the child.

4. The agreement of the parties defines the rights and duties of the parties with sufficient particularity to ensure that these rights and duties can be properly enforced and that the best interest of the child is achieved. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or any other similar term which is susceptible to different interpretations by the parties.

5. The agreement is in accordance with the provisions of chapter 125A of NRS and NRS 125C.0045 and any other provision of law governing the custody of a child.

6. The parties waive their respective rights to written notice of the order determining custody of the child, to appeal, to request findings of facts and conclusions of law and to move for a new trial.

7. The parties desire that the court enter an order that determines the custody of the child.

Sec. 17. ***1. A summary proceeding to determine the custody of a child may be commenced by filing in any district court a joint petition, signed under oath by both parties, stating that as of the date of filing, every condition set forth in section 16 of this act has been met.***

2. The petition must also provide the information required pursuant to NRS 125A.385.

3. The agreement pursuant to section 16 of this act of which the parties wish the court to approve or make a part of the order must be included in the petition or identified and attached to the petition as an exhibit.

Sec. 18. ***1. At any time before the entry of an order to determine the custody of a child, either party to a joint petition filed pursuant to section 17 of this act may revoke the joint petition and thereby terminate the summary proceeding to determine the custody of the child.***

2. The revocation may be effected by filing a notice of revocation with the clerk of the court in which the proceeding was commenced.

3. The revoking party shall send a copy of the notice of revocation to the other party by first-class mail, postage prepaid, at his or her last known address.

Sec. 19. ***1. Entry of an order upon a petition for a summary proceeding for a determination of the custody of a child constitutes an adjudication of the rights and obligations of the parties regarding the custody, care, education, maintenance and support of the child and the respective rights of the parties to written notice of entry of the order, to appeal, to request findings of facts and conclusions of law and to move for a new trial.***

2. An order entered pursuant to this section does not prejudice or bar the rights of either party to petition a court to modify or vacate the order pursuant to NRS 125C.0045 or any other provision of law.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 450.

AN ACT relating to taxation; revising the tax imposed upon the receipt, purchase and sale of premium cigars; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, there is imposed upon the receipt, purchase or sale of other tobacco products in this State a tax of 30 percent of the wholesale price of those products. (NRS 370.450) **Section 1** of this bill specifically limits the tax imposed upon the receipt, purchase and sale of other tobacco products that are premium cigars to not more than 50 cents **or less than 30 cents** for each premium cigar. **Section 1** defines "premium cigar" as a cigar that is rolled by hand, has a wrapper made of whole tobacco leaves and does not have a filter or mouthpiece.

Existing law requires the Department of Taxation to allow a credit of 30 percent of the wholesale price, less a discount of 0.25 percent for the services rendered in collecting the tax, for other tobacco products on which the tax has been paid and that may no longer be sold. (NRS 370.490) Section 1.5 of this bill makes a conforming change in response to the change in the rate of the tax for premium cigars to provide that the amount of this credit is the amount of the tax paid.

Section 2 of this bill provides that the amendatory provisions of this bill expire by limitation on June 30, 2027.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 370.450 is hereby amended to read as follows:

370.450 1. Except as otherwise provided in this section, there is hereby imposed upon the receipt, purchase or sale of other tobacco products in this State ***:***

(a) If the other tobacco products are not premium cigars, a tax of 30 percent of the wholesale price of those products ~~[.]~~ ***; and***

(b) If the other tobacco products are premium cigars, a tax of ~~[the lesser of]~~ 30 percent of the wholesale price of those products ~~[or]~~ except that, if 30 percent of the wholesale price of those products is:

(1) Greater than 50 cents for each premium cigar ~~[.]~~ , the tax imposed shall be 50 cents for each premium cigar.

(2) Less than 30 cents for each premium cigar, the tax imposed shall be 30 cents for each premium cigar.

2. The provisions of subsection 1 do not apply to those products which are:

(a) Displayed or exhibited at a trade show, convention or other exhibition in this State by a manufacturer or wholesale dealer of other tobacco products who is not licensed in this State; or

(b) Distributed free of charge at a trade show, convention or other exhibition or public event in this State, if the distributor has obtained a license to distribute other tobacco products free of charge for the trade show, convention or other exhibition or public event.

3. This tax:

(a) Is imposed:

(1) At the time the other tobacco products are first possessed or received by a wholesale dealer of other tobacco products who maintains a place of business in this State for sale or disposition in this State;

(2) At the time the other tobacco products are sold by a wholesale dealer of other tobacco products who does not maintain a place of business in this State to a retail dealer or ultimate consumer; or

(3) For other tobacco products manufactured, produced, fabricated, assembled, processed, labeled or finished in this State, at the time the other tobacco products are sold in this State to a wholesale dealer of other tobacco products, retail dealer or ultimate consumer.

(b) Must be paid by the wholesale dealer of other tobacco products to the Department, in accordance with the provisions of NRS 370.465. The wholesale dealer of other tobacco products is entitled to retain 0.25 percent of the taxes due to cover the costs of collecting and administering the taxes if the taxes are paid in accordance with the provisions of NRS 370.465.

4. Any wholesale dealer of other tobacco products who sells or distributes other tobacco products without paying the tax provided for by this section is guilty of a misdemeanor.

5. As used in this section, "premium cigar" means a cigar that is rolled by hand, has a wrapper made of whole tobacco leaves and does not have a filter or mouthpiece.

Sec. 1.5. **NRS 370.490 is hereby amended to read as follows:**

370.490 1. The Department shall allow a credit of ~~[30 percent of the wholesale price, less a discount of 0.25 percent for the services rendered in collecting the tax,]~~ ***the amount of the tax paid pursuant to NRS 370.450, not including any amount of the tax retained by the wholesale dealer of other tobacco products to cover the costs of collecting and administering the tax,***

for other tobacco products ~~[on which the tax has been paid pursuant to NRS 370.450 and]~~ that may no longer be sold. If the other tobacco products have been purchased and delivered, a credit memo of the manufacturer is required for proof of returned merchandise.

2. A credit must also be granted for any other tobacco products shipped from this State and destined for retail sale and consumption outside the State on which the tax has previously been paid. A duplicate or copy of the invoice is required for proof of the sale outside the State.

3. A wholesale dealer of other tobacco products may claim a credit by filing with the Department the proof required by this section. The claim must be made on a form prescribed by the Department.

Sec. 2. This act becomes effective on July 1, 2023 **~~[.]~~ , and expires by limitation on June 30, 2027.**

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 241.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 368.

~~[~~ASSEMBLYWOMAN~~]~~ ASSEMBLYMEN MOSCA **; ANDERSON, BILBRAY-AXELROD, D'SILVA, KOENIG, LA RUE HATCH, TAYLOR, THOMAS AND TORRES**

JOINT SPONSORS: SENATORS DONATE, FLORES, NGUYEN AND PAZINA

AN ACT relating to education; requiring pupils enrolled in a public high school to be enrolled in the courses and credits required to obtain a college and career ready high school diploma; establishing exceptions to the requirement for a pupil to be enrolled in such courses and credits; **prescribing additional requirements for obtaining a college and career ready high school diploma and endorsement;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that prescribe the criteria for a pupil to receive a college and career ready high school diploma, which must include requirements that the pupil: (1) satisfy the criteria for receipt of a standard high school diploma; and (2) obtain a college-ready endorsement or a career-ready endorsement. Existing law requires the State Board to adopt regulations prescribing the criteria for a pupil to obtain each endorsement. (NRS 390.605) Existing law also requires a pupil enrolled in a public high school to enroll in a certain number of credits in certain subject areas. (NRS 389.018) **Section 1** of this bill requires a pupil enrolled in a public high school to enroll in the courses and credits required by the State Board to receive a college and career ready high school diploma. **Section 1** provides

that a pupil is not required to enroll in such courses and credits if: (1) the pupil, his parent or legal guardian and an administrator or counselor at the school mutually agree to a modified course of study for the pupil after the pupil's ninth grade year; or (2) the pupil is a pupil with a disability and is exempted from the requirement to do so in accordance with the pupil's individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. **Section 1.5 of this bill prescribes additional requirements necessary to receive a college and career ready diploma. Section 1.7 of this bill prescribes the requirements necessary to receive a college-ready or career-ready endorsement. Section 2** of this bill provides for the application of the amendatory provisions of this bill to certain pupils **enrolled in a school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties)** beginning in the 2024-2025 school year. **Section 2 applies similar provisions to certain pupils enrolled in a school district located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) beginning with the 2026-2027 school year.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) One-half unit of credit in American government;

(2) Two units of credit in American history, world history or geography; and

(3) One-half unit of credit in economics.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an

administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable. A school district may authorize one or more public high schools in the school district to offer a combined course in American government and economics for one unit of credit which satisfies the requirements of subparagraphs (1) and (3) if the curriculum of an advanced placement course is used for American government in the combined course.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

5. Except as otherwise provided in this subsection, in addition to the courses of study and credits required by subsection 2, a pupil enrolled in a public high school must enroll in any additional courses of study and credits required by the State Board to receive a college and career ready high school diploma, including, without limitation, the courses of study and credits required to receive one of the endorsements described in subsection 3 of NRS 390.605. A pupil is not required to enroll in the courses of study and credits required by this subsection if:

(a) After the pupil's ninth grade year, the pupil ~~***[, the parent or legal guardian of the pupil and an administrator or]***~~ ***consults with a counselor at the school in which the pupil is enrolled*** ~~***[mutually agree]***~~ ***and agrees to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable; or***

(b) The pupil is a pupil with a disability and, in accordance with his or her individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, is exempted from the requirement to enroll in the courses of study and credits required by this subsection.

6. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 1.3. **Chapter 390 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.**

Sec. 1.5. ***1. To receive a college and career ready diploma evidencing graduation from high school pursuant to NRS 390.605, a pupil must, in addition to meeting the criteria prescribed pursuant to subsection 1 of NRS 390.600:***

(a) Successfully complete the requirements to receive an advanced diploma prescribed by regulations adopted pursuant to NRS 390.600;

(b) Demonstrate proficiency in speaking not less than two languages or have earned not less than two of the units of credit used to complete the requirements to receive an advanced diploma prescribed by regulations adopted pursuant to NRS 390.600 in:

(1) Advanced placement courses;

(2) International baccalaureate courses;

(3) Dual-credit courses or courses completed through dual enrollment;

(4) Career and technical education courses;

(5) Work-based learning courses; or

(6) A world language course; and

(c) Obtain a college-ready endorsement pursuant to section 1.7 of this act, or a career-ready endorsement pursuant to section 1.7 of this act.

2. To the extent that money is available for these purposes, the Department:

(a) Shall award incentive grants to each public high school, including, without limitation, each charter school that operates as a high school, for each graduate of the school who receives a college and career ready high school diploma; and

(b) May reimburse a school district or a charter school that operates as a high school for any costs associated to administer or provide an assessment, credential, certificate or certification required for a pupil to receive a college and career ready high school diploma pursuant to subsection 1.

Sec. 1.7. ***1. To receive a college-ready endorsement pursuant to paragraph (a) of subsection 3 of NRS 390.605, a pupil must, before graduating from high school:***

(a) Complete a college readiness assessment prescribed by the Board of Regents of the University of Nevada; and

(b) Receive not less than the minimum scores for initial placement into college-level English and mathematics courses prescribed by the Board of Regents.

2. To receive a career-ready endorsement pursuant to paragraph (b) of subsection 3 of NRS 390.605, a pupil must, before graduating from high school:

(a) Receive not less than the minimum score prescribed by the State Board on a career readiness assessment prescribed by the State Board;

(b) Satisfy the requirements for the issuance of a certificate for the completion of a course of study in career and technical education established pursuant to NRS 388.380; or

(c) Obtain an industry-recognized credential identified by the Executive Director of the Governor's Office of Workforce Innovation in the Department of Employment, Training and Rehabilitation pursuant to NRS 232.975.

Sec. 2. **1.** The amendatory provisions of section 1 of this act apply to ~~[:~~ ~~1. Pupils who are enrolled]~~ **pupils who are enrolled in a school district located in a county whose population is 100,000 or more and who are:**

(a) Enrolled in grade 9 for the 2024-2025 school year;

~~[2. Pupils who are enrolled]~~

(b) Enrolled in grade 9 or 10 for the 2025-2026 school year;

~~[3. Pupils who are enrolled]~~

(c) Enrolled in grade 9, 10 or 11 for the 2026-2027 school year; and

~~[4. All pupils enrolled]~~

(d) Enrolled in high school for each school year thereafter.

2. The amendatory provisions of section 1 of this act apply to pupils who are enrolled in a school district located in a county whose population is less than 100,000 and who are:

(a) Enrolled in grade 9 for the 2026-2027 school year;

(b) Enrolled in grade 9 or 10 for the 2027-2028 school year;

(c) Enrolled in grade 9, 10 or 11 for the 2028-2029 school year; and

(d) Enrolled in high school for each school year thereafter.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 ~~[and]~~ **to** 2 **, inclusive,** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 382.

AN ACT relating to elections; requiring **, under certain circumstances,** the Secretary of State, county clerks and city clerks to ensure that voting materials and certain other elections information are posted on certain Internet websites and made available in certain languages; requiring the Secretary of State ~~[and certain county or city clerks]~~ to establish a toll-free telephone number which may be used for a person to receive language interpretation or translation assistance relating to an election; requiring such telephone number to be posted at each polling place and on certain Internet websites and included on sample ballots; requiring the Secretary of State to include certain information related to a registered voter's preferred language on an application to register to vote; requiring county and city clerks to make a good faith effort to appoint election board officers who are bilingual; revising the information relating to registered voters that is required to be included on the statewide voter registration list; requiring, under certain circumstances, a mechanical voting system to list offices, candidates and ballot measures in a voter's preferred language; creating and setting forth the membership and duties of the Language Access Advisory Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each voting system used by a county or city to provide voting materials in English and every language in which voting materials are required to be prepared pursuant to federal law. (52 U.S.C. § 10503; NRS 293.2699) **Section 5** of this bill requires the Secretary of State to ensure that voting materials and other elections information are posted or made available at a polling place in certain languages. **Section 5** further requires the Secretary of State **,** ~~[and county and city clerks to: (1)]~~ on ~~[an annual basis]~~ **or before January 1 of each odd-numbered year, to** review **certain** data on persons who are members of a minority group and are of limited-English proficiency in the State **.** ~~[, county or city, as applicable; and (2)]~~ **Based on the review of such data,** under certain circumstances **, the Secretary of State and certain county and city clerks are required to** ensure that voting materials and other information are provided in certain other languages. **Sections 11-16, 18, 19 and** ~~[26-28]~~ **26-28.5** of this bill make conforming changes to require that certain elections materials be available in such languages.

Section 37.5 of this bill requires the Secretary of State to review certain data in sufficient time for voting materials to be prepared for the 2024 General Election.

Sections 2-4 of this bill, respectively, define the terms "limited-English proficiency," "minority group" and "voting materials." **Section 9** of this bill makes a conforming change to indicate the proper placement of **sections 2-4** in the Nevada Revised Statutes.

Section 6 of this bill requires the Secretary of State and **,** ~~[, under certain circumstances,]~~ **authorizes** a county clerk ~~[and city clerk]~~ to establish a toll-

free telephone number which may be used by any person to receive language interpretation or translation assistance relating to an election. **Sections 7, 14-16, 18, 22, 27 and 28** of this bill require each polling place, sample ballot and Internet website of the county or city clerk, as applicable, to include such telephone number.

Section 8 of this bill requires the Secretary of State to include on all forms for an application to preregister or register to vote certain language authorizing a person who registers to vote to request a sample ballot in a language other than English.

Existing law requires each county and city clerk to appoint registered voters to act as election board officers for the various polling places in the county or city, as applicable. (NRS 293.217, 293C.220) **Sections 10 and 25** of this bill require the county or city clerk to make a good faith effort to appoint election board officers who are bilingual.

Existing law requires the Secretary of State to prescribe forms for applications to preregister or register to vote. (NRS 293.507) **Section 17** of this bill requires the Secretary of State to include on each such application a line on which to enter the applicant's state or country of birth and a language preference. **Section 20** of this bill requires such information to be included on the statewide voter registration list.

Existing law requires the Secretary of State to establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to preregister and register to vote, cancel such preregistration or registration, update such preregistration or registration and determine at what polling place or places he or she is entitled to vote. The system is required to be user friendly. (NRS 293.671) **Section 19** of this bill requires the system to also be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to **section 5**.

Section 21 of this bill provides that if the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statement of ballot measures for which the voter is entitled to vote is in that preferred language.

Section 34 of this bill creates the Language Access Advisory Committee within the Office of the Secretary of State, consisting of the Secretary of State or his or her designee, and ~~[five]~~ **certain other** members **.** ~~[appointed by the Secretary of State.]~~ **Section 35** of this bill requires the Advisory Committee to: (1) identify certain programs and services that address language accessibility of elections and voting materials; (2) coordinate with community organizations to determine language accessibility of elections and voting materials; (3) act as a liaison between the Office of the Secretary of State and community organizations; (4) make certain annual assessments relating to language accessibility; and (5) make certain recommendations to the Office of the Secretary of State relating to language accessibility. **Section 36** of this bill

sets forth certain requirements for meetings of the Advisory Committee. **Section 37** of this bill: (1) requires the Secretary of State to appoint the initial members of the Advisory Committee before January 1, 2024; and (2) staggers the terms of the initial members.

Sections 23 and 24 of this bill make conforming changes to indicate the proper placement of **section 22** in the Nevada Revised Statutes.

Section 29 of this bill makes a conforming change to indicate the proper placement of **section 7** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Limited-English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.***

Sec. 3. ***"Minority group" includes, without limitation, United States citizens of Chinese heritage.***

Sec. 4. ***"Voting materials" means any material related to voter registration, elections and the electoral process, including, without limitation, applications to register to vote, ballots, mail ballots, sample ballots, instructions and other forms.***

Sec. 5. ***1. The Secretary of State shall ensure that voting materials and other elections information that is posted on the Internet website of the Office of the Secretary of State or the system of approved electronic transmission established pursuant to NRS 293D.200 is available on such website and system of approved electronic transmission in [Amharic, English, Korean, Mandarin, Shoshone, Spanish, Tagalog, Thai and Vietnamese and] any language in which voting materials are required to be prepared pursuant to 52 U.S.C. § 10503. If any such language does not have a standard writing system, the information required to be posted must be set forth in an audio recording in the language. [The] Except as otherwise provided in this subsection, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this subsection. If such a certified translator is not available to translate the information required pursuant to this subsection, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.***

2. Each county clerk and city clerk shall ensure that the Internet website of the county or city clerk, as applicable, has posted in a prominent location a link to the information on the website of the Office of the Secretary of State required pursuant to subsection 1.

3. The Secretary of State [and each county clerk and city clerk] shall, on [an annual basis,] or before January 1 of each odd-numbered year, review data on persons who are members of a minority group and are of limited-English proficiency in the State, [county or city, as applicable,] based on the

American Community Survey conducted by the Bureau of the Census of the United States Department of Commerce or language preference information collected by the Secretary of State. In addition to the requirements set forth in subsections 1 and 2, if, based on such data:

(a) The Secretary of State finds that there are at least ~~[1,400 registered voters in]~~ 5,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall ensure that voting materials and other elections information that are posted on the Internet website of the Office of the Secretary of State or set forth in the system of approved electronic transmission established pursuant to NRS 293D.200 are
available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. ~~[The]~~ Except as otherwise provided in this paragraph, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this ~~[subsection.]~~ paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

(b) Except as otherwise provided in this paragraph, the Secretary of State finds that there are at least 20,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify each county clerk and each county clerk shall cooperate with the Secretary of State to ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, each county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the county clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance. The cost of preparing and providing voting materials and other elections information in any language required pursuant to this paragraph is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners. The provisions of this paragraph do not apply to the extent that a county clerk is required pursuant to paragraph (c) to ensure that voting materials and other elections information that are required to be posted or made available at a polling

place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group.

(c) The [county clerk of:

(1) A county whose population is 100,000 or more] Secretary of State finds that there are at least [1,400 registered voters] 5,000 qualified electors in [the] a county who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify the county clerk and the county clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. [The] Except as otherwise provided in this paragraph, the county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this [subparagraph.

(2) A county whose population is less than 100,000, finds that there are at least 500 registered voters in the county who are members of a minority group and are of limited-English proficiency, the county clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. The county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this subparagraph.] paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the county clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

[(c)] (d) The [city clerk of a city in:

(1) A county whose population is 100,000 or more] Secretary of State finds that there are at least [1,400 registered voters] 5,000 qualified electors in [the] a city who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify the city clerk and the city clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the city clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. [The] Except as otherwise provided in this paragraph, the city clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this [subparagraph.

~~*(2) A county whose population is less than 100,000, finds that there are at least 500 registered voters in the city who are members of a minority group and are of limited English proficiency, the city clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the city clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. The city clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this subparagraph.]*~~ *paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the city clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.*

Sec. 6. *1. The Secretary of State shall:*

(a) Establish a toll-free telephone number which may be used by any person in this State to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) Post the toll-free telephone number established pursuant to paragraph (a) on the Internet website of the Office of the Secretary of State.

2. ~~*[If a county or city has 3,500 or more registered voters, the]*~~ *A county clerk* ~~*:*~~ ~~*[or city clerk, as applicable, shall:]*~~

(a) ~~*[Establish]*~~ *May establish a toll-free telephone number which may be used by any person in the county* ~~*[or city, as applicable,]*~~ *to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and*

(b) ~~*[Post the]*~~ *If such a toll-free telephone number is established pursuant to paragraph (a)* ~~*, post the toll-free telephone number*~~ *on the Internet website of the county* ~~*[or city]*~~ *clerk* ~~*. [, as applicable,]*~~

3. ~~*[If a county or city has less than 3,500 registered voters, the]*~~ *Each county* ~~*[or]*~~ *and city clerk* ~~*[, as applicable,]*~~ *shall post the toll-free telephone number established by the Secretary of State pursuant to* ~~*[paragraph (a) of]*~~ *subsection 1 on the Internet website of the county or city clerk, as applicable.*

Sec. 7. *The county clerk shall ensure that at each polling place for early voting the* ~~*[applicable]*~~ *toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.*

Sec. 8. *1. The Secretary of State shall include on all forms for an application to preregister or register to vote prescribed by the Secretary of State, including, without limitation, a paper application and the form set forth on the system established by the Secretary of State pursuant to NRS*

293.671 to allow persons to register to vote by computer, the following language in at least 14-point bold type:

[ ] CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH AND INCLUDE THE PREFERRED LANGUAGE HERE _____

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE, COUNTY AND CITY.

2. Except as otherwise provided in this subsection, the county clerk and city clerk of the county and city where the voter is registered to vote must provide the voter who has indicated a preferred language other than English with a sample ballot in the preferred language . [of the voter.] If, pursuant to section 5 of this act, a county or city clerk is not required to provide voting materials in the preferred language of the voter, the county or city clerk, as applicable, must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.

Sec. 9. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, ***and sections 2, 3 and 4 of this act,*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various polling places in the county as provided in NRS 293.220 to 293.227, inclusive, and NRS 293.269929. ***The county clerk shall make a good faith effort to appoint election board officers who are bilingual [.] in a language that voting materials are required to be provided in pursuant to section 5 of this act.*** The registered voters appointed as election board officers for any polling place must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the mail ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the mail ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➥ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 11. NRS 293.2549 is hereby amended to read as follows:

293.2549 1. The Secretary of State, each county clerk and each city clerk shall:

(a) Make the Voters' Bill of Rights readily available to the public;

(b) Maintain a copy of the Voters' Bill of Rights in his or her office for reproduction and distribution to the public; ~~[and]~~

(c) Ensure that the Voters' Bill of Rights is posted in a conspicuous place, in at least 12-point type, at each polling place ~~[.]~~ ***; and***

(d) Ensure that the Voters' Bill of Rights is available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.

2. The Secretary of State shall ensure that the Voters' Bill of Rights is posted on the Secretary of State's Internet website ~~[.]~~ ***and available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.***

Sec. 12. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in:

(a) English; ~~[and]~~

(b) Every language in which voting materials are required to be prepared in the county or city pursuant to 52 U.S.C. § 10503 ~~[.]~~ ***; and***

(c) Every other language in which voting materials are required to be prepared in the county or city pursuant to section 5 of this act.

2. In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.

~~[3. As used in this section:~~

~~(a) "Limited English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.~~

~~(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.~~

~~(c) "Voting materials" has the meaning ascribed to it in 52 U.S.C. § 10503.]~~

Sec. 13. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. ***If a county clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the county clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 14. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive;

4. Instructions concerning the identification required for persons who registered by mail or computer and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities;

6. ***Instructions concerning how a registered voter may obtain a copy of voting materials in each of the languages that voting materials are required to be prepared in pursuant to section 5 of this act;***

7. The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for obtaining language interpretation or translation assistance relating to the election;

8. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and

~~[7.]~~ ***9.*** Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 15. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; ~~[and]~~

(e) All reports submitted to the Secretary of State pursuant to the provisions of chapter 294A of NRS ~~[.]~~ ***; and***

(f) The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. ***The information required to be maintained by the Secretary of State pursuant to subsection 1 shall be available in all of the languages that voting materials are required to be prepared in pursuant to section 5 of this act.***

3. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

~~[3.]~~ ***4.*** If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 16. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~[and]~~

(b) The abstract of votes required pursuant to the provisions of NRS 293.388 ~~[.]~~ ***; and***

(c) The ~~[applicable]~~ toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. ***The information required to be maintained by a county clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the county pursuant to section 5 of this act.***

4. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 17. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) Standard forms for applications to preregister or register to vote;

(b) Special forms for preregistration and registration to be used in a county where registrations are performed and records of registration are kept by computer; and

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to preregister or register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to preregister or register to vote must include a:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to preregister or register to vote must include:

(a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

(e) A line on which to enter the applicant's state or country of birth and a language preference.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 18. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230

for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type **. ~~[; and]~~**

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

(c) Include on the front page, in a separate box created by bold lines, a notice that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL (Insert appropriate telephone number)

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND COUNTY

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. ***If a person requests a sample ballot in a language other than English and the county clerk is required to provide voting materials in such language pursuant to section 5 of this act, the county clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a county ~~[or city]~~ clerk is not required to provide voting materials in the preferred language of the voter, the county ~~[or city]~~ clerk ~~[, as applicable,]~~ must provide the voter with a***

sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.

13. The county clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the county clerk is required to provide information and voting materials pursuant to section 5 of this act.

14. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

~~[13.]~~ ***15.*** The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 19. NRS 293.671 is hereby amended to read as follows:

293.671 1. The Secretary of State shall establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to:

(a) Preregister and register to vote;

(b) Cancel his or her preregistration or voter registration;

(c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address ***,*** ~~[and]~~ party affiliation ~~[;]~~ and ***language preference; and***

(d) Determine at what polling place or places he or she is entitled to vote.

2. The system established pursuant to subsection 1 must:

(a) Be user friendly;

(b) ***Be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to section 5 of this act;***

(c) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and 293.4855; and

~~[(c)]~~ ***(d)*** Inform any person who uses the system to register to vote for an election pursuant to NRS 293.5837, 293.5842 and 293.5847 that the person

may vote in the election only if the person complies with the applicable requirements established by those sections.

3. The Secretary of State shall include on the system, in black lettering and not more than 14-point type, the following information:

(a) The qualifications to register or preregister to vote;

(b) That if the applicant does not meet the qualifications, he or she is prohibited from registering or preregistering to vote; and

(c) The penalties for submitting a false application.

4. The Secretary of State shall not include on the system:

(a) Any additional warnings regarding the penalties for submitting a false application; or

(b) The notice set forth in NRS 225.083.

Sec. 20. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.

2. The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

3. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name ***, state or country of birth, language preference*** and ***other*** registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 9, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 10, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

4. Each county and city clerk shall:

(a) Electronically enter into the database created pursuant to subsection 1 all information related to voter preregistration and registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

5. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

6. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

7. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

8. The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the statewide voter registration list with information in the records of the State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.

9. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

10. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the

chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 21. Chapter 293B of NRS is hereby amended by adding thereto a new section to read as follows:

If the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statements of measures for which the voter is entitled to vote is in that preferred language.

Sec. 22. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

The city clerk shall ensure that at each polling place for early voting the applicable toll-free telephone number established by the Secretary of State pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.

Sec. 23. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in NRS 293.5817 and 293C.263 to 293C.26337, inclusive, the conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. The governing body of the city may provide for the conduct of early voting by personal appearance in a city election pursuant to NRS 293.5772 to 293.5887, inclusive, and 293C.355 to 293C.361, inclusive ~~[.]~~ ***and section 22 of this act.***

Sec. 24. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail in accordance with the provisions of NRS 293C.263 to 293C.26337, inclusive, if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293.5772 to 293.5887, inclusive, 293C.265 to 293C.302, inclusive, and 293C.355 to 293C.361, inclusive, ***and section 22 of this act,*** do not apply to an election conducted pursuant to this section.

Sec. 25. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various polling places and precincts in the city as provided in NRS 293.225, 293.227, 293C.227, 293C.228 and 293C.26329. ***The city clerk shall make a good faith effort to appoint election***

board officers who are bilingual ~~.~~ ***in a language that voting materials are required to be provided in pursuant to section 5 of this act.*** No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board and the mail ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board and the mail ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➥ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 26. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. ***If a city clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the city clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 27. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type **. [:]**

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217 **. [; and]**

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

(d) Include on the front page, in a separate box created by bold lines, a notice that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL (Insert appropriate telephone number)

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND CITY

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. ***If a person requests a sample ballot in a language other than English and the city clerk is required to provide voting materials in such language pursuant to section 5 of this act, the city clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a [county or] city clerk is not required to provide voting materials in the preferred language of the voter, the [county or] city clerk [, as applicable,] must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.***

11. The city clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the city clerk is required to provide information and voting materials pursuant to section 5 of this act.

12. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

~~[11.]~~ ***13.*** The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 28. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~[and]~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387 ~~[.]~~ ***; and***

(c) The ~~[applicable]~~ toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. ***The information required to be maintained by a city clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the city pursuant to section 5 of this act.***

4. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the

city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 28.5. **NRS 293D.200 is hereby amended to read as follows:**

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter. ***The Secretary of State shall ensure that the system is available in all languages in which voting materials are required to be prepared and made available pursuant to 52 U.S.C. § 10503 or section 5 of this act.***

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

6. The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:

(a) The person would have been able to preregister to vote pursuant to NRS 293.4855 except for the residency requirement; and

(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.

Sec. 29. NRS 298.700 is hereby amended to read as follows:

298.700 1. Except as otherwise provided in this section, the provisions of NRS 293.356 to 293.361, inclusive, ***and section 7 of this act,*** apply to a presidential preference primary election.

2. The period for early voting for a presidential preference primary election begins 10 calendar days before the date of the presidential preference primary election and extends through the Friday before the day of the presidential preference primary election.

3. The county clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

4. A permanent polling place for early voting must remain open:

(a) On Monday through Friday during the period for early voting, for at least 8 hours during such hours as the county clerk may establish.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours during such hours as the county clerk may establish.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 3, during such hours as the county clerk may establish.

Sec. 30. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 31 to 36, inclusive, of this act.

Sec. 31. ***As used in sections 31 to 36, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 32 and 33 of this act have the meanings ascribed to them in those sections.***

Sec. 32. ***"Advisory Committee" means the Language Access Advisory Committee created by section 34 of this act.***

Sec. 33. ***"Language access programs" means a program or service that focuses on communication barriers between persons who cannot read, speak or write English fluently.***

Sec. 34. ***1. The Language Access Advisory Committee is hereby created within the Office of the Secretary of State.***

2. The Advisory Committee consists of ~~[six]~~ the following members who represent the diversity of this State, including:

(a) The Secretary of State or his or her designee;

(b) ~~[Two elected officials]~~ The registrar of voters of each county that has created the office of registrar of voters pursuant to NRS 244.164;

(c) A county clerk of a county whose population is less than 100,000, appointed by the Secretary of State; and

~~[(c)]~~ (d) Three other members of the public appointed by the Secretary of State.

3. The Secretary of State shall:

(a) Consider members who have knowledge of language access programs when appointing members of the Advisory Committee;

(b) Select the Chair of the Advisory Committee from among its members; and

(c) Designate an employee of the Office of the Secretary of State to serve as Secretary for the Advisory Committee.

4. The Secretary of State may assign such other employees of his or her Office as he or she deems necessary to assist the Advisory Committee in its duties.

5. The Chair of the Advisory Committee shall appoint a Vice Chair from among the members of the Advisory Committee.

6. After the initial term, each member of the Advisory Committee shall serve for a term of 2 years. Each member of the Advisory Committee serves at the pleasure of the Secretary of State. If a vacancy occurs, the Secretary of State shall appoint a new member to fill the vacancy for the remainder of the unexpired term.

7. Members of the Advisory Committee serve without compensation. While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 35. ***1. The Advisory Committee shall:***

(a) Identify programs and services that address problems concerning language accessibility of elections and voting materials;

(b) Coordinate with community organizations to determine language accessibility needs for elections and voting materials;

(c) Act as liaison between the Office of the Secretary of State and community organizations;

(d) Make annual assessments to determine language accessibility programs and services that could be implemented for the election process;

(e) Make recommendations to the Office of the Secretary of State relating to language accessibility programs and services that should be implemented in elections.

2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.

Sec. 36. ***1. The Advisory Committee shall meet at least four times in a calendar year. One meeting must be in person. The Advisory Committee may conduct all other meetings through the use of [remote technology] remote technology systems. A special meeting of the Advisory Committee may be called by the Secretary of State and the Chair of the Advisory Committee at such additional times as they deem necessary.***

2. The Chair of the Advisory Committee or, in the absence of the Chair, the Vice Chair of the Advisory Committee, shall preside at each meeting of the Advisory Committee.

3. A majority of the members of the Advisory Committee constitute a quorum.

4. As used in this section, "remote technology system" has the meaning ascribed to it in NRS 241.015.

Sec. 36.5. **NRS 353.264 is hereby amended to read as follows:**

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253, 293.405, 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235 ~~[,]~~ ***and section 5 of this act;***

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 37. 1. The Secretary of State shall appoint the members of the Language Access Advisory Committee created by section 34 of this act before January 1, 2024.

2. Notwithstanding the provisions of section 34 of this act, the members of the Language Access Advisory Committee must be appointed to serve initial terms as follows:

(a) The ~~[two members]~~ **member** who ~~[are elected officials]~~ **is a county clerk of a county whose population is less than 100,000 and one of the**

members who are members of the public must be appointed to serve a term of 2 years.

(b) ~~[The three]~~ **Two of the** members who are members of the public must be appointed to serve a term of 3 years.

Sec. 37.5. **1. The Secretary of State shall ensure that the review of data that the Secretary of State is required to perform pursuant to section 5 of this act is completed in sufficient time so that voting materials may be made available by the Secretary of State and any affected county or city clerk in any required language for the 2024 General Election.**

2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.

Sec. 38. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 39. 1. This section and sections 37 **, 37.5** and 38 of this act become effective upon passage and approval.

2. Sections 1 to ~~[36,]~~ **36.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 439.

AN ACT relating to health care; prohibiting certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions; requiring certain entities to maintain a registered agent and office in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal law requires the United States Secretary of Health and Human Services to negotiate with the manufacturers of certain drugs and to establish the maximum fair price for certain drugs, which is the maximum price at which such drugs may be sold to a recipient of Medicare. (42 U.S.C. §§ 1320f-2, 1320f-3) Existing federal law requires the Secretary of Health and Human Services to publish those maximum fair prices. (42 U.S.C. § 1320f-4) **Section 1** of this bill prohibits a person or entity that: (1) purchases a drug

which is subject to a maximum fair price in this State from paying a price that is higher than the maximum fair price; or (2) seeks reimbursement for a drug subject to a maximum fair price which is delivered, dispensed or administered to a person in this State from seeking reimbursement at a rate which is higher than the maximum fair price. **Section 1** also requires any such person or entity to maintain a registered agent and an office or base of operations in this State.

Existing law: (1) prohibits certain trade practices which are deemed to be deceptive trade practices; and (2) provides for the enforcement of the prohibition on engaging in deceptive trade practices, including by prescribing criminal penalties to be imposed against a person who engages in a deceptive trade practice. (NRS 598.0903-598.0999) **Section 1** makes it a deceptive trade practice for any person to violate: (1) the prohibition on purchasing or seeking reimbursement for a drug at a price higher than the maximum fair price; or (2) the requirement to maintain a registered agent and an office or base of operations in this State when engaging in certain activity relating to drugs subject to a maximum fair price. **Sections 1 and 3** of this bill provide that a person who violates the provisions of **section 1** is not subject to any criminal penalty set forth in existing law for engaging in a deceptive trade practice, meaning such a person is subject only to the various civil enforcement measures, including civil penalties, set forth in existing law for engaging in a deceptive trade practice. (NRS 598.097-598.0999)

Existing law authorizes any person who is a victim of consumer fraud, including a deceptive trade practice, to bring a civil action. (NRS 41.600) **Section 2** of this bill provides that a violation of **section 1** constitutes consumer fraud, and **sections 1 and 2** authorize a victim of such a violation to bring a civil action.

WHEREAS, In the 2019 Legislative Session, Senate Bill No. 276 directed the Legislative Commission to appoint a committee to conduct an interim study concerning the cost of prescription drugs in this State and the impact of rebates, reductions in price and other remuneration from manufacturers on prescription drug prices; and

WHEREAS, In reporting on the findings of the Committee to Conduct an Interim Study Concerning the Costs of Prescription Drugs, LCB Bulletin No. 21-9, published in January 2021, stated that "[i]n 2018, Americans paid an average of $1,229 for prescription drugs, the highest amount per capita in any developed country in the world"; and

WHEREAS, LCB Bulletin No. 21-9 also stated that "[i]ncreasing drug prices disproportionately affect uninsured and underinsured patients, while insured patients covered by high-deductible, commercial, or government-sponsored health insurance plans tend to pay more through premium and copay increases"; and

WHEREAS, The Nevada Spending and Government Efficiency Commission noted in its final report, "Final Report of the Nevada Spending and Government Efficiency Commission to Governor Jim Gibbons," published

January 7, 2010, that the State of Nevada would realize significant savings on Medicaid, mental health, corrections and other programs if the cost of prescription drugs were better controlled; and

WHEREAS, Excessive prices negatively affect the ability of residents of this State to obtain prescription drugs, thereby endangering the health and safety of such residents; and

WHEREAS, Excessive prices of prescription drugs threaten the economic well-being of residents of this State, thereby inhibiting their ability to pay for necessary and essential goods and services including housing, food and utilities; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to increasing costs of health care and health insurance that threaten the ability of residents of this State to obtain affordable health coverage and maintain or achieve good health; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to rising costs for health care provided and paid for through health insurance programs for public employees, including employees of the State, municipalities, counties, school districts, institutions for higher education and retirees whose health costs are funded by taxpayer dollars, thereby threatening the ability of the State and local governments to fund other programs necessary for the public good and safety, such as public safety, police, fire and education; and

WHEREAS, To protect residents of this State from the negative effects from excessive costs of prescription drugs, and to protect the safety, health and economic well-being of Nevadans, the Legislature finds that legislation regarding affordable access to prescription drugs is necessary for residents of this State to achieve and maintain good health; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 8, a person or entity that purchases a referenced drug in this State shall not pay a price for the referenced drug that, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug ~~[.]~~ during the price applicability period.

2. ~~[A]~~ Except as otherwise provided in subsection 8, a person or entity that seeks reimbursement for a referenced drug which is delivered, dispensed or administered to a person in this State shall not seek reimbursement for the referenced drug at a rate which, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug ~~[.]~~ during the price applicability period.

3. ~~[Any]~~ Except as otherwise provided in subsection 8, a person or entity that sells, offers for sale, distributes or delivers any referenced drug to a

person or entity in this State or seeks reimbursement for a referenced drug which is delivered, dispensed or administered to a person in this State shall maintain in this State a registered agent and an office or base of operations.

4. Except as otherwise provided in subsection 5, a violation of subsection 1, 2 or 3 by any person constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. Each such violation of subsection 1 or 2 or sale, offer for sale or distribution or delivery of a quantity of a referenced drug in violation of subsection 3 constitutes a separate deceptive trade practice. [A claim that a manufacturer or wholesaler has refused to negotiate in good faith is an affirmative defense in any proceeding seeking enforcement of the provisions of subsection 1 or 2.]

5. A person who violates the provisions of subsection 1, 2 or 3 is not subject to any criminal penalty set forth in subsection 3 of NRS 598.0999.

6. A person aggrieved by a violation of subsection 1, 2 or 3 may bring an action for consumer fraud pursuant to NRS 41.600.

7. The Department may adopt any regulations necessary to carry out the provisions of this section.

8. A provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974 or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5):

(a) Is not required to comply with the requirements of this section.

(b) May elect to be subject to the provisions of this section by notifying the Director in writing on or before January 1 of each year in which the plan elects to participate.

9. As used in this section:

(a) "Manufacturer" has the meaning ascribed to it in NRS 639.009.

(b) "Maximum fair price" means the maximum fair price for a drug published by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 1320f-4.

(c) "Price applicability period" has the meaning ascribed to it in 42 U.S.C. § 1320f(b)(2).

(d) "Referenced drug" means a drug subject to a maximum fair price.

[(d)] (e) "Wholesaler" has the meaning ascribed to it in NRS 639.016.

Sec. 2. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351;

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive; ~~[or]~~

(f) A violation of NRS 417.133 or 417.135 ~~[.]~~ ***; or***

(g) A violation of section 1 of this act.

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 3. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(d) For an offense involving a loss of property or services valued at $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that

determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 4. The provisions of this act do not apply to any contract for the sale of or reimbursement for a drug entered into before January 1, 2024, but do apply to any renewal or extension of such a contract.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 264.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 370.

AN ACT relating to education; prohibiting a pupil in a public school from being deprived of any award **that is based on perfect attendance** or any eligibility or opportunity to compete for **such** an award because of an approved absence from school for the observance of a religious holiday; revising provisions governing the attendance of pupils and circumstances under which a pupil is deemed truant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law, in general, requires a child between 7 and 18 years of age to attend public school. (NRS 392.040) Existing law requires the board of trustees of each school district to adopt rules that require each public school in the district to include the accounting of attendance and, if feasible, tardiness of a pupil on each report card or other report of progress of the pupil. (NRS 392.118) **Section 4** of this bill excludes an absence for the observance of a religious holiday from the absences that are counted for this purpose.

Existing law requires the board of trustees of each school district to prescribe a minimum number of days that a pupil who is subject to compulsory attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. (NRS 392.122) **Section 5** of this bill requires days on which a pupil is not in attendance because the pupil is absent for the observance of a religious holiday to be credited towards the required days of attendance if the **absence was approved and the** pupil has completed course-work requirements.

Existing law provides that a pupil is deemed a truant if the pupil is absent from school without the written approval of the pupil's teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school.

(NRS 392.130) **Section 6** of this bill provides that a pupil is not a truant if the pupil is absent from school for the observance of a religious holiday **[.] provided that a pupil may have not more than five such approved absences in a school year.** **Section 6** requires the parent or legal guardian or other person having control or charge of a pupil who is absent from school for the observance of a religious holiday to notify the teacher or principal of the school ~~[orally or]~~ in writing **[,] at least 3 days before the absence,** in accordance with the policy established by the board of trustees of the school district. **Section 7** of this bill makes a conforming change to reflect that a pupil who is absent from school for the observance of a religious holiday is not a truant.

Existing law requires the board of trustees of each school district and the governing bodies of certain charter schools to prepare an annual report of accountability that contains certain information regarding the attendance, truancy and transiency of pupils. (NRS 385A.070, 385A.240) Section 6 provides that an approved absence for the observance of a religious holiday is not an absence for the purposes of the annual report of accountability.

Section 3 of this bill prohibits a pupil enrolled in a public school from being deprived of any award **that is based on perfect attendance** or any eligibility or opportunity to compete for **such** an award because of an **approved** absence for the observance of a religious holiday. **Sections 1, 2 and 8** of this bill make conforming changes to indicate the proper placement of **section 3** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.846 is hereby amended to read as follows:

388.846 1. If the board of trustees of a school district provides a program of distance education, the board of trustees shall ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the school district, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in chapter 385A of NRS;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~[;]~~ ***, and section 3 of this act;*** and

(d) Discipline of pupils.

2. If the governing body of a charter school provides a program of distance education, the governing body shall:

(a) For each pupil who is enrolled in the program, provide written notice to the board of trustees of the school district in which the pupil resides of the type of educational services that will be provided to the pupil through the program. The written notice must be provided to the board of trustees before the pupil receives educational services through the program of distance education.

(b) Ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the charter school, including, without limitation:

(1) Graduation requirements;

(2) Accountability of public schools, as set forth in chapter 385A of NRS;

(3) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~[;]~~ ***, and section 3 of this act;*** and

(4) Discipline of pupils.

Sec. 2. NRS 388.862 is hereby amended to read as follows:

388.862 1. If a pupil is enrolled full-time in a program of distance education provided by the board of trustees of a school district, the board of trustees that provides the program shall declare for each such pupil one public school within that school district with which the pupil is affiliated. The board of trustees may declare that all the pupils enrolled in the program of distance education are affiliated with one public school within the school district, or it may declare individual public schools for the pupils enrolled in the program. Upon the declared affiliation, the pupil shall be deemed enrolled in that public school for purposes of all the
applicable requirements, statutes, regulations, rules and policies of that public school and school district, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in chapter 385A of NRS;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~[;]~~ ***, and section 3 of this act;*** and

(d) Discipline of pupils.

2. A pupil who is enrolled full-time in a program of distance education provided by a charter school shall be deemed enrolled in the charter school. All the applicable requirements, including, without limitation, statutes, regulations, rules and policies of that charter school apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in chapter 385A of NRS;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~[;]~~ ***, and section 3 of this act;*** and

(d) Discipline of pupils.

3. If a pupil is enrolled part-time in a program of distance education, all the applicable requirements, statutes, regulations, rules and policies of the public school of the school district in which the pupil is otherwise enrolled or the charter school in which the pupil is otherwise enrolled apply to such a pupil, including, without limitation:

(a) Graduation requirements;

(b) Accountability of public schools, as set forth in chapter 385A of NRS;

(c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive ~~[;]~~ ***, and section 3 of this act;*** and

(d) Discipline of pupils.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

A pupil enrolled in a public school who is absent from school for the observance of a religious holiday may not be deprived of any award that is based on perfect attendance or any eligibility or opportunity to compete for ~~[any]~~ such an award by reason of such absence if ~~[the parent or legal guardian or other person having control or charge of the pupil provides notice for]~~ the absence is approved pursuant to subsection 4 of NRS 392.130.

Sec. 4. NRS 392.118 is hereby amended to read as follows:

392.118 ***1.*** The board of trustees of each school district shall adopt rules that require each public school in the district to include the accounting of attendance and, if feasible, tardiness of a pupil on each report card or other report of progress of the pupil. The report card or other report of progress must indicate the number of absences, if any, for the period covered by the report card or other report of progress.

2. An absence for the observance of a religious holiday ~~[for]~~ which ~~[a parent or legal guardian or other person having control or charge of the pupil provides notice]~~ is approved pursuant to subsection 4 of NRS 392.130 must not be counted as an absence for the purposes of this section.

Sec. 5. NRS 392.122 is hereby amended to read as follows:

392.122 1. Except as otherwise provided in NRS 389.320, the board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school district may adopt a policy prescribing a minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.

2. For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130, must be credited towards the required days of attendance if the pupil has completed course-work requirements. The teacher or principal of the school may approve the absence of a pupil for deployment activities of the parent or legal guardian of the pupil, as defined in NRS 388F.010. If the board of trustees of a school district has adopted a policy pursuant to subsection 5, the 10-day limitation on absences does not apply to absences that are excused pursuant to that policy.

3. Except as otherwise provided in subsection 5, before a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or the principal's designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and the pupil's parent or legal guardian may request a review of the absences of the

pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and the pupil's parent or legal guardian, the principal or the principal's designee shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or the principal's designee shall credit towards the required days of attendance each day of absence for which:

(a) There is evidence or a written affirmation by the parent or legal guardian of the pupil that the pupil was physically or mentally unable to attend school on the day of the absence ~~[,]~~ ***or the*** ~~***[pupil was absent for the observance of a religious holiday;]***~~ ***absence was approved pursuant to subsection 4 of NRS 392.130;*** and

(b) The pupil has completed course-work requirements.

4. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection 3 to the board of trustees of the school district in which the pupil is enrolled.

5. The board of trustees of a school district may adopt a policy to exempt pupils who are physically or mentally unable to attend school from the limitations on absences set forth in subsection 1. If a board of trustees adopts a policy pursuant to this subsection:

(a) A pupil who receives an exemption pursuant to this subsection is not exempt from the minimum number of days of attendance prescribed pursuant to subsection 1.

(b) The days on which a pupil is physically or mentally unable to attend school must be credited towards the required days of attendance if the pupil has completed course-work requirements.

(c) The procedure for review of absences set forth in subsection 3 does not apply to days on which the pupil is absent because the pupil is physically or mentally unable to attend school.

6. ***For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for the observance of a religious holiday must be credited towards the required days of attendance if the absence was approved pursuant to subsection 4 of NRS 392.130 and the pupil has completed course-work requirements. The 10-day limitation on absences set forth in subsection 2*** ~~***[and the procedure for review of absences set forth in subsection 3 do]***~~ ***does not apply to days on which the pupil is absent for the observance of a religious holiday*** ~~***[.]***~~ ***if the absence was approved pursuant to subsection 4 of NRS 392.130.***

7. A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, ***and section 3 of this act*** and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.

Sec. 6. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of the pupil's teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school ~~[.]~~ ***or is absent from school for the observance of a religious holiday.*** The teacher or principal shall give his or her written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, the pupil must receive the approval of the teacher or principal.

2. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

4. ***If a pupil*** ~~***[is]***~~ ***will be absent from school for the observance of a religious holiday, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school*** ~~***[orally or]***~~ ***in writing, in accordance with the policy established by the board of trustees of the school district,*** ~~***[within]***~~ ***at least 3 days*** ~~***[after]***~~ ***before the pupil*** ~~***[returns to school.]***~~ ***will be absent from school. An absence for which notice is provided in accordance with this subsection shall be deemed an approved absence, except that not more than 5 absences within 1 school year may be approved pursuant to this subsection.***

5. An absence which has not been approved pursuant to subsection 1 ***,*** ~~[or~~ ***, for which a parent or legal guardian or other person having control or charge of the pupil has not provided notice pursuant to subsection]*** 3 ***or 4*** ~~***[,***~~ ***as applicable,]*** shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the Department.

~~[5.]~~ ***6.*** The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

~~[6.]~~ ***7. For the purposes of collecting the information required pursuant to NRS 385A.240 on the attendance, truancy and transiency of pupils for the annual report of accountability prepared pursuant to NRS 385A.070, an absence that is approved pursuant to subsection 4 shall not be deemed an absence.***

8. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

Sec. 7. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of the child's teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 ***or 4*** of NRS 392.130,

➥ may again be declared a habitual truant.

3. The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

Sec. 8. NRS 129.130 is hereby amended to read as follows:

129.130 1. If the court determines that the petition should be granted, it shall enter a decree of emancipation.

2. A decree so entered is conclusive and binding.

3. Such a decree emancipates the minor for all purposes and removes the disability of minority of the minor insofar as that disability may affect:

(a) The incurring of indebtedness or contractual obligations of any kind;

(b) The litigation and settlement of controversies;

(c) The acquiring, encumbering and conveying of property or any interest therein;

(d) The consenting to medical, dental or psychiatric care without parental consent, knowledge or liability;

(e) The enrolling in any school or college; and

(f) The establishment of the minor's own residence.

➥ For these purposes, the minor shall be considered in law as an adult, and any obligation the minor incurs is enforceable by and against the minor without regard to his or her minority.

4. Unless otherwise provided by the decree, the obligation of support otherwise owed a minor by his or her parent or guardian is terminated by the entry of the decree.

5. Except as otherwise provided in this section, a decree of emancipation does not affect the status of the minor for any purpose, including the applicability of any provision of law which:

(a) Prohibits the sale, purchase or consumption of intoxicating liquor to or by a person under the age of 21 years;

(b) Prohibits gaming or employment in gaming by or of a person under the age of 21 years;

(c) Restricts the ability to marry of a person under the age of 18 years;

(d) Governs matters relating to referrals for delinquent acts or violations of NRS 392.040 to 392.125, inclusive, ***and section 3 of this act,*** unless the minor has been certified for trial as an adult pursuant to title 5 of NRS; or

(e) Imposes penalties or regulates conduct according to the age of any person.

6. A petition may be filed by any person or by any public agency to void a decree of emancipation on the following grounds:

(a) The minor has become indigent and has insufficient means of support; or

(b) The decree of emancipation was obtained by fraud, misrepresentation or the withholding of material information.

7. The voiding of any decree of emancipation must not alter any contractual obligations or rights or any property rights or interests which arose during the period that the decree was in effect.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Section 1 to 8, inclusive, of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 265.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 129.

AN ACT relating to mental health; ~~[revising the duties of the Commission on Behavioral Health;]~~ **adding certain members to the subcommittee on the mental health of children of the Commission on Behavioral Health;** creating a statewide mental health consortium; prescribing the membership, powers and duties of the statewide mental health consortium; ~~[revising requirements governing the disbursement of certain money;]~~ authorizing ~~[each]~~ **the statewide** mental health consortium to request the drafting of not more than 1 legislative measure for each regular session of the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Commission on Behavioral Health within the Department of Health and Human Services. (NRS 232.361) The Commission is required to: (1) establish certain policies for the treatment and care of persons with mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders; and (2) report~~

~~to the Governor and Legislature information concerning the treatment and care of persons with such conditions. (NRS 433.314) Existing law authorizes the Commission to perform certain additional activities to improve the treatment and care of persons with such conditions, including: (1) taking appropriate steps to increase the availability and to enhance the quality of such treatment and care; (2) promoting programs for such treatment; and (3) creating a plan to coordinate services for such treatment and to provide continuity in the care and treatment provided. (NRS 433.316) Sections 1 and 2 of this bill instead require the Commission to carry out such activities primarily for adults with such conditions.]~~

Existing law establishes a regional mental health consortium in each county whose population is 100,000 or more (currently Clark and Washoe Counties) and one regional mental health consortium in the region that comprises all other counties. (NRS 433B.333) **Section 7** of this bill: (1) creates a statewide mental health consortium to represent all regional mental health consortia established by existing law; and (2) prescribes the membership of the statewide mental health consortium. ~~[Sections 5 and 6 of this bill require the statewide mental health consortium to: (1) represent all regional mental health consortia; (2) establish certain policies for the treatment and care of children with emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders; (3) appoint a subcommittee to review the long-term plan of each mental health consortium and develop a statewide plan for the provision of services for the mental health of children; and (4) report to the Governor and Legislature information concerning the treatment and care of children with emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders. Sections 5 and 15 of this bill transfer the duty to create a subcommittee on the mental health of children from the Commission to the statewide mental health consortium. Section 6 authorizes the statewide mental health consortium to perform similar activities to improve the treatment and care of children with emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders to the activities that the Commission is authorized to perform for adults. The activities authorized by section 6 include the creation of a plan to coordinate services for the treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders. Sections 3 and 11 of this bill require certain money for programs to serve persons with mental illness, intellectual disabilities and developmental disabilities to be disbursed in a manner that supports that plan.]~~ **Section 9** of this bill ~~[makes a conforming change by clarifying the authority of a regional mental health consortium to carry out certain activities.]~~ **prescribes the powers and duties of the statewide mental health consortium, which include representing all regional mental health consortia and taking certain other actions related to the mental health of children.**

Existing law requires each regional mental health consortium to prepare and submit to the Director of the Department of Health and Human Services a long-term strategic plan for the provision of mental health services to children with emotional disturbance within the jurisdiction of the consortium and certain other materials relating to the plan. (NRS 433B.335) ~~[Section 5 requires the statewide mental health consortium to appoint a subcommittee to review each long-term strategic plan and develop a statewide plan for the provision of mental health services to children.]~~ **Section 8** of this bill requires each regional mental health consortium to submit its long-term strategic plan and certain information concerning the implementation of the long-term strategic plan to the ~~[statewide mental health consortium.]~~ **Administrator of the Division of Child and Family Services of the Department.** **Section 8** exempts the statewide mental health consortium from the requirement to develop a long-term strategic plan. ~~[Section]~~ **Sections 2.5 and 10** of this bill ~~[makes]~~ **make** conforming changes to clarify that only a mental health consortium that represents a particular region is required to submit such a long-term strategic plan.

Existing law requires the Commission on Behavioral Health to appoint a subcommittee on the mental health of children to review each long-term strategic plan submitted by a mental health consortium that represents a particular region. (NRS 433.317) Section 2.5 requires that subcommittee to include two members of the statewide mental health consortium.

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) **Section 12** of this bill authorizes the statewide mental health consortium and each regional mental health consortium to request the drafting of not more than 1 legislative measure for each regular session of the Legislature. **Section 13** of this bill makes a conforming change by indicating the proper placement of **section 12** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 433.314 is hereby amended to read as follows:~~

~~433.314 1. The Commission shall:~~

~~(a) Establish policies to ensure adequate development and administration of services for [persons] *adults* with mental illness, [persons] *adults* with intellectual disabilities, [persons] *adults* with developmental disabilities, [persons] *adults* with substance use disorders or [persons] *adults* with co-occurring disorders, including services to prevent mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;~~

~~(b) Set policies for the care and treatment of [persons] *adults* with mental illness, [persons] *adults* with intellectual disabilities, [persons] *adults* with~~

~~developmental disabilities, [persons] *adults* with substance use disorders or [persons] *adults* with co-occurring disorders provided by all state agencies;~~

~~(c) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable;~~

~~(d) Review the programs and finances of the Division;~~

~~(e) Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature:~~

~~(1) Information concerning the quality of the care and treatment provided for [persons] *adults* with mental illness, [persons] *adults* with intellectual disabilities, [persons] *adults* with developmental disabilities, [persons] *adults* with substance use disorders or [persons] *adults* with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; and~~

~~(2) In coordination with the *statewide mental health consortium established by subsection 4 of NRS 433B.333 and the* Department, any recommendations from the regional behavioral health policy boards created pursuant to NRS 433.429. The report must include, without limitation:~~

~~(I) The epidemiologic profiles of substance use disorders, addictive disorders related to gambling and suicide [;] *among adults;*~~

~~(II) Relevant behavioral health prevalence data for each behavioral health region created by NRS 433.428; and~~

~~(III) The health priorities set for *adults in* each behavioral health region; and~~

~~(f) Review and make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.~~

~~2. The Commission may employ an administrative assistant and a data analyst to assist the regional behavioral health policy boards created by NRS 433.429 in carrying out their duties.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 433.316 is hereby amended to read as follows:~~

~~433.316 The Commission may:~~

~~1. Collect and disseminate information pertaining to mental health, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders.~~

~~2. Request legislation pertaining to mental health, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders.~~

~~3. Review findings of investigations of complaints about the care of any person in a public facility for the treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders.~~

~~4. Accept, as authorized by the Legislature, gifts and grants of money and property.~~

~~5. Take appropriate steps to increase the availability of and to enhance the quality of the care and treatment of [persons] *adults* with mental illness, [persons] *adults* with intellectual disabilities, [persons] *adults* with developmental disabilities, [persons] *adults* with substance use disorders or [persons] *adults* with co-occurring disorders provided through private nonprofit organizations, governmental entities, hospitals and clinics.~~

~~6. Promote programs for the treatment of [persons] *adults* with mental illness, [persons] *adults* with intellectual disabilities, [persons] *adults* with developmental disabilities, [persons] *adults* with substance use disorders or [persons] *adults* with co-occurring disorders and participate in and promote the development of facilities for training persons to provide services for [persons] *adults* with mental illness, [persons] *adults* with intellectual disabilities, [persons] *adults* with developmental disabilities, [persons] *adults* with substance use disorders or [persons] *adults* with co-occurring disorders.~~

~~7. Create a plan to coordinate the services for the treatment of [persons] *adults* with mental illness, [persons] *adults* with intellectual disabilities, [persons] *adults* with developmental disabilities, [persons] *adults* with substance use disorders or [persons] *adults* with co-occurring disorders provided in this State and to provide continuity in the care and treatment provided.~~

~~8. Establish and maintain an appropriate program which provides information to the general public concerning mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders and consider ways to involve the general public in the decisions concerning the policy on mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders.~~

~~9. Compile statistics on mental illness and study the cause, pathology and prevention of that illness.~~

~~10. Establish programs to prevent or postpone the commitment of residents of this State to facilities for the treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders.~~

~~11. Evaluate the future needs of this State concerning the treatment of mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders and develop ways to improve the treatment already provided.~~

~~12. Take any other action necessary to promote mental health in this State.]~~ **(Deleted by amendment.)**

Sec. 2.5. **NRS 433.317 is hereby amended to read as follows:**

433.317 1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations ~~[of each mental health consortium]~~ submitted ***by mental health consortia*** pursuant to NRS 433B.335 and to create a statewide plan for the provision of mental health

services to children. ***The members of the subcommittee must include, without limitation:***

(a) The Chair of the statewide mental health consortium established pursuant to subsection 4 of NRS 433B.333; and

(b) A member of the statewide mental health consortium appointed pursuant to subparagraph (2) of paragraph (c) of subsection 4 of NRS 433B.333, other than the Chair of the statewide mental health consortium.

2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 3. ~~[NRS 433.395 is hereby amended to read as follows:~~

~~433.395 1. Upon approval of the Director of the Department, the Administrator may accept:~~

~~(a) Donations of money and gifts of real or personal property; and~~

~~(b) Grants of money from the Federal Government,~~

~~for use in public or private programs that provide services to persons in this State with mental illness.~~

~~2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with mental illness in a manner that supports the plan to coordinate services created by the Commission pursuant to subsection 7 of NRS 433.316~~ ~~[.]~~ ***and the plan to coordinate services created by the statewide mental health consortium pursuant to subsection 8 of section 6 of this act.*** ~~In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with mental illness in consideration of the nature and value of the donation, gift or grant.~~

~~3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.~~~~]~~ **(Deleted by amendment.)**

Sec. 4. ~~[Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[~~***The statewide mental health consortium established by subsection 4 of NRS 433B.333 shall:***

~~***1. Represent all mental health consortia established by subsection 1 of NRS 433B.333 before the Legislature, Commission and Department.***~~

~~***2. Review, make recommendations for and approve programs proposed by the Division to prevent the placement of children in facilities located outside of the home or home state of the child for the treatment of emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders or co-occurring disorders.***~~

~~*3. Evaluate the future needs of this State concerning the treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders and develop ways to improve the treatment currently provided.*~~

~~*4. Establish policies to ensure the adequate development and administration of services for children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders, including, without limitation:*~~

~~*(a) Services to prevent emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders; and*~~

~~*(b) Services provided without admission to a facility or institution.*~~

~~*5. Establish policies for the care and treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders provided by all state agencies.*~~

~~*6. Review the programs and financial records of the Division.*~~

~~*7. Report at the beginning of each year to the Governor and, at the beginning of each odd-numbered year, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature:*~~

~~*(a) Information concerning the quality of the care and treatment provided for children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; and*~~

~~*(b) In coordination with the Commission and the Department, any recommendations from the regional behavioral health policy boards created by NRS 433.429. The report must include, without limitation:*~~

~~*(1) The epidemiologic profiles of substance use disorders, addictive disorders related to gambling and suicide among children;*~~

~~*(2) Relevant behavioral health prevalence data for each behavioral health region created by NRS 433.428; and*~~

~~*(3) The health priorities set for children in each behavioral health region.*~~

~~*8. Appoint a subcommittee on the mental health of children to review the long-term strategic plan of each mental health consortium submitted pursuant to NRS 433B.335 and develop a statewide plan for the provision of services for the mental health of children. The members of the subcommittee appointed pursuant to this subsection serve at the pleasure of the statewide mental health consortium. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for*~~

~~*state officers and employees generally if funding is available for this purpose.*~~

~~*— 9. Take any other action necessary to promote the mental health of children in this State.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[The statewide mental health consortium established by subsection 4 of NRS 433B.333 may:*~~

~~*— 1. Create a document that consolidates the strategies, goals and services contained in the long-term strategic plan of each mental health consortium submitted pursuant to NRS 433B.335.*~~

~~*— 2. Take such other action as is necessary to represent all mental health consortia established by subsection 1 of NRS 433B.333.*~~

~~*— 3. Collect and disseminate information pertaining to the mental health of children and intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders in children.*~~

~~*— 4. Request legislation pertaining to the mental health of children and intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders in children.*~~

~~*— 5. Accept, as authorized by the Legislature, gifts and grants of money and property.*~~

~~*— 6. Take appropriate steps to increase the availability and to enhance the quality of the care and treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders provided through private nonprofit organizations, governmental entities, hospitals and clinics.*~~

~~*— 7. Promote programs for the treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders or children with co-occurring disorders and participate in and promote the development of facilities for training persons to provide services for children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders.*~~

~~*— 8. Create a plan to coordinate the services for the treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders and children with co-occurring disorders provided in this State and to provide continuity in the care and treatment provided.*~~

~~*— 9. Establish and maintain an appropriate program which provides information to the general public concerning emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders in children and consider ways to involve the general public in the decisions concerning the policy on emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders in children.*~~

~~*10. Establish programs to prevent or postpone the commitment of children of this State to facilities for the treatment of children with emotional disturbance, children with intellectual disabilities, children with developmental disabilities, children with substance use disorders or children with co-occurring disorders.*~~

~~*11. Evaluate the future needs of this State concerning the treatment of emotional disturbance, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders in children and develop ways to improve the treatment already provided.*~~

~~*12. Take any other action necessary to promote the mental health of children in this State.]*~~ **(Deleted by amendment.)**

Sec. 7. NRS 433B.333 is hereby amended to read as follows:

433B.333 1. A mental health consortium is hereby established in each of the following jurisdictions:

(a) A county whose population is 100,000 or more; and

(b) The region consisting of all counties whose population are less than 100,000.

2. In a county whose population is 100,000 or more, such a consortium must consist of at least the following persons appointed by the Administrator:

(a) A representative of the Division;

(b) A representative of the agency which provides child welfare services;

(c) A representative of the Division of Health Care Financing and Policy of the Department;

(d) A representative of the board of trustees of the school district in the county;

(e) A representative of the local juvenile probation department;

(f) A representative of the local chamber of commerce or business community;

(g) A private provider of mental health care;

(h) A provider of foster care;

(i) A parent of a child with an emotional disturbance; and

(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.

3. In the region consisting of counties whose population are less than 100,000, such a consortium must consist of at least the following persons appointed by the Administrator:

(a) A representative of the Division of Public and Behavioral Health of the Department;

(b) A representative of the agency which provides child welfare services in the region;

(c) A representative of the Division of Health Care Financing and Policy of the Department;

(d) A representative of the boards of trustees of the school districts in the region;

(e) A representative of the local juvenile probation departments;

(f) A representative of the chambers of commerce or business community in the region;

(g) A private provider of mental health care;

(h) A provider of foster care;

(i) A parent of a child with an emotional disturbance; and

(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.

4. A statewide mental health consortium is hereby established to represent all mental health consortia established by subsection 1. The statewide mental health consortium must consist of:

(a) The Administrator as an ex officio, nonvoting member. The Administrator may designate an alternate who is an employee of the Division or another person to attend any meeting of the consortium in his or her place.

(b) The following voting members:

(1) A representative of the Division of Health Care Financing and Policy of the Department, appointed by the Administrator of that Division;

(2) A representative of the Department of Education, appointed by the Superintendent of Public Instruction; and

(3) A representative of the Division of Child and Family Services of the Department, appointed by the Administrator.

(c) The following voting members , appointed by the mental health consortium established by subsection 1 of which they are a member:

(1) Not more than three members from each mental health consortium established by subsection 1; and

(2) ~~[(A)~~ In addition to the members appointed pursuant to subparagraph (1), one parent or legal guardian of a child with an emotional disturbance from each mental health consortium established ~~[pursuant to]~~ by subsection 1.

5. The statewide mental health consortium established pursuant to subsection 4 shall annually elect a Chair from among its voting members.

Sec. 8. NRS 433B.335 is hereby amended to read as follows:

433B.335 1. Each mental health consortium established ~~[pursuant to]~~ ***by subsection 1 of*** NRS 433B.333 shall prepare and submit to the Director of the Department ***and the ~~[statewide mental health consortium established by subsection 4 of NRS 433B.333]~~ Administrator*** a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after the date of submission, and each consortium ***~~[established by subsection 1 of NRS 433B.333]~~*** shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium ***established by subsection 1 of NRS 433B.333*** must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium ***established by subsection 1 of NRS 433B.333*** shall submit

to the Director of the Department ***, the Administrator*** and the Commission: ~~***[statewide mental health consortium established by subsection 4 of NRS 433B.333:]***~~

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities and any request for an allocation submitted pursuant to subsection 4 by each mental health consortium ~~[.]~~ ***established by subsection 1 of NRS 433B.333.*** On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium ***established by subsection 1 of NRS 433B.333*** a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department;

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion; and

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each ***mental health*** consortium ***established by subsection 1 of NRS 433B.333*** shall submit to the Director of the Department ***, the Administrator*** and the Commission ***:*** ~~***[statewide mental health consortium established by subsection 4 of NRS 433B.333:]***~~

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) A report of all expenditures made from an account maintained pursuant to NRS 433B.339, if any.

Sec. 9. NRS 433B.337 is hereby amended to read as follows:

433B.337 1. A mental health consortium established by ***subsection 1 of*** NRS 433B.333 may:

(a) Participate in activities within the jurisdiction of the consortium to:

(1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to NRS 433B.335; and

(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation,

advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.

(b) Take other action to carry out its duties set forth in this section and NRS 433B.335 and 433B.339.

2. ***The statewide mental health consortium established by subsection 4 of NRS 433B.333 shall:***

(a) Represent all mental health consortia established by subsection 1 of NRS 433B.333 before the Legislature, Commission and Department.

(b) Review, make recommendations for and approve programs proposed by the Division to prevent placing children in facilities located outside of the home or home state of the child for the treatment of emotional disturbance, substance use disorders or co-occurring disorders.

(c) Evaluate the future needs of this State concerning the treatment of children with emotional disturbance, substance use disorders or co-occurring disorders and develop ways to improve the treatment currently provided.

(d) Take any other action necessary to promote the mental health of children in this State.

3. The statewide mental health consortium established by subsection 4 of NRS 433B.333 may:

(a) Create a document that consolidates the strategies, goals and services in the long-term strategic plan prepared by each mental health consortium pursuant to NRS 433B.335.

(b) Take such other action as is necessary to represent all mental health consortia established by subsection 1 of NRS 433B.333.

4. To the extent practicable, a mental health consortium ***established by subsection 1 ~~[or]~~ of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of NRS 433B.333*** shall coordinate with the Department to avoid duplicating or contradicting the efforts of the Department to provide mental health services to children with emotional disturbance and their families.

Sec. 10. NRS 433B.339 is hereby amended to read as follows:

433B.339 1. A mental health consortium established by ***subsection 1 ~~[or]~~ of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of*** NRS 433B.333 may:

(a) Enter into contracts and agreements to carry out the provisions of this section ***,*** ~~[and]~~ NRS ~~[433B.335 and]~~ 433B.337 ~~[.]~~ and ***, if applicable, NRS 433B.335; and***

(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of this section ***,*** ~~[and]~~ NRS ~~[433B.335 and]~~ 433B.337 ~~[.]~~ ***and, if applicable, NRS 433B.335.***

2. Any money collected pursuant to subsection 1:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended, under the direction of the consortium which deposited the money, to carry out the provisions of this section ***,*** ~~[and]~~ NRS ~~[433B.335 and]~~ 433B.337 ~~[.]~~ ***and, if applicable, NRS 433B.335.***

3. The Administrator shall administer the account maintained for each consortium.

4. Any interest or income earned on the money in an account maintained pursuant to this section must be credited to the account and does not revert to the State General Fund at the end of a fiscal year.

5. Any claims against an account maintained pursuant to this section must be paid as other claims against the State are paid.

Sec. 11. ~~[NRS 435.490 is hereby amended to read as follows:~~

~~435.490 1. Upon approval of the Director of the Department, the Administrator may accept:~~

~~(a) Donations of money and gifts of real or personal property; and~~

~~(b) Grants of money from the Federal Government,~~

~~for use in public or private programs that provide services to persons in this State with intellectual disabilities or persons with developmental disabilities.~~

~~2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with intellectual disabilities or persons with developmental disabilities in a manner that supports the plan to coordinate services created by the Commission on Behavioral Health pursuant to subsection 7 of NRS 433.316~~ ~~[.]~~ ***and the plan to coordinate services created by the statewide mental health consortium pursuant to subsection 8 of section 6 of this act.*** ~~In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with intellectual disabilities or persons with developmental disabilities in consideration of the nature and value of the donation, gift or grant.~~

~~3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.~~~~]~~ **(Deleted by amendment.)**

Sec. 12. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, ~~***[each]***~~ ***the statewide mental health consortium established by subsection*** ~~***[1]***~~ ***4 of NRS 433B.333 and*** ~~***[the statewide]***~~ ***each mental health consortium established by subsection*** ~~***[4]***~~ ***1 of NRS 433B.333 may request the drafting of not more than*** ~~***[1]***~~ ***one legislative measure which relates to matters within the scope of the consortium.*** ~~***[The]***~~

2. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding ~~***[the]***~~ ***a regular session.***

~~***[2.]***~~ ***3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested***

pursuant to this section must be prefiled on or before the third Wednesday in November preceding ~~[the]~~ a regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 13. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, ***and section 12 of this act*** apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, ***and section 12 of this act*** for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, ***and section 12 of this act*** but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. ~~[~~NRS 433.317 is hereby repealed.~~]~~ **(Deleted by amendment.)**

Sec. 16. **This act becomes effective on July 1, 2023.**

~~[~~

~~TEXT OF REPEALED SECTION~~

~~433.317 Appointment of subcommittee on the mental health of children; duties; compensation to extent of available funding.~~

~~1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations of each mental health consortium submitted pursuant to NRS 433B.335 and to create a statewide plan for the provision of mental health services to children.~~

~~2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.~~]

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 373.

AN ACT relating to education; revising provisions governing performance evaluations of certain postprobationary teachers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations establishing a statewide performance evaluation system for evaluating the performance of certain employees. (NRS 391.465) Existing law requires each postprobationary teacher who receives an evaluation designating his or her overall performance as effective to receive one evaluation in the immediately succeeding school year. Existing law requires a postprobationary teacher who receives an evaluation designating his or her overall performance as highly effective for 2 consecutive school years to participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as highly effective but does not require such a teacher to receive an evaluation for that year. (NRS 391.690)

~~[This]~~ **Section 1.5 of this** bill authorizes a postprobationary teacher who receives an evaluation designating his or her overall performance as effective or highly effective for 2 consecutive evaluations to request to participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her overall performance as effective or highly effective and to receive, upon request, one evaluation based in part on that observation cycle, but does not require the teacher to receive an evaluation for that year. ~~[This bill]~~ **Section 1.5** requires a postprobationary teacher to receive an evaluation in the second school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her overall performance as effective or highly effective. ~~[This bill]~~ **Section 1.5** prohibits an administrator from threatening, intimidating, coercing, compelling or otherwise requiring a postprobationary teacher to request or not request to participate in an observation or receive an evaluation. **Section 1.7 of this bill makes these provisions retroactively applicable to include evaluations received for the 2021-2022 and 2022-2023 school years.**

Existing law: (1) requires each teacher and administrator who provides direct instructional services to pupils at a school to develop learning goals for such pupils; (2) provides that pupil growth may be determined by the extent to which the learning goals of a pupil are achieved; and (3) requires such learning goals and pupil growth to be included in the evaluations of such teachers and administrators. (NRS 391.480) Section 1.9 of this bill repeals those requirements. Sections 1, 1.1 and 1.3 of this bill make

conforming changes to remove other references to learning goals and pupil growth from the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 391.460 is hereby amended to read as follows:**

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level, administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, and other licensed educational personnel, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods **;** ~~[,~~ ~~which includes evaluations based upon pupil growth as required by NRS 391.465;]~~

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers, administrators and other licensed educational personnel throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers, administrators and other licensed educational personnel, to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers, administrators and other licensed educational personnel; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 1.1. **NRS 391.465 is hereby amended to read as follows:**

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Developing; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a), which must include, without limitation, consideration of whether the classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

(c) ~~[Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.~~

~~(d)]~~ Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

~~[(e)]~~ ***(d)*** Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after

observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

~~[(f)]~~ ***(e)*** Require a person who evaluates a teacher who is responsible for a number of pupils that exceeds the applicable recommended ratio of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890, who is a postprobationary employee as defined in NRS 391.650 and whose performance on that evaluation is designated as effective or highly effective to, under the statewide performance evaluation system, award the teacher an additional weight for criteria relating to:

(1) The manner in which the teacher structures a classroom environment;

(2) The manner in which the teacher provides an opportunity for extended discourse;

(3) The manner in which the teacher employs the cognitive abilities and skills of all pupils;

(4) The manner in which the teacher engages with the families of pupils; and

(5) The perception of pupils of the performance of the teacher,

➥ that is equivalent to the percentage by which the ratio of pupils for which the teacher is responsible exceeds the recommended ratio of pupils per licensed teacher. Any additional weight awarded to a teacher pursuant to this paragraph must not cause the score on a criterion to exceed the maximum score that would otherwise be possible on the criterion for a teacher rated as highly effective.

~~[(g)]~~ ***(f)*** If an employee knowingly and willfully failed to comply with the provisions of NRS 388.1351, indicate any disciplinary actions taken against the employee pursuant to NRS 388.1354.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 1.2. **NRS 391.470 is hereby amended to read as follows:**

391.470 On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the

implementation and effectiveness of the process for peer observations of teachers set forth in the regulations adopted by the State Board pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer observations.

Sec. 1.3. **NRS 391.485 is hereby amended to read as follows:**

391.485 1. The State Board shall annually review the statewide performance evaluation system to ensure accuracy and reliability. Such a review must include, without limitation, an analysis of the:

(a) Number and percentage of teachers, administrators and other licensed educational personnel who receive each designation identified in paragraph (a) of subsection 2 of NRS 391.465 in each school, school district, and the State as a whole; ***and***

(b) ~~[Data used to evaluate pupil growth in each school, school district and the State as a whole, including, without limitation, any observations; and~~

~~(c)]~~ Effect of the evaluations conducted pursuant to the statewide system of accountability for public schools on the academic performance of pupils enrolled in the school district in each school and school district, and the State as a whole.

2. The board of trustees of each school district shall annually review the manner in which schools in the school district carry out the evaluation of teachers, administrators and other licensed educational personnel pursuant to the statewide performance evaluation system.

3. The Department may review the manner in which the statewide performance evaluation system is carried out by each school district . ~~[, including, without limitation, the manner in which the learning goals for pupils are established and evaluated pursuant to NRS 391.480.]~~

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 391.690 is hereby amended to read as follows:

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as developing or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three observation cycles which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two observation cycles during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as developing or ineffective on the evaluation, the postprobationary teacher may request that the third observation cycle be conducted by another administrator. If a postprobationary teacher requests that his or her third observation cycle be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** a postprobationary teacher receives an evaluation designating his or her overall performance as effective ~~[,]~~ ***or highly effective,*** the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of the school year.

3. If a postprobationary teacher receives an evaluation designating his or her overall performance as ***effective or*** highly effective for 2 consecutive ~~[school years,]~~ ***evaluations,*** the postprobationary teacher ***:*** ~~[must:]~~

(a) ~~[Participate]~~ ***May request to participate*** in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as ***effective or*** highly effective ***.*** ~~[; and]~~ ***If a postprobationary teacher requests to participate in an observation cycle pursuant to this paragraph, the postprobationary teacher may receive one evaluation based in part upon the observation cycle conducted pursuant to this paragraph only upon the request of the postprobationary teacher; and***

(b) ~~[Receive]~~ ***Must receive*** one evaluation in the ***second*** school year immediately following the school year in which the postprobationary teacher ~~[participated in the observation cycle pursuant to paragraph (a).]~~ ***receives a second consecutive evaluation designating his or her performance as effective or highly effective.*** The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of that school year.

4. An administrator may not, directly or indirectly, threaten, intimidate, coerce, compel or otherwise require a postprobationary teacher to request or not to request to participate in an observation cycle or receive an evaluation pursuant to paragraph (a) of subsection 3 or perform such an observation cycle or evaluation without the consent of a postprobationary teacher.

Sec. 1.7. **1. The amendatory provisions of section 1.5 of this act apply to any evaluation, observation cycle and other conduct of postprobationary teachers and administrators described in NRS 391.690, as amended by section 1.5 of this act, that occurs on or after July 1, 2021.**

2. As used in this section:

(a) "Evaluation" means an evaluation of a postprobationary teacher as described in NRS 391.690, as amended by section 1.5 of this act.

(b) "Observation cycle" means an observation cycle that a postprobationary teacher participates in or requests to participate in as described in NRS 391.690, as amended by section 1.5 of this act.

Sec. 1.8. **Any administrative regulations relating to learning goals or pupil growth which were adopted pursuant to NRS 391.480 by a regulatory body before July 1, 2023, and which conflict with or are inconsistent with the provisions of this act are void.**

Sec. 1.9. **NRS 391.480 is hereby repealed.**

Sec. 2. 1. This **section becomes effective upon passage and approval.**

2. Sections 1 to 1.9, inclusive, of this act ~~[becomes]~~ **become** effective ~~[on]~~ **:**

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023~~.~~ **, for all other purposes.**

TEXT OF REPEALED SECTION

391.480 Development of learning goals for pupils; Department to establish list of assessments to measure achievement of learning goals; evaluation of educational personnel based on achievement of learning goals; regulations.

1. Each teacher at a school in a school district shall, in consultation with the principal of the school at which the teacher is employed or other administrator who is assigned by the principal, develop learning goals for the pupils of the teacher for a specified period.

2. Each principal, vice principal and other administrator who provides direct instructional services to pupils at a school in a school district shall, in consultation with his or her direct supervisor, develop learning goals for the pupils at the school where the principal, vice principal or other administrator, as applicable, is employed for a specified period.

3. The Department shall establish a list of assessments that may be used by a school or school district to measure the achievement of learning goals established pursuant to this section.

4. The board of trustees of each school district shall ensure that the learning goals for pupils established pursuant to this section measure pupil growth in accordance with the criteria established by regulation of the State Board.

5. Each teacher and administrator who establishes learning goals for pupils pursuant to this section must be evaluated at the end of the specified period to determine the extent to which the learning goals of the pupils were achieved. Such an evaluation must be conducted in accordance with the criteria established by regulation of the State Board for determining the level of pupil growth for the purposes of the statewide performance evaluation system. The State Board may establish by regulation the manner in which to include certain categories of pupils in the evaluation conducted pursuant to this subsection.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 366.

AN ACT relating to substitute teachers; requiring school districts to provide certain substitute teachers with a subsidy for the purchase of health insurance coverage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations that set forth the qualifications for licensing teachers. (NRS 391.019) The Commission has adopted regulations governing the licensing and hiring of substitute teachers, providing that a school district may generally hire a substitute teacher: (1) for unlimited days of service if he or she is filling the role of a licensed teacher who is under contract; and (2) for 60 days if he or she is filling the role of a licensed teacher who is not under contract. (NAC 391.0897)

Section 1 of this bill requires school districts within this State to provide a monthly subsidy totaling at least $450 per covered ~~[person]~~ **full-time substitute teacher** to ~~[long-term]~~ **full-time** substitute teachers for the purchase of health insurance coverage. **Section 1** also requires a ~~[long-term]~~ **full-time** substitute teacher to provide proof of purchase of health insurance coverage to the school district in which he or she is employed. Additionally, **section 1** defines a ~~[long-term]~~ **full-time** substitute teacher as a licensed substitute teacher who is hired by a school district for ~~[15]~~ **30** or more ~~[cumulative]~~ **consecutive** days **on which instruction is provided to pupils** during a single school year. **Section 1 also prohibits a school district or public school from: (1) preventing a substitute teacher from working the number of consecutive days necessary to receive the subsidy; or (2) reassigning a person to other duties to prevent the person from receiving the subsidy.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, each school district in this State shall provide each ~~[long-term]~~ full-time substitute teacher working within the school district a monthly subsidy to purchase health insurance coverage. The subsidy must be provided in the same manner as regular compensation for teaching.

2. Each ~~[long-term]~~ full-time substitute teacher must receive such a subsidy in the month following his or her ~~[fifteenth cumulative]~~ 30th consecutive day of teaching in a school district within a single school year.

3. The board of trustees of each school district shall determine the amount of the subsidy, which must be at least $450 per month per covered

~~[person, including the long-term]~~ full-time substitute teacher . ~~[and up to three dependents, including spouses and children.]~~

4. Except as otherwise provided in this subsection, each ~~[long-term]~~ full-time substitute teacher must receive the subsidy each month for the remainder of the school year after he or she has qualified. The subsidy ceases if:

(a) The ~~[long-term]~~ full-time substitute teacher has not taught within the school district for 45 consecutive school days; or

(b) The full-time substitute teacher does not teach at least 70 percent of school days on which instruction is provided to pupils in a month; or

(c) Within 30 days of receiving the subsidy, the ~~[long-term]~~ full-time substitute teacher fails to provide proof of purchase of a health insurance plan to the school district in which he or she is employed. If the ~~[long-term]~~ full-time substitute teacher does not provide proof of purchase within 30 days, he or she may not receive any further subsidy payments until the month following the date on which proof of purchase is provided.

5. The board of trustees of each school district shall ~~[develop]~~ :

(a) Develop procedures for ~~[long-term]~~ full-time substitute teachers to provide proof of purchase ~~[.]~~ ; and

(b) Maintain a count of full-time substitute teachers within the district who are eligible to receive the subsidy provided pursuant to this section. Such a count must be made available to the public.

6. A school district or public school shall not:

(a) Prevent a substitute teacher from working the number of days necessary to qualify for the subsidy provided pursuant to this section; or

(b) Reassign a person to other duties within a school,

(c) to prevent a person from qualifying for the subsidy provided pursuant to this section.

7. As used in this section, ~~["long-term]~~ "full-time substitute teacher" means a substitute teacher endorsed pursuant to chapter 391 of NRS who is employed at any school within a school district for ~~[15]~~ 30 or more ~~[cumulative]~~ consecutive school days on which instruction is provided to pupils within a single school year.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 374.

ASSEMBLYWOMEN TAYLOR, TORRES, ANDERSON ~~[,]~~ **, BILBRAY-AXELROD** AND HANSEN

AN ACT relating to education; removing **certain** requirements for the use of restorative disciplinary practices in public schools; **requiring certain schools to provide a progressive discipline plan based on restorative justice to certain pupils;** revising provisions governing the development of a plan of discipline by the board of trustees of a school district; revising provisions governing age requirements for the suspension, expulsion and permanent expulsion of pupils; **requiring the provision and reporting of a plan to provide education services to certain pupils; revising provisions governing the reporting of certain data concerning discipline of pupils;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a plan to provide for the restorative discipline of pupils, developed: (1) in accordance with the statewide framework for restorative justice developed by the Department of Education; and (2) with input from certain school personnel and the parents and guardians of pupils. (NRS 392.4644) **Existing law: (1) requires the Department to develop a statewide framework for restorative justice; and (2) sets forth requirements for that framework. (NRS 388.1333) Section 5** of this bill removes the requirement to establish such a plan, instead requiring that the board of trustees of each school district **, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils** establish a plan of progressive discipline **.** ~~[for the district.]~~ **Section 5** also ~~[authorizes the board of trustees of a school district]~~ **requires such entities** to include disciplinary practices based on restorative justice within such a plan. **Sections 1 and 2** of this bill make conforming changes relating to the removal of this requirement. **Section 2.5 of this bill: (1) requires the Department to develop the plan regardless of funding; and (2) requires the framework developed by the Department to include certain training on school climate for teachers, administrators and other school staff.**

Existing law requires, in general, that a public school provide a plan of action based on restorative justice before removing a pupil from a classroom or the premises of the school or suspending or expelling the pupil. (NRS 392.472) **Sections 7 and 9** of this bill ~~[remove the requirement]~~ **require a public school** to **instead** provide a **progressive discipline** plan ~~[of action]~~ based on restorative justice ~~[before removing]~~ **: (1) to** a pupil ~~[from a classroom or the premises of the school or suspending or expelling the pupil and, instead, authorizes a public school to provide such a plan.]~~ **who has been suspended for at least 5 cumulative days during a school year; and (2) within 2 days after removing a pupil. Section 9 additionally requires an example of a plan of action developed by the Department to include certain determinations concerning an individualized education program. Further, section 9 requires the plan to be made available to certain**

personnel. Sections 3 and 4 of this bill provide similar authorization concerning the provision of plans based on restorative justice to charter schools and university schools for profoundly gifted pupils.

Existing law requires a public school to offer certain education services to a pupil who is removed from a classroom or the premises of a public school for at least 2 days. (NRS 392.4645) Section 5.5 of this bill requires each school district to, on or before August 1 of each year, submit a copy of such a plan to the: (1) Joint Interim Standing Committee on Education; (2) Department of Education; and (3) State Board of Education.

Existing law authorizes, under certain circumstances, the suspension, expulsion or permanent expulsion of a pupil who attends a public school, charter school or university school for profoundly gifted pupils and who is at least 11 years of age. (NRS 388A.495, 388C.150, 392.466, 392.467) Existing law further provides that a pupil who is less than 11 years of age may be suspended, expelled or permanently expelled by the public school in which the pupil is enrolled if such a punishment is approved by the board of trustees of the school district. (NRS 392.466) **Sections 3, 4 ~~[, 7]~~ and 8** of this bill provide for the suspension, expulsion or permanent expulsion of certain pupils less than 11 years of age.

Under existing law, a public school is prohibited, in general, from permanently expelling a pupil who is less than 11 years of age, except for certain situations in which such a punishment is authorized by the board of trustees of a school board. (NRS 392.466. 392.467) ~~[Sections 7 and]~~ **Section 8 ~~[~~authorize~~]~~ authorizes** the permanent expulsion of a pupil who is less than 11 years of age. **Section 7 of this bill authorizes the suspension, expulsion or permanent expulsion of a pupil who sells or distributes a controlled substance in certain situations or commits an act of violence against certain persons in various school settings if: (1) the pupil is at least 6 years of age; (2) the suspension or expulsion is reviewed by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal complies with federal law. Sections 3 and 4 apply similar provisions to charter schools and university schools for profoundly gifted pupils, respectively.**

Existing law provides the process for the principal of a school to deem a pupil a habitual disciplinary problem. (NRS 392.4655) Existing law additionally provides the process by which, after a principal determines a pupil is not a habitual disciplinary problem, a teacher may appeal the decision to the board of trustees of the school district. Section 6 of this bill instead provides that such an appeal must be made to either the superintendent of the school district or his or her designee.

Existing law requires each public school to collect data on the discipline of pupils. (NRS 392.462) Section 4.5 of this bill requires: (1) such data collection to occur quarterly; and (2) include data on the implementation of a plan for progressive discipline and the training that teachers and administrators have received regarding the plan. Section 4.5 additionally

requires the principal of each school to, before August 1 of each year, report the data to: (1) the board of trustees of the school district; (2) the Joint Interim Standing Committee on Education; and (3) the Superintendent of Public Instruction.

Section 6 ~~[of this bill]~~ makes a conforming change to refer to provisions that have been renumbered by **section 7**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension or expulsion, or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be discrimination based on race, bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion, or both, for discrimination based on race, bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of discrimination based on race, bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

(g) For each school in the district, including, without limitation, each charter school sponsored by the district, information on:

(1) The plan ~~[~~for restorative justice and the process~~]~~ for progressive discipline used by the school ~~[~~,~~]~~ and ***any disciplinary practices based on restorative justice used by the school; and***

(2) The manner in which the school trains employees on ~~[~~restorative justice and~~]~~ progressive discipline ~~[~~.~~]~~ ***and, if the school provides such training, restorative justice.***

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Discrimination based on race" has the meaning ascribed to it in NRS 388.1235.

(d) "Expulsion" has the meaning ascribed to it in NRS 392.4603.

(e) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(f) "Suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 2. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools

to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) ~~[~~Requirements and methods~~]~~ ***Recommendations*** for restorative disciplinary practices that align with the statewide framework for restorative justice if such a framework is developed pursuant to NRS 388.1333; and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 2.5. **NRS 388.1333 is hereby amended to read as follows:**

388.1333 1. ~~[~~To the extent that money is available, the~~]~~ ***The*** Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:

(a) In accordance with NRS 392.472, establish standards for a plan of action based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;

(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;

(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; ***and***

(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information ***and training for teachers, administrators and other school staff*** on, without limitation:

(1) Multi-tiered systems of support;

(2) Early warning systems;

(3) Positive behavioral interventions and support;

(4) The provision of school social workers;

(5) Curriculum on social and emotional learning; ~~[and]~~

(6) Trauma-informed practices; ~~[and~~

~~(e) Provide for training for teachers, administrators and other school staff in:~~

~~(1)]~~ ***(7)*** Child and adolescent development;

~~[(2)]~~ ***(8)*** Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and

~~[(3)]~~ ***(9)*** Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.

2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.

3. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(d) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 3. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

3. A pupil who ~~[is at least 11 years of age and who]~~ poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process ~~[,]~~ ***or*** ~~[who is selling or distributing any controlled substance or]~~ who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school ~~[only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.]~~ ***immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion.***

4. ***Any pupil who sells or distributes any controlled substance while on the premises of any charter school, at an activity sponsored by a charter school or on any charter school bus shall meet with the school and his or her parent or legal guardian. The school may provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:***

(a) A pupil who is less than 6 years of age may not be permanently expelled pursuant to this section.

(b) A pupil who is less than 6 years of age may be suspended or expelled pursuant to this section only after the suspension or expulsion is reviewed and approved by the governing body of the charter school.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

5. A pupil with a disability ~~[who is at least 11 years of age and]~~ who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[5.]~~ ***6.*** A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

~~[6.]~~ ***7.*** The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at

least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~[7.]~~ ***8.*** As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 4. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

3. A pupil ~~[who is at least 11 years of age and]~~ who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process ~~[,]~~ ***or*** ~~[who is selling or distributing any controlled substance or]~~ who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed ~~[only after]~~ ***from*** the university school for profoundly gifted pupils ~~[has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the~~

~~provisions of NRS 392.466 and 392.467.~~] ***immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion.***

4. ***Any pupil who sells or distributes any controlled substance while on the premises of any university school for profoundly gifted pupils, at an activity sponsored by a university school for profoundly gifted pupils or on any bus owned by a university school for profoundly gifted pupils shall meet with the school and his or her parent or legal guardian. The school may provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:***

(a) A pupil who is less than 6 years of age may not be permanently expelled pursuant to this section;

(b) A pupil who is less than 6 years of age may be suspended or expelled pursuant to this section only after the suspension or expulsion is reviewed and approved by the governing body of the university school for profoundly gifted pupils.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

5. A pupil with a disability [~~who is at least 11 years of age and~~] who is enrolled in a university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

[~~5.~~] ***6.*** A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

[~~6.~~] ***7.*** The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions

governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~[7.]~~ ***8.*** As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 4.5. **NRS 392.462 is hereby amended to read as follows:**

392.462 Each public school shall ***quarterly*** collect data on the discipline of pupils ~~[.]~~ ***and the plan developed pursuant to NRS 392.4644.*** Such data must include, without limitation, the number of expulsions and suspensions of pupils ***, the implementation of the plan, the training received by teachers and administrators regarding the plan*** and the number of placements of pupils in another school. Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;

2. ~~[Report]~~ ***On or before August 1 of each year, report*** the data to ~~[the]~~ ***:***

(a) The board of trustees of the school district ~~[each quarter;]~~ ***;***

(b) The Joint Interim Standing Committee on Education; and

(c) The Superintendent of Public Instruction; and

3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 5. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The board of trustees of each school district ***, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils*** shall establish a plan to provide for the ~~[restorative]~~ ***progressive*** discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, pupils who are enrolled in schools within the school district and the parents and guardians of pupils who are enrolled in schools within the school district.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.

(d) ~~[~~Provide restorative disciplinary practices which include, without limitation:

~~(1) Holding a pupil accountable for his or her behavior;~~

~~(2) Restoration or remedies related to the behavior of the pupil;~~

~~(3) Relief for any victim of the pupil; and~~

~~(4) Changing the behavior of the pupil.~~

~~(e)~~] Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

~~[(f)]~~ ***(e)*** Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.

~~[(g)]~~ ***(f)*** Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

~~[(h) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.]~~

~~[(i)]~~ ***(g)*** Be posted on the Internet website maintained by the school district.

(h) Be in accordance with a plan to use disciplinary practices based on restorative justice developed pursuant to subsection 2.

2. ***The board of trustees of a school district ~~[may,]~~ shall, in addition to establishing a plan for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan must:***

(a) Authorize the use of disciplinary practices based on restorative justice which include, without limitation:

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil; and

(b) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from schools that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

3. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators and other educational personnel and support personnel who are employed at the school and the parents and guardians of pupils and the pupils who are enrolled in the school;

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;

(c) Based upon the review, recommend to the board of trustees of the school district revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel and the parents and guardians of pupils and the pupils who are enrolled in the school, if necessary;

(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and

(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.

~~[3.]~~ ***4.*** On or before November 15 of each year, the board of trustees of each school district shall:

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school within the district in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(b) Post a copy of the report on the Internet website maintained by the school district.

~~[4.]~~ ***5.*** As used in this section, "restorative justice" has the meaning ascribed to it in NRS 392.472.

Sec. 5.5. **NRS 392.4645 is hereby amended to read as follows:**

392.4645 1. Except as otherwise provided in subsection 5, the plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this

section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➥ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must ***develop a plan to*** offer a pupil who is removed from a classroom or any other premises of the public school pursuant to this section for more than 2 school days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. Before removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

6. ***Each school district shall, on or before August 1 of each year, submit a copy of the plan developed pursuant to subsection 4 to:***

(a) The Joint Interim Standing Committee on Education;

(b) The Department; and

(c) The State Board.

7. As used in this section, "homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

Sec. 6. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 6; and

(c) The behavior of the pupil was not caused by homelessness, as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker.

2. A principal of a school shall presume that the behavior of the pupil was caused by homelessness unless the principal determines the behavior was not caused by homelessness pursuant to subsection 1.

3. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the ~~[board of trustees]~~ ***superintendent*** of the school district ~~[.]~~ ***or his or her designee.*** Upon receipt of such a request, the ~~[board of trustees]~~ ***superintendent or his or her designee*** shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

4. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 6, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection ~~[10]~~ ***9*** of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is

not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 6.

5. A school shall provide the notice required by subsection 4 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

6. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

7. If a pupil commits the same act for which notice was provided pursuant to subsection 4 after he or she enters into a plan of behavior pursuant to subsection 6, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

8. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

9. The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the ~~[board of trustees]~~ ***superintendent*** of the school district ***or his or her designee*** a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a

request, the ~~[board of trustees]~~ ***superintendent*** of the school district ***or his or her designee*** shall review the determination in accordance with the procedure established by the board of trustees for such matters.

10. As used in this section:

(a) "Significant suspension" means the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

(b) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 7. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~[and who is at least 11 years of age]~~ shall meet with the school and his or her parent or legal guardian. The school shall ~~*[may]*~~ provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended ***, expelled*** or ***permanently*** expelled from the school, ~~[in which case the pupil shall:]~~ ***except that:***

(a) ~~[Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or]~~ ***A pupil who is less than 6 years of age may not be permanently expelled pursuant to this section.***

(b) ~~[Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.]~~ ***A pupil who is less than 6 years of age may be suspended or expelled pursuant to this section only after the suspension or expulsion is reviewed and approved by the superintendent of the school district or his or her designee.***

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school ~~[the]~~ ***a*** plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil with a disability who committed the battery, the board of trustees of the school district or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil **,** ~~[of any age,]~~ including, without limitation, a pupil with a disability, who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, ~~[the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil,]~~ based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

(a) Suspended from the school; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such

modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. ~~[Except as otherwise provided in this subsection and subsection 3, a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.~~

~~10.]~~ Except as otherwise provided in subsection 3, a pupil with a disability ~~[who is at least 11 years of age]~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[11.]~~ ***10.*** A homeless pupil or a pupil in foster care ~~[who is at least 11 years of age]~~ may be suspended or expelled from school pursuant to this section only if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~[12.]~~ ***11.*** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~[13.]~~ ***12.*** As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(e) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(f) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(g) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(h) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

~~[14.]~~ ***13.*** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 8. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~[5]~~ ***4*** and ~~[6]~~ ***5*** and NRS 392.466, the board of trustees of a school district or its designee may authorize the suspension or expulsion of any pupil ~~[who is at least 11 years of age]~~ from any public school within the school district. ~~[Except as otherwise~~

~~provided in this subsection and subsection 3 of NRS 392.466, a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.~~**]**

2. Except as otherwise provided in subsection **[**~~6,~~**]** ***5,*** no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who ***poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or*** is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. ~~[The board of trustees of a school district or its designee may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:~~

~~(a) Conducts an independent investigation of the conduct of the pupil; and~~

~~(b) Gives notice of the charges brought against the pupil by the school to the pupil.~~

~~4.~~**]** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

[~~5.~~**]** ***4.*** The board of trustees of a school district or its designee shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

[~~6.~~**]** ***5.*** A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

[~~7.~~**]** ***6.*** A homeless pupil or a pupil in foster care **[**~~who is at least 11 years of age~~**]** may be suspended or expelled from school pursuant to this section only if a determination is made that the behavior that led to the consideration for

suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~[8.]~~ ***7.*** As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 9. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.466 **,** ~~[and to the extent practicable,]~~ a public school shall ~~*[may]*~~ provide a ***progressive discipline*** plan ~~[of action]~~ based on restorative justice ~~[before]~~ ***:***

(a) To a pupil who has received at least 5 cumulative days of suspension during a school year; and

(b) Within 2 days after removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school ~~[.]~~ ***for a period of at least 3 days. Such a plan must include information concerning the provision of education services to the pupil during his or her removal pursuant to subsection 4 of NRS 392.4645.***

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team ~~[.]~~ ***to determine:***

(1) Whether an individualized education program is needed for the pupil;

(2) Whether an individualized education program, if one has been developed, has been appropriately implemented; and

(3) Whether any adjustments should be made to an individualized education plan that has been developed;

(e) A referral to appropriate community-based services; ~~[and]~~

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel ~~[.]~~ ***;***

(g) A determination of the need for a referral to a school social worker; and

(h) A plan for the reinstatement of a pupil who was expelled.

3. ~~[The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4.]~~ The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the statewide framework for restorative justice developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;

(b) ~~[A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;~~

~~(c)]~~ One or more models of restorative justice and best practices relating to restorative justice;

~~[(d)]~~ ***(c)*** A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

~~[(e)]~~ ***(d)*** One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

4. A progressive discipline plan based on restorative justice developed pursuant to this section shall be made available to any teacher or appropriate personnel of the school district who administers temporary alternative placement after the removal of a pupil.

5. ~~*[4.]*~~ As used in this section:

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 10. 1. This ~~[act]~~ **section** becomes **effective upon passage and approval.**

2. Section 2.5 of this act becomes effective upon passage and approval for the purpose of creating a statewide framework for restorative justice and developing the training required pursuant to paragraph (d) of subsection 1 of that section, and on July 1, 2028, for all other purposes.

3. Sections 1, 2 and 3 to 9, inclusive, of this act become effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 286.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 381.

CONTAINS UNFUNDED MANDATE (§§ 5[, 6, 7, 13, 14)] -8)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to elections; [providing for the establishment of polling places in] requiring a person who administers a county or city jail [, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children and state facility for the detention of children;] to establish a policy that ensures a person who is detained in the jail may register to vote and vote in an election; requiring the Secretary of State to allow certain [prisoners] persons detained in a county jail or city jail to use a certain system of approved electronic transmission to [preregister and] register to vote and to cast a ballot [; requiring such a jail or facility to allow certain prisoners to register to vote; requiring such a jail or facility to allow a prisoner to vote and return his or her mail ballot;] in an election; requiring [such] the person who administers a county or city jail [or facility] to submit a report to the Secretary of State after each election; prohibiting electioneering near certain areas of a jail; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to [establish polling places for a primary election, presidential preference primary election or general election. (NRS 293.2731, 298.690) Existing law further requires, under certain circumstances, a county or city clerk to establish a polling place in certain locations such as an Indian reservation or Indian colony located in whole or in part within the county or city and in a residential development exclusively for elderly persons. (NRS 293.2733, 293.2735, 293C.2675, 293C.268)] cancel the registration of a voter upon the determination that the person has been convicted of a felony and is currently incarcerated. (NRS 293.540) Unless a person has been convicted of a felony, existing law does not prohibit a person who is detained in a county or city jail from registering to vote or voting in an election.

Section 5 of this bill requires each [county clerk] person who administers a county or city jail to [coordinate with the person who administers each county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children in the county to] establish a [polling place in each such jail or

~~facility exclusively for prisoners]~~ **policy that ensures that: (1) a person who is detained** in the jail ~~[or facility who are registered voters in the county to]~~ **and is a registered voter may** vote in ~~[person on the day of]~~ each primary election, presidential preference primary election **, primary city election, general election** and general **city** election ~~[.]~~ **in which the person is eligible to vote; and (2) a person detained in the jail and is a qualified elector may register to vote in each such election. Section 5** ~~[clarifies that, with certain exceptions, the provisions of election law apply to the polling places established in such jails and facilities, voting at such polling places and registering to vote on the day of the election at such polling places.]~~ **requires such a policy to: (1) be developed in coordination with the county clerk and, if applicable, the city clerk; (2) be consistent with existing provisions of law relating to elections; (3) ensure the safety of any election board officer or other person who assists in the conduct of registering to vote or voting at the jail; (4) ensure that a person who registers to vote or votes in jail may do so without coercion or intimidation; (5) ensure the secrecy of the ballot; and (6) set forth a process for same-day voter registration. Section 5** further requires ~~[: (1) under certain circumstances, the county clerk to provide at least one mechanical voting device to the polling place in the jail or facility; and (2)]~~ the jail ~~[or facility]~~ to post in a prominent location and set forth in the ~~[prisoner]~~ handbook **for detained persons** certain information relating to elections and voting in the jail **.** ~~[or facility. Section 13 of this bill sets forth similar requirements for the establishment of such polling places in a jail or facility for a primary city election and general city election.]~~

Section 6 of this bill requires the Secretary of State to allow: (1) an elector who is ~~[a prisoner]~~ **detained** in a county **or city** jail ~~[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ to use the system of approved electronic transmission established for covered voters who are overseas or in the military to register to vote; **and** (2) a registered voter **who is detained** in a county **or city** jail ~~[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ to use the system of approved electronic transmission to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter who is overseas or in the military **.** ~~[; and (3) allow certain prisoners to preregister to vote.]~~ **Section 16.3 of this bill requires the Secretary of State to prescribe the procedures to be followed and the requirements of the use of the system of approved electronic transmission by electors and voters who are detained in a county or city jail.**

Section 7 of this bill requires each county **or city** jail ~~[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children to allow: (1) a family member of a prisoner to bring to the prisoner in the jail or facility the prisoner's mail ballot; and (2) a prisoner to vote the mail ballot, return the~~

~~mail ballot, and, if applicable, cure any signature defect on the mail ballot. Section 14 of this bill sets forth similar requirements for city elections.~~

~~— Sections~~] **to: (1) provide each person detained in the jail with a reasonable amount of privacy to vote; (2) provide each person detained in the jail with a pen to vote his or her mail ballot; (3) allow the county clerk to establish a process for the collection of mail ballots in the jail; and (4) allow a person, under certain circumstances, to cure any defect in a signature on a mail ballot.**

Section 8 ~~[and 15]~~ of this bill ~~[require]~~ **requires** each person who administers a county **or city** jail ~~[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ to submit a report to the Secretary of State not later than 30 days after each primary election, presidential preference primary election, general election, primary city election and general city election.

Sections ~~[10 and 16]~~ **16.5 and 16.7** of this bill ~~[provide that no member of the general public may observe the conduct of voting at a polling place established pursuant to section 5 or 13 without approval from the person who administers the jail or facility.~~

~~— Section 11 of this bill requires the county clerk to prepare a roster for each polling place established in a county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children.~~

~~— Sections 2-4 of this bill, respectively, define the terms "local facility for the detention of children," "regional facility for the treatment and rehabilitation of children" and "state facility for the detention of children." Section 9 of this bill makes a conforming change to indicate the proper placement of sections 2-4 in the Nevada Revised Statutes.~~] **prohibit electioneering near the area of a county or city jail where a person detained in the jail may vote.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ~~[*"Local facility for the detention of children" has the meaning ascribed to it in NRS 62A.190.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*"Regional facility for the treatment and rehabilitation of children" has the meaning ascribed to it in NRS 62A.280.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"State facility for the detention of children" has the meaning ascribed to it in NRS 62A.330.]~~ **(Deleted by amendment.)**

Sec. 5. ***1. Each*** ~~*[county clerk shall coordinate with the]*~~ ***person who administers*** ~~*[each]*~~ ***a county or city jail*** ~~*[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children in the county to]*~~

shall establish a ~~[polling place in each such jail or facility exclusively for prisoners in]~~ policy that ensures that:

(a) A person who is detained in the jail ~~[or facility who are registered voters in the county to vote in person on the day of]~~ and is a registered voter may vote in each primary election, presidential preference primary election ~~[and]~~ , primary city election, general election ~~[.]~~ and general city election in which the person is eligible to vote; and

(b) A person who is detained in the jail and is a qualified elector may register to vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to register to vote.

2. If ~~[prisoners]~~ qualified electors or registered voters of a county are detained in a jail or facility located in another county pursuant to an agreement entered into pursuant to subsection 2 of NRS 211.010, the county clerk shall coordinate with the person who administers the jail in the county where ~~[the prisoners]~~ such qualified electors or registered voters are detained to establish a ~~[polling place]~~ procedure for those ~~[prisoners who are registered voters]~~ persons to register to vote and vote . ~~[in person on the day of the election.~~

~~2. Except as otherwise provided in this section or by specific statute, the provisions of this title relating to elections, including, without limitation:~~

~~(a) Polling places, apply to a polling place established pursuant to this section, including, without limitation, the requirements set forth in NRS 293.2955 for a polling place to be accessible to a voter with a disability.~~

~~(b) Voting in person on election day, apply to a prisoner who is a registered voter who applies to vote at a polling place established pursuant to this section.~~

~~(c) Same day voter registration, apply to a prisoner who is an elector who applies to vote on election day at a polling place established pursuant to this section. A person who administers the jail or facility shall not prohibit]~~

3. Each policy or procedure established pursuant to subsection 1 or 2, as applicable, must:

(a) Be developed in coordination with the county clerk and, if applicable, the city clerk;

(b) Be consistent with the provisions of this title relating to elections;

(c) Ensure the safety of any election board officer or other person who assists in the conduct of registering to vote or voting at the jail;

(d) Ensure that a person who registers to vote or votes in a jail may do so without coercion or intimidation;

(e) Ensure the secrecy of the ballot, including, without limitation, the mail ballot; and

(f) Set forth a process that allows for same-day voter registration and allows a family member of a ~~[prisoner from providing]~~ person detained in the jail to provide the ~~[prisoner]~~ person in the jail ~~[or facility]~~ with the

necessary information to register to vote on the day of the election pursuant to NRS 293.5847.

~~[3. If a jail or facility has the technical ability to have a voting booth equipped with a mechanical recording device, the county clerk must provide a polling place established pursuant to this section with at least one mechanical voting device.~~

~~4. A county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall not prohibit or restrict any prisoner who is eligible to vote or register to vote in a primary election, presidential preference primary election or general election from doing so.~~

~~5. Every]~~

4. Each county or city jail ~~[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ shall post in a prominent location and set forth in the ~~[prisoner]~~ handbook for detained persons information relating to elections and voting in the jail , ~~[or facility,]~~ including, without limitation, qualifications to register to vote and to vote and the options and procedures for registering to vote and voting at the jail . ~~[or facility.~~

~~6.]~~ 5. Nothing in this section authorizes a person convicted of a felony in this State who has not had his or her right to vote restored pursuant to NRS 213.157 to vote or to register to vote . ~~[at a polling place established pursuant to this section.~~

~~7.]~~ 6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 6. *1. Except as otherwise provided in this section, the Secretary of State shall allow ~~[:]~~ during the period of early voting and on election day:*

(a) An elector who is ~~[a prisoner]~~ detained in a county or city jail ~~[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote. The deadline for such an elector to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.

(b) A registered voter who is ~~[a prisoner]~~ in the custody of a county or city jail ~~[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot. The deadlines for such a registered voter to use the system of approved electronic transmission to request and cast a ballot are the same as the deadlines set

forth in NRS 293D.310 and 293D.400 for a covered voter to request and cast a military-overseas ballot.

~~[(c) A prisoner who is a citizen of the United States who is 17 years of age or older but less than 18 years of age and has continuously resided in this State for 30 days or longer to preregister to vote using the system of approved electronic transmission established pursuant to NRS 293D.200. If a prisoner preregisters to vote pursuant to this paragraph, the provisions of NRS 293.4855 apply.]~~

2. Upon receipt of an application and ballot cast by a ~~[prisoner]~~ person using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

3. The Secretary of State shall ensure that an elector or a registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for a ballot or cast a ballot, as applicable.

4. The Secretary of State shall prescribe the form and content of a declaration for use by an elector or a registered voter to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of a ballot.

5. The Secretary of State shall prescribe the duties of the county and city clerks upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.

6. The Secretary of State shall make available to an elector or registered voter who is ~~[a prisoner]~~ detained in a county or city jail ~~[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children information regarding]~~ instructions on using the system of approved electronic transmission to register to vote and apply for and cast a ballot.

7. A county or city jail ~~[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ shall not prohibit, restrict or monitor the use of the system of approved electronic transmission established pursuant to NRS 293D.200 by any ~~[prisoner.]~~ person who is detained in the jail.

8. The provisions of this section do not require a county or city jail to allow a person detained in the jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 unless the jail has the technology that is necessary for a person to use the system of approved electronic transmission. A county or city jail that has the technology necessary for a person to use the system of approved electronic transmission

shall not prohibit, restrict or monitor the use of the system of approved electronic transmission by a person detained in the jail.

9. The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.

~~[9.]~~ 10. As used in this section:

(a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.

(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.

(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.

(d) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

Sec. 7. *1. Each county or city jail ~~[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ shall:*

(a) ~~[Allow a family member of a prisoner to bring to the prisoner in the jail or facility the prisoner's mail ballot that was mailed to the prisoner by the county clerk;~~

~~(b)]~~ Provide each ~~[prisoner]~~ person detained in the jail with a reasonable amount of privacy to vote , ~~[his or her mail ballot,]~~ which may, without limitation, be in a common area, visitation area, room or cell;

~~[(c)]~~ (b) Provide each ~~[prisoner]~~ person detained in the jail with a pen with black or blue ink to vote his or her mail ballot;

~~[(d) Allow the prisoner to return his or her mail ballot by mail such that the mail ballot is postmarked and received by the county clerk pursuant to NRS 293.269921, authorize a person to return the mail ballot on behalf of the prisoner pursuant to NRS 293.269923 or allow the prisoner to return his or her mail ballot by drop box established pursuant to paragraph (e);~~

~~(e)]~~ (c) Allow the county clerk to establish a ~~[drop box]~~ process for the collection of the mail ballots ~~[of prisoners and to collect the mail ballots from the drop box;]~~ voted by persons detained in the jail that includes a method for documenting the chain of custody of mail ballots; and

~~[(f)]~~ (d) If applicable, allow the ~~[prisoner]~~ person to cure any defect in the signature on ~~[the]~~ a mail ballot pursuant to NRS 293.269927.

2. A county or city jail ~~[, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ shall not open a mail ballot after a prisoner has voted and sealed the mail ballot . ~~[unless the jail or facility has a reasonable suspicion of a prohibited activity.]~~

Sec. 8. *Not later than 30 days after each primary election, presidential preference primary election ~~[or]~~ , primary city election, general election ~~[,]~~ and general city election, each person who administers ~~[the]~~ a county jail ~~[,]~~ or city jail ~~[, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children]~~ shall submit in a report to the Secretary of State:*

1. An explanation of the process the jail ~~[or facility]~~ used to comply with the requirements of sections 5, 6 and 7 of this act for the election; and

2. A summary of each complaint received by the jail ~~[or facility]~~ from a ~~[prisoner]~~ person detained in the jail relating to registering to vote or voting in the election.

Sec. 9. ~~[~~NRS 293.010 is hereby amended to read as follows:

~~293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.~~]~~ **(Deleted by amendment.)**

Sec. 10. ~~[~~NRS 293.274 is hereby amended to read as follows:

~~293.274 1. [The] *Except as otherwise provided in this subsection, the* county clerk shall allow members of the general public to observe the conduct of voting at a polling place. *No member of the general public may observe the conduct of voting at a polling place established pursuant to section 5 of this act without the approval of the person who administers the county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children, as applicable.*~~

~~2. A member of the general public shall not photograph the conduct of voting at a polling place or record the conduct of voting on audiotape or any other means of sound or video reproduction.~~

~~3. For the purposes of this section, a member of the general public does not include any person who:~~

~~(a) Gathers information for communication to the public;~~

~~(b) Is employed or engaged by or has contracted with a newspaper, periodical, press association, or radio or television station; and~~

~~(c) Is acting solely within his or her professional capacity.~~]~~ **(Deleted by amendment.)**

Sec. 11. ~~[~~NRS 293.563 is hereby amended to read as follows:

~~293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for:~~

~~(a) Each polling place:~~

~~(1) A roster containing the registered voters eligible to vote at the polling place; and~~

~~(2) A roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to NRS 293.5772 to 293.5887, inclusive; and~~

~~(b) Each polling place established pursuant to NRS 293.3072 or 293C.3032 *or section 5 or 13 of this act* a roster containing the registered voters eligible to vote in the county or city, respectively.~~

~~2. The rosters must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.~~]~~ **(Deleted by amendment.)**

Sec. 12. ~~[Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 13, 14 and 15 of this act.]~~ **(Deleted by amendment.)**

Sec. 13. ~~*[1. Each city clerk shall coordinate with the person who administers each county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children in the city to establish a polling place in each such jail or facility exclusively for prisoners in the jail or facility who are registered voters in the city to vote in person on the day of each primary city election and general city election.*~~

~~*2. Except as otherwise provided in this section or by specific statute, the provisions of this title relating to city elections, including, without limitation:*~~

~~*(a) Polling places, apply to a polling place established pursuant to this section, including, without limitation, the requirements set forth in NRS 293C.281 for a polling place to be accessible to a voter with a disability.*~~

~~*(b) Voting in person on election day, apply to a prisoner who is a registered voter who applies to vote at a polling place established pursuant to this section.*~~

~~*(c) Same day voter registration, apply to a prisoner who is an elector who applies to vote on election day at a polling place established pursuant to this section. A person who administers the jail or facility shall not prohibit a family member of a prisoner from providing the prisoner in the jail with the necessary information to register to vote on the day of the election pursuant to NRS 293.5847.*~~

~~*3. If a jail or facility has the technical ability to have a voting booth equipped with a mechanical recording device, the city clerk must provide a polling place established pursuant to this section with at least one mechanical voting device.*~~

~~*4. A county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall not prohibit or restrict any prisoner who is eligible to vote or register to vote in a primary city election or general city election from doing so.*~~

~~*5. Every county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall post in a prominent location and set forth in the prisoner handbook information relating to elections and voting in the jail or facility, including, without limitation, qualifications to register to vote and to vote and the options and procedures for registering to vote and voting at the jail or facility in city elections.*~~

~~*6. Nothing in this section authorizes a person convicted of a felony in this State who has not had his or her right to vote restored pursuant to NRS 213.157 to vote or to register to vote at a polling place established pursuant to this section.*~~

~~*7. The Secretary of State shall adopt regulations to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[1. Each county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall:*~~

~~*(a) Allow a family member of a prisoner to bring to the prisoner in the jail or facility the prisoner's mail ballot that was mailed to the prisoner by the city clerk;*~~

~~*(b) Provide each prisoner with a reasonable amount of privacy to vote his or her mail ballot, which may, without limitation, be in a common area, visitation area, room or cell;*~~

~~*(c) Provide each prisoner with a pen with black or blue ink to vote his or her mail ballot;*~~

~~*(d) Allow the prisoner to return his or her mail ballot by mail such that the mail ballot is postmarked and received by the city clerk pursuant to NRS 293C.26321, authorize a person to return the mail ballot on behalf of the prisoner pursuant to NRS 293C.26323 or allow the prisoner to return his or her mail ballot by drop box established pursuant to paragraph (e);*~~

~~*(e) Allow the city clerk to establish a drop box for the collection of the mail ballots of prisoners and to collect the mail ballots from the drop box; and*~~

~~*(f) If applicable, allow the prisoner to cure any defect in signature on the mail ballot pursuant to NRS 293C.26327.*~~

~~*2. A county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall not open a mail ballot after a prisoner has voted and sealed the mail ballot unless the jail or facility has a reasonable suspicion of a prohibited activity.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[Not later than 30 days after each primary city election or general city election, each person who administers the county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall submit in a report to the Secretary of State:*~~

~~*1. An explanation of the process the jail or facility used to comply with the requirements of sections 13 and 14 of this act for the election; and*~~

~~*2. A summary of each complaint received by the jail or facility from a prisoner relating to registering to vote or voting in the election.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 293C.269 is hereby amended to read as follows:~~

~~293C.269 1. [The]~~ ***Except as otherwise provided in this subsection, the*** ~~city clerk shall allow members of the general public to observe the conduct of voting at a polling place for a city election.~~ ***No member of the general public may observe the conduct of voting at a polling place established pursuant to section 13 of this act without the approval of the person who administers the county jail, city jail, local facility for the detention of children, regional***

~~***facility for the treatment and rehabilitation of children or state facility for the detention of children, as applicable.***~~

~~2. A member of the general public shall not photograph the conduct of voting at a polling place for a city election or record the conduct of voting on audiotape or any other means of sound or video reproduction.~~

~~3. For the purposes of this section, a member of the general public does not include any person who:~~

~~(a) Gathers information for communication to the public;~~

~~(b) Is employed or engaged by or has contracted with a newspaper, periodical, press association, or radio or television station; and~~

~~(c) Is acting solely within his or her professional capacity.~~] **(Deleted by amendment.)**

Sec. 16.3. **NRS 293.250 is hereby amended to read as follows:**

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of:

(1) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

(2) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951.

(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters who are detained in a county or city jail.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 16.5. **NRS 293.361 is hereby amended to read as follows:**

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area. ***During the time that a person detained in a county or city jail may vote in the jail, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance of the voting area of the jail.***

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 16.7. **NRS 293.740 is hereby amended to read as follows:**

293.740 1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place**,** ~~[or]~~ within 100 feet from the entrance to the building or other structure in which a polling place is located ~~[.]~~ ***, inside the area of a county or city jail where a person detained in the jail may vote or within 100 feet from the entrance of the area in a jail where a person detained in the jail may vote:***

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. 1. This section and section 17 of this act become effective upon passage and approval.

2. Sections 1 to ~~[16,]~~ **16.7,** inclusive, of this act, become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 375.

CONTAINS UNFUNDED MANDATE (§ ~~[1)]~~ **1.5)**

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; ~~[prohibiting the counting of a pupil for apportionment purposes unless the pupil receives a certain amount of instructional time;]~~ **requiring the reporting of certain information relating to class time used for examinations and assessments;** requiring the Department of Education to adopt regulations limiting the amount of time used to prepare for and conduct certain examinations and assessments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~— [Existing law requires, in general, the count of pupils for apportionment purposes to include all pupils enrolled in a school district in kindergarten and grades 1 to 12, inclusive, with certain exceptions. (NRS 387.123) Section 1 of this bill requires a pupil to be excluded from the count of pupils for apportionment purposes if the pupil is enrolled in kindergarten or grades 1 to 12, inclusive, if less than 98 percent of the time the pupil spends in class is instructional time, which is defined by section 1 to be the time during a school day used for providing instruction to a pupil and excludes, with certain exceptions, time spent conducting or preparing for examinations or assessments.]~~

Section 1.5 of this bill requires: (1) each school to annually submit to its school district a report detailing the aggregate amount of class time used for conducting and preparing for certain examinations and assessments; (2) each school district to submit those reports to the Department of Education; (3) the Department to submit those reports received to standing legislative committees relating to education; and (4) the Department to work with and develop corrective action plans for schools

that use more than 2 percent of the total number of annual minutes of attendance required for a pupil for conducting or preparing for certain examinations and assessments.

Existing law requires the administration of certain examinations and assessments to measure the achievement and proficiency of pupils in various subjects. (NRS 390.055, 390.105) Existing law also requires the Department ~~[of Education]~~ to adopt regulations limiting the time taken from instruction to conduct an examination or assessment. (NRS 390.805) **Section 2** of this bill requires such regulations to limit, with certain exceptions, the time used for conducting or preparing for an examination or assessment to 2 percent or less of the total number of annual minutes of attendance required for a pupil.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[~~NRS 387.123 is hereby amended to read as follows:

~~387.123 1. [~~The~~]~~ ***Except as otherwise provided in subsection 2 or 3, the*** ~~count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, pupils who are enrolled in a university school for profoundly gifted pupils located in the county and pupils who are enrolled in a challenge school located in the county, for:~~

~~(a) Pupils in the kindergarten department.~~

~~(b) Pupils in grades 1 to 12, inclusive.~~

~~(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.~~

~~(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.~~

~~(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.~~

~~(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474.~~

~~(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.~~

~~(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).~~

~~(i) Pupils who are enrolled in a challenge school.~~

~~2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. Except as~~

~~otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:~~

~~(a) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.~~

~~(b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.~~

~~(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.~~

~~*3. The count of pupils for apportionment purposes pursuant to subsection 1 must exclude any pupil who is enrolled in kindergarten or grades 1 to 12,*~~

~~*inclusive, if less than 98 percent of the time the pupil spends in class is instructional time.*~~

~~*4. As used in this section, "instructional time" means time during a school day used for providing instruction to a pupil. Except as otherwise required by the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f), the term:*~~

~~*(a) Includes time used for conducting or preparing for an examination or assessment for a pupil who is being administered an examination or assessment as a result of the pupil participating in:*~~

~~*(1) An advanced placement course;*~~

~~*(2) A program of career and technical education; or*~~

~~*(3) Any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in elementary school pursuant to NRS 388.157; and*~~

~~*(b) Does not include any time used for preparing for or conducting any other examination or assessment which is required by federal or state law or by the board of trustees of a school district or governing body of a charter school or university school for profoundly gifted pupils.]*~~ **(Deleted by amendment.)**

Sec. 1.5. **Chapter 390 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Each school within a school district shall, on or before December 1 of each year, submit a report to the district detailing the aggregate amount of annual class time used for conducting and preparing for examinations and assessments during the immediately preceding school year.

2. Each school district shall, on or before December 31 of each year, submit all reports received pursuant to subsection 1 to the Department.

3. On or before February 1 of each year, the Department shall submit all reports received pursuant to subsection 2 in the immediately preceding year:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature; and

(b) In even-numbered years, to the Joint Interim Standing Committee on Education.

4. The Department shall provide assistance to schools that violate the limitation described in paragraph (a) of subsection 2 of NRS 390.805 and develop a corrective action plan for such a school to limit the time to conduct or prepare for an examination or assessment to not more than 2 percent of the total number of annual minutes of attendance required for a pupil.

5. As used in this section, unless the context otherwise requires, "examination or assessment" has the meaning ascribed to it in NRS 390.805.

Sec. 2. NRS 390.805 is hereby amended to read as follows:

390.805 1. The Department shall adopt regulations that, for an examination or assessment administered pursuant to this chapter or required to be administered by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis, as applicable, prescribe limits on the:

(a) Actual time taken from ~~[instruction]~~ ***a school day*** to conduct ***or prepare for*** an examination or assessment; and

(b) Number of examinations or assessments administered to pupils in a school year.

2. ***The regulations adopted by the Department pursuant to subsection 1 must:***

(a) Except as otherwise provided in paragraph (b), prohibit using more than 2 percent of the total number of annual minutes of attendance required for a pupil for conducting or preparing for an examination or assessment; ~~***[and]***~~

(b) Provide exceptions from the limitation described in paragraph (a):

(1) That are necessary to comply with the requirements of federal law, including, without limitation, the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f); ~~***[and]***~~

(2) For a pupil who is being administered an examination or assessment as a result of the pupil participating in:

(I) An advanced placement course;

(II) An international baccalaureate course;

(III) A program of career and technical education; or

~~***[(III)]***~~ ***(IV) Any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in elementary school pursuant to NRS 388.157*** ~~***[.]***~~ ***; and***

(3) For a pupil who is administered an examination or assessment to screen for any special needs of the pupil, including, without limitation, any difficulty in English language acquisition or any disability; and

(c) Exclude time spent at recess from the limitation described in paragraph (a).

3. If the board of trustees of a school district or the governing body of a charter school intends to administer an examination or assessment that would exceed a limitation in a regulation adopted by the Department pursuant to subsection 1, the board of trustees of the school district or the governing body of the charter school must request a waiver from the State Board to exceed the limitation. The State Board may grant a waiver requested pursuant to this subsection if the State Board deems it appropriate.

4. As used in this section, unless the context otherwise requires, "examination or assessment" means a federal, state or locally mandated test that is intended to measure a pupil's academic readiness, learning progress and skill acquisition. The term does not include:

(a) A quiz or test developed by a teacher or time devoted to quizzes, examinations, reviews of portfolios or evaluations of performance that are initiated by a teacher; or

(b) A sampling test that is not administered to all students.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3.5. **The provisions of subsection 1 of NRS 2180.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 309.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 319.

AN ACT relating to property rights; authorizing the use of electronic ballots for the election and removal of members of the executive board of a unit-owners' association of a common-interest community and for the election of delegates or representatives to exercise the voting rights of units' owners in an association; authorizing a member of the executive board who is subject to removal to submit a written request for a meeting of the executive board to discuss the member's removal; **revising requirements concerning the provision of certain notices by an association;** specifying that an association is authorized to conduct a vote for the election or removal of a member of the executive board without a meeting; authorizing an association that conducts a

vote without a meeting to allow the units' owners to vote by using a voting machine; establishing requirements relating to the use of electronic voting for the election or removal of a member of the executive board without a meeting; authorizing money in the operating account of an association to be withdrawn without the usual required signatures for the purpose of making certain automatic and annual payments; requiring the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the requirements relating to the transfer of certain items upon the termination or assignment of a management agreement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) establishes the procedures for the election and removal of members of the executive board of a unit-owners' association of a common-interest community and the election of delegates or representatives to exercise the voting rights of units' owners in certain common-interest communities; and (2) requires that the election and removal of such members, as applicable, be conducted by secret written ballot. (NRS 116.31034, 116.31036, 116.31105) **Sections 1 and 2** of this bill, respectively, authorize the use of secret electronic ballots for the election or removal of any member of the executive board and require that the results of such ballots be reviewed, announced and entered into the record at a meeting of the association. **Section 4** of this bill makes conforming changes to provide the same authority and impose the same requirement with regard to the election of delegates or representatives to exercise the voting rights of units' owners. **Section 2** additionally provides that, with regard to the removal of a member of the executive board that will be voted on by secret ballot, the member who is the subject of the removal may submit a written request for a meeting of the executive board, which must occur before the meeting scheduled for a vote on the member's removal, at which the removal will be discussed as an agenda item. **Section 2** requires notice of such a requested meeting to be given to the units' owners not later than 5 days after receipt of the written request.

Existing law requires, in general, any notice required to be given to a unit's owner by an association and any communication from or other information provided by the association to be delivered to the mailing or electronic mail address designated by the unit's owner, unless the unit's owner has opted out of receiving electronic communications or has not designated an electronic mail address. (NRS 116.31068) Section 2.5 of this bill eliminates such requirements for notice with respect to communications from and other information provided by the association and instead requires, with certain exceptions, such notices to be delivered to the electronic mail address that a unit's owner designates. Section 2.5 sets forth the manner in which an association is required to deliver such notices to a unit's owner who has opted out of receiving electronic notices or who has not designated an electronic mail address at which to receive notices.

Existing law authorizes an association to conduct a vote without a meeting unless conducting a vote in such a manner is prohibited or limited by the declaration or bylaws of the association. (NRS 116.311) **Section 3** of this bill removes such an exception and specifies that an association is authorized to conduct a vote for the election or removal of a member of the executive board without a meeting.

Section 3 authorizes an association that conducts a vote without a meeting to allow the units' owners to vote by using a voting machine that meets certain requirements. **Section 3** also provides that if an association conducts a vote for the election or removal of a member of the executive board without a meeting and the ~~[association allows the]~~ **executive board chooses to** use ~~[of]~~ electronic voting: (1) ~~[a unit's owner may opt out of receiving an electronic]~~ **the association is required to send, within a certain time period, a paper** ballot ~~[;]~~ **and a return envelope, prepaid by United States mail, to any unit's owner who has opted out of receiving electronic notices pursuant to section 2.5;** (2) the association is required to ~~[deliver a paper]~~ **send, within a certain time period, an electronic** ballot to ~~[a]~~ **any** unit's owner ~~[in certain circumstances;]~~ **who has designated an electronic mail address at which to receive notices pursuant to section 2.5;** (3) if the association allows units' owners to vote by using a voting machine, the association is required to provide to a unit's owner the opportunity to opt out of voting by using a voting machine and instead receive a paper ballot; (4) a meeting of the units' owners must be held to open and count the paper ballots and review and announce the results obtained from the electronic ballots or voting machine and enter the results into the meeting record; and (5) any electronic voting must be conducted by an independent third-party who meets certain requirements.

Existing law generally prohibits money in the operating account of an association from being withdrawn without the signatures of certain persons, but also establishes certain purposes for which money in the operating account may be withdrawn without such signatures. (NRS 116.31153) **Section 5** of this bill additionally provides that money in the operating account of an association may be withdrawn without the usual required signatures for the purpose of making: (1) automatic payments for the cost of certain insurance policies, telecommunications services maintained by the association and services to the association that are billed on a monthly **, quarterly or annual** basis; and (2) annual payments to the Office of Ombudsman.

Existing law imposes certain requirements on community managers regarding the transfer of the possession of all books, records and other papers of a client upon the termination or assignment of a management agreement. (NRS 116A.620) **Section 6** of this bill instead requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the requirements relating to such a transfer. **Section 7** of this bill makes a conforming change to remove the provisions of existing law relating to such a transfer when the Commission has adopted the regulations required by **section 6**.

Sections 8, 9 , 9.5 and 10 of this bill generally replicate the changes made by **sections 1, 2 , 2.5 and 3** in the corresponding provisions of law that apply to condominium hotels. **Section 11** of this bill replicates the existing provisions of and changes made to **section 5** and applies such provisions to condominium hotels.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then:

(a) The association will not prepare or ~~[mail]~~ ***provide*** any ballots to units' owners pursuant to this section; and

(b) The nominated candidates shall be deemed to be duly elected to the executive board at the meeting of the units' owners at which the ballots would have been counted pursuant to paragraph (e) of subsection 15.

6. If the executive board makes the determination set forth in subsection 5, the secretary or other officer specified in the bylaws of the association shall disclose the determination and the provisions of subsection 5 with the notice given pursuant to subsection 4.

7. If, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is less than the number of members to be elected to the executive board at the election, the executive board may fill the remaining vacancies on the executive board by appointment of the executive board at a meeting of the executive board held after the candidates are elected pursuant to subsection 5. Any such person appointed to the executive board shall serve as a member of the executive board until the next regularly scheduled election of members of the executive board. An executive board member elected to a previously appointed position which was temporarily filled by board appointment pursuant to this subsection may only be elected to fulfill the remainder of that term.

8. If, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and ~~[mail]~~ ***provide*** ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

9. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association

with the ballot or, in the event ballots are not prepared and ~~[mailed]~~ ***provided*** pursuant to subsection 5, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

10. Except as otherwise provided in subsections 11 and 12, unless a person is appointed by the declarant:

(a) A person may not be a candidate for or member of the executive board or an officer of the association if:

(1) The person resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association;

(2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association; or

(3) The person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a candidate for or member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

11. A person, other than a person appointed by the declarant, who owns 75 percent or more of the units in an association may:

(a) Be a candidate for or member of the executive board or an officer of the association; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

➥ unless the person owning 75 percent or more of the units in the association and the other person would constitute a majority of the total number of seats on the executive board.

12. A person, other than a person appointed by the declarant, may:

(a) Be a candidate for or member of the executive board; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

➥ if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected to the executive board.

13. If a person is not eligible to be a candidate for or member of the executive board or an officer of the association pursuant to any provision of this chapter, the association:

(a) Must not place his or her name on the ballot; and

(b) Must prohibit such a person from serving as a member of the executive board or an officer of the association.

14. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

15. Except as otherwise provided in subsection 5 or NRS ***116.311 or*** 116.31105, the election of any member of the executive board must be conducted by secret ~~[~~written~~]~~ ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ***paper or electronic*** ballot ***to be provided to each unit's owner*** and ***:***

(1) If a paper ballot is provided, shall send the ballot and a return envelope ***,*** ~~[~~to be sent,~~]~~ prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner ~~[.]~~ ***; or***

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~[~~written~~]~~ ballot is mailed ***, provided or made available*** to the unit's owner to return the secret ~~[~~written~~]~~ ballot to the association ~~[.]~~ ***by physical or electronic means.***

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret ~~[~~written~~]~~ ballots that ~~[~~are returned to~~]~~ the association ***receives by physical or electronic means*** may be counted to determine the outcome of the election.

(e) ~~[~~The secret written ballots must be opened and counted at~~]~~ ***At*** the meeting of the units' owners held pursuant to subsection 1 of NRS 116.3108 ~~[.]~~ ***, the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.*** A quorum is not required to be present when the secret ~~[~~written~~]~~ ballots

physically received by the association are opened and counted ***or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record*** at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret ~~[~~written~~]~~ ballots that ~~[~~are returned to~~]~~ the association ***physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means,*** before those secret ~~[~~written~~]~~ ballots have been opened and counted ***or reviewed, announced and entered into the record, as applicable,*** at a meeting of the association.

16. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

17. A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(1) Must be no longer than a single, typed page;

(2) Must not contain any defamatory, libelous or profane information; and

(3) May be sent with ~~[~~the~~]~~ ***a*** secret ballot mailed pursuant to subsection 15 or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than $5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material

provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

➥ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

18. An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 17.

19. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 2. NRS 116.31036 is hereby amended to read as follows:

116.31036 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section, the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. A removal election may be called by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. To call a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If a removal election is called pursuant to this subsection and:

(a) The voting rights of the units' owners will be exercised through the use of secret ~~[written]~~ ballots pursuant to this section:

(1) The secret ~~[written]~~ ballots for the removal election must be ~~[sent]~~ ***mailed, provided or made available*** in the manner required by this section not less than 15 days or more than 60 days after the date on which the petition is received ***.*** ~~[; and]~~

(2) The executive board shall set the date for the meeting to open and count the secret ~~[written]~~ ballots ***physically received by the association and to review, announce and enter into the record the results of the secret ballots received by the association by electronic means*** so that the meeting is held not more than 15 days after the deadline for returning the secret ~~[written]~~ ballots ***by physical or electronic means*** and not later than 90 days after the date on which the petition was received.

(3) Upon written request submitted to the community manager, president or secretary of the association by a member of the executive board who is the subject of the removal election, the secretary or other officer specified in the bylaws of the association shall cause notice of a meeting of the executive board to be given to the units' owners not later than 5 days after receipt of the written request. The notice must include the date, time and location of the meeting, as requested by the member of the executive board who is the subject of the removal election, and identify the removal of the member from the executive board as an agenda item listed for discussion. A meeting requested pursuant to this subparagraph must occur before the date for the meeting set by the executive board pursuant to subparagraph (2).

(b) The voting rights of the owners of time shares will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 90 days after the date on which the petition is received.

➥ The association shall not adopt any rule or regulation which prevents or unreasonably interferes with the collection of the required percentage of signatures for a petition pursuant to this subsection.

3. Except as otherwise provided in NRS ***116.311 or*** 116.31105, the removal of any member of the executive board must be conducted by secret ~~[written]~~ ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ***paper or electronic*** ballot ***to be provided to each unit's owner*** and ***:***

(1) If a paper ballot is provided, shall send the ballot and a return envelope ***,*** ~~[to be sent,]~~ prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner ~~[.]~~ ***; or***

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~[~~written~~]~~ ballot is mailed ***, provided or made available*** to the unit's owner to return the secret ~~[~~written~~]~~ ballot to the association ~~[.]~~ ***by physical or electronic means.***

(c) Only the secret ~~[~~written~~]~~ ballots that ~~[~~are returned to~~]~~ the association ***receives by physical or electronic means*** may be counted to determine the outcome.

(d) ~~[~~The secret written ballots must be opened and counted at~~]~~ ***At*** a meeting of the association ~~[.]~~ ***, the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.*** A quorum is not required to be present when the secret ~~[~~written~~]~~ ballots ***physically received by the association*** are opened and counted ***or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record*** at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret ~~[~~written~~]~~ ballots that ~~[~~are returned to~~]~~ the association ***physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means,*** before those secret ~~[~~written~~]~~ ballots have been opened and counted ***or reviewed, announced and entered into the record, as applicable,*** at a meeting of the association.

Sec. 2.5. **NRS 116.31068 is hereby amended to read as follows:**

116.31068 1. Except as otherwise provided in ~~[~~subsection 3 and unless a unit's owner opts out of receiving electronic communications or has not designated an electronic mail address,~~]~~ ***subsections 2, 3 and 6,*** an association shall deliver any notice required to be given by the association under this chapter ~~[~~and any communication from or other information provided by the association~~]~~ to the ~~[~~mailing or~~]~~ electronic mail ~~[~~addresses~~]~~ ***address*** a unit's owner designates.

2. Except as otherwise provided in subsection ~~[~~3,~~]~~ ***6,*** if a unit's owner has opted out of receiving electronic ~~[~~communications or has not designated an electronic mail address to which a notice, communication or other information can be delivered,~~]~~ ***notices,*** the association may deliver notices ~~[~~, communications and other information~~]~~ by:

(a) Hand delivery to each unit's owner;

(b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit; or

(c) Any other method reasonably calculated to provide notice to the unit's owner.

~~[~~2.~~]~~ ***3. Except as otherwise provided in subsection 6, if a unit's owner has not opted out of receiving electronic notices, but has not designated an electronic mail address at which to receive notices pursuant to this section,***

the association may deliver any notice required to be given by the association pursuant to this chapter by:

(a) Electronic means, including, without limitation, by electronic mail to an electronic mail address that a unit's owner has provided to the association but has not designated as the electronic mail address at which to receive notices pursuant to this section; or

(b) Any of the methods specified in subsection 2.

4. A unit's owner is entitled to designate only one electronic mail address at which to receive notices pursuant to this section.

5. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

~~[3.]~~ ***6.*** The provisions of this section do not apply:

(a) To a notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive; or

(b) If any other provision of this chapter specifies the manner in which a notice ~~[, communication or other information]~~ must be given by an association.

Sec. 3. NRS 116.311 is hereby amended to read as follows:

116.311 1. Unless prohibited or limited by the declaration or bylaws and except as otherwise provided in this section, units' owners may vote at a meeting in person, by absentee ballot pursuant to paragraph (d) of subsection 2, by a proxy pursuant to subsections 3 to 8, inclusive, or, when a vote is conducted without a meeting, by electronic or paper ballot pursuant to subsection 9.

2. At a meeting of units' owners, the following requirements apply:

(a) Units' owners who are present in person may vote by voice vote, show of hands, standing or any other method for determining the votes of units' owners, as designated by the person presiding at the meeting.

(b) If only one of several owners of a unit is present, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.

(c) Unless a greater number or fraction of the votes in the association is required by this chapter or the declaration, a majority of the votes cast determines the outcome of any action of the association.

(d) Subject to subsection 1, a unit's owner may vote by absentee ballot without being present at the meeting. The association promptly shall deliver an absentee ballot to an owner who requests it if the request is made at least 3 days before the scheduled meeting. Votes cast by absentee ballot must be included in the tally of a vote taken at that meeting.

(e) When a unit's owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit's owner having the right to do so.

3. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his or her immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

4. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed, and such a designation includes any recessed session of that meeting.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed and any recessed session of that meeting the number of proxies pursuant to which the holder will be casting votes.

5. A proxy terminates immediately after the conclusion of the meeting, and any recessed sessions of the meeting, for which it is executed.

6. Except as otherwise provided in this subsection, a vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association. A vote may be cast pursuant to a proxy for the election or removal of a member of the executive board of a master association which governs a time-share plan created pursuant to chapter 119A of NRS if the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

7. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

8. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 3 to 7, inclusive.

9. ~~[Unless prohibited or limited by the declaration or bylaws, an]~~ ***An*** association may conduct a vote without a meeting ~~[. Except as otherwise provided in NRS 116.31034 and 116.31036, if]~~ ***, including, without limitation, a vote for the election or removal of a member of the executive board. If*** an association conducts a vote without a meeting, the following requirements apply:

(a) The association shall notify the units' owners that the vote will be taken by ballot.

(b) The association shall deliver a paper or electronic ballot to every unit's owner entitled to vote on the matter ~~[.]~~ ***and may allow the units' owners to vote by using a voting machine. Any such voting machine must be a mechanical voting system that has been approved by the Secretary of State in accordance with chapter 293B of NRS and, once voting begins, must be*** ~~***[available]***~~ ***:***

(1) Located in a prominent place within the common elements of the association; and

(2) Available for use between the hours of 8 a.m. and 8 p.m. each day for a period of 15 consecutive days.

(c) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(d) When the association delivers the ballots, it shall also:

(1) Indicate the number of responses needed to meet the quorum requirements;

(2) State the percentage of votes necessary to approve each matter other than election of directors;

(3) Specify the time and date by which a ballot must be delivered to the association to be counted, which time and date may not be fewer than 3 days after the date the association delivers the ballot; and

(4) Describe the time, date and manner by which units' owners wishing to deliver information to all units' owners regarding the subject of the vote may do so.

(e) Except as otherwise provided in the declaration or bylaws, a ballot is not revoked after delivery to the association by death or disability of or attempted revocation by the person who cast that vote.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the vote is for the election or removal of a member of the executive board and the ~~***[association allows the]***~~ ***executive board chooses to use*** ~~***[of]***~~ ***electronic voting:***

(1) ~~***[Upon the request of a unit's owner, an association shall provide a form to the unit's owner that allows the unit's owner to opt out of receiving electronic ballots and instead receive paper ballots.]***~~ ***If the vote is for the election of a member of the executive board, the association must send or provide, in the manner and time that ballots are sent or provided pursuant***

to paragraph (a) of subsection 15 of NRS 116.31034 or paragraph (a) of subsection 7 of NRS 116.31105:

(I) A paper ballot and a return envelope, prepaid by United States mail, to any unit's owner who has opted out of receiving electronic notices pursuant to subsection 2 of NRS 116.31068; and

(II) An electronic ballot to any unit's owner who has designated an electronic mail address at which to receive notices pursuant to subsection 3 of NRS 116.31068.

(2) If ~~[a unit's owner has not given the association an electronic mail address or has opted out of using electronic ballots by returning to the association the form provided pursuant to subparagraph (1) at any time not less than 5 days before the date of the meeting when the votes will be counted,]~~ the vote is for the removal of a member of the executive board, the association ~~[shall]~~ must send ~~[a]~~ or provide, in the manner and time that ballots are sent or provided pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 116.31036:

(I) A paper ballot and a return envelope, prepaid by United States mail, to ~~[the mailing address of the unit's owner or to any other mailing address designated in writing by the]~~ any unit's owner ~~[,]~~ who has opted out of receiving electronic notices pursuant to subsection 2 of NRS 116.31068; and

(II) An electronic ballot to any unit's owner who has designated an electronic mail address at which to receive notices pursuant to subsection 3 of NRS 116.31068.

(3) If the association allows units' owners to vote by using a voting machine, the association must provide to each unit's owner, not less than 15 days before the date on which voting begins, a notice of the opportunity to vote by using a voting machine that provides the location at which the voting machine will be available for use and the days and times during which the voting machine will be available for use. The association shall also provide with the notice a form that allows a unit's owner to opt out of voting by using a voting machine and instead receive a paper ballot. If a unit's owner returns the form to the association within 15 days after receiving the notice, the association shall send a paper ballot and a return envelope, prepaid by United States mail, to the mailing address of the unit's owner or to any other mailing address designated in writing by the unit's owner.

(4) A meeting of the units' owners must be held in the manner set forth in NRS 116.31034 or 116.31036 to open and count the paper ballots and review and announce the results obtained from the electronic ballots or voting machine, as applicable, and enter the results into the meeting record. Any paper ballots must be opened and counted in a manner that may be readily observed by the units' owners in attendance at the meeting and must not occur privately behind closed doors or in an area that is not open to observation by the units' owners in attendance.

(5) Any electronic voting must be conducted by an independent third-party through the use of an online voting system, a voting machine, or both an online voting system and a voting machine. The independent third-party shall be deemed to be a data collector pursuant to NRS 603A.030 and is subject to the obligations and liabilities of chapter 603A of NRS with regard to the security and privacy of any personal information, as that term is defined in NRS 603A.040, that is provided or maintained through the use of an online voting system or voting machine. The independent third-party conducting the electronic voting may not be any of the following persons and may not share voting results or information with any of the following persons before the meeting held pursuant to subparagraph (4):

(I) A candidate for or member of the executive board or an officer of the association;

(II) A person who resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is a member of the executive board or an officer of the association or performs the duties of a community manager for the association;

(III) An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit or a fiduciary of an estate that owns a unit if the unit is also owned by another person who is a member of the executive board or an officer of the association or serves as the community manager for the association;

(IV) A person who performs the duties of a community manager for the association, an affiliate of the community manager, an employee of the company by whom the community manager is employed or an affiliate of the company, the spouse of any such person or the parent or child of any such person by blood, adoption or marriage;

(V) The declarant of the association or an affiliate of the declarant;

(VI) A unit's owner or resident of the association; or

(VII) Any person who stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association other than payment only for conducting voting services for the association.

10. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) This section applies to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

11. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

12. As used in this section, "online voting system" means an Internet-based voting system with a process that has the ability:

(a) To authenticate:

(1) The identity of a unit's owner; and

(2) The validity of each electronic vote to ensure that the vote is not altered in transit;

(b) To enable a unit's owner to transmit an electronic ballot to the online voting system in a way that ensures the secrecy and integrity of the ballot;

(c) To transmit an electronic receipt to each unit's owner who casts an electronic vote;

(d) To separate any authenticating or identifying information from an electronic ballot, thereby rendering it impossible to match an electronic ballot to a specific unit's owner;

(e) To store electronic votes and keep them accessible to units' owners and the Office of the Ombudsman for the purposes of recounts, inspections and reviews;

(f) To count all lawful votes; and

(g) To identify, reject and record the basis for rejection of all unlawful votes, including, without limitation, a vote by a unit's owner whose voting rights have been suspended, a vote by a person who is not a unit's owner and duplicate votes.

Sec. 4. NRS 116.31105 is hereby amended to read as follows:

116.31105 1. Except as otherwise provided in subsection 8, if the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

2. Except as otherwise provided in subsection 8, in addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

3. In addition to a common-interest community identified in subsections 1 and 2, if the declaration so provides, the voting rights of the owners of time shares within a time-share plan created pursuant to chapter 119A of NRS which is governed by a master association may be exercised by delegates or representatives.

4. For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to NRS 116.2105 and for which developmental rights exist must be counted in determining the number of units in a common-interest community.

5. For the purposes of subsection 3, each time share that a developer has reserved the right to create pursuant to paragraph (g) of subsection 2 of NRS 119A.380 must be counted in determining the number of time shares in a time-share plan.

6. Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret ~~[written]~~ ballot.

7. When an election of a delegate or representative is conducted by secret ~~[written]~~ ballot:

(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret ~~[written]~~ ***paper or electronic*** ballot ***to be provided to each unit's owner*** and ***:***

(1) If a paper ballot is provided, shall send the ballot and a return envelope ***,*** ~~[to be sent,]~~ prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner ~~[.]~~ ***; or***

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~[written]~~ ballot is mailed ***, provided or made available*** to the unit's owner to return the secret ~~[written]~~ ballot to the association ~~[.]~~ ***by physical or electronic means.***

(c) Only the secret ~~[written]~~ ballots that ~~[are returned to]~~ the association ~~[in the manner prescribed on the ballot]~~ ***receives by physical or electronic means*** may be counted to determine the outcome of the election.

(d) ~~[The secret written ballots must be opened and counted at]~~ ***At*** a meeting called for the purpose of electing delegates or representatives ~~[.]~~ ***, the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.*** A quorum is not required to be present when the secret ~~[written]~~ ballots ***physically received by the association*** are opened and counted ***or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record*** at the meeting.

(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret ~~[written]~~ ballots that ~~[are returned to]~~ the association ~~[in the manner prescribed on the ballot]~~ ***physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means,*** before those secret ~~[written]~~ ballots have been opened and counted ***or reviewed, announced and entered into the record, as applicable,*** at a meeting called for that purpose.

8. Except as otherwise provided in subsection 9, the voting rights of the units' owners in the association for a common-interest community may be exercised by delegates or representatives only during the period that the declarant is in control of the association and during the 2-year period after the declarant's control of the association is terminated pursuant to NRS 116.31032.

9. The provisions of subsection 8 do not apply to:

(a) A time-share plan created pursuant to chapter 119A of NRS which is governed by a master association; or

(b) A condominium or cooperative containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted.

Sec. 5. NRS 116.31153 is hereby amended to read as follows:

116.31153 1. Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. Except as otherwise provided in subsection 3, money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.

3. Money in the operating account of an association may be withdrawn without the signatures required pursuant to subsection 2 to:

(a) Transfer money to the reserve account of the association at regular intervals;

(b) Make automatic payments for utilities;

(c) ***Make automatic payments for the cost of any insurance policies maintained pursuant to NRS 116.3113;***

(d) Make automatic payments for telecommunications services maintained by the association, including, without limitation, telephone, cable, satellite and Internet services;

(e) Make automatic payments for any services to the association that are billed on a monthly , quarterly or annual basis;

(f) Make annual payments to the Office of the Ombudsman;

(g) Make an electronic transfer of money to a state agency pursuant to NRS 353.1467; or

~~[(d)]~~ ***(h)*** Make an electronic transfer of money to the United States Government, or any agency thereof, pursuant to any federal law requiring transfers of money to be made by an electronic means authorized by the United States Government or the agency thereof.

4. An association may use electronic signatures to withdraw money in the operating account of the association if:

(a) The electronic transfer of money is made pursuant to a written agreement entered into between the association and the financial institution where the operating account of the association is maintained;

(b) The executive board has expressly authorized the electronic transfer of money; and

(c) The association has established internal accounting controls which comply with generally accepted accounting principles to safeguard the assets of the association.

5. As used in this section, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 6. NRS 116A.620 is hereby amended to read as follows:

116A.620 1. Any management agreement must:

(a) Be in writing and signed by all parties;

(b) Be entered into between the client and the community manager or the employer of the community manager if the community manager is acting on behalf of a corporation, partnership, limited partnership, limited-liability partnership, limited-liability company or other entity;

(c) State the term of the management agreement;

(d) State the basic consideration for the services to be provided and the payment schedule;

(e) Include a complete schedule of all fees, costs, expenses and charges to be imposed by the community manager, whether direct or indirect, including, without limitation:

(1) The costs for any new client or start-up costs;

(2) The fees for special or nonroutine services, such as the mailing of collection letters, the recording of liens and foreclosing of property;

(3) Reimbursable expenses;

(4) The fees for the sale or resale of a unit or for setting up the account of a new member; and

(5) The portion of fees that are to be retained by the client and the portion to be retained by the community manager;

(f) State the identity and the legal status of the contracting parties;

(g) State any limitations on the liability of each contracting party;

(h) Include a statement of the scope of work of the community manager;

(i) State the spending limits of the community manager;

(j) Include provisions relating to the grounds and procedures for termination of the community manager;

(k) Identify the types and amounts of insurance coverage to be carried by each contracting party, including, without limitation:

(1) A requirement that the community manager or his or her employer shall maintain insurance covering liability for errors or omissions, professional liability or a surety bond to compensate for losses actionable pursuant to this chapter in an amount of $1,000,000 or more;

(2) An indication of which contracting party will maintain fidelity bond coverage; and

(3) A statement as to whether the client will maintain directors and officers liability coverage for the executive board;

(l) Include provisions for dispute resolution;

(m) Acknowledge that all records and books of the client are the property of the client, except any proprietary information and software belonging to the community manager;

(n) State the physical location, including the street address, of the records of the client, which must be within 60 miles from the physical location of the common-interest community;

(o) State the frequency and extent of regular inspections of the common-interest community; and

(p) State the extent, if any, of the authority of the community manager to sign checks on behalf of the client in an operating account.

2. In addition to any other requirements under this section, a management agreement may:

(a) Provide for mandatory binding arbitration; or

(b) Allow the provisions of the management agreement to apply month to month following the end of the term of the management agreement, but the management agreement may not contain an automatic renewal provision.

3. Not later than 10 days after the effective date of a management agreement, the community manager shall provide each member of the executive board evidence of the existence of the required insurance, including, without limitation:

(a) The names and addresses of all insurance companies;

(b) The total amount of coverage; and

(c) The amount of any deductible.

4. After signing a management agreement, the community manager shall provide a copy of the management agreement to each member of the executive board. Within 30 days after an election or appointment of a new member to the executive board, the community manager shall provide the new member with a copy of the management agreement.

5. Any changes to a management agreement must be initialed by the contracting parties. If there are any changes after the execution of a management agreement, those changes must be in writing and signed by the contracting parties.

6. ~~[~~Except~~]~~ ***Until the regulations adopted by the Commission pursuant to subsection 8 become effective, and except*** as otherwise provided in the management agreement, upon the termination or assignment of a management agreement, the community manager shall, within 30 days after the termination or assignment, transfer possession of all books, records and other papers of the client to the succeeding community manager, or to the client if there is no succeeding community manager, regardless of any unpaid fees or charges to the community manager or management company.

7. Notwithstanding any provision in a management agreement to the contrary, a management agreement may be terminated by the client without

penalty upon 30 days' notice following a violation by the community manager of any provision of this chapter or chapter 116 of NRS.

8. The Commission shall adopt regulations establishing the requirements relating to the transfer of all books, records and other papers of the client upon the termination or assignment of a management agreement.

Sec. 7. NRS 116A.620 is hereby amended to read as follows:

116A.620 1. Any management agreement must:

(a) Be in writing and signed by all parties;

(b) Be entered into between the client and the community manager or the employer of the community manager if the community manager is acting on behalf of a corporation, partnership, limited partnership, limited-liability partnership, limited-liability company or other entity;

(c) State the term of the management agreement;

(d) State the basic consideration for the services to be provided and the payment schedule;

(e) Include a complete schedule of all fees, costs, expenses and charges to be imposed by the community manager, whether direct or indirect, including, without limitation:

(1) The costs for any new client or start-up costs;

(2) The fees for special or nonroutine services, such as the mailing of collection letters, the recording of liens and foreclosing of property;

(3) Reimbursable expenses;

(4) The fees for the sale or resale of a unit or for setting up the account of a new member; and

(5) The portion of fees that are to be retained by the client and the portion to be retained by the community manager;

(f) State the identity and the legal status of the contracting parties;

(g) State any limitations on the liability of each contracting party;

(h) Include a statement of the scope of work of the community manager;

(i) State the spending limits of the community manager;

(j) Include provisions relating to the grounds and procedures for termination of the community manager;

(k) Identify the types and amounts of insurance coverage to be carried by each contracting party, including, without limitation:

(1) A requirement that the community manager or his or her employer shall maintain insurance covering liability for errors or omissions, professional liability or a surety bond to compensate for losses actionable pursuant to this chapter in an amount of $1,000,000 or more;

(2) An indication of which contracting party will maintain fidelity bond coverage; and

(3) A statement as to whether the client will maintain directors and officers liability coverage for the executive board;

(l) Include provisions for dispute resolution;

(m) Acknowledge that all records and books of the client are the property of the client, except any proprietary information and software belonging to the community manager;

(n) State the physical location, including the street address, of the records of the client, which must be within 60 miles from the physical location of the common-interest community;

(o) State the frequency and extent of regular inspections of the common-interest community; and

(p) State the extent, if any, of the authority of the community manager to sign checks on behalf of the client in an operating account.

2. In addition to any other requirements under this section, a management agreement may:

(a) Provide for mandatory binding arbitration; or

(b) Allow the provisions of the management agreement to apply month to month following the end of the term of the management agreement, but the management agreement may not contain an automatic renewal provision.

3. Not later than 10 days after the effective date of a management agreement, the community manager shall provide each member of the executive board evidence of the existence of the required insurance, including, without limitation:

(a) The names and addresses of all insurance companies;

(b) The total amount of coverage; and

(c) The amount of any deductible.

4. After signing a management agreement, the community manager shall provide a copy of the management agreement to each member of the executive board. Within 30 days after an election or appointment of a new member to the executive board, the community manager shall provide the new member with a copy of the management agreement.

5. Any changes to a management agreement must be initialed by the contracting parties. If there are any changes after the execution of a management agreement, those changes must be in writing and signed by the contracting parties.

6. ~~[Until the regulations adopted by the Commission pursuant to subsection 8 become effective, and except as otherwise provided in the management agreement, upon the termination or assignment of a management agreement, the community manager shall, within 30 days after the termination or assignment, transfer possession of all books, records and other papers of the client to the succeeding community manager, or to the client if there is no succeeding community manager, regardless of any unpaid fees or charges to the community manager or management company.~~

~~7.]~~ Notwithstanding any provision in a management agreement to the contrary, a management agreement may be terminated by the client without penalty upon 30 days' notice following a violation by the community manager of any provision of this chapter or chapter 116 of NRS.

~~[8.]~~ ***7.*** The Commission shall adopt regulations establishing the requirements relating to the transfer of all books, records and other papers of the client upon the termination or assignment of a management agreement.

Sec. 8. NRS 116B.445 is hereby amended to read as follows:

116B.445 1. Not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members. At least a majority of the members of the executive board must be residential unit owners and at least one member of the executive board must be a duly authorized representative of the hotel unit owner. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant or the hotel unit owner. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant;

(b) Members of the executive board who are appointed by the hotel unit owner; and

(c) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or charges that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information.

The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of the association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. ~~[The]~~ ***Except as otherwise provided in NRS 116B.550, the*** election of any member of the executive board must be conducted by secret ~~[written]~~ ballot as follows:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ***paper or electronic*** ballot ***to be provided to each unit's owner*** and ***:***

(1) If a paper ballot is provided, shall send the ballot and a return envelope ***,*** ~~[to be sent,]~~ prepaid by United States mail, to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit's owner ~~[.]~~ ***; or***

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~[written]~~ ballot is mailed ***, provided or made available*** to the unit's owner to return the secret ~~[written]~~ ballot to the association ~~[.]~~ ***by physical or electronic means.***

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret ~~[written]~~ ballots that ~~[are returned to]~~ the association ***receives by physical or electronic means*** may be counted to determine the outcome of the election.

(e) ~~[The secret written ballots must be opened and counted at]~~ ***At*** a meeting of the association ~~[.]~~ ***, the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.*** A quorum is not required to be present when the secret

~~[written]~~ ballots are opened and counted ***or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record*** at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret ~~[written]~~ ballots that ~~[are returned to]~~ the association ***physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means,*** before those secret ~~[written]~~ ballots have been opened and counted ***or reviewed, announced and entered into the record, as applicable,*** at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of the member's ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116B.625.

Sec. 9. NRS 116B.450 is hereby amended to read as follows:

116B.450 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant or elected by the hotel unit owner, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section, the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. A removal election may be called by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. To call a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If a removal election is called pursuant to this subsection and the voting rights of the units' owners will be exercised through the use of secret ~~[written]~~ ballots pursuant to this section:

(a) The secret ~~[written]~~ ballots for the removal election must be ~~[sent]~~ ***mailed, provided or made available*** in the manner required by this section not less than 15 days or more than 60 days after the date on which the petition is received ***.*** ~~[; and]~~

(b) The executive board shall set the date for the meeting to open and count the secret ~~[written]~~ ballots ***physically received by the association and to***

review, announce and enter into the record the results of the secret ballots received by the association by electronic means so that the meeting is held not more than 15 days after the deadline for returning the secret ~~[~~written~~]~~ ballots ***by physical or electronic means*** and not later than 90 days after the date on which the petition was received.

(c) Upon written request submitted to the community manager, president or secretary of the association by a member of the executive board who is the subject of the removal election, the secretary or other officer specified in the bylaws of the association shall cause notice of a meeting of the executive board to be given to the units' owners not later than 5 days after receipt of the written request. The notice must include the date, time and location of the meeting, as requested by the member of the executive board who is the subject of the removal election, and identify the removal of the member from the executive board as an agenda item listed for discussion. A meeting requested pursuant to this paragraph must occur before the date for the meeting set by the executive board pursuant to paragraph (b).

3. ~~[~~The~~]~~ ***Except as otherwise provided in NRS 116B.550, the*** removal of any member of the executive board must be conducted by secret ~~[~~written~~]~~ ballot as follows:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ***paper or electronic*** ballot ***to be provided to each unit's owner*** and ***:***

(1) If a paper ballot is provided, shall send the ballot and a return envelope ***,*** ~~[~~to be sent,~~]~~ prepaid by United States mail, to the mailing address of each unit within the condominium hotel or to any other mailing address designated in writing by the unit's owner ~~[~~.~~]~~ ***; or***

(2) If an electronic ballot is provided, shall provide the ballot or make the ballot available by electronic means to each unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret ~~[~~written~~]~~ ballot is mailed ***, provided or made available*** to the unit's owner to return the secret ~~[~~written~~]~~ ballot to the association ~~[~~.~~]~~ ***by physical or electronic means.***

(c) Only the secret ~~[~~written~~]~~ ballots that ~~[~~are returned to~~]~~ the association ***receives by physical or electronic means*** may be counted to determine the outcome.

(d) ~~[~~The secret written ballots must be opened and counted at~~]~~ ***At*** a meeting of the association ~~[~~.~~]~~ ***, the secret ballots physically received by the association must be opened and counted and the results of the secret ballots received by the association by electronic means must be reviewed, announced and entered into the record.*** A quorum is not required to be present when the secret ~~[~~written~~]~~ ballots ***physically received by the association*** are opened and counted ***or the results of the secret ballots received by the association by electronic means are reviewed, announced and entered into the record*** at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be

given access to or participate in the opening or counting of the secret ~~[written]~~ ballots that ~~[are returned to]~~ the association ***physically receives, or the collection of data regarding the secret ballots that the association receives by electronic means,*** before those secret ~~[written]~~ ballots have been opened and counted ***or reviewed, announced and entered into the record, as applicable,*** at a meeting of the association.

Sec. 9.5. **NRS 116B.513 is hereby amended to read as follows:**

116B.513 1. Except as otherwise provided in ~~[subsection 3,]~~ ***subsections 2, 3 and 6,*** an association or a hotel unit owner, as applicable, shall deliver any notice required to be given by the association or the hotel unit owner under this chapter to ~~[any mailing or]~~ ***the*** electronic mail address a unit's owner designates.

2. Except as otherwise provided in subsection ~~[3,]~~ ***6,*** if a unit's owner has ~~[not designated a mailing or]~~ ***opted out of receiving*** electronic ~~[mail address to which a notice must be delivered,]~~ ***notices,*** the association or hotel unit owner may deliver notices by:

(a) Hand delivery to the unit's owner;

(b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of the unit of the unit's owner; or

(c) Any other method reasonably calculated to provide notice to the unit's owner.

~~[2.]~~ ***3. Except as otherwise provided in subsection 6, if a unit's owner has not opted out of receiving electronic notices, but has not designated an electronic mail address at which to receive notices pursuant to this section, the association may deliver any notice required to be given by the association pursuant to this chapter by:***

(a) Electronic means, including, without limitation, by electronic mail to an electronic mail address that a unit's owner has provided to the association but has not designated as the electronic mail address at which to receive notices pursuant to this section; or

(b) Any of the methods specified in subsection 2.

4. A unit's owner is entitled to designate only one electronic mail address at which to receive notices pursuant to this section.

5. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

~~[3.]~~ ***6.*** The provisions of this section do not apply:

(a) To a notice required to be given pursuant to NRS 116B.630 to 116B.665, inclusive; or

(b) If any other provision of this chapter specifies the manner in which a notice must be given by an association or hotel unit owner.

Sec. 10. NRS 116B.550 is hereby amended to read as follows:

116B.550 1. Unless prohibited or limited by the declaration or bylaws and except as otherwise provided in this section, the units' owners may vote at a meeting in person, by absentee ballot pursuant to paragraph (d) of subsection

2, by a proxy pursuant to subsections 3 to 8, inclusive, or, when a vote is conducted without a meeting, by paper or electronic ballot pursuant to subsection 9.

2. At a meeting of the units' owners, the following requirements apply:

(a) Units' owners who are present in person may vote by voice vote, show of hands, standing or any other method for determining the votes of the units' owners, as designated by the person presiding at the meeting.

(b) If only one of several owners of a unit is present, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.

(c) Unless a greater number or fraction of the votes in the association is required by this chapter or the declaration, a majority of the votes cast determines the outcome of any action of the association.

(d) Subject to the provisions of subsection 1, a unit's owner may vote by absentee ballot without being present at the meeting. The association promptly shall deliver an absentee ballot to a unit's owner who requests it if the request is made at least 3 days before the scheduled meeting. Votes cast by absentee ballot must be included in the tally of a vote taken at that meeting.

(e) When a unit's owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit's owner having the right to do so.

3. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his or her immediate family, a tenant of the unit's owner who resides in the condominium hotel, the hotel unit owner or another unit's owner who resides in the condominium hotel. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

4. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed, and such a designation includes any recessed session of the meeting.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or

more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed and any recessed session of that meeting the number of proxies pursuant to which the holder will be casting votes.

5. A proxy terminates immediately after the conclusion of the meeting, and any recessed sessions of the meeting, for which it is executed.

6. A vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association.

7. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

8. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 3 to 7, inclusive.

9. ~~[~~Unless prohibited or limited by the declaration or bylaws, an~~]~~ ***An*** association may conduct a vote without a meeting ~~[~~. Except as otherwise provided in NRS 116B.445 and 116B.450, if~~]~~ ***, including, without limitation, a vote for the election or removal of a member of the executive board. If*** an association conducts a vote without a meeting, the following requirements apply:

(a) The association shall notify the units' owners that the vote will be taken by ballot.

(b) The association shall deliver a paper or electronic ballot to every unit's owner entitled to vote on the matter ~~[.]~~ ***and may allow the units' owners to vote by using a voting machine. Any such voting machine must be a mechanical voting system that has been approved by the Secretary of State in accordance with chapter 293B of NRS and, once voting begins, must be*** ~~***[available]***~~ ***:***

(1) Located in a prominent place within the common elements of the condominium hotel; and

(2) Available for use between the hours of 8 a.m. and 8 p.m. each day for a period of 15 consecutive days.

(c) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(d) When the association delivers the ballots, it shall also:

(1) Indicate the number of responses needed to meet the quorum requirements;

(2) State the percentage of votes necessary to approve each matter other than election of directors;

(3) Specify the time and date by which a ballot must be delivered to the association to be counted, which time and date may not be fewer than 3 days after the date the association delivers the ballot; and

(4) Describe the time, date and manner by which units' owners wishing to deliver information to all units' owners regarding the subject of the vote may do so.

(e) Except as otherwise provided in the declaration or bylaws, a ballot is not revoked after delivery to the association by death or disability of or attempted revocation by the person who cast that vote.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the vote is for the election or removal of a member of the executive board and the ~~[association allows the]~~ executive board chooses to use ~~[of]~~ electronic voting:

(1) ~~[Upon the request of a unit's owner, an association shall provide a form to the unit's owner that allows the unit's owner to opt out of receiving electronic ballots and instead receive paper ballots.]~~ If the vote is for the election of a member of the executive board, an association shall send or provide, in the manner and time that ballots are sent or provided pursuant to paragraph (a) of subsection 8 of NRS 116B.445:

(I) A paper ballot and a return envelope, prepaid by United States mail, to any unit's owner who has opted out of receiving electronic notices pursuant to subsection 2 of NRS 116B.513; and

(II) An electronic ballot to any unit's owner who has designated an electronic mail address at which to receive notices pursuant to subsection 3 of NRS 116B.513.

(2) If ~~[a unit's owner has not given the association an electronic mail address or has opted out of using electronic ballots by returning to the association the form provided pursuant to subparagraph (1) at any time not less than 5 days before the date of the meeting when the votes will be counted,]~~ the vote is for the removal of a member of the executive board, the association ~~[shall]~~ must send ~~[a]~~ or provide, in the manner and time that ballots are sent or provided pursuant to paragraph (a) of subsection 2 of NRS 116B.450:

(I) A paper ballot and a return envelope, prepaid by United States mail, to ~~[the mailing address of the unit's owner or to any other mailing address designated in writing by the]~~ any unit's owner ~~[.]~~ who has opted out of receiving electronic notices pursuant to subsection 2 of NRS 116B.513; and

(II) An electronic ballot to any unit's owner who has designated an electronic mail address at which to receive notices pursuant to subsection 3 of NRS 116B.513.

(3) If the association allows units' owners to vote by using a voting machine, the association must provide to each unit's owner, not less than

15 days before the date on which voting begins, a notice of the opportunity to vote by using a voting machine that provides the location at which the voting machine will be available for use and the days and times during which the voting machine will be available for use. The association shall also provide with the notice a form that allows a unit's owner to opt out of voting by using a voting machine and instead receive a paper ballot. If a unit's owner returns the form to the association within 15 days after receiving the notice, the association shall send a paper ballot and a return envelope, prepaid by United States mail, to the mailing address of the unit's owner or to any other mailing address designated in writing by the unit's owner.

(4) A meeting of the units' owners must be held in the manner set forth in NRS 116B.445 or 116B.450 to open and count the paper ballots and review and announce the results obtained from the electronic ballots or voting machine, as applicable, and enter the results into the meeting record. Any paper ballots must be opened and counted in a manner that may be readily observed by the units' owners in attendance at the meeting and must not occur privately behind closed doors or in an area that is not open to observation by the units' owners in attendance.

(5) Any electronic voting must be conducted by an independent third-party through the use of an online voting system, a voting machine, or both an online voting system and a voting machine. The independent third-party shall be deemed to be a data collector pursuant to NRS 603A.030 and is subject to the obligations and liabilities of chapter 603A of NRS with regard to the security and privacy of any personal information, as that term is defined in NRS 603A.040, that is provided or maintained through the use of an online voting system or voting machine. The independent third-party conducting the electronic voting may not be any of the following persons and may not share voting results or information with any of the following persons before the meeting held pursuant to subparagraph (4):

(I) A candidate for or member of the executive board or an officer of the association;

(II) A person who resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is a member of the executive board or an officer of the association or performs the duties of a community manager for the association;

(III) An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit or a fiduciary of an estate that owns a unit if the unit is also owned by another person who is a member of the executive board or an officer of the association or serves as the community manager for the association;

(IV) A person who performs the duties of a community manager for the association, an affiliate of the community manager, an employee of the

company by whom the community manager is employed or an affiliate of the company, the spouse of any such person or the parent or child of any such person by blood, adoption or marriage;

(V) The declarant of the association or an affiliate of the declarant;

(VI) A unit's owner or resident of the association; or

(VII) Any person who stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association other than payment only for conducting voting services for the association.

10. If the declaration requires that votes on specified matters affecting the condominium hotel must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) This section applies to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in this chapter, of all meetings at which the lessees are entitled to vote.

11. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

12. As used in this section, "online voting system" means an Internet-based voting system with a process that has the ability:

(a) To authenticate:

(1) The identity of a unit's owner; and

(2) The validity of each electronic vote to ensure that the vote is not altered in transit;

(b) To enable a unit's owner to transmit an electronic ballot to the online voting system in a way that ensures the secrecy and integrity of the ballot;

(c) To transmit an electronic receipt to each unit's owner who casts an electronic vote;

(d) To separate any authenticating or identifying information from an electronic ballot, thereby rendering it impossible to match an electronic ballot to a specific unit's owner;

(e) To store electronic votes and keep them accessible to units' owners and the Office of the Ombudsman for the purposes of recounts, inspections and reviews;

(f) To count all lawful votes; and

(g) To identify, reject and record the basis for rejection of all unlawful votes, including, without limitation, a vote by a unit's owner whose voting rights have been suspended, a vote by a person who is not a unit's owner and duplicate votes.

Sec. 11. NRS 116B.615 is hereby amended to read as follows:

116B.615 ***1.*** Money in the reserve account of an association required by NRS 116B.590 may not be withdrawn without the signatures of at least two

members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. Except as otherwise provided in subsection 3, money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.

3. Money in the operating account of an association may be withdrawn without the signatures required pursuant to subsection 2 to:

(a) Transfer money to the reserve account of the association at regular intervals;

(b) Make automatic payments for utilities;

(c) Make automatic payments for the cost of any insurance policies maintained pursuant to NRS 116.3113;

(d) Make automatic payments for telecommunications services maintained by the association, including, without limitation, telephone, cable, satellite and Internet services;

(e) Make automatic payments for any services to the association that are billed on a monthly , quarterly or annual basis;

(f) Make annual payments to the Office of the Ombudsman;

(g) Make an electronic transfer of money to a state agency pursuant to NRS 353.1467; or

(h) Make an electronic transfer of money to the United States Government, or any agency thereof, pursuant to any federal law requiring transfers of money to be made by an electronic means authorized by the United States Government or the agency thereof.

4. An association may use electronic signatures to withdraw money in the operating account of the association if:

(a) The electronic transfer of money is made pursuant to a written agreement entered into between the association and the financial institution where the operating account of the association is maintained;

(b) The executive board has expressly authorized the electronic transfer of money; and

(c) The association has established internal accounting controls which comply with generally accepted accounting principles to safeguard the assets of the association.

5. As used in this section, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Section 6 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of that section; and

(b) On October 1, 2023, for all other purposes.

3. Sections 1 to 5, inclusive, and 8 to 11, inclusive, of this act become effective on October 1, 2023.

4. Section 7 of this act becomes effective on the effective date of the regulations adopted by the Commission for Common-Interest Communities and Condominium Hotels establishing the requirements relating to the transfer of all books, records and other papers of a client upon the termination or assignment of a management agreement pursuant to that section.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 312.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 510.

AN ACT relating to environmental justice; creating the ~~[Commission on]~~ Environmental Justice ~~[;]~~ **Advisory Council;** setting forth certain duties of the ~~[Commission; establishing various requirements for agencies to determine the environmental impact of a proposed regulation on historically underserved communities;]~~ **Council; authorizing the Council to establish a program to award grants of money;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Minority Health and Equity within the Department of Health and Human Services to: (1) improve the quality of health care services for members of minority groups; (2) increase access to health care services for members of minority groups; (3) disseminate information to and educate the public on matters concerning health care issues of interest to members of minority groups; and (4) develop recommendations for changes in policy and advocate on behalf of minority groups on certain issues. (NRS 232.474) **Section 6** of this bill creates within the Office the ~~[Commission on]~~ Environmental Justice ~~[;]~~ **Advisory Council,** which consists of nine members who must be selected by the Governor from a list of persons submitted by the Office.

Section 7 of this bill ~~[requires the Commission to: (1) make recommendations to the Governor and]~~ **sets forth the duties of the Council, which include providing advice to** the Legislature **and the Division of Environmental Protection of the State Department of Conservation and Natural Resources and, upon request, the Governor or any other state agency,** on matters relating to environmental justice **.** ~~[; and (2) adopt regulations setting forth a process and metrics to be used by agencies of this State in determining whether a proposed regulation will have a disproportionate environmental impact on historically underserved~~

~~communities in this State. Section 18 of this bill requires the Commission to: (1) develop such a process and metrics; and (2) submit a report to the 83rd Session of the Legislature of its findings relating to such a process and metrics.]~~ **Section 7 also requires the Council to submit a biennial report to the Legislature describing the work of the Council during the biennium and any recommendations for legislation.**

Section 7.3 of this bill authorizes the Council to establish, by regulation, a program to award grants of money to eligible entities for projects which: (1) maximize climate health, public health and environmental, workforce and economic benefits; and (2) prioritize disadvantaged communities in this State.

Sections ~~[3, 4 and 5]~~ **4-5** of this bill define certain terms relating to the ~~[Commission.]~~ **Council.**

~~[Existing law requires any agency of this State, with certain exceptions, to determine whether a proposed regulation is likely to impose a direct and significant economic burden on small business or directly restrict the formation, operation or expansion of a small business. If so, the agency must engage in certain actions and analysis and prepare a small business impact statement. (NRS 233B.0608) Sections 9-17 of this bill set forth a similar process to require an agency to prepare an environmental justice impact statement for proposed regulations.~~

~~Section 11 of this bill requires an agency to determine whether a proposed regulation is likely to impose a direct, indirect or cumulative environmental impact and whether that environmental impact is likely to disproportionately affect a historically underserved community. If so, section 11 requires the agency to: (1) consult with members of the historically underserved community; (2) conduct an analysis of the likely impact on the historically underserved community; (3) consider methods to reduce or mitigate the environmental impact on the historically underserved community; and (4) prepare an environmental justice impact statement.~~

~~Section 11 requires an agency to submit an environmental justice impact statement to the Commission for review. Section 8 of this bill requires the Commission to review all environmental justice impact statements and, within 45 days, prepare and send the agency a letter indicating whether the Commission believes that the environmental justice impact statement has been prepared properly and is accurate.~~

~~Section 12 of this bill authorizes a resident or representative of a historically underserved community to file a petition objecting to a regulation if the environmental justice impact statement is: (1) not prepared by the agency; or (2) inaccurate, incomplete or does not adequately consider or significantly underestimates the environmental impact on historically underserved communities.~~

~~Section 14 of this bill requires a notice of intent to act upon a regulation to include: (1) a statement of any estimated environmental impact of a proposed regulation on historically underserved communities and the public; and (2) the~~

~~methods used by the agency to identify the environmental impact on historically underserved communities. (NRS 233B.0603)~~

~~— Section 15 of this bill requires each adopted regulation submitted to the Legislative Counsel to include a description of how comment was solicited from affected historically underserved communities, a summary of their response and an explanation of how interested persons may obtain a copy of the summary. (NRS 233B.066)~~

~~— Section 16 of this bill provides that if a regulation for adoption submitted to the Legislative Counsel Bureau is not accompanied by an environmental justice impact statement, the Legislative Counsel is required to return the regulation to the agency and will not submit the regulation to the Legislative Commission or Subcommittee to Review Regulations until the environmental justice impact statement is supplied. (NRS 233B.0665)~~

~~— Section 17 of this bill provides that if, after a regulation is submitted to the Legislative Commission or Subcommittee, either the Commission or Subcommittee objects to the regulation because the environmental justice impact statement is not included or is inaccurate, incomplete or does not adequately consider or significantly underestimates the environmental impact on historically underserved communities, the Legislative Counsel is required to attach a written notice of the objection and return the regulation to the agency. (NRS 233B.067)~~

~~— Section 19 of this bill provides that sections 8-17 governing environmental justice impact statements do not take effect until the Commission on Environmental Justice adopts regulations setting forth the process and metrics for environmental justice impact statements.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[8,]~~ **7.3,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[8,]~~ 7.3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[3,]~~ 4 ~~[and]~~ to 5 , inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ~~[***"Agency" has the meaning ascribed to it in NRS 233B.031.***]~~ **(Deleted by amendment.)**

Sec. 4. ~~[***"Commission"***]~~ ***"Council" means the ~~[Commission on]~~ Environmental Justice Advisory Council created by section 6 of this act.***

Sec. 4.2. "Environmental justice" means, with respect to the development, implementation and enforcement of environmental laws, regulations and policies, the fair treatment and meaningful involvement of all people, regardless of color, national origin or income.

Sec. 4.4. "Fair treatment" means that no group of people bear a disproportionate share of the negative consequences resulting from industrial, governmental or commercial operations or policies.

Sec. 4.6. ***"Meaningful involvement" means:***

1. All persons have the opportunity to participate in decisions about activities that may affect the health and environment of the public;

2. The concerns of the public are considered during the decision making process of the state agency; and

3. The state agency seeks out and facilitates the involvement of any persons potentially affected by a decision when making decisions.

Sec. 5. ***"Office" means the Office of Minority Health and Equity of the Department of Health and Human Services created by NRS 232.474.***

Sec. 6. ***1. The [Commission on] Environmental Justice Advisory Council is hereby created within the Office.***

2. The [Commission] Council consists of nine members appointed by the Governor from a list of persons recommended by the Office [.] as follows:

(a) Two members who reside in census tracts in this State that are identified as having poor air quality by the environmental justice screening and mapping tool of the United States Environmental Protection Agency;

(b) One member who represents a tribal community;

(c) One member who represents a community impacted by mining and who may not be an employee of a mining company;

(d) One member who is a member or officer of a union representing workers in the building and construction trades;

(e) One member who works in the field of environmental science and climate change;

(f) One member who has expertise in public health;

(g) One member who represents the natural resource industry; and

(h) One member who represents the agricultural industry.

3. The Governor shall ensure that members appointed pursuant to subsection 2 also reflect the geographic diversity of this State such that:

(a) Five members are residents of a county whose population is 700,000 or more;

(b) Two members are residents of a county whose population is 100,000 or more but less than 700,000; and

(c) Two members are residents of a county whose population is less than 100,000.

4. A person seeking to serve on the [Commission] Council must submit his or her application to the Office for consideration.

[4.] 5. Each member of the [Commission] Council serves a term of 4 years. Members may be reappointed for additional terms of 4 years. Any vacancy occurring in the membership of the [Commission] Council must be filled in the same manner as the original appointment.

[5.] 6. At the first regular meeting of each odd-numbered year, the members of the [Commission] Council shall elect a Chair by majority vote who shall serve until the next Chair is elected.

[6.] 7. A majority of the members of the [Commission] Council constitutes a quorum for the transaction of business, and a majority of those

members present at any meeting is sufficient for any official action taken by the ~~[Commission.]~~ Council.

~~[7.]~~ 8. While engaged in the business of the ~~[Commission,]~~ Council, each member is entitled to receive:

(a) A salary of not more than $80 per day, as established by the ~~[Commission;]~~ Council; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

~~[8.]~~ 9. The Office shall provide administrative support to the ~~[Commission]~~ Council as necessary to carry out the duties of the ~~[Commission.]~~ Council.

Sec. 7. *1. The ~~[Commission]~~ Council shall:*

(a) Advise the ~~[Governor and the]~~ Legislature ~~[on proposed legislation and make recommendations]~~ and the Division of Environmental Protection of the State Department of Conservation and Natural Resources and, upon request, the Governor or any other state agency, with respect to all matters relating to environmental justice in this State; ~~[and]~~

(b) ~~[Adopt regulations setting forth a process and metrics for use by an agency to evaluate whether a proposed regulation will have a disproportionate environmental impact on a historically underserved community in this State.]~~ Evaluate strategic, scientific, technological, regulatory, community engagement and economic issues relating to environmental justice;

(c) Create and strengthen partnerships with other state governments, tribal governments and local governments relating to environmental justice;

(d) Engage all stakeholders on matters concerning environmental justice, including, without limitation, this State, state agencies, local governments and tribal governments; and

(e) Hold conversations with communities throughout this State to discuss the environmental justice concerns of such communities. Such conversations must be held in locations that are geographically accessible to communities throughout this State.

2. ~~[As used in this section, "historically underserved community" has the meaning ascribed to it in NRS 445B.834.]~~ On or before February 1 of each odd-numbered year, the Council shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature concerning the work of the Council on the matters described in subsection 1 and any recommendations for legislation on matters relating to environmental justice.

3. The Council may accept gifts, grants, donations, bequests and devises from any source to carry out the provisions of sections 2 to 7.3, inclusive, of this act.

Sec. 7.3. 1. The Council may, within the limits of legislative appropriations and other available money, establish a program to award grants of money through a competitive process to eligible entities for projects

which maximize climate health, public health and environmental, workforce and economic benefits and which prioritize disadvantaged communities in this State.

2. The Council may adopt regulations to carry out the provisions of this section.

Sec. 8. ~~[*In addition to the requirements of section 7 of this act, the Commission shall:*~~

~~*1. Review environmental justice impact statements prepared by agencies pursuant to section 11 of this act; and*~~

~~*2. Within 45 days after receiving an environmental justice impact statement, prepare and send the agency a letter stating that the Commission has reviewed the statement and whether the Commission believes that the statement has been prepared properly and is accurate. If the Commission does not believe the statement has been prepared properly or is inaccurate, the letter must include reasons for that belief.*~~ ~~*]*~~ **(Deleted by amendment.)**

Sec. 9. ~~[Chapter 233B of NRS is hereby amended by adding thereto the provisions set forth as sections 10, 11 and 12 of this act.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[*"Historically underserved community" has the meaning ascribed to it in NRS 445B.834.*~~ ~~*]*~~ **(Deleted by amendment.)**

Sec. 11. ~~[*1. Before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall, in accordance with the regulations adopted by the Commission on Environmental Justice pursuant to section 7 of this act, make a concerted effort to determine whether the proposed regulation is likely to:*~~

~~*(a) Impose a direct, indirect or cumulative environmental impact; and*~~

~~*(b) Whether an environmental impact identified pursuant to paragraph (a) will disproportionately affect a historically underserved community.*~~

~~*2. If an agency determines pursuant to subsection 1 that a proposed regulation is likely to impose a direct, indirect or cumulative environmental impact and such an impact will disproportionately affect a historically underserved community, the agency shall:*~~

~~*(a) Consult with members of the historically underserved community that are likely to be affected by the proposed regulation and ensure that the community is meaningfully informed and involved in the process for developing the regulation.*~~

~~*(b) Conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on the historically underserved community. Insofar as practicable, the analysis must be conducted by the employee of the agency who is most knowledgeable about the subject of the proposed regulation and its likely environmental impact on the historically underserved community or by a consultant or other independent contractor who has such knowledge and is retained by the agency.*~~

~~*(c) Consider methods to reduce or mitigate the environmental impact on the historically underserved community.*~~

~~*(d) Prepare an environmental justice impact statement. The environmental justice impact statement must be submitted to the Commission on Environmental Justice for review in accordance with section 8 of this act. Following the review by the Commission on Environmental Justice, copies of the environmental justice impact statement must be made available to the public along with the letter prepared by the Commission on Environmental Justice pursuant to section 8 of this act not less than 15 days before the workshop conducted and the public hearing held pursuant to NRS 233B.061. A copy of the environmental justice impact statement and the Commission's letter must accompany the notice required pursuant to subsection 2 of NRS 233B.061 and the agenda for the public hearing held pursuant to that section.*~~

~~*3. The agency shall prepare a statement identifying the methods used by the agency in determining the environmental impact of a proposed regulation on a historically underserved community and the reasons for the conclusion of the agency. The director, executive head or other person who is responsible for the agency shall sign the statement certifying that, to the best of his or her knowledge or belief, a concerted effort was made to determine the environmental impact of the proposed regulation on historically underserved communities and that the information contained in the statement was prepared properly and is accurate.*~~

~~*4. Each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by a copy of the environmental justice impact statement, the letter from the Commission on Environmental Justice and the statement prepared pursuant to subsection 3. If the agency revises a regulation after preparing the environmental justice impact statement and submitting the environmental justice impact statement to the Commission on Environmental Justice, the agency must include an explanation of the revision and the effect of the change on any environmental impact to historically underserved communities.*~~ **(Deleted by amendment.)**

Sec. 12. ~~*[1. A resident of a historically underserved community or a representative of a historically underserved community that is aggrieved by a regulation adopted by an agency on or after the effective date of this section, may object to all or a part of the regulation by filing a petition with the agency that adopted the regulation within 90 days after the date on which the regulation is adopted. An agency which receives such a petition shall transmit a copy of the petition to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.*~~

~~*2. A petition filed pursuant to subsection 1 may be based on the following grounds:*~~

~~*(a) The agency failed to prepare an environmental justice impact statement as required pursuant to section 11 of this act; or*~~

~~*(b) The environmental justice impact statement prepared by the agency pursuant to section 11 of this act is inaccurate, incomplete or did not adequately consider or significantly underestimated the environmental impact of the regulation on a historically underserved community.*~~

~~*3. After receiving a petition pursuant to subsection 1, an agency shall determine whether the petition has merit. If the agency determines that the petition has merit, the agency may, pursuant to this chapter, take action to amend the regulation to which the resident or representative objected.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~[~~NRS 233B.030 is hereby amended to read as follows:

~~233B.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233B.031 to 233B.0385, inclusive, *and section 10 of this act* have the meanings ascribed to them in those sections.~~] **(Deleted by amendment.)**

Sec. 14. ~~[~~NRS 233B.0603 is hereby amended to read as follows:

~~233B.0603 1. The notice of intent to act upon a regulation required pursuant to NRS 233B.060 must:~~

~~(a) Include:~~

~~(1) A statement of the need for and purpose of the proposed regulation.~~

~~(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.~~

~~(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.~~

~~(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:~~

~~(I) Both adverse and beneficial effects; and~~

~~(II) Both immediate and long-term effects.~~

~~(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.~~

~~(6) The estimated cost to the agency for enforcement of the proposed regulation.~~

~~(7) *A statement of any estimated environmental impact of the regulation on historically underserved communities and on the public. These must be stated separately and in each case must include:*~~

~~*(I) Both adverse and beneficial effects; and*~~

~~*(II) Both immediate and long-term effects.*~~

~~*(8) A statement identifying the methods used by the agency in determining the environmental impact on historically underserved communities prepared pursuant to subsection 3 of section 11 of this act.*~~

~~*(9)* A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement

~~explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.~~

~~[(8)]~~ ***(10)*** ~~If the regulation is required pursuant to federal law, a citation and description of the federal law.~~

~~[(9)]~~ ***(11)*** ~~If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.~~

~~[(10)]~~ ***(12)*** ~~The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.~~

~~(b) If the proposed regulation is a temporary regulation, state each address at which the text of the proposed regulation may be inspected and copied.~~

~~(c) Include an exact copy of the provisions of subsection 2 of NRS 233B.064.~~

~~(d) Include a statement indicating whether the regulation establishes a new fee or increases an existing fee.~~

~~(e) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the agency for that purpose.~~

~~(f) Be submitted to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations created pursuant to NRS 233B.0653. The publication of a notice of intent to act upon a regulation in the Register does not satisfy the requirements for notice set forth in paragraph (e).~~

~~2. The Attorney General may by regulation prescribe the form of notice to be used.~~

~~3. In addition to distributing the notice to each recipient of the agency's regulations, the agency shall also solicit comment generally from the public and from businesses ***and historically underserved communities*** to be affected by the proposed regulation.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 233B.066 is hereby amended to read as follows:~~

~~233B.066 1. Except as otherwise provided in subsection 2, each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 or filed with the Secretary of State pursuant to subsection 2 or 3 of NRS 233B.070 must be accompanied by a statement concerning the regulation which contains the following information:~~

~~(a) A clear and concise explanation of the need for the adopted regulation.~~

~~(b) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.~~

~~(c) The number of persons who:~~

~~(1) Attended each hearing;~~

~~(2) Testified at each hearing; and~~

~~(3) Submitted to the agency written statements.~~

~~(d) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing:~~

~~(1) Name;~~

~~(2) Telephone number;~~
~~(3) Business address;~~
~~(4) Business telephone number;~~
~~(5) Electronic mail address; and~~
~~(6) Name of entity or organization represented.~~

~~(e) A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.~~

~~(f)~~ ***A description of how comment was solicited from affected historically underserved communities, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.***

~~***(g)*** If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.~~

~~**[**(g)**]** ***(h)*** The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:~~

~~(1) Both adverse and beneficial effects; and~~
~~(2) Both immediate and long-term effects.~~

~~**[**(h)**]** ***(i) The estimated environmental impact of the regulation on affected historically underserved communities and on the public, if any. These must be stated separately, and in each case must include:***~~

~~***(1) Both adverse and beneficial effects; and***~~
~~***(2) Both immediate and long-term effects.***~~

~~***(j)*** The estimated cost to the agency for enforcement of the proposed regulation.~~

~~**[**(i)**]** ***(k)*** A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.~~

~~**[**(j)**]** ***(l)*** If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.~~

~~**[**(k)**]** ***(m)*** If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.~~

~~2. The requirements of paragraphs (b) to **[**(f),**]** ***(g),*** inclusive, of subsection 1 do not apply to emergency regulations.**]**~~ **(Deleted by amendment.)**

Sec. 16. ~~**[**NRS 233B.0665 is hereby amended to read as follows:~~

~~233B.0665 If a regulation submitted to the Legislative Counsel Bureau pursuant to NRS 233B.067 is not accompanied by an informational statement which complies with the requirements of NRS 233B.066, **[**or**]** a small business impact statement which complies with the requirements of NRS 233B.0608 and 233B.0609 **[**,**]** ***or an environmental justice impact statement which***~~

~~*complies with the requirements of section 11 of this act,* the Legislative Counsel shall return the regulation to the agency with a note indicating the statement which is missing. Unless the missing statement is supplied, the Legislative Counsel shall not submit the regulation to the Legislative Commission or the Subcommittee to Review Regulations, as applicable, and the regulation never becomes effective.~~**] (Deleted by amendment.)**

Sec. 17. ~~[NRS 233B.067 is hereby amended to read as follows:~~

~~233B.067 1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the Legislative Counsel for review by the Legislative Commission to determine whether to approve the regulation. The Legislative Counsel shall endorse on the original and the copy of each adopted regulation the date of their receipt. The Legislative Counsel shall maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.~~

~~2. If an agency submits an adopted regulation to the Legislative Counsel pursuant to subsection 1 that:~~

~~(a) The agency is required to adopt pursuant to a federal statute or regulation; and~~

~~(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State,~~

~~→ it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.~~

~~3. Except as otherwise provided in subsection 4, the Legislative Commission shall:~~

~~(a) Review the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting; or~~

~~(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6.~~

~~4. If an agency determines that an emergency exists which requires a regulation of the agency submitted pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations. The Subcommittee shall meet to review the regulation as soon as practicable.~~

~~5. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred, approves the regulation, the Legislative Counsel shall promptly file the regulation with the Secretary of State and notify the agency of the filing. If the Commission or Subcommittee objects to the regulation after determining that:~~

~~(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;~~

~~(b) The regulation does not conform to statutory authority;~~

~~(c) The regulation does not carry out legislative intent;~~

~~(d) The small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses; [or]~~

~~(e) *The environmental justice impact statement prepared pursuant to section 11 of this act is inaccurate, incomplete or did not adequately consider or significantly underestimated the environmental impact of the regulation on historically underserved communities; or*~~

~~*(f)* The agency has not provided a satisfactory explanation of the need for the regulation in its informational statement as required pursuant to NRS 233B.066, or the informational statement is insufficient or incomplete,~~

~~** the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the agency.~~

~~6. As soon as practicable after each regular legislative session, the Legislative Commission shall appoint a Subcommittee to Review Regulations consisting of at least three members or alternate members of the Legislative Commission.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[1. The Commission on Environmental Justice created by section 6 of this act shall:~~

~~(a) In coordination with the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the Department of Health and Human Services, develop a process and metrics for use by an agency, as defined in NRS 233B.031, to evaluate whether a proposed regulation will have a disproportionate environmental impact on a historically underserved community in this State; and~~

~~(b) On or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau, for transmittal to the 83rd Session of the Legislature, a report of its activities pursuant to subsection 1, which must include, without limitation:~~

~~(1) Characteristics of communities that are at heightened risk of disproportionate environmental justice impacts;~~

~~(2) Available options to screen for communities at heightened risk of disproportionate environmental justice impacts; and~~

~~(3) Factors that contribute to environmental inequities in this State, including, without limitation, any health risks.~~

~~2. As used in this section, "historically underserved community" has the meaning ascribed to it in NRS 445B.834.]~~ **(Deleted by amendment.)**

Sec. 18.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 19. ~~[1.]~~ This ~~[section, sections 2 to 7, inclusive, and section 18 of this]~~ act ~~[become]~~ **becomes** effective on July 1, 2023.

~~[2. Sections 8 to 17, inclusive, of this act become effective on the date that the permanent regulations required to be adopted by the Commission on~~

~~Environmental Justice pursuant to section 7 of this act are filed with the Secretary of State pursuant to NRS 233B.070.~~]

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 433.

AN ACT relating to public health; prohibiting a person from ~~[~~preparing, distributing, advertising,~~]~~ selling or offering to sell a kratom product **to an end user** unless the kratom product has been registered with the State ~~[~~Board~~]~~ **Department** of ~~[~~Oriental Medicine;~~]~~ **Agriculture;** setting forth requirements for the registration of a kratom product with the ~~[~~Board;~~]~~ ~~[~~authorizing the Board to take certain actions relating to kratom products offered for sale that are not registered with the Board;~~]~~ **Department; requiring a person who registers a kratom product to pay certain expenses and report certain information relating to the kratom product to the Department;** authorizing the ~~[~~Board~~]~~ **Department** to adopt certain regulations governing kratom products; revising provisions establishing certain prohibited acts relating to kratom products; **exempting a person who engages in certain acts relating to kratom products from certain criminal or legal penalties if certain substances in those products are designated as controlled substances; prohibiting the State Board of Pharmacy from including certain substances on a schedule of controlled substances;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "kratom product" to mean, in general, any product or ingredient containing any part of the leaf of the *Mitragyna Speciosa* plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine, or any synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine. Existing law prohibits a person from: (1) selling or offering to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years; (2) preparing, distributing, advertising, selling or offering to sell a kratom product that is adulterated with certain substances; and (3) selling a kratom product that does not have a label that meets certain requirements. Existing law provides for the imposition of a civil penalty of not more than $1,000 against a person who violates those prohibitions. (NRS 597.998)

Section 5 of this bill revises the definition of kratom product to mean food containing any part of the leaf of the *Mitragyna Speciosa* plant. **Section 9** revises the prohibited acts relating to kratom products set forth under existing

law to revise: (1) requirements relating to the type of kratom products that a person is prohibited from preparing, distributing, advertising, selling or offering to sell; and (2) the information that must be included on a label for a kratom product. **Section 9** eliminates the civil penalty imposed for engaging in such prohibited acts and instead provides ~~[that a person who engages in such prohibited acts is guilty of a misdemeanor.]~~ **for the imposition of administrative fines by the State Department of Agriculture for certain violations relating to kratom products.**

Section 6 of this bill prohibits a person from ~~[preparing, distributing, advertising,]~~ selling or offering to sell a kratom product **to an end user** unless the kratom product has been registered with the ~~[State Board of Oriental Medicine. Section 6 authorizes the Board to: (1) impose an administrative fine for a violation of that prohibition; and (2) seize and destroy a kratom product which is offered for sale and which has not been registered.]~~ **Department. Section 6** sets forth certain requirements for a person to register a kratom product with the ~~[Board.]~~ **Department.**

Sections 6.5 and 8 of this bill set forth circumstances under which the Department may require a person who registers a kratom product to submit the kratom product to a laboratory for certain additional testing. Section 7.5 of this bill requires a person who registers a kratom product to submit to the Department a copy of certain reports concerning the kratom product that are required to be submitted to the United States Food and Drug Administration.

Section 7 of this bill authorizes the Board to adopt certain regulations to carry out the provisions of this bill **.** ~~[, which may impose certain additional requirements relating to kratom products.]~~

Existing law authorizes the State Board of Pharmacy to adopt regulations to add, delete or reschedule substances as controlled substances in schedules I, II, III, IV or V pursuant to the Uniform Controlled Substances Act. (NRS 453.146) Existing law prohibits certain substances from being included on such a schedule. (NRS 453.2186) Section ~~[8]~~ **9.5** of this bill ~~[creates a civil cause of action for a person injured by any violation of this bill.]~~ **prohibits the Board from including mitragynine or any of its constituent alkaloids on any schedule unless the substance is designated as a controlled substance pursuant to federal law. Section 8.3 of this bill provides that if mitragynine or any of its constituent alkaloids is added to a schedule of controlled substances, a person who engages in the possession, delivery, production, sale or use of a kratom product that meets the requirements of this bill and who confines his or her activities to those authorized by this bill does not commit a violation of any law, ordinance, rule or regulation of this State or any political subdivision of this State and any such conduct must not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.**

Sections ~~[3 and 4]~~ **2.5-4.5** of this bill define certain other words and terms for the purposes of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[8,]~~ **8.7,** inclusive, of this act.

Sec. 2. ***As used in NRS 597.998 and sections 2 to ~~[8,]~~ 8.7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[3, 4 and]~~ 2.5 to 5 , inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. "Certificate of analysis" means a document produced by a laboratory describing the results of the laboratory's testing of a kratom product.

Sec. 3. ***~~["Board"]~~ "Department" means the State ~~[Board]~~ Department of ~~[Oriental Medicine.]~~ Agriculture.***

Sec. 4. ***"Food" means any food, ~~[drink, confection]~~ food product, food ingredient, dietary ingredient, dietary supplement or beverage ~~[, or any component in the preparation or manufacture thereof,]~~ intended for ultimate human consumption.***

Sec. 4.5. "Kratom extract" means a kratom product containing any part of the leaf of the Mitragyna Speciosa plant that has been extracted and concentrated to provide a dosage that is more standardized.

Sec. 5. ***"Kratom product" means food containing any part of the leaf of the Mitragyna Speciosa plant ~~[.]~~ , or an extract thereof, which is manufactured as a powder, capsule, pill or other edible form.***

Sec. 6. ***1. A person shall not ~~[knowingly prepare, distribute, advertise,]~~ sell or offer to sell a kratom product to an end user unless the kratom product has been registered with the ~~[Board]~~ Department pursuant to this section.***

2. A person who wishes to register a kratom product must submit to the ~~[Board:]~~ Department:

(a) An application on a form prescribed by the ~~[Board;]~~ Department;

(b) A fee in an amount established by the ~~[Board]~~ Department by regulation; ~~[and]~~

(c) A certificate of analysis for the kratom product which:

(1) Is produced by an independent laboratory that meets any requirements set forth in regulations adopted by the Department pursuant to section 7 of this act; and

(2) Provides sufficient information about the kratom product to enable the Department to determine whether the kratom product complies with the provisions of NRS 597.998 and sections 2 to 8.7, inclusive, of this act; and

(d) Any other information and documentation that the ~~[Board]~~ Department deems necessary to ensure that the kratom product meets the

requirements of NRS 597.998 and sections 2 to ~~[8,]~~ 8.7, inclusive, of this act and the regulations adopted pursuant thereto.

3. A ~~[person who violates subsection 1 is subject to an administrative fine, imposed by the Board, in an amount established by the Board by regulation.~~

~~4. The Board may, in accordance with procedures adopted by the Board by regulation, seize and destroy any kratom product offered for sale which has not been registered with the Board pursuant to this section.~~

~~5. The Board shall adopt regulations governing the registration of kratom products. Such regulations must, without limitation:~~

~~(a) Prescribe the form and any additional required content for an application to register a kratom product;~~

~~(b) Establish the amount of the fee for the registration of a kratom product;~~

~~(c) Establish the amount of the administrative fine that the Board may impose for a violation of this section;~~

~~(d) Establish procedures for the seizure and destruction of a kratom product offered for sale which has not been registered with the Board; and~~

~~(e) Address such other matters concerning the registration of kratom products as the Board determines to be necessary.]~~ registration issued pursuant to this section expires 1 year after issuance and may be renewed by submitting to the Department an application for renewal and the same fees and materials required by paragraphs (b), (c) and (d) of subsection 2 for an initial registration.

Sec. 6.5. 1. If the Department has reasonable cause to believe that the information contained on the label of, or the certificate of analysis for, a kratom product is inaccurate, the Department may require the person who registered the kratom product to send the kratom product to a laboratory selected by the Department to conduct testing on the kratom product.

2. After the testing conducted pursuant to subsection 1 is completed, the Department shall send the person who registered the kratom product a bill for the costs of the testing. If the person fails to pay those costs within a period of time after the receipt of the bill established by the Department by regulation, the Department shall revoke the registration of the kratom product.

Sec. 7. *The ~~[Board]~~ Department may adopt regulations as it determines to be necessary or advisable to carry out the provisions of NRS 597.998 and sections 2 to ~~[8,]~~ 8.7, inclusive of this act. ~~[Such regulations may include, without limitation:~~*

~~1. Requirements for the testing of kratom products to ensure that such products meet the requirements set forth in NRS 597.998 and sections 2 to 8, inclusive, of this act and are safe for human consumption;~~

~~2. Additional requirements for the labeling of kratom products; and~~

~~3. Any other matters the Board deems to be appropriate for the safe preparation, distribution and sale of kratom products.]~~

Sec. 7.5. ***1. If a person submits to the United States Food and Drug Administration a report pursuant to 21 U.S.C. § 379aa-1 concerning a serious adverse event involving a kratom product that the person has registered pursuant to section 6 of this act, the person shall send a copy of that report to the Department by certified mail within a period of time established by the Department by regulation.***

2. Failure to send to the Department a copy of the report described in subsection 1 within the time required by subsection 1, constitutes grounds for the revocation of the registration of the kratom product about which the report relates.

Sec. 8. ~~*[In addition to any other remedy, a]*~~

1. Any person ~~*[aggrieved by]*~~ ***may report to the Department on a form prescribed by the Department a suspected violation of NRS 597.998*** ~~*[and]*~~ ***or sections 2 to*** ~~*[8,]*~~ ***8.7, inclusive, of this act . [may bring a civil action in a court of competent jurisdiction against]***

2. If the Department determines that the allegations in a complaint are credible and relate to the content or labeling of, or a certificate of analysis for, a kratom product, the Department shall require the person who committed the alleged violation to ~~*[recover damages including, without limitation, economic damages, noneconomic damages and consequential damages.]*~~ ***obtain and provide to the Department, within a period of time prescribed by the Department by regulation, a new certificate of analysis which complies with paragraph (c) of subsection 2 of section 6 of this act for the kratom product.***

3. If a person fails to provide the Department with a certificate of analysis pursuant to subsection 2, the Department shall revoke the registration for the kratom product.

Sec. 8.3. Notwithstanding any other provision of law, if mitragynine or any of its constituent alkaloids are added to schedule I, II, III, IV or V by the State Board of Pharmacy by regulation pursuant to NRS 453.146, a person who engages in the possession, delivery, production, sale or use of a kratom product that meets the requirements of NRS 597.998 and sections 2 to 8.7, inclusive, of this act and who confines his or her activities to those authorized by NRS 597.998 and sections 2 to 8.7, inclusive, of this act does not violate any law, ordinance, rule or regulation of this State or any political subdivision of this State and such conduct may not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.

Sec. 8.7. 1. A person who violates any provision of NRS 597.998 and sections 2 to 8.7, inclusive, of this act is subject to an administrative fine in an amount not to exceed $500 for a first offense and $1,000 for a second or subsequent offense.

2. Upon the request of a person to whom an administrative fine is issued, the Department shall provide notice of and conduct a hearing in accordance with the provisions of chapter 233B of NRS.

Sec. 9. NRS 597.998 is hereby amended to read as follows:

597.998 1. A person shall not knowingly ***distribute,*** sell or offer to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years.

2. A person shall not knowingly prepare, distribute, advertise, sell or offer to sell a kratom product that ~~[is]~~ ***:***

(a) Is combined , packaged or adulterated with ~~[a]~~ ***:***

(1) A controlled substance or a dangerous drug, as defined in chapter 454 of NRS ~~[;]~~ , or any poisonous or deleterious substance; or

(2) Any substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer ~~[.]~~ ***;***

(b) Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than ~~[2]~~ 1 percent of the alkaloid composition of the kratom product;

(c) Contains a synthetic alkaloid, including, without limitation, synthetic mitragynine, synthetic 7-hydroxymitragynine or any synthetically derived compound of the Mitragyna Speciosa plant; ~~[or]~~

(d) Does not include a label that clearly sets forth:

(1) The ~~[ingredients of the kratom product;]~~ recommended size of an individual serving;

(2) The ~~[amount of mitragynine and 7-hydroxymitragynine contained in the kratom product; and]~~ maximum limits for individual servings per day;

(3) The number of servings equal to the size of one recommended individual serving that are contained in the package; and

(4) Directions for the safe and effective use of the kratom product.

~~***[3.***~~ ~~A person has not violated the provisions of this subsection 2 if he or she can show by a preponderance of evidence that he or she relied in good faith upon the representations of a manufacturer, processor, packer or distributor of the kratom product.~~

~~3. A person shall not sell a kratom product that does not have a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product.~~

~~4. A person who violates any provision of this section is subject to a civil penalty guilty of not more than $1,000 for each violation.~~

~~5. As used in this section, "kratom product" means any product or ingredient containing:~~

~~(a) Any part of the leaf of the Mitragyna Speciosa plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine; or~~

~~(b) A synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine,~~

~~➥ regardless of whether the product or ingredient is labeled or sold for human consumption. a misdemeanor for each violation.]~~

(e) A kratom extract which contains levels of residual solvents that exceed the levels authorized by chapter 467 of the United States Pharmacopeia-

National Formulary, published by the United States Pharmacopeial Convention.

Sec. 9.5. **NRS 453.2186 is hereby amended to read as follows:**

453.2186 1. Authority to control pursuant to NRS 453.146, 453.218, 453.2182 and 453.2184 does not extend to distilled spirits, wine, malt beverages or tobacco.

2. ***The Board shall not include mitragynine or any of its constituent alkaloids on any schedule unless the substance is designated as a controlled substance pursuant to federal law.***

3. The Board shall not include any nonnarcotic substance on any schedule if that substance is in a form suitable for final dosage and has been approved by the Food and Drug Administration for sale over the counter without a prescription, unless the Board affirmatively finds that:

(a) The substance itself or one or more of its active ingredients is an immediate precursor of a controlled substance; and

(b) The substance is materially misbranded or mislabeled, or the public interest requires the scheduling of the substance as a controlled substance in schedule I, II, III or IV.

~~[3.]~~ ***4.*** In determining whether the public interest requires the scheduling of the substance, the Board shall consider:

(a) Whether the customary methods of marketing and distributing the substance are likely to lead to its unlawful distribution or use, including any relevant information with regard to a manufacturer or distributor of the substance concerning:

(1) His or her record of compliance with applicable federal, state and local statutes, ordinances and regulations;

(2) His or her past experience in the manufacture and distribution of controlled substances, and the existence in his or her establishment of effective controls against the unlawful distribution or use of the substance;

(3) Whether he or she has ever been convicted under any federal or state law relating to a controlled substance; and

(4) Whether he or she has ever furnished materially falsified or fraudulent material in any application filed pursuant to NRS 453.011 to 453.552, inclusive;

(b) Whether the substance is controlled under the federal Controlled Substances Act;

(c) The status of any pending proceeding to determine whether the substance should be controlled or exempted from control;

(d) Any history of abuse or misuse of the substance in this State; and

(e) Any other factors which are relevant to the public health and safety.

~~[4.]~~ ***5.*** In determining whether a substance is misbranded or mislabeled, the Board shall consider the requirements of the federal Food, Drug, and Cosmetic Act and the Code of Federal Regulations concerning indications for its use and any advertising for a use not so indicated.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[9,]~~ **9.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 323.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 376.

AN ACT relating to education; requiring the Superintendent of Public Instruction to develop a strategic plan for the recruitment of teachers and other licensed educational personnel; requiring the Commission on Professional Standards in Education to adopt certain regulations concerning the licensing of teachers and other educational personnel; authorizing a school district **or governing body of a charter school or university school for profoundly gifted pupils** to compensate a student who is assigned for training purposes as a student teacher, counselor **, student social worker** or trainee in a library; authorizing a school district ~~[or]~~ **and** the governing body of a charter school to provide certain professional development training; ~~[creating the Incentivizing Pathways to Teaching Account in the State General Fund; establishing the Incentivizing Pathways to Teaching Program;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the duties of the Superintendent of Public Instruction. (NRS 385.175) **Section 1** of this bill requires the Superintendent to develop a strategic plan for the recruitment of teachers and other licensed educational personnel and establishes requirements for the contents of the strategic plan.

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel, including regulations governing examinations for the initial licensing of teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. (NRS 391.019, 391.021) **Section 3** of this bill requires the Commission to adopt regulations that authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics prescribed by the Commission if the applicant completes a course of study approved by the Department of Education with a grade of B or better in each subject area of the competency test that the applicant previously did not pass.

Existing law requires the Commission to adopt regulations prescribing course work on parental involvement and family engagement **[.] and multicultural education.** (NRS **[391.019) Section]** **391.019, 391.0347) Sections 2 and 4.5** of this bill **[requires]** **require** the Commission to establish standards for professional development training which may be used to satisfy such course work requirements. **Section 6** of this bill **[authorizes]** **requires** a school district **[or]** **and** the governing body of a charter school to provide professional development training on **: (1)** parental involvement and family engagement in accordance with the standards adopted by the Commission **[.]; and (2) multicultural education in accordance with the standards adopted by the Commission. Section 6 requires that such training be provided at no cost to the employee. Section 7** of this bill makes a conforming change to indicate the proper placement of **section 6** in the Nevada Revised Statutes.

Existing law requires the Commission to adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State. (NRS 391.032) **Section 4** of this bill requires the Commission to adopt regulations that require the Superintendent of Public Instruction to issue a provisional license to teach pending receipt of academic transcripts of certain applicants who are otherwise qualified for a license.

Existing law requires the Board of Regents of the University of Nevada to establish a program of student teaching and practicum which allows students to be assigned to a school district as student teachers, counselors or trainees in a library. (NRS 396.519) Existing law authorizes school districts to enter into agreements with certain institutions of higher education for the assignment of students to schools as student teachers, counselors or trainees in a library. (NRS 391.095) **Section 5** of this bill authorizes **: (1) a governing body of a charter school or university school for profoundly gifted pupils to similarly enter into agreements; and (2)** a school district **or governing body of a charter school or university school for profoundly gifted pupils** to compensate a student who is assigned within the school district for training purposes as a student teacher, counselor **, student social worker** or trainee in a library.

~~[During the 81st Session of the Nevada Legislature, the Legislature appropriated money for the Department of Education to implement the Incentivizing Pathways to Teaching Program to provide stipends and tuition assistance to students in teacher preparation programs. (Section 1 of chapter 434, Statutes of Nevada 2021, at page 2765) Section 10 of this bill creates a permanent Incentivizing Pathways to Teaching Program which is administered by the Board of Regents of the University of Nevada. Section 10 authorizes a university or state college which offers a teacher preparation program to apply to the Board of Regents for a grant to award scholarships and stipends to eligible students of the university or state college. Section 10 establishes the eligibility requirements for students to whom a university or state college is authorized to award a scholarship or stipend under the Program. Section 9 of~~

~~this bill creates the Incentivizing Pathways to Teaching Account in the State General Fund to be used to distribute money to the Board of Regents for awarding of such grants.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

7. Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

8. ***Develop a strategic plan for the recruitment of teachers and other licensed educational personnel which includes, without limitation:***

(a) A strategy to decrease the processing times of applications for licensure pursuant to chapter 391 of NRS.

(b) A plan to provide for the translation of academic transcripts which are in a language other than English of applicants for licensure pursuant to chapter 391 of NRS. The Department shall post the process for the translation of academic transcripts on its Internet website.

9. Perform such other duties as are prescribed by law.

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall ~~[work]~~ ***:***

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 3. NRS 391.021 is hereby amended to read as follows:

391.021 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. ***The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.***

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 4. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. ***The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach pending receipt of any academic transcripts of an applicant if:***

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant ~~[holds]~~ :

(1) Holds a valid license or certificate to teach issued by another state for which completion of a bachelor's or higher degree and professional education course work through a college or university accredited by a regional accrediting association is necessary ~~[.]~~ ; or

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 4.5. **NRS 391.0347 is hereby amended to read as follows:**

391.0347 1. Any licensed teacher who is initially licensed on or after July 1, 2019, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; ~~[and]~~

(c) ***That establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this section; and***

(d) As otherwise necessary to carry out the requirements of this section.

Sec. 5. NRS 391.095 is hereby amended to read as follows:

391.095 1. A school district ***or a governing body of a charter school or university school for profoundly gifted pupils*** may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the Commission pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district ***, charter school or university school for profoundly gifted pupils, as applicable,*** for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. ***Except as otherwise provided in the agreement entered into pursuant to subsection 1 and to the extent not inconsistent with NRS 391.096, a school district or governing body of a charter school or university school for profoundly gifted pupils, as applicable, may compensate a student assigned within the school district charter school or university school for profoundly gifted pupils for training purposes as a student teacher, counselor , student social worker or trainee in a library.***

3. As used in this section:

(a) "Accredited" has the meaning ascribed to it in NRS 394.006.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

Sec. 6. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school district and the governing body of a charter school ~~[may]~~ shall provide professional development training on ~~[parental]~~ :

(a) Parental involvement and family engagement that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.019 to teachers who have not yet completed the course

work on parental involvement and family engagement prescribed by NRS 391.019. ~~***[Such]***~~

(b) Multicultural education that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.0347 to teachers who have not yet completed the course work on multicultural education prescribed by NRS 391.0347.

2. Any professional development training ~~***[may]***~~ ***provided pursuant to subsection 1:***

(a) May be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.

(b) Must be provided at no cost to the employee.

Sec. 7. NRS 391A.345 is hereby amended to read as follows:

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, ***and section 6 of this act,*** unless the context otherwise requires, "professional development training" has the meaning ascribed to "professional development" in 20 U.S.C. § 7801(42).

Sec. 8. ~~**[**Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.**]**~~ **(Deleted by amendment.)**

Sec. 9. ~~***[1. The Incentivizing Pathways to Teaching Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.***~~

~~***2. The interest and income earned on:***~~

~~***(a) The money in the Account, after deducting any applicable charges; and***~~

~~***(b) Unexpended appropriations made to the Account from the State General Fund,***~~

~~***" must be credited to the Account.***~~

~~***3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.***~~

~~***4. The State Treasurer may accept gifts and grants of money from any source for deposit in the Account.***~~

~~***5. The money in the Account may only be used to distribute money to the Board of Regents for the purpose of awarding grants to universities and state colleges to provide scholarships and stipends to eligible students pursuant to the Incentivizing Pathways to Teaching Program created by section 10 of this act.]***~~ **(Deleted by amendment.)**

Sec. 10. ~~***[1. The Incentivizing Pathways to Teaching Program is hereby created for the purpose of awarding scholarships and stipends to eligible students.***~~

~~***2. The Board of Regents shall administer the Program. The Board of Regents may adopt any regulations necessary to carry out the Program.***~~

~~*3. A university or state college which offers a teacher preparation program is eligible to apply to the Board of Regents for a grant from the Incentivizing Pathways to Teaching Account created by section 9 of this act to award scholarships and stipends to eligible students pursuant to subsections 5 and 6.*~~

~~*4. The Board of Regents shall:*~~

~~*(a) Establish the number of grants that will be available each year based upon the amount of money available in the Account.*~~

~~*(b) Review all applications submitted pursuant to subsection 3 and award a grant of money from the Account to an approved university or state college to the extent that money is available in an amount determined by the Board of Regents.*~~

~~*(c) Prescribe the maximum amount of a scholarship or stipend that may be awarded to a student pursuant to this section.*~~

~~*5. A university or state college may award a scholarship to a student of the university or state college only if the student:*~~

~~*(a) Is enrolled in his or her final three semesters in a teacher preparation program.*~~

~~*(b) Completes the application for a scholarship through the Program in accordance with regulations prescribed by the Board of Regents.*~~

~~*(c) Submits all information deemed necessary by the Board of Regents to determine the student's eligibility for a scholarship.*~~

~~*(d) Enters into an agreement with the university or state college containing such terms as are prescribed by the Board of Regents, including, without limitation, a requirement for the student to repay the amount of the scholarship if the student:*~~

~~*(1) Does not complete the teacher preparation program; or*~~

~~*(2) Does not, within 5 years after graduation, obtain a license to teach issued pursuant to chapter 391 of NRS and maintain employment at a public school in this State for not less than 2 years.*~~

~~*6. A university or state college may award a stipend to a student of the university or state college only if the student:*~~

~~*(a) Is enrolled in a program of student teaching through the university or state college.*~~

~~*(b) Completes the application for a stipend through the Program in accordance with regulations prescribed by the Board of Regents.*~~

~~*(c) Submits all information deemed necessary by the Board of Regents to determine the student's eligibility for a stipend.*~~

~~*(d) Enters into an agreement with the university or state college containing such terms as are prescribed by the Board of Regents, including, without limitation, a requirement for the student to repay the amount of the stipend if the student:*~~

~~*(1) Does not complete the teacher preparation program; or*~~

~~*(2) Does not, within 5 years after graduation, obtain a license to teach issued pursuant to chapter 391 of NRS and maintain employment at a public school in this State for not less than 2 years.*~~

~~*7. As used in this section, "teacher preparation program" means a course of study or training designed to provide the education required for the licensure of teachers, including, without limitation, an alternative route to licensure program prescribed pursuant to NRS 391.019.]*~~ **(Deleted by amendment.)**

Sec. 10.3. **The Commission on Professional Standards in Education shall:**

1. Conduct a study during the 2023-2024 interim concerning the Praxis II and pedagogy examinations;

2. Present its recommendations to the Standing Committee on Education during the 83rd Session of the Nevada Legislature; and

3. Adopt regulations pursuant to NRS 391.019, 391.021 and 391.023 as it deems necessary and appropriate based on its findings and recommendations as they relate to the Praxis II and pedagogy examinations.

Sec. 10.6. **The Department of Education and the Nevada System of Higher Education shall jointly:**

1. Develop a plan to expand awareness of and eliminate barriers for access to any scholarship programs that are intended to increase the number of persons licensed pursuant to chapter 391 of NRS; and

2. Present the plan to the Joint Interim Standing Committee on Education on or before June 30, 2024.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~**[10,]**~~ **10.6,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 330.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 377.

AN ACT relating to education; requiring a suspension or expulsion in a charter school or a university school for profoundly gifted pupils to be consistent with such punishments in certain public schools; requiring a plan for restorative discipline for public schools to include consideration of certain data relating to pupil discipline; authorizing the Superintendent of Public

Instruction to require implementation of an alternative plan for restorative discipline if a public school fails to take certain actions relating to disproportionality in pupil discipline; requiring a plan for restorative discipline to reflect the authority to temporarily remove a pupil from the classroom; ~~[authorizing a principal to place limitations on the ability of certain staff to remove certain pupils from the classroom;]~~ requiring certain actions by a school at the time of a suspension or expulsion of a pupil for committing certain acts; revising ~~[provisions regarding the suspension or expulsion of certain homeless pupils and pupils in foster care;]~~ **the persons to whom the appeals of certain disciplinary determinations may be made;** revising requirements for policies for the appeal of suspensions and expulsions; ~~[repealing the requirement that the Department of Education, to the extent money is available, develop a statewide framework for restorative justice;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions relating to the behavior and discipline of pupils. (NRS 392.4601-392.472) **Sections 2 and 3** of this bill apply these provisions to charter schools and university schools for profoundly gifted pupils.

Section 3.3 of this bill establishes: (1) requirements for proper notification to a pupil and the parent or legal guardian of the pupil, if the pupil is less than 18 years of age, of the policy to appeal a suspension or expulsion; (2) a 5-day timeline for a pupil or, if the pupil is less than 18 years of age, the parent or guardian of the pupil to appeal the suspension or expulsion; (3) a 5-day timeline for a hearing to be scheduled upon receipt of such an appeal; (4) the method for determining whether a pupil who is suspended or expelled or is being considered for suspension or expulsion may be considered for temporary alternative placement; and (5) that education services are required to be provided to the pupil to prevent the pupil from losing academic credit or being disengaged from school during the period the pupil is suspended or expelled. Sections 3.5 and 3.7 of this bill make conforming changes to indicate the proper placement of section 3.3 in the Nevada Revised Statutes.

Under existing law, the board of trustees of each school district is required to establish a plan to provide for the restorative discipline of pupils, which must be developed with the input of certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law also requires each public school to collect and submit data on the discipline of pupils and categorize such data by various subgroups of pupils. (NRS 392.462) ~~[Section 6 of this bill removes the reference to a statewide framework for restorative justice developed by the Department of Education, the development of which is repealed by section 15 of this bill.]~~ **Section 4** of this bill requires that the data be reported to the superintendent of the school district or to the administrative head of a charter school. **Section 6** also requires the Superintendent of Public Instruction to review data on the disproportionality

of punishments and provide a corrective period for any deficient schools to make progress in addressing any disproportionalities or any insufficiency in such data. ~~[Section 7 of this bill authorizes a principal to restrict the ability of a teacher or staff member to temporarily remove a pupil from a classroom if the principal determines such removal to be unnecessary.]~~

Existing law requires a plan to provide for the restorative discipline of pupils to provide for the temporary removal of a pupil from a classroom or other premises of a public school under certain circumstances. (NRS 392.4645) **Section 7** instead authorizes the temporary removal of a pupil from a classroom or other premises of a public school under such circumstances, and **section 6** requires a plan to provide for the restorative discipline of pupils to include provisions for such a temporary removal.

Existing law requires that a pupil who has been removed from the classroom or other premises of a public school must have a conference within 3 days after removal, with certain exceptions. If such a conference is not held within 3 days, the pupil is required to be allowed to return to the classroom or other premises, with certain exceptions. (NRS 392.4646) **Section 8** of this bill removes the requirement if, in the judgment of the principal, the pupil continues to pose a threat and the superintendent has authorized an extension of the removal.

Existing law provides certain requirements concerning the determination that a pupil is deemed a habitual disciplinary problem. (NRS 392.4655) **Section 9** of this bill ~~[removes the presumption that the behavior of the pupil was caused by homelessness, and instead requires the principal to review available information and make such a determination.]~~ **revises the persons to whom a pupil or parent or legal guardian of a pupil may appeal such a determination.**

Under existing law, certain pupils may be suspended or expelled from school for: (1) committing a battery which results in the bodily injury of an employee of the school; or (2) selling or distributing any controlled substance in certain circumstances. (NRS 392.466) **Section 10** of this bill ~~[requires a pupil who commits such an act to be: (1) expelled for the first occurrence; and]~~**: (1) revises the circumstances under which a pupil is expelled or assigned to a temporary alternative placement; and** (2) **requires the pupil to be** permanently expelled for the second occurrence. **Section 10** also requires a school to develop and implement a reentry plan based on restorative justice practices following the first occurrence. **Sections 10 and 11** of this bill **: (1) prohibit the permanent explusion of a pupil who is less than 6 years of age; and (2)** authorize a homeless pupil or a pupil in foster care of any age to be suspended or expelled for not more than 5 days if the principal determines that the conduct of the pupil poses an ongoing threat.

Existing law provides that a pupil may not be suspended or expelled unless the pupil is given the opportunity for a hearing. (NRS 392.467) **Section 11** removes the hearing requirement before suspension or expulsion for certain pupils who: (1) pose a danger to other persons or property; (2) threaten to

disrupt the academic process; (3) are selling or distributing a controlled substance; or (4) are in possession of a firearm or other dangerous weapon.

Existing law provides certain requirements concerning the process for appealing a suspension or expulsion. (NRS 392.4671) **Section 12** of this bill makes these requirements applicable to significant suspensions, expulsions or permanent expulsions.

Existing law requires that, with certain exceptions, a public school must provide a plan of action based on restorative justice to a pupil before removing, suspending or expelling the pupil. (NRS 392.472) **Section 13** of this bill allows a pupil to be temporarily removed in certain circumstances without first providing such a plan.

~~**[**Existing law requires the Department, to the extent money is available, to develop a statewide framework for restorative justice. (NRS 388.1333) Section 15 repeals that provision.**]**~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) Requirements and methods for restorative disciplinary practices that align with the statewide framework for restorative justice if such a framework is developed pursuant to NRS 388.1333; ~~**[**;**]**~~ and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

3. As used in this section, "restorative justice" has the meaning ascribed to it in NRS 392.472.

Sec. 2. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~[If]~~ ***A pupil enrolled in a charter school shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.***

3. Except as otherwise provided in NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, ~~[before]~~ ***at the time of*** the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, ~~[has been]~~ ***are*** given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is ***significantly*** suspended ***,*** ~~[or]~~ expelled ~~[,]~~ ***or permanently expelled,*** the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is ***significantly*** suspended ***,*** ~~[or]~~ expelled ***or permanently expelled*** and is appealing the ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion or a pupil who is being considered for ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

~~[3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.]~~

4. ~~[A pupil with a disability who is at least 11 years of age and who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~(b) Expelled from school pursuant to this section.~~

~~(c) Permanently expelled from school pursuant to this section.~~

~~5.]~~ A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

~~[6.]~~ ***5.*** The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~[7.]~~ ***6.*** As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) ~~["Pupil with a disability" has the meaning ascribed to it in NRS 388.417.]~~ ***"Significantly suspended" has the meaning ascribed to "significant suspension" in NRS 392.4655.***

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 3. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~[If]~~ ***A pupil enrolled in a university school for profoundly gifted pupils shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public***

school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.

3. Except as otherwise provided in NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, ~~[before]~~ ***at the time of*** the suspension or expulsion, the pupil ~~[has been]~~ ***is*** given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is ***significantly*** suspended ***,*** ~~[or]~~ expelled ~~[,]~~ ***or permanently expelled,*** the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is ***significantly*** suspended ***,*** ~~[or]~~ expelled ***or permanently expelled*** and is appealing the ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion or a pupil who is being considered for ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

~~[3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.]~~

4. ~~[A pupil with a disability who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~(b) Expelled from school pursuant to this section.~~

~~(c) Permanently expelled from school pursuant to this section.~~

~~5.]~~ A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

~~[~~6.~~]~~ ***5.*** The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~[~~7.~~]~~ ***6.*** As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) ~~["Pupil with a disability" has the meaning ascribed to it in NRS 388.417.]~~ ***"Significantly suspended" has the meaning ascribed to "significant suspension" in NRS 392.4655.***

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 3.3. **Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a pupil is suspended or expelled from a public school, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils in which the pupil is enrolled or the designee of the board of trustees or governing body, as applicable, shall provide, on the same day that the pupil is suspended or expelled, a notice of the policy for appealing a suspension or expulsion of a pupil adopted by the board of trustees or governing body, as applicable, pursuant to NRS 392.4671, to the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil. A notice provided pursuant to this subsection must:

(a) Include information regarding the timelines for appealing the suspension or expulsion, as applicable, pursuant to subsection 2;

(b) Be written clearly and in a manner that allows the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil, to understand each provision of the policy; and

(c) To the extent practicable, be provided in as many languages as possible.

2. Not later than 5 school days after receiving notification of the suspension or expulsion of the pupil pursuant to NRS 392.4671, the pupil or, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil may file an appeal pursuant to the policy adopted by the board of trustees of the school district or the governing body of the charter school or

university school for profoundly gifted pupils, as applicable, pursuant to NRS 392.4671.

3. Not later than 5 school days after receiving notification of an appeal of a suspension or expulsion made pursuant to the policy adopted pursuant to NRS 392.4671, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, must schedule a hearing.

4. A pupil who is suspended or expelled or is being considered for suspension or expulsion:

(a) May be considered for temporary alternative placement pursuant to NRS 392.4645 if, in the judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the pupil:

(1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to NRS 392.4673; and

(2) The pupil does not pose a serious threat to the safety of the school.

(b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period of suspension or expulsion.

5. As used in this section, "principal" means the lead administrator of a public school, including, without limitation, such an administrator who is referred to by another title.

Sec. 3.5. **NRS 392.4601 is hereby amended to read as follows:**

392.4601 As used in NRS 392.4601 to 392.472, inclusive, ***and section 3.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 392.4603, 392.4605 and 392.4607 have the meanings ascribed to them in those sections.

Sec. 3.7. **NRS 392.4609 is hereby amended to read as follows:**

392.4609 The Department shall adopt any regulations necessary to carry out the provisions of NRS 392.4601 to 392.472, inclusive, ***and section 3.3 of this act,*** including, without limitation, regulations which establish timelines for the purposes of subsection 1 of NRS 392.4671.

Sec. 4. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall collect data on the discipline of pupils. Such data must include, without limitation, the number of expulsions and suspensions of pupils and the number of placements of pupils in another school. Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;

2. Report the data to the ~~[board of trustees]~~ ***superintendent*** of the school district ***or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable,*** each quarter; and

3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 5. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. ~~[Except as otherwise provided in subsection 3, a]~~ ***A*** pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or

(b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms,

➥ unless it substantially disrupts the educational environment ~~[.]~~ ***, creates a risk of harm to another person or places another person in reasonable fear of harm.***

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;

(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;

(d) Using a finger or hand to simulate a firearm or dangerous weapon;

(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and

(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

~~3. [A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:~~

~~(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;~~

~~(b) Causes bodily harm to another person; or~~

~~(c) Places another person in reasonable fear of bodily harm.~~

~~4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.~~

~~5.]~~ The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

~~[6.]~~ ***4.*** As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in NRS 392.466.

(b) "Firearm" has the meaning ascribed to it in NRS 392.466.

Sec. 6. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The ~~[board of trustees]~~ ***superintendent*** of each school district ~~[,]~~ ***and the administrative head of each charter school and university***

school for profoundly gifted pupils shall establish a plan to provide for the restorative discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, pupils who are enrolled in schools within the school district and the parents and guardians of pupils who are enrolled in schools within the school district.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.

(d) Provide restorative disciplinary practices which include, without limitation:

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil.

(e) ~~[Provide for]~~ ***Include provisions that authorize*** the temporary removal of a pupil from a classroom or other premises of a public school ~~[in accordance with]~~ ***pursuant to*** NRS 392.4645.

(f) Provide for the placement of a pupil in a different school ~~[within the school district]~~ in accordance with NRS 392.466.

(g) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(h) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333 ***.*** ~~[, including, without limitation, by addressing]~~

(i) Include consideration of the results of the data collected and reported pursuant to NRS 392.462 and include methods for addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

~~[(i) Be posted on the Internet website maintained by the school district.]~~

2. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators and other educational personnel and support personnel who are employed at the school ***,*** ~~[and]~~ the parents and guardians of pupils and the pupils who are enrolled in the school ~~[;]~~ ***and, if applicable, the organizational team established pursuant to NRS 388G.700;***

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; ***and***

(c) Based upon the review, recommend to the board of trustees of the school district ***or governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel **,** ~~[and]~~ the parents and guardians of pupils and the pupils who are enrolled in the school ~~[.]~~ ***and, if applicable, the organizational team established pursuant to NRS 388G.700,*** if necessary **.** ~~[;~~

~~(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.]~~

3. ***On or before September 30 of each year, the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, other educational personnel and support personnel and, if applicable, organizational teams pursuant to subsection 2.***

4. Not more than 14 days after the receipt of the revised plan issued pursuant to subsection 3, the principal of each school shall:

(a) Post a copy of the plan or the revised plan on the Internet website maintained by the school; and

(b) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school and, if applicable, the organizational team a written or electronic copy of the plan or the revised plan.

5. On or before November 15 of each year, the board of trustees of each school district ***and the governing body of each charter school or university school for profoundly gifted pupils*** shall:

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(b) Post a copy of the report on the Internet website maintained by the school district ~~[.~~

~~4. As used in this section, "restorative justice" has the meaning ascribed to it in NRS 392.472.]~~ ***, charter school or university school for profoundly gifted pupils, as applicable.***

6. If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to

the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific corrective period shall be at least 12 months and not more than 36 months, and shall include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, following the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:

(a) Make measurable progress in addressing the disproportionality or insufficiency listed in the notice received pursuant to this subsection; or

(b) Provide the required progress reports,

➥ the Superintendent of Public Instruction may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.

Sec. 7. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. ~~[Except as otherwise provided in subsection 5, the plan established pursuant to NRS 392.4644 must provide for the temporary removal of a]~~ ***A*** pupil ***may be temporarily removed*** from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. ~~[The plan must provide that, upon]~~ ***Upon*** the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➥ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must offer a pupil who is removed from a classroom or any other premises of the public school pursuant to this section for more than 2 school days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. ~~[~~Before~~]~~ ***When*** removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

6. ~~*[If, in the reasonable judgment of the principal, a teacher or other staff member has unnecessarily removed a pupil from the classroom pursuant to subsection 1, the principal may limit the ability of the teacher or staff member to temporarily remove any pupil from the classroom. If such a determination is made, the:*~~

~~*(a) Teacher or staff member may temporarily remove a pupil from the classroom with the prior approval of the principal;*~~

~~*(b) Principal shall provide written notice to the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee regarding the limitation imposed on the teacher or staff member, the term of the limitation and the plan of corrective action to be taken by the school, principal and teacher or staff member; and*~~

~~*(c) Teacher or staff member whose ability to temporarily remove a pupil from the classroom has been limited shall have the ability to appeal the decision to the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.*~~

~~*7.]*~~ As used in this section, "homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

Sec. 8. NRS 392.4646 is hereby amended to read as follows:

392.4646 1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom or any other premises of a public school pursuant to NRS 392.4645, a conference must be held with:

(a) The pupil;

(b) A parent or legal guardian of the pupil, unless the pupil is an unaccompanied pupil;

(c) The principal of the school; and

(d) The teacher or other staff member who removed the pupil.

➥ The principal shall give an oral and written notice of the conference to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom or other premises of the public school from which the pupil was removed before the conference is held. If the conference is not held within 3 school days after the removal of the pupil, the pupil, including, without limitation, an unaccompanied pupil or a pupil in foster care, must be allowed to return to the classroom or other premises unless:

(a) The parent or legal guardian of the pupil refuses to attend the conference;

(b) The failure to hold a conference is attributed to the action or inaction of the pupil, including, without limitation, an unaccompanied pupil or a pupil in foster care, or the parent or legal guardian of the pupil; ~~[or]~~

(c) The parent or legal guardian requested that the date of the conference be postponed ~~[.]~~ ***; or***

(d) If:

(1) In the judgment of the principal, there is a reasonable expectation that the pupil poses a threat to employees of the school or other pupils enrolled at the school; and

(2) The principal has received written authorization from the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, to extend the period for which the pupil is removed from the classroom or other premises of the public school.

5. During the conference, the teacher who removed the pupil from the classroom, the staff member who removed the pupil from the other premises of the public school or the principal shall provide the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom or other premises. The pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom or other premises was appropriate in their opinion based upon the behavior of the pupil. If the pupil is a homeless pupil, the conference must include consideration of and interventions to mitigate the impact of homelessness on the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom or other premises of a public school ~~[.]~~ ***or such period as deemed appropriate by the superintendent or administrative head, as applicable, pursuant to paragraph (d) of subsection 4,*** the principal shall recommend whether to return the pupil to the classroom or other premises or continue the temporary alternative placement of the pupil if the pupil has been assigned to a temporary alternative placement.

7. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 9. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 6; and

(c) The behavior of the pupil was not caused by homelessness, as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker.

2. A ~~***[Following an assessment of all available information, a]***~~ principal of a school shall presume that ~~***[make a reasonable determination whether]***~~

the behavior of the pupil was caused by homelessness unless the principal determines the behavior was not caused by homelessness pursuant to subsection 1.

3. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the ~~[~~board of trustees~~]~~ ***superintendent*** of the school district ~~[~~.~~]~~ ***or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable.*** Upon receipt of such a request, the ~~[~~board of trustees~~]~~ ***superintendent or administrative head*** shall review the initial request and determination pursuant to the procedure established by the board of trustees ***of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters.

4. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 6, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 6.

5. A school shall provide the notice required by subsection 4 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

6. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil

or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

7. If a pupil commits the same act for which notice was provided pursuant to subsection 4 after he or she enters into a plan of behavior pursuant to subsection 6, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

8. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

9. The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the ~~[board of trustees]~~ ***superintendent*** of the school district ***or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable,*** a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the ~~[board of trustees]~~ ***superintendent*** of the school district ***or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable,*** shall review the determination in accordance with the procedure established by the board of trustees ***of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters.

10. As used in this section:

(a) "Significant suspension" means the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

(b) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 10. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~[and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school]~~ shall ~~[provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may~~ ***, for the first occurrence,]*** be ~~[suspended or]~~ expelled from the school ~~[, in which case the pupil shall:]~~ ***or be assigned to a temporary alternative placement pursuant to subsection 2 of NRS 392.4645. Following such a removal, the school must develop a reentry plan for the pupil that is based on restorative justice practices and, if the pupil is not an unaccompanied pupil, provide such a plan to the parent or legal guardian of the pupil. For the second occurrence, the pupil shall be permanently expelled from the school and:***

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil with a disability who committed the battery, the board of trustees of the school district ***or governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil of any age, including, without limitation, a pupil with a disability, who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus

must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The ~~[school district of the]~~ current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655 ~~[, the pupil is at least 11 years of age]~~ and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

(a) Suspended from the school; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district ***or the administrative head of a charter school or university school for profoundly gifted pupils*** may, for good cause shown in a particular case ***,*** ~~[in that school district,]~~ allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. ~~[The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.]~~

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district ~~[.]~~ ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable.***

9. Except as otherwise provided in this subsection and subsection 3 ~~[,]~~ ***or ~~[10,]~~ 11,*** a pupil who is ***at least 6 years of age but*** less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the ~~[~~board of trustees~~]~~ ***superintendent*** of the school district ~~[.]~~ ***or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable.*** A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section ~~[~~only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.~~]~~ ***only if the suspension, expulsion or permanent expulsion is conducted consistent with policies adopted by the board of trustees or governing body, as applicable, pursuant to NRS 392.467.***

10. ***A pupil who is less than 6 years of age must not be permanently expelled from school.***

11. Except as otherwise provided in subsection 3, a pupil with a disability ~~[~~who is at least 11 years of age~~]~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district ***or governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters and only after ~~[~~the board of trustees of the school district or its designee has reviewed~~]~~ ***an administrative review of*** the circumstances and ~~[~~determined~~]~~ ***a determination*** that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than ~~[5]~~ ***10*** days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[11.]~~ ***12.*** A homeless pupil or a pupil in foster care ~~[~~who is at least 11 years of age~~]~~ may be suspended ~~[~~or expelled~~]~~ from school pursuant to this section ~~[~~only~~]~~ ***for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and*** if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A ~~***[make a reasonable]***~~ determination that the behavior was not caused by homelessness must be made in consultation ~~***[following:***~~

~~***(a) A review of all relevant information;***~~

~~*(b) Consultation]*~~ with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker . A determination that the behavior was not caused by being in foster care must be made in consultation ~~*[; and*~~

~~*(c) Consultation]*~~ with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~[12.]~~ ***13. The principal of a public school may, at his or her discretion, reduce or eliminate the period of suspension, convert an expulsion to a suspension or otherwise reduce, eliminate or alter a disciplinary action imposed upon a pupil who commits a battery which results in the bodily injury of an employee of the school.***

14. The principal of a public school may reduce the period of suspension or convert an expulsion to a suspension for a pupil who distributes a controlled substance while on the premises of a public school, at an activity sponsored by a public school or on a school bus if:

(a) The pupil is less than 11 years of age;

(b) The pupil has not engaged in such proscribed conduct before; and

(c) After a thorough review of the facts and circumstances, the principal determines that the pupil did not know that the substance being distributed was a controlled substance.

~~*[13.]*~~ ***15.*** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~[13. *14.]*~~ ***16.*** As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(e) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(f) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(g) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(h) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

~~[14.]~~ ***17.*** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 11. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~[5 and]~~ 6 ***and 7,*** ~~[and NRS 392.466,]~~ the board of trustees of a school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from ~~[any]~~ ***a*** public school ***.*** ~~[within the school district.]~~ Except as otherwise provided in ~~[this subsection and subsection 3 of]~~ NRS 392.466, a pupil who is ***at least 6 years of age but*** less than 11 years of age must not be permanently expelled from school ~~[. In]~~ ***absent*** extraordinary circumstances ***.*** ~~[, a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.]~~

2. ***A pupil who is less than 6 years of age must not be permanently expelled from school.***

3. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity ~~[for]~~ ***to schedule*** a hearing, except that a pupil who ~~[is]~~ ***:***

(a) Poses a continuing danger to persons or property;

(b) Is an ongoing threat of disrupting the academic process;

(c) Is selling or distributing any controlled substance; or

(d) Is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 ***,***

➥ may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to

be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

~~[3.]~~ ***4.*** The board of trustees of a school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** or its designee may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

(a) Conducts an independent investigation of the conduct of the pupil; and

(b) Gives notice of the charges brought against the pupil by the school to the pupil.

~~[4.]~~ ***5.*** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~[5.]~~ ***6.*** The board of trustees of a school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** or its designee shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~[6.]~~ ***7.*** A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district ***or governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters and only after ~~[the board of trustees of the school district or its designee has reviewed]~~ ***an administrative review of*** the circumstances and ~~[determined]~~ ***a determination*** that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than ~~[5]~~ ***10*** days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[7.]~~ ***8.*** A homeless pupil or a pupil in foster care ~~[who is at least 11 years of age]~~ may be suspended ~~[or expelled]~~ from school pursuant to this section ~~[only]~~ ***for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and*** if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A ~~[make a reasonable]~~

determination that the behavior was not caused by homelessness must be made in consultation ~~***[following:***~~

~~***— (a) A review of all relevant information;***~~

~~***— (b) Consultation]***~~ with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker . A determination that the behavior was not caused by being in foster care must be made in consultation ~~***[, and***~~

~~***— (c) Consultation]***~~ with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~**[8.]**~~ ***9.*** As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 12. NRS 392.4671 is hereby amended to read as follows:

392.4671 1. The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils, as applicable, shall adopt a policy for appealing the ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion of a pupil enrolled in the school district, charter school or university school, as applicable. The policy must provide, without limitation, that:

(a) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may authorize the ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609;

(b) Within the timeline established by the Department pursuant to NRS 392.4609, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall notify the pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil who is ~~[~~suspended~~]~~ ***given a significant suspension, expelled*** or ***permanently*** expelled of:

(1) The ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion;

(2) The right to appeal the ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion; and

(3) Information on the appeal policy adopted by the board of trustees of the school district or the governing body of the charter school or university school, as applicable;

(c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, who is ~~[suspended]~~ ***given a significant suspension, expelled*** or ***permanently*** expelled may file an appeal with the board of trustees of the school district, the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, within the timeline established by the Department pursuant to NRS 392.4609;

(d) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall schedule a hearing on an appeal of a ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609; and

(e) After conducting a hearing pursuant to this subsection, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may not increase the initial ***significant*** suspension or expulsion of a pupil.

2. The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall post the appeal policy on the Internet website of the school district and each school within the district or of the charter school or university school, as applicable.

3. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

4. As used in this section:

(a) "Permanently expelled" has the meaning ascribed to it in NRS 392.466.

(b) "Significant suspension" has the meaning ascribed to it in NRS 392.4655.

Sec. 13. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS ***392.4645 and*** 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team;

(e) A referral to appropriate community-based services; and

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the statewide framework for restorative justice developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;

(b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;

(c) One or more models of restorative justice and best practices relating to restorative justice;

(d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

(e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. As used in this section:

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 15. ~~[~~NRS 388.1333 is hereby repealed.~~]~~ **(Deleted by Amendment)**

Sec. 16. This act becomes effective upon passage and approval.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~388.1333 Development of statewide framework for restorative justice by Department.~~

~~1. To the extent that money is available, the Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:~~

~~(a) In accordance with NRS 392.472, establish standards for a plan of action based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;~~

~~(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;~~

~~(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;~~

~~(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information on, without limitation:~~

~~(1) Multi-tiered systems of support;~~

~~(2) Early warning systems;~~

~~(3) Positive behavioral interventions and support;~~

~~(4) The provision of school social workers;~~

~~(5) Curriculum on social and emotional learning; and~~

~~(6) Trauma-informed practices; and~~

~~(e) Provide for training for teachers, administrators and other school staff in:~~

~~(1) Child and adolescent development;~~

~~(2) Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and~~

~~(3) Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.~~

~~2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.~~

~~3. As used in this section:~~

~~(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.~~

~~(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).~~

~~(c) "Restorative justice" has the meaning ascribed to it in NRS 392.472.~~

~~(d) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).]~~

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 440.

AN ACT relating to student education loans; providing for the licensing and regulation of student loan servicers by the Commissioner of Financial Institutions; requiring student loan servicers to pay certain assessments and fees; **authorizing the Commissioner to participate in the Nationwide Multistate Licensing System and Registry with respect to the issuance and renewal of a license to engage in student loan servicing; authorizing the Commissioner to take certain actions relating to participation in the Registry;** authorizing and requiring the Student Loan Ombudsman to perform certain acts; providing for the regulation of private education loans and private

education lenders by the Commissioner; requiring the Commissioner to adopt certain regulations; authorizing the Commissioner to engage in certain activities relating to the monitoring of the market for the provision of student loan servicing and student education loans; ~~[establishing certain duties and prohibitions applicable to postsecondary educational institutions;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Financial Institutions to supervise and control various financial institutions, lenders and fiduciaries, including, without limitation, banks, credit unions, payday lenders and trust companies. (Chapter 604A of NRS, title 55 of NRS) **Sections 2-51** of this bill add a new chapter to the Nevada Revised Statutes to provide for the licensing and regulation of student loan servicers by the Commissioner, as well as the regulation of private education loans and private education lenders. **Sections 3-13** of this bill define terms used in the new chapter. **Section 14** of this bill provides for money received pursuant to the new chapter to be accounted for separately and used for the regulation of student loan servicers. **Sections 15-21, 25, 44 and 45** of this bill set forth requirements relating to the licensing of student loan servicers. In particular, **section 15** prohibits a person from acting as a student loan servicer without obtaining a license from the Commissioner to do so, and also sets forth the persons exempted from this licensure requirement. **Section 16** of this bill sets forth various requirements for applying for a license, including, without limitation, the payment of a license fee and an investigation fee and the submission of a surety bond. **Section 45** provides that all fees paid are nonrefundable. **Section 20** of this bill requires the Commissioner to issue a license to persons who engage in student loan servicing in this State only pursuant to certain contracts with the federal government without requiring those persons to comply with the standard requirements for the issuance of a license. **Section 20**: (1) requires persons who are issued such a license to comply with other relevant provisions of law; and (2) provides for the expiration of such a license not later than 37 days after the expiration, revocation or termination of the federal contract that provided the basis for the issuance of the license. **Sections 20.1- 20.8 of this bill authorize the Commissioner: (1) in furtherance of his or her duties with respect to the issuance and renewal of licenses as a student loan servicer, to participate in the Nationwide Multistate Licensing System and Registry; and (2) to take certain actions regarding such participation. Section 20.4: (1) requires the Commissioner to report to the Registry certain information concerning violations of applicable laws by applicants for licensure and licensees; and (2) authorizes the Commissioner to enter into certain agreements with certain entities. Section 20.2 authorizes the Commissioner to: (1) require an applicant for licensure or a licensee seeking to renew a license to submit a complete set of fingerprints when the Commissioner determines necessary; and (2) use the Registry to process and submit the fingerprints to the Federal Bureau of Investigation**

and certain other federal and state agencies for the purposes of conducting a criminal background check. Section 20.6 of this bill requires an applicant for the issuance of a license and certain other persons to submit a complete set of fingerprints and certain other information to the Registry. Section 20.8 authorizes the Commissioner to issue a license as a student loan servicer through the Registry. **Section 21** provides for the annual expiration and renewal of a license as a student loan servicer.

Sections 22-24 and 26-30 of this bill set forth requirements governing the business practices and other actions of student loan servicers. Specifically, **section 22** sets forth requirements applicable to a licensee ceasing to engage in the business of student loan servicing in this State. **Section 23** of this bill sets forth requirements applicable to a person who provides a check or other method of payment to the Commissioner which is returned or otherwise dishonored. **Section 24** requires licensees and applicants for licenses to notify the Commissioner of any changes in certain information provided to the Commissioner. **Sections 26 and 28** of this bill set forth requirements concerning business names, business locations and recordkeeping relating to student loan servicers and student education loans. **Section 29** of this bill prohibits a student loan servicer from engaging in certain specified conduct. **Section 30** of this bill authorizes the Student Loan Ombudsman in the Office of the State Treasurer or any member of the public to file a complaint with the Commissioner concerning the actions of a student loan servicer.

Sections 31-37 of this bill establish provisions for a particular type of student **education** loan, the private education loan, and for private education loan borrowers and private education lenders. In particular, **sections 31 and 32** of this bill establish certain protections for cosigners of private education loans. **Section 32** also prohibits a private education lender from accelerating repayment of a private education loan except in cases of a default in payment. **Section 33** of this bill establishes the rights and duties of private education lenders in cases of the total and permanent disability of a private education loan borrower or his or her cosigner. **Sections 34-36** of this bill set forth requirements and prohibitions governing the business practices and other actions of private education lenders. **Section 37** provides that a private education lender is not exempt from any applicable licensing requirements imposed by any other specific statute.

Sections 38, 39 and 41-43 of this bill: (1) authorize the Commissioner to conduct investigations and examinations relating to student loan servicers and student education loans; (2) require the Commissioner to conduct such investigations and examinations at least annually; (3) require licensees to pay for such investigations and examinations; (4) authorize the Commissioner to retain certain professionals and specialists, enter into certain agreements and use certain resources for the purposes of investigations and examinations; (5) describe the scope of the authority of the Commissioner with regard to investigations and examinations; and (6) prohibit a student loan servicer or other person under examination or investigation from knowingly withholding

or otherwise preventing access to information relating to the examination or investigation.

Existing law requires financial institutions to pay assessments established by the Commissioner to cover: (1) the costs of certain independent audits and examinations; (2) legal services provided by the Attorney General to the Commissioner and the Division of Financial Institutions; and (3) supervision and examinations by the Commissioner or Division. (NRS 658.055, 658.098, 658.101) **Sections 39 and 53** of this bill require a licensed student loan servicer to pay those assessments. **Section 40** of this bill authorizes the Commission to monitor the market for the provision of student loan servicing and student education loans for risks to consumers and to take certain actions relating to such monitoring.

Section 44 sets forth grounds upon which the Commissioner may deny an application for a license or suspend, revoke or refuse to renew a license. **Section 46** of this bill requires a student loan servicer **and a private education lender** to comply with certain federal laws and regulations, and deems a violation of those federal laws or regulations to be a violation of Nevada law**.** ~~**[**upon which the Commissioner may act.**]**~~ **Sections 47, 48 and 50** of this bill establish the rights, remedies and penalties available for violations of the new chapter. **Sections 49 and 56** of this bill make confidential any books, records or other information obtained by the Division in connection with an application, complaint, audit, investigation or examination. **Section 51** requires the Commissioner to adopt any regulations necessary to carry out the provisions of the new chapter. **Section 52** of this bill makes a conforming change to indicate the proper placement of the new chapter in the Nevada Revised Statutes.

Existing law establishes the duties of the Student Loan Ombudsman designated by the State Treasurer. Those duties include receiving, reviewing and attempting to resolve complaints from student loan borrowers. (NRS 226.570) **Section 54** of this bill requires the Student Loan Ombudsman to make those complaints available to the Attorney General. **Section 55** of this bill makes a conforming change to indicate the proper placement of **section 54** in the Nevada Revised Statutes.

~~**[**Section 57 of this bill imposes certain requirements on postsecondary educational institutions with respect to the presentation of accurate information about the institution to the Commission on Postsecondary Education within the Employment Security Division of the Department of Employment, Training and Rehabilitation. Section 57 also requires postsecondary educational institutions to timely notify the Commission on Postsecondary Education if the institution becomes subject to an investigation by an oversight entity. Section 58 of this bill requires that the funds to carry out the provisions of section 57 be provided by legislative appropriation from the General Fund. Section 59 of this bill provides that a person who willfully violates the provisions of section 57 is guilty of a gross misdemeanor.**]**~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 55 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 51, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 3. ***1. "Control person" means:***

(a) An executive officer, director, general partner, trustee, member, qualified employee or shareholder of a student loan servicer, licensee or applicant for a license; or

(b) A person who is authorized to participate in direct or indirect control of the management or policies of a student loan servicer, licensee or applicant for a license.

2. As used in this section, "executive officer" means an officer, manager, partner or managing member of a student loan servicer, licensee or applicant for a license. The term includes, without limitation, a chief executive officer, president, vice president, chief financial officer, chief operating officer, chief legal officer, controller or compliance officer or a natural person who holds any similar position.

Sec. 4. ***"Cosigner" means:***

1. Any person who is liable for the obligation of another without compensation, regardless of how the person is designated in the contract or instrument with respect to that obligation, including, without limitation, an obligation under a private education loan extended to consolidate a borrower's pre-existing private education loans. The term includes any person whose signature is requested as a condition to grant credit or to forbear on collection.

2. As used in this section, the term does not include a spouse of a person described in subsection 1 whose signature is needed to perfect the security interest in a loan.

Sec. 5. ***"License" means a license issued by the Commissioner pursuant to this chapter.***

Sec. 6. ***"Licensee" means a student loan servicer licensed by the Commissioner pursuant to this chapter.***

Sec. 6.5. "Nationwide Multistate Licensing System and Registry" or "Registry" has the meaning ascribed to it in NRS 604A.083.

Sec. 7. ***1. "Private education lender" means any person engaged in the business of securing, making or extending private education loans, or any holder of a private education loan.***

2. To the extent that state law is not preempted by federal law, the term does not include:

(a) A bank, savings bank, savings and loan association or credit union;

(b) A wholly owned subsidiary of a bank or credit union; ~~[or]~~

(c) An operating subsidiary if each owner of the operating subsidiary is wholly owned by the same bank or credit union ~~[.]~~ ;

(d) The Nevada System of Higher Education; or

(e) The Western Interstate Commission for Higher Education.

Sec. 8. *1. "Private education loan" means an extension of credit that is:*

(a) Extended to a consumer expressly, in whole or in part, for postsecondary educational expenses, regardless of whether the loan is provided by the educational institution that the student attends; and

(b) Not made, insured or guaranteed under Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1070 et seq.

2. The term does not include an:

(a) Open-end credit or any loan that is secured by real property or a dwelling; or

(b) Extension of credit in which the covered educational institution is the creditor if:

(1) The term of the extension of credit is 90 days or less; or

(2) An interest rate is not applied to the credit balance and the term of the extension of credit is 1 year or less, even if the credit is payable in more than four installments.

Sec. 9. *"Private education loan borrower" means any resident of this State who has received or agreed to pay a private education loan for the borrower's own educational expenses.*

Sec. 10. *"Student education loan" means any loan primarily for personal use to finance education or other school-related expenses. The term includes a private education loan.*

Sec. 11. *"Student loan borrower" means a:*

1. Resident of this State who receives or agrees to pay a student education loan; or

2. Person who shares responsibility with such a resident for repaying the student education loan.

Sec. 12. *"Student loan servicer" means any person, wherever located, responsible for the servicing of any student education loan to any student loan borrower. The term includes a licensee and a person who engages in student loan servicing without a license pursuant to subsection 2 of section 15 of this act. The term does not include the Nevada System of Higher Education or the Western Interstate Commission for Higher Education.*

Sec. 13. *"Student loan servicing" or "servicing" means:*

1. Receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan or any notification that a student loan borrower made such a scheduled periodic payment and applying the payments to the account of a student loan

borrower, as may be required pursuant to the terms of a student education loan or a contract governing the servicing of a student education loan;

2. During a period in which no payment is required on a student education loan, maintaining account records for a student education loan and communicating with the student loan borrower on behalf of the owner of the promissory note for the student education loan; or

3. Interacting with a student loan borrower concerning a student education loan ~~[with the goal of helping the student loan borrower avoid]~~ , including activities to prevent default on the student education loan ~~[or facilitating]~~ , to facilitate the activities described in subsection 1 or 2.

Sec. 14. *1. The Commissioner shall:*

(a) Administer and account for separately the money received pursuant to this chapter.

(b) Use the money received pursuant to this chapter for the purposes set forth in this chapter.

2. Any money that remains in the account created pursuant to subsection 1 at the end of the fiscal year does not revert to the State General Fund, and the balance of the account must be carried forward to the next fiscal year.

3. Any interest or income earned on the money in the account created pursuant to subsection 1 must be credited to the account, after deducting any applicable charges. Any claims against the account must be paid as other claims against the State are paid.

Sec. 15. *1. Except as otherwise provided in subsection 2, a person shall not act as a student loan servicer, directly or indirectly, without first obtaining a license from the Commissioner pursuant to this chapter.*

2. The following persons may act as a student loan servicer without obtaining a license pursuant to this chapter:

(a) Any bank, savings and loan association, savings bank, thrift company or credit union, whether chartered by this State, another state or the Federal Government.

(b) Any wholly owned subsidiary of any person identified in paragraph (a).

(c) Any operating subsidiary of any person identified in paragraph (a) if each owner of the operating subsidiary is wholly owned by the same person identified in paragraph (a).

Sec. 16. *Except as otherwise provided in section 20 of this act, a person may apply for a license as a student loan servicer by submitting a written application to the Commissioner on a form prescribed by the Commissioner. The application must be accompanied by:*

1. A financial statement prepared by a certified public accountant or a public accountant, the accuracy of which is sworn to under oath before a notary public by the proprietor, a general partner or a corporate officer or a member authorized to execute such documents;

2. ~~[Written consent authorizing the Commissioner to conduct a background investigation of the applicant and, if applicable, each control person of the applicant, including, without limitation, authorization to obtain:~~

~~(a) An independent credit report from a consumer reporting agency, as defined in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);~~

~~(b) A criminal history report from the Federal Bureau of Investigation or any criminal history repository of any state, national or international governmental agency or entity; and~~

~~(c) Information related to any administrative, civil or criminal proceedings in any jurisdiction in which the applicant, or a control person of the applicant, is or has been a party;~~

~~3. A complete set of fingerprints of the applicant or, if the applicant is not a natural person, a complete set of fingerprints of each control person of the applicant, and written permission authorizing the Division of Financial Institutions to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;~~

~~4.]~~ Any other information requested by the Commissioner or otherwise required in connection with the evaluation and investigation of the applicant's qualifications and suitability for licensure;

~~[5.]~~ 3. A nonrefundable license fee of $1,000;

~~[6.]~~ 4. A nonrefundable investigation fee of $800; and

~~[7.]~~ 5. A surety bond in an amount determined by the Commissioner.

Sec. 17. *Except as otherwise provided in section 20 of this act:*

1. In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall:

(a) Include the social security number of the applicant or control person, as applicable, in the application submitted to the Commissioner.

(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:

(a) Fails to submit the statement required by subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in

compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant or a control person indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant or control person, as applicable, to contact the district attorney or other public agency enforcing the order to determine the actions that he or she may take to satisfy the arrearage.

5. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant or control person by the district attorney or other public agency pursuant to NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

6. The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 18. ~~[***Except as otherwise provided in section 20 of this act:***~~

~~***1. In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.***~~

~~***2. The Commissioner shall include the statement required pursuant to subsection 1 in:***~~

~~***(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or***~~

~~***(b) A separate form prescribed by the Commissioner.***~~

~~***3. A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:***~~

~~***(a) Fails to submit the statement required by subsection 1; or***~~

~~***(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other***~~

~~*public agency enforcing the order for the repayment of the amount owed pursuant to the order.*~~

~~*4. If an applicant or a control person indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant or control person, as applicable, to contact the district attorney or other public agency enforcing the order to determine the actions that he or she may take to satisfy the arrearage.*~~

~~*5. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant or control person by the district attorney or other public agency pursuant to NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*~~

~~*6. The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.]~~ **(Deleted by amendment.)**

Sec. 19. *Except as otherwise provided in section 20 of this act, upon the filing of an application for an initial license and the payment of the license fee and the investigation fee and submission of the surety bond required by section 16 of this act, the Commissioner shall investigate the financial condition and responsibility, financial and business experience, character and general fitness of the applicant. The Commissioner may issue a license if the Commissioner finds that:*

1. The applicant's financial condition is sound;

2. The applicant's business will be conducted honestly, fairly, equitably, carefully and efficiently within the purposes and intent of this chapter and in a manner commanding the confidence and trust of the community;

3. If the applicant is:

(a) A natural person, the person is in all respects properly qualified and of good character;

(b) A partnership, each partner is in all respects properly qualified and of good character;

(c) A corporation or association, the president, chairperson of the executive committee, senior officer responsible for the corporation's business and chief financial officer or any other person who performs

similar functions as determined by the Commissioner, each director, each trustee and each shareholder owning 10 percent or more of each class of the securities of such corporation is in all respects properly qualified and of good character; or

(d) A limited liability company, each member is in all respects properly qualified and of good character;

4. No person on behalf of the applicant knowingly has made any incorrect statement of a material fact in the application, or in any report or statement made pursuant to this chapter;

5. No person on behalf of the applicant knowingly has omitted to state any material fact necessary to give the Commissioner any information lawfully required by the Commissioner;

6. The applicant has paid the license fee and the investigation fee and submitted the surety bond required by section 16 of this act; and

7. The applicant has met any other requirements set forth by the Commissioner in regulations adopted pursuant to this chapter.

Sec. 20. ***1. A person seeking to act as a student loan servicer is exempt from the application procedures described in subsections 1 ~~[to 4, inclusive,]~~ and 2 of section 16 of this act and section 20.6 of this act upon a determination by the Commissioner that the person's student loan servicing performed in this State is conducted pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f. The Commissioner shall, by regulation, prescribe the procedure for documenting a person's eligibility for this exemption.***

2. Upon payment of the license fee and investigation fee and the submission of the surety bond required by section 16 of this act, the Commissioner shall:

(a) Issue a license to a person determined to be exempt pursuant to this section; and

(b) Deem the person to have satisfied all requirements set forth in ~~[section]~~ sections 16 and 20.6 of this act.

3. A person issued a license pursuant to this section:

(a) Is exempt from the requirements of sections 17, ~~[18 and]~~ 19 and 20.2 of this act; and

(b) Shall, except to the extent that those requirements are inconsistent with federal law, comply with all other applicable provisions of this chapter, including, without limitation, the record retention requirements set forth in section 28 of this act.

4. A person issued a license pursuant to this section shall provide the Commissioner with written notice within 7 days after notification of the expiration, revocation or termination of a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f. The person must satisfy all requirements set forth in ~~[section]~~ sections 16 and 20.6 of this act not later than 30 days after submitting such notice to the Commissioner in order to continue to act as a student loan servicer. At the

expiration of the 30-day period, if the requirements have not been satisfied, the Commissioner shall immediately suspend a license granted to the person pursuant to this section.

5. With respect to student loan servicing not conducted pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f, nothing in this section prevents the Commissioner from issuing or filing a civil action for an order to temporarily or permanently bar a person from acting as a student loan servicer for violating applicable law.

Sec. 20.1. 1. The Commissioner may, in furtherance of his or her duties with respect to the issuance and renewal of licenses, participate in the Nationwide Multistate Licensing System and Registry. The Commissioner may take any action with respect to participation in the Registry that the Commissioner deems necessary to carry out his or her duties, including, without limitation:

(a) Facilitating and participating in the establishment and implementation of the Registry;

(b) Establishing relationships or contracts with the Registry or other entities designated by the Registry;

(c) Authorizing the Registry to collect and maintain records of applicants for licenses and licensees;

(d) Authorizing the Registry to, on behalf of the Commissioner, collect and process any fees associated with licensure, examinations, fines, assessments and any other similar fees;

(e) Requiring an applicant for a licensee to use the Registry to:

(1) Apply for the issuance or renewal of a license;

(2) Amend or surrender a license;

(3) Submit any reports or the results of any examination that the Commissioner may require;

(4) Pay any applicable fees; and

(5) Engage in any other activity that the Commissioner may require; and

(f) Authorizing the Registry to, on behalf of the Commissioner, collect fingerprints in order to receive or contact a background check on the criminal history of an applicant for a license or a licensee.

2. An applicant for a license or a licensee shall, in addition to any other fees associated with the license, pay all applicable charges to use the Registry, including, without limitation, any processing charges established by the administrator of the Registry.

3. The Commissioner may adopt any regulations the Commissioner determines to be necessary or appropriate to carry out the provisions of this section. Such regulations may, without limitation, establish additional procedures and requirements for participation in the Registry.

4. The provisions of this section shall not be construed to replace or affect the authority of the Commissioner to grant, deny, suspend, terminate, revoke or refuse to renew a license.

Sec. 20.2. ***1. The Commissioner may require an applicant for a license or a licensee to submit a complete set of fingerprints when the Commissioner determines necessary.***

2. The Commissioner may use the services of the Registry to process and to submit the fingerprints to the Federal Bureau of Investigation, to the Central Repository for Nevada Records of Criminal History, to any federal or state law enforcement agency or to any other entity authorized to receive such information for the purpose of conducting a background check of the criminal history of an applicant for a license or a licensee.

Sec. 20.4. ***1. Subject to any limitations or restrictions contained in federal or state law governing the privacy or confidentiality of records, the Commissioner shall report regularly any violations of applicable laws committed by applicants for a license or licensees, enforcement actions and other relevant information to the Registry.***

2. The requirements under any federal or state law, including, without limitation, rules of a federal or state court, regarding the privacy and confidentiality of any information or material provided to the Registry and any privilege arising under federal or state law with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with oversight authority over licensees without the loss of privilege or the loss of confidentiality protections provided by federal or state law.

3. The Commissioner may enter into agreements or sharing arrangements with other governmental agencies, the Conference of State Bank Supervisors, the State Regulatory Registry, LLC, or other associations representing governmental agencies.

Sec. 20.6. ***Except as otherwise provided in section 20 of this act, in addition to any other requirements set forth by specific statute, each applicant for the issuance of a license, each control person of the applicant and any other person the Commissioner may require in accordance with guidelines of the Registry or other multistate agreements shall submit to the Registry:***

1. A complete set of fingerprints for submission to the Federal Bureau of Investigation and any other governmental agency or entity authorized to receive such information for a state, national and international background check on the criminal history of the person;

2. Information concerning the personal history, financial history and experience of the person in a form prescribed by the Registry, including, without limitation, an authorization of the person for the Registry and the Commissioner to obtain:

(a) An independent credit report and credit score from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f), for the purpose of evaluating the financial

responsibility of the person at the time of the submission of the application; and

(b) Additional independent credit reports and credit scored to confirm that the applicant continues to comply with any applicable requirements concerning financial responsibility;

3. Information related to any administrative, civil or criminal findings made by any governmental jurisdiction concerning the person; and

4. Any other information concerning the person that the Registry or Commissioner may require.

Sec. 20.8. 1. Each licensee shall register with and maintain a valid unique identifier with the Registry.

2. The Commissioner may issue a license through the Registry.

3. To the extent that the Commissioner has delegated to the Registry any of his or her duties with respect to the issuance and renewal of a licenses as authorized by this chapter, any reference to the Commissioner in this chapter shall be deemed to be a reference to the Registry.

4. As used in this section, "unique identifier" means a number or other identifier assigned by the protocols of the Registry.

Sec. 21. *1. A license issued pursuant to this chapter expires on December 31 of each year following its issuance, unless renewed or earlier surrendered, suspended or revoked pursuant to this chapter.*

2. A licensee may renew ~~[the license]~~ a license issued pursuant to section 19 of this act by filing with the Commissioner an application containing the documents and fees set forth in section 16 of this act for an initial license. Such a renewal application shall be deemed to be timely filed if filed on or before November 1 of the year in which the license expires. Any renewal application filed with the Commissioner after November 1 must be accompanied by a late fee of $100 and, if so, such a filing also shall be deemed to be timely filed. If an application for renewal of a license is timely filed with the Commissioner pursuant to this subsection on or before the date the license expires, the license sought to be renewed continues in full force and effect until the issuance by the Commissioner of the renewed license or until the Commissioner notifies the licensee in writing of the Commissioner's refusal to issue a renewed license together with the grounds upon which such refusal is based. The Commissioner may refuse to issue a renewed license on any ground on which the Commissioner may refuse to issue an initial license.

3. A licensee may renew a license issued pursuant to section 20 of this act by filing with the Commissioner, before the expiration of the license, an application containing any documents and fees required pursuant to section 20 for an initial license.

4. Annually, on or before April 15, each licensee shall file with the Commissioner and the Nationwide Multistate Licensing System and Registry a report of operations of the licensed business for the immediately preceding calendar year under oath and on a form prescribed by the Commissioner.

Sec. 22. *1. Not later than 15 days after a licensee ceases to engage in the business of student loan servicing in this State for any reason, including, without limitation, a business decision to terminate operations in this State, license revocation, bankruptcy or voluntary dissolution, the licensee shall provide written notice of surrender to the Commissioner and shall surrender to the Commissioner its license for each location in which the licensee has ceased to engage in such business.*

2. A written notice of surrender provided pursuant to subsection 1 must identify the location where the records of the licensee will be stored and the name, address and telephone number of a natural person authorized to provide access to the records.

3. The surrender of a license does not reduce or eliminate the licensee's civil or criminal liability arising from acts or omissions occurring before the surrender of the license, including, without limitation, any administrative actions undertaken by the Commissioner to revoke or suspend a license, assess a civil penalty, order restitution or exercise any other authority provided to the Commissioner.

Sec. 23. *If the Commissioner determines that a check or other method of payment which is provided to the Commissioner to pay any fee required pursuant to this chapter has been returned to the Commissioner or otherwise dishonored because the person had insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because the person stopped payment on the check or other method of payment, the Commissioner shall automatically refuse to issue, suspend or refuse to renew the license, as applicable. The Commissioner must give the licensee reasonable advance notice of this automatic action and an opportunity for a hearing.*

Sec. 24. *A licensee or an applicant for a license shall notify the Commissioner, in writing, of any change in the information provided in the initial application for a license or the most recent application for renewal of such a license, as applicable, not later than 10 business days after the occurrence of the event that results in such information becoming inaccurate.*

Sec. 25. *The Commissioner may deem an application for a license abandoned if the applicant fails to respond to any request for information required pursuant to this chapter or any regulations adopted pursuant thereto. The Commissioner shall notify the applicant, in writing, that if the applicant fails to submit such information not later than 60 days after the date on which such a request for information was made, the application shall be deemed abandoned. Any fees paid before the date an application is deemed abandoned pursuant to this section must not be refunded. Abandonment of an application pursuant to this section does not preclude the applicant from submitting a new application for a license pursuant to this chapter.*

Sec. 26. ***A licensee shall not act as a student loan servicer or engage in student loan servicing under any other name or at any other place of business than that identified in the license. The licensee must notify the Commissioner in advance of any change of location of a place of business of the licensee. Only one place of business may be maintained under one license, but the Commissioner may issue more than one license to the same licensee upon the licensee's application for a license for each place of business. A license is not transferable or assignable.***

Sec. 27. ***1. Except ~~[as otherwise provided by]~~ to the extent inconsistent with federal law or regulation, a student loan servicer shall:***

(a) Respond to any written inquiry from a student loan borrower or the representative of a student loan borrower by:

(1) Acknowledging receipt of the inquiry within 10 business days; and

(2) Providing information relating to the inquiry, and, if applicable, the action the student loan servicer will take to correct the account or an explanation of the student loan servicer's position that the student loan borrower's account is correct, within 30 business days.

(b) Inquire of a student loan borrower how to apply an overpayment to a student education loan. A student loan borrower's instruction on how to apply an overpayment to a student education loan must stay in effect for any future overpayments during the term of the student education loan unless the student loan borrower provides different instructions. For the purposes of this paragraph, "overpayment" means a payment on a student education loan that is in excess of the monthly amount due from the student loan borrower on the student education loan, commonly referred to as a prepayment.

(c) Apply a partial payment from a student loan borrower on a student education loan in a manner that minimizes late fees and negative credit reporting. If there are multiple loans on a student loan borrower's account at an equal stage of delinquency, a student loan servicer shall satisfy the requirements of this subsection by applying the partial payment to satisfy as many individual loan payments as possible on the student loan borrower's account. For purposes of this subsection, "partial payment" means a payment to a student education loan account that contains multiple individual loans if the payment is in an amount less than the amount necessary to satisfy the outstanding payment due on all loans in the student education loan account, commonly referred to as an underpayment.

2. If the sale, assignment or other transfer of the servicing of a student education loan results in a change in the identity of the person to whom a student loan borrower is required to send payments or direct any communication concerning the student education loan:

(a) As a condition of a sale, an assignment or any other transfer of the servicing of a student education loan, require the new student loan servicer to honor all benefits originally represented as available to the student loan borrower during the repayment of the student education loan and preserve

the availability of those benefits, including, without limitation, any benefits for which the student loan borrower has not yet qualified;

(b) Transfer to the new student loan servicer for the student education loan all information regarding the student loan borrower, the account of the student loan borrower and the student education loan of the student loan borrower. The information must include, without limitation, the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower; and

(c) Complete the transfer of information required by paragraph (b) within 45 calendar days after the sale, assignment or other transfer of the servicing of the student education loan.

3. A student loan servicer who obtains the right to service a student education loan shall adopt policies and procedures to verify that the student loan servicer has received all information regarding the student loan borrower, the account of the student loan borrower and the student education loan of the student loan borrower including, without limitation, the repayment status of the student loan borrower and any benefits associated with the student education loan of the student loan borrower.

4. A student loan servicer shall evaluate a student loan borrower for eligibility for an income-driven repayment program before placing the student loan borrower in forbearance or default if an income-driven repayment program is available to the student loan borrower.

Sec. 28. ***1. ~~[A]~~ Except to the extent inconsistent with federal law or regulation, a student loan servicer shall maintain a record of each transaction relating to a student education loan for not less than 2 years following the final payment on the student education loan or the assignment of the student education loan, whichever occurs first, or such longer period as may be required by any other provision of law.***

2. Upon the request of the Commissioner, a person required to maintain records pursuant to subsection 1 shall make such records available to the Commissioner, or send the records to the Commissioner, in the manner required by the Commissioner, not later than 5 business days after requested by the Commissioner. Upon the person's request, the Commissioner may allow additional time to make the records available to the Commissioner or to send the records to the Commissioner.

Sec. 29. ***A student loan servicer shall not:***

1. Directly or indirectly employ any scheme, device or artifice to defraud or mislead a student loan borrower.

2. Engage in any unfair or deceptive practice toward any person or misrepresent or omit any material information in connection with the servicing of a student education loan, including, without limitation, misrepresenting the amount, nature or terms of any fee or payment due or claimed to be due on a student education loan, the terms and conditions of the loan agreement or the student loan borrower's obligations under the loan.

3. Obtain property by fraud or misrepresentation.

4. Misapply student education loan payments to the outstanding balance of a student education loan.

5. Provide inaccurate information to a credit bureau in a manner which may harm a student loan borrower's creditworthiness.

6. Fail to report both the favorable and unfavorable payment history of the student loan borrower to a nationally recognized consumer credit bureau at least annually if the student loan servicer regularly reports information to a credit bureau.

7. Refuse to communicate with an authorized representative of the student loan borrower if the authorized representative:

(a) Provides a written authorization signed by the student loan borrower; and

(b) Complies with any reasonable procedures which may be adopted by the student loan servicer to verify that the representative is in fact authorized to act on behalf of the student loan borrower.

8. Make any false statement or omission of a material fact in connection with any information or reports filed with a governmental agency or in connection with any investigation conducted by the Commissioner or another governmental agency.

9. Fail to respond within 15 business days to communications from the Commissioner, or within a shorter, reasonable period of time as may be requested by the Commissioner.

10. Fail to respond within 15 business days to a consumer complaint submitted to the student loan servicer by the Commissioner or the Office of the Attorney General. If necessary, the student loan servicer may request additional time to respond to the complaint, up to a maximum of 45 business days, provided that the request is accompanied by an explanation of why additional time is reasonable and necessary.

11. Engage in abusive acts or practices when servicing a student education loan in this State. An act or practice is abusive in connection with the servicing of a student education loan if that act or practice:

(a) Materially interferes with the ability of a student loan borrower to understand a term or condition of a student education loan; or

(b) Takes unreasonable advantage of any of the following:

(1) A lack of understanding on the part of a student loan borrower of the material risks, costs or conditions of the student education loan;

(2) The inability of a student loan borrower to protect the interests of the student loan borrower when selecting or using a student education loan or feature, term or condition of a student education loan; or

(3) The reasonable reliance by the student loan borrower on a person engaged in servicing a student education loan to act in the interests of the student loan borrower.

Sec. 30. ***1. The Student Loan Ombudsman designated pursuant to NRS 226.560 or a member of the public may submit a complaint concerning***

a student loan servicer to the Commissioner for investigation pursuant to section 38 of this act.

2. The Division of Financial Institutions shall share a complaint submitted pursuant to this section with the Office of the Attorney General in accordance with section 54 of this act.

Sec. 31. *1. Before the extension of a private education loan that requires a cosigner, a private education lender shall deliver to the cosigner information concerning, without limitation:*

(a) How the private education loan obligation will appear on the cosigner's credit;

(b) How the cosigner will be notified if the private education loan becomes delinquent;

(c) How the cosigner can cure a delinquency in order to avoid negative credit furnishing and loss of cosigner release eligibility; and

(d) The eligibility of the cosigner to be released from his or her obligation on the private education loan, including, without limitation, the number of on-time payments and any other criteria required to approve the release of the cosigner from his or her obligation on the private education loan.

2. For any private education loan that obligates a cosigner, a private education lender shall provide the private education loan borrower and the cosigner an annual written notice containing information about the release of the cosigner from his or her obligation on the private education loan, including, without limitation:

(a) Any administrative, non-judgmental criteria the private education lender requires to approve the release of the cosigner from the private education loan obligation; and

(b) The process for applying for cosigner release.

3. If the private education loan borrower has met the applicable payment requirements to be eligible for cosigner release, the private education lender shall send the private education loan borrower and the cosigner a written notification by mail and by electronic mail, if the private education loan borrower or cosigner has elected to receive electronic communications from the private education lender, informing the private education loan borrower and cosigner that the payment requirement to be eligible for cosigner release has been met. The notification must also include information about any additional criteria to qualify for cosigner release and the procedure to apply for cosigner release.

4. A private education lender shall provide written notice to a private education loan borrower who applies for cosigner release but whose application is incomplete. The written notice shall include a description of the information needed to consider the application complete and the date by which the applicant must furnish the missing information.

5. Within 30 days after a private education loan borrower submits a completed application for cosigner release, the private education lender shall send the private education loan borrower and cosigner a written notice that

informs the private education loan borrower and cosigner whether the cosigner release application has been approved or denied. If the private education lender denies a request for cosigner release, the private education loan borrower may request any documents or information used in the determination, including, without limitation, the credit score threshold used by the private education lender, the private education loan borrower's consumer credit report, the private education loan borrower's credit score and any other documents specific to the private education loan borrower. The private education lender shall also provide any notices of adverse action required under applicable federal law if the denial is based in whole or in part on any information contained in a consumer credit report.

6. In response to a written or oral request for cosigner release, a private education lender shall provide the information described in subsection 2.

7. A private education lender shall not impose any restriction that permanently bars a private education loan borrower from qualifying for cosigner release, including, without limitation, restricting the number of times a private education loan borrower may apply for cosigner release.

8. A private education lender shall not impose any negative consequences on any private education loan borrower or cosigner during the 60 days following the issuance of the notice provided pursuant to subsection 4 or until the private education lender makes a final determination about a private education loan borrower's cosigner application for release. For the purposes of this subsection, "negative consequences" includes, without limitation, the imposition of additional eligibility criteria, negative credit reporting, lost eligibility for cosigner release, late fees, interest capitalization or other financial injury.

9. ~~[A]~~ For any private education loan made on or after January 1, 2024, a private education lender shall not require more than 12 consecutive, on-time payments as criteria for cosigner release. Any private education loan borrower who has paid the equivalent of 12 months of principal and interest payments within any 12-month period shall be deemed to have satisfied the consecutive, on-time payment requirement, even if the private education loan borrower has not made payments monthly during the 12-month period.

10. If a private education loan borrower or cosigner requests a change in terms that restarts the count of consecutive, on-time payments required for cosigner release, the private education lender shall notify the private education loan borrower and cosigner in writing of the impact of the change and provide the private education loan borrower or cosigner the right to withdraw or reverse the request to avoid that impact.

11. A private education loan borrower has the right to request an appeal of a private education lender's determination to deny a request for cosigner release, and the private education lender shall permit the private education loan borrower to submit additional documentation evidencing the private education loan borrower's ability, willingness and stability to meet the payment obligations. The private education loan borrower may request

review of the determination made regarding cosigner release by another employee of the private education lender.

12. A private education lender shall establish and maintain a comprehensive record management system reasonably designed to ensure the accuracy, integrity and completeness of data and other information about cosigner release applications and to ensure compliance with applicable state and federal laws, including, without limitation, the federal Equal Credit Opportunity Act, 15 U.S.C. §§ 1691 et seq., and the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq. This system must include the number of cosigner release applications received, the approval and denial rate and the primary reasons for any denial.

13. A private education lender shall provide a cosigner with access to all documents or records related to the cosigned private education loan that are available to the private education loan borrower.

14. If a private education lender provides electronic access to documents and records for a private education loan borrower, the private education lender shall provide equivalent electronic access to the cosigner.

Sec. 32. *1. A private education loan made on or after January 1, 2024, may not include a provision that allows the private education lender to accelerate, in whole or in part, payments on the private education loan, except in cases of payment default. A private education lender shall not place any loan or account into default or accelerate a loan for any reason, other than for payment default.*

2. A private education loan made before January 1, 2024, may permit the private education lender to accelerate payments only if the promissory note or loan agreement explicitly authorizes an acceleration and only for the reasons stated in the note or agreement.

3. In the event of the death or bankruptcy of a cosigner:

(a) The private education lender must not attempt to collect against the cosigner's estate or bankruptcy estate, other than for payment default.

(b) Upon receiving notification of the death or bankruptcy of a cosigner, when the private education loan is not more than 60 days delinquent at the time of the notification, the private education lender shall not change any terms or benefits under the promissory note, repayment schedule, repayment terms or monthly payment amount or any other provision associated with the loan.

4. A private education lender shall not place any private education loan or account into default or accelerate a private education loan while a private education loan borrower is seeking a loan modification or enrollment in a flexible repayment plan, except that a private education lender may place a loan or account into default or accelerate a loan for payment default 90 days following the private education loan borrower's default.

Sec. 33. *1. A private education lender, when notified of the total and permanent disability of a private education loan borrower or cosigner, shall release any cosigner from the obligations of the cosigner under a private*

education loan. The private education lender shall not attempt to collect a payment from a cosigner following a notification of total and permanent disability of the private education loan borrower or cosigner.

2. A private education lender shall notify a private education loan borrower and cosigner for a private education loan if either a private education loan borrower or cosigner is released from the obligations of the private education loan under this section, within 30 days after the release.

3. A private education lender that extends a private education loan shall provide the private education loan borrower an option to designate an individual to have the legal authority to act on behalf of the private education loan borrower with respect to the loan in the event of the total and permanent disability of the private education loan borrower.

4. If a cosigner is released from the obligations of a private education loan pursuant to section 31 of this act, the private education lender shall not:

(a) Require the private education loan borrower to obtain another cosigner on the private education loan obligation.

(b) Declare a default or accelerate the debt against the private education loan borrower on the sole basis of the release of the cosigner from the private education loan obligation.

5. A private education lender, if notified of the total and permanent disability of a private education loan borrower:

(a) Shall discharge the liability of the private education loan borrower and cosigner on the private education loan; and

(b) Shall not:

(1) Attempt to collect on the outstanding liability of the private education loan borrower or cosigner; or

(2) Monitor the disability status of the private education loan borrower at any point after the date of discharge.

6. As used in this section, "total and permanent disability" means that a person:

(a) Has been determined by the United States Secretary of Veterans Affairs to be unemployable due to a service-connected disability; or

(b) Is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 12 months or can be expected to last for a continuous period of not less than 12 months.

Sec. 34. ***1. A private education lender shall, before offering a person a private education loan that is being used to refinance an existing private education loan, provide to the person a disclosure that informs the person that benefits and protections applicable to the existing private education loan may be lost due to the refinancing. The information must be provided on a one-page information sheet in at least 12-point font and must be written in simple, clear, understandable and easily readable language.***

2. If a private education lender offers any private education loan borrower flexible repayment options in connection with a private education loan, those flexible repayment options must be made available to all private education loan borrowers of loans by the private education lender. A private education lender shall:

(a) Provide on its Internet website a description of any flexible repayment options offered by the private education lender for private education loans;

(b) Establish and consistently implement policies and procedures that facilitate the evaluation of private education loan flexible repayment option requests, including, without limitation, policies and procedures that provide accurate information regarding any private education loan flexible repayment option that:

(1) May be available to the private education loan borrower through the promissory note; or

(2) May have been marketed to the private education loan borrower through marketing materials; and

(c) If the private education lender offers flexible repayment options, consistently present and offer similar options to private education loan borrowers with similar financial circumstances; and

(d) Annually issue a letter to the private education loan borrower and cosigner that sets forth, without limitation:

(1) The total cumulative principal and interest amount of all private education loans owed by the private education loan borrower or cosigner to the private education lender;

(2) The total payoff amount of the loans listed in subparagraph (1); and

(3) Estimated monthly payment amounts if the private education loan borrower or cosigner were to enroll in a flexible repayment plan offered by the private education lender.

Sec. 35. *A private education lender shall not:*

1. Offer any private education loan that does not comply with the provisions of sections 31 to 35, inclusive, of this act, or that is in violation of any other state or federal law.

2. Engage in any unfair, deceptive or abusive act or practice.

3. Make a private education loan upon the security of any assignment of or order for the payment of any salary, wages, commissions or other compensation for services earned, or to be earned. No assignment or order to secure a private education loan may be taken by a private education lender in connection with a private education loan, or for the enforcement or repayment thereof. Any assignment or order taken or given to secure any loan made by any lender pursuant to sections 31 to 35, inclusive, of this act is void.

4. Make, advertise, print, display, publish, distribute, electronically transmit, telecast or broadcast in any manner any statement or representation that is false, misleading or deceptive.

Sec. 36. *A private education lender shall:*

1. Establish and maintain records and permit the Division of Financial Institutions to access and copy any records required to be maintained pursuant to the provisions of this chapter; and

2. Retain a loan file, including, without limitation, any record specified for retention by regulations adopted by the Commissioner, for not less than 6 years after the termination of the private education loan account.

Sec. 37. *Sections 31 to 37, inclusive, of this act do not exempt a private education lender from complying with any requirement to obtain a license imposed by any other specific statute, including, without limitation, the provisions of chapter 675 of NRS. The Commissioner shall determine the particular license that a private education lender is required to obtain.*

Sec. 38. *In addition to any other authority provided under this title, the Commissioner may conduct investigations and examinations as follows:*

1. For purposes of initial licensing, license renewal, license suspension, license revocation or termination or general or specific inquiry or investigation to determine compliance with this chapter, the Commissioner may access, receive and use any books, accounts, records, files, documents, information or evidence, including, without limitation:

(a) Criminal, civil and administrative history information;

(b) Personal history and experience information, including, without limitation, independent credit reports obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a; and

(c) Any other documents, information or evidence the Commissioner deems relevant to the inquiry or investigation regardless of the location, possession, control or custody of such documents, information or evidence.

2. For the purposes of investigating violations or complaints arising under this chapter or for the purposes of examination, the Commissioner may review, investigate or examine any student loan servicer or other person subject to this chapter as often as necessary in order to carry out the purposes of this chapter. The Commissioner may direct, subpoena or order the attendance of and examine under oath any person whose testimony may be required regarding a student education loan, the business of a student loan servicer or the subject matter of any examination or investigation, and may direct, subpoena or order such a person to produce books, accounts, records, files and any other documents the Commissioner deems relevant to the inquiry.

3. In making any examination or investigation authorized by this section, the Commissioner may control access to any documents and records of a student loan servicer or other person under examination or investigation. The Commissioner may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, a person shall not remove or attempt to remove any of the documents and records except pursuant to a court order or with the consent of the

Commissioner. Unless the Commissioner has reasonable grounds to believe the documents or records of the student loan servicer or other person under examination or investigation have been, or are at risk of being, altered or destroyed for purposes of concealing a violation of this chapter, the student loan servicer, the other person under examination or investigation or the owner of the documents and records must be allowed access to the documents or records as necessary to conduct ordinary business affairs.

4. At least once each year, the Commissioner or his or her authorized representative shall conduct an investigation and examination of each licensee pursuant to this section.

5. In addition to the fees prescribed in section 16 of this act, if it becomes necessary to examine or investigate the books and records of a licensee pursuant to this chapter, the licensee shall be liable for and shall pay to the Commissioner, within 30 days after the presentation of an itemized statement therefor, an amount determined by the Commissioner at the rate for supervision and examination of a financial institution established and, if applicable, adjusted pursuant to NRS 658.101.

Sec. 39. *Each licensee shall pay, in addition to any other assessment, fee or cost required pursuant to this chapter:*

1. The assessment levied pursuant to NRS 658.055 to cover all the costs related to the employment by the Commissioner of a certified public accountant and the performance by the certified public accountant of independent audits and examinations; and

2. The assessment levied pursuant to NRS 658.098 to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions.

Sec. 40. *1. The Commissioner may monitor the market for the provision of student loan servicing and student education loans, including, without limitation, private education loans, to identify risks to consumers. In conducting such monitoring, the Commissioner may compile and analyze data and other information to assess:*

(a) The likely risk and costs to consumers associated with using or repaying a student education loan or with the servicing of a student education loan;

(b) The understanding by consumers of the risks of a student education loan or the servicing of a student education loan;

(c) The legal protections applicable to the offering or provision of a student education loan or the servicing of a student education loan and the adequacy of those legal protections to protect consumers;

(d) The rates of growth in the offering or provision of a student education loan or the servicing of that loan;

(e) The extent, if any, to which the risks of a student education loan or the servicing of a student education loan disproportionately affect traditionally underserved consumers; and

(f) The type, number and other pertinent characteristics of private education lenders and student loan servicers in this State.

2. To the extent that state law is not preempted by federal law, in conducting monitoring or assessment pursuant to this section the Commissioner may gather information regarding the organization, business conduct, markets and activities of private education lenders and student loan servicers in this State. The Commissioner may enter into contracts to perform the activities authorized by this section, as necessary.

3. In order to gather information described in subsection 2, the Commissioner may:

(a) Gather and compile information from a variety of sources, including, without limitation, consumer complaints, voluntary surveys and voluntary interviews of consumers, surveys and interviews of private education lenders and student loan servicers and available databases; and

(b) Require persons engaged in private education lending or student loan servicing in this State to file, under oath or otherwise, in the form and within a reasonable period of time as the Commissioner may prescribe, any annual or special reports or answers in writing to specific questions that the Commissioner deems necessary to carry out the provisions of this section.

4. In addition to any other monitoring activities authorized by this section, the Commissioner may gather and compile information from private education lenders and student loan servicers to assemble data concerning the total size of the student education loan market in this State, the servicing of student education loans owed by borrowers at risk of default, the servicing of private education loans owed by borrowers experiencing financial distress and the servicing of federal student education loans for borrowers who seek to repay their loans under an income-driven repayment plan, as described in 20 U.S.C. §§ 1070 et seq.

5. The Commissioner may, on a quarterly basis, develop and publicize metrics based on data collected pursuant to this section. Such metrics may include, without limitation, relevant performance metrics concerning specifically identified private education lenders and student loan servicers.

6. In conducting the activities authorized by this section, the Commissioner may meet and confer with the Student Loan Ombudsman, designated pursuant to NRS 226.560, the Office of the Attorney General and the Nevada System of Higher Education.

Sec. 41. ***To carry out the purposes of this chapter, the Commissioner may:***

1. Retain attorneys, accountants or other professionals and specialists as examiners, auditors or investigators to conduct or assist in the conduct of examinations or investigations;

2. Enter into agreements or relationships with other governmental officials or regulatory associations to improve efficiency and reduce any regulatory burden by sharing resources, standardizing or making uniform

any applicable methods or procedures and sharing documents, records, information or evidence obtained pursuant to this chapter;

3. Use, hire, contract or employ publicly or privately available analytical systems, methods or software to examine or investigate a student loan servicer or other person under examination or investigation;

4. Accept and rely on examination or investigation reports made by other governmental officials, within or outside this State; and

5. Accept audit reports made by an independent certified public accountant for a student loan servicer or other person under examination or investigation in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in any report of examination, report of investigation or other writing of the Commissioner.

Sec. 42. *The authority of the Commissioner pursuant to this chapter with regard to a student loan servicer or other person under examination or investigation remains in effect, without regard to whether the student loan servicer or other person acts or claims to act under any other licensing or registration law of this State, or claims to act without such authority.*

Sec. 43. *A student loan servicer or other person under examination or investigation pursuant to this chapter shall not knowingly withhold, abstract, remove, mutilate, destroy or secrete any books, records, computer records or other information related to an investigation or examination conducted pursuant to this chapter.*

Sec. 44. *The Commissioner may, as applicable, deny an application for a license issued pursuant to this chapter or suspend, revoke or refuse to renew a license issued pursuant to this chapter if the Commissioner finds that:*

1. The applicant, licensee or a control person of the applicant or licensee has violated any provision of this chapter or any regulation adopted pursuant thereto;

2. With regard to a licensee or a control person of the licensee, any fact or condition exists which, if it had existed at the time of the original application for the license, would have resulted in a denial of the application; or

3. The licensee has failed to pay, within 30 days after receiving an itemized statement or other demand for payment from the Commissioner, any assessment, fee or cost required pursuant to this chapter.

Sec. 45. *All fees paid pursuant to this chapter are nonrefundable, including, without limitation, if a license is surrendered, revoked or suspended before the expiration of the period for which it was issued.*

Sec. 46. *A student loan servicer and private education lender shall comply with all applicable federal laws and regulations relating to student loan servicing [.] or lending, including, without limitation, the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., and the regulations promulgated thereunder. In addition to any other remedies provided by law, a violation of*

any such federal law or regulation shall be deemed a violation of this chapter. ~~*[and a basis upon which the Commissioner may take action pursuant to this chapter.]*~~

Sec. 47. *1. A person who suffers damage as a result of the failure of a student loan servicer or private education lender to comply with the provisions of this chapter may bring an action on his or her own behalf and on behalf of a similarly situated class of persons against that student loan servicer or private education lender to recover or obtain:*

(a) Actual damages, but in no case may the total award be less than $500 per plaintiff, per violation;

(b) An order enjoining the methods, acts or practices;

(c) Restitution of property;

(d) Punitive damages;

(e) Attorney's fees; and

(f) Any other relief that the court deems proper.

2. In addition to any other remedies provided by this section or otherwise provided by law, whenever it is proven by a preponderance of the evidence that a student loan servicer or private education lender has engaged in conduct that substantially interferes with a student loan borrower's right to a flexible payment arrangement, right to the forgiveness, cancellation or discharge of a loan or right to any other financial benefit, as established under the terms of a student loan borrower's promissory note or under the Higher Education Act of 1965, 20 U.S.C. §§ 1071 et seq., and the regulations promulgated thereunder, the court shall award treble actual damages to the plaintiff, but in no case may the total award of damages be less than $1,500 per plaintiff, per violation.

~~*[3. A person claiming loss in connection with tuition or fees as a result of an unfair business practice by a student loan servicer may file a complaint with the Student Loan Ombudsman designated pursuant to NRS 226.560. The complaint must set forth the alleged violation and include any information required by the Student Loan Ombudsman.]*~~

Sec. 48. *1. A violation of any provision of this chapter may also be a violation of chapter 598B of NRS, the Nevada Equal Credit Opportunity Law.*

2. In addition to any other remedies provided by this section or otherwise provided by law, whenever it is proven by a preponderance of the evidence in a civil action that a person or entity that makes a student education loan, including, without limitation, a private education lender, has filed information required pursuant to this chapter that is false, the court shall award treble damages to the student loan borrower, including, without limitation, a private education loan borrower, but in no case may the total award of damages in action be less than $1,500.

3. The rights, remedies and penalties provided by this chapter are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity.

Sec. 49. ***Except as otherwise provided in this section and NRS 239.0115, any books, records or other information obtained by the Division in connection with an application, complaint, audit, investigation or examination pursuant to this chapter, or in response to a subpoena, are confidential and may be disclosed only to:***

1. The Division, any authorized employee or representative of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; and

2. Any person if the Commissioner, in his or her discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 50. ***The Attorney General may bring an action in the name of the State of Nevada to restrain or prevent any violation of this chapter or any continuance of any such violation.***

Sec. 51. ***The Commissioner shall adopt any regulations necessary to carry out the provisions of this chapter.***

Sec. 52. NRS 657.005 is hereby amended to read as follows:

657.005 As used in chapters 657 to 671, inclusive, of NRS, ***and the chapter consisting of sections 2 to 51, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 657.016 to 657.085, inclusive, have the meanings ascribed to them in those sections.

Sec. 53. NRS 658.098 is hereby amended to read as follows:

658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;

(e) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;

(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(h) Thrift company that is supervised pursuant to chapter 677 of NRS; ~~[and]~~

(i) Credit union that is supervised pursuant to chapter 672 of NRS ***;*** ~~[.]~~

(j) Consumer litigation funding company that is supervised pursuant to chapter 604C of NRS ~~[.]~~ ***; and***

(k) Student loan servicer that is supervised pursuant to the chapter consisting of sections 2 to 51, inclusive, of this act.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 54. Chapter 226 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Student Loan Ombudsman shall make all complaints received pursuant to NRS 226.570 available to the Office of the Attorney General.

2. The Student Loan Ombudsman and the Attorney General shall enter into an information-sharing agreement for the sharing of complaints between offices.

Sec. 55. NRS 226.500 is hereby amended to read as follows:

226.500 As used in NRS 226.500 to 226.590, inclusive, ***and section 54 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 226.510 to 226.550, inclusive, have the meanings ascribed to them in those sections.

Sec. 56. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630,

178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,

633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***section 49 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 57. ~~[Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A postsecondary educational institution authorized to operate pursuant to this chapter shall:*~~

~~*1. Present data about its completion rates, employment rates, loan or indebtedness metrics or its graduates' median hourly or annual earnings that is consistent with any applicable data published by the Commission or the United States Department of Education.*~~

~~*2. Disclose to the Commission any pending investigations by an oversight entity, including, without limitation, the nature of that investigation, within 30 days after the postsecondary educational institution's first knowledge of the investigation. For the purposes of this subsection:*~~

~~*(a) "Investigation" means any inquiry into possible violations of any applicable laws or accreditation standards.*~~

~~*(b) "Oversight entity" means:*~~

~~*(1) Any federal or state entity that provides financial aid to students of an institution or approves an institution for participation in a financial aid program.*~~

~~*(2) The Attorney General of the United States, the Office of the Attorney General of the State of Nevada or the United States Department of Justice.*~~

~~*(3) If applicable, any regulator that approves the operation of the institution.*~~

~~*(4) The Consumer Financial Protection Bureau or the Securities and Exchange Commission.*~~

~~*(5) Any accrediting agency.]*~~ **(Deleted by amendment.)**

Sec. 58. ~~[NRS 394.570 is hereby amended to read as follows:~~

~~"394.570 Funds to carry out the provisions of NRS 394.201 to 394.610, inclusive, ***and section 57 of this act*** shall be provided by legislative appropriation from the General Fund, and shall be paid out on claims as other claims against the State are paid.~~] **(Deleted by amendment.)**

Sec. 59. ~~[NRS 394.610 is hereby amended to read as follows:~~

~~"394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.560, inclusive, ***and section 57 of this act*** is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.~~] **(Deleted by amendment.)**

Sec. 60. As soon as practicable after January 1, 2024, the Student Loan Ombudsman designated pursuant to NRS 226.560 and the Attorney General shall enter into the information-sharing agreement required by section 54 of this act.

Sec. 61. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.~~] **(Deleted by amendment.)**

Sec. 62. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[17, inclusive, and 19 to]~~ 61, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. ~~[Section 18 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

~~(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or~~

~~(b) Are in arrears in the payment for the support of one or more children,~~

~~➥ are repealed by the Congress of the United States.~~

~~4.~~] Section 17 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 339.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 378.

AN ACT relating to education; requiring the inclusion of certain information regarding pupil achievement to be included in annual reports of accountability submitted by the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education to prepare and publicly disseminate annual reports of accountability for the quality of schools and the educational achievement of pupils. (NRS 385A.070, 385A.400) Existing law prohibits a separate reporting for a group of pupils if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. (NRS 385A.070) **Sections 1 and 2** of this bill require that, unless this existing prohibition on separate reporting for a group of pupils applies, the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education must include within annual reports of accountability information on pupil achievement among: (1) pupils who have accrued 10 or more absences within the school year; and (2) pupils whose instruction in a core academic subject during the school year involved at least 4 **consecutive** weeks of instruction provided by someone other than a licensed teacher. Under **sections 1 and 2**, this information is required to be reported separately by gender and separately by certain other groups.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385A.200 is hereby amended to read as follows:

385A.200 1. Except as otherwise provided in subsection 2, the annual report of accountability prepared pursuant to NRS 385A.070 must include information on pupil achievement and school performance, including, without limitation, pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610 and shall compare the results of those examinations for the school year for which

the annual report is being prepared with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations and assessments were administered:

(a) The number of pupils who took the examinations and a record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(b) Except as otherwise provided in subsection 2 of NRS 385A.070, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

(c) A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

(d) The percentage of pupils who were not tested.

(e) Except as otherwise provided in subsection 2 of NRS 385A.070, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

(f) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) ***Except as otherwise provided in subsection 2 of NRS 385A.070, information on pupil achievement among pupils with at least 10 absences in a school year, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.***

(h) Except as otherwise provided in subsection 2 of NRS 385A.070, information on pupil achievement among pupils whose instruction in a core academic subject, as designated in NRS 389.018, during the school year involved at least 4 consecutive weeks of instruction by a person other than a licensed teacher, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

(i) Except as otherwise provided in subsection 3 of NRS 385A.720, the rating of each public school in the district, including, without limitation, each charter school sponsored by the district, pursuant to the statewide system of accountability for public schools.

~~[(h)]~~ ***(j)*** Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 390.125.

~~[(i)]~~ ***(k)*** Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(j)]~~ ***(l)*** For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

2. If the Department temporarily waives or otherwise pauses the requirement to administer examinations that comply with 20 U.S.C. § 6311(b)(2) pursuant to subsection 6 of NRS 390.105, the requirement of subsection 1 to include certain information in the annual report of accountability prepared pursuant to NRS 385A.070 does not apply for the period of time that such a waiver or pause is effective.

Sec. 2. NRS 385A.410 is hereby amended to read as follows:

385A.410 Except as otherwise provided in subsection 6 of NRS 390.105, the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on pupil achievement and school performance, including, without limitation:

1. Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. Except as otherwise provided in subsection 2 of NRS 385A.400, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

4. The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

5. Except as otherwise provided in subsection 2 of NRS 385A.400, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation,

each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

7. ***Information on pupil achievement among pupils with at least 10 absences in a school year, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.***

8. Information on pupil achievement among pupils whose instruction in a core academic subject, as designated in NRS 389.018, during the school year involved at least 4 consecutive weeks of instruction by a person other than a licensed teacher, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

9. Except as otherwise provided in subsection 3 of NRS 385A.720, the rating of each public school, including, without limitation, each charter school, pursuant to the statewide system of accountability for public schools.

~~[8.]~~ ***10.*** Information on whether each public school, including, without limitation, each charter school, has made progress based upon the model adopted by the Department pursuant to NRS 390.125, if applicable for the grade level of pupils enrolled at the school.

~~[9.]~~ ***11.*** Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 390.830.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 340.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 88.

AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law authorizes a landlord who seeks to recover possession of a premises from a tenant to do so by filing an unlawful detainer action or an action for summary eviction. (NRS 40.253, 40.254, 40.2542, 40.290-40.420) Existing law prescribes separate summary eviction procedures for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in

the payment of rent; and (3) certain tenants of a commercial premises who default in the payment of rent. (NRS 40.253, 40.254, 40.2542)

In general, the summary eviction procedures prescribed by existing law require a landlord to provide certain written notice to a tenant: (1) informing the tenant that he or she must take certain action or surrender the premises on or before a date specified in the notice; and (2) advising the tenant of his or her right to contest the matter by filing an affidavit with the court that has jurisdiction over the matter. In so doing, the summary eviction procedures prescribed by existing law require a tenant who contests a summary eviction to file an affidavit in court concerning an action for summary eviction before a landlord is required to make any filing concerning the matter. If such an affidavit is filed, a hearing is held. If no such affidavit is filed, upon noncompliance of a tenant with the written notice, existing law authorizes: (1) the landlord to apply by affidavit of complaint for the summary eviction of the tenant; and (2) the court, without holding a hearing, to order the removal of the tenant within a prescribed period. (NRS 40.253, 40.254, 40.2542)

Section 22 of this bill repeals the summary eviction procedures prescribed by existing law ~~[,]~~ **for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; and (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent.** **Sections** ~~[2–8]~~ **2-6.5** of this bill reenact, reorganize and revise these procedures. **Section 2** of this bill establishes a new procedure for the summary eviction of certain tenants who are not tenants of a commercial premises and who default in the payment of rent. **Section** ~~[7]~~ **6.5** of this bill establishes a new procedure for the summary eviction of certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. ~~[Section 8 of this bill establishes a new procedure for the summary eviction of certain tenants of a commercial premises who default in the payment of rent.]~~

The new procedures for summary eviction set forth in **sections 2** ~~[, 7]~~ **and** ~~[8]~~ **6.5** are similar to the procedures repealed by **section 22** except with regard to: (1) the required contents of a written notice; (2) certain requirements relating to filings made with the court; and (3) the period of time before the removal of a tenant. Instead of requiring a tenant who contests a summary eviction to file an affidavit in court before the landlord files a complaint, **sections 2** ~~[, 7]~~ **and** ~~[8]~~ **6.5** require the landlord, upon the expiration of certain notice provided to the tenant, to: (1) apply by affidavit of complaint for the summary eviction of the tenant; and (2) serve the tenant with a file-stamped copy of the affidavit of complaint **, a copy of the summons** and certain notice. **Sections 2** ~~[, 7]~~ **and** ~~[8]~~ **6.5** require the tenant to file an answer to the affidavit of compliant within 10 **calendar** days after the date of service. If a tenant files an answer within the prescribed period, a hearing is held. If no such answer is filed, **sections 2** ~~[, 7]~~ **and** ~~[8]~~ **6.5** authorize the court, without holding a hearing, to order the removal of the tenant within a prescribed period. **Sections 9-20** of

this bill make conforming changes relating to the repeal, revision and reorganization of the procedures for summary eviction.

Existing law requires a court that grants an action for summary eviction for a default in the payment of rent during the COVID-19 emergency to automatically seal the eviction case court file. (NRS 40.2545) Section 11 of this bill removes requirements relating to the COVID-19 emergency, thereby requiring a court that grants an action for summary eviction brought pursuant to section 2 to automatically seal the eviction case court file. Section 11 also requires a court to automatically seal the eviction case court file for an action for summary eviction brought pursuant to section 6.5 if the landlord fails to file an affidavit of complaint for summary eviction within the time prescribed by section 6.5.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in subsection ~~[11,]~~ 13, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for a default in the payment of rent using the procedure for summary eviction provided in this section.***

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord's agent must serve upon the tenant a written notice which:

(a) ~~[Requires]~~ Except as otherwise provided in subsection 11, requires the tenant to pay the past due rent or surrender the premises before the close of business on ~~[:~~

~~(1) The seventh judicial]~~ the tenth calendar day following the ~~[day]~~ date of service; ~~[or~~

~~(2) The fourth judicial day following the day of service, if the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days;]~~ and

(b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the ~~[tenant]~~ landlord may ~~[be evicted using the procedure]~~
apply by affidavit of complaint for the summary eviction ~~[set forth in this section.]~~ of the tenant.

3. ~~[A landlord or the landlord's agent who serves a notice to a tenant pursuant to subparagraph (2) of paragraph (a) of subsection 2 shall attempt to deliver a copy of the notice personally, in the presence of a witness. If the service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness~~

~~*is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent:*~~

~~*(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and*~~

~~*(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280.*~~

~~*4.]*~~ *Upon noncompliance of a tenant with the notice provided pursuant to subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located* . ~~*[or the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle is located, whichever has jurisdiction over the matter.]*~~ *After the filing of an affidavit of complaint for summary eviction, a summons must be issued.*

~~*[5.]*~~ *4. An affidavit of complaint for summary eviction filed pursuant to subsection* ~~*[4]*~~ *3 must* ~~*[state]*~~ *:*

(a) Except as otherwise provided in subsection 11, be filed with the court not later than 30 calendar days after the expiration of the notice period described in subsection 2; and

(b) State or contain:

~~*[(a)]*~~ *(1) The date the tenancy commenced;*

~~*[(b)]*~~ *(2) The amount of periodic rent reserved;*

~~*[(c)]*~~ *(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;*

~~*[(d)]*~~ *(4) The date the rental payments became delinquent;*

~~*[(e)]*~~ *(5) The length of time the tenant has remained in possession without paying rent;*

~~*[(f)]*~~ *(6) The amount of rent claimed due and delinquent;*

~~*[(g)]*~~ *(7) A statement that* ~~*[the]*~~ *:*

(I) The written notice was served on the tenant ~~*[pursuant to subsection 2 or 3 or]*~~ *in accordance with NRS 40.280; and*

(II) The tenant failed to comply with such notice;

~~*[(h)]*~~ *(8) A copy of the written notice served on the tenant pursuant to subsection 2; and*

~~*[(i)]*~~ *(9) A copy of the signed written rental agreement, if any.*

~~*[6.]*~~ *5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection* ~~*[4]*~~ *3 shall , within 15 calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint* ~~*[for summary eviction filed pursuant to subsection 4]*~~ *, a copy of the summons and a notice which must* ~~*[:*~~

~~*(a) Identify the court that has jurisdiction over the matter; and*~~

~~*(b) Advise]*~~ *advise the tenant that:*

~~[(1) The]~~ (a) Except as otherwise provided in subsection 11, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 10 calendar days after service of the affidavit of complaint for summary eviction;

~~[(2)]~~ (b) If the tenant does not file an answer within ~~[10 days after service of]~~ the ~~[affidavit of complaint for summary eviction,]~~ period described in paragraph (a), the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant; ~~[and]~~

~~[(3)]~~ (c) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS ~~[.~~

~~7. Upon]~~ ; and

(d) The tenant may request that the court stay the execution of the order of removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

6. Except as otherwise provided in subsection 11, upon being served pursuant to subsection ~~[6,]~~ 5, the tenant shall, within 10 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection ~~[.~~

~~(a) The]~~ , the court may, without holding a hearing ~~[,]~~ but after determining that a landlord has complied with the requirements prescribed by this section, issue:

~~[(1)]~~ (a) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and

~~[(2)]~~ (b) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.

~~[(b) Except as provided by NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~8.]~~ 7. If a tenant files a written answer pursuant to subsection ~~[7:~~

~~(a) The landlord or the landlord's agent shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise; and~~

~~(b) The]~~ 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

~~[9.]~~ 8. If, after a hearing held pursuant to subsection ~~[8,]~~ 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order

for removal of the tenant or an order providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. Written notices to the tenant prescribed by this section must be served in the manner provided by NRS 40.280.

10. Proof of service of any notice required by this section must be filed with the court before a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

11. For the purposes of this section, if the date on which:

(a) An affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

(b) A tenant must pay any past due rent or surrender the premises falls on a Saturday, Sunday or legal holiday, the tenant must pay the past due rent or surrender the premises before the close of business on the next day the business office of the landlord is open.

12. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.

~~[11.]~~ *13. Except as otherwise provided in NRS 118A.315, this section does not apply to:*

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

~~[12.]~~ *14. As used in this section* ~~[:~~

~~*(a) "Close of business" means the close of business of the court that has jurisdiction over the matter.*~~

~~*(b) "Day of service" means:*~~

~~*(1) The date on which the landlord or the landlord's agent personally delivers the notice required by subsection 2 to the tenant; or*~~

~~*(2) If the landlord or the landlord's agent is unable to deliver the notice in person:*~~

~~*(I) The date on which the notice is delivered to the sheriff or constable for service, if the request for service is made before noon.*~~

~~*(II) The day after the date on which the notice is delivered to the sheriff or constable for service, if the request for service is made after noon.*~~

~~*(c) "Security)*~~ *, "security deposit" has the meaning ascribed to it in NRS 118A.240.*

Sec. 3. ~~*[1. A sheriff or constable shall not accept a notice for service delivered pursuant to subsection 3 of section 2 of this act or subsection 3 of section 8 of this act unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of section 2 of this act or section 8 of this act, as applicable, which set forth the lawful procedures for summary eviction from a short-term tenancy.*~~

~~*2. Upon acceptance of a notice for service delivered pursuant to subsection 3 of section 2 of this act or subsection 3 of section 8 of this act, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.]*~~ **(Deleted by amendment.)**

Sec. 4. *Upon receipt of a summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant issued pursuant to subsection* ~~*[7]*~~ *6 of section 2 of this act* ~~*, [or subsection 9 of section 8 of this act,]*~~ *the sheriff or constable shall:*

1. Post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable.

2. ~~*[Remove the tenant]*~~ *As soon as reasonably practicable, but not earlier than 24 hours* ~~*[but not later than 36 hours]*~~ *after the posting of the order* ~~*[.]*~~ *, remove the tenant.*

Sec. 5. *1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act* ~~*[or an order providing for nonadmittance pursuant to section 8 of this act]*~~ *may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460* ~~*. [or 118C.230, as applicable.]*~~

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 20 days after the later of:

(a) The date on which the summary order for removal or the order providing for nonadmittance was issued.

(b) The date on which the tenant vacated or was removed from the premises.

(c) The date on which a copy of the costs claimed by the landlord was requested by or provided to the tenant.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server licensed pursuant to chapter 648 of NRS. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~[or 118C.230, as applicable,]~~ and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

Sec. 6. *1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act ~~[or an order providing for nonadmittance pursuant to section 8 of this act]~~ may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the reasonableness of any action taken by the landlord pursuant to subsection 3 of NRS 118A.460.*

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 5 days after the date on which the tenant vacated or was removed from the premises.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the tenant to retrieve his or her essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

4. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 3, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

Sec. 6.5. *1. Except as otherwise provided in subsection 13, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516 using the procedure for summary eviction provided in this section.*

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent must serve upon the tenant:

(a) The written notice to surrender required by NRS 40.250, 40.251, 40.2514 or 40.2516, as applicable; and

(b) A written notice which informs the tenant that if the tenant fails to comply with the requirements of written notice to surrender, the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the written notice required by paragraph (a) of subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the

township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection 11, be filed with the court not later than 30 calendar days after the expiration of the period described in the written notice to surrender required by paragraph (a) of subsection 2; and

(b) State or contain:

(1) The date the tenancy commenced;

(2) The date when the tenancy or rental agreement allegedly terminated;

(3) A copy of the written notice served on the tenant pursuant to subsection 2;

(4) Any facts supporting the written notice;

(5) A copy of the signed written rental agreement, if any;

(6) A statement that:

(I) The written notice was served on the tenant in accordance with NRS 40.280; and

(II) The tenant failed to comply with such notice;

(7) A copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255, if the property has been purchased in a residential foreclosure; and

(8) A statement that the claim for relief was authorized by law.

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within 15 calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, a copy of the summons and a notice which must advise the tenant that:

(a) Except as otherwise provided in subsection 11, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 10 calendar days after service of the affidavit of complaint for summary eviction;

(b) If the tenant does not file an answer within the period described in paragraph (a), the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant;

(c) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and

(d) The tenant may request that the court stay the execution of the order of removal of the tenant or order providing for nonadmittance of the tenant

for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

6. Except as otherwise provided in subsection 11, upon being served pursuant to subsection 5, the tenant shall, within 10 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section, issue:

(a) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and

(b) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. Written notices to the tenant prescribed by this section must be served in the manner provided by NRS 40.280.

10. Proof of service of any notice required by this section must be filed with the court before a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

11. For the purposes of this section, if the date on which an affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

12. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.

13. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent

as a result of a hearing, if any, held pursuant to subsection 7 wherein the tenant contested the eviction.

14. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

15. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Sec. 7. *[1. Except as otherwise provided by this section or specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the procedure for summary eviction set forth in section 2 of this act, except that:*

(a) The written notice to surrender the premises must:

(1) Be given to the tenant in accordance with the provisions of NRS 40.280;

(2) Identify the court that has jurisdiction over the matter; and

(3) Advise the tenant that the tenant:

(I) Must file an answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 10 days after the service of the affidavit of the complaint for summary eviction; and

(II) May request that the court stay the execution of the order of removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted; and

(b) The affidavit of complaint for summary eviction must state or contain:

(1) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(2) The date when the tenancy or rental agreement allegedly terminated.

(3) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

~~(4) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.~~

~~(5) A statement that the claim for relief was authorized by law.~~

~~2. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any provision of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of the hearing, if any, held pursuant to subsection 8 of section 2 of this act.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[1. In addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant of any commercial premises for a default in the payment of rent using the procedure for summary eviction provided in this section.~~

~~2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord's agent must serve upon the tenant a written notice which:~~

~~(a) Requires the tenant to pay the past due rent or surrender the premises before the close of business on:~~

~~(1) The fifth judicial day following the day of service; or~~

~~(2) The fourth judicial day following the day of service, if the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days; and~~

~~(b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the tenant may be evicted using the procedure for summary eviction set forth in this section.~~

~~3. A landlord or the landlord's agent who serves a notice to a tenant pursuant to subparagraph (2) of paragraph (a) of subsection 2 shall attempt to deliver a copy of the notice personally, in the presence of a witness. If the service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent:~~

~~(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and~~

~~(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280.~~

~~4. Upon noncompliance of a tenant with the notice provided pursuant to subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the commercial premises is located or the district court of the county in~~

~~*which the commercial premises is located, whichever has jurisdiction over the matter.*~~

~~*5. An affidavit of complaint for summary eviction filed pursuant to subsection 4 must state or contain:*~~

~~*(a) The date the tenancy commenced;*~~

~~*(b) The amount of periodic rent reserved;*~~

~~*(c) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;*~~

~~*(d) The date the rental payments became delinquent;*~~

~~*(e) The length of time the tenant has remained in possession without paying rent;*~~

~~*(f) The amount of rent claimed due and delinquent;*~~

~~*(g) A statement that the written notice was served on the tenant pursuant to subsection 2 or 3 or in accordance with NRS 40.280; and*~~

~~*(h) A copy of the:*~~

~~*(1) Written notice served on the tenant pursuant to subsection 2; and*~~

~~*(2) Signed written rental agreement, if any.*~~

~~*6. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 4 shall serve upon the tenant a file-stamped copy of the affidavit of complaint for summary eviction filed pursuant to subsection 4 and notice which must:*~~

~~*(a) Identify the court that has jurisdiction over the matter; and*~~

~~*(b) Advise the tenant that:*~~

~~*(1) The tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 10 days after service of the affidavit of complaint for summary eviction; and*~~

~~*(2) If the tenant does not file an answer within 10 days after service of the affidavit of complaint for summary eviction, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.*~~

~~*7. Upon being served pursuant to subsection 6, the tenant shall, within 10 days after the date of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection:*~~

~~*(a) The court may, without a hearing, issue:*~~

~~*(1) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and*~~

~~*(2) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.*~~

~~*(b) The landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.*~~

~~*8. If a tenant files an answer pursuant to subsection 7:*~~

~~*(a) The landlord or the landlord's agent shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise; and*~~

~~*(b) The court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.*~~

~~*9. If, after a hearing held pursuant to subsection 8, the court determines that:*~~

~~*(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.*~~

~~*(b) There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.*~~

~~*10. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.*~~

~~*11. As used in this section:*~~

~~*(a) "Close of business" means the close of business of the court that has jurisdiction over the matter.*~~

~~*(b) "Day of service" means:*~~

~~*(1) The date on which the landlord or the landlord's agent personally delivers the notice required by subsection 2 to the tenant; or*~~

~~*(2) If the landlord or the landlord's agent is unable to deliver the notice in person:*~~

~~*(I) The date on which the notice is delivered to the sheriff or constable for service, if the request for service is made before noon.*~~

~~*(II) The day after the date on which the notice is delivered to the sheriff or constable for service, if the request for service is made after noon.*~~ **(Deleted by amendment.)**

Sec. 9. NRS 40.2516 is hereby amended to read as follows:

40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the real property, dwelling unit, recreational vehicle or mobile home is held, other than those mentioned in NRS 40.250 to ~~[~~40.254,~~]~~ ***40.252,*** inclusive, ***and sections 2 to*** ~~*[7,]*~~ ***6.5, inclusive, of this act,*** and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the real property, dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if there is a subtenant in actual occupation of the premises or property, also upon the subtenant, remains uncomplied with

for 5 days after the service thereof. Within 5 days after the service, the tenant, or any subtenant in actual occupation of the premises or property, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS ~~[40.254 or]~~ 40.290 to 40.420, inclusive ~~[.]~~ ***, or section ~~[7]~~ 6.5 of this act.***

Sec. 10. NRS 40.252 is hereby amended to read as follows:

40.252 For the purposes of NRS 40.250 to 40.252, inclusive, and ~~[NRS 40.254:]~~ ***sections 2 to ~~[7,]~~ 6.5, inclusive, of this act:***

1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.

2. Notice to surrender the premises which was given by one colessor of real property or a mobile home is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.

Sec. 11. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. If a court grants an action for summary eviction pursuant to ~~[NRS 40.253]~~ ***section 2 of this act*** , ~~[during the COVID-19 emergency,]~~ the court shall automatically seal the eviction case court file.

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in any action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[,]~~ ***or section ~~[2, 7 or 8]~~ 6.5 of this act,*** the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which dismisses the action for summary eviction; ~~***[or]***~~

(b) Ten judicial days after the entry of a court order which denies the action for summary eviction ~~***[.]***~~ ; ~~[or]~~

(c) Thirty-one days after the tenant has filed an affidavit described in ~~[subsection 3 of NRS 40.253 or]~~ subsection 3 of NRS 40.2542 ~~[, if]~~ ***; or***

(d) If the landlord has failed to file an affidavit of complaint ~~[pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit.]~~ ***for summary eviction on or before 30 days after the date on which the notice required by subsection 2 of section 2 or subsection 2 of section 6.5 of this act expires.***

3. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsections 1 and 2, the court may order the sealing of an eviction case court file for an action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[:]~~ ***or section 2 ~~[, 7]~~ or ~~[8]~~ 6.5 of this act:***

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

4. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

5. Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, by a sheriff or constable. This subsection does not:

(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.

(b) Prohibit the service of a notice to surrender pursuant to NRS 40.280, and such service of a notice to surrender shall be deemed not to constitute making the notice to surrender available for public inspection as described in this subsection.

6. As used in this section ~~[~~**.**

~~(a) "COVID-19 emergency" means the period of time:~~

~~(1) Beginning on March 12, 2020, the date on which the Governor issued the Declaration of Emergency for COVID-19; and~~

~~(2) Ending on the date on which the Governor terminates the emergency described in the Declaration May 20, 2022.~~

~~(b) "Eviction~~**]** **, *"eviction*** case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 12. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2, 4 and 9, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and

(c) Upon termination of the previous owner's interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.

3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[~~NRS 40.253 and 40.254.~~]~~ ***sections 2 and ~~[7]~~ 6.5 of this act.***

4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

5. During the notice period described in subsection 4:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

6. The notice described in subsection 4 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 4; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[~~NRS 40.253 and 40.254.~~]~~ ***sections 2 and ~~[7]~~ 6.5 of this act.***

7. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 4.

8. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 4 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 4.

9. This section does not apply to the tenant of a mobile home lot in a mobile home park.

10. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 13. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS ~~[40.253 and]~~ 40.2542, ~~*[sections 2 and 8 of this act,]*~~ the notices required by NRS 40.251 to 40.260, inclusive, ***and sections 2 to ~~[8,]~~ 6.5, inclusive, of this act*** must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, ***and sections 2 to ~~[8,]~~ 6.5, inclusive, of this act*** must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to ~~[~~NRS 40.253 or 40.254;~~]~~ ***section 2 or ~~[7]~~ 6.5 of this act;***

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542. ***~~[section 8 of this act.]~~***

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, ***and sections 2 to ~~[8,]~~ 6.5, inclusive, of this act*** that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) ~~[~~Except as otherwise provided in paragraph (b):

~~(1)]~~ If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

~~[(I)]~~ ***(1)*** Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive ~~[:]~~ ***, and sections 2 to ~~[8,]~~ 6.5, inclusive, of this act;***

~~[(II)]~~ ***(2)*** Reviewed the date and manner of service by the agent; and

~~[(III)]~~ ***(3)*** Believes to the best of his or her knowledge that such service complies with the requirements of this section.

~~[(2)]~~ ***(b)*** If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty

of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

~~[(3)]~~ ***(c)*** If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

~~[(b) For a short-term tenancy, if service of the notice was not delivered in person:~~

~~(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~(2) The endorsement of a sheriff or constable stating the:~~

~~(I) Time and date the request for service was made by the landlord or the landlord's agent;~~

~~(II) Time, date and manner of the service; and~~

~~(III) Fees paid for the service.]~~

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, ***and sections 2 to*** ~~***[8,]***~~ ***6.5, inclusive, of this act*** that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 ~~***[3]***~~ of NRS 40.2542, ~~***[section 8 of this act,]***~~ an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive ~~[.]~~ ***, and sections 2 to ~~[8,]~~ 6.5, inclusive, of this act;*** and

(b) The agent is acting at the direction and under the direct supervision of the attorney.

Sec. 14. NRS 40.385 is hereby amended to read as follows:

40.385 1. Either party may appeal an order entered pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ***or section 2 ~~[, 7]~~ or ~~[8]~~ 6.5 of this act*** by filing a notice of appeal within 10 judicial days after the date of entry of the order.

2. Except as otherwise provided in this section, a stay of execution may be obtained by filing with the trial court a bond in the amount of $250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of any unpaid rent claim of the landlord.

3. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[.]~~ ***or section 2 ~~[, 7]~~ or ~~[8]~~ 6.5 of this act.***

Sec. 15. NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

(a) The address or other location of the property;

(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and

(c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection ~~[1]~~ ***2*** of ~~[NRS 40.253]~~ ***section 2 of this act*** or subsection 1 ***~~[2]~~*** of NRS 40.2542, ***~~[section 8 of this act,]~~*** as applicable.

Sec. 16. NRS 118A.460 is hereby amended to read as follows:

118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability in the following manner:

(a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ ***section 5 of this act.***

3. During the 5-day period following the eviction or lockout of a tenant, the landlord shall provide the former tenant a reasonable opportunity to retrieve essential personal effects, including, without limitation, medication, baby formula, basic clothing and personal care items. Any dispute relating to the reasonableness of the landlord's actions pursuant to this section may be resolved using the procedure provided in ~~[subsection 9 of NRS 40.253.]~~ ***section 6 of this act.***

Sec. 17. NRS 118C.230 is hereby amended to read as follows:

118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.2542. ~~***[section 5 of this act.]***~~

Sec. 18. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to ~~[~~NRS 40.254~~]~~ ***section*** ~~***[7]***~~ ***6.5 of this act*** within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to ~~[~~NRS 40.254,~~]~~ ***section*** ~~***[7]***~~ ***6.5 of this act,***

➥ the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is

disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

Sec. 19. NRS 453.305 is hereby amended to read as follows:

453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.

2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.

3. The notices required by this section must:

(a) Be written in language which is easily understood;

(b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;

(c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;

(d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and

(e) Advise the owner that:

(1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;

(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;

(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and

(4) The provisions of NRS 40.2514 and ~~[40.254]~~ ***section ~~[7]~~ 6.5 of this act*** authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.

4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.

5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

Sec. 20. NRS 645H.520 is hereby amended to read as follows:

645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:

(a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;

(b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;

(c) Cleaning the interior or exterior of real property in foreclosure;

(d) Providing repair or improvements for real property in foreclosure; and

(e) Removing trash and debris from real property in foreclosure and the surrounding property.

2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:

(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ ***section 5 of this act.***

Sec. 21. The amendatory provisions of sections 2 to 20, inclusive, of this act apply to an action for summary eviction which accrues on or after October 1, 2023.

Sec. 22. NRS 40.253 ~~[,]~~ **and** 40.254 ~~[and 40.2542]~~ are hereby repealed.

TEXT OF REPEALED SECTIONS

40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.

1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant, ➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

40.254 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.

1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as

provided in NRS 40.253 except that written notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

~~[40.2542 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant of commercial premises.~~

~~1. In addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:~~

~~(a) At or before noon of the fifth full day following the day of service; or~~

~~(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.~~

~~➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.~~

~~2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver a copy of the notice to the tenant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent:~~

~~(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and~~

~~(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.~~

~~3. A notice served pursuant to subsection 1 or 2 must:~~

~~(a) Identify the court that has jurisdiction over the matter; and~~

~~(b) Advise the tenant:~~

~~(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent; and~~

~~(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order.~~

~~4. If the tenant files an affidavit pursuant to paragraph (b) of subsection 3 at or before the time stated in the notice, the landlord or the landlord's agent,~~

~~after receipt of a file-stamped copy of the affidavit, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~5. Upon noncompliance of the tenant with a notice served pursuant to subsection 1 or 2:~~

~~(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the commercial premises is located or to the district court of the county in which the commercial premises is located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:~~

~~(1) The date the tenancy commenced.~~

~~(2) The amount of periodic rent reserved.~~

~~(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.~~

~~(4) The date the rental payments became delinquent.~~

~~(5) The length of time the tenant has remained in possession without paying rent.~~

~~(6) The amount of rent claimed due and delinquent.~~

~~(7) A statement that the written notice was served on the tenant pursuant to subsection 1 or 2 or in accordance with NRS 40.280.~~

~~(8) A copy of the written notice served on the tenant.~~

~~(9) A copy of the signed written rental agreement, if any.~~

~~(b) Except when the tenant has timely filed an affidavit described in paragraph (b) of subsection 3 and a file-stamped copy of the affidavit has been received by the landlord or the landlord's agent, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~6. Upon the filing by the tenant of an affidavit pursuant to paragraph (b) of subsection 3, regardless of the information contained in the affidavit and the filing by the landlord of an affidavit pursuant to paragraph (a) of subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord~~

~~thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.~~

~~— 7. A tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:~~

~~— (a) The tenant has vacated or been removed from the premises; and~~

~~— (b) A copy of those charges has been requested by or provided to the tenant, ** whichever is later.~~

~~— 8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:~~

~~— (a) Determine the costs due, if any, claimed by the landlord pursuant to 118C.230 and any accumulating daily costs; and~~

~~— (b) Order the release of the tenant's property upon the payment of the costs determined to be due or if no charges are determined to be due.~~

~~— 9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks.~~**]**

Assemblywoman Brittney Miller moved the adoption of the amendment.
Remarks by Assemblywoman Brittney Miller.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assemblywoman Jauregui moved that the Assembly recess until 3:30 p.m.
Motion carried.

Assembly in recess at 1:16 p.m.

ASSEMBLY IN SESSION

At 3:51 p.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 348.
Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 188.

AN ACT relating to education; creating the Virtual Early Childhood Family Engagement Pilot Program in the Department of Health and Human Services; ~~[making an appropriation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Early Childhood Advisory Council and requires the Council to develop recommendations for: (1) increasing the participation of children in early childhood education programs; and (2) the establishment of statewide standards for early childhood education programs. (NRS 432A.076) **Section 4** of this bill creates the Virtual Early Childhood Family Engagement Pilot Program within the Department of Health and Human Services. **Section 5** of this bill requires the Department to select a nonprofit organization that has demonstrated a record of success in virtual early childhood family engagement programs to administer the Program. **Section 6** of this bill requires the organization selected to administer the Program to: (1) create a plan to recruit parents, guardians and foster parents of children who are ~~[4 years of age]~~ **eligible to enter kindergarten for the next school year** throughout the State to participate in the Program; ~~[and]~~ (2) provide programming in reading, math and science to participating children and their parents, guardians or foster parents in their residences through ~~[audiovisual communication technology.]~~ **computers; and (3) provide the parents, guardians and foster parents of children participating in the Program with information concerning relevant government programs.** **Section 7** of this bill requires the organization selected to administer the Program to submit an annual report to the Department concerning: (1) the demographics of children who are participating in the Program; and (2) the success of the Program in preparing children for kindergarten. **Section 7** also requires the Department to submit similar reports to the Legislature. **Sections 2 and 3** of this bill define certain terms related to the Program. ~~[Section 8 of this bill makes an appropriation to the Department for the support of the Program.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. As used in sections 1 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 3 of this act have the meaning ascribed to them in those sections.

Sec. 2. "Department" means the Department of Health and Human Services.

Sec. 3. "Program" means the Virtual Early Childhood Family Engagement Pilot Program created by section 4 of this act.

Sec. 4. 1. The Virtual Early Childhood Family Engagement Pilot Program is hereby created within the Department.

2. The purposes of the Program are to:

(a) Provide training and coaching to empower parents and guardians of young children in the education of their child; and

(b) Increase the readiness of children for kindergarten in every geographic area of this State.

Sec. 5. 1. The Department shall issue a request for proposals from organizations that are recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), to administer the Program.

2. The Department shall review the proposals submitted to the Department pursuant to subsection 1 and select to administer the Program an organization that has a record of success conducting virtual early childhood family engagement programs ~~[throughout this State,]~~ as demonstrated through independent, valid and reliable evaluations.

Sec. 6. 1. The organization selected to administer the Program pursuant to section 5 of this act shall:

(a) Create a plan to recruit parents, guardians and foster parents of children described in paragraph (a) of subsection 2 who are from diverse backgrounds and all geographic areas of the State to participate in the Program;

(b) Provide the programming described in paragraph (b) of subsection 2 to such children and their parents, guardians or foster parents in their residences through ~~[audiovisual communication technology;]~~ ***a computer or similar device;***

(c) Provide for the installation of a computer or Internet service if the residence of the child or parent, guardian or foster parent lacks such a device or service; ~~[and]~~

(d) Effectively engage the parents, guardians and foster parents who participate in the Program to empower them in the education of their children ~~[.]~~ ***; and***

(e) At least twice during each school year that a child participates in the Program, and upon request of the parent, guardian or foster parent of a child who is participating in the Program, provide such parents, guardians or foster parents information in electronic form or in writing concerning relevant services and resources provided by the State and relevant political subdivisions of this State, including, without limitation:

(1) Any program that provides:

(I) Rental and housing assistance; or

(II) Subsidies for child care;

(2) The Kinship Guardianship Assistance Program established and administered by the Department pursuant to NRS 432B.622;

(3) Preschools that provide in-person instruction;

(4) Registration for kindergarten;

(5) Medicaid and the Children's Health Insurance Program;

(6) Temporary Assistance for Needy Families, as defined in NRS 422A.080;

(7) Supplemental Nutrition Assistance, as defined in NRS 422A.072;

(8) Early intervention services, as defined in NRS 427A.8715; and

(9) Programs for workforce development.

2. The Program must:

(a) Serve children who ~~[are 4 years of age at the beginning of the school year,]~~ ***will be eligible to enter kindergarten for the next school year,*** including, without limitation, children:

(1) Whose household has an income which is not more than 200 percent of the federally designated level signifying poverty;

(2) Who are in the foster care system; or

(3) Who reside in rural areas of this State.

(b) Utilize a developmentally appropriate, adaptive curriculum in reading, mathematics and science for the Program that:

(1) Is aligned to the *Head Start Early Learning Outcomes Framework: Ages Birth to Five* published by the Office of Head Start of the Administration for Children and Families of the United States Department of Health and Human Services and any standards of content and performance established for prekindergarten pursuant to NRS 389.520;

(2) Is aligned to the *WIDA Early Language Development Standards* prescribed by *WIDA*;

(3) Is certified as a Certified Autism Resource by the International Board of Credentialing and Continuing Education Standards; and

(4) Is endorsed by the Council of Administrators of Special Education.

(c) Ensure that the time a child is required by the Program to use a digital screen is less than the maximum amount of time recommended by the American Academy of Pediatrics for children who are 4 years of age to use a digital screen.

Sec. 7. 1. On or before July 30, 2024, and July 30, 2025, the organization selected to administer the Program pursuant to section 5 of this act shall submit a report to the Department which includes, without limitation:

(a) The number of children enrolled in the Program during the immediately preceding school year, in total and in each county of this State;

(b) The number and percentage of children described in paragraph (a) who meet each criterion identified in paragraph (a) of subsection 2 of section 6 of this act;

(c) The demographics of the children enrolled in the Program, if known, including, without limitation:

(1) Race;

(2) Ethnicity;

(3) Disability status;

(4) Household income;

(5) County of residence; and

(6) Language spoken at home;

(d) Quantitative data and, to the extent any is available, qualitative data that demonstrates the effectiveness of the Program at improving the abilities of a child in reading, writing and mathematics and the readiness of the children participating in the Program for kindergarten, including, without limitation:

(1) Data concerning the educational development of the children participating in the Program;

(2) The number of children who completed the Program and who are ready for kindergarten; and

(3) Data concerning the level of satisfaction that parents, guardians and foster parents have concerning the Program; and

(e) Any additional information determined by the Department to be necessary to evaluate the Program.

2. On or before September 30, 2024, and September 30, 2025, the Department shall compile a report of the data reported pursuant to subsection 1 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) In 2024, the next regular session of the Legislature; and

(b) In 2025, the Joint Interim Standing Committee on Education and the Joint Interim Standing Committee on Health and Human Services.

Sec. 8. ~~[1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services to establish and implement the Virtual Early Childhood Family Engagement Pilot Program created by section 4 of this act the following sums:~~

~~For the Fiscal Year 2023-2024 ..... $4,000,000~~

~~For the Fiscal Year 2024-2025 ..... $4,000,000~~

~~2. The Department may allocate not more than 7.5 percent of the appropriated sum for each fiscal year to itself to administer the program.~~

~~3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.~~**]** **(Deleted by amendment.)**

Sec. 9. This act becomes effective on July 1, 2023, and expires by limitation on September 30, 2025.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 354.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 320.

AN ACT relating to firearms; prohibiting, under certain circumstances, the possession of a firearm in or within a certain distance of an election site; revising the definition of the term ~~["unfinished frame or receiver";]~~ **"firearms importer or manufacturer"; defining certain terms; prohibiting a person from engaging in certain acts relating to unfinished frames or receivers, ready frames or receivers and market frames or receivers; revising provisions relating to certain acts involving unfinished frames or receivers, ready frames or receivers and market frames or receivers which are not imprinted with a serial number under certain circumstances;** providing penalties; **repealing certain provisions relating to firearms;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from carrying or possessing certain weapons on the property of the Nevada System of Higher Education, a private or public school or a child care facility, or while in a vehicle of a private or public school or child care facility. (NRS 202.265) **Section 1** of this bill additionally prohibits a person from possessing or causing a firearm to be present in, or within 100 ~~[yards]~~ **feet** of an entrance to, a place the person knows or reasonably should know is an election site, unless the person: (1) is a law enforcement officer engaged in the performance of his or her official duties; (2) is a private guard or security personnel hired by the owner of the facility or property in which the election site is located; (3) possesses the firearm while in a vehicle, so long as the person does not brandish the firearm or remove the firearm from the vehicle; or (4) lawfully possesses a firearm in a place of residence, in a business or on private property that is located within 100 ~~[yards]~~ **feet** of an entrance to an election site. Under **section 1**, a person who violates this prohibition is guilty of a gross misdemeanor, except that if the person knowingly possesses a firearm or causes a firearm to be present with the specific intent to disrupt, interfere with or monitor the administration of the election, the counting of votes or any person who is voting or attempting to vote, then the person is guilty of a category D felony.

Existing law prohibits a person from selling, offering to sell or transferring an unfinished frame or receiver unless: (1) the person is a firearms importer or manufacturer, and the recipient of the unfinished frame or receiver is a firearms importer or manufacturer; or (2) the unfinished frame or receiver is required by federal law to be imprinted with a serial number issued by an importer or manufacturer, and the unfinished frame or receiver has been imprinted with the serial number. Existing law also prohibits a person from possessing, purchasing, transporting or receiving an unfinished frame or receiver unless: (1) the person is a firearms importer or manufacturer; or (2) the unfinished frame or receiver is required by federal law to be imprinted with a serial

number issued by a firearms importer or manufacturer, and the unfinished frame or receiver has been imprinted with the serial number. (NRS 202.3625, 202.363) Existing law defines the term ~~["unfinished frame or receiver"]~~ **"firearms importer or manufacturer"** for the purposes of these prohibitions. (NRS 202.253) **Section 2** of this bill revises the definition of the term ~~["unfinished frame or receiver"]~~ **"firearms importer or manufacturer" to include a firearms dealer and sections 3-7 of this bill make conforming changes to reflect the changed definition.**

Section 4 of this bill additionally prohibits a person from selling, offering to sell or transferring an unfinished frame or receiver, ready frame or receiver or market frame or receiver unless: (1) the recipient of the unfinished frame or receiver, ready frame or receiver or market frame or receiver is a firearms dealer, importer or manufacturer; or (2) the unfinished frame or receiver, ready frame or receiver or market frame or receiver has been imprinted with a serial number issued by a firearms dealer, importer or manufacturer in accordance with federal law and any regulations adopted thereunder.

Section 5 of this bill prohibits a person from possessing, purchasing, transporting or receiving an unfinished frame or receiver, a ready frame or receiver or a market frame or receiver unless: (1) the recipient of the unfinished frame or receiver, ready frame or receiver or market frame or receiver is a firearms dealer, importer or manufacturer; or (2) the unfinished frame or receiver, ready frame or receiver or market frame or receiver has been imprinted with a serial number issued by a firearms dealer, importer or manufacturer in accordance with federal law and any regulations adopted thereunder.

Section 2 additionally defines the terms "market frame or receiver" and "ready frame or receiver" as used in ~~[these]~~ **the** prohibitions in ~~[existing law .]~~ **sections 4 and 5.**

Section 9 of this bill makes a technical correction by repealing a provision relating to the sale of an unfinished frame or receiver that is no longer necessary.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person shall not possess or cause a firearm to be present in, or within 100 ~~[yards]~~ feet of the entrance of, a place the person knows or reasonably should know is an election site.

2. The provisions of subsection 1 do not apply to:

(a) A law enforcement officer who is employed by a federal, state or local law enforcement agency and carrying out official duties.

(b) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the election site is located.

(c) The possession of a firearm in a vehicle that is located within 100 ~~[yards]~~ feet of an entrance to an election site, so long as the person does not brandish the firearm or remove the firearm from the vehicle.

(d) The otherwise lawful possession of a firearm in a residence, in a business or on private property that is located within 100 ~~[yards]~~ feet of an entrance to an election site.

3. A person shall not knowingly possess a firearm or cause a firearm to be present at an election site with the specific intent to disrupt, interfere with or monitor the administration of the election, the counting of votes or any person who is voting or attempting to vote.

4. A person who violates subsection 1 is guilty of a gross misdemeanor.

5. A person who violates subsection 3 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

6. As used in this section, "election site" means any:

(a) Polling place;

(b) Central counting place, as defined in NRS 293.0335; or

(c) Place a ballot box, as defined in NRS 293.026, or ballot drop box is present.

Sec. 2. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[.]~~ ***, and section 1 of this act:***

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms ***dealer,*** importer or manufacturer" means a person licensed to ***deal,*** import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. ***"Market frame or receiver" means an object that is marketed or sold to the public to become or to be used as the frame or receiver of a firearm once completed, assembled or converted.***

8. "Motor vehicle" means every vehicle that is self-propelled.

~~[8.]~~ ***9. "Ready frame or receiver" means any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacturing where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm.***

10. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

~~[9.]~~ ***11.*** "Unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined. ~~*[market frame or receiver or ready frame or receiver. As used in this subsection:*~~

~~*(a) "Market frame or receiver" means an object that is marketed or sold to the public to become or to be used as the frame or receiver of a firearm once completed, assembled or converted.*~~

~~*(b) "Ready frame or receiver" means a forged, cast, printed, extruded or machined body or similar article that has an identifiable fire-control cavity, even if that cavity has not been indexed or machined in any way.]*~~

Sec. 3. **NRS 202.275 is hereby amended to read as follows:**

202.275 1. Except as otherwise provided in subsection 3, a person who knowingly or willfully possesses, manufactures or disposes of any short-barreled rifle or short-barreled shotgun is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. For purposes of this section:

(a) "Short-barreled rifle" means:

(1) A rifle having one or more barrels less than 16 inches in length; or

(2) Any weapon made from a rifle, whether by alteration, modification or other means, with an overall length of less than 26 inches.

(b) "Short-barreled shotgun" means:

(1) A shotgun having one or more barrels less than 18 inches in length; or

(2) Any weapon made from a shotgun, whether by alteration, modification or other means, with an overall length of less than 26 inches.

3. This section does not prohibit:

(a) The possession or use of any short-barreled rifle or short-barreled shotgun by any peace officer when authorized to do so in the performance of official duties;

(b) The possession of any short-barreled rifle or short-barreled shotgun by a person who is licensed as a firearms ***dealer,*** importer, manufacturer, collector or dealer by the United States Department of the Treasury, or by a person to

whom such a rifle or shotgun is registered with the United States Department of the Treasury; or

(c) The possession of any short-barreled rifle or short-barreled shotgun that has been determined to be a collector's item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.

Sec. 4. **NRS 202.3625 is hereby amended to read as follows:**

202.3625 1. A person shall not sell, offer to sell or transfer an unfinished frame or receiver ***, ready frame or receiver or market frame or receiver*** unless:

(a) The ~~[person is:~~

~~(1) A firearms importer or manufacturer; and~~

~~(2) The]~~ recipient of the unfinished frame or receiver ***, ready frame or receiver or market frame or receiver*** is a firearms ***dealer,*** importer or manufacturer; or

(b) The unfinished frame or receiver ~~[is required by federal law to be imprinted with a serial number issued by an importer or manufacturer and the unfinished]~~ ***, ready*** frame or receiver ***or market frame or receiver*** has been imprinted with ~~[the]~~ ***a*** serial number ~~[.]~~ ***issued by a firearms dealer, importer or manufacturer in accordance with federal law and any regulations adopted thereunder.***

2. A person who violates this section:

(a) For the first offense, is guilty of a gross misdemeanor; and

(b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 5. **NRS 202.363 is hereby amended to read as follows:**

202.363 1. A person shall not possess, purchase, transport or receive an unfinished frame or receiver ***, ready frame or receiver or market frame or receiver*** unless:

(a) The person is a firearms ***dealer,*** importer or manufacturer; or

(b) The unfinished frame or receiver ~~[is required by federal law to be]~~ ***, ready frame or receiver or market frame or receiver has been*** imprinted with a serial number issued by a firearms ***dealer,*** importer or manufacturer ~~[and the unfinished frame or receiver has been imprinted with the serial number.]~~ ***in accordance with federal law and any regulations adopted thereunder.***

2. A person who violates this section:

(a) For the first offense, is guilty of a gross misdemeanor; and

(b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 6. **NRS 202.3635 is hereby amended to read as follows:**

202.3635 1. A person shall not manufacture or cause to be manufactured or assemble or cause to be assembled a firearm that is not imprinted with a serial number issued by a firearms ***dealer,*** importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless the firearm:

(a) Has been rendered permanently inoperable;

(b) Is an antique firearm; or

(c) Has been determined to be a collector's item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.

2. A person who violates this section:

(a) For the first offense, is guilty of a gross misdemeanor; and

(b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Assemble" means to fit together component parts.

(b) "Manufacture" means to fabricate, make, form, produce or construct by manual labor or machinery.

Sec. 7. **NRS 202.364 is hereby amended to read as follows:**

202.364 1. A person shall not possess, sell, offer to sell, transfer, purchase, transport or receive a firearm that is not imprinted with a serial number issued by a firearms ***dealer,*** importer or manufacturer in accordance with federal law and any regulations adopted thereunder unless:

(a) The person is:

(1) A law enforcement agency; or

(2) A firearms ***dealer,*** importer or manufacturer; or

(b) The firearm:

(1) Has been rendered permanently inoperable;

(2) Was manufactured before 1969;

(3) Is an antique firearm; or

(4) Has been determined to be a collector's item pursuant to 26 U.S.C. Chapter 53 or a curio or relic pursuant to 18 U.S.C. Chapter 44.

2. A person who violates this section:

(a) For the first offense, is guilty of a gross misdemeanor; and

(b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 239C.065.

Sec. 8. **1. The amendatory provisions of this act do not apply to a person who possesses a ready frame or receiver or a market frame or receiver before October 1, 2023.**

2. As used in this section:

(a) "Market frame or receiver" means an object that is marketed or sold to the public to become or to be used as the frame or receiver of a firearm once completed, assembled or converted.

(b) "Ready frame or receiver" means any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacturing where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm.

Sec. 9. **NRS 202.3645 is hereby repealed.**

TEXT OF REPEALED SECTION

202.3645 Exception to prohibition on sale of unfinished frame or receiver or firearm without serial number. Nothing in the provisions of NRS 202.3625 to 202.364, inclusive, shall be deemed to prohibit the sale of an unfinished frame or receiver or firearm that is not imprinted with a serial number to a firearms importer or manufacturer or a licensed dealer before January 1, 2022. As used in this section, "licensed dealer" has the meaning ascribed to it in NRS 202.2546.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 441.

The Sponsor List of Assembly Bill No. 364 is hereby amended as follows:

ASSEMBLYMEN COHEN, O'NEILL; ANDERSON, BROWN- MAY, DICKMAN **, D'SILVA** AND GORELOW

The Title of Assembly Bill No. 364 is hereby amended as follows:

AN ACT relating to physician assistants; prescribing the settings in which a physician assistant is authorized to practice; ~~[expanding]~~ **revising** the membership of the Board of Medical Examiners; authorizing physician assistants to perform medical services without the supervision of a physician; authorizing a physician assistant to perform certain medical services under certain circumstances; eliminating provisions governing the testing or examination of applicants for licensure as a physician assistant; prescribing certain authority and duties of a physician assistant and an advanced practice registered nurse; authorizing certain unlicensed persons to use the title "inactive physician assistant"; removing the requirement that a rural clinic be supervised by a physician; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law: (1) provides for the licensure and regulation of physician assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; and (2) requires a physician assistant to work under the supervision of a physician or osteopathic physician. (NRS 630.271, 630.275, 633.432-633.469) **Sections 5, 10-12, 24 and 26-28** of this bill remove the requirement that a physician assistant be supervised by a physician or osteopathic physician. **Sections 9, 21, 29, 30, 32, 35, 36, 81-84, 90, 98, 168, 169 and 204** of this bill remove references to supervision of a physician assistant by a physician or osteopathic physician. **Sections 4 and 23** of this bill

require a physician assistant who has practiced for less than ~~[4,000]~~ **6,000** hours as a physician assistant **or who has changed the field of medicine within which the physician assistant practices** to enter into a collaborative agreement with a physician. **Sections 4 and 23** also prescribe the settings in which a physician assistant is authorized to practice. **Sections 10 and 26** of this bill: (1) require a physician assistant to obtain the informed consent of a patient before providing any medical service; (2) prescribe medical services that a physician assistant is authorized to perform; and (3) require a physician assistant to only perform such services within his or her scope of practice and which he or she has the necessary education, training and experience to competently perform. **Sections 12 and 28** of this bill remove a requirement that the Board of Medical Examiners and the State Board of Osteopathic Medicine adopt regulations governing the testing or examination of applicants for licensure as a physician assistant and the services which a physician assistant may perform. **Section 30** makes a technical revision concerning the renewal of a license as an osteopathic physician assistant. **Sections 1-3, 13-16, 18-20, 22, 25, 31-34, 37-80, 85-89, 91-97, 99-127, 129-167 and 170-201** of this bill make various changes so that physician assistants have similar authority and duties to other providers of health care who provide medical services independently and are otherwise treated in the same manner as other such providers of health care. **Sections 54, 56, 70, 126, 142 and 178** of this bill also add advanced practice registered nurses to certain provisions to ensure that physician assistants and advanced practice registered nurses have similar authority.

Existing law provides that the Board of Medical Examiners consists of: (1) six licensed physicians; (2) one representative of the interests of persons or agencies that regularly provide health care to persons who are indigent, uninsured or unable to afford health care; and (3) two residents of this State who are not affiliated with the healing arts. (NRS 631.050) Existing law also authorizes the Board to select physicians and members of the public to serve as advisory members of the Board. (NRS 630.075) **Sections** ~~[6,]~~ **7 and 202** of this bill **revise the membership of the Board to eliminate one member who is a licensed physician and instead** require the appointment of ~~[two additional members of the Board who are]~~ **one member who is a** physician ~~[assistants.]~~ **assistant. Section 8** of this bill authorizes the Board to select physician assistants to serve as advisory members of the Board.

Existing law prohibits a person who is not licensed as a physician assistant from holding himself or herself out as a physician assistant. (NRS 630.400, 633.741) **Sections 17 and 32** of this bill authorize an unlicensed person who meets the requirements for licensure as a physician assistant to refer to himself or herself as an "inactive physician assistant."

Existing law requires the State Board of Pharmacy to adopt regulations governing the: (1) administration, possession, dispensing, storage, security, recordkeeping and transportation of controlled substances by a physician assistant; and (2) administration, possession, prescription, dispensing, storage,

security, recordkeeping and transportation of dangerous drugs, poisons and devices by a physician assistant. (NRS 639.1373) **Section 36** removes a requirement that the Board consider the experience and training of the physician assistant when adopting those regulations.

Existing law establishes a rural clinic as a medical facility in a rural area where medical services are provided by a physician assistant or advanced practice registered nurse under the supervision of a physician. (NRS 449.0175) **Section 128** of this bill removes the requirement that a rural clinic be supervised by a physician.

Section 4 of Assembly Bill No. 364 is hereby amended as follows:

Sec. 4. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A physician assistant may practice at:

(a) A medical facility, any facility licensed pursuant to chapter 449 of NRS or any facility that has established a system for evaluating the credentials of and granting practice privileges to physician assistants;

(b) A facility or medical practice owned by a physician or osteopathic physician or a group of physicians or osteopathic physicians;

(c) A federally-qualified health center, as defined in 42 U.S.C. § 1396d(l)(2)(B);

(d) A correctional facility or institution;

(e) A state, county, city or district health department; or

(f) Any other location authorized by regulation of the Board.

2. A physician assistant who has practiced as a physician assistant for less than ~~[4,000]~~ 6,000 hours shall enter into a written collaborative agreement with a physician that prescribes the manner in which the physician and physician assistant will collaborate. Upon request of the Board, the physician assistant shall provide the collaborative agreement to the Board.

3. A physician assistant who changes the field of medicine within which the physician assistant practices must enter into a written collaborative agreement with a physician pursuant to subsection 2 until the physician assistant has practiced as a physician assistant in that field of medicine for not less than 6,000 hours.

Section 6 of Assembly Bill No. 364 is hereby amended as follows:

Sec. 6. ~~[NRS 630.050 is hereby amended to read as follows:~~

~~630.050 1. The Board of Medical Examiners consists of~~ **[**~~nine~~**]** ***~~11~~*** ~~members appointed by the Governor.~~

~~2. No person may be appointed as a member of the Board to serve for more than two consecutive full terms, but a person may be reappointed after the lapse of 4 years.~~**]** **(Deleted by amendment.)**

Section 7 of Assembly Bill No. 364 is hereby amended as follows:

Sec. 7. NRS 630.060 is hereby amended to read as follows:

630.060 1. ~~[Six]~~ ***Five*** members of the Board must be persons who are licensed to practice medicine in this State, are actually engaged in the practice

of medicine in this State and have resided and practiced medicine in this State for at least 5 years preceding their respective appointments.

2. ~~*[Two members]*~~ ***One member*** *of the Board must be* ~~*[persons]*~~ ***a person who*** ~~*[are]*~~ ***is*** *licensed to practice as* ***a*** *physician* ~~*[assistants]*~~ ***assistant*** *in this State,* ~~*[are]*~~ ***is*** *actually engaged in practice as* ***a*** *physician* ~~*[assistants]*~~ ***assistant*** *in this State and* ~~*[have]*~~ ***has*** *resided and practiced as* ***a*** *physician* ~~*[assistants]*~~ ***assistant*** *in this State for at least 5 years preceding* ~~*[their respective appointments.]*~~ ***his or her appointment.***

3. One member of the Board must be a person who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member must not be licensed under the provisions of this chapter.

~~[3.]~~ ***4.*** The remaining two members of the Board must be persons who have resided in this State for at least 5 years and who:

(a) Are not licensed in any state to practice any healing art;

(b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;

(c) Are not actively engaged in the administration of any facility for the dependent as defined in chapter 449 of NRS, medical facility or medical school; and

(d) Do not have a pecuniary interest in any matter pertaining to the healing arts, except as a patient or potential patient.

~~[4.]~~ ***5.*** The members of the Board must be selected without regard to their individual political beliefs.

Section 23 of Assembly Bill No. 364 is hereby amended as follows:

Sec. 23. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A physician assistant shall practice at:

(a) A medical facility, any other facility licensed pursuant to chapter 449 of NRS or any facility that has established a system for evaluating the credentials of and granting practice privileges to physician assistants;

(b) A facility or medical practice owned by a physician or osteopathic physician or a group of physicians or osteopathic physicians;

(c) A federally-qualified health center, as defined in 42 U.S.C. § 1396d(l)(2)(B);

(d) A correctional facility or institution;

(e) A state, county, city or district health department; or

(f) Any other location authorized by regulation of the Board.

2. A physician assistant who has practiced as a physician assistant for less than ~~*[4,000]*~~ ***6,000 hours shall enter into a written collaborative agreement with an osteopathic physician that prescribes the manner in which the osteopathic physician and physician assistant will collaborate. Upon request of the Board, the physician assistant shall provide the collaborative agreement to the Board.***

3. A physician assistant who changes the field of medicine within which the physician assistant practices must enter into a written collaborative agreement with a physician pursuant to subsection 2 until the physician assistant has practiced as a physician assistant in that field of medicine for not less than 6,000 hours.

Section 202 of Assembly Bill No. 364 is hereby amended as follows:

Sec. 202. ~~[1. On or]~~ **The amendatory provisions of section 7 of this act do not affect the current term of appointment of any person who,** before ~~[July 1, 2023,]~~ **the effective date of that section, is a member of the Board of Medical Examiners, and each member continues to serve until the expiration of his or her term or until the member vacates his or her office, whichever occurs first. On and after the effective date of section 7 of this act,** the Governor shall ~~[appoint]~~ **make appointments** to the Board of Medical Examiners ~~[the members described in subsection 2 of]~~ **in accordance with** NRS 630.060, as amended by section 7 of this act.

~~[2. In making the appointments described in subsection 2 of NRS 630.060, as amended by section 7 of this act, the Governor shall appoint the new members to staggered terms of 2 and 4 years.]~~

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 371.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 262.

AN ACT relating to parentage; adopting provisions of the Uniform Parentage Act; revising provisions relating to the establishment of a parent and child relationship and the presumption of parentage; establishing provisions concerning the voluntary acknowledgment of parentage and denial of parentage by certain persons; authorizing the State Board of Health to adopt regulations relating to an acknowledgment of parentage or denial of parentage; establishing provisions governing genetic testing in proceedings to adjudicate parentage; establishing and revising various provisions relating to proceedings to adjudicate parentage; authorizing a person who claims to be a de facto parent of a child to be adjudicated as a parent of the child in certain circumstances; authorizing a court to adjudicate a child to have more than two parents in certain circumstances; establishing and revising provisions relating to assisted reproduction and gestational agreements; providing for the right of a gestational carrier to make all health care decisions regarding the gestational carrier and the pregnancy of the gestational carrier; repealing various provisions relating to parentage; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing parentage and the establishment of parent and child relationships. (Chapter 126 of NRS) **Sections 28-91** of this bill generally replace such provisions with provisions modeled after those of the Uniform Parentage Act (hereinafter "UPA"), adopted by the Uniform Law Commission in 2017. **Sections 4-26** of this bill define terms for the purposes of chapter 126 of NRS that are modeled after the definitions of the terms used in the UPA.

Existing law provides the manners in which the legal relationship of a mother and child can be established, including: (1) except in the case of a gestational agreement, proof that a woman gave birth to a child; (2) an adjudication that a woman is the mother of a child; (3) proof that a woman has adopted a child; (4) an unrebutted presumption of a woman's maternity; (5) the consent of a woman to assisted reproduction that resulted in the birth of a child; or (6) an adjudication confirming a woman as a parent of a child born to a gestational carrier. (NRS 126.041) Existing law also provides the manners in which the legal relationship of a father and child can be established, including: (1) an adjudication that a man is the father of a child; (2) proof that a man has adopted a child; (3) the consent of a man to assisted reproduction that resulted in the birth of a child; (4) an adjudication confirming a man as a parent of a child born to a gestational carrier; (5) a presumption of paternity that arises if a man was married to or cohabiting with the natural mother of a child or resides with and holds out a child as his natural child; (6) genetic testing establishing a man as the father of a child; or (7) a voluntary acknowledgment of paternity by a man. (NRS 126.041, 126.051, 126.053) **Section 34** of this bill uses the gender-neutral language of the UPA to set forth the circumstances in which a parent and child relationship is established between a person and a child. Similarly, **section 37** of this bill uses the gender-neutral language of the UPA to establish the circumstances in which a person is presumed to be a parent of a child.

Sections 38-51 of this bill establish provisions modeled after those of the UPA relating to the voluntary acknowledgment or voluntary denial of parentage by certain persons, including provisions relating to the requirements for, rescission of and challenge to an acknowledgment of parentage or denial of parentage. **Section 42** of this bill provides that, unless an acknowledgment of parentage or denial of parentage is rescinded or challenged, such an acknowledgment of parentage or denial of parentage that meets all requirements of law and is filed with the State Registrar of Vital Statistics is equivalent to an adjudication of the parentage of a child or the nonparentage of a person, respectively. **Section 43** of this bill prohibits the State Registrar of Vital Statistics from charging a fee for filing an acknowledgment of parentage or denial of parentage, and **section 51** of this bill authorizes the State Board of Health to adopt any necessary regulations relating to an acknowledgment of parentage or denial of parentage.

Existing law provides that in an action to determine paternity, a court is authorized or required, depending on the circumstances, to order genetic testing of a mother, child, alleged father or any other person. (NRS 126.121) **Sections 52-68** of this bill establish various provisions modeled after those of the UPA concerning genetic testing, including: (1) the limitation on the use of genetic testing; (2) the authority to order **, facilitate** or deny genetic testing; (3) the requirements of genetic testing; (4) reports and costs of genetic testing; (5) additional genetic testing when a result is contested; (6) genetic testing when a specimen is not available from an alleged genetic parent; and (7) genetic testing of a deceased person or identical sibling. **Section 68** of this bill provides that a person commits a misdemeanor if, without proper authority, he or she intentionally releases an identifiable specimen of another person collected for genetic testing for a purpose not relevant to a proceeding regarding parentage.

Existing law establishes various provisions relating to an action to determine paternity or maternity. (NRS 126.071-126.231) **Sections 69-89** of this bill replace several of those provisions with provisions modeled after those of the UPA governing proceedings to adjudicate parentage. Existing law provides that if an action to determine paternity is brought before the birth of a child, all proceedings are generally required to be stayed until after the birth of the child. (NRS 126.071) **Section 84** of this bill instead authorizes a proceeding to adjudicate parentage to be commenced and an order or judgment to be entered before the birth of a child, but requires enforcement of the order or judgment to be stayed until after the birth of the child.

Existing law does not bar an action to determine paternity until 3 years after a child reaches the age of majority. (NRS 126.081) **Sections 75 and 76** of this bill instead provide that a proceeding to determine whether an alleged genetic parent or presumed parent, respectively, is a parent of a child may be commenced after the child becomes an adult if the child initiates the proceeding.

Existing law requires that an informal hearing be held after an action to determine paternity has been brought and further requires a court to attempt to resolve the issues raised in the action during the pretrial hearing. (NRS 126.111) **Section 136** of this bill repeals the provisions relating to such a pretrial hearing, as the UPA does not require any such pretrial hearing to be conducted.

Section 77 of this bill authorizes a person who claims to be a de facto parent of a child to commence a proceeding to establish parentage of the child if the child is alive and less than 18 years of age. **Section 77** provides that a person who claims to be a de facto parent of a child must be adjudicated as a parent of the child if there is only one other person who is a parent or has a claim to parentage of the child and the person who claims to be a de facto parent can demonstrate certain facts by clear and convincing evidence. **Section 81** of this bill authorizes a court to adjudicate a child to have more than two parents if

the court finds that failure to recognize more than two parents would be detrimental to the child.

Existing law establishes provisions concerning assisted reproduction and gestational surrogacy. (NRS 126.500-126.810) This bill establishes only certain provisions modeled after those of the UPA relating to such matters. **Section 92** of this bill establishes provisions relating to the parental status of certain persons who die before a child is conceived by assisted reproduction. **Section 93** of this bill authorizes a party to a gestational agreement to terminate the agreement at any time before an embryo transfer or, if an embryo transfer does not result in pregnancy, at any time before a subsequent embryo transfer.

Existing law requires that a gestational agreement provide for the express written agreement of the gestational carrier to undergo embryo or gamete transfer and attempt to carry and give birth to any resulting child. (NRS 126.750) **Section 107** of this bill specifies that a gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including whether to: (1) consent to a cesarean section or the transfer of multiple embryos; (2) use the services of a health care practitioner chosen by the gestational carrier; (3) terminate or continue the pregnancy; and (4) reduce or retain the number of fetuses or embryos carried by the gestational carrier. **Section 107** provides that any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Existing law provides that the subsequent marriage or domestic partnership of a gestational carrier after the execution of a gestational agreement does not affect the validity of the agreement. (NRS 126.770) **Section 108** of this bill provides that the subsequent marriage, domestic partnership or divorce of any party to a gestational agreement does not affect the validity of the agreement unless the agreement expressly provides otherwise.

Existing law provides that if a gestational carrier breaches a gestational agreement, a specific performance remedy that would require the gestational carrier to be impregnated is prohibited. (NRS 126.780) **Section 109** of this bill instead provides that specific performance is not an available remedy with regard to a gestational agreement except to enforce any provision in the agreement that is necessary to enable the intended parents to exercise the full rights of parentage immediately upon the birth of the child, if the intended parents are being prevented from exercising such rights.

Sections 98-106 of this bill make various other changes to the provisions of existing law concerning assisted reproduction and gestational surrogacy.

Section 136 repeals provisions of existing law that are not necessary because of the establishment of the provisions modeled after those of the UPA in **sections 28-91**.

Sections 1, 94-97, 110-133 and 136 of this bill make conforming changes to reflect the revisions made to existing law because of the establishment of the provisions modeled after those of the UPA in **sections 28-91** and the repeal of unnecessary provisions in **section 136**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 125C.003 is hereby amended to read as follows:

125C.003 ~~[~~1.~~]~~ A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:

~~[~~(a)~~]~~ ***1.*** The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;

~~[~~(b) A child is born out of wedlock and the provisions of subsection 2 are applicable;~~]~~ or

~~[~~(c)~~]~~ ***2.*** Except as otherwise provided in subsection 6 of NRS 125C.0035 or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this ~~[~~paragraph~~]~~ ***subsection*** is a rebuttable presumption.

~~[~~2. A court may award primary physical custody of a child born out of wedlock to:

(a) The mother of the child if:

(1) The mother has not married the father of the child;

(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and

(3) The father of the child:

(I) Is not subject to any presumption of paternity under NRS 126.051;

(II) Has never acknowledged paternity pursuant to NRS 126.053; or

(III) Has had actual knowledge of his paternity but has abandoned the child.

(b) The father of the child if:

(1) The mother has abandoned the child; and

(2) The father has provided sole care and custody of the child in her absence.

3. As used in this section:

(a) "Abandoned" means that a mother or father has:

(1) Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or

(2) Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.

(b) "Expedited process" has the meaning ascribed to it in NRS 126.161.~~]~~

Sec. 2. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 93, inclusive, of this act.

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 26, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Acknowledged parent" means a person who has established a parent and child relationship under sections 38 to 51, inclusive, of this act.***

Sec. 5. ***"Adjudicated parent" means a person who has been adjudicated to be a parent of a child by a court with jurisdiction.***

Sec. 6. ***"Alleged genetic parent" means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child***

whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother. The term does not include:

1. A presumed parent;

2. A person whose parental rights have been terminated or declared not to exist; or

3. A donor.

Sec. 7. ***"Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:***

1. Intrauterine or intracervical insemination;

2. Donation of gametes;

3. Donation of embryos;

4. In vitro fertilization and transfer of embryos; and

5. Intracytoplasmic sperm injection.

Sec. 8. ***"Birth" includes stillbirth.***

Sec. 9. ***"Child" means a person of any age whose parentage may be determined under sections 28 to 91, inclusive, of this act.***

Sec. 10. ***"Child support agency" means a governmental entity, public official or private agency authorized to provide parentage-establishment services under Title IV-D of the Social Security Act, 42 U.S.C. §§ 651 to 669, inclusive.***

Sec. 11. ***"Custodial parent" means a parent who has been awarded physical custody of a child or, if no award of physical custody has been made by a court, the parent with whom the child resides.***

Sec. 12. ***"Determination of parentage" means establishment of a parent and child relationship by a judicial or administrative proceeding or signing of a valid acknowledgment of parentage under sections 38 to 51, inclusive, of this act.***

Sec. 13. ***"Donor" means a person who provides gametes intended for use in assisted reproduction, whether or not for consideration. The term does not include:***

1. A person who gives birth to a child conceived by assisted reproduction, except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

2. A parent or an intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 14. *"Gamete" means a sperm or egg.*

Sec. 15. *"Genetic testing" means an analysis of genetic markers to identify or exclude a genetic relationship.*

Sec. 16. *"Intended parent" means a person, married or unmarried, or in or not in a domestic partnership, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction.*

Sec. 17. *"Parent" means a person who has established a parent and child relationship under section 34 of this act.*

Sec. 18. *"Parentage" or "parent and child relationship" means the legal relationship between a child and a parent of the child.*

Sec. 19. *"Person" means a natural person of any age.*

Sec. 20. *"Presumed parent" means a person who under section 37 of this act is presumed to be a parent of a child, unless the presumption is overcome in a judicial proceeding, a valid denial of parentage is made under sections 38 to 51, inclusive, of this act or a court adjudicates the person to be a parent.*

Sec. 21. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 22. *"Sign" means, with present intent to authenticate or adopt a record:*

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 23. *"Signatory" means a person who signs a record.*

Sec. 24. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession under the jurisdiction of the United States. The term includes a federally recognized Indian tribe.*

Sec. 25. *"Transfer" means a procedure for assisted reproduction by which an embryo is placed in the body of the person who will give birth to the child.*

Sec. 26. *"Witnessed" means that at least one person who is authorized to sign has signed a record to verify that the person personally observed a signatory sign the record.*

Sec. 27. *As used in this chapter, unless the context otherwise requires, any reference to the father of a child or the mother of a child includes a parent of any gender, and any reference to paternity is equally applicable to parentage.*

Sec. 28. *Sections 28 to 91, inclusive, of this act may be cited as the Uniform Parentage Act (2017).*

Sec. 29. *1. Sections 28 to 91, inclusive, of this act apply to an adjudication or determination of parentage.*

2. Sections 28 to 91, inclusive, of this act do not create, affect, enlarge or diminish parental rights or duties under law of this State other than sections 28 to 91, inclusive, of this act.

Sec. 30. *Each district court may adjudicate parentage under sections 28 to 91, inclusive, of this act.*

Sec. 31. *In any proceeding in which a court of this State has jurisdiction to determine the parentage of a child, the court shall apply the law of this State to adjudicate parentage. The applicable law does not depend on:*

1. The place of birth of the child; or

2. The past or present residence of the child.

Sec. 32. *A proceeding under sections 28 to 91, inclusive, of this act is subject to law of this State other than sections 28 to 91, inclusive, of this act which governs the health, safety, privacy and liberty of a child or other person who could be affected by disclosure of information that could identify the child or other person, including, without limitation, address, telephone number, digital contact information, place of employment, social security number and the child's day care facility or school.*

Sec. 33. *To the extent practicable, a provision of sections 28 to 91, inclusive, of this act applicable to a father and child relationship applies to a mother and child relationship and a provision of sections 28 to 91, inclusive, of this act applicable to a mother and child relationship applies to a father and child relationship.*

Sec. 34. *A parent and child relationship is established between a person and a child if:*

1. The person gives birth to the child, except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act;

2. There is a presumption under section 37 of this act of the person's parentage of the child, unless the presumption is overcome in a judicial proceeding or a valid denial of parentage is made under sections 38 to 51, inclusive, of this act;

3. The person is adjudicated a parent of the child by a court of this State or any other state;

4. The person adopts the child;

5. The person acknowledges parentage of the child under sections 38 to 51, inclusive, of this act, unless the acknowledgment is rescinded under section 45 of this act or successfully challenged under sections 38 to 51, inclusive, or sections 69 to 89, inclusive, of this act; or

6. The person's parentage of the child is established under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 35. *A parent and child relationship extends equally to every child and parent, regardless of the marital status of the parent.*

Sec. 36. *Unless parental rights are terminated, a parent and child relationship established under sections 28 to 91, inclusive, of this act applies for all purposes.*

Sec. 37. *1. A person is presumed to be a parent of a child if:*

(a) Except as otherwise provided under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act or law of this State other than sections 28 to 91, inclusive, of this act:

(1) The person and the person who gave birth to the child are married to or in a domestic partnership with each other and the child is born during the marriage or domestic partnership, whether the marriage or domestic partnership is or could be declared invalid;

(2) The person and the person who gave birth to the child were married to or in a domestic partnership with each other and the child is born not later than 300 days after the marriage or domestic partnership is terminated by death, divorce, dissolution, annulment or declaration of invalidity, or after a decree of separation or separate maintenance, whether the marriage or domestic partnership is or could be declared invalid; or

(3) The person and the person who gave birth to the child married or entered into a domestic partnership with each other after the birth of the child, whether the marriage or domestic partnership is or could be declared invalid, the person at any time asserted parentage of the child, and:

(I) The assertion is in a record filed with the State Registrar of Vital Statistics; or

(II) The person agreed to be and is named as a parent of the child on the birth certificate of the child; or

(b) The person resided in the same household with the child for the first 2 years of the life of the child, including any period of temporary absence, and openly held out the child as the person's child.

2. A presumption of parentage under this section may be overcome, and competing claims to parentage may be resolved, only by an adjudication under sections 69 to 89, inclusive, of this act or a valid denial of parentage under sections 38 to 51, inclusive, of this act.

Sec. 38. *A person who gave birth to a child and an alleged genetic parent of the child, intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, or presumed parent may sign an acknowledgment of parentage to establish the parentage of the child.*

Sec. 39. *1. An acknowledgment of parentage under section 38 of this act must:*

(a) Be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent and child relationship, and the signatures must be attested by an electronic notary public or other notarial officer or signed by at least one witness;

(b) State that the child whose parentage is being acknowledged:

(1) Does not have a presumed parent other than the person seeking to establish the parent and child relationship or has a presumed parent whose full name is stated; and

(2) Does not have another acknowledged parent, adjudicated parent or person who is a parent of the child under NRS 126.500 to 126.810, inclusive,

and sections 92 and 93 of this act other than the person who gave birth to the child; and

(c) State that the signatories understand that the acknowledgement is the equivalent of an adjudication of parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred 2 years after the effective date of the acknowledgment.

2. An acknowledgment of parentage is void if, at the time of signing:

(a) A person other than the person seeking to establish parentage is a presumed parent, unless a denial of parentage by the presumed parent in a signed record is filed with the State Registrar of Vital Statistics; or

(b) A person, other than the person who gave birth to the child or the person seeking to establish parentage, is an acknowledged or adjudicated parent or a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 40. *A presumed parent or alleged genetic parent may sign a denial of parentage in a record. The denial of parentage is valid only if:*

1. An acknowledgment of parentage by another person is filed under section 42 of this act;

2. The signature of the presumed parent or alleged genetic parent is attested by an electronic notary public or other notarial officer or signed by at least one witness; and

3. The presumed parent or alleged genetic parent has not previously:

(a) Completed a valid acknowledgment of parentage for the same child, unless the previous acknowledgment was rescinded under section 45 of this act or challenged successfully under section 46 of this act; or

(b) Been adjudicated to be a parent of the child.

Sec. 41. *1. An acknowledgment of parentage and a denial of parentage may be contained in a single document or may be in counterparts and may be filed with the State Registrar of Vital Statistics separately or simultaneously. If filing of the acknowledgment and denial both are required under sections 28 to 91, inclusive, of this act, neither is effective until both are filed.*

2. An acknowledgment of parentage or denial of parentage may only be signed after the birth of the child.

3. Subject to subsection 1, an acknowledgment of parentage or denial of parentage takes effect on the filing of the document with the State Registrar of Vital Statistics.

4. An acknowledgment of parentage or denial of parentage signed by a person who is a minor is valid if the acknowledgment complies with sections 28 to 91, inclusive, of this act.

Sec. 42. *1. Except as otherwise provided in sections 45 and 46 of this act, an acknowledgment of parentage that complies with sections 38 to 51, inclusive, of this act and is filed with the State Registrar of Vital Statistics is equivalent to an adjudication of parentage of the child and confers on the acknowledged parent all rights and duties of a parent.*

2. Except as otherwise provided in sections 45 and 46 of this act, a denial of parentage by a presumed parent or alleged genetic parent which complies with sections 38 to 51, inclusive, of this act and is filed with the State Registrar of Vital Statistics with an acknowledgment of parentage that complies with sections 38 to 51, inclusive, of this act is equivalent to an adjudication of the nonparentage of the presumed parent or alleged genetic parent who signed the denial and discharges the presumed parent or alleged genetic parent who signed the denial from all rights and duties of a parent.

Sec. 43. *The State Registrar of Vital Statistics may not charge a fee for filing an acknowledgment of parentage or denial of parentage.*

Sec. 44. *A court conducting a judicial proceeding or an administrative agency conducting an administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of parentage. A court may determine that a person who signed an acknowledgment of parentage is a parent in a later proceeding based on other grounds.*

Sec. 45. *1. A signatory may rescind an acknowledgment of parentage or denial of parentage by filing with the State Registrar of Vital Statistics a rescission in a signed record which is attested by an electronic notary public or notarial officer or signed by at least one witness, before the earlier of:*

(a) Sixty days after the effective date under section 41 of this act of the acknowledgment or denial; or

(b) The date of the first hearing before a court in a proceeding, to which the signatory is a party, to adjudicate an issue relating to the child, including a proceeding that establishes support.

2. If an acknowledgment of parentage is rescinded under subsection 1, an associated denial of parentage is invalid, and the State Registrar of Vital Statistics shall notify the person who gave birth to the child and the person who signed a denial of parentage of the child that the acknowledgment has been rescinded. Failure to give the notice required by this subsection does not affect the validity of the rescission.

Sec. 46. *1. After the period for rescission under section 45 of this act expires, but not later than 2 years after the effective date under section 41 of this act of an acknowledgment of parentage or denial of parentage, a signatory of the acknowledgment or denial may commence a proceeding to challenge the acknowledgment or denial only on the basis of fraud, duress or material mistake of fact.*

2. A challenge to an acknowledgment of parentage or denial of parentage by a person who was not a signatory to the acknowledgment or denial is governed by section 78 of this act.

Sec. 47. *1. Every signatory to an acknowledgment of parentage and any related denial of parentage must be made a party to a proceeding to challenge the acknowledgment or denial.*

2. By signing an acknowledgment of parentage or denial of parentage, a signatory submits to personal jurisdiction in this State in a proceeding to

challenge the acknowledgment or denial, effective on the filing of the acknowledgment or denial with the State Registrar of Vital Statistics.

3. The court may not suspend the legal responsibilities arising from an acknowledgment of parentage, including the duty to pay child support, during the pendency of a proceeding to challenge the acknowledgment or a related denial of parentage, unless the party challenging the acknowledgment or denial shows good cause.

4. A party challenging an acknowledgment of parentage or denial of parentage has the burden of proof.

5. If the court determines that a party has satisfied the burden of proof under subsection 4, the court shall order the State Registrar of Vital Statistics to amend the birth record of the child to reflect the legal parentage of the child.

6. A proceeding to challenge an acknowledgment of parentage or denial of parentage must be conducted under sections 69 to 89, inclusive, of this act.

Sec. 48. *The court shall give full faith and credit to an acknowledgment of parentage or denial of parentage effective in another state if the acknowledgment or denial was in a signed record and otherwise complies with the law of the other state.*

Sec. 49. *A valid acknowledgment of parentage or denial of parentage is not affected by a later modification of the declaration developed by the State Board of Health pursuant to NRS 440.285.*

Sec. 50. *The State Registrar of Vital Statistics may release information relating to an acknowledgment of parentage or denial of parentage to a signatory of the acknowledgment or denial, a court, federal agency and child support agency of this or another state.*

Sec. 51. *The State Board of Health may adopt any regulations that are necessary to implement sections 38 to 51, inclusive, of this act.*

Sec. 52. *As used in sections 52 to 68, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 53 to 57, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 53. *"Combined relationship index" means the product of all tested relationship indices.*

Sec. 54. *"Ethnic or racial group" means, for the purpose of genetic testing, a recognized group that a person identifies as the person's ancestry or part of the ancestry or that is identified by other information.*

Sec. 55. *"Hypothesized genetic relationship" means an asserted genetic relationship between a person and a child.*

Sec. 56. *"Probability of parentage" means, for the ethnic or racial group to which a person alleged to be a parent belongs, the probability that a hypothesized genetic relationship is supported, compared to the probability that a genetic relationship is supported between the child and a random person of the ethnic or racial group used in the hypothesized genetic*

relationship, expressed as a percentage incorporating the combined relationship index and a prior probability.

Sec. 57. ***"Relationship index" means a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship.***

Sec. 58. ***1. Sections 52 to 68, inclusive, of this act govern genetic testing of a person in a proceeding to adjudicate parentage, whether the person:***

(a) Voluntarily submits to testing; or

(b) Is tested under an order of the court or as a result of the facilitation of a child support agency.

2. Genetic testing may not be used:

(a) To challenge the parentage of a person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

(b) To establish the parentage of a person who is a donor.

Sec. 59. ***1. Except as otherwise provided in sections 52 to 68, inclusive, of this act or sections 69 to 89, inclusive, of this act, in a proceeding under sections 28 to 91, inclusive, of this act to determine parentage, the court shall order the child and any other person to submit to genetic testing if a request for testing is supported by the sworn statement of a party:***

(a) Alleging a reasonable possibility that the person is the child's genetic parent; or

(b) Denying genetic parentage of the child and stating facts establishing a reasonable possibility that the person is not a genetic parent.

2. A child support agency may ~~[order]~~ facilitate genetic testing only if there is no ~~[presumed,]~~ acknowledged or adjudicated parent of a child other than the person who gave birth to the child.

3. The court ~~[or]~~ may not order, and a child support agency may not ~~[order]~~ facilitate, in utero genetic testing.

4. If two or more persons are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

5. Genetic testing of a person who gave birth to a child is not a condition precedent to testing of the child and a person whose genetic parentage of the child is being determined. If the person who gave birth to the child is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each person whose genetic parentage of the child is being adjudicated.

6. In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a parent under section 77 of this act, or to challenge an acknowledgment of parentage, the court may deny a motion for genetic testing of the child and any other person after considering the factors in subsections 1 and 2 of section 81 of this act.

7. If a person requesting genetic testing is barred under sections 69 to 89, inclusive, of this act from establishing the person's parentage, the court shall deny the request for genetic testing.

8. An order under this section for genetic testing is enforceable by contempt.

Sec. 60. *1. Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by:*

(a) The AABB, formerly known as the American Association of Blood Banks, or a successor to its functions; or

(b) An accrediting body designated by the Secretary of the United States Department of Health and Human Services.

2. A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each person undergoing genetic testing.

3. Based on the ethnic or racial group of a person undergoing genetic testing, a testing laboratory shall determine the databases from which to select frequencies for use in calculating a relationship index. If a person or a child support agency objects to the laboratory's choice, the following rules apply:

(a) Not later than 30 days after receipt of the report of the test, the objecting person or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.

(b) The person or the child support agency objecting to the laboratory's choice under this subsection shall:

(1) If the requested frequencies are not available to the laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or

(2) Engage another laboratory to perform the calculations.

(c) The laboratory may use its own statistical estimate if there is a question which ethnic or racial group is appropriate. The laboratory shall calculate the frequencies using statistics, if available, for any other ethnic or racial group requested.

4. If, after recalculation of the relationship index under subsection 3 using a different ethnic or racial group, genetic testing under section 62 of this act does not identify a person as a genetic parent of a child, the court may require a person who has been tested to submit to additional genetic testing to identify a genetic parent.

Sec. 61. *1. A report of genetic testing must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the requirements of sections 52 to 68, inclusive, of this act is self-authenticating.*

2. Documentation from a testing laboratory of the following information is sufficient to establish a reliable chain of custody and allow the results of genetic testing to be admissible without testimony:

(a) The name and photograph of each person whose specimen has been taken;

(b) The name of the person who collected each specimen;

(c) The place and date each specimen was collected;

(d) The name of the person who received each specimen in the testing laboratory; and

(e) The date each specimen was received.

Sec. 62. *1. Subject to a challenge under subsection 2, a person is identified under sections 28 to 91, inclusive, of this act as a genetic parent of a child if genetic testing complies with sections 52 to 68, inclusive, of this act and the results of the testing disclose:*

(a) The person has at least a 99 percent probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and

(b) A combined relationship index of at least 100 to 1.

2. A person identified under subsection 1 as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of sections 52 to 68, inclusive, of this act which:

(a) Excludes the person as a genetic parent of the child; or

(b) Identifies another person as a possible genetic parent of the child other than:

(1) The person who gave birth to the child; or

(2) The person identified under subsection 1.

3. Except as otherwise provided in section 67 of this act, if more than one person other than the person who gave birth to the child is identified by genetic testing as a possible genetic parent of the child, the court shall order each person to submit to further genetic testing to identify a genetic parent.

Sec. 63. *1. Subject to assessment of fees under sections 69 to 89, inclusive, of this act, payment of the cost of initial genetic testing must be made in advance:*

(a) ~~[By a child support agency in a proceeding in which the child support agency is providing services;~~

~~(b)]~~ By the person who made the request for genetic testing;

~~[(c)]~~ (b) As agreed by the parties; or

~~[(d)]~~ (c) As ordered by the court.

2. If the cost of genetic testing is paid by a child support agency, the agency may seek reimbursement from the genetic parent whose parent and child relationship is established.

Sec. 64. *The court shall order, or a child support agency ~~[shall order]~~ may facilitate, additional genetic testing on request of a person who contests the result of the initial testing under section 62 of this act. If initial genetic testing under section 62 of this act identified a person as a genetic parent of*

the child, the court ~~[or agency]~~ may not order , and a child support agency may not facilitate, additional testing unless the contesting person pays for the testing in advance.

Sec. 65. *1. Subject to subsection 2, if a genetic-testing specimen is not available from an alleged genetic parent of a child, a person seeking genetic testing demonstrates good cause and the court finds that the circumstances are just, the court may order any of the following persons to submit specimens for genetic testing:*

(a) A parent of the alleged genetic parent;

(b) A sibling of the alleged genetic parent;

(c) Another child of the alleged genetic parent and the person who gave birth to the other child; and

(d) Another relative of the alleged genetic parent necessary to complete genetic testing.

2. To issue an order under this section, the court must find that a need for genetic testing outweighs the legitimate interests of the person sought to be tested.

Sec. 66. *If a person seeking genetic testing demonstrates good cause, the court may order genetic testing of a deceased person.*

Sec. 67. *1. If the court finds there is reason to believe that an alleged genetic parent has an identical sibling and evidence that the sibling may be a genetic parent of the child, the court may order genetic testing of the sibling.*

2. If more than one sibling is identified under section 62 of this act as a genetic parent of the child, the court may rely on nongenetic evidence to adjudicate which sibling is a genetic parent of the child.

Sec. 68. *1. Release of a report of genetic testing for parentage is controlled by law of this State other than sections 28 to 91, inclusive, of this act.*

2. A person who intentionally releases an identifiable specimen of another person collected for genetic testing under sections 52 to 68, inclusive, of this act for a purpose not relevant to a proceeding regarding parentage, without a court order or written permission of the person who furnished the specimen, commits a misdemeanor.

Sec. 69. *1. A proceeding may be commenced to adjudicate the parentage of a child. Except as otherwise provided in sections 28 to 91, inclusive, of this act, the proceeding is governed by the Nevada Rules of Civil Procedure.*

2. A proceeding to adjudicate the parentage of a child born under a gestational agreement is governed by NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

3. As used in this section, "gestational agreement" has the meaning ascribed to it in NRS 126.570.

Sec. 70. *Except as otherwise provided in sections 38 to 51, inclusive, and sections 76 to 79, inclusive, of this act, a proceeding to adjudicate parentage may be maintained by:*

1. The child;

2. The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;

3. A person who is a parent under sections 28 to 91, inclusive, of this act;

4. A person whose parentage of the child is to be adjudicated;

5. A child support agency or other governmental agency authorized by law of this State other than sections 28 to 91, inclusive, of this act;

6. An adoption agency authorized by law of this State other than sections 28 to 91, inclusive, of this act or licensed child-placing agency; or

7. A representative authorized by law of this State other than sections 28 to 91, inclusive, of this act to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated or a minor.

Sec. 71. *1. The petitioner shall give notice of a proceeding to adjudicate parentage to the following persons ~~[.]~~ , if the whereabouts of the person are known:*

(a) The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;

(b) A person who is a parent of the child under sections 28 to 91, inclusive, of this act;

(c) A presumed, acknowledged or adjudicated parent of the child; and

(d) A person whose parentage of the child is to be adjudicated.

2. A person entitled to notice under subsection 1 has a right to intervene in the proceeding.

3. Lack of notice required by subsection 1 does not render a judgment void. Lack of notice does not preclude a person entitled to notice under subsection 1 from bringing a proceeding under subsection 2 of section 79 of this act.

Sec. 72. *1. The court may adjudicate a person's parentage of a child only if the court has personal jurisdiction over the person.*

2. A court of this State with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident if the conditions prescribed in NRS 130.201 are satisfied.

3. Lack of jurisdiction over one person does not preclude the court from making an adjudication of parentage binding on another person.

Sec. 73. *Venue for a proceeding to adjudicate parentage is in the county of this State in which:*

1. The child resides or is located;

2. If the child does not reside in this State, the respondent resides or is located; or

3. A proceeding has been commenced for administration of the estate of a person who is or may be a parent under sections 28 to 91, inclusive, of this act.

Sec. 74. *1. Except as otherwise provided in subsection 2 of section 58 of this act, the court shall admit a report of genetic testing ordered by the court under section 59 of this act as evidence of the truth of the facts asserted in the report.*

2. A party may object to the admission of a report described in subsection 1, not later than 14 days after the party receives the report. The party shall cite specific grounds for exclusion.

3. A party that objects to the results of genetic testing may call a genetic-testing expert to testify in person or by another method approved by the court. Unless the court orders otherwise, the party offering the testimony bears the expense for the expert testifying.

4. Admissibility of a report of genetic testing is not affected by whether the testing was performed:

(a) Voluntarily , ~~[or]~~ under an order of the court or as a result of the facilitation of a child support agency; or

(b) Before, on or after commencement of the proceeding.

Sec. 75. *1. A proceeding to determine whether an alleged genetic parent who is not a presumed parent is a parent of a child may be commenced:*

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. This subsection applies in a proceeding described in subsection 1 if the person who gave birth to the child is the only other person with a claim to parentage of the child. The court shall adjudicate an alleged genetic parent to be a parent of the child if the alleged genetic parent:

(a) Is identified under section 62 of this act as a genetic parent of the child and the identification is not successfully challenged under section 62 of this act;

(b) Admits parentage in a pleading, when making an appearance or during a hearing, the court accepts the admission and the court determines the alleged genetic parent to be a parent of the child;

(c) Declines to submit to genetic testing ordered by the court or facilitated by a child support agency, in which case the court may adjudicate the alleged genetic parent to be a parent of the child even if the alleged genetic parent denies a genetic relationship with the child;

(d) Is in default after service of process and the court determines the alleged genetic parent to be a parent of the child; or

(e) Is neither identified nor excluded as a genetic parent by genetic testing and, based on other evidence, the court determines the alleged genetic parent to be a parent of the child.

3. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding involving an alleged genetic parent, at least one other person in addition to the person who gave birth to the child has a claim to

parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 76. ***1. A proceeding to determine whether a presumed parent is a parent of a child may be commenced:***

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. A presumption of parentage under section 37 of this act cannot be overcome after the child attains 2 years of age unless the court determines:

(a) The presumed parent is not a genetic parent, never resided with the child and never held out the child as the presumed parent's child; or

(b) The child has more than one presumed parent.

3. The following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth to the child is the only other person with a claim to parentage of the child:

(a) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child.

(b) If the presumed parent is identified under section 62 of this act as a genetic parent of the child and that identification is not successfully challenged under section 62 of this act, the court shall adjudicate the presumed parent to be a parent of the child.

(c) If the presumed parent is not identified under section 62 of this act as a genetic parent of the child and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage of the child, the court shall adjudicate the parentage of the child in the best interest of the child based on the factors under subsections 1 and 2 of section 81 of this act.

4. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate a presumed parent's parentage of a child, another person in addition to the person who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 77. ***1. A proceeding to establish parentage of a child under this section may be commenced only by a person who:***

(a) Is alive when the proceeding is commenced; and

(b) Claims to be a de facto parent of the child.

2. A person who claims to be a de facto parent of a child must commence a proceeding to establish parentage of a child under this section:

(a) Before the child attains 18 years of age; and

(b) While the child is alive.

3. The following rules govern standing of a person who claims to be a de facto parent of a child to maintain a proceeding under this section:

(a) The person must file an initial verified pleading alleging specific facts that support the claim to parentage of the child asserted under this section.

The verified pleading must be served on all parents and legal guardians of the child and any other party to the proceeding.

(b) An adverse party, parent or legal guardian may file a pleading in response to the pleading filed under paragraph (a). A responsive pleading must be verified and must be served on parties to the proceeding.

(c) Unless the court finds a hearing is necessary to determine disputed facts material to the issue of standing, the court shall determine, based on the pleadings under paragraphs (a) and (b), whether the person has alleged facts sufficient to satisfy by a preponderance of the evidence the requirements of paragraphs (a) to (g), inclusive, of subsection 4. If the court holds a hearing under this subsection, the hearing must be held on an expedited basis.

4. In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to parentage of the child, the court shall adjudicate the person who claims to be a de facto parent to be a parent of the child if the person demonstrates by clear and convincing evidence that:

(a) The person resided with the child as a regular member of the child's household for a significant period;

(b) The person engaged in consistent caretaking of the child;

(c) The person undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(d) The person held out the child as the person's child;

(e) The person established a bonded and dependent relationship with the child which is parental in nature;

(f) Another parent of the child fostered or supported the bonded and dependent relationship required under paragraph (e); and

(g) Continuing the relationship between the person and the child is in the best interest of the child.

5. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, there is more than one other person who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection 4 are satisfied, the court shall adjudicate parentage under section 81 of this act.

Sec. 78. *1. If a child has an acknowledged parent, a proceeding to challenge the acknowledgment of parentage or a denial of parentage, brought by a signatory to the acknowledgment or denial, is governed by sections 46 and 47 of this act.*

2. If a child has an acknowledged parent, the following rules apply in a proceeding to challenge the acknowledgment of parentage or a denial of parentage brought by a person, other than the child, who has standing under section 70 of this act and was not a signatory to the acknowledgment or denial:

(a) The person must commence the proceeding not later than 2 years after the effective date of the acknowledgment.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 80 of this act.

Sec. 79. *1. If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by a person who was a party to the adjudication or received notice under section 71 of this act, is governed by the rules governing a collateral attack on a judgment.*

2. If a child has an adjudicated parent, the following rules apply to a proceeding to challenge the adjudication of parentage brought by a person, other than the child, who has standing under section 70 of this act and was not a party to the adjudication and did not receive notice under section 71 of this act:

(a) The person must commence the proceeding not later than 2 years after the effective date of the adjudication.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 81 of this act.

Sec. 80. *1. A person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act or the person who gave birth to the child may bring a proceeding to adjudicate parentage. If the court determines the person is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, the court shall adjudicate the person to be a parent of the child.*

2. In a proceeding to adjudicate a person's parentage of a child, if another person other than the person who gave birth to the child is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, the court shall adjudicate the person's parentage of the child under section 81 of this act.

Sec. 81. *1. In a proceeding to adjudicate competing claims of, or challenges under subsection 3 of section 76 of this act or section 78 or 79 of this act, to parentage of a child by two or more persons, the court shall adjudicate parentage in the best interest of the child, based on:*

(a) The age of the child;

(b) The length of time during which each person assumed the role of parent of the child;

(c) The nature of the relationship between the child and each person;

(d) The harm to the child if the relationship between the child and each person is not recognized;

(e) The basis for each person's claim to parentage of the child; and

(f) Other equitable factors arising from the disruption of the relationship between the child and each person or the likelihood of other harm to the child.

2. If a person challenges parentage based on the results of genetic testing, in addition to the factors listed in subsection 1, the court shall consider:

(a) The facts surrounding the discovery the person might not be a genetic parent of the child; and

(b) The length of time between the time that the person was placed on notice that the person might not be a genetic parent and the commencement of the proceeding.

3. The court may adjudicate a child to have more than two parents under sections 28 to 91, inclusive, of this act if the court finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent or person seeking an adjudication of parentage. In determining detriment to the child, the court shall consider all relevant factors, including the harm if the child is removed from a stable placement with a person who has fulfilled the child's physical needs and psychological needs for care and affection and has assumed the role for a substantial period.

Sec. 82. *1. In a proceeding under sections 69 to 89, inclusive, of this act, the court may issue a temporary order for child support if the order is consistent with the law of this State other than sections 28 to 91, inclusive, of this act and the person ordered to pay support is:*

(a) A presumed parent of the child;

(b) Petitioning to be adjudicated a parent;

(c) Identified as a genetic parent through genetic testing under section 62 of this act;

(d) An alleged genetic parent who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be a parent of the child; or

(f) A parent under sections 28 to 91, inclusive, of this act.

2. A temporary order may include a provision for custody and visitation under law of this State other than sections 28 to 91, inclusive, of this act.

Sec. 83. *1. Except as otherwise provided in subsection 2, the court may combine a proceeding to adjudicate parentage under sections 28 to 91, inclusive, of this act with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, administration of an estate or other appropriate proceeding.*

2. A respondent may not combine a proceeding described in subsection 1 with a proceeding to adjudicate parentage brought under NRS 130.0902 to 130.802, inclusive.

Sec. 84. *Except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, a proceeding to adjudicate parentage may be commenced before the birth of the child and an order or judgment may be entered before birth, but enforcement of the order or judgment must be stayed until the birth of the child.*

Sec. 85. *1. A minor child is a permissive party but not a necessary party to a proceeding under sections 69 to 89, inclusive, of this act.*

2. The court shall appoint a guardian ad litem to represent a child in a proceeding under sections 69 to 89, inclusive, of this act if the court finds that the interests of the child are not adequately represented.

Sec. 86. *The court shall adjudicate parentage of a child without a jury.*

Sec. 87. *The court may dismiss a proceeding under sections 28 to 91, inclusive, of this act for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.*

Sec. 88. *1. An order adjudicating parentage must identify the child in a manner provided by law of this State other than sections 28 to 91, inclusive, of this act.*

2. Except as otherwise provided in subsection 3, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel and other reasonable expenses incurred in a proceeding under sections 69 to 89, inclusive, of this act. Attorney's fees awarded under this subsection may be paid directly to the attorney, and the attorney may enforce the order in the attorney's own name.

3. The court may not assess fees, costs or expenses in a proceeding under sections 69 to 89, inclusive, of this act against a child support agency of this State or another state, except as provided by law of this State other than sections 28 to 91, inclusive, of this act.

4. In a proceeding under sections 69 to 89, inclusive, of this act, a copy of a bill for genetic testing or prenatal or postnatal health care for the person who gave birth to the child and the child, that is provided to the adverse party , excluding a child support agency, not later than 10 days before a hearing, is admissible to establish:

(a) The amount of the charge billed; and

(b) That the charge is reasonable and necessary.

5. On request of a party and for good cause, the court in a proceeding under sections 69 to 89, inclusive, of this act may order the name of the child changed. If the court order changing the name varies from the name on the birth certificate of the child, the court shall order the State Registrar of Vital Statistics to issue an amended birth certificate.

Sec. 89. *1. Except as otherwise provided in subsection 2:*

(a) A signatory to an acknowledgment of parentage or denial of parentage is bound by the acknowledgment and denial as provided in sections 38 to 51, inclusive, of this act; and

(b) A party to an adjudication of parentage by a court acting under circumstances that satisfy the jurisdiction requirements of NRS 130.201 and any person who received notice of the proceeding are bound by the adjudication.

2. A child is not bound by a determination of parentage under sections 28 to 91, inclusive, of this act unless:

(a) The determination was based on an unrescinded acknowledgment of parentage and the acknowledgment is consistent with the results of genetic testing;

(b) The determination was based on a finding consistent with the results of genetic testing, and the consistency is declared in the determination or otherwise shown;

(c) The determination of parentage was made under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

(d) The child was a party or was represented by a guardian ad litem in the proceeding.

3. In a proceeding for divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, the court is deemed to have made an adjudication of parentage of a child if the court acts under circumstances that satisfy the jurisdiction requirements of NRS 130.201 and the final order:

(a) Expressly identifies the child as a "child of the marriage" or "issue of the marriage" or includes similar words indicating that both spouses are parents of the child; or

(b) Provides for support of the child by a spouse or domestic partner unless that spouse's or domestic partner's parentage of the child is disclaimed specifically in the order.

4. Except as otherwise provided in subsection 2 or section 79 of this act, a determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to the earlier proceeding.

5. A party to an adjudication of parentage may challenge the adjudication only under law of this State other than sections 28 to 91, inclusive, of this act relating to appeal, vacation of judgment or other judicial review.

Sec. 90. *In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 91. *Sections 28 to 91, inclusive, of this act modify, limit and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b).*

Sec. 92. *1. If a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a*

gamete or embryo and the birth of the child, the person's death does not preclude the establishment of the person's parentage of the child if the person otherwise would be a parent of the child under sections 28 to 91, inclusive, of this act.

2. If a person who consented in a record to assisted reproduction by a person who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased person is a parent of a child conceived by the assisted reproduction only if:

(a) Either:

(1) The person consented in a record that if assisted reproduction were to occur after the death of the person, the person would be a parent of the child; or

(2) The person's intent to be a parent of a child conceived by assisted reproduction after the person's death is established by clear and convincing evidence; and

(b) Either:

(1) The embryo is in utero not later than 36 months after the person's death; or

(2) The child is born not later than 45 months after the person's death.

3. An intended parent is not a parent of a child conceived by assisted reproduction under a gestational agreement if the intended parent dies before the transfer of a gamete or embryo unless:

(a) The agreement provides otherwise; and

(b) The transfer of a gamete or embryo occurs not later than 36 months after the death of the intended parent or birth of the child occurs not later than 45 months after the death of the intended parent.

Sec. 93. ***1. A party to a gestational agreement may terminate the agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent embryo transfer.***

2. Unless a gestational agreement provides otherwise, on termination of the agreement under subsection 1, the parties are released from the agreement, except that each intended parent remains responsible for expenses that are reimbursable under the agreement and incurred by the gestational carrier through the date of termination.

3. Except in a case involving fraud, neither a gestational carrier nor the gestational carrier's spouse, domestic partner or former spouse or domestic partner, if any, is liable to the intended parent or parents for a penalty or liquidated damages, for terminating a gestational agreement under this section.

Sec. 94. NRS 126.151 is hereby amended to read as follows:

126.151 1. ~~[An action under this chapter is a civil action governed by the Nevada Rules of Civil Procedure. The mother of the child and the alleged~~

~~father are competent to testify and may be compelled to testify. Subsections 3 and 4 of NRS 126.111 and NRS 126.121 and 126.131 apply.~~

~~2.~~ In an action against an alleged ~~[father,]~~ ***genetic parent,*** evidence offered by the alleged ~~[father]~~ ***genetic parent*** with respect to ~~[a man]~~ ***another person*** who is not subject to the jurisdiction of the court concerning that ~~[man's]~~ ***person's*** sexual intercourse with the ~~[mother]~~ ***person who gave birth to the child*** at or about the probable time of conception of the child is admissible in evidence only if the alleged ~~[father]~~ ***genetic parent*** has undergone and made available to the court ~~[blood tests or tests for genetic identification,]~~ the results of ***genetic testing performed pursuant to sections 52 to 68, inclusive, of this act*** which show a probability less than 99 percent that the alleged ~~[father]~~ ***genetic parent*** is ~~[the father]~~ ***a genetic parent*** of the child.

~~3.~~ ***2.*** The trial must be by the court without a jury.

Sec. 95. NRS 126.161 is hereby amended to read as follows:

126.161 1. A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the existence or nonexistence of the relationship of parent and child is determinative for all purposes.

2. If such a judgment or order of this State is at variance with the child's birth certificate, the judgment or order must direct that a new birth certificate be issued as provided in NRS 440.270 to 440.340, inclusive.

3. If the child is a minor, such a judgment or order of this State must provide for the child's support as required by chapter 125B of NRS and must include an order directing the withholding or assignment of income for the payment of the support unless:

(a) One of the parties demonstrates and good cause is found by the court, or pursuant to the expedited process, for the postponement of the withholding or assignment; or

(b) All parties otherwise agree in writing.

4. Such a judgment or order of this State may:

(a) Contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child.

(b) Direct ~~[the father]~~ ***a parent*** to pay the reasonable expenses of the ~~[mother's]~~ pregnancy and confinement ~~[.]~~ ***of the person who gave birth to the child.*** The court may limit the ~~[father's]~~ liability ***of a parent*** for past support of the child to the proportion of the expenses already incurred which the court deems just.

5. A court that enters such a judgment or order shall ensure that the social security numbers of the ~~[mother and father]~~ ***parents*** are:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

6. A judgment or order issued pursuant to this chapter within a proceeding held pursuant to chapter 432B of NRS:

(a) Is not subject to the provisions relating to the confidentiality of judgments or orders set forth in chapter 432B of NRS; and

(b) Is a final order.

7. As used in this section, "expedited process" means ~~[a voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283,]~~ a voluntary acknowledgment of parentage developed by the State Board of Health pursuant to NRS 440.285, judicial procedure or an administrative procedure established by this or another state, as that term is defined in NRS 130.10179, to facilitate the collection of an obligation for the support of a child.

Sec. 96. NRS 126.201 is hereby amended to read as follows:

126.201 1. ~~[At the pretrial hearing and in further proceedings,]~~ ***In any proceeding held pursuant to this chapter,*** any party may be represented by counsel. If a party is financially unable to obtain counsel, the court may appoint counsel to represent that party with respect to the determination of the existence or nonexistence of the parent and child relationship and the duty of support, including **,** without limitation **,** the expenses of the ~~[mother's]~~ pregnancy and confinement ~~[,]~~ ***of the person who gave birth to the child,*** medical expenses for the birth of the child and support of the child from birth until trial.

2. If a party is financially unable to pay the cost of a transcript, the court shall furnish on request a transcript for purposes of appeal.

Sec. 97. NRS 126.291 is hereby amended to read as follows:

126.291 1. Proceedings to compel support by a nonsupporting parent may be brought in accordance with this chapter. They are not exclusive of other proceedings. The court may assess the usual filing fees, charges or court costs against the nonsupporting parent and shall enforce their collection with the other provisions of the judgment.

2. Except as otherwise provided in this subsection, when the district attorney is requested to bring an action to compel support or an action to determine ~~[paternity,]~~ ***parentage,*** the district attorney may charge the requester a fee of not more than $20 for an application. This fee may not be assessed against:

(a) The State of Nevada when acting as a party to an action brought pursuant to this chapter.

(b) Any person or agency requesting services pursuant to chapter 130 of NRS.

3. If the court finds that a parent and child relationship exists, it may assess against the nonsupporting parent, in addition to any support obligation ordered a reasonable collection fee. If the court finds that the nonsupporting parent would experience a financial hardship if required to pay the fee immediately,

it may order that the fee be paid in installments, each of which is not more than 25 percent of the support obligation for each month.

4. All fees collected pursuant to this section must be deposited in the general fund of the county and an equivalent amount must be allocated to augment the county's program for the enforcement of support obligations.

5. As used in this section, "nonsupporting parent" means the parent of a child who has failed to provide an equitable share of his or her child's necessary maintenance, education and support.

Sec. 98. NRS 126.500 is hereby amended to read as follows:

126.500 As used in NRS 126.500 to 126.810, inclusive, ***and sections 92 and 93 of this act,*** unless the context otherwise requires, the words and terms defined in NRS ~~[126.510]~~ ***126.520*** to ~~[126.630,]~~ ***126.580,*** inclusive, have the meanings ascribed to them in those sections.

Sec. 99. NRS 126.660 is hereby amended to read as follows:

126.660 ***1.*** A donor is not a parent of a child conceived by means of assisted reproduction.

2. The consent of the spouse or domestic partner of a person who wishes to be a donor is not required for the person to be a donor.

Sec. 100. NRS 126.670 is hereby amended to read as follows:

126.670 A person who provides gametes for, or consents to, assisted reproduction by ~~[a woman,]~~ ***the person giving birth to the child*** as provided in NRS 126.680, with the intent to be a parent of ~~[her]~~ ***the*** child **,** is a parent of the resulting child.

Sec. 101. NRS 126.680 is hereby amended to read as follows:

126.680 1. ~~[Consent]~~ ***Except as otherwise provided in subsection 2, consent*** by a person who intends to be a parent of a child born by assisted reproduction must be in a ~~[declaration for the voluntary acknowledgment of parentage, signed pursuant to NRS 126.053.]~~ ***record signed by the person giving birth to the child and the person who intends to be a parent of the child.***

2. Failure ~~[of a person to sign a declaration for the voluntary acknowledgment of parentage]~~ ***to consent in a record as*** required by subsection 1, before or after the birth of the child, does not preclude a finding of parentage if ~~[the woman and]~~ the person ~~[, during]~~ ***who intends to be a parent of the child or the person giving birth to the child:***

(a) Proves by clear and convincing evidence the existence of an express agreement entered into by the person who intends to be a parent of the child and the person giving birth to the child, before the conception of the child, that the person who intends to be a parent of the child and the person giving birth to the child intended that they both would be parents of the child; or

(b) During the first 2 years of the child's life, ***including any period of temporary absence,*** resided together in the same household with the child and openly held out the child as their own.

Sec. 102. NRS 126.690 is hereby amended to read as follows:

126.690 1. Except as otherwise provided in subsection 2, the legal spouse or domestic partner of a ~~[woman]~~ ***person*** who gives birth to a child by means of assisted reproduction may not challenge the parentage of the child unless:

(a) Within 2 years after learning of the birth of the child, a proceeding is commenced to adjudicate parentage; and

(b) The court finds that, before or after the birth of the child, the legal spouse or domestic partner did not consent to the assisted reproduction.

2. A proceeding to adjudicate parentage may be maintained at any time if the court determines that:

(a) The legal spouse or domestic partner did not provide gametes for, or consent to, the assisted reproduction by the person who gave birth ~~[,]~~ ***to the child;***

(b) The legal spouse or domestic partner and the ~~[woman]~~ ***person*** who gave birth to the child have not cohabited since the probable time of the assisted reproduction; and

(c) The legal spouse or domestic partner never openly held out the child as his or her own.

Sec. 103. NRS 126.700 is hereby amended to read as follows:

126.700 1. If a marriage or domestic partnership is dissolved or terminated before the transfer of ~~[eggs, sperm or]~~ embryos, the former spouse or former domestic partner is not a parent of the resulting child unless the former spouse or former domestic partner consented in a record that if assisted reproduction were to occur after a dissolution or termination, the former spouse or former domestic partner would be a parent of the child.

2. The consent of a person to assisted reproduction may be withdrawn by that person in a record at any time before ~~[placement]~~ ***transfer*** of the ~~[eggs, sperm or]~~ embryos.

Sec. 104. NRS 126.710 is hereby amended to read as follows:

126.710 1. A prospective gestational carrier, ~~[her]~~ ***the*** legal spouse or domestic partner **,** if ~~[she is married or in a domestic partnership,]~~ ***any, of the prospective gestational carrier,*** a donor or the donors and the intended parent or parents may enter into a written agreement providing that:

(a) The prospective gestational carrier agrees to pregnancy by means of assisted reproduction;

(b) The prospective gestational carrier, ~~[her]~~ ***the*** legal spouse or domestic partner **,** if ~~[she is married or in a domestic partnership,]~~ ***any, of the prospective gestational carrier,*** and the donor or donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(c) The intended parent or parents become the parent or parents of any resulting child.

2. If two persons are the intended parents, both of the intended parents must be parties to the gestational agreement.

3. A gestational agreement is enforceable only if it satisfies the requirements of NRS 126.750.

4. A gestational agreement may provide for payment of consideration pursuant to NRS 126.800 and 126.810.

Sec. 105. NRS 126.720 is hereby amended to read as follows:

126.720 ***Except as otherwise provided in section 92 of this act:***

1. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750:

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor ~~[her]~~ ***the*** legal spouse or domestic partner, if any, ***of the gestational carrier*** shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750 and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination to the contrary is made by a court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within 60 days after the birth of the child.

3. The parties to a gestational carrier arrangement shall assume the rights and obligations of subsections 1 and 2 if:

(a) The gestational carrier satisfies the eligibility requirements set forth in subsection 1 of NRS 126.740;

(b) The intended parent or parents satisfy the requirement set forth in subsection 2 of NRS 126.740; and

(c) The gestational carrier arrangement occurs pursuant to a gestational agreement which meets the requirements set forth in NRS 126.750.

4. Before or after the birth of the resulting child, the intended parent or parents or the prospective gestational carrier or gestational carrier may commence a proceeding in any district court in this State to obtain an order designating the content of the birth certificate issued as provided in NRS 440.270 to 440.340, inclusive. If:

(a) A copy of the gestational agreement is attached to the petition;

(b) The requirements of NRS 126.740 and 126.750 are satisfied; and

(c) Any of the following applies:

(1) The resulting child is anticipated to be born in this State;

(2) The resulting child was born in this State;

(3) The intended parent or parents reside in this State;

(4) The intended parent or parents resided in this State when the gestational agreement was executed;

(5) The gestational carrier resides in this State;

(6) The gestational agreement was executed in this State; or

(7) The medical procedures for assisted reproduction that were performed pursuant to the gestational agreement and resulted in pregnancy were performed in this State,

➥ the court may issue an order validating the gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child.

Sec. 106. NRS 126.740 is hereby amended to read as follows:

126.740 1. A prospective gestational carrier is eligible to be a gestational carrier pursuant to NRS 126.710 to 126.810, inclusive, ***and sections 92 and 93 of this act*** if, at the time the gestational agreement is executed, ~~[she:]~~ ***the prospective gestational carrier:***

(a) Has completed a medical evaluation relating to the anticipated pregnancy;

(b) Has undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement; and

(c) Did not contribute any gametes that will ultimately result in an embryo that ~~[she]~~ ***the gestational carrier*** will attempt to carry to term.

2. The intended parent or parents shall be deemed to have satisfied the requirements of NRS 126.710 to 126.810, inclusive, ***and sections 92 and 93 of this act*** if, before the gestational carrier agreement is executed, ~~[he, she or they]~~ ***the intended parent or parents*** have undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement.

Sec. 107. NRS 126.750 is hereby amended to read as follows:

126.750 1. A gestational agreement is enforceable only if it satisfies the requirements of this section.

2. The gestational carrier and the intended parent or parents must be represented by separate, independent counsel in all matters concerning the gestational carrier arrangement and gestational agreement.

3. A gestational agreement must:

(a) Be in writing;

(b) Be executed before the commencement of any medical procedures in furtherance of the gestational carrier arrangement, other than the medical evaluation required by subsection 1 of NRS 126.740 to determine the eligibility of the gestational carrier, by:

(1) A gestational carrier satisfying the eligibility requirements set forth in subsection 1 of NRS 126.740 and the legal spouse or domestic partner ***, if any,*** of the gestational carrier ***;*** ~~[, if any;]~~ and

(2) An intended parent or parents satisfying the requirement set forth in subsection 2 of NRS 126.740;

(c) Be notarized and signed by all the parties with attached declarations of the independent attorney of each party; and

(d) Include the separate, written and signed acknowledgment of the gestational carrier and the intended parent or parents stating that he or she has received information about the legal, financial and contractual rights, expectations, penalties and obligations of the gestational agreement.

4. A gestational agreement must provide for:

(a) The express written agreement of the gestational carrier to:

(1) Undergo embryo or gamete transfer and ***, subject to the provisions of subsection 6,*** attempt to carry and give birth to any resulting child; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(b) The express written agreement of the legal spouse or domestic partner, if any, of the gestational carrier to:

(1) Undertake the obligations imposed upon the gestational carrier pursuant to the terms of the gestational agreement; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(c) The express written agreement of each party to the use by the gestational carrier of the services of a physician ~~[of her choosing,]~~ ***chosen by the gestational carrier,*** after consultation with the intended parent or parents, to provide care to the gestational carrier during the pregnancy; and

(d) The express written agreement of the intended parent or parents to:

(1) Accept legal and physical custody of any resulting child not biologically related to the gestational carrier or ~~[her]~~ ***the*** spouse or domestic partner, if any, ***of the gestational carrier*** immediately upon the birth of the child or children regardless of the number, gender or mental or physical condition of the child or children; and

(2) Assume sole responsibility for the support of any resulting child not biologically related to the gestational carrier or ~~[her]~~ ***the*** spouse or domestic partner, if any, ***of the gestational carrier*** immediately upon the birth of the child.

5. A gestational agreement is enforceable even if it contains one or more of the following provisions:

(a) The gestational carrier's agreement to undergo all medical examinations, treatments and fetal monitoring procedures recommended for the success of the pregnancy by the physician providing care to the gestational carrier during the pregnancy.

(b) The gestational carrier's agreement to abstain from any activities that the intended parent or parents or the physician providing care to the gestational carrier during the pregnancy reasonably believes to be harmful to the pregnancy and the future health of any resulting child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using

prescription drugs not authorized by a physician aware of the pregnancy, exposure to radiation or any other activity proscribed by a health care provider.

(c) The agreement of the intended parent or parents to pay the gestational carrier reasonable compensation.

(d) The agreement of the intended parent or parents to pay for or reimburse the gestational carrier for reasonable expenses, including, without limitation, medical, legal or other professional expenses, related to the gestational carrier arrangement and the gestational agreement.

6. A gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including, without limitation, whether to consent to a cesarean section or the transfer of multiple embryos, whether to use the services of a health care practitioner chosen by the gestational carrier, whether to terminate or continue the pregnancy and whether to reduce or retain the number of fetuses or embryos carried by the gestational carrier. Any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Sec. 108. NRS 126.770 is hereby amended to read as follows:

126.770 ***1. Unless a gestational agreement expressly provides otherwise:***

(a) The marriage or domestic partnership of a gestational carrier after ~~[~~~she executes a~~]~~ ***the*** gestational agreement ***is signed by all parties*** does not affect the validity of the ~~[~~~gestational~~]~~ agreement ~~[~~~and:~~

~~1. The~~~]~~ ***, the*** consent of the ~~[~~~legal~~]~~ spouse or domestic partner of the gestational carrier to the ~~[~~~gestational~~]~~ agreement is not required ~~[~~~.~~

~~2. The legal~~~]~~ ***, and the*** spouse or domestic partner of the gestational carrier ~~[~~~must~~]~~ ***is*** not ~~[~~~be~~]~~ ***a*** presumed ~~[~~~to be the~~]~~ parent of ~~[~~~any resulting~~]~~ ***a*** child ~~[~~~.~~]~~ ***conceived by assisted reproduction under the agreement; and***

(b) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of the gestational carrier after the agreement is signed by all parties does not affect the validity of the agreement.

2. Unless a gestational agreement expressly provides otherwise:

(a) The marriage or domestic partnership of an intended parent after the agreement is signed by all parties does not affect the validity of a gestational agreement, the consent of the spouse or domestic partner of the intended parent is not required, and the spouse or domestic partner of the intended parent is not, based on the agreement, a parent of a child conceived by assisted reproduction under the agreement; and

(b) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of an intended parent after the agreement is signed by all parties does not affect the validity of the agreement and the intended parents are the parents of a child conceived by assisted reproduction under the agreement.

Sec. 109. NRS 126.780 is hereby amended to read as follows:

126.780 1. A gestational carrier, ~~[her]~~ ***the*** legal spouse or domestic partner, if any, ***of the gestational carrier*** or the intended parent or parents are in noncompliance when ~~[he, she or they breach]~~ ***any such person breaches*** any provision of the gestational agreement or ~~[fail]~~ ***fails*** to meet any of the requirements of NRS 126.710 to 126.810, inclusive ~~[.]~~ ***, and sections 92 and 93 of this act.***

2. In the event of noncompliance, a court of competent jurisdiction shall determine the respective rights and obligations of the parties to the gestational agreement ~~[based solely]~~ ***:***

(a) If the agreement substantially complies with NRS 126.710 to 126.810, inclusive, and sections 92 and 93 of this act, based on the evidence of the ~~[original]~~ intent of the parties ~~[.]~~ ***at the time of execution of the agreement and other relevant evidence.***

(b) If the agreement does not substantially comply with NRS 126.710 to 126.810, inclusive, and sections 92 and 93 of this act, pursuant to other applicable law of this State.

3. ~~[There must be no specific]~~ ***Specific*** performance ***is not an available*** remedy ~~[available for breach of the]~~ ***except to enforce any provision in a*** gestational agreement ~~[by the gestational carrier that would require the gestational carrier to be impregnated.]~~ ***that is necessary to enable the intended parents to exercise the full rights of parentage immediately upon the birth of the child, if the intended parents are being prevented from exercising such rights.***

Sec. 110. NRS 128.150 is hereby amended to read as follows:

128.150 1. If a ~~[mother]~~ ***person who gave birth to a child*** relinquishes or proposes to relinquish ***the child*** for adoption ~~[a]~~ ***and the*** child ~~[who]~~ has:

(a) A presumed ~~[father]~~ ***parent*** pursuant to ~~[NRS 126.051;]~~ ***section 37 of this act;***

(b) A ~~[father]~~ ***parent*** whose relationship to the child has been determined by a court; or

(c) A ~~[father]~~ ***parent*** as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction,

➥ and the ~~[father]~~ ***parent*** has not consented to the adoption of the child or relinquished the child for adoption, a proceeding must be brought pursuant to this chapter and a determination made of whether a parent and child relationship exists and, if so, if it should be terminated.

2. If a ~~[mother]~~ ***person who gave birth to a child*** relinquishes or proposes to relinquish ***the child*** for adoption ~~[a]~~ ***and the*** child ~~[who]~~ does not have:

(a) A presumed ~~[father]~~ ***parent*** pursuant to ~~[NRS 126.051;]~~ ***section 37 of this act;***

(b) A ~~[father]~~ ***parent*** whose relationship to the child has been determined by a court;

(c) A ~~[father]~~ ***parent*** as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction; or

(d) A ~~[father]~~ ***parent*** who can be identified in any other way,

➥ or if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the ~~[mother]~~ ***person who gave birth to the child*** or the person having custody of the child, shall file a petition in the district court to terminate the parental rights of the ~~[father,]~~ ***other parent,*** unless the ~~[father's]~~ ***other parent's*** relationship to the child has been previously terminated or determined not to exist by a court.

3. In an effort to identify and protect the interests of the ~~[natural father,]~~ ***other parent,*** the court which is conducting a proceeding pursuant to this chapter shall cause inquiry to be made of the ~~[mother]~~ ***person who gave birth to the child*** and any other appropriate person. The inquiry must include the following:

(a) Whether the ~~[mother]~~ ***person who gave birth to the child*** was married ***or in a domestic partnership*** at the time of conception of the child or at any time thereafter.

(b) Whether the ~~[mother]~~ ***person who gave birth to the child*** was cohabiting with ~~[a man]~~ ***another person*** at the time of conception or birth of the child.

(c) Whether the ~~[mother]~~ ***person who gave birth to the child*** has received support payments or promises of support with respect to the child or in connection with ~~[her]~~ ***the*** pregnancy ~~[.]~~ ***of the person.***

(d) Whether any ~~[man]~~ ***person*** has formally or informally acknowledged or declared ~~[his]~~ ***their*** possible ~~[paternity]~~ ***parentage*** of the child.

4. If, after the inquiry, the ~~[natural father]~~ ***other parent*** is identified to the satisfaction of the court, or if more than one ~~[man]~~ ***person*** is identified as a possible ~~[father,]~~ ***parent,*** each must be given notice of the proceeding in accordance with subsection 6 or with this chapter, as applicable. If any of them fails to appear or, if appearing, fails to claim custodial rights, such failure constitutes abandonment of the child. If the ~~[natural father]~~ ***other parent*** or a ~~[man]~~ ***person*** representing ~~[himself]~~ ***themselves*** to be the ~~[natural father,]~~ ***other parent,*** claims custodial rights, the court shall proceed to determine custodial rights.

5. If, after the inquiry, the court is unable to identify the ~~[natural father]~~ ***other parent*** or any possible ~~[natural father]~~ ***other parent*** and no person has appeared claiming to be the ~~[natural father]~~ ***other parent*** and claiming custodial rights, the court shall enter an order terminating the unknown ~~[natural father's]~~ ***person's*** parental rights with reference to the child. Subject to the disposition of any appeal, upon the expiration of 6 months after an order terminating parental rights is issued under this subsection, or this chapter, the order cannot be questioned by any person in any manner or upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter.

6. Notice of the proceeding must be given to every person identified as ~~[the natural father]~~ ***a parent*** or a possible ~~[natural father]~~ ***parent*** in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process in a civil action, or in any manner the court directs. Proof of giving the notice must be filed with the court before the petition is heard.

Sec. 111. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a nonresident party who is a natural person in a tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

2. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule in NRS 51.065 if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the ~~[mother]~~ ***person who gave birth to the child*** and ***the*** child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify under penalty of perjury by telephone, audiovisual means or other electronic means at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between a married couple ***or between domestic partners*** does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of a married couple**,** ***domestic partners*** or parent and child does not apply in a proceeding under this chapter.

10. A ~~[voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283 or a]~~ voluntary acknowledgment of

parentage developed by the State Board of Health pursuant to NRS 440.285, certified as a true copy, is admissible to establish parentage of the child.

Sec. 112. NRS 130.401 is hereby amended to read as follows:

130.401 1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this State with personal jurisdiction over the parties may issue a support order if:

(a) The natural person seeking the order resides outside this State; or

(b) The support-enforcement agency seeking the order is located outside this State.

2. The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the natural person ordered to pay is:

(a) A presumed ~~[~~father~~]~~ ***parent*** of the child under ~~[~~subsection 1 of NRS 126.051;~~]~~ ***section 37 of this act;***

(b) Petitioning to have ~~[~~his paternity~~]~~ ***their parentage*** adjudicated;

(c) Identified as the ~~[~~father~~]~~ ***parent*** of the child through genetic testing;

(d) An alleged ~~[~~father~~]~~ ***genetic parent*** who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be the ~~[~~father~~]~~ ***parent*** of the child;

(f) An ~~[~~acknowledged father or~~]~~ acknowledged parent as provided by ~~[~~NRS 126.053;~~]~~ ***sections 38 to 51, inclusive, of this act;***

(g) The ~~[~~mother of~~]~~ ***person who gave birth to*** the child; or

(h) A natural person who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to NRS 130.305.

Sec. 113. NRS 3.405 is hereby amended to read as follows:

3.405 1. In an action to establish ~~[~~paternity,~~]~~ ***parentage,*** the court may appoint a master to take testimony and recommend orders.

2. The court may appoint a master to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.

3. The master must be an attorney licensed to practice in this State. The master:

(a) Shall take testimony and establish a record;

(b) In complex cases shall issue temporary orders for support pending resolution of the case;

(c) Shall make findings of fact, conclusions of law and recommendations for the establishment and enforcement of an order;

(d) May accept voluntary acknowledgments of ~~[~~paternity~~]~~ ***parentage*** or liability for support and stipulated agreements setting the amount of support;

(e) May, subject to confirmation by the district court, enter default orders against a responsible parent who does not respond to a notice or service within the required time; and

(f) Has any other power or duty contained in the order of reference issued by the court.

➥ If a temporary order for support is issued pursuant to paragraph (b), the master shall order that the support be paid to the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.

4. The findings of fact, conclusions of law and recommendations of the master must be furnished to each party or the party's attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 10 days after receipt of the findings of fact, conclusions of law and recommendations, either party may file with the court and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter upon notice and motion.

Sec. 114. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in this subsection, a parent who has joint legal and physical custody of a child pursuant to NRS 125C.0015 shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child. A person who violates this subsection shall be punished as provided in subsection 1 unless the person demonstrates to the satisfaction of the court that he or she violated this subsection to protect the child or himself or herself from an act that constitutes domestic violence pursuant to NRS 33.018.

3. If ~~[the mother]~~ ***a parent*** of a child has primary physical custody ***of the child*** pursuant to ~~[subsection 2 of]~~ NRS 125C.003, ~~[the father]~~ ***another parent*** of the child shall not willfully conceal or remove the child from the physical custody of the ~~[mother. If the father of a child has]~~ ***parent who has*** primary physical custody ~~. [pursuant to subsection 2 of NRS 125C.003, the mother of the child shall not willfully conceal or remove the child from the physical custody of the father.]~~ A person who violates this subsection shall be punished as provided in subsection 1.

4. A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.0065 without the written consent of the non-relocating parent or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable. A person who violates this subsection shall be punished as provided in subsection 1.

5. A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.006 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

7. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

8. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

9. A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

10. In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.006 or 125C.0065.

11. This section does not apply to a person who detains, conceals, removes or relocates with a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and

reported the detention, concealment, removal or relocation to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing, removing or relocating with the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 115. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, ~~[126.141,]~~ 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885,

408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records.

Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 116. NRS 422A.585 is hereby amended to read as follows:

422A.585 1. The Division shall, within the limitations of available funding, establish a program which promotes the self-sufficiency of a ~~[~~natural father~]~~ ***parent*** whose ~~[~~paternity~]~~ ***parentage*** is presumed pursuant to ~~[~~NRS 126.051~]~~ ***section 37 of this act*** or a noncustodial parent of a child for whom benefits are being received by a household.

2. If a ~~[~~natural father~]~~ ***parent*** whose ~~[~~paternity~]~~ ***parentage*** is presumed pursuant to ~~[~~NRS 126.051~]~~ ***section 37 of this act*** or a noncustodial parent of a

child for whom benefits are being received by a household chooses to participate in the program established pursuant to subsection 1, the Division may, within the limitations of available funding, increase the amount of benefits provided to the head of the household on behalf of the child.

Sec. 117. NRS 432B.560 is hereby amended to read as follows:

432B.560 1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

(d) Tests for the typing of blood or taking of specimens for genetic identification ~~[of the child, the natural mother of the child or the alleged father of the child]~~ pursuant to ~~[NRS 126.121.]~~ ***sections 52 to 68, inclusive, of this act.***

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630. Payments for the obligation of support must be determined in accordance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.620, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

Sec. 118. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the person ~~[giving]~~ ***who gave*** birth ***to a child*** and ***the*** child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the person ~~[giving]~~ ***who gave*** birth ***to a child*** and ***the*** child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) ~~[The person giving birth or other]~~ ***A*** parent or, if ~~[the other]~~ ***each*** parent is absent ~~[and the person giving birth is]~~ ***or*** incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the person ~~[giving]~~ ***who gave*** birth ***to a child*** was:

(a) Married ***or in a domestic partnership*** at the time of ***the*** birth, the name of the spouse ***or domestic partner*** of ~~[that]~~ ***the*** person ***who gave birth*** must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth is the other parent of the child; or

(2) The person ~~[giving]~~ ***who gave*** birth and a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 ~~[.]~~ ***and the spouse or domestic partner of the person who gave birth has signed a voluntary denial of parentage developed by the Board pursuant to NRS 440.285.***

(b) Widowed at the time of birth but married ***or in a domestic partnership*** at the time of conception, the name of the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth at the time of conception is the other parent of the child; or

(2) The person ~~[giving]~~ ***who gave*** birth and a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth at the time of conception have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 ~~[.]~~ ***and the spouse or domestic partner of the person who gave birth has signed a voluntary denial of parentage developed by the Board pursuant to NRS 440.285.***

6. If the person ~~[giving]~~ ***who gave*** birth was unmarried ***and not in a domestic partnership*** at the time of ***the*** birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 119. NRS 440.285 is hereby amended to read as follows:

440.285 1. The Board shall:

(a) Develop ~~[a declaration]~~ ***declarations*** to be signed under penalty of perjury for the voluntary acknowledgment of parentage ***and the voluntary denial of parentage*** in this State ~~[,]~~ ***pursuant to sections 38 to 51, inclusive, of this act;*** and

(b) Distribute the declarations to each hospital or freestanding birthing center in this State.

2. Before providing a declaration for the acknowledgment of parentage ***or denial of parentage*** to ~~[the person who gave birth to a child or]~~ a person who wishes to acknowledge ***or deny*** the parentage of a child, the agencies described in paragraph (b) of subsection 1 shall ensure that ~~[the person who gave birth and]~~ the person who wishes to acknowledge ***or deny*** parentage ~~[are]~~ ***is*** given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of parentage ~~[.]~~ ***or declaration for the denial of parentage.***

Sec. 120. NRS 440.287 is hereby amended to read as follows:

440.287 1. If a person who has given birth or a person who has signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 with the person who has given birth rescinds the acknowledgment pursuant to ~~[subsection 2 of NRS 126.053,]~~ ***section 45 of this act,*** the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged ~~[paternity or]~~ parentage ~~[, as applicable,]~~ unless a court issues an order establishing that the person who acknowledged ~~[paternity or]~~ parentage ~~[, as applicable,]~~ is not the ~~[father or]~~ parent ~~[, as applicable,]~~ of the child.

2. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 121. NRS 440.319 is hereby amended to read as follows:

440.319 1. Whenever the State Registrar receives an order issued by a district court in this State pursuant to subsection 4 of NRS 126.720 validating a gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child, the State Registrar shall prepare and file a certificate of birth in the name of the child which shows the intended parent or parents as the parent or parents of the child and seal and file the order and the original certificate of birth, if any. Unless the court order is issued by a district court in this State for an action which was originally commenced in this State, a court order concerning a gestational agreement is not valid for any purpose in this State as it relates to a child born in this State, including, without limitation, the preparation and filing of a certificate of birth by the State Registrar.

2. As used in this section:

(a) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.

(b) "Intended parent" has the meaning ascribed to it in ~~[NRS 126.590.]~~ ***section 16 of this act.***

Sec. 122. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the ~~[paternity or]~~ parentage of a child being established by the:

(a) ~~[Person who gave birth and other parent acknowledging paternity of a child by signing a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283;~~

~~(b)]~~ Person who gave birth ***to the child*** and another person acknowledging parentage of the child by signing a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285; or

~~[(c)]~~ ***(b)*** Order of a district court,

➥ the State Registrar, upon the receipt of the declaration or court order, shall prepare a new certificate of birth in the name of the child as shown in the declaration or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the declaration or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 123. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging ~~[an unmarried woman who has borne]~~ ***a person who gave birth to*** a child, a hospital or freestanding birthing center shall provide to the child's parents:

(a) The opportunity to sign, in the hospital, a declaration for the voluntary acknowledgment of ~~[paternity]~~ ***parentage*** developed pursuant to NRS ~~[440.283;]~~ ***440.285 and, if applicable, a voluntary denial of parentage developed pursuant to NRS 440.285;***

(b) Written materials about establishing ~~[paternity;]~~ ***parentage;***

(c) The forms necessary to acknowledge ~~[paternity]~~ ***or deny parentage*** voluntarily;

(d) A written description of the rights and responsibilities of acknowledging ~~[paternity;]~~ ***parentage;*** and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of ~~[paternity.]~~ ***parentage.***

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or freestanding birthing center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 124. NRS 629.151 is hereby amended to read as follows:

629.151 It is unlawful to obtain any genetic information of a person without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless the information is obtained:

1. By a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

2. ~~[To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~3.]~~ To determine the ~~[paternity]~~ ***parentage*** of a person pursuant to NRS ~~[126.121 or]~~ 425.384 ~~[;~~

~~4.]~~ ***or sections 52 to 68, inclusive, of this act;***

3. For use in a study where the identities of the persons from whom the genetic information is obtained are not disclosed to the person conducting the study;

~~[5.]~~ ***4.*** To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law; or

~~[6.]~~ ***5.*** Pursuant to an order of a court of competent jurisdiction.

Sec. 125. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

2. ~~[To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~3.]~~ To determine the ~~[paternity]~~ ***parentage*** of a person pursuant to NRS ~~[126.121 or]~~ 425.384 ~~[;~~

~~4.]~~ ***or sections 52 to 68, inclusive, of this act;***

3. Pursuant to an order of a court of competent jurisdiction;

~~[5.]~~ ***4.*** By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

~~[6.]~~ ***5.*** To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

~~[7.]~~ ***6.*** To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

~~[8.]~~ ***7.*** To carry out the provisions of NRS 442.300 to 442.330, inclusive; or

~~[9.]~~ ***8.*** By an agency of criminal justice pursuant to NRS 179A.075.

Sec. 126. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS ~~[126.121 and]~~ 652.186 ~~[,]~~ ***and sections 52 to 68, inclusive, of this act,*** no person other than a licensed physician, a licensed optometrist, a licensed

practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS, a licensed dentist or a registered pharmacist may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 127. NRS 689A.0424 is hereby amended to read as follows:

689A.0424 1. An insurer that offers or issues a policy of health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the policy of health insurance.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 128. NRS 689B.03766 is hereby amended to read as follows:

689B.03766 1. An insurer that offers or issues a policy of group health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the policy of group health insurance.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 129. NRS 689C.1945 is hereby amended to read as follows:

689C.1945 1. A carrier that offers or issues a health benefit plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the health benefit plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 130. NRS 695A.1857 is hereby amended to read as follows:

695A.1857 1. A society that offers or issues a benefit contract that includes coverage for maternity care shall not deny, limit or seek

reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the benefit contract.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 131. NRS 695B.1948 is hereby amended to read as follows:

695B.1948 1. An insurer that offers or issues a contract for hospital or medical services that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the contract for hospital or medical services.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 132. NRS 695C.1712 is hereby amended to read as follows:

695C.1712 1. A health maintenance organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the enrollee is acting as a gestational carrier.

2. If an enrollee acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the health care plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 133. NRS 695G.1716 is hereby amended to read as follows:

695G.1716 1. A managed care organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the health care plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 134. The amendatory provisions of this act apply to a pending proceeding to adjudicate parentage commenced before October 1, 2023, for an issue on which a judgment has not been entered.

Sec. 135. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to appropriately replace references to the term "paternity" with the term "parentage," references to the term "father" with the term "parent" and references to the term "mother" with the term "parent,"

"person who gave birth," "person who will give birth," "person giving birth" or another similar term, as appropriate given the context, in the manner provided in this act; and

2. In preparing supplements to the Nevada Administrative Code, appropriately replace references to the term "paternity" with the term "parentage," references to the term "father" with the term "parent" and references to the term "mother" with the term "parent," "person who gave birth," "person who will give birth," "person giving birth" or another similar term, as appropriate given the context, in the manner provided in this act.

Sec. 136. NRS 56.020, 126.021, 126.041, 126.051, 126.053, 126.071, 126.081, 126.091, 126.101, 126.105, 126.111, 126.121, 126.131, 126.141, 126.143, 126.171, 126.223, 126.231, 126.510, 126.540, 126.550, 126.560, 126.590, 126.600, 126.610, 126.620, 126.630 and 440.283 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

56.020 Determination of parentage or identity.
126.021 Definitions.
126.041 Establishment of relationship.
126.051 Presumptions of paternity.
126.053 Voluntary acknowledgment of paternity or parentage.
126.071 Who may bring action; when action may be brought.
126.081 Period of limitations.
126.091 Jurisdiction; joinder; venue.
126.101 Parties.
126.105 Service of process.
126.111 Pretrial hearing; testimony.
126.121 Tests for typing of blood or genetic identification; admissibility in court; effect of refusal to submit to test.
126.131 Evidence relating to paternity; evidence of costs of certain medical services.
126.141 Pretrial recommendations.
126.143 Order for temporary support of child.
126.171 Costs.
126.223 Entry of default upon failure to plead or defend in action.
126.231 Who may bring action; provisions of chapter applicable to action.
126.510 "Assisted reproduction" defined.
126.540 "Donor" defined.
126.550 "Embryo" defined.
126.560 "Gamete" defined.
126.590 "Intended parent" defined.
126.600 "In vitro fertilization" defined.
126.610 "Parent" defined.
126.620 "Record" defined.

126.630 "Sign" defined.

440.283 Voluntary acknowledgment of paternity: Board to develop and distribute declarations to be signed; certain entities to provide services and notice concerning effect of declaration.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 378.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 498.

AN ACT relating to public employees; revising certain ~~[deadlines]~~ **provisions** relating to the negotiation, mediation and arbitration of collective bargaining agreements with the Executive Department of the State Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain groups of employees in the classified service of the Executive Department of the State Government to engage in collective bargaining with the Executive Department concerning wages, hours and other terms and conditions of employment for such employees. (NRS 288.400-288.630) In general, a collective bargaining agreement for such a group of employees must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. (NRS 288.550)

Existing law requires the Governor to designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department and requires negotiations between the representative of the Executive Department and the exclusive representative of a bargaining unit to begin within 60 days after one party notifies the other party of the desire to negotiate or November 1 of each even-numbered year, whichever is earlier. (NRS 288.565) **Section 1** of this bill requires such negotiations to begin on or before October 1, rather than November 1, of each even-numbered year.

Existing law authorizes either the representative of the Executive Department or the exclusive representative of a bargaining unit to request a mediator if the parties do not reach a collective bargaining agreement within 120 days after beginning negotiations or February 1 of an odd-numbered year, whichever is earlier, unless the parties agree on a later date. (NRS 288.570) ~~[Section 2 of this bill requires a request for mediation to be made on or before January 1, rather than February 1, of an odd-numbered year.]~~ **Section 1 requires the representative of the Executive Department and the exclusive representative of a bargaining unit, before engaging in collective bargaining, to: (1) select a mediator and an arbitrator for the purposes of potential mediation and arbitration; and (2) to the extent possible,**

determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.

If the representative of the Executive Department and the exclusive representative of a bargaining unit do not reach a collective bargaining agreement through mediation within 21 days after the appointment of a mediator, mediation is required to cease and the parties are required to begin arbitration proceedings on or before March 1 unless the parties agree on a later date. The arbitrator is then required to render a decision on or before March 15 unless the parties agree on a later date. (NRS 288.575) **If the parties do not reach a collective bargaining agreement through mediation, section 3 of this bill requires mediation to cease and the parties to begin arbitration proceedings within 10 days, rather than 21 days, after the appointment of a mediator. Section 3 :** ~~[of this bill:]~~ (1) requires arbitration proceedings to begin on or before February ~~[1,]~~ **15,** rather than March 1; and (2) requires the arbitrator to render a decision on or before ~~[February 15,]~~ **March 5,** rather than March 15.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 288.565 is hereby amended to read as follows:

288.565 1. The Governor shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department. The representative may, with the approval of the Governor, delegate the responsibility to conduct such negotiations to another person.

2. A representative designated pursuant to subsection 1 and an exclusive representative shall ~~[begin]~~ ***:***

(a) Begin negotiations concerning a collective bargaining agreement within 60 days after one party notifies the other party of the desire to negotiate or on or before ~~[~~November~~]~~ ***October*** 1 of each even-numbered year, whichever is earlier ~~[.]~~ ***; and***

(b) Before beginning negotiations concerning a collective bargaining agreement pursuant to paragraph (a), select a mediator and arbitrator for the purposes of mediation and arbitration pursuant to NRS 288.570 and 288.575, respectively, and, to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.

3. As soon as practicable after the Board designates an exclusive representative of an unrepresented bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, the exclusive representative shall engage in collective bargaining with the representative designated pursuant to subsection 1 as required by NRS 288.540 to establish a collective bargaining agreement with a term ending on June 30 of the next odd-numbered year.

Sec. 2. NRS 288.570 is hereby amended to read as follows:

288.570 1. Either party may request a mediator ~~[from the Federal Mediation and Conciliation Service]~~ ***selected pursuant to NRS 288.565*** if the parties do not reach a collective bargaining agreement :

(a) Within ~~***[within]***~~ 120 days after the date on which the parties began negotiations or on or before February ~~***[January]***~~ 1 of an odd-numbered year, whichever is earlier ~~***[.]***~~ ; or

(b) On or before any later date set by agreement of the parties.

2. The mediator shall bring the parties together as soon as possible after ~~[his or her appointment]~~ ***a request is made pursuant to subsection 1*** and shall attempt to settle each issue in dispute within ~~[21]~~ ***10*** days after his or her appointment or any later date set by agreement of the parties.

Sec. 3. NRS 288.575 is hereby amended to read as follows:

288.575 1. If a mediator ~~[selected]~~ ***requested*** pursuant to NRS 288.570 determines that his or her services are no longer helpful or if the parties do not reach a collective bargaining agreement through mediation within ~~[21]~~ ***10*** days after ~~[the appointment of the mediator]~~ ***a request made pursuant to NRS 288.570*** or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall ~~[attempt to agree upon an impartial arbitrator.]~~ ***engage in arbitration.*** Any proposal that conflicts or is otherwise inconsistent with any provision of state law, other than the provisions of chapters 284 and 287 of NRS, shall be considered withdrawn by the proposing party when mediation is discontinued.

2. ~~[If the parties do not agree upon an impartial arbitrator within 5 days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date set by agreement of the parties, the parties shall request from the Federal Mediation and Conciliation Service a list of seven potential arbitrators. The parties shall select an arbitrator from this list by alternately striking one name until the name of only one arbitrator remains, and that arbitrator must hear the dispute in question. The party who will strike the first name must be determined by a coin toss.~~

~~3.]~~ The arbitrator shall begin arbitration proceedings on or before ~~[March]~~ ***February*** ~~[1]~~ ***15 of an odd-numbered year*** or any later date set by agreement of the parties. ~~***[of an odd-numbered year.***~~

~~4.]~~ ***3.*** The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

~~[5.]~~ ***4.*** The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection ~~[7,]~~ ***6,*** the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

~~[6.]~~ ***5.*** The arbitrator shall render a decision on or before March ~~***[February** 15]*~~ ***5 of an odd-numbered year*** or any later date set by agreement of the parties. ~~***[of an odd-numbered year.***~~

~~7.]~~ ***6.*** The Executive Department and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 272.

~~[CONTAINS UNFUNDED MANDATE (§ 14 & NRS 287.010)~~
~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to health care; prohibiting a governmental entity from substantially burdening certain activity relating to ~~[contraception]~~ **reproductive health services** under certain circumstances; authorizing a person whose engagement in such activity has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens such activity in certain circumstances; expanding required ~~[insurance]~~ coverage of contraception ~~[;]~~ **under the State Plan for Medicaid;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain rights for a patient of a medical facility or a facility for the dependent. (NRS 449A.100-449A.124) **Sections 2-7** of this bill establish the Right to ~~[Contraception]~~ **Reproductive Health Care** Act. **Sections** ~~[4 and 5]~~ **4-5.5** of this bill define certain terms for purposes of the Act. **Section 6** of this bill applies the provisions of the Act to ~~[all]~~ **certain** state **laws** and **all** local laws and ordinances and the implementation of those laws and ordinances, regardless of when those laws or ordinances were enacted. **Section 7** of this bill generally prohibits a governmental entity from enacting or implementing any limitation or requirement that singles out ~~[contraception]~~ **reproductive health services** and substantially burdens: (1) the access of a person to ~~[contraceptives, contraception]~~ **reproductive health services, drugs or devices related to reproductive health services** or information related to ~~[contraception;]~~ **reproductive health services;** or (2) the ability of a provider of health care to provide ~~[contraceptives, contraception]~~ **reproductive health services, drugs or devices related to reproductive health services** or information related to ~~[contraception]~~ **reproductive health services** within his or her scope of practice, training and experience. **Section 7** creates an

exception to such prohibitions if the governmental entity demonstrates by clear and convincing evidence that the burden, as applied to the person or provider of health care who is subject to the burden: (1) furthers a compelling interest; and (2) is the least restrictive means of furthering that interest. **Section 7** authorizes a person whose ability to obtain or provide ~~[contraceptives, contraception]~~ **reproductive health services, drugs or devices related to reproductive health services** or information related to ~~[contraception]~~ **reproductive health services** is burdened to bring or defend an action in court and obtain appropriate relief. **Section 7** requires a court to award costs and attorney's fees to a person who prevails on such a claim.

Existing law requires ~~[public and private policies of insurance regulated under Nevada law]~~ **the State Plan for Medicaid** to include coverage for certain contraceptive drugs and devices, including: (1) up to a 12-month supply of contraceptive drugs; (2) certain devices for contraception; and (3) voluntary sterilization for women. (NRS ~~[287.010, 287.04335,]~~ 422.27172 ~~[, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) Sections]~~ **) Section 8** ~~[and 13-19]~~ of this bill additionally ~~[require such policies of insurance]~~ **requires the State Plan for Medicaid** to cover: (1) voluntary sterilization for men; (2) clinical services relating to covered contraceptive drugs, devices and services; and (3) a portion of the cost of language translation services provided to facilitate the provision of covered contraceptive drugs, devices and services. ~~[Sections 8, 10 and 13-19 of this bill prohibit an insurer from requiring an insured to obtain prior authorization before receiving a contraceptive drug. Sections]~~ **Section 8** ~~[and 13-19]~~ also ~~[require an insurer]~~ **requires the State Plan** to: (1) cover certain contraceptive services when provided by ~~[a pharmacist; and]~~ **any provider of health care for whom the services are within his or her scope of practice, training and experience;** (2) reimburse a ~~[pharmacist]~~ **provider of health care, other than a physician, physician assistant or advanced practice registered nurse,** for providing such services at a rate that is not less than the rate provided to a physician, physician assistant or advanced practice registered nurse ~~[. Section 9 of this bill requires an insurer to demonstrate the capacity to adequately deliver family planning services provided by pharmacists to covered persons. Sections 11 and 12 of this bill make conforming changes to indicate the proper placement of section 9 in the Nevada Revised Statutes.]~~ **; and (3) cover such services regardless of whether the services are provided in an inpatient or outpatient setting.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***Sections 2 to 7, inclusive, of this act may be cited as the Right to*** ~~***[Contraception]***~~ ***Reproductive Health Care Act.***

Sec. 3. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 , ~~[and]~~ 5 and 5.5 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Governmental entity" means the State of Nevada or any of its agencies or political subdivisions.*

Sec. 5. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 5.5. "Reproductive health services" means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, miscarriage, in-vitro fertilization or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.

Sec. 6. *1. ~~[The]~~ Except as otherwise provided in this subsection, the provisions of sections 2 to 7, inclusive, of this act apply to all state and local laws and ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether enacted before, on or after January 1, 2024. The provisions of sections 2 to 7, inclusive, of this act do not apply to NRS 442.250 or the implementation of NRS 442.250.*

2. State laws that are enacted on or after January 1, 2024, are subject to the provisions of sections 2 to 7, inclusive, of this act unless the law explicitly excludes such application by reference to this section.

3. The provisions of sections 2 to 7, inclusive, of this act do not:

(a) Authorize a governmental entity to burden:

(1) The access of any person to ~~[contraceptive]~~ reproductive health services, information related to ~~[contraception]~~ reproductive health services or any ~~[contraceptive]~~ drug or device ~~[,]~~ related to reproductive health services; or

(2) The ability of a provider of health care to provide ~~[contraceptive]~~ reproductive health services or information related to ~~[contraception]~~ reproductive health services or to provide, administer, dispense or prescribe any ~~[contraceptive]~~ drug or device related to reproductive health services within the scope of practice, training and experience of the provider of health care.

(b) Authorize or sanction any sterilization procedure without the voluntary and informed consent of the patient.

Sec. 7. *1. Except as otherwise provided in this section, a governmental entity shall not enact or implement any limitation or requirement that:*

(a) Expressly, effectively, implicitly or, as implemented, singles out ~~[contraceptives, contraception]~~ reproductive health services, drugs or devices related to reproductive health services or information related to ~~[contraception]~~ reproductive health services or any providers of health care or facilities that provide ~~[contraceptives, contraception]~~ reproductive health services, drugs or devices related to reproductive health services or information related to ~~[contraception;]~~ reproductive health services; and

(b) Substantially burdens:

(1) The access of a person to ~~[contraceptives, contraception]~~ reproductive health services, drugs or devices related to reproductive health services or information related to ~~[contraception;]~~ reproductive health services; or

(2) The ability of a provider of health care to provide ~~[contraceptives, contraception]~~ reproductive health services, drugs or devices related to reproductive health services or information related to ~~[contraception]~~ reproductive health services within the scope of practice, training and experience of the provider of health care.

2. A governmental entity may enact a requirement or limitation described in subsection 1 if the governmental entity demonstrates by clear and convincing evidence that the burden imposed by the requirement or limitation on the activity described in paragraph (b) of subsection 1, as applied to the person or provider of health care who is subject to the burden:

(a) Furthers a compelling interest; and

(b) Is the least restrictive means of furthering that interest.

3. Notwithstanding any provision of NRS 41.0305 to 41.039, inclusive, but subject to the limitation on damages set forth in NRS 41.035 when applicable, a person or provider of health care who has been substantially burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief. A court shall award costs and attorney's fees to a person who prevails on such a claim or defense pursuant to this section.

4. A court may find that a person is a vexatious litigant if the person makes a claim within the scope of sections 2 to 7, inclusive, of this act which is without merit, fraudulent or otherwise intended to harass or annoy a person. If a court finds that a person is a vexatious litigant pursuant to this subsection, the court may deny standing to that person to bring further claims which allege a violation of this section.

Sec. 8. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion or removal of a device for contraception;

(e) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; ~~[and]~~

(g) Voluntary sterilization ~~[for women.]~~ ***; and***

(h) Any clinical services relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive. Such clinical services, include, without limitation, services to monitor the use and effectiveness of contraception.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. ***The Plan must*** ~~***[provide]***~~ ***:***

(a) Provide for the reimbursement of a ~~***[pharmacist]***~~ ***provider of health care for providing services described in subsection 1*** ~~***[that]***~~ ***if the services are within the scope of practice , training and experience of the*** ~~***[pharmacist. The Plan must not limit:***~~

~~***(a) Coverage for such services provided by a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.***~~

~~***(b) Reimbursement for such services provided by a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.]***~~ ***provider of health care.***

(b) Provide coverage for the services described in subsection 1 regardless of whether those services are provided in an inpatient or outpatient setting.

7. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) One-quarter of the costs of any language translation services provided to facilitate the provision of any drug, device or service described in

subsection 1 to a recipient of Medicaid who is eligible for the Children's Health Insurance Program; and

(b) One-half of the costs of any language translation services provided to facilitate the provision of any drug, device or service described in subsection 1 to a recipient of Medicaid who is not eligible for the Children's Health Insurance Program.

8. [The Plan must not require a recipient of Medicaid to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

9.] As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 9. [Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health carrier which offers or issues a network plan must demonstrate the capacity to adequately deliver family planning services provided by pharmacists to covered persons in accordance with the regulations adopted pursuant to subsection 2.

2. The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations prescribing requirements for a health carrier to demonstrate compliance with subsection 1. Those regulations must not allow a health carrier to demonstrate the capacity to adequately deliver family planning services to covered persons by demonstrating that the health carrier has entered into a network contract with one or more pharmacies for the sole purpose of dispensing prescription drugs to covered persons.] **(Deleted by amendment.)**

Sec. 10. [NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, ***689A.0418,*** 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, ***689B.0378,*** 689C.1675, ***689C.1676,*** 695A.1856, ***695A.1865,*** 695B.1912, 695B.1913, 695B.1914, ***695B.1919,*** 695B.1925, 695B.1942, ***695C.1696,*** 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695C.170, 695C.171, 695C.1714 **,** ***695C.1715*** and 695C.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to

~~obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:~~

~~(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and~~

~~(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.~~

~~2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.~~**]** **(Deleted by amendment.)**

Sec. 11. **[**~~NRS 687B.600 is hereby amended to read as follows:~~

~~687B.600 As used in NRS 687B.600 to 687B.850, inclusive, ***and section 9 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.~~**]** **(Deleted by amendment.)**

Sec. 12. **[**~~NRS 687B.670 is hereby amended to read as follows:~~

~~687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:~~

~~1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive~~ **[**~~;~~**]** ***, and section 9 of this act;***

~~2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive~~ **[**~~;~~**]** ***, and section 9 of this act;*** ~~and~~

~~3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive~~ **[**~~.~~**]** ***, and section 9 of this act.]*** **(Deleted by amendment.)**

Sec. 13. **[**~~NRS 689A.0418 is hereby amended to read as follows:~~

~~689A.0418 1. Except as otherwise provided in subsection~~ **[**~~7,~~**]** ***8,*** ~~an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:~~

~~(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration;~~

~~(3) Listed in subsection~~ **[**~~10;~~**]** ***11;*** ~~and~~

~~(4) Dispensed in accordance with NRS 639.28075;~~

~~(b) Any type of device for contraception which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration; and~~

~~(3) Listed in subsection~~ **[**~~10;~~**]** ***11;***

~~(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~

~~(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;~~

~~(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;~~

~~(f) Management of side effects relating to contraception; [and]~~

~~(g) Voluntary sterilization [for women.] ;~~

(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and

(i) One-quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.

~~2.~~ ***An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the insurer. The terms of the policy must not limit:***

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

~~3.~~ ***3.*** ~~An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.~~

~~[3.]~~ ***4.*** ~~If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.~~

~~[4.]~~ ***5.*** ~~Except as otherwise provided in subsections [8,] 9~~ ***, 10*** ~~and [11,]~~ ***12,*** ~~an insurer that offers or issues a policy of health insurance shall not:~~

~~(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;~~

~~(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured any such benefit.~~

~~**[**5.**]** ***6.*** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~**[**6.**]** ***7.*** Except as otherwise provided in subsection **[**7,**]** ***8,*** a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, **[**2022,**]** ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.~~

~~**[**7.**]** ***8.*** An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~**[**8.**]** ***9.*** An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~**[**9.**]** ***10.*** For each of the 18 methods of contraception listed in subsection **[**10**]** ***11*** that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~**[**10.**]** ***11.*** The following 18 methods of contraception must be covered pursuant to this section:~~

~~(a) Voluntary sterilization **; [**for women;**]**~~

~~(b) Surgical sterilization implants for women;~~

~~(c) Implantable rods;~~

~~(d) Copper-based intrauterine devices;~~

~~(e) Progesterone-based intrauterine devices;~~

~~(f) Injections;~~

~~(g) Combined estrogen- and progestin-based drugs;~~

~~(h) Progestin-based drugs;~~

~~(i) Extended- or continuous-regimen drugs;~~

~~(j) Estrogen- and progestin-based patches;~~

~~(k) Vaginal contraceptive rings;~~

~~(l) Diaphragms with spermicide;~~

~~(m) Sponges with spermicide;~~

~~(n) Cervical caps with spermicide;~~

~~(o) Female condoms;~~
~~(p) Spermicide;~~
~~(q) Combined estrogen and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and~~
~~(r) Ulipristal acetate for emergency contraception.~~
~~[11.]~~ ***12.*** ~~Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~
~~[12.]~~ ***13.*** ~~An insurer shall not [use]~~ ***:***
~~***(a) Use*** medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care~~ ***[.***
~~13.]~~ ***; or***
~~***(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.***~~
~~***14.*** An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~
~~[14.]~~ ***15.*** ~~As used in this section:~~
~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~
~~(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.~~
~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~
~~(d) "Therapeutic equivalent" means a drug which:~~
~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~
~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~
~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.~~**]** **(Deleted by amendment.)**

Sec. 14. ~~[NRS 689B.0378 is hereby amended to read as follows:~~

~~689B.0378 1. Except as otherwise provided in subsection [7,] 8, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:~~

~~(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration;~~

~~(3) Listed in subsection [11;] 12; and~~

~~(4) Dispensed in accordance with NRS 639.28075;~~

~~(b) Any type of device for contraception which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration; and~~

~~(3) Listed in subsection [11;] 12;~~

~~(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~

~~(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;~~

~~(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;~~

~~(f) Management of side effects relating to contraception; [and]~~

~~(g) Voluntary sterilization [for women.] ;~~

~~*(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and*~~

~~*(i) One-quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.*~~

~~2. *An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the insurer. The terms of the policy must not limit:*~~

~~*(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.*~~

~~*(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*~~

~~*3.* An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.~~

~~[3.] 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.~~

~~[4.] 5. Except as otherwise provided in subsections [9,] 10, 11 and [12,] 13, an insurer that offers or issues a policy of group health insurance shall not:~~

~~(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;~~

~~(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~[5.] 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~[6.] 7. Except as otherwise provided in subsection [7,] 8, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, [2022,] 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.~~

~~[7.] 8. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~[8.] 9. If an insurer refuses, pursuant to subsection [7,] 8, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~[9.] 10. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~[10.] 11. For each of the 18 methods of contraception listed in subsection [11] 12 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for~~

~~contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~**[**11.**]** ***12.*** The following 18 methods of contraception must be covered pursuant to this section:~~

~~(a) Voluntary sterilization **; [**for women;**]**~~

~~(b) Surgical sterilization implants for women;~~

~~(c) Implantable rods;~~

~~(d) Copper-based intrauterine devices;~~

~~(e) Progesterone-based intrauterine devices;~~

~~(f) Injections;~~

~~(g) Combined estrogen- and progestin-based drugs;~~

~~(h) Progestin-based drugs;~~

~~(i) Extended- or continuous-regimen drugs;~~

~~(j) Estrogen- and progestin-based patches;~~

~~(k) Vaginal contraceptive rings;~~

~~(l) Diaphragms with spermicide;~~

~~(m) Sponges with spermicide;~~

~~(n) Cervical caps with spermicide;~~

~~(o) Female condoms;~~

~~(p) Spermicide;~~

~~(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and~~

~~(r) Ulipristal acetate for emergency contraception.~~

~~**[**12.**]** ***13.*** Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~**[**13.**]** ***14.*** An insurer shall not **[**use**]** **:**~~

~~***(a) Use*** medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care **[**.~~

~~14.**]** **; or***~~

~~***(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.***~~

~~***15.*** An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~

~~**[**15.**]** ***16.*** As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Therapeutic equivalent" means a drug which:~~

~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.~~**]** **(Deleted by amendment.)**

Sec. 15. **[**~~NRS 689C.1676 is hereby amended to read as follows:~~

~~689C.1676 1. Except as otherwise provided in subsection~~ **[**~~7,~~**]** ***8,*** ~~a carrier that offers or issues a health benefit plan shall include in the plan coverage for:~~

~~(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration;~~

~~(3) Listed in subsection~~ **[**~~10;~~**]** ***11;*** ~~and~~

~~(4) Dispensed in accordance with NRS 639.28075;~~

~~(b) Any type of device for contraception which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration; and~~

~~(3) Listed in subsection~~ **[**~~10;~~**]** ***11;***

~~(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~

~~(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;~~

~~(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;~~

~~(f) Management of side effects relating to contraception;~~ **[**~~and~~**]**

~~(g) Voluntary sterilization~~ **[**~~for women.~~**]** ~~;~~

~~***(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and***~~

~~*(i) One-quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.*~~

~~2. *An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the carrier. The terms of the health benefit plan must not limit:*~~

~~*(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.*~~

~~*(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*~~

~~*3.* A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.~~

~~**[**3.**]** *4.* If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.~~

~~**[**4.**]** *5.* Except as otherwise provided in subsections **[**8,**]** 9 *, 10* and **[**11,**]** *12,* a carrier that offers or issues a health benefit plan shall not:~~

~~(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;~~

~~(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~**[**5.**]** *6.* Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~**[**6.**]** *7.* Except as otherwise provided in subsection **[**7,**]** *8,* a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, **[**2022,**]** *2024,* has the legal effect of

~~including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.~~

~~**[**7.**]** ***8.*** A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.~~

~~**[**8.**]** ***9.*** A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~**[**9.**]** ***10.*** For each of the 18 methods of contraception listed in subsection **[**10**]** ***11*** that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~**[**10.**]** ***11.*** The following 18 methods of contraception must be covered pursuant to this section:~~

~~(a) Voluntary sterilization **; [**for women;**]**~~

~~(b) Surgical sterilization implants for women;~~

~~(c) Implantable rods;~~

~~(d) Copper-based intrauterine devices;~~

~~(e) Progesterone-based intrauterine devices;~~

~~(f) Injections;~~

~~(g) Combined estrogen- and progestin-based drugs;~~

~~(h) Progestin-based drugs;~~

~~(i) Extended- or continuous-regimen drugs;~~

~~(j) Estrogen- and progestin-based patches;~~

~~(k) Vaginal contraceptive rings;~~

~~(l) Diaphragms with spermicide;~~

~~(m) Sponges with spermicide;~~

~~(n) Cervical caps with spermicide;~~

~~(o) Female condoms;~~

~~(p) Spermicide;~~

~~(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and~~

~~(r) Ulipristal acetate for emergency contraception.~~

~~**[**11.**]** ***12.*** Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~**[**12.**]** ***13.*** A carrier shall not **[**use**]** **:**~~

~~*(a) Use* medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care **[**.~~

~~13.**]** ; *or*~~

~~*(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.*~~

~~*14.* A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~

~~**[**14.**]** *15.* As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Therapeutic equivalent" means a drug which:~~

~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.**]** **(Deleted by amendment.)**~~

Sec. 16. ~~**[**NRS 695A.1865 is hereby amended to read as follows:~~

~~695A.1865 1. Except as otherwise provided in subsection **[**7,**]** *8,* a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:~~

~~(a) Up to a 12 month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration;~~

~~(3) Listed in subsection **[**10;**]** *11;* and~~

~~(4) Dispensed in accordance with NRS 639.28075;~~

~~(b) Any type of device for contraception which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration; and~~

~~(3) Listed in subsection [10;] *11;*~~

~~(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~

~~(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;~~

~~(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;~~

~~(f) Management of side effects relating to contraception; [and]~~

~~(g) Voluntary sterilization [for women.] ;~~

~~*(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and*~~

~~*(i) One quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.*~~

~~2. *An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the society. The terms of the benefit contract must not limit:*~~

~~*(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.*~~

~~*(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*~~

~~*3.* A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.~~

~~[3.] *4.* If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.~~

~~[4.] *5.* Except as otherwise provided in subsections [8,] 9 *, 10* and [11,] *12,* a society that offers or issues a benefit contract shall not:~~

~~(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;~~

~~(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~**[**5.**]** ***6.*** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~**[**6.**]** ***7.*** Except as otherwise provided in subsection **[**7,**]** ***8,*** a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, **[**2022,**]** ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.~~

~~**[**7.**]** ***8.*** A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.~~

~~**[**8.**]** ***9.*** A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~**[**9.**]** ***10.*** For each of the 18 methods of contraception listed in subsection **[**10**]** ***11*** that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~**[**10.**]** ***11.*** The following 18 methods of contraception must be covered pursuant to this section:~~

~~(a) Voluntary sterilization **; [**for women;**]**~~

~~(b) Surgical sterilization implants for women;~~

~~(c) Implantable rods;~~

~~(d) Copper-based intrauterine devices;~~

~~(e) Progesterone-based intrauterine devices;~~

~~(f) Injections;~~

~~(g) Combined estrogen- and progestin-based drugs;~~

~~(h) Progestin-based drugs;~~

~~(i) Extended- or continuous-regimen drugs;~~

~~(j) Estrogen- and progestin-based patches;~~

~~(k) Vaginal contraceptive rings;~~
~~(l) Diaphragms with spermicide;~~
~~(m) Sponges with spermicide;~~
~~(n) Cervical caps with spermicide;~~
~~(o) Female condoms;~~
~~(p) Spermicide;~~
~~(q) Combined estrogen and progestin based drugs for emergency contraception or progestin based drugs for emergency contraception; and~~
~~(r) Ulipristal acetate for emergency contraception.~~

~~[11.]~~ ***12.*** ~~Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~[12.]~~ ***13.*** ~~A society shall not [use]~~ ***:***

~~***(a) Use*** medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care **[**.~~

~~13.**]** ***; or***~~

~~***(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.***~~

~~***14.*** A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~

~~[14.]~~ ***15.*** ~~As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Therapeutic equivalent" means a drug which:~~

~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.~~**] (Deleted by amendment.)**

Sec. 17. **[**~~NRS 695B.1919 is hereby amended to read as follows:~~

~~695B.1919 1. Except as otherwise provided in subsection~~ **[**~~7,~~**]** ***8,*** ~~an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:~~

~~(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration;~~

~~(3) Listed in subsection~~ **[**~~11;~~**]** ***12;*** ~~and~~

~~(4) Dispensed in accordance with NRS 639.28075;~~

~~(b) Any type of device for contraception which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration; and~~

~~(3) Listed in subsection~~ **[**~~11;~~**]** ***12;***

~~(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~

~~(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;~~

~~(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;~~

~~(f) Management of side effects relating to contraception;~~ **[**~~and~~**]**

~~(g) Voluntary sterilization~~ **[**~~for women.~~**]** ~~;~~

(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and

(i) One-quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.

~~2.~~ ***An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the hospital or medical services corporation. The terms of the policy must not limit:***

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

~~***3.*** An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.~~

~~**[**3.**]** ***4.*** If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.~~

~~**[**4.**]** ***5.*** Except as otherwise provided in subsections **[**9,**]** 10 ***, 11*** and **[**12,**]** ***13,*** an insurer that offers or issues a contract for hospital or medical service shall not:~~

~~(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;~~

~~(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~**[**5.**]** ***6.*** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~**[**6.**]** ***7.*** Except as otherwise provided in subsection **[**7,**]** ***8,*** a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, **[**2022,**]** ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.~~

~~**[**7.**]** ***8.*** An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.~~

~~**[**8.**]** ***9.*** If an insurer refuses, pursuant to subsection **[**7,**]** ***8,*** to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.~~

~~**[**9.**]** ***10.*** An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~**[**10.**]** ***11.*** For each of the 18 methods of contraception listed in subsection **[**11**]** ***12*** that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~**[**11.**]** ***12.*** The following 18 methods of contraception must be covered pursuant to this section:~~

~~(a) Voluntary sterilization **; [**for women;**]**~~

~~(b) Surgical sterilization implants for women;~~

~~(c) Implantable rods;~~

~~(d) Copper-based intrauterine devices;~~

~~(e) Progesterone-based intrauterine devices;~~

~~(f) Injections;~~

~~(g) Combined estrogen- and progestin-based drugs;~~

~~(h) Progestin-based drugs;~~

~~(i) Extended- or continuous-regimen drugs;~~

~~(j) Estrogen- and progestin-based patches;~~

~~(k) Vaginal contraceptive rings;~~

~~(l) Diaphragms with spermicide;~~

~~(m) Sponges with spermicide;~~

~~(n) Cervical caps with spermicide;~~

~~(o) Female condoms;~~

~~(p) Spermicide;~~

~~(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and~~

~~(r) Ulipristal acetate for emergency contraception.~~

~~**[**12.**]** ***13.*** Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~**[**13.**]** ***14.*** An insurer shall not **[**use**]** **:**~~

~~***(a) Use*** medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care **[**.~~

~~14.**]** **; *or***~~

~~*(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.*~~

~~*15.* An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~

~~**[**15.**]** *16.* As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Therapeutic equivalent" means a drug which:~~

~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.~~**]** **(Deleted by amendment.)**

Sec. 18. ~~**[**NRS 695C.1696 is hereby amended to read as follows:~~

~~695C.1696 1. Except as otherwise provided in subsection **[**7,**]** **9,** a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:~~

~~(a) Up to a 12 month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration;~~

~~(3) Listed in subsection **[**11;**]** *13;* and~~

~~(4) Dispensed in accordance with NRS 639.28075;~~

~~(b) Any type of device for contraception which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration; and~~

~~(3) Listed in subsection **[**11;**]** *13;*~~

~~(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;~~

~~(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;~~

~~(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;~~

~~(f) Management of side effects relating to contraception;~~ **[**~~and~~**]**

~~(g) Voluntary sterilization~~ **[**~~for women.~~**]** ~~;~~

~~***(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation, services to monitor the use and effectiveness of such drugs, devices and services; and***~~

~~***(i) Except as otherwise provided in subsection 2, one-quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.***~~

~~2.~~ ~~***A health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid shall include in a health care plan that covers such services coverage for:***~~

~~***(a) One-quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive, of subsection 1 to a recipient of Medicaid who is eligible for the Children's Health Insurance Program; and***~~

~~***(b) One-half of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive, of subsection 1 to a recipient of Medicaid who is not eligible for the Children's Health Insurance Program.***~~

~~***3. An enrollee is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the health maintenance organization. The terms of the evidence of coverage must not limit:***~~

~~***(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.***~~

~~***(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.***~~

~~***4.*** A health maintenance organization must ensure that the benefits required by **[**subsection**]** ***subsections 1 and 2*** are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.~~

~~**[**3.**]** ***5.*** If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed

~~by a provider of health care must be covered by the health maintenance organization.~~

~~**[**4.**]** ***6.*** Except as otherwise provided in subsections **[**9, 10**]** ***11, 12*** and **[**12,**]** ***14,*** a health maintenance organization that offers or issues a health care plan shall not:~~

~~(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1 **[**;**]** ***or 2;***~~

~~(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or~~

~~(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.~~

~~**[**5.**]** ***7.*** Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.~~

~~**[**6.**]** ***8.*** Except as otherwise provided in subsection **[**7,**]** ***9,*** a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, **[**2022,**]** ***2024,*** has the legal effect of including the coverage required by **[**subsection**]** ***subsections*** 1 **[**,**]** ***and 2,*** and any provision of the plan or the renewal which is in conflict with this section is void.~~

~~**[**7.**]** ***9.*** A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 ***or 2*** if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.~~

~~**[**8.**]** ***10.*** If a health maintenance organization refuses, pursuant to subsection **[**7,**]** ***9,*** to provide the coverage required by subsection 1 **[**,**]** ***or 2,*** an employer may otherwise provide for the coverage for the employees of the employer.~~

~~**[**9.**]** ***11.*** A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.~~

~~**[**10.**]** ***12.*** For each of the 18 methods of contraception listed in subsection **[**11**]** ***13*** that have been approved by the Food and Drug Administration, a health

~~care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~**[**11.**]** ***13.*** The following 18 methods of contraception must be covered pursuant to this section:~~

~~(a) Voluntary sterilization **; [**for women;**]**~~

~~(b) Surgical sterilization implants for women;~~

~~(c) Implantable rods;~~

~~(d) Copper-based intrauterine devices;~~

~~(e) Progesterone-based intrauterine devices;~~

~~(f) Injections;~~

~~(g) Combined estrogen- and progestin-based drugs;~~

~~(h) Progestin-based drugs;~~

~~(i) Extended- or continuous-regimen drugs;~~

~~(j) Estrogen- and progestin-based patches;~~

~~(k) Vaginal contraceptive rings;~~

~~(l) Diaphragms with spermicide;~~

~~(m) Sponges with spermicide;~~

~~(n) Cervical caps with spermicide;~~

~~(o) Female condoms;~~

~~(p) Spermicide;~~

~~(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and~~

~~(r) Ulipristal acetate for emergency contraception.~~

~~**[**12.**]** ***14.*** Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~**[**13.**]** ***15.*** A health maintenance organization shall not **[**use**]** **:**~~

~~***(a) Use*** medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care **[**.~~

~~14.**]** **; or***~~

~~***(b) Require an enrollee to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.***~~

~~***16.*** A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~

~~**[**15.**]** ***17.*** As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Therapeutic equivalent" means a drug which:~~

~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.~~**] (Deleted by amendment.)**

Sec. 19. **[**~~NRS 695G.1715 is hereby amended to read as follows:~~

~~695G.1715 1. Except as otherwise provided in subsection~~ **[**~~7,~~**]** ***9,*** ~~a managed care organization that offers or issues a health care plan shall include in the plan coverage for:~~

~~(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration;~~

~~(3) Listed in subsection~~ **[**~~10;~~**]** ***12;*** ~~and~~

~~(4) Dispensed in accordance with NRS 639.28075;~~

~~(b) Any type of device for contraception which is:~~

~~(1) Lawfully prescribed or ordered;~~

~~(2) Approved by the Food and Drug Administration; and~~

~~(3) Listed in subsection~~ **[**~~10;~~**]** ***12;***

~~(c) Self-administered hormonal contraceptives dispenses by a pharmacist pursuant to NRS 639.28078;~~

~~(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;~~

~~(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;~~

~~(f) Management of side effects relating to contraception;~~ **[**~~and~~**]**

~~(g) Voluntary sterilization~~ **[**~~for women.~~**]** ~~;~~

~~***(h) Any clinical service relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive, including, without limitation,***~~

services to monitor the use and effectiveness of such drugs, devices and services; and

(i) Except as otherwise provided in subsection 2, one-quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive.

2. ***A managed care organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid shall include in a health care plan that covers such services coverage for:***

(a) One-quarter of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive, of subsection 1 to a recipient of Medicaid who is eligible for the Children's Health Insurance Program; and

(b) One-half of the costs of any language translation services provided to facilitate the provision of any item or service described in paragraphs (a) to (h), inclusive, of subsection 1 to a recipient of Medicaid who is not eligible for the Children's Health Insurance Program.

3. An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who participates in the network plan of the managed care organization. The terms of the evidence of coverage must not limit:

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

~~4. A managed care organization must ensure that the benefits required by [subsection] *subsections* 1 *and 2* are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.~~

~~[3.] *5.* If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.~~

~~[4.] *6.* Except as otherwise provided in subsections [8, 9] *10, 11* and [11,] *13,* a managed care organization that offers or issues a health care plan shall not:~~

~~(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1 [;] *or 2;*~~

~~(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;~~

~~(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured to any such benefits.~~

~~**[**5.**]** ***7.*** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.~~

~~**[**6.**]** ***8.*** Except as otherwise provided in subsection **[**7,**]** ***9,*** a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, **[**2022,**]** ***2024,*** has the legal effect of including the coverage required by **[**subsection**]** ***subsections*** 1 **[**,**]** ***and 2,*** and any provision of the plan or the renewal which is in conflict with this section is void.~~

~~**[**7.**]** ***9.*** A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 ***or 2*** if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.~~

~~**[**8.**]** ***10.*** A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.~~

~~**[**9.**]** ***11.*** For each of the 18 methods of contraception listed in subsection **[**10**]** ***12*** that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.~~

~~**[**10.**]** ***12.*** The following 18 methods of contraception must be covered pursuant to this section:~~

~~(a) Voluntary sterilization **; [**for women;**]**~~

~~(b) Surgical sterilization implants for women;~~

~~(c) Implantable rods;~~

~~(d) Copper-based intrauterine devices;~~

~~(e) Progesterone-based intrauterine devices;~~

~~(f) Injections;~~
~~(g) Combined estrogen- and progestin-based drugs;~~
~~(h) Progestin-based drugs;~~
~~(i) Extended- or continuous-regimen drugs;~~
~~(j) Estrogen- and progestin-based patches;~~
~~(k) Vaginal contraceptive rings;~~
~~(l) Diaphragms with spermicide;~~
~~(m) Sponges with spermicide;~~
~~(n) Cervical caps with spermicide;~~
~~(o) Female condoms;~~
~~(p) Spermicide;~~
~~(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and~~
~~(r) Ulipristal acetate for emergency contraception.~~

~~[~~11.~~]~~ ***13.*** ~~Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~[~~12.~~]~~ ***14.*** ~~A managed care organization shall not [use]~~ ***:***

~~***(a) Use*** medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[~~.

~~13.~~] ~~***; or***~~

~~***(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.***~~

~~***15.*** A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.~~

~~[~~14.~~]~~ ***16.*** ~~As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Therapeutic equivalent" means a drug which:~~

~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.~~**] (Deleted by amendment.)**

Sec. 20. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 21. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 20, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 442.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYWOMEN** MONROE- MORENO **; SUMMERS-ARMSTRONG AND THOMAS**

AN ACT relating to midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring any midwife who provides services in this State to provide to clients a Community Birth Disclosure; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; creating a special endorsement authorizing a licensed certified professional midwife to order, dispense and implant certain devices; creating a special endorsement authorizing a licensed certified professional midwife to possess, administer, prescribe and dispense certain drugs; exempting a licensed certified

professional midwife and other providers of health care from certain liability; requiring Medicaid to cover the services of a licensed certified professional midwife; authorizing a licensed certified professional midwife to serve as the director of a freestanding birthing center; **specifying the midwives to which certain requirements apply;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a midwife to perform certain duties relating to reporting births and deaths and testing newborn babies for certain diseases. (NRS 440.100, 440.740, 442.008-442.110, 442.600-442.680) **Sections 2-32** of this bill provide for: (1) the licensure of licensed certified professional midwives by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) the regulation of licensed certified professional midwives by the Division and the Board of Licensed Certified Professional Midwives created by **section 17** of this bill. **Sections 2-14, 45, 69 and 74** of this bill define certain terms related to the practice of certified professional midwifery. **Section 15** of this bill exempts certain providers of health care from requirements governing the licensure and regulation of licensed certified professional midwives. **Sections 36, 38, 39 and 42-44** of this bill similarly exempt licensed certified professional midwives and certified professional midwife student midwives from provisions governing certain other providers of health care. Licensed certified professional midwives and certified professional midwife student midwives would also be exempt from provisions governing allopathic physicians. (NRS 630.047)

Section 16 of this bill authorizes the Division to accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this bill.

Section 17 creates the Board of Licensed Certified Professional Midwives. **Sections 34, 55 and 58-62** of this bill make various changes to ensure that the Board is treated similarly to other boards that regulate health-related professions. **Section 34** also provides that a person may obtain a license as a licensed certified professional midwife through reciprocity if the person has been in practice for at least 1 year immediately preceding the date on which the person submits an application. **Section 18** of this bill prescribes certain requirements concerning the operations and duties of the Board. **Section 19** of this bill requires the Board to adopt regulations governing the practice of certified professional midwifery, including: (1) requirements governing the issuance and renewal of a license as a licensed certified professional midwife; (2) requirements governing the investigation of misconduct and discipline; (3) requirements governing the management of a client who is at a moderate or high risk of an adverse outcome; and (4) requirements governing certain other aspects of the practice of certified professional midwifery.

Section 20 of this bill prescribes the requirements for the issuance of a license as a licensed certified professional midwife. **Section 103** of this bill revises the requirements for the issuance of a license as a licensed certified

professional midwife on January 1, 2026, to authorize the Division to exempt certain applicants from certain education requirements to address shortages in the number of midwives practicing in rural or underserved areas in the State or barriers for applicants from marginalized identities. **Section 21** of this bill: (1) authorizes a licensed certified professional midwife to utilize a certified professional midwife birth assistant to perform certain simple, routine medical tasks; and (2) prescribes the required training for a certified professional midwife birth assistant.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) **Sections 22 and 29** of this bill enact such procedures as applicable to an applicant for a license as a licensed certified professional midwife in order to comply with federal law. **Sections 104 and 110** of this bill remove a requirement that an application for a license as a licensed certified professional midwife include the social security number of the applicant on the date that those federal requirements are repealed, while leaving in place the other requirements of **sections 22 and 29** until 2 years after that date. **Section 33** of this bill makes a conforming change **to account** for applicants for licensure who do not have a social security number.

Section 23 of this bill prescribes the authorized activities of a certified professional midwife student midwife and requirements governing the supervision of a certified professional midwife student midwife by a preceptor. **Section 24** of this bill requires any midwife who provides services in this State to provide to a client a Community Birth Disclosure that contains certain information. **Section 24** additionally requires the Board to create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State. **Section 24** further requires a licensed certified professional midwife to obtain informed written consent from each client before providing services.

Existing law authorizes only certain practitioners who are licensed in this State and registered with the State Board of Pharmacy to prescribe drugs and devices. (NRS 639.235, 639.23505) **Sections 25, 40, 41 and 78** of this bill authorize a licensed certified professional midwife to: (1) order, possess and administer certain drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines for a client. **Sections 26, 40 and 78** of this bill authorize a licensed certified professional midwife to apply to the ~~[Board]~~ **Division** for a special endorsement for his or her license to: (1) order, dispense and implant contraceptive devices; or (2) possess, administer, prescribe and dispense certain dangerous drugs. **Sections 21, 23 and 79** of this bill authorize a certified professional midwife birth assistant or certified professional midwife student midwife to administer certain drugs, devices, chemicals and solutions under the direct supervision of a licensed certified professional midwife or in certain emergency situations. **Section 23** additionally authorizes a certified professional midwife student midwife to administer or implant a

contraceptive device under the supervision of a preceptor who holds the appropriate special endorsement.

Section 27 of this bill imposes specific requirements concerning the management of a client who is at a moderate or high risk of an adverse outcome ~~[, and section 105 of this bill revises some of those requirements on the effective date of regulations adopted by the Board to replace those requirements.]~~ **, and section 19 requires the Board of Licensed Certified Professional Midwives to adopt additional regulations governing the management of such a client.** **Section 107** of this bill creates the Collaboration and Transfer Guidelines Workgroup to make recommendations to the Board for regulations governing the transfer of such a client to a medical facility. **Section 27** also exempts: (1) a licensed certified professional midwife from liability resulting from the informed refusal to consent of such a client to consultation, co-management with or referral to another provider of health care or transfer to a medical facility or the inability of the licensed certified professional midwife to arrange for such consultation or carry out such co-management, referral or transfer; and (2) other providers of health care from liability for the actions or omissions of a licensed certified professional midwife.

Section 28 of this bill requires a licensed certified professional midwife to report to the Division certain information concerning his or her practice upon the renewal of his or her license.

Section 30 of this bill: (1) requires the Division to maintain certain records of proceedings relating to licensing, disciplinary actions and investigations; and (2) declares certain records to be confidential and certain other records to be public. **Section 57** of this bill makes a conforming change to clarify that such confidential records of the Division are not public records. **Section 31** of this bill prohibits a person who does not hold a license as a licensed certified professional midwife from representing that he or she is licensed to engage in the practice of certified professional midwifery. **Section 31** authorizes a person to represent that he or she is licensed to engage in the practice of certified professional midwifery if the person is licensed in another district, state or territory of the United States and the person discloses that license to the public. **Section 31** also prohibits a certified professional midwife student midwife from: (1) engaging in midwifery in circumstances other than those authorized by this bill; or (2) representing that he or she is qualified to engage in the practice of certified professional midwifery without supervision. **Section 31** authorizes the Division to, when it has reason to believe or has received complaints that a person has repeatedly violated the provisions of **section 31**, certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought. **Section 32** authorizes the Division or the Attorney General to seek an injunction against any person violating any provision of **sections 2-32**.

Existing law defines the term "provider of health care" as a person who practices any of certain professions related to the provision of health care.

(NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 35** of this bill includes licensed certified professional midwives in the definition of "provider of health care," thereby subjecting licensed certified professional midwives to the same requirements. **Section 76** of this bill makes a conforming change to clarify that licensed certified professional midwives are providers of health care. **Section 37** of this bill requires a licensed certified professional midwife to report misconduct by a person licensed or certified by the State Board of Nursing to the Executive Director of the Board.

Sections 48 and 49 of this bill provide that a licensed certified professional midwife is not liable for civil damages resulting from providing emergency care or gratuitous care to an indigent person under certain circumstances. **Section 70** of this bill requires a licensed certified professional midwife who attends a birth that occurs outside a hospital which is not also attended by a physician or advanced practice registered nurse to prepare a birth certificate. **Section 71** of this bill provides for the imposition of a fine upon a person who furnishes false information to a licensed certified professional midwife for the purpose of making incorrect certification of births or deaths.

Existing law provides that, in any civil action concerning any unwelcome or nonconsensual sexual conduct, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim. (NRS 41.138) **Section 47** of this bill provides that a licensed certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant is a person of authority for that purpose.

Sections 46, 50-54, 63, 64, 66-76 and 80-102 of this bill make revisions to treat licensed certified professional midwives similarly to other providers of health care in certain respects. **Section 65** of this bill requires Medicaid to cover the services of a licensed certified professional midwife and to provide reimbursement for such services at rates comparable to other providers of health care who provide similar services. **Section 56** of this bill makes a conforming change to indicate the proper placement of **section 65** in the Nevada Revised Statutes.

Section 77 of this bill authorizes a licensed certified professional midwife to serve as the director of a freestanding birthing center.

Existing law requires a primary care provider, including a midwife, to take certain actions to facilitate the detection of harmful mutations in the BRCA gene in patients who are adult women. (NRS 457.301) Section 81 of this bill provides that this requirement applies to licensed certified professional midwives, but not to other midwives.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 32, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Board" means the Board of Licensed Certified Professional Midwives created by section 17 of this act.***

Sec. 4. ***"Certified nurse-midwife" means a person who is:***

1. Certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization; and

2. Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 5. ***"Certified professional midwife birth assistant" means a person who performs routine medical tasks and procedures under the direct supervision of a licensed certified professional midwife.***

Sec. 6. ***"Certified professional midwife student midwife" means a person who performs midwifery under the direct supervision of a preceptor pursuant to section 23 of this act.***

Sec. 7. ***"Co-manage" means a licensed certified professional midwife jointly managing the care of a client with another provider of health care.***

Sec. 8. ***"Consult" means a client receiving an opinion concerning the management of a particular condition or symptom from an appropriate provider of health care at the direction of a licensed certified professional midwife.***

Sec. 9. ***"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.***

Sec. 10. ***"Licensed certified professional midwife" means a person licensed as a licensed certified professional midwife pursuant to section 20 of this act.***

Sec. 11. ***"Medical facility" has the meaning ascribed to it in NRS 449.0151.***

Sec. 12. ***"Practice of certified professional midwifery" means the provision of autonomous care to healthy clients who are at low risk of developing complications before conception, while pregnant and during the postpartum period and to newborn infants for up to 6 weeks after childbirth. The term includes, without limitation, co-management of the care of a client with a qualified provider of health care.***

Sec. 13. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 14. ***"Refer" means a licensed certified professional midwife arranging for another provider of health care to assume primary responsibility for managing a condition or symptom.***

Sec. 15. ***1. Except as otherwise provided in this section and sections 21, 24 and 27 of this act, the provisions of this chapter do not apply to a***

person who holds a license, certificate or other credential issued pursuant to chapters 630 to 641D, inclusive, of NRS and is practicing within the scope of authority authorized by that license, certificate or other credential. For the purposes of this subsection, a certified nurse-midwife shall be deemed to be practicing within the scope of authority authorized by his or her license as an advanced practice registered nurse.

2. This chapter does not prohibit:

(a) Gratuitous services of a person in an emergency; or

(b) Gratuitous care by friends or by members of the family.

Sec. 16. ***The Division may accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this chapter.***

Sec. 17. ***1. The Board of Licensed Certified Professional Midwives is hereby created.***

2. The Administrator of the Division shall appoint to the Board:

(a) Four voting members who are licensed certified professional midwives currently practicing in this State;

(b) One voting member who is an advanced practice registered nurse or physician currently practicing in the area of obstetrics in this State;

(c) One voting member who is a provider of health care, other than a provider of health care described in paragraph (a) or (b), who is currently providing neonatal or pediatric care in this State;

(d) One voting member who is a representative of the general public and who has received care from a licensed certified professional midwife;

(e) One ~~[voting]~~ nonvoting member who is a social worker licensed in this State or community organizer with experience in public health; and

(f) One nonvoting member to serve as a liaison with the Division.

3. Each member of the Board must be a resident of this State.

4. The Administrator of the Division:

(a) May solicit nominations for appointment to the Board from interested persons and entities.

(b) Shall give preference when appointing the members of the Board to candidates who have experience collaborating with licensed certified professional midwives or providing or utilizing midwifery services outside of a hospital.

5. The Board shall adopt regulations prescribing the terms of its members. Such terms must not exceed 4 years. The Administrator of the Division may:

(a) Reappoint a member at the expiration of his or her term; or

(b) Terminate a member before the expiration of his or her term for cause.

6. A vacancy on the Board must be filled in the same manner as the initial appointment.

7. Except as otherwise provided in this subsection, members of the Board serve without compensation. The State Board of Health may, by regulation, provide for compensation of the members of the Board.

Sec. 18. *1. A majority of the voting members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.*

2. The Board shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its members;

(b) Meet annually at the call of the Chair; and

(c) Recommend to the Legislature any statutory changes to improve the practice of certified professional midwifery in this State.

3. To the extent that money is available, the Board may meet more frequently than required by paragraph (b) of subsection 2.

4. To the extent practicable, any advice or recommendations made by the Board concerning the practice of certified professional midwifery must be guided by current, peer-reviewed scientific research.

Sec. 19. ~~*[1.]*~~ *The Board shall adopt any regulations necessary or convenient for carrying out the provisions of this chapter. Those regulations must include, without limitation:*

~~*[(a)]*~~ *1. Requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including, without limitation:*

~~*[(1)]*~~ *(a) The period for which a license is valid, which must not exceed 2 years.*

~~*[(2)]*~~ *(b) A requirement that an applicant for the renewal of a license must have completed continuing education in cultural humility or the elimination of racism or bias.*

~~*[(b)]*~~ *2. The procedure for filing a complaint with the Division concerning a licensed certified professional midwife or certified professional midwife student midwife.*

~~*[(c)]*~~ *3. Grounds for the Division to impose disciplinary action against a licensed certified professional midwife or certified professional midwife student midwife and the procedure by which the Division will impose such disciplinary action.*

~~*[(d)]*~~ *4. Requirements governing the reinstatement of a license or special endorsement that has been revoked, including, without limitation, the procedure to apply for reinstatement.*

~~*[(e)]*~~ *5. Regulations governing the ordering, usage and administration of drugs, vaccines, chemicals, solutions and devices pursuant to section 25 of this act.*

~~*[(f)]*~~ *6. Regulations concerning the management by a licensed certified professional midwife of a client who may have a condition that puts the client at a moderate or high risk of an adverse outcome for the client or the fetus or newborn infant of the client. The regulations must, to the extent practicable, be guided by current, peer-reviewed scientific research and must include, without limitation:*

~~[(1)]~~ (a) A list of conditions or symptoms associated with a risk of serious permanent harm or death to a client or the fetus or newborn infant of a client ~~[;]~~ , in addition to those prescribed by section 27 of this act;

~~[(2)]~~ (b) A list of conditions or symptoms associated with a risk of greater than minimal harm to a client or the fetus or newborn infant of a client that do not pose a risk of serious permanent harm or death ~~[;]~~ , in addition to those prescribed by section 27 of this act; and

~~[(3)]~~ (c) Specific requirements for each condition or symptom listed pursuant to subparagraphs (1) and (2) governing:

~~[(I)]~~ (1) The circumstances under which a licensed certified professional midwife must arrange for the client to consult with another provider of health care, co-manage the care of the client with another provider of health care, refer primary responsibility for the care of a client to another provider of health care or transfer the care of the client to a medical facility, procedures for such consultation, co-management, referral or transfer and requirements to ensure that a provider of health care who is consulted, with whom a client's condition or symptom is co-managed or to whom primary responsibility for the care of a client is referred is appropriately qualified; and

~~[(II)]~~ (2) The information that must be included on the form for providing informed refusal to consent to consultation, co-management, referral or transfer pursuant to section 27 of this act and the management of a client who provides such informed refusal to consent.

~~[(g)]~~ 7. Requirements governing the screening of clients in accordance with chapter 442 of NRS and necessary measures for the prevention of communicable diseases.

~~[(h)]~~ 8. Requirements concerning the records of treatment and outcomes that must be kept by a licensed certified professional midwife.

~~[(i)]~~ 9. Administrative penalties that the Division may impose upon a certified professional midwife student midwife who engages in the practice of certified professional midwifery without a preceptor.

~~[(j)]~~ 10. Administrative penalties that the Division may impose upon a licensed certified professional midwife who engages in activity for which a special endorsement is required by section 23 or 26 of this act without the appropriate endorsement.

~~[(k)]~~ 11. Any other requirements necessary to optimize obstetrical and neonatal outcomes for clients of licensed certified professional midwives.

~~[2. The Board may, by regulation, require an applicant for a license as a licensed certified professional midwife to submit to the Division a complete set of his or her fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.]~~

Sec. 20. 1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to

this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000 [.] , and a complete set of his or her fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The application must include, without limitation, proof that the applicant is certified as a midwife by the North American Registry of Midwives, or its successor organization, and:

(a) Has completed an educational program [accredited by the Midwifery Education Accreditation Council;] that is consistent with the most recent statement on licensure of Certified Professional Midwives by the United States Midwifery Education, Regulation and Association, or its successor organization; or

(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.

2. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

3. To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health shall establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section or section 26 of this act. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section or section 26 of this act are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section or section 26 of this act to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

4. As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 21. ***1. A licensed certified professional midwife may utilize a certified professional midwife birth assistant to perform the tasks and***

procedures authorized by subsection 3. Except as otherwise provided in subsection 2, a certified professional midwife birth assistant, including, without limitation, a provider of health care serving as a certified professional midwife birth assistant, must:

(a) Be at least 18 years of age;

(b) Have completed training in cultural humility or the elimination of racism or bias;

(c) Have completed training in the techniques of administering neonatal resuscitation provided through the Neonatal Resuscitation Program of the American Academy of Pediatrics, or any successor to that program; and

(d) Hold current certification in the techniques of administering cardiopulmonary resuscitation.

2. A certified professional midwife birth assistant who is a licensed certified professional midwife or a certified nurse-midwife is not required to possess the qualifications set forth in subsection 1.

3. Except as otherwise provided in subsection 5, a certified professional midwife birth assistant may perform routine clinical tasks and procedures only under the direct supervision of a licensed certified professional midwife who is present on the premises and able to intervene if necessary. Such tasks include, without limitation:

(a) Administering medications, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 25 of this act, intradermally, subcutaneously and intramuscularly and performing skin tests;

(b) Providing medication, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 25 of this act, to a patient to self-administer orally, sublingually, topically or rectally;

(c) Administering oxygen;

(d) Assisting in the care of a newborn infant immediately after birth;

(e) Placing a device used for auscultation of fetal heart tones;

(f) Assisting a client with activities of daily living and assisting the client in moving between the bed and bathroom;

(g) Performing cardiopulmonary or neonatal resuscitation; and

(h) Checking vital signs.

4. The supervising licensed certified professional midwife is responsible for ensuring that the certified professional midwife birth assistant has been properly trained to provide the services delegated to him or her. The supervising licensed certified professional midwife shall retain any documentation of the training that the certified professional midwife birth assistant has received for at least 5 years after the supervising licensed certified professional midwife ceases to supervise the certified professional midwife birth assistant.

5. A certified professional midwife birth assistant may provide any necessary assistance in an emergency or when birth is imminent if his or her supervising licensed certified professional midwife is not present. If a

certified professional midwife birth assistant provides such assistance without supervision, the certified professional midwife birth assistant must contact a provider of emergency medical services to provide further assistance.

6. A certified professional midwife birth assistant shall not assess clinical information or make clinical decisions.

Sec. 22. ***1. In addition to any other requirements set forth in this chapter:***

(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division of Public and Behavioral Health of the Department of Health and Human Services shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license as a licensed certified professional midwife may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 23. ***1. Except as otherwise provided in subsection 5, a certified professional midwife student midwife may engage in the practice of certified professional midwifery, including, without limitation, by using or administering any drug, vaccine, device, chemical or solution described in subsection 1, 2 or 3 of section 25 of this act, only under the direct supervision of a preceptor who is present on the premises and able to intervene if***

necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides midwifery services.

2. A certified professional midwife student midwife may administer or implant a contraceptive device or possess and administer a drug prescribed by the regulations adopted pursuant to paragraph (b) of subsection 1 of section 26 of this act only under the direct supervision of a preceptor who is a licensed certified professional midwife, holds the appropriate special endorsement issued pursuant to section 26 of this act authorizing the preceptor to engage in such activity and is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides services pursuant to this subsection.

3. A preceptor must be a person engaged in the practice of certified professional midwifery who is approved by the North American Registry of Midwives, or its successor organization, to serve as a preceptor.

4. A preceptor shall:

(a) Notify each client that a certified professional midwife student midwife may be involved in the care of the client;

(b) Explain the scope of the activities that the certified professional midwife student midwife may perform under the supervision of the preceptor; and

(c) Review and evaluate all care provided by a certified professional midwife student midwife under his or her supervision and attend every clinical encounter between the certified professional midwife student midwife and a client.

5. If the preceptor of a certified professional midwife student midwife ceases to serve as his or her preceptor and the certified professional midwife student midwife has no additional preceptor, the certified professional midwife student midwife must cease engaging in the practice of certified professional midwifery.

6. A certified professional midwife student midwife may provide any necessary assistance in an emergency or when birth is imminent if his or her preceptor is not present. If a certified professional midwife student midwife needs to provide such assistance and his or her preceptor is not present, the certified professional midwife student midwife must contact a provider of emergency medical services to provide further assistance.

Sec. 24. ***Upon accepting a client:***

1. Any midwife, including, without limitation, a licensed certified professional midwife and a certified nurse-midwife, shall provide the client with a Community Birth Disclosure. The Community Birth Disclosure must inform the client regarding:

(a) The type of midwife that the midwife is;

(b) The type of education and training that the midwife has received; and

(c) The care to be provided by the midwife.

➥ The Board shall create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State.

2. A midwife must sign and date, and obtain the signature of the client with a notation of the date of that signature, the Community Birth Disclosure provided pursuant to subsection 1. The midwife shall retain a copy of the Community Birth Disclosure for 5 years.

3. In addition to complying with the requirements of subsections 1 and 2, a licensed certified professional midwife shall obtain from the client informed written consent regarding the care to be provided by the licensed certified professional midwife. Informed written consent requires that the licensed certified professional midwife provide to the client:

(a) A description of the educational background and credentials of the licensed certified professional midwife;

(b) A description of the practice of certified professional midwifery as set forth in section 12 of this act and the limitations on the practice of a licensed certified professional midwife;

(c) Instructions for obtaining a copy of the provisions of sections 2 to 32, inclusive, of this act and the regulations adopted pursuant to section 19 of this act;

(d) Instructions for filing a complaint with the Division in accordance with the regulations adopted pursuant to section 19 of this act;

(e) A description of the actions that the licensed certified professional midwife will take in an emergency, including, without limitation, the conditions under which the licensed certified professional midwife will recommend the transfer of the client to a medical facility and the procedure that the licensed certified professional midwife will follow when making such a transfer;

(f) A description of the procedures that will be used during the birth in the client's chosen setting, the risks and benefits of birth in that setting and the conditions that may arise during delivery;

(g) A disclosure of whether the licensed certified professional midwife holds liability insurance;

(h) A summary of the provisions of section 27 of this act and the regulations adopted pursuant to section 19 of this act governing consultation, co-management, referral and transfer and a description of the procedures established by the licensed certified professional midwife for consultation, co-management, referral and transfer; and

(i) Any other information required by regulation of the Board.

Sec. 25. *1. A licensed certified professional midwife may use the following devices:*

(a) Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal monitors, tocodynamometer monitors, equipment for administering oxygen, glucose monitoring systems and testing strips,

neonatal and adult oximetry equipment, centrifuges and equipment for conducting screenings of hearing ability;

(b) Equipment for administering nitrous oxide, including, without limitation, scavenging systems, only in a freestanding birthing center licensed pursuant to chapter 449 of NRS;

(c) Neonatal and adult resuscitation equipment, including, without limitation, airway devices; and

(d) Any other device authorized by regulation of the Board.

2. A licensed certified professional midwife may possess and administer:

(a) Oxytocin, misoprostol, methylergonovine, tranexamic acid, lidocaine, penicillin, ampicillin, cefazolin, clindamycin, epinephrine, diphenhydramine, ondansetron, phylloquinone, erythromycin ointment, terbutaline and nitrous oxide;

(b) Influenza vaccine, hepatitis B vaccine, COVID-19 vaccine and diphtheria, tetanus and pertussis vaccine;

(c) Rho (D) immune globulin and hepatitis B immune globulin; and

(d) Any other drugs or vaccines authorized by regulation of the Board.

3. A licensed certified professional midwife may possess and administer:

(a) Oxygen, lactated Ringers solution, 5 percent dextrose in lactated Ringers solution, 0.9 percent sodium chloride solution and sterile water; and

(b) Any other chemicals or solutions authorized by regulation of the Board.

4. A licensed certified professional midwife may order for a client:

(a) Breast pumps, compression stockings and belts, maternity belts, diaphragms, cervical caps, glucometers, glucose testing strips, iron supplements and prenatal vitamins; and

(b) Any vaccine described in paragraph (b) of subsection 2.

Sec. 26. *1. The Division shall, upon application by a licensed certified professional midwife who has such qualifications as the Board specifies by regulation, issue:*

(a) A special endorsement of the license authorizing the licensed certified professional midwife to order, dispense, administer and implant contraceptive devices for a client.

(b) A special endorsement of the license authorizing the licensed certified professional midwife to possess, administer, prescribe and dispense drugs prescribed by regulation of the Board, in consultation with the State Board of Pharmacy, for a client.

2. An application for the issuance or renewal of a special endorsement pursuant to this section must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed ~~[$1,000.]~~ $500.

3. The Board, in consultation with the State Board of Pharmacy, shall adopt regulations to carry out the provisions of this section. Those regulations must prescribe:

(a) The training and experience necessary to obtain a special endorsement, including, without limitation:

(1) The additional education and training necessary to obtain a special endorsement described in paragraph (a) or (b) of subsection 1, which must be similar to the education and training required for other providers of health care who perform the activities authorized by those endorsements;

(2) The number of completed implantations of a contraceptive device under the supervision of a preceptor necessary to obtain a special endorsement described in paragraph (a) of subsection 1; and

(3) Requirements for the completion of training required by the manufacturer of a contraceptive device or the equivalent of such training to obtain a special endorsement described in paragraph (a) of subsection 1.

(b) The period for which a special endorsement is valid, which must not exceed 2 years.

(c) The contraceptive devices that the holder of a special endorsement issued pursuant to paragraph (a) of subsection 1 may order, dispense, administer and implant.

(d) The drugs that the holder of a special endorsement issued pursuant to paragraph (b) of subsection 1 may possess, administer, prescribe or dispense, which must only include:

(1) Antibiotic, antiemetic, antiviral, antifungal and antipruritic medications and low-potency topical steroids for the prevention and treatment of conditions that do not constitute a significant deviation from normal pregnancy or postpartum; and

(2) Hormonal and nonhormonal contraceptives.

4. A special endorsement issued pursuant to paragraph (b) of subsection 1 does not authorize the holder to prescribe or dispense drugs for a newborn infant.

Sec. 27. ***1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:***

(a) Complete placenta previa;

(b) Partial placenta previa after the 27th week of gestation;

(c) Infection with the human immunodeficiency virus;

(d) Cardiovascular disease;

(e) Severe mental illness that may cause the client to cause harm to themselves or others;

(f) Pre-eclampsia or eclampsia;

(g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;

(h) Potentially serious anatomic fetal abnormalities;

(i) Diabetes that requires insulin or other medication for management;

(j) Gestational age of greater than 43 weeks; or

(k) Any other condition or symptom ~~[which,]~~ :

(1) Designated by the regulations adopted pursuant to section 19 of this act; or

(2) Which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.

2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

(a) Prior cesarean section or other surgery resulting in a uterine scar;

(b) Multifetal gestation; ~~[or]~~

(c) Noncephalic presentation after 36 weeks of gestation ~~[.]~~ ; or

(d) Any other condition or symptom designated by the regulations adopted pursuant to section 19 of this act.

3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:

(a) The contents of the recommendation;

(b) The condition or symptom for which the recommendation was made;

(c) Whether the client consented to the consultation, co-management, referral or transfer; and

(d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.

4. A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Board. If a client provides informed refusal to consent to:

(a) Consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom described in subsection 1 exists, the licensed certified professional midwife must attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co-manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is not liable for any damages resulting from the failure to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife

must call 911 and provide care until relieved by a qualified provider of health care.

(b) Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:

(1) May continue to serve as the primary provider of health care for the client until the client provides such consent; and

(2) Is not liable for any damages resulting from the failure to consult, co-manage or refer.

5. If, after determining that a condition or symptom described in:

(a) Subsection 1 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.

6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.

Sec. 28. ***1. With each application for the renewal of his or her license, a licensed certified professional midwife shall submit to the Division a report that includes, for the immediately preceding licensure period:***

(a) The total number of clients who, when accepted by the licensed certified professional midwife as clients, intended to deliver their babies outside of a hospital;

(b) The number of live births attended by the licensed certified professional midwife outside of a hospital;

(c) The number of cases of fetal demise, deaths of newborns and maternal deaths attended by the licensed certified professional midwife;

(d) The number of clients transferred to a medical facility during the antepartum, intrapartum or immediate postpartum periods and the reason for and outcome of each such transfer;

(e) A brief description of any complications resulting in maternal or infant morbidity or mortality;

(f) The planned location and actual location of each delivery; and

(g) Any other information required by regulation of the Board.

2. Not later than 30 days after attending a maternal or newborn infant death, a licensed certified professional midwife shall report the death to the Division and the Board.

Sec. 29. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the Division shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Division shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the appropriate fee required pursuant to this chapter.

Sec. 30. *1. The Division shall keep a record of its proceedings relating to licensing, disciplinary actions and investigations. Except as otherwise provided in this chapter, the record must be open to public inspection at all reasonable times.*

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential and privileged.

3. A complaint or other document filed by the Division to initiate disciplinary action, any written opinion rendered by the Division and all documents and information considered by the Division when determining whether to impose discipline are public records.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The provisions of this section do not prohibit the Division from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 31. ***1. Except as otherwise provided in subsection 2, a person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division shall not:***

(a) Use in connection with his or her name the words "licensed certified professional midwife," "licensed midwife" or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery in this State; or

(b) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "licensed certified professional midwife," "licensed midwife" or any other term that indicates or implies that he or she is licensed to engage in the practice of certified professional midwifery in this State.

2. A person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division may use or list the words or headings described in paragraph (a) or (b) of subsection 1 if the person is licensed in the District of Columbia or any state or territory of the United States. If the person uses or lists the words or headings pursuant to this section, the person shall disclose the district, state or territory, as applicable, in which he or she is licensed.

3. A person who is licensed as a licensed certified professional midwife and who is also licensed in the District of Columbia or any state or territory of the United States shall disclose each additional district, state or territory, as applicable, in which he or she is currently licensed or has ever been licensed in all circumstances described in paragraphs (a) and (b) of subsection 1.

4. A certified professional midwife student midwife shall not:

(a) Engage in midwifery except in circumstances authorized by this chapter; or

(b) Use in connection with his or her name the words "licensed certified professional midwife," "certified professional midwife," "licensed midwife" or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery without supervision, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery without supervision in this State.

5. If the Division has reason to believe that a person has repeatedly violated any provision of this section or the Division has received complaints that a person has repeatedly violated any provision of this section, the Division may certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.

Sec. 32. ***1. The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from violating a provision of this chapter or any regulations adopted pursuant thereto.***

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person as a preventive or punitive measure.

(b) Does not relieve any person or business entity from any other legal action.

Sec. 33. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 641D.330, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155, ***and section 22 of this act,*** an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 34. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641D, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) ~~[Has]~~ ***Except as otherwise provided in this paragraph, has*** been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1. ***If the person seeks to practice as a licensed certified professional midwife in this State pursuant to sections 2 to 32, inclusive, of this act, the person must have been in practice for at least 1 year immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.***

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Joint Interim Standing Committee on Health and Human Services in even-numbered years.

Sec. 35. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractic physician;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

(bb) A behavior analyst, assistant behavior analyst or registered behavior technician; ~~[or]~~

(cc) ***A licensed certified professional midwife; or***

(dd) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 36. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing, nursing, ***certified professional midwifery,*** veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 37. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, ***licensed certified professional midwife,*** chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The

superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 38. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, ***certified professional midwifery,*** veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program.

(f) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 39. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, 640 to 641D, inclusive, or 653 of NRS ~~[,]~~ ***or sections 2 to 32, inclusive, of this act,***

➥ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 40. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; ~~[or]~~

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification ~~[.]~~; ***or***

7. A licensed certified professional midwife, for the purpose of:

(a) Ordering any device or drug described in subsection 1 or 2 of section 25 of this act for use in his or her practice in accordance with the provisions of that section and any regulations adopted pursuant to section 19 of this act;

(b) Ordering any device or vaccine described in subsection 4 of section 25 of this act for a client;

(c) If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and dispensing any medical device for contraception authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act; and

(d) If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (b) of subsection 1 of section 26 of this act, prescribing and dispensing any drug authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act.

Sec. 41. NRS 639.23505 is hereby amended to read as follows:

639.23505 ~~[A]~~

1. Except as otherwise provided in subsection 2, a practitioner shall not dispense for human consumption any controlled substance or dangerous drug if the practitioner charges a patient for that substance or drug, either separately or together with charges for other professional services:

~~[1.]~~ ***(a)*** Unless the practitioner first applies for and obtains a certificate from the Board and pays the required fee; and

~~[2.]~~ ***(b)*** Issues a written prescription.

2. A licensed certified professional midwife may administer drugs and devices ordered pursuant to section 25 of this act in accordance with the provisions of that section and any regulations adopted pursuant to section 19 of this act without obtaining a certificate from the Board.

Sec. 42. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive, or 641D of NRS, ***or sections 2 to 32, inclusive, of this act*** who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 43. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640, 640A or 641D of NRS, ***or sections 2 to 32, inclusive, of this act*** when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 44. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS ***or sections 2 to 32, inclusive, of this act*** if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.

(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.

(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the

jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 45. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise expressly provided in a particular statute or required by the context, "licensed certified professional midwife" means a person licensed as a licensed certified professional midwife pursuant to section 20 of this act.

Sec. 46. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first $50,000 recovered;

(b) Thirty-three and one-third percent of the next $50,000 recovered;

(c) Twenty-five percent of the next $500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 47. NRS 41.138 is hereby amended to read as follows:

41.138 1. In any civil action concerning any unwelcome or nonconsensual sexual conduct, including, without limitation, sexual

harassment, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

2. As used in this section:

(a) "Person in a position of authority" means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, ***licensed certified professional midwife, certified professional midwife student midwife, certified professional midwife birth assistant,*** psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.

(b) "Sexual harassment" has the meaning ascribed to it in NRS 176A.280.

Sec. 48. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** and any person who holds an equivalent license issued by another state, who renders emergency care or assistance, including, without limitation, emergency obstetrical care or assistance, in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, physician assistant, ~~[or]~~ nurse ***or licensed certified professional midwife*** from liability for damages resulting from that person's acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

2. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of that person's license to an indigent person,

➥ is not liable for any civil damages as a result of any act or omission by that person, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

3. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

4. As used in this section, "gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 49. NRS 41.506 is hereby amended to read as follows:

41.506 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

2. A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to subsection 1 and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

Sec. 50. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 51. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

(a) Recover any amount against the plaintiff; or

(b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds $50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 52. NRS 52.320 is hereby amended to read as follows:

52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:

1. "Custodian of medical records" means a chiropractic physician, physician, registered physical therapist, ~~[or]~~ licensed nurse ***or licensed certified professional midwife*** who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who has care, custody and control of medical records for such a person or institution.

2. "Medical records" includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

Sec. 53. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the

older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, ***licensed certified professional midwife,*** perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 54. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect,

exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 641D, 653 or 654 of NRS ~~[,]~~ ***or sections 2 to 32, inclusive, of this act,*** the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 55. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than $200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief

of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is $200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of

this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 56. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 65 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning

demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 57. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,

392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 30 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be

confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 58. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. Except as otherwise provided in NRS 284.4086, to the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 59. NRS 353.005 is hereby amended to read as follows:

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 60. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 61. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 62. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

Sec. 63. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 64. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 65. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, the Director shall include in the State Plan for Medicaid a requirement that, except as otherwise provided in subsection 2, the State shall pay the nonfederal share of expenditures incurred for services rendered by a licensed certified professional midwife. Such services must be reimbursed at a rate comparable to similar services provided by other providers of health care, including, without limitation, physicians, physician assistants and advanced practice registered nurses, regardless of the location at which the services are provided.

2. The Department or a managed care organization, including, without limitation, a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid may charge a copayment or coinsurance or apply a deductible for the services described in subsection 1. The amount of such a copayment, coinsurance or deductible must not exceed the amount of the copayment, coinsurance or deductible charged for the same services provided by another provider of health care.

3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 66. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

(n) A peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 67. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 "Practitioner" means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 68. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to

435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of NRS ~~[.]~~ ***and sections 2 to 32, inclusive, of this act.***

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 69. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, "midwife" means any type of midwife, including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.

Sec. 70. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the person giving birth and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the person giving birth and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician ***or advanced practice registered nurse*** in attendance at or immediately after the birth.

(b) ***The licensed certified professional midwife in attendance at or immediately after the birth.***

(c) Any other person in attendance at or immediately after the birth.

~~[(c)]~~ ***(d)*** The person giving birth or other parent or, if the other parent is absent and the person giving birth is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the person giving birth was:

(a) Married at the time of birth, the name of the spouse of that person must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse of the person giving birth is the other parent of the child; or

(2) The person giving birth and a person other than the spouse of the person giving birth have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

(b) Widowed at the time of birth but married at the time of conception, the name of the spouse of the person giving birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse of the person giving birth at the time of conception is the other parent of the child; or

(2) The person giving birth and a person other than the spouse of the person giving birth at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

6. If the person giving birth was unmarried at the time of birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or

declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 71. NRS 440.770 is hereby amended to read as follows:

440.770 Any person who furnishes false information to a physician, advanced practice registered nurse, ***licensed certified professional midwife,*** funeral director, midwife or informant for the purpose of making incorrect certification of births or deaths shall be punished by a fine of not more than $250.

Sec. 72. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse, ***licensed certified professional midwife*** or veterinarian licensed in accordance with state law, a physician assistant licensed pursuant to chapter 630 or 633 of NRS or a pharmacist registered pursuant to chapter 639 of NRS.

Sec. 73. NRS 441A.315 is hereby amended to read as follows:

441A.315 1. Except as otherwise provided in subsection 3, a physician, physician assistant, advanced practice registered nurse or midwife who provides or supervises the provision of emergency medical services in a hospital or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Consult with the patient to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, conduct any test which is medically indicated for the patient or assist the patient with obtaining any such test, to the extent practicable for the physician, physician assistant, advanced practice registered nurse or midwife.

2. Except as otherwise provided in subsection 3, a hospital that provides emergency medical services or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Ensure that the patient is consulted to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, ensure that any test which is medically indicated for the patient is conducted or that the patient is assisted with obtaining any such test, to the extent practicable for the hospital.

3. A physician, physician assistant, advanced practice registered nurse, midwife or hospital is not required to comply with the requirements of subsection 1 or 2 if the physician, physician assistant, advanced practice registered nurse or midwife or a provider of health care who provides emergency medical services or primary care to the patient at the hospital, as applicable, reasonably believes that the patient:

(a) Is being treated for a life-threatening emergency;

(b) Has recently been offered or has been the subject of a test for the human immunodeficiency virus or other sexually transmitted diseases; or

(c) Lacks capacity to consent to such testing.

4. The Board shall adopt regulations to ensure that:

(a) Any test which is administered to a patient or for which a patient is assisted in obtaining pursuant to this section is medically indicated for that patient; and

(b) Communications concerning testing pursuant to this section are made in a culturally competent manner and, to the extent practicable, in a language that is easily understood by the patient.

5. A physician, physician assistant, advanced practice registered nurse, midwife or hospital that fails to comply with the provisions of this section:

(a) Is not subject to a criminal penalty or an administrative fine pursuant to this chapter; and

(b) Is subject to disciplinary action, where applicable.

6. As used in this section:

(a) ***"Midwife" has the meaning ascribed to it in NRS 442.003.***

(b) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

~~[(b)]~~ ***(c)*** "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 74. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Division" means the Division of Public and Behavioral Health of the Department.

5. "Fetal alcohol syndrome" includes fetal alcohol effects.

6. "Freestanding birthing center" has the meaning ascribed to it in NRS 449.0065.

7. "Laboratory" has the meaning ascribed to it in NRS 652.040.

8. "Midwife" means ~~[~~:

~~(a) A person certified as:~~

~~(1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or~~

~~(2) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or~~

~~(b) Any other~~] ***any*** type of midwife ~~[.]~~, ***including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.***

9. "Provider of health care or other services" means:

(a) A clinical alcohol and drug counselor who is licensed, or an alcohol and drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; ~~[or]~~

(i) ***A licensed certified professional midwife; or***

(j) The holder of a certificate of registration as a pharmacist.

Sec. 75. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse-midwife who is licensed by the State Board of Nursing.

(c) An advanced practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

(e) A licensed certified professional midwife.

Sec. 76. NRS 442.610 is hereby amended to read as follows:

442.610 "Provider of health care" means:

1. A provider of health care as defined in NRS 629.031 ~~[;]~~, ***including, without limitation, a licensed certified professional midwife; and***

2. ~~[A midwife; and~~

~~3.~~] A freestanding birthing center licensed pursuant to chapter 449 of NRS.

Sec. 77. NRS 449.198 is hereby amended to read as follows:

449.198 1. A freestanding birthing center must:

(a) Provide sufficient space for members of the family of the pregnant person and other persons chosen by the pregnant person to assist with the birth;

(b) Have obstetrical services available to meet the needs of an acute patient; and

(c) Be located within 30 miles of a hospital that offers obstetric, neonatal and emergency services relating to pregnancy.

2. Surgery, including, without limitation, the use of forceps, vacuum extractions, cesarean sections and tubal ligations, must not be performed at a freestanding birthing center.

3. A freestanding birthing center must have a director who is responsible for the operation of the freestanding birthing center. The director of a freestanding birthing center must be:

(a) A physician;

(b) ***A licensed certified professional midwife;***

(c) A person who:

(1) Is certified as a Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; and

(2) Has successfully completed a program of education and training in midwifery that:

(I) Is accredited by the Midwifery Education Accreditation Council, or its successor organization; and

(II) Provides instruction and training in the Essential Competencies for Midwifery Practice prescribed by the International Confederation of Midwives, or its successor organization; or

~~[(c)]~~ ***(d)*** A certified nurse-midwife.

4. As used in this section, "certified nurse-midwife" means a person who is:

(a) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(b) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 78. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A licensed certified professional midwife, for the purpose of:

(a) Ordering any device or drug described in subsection 1 or 2 of section 25 of this act for use in his or her practice;

(b) Ordering any device or vaccine described in subsection 4 of section 25 of this act for a client;

(c) If the licensed certified professional midwife holds an endorsement issued pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and dispensing any contraceptive device authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act; and

(d) If the licensed certified professional midwife holds an endorsement issued pursuant to paragraph (b) of subsection 1 of section 26 of this act, prescribing and dispensing any drug authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act.

Sec. 79. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(v) A certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant who is administering the medicine or drug under the direct supervision of a licensed certified professional midwife, as authorized by sections 2 to 32, inclusive, of this act and any regulations adopted pursuant thereto.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 80. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638, 639 or 653 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 81. NRS 457.301 is hereby amended to read as follows:

457.301 1. A primary care provider shall:

(a) Attempt to determine whether each adult woman to whom he or she provides care has a personal or family history of breast, ovarian, tubal or peritoneal cancer or an ancestry associated with a harmful mutation in the BRCA gene or meets any other criteria under which the United States Preventive Services Task Force has recommended screening for a risk of such a mutation; and

(b) If the primary care provider determines that an adult woman to whom he or she provides care meets the criteria described in paragraph (a) and has not previously undergone genetic testing for a harmful mutation in the BRCA gene, use an appropriate brief familial risk assessment tool to screen for a risk of such a mutation.

2. If such a screening indicates that a woman is at risk of a harmful mutation in the BRCA gene, the primary care provider must:

(a) Provide the woman with written notice of the need to discuss genetic counseling and testing with the provider;

(b) Provide genetic counseling to the woman or ensure that the woman is referred for genetic counseling; and

(c) If a genetic test for harmful mutations in the BRCA gene is clinically indicated as a result of the genetic counseling, administer such a test to the woman or ensure that the woman is referred for such testing.

3. A primary care provider who fails to comply with this section is not subject to criminal penalties or professional discipline for such failure to comply.

4. As used in this section, "primary care provider" means:

(a) A physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS or advanced practice registered nurse who specializes in primary care, family medicine, internal medicine or obstetrics and gynecology; or

(b) A ***licensed certified professional*** midwife. ~~***[, as defined in NRS 442.003.]***~~

Sec. 82. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to:

1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~[.]~~ ***and sections 2 to 32, inclusive, of this act.***

2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.

Sec. 83. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity;

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage; and

(d) Workers' compensation insurance.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

(a) Premiums directly written;

(b) Premiums directly earned;

(c) Number of policies issued;

(d) Net investment income, using appropriate estimates when necessary;

(e) Losses paid;

(f) Losses incurred;

(g) Loss reserves, including:

(1) Losses unpaid on reported claims; and

(2) Losses unpaid on incurred but not reported claims;

(h) Number of claims, including:

(1) Claims paid; and

(2) Claims that have arisen but are unpaid;

(i) Expenses for adjustment of losses, including allocated and unallocated losses;

(j) Net underwriting gain or loss;

(k) Net operation gain or loss, including net investment income; and

(l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

(a) Recoverable federal income tax;

(b) Net unrealized capital gain or loss; and

(c) All other expenses not included in subsection 2.

Sec. 84. NRS 686A.2825 is hereby amended to read as follows:

686A.2825 "Practitioner" means:

1. A physician, dentist, nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractic physician, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist, person who holds a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS or other provider of health services who is authorized to engage in his or her occupation by the laws of this state or another state; and

2. An attorney admitted to practice law in this state or any other state.

Sec. 85. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***and sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 86. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** for a breach of the practitioner's professional duty toward a patient.

Sec. 87. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

(a) The name and title of the person;

(b) The interest of the person in the hearing; and

(c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive.

Sec. 88. NRS 689A.035 is hereby amended to read as follows:

689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 89. NRS 689B.015 is hereby amended to read as follows:

689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 90. NRS 689C.131 is hereby amended to read as follows:

689C.131 1. A carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the carrier to its insureds.

2. A carrier specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the carrier uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a carrier specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the carrier upon giving to the provider 45 days' written notice of the modification of the carrier's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the

modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 91. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the name of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the practitioner's name, the name of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 92. NRS 690B.270 is hereby amended to read as follows:

690B.270 If an insurer declines to issue to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** a policy of professional liability insurance, the insurer shall, upon the request of the practitioner, disclose to the practitioner the reasons the insurer declined to issue the policy.

Sec. 93. NRS 690B.280 is hereby amended to read as follows:

690B.280 If an insurer, for a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[,]~~ ***or***

sections 2 to 32, inclusive, of this act, sets the premium for the policy for the practitioner at a rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate.

Sec. 94. NRS 690B.290 is hereby amended to read as follows:

690B.290 If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[,]~~ ***or sections 2 to 32, inclusive, of this act,*** the insurer shall:

1. Offer to issue an extended reporting endorsement to the practitioner; and

2. Disclose to the practitioner the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. The cost formula must be based on:

(a) An amount that is not more than twice the amount of the premium for the claims-made policy at the time of the termination of that policy; and

(b) The rates filed by the insurer and approved by the Commissioner.

Sec. 95. NRS 690B.300 is hereby amended to read as follows:

690B.300 1. Except as otherwise provided in this section, if an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year, the insurer shall not set the premium for the policy at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year if the difference in rates is based in whole or in part upon the number of babies delivered per year by the practitioner.

2. If an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year, the insurer may set the premium for the policy at a rate that is different, based in whole or in part upon the number of babies delivered per year by the practitioner, from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year if the insurer:

(a) Bases the difference upon actuarial and loss experience data available to the insurer; and

(b) Obtains the approval of the Commissioner for the difference in rates.

3. The provisions of this section do not prohibit an insurer from setting the premium for a policy of professional liability insurance issued to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2***

to 32, inclusive, of this act who delivers one or more babies per year if the difference in rates is based solely upon factors other than the number of babies delivered per year by the practitioner.

Sec. 96. NRS 690B.310 is hereby amended to read as follows:

690B.310 1. If an agreement settles a claim or action against a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** for a breach of his or her professional duty toward a patient, the following terms of the agreement must not be made confidential:

(a) The names of the parties;

(b) The date of the incidents or events giving rise to the claim or action;

(c) The nature of the claim or action as set forth in the complaint and the answer that is filed with the district court; and

(d) The effective date of the agreement.

2. Any provision of an agreement to settle a claim or action that conflicts with this section is void.

Sec. 97. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS, the insurer shall:

(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.

(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.

(c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.

(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.

(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

> If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal

in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 98. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner may collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Such information may include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios; and

(c) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** in this State;

(b) Whose credit utilization shows a substantial change from the previous year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner may:

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** in this State.

4. On an ongoing basis, the Commissioner may analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** in this State.

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and

submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature.

Sec. 99. NRS 695A.095 is hereby amended to read as follows:

695A.095 1. A society shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the society to its insureds.

2. A society shall not contract with a provider of health care to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a society and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 45 days' written notice of the modification of the society's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a society contracts with a provider of health care to provide health care to an insured, the society shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 100. NRS 695B.035 is hereby amended to read as follows:

695B.035 1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.

2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days' written notice of the modification of the corporation's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 101. NRS 695C.125 is hereby amended to read as follows:

695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a health maintenance organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 102. NRS 695G.127 is hereby amended to read as follows:

695G.127 1. A managed care organization shall not contract with a provider of health care to provide health care to an insured unless the managed care organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a managed care organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the managed care organization upon giving to the provider 45 days' written notice of the modification of the managed care organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a managed care organization contracts with a provider of health care to provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, the managed care organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 103. Section 20 of this act is hereby amended to read as follows:

Sec. 20. 1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000, and a complete set of his or her fingerprints and written

permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The application must include, without limitation, proof that the applicant ~~[is]~~ ***:***

(a) Is certified as a midwife by the North American Registry of Midwives, or its successor organization ***;*** ~~[,]~~ and ~~[:~~

~~(a)]~~ ***(b)*** Has completed an educational program that is consistent with the most recent statement on licensure of Certified Professional Midwives by the United States Midwifery Education, Regulation and Association, or its successor organization ***.*** ~~[; or~~

~~(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.]~~

3. ***If the Division determines it to be necessary to address shortages in the number of licensed certified professional midwives practicing in rural or underserved areas in this State or barriers for applicants from marginalized identities, the Division may, on a case-by-case basis, exempt an applicant from the requirements of paragraph (b) of subsection 2 if the applicant:***

(a) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization; and

(b) Has completed the Portfolio Evaluation Process prescribed by that organization.

4. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

~~[3.]~~ ***5.*** To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health shall establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section to programs that promote applicants from

marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~[4.]~~ ***6.*** As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 104. Section 22 of this act is hereby amended to read as follows:

Sec. 22. 1. In addition to any other requirements set forth in this chapter ~~[~~:

~~(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.~~

~~(b) An]~~, an applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division of Public and Behavioral Health of the Department of Health and Human Services shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license as a licensed certified professional midwife may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 105. ~~[Section 27 of this act is hereby amended to read as follows:~~

~~Sec. 27. 1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the~~

~~consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:~~

~~(a) Complete placenta previa;~~

~~(b) Partial placenta previa after the 27th week of gestation;~~

~~(c) Infection with the human immunodeficiency virus;~~

~~(d) Cardiovascular disease;~~

~~(e) Severe mental illness that may cause the client to cause harm to themselves or others;~~

~~(f) Pre-eclampsia or eclampsia;~~

~~(g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;~~

~~(h) Potentially serious anatomic fetal abnormalities;~~

~~(i) Diabetes that requires insulin or other medication for management;~~

~~(j) Gestational age of greater than 43 weeks; or~~

~~(k) Any other condition or symptom which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.~~

~~2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:~~

~~(a) Prior cesarean section or other surgery resulting in a uterine scar;~~

~~(b) Multifetal gestation; or~~

~~(c) Noncephalic presentation after 36 weeks of gestation.~~

~~3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:~~

~~(a) The contents of the recommendation;~~

~~(b) The condition or symptom for which the recommendation was made;~~

~~(c) Whether the client consented to the consultation, co-management, referral or transfer; and~~

~~(d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.~~

~~4. A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Board. If a client provides informed refusal to consent to~~ **[**~~:~~

~~(a) Consultation, consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a~~

~~condition or symptom described in subsection 1 exists , the for which consultation, co-management, referral or transfer is required by the regulations adopted pursuant to section 19 of this act:~~

~~(a) The licensed certified professional midwife must [attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co-manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is] take any action required by those regulations;~~

~~(b) If the condition or symptom threatens the life or health of the client, the fetus or the newborn infant during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care; and~~

~~(c) If the licensed certified professional midwife complies with paragraphs (a) and (b), he or she is not liable for any damages resulting from the failure to consult, co-manage, refer or transfer. [If the condition or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.~~

~~(b) Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:~~

~~(1) May continue to serve as the primary provider of health care for the client until the client provides such consent; and~~

~~(2) Is not liable for any damages resulting from the failure to consult, co-manage or refer.]~~

~~5. If, after determining that a condition or symptom [described in: (a) Subsection 1] exists for which consultation, co-management, referral or transfer is required by the regulations adopted pursuant to section 19 of this act and making a reasonable effort to [arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility,] comply with those regulations, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of [this section] those regulations and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the~~

~~condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.~~

~~[(b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.]~~

~~6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.]~~

(Deleted by amendment.)

Sec. 106. As soon as practicable on or after the effective date of this section, but not later than 6 months after receiving the recommendations of the Collaboration and Transfer Guidelines Workgroup created by section 107 of this act, the Board of Licensed Certified Professional Midwives created by section 17 of this act shall adopt the regulations required by ~~[paragraph (f) of]~~ subsection ~~[1]~~ **6** of section 19 of this act. In adopting the regulations, the Board shall consider the measures necessary to minimize the likelihood of serious harm to the client and the fetus or newborn infant of the client.

Sec. 107. 1. The Collaboration and Transfer Guidelines Workgroup is hereby created.

2. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall appoint to the Workgroup:

(a) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Northern Nevada;

(b) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Southern Nevada;

(c) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or freestanding birthing center, as defined in NRS 449.0065, to a hospital and who practices in Northern Nevada;

(d) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or freestanding birthing center, as defined in NRS 449.0065, to a hospital and who practices in Southern Nevada;

(e) One voting member who represents a provider of emergency medical services in Northern Nevada;

(f) One voting member who represents a provider of emergency medical services in Southern Nevada; and

(g) One nonvoting member to serve as a liaison with the State Board of Health.

3. The Nevada Chapter of the National Association of Certified Professional Midwives, or its successor organization, in consultation with the Nevada Association of Certified Professional Midwives, or its successor organization, shall appoint to the Workgroup four voting members who are midwives who reside and practice in Nevada. To the extent practicable, two members must reside and practice in Northern Nevada and two members must practice in Southern Nevada.

4. The Nevada Hospital Association, or its successor organization, may appoint to the Workgroup one member who is a representative of the Association, or its successor organization.

5. A vacancy on the Workgroup must be filled in the same manner as the initial appointment.

6. Members of the Workgroup serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. A member of the Workgroup who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Workgroup and perform any work necessary to carry out the duties of the Workgroup in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Workgroup to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Workgroup; or

(b) Take annual leave or compensatory time for the absence.

8. The Workgroup may divide into one subcommittee of members from Northern Nevada and one subcommittee of members from Southern Nevada.

9. A majority of the voting members of the Workgroup or a subcommittee thereof constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Workgroup or a subcommittee thereof.

10. The Workgroup and each subcommittee thereof shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its members; and

(b) Meet at the call of the Chair.

11. Not later than July 1, 2024, the Workgroup or, if the Workgroup divides into subcommittees pursuant to subsection 8, each subcommittee of the Workgroup, shall make recommendations to the Board of Licensed Certified Professional Midwives created by section 17 of this act concerning

the regulations required by ~~[paragraph (f) of]~~ subsection ~~[1]~~ **6** of section 19 of this act governing the transfer of the client of a licensed certified professional midwife to a medical facility. Those recommendations must, to the extent practicable, be guided upon peer-reviewed scientific evidence and widely accepted best practices and include, without limitation, provisions for the transmission of all information necessary for the care of the client from the licensed certified professional midwife to the medical facility. The Workgroup ceases to exist upon submission of those recommendations unless the Board requests that the Workgroup continue to meet.

12. As used in this section:

(a) "Certified nurse-midwife" means an advanced practice registered nurse who is certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization.

(b) "Licensed certified professional midwife" means a person who is certified as a certified professional midwife by the North American Registry of Midwives.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Northern Nevada" means Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Pershing, Storey, Washoe and White Pine.

(e) "Southern Nevada" means the counties of Clark, Esmeralda, Lincoln, Mineral and Nye.

Sec. 108. Notwithstanding the provisions of section 17 of this act, on or before July 1, 2024, the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services may appoint to the Board of Licensed Certified Professional Midwives created by that section:

1. Four members pursuant to paragraph (a) of subsection 2 of that section who are not licensed pursuant to section 20 of this act and are certified as midwives by the North American Registry of Midwives, or its successor organization. If such a member is not licensed as a licensed certified professional midwife pursuant to section 20 of this act on July 1, 2024:

(a) His or her term ends on that date; and

(b) The Administrator shall appoint a person who is so licensed to fill the vacancy.

2. One member pursuant to paragraph (d) of subsection 2 of section 17 of this act who has not received care from a licensed certified professional midwife licensed pursuant to section 20 of this act but who has received care from a midwife certified by the North American Registry of Midwives, or its successor organization. That member may serve until the expiration of the term prescribed pursuant to subsection 5 of section 17 of this act.

Sec. 109. NRS 440.035 is hereby repealed.

Sec. 110. 1. This section and sections 106 and 107 of this act become effective upon passage and approval.

2. Sections 1 to 102, inclusive, 108 and 109 of this act become effective:

(a) Upon passage and approval for the purpose of appointing the members of the Board of Licensed Certified Professional Midwives created by section 17 of this act, adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Section 103 of this act becomes effective on January 1, 2026.

4. Section 104 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

5. Section 105 of this act becomes effective on the date on which the regulations described in section 106 of this act become effective.

6. Section 33 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

7. Sections 22, 29 and 104 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

440.035 "Midwife" defined. As used in this chapter, "midwife" means:

1. A person certified as:

(a) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(b) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or

2. Any other type of midwife.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 443.

AN ACT relating to nursing; ~~[imposing requirements]~~ **revising provisions** governing the ratio of faculty members to students in courses that provide clinical training at schools of practical nursing and at schools of professional nursing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the State Board of Nursing to establish standards and curricula for schools of practical nursing; and (2) requires the Board to establish standards and curricula for schools of professional nursing. (NRS 632.430, 632.440) Existing regulations require that a course at such a school relating to the care of patients have at least one member of the faculty for every eight students. (NAC 632.675) **Section 1** of this bill instead **authorizes such a school to determine the appropriate ratio of faculty members to students for** ~~[requires]~~ a course that provides clinical training ~~[at such a school to be supervised by at least]~~ **while requiring that such a ratio not exceed** 1 member of the faculty for every 12 students. **Sections 2 and 3** of this bill make conforming changes to indicate the proper placement and applicability of **section 1** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Each course that provides clinical training at an]~~ An approved school of practical nursing or ~~[at]~~ an approved school of professional nursing may determine the appropriate ratio of faculty members to students for a course that provides clinical training, provided that such a ratio ~~[must be supervised by at least]~~ not exceed 1 member of the faculty for every 12 students.

2. The Board may not impose requirements that are more stringent than the requirements of subsection 1 concerning the ratio of faculty members to students for a course to which that subsection applies.

Sec. 2. NRS 632.0126 is hereby amended to read as follows:

632.0126 "Approved school of nursing" means a school of nursing that is approved by the Board as meeting the standards for nursing education established by the Board pursuant to NRS 632.430 to 632.470, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 3. NRS 632.01264 is hereby amended to read as follows:

632.01264 "Approved school of professional nursing" means a school of professional nursing that is approved by the Board as meeting the standards for professional nursing education established by the Board pursuant to NRS 632.440, 632.460 and 632.470 ~~[.]~~ ***and section 1 of this act.***

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 397.

AN ACT relating to criminal procedure; authorizing a justice court or municipal court to establish a program for the treatment of mental illness or intellectual disabilities; ~~[revising provisions regarding the eligibility of a defendant for assignment to such a program;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court to establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign an eligible defendant. Under existing law, a justice court or municipal court is authorized, upon approval of a district court, to transfer original jurisdiction of a case involving such an eligible defendant to the district court. (NRS 4.370, 5.050, 176A.250, 176A.255) **Sections** ~~[1, 2 and 4-6]~~ **1-6** of this bill additionally authorize a justice court or municipal court to establish such a program and to transfer original jurisdiction of a case involving an eligible defendant to the district court if the justice court or municipal court has not established such a program.

~~[Existing law provides that if a defendant who suffers from a mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, certain offenses, the district court may assign the defendant to a program for the treatment of mental illness or intellectual disabilities under certain circumstances. Under existing law, if the offense committed by the defendant is a category A felony or a sexual offense that is punishable as a category B felony, the defendant is not eligible for assignment to such a program. (NRS 176A.260) Section 3 of this bill revises such eligibility for assignment to the~~

~~program and authorizes a defendant who tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a sexual offense that is punishable as a category B felony to be assigned to the program, but only as a condition of probation. Under section 3, such a defendant is not eligible for a suspension or deferment of proceedings or a dismissal of a case after the defendant completes the program.~~**]**

Existing law provides that upon a violation of a term or condition of such a program, the court may: (1) enter a judgement of conviction and proceed as provided in the section pursuant to which the defendant was charged; and (2) order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison. (NRS 176A.260) **Section 3** authorizes the imposition of certain sanctions against a defendant for such a violation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176A.250 is hereby amended to read as follows:

176A.250 A ***district court, justice court or municipal*** court may establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign a defendant pursuant to NRS 174.032, 176.211, 176A.260 or 176A.400. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 2. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. ~~[A]~~ ***If a justice court or municipal court has not established a program pursuant to NRS 176A.250, the*** justice court or ~~[a]~~ municipal court ***, as applicable,*** may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, "eligible defendant" means a person who:

(a) Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;

(b) Appears to suffer from mental illness or to be intellectually disabled; and

(c) Would benefit from assignment to a program established pursuant to NRS 176A.250.

Sec. 3. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of

probation is not prohibited by statute, the ***district court, justice court or municipal*** court ***, as applicable,*** may:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 if the ***district court, justice court or municipal*** court determines that the defendant is eligible for participation in such a program; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250, if the ***district court, justice court or municipal*** court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.250 if the defendant is diagnosed as having a mental illness or an intellectual disability:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and

(b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.

3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the ***district court, justice court or municipal*** court concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.

4. If the offense committed by the defendant is a ~~***[tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty but mentally ill of:***~~

~~***(a) A]***~~ category A felony ~~***[, the defendant is not eligible for assignment to the program.]***~~ or a

~~***[(b) A]***~~ sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant ~~***[may be assigned to the program after being placed on probation upon terms and conditions that the defendant attend and successfully complete the program. The defendant]***~~ is not eligible for assignment to ~~***[:***~~

~~***(1) A suspension or deferment of proceedings pursuant to paragraph (a) of subsection 1; or***~~

~~***(2) A dismissal of the action after completion of]***~~ the program ~~***[pursuant to subsection 6 or 7.]***~~.

5. Upon violation of a term or condition:

(a) ***The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court***

shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The ***district court, justice court or municipal*** court ***, as applicable,*** may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

~~[(b)]~~ ***(c)*** Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the ***district*** court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

6. Except as otherwise provided in subsection 8, upon fulfillment of the terms and conditions, the ***district court, justice court or municipal*** court ~~[:]~~ ***, as applicable:***

(a) Shall discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

8. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally

dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 4. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.260, the ***district court, justice court or municipal*** court ***, as applicable,*** shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The ***district court, justice court or municipal*** court ***, as applicable,*** shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.260, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the ***district court, justice court or municipal*** court ***, as applicable,*** orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the ***district court, justice court or municipal*** court ***, as applicable,*** in writing of its compliance with the order.

Sec. 5. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real

property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to ***, if the justice court has not established its own program pursuant to:***

(a) NRS 176A.250, a program established ***by the district court*** pursuant to ~~[~~NRS 176A.250 or, if the justice court has not established a program pursuant to~~]~~ ***that section.***

(b) NRS 176A.280, ~~[to]~~ a program established ***by the district court*** pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 6. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to ***, if the municipal court has not established its own program pursuant to:***

(a) NRS 176A.250, a program established ***by the district court*** pursuant to ~~[~~NRS 176A.250 or, if the municipal court has not established a program pursuant to~~]~~ ***that section.***

(b) NRS 176A.280, ~~[to]~~ a program established ***by the district court*** pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:

(a) Within the jurisdiction of the municipal court; and

(b) Required by the United States Constitution, the Nevada Constitution or statute.

Sec. 7. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 408.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 264.

AN ACT relating to motor vehicles; authorizing the removal of a vehicle or part of a vehicle from the highway following the issuance of a citation for reckless driving; **prohibiting a tow car operator from charging fees or costs for the storage of such a vehicle until the vehicle has been stored for a certain period; requiring the owner of such a vehicle to pay a hardship tariff instead of the normal rate for the storage and removal of the vehicle under certain circumstances;** revising provisions relating to the applicability of certain traffic laws concerning reckless driving; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a law enforcement officer to remove, or cause to be removed, a vehicle or part of a vehicle found on the highway to a place of safekeeping under certain circumstances. (NRS 484B.443) **Section 1** of this bill authorizes a law enforcement officer to take such action if the person driving or in actual physical control of the vehicle is issued a citation for reckless driving. **Section 3** of this bill provides that the provisions of law requiring a tow car operator to allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing do not apply if the towing was requested by a law enforcement officer pursuant to the amendatory provisions of **section 1**.

Existing law makes it unlawful for a person to drive a vehicle in an unauthorized trick driving display or to facilitate an unauthorized trick driving display on a public highway. (NRS 484B.653) **Section 2** of this bill additionally prohibits a person from driving a vehicle in an unauthorized trick driving display or facilitating an unauthorized trick driving display on premises to which the public has access.

Existing law requires that, under certain circumstances, a registered owner of a vehicle that is towed must pay certain fees and charges to the tow car operator for the towing, storage and removal of the vehicle. (NRS 484B.443, 706.4477, 706.4479) Existing law: (1) prohibits the tow car operator from charging any fee or cost for the storage of the vehicle until at least 48 hours has passed since the motor vehicle arrived and was registered at the place of storage; and (2) requires that if the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period must begin when the regular business hours of the place of storage next begin. (NRS 706.4477) Section 2.2 of this bill makes these provisions applicable when a tow car operator tows a vehicle at the request of a law enforcement officer pursuant to section 1.

Existing law further requires the owner of a vehicle that has been towed to pay a hardship tariff, instead of the normal rate, for the cost of removal and storage of the vehicle if: (1) the vehicle was towed at the request of a person other than the owner of the vehicle or the owner's authorized agent because the vehicle was not registered in this State or any other state; and (2) the owner is unable to pay the normal rate for reasons outside of the owner's control. (NRS 706.4477) Section 2.2 of this bill similarly provides that if the tow car operator tows a vehicle at the request of a law enforcement officer pursuant to section 1, the owner of the vehicle is required to pay the hardship tariff, instead of the normal rate, for the cost of the removal and storage of the vehicle if the owner establishes the inability to pay the normal rate. Section 2.2 further provides that the owner establishes the inability to pay the normal rate by providing evidence that the owner is a recipient of certain public assistance, has a household net income below a certain amount, has certain expenses in

excess of income or otherwise qualifies for the hardship tariff for a reason established by the Nevada Transportation Authority by regulation.

Section 2.4 of this bill makes a conforming change to make the definitions in existing law governing tow car operators applicable to the provisions of section 2.2.

Sections 2.6, 2.8 and 3.3-3.7 of this bill make conforming changes to provide that the requirements of section 2.2 are enforced by the Authority in the same manner as other laws governing tow car operators.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484B.443 is hereby amended to read as follows:

484B.443 1. Except as otherwise provided in subsection 2, whenever any law enforcement officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any law enforcement officer finds a vehicle, the cargo of a vehicle or other property unattended, disabled or spilled upon any highway, bridge or causeway, or in any tunnel, where the vehicle, cargo or property constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety, the officer or the law enforcement agency employing the officer, in coordination with unified command, if applicable, may provide for the immediate removal of the vehicle, cargo or property to a position where the vehicle, cargo or property no longer constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety.

3. Except as otherwise provided in subsection 2, any law enforcement officer may, subject to the requirements of subsection 4, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to a garage or other place of safekeeping if:

(a) The vehicle has been involved in a crash and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an
extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(b) The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; ~~[or]~~

(c) ***The person driving or in actual physical control of the vehicle has been issued a citation for reckless driving pursuant to NRS 484B.653; or***

(d) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.

4. Unless a different course of action is necessary to preserve evidence of a criminal offense, a law enforcement officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to the garage of the tow car operator unless directed otherwise by the officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in the possession or control of the tow car operator.

5. A person or entity, including a law enforcement officer, the law enforcement agency employing the law enforcement officer, unified command or a tow car operator who provides for the removal of a vehicle, the cargo of a vehicle or other property pursuant to subsection 2:

(a) Is not liable for any loss of or damage to the vehicle, the contents of the vehicle, the cargo or the property that is removed; and

(b) Must make a reasonable attempt, as soon as practicable, to notify the owner of the vehicle, cargo or property as to the location of the vehicle, cargo or property if the owner of the vehicle or property is not present at the time of removal and the owner of the vehicle, cargo or property is ascertainable by the officer.

6. All costs incurred under the provisions of subsection 2 must be borne by the owner of the vehicle, cargo or property.

7. As used in this section:

(a) "Traffic incident" has the meaning ascribed to it in NRS 484B.607.

(b) "Unified command" means a group of law enforcement officers or other persons organized to provide a coordinated response to a traffic incident which requires two or more responding entities within a jurisdiction or which requires responding entities from two or more jurisdictions. The responding entities may include, without limitation, police, fire or emergency medical personnel, a tow car operator, or a state or local governmental entity responsible for roadway or other infrastructure repair or maintenance.

Sec. 2. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property on a highway or premises to which the public has access.

(b) Drive a vehicle in an unauthorized speed contest on a highway or premises to which the public has access.

(c) Organize an unauthorized speed contest on a highway or premises to which the public has access.

(d) Drive a vehicle in an unauthorized trick driving display on a ~~[public]~~ highway ~~[.]~~ ***or premises to which the public has access.***

(e) Facilitate an unauthorized trick driving display on a ~~[public]~~ highway ~~[.]~~ ***or premises to which the public has access.***

➥ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. A person who violates paragraph (d) of subsection 1 is guilty of a gross misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

(b) For the second offense and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

7. A person who violates paragraph (e) of subsection 1 is guilty of:

(a) For the first offense, a misdemeanor and:

(1) Shall be punished by a fine of not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense and each subsequent offense, a gross misdemeanor and:

(1) Shall be punished by a fine of not less than $1,000 and not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

8. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6 or 7, the court:

(a) May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order; and

(c) May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense.

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on a highway or premises to which the public has access in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

10. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

11. As used in this section:

(a) "Facilitate" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:

(1) Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or

(2) Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.

(b) "Organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a ~~[~~public~~]~~ highway ~~[~~,~~]~~ ***or premises to which the public has access,*** regardless of whether a fee is charged for attending the unauthorized speed contest.

(c) "Trick driving display" means using a vehicle to perform tricks, stunts or other maneuvers on a ~~[~~public~~]~~ highway ***, or premises to which the public has access,*** upon which traffic has been diverted, slowed, impeded or blocked

to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.

Sec. 2.2. **Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the operator of a tow car tows a vehicle at the request of a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443, the operator shall not charge any fee or cost for the storage of the vehicle until at least 48 hours after the vehicle arrives and is registered at the place of storage. If the vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period begins when the regular business hours of the place of storage next begin.

2. The owner of a vehicle towed pursuant to paragraph (c) of subsection 3 of NRS 484B.443 shall pay the hardship tariff described in NRS 706.4477 for the cost of removal and storage of the vehicle if the owner demonstrates that the owner is incapable of paying the normal rate charged for the removal and storage of the vehicle by providing evidence that the owner:

(a) Is receiving benefits provided by a federal or state program of public assistance;

(b) Has a household net income which is equal to or less than 200 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Registrar by the United States Department of Health and Human Services;

(c) Resides in public housing, as that term is defined in NRS 315.021;

(d) Has expenses for the necessities of life that exceed his or her income; or

(e) Qualifies for a hardship tariff for any other reason established by the Authority by regulation.

Sec. 2.4. **NRS 706.011 is hereby amended to read as follows:**

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and section 2.2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.6. **NRS 706.286 is hereby amended to read as follows:**

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.444 to 706.453, inclusive, ***and section 2.2 of this act,*** have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of

that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,

➥ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.

2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

Sec. 2.8. **NRS 706.4463 is hereby amended to read as follows:**

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and section 2.2 of this act.***

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:

(a) File an application with the Authority; and

(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;

(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.

5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 3. NRS 706.4469 is hereby amended to read as follows:

706.4469 1. The operator shall allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing if:

(a) A request is made to release the vehicle; and

(b) Except as otherwise provided in subsection 2, the owner or agent pays a fee established by the operator for releasing the vehicle.

2. If a vehicle that has been connected to a tow car was requested to be towed pursuant to subparagraph (2) of paragraph (b) of subsection 2 of NRS 706.4477 and the owner, or agent of the owner, provides proof that the vehicle is registered pursuant to this chapter or chapter 482 of NRS or in any other state:

(a) The operator shall immediately release the motor vehicle to the owner or agent; and

(b) The owner or agent is not responsible for paying the fee established by the operator for releasing the vehicle.

3. ***The provisions of this section do not apply if a vehicle that has been connected to a tow car was requested to be towed by a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443.***

4. As used in this section, "provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was connected to the tow car.

Sec. 3.3. **NRS 706.4483 is hereby amended to read as follows:**

706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~.~~ ***, and section 2.2 of this act.***

2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.

Sec. 3.5. **NRS 706.756 is hereby amended to read as follows:**

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and section 2.2 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and section 2.2 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***and section 2.2 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***and section 2.2 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***and section 2.2 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a

certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 3.7. **NRS 706.781 is hereby amended to read as follows:**

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, ***and section 2.2 of this act*** for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, ***and section 2.2 of this act*** and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 325.

AN ACT relating to powers of attorney; ~~[adopting the Uniform Health Care Decisions Act;]~~ **defining certain words and terms relating to powers of attorney for health care; establishing a form to create an advance health-care directive; revising provisions concerning witnesses to a principal's**

signature of a power of attorney for health care; removing the requirement that, in certain circumstances, a certification of competency must be attached to a power of attorney; repealing ~~[various]~~ provisions relating to **the current form for** powers of attorney for health care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.870) ~~[This bill repeals such provisions and instead adopts the Uniform Health-Care Decisions Act.~~

~~Section 28 of this bill provides that an individual is presumed to have the capacity to make health care decisions and make or revoke a health care instruction or a power of attorney for health care, unless a health care provider or a court determines that the individual does not understand and appreciate the nature and consequences of certain decisions. Section 29 of this bill provides that such a presumption may be rebutted by a determination of a court under section 31 of this bill or certain health care providers if such providers have examined the individual and found the individual to lack capacity. Section 30 of this bill authorizes an individual to object to the finding that the individual lacks capacity and that, with certain exceptions, the objection is sufficient to treat the individual as having capacity. Section 31: (1) authorizes certain persons to petition the court to make a determination on whether the individual lacks capacity; and (2) requires the court to comply with certain procedural requirements concerning such a petition.~~

~~Section 32 of this bill authorizes an individual to make a health care instruction which includes certain preferences regarding the health care of the individual.~~

~~Section 33 of this bill sets forth the requirements to execute a power of attorney for health care and specifies who may not act as an agent to an individual who lacks capacity.~~

~~Section 34 of this bill authorizes an individual to create an advance health care directive that only addresses the mental health care of the individual and may waive certain rights. Section 35 of this bill sets forth the procedure to follow when an advance health care directive that addresses only the mental health care of the individual conflicts with any other type of advance health care directive.~~

~~Section 36 of this bill establishes a form to create an advance health care directive.~~

~~Section 37 of this bill sets forth a class of persons who, in order of priority, may act as a default surrogate for an individual if the individual lacks capacity to make health care decisions and an agent or guardian has not been appointed or the agent or guardian of the individual is not reasonably available. Section 38 of this bill sets forth the procedure a responsible health care provider is required to follow if two or more members of such class assume authority to act as a default surrogate and both default surrogates disagree on a health care decision.~~

~~— Section 39 of this bill authorizes an individual to disqualify certain persons from acting as a default surrogate.~~

~~— Section 40 of this bill authorizes an individual, under certain circumstances, to revoke: (1) an appointment of an agent; (2) the designation of a default surrogate; or (3) a health care instruction. Section 40 also provides that: (1) a subsequent advance health care directive revokes a prior advance health care directive to the extent the two conflict; and (2) the appointment of a spouse or domestic partner is revoked under certain circumstances.~~

~~— Section 41 of this bill provides that: (1) a health care directive created outside of this State is valid in this State under certain circumstances; (2) a person may rely on an advance health care directive under certain circumstances; and (3) the directive may not be denied solely because the directive or the signature is in electronic form.~~

~~— Section 42 of this bill provides that an agent or default surrogate has a fiduciary duty to an individual who lacks capacity and is required to make a health care decision in accordance with the direction of the individual in an advance health care directive.~~

~~— Sections 43 and 44 of this bill set forth the powers and limitations of an agent or a default surrogate under an advance health care directive or court order.~~

~~— Section 45 of this bill provides that under certain circumstances, two or more individuals are authorized to act as co-agents or alternate agents of an individual under an advance health care directive.~~

~~— Section 46 of this bill sets forth the duties of a health care provider, a responsible health care provider and a health care institution.~~

~~— Section 47 of this bill provides that: (1) a guardian may not refuse to comply with or revoke the advance health care directive of the individual; and (2) a health care decision made by certain agents prevails over the decision of the guardianship appointed for the individual.~~

~~— Section 48 of this bill provides that under certain circumstances, a health care provider, health care institution, an agent or default surrogate acting in good faith is not subject to civil or criminal liability or certain discipline.~~

~~— Section 49 of this bill prohibits a person from taking certain actions concerning an advance health care directive. Section 49 additionally provides that an individual or the estate of the individual has a cause of action against a person that violates such prohibitions.~~

~~— Section 50 of this bill provides that an electronic copy of an advance health care directive, a revocation of an advance health care directive or a designation or disqualification of a surrogate has the same effect as the original.~~

~~— Section 51 of this bill provides that the Uniform Health Care Decisions Act does not authorize mercy killing, assisted suicide or euthanasia.~~

~~— Section 52 of this bill provides that a court acting under this Uniform Act may only grant equitable relief.~~

~~— Section 53 of this bill provides that in applying and construing the Uniform Act, a court is required to consider the promotion of uniformity of the law among jurisdictions that enact the Uniform Act.~~

~~— Section 54 of this bill establishes a form to create a power of attorney for health care. Sections 55 and 56 of this bill, respectively, establish a form to create a power of attorney for health care decisions for an adult with an intellectual disability or with any form of dementia.~~

~~— Sections 1 and 57-76 of this bill make conforming changes to reflect the changes made in this bill and to remove and replace references to the repealed sections.~~**]** **Section 36 of this bill establishes a form to create an advance health-care directive that includes provisions relating to: (1) naming an agent and alternate agent and limiting an agent's authority; (2) health care instructions concerning life-sustaining treatment and certain priorities; (3) optional special powers of an agent, access to health information by an agent, additional guidance for an agent and the nomination of a guardian; (4) organ donation; and (5) certain information for agents. Section 78 of this bill repeals the current form for powers of attorney for health care.**

Existing law requires a power of attorney for health care to be signed by the principal, whose signature must be acknowledged by a notary public or witnessed by two adult witnesses who personally know the principal. Existing law also sets forth certain persons who are disqualified from being a witness to a principal's signature and establishes certain other requirements relating to such witnesses. Existing law further requires that a certification of competency of the principal be attached to a power of attorney if the principal lives in certain health care facilities. (NRS 162A.790) Section 57.7 of this bill: (1) removes the requirement that the witnesses to a principal's signature must personally know the principal; (2) provides that only the owner or operator or an employee of a nursing home in which the principal resides is disqualified from being a witness to the principal's signature; and (3) removes the requirement that a certification of competency must be attached to the power of attorney of a principal who lives in certain health care facilities.

Sections ~~[5-27]~~ **5-19** of this bill define certain words and terms for the purposes of ~~[sections 3-56.]~~ **the provisions of law governing powers of attorney for health care decisions. Sections 57.3 and 61-72 of this bill make conforming changes to indicate the proper placement of sections 5-36 of this bill in the Nevada Revised Statutes.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 159.0753 is hereby amended to read as follows:~~

~~— 159.0753 1. Any person who wishes to request to nominate another person to be appointed as his or her guardian may do so:~~

~~— (a) If nominating a guardian of the estate, pursuant to NRS 162A.250;~~

~~(b) If nominating a guardian of the person, pursuant to~~ **[**~~NRS 162A.800;~~**]** ***section 32 of this act;*** ~~or~~

~~(c) By completing a form requesting to nominate a guardian in accordance with this section.~~

~~2. A form requesting to nominate a guardian pursuant to this section must be:~~

~~(a) Signed by the person requesting to nominate a guardian;~~

~~(b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the person requesting to nominate a guardian and who attest that the person has the mental capacity to understand and execute the form; and~~

~~(c) Notarized.~~

~~3. A request to nominate a guardian pursuant to this section may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:~~

~~REQUEST TO NOMINATE GUARDIAN~~

~~I, ... (insert your name), residing at ..... (insert your address), am executing this notarized document as my written declaration and request for the person(s) designated below to be appointed as my guardian should it become necessary. I am advising the court and all persons and entities as follows:~~

~~1. As of the date I am executing this request to nominate a guardian, I have the mental capacity to understand and execute this request.~~

~~2. This request pertains to a (circle one): (guardian of the person)/(guardian of the estate)/(guardian of the person and estate).~~

~~3. Should the need arise, I request that the court give my preference to the person(s) designated below to serve as my appointed guardian.~~

~~4. I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.~~

~~5. If ..... (insert name) is unable or unwilling to serve as my appointed guardian, then I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.~~

~~6. I do not, under any circumstances, desire to have any private, for-profit guardian serve as my appointed guardian.~~

~~(YOU MUST DATE AND SIGN THIS DOCUMENT)~~

~~I sign my name to this document on ..... (date)~~

~~..... (Signature)~~

~~(YOU MUST HAVE TWO QUALIFIED ADULT WITNESSES DATE AND SIGN THIS DOCUMENT)~~

~~I declare under penalty of perjury that the principal is personally known to me, that the principal signed this request to nominate a guardian in my presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, fraud or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal.~~

~~.....~~
~~(Signature of first witness)~~

~~.....~~
~~(Print name)~~

~~.....~~
~~(Date)~~

~~.....~~
~~(Signature of second witness)~~

~~.....~~
~~(Print name)~~

~~.....~~
~~(Date)~~

~~CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC~~

~~State of Nevada)~~
~~)~~
~~County of .....)~~

~~On this ..... day of ....., in the year ....., before me, ... (insert name of notary public), personally appeared ..... (insert name of principal), ... (insert name of first witness) and ..... (insert name of second witness), personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to this instrument, and acknowledged that they have signed this instrument.~~

~~.....~~
~~(Signature of notarial officer)~~
~~(Seal, if any)~~

~~4. The Secretary of State shall make the form established in subsection 3 available on the Internet website of the Secretary of State.~~

~~5. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.~~**] (Deleted by amendment.)**

Sec. 2. Chapter 162A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 56, inclusive, of this act.

Sec. 3. ***[Sections 3 to 56, inclusive, of this act may be cited as the Uniform Health Care Decisions Act.]*** **(Deleted by amendment.)**

Sec. 4. ***[As used in sections 3 to 56, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 27,***

~~*inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 5. *"Advance health-care directive" means a power of attorney for health care* **.** ~~*for a health care instruction.]*~~

Sec. 6. ~~*["Agent" means an individual appointed in a power of attorney for health care.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*["Cohabitant" means each of two individuals not married to each other who have lived together as a couple for at least 1 year after reaching the age of majority or emancipation.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*["Default surrogate" means an individual authorized under section 36 of this act to make a health care decision for another individual.]*~~ **(Deleted by amendment.)**

Sec. 9. *"Guardian" means a person appointed under other law by a court to make decisions regarding the personal affairs of an individual, including, without limitation, health care decisions. The term does not include a guardian ad litem.*

Sec. 10. ~~*["Has capacity" means not determined or found under section 29 or 31 of this act to lack capacity. "Had capacity" and "have capacity" have corresponding meanings.]*~~ **(Deleted by amendment.)**

Sec. 11. *"Health care" means care, treatment, service or procedure to maintain, monitor, diagnose or otherwise affect the physical or mental illness, injury or condition of an individual.*

Sec. 12. ~~*["Health care decision" means a decision made by an individual, or the surrogate of the individual, regarding the individual's health care, including, without limitation, the:*~~

~~*1. Selection or discharge of a health care provider or health care institution;*~~

~~*2. Approval or disapproval of a diagnostic test, surgical procedure, medication, therapeutic intervention or other type of health care; and*~~

~~*3. Direction to provide, withhold or withdraw artificial nutrition or hydration, mechanical ventilation or other health care.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*["Health care institution" means a facility or agency licensed, certified or otherwise authorized or permitted by other law to provide health care in this State in the ordinary course of business.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*["Health care instruction" means a direction, whether or not in a record, made by an individual that indicates the goals, preferences or wishes of the individual concerning the provision, withholding or withdrawal of health care. The term includes a direction intended to be effective if specified conditions arise.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*["Health care provider" means a physician or other individual licensed, certified or otherwise authorized or permitted by other law of this State to provide health care in this State in the ordinary course of business*~~

~~*or practice of the profession of the physician or individual.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[“Individual” means an adult or emancipated minor.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[“Lack capacity” means that an individual is unable to understand and appreciate the nature and consequences of a decision or is unable or unwilling to make or communicate a decision, even with appropriate services, technological assistance, supported decision making or other reasonable accommodations.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[“Mental health care” means care, treatment, service or procedure to maintain, monitor, diagnose or improve the mental illness or other emotional, psychological or psychosocial condition of an individual.]*~~ **(Deleted by amendment.)**

Sec. 19. *“Nursing home” means a “nursing facility” as defined in 42 U.S.C. § 1396r(a), as amended, or “skilled nursing facility” as defined in 42 U.S.C. § 1395i–3(a), as amended.*

Sec. 20. ~~*[“Person” means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency or instrumentality or other legal entity.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[“Person interested in the welfare of the individual” means:*~~

~~*1. The spouse, child, parent or grandparent of the individual or a descendant of the spouse, child, parent or grandparent of the individual;*~~

~~*2. The domestic partner, cohabitant or friend of the individual;*~~

~~*3. A public entity providing health care, case management or protective services to the individual;*~~

~~*4. The surrogate of the individual;*~~

~~*5. A person appointed under other law to make decisions for the individual under a power of attorney for finances; or*~~

~~*6. A person that has an ongoing personal or professional relationship with the individual, including, without limitation, a person that has provided educational or health care services or supported decision making to the individual.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[“Physician” means an individual authorized to practice medicine under chapter 630 of NRS or osteopathy under chapter 633 NRS.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[“Power of attorney for health care” means a record granting an agent the authority to make health care decisions for the individual granting the power.]*~~ **(Deleted by amendment.)**

Sec. 24. ~~*[“Reasonably available” means able to be contacted without undue effort and willing and able to act in a timely manner considering the urgency of an individual’s health care situation. When used to refer to an agent or default surrogate, the term includes being willing and able to comply with the duties under section 43 of this act in a timely manner considering the urgency of an individual’s health care situation.]*~~ **(Deleted by amendment.)**

Sec. 25. ~~[*"Responsible health care provider" means:*~~

~~*1. A health care provider designated by an individual, or the surrogate of an individual, to have primary responsibility for the individual's health care or for overseeing a particular course of treatment; or*~~

~~*2. In the absence of a designation under subsection 1, or if the provider designated under subsection 1 is not reasonably available, a health care provider who has primary responsibility for the health care of the individual or for overseeing a particular course of treatment.]~~ **(Deleted by amendment.)**

Sec. 26. ~~[*"Supported decision making" means assistance from one or more persons of an individual's choosing that helps the individual make or communicate a decision, including, without limitation, by helping the individual understand the nature and consequences of the decision.]~~ **(Deleted by amendment.)**

Sec. 27. ~~[*"Surrogate" means:*~~

~~*1. An agent;*~~

~~*2. A default surrogate; or*~~

~~*3. A guardian authorized to make health care decisions.]~~ **(Deleted by amendment.)**

Sec. 28. ~~[*1. An individual is presumed to have capacity to make a health care decision unless a health care provider under section 29 or 30 of this act, or a court under section 31 of this act, finds or determines the individual does not understand and appreciate the nature and consequences of the decision, including, without limitation, the primary risks and benefits of the decision.*~~

~~*2. An individual is presumed to have capacity to make or revoke a health care instruction unless a health care provider under section 29 or 30 of this act, or a court under section 31 of this act, finds or determines the individual does not understand and appreciate the nature and consequences of a health care decision in the instruction, including, without limitation, the primary risks and benefits of the choices expressed in the instruction.*~~

~~*3. An individual is presumed to have capacity to make or revoke a power of attorney for health care unless a health care provider under section 29 or 30 of this act, or a court under section 31 of this act, finds or determines the individual does not understand:*~~

~~*(a) And appreciate the nature and consequences of appointing an agent under the power of attorney;*~~

~~*(b) The identity of the individual being appointed as an agent; or*~~

~~*(c) The general nature of the individual's relationship with the individual being appointed as an agent.*~~

~~*4. Creating, revoking or not creating an advance health care directive does not affect the right of an individual who has the capacity to make a health care decision.]~~ **(Deleted by amendment.)**

Sec. 29. ~~[*1. A presumption under section 28 of this act that an individual has capacity may be rebutted by:*~~

~~(a) A determination by a court under section 31 of this act or chapter 159 of NRS; or~~

~~(b) A finding made in accordance with accepted standards of medical judgment and to a reasonable degree of medical certainty that the individual lacks capacity by any of the following who has contemporaneously examined the individual and is not the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual, or of the surrogate of the individual, or a descendant of the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual or of the surrogate:~~

~~(1) A physician;~~

~~(2) A psychologist licensed or otherwise authorized to practice in this State; or~~

~~(3) A responsible health care provider if:~~

~~(I) The individual about whom the finding is to be made is experiencing a health condition requiring that a decision regarding health care treatment be made promptly to avoid loss of life or serious harm to the health of the individual; and~~

~~(II) An individual listed in subparagraph (1) or (2) is not reasonably available.~~

~~2. A finding under paragraph (b) of subsection 1 must be promptly documented in a record that:~~

~~(a) Is signed by the individual making the finding; and~~

~~(b) States the opinion of the individual making the finding of the cause, nature, extent and probable duration of the lack of capacity.~~

~~3. A determination or finding under this section may apply to a specified health care decision, to a specified set of health care decisions or to all health care decisions.]~~ **(Deleted by amendment.)**

Sec. 30. ~~[1. An individual found under paragraph (b) of subsection 1 of section 29 of this act to lack capacity may object to the finding in a record, orally or by another act.~~

~~2. If the individual objects under subsection 1, the finding is not sufficient to rebut the presumption of capacity in section 28 of this act, and the individual must be treated as having capacity, unless:~~

~~(a) The individual withdraws the objection;~~

~~(b) The court determines under section 31 of this act that the individual lacks capacity;~~

~~(c) The individual is experiencing a health condition requiring that a decision regarding health care treatment be made promptly to avoid loss of life or serious harm to the health of the individual;~~

~~(d) The finding is:~~

~~(1) Not used to withhold or withdraw life-sustaining treatment if the individual is objecting to the withholding or withdrawal of the treatment; and~~

~~(2) Confirmed by an individual authorized under paragraph (b) of subsection 1 of section 29 of this act who:~~

~~(I) Did not make the first finding;~~

~~(II) Is not the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual who made the first finding; and~~

~~(III) Is not a descendant of the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual who made the first finding; or~~

~~(c) The individual, in an advance health care directive that addresses only mental health care created under section 34 of this act, directs the first finding to be sufficient to rebut the presumption of capacity.~~

~~3. A health care provider who is informed of an objection under subsection 1 shall promptly:~~

~~(a) Communicate the challenge to a responsible health care provider; and~~

~~(b) Document the objection in the medical record of the individual or communicate the objection to an administrator with responsibility for the medical records of the health care institution providing health care to the individual.]~~ **(Deleted by amendment.)**

Sec. 31. ~~[1. An individual found under paragraph (b) of subsection 1 of section 29 of this act to lack capacity, a responsible health care provider, the health care institution providing health care to the individual or a person interested in the welfare of the individual may petition a district court in the county in which the individual resides or is located to determine whether the individual lacks capacity.~~

~~2. The court in which a petition under subsection 1 is filed shall appoint legal counsel to represent the individual if the individual does not have legal counsel in the proceeding. The court shall hear the petition as soon as possible but not later than 7 days after the petition is filed. As soon as possible, but not later than 7 days after the hearing, the court shall determine whether the individual lacks capacity. The individual shall be determined to lack capacity only if the court finds by clear and convincing evidence that the individual lacks capacity.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[1. The preferences in the health care instruction of an individual may include:~~

~~(a) Health care providers or health care institutions;~~

~~(b) How a health care decision will be made and communicated;~~

~~(c) Persons that should or should not be consulted regarding a health care decision;~~

~~(d) A person to serve as guardian for the individual if one is appointed; and~~

~~(e) An individual to serve as a default surrogate.~~

~~2. A health care provider to whom an individual communicates an instruction under subsection 1 shall document the instruction and the date of the instruction in the medical record of the individual.~~

~~3. A health care instruction that conflicts with an earlier health care instruction, including an instruction documented in a medical order, revokes the earlier instruction to the extent of the conflict.~~

~~*4. A health care instruction may be in the same record as a power of attorney for health care.]*~~ **(Deleted by amendment.)**

Sec. 33. ~~*[1. An individual may create a power of attorney for health care to authorize one or more agents to make a health care decision for the individual if the individual is found or determined under section 29 or 31 of this act to lack capacity.*~~

~~*2. An individual is disqualified from acting as agent for an individual found or determined under section 29 or 31 of this act to lack capacity if the court finds that the first individual poses a danger to the individual found or determined to lack capacity, even if the court does not issue a protective order against the first individual. Advocating for the withholding or withdrawal of health care from the individual is not itself an indication of posing a danger to the individual.*~~

~~*3. An owner, operator or employee of a nursing home at which an individual is receiving care is disqualified from acting as agent unless the owner, operator or employee is the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual, or a descendent of the spouse, child, parent, grandparent or domestic partner of the individual.*~~

~~*4. A health care decision made by an agent is effective without judicial approval.*~~

~~*5. A power of attorney for health care must be in a record, signed by the individual granting the power and witnessed by an adult who:*~~

~~*(a) Reasonably believes that the act of the individual to create the power of attorney is voluntary and knowing and made without coercion or undue influence;*~~

~~*(b) Must not be:*~~

~~*(1) The agent appointed by the individual;*~~

~~*(2) The spouse, domestic partner or cohabitant of the agent; or*~~

~~*(3) If the individual resides in a nursing home, the owner, operator or employee of the residential long-term health care institution; and*~~

~~*(c) Is present when the individual signs the power of attorney or when the individual represents that the power of attorney reflects the wishes of the individual.*~~

~~*6. A witness under subsection 5 is considered present if the witness and the individual are:*~~

~~*(a) Physically present in the same location;*~~

~~*(b) Using an electronic means that allows for real-time audio and visual transmission and able to communicate in real time to the same extent as if they were physically present in the same location; or*~~

~~*(c) Able to speak to and hear each other in real time through audio connection if:*~~

~~*(1) The identity of the individual is personally known to the witness; or*~~

~~*(2) The witness is able to authenticate the identity of the individual by receiving accurate answers from the individual that enable the authentication.*~~

~~7. A power of attorney for health care may include a health care instruction.]~~ **(Deleted by amendment.)**

Sec. 34. ~~[1. An individual may create an advance health care directive that addresses only mental health care for the individual.~~

~~2. A health care instruction that addresses only mental health care for an individual may include:~~

~~(a) A statement of the general philosophy and objectives of the individual regarding mental health care; and~~

~~(b) The specific goals, preferences and wishes of the individual regarding the provision, withholding or withdrawal of a form of mental health care, including:~~

~~(1) Preferences regarding professionals, programs and facilities;~~

~~(2) Admission to a mental health facility, including, without limitation, the length of admission;~~

~~(3) Preferences regarding medications;~~

~~(4) A refusal to accept a specific type of mental health care, including, without limitation, a medication; and~~

~~(5) Preferences regarding means of crisis intervention.~~

~~3. A health care instruction under this section may be in the same record as a power of attorney for health care.~~

~~4. An individual may direct, in an advance health care directive that addresses only mental health care, that a single finding that the individual lacks capacity is sufficient under paragraph (c) of subsection 2 of section 30 of this act to rebut the presumption of capacity under section 28 of this act.~~

~~5. If an advance health care directive includes the direction under subsection 4, the directive must be in a record, signed by the individual creating the directive and witnessed by at least two adults who:~~

~~(a) Attest that to the best of their knowledge the direction is voluntary and knowing and made without coercion or undue influence;~~

~~(b) Must not be:~~

~~(1) The agent appointed by the individual;~~

~~(2) The spouse, domestic partner or cohabitant of the agent; and~~

~~(3) If the individual resides in a residential long term health care institution, not the owner, operator or employee of the residential long term health care institution; and~~

~~(c) Are physically present in the same location as the individual.]~~ **(Deleted by amendment.)**

Sec. 35. ~~[1. If a direction in an advance health care directive that addresses only mental health care conflicts with a direction in another advance health care directive, the later direction revokes the earlier direction to the extent of the conflict.~~

~~2. An appointment by an individual under a power of attorney for health care of an agent to make decisions only for the mental health care of the individual does not revoke an earlier appointment of an agent under a power of attorney for health care to make other health care decisions for the~~

~~*individual. The later appointment revokes the authority of the agent under the earlier appointment to make mental health care decisions unless otherwise specified in the later appointment.*~~

~~*3. Appointment by an individual of an agent under a power of attorney for health care decisions other than mental health care decisions made after appointment of an agent authorized to make only mental health care decisions does not revoke the appointment of the agent authorized to make only mental health care decisions.]*~~ **(Deleted by amendment.)**

Sec. 36. *The following form may be used to create an advance health-care directive.*

ADVANCE HEALTH-CARE DIRECTIVE
~~[EXPLANATION OF]~~ HOW YOU USE THIS FORM

You can use this form if you wish to name someone ~~[you want]~~ to make health care decisions for you ~~[. This person will only be able to make health care decisions for you if]~~ in case you cannot make them for yourself. This is called giving the person you name a power of attorney for health care. The person you name is called your agent.

You can also use this form to state your wishes, preferences and goals for health care, and to say if you want to be an organ donor ~~[when]~~ after you die.

YOUR NAME AND ~~[BIRTHDAY]~~ DATE OF BIRTH

~~*[Write your name and date of birth below.]*~~

Name:.....

Date of birth: .....

PART 1: ~~[POWER OF ATTORNEY FOR HEALTH CARE]~~ NAMING AN AGENT

This part ~~[allows]~~ lets you ~~[to appoint]~~ name someone else to make health care decisions for you. You ~~[can]~~ may leave ~~[all or some of it]~~ any item blank.

(1) ~~[APPOINTMENT OF]~~ NAMING AN AGENT: I want the following person to make health care decisions for me if I cannot ~~[:(If you can, give the full name,)]~~ make decisions for myself:

Name:.....
Optional contact information (It is helpful to include information such as the person's address, phone number and email address .): ~~[of the individual you are appointing,)]~~.....
.....

(2) ~~[APPOINTMENT OF]~~ NAMING AN ALTERNATE AGENT: I want the following person to make health care decisions for me if I

cannot and my ~~[first]~~ agent is not willing, able or reasonably available to make them for me : ~~[.....]~~

Name:.....
~~[(If you can, provide the full name;]~~
Optional contact information (It is helpful to include information such as the person's address, phone number and email address .): ~~[of the individual you are appointing. You can name more than one alternate agent.)]~~.....
.....

(3) ~~[SPECIAL POWERS: My agent can do the following things ONLY if I have initialed or marked them below:~~

~~(__) consent to my participation in medical research that is allowed by law even if it will not directly benefit me and risks more than a little harm to me~~

~~(__) admit me as a voluntary patient to a facility for mental health treatment for not more than (__) days~~

~~(__) if I am not terminally ill, place me in a nursing home for more than 100 days even if my needs can be met somewhere else and I object at that time to being placed in the nursing home~~

~~(4) HEALTH INFORMATION SHARING: My agent may obtain, examine and share~~
~~information about my health needs and health care (initial or mark one):~~

~~(__) whenever my agent reasonably believes it is in my best interest~~

~~(__) only if I cannot make health care decisions for myself~~

~~(5) OTHER LIMITS ON]~~ LIMITING YOUR AGENT'S AUTHORITY: I give my agent the power to make all health care decisions for me if I cannot make those decisions for myself, except ~~[as I state here:]~~ for the following:.....
.....
(If you do not add any limitations here, your agent will be able make all health care decisions that an agent is permitted to make under state law.)

PART 2: HEALTH CARE INSTRUCTION

This part ~~[allows]~~ lets you ~~[to indicate]~~ state your priorities for health care and types of health care you do and do not want. ~~[You can leave all or some of it blank.]~~

(1) INSTRUCTIONS ABOUT LIFE-SUSTAINING TREATMENT

~~[If I have a condition that is not curable and is expected to cause me to die soon even if treated (initial or mark your choices):]~~ This section

gives you the opportunity to say how you want your agent to act while making decisions for you. You may mark or initial each item. You may also leave any item blank.

Medical treatment needed to keep me alive but not needed for comfort or any other purpose should (mark all that apply):

(__) [I want to receive all medical treatments available to prolong my life] Always be given to me.

(__) [I do not want medical treatment if its only purpose is to prolong my life] Not be given to me if I have a condition that is not curable and is expected to cause my death soon, even if treated.

(__) [If I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to prolong my life] Not be given to me if I am unconscious and I am not expected to be conscious again.

(__) [I want to receive care that will help me be comfortable even if it may shorten my life] Not be given to me if I have a medical condition from which I am not expected to recover that prevents me from communicating with people I care about, caring for myself and recognizing family and friends.

(__) [other] Other (write what you want or do not want):

If I [am unconscious and am not expected to ever be conscious again (initial or mark your choices):] cannot swallow and staying alive requires me to get liquid or food through a tube or other means for the rest of my life, liquid or food should (mark all that apply):

(__) [I want to receive all medical treatments available to prolong my life] Always be given to me.

(__) [I do not want medical treatment if its only purpose is to prolong my life] Not be given to me if I have a condition that is not curable and is expected to cause my death soon, even if treated.

(__) [If I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to prolong my life] Not be given to me if I am unconscious and I am not expected to be conscious again.

(__) [I want to receive care that will help me be comfortable even if it may shorten my life] Not be given to me if I have a medical condition from which I am not expected to recover that prevents me from communicating with people I care about, caring for myself and recognizing family and friends.

(__) [other] Other (write what you want or do not want):

If I [have a medical condition that prevents me from communicating with people I care about, care for myself and recognizing family and friends and I am not expected to recover (initial or mark your choices):]

am in significant pain, care that will keep me comfortable but is likely to shorten my life should (mark all that apply):

(__) [I want to receive all medical treatments available to prolong my life] Always be given to me.

(__) [I do not want medical treatment if its only purpose is to prolong my life] Never be given to me.

(__) [If ~~I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to prolong my life~~] Be given to me if I have a condition that is not curable and is expected to cause my death soon, even if treated.

(__) [I want to receive care that will help me be comfortable even if it may shorten my life] Be given to me if I am unconscious and I am not expected to be conscious again.

(__) Be given to me if I have a medical condition from which I am not expected to recover that prevents me from communicating with people I care about, caring for myself and recognizing family and friends.

(__) [other~~]~~ Other (write what you want or do not want):

(2) INSTRUCTION ABOUT PRIORITIES ~~[:]~~

You can use this section to indicate what is important to you, and what is not important to you. This information can help ~~[others]~~ your agent make decisions for you if you cannot . ~~[make them for yourself.]~~ It also helps others understand your preferences.

You may mark or initial each item. You also may leave any item blank.

Staying alive as long as possible even if I have substantial physical limitations is : ~~[(initial or mark your choice):]~~

(__) very important

(__) somewhat important

(__) not important

Staying alive as long as possible even if I have substantial mental limitations is : ~~[(initial or mark your choice):]~~

(__) very important

(__) somewhat important

(__) not important

Being free from significant pain is : ~~[(initial or mark your choice):]~~

(__) very important

(__) somewhat important

(__) not important

Being independent is : ~~[(initial or mark your choice):]~~

(__) very important
(__) somewhat important
(__) not important

Having my agent talk with my family ~~[and friends involved in]~~ before making decisions about my care is : ~~[(initial or mark your choice):]~~

(__) very important
(__) somewhat important
(__) not important

Having my agent talk with my friends before making decisions about my care is:

(__) very important
(__) somewhat important
(__) not important

~~[You can indicate other values and goals that are important to you below. This can include things you want and things you do not want: .. ..]~~

(3) OTHER INSTRUCTIONS

You can use this section to provide any other information about your goals, ~~[preferences,]~~ values and ~~[wishes]~~ preferences for treatment ~~[about the health]~~ , including care you want or do not want. You can also use this section to name anyone who you do not want to make decisions for you under any conditions.

~~[(4)]~~ PART 3: OPTIONAL ~~[ADDITIONAL]~~ SPECIAL POWERS AND GUIDANCE ~~[FOR YOUR AGENT~~

~~Initial or mark your choice if you want to provide]~~ This part allows you to give your agent additional powers and to provide your agent with more guidance ~~[.]~~ about your wishes. You may mark or initial each item. You also may leave any item blank.

(1) OPTIONAL SPECIAL POWERS

My agent can do the following things ONLY if I have initialed or marked them below:

(__) ~~[The instructions I stated in this document should guide the person making decisions for me, but I give that person permission to be flexible in applying these statements if they think it would be in my best interest based on what they know about me.]~~ Admit me as a voluntary patient to a facility for mental health treatment for up to 7 days, 14 days or 30 days (circle one).

(If I do not mark or initial this, my agent MAY NOT admit me as a voluntary patient to this type of facility.)

(__) [The instructions I stated in this document should guide the person making decisions for me and I want them to follow them exactly as written if possible, even if they think something else is better.] Place me in a nursing home for more than 100 days even if my needs can be met somewhere else, I am not terminally ill and I object.
(If I do not mark or initial this, my agent MAY NOT do this.)

(2) ACCESS TO MY HEALTH INFORMATION

My agent may obtain, examine and share information about my health needs and health care if I am not able to make decisions for myself. If I initial or mark below, my agent may also do this at any time he or she thinks it will help me.

(__) I give my agent permission to obtain, examine and share information about my health needs and health care whenever he or she thinks it will help me.

(3) GUIDANCE FOR MY AGENT

The instructions I have stated in this document should guide my agent in making decisions for me (initial or mark one of the below items to tell your agent more about how to use these instructions):

(__) I give my agent permission to be flexible in applying these instructions if he or she thinks it would be in my best interest based on what they know about me.

(__) I want my agent to follow these instructions exactly as written if possible, even if he or she thinks something else is better.

(4) NOMINATION OF GUARDIAN

Here you can say who you would want as your guardian if you need one. A guardian is a person appointed by a court to make decisions for someone who cannot make decisions. Filling this out does NOT mean you want or need a guardian right now.

If a court appoints a guardian to make personal decisions for me, I want the court to choose:

(__) My agent named in this form. If my agent cannot be a guardian, I want my alternate agent named in this form.

(__) Other [(You can use this section to tell your agent more about how to treat your instructions.):] (write who you would want and their contact information):

PART ~~[3:]~~ 4: ORGAN DONATION

This part allows you to donate your organs when you die. ~~[If you do not want to use this form to make a donation, you can]~~ You may mark or initial each item. You also may leave ~~[it]~~ any item blank.

Even if ~~[procedures necessary to evaluate, maintain or preserve my organs, tissues or other body parts conflict with other instructions I have put in this form or another document, upon my death (initial or mark the box that indicates what you want):]~~ it requires maintaining treatments that could prolong my dying process and might be in conflict with other instructions I have put in this form, upon my death:

(__) I donate my organs, tissues and other body parts, except for those listed below (~~[(if you do not]~~ list any ~~[, all can be donated):]~~ body parts you do not want to donate):

~~[(__) I donate the following organs, tissues or body parts only (list the ones you want to give):]~~

(__) I do not want my organs, tissues or body parts donated to anybody for any reason.

~~[My organs,]~~ Organs, tissues ~~[and]~~ or body parts that I donate may be used for : ~~[(initial or mark the box or boxes that indicate what you want):]~~

(__) transplant
(__) therapy
(__) research
(__) education
(__) all of the above

PART ~~[4:]~~ 5: SIGNATURES REQUIRED ON THIS FORM

YOUR SIGNATURE

~~[My]~~ Sign your name:.....

~~[My signature:.....~~

~~Date:]~~ Today's date: .....

~~[Optional: My contact information (you can include your address, phone number, email address or other contact information): .... (A witness is needed]~~

SIGNATURE OF WITNESSES

You need two witnesses if you are using this form to name an agent. The ~~[witness]~~ witnesses must be adults and cannot be ~~[a]~~ the person you are

naming as agent . ~~[or that person's spouse, domestic partner or cohabitant.]~~ If you live in a nursing home, the witness cannot be an employee ~~[, operator or owner]~~ of the home ~~[)]~~ or someone who owns or runs the home.

Witness name:.....

Witness signature : ~~[(only sign as a witness if you believe the person above is voluntarily making this advance directive): .....~~

~~Witness address (providing the full address of the witness is recommended):]~~.....
.....
Date witness signed: .....
(Only sign as a witness if you think that the person signing above is doing it voluntarily.)

Witness name:.....

Witness signature: .....
.....

Date witness signed: .....

(Only sign as a witness if you think that the person signing above is doing it voluntarily.)

PART ~~[5:]~~ 6: INFORMATION FOR AGENTS

(1) If this form ~~[appoints]~~ names you as an agent, you ~~[may]~~ can make decisions about health care for the person who ~~[appointed]~~ named you when they cannot make their own.

(2) If ~~[making]~~ you make a decision for the person, ~~[you should]~~ follow any instructions the person gave, including any in this form.

(3) If you make a decision for the person and you don't know what the person would want, ~~[you should]~~ make the decision that you think is in the person's best interest. To figure out what is in the ~~[individual's]~~ person's best interest , ~~[is, you must]~~ consider the ~~[individual's]~~ person's values, preferences and goals if you know them or can learn them. Some of those preferences might be in this form. You should also consider any behaviors or communications from the person that indicate what they currently want.

(4) If this form ~~[appoints]~~ names you as an agent, you can also get and share the individual's health information. But unless the person has said so in this form, you can only get or share this information when the person cannot make their own decisions about their health care.

Sec. 37. ~~*[1. A default surrogate may make a health care decision for an individual who lacks capacity to make health care decisions and for whom an agent or guardian authorized to make health care decisions has not been appointed or is not reasonably available.*~~

~~*2. Unless the individual has an advance health care directive that indicates otherwise, a member of the following classes, in descending order of priority, who is reasonably available and not disqualified under section 39 of this act, may act as a default surrogate for the individual:*~~

~~*(a) An adult who the individual has designated in an advance health care directive or in another manner;*~~

~~*(b) The spouse or domestic partner of the individual, unless a petition for annulment, divorce, dissolution of marriage, legal separation or termination has been filed and not dismissed or withdrawn, or the spouse or domestic partner has abandoned the individual for more than 1 year;*~~

~~*(c) The adult child or parent of the individual;*~~

~~*(d) The cohabitant of the individual;*~~

~~*(e) The adult sibling of the individual;*~~

~~*(f) The adult grandchild or grandparent of the individual;*~~

~~*(g) An adult not listed in paragraphs (a) to (f), inclusive, who has assisted the individual with supported decision making routinely during the preceding 6 months;*~~

~~*(h) The adult stepchild of the individual not listed in paragraphs (a) to (g), inclusive, who the individual actively parented during the minor years of the stepchild and with whom the individual has an ongoing relationship; or*~~

~~*(i) An adult not listed in paragraphs (a) to (h), inclusive, who has exhibited special care and concern for the individual and is familiar with the personal values of the individual.*~~

~~*3. A member of a class who assumes authority to act as default surrogate shall communicate the assumption of authority as promptly as practicable to other members who can be readily contacted in the same class and in classes with higher priority listed in subsection 2 and to a responsible health care provider.*~~

~~*4. A responsible health care provider may require an individual who assumes authority to act as a default surrogate to provide a declaration in a record under penalty of perjury stating facts and circumstances reasonably sufficient to establish the authority.*~~

~~*5. If a responsible health care provider reasonably determines that an individual who has assumed authority to act as a default surrogate is not willing or able to comply with a duty under section 42 of this act or fails to do so in a timely manner, the provider may recognize the individuals next in priority under subsection 2 as the default surrogates.*~~

~~*6. A health care decision made by a default surrogate is effective without judicial approval.]*~~ **(Deleted by amendment.)**

Sec. 38. ~~[1. A default surrogate who has assumed authority under subsection 3 of section 37 of this act shall inform a responsible health care provider if two or more members of the class have assumed authority to act as default surrogates and the members do not agree on a health care decision.~~

~~2. A responsible health care provider shall comply with the decision of a majority of the members of the class with higher priority who have communicated their views to the provider.~~

~~3. If a responsible health care provider is informed that the members of the class are evenly divided concerning the health care decision, the provider shall make a reasonable effort to solicit the views of other members of the class who are reasonably available but have not yet communicated their views to the provider. The provider, after the solicitation, shall comply with the decision of a majority of the members who have communicated their views to the provider.~~

~~4. If the class remains evenly divided after additional class members have provided their views under subsection 3, a responsible health care provider shall make a reasonable effort to solicit the views of members of the next class in priority, if any, who are reasonably available and, after the solicitation, comply with the decision of a majority of the members in the two classes who have communicated their views to the provider.~~

~~5. If a responsible health care provider is informed that the views of the members of the two classes providing their views under subsection 4 remain evenly divided, the health care decision shall be made as provided in other law of this State regarding the treatment of an individual who has been found or determined under section 29 or 31 of this act to lack capacity.]~~ **(Deleted by amendment.)**

Sec. 39. ~~[1. At any time, an individual for whom health care decisions would be made may disqualify another individual from acting as default surrogate for the first individual. The disqualification may be in a record signed by the first individual or communicated verbally or nonverbally to the individual being disqualified, another individual or a responsible health care provider. Disqualification under this subsection is effective even if made by an individual who has been found or determined under section 29 or 31 of this act to lack capacity to make health care decisions.~~

~~2. An individual is disqualified from acting as a default surrogate for an individual found or determined under section 29 or 31 of this act to lack capacity to make health care decisions if the court finds that the potential default surrogate poses a danger to the individual for whom health care decisions would be made, even if the court does not impose a protective order against the individual being disqualified. Advocating for the withholding or withdrawal of health care from an individual does not itself indicate that the potential default surrogate poses a danger to the individual.~~

~~3. An owner, operator or employee of a residential long-term health care institution at which an individual is receiving care is disqualified from acting~~

~~*as a default surrogate for the individual unless the owner, operator or employee is the spouse, child, parent, grandparent, domestic partner or cohabitant of the individual or a descendant of the spouse, child, parent, grandparent or domestic partner of the individual.*~~

~~*4. An individual who refuses to provide a timely declaration under subsection 4 of section 37 of this act is disqualified from acting as default surrogate.]*~~ **(Deleted by amendment.)**

Sec. 40. ~~*[1. Unless found or determined to lack capacity to do so under section 29 or 31 of this act, an individual may revoke the designation of an agent under a power of attorney for health care, the designation of a default surrogate or a health care instruction in whole or in part. The revocation must be by any act clearly indicating that the individual intends to revoke the designation or instruction, including an oral statement to a health care provider.*~~

~~*2. An advance health care directive that conflicts with an earlier advance health care directive revokes the earlier directive to the extent of the conflict.*~~

~~*3. Unless otherwise provided in the advance health care directive of an individual, the appointment of a spouse or domestic partner of an individual as agent for the individual is revoked by:*~~

~~*(a) A filing for annulment, divorce, dissolution of marriage, legal separation or termination that has not been dismissed or withdrawn;*~~

~~*(b) A decree of annulment, divorce, dissolution of marriage, legal separation or termination; or*~~

~~*(c) Abandonment of the individual for more than 1 year by the spouse or domestic partner of the individual.]*~~ **(Deleted by amendment.)**

Sec. 41. ~~*[1. An advance health care directive created outside this State is valid if the advance health care directive complies with:*~~

~~*(a) The law of the state specified in the directive or, if no state is specified, the state in which the individual created the directive; or*~~

~~*(b) The provisions of sections 3 to 56, inclusive, of this act.*~~

~~*2. A person may assume without inquiry that an advance health care directive is genuine, valid and still in effect and may implement or rely on it if the person does not have good cause to believe that the directive is invalid or has been revoked.*~~

~~*3. An advance health care directive or a revocation of a directive may not be denied legal effect or enforceability solely because the directive is in electronic form. If this act requires a signature on a directive or revocation, an electronic signature satisfies the requirement.*~~

~~*4. Evidence relating to an advance health care directive, revocation of a directive or a signature on a directive or revocation may not be excluded in a proceeding solely because it is in electronic form.*~~

~~*5. If the provisions of this act conflict with other law of this State relating to the creation, execution, implementation or revocation of an advance health care directive, this act prevails.]*~~ **(Deleted by amendment.)**

Sec. 42. ~~[*1. An agent or default surrogate has a fiduciary duty to the individual for whom the agent or default surrogate is acting when exercising or purporting to exercise a power under section 43 of this act.*~~

~~*2. An agent or default surrogate shall make a health care decision in accordance with the direction of the individual in an advance health care directive and other goals, preferences and wishes of the individual to the extent known to or reasonably ascertainable by the agent or default surrogate. If there is no direction and the goals, preferences and wishes of the individual regarding a health care decision are not known or reasonably ascertainable by the agent or default surrogate, the agent or default surrogate shall make the decision in accordance with the agent's or default surrogate's determination of the individual's best interest.*~~

~~*3. In determining the best interest of the individual, an agent or default surrogate shall give primary consideration to the contemporaneous communications of the individual, including, without limitation, verbal and nonverbal expressions.*~~

~~*4. An agent or default surrogate who is informed of a revocation of an advance health care directive or disqualification of an agent or default surrogate shall promptly communicate the revocation or disqualification to a responsible health care provider.]*~~ **(Deleted by amendment.)**

Sec. 43. ~~[*1. Except as otherwise provided in subsection 4, the power of an agent or default surrogate commences when the individual is found under paragraph (b) of subsection 1 of section 29 of this act, or is determined by a court pursuant to section 31 of this act, to lack capacity to make a health care decision. The power ceases if the individual later is found or determined to have capacity to make a health care decision, or the individual makes an objection under section 30 of this act to the finding of lack of capacity under paragraph (b) of subsection 1 of section 29 of this act. If the power ceases because an objection is made under section 30 of this act, the power resumes if a court later determines that the person lacks capacity to make a health care decision.*~~

~~*2. Subject to subsection 6 and section 44 of this act, an agent or default surrogate may make a health care decision for the individual.*~~

~~*3. An agent or default surrogate may request, receive, examine and copy and consent to the disclosure of medical and other health care information about the individual if the individual would have the right to request, receive, examine, copy or disclose the information.*~~

~~*4. The power of attorney for health care may provide that the power of an agent under subsection 3 commences upon appointment.*~~

~~*5. If no other person is authorized, an agent or default surrogate has the power to apply for public or private health insurance and benefits on behalf of the individual. An agent or default surrogate who has the power to apply for insurance and benefits does not, solely by reason of the power, have a duty to apply for the insurance or benefits.*~~

~~*6. An agent or default surrogate has the following powers only if specifically authorized by the individual in an advance health care directive:*~~

~~*(a) Consent to have the individual participate in medical research that does not provide direct benefit to the individual and creates a risk of more than minimal harm to the individual, but is otherwise authorized by law;*~~

~~*(b) Consent to voluntary admission of the individual to a facility for mental health treatment for not longer than the number of days specified in the directive or, if no number is specified, for not more than 14 days; or*~~

~~*(c) Consent to placement of the individual, if not terminally ill, in a nursing home if the placement is intended to be for more than 100 days and an alternative living arrangement is reasonably feasible.]*~~ **(Deleted by amendment.)**

Sec. 44. ~~*[1. If an individual has a long-term disability requiring routine treatment by artificial nutrition, hydration or mechanical ventilation and the individual has a history of using the treatment without objection, an agent or default surrogate may not consent to withdrawal of the treatment unless:*~~

~~*(a) The treatment is not necessary to sustain the life of the individual;*~~

~~*(b) The individual has expressly authorized the withdrawal in a health care instruction that has not been revoked; or*~~

~~*(c) The individual has experienced a major reduction in health or functional ability from which the individual is not expected to recover, even with other appropriate treatment, and the individual has not:*~~

~~*(1) Given a direction inconsistent with withdrawal; or*~~

~~*(2) Communicated, by verbal or nonverbal expression, a desire for artificial nutrition, hydration or mechanical ventilation.*~~

~~*2. A default surrogate may not make a health care decision if, under other law of this State, the decision:*~~

~~*(a) May not be made by a guardian; or*~~

~~*(b) May be made by a guardian only if the court appointing the guardian specifically authorizes the guardian to make the decision.]*~~ **(Deleted by amendment.)**

Sec. 45. ~~*[1. A power of attorney for health care may designate two or more individuals to act as co-agents. Unless the power of attorney provides otherwise, each co-agent may exercise independent authority.*~~

~~*2. A power of attorney for health care may designate one or more alternate agents to act if an agent resigns, dies, becomes disqualified, is not reasonably available or is otherwise unwilling or unable to serve as agent. Unless the power of attorney provides otherwise, an alternate agent:*~~

~~*(a) Has the same authority as the original agent; and*~~

~~*(b) May act only if all predecessor agents have resigned, died, become disqualified, are not reasonably available or are otherwise unwilling or unable to act as an agent.]*~~ **(Deleted by amendment.)**

Sec. 46. ~~*[1. If possible before implementing a health care decision by a surrogate for an individual, a responsible health care provider shall*~~

~~*promptly communicate to the individual the decision made and the identity of the person making the decision.*~~

~~*2. A responsible health care provider who makes or is informed of a determination or finding that an individual lacks capacity to make a health care decision or no longer lacks capacity, or that other circumstances exist that affect a health care instruction or the authority of a surrogate, shall promptly:*~~

~~*(a) Document the determination, finding or circumstance in the medical record of the individual; and*~~

~~*(b) If possible, communicate to the individual and the surrogate of the individual:*~~

~~*(I) The determination, finding or circumstance; and*~~

~~*(II) That the individual may object to the determination or finding.*~~

~~*3. A responsible health care provider who is informed that an individual has created or revoked an advance health care directive or that a surrogate for an individual has been designated or disqualified, shall:*~~

~~*(a) Document the information promptly in the medical record of the individual; and*~~

~~*(b) If evidence of the directive, revocation, designation or disqualification is in a record, request a copy and, on receipt, cause the copy to be included in the medical record of the individual.*~~

~~*4. Except as provided in subsections 5 and 6, a health care provider or health care institution providing health care to an individual shall comply with:*~~

~~*(a) A health care instruction given by the individual regarding the health care of the individual;*~~

~~*(b) A reasonable interpretation by the surrogate of the individual of an instruction given by the individual; and*~~

~~*(c) A health care decision for the individual made by the surrogate of the individual to the same extent as if the decision had been made by the individual at a time when the individual had capacity.*~~

~~*5. A health care provider or a health care institution may refuse to provide care consistent with a health care instruction or health care decision if:*~~

~~*(a) The instruction or decision is contrary to a policy of the health care institution providing health care to the individual that is expressly based on reasons of conscience and the policy was timely communicated to the individual who gave the instruction or about whom the decision was to be made or to the surrogate of the individual;*~~

~~*(b) The care would require the use of a form of care or treatment that is not available to the provider or institution; or*~~

~~*(c) Compliance would:*~~

~~*(1) Require the provider or institution to provide care that is contrary to generally accepted health care standards applicable to the provider or institution; or*~~

~~(2) Violate a court order or other law.~~

~~6. A health care provider or health care institution that refuses care under paragraph (a) or (b) of subsection 5 shall:~~

~~(a) If possible, promptly inform the individual and the surrogate of the individual of the refusal;~~

~~(b) Immediately make a reasonable effort to transfer the individual to another health care provider or health care institution that is willing to comply with the instruction or decision;~~

~~(c) If the refusal is made under paragraph (a) of subsection 5, provide medically appropriate care to the individual until a transfer under paragraph (b) is made; and~~

~~(d) If the refusal is made under paragraph (b) of subsection 5, provide continuing care to the individual until a transfer under paragraph (b) is made or it reasonably appears transfer cannot be made not later than 10 days after the refusal.]~~ **(Deleted by amendment.)**

Sec. 47. ~~[1. A guardian shall comply with the direction of the individual subject to guardianship and may not refuse to comply with or revoke the advance health care directive of the individual, unless the court appointing the guardian expressly orders the noncompliance or revocation.~~

~~2. Unless a court orders otherwise, a health care decision made by an agent appointed by an individual subject to guardianship prevails over the decision of the guardian appointed for the individual.]~~ **(Deleted by amendment.)**

Sec. 48. ~~[1. A health care provider or health care institution acting in good faith is not subject to civil or criminal liability or to discipline for unprofessional conduct for:~~

~~(a) Complying with a health care decision of a person based on a reasonable belief that the person has authority to make the decision for an individual, including, without limitation, a decision to withhold or withdraw health care;~~

~~(b) Refusing to comply with a health care decision of a person based on a reasonable belief that the person lacked authority or capacity to make the decision;~~

~~(c) Complying with an advance health care directive based on a reasonable belief that the directive is valid; or~~

~~(d) Determining that an individual who might otherwise be authorized to act as an agent or default surrogate is not reasonably available.~~

~~2. An agent or default surrogate, or an individual with a reasonable belief that the individual is an agent or a default surrogate, is not subject to civil or criminal liability or to discipline for unprofessional conduct for a health care decision made in a good faith effort to comply with the provisions of section 42 of this act.]~~ **(Deleted by amendment.)**

Sec. 49. ~~[1. A person may not:~~

~~(a) Intentionally falsify an advance health care directive;~~

~~(b) Intentionally conceal, deface, obliterate, or delete an advance health care directive or revocation of an advance health care directive without consent of the individual who created or revoked the directive;~~

~~(c) Coerce or fraudulently induce an individual to create, revoke or refrain from creating or revoking an advance health care directive;~~

~~(d) Intentionally withhold knowledge of the existence or revocation of an advance health care directive from a responsible health care provider or health care institution providing health care to the individual who created or revoked the directive; or~~

~~(e) Require or prohibit the creation or revocation of an advance health care directive as a condition for providing health care.~~

~~2. An individual who is the subject of conduct prohibited by subsection 1, or the estate of the individual, has a cause of action against a person that violates subsection 1 for statutory damages of $25,000 or actual damages resulting from the violation, whichever is greater.~~

~~3. An individual who makes a health care instruction or the estate of the individual has a cause of action against a health care provider or health care institution that intentionally violates subsection 4 of section 46 of this act for statutory damages of $50,000, or actual damages resulting from the violation, whichever is greater.~~

~~4. In an action under this section, a prevailing plaintiff may recover reasonable attorney's fees, court costs and other reasonable litigation expenses.~~

~~5. The provisions of this section do not supersede or preclude another cause of action or a remedy available under other law.]~~ **(Deleted by amendment.)**

Sec. 50. ~~[1. A physical or electronic copy of an advance health care directive, revocation of an advance health care directive or designation or disqualification of a surrogate has the same effect as the original.~~

~~2. An individual may create a certified physical copy of an advance health care directive in electronic form or the revocation in electronic form of a directive by affirming under penalty of perjury that the physical copy is a complete and accurate copy of the directive or revocation.]~~ **(Deleted by amendment.)**

Sec. 51. ~~[1. This act does not authorize mercy killing, assisted suicide or euthanasia.~~

~~2. This act does not affect other law of this State governing the treatment for mental illness of an individual involuntarily committed to a mental health care institution pursuant to chapter 433 of NRS.~~

~~3. Death of an individual caused by withholding or withdrawing health care in accordance with this act does not constitute a suicide or homicide or legally impair or invalidate a policy of insurance or an annuity providing a death benefit, notwithstanding any term of the policy or annuity to the contrary.~~

~~*4. This act does not create a presumption concerning the intention of an individual who has not created or who has revoked an advance health care directive.]*~~ **(Deleted by amendment.)**

Sec. 52. ~~*[1. On petition of an individual, the surrogate of an individual, a health care provider or health care institution providing health care to the individual or a person interested in the welfare of the individual, the court may:*~~

~~*(a) Enjoin implementation of a health care decision made by an agent or default surrogate on behalf of the individual on a finding that the decision is inconsistent with section 42 or 43 of this act;*~~

~~*(b) Enjoin an agent from making a health care decision for the individual on a finding that the individual's appointment of the agent has been revoked or the agent:*~~

~~*(1) Is disqualified under subsection 3 of section 33 of this act;*~~

~~*(2) Is unable or unwilling to comply with section 42 of this act; or*~~

~~*(3) Poses a danger to the individual;*~~

~~*(c) Enjoin another individual from acting as a default surrogate on a finding that the other individual's designation as a default surrogate did not comply with section 37 of this act, or the other individual:*~~

~~*(1) Is unable or unwilling to comply with section 42 of this act; or*~~

~~*(2) Poses a danger to the first individual;*~~

~~*(d) Order implementation of a health care decision made by and for the individual if the individual has not been found or determined under section 29 or 31 of this act to lack capacity to make the decision; or*~~

~~*(e) Order implementation of a health care decision made by an agent or default surrogate who is acting in compliance with the powers and duties of the agent or default surrogate.*~~

~~*2. Advocating for the withholding or withdrawal of health care from an individual is not itself an indication that an agent or default surrogate poses a danger to the individual.*~~

~~*3. A proceeding under this section is governed by chapter 159 of NRS.]*~~ **(Deleted by amendment.)**

Sec. 53. ~~*[In applying and construing the Uniform Health Care Decisions Act, a court shall consider the promotion of uniformity of the law among states that enact it.]*~~ **(Deleted by amendment.)**

Sec. 54. ~~*[Except as otherwise provided in sections 55 and 56 of this act, the form of a power of attorney for health care may be substantially in the following form, and must be witnessed in the same manner as the following form:*~~

~~*ADVANCE HEALTH CARE DIRECTIVE*~~

~~*HOW YOU USE THIS FORM*~~

~~*You can use this form if you wish to name someone to make health care decisions for you in case you cannot make them for yourself. This is*~~

~~*called giving someone Power of Attorney. This person is called your Agent.*~~

~~*You can also use this form to state your wishes, preferences, and goals for health care, and to say if you want to be an organ donor when you die.*~~

~~*YOUR NAME AND BIRTHDAY*~~

~~*Name: .....*~~

~~*Date of birth: .....*~~

~~*PART 1: POWER OF ATTORNEY FOR HEALTH CARE*~~

~~*Part 1 allows you to appoint someone else to make health care decisions for you. You do not have to respond to every item if you prefer not to.*~~

~~*1. NAMING AN AGENT*~~

~~*I want the following person to make health care decisions for me if I cannot make decisions for myself:*~~

~~*Name: .....*~~

~~*Address (optional): .....*~~

~~*Phone Number (optional): .....*~~

~~*Email (optional): .....*~~

~~*2. NAMING AN ALTERNATE AGENT*~~

~~*I want the following person to make health care decisions for me if I cannot and my Agent is not willing, able or reasonably available to make them for me:*~~

~~*Name: .....*~~

~~*Address (optional): .....*~~

~~*Phone Number (optional): .....*~~

~~*Email (optional): .....*~~

~~*3. ADDITIONAL POWERS*~~

~~*My Agent can do the following things ONLY if I have initialed or marked them below:*~~

~~*(__) Admit me as a voluntary patient to a facility for mental health treatment for not more than 7 days, or 14 days or 30 days (circle one)*~~

~~*(__) Place me in a nursing home for more than 100 days if I am not terminally ill, even if my needs can be met somewhere else, and even if I object to being placed in the nursing home*~~

~~*(__) Agree to my participating in medical research even if it will not directly benefit me and risks more than a little harm to me*~~

~~*4. SPECIAL LIMITS ON AGENT'S AUTHORITY*~~

~~*I give my Agent the power to make all health care decisions for me if I cannot make those decisions for myself, except the following:*~~

~~*Limitations: .....*~~
~~*.....*~~
~~*(If you do not add any limitations here, your Agent will be able to make all health care decisions that an Agent is permitted to make under state law.)*~~

~~*5. HEALTH INFORMATION SHARING*~~

~~*My Agent may obtain, examine and share information about my health needs and health care (initial or mark one):*~~
~~*(__) Whenever my Agent reasonably believes it is in my best interest*~~
~~*(__) Only if I cannot make health care decisions for myself*~~

~~*PART 2: HEALTH CARE INSTRUCTION*~~

~~*Part 2 lets you state your priorities for health care and the types of health care you do and do not want.*~~

~~*1. INSTRUCTIONS ABOUT LIFE-SUSTAINING TREATMENT*~~

~~*This section gives you the opportunity to say how you want your Agent to act in your behalf while making decisions for you. You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.*~~

~~*If I have a condition that is not curable and is expected to cause me to die soon even if treated:*~~
~~*(__) I want to receive all medical treatments available to continue my life.*~~
~~*(__) I do not want medical treatment if its only purpose is to continue my life.*~~
~~*(__) If I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to continue my life.*~~
~~*(__) I want to receive care that will help me be comfortable even if it shortens my life.*~~
~~*(__) Other (write what you want or do not want).*~~

~~*If I am unconscious and am not expected to be conscious again:*~~
~~*(__) I want to receive all medical treatments available to continue my life.*~~

~~(__) I do not want medical treatment if its only purpose is to continue my life.~~

~~(__) If I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to continue my life.~~

~~(__) I want to receive care that will help me be comfortable even if it may shorten my life.~~

~~(__) Other (write what you want or do not want):~~

~~If I have a medical condition from which I am not expected to recover that prevents me from communicating with people I care about, caring for myself and recognizing family and friends:~~

~~(__) I want to receive all medical treatments available to continue my life.~~

~~(__) I do not want medical treatment if its only purpose is to continue my life.~~

~~(__) If I cannot swallow, I do not want to be given food or liquids through a tube or other means if its only purpose is to continue my life.~~

~~(__) I want to receive care that will help me be comfortable even if it may shorten my life.~~

~~(__) Other (write what you want or do not want):~~

~~*2. INSTRUCTION ABOUT PRIORITIES*~~

~~You can use this section to indicate what is important to you, and what is not important to you. This information can help your Agent make decisions for you if you cannot make them for yourself. It also helps others understand your preferences.~~

~~You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.~~

~~Staying alive as long as possible even if I have substantial physical limitations is:~~

~~(__) Very important~~

~~(__) Somewhat important~~

~~(__) Not important~~

~~Staying alive as long as possible even if I have substantial mental limitations is:~~

~~(__) Very important~~

~~(__) Somewhat important~~

~~(__) Not important~~

~~Being free from significant pain is:~~

~~(__) Very important~~

~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~***Being independent is:***~~
~~*(__) Very important*~~
~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~***Having my family and friends involved in making decisions about my care is:***~~
~~*(__) Very important*~~
~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~***3. OTHER INSTRUCTIONS***~~

~~***You can use this section to provide any other information about your goals, preferences, values and wishes for treatment about the health care you want or do not want. You can also use this section to name anyone who you do not want to make decisions for you under any conditions.***~~

~~***4. OPTIONAL, ADDITIONAL GUIDANCE FOR YOUR AGENT***~~

~~***You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.***~~
~~*(__) The instructions I stated in this document should guide the person making decisions for me. However, I give my Agent permission to be flexible in applying these instructions if they think it would be in my best interest based on what they know about me.***~~
~~*(__) The instructions I stated in this document should guide the person making decisions for me. I want them to follow them exactly as written if possible, even if they think something else is better.***~~

~~***PART 3: ORGAN DONATION***~~

~~***Part 3 allows you to donate your organs when you die. If you do not want to use this form to make a donation, you may leave it blank.***~~

~~***You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.***~~

~~***Even if procedures necessary to evaluate, maintain or preserve my organs, tissues or other body parts conflict with other instructions I have put in this form or another document, upon my death:***~~

~~*(__) I donate my organs, tissues and other body parts, except for those listed below (list any body parts you do NOT want to donate):*~~

~~*(__) I donate the following organs, tissues or body parts only (list any body parts you DO want to donate):*~~

~~*(__) I do not want my organs, tissues or body parts donated to anybody for any reason.*~~

~~*My organs, tissues and body parts may be used for (mark each item you want with a check, an X or your initials):*~~

~~*(__) Transplant*~~
~~*(__) Therapy*~~
~~*(__) Research*~~
~~*(__) Education*~~
~~*(__) All of the above*~~

~~*PART 4: SIGNATURES REQUIRED ON THIS FORM*~~

~~*YOUR SIGNATURE:*~~
~~*Sign your name: .....*~~

~~*Today's date: .....*~~

~~*SIGNATURE OF A WITNESS*~~

~~*You need a witness if you are using this form to name an Agent. The witness cannot be the person you are naming as Agent or the Agent's spouse, domestic partner or someone the Agent lives with as a couple. If you live in a nursing home, the witness cannot be an employee of the home or someone who owns or runs the home.*~~

~~*Witness's name: .....*~~

~~*Witness's signature: .....*~~
~~*(Only sign as a witness if you believe that the person filling out this form is doing so voluntarily.)*~~

~~*Witness's address: .....*~~

~~*Date witness signed: .....*~~

~~*PART 5: INFORMATION FOR AGENTS*~~

~~*1. If this form appoints you as an Agent, you may make decisions about health care for the person who appointed you when they cannot make their own.*~~

~~*2. If you make a decision for the person, follow any instructions the person gave, including any in this form.*~~

~~*3. If you don't know what the person would want, make the decision that you think is in the person's best interest. To figure out what is in the individual's best interest, consider the individual's values, preferences and goals if you know them or can learn them. Some of these preferences may be on this form. You should also consider any behavior or communications from the person that indicate what they currently want.*~~

~~*4. If this form appoints you as an Agent, you can also get and share the individual's health information. But unless the person has said so in this form, you can only get or share this information when the person cannot make their own decisions about their health care.]*~~ **(Deleted by amendment.)**

Sec. 55. ~~*[1. The form of a power of attorney for health care for an adult with an intellectual disability may be substantially in the following form and must be witnessed in the same manner as the following form:*~~

~~*ADVANCE HEALTH CARE DIRECTIVE*~~
~~*HOW YOU USE THIS FORM*~~

~~*You can use this form if you wish to name someone to make health care decisions for you in case you cannot make them for yourself. This is called giving someone Power of Attorney. This person is called your Agent.*~~

~~*You can also use this form to state your wishes, preferences and goals for health care, and to say if you want to be an organ donor when you die.*~~

~~*YOUR NAME AND BIRTHDAY*~~

~~*Name: .....*~~
~~*Date of birth: .....*~~

~~*PART 1: POWER OF ATTORNEY FOR HEALTH CARE*~~

~~*Part 1 allows you to appoint someone else to make health care decisions for you. You do not have to respond to every item if you prefer not to.*~~

~~*1. NAMING AN AGENT*~~

~~*I would like to designate ..... (insert the name of the person you wish to designate as your agent for health care decisions for you) as my agent for health care decisions for me if I am sick or hurt and need to see a doctor or an advanced practice registered nurse or go to the hospital. I understand what this means.*~~

~~*Name (of agent): .....*~~

~~*Address (optional): .....*~~

~~*Phone Number (optional):.....*~~

~~*Email (optional):.....*~~

~~*2. NAMING AN ALTERNATE AGENT*~~

~~*I want the following person to make health care decisions for me if I cannot and my Agent is not willing, able or reasonably available to make them for me:*~~

~~*Name:.....*~~

~~*Address (optional):.....*~~

~~*Phone Number (optional):.....*~~

~~*Email (optional):.....*~~

~~*3. ADDITIONAL POWERS*~~

~~*If I am sick or hurt, my agent should take me to the doctor or an advanced practice registered nurse. If my agent is not with me when I become sick or hurt, please contact my agent and ask him or her to come to the doctor's or advanced practice registered nurse's office. I would like the doctor or advanced practice registered nurse to speak with my agent and me about my sickness or injury and whether I need any medicine or other treatment. After we speak with the doctor or advanced practice registered nurse, I would like my agent to speak with me about the care or treatment. When we have made decisions about the care or treatment, my agent will tell the doctor or advanced practice registered nurse about our decisions and sign any necessary papers.*~~

~~*If I am very sick or hurt, I may need to go to the hospital. I would like my agent to help me decide if I need to go to the hospital. If I go to the hospital, I would like the people who work at the hospital to try very hard to care for me. If I am able to communicate, I would like the doctor or advanced practice registered nurse at the hospital to speak with me and my agent about what care or treatment I should receive, even if I am unable to understand what is being said about me. After we speak with the doctor or advanced practice registered nurse, I would like my agent to help me decide what care or treatment I should receive. Once we decide, my agent will sign any necessary paperwork. If I am unable to communicate because of my illness or injury, I would like my agent to make decisions about my care or treatment based on what he or she thinks I would do and what is best for me.*~~

~~*I would like my agent to help me decide if I need to see a dentist and help me make decisions about what care or treatment I should receive from the dentist. Once we decide, my agent will sign any necessary paperwork.*~~

~~*I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either by telling my agent that he or she is no longer my agent or by putting it in writing.*~~

~~*4. SPECIAL LIMITS ON AGENT'S AUTHORITY*~~

~~*I give my Agent the power to make all health care decisions for me if I cannot make those decisions for myself, except the following:*~~

~~*Limitations: .....*~~
~~*.....*~~
~~*(If you do not add any limitations here, your Agent will be able to make all health care decisions that an Agent is permitted to make under state law.)*~~

~~*5. HEALTH INFORMATION SHARING*~~

~~*I would like my agent to be able to see and have copies of all my medical records. If my agent requests to see or have copies of my medical records, please allow him or her to see or have copies of the records.*~~

~~*PART 2: HEALTH CARE INSTRUCTION*~~

~~*Part 2 lets you state your priorities for health care and the types of health care you do and do not want.*~~

~~*1. INSTRUCTIONS ABOUT LIFE-SUSTAINING TREATMENT*~~

~~*You can, but are not required to, state what you want to happen if you get very sick and are not likely to get well. You do not have to complete this form, but if you do, your agent must do as you ask if you cannot speak for yourself.*~~

~~*..... (Insert name of agent) might have to decide, if you get very sick, whether to continue with your medicine or to stop your medicine, even if it means you might not live ..... (Insert name of agent) will talk to you to find out what you want to do, and will follow your wishes.*~~

~~*If you are not able to talk to ..... (insert name of agent), you can help him or her make these decisions for you by letting your agent know what you want.*~~

~~*Here are your choices. Please circle yes or no to each of the following statements and sign your name below:*~~

~~*1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel. YES NO*~~

~~*2. I do not want to take medicine or receive treatment if my doctors or advanced practice registered nurses think that the medicine or treatment will not help me. YES NO*~~

~~*3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better. YES NO*~~

~~*4. I want to get food and water even if I do not want to take medicine or receive treatment. YES NO*~~

~~*2. INSTRUCTION ABOUT PRIORITIES*~~

~~*You can use this section to indicate what is important to you, and what is not important to you. This information can help your Agent make decisions for you if you cannot make them for yourself. It also helps others understand your preferences.*~~

~~*You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.*~~

~~*Staying alive as long as possible even if I have substantial physical limitations is:*~~

~~*(__) Very important*~~
~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~*Staying alive as long as possible even if I have substantial mental limitations is:*~~

~~*(__) Very important*~~
~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~*Being free from significant pain is:*~~

~~*(__) Very important*~~
~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~*Being independent is:*~~

~~*(__) Very important*~~
~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~*Having my family and friends involved in making decisions about my care is:*~~

~~*(__) Very important*~~

~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~*3. OTHER INSTRUCTIONS*~~

~~*You can use this section to provide any other information about your goals, preferences, values and wishes for treatment about the health care you want or do not want. You can also use this section to name anyone who you do not want to make decisions for you under any conditions.*~~

~~*4. OPTIONAL, ADDITIONAL GUIDANCE FOR YOUR AGENT*~~

~~*You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.*~~

~~*(__) The instructions I stated in this document should guide the person making decisions for me. However, I give my Agent permission to be flexible in applying these instructions if they think it would be in my best interest based on what they know about me.*~~

~~*(__) The instructions I stated in this document should guide the person making decisions for me. I want them to follow them exactly as written if possible, even if they think something else is better.*~~

~~*PART 3: ORGAN DONATION*~~

~~*Part 3 allows you to donate your organs when you die. If you do not want to use this form to make a donation, you may leave it blank.*~~

~~*You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.*~~

~~*Even if procedures necessary to evaluate, maintain or preserve my organs, tissues or other body parts conflict with other instructions I have put in this form or another document, upon my death:*~~

~~*(__) I donate my organs, tissues and other body parts, except for those listed below (list any body parts you do NOT want to donate):*~~

~~*(__) I donate the following organs, tissues or body parts only (list any body parts you DO want to donate):*~~

~~*(__) I do not want my organs, tissues or body parts donated to anybody for any reason.*~~

~~*My organs, tissues and body parts may be used for (mark each item you want with a check, an X or your initials):*~~

~~( ) Transplant~~
~~( ) Therapy~~
~~( ) Research~~
~~( ) Education~~
~~( ) All of the above~~

~~PART 4: SIGNATURES REQUIRED ON THIS FORM~~

~~YOUR SIGNATURE:~~

~~Sign your name: .....~~

~~Today's date: .....~~

~~SIGNATURE OF A WITNESS~~

~~You need a witness if you are using this form to name an Agent. The witness cannot be the person you are naming as Agent or the Agent's spouse, domestic partner or someone the Agent lives with as a couple. If you live in a nursing home, the witness cannot be an employee of the home or someone who owns or runs the home.~~

~~Witness's name: .....~~

~~Witness's signature: .....~~
~~(Only sign as a witness if you believe that the person filling out this form is doing so voluntarily.)~~

~~Witness's address: .....~~

~~Date witness signed: .....~~

~~PART 5: INFORMATION FOR AGENTS~~

~~1. If this form appoints you as an Agent, you may make decisions about health care for the person who appointed you when they cannot make their own.~~

~~2. If you make a decision for the person, follow any instructions the person gave, including any in this form.~~

~~3. If you don't know what the person would want, make the decision that you think is in the person's best interest. To figure out what is in the individual's best interest, consider the individual's values, preferences and goals if you know them or can learn them. Some of these preferences may be on this form. You should also consider any behavior or communications from the person that indicate what they currently want.~~

~~4. If this form appoints you as an Agent, you can also get and share the individual's health information. But unless the person has said so in this form, you can only get or share this information when~~

~~*the person cannot make their own decisions about their health care.]*~~ **(Deleted by amendment.)**

Sec. 56. ~~*[The form of a power of attorney for health care for an adult with any form of dementia may be substantially in the following form and must be witnessed in the same manner as the following form:*~~

~~*ADVANCE HEALTH CARE DIRECTIVE*~~
~~*HOW YOU USE THIS FORM*~~

~~*You can use this form if you wish to name someone to make health care decisions for you in case you cannot make them for yourself. This is called giving someone Power of Attorney. This person is called your Agent.*~~

~~*You can also use this form to state your wishes, preferences and goals for health care, and to say if you want to be an organ donor when you die.*~~

~~*YOUR NAME AND BIRTHDAY*~~

~~*Name:.....*~~

~~*Date of birth: .....*~~

~~*PART 1: POWER OF ATTORNEY FOR HEALTH CARE*~~

~~*Part 1 allows you to appoint someone else to make health care decisions for you. You do not have to respond to every item if you prefer not to.*~~

~~*1. NAMING AN AGENT*~~

~~*I would like to designate ..... (insert the name of the person you wish to designate as your agent for health care decisions for you) as my agent for health care decisions for me if I am sick or hurt and need to see a doctor or an advanced practice registered nurse or go to the hospital. I understand what this means.*~~

~~*Name (of agent):.....*~~

~~*Address (optional): .....*~~

~~*Phone Number (optional): .....*~~

~~*Email (optional): .....*~~

~~*2. NAMING AN ALTERNATE AGENT*~~

~~*I want the following person to make health care decisions for me if I cannot and my Agent is not willing, able or reasonably available to make them for me:*~~

~~*Name:.....*~~

~~*Address (optional): .....*~~

~~*Phone Number (optional): .....*~~

~~*Email (optional): .....*~~

~~*3. ADDITIONAL POWERS*~~

~~*— If I am sick or hurt, my agent should take me to the doctor or an advanced practice registered nurse. If my agent is not with me when I become sick or hurt, please contact my agent and ask him or her to come to the doctor's or advanced practice registered nurse's office. I would like the doctor or advanced practice registered nurse to speak with my agent and me about my sickness or injury and whether I need any medicine or other treatment. After we speak with the doctor or advanced practice registered nurse, I would like my agent to speak with me about the care or treatment. When we have made decisions about the care or treatment, my agent will tell the doctor or advanced practice registered nurse about our decisions and sign any necessary papers.*~~

~~*— If I am very sick or hurt, I may need to go to the hospital. I would like my agent to help me decide if I need to go to the hospital. If I go to the hospital, I would like the people who work at the hospital to try very hard to care for me. If I am able to communicate, I would like the doctor or advanced practice registered nurse at the hospital to speak with me and my agent about what care or treatment I should receive, even if I am unable to understand what is being said about me. After we speak with the doctor or advanced practice registered nurse, I would like my agent to help me decide what care or treatment I should receive. Once we decide, my agent will sign any necessary paperwork. If I am unable to communicate because of my illness or injury, I would like my agent to make decisions about my care or treatment based on what he or she thinks I would do and what is best for me.*~~

~~*— I would like my agent to help me decide if I need to see a dentist and help me make decisions about what care or treatment I should receive from the dentist. Once we decide, my agent will sign any necessary paperwork.*~~

~~*— I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either by telling my agent that he or she is no longer my agent or by putting it in writing.*~~

~~*— If my agent is unable to make health care decisions for me, then I designate ..... (insert the name of another person you wish to designate as your alternative agent to make health care decisions for you) as my agent to make health care decisions for me as authorized in this document.*~~

~~*4. SPECIAL LIMITS ON AGENT'S AUTHORITY*~~

~~*I give my Agent the power to make all health care decisions for me if I cannot make those decisions for myself, except the following:*~~

~~*Limitations: .....*~~
~~*.....*~~

~~*(If you do not add any limitations here, your Agent will be able to make all health care decisions that an Agent is permitted to make under state law.)*~~

~~*5. HEALTH INFORMATION SHARING*~~

~~*I would also like my agent to be able to see and have copies of all my medical records. If my agent requests to see or have copies of my medical records, please allow him or her to see or have copies of the records.*~~

~~*PART 2: HEALTH CARE INSTRUCTION*~~

~~*Part 2 lets you state your priorities for health care and the types of health care you do and do not want.*~~

~~*1. INSTRUCTIONS ABOUT LIFE-SUSTAINING TREATMENT*~~
~~*You can, but are not required to, state what you want to happen if you get very sick and are not likely to get well. You do not have to complete this form, but if you do, your agent must do as you ask if you cannot speak for yourself.*~~

~~*..... (Insert name of agent) might have to decide, if you get very sick, whether to continue with your medicine or to stop your medicine, even if it means you might not live ..... (Insert name of agent) will talk to you to find out what you want to do, and will follow your wishes.*~~

~~*If you are not able to talk to ..... (insert name of agent), you can help him or her make these decisions for you by letting your agent know what you want.*~~

~~*Here are your choices. Please circle yes or no to each of the following statements and sign your name below:*~~

~~*1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel. YES NO*~~
~~*2. I do not want to take medicine or receive treatment if my doctors or advanced practice registered nurses think that the medicine or treatment will not help me. YES NO*~~

~~*3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better. YES NO*~~

~~*4. I want to get food and water even if I do not want to take medicine or receive treatment. YES NO*~~

~~*2. INSTRUCTION ABOUT PRIORITIES*~~

~~*You can use this section to indicate what is important to you, and what is not important to you. This information can help your Agent make decisions for you if you cannot make them for yourself. It also helps others understand your preferences.*~~

~~*You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.*~~

~~*Staying alive as long as possible even if I have substantial physical limitations is:*~~

~~*(__) Very important*~~
~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~*Staying alive as long as possible even if I have substantial mental limitations is:*~~

~~*(__) Very important*~~
~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~*Being free from significant pain is:*~~

~~*(__) Very important*~~
~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~*Being independent is:*~~

~~*(__) Very important*~~
~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~*Having my family and friends involved in making decisions about my care is:*~~

~~*(__) Very important*~~
~~*(__) Somewhat important*~~
~~*(__) Not important*~~

~~*3. OTHER INSTRUCTIONS*~~

~~*You can use this section to provide any other information about your goals, preferences, values and wishes for treatment about the health care you want or do not want. You can also use this section to name anyone who you do not want to make decisions for you under any conditions.*~~

~~*4. OPTIONAL, ADDITIONAL GUIDANCE FOR YOUR AGENT*~~

~~*You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.*~~

~~*(__) The instructions I stated in this document should guide the person making decisions for me. However, I give my Agent permission to be flexible in applying these instructions if they think it would be in my best interest based on what they know about me.*~~

~~*(__) The instructions I stated in this document should guide the person making decisions for me. I want them to follow them exactly as written if possible, even if they think something else is better.*~~

~~*PART 3: ORGAN DONATION*~~

~~*Part 3 allows you to donate your organs when you die. If you do not want to use this form to make a donation, you may leave it blank.*~~
~~*You may mark each item with a check, an X or your initials. You also may leave any item blank if you prefer.*~~

~~*Even if procedures necessary to evaluate, maintain or preserve my organs, tissues or other body parts conflict with other instructions I have put in this form or another document, upon my death:*~~

~~*(__) I donate my organs, tissues and other body parts, except for those listed below (list any body parts you do NOT want to donate): .....*~~

~~*(__) I donate the following organs, tissues or body parts only (list any body parts you DO want to donate): .....*~~

~~*(__) I do not want my organs, tissues or body parts donated to anybody for any reason.*~~

~~*My organs, tissues and body parts may be used for (mark each item you want with a check, an X or your initials):*~~

~~*(__) Transplant*~~
~~*(__) Therapy*~~
~~*(__) Research*~~
~~*(__) Education*~~
~~*(__) All of the above*~~

~~***PART 4: SIGNATURES REQUIRED ON THIS FORM***~~

~~***YOUR SIGNATURE:***~~

~~***Sign your name: .....***~~

~~***Today's date: .....***~~

~~***SIGNATURE OF A WITNESS***~~

~~***You need a witness if you are using this form to name an Agent. The witness cannot be the person you are naming as Agent or the Agent's spouse, domestic partner or someone the Agent lives with as a couple. If you live in a nursing home, the witness cannot be an employee of the home or someone who owns or runs the home.***~~

~~***Witness's name: .....***~~
~~***Witness's signature: .....***~~
~~***(Only sign as a witness if you believe that the person filling out this form is doing so voluntarily.)***~~

~~***Witness's address: .....***~~

~~***Date witness signed: .....***~~

~~***PART 5: INFORMATION FOR AGENTS***~~

~~***1. If this form appoints you as an Agent, you may make decisions about health care for the person who appointed you when they cannot make their own.***~~

~~***2. If you make a decision for the person, follow any instructions the person gave, including any in this form.***~~

~~***3. If you don't know what the person would want, make the decision that you think is in the person's best interest. To figure out what is in the individual's best interest, consider the individual's values, preferences and goals if you know them or can learn them. Some of these preferences may be on this form. You should also consider any behavior or communications from the person that indicate what they currently want.***~~

~~***4. If this form appoints you as an Agent, you can also get and share the individual's health information. But unless the person has said so in this form, you can only get or share this information when the person cannot make their own decisions about their health care.]***~~ **(Deleted by amendment.)**

Sec. 57. **[**~~NRS 162A.220 is hereby amended to read as follows:~~

~~162A.220 1. A power of attorney must be signed by the principal or, in the principal's conscious presence, by another individual directed by the principal to sign the principal's name on the power of attorney. A signature on~~

~~a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.~~

~~2. If the principal resides in a hospital, residential facility for groups, facility for skilled nursing or home for individual residential care, at the time of execution of the power of attorney, a certification of competency of the principal from an advanced practice registered nurse, a physician, psychologist or psychiatrist must be attached to the power of attorney.~~

~~3. If the principal resides or is about to reside in a hospital, assisted living facility or facility for skilled nursing at the time of execution of the power of attorney, in addition to the prohibition set forth in **[**NRS 162A.840**]** ***section 33 of this act*** and except as otherwise provided in subsection 4, the principal may not name as agent in any power of attorney for any purpose:~~

~~(a) The hospital, assisted living facility or facility for skilled nursing;~~

~~(b) An owner or operator of the hospital, assisted living facility or facility for skilled nursing; or~~

~~(c) An employee of the hospital, assisted living facility or facility for skilled nursing.~~

~~4. The principal may name as agent any person identified in subsection 3 if that person is:~~

~~(a) The spouse, legal guardian or next of kin of the principal; or~~

~~(b) Named only for the purpose of assisting the principal to establish eligibility for Medicaid and the power of attorney complies with the provisions of subsection 5.~~

~~5. A person may be named as agent pursuant to paragraph (b) of subsection 4 only if:~~

~~(a) A valid financial power of attorney for the principal does not exist;~~

~~(b) The agent has made a good faith effort to contact each family member of the principal identified in the records of the hospital, assisted living facility or facility for skilled nursing, as applicable, to request that the family member establish a financial power of attorney for the principal and has documented his or her effort;~~

~~(c) The power of attorney specifies that the agent is only authorized to access financial documents of the principal which are necessary to prove eligibility of the principal for Medicaid as described in the application for Medicaid and specifies that any request for such documentation must be accompanied by a copy of the application for Medicaid or by other proof that the document is necessary to prove eligibility for Medicaid;~~

~~(d) The power of attorney specifies that the agent does not have authority to access money or any other asset of the principal for any purpose; and~~

~~(e) The power of attorney specifies that the power of attorney is only valid until eligibility of the principal for Medicaid is determined or 6 months after the power of attorney is signed, whichever is sooner.~~

~~6. A person who is named as agent pursuant to paragraph (b) of subsection 4 shall not use the power of attorney for any purpose other than to~~

~~assist the principal to establish eligibility for Medicaid and shall not use the power of attorney in a manner inconsistent with the provisions of subsection 5. A person who violates the provisions of this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~7. As used in this section:~~

~~(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.3962.~~

~~(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.~~

~~(c) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.~~

~~(d) "Hospital" has the meaning ascribed to it in NRS 449.012.~~

~~(e) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.~~ **(Deleted by amendment.)**

Sec. 57.3. **NRS 162A.710 is hereby amended to read as follows:**

162A.710 As used in NRS 162A.700 to 162A.870, inclusive, ***and sections 5 to 36, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 162A.720 to 162A.780, inclusive, ***and sections 5 to 19, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 57.7. **NRS 162A.790 is hereby amended to read as follows:**

162A.790 1. Any adult person may execute a power of attorney enabling the agent named in the power of attorney to make decisions concerning health care for the principal if that principal becomes incapable of giving informed consent concerning such decisions.

2. A power of attorney for health care must be signed by the principal. The principal's signature on the power of attorney for health care must be:

(a) Acknowledged before a notary public; or

(b) Witnessed by two adult witnesses. ~~[who know the principal personally.]~~

3. Neither of the witnesses to a principal's signature may be ~~[:~~

~~(a) A provider of health care;~~

~~(b) An employee of a provider of health care;~~

~~(c) An operator of a health care facility;~~

~~(d) An employee of a health care facility; or~~

~~(e) The agent.]~~ ***the owner, operator or employee of a nursing home if the principal resides in the nursing home.***

~~4. [At least one of the witnesses to a principal's signature must be a person who is:~~

~~(a) Not related to the principal by blood, marriage or adoption; and~~

~~(b) To the best of the witnesses' knowledge, not entitled to any part of the estate of the principal upon the death of the principal.~~

~~5. If the principal resides in a hospital, residential facility for groups, facility for skilled nursing or home for individual residential care, at the time of the execution of the power of attorney, a certification of competency of the principal from an advanced practice registered nurse, a physician, psychologist or psychiatrist must be attached to the power of attorney.~~

~~6.~~] A power of attorney executed in a jurisdiction outside of this State is valid in this State if, when the power of attorney was executed, the execution complied with the laws of that jurisdiction or the requirements for a military power of attorney pursuant to 10 U.S.C. § 1044b.

~~[7. As used in this section:~~

~~(a) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.~~

~~(b) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.~~

~~(c) "Hospital" has the meaning ascribed to it in NRS 449.012.~~

~~(d) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.~~]

Sec. 58. ~~[NRS 200.495 is hereby amended to read as follows:~~

~~200.495 1. A professional caretaker who fails to provide such service, care or supervision as is reasonable and necessary to maintain the health or safety of a patient is guilty of criminal neglect of a patient if:~~

~~(a) The act or omission is aggravated, reckless or gross;~~

~~(b) The act or omission is such a departure from what would be the conduct of an ordinarily prudent, careful person under the same circumstances that it is contrary to a proper regard for danger to human life or constitutes indifference to the resulting consequences;~~

~~(c) The consequences of the negligent act or omission could have reasonably been foreseen; and~~

~~(d) The danger to human life was not the result of inattention, mistaken judgment or misadventure, but the natural and probable result of an aggravated reckless or grossly negligent act or omission.~~

~~2. Unless a more severe penalty is prescribed by law for the act or omission which brings about the neglect, a person who commits criminal neglect of a patient:~~

~~(a) If the neglect results in death, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.~~

~~(b) If the neglect results in substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.~~

~~(c) If the neglect does not result in death or substantial bodily harm, is guilty of a gross misdemeanor.~~

~~3. For the purposes of this section, a patient is not neglected for the sole reason that:~~

~~(a) According to the patient's desire, the patient is being furnished with treatment by spiritual means through prayer alone in accordance with the tenets and practices of a church or religious denomination. Subsection 1 does not authorize or require any medical care or treatment over the implied or express objection of such a patient.~~

~~(b) Life-sustaining treatment was withheld or withdrawn in accordance with a valid declaration by the patient or his or her agent pursuant to [NRS 162A.790.] *section 33 of this act.*~~

~~4. Upon the conviction of a person for a violation of the provisions of subsection 1, the Attorney General shall give notice of the conviction to the licensing boards which:~~

~~(a) Licensed the facility in which the criminal neglect occurred; and~~

~~(b) If applicable, licensed the person so convicted.~~

~~5. As used in this section:~~

~~(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.~~

~~(b) "Patient" means a person who resides or receives health care in a medical facility.~~

~~(c) "Professional caretaker" means a person who:~~

~~(1) Holds a license, registration or permit issued pursuant to title 54 or chapter 449 of NRS;~~

~~(2) Is employed by, an agent of or under contract to perform services for, a medical facility; and~~

~~(3) Has responsibility to provide care to patients.~~

~~→ The term does not include a person who is not involved in the day-to-day operation or management of a medical facility unless that person has actual knowledge of the criminal neglect of a patient and takes no action to cure such neglect.]~~ **(Deleted by amendment.)**

Sec. 59. ~~[NRS 225.330 is hereby amended to read as follows:~~

~~225.330 "Other document" means a document registered with the Secretary of State pursuant to NRS 225.370 and may include, without limitation, a passport, a birth certificate, a marriage license, a form requesting to nominate a guardian that is executed in accordance with NRS 159.0753 or a power of attorney for health care that is properly executed pursuant to [NRS 162A.790.] *section 33 of this act.]*~~ **(Deleted by amendment.)**

Sec. 60. ~~[NRS 232.459 is hereby amended to read as follows:~~

~~232.459 1. The Advocate shall:~~

~~(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;~~

~~(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;~~

~~(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:~~

~~(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and~~

~~(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;~~

~~(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;~~

~~(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;~~

~~(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;~~

~~(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;~~

~~(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;~~

~~(i) Establish and maintain an Internet website which includes:~~

~~(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;~~

~~(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and~~

~~(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;~~

~~(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;~~

~~(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;~~

~~(l) Assist consumers with filing complaints against health care facilities and health care professionals;~~

~~(m) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; and~~

~~(n) On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(1) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services; and~~

~~(2) In odd-numbered years, the next regular session of the Legislature.~~

~~2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.~~

~~3. As used in this section:~~

~~(a) "Health care facility" [has the meaning ascribed to it in NRS 162A.740.] means any:~~

~~*(1) Medical facility as defined in NRS 449.0151; and*~~

~~*(2) Facility for the dependent as defined in NRS 449.0045.*~~

~~(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.]~~ **(Deleted by amendment.)**

Sec. 61. NRS 433A.190 is hereby amended to read as follows:

433A.190 1. The administrative officer of a public or private mental health facility or hospital shall ensure that, within 24 hours of the emergency admission of a person alleged to be a person in a mental health crisis who is at least 18 years of age, the person is asked to give permission to provide notice of the emergency admission to a family member, friend or other person identified by the person.

2. If a person alleged to be a person in a mental health crisis who is at least 18 years of age gives permission to notify a family member, friend or other person of the emergency admission, the administrative officer shall ensure that:

(a) The permission is recorded in the medical record of the person; and

(b) Notice of the admission is promptly provided to the family member, friend or other person in person or by telephone, facsimile, other electronic communication or certified mail.

3. Except as otherwise provided in subsections 4 and 5, if a person alleged to be a person in a mental health crisis who is at least 18 years of age does not give permission to notify a family member, friend or other person of the emergency admission of the person, notice of the emergency admission must not be provided until permission is obtained.

4. If a person alleged to be a person in a mental health crisis who is at least 18 years of age is not able to give or refuse permission to notify a family member, friend or other person of the emergency admission, the administrative officer of the mental health facility or hospital may cause notice as described in paragraph (b) of subsection 2 to be provided if the administrative officer determines that it is in the best interest of the person in a mental health crisis.

5. If a guardian has been appointed for a person alleged to be a person in a mental health crisis who is at least 18 years of age or the person has executed a durable power of attorney for health care pursuant to NRS 162A.700 to 162A.870, inclusive, ***and sections 3 to 56, inclusive, of this act*** or appointed an attorney-in-fact using an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, the administrative officer of the mental health facility or hospital must ensure that the guardian, agent designated by

the durable power of attorney or the attorney-in-fact, as applicable, is promptly notified of the admission as described in paragraph (b) of subsection 2, regardless of whether the person alleged to be a person in a mental health crisis has given permission to the notification.

Sec. 62. ~~[NRS 439.4923 is hereby amended to read as follows:~~

~~439.4923 "Health care facility" [has the meaning ascribed to it in NRS 162A.740.] *means any:*~~

~~*1. Medical facility as defined in NRS 449.0151; and*~~

~~*2. Facility for the dependent as defined in NRS 449.0045.]~~ **(Deleted by amendment.)**

Sec. 63. ~~[NRS 439.4972 is hereby amended to read as follows:~~

~~439.4972 "Health care facility" [has the meaning ascribed to it in NRS 162A.740.] *means any:*~~

~~*1. Medical facility as defined in NRS 449.0151; and*~~

~~*2. Facility for the dependent as defined in NRS 449.0045.]~~ **(Deleted by amendment.)**

Sec. 64. NRS 449A.309 is hereby amended to read as follows:

449A.309 "Representative of the patient" means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449A.433 or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, **[**~~inclusive.~~**]** ***inclusive, and sections 3 to 56, inclusive, of this act.***

Sec. 65. ~~[NRS 449A.433 is hereby amended to read as follows:~~

~~449A.433 1. A person of sound mind and 18 or more years of age may execute at any time a declaration governing the withholding or withdrawal of life-sustaining treatment. The declarant may designate another natural person of sound mind and 18 or more years of age to make decisions governing the withholding or withdrawal of life-sustaining treatment. The declaration must be signed by the declarant, or another at the declarant's direction, and attested by two witnesses.~~

~~2. A physician or other provider of health care who is furnished a copy of the declaration shall make it a part of the declarant's medical record and, if unwilling to comply with the declaration, promptly so advise the declarant and any person designated to act for the declarant.~~

~~3. A durable power of attorney for health care properly executed pursuant to [NRS 162A.790] *section 33 of this act* regarding the withholding or withdrawal of life-sustaining treatment constitutes for the purposes of NRS 449A.400 to 449A.481, inclusive, a properly executed declaration pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 66. ~~[NRS 449A.524 is hereby amended to read as follows:~~

~~449A.524 "Health care facility" [has the meaning ascribed to it in NRS 162A.740.] *means any:*~~

~~*1. Medical facility as defined in NRS 449.0151; and*~~

~~*2. Facility for the dependent as defined in NRS 449.0045.]*~~ **(Deleted by amendment.)**

Sec. 67. NRS 449A.545 is hereby amended to read as follows:

449A.545 "Representative of the patient" means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449A.433 or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive ~~.]~~ ***, and sections 3 to 56, inclusive, of this act.***

Sec. 68. NRS 449A.621 is hereby amended to read as follows:

449A.621 The form of an advance directive for psychiatric care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

NOTICE TO PERSON MAKING AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

THIS DOCUMENT ALLOWS YOU TO MAKE DECISIONS IN ADVANCE ABOUT CERTAIN TYPES OF PSYCHIATRIC CARE. THE INSTRUCTIONS YOU INCLUDE IN THIS ADVANCE DIRECTIVE WILL BE FOLLOWED IF TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120, DETERMINES THAT YOU ARE INCAPABLE OF MAKING OR COMMUNICATING TREATMENT DECISIONS. OTHERWISE YOU WILL BE CONSIDERED CAPABLE TO GIVE OR WITHHOLD CONSENT FOR THE TREATMENTS. YOUR INSTRUCTIONS MAY BE OVERRIDDEN IF YOU ARE BEING HELD IN ACCORDANCE WITH CIVIL COMMITMENT LAW. BY EXECUTING A DURABLE POWER OF ATTORNEY FOR HEALTH CARE AS SET FORTH IN NRS 162A.700 TO 162A.870, INCLUSIVE, ***AND SECTIONS 3 TO 56, INCLUSIVE, OF THIS ACT,*** YOU MAY ALSO APPOINT A PERSON AS YOUR AGENT TO MAKE TREATMENT DECISIONS FOR YOU IF YOU BECOME INCAPABLE. THIS DOCUMENT IS VALID FOR TWO YEARS FROM THE DATE YOU EXECUTE IT UNLESS YOU REVOKE IT. YOU HAVE THE RIGHT TO REVOKE THIS DOCUMENT AT ANY TIME YOU HAVE NOT BEEN DETERMINED

TO BE INCAPABLE. YOU MAY NOT REVOKE THIS ADVANCE DIRECTIVE WHEN YOU ARE FOUND INCAPABLE BY TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120. A REVOCATION IS EFFECTIVE WHEN IT IS COMMUNICATED TO YOUR ATTENDING PHYSICIAN OR OTHER HEALTH CARE PROVIDER. THE PHYSICIAN OR OTHER PROVIDER SHALL NOTE THE REVOCATION IN YOUR MEDICAL RECORD. TO BE VALID, THIS ADVANCE DIRECTIVE MUST BE SIGNED BY TWO QUALIFIED WITNESSES, PERSONALLY KNOWN TO YOU, WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE. IT MUST ALSO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

NOTICE TO PHYSICIAN OR OTHER PROVIDER OF HEALTH CARE

Under Nevada law, a person may use this advance directive to provide consent or refuse to consent to future psychiatric care if the person later becomes incapable of making or communicating those decisions. By executing a durable power of attorney for health care as set forth in NRS 162A.700 to 162A.870, inclusive, ***and sections 3 to 56, inclusive, of this act,*** the person may also appoint an agent to make decisions regarding psychiatric care for the person when incapable. A person is "incapable" for the purposes of this advance directive when in the opinion of two providers of health care, one of whom must be a physician or licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, the person currently lacks sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. If a person is determined to be incapable, the person may be found capable when, in the opinion of the person's attending physician or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 and has an established relationship with the person, the person has regained sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. This document becomes effective upon its proper execution and remains valid for a period of 2 years after the date of its execution unless revoked. Upon being presented with this advance

directive, the physician or other provider of health care must make it a part of the person's medical record. The physician or other provider must act in accordance with the statements expressed in the advance directive when the person is determined to be incapable, except as otherwise provided in NRS 449A.636. The physician or other provider shall promptly notify the principal and, if applicable, the agent of the principal, and document in the principal's medical record any act or omission that is not in compliance with any part of an advance directive. A physician or other provider may rely upon the authority of a signed, witnessed, dated and notarized advance directive.

ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE

I, ..., being an adult of sound mind or an emancipated minor, willfully and voluntarily make this advance directive for psychiatric care to be followed if it is determined by two providers of health care, one of whom must be my attending physician or a licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, that my ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that I lack the capacity to refuse or consent to psychiatric care. I understand that psychiatric care may not be administered without my express and informed consent or, if I am incapable of giving my informed consent, the express and informed consent of my legally responsible person, my agent named pursuant to a valid durable power of attorney for health care or my consent expressed in this advance directive for psychiatric care. I understand that I may become incapable of giving or withholding informed consent or refusal for psychiatric care due to the symptoms of a diagnosed mental disorder. These symptoms may include:

.....

PSYCHOACTIVE MEDICATIONS

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding psychoactive medications are as follows: (Place initials beside choice.)

I consent to the administration of the following medications: [.....]

.....

I do not consent to the administration of the following medications: [.....]

.....

Conditions or limitations:

.....

ADMISSION TO AND RETENTION IN FACILITY

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding admission to and retention in a medical facility for psychiatric care are as follows: (Place initials beside choice.)

I consent to being admitted to a medical facility for psychiatric care. [.....]

My facility preference is:

.....

I do not consent to being admitted to a medical facility for psychiatric care. [.....]

This advance directive cannot, by law, provide consent to retain me in a facility beyond the specific number of days, if any, provided in this advance directive.

Conditions or limitations:

.....

ADDITIONAL INSTRUCTIONS

These instructions shall apply during the entire length of my incapacity.

In case of a mental health crisis, please contact:

1.
   Name: .....
   Address: .....
   Home Telephone Number: .....
   Work Telephone Number: .....
   Relationship to Me: .....
2.
   Name: .....
   Address: .....
   Home Telephone Number: .....
   Work Telephone Number: .....
   Relationship to Me: .....
3. My physician:
   Name: .....
   Work Telephone Number: .....
4. My therapist or counselor:
   Name: .....
   Work Telephone Number: .....

The following may cause me to experience a mental health crisis:

.....

The following may help me avoid a hospitalization:

.....

I generally react to being hospitalized as follows:

.....

Staff of the hospital or crisis unit can help me by doing the following:

.....

I give permission for the following person or people to visit me:

.....

Instructions concerning any other medical interventions, such as electroconvulsive (ECT) treatment (commonly referred to as "shock treatment"):

.....

Other instructions:

.....

I have attached an additional sheet of instructions to be followed and considered part of this advance directive. [.....]

SHARING OF INFORMATION BY PROVIDERS

I understand that the information in this document may be shared by my provider of mental health care with any other provider who may serve me when necessary to provide treatment in accordance with this advance directive.

Other instructions about sharing of information:

.....

SIGNATURE OF PRINCIPAL

By signing here, I indicate that I am mentally alert and competent, fully informed as to the contents of this document, and understand the full impact of having made this advance directive for psychiatric care.

....

Signature of Principal Date

AFFIRMATION OF WITNESSES

We affirm that the principal is personally known to us, that the principal signed or acknowledged the principal's signature on this advance directive for psychiatric care in our presence, that the principal appears to be of sound mind and not under duress, fraud, or undue influence, and that neither of us is:

1. A person appointed as an attorney-in-fact by this document;

2. The principal's attending physician or provider of health care or an employee of the physician or provider; or

3. The owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident.

Witnessed by:

Witness: ....
Signature Date

Witness: ....
Signature Date

~~[STATE OF NEVADA~~
~~COUNTY OF .....]~~

CERTIFICATION OF NOTARY PUBLIC

STATE OF NEVADA
COUNTY OF .....

I, ..., a Notary Public for the County cited above in the State of Nevada, hereby certify that ..... appeared before me and swore or affirmed to me and to the witnesses in my presence that this instrument is an advance directive for psychiatric care and that he or she willingly and voluntarily made and executed it as his or her free act and deed for the purposes expressed in it.

I further certify that ..... and ....., witnesses, appeared before me and swore or affirmed that each witnessed ..... sign the attached advance directive for psychiatric care believing him or her to be of sound mind and also swore that at the time each witnessed the signing, each person was: (1) not the attending physician or provider of health care, or an employee of the physician or provider, of the principal; (2) not the owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident; and (3) not a person appointed as an attorney-in-fact by the attached advance directive for psychiatric care. I further certify that I am satisfied as to the genuineness and due execution of the instrument.

This is the ..... day of ....., ...

.....
Notary Public

My Commission expires: .....

Sec. 69. NRS 449A.703 is hereby amended to read as follows:

449A.703 "Advance directive" means an advance directive for health care. The term includes:

1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449A.400 to 449A.481, inclusive;

2. A durable power of attorney for health care as set forth in NRS 162A.700 to 162A.870, inclusive ~~[;]~~***, and sections 3 to 56, inclusive, of this act;***

3. An advance directive for psychiatric care as set forth in NRS 449A.600 to 449A.645, inclusive;

4. A do-not-resuscitate order as defined in NRS 450B.420; and

5. A Provider Order for Life-Sustaining Treatment form as defined in NRS 449A.542.

Sec. 70. NRS 449A.727 is hereby amended to read as follows:

449A.727 1. The provisions of NRS 449A.700 to 449A.739, inclusive, do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) NRS 449A.460, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449A.400 to 449A.481, inclusive, or a durable power of attorney for health care executed pursuant to [NRS 162A.700 to 162A.870, inclusive ~~[;]~~ , ***and sections 3 to 56, inclusive, of this act.***

(b) NRS 449A.642, if the advance directive is an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive;

(c) NRS 449A.500 to 449A.581, inclusive, if the advance directive is a Provider Order for Life-Sustaining Treatment form; or

(d) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

Sec. 71. ~~[NRS 450B.440 is hereby amended to read as follows:~~

~~450B.440 "Health care facility" [has the meaning ascribed to it in NRS 162A.740.] *means any:*~~

~~*1. Medical facility as defined in NRS 449.0151; and*~~

~~*2. Facility for the dependent as defined in NRS 449.0045.]~~ **(Deleted by amendment.)**

Sec. 72. NRS 450B.520 is hereby amended to read as follows:

450B.520 Except as otherwise provided in NRS 450B.525:

1. A qualified patient may apply to the health authority for a do-not-resuscitate identification by submitting an application on a form provided by the health authority. To obtain a do-not-resuscitate identification, the patient must comply with the requirements prescribed by the board and sign a form which states that the patient has informed each member of his or her family within the first degree of consanguinity or affinity, whose whereabouts are known to the patient, or if no such members are living, the patient's legal guardian, if any, or if he or she has no such members living and has no legal guardian, his or her caretaker, if any, of the patient's decision to apply for an identification.

2. An application must include, without limitation:

(a) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient suffers from a terminal condition;

(b) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient is capable of making an informed

decision or, when the patient was capable of making an informed decision, that the patient:

(1) Executed:

(I) A written directive that life-resuscitating treatment be withheld under certain circumstances;

(II) A durable power of attorney for health care pursuant to NRS 162A.700 to 162A.870, inclusive ~~[;]~~ ***, and sections 3 to 56, inclusive, of this act;*** or

(III) A Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment; or

(2) Was issued a do-not-resuscitate order pursuant to NRS 450B.510;

(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(d) The name, signature and telephone number of the patient's attending physician or attending advanced practice registered nurse; and

(e) The name and signature of the patient or the agent who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care decisions.

Sec. 73. ~~**[**NRS 451.595 is hereby amended to read as follows:~~

~~451.595 1. As used in this section:~~

~~(a) "Advance health care directive" means a power of attorney for health care or other record signed by a prospective donor, or executed in the manner set forth in **[**NRS 162A.790,**]** ***section 33 of this act,*** containing the prospective donor's direction concerning a health care decision for the prospective donor.~~

~~(b) "Declaration" means a record signed by a prospective donor, or executed as set forth in NRS 449A.433, specifying the circumstances under which life-sustaining treatment may be withheld or withdrawn from the prospective donor. The term includes a Provider Order for Life-Sustaining Treatment form executed pursuant to NRS 449A.500 to 449A.581, inclusive.~~

~~(c) "Health care decision" means any decision made regarding the health care of the prospective donor.~~

~~2. If a prospective donor has a declaration or advance health care directive and the terms of the declaration or advance health care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:~~

~~(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:~~

~~(1) An agent acting under the declaration or advance health care directive of the prospective donor; or~~

~~(2) If an agent is not named in the declaration or advance health care directive or the agent is not reasonably available, any other person authorized~~

~~by law, other than by a provision of NRS 451.500 to 451.598, inclusive, to make a health-care decision for the prospective donor.~~

~~(b) The conflict must be resolved as expeditiously as practicable.~~

~~(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under NRS 451.556.~~

~~(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor, if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his or her life.~~**] (Deleted by amendment.)**

Sec. 74. **[**~~NRS 457.020 is hereby amended to read as follows:~~

~~457.020 As used in this chapter, unless the context requires otherwise:~~

~~1. "Cancer" means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia.~~

~~2. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~3. "Health care facility"~~ **[**~~has the meaning ascribed to it in NRS 162A.740 and also includes freestanding facilities~~**]** ***means any:***

~~***(a) Medical facility as defined in NRS 449.0151;***~~

~~***(b) Facility for the dependent as defined in NRS 449.0045; and***~~

~~***(c) Freestanding facility*** for plastic reconstructive, oral and maxillofacial surgery.~~

~~4. "Other treatment facility" means a facility, other than a health care facility, that provides services to patients with cancer and other neoplasms, including, without limitation, screening, diagnosis and treatment.~~

~~5. "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~**] (Deleted by amendment.)**

Sec. 75. **[**~~NRS 631.313 is hereby amended to read as follows:~~

~~631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental therapist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.~~

~~2. The performance of these tasks must be:~~

~~(a) If performed by a dental assistant or a person, other than a dental hygienist or dental therapist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.~~

~~(b) If performed by a dental hygienist or dental therapist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.~~

~~3. No such assignment is permitted that requires:~~

~~(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.~~

~~(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.~~

~~(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.~~

~~(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.~~

~~4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility [, as defined in NRS 162A.740,] if:~~

~~(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and~~

~~(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.~~

~~*5. As used in this section, "health care facility" means any:*~~

~~*(a) Medical facility as defined in NRS 449.0151; and*~~

~~*(b) Facility for the dependent as defined in NRS 449.0045.]*~~ **(Deleted by amendment.)**

Sec. 76. ~~[NRS 639.0155 is hereby amended to read as follows:~~

~~639.0155~~ ***1.*** "Wholesale distribution" means the distribution of drugs to persons other than consumers or patients, but does not include:

~~[1.]~~ ***(a)*** ~~Sales within a company.~~

~~[2.]~~ ***(b)*** ~~The purchase or other acquisition of a drug by a health care facility or a pharmacy that is a member of a purchasing organization.~~

~~[3.]~~ ***(c)*** ~~The sale, purchase or trade of a drug or an offer to sell, purchase or trade a drug:~~

~~[(a)]~~ ***(1)*** ~~By a charitable organization, as defined by section 501(c)(3) of the Internal Revenue Code of 1954, 26 U.S.C. § 501(c)(3), to a nonprofit affiliate of the organization.~~

~~[(b)]~~ ***(2)*** ~~Between health care facilities or pharmacies that are under common control.~~

~~[(c)]~~ ***(3)*** ~~For emergency medical reasons.~~

~~[(d)]~~ ***(4)*** ~~Pursuant to a prescription.~~

~~[4.]~~ ***(d)*** ~~A transfer of drugs, in an amount not to exceed 5 percent of the total annual sales, by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage.~~

~~[5.]~~ ***(e)*** ~~The distribution of drug samples by a representative of the manufacturer or distributor.~~

~~[6.]~~ ***(f)*** ~~The sale, purchase or exchange of blood or blood components for transfusions.~~

~~[***] 2.** As used in this section, "health care facility" [has the meaning ascribed to it in NRS 162A.740.] *means any:*~~

~~*(a) Medical facility as defined in NRS 449.0151; and*~~

~~*(b) Facility for the dependent as defined in NRS 449.0045.]~~ **(Deleted by amendment.)**

Sec. 77. 1. The provisions of this act apply to an advance health-care directive created before, on or after January 1, 2024.

2. An advance health-care directive created before January 1, 2024, is valid if it complies with the provisions of this act or complied at the time of creation with the law of the state in which it was created.

3. The provisions of this act do not affect the validity or effect of an act done before January 1, 2024.

4. An individual who assumed authority to act as a default surrogate before January 1, 2024, may continue to act as a default surrogate until the individual for whom the default surrogate is acting no longer lacks capacity or the default surrogate is disqualified, whichever occurs first.

5. An advance health-care directive created before, on or after January 1, 2024, must be interpreted in accordance with the law of this State, excluding the State's choice-of-law rules, at the time the directive is implemented.

Sec. 78. NRS ~~[162A.700, 162A.710, 162A.720, 162A.730, 162A.740, 162A.745, 162A.750, 162A.760, 162A.770, 162A.780, 162A.790, 162A.800, 162A.810, 162A.815, 162A.820, 162A.830, 162A.840, 162A.850,]~~ 162A.860 ~~[, 162A.865 and 162A.870 are]~~ **is** hereby repealed.

Sec. 79. This act becomes effective on January 1, 2024.

~~[LEADLINES]~~ **TEXT** OF REPEALED ~~[SECTIONS]~~ **SECTION**

~~[162A.700 Applicability.~~

~~162A.710 Definitions.~~

~~162A.720 "Attending physician" defined.~~

~~162A.730 "Declaration" defined.~~

~~162A.740 "Health care facility" defined.~~

~~162A.745 "Intellectual disability" defined.~~

~~162A.750 "Life-sustaining treatment" defined.~~

~~162A.760 "Provider of health care" defined.~~

~~162A.770 "Qualified patient" defined.~~

~~162A.780 "Terminal condition" defined.~~

~~162A.790 Execution of power of attorney; acknowledgment; witnesses; certification of competency required for certain principals; validity of power of attorney executed outside this State.~~

~~162A.800 Nomination of guardian of person; relation of agent to court-appointed guardian; duties of guardian.~~

~~162A.810 Time at which power of attorney is effective.~~

~~162A.815 Acceptance and reliance upon acknowledged power of attorney.~~

~~— 162A.820 Termination of power of attorney or authority of agent.~~
~~— 162A.830 Co-agents and successor agents.~~
~~— 162A.840 Persons not eligible for designation as agent.~~
~~— 162A.850 Agents: Prohibited acts; decisions concerning use or nonuse of life-sustaining treatment.~~
~~— 162A.860 Power of attorney: Form.~~
~~— 162A.865 Power of attorney for adult with intellectual disability: Form.~~
~~— 162A.870 Power of attorney for adult with dementia: Form.]~~

162A.860 Power of attorney: Form. Except as otherwise provided in NRS 162A.865 and 162A.870, the form of a power of attorney for health care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS

WARNING TO PERSON EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.

2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR OR ADVANCED PRACTICE REGISTERED NURSE NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.

4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.

5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.

6. YOU HAVE THE RIGHT TO DECIDE WHERE YOU LIVE, EVEN AS YOU AGE. DECISIONS ABOUT WHERE YOU LIVE ARE PERSONAL. SOME PEOPLE LIVE AT HOME WITH SUPPORT, WHILE OTHERS MOVE TO ASSISTED LIVING FACILITIES OR FACILITIES FOR SKILLED NURSING. IN SOME CASES, PEOPLE ARE MOVED TO FACILITIES WITH LOCKED DOORS TO PREVENT PEOPLE WITH COGNITIVE DISORDERS FROM LEAVING OR GETTING LOST OR TO PROVIDE ASSISTANCE TO PEOPLE WHO REQUIRE A HIGHER LEVEL OF CARE. YOU SHOULD DISCUSS WITH THE PERSON DESIGNATED IN THIS DOCUMENT YOUR DESIRES ABOUT WHERE YOU LIVE AS YOU AGE OR IF YOUR HEALTH DECLINES. YOU HAVE THE RIGHT TO DETERMINE WHETHER TO AUTHORIZE THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE DECISIONS FOR YOU ABOUT WHERE YOU LIVE WHEN YOU ARE NO LONGER CAPABLE OF MAKING THAT DECISION. IF YOU DO NOT PROVIDE SUCH AUTHORIZATION TO THE PERSON DESIGNATED IN THIS DOCUMENT, THAT PERSON MAY NOT BE ABLE TO ASSIST YOU TO MOVE TO A MORE SUPPORTIVE LIVING ARRANGEMENT WITHOUT OBTAINING APPROVAL THROUGH A JUDICIAL PROCESS.

7. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.

8. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU

BY NOTIFYING THE TREATING PHYSICIAN, ADVANCED PRACTICE REGISTERED NURSE, HOSPITAL OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.

9. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.

10. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

11. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

12. YOU MAY REQUEST THAT THE NEVADA SECRETARY OF STATE ELECTRONICALLY STORE WITH THE NEVADA LOCKBOX A COPY OF THIS DOCUMENT TO ALLOW ACCESS BY AN AUTHORIZED PROVIDER OF HEALTH CARE AS DEFINED IN NRS 629.031.

1. DESIGNATION OF HEALTH CARE AGENT.

I, ... (insert your name) do hereby designate and appoint:

Name: .....
Address: .....
Telephone Number: .....

as my agent to make health care decisions for me as authorized in this document.

(Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED.

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority: to make health care decisions for me

before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request, review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that may be required to obtain medical care and/or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility including any skilled nursing facility; and subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

4. SPECIAL PROVISIONS AND LIMITATIONS.

(Your agent is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization or abortion. If there are any other types of treatment or placement that you do not want your agent's authority to give consent for or other restrictions you wish to place on his or her agent's authority, you should list them in the space below. If you do not write any limitations, your agent will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my agent is subject to the following special provisions and limitations:

.....
.....
.....
.....

5. DURATION.

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent will continue to exist until the time when I become able to make health care decisions for myself.

(IF APPLICABLE)

I wish to have this power of attorney end on the following date:

__

6. STATEMENT OF DESIRES CONCERNING TREATMENT.

(With respect to decisions to withhold or withdraw life-sustaining treatment, your agent must make health care decisions that are consistent with your known desires. You can, but are not required to,

indicate your desires below. If your desires are unknown, your agent has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

(If the statement reflects your desires, initial the box next to the statement.)

A. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures. [.....]

B. If I am in a coma which my doctors or advanced practice registered nurses have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. [.....]

C. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. [.....]

D. Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. I want to receive or continue receiving artificial nutrition and hydration by way of the gastrointestinal tract after all other treatment is withheld. [.....]

E. I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My agent is to consider the relief of suffering, the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of my life. [.....]

F. If I have an incurable or terminal condition, including late stage dementia, or illness and no reasonable hope of long-term recovery or survival, I

desire my attending physician to administer any medication to alleviate suffering without regard that the medication is likely to cause addiction or reduce the extension of my life. [.....]

(If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires:

.....
.....
.....
.....
.....

7. STATEMENT OF DESIRES CONCERNING LIVING ARRANGEMENTS

A. I desire to live in my home as long as it is safe and my medical needs can be met. My agent may arrange for a natural person, employee of an agency or provider of community-based services to come into my home to provide care for me. When it is no longer safe for me to live in my home, I authorize my agent to place me in a facility or home that can provide any medical assistance and support in my activities of daily living that I require. Before being placed in such a facility or home, I wish for my agent to discuss and share information concerning the placement with me. [.....]

B. I desire to live in my home for as long as possible without regard for my medical needs, personal safety or ability to engage in activities of daily living. My agent may arrange for a natural person, an employee of an agency or a provider of community-based services to come into my home and provide care for me. I understand that, before I may be placed in a facility or home other than the home in which I currently reside, a guardian must be appointed for me. [.....]

(If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires: .....
.....
.....
.....
.....

8. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same health care decisions as the agent designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my agent is unable to make health care decisions for me, then I designate the following persons to serve as my agent to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. First Alternative Agent

Name: .....
Address: .....
Telephone Number: .....

B. Second Alternative Agent

Name: .....
Address: .....
Telephone Number: .....

9. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

10. WAIVER OF CONFLICT OF INTEREST.

If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.

11. CHALLENGES.

If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my advanced practice registered nurse, my agent or a third party, then my agent is authorized to commence an action for declaratory judgment as to the

legality of the provision in question. The cost of any such action is to be paid from my estate. This Durable Power of Attorney for Health Care must be construed and interpreted in accordance with the laws of the State of Nevada.

12. NOMINATION OF GUARDIAN.

If, after execution of this Durable Power of Attorney for Health Care, proceedings seeking an adjudication of incapacity are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

13. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information by any government agency, medical provider, business, creditor or third party who may have information pertaining to my health care, to my agent named herein, pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on ..... (date) at ..... (city), ... (state)

.....
(Signature)

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of.....}

On this..... day of....., in the year..., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory

evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it.

NOTARY SEAL .....

(Signature of Notary Public)

STATEMENT OF WITNESSES

(You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure. If you elect to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. None of the following may be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....

Signature: .....

Names: ..... Address: .....

Print Name: ....
Date: ....
COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care. This includes requesting the Nevada Secretary of State to electronically store this document with the Nevada Lockbox to allow access by authorized providers of healthcare.

Assemblywoman Brittney Miller moved the adoption of the amendment.
Remarks by Assemblywoman Brittney Miller.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 416.
Bill read second time.
The following amendment was proposed by the Committee on Revenue:
Amendment No. 448.

AN ACT relating to taxation; providing an exemption from property taxes for accessory dwelling units rented or leased to tenants receiving certain tenant-based housing assistance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes the Secretary of the United States Department of Housing and Urban Development to provide assistance to public housing agencies for tenant-based assistance through the Housing Choice Voucher Program. (Section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f) **Section 1** of this bill provides an exemption from property taxes for an accessory dwelling unit ~~[and the land upon which it is situated]~~ if the accessory dwelling unit is **: (1) is** rented or leased to a tenant receiving assistance under the Housing Choice Voucher Program pursuant to a lease which is for a period of not less than 12 consecutive months ~~[.]~~ **; (2) located on the same parcel as a single-family residence which is the primary residence of the owner of the accessory dwelling unit; and (3) complies with all applicable local zoning laws.** **Section 1** requires a person claiming the exemption to **annually** file with the county assessor a verification from the appropriate public housing authority that **: (1)** the person has entered into a housing assistance payment contract **; (2) the tenant is receiving assistance under the Housing Choice Voucher Program;** and ~~[that]~~ **(3)** the accessory dwelling unit meets the relevant federal housing quality standards. **Section 1 prohibits the exemption from being granted for more than one accessory dwelling unit per parcel.** **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An accessory dwelling unit ~~[and the land upon which it is situated]~~ is exempt from taxation if, for the year in which the exemption applies, the accessory dwelling unit ~~[is]~~ :

(a) Is rented or leased to a qualified tenant receiving assistance under the Housing Choice Voucher Program pursuant to a written lease which is for a period of not less than 12 consecutive months ~~[.]~~ ;

(b) Is located on the same parcel as a single-family residence which is the primary residence of the owner of the accessory dwelling unit; and

(c) Complies with all applicable local zoning laws.

2. Any person claiming the exemption must file annually with the county assessor verification from the appropriate public housing authority that:

(a) The person has entered into a housing assistance payment contract with the public housing authority to receive tenant-based assistance payments under the Housing Choice Voucher Program for the accessory dwelling unit; ~~[and]~~

(b) The qualified tenant to whom the accessory dwelling unit is rented or leased is receiving assistance under the Housing Choice Voucher Program pursuant to a written lease which is for a period of not less than 12 consecutive months; and

(c) The accessory dwelling unit, at the time it was last inspected, met the housing quality standards pursuant to 42 U.S.C. 1437f(o).

3. The exemption pursuant to this section may only be claimed for one accessory dwelling unit per parcel.

4. A county assessor may prescribe forms and adopt procedures for claiming the exemption pursuant to this section not inconsistent with any regulations, forms and procedures prescribed or adopted by the Department or the Nevada Tax Commission.

5. As used in this section:

(a) "Accessory dwelling unit" means an ancillary or secondary living unit, that has a separate kitchen, bathroom and sleeping area, existing ~~[either within the same structure, or]~~ on the same lot, as a single-family residence.

(b) "Housing Choice Voucher Program" means the federal tenant-based assistance program established under 42 U.S.C. 1437f(o).

(c) "Qualified tenant" means a person who is not related to the owner of the property on which the accessory dwelling unit is located by consanguinity or affinity within the third degree.

Sec. 2. NRS 361.160 is hereby amended to read as follows:

361.160 1. Personal property in transit through this State is personal property:

(a) Which is moving in interstate commerce through or over the territory of the State of Nevada; or

(b) Which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward.

➥ Such property is deemed to have acquired no situs in Nevada for purposes of taxation. Such property is not deprived of exemption because while in the warehouse the property is assembled, bound, joined, manufactured, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged, or because the property is being held for resale to customers outside the State of Nevada. The exemption granted shall be liberally construed to effect the purposes of NRS 361.160 to 361.185, inclusive.

2. Personal property within this State as mentioned in NRS 361.030 and 361.045 to 361.155, inclusive, ***and section 1 of this act,*** does not include personal property in transit through this State as defined in this section.

Sec. 3. The Legislature hereby finds that the exemption provided by this act from any ad valorem tax on property:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 4. This act becomes effective on July 1, 2024.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 508.

SUMMARY—Revises provisions relating to ~~[autism]~~ **fetal alcohol** spectrum ~~[disorder.]~~ **disorders.** (BDR ~~[38-774)]~~ **S-774)**

AN ACT relating to persons with disabilities; ~~[providing for presumptive eligibility of certain infants and toddlers who are determined to be at risk of autism]~~ **requiring the Aging and Disability Services Division of the Department of Health and Human Services to create a pilot program to serve children diagnosed with a fetal alcohol** spectrum disorder **;** ~~[for certain~~

~~early intervention services;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Individuals with Disabilities Education Act establishes a federal grant program to assist states in operating a statewide comprehensive system of early intervention services for infants and toddlers with disabilities. (20 U.S.C. §§ 1431 et seq.) Existing law establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department of Health and Human Services to serve as the primary autism program within the Department and to provide and coordinate services to persons diagnosed or determined to have autism spectrum disorders through the age of 19 years. (NRS 427A.875) Existing law requires the Division to refer an infant or toddler with a disability who has autism spectrum disorder and is eligible for early intervention services to the Program and develop a plan of treatment for the infant or toddler. (NRS 427A.880) **Existing law additionally requires certain providers of health care to notify an agency which provides child welfare services when the provider knows or has reasonable cause to believe that a newborn infant has been affected by a fetal alcohol spectrum disorder. (NRS 432B.220)** This bill: (1) ~~[~~provides that certain infants or toddlers who are determined to be at risk for having autism~]~~ **requires the Division to create a pilot program to serve children diagnosed with a fetal alcohol** spectrum disorder ~~[~~are presumptively eligible for early intervention services provided according to the Individuals with Disabilities Education Act; and (2) requires the Division to refer such a child to~]~~ **and requires the pilot program to be administered by** the Autism Treatment Assistance Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[~~NRS 427A.880 is hereby amended to read as follows:

~~427A.880 *1.* For an infant or toddler with a disability who has autism spectrum disorder and is eligible for early intervention services, the Division shall refer the infant or toddler to the Autism Treatment Assistance Program established by NRS 427A.875 and coordinate with the Program to develop a plan of treatment for the infant or toddler pursuant to that section.~~

~~*2. If an infant or toddler is less than 3 years of age and is determined to be at risk of having autism spectrum disorder according to the assessment and evaluation conducted pursuant to NRS 427A.872:*~~

~~*(a) The infant or toddler is presumptively eligible for early intervention services provided in accordance with Part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1431 et seq.; and*~~

~~*(b) The Division shall refer the infant or toddler to the Autism Treatment Assistance Program as required by subsection 1.]~~ **(Deleted by amendment.)**

Sec. 1.5. **1. The Aging and Disability Services Division of the Department of Health and Human Services shall create a pilot program**

to be administered by the Autism Treatment Assistance Program established by NRS 427A.875 to serve children diagnosed with a fetal alcohol spectrum disorder.

2. The pilot program created pursuant to subsection 1 must provide evidence-based services and support for children diagnosed with a fetal alcohol spectrum disorder who do not meet the requirements to receive such services from existing programs.

3. On or before July 1, 2025, the Division shall submit a report of findings and recommendations resulting from the pilot program created pursuant to subsection 1 to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.

Sec. 2. ~~[1.]~~ This ~~[section becomes effective on passage and approval.~~

~~2. Section 1 of this act becomes effective:~~

~~(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On January 1, 2024, for all other purposes.~~**]** **act becomes effective on July 1, 2023, and expires by limitation on December 31, 2025.**

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 428.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 327.

AN ACT relating to economic development; requiring the ~~[Office of Economic Development to establish and administer a Career Pathways Demonstration Program;]~~ **State Treasurer to establish a tuition reimbursement program;** revising the membership of the Board of Economic Development; **requiring the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation to establish and administer a Career Pathways Demonstration Program;** requiring large school districts to offer a Teacher Academy College Pathway Program; authorizing the Board of Regents of the University of Nevada to enter into certain agreements **~~[; authorizing the Board of Regents to offer certain benefits to participants in a Teacher Academy College Pathway Program;]~~ and establish a program to provide information regarding admissions to certain pupils;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the **Governor's** Office of ~~[Economic Development]~~ **Workforce Innovation** within the ~~[Office of the Governor]~~ **Department of Employment, Training and Rehabilitation** and prescribes the duties of the Office and its Executive Director, which include, without limitation, ~~[the development of a State Plan for Economic Development and the designation of regional development authorities for the regions of this State.]~~ **defining career pathways and identifying priority career pathways for secondary and postsecondary education.** (NRS ~~[231.043, 231.053)]~~ **232.965, 232.975)** **Section** ~~[1]~~ **2.3** of this bill requires the **Governor's** Office of ~~[Economic Development]~~ **Workforce Innovation** to establish and administer a Career Pathways Demonstration Program. **Section** ~~[1]~~ **2.3** requires the Office to identify not more than three priority industries, including K-12 education, for the development and implementation of career pathways and to take certain steps to implement the Program, including, without limitation, establishing measurable objectives for the outcomes of the Program and implementing a competitive process to select proposals for career pathway projects. **Section** ~~[1]~~ **2.3** establishes requirements for proposals for career pathway projects selected by the Office. **Section 7** of this bill requires the **Governor's** Office of ~~[Economic Development]~~ **Workforce Innovation** to submit certain reports regarding the status of the Career Pathways Demonstration Program. **Section 9** of this bill provides that the provisions of **section** ~~[1]~~ **2.3** governing the Career Pathways Demonstration Program expire on June 30, 2028. **Section 2.7 of this bill makes a conforming change to indicate the proper placement of section 2.3 in the Nevada Revised Statutes.**

Existing law creates the Board of Economic Development, which is required to review and make recommendations on various aspects of economic development in Nevada. (NRS 231.033, 231.037) **Section 2** of this bill adds the Superintendent of Public Instruction as a nonvoting member of the Board.

Section 3 of this bill requires each large school district, meaning a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District), to offer a Teacher Academy College Pathway Program at every high school in the school district to enable pupils in grades 10-12 to prepare for employment in professions in K-12 education. **Section 3** requires a large school district to take certain actions to implement the Teacher Academy College Pathway Program.

Section 1.5 of this bill requires the State Treasurer to establish a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who completed the Teacher Academy College Pathway Program and who worked as a full-time, licensed teacher for at least 3 consecutive school years at a public school in this State.

Section 5 of this bill authorizes the Board of Regents of the University of Nevada to: (1) enter into an agreement with a large school district to assist in

the implementation of the Teacher Academy College Pathway Program; and (2) ~~[offer an earlier application period for]~~ **establish a program to identify** pupils who have completed the Teacher Academy College Pathway Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the Nevada System of Higher Education ~~[. Section 6 of this bill authorizes the Board of Regents to establish a program to provide loans for registration fees or other fees assessed against students who are enrolled in a program developed by the System for the education of teachers and who have completed the Teacher Academy College Pathway Program. Section 6 requires such a loan program, if created, to provide: (1) loan forgiveness for a person who is employed as a full-time, licensed teacher for 3 consecutive school years at a Title I school in this State; and (2) loans at an interest rate of 0 percent per annum for students who commit to employment as a full-time, licensed teacher at a public school in this State for not less than 2 consecutive school years.]~~ **, and inform such pupils of the institutions within the System where such pupils may qualify for admission.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Office shall establish and administer a Career Pathways Demonstration Program to develop and implement career pathways that will enable students to prepare for employment in professions which serve the long-term needs of this State. The Office shall identify not more than three priority industries, including, without limitation, K-12 education, for the development and implementation of career pathways as part of the Program.*~~

~~*2. In implementing the Program, the Office shall:*~~

~~*(a) Establish clear, measurable objectives for the outcomes of the Program which are aligned with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053, including, without limitation, targets based on reliable data concerning:*~~

~~*(1) The number of persons entering the career pathway;*~~

~~*(2) The number and percentage of persons completing distinct phases of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway;*~~

~~*(3) The number and percentage of participants in a career pathway who obtain high-quality employment in the target industry; and*~~

~~*(4) The number and percentage of participants in a career pathway employed for at least 2 years in the target industry.*~~

~~*(b) Rely on economic and workforce development data to inform decision-making, including, without limitation:*~~

~~(1) Estimates of the number of high-quality jobs that will be required in this State in the next 5 to 10 years;~~

~~(2) Projected workforce capacity in relation to the estimates pursuant to subparagraph (1);~~

~~(3) The number and capacity of existing industry-aligned career pathway programs;~~

~~(4) Enrollment, participation and completion rates for industry-aligned career pathway programs;~~

~~(5) Credentialing rates or other industry-aligned indicators of workforce readiness;~~

~~(6) Industry-aligned, skill-based employee retention rates; and~~

~~(7) Other relevant data available through the statewide longitudinal data system maintained by the Executive Director of the Governor's Office of Workforce Innovation pursuant to NRS 232.975.~~

~~(c) Collaborate with school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.~~

~~(d) Establish criteria for evaluating the performance of career pathway projects and the entities that assist in the development and implementation of career pathway projects, including, without limitation, school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.~~

~~3. The Office shall develop and implement a competitive process to select proposals for career pathway projects. Each proposal for a career pathway project selected by the Office must incorporate best practices for career pathway design and address, including, without limitation:~~

~~(a) The types of high-quality jobs which the career pathway project will prepare students for, based on a definition of "high-quality job" which shall be developed and promulgated by the Office.~~

~~(b) The educational opportunities that the project will offer to K-12 pupils and students of the Nevada System of Higher Education which may include, without limitation:~~

~~(1) Early exposure to career options for pupils in elementary, junior high or middle school;~~

~~(2) Multiple entry points into the career pathway;~~

~~(3) Meaningful, practice-based learning opportunities aligned to the career pathway and the workforce priorities within the target industry, including, without limitation, paid work-based learning opportunities; and~~

~~(4) Opportunities for students to receive credentials aligned to the skills and experience needed for employment in the target industry.~~

~~(c) The practices that will be implemented to recruit students for the career pathway, including, without limitation, practices that will foster equity and the inclusion in the career pathway of students from historically underserved communities.~~

~~*(d) The types of early career guidance, incentives and support that will be offered to participants in the career pathway, which may include, without limitation:*~~

~~*(1) Employment opportunities for students who participate in the career pathway, including, without limitation, employer commitments to recruiting students who successfully obtain the qualifications for employment through the career pathway;*~~

~~*(2) Professional support and development opportunities for participants early in their career in the target industry, including, without limitation, mentoring; and*~~

~~*(3) Financial incentives which eliminate or substantially reduce financial barriers to entry into professions in the target industry.*~~

~~*(e) The roles and responsibilities of the persons necessary to develop and implement the career pathway, which may include, without limitation:*~~

~~*(1) Program staff;*~~

~~*(2) School districts and the Nevada System of Higher Education;*~~

~~*(3) Regional development authorities; and*~~

~~*(4) Representatives from the target industries.*~~

~~*(f) The financial plan for the career pathway project, including, without limitation:*~~

~~*(1) The projected 5-year budget for the career pathway project;*~~

~~*(2) Existing funding sources for the career pathway project and the amount of funding that the person submitting the proposal will allocate to the project;*~~

~~*(3) Anticipated funding sources for the career pathway project; and*~~

~~*(4) Any additional funding necessary to implement the career pathway project which is not addressed by the existing funding sources.*~~

~~*(g) The goals and anticipated outcomes of the career pathway project, including, without limitation:*~~

~~*(1) The target number of total participants in the career pathway project;*~~

~~*(2) The target number of participants who will successfully complete each stage of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway; and*~~

~~*(3) The target number of participants who will complete the career pathway, regardless of their entry point into the career pathway.*~~

~~*4. As used in this section, "career pathway" means a series of structured and connected educational opportunities designed to help a person enter or advance within a given occupation or industry sector.]*~~ **(Deleted by amendment.)**

Sec. 1.5. **Chapter 226 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The State Treasurer shall establish by regulation a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any

other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who:

(a) Completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act; and

(b) Has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years.

2. The program may not provide reimbursement for any tuition charge, registration fee, laboratory fee or any other mandatory fee which was paid or otherwise provided for through a scholarship, financial aid, waiver or similar financial assistance.

Sec. 2. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

(1) The Governor;

(2) The Lieutenant Governor;

(3) The Secretary of State; and

(4) Six members who must be selected from the private sector and appointed as follows:

(I) Three members appointed by the Governor;

(II) One member appointed by the Speaker of the Assembly;

(III) One member appointed by the Majority Leader of the Senate; and

(IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the Senate shall appoint the member for the initial term, the Minority Leader of the Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee;

(2) ***The Superintendent of Public Instruction or his or her designee;***

(3) The Director of the Department of Business and Industry; and

~~[(3)]~~ ***(4)*** The Director of the Department of Employment, Training and Rehabilitation.

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including, without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 are appointed for terms of 4 years. The initial members of the Board shall by lot select three of the initial members of the Board appointed pursuant to

subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. The Governor, the Lieutenant Governor or the Secretary of State may designate a person to serve as a member of the Board for the Governor, Lieutenant Governor or Secretary of State, respectively. Any person designated to serve pursuant to this subsection shall serve for the term of the officer appointing him or her and serves at the pleasure of that officer. If the Governor designates a person to serve on his or her behalf, that person shall serve as the Chair of the Board. Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority of the voting members of the Board constitutes a quorum, and the affirmative vote of a majority of the voting members of the Board is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the voting members of the Board.

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 2.3. **Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Governor's Office of Workforce Innovation shall establish and administer a Career Pathways Demonstration Program to develop and implement career pathways that will enable students to prepare for employment in professions which serve the long-term needs of this State. The Office shall identify not more than three priority industries, including, without limitation, K-12 education, for the development and implementation of career pathways as part of the Program.

2. In implementing the Program, the Office shall:

(a) Establish clear, measurable objectives for the outcomes of the Program which are aligned with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development within the Office of the Governor pursuant to subsection 2 of NRS 231.053, including, without limitation, targets based on reliable data concerning:

(1) The number of persons entering the career pathway;

(2) The number and percentage of persons completing distinct phases of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway;

(3) The number and percentage of participants in a career pathway who obtain high-quality employment in the target industry; and

(4) The number and percentage of participants in a career pathway employed for at least 2 years in the target industry.

(b) Rely on economic and workforce development data to inform decision-making, including, without limitation:

(1) Estimates of the number of high-quality jobs that will be required in this State in the next 5 to 10 years;

(2) Projected workforce capacity in relation to the estimates pursuant to subparagraph (1);

(3) The number and capacity of existing industry-aligned career pathway programs;

(4) Enrollment, participation and completion rates for industry-aligned career pathway programs;

(5) Credentialing rates or other industry-aligned indicators of workforce readiness;

(6) Industry-aligned, skill-based employee retention rates;

(7) The demographic information of the participants in the Program, including, without limitation, race, gender and enrollment at a Title I school; and

(8) Other relevant data available through the statewide longitudinal data system maintained by the Executive Director of the Office pursuant to NRS 232.975.

(c) Collaborate with school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

(d) Establish criteria for evaluating the performance of career pathway projects and the entities that assist in the development and implementation of career pathway projects, including, without limitation, school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

3. The Office shall develop and implement a competitive process to select proposals for career pathway projects. Each proposal for a career pathway project selected by the Office must incorporate best practices for career pathway design and address, including, without limitation:

(a) The types of high-quality jobs which the career pathway project will prepare students for, based on a definition of "high-quality job" which shall be developed and promulgated by the Office.

(b) The educational opportunities that the project will offer to K-12 pupils and students of the Nevada System of Higher Education which may include, without limitation:

(1) Early exposure to career options for pupils in elementary, junior high or middle school;

(2) Multiple entry points into the career pathway;

(3) Meaningful, practice-based learning opportunities aligned to the career pathway and the workforce priorities within the target industry, including, without limitation, paid work-based learning opportunities; and

(4) Opportunities for students to receive credentials aligned to the skills and experience needed for employment in the target industry.

(c) The practices that will be implemented to recruit students for the career pathway, including, without limitation, practices that will foster equity and the inclusion in the career pathway of students from historically underserved communities.

(d) The types of early career guidance, incentives and support that will be offered to participants in the career pathway, which may include, without limitation:

(1) Employment opportunities for students who participate in the career pathway, including, without limitation, employer commitments to recruiting students who successfully obtain the qualifications for employment through the career pathway;

(2) Professional support and development opportunities for participants early in their career in the target industry, including, without limitation, mentoring; and

(3) Financial incentives which eliminate or substantially reduce financial barriers to entry into professions in the target industry.

(e) The roles and responsibilities of the persons necessary to develop and implement the career pathway, which may include, without limitation:

(1) Program staff;

(2) School districts and the Nevada System of Higher Education;

(3) Regional development authorities; and

(4) Representatives from the target industries.

(f) The financial plan for the career pathway project, including, without limitation:

(1) The projected 5-year budget for the career pathway project;

(2) Existing funding sources for the career pathway project and the amount of funding that the person submitting the proposal will allocate to the project;

(3) Anticipated funding sources for the career pathway project; and

(4) Any additional funding necessary to implement the career pathway project which is not addressed by the existing funding sources.

(g) The goals and anticipated outcomes of the career pathway project, including, without limitation:

(1) The target number of total participants in the career pathway project;

(2) The target number of participants who will successfully complete each stage of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway; and

(3) The target number of participants who will complete the career pathway, regardless of their entry point into the career pathway.

4. The Office may enter into an agreement with the Department of Education to administer the Teacher Academy College Pathway Program offered pursuant to section 3 of this act. Such an agreement may require the Department of Education to administer any local, state or federal funding

appropriated or otherwise available to implement the Teacher Academy College Pathway Program.

5. As used in this section, "career pathway" means a series of structured and connected educational opportunities designed to help a person enter or advance within a given occupation or industry sector.

Sec. 2.7. **NRS 232.900 is hereby amended to read as follows:**

232.900 As used in NRS 232.900 to 232.980, inclusive, ***and section 2.3 of this act,*** unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.

2. "Director" means the Director of the Department.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each large school district shall offer a Teacher Academy College Pathway Program at every high school in the school district that will enable interested pupils in grades 10, 11 and 12 to prepare for employment in professions in K-12 education.

2. A large school district shall:

(a) Advertise the Program and the benefits of participation in the Program.

(b) Ensure each high school in the large school district is staffed by a full-time employee who is:

(1) A licensed teacher or administrator; and

(2) Responsible for implementing the Program at the school.

(c) Assess each pupil entering grade 10 who is interested in participating in the Program, identify any academic, socio-economic or other barriers to the participation in and completion of the Program by such interested pupils and [implement appropriate supportive measures to assist pupils to participate in and complete the Program.] , if such barriers are identified, inform the pupil and the parents or legal guardian of the pupil of any programs and services which are available to help the pupil to overcome such barriers and provide such programs and services to the pupil.

(d) Offer internships at elementary, junior high and middle schools in the large school district to qualified pupils in grade 12 who participate in the Program.

(e) Offer employment as a paraprofessional to qualified high school graduates who have completed the Program and are enrolled in a program to become a teacher at an institution in the Nevada System of Higher Education.

(f) For qualified applicants for employment with the large school district who have completed the Program and who have submitted a timely application, provide an offer of employment or decline to provide an offer of employment to such an applicant not later than January 31 of the year immediately preceding the school year for which the applicant applied for employment.

(g) Enter into an agreement with the Board of Regents of the University of Nevada to:

(1) Enable pupils who participate in the Program to earn up to 12 units of college credit for courses taken and internships engaged in as part of the Program at no cost to the pupil.

(2) ~~[Provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program which are eligible for college credit to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education.~~

~~(3)]~~ Establish qualifications for teachers of the school district who teach courses in the Program which are eligible for college credit, which may include, without limitation, a minimum of 4 years of classroom teaching experience or a Master's degree.

~~[(4)]~~ (3) Guarantee the admission of otherwise academically qualified pupils who complete the Program to institutions in the Nevada System of Higher Education.

(4) Provide programs, services, scholarships and financial aid to assist pupils who participate in the Program in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

(h) Inform pupils who participate in the Program and the parents and legal guardians of such pupils about programs, services, scholarships and financial aid which are available to assist pupils in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

3. A large school district may enter into an agreement with the Board of Regents of the University of Nevada to provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education. If the provisions of this subsection conflict with the provisions of chapter 388G of NRS, the provisions of this subsection prevail.

4. As used in this section:

(a) "Large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.

(b) "Program" means the Teacher Academy College Pathway Program created pursuant to this section.

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***1. The Board of Regents may enter into an agreement with a large school district pursuant to section 3 of this act to assist in the implementation of a Teacher Academy College Pathway Program.***

2. The Board of Regents may ~~[offer an earlier application period for]~~ , by regulation, establish a program to:

(a) Identify pupils who have completed the Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the System ~~.]~~ ; and

(b) Inform such pupils of the institutions within the System where such pupils may academically qualify for admission.

3. As used in this section:

(a) "Large school district" has the meaning ascribed to it in section 3 of this act.

(b) "Program" has the meaning ascribed to it in section 3 of this act.

Sec. 6. ***~~[1. The Board of Regents may establish and administer a program to provide loans for registration fees or other fees assessed against students other than tuition charges pursuant to NRS 396.540 to students who:~~***

~~(a) Are enrolled in a program developed by the System for the education of teachers; and~~

~~(b) Completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act.~~

~~2. If the Board of Regents establishes a loan program pursuant to subsection 1, the Board of Regents shall:~~

~~(a) Forgive the outstanding balance of a loan made through the program to a person who is employed as a full-time, licensed teacher for 3 consecutive school years at a Title I school in this State.~~

~~(b) Provide loans at an interest rate of 0 percent per annum for students who commit to employment as a full-time, licensed teacher at a public school in this State for not less than 2 consecutive school years.~~

~~3. The Board of Regents may adopt regulations as are necessary to carry out the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 7. 1. On or before October 1, 2026, the **Governor's** Office of ~~[~~Economic Development~~]~~ **Workforce Innovation** shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) The status of the implementation of each career pathway;

(g) A summary of the proposals for career pathway projects which were received by the Office but were not selected for the Program; and

(h) An evaluation of each career pathway, including, without limitation:

(1) Whether progress has been made towards achieving the goals and objectives of each career pathway;

(2) A description of any challenges to implementation of the career pathways; and

(3) A description of any changes made to the design or implementation of the career pathways, if any, or any changes which are anticipated in the future and the reason for such changes.

2. On or before June 1, 2028, the **Governor's** Office of ~~[Economic Development]~~ **Workforce Innovation** shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) An evaluation of each career pathway, including, without limitation:

(1) The success of the career pathway at achieving the industry-specific goals and objectives;

(2) An assessment of the return on investment for the State with respect to the career pathway;

(3) A description of any opportunities to extend or expand the career pathway;

(4) An evaluation of ability of the career pathway to serve as a model for the creation of career pathways in other industries which should be prioritized to aid in the economic development of this State; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

(g) An evaluation of the success of the Program as a whole, including, without limitation:

(1) The overall outcomes of the Program, in relation to the goals and objectives established by the Office;

(2) Successful aspects of the Program and key elements contributing to the success of the Program;

(3) Shortcomings of the Program and key elements hindering the success of the Program;

(4) Recommendations for policy changes that would foster successful expansion of the development and implementation of career pathways by the Office; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. 1. This act becomes effective on July 1, 2023.

2. Section ~~[1]~~ **2.3** of this act expires on June 30, 2028.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 506.

ASSEMBLYMEN GURR, DICKMAN, HAFEN ~~[,]~~ **, GRAY;** ANDERSON, BROWN-MAY, DELONG, GALLANT, ~~[GRAY,]~~ HANSEN, HARDY, HIBBETTS, KASAMA, KOENIG, MCARTHUR, O'NEILL AND YUREK

AN ACT relating to aviation; revising provisions governing the Nevada Air Service Development Commission ~~[and]~~ **; providing that money in** the Nevada Air Service Development Fund ~~[,]~~ **does not revert at the end of a fiscal year; requiring the Commission to prepare and submit an annual report to the Director of the Legislative Counsel Bureau relating to grants awarded from the Fund;** making an appropriation to the Nevada Air Service Development Fund ~~[,]~~ **for the purpose of conducting a study of the development of intrastate air service and making certain grants;** making an appropriation to the Fund for Aviation for the enlargement, improvement or maintenance of rural airports, landing areas or air navigation facilities in Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic Development in the Office of the Governor and the members of the Commission on Tourism. (NRS 231.680) Existing law also creates the Nevada Air Service Development Fund and requires the Nevada Air Service Development Commission to develop a program to make grants of money from the Fund to air carriers that will service or provide enhanced air service routes that will service certain airports in this State. (NRS 231.690, 231.710) **Section** ~~[1]~~ **1.6** of this bill provides that the Nevada Air Service Development Commission is part of the Office of Economic Development. **Section** ~~[1]~~ **1.6** also maintains the Executive Director of the Office of Economic Development as a member of the Nevada Air Service Development Commission, but revises

the membership of the Nevada Air Service Development Commission to include: (1) one member of the Commission on Tourism who is appointed by the Governor rather than all of the members of the Commission on Tourism; ~~[and]~~ (2) ~~[certain other members appointed by the Governor.]~~ **one member who represents the Nevada Aviation Association; (3) one member who represents the department of aviation in a county whose population is 700,000 or more (currently only Clark County); (4) one member who represents the Reno-Tahoe Airport Authority; (5) one member who represents the Nevada Resort Association; (6) one member who represents the Nevada League of Cities; and (7) one member who represents the Nevada Association of Counties. Section 1.6 further provides that the terms of office for the members of the Commission are 2 years and must be staggered.**

Section 1 of this bill requires the Commission to prepare and submit an annual report to the Director of the Legislative Counsel Bureau relating to applications for grants received and grants awarded by the Commission during the immediately preceding calendar year. Section 1.3 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Section 2 of this bill provides that money in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year and must be carried forward to the next fiscal year.

Section 3 of this bill revises the entities to which the Nevada Air Service Development Commission is authorized to award grants to include governmental entities.

Section 4 of this bill makes an appropriation from the State General Fund to the Nevada Air Service Development Fund ~~[.]~~ **for the purpose of conducting a study of the development of intrastate air service in this State and for the purpose of making grants of money to an air carrier that will service or provide enhanced air service routes to certain airports.**

Existing law creates the Fund for Aviation in the State Treasury and requires the Director of the Department of Transportation to administer the Fund. Existing law authorizes the Director to award grants to counties, cities and other local governments, except for facilities owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more (currently Clark County) for the planning, establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government. (NRS 494.048) **Section 5** of this bill makes an appropriation to the Fund for Aviation for these purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:**

On or before February 1 of each year, the Commission shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, a report detailing for the immediately preceding calendar year:

1. The total number of applications for grants of money from the Fund that were received;

2. The total amount of grants from the Fund that were awarded by the Commission to air carriers; and

3. For each grant of money awarded from the Fund, the amount of each grant and an explanation of how the grant will be used by the air carrier to provide or enhance air service to an airport.

Sec. 1.3. **NRS 231.600 is hereby amended to read as follows:**

231.600 As used in NRS 231.600 to 231.720, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 231.610 to 231.670, inclusive, have the meanings ascribed to them in those sections.

~~[Section 1.]~~ ***Sec. 1.6.*** NRS 231.680 is hereby amended to read as follows:

231.680 1. There is hereby created ***within the Office of Economic Development*** the Nevada Air Service Development Commission, consisting of:

(a) The Executive Director; ~~[and]~~

(b) ~~[The members]~~ ***One member appointed by the Governor who is a member*** of the Commission on Tourism ~~[as provided in NRS 231.170.]~~ ***;***

(c) One member appointed by the Governor who represents the Nevada Aviation Association or its successor organization;

(d) One member appointed by the Governor who represents the department of aviation in a county whose population is 700,000 or more;

(e) One member appointed by the Governor who represents the Reno-Tahoe Airport Authority;

(f) One member appointed by the Governor who represents the Nevada Resort Association or its successor organization; ~~***[and]***~~

(g) One member appointed by the Governor who represents the Nevada Association of Counties or its successor organization; and

(h) One member appointed by the Governor who represents the Nevada League of Cities or its successor organization.

2. ***The Governor shall ensure that at least one member appointed pursuant to subsection 1 is a resident of a county whose population is less than 100,000.***

3. The terms of office for the members of the Commission appointed pursuant to paragraphs (b) to (h), inclusive, of subsection 1 are 2 years, which terms must be staggered.

4. At the first meeting of each fiscal year, the Commission shall elect from among its members a Chair, a Vice Chair and a Secretary.

~~[3.]~~ ***5.*** The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

~~[4.]~~ ***6.*** A majority of the members of the Commission constitutes a quorum for the transaction of all business.

Sec. 2. NRS 231.690 is hereby amended to read as follows:

231.690 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund. ***Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.***

2. The Commission may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.

3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in NRS 231.710.

Sec. 3. NRS 231.710 is hereby amended to read as follows:

231.710 1. The Commission shall develop a program to provide grants of money from the Fund to an air carrier ~~[that will]~~ ***or any governmental entity for the purpose of establishing air*** service or ~~[provide]~~ ***providing*** enhanced air service routes that service an airport that is:

(a) A small hub airport, a nonhub airport or, if the air carrier provides air service through a large hub airport that services small hub airports and nonhub airports, a large hub airport; and

(b) Certified by the Federal Aviation Administration of the United States Department of Transportation pursuant to 14 C.F.R. Part 139.

2. An application for a grant of money from the Fund must be in the form prescribed by the Commission and must include, without limitation:

(a) A statement designating the small hub airport, nonhub airport or large hub airport described in subsection 1 for which the air carrier will commence or continue air service if the grant is awarded;

(b) Commitments from the air carrier that if the Commission awards the grant to the air carrier, the air carrier will enter into a written agreement with the Commission that provides for the air carrier to commence or continue air service to the airport designated in the application in exchange for receiving from the Commission one of the guarantees set forth in subsection 2 of NRS 231.720; and

(c) Letters of support from each airport that participates in the air service route offered by an air carrier pursuant to subsection 1.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Nevada Air Service Development Fund created by NRS 231.690 the sum of $10,000,000.

2. The amount appropriated by subsection 1 must be used for the purpose of conducting a study of the development of intrastate air service in this State and for the purpose of making grants of money pursuant to NRS 231.710.

Sec. 5. 1. There is hereby appropriated from the State General Fund to the Fund for Aviation created by NRS 494.048 the following sums:

For the Fiscal Year 2023-2024 ..... $1,000,000

For the Fiscal Year 2024-2025 ..... $1,000,000

2. The money appropriated by subsection 1 must be used by rural airports to match money that is available from the Federal Aviation Administration.

Sec. 5.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 6. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 430.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 328.

AN ACT relating to taxation; revising the definition of "vapor product"; revising provisions governing the excise tax on cannabis; ~~[imposing a tax on the sale at wholesale of cannabis products by cannabis production facilities;]~~ requiring the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a tax upon the receipt, purchase or sale of other tobacco products by a customer in this State at a rate of 30 percent of the wholesale price of those products. (NRS 370.450) Under existing law, vapor products, including electronic cigarettes, cigars, cigarillos, pipes, hookahs, vape pens and similar products or devices and their components are taxed as other tobacco products. (NRS 370.0318, 370.450) ~~[Section]~~ **Sections 1 and 1.7** of this bill ~~[revises]~~ **revise** the definition of "vapor product" to exclude ~~[products]~~ **cannabis vaporizers** which are ~~[primarily]~~ **products that: (1) are solely** designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing cannabis or cannabis products into the human body ~~[.]~~ **; and (2) include a clear and conspicuous label that includes certain information. Section 1.3 makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.**

Existing law imposes an excise tax at the rate of 15 percent of the fair market value at wholesale upon each wholesale sale of cannabis by a medical cannabis cultivation facility or an adult-use cannabis cultivation facility to another cannabis establishment. (NRS 372A.290) Existing law imposes an excise tax at the rate of 10 percent of the sales price of each retail sale of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge. (NRS 372A.290) **Section 7** of this bill revises the excise tax on the wholesale sale of cannabis to apply the tax only to the first wholesale sale and to provide that the tax is at the rate of 15 percent of: (1) the fair market value at wholesale for sales made to an affiliate of the medical cannabis cultivation facility or adult-use cannabis cultivation facility; or (2) the sales price, if the sale is made to a cannabis establishment that is not an affiliate of the medical cannabis cultivation facility or adult-use cannabis cultivation facility.

~~[Existing law provides for the licensing of adult-use cannabis production facilities and medical cannabis production facilities, which are authorized to acquire, possess, manufacture, deliver, transfer, supply or sell cannabis products to adult-use cannabis retail stores and medical cannabis dispensaries, respectively. (NRS 678A.060, 678A.205, 678B.210) Section 7 imposes an excise tax upon each wholesale sale of cannabis products by a cannabis production facility at a rate of 15 percent of: (1) the fair market value at wholesale for sales made to an affiliate of the cannabis production facility; or (2) the sales price, if the sale is made to a cannabis establishment that is not an affiliate of the cannabis production facility. Sections 5, 6 and 8 of this bill make conforming changes related to the imposition of the excise tax on cannabis production facilities. Section 2 of this bill defines "cannabis production facility" for the purposes of the provisions of this bill relating to excise taxes. Section 3 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes.]~~

Section 4 of this bill revises the definition of "sales price" to exclude the amount of any excise tax on cannabis or cannabis products.

Existing law requires the Department of Taxation to adopt regulations to establish procedures to determine the fair market value at wholesale of cannabis. (NRS 678B.640) **Section 9** of this bill ~~[requires the Department to also adopt regulations establishing procedures to determine the wholesale value of cannabis products and]~~ establishes certain additional requirements for the regulations adopted by the Department. **Section 9** requires the Cannabis Compliance Board to ensure that any computer software used for the seed-to-sale tracking of cannabis ~~[and cannabis products]~~ adopted by the Board includes a method to denote transfers of cannabis ~~[or cannabis products]~~ between affiliates.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 370 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. "Cannabis vaporizer" means a product that:

(a) Is solely designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing cannabis, as defined in NRS 678A.085, or any cannabis product into the human body; and

(b) Includes a clear and conspicuous label which identifies the product as a cannabis vaporizer and states that the product is not for tobacco, nicotine, e-liquid or any synthetic nicotine substance.

2. The term does not include a product that may also be used for vaporizing, ingesting, inhaling or otherwise introducing nicotine into the human body.

Sec. 1.3. **NRS 370.007 is hereby amended to read as follows:**

370.007 As used in NRS 370.007 to 370.430, inclusive, ***and section 1 of this act,*** and 370.505 to 370.530, inclusive, unless the context otherwise requires, the words and terms defined in NRS 370.008 to 370.055, inclusive, ***and section 1 of this act,*** have the meanings ascribed to them in those sections.

Sec. 1.7. NRS 370.054 is hereby amended to read as follows:

370.054 "Vapor product":

1. Means any noncombustible product containing nicotine or any other substance that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from nicotine or any other substance in a solution or other form, the use or inhalation of which simulates smoking.

2. Includes, without limitation:

(a) An electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device; and

(b) The components of such a product or device, whether or not sold separately, including, without limitation, vapor cartridges or other container of nicotine or any other substance in a solution or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device, atomizers, cartomizers, digital displays, clearomizers,
tank systems, flavors, programmable software or other similar products or devices. As used in this paragraph, "component" means a product intended primarily or exclusively to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device.

3. Does not include any product:

(a) Regulated by the United States Food and Drug Administration pursuant to subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

(b) Subject to the excise tax on cannabis or cannabis products pursuant to NRS 372A.200 to 372A.380, inclusive.

(c) Purchased by a person who holds a current, valid medical cannabis establishment license pursuant to chapter 678B of NRS.

(d) Which is ~~[primarily designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing]~~ a cannabis ~~[, as defined in NRS 678A.085, or any cannabis product, as defined in NRS 678A.120, into the human body.]~~ vaporizer.

Sec. 2. ~~[Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Cannabis production facility" has the meaning ascribed to it in NRS 678A.125.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 372A.200 is hereby amended to read as follows:~~

~~372A.200 As used in NRS 372A.200 to 372A.380, inclusive, *and section 2 of this act,* unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 4. NRS 372A.247 is hereby amended to read as follows:

372A.247 1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit, except that this exclusion does not apply in any instance when the customer, to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(d) The amount of any tax imposed pursuant to NRS 372A.200 to 372A.380, inclusive ~~[, and section 2 of this act.]~~

Sec. 5. ~~[NRS 372A.250 is hereby amended to read as follows:~~

~~372A.250 "Taxpayer" means a:~~

~~1. Cannabis cultivation facility;~~

~~2. *Cannabis production facility;*~~

~~*3.* Adult-use cannabis retail store; or~~

~~[3.] *4.* Cannabis consumption lounge.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 372A.285 is hereby amended to read as follows:~~

~~372A.285 1. Each cannabis cultivation facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:~~

~~(a) The current production of the cannabis cultivation facility;~~

~~(b) Sales by product type;~~

~~(c) Prices by product type; and~~

~~(d) Such other information as the Department may require.~~

~~2. Each cannabis production facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:~~

~~(a) The amount of cannabis purchased;~~

~~(b) The amount of cannabis products produced;~~

~~(c) Sales by product type;~~

~~(d) Prices by product type; and~~

~~(e) Such other information as the Department may require.~~

~~3. Each cannabis sales facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:~~

~~(a) The amount of cannabis purchased by the cannabis sales facility from cannabis cultivation facilities or cannabis production facilities;~~

~~(b) Sales to consumers by product type;~~

~~(c) Prices by product type; and~~

~~(d) Such other information as the Department may require.~~

~~4. The Department shall adopt regulations prescribing the frequency of the reports required pursuant to this section which must be submitted not less frequently than quarterly and not more frequently than monthly.~~

~~5. As used in this section:~~

~~(a) [“Cannabis production facility” has the meaning ascribed to it in NRS 678A.125.~~

~~(b)] “Cannabis products” has the meaning ascribed to it in NRS 678A.120.~~

~~[(c)] *(b)* “Cannabis sales facility” has the meaning ascribed to it in NRS 678A.130.] **(Deleted by amendment.)**

Sec. 7. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on **[**~~each~~**]** ***the first*** wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of **[**~~the~~**]** ***:***

(a) The fair market value at wholesale of the cannabis **[**~~.~~**]** ***, if the sale is made to an affiliate of the medical cannabis cultivation facility; or***

(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the medical cannabis cultivation facility.

➥ The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on ~~[each]~~ ***the first*** wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of ~~[the]~~ ***:***

(a) The fair market value at wholesale of the cannabis ~~[.]~~ ***, if the sale is made to an affiliate of the adult-use cannabis cultivation facility; or***

(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the adult-use cannabis cultivation facility.

➥ The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. ~~*[An excise tax is hereby imposed on the first wholesale sale in this State of a cannabis product by a cannabis production facility to another cannabis establishment at the rate of 15 percent of:*~~

~~*(a) The fair market value at wholesale of the cannabis product, if the sale is made to an affiliate of the cannabis production facility; or*~~

~~*(b) The sales price of the cannabis product, if the sale is made to a cannabis establishment that is not an affiliate of the cannabis production facility.*~~

~~*➥ The excise tax imposed pursuant to this subsection is the obligation of the cannabis production facility.*~~

~~*4.]*~~ An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the seller of the cannabis or cannabis product ~~[.]~~ ***but may be recovered from the purchaser.***

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. ~~*[5.]*~~ The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. ~~*[6.]*~~ The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. ~~*[7.]*~~ For the purpose of subsections 4 ~~*[5]*~~ and 5, ~~*[6,]*~~ a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. ~~*[8.]*~~ The revenues collected from the excise tax imposed pursuant to subsection ~~*[subsections]*~~ 3 ~~*[and 4]*~~ must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. ~~*[9.]*~~ As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) ***"Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with, a specified person.*** ~~*[For the purposes of this paragraph, control exists if any person directly or indirectly owns, controls, holds with the power to vote or holds proxies representing 51 percent or more of the voting securities of any other person.]*~~

(c) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

~~[(c)]~~ ***(d)*** "Local government" has the meaning ascribed to it in NRS 360.640.

~~[(d)]~~ ***(e)*** "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.

~~[(e)]~~ ***(f)*** "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.

~~[(f)]~~ ***(g)*** "Wholesale sale" means ~~[a]~~ ***the first*** sale or transfer of cannabis by a cannabis cultivation facility ~~*[or a cannabis product by a cannabis production facility]*~~ to another cannabis establishment. The term does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

Sec. 8. ~~[~~NRS 387.1212 is hereby amended to read as follows:

~~— 387.1212 — 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.~~

~~— 2. Money which must be deposited for credit to the State Education Fund includes, without limitation:~~

~~(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;~~

~~(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;~~

~~(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;~~

~~(d) The money identified in subsection 8 of NRS 120A.610;~~

~~(e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;~~

~~(f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;~~

~~(g) The money identified in subsection 1 of NRS 328.450;~~

~~(h) The money identified in subsection 1 of NRS 328.460;~~

~~(i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;~~

~~(j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;~~

~~(k) The money required to be transferred to the State Education Fund pursuant to NRS 362.100;~~

~~(l) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;~~

~~(m) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection [4] 5 of NRS 372A.290;~~

~~(n) The proceeds of the tax imposed pursuant to [subsection] *subsections 3 and 4* of NRS 372A.290;~~

~~(o) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;~~

~~(p) The money identified in subsection 5 of NRS 445B.640;~~

~~(q) The money identified in paragraph (b) of subsection 4 of NRS 678B.390;~~

~~(r) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;~~

~~(s) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;~~

~~(t) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;~~

~~(u) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;~~

~~(v) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;~~

~~(w) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;~~

~~(x) The money required to be distributed to the State Education Fund pursuant to NRS 363D.290; and~~

~~(y) The direct legislative appropriation from the State General Fund required by subsection 3.~~

~~3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.~~

~~4. Money in the Fund must be paid out on claims as other claims against the State are paid.~~~~]~~ **(Deleted by amendment.)**

Sec. 9. NRS 678B.640 is hereby amended to read as follows:

678B.640 ***1.*** The Department of Taxation shall adopt regulations to establish procedures to determine the fair market value at wholesale of cannabis ***.*** ~~***[and cannabis products.]***~~ ***The regulations shall:***

(a) Provide that the fair market value of cannabis : ~~[and cannabis products:]~~

(1) Will be calculated and published by the Department on a quarterly basis not more than 30 days after the end of each calendar quarter; and

(2) ~~[Must be determined based on the sales price of the cannabis or cannabis products; and~~

~~(3) Must be calculated using a weighted average, except]~~ Is the median sales price for ~~[seeds]~~ wholesale sales between cannabis cultivation facilities and ~~[immature plants, which must be calculated by unit.]~~ cannabis establishments that are not affiliates, per pound or each, during the period specified in subparagraph (1).

(b) Prescribe any information required by the Department to determine the fair market value at wholesale of cannabis . ~~[or cannabis products.]~~

2. The Board shall ensure that any computer software used for the seed-to-sale tracking of cannabis ~~[and cannabis products]~~ adopted by the Board includes a method to denote transfers of cannabis ~~[or cannabis products]~~ between affiliates.

3. The Board shall furnish the Department with such information as the Department determines to be necessary to adopt the regulations required by this section.

4. As used in this section, "affiliate" has the meaning ascribed to it in NRS 372A.290.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 434.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 435.

AN ACT relating to prescription drugs; prohibiting ~~[a]~~ **certain** pharmacy benefit ~~[manager or]~~ **managers and** health ~~[carrier]~~ **carriers** from taking certain actions against entities that participate in a federal program to facilitate the discounted purchase of prescription drugs; prohibiting a program administered by the Department of Health and Human Services to provide therapeutics to persons with human immunodeficiency virus from taking similar actions; imposing certain limitations on the use of money available to administer the program to provide therapeutics to persons with human immunodeficiency virus; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law creates a program, known as the 340B Program, by which certain hospitals and other facilities that provide health care to low-income patients are able to purchase certain drugs at discounted rates. (42 U.S.C. § 256b) Existing law prohibits a pharmacy benefit manger from prohibiting a pharmacist or pharmacy from taking certain actions to assist a person in obtaining a less expensive alternative or generic drug. (NRS 683A.179) Existing law imposes certain requirements relating to the operation of health carriers. (NRS 687B.470-687B.850) **Sections 1, 3, 6 and 7** of this bill prohibit pharmacy benefit managers and health carriers, including governmental entities that provide coverage for employees, from: (1) discriminating against a covered entity that participates in the 340B Program to purchase drugs at a discounted rate or a pharmacy that contracts with such an entity with regard to reimbursement; (2) taking certain actions to limit the ability of such an entity or pharmacy to receive the full benefit of participating in that program; (3) excluding such an entity or pharmacy from an insurance network because the entity or pharmacy participates in that program; (4) restricting the ability of a person to receive a 340B drug; or (5) taking certain other actions to limit the participation of an entity or pharmacy in the Program. **Section 1 exempts from those prohibitions a pharmacy benefit manager that manages prescription drug benefits under Medicaid where reimbursement is provided on a fee-for-service basis.** **Sections 2, 4 and 5**

of this bill make conforming changes to indicate the proper placement of **sections 1 and 3** in the Nevada Revised Statutes.

Existing law authorizes the Department of Health and Human Services to administer a program pursuant to federal law to provide therapeutics to treat certain persons who have been diagnosed with the human immunodeficiency virus. (NRS 439.529) **Section 9** of this bill prescribes certain limitations on the use of money allocated to the program. **Section 8** of this bill requires the program to take certain actions and refrain from certain activity to ensure that a covered provider that participates in the 340B Program to purchase drugs at a discounted rate or a pharmacy that contracts with such a provider receives the full benefit of participating in the Program. **Section 8** additionally prohibits the program administered by the Department from: (1) denying a request from such a covered provider or contract pharmacy to participate in the network of the program in certain circumstances; or (2) engaging in certain discrimination against a covered provider or contract pharmacy.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pharmacy benefit manager shall not:

(a) Discriminate against a covered entity, a contract pharmacy or a 340B drug in the amount of reimbursement for any item or service or the procedures for obtaining such reimbursement;

(b) Assess any fee, chargeback, clawback or adjustment against a covered entity or contract pharmacy on the basis that the covered entity or contract pharmacy dispenses a 340B drug or otherwise limit the ability of a covered entity or contract pharmacy to receive the full benefit of purchasing the 340B drug at or below the ceiling price, as calculated pursuant to 42 U.S.C. § 256b(a)(1);

(c) Exclude a covered entity or contract pharmacy from any network because the covered entity or contract pharmacy dispenses a 340B drug;

(d) Restrict the ability of a person to receive a 340B drug ~~***[.]***~~ ***, including, without limitation, by imposing a copayment, coinsurance, deductible or other cost-sharing obligation on the drug that is different from a similar drug on the basis that the drug is a 340B drug;***

(e) Restrict the methods by which a covered entity or contract pharmacy may dispense or deliver a 340B drug or the entity through which a covered entity may dispense or deliver such a drug in a manner that does not apply to drugs that are not 340B drugs; or

(f) Prohibit a covered entity or contract pharmacy from purchasing a 340B drug or interfere with the ability of a covered entity or contract pharmacy to purchase a 340B drug.

2. This section does not apply to a pharmacy benefit manager that has entered into a contract with the Department of Health and Human Services

pursuant to NRS 422.4053 when the pharmacy benefit manager is managing prescription drug benefits under Medicaid where reimbursement is provided on a fee-for-service basis.

3. As used in this section:

(a) "340B drug" means a prescription drug that is purchased by ~~[an]~~ a covered entity ~~[that participates in]~~ under the 340B Program . ~~[, and that is dispensed by a covered entity.]~~

(b) "340B Program" means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.

(c) "Contract pharmacy" means a pharmacy that enters into a contract with a covered entity to dispense 340B drugs and provide related pharmacy services to the patients of the covered entity.

(d) "Covered entity" has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).

(e) "Network" means a defined set of providers of health care who are under contract with a pharmacy benefit manager or third party to provide health care services to covered persons.

Sec. 2. NRS 683A.171 is hereby amended to read as follows:

683A.171 As used in NRS 683A.171 to 683A.179, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 683A.172 to 683A.176, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A ~~[pharmacy benefit manager]~~ health carrier shall not:

(a) Discriminate against a covered entity, a contract pharmacy or a 340B drug in the amount of reimbursement for any item or service or the procedures for obtaining such reimbursement;

(b) Assess any fee, chargeback, clawback or adjustment against a covered entity or contract pharmacy on the basis that the covered entity or contract pharmacy dispenses a 340B drug or otherwise limit the ability of a covered entity or contract pharmacy to receive the full benefit of purchasing the 340B drug at or below the ceiling price, as calculated pursuant to 42 U.S.C. § 256b(a)(1);

(c) Exclude a covered entity or contract pharmacy from any network because the covered entity or contract pharmacy dispenses a 340B drug;

(d) Restrict the ability of a person to receive a 340B drug ~~[.]~~ , including, without limitation, by imposing a copayment, coinsurance, deductible or other cost-sharing obligation on the drug that is different from a similar drug on the basis that the drug is a 340B drug;

(e) Restrict the methods by which a covered entity or contract pharmacy may dispense or deliver a 340B drug or the entity through which a covered entity may dispense or deliver such a drug in a manner that does not apply to drugs that are not 340B drugs; or

(f) Prohibit a covered entity or contract pharmacy from purchasing a 340B drug or interfere with the ability of a covered entity or contract pharmacy to purchase a 340B drug.

2. As used in this section:

(a) "340B drug" means a prescription drug that is purchased by ~~[an]~~ a covered entity ~~[that participates in]~~ under the 340B Program . ~~[, and that is dispensed by a covered entity.]~~

(b) "340B Program" means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.

(c) "Contract pharmacy" means a pharmacy that enters into a contract with a covered entity to dispense 340B drugs and provide related pharmacy services to the patients of the covered entity.

(d) "Covered entity" has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).

~~[(e) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.]~~

Sec. 4. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 3 of this act;***

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 3 of this act;*** and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 3 of this act.***

Sec. 6. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 ***and section 3 of this act*** apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and

employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 7. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 3 of this act,*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 8. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Department administers a program pursuant to NRS 439.529:

(a) The program may not prohibit or interfere with the ability of a covered provider or contract pharmacy to purchase, administer or dispense, as applicable, a 340B drug, regardless of whether the drug is dispensed or administered to a person participating in the program or whether the program pays all, part or none of the cost of the drug.

(b) When a covered provider or contract pharmacy dispenses or administers a drug that is eligible to be a 340B drug to a person participating in the program and the program pays the insurance premium of the person and the copayment, coinsurance , deductible or other cost-sharing obligation of the person, the program shall pay to the covered provider or contract pharmacy the full amount of the copayment, coinsurance , deductible or other cost-sharing obligation, regardless of whether the drug is a 340B drug.

(c) The program may not deny a request from a covered provider or contract pharmacy to be included in the network of the program if the covered provider or contract pharmacy:

(1) Meets the terms and conditions for participation in the network of the program; and

(2) Requests to participate in the network of the program.

(d) The program shall not treat a covered provider or contract pharmacy differently from an entity that does not participate in the 340B Program or a pharmacy that has contracted with a covered provider, as applicable, in any manner, including, without limitation:

(1) In any regulation, guidance, policy, procedure or contract;

(2) With regard to participation in the network of the program; or

(3) In any matter relating to the dispensing of drugs or billing and reimbursement for drugs.

2. As used in this section:

(a) "340B drug" means a prescription drug that is purchased under the 340B Program.

(b) "340B Program" means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.

(c) "Contract pharmacy" means a pharmacy that enters into a contract with a covered provider to dispense 340B drugs and provide related pharmacy services to the patients of the covered provider.

(d) "Covered entity" has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).

(e) "Covered provider" means a covered entity other than the program established pursuant to NRS 439.529.

(f) "Network" means a defined set of providers of health care who are under contract with any program established pursuant to NRS 439.529 to provide health care services to persons who participate in the program.

Sec. 9. NRS 439.529 is hereby amended to read as follows:

439.529 1. The Department may, to the extent that money is available, administer a program pursuant to 42 U.S.C. §§ 300ff-21 et seq. to provide therapeutics to treat certain persons who have been diagnosed with the human immunodeficiency virus and to prevent the serious deterioration of the health of such persons. The program may include the provision of subsidies and pharmaceutical services.

2. The Director shall:

(a) Establish the criteria for eligibility for participation in the program administered pursuant to this section, which must be in accordance with the provisions of 42 U.S.C. §§ 300ff-21 et seq.; and

(b) Prescribe the manner in which the program will be administered and services will be provided.

3. The Department may use any other program administered by the Department to facilitate the provision of subsidies and services pursuant to this

section, including, without limitation, the provision of subsidies for pharmaceutical services to senior citizens and persons with disabilities pursuant to NRS 439.635 to 439.690, inclusive. If the Department uses another program to facilitate the provision of subsidies and services pursuant to this section, the Department shall not commingle the money available to carry out the provisions of this section and the money available to carry out the other program.

4. Money available to carry out the provisions of this section must be accounted for separately by the Department. ***The Department shall use such money only to pay for or subsidize the cost of:***

(a) Drugs approved by the United States Food and Drug Administration;

(b) Insurance premiums, deductibles, copayments, coinsurance or other cost-sharing obligations associated with private health insurance; and

(c) Services that improve access to, adherence to and monitoring of drug treatment.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 296.

SUMMARY—Revises provisions governing **certain** contracts of insurance. (BDR 57-1044)

AN ACT relating to insurance; providing that no provision for arbitration in a contract for **health** insurance is binding upon the named insured or any other person who makes a claim under the contract; repealing certain provisions related to provisions for arbitration in a contract for **health** insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Insurance Code, which governs certain contracts of insurance. (Title 57 of NRS) Existing law provides that no provision for arbitration contained in an automobile liability or motor vehicle liability insurance policy delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy. (NRS 690B.017) ~~[Section 10 of this bill provides instead that~~

~~no provision for arbitration contained in any casualty insurance policy, including, without limitation, an automobile liability or motor vehicle liability insurance policy is binding.]~~ **Sections ~~[1-4,]~~ 4, 6, 7, ~~[9, 11-15,]~~ 15, 16.5, 17, 18.5, 19 and 20** of this bill similarly provide that no provision for arbitration is binding that is contained in any: (1) ~~[insurance contract; (2) contract of life insurance, endowment or annuity; (3) group life insurance or wholesale life insurance policy; (4)]~~ policy of health insurance ~~[; (5)]~~ **by an insurer; (2)** policy of group or blanket health insurance; ~~[(6)]~~ **(3)** health benefit plan; ~~[(7) policy or certificate of credit insurance; (8) service contract or contractual liability insurance policy; (9) guaranteed asset protection waiver; (10) policy of credit personal property insurance; (11) policy of title insurance; (12)]~~ **(4)** benefit contract; ~~[(13)]~~ **(5) contract for hospital, medical or dental services; (6)** evidence of coverage by a health maintenance organization; ~~[(14)]~~ **(7) plan for dental care; (8)** evidence of coverage by a prepaid limited health service organization; or ~~[(15)]~~ **(9)** evidence of coverage by a managed care organization. **Sections 4, 6, 7, 15, 16.5, 17, 18.5, 19 and 20 further provide that a provision for arbitration included in any such contract of insurance must contain a statement that the provision for arbitration is not binding.** **Sections 5 ~~[,]~~ and 8** ~~[and 16]~~ of this bill make conforming changes to indicate the proper placement of **sections ~~[1,]~~ 4 and 7** of this bill, respectively, in the Nevada Revised Statutes.

Section 22 of this bill repeals certain provisions of the Nevada Insurance Code to eliminate requirements related to provisions for arbitration in certain contracts for insurance. **Section 18** of this bill makes a conforming change to eliminate a reference to a repealed section.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~**[**Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***No provision for arbitration contained in any insurance contract or annuity contract subject to this chapter that is delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the contract.]***~~ **(Deleted by amendment.)**

Sec. 2. ~~**[**Chapter 688A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***No provision for arbitration contained in any contract of life insurance, endowment or annuity delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the contract.]***~~ **(Deleted by amendment.)**

Sec. 3. ~~**[**Chapter 688B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***No provision for arbitration contained in any group life insurance or wholesale life insurance policy delivered, issued for delivery or renewed in***~~

~~*this State is binding upon the named insured or any other person who makes a claim under the policy.]*~~ **(Deleted by amendment.)**

Sec. 4. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any policy of health insurance delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy.

2. If a policy of health insurance contains a provision for arbitration, the policy of health insurance must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the policy of health insurance.

Sec. 5. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 4 of this act.***

Sec. 6. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any policy of group or blanket health insurance delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy.

2. If a policy of group or blanket health insurance contains a provision for arbitration, the policy of group or blanket health insurance must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the policy of group or blanket health insurance.

Sec. 7. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any health benefit plan delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the health benefit plan.

2. If a health benefit plan contains a provision for arbitration, the health benefit plan must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the health benefit plan.

Sec. 8. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 7 of this act,***

to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 9. ~~[Chapter 690A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*No provision for arbitration contained in any policy or certificate of credit insurance delivered, issued for delivery or renewed in this State is binding upon the named debtor or any other person who makes a claim under the policy.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 690B.010 is hereby amended to read as follows:~~

~~690B.010~~ ~~*1.*~~ ~~All contracts of casualty insurance covering subjects resident, located or to be performed in this State are subject to the applicable provisions of chapter 687B of NRS (the insurance contract), and to other applicable provisions of this Code.~~

~~*2. No provision for arbitration contained in any casualty insurance policy, including, without limitation, an automobile liability or motor vehicle liability insurance policy, delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~[Chapter 690C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*No provision for arbitration contained in any service contract or contractual liability insurance policy delivered, issued for delivery or renewed in this State is binding upon the named holder or any other person who makes a claim under the contract or policy.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~[Chapter 690D of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*No provision for arbitration contained in any guaranteed asset protection waiver delivered, issued for delivery or renewed in this State is binding upon the named borrower or any other person who makes a claim under the waiver.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~[Chapter 691C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*No provision for arbitration contained in any policy of credit personal property insurance delivered, issued for delivery or renewed in this State is binding upon the named debtor or any other person who makes a claim under the policy.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~[Chapter 692A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*No provision for arbitration contained in any policy of title insurance delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy.]*~~ **(Deleted by amendment.)**

Sec. 15. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any benefit contract delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the contract.

2. If a benefit contract contains a provision for arbitration, the benefit contract must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the benefit contract.

Sec. 16. ~~[NRS 695B.320 is hereby amended to read as follows:~~

~~695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, subsections 2, 4, 18, 19 and 31 of NRS 680B.010, NRS 680B.025 to 680B.060, inclusive, chapter 681B of NRS, NRS 686A.010 to 686A.315, inclusive, 686B.010 to 686B.175, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, *section 1 of this act,* 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.~~

~~2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."~~**] (Deleted by amendment.)**

Sec. 16.5. **Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. No provision for arbitration contained in any contract for hospital, medical or dental services delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the contract for hospital, medical or dental services.

2. If a contract for hospital, medical or dental services contains a provision for arbitration, the contract must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the contract for hospital, medical or dental services.

Sec. 17. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon the named enrollee or any other person who makes a claim under the evidence of coverage.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon the named enrollee or any other person who makes a claim under the evidence of coverage.

Sec. 18. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759 ~~[,]~~ ***and*** 695C.176 to 695C.200, inclusive, ~~[and 695C.265]~~ do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 18.5. **Chapter 695D of NRS is hereby amended by adding thereto a new section to read as follows:**

1. No provision for arbitration contained in any plan for dental care delivered, issued for delivery or renewed in this State is binding upon the member or any other person who makes a claim under the plan for dental care.

2. If a plan for dental care contains a provision for arbitration, the plan for dental care must include a statement that the arbitration provision is not binding upon the member or any other person who makes a claim under the plan for dental care.

Sec. 19. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon the

named enrollee or any other person who makes a claim under the evidence of coverage.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon the named enrollee or any other person who makes a claim under the evidence of coverage.

Sec. 20. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the evidence of coverage.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon the named insured or any other person who makes a claim under the evidence of coverage.

Sec. 21. The provisions of this act do not apply to any contract for insurance existing on October 1, 2023, but apply to any renewal of such a contract.

Sec. 22. NRS 689A.0403, 689B.067, 689B.270, ~~[690B.017, 690B.155,]~~ 695B.181, 695B.182, 695C.265 and 695C.267 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

689A.0403 Procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

689B.067 Provision in policy requiring binding arbitration for disputes with insurer authorized; procedure for arbitration; declaratory relief.

689B.270 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

~~[690B.017 Provisions for arbitration not binding.~~

~~690B.155 Provision requiring binding arbitration authorized; procedures for arbitration.]~~

695B.181 Provision in contract requiring binding arbitration authorized; procedures for arbitration; declaratory relief.

695B.182 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695C.265 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695C.267 Provision requiring binding arbitration authorized; procedures for arbitration; declaratory relief.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 441.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 436.

AN ACT relating to industrial insurance; revising certain requirements to make certain insurance records available for inspection; removing the requirement that certain entities maintain a telephone service to accept collect calls from injured employees; revising the circumstances under which the Administrator of the Division of Industrial Relations of the Department of Business and Industry is authorized to remove a physician or chiropractic physician from a list or panel of physicians and chiropractic physicians who may provide certain medical services relating to the Nevada Industrial Insurance Act; requiring the Administrator to publish annual and quarterly reports; authorizing certain physicians and chiropractic physicians to decline to perform certain evaluations under certain circumstances; ~~[authorizing certain injured employees to request certain additional]~~ **revising provisions relating to independent medical** examinations; revising ~~[requirements for calculating the value of certain payments pursuant to the Act]~~ **provisions relating to benefits** for a permanent partial disability; revising provisions relating to an appeal of certain determinations of the Administrator; requiring certain insurance claims to be administered by certain persons; **revising procedures for the reimbursement of an insurer that pays for an increase in certain compensation or benefits; repealing certain restrictions relating to associations of self-insured employers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Industrial Insurance Act, which provides for the payment of compensation to employees who are injured or disabled as the result of an occupational injury. (Chapters 616A-616D of NRS)

Existing law requires certain insurers to maintain an office in this State that is operated by the insurer or its third-party administrator and to provide access to files relating to industrial insurance claims at that office. (NRS 616B.021, 616B.027) **Section 1** of this bill requires the insurer to make such files available for inspection and reproduction by electronic means or at an office operated by the insurer or its third-party administrator located in this State. **Section 1** also authorizes the insurer to keep physical records concerning a claim filed in this State at a location outside this State if those records are made available for inspection and reproduction in certain electronic forms or at offices located in this State.

Section 2 of this bill permits an office operated by an insurer or its third-party administrator to keep reproductions of certain files rather than the original copies. **Section 2** also removes the requirement that an insurer accept collect calls from injured employees.

Existing law requires an insurer to keep a list of physicians and chiropractic physicians from which an injured employee may choose to receive treatment and include in that list a certain number of physicians or chiropractic physicians from a panel established and maintained by the Administrator of the Division of Industrial Relations of the Department of Business and Industry. Existing law also sets forth procedures and limitations governing the removal of a physician or chiropractic physician from an insurer's list. (NRS 616C.087, 616C.090) **Section 4** of this bill expands the circumstances under which a physician or chiropractic physician may be involuntarily removed from an insurer's list and requires the Administrator to adopt regulations prescribing the format of the list which insurers must maintain. **Section 5** of this bill revises the reasons for which the Administrator may remove a physician or chiropractic physician from a panel **[.]** **and authorizes certain persons to notify the Administrator if the person believes a physician or chiropractic physician satisfies certain criteria for removal from a panel. Section 5 also authorizes a physician or chiropractic physician who is removed from a panel to reapply under certain circumstances for inclusion on the panel.**

Existing law provides that an employee who is injured by an accident arising out of and in the course of employment is entitled to receive compensation under the Act for a permanent partial disability which is rated during an evaluation by certain physicians or chiropractic physicians. (NRS 616C.490) **Section 7** of this bill revises the methodology by which those physicians or chiropractic physicians are selected to perform such an evaluation and authorizes such a physician or chiropractic physician to decline to perform an evaluation if the physician or chiropractic physician believes he or she is not qualified to rate the disability at issue. **Sections 3 and 7** of this bill require the Administrator to prepare annual and quarterly reports containing certain information about those physicians and chiropractic physicians and the frequency with which they perform such evaluations and certain other examinations.

Existing law authorizes an injured employee, subject to various requirements and restrictions, to obtain an independent medical examination concerning an injury that is the subject of a claim filed pursuant to the Act. (NRS 616C.145) **Section 6** of this bill provides that such an injured employee is entitled to request such an independent examination for a permanent partial disability to determine if the employee has a ratable impairment or to dispute the initial rating **determination** of the employee's injury. **Section 6 also identifies the method by which the rate of reimbursement relating to certain independent medical examinations must be determined and authorizes an insurer to recover the cost of a second examination to**

determine a rating of a permanent partial disability under certain circumstances.

Existing law provides that a claimant under the Act may elect to receive payment for a permanent partial disability in a lump sum under certain circumstances. (NRS 616C.495) **Section 8** of this bill requires an insurer to use the ~~[age of the claimant]~~ **actuarial annuity tables adopted by the Division that are in effect** on the date on which the claimant demands payment in a lump sum to calculate the present value of the lump sum payable.

Existing law authorizes the Administrator to order an insurer or certain other persons to pay to a claimant a benefit penalty if the Administrator determines the insurer or other person has refused to process a claim for compensation pursuant to the Act or committed certain other violations. (NRS 616D.120) Existing law authorizes a person to contest a decision of the Administrator to impose or refuse to impose a benefit penalty by filing a notice of appeal with an appeals officer. (NRS 616D.140) **Section 9** of this bill revises certain procedural requirements relating to such an appeal and authorizes a claimant on whose behalf a benefit penalty is imposed to bring a civil action to recover the amount of the benefit penalty.

Section 10 of this bill requires all claims brought pursuant to the Act or the Nevada Occupational Diseases Act to be administered by: (1) a salaried employee of an insurer located in this State; (2) a licensed adjuster located in or outside this State; or (3) a **person authorized to adjust claims under the authority of a** registered third-party administrator acting on behalf of an insurer located in or outside this State. **Section 10** also **exempts certain persons from those requirements and** requires all files relating to a claim filed pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act to be made available for inspection at certain locations in this State or by electronic means.

Section 10.5 of this bill repeals provisions prohibiting an association's administrator employed by an association of self-insured public or private employers and a third-party administrator of an association of public or private employers from holding a financial interest in or serving as employee, officer or director of one another.

Existing law authorizes an insurer or employer who pays an annual increase in compensation for permanent total disability to a claimant or dependent who is entitled to such compensation due to certain industrial injuries or disablements to obtain reimbursement from the Administrator and sets forth the procedure for obtaining such a reimbursement. (NRS 616C.266) Similarly, existing law entitles an insurer who pays an increase in certain death benefits to a widow, widower, surviving child or surviving dependent parent to be reimbursed annually for the amount of that increase and sets forth procedures for obtaining reimbursement. (NRS 616C.268) Sections 6.3 and 6.7 of this bill revise the procedures governing the issuance of such reimbursement to an insurer and impose various requirements on the Administrator with respect to such reimbursement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616B.021 is hereby amended to read as follows:

616B.021 1. An insurer shall ~~[provide access to]~~ ***make*** the files of claims ***available for inspection and reproduction:***

(a) At an office operated by the insurer or its third-party administrator located in ~~[its offices.]~~ ***this State; or***

(b) By electronic means.

2. The physical records in a file concerning a claim filed in this State may be kept at ~~[an office located]~~ ***a location*** outside this State if all records in the file are ~~[accessible]~~ ***made available for inspection and reproduction*** at ~~[offices]~~ ***an office operated by the insurer or its third-party administrator that is*** located in this State ~~[on]~~ ***or by*** computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during regular business hours within 24 hours after requested by the employee or the employee's designated agent, the employer or the employer's designated agent, or the Administrator or the Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.

3. Upon request, the insurer shall make copies or other reproductions of anything in the file and may charge a reasonable fee for this service. Copies or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.

4. The Administrator may adopt regulations concerning the:

(a) Maintenance of records in a file on claims that are open or closed; and

(b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.

5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 2. NRS 616B.027 is hereby amended to read as follows:

616B.027 1. Every insurer shall:

(a) Provide an office in this State operated by the insurer or its third-party administrator in which:

(1) A complete file ***, or a reproduction of the complete file,*** of each claim is accessible, in accordance with the provisions of NRS 616B.021;

(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS, may receive information related to a claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS; and

(3) An employee or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021.

(b) Provide statewide toll-free telephone service to the office maintained pursuant to paragraph (a) **.** ~~[or accept collect calls from injured employees.]~~

2. Each private carrier shall provide:

(a) Adequate services to its insured employers in controlling losses; and

(b) Adequate information on the prevention of industrial accidents and occupational diseases.

Sec. 3. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall, not later than 30 days after the end of each calendar quarter, publish and make publicly available on the Internet website of the Division a report containing:

(a) The name of each rating physician or chiropractic physician, listed in alphabetical order by last name, who conducted an examination or evaluation on an injured employee pursuant to NRS 616.100, 616C.145, 616C.330, 616C.360 or 616C.490 in the immediately preceding calendar quarter; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a), the number of examinations or evaluations that were conducted by the rating physician or chiropractic physician as result of:

(1) The selection of the rating physician or chiropractic physician in rotation from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490; and

(2) An agreement by an insurer and an injured employee.

2. The Administrator shall retain an archive which is accessible by the public of each report published pursuant to subsection 1.

Sec. 3.5. **NRS 616C.050 is hereby amended to read as follows:**

616C.050 1. An insurer shall provide to each claimant:

(a) Upon written request, one copy of any medical information concerning the claimant's injury or illness.

(b) A statement which contains information concerning the claimant's right to:

(1) Receive the information and forms necessary to file a claim;

(2) Select a treating physician or chiropractic physician and an alternative treating physician or chiropractic physician in accordance with the provisions of NRS 616C.090;

(3) Request the appointment of the Nevada Attorney for Injured Workers to represent the claimant before the appeals officer;

(4) File a complaint with the Administrator;

(5) When applicable, receive compensation for:

(I) Permanent total disability;

(II) Temporary total disability;

(III) Permanent partial disability;

(IV) Temporary partial disability;

(V) All medical costs related to the claimant's injury or disease; or

(VI) The hours the claimant is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;

(6) Receive services for rehabilitation if the claimant's injury prevents him or her from returning to gainful employment;

(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and

(8) Judicial review of any final decision within the time specified by statute.

2. The insurer's statement must include a copy of the form designed by the Administrator pursuant to subsection ~~[9]~~ ***12*** of NRS 616C.090 that notifies injured employees of their right to select an alternative treating physician or chiropractic physician. The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.

Sec. 4. NRS 616C.087 is hereby amended to read as follows:

616C.087 1. The Legislature hereby declares that:

(a) The choice of a treating physician or chiropractic physician is a substantive right and substantive benefit of an injured employee who has a claim under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

(b) The injured employees of this State have a substantive right to an adequate choice of physicians and chiropractic physicians to treat their industrial injuries and occupational diseases.

2. Except as otherwise provided in this subsection and subsections 3 and 4 ~~[, an]~~ ***:***

(a) The panel maintained by the Administrator pursuant to NRS 616C.090 must not include a physician or chiropractic physician in a discipline or specialization if the physician or chiropractic physician does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization; and

(b) An insurer's list of physicians and chiropractic physicians from which an injured employee may choose pursuant to NRS 616C.090 must include not less than 12 physicians or chiropractic physicians, as applicable, in each of the following disciplines and specializations, without limitation, from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090:

~~[(a)]~~ ***(1)*** Orthopedic surgery on spines;

~~[(b)]~~ ***(2)*** Orthopedic surgery on shoulders;

~~[(c)]~~ ***(3)*** Orthopedic surgery on elbows;

~~[(d)]~~ ***(4)*** Orthopedic surgery on wrists;

~~[(e)]~~ ***(5)*** Orthopedic surgery on hands;

~~[(f)]~~ ***(6)*** Orthopedic surgery on hips;
~~[(g)]~~ ***(7)*** Orthopedic surgery on knees;
~~[(h)]~~ ***(8)*** Orthopedic surgery on ankles;
~~[(i)]~~ ***(9)*** Orthopedic surgery on feet;
~~[(j)]~~ ***(10)*** Neurosurgery;
~~[(k)]~~ ***(11)*** Neurology;
~~[(l)]~~ ***(12)*** Cardiology;
~~[(m)]~~ ***(13)*** Pulmonology;
~~[(n)]~~ ***(14)*** Psychiatry;
~~[(o)]~~ ***(15)*** Pain management;
~~[(p)]~~ ***(16)*** Occupational medicine;
~~[(q)]~~ ***(17)*** Physiatry or physical medicine;
~~[(r)]~~ ***(18)*** General practice or family medicine; and
~~[(s)]~~ ***(19)*** Chiropractic medicine.

➥ If the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 12 physicians or chiropractic physicians, as applicable, for a discipline or specialization specifically identified in this subsection, all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

3. For any other discipline or specialization not specifically identified in subsection 2, the insurer's list must include not fewer than 8 physicians or chiropractic physicians, as applicable, unless the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 8 physicians or chiropractic physicians, as applicable, for that discipline or specialization, in which case all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

4. For each county whose population is 100,000 or more, an insurer's list of physicians and chiropractic physicians must include for that county a number of physicians and chiropractic physicians, as applicable, that is not less than the number required pursuant to subsections 2 and 3 and that also maintain in that county:

(a) An active practice; and

(b) A physical office.

5. If an insurer fails to maintain a list of physicians and chiropractic physicians that complies with the requirements of subsections 2, 3 and 4, an injured employee may choose a physician or chiropractic physician from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090.

6. Each insurer shall, not later than October 1 of each year, update the list of physicians and chiropractic physicians and file the list with the Administrator. The list must be certified by an adjuster who is licensed pursuant to chapter 684A of NRS.

7. Upon receipt of a list of physicians and chiropractic physicians that is filed pursuant to subsection 6, the Administrator shall:

(a) Stamp the list as having been filed; and

(b) Indicate on the list the date on which it was filed.

8. The Administrator shall:

(a) Provide a copy of an insurer's list of physicians and chiropractic physicians to any member of the public who requests a copy; or

(b) Post a copy of each insurer's list of physicians and chiropractic physicians on an Internet website maintained by the Administrator and accessible to the public for viewing, printing or downloading.

9. At any time, a physician or chiropractic physician may request in writing that he or she be removed from an insurer's list of physicians and chiropractic physicians. The insurer must comply with the request and omit the physician or chiropractic physician from the next list which the insurer files with the Administrator.

10. A physician or chiropractic physician may not be involuntarily removed from an insurer's list of physicians and chiropractic physicians except for good cause. As used in this subsection, "good cause" means that one or more of the following circumstances apply:

(a) The physician or chiropractic physician has died or is disabled.

(b) The license of the physician or chiropractic physician has been revoked or suspended.

(c) The physician or chiropractic physician has been convicted of:

(1) A felony; or

(2) A crime for a violation of a provision of chapter 616D of NRS.

(d) The physician or chiropractic physician has been removed from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 by the Administrator upon a finding that the physician or chiropractic physician ~~[~~has~~]~~ ***:***

(1) Has failed to comply with the standards for treatment of industrial injuries or occupational diseases as established by the Administrator ~~[.]~~ ***; or***

(2) Does not accept and treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

11. Unless a physician or chiropractic physician, as applicable, is removed from an insurer's list of physicians and chiropractic physicians pursuant to subsection 10, an injured employee may continue to receive treatment from that physician or chiropractic physician even if:

(a) The employer of the injured employee changes insurers or administrators.

(b) The physician or chiropractic physician is no longer included in the applicable insurer's list of physicians and chiropractic physicians, provided that the physician or chiropractic physician agrees to continue to accept compensation for that treatment at the rates which:

(1) Were previously agreed upon when the physician or chiropractic physician was most recently included in the list; or

(2) Are newly negotiated but do not exceed the amounts provided under the fee schedule adopted by the Administrator.

12. The Administrator shall adopt regulations prescribing the form in which a list of physicians and chiropractic physicians created by an employer, insurer or third-party administrator pursuant to this section must be maintained. The Administrator shall require that any such list be ~~***[formatted as]***~~ ***in a format which is easily searchable, including, without limitation, an indexed database, a portable document format, a spreadsheet with data that may be filtered, a comma-separated values file*** ~~***[.]***~~ ***or any other comparable format.***

Sec. 5. NRS 616C.090 is hereby amended to read as follows:

616C.090 1. The Administrator shall establish, maintain and update not less frequently than annually on or before July 1 of each year, a panel of physicians and chiropractic physicians who have demonstrated special competence and interest in industrial health to treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS. The Administrator shall maintain the following information relating to each physician and chiropractic physician on the panel:

(a) The name of the physician or chiropractic physician.

(b) The title or degree of the physician or chiropractic physician.

(c) The legal name of the practice of the physician or chiropractic physician and the name under which the practice does business.

(d) The street address of the location of every office of the physician or chiropractic physician.

(e) The telephone number of every office of the physician or chiropractic physician.

(f) Every discipline and specialization practiced by the physician or chiropractic physician.

(g) Every condition and part of the body which the physician or chiropractic physician will treat.

2. Every employer whose insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 shall maintain a list of those physicians and chiropractic physicians on the panel who are reasonably accessible to his or her employees.

3. An injured employee whose employer's insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 may choose a treating physician or chiropractic physician from the panel of physicians and chiropractic physicians. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician from the panel if the choice is made within 90 days after his or her injury. The insurer shall notify the first physician or chiropractic physician in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractic physician must be reimbursed only for the

services the physician or chiropractic physician, as applicable, rendered to the injured employee up to and including the date of notification. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is on the panel. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list.

4. An injured employee whose employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 must choose a treating physician or chiropractic physician pursuant to the terms of that contract. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract without the approval of the insurer if the choice is made within 90 days after his or her injury. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. If the injured employee, after choosing a treating physician or chiropractic physician, moves to a county which is not served by the organization for managed care or providers of health care named in the contract and the insurer determines that it is impractical for the injured employee to continue treatment with the physician or chiropractic physician, the injured employee must choose a treating physician or chiropractic physician who has agreed to the terms of that contract unless the insurer authorizes the injured employee to choose another physician or chiropractic physician. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care pursuant to NRS 616B.527, as appropriate. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list. If the employee fails to select

a physician or chiropractic physician, the insurer may select a physician or chiropractic physician with that specialization. If a physician or chiropractic physician with that specialization is not available pursuant to the terms of the contract, the organization for managed care or the provider of health care may select a physician or chiropractic physician with that specialization.

5. If the injured employee is not satisfied with the physician or chiropractic physician selected by himself or herself or by the insurer, the organization for managed care or the provider of health care pursuant to subsection 4, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract. A change in the treating physician or chiropractic physician may be made at any time but is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the insurer denies a request for a change in the treating physician or chiropractic physician under this subsection, the insurer must include in a written notice of denial to the injured employee the specific reason for the denial of the request.

6. Except when emergency medical care is required and except as otherwise provided in NRS 616C.055, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractic physician or other person selected by the injured employee in disregard of the provisions of this section or for any compensation for any aggravation of the injured employee's injury attributable to improper treatments by such physician, chiropractic physician or other person.

7. The Administrator may order necessary changes in a panel of physicians and chiropractic physicians and shall ~~[suspend]~~ **:**

(a) Suspend or remove any physician or chiropractic physician from a ~~*[:*~~

~~*(a) A]*~~ panel for good cause shown in accordance with NRS 616C.087 ~~[.]~~ ***;*** ~~*[or]*~~ ***and***

(b) ~~*[Being]*~~ ***Remove from being included on a panel as a practitioner of a discipline or specialization*** ~~*[in a list of physicians and chiropractic physicians if the Administrator determines that the]*~~ ***any physician or chiropractic physician who does not accept and treat injured employees*** ~~*[under chapters 616A to 616D, inclusive, or chapter 617 of NRS using]*~~ ***for industrial injuries or occupational diseases in that discipline or specialization.***

8. ***Any interested person may notify the Administrator, on a form prescribed by the Administrator, if the person believes that a physician or chiropractic physician does not accept and treat injured employees:***

(a) Under chapters 616A to 616D, inclusive, or chapter 617 of NRS for industrial injuries or occupational diseases; or

(b) For industrial injuries or occupational diseases in a discipline or specialization for which the physician or chiropractic physician is included on a panel of physicians and chiropractic physicians maintained by the Administrator pursuant to this section.

9. If the Administrator receives notice pursuant to subsection 8, the Administrator shall:

(a) Conduct an investigation to determine whether the physician or chiropractic physician may remain on the panel for a discipline or specialization; and

(b) Publish or cause to be published on the Internet website of the Division not later than 90 days after receiving the notice the results of the investigation.

10. A physician or chiropractic physician who is removed pursuant to paragraph (b) of subsection 7 from a discipline or specialization on a panel may request, on a form prescribed by the Administrator, to be reinstated on a panel for that discipline or specialization if the physician or chiropractic physician demonstrates to the satisfaction of the Administrator that he or she accepts and treats injured employees for that discipline or specialization.

11. An injured employee may receive treatment by more than one physician or chiropractic physician:

(a) If the insurer provides written authorization for such treatment; or

(b) By order of a hearing officer or appeals officer.

~~[9.]~~ ***12.*** The Administrator shall design a form that notifies injured employees of their right pursuant to subsections 3, 4 and 5 to select an alternative treating physician or chiropractic physician and make the form available to insurers for distribution pursuant to subsection 2 of NRS 616C.050.

Sec. 6. NRS 616C.145 is hereby amended to read as follows:

616C.145 1. An injured employee may obtain an independent medical examination:

(a) Except as otherwise provided in subsections 2 and 3, whenever a dispute arises from a determination issued by the insurer regarding the approval of care, the direction of a treatment plan or the scope of the claim;

(b) Within 30 days after an injured employee receives any report generated pursuant to a medical examination requested by the insurer pursuant to NRS 616C.140; or

(c) At any time by leave of a hearing officer or appeals officer after the denial of any therapy or treatment.

2. An injured employee is entitled to an independent medical examination pursuant to paragraph (a) of subsection 1 only:

(a) For a claim for compensation that is open;

(b) When the closure of a claim for compensation is under dispute pursuant to NRS 616C.235; or

(c) When a hearing or appeal is pending pursuant to NRS 616C.330 or 616C.360.

3. An injured employee is entitled to only one independent medical examination per calendar year pursuant to paragraph (a) of subsection 1.

4. Except as otherwise provided in subsection 5, an independent medical examination must not involve treatment and must be conducted by a physician or chiropractic physician selected by the injured employee from the panel of physicians and chiropractic physicians established pursuant to subsection 1 of NRS 616C.090.

5. ~~[If the dispute concerns the rating of a permanent disability,]~~ ***An injured employee is entitled to request*** an independent medical examination ~~[may be conducted by a rating physician or chiropractic physician.]~~ ***pursuant to paragraph (a) of subsection 1 for a permanent partial disability to determine if the injured employee has a ratable impairment or, if the injured employee is seeking to dispute an initial rating ~~[,]~~ determination, to obtain a second rating.*** The injured employee must select the next rating physician or chiropractic physician in rotation from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. ***Nothing in this subsection shall be construed to prohibit an injured employee from obtaining a ~~[second]~~ determination for a permanent partial disability pursuant to NRS 616C.100.***

6. The insurer shall:

(a) Pay the costs of any independent medical examination conducted pursuant to this section in accordance with ~~[NRS 616C.260;]~~ ***subsection 7;*** and

(b) Upon request, receive a copy of any report or other document that is generated as a result of the independent medical examination.

7. ***The rates of reimbursement for an independent medical examination conducted pursuant to this section must be:***

(a) For an independent medical examination other than an independent medical examination conducted pursuant to subsection 5, the rates applicable to independent medical examinations, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

(b) For an independent medical examination conducted pursuant to subsection 5, the rates applicable to a permanent partial disability, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

8. If an injured employee requests an independent medical examination pursuant to subsection 5 to obtain a second rating and the second rating does not result in a higher percentage of disability than the initial rating determination, the insurer may recover the cost of the independent medical examination, determined in accordance with the rates of reimbursement specified in paragraph (b) of subsection 7, from the amount of the award for permanent partial disability that the injured employee is entitled to be paid for that claim pursuant to NRS 616C.490.

9. The provisions of this section do not apply to an independent medical examination ordered by a hearing officer pursuant to subsection 3 of NRS 616C.330 or by an appeals officer pursuant to subsection 3 of NRS 616C.360.

Sec. 6.3. **NRS 616C.266 is hereby amended to read as follows:**

616C.266 1. An insurer, including an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an annual increase in compensation for a permanent total disability to a claimant or a dependent of a claimant pursuant to subsection 2 of NRS 616C.473 is entitled to be reimbursed for the amount of that increase in accordance with this section if the insurer provides to the Administrator all of the following:

(a) The name of the claimant or dependent of a claimant to whom the insurer paid the increase in compensation.

(b) The claim number under which the compensation for a permanent total disability was paid to the claimant or dependent of a claimant.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the permanent total disability of the injured employee.

(d) The date on which the disability of the injured employee was determined or deemed to be total and permanent.

(e) The amount of the compensation for a permanent total disability to which the claimant or dependent of a claimant was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in compensation for a permanent total disability.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the items required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement for payments of increases in compensation for permanent total disability which were made in the immediately preceding calendar year.

3. ~~[An]~~ ***If an*** insurer ~~[may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by]~~ ***complies with subsection 2,*** the Administrator ~~[.]~~ ***shall:***

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. ~~[If]~~ ***A person who is aggrieved by a written determination of*** the Administrator ~~[approves an insurer's request for reimbursement,]~~ ***pursuant to this section may appeal*** the ~~[Administrator must withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in that Account that~~

~~is necessary to reimburse~~] ***determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after*** the [~~insurer or employer for~~] ***date on which*** the [~~cost~~] ***insurer receives notice*** of the [~~increase in compensation paid to claimants and dependents pursuant to subsection 2 of NRS 616C.473. If the income realized from the investment of the assets in the Account is insufficient to pay such reimbursement, the Administrator must pay the remainder of the reimbursement from the assessments levied by the Administrator pursuant to NRS 232.680.~~] ***Administrator's determination.***

5. ***The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.***

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is subject, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in compensation for a permanent total disability pursuant to subsection 1.

8. If an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer, the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement under this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 6.7. **NRS 616C.268 is hereby amended to read as follows:**

616C.268 1. An insurer, including, without limitation, an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an increase in death benefits to a widow, widower, surviving child or surviving dependent parent pursuant to NRS 616C.508 is entitled to be reimbursed for the amount of that increase from the Fund for Workers' Compensation and Safety if the insurer provides to the Administrator all of the following:

(a) The name of the widow, widower, surviving child or surviving dependent parent to whom the insurer paid the increase in death benefits.

(b) The claim number under which death benefits were paid to the widow, widower, surviving child or surviving dependent parent.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the eligibility of the widow, widower, surviving child or surviving dependent parent for death benefits.

(d) The date of the death of the injured employee who is the:

(1) Spouse of the widow or widower;

(2) Parent of the surviving child; or

(3) Child of the surviving dependent parent.

(e) The amount of the death benefit to which the widow, widower, surviving child or surviving dependent parent was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in death benefits.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the information required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement pursuant to this section for payments of increases in death benefits which were made in the immediately preceding calendar year.

3. ~~[An]~~ ***If an*** insurer ~~[may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by]~~ ***complies with subsection 2,*** the Administrator ~~[,]~~ ***shall:***

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. ***A person who is aggrieved by a written determination of the Administrator pursuant to this section may appeal the determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after the date on which the insurer receives notice of the Administrator's determination.***

5. The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is subject, after notice and a hearing

held pursuant to NRS 679B.310 to 679B.370, inclusive, to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in death benefits pursuant to subsection 1.

8. If an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer, the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement made pursuant to this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 7. NRS 616C.490 is hereby amended to read as follows:

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, "disability" and "impairment of the whole person" are equivalent terms.

2. Except as otherwise provided in subsection 3:

(a) Within 30 days after receiving from a physician or chiropractic physician a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractic physician selected pursuant to this subsection to determine the extent of the employee's disability.

(b) Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician:

(1) The insurer shall select the rating physician or chiropractic physician from the list of qualified rating physicians and chiropractic physicians designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

(2) Rating physicians and chiropractic physicians must be selected ~~[in rotation]~~ ***at random*** from the list of qualified physicians and chiropractic physicians designated by the Administrator ~~[, according to their area of specialization and in the order in which their names appear on the list]~~ unless the ~~[next]~~ physician or chiropractic physician ***who is selected*** is currently an employee of the insurer making the selection, in which case ~~[the insurer must select the]~~ ***another random selection must be made until a*** physician or

chiropractic physician ~~[who is next on the list and]~~ who is not currently an employee of the insurer ~~[.]~~ ***is selected.***

(3) A rating physician or chiropractic physician selected pursuant to subparagraph (1) or (2) may decline the selection if he or she believes he or she does not have the ability to rate the disability at issue.

3. Notwithstanding any other provision of law, an injured employee or the legal representative of an injured employee may, at any time, without limitation, request that the Administrator select a rating physician or chiropractic physician from the list of qualified physicians and chiropractic physicians designated by the Administrator. The Administrator, upon receipt of the request, shall immediately select for the injured employee the rating physician or chiropractic physician who is next in rotation on the list, according to the area of specialization.

4. If an insurer contacts a treating physician or chiropractic physician to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractic physician that portion or a summary of that portion of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.

5. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractic physician is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

➥ The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.

6. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180, no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.

7. The rating physician or chiropractic physician shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which the employee is entitled pursuant to this section; or

(b) That the employee is not entitled to benefits for permanent partial disability.

8. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

➥ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

9. Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

10. If there is a previous disability, the percentage of disability for a subsequent injury must be determined pursuant to NRS 616C.099.

11. In the event of a dispute over an award of compensation for permanent partial disability, the insurer shall commence making installment payments to the injured employee for that portion of the award that is not in dispute:

(a) Not later than the date by which such payment is required pursuant to subsection 8 or 9, as applicable; and

(b) Without requiring the injured employee to make an election whether to receive his or her compensation in installment payments or in a lump sum.

12. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

13. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

14. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

15. The Administrator shall prepare and publish on the Internet website of the Division an annual report which contains:

(a) The name of each rating physician or chiropractic physician who was selected in the immediately preceding year to conduct an evaluation to determine the extent of an employee's disability pursuant to this section; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a):

(1) The number of times the rating physician or chiropractic physician was selected to conduct an evaluation to determine the extent of an employee's disability; and

(2) The number of evaluations that the rating physician or chiropractic physician completed.

Sec. 8. NRS 616C.495 is hereby amended to read as follows:

616C.495 1. Except as otherwise provided in NRS 616C.380, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his or her compensation in a lump sum. A claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616C.505, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(d) Any claimant injured on or after July 1, 1995, and before January 1, 2016, who incurs a disability that:

(1) Does not exceed 25 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 25 percent may:

(I) Elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

(II) To the extent that the insurer has offered to provide compensation in a lump sum up to the present value of an award for disability of 30 percent, elect to receive his or her compensation in a lump sum up to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(e) Any claimant injured on or after January 1, 2016, and before July 1, 2017, who incurs a disability that:

(1) Does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent.

If the claimant elects to receive compensation pursuant to this subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(f) Any claimant injured on or after July 1, 2017, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of up to 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(g) If the permanent partial disability rating of a claimant seeking compensation pursuant to this section would, when combined with any previous permanent partial disability rating of the claimant that resulted in an award of benefits to the claimant, result in the claimant having a total permanent partial disability rating in excess of 100 percent, the claimant's disability rating upon which compensation is calculated must be reduced by such percentage as required to limit the total permanent partial disability rating of the claimant for all injuries to not more than 100 percent.

2. If the claimant elects to receive his or her payment for a permanent partial disability in a lump sum pursuant to subsection 1, all of the claimant's benefits for compensation terminate. Except as otherwise provided in paragraph (d), the claimant's acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting the claimant waives all of his or her rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his or her disability, except:

(a) The right of the claimant to:

(1) Reopen his or her claim in accordance with the provisions of NRS 616C.390; or

(2) Have his or her claim considered by his or her insurer pursuant to NRS 616C.392;

(b) Any counseling, training or other rehabilitative services provided by the insurer;

(c) The right of the claimant to receive a benefit penalty in accordance with NRS 616D.120; and

(d) The right of the claimant to conclude or resolve any contested matter which is pending at the time that the claimant executes his or her election to receive his or her payment for a permanent partial disability in a lump sum. The provisions of this paragraph do not apply to:

(1) The scope of the claim;

(2) The claimant's stable and ratable status; and

(3) The claimant's average monthly wage.

3. The claimant, when he or she demands payment in a lump sum pursuant to subsection 2, must be provided with a written notice which prominently displays a statement describing the effects of accepting payment in a lump sum of an entire permanent partial disability award, any portion of such an award

or any uncontested portion of such an award, and that the claimant has 20 days after the mailing or personal delivery of the notice within which to retract or reaffirm the demand, before payment may be made and the claimant's election becomes final.

4. Any lump-sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

5. Except as otherwise provided in this subsection, the total lump-sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his or her permanent partial disability before electing to receive payment for that disability in a lump sum, the lump-sum payment must be calculated for the remaining payment of compensation.

6. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection 8 of NRS 616C.490 and actuarial annuity tables adopted by the Division. The tables must be reviewed annually by a consulting actuary and must be adjusted accordingly on July 1 of each year by the Division using:

(a) The most recent unisex "Static Mortality Tables for Defined Benefit Pension Plans" published by the Internal Revenue Service; and

(b) The average 30-Year Treasury Constant Maturity Rate for March of the current year as reported by the Board of Governors of the Federal Reserve System.

7. ~~***[The]***~~ ***To calculate the present value of a lump sum payable to a claimant, the insurer shall use the*** ~~***[age of the claimant]***~~ ***actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant demands payment in a lump sum*** ***.*** ~~***[to calculate the present value of the lump sum payable.]***~~

8. If a claimant would receive more money by electing to receive compensation in a lump sum than the claimant would if he or she receives installment payments, the claimant may elect to receive the lump-sum payment.

Sec. 9. NRS 616D.140 is hereby amended to read as follows:

616D.140 1. If a person wishes to contest a decision of the Administrator to impose or refuse to impose a benefit penalty pursuant to NRS 616D.120, the person must file a notice of appeal with an appeals officer in accordance with this section. The notice of appeal must set forth the reasons the proposed benefit penalty should or should not be imposed.

2. A person who is aggrieved by:

(a) A written determination of the Administrator; or

(b) The failure of the Administrator to respond within 90 days to a written request mailed to the Administrator by the person who is aggrieved,

➥ may appeal from the determination or failure to respond by filing a request for a hearing before an appeals officer. The request must be filed within 30 days after the date on which the notice of the Administrator's determination was mailed by the Administrator or within ~~[100]~~ ***120*** days after the date on which the unanswered written request was mailed to the Administrator, as applicable. The failure of the Administrator to respond to a written request for a determination within 90 days after receipt of the request shall be deemed by the appeals officer to be a denial of the request. ***After the expiration of the 90-day period after the receipt of the request, the Administrator shall have no further jurisdiction to issue a determination concerning the request*** ~~[.]~~ ***, and only the appeals officer shall have jurisdiction over the decision to impose or refuse to impose the benefit penalty.***

3. If a notice of appeal is not filed as required by this section, the imposition of or refusal to impose the benefit penalty shall be deemed a final order and is not subject to review by any court or agency.

4. A hearing held pursuant to this section must be conducted by the appeals officer as a hearing de novo. The appeals officer shall render a written decision on the appeal. Except as otherwise provided in this section, the provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this section.

5. A benefit penalty imposed pursuant to NRS 616D.120 must be paid to the claimant on whose behalf it is imposed. If such a payment is not made within the period required by NRS 616D.120, the benefit penalty may be recovered in a civil action brought by the Administrator ~~[on behalf of]~~ ***or*** the claimant in a court of competent jurisdiction in the county in which the claimant resides, in which the violation occurred or in which the person who is required to pay the benefit penalty has his or her principal place of business.

6. Any party aggrieved by a decision issued pursuant to this section by an appeals officer may appeal the decision directly to the district court.

Sec. 10. Chapter 684A of NRS is hereby amended by adding thereto a new section to read as follows:

1. All claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS shall be administered by:

(a) A salaried employee of an insurer located in this State;

(b) An adjuster located in or outside this State, who holds a license pursuant to this chapter; or

(c) A person authorized to adjust claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524 acting on behalf of an insurer located in or outside this State.

2. All files relating to a claim filed pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must be made available for inspection:

(a) At the office of an insurer or a third-party administrator located in this State; or

(b) By electronic means.

3. A person who is not located in this State and who administers a claim pursuant to subsection 1 that is filed by a claimant located in this State shall make himself or herself available to communicate in real time with the claimant or a representative of the claimant Monday through Friday, 9 a.m. to 5 p.m. local time in this State, excluding any day declared to be a legal holiday pursuant to NRS 236.015.

4. The provisions of this section do not apply to:

(a) A self-insured employer, as defined by NRS 616A.305;

(b) An association of self-insured private employers, as defined by NRS 616A.050; or

(c) An association of self-insured public employers, as defined by NRS 616A.055.

Sec. 10.5. **NRS 616B.371 is hereby repealed.**

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[10,]~~ **10.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

TEXT OF REPEALED SECTION

616B.371 Association's administrator prohibited from financial interest in third-party administrator; third-party administrator prohibited from financial interest in association's administrator; contractual requirement.

1. An association's administrator employed by an association of self-insured public or private employers, or an employee, officer or director of an association's administrator, may not be an employee, officer or director of a third-party administrator employed by the association or have a direct or indirect financial interest in the third-party administrator of the association.

2. The third-party administrator of an association of self-insured public or private employers, or an employee, officer or director of the third-party administrator, may not be an employee, officer or director of an association's administrator employed by the association or have a direct or indirect financial interest in that association's administrator.

3. Any contract entered into by an association of self-insured public or private employers and a third-party administrator must include a provision which states that, unless the Commissioner otherwise provides, the third-party administrator shall administer any claim or other obligation of the association to its conclusion during the period of the contract.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 444.

SUMMARY—~~[~~Requires the~~]~~ **Revises provisions relating to persons licensed by the** Board of Medical Examiners **.** ~~[~~to take certain actions in response to certain complaints against a licensee.~~]~~ (BDR 54-1055)

AN ACT relating to medical professions; requiring the Board of Medical Examiners to ~~[~~notify an appropriate law enforcement agency of~~]~~ **take certain actions in response to** a complaint alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care has committed any act constituting ~~[~~a felony;~~]~~ **domestic violence or sexual assault; requiring a law enforcement agency to notify the Board of a report alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care committed any act constituting domestic violence or sexual assault;** requiring the Board to **adopt regulations setting forth circumstances under which the Board is required to** summarily suspend, pending a formal hearing, the license of a physician, perfusionist, physician assistant or practitioner of respiratory care ~~[~~who is alleged to have committed any act constituting a felony which is the same as or substantially similar to an act alleged in an earlier~~]~~ **in response to a** complaint ~~[~~against the licensee;~~]~~ **or a series of complaints;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes any person to file with the Board of Medical Examiners a complaint against a physician, perfusionist, physician assistant or practitioner of respiratory care. (NRS 630.307) **Section 2** of this bill requires the Board to ~~[~~notify an appropriate law enforcement agency if the Board receives~~]~~ **ask a person who files** a complaint alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care committed any act which, if proven, would constitute ~~[~~a felony.~~]~~ **domestic violence or sexual assault whether the person wishes to pursue a criminal investigation of the allegation. If so, section 2 requires the Board to take certain actions to notify and direct the person to an appropriate law enforcement agency. Section 2 also requires a law enforcement agency to notify the Board of any report received by the law enforcement agency alleging that a physician, perfusionist, physician assistant or practitioner of respiratory care has committed an act which, if proven, would constitute domestic violence or sexual assault. Section 3.5 of this bill provides that such a law enforcement agency and any of its employees are**

immune from any civil action for providing such a notification to the Board. **Section 1** of this bill makes a conforming change to refer to provisions that have been renumbered by this bill.

If an investigation by the Board regarding a licensed physician, perfusionist, physician assistant or practitioner of respiratory care reasonably determines that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm, existing law authorizes the Board to summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal complaint against the licensee. (NRS 630.326) **Section 3** of this bill requires the Board to **adopt regulations setting forth circumstances under which the Board, in response to a complaint or series of complaints, is required to** summarily suspend the license of a licensee pending the conclusion of a hearing to consider a formal complaint against the licensee**.** ~~[, if the Board receives a complaint that alleges the licensee committed any act which, if proven, would constitute a felony and which is the same as or substantially similar to an act that was the subject of a prior complaint against the same licensee.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;

(b) Establish by regulation standards for licensure under this chapter;

(c) Conduct examinations for licensure and establish a system of scoring for those examinations;

(d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against any licensee for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections 3 and ~~[6]~~ ***7*** of NRS 630.307 and NRS 690B.250; and

(c) Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.

➥ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.

Sec. 2. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against a physician, perfusionist, physician assistant
or practitioner of respiratory care on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice that is based on:

(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant or practitioner of respiratory care.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division of Public and Behavioral Health determines that any such facility or society failed to comply with the requirements of subsection 3 or 4, the Division may impose an administrative

fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. ~~[The]~~ ***If the Board*** ~~[shall notify an appropriate law enforcement agency of any]~~ ***receives a complaint*** ~~[received by the Board]~~ ***that alleges that a physician, perfusionist, physician assistant or practitioner of respiratory care has committed any act which, if proven, would constitute*** ~~[a felony.]~~ ***domestic violence pursuant to NRS 33.018 or sexual assault pursuant to NRS 200.366, the Board shall ask the person who filed the complaint, if the identity of the person is known, if he or she wishes to pursue a criminal investigation of the allegation in the complaint. If so, the Board shall:***

(a) Provide to an appropriate law enforcement agency the information contained in the complaint; and

(b) Direct the person to and, to the best of the Board's ability, connect the person with, the law enforcement agency to which the Board provides the information in the complaint pursuant to paragraph (a).

7. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

~~[7.]~~ ***8. A law enforcement agency shall notify the Board of any report received by the law enforcement agency that alleges that a physician, perfusionist, physician assistant or practitioner of respiratory care has committed an act which, if proven, would constitute domestic violence pursuant to NRS 33.018 or sexual assault pursuant to NRS 200.366.***

9. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 3. NRS 630.326 is hereby amended to read as follows:

630.326 1. If an investigation by the Board regarding a physician, perfusionist, physician assistant or practitioner of respiratory care reasonably determines that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm, the Board may summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal complaint against the licensee. The order of summary suspension may be issued only by the Board or an investigative committee of the Board.

2. ~~*[If the]*~~ ***The*** Board ~~*[receives]*~~ ***shall adopt regulations setting forth circumstances under which the Board, in response to a complaint filed with the Board pursuant to NRS 630.307*** ~~*[alleging that]*~~ ***is required to summarily suspend the license of a physician, perfusionist, physician assistant or practitioner of respiratory care*** ~~*[has committed any act which, if proven, would constitute a felony and which is the same as or substantially similar to an act that was the subject of a prior complaint against the same licensee, the Board shall summarily suspend the license of the licensee]*~~ ***pending the conclusion of a hearing to consider a formal complaint against the licensee. Such regulations may, without limitation, require the Board to summarily suspend the license of a licensee in response to:***

(a) A complaint alleging that a licensee committed certain acts specified by the Board;

(b) A certain number of complaints filed against the licensee over a certain period of time specified by the Board; or

(c) Any combination of the circumstances described in paragraphs (a) and (b).

3. If the Board or an investigative committee of the Board issues an order summarily suspending the license of a physician, perfusionist, physician assistant or practitioner of respiratory care pursuant to subsection 1 ~~*[,]*~~ ***or the regulations adopted pursuant to subsection 2,*** the Board shall hold a hearing not later than 60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held pursuant to this section, the Board shall reinstate the license of the licensee.

~~*[3.]*~~ ***4.*** If the Board or an investigative committee of the Board issues an order summarily suspending the license of a licensee pursuant to subsection 1 ***or the regulations adopted pursuant to subsection 2*** and the Board requires the licensee to submit to a mental or physical examination or an examination testing his or her competence to practice, the examination must be conducted and the results obtained not later than 30 days after the order is issued.

Sec. 3.5. **NRS 630.364 is hereby amended to read as follows:**

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith in accordance with the provisions of this chapter ***, including, without limitation, a law enforcement agency and any of its employees who notify the Board pursuant to subsection 8 of NRS 630.307,*** is immune from any civil action for furnishing that information.

2. The Board and any of its members and its staff, counsel, investigators, experts, peer reviewers, committees, panels, hearing officers, consultants and the employees or volunteers of a diversion program are immune from any civil liability for:

(a) Any decision or action taken in good faith in response to information acquired by the Board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the State, the Attorney General, any hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

3. Except as otherwise provided in subsection 4, the Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against a physician for:

(a) Disclosing to a governmental entity a violation of any law, rule or regulation by an applicant for a license to practice medicine or by a physician; or

(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.

4. A physician who discloses information to or cooperates with a governmental entity pursuant to subsection 3 with respect to the violation of any law, rule or regulation by the physician is subject to investigation and any other administrative or disciplinary action by the Board under the provisions of this chapter for such violation.

5. As used in this section:

(a) "Diversion program" means a program approved by the Board to correct a licensee's alcohol or other substance use disorder or any other impairment.

(b) "Governmental entity" includes, without limitation:

(1) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(2) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(3) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(4) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(5) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 4. **1.** This **section becomes effective upon passage and approval.**

2. Sections 1 to 3.5, inclusive, of this act ~~[becomes]~~ **become** effective ~~[on]~~ **:**

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023 ~~[.]~~ **, for all other purposes.**

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 339.

AN ACT relating to child welfare; establishing various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights; **revising certain provisions concerning the State Register for Adoptions;** requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; requiring an agency which provides child welfare services to provide certain training for its personnel; requiring the Division and the Court Administrator to submit certain reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary; authorizing the Supreme Court and the Court Administrator to adopt certain rules; repealing certain unnecessary provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., was enacted in 1978 to protect Indian children from the removal from their homes and families and gives Indian tribes jurisdiction over the Indian children within their tribe. Existing Nevada law recognizes the jurisdiction of Indian tribes in various proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights. (NRS 3.223, 62D.210, 125A.215, 127.010, 127.018, 128.020, 128.023, 432B.410, 432B.425) This bill establishes various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

Sections ~~[2-39]~~ **2-38** of this bill establish provisions concerning proceedings in which the legal or physical custody of an Indian child is an issue. **Section 2** of this bill explains the legislative intent of **sections** ~~[2-39.]~~ **2-38. Sections** ~~[4-17]~~ **3.5-17** of this bill define terms for the purposes of **sections** ~~[2-39.]~~ **2-38. Section 18** of this bill provides that a person has custody of an Indian child if the person has physical or legal custody of the Indian child under any applicable tribal law, tribal custom or state law. ~~[Section 18 also sets forth the persons who have or are presumed to have continued custody of an Indian child. Section 19 of this bill establishes the circumstances in which a man's parentage of an Indian child is acknowledged or established.]~~

Section 20 of this bill requires a court to consider certain factors, in consultation with the Indian child's tribe, when making a determination regarding the best interests of the Indian child in a child custody proceeding.

Section 21 of this bill establishes the order of priority for the domicile of an Indian child.

Section 22 of this bill requires the ~~[Division of Child and Family Services of the Department of Health and Human Services (hereinafter "Division")]~~ **appropriate agency which provides child welfare services** to: (1) provide assistance with enrolling an Indian child who is a child in need of protection or who may be in need of protection in a tribe with which the child is eligible for enrollment unless the Indian child's parent objects; and (2) notify the Indian child's parent of his or her right to object to such assistance from the ~~[Division.]~~ **agency.**

Section 23 of this bill sets forth the manner in which the tribe of an Indian child is determined for purposes of a child custody proceeding involving the Indian child and, if the Indian child is a member of or eligible for membership with more than one tribe, requires the court to designate the tribe with which the Indian child has the more significant contacts by considering certain factors.

Section 24 of this bill requires a court to: (1) determine, in any child custody proceeding involving an Indian child, the residence and domicile of the Indian child and whether he or she is a ward of a tribal court; and (2) communicate with any tribal courts to the extent necessary to make such determinations.

Section 25 of this bill requires ~~[the Division]~~ **agencies which provide child welfare services** to make a good faith effort to enter into a tribal-state agreement with any Indian tribe in Nevada and authorizes ~~[the Division]~~ **such agencies** to enter into a tribal-state agreement with any Indian tribe outside of Nevada if the tribe has significant numbers of Indian children who reside in Nevada and are members of or eligible for membership with the tribe. **Section 25** also establishes provisions concerning the contents of and requirements regarding such tribal-state agreements.

Section 26 of this bill provides that the jurisdiction of a court in a child custody proceeding involving an Indian child is concurrent with the jurisdiction of the tribe of the Indian child. **Section 26** also establishes the circumstances in which the tribe of an Indian child has exclusive jurisdiction in such cases **.** ~~[or can limit a court's exercise of jurisdiction.]~~

Section 27 of this bill requires, in general, a court to transfer a child custody proceeding involving an Indian child if the parent, Indian custodian or tribe of the Indian child petitions the court to transfer the proceeding to tribal court. **Section 27** also ~~[sets forth the circumstances in which transfer of the proceeding is inappropriate and]~~ establishes various other provisions regarding such a transfer and the denial of such a transfer by the court. **Section 28** of this bill sets forth the actions that a court is required to take upon granting a transfer motion under **section 27**.

Section 29 of this bill establishes requirements for certain persons and the court with regard to determining whether a child is an Indian child in child custody proceedings.

Section 30 of this bill ~~[requires that in an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and contact any tribe of which the child is or may be a member. Section 30]~~ provides that in a child custody proceeding, if a person is required to determine whether a child is an Indian child, the person is required to make a good faith effort to make such a determination by consulting ~~[, at a minimum,]~~ with certain persons. **Section 30** also establishes the circumstances in which a court or person has reason to know that a child is an Indian child and imposes certain requirements on a court concerning the procedure for verifying whether a child is an Indian child.

Section 31 of this bill ~~[provides]~~ **requires the person taking a child into protective custody in an emergency proceeding to make a good faith effort to determine whether there is reason to know** that **the child is an Indian child and,** if there is reason to know ~~[in an emergency proceeding]~~ that ~~[a]~~ **the** child is an Indian child, the ~~[Division]~~ **appropriate agency which provides child welfare services** is required, if the nature of the emergency allows, to notify any tribe of which the child is or may be a member and provide certain information, including a statement that the tribe has a right to participate in the proceeding as a party or in an advisory capacity. **Section 31** also imposes certain requirements relating to: (1) the provision of notice of a child custody proceeding if there is reason to know that a child alleged to be within the court's jurisdiction is an Indian child; and (2) the hearing ~~[requiring such notice.]~~ **regarding the proceeding.**

Section 32 of this bill provides that if a court finds at a hearing in a child custody proceeding that ~~[there is reason to know that]~~ a child is an Indian child, at least one qualified expert witness must testify regarding certain information. If a qualified witness is required to testify, **section 32** requires the petitioner in the proceeding to contact the tribe of the Indian child and request that the tribe identify one or more persons who can testify as a qualified witness. Additionally, **section 32** authorizes a court to hear supplemental testimony from certain professionals.

Section 33 of this bill provides that if ~~[there is reason to know that]~~ a child in a child custody proceeding is an Indian child and active efforts, which are efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family, are required, the court is required to determine whether active efforts have been made to prevent the breakup of or to reunite the family. **Section 33** establishes requirements relating to active efforts **.** ~~[and sets forth actions that may be included in active efforts.]~~

Section 34 of this bill authorizes a tribe that is a party to a proceeding to be represented by any person, regardless of whether the person is licensed to practice law. **Section 34** also authorizes an attorney who is not barred from practicing law in Nevada to appear in any proceeding involving an Indian child

without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that certain requirements are met.

Section 35 of this bill provides that in a proceeding involving a child who is or may be in need of protection, if ~~[there is reason to know that]~~ the child is an Indian child, the court is required to appoint counsel to represent the Indian child and, in certain circumstances, also appoint counsel to represent the Indian child's parent or Indian custodian. **Section 35** also authorizes an attorney who is appointed to represent an Indian child to inspect certain records of the Indian child without the consent of the Indian child or his or her parent or Indian custodian.

Section 36 of this bill authorizes each party in a child custody proceeding in which ~~[there is reason to know that]~~ the child is an Indian child to timely examine all reports and documents held by ~~[the Division]~~ **an agency which provides child welfare services** that are not otherwise subject to a discovery exception or precluded under state or federal law.

Section 37 of this bill establishes requirements concerning the: (1) least restrictive setting in which an Indian child must be placed if the parental rights of the Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care; and (2) placement of an Indian child if the parental rights of the Indian child's parents have been terminated ~~[or]~~ **and** the Indian child is in need of ~~[a guardianship or]~~ **an** adoptive placement. **Section 37** also authorizes the alternative placement of an Indian child in certain circumstances.

Section 38 of this bill authorizes certain persons to file a petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights in a pending child custody proceeding under **sections** ~~[2-39]~~ **2-38** or, if no proceeding is pending, in any court with jurisdiction over the matter. **Section 38** requires the court to vacate an order or judgment regarding jurisdiction, placement, guardianship or the termination of parental rights if certain provisions of **sections** ~~[2-39]~~ **2-38** have been violated and the court determines that vacating the order or judgment is proper.

~~[Section 39 of this bill requires the court, upon a motion, to determine whether an Indian child who is asserted to be a child in need of protection or who may be in need of protection has been improperly removed or retained after a visit or temporary relinquishment of custody. If the court finds that the child was improperly removed or retained, section 39 requires the court to order the Division to immediately return the Indian child to his or her parent or Indian custodian and dismiss the proceeding unless dismissing the proceeding would subject the child to substantial and immediate danger or a threat of substantial and immediate danger.]~~

Sections 42-50 of this bill establish provisions specifically relating to the adoption of Indian children. **Section 42** of this bill provides that a petition for adoption of a child must include certain contents concerning whether there is reason to know that the child who is the subject of the petition is an Indian

child and requires a petitioner who has reason to know that the child is an Indian child to serve copies of the petition on certain persons and file with the court a declaration of compliance concerning such notice. **Section 43** of this bill **: (1)** requires **written** consent to the adoption of an Indian child to be given by ~~[certain persons, depending on the circumstances,]~~ **the Indian child's parents unless their parental rights have been terminated; (2)** establishes requirements concerning such consent **;** and **(3)** authorizes the withdrawal of such consent. ~~[Section 44 of this bill establishes the procedure to be followed when a parent does not consent to the adoption of an Indian child.]~~

Section 45 of this bill establishes provisions concerning the entry of a judgment for the adoption of a child, including certain requirements relating to the adoption of an Indian child. **Section 46** of this bill authorizes the filing of a petition to vacate a judgment of adoption of an Indian child and requires the court to vacate the judgment if the petition is timely filed and the **court finds by clear and convincing evidence that the** consent of a parent to the adoption was obtained through fraud or duress. **Section 47** of this bill requires a court to provide notice to certain persons **and the appropriate agency which provides child welfare services** if a judgment of adoption of an Indian child is vacated ~~[or the adoptive parent voluntarily consents to the termination of parental rights]~~ and, unless the return of custody of the Indian child to a former parent or prior Indian custodian or the restoration of parental rights is not in the best interests of the child, return custody of the Indian child to the former parent or prior Indian custodian or restore parental rights.

Section 48 of this bill requires that access to the adoption records of an Indian child be given to the Indian child's tribe or the United States Secretary of the Interior not later than 14 days after the request for such records.

Section 49 of this bill requires the ~~[Division]~~ **appropriate agency which provides child welfare services** to file with the court in a proceeding for the adoption of a minor child a written compliance report that reflects the ~~[Division's]~~ **agency's** review of the petition for adoption and advises the court on whether the petitioner submitted complete and sufficient documentation relating to the petitioner's compliance with the inquiry and notice requirements and placement preferences. **Section 49** requires the Division **of Child and Family Services of the Department of Health and Human Services (hereinafter "Division")** to adopt regulations providing a nonexhaustive description of the documentation that may be submitted to the court as evidence of such compliance and any other regulations for the preparation of such compliance reports that are necessary for ~~[the Division]~~ **agencies which provide child welfare services** to carry out ~~[its]~~ **their** duties. **Section 49** also authorizes the Court Administrator to prepare and make available to the public certain forms and information to assist petitioners and to design and offer trainings to courts having jurisdiction over adoption matters.

Section 50 of this bill establishes provisions governing tribal customary adoption, which is the adoption of an Indian child by and through the tribal custom, traditions or law of the child's tribe without the termination of parental

rights. **Section 50** requires the Division to adopt certain regulations concerning tribal customary adoption and authorizes: (1) the Supreme Court to adopt rules necessary for the court processes to implement the provisions relating to tribal customary adoption; and (2) the Court Administrator to prepare necessary forms for the implementation of the provisions relating to tribal customary adoption. **Section 73** of this bill requires the Division to submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the implementation of tribal customary adoption as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

~~[Section 63 of this bill establishes provisions concerning the voluntary placement of a child who is in need of protection with a public or private institution or agency by a parent or guardian of the child and requires that if the Division has reason to know the child is an Indian child, the voluntary placement agreement must be executed in person before, and be approved by, the court.]~~

Section 51.5 of this bill revises certain provisions concerning the State Register for Adoptions, which is maintained by the Division in its central office.

Section 65 of this bill requires the Division to adopt regulations necessary for the implementation of **sections ~~[~~2-39~~]~~ 2-38 and 42-50**.

Section 67 of this bill requires an agency which provides child welfare services to provide training for its personnel regarding the requirements of **sections ~~[~~2-39~~]~~ 2-38 and 42-50**.

Sections 40, 51-62 and 64-70 of this bill make conforming changes to provisions of existing law to reflect the changes made in **sections ~~[~~2-39.~~]~~ 2-38. Section 78** of this bill repeals certain provisions of existing law that are no longer necessary because of the provisions of **sections ~~[~~2-39.~~]~~ 2-38.**

Section 72 of this bill requires the Division and the Court Administrator to submit biennial reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary containing certain data relating to Indian children in dependency proceedings. **Section 76** of this bill authorizes the Court Administrator to adopt any rules necessary to implement **sections ~~[~~2-39~~]~~ 2-38 and 42-50**.

WHEREAS, Current research shows that family, culture and community promote resiliency and health development in Indian children; and

WHEREAS, Congress, working with tribal nations, tribal leadership and advocates for Indian children, passed the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., in 1978 to stop the removal of Indian children from their homes, families and communities; and

WHEREAS, At the time Congress passed the Indian Child Welfare Act, Indian children were being removed by public and private agencies at rates as high as 25 percent to 35 percent; and

WHEREAS, Indian children continue to be removed from their homes at rates higher than other non-Indian children; and

WHEREAS, Despite requirements under the Indian Child Welfare Act, application of the Indian Child Welfare Act in Nevada courts is inconsistent; and

WHEREAS, Clearly addressing in state law the coordination between and respective roles of the state and tribes regarding the provision of child welfare services to Indian children will provide uniform and consistent direction to state courts, tribes and practitioners to prevent unlawful removals of Indian children from their families and promote the stable placement of Indian children in loving, permanent homes that are connected to family and culture; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to ~~[39,]~~ **38,** inclusive, of this act.

Sec. 2. ***1. The Legislature hereby finds that the United States Congress recognizes the special legal status of Indian tribes and their members. It is the policy of this State to protect the health and safety of Indian children and the stability and security of Indian tribes and families by promoting practices designed to prevent the removal of Indian children from their families and, if removal is necessary and lawful, to prioritize the placement of an Indian child with the Indian child's extended family and tribal community.***

2. This State recognizes the inherent jurisdiction of Indian tribes to make decisions regarding the custody of Indian children and also recognizes the importance of ensuring that Indian children and Indian families receive appropriate services to obviate the need to remove an Indian child from the Indian child's home and, if removal is necessary and lawful, to effect the child's safe return home.

3. Sections 2 to ~~[39,]~~ 38, inclusive, of this act create additional safeguards for Indian children to address disproportionate rates of removal, to improve the treatment of and services provided to Indian children and Indian families in the child welfare system and to ensure that Indian children who must be removed are placed with Indian families, communities and cultures.

Sec. 3. ***As used in sections 2 to ~~[39,]~~ 38, inclusive, of this act, the words and terms defined in sections ~~[4]~~ 3.5 to 17, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3.5. "Agency" means an agency which provides child welfare services, as defined in NRS 432B.030.

Sec. 4. ***"Child custody proceeding" means a matter in which the legal custody or physical custody of an Indian child is an issue, including, without***

limitation, a matter arising under chapter 125A, 127, 128 or 432B of NRS. The term does not include an emergency proceeding.

Sec. 5. ***"Division" means the Division of Child and Family Services of the Department of Health and Human Services.***

Sec. 6. ***"Emergency proceeding" means any court action that involves the emergency removal or emergency placement of an Indian child, with or without a protective custody order.***

Sec. 7. ***"Extended family member" has the meaning given that term by the law or custom of an Indian child's tribe or, if that meaning cannot be determined, means a person who has attained 18 years of age and who is the Indian child's grandparent, aunt, uncle, brother, sister, sister-in-law, brother-in-law, niece, nephew, first cousin, second cousin, stepparent or another person determined by the Indian child's tribe, clan or band member.***

Sec. 8. ***"Indian" means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1606.***

Sec. 9. ***"Indian child" means any unmarried person who has not attained 18 years of age and is:***

1. A member or citizen of an Indian tribe; or

2. Eligible for membership or citizenship in an Indian tribe and is the biological child of a member of an Indian tribe.

Sec. 10. ***"Indian custodian" means an Indian, other than the Indian child's parent, who has custody, as described in subsection 1 of section 18 of this act, of the Indian child, or to whom temporary physical care, custody and control has been transferred by the Indian child's parent.***

Sec. 11. ***"Indian tribe" or "tribe" means any Indian tribe, band, nation or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the United States Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).***

Sec. 12. ***"Juvenile court" has the meaning ascribed to it in NRS 62A.180.***

Sec. 13. ***"Member" or "membership" means a determination by an Indian tribe that a person is a member or citizen in that Indian tribe.***

Sec. 14. ***"Parent" means:***

1. A biological parent of an Indian child;

2. An Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom; or

3. A ~~***[mom whose parentage has been acknowledged or]***~~ ***person who has established*** ~~***[under section 19 of this act.]***~~ ***a parent and child relationship with an Indian child pursuant to the laws of this State.***

Sec. 15. ***"Party" means a party to a proceeding.***

Sec. 16. ***"Reservation" means Indian country as defined in 18 U.S.C. § 1151 and any lands not covered under that section, the title to which is held by the United States in trust for the benefit of an Indian tribe or person or***

held by an Indian tribe or person subject to a restriction by the United States against alienation.

Sec. 17. *"Tribal court" means a court with jurisdiction over child custody proceedings that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings.*

Sec. 18. *1. A person has custody of an Indian child under sections 2 to ~~[39,]~~ 38, inclusive, of this act if the person has physical custody or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.*

2. An Indian child's parent has continued custody of the Indian child if the parent currently has, or previously had, custody of the Indian child.

~~[3. For purposes of sections 2 to 39, inclusive, of this act, the following persons are presumed to have continued custody of an Indian child:~~

~~(a) The Indian child's biological mother.~~

~~(b) A man who is married to the Indian child's biological mother.~~

~~(c) A man whose parentage has been acknowledged or established as described in section 19 of this act.]~~

Sec. 19. *~~[1. A man's parentage of an Indian child is acknowledged or established for purposes of sections 2 to 39, inclusive, of this act and chapters 125A, 127, 128 and 432B of NRS if the man's parentage has been:~~*

~~(a) Established under subsection 2 of NRS 126.041;~~

~~(b) Established under tribal law;~~

~~(c) Recognized in accordance with tribal custom; or~~

~~(d) Openly proclaimed by the man, orally or in writing, to the court, the Indian child's family, the Division or an adoption agency licensed in this State and the man's paternity is confirmed in accordance with this section.~~

~~2. If a man acknowledges paternity of an Indian child to the Division or an adoption agency as provided in paragraph (d) of subsection 1, the Division or adoption agency shall notify the court of the man's acknowledgement immediately or, if a matter is not yet pending in this State, immediately upon filing a petition or being served with a copy of a petition alleging that the child is within the jurisdiction of the court.~~

~~3. Not later than 30 days after receiving the oral or written acknowledgment of the man under paragraph (d) of subsection 1 or receiving notice under subsection 2 of the man's acknowledgment, the court shall order tests for the typing of blood or taking of specimens for genetic identification in accordance with NRS 126.121. If any person fails to comply with an order of the court for such tests within a reasonable period, the court shall consider the person to have refused to submit to the test for the purposes of NRS 126.121.~~

~~4. If the tests ordered pursuant to subsection 3 do not confirm the man's paternity or if the man has refused to consent to the tests, the man's~~

~~*parentage has not been acknowledged or established for purposes of subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 20. *In a child custody proceeding involving an Indian child, when making a determination regarding the best interests of the child in accordance with sections 2 to ~~[39,]~~ 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS, the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., or any applicable regulations or rules regarding sections 2 to ~~[39,]~~ 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:*

1. The protection of the safety, well-being, development and stability of the Indian child;

2. The prevention of unnecessary out-of-home placement of the Indian child;

3. The prioritization of placement of the Indian child in accordance with the placement preferences under section 37 of this act;

4. The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and

5. The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.

Sec. 21. *For purposes of sections 2 to ~~[39,]~~ 38, inclusive, of this act:*

1. A person's domicile is the place the person regards as home, where the person intends to remain or to which, if absent, the person intends to return.

2. An Indian child's domicile is, in order of priority, the domicile of:

(a) The Indian child's parents or, if the Indian child's parents do not have the same domicile, the Indian child's parent who has physical custody of the Indian child;

(b) The Indian child's Indian custodian; or

(c) The Indian child's guardian.

Sec. 22. *1. Unless an Indian child's parent objects, the ~~[Division]~~ appropriate agency shall provide assistance with enrolling an Indian child within the jurisdiction of the juvenile court under NRS 432B.410 in a tribe with which the child is eligible for enrollment.*

2. In any child custody proceeding under chapter 432B of NRS, if the ~~[Division determines that there is reason to know that the child is an Indian child and the Division]~~ appropriate agency reasonably believes that the Indian child is eligible for enrollment in a tribe, the ~~[Division]~~ agency shall notify the Indian child's ~~[parent]~~ parents of ~~[his or her]~~ their right to object to the ~~[Division's]~~ agency's assistance under subsection 1. The provision of notice pursuant to this subsection is deemed to be satisfied by sending the notice to the last known mailing address of each of the Indian child's parents.

Sec. 23. *1. In a child custody proceeding in which an Indian child is alleged to be within the jurisdiction of the court, the Indian child's tribe is:*

(a) If the Indian child is a member of or is eligible for membership in only one tribe, the tribe of which the Indian child is a member or eligible for membership.

(b) If the Indian child is a member of one tribe but is eligible for membership in one or more other tribes, the tribe of which the Indian child is a member.

(c) If the Indian child is a member of more than one tribe or if the Indian child is not a member of any tribe but is eligible for membership with more than one tribe:

(1) The tribe designated by agreement between the tribes of which the Indian child is a member or in which the Indian child is eligible for membership; or

(2) If the tribes are unable to agree on the designation of the Indian child's tribe, the tribe designated by the court.

2. When designating an Indian child's tribe under subparagraph (2) of paragraph (c) of subsection 1, the court shall, after a hearing, designate the tribe with which the Indian child has the more significant contacts, taking into consideration the following:

(a) The preference of the Indian child's parent;

(b) The duration of the Indian child's current or prior domicile or residence on or near the reservation of each tribe;

(c) The tribal membership of the Indian child's custodial parent or Indian custodian;

(d) The interests asserted by each tribe;

(e) Whether a tribe has previously adjudicated a case involving the Indian child; and

(f) If the court determines that the Indian child is of sufficient age and capacity to meaningfully self-identify, the self-identification of the Indian child.

3. If an Indian child is a member of or is eligible for membership in more than one tribe, the court may, in its discretion, permit a tribe, in addition to the Indian child's tribe, to participate in a proceeding under chapter 432B of NRS involving the Indian child in an advisory capacity or as a party.

Sec. 24. *In any child custody proceeding based on allegations that an Indian child is within the jurisdiction of the court, the court must determine the residence and domicile of the Indian child and whether the Indian child is a ward of tribal court. The court shall communicate with any tribal courts to the extent necessary to make a determination under this section.*

Sec. 25. *1.* ~~*[The Division]*~~ *Agencies shall make a good faith effort to enter into a tribal-state agreement with any Indian tribe within the borders of this State.* ~~*[The Division]*~~ *Agencies may also enter into a tribal-state agreement with any Indian tribe outside of this State having significant*

numbers of member children or membership-eligible children residing in this State.

2. The purposes of a tribal-state agreement are to promote the continued existence and integrity of the Indian tribe as a political entity and to protect the vital interests of Indian children in securing and maintaining political, cultural and social relationships with their tribe.

3. A tribal-state agreement may include agreements regarding default jurisdiction over cases in which the state courts and tribal courts have concurrent jurisdiction, the transfer of cases between state courts and tribal courts, the assessment, removal, placement, custody and adoption of Indian children and any other child welfare services provided to Indian children.

4. A tribal-state agreement must:

(a) Provide for the cooperative delivery of child welfare services to Indian children in this State, including, without limitation, the utilization, to the extent available, of services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population to implement the terms of the tribal-state agreement; and

(b) If services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population are unavailable, provide for ~~[the Division's]~~ an agency's use of community services and resources developed specifically for Indian families that have the demonstrated experience and capacity to provide culturally relevant and effective services to Indian children.

Sec. 26. *1. Except as otherwise provided in this section, the court's jurisdiction in a child custody proceeding involving an Indian child is concurrent with the Indian child's tribe.*

2. ~~[If a tribe is not subject to Public Law 83-280, the]~~ The tribe has exclusive jurisdiction in a child custody proceeding involving an Indian child if:

(a) The Indian child is a ward of a tribal court of the tribe; or

(b) The Indian child resides or is domiciled within the reservation of the tribe.

3. ~~[An Indian tribe subject to Public Law 83-280 may limit the court's exercise of jurisdiction over an Indian child by entering into a tribal-state agreement described in section 25 of this act. The court shall decline to exercise its jurisdiction over an Indian child who is a ward of a tribal court or who resides or is domiciled within the reservation of a tribe if:~~

~~(a) The tribe has entered into a tribal-state agreement in which the State has agreed to decline jurisdiction; and~~

~~(b) The tribal-state agreement provides that the tribe has default jurisdiction over those cases.~~

~~4. If the court declines to exercise its jurisdiction under subsection 3, the court shall coordinate with the tribal court to facilitate the tribal court's assumption of jurisdiction. Except as otherwise provided in subsection 5, the court shall:~~

~~*(a) Allow the Indian child's parent, Indian custodian or tribe to participate in any communications under this subsection with a tribal court or, if the person is unable to participate in a communication, provide the person with an opportunity to represent facts and legal arguments supporting the position of the person before the court makes a decision regarding jurisdiction;*~~

~~*(b) Create records of any communications under this subsection;*~~

~~*(c) Notify the Indian child's parent, Indian custodian or tribe in advance of each communication; and*~~

~~*(d) Provide the Indian child's parent, Indian custodian or tribe with access to the record of the communications.*~~

~~*5.]*~~ ***Communications between the court and a tribal court regarding calendars, court records and similar matters may occur without informing the parties or creating a record of the communications.***

~~*[6.]*~~ ***4.*** ***Notwithstanding the provisions of this section, the juvenile court has temporary exclusive jurisdiction over an Indian child who is placed in protective custody pursuant to chapter 432B of NRS.***

~~*[7.]*~~ ***5.*** ***As used in this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.***

Sec. 27. ***1. Except as otherwise provided in subsection ~~[5,]~~ 4, the court shall transfer a child custody proceeding involving an Indian child if, at any time during the proceeding, the Indian child's parent, Indian custodian or tribe petitions the court to transfer the proceeding to the tribal court.***

2. Upon receipt of a transfer motion, the court shall contact the Indian child's tribe and request a timely response regarding whether the tribe intends to decline the transfer.

3. ~~[Transfer of the proceeding is inappropriate if:~~

~~*(a) The Indian child's tribe has declined the transfer;*~~

~~*(b) One or both of the Indian child's parents object to the transfer; or*~~

~~*(c) Good cause exists to deny the transfer.*~~

~~*4.]*~~ ***If a party objects to the transfer motion for good cause, the court shall fix the time for hearing on objections to the motion. At the hearing, the objecting party has the burden of proof of establishing by clear and convincing evidence that good cause exists to deny the transfer. If the Indian child's tribe contests the assertion that good cause exists to deny the transfer, the court shall give the tribe's argument substantial weight. When making a determination whether good cause exists to deny the transfer motion, the court may not consider:***

(a) Whether the proceeding is at an advanced stage;

(b) Whether there has been a prior proceeding involving the Indian child in which a transfer motion was not filed;

(c) Whether the transfer could affect the placement of the Indian child;

(d) The cultural connections of the Indian child with the tribe or the tribe's reservation; or

(e) The socioeconomic conditions of the Indian child's tribe or any negative perception of tribal or United States Bureau of Indian Affairs' social services or judicial systems ***. [; or***

(f) Whether the transfer serves the best interests of the Indian child.

5.] ***4.*** *The court shall deny the transfer motion if:*

(a) The tribe declines the transfer orally on the record or in writing;

(b) The Indian child's parent objects to the transfer; or

(c) The court finds by clear and convincing evidence, after hearing, that good cause exists to deny the transfer.

[6.] ***5.*** *Notwithstanding paragraph (b) of subsection* ***[5,]*** ***4,*** *the objection of the Indian child's parent does not preclude the transfer if:*

(a) The objecting parent dies or the objecting parent's parental rights are terminated and have not been restored; and

(b) The Indian child's remaining parent, Indian custodian or tribe files a new transfer motion subsequent to the death of the objecting parent or the termination of the parental rights of the objecting parent.

[7.] ***6.*** *If the court denies a transfer under this section, the court shall document the basis for the denial in a written order.*

Sec. 28. *Upon granting a transfer motion under section 27 of this act, the court shall expeditiously:*

1. Notify the tribal court of the pending dismissal of the child custody proceeding;

2. Transfer all information regarding the proceeding, including, without limitation, pleadings and court records, to the tribal court;

3. If the Indian child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, direct the ***[Division]*** ***appropriate agency*** *to:*

(a) Coordinate with the tribal court and the Indian child's tribe to ensure that the transfer of the proceeding and the transfer of custody of the Indian child is accomplished with minimal disruption of services to the Indian child and the Indian child's family; and

(b) Provide the Indian child's tribe with documentation related to the Indian child's eligibility for state and federal assistance and information related to the Indian child's social history, treatment diagnosis and services and other relevant case and service related data; and

4. Dismiss the proceeding upon confirmation from the tribal court that the tribal court received the transferred information.

Sec. 29. *Notwithstanding any other provision of law and in addition to any other requirements, in any child custody proceeding:*

1. Each petitioner and every other person otherwise required by the court or by any ***applicable*** *law* ***[, regulation or rule]*** *shall:*

(a) Determine whether there is reason to know that the child is an Indian child; and

(b) Demonstrate to the court that he or she made efforts to determine whether a child is an Indian child.

2. The court shall:

(a) Make a finding regarding whether there is reason to know that the child is an Indian child, unless the court has previously found that the child is an Indian child; and

(b) Not enter ~~[an]~~ a custody order in the matter until all applicable inquiry and notice requirements set forth in sections 2 to ~~[39,]~~ 38, inclusive, of this act have been met.

Sec. 30. *1. ~~[In an emergency proceeding, the person taking the child into protective custody shall make a good faith effort to determine whether there is reason to know that the child is an Indian child and to contact by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member to determine the child's affiliation.~~*

~~2.]~~ Except ~~[as provided in subsection 1 or]~~ if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, ~~[at a minimum,]~~ without limitation, by consulting with:

(a) The child;

(b) The child's parent or parents;

(c) Any person having custody of the child or with whom the child resides;

(d) Extended family members of the child;

(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in an Indian tribe; and

(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.

~~[3.]~~ 2. A court or person has reason to know that a child is an Indian child if:

(a) The person knows that the child is an Indian child;

(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;

(c) Any person present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court or the person that the child is an Indian child or that information has been discovered indicating that the child is an Indian child;

(d) The child indicates to the court or the person that the child is an Indian child;

(e) The court or the person is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;

(f) The court or the person is informed that the child is or has been a ward of a tribal court;

(g) The court or the person is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe;

(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or

(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.

~~[4.]~~ 3. Except as otherwise provided in section 49 of this act, whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 ~~[or 2, as appropriate,]~~ and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.

~~[5.]~~ 4. If the court finds under subsection ~~[4]~~ 3 that there is:

(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the ~~[child be treated as an Indian child]~~ inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.

(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.

~~[6.]~~ 5. If the court finds under subsection ~~[4]~~ 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the ~~[Division]~~ appropriate agency or other party to submit a report, declaration or testimony on the record that the ~~[Division]~~ agency or other party used due diligence to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.

~~[7.]~~ 6. A person making an inquiry under ~~[subsection 1 or 2]~~ this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential if the proceeding arises under chapter 432B of NRS or a consenting parent in an adoption proceeding requests anonymity. A request from a consenting parent for anonymity does not relieve the court or any party in an adoption proceeding from the duty to verify whether the child is an Indian child.

Sec. 31. *1. In an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that ~~[a]~~ the child is an Indian child and the nature of the emergency allows, the ~~[Division]~~ appropriate agency shall notify by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member. Notification under this subsection must include the basis for the child's removal, the time, date and place of the initial hearing and a statement that the tribe has the right to participate in the proceeding as a party or in an advisory capacity.*

2. Except as provided in subsection 1, if there is reason to know that a child in a child custody proceeding who is alleged to be within the court's jurisdiction is an Indian child and notice is required, the party providing notice shall:

(a) Promptly send notice of the proceeding as described in subsection 3; and

(b) File a copy of each notice sent pursuant to this section with the court, together with any return receipts or other proof of service.

3. Notice under subsection 2 must be:

(a) Sent to:

(1) Each tribe of which the child may be a member or of which the Indian child may be eligible for membership; or

(2) ~~[The child's parents;~~

~~(3) The child's Indian custodian, if applicable; and~~

~~(4)]~~ The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's ~~[parents, Indian custodian or]~~ tribe cannot be ascertained.

(b) Sent by registered or certified mail, return receipt requested.

(c) In clear and understandable language and include the following:

(1) The child's name, date of birth and , if known, place of birth;

(2) To the extent known:

(I) All names, including maiden, married and former names or aliases, of the child's parents, the places of birth of the child's parents' and tribal enrollment numbers; and

(II) The names, dates of birth, places of birth and tribal enrollment information of other direct lineal ancestors of the child;

(3) The name of each Indian tribe of which the child is a member or in which the Indian child may be eligible for membership;

(4) If notice is required to be sent to the appropriate Regional Director of the United States Bureau of Indian Affairs under subparagraph ~~[(4)]~~ (2) of paragraph (a), to the extent known, information regarding the child's direct lineal ancestors, an ancestral chart for each biological parent, and the child's tribal affiliations and blood quantum;

(5) ~~[A]~~ In a child custody proceeding, a copy of the petition or motion initiating the proceeding and, if a hearing has been scheduled, information on the date, time and location of the hearing;

(6) The name of the petitioner and the name and address of the attorney of the petitioner;

(7) In a proceeding under chapter 432B of NRS:

(I) A statement that the child's parent or Indian custodian has the right to participate in the proceeding as a party to the proceeding;

(II) A statement that the child's tribe has the right to participate in the proceeding as a party or in an advisory capacity;

(III) A statement that if the court determines that the child's parent or Indian custodian is unable to afford counsel, the parent or Indian custodian has the right to court-appointed counsel; and

(IV) A statement that the child's parent, Indian custodian or tribe has the right, upon request, to up to 20 additional days to prepare for the proceeding;

(8) A statement that the child's parent, Indian custodian or tribe has the right to petition the court to transfer the child custody proceeding to the tribal court;

(9) A statement describing the potential legal consequences of the proceeding on the future parental and custodial rights of the parent or Indian custodian;

(10) The mailing addresses and telephone numbers of the court and contact information for all parties to the proceeding ; ~~[and persons notified under this section;]~~ and

(11) A statement that the information contained in the notice is confidential and that the notice should not be shared with any person not needing the information to exercise rights under sections 2 to ~~[39,]~~ 38, inclusive, of this act.

4. If there is a reason to know that the Indian child's parent or Indian custodian has limited English proficiency , ~~[and may not understand the contents of the notice under subsection 2,]~~ the court must provide language access services as required by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and other applicable federal and state laws. If the court is unable to secure translation or interpretation support, the court shall contact or direct a party to contact the Indian child's tribe or the local office of the United States Bureau of Indian Affairs for assistance identifying a qualified translator or interpreter.

5. ~~[A]~~ If a child is known to be an Indian child, a hearing ~~[that requires notice under subsection 2]~~ may not be held until at least 10 days after the ~~[latest of]~~ receipt of the notice by the Indian child's ~~[parent, Indian custodian or]~~ tribe or, if applicable, the United States Bureau of Indian Affairs. Upon request, the court shall grant the Indian child's parent, Indian custodian or tribe up to 20 additional days from the date upon which notice was received by the ~~[parent, Indian custodian or]~~ tribe to prepare for

participation in the hearing. Nothing in this subsection prevents a court at an emergency proceeding before the expiration of the waiting period described in this subsection from reviewing the removal of an Indian child from the Indian child's parent or Indian custodian to determine whether the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child.

Sec. 32. ***1. In any child custody proceeding that requires the testimony of a qualified expert witness, the petitioner shall contact the Indian child's tribe and request that the tribe identify one or more persons meeting the criteria described in subsection 3 or 4. The petitioner may also request the assistance of the United States Bureau of Indian Affairs in locating persons meeting the criteria described in subsection 3 or 4.*** ~~***[The petitioner shall file a declaration with the court describing the efforts the petitioner made under this subsection to identify a qualified expert witness.]***~~

2. At a hearing in a child custody proceeding, if the court has found that ~~***[there is reason to know that]***~~ ***a child is an Indian child, at least one qualified expert witness must testify regarding*** ~~***[:***~~

~~***(a) Whether]***~~ ***whether*** ***the continued custody of the Indian child by the child's parent or custody by the child's Indian custodian is likely to result in serious emotional or physical damage to the Indian child*** ***.*** ~~***[; and***~~

~~***(b) The prevailing social and cultural standards and child rearing practices of the Indian child's tribe.]***~~

3. A person is a qualified expert witness under this section if the Indian child's tribe has designated the person as being qualified to testify to the prevailing social and cultural standards of the tribe.

4. If the Indian child's tribe has not identified a qualified expert witness, the following persons, in order of priority, may testify as a qualified expert witness:

(a) A member of the Indian child's tribe or another person who is recognized by the tribe as knowledgeable about tribal customs regarding family organization or child rearing practices;

(b) A person having substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

(c) Any person having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural standards and child rearing practices in Indian tribes with cultural similarities to the child's tribe.

5. In addition to testimony from a qualified expert witness, the court may hear supplemental testimony regarding information described in subsection 2 from a professional having substantial education and experience in the area of the professional's specialty.

6. No petitioning party, employees of the petitioning party or an employee of ~~[the Division]~~ an agency may serve as a qualified expert witness or a professional under this section.

Sec. 33. *1. If ~~[there is reason to know that]~~ a child in a child custody proceeding is an Indian child and active efforts are required, the court must determine whether active efforts have been made to prevent the breakup of the family or to reunite the family.*

2. Active efforts require a higher standard of conduct than reasonable efforts.

3. Active efforts must:

(a) Be documented in detail in writing and on the record;

(b) If the child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, include assisting the Indian child's parent or parents or Indian custodian through the steps of a case plan ; ~~[and with accessing or developing the resources necessary to satisfy the case plan;]~~

(c) Include , to the extent possible, providing assistance ~~[in a manner consistent with the prevailing social and cultural standards and way of life]~~ with the cooperation of the Indian child's tribe;

(d) Be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians and tribe; and

(e) Be tailored to the facts and circumstances of the case.

4. ~~[Active efforts may include, as applicable, the following:~~

~~(a) Conducting a comprehensive assessment of the circumstances of the Indian child's family, with a focus on reunification as the most desirable goal;~~

~~(b) Identifying appropriate services and helping the Indian child's parents overcome barriers to reunification, including actively assisting the parents in obtaining the identified services;~~

~~(c) Identifying, notifying and inviting representatives of the Indian child's tribe to participate in providing support and services to the Indian child's family and in family team meetings, permanency planning, resolution of placement issues, reviews or other case management related meetings;~~

~~(d) Conducting or causing to be conducted a diligent search for the Indian child's extended family members, contacting and consulting with the Indian child's extended family members and adult relatives to provide family structure and support for the Indian child and the Indian child's parents;~~

~~(e) Offering and employing culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the Indian child's tribe;~~

~~(f) Taking steps to keep the Indian child and the Indian child's siblings together whenever possible;~~

~~(g) Supporting regular visits with the Indian child's parent or Indian custodian in the most natural setting possible, as well as trial home visits~~

~~*during any period of removal, consistent with the need to ensure the health, safety and welfare of the Indian child;*~~

~~*(h) Identifying community resources, including, without limitation, housing, financial assistance, employment training, transportation, mental health, health care, substance abuse prevention and treatment, parent training, transportation and peer support services and actively assisting the Indian child's parents or, when appropriate, the Indian child's extended family members, in utilizing and accessing those resources;*~~

~~*(i) Monitoring progress and participation of the Indian child's parents, Indian custodian or extended family members in the services as described in paragraphs (b), (c), (e) and (h);*~~

~~*(j) Considering alternative options to address the needs of the Indian child's parents and, where appropriate, the Indian child's extended family members, if the services as described in paragraphs (b), (c), (e) and (h) are not available;*~~

~~*(k) Providing post-reunification services and monitoring while the Indian child is within the juvenile court's jurisdiction; and*~~

~~*(l) Any other efforts that are appropriate to the Indian child's circumstances.*~~

~~*5.]*~~ *As used in this section, "active efforts" means efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family.*

Sec. 34. *1. Notwithstanding the provisions of NRS 7.285, a tribe that is a party to a child custody proceeding may be represented by any person, regardless of whether the person is licensed to practice law.*

2. An attorney who is not barred from practicing law in this State may appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that:

(a) The attorney will appear in a court in this State for the limited purpose of participating in a proceeding under chapter 432B of NRS subject to the provisions of sections 2 to ~~[39,]~~ 38, inclusive, of this act;

(b) The attorney represents an Indian child's parent, Indian custodian or tribe; and

(c) The Indian child's tribe has affirmed the Indian child's membership or eligibility for membership under tribal law.

3. An Indian custodian or tribe may notify the court, orally on the record or in writing, that the Indian custodian or tribe withdraws as a party to the proceeding.

Sec. 35. *1. If ~~[there is reason to know that]~~ a child in a proceeding under chapter 432B of NRS is an Indian child:*

(a) The court shall appoint counsel to represent the Indian child.

(b) If the Indian child's parent or Indian custodian requests counsel to represent the parent or Indian custodian but is without sufficient financial means to employ suitable counsel possessing skills and experience

commensurate with the nature of the petition and the complexity of the case, the court shall appoint suitable counsel to represent the Indian child's parent or Indian custodian if the parent or Indian custodian is determined to be financially eligible for the appointment of such counsel.

2. Except as otherwise provided in this subsection, upon presentation of the order of appointment under this section by the attorney for the Indian child, any agency, hospital, school organization, division or department of this State, doctor, nurse or other health care provider, psychologist, psychiatrist, law enforcement agency or mental health clinic shall permit the attorney for the Indian child to inspect and copy any records of the Indian child involved in the case, without the consent of the Indian child or the Indian child's parent or Indian custodian. This subsection does not apply to records of a law enforcement agency relating to an ongoing investigation before bringing charges.

Sec. 36. ***1. In any child custody proceeding, if ~~[there is reason to know that]~~ the child is an Indian child, each party has the right to timely examine all reports or other documents held by ~~[the Division]~~ an agency that are not otherwise subject to a discovery exception or precluded under state or federal law.***

2. The preservation of confidentiality under this section does not relieve the court or any petitioners in an adoption proceeding from the duty to comply with the placement preferences under section 37 of this act if the child is an Indian child.

Sec. 37. ***1. Except as otherwise provided in subsection 3, if the parental rights of an Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care, the child must be placed in the least restrictive setting that:***

(a) Most closely approximates a family, taking into consideration sibling attachment;

(b) Allows the Indian child's special needs, if any, to be met;

(c) Is in reasonable proximity to the Indian child's home, extended family or siblings; and

(d) Is in accordance with the order of preference established by the Indian child's tribe or, if the Indian child's tribe has not established placement preferences, is in accordance with the following order of preference:

(1) A member of the Indian child's extended family;

(2) A foster home licensed, approved or specified by the Indian child's tribe;

(3) A foster home licensed or approved by a licensing authority in this State and in which one or more of the licensed or approved foster parents is an Indian; or

(4) An institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization.

2. Except as otherwise provided in subsection 3, if the parental rights of the Indian child's parents have been terminated ~~[or if an]~~ and the Indian child is in need of ~~[a guardianship or]~~ an adoptive placement, the Indian child shall be placed:

(a) In accordance with the order of preference established by the Indian child's tribe; or

(b) If the Indian child's tribe has not established placement preferences, according to the following order of preference:

(1) With a member of the Indian child's extended family;

(2) With other members of the Indian child's tribe; or

(3) With other Indian families.

3. ~~[A party may move the court for authority to make a placement contrary to the placement preferences of subsection 1 or 2. The motion must detail the reasons the party asserts that good cause exists for placement contrary to the placement preferences established by subsection 1 or 2. Upon the filing of an objection to a motion under this subsection, the court shall fix the time for hearing on the objections.]~~ If an Indian child is placed outside of the placement preferences set forth in subsection 1 or 2, the party placing the child shall file a motion requesting that the court make a finding that good cause exists for placement outside of such placement preferences. If the court determines that the moving party has established, by clear and convincing evidence, that there is good cause to depart from the placement preferences under this section, the court may authorize placement in an alternative placement. The court's determination under this subsection:

(a) Must be in writing and be based on:

(1) The preferences of the Indian child;

(2) The presence of a sibling attachment that cannot be maintained through placement consistent with the placement preferences established by subsection 1 or 2;

(3) Any extraordinary physical, mental or emotional needs of the Indian child that require specialized treatment services if, despite active efforts, those services are unavailable in the community where families who meet the placement preferences under subsection 1 or 2 reside; or

(4) Whether, despite a diligent search, a placement meeting the placement preferences under this section is unavailable, as determined by the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(b) Must, in applying the placement preferences under this subsection, give weight to a parent's request for anonymity if the placement is an adoptive placement to which the parent has consented.

(c) May be informed by but not determined by the placement request of a parent of the Indian child, after the parent has reviewed the placement

options, if any, that comply with the placement preferences under this section.

(d) May not be based on:

(1) The socioeconomic conditions of the Indian child's tribe;

(2) Any perception of the tribal or United States Bureau of Indian Affairs social services or judicial systems;

(3) The distance between a placement meeting the placement preferences under this section that is located on or near a reservation and the Indian child's parent; or

(4) The ordinary bonding or attachment between the Indian child and a nonpreferred placement arising from time spent in the nonpreferred placement.

~~***[4. The court, on the court's own motion or on the motion of any party, shall make a determination under section 38 of this act regarding the Indian child's placement if the court or the moving party has reason to believe that the child was placed contrary to the placement preferences of subsection 1 or 2 without good cause. A motion under this subsection may be made orally on the record or in writing.]***~~

Sec. 38. ***1. A petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights may be filed in a pending child custody proceeding involving the Indian child or, if none, in any court of competent jurisdiction by:***

(a) The Indian child who was alleged to be within the jurisdiction of the court;

(b) The Indian child's parent or Indian custodian from whose custody such child was removed or whose parental rights were terminated; or

(c) The Indian child's tribe.

2. The court shall vacate an order or judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights if the court determines that any provision of section 26 or 27, subsection 2 or 5 of section 31, paragraph (a) or (b) of subsection 3 of section 31, subsection 1 of section 35 or section 36 of this act or, if required, subsection 2 of section 32 or section 33 or 37 of this act has been violated and the court determines it is appropriate to vacate the order or judgment.

3. If the vacated order or judgment resulted in the removal or placement of the Indian child, the court shall order the child immediately returned to the Indian child's parent or Indian custodian and the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

4. If the vacated order or judgment terminated parental rights, the court shall order the previously terminated parental rights to be restored.

5. If the State or any other party affirmatively asks the court to reconsider the issues under the vacated order or judgment, the court's findings or determinations must be readjudicated.

6. As used in this section, "termination of parental rights" includes, without limitation, the involuntary termination of parental rights under chapter 128 or 432B of NRS . ~~for the termination of parental rights resulting from an adoption proceeding under chapter 127 of NRS.~~]

Sec. 39. ~~[1. The juvenile court, on the court's own motion or on the motion of any party, shall expeditiously determine whether an Indian child asserted to be within the jurisdiction of the juvenile court under NRS 432B.410 has been improperly removed or improperly retained following a visit or temporary relinquishment of custody. A motion under this section may be made orally on the record or in writing.~~

~~2. If the court finds that the Indian child has been improperly removed or improperly retained, the court shall order the Division to immediately return the Indian child to the child's parent or Indian custodian and dismiss the proceeding, unless the court determines by clear and convincing evidence that doing so would subject the child to substantial and immediate danger or a threat of substantial and immediate danger.]~~ **(Deleted by amendment.)**

Sec. 40. NRS 125A.215 is hereby amended to read as follows:

125A.215 1. ~~[A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., is not subject to the provisions of this chapter to the extent that the proceeding is governed by the Indian Child Welfare Act.~~

~~2.]~~ A court of this state shall treat ~~[a]~~ ***an Indian*** tribe as if it were a state of the United States for the purpose of applying NRS 125A.005 to 125A.395, inclusive.

~~[3.]~~ ***2.*** A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of the provisions of this chapter must be recognized and enforced pursuant to NRS 125A.405 to 125A.585, inclusive.

Sec. 41. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 42 to 50, inclusive, of this act.

Sec. 42. ***1. In addition to the requirements set forth in NRS 127.110, a petition for adoption of a child must contain:***

(a) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, of the petitioner's good faith efforts described in subsection ~~[2]~~ 1 of section 30 of this act, to determine whether there is reason to know that the child is an Indian child;

(b) A statement as to whether the petitioner has reason to know that the child is an Indian child; and

(c) If the petitioner has reason to know that the child is an Indian child:

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, showing that the proposed adoptive placement complies with the requirements under section 37 of this act; or

(2) A statement that the petitioner is moving the court under subsection 3 of section 37 of this act for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of section 37 of this act.

2. A petition for adoption of a child must, if applicable, request the following:

(a) A finding that the petitioner complied with the inquiry requirements under subsection ~~[2]~~ 1 of section 30 of this act;

(b) A finding of whether there is reason to know that the child is an Indian child;

(c) If the court finds that ~~[there is reason to know that]~~ the child is an Indian child:

(1) The determinations required under section 24 of this act regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act; and

(3) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if not, that upon the petitioner's motion under subsection 3 of section 37 of this act, good cause exists for placement contrary to the placement preferences in section 37 of this act.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) ~~[The child's parents;~~

~~(3) The child's Indian custodian, if applicable;~~

~~(4)]~~ The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

~~[(5)]~~ (3) The ~~[Administrator of the Division.]~~ appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 43. *1. If a petition for adoption of a child concerns the adoption of an Indian child, except as otherwise provided in subsection ~~[5]~~ 4 and unless the ~~[court determines that consent is not required,]~~ parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by ~~[:~~*

~~(a) The]~~ the Indian child's parents ~~. [, or the survivor of the parents.~~

~~(b) If the Indian child has no living parent, the Indian child's guardian or Indian custodian.~~

~~(c) If the Indian child has no living parent, guardian or Indian custodian, the next of kin in this State.~~

~~Consent under this subsection is valid only as to the person giving consent.]~~ Such written consent must be filed with the court.

2. ~~[If both of the Indian child's parents are living but only one of the Indian child's parents consents to the adoption:~~

~~(a) The petitioner must demonstrate to the court that the petitioner has made active efforts, as described in section 33 of this act to prevent the breakup of the family or to reunite the family;~~

~~(b) The petitioner, in accordance with section 44 of this act, shall serve on the nonconsenting parent a summons and a motion and order to show cause why the proposed adoption should not be ordered without the nonconsenting parent's consent; and~~

~~(c) The objections of the nonconsenting parent, if any, must be heard if appearance is made.~~

~~3.]~~ An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court ~~[and filing the consent with the court. The consent must clearly set out the conditions to the consent, if any.~~

~~4.]~~ on the record.

3. Before the execution of a parent's consent under subsection ~~[3,]~~ 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the judgment of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

~~[5.]~~ 4. After the execution of a parent's consent under subsection ~~[3,]~~ 2, the court shall certify that the court made the explanation under subsection ~~[4]~~ 3 and that the parent fully understood the explanation.

~~[6.]~~ 5. At any time before the entry of a judgment of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement ~~[and order that the Indian child be returned to the parent or Indian custodian as soon as practicable.~~

~~7. This section does not apply when consent is given in loco parentis.~~

~~8.]~~ *to regain custody and control of the Indian child. A parent who withdraws his or her consent may petition the court for the return of the child.*

6. As used in this section, "parent" has the meaning ascribed to it in section 14 of this act.

Sec. 44. ~~*[1. If a parent of an Indian child does not consent to the adoption of the child pursuant to section 43 of this act, the petitioner shall serve the parent with a summons and a true copy of a motion and order to show cause why the proposed adoption should not be ordered without the parent's consent. The summons and the motion and order to show cause need not contain the names of the adoptive parents.*~~

~~*2. In addition to the service required pursuant to subsection 1, the petitioner shall serve by registered or certified mail, return receipt requested, copies of the motion and order to show cause, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, on:*~~

~~*(a) Each tribe of which the child may be a member or in which the child may be eligible for membership;*~~

~~*(b) The child's parents;*~~

~~*(c) The child's Indian custodian, if applicable; and*~~

~~*(d) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained.*~~

~~*3. The petitioner shall file a declaration of compliance under penalty of perjury that includes:*~~

~~*(a) A statement describing the efforts the petitioner made in accordance with section 33 of this act to prevent the breakup of the family or to reunite the family; and*~~

~~*(b) A copy of each notice of proceeding the petitioner served as required under subsection 2, together with any return receipts or other proof of service.*~~

~~*4. A summons under this section must contain:*~~

~~*(a) A statement that an adoption petition has been filed and that, if the parent fails to file a written answer to the motion and order to show cause within the time provided, the court, without further notice and in the parent's absence, may take any action that is authorized by law, including, without limitation, entering a judgment of adoption of the child if the court determines, on the date the answer is required or on a future date, that:*~~

~~*(1) Consent of the parent is not required;*~~

~~*(2) The adoption is in the best interests of the child; and*~~

~~*(3) The nonconsenting parent's continued custody of the child is likely to result in serious emotional or physical damage to the child.*~~

~~*(b) A statement that:*~~

~~*(1) The parent must file with the court a written answer to the motion and order to show cause within 30 days after the date on which the parent is served with the summons; and*~~

~~*(2) In the answer, the parent must inform the court and the petitioner of the parent's telephone number or contact telephone number and the parent's current residence, mailing or contact address in the same state as the parent's home.*~~

~~*(c) A notice that, if the parent answers the motion and order to show cause, the court:*~~

~~*(1) Will schedule a hearing to address the motion and order to show cause and, if appropriate, the adoption petition;*~~

~~*(2) Will order the parent to appear personally; and*~~

~~*(3) May schedule other hearings related to the petition and may order the parent to appear personally.*~~

~~*(d) A notice that the parent has the right to be represented by an attorney.*~~

~~*(e) A statement that the parent has the responsibility to maintain contact with the parent's attorney and to keep the attorney advised of the parent's whereabouts.*~~

~~*5. A parent who is served with a summons and a motion and order to show cause under this section shall file with the court a written answer to the motion and order to show cause within 30 days after the date on which the parent is served with the summons. In the answer, the parent shall inform the court and the petitioner of the parent's telephone number or contact telephone number and current address.*~~

~~*6. If the parent requests the assistance of appointed counsel and the court determines that the parent is financially eligible, the court shall appoint an attorney to represent the parent.*~~

~~*7. Upon receiving the petitioner's declaration of compliance under subsection 3, the court shall order that the motion and order to show cause may proceed if the court finds that the petitioner satisfied the inquiry requirements under subsection 2 of section 30 of this act and, if applicable, the notice requirements under subsection 2 of section 31 of this act.*~~

~~*8. If the court finds that the petitioner failed to satisfy the inquiry requirements under subsection 2 of section 30 of this act or, if applicable, the notice requirements under subsection 2 of section 31 of this act or if the documentation is insufficient for the court to make those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended declaration of compliance. The court shall order the petitioner to appear and show cause why the court should not deny the motion and order to show cause if the petitioner fails to file the amended declaration of compliance within a reasonable amount of time.*~~

~~*9. The court shall offer to order mediation through the Division, or if there is mutual party agreement to private mediation and to the party assumption of costs, through other mediation services, between the Indian*~~

~~*child's parents, the Indian child's tribe and the proposed adoptive placement.*~~

~~*10. If a parent files a written answer as required under subsection 5, the court shall, by oral order made on the record or by written order provided to the parent in person or mailed to the parent at the address provided by the parent:*~~

~~*(a) Inform the parent of the time, place and purpose of the next hearing or hearings related to the motion and order to show cause or the adoption petition;*~~

~~*(b) Require the parent to appear personally at the next hearing or hearings related to the motion and order to show cause or the adoption petition; and*~~

~~*(c) Inform the parent that, if the parent fails to appear as ordered for any hearing related to the motion and order to show cause or the adoption petition, the court, without further notice and in the parent's absence, may take any action that is authorized by law, including, without limitation, entering a judgment of adoption of the child on the date specified in the order or on a future date, without the consent of the parent.*~~

~~*11. If the parent's answer indicates the parent's consent to the adoption, the court may not accept the consent unless the consent meets the requirements set forth in section 43 of this act.*~~

~~*12. If a parent fails to file a written answer as required in subsection 5 or fails to appear for a hearing related to the motion and order to show cause or the petition as ordered by the court, the court may, without further notice to the parent and in the parent's absence, take any action that is authorized by law, including, without limitation, entering a judgment of adoption of the child without the consent of the parent if the court finds on the date the answer is required or on a future date, the action to be in the child's best interests.*~~

~~*13. Notwithstanding any other provision of law, the court may not enter a judgment of adoption of an Indian child without the consent of the parent unless:*~~

~~*(a) The court has offered the parties the opportunity to participate in mediation as required under subsection 9;*~~

~~*(b) If requested by the tribe, an agreement is in place that requires the proposed adoptive placement to maintain connection between the child and the child's tribe;*~~

~~*(c) The court determines that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;*~~

~~*(d) The court determines that evidence, including the testimony of one or more qualified expert witnesses under section 32 of this act, establishes beyond a reasonable doubt that the continued custody of the child by the nonconsenting parent is likely to result in serious emotional or physical damage to the child and that the petitioner's active efforts under section 33 of this act to reunite the Indian family did not eliminate the necessity for*~~

~~*termination of the nonconsenting parent's parental rights based on serious emotional or physical damage to the child; and*~~

~~*(c) The court finds that the adoptive placement complies with the placement preferences under section 37 of this act, or, if not, the court finds, upon the petitioner's motion under subsection 3 of section 37 of this act, that good cause exists for placement contrary to the placement preferences in section 37 of this act.*~~

~~*14. The evidence under paragraph (d) of subsection 13 must show a causal relationship between the particular conditions in the Indian child's home and the likelihood that the nonconsenting parent's continued custody of the Indian child will result in serious emotional or physical damage to the Indian child who is the subject of the adoption proceeding. Evidence that shows the existence of community or family poverty, isolation, single parenthood, custodian age, crowded or inadequate housing, substance use or nonconforming social behavior does not, by itself, establish a causal relationship as required by this subsection.*~~

~~*15. If the child has no living parent and no guardian or next of kin in this State qualified to appear in behalf of the child, the court may order any notice to be given as the court deems necessary or proper.*~~

~~*16. The child's tribe or Indian custodian may intervene at any time as a matter of right.]*~~ **(Deleted by amendment.)**

Sec. 45. ***1. If, upon a petition for adoption of a child duly presented and consented to, the court is satisfied as to the identity and relations of the persons, that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption be effected, a judgment shall be made setting forth the facts and ordering that from the date of the judgment, the child, for all legal intents and purposes, is the child of the petitioner.***

2. A judgment entered under this section must include:

(a) A finding that the petitioner complied with the inquiry requirements under subsection ~~*[2]*~~ ***1 of section 30 of this act to determine whether there is reason to know that the child is an Indian child; and***

(b) A finding that the child is or is not an Indian child.

3. In an adoption of an Indian child, the judgment must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) ~~*[The]*~~ ***If known, the names and addresses of the biological parents;***

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under section 24 of this act;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;

(h) If ~~[an agency consented to the adoption in loco parentis]~~ the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if the placement does not comply with the placement preferences under section 37 of this act, a finding upon the petitioner's motion under subsection 3 of section 37 of this act that good cause exists for placement contrary to the placement preferences.

4. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

5. Upon entry of the judgment of adoption of an Indian child, the court shall provide to the United States Secretary of the Interior copies of the judgment entered under this section and any document signed by a consenting parent requesting anonymity.

Sec. 46. *1. A petition to vacate a judgment of adoption of an Indian child under this chapter ~~[or chapter 432B of NRS]~~ may be filed in a court of competent jurisdiction by a parent who consented to the adoption.*

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the judgment of adoption if:

(a) The petition is filed not later than ~~[4]~~ 2 years following the date of the judgment; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates a judgment of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a ~~[transition]~~ plan for the physical custody of the Indian child ~~[.]~~ , whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 47. *1. If a judgment of adoption of an Indian child under this chapter ~~[or chapter 432B of NRS]~~ is vacated, ~~[or the adoptive parent has voluntarily consented to the termination of parental rights,]~~ the court vacating the judgment ~~[or terminating the parental rights]~~ must notify, by registered or certified mail with return receipt requested, the Indian child's*

former parents, prior Indian custodian, if any, and Indian tribe [.] and the appropriate agency which provides child welfare services.

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child , if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of a judgment of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If a judgment of adoption of an Indian child under this chapter [or chapter 432B of NRS] is vacated other than as provided in section 38 of this act , [or the adoptive parent of the Indian child has voluntarily consented to the termination of parental rights,] an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of section 31 of this act to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

~~[(b)]~~ (c) The child's parents;

~~[(c)]~~ (d) The child's Indian custodian, if applicable; and

~~[(d)]~~ (e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in section 20 of this act. ~~[The]~~ If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the legal parent of an Indian child subject to a judgment of adoption under this chapter ~~[or chapter 432B of NRS]~~ and whose parental rights have not been restored under section ~~[39 or]~~ 46 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian ~~[child's Indian custodian before entry of]~~ child subject to a judgment of adoption of the child under this chapter. ~~[or chapter 432B of NRS.]~~

Sec. 48. *1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.*

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceeding, the complete record of the placement finding and, if the placement departs from the placement preferences under section 37 of this act, detailed documentation of the efforts to comply with the placement preferences.

Sec. 49. *1. In a proceeding for the adoption of a minor child, within 90 days after service of a petition upon the ~~[Administrator of the Division]~~ appropriate agency which provides child welfare services as required pursuant to section 42 of this act, the ~~[Division]~~ agency shall file with the court an ICWA compliance report, which must reflect the ~~[Division's]~~ agency's review of the petition and advise the court on whether the*

documentation submitted by the petitioner is sufficient and complete for the court to make the findings required pursuant to subsection 2. Nothing in this section requires the ~~[Division]~~ agency to make a determination of law regarding the documentation provided by the petitioner.

2. Upon receiving an ICWA compliance report, the court shall order the matter to proceed if the court finds that the petitioner satisfied the inquiry requirements under subsection ~~[2]~~ 1 of section 30 of this act and, if applicable, the notice requirements under subsection 2 of section 31 of this act. If the court finds that:

(a) Subject to the procedures under subsection ~~[4]~~ 3 of section 30 of this act, ~~[there is reason to know that]~~ the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under section 37 of this act. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of section 37 of this act, for authority to make the placement contrary to the placement preferences under section 37 of this act.

(b) The petitioner failed to satisfy the inquiry requirements under subsection ~~[2]~~ 1 of section 30 of this act or, if applicable, the notice requirements under subsection 2 of section 31 of this act, or if the documentation supplied by the petitioner is insufficient for the court to make those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry requirements under subsection ~~[2]~~ 1 of section 30 of this act and notice requirements under subsection 2 of section 31 of this act and the placement preferences under section 37 of this act, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection ~~[2]~~ 1 of section 30 of this act and subsection 3 of section 31 of this act and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection ~~[2]~~ 1 of section 30 of this act and subsection 3 of section 31 of this act;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 42 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for ~~[the Division]~~ agencies which provide child welfare services to carry out ~~[its]~~ their duties under this chapter.

5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the requirements under this section and sections 30, 31, 37 and 42 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 42 of this act, motions to request a deviation from the placement preferences under subsection 3 of section 37 of this act and notices required under subsection 3 of section 31 of this act; and

(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection ~~[2]~~ 1 of section 30 of this act the notices required under subsection 2 of section 31 of this act, and assessing whether proposed adoptive placements satisfy the preferences under section 37 of this act.

6. The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of sections 2 to ~~[39,]~~ 38, inclusive, of this act and sections 42 to 50, inclusive, of this act to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice and the appropriateness of adoptive placements.

7. As used in this section, "ICWA compliance report" means a written report prepared by ~~[the Division]~~ an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.

Sec. 50. *1. If the court determines that tribal customary adoption is in the best interests, as described in section 20 of this act, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:*

(a) The ~~[Division]~~ appropriate agency which provides child welfare services shall provide the Indian child's tribe and proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian

child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the Indian child's best interests, as described in section 20 of this act; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligation from the Indian child's parents or Indian custodian.

➥ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 45 of this act and enter a judgment of adoption. In addition to the requirements under section 45 of this act, the judgment of adoption must include a statement that any parental rights or obligations not specified in the judgment are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of a judgment of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the judgment of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that ~~[the Division]~~ an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 51. NRS 127.003 is hereby amended to read as follows:

127.003 As used in this chapter, unless the context otherwise requires:

1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Indian child" has the meaning ascribed to it in ~~[~~25 U.S.C. § 1903.

~~4. "Indian Child Welfare Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.~~ ***section 9 of this act.***

Sec. 51.5. **NRS 127.007 is hereby amended to read as follows:**

127.007 1. The Division shall maintain the State Register for Adoptions, which is hereby established, in its central office to provide information ~~to identify adults who were adopted and persons related to them within the third degree of consanguinity.~~ ***relating to adoptions as set forth in this section.***

2. The State Register for Adoptions consists of:

(a) Names and other information, which the Administrator of the Division deems to be necessary for the operation of the Register, relating to persons who have released a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information ~~voluntarily~~ to the Division;

(b) Names and other necessary information of persons ~~who are 18 years of age or older, who were adopted and~~ who have submitted the information voluntarily to the Division; and

(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the Division.

➥ Any person whose name appears in the Register may withdraw it by requesting in writing that it be withdrawn. The Division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter release any information to identify that person, including the information that such a name was ever in the Register.

3. Except as otherwise provided in subsection 4, the Division may release information:

(a) About a person related within the third degree of consanguinity to an adopted person; or

(b) About an adopted person to a person related within the third degree of consanguinity,

➥ if the names and information about both persons are contained in the Register and written consent for the release of such information is given by the natural parent.

4. An adopted person may, by submitting a written request to the Division, restrict the release of any information concerning himself or herself to one or more categories of relatives within the third degree of consanguinity.

Sec. 52. NRS 127.010 is hereby amended to read as follows:

127.010 Except ~~if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,~~ ***as otherwise provided in section 26 of this act,*** the district courts of this State have original jurisdiction in adoption proceedings.

Sec. 53. NRS 127.018 is hereby amended to read as follows:

127.018 1. ~~Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,~~ ***Except as otherwise***

provided in sections 2 to ~~[39,]~~ 38, inclusive, of this act and sections 42 to 50, inclusive, of this act, a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 54. NRS 127.053 is hereby amended to read as follows:

127.053 No consent to a specific adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

1. Identifies the child to be adopted by name, if any, sex and date of birth.

2. Is in writing and signed by the person consenting to the adoption as required in this chapter.

3. Is acknowledged by the person consenting and signing the consent to adoption in the manner and form required for conveyances of real property.

4. Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given.

5. ***Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the judgment of adoption under section 45 of this act, the person receives information that provides reason to know that the child is an Indian child.***

6. Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a social worker employed by:

(a) An agency which provides child welfare services;

(b) An agency licensed in this state to place children for adoption;

(c) A comparable state or county agency of another state; or

(d) An agency authorized under the laws of another state to place children for adoption, if the natural parent resides in that state.

Sec. 55. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.

(i) Whether the ***petitioners have reason to know that the*** child is ~~[known to be]~~ an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive ~~[.]~~ ***, and the provisions of sections 2 to*** ~~*[39,]*~~ ***38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 56. NRS 128.020 is hereby amended to read as follows:

128.020 Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the district courts have jurisdiction in all cases and proceedings under this chapter. The jurisdiction of the district courts extends to any child who should be declared free from the custody and control of either or both of his or her parents.

Sec. 57. NRS 128.023 is hereby amended to read as follows:

128.023 1. If proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall ~~[:~~

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.]~~ ***require that notice of the proceedings and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

Sec. 58. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to ....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative, if no parent or guardian can be found.

(g) Whether the ***petitioner has reason to know that the*** child is ~~[known to be]~~ an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 59. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.,]~~ ***as otherwise provided in section 26 of this act,*** in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 60. NRS 7.285 is hereby amended to read as follows:

7.285 1. ~~[A]~~ ***Except as otherwise provided in section 34 of this act, a*** person shall not practice law in this state if the person:

(a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the Supreme Court; or

(b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the Supreme Court.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense within the immediately preceding 7 years, a misdemeanor.

(b) For a second offense within the immediately preceding 7 years, a gross misdemeanor.

(c) For a third and any subsequent offense within the immediately preceding 7 years, a category E felony and shall be punished as provided in NRS 193.130.

3. The State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.

Sec. 61. NRS 62A.160 is hereby amended to read as follows:

62A.160 "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.]~~ ***section 9 of this act.***

Sec. 62. NRS 62D.210 is hereby amended to read as follows:

62D.210 1. If a proceeding conducted pursuant to the provisions of this title involves the placement of an Indian child into foster care, the juvenile court shall ~~[:~~

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act or, if a tribe declines or is unable to exercise jurisdiction, exercise jurisdiction as provided in the Indian Child Welfare Act.]~~ ***require that notice of the proceeding and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the juvenile court determines that the parent of an Indian child for whom foster care is sought is indigent, the juvenile court, as provided in the Indian Child Welfare Act:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney.

Sec. 63. ~~[Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If a parent or guardian of a child who is in need of protection intends to voluntarily place the child with a public agency or private institution or agency pursuant to NRS 432B.360, the Division of Child and Family Services shall make inquiries, as described in subsection 2 of section 30 of this act, to determine whether the Division of Child and Family Services has reason to know that the child is an Indian child.*~~

~~*2. If the Division of Child and Family Services has reason to know that the child is an Indian child, the placement agreement must be executed in person before the juvenile court, consistent with this subsection, and the placement must be approved by the court.*~~

~~*3. At a hearing, the juvenile court shall explain to the Indian child's parent or Indian custodian, on the record in detail and in the language of the parent or Indian custodian, the parent's right to legal counsel, the terms and consequences of the voluntary placement agreement, and the court must inform the parent or Indian custodian that the voluntary placement agreement may be revoked at any time before an entry of a final decree of termination of parental rights and have the Indian child returned to the parent's custody. The Indian child's parent or Indian custodian shall execute the voluntary placement agreement before the court and file the voluntary placement agreement with the court. The court shall certify that the court provided the explanation consistent with the requirements under this subsection and that the Indian child's parent or Indian custodian fully understood the explanation.*~~

~~*4. The juvenile court may approve the voluntary placement agreement if:*~~

~~*(a) The court finds that the Indian child's parent or Indian custodian entered into the voluntary placement agreement without a threat of removal by the Division of Child and Family Services or a public or private institution or agency; and*~~

~~*(b) The proposed placement conforms with the placement preferences described in section 37 of this act.*~~

~~*5. An Indian child's parent or Indian custodian may terminate the voluntary placement agreement at any time before an entry of an order terminating parental rights. To terminate the voluntary placement agreement, the Indian child's parent or Indian custodian must file a written notice of termination with the juvenile court or otherwise testify before the*~~

~~*court. The court shall promptly notify the Division of Child and Family Services of the termination and order the immediate return of the Indian child to the physical custody of the Indian child's parent or Indian custodian.*~~

~~*6. As used in this section, "voluntary placement agreement" means a binding, written agreement between the Division of Child and Family Services and the parent or legal guardian of a minor child that does not transfer legal custody to the Division of Child and Family Services but that specifies, at a minimum, the legal status of the child and the rights and obligations of the parent or legal guardian, the child and the Division of Child and Family Services while the child is in placement.]*~~ **(Deleted by amendment.)**

Sec. 64. NRS 432B.067 is hereby amended to read as follows:

432B.067 "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.]~~ ***section 9 of this act.***

Sec. 65. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for ~~[the]~~ ***:***

(a) The administration of NRS 432B.010 to 432B.606, inclusive.

(b) The implementation of sections 2 to ~~[39,]~~ 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 66. ~~[NRS 432B.360 is hereby amended to read as follows:~~

~~432B.360 1. [A] *Except as otherwise provided in section 63 of this act, a* parent or guardian of a child who is in need of protection may place the child with a public agency authorized to care for children or a private institution or agency licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such children if:~~

~~(a) Efforts to keep the child in his or her own home have failed; and~~

~~(b) The parents or guardian and the agency or institution voluntarily sign a written agreement for placement of the child which sets forth the rights and responsibilities of each of the parties to the agreement.~~

~~2. If a child is placed with an agency or institution pursuant to subsection 1, the parent or guardian shall:~~

~~(a) If able, contribute to the support of the child during the temporary placement;~~

~~(b) Inform the agency or institution of any change in the address or circumstances of the parent or guardian; and~~

~~(c) Meet with a representative of the agency or institution and participate in developing and carrying out a plan for the possible return of the child to the custody of the parent or guardian, the placement of the child with a relative or the eventual adoption of the child.~~

~~3. A parent or guardian who voluntarily agrees to place a child with an agency or institution pursuant to subsection 1 is entitled to have the child returned to the physical custody of the parent or guardian within 48 hours of a written request to that agency or institution. If that agency or institution determines that it would be detrimental to the best interests of the child to return the child to the custody of the parent or guardian, it shall cause a petition to be filed pursuant to NRS 432B.490.~~

~~4. If the child has remained in temporary placement for 6 consecutive months, the agency or institution shall:~~

~~(a) Immediately return the child to the physical custody of the parent or guardian; or~~

~~(b) Cause a petition to be filed pursuant to NRS 432B.490.~~

~~5. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 67. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary

inquiries ***in accordance with subsection ~~[2]~~ 1 of section 30 of this act*** to determine whether ***there is reason to know that*** the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act ~~[.]~~ ***, sections 2 to ~~[39,]~~ 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 68. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the court has exclusive original jurisdiction in proceedings concerning any child domiciled, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 69. NRS 432B.425 is hereby amended to read as follows:

432B.425 If proceedings pursuant to this chapter involve the protection of an Indian child, the court shall ~~[:~~

~~1. Cause the Indian child's tribe to be notified in writing at the beginning of the proceedings in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~2. Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~3. If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.]~~ ***require that notice of the proceedings and any other notice required by this chapter be provided in accordance with section 31 of this act.***

Sec. 70. NRS 432B.5902 is hereby amended to read as follows:

432B.5902 1. After a motion for the termination of parental rights is filed pursuant to NRS 432B.5901, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice

shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion; ~~***[and]***~~

(b) If ~~**[**applicable, each Indian tribe of**]**~~ the child who is ~~**[**the**]**~~ subject ~~**[**of**]**~~ ***to*** the ~~**[**motion, in accordance with NRS 128.023;**]**~~ ***motion is known to be an Indian child, the child's Indian tribe;*** and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in NRS 432B.5904 or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 71. The provisions of subsection 3 of section 25 of this act apply to tribal-state agreements entered into or renewed on or after January 1, 2024.

Sec. 72. Not later than September 15, 2024, and each even-numbered year thereafter, the Division of Child and Family Services of the Department of Health and Human Services and the Court Administrator shall report to the Chairs of the Senate and Assembly Standing Committees on Judiciary regarding, as applicable:

1. The number of Indian children involved in dependency proceedings during the prior 2-year period.

2. The average duration Indian children were in protective custody.

3. The ratio of Indian children to non-Indian children in protective custody.

4. Which tribes the Indian children in protective custody were members of or of which they were eligible for membership.

5. The number of Indian children in foster care who are in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

6. The number of Indian children placed in adoptive homes in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

7. The number of available placements and common barriers to recruitment and retention of appropriate placements.

8. The number of times the court found that good cause existed to deviate from the statutory placement preferences under section 37 of this act, when making a finding regarding the placement of a child in a dependency proceeding.

9. The number of cases that were transferred to tribal court under section 28 of this act.

10. The number of times the court found good cause to decline to transfer jurisdiction of a dependency proceeding to tribal court upon request and the most common reasons the court found good cause to decline a transfer petition.

11. The efforts the Division and the Court Administrator have taken to ensure compliance with the provisions of sections 2 to ~~[39,]~~ **38,** inclusive, of this act and sections 42 to 50, inclusive, of this act in dependency proceedings.

12. The number of ICWA compliance reports in which ~~[the Division]~~ **an agency which provides child welfare services** reported the petitioner's documentation was insufficient for the court to make a finding regarding whether the petitioner complied with the inquiry requirements under subsection ~~[2]~~ **1** of section 30 of this act and notice requirements under subsection 2 of section 31 of this act. As used in this subsection ~~[,]~~ **:**

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "ICWA compliance report" has the meaning ascribed to it in section 49 of this act.

Sec. 73. Not later than March 15, 2025, the Division of Child and Family Services of the Department of Health and Human Services shall submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the Division's implementation of tribal customary adoption as described in section 50 of this act as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Sec. 74. 1. A court shall give full faith and credit to the public acts, records and judicial proceedings of an Indian tribe applicable to an Indian child in a child custody proceeding.

2. As used in this section, "child custody proceeding" has the meaning ascribed to it in section 4 of this act.

Sec. 75. 1. If any provision of sections 2 to ~~[39,]~~ **38,** inclusive, of this act or sections 42 to 50, inclusive, of this act is found to provide a lower standard of protection to the rights of an Indian child or the Indian child's parent, Indian custodian or tribe than that provided in the Indian Child Welfare Act:

(a) The higher standard of protection in the Indian Child Welfare Act controls; and

(b) It shall not serve to render inoperative any remaining provisions of sections 2 to ~~[39,]~~ **38,** inclusive, of this act and sections 42 to 50, inclusive, of this act that may be held to provide a higher standard of protection than that provided in the Indian Child Welfare Act.

2. As used in this section, "Indian Child Welfare Act" means the federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., and any related regulations.

Sec. 76. The Court Administrator may adopt any rules necessary to implement the provisions of sections 2 to ~~[39,]~~ **38,** inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 77. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 78. NRS 62D.200, 127.013, 127.017, 128.027, ~~[128.093,]~~ 432B.451 and 432B.465 are hereby repealed.

Sec. 79. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

62D.200 Full faith and credit given to proceedings of Indian tribe.

127.013 Transfer of proceedings to Indian tribe.

127.017 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

128.027 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

~~[128.093 Testimony of qualified expert witness required in proceedings to terminate parental rights of parent of Indian child.]~~

432B.451 Qualified expert witness required in proceeding to place Indian child in foster care.

432B.465 Full faith and credit to judicial proceedings of Indian tribe.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 449.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 446.

SUMMARY— ~~[Enacts provisions to provide a property tax credit under certain circumstances.]~~ **Authorizes a credit or refund of property taxes under certain circumstances when an applicable partial abatement of taxes was not applied or claimed.** (BDR 32-767)

AN ACT relating to taxation; ~~[authorizing a taxpayer to obtain a credit against property taxes owed by the taxpayer under certain circumstances]~~ **revising provisions governing the correction of the tax roll and issuance of credits or refunds of property taxes** when an applicable partial abatement of taxes was not applied or claimed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a partial abatement of the property taxes levied on property for which an assessed valuation has previously been established, a remainder parcel of real property, ~~[certain]~~ single-family residences **that are the primary residence of the owner** and certain residential rental dwellings. These partial abatements have the effect of establishing an annual cap on increases in property taxes. (NRS 361.4722, 361.4723, 361.4724) Under existing law, if ~~[a taxpayer is aggrieved by a determination of the applicability of such a partial abatement, the taxpayer is authorized to submit a petition to the county assessor of the county in which the property is located for the review of that determination, and such a petition must be submitted on or before June 30 of the fiscal year for which the partial abatement is applied. (NRS 361.4734) This bill authorizes a taxpayer who, for the immediately preceding fiscal year, paid a greater amount of property taxes than would have otherwise been due because an applicable partial abatement was not applied or claimed, to petition the county assessor for a credit against property taxes due for the next fiscal year. Under this bill, any such credit may be carried forward to subsequent fiscal years.]~~ **the county assessor of a county notifies the county treasurer that a taxpayer is entitled, for the current fiscal year, to the partial abatement for a single-family residence that is the primary residence of the owner, but that the taxpayer failed to claim that partial abatement within the required period for good cause, the county treasurer is authorized, with the concurrence of the county assessor and without the approval of the board of county commissioners, to provide a credit or refund to the taxpayer, as the county treasurer deems appropriate. (NRS 361.4734, 361.733; NAC 361.6055) This bill: (1) expands this provision by authorizing the county treasurer to make such a correction to the tax roll and issue such a credit or refund to a taxpayer if the county assessor notifies the county treasurer that the taxpayer is entitled that partial abatement for the immediately preceding fiscal year; and (2) removes the requirement to establish good cause for such a correction.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[1. Notwithstanding any other provision of law, a taxpayer who, for the immediately preceding fiscal year, paid more than the amount of taxes that the taxpayer would have otherwise been due if an applicable partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 had been applied or claimed for that fiscal year, may submit a written petition for the review of the partial abatement to the county assessor of the county in which the property is located. The petition must be submitted on or before June 30 of the fiscal year immediately following the fiscal year for which the determination was effective. The county assessor shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.*~~

~~*2. A taxpayer who submits a petition pursuant to subsection 1 and submits evidence satisfactory to establish that, for the immediately preceding fiscal year, the taxpayer paid more than the amount of taxes that the taxpayer would have otherwise been due if an applicable partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 had been applied or claimed for that fiscal year is entitled to credit against the taxes due for the next fiscal year. Any unused credit may be carried forward to subsequent fiscal years.*~~

~~*3. A taxpayer who is aggrieved by a decision rendered by a county assessor pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.*~~

~~*4. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 3 is entitled to a judicial review of that determination.]*~~

1. If, during the current fiscal year, the county assessor notifies the tax receiver of the county that a taxpayer has claimed and is entitled to a partial abatement from taxation for the immediately preceding fiscal year pursuant to NRS 361.4723, but that the taxpayer failed to claim the partial abatement before the extension of the tax roll for the immediately preceding fiscal year pursuant to NRS 361.773, the tax receiver may, with the concurrence of the tax assessor and without the approval of the board of county commissioners of that county, correct the tax roll for the immediately preceding fiscal year at any time during the current fiscal year to indicate that the affected property is eligible for the partial abatement pursuant to NRS 361.4723 for the immediately preceding fiscal year.

2. If the tax receiver corrects the tax roll of the county pursuant to subsection 1 to indicate that the property of a taxpayer is eligible for a partial abatement from taxation for the immediately preceding fiscal year, the taxpayer is entitled to such a tax credit or refund, or combination thereof, as the tax receiver deems appropriate.

Sec. 1.3. **NRS 361.4734 is hereby amended to read as follows:**

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the county assessor of the county in which the property is located. The petition must be submitted on or before June 30 of the fiscal year for which the determination is effective ~~[.]~~ ***or, if the determination was for the immediately preceding fiscal year, June 30 of the fiscal year following the fiscal year for which the determination is made.*** The county assessor shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a county assessor or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

Sec. 1.7. **NRS 361.773 is hereby amended to read as follows:**

361.773 1. If ***the county assessor notifies*** the tax receiver of a county ~~[determines]~~ that a taxpayer has claimed and is entitled to a partial abatement from taxation for a fiscal year pursuant to NRS 361.4723, but that the taxpayer ~~[for good cause]~~ failed to claim the partial abatement before the extension of the tax roll for that fiscal year pursuant to NRS 361.465, the tax receiver may, with the concurrence of the tax assessor and without the approval of the board of county commissioners of that county, correct the tax roll of the county at any time during that fiscal year to indicate that the affected property is eligible for that partial abatement for that fiscal year.

2. If the tax receiver corrects the tax roll of the county pursuant to subsection 1 to indicate that the property of a taxpayer is eligible for a partial abatement from taxation for a fiscal year, the taxpayer is entitled to such a tax credit or refund, or combination thereof, as the tax receiver deems appropriate.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 245, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 198.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 526.

AN ACT relating to health care; ~~[providing for the registration of providers of health care who are not licensed in this State to provide services through telehealth to patients located in this State and for the regulation of such providers; establishing proper venue for a civil action arising out of the provision of a service through telehealth; revising the circumstances under which a provider of health care is authorized to provide services through telehealth to a patient located in this State; abolishing certain licensure to practice medicine; providing for the licensure]~~ **enacting provisions governing the certification and regulation** of certified registered nurse anesthetists ~~[as advanced practice registered nurses; authorizing such an advanced practice registered nurse to order and select]~~ **; authorizing a certified registered nurse anesthetist to order, prescribe, possess and administer** controlled substances, poisons**, ~~[and]~~** dangerous drugs **and devices** under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law: (1) requires a provider of health care to be licensed in this State in order to use telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient; and (2) provides that a provider of health care who uses telehealth for those purposes is subject to the laws and jurisdiction of this State. Existing law additionally authorizes the establishment of a provider patient relationship through telehealth. (NRS 629.515)~~

~~— Sections 2-19 of this bill enact the Uniform Telehealth Act. Section 2 of this bill labels the Uniform Act as such. Sections 3-10 of this bill define certain terms for the purposes of the Uniform Act. Section 11 of this bill provides that the provisions of this bill apply to the provision of services through telehealth to a patient who is located in this State exclusively.~~

~~— Section 19 of this bill removes existing provisions requiring a provider of health care to be licensed in this State in order to direct or manage care or issue a prescription or treatment order. Instead, section 19 authorizes a provider of health care to provide services through telehealth to a patient who is located in this State if the provider: (1) is licensed in this State; (2) is registered with the appropriate licensing board to provide services through telehealth to patients in this State; or (3) provides services through telehealth on certain limited bases. Section 12 of this bill deems a provider of health care who is registered with the appropriate licensing board to provide services through telehealth to patients in this State to be licensed in this State if he or she practices only within the scope of the registration. Section 12 also provides that such registration satisfies certain requirements relating to supervision and the control of entities that provide health care. Section 13 of this bill prescribes the requirements to obtain such registration, which include: (1) holding an active, unrestricted license to practice the relevant profession in another state; (2) not being subject to pending discipline; (3) not having been disciplined for certain infractions in the immediately preceding 5 years, or certain other infractions at any time; and (4) having professional liability insurance that covers the provision of services through telehealth. Section 13 also requires a licensing board to make information concerning registrants publicly available in the same manner as information concerning licensees.~~

~~— Section 14 of this bill: (1) authorizes a licensing board to adopt regulations to carry out the Uniform Act; and (2) prohibits a licensing board from adopting certain regulations that restrict the use of telehealth. Section 15 of this bill prescribes the grounds for disciplinary action against a registrant and the disciplinary actions that a licensing board is authorized to impose. Section 16 of this bill requires a registrant to: (1) notify the relevant licensing board of any pending investigation or any restriction or disciplinary action imposed against the registrant in another state; and (2) maintain liability insurance that covers the provision of services through telehealth. Section 16 also prohibits a registrant from opening or maintaining an office in this State or providing in-person services to patients in this State.~~

~~— Section 17 of this bill provides that: (1) the provision of a telehealth service is deemed to occur at the location of the patient at the time the service is provided; and (2) in a civil action arising out of the provision of a telehealth service, venue is proper in the patient's county of residence in this State or in another county authorized by law. Section 18 of this bill requires a court, in applying and construing the provisions of the Uniform Act, to consider the promotion of uniformity of law among the jurisdictions that enact the Uniform~~

~~Act. Sections 21, 25, 29, 31, 34-40 and 43-51 of this bill make conforming changes to revise references to certain definitions moved by this bill.~~

~~Existing law creates a special purpose license to practice medicine only using equipment that transfers information electronically, telephonically or by fiber optics. (NRS 630.261) Sections 22 and 23 of this bill abolish this license because it is duplicative of registration to provide services through telehealth under the Uniform Act.]~~

Existing law provides for the certification of certified registered nurse anesthetists, who are registered nurses who: (1) have completed a nationally accredited program in the science of anesthesia; and (2) administer anesthetic agents to a person under the care of a licensed physician, a licensed dentist or a licensed podiatric physician. (NRS 632.014)

~~[Existing law also provides for the licensure of advanced practice registered nurses, who are registered nurses who: (1) have completed certain training regarding medical diagnosis, therapeutic or corrective measures and prescribing controlled substances, poisons, dangerous drugs and devices; and (2) meet certain other requirements. (NRS 632.237) Section 24 of this bill provides for the licensure of certified registered nurse anesthetists, as a type of advanced practice registered nurse.]~~ **Section 2 of this bill requires the State Board of Nursing to issue a certificate of registration to practice as a certified registered nurse anesthetist to a registered nurse who meets the requirements prescribed by existing law for such certification and any additional requirements prescribed by the Board. Section 2 also requires the Board to adopt regulations governing certified registered nurse anesthetists.**

Existing law authorizes a registered nurse to possess and administer controlled substances and dangerous drugs under certain circumstances. (NRS 453.375, 454.213) Sections ~~[24, 30, 32, 33, 41 and 42]~~ **3, 5, 10 and 16** of this bill **additionally** authorize ~~[such an advanced practice registered nurse]~~ **a certified registered nurse anesthetist** to order **, prescribe, possess and administer** controlled substances, poisons **,** ~~[and]~~ dangerous drugs ~~[only for use during the period surrounding an operation or birth. Sections 24 and 27 of this bill provide that certain provisions of existing law governing advanced practice registered nurses do not apply to an advanced practice registered nurse who practices as a certified registered nurse anesthetist. Sections 20, 26 and 54 of this bill remove references to certification or approval as a certified registered nurse anesthetist. Section 28 of this bill requires the State Board of Nursing to disseminate a technical advisory bulletin concerning the prescribing of controlled substances to advanced practice registered nurses who practice as certified registered nurse anesthetists if that bulletin is not available on the Internet.]~~ **and devices to treat a person under the care of a licensed physician, a licensed dentist or a licensed podiatric physician before, during and after surgery or childbirth. Sections 6-9 and 11-15 of this bill make additional changes necessary to authorize a certified registered nurse anesthetist to order, prescribe, possess and administer**

controlled substances, poisons, dangerous drugs and devices in such circumstances. A certified registered nurse anesthetist who unlawfully possesses, prescribes or administers a controlled substance, dangerous drug or poison would be subject to discipline and criminal and civil penalties to the same extent as other practitioners who unlawfully possess, prescribe or administer such drugs. (NRS 453.236, 453.305, 453.326, 453.3363, 453.553, 454.170, 454.356)

Section 4 of this bill makes a conforming change to remove a provision now duplicated in section 2.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 55 of this bill and replace with the following new sections 1 through 17:

Section 1. **Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***1. The Board shall issue a certificate of registration to practice as a certified registered nurse anesthetist to an applicant who:***

(a) Has successfully completed a nationally accredited program in the science of anesthesia; and

(b) Meets any additional requirements prescribed by the Board pursuant to subsection 2.

2. The Board shall adopt regulations to carry out the provisions of this section and section 3 of this act, including, without limitation, regulations:

(a) Specifying any additional training, education and experience necessary for certification as a certified registered nurse anesthetist;

(b) Delineating the authorized scope of practice of a certified registered nurse anesthetist; and

(c) Establishing the procedure to apply for certification as a certified registered nurse anesthetist.

Sec. 3. ***A certified registered nurse anesthetist may:***

1. Order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician, a licensed dentist or a licensed podiatric physician in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth.

2. Possess and administer controlled substances, poisons, dangerous drugs and devices in other circumstances under which a registered nurse is authorized to possess and administer controlled substances, poisons, dangerous drugs and devices.

Sec. 4. **NRS 632.014 is hereby amended to read as follows:**

632.014 "Certified registered nurse anesthetist" means a registered nurse who [:]

~~1. Has completed a nationally accredited program in the science of anesthesia; and~~

~~2. Is~~ ***is*** certified by the Board ***pursuant to section 2 of this act*** to administer anesthetic agents to a person under the care of a licensed physician, a licensed dentist or a licensed podiatric physician.

Sec. 5. **NRS 639.0125 is hereby amended to read as follows:**

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

7. A certified registered nurse anesthetist who orders, prescribes, possesses or administers controlled substances, poisons, dangerous drugs or devices in accordance with section 3 of this act.

Sec. 6. **Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Certified registered nurse anesthetist" has the meaning ascribed to it in NRS 632.014.

Sec. 7. **NRS 453.016 is hereby amended to read as follows:**

453.016 As used in this chapter, the words and terms defined in NRS 453.021 to 453.141, inclusive, ***and section 6 of this act*** have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.

Sec. 8. **NRS 453.038 is hereby amended to read as follows:**

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced practice registered nurse, ***certified registered nurse anesthetist,*** dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse, ***certified registered nurse anesthetist,*** dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 9. **NRS 453.091 is hereby amended to read as follows:**

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced practice registered nurse ***, certified registered nurse anesthetist*** or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 10. **NRS 453.126 is hereby amended to read as follows:**

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

8. A certified registered nurse anesthetist who orders, prescribes, possesses or administers controlled substances in accordance with section 3 of this act.

Sec. 11. **NRS 453.128 is hereby amended to read as follows:**

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse ***, certified registered nurse anesthetist*** or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 12. **NRS 453.226 is hereby amended to read as follows:**

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations. A person must present proof that he or she is authorized to access the database of the program established pursuant to NRS 453.162 before the Board may issue or renew a registration.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, ***and section 6 of this act*** to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive ~~[:]~~ ***and section 6 of this act:***

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, ***certified registered nurse anesthetist,*** podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 13. **NRS 453.336 is hereby amended to read as follows:**

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse ***, certified registered nurse anesthetist*** or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive ~~.~~ ***and section 6 of this act.***

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be

punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➥ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device

obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 14. **NRS 453.381 is hereby amended to read as follows:**

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced practice registered nurse ***, certified registered nurse anesthetist*** or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced practice registered nurse, ***certified registered nurse anesthetist,*** podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced practice registered nurse, ***certified registered nurse anesthetist,*** podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced practice registered nurse, ***certified registered nurse anesthetist,*** podiatric physician or veterinarian shall return to him or her

any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 15. **NRS 453.391 is hereby amended to read as follows:**

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced practice registered nurse, ***certified registered nurse anesthetist,*** veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 16. **NRS 454.00958 is hereby amended to read as follows:**

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A certified registered nurse anesthetist who orders, prescribes, possesses or administers poisons, dangerous drugs or devices in accordance with section 3 of this act.

Sec. 17. **1. This section becomes effective upon passage and approval.**

2. Sections 1 to 16, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 371.

ASSEMBLYMEN TORRES, MARZOLA, GONZÁLEZ, KASAMA; BILBRAY-AXELROD, BROWN-MAY, D'SILVA, DURAN, HAFEN, MCARTHUR, C.H. MILLER, **MOSCA,** NEWBY, NGUYEN, PETERS, SUMMERS-ARMSTRONG, TAYLOR**, THOMAS** AND WATTS

SPONSOR: SENATOR KRASNER

CONTAINS UNFUNDED MANDATE ~~[(§ 1)]~~ **(§§ 1.2, 3.3, 3.6)**

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; requiring the board of trustees of each school district **and the governing body of each charter school or university school for profoundly gifted pupils** to enter into a memorandum of understanding with an organization that assists victims of ~~[sexual misconduct; revising provisions governing the SafeVoice Program;]~~ **power-based violence and requiring certain pupils be referred to such an organization; creating the Committee on Responses to Power-Based Violence in Schools; requiring school districts and public schools to make available information regarding the statewide information and referral system maintained by the Department of Health and Human Services; replacing the term "sexual misconduct" with "power-based violence";** creating the Commission on Higher Education Campus Safety; revising provisions governing certain programming related to ~~[sexual misconduct]~~ **power-based violence** which institutions in the Nevada System of Higher Education may be required to provide to students and employees; abolishing the Task Force on Sexual Misconduct at Institutions of Higher Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to require an institution within the Nevada System of Higher Education to enter into a memorandum of understanding with an organization that assists persons involved in sexual misconduct. (NRS 396.147) ~~[Section 1]~~ **Sections 1.2, 3.3**

and 3.6 of this bill similarly requires the board of trustees of each school district **and the governing body of each charter school or university school for profoundly gifted pupils** to enter into a memorandum of understanding with an organization that assists victims of ~~[sexual misconduct,]~~ **power-based violence** and sets forth the provisions that may be included in such a memorandum of understanding. **Sections 1.2, 3.3 and 3.6 also require a teacher or administrator who is informed by a pupil that the pupil has been a victim of power-based violence to refer the pupil to the organization that assists victims of power-based violence. Section 1.4 of this bill establishes the Committee on Responses to Power-Based Violence in Schools and requires the Committee to review, study and make recommendations regarding power-based violence in schools.**

Existing law requires the Department of Health and Human Services to establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State. (NRS 232.359) Section 1.6 of this bill requires the board of trustees of each school district to provide information about this system on its Internet website and requires each public school, to the extent money is available, to post information regarding the system in each restroom of the public school that is available for use by a pupil. Section 2 of this bill makes a conforming change to indicate the proper placement of ~~[section 1]~~ **sections 1.2, 1.4 and 1.6** in the Nevada Revised Statutes.

Existing law ~~[requires the establishment of the SafeVoice Program within the Office for a Safe and Respectful Learning Environment within the Department of Education. That Program allows a person to make an anonymous report to a support center regarding dangerous, violent or unlawful activity that is conducted, or threatened to be conducted, on property of a public school or in certain other circumstances related to public schools. (NRS 388.1455) Section 3 of this bill requires the SafeVoice Program to include methods and procedures to ensure that a pupil who is a victim of sexual misconduct may obtain a referral to an organization that assists victims of sexual misconduct. Section 3 authorizes the Director of the Office for a Safe and Respectful Learning Environment to enter into agreements on behalf of the SafeVoice Program with state and local agencies and community-based organizations to facilitate the referral of pupils and other persons for certain services and authorizes the sharing of information and provision of services between agencies and organizations that are party to such an agreement.]~~ **establishes provisions relating to the handling of sexual misconduct at institutions within the System. (NRS 396.125-396.1595)** Existing law creates the Task Force on Sexual Misconduct at Institutions of Higher Education and prescribes the duties of the Task Force. **Section ~~[9]~~ 10** of this bill abolishes the Task Force. **Section 4.3 of this bill defines "power-based violence" and sections 3.8 and 5.2-8.6 of this bill replace the term "sexual**

misconduct" with "power-based violence." Section ~~[4]~~ 4.6 of this bill creates the Commission on Higher Education Campus Safety and prescribes the membership of the Commission. **Sections 6 and 7** of this bill transfer the duties of the Task Force to the Commission. **Section 5** of this bill makes a conforming change to indicate the proper placement of ~~[section 4]~~ **sections 4.3 and 4.6** in the Nevada Revised Statutes.

Existing law authorizes the Board of Regents to require an institution to provide programming on awareness and prevention of sexual misconduct to all students and employees and establishes requirements for the programming if required by the Board of Regents. (NRS 396.153) **Section 8** of this bill **instead authorizes the Board of Regents to require an institution to provide programming on awareness and prevention of power-based violence and** provides that, if an institution provides such programming, the institution must require each student to attend the programming at least once in his or her first two regular academic semesters after enrollment and an employee to attend such programming at least once every 3 years. **Section 8** authorizes the programming on awareness and prevention of ~~[sexual misconduct]~~ **power-based violence** that is provided to students to be incorporated into a course for which a student may receive academic credit and authorizes an institution to condition the award of a degree or certificate upon the completion of such a course. **Section 8** requires an institution, if it provides the programming on awareness and prevention of ~~[sexual misconduct to employees,]~~ **power-based violence** to: (1) require the programming **for students** to be provided and attended in person, except under certain limited circumstances; (2) require the syllabus for the programming to include resources on how to obtain certain information; and (3) make ~~[a copy of the syllabus and any instructional materials available for viewing at all times by interested employees.]~~ **certain information relating to power-based violence available on the Internet website of the institution.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:~~

~~]~~ **the provisions set forth as sections 1.2, 1.4 and 1.6 of this act.**

Sec. 1.2. 1. The board of trustees of each school district shall enter into a memorandum of understanding with a community-based organization that assists victims of ~~[sexual misconduct.]~~ power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the school district and the community-based organization that assists victims of ~~[sexual misconduct]~~ power-based violence to establish an understanding of the:

(1) Responsibilities that the school district and the community-based organization that assists victims of ~~[sexual misconduct]~~ power-based

violence have in responding to a report or disclosure of an alleged incident of [sexual misconduct;] power-based violence; and

(2) Procedures of the school district for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of [sexual misconduct] power-based violence to:

(1) Assist with developing policies, programming or training for the school district regarding [sexual misconduct;] power-based violence;

(2) Provide an alternative for a pupil or employee of the school district to receive free counseling, advocacy or crisis services related to an alleged incident of [sexual misconduct,] power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at a public school in the school district; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the school district.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of [sexual misconduct.] power-based violence.

2. If a teacher or administrator is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

*(b) [**"Sexual misconduct"**] "Power-based violence" has the meaning ascribed to it in [NRS 396.134] section 4.3 of this act.*

Sec. 1.4. 1. The Committee on Responses to Power-Based Violence in Schools is hereby created within the Department.

2. The Committee consists of the following members, appointed by the chair of the committee on statewide school safety created pursuant to NRS 388.1324:

(a) Two members who are employees of a school district in this State;

(b) Two members who are representatives of a nonprofit organization that assists victims of power-based violence;

(c) Two members who are:

(1) A pupil enrolled in a school in this State; or

(2) The parent or legal guardian of a pupil enrolled in a school in this State;

(d) One member who is the parent of a pupil who was a victim of power-based violence;

(e) One member who is a pupil who was a victim of power-based violence;

(f) Two members who are Title IX coordinators for public schools in this State;

(g) One member who is an employee of the Office for a Safe and Respectful Learning Environment;

(h) One member who is a school resource officer assigned to a school in this State;

(i) Two members who are employed as a school psychologist, a provider of mental health other than a psychologist who provides services to pupils at a school in this State or a school social worker; and

(j) One member who is a licensed teacher in this State.

3. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Committee shall elect a Chair and Vice Chair from among its members at the first meeting of the Committee and at the first meeting of the calendar year each year thereafter. The Chair and Vice Chair serve a term of 1 year.

5. Each member of the Committee serves a term of 2 years and may be reappointed.

6. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Commission.

7. The Committee shall review, study and make recommendations regarding power-based violence in schools. In performing its duties, the Committee shall:

(a) Consider the experiences of pupils relating to power-based violence and pupil safety;

(b) Examine current procedures and protocols for responding to power-based violence that are used in public schools in this State;

(c) Identify emerging trends and best practices for responding to and preventing power-based violence;

(d) Identify possible gaps in the services that are available for victims of power-based violence; and

(e) Make recommendations for procedures that will focus on preventing and intervening in disclosures of power-based violence.

8. The Committee shall, not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education any recommendations for legislation relating to power-based violence in schools.

9. The members of the Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the

duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

11. As used in this section, "power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 1.6. 1. The board of trustees of each school district shall post on its Internet website and include in any written informational materials related to pupil safety prepared by the school district information regarding the statewide information and referral system concerning health, welfare, human and social services created pursuant to NRS 232.359, including the number which may be used to access the system.

2. Each public school shall, to the extent money is available, post information regarding the statewide information and referral system concerning health, welfare, human and social services created pursuant to NRS 232.359, including the number which may be used to access the system, in each restroom of the public school which is available for use by pupils.

Sec. 2. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, ***and ~~[section 1]~~ sections 1.2, 1.4 and 1.6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. ~~[~~NRS 388.1455 is hereby amended to read as follows:

~~388.1455 1. The Director shall establish the SafeVoice Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to subsection 2 and NRS 388.1458, must not be disclosed to any person.~~

~~2. The SafeVoice Program must include, without limitation, methods and procedures to ensure that:~~

~~(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies, the Department and other appropriate state agencies, school administrators and other school employees, including, without limitation, the teams appointed pursuant to NRS 388.14553;~~

~~(b) The identity of a person who reports information to the Program may remain anonymous, unless the policies established and regulations adopted pursuant to subsection 6 require the identity of such a person to be disclosed;~~ ~~[and]~~

~~(c) The appropriate public safety agencies may access personally identifiable information concerning a pupil:~~

~~(1) To take the appropriate action in response to an activity or threat reported pursuant to this section;~~

~~(2) Twenty-four hours a day; and~~

~~(3) Subject to the confidentiality required pursuant to this section~~ **[.]** ~~;~~ ***and***

~~*(d) A pupil who is a victim of sexual misconduct may obtain a referral to a community-based organization that assists victims of sexual misconduct.*~~

~~3. On behalf of the SafeVoice Program, the Director or his or her designee shall establish and operate a support center that meets the requirements of NRS 388.14557, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application or enter into an agreement with an organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will establish and operate such a support center, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application. The support center shall receive initial reports made to the Program through the hotline, Internet website, mobile telephone application and text messaging application and forward the information contained in the reports in the manner required by subsection 2.~~

~~4. The Director shall provide training regarding:~~

~~(a) The Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.~~

~~(b) Properly responding to a report received from the support center, including, without limitation, the manner in which to respond to reports of different types of dangerous, violent and unlawful activity and threats of such activity, to each member of a team appointed pursuant to NRS 388.14553.~~

~~(c) The procedure for making a report to the support center using the hotline, Internet website, mobile telephone application and text messaging application and collaborating to prevent dangerous, violent and unlawful activity directed at teachers and other members of the staff of a school, pupils, family members of pupils and other persons.~~

~~5. The Director shall:~~

~~(a) Post information concerning the SafeVoice Program on an Internet website maintained by the Director;~~

~~(b) Provide to each public school educational materials regarding the SafeVoice Program, including, without limitation, information about the telephone number, address of the Internet website, mobile telephone application, text messaging application and any other methods by which a report may be made; and~~

~~(c) On or before July 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing~~

~~Committee on Education a report containing a summary of the information reported to the Director pursuant to NRS 388.14557 during the immediately preceding 12 months and any other information that the Director determines would assist the Committee to evaluate the SafeVoice Program.~~

~~6. The Department shall establish policies and adopt regulations pursuant to subsection 2 relating to the disclosure of the identity of a person who reports information to the Program. The regulations must include, without limitation, the disclosure of the identity of a person who reported information to the Program:~~

~~(a) To ensure the safety and well-being of the person who reported information to the Program;~~

~~(b) To comply with the provisions of NRS 388.1351; or~~

~~(c) If the person knowingly reported false information to the Program.~~

~~7. *On behalf of the SafeVoice Program, the Director may enter into one or more agreements with state and local agencies and community-based organizations to facilitate the referral of pupils and other persons for wrap-around services or services related to the prevention of domestic violence or assistance for victims of domestic violence. An agreement entered into pursuant to this subsection may provide for the sharing of information and provision of services between agencies and community-based organizations with which the Director has entered into an agreement pursuant to this subsection to the extent not prohibited by other law.*~~

~~*8.* As used in this section:~~

~~(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.~~

~~(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.~~

~~*(c) "Sexual misconduct" has the meaning ascribed to it in NRS 396.134.*~~

~~*(d) "Wrap-around services" means community-based intervention services provided to children and youth with intensive mental or behavioral health needs and their families, including, without limitation, mobile crisis response and stabilization. As used in this paragraph, "youth" means a person under 25 years of age.]~~ (Deleted by amendment.)**

Sec. 3.3. **Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The governing body of each charter school shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the charter school and the community-based organization that assists victims of power-based violence to establish an understanding of the:

(1) Responsibilities that the charter school and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and

(2) Procedures of the charter school for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of power-based violence to:

(1) Assist with developing policies, programming or training for the charter school regarding power-based violence;

(2) Provide an alternative for a pupil or employee of the charter school to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at the charter school; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the charter school.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.

2. If a teacher or administrator of the charter school is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(b) "Power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 3.6. **Chapter 388C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The governing body of each university school for profoundly gifted pupils shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the university school for profoundly gifted pupils and the community-based organization that assists victims of power-based violence to establish an understanding of the:

(1) Responsibilities that the university school for profoundly gifted pupils and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and

(2) Procedures of the university school for profoundly gifted pupils for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of power-based violence to:

(1) Assist with developing policies, programming or training for the university school for profoundly gifted pupils regarding power-based violence;

(2) Provide an alternative for a pupil or employee of the university school for profoundly gifted pupils to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at the university school for profoundly gifted pupils; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the university school for profoundly gifted pupils.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.

2. If a teacher or administrator of the university school for profoundly gifted pupils is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(b) "Power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 3.8. **NRS 394.16095 is hereby amended to read as follows:**

394.16095 1. The governing body of a private school shall not enter into an agreement that:

(a) Has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or ~~[sexual misconduct]~~ ***power-based violence*** by a current or former employee.

(b) Affects the ability of the private school to report suspected abuse or ~~[sexual misconduct]~~ ***power-based violence*** to the appropriate authorities.

(c) Requires the private school to expunge information about allegations or findings of suspected abuse or ~~[sexual misconduct]~~ ***power-based violence*** from any documents maintained by the private school unless, after investigating the alleged violation, the private school determines that the allegations were false, unfounded, unsubstantiated or inconclusive.

2. If an agreement requires the removal of a document from the personnel file of an employee, the private school must maintain the document with the agreement.

3. Any provisions in an agreement that violate the provisions of this section are void.

4. As used in this section, "power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:~~

~~—]~~ **the provisions set forth as sections 4.3 and 4.6 of this act.**

Sec. 4.3. ***"Power-based violence" means any form of interpersonal violence intended to control, intimidate or harm another person through the assertion of power. The term includes, without limitation, dating violence, domestic violence, gender-based violence, gender-based harassment, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, stalking or indecent exposure.***

Sec. 4.6. ***1. There is hereby created the Commission on Higher Education Campus Safety consisting of 7 members as follows:***

(a) The Chancellor of the System, or his or her designee;

(b) ~~***[One member]***~~ ***Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;***

(c) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(d) Four members who represent a community-based organization that assists victims of power-based violence, serve as a victim's advocate, as defined in NRS 49.2545, at an institution within the System or who were a victim of power-based violence at an institution within the System:

(1) One of whom is appointed by the Majority Leader of the Senate;

~~***[(c)]***~~ ***(2) One*** ~~***[member]***~~ ***of whom is appointed by the Minority Leader of the Senate;***

~~***[(d)]***~~ ***(3) One*** ~~***[member]***~~ ***of whom is appointed by the Speaker of the Assembly;***

~~***[(e)]***~~ ***and***

(4) One ~~***[member]***~~ ***of whom is appointed by the Minority Leader of the Assembly;***

~~***[(f) One member]***~~ ***(e) Two members who*** ~~***[is a student]***~~ ***are students enrolled at an institution within the System, appointed by the Nevada Student Alliance or its successor organization;*** ~~***[and]***~~

(f) One member who is a faculty member of the System, appointed by the Chancellor after consultation with the Nevada Faculty Alliance or its successor organization;

(g) One member who is a ~~***[representative of a community-based organization that assists victims of sexual misconduct,]***~~ ***member of the Police Department for the System, appointed by the Chancellor*** ~~***[.]***~~ ***; and***

(h) Two members appointed by the Governor.

2. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

3. The Commission shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

5. A majority of the members of the Commission constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Commission.

6. Members of the Commission serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, and within the limits of available money, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Commission who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Commission to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The Commission shall examine and make recommendations regarding best practices relating to the prevention of power-based violence. In performing its duties the Commission shall:

(a) Consider student experiences that relate to power-based violence and student safety;

(b) Examine current procedures and protocols for responding to violence, including, without limitation, power-based violence, that are used at institutions within the System;

(c) Meet with organizations that provide services to victims of violence, including, without limitation, power-based violence; and

(d) Identify possible gaps in the services that are available for victims of power-based violence at institutions within the System.

9. The Commission shall, not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education any recommendations for legislation relating to power-based violence.

Sec. 5. NRS 396.125 is hereby amended to read as follows:

396.125 As used in NRS 396.125 to 396.1595, inclusive, ***and ~~[section 4,]~~ sections 4.3 and 4.6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 396.126 to 396.138, inclusive, ***and section 4.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 5.2. **NRS 396.126 is hereby amended to read as follows:**

396.126 "Complainant" means a student or employee of an institution within the System who is alleged to be the victim of conduct that could constitute ~~[sexual misconduct.]~~ ***power-based violence.***

Sec. 5.4. **NRS 396.129 is hereby amended to read as follows:**

396.129 "Reporting party" means a person who reports an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to the institution.

Sec. 5.6. **NRS 396.131 is hereby amended to read as follows:**

396.131 "Respondent" means a person who has been reported to be the perpetrator of conduct that could constitute ~~[sexual misconduct.]~~ ***power-based violence.***

Sec. 5.8. **NRS 396.138 is hereby amended to read as follows:**

396.138 "Trauma-informed response" means a response involving an understanding of the complexities of ~~[sexual misconduct,]~~ ***power-based violence,*** including, without limitation:

1. Perpetrator methodology;
2. Conducting an effective investigation;
3. The neurobiological causes and impacts of trauma; and
4. The influence of social myths and stereotypes surrounding the causes and impacts of trauma.

Sec. 6. NRS 396.1415 is hereby amended to read as follows:

396.1415 1. The ~~[Task Force on Sexual Misconduct at Institutions of Higher Education]~~ ***Commission on Higher Education Campus Safety*** created by ~~[NRS 396.141]~~ ***section 4 of this act*** shall:

(a) Review the results of any climate survey on ~~[sexual misconduct]~~ ***power-based violence*** administered at an institution within the System; and

(b) Each year, hold a meeting open to the public to provide recommendations to the Board of Regents on how to address ~~[sexual misconduct]~~ ***power-based violence*** at institutions within the System.

2. A meeting held pursuant to subsection 1 is not subject to the provisions of chapter 241 of NRS.

Sec. 7. NRS 396.142 is hereby amended to read as follows:

396.142 1. To the extent that money is available, the Board of Regents may appoint researchers employed at one or more institutions within the System to develop a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** designed to be administered at institutions within the System. The climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must:

(a) Gather institution-specific data regarding the prevalence of gender-based harassment and discrimination;

(b) Be fair and unbiased;

(c) Be scientifically valid and reliable; and

(d) Meet the highest standards of survey research.

2. If appointed to develop a climate survey on ~~[sexual misconduct,]~~ ***power-based violence,*** the researchers shall:

(a) Use best practices from peer-reviewed research;

(b) Consult with persons with expertise in the development and use of climate surveys on ~~[sexual misconduct]~~ ***power-based violence*** at institutions of higher education;

(c) Consult with a student government association;

(d) Review climate surveys on ~~[sexual misconduct]~~ ***power-based violence*** which have been developed and implemented by institutions of higher education, including, without limitation, institutions in other states;

(e) Provide opportunity for written comment from organizations that assist victims of ~~[sexual misconduct]~~ ***power-based violence*** to ensure the adequacy and appropriateness of any proposed content of the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;***

(f) Consult with institutions within the System on strategies for optimizing the effectiveness of the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;*** and

(g) Account for the diverse needs and differences of the institutions within the System.

3. If a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** is developed, the climate survey must request information on topics related to ~~[sexual misconduct.]~~ ***power-based violence.*** The topics may include, without limitation:

(a) The estimated number of alleged incidents of ~~[sexual misconduct,]~~ ***power-based violence,*** both reported and not reported, at an institution within the System, if a student taking the survey has knowledge of such information;

(b) When and where an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** occurred;

(c) Whether an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was perpetrated by a student, faculty member, staff member of an institution within the System, third party vendor or another person;

(d) Awareness of a student of the policies and procedures related to ~~[sexual misconduct]~~ ***power-based violence*** at an institution;

(e) Whether a student reported an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** and:

(1) If the incident was reported, to which campus resource or law enforcement agency a report was made; and

(2) If the incident was not reported, the reason the student chose not to report the incident;

(f) Whether a student who reported an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was:

(1) Offered supportive measures by an institution;

(2) Informed of, aware of or referred to campus, local or state resources for support for victims, including, without limitation, appropriate medical care and legal services; and

(3) Informed of the prohibition against retaliation for reporting an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(g) Contextual factors in an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** such as the involvement of force, incapacitation or coercion;

(h) Demographic information that could be used to identify at-risk groups, including, without limitation, the gender, race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status

and sexual orientation of the student taking the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;***

(i) Perceptions a student has of campus safety;

(j) Whether a student has confidence in the ability of the institution to protect against and respond to alleged incidents of ~~[sexual misconduct;]~~ ***power-based violence;***

(k) Whether a student chose to withdraw or take a leave of absence from the institution or transfer to another institution because the student is the complainant or respondent in an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(l) Whether a student withdrew from any classes or was placed on academic probation, disciplinary probation or otherwise disciplined as a result of an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(m) Whether a student experienced any financial impact as a result of an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(n) Whether a student experienced any negative health impacts as a result of an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** including, without limitation, post-traumatic stress disorder, anxiety, depression, chronic pain or an eating disorder;

(o) The perception of the participants in the survey of the attitudes of the community toward ~~[sexual misconduct,]~~ ***power-based violence,*** including, without limitation, the willingness of a person to intervene in an ongoing incident of ~~[sexual misconduct]~~ ***power-based violence*** as a bystander; and

(p) Any other questions as determined necessary by the researchers.

4. The climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must provide an option for students to decline to answer a question.

5. The climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must be provided to the ~~[Task Force on Sexual Misconduct at Institutions of Higher Education]~~ ***Commission on Higher Education Campus Safety*** created pursuant to ~~[NRS 396.141]~~ ***section ~~[4]~~ 4.6 of this act*** for comment.

Sec. 7.1. **NRS 396.1425 is hereby amended to read as follows:**

396.1425 1. To the extent that money is available, the Board of Regents may require each institution within the System to conduct a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** at the institution biennially.

2. A climate survey on ~~[sexual misconduct]~~ ***power-based violence*** conducted pursuant to subsection 1 must include the questions developed by researchers employed at an institution within the System pursuant to NRS 396.142. If an institution within the System includes additional questions on a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, the questions must not be unnecessarily traumatizing for a victim of an alleged incident of ~~[sexual misconduct.]~~ ***power-based violence.***

3. If an institution within the System conducts a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, the institution shall:

(a) Provide the survey to each student at the institution, including, without limitation, students studying abroad;

(b) Not require the disclosure of personally identifiable information by a participant in the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;***

(c) Work to ensure an adequate number of students complete the survey to achieve a random and representative sample size of students;

(d) Within 120 days after completion of the climate survey on ~~[sexual misconduct:]~~ ***power-based violence:***

(1) Compile a summary of the responses to the survey; and

(2) Submit the summary of responses to the Board of Regents; and

(e) Post on the Internet website maintained by the institution in a manner that does not disclose personally identifiable information of any person, the summary of the responses to the climate survey on ~~[sexual misconduct.]~~ ***power-based violence.***

4. A climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must be administered electronically by an institution within the System and provide reasonable accommodations for students with a disability.

5. An institution within the System may obtain a waiver from the Board of Regents to not administer a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to this section due to the financial circumstances of the institution.

6. An institution within the System may apply for and accept any gifts, grants, donations, bequests or other money from any source to carry out the provisions of this section.

7. Any data or reports that underlie the summaries generated pursuant to subsection 2 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 7.2. **NRS 396.143 is hereby amended to read as follows:**

396.143 1. If the Board of Regents requires an institution within the System to conduct a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to NRS 396.1425, the Board of Regents shall to the extent that money is available:

(a) Provide a copy of the questions developed by the researchers employed at an institution within the System pursuant to NRS 396.142 to each institution within a reasonable time after the Board of Regents receives the questions from the researchers;

(b) Establish a repository for the summaries of the climate survey on ~~[sexual misconduct]~~ ***power-based violence*** submitted by each institution pursuant to NRS 396.1425;

(c) Post each summary of the responses to a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** submitted by an institution pursuant to NRS 396.1425 on the Internet website maintained by the Board of Regents in a manner that does not disclose personally identifiable information of any person;

(d) Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;*** and

(e) On or before February 1 of each odd-numbered year, report the summaries of the climate survey on ~~[sexual misconduct]~~ ***power-based violence*** submitted by an institution pursuant to NRS 396.1425 to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

2. Any data or reports that underlie the summaries generated pursuant to subsection 1 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 7.3. **NRS 396.144 is hereby amended to read as follows:**

396.144 The Board of Regents may require an institution within the System to:

1. Require employees who participate in the grievance process of the institution pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or a policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted pursuant to NRS 396.145 to receive annual training on topics related to ~~[sexual misconduct]~~ ***power-based violence*** which may include, without limitation, any training required pursuant to NRS 396.152;

2. Provide a complainant and respondent with a copy of the policies of the institution regarding the submission and consideration of evidence that may be considered during the grievance process;

3. Except as otherwise required by federal law, within 14 business days after the conclusion of the grievance process, inform the complainant and the respondent of the result of the grievance process; and

4. Unless otherwise required by state or federal law, not publicly disclose the identity of a complainant or respondent.

Sec. 7.4. **NRS 396.145 is hereby amended to read as follows:**

396.145 1. The Board of Regents may require an institution within the System to adopt a policy on ~~[sexual misconduct]~~ ***power-based violence*** consistent with applicable state and federal law.

2. If the Board of Regents requires the adoption of a policy on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, in developing the policy on ~~[sexual misconduct,]~~ ***power-based violence,*** an institution within the System:

(a) Shall:

(1) Incorporate a trauma-informed response;

(2) Coordinate with:

(I) The Title IX coordinator of the institution; and

(II) If an institution has entered into a memorandum of understanding pursuant to NRS 396.147, the organization that assists persons involved in ~~[sexual misconduct;]~~ ***power-based violence;*** and

(3) Engage in a culturally competent manner to reflect the diverse needs of all students; and

(b) May consider input from internal and external entities, including, without limitation:

(1) Administrators at the institution;

(2) Personnel affiliated with health care centers located on or off a campus of the institution that provide services to the institution;

(3) An advocate designated pursuant to NRS 396.148;

(4) Staff affiliated with campus housing services;

(5) Students enrolled in an institution within the System;

(6) A provider of health care;

(7) Law enforcement agencies, including, without limitation, campus police or security; and

(8) The district attorney of the county where the main campus of the institution is located.

3. If the Board of Regents requires the adoption of a policy on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, an institution within the System shall provide:

(a) Internal or external entities an opportunity to provide comment on the initial policy on ~~[sexual misconduct]~~ ***power-based violence*** or any substantive change to the policy;

(b) Instructions on how an internal or external entity may provide comment on the initial policy on ~~[sexual misconduct]~~ ***power-based violence*** or a substantive change to the policy; and

(c) A reasonable length of time during which the institution will accept comment.

4. After an initial policy on ~~[sexual misconduct]~~ ***power-based violence*** is adopted by an institution within the System, the opportunity for comment by an internal or external entity pursuant to subsection 3 applies only to a substantive change to the policy, as determined by the institution.

5. If the Board of Regents requires the adoption of a policy on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, an institution within the System shall make the policy on ~~[sexual misconduct]~~ ***power-based violence*** publicly available not later than the start of each academic year:

(a) Upon request, to a prospective student, current student or employee of the institution; and

(b) On the Internet website maintained by the institution.

Sec. 7.5. **NRS 396.146 is hereby amended to read as follows:**

396.146 A policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted pursuant to NRS 396.145 must include, without limitation, information on:

1. The procedures by which a student or employee at an institution within the System may report or disclose an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that occurred on or off a campus of the institution;

2. Supportive measures, including, without limitation:

(a) Changing academic, living, campus transportation or work arrangements;

(b) Taking a leave of absence from the institution in response to an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(c) How to request supportive measures; and

(d) The process to have any supportive measures reviewed by the institution;

3. Appropriate local, state and federal law enforcement agencies, including, without limitation, the contact information for a law enforcement agency; and

4. The grievance process of the institution for investigating and resolving a report of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.

Sec. 7.6. **NRS 396.147 is hereby amended to read as follows:**

396.147 1. The Board of Regents may require an institution within the System to enter into a memorandum of understanding with an organization that assists persons involved in ~~[sexual misconduct.]~~ ***power-based violence.*** The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the institution and the organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** to establish an understanding of the:

(1) Responsibilities that the institution and organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** have in responding to a report or disclosure of an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(2) Procedures of the institution for providing support and services to students and employees;

(b) Require an organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** to:

(1) Assist with developing policies, programming or training at the institution regarding ~~[sexual misconduct;]~~ ***power-based violence;***

(2) Provide an alternative for a student or employee of the institution to receive free and confidential counseling, advocacy or crisis services related to an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that are located on or off a campus of the institution, including, without limitation:

(I) Access to a health care provider who specializes in forensic medical examinations; and

(II) Confidential services;

(3) Assist with the development and implementation of education and prevention programs for students of the institution; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the institution; and

(c) Include a fee structure for any services provided by the organization that assists persons involved in ~~[sexual misconduct.]~~ ***power-based violence.***

2. As used in this section, "forensic medical examination" has the meaning ascribed to it in NRS 217.300.

Sec. 7.7. **NRS 396.148 is hereby amended to read as follows:**

396.148 1. The Board of Regents may require an institution within the System to designate an advocate. If the Board of Regents requires the designation of an advocate, an institution shall designate existing categories of employees who may serve as an advocate. An institution may:

(a) Partner with an organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** to designate an advocate; or

(b) If the institution enrolls less than 1,000 students who reside in campus housing, partner with another institution within the System to designate an advocate.

2. An advocate designated pursuant to subsection 1:

(a) Must not be a Title IX coordinator, a member of campus police or law enforcement or any other official of the institution who is authorized to initiate a disciplinary proceeding on behalf of the institution or whose position at the institution may create a conflict of interest;

(b) Must be designated based on the training or experience of the person to effectively provide services related to ~~[sexual misconduct;]~~ ***power-based violence;*** and

(c) Must have completed at least 20 hours of relevant training.

3. If an institution within the System designates an advocate pursuant to subsection 1, the advocate must be trained on:

(a) The awareness and prevention of ~~[sexual misconduct;]~~ ***power-based violence;***

(b) Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;

(c) Any policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted by the institution pursuant to NRS 396.145; and

(d) Trauma-informed responses to a report of an alleged incident of ~~[sexual misconduct.]~~ ***power-based violence.***

4. An institution within the System that designates an advocate pursuant to subsection 1 shall provide for the availability of an advocate to students within a reasonable distance from the institution or by electronic means if it is not practicable to provide for the availability of an advocate in person.

Sec. 7.8. **NRS 396.149 is hereby amended to read as follows:**

396.149 1. If an advocate is designated pursuant to NRS 396.148, the advocate shall:

(a) Inform a student or employee of, or provide resources about how to obtain information on:

(1) Options on how to report an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** and the effects of each option;

(2) Counseling services available on a campus of the institution and through local community resources;

(3) Medical and legal services available on or off a campus of the institution;

(4) Available supportive measures;

(5) Counseling related to student loans;

(6) The grievance process of the institution and that the grievance process is not a substitute for the system of criminal justice;

(7) The role of local, state and federal law enforcement agencies;

(8) Any limits on the ability of the advocate to provide privacy or confidentiality to the student or employee; and

(9) A policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted by the institution pursuant to NRS 396.145;

(b) Notify the student or employee of his or her rights and the responsibilities of the institution regarding an order for protection, restraining order or injunction issued by a court;

(c) Unless otherwise required by state or federal law, not be required to report an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to the institution or a law enforcement agency;

(d) Provide confidential services to students and employees;

(e) Not provide confidential services to more than one party in a grievance process;

(f) Unless otherwise required by state or federal law, not disclose confidential information without the prior written consent of the student or employee who shared the information;

(g) Support a complainant or respondent in obtaining supportive measures to ensure the complainant or respondent has continued access to education; and

(h) Inform a student or employee that supportive measures may be available through disability services or the Title IX coordinator.

2. If an advocate is designated pursuant to NRS 396.148, the advocate may:

(a) If appropriate and if directed by a student or employee, assist the student or employee in reporting an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to the institution or a law enforcement agency; and

(b) Attend a disciplinary proceeding of the institution as the advisor or support person of a complainant.

3. Notice to an advocate of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** or the performance of services by an advocate pursuant to this section shall not constitute actual or constructive notice of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to the institution within the System which designated the advocate pursuant to NRS 396.148.

4. If a conflict of interest arises between the institution within the System which designated an advocate and the advocate in advocating for the provision of supportive measures by the institution to a complainant or a respondent, the institution shall not discipline, penalize or otherwise retaliate against the advocate for advocating for the complainant or the respondent.

Sec. 7.9. **NRS 396.151 is hereby amended to read as follows:**

396.151 1. The Board of Regents may prohibit an institution within the System from subjecting a complainant, reporting party or witness who reports

an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to a disciplinary proceeding or sanction for a violation of a policy on student conduct related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of an institution that occurred during or related to an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** unless the institution determines that the:

(a) Report of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was not made in good faith; or

(b) The violation of a policy on student conduct was egregious, including, without limitation, a violation that poses a risk to the health or safety of another person.

2. The Board of Regents may require an institution within the System to review any disciplinary action taken against a reporting party or witness to determine if there is any connection between the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that was reported and the misconduct that led to the reporting party or witness being disciplined.

Sec. 7.95. **NRS 396.152 is hereby amended to read as follows:**

396.152 1. The Board of Regents may require an institution within the System to provide training on the grievance process of the institution in accordance with 34 C.F.R. § 106.45.

2. The Board of Regents may require an institution within the System to train the Title IX coordinator and members of the campus police or safety personnel of the institution in the awareness of ~~[sexual misconduct]~~ ***power-based violence*** and in trauma-informed response to an alleged incident of ~~[sexual misconduct.]~~ ***power-based violence.***

Sec. 8. NRS 396.153 is hereby amended to read as follows:

396.153 1. The Board of Regents may require an institution within the System to provide programming on awareness and prevention of ~~[sexual misconduct]~~ ***power-based violence*** to all students and employees of the institution. If the Board of Regents requires an institution to provide programming on awareness and prevention of sexual misconduct, the programming must include, without limitation:

(a) An explanation of consent as it applies to a sexual act or sexual conduct with another person;

(b) The manner in which drugs and alcohol may affect the ability of a person to consent to a sexual act or sexual conduct with another person;

(c) Information on options for reporting an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** the effects of each option and the method to file a report under each option, including, without limitation, a description of the confidentiality and anonymity, as applicable, of a report;

(d) Information on the grievance process of the institution for addressing a report of an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** including, without limitation, a policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted pursuant to NRS 396.145;

(e) The range of sanctions or penalties the institution may impose on a student or employee found responsible for an incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(f) If an advocate is designated pursuant to NRS 396.148, the name, contact information and role of the advocate;

(g) Strategies for intervention by bystanders;

(h) Strategies for reduction of the risk of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(i) Any other opportunities for additional programming on awareness and prevention of ~~[sexual misconduct.]~~ ***power-based violence.***

2. If an institution provides programming on awareness and prevention of ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, the institution:

(a) Shall coordinate with the Title IX coordinator of the institution;

(b) May coordinate with a law enforcement agency and, if the institution entered into a memorandum of understanding with an organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** pursuant to NRS 396.147, that organization; and

(c) Shall require ~~[students or employees]~~ ***:***

(1) A student to attend the programming on the awareness and prevention of ~~[sexual misconduct.]~~ ***power-based violence at least once during his or her first two regular academic semesters after enrollment; and***

(2) An employee to attend the programming on the awareness and prevention of ~~[sexual misconduct]~~ power-based violence not less than once every 3 years.

3. If an institution provides programming on awareness and prevention of ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, the programming may be culturally responsive and address the unique experiences and challenges faced by students based on the race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of a student.

4. If an institution provides programming on awareness and prevention of ~~[sexual misconduct]~~ power-based violence to students pursuant to subsection 1, the institution may:

(a) Incorporate the programming into one or more courses for which a student may receive credit toward the course work required of the student for the award of an associate's degree, baccalaureate degree or certificate at any university, state college or community college.

(b) Condition the award of an associate's degree, baccalaureate degree or certificate upon the completion of a course described in paragraph (a).

5. If an institution provides programming on awareness and prevention of power-based violence to students pursuant to subsection 1, the institution shall require the programming to be provided and attended in person if the institution provides on-campus housing, except that an institution may

provide a waiver from the requirement to attend the programming in person for a student who is enrolled in a program that is attended remotely.

6. If an institution provides programming on awareness and prevention of ~~[sexual misconduct to employees]~~ power-based violence pursuant to subsection 1, the institution shall ~~[:~~

~~(a) Require the programming to be provided and attended in person, except during a period in which a state of emergency or declaration of disaster has been proclaimed by the Governor or the Legislature pursuant to NRS 414.070 in the geographic area in which the institution is located.~~

~~(b) Require]~~ require a syllabus for the programming that includes resources about how to obtain information on:

~~[(1)]~~ (a) Options for reporting an alleged incident of ~~[sexual misconduct,]~~ power-based violence, the effects of each option and the method to file a report under each option;

~~[(2)]~~ (b) Counseling services available on a campus of the institution and through local community resources;

~~[(3) Medical and legal services]~~

(c) Community-based organizations which provide assistance to victims of power-based violence whose services are available on or off a campus of the institution;

~~[(4)]~~ (d) Available supportive measures;

~~[(5)]~~ (e) The grievance process of the institution and that the grievance process is not a substitute for the system of criminal justice; and

~~[(6)]~~ (f) A policy on ~~[sexual misconduct]~~ power-based violence adopted by the institution pursuant to NRS 396.145.

~~[(c) Make a copy of the syllabus and any instructional materials for the programming available for viewing at all times by any interested employee.]~~

7. If an institution provides programming on awareness and prevention of power-based violence pursuant to subsection 1, the institution shall make the information which is required to be included in the syllabus for the programming pursuant to paragraphs (a) to (f), inclusive, of subsection 6 available on the Internet website of the institution.

Sec. 8.1. **NRS 396.154 is hereby amended to read as follows:**

396.154 The Board of Regents may require an institution within the System that receives a report of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that involves a student or employee of the institution to determine the responsibility of a respondent, if any, based on a preponderance of the evidence.

Sec. 8.2. **NRS 396.155 is hereby amended to read as follows:**

396.155 1. The Board of Regents may require an institution within the System to accept a request from a complainant who is 18 years of age or older to keep the identity of the complainant confidential or take no investigative or disciplinary action against a respondent. An institution shall not grant such a request if state or federal law requires disclosure or further action. In determining whether to grant such a request, the institution shall consider

whether there is a risk that the respondent may commit additional acts of ~~[sexual misconduct,]~~ violence, ***power-based violence,*** discrimination or harassment based on whether one or more of the following factors are present to a sufficient degree such that the request cannot be honored:

(a) There are any previous or existing reports of an incident of ~~[sexual misconduct]~~ ***power-based violence*** against the respondent, including, without limitation, records of complaints or the arrest of the respondent;

(b) The respondent allegedly used a weapon;

(c) The respondent threatened violence, discrimination or harassment against the complainant or other persons;

(d) The alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was alleged to have been committed by two or more people;

(e) The circumstances surrounding the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** indicate that the incident was premeditated and, if so, whether the respondent or another person allegedly premeditated the incident;

(f) The circumstances surrounding the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** indicate a pattern of consistent behavior at a particular location or by a particular group of people;

(g) The institution is able to conduct a thorough investigation and obtain relevant evidence without the cooperation of the complainant; and

(h) There are any other factors that indicate the respondent may repeat the behavior alleged by the complainant or that the complainant or other persons may be at risk of harm.

2. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall take reasonable steps to, without initiating formal action against the respondent:

(a) Respond to the report of the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** while maintaining the confidentiality of the complainant;

(b) Limit the effects of the alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(c) Prevent the recurrence of any misconduct.

3. Reasonable steps taken pursuant to subsection 2 may include, without limitation:

(a) Increased monitoring, supervision or security at locations or activities where the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** occurred;

(b) Providing additional training and educational materials for students and employees; or

(c) Ensuring a complainant is informed of and has access to appropriate supportive measures.

4. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1,

the institution shall inform the complainant that the ability of the institution to respond to the report of the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** will be limited by the request.

5. If an institution within the System determines that it cannot grant a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall:

(a) Inform the complainant of the determination before disclosing the identity of the complainant or initiating an investigation;

(b) Make available supportive measures for the complainant; and

(c) If requested by the complainant, inform the respondent that the complainant asked the institution not to take investigative or disciplinary action against the respondent.

Sec. 8.3. **NRS 396.156 is hereby amended to read as follows:**

396.156 1. In conducting an investigation of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** an institution within the System shall:

(a) Provide the complainant and the respondent the opportunity to identify witnesses and other evidence to assist the institution in determining whether an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** has occurred;

(b) Inform the complainant and the respondent that any evidence available to the party but not disclosed during the investigation might not be considered at a subsequent hearing; and

(c) Ensure that questions and evidence of the sexual history or sexual predisposition of a complainant are not considered relevant unless the:

(1) Questions or evidence are directly relevant to prove that the conduct alleged to have been committed by the respondent was inflicted by another person; or

(2) Questions and evidence are relevant to demonstrate how the parties communicated consent in previous or subsequent consensual sexual conduct.

2. An institution within the System shall provide periodic updates on the investigation to the complainant and the respondent regarding the timeline of the investigation.

3. An institution within the System shall notify the complainant and the respondent of the findings of an investigation simultaneously.

4. If an institution within the System imposes any disciplinary action based on the findings of an investigation on a respondent, such disciplinary action must be imposed in accordance with the grievance process of the institution.

Sec. 8.4. **NRS 396.158 is hereby amended to read as follows:**

396.158 1. A student who experiences ~~[sexual misconduct]~~ ***power-based violence*** may request a waiver from any requirement to maintain a certain grade point average, credit enrollment, or other academic or disciplinary record requirement relating to academic success for any scholarship, grant or other academic program offered by an institution within

the System. A waiver may be granted by a provost, dean, academic advisor or other appropriate staff or faculty member of the institution.

2. A student or employee who experiences ~~[sexual misconduct]~~ ***power-based violence*** may be granted a request to take a leave of absence or, to the extent practicable, extend benefits of employment.

Sec. 8.5. **NRS 396.159 is hereby amended to read as follows:**

396.159 1. The Board of Regents may require an institution within the System to prepare and submit to the Board of Regents an annual report that includes, without limitation:

(a) The total number of reports of alleged incidents of ~~[sexual misconduct]~~ ***power-based violence*** allegedly committed by a student or employee of the institution made to the Title IX office of the institution;

(b) The number of students and employees found responsible for an incident of ~~[sexual misconduct]~~ ***power-based violence*** by the institution;

(c) The number of students and employees accused of but found not responsible for an incident of ~~[sexual misconduct]~~ ***power-based violence*** by the institution;

(d) The number of persons sanctioned by the institution as a result of a finding of responsibility for an incident of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(e) The number of persons who submitted requests for supportive measures and the number of persons who received supportive measures.

2. A report submitted pursuant to subsection 1 must not contain any personally identifiable information of a student or employee of an institution within the System.

3. Information contained in a report submitted pursuant to subsection 1 must be able to be disaggregated by students and employees.

4. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, an institution shall submit the report to the Board of Regents not later than October 1 of each year.

5. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, the Board of Regents shall, not later than December 31 of each year, submit a compilation of the reports the Board of Regents received pursuant to subsection 1 to the Director of the Department of Health and Human Services and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature in even-numbered years or the Joint Interim Standing Committee on Education in odd-numbered years.

6. Any data or reports that underlie the report prepared pursuant to subsection 4 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 8.6. **NRS 49.2545 is hereby amended to read as follows:**

49.2545 "Victim's advocate" means a person who works for a nonprofit program, a program of a university, state college or community college within the Nevada System of Higher Education or a program of a tribal organization

which provides assistance to victims or who provides services to a victim of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** pursuant to NRS 396.125 to 396.1595, inclusive, with or without compensation and who has received at least 20 hours of relevant training.

Sec. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 10. NRS **394.16055, 396.134 and** 396.141 ~~[is]~~ **are** hereby repealed.

Sec. 11. This act becomes effective on July 1, 2023.

TEXT OF REPEALED ~~[SECTION]~~ SECTIONS

394.16055 "Sexual misconduct" defined. "Sexual misconduct" has the meaning ascribed to it in NRS 391.860.

396.134 "Sexual misconduct" defined. "Sexual misconduct" means dating violence, domestic violence, gender-based violence, gender-based harassment, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, stalking or indecent exposure.

396.141 Task Force on Sexual Misconduct at Institutions of Higher Education: Creation; members; meetings.

1. There is hereby created the Task Force on Sexual Misconduct at Institutions of Higher Education consisting of 12 members as follows:

(a) The Chancellor of the System, or his or her designee;

(b) The Chief General Counsel of the System, or his or her designee; and

(c) Ten members appointed by the Board of Regents as follows:

(1) One representative of a state college;

(2) One representative of a community college;

(3) One representative of a university;

(4) One Title IX coordinator from an institution within the System;

(5) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a state college or community college;

(6) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a university;

(7) One researcher with experience in the development of climate surveys on sexual misconduct;

(8) One researcher of statistics, data analytics or econometrics with experience in survey analysis in higher education;

(9) One medical professional from the University of Nevada, Las Vegas, School of Medicine or the University of Nevada, Reno, School of Medicine; and

(10) One person who serves as a victim's advocate, as defined in NRS 49.2545, at an institution within the System.

2. After the initial terms, each appointed member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following his or her initial term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least once annually and may meet at other times upon the call of the Chair or a majority of the members of the Task Force.

5. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, and within the limits of available money, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 281.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 190.

AN ACT relating to health care; requiring the administrator of a senior living facility to ensure a senior living facility is equipped with **a** functional ventilation ~~[and filtration systems;]~~ **system; establishing requirements governing the detection of carbon dioxide at a senior living facility;** establishing requirements for the assessment of and any ~~[improvement]~~ **repair, upgrade or installation** to such **heating,** ventilation ~~[and filtration]~~ **and air-conditioning** systems ~~[;]~~ **at senior living facilities;** requiring certain

personnel to complete **and review** an assessment report on such a ventilation ~~[or filtration]~~ system; requiring the administrator of a senior living facility to prepare a report on **work performed on** such a ventilation ~~[or filtration]~~ system; **providing that such a report is a public record;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements for certain medical facilities that provide care to persons who are aged or infirm, including, without limitation, a facility for intermediate care, facility for skilled nursing, a residential facility for groups and a home for individual residential care. (Chapter 449 of NRS) This bill establishes requirements for the **heating,** ventilation and ~~[filtration]~~ **air-conditioning** systems of a senior living facility.

Section 7 of this bill defines "senior living facility" as any facility that receives any federal funding from Medicare, Medicaid or other federal health care program and which provides living assistance and related care to a resident of the facility who is an aged or infirm person, including, without limitation, a facility for intermediate care, facility for skilled nursing, a residential facility for groups and a home for individual residential care. **Sections** ~~[3-6]~~**3-8.7** of this bill define other terms related to ventilation systems in senior living facilities.

Section 9 of this bill sets forth a legislative declaration relating to ventilation ~~[and filtration]~~ systems in senior living facilities. **Section 9.5 of this bill requires the State Board of Health to review each new edition of certain standards incorporated into this bill to determine their suitability for this State.**

Section 10 of this bill requires, to the extent money is available, the administrator of a senior living facility to ensure that the senior living facility is equipped with a functional ventilation system and to have ~~[an assessment]~~ **periodic assessments** of the existing system conducted by qualified adjusting personnel or qualified testing personnel. ~~[Sections 11-14]~~ **Section 10 also authorizes a facility that is certified as an assisted living facility to use certain federal money received to upgrade and maintain the ventilation system of that facility.**

Section 14 of this bill prescribes requirements governing carbon dioxide detectors at a senior living facility. Section 14 also requires the administrator of a senior living facility to cause an adjustment to the ventilation if the concentration of carbon dioxide exceeds a certain amount.

Section 14.5 of this bill ~~[set]~~ **sets** forth the requirements for ~~[qualified adjusting personnel or]~~ qualified testing personnel to assess ~~[and perform updates to: (1) a filtration system of a senior living facility; (2) the ventilation rates of a senior living facility; (3) the ventilation system of a senior living facility; and (4) the carbon dioxide monitors in a senior living facility.~~

~~Section 15 of this bill sets forth requirements for an assessment of a senior living facility with a limited ventilation system or no ventilation system.~~

~~Section 16 of this bill]~~ **the heating, ventilation and air conditioning system of a senior living facility. Section 14.5 also** requires ~~[qualified adjusting personnel or]~~ qualified testing personnel to prepare ~~[an]~~ **a heating, ventilation and air-conditioning** assessment report, including certain information relating to the assessments conducted pursuant to ~~[sections 11 to 14.]~~ **that section.**

Section 18 of this bill: (1) requires a heating, ventilation and air-conditioning assessment report to be reviewed by a mechanical engineer; and (2) imposes certain duties on the mechanical engineer to facilitate improvements determined necessary based on the report.

Section 19 of this bill requires a senior living facility to take certain corrective actions in response to a heating, ventilation and air-conditioning assessment report and review by a mechanical engineer. Section 20 of this bill imposes certain requirements governing the workforce used to perform such corrective actions.

Section ~~[17]~~ **21** of this bill requires the administrator of a senior living facility to prepare a report on the work performed ~~[by qualified adjusting personnel or qualified testing personnel pursuant to sections 11-15]~~ **pursuant to a heating, ventilation and air-conditioning assessment report and review by a mechanical engineer** and to ~~[make the report available to the Office of Energy upon request.]~~ **submit the report to the Division of Public and Behavioral Health of the Department of Health and Human Services.**

Section 22 of this bill provides that a heating, ventilation and air-conditioning assessment report and a report created by an administrator of a senior living facility pursuant to section 21 are public records and available for public inspection. Sections 22.5 and 23 of this bill provide for the expiration of the provisions of this bill where there is no longer sufficient federal money available to facilitate compliance with its provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[17,]~~ **22,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[17,]~~ 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to ~~[8,]~~ 8.7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Apprenticeship program" means an apprenticeship program approved by the State Apprenticeship Council created by NRS 610.030.***

Sec. 3.1. "ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

Sec. 3.2. "Certified TAB technician" means a technician who is certified to perform testing, adjusting and balancing of HVAC systems by the Associated Air

Balance Council, National Environmental Balancing Bureau, Inc. or the Testing, Adjusting and Balancing Bureau, or a similar successor organization.

Sec. 3.3. "Functional ventilation system" means a heating, ventilation and air-conditioning system that provides the minimum acceptable level of ventilation in accordance with the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 3.4. "HVAC" means heating, ventilation and air-conditioning.

Sec. 3.5. "Mechanical engineer" means a professional engineer who is licensed in the discipline of mechanical engineering by this State and who has professional experience with heating, ventilation and air-conditioning systems.

Sec. 3.6. "MERV" means minimum efficiency reporting value, as established by ASHRAE Standard 52.2-2017, Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size.

Sec. 4. ~~*[*"Minimum efficiency reporting value" means the minimum efficiency reporting value established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, or its successor organization.]*~~ **(Deleted by amendment.)**

Sec. 5. *"Qualified adjusting personnel" means ~~[a:]~~ either of the following:*

1. ~~[Technician]~~ A certified ~~[to test, adjust and balance ventilation systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations;]~~ TAB technician; or

2. ~~[Skilled]~~ A skilled and trained workforce under the supervision of a certified TAB technician . ~~[certified to test, adjust and balance ventilation systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations.]~~

Sec. 6. *"Qualified testing personnel" means ~~[:]~~ either of the following:*

1. A certified TAB technician ; ~~[certified to test, adjust and balance ventilation systems through a program accredited by the Associated Air Balance Council, the National Environmental Balancing Bureau or the Testing, Adjusting and Balancing Bureau, or their successor organizations;]~~ or

2. A person certified to perform assessments of heating, ventilation and air-conditioning systems ~~[through a program accredited]~~ by ~~[the American National Standards Institute.]~~ a certifying body in accordance with the edition of standard ISO/IEC 17024, Conformity assessment -- General requirements for bodies operating certification of persons, of the International Organization for Standardization most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 7. *"Senior living facility" means any facility that receives any federal funding from Medicare, Medicaid or other federal health care program and which provides living assistance and related care to a resident of the facility who is an aged or infirm person including, without limitation, a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care.*

Sec. 8. *"Skilled and trained workforce" means a workforce not less than 60 percent of which is composed of graduates of an apprenticeship program ~~.~~* *for the applicable occupation.*

Sec. 8.3. *"Ventilation verification assessment" means an assessment to determine the status of a ventilation system performed in accordance with section 14 of this act.*

Sec. 8.7. *"Zone means an area of a senior living facility where the temperature is controlled by one thermostat.*

Sec. 9. *The Legislature finds and declares that:*

1. Studies have found:

(a) Most ventilation systems are improperly installed; and

(b) Many of the problems with ventilation systems are linked to the use of inadequately trained personnel to install, test, adjust and balance ventilation systems.

2. Ventilation systems should operate as efficiently as possible and inspections and repairs should be performed by qualified personnel.

3. In addition to increasing the risk of infectious, airborne diseases, inadequate ventilation systems in senior living facilities negatively impact the health of residents and staff in senior living facilities.

4. Improving indoor air quality in senior living facilities may protect the health of residents and staff, reduce the risk of infectious, airborne diseases and save energy.

5. Senior living facilities should have functioning ventilation systems that meet or exceed recommended health and safety standards.

6. Consistent statewide standards for senior living facilities are necessary to protect the health and safety of residents and staff.

Sec. 9.5. *The Board shall review the editions of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality, Standard ISO/IEC 17024, Conformity assessment -- General requirements for bodies operating certification of persons, of the International Organization for Standardization, and the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials in effect on the effective date of this act to ensure the suitability of the new edition for this State. Each new edition of those standards shall be deemed approved by the Board unless the edition is disapproved by the Board within 60 days after the date of publication of the new edition.*

Sec. 10. *1. To the extent that money is available, the administrator of a senior living facility shall ensure that the senior living facility is equipped with a functional ventilation system that is tested, adjusted and, if necessary*

or cost-effective, repaired, upgraded or replaced to increase efficiency and performance ~~[.]~~ in accordance with the provisions of sections 2 to 22, inclusive, of this act. Money shall be considered available if the senior living facility:

(a) Receives federal or state money and allocates such money to equip the senior living facility with a functional ventilation system or improve the ventilation system or indoor air quality in the senior living facility; or

(b) As a condition of receiving federal or state money is required to ensure the senior living facility is equipped with a functional ventilation system or improve the ventilation system or indoor air quality in the senior living facility.

2. ~~[The]~~ Not later than July 1, 2025, and at least once every 5 years thereafter, the administrator of ~~[the]~~ a senior living facility or any other person that ensures ~~[the]~~ a senior living facility is equipped with a functional ventilation system pursuant to this section shall employ qualified adjusting personnel or qualified testing personnel , or cause such persons to be contracted, to ~~[assess]~~ perform a ventilation verification assessment in accordance with section 14.5 of this act to determine the status of and make any necessary improvements to the ~~[:~~

~~(a) Filtration]~~ heating, ventilation and air-conditioning system of the senior living facility . ~~[in accordance with the provisions of section 11 of this act;~~

~~(b) Ventilation rates of the senior living facility in accordance with the provisions of section 12 of this act;~~

~~(c) Ventilation system of the senior living facility in accordance with the provisions of section 13 of this act; and~~

~~(d) Carbon dioxide monitors at the senior living facility in accordance with the provisions of section 14 of this act.~~

~~3. The administrator of a senior living facility or any other person that ensures a senior living facility is equipped with a functional ventilation system pursuant to this section shall have performed any work required to meet the minimum requirements for ventilation and filtration established by sections 2 to 17, inclusive, of this act, up to an estimated cost of not more than $200,000. The administrator may have performed any additional recommended work that exceeds an estimated cost of $200,000.]~~

3. A senior living facility that is an assisted living facility certified by the Housing Division of the Department of Business and Industry pursuant to NRS 319.147 may use federal money received pursuant to paragraph (a) of subsection 1 to upgrade and maintain the ventilation system of that facility.

Sec. 11. *~~[In assessing a filtration system of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall:~~*

~~1. Review the capacity and airflow of the filtration system to determine the type of filters with the best minimum efficiency reporting value based on~~

~~*industry standards that can be installed without adversely impacting the filtration system;*~~

~~*2. Ensure that the filters used in the filtration system are of the type determined pursuant to subsection 1 with the best possible minimum efficiency reporting value;*~~

~~*3. Ensure that the filters are properly installed and replace or upgrade the filters as needed;*~~

~~*4. If a filtration system uses ultraviolet germicidal irradiation to disinfect air, ensure that the ultraviolet bulb is operating properly and does not shine on the filters, and replace the ultraviolet bulbs as needed;*~~

~~*5. If a filtration system uses an economizer, test and repair the economizer dampers; and*~~

~~*6. Recommend any additional maintenance, replacements or upgrades to improve the overall performance of the filtration system.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~*[1. In assessing the ventilation rates of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall:*~~

~~*(a) Ensure that the ventilation rates in each room of the facility that is routinely occupied meet the minimum requirements for ventilation rates set forth in the Uniform Mechanical Code;*~~

~~*(b) Calculate the required minimum outside air ventilation rates for each room of the facility that is routinely occupied based on the maximum anticipated rate of occupancy and the minimum required ventilation rate per occupant in accordance with the Uniform Mechanical Code;*~~

~~*(c) Ensure that the minimum outside air ventilation rates meet the required minimum rate calculated pursuant to paragraph (b);*~~

~~*(d) If the minimum outside air ventilation rates do not meet the required minimum rate calculated pursuant to paragraph (b):*~~

~~*(1) Determine whether additional ventilation can be provided without adversely impacting the performance of the filtration system or the environmental quality of the building; and*~~

~~*(2) If additional ventilation can be provided, adjust the ventilation rates to meet the required minimum rate;*~~

~~*(e) If the minimum outside air ventilation rate cannot be met after adjusting the ventilation rates pursuant to paragraph (d), explain why the rate cannot be met;*~~

~~*(f) Conduct survey readings of the inlets and outlets to:*~~

~~*(1) Ensure that ventilation is reaching the served zone and is adequately distributed;*~~

~~*(2) Ensure that the inlets and outlets are balanced to be tolerated by the design of the filtration systems;*~~

~~*(3) Document read values and deficiencies; and*~~

~~(4) If the original values of the design of the filtration system for inlets and outlets of the filtration system are not available, document the available information and note the unavailability of the original values;~~

~~(g) Ensure that there is a positive pressure differential between the building and the outdoors, that the building is not overly pressurized and that rooms designated for temporary occupation by sick residents or staff maintain a negative pressure differential or a pressure differential otherwise set forth by the applicable industry standards;~~

~~(h) Ensure that the coil velocities and the coil and unit discharge air temperatures maintain the desired indoor conditions and avoid moisture carryover from the cooling coils;~~

~~(i) Ensure that the separation between the outdoor air intakes and the exhaust discharge outlets is in accordance with the Uniform Mechanical Code;~~

~~(j) Verify that the air handling unit is bringing in outdoor air and removing exhaust air as intended by the design of the filtration system;~~

~~(k) Measure the air volume for the exhaust fans and document any discrepancies in volume between the measurements and the original volume of the design of the filtration system;~~

~~(l) Verify that the coil condition, condensate drainage, air temperature differentials of the cooling coils, operation of the heat exchangers and drive assembly meet applicable industry standards;~~

~~(m) Review the control sequences to verify that the systems will maintain the intended ventilation, temperature and humidity;~~

~~(n) Verify that daily flushes are scheduled in accordance with the standards set forth by the American National Standards Institute and the American Society of Heating, Refrigerating and Air-Conditioning Engineers and any applicable local or state guidance; and~~

~~(o) Ensure that the operation times and set points of the ventilation system and exhaust fans are in accordance with any applicable guidance set forth by the American National Standards Institute and the American Society of Heating, Refrigerating and Air-Conditioning Engineers and any applicable local or state guidance.~~

~~2. Except as otherwise provided in subsection 3, if a demand control ventilation system is installed at a senior living facility, qualified adjusting personnel or qualified testing personnel, as applicable, shall ensure that the set point for carbon dioxide is set to 800 parts per million or less.~~

~~3. Qualified adjusting personnel, qualified testing personnel or a licensed professional engineer shall disable a demand control ventilation system installed at a senior living facility and configure the overall ventilation system to meet the minimum requirements of sections 2 to 17, inclusive, of this act if:~~

~~(a) The demand control ventilation system does not maintain an average daily maximum carbon dioxide concentration of less than 1,100 parts per million;~~

~~*(b) The administrator of the senior living facility, as applicable, determines that a public health crisis caused by an airborne illness is in effect; and*~~

~~*(c) Disabling the demand control ventilation system would not adversely affect the operation of the overall ventilation system,*~~

~~*"until the administrator determines that a public health crisis caused by an airborne illness is no longer in effect.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*[In assessing the ventilation system of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall assess the overall performance of the ventilation system. If a ventilation system is broken, fails to meet the minimum requirements for ventilation established by sections 2 to 17, inclusive, of this act or is otherwise unable to operate at the level intended by the original design of the system, qualified adjusting personnel or qualified testing personnel, as applicable, shall recommend any necessary repairs or maintenance. Any repairs or maintenance to the ventilation system must be performed by a skilled and trained workforce.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[In assessing the carbon dioxide monitors of a senior living facility pursuant to section 10 of this act, qualified adjusting personnel or qualified testing personnel, as applicable, shall ensure that each room]*~~

1. Except as otherwise provided in subsection 2, each zone in ~~*[the]*~~ *a senior living facility* ~~*[is]*~~ *must be equipped with a carbon dioxide monitor* ~~*[that:]*~~ *and at least one carbon dioxide monitor for each 10,000 square feet of floor space. Such a carbon dioxide monitor must:*

~~*[1. Is]*~~ *(a) Be hardwired* ~~*,*~~ ~~*[or]*~~ *plugged in or battery-operated and mounted to the wall at least 3 feet but not more than 6 feet above the floor and at least 5 feet away from any door or operable window;*

~~*[2. Displays]*~~ *(b) Display readings of the concentration of carbon dioxide to appropriate personnel through a display on the monitor or through an application on an Internet website or a cellular telephone;*

~~*[3. Provides]*~~ *(c) Provide a visual notification, including, without limitation, through an indicator light, electronic mail, text message or an application on a cellular telephone, when the concentration of carbon dioxide in the room reaches 1,100 parts per million or more;*

~~*[4. Maintains]*~~ *(d) Maintain a record of previous data that includes, without limitation, the maximum carbon dioxide concentration measured;*

~~*[5. Has]*~~ *(e) Have a range of 400 parts per million to* ~~*[2,000]*~~ *5,000 parts per million or more; and*

~~*[6. Is]*~~ *(f) Be certified by the manufacturer of the carbon dioxide monitor to* ~~*[be]*~~ *:*

(1) Be accurate within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million ; and ~~*[requires]*~~

(2) Require calibration not more than once every 5 years.

2. The technical specifications for carbon dioxide monitors set forth in subsection 1 may be amended by regulation of the Board as necessary to reflect available technology and to achieve the intent of that subsection.

3. If appropriate personnel observe a concentration of carbon dioxide exceeding 1,100 parts per million more than once in any 7-day period in any zone, the administrator of the senior living facility shall cause qualified adjusting personnel to adjust the ventilation of the zone as necessary to ensure that the concentration of carbon dioxide in the zone remains below 1,100 parts per million.

Sec. 14.5. 1. In a ventilation verification assessment of a senior living facility performed pursuant to section 10 of this act, qualified testing personnel must:

(a) Record information from HVAC equipment and the motor nameplate.

(b) Conduct such testing as necessary to determine that filters are performing at maximum efficiency.

(c) Obtain physical measurements of the outside air rates at minimum and maximum load conditions.

(d) For each zone, estimate the number of occupants and determine the current occupancy categories, as listed in Table 402.1 of ASHRAE Standard 62.1-2022, Ventilation and Acceptable Indoor Air Quality.

(e) Verify the operation of components of the ventilation system.

(f) Measure all inlets and outlets for air distribution.

(g) Verify the proper operation of each unit of the HVAC system.

(h) Verify that maintenance has been performed in accordance with section 8 and table 8.1 of ASHRAE Standard 62.1-2022, Ventilation and Acceptable Indoor Air Quality.

(i) Verify that control sequences are organized in a manner that facilitates proper operation of the HVAC system.

(j) Verify the installation of carbon dioxide monitors as required by section 14 of this act and the accuracy of all carbon dioxide monitors within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million.

(k) If the facility is not currently equipped with mechanical ventilation, collect field data to determine the feasibility of installing such ventilation.

(l) Identify such adjustments, repairs, upgrades or replacements described in section 19 of this act as are necessary to meet:

(1) The minimum requirements concerning ventilation and filtration prescribed by any applicable local building code; and

(2) The criteria of the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality, most recently approved by the Board pursuant to section 9.5 of this act.

(m) Document the performance of each task performed pursuant to paragraphs (a) to (l), inclusive.

2. Based on the documentation described in paragraph (m) of subsection 1, the qualified testing personnel who perform a ventilation

verification assessment pursuant to section 10 of this act must prepare an HVAC assessment report and provide the report to a mechanical engineer for review in accordance with section 18 of this act.

Sec. 15. ***[1. If a senior living facility has a limited ventilation system or no ventilation system, qualified adjusting personnel or qualified testing personnel, as applicable, shall document existing conditions and provide a licensed professional engineer with any information necessary for the licensed professional engineer to make recommendations for upgrading or installing a ventilation system.***

2. Qualified adjusting personnel or qualified testing personnel that conduct an assessment of a senior living facility with a limited ventilation system or no ventilation system shall determine whether carbon dioxide monitors that meet the requirements of section 14 of this act are installed in each room of the senior living facility.] **(Deleted by amendment.)**

Sec. 16. ***[1. Qualified adjusting personnel or qualified testing personnel, as applicable, shall prepare an assessment report of any assessment performed in a senior living facility pursuant to section 10 of this act. A licensed professional engineer shall:***

(a) Review the assessment report and determine if any:

(1) Additional adjustments or repairs are necessary to meet the minimum requirements for ventilation and filtration established by sections 2 to 17, inclusive, of this act; and

(2) Cost-effective upgrades for energy efficiency are warranted; and

(b) Provide an estimated cost of any work required to meet the minimum requirements for ventilation and filtration established by sections 2 to 17, inclusive, of this act, up to an estimated cost of not more than $200,000 and an estimated cost of any additional recommended work up to an estimated cost of not more than $200,000.

2. The assessment report must include, without limitation:

(a) The name and address of the person preparing the report and the senior living facility where the assessments required pursuant to section 10 of this act were performed;

(b) For each piece of equipment assessed, the model number, serial number, general condition and any additional information that could be used to assess options for replacements, repairs or upgrades;

(c) Verification that the filters meet the best possible minimum efficiency reporting values pursuant to subsection 2 of section 11 of this act or, if a filter does not meet the best possible minimum efficiency reporting value, documentation of the current minimum efficiency reporting value of the filter;

(d) Verification that the ventilation rates meet the requirements set forth in section 12 of this act or, if the ventilation rates do not meet the requirements, an explanation of why the ventilation rates do not meet the requirements;

~~(c) The measurements of air volume for the exhaust fans and the documentation of any discrepancies in volume between the measurements and the original volume of the design of the filtration system prepared pursuant to paragraph (k) of subsection 1 of section 12 of this act;~~

~~(f) Verification that each assessment conducted pursuant to sections 11 to 15, inclusive, of this act meets the requirements of the applicable section;~~

~~(g) If the minimum outside air ventilation rate cannot be met, the explanation of why the rate cannot be met prepared pursuant to paragraph (e) of subsection 1 of section 12 of this act;~~

~~(h) If the original values of the design of the filtration system for the inlets and outlets of the filtration system are not available, the documentation of the available information and the notation of the unavailability of the original values prepared pursuant to paragraph (f) of subsection 1 of section 12 of this act;~~

~~(i) Documentation of any deficiencies within any system assessed pursuant to section 10 of this act;~~

~~(j) Verification of the installation of carbon dioxide monitors pursuant to section 14 of this act, including, without limitation, the make and model of the carbon dioxide monitors;~~

~~(k) If applicable, documentation of the information prepared pursuant to section 15 of this act for a senior living facility with a limited ventilation system or no ventilation system; and~~

~~(l) Recommendations for additional maintenance, replacements or upgrades to improve the energy efficiency, safety or performance of any system assessed pursuant to section 10 of this act.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[1. The administrator of a senior living facility or any other person that ensures a senior living facility is equipped with a functional ventilation system pursuant to section 10 of this act shall prepare a report on the status of the assessments performed pursuant to section 10 of this act and any maintenance, repairs or upgrades performed as a result of those assessments. The report must include, without limitation:~~

~~(a) The name and address of the person preparing the report and the senior living facility where the assessments required pursuant to section 10 of this act were performed;~~

~~(b) A description of the assessments performed pursuant to section 10 of this act and any maintenance, repairs or upgrades performed as result of those assessments;~~

~~(c) Verification that the administrator of the senior living facility, as applicable, has complied with the requirements of sections 2 to 17, inclusive, of this act;~~

~~(d) Verification that the filters meet the best possible minimum efficiency reporting values pursuant to subsection 2 of section 11 of this act or, if a filter does not meet the best possible minimum efficiency reporting value, documentation of the current minimum efficiency reporting value of the filter;~~

~~*(e) Verification that the ventilation rates meet the requirements set forth in section 12 of this act or, if the ventilation rates do not meet the requirements, an explanation of why the ventilation rates do not meet the requirements;*~~

~~*(f) The measurements of air volume for the exhaust fans and the documentation of any discrepancies in volume between the measurements and the original volume of the design of the filtration system prepared pursuant to paragraph (k) of subsection 1 of section 12 of this act;*~~

~~*(g) Documentation of any deficiencies within any system assessed pursuant to section 10 of this act;*~~

~~*(h) Documentation of the initial operating verifications and adjustments, the final operating verifications and adjustments and any adjustments or repairs performed;*~~

~~*(i) Verification of the installation of carbon dioxide monitors pursuant to section 14 of this act, including, without limitation, the make and model of the carbon dioxide monitors;*~~

~~*(j) If applicable, documentation of the information prepared pursuant to section 15 of this act for a senior living facility with a limited ventilation system or no ventilation system; and*~~

~~*(k) Verification that all work has been performed by qualified adjusting personnel or qualified testing personnel or a skilled and trained workforce, as appropriate, which may include, without limitation, the provision of the name and, if applicable, certification number of any contractor, qualified adjusting personnel or qualified testing personnel who performed such work.*~~

~~*2. The administrator of a senior living facility shall maintain the report prepared pursuant to subsection 1 for at least 5 years and make a copy of the report available to the Office of Energy upon request.]*~~ **(Deleted by amendment.)**

Sec. 18. ***The mechanical engineer who reviews an HVAC assessment report pursuant to subsection 2 of section 14.5 of this act must:***

1. Verify or adjust the estimated minimum outside air ventilation rates.

2. Determine what, if any, additional adjustments, repairs, upgrades or replacements described in section 19 of this act are necessary to meet:

(a) The minimum ventilation and filtration requirements of the local building code; and

(b) The criteria of the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality most recently approved by the Board pursuant to section 9.5 of this act.

3. Provide the senior living facility with an estimate of costs for all recommended work.

Sec. 19. ***1. A senior living facility shall take any corrective actions:***

(a) Identified in an HVAC assessment report created pursuant to subsection 2 of section 14.5 of this act and reviewed by a mechanical engineer pursuant to section 18 of this act; or

(b) Identified by a mechanical engineer pursuant to section 18 of this act.

2. Corrective actions identified in an HVAC assessment report or by a mechanical engineer must include, where necessary:

(a) Testing, adjusting and balancing the mechanical ventilation system of the senior living facility, if any; and

(b) If necessary or cost effective, repairs, upgrades or replacement of the HVAC system or installation of a stand-alone mechanical ventilation system.

3. Corrective actions identified in an HVAC assessment report or by a mechanical engineer may additionally include , without limitation:

(a) General maintenance.

(b) Reading and adjustment of ventilation rates.

(c) Replacement of filters to meet a MERV of at least 13 if equipment allows, while ensuring that the pressure drop is less than the capability of the fan.

(d) Direct outside airflow intake measurement.

4. A senior living facility may only use portable filtration and air cleaners:

(a) If the infrastructure of the existing HVAC system is not able to meet the requirements for filtration and ventilation prescribed by sections 2 to 22, inclusive, of this act.

(b) As recommended by a mechanical engineer as a supplemental enhancement to the permanent infrastructure of the HVAC system:

(1) When the desired indoor air quality cannot be maintained with the mechanical ventilation system; or

(2) There exist concerns relating to outdoor air contaminants such as those created by wildfires and air pollution.

5. All adjustments to an HVAC system at a senior living facility must be performed by qualified adjusting personnel.

Sec. 20. 1. The administrator of a senior living facility shall ensure that all work required by section 19 of this act including, without limitation, repairs, upgrades and replacements of an HVAC system, is performed by a skilled and trained workforce of the construction industry and in compliance with applicable regulations of the Board.

2. The Division and the Board shall work in consultation with the Labor Commissioner, as necessary, to ensure that assessments and construction required pursuant to sections 2 to 22, inclusive, of this act satisfy any applicable standards and requirements of the edition of the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 21. 1. Upon the completion of work required by section 19 of this act, the administrator of a senior living facility shall submit a report to the Division. The report must include:

(a) The name and address of:

(1) The senior living facility;

(2) The person preparing and certifying the report; and

(3) The qualified testing personnel, qualified adjusting personnel, mechanical engineers, contractors and the members of the skilled and trained workforce of the construction industry who performed assessments, adjustments or construction relating to the work.

(b) Copies of the certification and license, if applicable, of each person identified in subparagraph (3) of paragraph (a).

(c) A copy of all procurement documents relating to the work.

(d) Documentation of:

(1) Verifications of initial operating ventilation rates.

(2) Adjustments, repairs, upgrades and replacements performed pursuant to section 19 of this act.

(3) The final operating conditions of the HVAC system, including, without limitation, the MERV of the filtration system and verified ventilation and exhaust rates for classrooms, auditoriums, gymnasiums, restrooms, offices and other occupied spaces.

(4) Verification that all work has been tested by qualified testing personnel and adjusted by qualified adjusting personnel.

(5) Verification that all repairs, upgrades and replacements were performed by a contractor who uses a skilled and trained workforce of the construction industry and who is in compliance with any applicable standards of the United States Department of Labor.

(6) Compliance with section 19 of this act, including, without limitation, the make and model of each carbon dioxide monitor installed in the senior living facility.

Sec. 22. An HVAC assessment report created pursuant to section 14.5 of this act and reviewed by a mechanical engineer pursuant to section 18 of this act and a report submitted to the Division by the administrator of a senior living facility pursuant to section 21 of this act are public records and are available for public inspection.

Sec. 22.5. **1. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall regularly monitor the amount of federal money available to facilitate the compliance of senior living facilities with the provisions of sections 2 to 22, inclusive, of this act. On the date on which the Administrator determines that there is insufficient federal money available for that purpose, the Administrator shall transmit notice of that determination to the Governor and the Director of the Legislative Counsel Bureau.**

2. As used in this section, "senior living facility" has the meaning ascribed to it in section 7 of this act.

Sec. 23. **This act:**

1. Becomes effective upon passage and approval; and

2. Expires by limitation on the date on which the Director of the Legislative Counsel Bureau receives notice of a determination by the Administrator of the Division of Public and Behavioral Health of the

Department of Health and Human Services pursuant to section 22.5 of this act that there is insufficient federal money available to facilitate the compliance of senior living facilities with the provisions of sections 2 to 22, inclusive, of this act.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 162, 313.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 185, 246, 385, 435.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 216, 274, 308.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that Assembly Bill No. 456 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:32 p.m.

ASSEMBLY IN SESSION

At 4:40 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 53.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:
Assembly Bill 53 increases the civil penalties for sales of tobacco products to minors.

Roll call on Assembly Bill No. 53:

YEAS—38.

NAYS—Gray, Hafen, Hansen, McArthur—4.

Assembly Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblyman D'Silva.

ASSEMBLYMAN D'SILVA:

Assembly Bill 73 establishes that a public school pupil is entitled to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at a school graduation ceremony. The governing body of a public school may prohibit items that are likely to cause a substantial disruption of, or material interference with, such a ceremony. The bill outlines an appeals process for a pupil who is prohibited from wearing an item as an adornment.

Roll call on Assembly Bill No. 73:

YEAS—42.

NAYS—None.

Assembly Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 75.

Bill read third time.

Remarks by Assemblywoman Gallant.

ASSEMBLYWOMAN GALLANT:

Assembly Bill 75 authorizes the adoption of regulations to establish requirements for transactions involving an offer to sell or a sale of a security to a Nevada certified investor. A Nevada certified investor is a natural person who is, or a married couple who each are, a resident of this state and who, at the time an offer to sell or a sale of a security is made to the person or couple, meets certain financial qualifications.

Roll call on Assembly Bill No. 75:

YEAS—39.

NAYS—Orentlicher, Summers-Armstrong, Thomas—3.

Assembly Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 91.

Bill read third time.

Remarks by Assemblyman DeLong.

ASSEMBLYMAN DELONG:

Assembly Bill 91 allows a person to sink or bore a replacement well without submitting an application to change the point of diversion of water already appropriated if both the original well and replacement well are on public lands and the replacement well is within 300 feet of the original point of diversion.

Finally, a person seeking to sink or bore a replacement well on public lands must notify any relevant federal agency that is charged with administering such public lands and comply with all applicable federal laws.

The bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 91:

YEAS—40.

NAYS—Bilbray-Axelrod, Orentlicher—2.

Assembly Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Assembly Bill 120 prohibits a provider of health care who was not initially issued his or her professional license or certificate within the immediately preceding three years, and who has not practiced his or her profession within the immediately preceding three years, from providing voluntary health care services in this state.

Roll call on Assembly Bill No. 120:

YEAS—42.

NAYS—None.

Assembly Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 132 permits certain governmental entities, health care facilities and providers, and higher education faculty or students to review opioid overdose fatalities. Other entities can participate in such reviews through memoranda of understanding under specific conditions. The bill provides that certain records received by a person or entity conducting an opioid overdose fatality review are confidential.

Roll call on Assembly Bill No. 132:

YEAS—37.

NAYS—DeLong, Gray, Gurr, McArthur, O'Neill—5.

Assembly Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 154 requires the Division of Public and Behavioral Health of the Department of Health and Human Services to publish on an Internet website a list of entities that accept living donations of birth tissue in a hospital or birthing center. Such entities must show proof of accreditation by the American Association of Tissue Banks to be placed and remain on such a list. The bill also requires hospitals and certain physicians to provide a patient who is pregnant with a link to that Internet website or a printed version of that list.

Roll call on Assembly Bill No. 154:

YEAS—42.

NAYS—None.

Assembly Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 162.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 162 lists permissible uses of neonicotinoid pesticides and will save the pollinators.

Roll call on Assembly Bill No. 162:

YEAS—42.

NAYS—None.

Assembly Bill No. 162 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 218 requires that rent must be denoted as a single figure representing the total amount of the periodic rent, including any fixed, mandatory fee. Under certain circumstances, the measure prohibits a landlord from charging the tenant a fee to make a payment.

Roll call on Assembly Bill No. 218:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 219.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 219 provides for public comment on continued meetings, posting notices, providing verbal instructions for the public to call into a meeting to provide public comment, and requiring a physical location for meetings under certain circumstances.

Roll call on Assembly Bill No. 219:

YEAS—42.

NAYS—None.

Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 220.

Bill read third time.

Remarks by Assemblymen Brown-May, Newby, and Hafen.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 220 revises provisions related to water conservation. The bill requires connection to community sewerage or municipal water in counties with a population of 700,000 or more in certain situations. It also requires the establishment of a program to assist with the costs related to connecting to community sewerage and includes other important provisions.

ASSEMBLYWOMAN NEWBY:

It is with great conflict that I rise to speak about Assembly Bill 220. Many homeowners in my district have contacted me in opposition to the bill and the requirements it puts on homeowners, many of whom have installed septics at great expense and are on a fixed income.

I certainly appreciate the willingness of the sponsor, my colleague from Assembly District 15, and representatives from SNWA [Southern Nevada Water Authority] and the water district to amend this bill to cover at least 85 percent of the costs of the conversion. I am appreciative of that, but I still would like to get to 100 percent. I am voting yea on this bill today in order to preserve my opportunity and the opportunity for Assembly District 10 to continue this conversation and continue pushing forward for that 100 percent coverage. Thank you to everyone who has worked with me and with my district thus far.

ASSEMBLYMAN HAFEN:

I would like to disclose that this is going to have a direct impact on a number of my family members. Though I appreciate getting it up to 85 percent, I cannot support this at this time. Like my colleague, I do hope they are able to get it to 100 percent on the Senate side. Therefore, I will be a no, and I urge my colleagues to also be a no today.

Roll call on Assembly Bill No. 220:

YEAS—30.

NAYS—Carter, DeLong, Dickman, Gallant, Gray, Hafen, Hansen, Hibbetts, Koenig, McArthur, Brittney Miller, Yurek—12.

Assembly Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 242.

Bill read third time.

Remarks by Assemblywoman González.

ASSEMBLYWOMAN GONZÁLEZ:

Assembly Bill 242 repeals certain provisions relating to paper ballots and the discretionary use of mechanical voting systems. The bill instead requires the use of a mechanical voting system for tabulating ballots and casting a vote in person at a polling place. The measure requires each polling place, with certain exceptions, to provide at least two voting booths that are accessible for voters who are elderly or voters with disabilities. County and city clerks and election board officers are also required to be trained in using such accessible voting booths.

Roll call on Assembly Bill No. 242:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 244.
Bill read third time.
Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:
Assembly Bill 244 sets forth rights of a person compelled to submit to a mental or physical examination, with certain exceptions.

Roll call on Assembly Bill No. 244:
YEAS—34.
NAYS—Backus, DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hardy—8.
Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 298.
Bill read third time.
Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:
Assembly Bill 298 requires a landlord who collects any fee from a prospective tenant who applies to rent a dwelling unit to refund the fee if the landlord rents the dwelling unit to a different prospective tenant. Additionally, the measure requires a written rental agreement to contain a separate appendix containing certain information regarding fees and the rights of the tenant. In addition, a landlord is prohibited from collecting an application fee to obtain a credit report or background check for a minor who is a member of the household of the prospective tenant.

Roll call on Assembly Bill No. 298:
YEAS—36.
NAYS—DeLong, Dickman, Gallant, Hafen, Hansen, McArthur—6.
Assembly Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 305.
Bill read third time.
Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:
Assembly Bill 305 requires that to the extent practicable on public work projects, at least 2 percent of the hours of labor for vertical construction that is required to be performed by apprentices must be performed by women, and at least 1 percent of the hours of labor for horizontal construction that is required to be performed by apprentices must be performed by women.

Roll call on Assembly Bill No. 305:
YEAS—33.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Kasama, O'Neill—9.
Assembly Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Assembly Bill 333 requires each housing authority in Nevada to conduct an inspection on a regular basis as well as obtain a handwritten or electronic signature of the tenant to confirm that the inspection was conducted.

The bill is effective on October 1, 2023.

Roll call on Assembly Bill No. 333:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 333 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 391 authorizes a local government to require a contractor on a public work to give a preference for hiring labor on the public work to local residents who meet certain criteria.

Roll call on Assembly Bill No. 391:

YEAS—35.

NAYS—Dickman, Gallant, Gray, Gurr, Hafen, Hansen, O'Neill—7.

Assembly Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 410 expands the stress-related injuries that may be compensable under industrial insurance, in certain circumstances, to include a mental injury afflicting a first responder that is caused by extreme stress for which the primary cause was witnessing a series of specified events that arose out of and during the course of employment.

I want to say that I could not be more proud to carry this bill. This bill extends coverage to our first responders so that we can take care of them the way they take care of us. I urge my colleagues to vote yes.

Roll call on Assembly Bill No. 410:

YEAS—42.

NAYS—None.

Assembly Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.
Bill read third time.
Remarks by Assemblywoman Taylor.

ASSEMBLYWOMAN TAYLOR:
Assembly Bill 415 revises provisions relating to the Board of Dispensing Opticians. The bill revises, repeals, and reorganizes other provisions.

Roll call on Assembly Bill No. 415:
YEAS—42.
NAYS—None.
Assembly Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 426.
Bill read third time.
Remarks by Assemblywomen Brown-May and Summers-Armstrong.

ASSEMBLYWOMAN BROWN-MAY:
Assembly Bill 426 exempts commercial advertising for special events, as those events are defined in the bill, from placement restrictions on or above any highway. The bill allows for such exemptions if certain conditions are met, including prior authorization, the execution of a written agreement that the advertising will not constitute a hazard, and that the advertising will not be used for more than 14 consecutive days.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:
I rise in support of this bill, but I also want to make something clear. As we are growing as a state and becoming more and more attractive to these large events, we have a problem that we need to deal with, which is human trafficking and domestic violence, which increase during these special events. I am hopeful that as we move forward, our organizations that are advertising can put money aside to go toward organizations that are on the ground during these events, supporting immediate response. I hope we will have more discussion about this in the Senate. I did bring it up in Growth and Infrastructure but do not see it addressed in the amendment. I am still very concerned about that issue.

Roll call on Assembly Bill No. 426:
YEAS—42.
NAYS—None.
Assembly Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 432.
Bill read third time.
Remarks by Assemblyman Koenig.

ASSEMBLYMAN KOENIG:
Assembly Bill 432 makes various changes to optometry. The bill defines a comprehensive eye examination and prohibits certain persons from owning or controlling an optometry practice. The bill prohibits the issuance of a prescription for a corrective lens, engaging in synchronous or asynchronous optometric telemedicine, and monitoring a patient remotely, unless the optometrist has performed a comprehensive exam on the patient in the previous two-year period. The bill

outlines the parameters of optometric telemedicine. The measure restricts optometric telemedicine to procedures and interactions that meet the standard of care.

Assembly Bill 432 also clarifies the transfer of ownership of an optometric practice upon the death of the owner and offers the heirs a one-year period to sell or dissolve the practice; provides standards for the supervision of interns and residents who have not yet obtained a license to practice in Nevada; provides a reduced rate for the initial issuance of a license for veterans; and allows the Nevada State Board of Optometry to issue a citation as an additional disciplinary tool.

This bill is effective on October 1, 2023.

Roll call on Assembly Bill No. 432:

YEAS—42.

NAYS—None.

Assembly Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHELLE GORELOW, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 385.

AN ACT relating to ethics in government; making various changes relating to the provisions governing ethics in government; **enacting the Nevada Legislative Ethics Law; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, the Nevada Ethics in Government Law (Ethics Law) governs the conduct of public officers and employees and, in certain circumstances, former public officers and employees after the end of their period of public service or employment. The Ethics Law is carried out and enforced by the Commission on Ethics, which is authorized to issue opinions interpreting the statutory ethical standards established by the Ethics Law and applying those standards to a given set of facts and circumstances. The Ethics Law also authorizes any state agency or the governing body of a county or city to establish a specialized or local ethics committee to complement the functions of the Ethics Commission. (Chapter 281A of NRS)

Under the Ethics Law, the Commission is required to annually elect a Chair and Vice Chair who are assigned certain powers, functions and duties. (NRS 281A.210, 281A.220, 281A.240, 281A.300) **Sections 2 and 17** of this bill provide for the Chair's powers, functions and duties to be assigned for a

particular matter to the Vice Chair or another member of the Commission under certain circumstances. **Section 17** also specifies that the Chair and Vice Chair be elected at the first fiscal meeting of each year. **Section 8** of this bill authorizes the Chair, with certain exceptions, to grant not more than one extension of ~~[a]~~ **any** time ~~[limitation]~~ **limit** set forth in the Ethics Law ~~[.]~~ **, but the Chair cannot grant an extension of any time limit in the statute of limitations.** **Sections 31, 35 and 37-39** of this bill make conforming changes consistent with the authority of the Chair to grant ~~[such an extension.]~~ **the authorized extensions.**

Sections 3-5 of this bill define certain terms relating to proceedings before the Commission and the statutory ethical standards established by the Ethics Law. **Sections 10, 14 and 46** of this bill make conforming changes to incorporate these definitions into the chapter.

Section 6 of this bill: (1) restates more clearly the existing scope and applicability of the statutory ethical standards to the conduct of current and former public officers and employees; and (2) codifies the existing rule of construction that the standards are cumulative and supplement each other.

Under Nevada's Open Meeting Law, the Commission may receive information regarding any litigation from its legal counsel and deliberate toward a decision regarding the litigation without holding a public meeting that complies with the Open Meeting Law. (NRS 241.015) **Section 7** of this bill provides that during any period in which proceedings concerning a request for an advisory opinion or an ethics complaint are confidential under the Ethics Law, the Open Meeting Law does not apply to any meetings, hearings, deliberations or actions of the Commission involving: (1) any decisions in litigation related to the request for an advisory opinion or the ethics complaint; and (2) any delegation of authority to make such decisions in the litigation. **Section ~~[49]~~ 107** of this bill makes a conforming change to indicate this additional exception to the Open Meeting Law.

The Ethics Law requires public officers to execute and timely file with the Commission written acknowledgments that they have received, read and understood the statutory ethical standards and that they have a responsibility to become familiar with any amendments to those standards. (NRS 281A.500) **Section 9** of this bill requires the appropriate appointing authorities and administrative officials at the state and local level to: (1) compile a list of the public officers within their purview who are required to file the written acknowledgment of the statutory ethical standards; and (2) submit the list annually to the Commission.

Under the Ethics Law, the Commission is authorized to make a decision relating to a matter or proceeding before the Commission and provide a written advisory opinion or written opinion in response to an ethics complaint. (NRS 281A.670-281A.760) **Sections 11, 12, 15, 18, 19, 22, 24, 26, 28, 30-32, 34, 36-41 and 47** of this bill make various changes to distinguish between rendering a decision and issuing a written advisory opinion or issuing an opinion in response to an ethics complaint.

The Ethics Law prohibits public officers and employees from engaging in certain unethical conduct, including conduct that benefits any persons to whom they have a commitment in a private capacity. (NRS 281A.400, 281A.420) Existing law defines the persons to whom public officers and employees have a "commitment in a private capacity" to include: (1) the spouse or domestic partner of the public officer or employee, any member of his or her household or any relative within the third degree of consanguinity or affinity; (2) any person who employs the public officer or employee, his or her spouse or domestic partner or any member of his or her household; (3) any person with whom the public officer or employee has a substantial and continuing business relationship; or (4) any person with whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to the foregoing commitments, interests or relationships. (NRS 281A.065) **Section 13** of this bill makes technical revisions to the definition of "commitment in a private capacity" that do not change the substantive meaning of the term.

The Ethics Law requires the Chair to appoint review panels, consisting of three members of the Commission to review ethics complaints during the investigatory stage of the proceedings, and if a review panel determines that there is just and sufficient cause for the Commission to render an opinion in a matter, the members of the review panel generally cannot participate in any further proceedings of the Commission relating to the matter. (NRS 281A.220) However, the Ethics Law allows the members of the review panel to authorize the development of and approve a deferral agreement in the proceedings. (NRS 281A.730) **Section 18 of this bill** also allows one or more members of a review panel to participate as mediators or facilitators in any settlement negotiations with the consent of the parties during a specified period.

The Ethics Law requires the Commission ~~[on Ethics]~~ to appoint and prescribe the duties of the Commission Counsel, who is the legal advisor to the Commission and generally acts as legal counsel in any litigation in which the Commission or its members or staff are parties in an official capacity. (NRS 281A.250, 281A.260) **Section 20** of this bill: (1) specifies the powers and duties of the Commission Counsel regarding any litigation in which the Commission or its members or staff are parties in an official capacity; and (2) clarifies that the Commission Counsel does not represent the interests of the Executive Director of the Commission in a judicial action or proceeding in which the Executive Director is named as a party to the action or proceeding based on the conduct of the Executive Director in his or her official ~~[conduct]~~ **capacity** as a party to an adjudicative proceeding.

The Ethics Law sets forth the jurisdiction of the Commission to investigate and take action regarding an alleged violation of the Ethics Law in any proceeding commenced by an ethics complaint if the ethics complaint is filed or initiated within 2 years after the alleged violation or reasonable discovery of the alleged violation. (NRS 281A.280) **Section 21** of this bill similarly provides that the Commission has jurisdiction to gather information and issue

an advisory opinion ~~[and investigate and take action]~~ regarding ~~[an alleged violation for]~~ past conduct ~~[relating to the realization of a financial benefit]~~ that has occurred within 2 years before the date on which the request for an advisory opinion is filed~~. [or before]~~

The Ethics Law authorizes the Commission to impose certain penalties, fees and costs against a person who prevents or interferes with, or attempts to prevent or interfere with, any investigation or proceeding under the Ethics Law or the discovery of a violation of the Ethics Law. (NRS 281A.790) Section 21 of this bill provides that the Commission has jurisdiction to investigate and take appropriate action regarding such an alleged violation in any proceeding commenced by a written notice of the charges within 2 years after the alleged violation or reasonable discovery of the alleged violation.

Existing law requires the Commission to publish a manual explaining the Ethics Law. **Section 22** of this bill replaces this requirement with a requirement to publish materials to educate public officers and employees on the Ethics Law.

Section 23 of this bill: (1) authorizes the administration of oaths by a member of the Commission when appointed by the Chair to preside over any meetings, hearings or proceedings or by a certified court reporter; (2) authorizes the Chair to issue a subpoena during the course of an investigation for certain information; and (3) provides that any court proceeding commenced relating to a subpoena is deemed good cause for the Chair to grant an extension of the time ~~[limitations]~~ **limits** that apply to proceedings concerning ethics complaints.

The Ethics Law ~~[contains a general provision that]~~ prohibits public officers and employees from using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officers and employees or any persons to whom they have a commitment in a private capacity. ~~[By contrast, the Ethics Law also contains a specific provision that prohibits State Legislators from using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the Legislators or any other persons. Both of these prohibitions contain separate]~~ **The Ethics Law also contains certain** limited-use exceptions that allow a limited use of governmental property, equipment or other facility for personal purposes if the limited use meets certain requirements. (NRS 281A.400) **Section 25** of this bill revises these prohibitions and limited-use exceptions in several ways.

First, ~~[section 25 aligns the prohibitions so they employ the same prohibitive language for Legislators and other public officers and employees. As a result, subject to the limited-use exceptions, section 25 prohibits all public officers and employees from using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officers and employees or any persons to whom they have a commitment in a private capacity.~~

~~– Second, with regard to the limited use exceptions that apply to public officers and employees other than Legislators,~~ one of the existing requirements for the **limited-use** exceptions is that the public officer or employee who is responsible for and has authority to authorize the limited use for personal purposes must have established a policy allowing the limited use. (NRS 281A.400) **Section 25** clarifies the exception by providing that the limited use must be authorized by a written policy which was adopted before the limited use occurs.

~~[Finally, with regard to the limited use exceptions that apply to Legislators and other public officers and employees,]~~ **Second,** one of the existing requirements for the **limited-use** exceptions is that the limited use for personal purposes must not create the appearance of impropriety. (NRS 281A.400) **Section 25** defines the term "appearance of impropriety" to mean a reasonable person would find, based on the given set of facts and circumstances, that the limited use for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.

The Ethics Law prohibits public officers and employees from using their position in government to secure or grant any unwarranted privileges, preferences, exemptions or advantages for themselves, any business entity in which they have a significant pecuniary interest or any person to whom they have a commitment in a private capacity. (NRS 281A.400) **Section 25** also adds to the statutory ethical standards a prohibition against public officers and employees using their position or power in government to take actions or compel a subordinate to take any actions that would cause unwarranted harm or damage to another person to benefit ~~[the]~~ **a** significant ~~[pecuniary interest or]~~ personal **or pecuniary** interest of the public officer or employee or ~~[of]~~ any person to whom the public officer or employee has a commitment in a private capacity.

With certain exceptions, the Ethics Law prohibits public officers and employees from acting upon a matter in which their personal or private interests may create potential conflicts of interests unless, at the time the matter is considered, they make a disclosure that is sufficient to inform the public of their potential conflicts of interests. (NRS 281A.420) **Section 27** of this bill provides that, when public officers and employees make such a public disclosure, they are not required to disclose any information which is confidential under the terms of a contract or as a matter of law, such as a result of an attorney-client relationship, if they: (1) disclose all nonconfidential information and describe the general nature of the contract or law; and (2) abstain from acting upon the matter.

The Ethics Law allows certain public officers to represent or counsel private persons for compensation before state or local agencies in which they do not serve. In addition, although the Ethics Law requires public officers to disclose such private representation or counseling when it may create potential conflicts of interests with their public duties, they are not required to abstain from acting on a matter because of those potential conflicts of interests. (NRS 281A.410,

281A.420) **Section 27** requires public officers to abstain from acting on a matter under certain circumstances when such private representation or counseling results in conflicts of interests with their public duties.

The Ethics Law prohibits certain former public officers and employees, for a 1-year "cooling-off" period after the termination of their public service or employment, from soliciting or accepting private employment from any entities regulated or awarded certain contracts by the agencies that employed the former public officers and employees. However, the Ethics Law also allows the Commission to grant relief from the strict application of the prohibition in specified circumstances. (NRS 281A.550) **Section 28** provides that: (1) certain current and former public officers and management-level public employees are subject to the "cooling-off" period both during and after their public service or employment and cannot solicit or accept private employment from such entities under similar circumstances; and (2) the "cooling-off" period applies when certain current and former public officers and employees are or were ~~[materially involved in the implementation, management or administration]~~ **in positions to materially affect or influence the awarding, renewing or amending** of certain contracts ~~[awarded]~~ by their employing agencies ~~[.]~~ **because they had the authority or responsibility to recommend, advise, negotiate, develop, draft, revise, review or approve any material terms of the contracts. In certain situations where current or former public officers and employees are alleged to have violated the "cooling-off" period, section 45 of this bill provides that the Commission must consider certain factors relating to the comparative value of the contract under the given set of facts and circumstances in assessing the severity of the violation and any penalties.**

Under the Ethics Law, the Legislative Counsel is required to prepare annotations to the Commission's published opinions for inclusion in the Nevada Revised Statutes. (NRS 281A.290) **Sections 22 and 29** of this bill move and recodify this requirement.

The Ethics Law authorizes a public officer or employee to file with the Commission a request for an advisory opinion to: (1) seek guidance relating to the propriety of his or her own past, present or future conduct under the statutory ethical standards; or (2) request relief from the strict application of certain provisions of the Ethics Law. (NRS 281A.675) **Section 16** of this bill deletes duplicative provisions from the definition of a "request for an advisory opinion." **Section 30** authorizes the Commission to request additional information relating to the request for an advisory opinion from the requester or his or her legal counsel.

With certain exceptions, the Commission is subject to the Open Meeting Law, which generally requires most meetings of public bodies to be open to the public. (Chapter 241 of NRS) However, under the Ethics Law, the Open Meeting Law does not apply to meetings, hearings, deliberations and actions of the Commission relating to requests for advisory opinions, although the requester of the advisory opinion may file a request with the Commission to

hold a public meeting or hearing regarding the matter. (NRS 281A.690) **Section 33** of this bill requires the requester to acknowledge his or her waiver of confidentiality in the request. **Section 33** also provides that if the Commission grants such a request for a public meeting or hearing regarding the matter, the Commission must provide public notice of the meeting or hearing and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to specific requirements of the Open Meeting Law.

In addition to rendering advisory opinions, the Commission is also authorized by the Ethics Law to render opinions regarding the propriety of the conduct of public officers and employees under the statutory ethical standards in response to ethics complaints filed by a specialized or local ethics committee or a person or initiated by the Commission on its own motion. (NRS 281A.710) **Section 34** of this bill authorizes the Executive Director to conduct a preliminary investigation into the propriety of the conduct of a public officer or employee to determine ~~[if]~~ **whether** the Commission has jurisdiction and whether the Commission should initiate an ethics complaint on its own motion.

Not later than 45 days after receiving an ethics complaint, the Ethics Law requires the Commission to determine initially whether it has jurisdiction over the ethics complaint and whether an investigation is warranted in the matter, unless the subject of the ethics complaint waives the time limit. (NRS 281A.715) **Section 35** authorizes the Executive Director, during this initial period, to conduct a preliminary investigation to obtain additional information concerning the allegations in the ethics complaint to assist the Commission in making its initial determination. In addition, **section 35**: (1) eliminates, as unnecessary, the provision authorizing the subject to waive the time limit because the subject does not receive notice of the matter during this initial period, but only receives notice of the matter if the Commission determines that it has jurisdiction and an investigation is warranted; and (2) allows the Commission to dismiss an ethics complaint initiated on its own motion if it determines that the evidence is not sufficient to warrant an investigation in the matter.

Under the Ethics Law, if the Commission determines that it has jurisdiction over an ethics complaint and an investigation is warranted, the subject of the ethics complaint is served with a notice of the investigation and provided with an opportunity to submit a response to that notice. (NRS 281A.720) **Section 36** authorizes the Executive Director to grant, under certain circumstances, one or more extensions of the time ~~[limitation]~~ **limit** to submit the response, but the Executive Director must set a specific and reasonable time period for such an extension.

As part of the investigation, the Ethics Law permits the Executive Director to secure the subject's participation, attendance as a witness or production of books and papers under existing procedures. (NRS 281A.300) **Section 36** clarifies that, regardless of whether the subject submits a response to the investigation, the Executive Director retains the authority during the course of

the investigation to secure the subject's participation, attendance as a witness or production of books and papers under those existing procedures or any other law that provides such authority.

Under the Ethics Law, a review panel is required to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. (NRS 281A.730) **Section 38** of this bill requires that, after the review panel makes its determination, the review panel must serve a written notice of its determination on the public officer or employee who is the subject of the ethics complaint.

The Ethics Law establishes various requirements regarding the adjudication of ethics complaints referred to the Commission for further proceedings. (NRS 281A.745-281A.760) **Section 39** requires: (1) the Executive Director to issue a formal notice of charges to the subject of the ethics complaint regarding the allegations to be presented at an adjudicatory hearing; and (2) the Commission to provide the parties with a written schedule for discovery in order to prepare for the hearing.

The Ethics Law requires the Commission to hold the hearing and render an opinion in the matter within a certain time period, unless waived by the subject, and requires the opinion to include findings of fact and conclusions of law. (NRS 281A.745, 281A.765) **Section 39**: (1) provides the Commission with more time to prepare the written opinion in the matter by requiring the Commission to issue the written opinion within a specified time period after the decision is rendered; and (2) clarifies that, in addition to including findings of fact and conclusions of law, the written opinion must otherwise comply with the requirements for a final decision under Nevada's Administrative Procedure Act. (NRS 233B.125) **Section 43** of this bill makes a conforming change related to the contents of a written opinion.

With certain exceptions, the Ethics Law requires, or in some cases allows, the Commission to keep the identity of certain persons who file ethics complaints confidential in order to protect those persons from potential harm. (NRS 281A.750) **Section 40** of this bill extends the confidentiality of the requester to persons who worked for the same public body, agency or employer as the subject of the ethics complaint at the time of the alleged conduct, or if revealing the identity of the requester would otherwise reveal the identity of witnesses who work for the same public body, agency or employer. **Section 40** also clarifies that: (1) such confidentiality extends to all materials that, if disclosed, would reveal the identity of the confidential requester; and (2) the identity of the confidential requester remains protected if the Executive Director does not intend to present the testimony of the confidential requester as evidence in the matter. However, if the Executive Director intends to present the testimony of the confidential requester as evidence in the matter, **section 40** requires the Executive Director to disclose the name of the confidential requester only as a proposed witness in accordance with the schedule for discovery in the matter.

Under the Ethics Law, the subject of an ethics complaint is authorized to submit a written discovery request for a list of proposed witnesses and a copy of any materials in the investigative file that the Executive Director intends to present as evidence in the matter. The Ethics Law also provides that the materials in the investigative file are confidential, except that any materials which the Executive Director presents as evidence in the matter become public records. (NRS 281A.755) **Section 41** requires any written discovery request to be submitted in accordance with the schedule for discovery in the matter. **Section 41** also provides that any materials which the Executive Director presents as evidence in the matter become public records after the Commission takes final action concerning the ethics complaint in a public meeting or hearing, but provides an exception if any of the materials are declared confidential by another law.

In proceedings concerning an ethics complaint, the Ethics Law exempts from the Open Meeting Law: (1) any meeting or hearing held by the Commission to receive information or evidence concerning the ethics complaint; and (2) any deliberations of the Commission on such information or evidence. However, the Ethics Law does not exempt the Commission's actions concerning the ethics complaint from the Open Meeting Law. (NRS 281A.760) **Section 42** of this bill generally exempts the Commission's actions concerning the ethics complaint from the Open Meeting Law. However, **section 42** requires the Commission to take final action concerning the ethics complaint in a public meeting or hearing for which the Commission provides public notice and which is open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to specific requirements of the Open Meeting Law.

The Ethics Law establishes various requirements regarding the disposition of ethics complaints and the imposition of remedies and penalties and, with respect to certain dispositions of ethics complaints and in determining whether a violation is willful, the Ethics Law requires the Commission to treat comparable situations in a comparable manner. (NRS 281A.785, 281A.790) **Sections 44 and 45** of this bill require the Commission to carry out that duty to the extent practicable based on the given set of facts and circumstances. **Section 47** clarifies that, based on a finding that a violation of the Ethics Law has been proven, the Commission is authorized to impose certain penalties using any manner in which the Commission is authorized to dispose of the matter.

Section 48 of this bill makes technical conforming changes to the description of current and former public officers and employees **[.] in the Ethics Law. Section 108 of this bill addresses the applicability of certain provisions of sections 2-48 of this bill to various proceedings before the Commission.**

Sections 9, 9.5, 13.5, 15.5, 15.7, 25-27.5 and 48 of this bill remove legislative officers and employees from the jurisdiction of the Ethics Law, and sections 50-105 of this bill enact the Nevada Legislative Ethics Law

(Legislative Ethics Law) to govern legislative officers and employees and, in certain situations, former legislative officers and employees after the end of their period of legislative service or employment.

Sections 52-71 of this bill establish various definitions applicable to the Legislative Ethics Law. In particular, section 67 of this bill defines "legislative officer" as any current or former: (1) member of the Senate, Secretary of the Senate or officer of the Senate; (2) member of the Assembly, Chief Clerk of the Assembly or officer of the Assembly; or (3) officer of the Legislature, the Legislative Counsel Bureau or the Legislative Department of the State Government. However, the term does not include the Lieutenant Governor when acting in his or her official capacity as the President of the Senate. Section 65 of this bill defines "legislative employee" as any current or former employee, assistant, attache, intern or other staff employed with reference to the legislative duties of a Legislator or the Legislative Department, regardless of whether the position is paid or otherwise compensated.

Under the Nevada Constitution, the Houses of the Legislature have adopted Standing Rules that establish various ethical standards for Legislators and other legislative officers and employees. (Nev. Const. Art. 4, § 6; Senate Standing Rule No. 23; Assembly Standing Rule No. 23; Joint Standing Rules Nos. 30-39) Section 73 of this bill provides that the Legislative Ethics Law supplements such Standing Rules and, to the extent that there is a conflict between the Standing Rules and the Legislative Ethics Law, the Standing Rules govern the conflict. Sections 51 and 72-76 of this bill set forth additional standards governing the interpretation, application and administration of the Legislative Ethics Law.

Sections 77-83 of this bill establish legislative ethical standards which are similar to existing ethical standards for public officers and employees but which are tailored to the specific ethical demands of the Legislative Department.

Existing law establishes general ethical standards to which public officers and employees are bound. (NRS 281A.400) Section 77 of this bill establishes similar provisions for the purpose of legislative officers and employees.

Existing law restricts public officers and employees from representing or counseling private persons before certain public agencies. (NRS 281A.410) Section 78 of this bill establishes similar provisions for the purpose of legislative officers and employees.

Existing law prohibits public officers and employees from taking certain actions relating to contracts between governmental entities and any business entity in which the public officer or employee has a significant pecuniary interest. (NRS 281A.430) Section 79 of this bill establishes similar provisions applicable to legislative officers and employees.

Existing law prohibits a public officer or employee from accepting or receiving an honorarium under certain circumstances. (NRS 281A.510) Section 80 of this bill establishes similar provisions for the purpose of legislative officers and employees.

Existing law prohibits a public officer or employee from requesting or otherwise causing a governmental entity to incur certain expenses or make expenditures to support or oppose ballot questions or candidates under certain circumstances. (NRS 281A.520) Section 81 of this bill establishes similar provisions prohibiting legislative officers and employees from engaging in such acts with regard to the Legislative Department.

Existing law establishes certain "cooling-off" periods for public officers and employees relating to soliciting or accepting employment from certain entities under certain circumstances. (NRS 281A.550) Section 82 of this bill establishes similar provisions relating to legislative officers and employees.

Existing law authorizes the Attorney General or the appropriate district attorney to void certain grants, contracts or leases entered into in violation of the Ethics Law and authorizes the Attorney General to take other actions to redress certain violations. (NRS 281A.540) Section 83 of this bill authorizes the Attorney General or appropriate district attorney to take similar actions to redress certain violations of the Legislative Ethics Law.

To carry out and enforce the Legislative Ethics Law, sections 84-95 of this bill create the Senate Commission on Ethics (Senate Commission), Assembly Commission on Ethics (Assembly Commission) and Joint Commission on Ethics (Joint Commission), provide for the appointment and terms of their respective members and prescribe standards for their management, governance and proceedings. Section 109 of this bill directs the appointment and terms of the initial members of each Commission.

Under section 87 of this bill, the Senate Commission has jurisdiction to: (1) hear ethics complaints brought against legislative officers and employees of the Senate; and (2) hear requests brought by such persons for advice on the legislative ethical standards.

Under section 91 of this bill, the Assembly Commission has jurisdiction to: (1) hear ethics complaints brought against legislative officers and employees of the Assembly; and (2) hear requests brought by such persons for advice on the legislative ethical standards.

Under section 95 of this bill, the Joint Commission has jurisdiction to: (1) hear ethics complaints brought against legislative officers and employees other than the officers or employees of the Senate or Assembly; and (2) hear requests brought by such persons for advice on the legislative ethical standards.

Section 97 of this bill authorizes the Senate Commission, Assembly Commission and Joint Commission, as applicable, to conduct investigations and hold hearings to carry out the Legislative Ethics Law.

Section 98 of this bill provides that all proceedings of the Senate Commission, Assembly Commission or Joint Commission, as applicable, relating to the character, alleged misconduct, professional competence or physical or mental health of any person on matters regarding the legislative ethical standards and the materials relating thereto are confidential, unless the person subject to the proceedings waives such confidentiality. Section 106 of this bill makes a conforming change to the Public Records Law.

Section 99 of this bill provides that a member of the Senate Commission, Assembly Commission or Joint Commission, as applicable, is disqualified from serving during the consideration of a matter if: (1) the member is the subject of the ethics complaint; (2) the member requested the advice on the issue under consideration; or (3) a reasonable person in the member's situation could not exercise independent judgment on the matter.

Section 100 of this bill authorizes an individual to file with the Legislative Counsel an ethics complaint against a legislative officer or employee. Section 100 requires the Legislative Counsel to review the ethics complaint and consult with the Chair of the Senate Commission, Assembly Commission or Joint Commission, as applicable, to determine whether the Commission has jurisdiction over the complaint and whether an investigation is warranted in the matter. Finally, section 100 requires that: (1) if it is determined that the Commission does not have jurisdiction or an investigation is not warranted, the Legislative Counsel must send a written notice of such a determination to the individual who filed the ethics complaint; or (2) if it is determined that the Commission has jurisdiction and an investigation is warranted, the Legislative Counsel must send a written notice of the determination and a copy of the ethics complaint to the person who is subject to the ethics complaint. Section 74 of this bill requires the ethics complaint to be filed within 2 years after the alleged violation or reasonable discovery of the alleged violation.

If the Senate Commission, Assembly Commission or Joint Commission, as applicable, holds an adjudicatory hearing on an ethics complaint, section 101 of this bill establishes various procedural and evidentiary requirements for the adjudicatory hearing, including the burden and standard of proof.

Section 102 of this bill requires the Senate Commission, Assembly Commission or Joint Commission, as applicable, to dismiss an ethics complaint if the Commission finds that the violation of the legislative ethical standards has not been proven.

Alternatively, if the Senate Commission, Assembly Commission or Joint Commission, as applicable, finds that a violation of the legislative ethical

standards has occurred, sections 102-104 of this bill authorize the Commission to: (1) issue a letter of caution or instruction to the legislative officer or employee; (2) admonish, reprimand or censure the legislative officer or employee; (3) impose civil penalties on the legislative officer or employee; or (4) take any other reasonable actions that the Commission determines will remedy the violation or deter similar violations, including referring the matter to the appropriate House for review and consideration.

Section 105 of this bill also requires the Senate Commission, Assembly Commission or Joint Commission, as applicable, to refer the matter to the Attorney General or the district attorney, as appropriate, if the Commission believes that the violation of the legislative ethical standards constitutes a crime.

Section 110 of this bill provides for the transition of jurisdiction for ethics proceedings brought against legislative officers and employees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***"Chair" means:***

1. The Chair of the Commission; or

2. The Vice Chair or another member of the Commission serving in the capacity of the Chair pursuant to NRS 281A.210.

Sec. 3. ***"Party" means, for the purposes of an adjudicatory hearing or other disposition of proceedings before the Commission concerning an ethics complaint pursuant to this chapter:***

1. The Executive Director or his or her designee; and

2. The public officer or employee who is the subject of the ethics complaint.

Sec. 4. ***"Published opinion" means an opinion issued by the Commission that is publicly available on the Internet website of the Commission.***

Sec. 5. ***"Statutory ethical standards" means the statutory ethical standards set forth in the provisions of this chapter.***

Sec. 6. ***1. The provisions of this chapter establish statutory ethical standards to govern the conduct of:***

(a) Public officers and employees; and

(b) Former public officers and employees in situations where the statutory ethical standards apply to the conduct of former public officers and employees after the end of any period of public service or employment.

2. The statutory ethical standards are cumulative and supplement each other, and the application of any one of the statutory ethical standards to a given set of facts and circumstances does not bar the application of any other

of the statutory ethical standards that also apply to the given set of facts and circumstances.

Sec. 7. ***During any period in which proceedings concerning a request for an advisory opinion or an ethics complaint are confidential pursuant to this chapter, the provisions of chapter 241 of NRS do not apply to any meeting or hearing held by the Commission or any deliberations or actions of the Commission involving:***

1. Any decisions in litigation concerning any judicial action or proceeding related to the request for an advisory opinion or the ethics complaint; or

2. Any delegation of authority to make such decisions in the litigation to the Chair or the Executive Director, or both, pursuant to NRS 241.0357.

Sec. 8. ***1. Except as otherwise provided in this section and NRS 281A.720, the Chair may, upon the request of the Executive Director and for good cause shown, grant not more than one extension of [a] any time [limitation] limit set forth in this chapter.***

2. The Chair may not grant an extension of any time limit in the statute of limitations set forth in NRS 281A.280.

Sec. 9. ***A list of each public officer who is required to file an acknowledgment of the statutory ethical standards in accordance with NRS 281A.500 must be submitted electronically to the Commission, in the form prescribed by the Commission, on or before December 1 of each year by:***

1. For an appointed public officer, the appointing authority of the public officer, including, without limitation:

(a) The manager of each local agency for a public officer of a local agency; and

(b) [The Director of the Legislative Counsel Bureau for a public officer of the Legislative Department of the State Government; and

(c)] The Director of the Department of Administration, or his or her designee, for a public officer of the Executive Department of the State Government; and

2. For an elected public officer of:

(a) A county and other political subdivisions within the county except cities, the county clerk;

(b) A city, the city clerk; and

(c) [The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and

(d)] The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.

Sec. 9.5. **NRS 281A.020 is hereby amended to read as follows:**

281A.020 1. It is hereby declared to be the public policy of this State that:

(a) A public office is a public trust and shall be held for the sole benefit of the people.

(b) A public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.

2. The Legislature finds and declares that:

(a) The increasing complexity of state and local government, more and more closely related to private life and enterprise, enlarges the potentiality for conflict of interests.

(b) To enhance the people's faith in the integrity and impartiality of public officers and employees, adequate guidelines are required to show the appropriate separation between the roles of persons who are both public servants and private citizens.

(c) ~~[In interpreting and applying the provisions of this chapter that are applicable to State Legislators, the Commission must give appropriate weight and proper deference to the public policy of this State under which State Legislators serve as "citizen Legislators" who have other occupations and business interests, who are expected to have particular philosophies and perspectives that are necessarily influenced by the life experiences of the Legislator, including, without limitation, professional, family and business experiences, and who are expected to contribute those philosophies and perspectives to the debate over issues with which the Legislature is confronted.

(d)]~~ The provisions of this chapter do not, under any circumstances, allow the Commission to exercise jurisdiction or authority over ~~[or inquire into, intrude upon or interfere with the functions of a]~~ **:**

(1) Any State Legislator ~~[that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or NRS 41.071.]~~ ***or other legislative officer as defined in section 67 of this act; or***

(2) Any legislative employee as defined in section 65 of this act,

➥ except that if such a person holds another position outside of his or her legislative office or employment that is subject to the jurisdiction of the Commission pursuant to this chapter, the Commission may exercise jurisdiction or authority over that person but only for conduct arising out of the other position.

Sec. 10. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.032 to 281A.170, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 281A.032 is hereby amended to read as follows:

281A.032 "Adjudicatory hearing" means a hearing held by the Commission pursuant to NRS 281A.745 to ~~[receive evidence]~~ ***hear the case presented by the Executive Director, or his or her designee, and by the public officer or employee who is the subject of the ethics complaint, and render a decision*** concerning ~~[an]~~ ***the*** ethics complaint **.** ~~[and render an opinion in the matter.]~~

Sec. 12. NRS 281A.033 is hereby amended to read as follows:

281A.033 "Advisory opinion" means an advisory opinion ~~[rendered]~~ ***issued*** by the Commission pursuant to NRS 281A.670 to 281A.690, inclusive.

Sec. 13. NRS 281A.065 is hereby amended to read as follows:

281A.065 "Commitment in a private ~~[capacity," with respect to the interests of another person,]~~ ***capacity"*** means a ***private*** commitment, interest or relationship of a public officer or employee to ***:*** ~~[a person:]~~

1. ~~[Who is the]~~ ***The*** spouse or domestic partner of the public officer or employee;

2. ~~[Who is a]~~ ***A*** member of the household of the public officer or employee;

3. ~~[Who is related to]~~ ***A relative of*** the public officer or employee, or ~~[to]~~ the spouse or domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;

4. ~~[Who employs]~~ ***The employer of*** the public officer or employee, the spouse or domestic partner of the public officer or employee or a member of the household of the public officer or employee;

5. ~~[With]~~ ***A person with*** whom the public officer or employee has a substantial and continuing business relationship; or

6. ~~[With]~~ ***A person with*** whom the public officer or employee has any other ***private*** commitment, interest or relationship that is substantially similar to a ***private*** commitment, interest or relationship described in subsections 1 to 5, inclusive.

Sec. 13.5. **NRS 281A.080 is hereby amended to read as follows:**

281A.080 1. The making of a "decision" is the exercise of governmental power to adopt laws, regulations or standards, render quasi-judicial decisions, establish executive policy or determine questions involving substantial discretion.

2. The term does not include:

(a) The functions of the judiciary.

(b) The functions of ~~[a]~~ ***any*** State Legislator ~~[that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or NRS 41.071.]~~ ***or other legislative officer as defined in section 67 of this act.***

Sec. 14. NRS 281A.088 is hereby amended to read as follows:

281A.088 "Ethics complaint" means ~~[a request for an opinion]~~ ***an ethics complaint*** which is filed with the Commission or initiated by the Commission on its own motion pursuant to NRS 281A.710 regarding the propriety of the conduct of a public officer or employee under the ~~[statutory ethical standards set forth in]~~ ***provisions of*** this chapter.

Sec. 15. NRS 281A.135 is hereby amended to read as follows:

281A.135 1. "Opinion" means an opinion ~~[rendered]~~ ***issued*** by the Commission in accordance with the provisions of this chapter.

2. The term includes, without limitation, the disposition of an ethics complaint by stipulation, agreed settlement, consent order or default as authorized by NRS 233B.121.

Sec. 15.5. **NRS 281A.150 is hereby amended to read as follows:**

281A.150 ***1.*** "Public employee" means any person who:

~~[1.]~~ ***(a)*** Performs public duties under the direction and control of a public officer for compensation paid by the State or any county, city or other political subdivision; or

~~[2.]~~ ***(b)*** Is designated as a public employee for the purposes of this chapter pursuant to NRS 281A.182.

2. "Public employee" does not include any legislative employee as defined in section 65 of this act.

Sec. 15.7. **NRS 281A.160 is hereby amended to read as follows:**

281A.160 1. "Public officer" means a person who is:

(a) Elected or appointed to a position which:

(1) Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and

(2) Involves the exercise of a public power, trust or duty; or

(b) Designated as a public officer for the purposes of this chapter pursuant to NRS 281A.182.

2. As used in this section, "the exercise of a public power, trust or duty" means:

(a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;

(b) The expenditure of public money; and

(c) The administration of laws and rules of the State or any county, city or other political subdivision.

3. "Public officer" does not include:

(a) Any justice, judge or other officer of the court system;

(b) ***Any State Legislator or other legislative officer as defined in section 67 of this act;***

(c) Any member of a board, commission or other body whose function is advisory;

~~[(c)]~~ ***(d)*** Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or

~~[(d)]~~ ***(e)*** A county health officer appointed pursuant to NRS 439.290.

4. "Public office" does not include an office held by:

(a) Any justice, judge or other officer of the court system;

(b) ***Any State Legislator or other legislative officer as defined in section 67 of this act;***

(c) Any member of a board, commission or other body whose function is advisory;

~~[(c)]~~ ***(d)*** Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money; or

~~[(d)]~~ ***(e)*** A county health officer appointed pursuant to NRS 439.290.

Sec. 16. NRS 281A.161 is hereby amended to read as follows:

281A.161 "Request for an advisory opinion" means a request for an advisory opinion which is filed with the Commission pursuant to NRS 281A.675 **.** ~~[by a public officer or employee who is:~~

~~1. Seeking guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards set forth in this chapter; or~~

~~2. Requesting relief pursuant to NRS 281A.410, 281A.430 or 281A.550.]~~

Sec. 17. NRS 281A.210 is hereby amended to read as follows:

281A.210 1. The Commission shall ~~[:~~

~~(a) At]~~ ***at*** its first meeting ~~[and annually thereafter]~~ ***of each fiscal year*** elect a Chair and Vice Chair from among its members.

~~[(b) Meet]~~

2. Except as otherwise provided in this subsection, if the Chair is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Vice Chair shall exercise the powers and functions and perform the duties of the Chair concerning that particular matter. If both the Chair and Vice Chair are prohibited from acting on a particular matter or are otherwise unable to act on a particular matter, another member of the Commission who is designated in accordance with the regulations of the Commission shall exercise the powers and functions and perform the duties of the Chair concerning that particular matter.

3. The Commission shall meet regularly at least once in each calendar quarter, unless there are no ethics complaints or requests for advisory opinions pursuant to this chapter, and at other times upon the call of the Chair.

~~[2.]~~ ***4.*** Members of the Commission are entitled to receive a salary of not more than $80 per day, as fixed by the Commission, while engaged in the business of the Commission.

~~[3.]~~ ***5.*** While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[4.]~~ ***6.*** The Commission may, within the limits of legislative appropriation, maintain such facilities as are required to carry out its functions.

Sec. 18. NRS 281A.220 is hereby amended to read as follows:

281A.220 1. The Chair shall appoint one or more review panels of three members of the Commission on a rotating basis to perform the functions assigned to such review panels pursuant to this chapter.

2. The Chair and Vice Chair of the Commission may not serve together on a review panel.

3. Not more than two members of a review panel may be members of the same political party.

4. If a review panel determines that there is just and sufficient cause for the Commission to render ***a decision and issue*** an opinion in a matter, the members of the review panel shall not participate in any further proceedings of the Commission relating to that matter ~~[.]~~ ***, except that:***

(a) One or more members of the review panel may, with the consent of the parties, participate as mediators or facilitators in any settlement negotiations between the parties that are conducted after the determination by the review panel and before an adjudicatory hearing in the matter.

(b) The members of the review panel may authorize the development of or approve a deferral agreement pursuant to NRS 281A.730.

Sec. 19. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive ethics complaints and requests for advisory opinions pursuant to this chapter.

(c) Gather information and conduct investigations regarding ethics complaints and requests for advisory opinions pursuant to this chapter.

(d) ~~[Submit]~~ ***Present*** recommendations to the review panel regarding whether there is just and sufficient cause for the Commission to render ***a decision and issue*** an opinion in a matter.

(e) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

(f) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and ~~[previous]~~ ***the published*** opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this paragraph.

(g) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; and

(b) The investigation of matters under the jurisdiction of the Commission.

3. If the Executive Director is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Chair ~~[of the~~

~~Commission]~~ shall designate a qualified person to perform the duties of the Executive Director with regard to that particular matter.

Sec. 20. NRS 281A.260 is hereby amended to read as follows:

281A.260 1. The Commission Counsel is the legal adviser to the Commission. For each ***written*** opinion of the Commission, the Commission Counsel shall prepare, at the direction of the Commission ~~[,]~~ ***or as required pursuant to this chapter,*** the appropriate findings of fact and conclusions as to ***the*** relevant ***statutory ethical*** standards and the propriety of particular conduct. The Commission Counsel shall not issue written opinions concerning the applicability of the statutory ethical standards to a given set of facts and circumstances except as directed by the Commission.

2. The Commission may rely upon the legal advice of the Commission Counsel in conducting its daily operations.

3. ***Except as otherwise provided in this section or directed by the Commission, in litigation concerning any judicial action or proceeding in which the Commission or any member or employee of the Commission is a party in an official capacity or participates or intervenes in an official capacity, the Commission Counsel shall represent and act as legal counsel to the Commission or any member or employee of the Commission in the action or proceeding.***

4. The provisions of subsection 3 do not apply to litigation concerning any judicial action or proceeding in which the Commission:

(a) Requests that the Attorney General appoint a deputy to act in the place of the Commission Counsel; or

(b) Employs outside legal counsel.

5. The Commission Counsel shall not represent and act as legal counsel for the Executive Director in any judicial action or proceeding in which the Executive Director is named as a party based upon conduct in the official capacity of the Executive Director as a party to an adjudicatory proceeding.

6. If the Commission Counsel is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Commission may:

(a) Request that the Attorney General appoint a deputy to act in the place of the Commission Counsel; or

(b) Employ outside legal counsel.

Sec. 21. NRS 281A.280 is hereby amended to read as follows:

281A.280 1. Except as otherwise provided in this section, the Commission has jurisdiction to ~~[investigate]~~ ***:***

(a) Gather information and issue an advisory opinion in any proceeding commenced by a request for an advisory opinion that is filed with the Commission, except that the Commission does not have jurisdiction to issue an advisory opinion on matters which directly relate to the propriety of past conduct occurring more than 2 years before the date on which the request for an advisory opinion is filed with the Commission.

(b) Investigate and take appropriate action regarding an alleged violation of this chapter by a ~~[public officer or employee]~~ ***current*** or former public officer or employee in any proceeding commenced by an ethics complaint, which is filed with the Commission or initiated by the Commission on its own motion, within 2 years after the alleged violation or reasonable discovery of the alleged violation.

(c) Investigate and take appropriate action regarding an alleged violation of subsection ~~[3]~~ 2 of NRS 281A.790 by a current or former public officer or employee or any other person in any proceeding commenced by a written notice of the charges, which is initiated by the Commission on its own motion, within 2 years after the alleged violation or reasonable discovery of the alleged violation.

2. The Commission does not have jurisdiction regarding alleged conduct by a ~~[public officer or employee]~~ ***current*** or former public officer or employee for which:

(a) A complaint may be filed or, if the applicable limitations period has expired, could have been filed with the United States Equal Employment Opportunity Commission or the Nevada Equal Rights Commission; or

(b) A complaint or employment-related grievance may be filed or, if the applicable limitations period has expired, could have been filed with another appropriate agency with jurisdiction to redress alleged discrimination or harassment, including, without limitation, a state or local employee-management relations board or similar state or local agency,

➥ but any bar on the Commission's jurisdiction imposed by this subsection applies only to the extent that it pertains to the alleged discrimination or harassment, and this subsection does not deprive the Commission of jurisdiction regarding the alleged conduct if such conduct is sanctionable separately or concurrently under the provisions of this chapter, irrespective of the alleged discrimination or harassment.

3. For the purposes of this section, a proceeding is commenced ~~[:]~~ ***by an ethics complaint:***

(a) On the date on which ~~[an]~~ ***the*** ethics complaint is filed in the proper form with the Commission in accordance with the regulations of the Commission; or

(b) If the ethics complaint is initiated by the Commission on its own motion, on the date on which the Commission serves the ~~[public officer or employee]~~ ***current*** or former public officer or employee with ***a written*** notice of the ***investigation of the*** ethics complaint in accordance with the regulations of the Commission.

Sec. 22. NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations that are necessary and proper to carry out the provisions of this chapter, including, without limitation:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of an ethics complaint or a request for an advisory opinion with the Commission;

(c) For the withdrawal of an ethics complaint or a request for an advisory opinion by the person who filed the ethics complaint or request;

(d) To facilitate the prompt rendition ***of decisions and the issuance*** of opinions by the Commission; and

(e) For proceedings concerning an ethics complaint, to facilitate written discovery requests submitted pursuant to NRS 281A.750 and 281A.755 and the disclosure of evidence in the manner required by those sections, including, without limitation, the disclosure of evidence obtained by or on behalf of the Executive Director during the course of the investigation that affirmatively and substantively disproves any alleged violation of this chapter that is related to the ethics complaint and has been referred to the Commission for an adjudicatory hearing.

2. Prescribe, by regulation, forms and procedures for the submission of ~~[~~statements of acknowledgment~~]~~ ***acknowledgments of the statutory ethical standards*** filed by public officers pursuant to NRS 281A.500, maintain files of such ~~[~~statements~~]~~ ***acknowledgments*** and make the ~~[~~statements~~]~~ ***acknowledgments*** available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition ***of decisions and the issuance*** of ~~[~~its~~]~~ opinions pursuant to this chapter.

4. Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish ~~[~~a manual~~]~~ ***materials*** for the use of public officers and employees that ~~[~~explains~~]~~ ***explain*** the requirements of this chapter.

~~[➥ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.]~~

Sec. 23. NRS 281A.300 is hereby amended to read as follows:

281A.300 1. The Chair ~~[~~and Vice Chair~~]~~ ***or a member*** of the Commission ***appointed by the Chair to preside over any meetings, hearings and proceedings*** may administer oaths ~~[~~.~~]~~ ***or direct a certified court reporter or other authorized person to administer oaths.***

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission.

3. ~~[~~Upon~~]~~ ***Except as otherwise provided in this subsection, upon*** the request of the Executive Director, the Chair ~~[~~or, in the Chair's absence, the Vice Chair,~~]~~ may issue a subpoena ***during the course of any investigation*** to compel the participation of a potential witness and the production of any books and papers ~~[~~during the course of any investigation.~~]~~ ***, including, without***

limitation, information, records and documentation regarding personnel records maintained by an agency concerning the conduct of a public officer or employee, including, notwithstanding any other provision of law to the contrary, records otherwise deemed by law to be confidential, that relate to issues under consideration in an ethics complaint. A request by the Executive Director for a subpoena pursuant to this subsection may not include a request for records related to a concurrent, pending criminal investigation where such records are otherwise protected as confidential.

4. Upon the request of the Executive Director or the public officer or employee who is the subject of an ethics complaint, the Chair ~~[or, in the Chair's absence, the Vice Chair,]~~ may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission. A public officer or employee who requests the issuance of a subpoena pursuant to this subsection must serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the costs of such service.

5. Before ~~[issuing]~~ ***the Chair issues*** a subpoena ***directed*** to ~~[a]~~ ***the*** public officer or employee who is the subject of an ethics complaint to compel his or her participation in any investigation, his or her attendance as a witness or his or her production of any books and papers, the Executive Director shall submit a written request to the public officer or employee requesting:

(a) The voluntary participation of the public officer or employee in the investigation;

(b) The voluntary attendance of the public officer or employee as a witness; or

(c) The voluntary production by the public officer or employee of any books and papers relating to the ethics complaint.

6. Each written request submitted by the Executive Director pursuant to subsection 5 must specify the time and place for the voluntary participation of the public officer or employee in the investigation, attendance of the public officer or employee as a witness or production of any books and papers, and designate with certainty the books and papers requested, if any.

7. If the public officer or employee fails or refuses to respond to the Executive Director's written request pursuant to subsection 5 to voluntarily participate or attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the written request, the Chair ~~[or, in the Chair's absence, the Vice Chair,]~~ may issue the subpoena. Failure of the public officer or employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or employee of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, that apply to proceedings concerning the ethics complaint.

8. If any witness fails or refuses to participate, attend, testify or produce any books and papers as required by the subpoena, the Chair ~~[or, in the Chair's~~

~~absence, the Vice Chair,~~] may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of the participation or attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to participate, attend, testify or produce the books and papers as required by the subpoena, or has failed or refused to answer questions propounded to the witness,

➥ and asking for an order of the court compelling the witness to participate, attend, testify or produce the books and papers as required by the subpoena.

9. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not participated, attended, testified or produced the books or papers as required by the subpoena. A certified copy of the order must be served upon the witness.

10. If [~~it appears to~~] ***, at the hearing to show cause,*** the court ***finds*** that the subpoena was regularly issued pursuant to this section [~~,~~] ***and that the witness has not proven a reason recognized by law for the failure to comply with its provisions,*** the court shall enter an order that the witness comply with the subpoena, at the time and place fixed in the order, and participate, attend, testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

11. Any court proceeding commenced pursuant to this section is deemed good cause for the Chair to grant, pursuant to section 8 of this act, an extension of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, that apply to proceedings concerning the ethics complaint.

Sec. 24. NRS 281A.350 is hereby amended to read as follows:

281A.350 1. Any state agency or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render ***a decision and issue*** an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ***code of*** ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of financial disclosure statements by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and

(2) Upon review, approved by the Secretary of State. The Secretary of State shall not approve the form unless the form contains all the information required to be included in a financial disclosure statement pursuant to NRS 281.571.

2. The Secretary of State is not responsible for the costs of producing or distributing a form for filing a financial disclosure statement pursuant to the provisions of subsection 1.

3. A specialized or local ethics committee shall not attempt to interpret ***the statutory ethical standards*** or render ***a decision and issue*** an opinion regarding the statutory ethical standards.

4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to ~~[~~base~~]~~ ***render a decision and issue*** an opinion, all deliberations relating to ~~[~~an~~]~~ ***the decision and*** opinion, each ~~[~~opinion~~]~~ ***decision*** rendered ***and opinion issued*** by ~~[~~a~~]~~ ***the*** committee and any motion relating to the ***decision and*** opinion are confidential unless:

(a) The public officer or employee acts in contravention of the ***decision or*** opinion; or

(b) The requester discloses the ~~[~~content~~]~~ ***contents*** of the ***decision or*** opinion.

Sec. 25. NRS 281A.400 is hereby amended to read as follows:

281A.400 ~~[~~A code of ethical standards is hereby established to govern the conduct of public officers and employees:~~]~~

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity. ~~[~~As used in this subsection, "unwarranted" means without justification or adequate reason.~~]~~

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, for the performance of the public officer's or employee's duties as a public officer or employee.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further a significant pecuniary interest of the public officer or employee or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other official document because it might tend to affect unfavorably a significant pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity.

7. ~~[Except for State Legislators who are subject to the restrictions set forth in subsection 8, a]~~ ***A*** public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) ~~[The]~~ ***At the time that the use occurs, the use is:***

(I) Authorized by a written policy which was adopted before the use occurs by the public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility ~~[has established a policy allowing the use or the use is necessary]~~ ***; or***

(II) Necessary as a result of emergency circumstances ~~[,]~~ ***, whether or not the use is authorized by such a written policy;***

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➥ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. ~~[A State Legislator shall not:~~

~~(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private *to* benefit *a significant personal or pecuniary interest* of the State Legislator or any other person *to whom the State Legislator has a commitment in a private capacity*. This paragraph does not prohibit:~~

~~(1) A limited use of state *governmental* property and resources *, equipment or other facility* for personal purposes if:~~

~~(I) The use does not interfere with the performance of the State Legislator's public duties;~~

~~(II) The cost or value related to the use is nominal; and~~

~~(III) The use does not create the appearance of impropriety;~~

~~(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or~~

~~(3) The use of telephones or other means of communication if there is not a special charge for that use.~~

~~(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:~~

~~(1) In unusual and infrequent situations where the *legislative* employee's service is reasonably necessary to permit the State Legislator or legislative employee to perform that person's official duties; or~~

~~(2) Where such service has otherwise been established as legislative policy.~~

~~9.]~~ A public officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the influence of a subordinate.

~~[10.]~~ *9.* A public officer or employee shall not seek other employment or contracts for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the use of the public officer's or employee's official position.

~~[11.]~~ 10. A public officer or employee shall not use the public officer's or employee's position or power in government to take any actions or compel a subordinate to take any actions that would cause unwarranted harm or damage to another person to benefit ~~[the]~~ a significant ~~[pecuniary interest or]~~ personal or pecuniary interest of the public officer or employee or ~~[the significant pecuniary interest or personal interest of]~~ any person to whom the public officer or employee has a commitment in a private capacity.

~~[12.]~~ 11. As used in this section:

(a) "Appearance of impropriety" means a reasonable person would find, based on the given set of facts and circumstances, that a public officer's or employee's limited use of governmental property, equipment or other facility for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.

(b) "Unwarranted" means without justification or adequate reason.

Sec. 26. NRS 281A.410 is hereby amended to read as follows:

281A.410 ~~[In addition to the requirements of the code of ethical standards and the other provisions of this chapter:]~~

1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. Except as otherwise provided in subsection 3, ~~[a State Legislator or]~~ a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve.

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. The Commission may relieve the member from the strict application of the provisions of this subsection if:

(a) The member files a request for an advisory opinion from the Commission pursuant to NRS 281A.675; and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each local agency affected by the matter; and

(3) The provisions of this chapter.

4. For the purposes of subsection 3, the request for an advisory opinion, ***the decision rendered,*** the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

5. Unless permitted by this section, a public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

Sec. 27. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

(a) Regarding which the public officer or employee has accepted a gift or loan;

(b) In which the public officer or employee has a significant pecuniary interest;

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person; or

(d) Which would reasonably be related to the nature of any representation or counseling that the public officer or employee provided to a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410,

➥ without disclosing information concerning the gift or loan, the significant pecuniary interest, the commitment in a private capacity to the interests of the other person or the nature of the representation or counseling of the private person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, upon the person to whom the public officer or employee has a commitment in a private capacity or upon the private person who was represented or counseled by the public officer or employee. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require ~~[~~a~~]~~ ***:***

(a) A public officer to disclose:

~~[~~(a)~~]~~ ***(1)*** Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

~~[~~(b)~~]~~ ***(2)*** Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

(b) A public officer or employee to disclose any information which is confidential under the terms of a contract or as a matter of law if the public officer or employee:

(1) In the disclosure made pursuant to subsection 1, discloses all nonconfidential information that is required to be disclosed and describes the general nature of the contract or law that protects the confidential information from being disclosed; and

(2) Abstains from advocating the passage or failure of and from approving, disapproving, voting or otherwise acting upon the matter, regardless of whether the public officer or employee would be required to abstain pursuant to subsection 3.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

(a) The public officer's acceptance of a gift or loan;

(b) The public officer's significant pecuniary interest; ~~[or]~~

(c) The public officer's commitment in a private capacity to the interests of another person ~~[.]~~ ***; or***

(d) The public officer's representation or counseling of a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410.

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest ***,*** ~~[or]~~ commitment in a private capacity to the interests of another person ***or representation or counseling of a private person for compensation as permitted by NRS 281A.410*** where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of another person ~~[.]~~ ***or has represented or counseled a private person for compensation as permitted by NRS 281A.410,*** accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the duty of the public officer to make a proper disclosure at the time the matter is considered and in the manner required by subsection 1.

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer makes a proper disclosure at the time the matter is considered and in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest ***,*** ~~[or]~~ commitment in a private capacity to the interests of another person ~~[.]~~ ***or representation or counseling of a private person for compensation as permitted by NRS 281A.410.***

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the

public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

~~[7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning~~ gifts, loans, interests or commitments ~~*a matter* and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of *the* State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of *the* State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.~~

~~8. As used in this section, "public officer" and "public employee" do not include a State Legislator.]~~

Sec. 27.5. **NRS 281A.500 is hereby amended to read as follows:**

281A.500 1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards and the duty to file an acknowledgment of the statutory ethical standards in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk; ***and***

(3) ~~[The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and~~

~~(4)]~~ The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.

2. Within 30 days after a public employee begins employment:

(a) The Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards; and

(b) The manager of each local agency, or his or her designee, shall provide each new public employee of the local agency with the information prepared by the Commission concerning the statutory ethical standards.

3. Each public officer shall acknowledge that the public officer:

(a) Has received, read and understands the statutory ethical standards; and

(b) Has a responsibility to inform himself or herself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature.

4. The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission:

(a) If the public officer is elected to office at the general election, on or before January 15 of the year following the public officer's election.

(b) If the public officer is elected to office at an election other than the general election or is appointed to office, on or before the 30th day following the date on which the public officer swears or affirms the oath of office.

5. Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not have a definite term of office, the public officer, in addition to executing and filing the acknowledgment after the public officer swears or affirms the oath of office in accordance with subsection 4, shall execute and file the acknowledgment on or before January 15 of each even-numbered year while the public officer holds that office.

6. For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.

(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.

7. If a public officer is serving in a public office and executes and files the acknowledgment for that office as required by the applicable provisions of this section, the public officer shall be deemed to have satisfied the requirements of this section for any other office held concurrently by him or her.

8. The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a copy of the standards; and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a printed copy of the statutory ethical standards from the Commission.

9. Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

10. The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

11. Willful refusal to execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.785 and 281A.790; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

12. As used in this section, "general election" has the meaning ascribed to it in NRS 293.060.

Sec. 28. NRS 281A.550 is hereby amended to read as follows:

281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,

➥ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the Nevada Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the Nevada Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Be employed by such a person,

➥ for 1 year after the termination of the member's service on the Nevada Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a ***current or*** former public officer or ***management-level public*** employee of a board, commission, department, division or other agency of the Executive Department of ***the*** State Government ~~[, except a clerical employee,]~~ shall not solicit or accept employment from a business or industry whose activities are governed by

regulations adopted ***or administered*** by the board, commission, department, division or other agency ***, as applicable, if the solicitation or acceptance of employment occurs during the public officer's or employee's period of public service or employment , or*** ~~[for]~~ ***within*** 1 year after the termination of ~~[the former public officer's or employee's]~~ ***his or her period of public*** service or ~~[period of]~~ employment ~~[if:]~~ ***, and:***

(a) The ~~[former]~~ public officer's or employee's principal duties ***include or*** included the formulation of policy contained in the regulations governing the business or industry;

(b) ~~[During]~~ ***Within*** the immediately preceding year ~~[, the former]~~ ***during the public officer's or employee's period of public service or employment , or within the year immediately preceding the termination of the public officer's or employee's period of public service or employment, the*** public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry ***;*** ~~[which might, but for this section, employ the former public officer or employee;]~~ or

(c) As a result of the ~~[former]~~ public officer's or employee's governmental service or employment, the ~~[former]~~ public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a ***current or*** former ~~[public officer who was a]~~ member of a board, commission or similar body of the State if:

(a) The ~~[former public officer]~~ ***member*** is engaged in the profession, occupation or business regulated by the board, commission or similar body;

(b) The ~~[former public officer]~~ ***member*** holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a ***current or*** former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded ***, renewed or amended*** by the State or political subdivision, as applicable, ~~***[or was implemented, managed or administered by the State or political subdivision, as applicable,]***~~ ***if the solicitation or acceptance of employment occurs during the public officer's or employee's period of public service or employment , or*** ~~[for]~~ ***within*** 1 year after the termination of ~~[the officer's or employee's]~~ ***his or her period of public*** service or ~~[period of]~~ employment, ~~[if:]~~ ***and:***

(a) The amount of the contract exceeded $25,000;

(b) The contract was awarded ~~***[or was implemented, managed or administered]***~~ ***, renewed or amended by the State or political subdivision, as applicable, within the immediately preceding year during the public officer's or employee's period of public service or employment , or*** within the ~~[12-~~

~~month period]~~ ***year*** immediately preceding the termination of the ***public*** officer's or employee's ***period of public*** service or ~~[period of]~~ employment; and

(c) The position held by the ~~[former]~~ public officer or employee at the time the contract was awarded ~~***[or while it was implemented, managed or administered]***~~ ***, renewed or amended by the State or political subdivision, as applicable,*** allowed the ~~[former]~~ public officer or employee to ***materially*** affect or influence the awarding ***, renewing or amending*** of the contract ~~[.]~~ ~~***[or its implementation, management or administration.]***~~ ***because the public officer or employee had the authority or responsibility to recommend, advise, negotiate, develop, draft, revise, review or approve any material terms of the contract, including, without limitation, terms relating to products, supplies, materials, equipment, services, quantities, rates, prices, costs, obligations, duties, standards, benchmarks, schedules, timeframes, administration, oversight, compliance, changes, extensions, suspensions, cancellations, terminations, liabilities, immunities, remedies or penalties.***

6. A current or former public officer or employee may file a request for an advisory opinion pursuant to NRS 281A.675 concerning the application of the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and ***the Commission may*** determine whether relief from the strict application of those provisions is proper. ***For the purposes of submitting all necessary information for the Commission to render a decision and issue an advisory opinion in the matter, a current or former public officer or employee may request information concerning potential employment from any business, industry or other person without violating the provisions of subsection 3 or 5, as applicable.*** If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

(a) The best interests of the public;

(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and

(c) The provisions of this chapter,

➥ it may issue an advisory opinion to that effect and grant such relief.

7. For the purposes of subsection 6, the request for an advisory opinion, ***the decision rendered,*** the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

8. The advisory opinion does not relieve the current or former public officer or employee from the strict application of any provision of NRS 281A.410.

9. ~~[For]~~ ***Except as otherwise provided in subsection 6, for*** the purposes of this section:

(a) A former member of the Public Utilities Commission of Nevada, the Nevada Gaming Control Board or the Nevada Gaming Commission; or

(b) Any other ***current or*** former public officer or employee governed by this section,

➥ is employed by or is soliciting or accepting employment from a business, industry or other person described in this section if any oral or written agreement is sought, negotiated or exists during the restricted period pursuant to which the personal services of the public officer or employee are provided or will be provided to the business, industry or other person, even if such an agreement does not or will not become effective until after the restricted period.

10. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted ***or administered*** by a board, commission, department, division or other agency of the Executive Department of ***the*** State Government that is exempted from the requirements of chapter 233B of NRS.

Sec. 29. NRS 281A.665 is hereby amended to read as follows:

281A.665 ***1. The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.***

2. The ~~[~~Commission's~~]~~ opinions ***of the Commission*** may include guidance to a public officer or employee on questions whether:

~~[~~1.~~]~~ ***(a)*** A conflict exists between the public officer's or employee's personal interest and the public officer's or employee's official ~~[~~duty.~~]~~ ***duties.***

~~[~~2.~~]~~ ***(b)*** The public officer's or employee's official duties involve the use of discretionary judgment whose exercise in the particular matter would have a significant effect upon the disposition of the matter.

~~[~~3.~~]~~ ***(c)*** The conflict would materially affect the independence of the judgment of a reasonable person in the public officer's or employee's situation.

~~[~~4.~~]~~ ***(d)*** The public officer or employee possesses special knowledge which is an indispensable asset of ~~[~~the public officer's or employee's public~~]~~ ***his or her public body,*** agency ***or employer*** and is needed by it to reach a sound decision.

~~[~~5.~~]~~ ***(e)*** It would be appropriate for the public officer or employee to withdraw or abstain from participation, disclose the nature of the public officer's or employee's conflicting personal interest or pursue some other designated course of action in the matter.

Sec. 30. NRS 281A.675 is hereby amended to read as follows:

281A.675 1. ~~[~~A~~]~~ ***Except as otherwise provided in this section and NRS 281A.280, a*** public officer or employee may file with the Commission a request for an advisory opinion to:

(a) Seek guidance on matters which directly relate to the propriety of his or her own past, present or future conduct as a public officer or employee under the statutory ethical standards ***;*** ~~[~~set forth in this chapter;~~]~~ or

(b) Request relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

2. The request for an advisory opinion must be:

(a) Filed on a form prescribed by the Commission; and

(b) Submitted with all necessary information for the Commission to render ***a decision and issue*** an advisory opinion in the matter.

3. ***At any time after a request for an advisory opinion is filed with the Commission, the Commission may request additional information relating to the request for an advisory opinion from the requester and his or her legal counsel.***

4. The Commission may decline to render ***a decision and issue*** an advisory opinion if the ~~[~~public officer or employee~~]~~ ***requester*** does not:

(a) Submit all necessary information for the Commission to render ***a decision and issue*** an advisory opinion in the matter; or

(b) Declare by oath or affirmation that he or she will testify truthfully regarding the matter ~~[.]~~ ***or confirm in writing, signed under oath, that any information provided to the Commission for consideration of the request for an advisory opinion is truthful.***

Sec. 31. NRS 281A.680 is hereby amended to read as follows:

281A.680 1. If a public officer or employee properly files a request for an advisory opinion, the Commission shall render ***a decision and issue*** an advisory opinion that interprets the statutory ethical standards and applies those standards to the given set of facts and circumstances. The Commission shall render ***the decision and issue*** the advisory opinion within 45 days after receiving the request, unless the requester waives this time limit ~~[.]~~ ***or the Chair grants an extension of time pursuant to section 8 of this act.***

2. If the advisory opinion ~~[~~rendered~~]~~ ***issued*** by the Commission relates to the propriety of the present or future conduct of the requester, the advisory opinion is:

(a) Binding upon the requester with regard to the future conduct of the requester; and

(b) A final decision that is subject to judicial review pursuant to NRS 233B.130.

3. If the requester seeks judicial review pursuant to NRS 233B.130, any proceedings concerning such judicial review must be confidential and held in closed court without admittance of persons other than those necessary to the proceedings, unless the requester waives this right to confidential proceedings.

Sec. 32. NRS 281A.685 is hereby amended to read as follows:

281A.685 1. Except as otherwise provided in this section, the following materials are confidential and are not public records pursuant to chapter 239 of NRS:

(a) A request for an advisory opinion;

(b) The advisory opinion ~~[~~rendered~~]~~ ***issued*** by the Commission in response to the request;

(c) Any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request; and

(d) Any information, communications, records, documents or other materials in the possession of the requester of the advisory opinion that are

related to the request and, if disclosed by the requester, would reveal the existence, nature or content of the request or the advisory opinion.

2. The provisions of subsection 1 do not create or impose any duty on the Commission or its staff to protect or defend against the disclosure of any materials not in the possession of the Commission or its staff, regardless of whether the materials are related to the request.

3. The provisions of subsection 1 do not apply to any materials in the possession of the Commission or its staff that are related to the request if the requester of the advisory opinion:

(a) Acts in contravention of the advisory opinion, in which case the Commission may disclose the request, the advisory opinion and any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request;

(b) Authorizes the Commission, in writing, to make the request, the advisory opinion or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request publicly available; or

(c) Voluntarily discloses, in any manner, the request, the advisory opinion or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request, except to:

(1) The public body, agency or employer of the requester or the legal counsel of the requester;

(2) Any person to whom the Commission authorizes the requester to make such a disclosure; or

(3) Any person to whom the requester makes such a disclosure for the purposes of judicial review pursuant to NRS 281A.680.

Sec. 33. NRS 281A.690 is hereby amended to read as follows:

281A.690 1. ~~[~~Except as otherwise provided in this section, the~~]~~ ***The*** provisions of chapter 241 of NRS do not apply to:

(a) Any meeting or hearing held by the Commission to receive information or evidence concerning a request for an advisory opinion; and

(b) Any deliberations or actions of the Commission on such information or evidence.

2. The ~~[~~public officer or employee~~]~~ ***requester*** who files the request for an advisory opinion may also file a request with the Commission to hold a public meeting or hearing regarding the request for an advisory opinion. ***If:***

(a) The requester files a request to hold a public meeting or hearing, the requester must acknowledge in the request that the requester is waiving the right to confidentiality set forth in NRS 281A.685; and

(b) The Commission grants the request to hold a public meeting or hearing, the Commission shall provide public notice of the meeting or hearing, and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to the provisions of chapter 241 of NRS.

Sec. 34. NRS 281A.710 is hereby amended to read as follows:

281A.710 1. Except as otherwise provided in this section and NRS 281A.280, the Commission may render ***a decision and issue*** an opinion that interprets the statutory ethical standards and applies those standards to a given set of facts and circumstances regarding the propriety of the conduct of a public officer or employee if an ethics complaint is:

(a) Filed by a specialized or local ethics committee established pursuant to NRS 281A.350.

(b) Filed by any person, except a person who is incarcerated in a correctional facility in this State or any other jurisdiction.

(c) Initiated by the Commission on its own motion, except the Commission shall not initiate such an ethics complaint based solely upon an anonymous complaint.

2. An ethics complaint filed ~~[by a person]~~ ***pursuant to paragraph (a) or (b) of subsection 1*** must be:

(a) Verified under oath and filed on a form prescribed by the Commission; and

(b) Submitted with sufficient evidence to support the allegations in order for the Commission to make a determination of whether it has jurisdiction in the matter and whether an investigation is warranted in the matter pursuant to NRS 281A.715 and 281A.720.

3. The Commission may decline to render ***a decision and issue*** an opinion if the ***specialized or local ethics committee or*** person who files the ethics complaint does not submit all necessary evidence in the matter.

4. The Executive Director may conduct a preliminary investigation to obtain additional evidence concerning the propriety of the conduct of a public officer or employee to determine ~~[if]~~ whether the Commission has jurisdiction in a matter and whether the Commission should initiate an ethics complaint on its own motion pursuant to paragraph (c) of subsection 1.

Sec. 35. NRS 281A.715 is hereby amended to read as follows:

281A.715 1. Based on the evidence submitted with an ethics complaint filed with the Commission pursuant to ***paragraph (a) or (b) of subsection 1 of*** NRS 281A.710 ~~[,]~~ ***and any additional evidence obtained by the Executive Director pursuant to subsection 2,*** the Commission shall determine whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. ~~[The]~~ ***Except as otherwise provided in section 8 of this act, the*** Commission shall make its determination within 45 days after receiving the ethics complaint ***.*** ~~[, unless the public officer or employee who is the subject of the ethics complaint waives this time limit.]~~

2. ***To assist the Commission in making its determination pursuant to subsection 1 whether it has jurisdiction in the matter and whether an investigation is warranted in the matter, the Executive Director may conduct a preliminary investigation to obtain additional evidence concerning the allegations in the ethics complaint.***

3. If the Commission determines ***pursuant to subsection 1*** that it does not have jurisdiction in the matter, the Commission shall dismiss the matter.

~~[3.]~~ ***4.*** If the Commission determines ***pursuant to subsection 1*** that it has jurisdiction in the matter but the evidence ~~[submitted with the ethics complaint]~~ is not sufficient to warrant an investigation in the matter, the Commission shall dismiss the matter, with or without issuing a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.

~~[4.]~~ ***5.*** If the Commission determines ***pursuant to subsection 1*** that it has jurisdiction in the matter and the evidence ~~[submitted with the ethics complaint]~~ is sufficient to warrant an investigation in the matter, the Commission may direct the Executive Director to investigate the ethics complaint pursuant to NRS 281A.720.

6. If the Commission initiates an ethics complaint on its own motion pursuant to paragraph (c) of subsection 1 of NRS 281A.710 and the Commission determines that the evidence:

(a) Is not sufficient to warrant an investigation in the matter, the Commission may dismiss the matter, with or without prejudice. If the Commission dismisses the matter, the Commission may issue a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.

(b) Is sufficient to warrant an investigation in the matter, the Commission may direct the Executive Director to investigate the ethics complaint pursuant to NRS 281A.720.

Sec. 36. NRS 281A.720 is hereby amended to read as follows:

281A.720 1. If the Commission directs the Executive Director to investigate an ethics complaint pursuant to NRS 281A.715 ***,*** ~~[or if the Commission initiates an ethics complaint on its own motion pursuant to NRS 281A.710,]~~ the Executive Director shall investigate the facts and circumstances relating to the ethics complaint to determine whether the Executive Director believes that there is just and sufficient cause for the Commission to render ***a decision and issue*** an opinion in the matter in order to present a written recommendation to the review panel pursuant to NRS 281A.725.

2. The Executive Director shall ~~[provide]~~ ***prepare and serve a written*** notice of the investigation ***of the ethics complaint*** pursuant to this section ~~[to]~~ ***on*** the public officer or employee who is the subject of the ethics complaint and provide the public officer or employee an opportunity to submit to the Executive Director a response to the ~~[allegations against the public officer or employee in the ethics complaint. The]~~ ***written notice of the investigation. Except as otherwise provided in subsection 3, the*** response must be submitted within 30 days after the date on which the public officer or employee ~~[receives]~~ ***is served with*** the ***written*** notice of the investigation pursuant to this section ***.*** ~~[, unless the Executive Director grants an extension.]~~

3. ***If a public officer or employee has waived the time*** ~~***[limitation]***~~ ***limit set forth in subsection 1 of NRS 281A.725, the Executive Director may grant***

one or more extensions of time for a public officer or employee to submit a response pursuant to subsection 2 for good cause shown by the public officer or employee. If the Executive Director grants an extension of time, the Executive Director shall set a specific and reasonable time period for such an extension.

4. The purpose of the response submitted pursuant to this section is to provide the Executive Director and the review panel with any information relevant to the ethics complaint which the public officer or employee believes may assist:

(a) The Executive Director in performing his or her investigation and other functions pursuant to this section and NRS 281A.725; and

(b) The review panel in performing its review and other functions pursuant to NRS 281A.730.

~~[4.]~~ ***5.*** The public officer or employee is not required in the response submitted pursuant to this section or in any proceedings before the review panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee, and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceedings before the review panel.

6. Whether or not the public officer or employee submits a response pursuant to this section, the Executive Director may take action, in the manner authorized by NRS 281A.300 or any other law, to secure the public officer's or employee's participation, attendance as a witness and production of any books and papers during the course of the investigation.

Sec. 37. NRS 281A.725 is hereby amended to read as follows:

281A.725 1. Except as otherwise provided in this subsection ~~[,]~~ ***and section 8 of this act,*** the Executive Director shall complete the investigation required by NRS 281A.720 and present a written recommendation to the review panel within 70 days after the Commission directs the Executive Director to investigate the ethics complaint**.** ~~[or after the Commission initiates the ethics complaint on its own motion, as applicable.]~~ The public officer or employee who is the subject of the ethics complaint may waive this time limit.

2. The ***written*** recommendation ***that the Executive Director presents to the review panel*** must:

(a) Set forth the factual and legal basis for the recommendation;

(b) State whether the Executive Director believes that there is just and sufficient cause for the Commission to render ***a decision and issue*** an opinion in the matter; and

(c) If the Executive Director believes that a disposition of the matter without an adjudicatory hearing is appropriate under the facts and circumstances, state any suggested disposition that is consistent with the provisions of this chapter, including, without limitation, whether the Executive Director believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement.

Sec. 38. NRS 281A.730 is hereby amended to read as follows:

281A.730 1. Except as otherwise provided in this section ~~[,]~~ ***and section 8 of this act,*** the review panel shall determine whether there is just and sufficient cause for the Commission to render ***a decision and issue*** an opinion in the matter within 15 days after the Executive Director ~~[provides]~~ ***presents to*** the review panel ~~[with]~~ the recommendation required by NRS 281A.725. The public officer or employee who is the subject of the ethics complaint may waive this time limit. ***The review panel shall serve on the public officer or employee who is the subject of the ethics complaint a written notice of its determination.***

2. The review panel shall cause a record of its proceedings to be kept.

3. The review panel shall not determine that there is just and sufficient cause for the Commission to render ***a decision and issue*** an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond ~~[to the allegations]~~ as required by NRS 281A.720.

4. If the review panel determines that there is not just and sufficient cause for the Commission to render ***a decision and issue*** an opinion in the matter, it shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.

5. If the review panel determines that there is just and sufficient cause for the Commission to render ***a decision and issue*** an opinion in the matter but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel may:

(a) Approve a deferral agreement proposed by the Executive Director and the public officer or employee instead of referring the ethics complaint to the Commission for further proceedings in the matter; or

(b) Authorize the Executive Director and the public officer or employee to develop such a deferral agreement and may thereafter approve such a deferral agreement instead of referring the ethics complaint to the Commission for further proceedings in the matter.

6. If the review panel does not approve a deferral agreement pursuant to subsection 5 or if the public officer or employee declines to enter into such a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

7. If the review panel determines that there is just and sufficient cause for the Commission to render ***a decision and issue*** an opinion in the matter and reasonably believes that the conduct at issue may not be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel shall refer the ethics complaint to the Commission for further proceedings in the matter.

Sec. 39. NRS 281A.745 is hereby amended to read as follows:

281A.745 1. If the review panel refers an ethics complaint to the Commission for further proceedings in the matter pursuant to NRS 281A.730 or if the Commission vacates a deferral agreement and conducts further proceedings in the matter pursuant to NRS 281A.740 ~~[, the]~~ ***:***

(a) The Executive Director shall issue a formal notice of charges to the public officer or employee who is the subject of the ethics complaint regarding the allegations to be presented at an adjudicatory hearing; and

(b) The Commission shall hold an adjudicatory hearing and render ~~[an opinion in the matter]~~ ***a decision concerning the ethics complaint*** within 60 days after the date on which the review panel refers the ethics complaint to the Commission or the Commission vacates the deferral agreement, as appropriate, unless the public officer or employee who is the subject of the ethics complaint waives this time limit ~~[.]~~ ***or the Chair grants an extension of time pursuant to section 8 of this act.***

2. ~~[If]~~ ***Before*** the Commission holds an adjudicatory hearing ~~[to receive evidence]~~ concerning an ethics complaint, the Commission shall:

(a) ~~[Notify]~~ ***Provide*** the public officer or employee who is the subject of the ethics complaint ***with a written notice*** of the date, time and place of the hearing; ***and***

(b) ***Provide the parties with a written schedule for discovery relating to the hearing.***

3. At the adjudicatory hearing:

(a) The Executive Director or his or her designee shall present the case to the Commission; and

(b) The Commission shall:

(1) Allow the public officer or employee to be represented by legal counsel; and

~~[(c)]~~ ***(2)*** Allow the public officer or employee to hear the ~~[evidence]~~ ***case*** presented to the Commission ***by the Executive Director or his or her designee*** and to ~~[respond and]~~ present ~~[evidence on]~~ his or her own ~~[behalf.]~~ ***case to the Commission.***

~~[3.]~~ ***4.*** Unless the public officer or employee agrees to a shorter time, an adjudicatory hearing may not be held less than 10 days after the date on which the ***written*** notice of the hearing is ~~[given]~~ ***provided*** to the public officer or employee.

~~[4.]~~ ***5.*** For good cause shown, the Commission may take testimony from a person by telephone or video conference at an adjudicatory hearing or at any other proceedings concerning the ethics complaint.

6. After the Commission renders a decision concerning the ethics complaint, the Commission shall issue a written opinion on or before the date of the next meeting of the Commission that is held after the date on which the decision is rendered.

7. The written opinion issued by the Commission must include findings of fact and conclusions of law and otherwise comply with the requirements for a final decision set forth in NRS 233B.125.

Sec. 40. NRS 281A.750 is hereby amended to read as follows:

281A.750 1. Except as otherwise provided in this section and NRS 281A.755, all information, communications, records, documents or other materials in the possession of the Commission, the review panel or their staff that are related to an ethics complaint are confidential and are not public records pursuant to chapter 239 of NRS until:

(a) The review panel determines whether there is just and sufficient cause for the Commission to render ***a decision and issue*** an opinion in the matter and serves ***the*** written notice of its determination on the public officer or employee who is the subject of the ethics complaint ~~[,]~~ ***pursuant to NRS 281A.730;*** or

(b) The public officer or employee who is the subject of the ethics complaint authorizes the Commission, in writing, to make the information, communications, records, documents or other materials that are related to the ethics complaint publicly available,

➥ whichever occurs first.

2. Except as otherwise provided in subsection ~~[3,]~~ ***5,*** if a person who files an ethics complaint asks that his or her identity as the requester be kept confidential, the Commission:

(a) Shall keep the identity of the requester confidential if he or she is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the ethics complaint ~~[.]~~ ***or worked for the same public body, agency or employer during the time of the alleged conduct at issue or if revealing the identity of the requester would reveal the identity of witnesses who work for the same public body, agency or employer.***

(b) May keep the identity of the requester confidential if he or she offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of his or her identity will subject the requester or a member of his or her household to a bona fide threat of physical force or violence.

3. ***If the Commission keeps the identity of the requester of an ethics complaint confidential pursuant to this section, the following materials are confidential and are not public records pursuant to chapter 239 of NRS:***

(a) All information, communications, records, documents or other materials in the possession of the Commission that, if disclosed by the Commission, would reveal that the requester filed the ethics complaint. Notwithstanding the provisions of chapter 239 of NRS, in denying a request for public records based on the confidentiality provided by this paragraph, the Commission is not required to provide any information that, if disclosed by the Commission in denying the request for public records, would reveal that the requester filed the ethics complaint.

(b) All information, communications, records, documents or other materials in the possession of the requester of the ethics complaint or his or her public body, agency or employer that, if disclosed by either of them, would reveal that the requester filed the ethics complaint. Notwithstanding the provisions of chapter 239 of NRS, in denying a request for public records based on the confidentiality provided by this paragraph, the requester of the ethics complaint or his or her public body, agency or employer is not required to provide any information that, if disclosed by either of them in denying the request for public records, would reveal that the requester filed the ethics complaint.

4. If the Commission keeps the identity of the requester ***of an ethics complaint*** confidential ~~[,]~~ ***pursuant to this section and the Executive Director does not intend to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering a decision and issuing an opinion in the matter,*** the Commission shall not render ***a decision and issue*** an opinion in the matter unless there is sufficient evidence without the testimony of the requester to consider the propriety of the conduct of the public officer or employee who is the subject of the ethics complaint. ***The provisions of this subsection do not abrogate or otherwise alter or affect the confidentiality of the identity of the requester of the ethics complaint.***

5. If ***the Commission keeps the identity of the requester of an ethics complaint confidential pursuant to this section and*** the Executive Director intends to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering ***a decision and issuing*** an opinion in the matter and the public officer or employee who is the subject of the ethics complaint submits a written discovery request to the Commission pursuant to NRS 281A.755, the ~~[Commission]~~ ***Executive Director*** shall disclose the name of the requester only as a proposed witness ~~[within a reasonable time before the adjudicatory hearing on the matter.]~~ ***in accordance with the schedule for discovery provided to the parties pursuant to NRS 281A.745.***

Sec. 41. NRS 281A.755 is hereby amended to read as follows:

281A.755 1. Except as otherwise provided in this section, the investigative file related to an ethics complaint is confidential and is not a public record pursuant to chapter 239 of NRS.

2. ~~[At any time after being served with written notice of the determination of the review panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter,]~~ ***In accordance with the schedule for discovery provided to the parties pursuant to NRS 281A.745,*** the public officer or employee who is the subject of the ethics complaint may submit a written discovery request to the Commission for a list of proposed witnesses and a copy of any portion of the investigative file that the Executive Director intends to present as evidence for consideration by the Commission

at the adjudicatory hearing or in rendering ***a decision and issuing*** an opinion in the matter.

3. ~~[Any]~~ ***Unless otherwise declared confidential by law, any*** portion of the investigative file which the Executive Director presents as evidence for consideration by the Commission at the adjudicatory hearing or in rendering ***a decision and issuing*** an opinion in the matter becomes a public record and must be open for inspection pursuant to chapter 239 of NRS ~~[.]~~ ***after the Commission takes final action concerning the ethics complaint in a public meeting or hearing pursuant to subsection 2 of NRS 281A.760.***

4. For the purposes of this section:

(a) The investigative file includes, without limitation:

(1) Any response concerning the ethics complaint prepared by the public officer or employee pursuant to NRS 281A.720 and submitted to the Executive Director and the review panel during the course of the investigation and any proceedings before the review panel;

(2) Any recommendation concerning the ethics complaint prepared by the Executive Director pursuant to NRS 281A.725 and ~~[submitted]~~ ***presented*** to the review panel during the course of the investigation and any proceedings before the review panel; and

(3) Any other information provided to or obtained by or on behalf of the Executive Director through any form of communication during the course of the investigation ***, including, without limitation, information, records and documentation obtained pursuant to subsection 3 of NRS 281A.300,*** and any proceedings before the review panel and any records, documents or other materials created or maintained during the course of the investigation and any proceedings before the review panel which relate to the public officer or employee who is the subject of the ethics complaint, including, without limitation, a transcript, regardless of whether such information, records, documents or other materials are obtained pursuant to a subpoena.

(b) The investigative file does not include any deferral agreement.

Sec. 42. NRS 281A.760 is hereby amended to read as follows:

281A.760 ***1.*** The provisions of chapter 241 of NRS do not apply to:

~~[1.]~~ ***(a)*** Any meeting or hearing held by the Commission to receive information or evidence concerning an ethics complaint; and

~~[2.]~~ ***(b)*** Any deliberations ***or actions*** of the Commission on such information or evidence.

2. The Commission shall take final action concerning an ethics complaint in a public meeting or hearing. The Commission shall provide public notice of the meeting or hearing, and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to the provisions of chapter 241 of NRS.

Sec. 43. NRS 281A.765 is hereby amended to read as follows:

281A.765 ~~[1. If the Commission renders an opinion in proceedings concerning an ethics complaint, the opinion must include findings of fact and conclusions of law.~~

~~2. If, in~~] ***In*** proceedings concerning an ethics complaint, ***if*** the Commission determines that a violation of this chapter:

~~[(a)~~] ***1.*** Has not been proven, the Commission shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.

~~[(b)~~] ***2.*** Has been proven, the Commission may take any action authorized by this chapter.

Sec. 44. NRS 281A.770 is hereby amended to read as follows:

281A.770 In any matter in which the Commission disposes of an ethics complaint by stipulation, agreed settlement ***, deferral agreement*** or consent order or in which the review panel approves a deferral agreement, the Commission or the review panel, as appropriate, shall ***:***

1. To the extent practicable based on the given set of facts and circumstances, treat comparable situations in a comparable manner ***;*** and ~~[shall ensure]~~

2. Ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 45. NRS 281A.775 is hereby amended to read as follows:

281A.775 1. The Commission, in determining whether a violation of this chapter is a willful violation and, if so, the penalty to be imposed on a ~~[public officer or employee]~~ ***current*** or former public officer or employee pursuant to NRS 281A.785 or 281A.790, or the review panel, in determining whether to approve a deferral agreement regarding an alleged violation, shall consider, without limitation:

(a) The seriousness of the violation or alleged violation, including, without limitation, the nature, circumstances, extent and gravity of the violation or alleged violation;

(b) The number and history of previous warnings, letters of caution or instruction, deferral agreements or violations or alleged violations of the provisions of this chapter relating to the public officer or employee;

(c) The cost to conduct the investigation and any meetings, hearings or other proceedings relating to the violation or alleged violation;

(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation or alleged violation, any attempts to rectify the violation or alleged violation before any ethics complaint is filed and any cooperation by the public officer or employee in resolving the ethics complaint;

(e) Any restitution or reimbursement paid to parties affected by the violation or alleged violation;

(f) The extent of any financial gain resulting from the violation or alleged violation; ~~[and]~~

(g) ***If the violation or alleged violation arises under subsection 5 of NRS 281A.550 and involves the public officer or employee soliciting or accepting employment from a person to whom a contract for supplies, materials, equipment or services was awarded, renewed or amended by the State or political subdivision, as applicable, the amount of the contract involved in the violation or alleged violation compared to the amount of:***

(1) The total annual budget of the agency that awarded, renewed or amended the contract; and

(2) The total annual budget of the person to whom the contract was awarded, renewed or amended; and

(h) Any other matter justice may require.

2. The factors set forth in this section are not exclusive or exhaustive, and the Commission or the review panel, as appropriate, may consider other factors in the disposition of the matter if they bear a reasonable relationship to the determination of the severity of the violation or alleged violation.

3. In applying the factors set forth in this section, the Commission or the review panel, as appropriate, shall ***:***

(a) To the extent practicable based on the given set of facts and circumstances, treat comparable situations in a comparable manner ***;*** and ~~[shall ensure]~~

(b) Ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 46. NRS 281A.780 is hereby amended to read as follows:

281A.780 1. In proceedings concerning an ethics complaint, the Commission or the review panel, as appropriate, may issue a letter of caution or instruction to the public officer or employee who is the subject of the ethics complaint to caution or instruct the public officer or employee regarding the propriety of his or her conduct under the statutory ethical standards **.** ~~[set forth in this chapter.]~~

2. If the Commission or the review panel issues a letter of caution or instruction to the public officer or employee, the letter:

(a) Is confidential and is not a public record pursuant to chapter 239 of NRS.

(b) May be considered in deciding the appropriate action to be taken on any subsequent ethics complaint involving the public officer or employee, unless the letter is not relevant to the issues presented by the subsequent ethics complaint.

Sec. 47. NRS 281A.785 is hereby amended to read as follows:

281A.785 1. ~~[Except as otherwise provided in this section, in]~~ ***In*** proceedings concerning an ethics complaint, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may, in addition to any other ~~[penalty]~~ ***penalties*** provided by law and in accordance with the provisions of NRS 281A.775:

(a) Require the public officer or employee who is the subject of the ethics complaint to:

(1) Comply in all respects with the provisions of this chapter for a specified period without being the subject of another ethics complaint arising from an alleged violation of this chapter by the public officer or employee which occurs during the specified period and for which the review panel determines that there is just and sufficient cause for the Commission to render ***a decision and issue*** an opinion in the matter.

(2) Attend and complete training.

(3) Follow a remedial course of action.

(4) Issue a public apology.

(5) Comply with conditions or limitations on future conduct.

(b) Publicly admonish, reprimand or censure the public officer or employee.

(c) Take any combination of such actions or any other reasonable action that the Commission or the review panel, as appropriate, determines will remedy the violation or alleged violation or deter similar violations or conduct.

2. In carrying out the provisions of subsection 1, the Commission, based on a finding that a violation of this chapter has been proven ~~[,]~~ ***and as part of any manner in which the Commission is authorized to dispose of the matter,*** or the review panel, as part of the terms and conditions of a deferral agreement, may publicly:

(a) Admonish a public officer or employee if it is determined that the public officer or employee has violated any provision of this chapter, but the violation is not willful, or if such an admonishment is imposed as part of the terms and conditions of a deferral agreement. An admonishment is a written expression of disapproval of the conduct of the public officer or employee.

(b) Reprimand a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter, but there is no evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law, or if such a reprimand is imposed as part of the terms and conditions of a deferral agreement. A reprimand is a severe written reproof for the conduct of the public officer or employee.

(c) Censure a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter and there is evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law or there are no substantial mitigating factors pursuant to NRS 281A.775 for the willful violation, or if such a censure is imposed as part of the terms and conditions of a deferral agreement. A censure is a formal written condemnation of the conduct of the public officer or employee.

3. Any action taken by the Commission pursuant to this section is a final decision for the purposes of judicial review pursuant to NRS 233B.130. Any action taken by the review panel pursuant to this chapter, including, without limitation, any action relating to a deferral agreement, is not a final decision for the purposes of judicial review pursuant to NRS 233B.130.

Sec. 48. NRS 281A.790 is hereby amended to read as follows:

281A.790 1. In addition to any other penalties provided by law and in accordance with the provisions of NRS 281A.775, the Commission may impose on a ~~[~~public officer or employee~~]~~ ***current*** or former public officer or employee civil penalties:

(a) Not to exceed $5,000 for a first willful violation of this chapter;

(b) Not to exceed $10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed $25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. ~~[~~In~~]~~ ***Except as otherwise provided in NRS 281A.280, in*** addition to any other penalties provided by law, if any person prevents, interferes with or attempts to prevent or interfere with any investigation or proceedings pursuant to this chapter or the discovery of a violation of this chapter, the Commission may, upon its own motion or upon the motion of the current or former public officer or employee who is the subject of the investigation or proceedings:

(a) Impose on the person committing such an act a civil penalty not to exceed $5,000; and

(b) If appropriate under the facts and circumstances, assess against the person committing such an act an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the current or former public officer or employee as a result of the act.

3. If the Commission finds that a violation of a provision of this chapter by a ~~[~~public officer or employee~~]~~ ***current*** or former public officer or employee has resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:

(a) ~~[~~One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b)~~]~~ One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to

Article 7 of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.

~~[(c)]~~ ***(b)*** One or more willful violations of this chapter have been committed by a public officer other than a public officer described in ~~[paragraphs (a) and (b),]~~ ***paragraph (a),*** the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

➥ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation found in the opinion.

5. Notwithstanding any other provision of this chapter, any act or failure to act by a ~~[public officer or employee]~~ ***current*** or former public officer or employee relating to this chapter is not a willful violation of this chapter if the public officer or employee establishes by sufficient evidence that:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and

(b) The advice of the legal counsel was:

(1) Provided to the public officer or employee before the public officer or employee acted or failed to act; and

(2) Based on a reasonable legal determination by the legal counsel under the circumstances when the advice was given that the act or failure to act by the public officer or employee would not be contrary to the provisions of this chapter as interpreted by the Commission.

6. In addition to any other penalties provided by law, if a public employee commits a willful violation of this chapter or fails to complete a period of compliance imposed by the Commission pursuant to NRS 281A.785 or by the review panel as part of the terms and conditions of a deferral agreement, the public employee is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a ***current or former*** public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the

Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

9. A finding by the Commission that a ***current or former*** public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 49. **Title 17 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 50 to 105, inclusive, of this act.**

Sec. 50. ***This chapter may be cited as the Nevada Legislative Ethics Law.***

Sec. 51. ***The Legislature hereby finds and declares that:***

1. The purposes of this chapter are to:

(a) Establish the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect;

(b) Prohibit any conduct that creates the appearance of impropriety; and

(c) Prohibit any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

2. This chapter must be construed:

(a) Liberally to carry out and achieve its purposes; and

(b) Strictly against any person alleging that his or her conduct is not subject to its provisions, so that any doubt or uncertainty as to the application of its provisions must be resolved against such a person and in favor of removing unethical behavior from the legislative process.

Sec. 52. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 53 to 71, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 53. ***"Adjudicatory hearing" means a hearing held by the Senate Commission, Assembly Commission or Joint Commission, as applicable, pursuant to this chapter to receive evidence, render a decision and, if appropriate, issue an opinion concerning an ethics complaint.***

Sec. 54. ***"Assembly Commission" means the Assembly Commission on Ethics created by section 88 of this act.***

Sec. 55. ***"Business entity" means an organization or enterprise operated for economic gain, including, without limitation, a proprietorship, partnership, firm, business, company, trust, joint venture, syndicate, corporation or association.***

Sec. 56. ***"Candidate" means any person:***

1. Who files a declaration of candidacy; or

2. Whose name appears on an official ballot at any election.

Sec. 57. ***"Chair" means:***

1. The Chair of the Senate Commission, Assembly Commission or Joint Commission, as applicable; or

2. The Vice Chair or another member serving in the capacity of the Chair.

Sec. 58. "Commitment in a private capacity" means a private commitment, interest or relationship of a legislative officer or employee to:

1. The spouse or domestic partner of the legislative officer or employee;

2. A member of the household of the legislative officer or employee;

3. A relative of the legislative officer or employee, or the spouse or domestic partner of the legislative officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;

4. The employer of the legislative officer or employee, the spouse or domestic partner of the legislative officer or employee or a member of the household of the legislative officer or employee;

5. A person with whom the legislative officer or employee has a substantial and continuing business relationship; or

6. A person with whom the legislative officer or employee has any other private commitment, interest or relationship that is substantially similar to a private commitment, interest or relationship described in subsections 1 to 5, inclusive.

Sec. 59. "Compensation" means any money, thing of value or economic benefit conferred on or received by any person in return for services rendered, personally or by another person.

Sec. 60. "Domestic partner" means a person in a domestic partnership.

Sec. 61. "Domestic partnership" means a domestic partnership as defined in NRS 122A.040.

Sec. 62. "Ethics complaint" means an ethics complaint which is filed with the Senate Commission, Assembly Commission or Joint Commission, as applicable, pursuant to this chapter regarding the propriety of the conduct of a legislative officer or employee under the legislative ethical standards.

Sec. 63. "Household" means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.

Sec. 64. "Joint Commission" means the Joint Commission on Ethics created by section 92 of this act.

Sec. 65. 1. "Legislative employee" means any current or former employee, assistant, attache, intern or other staff employed with reference to the legislative duties of a Legislator or the Legislative Department, regardless of whether they are paid or otherwise compensated to serve in their positions.

2. The term includes, without limitation, any current or former employee, assistant, attache, intern or other staff of:

(a) The Legislature or either House;

(b) Any legislative committee;

(c) Any legislative office or caucus;

(d) Any division of the Legislative Counsel Bureau; or

(e) Any other agency, body, office, organization or unit of the Legislative Department.

Sec. 66. "Legislative ethical standards" means:

1. Any statutory ethical standards set forth in this chapter; and

2. Any other ethical standards recognized by the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution.

Sec. 67. 1. "Legislative officer" means any current or former:

(a) Member of the Senate, Secretary of the Senate or officer of the Senate;

(b) Member of the Assembly, Chief Clerk of the Assembly or officer of the Assembly; or

(c) Officer of the Legislature, the Legislative Counsel Bureau or the Legislative Department.

2. The term does not include the Lieutenant Governor when acting in his or her official capacity as the President of the Senate.

Sec. 68. 1. "Opinion" means an opinion issued by the Senate Commission, Assembly Commission or Joint Commission, as applicable, in accordance with the provisions of this chapter.

2. The term includes, without limitation, the disposition of an ethics complaint by stipulation, agreed settlement, consent order or default.

Sec. 69. "Pecuniary interest" means any beneficial or detrimental interest in a matter that consists of or is measured in money or is otherwise related to money, including, without limitation:

1. Anything of economic value; and

2. Payments or other money which a person is owed or otherwise entitled to by virtue of any statute, regulation, code, ordinance or contract or other agreement.

Sec. 70. "Senate Commission" means the Senate Commission on Ethics created by section 84 of this act.

Sec. 71. "State agency of the Executive Department" means any agency, bureau, board, commission, department, division, office or other unit of the Executive Department.

Sec. 72. 1. In carrying out the provisions of this chapter, the Legislative Department is entitled to pursue every legal and equitable remedy that is available to enforce the provisions of this chapter.

2. This chapter does not create any private right of action for any person, and this chapter cannot be enforced by any person in any private right of action.

Sec. 73. 1. This chapter supplements all other ethical standards recognized by the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution and does not limit the application of such other ethical standards but is cumulative thereto, so that the application or attempted application of any one of the ethical standards does not bar the application or attempted application of any other, except in circumstances

where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.

2. If there is any conflict between the provisions of the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution and the provisions of this chapter, the provisions of the rules control.

Sec. 74. 1. Except as otherwise provided in this section, the Senate Commission, Assembly Commission or Joint Commission, as applicable, has jurisdiction to investigate and take appropriate actions regarding an alleged violation of the legislative ethical standards by a current or former legislative officer or employee in any proceedings commenced by an ethics complaint which is filed in accordance with this chapter within 2 years after the alleged violation or reasonable discovery of the alleged violation.

2. The Senate Commission, Assembly Commission or Joint Commission, as applicable, does not have jurisdiction in circumstances where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.

Sec. 75. In applying the provisions of this chapter to an alleged violation by a former legislative officer or employee, the use of the term "legislative officer" or "legislative employee" in this chapter must be interpreted to include the former legislative officer or employee, unless the commencement of proceedings against the former legislative officer or employee concerning the alleged violation is time-barred by the statute of limitations pursuant to section 74 of this act.

Sec. 76. 1. The provisions of this chapter establish legislative ethical standards to govern:

(a) Legislative officers and employees; and

(b) Former legislative officers and employees in situations where the legislative ethical standards apply to the conduct of former legislative officers and employees after the end of any period of legislative service or employment.

2. The legislative ethical standards set forth in this chapter are cumulative and supplement each other, and the application of any one of the legislative ethical standards to a given set of facts and circumstances does not bar the application of any other of the legislative ethical standards that also apply to the given set of facts and circumstances.

Sec. 77. 1. A legislative officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity, for the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity, which would tend to improperly influence a reasonable person in the legislative officer's or employee's position to depart from the faithful and impartial discharge of the legislative officer's or employee's official duties.

2. A legislative officer or employee shall not use the legislative officer's or employee's official position to secure or grant unwarranted privileges, preferences, exemptions or advantages for the legislative officer or

employee, any business entity in which the legislative officer or employee has a significant pecuniary interest or any person to whom the legislative officer or employee has a commitment in a private capacity.

3. A legislative officer or employee shall not participate as an agent of the Legislative Department in the negotiation or execution of a contract between the Legislative Department and the legislative officer or employee, any business entity in which the legislative officer or employee has a significant pecuniary interest or any person to whom the legislative officer or employee has a commitment in a private capacity.

4. A legislative officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source, for the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity, for the performance of the legislative officer's or employee's official duties.

5. If a legislative officer or employee acquires, through the legislative officer's or employee's official duties or relationships, any information which by law or practice is not at the time available to people generally, the legislative officer or employee shall not use the information to further a significant pecuniary interest of the legislative officer or employee or any other person or business entity.

6. A legislative officer or employee shall not suppress any governmental report or other official document because it might tend to affect unfavorably a significant pecuniary interest of the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity.

7. Except for Legislators who are subject to the restrictions set forth in subsection 8, a legislative officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) At the time that the use occurs, the use is:

(I) Authorized by a policy which was adopted before the use occurs by the legislative officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility; or

(II) Necessary as a result of emergency circumstances, whether or not the use is authorized by such a policy;

(2) The use does not interfere with the performance of the legislative officer's or employee's official duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➥ If the Legislative Department incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the legislative officer or employee shall reimburse the cost or pay the charge to the Legislative Department.

8. A Legislator shall not:

(a) Use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the Legislator or any person to whom the Legislator has a commitment in a private capacity. This paragraph does not prohibit:

(1) A limited use of governmental property, equipment or other facility for personal purposes if:

(I) The use does not interfere with the performance of the Legislator's official duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where such service or assistance is reasonably necessary to permit the Legislator or legislative employee to perform that person's official duties; or

(2) Where such service or assistance has otherwise been established as legislative policy.

9. A legislative officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity through the influence of a subordinate.

10. A legislative officer or employee shall not seek other employment or contracts for the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity through the use of the legislative officer's or employee's official position.

11. A legislative officer or employee shall not use the legislative officer's or employee's official position to take any actions or compel a subordinate to take any actions that would cause unwarranted harm or damage to another person to benefit a significant personal or pecuniary interest of the

legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity.

12. As used in this section:

(a) "Appearance of impropriety" means a reasonable person would find, based on the given set of facts and circumstances, that a legislative officer's or employee's limited use of governmental property, equipment or other facility for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.

(b) "Unwarranted" means without any legitimate justification or adequate reason.

Sec. 78. 1. Unless permitted by this section, a legislative officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive Department or the Legislative Department.

2. A Legislator, or a legislative officer or employee whose legislative service requires less than half of his or her time, may represent or counsel a private person for compensation before any state agency of the Executive Department in which he or she does not serve.

Sec. 79. 1. Except as otherwise provided in this section and NRS 218A.970, a legislative officer or employee shall not bid on or enter into a contract between a state agency of the Executive Department and any business entity in which the legislative officer or employee has a significant pecuniary interest.

2. A legislative officer or employee may bid on or enter into a contract between a state agency of the Executive Department and any business entity in which the legislative officer or employee has a significant pecuniary interest if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding or for a solicitation are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

(c) The legislative officer or employee has not taken part in developing the contract plans or specifications; and

(d) The legislative officer or employee will not be personally involved in opening, considering or accepting offers.

Sec. 80. 1. Except as otherwise provided in this section, a legislative officer or employee shall not accept or receive an honorarium.

2. An honorarium paid on behalf of a legislative officer or employee to a charitable organization from which the legislative officer or employee does not derive any financial benefit is deemed not to be accepted or received by the legislative officer or employee for the purposes of this section.

3. This section does not prohibit:

(a) The receipt of any payment by a legislative officer or employee for work performed outside the normal course and scope of his or her legislative office or employment if the performance of that work is consistent with the

applicable policies of his or her legislative body, agency or employer regarding supplemental employment.

(b) The receipt of an honorarium by the spouse or domestic partner of a legislative officer or employee if it is related to the profession or occupation of the spouse or domestic partner.

4. As used in this section, "honorarium" means the payment of money or anything of value for an appearance or speech by the legislative officer or employee in his or her capacity as a legislative officer or employee. The term does not include the payment of:

(a) The actual and necessary costs incurred by the legislative officer or employee, the spouse or domestic partner of the legislative officer or employee or any assistant of the legislative officer or employee for transportation and for lodging and meals while the legislative officer or employee is away from his or her residence.

(b) Compensation which would otherwise have been earned by the legislative officer or employee in the normal course and scope of his or her legislative office or employment.

(c) A fee for a speech related to the legislative officer's or employee's profession or occupation outside the normal course and scope of his or her legislative office or employment if:

(1) Other members of the profession or occupation are ordinarily compensated for such a speech; and

(2) The fee paid to the legislative officer or employee is approximately the same as the fee that would be paid to a member of the private sector whose qualifications are similar to those of the legislative officer or employee for a comparable speech.

(d) A fee for a speech delivered to an organization of legislatures, legislators or other elected officers.

5. In addition to any other remedies or penalties provided by law, a legislative officer or employee who violates the provisions of this section shall forfeit the amount of the honorarium.

Sec. 81. 1. Except as otherwise provided in this section, a legislative officer or employee shall not request or otherwise cause the Legislative Department to incur an expense or make an expenditure to support or oppose:

(a) A ballot question.

(b) A candidate.

2. For the purposes of paragraph (b) of subsection 1, an expense incurred or an expenditure made by the Legislative Department shall be considered an expense incurred or an expenditure made in support of a candidate if:

(a) The expense is incurred or the expenditure is made for the creation or dissemination of a pamphlet, brochure, publication, advertisement or television programming that prominently features the activities of a current

legislative officer or employee who is a candidate for a state, local or federal elective office; and

(b) The pamphlet, brochure, publication, advertisement or television programming described in paragraph (a) is created or disseminated during the period specified in subsection 3.

3. The period during which the provisions of subsection 2 apply to the Legislative Department begins when a current legislative officer or employee files a declaration of candidacy and ends on the date of the general election, general city election or special election for the office for which the current legislative officer or employee is a candidate.

4. The provisions of this section do not prohibit the creation or dissemination of, or the appearance of a candidate in or on, as applicable, a pamphlet, brochure, publication, advertisement or television programming that:

(a) Is made available to the public on a regular basis and merely describes the functions of:

(1) The legislative office or employment held by the legislative officer or employee who is the candidate; or

(2) The Legislative Department; or

(b) Is created or disseminated in the course of carrying out a duty of:

(1) The legislative officer or employee who is the candidate; or

(2) The Legislative Department.

5. The provisions of this section do not prohibit an expense incurred or an expenditure made to create or disseminate a television program that provides a forum for discussion or debate regarding a ballot question, if persons both in support of and in opposition to the ballot question participate in the television program.

6. The provisions of this section do not prohibit an expense incurred or an expenditure made to carry out any functions, powers or duties regarding preparation and distribution of ballot materials for a ballot question as authorized or required by NRS 218D.810 or any other law, rule or resolution.

7. As used in this section, "pamphlet, brochure, publication, advertisement or television programming" includes, without limitation, a publication, a public service announcement and any programming on a television station created to provide community access to cable television. The term does not include:

(a) A press release issued to the media by the Legislative Department; or

(b) An official Internet website of the Legislative Department.

Sec. 82. A current or former legislative officer or employee, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded, renewed or amended by the Legislative Department if the solicitation or acceptance of employment occurs during the legislative officer's or employee's period of legislative service or employment, or within 1 year after

the termination of his or her period of legislative service or employment, and:

1. The amount of the contract exceeded $25,000;

2. The contract was awarded, renewed or amended by the Legislative Department within the immediately preceding year during the legislative officer's or employee's period of legislative service or employment, or within the year immediately preceding the termination of the legislative officer's or employee's period of legislative service or employment; and

3. The position held by the legislative officer or employee at the time the contract was awarded, renewed or amended by the Legislative Department allowed the legislative officer or employee to materially affect or influence the awarding, renewing or amending of the contract because the legislative officer or employee had the authority or responsibility to recommend, advise, negotiate, develop, draft, revise, review or approve any material terms of the contract, including, without limitation, terms relating to products, supplies, materials, equipment, services, quantities, rates, prices, costs, obligations, duties, standards, benchmarks, schedules, timeframes, administration, oversight, compliance, changes, extensions, suspensions, cancellations, terminations, liabilities, immunities, remedies or penalties.

Sec. 83. 1. In addition to any other remedies or penalties provided by law, a governmental grant, contract or lease entered into by any person in violation of this chapter is voidable by the governmental entity. In making a determination under this section whether to void a grant, contract or lease, the interests of innocent third parties who could be damaged must be taken into account. The Attorney General or official attorney for the governmental entity must give notice of the intent to void a grant, contract or lease under this section not later than 30 days after the Senate Commission, Assembly Commission or Joint Commission, as applicable, has determined that there has been a related violation of this chapter.

2. Any actions taken by a state agency of the Executive Department in violation of this chapter are voidable, except that the interests of innocent third parties in the nature of the violation must be taken into account. The Attorney General may also pursue any other available legal or equitable remedies to redress the violation.

3. In addition to any other remedies or penalties provided by law, the Attorney General may recover any fee, compensation, gift or other pecuniary benefit received by any person as a result of a violation of this chapter by a legislative officer or employee. An action to recover under this section must be brought within 2 years after the Senate Commission, Assembly Commission or Joint Commission, as applicable, has determined that there has been a violation of this chapter.

Sec. 84. 1. The Senate Commission on Ethics is hereby created. Subject to the provisions of this section, the Senate Commission consists of six members appointed as follows:

(a) Two members of the Senate appointed by the Majority Leader of the Senate from the majority political party;

(b) One member of the Senate appointed by the Minority Leader of the Senate from the minority political party; and

(c) Three members who are qualified electors of the State, with two such members appointed by the Majority Leader of the Senate and one such member appointed by the Minority Leader of the Senate. The members appointed pursuant to this paragraph must not be current Legislators or employed by the State of Nevada during their terms.

2. Not more than four members of the Senate Commission may be members of the same political party.

3. As soon as practicable after each regular session convenes, the appointing authorities shall appoint the members of the Senate Commission. The terms of the members end when the next regular session convenes. Any member who is a Legislator and who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular session convenes, with all the rights, powers, privileges and immunities of a member who is a Legislator.

4. As soon as practicable after each regular session convenes, the appointing authorities shall appoint the following alternate members for the Senate Commission:

(a) The Majority Leader of the Senate shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1.

(b) The Minority Leader of the Senate shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1.

5. The terms of the alternate members end when the next regular session convenes. Any alternate member who is a Legislator and who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular session convenes, with all the rights, powers, privileges and immunities of an alternate member who is a Legislator.

6. If a regular member of the Senate Commission is unable to serve for any reason during the consideration of a specific matter, the alternate member appointed with the qualifications from the same paragraph in subsection 1 by the same appointing authority shall serve as a member of the Senate Commission during the consideration of the specific matter, with all the rights, powers, privileges and immunities of a regular member.

7. A vacancy in the membership or alternate membership of the Senate Commission must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 85. ***1. The Legislative Commission shall review and approve the budget and work program for the Senate Commission and any changes to the budget or work program.***

2. Except during a regular or special session, if members of the Senate Commission are Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 84 of this act, the members are entitled to receive for each day or portion of a day during which they attend a meeting of the Senate Commission or are otherwise engaged in the business of the Senate Commission:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

3. If members of the Senate Commission are not Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 84 of this act, the members:

(a) Serve without compensation.

(b) Are entitled to receive for each day or portion of a day during which they attend a meeting of the Senate Commission or are otherwise engaged in the business of the Senate Commission:

(1) The per diem allowance provided for state officers and employees generally; and

(2) The travel expenses provided pursuant to NRS 218A.655.

4. An alternate member of the Senate Commission who serves for a regular member during the consideration of a specific matter is entitled to receive the same compensation, per diem allowances and travel expenses as that regular member would be entitled to receive for the same service.

5. All compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 86. ***1. The Majority Leader of the Senate shall appoint the Chair and Vice Chair of the Senate Commission.***

2. If a vacancy occurs in the office of Chair or Vice Chair of the Senate Commission, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

3. The Chair may prescribe rules, practices and procedures for the Senate Commission's management, government and proceedings.

4. The Chair may take, direct or require any necessary and reasonable actions to facilitate or carry out the Senate Commission's management, government and proceedings, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

5. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific matter.

Sec. 87. ***1. The Senate Commission shall meet at such times and places as specified by a call of the Chair or a majority of the Senate Commission.***

2. At a meeting, four members of the Senate Commission constitute a quorum, and a quorum may exercise all the power and authority conferred on the Senate Commission.

3. The Senate Commission shall hear ethics complaints brought against a legislative officer or employee of the Senate regarding an alleged violation of the legislative ethical standards.

4. The Senate Commission may hear requests brought by a legislative officer or employee of the Senate for advice on the legislative ethical standards.

Sec. 88. ***1. The Assembly Commission on Ethics is hereby created. Subject to the provisions of this section, the Assembly Commission consists of six members appointed as follows:***

(a) Two members of the Assembly appointed by the Speaker of the Assembly from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader of the Assembly from the minority political party; and

(c) Three members who are qualified electors of the State, with two such members appointed by the Speaker of the Assembly and one such member appointed by the Minority Leader of the Assembly. The members appointed pursuant to this paragraph must not be current Legislators or employed by the State of Nevada during their terms.

2. Not more than four members of the Assembly Commission may be members of the same political party.

3. As soon as practicable after each regular session convenes, the appointing authorities shall appoint the members of the Assembly Commission. The terms of the members end when the next regular session convenes. Any member who is a Legislator and who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular session convenes, with all the rights, powers, privileges and immunities of a member who is a Legislator.

4. As soon as practicable after each regular session convenes, the appointing authorities shall appoint the following alternate members for the Assembly Commission:

(a) The Speaker of the Assembly shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1.

(b) The Minority Leader of the Assembly shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1.

5. The terms of the alternate members end when the next regular session convenes. Any alternate member who is a Legislator and who is not a

candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular session convenes, with all the rights, powers, privileges and immunities of an alternate member who is a Legislator.

6. If a regular member of the Assembly Commission is unable to serve for any reason during the consideration of a specific matter, the alternate member appointed with the qualifications from the same paragraph in subsection 1 by the same appointing authority shall serve as a member of the Assembly Commission during the consideration of the specific matter, with all the rights, powers, privileges and immunities of a regular member.

7. A vacancy in the membership or alternate membership of the Assembly Commission must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 89. 1. The Legislative Commission shall review and approve the budget and work program for the Assembly Commission and any changes to the budget or work program.

2. Except during a regular or special session, if members of the Assembly Commission are Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 88 of this act, the members are entitled to receive for each day or portion of a day during which they attend a meeting of the Assembly Commission or are otherwise engaged in the business of the Assembly Commission:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

3. If members of the Assembly Commission are not Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 88 of this act, the members:

(a) Serve without compensation.

(b) Are entitled to receive for each day or portion of a day during which they attend a meeting of the Assembly Commission or are otherwise engaged in the business of the Assembly Commission:

(1) The per diem allowance provided for state officers and employees generally; and

(2) The travel expenses provided pursuant to NRS 218A.655.

4. An alternate member of the Assembly Commission who serves for a regular member during the consideration of a specific matter is entitled to receive the same compensation, per diem allowances and travel expenses as that regular member would be entitled to receive for the same service.

5. All compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 90. 1. The Speaker of the Assembly shall appoint the Chair and Vice Chair of the Assembly Commission.

2. If a vacancy occurs in the office of Chair or Vice Chair of the Assembly Commission, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

3. The Chair may prescribe rules, practices and procedures for the Assembly Commission's management, government and proceedings.

4. The Chair may take, direct or require any necessary and reasonable actions to facilitate or carry out the Assembly Commission's management, government and proceedings, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

5. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific matter.

Sec. 91. 1. The Assembly Commission shall meet at such times and places as specified by a call of the Chair or a majority of the Assembly Commission.

2. At a meeting, four members of the Assembly Commission constitute a quorum, and a quorum may exercise all the power and authority conferred on the Assembly Commission.

3. The Assembly Commission shall hear ethics complaints brought against a legislative officer or employee of the Assembly regarding an alleged violation of the legislative ethical standards.

4. The Assembly Commission may hear requests brought by a legislative officer or employee of the Assembly for advice on the legislative ethical standards.

Sec. 92. 1. The Joint Commission on Ethics is hereby created. Subject to the provisions of this section, the Joint Commission consists of six members as follows:

(a) The three members of the Senate Commission who are Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 84 of this act; and

(b) The three members of the Assembly Commission who are Legislators or former Legislators continuing to serve after the immediately preceding general election pursuant to section 88 of this act.

2. The terms of the members of the Joint Commission are coextensive with their respective terms on the Senate Commission or Assembly Commission, as applicable.

3. If a regular member of the Joint Commission is unable to serve for any reason during the consideration of a specific matter, the appropriate alternate member authorized to serve for that member pursuant to section 84 or 88 of this act, as applicable, shall serve as a member of the Joint Commission during the consideration of the specific matter, with all the rights, powers, privileges and immunities of a regular member.

Sec. 93. 1. The Legislative Commission shall review and approve the budget and work program for the Joint Commission and any changes to the budget or work program.

2. Except during a regular or special session, the members of the Joint Commission are entitled to receive for each day or portion of a day during which they attend a meeting of the Joint Commission or are otherwise engaged in the business of the Joint Commission:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

3. An alternate member of the Joint Commission who serves for a regular member during the consideration of a specific matter is entitled to receive the same compensation, per diem allowances and travel expenses as that regular member would be entitled to receive for the same service.

4. All compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 94. 1. The offices of Chair and Vice Chair of the Joint Commission alternate between the Houses, beginning with the Chair of the Senate Commission serving as the Chair of the Joint Commission and the Chair of the Assembly Commission serving as the Vice Chair of the Joint Commission, and following this pattern thereafter.

2. The terms of the Chair and Vice Chair of the Joint Commission are coextensive with their respective terms as the Chairs of the Senate Commission and Assembly Commission, as applicable.

3. If a vacancy occurs in the office of Chair or Vice Chair of the Joint Commission, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. The Chair may prescribe rules, practices and procedures for the Joint Commission's management, government and proceedings.

5. The Chair may take, direct or require any necessary and reasonable actions to facilitate or carry out the Joint Commission's management, government and proceedings, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

6. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific matter.

Sec. 95. 1. The Joint Commission shall meet at such times and places as specified by a call of the Chair or a majority of the Joint Commission.

2. At a meeting, four members of the Joint Commission constitute a quorum, and a quorum may exercise all the power and authority conferred on the Joint Commission.

3. The Joint Commission shall hear ethics complaints brought against a legislative officer or employee, other than a legislative officer or employee of the Senate or Assembly, regarding an alleged violation of the legislative ethical standards.

4. The Joint Commission may hear requests brought by a legislative officer or employee, other than a legislative officer or employee of the Senate or Assembly, for advice on the legislative ethical standards.

Sec. 96. As used in sections 96 to 105, inclusive, of this act, unless the context otherwise requires, "Commission" means the Senate Commission, Assembly Commission or Joint Commission, as applicable to the proceedings.

Sec. 97. 1. The Commission shall conduct investigations and hold hearings to carry out the provisions of this chapter and may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, and any other investigative powers that are necessary and reasonable to carry out the provisions of this chapter.

2. The rights, powers, privileges and immunities granted by this chapter to the Commission and its members are in addition to any other rights, powers, privileges and immunities recognized by law, and all such rights, powers, privileges and immunities are cumulative, so that the application or attempted application of any one does not bar the application or attempted application of any other.

Sec. 98. All proceedings held by the Commission pursuant to this chapter to consider the character, alleged misconduct, professional competence or physical or mental health of any person on matters regarding the legislative ethical standards and all materials related to those proceedings are confidential, unless the legislative officer or employee who is the subject of the proceedings requests a public hearing or discloses the content of the proceedings or materials.

Sec. 99. A member of the Commission is disqualified to serve during the consideration of a specific matter if:

1. The member is the subject of the ethics complaint alleging a violation of the legislative ethical standards regarding the specific matter;

2. The member is the person who requested advice on the legislative ethical standards regarding the specific matter; or

3. A reasonable person in the member's situation could not exercise independent judgment on the specific matter.

Sec. 100. 1. An individual may file an ethics complaint against a legislative officer or employee regarding an alleged violation of the legislative ethical standards.

2. If the alleged violation involves the conduct of more than one legislative officer or employee, separate ethics complaints must be filed regarding each legislative officer or employee.

3. An ethics complaint must be:

(a) Made in writing on a form provided by the Legislative Counsel;

(b) Signed and verified under penalty of perjury by the individual making the allegation; and

(c) Filed with the Legislative Counsel.

4. The Legislative Counsel shall review the ethics complaint and any other relevant information and consult with the Chair of the Commission or, if the Chair is the subject of the ethics complaint, with the Vice Chair, to evaluate whether the Commission has jurisdiction and whether an investigation is warranted in the matter.

5. If it is determined that the Commission:

(a) Does not have jurisdiction or that an investigation is not warranted in the matter, the Legislative Counsel shall send written notice of the determination to the individual who filed the ethics complaint.

(b) Has jurisdiction and that an investigation is warranted in the matter, the Legislative Counsel shall send written notice of the determination and a copy of the ethics complaint to the legislative officer or employee who is the subject of the ethics complaint.

6. If the Legislative Counsel is the subject of the ethics complaint, the General Counsel shall carry out all powers and duties assigned to legal counsel for the Commission regarding that specific matter.

Sec. 101. 1. If the Commission holds an adjudicatory hearing on an ethics complaint, the Commission shall provide the legislative officer or employee who is the subject of the ethics complaint with a written notice of the date, time and place of the hearing.

2. At the adjudicatory hearing, the Commission shall:

(a) Allow the legislative officer or employee to be represented by legal counsel;

(b) Allow the legislative officer or employee to hear the evidence presented to the Commission and to respond and present evidence on his or her own behalf; and

(c) Require the parties to follow any other procedures that are necessary and reasonable to facilitate or carry out the adjudicatory hearing.

3. Strict rules of evidence do not apply to the parties at the adjudicatory hearing, but the Chair may admit or exclude any evidence based on the rules of evidence.

4. To facilitate or carry out the adjudicatory hearing, the Chair may instruct the Director to:

(a) Request that the Attorney General appoint a deputy to serve as the party who presents the evidence and argues the matter against the legislative officer or employee; or

(b) Employ outside legal counsel to serve as the party who presents the evidence and argues the matter against the legislative officer or employee.

5. The party who presents the evidence and argues the matter against the legislative officer or employee has the burden of proof at the adjudicatory hearing.

6. The standard of proof at the adjudicatory hearing is a preponderance of the evidence, which means evidence that enables a trier of fact to determine that the existence of the contested fact is more probable than the nonexistence of the contested fact.

7. For the Commission to determine that a violation of the legislative ethical standards has been proven against the legislative officer or employee, the Commission's determination must be supported by a preponderance of the evidence.

Sec. 102. 1. If the Commission determines that a violation of the legislative ethical standards has not been proven against a legislative officer or employee, the Commission shall dismiss the matter.

2. If the Commission determines that a violation of the legislative ethical standards has been proven against a legislative officer or employee, the Commission may take any actions authorized by this chapter or the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution.

Sec. 103. 1. In proceedings concerning an ethics complaint, the Commission may issue a letter of caution or instruction to the legislative officer or employee who is the subject of the ethics complaint to caution or instruct the legislative officer or employee regarding the propriety of the conduct under the legislative ethical standards.

2. If the Commission issues a letter of caution or instruction to the legislative officer or employee, the letter may be considered in deciding the appropriate actions to be taken on any subsequent ethics complaint involving the legislative officer or employee, unless the letter is not relevant to the issues presented by the subsequent ethics complaint.

Sec. 104. 1. In addition to any other remedies or penalties provided by law, if the Commission determines that a violation of the legislative ethical standards has been proven against a legislative officer or employee, the Commission may take one or more of the following actions:

(a) Admonish, reprimand or censure the legislative officer or employee.

(b) Impose on the legislative officer or employee civil penalties:

(1) Not to exceed $5,000 for a separate act or event that constitutes a first violation of the legislative ethical standards;

(2) Not to exceed $10,000 for a separate act or event that constitutes a second violation of the legislative ethical standards; and

(3) Not to exceed $25,000 for a separate act or event that constitutes a third violation of the legislative ethical standards or any additional violation of the legislative ethical standards.

(c) If the Commission finds that a violation of the legislative ethical standards has resulted in the realization of a financial benefit by the legislative officer or employee or any other person, require the legislative officer or employee to pay a civil penalty of not more than twice the amount so realized.

(d) Take any other reasonable actions that the Commission determines will remedy the violation or deter similar violations, including, without limitation, referring the matter to the appropriate House for review and consideration pursuant to Section 6 of Article 4 of the Nevada Constitution.

2. If a legislative officer or employee fails to pay any civil penalties imposed pursuant to this chapter, the Legislative Department is entitled to pursue every legal and equitable remedy that is available to recover and collect the civil penalties in the same manner as if they were imposed by a judgment rendered by the district court in a civil action.

Sec. 105. 1. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of legislative officers or employees.

2. If the Commission finds that a legislative officer or employee has committed a violation of the legislative ethical standards which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

Sec. 106. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,

370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,

693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 98 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

~~[Sec. 49.]~~ ***Sec. 107.*** NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ***and section 7 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

~~[Sec. 50.]~~ ***Sec. 108.*** 1. Except as otherwise provided in this section, the Commission on Ethics:

(a) Shall apply the amendatory provisions of **sections 2 to 48, inclusive, of** this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that are within the jurisdiction of the Commission **on Ethics** and are commenced on or after ~~[October 1, 2023,]~~ **the effective date of this act,** whether or not the conduct at issue in such proceedings occurred before ~~[October 1, 2023.]~~ **the effective date of this act.**

(b) May apply the amendatory provisions of **sections 2 to 48, inclusive, of** this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that were commenced before ~~[October 1, 2023,]~~ **the effective date of this act** and are still within the jurisdiction of the Commission **on Ethics** and pending before the Commission **on Ethics** on ~~[October 1, 2023,]~~ **the effective date of this**

act, unless the Commission **on Ethics** determines that such an application would be impracticable, unreasonable or unconstitutional under the circumstances, in which case the Commission **on Ethics** shall apply the procedures in effect before ~~[October 1, 2023.]~~ **the effective date of this act.**

2. The amendatory provisions of sections 13 ~~[and 25 to 28, inclusive,]~~ **, 25, 26, 27 and 28** of this act do not apply to any conduct occurring before ~~[October 1, 2023.]~~ **the effective date of this act.**

Sec. 109. **Notwithstanding any other provisions of this act to the contrary:**

1. As soon as practicable after the effective date of this act, the appointing authorities shall appoint the members and alternate members of the Senate Commission on Ethics, Assembly Commission on Ethics and Joint Commission on Ethics in the manner set forth in sections 84, 88 and 92 of this act, as applicable.

2. The terms of the members and alternate members appointed pursuant to this section end when the next regular session of the Legislature convenes in the manner set forth in sections 84, 88 and 92 of this act, as applicable.

Sec. 110. **1. Notwithstanding any other provisions of this act to the contrary:**

(a) If, before the effective date of this act, administrative proceedings were commenced under chapter 281A of NRS against a legislative officer or employee and are still pending before the Commission on Ethics on the effective date of this act, the Commission on Ethics may exercise continuing jurisdiction or authority over such proceedings after the effective date of this act.

(b) If, on or after the effective date of this act, administrative proceedings are commenced under chapter 281A of NRS against a legislative officer or employee, the Commission on Ethics shall not exercise jurisdiction or authority over such proceedings, whether or not the conduct at issue in such proceedings occurred before the effective date of this act.

2. Notwithstanding any other provisions of this act to the contrary, the Senate Commission on Ethics, Assembly Commission on Ethics or Joint Commission on Ethics, as applicable, has jurisdiction to investigate and take appropriate actions regarding an alleged violation of the legislative ethical standards by a current or former legislative officer or employee which occurred before the effective date of this act if proceedings are commenced by an ethics complaint which is filed in accordance with sections 50 to 105, inclusive, of this act within 2 years after the alleged violation or reasonable discovery of the alleged violation.

3. Notwithstanding any other provisions of this act to the contrary:

(a) If, on the effective date of this act, an ethics complaint regarding an alleged violation of the legislative ethical standards by a current or former legislative officer or employee is pending before the Senate Committee on

Ethics created by Senate Standing Rule No. 23 or the Assembly Select Committee on Ethics created by Senate Standing Rule No. 23, the Chair of the respective committee may refer the ethics complaint and all materials related to the ethics complaint to the Senate Commission on Ethics, Assembly Commission on Ethics or Joint Commission on Ethics, as applicable; and

(b) The Commission to which the ethics complaint is referred has jurisdiction to investigate and take appropriate actions regarding the referred ethics complaint in the same manner as an ethics complaint filed in accordance with sections 50 to 105, inclusive, of this act.

4. As used in this section, the words and terms defined in sections 53 to 71, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 111. **This act becomes effective upon passage and approval.**

Assemblywoman Gorelow moved the adoption of the amendment.
Remarks by Assemblywoman Gorelow.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:19 p.m.

ASSEMBLY IN SESSION

At 5:27 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Yazdan Kardavani.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, April 25, 2023, at 11:30 a.m.
Motion carried.

Assembly adjourned at 5:28 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

EIGHTY-SECOND SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2023

BEGUN ON MONDAY, THE SIXTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIFTH DAY OF JUNE

VOLUME 3

THE SEVENTY-NINTH DAY—THE ONE HUNDRED TENTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 5 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 3

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ASSEMBLY PROCEEDINGS 3272

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 25, 2023

Assembly called to order at 12:54 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Rajan Zed.

Om, bhur bhuvah svah
tat savitur varenyam
bhargo devasya dhimahi
dhiyo you nah prachodayat.

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky, and inside the soul of the heaven. May He stimulate and illuminate our minds.

samani va akutih, samana hrdayani vah
samanam astu vo mano, yatha vah susahasti.

United your resolve, united your hearts, may your spirits be at one, that you may long together dwell in unity and concord.

niyatam kuru karma tvam karma jyayo hyakarmanah,
sarirayatrapi ca te na prasiddhyedakarmanah.

yajnarthatkarmano'nyatra loko'yam karmabandhanah
tadartham karma kaunteya muktasangah samacara.

Fulfill all your duties; action is better than inaction. Even to maintain your body, you are obliged to act. Selfish action imprisons the world. Act selflessly, without any thought of personal profit.

ya te tanur vaci pratisthita ya srotre ya ca caksusi
ya ca manasi santata sivam tam kuru motkramih.

Be kind to us with your invisible form which dwells in the voice, the eye, and the ear, and pervades the mind. Abandon us not.

Om shanti, shanti, shanti.
Peace, peace, peace be unto all.
Om.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 4, 43.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 14, 17, 104, 184, 192, 302, 330, 362, 388, 411.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 23, 211, 261.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

NOTICE OF EXEMPTION

April 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 163, 290, 419, 439.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 195, 205, 282, 307, 390, 438.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 281, 327.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 400.

WAYNE THORLEY
Fiscal Analysis Division

April 25, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 226.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 367.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved to dispense with the reprinting of all bills for this legislative day.

Motion carried.

Assemblywoman Monroe-Moreno moved that Assembly Bills Nos. 41, 42, 85, 117, 148, 150, 153, 155, 160, 168, 179, 226, 232, 245, 246, 281, 296, 312, 322, 323, 332, 348, 383, 386, 416, 422, 428, 429, 430, 434, 441, and 449 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bills Nos. 182 and 364 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 330 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 285 taken from its position on the General File and placed at the top of General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bills Nos. 340 and 456 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 188 be taken from the Chief Clerk's Desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 4.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 14.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 17.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 23.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 43.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 104.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 184.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 192.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 211.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 261.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 302.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 330.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 362.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 388.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 411.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:15 p.m.

ASSEMBLY IN SESSION

At 1:17 p.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 340.

Bill read third time.

The following amendment was proposed by Assemblywoman Summers-Armstrong:

Amendment No. 522.

AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law authorizes a landlord who seeks to recover possession of a premises from a tenant to do so by filing an unlawful detainer action or an action for summary eviction. (NRS 40.253, 40.254, 40.2542, 40.290-40.420) Existing law prescribes separate summary eviction procedures for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent; and (3) certain tenants of a commercial premises who default in the payment of rent. (NRS 40.253, 40.254, 40.2542)

In general, the summary eviction procedures prescribed by existing law require a landlord to provide certain written notice to a tenant: (1) informing the tenant that he or she must take certain action or surrender the premises on or before a date specified in the notice; and (2) advising the tenant of his or her right to contest the matter by filing an affidavit with the court that has jurisdiction over the matter. In so doing, the summary eviction procedures prescribed by existing law require a tenant who contests a summary eviction to file an affidavit in court concerning an action for summary eviction before a landlord is required to make any filing concerning the matter. If such an affidavit is filed, a hearing is held. If no such affidavit is filed, upon noncompliance of a tenant with the written notice, existing law authorizes: (1) the landlord to apply by affidavit of complaint for the summary eviction of the tenant; and (2) the court, without holding a hearing, to order the removal of the tenant within a prescribed period. (NRS 40.253, 40.254, 40.2542)

Section 22 of this bill repeals the summary eviction procedures prescribed by existing law for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; and (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. **Sections 2-6.5** of this bill reenact, reorganize and revise these procedures. **Section 2** of this bill establishes a new procedure for the summary eviction of certain tenants who are not tenants of a commercial premises and who default in the payment of rent. **Section 6.5** of this bill establishes a new procedure for the summary eviction of certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent.

The new procedures for summary eviction set forth in **sections 2 and 6.5** are similar to the procedures repealed by **section 22** except with regard to: (1) the required contents of a written notice; (2) certain requirements relating to filings made with the court; and (3) the period of time before the removal of a tenant. Instead of requiring a tenant who contests a summary eviction to file an affidavit in court before the landlord files a complaint, **sections 2 and 6.5** require the landlord, upon the expiration of certain notice provided to the tenant, to: (1) apply by affidavit of complaint for the summary eviction of the tenant; and (2) serve the tenant with a file-stamped copy of the affidavit of complaint, a copy of the summons and certain notice. **Sections 2 and 6.5 additionally require the landlord to file with the court proof of service of the affidavit, summons and notice within a prescribed period.** **Sections 2 and 6.5** require the tenant to file an answer to the affidavit of compliant within ~~[10]~~ **7** calendar days after the date of service. If a tenant files an answer within the prescribed period, a hearing is held. If no such answer is filed, **sections 2 and 6.5** authorize the court, without holding a hearing, to order the removal of the tenant within a prescribed period **under certain circumstances**. **Sections 9-20** of this bill make conforming changes relating to the repeal, revision and reorganization of the procedures for summary eviction.

Existing law requires a court that grants an action for summary eviction for a default in the payment of rent during the COVID-19 emergency to automatically seal the eviction case court file. (NRS 40.2545) **Section 11** of this bill removes requirements relating to the COVID-19 emergency, thereby requiring a court that grants an action for summary eviction brought pursuant to **section 2** to automatically seal the eviction case court file. **Section 11** also requires a court to automatically seal the eviction case court file for an action for summary eviction brought pursuant to **section 6.5** if the landlord fails to file an affidavit of complaint for summary eviction within the time prescribed by **section 6.5**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in subsection ~~[13,]~~ 14, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for a default in the payment of rent using the procedure for summary eviction provided in this section.***

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord's agent must serve upon the tenant a written notice which:

(a) Except as otherwise provided in subsection ~~[11,]~~ 12, requires the tenant to pay the past due rent or surrender the premises before the close of

business on the ~~[tenth]~~ seventh calendar day following the date of service; and

(b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the notice provided pursuant to subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection ~~[11,]~~ 12, be filed with the court not later than 30 calendar days after the expiration of the notice period described in subsection 2; and

(b) State or contain:

(1) The date the tenancy commenced;

(2) The amount of periodic rent reserved;

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;

(4) The date the rental payments became delinquent;

(5) The length of time the tenant has remained in possession without paying rent;

(6) The amount of rent claimed due and delinquent;

(7) A statement that ~~[:~~

~~*(I) The]*~~ *the written notice was served on the tenant in accordance with NRS 40.280; ~~[and~~*

~~*(II) The tenant failed to comply with such notice;]*~~

(8) A copy of the written notice served on the tenant pursuant to subsection 2; and

(9) A copy of the signed written rental agreement, if any.

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within ~~[15]~~ :

(a) Fifteen calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, a copy of the summons and a notice which must advise the tenant that:

~~[(a)]~~ (1) Except as otherwise provided in subsection ~~[11,]~~ 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than ~~[10]~~ 7 calendar days after service of the affidavit of complaint for summary eviction;

~~[(b)]~~ (2) If the tenant does not file an answer within the period described in ~~[paragraph (a),]~~ subparagraph (1), the court may issue a summary order

for removal of the tenant or an order providing for the nonadmittance of the tenant;

~~[(c)]~~ (3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and

~~[(d)]~~ (4) The tenant may request that the court stay the execution of the order of removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit, summons and notice required by paragraph (a).

6. Except as otherwise provided in subsection ~~[11,]~~ 12, upon being served pursuant to subsection 5, the tenant shall, within ~~[10]~~ 7 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection ~~[,]~~ and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section, issue:

(a) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and

(b) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.

10. Written notices to the tenant prescribed by this section must be served in the manner provided by NRS 40.280.

~~[10.]~~ 11. Proof of service of any notice required by this section must be filed with the court before a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

~~[11.]~~ 12. For the purposes of this section, if the date on which:

(a) An affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

(b) A tenant must pay any past due rent or surrender the premises falls on a Saturday, Sunday or legal holiday, the tenant must pay the past due rent or surrender the premises before the close of business on the next day the business office of the landlord is open.

~~[12.]~~ 13. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.

~~[13.]~~ 14. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

~~[14.]~~ 15. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Sec. 3. (Deleted by amendment.)

Sec. 4. ***Upon receipt of a summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant issued pursuant to subsection 6 of section 2 of this act, the sheriff or constable shall:***

1. Post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable.

2. As soon as reasonably practicable, but not earlier than 24 hours after the posting of the order, remove the tenant.

Sec. 5. ***1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460.***

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 20 days after the later of:

(a) The date on which the summary order for removal or the order providing for nonadmittance was issued.

(b) The date on which the tenant vacated or was removed from the premises.

(c) The date on which a copy of the costs claimed by the landlord was requested by or provided to the tenant.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server licensed pursuant to chapter 648 of NRS. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

Sec. 6. *1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the reasonableness of any action taken by the landlord pursuant to subsection 3 of NRS 118A.460.*

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 5 days after the date on which the tenant vacated or was removed from the premises.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the tenant to retrieve his or her essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

4. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 3, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

Sec. 6.5. *1. Except as otherwise provided in subsection ~~[13,]~~ 14, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516 using the procedure for summary eviction provided in this section.*

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for an unlawful detainer

pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent must serve upon the tenant:

(a) The written notice to surrender required by NRS 40.250, 40.251, 40.2514 or 40.2516, as applicable; and

(b) A written notice which informs the tenant that if the tenant fails to comply with the requirements of written notice to surrender, the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the written notice required by paragraph (a) of subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection ~~[11,]~~ 12, be filed with the court not later than 30 calendar days after the expiration of the period described in the written notice to surrender required by paragraph (a) of subsection 2; and

(b) State or contain:

(1) The date the tenancy commenced;

(2) The date when the tenancy or rental agreement allegedly terminated;

(3) A copy of the written notice served on the tenant pursuant to subsection 2;

(4) Any facts supporting the written notice;

(5) A copy of the signed written rental agreement, if any;

(6) A statement that ~~[:~~

~~(I) The]~~ the written notice was served on the tenant in accordance with NRS 40.280; ~~[and

(II) The tenant failed to comply with such notice;]~~

(7) A copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255, if the property has been purchased in a residential foreclosure; and

(8) A statement that the claim for relief was authorized by law.

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within ~~[15]~~ :

(a) Fifteen calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, a copy of the summons and a notice which must advise the tenant that:

~~[(a)]~~ (1) Except as otherwise provided in subsection ~~[11,]~~ 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than ~~[10]~~

7 calendar days after service of the affidavit of complaint for summary eviction;

~~[(b)]~~ (2) If the tenant does not file an answer within the period described in ~~[paragraph (a),]~~ subparagraph (1), the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant;

~~[(c)]~~ (3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and

~~[(d)]~~ (4) The tenant may request that the court stay the execution of the order of removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit, summons and notice required by paragraph (a).

6. Except as otherwise provided in subsection ~~[11,]~~ 12, upon being served pursuant to subsection 5, the tenant shall, within ~~[10]~~ 7 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection ~~[,]~~ and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section, issue:

(a) A summary order for the removal of the tenant or an order providing for the nonadmittance of the tenant; and

(b) An order directing the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.

10. Written notices to the tenant prescribed by this section must be served in the manner provided by NRS 40.280.

[10.] 11. Proof of service of any notice required by this section must be filed with the court before a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

[11.] 12. For the purposes of this section, if the date on which an affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

[12.] 13. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.

[13.] 14. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 7 wherein the tenant contested the eviction.

[14.] 15. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

[15.] 16. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 40.2516 is hereby amended to read as follows:

40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the

real property, dwelling unit, recreational vehicle or mobile home is held, other than those mentioned in NRS 40.250 to ~~[40.254,]~~ ***40.252,*** inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the real property, dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if there is a subtenant in actual occupation of the premises or property, also upon the subtenant, remains uncomplied with for 5 days after the service thereof. Within 5 days after the service, the tenant, or any subtenant in actual occupation of the premises or property, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS ~~[40.254 or]~~ 40.290 to 40.420, inclusive ~~[.]~~ ***, or section 6.5 of this act.***

Sec. 10. NRS 40.252 is hereby amended to read as follows:

40.252 For the purposes of NRS 40.250 to 40.252, inclusive, and ~~[NRS 40.254:]~~ ***sections 2 to 6.5, inclusive, of this act:***

1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.

2. Notice to surrender the premises which was given by one colessor of real property or a mobile home is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.

Sec. 11. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. If a court grants an action for summary eviction pursuant to ~~[NRS 40.253 during the COVID-19 emergency,]~~ ***section 2 of this act,*** the court shall automatically seal the eviction case court file.

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in any action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[,]~~ ***or section 6.5 of this act,*** the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which dismisses the action for summary eviction;

(b) Ten judicial days after the entry of a court order which denies the action for summary eviction; ~~[or]~~

(c) Thirty-one days after the tenant has filed an affidavit described in ~~[subsection 3 of NRS 40.253 or]~~ subsection 3 of NRS 40.2542 ~~[, if]~~ ***; or***

(d) If the landlord has failed to file an affidavit of complaint ~~[pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit.]~~ ***for summary eviction on or before 30 days after the date on which the notice required by subsection 2 of section 2 or subsection 2 of section 6.5 of this act expires.***

3. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsections 1 and 2, the court may order the sealing of an eviction case court file for an action for summary eviction pursuant to NRS ~~[~~40.253, 40.254 or~~]~~ 40.2542 ~~[~~:~~]~~ ***or section 2 or 6.5 of this act:***

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

4. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

5. Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, by a sheriff or constable. This subsection does not:

(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.

(b) Prohibit the service of a notice to surrender pursuant to NRS 40.280, and such service of a notice to surrender shall be deemed not to constitute making the notice to surrender available for public inspection as described in this subsection.

6. As used in this section ~~[~~:~~]~~

~~(a) "COVID-19 emergency" means the period of time:~~

~~(1) Beginning on March 12, 2020, the date on which the Governor issued the Declaration of Emergency for COVID-19; and~~

~~(2) Ending on the date on which the Governor terminates the emergency described in the Declaration May 20, 2022.~~

~~(b) "Eviction~~**] , *"eviction*** case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada

Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 12. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2, 4 and 9, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and

(c) Upon termination of the previous owner's interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.

3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[~~NRS 40.253 and 40.254.~~]~~ ***sections 2 and 6.5 of this act.***

4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

5. During the notice period described in subsection 4:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

6. The notice described in subsection 4 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 4; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[~~NRS 40.253 and 40.254.~~]~~ ***sections 2 and 6.5 of this act.***

7. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a

record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 4.

8. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 4 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 4.

9. This section does not apply to the tenant of a mobile home lot in a mobile home park.

10. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 13. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS ~~[40.253 and]~~ 40.2542, the notices required by NRS 40.251 to 40.260, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to ~~[~~NRS 40.253 or 40.254;~~]~~ ***section 2 or 6.5 of this act;***

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542.

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) ~~[~~Except as otherwise provided in paragraph (b):

~~(1)]~~ If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

~~[(I)]~~ ***(1)*** Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive ~~[;]~~ ***, and sections 2 to 6.5, inclusive, of this act;***

~~[(II)]~~ ***(2)*** Reviewed the date and manner of service by the agent; and

~~[(III)]~~ ***(3)*** Believes to the best of his or her knowledge that such service complies with the requirements of this section.

~~[(2)]~~ ***(b)*** If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

~~[(3)]~~ ***(c)*** If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

~~[(b) For a short-term tenancy, if service of the notice was not delivered in person:~~

~~(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~(2) The endorsement of a sheriff or constable stating the:~~

~~(I) Time and date the request for service was made by the landlord or the landlord's agent;~~

~~(II) Time, date and manner of the service; and~~

~~(III) Fees paid for the service.]~~

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive ~~[.]~~ ***, and sections 2 to 6.5, inclusive, of this act;*** and

(b) The agent is acting at the direction and under the direct supervision of the attorney.

Sec. 14. NRS 40.385 is hereby amended to read as follows:

40.385 1. Either party may appeal an order entered pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ***or section 2 or 6.5 of this act*** by filing a notice of appeal within 10 judicial days after the date of entry of the order.

2. Except as otherwise provided in this section, a stay of execution may be obtained by filing with the trial court a bond in the amount of $250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of any unpaid rent claim of the landlord.

3. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[.]~~ ***or section 2 or 6.5 of this act.***

Sec. 15. NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

(a) The address or other location of the property;

(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and

(c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection ~~[1]~~ ***2*** of ~~[NRS 40.253]~~ ***section 2 of this act*** or subsection 1 of NRS 40.2542, as applicable.

Sec. 16. NRS 118A.460 is hereby amended to read as follows:

118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability in the following manner:

(a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ ***section 5 of this act.***

3. During the 5-day period following the eviction or lockout of a tenant, the landlord shall provide the former tenant a reasonable opportunity to retrieve essential personal effects, including, without limitation, medication, baby formula, basic clothing and personal care items. Any dispute relating to the reasonableness of the landlord's actions pursuant to this section may be resolved using the procedure provided in ~~[subsection 9 of NRS 40.253.]~~ ***section 6 of this act.***

Sec. 17. NRS 118C.230 is hereby amended to read as follows:

118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.2542.

Sec. 18. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to ~~[~~NRS 40.254~~]~~ ***section 6.5 of this act*** within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to ~~[~~NRS 40.254,~~]~~ ***section 6.5 of this act,***

➥ the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is

disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

Sec. 19. NRS 453.305 is hereby amended to read as follows:

453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.

2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.

3. The notices required by this section must:

(a) Be written in language which is easily understood;

(b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;

(c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;

(d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and

(e) Advise the owner that:

(1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;

(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;

(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and

(4) The provisions of NRS 40.2514 and ~~[40.254]~~ ***section 6.5 of this act*** authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.

4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.

5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

Sec. 20. NRS 645H.520 is hereby amended to read as follows:

645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:

(a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;

(b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;

(c) Cleaning the interior or exterior of real property in foreclosure;

(d) Providing repair or improvements for real property in foreclosure; and

(e) Removing trash and debris from real property in foreclosure and the surrounding property.

2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:

(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ ***section 5 of this act.***

Sec. 21. The amendatory provisions of sections 2 to 20, inclusive, of this act apply to an action for summary eviction which accrues on or after October 1, 2023.

Sec. 22. NRS 40.253 and 40.254 are hereby repealed.

TEXT OF REPEALED SECTIONS

40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.

1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

40.254 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.

1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as

provided in NRS 40.253 except that written notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Assemblywoman Summers-Armstrong moved the adoption of the amendment.

Remarks by Assemblywoman Summers-Armstrong.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 456.

Bill read third time.

The following amendment was proposed by Assemblyman Carter:

Amendment No. 500.

AN ACT relating to railroads; establishing requirements for the installation and operation of wayside detector systems; requiring a stopped train or other equipment to be cut, separated or moved to clear a railroad grade crossing upon the approach of an emergency vehicle; providing a civil penalty; **prohibiting the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing the operation of railroads in this State. (Chapter 705 of NRS) **Section 1.18** of this bill prohibits a person from installing a wayside detector system in this State unless the wayside detector system has certain features. **Section 1.18** requires a person who installs a wayside detector system alongside or on a railroad to ensure such systems are located within a certain distance of each other and requires the operator of any train, rolling stock or on-track equipment to take certain actions when passing wayside detector systems which are not located in this manner. **Section 1.2** of this bill establishes requirements for the alarm on a wayside detector system. **Section 1.22** of this bill requires the operator of any train, rolling stock or on-track equipment to take certain action when notified by a wayside detector system of a defect or that the number of axles on a train is more or less than the reported number. **Sections 1.1-1.16** of this bill define terms related to wayside detector systems. **Section 1.24** of this bill requires a railroad company to ensure the employees of the company are aware of and understand the provisions of **sections 1.1-1.22** of this bill and imposes a penalty for the knowing violation of those provisions.

Section 1.26 of this bill requires, except in the case of a mechanical failure, a train, rolling stock or other on-track equipment which has come to a complete stop and is blocking a railroad grade crossing to be cut, separated or moved upon the approach of an authorized emergency vehicle.

Section 1.28 of this bill: (1) prohibits a railroad doing business in this State from running or allowing to be run on certain railroad tracks a work or freight train that exceeds 7,500 feet in length; and (2) provides that a person who violates this prohibition is liable to the Public Utilities Commission of Nevada for a civil penalty.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 705 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to ~~[1.26,]~~ **1.28,** inclusive, of this act.

Sec. 1.1. ***As used in sections 1.1 to ~~[1.26,]~~ 1.24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.12, 1.14 and 1.16 of this act have the meanings ascribed to them in those sections.***

Sec. 1.12. *"Defect" includes, without limitation, hot wheel bearings, hot wheels, defective bearings that are detected through acoustics, dragging equipment, excessive height or weight, shifted loads, low hose, rail temperature and wheel condition.*

Sec. 1.14. *"Wayside detector communications system" means technology that uses wireless communications systems or algorithms to allow communication between one wayside detector system with another wayside detector system in order to predict and detect defects.*

Sec. 1.16. *"Wayside detector system" means an electronic device or a series of connected devices that scan passing trains, rolling stock, on-track equipment and their component equipment and parts for defects.*

Sec. 1.18. *1. No person shall install or operate a wayside detector system in this State unless it is equipped with:*

(a) A hot box detector;

(b) A hot wheel detector;

(c) A dragging equipment detector;

(d) An audible alarm that operates in accordance with section ~~[1.22]~~ 1.2 of this act.

2. Except as otherwise provided in this subsection, any person responsible for the installation of a wayside detector system alongside or on a railroad shall ensure that each wayside detector system location is not more than 10 miles from the adjacent wayside detector system location. If the natural terrain does not allow for the placement of the next adjacent wayside detector system location within 10 miles from the prior wayside detector system location, the next adjacent wayside detector system location shall be installed not more than 15 miles from the prior wayside detector system location.

3. If the wayside detector systems installed on or alongside a railroad do not comply with the requirements of subsection 2 and are further than 15 miles apart, the operator of any train, rolling stock or on-track equipment passing between the noncompliant wayside detector systems shall reduce speed to not more than 10 miles per hour until the train, rolling stock or on-track equipment passes the next available wayside detector system and is issued a "no defects" message from the wayside detector system.

Sec. 1.2. *1. No person shall install or operate a wayside detector system in this State unless the audible alarm for the system:*

(a) Is assigned to the "AAR Frequency" that is assigned to the specific territory in which the wayside detector system is located; and

(b) In the event of a defect, sounds over the assigned radio channel or frequency not less than three consecutive times with each audible signal lasting not less than 5 seconds and with not less than 5 seconds of silence between each audible alarm.

2. No person shall install or operate a wayside detector system in this State unless:

(a) The inspection results generated by the wayside detector system provide an audible message, delivered over the applicable radio channel or frequency that contains the following information delivered to the operator of the train, rolling stock or on-track equipment:

(1) The wayside detector system location milepost and name;

(2) The track number, if applicable;

(3) The total number of axles on the train, including, without limitation, motive power;

(4) If a defect is found, the location of the defect within the train, rolling stock or on-track equipment or the component parts or equipment of the train, rolling stock or on-track equipment; and

(5) If no defect is found, the speed of the train, rolling stock or on-track equipment and a message that no defects were found.

(b) If a defect is found by the wayside detector system, in addition to the audible alarm signal required pursuant to paragraph (b) of subsection 1, the audible message required to be provided pursuant to paragraph (a) is repeated not less than three times over the applicable radio channel or frequency with 20 seconds of silence between each iteration of the audible message.

Sec. 1.22. *1. If the operator of a train, rolling stock or other on-track equipment receives a message pursuant to section 1.2 of this act indicating that a defect was found, the operator shall:*

(a) Stop the train, rolling stock or other on-track equipment in accordance with the safety procedures issued by the managing railroad company;

(b) Inspect the location of the defect from a position on the ground;

(c) Note and present all inspection results to the appropriate officer of the railroad company, a local dispatcher or another qualified person based on company protocol; and

(d) Based on the inspection results:

(1) If the operator believes it is safe to do so, proceed along the route at a speed not exceeding 10 miles per hour if carrying hazardous materials or 30 miles per hour if not carrying hazardous materials; and

(2) If the operator believes continued operation is not safe, have the train, rolling stock or on-track equipment, or the applicable component or equipment of the train, rolling stock or on-track equipment, fully inspected by a qualified person to make a determination of whether it is safe to proceed.

2. If the operator of a train, rolling stock or other on-track equipment receives a message from a wayside detector system pursuant to section 1.2 of this act indicating that a defect was found and that defect was previously detected by a prior wayside detector system, the operator shall:

(a) Stop the train, rolling stock or on-track equipment in accordance with the safety procedures issued by the managing railroad company;

(b) Have the train, rolling stock or on-track equipment, or the applicable component or equipment of the train, rolling stock or on-track equipment,

fully inspected by a qualified person to make a determination of whether it is safe to proceed; and

(c) Not allow the train, rolling stock or on-track equipment to proceed unless and until a qualified person has thoroughly inspected the defect, made any necessary repairs and declared it safe to proceed.

3. All inspections performed pursuant to this section must be performed on the ground. A person must not perform any inspection pursuant to this section from within or on a vehicle or any other mode of transportation.

4. If the operator of a train receives a message pursuant to section 1.2 of this act indicating that the number of axles on a train is less than the reported number of axles for that train, the operator shall report the discrepancy to the proper railroad authority.

5. If the operator of a train receives a message pursuant to section 1.2 of this act indicating that the number of axles on a train is more than the reported number of axles for that train, the operator shall report the discrepancy to the proper railroad authority. If the discrepancy is not resolved within 5 miles of receiving the message pursuant to section 1.2 of this act the operator shall stop the train. The operator shall not proceed until the discrepancy is resolved, all extra equipment or cars are identified and any necessary documentation is issued.

Sec. 1.24. *1. Any railroad company doing business in this State shall ensure that its employees are aware of and understand the requirements of sections 1.1 to 1.24, inclusive, of this act.*

2. Any person who knowingly violates a provision of sections 1.1 to 1.24, inclusive, of this act is liable for a civil penalty of not more than $25,000 for each violation.

Sec. 1.26. *1. Except for a train, rolling stock or other on-track equipment that is stopped due to mechanical failure where separation or movement is not possible, any train, rolling stock or other on-track equipment that has come to a complete stop and is blocking a railroad grade crossing must be cut, separated or moved to clear the crossing upon the approach of an authorized emergency vehicle.*

2. As used in this section, "authorized emergency vehicle" has the meaning ascribed to it in NRS 484A.020.

Sec. 1.28. ***1. It shall be unlawful for any railroad doing business in this State to run or allow to be run on any part of a main line or branch line a work or freight train that exceeds 7,500 feet in length.***

2. Any railroad doing business in this State which violates the provisions of this section is liable to the Public Utilities Commission of Nevada for a penalty of:

(a) Not less than $5,000 for the first violation;

(b) Not more than $10,000 for the second violation within 3 years after the first violation; and

(c) Not more than $25,000 for a third and any subsequent violation within 3 years after the first violation.

3. As used in this section:

(a) "Branch line" means a secondary railroad track that branches off from a main line.

(b) "Main line" means:

(1) A segment or route of railroad tracks over which 5,000,000 gross tons or more of freight railroad traffic is transported annually; and

(2) Such other tracks as the Commission may prescribe by regulation.

(c) "Railroad" has the meaning ascribed to it in NRS 484A.200.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. This act becomes effective on July 1, 2023.

Assemblyman Carter moved the adoption of the amendment.

Remarks by Assemblyman Carter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 285.

Bill read third time.

Remarks by Assemblymen Taylor, Thomas, Summers-Armstrong, Orentlicher, O'Neill, La Rue Hatch, and Torres.

ASSEMBLYWOMAN TAYLOR:

Assembly Bill 285 is intended to provide support to students while utilizing the restorative justice framework. This support happens while providing an environment that is safe and productive for all students, teachers, and schools while allowing a reentry plan for any student who may be suspended or expelled.

Doing the work with my colleagues on Assembly Bill 285, I can say the intention is to thread the needle—thread the line between keeping students safe, providing support for students, while at the same time dancing that nuance, if you will, to make sure everyone in the school environment is safe and able to learn.

ASSEMBLYWOMAN THOMAS:

Today, I rise in strong opposition to AB 285. I will read from the statements I have received from some of my community's teachers and principals:

> Teachers and administrators may feel a false sense of security as they enforce rules even for minor infractions and increasingly exclude students from the classroom. But safety requires a school climate approach where students internally adopt the need for community rules and appropriate behaviors. Harsh enforcements suppress certain unacceptable behaviors, but they do not address the whole school. In the long run, social-emotional learning and school climate approaches create a stable and safer school environment.

Many of you have heard the famous quote by Tom Herner from 1998: "If a child does not know how to read, we teach. If a child does not know how to swim, we teach. If a child does not know how to multiply, we teach. If a child does not know how to drive, we teach. If a child does not know how to behave, we ...teach? ...punish? Why can't we finish the last sentence as automatically

as we do the others?" Similarly, if a student repeatedly misses the same math problem, do we give up on that student and kick them out of class? Instead, as educators, we provide interventions and support for that student. We provide accommodation so students can learn. Thus, we teach. I speak for the students of Black, Brown, and Indigenous children of the state of Nevada.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

I rise in opposition to AB 285. I honor and appreciate the work of my colleague from AD [Assembly District] 27 and those in this room who have worked diligently to try and find middle ground, but I cannot overcome the fact that we are suspending children as young as 6 years old, and we have no solid plan for what we will do with those children when they are expelled from school.

I like to explain things with analogies. I am not a super educated person, but I have lived a long life. We do not buy auto insurance after we have had a wreck. We buy auto insurance in preparation for the day we need it. We cannot wait for a child to be expelled and then plan on restorative justice. We have to have a plan in place. We have to have understanding from the top of our educational system to the bottom—from the trustees to the janitor—about what we will do and how we will act and move when we have a child who has issues. That means we have to have processes, support, and professionals in place who will help that child if they get in trouble.

With all the work that was done on this bill, we still have a gap where we do not have a solution for that group of children. I am hopeful we will consider this and know that there are thousands of children—most of them Black, Brown, Indigenous, and other children of color—who will be hurt because we, the adults in the room, do not have a clear plan.

ASSEMBLYMAN ORENTLICHER:

I want to start by commending our colleague from Assembly District 27 for addressing a critical issue. I have heard a lot from constituents about the problem of school discipline, and I agree that we need to do something. I commend her for all the efforts she is making to thread the needle, as our colleague put it, to find the right balance. I also share the concerns of our colleagues in Districts 6 and 17. We have not found the balance yet. This is not the perfect bill or the bill I would like to support, but I am going to vote for it today because I want to keep the process going. We need to do something to address it. I want to give our colleague from Assembly District 27 the chance to find the right balance, so I will be supporting the bill today.

ASSEMBLYMAN O'NEILL:

I rise today in support of AB 285. I will try to keep this short, Mr. Speaker and fellow Assembly members. I want to express appreciation to our fellow colleagues from ADs 36 and 27 and commend the work being done in a bipartisan way. It is truly bipartisan. We have come together and worked on this bill. One of our colleagues has years of experience, being involved with numerous children in the educational system, raising them, and the other has been responsible for an entire school district, making sure students perform to the best levels possible.

To have education, you must have organization. To have organization, we must have some kind of togetherness, and we must have an ability for the teacher to reach out to all students and not have to pay attention to just those who want attention, including negative attention.

With that, I ask my colleagues—all of you—to vote in support of AB 285 and commend this bipartisan work being done by our colleagues from Districts 36 and 27.

ASSEMBLYWOMAN LA RUE HATCH:

I rise in support of Assembly Bill 285. As a schoolteacher, I have seen the crisis that is happening in our schools. It is a crisis of behavior. It is a crisis of violence. Our educators do need relief, but I want to make very clear, this crisis is much, much larger than this bill. There are many factors that are impacting this crisis of behavior. I think we are asking our educators to solve societal issues in our classroom. I think that is a problem.

I am in support of this bill because it moves us incrementally forward; however, I would urge us to look at the very serious issues causing this behavior, including mental health support and class sizes, which are the largest class sizes in the nation. I urge your support, but I also urge us to continue working on this issue.

ASSEMBLYWOMAN TORRES:

I rise in support of AB 285 today, and I want to thank my colleagues from Assembly District 27 and Assembly District 32 for their commitment to working with me on this issue. I want to say that we have probably spent well over 40 hours in meetings on just this topic alone. In 2019, I worked alongside my former colleague from Assembly District 17 so that we could pass AB 168 of the 80th Session, which created the current restorative justice laws here in the state of Nevada. At its crux, restorative justice is about holding students accountable, it is about remedies to the behavior, it is about relief to the victim, and it is about changing the behaviors of students. All of that is in this phenomenal piece of legislation. I support AB 285 because it reinforces this belief. I come from a family of educators—my mom, my siblings, my brother-in-law, myself. We deserve to feel safe on our campuses, because this safety is critical to fostering a learning environment where our kids can also feel safe. I know restorative justice works because it is a critical part of my practice every single day.

After implementing the 2019 bill, it was clear the legislation failed to address three critical components that are addressed in this piece of legislation today. One, it did not do anything for data transparency regarding student discipline, especially making sure the Legislature receives that data. Two, it did not outline a plan based on restorative approaches. It said we required one, but we did not include the details for that plan. This phenomenal piece of legislation does just that. It determines whether the student needs additional community-based services or school services while also creating a plan for students so they can come back, because when a student leaves our classrooms, our ultimate goal is to get them back in that classroom. The bill codifies the appeals process for suspensions and expulsions, which empowers Nevada's students and parents. I urge your support of AB 285.

Roll call on Assembly Bill No. 285:

YEAS—38.

NAYS—Considine, Mosca, Summers-Armstrong, Thomas—4.

Assembly Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 330.

Bill read third time.

Remarks by Assemblymen Bilbray-Axelrod, Thomas, La Rue Hatch, Summers-Armstrong, Hansen, and Gray.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 330 makes various changes relating to the behavior and discipline of pupils. It establishes certain conditions concerning disciplinary notifications and appeals and requires the reporting and review of certain disciplinary data, including data concerning disproportionality of punishments.

The bill also outlines certain provisions concerning the removal of a pupil from a classroom or school, including requiring the provision of a plan for the restorative discipline of a temporarily removed pupil; removing certain requirements concerning the return of a pupil under certain circumstances; removing the requirement that a pupil be given the opportunity for a hearing prior to suspension or expulsion under certain circumstances; and allowing a pupil to be temporarily removed prior to the provision of a plan of action based on restorative justice under certain circumstances.

I want to thank everyone who worked tirelessly—and I do mean tirelessly—on this and the previous bill to get the language we are voting on today. The conversations were open and heartfelt, and I believe these bills will help teachers and students feel safe while recognizing that different situations should have different consequences and outcomes. As a mom and in my role as Chair of the Assembly Committee on Education, I would never move legislation forward that would give up on a child. Restorative justice, at its core, looks at the whole child. When

implemented properly, it recognizes that social-emotional learning is imperative for a child's success. I urge you to vote yes on AB 330.

ASSEMBLYWOMAN THOMAS:

I rise in strong opposition to Assembly Bill 330. While I understand calls for increased safety in schools, this push for increasing a punitive response to discipline procedures sends a message that adults' needs supersede those of our children and affirms a dynamic in which students are perceived as potential threats and/or criminals, rather than young people in distress in need of wraparound services. It is taking us entirely in the wrong direction. This bill further contributes to discipline disparities for our state's Black, Brown, and Indigenous student population. According to the 2021-2022 discipline data, African-American students make up 12.15 percent of the student population, yet account for 31.66 percent of suspensions and 38.14 percent of expulsions. Additionally, these disparities seem consistent with poverty, homelessness, health care, academic achievement, and incarceration.

It is my understanding that when I come into these halls, I feel safe because the administration has made me feel safe. In my 20 years in the United States Air Force, at every facility I went to, the base commanders made me feel safe. When I worked at the Regional Justice Center in Clark County, in a courtroom with alleged criminals, I felt safe. The administration made me feel safe. I am asking that this body stop overreaching and let the administrators of our schools do their job to make teachers and students feel safe. Expulsion is not the answer. We are too educated in this 21st century to accept the fact that expulsion is an answer, especially in Assembly Bill 330, where we are looking at 6-year-old students being expelled. What do we do with them? Where do they go? Should we build more jails? I guarantee you, in two years, you will hear bills saying we need more jails. Who will be in those jails? Black, Brown, and Indigenous people, because that is the way our nation is.

ASSEMBLYWOMAN LA RUE HATCH:

I rise in support of AB 330 as an educator who believes we need to find a balance and we need to have safety in our schools. I want to echo the concerns of my colleague because I think there are many schools where a principal is not making their staff feel safe. I think there are larger issues than this bill.

I would like to share some information with the body. In Clark County, there is a ratio of 1,000 students for 1 counselor, and that is a problem for mental health. We have classes of 45 and 50, and that is a problem for behavior. Once again, while I will be in support of this bill, I urge us to continue working on those larger problems.

I would also like to stand in solidarity with my colleague from Assembly District 17, who is fighting for her community and who has endured disingenuous and dishonest attacks as a result. I think that is unacceptable, and I want to make that publicly clear.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

I rise in opposition to AB 330. Earlier, we heard these last two bills we are talking about would implement restorative justice. We had a previous piece of legislation that had an outline for restorative justice, but it was not implemented. That is why we are here today. That bill laid out steps and requirements. The word "shall" was included in the language. It talked about positive behavior intervention and a plan for referrals to individualized educational programs and support teams. The thing that was missing was implementation.

I have received a letter from community organizations that are extremely concerned about these bills, and I will tell you a little bit about what they are saying. There are currently no alternative school placements for elementary school-aged children. The students who will be most impacted by these policies are students in poverty, students of color, homeless students, those who are abused and neglected. Thus, unless the family can afford private instruction or to home school their child, a student will miss out on educational instruction during the most formative years of their life. Those are the students I represent, students in historic west Las Vegas and near North Las Vegas, whose families and generations before them suffered from the intentional segregation of their schools—disenfranchisement, disinvestment, lack of funding. These are the children who will be affected—students at schools near me that are predominantly Black and Brown, where the

school districts have not worked diligently, from my perspective, to ensure those students have the resources they need.

These children did not ask to be born into poverty. They did not ask to be born into homelessness. But they are here, and they are our responsibility. If we continue to blame them and hold them responsible for pulling themselves up from bootstraps they do not even own and do not even have the ability to purchase, what are we saying to them? That they are left to their own devices to find a way when they have no ability to do so. But we do. We have the chance to do something effective to help these children that is more than just saying, Get out. That is not how we all got here. We are here because someone opened the door for us and allowed us an opportunity to grow and be educated to be in this space.

Even with all the language in these bills, there are still things we must consider. These bills do not solve the issue of discipline. That is something deeper. If we are not going to be committed to restorative justice and the implementation of it, before we put anybody out of school, it is again going to fail.

ASSEMBLYWOMAN HANSEN:

I rise in support of Assembly Bill 330. A lot has been said. There is, of course, a lot of opinion and a lot of emotion in this body. It goes without saying that we all care. We absolutely care. I am here to reassure my colleagues that I would never be a party to legislation that would throw away children. I do not think any of us would. We know that from this body, bills still need work, and they still continue to have adjustments. It has been an honor to be involved with those of you here and to be involved with those who have had concerns. We have heard those concerns, and I will make a commitment going forward from here that we will do our best to ensure Nevada's children and Nevada's teachers are protected, that staff is protected, and that administrators are allowed to do their jobs. That is why AB 330 and AB 285 are needed—so that administrators can do their jobs and continue to provide the opportunity for safety to our students and our staff.

I thank those who have been involved. I thank those who have mentioned their opposition, and we will work through that. I wanted to be on the record to let you know that my heart is in this, and I will be part of this in the interim. Hopefully, we can come back here and have a good report because data will be available. That was part of this bill. It is important we know about the disproportionality and, if it is there, how we are addressing it. We need to have full transparency, and I feel that these bills do that. I urge my colleagues to support AB 330.

ASSEMBLYMAN GRAY:

I rise in support of AB 330. When we talk about improving our education system, we must address, as a first priority, the issue of violence in our classrooms. In the Clark County School District last year alone, police responded to nearly 6,000 violent act calls. Some of the restorative justice policies that have been in place since the 2019 Legislature have prevented teachers from controlling their classroom and creating safe learning environments for their students. Let us not forget, that is their first and foremost responsibility—to provide a safe place for their number one job, education. They go hand in hand.

The ethos behind these restorative justice principles was no doubt well-intended; however, the 2019 legislation clearly requires some well-thought-out revision so our classrooms can be safe and productive. We stand with AB 330 and commend the bipartisan work our colleagues have done on the issue. I respectfully request all of my colleagues in this institution to vote yes on AB 330.

Roll call on Assembly Bill No. 330:

YEAS—38.

NAYS—Considine, Mosca, Summers-Armstrong, Thomas—4.

Assembly Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 11.
Bill read third time.
Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 11 prohibits hospitals or psychiatric hospitals from employing certain physicians for practicing medicine except where expressly authorized by law. Hospitals violating these provisions may have their license suspended or revoked and are subject to certain administrative penalties. The bill exempts hospitals or psychiatric hospitals employing physicians who are participating in specific graduate programs and medical facilities that are owned or operated by the federal or state government, a church, or religious denomination.

Further, this bill prohibits hospitals from taking measures to restrict certain activity of health care providers whom they employ or who serve as independent contractors, including prohibiting in contracts with or taking any action against providers who discuss with others their salary, wages, or working conditions, or who work for another medical facility and entering into noncompetition covenants with providers that prohibit them from providing medical services for other medical facilities.

Roll call on Assembly Bill No. 11:

YEAS—26.

NAYS—Backus, Bilbray-Axelrod, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Orentlicher, Yurek—16.

Assembly Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman DeLong requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DELONG:

I want to put on the record, my vote on AB 11 should have been a no. I mistakenly hit the green button and did not get to the red one in time.

GENERAL FILE AND THIRD READING

Assembly Bill No. 34.
Bill read third time.
Remarks by Assemblyman Gurr.

ASSEMBLYMAN GURR:

Assembly Bill 34 revises certain provisions relating to the State Engineer's public notice requirements. The bill eliminates the statutory requirement that certain notices and orders be published consecutively and adds a requirement for the Division of Water Resources to post certain orders and notices on its website.

Additionally, AB 34 revises the time period for individuals to file written protest against the granting of certain applications and allows that if no protest is received within a certain timeframe, the State Engineer may presume publication and process the application conditionally. The State Engineer may not grant the application or issue a permit until he or she files proof of proper publication.

This effective date of this bill is October 1, 2023.

Roll call on Assembly Bill No. 34:

YEAS—40.

NAYS—Hafen, Hansen—2.

Assembly Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblywomen Bilbray-Axelrod and Hansen.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 65 makes various changes related to education. The bill revises the definition of bullying and certain requirements for investigating and reporting certain instances of bullying, cyberbullying, and discrimination based on race. Furthermore, the bill requires the Superintendent of Public Instruction of Nevada's Department of Education, rather than the State Board of Education, to approve work-based learning programs. Finally, the bill makes changes relating to kindergarten and starting school, including requiring a child to be 5 years of age on or before August 1 preceding a school year in order to be admitted to kindergarten; complete kindergarten; and begin attending public school at 6, rather than the current age, which is 7.

I want to mention something quickly because I know my dear colleague from Assembly District 32 will be speaking in opposition, and I respect her very much. I thought it was important to add the language around children starting at the age of 6. It was not that long ago—if memory serves, it was two sessions ago—that you could be tried as an adult at age 8. I think our kids deserve chances. That is what we are talking about—doing right by kids. Starting them early is a way we can start with that social-emotional learning and help set kids up for success. I urge your support.

ASSEMBLYWOMAN HANSEN:

I rise in opposition to AB 65. With all due respect to my most excellent Chair of Education, it was the amendment that took me to opposition. Since 1957, we have included in NRS [*Nevada Revised Statutes*] that children are to be enrolled in school by the age of 7. I believe changing decades-old policy was more worthy of a hearing rather an amendment. The reason I would prefer it to be done with a hearing and not just by amendment is because it changes decades-old policy and because the vast majority of children are in school before the age of 7. There are circumstances where parents ought to not start their children until age 7. There are studies to bolster some of those parents' choice to delay enrollment to age 7. A study out of Stanford University by researchers Thomas Dee and Hans Henrik Sievertsen found:

> …[K]ids who started kindergarten a year later than average students had 73 percent better scores on tests of their hyperactivity and inattention four years later…. Schools in Nordic countries are not exactly strangers to enrolling kids in school later in life. In Finland, for example, it is not uncommon for kids to begin formal schooling at age 8. Much of their childhood is spent either at home or in a form of pre-kindergarten, where the biggest emphases are on playtime and social skills. Traditional subjects do not enter the picture until later…. Students in Finland (and other Nordic countries) are some of the top-performing nations in the annual PISA [Programme for International Student Assessment] education rankings….

In closing, I urge my colleagues to vote no on AB 65. I would encourage a better vetting process—a legislative hearing where data and studies could be reviewed—for changing this decades-old policy from age 7 to 6. While the state might have good intentions, parents know what is best for their children, and this long-standing policy has not proven to be a problem but rather a reasonable benchmark for enrollment. I urge my colleagues to vote no on AB 65.

Roll call on Assembly Bill No. 65:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, McArthur, O'Neill, Yurek—11.

Assembly Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblywoman Newby.

ASSEMBLYWOMAN NEWBY:

Assembly Bill 66 makes various changes to the administrative functions and procedural operations of the Commission on Ethics, including advisory opinions, "cooling-off" periods, and the filing of ethics complaints. It also adds a new chapter to NRS [*Nevada Revised Statutes*], to be cited as the Nevada Legislative Ethics Law.

Roll call on Assembly Bill No. 66:

YEAS—37.

NAYS—Dickman, Hafen, Hansen, Kasama, McArthur—5.

Assembly Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Assembly Bill 86 prohibits a person from committing certain acts against an animal kept for working purposes or a domesticated animal that is not owned by a person. The bill also makes it unlawful to confine an animal in certain spaces and deprive an animal of necessary veterinary care or grooming or shearing. The bill prohibits a person, with exceptions for dogs engaged in certain activities, from restraining a dog with an improperly fitted collar or harness or with a weighted tether, chain, tie, trolley, or pulley system. The bill prohibits a person from leaving a dog outside and unattended unless the dog has access to adequate shelter, as defined in the bill.

Lastly, the bill repeals, revises, and replaces certain provisions relating to the abandonment of disabled animals.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 86:

YEAS—42.

NAYS—None.

Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:

Assembly Bill 198 requires the State Board of Nursing to issue a certificate of registration as a certified registered nurse anesthetist to a registered nurse who meets the requirements of existing law and any additional requirements prescribed by the Board. A certified registered nurse anesthetist may order, prescribe, possess, and administer controlled substances, drugs, and devices

to treat a person under the care of a licensed physician, dentist, or podiatric physician before, during, and after surgery or childbirth.

Roll call on Assembly Bill No. 198:

YEAS—36.

NAYS—Duran, Gurr, Hafen, Hansen, Hardy, McArthur—6.

Assembly Bill No. 198 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 213.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 213 revises provisions relating to the adoption of measures in certain counties relating to affordable housing. The measure provides that certain deadlines relating to land use planning that apply to counties also apply to cities. In addition, on or before July 1, 2024, the governing body of each county and city must enact certain ordinances relating to affordable housing projects. Governing bodies must annually submit a plan to the Housing Division, Department of Business and Industry, and the Advisory Committee on Housing.

Roll call on Assembly Bill No. 213:

YEAS—39.

NAYS—Orentlicher, Summers-Armstrong, Thomas—3.

Assembly Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225.

Bill read third time.

Remarks by Assemblywoman Newby.

ASSEMBLYWOMAN NEWBY:

Assembly Bill 225 sets forth a process for a person who is not otherwise authorized under existing law, or a representative of a governmental agency for whom such a person is an employee, to petition the district court to make the personal information of the person that is contained in public records confidential.

Roll call on Assembly Bill No. 225:

YEAS—42.

NAYS—None.

Assembly Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 227 creates summary procedures for an annulment and for child custody under certain circumstances. The bill provides that a marriage may be dissolved by the summary procedure for annulment when certain factors are present and both spouses agree to the

summary procedure. Additionally, an action to determine custody of a child may be brought by the summary procedure when the parents or legal guardians of a child have reached a detailed agreement on the custody, medical or other care, education, maintenance, and support of the child and the court determines that using the summary procedure is in the best interest of the child.

Roll call on Assembly Bill No. 227:

YEAS—42.

NAYS—None.

Assembly Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241.

Bill read third time.

Remarks by Assemblywomen Mosca and Hansen.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 241 requires a public high school pupil to enroll in the courses and credits required by the State Board of Education to receive a college and career ready high school diploma. The bill also outlines circumstances in which students are not required to enroll in such courses and credits and specifies certain implementation dates for the bill, which depend upon school district populations.

Growing up as a low-income student of color, I originally was put on the regular classes track. It was not until a teacher said she saw something in me that I was put on a different track, which allowed me to graduate and become the first in my family to go to college, a Harvard graduate, and a member of this body. This bill ensures that all young people have access to any opportunities they choose, and I urge its passage.

ASSEMBLYWOMAN HANSEN:

I rise in enthusiastic support of AB 241. This is truly one of my favorite bills of the session. My colleague from Assembly District 14 was an inspiration in the hearing and is an inspiration in this legislative body. Her story should not have to be an exception; it should be the rule. This bill will allow all students the opportunity to have a career and college ready diploma. Thank you for hopefully getting on board with this wonderful bill.

Roll call on Assembly Bill No. 241:

YEAS—42.

NAYS—None.

Assembly Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblywoman Considine.

ASSEMBLYWOMAN CONSIDINE:

Assembly Bill 250 prohibits a person or entity, during a price applicability period, that purchases a drug, that is subject to a maximum fair price in this state from paying a price that is higher than the maximum fair price, or seeks reimbursement for a drug subject to a maximum fair price that is delivered, dispensed, or administered to a person in this state, from seeking reimbursement at a higher rate than the maximum fair price. The measure also requires any such person or entity to maintain a registered agent and an office or base of operations in this state. The bill makes it a deceptive trade practice for any person to violate the prohibition.

Nevadans have seen a 500 percent increase in the cost of prescription drugs over the last 30 years, the highest cost increase in the nation. The cost of prescription drugs affects every family and every community across our state. Nevadans across the state and across the political spectrum support cutting the costs of medicine for their families. I brought this legislation forward because it is an opportunity to provide relief to Nevadans dealing with significant health issues. For Nevadans of all ages—for the grandfather and the grandson with the same life-altering health issues, for the 68-year-old suffering from breast cancer and the 22-year-old suffering with the same cancer—I urge this body to vote yes on this legislation so we can continue to lower health care costs for Nevadans.

Roll call on Assembly Bill No. 250:

YEAS—27.

NAYS—DeLong, Dickman, Duran, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—15.

Assembly Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 264.

Bill read third time.

Remarks by Assemblywoman Taylor.

ASSEMBLYWOMAN TAYLOR:

Assembly Bill 264 makes various changes relating to school absences due to the observance of religious holidays. In the case of such absences, a parent or legal guardian must provide notification in writing at least three days prior to the absence, and not more than five absences shall be approved.

I brought this bill to support those students who celebrate their religious holidays. Whether it is Ramadan or Yom Kippur, students should not be penalized for celebrating religious holidays, and this allows that to happen while putting a maximum on approved absences and requiring the student to complete all work they may miss while they are gone.

Roll call on Assembly Bill No. 264:

YEAS—42.

NAYS—None.

Assembly Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblywoman Jauregui moved that the Assembly recess until 4 p.m.

Motion carried.

Assembly in recess at 2:16 p.m.

ASSEMBLY IN SESSION

At 4:21 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 25, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 234.

WAYNE THORLEY
Fiscal Analysis Division

GENERAL FILE AND THIRD READING

Assembly Bill No. 265.
Bill read third time.
Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:
Assembly Bill 265 creates a statewide children's mental health consortium.

Roll call on Assembly Bill No. 265:
YEAS—42.
NAYS—None.
Assembly Bill No. 265 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 269.
Bill read third time.
Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:
Assembly Bill 269 makes certain changes to evaluation cycles for postprobationary teachers. The bill repeals requirements to include pupil growth and learning goals in teacher evaluations and provides that certain provisions concerning evaluations of postprobationary teachers apply retroactively to such evaluations conducted on or after July 1, 2021.

Roll call on Assembly Bill No. 269:
YEAS—38.
NAYS—Gray, Gurr, Hafen, O'Neill—4.
Assembly Bill No. 269 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 282.
Bill read third time.
Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:
Assembly Bill 282 requires school districts to provide a monthly subsidy to full-time substitute teachers for the purchase of health insurance. In order to receive the subsidies, such teachers must provide proof of health insurance coverage. The bill prohibits a school district or public school from taking certain actions that would prevent a substitute teacher from qualifying for the subsidy.

Roll call on Assembly Bill No. 282:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, McArthur, O'Neill—11.

Assembly Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblymen Brittney Miller and Hibbetts.

ASSEMBLYWOMAN BRITTNEY MILLER:

Assembly Bill 286 requires the administrator of a county or city jail to establish a policy ensuring qualified persons who are detained in the jail may register to vote and vote in an election. Additionally, the administrator must establish a process for the collection and security of mail ballots, and the Secretary of State must allow qualified detainees to use Nevada's Effective Absentee System for Elections to register to vote and cast a ballot.

ASSEMBLYMAN HIBBETTS:

I rise today in support of AB 286. I am voting yes on AB 286 for one simple reason: I took an oath to defend and uphold the *Constitution.* For those who have not yet been convicted of any crime, voting is a constitutional right. To stand in the way of simple provisions that would help them exercise their constitutional right I believe would be an act against the oath I took. Our *Constitution* declares a citizen innocent until proven guilty. Our *Constitution* declares that the innocent have the right to vote. I took an oath to protect that right. I am voting yes.

Roll call on Assembly Bill No. 286:

YEAS—39.

NAYS—Gray, Kasama, McArthur—3.

Assembly Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 309.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

Assembly Bill 309 authorizes the use of secret electronic ballots for the election or removal of members of the executive board of a unit-owners' association of a common-interest community and for the election of delegates or representatives to exercise the voting rights of unit owners in such an association. The bill also provides that money in the operating account of an association may be withdrawn without the usual required signatures for the purpose of making automatic payments for certain costs.

I know you have all been waiting for it—here is your HOA [homeowners' association] bill for this session, so I look forward to your support.

Roll call on Assembly Bill No. 309:

YEAS—42.

NAYS—None.

Assembly Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 339.
Bill read third time.
Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:

Assembly Bill 339 requires certain annual accountability reports on pupil achievement to include information on pupils who have accrued ten or more absences within the school year and pupils who received at least four consecutive weeks of instruction in a core academic subject from someone other than a licensed teacher unless certain prohibitions apply. This information must be reported separately by gender and for groups identified in the statewide system of accountability for public schools.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 339:

YEAS—39.

NAYS—Gray, Gurr, O'Neill—3.

Assembly Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.
Bill read third time.
Remarks by Assemblymen Jauregui and Yurek.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 354 prohibits, under certain circumstances, a person from possessing or causing a firearm to be present within 100 feet of an entrance to a place the person knows or reasonably should know is an election site. This prohibition does not apply to a law enforcement officer engaged in the performance of official duties or a private guard or security personnel hired by the owner of the facility or property in which the election site is located.

Additionally, this bill prohibits a person from selling, offering to sell, or transferring and possessing, purchasing, transporting, or receiving an unfinished frame or receiver, ready frame or receiver, or market frame or receiver unless the recipient is a firearms dealer or an importer or manufacturer or such a firearm has been imprinted with a serial number.

Last week, the Assembly took action to make Nevada's families and communities safer by passing Assembly Bill 355, which would raise the age requirement to purchase an assault weapon from 18 to 21. Now with Assembly Bill 354, we have another chance to take a step in the right direction and protect everyday Nevadans from the epidemic of gun violence.

Since 2020, many poll workers and everyday Nevadans have felt endangered at their voting location. The right of a registered voter to safely and freely access the ballot is fundamental to our democracy. Prohibiting guns at polling locations is important for ensuring voters' safety, preventing voter intimidation, promoting peaceful elections, upholding the law, and reflecting public opinion.

This legislation will also fix a loophole with a disturbing new trend in crime. Ghost guns have become increasingly common in violent crimes that ravage our communities and tear apart Nevada families. In 2021, the number of ghost guns recovered from crime scenes doubled from the previous year, and law enforcement agencies across the nation are raising the alarm, including at the highest levels of the Department of Justice.

Assembly Bill 354 will prohibit guns in polling places, protecting Nevadans' right to vote, and crack down on the loopholes in current law that could otherwise make these untraceable ghost guns even more prevalent in violent crime. Keeping our communities safe should not be a partisan issue, so I urge all of my colleagues to support Assembly Bill 354.

ASSEMBLYMAN YUREK:

Today, I stand in opposition to AB 354. This bill is a classic example of a solution in search of a problem. A review of the statistics reveals that actual incidents of armed individuals showing up at voting sites are rare. So, what purpose does this legislation really serve?

Furthermore, the very issues this bill attempts to mitigate may, in fact, create a variety of other troublesome consequences. Consider these conceivable scenarios: A young mom is carrying a legally concealed handgun in her purse when she runs into the grocery store. She is on the phone and misses a sign indicating early voting is taking place that day. Should she be arrested? Perhaps a young man goes to the mall with some friends and has his legally concealed handgun and does not see the sign indicating early voting is taking place that day on the premises. Should he be arrested? What if a retired police officer who carries a legally concealed handgun goes into city hall during the week that a special election is taking place. Should she be arrested?

The *Nevada Revised Statutes* requires Clark County to have at least 25 early voting locations that operate anywhere from two to three weeks before an election and at least 100 polling places on Election Day. This does not include locations where there may be a ballot box or a drop box. This past November, there were 125 sites located across Clark County alone on Election Day where I, as a retired law enforcement officer with a legal permit to carry my handgun, could be arrested by inadvertently being in one of these many places on Election Day.

If there are, as the proponents of this bill suggest, increased incidents where an armed individual shows up at a polling location to intimidate, threaten, or otherwise harass voters or poll workers, laws on our books already exist to address those situations. For example, under federal law, 18 USC [*United States Code*] §594 makes it illegal to intimidate, threaten, coerce or attempt to intimidate, threaten, or coerce any person for the purpose of interfering with the right to vote. Under 18 USC §241, it is illegal for two or more persons to agree to injure, threaten, or intimidate a person in the exercise of any right secured by our *Constitution*, including the right to vote. But we do not need to rely on federal law to protect our elections because Nevada law also prohibits such conduct. *Nevada Revised Statutes* 293.710 makes it a felony to threaten to use any force, intimidation, coercion, violence, restraint, or undue influence in connection with any election. *Nevada Revised Statutes* 293.730 makes it a felony to remain in or outside of any polling place so as to interfere with the conduct of an election.

The reality is, AB 354 creates unnecessary complexities which serve no real purpose because the risks are nominal, and we already have laws on the books to address these issues without removing firearms from the hands of law-abiding citizens. Accordingly, I respectfully ask that you vote no on AB 354.

Roll call on Assembly Bill No. 354:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 371 enacts the provisions of the Uniform Parentage Act, which is a set of uniform laws governing parentage and the establishment of parent and child relationships. Among other things, this bill revises various provisions relating to proceedings to adjudicate parentage and provisions relating to assisted reproduction and gestational agreements.

Roll call on Assembly Bill No. 371:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 378.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Assembly Bill 378 revises certain provisions related to the timing of negotiation, mediation, and arbitration of certain collective bargaining agreements.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 378:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 401.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 401 authorizes an approved school of practical or professional nursing to determine the appropriate ratio of faculty members to students for a course that provides clinical training. The ratio must not exceed 1 faculty member for every 12 students.

Roll call on Assembly Bill No. 401:

YEAS—42.

NAYS—None.

Assembly Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 405.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 405 authorizes a justice court or municipal court to establish a program for the treatment of mental illness or intellectual disabilities and to transfer original jurisdiction of a case involving an eligible defendant to the district court if the justice court or municipal court has not established such a program. The bill further provides that the district court, justice court, or municipal court may impose sanctions against the defendant for the violation but allow the defendant to remain in the program.

Roll call on Assembly Bill No. 405:

YEAS—42.

NAYS—None.

Assembly Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 408.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 408 prohibits a person from driving a vehicle in an unauthorized trick driving display or facilitating an unauthorized trick driving display on premises to which the public has access. Additionally, the bill authorizes a law enforcement officer to remove or cause to be removed a vehicle to a place of safekeeping if the person driving or in actual physical control of the vehicle is issued a citation for reckless driving.

This bill is about road safety and preserving lives on our streets. We have worked really hard on this, and I urge your support.

Roll call on Assembly Bill No. 408:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 414 replaces the form to create an advance health care directive and revises provisions concerning witnessing the principal's signature.

Roll call on Assembly Bill No. 414:

YEAS—42.

NAYS—None.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 439.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 439 repeals certain provisions related to arbitration in certain health insurance contracts. In certain health insurance policies, the bill requires language stating the provision is not binding upon the insured or any dependent of the insured.

Roll call on Assembly Bill No. 439:

YEAS—42.

NAYS—None.

Assembly Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 442 requires the Board of Medical Examiners to take certain actions in response to a complaint alleging that a physician, physician assistant, or practitioner of respiratory care has committed any act which, if proven, would constitute domestic violence or sexual assault.

Roll call on Assembly Bill No. 442:

YEAS—42.

NAYS—None.

Assembly Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 444 establishes various provisions governing proceedings relating to the custody, adoption, or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

Roll call on Assembly Bill No. 444:

YEAS—42.

NAYS—None.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblywoman La Rue Hatch.

ASSEMBLYWOMAN LA RUE HATCH:

Assembly Bill 182 simply codifies current practice, which requires a bachelor's degree to obtain a standard teaching diploma.

Roll call on Assembly Bill No. 182:

YEAS—22.

NAYS—Bilbray-Axelrod, DeLong, Dickman, Duran, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Peters, Thomas, Torres, Watts, Yurek—20.

Assembly Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 364 makes various changes to provisions governing physician assistants, including granting physician assistants similar authority and duties as other providers of health care who provide medical services independently and are otherwise treated in the same manner as other such providers of health care; requiring a physician assistant who has practiced for less than 6,000 hours to enter into a collaborative agreement with a physician; and requiring the appointment of one member who is a physician assistant to the Board of Medical Examiners.

Roll call on Assembly Bill No. 364:

YEAS—32.

NAYS—Backus, Duran, Hafen, Hardy, Hibbetts, Kasama, Newby, Nguyen, Peters, Yurek—10.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 188.

Bill read third time.

Remarks by Assemblymen Kasama, Orentlicher, La Rue Hatch, and Gray.

ASSEMBLYWOMAN KASAMA:

Assembly Bill 188 allows a physician to prescribe or recommend and a manufacturer to provide or make available an investigational drug, biological product, or device to a patient diagnosed with a life-threatening or severely debilitating disease or condition. The bill further authorizes a physician, upon completion of certain biochemical analyses, to prescribe or recommend an individualized investigational treatment to such a patient. A manufacturer that meets certain requirements may provide such an individualized treatment. If a patient dies while receiving these treatments, the heir or heirs of the deceased patient are not personally liable for any related outstanding debt.

Finally, AB 188 exempts certain manufacturers and health care providers from criminal penalties or professional discipline for specified actions related to investigational or individualized investigational treatments.

This bill is effective on July 1, 2023.

ASSEMBLYMAN ORENTLICHER:

I rise in strong opposition to Assembly Bill 188. Our colleague from Assembly District 2 and I share a similar goal—we both want seriously ill Nevadans to have access to experimental medical treatments that might restore patient health. In fact, Nevadans already can get potentially lifesaving treatments through the expanded access program of the US Food and Drug Administration, or FDA. When doctors request FDA approval to prescribe experimental treatments for their seriously ill patients, the FDA approves more than 99 percent of the requests, generally within a matter of hours or days. In other words, the right to try already exists in Nevada, including for individualized experimental treatments.

So, what would this bill accomplish? It actually would jeopardize the health of Nevadans who suffer from serious illnesses. Under this bill, doctors could provide experimental treatments without FDA approval. Unfortunately, that is bad for patients, as we have seen when doctors provide experimental stem cell treatments without FDA approval. We have seen that for many

patients, unapproved stem cell treatments have not helped. Rather, the treatments have led to life-threatening infections, chronic pain, and even death.

If we want to safeguard patient health, we need to ensure Nevadans always receive the protection FDA oversight provides. I urge you to vote no on this bill.

ASSEMBLYWOMAN LA RUE HATCH:

I also rise in opposition to AB 188. I believe my colleague from Assembly District 20 laid out the fact that this already exists in law. You can already get approval within hours or days.

I am concerned by the trend across this country of undermining the FDA. As a history teacher, I know the FDA was created for a reason. It is there to protect us and our constituents. Their process is not onerous, and I am very concerned by Nevada joining the trends across this nation of undermining trust in the FDA and not protecting our consumers and our constituents.

ASSEMBLYWOMAN KASAMA:

I am concerned by some of my colleagues' statements. It is crucial to understand that right-to-try legislation does not grant carte blanche access to any and all experimental treatments, including the use of stem cells. The law is subject to specific guidelines and limitations that protect both patients and the integrity of medical research. Stem cell treatment is a highly controversial and heavily regulated area of medical research. In the United States, the use of stem cells or fetal tissue in research is governed by the National Institutes of Health Revitalization Act of 1993.

Assembly Bill 188 is designed to give patients with life-threatening illnesses the opportunity to access individualized experimental treatments. The intent of this legislation is to offer hope and possible solutions for patients who have exhausted all other available treatment options. I thank my colleagues for their bipartisan support that gives hope to Nevadans.

ASSEMBLYMAN GRAY:

I rise in support of AB 188. I do not have a prepared remark, but I would like to say, this is going to provide a treatment and hope for people who may be hopeless. They are at their wits' end. The treatment is going to be supervised by a doctor. There will be protocols to oversee the administration of the medication or the treatment, and it should be their right to pursue that hope.

Roll call on Assembly Bill No. 188:

YEAS—33.

NAYS—Backus, Brown-May, Cohen, Considine, Duran, La Rue Hatch, Brittney Miller, Orentlicher, Summers-Armstrong—9.

Assembly Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340.

Bill read third time.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Assembly Bill 340 repeals, reenacts, reorganizes, and revises a procedure for summary eviction of certain tenants who are guilty of unlawful detainer. The bill replaces repealed provisions with a new procedure for summary eviction which applies to tenants.

Roll call on Assembly Bill No. 340:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read third time.

Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:

Assembly Bill 456 implements various safety measures on certain railroad tracks within our great state of Nevada.

Roll call on Assembly Bill No. 456:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:07 p.m.

ASSEMBLY IN SESSION

At 5:08 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, April 26, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:10 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 26, 2023

Assembly called to order at 1:07 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Rajan Zed.

Om, bhur bhuvah svah
tat savitur varenyam
dhiyo you nah prachodayat.

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky, and inside the soul of the heaven. May He stimulate and illuminate our minds.

vardhatam nah saca sa vam su-matih bhutu asme
avistam dhiyah jigrtam puram-dhih jajadstam aryah vanusam aratih.

May that good intention inside us grow and become a means of restraining the low thoughts. May these well-reflected and comprehended thoughts move and spread out to rescue those awaiting to be released from the malignant ones.

bhargo devasya dhimahi
anapeksah sucirdaksa udasino gatavyathah
sarvarambhaparityagi yo madbhaktah sa me priyah.

The devotee, who is detached, pure, efficient, impartial, never anxious, selfless in all undertakings is very dear to God.

bhadram karnebhih srunuyama devah, bhadram pasyemak-sabhir yajatrah;
sthirair angais tustuvamsas tanubhih, vyasema deva-hitam yad ayuh.

May we, O God, hear what is good for all.
May we see only what is good for all.
May we serve you all our life.
May we be used to spread your peace on earth.

Om shanti, shanti, shanti.
Peace, peace, peace be unto all.
Om.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 25, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 25, 251, 323.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 6, 20, 38, 40, 57, 59, 60, 63, 66, 78, 82, 92, 105, 114, 119, 147, 148, 155, 164, 183, 235, 269, 280, 293, 294, 298, 303, 433.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 35, 133, 292, 310, 314, 321, 328, 333, 334, 335, 336, 343, 344, 346, 349, 355, 359, 370, 384, 391, 393, 394, 404, 406, 407, 415, 417, 422, 427, 429, 434, 436, 437.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 39, 61, 194, 243, 296, 348, 352, 423.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 6.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 20.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 25.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 35.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 38.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 39.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 40.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 57.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 59.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 60.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Senate Bill No. 61.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 63.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 66.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 78.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 82.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 92.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 105.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 114.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 119.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 133.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 147.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 148.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 155.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 164.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 183.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 194.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 235.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 243.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 251.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 269.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Senate Bill No. 280.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 292.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 293.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 294.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 296.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 298.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 303.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 310.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 314.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 321.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 323.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 328.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 333.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 334.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 335.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 336.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 343.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 344.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 346.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 348.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 349.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 352.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 355.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 359.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 370.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 384.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 391.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 393.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 394.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 404.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 406.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 407.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 415.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 417.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 422.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 423.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 427.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 429.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 433.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 434.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 436.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 437.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Valeria Hernandez.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Akwilina Miller.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Ivet Aldaba.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, April 27, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 27, 2023

Assembly called to order at 11:42 a.m.
Mr. Speaker presiding.
Roll called.
All present except Assemblywoman Monroe-Moreno, who was excused.
Prayer by the Chaplain, Elder Thomas Mason.
Today's prayer was sung in the Sho-Pai, Shoshone-Paiute language.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 132, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 466—AN ACT relating to behavioral health; revising provisions governing the imposition of a surcharge on certain communications services to support a suicide prevention and behavioral health crisis hotline; and providing other matters properly relating thereto.

Assemblywoman Peters moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 3.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 3.

Assemblywoman Cohen moved the adoption of the resolution.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Concurrent Resolution 3 memorializes Ben Graham.

The concurrent resolution details Ben Graham's amazing career in public service, particularly cofounding Lawyers Concerned for Lawyers and working to improve the judicial system in our state. I am not going to repeat the resolution, but I will briefly mention the Graham family and the way they have opened their home multiple times per year, year after year, whether it was hosting Southern Nevada Association of Women Attorneys or parties for the Clark County District Attorney's Office. Ben led a brigade—and I do mean a brigade—to make a full holiday meal multiple times per year for the community. The Grahams used those gatherings as an opportunity to host food drives for different organizations. They would have hundreds of people per night in their home—again, multiple times per year. They are a wonderful family. Ben was a wonderful person. I am so proud to know them and to have known Ben. I am so proud to know Elana and to have been her first extern when she was the chief of child support for the District Attorney's Office.

With that, I would like to introduce members to the Graham family: Ben's wife, Elana T. Graham; the Honorable Elana Lee Graham; Turner Graham; Luana Graham-Abrao; John McCormick; and Seth T. Floyd. I know the family is happy to be here, and we are very happy to have them here. Please make the family feel welcome.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I want to welcome the family here. Ben Graham was one of the first people I encountered as a lobbyist in this building back in 2013. I do not know anyone who knew more about the criminal code and the history of the criminal code than he did. I remember asking him questions—Why do we do it this way? He would put his arm around me and say, Come with me, young man. I will tell you about how we figured this out. He would tell me stories from 20 or 30 years ago, being in the Woodshed working on these things.

He has been such an inspiration to me. What I am really going to miss is being in the middle of a committee hearing and getting a text message that would invariably be from Ben Graham. He would say, Hey, just a suggestion, or, I do not know if you knew this—these little nuggets of wisdom that came from Ben Graham. I think he certainly made this body function better. He certainly made laws better in this state. I am certainly going to miss him.

I am really happy you all are here today and carrying on the tradition of Ben Graham's famous cookies. I am not going to disclose how many of those I have had so far today, but it is probably too many. Thank you so much for being here. I appreciate it.

Resolution adopted.

NOTICE OF EXEMPTION

April 27, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 427.

SARAH COFFMAN
Fiscal Analysis Division

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from the Alpine Academy: Anessalynn Meraz, Bailey Cornell-Cape, Faith Weaver, Jason Head, Jessica Anderson, Kaylee Hunter, Lily Smith, Maddie Wolfe, Matthew Cron, Michael Uhrik, Rowen Garcia, Soleil Burke, and William Gilmore.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Elana T. Graham, Elana Lee Graham, Turner Graham, Luana Graham-Abrao, John McCormick, and Seth T. Floyd.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Lawrence Weekly.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Becky Linda Arevalos-Mendoza, and Zaira Diaz.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Regina Suwono.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Liridian Gamboa Sanchez.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Aryam Mongem and Osvaldo Jimenez-Estupinan.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Mix, Jazmyne Hall, and Oscar Lopez.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Stella Kalaoram.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, May 1, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), May 1, 2023

Assembly called to order at 12:04 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywomen Peters and Summers-Armstrong, who were excused.

Prayer by the Chaplain, Pastor Rozita Lee.

Our Heavenly Father, we thank You for this day. We give You all glory, Father. You are the most glorious and Supreme Being. We thank You for this Legislature. We thank You, Father, for those who are here to express themselves and present policies for the people of Nevada. We thank You for the time they have dedicated to do this. Lord, we know You have appointed each one of them for a purpose.

This day, Father, we give You thanks as we celebrate Asian American, Native Hawaiian, and Pacific Islander Day. Father, we pray that all of the legislators might remember and edify the AANHPI [Asian American, Native Hawaiian, and Pacific Islander] community at all times. We will do all things for You, Father, not for our own purpose, but for the people You have created. Let them remember this, Father, as they present policies, as they express themselves, and may they do so civilly, one to another, with love. Today, they wear the symbol of love, the circle of the lei of aloha. May they remember this symbol whenever they might not hold any kind of understanding with one another. Let it be done anyway, Father, with love so that when they leave here, they will love one another as You have wanted us to do.

Father, we thank You. We thank You because You love us. We thank You because You give us the privilege of loving You back in return. Throughout the end of this session, Father, let nothing but goodness, purity, and love come from each one and nothing but goodness, purity, and love go out from each one. This is Your day, Father. We give You all blessings. We give You all acknowledgment, and we thank You because we give You all glory. We pray all these things in Jesus' name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 132.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jose Enriquez and Olivia Enriquez.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Novak, Jessica Guerra, and Phong Huynh.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Amelia Calderon, Isabella Calderon, and Sophia Calderon.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Clark Garner, Katrina Ojeda, and Sally Balecha.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Giles.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Afan Tarar, Hieu Le, and Rain Fernandez.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Carolina Cruz Gomez, Karen Burney, and Melody Judilla.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Fayyaz Raja, Margi Gonzales, Radhika Kunnel, Caitlin Gatchalian, Daraka Sanje Sedera, and Shanzeh Aslam.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Shakeel Siddique, Sharifa Wahab, G'Yanna Perry, and Jherylin Gancenia.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Tuatonga, Hilary Lopez, Ph.D., and Hola Motuapaka.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Erika Watanabe, Felipe Danglapin, and Kathleen Flores.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Boyong Park and Soochui Kim.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Angelyn Tabalba, Craig Valdez, and Julia Qi.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Funtila, Paul Yoo, and Zoe Ventura.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Demichieli, Calen Evans, and Dawn Etcheverry.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to James Guthrie, Briana Vaught, and Ninna Diaz.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Henry, Minddie Lloyd, and Takehiro Mitamura.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Ayden Queano, Heather Simms, Malinda Riemersma, and Vincent Queano.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Francisco, Jacqueline Anderson, Jen Bambao, and Jennifer Belza-Vinuya.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Mai and Trinh Dang.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Cevan Louie and Evan Louie.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Arthur de Joya Jr., Fred Haron, and Jacqueline de Joya.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Charo Dale, Drew Schaar, Ginalyn Baltazar-Sumbang, and Merila Tinio.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Kristin Prostinak, Steven Horner, and Tsui Ryan.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Christian Giovanni and Terry Chi.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Ariagne Arielle Roque Duave, Hallery Ferrini, and Mark Kenji Miyaoka.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Kai Baltazar, Keean Baltazar, and Khloe Sumbang.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Angelica Villarta, Chloe Hsia, and Edelweiss Solano.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Dominguez and Nathan Mactal.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Cynthia Delos Santos, Rozita Lee, and Zhan Okuda-Lim.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Jaaziel Ozuna, Lorraine Moss, and Noelle Blanco.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Ethan Nguyen, Kim Le, and Vida Lin.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to John-Henry Lambin, Bernard Bermudez, and Shuyi Huang.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Jamie Tadrzynski, Ronald Sumbang, and Terri Shuman.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Domingo, James Domingo, and Robert Munson.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Grace Vergara-Mactal, Sam Shaw, and Wilma McCastle-Sanders.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Hess, Ebert Jhone, and Emily Persuad-Zamora.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Mae Worthey-Thomas, Marcus Manabat, and Patrick Donn Dimasin.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Donna West, Kalani Hoo, and Matt Kimball.

On request of Assemblyman Toy Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Francis Limbo, Jacqueline Veloso, Marphyl Limbo, Terri Cannon, and Wayne Atkins.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, May 2, 2023, at 11 a.m.

Motion carried.

Assembly adjourned at 12:27 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), May 2, 2023

Assembly called to order at 11:21 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Shay Gilliam.

Compassionate and gracious God, we humbly ask for Your blessings and guidance as we gather here today to open the Nevada State Legislature. Every man and woman here is an image bearer of Your glorious grace and has been appointed by You to love and serve the citizens of this great state. As we begin this session, we ask for wisdom, clarity, and a deep sense of responsibility to guide their deliberations and decisions.

May they always keep in mind the well-being of the people of Nevada, and may their efforts be directed towards the common good. May they work together in the spirit of cooperation and respect, setting aside their differences for the greater good of all and maximizing their commonalities to propel us into further greatness.

We ask for your blessings upon the Governor, Lieutenant Governor, the members of the Senate and the Assembly, and all those who serve the people of Nevada. May they be guided by Your grace, and may they be strengthened by Your wisdom.

We offer this invocation in humility and gratitude, trusting in Your infinite wisdom and love. By the Name that is above every Name I pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that persons as set forth on the Nevada Legislature's Press Accreditation List of May 2, 2023, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

ASIAN COMMUNITY DEVELOPMENT COUNCIL: Nouthdaraserey Khim, Mia Nakamura, Nicholas Tanuredjo.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 132.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 132 prohibits discrimination against a living organ donor with regard to any policy or contract of life insurance, life annuity, or health insurance on the basis of that person's status as a living organ donor.

Roll call on Senate Bill No. 132:

YEAS—42.

NAYS—None.

Senate Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 3.

Assemblywoman Jauregui moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 5:08 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblywoman Torres and Assemblyman McArthur as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Dina Titus.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:08 p.m.

Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Hansen, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblywoman Hansen, who was excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Harris and Assemblywoman Bilbray-Axelrod to wait upon Representative Titus and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Dina Titus, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Titus and invited her to deliver her message.

Representative Titus delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-SECOND SESSION, 2023

Mr. Speaker, Madam Majority Leader, honored guests, and fellow legislators, it is very nice to be here. Thank you for giving me your time tonight. You know, I always feel a little nostalgic when I come back to this building. It is very different now. I had to go through about three different doors and security. Before, anybody could walk in. It did not matter. In fact, when I was here, we had somebody who claimed to be from outer space who hung around here. You remember him. So things have changed quite a bit. I look around this room, and I see so many new faces—people I do not know, people I would like to get to know. But the fact is, only three of you were here when I served in the Legislature: Senators Gansert, Ohrenschall, and Goicoechea. They were all in the Assembly. All the rest of you are new to this, and that is what term limits can do. So thank you for being here.

I would also mention someone who is still here and who was here when I was here: the wonderful, amazing Brenda Erdoes. I do not know what we would do without her. I checked out the book for the lobby corps, and that was especially interesting. It has certainly changed a lot, but the interesting thing is that the faces are younger, but the names are the same. You have Nicky Vassiliadis, Erin McMullen, Bob and Henry Ernaut, Tommy Ferraro, Jesse Wadhams, Sev Carlson, Chase Whittemore, Will Adler, and John Sande IV. I know all these people's families, so I feel at home here. You know, *plus ça change, plus c'est la même chose*. Indeed, that is the case—the more things change, the more they stay the same.

Look at the agenda you have—some of the things we have been dealing with in this state for a long time: stopping Yucca Mountain, paying our teachers more, funding mental health. Those are just three examples. Also, in 1990, we passed Question 7 to enshrine *Roe v. Wade* in our legislation. Now, in response to the Dobbs decision, you are trying to put the protection of women's health care in the *Constitution*. Thank you, Majority Leader Cannizzaro.

In 1997, I had a bill called "Ring Around the Valley." They called it ring around the collar, ring around the rosie. They put a picture of me on the cover of a magazine with a noose around my neck. Nonetheless, that was about sustainable growth. Today, you are still dealing with the consequences of growth, especially in relation to our declining water supply. As a founding member of the Colorado River Caucus, I look forward to working with you on this critical issue. Thank you, Assemblyman Watts.

In 2005, I chaired an interim disability committee to bring the state in compliance with the Olmstead Act. Now you all are working on a disability bill of rights. The witness for this, who has testified so compellingly, is the same witness who helped me. She is the amazing Santa Perez. I will give a shout-out to her, whether she is here or not. What an incredible person. The whole time I was here, we had to fight for funding the Wild Horse and Burro Commission. I understand you are now pushing to make the iconic wild mustang the state horse. Thank you, Senator Pazina. Go for it.

Under the leadership of Senator David Parks in 1999, we passed the first LGBTQ [lesbian, gay, bisexual, transgender, and queer/questioning] protections in the state of Nevada. Just this past November, our state voted on a sweeping equal rights amendment to the *Constitution* that outlawed discrimination based on sexual orientation and gender identity. Thank you, Senator Spearman.

We have a lot in common. We worked on a lot of the same issues. We are good partners, I do believe. One thing, though, that is different from when I was here is that Nevada has so much federal money to invest in needed programs. In the past, Nevada was a donor state—we sent more money to Washington than we received in return. Part of that was because we were not very good at writing grant proposals, and we either refused to or were not able to provide a state match. That is no longer true. Nevada received considerable funding from the COVID recovery bills, from the infrastructure package, and from the Inflation Reduction Act. In short, Nevada received $43.5 billion. That included $2.25 billion for local governments, over $1 billion for school districts, and some $121 million for Native tribes. That was on top of the money that went directly to the unemployed and to small businesses, like shuttered venues and restaurants, to help them with personnel costs, utilities, and rent. I am not going to spend my short time here going over ad nauseam the details of all these bills; I am sure you will hear a lot about them from some of my colleagues from the delegation. But just think about some of the things, like renewable energy, water conservation, childcare, and mass transit—all of that is funding coming to Nevada. And not to mention the extended Child Tax Credit, health insurance assistance, and rebates for transitioning to renewable energy—all of that goes directly to the people of Nevada.

I would like to brag a little bit. I am proud of my efforts to increase Nevada's allocation overall. I fought very hard to change the funding formulas to also include unemployment as well as population, and that resulted in Nevada getting an extra $1 billion. As Chair then and ranking member now of the subcommittee that oversees economic development, we were able to get special funding streams for areas hardest hit by the lack of tourism because of the pandemic. We created an undersecretary for tourism in the Department of Commerce. At the time, we were the only country in the G-20 that did not have such a position or did not elevate tourism to that level. We got some of that additional money.

I will tell you—as bad as I hate to—that we are never going to get that amount of federal funding again, no matter how good of a job we do with grants and matching. I urge you to invest it in sustainable—substantive but sustainable— projects that can create major systemic change in Nevada. Do not hand it out in a piecemeal, one-off fashion. That could be very popular in the short term, but in the long term, you know as well as I do how hard it is to take away a benefit or stop a program that people want and like once the money runs out. I have a feeling that there is not much of a mind to raise taxes to cover those programs here in the state. Mr. Treasurer, you are going to have to do some good investing to make this happen. Speaking of investment, I urge you to spend these dollars now because if you look at the Republicans' bill to deal with the debt ceiling, part of that provision is to claw back any unspent COVID money. Get it out the door as much as possible. We do not want to give back anything to the federal government.

There are some issues coming up when I go back next week that we are going to have to deal with through the summer. Dealing with the debt limit is certainly one of them. Addressing gun violence and immigration reform will be at the top of the list, along with passing the PRO [Protecting the Right to Organize] Act, the Equality Act, and the Women's Health Act. All of this is going to be very difficult given the politics we face right now. Our political environment is very stressed. Right now, the majority interest in the House is not on those things I just mentioned. It is on two things. One is rolling back—rolling back environmental protection, women's rights, LGBTQ rights, abortion rights, labor rights, and voting rights. That is the agenda. The second half of the agenda is conducting investigations. As of now, we have investigations regarding January 6, Hunter Biden, Secretary Mayorkas, Dr. Fauci, the FBI [Federal Bureau of Investigation], document leaks, the Wuhan lab, the Afghanistan withdrawal, and the weaponization of the federal government—whatever the hell that means.

That is what is happening. But, you know, that is not what the people of Nevada want. They want us to get together, work together, get along, and get something accomplished. We cannot

let the fringe control the majority. We have to put people over politics. We can do that. We did it with the passage of the PACT [Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics] Act, which benefited veterans by increasing benefits, and the CHIPS [Creating Helpful Incentives to Produce Semiconductors] Act, which stimulated American manufacturing. We can work across the aisle, and I know you all do a good job of that here in Carson.

Specifically, I am going to be engaged on two fronts throughout the summer, and they are both bipartisan. As Co-Chair of the Gaming Caucus, I am going to be working to raise the reportable win limit, which has not been raised since 1977, and to eliminate the handle tax, which is mostly paid by Nevada. As a senior member of the Transportation Committee, I am going to keep fighting for those dollars so we can finally build an interstate—Interstate 11—between Las Vegas and Phoenix, the only two metropolitan areas that are not connected by an interstate. And let us get that speed train. I have been on the speed train commission, appointed by Bob Miller and continued by Kenny Guinn. Then Gibbons came along. I do not think he knew it existed. He forgot I was even on it or he would have thrown me off. How many years is that? Brightline is finally making a little way forward, so let us hope we get that speed train.

We have come a long way since the pandemic hit. You think, Oh, that was last year—no, that was two, three years ago. That is how much time we have lost. We were the hardest hit in the country. We had 35 percent unemployment, the worst since the Great Depression. Now we are the fastest-recovering part of the country. Our unemployment is way down. We have record gaming revenues and record airport traffic. The economy is definitely coming back, but we need to be sure the recovery is sustainable and the benefits reach everybody. We need to get equal pay for women. We need to invest in STEM [science, technology, engineering, and mathematics] education and workforce development. I know a lot of you are working on that. We need environmental justice.

I am an optimist. If I were not, I would not be in this business. I think we can get these things done. I think we can work together and make progress. Sometimes, I might get a little discouraged by the likes of Marjorie Taylor Greene or by what is happening on the ground in Ukraine. That is enough to make you discouraged. When I feel that way, I stop and think about something we accomplished recently with all kinds of folks from every walk of life coming together, working quietly behind the scenes for a sustained period of time and never giving up. That is the key. That was the designation of Avi Kwa Ame National Monument. This national monument is half a million acres of sacred Indian lands. It has breathtaking scenery and landscapes and iconic flora and fauna. It will now be preserved and protected for posterity. Native American tribal leaders, local government officials, conservationists, progressive groups, outdoor recreationists and the businesses they support, President Biden, and Secretary of the Interior Haaland all joined forces to make this happen. I want to thank them for letting me help carry the baton over the finish line. It is one of my proudest moments, and I am honored to continue Nevada's legacy of protecting our public lands for future generations.

Speaking of legacies, I have heard recently that Annette Magnus has decided she is going to retire from Battle Born Progress after this session. I hated to hear that. We all owe Annette a debt of gratitude for what she has done to educate the public, successfully advocate for important causes, and keep the progressive agenda at the forefront of Nevada politics. Godspeed, Annette. We will miss you here, but I do not think you will be a stranger. Maybe you should run for office.

I want to thank you all again for your time, your consideration, and your attention. Thank you for all your hard work on behalf of Nevadans. Thank you for being away from home and in this snowmageddon you had this year. Thank you for your dedication and your passion. I am honored to be your colleague, and I look forward to working with you. Let us go finish the job. Thank you so much.

Senator Buck moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Titus for her timely, able, and constructive message.

Seconded by Assemblywoman Brittney Miller.
Motion carried.

The Committee on Escort escorted Representative Titus to the bar of the Assembly.

Assemblywoman Brown-May moved that the Joint Session be dissolved.
Seconded by Senator Stone.
Motion carried.

Joint Session dissolved at 5:30 p.m.

ASSEMBLY IN SESSION

At 5:31 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Robert E. Heaney, Dave Howard, Ashlee Cooper, and Jeff May.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Ronnie Young.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Shanieka Cooper.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Marie Niesess and former Assemblyman Mo Denis.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Sharron E. Angle.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Robert F. Rusk.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Bob Weise.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Susie Martinez and Carlos Hernandez.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to former Assembly Minority Floor Leader Jim Wheeler and former Assemblyman Kelly Kite.

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to former Assembly Speaker pro Tempore John C. Ellison and Wendy Ellison.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Robert M. Benkovich.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman David F. Brown, former Assemblywoman Jill Tolles, and Celssie Hardy.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to former Assembly Majority Floor Leader Paul Anderson and former Assembly Majority Floor Leader Teresa Benitez-Thompson.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Helen Foley and Ted Hartwell.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Patty Cafferata.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Leonard.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to former Assembly Majority Floor Leader William Horne.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Gene Collins, Eugene (Lou) Collins, Jr., and Sheila Collins.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Andrew Martin.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Goodman.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Danny L. Thompson, Mia Nakamura, and Nicholas Tanuredjo.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Randy Kirner and Jared Oscarson.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Roderic Newton.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Brooks S. Holcomb.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to former Assembly Minority Floor Leader Pat Hickey.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Gil Lopez and Olivia Ngo.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Amber Joiner.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to former Assembly Speaker John Oceguera.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Glen Leavitt.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, May 3, 2023, at 4:30 p.m.

Motion carried.

Assembly adjourned at 5:31 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), May 3, 2023

Assembly called to order at 4:40 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Shay Gilliam.

Almighty God, who was, and is, and is to come, as we gather here before the State Legislature, we ask for your guidance and blessings. We pray for unity and discernment as our leaders convene to make decisions that will impact the lives of countless Nevadans.

We ask that You guide our lawmakers with Your wisdom and inspire them to work together for the greater good of all citizens. We pray for their endurance, that they would know how much we appreciate the importance of their efforts and that they do not tire of doing what is right.

May they lead with integrity and a steadfast commitment to do justice, to love goodness, and to walk humbly before You. We also ask for Your protection and blessings upon our state, our communities, and all those who serve and protect us. May this legislative session be one of great success, filled with the joy of knowing that they are doing the hard work to keep Nevada safe, prosperous, and upright.

We ask all of these things in Your holy and precious Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:48 p.m.

ASSEMBLY IN SESSION

At 5 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblywoman Torres and Assemblyman McArthur as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Steven Horsford.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:07 p.m.
Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Titus, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Gray, who was excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Spearman and Assemblywoman Monroe-Moreno to wait upon United States Representative Steven Horsford and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Steven Horsford, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Horsford and invited him to deliver his message.

Representative Horsford delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-SECOND SESSION, 2023

Good evening. Thank you so very much. It is an honor to be back here. I want to thank Speaker Steve Yeager and Majority Leader Nicole Cannizzaro for accepting my request to address the Nevada Legislature. Thank you to our Supreme Court justices, our state constitutional officers, and all of you for taking the time. I know this is a busy time—a month to go before *sine die*—and it is a great honor to be here as you commemorate the beginning of Asian American and Pacific Islander Heritage Month. I know there was a basketball game last

night. I heard there may be some sore members. While the Democrats may have come up a little short, it is great to see the camaraderie of that game and the charity you support continue.

It is great to be back here at the Nevada State Legislature. My first opportunity to serve in this body was as a legislative intern back in 1993, while attending college at the University of Nevada, Reno. I recall the opportunities that internship afforded me to learn the important role this body plays and that each of you contribute to make the state of Nevada, and the people in it, better. I also recall not having a proper tie and literally being supported by mentors who took me down the street to the local store to buy one so I could be on the floor. Years later, I returned to the Legislature, becoming only the fourth African American elected in the State Senate and then the first Black Senate Majority Leader. Fortunately, I was the first but not the last. It is great to see Attorney General Aaron Ford here and see all the great work he is doing.

During the six special sessions and four regular sessions I served, we were able to accomplish great work—work you all are continuing right now. Again, you have more or less 30 days to go, so I am not going to keep you long because I know you are tired and ready to continue that great work. But I want to underscore: You all are public servants, along with the staff who serve with you to make this institution work for the great people of the state of Nevada. I want to start by saying thank you for your service and for everything you do for the state of Nevada.

I am now in my third consecutive term, and fourth overall, in the U.S. House of Representatives. I am honored to have been elected Chair of the Congressional Black Caucus for the 118th Congress. The Congressional Black Caucus is the largest in our history, comprised of 58 members who are Representatives and Senators from all across this country, from every region and every ideological perspective. We are often cited as being the conscience of the Congress because we are able to work with our colleagues on both sides of the aisle to remind each other of the real and human impact of the legislative proposals we work to advance—from health care to reproductive justice, from veterans and military budgets to the investments in nutrition and retirement security for our seniors. I am now four months into my term, and while it is keeping me quite busy, I am honored to advance issues from voting rights to housing affordability, to equitable job creation and economic opportunity, to achieving public safety—whether from gun violence, police accountability, or confronting discrimination against anti-Semitism and anti-Asian hate. All of us should agree, regardless of party, all of our communities should be safe.

In the last Congress, we were able to accomplish many great legislative victories for our nation and for Nevada, like the Bipartisan Safer Communities Act. We have a real crisis in our nation and, sadly, right here in Nevada. The gun violence epidemic is taking countless lives, many of them our young people, inflicting great trauma on our community and our families. Pew Research reports that the number of children younger than 18 killed by guns has increased by 50 percent from 2019 to 2021. Children 12 to 17 accounted for 86 percent of all gun deaths for those younger than 18 in 2021. Thirty-three Nevada children aged 19 and younger died from guns in 2019.

Many of you know my personal story. I lost my father to gun violence while I was at college. I was a freshman. He was working at a convenience store when someone came in with a gun and shot him. I never got to say goodbye or tell him I loved him. For too many families, that is the reality they face every single day. That is why I have worked so hard to secure $250 million in community violence intervention funding and why I introduced the Break the Cycle of Violence Act. I was proud to see the community violence intervention programs included in the Bipartisan Safer Communities Act that we passed last Congress and that is now resulting in real community investments. In fact, my office recently hosted a workshop with nonprofits, organizations, and government entities here in Nevada on how we can tap our share of these resources. Our children must feel safe in school. Parents should feel safe sending them to school. This epidemic of school shootings, along with gun violence in general, must come to an end. I want to commend the work you all are doing in this Legislature to continue to make gun safety a priority.

Some of the other landmark bills we were able to see signed into law last Congress—like the Inflation Reduction Act, the Infrastructure Investment and Jobs Act, and the CHIPS [Creating Helpful Incentives to Produce Semiconductors] and Science Act—are all providing real returns for Nevada as well. The Biden-Harris Investing in America agenda is creating jobs and churning

our economy here in the Silver State, and I am proud of the work we will continue to do. In fact, since President Biden took office, nearly $8 billion in private corporate investment has been made here in Nevada. Thanks to the legislative efforts we passed in the last Congress and that the President has signed into law, we are creating good-paying jobs, boosting U.S. competitiveness, and rebuilding our infrastructure. It is no longer infrastructure week—infrastructure is finally coming to our communities.

Nevada, as you all know, is also poised to be at the forefront of our nation's clean energy economy. Lithium is essential to powering the electric vehicles of today and the future, and corporations know that. We look forward to working with these companies as they invest in Nevada. My only ask, when I talk to any of them, is to focus on jobs, focus on small businesses, and make sure the impact they make is sustaining and long-term. Do not come to Nevada if you are not willing to invest in the long-term benefit of our state.

Our state's unemployment rate is at 5.5 percent. We have added 239,300 new jobs, and we have seen 128,000 new businesses created here in Nevada. All across the state, we have seen 103 new projects funded thanks to the Bipartisan Infrastructure Law—projects like the Regional Transportation Commission of Southern Nevada getting $6.7 million to buy hydrogen fuel cell electric buses to reduce emissions and prevent health issues like asthma that disproportionately impact children and communities of color, and another $31 million investment in the Harry Reid International Airport, which is something we will all need because of all the great sporting and entertainment events on deck over the next couple of years.

Our legislation has also helped to lower real costs for Nevada families. Over 493,000 Nevada residents with Medicare will now benefit from the $2,000 yearly cap on out-of-pocket prescription drugs. This was my legislation that I have been pushing since 2019. It has real impact that is going to save seniors thousands of dollars a year. We also won against Big Pharma by capping insulin at $35 per month. Now companies are extending the benefit so that a 10-year-old child who needs insulin can also have the lifesaving medication they need to stay alive. Ninety-six thousand individuals in Nevada signed up for health insurance through the Affordable Care Act during the last open enrollment period for 2023. That is going to ensure they benefit from up to thousands of dollars per year in savings from lower health care premiums. I want to thank and commend this Legislature and ask you and the Governor to continue to prioritize efforts to keep Nevadans connected to their health coverage, either on Medicare or on the Affordable Care Act marketplace, so they can see their doctor, maintain the continuity of their health care, and avoid more costly care in hospital emergency rooms. Thank you for your leadership on this important issue.

The average new homeowner in Nevada will also save about $181 annually, or about 9.7 percent, on their utility bills if this body and local governments across our state use new grants to adopt the latest building energy codes. Nevada residents will be eligible to get 30 percent off solar panels, battery storage systems, heating and cooling upgrades, and weatherization, which can help them save hundreds of dollars every year on their energy bills. It is estimated that 75,000 additional Nevada households will install rooftop solar panels because of these new tax credits.

Over 191,000 Nevada households can access affordable, or even free, high-speed Internet through the Affordable Connectivity Program investments that were also made as a part of this work. I recently had the opportunity to bring one of the FCC [Federal Communications Commission] commissioners into my district and to speak directly with seniors at one of our housing facilities. Many of these residents are eligible—they just needed help signing up. I am here to remind people: If you are receiving SNAP [Supplemental Nutrition Assistance Program] benefits, free or reduced school lunches, social security checks, or housing vouchers, then you are likely eligible for this benefit. I want you to know that my staff is willing to partner with anyone to make sure we get people connected to this program because when they are connected to the Internet, they are connected for their health care, for their work, to help their child or grandchild with homework and, most importantly, to improve their quality of life.

I am also happy to hear about the efforts to create a lottery system for the state of Nevada, which has gotten further than any other efforts in years past. When I was in this body, I led the effort then to try and establish a lottery program for our state. I am proud to see the hard work of

my good friend, Assemblyman Cameron Miller, in leading this bill and to dedicate the funding for important investments, like access to mental health care.

I also want to applaud efforts to improve pay and benefits for state workers. As I mentioned earlier, we are all public servants, and so are many of our staff that support the work here in Carson City and in so many of our state and local government offices. A career in public service should be rewarded with good pay and good benefits, especially to keep from losing some of the great talent to the private sector.

I know you all have been working really hard to make progress on some important issues around housing, particularly with bills addressing transitional housing to help deal with the homelessness crisis that is very real throughout parts of our state. I recently had the opportunity to join U.S. VETS for the ribbon cutting of one of these much-needed facilities, the BETterment Community bridge housing program, which is serving 46 residents at a time, 184 people per year. It is more than just housing—it is getting them counseling and employment assistance and helping to get and keep these folks off the street with a roof over their heads.

Our efforts on housing need to be laser-focused. Residents in Nevada are really feeling the pinch of corporate speculators who are coming in and buying up homes, preventing veterans from using their VA [Veterans Affairs] loans to buy a home or preventing a first-time home buyer, who might be a single mom, from utilizing some of the homeownership programs we have all worked to encourage. These corporate speculators are paying cash and pricing out our working families. That is why I introduced HR 702, the HOME [Housing Oversight and Mitigating Exploitation] Act to address some of the issues that are making home buying more challenging. I know the people in my district in North Las Vegas, in the Windsor Park neighborhood, are seeing their homes literally sink into the ground. I applaud Senator Dina Neal for her proposal to help make sure all the families in this area, mostly Black and Latino families, all continue to have a roof over their heads in neighboring communities.

On Monday, I am convening the Tri-Caucus—the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus—for a summit on affordable housing in Las Vegas. We look forward to hearing recommendations that will help Nevadans, and we look forward to making the policies you all are advancing part of the national conversation to confront the crises of affordable housing and homelessness in our country.

We must continue to invest in our people. They need jobs. They need homes. Together, we can create the job training they need and the child care our families require to be able to work for and achieve the American Dream. We must focus on the economic success of our communities, where many of our constituents feel the most frustration toward government. They want to see our action on housing assistance, child care, the Child Tax Credit, and creating new jobs that improve their quality of life.

It was this place, this very Chamber, that gave me the mentoring—and, yes, the tie—I needed to be on this floor. I am extremely proud to continue to represent Nevada, and I want you to know that I will continue to work hard to make sure Nevadans have the support they need. Thank you so much for the opportunity to address you. I look forward to our continued partnership to deliver for all Nevadans. God bless you.

Senator Krasner moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Horsford for his timely, able, and constructive message.

Seconded by Assemblyman C.H. Miller.

Motion carried.

The Committee on Escort escorted Representative Horsford to the bar of the Assembly.

Assemblywoman Summers-Armstrong moved that the Joint Session be dissolved.

Seconded by Senator Hansen.

Motion carried.

Joint Session dissolved at 5:32 p.m.

ASSEMBLY IN SESSION

At 5:32 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Stubblefield and Justin Hopson.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Castellanos and Jeff May.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Ibarra and James Halsey.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Supple.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Ivester, Gary Boyle, and Jack Grey.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Adrian Hunt and Moises Denis.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Ann Peeples, Matt Justin, and Veronica Gasper.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb Chavez and Kristi Howard.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Flocchini.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy and Paul Anderson.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Angelyn Tabalba, Caren Royce Yap, and Germy Robnett.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Brandi Glass and Greg Esposito.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Brewer LaChapelle.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Pauline Lee and the following students, teachers, and chaperones from Carson Middle School: Ahmad Bachir, Alizabeth Johnson, Alma Gomez Barrios, Aninka Williams, Annalise Heinrich, Ashton Flakus, Ava Thornton, Ayesha Bilal, Bayli Cox, Brisa Gonzalez Pacheco, Celine Assad, Christopher Gregovich, Colbie Gragg, Corbin Hounsell, Denise Velazquez, Eder Martinez Gutierrez, Emmalina Alferez, Ethan Carrasco, Evan Benshoof, Felix Canedo, Gage Orrante, Greyson Jones, Hannah Maddox, Jackson Isom, Jasmine Gill, Jewel Ivy, Josephine Cusack, Kevin Klemetz, Keyla Velasquez, Kimberly Galindo, Liliana Dorio, Logan Davidson, Lorene Assad, Lucy Hoppe, Madalyn Foley, Matthew Warner, Meshaila De La O, Nikole Lawlor, Owen Kimzey, Rivka Williams, Samuel Robillard, Savanna Pace, Sawyer Aikenhead, Townes Buchanan, Valeria Villafranco Gomez, Viviana Chavez Ornelas, Wynni Batten, Zackariah Ponczoch, and Ziah Lampe Jorges.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Kalani Tissot.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Alessandro and Charley Zemp.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, May 8, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:33 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), May 8, 2023

Assembly called to order at 12:13 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Gavin Jarvis.

God, we come before You as the Creator who made the world and everything in it. You are the Lord of heaven and earth, and do not live in houses made by man. You have no needs. You give to all mankind life and breath and every good and perfect gift. Your word says that You have determined the times and the places that we live on this earth so that through Your kindness, we would seek the God who made us.

This means that these Assembly members are not here by accident, but that it is Your will for them to live in Nevada in 2023 and that to each of them You offer the good gifts necessary for them to fulfill their office this week, so that they would see Your goodness and that they would serve Nevada well.

And so for these Assembly members and all of their staff, I pray that the final weeks of this session would be marked by Your gracious gifts. I continue to pray for their health and endurance, for wisdom in all of the work being done in committees and on this floor, and that wherever they turn their attention, their decisions would lead to the wellbeing and welfare of our state and for each of their districts. Bless all of them as they continue their day with each other. I pray this in Jesus' name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 40, 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 171, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Concurrent Resolutions Nos. 4, 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which was referred Senate Bill No. 50, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEA BACKUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 4, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 4.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 5.

Resolution read.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Senate Joint Resolution 5 urges the United States Congress to expand the Supplemental Nutrition Assistance Program and the Special Supplemental Nutrition Program for Women, Infants, and Children to cover the purchase of menstrual products.

Roll call on Senate Joint Resolution No. 5:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Concurrent Resolution No. 4.

Assemblywoman Anderson moved the adoption of the resolution.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

I ask that this body adopt the Concurrent Resolution as it will honor a great Nevadan as well as somebody who has dedicated her life to our Chamber.

There was nothing quite like seeing Pat when you came into an office. I know many of us would recognize her if you saw a picture of her. There was always a twinkle in her eye; she was a little bit mischievous. That gentle smile was encouraging, which is an example of every educator who has ever lived. She was somebody who believed in everyone. She believed in the positives in life. She was the most caring individual you could possibly imagine. When I spoke with a few friends of hers, that is basically what came out. She had this patience—yet every once in a while, the Irish temper would come out, too, I am not going to lie. I saw it once or twice when I might have had a little bit too much to drink at a *sine die* party, but that is another story.

Pat Hutson was always a true professional. She knew the most important thing, though, was not just about the laws we were enacting but also the connection to each other. When you would ask her, Did you always want to be a teacher? She would come back with, Well, when I decide to grow up. She never grew up. She had this infectious love of people, and that is exactly why

she was a great teacher, a great friend, a great mother, and that is something we should all try to be. I ask that you support Senate Concurrent Resolution 4..

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 467—AN ACT making an appropriation to the Knowledge Account; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 468—AN ACT making appropriations to the Office of Finance in the Office of the Governor for certain costs related to the Enterprise Resource Planning System; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 469—AN ACT making an appropriation to restore the balance in the Stale Claims Account; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 470—AN ACT making an appropriation to the State Public Works Division of the Department of Administration for professional services and filing fees related to water rights associated with the Marlette Lake Water System; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 471—AN ACT making an appropriation to the State Public Works Division of the Department of Administration for the replacement of computer hardware and associated software; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 472—AN ACT making an appropriation to the Purchasing Division of the Department of Administration for the purchase of a warehouse building in Las Vegas, Nevada, to replace leased space; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 473—AN ACT making an appropriation to the Fleet Services Division of the Department of Administration for the replacement and purchase of vehicles; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 474—AN ACT making an appropriation to and authorizing the expenditure of money by the Commission on Ethics for the replacement of computer hardware and associated software; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 475—AN ACT making appropriations to the Department of Administration for certain activities and technology requirements of the National Judicial College and the National Council of Juvenile and Family Court Judges; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 464.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 534.

SUMMARY—Makes an appropriation to the Legislative Fund for costs relating to anticipated building renovations**~~.~~ and construction.** (BDR S-1107)

AN ACT making an appropriation to the Legislative Fund for the costs of ~~[~~advanced planning documents~~]~~ **project development and initial operating expenses** relating to anticipated building renovations ~~[,]~~ **and construction;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of ~~[~~$1,050,000,~~]~~ **$1,550,000,** for ~~[~~costs of advanced planning documents~~]~~ **project development and initial operating expenses** relating to anticipated building renovations ~~[.]~~ **and construction.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, and any portion of the appropriated money remaining must not be spent for any purpose after June 30, 2023, and must be reverted to the State General Fund on or before September 13, 2023.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 132.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:46 p.m.

ASSEMBLY IN SESSION

At 12:55 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Rich Hutson.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Guilds and Mary Ann Malkoff Guilds.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Pleasant Valley Elementary School: Adam Tinnin, Addison Keller, Ahleey Cox, Alex Reyes, Alyias Westfield, Alyssa King, Aubrey Smith, Aubrie Lyons, Autumn Huston, Ava Dockins, Avery Johnson, Ayla Bodensteiner, Ben Harnad, Blaze Culverwell-Callahan, Bodie Knight, Braddock Hurlbut, Bradley Bryant, Brody Sorenson, Cash Fine, Chris Taylor, Clara Nelson, Coltyn Russell, Connor Hynek, Daniel Farrar, Daniella Martinez, Duncan Lipkowitz, Emma Tartakoff, Emmit Jones, Farrah Vetrano, Finn Dionne, Gissell Ramirez Gallegos, Hailey Sheley, Hayden Downs, Jake Opperman, Jameson Kacher, Jaxson Amack, Josie Roth, Kaila Kanakoa, Krosbie Horigan, Liam Brady, Lizzy Serrano, Luna Bernal Hermosa, Luna Boege, Makinley Harns, Molly Koehler, Nick Davis, Owen Rotter, Payten Jones, Rohan Brantley, Rowan Webb, Ryan Phillips, Savannah Penman, Sofia Lovig, Sophia Serrano, Summer Lum, Tristan Brantley, Will Anderson, and Wyatt Brothers.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to M.J. Maynard.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, May 10, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:56 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), May 10, 2023

Assembly called to order at 11:55 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ken Haskins.

Our Heavenly Father, the Psalmist declares Your law to be perfect, refreshing the soul. Your statutes are trustworthy, making wise the simple. Your precepts are right, giving joy to the heart. Your commands are radiant, giving light to the eyes.

Lord, bless these legislators today with the knowledge, understanding, and wisdom needed to make good decisions on behalf of all Nevadans. I pray in Jesus' Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 37, 55, 62, 67, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 4.

Assemblywoman Summers-Armstrong moved the adoption of the resolution.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Assembly Concurrent Resolution 4 directs the Joint Interim Standing Committee on Government Affairs to conduct a study during the 2023-2024 interim of the use of polygraphic examinations on prospective government employees.

Resolution adopted.

Assembly Concurrent Resolution No. 6.

Assemblywoman Summers-Armstrong moved the adoption of the resolution.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Assembly Concurrent Resolution 6 directs the Joint Interim Standing Committee on Judiciary to conduct a study during the 2023-2024 interim relating to battery which constitutes domestic violence and is committed by strangulation.

Resolution adopted.

By Assemblymen Yeager, Jauregui and O'Neill:

Assembly Resolution No. 7—Adding former Assemblyman Peter "Pete" Livermore to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established a Wall of Distinction for those past members of the Assembly selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Peter "Pete" Livermore spent his career in public service tending to his community, improving the quality of life for generations of Nevadans through his work championing youth sports, safeguarding the Carson River watershed and fostering investments in the health and well-being of his constituents; and

WHEREAS, Pete's dedication to Nevada began after meeting his future wife, Laurie Bird, on a visit to Carson City while serving in the United States Marine Corps; and

WHEREAS, After moving to the Silver State and working as a mail carrier in Carson City, Pete embraced entrepreneurship, eventually owning three A&W Restaurants that became popular with local residents and State Legislators; and

WHEREAS, After several years in the private sector, Pete chose to devote his life to public service, sitting on numerous boards and commissions affecting public health, land use planning and quality of life for seniors, in addition to serving 2 years as Mayor Pro Tempore of Carson City; and

WHEREAS, Pete's sense of duty extended to coaching youth sports and serving as the president of the Carson City Youth Sports Association for 25 years; and

WHEREAS, During his 12-year tenure on the Carson City Board of Supervisors, one of Pete's proudest achievements was developing the Edmonds Sports Complex, a hub for youth sports which has since been renamed in his honor; and

WHEREAS, In 2010, Pete's passion for serving his community was put to work at the state level after winning election to the Nevada Assembly, where he advocated on behalf of the constituents of District No. 40 for two regular sessions; and

WHEREAS, While in the Assembly, Pete led the charge to preserve the 150-year-old Nevada State Prison, advancing signature legislation that affirmed its historical significance and paved the way not only for its revitalization as a state museum but also for its inclusion on the National Register of Historic Places; and

WHEREAS, Pete served in the Assembly with honor and distinction until his passing on October 20, 2014, and is remembered for placing the needs of his constituents and the people of Nevada first; and

WHEREAS, Pete was posthumously honored by the Carson Water Subconservancy District for his exemplary work protecting the Carson River watershed, including his furtherance of the Carson City Quality of Life Initiative, which expanded protection of the watershed and public access to outdoor recreation; and

WHEREAS, In addition to the measureless dedication he paid to his family, Pete is distinguished for having lived a life of meaningful service, for drawing upon his intelligence, wit and generosity to strengthen his community and better the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Peter "Pete" Livermore is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Pete's beloved wife, Laurie, and their children, Richard, Sheri and Jackie; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblyman O'Neill moved the adoption of the resolution.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

It is my distinct pleasure to rise in support of this resolution to honor former Assemblyman Pete Livermore with his introduction to the Assembly Wall of Distinction. It is an honor to remember the profound impact he had on the state and his home, Carson City.

Pete's entire life was dedicated to public service, giving back to his community. He was born in New Orleans, Louisiana, in 1941. At the age of 17, he joined the United States Marine Corps, where he served from 1958 to 1962 and reached the rank of Lance Corporal. While serving in the Corps and stationed at Pickel Meadows Marine Base near Bridgeport, California, Pete met his future wife, Laurie, who was working as a carhop at the local A&W Restaurant. Pete and Laurie fittingly had their first date on October 31, 1960, which is also Nevada Day and a huge celebration in Carson City. They would eventually welcome their three children—Richard, Sheri, and Jackie—and grandchildren into their busy lives.

The remainder of Pete's distinguished life was spent in service to his new home, Carson City, and the state of Nevada. Pete was a renowned businessman who owned three A&W Restaurants, a staple among Carson City residents and legislators. After several years in the private sector, Pete entered public service, spending 12 years on the Carson City Board of Supervisors. Pete spent a good portion of his time coaching youth sports, and he spent two decades as the president of the Carson City Youth Sports Association. One of Pete's greatest contributions to this city was the development of the sports complex, now honorably named the Pete Livermore Sports Complex.

Pete was elected in 2010 to represent District 40 in the Legislature, where he served with distinction until his passing in 2014. One of Pete's priorities was to protect the environment surrounding his community. In 1996, Pete was a champion of the Quality of Life Initiative, known as Question 18 here in Carson, which provided funding to improve parks, sports fields, and other recreational facilities. The funding was vital for preserving the Carson River watershed. Pete's signature legislation turned the Nevada State Prison into a state museum, which is now recognized on the National Register of Historic Places. Pete was also dedicated to improving the health of his community, serving as a trustee of Carson Tahoe Hospital for 26 years.

While he was a dedicated public servant, he was also an avid outdoorsman and enjoyed spending time with family and friends in the wide-open spaces of rural Nevada. Pete is remembered for his intelligence, integrity, and many years of service to the state and to Carson. I ask that you join me in supporting this resolution.

Resolution adopted.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 12:10 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

By Assemblymen Yeager, Jauregui and O'Neill:

Assembly Resolution No. 8—Adding former Assemblywoman Barbara E. Buckley to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established a Wall of Distinction for those past members of the Assembly selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Barbara E. Buckley has devoted her career to uplifting Nevada's most vulnerable populations, applying her intelligence, fortitude and passion for advocacy while serving this State and becoming the first female speaker of the Assembly; and

WHEREAS, Barbara's drive to correct injustice is channeled in her legal work, which began after she discovered her passion for law in the early 1980s while working as a legal secretary in Las Vegas; and

WHEREAS, As a first-generation college student, Barbara graduated from the University of Nevada, Las Vegas, and developed her legal expertise at the University of Arizona Law School, earning her Juris Doctorate summa cum laude as well as receiving an award for outstanding female law graduate of 1989; and

WHEREAS, Barbara's commitment to public service and pursuing justice blossomed while in law school, where she founded the Public Interest Law Organization and, after graduating, the Domestic Violence and Children's Attorneys Project, the first legal program to specifically assist victims of domestic violence and abuse in Clark County; and

WHEREAS, Barbara's legal career advanced in 1996 when she was named Executive Director of Clark County Legal Services, now the Legal Aid Center of Southern Nevada, a nonprofit organization dedicated to providing access to justice for low-income children and adults in Clark County; and

WHEREAS, Barbara's call to service brought her to the Nevada Legislature in 1994, where she served her constituents in the Nevada Assembly for 8 regular sessions and 10 special sessions while shaping legislation that promoted child welfare and expanded access to affordable housing for low-income seniors; and

WHEREAS, During her legislative tenure, Barbara advanced women's participation in Nevada politics, making history by becoming the first woman to serve as Majority Floor Leader, from 2001 to 2007, and the first woman to serve as Speaker, from 2007 to 2010; and

WHEREAS, Under Barbara's leadership, the Assembly passed legislation strengthening consumer protections and promoting economic growth, including payday loan protections and creating the Office for Consumer Health Assistance and the Nevada Foreclosure Mediation Program; and

WHEREAS, Through her historic leadership in the Assembly and prolonged investment in the legal community of this State, Barbara will be remembered for improving the lives of countless Nevadans, particularly those most in need of advocacy; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That for her 16 years of service in the Assembly and for her steadfast dedication to the State of Nevada, Barbara E. Buckley is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to former Assemblywoman Barbara E. Buckley; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblyman Yeager moved the adoption of the resolution.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

It is my distinct pleasure to rise in support of this resolution to honor former Speaker Buckley with her induction into the Assembly Wall of Distinction. I do want to note that I have a copy in front of me of Assembly Resolution 6 from the 2005 Session, which created the Wall of Distinction. I will note that Speaker Buckley is a sponsor on that piece of legislation, as is Speaker Perkins, who is joining us on the floor, so we have indeed come full circle.

I want to tell you a little bit about Speaker Buckley. I know many of you know her. It was really hard to cut these remarks down to three minutes, but I will try my best, Madam Speaker pro Tempore.

Barbara was born in Philadelphia, but she did what many of us did. She visited Las Vegas, and she fell in love with the Silver State and moved here in 1981. She began working as a legal secretary and discovered her passion to pursue a career as an attorney. While attending the law school at the University of Arizona—because we did not have one yet in Nevada—she founded the Public Interest Law Organization, which provided legal services to those who could not

afford it. She was awarded the outstanding female law graduate for 1989 at the University of Arizona and received the Dannie Lee Chandler Award for promoting the First Amendment in law school.

If I can be honest about it, Barbara is smart—really smart—and she is very hardworking, as you know. After law school, Barbara returned to Las Vegas, as most of us do, and eventually was named the Executive Director of the Legal Aid Center of Southern Nevada. Under her leadership, the Legal Aid Center established a partnership with the William S. Boyd School of Law to teach legal classes to the public. She expanded the services of the center to include the first legal programs that assist victims of domestic violence and child abuse in Clark County.

Barbara was first elected to the Assembly in 1994 and, of course, she was recognized as an outstanding freshman. She quickly demonstrated her prowess and leadership as she was chosen to be the Assistant Majority Leader during her second term in the Assembly. She held that position until she was asked to serve as the Assembly Majority Floor Leader in 2001, the very first woman to hold that position in the state of Nevada. But Speaker Buckley was not done trailblazing for the women of Nevada, as she was the very first—but not the last—woman to be chosen Speaker of the Assembly in 2007, serving two terms in that position.

During her esteemed legislative career, Speaker Buckley tackled issues facing health care and notably helped pass the Nevada Patient Protection Act. She championed legislation to address affordable assisted living for seniors, child welfare, medical malpractice, and prescription drug pricing. She organized the very first public-private partnership between the Housing Division, Harrah's, and the Bureau of Land Management that became the first in Nevada to serve the low-income senior citizen assisted living community.

Many personal and professional awards have been bestowed upon her, which would take way more than three minutes to tell you about, but here are just a few of them: Legislator of the Decade; Best Public Servant; Assemblywoman of the Year; Best Local Politician; my personal favorite, the Best Reason Not to Lose Faith in the Legislature; Consumer Advocate of the Year; and Best Assemblymember for five straight legislative sessions.

Speaker Buckley was once quoted as saying, "Our goal is to represent every abused child. We are not going to rest until every child has a voice." That is quintessentially Barbara Buckley. She does not rest in the face of injustice. She digs in deeper and works harder and smarter than anyone else in the room. As a body and as a state, we owe a debt of gratitude to Speaker Buckley for the progress she brought to Nevada and to this Chamber.

She has been a friend and mentor to me. I look around this Chamber, and I see a lot of you here who could say the exact same thing about Speaker Buckley. It is an honor to speak to this resolution this afternoon, and I ask you to please join me in supporting this resolution.

Resolution adopted.

Madam Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:20 p.m.

ASSEMBLY IN SESSION

At 12:21 p.m.
Mr. Speaker presiding.
Quorum present.

Senate Joint Resolution No. 7.
Resolution read.
Remarks by Assemblymen Jauregui, Hansen, La Rue Hatch, Gray, Gallant, and Monroe-Moreno.

ASSEMBLYWOMAN JAUREGUI:

Senate Joint Resolution 7 proposes to amend the *Nevada Constitution* to establish a fundamental right to reproductive freedom; authorize the state to regulate abortion care after fetal viability; and prevent the state from penalizing, prosecuting, or taking any other adverse action against an individual based on the outcome of a pregnancy, a provider of health care under certain circumstances related to reproductive freedom, or an individual or entity for aiding or assisting another individual in exercising the individual's right to reproductive freedom.

I rise in support of Senate Joint Resolution 7. For generations, a woman's right to reproductive health care has been considered settled law by Americans across the political spectrum. As a nation, our legal system recognizes that abortion action was body autonomy and a fundamental human right. Then, more than 50 years of tried and tested legal precedent was overturned. Overnight, millions of women in America no longer have the freedom to control their own bodies. Our rights and our freedoms are in peril. Right now, millions of women live in 18 states that have enacted extreme abortion bans, but it is not just abortion bans. Antiabortion politicians and activists have also been criminalizing birth control, fertility care, and miscarriage management. This includes many states bordering Nevada, such as Idaho, Utah, and Arizona, with bans that force women and their families to travel to our state to address their fundamental health care needs. But in Nevada, we will never allow reproductive freedom to be rolled back.

I urge all of my colleagues to support Senate Joint Resolution 7.

ASSEMBLYWOMAN HANSEN:

I rise in opposition to SJR 7. In 1990, Nevada voters affirmed by state referendum protections of abortion access up to 24 weeks, and after 24 weeks in a hospital when it is necessary to preserve the life or health of the mother. Nevada has some of the most unrestricted abortion laws in the nation. Additionally, parental notification is not even required for a minor receiving an abortion in Nevada. So, why SJR 7?

Senate Joint Resolution 7 is an expansion. It seeks to insert into Article 1 of our *Constitution* a laundry list of reproductive medical services. It also seeks to give immunity to those persons and facilities that perform abortions. In a disturbing amendment, it now strikes informed consent. Why? When is less information ever a good idea? Is medically accurate information based on best available science not in the patient's best interest, and is giving consent to medical procedures not a good thing? Again, I ask, Why SJR 7? Nothing has changed the legality of access to abortion rights here in Nevada since the *Dobbs* decision [*Dobbs v. Jackson Women's Health Organization*, 597 US __ (2022)]. Why? Because of the 1990 referendum backstop protections.

Fearful hypotheticals of this expansion are disingenuous. Nothing we do here in this body can alter the referendum protections. When I say nothing has changed, I mean nothing. Yes, even minors are still getting abortions without parental notification before *Dobbs* and after *Dobbs*. Ironically, in Nevada law, minors cannot get their ears pierced or get a Tylenol at school without parental consent. Now, this too could be enshrined in our state *Constitution* as a fundamental right. Again, I ask, Why SJR 7?

Article 1, Section 20 of the *Nevada Constitution*, titled "Rights retained by people," has what is referred to as the saving clause—do not worry, I am not going to read the whole book. This is from Section 20, rights retained by the people: "This enumeration of rights shall not be construed to impair or deny others retained by the people."

> The federal Bill of Rights and Article 1 of the Nevada Constitution therefore do not confer rights but protect those that the people already possess. Since it is impossible to list all of those rights, this section saves for the people all those rights that they possess but that are not explicitly listed here. [Bowers, Michael. *The Nevada State Constitution: A Reference Guide*. Greenwood, 1993.]

Senate Joint Resolution 7 is duplicative in regard to certain protections already protected, but most worrisome is its expansiveness and the intent behind removing its informed consent protections required everywhere else in the medical field. I urge my colleagues to vote no.

ASSEMBLYWOMAN LA RUE HATCH:

I rise in support of SJR 7. Today, I strongly urge my colleagues to support this resolution because it is needed now more than ever. Things have changed dramatically. The Supreme Court has altered the landscape of access to medical care across our nation. Our state, among many other states, is being tested on whether we will stand up for reproductive and medical freedom for Nevadans. Decisions about our health care, especially our reproductive health care, should be between a doctor, a patient, and those they trust. This constitutional amendment will go to the people, and they can raise their voices once again and reaffirm our commitment to the rights of Nevadans to make choices about their own bodies.

I urge all of you to support SJR 7, because our freedom and our bodily autonomy must be protected.

ASSEMBLYMAN GRAY:

I rise in opposition to SJR 7. Most of you in this body probably do not want to hear from a man on this issue, but I believe that as a man and as a father, we need to speak up more about this issue specifically.

Since 1990, abortion up to 24 weeks into pregnancy has been protected in the state of Nevada. This can only be changed by a ballot initiative from the voters in which a majority of Nevadans vote to change these abortion protections. In 2021, polling by the Associated Press found that only 34 percent of Americans believe abortion should be legal into the second trimester, with approval dropping off below 20 percent in the third trimester. Senate Joint Resolution 7 does two very destructive things: First, it takes away the people's power to change abortion laws, should they ever desire to, and second, it expands existing abortion protections up to birth—far, far beyond where most Americans believe protections should extend. In other words, all SJR 7 does is set a new, extremely liberal protection for abortion and make it more difficult for Nevada voters to adjust those radical new abortion protections.

Given the controversial nature of this issue, I see no legitimate reason why, as the people's representatives, we should enshrine—I am sorry. I am really nervous about this one. This really hits home for me. I see no reason why, as the people's representatives, we would enshrine such an extreme expansion into our state *Constitution* and revoke the voters' right to change the law. That is my view on the legal and political side of this issue.

Now for a much more personal issue regarding the topic of abortion—I understand and recognize the fact that many of you view abortion, to one extent or another, as a necessary evil. I must say that I respectfully disagree with you. Many people whom I have personally known—many men and women whom I call my friends and family—barely escaped abortion when they were in the womb. By grace alone and against all odds, my own mother decided not to abort me. It was the late 1960s. She was a single mother of four other children. She was under extreme pressure from family and friends. I like to think that I have had a good impact on this world. If I were not here, my kids would not be here. A lot of my family would not be here. I thank God every day for that. Also, my own niece, who many of you met when I was sworn in here, would not be here if her biological mother had chosen a different route, which she was well on her way to doing before she was greeted with the idea of adoption.

What worries me is that our culture at large—I do not mean to impugn anybody in this room because I do have the utmost respect for you. You have stood up and answered the call to serve your state. Some have moved even further beyond the "necessary evil" view of abortion and see that the practice of abortion is inherently good and worthy of celebration. I cannot and will not view it as anything other than evil. On the record, Mr. Speaker and fellow Assembly members, I would like to say that abortion never will be inherently good. Again, it is only evil.

For all these reasons, I am entirely opposed to SJR 7.

ASSEMBLYWOMAN GALLANT:

I stand in opposition to SJR 7. I have grappled with this vote that I am told I have to cast today. Voting on SJR 7 as written has placed me in an impossible position. I want to vote to protect women's fundamental right to have full autonomy over how they birth their baby into this world. That was the freedom I had—how I wanted to allow my babies to be born. The freedom to birth how I wanted allowed my babies to be born to a mother who was free from stress and state-regulated coercion and full of peace, so my love could wrap them up as they entered into their new

world. To this day, when I think of that experience, I am transported back in time and can relive every beautiful moment of that process. It was one of the most profound moments of my life. The opportunity to protect that for other women is one of those moments you never ever believe you will have, but once presented, it is hard to turn your back on.

Voting yes would feel like I am thumbing my nose up at Nevadans who expressed their will in 1990, when Nevada voters passed a referendum safeguarding the state laws legalizing abortion with the express direction of protecting it up to 24 weeks. Regardless of how I feel about abortion—or how any of you feel about abortion—SJR 7 says to the voters, We do not care about protecting your vote or the parameters in which you made it. Senate Joint Resolution 7, if sent to the ballot, places women in the most impossible position—either vote in favor of birthing freedom while removing the very limits on abortion that this body promised would be protected, or vote against birthing freedom to protect the 1990 vote this body promised it would honor. I cannot in good conscience place any Nevadan in this position that I have painfully struggled with over the last month and have sleeplessly wrestled with over the last 24 hours.

Today, I ask all of you to vote no and request that this resolution be split into two resolutions so that the voters can vote separately on these two separate issues. This is not about abortion. Rather, this is about upholding our oath to our constituents to allow serious consideration on these issues that have life-altering consequences. Voting no would demonstrate our trust in our constituents to have healthy debate and empower them to decide how they want to protect their rights, their freedom, and their vote.

ASSEMBLYWOMAN MONROE-MORENO:

As a mother and grandmother, I rise in support of Senate Joint Resolution 7 for all of Nevada's women. Less than a year ago, the United States Supreme Court struck down *Roe v. Wade* [410 U.S. 113 (1973]. In a single decision, nearly 50 years of judicial precedent was overturned, rolling back the rights of women across our nation. Women now have less rights than they did in 1975. This ruling was devastating for women across America and right here in Nevada because our right to choose was, and still is, under attack like never before. It endangers our health and our well-being, and it strips us of our most fundamental rights.

Senate Joint Resolution 7 ensures that everyone in our state is protected in the strongest possible way from ever being denied reproductive health care and from being prosecuted for addressing their reproductive needs. It will protect not just the right to abortion, but a person's right to privacy and the right to obtain birth control, prenatal care, postpartum care, miscarriage management, fertility care, and more.

We know this attack on reproductive freedom is far from over. We cannot take our statutory protections for granted, which is why we must pass SJR 7. Nevadans deserve to have a say in protecting their reproductive freedoms in the strongest possible way. I urge all my colleagues to support this piece of legislation.

Roll call on Senate Joint Resolution No. 7.

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 476—AN ACT making appropriations to and authorizing the expenditure of money by the Aging and Disability Services Division of the Department of Health and Human Services for the replacement or purchase of computer hardware and associated software and door locks; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 477—AN ACT making appropriations to and authorizing the expenditure of money by the Department of Transportation for the replacement of the Nevada Shared Radio System; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 478—AN ACT making an appropriation to the State Emergency Response Commission for the replacement of computer hardware and associated software; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 479—AN ACT making appropriations to the State Board of Parole Commissioners for the replacement of computer hardware, software and related equipment and licenses to upgrade a computer operating system; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 480—AN ACT making an appropriation to the Interim Finance Committee to allocate to certain state agencies to implement language access plans; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 481—AN ACT making an appropriation to the Account for the Nevada Main Street Program; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 482—AN ACT making appropriations to the Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration for the replacement of an information technology service management provider and computer hardware and associated software; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 483—AN ACT making an appropriation to the Workforce Innovations for a New Nevada Account; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 484—AN ACT making an appropriation to the Office of Economic Development in the Office of the Governor for the support of designated regional development authorities; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 485—AN ACT making an appropriation to the Legislative Fund for capital improvement projects for facilities and information technology services projects; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 486—AN ACT making appropriations to the Division of State Library, Archives and Public Records of the Department of Administration for the replacement of computer hardware and associated software and the purchase of digitization equipment and technology; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 487—AN ACT making an appropriation to the Office of Information Security of the Division of Enterprise Information Technology Services of the Department of Administration for the replacement of computer hardware and associated software; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 488—AN ACT making appropriations to the Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration for the replacement of computer hardware and associated software, the replacement of components of a security firewall and security upgrades to mountaintop microwave sites; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 489—AN ACT making appropriations to the Office of Finance in the Office of the Governor for the replacement of furniture and certain equipment; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Yeager:

Assembly Bill No. 490—AN ACT relating to economic development; authorizing the creation of an academic medical district in a contiguous area that meets certain requirements; requiring the governance of an academic medical district by a board of directors; prescribing the conditions and procedure for the dissolution of an academic medical district; authorizing the creation of a tax increment area and the issuance of bonds and other securities for certain projects within an academic medical district; authorizing an academic medical district to engage in certain other activity; requiring an academic medical district to report certain information to a participating governmental entity; prescribing the proper venue for an action against an academic medical district; authorizing a governmental entity to convey certain property rights to an academic medical district; authorizing a business located in an academic medical district to receive a partial abatement of certain taxes under certain conditions; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 491—AN ACT making appropriations to the Nevada System of Higher Education for enrollment recovery at certain institutions within the System; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 492—AN ACT making appropriations to the Nevada System of Higher Education for the renewal of certain technology leases and the replacement of certain technological equipment; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 493—AN ACT making an appropriation to the Nevada System of Higher Education for an interim study of the funding formula for the System; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 494—AN ACT making an appropriation to the University of Nevada, Reno, for the addition of weighted student credit hours resulting from the acquisition of Sierra Nevada College; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 495—AN ACT making appropriations to the Nevada Highway Patrol Division of the Department of Public Safety for the replacement or purchase of vehicles, motorcycles, weapons and certain equipment and a staffing study; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 496—AN ACT making appropriations to the Department of Public Safety for costs related to the Joint Emergency Training Institute and the replacement or purchase of computer hardware and associated software, radio equipment and certain weapons; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Bilbray-Axelrod:

Assembly Bill No. 497—AN ACT relating to education; authorizing a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 40.

Bill read second time and ordered to third reading.

Senate Bill No. 50.

Bill read second time and ordered to third reading.

Senate Bill No. 171.

Bill read second time and ordered to third reading.

Senate Bill No. 441.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 464.

Bill read third time.

Roll call on Assembly Bill No. 464:

YEAS—35.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hibbetts, McArthur—7.

Assembly Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to David Goldwater.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Combs.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Whitley and Shannon Litz.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Alexa Lopez, Alexis Avilla, Amisabell Rojas, and Jenny Hunt.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Brown and Richard Perkins.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Bailey Bortolin and John Sasser.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Chad Fawley.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to David Nanez Vasquez, Juliana Medina Mora, and Yareli Roman-Solorio.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Avila Garcia.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Pattison.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Osborne.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Mendivil Reynoso, Ariana Jerez, and Jimmy Tucker.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to John Oceguera and Maggie Carlton.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Leslie, Earline McGrannahan, Martha Damon O'Neill, and the following students, from Mariposa Honors Academy: Alexa Lopez Herrera, Alexis Avila Garcia, Allison Mendivil Reynoso, Amisabell Rojas Valles, Ariana Jerez, David Nanez Vasquez, Jimmy Tucker, Juliana Medina Mora, and Yareli Roman-Solorio.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Alfredo Alonzo.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Norman.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Stevens.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Lauri Livermore, Sheri Niethold, Krista Niethold, Jackie Nelson, and Greg Nelson.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Willden.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Cruz.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Buckley.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, May 11, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), May 11, 2023

Assembly called to order at 11:58 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Gavin Jarvis.

God, Blessed is Your Name for ever and ever; wisdom and power are Yours. You are the one who is responsible for the changing of times and seasons. Everyone in this room experiences this as our state leaves a long winter and goes into a beautiful spring. We see this in the passage of time as our families grow up and our friendships grow deeper. We see this in the ways that You care for the welfare of our state by raising up leaders to pass laws and represent those that call Nevada home.

As You have gifted each of these Assembly members with wisdom for this purpose, I pray that You would remove brain fog, tiredness, lack of clarity, or confusion because You are not a God of disorder and chaos but a God of peace and of sound mind. You are the God who invites those who lead in government to come to You humbly and with their needs, and in response You give knowledge and strength for the task at hand. Bless these Assembly members with knowledge and strength. We gain confidence that You will be faithful to this promise in how You have given these gifts to those that have gone before us.

Provide, my God, for the needs of every Assembly man and woman in this room, for their families, and for the staff that works closely with them. Show Your strength and wisdom in their lives. In Jesus' Name I pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of May 11, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

THE NEVADA INDEPENDENT: Howard Stutz.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 171 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 498—AN ACT relating to the Public Employees' Retirement System; revising the calculation of contribution rates to the Public Employees' Retirement System from state employees and employers; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 499—AN ACT making a supplemental appropriation to the Office of the Governor for an unanticipated shortfall related to personnel expenses; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 500—AN ACT making a supplemental appropriation to the Office of Finance in the Office of the Governor for an unanticipated shortfall related to costs associated with the preparation of the statewide cost allocation plan; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 501—AN ACT making a supplemental appropriation to the Aging and Disability Services Division of the Department of Health and Human Services for an unanticipated revenue shortfall; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 502—AN ACT making a supplemental appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services for an unanticipated revenue shortfall and an increase in operating costs; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 503—AN ACT relating to background checks; revising provisions authorizing a person to petition certain professional or occupational licensing boards or public officers to review his or her criminal history and determine whether the person is able to obtain a particular license, permit, certificate, registration or qualification; prohibiting certain professional or occupational licensing boards, public officers and regulatory bodies from including information concerning the criminal history of a person in certain reports submitted to the Director of the Legislative Counsel Bureau and the Sunset Subcommittee of the Legislative Commission, as applicable; establishing requirements relating to investigations into the criminal backgrounds of volunteers of a charter school, university school for profoundly gifted pupils or school district who are likely to have unsupervised contact with pupils; removing provisions authorizing the disclosure of information relating to the criminal history of an applicant for a license as a teacher or another educational personnel position to the administrator of a private school; removing certain requirements imposed on the Department of Education regarding persons whose applications for a license are denied because of a conviction of a sexual offense involving a minor; revising provisions concerning applicants for employment with a school district who are required to submit fingerprints to the school district; removing provisions requiring an applicant for employment with or employee of a private school or volunteer to submit fingerprints to the administrator of the private school and accordingly repealing provisions concerning exceptions to such a requirement; requiring applicants for various licenses, certificates, registrations, permits or similar types of authorization to submit to the applicable regulatory body a complete set of fingerprints and written permission authorizing the applicable regulatory body to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; removing the applicability of certain requirements to applicants for a license to practice any of the special branches of dental hygiene, dental therapy or dentistry; defining the term "dentistry"; revising provisions of the Psychology Interjurisdictional Compact concerning the disclosure of certain information relating to licensed psychologists; defining certain terms relating to reports on the criminal history of certain persons associated with medical laboratories, medical cannabis establishments and adult-use cannabis establishments; repealing certain provisions relating to regulatory bodies; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 504—AN ACT making appropriations to and authorizing the expenditure of money by the Office of Economic Development in the Office of the Governor for the replacement of computer hardware and associated software and the costs of office furniture, communication services, certain staff certification and office modification; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 505—AN ACT making appropriations to and authorizing the expenditure of money by the Department of Veterans Services and the Veterans Home Account for the replacement of computer hardware and associated software, the purchase of information technology peripheral devices and the performance of certain projects; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 506—AN ACT making appropriations to the Division of Enterprise Information Technology Services of the Department of Administration for the replacement of an information technology investments tracking system and computer hardware and associated software; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 507—AN ACT making appropriations to the Department of Corrections for a staffing study and the replacement and purchase of computer hardware and software and various types of equipment, vehicles and systems; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 508—AN ACT making appropriations to the Division of Parole and Probation of the Department of Public Safety for the replacement of computer hardware and associated software, radio equipment, certain weapons and an information technology system; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 509—AN ACT making appropriations to the Investigation Division of the Department of Public Safety for the replacement of vehicles, radio equipment, cameras, computer hardware and associated software and certain weapons; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 510—AN ACT making appropriations to the Department of Motor Vehicles for the replacement or purchase of computer hardware and software, office furniture and equipment; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 511—AN ACT making appropriations to the Division of Public and Behavioral Health of the Department of Health and Human Services for the replacement of computer hardware and associated software, the replacement of office furniture and equipment and deferred maintenance projects; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 512—AN ACT making appropriations to and authorizing the expenditure of money by the Division of Welfare and Supportive Services of the Department of Health and Human Services for certain information technology upgrades and projects; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 37.

Bill read second time and ordered to third reading.

Senate Bill No. 55.

Bill read second time and ordered to third reading.

Senate Bill No. 62.

Bill read second time and ordered to third reading.

Senate Bill No. 67.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 40.

Bill read third time.

Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:

Senate Bill 40 changes the name of the document issued by the Housing Division of the Department of Business and Industry from a "certificate of ownership" to a "certificate of title."

Roll call on Senate Bill No. 40:

YEAS—42.

NAYS—None.

Senate Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 50.

Bill read third time.

Remarks by Assemblyman Gray.

ASSEMBLYMAN GRAY:

To ensure compliance with the Streamlined Sales and Use Tax Agreement, of which the state of Nevada is a member, Senate Bill 50, in its first reprint, revises the process through which members of the Nevada National Guard who are on active status and who are residents of this state, and certain relatives of such members of the Nevada National Guard, can claim an exemption from sales and use taxes on purchases that occur on the date on which Nevada Day is observed or the immediately following Saturday or Sunday.

Senate Bill 50 revises the process to require the certain eligible members of the Nevada National Guard and their relatives to pay the full amount of sales taxes to the retailer and submit a request for refund to the Department of Taxation after the purchase, including a copy of the letter of exemption and a copy of receipts of eligible purchases.

Roll call on Senate Bill No. 50:

YEAS—42.

NAYS—None.

Senate Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Senate Bill 441 repeals the entirety of SB 4 of the 32nd Special Session, which was enacted in response to the declaration of public health emergencies due to Coronavirus and a Declaration of Emergency issued by the Governor for the Coronavirus Disease of 2019. The bill also declares void any regulations adopted by the Director of the Department of Health and Human Services or a district board of health pursuant to SB 4.

The bill also clarifies that the repeal of SB 4 does not apply to certain causes of actions or claims arising, or the suspension of certain business licenses occurring, before the effective date of this bill, and the limitations on civil liability of certain businesses contained in S.B. 4 do not apply to any cause of action or claim arising on or after the effective date of this bill.

Roll call on Senate Bill No. 441:

YEAS—33.

NAYS—Anderson, Cohen, Considine, D'Silva, Duran, La Rue Hatch, Orentlicher, Summers-Armstrong, Thomas—9.

Senate Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlin Scruggs.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Margaritte Bouffard.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Barron.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Nate Jones.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Julianna Garcia and Mariness Solis-Delfin.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Digesti and Sena Lloyd.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones of Freedom Classical Academy: Addison Parker, Anthony Membreno, Ayden Robertson, Haylee Meneses, Jada Shropshire, Jakob Tejada, Jaziyah Lewis, Jose Sandoval, Joseph Morgan, Kaylen

Meneses, Kenneth Leavett, Maverick Mazar, Michael Ruelas, Nicole Han, Noah Placsencia, Ocean Ortiz, Victoria Goodrich, Zachary Major, and Zoey Barnabi.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, May 15, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:22 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 15, 2023

Assembly called to order at 11:51 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Backus, who was excused.

Prayer by the Chaplain Craig Swope.

Father, we gather today to serve. May we never lose our heart for service. Help us to never forget why we are here. The temptation to serve ourselves is always with us. Help us to be purposeful in finding ways to serve. Let us assume there is something we can do. Let us assume that we can make a difference, and with those assumptions, help us make a difference for those we serve. Let us be an example for service and not self. We ask this in your Son's Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 210, 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 2, 3, 8, 16, 18, 21, 25, 87, 169, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 27, 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 42, 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 406; Senate Joint Resolution No. 7 of the 81st Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHELLE GORELOW, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 513—AN ACT relating to foreclosure mediation; eliminating the foreclosure mediation program; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 404.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 404 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 37.

Bill read third time.

Remarks by Assemblywoman Summers-Armstrong.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG:

Senate Bill 37 authorizes an attorney employed by the state of Nevada, or any agency or political subdivision of the state, to act as a neutral third-party mediator to help parties resolve a dispute or other matter providing the attorney has the permission of his or her supervisor, the involved parties have no conflict of interest with the attorney's employer, the mediation is provided through or in association with an organization that provides such services, the attorney receives no compensation for such service, and the attorney complies with the Nevada Rules of Professional Conduct.

Roll call on Senate Bill No. 37:

YEAS—41.

NAYS—None.

EXCUSED—Backus.

Senate Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 55.

Bill read third time.

Remarks by Assemblywoman La Rue Hatch.

ASSEMBLYWOMAN LA RUE HATCH:

Senate Bill 55 cleans up language related to the courts, specifically regarding minimum wage for community service and court titles.

Roll call on Senate Bill No. 55:

YEAS—41.

NAYS—None.

EXCUSED—Backus.

Senate Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 62.

Bill read third time.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:

Senate Bill 62 relates to the Commission on Judicial Discipline, clarifying the jurisdiction of the Commission and the State Bar of Nevada with regard to judges who are licensed to practice law in this state.

Roll call on Senate Bill No. 62:

YEAS—41.

NAYS—None.

EXCUSED—Backus.

Senate Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 67.

Bill read third time.

Remarks by Assemblyman Gray.

ASSEMBLYMAN GRAY:

Senate Bill 67 revises the definition of "sexual offense" in statutes relating to parole to conform to the definition elsewhere in the *Nevada Revised Statutes* with the effect of ensuring that persons who have been convicted of certain sexual offenses but who are not currently subject to related provisions governing parole will be subject to these provisions going forward.

Roll call on Senate Bill No. 67:

YEAS—41.

NAYS—None.

EXCUSED—Backus.

Senate Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 171.

Bill read third time.

Remarks by Assemblymen Jauregui, Gurr, and Peters.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 171 prohibits a person from purchasing, owning, or having in possession, control, or custody a firearm if the person has been convicted in the immediately preceding ten years of

committing or attempting to commit an offense that is a gross misdemeanor constituting a hate crime under Nevada law.

ASSEMBLYMAN GURR:

I rise in opposition to Senate Bill 171. Senate Bill 171 is a bill that restricts Second Amendment rights and was rammed through during only one public hearing, which minimized public participation regarding extremely controversial issues, limiting Second Amendment rights through vague and ambiguous definitions of hate crimes. The bill adds, I think, nonviolent hate crimes to the list of offenses with which someone can lose their Second Amendment rights. We already have laws restricting violent criminals from purchasing firearms in Nevada, thus I believe the letter of the law is already satisfied by existing statute. We already have laws designed to keep guns out of the hands of the same violent criminals that would fall under this law.

The only effective change in SB 171 would be to add nonviolent hate crimes to legal precedent. Considering our First Amendment rights and how many other countries have lost their free speech rights to hate speech laws, I believe this is a very dangerous precedent to set. I would add that if this body would expend more time, energy, and resources to resolving our huge mental health issues and our revolving-door legal system, we may have an impact in the future on these issues without passing any more duplicative laws.

ASSEMBLYWOMAN PETERS:

I rise in support of SB 171. Today, we have an opportunity to reaffirm our promise that hate has no home here in Nevada. Senate Bill 171 is a commonsense measure that will prevent criminals convicted of hate crimes from having access to firearms, which they could use to commit further crimes. We know that not only is gun violence on the rise but also, too, are hate crimes. As the Vice Chair of the LGBTQ+ Caucus, I am particularly disturbed by the fact that members of the LGBTQ+ [lesbian, gay, bisexual, transgender, queer/questioning, plus] community are the second most likely group to be victims of hate crimes. Hate crimes are committed against the marginalized and the vulnerable, those we have a duty to protect. I urge you all to join me in supporting Senate Bill 171 to create a safer and more inclusive Nevada.

Roll call on Senate Bill No. 171:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Backus.

Senate Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Jauregui moved that the Assembly recess until 1:15 p.m.

Motion carried.

Assembly in recess at 12:16 p.m.

ASSEMBLY IN SESSION

At 1:43 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 354, 355.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 354, 355; Assembly Resolutions Nos. 7, 8; Senate Bill No. 171; Senate Joint Resolutions Nos. 5, 7; Senate Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Provost.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Ron McMillin.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to the following teachers, students, and chaperones from George Westergard Elementary School: Cameron Thomas, Elayna Orput, Jaxson Hillygus, Zachary Aviles, Abbie Brenes, Abraham Partridge-Eppers, Addison Craft, Aliyah Sanchez, Allison Andrews, Amaya Diaz, Amelia Marshall, Amelia Uka, Analise Russell, Anna Hoffbuhr, Ariel Ramirez Zamora, Aurora Frugoli, Blake Beadle, Bo Pensotti, Boe Julian, Bond Buchanan, Brooklynn Timmerman, Caleb Hastings, Caley Bognot, Cameron Pratt, Camil Cerna Luna, Camila Guerrero, Campbell Scholl, Carter Bradshaw, Cody Dethmers, Colin Hobbs, Corbin Cummings, Ela Caglar, Ella Ryan, Ellie Amesbury, Emily Sy, Emma Fogelberg, Ethan York, Ezekiel Rodriguez, Gaby Chaidez, Garenjon Alsasua, Grace Ortiz, Grayson Tastet, Hope Dumond, Isabella Loewer, Isabella Tew, Isaiah Blunt, Jack Bumb, Jacob Koelewyn, James Lamb, Jocelyn Aguilera, Jose Cazares Lopez, Julia Gray, Kaleigh Saunders, Kalyani Pagilla, Keaton Orme, Keegan Vila, Kendall Hayman, Lauren Paffrath-Gollmer, Lily Christensen, Lily Ethridge, Lilyona Gonzales, Louis Loutas, Luca Borntein, Macee Joaquin, Madelyn Roland, Malek Moustafa, Matilda Baren, Mia Hewitt, Miranda Castillo Diaz, Natalie Bartolo, Nathan Eke, Nevaeh Mcconnell, Nolan Sallee, Olivia Olivia, Owen Cirullo, Owen Shin, Parker Hersey, Peyton Schmitt, Piper Federmann, Ramona Eiser, Reid Nasset, Reyna Capistran, Rory Moynihan, Ryder Jacobs, Ryder Peek, Samantha Virrey-Nunez, Samuel Do Prado, Sarina Hussain, Sarita Chereen Quazi, Sean Garthe, Shawn Keefe, Skyler Urbanac-Ochoa, Sofia Blood, Sofia Crocker, Sophia Sabo, Stella Mortara, Stephen Worrall, Tea Detwiler, Valentina Paredes, Victor Rivera-Villa, Vihaan

Baghel, William Cushard, Zechariah Lopez, Zoey Ensweiler, Zoey Mendez, and Zophya Fleeman Castro.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Hugh Gallagher Elementary School: Aerith Moore, Aidan Pitts, Alistair Hunt, Alyvia Picolet, Amanda Crosswhite, Amelia Cotham, Amelia Mavity, Andrea Wolf, Andrew Armenta, Annabelle Brown, Aria McIntier, Asher Baker, Audrey Lutz, August Burlison, Aurora Evans, Bentley Racey, Bruce Burke, Caroline Harrison, Chanse Lopez, Charlotte Kenner, Cirrus Moore, Colton Foutz, Cooper Sullivan, Coral Lattin, Crystal Pickett, Danielle Ghiglieri-Cottham, Dasan Woodson, Daxon West, Dean Hayley, Dean Hayley, Derek Naaz, Devin West, Emma Baxter, Emma Lopez-Linde, Francis Ennis, Heather Wickware, Holley Lamb, Hunter Ramsey, Isaac Edlund, Isaiah Becker, Jack Harrison-Arroyave, James Young, Jamie Pickett, Jody Dallas, Jonathan Banu, Juliana Wold, Kaiden Newsome, Kali Hurt, Karyn Yardic, Lane Pieretti, Laura Clough, Linnea Richardson, Madison Edlund, Madison Lauer, Mandy Burlison, Mathew Turner, Matthew Fuller, Maxwell Wickware, Nicholas Thomsen, Noah Alvear, Otto Gavenda, Payeton Segale, Payton Jones, Penelope Schultz, Rose Larkin, Ryan Crosswhite, Sarah Baker, Shannon Segale, Sonja Hess, Teagan Hill, Teagan Zysman, Teva Uken, Thomas Brown, Thomas Pickett, Todd Hess, Trenton Downer, Trinity Magney, Vivienne Armenta, Walker Segale-Van Dover, Wendy Young, William Baxter, and Wren Coston.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Trey Yurek and Tyler Yurek.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, May 16, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:44 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), May 16, 2023

Assembly called to order at 11:40 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Backus, who was excused.

Prayer by the Chaplain Craig Swope.

Father, we thank You for springtime. Springtime is always special with signs of life, beautiful colors, a freshness that draws us to hope and renewal. Each of us has an opportunity to be a source of hope and renewal. Do our actions produce a colorful bloom, or do we too often present the thorns and thistles? Do our words bring a freshness to the conversation? Do our thoughts produce seeds of life?

Help us to look around at nature, see the signs of vibrant life and draw lessons for our own actions to affirm the hope of spring each and every day. We ask this in Your Son's Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 13, 113, 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 27, 29, 236, 276; Senate Bill No. 452.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 159, 167, 275.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Joint Resolution No. 7 of the 81st Session be taken from the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

May 15, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 368.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen O'Neill and Yeager (emergency request of Assembly Minority Leader):

Assembly Bill No. 514—AN ACT relating to public buildings; naming the building that contains the headquarters for the Nevada Department of Transportation in Carson City, Nevada, as the Garth Dull Building; and providing other matters properly relating thereto.

Assemblywoman Torres moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 159.

Assemblywoman Cohen moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 167.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 275.

Assemblywoman Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 452.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 2.

Bill read second time and ordered to third reading.

Senate Bill No. 3.
Bill read second time and ordered to third reading.

Senate Bill No. 8.
Bill read second time and ordered to third reading.

Senate Bill No. 16.
Bill read second time and ordered to third reading.

Senate Bill No. 18.
Bill read second time and ordered to third reading.

Senate Bill No. 21.
Bill read second time and ordered to third reading.

Senate Bill No. 25.
Bill read second time and ordered to third reading.

Senate Bill No. 27.
Bill read second time and ordered to third reading.

Senate Bill No. 42.
Bill read second time and ordered to third reading.

Senate Bill No. 44.
Bill read second time and ordered to third reading.

Senate Bill No. 66.
Bill read second time and ordered to third reading.

Senate Bill No. 87.
Bill read second time and ordered to third reading.

Senate Bill No. 169.
Bill read second time and ordered to third reading.

Senate Bill No. 210.
Bill read second time and ordered to third reading.

Senate Bill No. 406.
Bill read second time and ordered to third reading.

Senate Bill No. 437.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 40, 50, 441.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Will Stednick.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Jasmine Cazares.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Quintero and Julian High.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Pfoh.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Krolikowski.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Wilkie.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Michael McDonald.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Jesse Murray.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Summer Stephens.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Blake Pang and Kelly Stevens.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Alonso.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Sayor.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Diane M. Ravenscroft.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, May 18, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:01 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 18, 2023

Assembly called to order at 12 noon.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Jeff Paul.

Faithful God, teach us Your ways, that we may be open to the same Spirit that moved over the waters of creation; that moves over the chaos of these times, to fashion a day like this, a world like ours, lives like these, Make us aware of the miracles of life, of warm and cold, of disarray and order, of howling wind and impermeable silence, and of the mystery of grace in which we are all embraced.

We invoke blessing and protection upon this Assembly, upon all who work herein.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 91, 131, 214, 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 514; Senate Bills Nos. 19, 247, 323, 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 20, 22, 23, 261, 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 4, 117, 119, 177, 260, 286, 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 7 of the 81st Session.

Resolution read.

Remarks by Assemblywoman Kasama.

ASSEMBLYWOMAN KASAMA:

Senate Joint Resolution 7 of the 81st Session proposes to amend the *Nevada Constitution* to remove the constitutional provisions governing the Board of Regents of the University of Nevada. The Legislature shall provide by law for the governance of the University and the establishment of its various departments. In addition, the resolution stipulates that proceeds of public lands donated for the support of the institution shall be invested by the state of Nevada as required by law.

This resolution was approved by the 81st Session of the Legislature in 2021. If approved in identical form during the 2023 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval.

Roll call on Senate Joint Resolution No. 7 of the 81st Session:

YEAS—34.

NAYS—DeLong, Dickman, Gallant, Gray, Hafen, Hansen, McArthur—7.

EXCUSED—Summers-Armstrong.

Senate Joint Resolution No. 7 of the 81st Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

NOTICE OF EXEMPTION

May 16, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 82.

SARAH COFFMAN
Fiscal Analysis Division

May 17, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Senate Bill No. 440.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 66.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of May 18, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KOLO 8 NEWS NOW: Stone Suess.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 5 be withdrawn from the Committee on Ways and Means.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 5 be rereferred to the Committee on Government Affairs.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 406 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 404 be taken from the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 515—AN ACT relating to education; creating the Incentivizing Pathways to Teaching Grant Program in the Department of Education; providing for the award of grants to certain universities and colleges under the Program; requiring certain universities and colleges receiving grants under the Program to award tuition assistance and stipends to students who meet certain requirements; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 516—AN ACT relating to Indian affairs; creating the Department of Native American Affairs; transferring the Nevada Indian Commission from the Department of Tourism and Cultural Affairs to the Department of Native American Affairs; transferring responsibility for administering the Account for the Protection and Rehabilitation of the Stewart Indian School to the Executive Director of the Department; establishing certain duties of the Executive Director and the Department; revising certain duties of the Commission; revising the membership of certain boards on which a representative of the Commission serves; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 517—AN ACT relating to the Legislative Counsel Bureau; requiring the Research Director of the Research Division of the Legislative Counsel Bureau to appoint an employee to act as a liaison between the Legislature and the public regarding public education; requiring the Research Division to establish a method to report certain information regarding the system of public education; requiring the Legislative Auditor to

conduct performance audits of certain school districts and the State Public Charter School Authority; authorizing the Chair of the Interim Finance Committee to request certain additional audits of school districts; establishing provisions governing such performance audits; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 13.

Bill read second time and ordered to third reading.

Senate Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 537.

SUMMARY—Exempts persons engaged exclusively in transporting persons between certain states **or within this State** for certain purposes from provisions governing private investigators and related professions. (BDR 54-420)

AN ACT relating to the Private Investigator's Licensing Board; exempting persons engaged exclusively in transporting persons ~~[between certain states]~~ for the purposes of a temporary transfer of custody pursuant to the Agreement on Detainers **,** ~~[or]~~ extradition pursuant to the Uniform Criminal Extradition Act **or a temporary or permanent transfer of the custody of a person from one state or local governmental agency to another** from licensure and regulation by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of private investigators, private patrol officers, process servers, repossessors, dog handlers, security consultants and polygraphic examiners by the Private Investigator's Licensing Board. (Chapter 648 of NRS) Existing law further requires an employee of a person licensed by the Board to be registered with the Board to perform any work regulated by the Board. (NRS 648.060, 648.1493, 648.203)

Under existing law, Nevada has enacted the Agreement on Detainers, an interstate agreement setting forth certain procedures for the temporary transfer of custody of an incarcerated person from the state in which the person is incarcerated to another state where the person is subject to pending criminal charges. (NRS 178.620) Existing law also sets forth the Uniform Criminal Extradition Act, which establishes certain procedures governing the extradition to and from this State of a person who has been charged with a crime or who has been alleged to have escaped from confinement or broken

the terms of the person's bail, probation or parole. (NRS 179.177-179.235) Because persons who transport persons from this State to another state **,** ~~[or]~~ from another state to this State **or through this State** are private patrol officers for the purposes of existing law governing the licensure of private patrol officers by the Private Investigator's Licensing Board, such persons are required to obtain a license from the Board and employees of such persons are required to be registered with the Board. (NRS 648.013, 648.060, 648.063, 648.1493, 648.203)

This bill exempts ~~[any person who is engaged exclusively in the business of transporting persons from this State to another state or from another state to this State for the purposes of a temporary transfer of custody pursuant to the Agreement on Detainers or extradition pursuant to the Uniform Criminal Extradition Act, or any employee of such a person,]~~ from the provisions of existing law governing the licensure and regulation of private investigators and related professions by the Private Investigator's Licensing Board **~~[.]~~ any person, or any employee thereof, who is engaged exclusively in the business of transporting persons: (1) from this State to another state, from another state to this State or through this State for the purpose of a temporary transfer of custody pursuant to the Agreement on Detainers or extradition pursuant to the Uniform Criminal Extradition Act; or (2) within this State for the purpose of a temporary or permanent transfer of the custody of a person from one state or local governmental agency to another.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a repossessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a repossessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

16. To any person who for any consideration engages in business or accepts employment to provide information security.

17. To any person , or any employee thereof, who is engaged exclusively in the business of transporting persons ~~[from]~~ :

(a) From this State to another state , ~~[or]~~ from another state to this State or through this State for the purpose of a temporary transfer of custody pursuant to NRS 178.620 or extradition pursuant to NRS 179.177 to 179.235, inclusive ; ~~[,]~~ or ~~[any employee of such a person.]~~

(b) Within this State for the purpose of a temporary or permanent transfer of the custody of a person from one state or local governmental agency to another.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 113.

Bill read second time and ordered to third reading.

Senate Bill No. 115.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 404.

Bill read third time.

The following amendment was proposed by Assemblywoman Brittney Miller:

Amendment No. 573.

AN ACT relating to civil actions; **increasing the amount of civil damages for which certain providers of health care may be liable for acts or omissions in rendering care or assistance necessitated by certain traumatic injuries;** excluding certain health care professionals from the definition of "provider of health care" for certain purposes; increasing the limitation on the amount of noneconomic damages a plaintiff may recover in a civil action against a provider of health care for professional negligence; **imposing liability on a hospital for the professional negligence of a provider of health care who renders professional services at the hospital;** revising the statute of limitations for bringing an action against a provider of health care for injury or death based upon professional negligence, professional services rendered without consent or error or omission in practice; repealing ~~[various requirements and restrictions concerning]~~ **provisions which limit the amount of a contingent fee for which an attorney representing a plaintiff in** a civil action against a provider of health care for professional negligence ~~[.]~~ **may contract for or collect;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law **limits to $50,000 the amount of civil damages for which a licensed physician or dentist, a hospital or certain employees of a hospital may be held liable for certain acts or omissions in rendering care or assistance at a hospital necessitated by a traumatic injury demanding immediate medical attention. (NRS 41.503) Section 1 of this bill increases that amount to $250,000 and, beginning on January 1, 2026, requires that amount to be adjusted each year based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year.**

Existing law sets forth various requirements and restrictions relating to civil actions against a provider of health care for professional negligence.

(Chapter 41A of NRS) Existing law defines "provider of health care" for the purposes of those provisions to include a physician, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, medical laboratory director or technician, licensed dietitian, a person licensed to engage in radiation therapy or radiologic imaging, a licensed hospital and certain other entities. (NRS 41A.017) **Section** ~~[1]~~ **1.5** of this bill excludes from that definition an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a facility for hospice care and a nursing pool, thereby specifically excluding such persons from the provisions of existing law imposing certain requirements and restrictions on civil actions brought against a provider of health care for professional negligence.

Existing law limits the amount of noneconomic damages that a plaintiff may recover in a civil action brought against a provider of health care for professional negligence to $350,000, regardless of the number of plaintiffs, defendants or theories upon which liability may be based. (NRS 41A.035) **Section 2** of this bill instead limits the amount of noneconomic damages that a plaintiff may recover in such an action to ~~[$2,500,000]~~ **: (1) for an action in which certain hospitals or employees, agents or affiliates of certain hospitals are a party, $2,000,000;** and ~~[, beginning]~~ **(2) for any other action, $550,000. Section 2 requires, beginning** on January 1, ~~[2025, requires]~~ **2026,** that ~~[amount to]~~ **those amounts** be adjusted each year based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year.

Existing law provides that each defendant in a civil action for injury or death against a provider of health care based upon professional negligence is severally, and not jointly, liable for damages awarded in the action. (NRS 41A.045) Section 2.5 of this bill: (1) deems a provider of health care who renders professional services at a hospital to be an agent of the hospital; and (2) provides that the hospital is vicariously liable for any professional negligence of the provider of health care in connection with the rendering of such services at the hospital.

Existing law requires an action for injury or death against a provider of health care based on professional negligence, professional services rendered without consent or error or omission in practice, to be commenced: (1) for an injury that occurred on or after October 1, 2002, not more than 3 years after the date of injury or 1 year after the plaintiff discovers or should have discovered the injury; and (2) if the injury occurred before October 1, 2002, not more than 4 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. (NRS 41A.097) **Section 3** of this bill revises those provisions to require all such actions to be brought not more than 4 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. **Section 4** of this bill provides that the changes in **section 3** apply retroactively to any injury or death that occurred

before October 1, 2023, even if the statute of limitations that was in effect at the time of the injury or death has expired. Therefore, a civil action against a provider of health care that would otherwise be time-barred by the former statute of limitations is revived by this bill, so long as the revised statute of limitations set forth in **section 4** has not expired.

Section 6 of this bill repeals provisions that [~~: (1)~~] limit the amount of a contingent fee that an attorney representing a plaintiff in a civil action against a provider of health care for professional negligence may contract for or collect . [~~; (2) limit to $50,000 the amount of civil damages for which a licensed physician or dentist, a hospital or certain employees of a hospital may be held liable for certain acts or omissions in rendering care or assistance at a hospital necessitated by traumatic injury demanding immediate medical attention; (3) provide that each defendant in a civil action against a provider of health care for professional negligence is severally, and not jointly, liable for damages awarded in the action; and (4) authorize the introduction of certain evidence relating to collateral benefits, restrict certain sources of collateral benefits and provide for payment of future damages by periodic payments.~~]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 41.503 is hereby amended to read as follows:**

41.503 1. Except as otherwise provided in subsection 2 and NRS 41.504, 41.505 and 41.506:

(a) A hospital which has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237 and which is a nonprofit organization;

(b) A hospital other than a hospital described in paragraph (a);

(c) An employee of a hospital described in paragraph (a) or (b) who renders care or assistance to patients;

(d) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS who renders care or assistance in a hospital described in paragraph (a) or (b), whether or not the care or assistance was rendered gratuitously or for a fee; and

(e) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS:

(1) Whose liability is not otherwise limited pursuant to NRS 41.032 to 41.0337, inclusive; and

(2) Who renders care or assistance in a hospital of a governmental entity that has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237, whether or not the care or assistance was rendered gratuitously or for a fee,

➥ that in good faith renders care or assistance necessitated by a traumatic injury demanding immediate medical attention, for which the patient enters the

hospital through its emergency room or trauma center, may not be held liable for more than ~~[$50,000]~~ ***$250,000*** in civil damages, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant arising out of any act or omission in rendering that care or assistance if the care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

2. The limitation on liability provided pursuant to this section does not apply to any act or omission in rendering care or assistance:

(a) Which occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the limitation on liability provided by subsection 1 applies to any act or omission in rendering care or assistance which occurs before the stabilization of the patient following the surgery; or

(b) Unrelated to the original traumatic injury.

3. If: (a) A physician or dentist provides follow-up care to a patient to whom the physician or dentist rendered care or assistance pursuant to subsection 1; (b) A medical condition arises during the course of the follow-up care that is directly related to the original traumatic injury for which care or assistance was rendered pursuant to subsection 1; and

(c) The patient files an action for malpractice based on the medical condition that arises during the course of the follow-up care,

➥ there is a rebuttable presumption that the medical condition was the result of the original traumatic injury and that the limitation on liability provided by subsection 1 applies with respect to the medical condition that arises during the course of the follow-up care.

4. ***The maximum amount of civil damages set forth in subsection 1 must be adjusted on January 1 of each year beginning on January 1, 2026, in a rounded dollar amount corresponding to the percentage increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this subsection and establish the adjusted amount to take effect on January 1 of that year.***

5. For the purposes of this section:

(a) "Reckless, willful or wanton conduct," as it applies to a person to whom subsection 1 applies, shall be deemed to be that conduct which the person knew or should have known at the time the person rendered the care or assistance would be likely to result in injury so as to affect the life or health of another person, taking into consideration to the extent applicable:

(1) The extent or serious nature of the prevailing circumstances;

(2) The lack of time or ability to obtain appropriate consultation;

(3) The lack of a prior medical relationship with the patient;

(4) The inability to obtain an appropriate medical history of the patient; and

(5) The time constraints imposed by coexisting emergencies.

(b) "Traumatic injury" means any acute injury which, according to standardized criteria for triage in the field, involves a significant risk of death or the precipitation of complications or disabilities.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 41A.017 is hereby amended to read as follows:

41A.017 ***1.*** "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

2. The term does not include:

(a) An agency to provide nursing in the home, as defined in NRS 449.0015.

(b) A facility for hospice care, as defined in NRS 449.0033.

(c) A facility for intermediate care, as defined in NRS 449.0038.

(d) A facility for skilled nursing, as defined in NRS 449.0039.

(e) A nursing pool, as defined in NRS 449.0153.

Sec. 2. NRS 41A.035 is hereby amended to read as follows:

41A.035 ***1.*** In an action for injury or death against a provider of health care based upon professional negligence, the injured plaintiff may recover noneconomic damages, but the amount of noneconomic damages awarded in such an action must not exceed ~~,~~ ~~[~~$350,000,~~]~~ regardless of the number of plaintiffs, defendants or theories upon which liability may be based ~~[. $2,500,000.]~~ ***:***

(a) For an action in which a hospital, other than a critical access hospital, or an employee, agent or affiliate of such a hospital is a party, $2,000,000.

(b) For any other action, $550,000.

2. The maximum ~~[amount]~~ amounts of noneconomic damages set forth in paragraphs (a) and (b) of subsection 1 must be adjusted on January 1 of each year beginning on January 1, ~~[2025,]~~ 2026, in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.

3. As used in this section:

(a) "Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a hospital.

(b) "Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

Sec. 2.5. **NRS 41A.045 is hereby amended to read as follows:**

41A.045 1. In an action for injury or death against a provider of health care based upon professional negligence, each defendant is liable to the plaintiff for economic damages and noneconomic damages severally only, and not jointly, for that portion of the judgment which represents the percentage of negligence attributable to the defendant.

2. ~~[This section is]~~ ***The provisions of subsection 1 are*** intended to abrogate joint and several liability of a provider of health care in an action for injury or death against the provider of health care based upon professional negligence.

3. Notwithstanding the provisions of this section, if a provider of health care renders professional services at a hospital:

(a) The provider of health care shall be deemed to be an agent of the hospital; and

(b) The hospital is vicariously liable for any professional negligence of the provider of health care in connection with the rendering of such services at the hospital.

Sec. 3. NRS 41A.097 is hereby amended to read as follows:

41A.097 1. Except as otherwise provided in subsection ~~[3,]~~ ***2,*** an action for injury or death against a provider of health care may not be commenced more than 4 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person ~~[occurring before October 1, 2002,]~~ based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person ~~[occurring before October 1, 2002,]~~ from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person ~~[occurring before October 1, 2002,]~~ from error or omission in practice by the provider of health care.

2. ~~[Except as otherwise provided in subsection 3, an action for injury or death against a provider of health care may not be commenced more than 3 years after the date of injury or 1 year after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:~~

~~(a) Injury to or the wrongful death of a person occurring on or after October 1, 2002, based upon alleged professional negligence of the provider of health care;~~

~~(b) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from professional services rendered without consent; or~~

~~(c) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from error or omission in practice by the provider of health care.~~

~~3.]~~ This time limitation is tolled for any period during which the provider of health care has concealed any act, error or omission upon which the action is based and which is known or through the use of reasonable diligence should have been known to the provider of health care.

~~[4.]~~ ***3.*** For the purposes of this section, the parent, guardian or legal custodian of any minor child is responsible for exercising reasonable judgment in determining whether to prosecute any cause of action limited by subsection 1 **.** ~~[or 2.]~~ If the parent, guardian or custodian fails to commence an action on behalf of that child within the prescribed period of limitations, the child may not bring an action based on the same alleged injury against any provider of health care upon the removal of the child's disability, except that in the case of:

(a) Brain damage or birth defect, the period of limitation is extended until the child attains 10 years of age.

(b) Sterility, the period of limitation is extended until 2 years after the child discovers the injury.

Sec. 4. The amendatory provisions of section 3 of this act apply to any injury or death that occurred before October 1, 2023, regardless of any statute of limitations that was in effect at the time the injury or death occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before October 1, 2023.

Sec. 5. The amendatory provisions of ~~[sections]~~ **:**

1. Sections 1, ~~[2]~~ **1.5, 2.5** and 6 of this act apply to a cause of action that accrues on or after October 1, 2023.

2. Section 2 of this act applies to a cause of action that accrues on or after January 1, 2024.

Sec. 6. NRS 7.095 ~~[, 41.503, 41A.045 and 42.021 are]~~ **is** hereby repealed.

~~[~~LEADLINES~~]~~ TEXT OF REPEALED ~~[~~SECTIONS~~]~~ SECTION

7.095 Limitations on contingent fees for representation of persons in certain actions against providers of health care.

~~[41.503 Hospital care or assistance necessitated by traumatic injury; presumption regarding follow-up care.~~

~~41A.045 Several liability of defendants for damages; abrogation of joint and several liability.~~

~~42.021 Actions based on professional negligence of providers of health care: Introduction of certain evidence relating to collateral benefits; restrictions on source of collateral benefits; payment of future damages by periodic payments.]~~

1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in

connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first $50,000 recovered;

(b) Thirty-three and one-third percent of the next $50,000 recovered;

(c) Twenty-five percent of the next $500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 406.

Bill read third time.

The following amendment was proposed by Assemblyman O'Neill:

Amendment No. 582.

AN ACT relating to elections; making it unlawful for a person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to interfere with the performance of duties of an elections official or retaliate against an elections official for the performance of such duties; making it unlawful to disseminate certain information about an elections official; **prohibiting certain constitutional**

officers from soliciting or accepting political contributions during certain periods; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime, punishable as a category E felony, to use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence in connection with any election, petition or preregistration or registration of voters. (NRS 293.710) **Section 1** of this bill makes it a crime, punishable as a category E felony, for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to: (1) interfere with the performance of the duties of any elections official relating to an election; or (2) retaliate against any elections official for performing duties relating to an election. **Section 1** further makes it a crime, punishable as a category E felony, for any person to disseminate any personal identifying information or sensitive information of an elections official without the consent of the elections official, knowing that the elections official could be identified by such information, if: (1) the person disseminates such personal identifying information or sensitive information with the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking or with the intent to cause harm to the elections official and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and (2) the dissemination of the personal identifying information or sensitive information would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation or causes the death, bodily injury or stalking of the elections official whose information was disseminated or a close relation of the elections official. Finally, **section 1** establishes that certain activities are not restricted by **section 1**.

Existing law makes it unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect from soliciting or accepting monetary contributions for any political purpose during a certain period before and after a legislative session. (NRS 294A.300) Section 5.3 of this bill makes it unlawful for the Secretary of State, the State Treasurer, the State Controller or the Attorney General from soliciting or accepting monetary contributions for any political purpose during a certain period before and after a legislative session. Section 5.6 of this bill makes conforming changes to prohibit a lobbyist from making or committing or offering to make a monetary contribution during such periods. Section 6 of this bill makes sections 5.3 and 5.6 effective on October 1, 2023.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to:

(a) Interfere with the performance of the duties of any elections official relating to an election; or

(b) Retaliate against any elections official for performing duties relating to an election.

2. The provisions of subsection 1 apply regardless of whether a person uses or threatens or attempts to use such force, intimidation, coercion, violence, restraint or undue influence at a polling place or a location other than a polling place.

3. It is unlawful for a person to disseminate any personal identifying information or sensitive information of an elections official without the consent of the elections official, knowing that the elections official could be identified by such information, if:

(a) The person disseminates such personal identifying information or sensitive information:

(1) With the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking; or

(2) With the intent to cause harm to the elections official and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and

(b) The dissemination of the personal identifying information or sensitive information:

(1) Would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation; or

(2) Causes the death, bodily injury or stalking of the elections official whose information was disseminated or a close relation of the elections official.

4. A person who violates the provisions of subsection 1 or 3 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. This section does not limit:

(a) The applicability of the provisions of law relating to:

(1) Observing the conduct of voting at a polling place pursuant to NRS 293.274 or 293C.269;

(2) Observing the conduct of tests pursuant to NRS 293B.145 or 293C.615;

(3) Observing the handling of ballots upon the closing of the polls pursuant to NRS 293B.330 or 293C.630;

(4) Observing the counting of ballots at the central counting place pursuant to NRS 293B.353;

(5) Observing the delivery, counting, handling and processing of the ballots at a polling place, receiving center and the central counting place pursuant to NRS 293B.354; and

(6) Observing ballot processing pursuant to NRS 293B.380.

(b) The ability of a person to give or offer to give prepackaged food items, nonalcoholic beverages, coats, handwarmers or other similar items to other persons who are at a polling place or any other location described in paragraph (a), if done in accordance with any other law and to the extent such items are not distributed inside of a building which does not permit the distribution of such items in the building as indicated by a sign posted in a prominent place at the entrance of the building.

(c) The ability of a person to engage in written recordation of notes at a polling place or a location other than a polling place; or

(d) The ability of a person to communicate with voters, election board officers or other persons in any way that is not otherwise limited or prohibited pursuant to subsection 1 or 3 or any other provision of law, including, without limitation, NRS 293.740.

6. As used in this section:

(a) "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepparent, grandparent or any person who regularly resides in the household of who, within the immediately preceding 6 months, regularly resided in the household.

(b) "Elections official" means:

(1) The Secretary of State or any deputy or employee in the Elections Division of the Office of the Secretary of State who is charged with duties relating to an election;

(2) A registrar of voters, county clerk, city clerk or any deputy or employee in the elections division of a county or city who is charged with elections duties; or

(3) An election board officer or counting board officer.

(c) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.

(d) "Sensitive information" has the meaning ascribed to it in NRS 41.1347.

(e) "Stalking" means a violation of NRS 200.575.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.3. **NRS 294A.300 is hereby amended to read as follows:**

294A.300 1. Except as otherwise provided in this section, it is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor**,** ~~[or]~~ the Governor-Elect ***, the Secretary of State, the State Treasurer, the State Controller or the Attorney General*** to solicit or accept any monetary contribution, or solicit or accept a commitment

to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

2. Except as otherwise provided in this section, a person shall not make or commit to make a contribution or commitment prohibited by subsection 1.

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor**, ~~[or]~~** the Governor ***, the Secretary of State, the State Treasurer, the State Controller or the Attorney General*** during the period set forth in subsection 1 if it is made for services provided as a part of his or her regular employment or is additional income to which he or she is entitled.

4. This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted by a person pursuant to NRS 294A.115. The provisions of this subsection do not authorize:

(a) A person to accept or solicit a contribution, or solicit or accept a commitment to make such a contribution, other than a contribution authorized pursuant to NRS 294A.115.

(b) A person to make or commit to make a contribution other than a contribution authorized pursuant to NRS 294A.115.

5. This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted by a Legislator pursuant to NRS 294A.117.

6. As used in this section, "political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 5.6. **NRS 218H.930 is hereby amended to read as follows:**

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in any legislative action.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch or a member of his or her immediate family or otherwise directly or indirectly arrange, facilitate or serve as a conduit for such a gift, whether or not the Legislature is in a regular or special session.

3. A member of the Legislative Branch or a member of his or her immediate family shall not knowingly or willfully solicit or accept any gift from a lobbyist, whether or not the Legislature is in a regular or special session.

4. A client of a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist during a regular or special session without being registered as required by that section, unless the person qualifies for an exemption or exception from the requirements to register as a lobbyist pursuant to any regulations adopted in accordance with NRS 218H.500.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor**,** ~~[or]~~ the Governor-elect ***, the Secretary of State, the State Treasurer, the State Controller or the Attorney General*** during the period set forth in subsection 1 of NRS 294A.300 unless such act is otherwise authorized pursuant to subsection 4 of NRS 294A.300.

Sec. 6. **1.** This ~~[act becomes]~~ **section and sections 1 to 5, inclusive, of this act become** effective upon passage and approval.

2. Sections 5.3 and 5.6 of this act become effective on October 1, 2023.

Assemblyman O'Neill moved the adoption of the amendment.

Remarks by Assemblyman O'Neill.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved to dispense with the reprinting of Senate Bill No. 406.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 406 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 406.

Bill read third time.

Remarks by Assemblywoman Brittney Miller.

ASSEMBLYWOMAN BRITTNEY MILLER:

Senate Bill 406 makes it unlawful for a person to use, threaten, or attempt to use any force, intimidation, coercion, violence, restraint, or undue influence to interfere with the performance of the duties of an election official or retaliate against an election official for performing such duties. The bill also makes it unlawful to disseminate certain information about election officials without consent. These crimes are punishable as a category E felony.

I rise today in support of Senate Bill 406. This bill provides additional protections for election workers against harassment and intimidation and states loudly and clearly that assaults on the democratic process have no place here in Nevada. Quite simply, elections do not work without people. Over the last four years, Nevada has seen significant turnover of election officials in both elected and administrative positions. It has also gotten harder to recruit poll workers because they are afraid. We need knowledgeable and trusted election administrators to keep our elections free, fair, and secure. Protecting the people who run elections from harassment, threats, and intimidation protects our democracy. In fact, upstairs we have a few of those election officials here today. I would like to thank you all for your work to uphold the exercise of democracy here in the state of Nevada. I urge your support for Senate Bill 406.

Roll call on Senate Bill No. 406:

YEAS—42.

NAYS—None.

Senate Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 2.

Bill read third time.

Remarks by Assemblyman Hibbetts.

ASSEMBLYMAN HIBBETTS:

Senate Bill 2 clarifies that under certain circumstances, the Chief of the Division of Emergency Management may activate the State Disaster Identification Coordination Committee or a subcommittee in preparation for an imminent emergency, disaster, public health emergency, or other health event. The bill also makes certain reporting by health care providers mandatory during such emergencies or events. Finally, SB 2 requires the Committee to share the information from reports submitted by health care providers with a county or city, upon request, for the purpose of reunification or identification services.

Roll call on Senate Bill No. 2:

YEAS—42.

NAYS—None.

Senate Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblywoman Taylor.

ASSEMBLYWOMAN TAYLOR:

Senate Bill 3 requires the Governor to appoint the Director of the Department of Public Safety or his or her designee to the Nevada Commission on Homeland Security.

Roll call on Senate Bill No. 3:

YEAS—42.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 8, 16, 18, 21, 25, 27, 42, 44, 66, 87, 169, 210, and 437 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 354 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 17, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 354 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 354 (AB 354), which is titled as follows:

AN ACT relating to firearms; prohibiting, under certain circumstances, the possession of a firearm in or within a certain distance of an election site; revising the definition of the term "firearms importer or manufacturer"; defining certain terms; prohibiting a person from engaging in certain acts relating to unfinished frames or receivers, ready frames or receivers and market frames or receivers; revising provisions relating to certain acts involving unfinished frames or receivers, ready frames or receivers and market frames or receivers which are not imprinted with a serial number under certain circumstances; providing penalties; repealing certain provisions relating to firearms; and providing other matters properly relating thereto.

AB 354 is commendable inasmuch as it aims to increase public confidence in the safety in and around our election process. However, its scope is too broad and there is no notable history of gun violence at election facilities in Nevada.

AB 354 replicates federal and state laws prohibiting intimidation at or near a ballot-box. For example, 18 U.S. Code § 594 makes it unlawful to intimidate, threaten, or coerce a person "for the purpose of interfering" with that individual's right "to vote as he may choose." NRS 293.710 ultimately renders the same actions unlawful in Nevada. Moreover, NRS 293.730 subjects an individual to prosecution for a Category E felony if they, "[r]emain in or outside of any polling place so as to interfere with the conduct of the election." The provisions in AB 354 are merely duplicative of these existing laws and do nothing but establish more "gun-free zones."

Additionally, AB 354 is impermissibly vague in relation to its 100 feet gun-free radius surrounding a "ballot-box." Ballot boxes appear in common community gathering locations across our state, including grocery stores, shopping centers, gyms, and libraries. It is untenable to prohibit law-abiding citizens from exercising their Second Amendment rights in these areas.

Finally, AB 354's aim to end the transfer of certain firearm parts and receivers would place an impermissible burden on constitutionally protected conduct because possession of firearms, firearm frames, and receivers is within the scope of the Second Amendment's right to keep and bear arms. Last fall, a Delaware judge ruled that prohibitions on manufacturing and possession are not "consistent with the nation's historical tradition of firearm regulation." *Rigby v. Jennings*, 2022 WL 4448220 at *5, (D. Del. Sept. 2022) (citing *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111, 2130 (2022)).

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 354 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 355 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 17, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 355 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 355 (AB 355), which is titled as follows:

AN ACT relating to firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

AB 355 is presumably intended to decrease gun violence in communities across the state – an admirable goal. However, last year, in *Jones v. Bonta*, the Ninth Circuit Court of Appeals struck down as unconstitutional California's ban on the sale of semiautomatic rifles to adults younger than 21. In a 2-1 panel decision, the court found that the Second Amendment "protects the right of young adults to keep and bear arms, which includes the right to purchase them." This ruling was subsequently vacated by the Ninth Circuit so the trial court could readdress its legal findings after the United States Supreme Court issued its ruling in *New York State Rifle and Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). In *Bruen*, the Court held that gun restrictions are constitutional only insofar as there is a tradition of such regulation in United States history. The United States has little, if any, tradition of entirely prohibiting the possession of semi-automatic firearms to those under 21 years of age. Additionally, this month, a federal court in the Eastern District of Virginia, noting that the Second Amendment's protections "extend in full to law-abiding adults aged eighteen or older[,]" ruled that there was insufficient support for the proposition "that restrictions on the purchasing [and possession] of firearms by 18-20 year olds is part of our Nation's history and tradition."

As such, were this bill to become law, it is unlikely it would pass constitutional muster.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 355 be placed on the Chief Clerk's Desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Richele Swagler and Christopher Adams.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from George Westergard Elementary School: Leila Ahtoong, Mason Perea, Abel Morgan, Adrian Jimenez, Aliyah Keenom, Amayrani Rivera Velazquez, Aria Contreras, Arianni Serrano, Audrey Frank, Aymee Lunsford, Bentley Green-Miller, Brynn Hoffbuhr, Bryson Grubb, Cadence Carlile, Cameron Miers, Casey Casacca, Cayden Flint-Lafond, Chase Peek, Collin Oneill, Connor Szabo, Cora Reyes, Defne Caglar, Elizabeth Romano, Ella King, Emalee Shank, Emilio Arias Lonato, Ethan Chonez, Finn Parker, Genesis Rodriguez, Grace Tilston, Haegen Phillips, Izabelle Walker, Jack Morrison, Jaden Duran-Rojas, Jae Jones, Jameson Williams, Jasmine Jasmine, Jax O'daye, Jude Melendez, Kaylin Rayas, Kendall Brooks, Kevin Rayas, Kingston Wickes, Lance Dumond, Landyn Napier, Laura Baur, Layton

Avers, Lexie Luong, Liam Dale, Lincoln Isbell, Logan Holstrom, Luis Sagastume Bonilla, Maddison Maurer, Marshall Grayson, Merrick Moss, Mirabelle Vaillant, Mohammed Hadj Nacer, Molly Hajec, Nicole Rodriguez, Reagan Krukow, Reagan Simpson, Ryan Tate, Sarah Hansford, Sawyer Ashby, Sawyer Frugoli, Sawyer Hawes, Sawyer Jenkins, Sebastian Rodriguez, Snow Li, Sophia Julian, Synthia Jeline Seekings, Vicky Jovel, Victoria Hurles-Mcintyre, Vivienne Rose, Wyatt Mccoy, Zoe Haas, and Zoya Lehil.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Marion Mills, Janice Yurek and Taun Yurek.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, May 19, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:37 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 19, 2023

Assembly called to order at 11:50 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Shelley Fisher.

This invocation chant from our Shin Buddhist tradition is a calling out to all Buddhas past, present, and future, to be with us here this morning in a spirit of gratitude that we are all together to live more mindfully with great care and compassion for one another.

Zensho Kada:

Zen sho Mi da ni u do jo u

Fu i gu gan o u ji ko u

Kan non Sei shi jin jya shu

Ju bu jo u ke ra i ni u e

May the spiritual presence of Amida Buddha, Kannan, and Seishi Bodhisattvas and all enlightened ones past, present, and future, permeate this hall, to send forth wisdom, like flower petals falling from the sky, to awaken our spirits with wisdom and compassion by those gathered here.

The Buddha taught that every human birth is precious and rare. We do our best to live full, happy lives and to be of service to others. As we gather together this morning, I offer you all this special wish: May you be happy. May you be free from harm. May you receive boundless compassion. And may peace and harmony fill your heart.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 148, 251, 340, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 59, 85, 164, 182, 257, 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 39, 129, 243, 351, 401, 410, 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 133, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Senate Bills Nos. 29, 181, 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEA BACKUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 2, 19, 21, 24, 40, 43, 47, 73; Assembly Joint Resolution No. 6; Senate Bill No. 445.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Assembly Committee on Ways and Means and the Senate Committee on Finance:

Assembly Bill No. 518—AN ACT relating to indigent defense; establishing a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services; prohibiting a county from seeking state contributions for the provision of indigent defense services in excess of the maximum county contribution for the costs of capital improvement projects relating to the provision of indigent defense services; requiring counties to submit financial status reports to the Department of Indigent Defense Services annually unless the Department requires such reports on a quarterly basis; making an appropriation to the Interim Finance Committee for allocation to the Department for the reimbursement of counties for costs in excess of their maximum contribution amounts for the provision of indigent defense services and for the funding of certain other costs relating to the provision of indigent defense services; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 445.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 514.
Bill read second time and ordered to third reading.

Senate Bill No. 4.
Bill read second time and ordered to third reading.

Senate Bill No. 19.
Bill read second time and ordered to third reading.

Senate Bill No. 20.
Bill read second time and ordered to third reading.

Senate Bill No. 22.
Bill read second time and ordered to third reading.

Senate Bill No. 23.
Bill read second time and ordered to third reading.

Senate Bill No. 91.
Bill read second time and ordered to third reading.

Senate Bill No. 117.
Bill read second time and ordered to third reading.

Senate Bill No. 119.
Bill read second time and ordered to third reading.

Senate Bill No. 131.
Bill read second time and ordered to third reading.

Senate Bill No. 177.
Bill read second time and ordered to third reading.

Senate Bill No. 214.
Bill read second time and ordered to third reading.

Senate Bill No. 247.
Bill read second time and ordered to third reading.

Senate Bill No. 259.
Bill read second time and ordered to third reading.

Senate Bill No. 260.
Bill read second time and ordered to third reading.

Senate Bill No. 261.
Bill read second time and ordered to third reading.

Senate Bill No. 264.
Bill read second time and ordered to third reading.

Senate Bill No. 286.
Bill read second time and ordered to third reading.

Senate Bill No. 323.
Bill read second time and ordered to third reading.

Senate Bill No. 411.
Bill read second time and ordered to third reading.

Senate Bill No. 433.
Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:13 p.m.

ASSEMBLY IN SESSION

At 12:14 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 404 be taken from the General File and placed on the Chief Clerk's Desk.
Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 27, 42, 44, and 66 be taken from their positions on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 27.
Bill read third time.
Remarks by Assemblyman Gurr.

ASSEMBLYMAN GURR:
Senate Bill 27 expands the definition of "excavation" to include the use of nonmechanical equipment operated by a contractor or any person if the movement or removal of earth, rock, or other material in or on the ground occurs more than 12 inches below the surface of the original groundline. Additionally, the bill clarifies the definition of "emergency" to include requiring immediate action through use of nonmechanical equipment to determine the severity of an underground leak or, in situations where an excavation is imminent and a subsurface installation is unable to be located, to locate the subsurface installation.
This bill is effective on July 1, 2023.

Roll call on Senate Bill No. 27:
YEAS—42.
NAYS—None.

Senate Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 42.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 42 authorizes the use of county funds for medical assistance to indigent persons by the board of county commissioners of certain counties to provide an enhanced reimbursement rate or make supplemental payments to any public hospital in the county for hospital care provided to Medicaid recipients, if authorized under any other supplemental payment program by the federal Centers for Medicare and Medicaid Services.

Roll call on Senate Bill No. 42:

YEAS—42.

NAYS—None.

Senate Bill No. 42 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 44.

Bill read third time.

Remarks by Assemblywoman González.

ASSEMBLYWOMAN GONZÁLEZ:

Senate Bill 44 transfers the State Program for Oral Health, the Advisory Committee on the State Program for Oral Health, and the duty to appoint the State Dental Health Officer and the State Public Health Dental Hygienist to the Department of Health and Human Services from various divisions within the Department.

This bill is effective July 1, 2023.

Roll call on Senate Bill No. 44:

YEAS—42.

NAYS—None.

Senate Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Senate Bill 66 establishes certain circumstances that will disqualify an individual for life from obtaining a commercial driver's license without the possibility of reinstatement if they have committed certain felony offenses including human trafficking, coercion, or the transportation of a controlled substance, and employers are prohibited from allowing a person to operate a commercial motor vehicle under certain circumstances. The bill also revises provisions to comply with federal laws and to conform with federal definitions. The bill revises the circumstances in which the Department of Motor Vehicles will furnish information regarding a person's driving record to certain other jurisdictions.

Roll call on Senate Bill No. 66:

YEAS—42.

NAYS—None.

Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 8, 13, 16, 18, 21, 25, 32, 87, 113, 115, 169, 210, and 437 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 27, 29, 236, and 276.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:29 p.m.

ASSEMBLY IN SESSION

At 7:31 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 147, 194, 302, 381, 393, 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was rereferred Senate Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 105, 299, 388, 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 338, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 110, 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 43, 298, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 153, 223, 316, 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Gilbert, Dave Palmer, and Julie Fox.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Braydan Issermoyer.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Marion Mills.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, May 22, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 7:36 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 22, 2023

Assembly called to order at 11:50 a.m.
Mr. Speaker presiding.
Roll called.
All present except Assemblywoman González, who was excused.
Prayer by the Chaplain, Pastor Ken Haskins.

Our loving, heavenly Father, You are love and we love because You first loved us. In our serving, help us to be loving towards one another. Enable us to promote the best interests of those whom we serve. I pray in Jesus' Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12 noon.

ASSEMBLY IN SESSION

At 12:02 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 81, 82, 92, 208, 272, 331, 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 314, 334, 422, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 378, 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 76, 269, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 21, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 35.

SARAH COFFMAN
Fiscal Analysis Division

May 22, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 388.

SARAH COFFMAN
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Senator Cannizzaro.
For: Assembly Bill No. 330.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 19, 2023.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Speaker Yeager.
For: Senate Bill No. 294.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 19, 2023.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Speaker Yeager.
For: Senate Bill No. 371.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 19, 2023.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of May 22, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

LAS VEGAS SUN: Justin Hager.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 5.

Bill read second time and ordered to third reading.

Senate Bill No. 29.

Bill read second time and ordered to third reading.

Senate Bill No. 34.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 543.

AN ACT relating to legal services; authorizing the Attorney General or the chief legal officer or other authorized representative of a political subdivision of this State to provide legal representation to certain officers or employees of the State or a political subdivision thereof in certain actions or proceedings; **revising provisions relating to special counsel employed by the Attorney General;** revising provisions governing the legal representation of certain persons by the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Attorney General or the chief legal officer or other authorized representative of a political subdivision of this State to provide legal counsel to certain officers or employees of the State or a political subdivision of the State who are named as defendants in a civil action and certain other persons who are not officers or employees of the State or a political subdivision. Existing law authorizes the Attorney General, chief legal officer or other authorized representative to employ special counsel with respect to such civil actions if the Attorney General, chief legal officer or other authorized representative, as applicable, determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be provided by the Attorney General, chief legal officer or other authorized representative. (NRS 41.0339)

Section 1 of this bill authorizes the Attorney General or the chief legal officer or other authorized representative of a political subdivision of the State to represent certain officers or employees of the State or a political subdivision thereof who are summoned or subpoenaed to appear in an action or proceeding in which the person is not a named defendant if: (1) the person submits a written request for representation; and (2) the Attorney General, chief legal

officer or other authorized representative, as applicable, determines that such representation is in the best interest of the State or a political subdivision of the State. **Section 1** also authorizes the Attorney General, chief legal officer or other authorized representative to employ special counsel with respect to such actions or proceedings if the Attorney General, chief legal officer or other authorized representative, as applicable, determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be provided by the Attorney General, chief legal officer or other authorized representative. **Section 2** of this bill makes a conforming change to indicate the appropriate placement of **section 1** in the Nevada Revised Statutes.

Existing law defines the term "state judicial officer" to mean a justice of the Supreme Court, senior justice, judge of a district court or senior judge. (NRS 41.03385) Section 3.3 of this bill revises the term to include a judge or senior judge of the Court of Appeals.

Existing law requires that certain determinations relating to the employment of special counsel be made by the Attorney General prior to trial. (NRS 41.03435) Section 3.7 of this bill removes the requirement that such determinations be made prior to trial.

In general, existing law: (1) provides that the Attorney General and his or her deputies are the legal advisers on all state matters arising in the Executive Department of the State Government; and (2) prohibits persons in the Executive Department from employing other counsel to represent the State or any agency in the Executive Department unless the Attorney General and the deputies of the Attorney General are disqualified to act in the matter. (NRS 228.110) **Section 4** of this bill authorizes a person in the Executive Department to employ counsel other than the Attorney General to represent the State or any agency in the Executive Department if the Attorney General determines that it is impracticable, uneconomical or could constitute a conflict of interest for the Attorney General or a deputy of the Attorney General to serve as the legal adviser on the matter. **Section 4** also requires compensation for such counsel to be paid out of: (1) the Reserve for Statutory Contingency Account; or (2) available federal grants or a permanent fund in the State Treasury other than the State General Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The official attorney may represent any present or former local judicial officer, state judicial officer, ~~[immune contractor or]~~ officer or employee of the State or a political subdivision , immune contractor or State Legislator summoned or subpoenaed to appear in an action or proceeding in which the person is not a named defendant, if:

(a) Within 7 days after the delivery or service of the summons or subpoena, the person submits a written request for representation to the

official attorney, and, if the person has an administrative supervisor, his or her administrative supervisor, unless a waiver is granted pursuant to subsection 9; and

(b) The official attorney determines that such representation is in the best interest of the State or a political subdivision of the State.

2. As soon as reasonably practicable after receiving a request pursuant to subsection 1, the official attorney shall determine whether to represent the person who submitted the request and provide written notice of his or her determination to that person.

3. No fact pertaining to the arrangements or circumstances by which the State or a political subdivision or any attorney thereof represents any person or does not represent a person pursuant to this section is admissible in evidence in any action or proceeding, except in connection with an application to withdraw as the attorney of record.

4. If the official attorney determines that it is impracticable, uneconomical or could constitute a conflict of interest for the official attorney to provide the legal services associated with representing a person pursuant to this section, the official attorney may employ special counsel to render such legal services.

Compensation for special counsel employed by an official attorney pursuant to this subsection must be paid in accordance with the requirements prescribed by NRS 41.03435 or 41.0344, as applicable.

5. At any time after a written request is submitted pursuant to subsection 1, the person requesting representation may employ his or her own counsel to represent him or her in the action or proceeding. At that time, the State or political subdivision is excused from any duty to represent that person and is not liable for any expenses associated with the action or proceeding, including, without limitation, court costs and attorney's fees.

6. The official attorney may apply to a court to withdraw from representing a person pursuant to this section at any time after the official attorney has appeared in an action or proceeding to represent the person upon notice to the person. Such notice must include, without limitation, the reason for the requested withdrawal.

7. If a court grants a motion to withdraw brought by the official attorney pursuant to subsection 6, the State or any political subdivision has no duty to continue to represent the person who is the subject of the motion to withdraw.

8. The provisions of this section do not abrogate or otherwise alter or affect any immunity from, or protection against, any civil action or civil liability which is provided by law to a local judicial officer, state judicial officer, ~~[immune contractor or]~~ officer or employee of the State or a political subdivision, immune contractor, State Legislator, member of a state board or commission or member of a local board or commission for any act or omission relating to the person's public duties or employment.

9. The official attorney may waive the requirement for notification prescribed by paragraph (a) of subsection 1 for good cause shown.

10. Nothing in this section shall be construed to require an official attorney to represent any present or former local judicial officer, state judicial officer, ~~[immune contractor or]~~ officer or employee of the State or a political subdivision , immune contractor or State Legislator in any action or proceeding.

11. As used in this section, "action or proceeding" means any action, suit, matter, cause, hearing, appeal or proceeding.

Sec. 2. NRS 41.03375 is hereby amended to read as follows:

41.03375 As used in NRS 41.03375 to 41.03473, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 41.03377, 41.0338 and 41.03385 have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. **NRS 41.03385 is hereby amended to read as follows:**

41.03385 "State judicial officer" means a justice ***or senior justice*** of the Supreme Court, ~~[senior justice,]~~ ***judge or senior judge of the Court of Appeals or*** judge ***or senior judge*** of a district court ***.*** ~~[or senior judge.]~~

Sec. 3.7. **NRS 41.03435 is hereby amended to read as follows:**

41.03435 The Attorney General may employ special counsel whose compensation must be fixed by the Attorney General, subject to the approval of the State Board of Examiners, if the Attorney General determines ~~[at any time prior to trial]~~ that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be rendered by the Attorney General or a deputy attorney general. Compensation for special counsel must be paid out of:

1. The Reserve for Statutory Contingency Account; or
2. Available federal grants or a permanent fund in the State Treasury other than the State General Fund.

Sec. 4. NRS 228.110 is hereby amended to read as follows:

228.110 1. Except as otherwise provided in NRS 228.111 to 228.1118, inclusive, and 228.112 to 228.1127, inclusive, or by specific statute:

(a) The Attorney General and the duly appointed deputies of the Attorney General shall be the legal advisers on all state matters arising in the Executive Department of the State Government.

(b) No officer, commissioner or appointee of the Executive Department of the Government of the State of Nevada shall employ any attorney at law or counselor at law to represent the State of Nevada within the State, or to be compensated by state funds, directly or indirectly, as an attorney acting within the State for the State of Nevada or any agency in the Executive Department thereof unless ~~[the]~~ ***:***

(1) The Attorney General and the deputies of the Attorney General are disqualified to act in such matter ~~[.]~~ ***; or***

(2) The Attorney General determines that it is impracticable, uneconomical or could constitute a conflict of interest for the Attorney General or a deputy of the Attorney General to serve as the legal adviser in such matter.

2. ***Compensation for any attorney or counselor at law employed as special counsel by the Attorney General must be paid in accordance with the requirements prescribed by NRS 41.03435.***

3. All claims for legal services rendered in violation of this section shall be void.

Sec. 5. 1. This section and ~~[section]~~ **sections** 3 **, 3.3 and 3.7** of this act become effective upon passage and approval.

2. Sections 1, 2 and 4 of this act become effective on October 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 39.

Bill read second time and ordered to third reading.

Senate Bill No. 43.

Bill read second time and ordered to third reading.

Senate Bill No. 59.

Bill read second time and ordered to third reading.

Senate Bill No. 85.

Bill read second time and ordered to third reading.

Senate Bill No. 105.

Bill read second time and ordered to third reading.

Senate Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 598.

AN ACT relating to public safety; requiring vehicles operating on certain highways in this State with one lane for traveling in each direction to display daytime running lamps or lighted lamps and illuminating devices under certain circumstances; revising certain provisions governing the requirements for lamps and other equipment on vehicles and implements of husbandry during certain times and conditions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every vehicle on a highway of this State, with certain exceptions for parked vehicles, to display lighted lamps and illuminating

devices as respectively required for different classes of vehicles during defined conditions: (1) at any time from one-half hour after sunset to one-half hour before sunrise; (2) at any other time when persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead; and (3) when directed by an official traffic control device. Existing law also prescribes certain requirements for lamps and other equipment on vehicles and implements of husbandry during those times or conditions. (NRS 484D.100, 484D.105, 484D.165, 484D.170, 484D.175, 484D.215, 484D.220, 484D.460) **Section 1** of this bill requires that when one of those times or conditions does not apply, every vehicle operating upon a highway of this State that has one lane for traveling in each direction, except for a street, must display the daytime running lamps, as defined by federal regulation, or lighted lamps and illuminating devices while operating on such a highway. (49 C.F.R. § 571.108; NRS 484D.100) **Sections 2-8** of this bill make conforming changes to clarify the times and conditions during which the requirements for certain lamps and other equipment on vehicles apply.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484D.100 is hereby amended to read as follows:

484D.100 1. Every vehicle upon a highway of this State, subject to exceptions with respect to parked vehicles as stated in chapters 484A to 484E, inclusive, of NRS, must display lighted lamps and illuminating devices as respectively required in this chapter for different classes of vehicles:

(a) At any time from one-half hour after sunset to one-half hour before sunrise;

(b) At any other time when, because of insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead; and

(c) When directed by an official traffic control device.

2. ***During a time or condition to which subsection 1 is not applicable, every vehicle upon a highway of this State that has one lane for traveling in each direction, except for a street, must display daytime running lamps or lighted lamps and illuminating devices while operating on such a highway.***

3. Every vehicle upon a highway must be equipped with stop lights, turn signals and other signaling devices to be lighted in the manner prescribed for the use of such devices.

4. As used in this section, "daytime running lamps" has the meaning ascribed to it in 49 C.F.R. § 571.108.

Sec. 2. NRS 484D.105 is hereby amended to read as follows:

484D.105 1. Whenever there is a requirement as to distance from which lighted lamps and illuminating devices shall be visible, such requirements shall apply during the times and conditions specified in ***subsection 1 of*** NRS 484D.100 and measured as though the vehicle were unloaded and upon a

straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is specified.

2. Whenever there is a requirement as to the mounted height of such lamps or devices, such height shall be measured from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is unloaded.

Sec. 3. NRS 484D.165 is hereby amended to read as follows:

484D.165 1. Every vehicle shall be equipped with one or more lamps which, when lighted, shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and one or more lamps which, when lighted, shall display a red light visible from a distance of 500 feet to the rear of the vehicle. The location of such lamps shall be such that at least one such lamp is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

2. Whenever a vehicle is parked upon the traveled portion of a highway during the times ~~[mentioned]~~ ***and conditions specified*** in ***subsection 1 of*** NRS 484D.100 and there is sufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, no lights need be displayed upon such parked vehicle.

3. Whenever a vehicle is parked or stopped upon the traveled portion of a highway or shoulder adjacent thereto, whether attended or unattended during the times ~~[mentioned]~~ ***and conditions specified*** in ***subsection 1 of*** NRS 484D.100, and there is insufficient light to reveal any person or object within a distance of 1,000 feet upon such highway or roadway, such vehicle shall display lighted lamps meeting the requirements of subsection 1.

4. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

Sec. 4. NRS 484D.170 is hereby amended to read as follows:

484D.170 1. Every implement of husbandry manufactured after January 1, 1970, shall be equipped with vehicular hazard-warning lamps of a type described in NRS 484D.205, visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

2. Every implement of husbandry manufactured after January 1, 1970, shall at all times, and every other such vehicle shall, during the times ~~[mentioned]~~ ***and conditions specified*** in ***subsection 1 of*** NRS 484D.100, be equipped with lamps and reflectors as follows:

(a) At least two headlamps meeting the requirements of NRS 484D.210.

(b) At least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear, mounted as far to the left of the center of the vehicle as practicable.

(c) At least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps.

3. Every combination of farm tractor and towed implement of husbandry shall at all times ~~[mentioned]~~ ***and conditions specified*** in ***subsection 1 of*** NRS 484D.100 be equipped with lamps and reflectors as follows:

(a) The farm tractor shall be equipped as required in subsections 1 and 2.

(b) If the towed unit extends more than 4 feet to the rear of the tractor or obscures any lamp on the tractor, such unit shall be equipped on the rear with at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps.

(c) If the towed unit extends more than 4 feet to the left of the centerline of the tractor, such unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful beams of headlamps. Such reflector shall be so positioned as to indicate, as nearly as practicable, the extreme left projection of the towed unit.

4. The two red reflectors required by subsection 3 shall be so positioned as to show from the rear, as nearly as practicable, the extreme width of the vehicle or combination carrying them.

Sec. 5. NRS 484D.175 is hereby amended to read as follows:

484D.175 All vehicles including animal-drawn vehicles not otherwise specifically required to be equipped with lamps, shall at all times ***and conditions*** specified in ***subsection 1 of*** NRS 484D.100 be equipped with at least one lamp displaying a white light visible from a distance of not less than 500 feet to the front of the vehicle and two lamps displaying a red light visible from a distance of not less than 500 feet to the rear of the vehicle or one lamp displaying a red light visible from a distance of not less than 500 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of headlamps.

Sec. 6. NRS 484D.215 is hereby amended to read as follows:

484D.215 Whenever a motor vehicle is being operated on the traveled portion of the highway, or shoulder adjacent thereto, during the times ***and conditions*** specified in ***subsection 1 of*** NRS 484D.100, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection 2 of NRS 484D.210 shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within 300 feet to the rear, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in subsection 1 of NRS 484D.210.

Sec. 7. NRS 484D.220 is hereby amended to read as follows:

484D.220 1. At all times ***and conditions*** specified in ***subsection 1 of*** NRS 484D.100, a lighted headlamp or headlamps meeting the requirements of NRS 484D.110 shall be displayed on a motor vehicle except when the vehicle is parked.

2. Whenever a motor vehicle equipped with headlamps is also equipped with any auxiliary lamps, spot lamp or any other lamp on the front projecting a beam of intensity greater than 300 candle power, not more than a total of four of any such lamps may be lighted at one time when upon a highway.

3. A motor vehicle may be equipped with headlamps that are high-intensity discharge lamps if such headlamps have a correlated color temperature of not less than 5,000 kelvins and not more than 6,000 kelvins.

4. The provisions of subsection 3 do not apply to the extent preempted by federal law.

5. As used in this section, "high-intensity discharge lamp" has the meaning ascribed to it in 10 C.F.R. § 431.282.

Sec. 8. NRS 484D.460 is hereby amended to read as follows:

484D.460 1. Every bus, truck and truck-tractor and every combination of vehicles 80 inches or more in overall width, except implements of husbandry, shall be equipped with at least three pot torches, three red electric lanterns or three red emergency reflectors.

2. Except as otherwise provided in subsections 3, 4 and 5, when any such vehicle is disabled on any portion of the traveled portion of a highway during any time ***or condition*** specified in ***subsection 1 of*** NRS 484D.100, such torches, lanterns or reflectors shall be placed as soon as possible as follows:

(a) One at the traffic side of the vehicle, not more than 10 feet to the front or rear thereof;

(b) One at a distance of approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(c) One at a distance of approximately 100 feet to the front of the vehicle in the center of the traffic lane occupied by such vehicle.

3. If the vehicle is disabled within 500 feet of a curve, crest of a hill or other obstruction to view, the torch, lantern or reflector to be placed in that direction shall be placed so as to afford ample warning to other users of the highway, but not less than 100 feet or more than 500 feet from the vehicle.

4. When any such vehicle is disabled on any portion of the traveled portion of a one-way highway with two or more traffic lanes during any time ***or condition*** specified in ***subsection 1 of*** NRS 484D.100, such torches, lanterns or reflectors shall be placed as soon as possible as provided in subsection 2, except that the torch, lantern or reflector to be placed at the front of the vehicle shall be placed 200 feet to the rear of the vehicle.

5. When any such vehicle is disabled or parked off the traveled portion of a highway, but within 10 feet of such portion, during any time ***or condition*** specified in ***subsection 1 of*** NRS 484D.100, such torches, lanterns or reflectors shall be placed as soon as possible as follows:

(a) One at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle;

(b) One at a distance of approximately 100 feet to the rear of the vehicle; and

(c) One at a distance of approximately 200 feet to the rear of the vehicle.

6. When any such vehicle is equipped with front turn signals which flash simultaneously and rear turn signals which flash simultaneously or with fusees, such turn signals shall be immediately operated or such fusees shall be placed as provided in this section for the placing of torches, lanterns or reflectors until such torches, lanterns or reflectors have been placed.

Sec. 9. **This act becomes effective on July 1, 2028.**

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 129.

Bill read second time and ordered to third reading.

Senate Bill No. 133.

Bill read second time and ordered to third reading.

Senate Bill No. 147.

Bill read second time and ordered to third reading.

Senate Bill No. 148.

Bill read second time and ordered to third reading.

Senate Bill No. 153.

Bill read second time and ordered to third reading.

Senate Bill No. 164.

Bill read second time and ordered to third reading.

Senate Bill No. 181.

Bill read second time and ordered to third reading.

Senate Bill No. 182.

Bill read second time and ordered to third reading.

Senate Bill No. 194.

Bill read second time and ordered to third reading.

Senate Bill No. 223.

Bill read second time and ordered to third reading.

Senate Bill No. 243.

Bill read second time and ordered to third reading.

Senate Bill No. 251.
Bill read second time and ordered to third reading.

Senate Bill No. 257.
Bill read second time and ordered to third reading.

Senate Bill No. 258.
Bill read second time and ordered to third reading.

Senate Bill No. 298.
Bill read second time and ordered to third reading.

Senate Bill No. 299.
Bill read second time and ordered to third reading.

Senate Bill No. 302.
Bill read second time and ordered to third reading.

Senate Bill No. 316.
Bill read second time and ordered to third reading.

Senate Bill No. 338.
Bill read second time and ordered to third reading.

Senate Bill No. 340.
Bill read second time and ordered to third reading.

Senate Bill No. 351.
Bill read second time and ordered to third reading.

Senate Bill No. 354.
Bill read second time and ordered to third reading.

Senate Bill No. 381.
Bill read second time and ordered to third reading.

Senate Bill No. 382.
Bill read second time and ordered to third reading.

Senate Bill No. 384.
Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 593.

AN ACT relating to broadband; establishing certain requirements for a state agency that awards grants of federal money for the development of broadband services and infrastructure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and requires: (1) the Director of the Office to

establish and administer a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State; and (2) the Office to establish and administer a program to encourage the deployment of broadband infrastructure in underserved communities in this State. (NRS 223.600, 223.610, 223.670) **Section 2** of this bill sets forth a legislative declaration regarding the importance of using a well-trained workforce and providing jobs to residents of this State in expending federal money to increase the development of broadband services and infrastructure in this State.

Section 3 of this bill requires each state agency that awards grants of federal money for the development of broadband services and infrastructure to: (1) evaluate and assign a score to each grant application received by the state agency based on the factors and relative weights assigned to each factor that the state agency specified in the request for grant applications; and (2) assign a relative weight of 30 percent to a grant application if the applicant submits a signed certification with his or her application. **Section 3** provides that the applicant must certify that if the applicant or a provider of broadband services will perform some or all of the work or will subcontract some or all of the work to a licensed contractor, the applicant, provider or contractor: (1) meets certain safety and training requirements and provides job opportunities with high-quality wages for residents of this State and members of underrepresented communities; or (2) is a signatory to a collective bargaining agreement that covers the direct employees of the applicant who will perform any work financed in whole or in part by the grant money.

Section 3 also provides that if an applicant ~~[provides a certification that the applicant]~~ or provider ~~[meets certain safety and training requirements and provides job opportunities with high-quality wages for residents of this State and members of underrepresented communities,]~~ **is a signatory to a collective bargaining agreement,** certain provisions of law requiring the payment of prevailing wages on public works do not apply. **Section 3.5** of this bill makes a conforming change to provide an exception to the requirements to pay prevailing wages on public works.

Section 3 further requires each state agency to include as a condition of any grant award that: (1) the certification provided by the applicant is binding upon the applicant that is awarded the grant money; and (2) if a licensed contractor performs any work, certain provisions of law governing public works apply to the work performed by the subcontractor. Lastly, **section 3** authorizes the Director of the Office to adopt regulations to carry out the provisions of **section 3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Legislature finds and declares that:***

1. The State of Nevada is poised to see a once in a generation wave of federal money resulting from the passage of the Infrastructure Investment and Jobs Act, Public Law 117-58, and the American Rescue Plan Act of 2021, Public Law 117-2, which will help to close the digital divide and increase the development of broadband services and infrastructure across the State;

2. The State of Nevada needs to ensure that this historic investment creates long-lasting broadband infrastructure that is built by a well-trained workforce;

3. Work performed by an unqualified contractor with a poorly trained workforce endangers the public and is not in the best interest of the citizens of this State; and

4. Proper stewardship of public money will require that the State of Nevada implement appropriate measures to ensure that any grants of federal money awarded by this State for the development of broadband services and infrastructure prioritize issuing grants to applicants that will ensure the work is performed safely and by a well-trained workforce and that the applicant provides quality jobs to Nevada workers.

Sec. 3. *1. In awarding any grant of federal money for the development of broadband services and infrastructure in accordance with federal law, each state agency shall:*

(a) Evaluate and assign a score to each application received by the state agency based on the factors and relative weights assigned to each factor that the state agency specified in the request for grant applications; and

(b) When ranking the proposals, assign a relative weight of 30 percent to an application if the applicant submits a signed certification attesting that the applicant meets the requirements of paragraph (a) or (b) of subsection 2.

2. An applicant for a grant of federal money for the development of broadband services and infrastructure shall submit to a state agency with the application for the grant a signed statement certifying that:

(a) If the applicant:

(1) Will perform some or all of the work that is financed in whole or in part with the grant money or if such work will be performed by a provider of broadband services, the applicant or provider, as applicable, meets the requirements set forth in paragraph (b) or (c); and

(2) Will subcontract some or all of the work that is financed in whole or in part with the grant money, the subcontractor meets the requirements set forth in paragraph (b) or (c);

(b) The applicant, provider of broadband services or contractor, as applicable:

(1) Has a robust training program with training requirements that are tied to titles, uniform wage scales and skill codes recognized in the industry;

(2) Requires safety training, including, without limitation, any safety training requirements of the Occupational Safety and Health

Administration of the United States Department of Labor, and operates a safety program that requires drug testing;

(3) Requires work performed by the applicant, provider or contractor, as applicable, that is financed in whole or in part with the grant money will be performed by employees who are directly employed by the applicant, provider or contractor, as applicable, and that such workers will receive high-quality wages and benefits;

(4) Has programs to promote the training and hiring of workers from underrepresented communities; and

(5) Primarily employs a qualified local work force consisting of residents of this State or conducts a program to promote the hiring of residents of this State; ~~[and~~

~~*(6) Has a documented record of complying with all applicable labor and employment laws in the 5-year period immediately preceding the date the grant application is filed or has a documented record of mitigating any violations of the applicable labor and employment laws and has taken measures to ensure future compliance with such laws;]~~ or*

(c) The applicant, provider of broadband services or contractor licensed pursuant to chapter 624 of NRS that will perform some or all of the work is a signatory to a collective bargaining agreement that covers all non-supervisory employees directly employed by the applicant, provider or contractor, as applicable, who will perform any work financed in whole or in part with the grant money.

3. Except as otherwise provided in subsection 5, the provisions of NRS 338.020 to 338.090, inclusive, do not apply to work performed by an applicant or provider of broadband services that is a public work if the applicant or provider, as applicable, is a signatory to a collective bargaining agreement.

4. Any certification submitted by an applicant for a grant pursuant to subsection 2 must be made available on the Internet website of the state agency which awarded the grant.

5. In addition to the requirements of subsections 1 and 2 and except as otherwise provided in federal law, each state agency shall require as a condition of any grant of federal money for the development of broadband services and infrastructure in accordance with federal law that is awarded by the state agency that:

(a) Any certification provided by the applicant pursuant to subsection 2 is binding upon the applicant who is awarded the grant money; and

(b) If a contractor licensed pursuant to chapter 624 of NRS performs any work financed in whole or in part with the grant money, the provisions of NRS 338.020 to 338.090, inclusive, shall apply.

6. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular grant because of the provisions of this section, the provisions of this section do not

apply insofar as their application would preclude or reduce federal assistance for that work.

7. The Director of the Office of Science, Innovation and Technology established pursuant to NRS 223.600 may adopt regulations to carry out the provisions of this section.

8. As used in this section, "state agency" means every public agency, bureau, board, commission, department, division, officer or employee of the Executive Department of the State Government.

Sec. 3.5. NRS 338.080 is hereby amended to read as follows:

338.080 Except as otherwise provided in NRS 408.55086, none of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose estimated cost is less than $100,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the estimated cost of the project below $100,000.

4. Any work performed for the development of broadband services and infrastructure using grant money awarded pursuant to section 3 of this act by the recipient of the grant money or a provider of broadband services if the recipient or provider, as applicable, is a signatory to a collective bargaining agreement, unless the work is performed by a contractor who is licensed pursuant to chapter 624 of NRS.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 3.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 388.

Bill read second time and ordered to third reading.

Senate Bill No. 391.

Bill read second time.

The following amendment was proposed by Assemblyman Koenig:

Amendment No. 705.

AN ACT relating to governmental entities; revising provisions prohibiting certain counties, cities and unincorporated towns from sounding sirens, bells or alarms for certain purposes; establishing civil penalties for violations of such prohibitions; authorizing the Attorney General to bring a civil action to recover such penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a county, city or town in this State from sounding a siren, bell or alarm that was previously sounded on certain days or times in association with an ordinance enacted by the county, city or town which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the county or a city, town or township within the county by a certain time. (NRS 244.159, 268.0199, 269.234)

This bill revises these provisions by prohibiting a county, a city and an unincorporated town **that sounds or sounded such a siren, bell or alarm in association with such an ordinance** from sounding a siren, bell or alarm for a purpose other than: (1) alerting persons to an emergency; (2) testing the siren, bell or alarm at reasonable time intervals of not more than once every 6 months; or (3) celebrating or recognizing a legal holiday on the day of the legal holiday or the day on which the legal holiday is recognized by existing law. This bill authorizes the Attorney General to bring a civil action to collect a monetary penalty from a county, city or unincorporated town for each violation. This bill prohibits a county, city or unincorporated town from taking adverse employment action against the employee for reporting such a violation to the Attorney General.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244.159 is hereby amended to read as follows:

244.159 ***1.*** A county in this State may not sound a siren, bell or alarm ~~[at a time during which the]~~ ***if a*** siren, bell or alarm ***is currently or*** was previously sounded on specific days or times in association with an ordinance enacted by the county which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the county or a city, town or township within the county by a specific time ~~[.]~~ ***, for a purpose other than:***

(a) Alerting persons to an emergency;

(b) Testing the siren, bell or alarm at reasonably scheduled intervals of not more than once every 6 months; or

(c) Celebrating or recognizing a day declared to be a legal holiday pursuant to NRS 236.015 on the day of the legal holiday or the day on which the legal holiday is recognized.

2. Any county that sounds a siren, bell or alarm in violation of subsection 1 is subject to a penalty of not more than $50,000 for each violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent

jurisdiction. Such an action must be commenced within 1 year after the violation.

3. A county shall not take adverse employment action against an employee who reports a violation of this section to the Office of the Attorney General.

Sec. 2. NRS 268.0199 is hereby amended to read as follows:

268.0199 ***1.*** A city in this State may not sound a siren, bell or alarm ~~[at a time during which the]~~ ***if a*** siren, bell or alarm ***is currently or*** was previously sounded on specific days or times in association with an ordinance enacted by the city which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the city by a specific time ~~[.]~~ ***, for a purpose other than:***

(a) Alerting persons to an emergency;

(b) Testing the siren, bell or alarm at reasonably scheduled intervals of not more than once every 6 months; or

(c) Celebrating or recognizing a day declared to be a legal holiday pursuant to NRS 236.015 on the day of the legal holiday or the day on which the legal holiday is recognized.

2. Any city that sounds a siren, bell or alarm in violation of subsection 1 is subject to a penalty of not more than $50,000 for each violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the violation.

3. A city shall not take adverse employment action against an employee who reports a violation of this section to the Office of the Attorney General.

Sec. 3. NRS 269.234 is hereby amended to read as follows:

269.234 ***1.*** An unincorporated town in this State may not sound a siren, bell or alarm ~~[at a time during which the]~~ ***if a*** siren, bell or alarm ***is currently or*** was previously sounded on specific days or times in association with an ordinance enacted by the town which required persons of a particular race, ethnicity, ancestry, national origin or color to leave the town by a specific time ~~[.]~~ ***, for a purpose other than:***

(a) Alerting persons to an emergency;

(b) Testing the siren, bell or alarm at reasonably scheduled intervals of not more than once every 6 months; or

(c) Celebrating or recognizing a day declared to be a legal holiday pursuant to NRS 236.015 on the day of the legal holiday or the day on which the legal holiday is recognized.

2. Any unincorporated town that sounds a siren, bell or alarm in violation of subsection 1 is subject to a penalty of not more than $50,000 for each violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the violation.

3. An unincorporated town shall not take adverse employment action against an employee who reports a violation of this section to law enforcement.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Torres moved the adoption of the amendment.
Remarks by Assemblywoman Torres.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 393.
Bill read second time and ordered to third reading.

Senate Bill No. 397.
Bill read second time and ordered to third reading.

Senate Bill No. 401.
Bill read second time and ordered to third reading.

Senate Bill No. 404.
Bill read second time and ordered to third reading.

Senate Bill No. 410.
Bill read second time and ordered to third reading.

Senate Bill No. 415.
Bill read second time and ordered to third reading.

Senate Bill No. 424.
Bill read second time and ordered to third reading.

Senate Bill No. 429.
Bill read second time and ordered to third reading.

Senate Bill No. 436.
Bill read second time and ordered to third reading.

Senate Bill No. 442.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that Senate Bill No. 388 be taken from its place on the General File and rereferred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 465.
Bill read third time.
The following amendment was proposed by Assemblyman Gray:

Amendment No. 621.

~~[ASSEMBLYMAN]~~ **ASSEMBLYMEN** YEAGER **; AND GRAY**

AN ACT relating to the state militia; revising the age requirements for enlisted personnel and commissioned officers; revising provisions governing the Adjutant General of the Office of the Military; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the position of the Adjutant General as an appointed member of the military staff of the Governor and grants the Adjutant General the authority to appoint two Assistant Adjutants General that are selected from the commissioned officers of the Armed Forces of the United States. (NRS 412.042, 412.044) **Section 2** of this bill requires that the two Assistant Adjutants General are instead selected from the commissioned officers of the Nevada National Guard.

Existing law further provides that to be eligible for appointment to the office of Adjutant General or Assistant Adjutant General, a person must be an officer of the Armed Forces of the United States and be federally recognized in the grade of colonel or higher. (NRS 412.044, 412.054) **Sections 3 and 4** of this bill require instead that to be eligible for appointment to the office of Adjutant General or Assistant Adjutant General, a person must be an officer of the Nevada National Guard, federally recognized in the grade of colonel or higher and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.

Existing law establishes the Nevada National Guard as an organized body of enlisted personnel between the ages of 17 and 64 years and commissioned officers between the ages of 18 and 64 years. (NRS 412.026) **Section 1** of this bill instead provides that enlisted personnel and commissioned officers serve in accordance with the age requirements set forth under federal law and any applicable regulations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 412.026 is hereby amended to read as follows:

412.026 1. The militia of the State is composed of the Nevada National Guard and, when called into active service by the Governor, reservists to the Nevada National Guard and any volunteer military organizations licensed by the Governor.

2. The Nevada National Guard is an organized body of enlisted personnel ~~[between the ages of 17 and 64 years]~~ and commissioned officers ~~[between the ages of 18 and 64 years,]~~ ***who serve in accordance with the age requirements set forth under federal law and any applicable regulations adopted pursuant thereto,*** divided into the Nevada Army National Guard and the Nevada Air National Guard.

3. If a volunteer military organization is formed and becomes licensed by the Governor, it shall consist of an organized body of able-bodied residents of

the State between the ages of 17 and 64 years who are not serving in any force of the Nevada National Guard and who are or who have declared their intention to become citizens of the United States.

Sec. 2. NRS 412.042 is hereby amended to read as follows:

412.042 1. The military staff of the Governor consists of the Adjutant General and not more than two Assistant Adjutants General selected from the commissioned officers of the ~~[Armed Forces of the United States.]~~ ***Nevada National Guard.***

2. The military staff of the Governor shall perform such ceremonial functions and duties as the Governor may prescribe.

Sec. 3. NRS 412.044 is hereby amended to read as follows:

412.044 1. The Governor shall appoint an Adjutant General who shall serve at the pleasure of the Governor or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial. The service of the Adjutant General shall continue while such Adjutant General is serving in a federal active duty status under an order or call by the President of the United States.

2. To be eligible for appointment to the office of Adjutant General, a person must be an officer of the ~~[Armed Forces of the United States]~~ ***Nevada National Guard*** and federally recognized in the grade of colonel or higher ~~[.]~~ ***and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.***

3. The Adjutant General may be appointed in the grade of colonel or higher, but not exceeding that of major general. If appointed in a lower grade, the Adjutant General may be promoted by the Governor to any grade not exceeding that of major general.

Sec. 4. NRS 412.054 is hereby amended to read as follows:

412.054 1. The Adjutant General may appoint two Assistant Adjutants General, one each from the Nevada Army National Guard and the Nevada Air National Guard, who may serve as Chief of Staff for Army and Chief of Staff for Air, respectively, at the pleasure of the Adjutant General or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial.

2. To be eligible for appointment to the office of Assistant Adjutant General, a person must be an officer of the ~~[Armed Forces of the United States]~~ ***Nevada National Guard*** and be federally recognized in the grade of colonel or higher ~~[.]~~ ***and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.***

3. An Assistant Adjutant General may be appointed in the grade of colonel or higher, but not exceeding that of brigadier general. An Assistant Adjutant General may be promoted by the Governor to any grade not exceeding that of brigadier general.

4. The Assistant Adjutants General shall perform such duties as may be assigned by the Adjutant General.

5. Whoever serves as Chief of Staff for Army is in the unclassified service of the State and, except as otherwise provided in NRS 284.143, shall not hold any other city, county, state or federal office of profit.

6. In the event of the absence or inability of the Adjutant General to perform his or her duties, the Adjutant General shall designate by Office regulations:

(a) One of the Assistant Adjutants General to perform the duties of his or her office as Acting Adjutant General.

(b) If neither Assistant Adjutant General is available, any national guard officer to be the Acting Adjutant General.

➥ The designated Assistant Adjutant General or designated officer may continue to receive his or her authorized salary while so serving as Acting Adjutant General, and shall so serve until the Adjutant General is again able to perform the duties of the office, or if the office is vacant, until an Adjutant General is regularly appointed and qualified.

Sec. 5. This act becomes effective on July 1, 2023.

Assemblyman Gray moved the adoption of the amendment.

Remarks by Assemblyman Gray.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 514.

Bill read third time.

The following amendment was proposed by Assemblyman O'Neill:

Amendment No. 631.

AN ACT relating to public buildings; naming the building that contains the headquarters for the Nevada Department of Transportation in Carson City, Nevada, as the Garth **F.** Dull Building; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill names the building that contains the headquarters of the Nevada Department of Transportation in Carson City, Nevada, as the Garth **F.** Dull Building, in recognition of the contributions that Garth **F.** Dull made to the people of the State of Nevada by maintaining and improving transportation in this State through his work for the Nevada Department of Transportation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares that:

1. Garth **F.** Dull:

(a) Worked for the Nevada Department of Transportation to improve the life of all Nevadans by maintaining and improving transportation in this State;

(b) Was born in Douglas, Wyoming, on November 30, 1939;

(c) Began working for the Nevada Department of Transportation in 1960 until he was drafted into the United States Army;

(d) Served 3 years in the United States Army, before he returned to work for the Nevada Department of Transportation;

(e) Was the first graduate of the Engineer in Training Program of the Nevada Department of Transportation in 1975;

(f) Was promoted to the Chief of Road Design and also served as the Deputy Director of the Nevada Department of Transportation before he was promoted to Director; and

(g) Retired in 1995 after working over 30 years for the Nevada Department of Transportation.

2. Because the members of the Nevada Legislature wish to pay special tribute to Garth **F.** Dull for his many years of service to the Nevada Department of Transportation, the building containing the headquarters of the Nevada Department of Transportation in Carson City is hereby named the Garth **F.** Dull Building.

3. Because public buildings may be known by an individual moniker and other atypical factors and special conditions, a general law cannot be made applicable to the provisions of this section.

Sec. 2. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 15, 2023.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

Assemblyman O'Neill moved the adoption of the amendment.

Remarks by Assemblyman O'Neill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved to dispense with the reprinting of Assembly Bills Nos. 465 and 514.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bills Nos. 465 and 514, and Senate Bill No. 437 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 91, 113, 115, and 177 be taken from their positions on the General File and placed at the bottom of the General File

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:38 p.m.

ASSEMBLY IN SESSION

At 12:42 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 465.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 465 revises provisions governing the state militia.

Roll call on Assembly Bill No. 465:

YEAS—41.

NAYS—None.

EXCUSED—González.

Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 514 names the building that contains the headquarters of Nevada's Department of Transportation—or as we call it, NDOT—in Carson City as the Garth F. Dull Building. Garth Dull worked more than 30 years for NDOT to improve the life of all Nevadans by maintaining and improving transportation in Nevada, ultimately serving as Director before his retirement in 1995 and his recent death.

Roll call on Assembly Bill No. 514:

YEAS—41.

NAYS—None.

EXCUSED—González.

Assembly Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 437.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Senate Bill 437 extends the authority of the Nevada State Board of Accountancy to grant certain practice privileges to a certified public accounting firm organized as a corporation, limited-liability company, partnership, or sole proprietorship that holds a valid registration in good standing from another state. These entities do not have to obtain a certificate or permit from or register with the Board, but they must consent to certain conditions and maintain an office in Nevada unless organized as a sole proprietorship. The bill also exempts from the registration requirement certain entities whose sole business is preparing tax returns and related schedules.

In addition, the bill revises certain provisions governing the requirements for a person to qualify for a certificate of certified public accountant and authorizes, rather than requires, the Board to charge a fee for an associated examination.

This bill is effective on July 1, 2023.

Roll call on Senate Bill No. 437:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 4.

Bill read third time.

Remarks by Assemblyman Hibbetts.

ASSEMBLYMAN HIBBETTS:

Senate Bill 4 authorizes the Department of Health and Human Services to provide grants or enter into contracts or intergovernmental agreements financed by the Fund for a Healthy Nevada to pay for or subsidize the cost of prescription drugs, pharmaceutical services, and certain other benefits for Nevada residents. The bill also authorizes the Department to establish regulations on the eligibility criteria for such residents and removes the requirement that the funds be limited to the use of senior citizens and persons with disabilities. Lastly, this bill requires the Department to submit expenditure reports annually rather than quarterly.

This bill is effective July 1, 2023.

Roll call on Senate Bill No. 4:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 8.

Bill read third time.

Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:

Senate Bill 8 designates criminal investigators employed by the Division of Child and Family Services of the Department of Health and Human Services as category II peace officers.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 8:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 13.

Bill read third time.

Remarks by Assemblyman DeLong.

ASSEMBLYMAN DELONG:

Senate Bill 13 clarifies that employees of a governmental agency who engage in pest control must obtain a license as an applicator from the State Department of Agriculture. The bill also requires that certain records be kept at each place of business at which a person sells or distributes restricted-use pesticides. Finally, SB 13 updates certain references to existing federal law.

This bill takes effect on July 1, 2023.

Roll call on Senate Bill No. 13:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 16.

Bill read third time.

Remarks by Assemblyman DeLong.

ASSEMBLYMAN DELONG:

Senate Bill 16 revises the Charter of Carson City to require the Board of Supervisors to realign the boundaries of city council wards whenever reliable evidence indicates the population of a ward exceeds any other ward by more than 5 percent or the population in a ward exceeds the population in any other ward by more than 5 percent, as determined by the preceding national decennial census.

The measure also clarifies the term of office for members of the Board of Supervisors, extends the time period by which the Board must adopt or reject an ordinance, and provides that the Mayor Pro Tempore shall fill a vacancy in the Office of Mayor for the unexpired term of a former incumbent.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 16:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 18.

Bill read third time.

Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

Senate Bill 18 requires each planning commission in a county whose population is less than 100,000—currently, all counties other than Clark and Washoe—to hold at least one regular meeting in each quarter. Each planning commission in a county whose population is 100,000 or more—currently, Clark and Washoe Counties—must still hold at least one regular meeting in each month.

This bill is effective on July 1, 2023.

Roll call on Senate Bill No. 18:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 19.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Senate Bill 19 authorizes a board of county commissioners to provide by ordinance for the formation of an unincorporated town that includes territory that is conveyed or transferred to the county or authorized to be conveyed or transferred to the county pursuant to certain federal law or is located not more than one mile from such territory. The bill also makes various related provisions involving public hearings, a town advisory board, corporate limits of a city, and annexation. This bill is effective upon passage and approval.

This measure continues the process to develop the planned Ivanpah Valley Airport, a relief airport for Harry Reid International Airport in the Las Vegas Valley. The planned airport will be located in the Ivanpah Valley of the Mojave Desert in Clark County.

Roll call on Senate Bill No. 19:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 20.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Senate Bill 20 creates a process for filling a vacancy on a board of county commissioners.

Roll call on Senate Bill No. 20:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gurr, Hafen, Hansen, Hardy, Kasama, Newby, O'Neill—10.

EXCUSED—González.

Senate Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 21.

Bill read third time.

Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:

Senate Bill 21 revises the classifications of populations in certain provisions of the *Nevada Revised Statutes.*

Roll call on Senate Bill No. 21:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 22.

Bill read third time.

Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:

Senate Bill 22 authorizes the additional publication of a legal notice or advertisement on the website of a newspaper of general circulation. Any and every legal notice or advertisement published on a website maintained by a newspaper in violation of certain provisions of law is void.

This bill is effective on October 1, 2023.

Roll call on Senate Bill No. 22:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 23.

Bill read third time.

Remarks by Assemblyman Gurr.

ASSEMBLYMAN GURR:

Senate Bill 23 authorizes a legislative body of a city whose population is less than 25,000 to amend a redevelopment plan to remove part of a redevelopment area if it determines, following a public hearing, that the removal will not adversely impair any outstanding bonds or securities; the area consists primarily of single-family or multifamily residential dwellings of three stories or less, or both; and the removal is necessary or desirable because it is in the public interest for the

purpose of property tax collections. The measure also prohibits a legislative body from amending a redevelopment plan to remove an area if the removal would adversely impair outstanding obligations of any political subdivision of this state or any other public entity.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 23:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 25.

Bill read third time.

Remarks by Assemblyman Koenig.

ASSEMBLYMAN KOENIG:

Senate Bill 25 requires the State Public Works Division to implement and maintain a long-term plan to address the future need for suitable office spaces for the departments and agencies of the Executive Department of state government.

Roll call on Senate Bill No. 25:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Senate Bill 32 exempts a person or an employee of such person who engages in transporting individuals for the purpose of a temporary transfer of custody pursuant to the Agreement on Detainers or extradition pursuant to the Uniform Criminal Extradition Act, or a temporary or permanent transfer of custody from one state or a local governmental agency to another, from provisions governing private investigators and other related professions.

Roll call on Senate Bill No. 32:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 87.

Bill read third time.

Remarks by Assemblyman McArthur.

ASSEMBLYMAN MCARTHUR:

Senate Bill 87 authorizes a position in the classified service of the Executive Department of state government to be filled without competition by a person who meets the minimum qualifications for the position and has successfully completed at least 900 hours of service in an AmeriCorps, Youth Conservation Corps, or Job Corps program in this state within the two years prior to applying for the position. The hours of service must be directly related to the position applied for.

Roll call on Senate Bill No. 87:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 117.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Senate Bill 117 authorizes the Director of the Department of Health and Human Services to include in the State Plan for Medicaid coverage for the services of community health workers who are supervised by specified types of health care providers other than physicians, physician assistants, or advanced practice registered nurses.

Roll call on Senate Bill No. 117:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 119.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Senate Bill 119 relates to telehealth and does a lot of good things for continuing telehealth coverage through industrial insurers.

Roll call on Senate Bill No. 119:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 131 prohibits health care licensing boards from disqualifying from licensure or disciplining persons for providing or aiding in providing reproductive health care services that are lawful and consistent with professional standards in this state.

Further, the bill prohibits the Governor from surrendering or issuing a warrant for the arrest of a person charged in another state for a crime involving the provision, aid, or receipt of reproductive health care services unless, among other exclusions, the acts also constitute a criminal offense in this state. Lastly, the bill prohibits state agencies from using resources or providing information to support investigations or proceedings from other states related to providing, aiding in providing, or receiving reproductive health care services, except under limited circumstances.

Roll call on Senate Bill No. 131:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—González.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Remarks by Assemblyman D'Silva.

ASSEMBLYMAN D'SILVA:

Senate Bill 169 requires the master plan in a county whose population is 100,000 or more—currently, Clark and Washoe Counties—to include a heat mitigation element. The bill also sets forth the requirements for this heat mitigation element, including a plan to develop strategies such as cooling spaces, public drinking water, cool building practices, shade over paved surfaces, and urban tree canopies.

Roll call on Senate Bill No. 169:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, McArthur, O'Neill, Yurek—10.

EXCUSED—González.

Senate Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 210.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Senate Bill 210 declares it is the public policy of the state that appointments made by the Governor to boards, commissions, or similar bodies must, to the extent practicable and except as otherwise required by law, represent the diversity of the state and makes other various changes.

Roll call on Senate Bill No. 210:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—González.

Senate Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 214.

Bill read third time.

Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:

Senate Bill 214 eliminates the Advisory Committee to the Juvenile Justice Oversight Commission and the Advisory Council on Science, Technology, Engineering and Mathematics. The bill also eliminates the Commission on Educational Technology and instead requires Nevada's Department of Education to establish a plan for the use of education technology in public schools.

Roll call on Senate Bill No. 214:

YEAS—41.

NAYS—None.

EXCUSED—González.

Senate Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 91, 113, 115, 177, 247, 259, 260, 261, 264, 286, 323, 411, and 433 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 2, 19, 21, 24, 40, 43, 47, 73; Assembly Joint Resolution No. 6; Senate Bills Nos. 2, 3, 37, 55, 62, 67; Senate Joint Resolution No. 7 of the 81st Session.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:17 p.m.

ASSEMBLY IN SESSION

At 7:21 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 355, 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 114, 196, 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 14, 61, 63, 104, 211, 309, 321, 322, 368, 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHELLE GORELOW, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 3, 18, 36, 68, 78, 82, 136, 206, 212, 215, 219, 223, 265, 274, 372, 401, 426.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 56, Amendment No. 542; Assembly Bill No. 185, Amendment No. 545, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 285, 449.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 273, 339.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 22, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 378, 454.

WAYNE THORLEY
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 519—AN ACT relating to capital projects; requiring the board of county commissioners of certain counties to levy a property tax for capital projects of school districts; authorizing the board of county commissioners of certain counties to levy a property tax for capital projects of school districts for which a grant is available from the Account to Assist Rural

School Districts in Financing Capital Improvements; creating the Account to Assist Rural School Districts in Financing Capital Improvements; making appropriations to the Account; making an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 520—AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the 2023-2025 biennium; providing for the use of the money so appropriated; making various other changes relating to the financial administration of the State; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 521—AN ACT relating to projects of capital improvement; authorizing certain expenditures for such projects of the Executive and Legislative Departments of the State Government; levying a property tax to support the Consolidated Bond Interest and Redemption Fund; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 522—AN ACT relating to public employees; establishing the maximum allowed salaries for certain state employees; making appropriations from the State General Fund and State Highway Fund for increases in the salaries of and the payment of retention incentives to certain employees of the State; establishing a plan for continuity of service of certain employees of the State; revising provisions relating to the designation of the Legislative Fiscal Officer; eliminating a certain salary limitation; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 273.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 285.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 339.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 449.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Procter R. Hug High School: Adamary Sanchez, Aide Navarro, Aislinn Morales, Alessandra Barreintos, Alexander Larsen, Alexys Peril, Aljon Lopez, April Bender, Arianna Vizcarra, Arnold Diaz, Brandon Morales, Briana Almanza, Bryanna Rea Dean, Carlos Ledezma, Castley Cook, Cazandra Gonzalez, Chase King, Ciera Goodwin, Citlali Flores, Cory Mabrier, Crysta Crowley, Damian Pantoja Torres, Daniel Salas, Deneiry Moreno Guzman, Diana Lara, Dyani Ivy, Elizabeth Hernandez Reyes, Ellyoence Burns, Emely Contreras, Emily (Luther) Chaney, Eric Bonilla, Esmeralda Lopez, Evelyn Loya, Francisco Leyva, Gaby Lopez, Giselle Vargas Campos, Haiden Fox-Howells, Hailey Seitz, Ileana Ramirez, Ismael Delgado, Jaime Montero, Javier Benitez, Jayden Segura, Jaz'mine Cuarda, Jennifer Haro, Jessica Lopez, Joaquin Stancliff, John Roscom, Jonnie Barcenas Quintero, Jorge Gonzales Cortes, Joselyn Lopez Rodriguez, Joseph Riddle, Kaden Dominguez, Karam Ali, Lauren White, Lenore Jensen, Luis Torres, Marlen Vazquez Loera, Meliza Rosa, Mia Sepulveda Rojas, Michael Lui, Michael Zhen Zhen, Michelle Blackshire, Miguel Arana Morelos, Mikala White, Milise Kamuka, Myrna Guerrero, Natalia Montano, Navaeh Johnson, Oswaldo Barboza, Paola Becerra, Prince Buyungan, Richard Garcia Barbosa, Rolyn Tolentino, Ruby Contreras Gonzalez, Sergio Godinez, Sophia Ross, Sulema (Oliver) Benavides, Sunny Parra, Toby Ibach, Yuridia Ramirez, and Zephyr Potter.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Garrick Louie.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Jeremy Renner.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Cuong Nguyen and Hoan Vu.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Bordewich Bray Elementary School: Abraham Zohgra-Awali, Adolpho Orozco, Aiden Caldwell, Aiden Dominguez, Aiden Littlejohn-Phillips, Aimen Littlewolf, Amani Walters, Amelia Schnaible, Ardyn McLaughlin, Ariella Lizarraga, Arturo Ortega, Athena Hellwinkel, Aubrey Kasecky, Aubriana Marriott-Siffel, Ava Claridge, Beau Phillips, Caden McGarvey, Cameron King, Canon Kingman, Carmella Bailey-Pitts, Catalina Chaparro, Chandler Stock, Clayton Ramm, Coraline Bustamante, Damian Salas, Daniel Cruz Montes, Elodie Paslov, Emmmett Rowdon, Enoch Williams, Ethan Lopez, Ethan Ramos Vazquez, Faith Richards, Fernando Fernanda, Finley Handelin, Gavin Beck, Gracie Lynn De Leon, Griffin Shaw, Haidyn Smith, Isaack Foxon, Jacob Higgins, James Pardee, Jarren Ortega, Jeremiah Santacruz-Angel, Jeremy Bernuy, Jorden Morow, Jose Cabrera-Avina, Josias Lainez, Kai Campbell, Kai Ruthenbeck, Kaiya Querin-Fuller, Karma Repine, Kayleb Gauss, Kaylee Andersen, Kelly Penafiel, Khloe Hopkins, Kimberly Zepeda Carmona, Kristopher Cruz, Landon Berg, Lewis Perry, Liam Maze, Lucille Freitas, Madden Swanson, Madison Camper, Madison Leija, Madison Royce, Makaiyah Breiling, Markus Elizarraraz, Melissa Gallegos Rodriguez, Meredith Schuft, Mia Garnett, Molly Alotta, Nailea Ochoa Rodriguez, Natalie Ross, Nathan Gonzalez, Nayelin Gonzalez, Nekolas Bowers, Nicolaas Plummer, Paigelyn Miles, Pedro Conchas Ledezma, Rhys Heath, Roxanne Rose, Rylan Myler, Sadie Parr, Taneah Gonzalez, Tyriq Reddick, Vera Slater, Wade Helmers, Walter White, Xaden Arechiga, Yasmmina Interiano and Zitlalic Ponce.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, May 23, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 7:29 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 23, 2023

Assembly called to order at 12:20 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Captain Immanuel Beeson.

Dear Heavenly Father, we gather here today to discuss important matters that will impact the future of our community. As we come together from different backgrounds and perspectives, let us approach this meeting with open hearts and minds, and with a spirit of collaboration and understanding. May we work together to find solutions that are fair, just, and inclusive, and that benefit all members of our community. Let us remember that we are all here because we care deeply about our state and its people. May our discussions today be guided by wisdom and compassion, and may we always act with respect and integrity towards one another. We love You and we thank You.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 78, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 11, 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 146, 315, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 161, 172, 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 289, 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 520, 521, 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 3.

Resolution read.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 536.

SENATE JOINT RESOLUTION—Urging the United States Bureau of Reclamation to consider certain actions, alternatives and measures for the protection and management of the Colorado River.

WHEREAS, The Colorado River is the most vital water source in Nevada and much of the western United States, sustaining the life and livelihood of 7 western states, 22 Indian tribes and Mexico; and

WHEREAS, The Colorado River supports the needs of 40 million people in the United States and Mexico, irrigates over 5 million acres of land, generates hydropower for several million people and supports recreational and tourism industries; and

WHEREAS, Ninety percent of Southern Nevada's water supply comes from the Colorado River via Lake Mead; and

WHEREAS, Facing unprecedented drought and aridification, the Colorado River is in crisis with Lake Mead currently at 28 percent capacity; and

WHEREAS, The Colorado River is also overallocated with more water committed for use than is available from the Colorado River in an average year resulting in a structural deficit in the Colorado River; and

WHEREAS, The seven Colorado River Basin states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming have yet to reach a consensus on a plan to decrease current water use; and

WHEREAS, The Federal Government intends to take unilateral action regarding the management of the Colorado River if the Colorado River Basin states do not present a reasonable plan for water management; and

WHEREAS, The Southern Nevada Water Authority and the Colorado River Commission, on behalf of the State of Nevada, have urged all users of the Colorado River in every state and sector to work together towards a solution to the water crisis and to reduce water demands to reflect the hydrological reality of the Colorado River Basin; and

WHEREAS, In August 2022, the Southern Nevada Water Authority, on behalf of the State of Nevada, submitted a letter to the United States Bureau of Reclamation listing 12 recommendations to address the crisis on the Colorado River, including adopting methods to account for evaporation and system losses in the Colorado River and investing in long-term, durable water conservation to permanently reduce the structural deficit in the Colorado River; and

WHEREAS, In November 2022, the United States Bureau of Reclamation announced its intention to prepare a supplemental environmental impact statement for the December 2007 Record of Decision entitled "Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead"; and

WHEREAS, In December 2022, the Southern Nevada Water Authority and the Colorado River Commission, on behalf of the State of Nevada, submitted a proposed alternative to the United States Bureau of Reclamation for consideration in the supplemental environmental impact statement process that presented recommendations to address the structural deficit in the Colorado River; and

WHEREAS, In January 2023, representatives of Nevada joined with the representatives of five other Colorado River Basin states to submit to the United States Bureau of Reclamation a Consensus-Based Modeling Alternative to help stabilize the water levels of Lake Mead and Lake Powell and asked the Bureau to consider and model the Consensus-Based Modeling Alternative in the supplemental environmental impact statement process; and

WHEREAS, The recommendations of Nevada and the Consensus-Based Modeling Alternative to address the Colorado River crisis present a solid starting point for further discussions on the management of the Colorado River; and

WHEREAS, The current Colorado River crisis is dire but solvable if the Colorado River Basin States, the Federal Government and Mexico cooperate to address the crisis; and

WHEREAS, Federal money and other funding mechanisms can aid with short-term water management and prevent the future depletion of the already depleted Colorado River, but the long-term sustainability of the Colorado River system requires the investment of additional money to implement permanent reductions in demand for Colorado River water; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 82nd Session of the Nevada Legislature strongly support the pursuit of a collaboration-based framework to address the structural deficit in the Colorado River; and be it further

RESOLVED, That the members of the 82nd Session of the Nevada Legislature support the inclusion of mechanisms to account for evaporation and system losses in the Colorado River in the future management of the Colorado River; and be it further

RESOLVED, That the members of the 82nd Session of the Nevada Legislature hereby urge the United States Bureau of Reclamation to amend existing federal regulations to prohibit the inefficient delivery, application or use of any water from the Colorado River by all sectors and users of water from the Colorado River to limit unnecessary water losses on the Colorado River; and be it further

~~[Resolved, That the members of the 82nd Session of the Nevada Legislature hereby urge the United States Bureau of Reclamation to consider and model the Consensus-Based Modeling Alternative submitted by Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming in the supplemental environmental impact statement process; and be it further]~~

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the United States Secretary of the Interior, the United States Commissioner of the Bureau of Reclamation and the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assemblywoman Jauregui moved that all bills reported out of committee be placed on the Second Reading File.

Motion carried.

Assemblywoman Jauregui moved that Amendment No. 605 to Senate Bill No. 81 be taken from the Second Reading File and placed on the Chief Clerk's Desk.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 436 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 34 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 5, 29, 39, 43, 59, 105, 110, 113, 129, 247, 251, 298, 302, 323, 382, 384, 391, 393, 404, 415, 424, and 429 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 523—AN ACT relating to education; revising certain sources of revenue for the State Education Fund; authorizing a temporary

advance from the Education Stabilization Account or the State General Fund to the State Education Fund under certain circumstances; revising provisions relating to inflation for determining the statewide base per pupil funding amount; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 633.

AN ACT relating to gaming; authorizing the Chair of the Nevada Gaming Control Board to administratively approve certain persons to temporarily engage in certain gaming activities or receive proceeds therefrom without procuring a state gaming license; revising the definition of "gaming employee"; revising provisions relating to delinquent debt owed to the Board that is determined to be impossible or impracticable to collect; revising provisions concerning the general powers and duties of the Board and the Nevada Gaming Commission; ~~[expanding the activities that are included in the operation of a race book or sports pool;]~~ authorizing persons aggrieved by final decisions or orders of the Commission relating to disciplinary matters to obtain a judicial review of a decision or order in the district court in and for Carson City; providing that any person authorized to receive a share of the revenue from a slot machine operated on the premises of a gaming licensee is liable for his or her proportionate share of a license fee for the slot machines; including additional fees for which prepayment credit may be granted with regard to continuing operations; authorizing the Commission to adopt certain regulations defining the scope of the power and authority of the Board and Commission relating to **hosting centers,** interactive gaming service providers and service providers; exempting persons who accept employment or an independent contract with the Commission as a Commissioner appointed by the Governor from certain provisions of law governing the employment of retired public employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, in general, a person from engaging in certain activities relating to gaming without procuring a state gaming license. (NRS 463.160, 463.162, 463.650) **Section 1** of this bill authorizes the Chair of the Nevada Gaming Control Board, in the sole and absolute discretion of the Chair, to administratively approve certain persons associated with a holder of a license issued by the Nevada Gaming Commission who is deceased or who has been judicially declared to be disabled to temporarily engage in such activities or receive proceeds therefrom without procuring a state gaming

license. **Section 1** authorizes the Chair to condition or limit an administrative approval in any manner he or she deems necessary and appropriate. **Section 1** further provides that a person who is administratively approved by the Chair to temporarily engage in certain gaming activities or receive proceeds therefrom without procuring a state gaming license is: (1) required to comply with the provisions of law and regulations governing gaming; and (2) subject to disciplinary action for any violation of such provisions. **Sections 3, 4 and 9** of this bill make conforming changes by referring to such an exception for temporary administrative approval in the applicable provisions of law governing the gaming activities for which a state gaming license is otherwise required.

Existing law requires gaming employees to be registered with the Board and defines the term "gaming employee." (NRS 463.0157, 463.335) **Section 1.5** of this bill revises the definition of the term "gaming employee" to clarify which persons are required to be registered with the Board.

Existing law requires, in general, state agencies to coordinate their debt collection efforts through the State Controller and assign debts to the State Controller for collection. (NRS 353C.195) If the State Controller determines that it is impossible or impractical to collect a debt, he or she is authorized to request that the State Board of Examiners designate the debt as a bad debt. (NRS 353C.220) Existing law requires the Nevada Gaming Control Board to: (1) prepare and furnish to the Commission an annual report that shows all debts owed to the Board that became or remained delinquent during the preceding year and includes the amount of any delinquent debt that the Board determines is impossible or impractical to collect; and (2) request that the State Board of Examiners designate any amount of delinquent debt determined to be impossible or impractical to collect as bad debt. (NRS 463.123) **Section 2** of this bill authorizes the Nevada Gaming Control Board to designate as bad debt any amount of debt it assigned to the State Controller for collection that the Board determines is impossible or impractical to collect instead of having to request that the State Board of Examiners designate the debt as a bad debt. **Section 2** also provides that if the State Controller determines that it is impossible or impractical to collect a debt assigned by the Board, he or she is required to request that the State Board of Examiners designate the debt as a bad debt. **Section 11** of this bill makes a conforming change to refer to the exception that the State Controller is required, instead of authorized, to request that the State Board of Examiners designate the debt as a bad debt under **section 2**.

Existing law establishes the general powers and duties of the Board and Commission. (NRS 463.140) **Section 2.5** of this bill requires that the provisions of law governing gaming that relate to any license, registration, finding of suitability or other approval or authorization be administered by the Board and the Commission. **Section 2.5** also establishes an exception to certain authorized actions of the Board, the Commission and their agents.

~~[Existing law requires a person to procure and maintain all applicable gaming licenses and registrations in order to operate a race book or sports pool and sets forth the activities that are included in the operation of a race book or sports pool. (NRS 463.160) Section 3 expands such activities that are included in the operation of a race book or sports pool.]~~

Existing law authorizes the Board or Commission or certain persons to obtain a judicial determination of any construction or validity arising under certain provisions of law governing gaming or any regulation of the Commission by bringing an action for a declaratory judgment in the: (1) First Judicial District Court of the State of Nevada in and for Carson City; or (2) district court of the district in which the plaintiff resides or does business. (NRS 463.343) Existing law also authorizes any person aggrieved by a final decision or order of the Commission made after a disciplinary hearing or rehearing to obtain a judicial review of the decision or order in the district court of the county in which the petitioner resides or has his, her or its principal place of business. (NRS 463.315) **Section 5** of this bill additionally authorizes a person to obtain such a judicial review in the district court in and for Carson City. **Section 6** of this bill revises certain language relating to bringing an action for a declaratory judgment to more closely resemble the language used in **section 5**.

Existing law: (1) requires the Commission to charge and collect a license fee from an applicant for a restricted operation for each slot machine for each quarter year before the Commission issues a state gaming license to the applicant; and (2) establishes when the license fee must be paid. (NRS 463.373) **Section 7** of this bill provides that any person who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for the person's proportionate share of the license fee and is required to remit or credit his or her proportionate share to the licensee on or before certain dates.

Existing law provides that if the Commission approves the issuance of a license for gaming operations at the same location that is currently licensed or, if the license is for the operation of a slot machine route, locations that are currently licensed, the Chairs of the Board and Commission are authorized in certain circumstances to administratively determine that for the purposes of certain fees, the license shall be deemed transferred, the previously licensed operation shall be deemed a continuing operation and credit must be granted for prepaid license fees. (NRS 463.386) **Section 8** of this bill includes additional fees for which prepayment credit must be granted with respect to a continuing operation.

Existing law: (1) authorizes the Commission to provide by regulation for the operation and registration of hosting centers and persons associated therewith; and (2) requires such regulations to provide that the premises on which the hosting center is located are subject to the power and authority of the Board and Commission, as though the premises are where gaming is conducted and the hosting center is a gaming licensee.

(NRS 463.673) Existing law **[,] similarly:** (1) authorizes the Commission to provide by regulation for the licensing of an interactive gaming service provider, the registration of a service provider and the operation of such a service provider or interactive gaming service provider; and (2) requires such regulations to provide that the premises on which an interactive service provider and a service provider conducts its operations are subject to the power and authority of the Board and Commission, as though gaming is conducted on the premises and the interactive gaming service provider or service provider is a gaming licensee. (NRS 463.677) **[**Section**]** **Sections 9.1 and 9.3** of this bill**, respectively,** instead **[**authorizes**]** **authorize** the Commission to adopt regulations that define the scope of the power and authority of the Board and Commission as it deems appropriate based on the type and function of **a hosting center or** the specific interactive gaming service provider or service provider. **Sections 9.5 and 9.7** of this bill make conforming changes to refer to provisions that have been renumbered by **section 9.3**.

Existing law establishes provisions concerning the employment of retired public employees and provides that a person who accepts employment or an independent contract with certain entities is exempt from certain provisions of existing law for the duration of the employment or contract. (NRS 286.520) **Section 10.5** of this bill also exempts a person who accepts employment or an independent contract with the Commission as a Commissioner appointed by the Governor from such provisions for the duration of the employment or contract.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chair of the Board may, in the sole and absolute discretion of the Chair, administratively approve the spouse, next of kin, personal representative, guardian or heir of a holder of a license issued by the Commission who is deceased or has been judicially declared to be disabled to temporarily engage in any of the activities set forth in subsection 1 of NRS 463.160, subsection 1 of NRS 463.162 or subsection 1 of NRS 463.650 or receive proceeds therefrom without procuring a state gaming license.

2. The Chair of the Board may condition or limit an administrative approval issued pursuant to subsection 1 in any manner the Chair deems necessary and appropriate.

3. A person who is administratively approved by the Chair of the Board to temporarily engage in any of the activities set forth in subsection 1 of NRS 463.160, subsection 1 of NRS 463.162 or subsection 1 of NRS 463.650 or receive proceeds therefrom without procuring a state gaming license:

(a) Shall comply with the provisions of chapter 463 of NRS and all regulations adopted thereunder; and

(b) Is subject to disciplinary action for any violation of those provisions as set forth in NRS 463.310 to 463.318, inclusive.

Sec. 1.5. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any ~~[person connected directly with]~~ ***employee, temporary employee or other representative of*** an operator of a slot route, the operator of a pari-mutuel system ***, the operator of an inter-casino linked system*** or a manufacturer, distributor or disseminator, or ~~[with the operation of]~~ a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, ***whose job duties pertain to the operation, control or outcome of any gambling game or the access, transport or review of any gaming revenue,*** including ~~[:]~~ ***, without limitation:***

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) ~~[Boxpersons;]~~ ***Table games personnel;***

(c) ~~[Cashiers;]~~ ***Cage and counting room personnel;***

(d) ~~[Change]~~ ***Slot*** personnel;

(e) ~~[Counting room]~~ ***Keno*** personnel;

(f) ~~[Dealers;]~~ ***Race book and sports pool personnel;***

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees of a person required by paragraph (e) of subsection 1 of NRS 463.160 to be registered to operate as a cash access and wagering instrument service provider;

(j) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, associated equipment when the employer is required by NRS 463.650 to be licensed, cashless wagering systems or interactive gaming systems;

(k) ~~[Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;~~

~~(l)]~~ Employees of operators of interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

~~[(m)]~~ ***(l)*** Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

~~[(n)]~~ ***(m)*** Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

~~[(o) Floorpersons;~~

~~(p)]~~ ***(n) Information technology personnel who have operational or supervisory control over information technology systems associated with any of the matters related to gaming described in this subsection;***

(o) Hosts or other persons empowered to extend credit or complimentary services ~~[~~;

~~(q) Keno runners;~~

~~(r) Keno writers;~~

~~(s)]~~ ***related to gaming;***

(p) Machine mechanics;

~~[(t)]~~ ***(q)*** Odds makers and line setters;

~~[(u)]~~ ***(r)*** Security personnel;

~~[(v)]~~ ***(s)*** Shift or pit bosses;

~~[(w)]~~ ***(t)*** Shills;

~~[(x)]~~ ***(u)*** Supervisors or managers ~~[~~;

~~(y) Ticket writers;~~

~~(z)]~~ ***whose duties include the supervision of employees described in this subsection;***

(v) Employees of a person required by NRS 463.160 to be licensed to operate an information service;

~~[(aa) Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;~~

~~(bb) Temporary or contract employees hired by a licensee to perform a function related to gaming; and~~

~~(cc)]~~ ***(w) Club venue employees; and***

(x) Other persons whose duties are similar to the classifications set forth in paragraphs (a) to ~~[(bb),]~~ ***(w),*** inclusive, as the Commission may from time to time designate by regulation.

2. "Gaming employee" does not include ~~[barbacks or bartenders]~~ ***employees*** whose duties do not involve gaming activities, ~~[cocktail servers or other]~~ persons engaged exclusively in preparing or serving food or beverages ~~[~~.

~~3. As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.]~~ ***or persons involved primarily in the resort or hotel functions of a licensed gaming establishment.***

Sec. 2. NRS 463.123 is hereby amended to read as follows:

463.123 1. On or before January 15 of each year, the Board shall prepare and furnish to the Commission a report that shows all debts owed to the Board that became or remained delinquent during the preceding year. The Board shall include in the report the amount of any delinquent debt that the Board determines is impossible or impractical to collect.

2. For any amount of debt the ~~[~~Nevada Gaming Control~~]~~ Board ***has assigned to the State Controller for collection pursuant to NRS 353C.195 that:***

(a) The Board determines is impossible or impractical to collect, the ~~[~~Nevada Gaming Control~~]~~ Board ~~[~~shall request that the State Board of Examiners~~]~~ ***may*** designate such amount as a bad debt ~~[~~. The State Board of Examiners, by an affirmative vote of the majority of the members of the State Board of Examiners, may designate the debt as bad debt if the State Board of Examiners is satisfied that the collection of the debt is impossible or impractical. If the amount of the debt is not more than $50, the State Board of Examiners may delegate to its Clerk the authority to designate the debt as a bad debt. The Nevada Gaming Control Board may appeal to the State Board of Examiners a denial by the Clerk of a request to designate a debt as a bad debt.

3. Upon the designation of a debt as a bad debt pursuant to this section, the State Board of Examiners or its Clerk shall immediately notify the State Controller thereof. Upon receiving the notification, the State Controller shall direct the removal of the bad debt from the books of account of the State of Nevada. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the State of Nevada.

4. The State Controller shall keep a master file of all debts that are designated as bad debts pursuant to this section. For each such debt, the State Controller shall record the name of the debtor, the amount of the debt, the date on which the debt was incurred and the date on which it was removed from the records and books of account of the State of Nevada, and any other information concerning the debt that the State Controller determines is necessary.~~]~~ ***and shall notify the State Controller of such a designation. Upon approval by the Chair of the Board, the bad debt may be removed from the books of the account of the Board.***

(b) The State Controller determines is impossible or impractical to collect, the State Controller shall request the State Board of Examiners to designate the debt as a bad debt in accordance with NRS 353C.220.

Sec. 2.5. NRS 463.140 is hereby amended to read as follows:

463.140 1. The provisions of this chapter with respect to ~~[~~state gaming licenses and manufacturer's, seller's and distributor's licenses~~]~~ ***any license, registration, finding of suitability or other approval or authorization*** must be administered by the Board and the Commission, which shall administer them for the protection of the public and in the public interest in accordance with the policy of this state.

2. ~~[~~The~~]~~ ***Except as otherwise provided in this chapter, the*** Board and the Commission and their agents may:

(a) Inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are manufactured, sold or distributed.

(b) Inspect all equipment and supplies in, upon or about such premises.

(c) Summarily seize and remove from such premises and impound any equipment, supplies, documents or records for the purpose of examination and inspection.

(d) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any applicant or licensee, on his or her premises, or elsewhere as practicable, and in the presence of the applicant or licensee, or his or her agent, respecting the gross income produced by any gaming business, and require verification of income, and all other matters affecting the enforcement of the policy or any of the provisions of this chapter.

(e) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any affiliate of a licensee whom the Board or Commission knows or reasonably suspects is involved in the financing, operation or management of the licensee. The inspection, examination, photocopying and audit may take place on the affiliate's premises or elsewhere as practicable, and in the presence of the affiliate or its agent.

3. For the purpose of conducting audits after the cessation of gaming by a licensee, the former licensee shall furnish, upon demand of an agent of the Board, books, papers and records as necessary to conduct the audits. The former licensee shall maintain all books, papers and records necessary for audits for 1 year after the date of the surrender or revocation of his or her gaming license. If the former licensee seeks judicial review of a deficiency determination or files a petition for a redetermination, the former licensee must maintain all books, papers and records until a final order is entered on the determination.

4. The Board may investigate, for the purpose of prosecution, any suspected criminal violation of the provisions of this chapter, chapter 205 of NRS involving a crime against the property of a gaming licensee, NRS 207.195 or chapter 462, 463B, 464, 465 or 466 of NRS.

5. The Board and the Commission or any of its members has full power and authority to issue subpoenas and compel the attendance of witnesses at any place within this state, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil actions. The Board or the Commission may pay such transportation and other expenses of witnesses as it may deem reasonable and proper. Any person making false oath in any matter before either the Board or Commission is guilty of perjury. The Board and Commission or any member thereof may appoint hearing examiners who may administer oaths and receive evidence and testimony under oath.

Sec. 3. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 3 and NRS 462.155 and 463.172 ~~[,]~~ ***and section 1 of this act,*** it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider; or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➥ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses or registrations as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. Except as otherwise provided in subsection 3, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

3. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

4. For the purposes of this section, the operation of a race book or sports pool includes making ~~*[, without limitation:*~~

~~*[(a) Controlling the types of wagers that will be accepted, including, without limitation, controlling the setting of lines, point spreads and odds;*~~

~~*[(b) Representing to the public that the person is operating a race book or sports pool;*~~

~~*[(c) Having responsibility for the financial success or failure of a race book or sports pool; or*~~

~~*[(d) Making]*~~ the premises available for any of the following purposes:

(a) ~~*[(1)]*~~ Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) ~~*[(2)]*~~ Accepting wagers from patrons;

(c) ~~*[(3)]*~~ Allowing patrons to place wagers;

(d) ~~*[(4)]*~~ Paying winning wagers to patrons; or

(e) ~~*[(5)]*~~ Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➥ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that

device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

Sec. 4. NRS 463.162 is hereby amended to read as follows:

463.162 1. Except as otherwise provided in subsections 2 and 3 ~~[,]~~ ***and section 1 of this act,*** it is unlawful for any person to:

(a) Lend, let, lease or otherwise deliver or furnish any equipment of any gambling game, including any slot machine, for any interest, percentage or share of the money or property played, under guise of any agreement whatever, without having first procured a state gaming license.

(b) Lend, let, lease or otherwise deliver or furnish, except by a bona fide sale or capital lease, any slot machine under guise of any agreement whereby any consideration is paid or is payable for the right to possess or use that slot machine, whether the consideration is measured by a percentage of the revenue derived from the machine or by a fixed fee or otherwise, without having first procured a state gaming license for the slot machine.

(c) Furnish services or property, real or personal, on the basis of a contract, lease or license, pursuant to which that person receives payments based on earnings or profits from any gambling game, including any slot machine, without having first procured a state gaming license.

2. The provisions of subsection 1 do not apply to any person:

(a) Whose payments are a fixed sum determined in advance on a bona fide basis for the furnishing of services or property other than a slot machine.

(b) Who furnishes services or property under a bona fide rental agreement or security agreement for gaming equipment.

(c) That is a wholly owned subsidiary of:

(1) A corporation, limited partnership or limited-liability company holding a state gaming license; or

(2) A holding company or intermediary company, or publicly traded corporation, that has registered pursuant to NRS 463.585 or 463.635 and which has fully complied with the laws applicable to it.

(d) Who is licensed as a manufacturer or distributor pursuant to NRS 463.650.

(e) Who is found suitable by the Commission to act as an independent agent.

➥ Receipts or rentals or charges for real property, personal property or services do not lose their character as payments of a fixed sum or as bona fide because of provisions in a contract, lease or license for adjustments in charges, rentals or fees on account of changes in taxes or assessments, escalations in the cost-of-living index, expansions or improvement of facilities, or changes in services supplied. Receipts of rentals or charges based on percentage between a corporate licensee or a licensee who is a limited partnership or limited-liability company and the entities enumerated in paragraph (c) are permitted under this subsection.

3. The Commission may, upon the issuance of its approval or a finding of suitability, exempt a holding company from the licensing requirements of subsection 1.

4. The Board may require any person exempted by the provisions of subsection 2 or paragraph (b) of subsection 1 to provide such information as it may require to perform its investigative duties.

5. The Board and the Commission may require a finding of suitability or the licensing of any person who:

(a) Owns any interest in the premises of a licensed establishment or owns any interest in real property used by a licensed establishment whether the person leases the property directly to the licensee or through an intermediary.

(b) Repairs, rebuilds or modifies any gaming device.

(c) Manufactures or distributes chips or gaming tokens for use in this state.

(d) Operates a call center within this State as an agent of a licensed race book or sports pool in this State in accordance with the regulations adopted by the Commission.

(e) Has invented, has developed or owns the intellectual property rights to a game for which approval by the Commission is being sought or has been received in accordance with the regulations adopted by the Commission.

6. If the Commission finds a person described in subsection 5 unsuitable, a licensee shall not enter into any contract or agreement with that person without the prior approval of the Commission. Any other agreement between the licensee and that person must be terminated upon receipt of notice of the action by the Commission. Any agreement between a licensee and a person described in subsection 5 shall be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Commission that the person is unsuitable. Failure expressly to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement. If the application is not presented to the Board within 30 days after demand, the Commission may pursue any remedy or combination of remedies provided in this chapter.

Sec. 5. NRS 463.315 is hereby amended to read as follows:

463.315 1. Any person aggrieved by a final decision or order of the Commission made after hearing or rehearing by the Commission pursuant to NRS 463.312 to 463.3145, inclusive, and whether or not a petition for rehearing was filed, may obtain a judicial review thereof in the district court ~~[of]~~ ***in and for Carson City, the district court in and for*** the county in which the petitioner resides or ***the district court in and for the county in which the petitioner*** has his, her or its principal place of business.

2. The judicial review must be instituted by filing a petition within 20 days after the effective date of the final decision or order. A petition may not be filed while a petition for rehearing or a rehearing is pending before the Commission. The petition must set forth the order or decision appealed from and the grounds or reasons why petitioner contends a reversal or modification should be ordered.

3. Copies of the petition must be served upon the Commission and all other parties of record, or their counsel of record, either personally or by certified mail.

4. The court, upon a proper showing, may permit other interested persons to intervene as parties to the appeal or as friends of the court.

5. The filing of the petition does not stay enforcement of the decision or order of the Commission, but the Commission itself may grant a stay upon such terms and conditions as it deems proper.

6. If judicial review is sought in any case in which a supervisor has been appointed pursuant to NRS 463B.010 to 463B.280, inclusive, the district court shall give priority to that review over other civil actions.

Sec. 6. NRS 463.343 is hereby amended to read as follows:

463.343 1. The Board or Commission or any applicant, licensee, association of licensees, nonprofit corporation that represents licensees, person found suitable, holding company, intermediary company or publicly traded corporation which is registered with the Commission may obtain a judicial determination of any question of construction or validity arising under this chapter, chapter 462 of NRS or any regulation of the Commission by bringing an action for a declaratory judgment in the ~~[~~First Judicial District Court of the State of Nevada~~]~~ ***district court*** in and for Carson City ~~[,]~~ or ~~[~~in~~]~~ the district court ~~[~~of~~]~~ ***in and for*** the ~~[~~district~~]~~ ***county*** in which the plaintiff resides or does business, in accordance with the provisions of chapter 30 of NRS.

2. When an action is brought by a person other than the Board or Commission, the Commission must be made a party to the action and the Attorney General must be served with a copy of the complaint and is entitled to appear in the action.

3. Statutes and regulations reviewed pursuant to this section must be construed in a manner consistent with the declared policy of the State.

4. The filing of a complaint for judicial determination under this section does not stay enforcement of any Commission or Board action. The Board or Commission may grant a stay upon appropriate terms.

5. In any proceeding brought under this section, the district court shall not grant any injunctive relief or relief based upon any other extraordinary common-law writ to:

(a) Any applicant for licensing, finding of suitability or registration;

(b) Any person who has been ordered by the Board or Commission to submit his or her application for licensing, finding of suitability or registration;

(c) Any person seeking judicial review of an action of the Commission which is subject to the provisions of NRS 463.315 to 463.318, inclusive; or

(d) Any person who is adversely affected by the appointment of a supervisor pursuant to chapter 463B of NRS.

Sec. 7. NRS 463.373 is hereby amended to read as follows:

463.373 1. Before issuing a state gaming license to an applicant for a restricted operation, the Commission shall charge and collect from the applicant for each slot machine for each quarter year:

(a) A license fee of $81 for each slot machine if the applicant will have at least 1 but not more than 5 slot machines.

(b) A license fee of $405 plus $141 for each slot machine in excess of 5 if the applicant will have at least 6 but not more than 15 slot machines.

2. The Commission shall charge and collect the fee prescribed in subsection 1:

(a) On or before the last day of the last month in a calendar quarter, for the ensuing calendar quarter, from a licensee whose operation is continuing.

(b) In advance from a licensee who begins operation or puts additional slot machines into play during a calendar quarter.

3. Except as otherwise provided in NRS 463.386, no proration of the fee prescribed in subsection 1 may be allowed for any reason.

4. The operator of the location where slot machines are situated shall pay the fee prescribed in subsection 1 upon the total number of slot machines situated in that location, whether or not the machines are owned by one or more licensee-owners.

5. Any person who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the fee prescribed in subsection 1 and shall remit or credit his or her full proportionate share to the licensee on or before the last day of the last month in a calendar quarter, if the licensee is paying the fee in accordance with paragraph (a) of subsection 2, or, if the licensee is paying the fee in accordance with paragraph (b) of subsection 2, on or before the date on which the licensee pays the fee. A licensee is not liable to any person who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of the licensee for that person's proportionate share of the fee prescribed in subsection 1.

Sec. 8. NRS 463.386 is hereby amended to read as follows:

463.386 1. If the Commission approves the issuance of a license for gaming operations at the same location that is currently licensed, or locations that are currently licensed if the license is for the operation of a slot machine route, the Chair of the Board, in consultation with the Chair of the Commission may administratively determine that, for the purposes of NRS 463.370 ***,*** ~~[and]~~ 463.373 to 463.3855, inclusive, ***463.450, 463.660, 463.677, 463.760, 463.765 and 464.015,*** the gaming license shall be deemed transferred, the previously licensed operation shall be deemed a continuing operation and credit must be granted for prepaid license fees, if the Chair of the Board makes a written finding that such determination is consistent with the public policy of this State pursuant to NRS 463.0129.

2. The Chair of the Board may refer a request for administrative determination pursuant to this section to the Board and the Commission for consideration, or may deny the request for any reasonable cause. A denial may be submitted for review by the Board and the Commission in the manner set

forth by the regulations adopted by the Commission which pertain to the review of administrative approval decisions.

3. Except as otherwise provided in this section, no credit or refund of fees or taxes may be made because a gaming establishment ceases operation.

4. The Commission may, with the advice and assistance of the Board, adopt regulations consistent with the policy, objects and purposes of this chapter as it may deem necessary to carry out the provisions of this section.

Sec. 9. NRS 463.650 is hereby amended to read as follows:

463.650 1. Except as otherwise provided in subsections 2 to 7, inclusive, ***and section 1 of this act,*** it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device, cashless wagering system or interactive gaming system for use or play in Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the Board, dispose of by sale in a manner approved by the Board, any or all of its gaming devices, including slot machines and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the Board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The Commission may, by regulation, authorize a person who owns:

(a) Gaming devices for home use in accordance with NRS 463.160; or

(b) Antique gaming devices,

➥ to sell such devices without procuring a license therefor to residents of jurisdictions wherein ownership of such devices is legal.

5. Upon approval by the Board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the Commission on Postsecondary Education,

➥ may be disposed of by sale, in a manner approved by the Board, without a distributor's license. An application for approval must be submitted to the Board in the manner prescribed by the Chair.

6. A manufacturer who performs any action described in paragraph (a), (b) or (c) of subsection 1 of NRS 463.01715 is not required to be licensed under the provisions of this section with respect to the performance of that action if another manufacturer who is licensed under the provisions of this section assumes responsibility for the performance of that action.

7. An independent contractor who designs, develops, programs, produces or composes a control program for use in the manufacture of a gaming device that is for use or play in this State is not required to be licensed under the provisions of this section with respect to the design, development, programming, production or composition of a control program if a manufacturer who is licensed under the provisions of this section assumes responsibility for the design, development, programming, production or composition of the control program.

8. Any person who the Commission determines is a suitable person to receive a license under the provisions of this section may be issued a manufacturer's or distributor's license. The burden of proving his or her qualification to receive or hold a license under this section is at all times on the applicant or licensee.

9. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the Commission.

10. The Commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the Commission determines that the exemption is consistent with the purposes of this chapter.

11. Any person conducting business in Nevada who is not required to be licensed as a manufacturer, seller or distributor pursuant to subsection 1, but who otherwise must register with the Attorney General of the United States pursuant to Title 15 of U.S.C., must submit to the Board a copy of such registration within 10 days after submission to the Attorney General of the United States.

12. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to knowingly distribute any gaming device, cashless wagering system, interactive gaming system or associated equipment from Nevada to any jurisdiction where the possession, ownership or use of any such device, system or equipment is illegal.

13. As used in this section:

(a) "Antique gaming device" means a gaming device that was manufactured before 1961.

(b) "Assume responsibility" has the meaning ascribed to it in NRS 463.01715.

(c) "Control program" has the meaning ascribed to it in NRS 463.0155.

(d) "Holding company" has the meaning ascribed to it in NRS 463.485.

(e) "Independent contractor" has the meaning ascribed to it in NRS 463.01715.

Sec. 9.1. **NRS 463.673 is hereby amended to read as follows:**

463.673 1. The Legislature finds that:

(a) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public policy declared in NRS 463.0129, it is necessary that the Board and

Commission be allowed to react to rapidly evolving technological advances while maintaining strict regulation and control of gaming.

(b) Technological advances have evolved which allow:

(1) Certain parts of games, gaming devices, cashless wagering systems and race book and sports pool operations to be conducted at locations that are not on the premises of a licensed gaming establishment; and

(2) Associated equipment to be located at a hosting center.

2. Except as otherwise provided in subsection 3, the Commission may, with the advice and assistance of the Board, provide by regulation for the operation and registration of hosting centers and persons associated therewith. Such regulations may include:

(a) Provisions relating to the operation and location of hosting centers, including, without limitation, minimum internal and operational control standards established by the Commission.

(b) Provisions relating to the registration of persons owning or operating a hosting center and any persons having a significant involvement with a hosting center, as determined by the Commission.

(c) A provision that a person owning, operating or having a significant involvement with a hosting center may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(d) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

3. The Commission may not adopt regulations pursuant to this section until the Commission first determines that hosting centers are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

4. ~~[Regulations]~~ ***Subject to any regulations*** adopted by the Commission pursuant to ~~[this section must:~~

~~(a) Define "hosting center."~~

~~(b) Provide that]~~ ***subsection 5,*** the premises on which the hosting center is located are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the hosting center is a gaming licensee.

5. The Commission may adopt regulations that define the scope of the power and authority of the Board and Commission provided in subsection 4 as it deems appropriate based on the type and function of a hosting center.

6. Regulations adopted by the Commission pursuant to this section must define "hosting center."

Sec. 9.3. NRS 463.677 is hereby amended to read as follows:

463.677 1. The Legislature finds that:

(a) Technological advances have evolved which allow licensed gaming establishments to expose games, including, without limitation, system-based and system-supported games, gaming devices, interactive gaming, cashless

wagering systems or race books and sports pools, and to be assisted by an interactive gaming service provider or a service provider, as applicable, who provides important services to the public with regard to the conduct and exposure of such games.

(b) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public policy declared in NRS 463.0129, it is necessary that the Board and Commission have the ability to:

(1) License interactive gaming service providers;

(2) Register service providers; and

(3) Maintain strict regulation and control of the operation of such interactive gaming service providers or service providers, respectively, and all persons and locations associated therewith.

2. Except as otherwise provided in subsection 4, the Commission may, with the advice and assistance of the Board, provide by regulation for the:

(a) Licensing of an interactive gaming service provider;

(b) Registration of a service provider; and

(c) Operation of such a service provider or interactive gaming service provider, respectively, and all persons, locations and matters associated therewith.

3. The regulations pursuant to subsection 2 may include, without limitation:

(a) Provisions requiring:

(1) The interactive gaming service provider to meet the qualifications for licensing pursuant to NRS 463.170, in addition to any other qualifications established by the Commission and to be licensed regardless of whether the interactive gaming service provider holds any license.

(2) The service provider to be registered regardless of whether the service provider holds any license.

(b) Criteria regarding the location from which the interactive gaming service provider or service provider, respectively, conducts its operations, including, without limitation, minimum internal and operational control standards established by the Commission.

(c) Provisions relating to:

(1) The licensing of persons owning or operating an interactive gaming service provider, and any person having a significant involvement therewith, as determined by the Commission.

(2) The registration of persons owning or operating a service provider, and any persons having a significant involvement therewith, as determined by the Commission.

(d) A provision that a person owning, operating or having significant involvement with an interactive gaming service provider or a service provider, respectively, as determined by the Commission, may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(e) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129, including that an interactive gaming service provider or a service provider, respectively, must be liable to the licensee on whose behalf the services are provided for the interactive gaming service provider's or service provider's proportionate share of the fees and taxes paid by the licensee.

4. The Commission may not adopt regulations pursuant to this section until the Commission first determines that interactive gaming service providers or service providers, respectively, are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

5. ~~[~~Regulations~~]~~ ***Subject to any regulations*** adopted by the Commission pursuant to ~~[~~this section must provide that~~]~~ ***subsection 6,*** the premises on which an interactive gaming service provider ~~[~~and~~]~~ ***or*** a service provider ~~[~~, respectively,~~]~~ conducts its operations are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the interactive gaming service provider or service provider, respectively, is a gaming licensee.

6. ***The Commission may adopt regulations that define the scope of the power and authority of the Board and Commission provided in subsection 5 as it deems appropriate based on the type and function of a specific interactive gaming service provider or service provider.***

7. As used in this section:

(a) "Interactive gaming service provider" means a person who acts on behalf of an establishment licensed to operate interactive gaming and:

(1) Manages, administers or controls wagers that are initiated, received or made on an interactive gaming system;

(2) Manages, administers or controls the games with which wagers that are initiated, received or made on an interactive gaming system are associated;

(3) Maintains or operates the software or hardware of an interactive gaming system; or

(4) Provides products, services, information or assets to an establishment licensed to operate interactive gaming and receives therefor a percentage of gaming revenue from the establishment's interactive gaming system.

(b) "Service provider" means a person who:

(1) Is a cash access and wagering instrument service provider; or

(2) Meets such other or additional criteria as the Commission may establish by regulation.

Sec. 9.5. NRS 463.750 is hereby amended to read as follows:

463.750 1. The Commission shall, with the advice and assistance of the Board, adopt regulations governing:

(a) The licensing and operation of interactive gaming; and

(b) The registration of service providers to perform any action described in paragraph (b) of subsection ~~[~~6~~]~~ ***7*** of NRS 463.677.

2. The regulations adopted by the Commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems;

(3) A license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677; and

(4) Registration as a service provider to perform the actions described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware;

(2) A person must hold a license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677; and

(3) A person must be registered as a service provider to perform the actions described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

(c) Except as otherwise provided in subsections 6 to 10, inclusive, set forth standards for the suitability of a person to be:

(1) Licensed as a manufacturer of interactive gaming systems;

(2) Licensed as an interactive gaming service provider as described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677 that are as stringent as the standards for a nonrestricted license; or

(3) Registered as a service provider as described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677 that are as stringent as the standards for a nonrestricted license.

(d) Set forth provisions governing:

(1) The initial fee for a license for an interactive gaming service provider as described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677.

(2) The initial fee for registration as a service provider as described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

(3) The fee for the renewal of such a license for such an interactive gaming service provider or registration as a service provider, as applicable, and any renewal requirements for such a license or registration, as applicable.

(4) Any portion of the license fee paid by a person licensed to operate interactive gaming, pursuant to subsection 1 of NRS 463.770, for which an interactive gaming service provider may be liable to the person licensed to operate interactive gaming.

(e) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment, unless federal law otherwise provides for a similar fee or tax.

(f) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(g) Define "interactive gaming system," "manufacturer of interactive gaming systems," "operate interactive gaming" and "proprietary hardware and software" as the terms are used in this chapter.

3. Except as otherwise provided in subsections 4 and 5, the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 700,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is 45,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

4. The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection 3;

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

5. The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.

6. Except as otherwise provided in subsections 7, 8 and 9:

(a) A covered person may not be found suitable for licensure under this section within 5 years after February 21, 2013;

(b) A covered person may not be found suitable for licensure under this section unless such covered person expressly submits to the jurisdiction of the United States and of each state in which patrons of interactive gaming operated by such covered person after December 31, 2006, were located, and agrees to waive any statutes of limitation, equitable remedies or laches that otherwise would preclude prosecution for a violation of any provision of federal law or the law of any state in connection with such operation of interactive gaming after that date;

(c) A person may not be found suitable for licensure under this section within 5 years after February 21, 2013, if such person uses a covered asset for the operation of interactive gaming; and

(d) Use of a covered asset is grounds for revocation of an interactive gaming license, or a finding of suitability, issued under this section.

7. The Commission, upon recommendation of the Board, may waive the requirements of subsection 6 if the Commission determines that:

(a) In the case of a covered person described in paragraphs (a) and (b) of subsection 1 of NRS 463.014645:

(1) The covered person did not violate, directly or indirectly, any provision of federal law or the law of any state in connection with the ownership and operation of, or provision of services to, an interactive gaming facility that, after December 31, 2006, operated interactive gaming involving patrons located in the United States; and

(2) The assets to be used or that are being used by such person were not used after that date in violation of any provision of federal law or the law of any state;

(b) In the case of a covered person described in paragraph (c) of subsection 1 of NRS 463.014645, the assets that the person will use in connection with interactive gaming for which the covered person applies for a finding of suitability were not used after December 31, 2006, in violation of any provision of federal law or the law of any state; and

(c) In the case of a covered asset, the asset was not used after December 31, 2006, in violation of any provision of federal law or the law of any state, and the interactive gaming facility in connection with which the asset

was used was not used after that date in violation of any provision of federal law or the law of any state.

8. With respect to a person applying for a waiver pursuant to subsection 7, the Commission shall afford the person an opportunity to be heard and present relevant evidence. The Commission shall act as finder of fact and is entitled to evaluate the credibility of witnesses and persuasiveness of the evidence. The affirmative votes of a majority of the whole Commission are required to grant or deny such waiver. The Board shall make appropriate investigations to determine any facts or recommendations that it deems necessary or proper to aid the Commission in making determinations pursuant to this subsection and subsection 7.

9. The Commission shall make a determination pursuant to subsections 7 and 8 with respect to a covered person or covered asset without regard to whether the conduct of the covered person or the use of the covered asset was ever the subject of a criminal proceeding for a violation of any provision of federal law or the law of any state, or whether the person has been prosecuted and the prosecution terminated in a manner other than with a conviction.

10. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the Commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

11. A person who violates subsection 10 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than $50,000, or both.

Sec. 9.7. NRS 463.767 is hereby amended to read as follows:

463.767 1. The Commission may, with the advice and assistance of the Board, adopt a seal for its use to identify:

(a) A license to operate interactive gaming;

(b) A license for a manufacturer of interactive gaming systems;

(c) A license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection ~~[6]~~ ***7*** of NRS 463.677; and

(d) Registration as a service provider to perform the actions described in paragraph (b) of subsection ~~[6]~~ ***7*** of NRS 463.677.

2. The Chair of the Commission has the care and custody of the seal.

3. The seal must have imprinted thereon the words "Nevada Gaming Commission."

4. A person shall not use, copy or reproduce the seal in any way not authorized by this chapter or the regulations of the Commission. Except under circumstances where a greater penalty is provided in NRS 205.175, a person who violates this subsection is guilty of a gross misdemeanor.

5. A person convicted of violating subsection 4 is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction. A court before whom a defendant is convicted of a violation of subsection 4 shall, for each violation, order the defendant to pay a civil penalty of $5,000. The money so collected:

(a) Must not be deducted from any penal fine imposed by the court;

(b) Must be stated separately on the court's docket; and

(c) Must be remitted forthwith to the Commission.

Sec. 10. (Deleted by amendment.)

Sec. 10.5. NRS 286.520 is hereby amended to read as follows:

286.520 1. Except as otherwise provided in this section and NRS 286.525, the consequences of the employment of a retired employee are:

(a) A retired employee who accepts employment or an independent contract with a public employer under this System is disqualified from receiving any allowances under this System for the duration of that employment or contract if:

(1) The retired employee accepted the employment or contract within 90 calendar days after the effective date of the employee's retirement; or

(2) The retired employee is employed in a position which is eligible to participate in this System.

(b) If a retired employee accepts employment or an independent contract with a public employer under this System more than 90 calendar days after the effective date of the employee's retirement in a position which is not eligible to participate in this System, the employee's allowance under this System terminates upon the employee's earning an amount equal to one-half of the average salary for participating public employees who are not police officers or firefighters in any fiscal year, for the duration of that employment or contract.

(c) If a retired employee accepts employment with an employer who is not a public employer under this System, the employee is entitled to the same allowances as a retired employee who has no employment.

2. The retired employee and the public employer shall notify the System:

(a) Within 10 days after the first day of an employment or contract governed by paragraph (a) of subsection 1.

(b) Within 30 days after the first day of an employment or contract governed by paragraph (b) of subsection 1.

(c) Within 10 days after a retired employee earns more than one-half of the average salary for participating public employees who are not police officers or firefighters in any fiscal year from an employment or contract governed by paragraph (b) of subsection 1.

3. For the purposes of this section, the average salary for participating public employees who are not police officers or firefighters must be computed on the basis of the most recent actuarial valuation of the System.

4. If a retired employee who accepts employment or an independent contract with a public employer under this System pursuant to this section

elects not to reenroll in the System pursuant to subsection 1 of NRS 286.525, the public employer with which the retired employee accepted employment or an independent contract may pay contributions on behalf of the retired employee to a retirement fund which is not a part of the System in an amount not to exceed the amount of the contributions that the public employer would pay to the System on behalf of a participating public employee who is employed in a similar position.

5. If a retired employee is chosen by election or appointment to fill an elective public office, the retired employee is entitled to the same allowances as a retired employee who has no employment, unless the retired employee is serving in the same office in which the retired employee served and for which the retired employee received service credit as a member. A public employer may pay contributions on behalf of such a retired employee to a retirement fund which is not a part of the System in an amount not to exceed the amount of the contributions that the public employer would pay to the System on behalf of a participating public employee who serves in the same office.

6. The System may waive for one period of 30 days or less a retired employee's disqualification under this section if the public employer certifies in writing, in advance, that the retired employee is recalled to meet an emergency and that no other qualified person is immediately available.

7. A person who accepts employment or an independent contract with:

(a) Either house of the Legislature or the Legislative Counsel Bureau; ~~[or]~~

(b) ***The Nevada Gaming Commission as a Commissioner appointed by the Governor; or***

(c) The Nevada Court System as a senior justice, senior judge, senior justice of the peace or senior municipal judge,

➥ is exempt from the provisions of subsections 1 and 2 for the duration of that employment or contract.

8. A person who accepts employment with a volunteer fire department of which all the volunteers have become members of the System pursuant to NRS 286.367 is exempt from the provisions of subsections 1 and 2 for the duration of that employment.

Sec. 11. NRS 353C.220 is hereby amended to read as follows:

353C.220 1. ~~[If]~~ ***Except as otherwise provided in NRS 463.123, if*** the State Controller determines that it is impossible or impractical to collect a debt, the State Controller may request the State Board of Examiners to designate the debt as a bad debt. The State Board of Examiners, by an affirmative vote of the majority of the members of the Board, may designate the debt as a bad debt if the Board is satisfied that the collection of the debt is impossible or impractical. If the debt is not more than $50, the State Board of Examiners may delegate to its Clerk the authority to designate the debt as a bad debt. The State Controller may appeal a denial of a request to designate the debt as a bad debt by the Clerk to the State Board of Examiners.

2. Upon the designation of a debt as a bad debt pursuant to this section, the State Board of Examiners or its Clerk shall immediately notify the State

Controller thereof. Upon receiving the notification, the State Controller shall direct the removal of the debt from the books of account of the State of Nevada. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the State of Nevada.

3. The State Controller shall keep a master file of all debts that are designated as bad debts pursuant to this section. For each such debt, the State Controller shall record the name of the debtor, the amount of the debt, the date on which the debt was incurred and the date on which it was removed from the records and books of account of the State of Nevada, and any other information concerning the debt that the State Controller determines is necessary.

Sec. 12. **1. This section and sections 1 to 10, inclusive, and 11 of this act become effective upon passage and approval.**

2. Section 10.5 of this act becomes effective on October 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 590.

AN ACT relating to crimes; providing that the holding of an account in joint tenancy does not, in and of itself, convey to the persons named on the account legal ownership of the account and the deposits and proceeds of the account in a manner that would preclude such a person from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain circumstances in which a deposit made in the names of two or more persons creates an account held in joint tenancy. Existing law provides, with certain exceptions, that the use by a depositor of the term "joint account," or a similar term, in designating the ownership of an account indicates the intent of the depositor that the account be held in joint tenancy. If an account is intended to be held in joint tenancy, existing law provides that the account or proceeds from the account are owned by the persons named on the account. (NRS 100.085)

In 1996, the Nevada Supreme Court held that the status of a defendant as a joint account holder under NRS 100.085 did not preclude her conviction for theft of money from the joint account because the jury could have concluded that the criminal intent and actions of the defendant arose before she placed the money into the joint account. (*Walch v. State*, 112 Nev. 25, 31-33 (1996)) In 2018, the Nevada Court of Appeals determined that NRS 100.085 establishes a presumption that a joint account holder has ownership of, and the authority to use, money in a joint account. The Court held that, under the

reasoning of the Nevada Supreme Court, for a joint account holder to be convicted of theft based on the withdrawal or misuse of money from a joint account, the State is required to establish that the criminal intent of the joint account holder arose before the money was deposited into the joint account. (*Natko v. State*, 134 Nev. 841, 843-44 (Nev. Ct. App. 2018))

Existing law imposes criminal penalties on a person who exploits or who conspires to exploit an older person or vulnerable person. (NRS 200.5099, 200.50995) Existing law defines "exploitation" to mean, in general, any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to obtain control of or to convert the person's money, assets or property with the intention of permanently depriving the person of the ownership, use, benefit or possession of his or her money, assets or property. (NRS 200.5092) **Sections 1 and 5.5** of this bill provide that the mere fact that an account of an older person or a vulnerable person is held in joint tenancy does not, in and of itself, convey to the persons named on the account legal ownership of the account and the deposits and proceeds of the account in such a way that would preclude any of those persons from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account, regardless of when the intent to commit exploitation arose.

Section 2-4 and 6 of this bill make conforming changes to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The mere fact that an account of an older person or a vulnerable person is held in joint tenancy pursuant to NRS 100.085 does not, in and of itself, convey to all persons named on the account legal ownership of the account and the deposits and proceeds of the account in a manner that would preclude such a person from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account if the facts and circumstances demonstrate that exploitation has occurred, regardless of whether the intent to commit exploitation arose before, during or after the creation of the account.

2. Nothing in this section shall be construed to relieve the State of its burden of proving beyond a reasonable doubt each element of the crime of exploitation.

Sec. 2. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Abandonment" means:

(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or

(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.

2. "Abuse" means willful:

(a) Infliction of pain or injury on an older person or a vulnerable person;

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;

(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:

(1) Threatening, controlling or socially isolating the older person or vulnerable person;

(2) Disregarding the needs of the older person or vulnerable person; or

(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;

(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:

(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or

(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or

(e) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person.

3. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property.

➥ As used in this subsection, "undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

4. "Isolation" means preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;

(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or

(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.

➥ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.

5. "Neglect" means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.

6. "Older person" means a person who is 60 years of age or older.

7. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons. The services may include:

(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance; and

(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.

8. "Vulnerable person" means a person 18 years of age or older who:

(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

Sec. 3. NRS 200.50925 is hereby amended to read as follows:

200.50925 For the purposes of NRS 200.5091 to 200.50995, inclusive, ***and section 1 of this act,*** a person:

1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts

and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 4. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering, permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering or permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished:

(a) For the first offense, if the value of any money, assets and property obtained or used:

(1) Is less than $650, of either of the following, as determined by the court:

(I) A category C felony as provided in NRS 193.130; or

(II) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;

(2) Is at least $650, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

(3) Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, regardless of the value of any money, assets and property obtained or used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony as provided in NRS 193.130; or

(2) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation.

5. Any person who isolates or abandons an older person or a vulnerable person is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the isolation or abandonment.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, ***and section 1 of this act*** the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 5. (Deleted by amendment.)

Sec. 5.5. NRS 100.085 is hereby amended to read as follows:

100.085 1. When a deposit has been made in the name of the depositor and one or more other persons, and in a form intended to be paid or delivered to any one of them, or the survivor or survivors of them, the deposit is the

property of the persons as joint tenants. If an account is intended to be held in joint tenancy, the account or proceeds from the account are owned by the persons named, and may be paid or delivered to any of them during the lifetime of all, or to the survivor or survivors of them after the death of less than all of the tenants, or the last of them to survive, and payment or delivery is a valid and sufficient release and discharge of the depository.

2. The making of a deposit in the form of a joint tenancy vests title to the deposit in the survivor or survivors.

3. When a deposit has been made in the name of the depositor and one or more other persons, and in a form to be paid or delivered to the survivor or survivors of them, but one or more of the other persons is not authorized to withdraw from the deposit during the life of the depositor or depositors, the person or persons so restricted have no present interest in the deposit, but upon the death of the last depositor entitled to withdraw, the deposit is presumed to belong to the survivor or survivors. Unless written notice of a claim against the deposit has been given by a survivor or a third person before payment or delivery, payment or delivery to a survivor is a valid and sufficient release and discharge of the depository.

4. For the purposes of this section, unless a depositor specifically provides otherwise, the use by the depositor of any of the following words or terms in designating the ownership of an account indicates the intent of the depositor that the account be held in joint tenancy:

(a) Joint;

(b) Joint account;

(c) Jointly held;

(d) Joint tenants;

(e) Joint tenancy; or

(f) Joint tenants with right of survivorship.

5. As set forth in section 1 of this act, the mere fact that an account of an older person or a vulnerable person is held in joint tenancy pursuant to this section does not, in and of itself, convey to all persons named on the account legal ownership of the account and the deposits and proceeds of the account in a manner that would preclude such a person from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account if the facts and circumstances demonstrate that exploitation has occurred, regardless of whether the intent to commit exploitation arose before, during or after the creation of the account.

6. As used in this section:

(a) "Exploitation" has the meaning ascribed to it in NRS 200.5092.

(b) "Older person" has the meaning ascribed to it in NRS 200.5092.

(c) "Vulnerable person" has the meaning ascribed to in NRS 200.5092.

Sec. 6. NRS 162C.330 is hereby amended to read as follows:

162C.330 1. The provisions of this chapter must not be construed to affect the requirement of any person to report the abuse, neglect, exploitation,

isolation or abandonment of an older person or a vulnerable person as provided in NRS 200.5091 to 200.50995, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. As used in this section, the words and terms defined in NRS 200.5091 to 200.50995, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 632.

AN ACT relating to the Judicial Department of State Government; making various changes relating to the policies and procedures of the Judicial Department; authorizing a judge to hold court by means of remote communication in certain circumstances; requiring the Nevada Supreme Court to prescribe certain policies and procedures relating to the Judicial Department by rule; authorizing a judge or justice of the peace to have a partner or associate who practices law in this State under certain circumstances; revising the duties of the Court Administrator; replacing the term "regulation" with "rule" for purposes of certain provisions of law relating to the Judicial Department; revising provisions relating to court interpreters; codifying in statute language from the Nevada Constitution relating to the expiration of the term of office for a justice appointed to fill a vacancy on the Nevada Supreme Court; revising provisions concerning the provision of certain resources to the Supreme Court and the district courts; providing that certain orders for protection issued in another state are not subject to certain requirements to be given full faith and credit in this State; repealing obsolete provisions relating to the Judicial Department; repealing various provisions relating to court seals, qualifications of certain employees and reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires various courts in this State to follow certain policies and procedures. (Chapters 1-5 of NRS) **Section 1** of this bill replaces a requirement that the telephone number for the office of each judge be published in a telephone directory with a requirement that the contact information for the office of each judge be made available to the public. (NRS 1.055)

Existing law authorizes a judge to issue an order directing that court be held at a location other than the location at which the judge regularly holds court under certain specific emergency circumstances. (NRS 1.070) **Section 2** of this bill authorizes a judge to issue an order directing, instead, that court be held: (1) at any other place or location other than the place or location at which the judge regularly holds court under more generalized emergency circumstances;

and (2) by means of remote communication when necessary to promote the interest of justice. **Section 3** of this bill makes a conforming change relating to the appearance of parties by means of remote communication if a judge issues an order directing that court be held remotely.

Section 4 of this bill removes an obsolete prohibition against excluding a minor who is a law student from a criminal trial.

Existing law authorizes: (1) the Nevada Supreme Court to adopt rules relating to the electronic filing, storage and reproduction of documents filed with the court of justice in this State; and (2) each court of justice to provide for such filing, storage and documentation in accordance with the rules adopted by the Supreme Court. (NRS 1.117) **Section 5** of this bill instead requires the Supreme Court to adopt such rules and removes the explicit statutory authorization for other courts of justice in this State to provide for such filing, storage and documentation in accordance with such rules.

Existing law authorizes certain courts to conduct business on nonjudicial days for the purpose of receiving telephone calls relating to the issuance of certain orders for protection. (NRS 1.130) **Section 6** of this bill expands the purposes for which such courts are authorized to transact business on nonjudicial days by authorizing the courts to conduct business on nonjudicial days for the purposes of receiving any electronic communication relating to the issuance of a temporary or emergency order for protection. **Section 31** of this bill makes conforming changes related to the granting of such an order.

Existing law requires each court of justice to have a seal and prescribes requirements relating to the custody and use of such seals. (NRS 1.140-1.190) **Section 37** of this bill repeals various provisions which prescribe requirements relating to seals. **Section 7** of this bill instead requires: (1) each court of justice in this State to have a seal; and (2) the Nevada Supreme Court to adopt rules relating to the format, use and storage of such seals.

Existing law prescribes a procedure for disqualifying certain judges for actual or implied bias or prejudice and requires any party to an action or proceeding pending in certain courts who seeks to disqualify a judge for actual or implied bias or prejudice to: (1) file an affidavit specifying the facts upon which the disqualification is sought; and (2) if the party is represented by an attorney, have the attorney of record file a certificate which states that the affidavit is filed in good faith and not interposed for delay. (NRS 1.235) **Section 8** of this bill: (1) removes the requirement that an attorney must file such a certificate and instead requires any party, regardless of whether the party is represented by an attorney, to file an affidavit that includes certain statements supporting the assertion that the affidavit is filed in good faith.

Existing law prohibits a judge or justice of the peace from having a partner acting as an attorney or counsel in any court in this State. (NRS 1.270) **Section 8.5** of this bill additionally prohibits a judge or justice of the peace from having an associate acting as an attorney under the same circumstances. **Section 8.5** creates an exception to these prohibitions for part-time judges under certain circumstances.

Existing law requires the Nevada Supreme Court to appoint a Court Administrator and prescribes the duties of the Court Administrator. (NRS 1.330, 1.360) **Section 9** of this bill removes from the duties of the Court Administrator the duty to: (1) examine the condition of the dockets of the courts; and (2) make certain recommendations relating to the assignment of district judges.

Existing law provides for the adoption of regulations by the Commission on Judicial Selection, the Court Administrator, the Nevada Supreme Court and certain chief judges or justices relating to the Judicial Department of State Government. (NRS 1.400, 1.510, 1.520, 2.410, 3.025, 4.155, 4.157, 5.021) In general, existing law requires regulations adopted by agencies of the Executive Department of the State Government to be adopted through a rulemaking process. (Chapter 233B of NRS) **Sections 10, 12-15, 25, 26, 28-30 and 32-34** of this bill replace the term "regulation" with the term "rule" and make conforming changes related to this change.

Section 11 of this bill revises provisions governing the compensation of court interpreters and translators.

Existing law requires the Chief Justice of the Nevada Supreme Court to appoint a committee to provide certain advice relating to the certification or registration of court interpreters. Existing law also prescribes the membership and duties of the committee. (NRS 1.530) **Section 14** of this bill removes requirements relating to the appointment of certain members of the committee. **Section 14** also: (1) authorizes the chair of the committee to designate a vice chair of the committee; and (2) revises the contents of the annual report the committee is required to submit to the Legislature.

Section 16 of this bill replaces certain requirements prescribed by existing law relating to the process by which a person may petition the Court Administrator to determine whether his or her criminal history will disqualify him or her from obtaining a certificate or registration as a court interpreter with a requirement that the Court Administrator adopt rules for this process.

Existing law codifies in statute certain provisions relating to the process set forth in the Nevada Constitution regarding the filling of vacancies in the office of justice of the Nevada Supreme Court. (Nev. Const. Art. 6, § 20; NRS 2.040) **Section 17** of this bill additionally codifies in statute the date on which the term of office for a justice appointed to fill a vacancy on the Court expires. **Section 18** of this bill removes a requirement that certain rules adopted by the Court be published and take effect within a prescribed period. (NRS 2.120)

Sections 19 and 27 of this bill revise and modernize statutory language relating to: (1) the circumstances under which certain courts may direct the sheriff of a county to provide a place to conduct court; and (2) the resources a county is required to provide upon receiving such a directive.

Section 20 of this bill removes provisions relating to the use of a facsimile signature by a justice of the Nevada Supreme Court and replaces those provisions with a requirement that the Court provide by rule for the use of a digital or electronic signature by each justice of the Court.

Existing law authorizes or requires the Nevada Supreme Court to employ certain officers and employees. (NRS 2.200-2.310) **Section 24** of this bill revises provisions relating to the employment by the Court of certain employees by: (1) removing language authorizing a majority of justices of the Court to employ certain persons; and (2) authorizing the Court to employ personnel necessary for the operation, maintenance and improvement of the Court and the State Court System. **Section 21** of this bill removes outdated language relating to the expiration of the term of a person elected to the office of Clerk of the Nevada Supreme Court. **Sections 22 and 23** of this bill remove language authorizing a majority of justices to appoint and employ persons for the safety and security of the justices and employees of the Nevada Supreme Court.

Existing law authorizes a court to issue certain orders for protection against high-risk behavior. (NRS 33.500-33.670) Existing law additionally provides, under certain circumstances, that an order for protection against domestic violence which is issued by the court of another state, territory or Indian tribe within the United States is valid and must be accorded full faith and credit and enforced by the courts and law enforcement officers of this State as if it were issued by a court in this State. (NRS 33.085) **Section 30.5** of this bill similarly requires an order for protection against high-risk behavior which is issued by the court of another state, territory or Indian tribe within the United States to be accorded full faith and credit and enforced by the courts and law enforcement officers of this State.

Existing law requires five justices of the Nevada Supreme Court and each judge of the Court of Appeals, other than the initial three judges, to be elected. (NRS 281.010) **Section 35** of this bill removes the references to: (1) the specific number of justices on the Nevada Supreme Court; and (2) the initial judges appointed to the Court of Appeals.

Section 37 repeals various provisions of law relating to the Judicial Department, including provisions relating to the seals of certain courts, the qualifications of certain employees and the submission of certain reports.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 1.055 is hereby amended to read as follows:

1.055 ~~[A]~~ ***The contact information for the office of each*** judge ~~[of any court of justice for]~~ ***in*** this State ~~[shall cause the telephone number of his or her office that is located within the court to]~~ ***must*** be ~~[published in the telephone directory that is provided]~~ ***made available*** to the public **.** ~~[in the jurisdiction in which the court is located.]~~

Sec. 2. NRS 1.070 is hereby amended to read as follows:

1.070 ***1.*** A judge authorized to hold or preside at a court appointed to be held in a city, precinct or town, may, by an order filed with the county clerk and published as he or she may prescribe, direct that the court be held or continued ~~[at]~~ ***:***

(a) At any other place ***or location*** in the city or county than that appointed, when ~~[war, pestilence, or other public calamity, or the dangers thereof, or the destruction of the building appointed for holding the court, may]~~ ***emergency conditions which impair the ability of the court to perform its basic functions*** render it necessary; ~~[and]~~ ***or***

(b) By means of remote communication when necessary to promote the interest of justice.

2. A judge who directs that the court be held or continued at another place or location pursuant to subsection 1 may, in the same manner, revoke the order and, in his or her discretion, appoint another place ~~[in the same city]~~ or ~~[county]~~ ***location*** for holding ***or continuing*** the court.

3. As used in this section, "remote communication" means communication through telephone or videoconferencing.

Sec. 3. NRS 1.080 is hereby amended to read as follows:

1.080 When the court is held at a place ***or location*** appointed as provided in NRS 1.070, every person held to appear at the court shall appear at the place ***or location*** so appointed.

Sec. 4. NRS 1.090 is hereby amended to read as follows:

1.090 The sitting of every court of justice ~~[shall]~~ ***must*** be public except as otherwise provided by law ***,*** ~~[;]~~ but the judge of any court may exclude any minor during any criminal trial therein except ~~[such minor be on trial, or]~~ when ***the minor is on trial or is*** testifying as a witness ***.*** ~~[, or when the minor shall be a law student preparing to apply for a license to practice law.]~~

Sec. 5. NRS 1.117 is hereby amended to read as follows:

1.117 ~~[1.]~~ The Supreme Court ~~[may]~~ ***shall*** adopt rules not inconsistent with the laws of this State to provide for the electronic filing, storage and reproduction of documents filed with the courts of justice.

~~[2. If the Supreme Court adopts such rules, each court of justice may provide for the electronic filing, storage and reproduction of documents filed with the court in accordance with those rules.]~~

Sec. 6. NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a justice court or a municipal court shall be opened nor shall any judicial business be transacted except by a justice court or municipal court on Sunday, or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:

(a) To give, upon their request, instructions to a jury then deliberating on their verdict.

(b) To receive a verdict or discharge a jury.

(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.

(d) To receive ***electronic*** communications ~~[by telephone and for]~~ ***related to*** the issuance of:

(1) A temporary order pursuant to subsection 8 of NRS 33.020; or

(2) An emergency order for protection against high-risk behavior pursuant to NRS 33.570.

(e) ***For the issuance of any temporary or emergency order listed in paragraph (d).***

(f) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:

> That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

3. As used in this section, "electronic communication" includes, without limitation, communication made by telephone, wireless phone or electronic mail or through the use of an Internet or network site.

Sec. 7. NRS 1.140 is hereby amended to read as follows:

1.140 ~~[The Supreme Court, the Court of Appeals, the district courts, the justice courts and those municipal courts designated as courts of record pursuant to NRS 5.010]~~

1. Each court of justice in this State shall have a seal.

2. The Supreme Court shall adopt rules relating to the format of a seal required by subsection 1 and the use and storage of any such seal.

Sec. 8. NRS 1.235 is hereby amended to read as follows:

1.235 1. Any party to an action or proceeding pending in any court other than the Supreme Court or the Court of Appeals, who seeks to disqualify a judge for actual or implied bias or prejudice must file an affidavit specifying the facts upon which the disqualification is sought. The affidavit ~~[of a party represented by an attorney must be accompanied by a certificate of the attorney of record]~~ ***must contain a statement*** that the affidavit is filed in good faith and ***is*** not ~~[interposed for delay.]~~ ***:***

(a) Interposed for delay;

(b) Intended to harass a judge; or

(c) Filed for the purpose of:

(1) Unnecessarily increasing the costs of litigation; or

(2) Attempting to prevent prosecution.

2. Except as otherwise provided in subsections ~~[2]~~ ***3*** and ~~[3,]~~ ***4*** the affidavit must be filed:

(a) Not less than 20 days before the date set for trial or hearing of the case; or

(b) Not less than 3 days before the date set for the hearing of any pretrial matter.

~~[2.]~~ ***3.*** Except as otherwise provided in this subsection and subsection ~~[3,]~~ ***4,*** if a case is not assigned to a judge before the time required under subsection ~~[1]~~ ***2*** for filing the affidavit, the affidavit must be filed:

(a) Within 10 days after the party or the party's attorney is notified that the case has been assigned to a judge;

(b) Before the hearing of any pretrial matter; or

(c) Before the jury is empaneled, evidence taken or any ruling made in the trial or hearing,

➥ whichever occurs first. If the facts upon which disqualification of the judge is sought are not known to the party before the party is notified of the assignment of the judge or before any pretrial hearing is held, the affidavit may be filed not later than the commencement of the trial or hearing of the case.

~~[3.]~~ ***4.*** If a case is reassigned to a new judge and the time for filing the affidavit under subsection ~~[1]~~ ***2*** and paragraph (a) of subsection ~~[2]~~ ***3*** has expired, the parties have 10 days after notice of the new assignment within which to file the affidavit, and the trial or hearing of the case must be rescheduled for a date after the expiration of the 10-day period unless the parties stipulate to an earlier date.

~~[4.]~~ ***5.*** At the time the affidavit is filed, a copy must be served upon the judge sought to be disqualified. Service must be made by delivering the copy to the judge personally or by leaving it at the judge's chambers with some person of suitable age and discretion employed therein.

~~[5.]~~ ***6.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** the judge against whom an affidavit alleging bias or prejudice is filed shall proceed no further with the matter and shall:

(a) If the judge is a district judge, immediately transfer the case to another department of the court, if there is more than one department of the court in the district, or request the judge of another district court to preside at the trial or hearing of the matter;

(b) If the judge is a justice of the peace, immediately arrange for another justice of the peace to preside at the trial or hearing of the matter as provided pursuant to NRS 4.032, 4.340 or 4.345, as applicable; or

(c) If the judge is a municipal judge, immediately arrange for another municipal judge to preside at the trial or hearing of the matter as provided pursuant to NRS 5.023 or 5.024, as applicable.

~~[6.]~~ ***7.*** A judge may challenge an affidavit alleging bias or prejudice by filing a written answer with the clerk of the court within 5 judicial days after the affidavit is ~~[filed,]~~ ***served,*** admitting or denying any or all of the allegations contained in the affidavit and setting forth any additional facts which bear on the question of the judge's disqualification. The question of the judge's disqualification must thereupon be heard and determined by ~~[another judge agreed upon by the parties or, if they are unable to agree, by]~~ a judge appointed:

(a) If the judge is a district judge, by the presiding judge of the judicial district in judicial districts having more than one judge, or if the presiding judge of the judicial district is sought to be disqualified, by the judge having the greatest number of years of service;

(b) If the judge is a justice of the peace, by the presiding judge of the justice court in justice courts having more than one justice of the peace, or if the presiding judge is sought to be disqualified, by the justice of the peace having the greatest number of years of service;

(c) If the judge is a municipal judge, by the presiding judge of the municipal court in municipal courts having more than one municipal judge, or if the presiding judge is sought to be disqualified, by the municipal judge having the greatest number of years of service; or

(d) If there is no presiding judge, by the Supreme Court.

Sec. 8.5. NRS 1.270 is hereby amended to read as follows:

1.270 ~~[No]~~

1. ***Except as otherwise provided in subsection 2, no*** judge or justice of the peace shall have a partner ***or associate*** acting as attorney or counsel in any court in this State.

2. A part-time judge may have a partner or associate who practices law in this State if the partner or associate does not engage in the practice of law before the part-time judge or in any court subject to the appellate jurisdiction of a court in which the part-time judge sits.

Sec. 9. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the ~~[offices of the judges, clerks, court reporters and employees of all]~~ courts of this State and make recommendations ~~[, through the Chief Justice,]~~ for the improvement ~~[of those procedures;]~~ ***thereof;***

2. ~~[Examine the condition of the dockets of the courts and determine the need for assistance by any court;~~

~~3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;~~

~~4.]~~ Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

~~[5.]~~ ***3.*** Prepare and submit a budget of state appropriations necessary for the maintenance ***,*** ~~[and]~~ operation ***and improvement*** of the State Court System and make recommendations in respect thereto;

~~[6.]~~ ***4.*** Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

~~[~~7.~~]~~ ***5.*** Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;

~~[~~8.~~]~~ ***6.*** Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;

~~[~~9.~~]~~ ***7.*** Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;

~~[~~10.~~]~~ ***8.*** On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report:

(a) Compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year; and

(b) Concerning:

(1) The distribution of money deposited in the special account created ~~[~~by~~]~~ ***pursuant to*** NRS 176.0613 to assist with funding and establishing specialty court programs;

(2) The current status of any specialty court programs to which money from the account was allocated since the last report;

(3) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and

(4) Such other related information as the Court Administrator deems appropriate; and

~~[~~11.~~]~~ ***9.*** Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 10. NRS 1.400 is hereby amended to read as follows:

1.400 The Commission on Judicial Selection may adopt ~~[~~regulations~~]~~ ***rules*** for the operation of the Commission and for maintaining the confidentiality of its proceedings and records.

Sec. 11. NRS 1.500 is hereby amended to read as follows:

1.500 Interpreters and translators shall receive such fees as the court ~~[~~by whom they are employed shall certify to be just.~~]~~ ***determines are reasonable and necessary.***

Sec. 12. NRS 1.510 is hereby amended to read as follows:

1.510 1. ~~[~~The~~]~~ ***Subject to the limits of legislative appropriation, the*** Court Administrator shall, with the advice of the committee established pursuant to NRS 1.530, adopt ~~[~~regulations which, subject to the availability of funding, establish~~]~~ ***rules establishing*** a program for the certification or registration of court interpreters for persons with limited English proficiency who are witnesses, defendants and litigants.

2. The ~~[regulations established]~~ ***rules adopted*** pursuant to subsection 1 must set forth:

(a) The specific languages for which court interpreters may obtain certification or registration ***.*** ~~[, based upon the need for interpreters of those languages.]~~

(b) Any examination and the qualifications which are required for:

(1) Certification or registration; and

(2) Renewal of the certification or registration.

(c) The circumstances under which the Court Administrator will deny, suspend or refuse to renew a certificate or registration.

(d) The circumstances under which the Court Administrator will take disciplinary action against a certified or registered court interpreter.

(e) The circumstances under which a court or juvenile court must proceed if a certified or registered interpreter is not available.

(f) Except as otherwise provided in NRS 50.050, the rate and source of the compensation to be paid for services provided by a certified or registered court interpreter.

3. An application for a certificate or registration as a court interpreter pursuant to subsection 1 must include the social security number of the applicant.

4. Every applicant for certification or registration as a court interpreter pursuant to subsection 1 must submit with his or her application:

(a) A complete set of his or her fingerprints; and

(b) Written permission authorizing the Court Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the certification or registration, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

5. Except as otherwise provided by a specific ~~[regulation]~~ ***rule*** of the Court Administrator, it is grounds for disciplinary action for a certified or registered court interpreter to act as interpreter in any action in which:

(a) The spouse of the court interpreter is a party;

(b) A party or witness is otherwise related to the court interpreter;

(c) The court interpreter is biased for or against one of the parties; or

(d) The court interpreter otherwise has an interest in the outcome of the proceeding.

6. As used in this section, "person with limited English proficiency" means a person who speaks a language other than English and who cannot readily understand or communicate in the English language.

Sec. 13. NRS 1.520 is hereby amended to read as follows:

1.520 The Court Administrator may:

1. With the advice of the committee established pursuant to NRS 1.530, adopt any ~~[regulations]~~ ***rules*** necessary to carry out a program for the

certification ~~[and]~~ ***or*** registration of court interpreters ~~[.]~~ ***established pursuant to NRS 1.510.***

2. Impose on a certified or registered court interpreter:

(a) Any fees necessary to reimburse the Court Administrator for the cost of administering the program; and

(b) A fine for any violation of a ~~[regulation]~~ ***rule*** of the Court Administrator adopted pursuant to this section or NRS 1.510.

Sec. 14. NRS 1.530 is hereby amended to read as follows:

1.530 1. The Chief Justice shall appoint, from a list of recommendations submitted ~~[to the Chief Justice]~~ by the Court Administrator, a committee to advise the Court Administrator regarding ***the*** adoption of ~~[regulations]~~ ***rules*** pursuant to NRS 1.510 and 1.520. The committee must consist of:

(a) A district judge;

(b) A justice of the peace or municipal judge ***;*** ~~[in a county whose population is less than 100,000;]~~

(c) An administrator of a district court;

(d) An administrator of a justice court or municipal court ***;*** ~~[in a county whose population is less than 100,000;]~~

(e) A representative of the Nevada System of Higher Education;

(f) A representative of a nonprofit organization ~~[for]~~ ***which serves*** persons who speak a language other than English;

(g) A person certified to act as an interpreter for a court of this State or a federal court;

(h) A person certified to act as an interpreter for a court of this State in the Spanish language; and

(i) A person certified or registered to act as an interpreter for a court of this State in a language other than Spanish.

2. The Court Administrator is ex officio chair of the committee ~~[.]~~ ***and may designate another member of the committee to serve as the vice chair of the committee.***

3. Members of the committee shall serve in that capacity without any additional compensation.

4. The committee shall submit an annual report to the Chief Justice and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature and make the annual report available to the public. The annual report must contain, without limitation:

(a) A summary of the activities of the committee during the immediately preceding ~~[fiscal]~~ year, including any ~~[development of recommendations for]~~ revisions to the Nevada State Court Language Access Plan adopted by the Nevada Certified Court Interpreter Program as established pursuant to NRS 1.510; and

(b) Statistical information concerning the usage of court interpreters ~~[,]~~ ***in courts of this State for persons with limited English proficiency,*** including, without limitation, information on the usage of ~~[certified]~~ ***:***

(1) Certified and registered court interpreters ***;*** and ~~[the demand for court interpreters for persons with limited English proficiency in courts of this State.]~~

(2) Court interpreters who are not certified or registered when a certified or registered court interpreter is not available.

5. As used in this section, "person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 15. NRS 1.540 is hereby amended to read as follows:

1.540 1. It is unlawful for a person to act as a certified or registered court interpreter or advertise or put out any sign or card or other device which might indicate to the public that the person is entitled to practice as a certified or registered court interpreter without a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

2. No civil action may be instituted, nor recovery therein be had, for a violation of the provisions of this section or NRS 1.510 or 1.520 or a violation of a ~~[regulation]~~ ***rule*** adopted by the Court Administrator pursuant to NRS 1.510 or 1.520.

Sec. 16. NRS 1.545 is hereby amended to read as follows:

1.545 1. The Court Administrator shall ~~[develop and implement a]~~ ***adopt rules prescribing the*** process by which a person with a criminal history may petition the Court Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate or registration as a court interpreter pursuant to NRS 1.510.

2. ~~[Not later than 90 days after a petition is submitted to the Court Administrator pursuant to subsection 1, the Court Administrator shall inform the person of the determination of the Court Administrator of whether the person's criminal history will disqualify the person from obtaining a certificate or registration. The Court Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.~~

~~3. The Court Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.~~

~~4. A person with a criminal history may petition the Court Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate or registration.~~

~~5. A person may submit a new petition to the Court Administrator not earlier than 2 years after the final determination of the initial petition submitted to the Court Administrator.~~

~~6.]~~ The Court Administrator may ~~[impose]~~ ***adopt rules establishing*** a fee of up to $50 upon the person to fund the administrative costs in complying

with the provisions of this section. ~~[The Court Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.~~

~~7. The Court Administrator may post on its Internet website:~~

~~(a) The requirements to obtain a certification or registration as a court interpreter; and~~

~~(b) A list of crimes, if any, that would disqualify a person from obtaining a certification or registration as a court interpreter from the Court Administrator.~~

~~8. The Court Administrator may request the criminal history record of a person who petitions the Court Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Court Administrator makes such a request of a person, the Court Administrator shall require the person to submit his or her criminal history record which includes a report from:~~

~~(a) The Central Repository for Nevada Records of Criminal History; and~~

~~(b) The Federal Bureau of Investigation.~~

~~9. A person who petitions the Court Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the Court Administrator.~~

~~10. The Court Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:~~

~~(a) The number of petitions submitted to the Court Administrator pursuant to subsection 1;~~

~~(b) The number of determinations of disqualification made by the Court Administrator pursuant to subsection 1;~~

~~(c) The reasons for such determinations; and~~

~~(d) Any other information that is requested by the Director or which the Court Administrator determines would be helpful.~~

~~11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.]~~

Sec. 17. NRS 2.040 is hereby amended to read as follows:

2.040 Whenever any vacancy ~~[shall occur]~~ ***occurs*** in the office of justice of the Supreme Court, the Governor shall fill the same by granting a commission ~~[,]~~ ***to a candidate put forth by the Commission on Judicial Selection,*** which ~~[shall expire at]~~ ***expires on the first Monday of January following*** the next general election by the people and upon the qualification of his or her successor, at which election a justice ~~[shall]~~ ***must*** be chosen for the balance of the unexpired term.

Sec. 18. NRS 2.120 is hereby amended to read as follows:

2.120 1. The Supreme Court may make rules not inconsistent with the Constitution and laws of the State for its own government, the government of the district courts, and the government of the State Bar of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified

by the Supreme Court **.** ~~[which in no event shall be less than 30 days after entry of an order adopting such rules.]~~

2. The Supreme Court, by rules adopted and published from time to time, shall regulate original and appellate civil practice and procedure, including, without limitation, pleadings, motions, writs, notices and forms of process, in judicial proceedings in all courts of the State, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify any substantive right and shall not be inconsistent with the Constitution of the State of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the Supreme Court **.** ~~[which in no event shall be less than 60 days after entry of an order adopting such rules.]~~

Sec. 19. NRS 2.150 is hereby amended to read as follows:

2.150 If ~~[a room in which to hold the court, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, is]~~ ***an appropriate facility and any necessary staff, materials and technological resources are*** not provided by the State, the Court may ~~[direct]~~ ***order*** the ~~[sheriff of any county where the session is held]~~ ***State*** to provide ~~[a room, attendants, fuel, lights and stationery,]~~ ***an appropriate facility and any staff, materials and technological resources reasonably necessary for the transaction of the business of the Court,*** and the expenses must be paid out of the State Treasury.

Sec. 20. NRS 2.195 is hereby amended to read as follows:

2.195 ~~[1. Each justice of the]~~ ***The*** Supreme Court ~~[may use a facsimile]~~ ***shall provide by rule for the use of a digital signature or electronic*** signature ~~[produced through a mechanical device in place of the justice's handwritten signature whenever the necessity arises and upon approval]~~ ***by each justice*** of the Supreme Court **.** ~~[, subject to the following conditions:~~

~~(a) That the mechanical device must be of such a nature that the facsimile signature may be removed from the mechanical device and kept in a separate secure place.~~

~~(b) That the use of the facsimile signature may be made only under the direction and supervision of the justice whose signature it represents.~~

~~(c) That the entire mechanical device must at all times be kept in a vault, securely locked, when not in use, to prevent any misuse of the device.~~

~~2. No facsimile signature produced through a mechanical device authorized by the provisions of this section may be combined with the signature of another officer.]~~

Sec. 21. NRS 2.200 is hereby amended to read as follows:

2.200 ~~[1.]~~ The Supreme Court shall appoint a Clerk of the Supreme Court ~~[; but any person elected to the office of Clerk of the Supreme Court before July 1, 1957, shall continue to hold such office until the expiration of the term for which he or she may have been elected.~~

~~2. The Clerk of the Supreme Court shall hold office and be removable]~~ ***who serves*** at the pleasure of the Supreme Court.

Sec. 22. NRS 2.290 is hereby amended to read as follows:

2.290 The Supreme Court ~~[, or a majority thereof,]~~ is authorized to designate any person appointed and employed pursuant to NRS 2.295 to act as Bailiff of the Supreme Court.

Sec. 23. NRS 2.295 is hereby amended to read as follows:

2.295 The Supreme Court ~~[, or a majority thereof,]~~ is authorized to appoint and employ one or more persons to provide for the safety and security of the justices and employees of the Supreme Court and to carry out any necessary police duties at the direction of the Chief Justice to maintain safe and reasonable access to justice for residents of Nevada.

Sec. 24. NRS 2.300 is hereby amended to read as follows:

2.300 The Supreme Court ~~[, or a majority thereof,]~~ is authorized to employ ~~[stenographic clerks, law clerks, legal assistants, legal secretaries and other]~~ necessary employees ~~[within the limits of the appropriation made for the support of the Supreme Court.]~~ ***for the operation, maintenance and improvement of the Court and the State Court System.***

Sec. 25. NRS 2.410 is hereby amended to read as follows:

2.410 The Supreme Court Law Library ~~[shall]~~ ***must*** be under the supervision and control of the Supreme Court, which may make and enforce such rules ~~[and regulations]~~ as may be necessary for the government, use and services of the Library. Such rules ~~[or regulations shall]~~ ***must*** assure that the Library is accessible for public use and to users in all parts of the State.

Sec. 26. NRS 3.025 is hereby amended to read as follows:

3.025 1. In each judicial district that includes a county whose population is 100,000 or more, the district judges of that judicial district shall choose from among those district judges a Chief Judge who is to be the presiding judge of the judicial district.

2. The Chief Judge shall:

(a) Assign cases to each judge in the judicial district;

(b) Prescribe the hours of court;

(c) Adopt such other rules ~~[or regulations]~~ as are necessary for the orderly conduct of court business; and

(d) Perform all other duties of the Chief Judge or of a presiding judge that are set forth in this chapter and any other provision of NRS.

3. If a case involves a matter within the jurisdiction of the family court and:

(a) The parties to the case are also the parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family court in the judicial district; or

(b) A child involved in the case is also involved in any other pending case or was involved in any other previously decided case assigned to a department of the family court in the judicial district, other than a case within the jurisdiction of the juvenile court pursuant to title 5 of NRS,

➥ the Chief Judge shall assign the case to the department of the family court to which the other case is presently assigned or, if the other case has been

decided, to the department of the family court that decided the other case, unless a different assignment is required by another provision of NRS, a court rule or the Revised Nevada Code of Judicial Conduct or the Chief Judge determines that a different assignment is necessary because of considerations related to the management of the caseload of the district judges within the judicial district. If a case described in this subsection is heard initially by a master, the recommendation, report or order of the master must be submitted to the district judge of the department of the family court to which the case has been assigned pursuant to this subsection for consideration and decision by that district judge.

Sec. 27. NRS 3.100 is hereby amended to read as follows:

3.100 1. Except as otherwise provided in this subsection, the district courts shall hold court at the county seat of their respective counties. The board of county commissioners may establish one or more additional locations within the county for the district court to hold court.

2. ~~[If a room for holding court at the county seat is not provided by the county, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, the court may direct the sheriff to provide such room, attendants, fuel, lights and stationery,]~~ ***The board of county commissioners shall:***

(a) Provide and furnish an appropriate facility for the transaction of the business of the court; and ~~[the expenses thereof shall be a county charge.]~~

(b) Appropriate a budget to the district court which includes, without limitation, money for the payment of expenses which are reasonable and necessary to carry out the powers and duties of the district court in the administration of justice.

3. ~~[An office at each county seat must be provided and furnished by and at the expense of the several counties for the several district judges. Whenever the county commissioners of any county neglect or refuse to provide and furnish such an office for the use of the district judge, the district judge may make an order, which must be entered upon the minutes of the court, requiring the sheriff to provide and furnish the office. The necessary expenses incurred therein are a legal and valid claim against the county.]~~ ***Except as otherwise provided in this subsection, the board of county commissioners may require the district court to expend money, appropriated for a specific purpose. The board of county commissioners shall not impose any specific requirements regarding the expenditure of money that interfere with the ability of the district court to carry out its constitutional functions.***

4. If the board of county commissioners neglects or refuses to provide the district court with the resources ~~[required by subsection 2]~~ reasonable and necessary to perform the constitutional functions of the district court, the district court may order the board to provide such resources to be paid out of the county treasury.

5. No money shall be drawn from the county treasury to pay for any expense incurred or any expenditure made on behalf of the district court

except as appropriated by the board of county commissioners in accordance with the budgeting process of the county.

Sec. 28. NRS 4.155 is hereby amended to read as follows:

4.155 In townships where more than one justice of the peace has been provided for by NRS 4.020, such justices of the peace shall have concurrent and coextensive jurisdiction within the territorial limits provided by law, and may make such rules ~~[and regulations,]~~ not inconsistent with law, as will enable them to transact judicial business in a convenient and lawful manner.

Sec. 29. NRS 4.157 is hereby amended to read as follows:

4.157 1. The justices of the peace of each justice court having more than one justice of the peace shall choose from among those justices of the peace a chief justice of the peace who is to be the presiding judge of that court.

2. The chief justice of the peace shall:

(a) Assign cases to each justice of the peace of the justice court;

(b) Prescribe the hours of court;

(c) Adopt such other rules ~~[or regulations]~~ as are necessary for the orderly conduct of court business; and

(d) Perform all other duties of the chief justice of the peace or of the presiding judge of a justice court that are set forth in this chapter and any other provision of NRS.

Sec. 30. NRS 5.021 is hereby amended to read as follows:

5.021 1. The municipal judges of each municipal court having more than one municipal judge shall choose from among those municipal judges a chief municipal judge who is to be the presiding judge of that court.

2. The chief municipal judge shall:

(a) Assign cases to each judge in the municipal court;

(b) Prescribe the hours of court;

(c) Adopt such other rules ~~[or regulations]~~ as are necessary for the orderly conduct of court business; and

(d) Perform all other duties of the chief municipal judge or of the presiding judge of a municipal court that are set forth in this chapter and any other provision of NRS.

Sec. 30.5. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An order for protection against high-risk behavior, or the behaviors described in NRS 33.550, issued by the court of another state, territory or Indian tribe within the United States is valid and must be accorded full faith and credit and enforced by the courts of this State as if it were issued by a court in this State, regardless of whether the order has been registered in this State, if a court in this State determines that:

(a) The issuing court had jurisdiction over the parties and the subject matter under the laws of the state, territory or Indian tribe in which the order was issued; and

(b) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an emergency order,

the adverse party was given reasonable notice and an opportunity to be heard within the time required by the laws of the issuing state, territory or tribe and, in any event, within a reasonable time after the order was issued.

2. A law enforcement officer shall enforce an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of an emergency or extended order issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:

(a) The names of the parties;

(b) Information indicating that the order has not expired; and

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.

3. An officer may determine that any order is authentic on its face.

4. In enforcing an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

(a) A copy of an order for protection against high-risk behavior that has been provided to the officer;

(b) An order for protection against high-risk behavior that is included in the Central Repository for Nevada Records of Criminal History or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in the jurisdiction in which the order for protection against high-risk behavior was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order for protection against high-risk behavior.

5. The fact that an order has not been registered or included in the Central Repository for Nevada Records of Criminal History or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

6. A court or law enforcement officer who enforces an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid and the employer of such a law enforcement officer are immune from civil and criminal liability for any action taken or not taken based on that belief.

Sec. 31. NRS 33.020 is hereby amended to read as follows:

33.020 1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in its determination to grant the temporary or extended order.

2. A temporary or extended order must not be granted to the applicant or the adverse party unless the applicant or the adverse party has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence. If the applicant reasonably believes that disclosing his or her address and contact information in the application would jeopardize his or her safety, the applicant may decline to disclose his or her address and contact information in the application. If the applicant declines to disclose his or her address and contact information in the application, then such information:

(a) Must be disclosed to the court and, for criminal justice purposes, to any other authorized agency of criminal justice to allow the agency of criminal justice to carry out any duty required pursuant to NRS 33.017 to 33.100, inclusive;

(b) Must be maintained in a separate, confidential, electronic document or database which is not publicly accessible; and

(c) Must not be released, disclosed or made accessible to the public, except as authorized by the court.

3. The court may require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order.

4. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application.

5. A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear at the hearing, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a second hearing which must be held within 90 days after the date on which the first hearing was scheduled.

6. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear on the date set for a second hearing on an application for an extended order pursuant to subsection 5, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set

a date for a third hearing which must be held within 90 days after the date on which the second hearing was scheduled.

7. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.

8. If it appears to the satisfaction of the court from specific facts communicated by ~~[telephone]~~ ***electronic means*** to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic violence has been arrested and is presently in custody pursuant to NRS 171.137, the court may grant a temporary order. Before approving an order under such circumstances, the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in custody, the order must be personally served by an authorized employee of the facility before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.

9. In a county whose population is 52,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive ***electronic*** communications ~~[by telephone]~~ and for the issuance of a temporary order pursuant to subsection 8.

10. In a county whose population is less than 52,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive ***electronic*** communications ~~[by telephone]~~ and for the issuance of a temporary order pursuant to subsection 8.

11. The clerk of the court shall inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

12. As used in this section, "agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

Sec. 31.5. NRS 33.500 is hereby amended to read as follows:

33.500 As used in NRS 33.500 to 33.670, inclusive, ***and section 30.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 33.510 to 33.540, inclusive, have the meanings ascribed to them in those sections.

Sec. 32. NRS 50.054 is hereby amended to read as follows:

50.054 1. Except as otherwise provided by a ~~[regulation]~~ ***rule*** of the Court Administrator adopted pursuant to NRS 1.510 and 1.520, a person shall not act as an interpreter in a proceeding if the interpreter is:

(a) The spouse of a witness;

(b) Otherwise related to a witness;

(c) Biased for or against one of the parties; or

(d) Otherwise interested in the outcome of the proceeding.

2. Before undertaking his or her duties, the interpreter shall swear or affirm that he or she will:

(a) To the best of his or her ability, interpret accurately to the person with limited English proficiency in the language of the person, questions and statements addressed to the person;

(b) Make a true interpretation of the statements of the person with limited English proficiency in an understandable manner; and

(c) Repeat the statements of the person with limited English proficiency to the best of his or her ability.

3. While in the proper performance of his or her duties, an interpreter has the same rights and privileges as the person with limited English proficiency including the right to examine all relevant material, but is not entitled to waive or exercise any of those rights or privileges on behalf of the person with limited English proficiency.

4. If an interpreter appointed for a person with limited English proficiency is not effectively or accurately communicating with or on behalf of the person, and that fact becomes known to the person who appointed the interpreter, another interpreter must be appointed.

5. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expense claimed.

6. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 33. NRS 50.0545 is hereby amended to read as follows:

50.0545 1. An interpreter must be appointed at public expense for a person with limited English proficiency who is a defendant or a witness in a criminal proceeding.

2. If a certified or registered court interpreter is not available, a court shall appoint an interpreter in accordance with the ~~[~~regulations~~]~~ ***rules*** adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.

3. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 34. NRS 62D.405 is hereby amended to read as follows:

62D.405 1. The juvenile court shall appoint at public expense an interpreter for a person with limited English proficiency in all proceedings conducted pursuant to the provisions of this title if the person with limited English proficiency is:

(a) The child who is alleged to be or has been adjudicated delinquent or in need of supervision;

(b) A parent or guardian of the child that is alleged to be or has been adjudicated delinquent or in need of supervision; or

(c) A person who appears as a witness.

2. If a certified or registered court interpreter is not available, the juvenile court shall appoint an interpreter in accordance with the ~~[regulations]~~ ***rules*** adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.

3. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 35. NRS 281.010 is hereby amended to read as follows:

281.010 1. The following officers must be elected:

(a) A Governor.

(b) A Lieutenant Governor.

(c) Two United States Senators.

(d) The number of members of the House of Representatives of the United States to which this State may be entitled.

(e) The number of presidential electors to which this State may be entitled.

(f) ~~[Five justices]~~ ***Justices*** of the Supreme Court.

(g) Judges of the Court of Appeals ***.*** ~~[other than the initial three judges.]~~

(h) District judges.

(i) Senators and members of the Assembly.

(j) A Secretary of State.

(k) A State Treasurer.

(l) A State Controller.

(m) An Attorney General.

(n) Other officers whose elections are provided for by law.

(o) For each county, and the equivalent officers for Carson City:

(1) One county clerk, who is ex officio clerk of the board of county commissioners and ***may also be*** clerk of the district court of the county.

(2) One sheriff.

(3) One district attorney.

(4) One public administrator, except where otherwise provided by law.

(5) One county assessor, except where otherwise provided by law.

(6) One county treasurer, except where otherwise provided by law.

(7) The number of county commissioners as provided by law.

(8) One county recorder, who is ex officio county auditor in counties in which a county comptroller has not been appointed.

(9) Justices of the peace.

(10) Constables, except where otherwise provided by law.

2. All officers who are not elected must be appointed.

Sec. 36. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 37. NRS 1.060, 1.150, 1.170, 1.180, 2.210, 2.230, 2.255, 2.270, 2.420, 2.440 and 2.450 are hereby repealed.

Sec. 38. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[37,]~~ **7,** inclusive, **8.5 to 26, inclusive, and 28 to 37, inclusive,** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any rules and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act.

(b) On January 1, 2024, for all other purposes.

3. Sections 8 and 27 of this act become effective on July 1, 2023.

LEADLINES OF REPEALED SECTIONS

1.060 Adjournment on absence of judge.
1.150 Clerk of district court to procure seal; form of seal.
1.170 Custody of seal.
1.180 Documents to which seal affixed.
2.210 Qualifications of Clerk.
2.230 Deputy clerks.
2.255 Penalties for violations by Clerk.
2.270 Destruction of obsolete exhibits by Clerk.
2.420 Hours of use by public.
2.440 Qualifications of Librarian.
2.450 Biennial report.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:43 p.m.

ASSEMBLY IN SESSION

At 1:06 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 668.

SUMMARY—Establishes provisions governing certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances. (BDR ~~[40-291)]~~ **52-291)**

AN ACT relating to hazardous materials; prohibiting, with certain exceptions, the sale and distribution of certain products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances; requiring, with certain exceptions, manufacturers of cookware containing intentionally added perfluoroalkyl and polyfluoroalkyl substances to provide certain information to a customer; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, with certain exceptions, the discharge, use or release of any Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances for the purpose of testing the Class B firefighting foam or firefighting training. (NRS 459.682) Beginning on ~~[January]~~ **October** 1, 2024, **section 21** of this bill prohibits, with certain exceptions, a manufacturer from selling, offering for sale, distributing for sale or distributing for use any carpet or rug, fabric treatment, food packaging**,** ~~[or]~~ juvenile product **, cosmetics, indoor textile furnishings or indoor upholstered furniture** that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances. **Section 21** also ~~[requires]~~ **authorizes** a manufacturer of such products to include a ~~[statement]~~ **sticker** on the product label that **states "NO PFAS" to inform consumers that** perfluoroalkyl and polyfluoroalkyl substances were not intentionally added or used to make the product. ~~[Section 24 of this bill amends section 21 to also prohibit, beginning July 1, 2024, a manufacturer from selling, offering for sale, distributing for sale or distributing for use any cosmetics, indoor textile furnishings or indoor upholstered furniture that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.]~~

Section 22 of this bill requires, with certain exceptions, a manufacturer of cookware sold in this State that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances to ~~[include]~~ **list those substances** on the cookware product label and on any product listing for online sales: (1) that the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances; and (2) an Internet address and quick response code for a website that contains certain information about the intentionally added perfluoroalkyl

and polyfluoroalkyl substances. **Section 22 also authorizes a manufacturer of cookware that does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances to include a sticker on the product label that states "NO PFAS" to inform consumers that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.**

Section 23 of this bill provides that a person who willfully and knowingly violates the provisions of **section 21 [,] or 22 [or 24]** is **[**~~subject to a maximum civil penalty of $1,000.~~**] guilty of a misdemeanor.**

Section 20 of this bill provides an exception to the requirements and prohibitions set forth in this bill to the extent that such provisions are preempted by or conflict with federal law.

Sections 3-19 of this bill define certain terms related to these requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter **[**~~459~~**]** **597** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 23, inclusive, of this act, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Adult mattress" means any mattress other than a toddler mattress, crib mattress or other sleep product for infants.***

Sec. 4. ***"Carpet or rug" means a fabric product marketed or intended for use as a floor covering in a household or business.***

Sec. 5. (Deleted by amendment.)

Sec. 6. ***"Component" means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.***

Sec. 7. ***"Cookware" means a durable houseware product that is used in a residence or kitchen to prepare, dispense or store food or beverages, including, without limitation, any pot, pan, skillet, grill, baking sheet, baking mold, tray, bowl or cooking utensil.***

Sec. 8. ***1. "Cosmetic" means a product that is intended to be rubbed onto or introduced into, poured, sprinkled, sprayed on or otherwise applied to the human body for the purposes of cleaning, cleansing, beautifying, promoting or altering the appearance of a person, including, without limitation, any skin moisturizer, perfume, lipstick, nail polish, eye or facial makeup, shampoo, conditioner, permanent wave, hair dye or deodorant.***

2. The term does not include:

(a) A product that requires a prescription for distribution or dispensation; or

(b) Hydrofluoroolefins used as propellants in cosmetics.

Sec. 9. ***"Fabric treatment" means a product applied to fabric to give the fabric one or more characteristics, including, without limitation, stain***

resistance or water resistance. The term does not include hydrofluoroolefins used as propellants in fabric treatments.

Sec. 10. ***"Food packaging" means a package or packaging component that is used in direct contact with food and is composed, in substantial part, of paper, paperboard or other materials originally derived from plant fibers.***

Sec. 11. ***1. "Intentionally added perfluoroalkyl and polyfluoroalkyl substances" means perfluoroalkyl and polyfluoroalkyl substances that a manufacturer has intentionally added to a product and that have a functional or technical effect on the product. The term includes, without limitation, perfluoroalkyl and polyfluoroalkyl substances that are intentional breakdown products of an added chemical that also have a functional or technical effect on the product.***

2. The term does not include the use of recycled materials which may contain perfluoroalkyl and polyfluoroalkyl substances due to the use of perfluoroalkyl and polyfluoroalkyl substances in the original product.

Sec. 11.5. ***1. "Juvenile product" means a product designed by a manufacturer for use by an infant or child less than 12 years of age, including, without limitation, a bassinet, child restraint system for use in motor vehicles, changing pad, toddler mattress, crib mattress or other sleep product for infants, high chair, infant carrier, infant seat, polyurethane foam mat, pad or pillow, nap cot, play mat, playpen or stroller.***

2. The term does not include:

(a) Electronic products, including, without limitation, any personal computer and any associated equipment, audio and video equipment, calculator, wireless phone, gaming console, handheld device incorporating a video screen or any associated peripheral device such as a mouse, keyboard, power supply unit or power cord;

(b) An internal component of a juvenile product that is not designed or intended to come into direct contact with the skin or mouth of a child as a result of the reasonably foreseeable use of the product; ~~***[or]***~~

(c) An adult mattress ~~***[.]***~~ ***; or***

(d) An off-highway vehicle, as defined in NRS 490.060, designed for use by a child, a replacement part for such an off-highway vehicle and any protective clothing or equipment intended for use by a child while operating such an off-highway vehicle.

Sec. 12. ***"Manufacturer" means a person that manufactures or assembles a product. The term includes, without limitation, the importer or first domestic distributor of the product if a product is imported into the United States and the manufacturer does not have a presence in the United States.***

Sec. 13. ***"Package" means the material that is intended or used to contain, protect, handle, deliver or present a product.***

Sec. 14. ***"Packaging component" means an individual part of a package, including, without limitation, the interior or exterior blocking,***

bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink or label.

Sec. 15. ***"Perfluoroalkyl and polyfluoroalkyl substances" has the meaning ascribed to it in NRS 459.678.***

Sec. 16. ***1. "Product" means an item, and any component of such an item, that is manufactured, assembled or otherwise prepared for sale or distribution to a customer and that is sold or distributed for personal, residential, commercial or industrial use, including, without limitation, for use in making other products.***

2. The term does not include:

(a) Any drug, medical device, biologic or diagnostic regulated by the United States Food and Drug Administration or the United States Department of Agriculture;

(b) Any drug, medical device, biologic, parasiticide or diagnostic administered or used to treat animals regulated by the United States Food and Drug Administration pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 351 et seq., the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 et seq. or the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et seq.;

(c) A veterinary pesticide product approved by the United States Environmental Protection Agency for use in animals;

(d) Medical food, as defined in section 5(b)(3) of the Orphan Drug Act, 21 U.S.C. § 360ee(b)(3);

(e) Infant formula, as defined in NRS 597.990;

(f) Any packaging used for a product described in ~~[paragraph (a), (b) or (c),]~~ paragraphs (a) to (e), inclusive; or

~~[(e)]~~ (g) A used product offered for sale or resale.

Sec. 17. ***"Textile" means any product made in whole or in part from a natural or synthetic fiber, yarn or fabric, including, without limitation, leather, cotton, silk, jute, hemp, wool, nylon or polyester. The term does not include any textile used in a medical, professional or industrial setting.***

Sec. 18. ***"Textile furnishing" means a type of textile intended for use in households and businesses, including, without limitation, any drapery, floor covering, furnishing, bedding, towel or tablecloth. The term does not include a textile furnishing intended for use in a medical, professional or industrial setting.***

Sec. 19. ***"Upholstered furniture" means any article of furniture that is:***

1. Designed for sitting, resting or reclining; and

2. Wholly or partially stuffed with filling material.

Sec. 20. ***The provisions of sections 2 to 23, inclusive, of this act do not apply to the extent that those provisions are preempted by or conflict with federal law, including, without limitation, any provision of federal law requiring the use of products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances ~~[.]~~ or authorizing the use of intentionally***

added perfluoroalkyl and polyfluoroalkyl substances in a product or any product surface that comes into contact with food or beverages.

Sec. 21. *1. A manufacturer shall not sell, offer for sale, distribute for sale or distribute for use in this State any of the following types of products if the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances:*

(a) Carpets or rugs;

(b) Fabric treatments;

(c) Food packaging; ~~[or]~~

(d) Juvenile products ~~[.]~~ ;

(e) Cosmetics;

(f) Indoor textile furnishings; or

(g) Indoor upholstered furniture.

2. A manufacturer of the products described in subsection 1 ~~[shall]~~ may include on the product label a ~~[statement that is clearly visible and legible in both English and Spanish that reads: "NO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES WERE INTENTIONALLY ADDED OR USED TO MAKE THIS PRODUCT."]~~ sticker suitable to the size of the product label stating "NO PFAS" to inform the consumer that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

3. The provisions of this section do not apply to:

(a) A product which contains perfluoroalkyl and polyfluoroalkyl substances due to the use of recycled materials containing perfluoroalkyl and polyfluoroalkyl substances in the original product; ~~[or]~~

(b) A carpet or rug that was manufactured or imported before ~~[January]~~ October 1, 2024 ~~[.]~~ ; or

(c) Any other textile product, other than a carpet or rug, that was manufactured or imported before October 1, 2024.

Sec. 22. *1. A manufacturer of cookware sold in this State that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances in the handle of the product or in any product surface that comes into contact with any food or beverages shall:*

(a) Except as otherwise provided in subsection 3, ~~[include]~~ list the presence of those substances on the product label . ~~[:~~

~~(1) That the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances; and~~

~~(2) A]~~ The list of such substances must be prefaced by the phrase "This product contains:";

(b) Except as otherwise provided in subsection 3, include on the product label a statement, in both English and Spanish, that reads: "For more information about ~~[the perfluoroalkyl and polyfluoroalkyl substances]~~ chemicals in ~~[the]~~ this product, visit" followed by:

~~*[(I)]*~~ *(1) An Internet address for a website that provides information about why the perfluoroalkyl and polyfluoroalkyl substances are intentionally added; and*

~~*[(II)]*~~ *(2) A quick response (QR) code or other machine-readable code used for storing an Internet address for the website that provides information about why the perfluoroalkyl and polyfluoroalkyl substances are intentionally added;*

~~*[(b)]*~~ *(c) Include in any product listing for online sales in this State, the information required to be included on the product label pursuant to* ~~*[paragraph (a);]*~~ *paragraphs (a) and (b); and*

~~*[(c)]*~~ *(d) Ensure that the information required pursuant to paragraphs (a)* ~~*,*~~ ~~*[and]*~~ *(b) and (c) is clearly visible and legible to the customer on the label and on the product listing for online sales.*

2. A manufacturer ~~*[shall]*~~ *of cookware:*

(a) Shall not claim on the packaging for cookware that the cookware is free of perfluoroalkyl and polyfluoroalkyl substances, unless no individual perfluoroalkyl or polyfluoroalkyl compound has been intentionally added to the cookware.

(b) That does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances may include on the product label a sticker suitable to the size of the product stating "NO PFAS" to inform the consumer that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

3. Cookware that meets the following requirements is exempt from the requirements of ~~*[paragraph]*~~ *paragraphs (a) and (b) of subsection 1:*

(a) The surface area of the cookware cannot fit a product label of at least 2 square inches; and

(b) The cookware does not have:

(1) An exterior or wrapper on which a product label can appear or be affixed; or

(2) A tag or other attachment with information about the product attached to the cookware.

4. Except as otherwise provided in subsection 3, a manufacturer shall not sell, offer for sale, distribute for sale or distribute for use any cookware that contains one or more intentionally added perfluoroalkyl and polyfluoroalkyl substances in the handle of the product or in any product surface that comes into contact with food or beverages, unless the manufacturer and the cookware comply with the requirements of this section.

Sec. 23. *A person who willfully and knowingly violates the provisions of section 21 or 22 of this act is* ~~*[subject to a civil penalty not to exceed $1,000.]*~~ *guilty of a misdemeanor.*

Sec. 24. ~~[Section 21 of this act is hereby amended to read as follows:~~

~~— Sec. 21. 1. A manufacturer shall not sell, offer for sale, distribute for sale or distribute for use in this State any of the following types of~~

~~products if the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances:~~

~~(a) Carpets or rugs;~~

~~(b) Fabric treatments;~~

~~(c) Food packaging; **[**or**]**~~

~~(d) Juvenile products **[**.**]** ;~~

(e) Cosmetics;

(f) Indoor textile furnishings; or

(g) Indoor upholstered furniture.

~~2. A manufacturer of the products described in subsection 1 shall include on the product label a statement that is clearly visible and legible in both English and Spanish that reads: "NO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES WERE INTENTIONALLY ADDED OR USED TO MAKE THIS PRODUCT."~~

~~3. The provisions of this section do not apply to:~~

~~(a) A product which contains perfluoroalkyl and polyfluoroalkyl substances due to the use of recycled materials containing perfluoroalkyl and polyfluoroalkyl substances in the original product; **[**or**]**~~

~~(b) A carpet or rug that was manufactured or imported before January 1, 2024 **[**.**]** ; or~~

(c) Any other textile product, other than a carpet or rug, that was manufactured or imported before July 1, 2024.] **(Deleted by amendment.)**

Sec. 25. ~~**[**1.**]**~~ This ~~**[**section and sections 1 to 23, inclusive, of this act become effective on January 1, 2024.~~

~~2. Section 24 of this act becomes effective on July**]**~~ **act becomes effective on October** 1, 2024.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 81.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 583.

AN ACT relating to regional planning; requiring representatives of certain counties and cities to meet jointly for a specified period to identify issues and make recommendations regarding the orderly management of growth in the region; requiring such representatives to prepare certain **joint** reports during that period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires Carson City, Douglas County, Lyon County, Storey County and Washoe County, in consultation with any cities within each such county, to each prepare a report for submission to each Legislator who

represents any portion of one of these counties at the end of each calendar year between July 1, 2019, and December 31, 2022. Each report must identify certain issues relating to the orderly management of growth in those counties and make recommendations regarding such issues. (Chapter 144, Statutes of Nevada 2019, at page 798) This bill extends the meeting and reporting requirements through calendar year 2026 and revises the meeting and reporting requirements.

Specifically, this bill requires, on or before December 1 of each calendar year during the period between July 1, 2023, and December 1, 2026, Carson City, Douglas County, Lyon County, Storey County and Washoe County, in consultation with any cities within each such county, to meet to discuss and identify the positive and negative issues relating to growth in the region that are impacting any such county and prepare a **joint** report that: (1) identifies certain issues relating to growth in the region; and (2) addresses, without limitation, the areas of conservation, population, land use and development, transportation, and public facilities and services. Each **joint** report must set forth recommendations that are intended to resolve any negative impact on such issues which have been identified in the **joint** report.

Additionally, this bill requires during the period between January 1, 2024, and January 1, 2027, certain Legislators and other representatives of each county and city in the region to meet jointly at least twice during each calendar year during the period to identify and discuss the positive and negative issues relating to the orderly management of growth in the region. On or before December 31 of each calendar year during the period, county managers or certain other designees are required to prepare a joint regional report of the issues identified. The joint regional report must also address comprehensively all of the issues identified and recommendations made in the reports prepared by the counties and cities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1 of chapter 144, Statutes of Nevada 2019, at page 798, is hereby amended to read as follows:

Section 1. 1. The Legislature hereby finds and declares that:

(a) The region of Carson City, Douglas County, Lyon County, Storey County and Washoe County is a unique, contiguous geographical area that comprises the northwestern border of Nevada.

(b) As part of ***one of*** the fastest-growing ~~[state]~~ ***states*** in the nation, the population of this region has increased rapidly in recent years, especially as a result of the location of substantial economic development projects in the region.

(c) This increased population and economic development activity has ***had*** a significant impact on resources beyond the boundaries of individual political subdivisions, affecting the region in such areas as transportation, land use development and public services and facilities.

(d) ***The increased demand from development has placed a significant amount of stress on the I-80 commercial corridor within Lyon, Storey and Washoe Counties, necessitating a strong focus to protect residents and visitors as well as the economic vitality of the region.***

(e) Because of the unique conditions in the region, a general law cannot be made applicable and necessitates this special act to require discussion and planning for the orderly management of growth in the region in a collaborative and structured manner by the counties and cities in the region for the well-being of the residents as well as the long-term economic development of the region.

2. On or before December ~~[31]~~ ***1*** of each calendar year during the period between July 1, ~~[2019,]~~ ***2023,*** and December ~~[31, 2022,]~~ ***1, 2026,*** each county in the region, in consultation with any cities within each such county, shall ***meet to discuss and identify the positive and negative issues relating to growth in the region that are impacting any county in the region and*** prepare and submit to each Legislator who represents any portion of the ~~[county]~~ ***region*** a ~~[separate]~~ ***joint*** report that:

(a) Identifies ~~[issues]~~ ***each positive or negative issue*** relating to the orderly management of growth in the ***region that is impacting any*** county, including cities within ~~[the]~~ ***any*** county ~~[, and]~~ ***in*** the region, including, without limitation, issues in the following areas:

(1) Conservation, including, without limitation, the use and protection of natural resources ~~[;]~~ ***, architectural conservation and preservation planning;***

(2) Population, including, without limitation, projected population growth ***in the region*** and the projected resources ***of the county or city that are*** necessary to support that ***regional*** population ~~[;]~~ ***growth;***

(3) Land use and development;

(4) Transportation ~~[;]~~ ***, including, without limitation, the I-80 corridor and surrounding arterials;*** and

(5) Public facilities and services, including, without limitation, roads, water and sewer service, flood control, police and fire protection, mass transit, libraries and parks.

(b) ~~[Makes]~~ ***Set forth*** recommendations ~~[regarding]~~ ***that are intended to resolve any negative impact on*** those issues ~~[.]~~ ***that are identified in the joint report.***

3. In preparing the ***joint*** report required by subsection 2, each county in the region and any city within such a county may consult with and solicit input concerning issues relating to the orderly management of growth in the county, city or region from ***any state agency, including, without limitation, the Department of Transportation and the Office of Economic Development, and from*** other entities in the county, including, without limitation, ~~[the]~~ school ~~[district]~~ ***districts*** and any town, airport authority, regional transportation commission, water authority, military base, flood control agency, public safety agency or Indian colony or tribe

in the county. ***Such input may include, without limitation, any I-80 corridor planning reports prepared by the Department of Transportation.***

4. During the period between January 1, ~~[~~2020,~~]~~ ***2024,*** and ~~[~~December 1, 2023,~~]~~ ***January 1, 2027, two members, one from the majority political party and one from the minority political party, of the Senate whose legislative districts include any area within the region and designated by the Majority Leader of the Senate, two members, one from the majority political party and one from the minority political party, of the Assembly whose legislative districts include any area within the region and designated by the Speaker of the Assembly,*** the county manager of each county in the region or his or her designee, or if a county manager is not appointed pursuant to NRS 244.125, a person designated by the board of county commissioners of the county, and the city manager of each city in the region or his or her designee or, if the city does not have a city manager, a person designated by the governing body of the city, shall meet jointly at least twice during each calendar year in that period to identify and discuss ***the positive and negative*** issues relating to the orderly management of growth in the region, including, without limitation, the issues identified and ***any*** recommendations made in the ***joint*** reports prepared pursuant to subsection 2. ***Each Legislator and city manager serve in an ex officio capacity and are not voting members.***

5. Except as otherwise provided in this subsection, on or before December ~~[~~1~~]~~ ***31*** of each calendar year during the period between January 1, ~~[~~2020,~~]~~ ***2024,*** and ~~[~~December 1, 2023, the counties in the region, in consultation with the cities in the region,~~]~~ ***January 1, 2027, the county managers or their designees described in subsection 4*** shall prepare a joint ***regional*** report of the issues identified during the meetings held pursuant to subsection 4 during that calendar year and any recommendations made relating to those issues **.** ~~[~~and submit the report~~]~~ ***The contents of each joint regional report must be approved by a simple majority of the county managers or their designees described in subsection 4. Each joint regional report must be submitted*** to each Legislator who represents any portion of a county in the region and to the Legislative Commission. ~~[~~The~~]~~ ***Each*** joint report that must be submitted ~~[~~on or before December 1, 2023,~~]~~ ***pursuant to this subsection*** must address comprehensively all the issues identified and recommendations made by the counties and cities in the ~~[~~region during the period between January 1, 2020, and December 1, 2023, relating to the orderly management of growth in the region.~~]~~ ***joint report prepared by the counties and cities pursuant to subsection 2.***

6. ***A Legislator is not entitled to compensation or to any per diem or travel expenses to attend a meeting described in subsection 4.***

7. As used in this section, "region" means the combined geographical area consisting of Carson City, Douglas County, Lyon County, Storey County and Washoe County.

Sec. 2. Section 2 of chapter 144, Statutes of Nevada 2019, at page 800, is hereby amended to read as follows:

Sec. 2. This act becomes effective on July 1, 2019 **.** ~~**[**, and expires by limitation on December 31, 2023.**]**~~

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 623.

AN ACT relating to public works; revising provisions relating to the use of apprentices on public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires contractors or subcontractors engaged on public works to use one or more apprentices for a certain percentage of the total hours performed on a public work, depending on the number of workers employed on the public work, and to enter into an apprenticeship agreement for all apprentices so required. (NRS 338.01165) **Section 1** of this bill: (1) eliminates the threshold number of workers for the applicability of the requirements for using apprentices; (2) applies those requirements based on all public works performed by a contractor or subcontractor during a calendar year instead of based on each public work; and (3) limits the requirement to enter into an apprenticeship agreement to those contractors or subcontractors who are not signatories to a collective bargaining agreement with a sponsoring union.

Existing law: (1) sets forth a procedure that authorizes the Labor Commissioner, upon request by a public body, to grant a modification or waiver from the requirements for using apprentices upon a finding of good cause; and (2) defines the circumstances that constitute "good cause." (NRS 338.01165) **Section 1**: (1) eliminates that procedure; (2) requires a contractor or subcontractor to maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with the annual requirements to use one or more apprentices for a certain percentage of the total hours performed on public works; and (3) sets forth certain requirements for such supporting documentation.

Existing law provides that an apprentice who graduates from an apprenticeship program while employed on a public work is deemed to be an

apprentice on the public work for purposes of the requirements for using apprentices and a journeyman for certain purposes, including the payment of wages. (NRS 338.01165) **Section 1** expands the circumstances under which a person is treated as an apprentice for those requirements.

Section 1 also requires, on or before February 15 of each year, a contractor or subcontractor to submit certain information to the Labor Commissioner regarding the hours that were worked in a calendar year on vertical or horizontal construction for each apprenticed craft or type of work performed. **Section 2** of this bill requires that the first such annual report be submitted on or before February 15, 2025, and address calendar year 2024.

Finally, **section 1** sets forth a penalty schedule for violations of certain provisions relating to the requirements for a contractor or subcontractor to use one or more apprentices for a certain percentage of the total hours performed on a public work.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs ~~[a worker]~~ ***workers*** on ~~[a]~~ ***one or more*** public ~~[work]~~ ***works during a calendar year*** pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent ***, or any increased percentage established pursuant to subsection 3,*** of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~[the]~~ ***those*** public ~~[work for which more than three workers are employed.]~~ ***works.***

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs ~~[a worker]~~ ***workers*** on ~~[a]~~ ***one or more*** public ~~[work]~~ ***works during a calendar year*** pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent ***, or any increased percentage established pursuant to subsection 3,*** of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~[the]~~ ***those*** public ~~[work for which more than three workers are employed.]~~ ***works.***

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. ***If a contractor or subcontractor who is a signatory to a collective bargaining agreement with a union that sponsors an apprenticeship program for an apprenticed craft or type of work for which the term of apprenticeship is not more than 3 years requests an apprentice from that apprenticeship program and an apprentice in the appropriate craft or type of work is not available, the [apprenticeship program] contractor or subcontractor may [provide] utilize a person who graduated from the apprenticeship program in that craft or type of work within the 3 years immediately preceding the request from the contractor or subcontractor. Such a person:***

(a) Shall be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Shall be deemed a journeyman for all other purposes, including, without limitation, the payment of wages and benefits to a journeyman pursuant to the collective bargaining agreement.

6. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

[6. A public body may, upon the request of a contractor or subcontractor, submit a request]

7. A contractor or subcontractor engaged on a public work shall maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with subsection 1 or 2, as applicable [.] , as determined by the Labor Commissioner. For purposes of this subsection, a contractor or subcontractor:

(a) Makes a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor:

(1) Submits to the ***apprenticeship program, on the form prescribed by the*** Labor Commissioner [to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection 10. 7.] ***, a request for an apprentice not earlier than 10 days before the contractor or subcontractor is scheduled to begin work on the public work and not later than 5 days after the contractor or subcontractor actually begins work on the public work.***

(2) If the apprenticeship program does not provide an apprentice for the appropriate apprenticed craft or type of work upon a request pursuant to subparagraph (1), submits additional requests to the apprenticeship

program, on the form prescribed by the Labor Commissioner, at least once every 30 days during the period that the contractor or subcontractor is working on the public work. If a contractor or subcontractor does not work continuously on the public work, the contractor or subcontractor shall submit an additional request each time that the contractor or subcontractor resumes work on the public work not earlier than 10 days before the contractor or subcontractor is scheduled to resume work on the public work and not later than 5 days after the contractor or subcontractor actually resumes work on the public work. The requirement for the submission of an additional request in this subparagraph does not apply whenever a contractor or subcontractor has one or more apprentices employed for that apprenticed craft or type of work.

(b) Does not make a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner, if the contractor or subcontractor is required to enter into an apprenticeship agreement pursuant to subsection 16 and refuses to do so.

8. The ***supporting documentation required pursuant to subsection 7 [must] may include, without limitation:***

(a) Documentation of the submission by the contractor or subcontractor of one or more requests, as applicable, pursuant to subsection 7; and

(b) Documentation that the apprenticeship program denied such a request, did not respond to such a request or responded that the program was unable to provide the requested apprentice.

9. The contractor or subcontractor and the apprenticeship program shall coordinate the starting date for any apprentice provided by the program.

10. On or before February 15 of each year, a contractor or subcontractor engaged in vertical or horizontal construction, as applicable, who employs a worker on one or more public works pursuant to NRS 338.040 shall report to the Labor Commissioner, on the form prescribed by the Labor Commissioner ~~[shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.~~

~~8.]~~ ***, the following information regarding those public works for the previous calendar year:***

(a) For each apprenticed craft or type of work, the total number of hours worked on vertical construction.

(b) For each apprenticed craft or type of work, the total number of hours worked on horizontal construction.

(c) For each apprenticed craft or type of work, the total number of hours worked by apprentices on vertical construction.

(d) For each apprenticed craft or type of work, the total number of hours worked by apprentices on horizontal construction.

(e) For each apprenticed craft or type of work, the percentage of the total number of hours worked on vertical construction that were worked by apprentices.

(f) For each apprenticed craft or type of work, the percentage of the total number of hours worked on horizontal construction that were worked by apprentices.

11. The information required to be reported pursuant to subsection 10 must not include any identifying information about a public work or an apprentice or employee.

12. If the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination based on the information submitted pursuant to subsection 10 that a contractor or subcontractor did not make a good faith effort to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall notify the contractor or subcontractor in writing of the determination and:

(a) Except as otherwise provided in paragraph (b), shall assess a penalty as follows:

(1) If the apprentice utilization rate by the contractor or subcontractor on vertical construction of a public work is:

(I) Seven and one-half percent or more but less than 10 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 4 percent but less than 7.5 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) Four percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(2) If the apprentice utilization rate by the contractor or subcontractor on horizontal construction of a public work is:

(I) Two percent or more but less than 3 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 1 percent but less than 2 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) One percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(b) Shall not assess a penalty if the total number of hours of labor required to be worked by apprentices:

(1) On vertical construction pursuant to subsection 1, as applicable, during the previous calendar year is less than 40 hours.

(2) On horizontal construction pursuant to subsection 2, as applicable, during the previous calendar year is less than 24 hours.

13. Except for good cause, the Labor Commissioner may not initiate his or her own investigation or accept a complaint based on the information submitted by a contractor or subcontractor pursuant to subsection 10 after May 1 immediately following the date on which the report was received by the Labor Commissioner.

14. In addition to the penalties set forth in subsection 12, if the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination that a contractor or subcontractor did not submit the report required pursuant to subsection 10 or ~~[did not make a good faith effort]~~ made no attempt to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall:

(a) Impose a penalty of not less than $10,000 but not more than $75,000; or

(b) Disqualify the contractor or subcontractor from being awarded a contract for a public work for at least 180 days but not more than 2 years.

15. A ~~[public body,]~~ contractor or subcontractor may request a hearing on the determination of the Labor Commissioner ***pursuant to subsection 12 or 14*** within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

~~[9.]~~ ***16.*** A contractor or subcontractor ***who is not a signatory to a collective bargaining agreement with the union sponsoring the apprenticeship program for an apprenticed craft or type of work*** engaged on a public work shall enter into an apprenticeship agreement for ~~[all apprentices]~~ ***each apprentice*** required to be used in the construction of a public work. ~~[If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection 10 and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.~~

~~10.]~~ ***17.*** As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) ~~[~~"Good cause" means:

~~(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;~~

~~(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or~~

~~(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.~~

~~➥ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.~~

~~(e)~~] "Journeyman" has the meaning ascribed to it in NRS 624.260.

~~[(f)]~~ ***(e)*** "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. The initial report required pursuant to subsection 10 of NRS 338.01165, as amended by section 1 of this act, must be submitted on or before February 15, 2025, and must include information for the period which begins on January 1, 2024, and ends on December 31, 2024.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 624.

AN ACT relating to sidewalk vendors; establishing certain requirements for the regulation of sidewalk vendors by the governing body of certain counties and cities; requiring a local board of health to adopt certain regulations relating to sidewalk vendors who sell food; creating the Task Force on Safe Sidewalk Vending; setting forth the membership and duties of the Task Force on Safe Sidewalk Vending; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants a governing body of a county or city all powers necessary and proper to address matters of local concern. (NRS 244.146, 268.0035) **Sections 1-11 and 15-24.5** of this bill set forth various requirements for the licensing and regulation of sidewalk vendors of food by the governing body of certain counties and cities.

Sections 2 and 16 of this bill provide that the provisions of **sections 1-10 and 15-25** of this bill apply only to a county whose population is 100,000 or more (currently Clark and Washoe Counties) or to a city in a county whose population is 100,000 or more.

Sections ~~[4-6]~~ **3 and** ~~[18-20]~~ **17** of this bill define the ~~[terms "roaming sidewalk vendor,"]~~ **term** "sidewalk ~~[vendor" and "stationary sidewalk]~~ vendor."

Sections 7 and 21 of this bill **: (1)** authorize a governing body of a county or city to adopt an ordinance regulating sidewalk vendors ~~[.]~~ **; and (2) require the governing body of a county or city that adopts such an ordinance to post on its Internet website a map of the areas where a person may engage in the act of sidewalk vending. Sections 7 and 21** also prohibit a governing body of a county or city from, with certain exceptions: (1) enforcing or enacting a complete prohibition on sidewalk vending; (2) imposing criminal penalties for the act of sidewalk vending in a residential area; or (3) regulating sidewalk vendors, except in compliance or substantial compliance with the provisions of this bill.

Sections 7.5 and 21.5 of this bill prohibit a person **, with certain exceptions,** from selling food **or merchandise** upon a public sidewalk or pedestrian path from a ~~[nonmotorized]~~ conveyance within 1,500 feet of: (1) a resort hotel; (2) certain event facilities; (3) certain convention facilities; and (4) ~~[state historical markers.]~~ **a median of a highway, if the median is adjacent to a parking lot. Sections 7.5 and 21.5 authorize, with certain exceptions, a person to sell food or merchandise within 1,500 feet of such a location if the area is zoned exclusively for residential use.**

Sections 8 and 22 of this bill authorize a governing body of a county or city to require that a sidewalk vendor: (1) hold certain state and local permits or licenses; and (2) submit certain information to the county or city.

Sections 9 and 23 of this bill provide that an ordinance adopted by a governing body of a county or city may, with certain exceptions, impose additional requirements regulating the time, place and manner of sidewalk vending.

Sections 10 and 24 of this bill authorize a governing body of a county or city to impose by ordinance certain penalties and fines for a violation of the provisions of the ordinance regulating sidewalk vendors or for operating without any required license or permit for sidewalk vendors.

Sections 10.5 and 24.5 of this bill provide that the provisions of this bill governing the regulation of sidewalk vendors by a governing body of **a** county or city shall not be construed to: (1) exempt a person from complying with any

state or local law or regulation; ~~[or]~~ (2) provide a defense to any criminal act that is not related to the act of sidewalk vending ~~[.]~~ **; or (3) affect certain rights of a private property owner to use or authorize or limit the use of a privately owned sidewalk.**

Section 11 of this bill makes a conforming change to create an exception to the authority of a board of county commissioners to regulate all character of lawful trades, callings, industries, occupations, professions and business.

Existing law authorizes a local board of health to adopt regulations relating to food establishments. (NRS 446.940) **Section 25** of this bill requires a local board of health to adopt regulations to establish a process for a person to apply for a permit, license or other authorization from the local board of health to operate as a sidewalk vendor and that allow a person applying for any such authorization to operate as a sidewalk vendor to: (1) pay any fees required by the local board of health using a payment plan; and (2) obtain any necessary certification as a food handler if the person does not have a driver's license or identification card.

Section 13 of this bill creates the Task Force on Safe Sidewalk Vending in the Office of the Secretary of State and requires the Secretary of State to appoint nine members to the Task Force. **Section 14** of this bill requires the Task Force to review existing laws governing sidewalk vending and recommend approaches to improve the laws of this State and cities and counties of this State governing sidewalk vending.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10.5, inclusive, of this act.

Sec. 2. ***The provisions of sections 2 to 10.5, inclusive, of this act apply only to a county whose population is 100,000 or more.***

Sec. 3. ***As used in sections 2 to 10.5, inclusive, of this act, unless the context otherwise requires, ~~[the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.]~~ "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes, without limitation, a nonstationary sidewalk vendor and a stationary sidewalk vendor.***

Sec. 4. ~~***[***"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food.***]***~~ **(Deleted by amendment.)**

Sec. 5. ~~***[***"Sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. This term includes, without limitation, a roaming***

~~*sidewalk vendor and a stationary sidewalk vendor.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~**[***"Stationary sidewalk vendor" means a sidewalk vendor who sells food from a fixed location.]***~~ **(Deleted by amendment.)**

Sec. 7. *1. A board of county commissioners may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of sections 2 to 10.5, inclusive, of this act.*

2. Except as otherwise provided in sections 2 to 10.5, inclusive, of this act, a board of county commissioners shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

3. A board of county commissioners that does not adopt an ordinance that complies or substantially complies with sections 2 to 10.5, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of sections 2 to 10.5, inclusive, of this act.

4. If a board of county commissioners adopts an ordinance pursuant to this section, the board of county commissioners shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 7.5. *1.* ~~*[A]*~~ *Except as otherwise provided in subsection 4, a person shall not sell food or merchandise upon a public sidewalk or pedestrian path from a* ~~*[nonmotorized]*~~ *conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:*

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A ~~*[state historical marker.]*~~ *median of a highway, if the median is adjacent to a parking lot.*

2. For any violation of subsection 1, a board of county commissioners may impose a criminal, civil or administrative penalty in accordance with an ordinance adopted by the board of county commissioners pursuant to section 7 of this act. The maximum criminal penalty that may be specified in an ordinance adopted pursuant to section 7 of this act is a misdemeanor. A violation of subsection 1 or such an ordinance does not constitute a crime of moral turpitude.

3. Nothing in this section authorizes a person to sell merchandise 1,500 feet or more from:

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A median of a highway that is adjacent to a parking lot.

4. A person may sell food or merchandise within 1,500 feet of a location described in subsection 1 if the conveyance from which the person is selling food or merchandise is located in an area which is zoned exclusively for residential use, unless the area is on a public sidewalk or pedestrian path that is immediately adjacent to a location described in subsection 1.

Sec. 8. *An ordinance adopted by a board of county commissioners regulating sidewalk vendors pursuant to section 7 of this act may require that a sidewalk vendor:*

1. Hold:

(a) A permit or license for sidewalk vending;

(b) A state business license; and

(c) Any other licenses issued by a state or local governmental agency to the extent otherwise required by law.

➥ *Nothing in this section shall be construed to authorize a sidewalk vendor to not comply with any requirement to obtain a state business license or other license issued by a state agency or any permit or license issued by a local government, agency or board of health to the extent otherwise required by law.*

2. Submit information to the designated representative of the county relating to his or her operations, including, without limitation:

(a) The name and current mailing address of the sidewalk vendor;

(b) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;

(c) A description of the food offered for sale; and

(d) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true.

Sec. 9. *1. In addition to the provisions of section 8 of this act, an ordinance adopted by a board of county commissioners that regulates sidewalk vendors may:*

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses ~~[or other businesses]~~ that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to section 25 of this act.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 244.337 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the board of county commissioners, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the board of county commissioners of:

(I) Except as otherwise provided in section 7.5 of this act, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or park or recreational facility owned by the county; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit ~~[roaming]~~ nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a county that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 10. *1. In accordance with an ordinance adopted pursuant to sections 2 to 10.5, inclusive, of this act, a board of county commissioners or its designee may:*

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or

for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to section 25 of this act.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a board of county commissioners or its designee may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to section 7.5 of this act.

Sec. 10.5. ***The provisions of sections 2 to 10.5, inclusive, of this act shall not be construed to:***

1. Exempt a person from complying with any state or local law or regulation; [or]

2. Provide a defense to any criminal charge unrelated to the act of sidewalk vending [.] ; or

3. Affect the rights of a private property owner to use or authorize or limit the use of a sidewalk that is owned by the private property owner, including, without limitation, a privately owned sidewalk that is subject to an easement for public access.

Sec. 11. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3, 4 and 9, and NRS 244.33501, 244.35253, 244.3535 and 244.35351 to 244.35359, inclusive, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, ***and sections 2 to 10.5, inclusive, of this act,*** regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and

collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

9. Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to NRS 678B.645, a board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business, other than a cannabis consumption lounge, as defined in NRS 678A.087, in accordance with the provisions of chapter 678B of NRS.

Sec. 12. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***1. The Task Force on Safe Sidewalk Vending is hereby created within the Office of the Secretary of State.***

2. The Task Force consists of the following nine members appointed by the Secretary of State:

(a) A representative of a health district in ~~[this State;]~~ a county whose population is 100,000 or more;

(b) A representative employed by a county or city whose primary duties are the performance of tasks related to business licensing;

(c) A representative of the gaming or restaurant industries in this State;

(d) A representative from a law enforcement agency ~~[.]~~ in a county whose population is 100,000 or more;

(e) A representative from the Office of the Secretary of State; and

(f) Four members at large chosen by the Secretary of State, with priority given to persons who are sidewalk vendors or are affiliated with a community organization that represents and affiliates with sidewalk vendors.

3. The members of the Task Force:

(a) Shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

(b) Serve without compensation.

4. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.

5. To support the activities of the Task Force, the Secretary of State may establish an advisory board composed of representatives of counties, cities and businesses, including, without limitation, a member of a health department or health district.

6. The Task Force may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties of the Task Force.

Sec. 14. *1. The Task Force on Safe Sidewalk Vending created by section 13 of this act shall:*

(a) Review the existing laws of this State, the cities and counties in this State and those of other states and municipalities relating to sidewalk vending; and

(b) Recommend approaches to improve the laws of this State and the cities and counties of this State to:

(1) Legalize sidewalk vending;

(2) Simplify and standardize the laws governing sidewalk vending;

(3) Remove unnecessary barriers to sidewalk vending;

(4) Protect the public health, safety and welfare by ensuring sidewalk vendors follow clear and narrowly tailored laws which address demonstrable health, safety and welfare risks; and

(5) Develop enforcement mechanisms, including, without limitation, civil penalties for sidewalk vendors that operate in ~~[prohibited]~~ authorized areas.

2. On or before September 1 of each even-numbered year, the Task Force shall submit to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission a written report. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation ~~[.]~~ and regulations.

Sec. 15. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 24.5, inclusive, of this act.

Sec. 16. ***The provisions of sections 16 to 24.5, inclusive, of this act apply only to a city in a county whose population is 100,000 or more.***

Sec. 17. ***As used in sections 16 to 24.5, inclusive, of this act, unless the context otherwise requires, [the words and terms defined in sections 18, 19 and 20 of this act have the meanings ascribed to them in those sections.] "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes, without limitation, a nonstationary sidewalk vendor and a stationary sidewalk vendor.***

Sec. 18. ***[**"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food.]*** **(Deleted by amendment.)**

Sec. 19. ***[**"Sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. This term includes, without limitation, a roaming sidewalk vendor and a stationary sidewalk vendor.]*** **(Deleted by amendment.)**

Sec. 20. ***[**"Stationary sidewalk vendor" means a sidewalk vendor who sells food from a fixed location.]*** **(Deleted by amendment.)**

Sec. 21. ***1. A city council or other governing body of an incorporated city may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of sections 16 to 24.5, inclusive, of this act.***

2. Except as otherwise provided in sections 16 to 24.5, inclusive, of this act, a city council or other governing body of an incorporated city shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

3. A city council or other governing body of an incorporated city that does not adopt an ordinance that complies or substantially complies with sections 16 to 24.5, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of sections 16 to 24.5, inclusive, of this act.

4. If a city council or other governing body of an incorporated city adopts an ordinance pursuant to this section, the city council or other governing body shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 21.5. ***1. [A] Except as otherwise provided in subsection 4, a person shall not sell food or merchandise upon a public sidewalk or pedestrian path from a [nonmotorized] conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:***

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A ~~[state historical marker.]~~ median of a highway, if the median is adjacent to a parking lot.

2. For any violation of subsection 1, a city council or other governing body of an incorporated city may impose a criminal, civil or administrative penalty in accordance with an ordinance adopted by the city council or other governing body of an incorporated city pursuant to section 21 of this act. The maximum criminal penalty that may be specified in an ordinance adopted pursuant to section 21 of this act is a misdemeanor. A violation of subsection 1 or such an ordinance does not constitute a crime of moral turpitude.

3. Nothing in this section authorizes a person to sell merchandise 1,500 feet or more from:

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A median of a highway that is adjacent to a parking lot.

4. A person may sell food or merchandise within 1,500 feet of a location described in subsection 1 if the conveyance from which the person is selling food or merchandise is located in an area which is zoned exclusively for residential use, unless the area is on a public sidewalk or pedestrian path that is immediately adjacent to a location described in subsection 1.

Sec. 22. *An ordinance adopted by a city council or other governing body of an incorporated city regulating sidewalk vendors pursuant to section 21 of this act may require that a sidewalk vendor:*

1. Hold:

(a) A permit or license for sidewalk vending;

(b) A state business license; and

(c) Any other licenses issued by a state or local governmental agency to the extent otherwise required by law.

➥ *Nothing in this section shall be construed to authorize a sidewalk vendor to not comply with any requirement to obtain a state business license or other license issued by a state agency or any permit or license issued by a local government, agency or board of health to the extent otherwise required by law.*

2. Submit information to the designated representative of the city relating to his or her operations, including, without limitation:

(a) The name and current mailing address of the sidewalk vendor;

(b) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;

(c) A description of the food offered for sale; and

(d) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true.

Sec. 23. ***1. In addition to the provisions of section 22 of this act, an ordinance adopted by a city council or other governing body of an incorporated city that regulates sidewalk vendors may:***

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses ~~[or other businesses]~~ that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to section 25 of this act.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 268.092 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the city council or other governing body of an incorporated city, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the city council or other governing body of an incorporated city of:

(I) Except as otherwise provided in section 21.5 of this act, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or a park or recreational facility owned by the city; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit ~~[roaming]~~ nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a city that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 24. *1. In accordance with an ordinance adopted pursuant to sections 16 to 24.5, inclusive, of this act, a city council or other governing body of an incorporated city , or a designee of the city council or other governing body, may:*

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to section 25 of this act.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a city council or other governing body of an incorporated city , or a designee of the city council or other governing body, may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to section 21.5 of this act.

Sec. 24.5. *The provisions of sections 16 to 24.5, inclusive, of this act, shall not be construed to:*

1. Exempt a person from complying with any state or local law or regulation; ~~[or]~~

2. Provide a defense to any criminal charge unrelated to the act of sidewalk vending ~~[.]~~ ; or

3. Affect the rights of a private property owner to use or authorize or limit the use of a sidewalk that is owned by the private property owner, including, without limitation, a privately owned sidewalk that is subject to an easement for public access.

Sec. 25. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local board of health in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more shall adopt regulations pursuant to NRS 446.940 regulating sidewalk vendors of food which must, without limitation:

(a) Establish a process for a person to apply to the local board of health for a permit, license or other authorization to operate as a sidewalk vendor;

(b) Provide for a person applying for a permit, license or other authorization for sidewalk vending to pay any fees required by the local board of health using a payment plan; ~~[and]~~

(c) Establish procedures for a person seeking to operate as a sidewalk vendor who does not have a drivers' license or identification card issued by this State or another State, the District of Columbia or any territory of the United States to obtain any certification required by the local board of health as a food handler ~~[.]~~ ; and

(d) Include any other regulation determined to be necessary by the Task Force on Safe Sidewalk Vending pursuant to section 14 of this act.

2. As used in this section ~~[:~~

~~(a) "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food.~~

~~(b) "Sidewalk]~~ , "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a ~~[nonmotorized]~~ conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes a ~~[roaming]~~ nonstationary sidewalk vendor and a stationary sidewalk vendor.

~~[(c) "Stationary sidewalk vendor" means a sidewalk vendor who sells food from a fixed location.]~~

Sec. 26. Any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

Sec. 26.5. Each local board of health in a county whose population is 100,000 or more and local board of health of a city in a county whose population is 100,000 or more shall adopt the regulations required by section 25 of this act on or before ~~[January 1, 2024.]~~ **December 31, 2025.**

Sec. 27. (Deleted by amendment.)

Sec. 27.5. The amendatory provisions of this section and sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act are not severable. If any provision of this section or sections 2 to 11, inclusive, or 16 to 26.5, inclusive, of this act, or any application thereof to any person, thing or circumstance is held invalid, the other provisions of this section and sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act become ineffective.

Sec. 28. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 29. 1. This section and sections ~~[26]~~ **26.5** to 28, inclusive, of this act become effective upon passage and approval.

2. Sections 12, 13 and 14 of this act become effective:

(a) Upon passage and approval for the purpose of appointing members of the Task Force on Safe Sidewalk Vending and performing any other preparatory administrative tasks **that are necessary** to carry out the provisions of sections 12, 13 and 14 of this act; and

(b) On January 1, 2024, for all other purposes.

3. **Sections 7.5, 21.5 and 26 of this act become effective:**

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 15, 2023, for all other purposes.

4. Sections 1 to ~~[11,]~~ **7,** inclusive, ~~[and]~~ **8, 10, 11,** 15 to **22, inclusive, 24, 24.5 and** 25 ~~[, inclusive,]~~ of this act become effective on January 1, 2024.

5. Sections 9 and 23 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 634.

AN ACT relating to vehicles; revising provisions relating to certain traffic and related violations; revising provisions relating to the suspension of the driver's license of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2021 Legislative Session, the Legislature enacted Assembly Bill No. 116 (A.B. 116), which established civil penalties for certain traffic and related violations and enacted procedures for the adjudication of such violations. (Assembly Bill No. 116, chapter 506, Statutes of Nevada 2021, at page 3297) The procedures for the adjudication of civil infractions prescribed by A.B. 116 were based, in part, on the procedures for the adjudication of criminal violations prescribed by chapter 176 of NRS.

During the 2021 Legislative Session, the Legislature also enacted Senate Bill No. 219 (S.B. 219), which revised certain statutory provisions upon which

the requirements prescribed by A.B. 116 were based by removing the authority of a court to suspend the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period as a result of any delinquent fine, administrative assessment, fee or restitution owed. (Senate Bill No. 219, chapter 505, Statutes of Nevada 2021, at page 3292)

Section 2 of this bill makes a technical change to align provisions relating to the adjudication of certain traffic and related civil infractions with the changes made by S.B. 219. Specifically, **section 2** removes the authority of a court to order the suspension of the driver's license of a person or prohibit a person from applying for a driver's license for a specified period as a result of a delinquent fine, administrative assessment or fee associated with a civil penalty imposed for a traffic or related violation. (NRS 484A.7047) **Section 1** of this bill makes a conforming change relating to the removal of the authority of a court to suspend the driver's license of a person pursuant to **section 2**.

Section 3 of this bill provides that if, on or after the effective date of this bill, a person is subject to a suspension of his or her driver's license or a delay in the issuance of a driver's license imposed for failure to pay a delinquent fine, administrative assessment or fee, the Department of Motor Vehicles must: (1) immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license; and (2) notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license. **Section 3** also provides that the Department may not charge any fee for such reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for such reinstatement of a driver's license.

Existing law prescribes the required contents of traffic citations and civil infraction citations. (NRS 484A.630, 484A.7035) **Sections 1.3 and 1.4** of this bill revise the required contents of such citations.

Existing law provides that the juvenile court has exclusive original jurisdiction over a child who is alleged to have committed an act designated as a delinquent act, unless an exception applies. (NRS 62B.330, 62B.390) Under existing law, certain offenses are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. (NRS 62B.330) Section 2.76 of this bill provides that violations of law that are punishable as civil infractions are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. Existing law grants justice courts and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions. (NRS 4.370, 5.050) Therefore, section 2.76 clarifies that justice courts and municipal courts have jurisdiction to hear and dispose of violations of law that are punishable as civil infractions, regardless of the age of the person alleged to have committed the violation.

Existing law authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a traffic citation is issued for the purpose of enabling the court in which the person is required to

appear to communicate with the person. (NRS 484A.630) **Section 1.4** similarly authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a civil infraction citation is issued for the same purpose.

Existing law requires a court to send certain notice to a person who receives a civil infraction citation. (NRS 484A.704) **Section 1.6** of this bill requires this notice to include certain information regarding any online program of dispute resolution established by the court.

Existing law: (1) authorizes certain courts and traffic violations bureaus to establish a system through which certain persons may perform certain actions related to a traffic citation or civil infraction citation; and (2) prescribes certain requirements relating to any such system. (NRS 484A.615) **Section 1.2** of this bill additionally requires any such system to be capable of allowing certain persons to submit the state registration number of the vehicle the person was driving when the citation was issued.

Existing law requires a person who receives a civil infraction citation to respond to the citation within 90 days after the date on which the citation is issued. **Section 1.6** instead requires such a person to respond to the citation within 90 days after the date on which the citation is issued or filed with the court, whichever is later. **Section 1.4** makes a conforming change relating to the revised deadline set forth in **section 1.6**.

Under existing law, if a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by: (1) indicating that the person does not contest the determination; and (2) submitting full payment of the monetary penalty specified in the citation. (NRS 484A.704) **Section 1.6** revises this requirement by authorizing such a person to request that the court waive or reduce the monetary penalty specified in the citation or enter into a payment plan with the person in lieu of requiring the person to submit full payment of the monetary penalty specified in the citation. **Section 1.8** of this bill authorizes the court to waive or reduce the monetary penalty or enter into a payment plan with a person who submits a request pursuant to **section 1.6** under certain circumstances.

Existing law establishes the procedures for a hearing at which a person may contest whether the person committed a violation set forth in a civil infraction citation and generally requires the person to post a bond in an amount equal to the monetary penalty, administrative assessments and fees specified in the civil infraction citation or alternatively deposit such an amount in cash with the court. (NRS 484A.7041) Section 1.7 of this bill revises this requirement to instead require the person to post a bond equal to $50 or the amount of the monetary penalty, administrative assessments and fees specified in the civil infraction citation, whichever is less, or alternatively deposit such an amount in cash with the court. Under existing law, any bond posted or cash deposited with the court must be forfeited upon the court's finding that the person committed a civil

infraction. (NRS 484A.7041) Section 1.7 requires the court to enter a default judgment against the person for any amount remaining unsatisfied.

Existing law authorizes a court having jurisdiction over a civil infraction to reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction. (NRS 484A.7043) Section 1.8 clarifies that the court is not required to hold a hearing before reducing a moving violation to a nonmoving violation.

Under existing law, any civil penalty assessed against a person who is found to have committed a civil infraction must be paid to: (1) the treasurer of the city in which the civil infraction occurred; or (2) if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred. (NRS 484A.7043) **Section 1.8** instead requires any such civil penalty to be paid to the treasurer of the city or county, as applicable, in which the civil infraction citation was filed.

Existing law: (1) authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction; and (2) provides a procedure for making such an election. Pursuant to this procedure, existing law requires the prosecuting attorney to make the election on or before the time scheduled for the first appearance of the defendant. (NRS 484A.7049) **Section 2.2** of this bill: (1) authorizes the prosecuting attorney to make the election at any time before the court enters a judgment of conviction; and (2) eliminates certain procedural requirements relating to making such an election. **Section 2.2** also authorizes the district attorney or city attorney of any county or city, respectively, to authorize a traffic enforcement agency over whom the district attorney or city attorney has jurisdiction to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction.

Existing law authorizes a peace officer to arrest a person without a warrant if the peace officer has reasonable cause for believing that the person has committed homicide by vehicle, certain offenses involving driving under the influence and certain other traffic and related offenses. (NRS 484A.710) **Section 2.6** of this bill authorizes a peace officer who has reasonable cause for believing that a person has committed a violation for which existing law authorizes the peace officer to arrest a person to also arrest the person without a warrant for an offense that is punishable as a civil infraction. **Section 2.4** of this bill makes a conforming change relating to arrests authorized by **section 2.6**.

Existing law provides certain persons with immunity from liability for certain acts or omissions under certain circumstances. (Chapter 41 of NRS) **Section 2.7** of this bill provides that a prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by the imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged

with violating a criminal law of this State. **Sections 2.72 and 2.74** of this bill make conforming changes to indicate the proper placement of **section 2.7** in the Nevada Revised Statutes.

Section 2.8 of this bill authorizes a board of county commissioners to provide by ordinance that a violation of a traffic ordinance enacted by the board imposes a civil penalty instead of a criminal sanction.

Section 2.9 of this bill requires the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, to: (1) study best practices for developing and implementing a standardized, statewide uniform civil infraction citation; and (2) submit its findings and recommendations for legislation to the Joint Interim Standing Committee on the Judiciary. **Section 2.95** of this bill requires justice courts and municipal courts, on or before January 1, 2024, to adopt rules governing the practice and procedure for setting aside a default judgment in an action relating to a civil infraction.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➥ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 **.** ~~[~~or 484A.7047.~~]~~

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from ***:*** ~~[~~any of the following:~~]~~

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ~~[.]~~ ***;***

(2) A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable ~~[, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.]~~ ***; or***

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 1.2. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation must be issued pursuant to NRS 484A.630 or that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection 6, the court or traffic violations bureau may allow:

(a) A person who has been issued a traffic citation or a civil infraction citation that is filed with the court or traffic violations bureau to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea and state his or her defense or, if authorized, any mitigating circumstances, by mail, by electronic mail, over the Internet or by other electronic means.

(b) A peace officer who issued a civil infraction citation to a person or, if the provisions of NRS 484A.7049 apply, a peace officer who halted a person, to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath by mail, by electronic mail, over the Internet or by other electronic means in lieu of his or her personal appearance at the hearing held pursuant to NRS 484A.7041 to contest the determination that the person who has been issued the civil infraction citation committed a civil infraction.

2. Except as otherwise provided in subsection 6, if a court or traffic violations bureau has established a system pursuant to subsection 1, the court or traffic violations bureau may allow:

(a) A person described in paragraph (a) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea or state his or her defense or, if authorized, any mitigating circumstances in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court.

(b) A peace officer described in paragraph (b) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath in lieu of making a personal appearance in court.

3. Any plea or statement submitted through the system by a person or peace officer pursuant to subsection 2 must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation or civil infraction citation.

4. If a court or traffic violations bureau allows an eligible person to whom a traffic citation or civil infraction citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or, if authorized, any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

5. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances or performing any other approved action is the person to whom the traffic citation or civil infraction citation was issued, be capable of requiring the person to submit any of the following information, as applicable, at the discretion of the court or traffic violations bureau:

(1) The traffic citation number or civil infraction citation number;

(2) The name and address of the person;

(3) The state registration number of the ~~[~~person's~~]~~ vehicle ~~[,]~~ ***the person was driving when the traffic citation or civil infraction citation was issued,*** if any;

(4) The number of the driver's license of the person, if any;

(5) The offense charged or the civil infraction for which the citation was issued; and

(6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 7.

(b) For the purposes of authenticating that the peace officer submitting the written statement or performing any other approved action is the peace officer who issued the civil infraction citation, be capable of requiring the peace officer to submit any of the following information at the discretion of the court or traffic violations bureau:

(1) The civil infraction citation number;

(2) The civil infraction for which the citation was issued; and

(3) The first initial, last name and personnel number of the peace officer.

(c) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

(d) If a plea and statement of the defense or mitigating circumstances of a person or a written statement of a peace officer is submitted by electronic mail, over the Internet or by other electronic means:

(1) Confirm receipt of:

(I) The plea and statement to the person making the plea; and

(II) The written statement to the peace officer; or

(2) Make available to:

(I) The person making the plea a copy of the plea and statement; and

(II) The peace officer submitting the written statement a copy of the written statement.

6. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

(a) Aggressive driving in violation of NRS 484B.650;

(b) Reckless driving in violation of NRS 484B.653;

(c) Vehicular manslaughter in violation of NRS 484B.657; or

(d) Driving, operating or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110 or 484C.120, as applicable.

7. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 1.3. NRS 484A.630 is hereby amended to read as follows:

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer must prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the ~~[person's]~~ vehicle ~~[,]~~ ***the person was driving when the citation was issued,*** if any, the number of the person's driver's license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means. The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation.

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing or physically receiving at least one copy of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the traffic citation but physically receives a copy of the citation delivered by the peace officer:

(a) The receipt shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the person into physical custody for the violation.

Sec. 1.4. NRS 484A.7035 is hereby amended to read as follows:

484A.7035 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, ***or, if authorized by a traffic enforcement agency pursuant to NRS 484A.7049, for a violation of certain such provisions that is punishable as a misdemeanor,*** or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with NRS 484A.7049, the peace officer or prosecuting attorney, as applicable, may prepare a civil infraction citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing ***:*** ~~[~~, except as otherwise provided in paragraph (a) of subsection 2 of NRS 484A.7049:~~]~~

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in NRS 484A.703 to 484A.705, inclusive;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the ~~[~~person's~~]~~ vehicle ~~[~~,~~]~~ ***the person was driving when the citation was issued,*** if any;

(e) The number of the person's driver's license, if any;

(f) The civil infraction for which the citation was issued;

(g) The personnel number or other unique agency identification number of the peace officer issuing the citation ~~[and the address and phone number of the agency which employs the peace officer]~~ or, if a prosecuting attorney is issuing the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation or the volunteer appointed pursuant to NRS 484B.470 who issued the citation ~~[and the address and phone number of the agency which employs the peace officer or volunteer,]~~ preprinted or printed legibly on the citation;

(h) A statement of the options provided pursuant to NRS 484A.703 to 484A.705, inclusive, for responding to the citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the citation or halted the person; and

(j) A statement that the person must respond to the citation as provided in NRS 484A.703 to 484A.705, inclusive, within 90 calendar days ~~[.]~~ ***after the date on which the citation is issued or filed with the court, whichever is later.***

2. ***The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means.***

3. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

~~[3.]~~ ***4.*** A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section or NRS 484A.7049. The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 1.6. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049 shall respond to the citation as provided in

this section not later than 90 calendar days after the date on which the citation is issued ~~[.]~~ ***or filed with the court, whichever is later.***

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting ~~[full]~~ ***in person, by mail or through the Internet or other electronic means:***

(a) Full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau ~~[, in person, by mail or through the Internet or other electronic means.]~~ ***; or***

(b) A request that the court waive or reduce the monetary penalty or enter into a payment plan with the person, if the person believes that full payment of the monetary penalty and administrative assessment is excessive in relation to his or her financial resources or is not within his or her present financial ability to pay. Such a request must include any supporting documentation.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in ~~[this]~~ subsection ~~[.]~~ ***5,*** not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person ~~[, a]~~ ***:***

(a) A reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued ~~[.]~~ ***or filed with the court, whichever is later; and***

(b) If the court has established an online program of dispute resolution, notice of the availability of the program and instructions for participation in the program.

5. If the person agreed to receive communications relating to the civil infraction by text message, the court may send ~~[such a]~~ ***the*** notice ***required by subsection 4*** to the telephone number of the person as indicated on the civil infraction citation.

6. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued ~~[.]~~ ***or filed with the court, whichever is later,*** the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who

fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

~~[5.]~~ ***7.*** If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

~~[6.]~~ ***8.*** In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection ~~[5]~~ ***7*** shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

~~[7.]~~ ***9.*** If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 1.7. **NRS 484A.7041 is hereby amended to read as follows:**

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to ***$50 or*** the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation ~~[.]~~ ***, whichever is less.*** In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. ~~[Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon]~~ ***Upon*** the court's finding that the person committed the civil infraction ~~[.]~~ ***:***

(a) Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited; and

(b) The court shall enter a default judgment against the person for any amount remaining unsatisfied.

3. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with ~~[this]~~ subsection ~~[.~~ ~~3.]~~ ***2.***

4. The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.

~~[4.]~~ ***5.*** A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by

the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

~~[5.]~~ ***6.*** After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

~~[6.]~~ ***7.*** An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 1.8. NRS 484A.7043 is hereby amended to read as follows:

484A.7043 1. Except as otherwise provided in this section, a person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than $500 per violation unless a greater civil penalty is authorized by specific statute. Except as otherwise provided in NRS 484A.792, any civil penalty collected pursuant to NRS 484A.703 to 484A.705, inclusive, must be paid to:

(a) The treasurer of the city in which the civil infraction ~~[occurred;]~~ ***citation was filed;*** or

(b) If the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction ~~[occurred.]~~ ***citation was filed.***

2. If a person is found to have committed a civil infraction, in addition to any civil penalty imposed on the person, the court shall order the person to pay the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that the person would be required to pay if the civil penalty were a fine imposed on a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.

3. If the court determines that a civil penalty or administrative assessment ***specified in the civil infraction citation or*** imposed pursuant to this section is:

(a) Excessive in relation to the financial resources of the defendant, the court may waive or reduce the monetary penalty accordingly.

(b) Not within the defendant's present financial ability to pay, the court may enter into a payment plan with the person.

4. A court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, may:

(a) In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order the person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.

(b) Waive or reduce the civil penalty that a person who is found to have committed a civil infraction would otherwise be required to pay if the court determines that any circumstances warrant such a waiver or reduction.

(c) Reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction.

5. Nothing in this section shall be construed to require a court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, to hold a hearing before reducing a moving violation for which a person was issued a civil infraction citation to a nonmoving violation.

Sec. 2. NRS 484A.7047 is hereby amended to read as follows:

484A.7047 1. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at

the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:

(a) Not more than $100, if the amount of the delinquency is less than $2,000.

(b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.

2. The city or county that is responsible for collecting a delinquent civil penalty, administrative assessment or fee may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1 in accordance with the provisions of the contract.

3. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. The court may ~~[:~~

~~(a) Request~~**]** ***request*** that the city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

[~~(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order pursuant to this paragraph suspending the driver's license of a delinquent person or delaying the ability of a delinquent person to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the delinquent person's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.~~**]**

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special

fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a justice court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a) or (b).

Sec. 2.2. NRS 484A.7049 is hereby amended to read as follows:

484A.7049 1. A prosecuting attorney may ***, at any time before a court having jurisdiction over the alleged offense enters a judgment of conviction against a defendant,*** elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The ~~[prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:~~

~~(a) Preparing a civil infraction citation in accordance with subsection 1 of NRS 484A.7035 that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;~~

~~(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and~~

~~(c) Delivering a copy of the notice and citation to the defendant.~~

~~3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.~~**]** ***district attorney or city attorney of any county or city, respectively, may authorize a traffic enforcement agency over whom the district attorney or city attorney, as applicable, has jurisdiction to elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a***

civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. If so authorized, a traffic enforcement agency may authorize a peace officer employed by the agency to treat a violation of such provisions as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

Sec. 2.4. NRS 484A.705 is hereby amended to read as follows:

484A.705 Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction while the person is under the influence of alcohol or a controlled substance, the person may ~~[~~instead~~]~~ be ~~[~~charged~~]~~ ***:***

1. Charged with a misdemeanor ~~[.]~~ ***; and***

2. Arrested, if authorized pursuant to NRS 484A.710.

Sec. 2.6. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed ~~[~~any~~]~~ ***:***

(a) Any of the following offenses:

~~[~~(a)~~]~~ ***(1)*** Homicide by vehicle;

~~[~~(b)~~]~~ ***(2)*** A violation of NRS 484C.110 or 484C.120;

~~[~~(c)~~]~~ ***(3)*** A violation of NRS 484C.430;

~~[~~(d)~~]~~ ***(4)*** A violation of NRS 484C.130;

~~[~~(e)~~]~~ ***(5)*** Failure to stop, give information or render reasonable assistance in the event of a crash resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;

~~[~~(f)~~]~~ ***(6)*** Failure to stop or give information in the event of a crash resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;

~~[~~(g)~~]~~ ***(7)*** Reckless driving;

~~[~~(h)~~]~~ ***(8)*** Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or

~~[~~(i)~~]~~ ***(9)*** Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

(b) An offense that is punishable as a civil infraction, if the officer has reasonable cause for believing that the person has committed an offense listed in paragraph (a).

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750.

Sec. 2.65. NRS 484A.760 is hereby amended to read as follows:

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in ~~[~~paragraphs (a) to (e),~~]~~

subparagraphs (1) to (5), inclusive, of ***paragraph (a) of*** subsection 1 of NRS 484A.710, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively, or physically receiving a copy of the traffic citation, as provided in NRS 484A.630.

Sec. 2.7. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

A prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State.

Sec. 2.72. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive ~~[:]~~ ***, and section 2.7 of this act:***

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 388C of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700; and

(b) Contracts to provide medical services for the Department of Corrections.

➥ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 2.74. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, ***and section 2.7 of this act,*** 485.318, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.010 or the limitations of NRS 41.032 to 41.036, inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, ***and section 2.7 of this act,*** subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:

(a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(b) The person serving in the office of administrative head of the named agency.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 2.76. **NRS 62B.330 is hereby amended to read as follows:**

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance other than those:

(1) Specified in paragraph (f) or (g) of subsection 1 of NRS 62B.320;

(2) Concerning an offense related to tobacco; or

(3) Relating to the consumption or possession of alcohol or the possession of 1 ounce or less of marijuana that are punishable pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense, if the person was 16 years of age or older when the murder or attempted murder was committed.

(b) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(c) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(d) ***A violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.***

(e) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2.8. NRS 244.3575 is hereby amended to read as follows:

244.3575 A board of county commissioners may by ordinance provide that ~~[the]~~ ***:***

1. The violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed $155, instead of a criminal sanction.

2. A violation of a traffic ordinance enacted by the board of county commissioners pursuant to NRS 484A.400 imposes a civil penalty in an amount not to exceed $500, instead of a criminal sanction.

Sec. 2.9. On or before July 1, 2024, the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, shall:

1. Study uniform civil infraction citations used in different states to determine best practices for developing and implementing a standardized, statewide uniform civil infraction citation in this State ~~[,]~~ **that may be issued**

through the electronic traffic citation system developed pursuant to NRS 484B.830; and

2. Submit its findings and any recommendations for legislation resulting from the study to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

Sec. 2.95. On or before January 1, 2024, the justice courts and municipal courts in this State shall adopt rules governing the practice and procedure for setting aside a default judgment entered in an action initiated pursuant to NRS 484A.703 to 484A.705, inclusive.

Sec. 3. 1. If, on or after the effective date of this act, a person is subject to:

(a) A suspension of his or her driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047; or

(b) A court order delaying the issuance of a driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047,

➥ as that section existed before the effective date of this act, the Department of Motor Vehicles shall immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license, as applicable, and shall notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license, as applicable.

2. The Department of Motor Vehicles may not:

(a) Charge any fee for the reinstatement of the driver's license of a person in accordance with this section; or

(b) Require a person to undergo any physical or mental examination pursuant to NRS 483.330 or 483.495 to be eligible for reinstatement of his or her driver's license.

Sec. 4. The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 601.

AN ACT relating to the Nevada Interscholastic Activities Association; prohibiting the Association from taking adverse action against a person or school for certain activities; revising provisions governing the eligibility of pupils who transfer schools to participate and practice in a sanctioned sport or other interscholastic event; revising provisions governing the process of appealing certain decisions to the Executive Director of the Association; authorizing the appeal of certain decisions or orders made pursuant to

regulations adopted by the Association to the State Board of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Interscholastic Activities Association controls, supervises and regulates all interscholastic athletic events and other interscholastic events in public schools and governs, among other matters, the eligibility and participation of certain children in interscholastic activities and events. (NRS 385B.050, 385B.060, 385B.130) Under existing regulations, any pupil who transfers to another school is presumed ineligible to participate in any sanctioned sport at the school to which the pupil transfers for 180 school days. (NAC 385B.716) **Section 1.5** of this bill ~~[provides that a pupil who transfers to a charter school or school that uses a lottery system to determine which pupils may enroll is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers. Section 1.5 additionally]~~ authorizes a pupil who transfers from one **type of** school to ~~[another]~~ **a** school **of a different type** to elect, once in his or her lifetime, to be immediately eligible ~~[. Section 2 of this bill makes a conforming change to prohibit school districts, public schools and private schools from making regulations, rules, policies, procedures or requirements governing the eligibility and participation of such pupils in interscholastic activities and events that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association.]~~ **to participate and practice in a sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers.**

Existing law authorizes a pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Association by an administrator, a panel of principals or the Executive Director of the Association to appeal the decision or order to a hearing officer appointed by the Executive Director. (NRS 385B.100) **Section 1.3** of this bill authorizes a person or school who is aggrieved by a decision or order of the hearing officer to appeal to the State Board of Education. **Section 1.1** of this bill makes a conforming change to prohibit the stay of a decision of the State Board in the same manner as a decision of the Association.

Section 1 of this bill prohibits the Association from penalizing, retaliating against or taking adverse action against a school or person for: (1) participating in the legislative process; or (2) advocating for or against any policy before a public body.

Section 3 of this bill requires the Nevada Interscholastic Activities Association to amend its rules and regulations to conform to the provisions of **sections** ~~[1.3-2]~~ **1.3 and 1.5** on or before June 30, 2024.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385B of NRS is hereby amended by adding thereto a new section to read as follows:

The Nevada Interscholastic Activities Association shall not penalize, retaliate against or otherwise take any adverse action against a school or person for:

1. Participating in the legislative process; or

2. Advocating for or against any policy before a public body.

Sec. 1.1. NRS 385B.090 is hereby amended to read as follows:

385B.090 1. The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to NRS 385B.060 must provide for adequate review procedures to determine and review disputes arising in regard to the Association's decisions and activities.

2. A decision of the Nevada Interscholastic Activities Association **,** ~~[or]~~ a decision of a person designated by the Association to review and make final decisions on disputes on behalf of the Association pursuant to the rules and regulations adopted pursuant to NRS 385B.060 ***or a decision of the State Board on a matter which is appealed to the State Board pursuant to NRS 385B.100*** must not be stayed by a court pending the court's final judgment on the matter.

Sec. 1.3. NRS 385B.100 is hereby amended to read as follows:

385B.100 1. Any pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Nevada Interscholastic Activities Association by:

(a) An administrator of a school district who is responsible for interpreting and enforcing the regulations adopted by the Nevada Interscholastic Activities Association;

(b) A panel of principals chosen from schools located in a school district; or

(c) The Executive Director,

➥ may file a written appeal with the Executive Director. The Executive Director shall appoint a hearing officer to review the decision or order that is the subject of the appeal.

2. A hearing officer appointed pursuant to subsection 1 shall issue a decision or order in writing and shall cause a copy of the decision or order to be served on each party to the appeal or counsel for the party. The decision or order must include a summary of the appeal that includes:

(a) A statement of the relevant facts;

(b) A statement of the issues presented and the opposing arguments of the parties;

(c) An analysis of the arguments; and

(d) The conclusion of the hearing officer.

3. Not later than 10 days after the issuance of the decision or order of the hearing officer, the Executive Director shall cause a copy of the summary required by subsection 2 to be posted on the Internet website of the Nevada Interscholastic

Activities Association. The summary must be redacted as necessary to prevent the identification of any person involved in the appeal who is less than 18 years of age, which information is confidential. The redacted summary is a public record and must be open to public inspection as provided in NRS 239.010.

4. ***Any pupil or school that is aggrieved by a decision or order of the hearing officer may appeal to the State Board within 30 days after the decision or order of the hearing officer. The State Board may affirm, modify or reverse the decision or order of the hearing officer.***

5. As used in this section, "Executive Director" means the Executive Director of the Nevada Interscholastic Activities Association.

Sec. 1.5. NRS 385B.130 is hereby amended to read as follows:

385B.130 1. Any rules and regulations adopted by the Nevada Interscholastic Activities Association governing the eligibility of a pupil who transfers from one school to another school to participate in an interscholastic activity or event must apply equally to public schools and to private schools that are members of the Association.

2. Notwithstanding any provision of law to the contrary, a pupil who is ~~*[:*~~ ~~*(a) Is]*~~ a child of a military family and transferred schools pursuant to the provisions of chapter 388F of NRS ~~*[;*~~

~~*(b) Transfers to a charter school; or*~~

~~*(c) Transfers to a school that uses a lottery system to determine which pupils may enroll,*~~

~~*"]*~~ is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers.

3. Notwithstanding any provision of law to the contrary, a pupil who transfers from one type of school , including, without limitation, a public school, charter school or private school, to ~~[another]~~ a school of a different type who would not otherwise be immediately eligible to participate and practice in a sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers as a result of the transfer may, not more than once in his or her lifetime, elect to be immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at a school to which the pupil transfers.

Sec. 2. ~~*[*~~NRS 385B.170 is hereby amended to read as follows:

385B.170 A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:

1. Eligibility of homeschooled children ***, children who transfer to a charter school, children who transfer to a school that uses a lottery system to determine which pupils may enroll*** or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS to participate in interscholastic activities and events pursuant to this chapter; or

2. Participation of homeschooled children ***, children who transfer to a charter school, children who transfer to a school that uses a lottery system***

~~*to determine which pupils may enroll* or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS in interscholastic activities and events pursuant to this chapter,~~

~~"; that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060 and 385B.130.~~**]** **(Deleted by amendment.)**

Sec. 3. The Nevada Interscholastic Activities Association shall, on or before June 30, 2024, amend its rules and regulations as necessary to conform to the provisions of sections 1.3 **[,]** **and** 1.5 **[**~~and 2~~**]** of this act.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 602.

AN ACT relating to interscholastic activities; prohibiting certain persons from requiring a pupil to participate in certain out-of-school activities as a condition of participating in a sanctioned sport or spirit squad at a school; providing for a system of progressive discipline for certain violations; requiring certain persons to submit a report concerning any association with an out-of-school activity relating to a sanctioned sport or spirit squad; requiring certain school employees to notify a pupil and the parent or legal guardian of the pupil of certain rights afforded to the pupil before the pupil participates in a sanctioned sport or other interscholastic activity or event; providing for additional eligibility for certain pupils to participate in certain interscholastic activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations as is necessary to govern interscholastic activities and events in this State. (NRS 385B.060) Existing regulations: (1) authorize a coach of a school to assist a pupil in voluntarily participating in an activity related to a sanctioned sport that is conducted during a period that is not the season for the sanctioned sport under certain circumstances; and (2) prohibit such participation from being a condition for qualifying for a team or for accepting the pupil as a member of a team during the season for the sanctioned sport. (NAC 385B.370) **Section 3** of this bill codifies that prohibition into law and, if a person is found to have violated this prohibition, authorizes the Executive Director of the Association to prohibit the person from coaching, managing or otherwise being associated with a sanctioned sport or spirit squad at a school for not more than 1 year. **Section 3** also requires the Association to adopt regulations prescribing a system of progressive discipline for violations of **section 4 or 5** of this bill.

Section 4 of this bill requires each coach, manager or other person associated with a sanctioned sport or spirit squad at a school that is affiliated with or a member of the Association to submit to the Executive Director of the Association an annual report that includes certain information concerning whether the coach, manager or other person also coaches, manages or is otherwise associated with an out-of-school activity related to the same sanctioned sport or spirit squad at the school.

Section 5 of this bill requires the coach, manager or director of a sanctioned sport or other interscholastic activity or event at a school, before a pupil participates in a sanctioned sport or other interscholastic activity or event and annually thereafter, to notify each participating pupil and his or her parent or legal guardian of certain rights afforded to the pupil while participating in the sanctioned sport or other interscholastic activity or event. **Section 5** requires the Association to prescribe the form and contents of such notification.

Section 2 of this bill defines the term "out-of-school activity" for the purpose of **sections 3-5**. **Section 6** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Existing regulations provide that a pupil is eligible to participate in a sanctioned sport for not more than 8 consecutive semesters and 4 seasons. (NAC 385B.708) On March 12, 2020, the Governor of the State of Nevada issued the Declaration of Emergency for COVID-19. On May 20, 2022, the Governor issued the Proclamation Terminating Declaration of Emergency Related to COVID-19. **Section 7** of this bill provides that a pupil who was enrolled in grade 9, 10, 11 or 12 at any time during the state of emergency is eligible to participate in any sanctioned sport, spirit squad or other interscholastic activity for which the rules governing eligibility are established by the Nevada Interscholastic Activities Association or the board of trustees of a school district for at least 10 consecutive semesters and 5 seasons **~~.~~ ~~[.]~~ if the pupil has not completed the credits required to graduate and receive a high school diploma.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Out-of-school activity" means an activity that is not associated with a school, including, without limitation, a club team or athletic camp or program.***

Sec. 3. ***1. A coach, manager or other person associated with a sanctioned sport or spirit squad at a school shall not:***

(a) Condition qualification for a team or acceptance of a pupil as a member of a team for the sanctioned sport or spirit squad on the participation of the pupil in an out-of-school activity; or

(b) Otherwise compel the participation of a pupil in an out-of-school activity.

2. If a person violates subsection 1, the Executive Director of the Nevada Interscholastic Activities Association may prohibit the person from coaching, managing or otherwise being associated with a sanctioned sport or spirit squad at a school for not more than 1 year from the date on which the person was found to have violated subsection 1.

3. The Nevada Interscholastic Activities Association shall adopt:

(a) Regulations prescribing a system of progressive discipline for violations of section 4 or 5 of this act that ends in the permanent prohibition on a person who has committed such violations being associated with a sanctioned sport or spirit squad at a school.

(b) Any other regulations necessary to carry out the provisions of this section and sections 4 and 5 of this act.

4. As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities and events pursuant to NRS 385B.065.

Sec. 4. *1. On or before July 1 of each year, each coach, manager or other person who is associated with a sanctioned sport or spirit squad shall submit a report to the Executive Director of the Nevada Interscholastic Activities Association that includes information about whether the coach, manager or other person also coaches, manages or is otherwise associated with an out-of-school activity related to the same sanctioned sport or spirit squad at the school. The report must include, for the immediately preceding school year:*

(a) The name of the person;

(b) The number of pupils who:

(1) Are members of a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom the person is otherwise associated; and

(2) Participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;

(c) The number of pupils who:

(1) Tried out for a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom the person is otherwise associated;

(2) Were not accepted as a member of that team or spirit squad; and

(3) Do not participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;

(d) The number of pupils who:

(1) Tried out for a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom the person is otherwise associated;

(2) Were accepted as a member of that team or spirit squad; and

(3) Do not participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;

(e) The percentage of pupils on a team that participates in a sanctioned sport or spirit squad at the school that is coached or managed by the person, or with whom the person is otherwise associated, who also participate in an out-of-school activity that is coached or managed by the person, or with whom the person is otherwise associated; and

(f) Any other information required by the Nevada Interscholastic Activities Association to ensure compliance with subsection 1 of section 3 of this act.

2. If the Nevada Interscholastic Activities Association requires the use of an electronic system for the registration of pupils to participate in a sanctioned sport or spirit squad or coaches, managers or other persons who are associated with a sanctioned sport or spirit squad, the Nevada Interscholastic Activities Association must provide for the submission of the report required pursuant to subsection 1 and the provision of notice pursuant to section 5 of this act through the electronic system.

3. As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities or events pursuant to NRS 385B.065.

Sec. 5. ***1. Before a pupil participates in a sanctioned sport or other interscholastic activity or event at a school, and annually thereafter, the coach, manager or director of the sanctioned sport or other interscholastic activity or event shall notify each participating pupil and his or her parent or legal guardian of the rights of the pupil while the pupil is participating in the sanctioned sport or other interscholastic activity or event, including, where applicable, that a person may not:***

(a) Compel the participation of the pupil in an out-of-school activity; and

(b) Condition qualification for a team or acceptance of the pupil as a member of a team that participates in a sanctioned sport or spirit squad at the school on participation of the pupil in an out-of-school activity.

2. The Nevada Interscholastic Activities Association shall prescribe the form and contents of the notice required to be provided to a pupil pursuant to subsection 1.

3. As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities or events pursuant to NRS 385B.065.

Sec. 6. NRS 385B.010 is hereby amended to read as follows:

385B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 385B.015 to 385B.045, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. 1. A pupil who was enrolled in grade 9, 10, 11 or 12 in a school, as defined in NRS 385B.040, at any time between March 12, 2020, and May 19, 2022, is eligible to participate in any sanctioned sport, spirit squad or other interscholastic activity for which the rules governing eligibility are established by the Nevada Interscholastic Activities Association or the board of trustees of a school district for at least 10 consecutive semesters and 5 seasons if the pupil ~~[otherwise]~~ ***:***

(a) Has not completed the credits required to graduate and receive a high school diploma; and

(b) Otherwise meets the eligibility criteria established for the sanctioned sport, spirit squad or activity.

2. As used in this section:

(a) "Sanctioned sport" has the meaning ascribed to it in NRS 385B.030.

(b) "Spirit squad" has the meaning ascribed to it in section 4 of this act.

Sec. 8. 1. This section becomes effective on passage and approval.

2. Section 7 of this act becomes effective on July 1, 2023.

3. Sections 1 to 6, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 626.

AN ACT relating to local governments; requiring the governing body of a county or city to enact ordinances relating to battery-charged fences; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of a county or city to enact ordinances that regulate certain health and safety issues. (NRS 244.355-244.369, 268.409-268.427) **Sections 1 and 2** of this bill require the governing body of a county or city to enact an ordinance that regulates battery-charged fences. **Sections 1 and 2** require that such an ordinance require that a battery-charged fence: (1) be located on property not ~~[zoned exclusively]~~ **designated** for residential use **~~[,]~~ or be located on property designated for residential use that is also located in a rural zoning area or governed by certain provisions of law relating to Lake Tahoe;** (2) use a battery that is not more than 12 volts of direct current; (3) have an energizer that meets the most current standards set forth by the International Electrotechnical Commission; (4) be

surrounded by a nonelectric perimeter fence or wall; (5) be not more than a certain height; and (6) be marked with certain conspicuous warning signs located on the battery-charged fence. **Sections 1 and 2** prohibit such an ordinance from: (1) requiring a permit for the installation or use of a battery-charged fence that is in addition to an alarm system permit issued by the county or city; (2) imposing installation or operational requirements for a battery-charged fence that are inconsistent with the standards set forth by the International Electrotechnical Commission; or (3) prohibiting the installation or use of a battery-charged fence.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a board of county commissioners shall enact ordinances regulating battery-charged fences.

2. An ordinance enacted pursuant to this section must, without limitation, require that a battery-charged fence:

(a) Be located on property that ~~[is not zoned exclusively]~~ :

(1) Is not designated for residential use; or

(2) Is designated for residential use and the property:

(I) Is located in a rural zoning area; or

(II) Is governed by the provisions of NRS 278.780 to 278.828, inclusive;

(b) Use a battery that is not more than 12 volts of direct current;

(c) Have an energizer that meets the most current standards set forth by the International Electrotechnical Commission;

(d) Be surrounded by a nonelectric perimeter fence or wall that is at least 5 feet in height;

(e) Not be higher than 10 feet in height or 2 feet higher than the height of the nonelectric perimeter fence or wall described in paragraph (d), whichever is greater; and

(f) Be marked with conspicuous warning signs that are located on the battery-charged fence at intervals of not more than 40 feet and that read: "WARNING: ELECTRIC FENCE."

3. A board of county commissioners, in enacting an ordinance pursuant to this section, may not enact an ordinance that:

(a) Requires a permit for the installation or use of a battery-charged fence that is in addition to any permit that is required to install an alarm system;

(b) Imposes any installation or operational requirement for a battery-charged fence that is inconsistent with the most current standards set forth by the International Electrotechnical Commission; or

(c) Prohibits the installation or use of a battery-charged fence.

4. As used in this section:

(a) "Alarm system" means a device or system that transmits an audible, visual or electronic signal intended to summon or alert law enforcement. The term does not include a system which does not transmit a signal from outside of a building or residence and is intended to alert only occupants of a building or residence.

(b) "Battery-charged fence" means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by a battery.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a city council or other governing body of an incorporated city shall enact ordinances regulating battery-charged fences.

2. An ordinance enacted pursuant to this section must, without limitation, require that a battery-charged fence:

(a) Be located on property that ~~[is not zoned exclusively]~~ :

(1) Is not designated for residential use; or

(2) Is designated for residential use and:

(I) Is located in a rural zoning area; or

(II) Is governed by the provisions of NRS 278.780 to 278.828, inclusive;

(b) Use a battery that is not more than 12 volts of direct current;

(c) Have an energizer that meets the most current standards set forth by the International Electrotechnical Commission;

(d) Be surrounded by a nonelectric perimeter fence or wall that is at least 5 feet in height;

(e) Not be higher than 10 feet in height or 2 feet higher than the height of the nonelectric perimeter fence or wall described in paragraph (d), whichever is greater; and

(f) Be marked with conspicuous warning signs that are located on the battery-charged fence at intervals of not more than 40 feet and that read: "WARNING: ELECTRIC FENCE."

3. A city council or other governing body of an incorporated city, in enacting an ordinance pursuant to this section, may not enact an ordinance that:

(a) Requires a permit for the installation or use of a battery-charged fence that is in addition to any permit that is required to install an alarm system;

(b) Imposes any installation or operational requirement for a battery-charged fence that is inconsistent with the most current standards set forth by the International Electrotechnical Commission; or

(c) Prohibits the installation or use of a battery-charged fence.

4. As used in this section:

(a) "Alarm system" means a device or system that transmits an audible, visual or electronic signal intended to summon or alert law enforcement.

The term does not include a system which does not transmit a signal from outside of a building or residence and is intended to alert only occupants of a building or residence.

(b) "Battery-charged fence" means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by a battery.

Sec. 2.5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. Any ordinance, regulation or rule enacted by a county or city before, on or after July 1, 2023, which conflicts with the provisions of this act is void and unenforceable.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 657.

AN ACT relating to marriage; requiring, under certain circumstances, a county clerk ~~[or county recorder]~~ to issue an amended certificate of marriage to a party to a marriage whose name has changed; eliminating the authority for an applicant for a marriage license to change his or her middle or last name at the time of issuance of a marriage license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if any information in a certificate of marriage is incorrect, the county clerk or the county recorder may charge and collect from a person certain fees for the preparation of an affidavit of correction and the filing of a corrected certificate of marriage. (NRS 122.135) **Section 1.3** of this bill provides that if a marriage was solemnized in this State and a party to the marriage receives a certified copy of a court order from a court of this State or another state, the District of Columbia or any territory of the United States changing the name of the party, the county clerk **of the county where the original marriage license was issued** shall issue an amended certificate of marriage upon receipt of: (1) a certified copy of the original certificate of marriage; (2) a certified copy of the court order; (3) a notarized affidavit of amendment executed by the parties to the marriage; and (4) the applicable fees. **Section 1.6** of this bill sets forth the form for any amended certificate of marriage that is issued pursuant to **section 1.3**.

~~[If the amended]~~ **Existing law authorizes a board of county commissioners of a county whose population is 700,000 or more (currently only Clark County) to adopt an ordinance requiring a** certificate of

marriage ~~[is issued by a county recorder or]~~ **to be filed in the office of the** county clerk**.** ~~[of a county other than the county which issued the marriage license,]~~ **(NRS 246.100) If a board of county commissioners has adopted such an ordinance, section 1.9** of this bill requires the ~~[party requesting the amended certificate of marriage]~~ **county clerk** to ~~[, within 10 days after receiving a certified copy of]~~ **file** the amended certificate ~~[, deliver that copy to the county clerk or county recorder, as applicable, of the county where the marriage license was issued. Section]~~ **of marriage in the office of the county clerk within 10 days after its issuance. If a board of county commissioners has not adopted such an ordinance, section 1.9** ~~[also]~~ **instead** requires the ~~[county clerk or county recorder, as applicable,]~~ **party to whom the amended certificate of marriage is issued** to ~~[then record the certified copy of]~~ **file** the amended certificate of marriage ~~[.]~~ **with the county recorder of the county where the original certificate of marriage was recorded within 10 days after its issuance.**

Existing law provides that at the time of issuance of a marriage license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. An applicant for a marriage license may change his or her name pursuant to this provision only at the time of issuance of the license. (NRS 122.040) **Section 2** of this bill eliminates this authority for such a name change at the time of issuance of a marriage license. **Sections 3 and 4** of this bill make conforming changes to the format of marriage licenses and certificates of marriage to account for the elimination of that authority by **section 2**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.6 and 1.9 of this act.

Sec. 1.3. ***1. If a marriage was solemnized in this State and a party to the marriage receives a certified copy of a court order from a court of this State or another state, the District of Columbia or any territory of the United States changing the name of the party, the county clerk of the county where the original marriage license was issued to the party shall issue an amended certificate of marriage to that party that sets forth the new name of the party, upon receipt by the county clerk of:***

(a) A certified copy of the original certificate of marriage;

(b) A certified copy of the court order;

(c) A notarized affidavit of amendment prepared by the county clerk and executed by the parties to the marriage; and

(d) The fees required pursuant to subsection 2.

2. The county clerk may charge and collect a fee of not more than $25 for the preparation of the affidavit of amendment pursuant to paragraph (c) of subsection 1. The party requesting the amended certificate of marriage

must also pay any fee required pursuant to NRS 246.180 or NRS 247.305, as applicable, for the filing or recording of the amended certificate of marriage.

3. Upon compliance with subsection 1, the county clerk shall issue ~~[a certified copy of]~~ the amended certificate of marriage to the parties to the marriage.

4. The county clerk or county recorder, as applicable, shall maintain as a public record the original certificate of marriage and the amended certificate of marriage issued pursuant to this section.

Sec. 1.6. *1. An amended certificate of marriage issued pursuant to section 1.3 of this act must be substantially in the following form:*

State of Nevada
Amended Certificate of Marriage

State of Nevada }
} ss.
County of .....}

This is to acknowledge that a marriage officiant, did on the ..... day of the month of ..... of the year ....., at ..... (address or church), ... (city), Nevada, join in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of ..... (city), State of ....., date of birth ....., with their mutual consent, in the presence of at least one witness.

~~[.....~~
(Seal of County Clerk) *~~Signature of County Clerk]~~*

This certificate is issued to reflect an amendment made pursuant to Instrument No. ..... on file at the Office of the ..... County [Clerk or Recorder] and the court order issued in ..... County, State of ....., Case No. .....

The original Certificate of Marriage No. ....., recorded or filed as Instrument No. ....., is on file at the Office of the ..... County [Clerk or Recorder].

2. All information contained in the amended certificate of marriage must be typewritten or legibly printed in black ink, except the signatures.

Sec. 1.9. *1. ~~[Each party who is issued an]~~ If a county clerk issues an amended certificate of marriage pursuant to section 1.3 of this act ~~[by a county recorder or county clerk of a county other than the county where the marriage license was issued shall, within 10 days after receiving a certified copy of the amended certificate of marriage, deliver to:]~~ and the board of county commissioners:*

(a) ~~[If the board of county commissioners has]~~ Has adopted an ordinance pursuant to NRS 246.100, the county clerk ~~[of the county where the marriage license was issued a certified copy of]~~ shall, within 10 days after its issuance,

file the amended certificate of marriage ~~[required by section 1.3 of this act.]~~ in the office of the county clerk.

(b) ~~[If the board of county commissioners has]~~ Has not adopted an ordinance pursuant to NRS 246.100, the ~~[county recorder of the county where the marriage license was]~~ party to whom the amended certificate of marriage is issued ~~[a certified copy of the amended certificate of marriage required by section 1.3 of this act.]~~ shall, within 10 days after receipt, file the amended certificate of marriage with the county recorder where the original certificate of marriage was recorded.

2. ~~[The certified copy of an amended certificate of marriage delivered pursuant to this section must be recorded by the county recorder or filed by the county clerk.]~~ For the recording or filing of ~~[a certified copy of]~~ an amended certificate of marriage pursuant to this section, the county recorder or county clerk is entitled to the fees designated in subsection 2 of section 1.3 of this act. ~~[All such fees must be deposited in the county general fund.]~~

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more may, at the request of the county clerk, designate not more than five branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any

requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. When the authorization of a district court is required because the marriage involves a minor, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

6. ~~[At the time of issuance of the license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. The first name of each applicant selected for use by the applicant after solemnization of the marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2. An applicant may change his or her name pursuant to this subsection only at the time of issuance of the license. One or both applicants may adopt:~~

~~(a) As a middle name, one of the following:~~

~~(1) The current last name of the other applicant.~~

~~(2) The last name of either applicant given at birth.~~

~~(3) A hyphenated combination of the current middle name and the current last name of either applicant.~~

~~(4) A hyphenated combination of the current middle name and the last name given at birth of either applicant.~~

~~(b) As a last name, one of the following:~~

~~(1) The current last name of the other applicant.~~

~~(2) The last name of either applicant given at birth.~~

~~(3) A hyphenated combination of the potential last names described in paragraphs (a) and (b).~~

~~7.]~~ All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

~~[8.]~~ ***7.*** A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 3. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 **.** ~~[and the name, if any, selected by each applicant for use after the applicants are joined in marriage.]~~ The marriage license must be substantially in the following form:

Marriage License
(Expires 1 Year After Issuance)

State of Nevada }
}ss.
County of..... }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage, notary public or marriage officiant who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or

district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080, or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages or any mayor if authorized pursuant to subsection 5 of NRS 122.080, to join in marriage ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Name of Parent No. 1 ..... State of birth of Parent No. 1 (If not in U.S.A., name of country) ..... Name of Parent No. 2 ..... State of birth of Parent No. 2 (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Former Spouse: Deceased ..... Divorced ..... Annulled ..... When ..... Where ..... And ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Name of Parent No. 1 ..... State of birth of Parent No. 1 (If not in U.S.A., name of country) ..... Name of Parent No. 2 ..... State of birth of Parent No. 2 (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Former Spouse: Deceased ..... Divorced ..... Annulled ..... When ..... Where .....; and to certify the marriage according to law. ~~[After ..... (name) and ..... (name) are joined in marriage, ... wishes to use the name ..... (New name) and ..... wishes to use the name ..... (New name) OR The parties have not designated any changes of name at the time of issuance of the marriage license.]~~

Witness my hand and the seal of the county, this ..... day of the month of ……. of the year .....

.....

(Seal) Clerk

.....

Deputy clerk

Sec. 4. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married an uncertified copy of a certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If two persons, regardless of gender, who are spouses of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the persons were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or

destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

State of Nevada
Marriage Certificate

State of Nevada }
}ss.
County of }

This is to certify that the undersigned, ... (a minister or other church or religious official authorized to solemnize a marriage, notary public, judge, justice of the peace of ..... County, commissioner of civil marriages, deputy commissioner of civil marriages, marriage officiant or mayor, as the case may be), did on the ..... day of the month of ..... of the year ....., at ..... (address or church), ... (city), Nevada, join or rejoin, as the case may be, in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of ..... (city), State of ....., date of birth ....., with their mutual consent, in the presence of ..... and ..... (witnesses). ~~[After ..... (name) and ..... (name) are joined or rejoined in marriage, as the case may be, ... (name) wishes to use the name ..... (New name) and ..... (name) wishes to use the name ..... (New name) OR The parties have not designated any changes of name at the time of issuance of the marriage license.]~~ (If two persons, regardless of gender, who are the spouses of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the persons who are being rejoined in marriage.)

.....
Signature of person performing
(Seal of County Clerk) the marriage

.....
Name under signature typewritten
or printed in black ink

.....
County Clerk

.....
Official title of person performing
the marriage

.....

.....
Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 697.

SUMMARY—Revises the qualifications for membership on certain **town** advisory councils and boards. (BDR 21-857)

AN ACT relating to towns; eliminating the requirement that a member of a citizens' advisory council of a town or ~~[a]~~ **certain** town advisory ~~[board]~~ **boards** be a qualified elector; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in a county having a population of less than 100,000 (currently all counties other than Clark and Washoe Counties) which has not elected to accept the provisions of the Unincorporated Town Government Law (NRS 269.500-269.625), the board of county commissioners may, under certain circumstances, by ordinance create a citizens' advisory council to act in an advisory and liaison capacity with respect to governing the affairs of an unincorporated town. (NRS 269.011, 269.024, 269.0242) Any such citizens' advisory council must consist of not fewer than three nor more than five members, each of whom must be a resident and qualified elector in the town. (NRS 269.0242) **Section 1** of this bill eliminates the requirement that a member of such a citizens' advisory council be a qualified elector. **Section 1 further requires that a member of such a citizens' advisory council be: (1) a resident of the town; and (2) a citizen of the United States or lawfully entitled to reside in the United States.**

Existing law provides that the Unincorporated Town Government Law applies in a county having a population of 100,000 or more (currently Clark and Washoe Counties) and in any other county in which the board of county commissioners has adopted by ordinance, the Unincorporated Town Government Law. (NRS 269.530) Pursuant to the Unincorporated Town Government Law, the board of county commissioners must provide for a town

advisory board in an ordinance which establishes an unincorporated town. Such a town advisory board must consist of three or five qualified electors who are residents of the unincorporated town. (NRS 269.576, 269.577) ~~[Sections]~~ **Existing law further authorizes the board of county commissioners of any county, by resolution, to designate one or more town services to be within the power of a town advisory board to manage. (NRS 269.580) If the board of county commissioners has not made such a designation, sections 2 and 3** of this bill eliminate the requirement that a member of **such** a town advisory board be a qualified elector. **Instead, sections 2 and 3 require that a member of such a town advisory board be: (1) a resident of the unincorporated town; and (2) a citizen of the United States or lawfully entitled to reside in the United States.**

Section 4 of this bill makes a conforming change to revise the declaration of candidacy that must be filed by a candidate for the ~~[office]~~ **position** of a town advisory board ~~[.]~~ **if the members of the town advisory board are not required to be qualified electors pursuant to sections 2 and 3 because the board of county commissioners has not designated one or more services to be within the power of the town advisory board to manage.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 269.0242 is hereby amended to read as follows:

269.0242 Any ordinance enacted pursuant to NRS 269.024 must include provisions in substance as follows:

1. The citizens' advisory council must consist of not fewer than three nor more than five members.

2. Each member of the advisory council must be ~~[a]~~ **:**

(a) A resident ~~[and qualified elector in]~~ ***of*** the town ~~[.]~~ ***; and***

(b) A citizen of the United States or lawfully entitled to reside in the United States.

3. The members of the advisory council must be appointed by the board of county commissioners from a list of a number of qualified persons, equal in number to the number of positions on the advisory council which are to be filled, elected at an informal election. Notice of the election must be posted in accordance with NRS 241.020. The election must be held in the town in November of the year of the general election.

4. The list of names of the persons elected must be presented to the board of county commissioners at their first meeting in December of the year of the general election. The persons appointed to the advisory council shall serve their respective terms at the pleasure of the board.

5. The members of the advisory council first appointed by the board of county commissioners shall serve until the 1st Monday in January following the next general election, and thereafter the terms of office of the members of the advisory council are for 2 years and begin on the 1st Monday in January following each general election.

6. The advisory council shall assist the board of county commissioners in governing the town by acting as liaison between the residents of the town and the board. The advisory council and the board shall cooperate to inform each other of all matters of interest to the town and its residents. The advisory council shall not expend or contract any town money for any purpose.

7. The members of the advisory council shall serve without compensation.

Sec. 2. NRS 269.576 is hereby amended to read as follows:

269.576 1. Except as appointment may be deferred pursuant to NRS 269.563, the board of county commissioners of any county whose population is 700,000 or more shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) Except as otherwise provided in subsection ~~[7,]~~ ***8,*** appointment by the board of county commissioners or the election by the registered voters of the unincorporated town of three or five ~~[qualified electors who are residents of the unincorporated town]~~ ***persons*** to serve as the town advisory board. If the ordinance provides for appointment by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:

(1) The results of any poll conducted by the town advisory board; and

(2) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.

(b) A term of 2 years for members of the town advisory board.

(c) Election of a chair from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the office of chair, for the election of a chair from among the members for the remainder of the unexpired term. The ordinance must also provide that a chair is not eligible to succeed himself or herself for a term of office as chair.

2. ***Each member of a town advisory board described in subsection 1 must be:***

(a) If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A qualified elector.

(b) If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A citizen of the United States or lawfully entitled to reside in the United States.

3. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** the members of a town advisory board serve at the pleasure of the board of county commissioners.

~~[3.]~~ ***4.*** If a vacancy occurs on the town advisory board, the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term of the member.

~~[4.]~~ ***5.*** The board of county commissioners shall provide notice of the expiration of the term of a member of and any vacancy on a town advisory board to the residents of the unincorporated town by mail, newsletter or newspaper at least 30 days before the expiration of the term or filling the vacancy.

~~[5.]~~ ***6.*** The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

~~[6.]~~ ***7.*** The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

~~[7.]~~ ***8.*** If an unincorporated town is established in a county whose population is 700,000 or more and is located 25 miles or more from an incorporated city whose population is 500,000 or more:

(a) The board of county commissioners shall by ordinance provide for the election by the registered voters of the unincorporated town of three or five ~~[~~qualified electors who are ~~residents of the unincorporated town]~~ ***persons*** to serve as the town advisory board. If there are fewer ~~[~~qualified electors who are~~]~~ residents of the unincorporated town who file for election to the town advisory board than there are seats on the town advisory board, the board of county commissioners shall appoint as many new members as are necessary to fill the seats left vacant after the election.

(b) The members of the town advisory board of the unincorporated town do not serve at the pleasure of and may not be removed by the board of county commissioners.

9. Each member of a town advisory board described in subsection 8 must be:

(a) If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A qualified elector.

(b) If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A citizen of the United States or lawfully entitled to reside in the United States.

Sec. 3. NRS 269.577 is hereby amended to read as follows:

269.577 1. The board of county commissioners of any county whose population is less than 700,000 shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) The appointment by the board of county commissioners or the election by the people of three or five ~~[qualified electors who are residents of the unincorporated town]~~ ***persons*** to serve as the town advisory board.

(b) The removal of a member of the town advisory board if the board of county commissioners finds that the removal of the member is in the best interest of the residents of the unincorporated town.

(c) The appointment by the board of county commissioners of a member to serve the unexpired term of a member of the town advisory board removed pursuant to the provisions of paragraph (b) or whose position otherwise becomes vacant.

2. ***Each member of a town advisory board must be:***

(a) If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A qualified elector.

(b) If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A citizen of the United States or lawfully entitled to reside in the United States.

3. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

~~[3.]~~ ***4.*** The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

Sec. 4. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

Notary Public or other person
authorized to administer an oath

(b) ~~[For]~~ ***Except as otherwise provided in paragraph (c), for*** nonpartisan office:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(c) For ~~[office]~~ the position of town advisory board ~~[.]~~ if the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

Declaration of Candidacy of ..... for the
~~[Office]~~ Position of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ~~[office]~~ position of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the ~~[City or]~~ Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the ~~[State, district, county, township, city or other area prescribed by law]~~ town to which the ~~[office]~~ position pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this ~~[office;]~~ position; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; ~~[that if I have ever been convicted of treason or a felony, my civil rights have been restored;]~~ that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the ~~[office]~~ position if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the ~~[office;]~~ position; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering

upon the duties of the ~~[office;]~~ position; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....

.....
(Signature of candidate for ~~[office)]~~ position)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as

opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office ***or position, as applicable,*** as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 667.

AN ACT relating to cruelty to animals; ~~[prohibiting a person from restraining a dog during any time in which a heat advisory, excessive heat warning, wind chill warning or winter storm warning has been issued for the area; eliminating from provisions relating to animal cruelty]~~ **revising certain prohibitions on restraining a dog; revising** certain exemptions that authorize a dog to be restrained in a certain manner or maintained in certain enclosures; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, with certain exceptions, a person from restraining a dog: (1) using certain tethers, chains, ties, trolleys or pulley systems or other devices; (2) using a prong, pinch or choke collar or similar restraint; or (3) for more than 14 hours during a 24-hour period. (NRS 574.100) **Section 1** of this bill prohibits a person from ~~[also]~~ restraining a dog ~~[outdoors during any time in which a heat advisory, excessive heat warning, wind chill warning or winter storm warning has been issued for the area by the National Weather Service.]~~ **for more than 10 hours during a 24-hour period.**

In addition to the prohibitions on restraining a dog, existing law requires that any pen or other outdoor enclosure that is used to maintain a dog be appropriate for the size and breed of the dog. Existing law exempts from the limitations on restraining a dog or maintaining a dog in such enclosures circumstances where a dog is: (1) being used lawfully to hunt a species of wildlife in this State during the hunting season for that species; (2) receiving training to hunt a species of wildlife in this State; (3) being kept in a shelter or boarding facility or temporarily in a camping area; (4) temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes; or (5) with a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour. Existing law sets forth graduated criminal penalties depending on whether the offense is a first, second or third and subsequent offense for a violation of certain provisions relating to animal cruelty. (NRS 574.100) **Section 1** eliminates ~~[these exemptions]~~ **the exemption** where a dog is being ~~[used lawfully to hunt a species of wildlife in this State during the hunting season for that species, receiving training to hunt a species of wildlife in this State and temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes]~~ **kept in a boarding facility** so that: (1) the limitations on the restraint and use of outdoor enclosures apply to a dog in such circumstances; and (2) the graduated criminal penalties also apply to such circumstances. **Section 1** further ~~[exempts]~~ **: (1) exempts** from the limitations where a dog is

~~[: (1)]~~ being processed into an animal shelter; ~~[or]~~ **and** (2) ~~[under the direct custody or control of a person, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour, provided a heat advisory, excessive heat warning, wind chill warning or winter storm warning has not been issued for the area by the National Weather Service.]~~ **limits the exemptions where a dog is temporarily being cared for as part of a rescue operation in conjunction with an animal rescue operation or staying in a camping area to a period of less than 1 month.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110. The provisions of this paragraph do not apply to a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, "feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) ~~*[Outdoors, during any time in which a heat advisory or excessive heat warning has been issued for the area by the National Weather Service;*~~

~~*(d) Outdoors, during any time in which a wind chill warning or winter storm warning has been issued for the area by the National Weather Service; or*~~

~~*(e)]*~~ For more than ~~[14]~~ ***10*** hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined; ~~*[or]*~~

(e) ~~*[(c)]*~~ Being ~~[kept in a]~~ ***processed into an animal*** shelter ***;*** ~~[or boarding facility or temporarily in a camping area;]~~

(f) Temporarily ~~[being]~~ ***for a period of less than 1 month:***

(1) Being cared for as part of a rescue operation ~~[or in any other manner]~~ in conjunction with ~~[a bona fide nonprofit]~~ ***an animal rescue*** organization ~~[formed for animal welfare purposes;]~~ ***; or***

(2) Staying in a camping area;

(g) ~~*[(d)]*~~ Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; ~~[or]~~

(h) ~~[With~~

~~*(e)]*~~ ***Under the direct custody or control of*** a person ***,*** ~~[having custody or control of the dog,]~~ if the person is engaged in a temporary task or activity with the dog for not more than 1 hour ~~*[. provided that a heat advisory, excessive heat warning, wind chill warning or winter storm warning has not been issued for the area by the National Weather Service,]*~~ ***; or***

(i) Being walked by a person using a leash.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. Except as otherwise provided in subsection 6, a person who violates subsection 1, 2, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.

10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.

11. As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

(a) Tripping such an animal to provide medical or other health care for the animal; or

(b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 272.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 628.

AN ACT relating to governmental administration; requiring a state agency or local government to post certain information on its Internet website relating to certain purchasing contracts, performance contracts and contracts for public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, under certain circumstances, a state agency or local government to enter into certain purchasing contracts, performance contracts and contracts for public works. (Chapters 332, 333, 333A and 338 of NRS) **Sections 1-4** of this bill require each state agency or local government to, on or before September 1 of each year, post in a conspicuous place on its Internet website: (1) the total number of such contracts awarded by the state agency or local government during the immediately preceding fiscal year; (2) the total dollar amount of all such contracts awarded by the state agency or local government during the immediately preceding fiscal year; (3) the total number of contracts awarded by the state agency or local government during the immediately preceding fiscal year to minority-owned businesses, women-owned businesses**, ~~[and]~~** LGBTQ-owned businesses **~~[,]~~ and veteran-owned businesses;** and (4) the total dollar amount of all such contracts awarded by the state agency or local government during the immediately preceding fiscal year to minority-owned businesses, women-owned businesses**, ~~[and]~~** LGBTQ-owned businesses **~~[.]~~ and veteran-owned businesses.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 332 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each local government shall post in a clear and conspicuous place on the Internet website maintained by the local government:

(a) The total number of contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 2. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each using agency shall post in a clear and conspicuous place on the Internet website maintained by the using agency:

(a) The total number of contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 3. Chapter 333A of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each using agency shall post in a clear and conspicuous place on the Internet website maintained by the using agency:

(a) The total number of performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each public body shall post in a clear and conspicuous place on the Internet website maintained by the public body:

(a) The total number of contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 5. This act becomes effective on July 1, ~~[2023.]~~ **2024.**

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 603.

AN ACT relating to education; providing that certain principals are employed at will; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides that during the first 3 years of employment by a school district, a principal is employed at will. **Section 2** also provides that if a principal completes the 3-year probationary period, the principal again becomes an at-will employee if, in 2 consecutive school years: (1) the rating of the school to which the principal is assigned pursuant to the statewide system of accountability for public schools is reduced by one or more levels ~~[;]~~ **or remains at the lowest level possible;** and (2) fifty percent or more of the teachers assigned to the school request a transfer to another school. **Section 2** further provides that such a principal is subject to ~~[immediate dismissal by the board of trustees of the school district]~~ **nonrenewal of his or her contract** on recommendation of the superintendent of the school district.

Sections 4-10 of this bill make changes to conform with the changes made by **section 2**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. During the first 3 years of his or her employment by a school district in the position of principal, a principal is employed at will in that position. A principal who is reassigned pursuant to this subsection is entitled to a written statement of the reason for the reassignment. If the principal was previously employed by the school district in another position and is reassigned pursuant to this section, the principal is entitled to be assigned to his or her former position at the rate of compensation provided for that position.***

2. A principal who completes the probationary period set forth in NRS 391.820 by a principal is again employed at will if, in each of 2 consecutive school years:

(a) The rating of the school to which the principal is assigned, as determined by the Department pursuant to the statewide system of accountability for public schools, is reduced by one or more levels ~~[;]~~ or remains at the lowest level possible; and

(b) Fifty percent or more of the teachers assigned to the school request a transfer to another school.

3. If the events described in paragraphs (a) and (b) of subsection 2 occur with respect to a school for any school year:

(a) The school associate superintendent or other administrator of the school district who oversees the school must provide mentoring to the principal of the school; and

(b) The school district shall conduct a survey of the teachers assigned to the school to evaluate conditions at the school and the reasons given by teachers who requested a transfer to another school. The results of the survey do not affect the employment status of the principal of the school.

4. A principal described in subsection 2 is subject to ~~[immediate dismissal by the board of trustees of the school district]~~ nonrenewal of his or her contract on recommendation of the superintendent . ~~[and]~~ If the contract of the principal is not renewed pursuant to this subsection and the principal was previously employed by the school district in another position, the principal is entitled ~~[, on dismissal, to a written statement of the reasons for dismissal.]~~ to be assigned to his or her former position at the rate of compensation provided for that position.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, ***and section 2 of this act,*** unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, ***and section 2 of this act*** is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 5. NRS 391.655 is hereby amended to read as follows:

391.655 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.650 to 391.826, inclusive, ***and section 2 of this act*** do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The admonition, demotion, suspension, dismissal and nonreemployment provisions of NRS 391.650 to 391.800, inclusive, do not apply to:

(a) A probationary teacher. The policy for evaluations prescribed in NRS 391.685 and 391.725 applies to a probationary teacher.

(b) ***A principal described in subsection 1 of section 2 of this act with respect to his or her employment as a principal.***

(c) A principal who is employed at will pursuant to subsection 2 of section 2 of this act.

(d) A new employee who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal. ~~[The]~~

➥ ***Insofar as the policy is consistent with the provisions of section 2 of this act, the*** policy for evaluations prescribed in NRS 391.700 and 391.725 applies to ~~[such a probationary]~~ ***any*** administrator ~~[.]~~ ***described in this subsection.***

3. The admonition, demotion and suspension provisions of NRS 391.650 to 391.800, inclusive, do not apply to a postprobationary teacher who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal, with respect to his or her employment in the administrative position. The policy for evaluations prescribed in NRS 391.700 and 391.725 applies to such a probationary administrator.

4. The provisions of NRS 391.650 to 391.800, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to

subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

5. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.650 to 391.826, inclusive, ***and section 2 of this act*** for demotion, suspension or dismissal apply to them.

Sec. 6. NRS 391.660 is hereby amended to read as follows:

391.660 Excluding the provisions of NRS 391.730, ***and section 2 of this act,*** the provisions of NRS 391.650 to 391.826, inclusive, do not apply to a teacher **[**~~, administrator~~**]** or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee **. [**~~or demote an administrator.~~**]**

Sec. 7. NRS 391.700 is hereby amended to read as follows:

391.700 ***Except as otherwise provided in section 2 of this act:***

1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must provide for the evaluation of those administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and a vice principal. The policy must also provide for the evaluation of those administrators at the district level who provide direct supervision of the principal of a school. The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. The person charged with the evaluation of an administrator pursuant to NRS 391.705 or 391.710 shall hold a conference with the administrator before and after each scheduled observation of the administrator during the school year.

Sec. 8. NRS 391.730 is hereby amended to read as follows:

391.730 ~~[A]~~ ***Except as otherwise provided in section 2 of this act, a*** postprobationary employee who receives an evaluation designating his or her overall performance as:

1. Ineffective; or

2. Developing during 1 year of the 2-year consecutive period and ineffective during the other year of the period,

➥ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.650 to 391.826, inclusive, ***and section 2 of this act*** and must serve an additional probationary period in accordance with the provisions of NRS 391.820.

Sec. 9. NRS 391.775 is hereby amended to read as follows:

391.775 ***Except as otherwise provided in section 2 of this act:***

1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, the superintendent shall give written notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer pursuant to NRS 391.765 to 391.800, inclusive, or if a dismissal of the employee will occur before the completion of the current school year or if the employee is deemed to be a probationary employee pursuant to NRS 391.730 and dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.

(c) Refer to chapter 391 of NRS.

3. If a postprobationary employee or an employee who is deemed to be a probationary employee pursuant to NRS 391.730 receives notice that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.770, 391.785 and 391.795 do not apply.

Sec. 10. NRS 391.820 is hereby amended to read as follows:

391.820 ***Except as otherwise provided in section 2 of this act:***

1. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

2. The board shall notify each probationary employee in writing during the first, second and third school years of the employee's probationary period whether the employee is to be reemployed for the second or third year of the

probationary period or for the fourth school year as a postprobationary employee. Such notice must be provided:

(a) On or before May 1; or

(b) On or before May 15 of an odd-numbered year so long as the board notifies the employee of the extension by April 1.

3. Failure of the board to notify the probationary employee in writing on or before May 1 or May 15, as applicable, in the first or second year of the probationary period does not entitle the employee to postprobationary status.

4. The employee must advise the board in writing during the first, second or third year of the employee's probationary period of the employee's acceptance of reemployment. Such notice must be provided:

(a) On or before May 10 if the board provided its notice on or before May 1; or

(b) On or before May 25 if the board provided a notice of an extension pursuant to paragraph (b) of subsection 2.

5. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

6. A probationary employee who:

(a) Completes a 3-year probationary period;

(b) Receives a designation of "highly effective" or "effective" on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

➥ is entitled to be a postprobationary employee in the ensuing year of employment.

7. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

8. A new employee who is employed as an administrator to provide primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the administrator is licensed as a teacher or administrator, including, without

limitation, a principal and vice principal, or a postprobationary teacher who is employed as an administrator to provide those administrative services shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1 or May 15, as applicable, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10 or May 25, as applicable. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

9. An administrator who has completed his or her probationary period pursuant to subsection 8 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 8, the administrator must serve the remainder of his or her probationary period pursuant to subsection 8 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1 or May 15, as applicable, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10 or May 25, as applicable. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

Sec. 11. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any contract of employment or collective bargaining agreement entered into before July 1, 2023, but do apply to any extension or renewal of such an agreement and to any agreement entered into on or after July 1, 2023. For the purposes of this section, the term of an agreement ends on the date provided in the agreement, notwithstanding any provision of the agreement that it remains in effect, in whole or in part, after that date until a successor agreement becomes effective.

Sec. 12. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 309.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 589.

AN ACT relating to crimes; establishing the crime of fertility fraud; creating a cause of action for a person who has suffered injury as a result of fertility fraud; providing that certain acts that constitute fertility fraud are subject to various statutory provisions relating to sex offenders; prohibiting a health care facility from taking certain actions relating to assisted reproduction; authorizing the imposition of civil penalties for certain violations committed by a health care facility; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill provides that a provider of health care who, in rendering services for assisted reproduction, knowingly implants his or her own human reproductive material in a patient without the express consent of the patient is guilty of fertility fraud. **Section 5** also provides that a provider of health care who, in rendering services for assisted reproduction, knowingly uses or provides a patient with human reproductive material other than the human reproductive material the patient expressly consented to the use or receipt of is guilty of fertility fraud. **Section 5** makes the crime of fertility fraud a category B felony, punishable by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Section 6 of this bill: (1) prohibits a person from conveying to a patient false information or information the person reasonably should have known was false relating to assisted reproduction; and (2) provides that a person who violates such a prohibition is guilty of a category C felony. **Sections 5 and 6** also require the Attorney General to provide certain notice to each professional licensing board that has issued a license, certificate or registration to a person who violates **section 5 or 6**. **Sections 3 and 4** of this bill define certain terms for the purposes of **sections 5 and 6**.

Section 8 of this bill authorizes a person who has suffered an injury as a result of a violation of **section 5** to bring a civil action to recover damages. **Section 7** of this bill requires the person to commence such an action within 3 years after the **later of the** date on which the person discovers **: (1)** the facts constituting fertility fraud **[.] ; or (2) any medical or genetic disorder which results from the human reproductive material implanted in, used on or provided to a patient in violation of section 5.**

Section 20 of this bill prohibits a health care facility from providing a patient with human reproductive material for assisted reproduction except in accordance with any written agreement entered into between: (1) the health care facility and the patient; and (2) the health care facility and the donor. **Section 20** also: (1) authorizes the Attorney General to collect a civil penalty of not more than $10,000 for each violation of this prohibition; and (2) requires

the Attorney General to notify certain entities responsible for licensing health care facilities if such a civil penalty is imposed. **Section 19** of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to suspend or revoke any license issued by the Division to a health care facility for a violation of **section 20**.

Existing law defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to be prohibited from certain employment, to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176.0913, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099, 213.1245) **Section 15** of this bill revises the list of sexual offenses to which these statutory provisions apply to include certain violations of **section 5**. **Section 16** of this bill makes a conforming change related to the numbering changes made in **section 15**.

Existing law prohibits a court from ordering the victim of or a witness to certain sexual offenses to take or submit to a psychological or psychiatric examination. (NRS 50.700) **Section 9** of this bill adds certain violations of **section 5** to the list of sexual offenses to which that prohibition applies.

Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) **Sections 10 and 17** of this bill add certain violations of **section 5** to the list of sexual offenses that require a special sentence of lifetime supervision and for which conditions of lifetime supervision apply.

Existing law: (1) requires that a person convicted of certain sexual offenses undergo a psychosexual evaluation as part of the presentence investigation report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110) **Sections 11 and 12** of this bill add certain violations of **section 5** to the list of sexual offenses that require a psychosexual evaluation to be conducted and for which a court is prohibited from granting probation to or suspending the sentence of a person, unless the person who conducts the psychosexual evaluation certifies that the person does not represent a high risk to reoffend.

Existing law similarly requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense before a scheduled parole hearing to determine the prisoner's risk to reoffend. (NRS 213.1214) **Section 18** of this bill adds certain violations of **section 5** to the list of offenses which require such an assessment.

Existing law requires a court to provide certain documentation to each victim and witness and certain other persons if an offender is convicted of certain sexual offenses. (NRS 178.5698) **Section 13** of this bill requires that

such documentation be provided to such persons if an offender is convicted of certain violations of **section 5**.

Section 14 of this bill makes the provisions of law which prohibit a person convicted of a sexual offense from petitioning a court to seal the records relating to such a conviction applicable to a person convicted of certain violations of **section 5**. (NRS 179.245)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Assisted reproduction" has the meaning ascribed to it in NRS 126.510.***

Sec. 4. ***"Human reproductive material" means a gamete or human organism at any stage of development from fertilized ovum to embryo.***

Sec. 5. ***1. A provider of health care who, in rendering services for assisted reproduction:***

(a) Knowingly implants his or her own human reproductive material in a patient without the express consent of the patient is guilty of fertility fraud.

(b) Knowingly uses or provides a patient with human reproductive material other than the human reproductive material the patient expressly consented to the use or receipt of is guilty of fertility fraud.

2. Unless a greater penalty is provided by statute, a person convicted of the crime of fertility fraud is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further be punished by a fine of not more than $10,000.

3. Upon conviction of a person for the crime of fertility fraud, the Attorney General shall give notice of the conviction to each professional licensing board that has issued a license, certificate or registration to the person.

4. As used in this section, "provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS or an advanced practice registered nurse licensed under chapter 632 of NRS.

Sec. 6. ***1. A person shall not knowingly convey to a patient false information or information the person reasonably should have known was false relating to assisted reproduction, including, without limitation, false information or information the person reasonably should have known was false concerning:***

(a) The identity, date of birth or address of the donor at the time of donation;

(b) The human reproductive material used or provided to the patient for assisted reproduction;

(c) The medical history of the donor or family of the donor, including, without limitation:

(1) Past and current illnesses of the donor; and

(2) Genetic information of the donor; and

(d) The social history of the donor.

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Upon conviction of a person for a violation of the provisions of this section, the Attorney General shall give notice of the conviction to each professional licensing board that has issued a license, certificate or registration to the person.

4. As used in this section:

(a) "Genetic information" means any information that is obtained from a genetic test.

(b) "Genetic test" means a test, including a laboratory test that uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to determine the presence of abnormalities or deficiencies, including carrier status, that:

(1) Are linked to physical or mental disorders or impairments; or

(2) Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental.

Sec. 7. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) Except as otherwise provided in NRS 11.245, an action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

(f) An action pursuant to section 8 of this act, but the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting fertility fraud ~~[.]~~ ***or of any medical or genetic disorder which results from the human reproductive material implanted in, used on or provided to a patient in violation of section 5 of this act, whichever occurs later.***

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to

an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 8. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who has suffered an injury as a result of a violation of section 5 of this act may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant if the person is or was, at the time of assisted reproduction:

(a) A patient who gave birth to a child conceived through assisted reproduction as a result of a violation of section 5 of this act;

(b) The spouse of a patient who gave birth to a child conceived through assisted reproduction as a result of a violation of section 5 of this act;

(c) A child conceived through assisted reproduction as a result of a violation of section 5 of this act; or

(d) A donor whose human reproductive material resulted in the birth of a child conceived through assisted reproduction as a result of a violation of section 5 of this act.

2. Each child born as a result of a violation of section 5 of this act constitutes the basis for a separate cause of action.

3. A person who prevails in an action brought pursuant to subsection 1 may recover his or her actual damages, attorney's fees and costs and any punitive damages that the facts may warrant.

4. The liability imposed by this section is in addition to any other liability imposed by law.

5. For the purposes of this section, a violation of section 5 of this act shall be deemed to have been committed where the procedure for assisted reproduction occurred or at the principal place of business of the provider of health care.

6. As used in this section:

(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.

(b) "Human reproductive material" has the meaning ascribed to it in section 4 of this act.

(c) "Provider of health care" has the meaning ascribed to it in section 5 of this act.

Sec. 9. NRS 50.700 is hereby amended to read as follows:

50.700 1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical social worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical social worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical social worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

(a) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;

(b) Sexual assault pursuant to NRS 200.366;

(c) Statutory sexual seduction pursuant to NRS 200.368;

(d) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(e) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(f) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(g) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act;***

(h) Incest pursuant to NRS 201.180;

~~[(h)]~~ ***(i)*** Open or gross lewdness pursuant to NRS 201.210;

~~[(i)]~~ ***(j)*** Indecent or obscene exposure pursuant to NRS 201.220;

~~[(j)]~~ ***(k)*** Lewdness with a child pursuant to NRS 201.230;

~~[(k)]~~ ***(l)*** Pandering or sex trafficking of a child pursuant to NRS 201.300;

~~[(l)]~~ ***(m)*** An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;

~~[(m)]~~ ***(n)*** An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;

~~[(n)]~~ ***(o)*** Sexual penetration of a dead human body pursuant to NRS 201.450;

~~[(o)]~~ ***(p)*** Luring a child or a person with mental illness pursuant to NRS 201.560;

~~[(p)]~~ ***(q)*** Any other offense that has an element involving a sexual act or sexual conduct with another person; or

~~[(q)]~~ ***(r)*** Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 10. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a licensed, clinical professional who has received training in the treatment of sexual offenders, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the

person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 ~~[,]~~ ***or paragraph (a) of subsection 1 of section 5 of this act;***

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 11. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act;***

(g) Incest pursuant to NRS 201.180;

~~[(g)]~~ ***(h)*** Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

~~[(h)]~~ ***(i)*** Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

~~[(i)]~~ ***(j)*** Lewdness with a child pursuant to NRS 201.230;

~~[(j)]~~ ***(k)*** Sexual penetration of a dead human body pursuant to NRS 201.450;

~~[(k)]~~ ***(l)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

~~[(l)]~~ ***(m)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

~~[(m)]~~ ***(n)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~[(n)]~~ ***(o)*** An attempt to commit an offense listed in paragraphs (a) to ~~[(m),]~~ ***(n),*** inclusive, if punished as a felony; or

~~[(o)]~~ ***(p)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 12. NRS 176A.110 is hereby amended to read as follows:

176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:

(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of

the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or

(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.***

(g) Incest pursuant to NRS 201.180.

~~[(g)]~~ ***(h)*** Open or gross lewdness pursuant to NRS 201.210.

~~[(h)]~~ ***(i)*** Indecent or obscene exposure pursuant to NRS 201.220.

~~[(i)]~~ ***(j)*** Sexual penetration of a dead human body pursuant to NRS 201.450.

~~[(j)]~~ ***(k)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

~~[(k)]~~ ***(l)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~[(l)]~~ ***(m)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(m)]~~ ***(n)*** A violation of NRS 207.180.

~~[(n)]~~ ***(o)*** An attempt to commit an offense listed in paragraphs (b) to ~~[(m),]~~ ***(n),*** inclusive.

~~[(o)]~~ ***(p)*** Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 13. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or

witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

➥ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act;***

(6) Incest pursuant to NRS 201.180;

~~[(6)]~~ ***(7)*** Open or gross lewdness pursuant to NRS 201.210;

~~[(7)]~~ ***(8)*** Indecent or obscene exposure pursuant to NRS 201.220;

~~[(8)]~~ ***(9)*** Lewdness with a child pursuant to NRS 201.230;

~~[(9)]~~ ***(10)*** Sexual penetration of a dead human body pursuant to NRS 201.450;

~~[(10)]~~ ***(11)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

~~[(11)]~~ ***(12)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

~~[(12)]~~ ***(13)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~[(13)]~~ ***(14)*** An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

~~[(14)]~~ ***(15)*** An attempt to commit an offense listed in this paragraph.

Sec. 14. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.430;

(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.***

(10) Incest pursuant to NRS 201.180.

~~[(10)]~~ ***(11)*** Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

~~[(11)]~~ ***(12)*** Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

~~[(12)]~~ ***(13)*** Lewdness with a child pursuant to NRS 201.230.

~~[(13)]~~ ***(14)*** Sexual penetration of a dead human body pursuant to NRS 201.450.

~~[(14)]~~ ***(15)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

~~[(15)]~~ ***(16)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~[(16)]~~ ***(17)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

~~[(17)]~~ ***(18)*** An attempt to commit an offense listed in this paragraph.

Sec. 15. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.***

(j) Incest pursuant to NRS 201.180.

~~[(j)]~~ ***(k)*** Open or gross lewdness pursuant to NRS 201.210.

~~[(k)]~~ ***(l)*** Indecent or obscene exposure pursuant to NRS 201.220.

~~[(l)]~~ ***(m)*** Lewdness with a child pursuant to NRS 201.230.

~~[(m)]~~ ***(n)*** Sexual penetration of a dead human body pursuant to NRS 201.450.

~~[(n)]~~ ***(o)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

~~[(o)]~~ ***(p)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~[(p)]~~ ***(q)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(q)]~~ ***(r)*** Sex trafficking pursuant to NRS 201.300.

~~[(r)]~~ ***(s)*** Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(s)]~~ ***(t)*** An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(r),]~~ ***(s),*** inclusive.

~~[(t)]~~ ***(u)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(u)]~~ ***(v)*** An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~[(v)]~~ ***(w)*** An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. Except for the offenses described in paragraphs ~~[(n)]~~ ***(o)*** and ~~[(o)]~~ ***(p)*** of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 16. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~[(r)]~~ ***(s)*** of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 17. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.

6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.

7. "Sex offender" means any person who has been or is convicted of a sexual offense.

8. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 ~~[;]~~ ***or paragraph (a) of subsection 1 of section 5 of this act;***

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 18. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must include, without limitation, a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the purposes of subsection 3 of NRS 213.1215. The Director shall ensure a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.

2. The Director shall:

(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.

(b) Establish a procedure to:

(1) Ensure the accuracy of each completed assessment provided to the Board; and

(2) Correct any error occurring in a completed assessment provided to the Board.

3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.

4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.

5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.

6. As used in this section:

(a) "Director" means the Director of the Department of Corrections.

(b) "Reoffend in a sexual manner" means to commit a sexual offense.

(c) "Sex offender" means a person who, after July 1, 1956, is or has been:

(1) Convicted of a sexual offense; or

(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph ~~[(20)]~~ ***(21)*** of paragraph (d).

➥ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.

(d) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.***

(10) Incest pursuant to NRS 201.180.

~~[(10)]~~ ***(11)*** Open or gross lewdness pursuant to NRS 201.210.

~~[(11)]~~ ***(12)*** Indecent or obscene exposure pursuant to NRS 201.220.

~~[(12)]~~ ***(13)*** Lewdness with a child pursuant to NRS 201.230.

~~[(13)]~~ ***(14)*** Sexual penetration of a dead human body pursuant to NRS 201.450.

~~[(14)]~~ ***(15)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

~~[(15)]~~ ***(16)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~[(16)]~~ ***(17)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(17)]~~ ***(18)*** An attempt or conspiracy to commit an offense listed in subparagraphs (1) to ~~[(16),]~~ ***(17),*** inclusive.

~~[(18)]~~ ***(19)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(19)]~~ ***(20)*** An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

~~[(20)]~~ ***(21)*** An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

➥ Except for the offenses described in subparagraphs (15) and (16), the term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 19. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Violation of the provisions of section 20 of this act.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 20. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care facility shall not provide a patient with human reproductive material for assisted reproduction except in accordance with any written agreement entered into between:

(a) The health care facility and the patient; and

(b) The health care facility and the donor.

2. A health care facility that violates the provisions of this section is subject to a civil penalty of not more than $10,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable attorney's fees and costs. If a civil penalty is imposed against a health care facility for violating the provisions of this section, the Attorney General shall, within 30 days after the imposition of the civil penalty, notify:

(a) The Division of Public and Behavioral Health of the Department of Health and Human Services, if the violation was committed by a medical facility or medical laboratory.

(b) The occupational licensing board responsible for licensing the provider of health care who oversees an unlicensed health care facility, if the violation was committed by a health care facility that is not a medical facility or medical laboratory.

3. As used in this section:

(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.

(b) "Health care facility" means a medical facility, sperm bank, laboratory, clinic or office of a provider of health care that provides services relating to assisted reproduction.

(c) "Human reproductive material" means a gamete or human organism at any stage of development from fertilized ovum to embryo.

(d) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(e) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(f) "Provider of health care" has the meaning ascribed to it in section 5 of this act.

Sec. 21. The amendatory provisions of this act apply to a cause of action that accrues on or after July 1, 2023.

Sec. 22. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 597.

AN ACT relating to energy; revising a definition relating to certain renewable energy facilities; revising provisions governing the establishment by the Public Utilities Commission of Nevada of biennial targets for the procurement of energy storage systems by certain electric utilities; requiring the Commission to reevaluate the existing biennial targets; eliminating an obsolete provision relating to the establishment of such targets; establishing requirements for the installation of electrochemical energy storage systems; ~~[authorizing a person who provides a program of training on the installation of electrochemical energy storage systems to request that the Joint Interim Standing Committee on Growth and Infrastructure review the program;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to: (1) determine, on or before October 1, 2018, whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by certain electric utilities; and (2) if the Commission determines that it is in the public interest to establish such targets, adopt regulations establishing biennial targets for the procurement of energy storage systems by certain electric utilities. (NRS 704.795, 704.796) Existing regulations, with certain exceptions, establish progressively larger targets for the procurement of energy storage systems by certain electric utilities, culminating in a requirement that certain electric utilities procure energy storage systems capable of storing not less than 1,000 megawatts of electric power by December 31, 2030. Existing regulations also require the Commission to review the existing biennial energy storage targets when it reviews the resource plan submitted by an electric utility and determine whether the targets should be altered. (Section 10 of LCB File No. R106-19) **Section 1.5** of this bill requires that the Commission establish biennial targets that deliver the greatest benefits to the customers of the electric utility in relation to the costs of the procurement of energy storage systems. **Section 6** of this bill repeals the obsolete provision that requires the Commission to determine whether to adopt regulations to establish the biennial targets by October 1, 2018, given that those regulations have been adopted. **Section 2** of this bill makes a conforming change relating to the repeal of this obsolete provision.

Section 3 of this bill prohibits a person from installing an electrochemical energy storage system unless the person holds a valid license in the classification required to perform such work and, except under certain limited circumstances, for installations occurring on property other than a residential property after July 1, 2025, ensures that the installation: (1) is performed by or under the direct supervision of a person who holds a certificate demonstrating

the successful completion of the Energy Storage and Microgrid Training and Certification program; and (2) conforms to certain standards regarding the installation of signage in connection with such systems. ~~[Section 3 authorizes a person who provides a program of training on the installation of electrochemical energy storage systems to request that the Joint Interim Standing Committee on Growth and Infrastructure review the program. Section 3 requires the Committee to include in its interim report a recommendation to authorize persons certified under such a program to perform or supervise the installation of an electrochemical energy storage system under certain circumstances if the Committee makes certain findings regarding the program.]~~ **Section 4** of this bill provides that a violation of the provisions of **section 3** is grounds for disciplinary action by the State Contractors' Board.

Section 1 of this bill revises the definition of "facility for the storage of energy from renewable generation."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701A.327 is hereby amended to read as follows:

701A.327 1. "Facility for the storage of energy from renewable generation" means a facility that is constructed or installed for the ~~[sole]~~ purpose of storing electric energy received from a facility for the generation of electricity from renewable energy for release at a later time, including, without limitation, a facility that is designed to use energy storage technology.

2. The term does not include a facility that is located on a residential property.

Sec. 1.5. NRS 704.796 is hereby amended to read as follows:

704.796 ~~[If, pursuant to NRS 704.795, the Commission determines that it is in the public interest to establish by regulation targets for the procurement of energy storage systems by an electric utility, the]~~

1. ***The*** Commission shall adopt regulations:

~~[1.]~~ ***(a)*** Establishing biennial targets for the procurement of energy storage systems by ~~[the]~~ ***an*** electric utility;

~~[2.]~~ ***(b)*** Setting forth the points of interconnection on the electric grid for the implementation of energy storage systems;

~~[3.]~~ ***(c)*** Establishing that an energy storage system may be owned by the electric utility or any other person;

~~[4.]~~ ***(d)*** Establishing requirements for the filing by the electric utility of annual or biennial plans to meet biennial targets for the procurement and implementation of energy storage systems;

~~[5.]~~ ***(e)*** Prescribing a procedure by which the Commission must, at least once every 3 years, reevaluate the biennial targets for the procurement of energy storage systems by the electric utility;

~~[6.]~~ ***(f)*** Establishing a procedure by which an electric utility may obtain a waiver or deferral of the biennial targets for the procurement of energy storage

systems if the electric utility is not able to identify energy storage systems that provide benefits to customers of the utility that exceed the costs of energy storage systems; and

~~[7.]~~ ***(g)*** Requiring the electric utility to include such information as the Commission may require in each plan submitted by the electric utility pursuant to NRS 704.741.

2. The Commission shall establish biennial targets pursuant to subsection 1 that deliver the greatest benefits to the customers of the electric utility in relation to the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:

(a) A reduction in the need for the additional generation of electricity by the electric utility during periods of peak demand;

(b) A reduction in line losses of the electric utility;

(c) The benefits and costs related to ancillary services of the electric utility;

(d) Avoided costs to the electric utility for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs to the electric utility related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of the energy storage systems.

Sec. 2. NRS 704.797 is hereby amended to read as follows:

704.797 1. ~~[If the Commission adopts regulations pursuant to NRS 704.796 to establish biennial targets for the procurement of energy storage systems by an electric utility, to]~~ ***To*** meet the targets set forth in ~~[those]~~ ***the*** regulations ~~[, the]~~ ***adopted pursuant to NRS 704.796, an*** electric utility may procure energy storage systems that are either centralized or distributed and either owned by the utility or by any other person, as prescribed by regulation of the Commission.

2. Electric energy storage systems procured by an electric utility to meet ~~[any]~~ ***the*** biennial targets for the procurement of energy storage systems established by regulation pursuant to NRS 704.796 must:

(a) Reduce peak demand for electricity;

(b) Avoid or defer investment by the electric utility in assets for the generation, transmission and distribution of electricity;

(c) Improve the reliability of the operation of the transmission or distribution grid;

(d) Reduce the emission of greenhouse gases or other air pollutants; or

(e) Integrate renewable energy into the electric grid.

Sec. 3. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not install an electrochemical energy storage system in this State unless he or she:

(a) Holds a valid license in the classification required to perform such work issued pursuant to this chapter and the regulations of the Board;

(b) If the installation is for a property other than a residential property and is performed on or after July 1, 2025, and except as otherwise provided in subsection 2, ensures that the installation:

(1) Is performed by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of the Energy Storage and Microgrid Training and Certification program (ESAMTAC); and

(2) Conforms to any standards regarding the installation of signage in connection with such systems as contained in the Standard for the Installation of Stationary Energy Storage Systems, NFPA 855, in the form most recently published by the National Fire Protection Association.

2. The provisions of paragraph (b) of subsection 1 do not apply to work on an electrochemical energy storage system which is performed under a warranty by an employee of the manufacturer of the electrochemical energy storage system.

3. [A person who provides a program of training on the installation of electrochemical energy storage systems other than the Energy Storage and Microgrid Training and Certification program may request that the Joint Interim Standing Committee on Growth and Infrastructure review the program of training on the installation of electrochemical energy storage systems provided by the person. The Joint Interim Standing Committee on Growth and Infrastructure shall include in its report on the activities of the Committee prepared pursuant to NRS 218E.330 a recommendation to amend this section to authorize the installation of an electrochemical energy storage system pursuant to paragraph (b) of subsection 1 by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of such a program if the Committee finds that the program:

(a) Is available to all qualified applicants who wish to participate at a reasonable price;

(b) Provides satisfactory training on the safe installation of the types of electrochemical energy storage systems that are available on the market; and

(c) Complies with federal law.

4.] As used in this section:

(a) "Electrochemical energy storage system" means a commercially available technology that is capable of receiving electric energy and storing that energy by electrochemical means in order to produce and deliver electricity at a later time.

(b) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units; or

(2) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 4. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245, 108.246 or 624.520.

5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

6. Failure to comply with NRS 624.860 to 624.875, inclusive, or any regulations of the Board governing contracts for work concerning residential photovoltaic systems used to produce electricity.

7. Failure to comply with NRS 624.600.

8. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

9. Failure to pay an assessment required pursuant to NRS 624.470.

10. Failure to file a certified payroll report that is required for a contract for a public work.

11. Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.

12. Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

13. Failure to provide a builder's warranty as required by NRS 624.602 or to respond reasonably to a claim made under a builder's warranty.

14. Failure to comply with section 3 of this act.

Sec. 5. NRS 624.800 is hereby amended to read as follows:

624.800 For any violation of the provisions of NRS 624.005 to 624.750, inclusive, ***and section 3 of this act*** that is punishable as a misdemeanor, an indictment must be found, or an information or complaint filed, within 2 years after the commission of the offense.

Sec. 6. NRS 704.795 is hereby repealed.

Sec. 7. 1. This section and section 1 and 6 of this act become effective upon passage and approval.

2. Sections 3, 4 and 5 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

3. Sections 1.5 and 2 of this act become effective on July 1, 2024.

4. Section 1 of this act expires by limitation on June 30, 2049.

TEXT OF REPEALED SECTION

704.795 Commission required to determine whether targets for the procurement of energy storage systems by electric utility is in public interest; required factors to consider; calculation of benefits and costs.

1. On or before October 1, 2018, the Commission shall determine whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility.

2. In making the determination required by subsection 1, the Commission shall consider:

(a) Whether the procurement of energy storage systems by an electric utility will achieve the following purposes:

(1) The integration of renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid of the electric utility.

(2) The improvement of the reliability of the systems for the transmission and distribution of electricity.

(3) The increased use of renewable energy resources to generate electricity.

(4) The reduction of the need for the additional generation of electricity during periods of peak demand.

(5) The avoidance or deferral of investment by the electric utility in generation, transmission and distribution of electricity.

(6) The replacement of ancillary services provided by facilities using fossil fuels with ancillary services provided by the use of energy storage systems.

(7) The reduction of greenhouse gas emissions.

(b) The interconnection of energy storage systems at each point of the electric grid, including, without limitation, in the transmission and distribution of electricity and at the site of the customer.

3. For the purposes of subsection 1, the Commission shall determine that the establishment of targets for the procurement of energy storage systems by an electric utility is in the public interest if the benefits to customers of the electric utility exceed the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage

systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:

(a) A reduction in the need for the additional generation of electricity during periods of peak demand;

(b) A reduction in line losses;

(c) The benefits and costs related to ancillary services;

(d) Avoided costs for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of energy storage systems.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 588.

AN ACT relating to evidence; prohibiting a law enforcement agency or forensic laboratory from taking certain actions relating to the DNA profile and DNA record of a survivor of sexual assault; expanding certain prohibitions against the use of certain evidence secured in connection with an investigation or prosecution of a sexual assault; requiring certain entities to conduct an audit of certain biological specimens, DNA profiles and DNA records, to the extent money is available; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Sexual Assault Survivors' Bill of Rights, which grants a survivor certain rights relating to the investigation or prosecution of an alleged sexual assault perpetrated against the survivor. (Chapter 178A of NRS) Among other requirements, the Bill of Rights grants a survivor the right to not have forensic evidence from a sexual assault used: (1) to prosecute the survivor for any misdemeanor or offense related to a controlled substance; or (2) as a basis to search for further evidence of any unrelated misdemeanor or any offense related to a controlled substance that may have been committed by the survivor. (NRS 178A.260) **Section 6** of this bill expands this right by prohibiting a law enforcement agency from using any biological evidence obtained from ~~[a]~~ **the sexual assault forensic evidence kit of a survivor or any biological evidence secured in connection with the investigation or**

prosecution of the alleged sexual assault of the survivor: (1) to prosecute the survivor for any crime; (2) as a basis to search for further evidence of any criminal offense that may have been committed by the survivor; or (3) for any other purpose that is not directly related to the investigation or prosecution of the alleged sexual assault of the survivor**.** ~~[, unless such action is otherwise required by state or federal law.]~~

Existing law prescribes requirements relating to certain biological evidence secured in connection with an investigation or prosecution of a criminal offense. (NRS 176.0912) With limited exception, **section 3** of this bill prohibits a law enforcement agency from sharing with or disclosing to any person or entity any biological evidence of a survivor secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor. **Section 2** of this bill defines the term "biological evidence" for purposes of the Bill of Rights. **Section 4** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes. **Section 5** makes a conforming change related to the definition of "biological evidence" set forth in **section 2**.

Existing law prescribes certain requirements relating to sexual assault forensic medical kits. Among other requirements, existing law requires: (1) a law enforcement agency to submit a sexual assault forensic evidence kit to the appropriate forensic laboratory; and (2) a forensic laboratory to accept and analyze such evidence and upload a DNA profile obtained from such evidence to CODIS or the State DNA Database. (NRS 178A.220, 200.3786) With limited exception, **section 3** prohibits a law enforcement agency or forensic laboratory from including the DNA profile of a survivor obtained from the sexual assault forensic evidence kit of the survivor in any database that allows for the storage and exchange of DNA records.

Section 7 of this bill requires, to the extent money is available for this purpose, the Central Repository for Nevada Records of Criminal History, the State DNA Database and each forensic laboratory to: (1) conduct an audit of certain biological specimens, DNA profiles and DNA records; and (2) submit the results of the audit to the Joint Interim Standing Committee on Judiciary and the Director of the Legislative Counsel Bureau on or before January 1, 2024.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 178A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Biological evidence" has the meaning ascribed to it in NRS 176.0912 and includes, without limitation, a sexual assault forensic evidence kit.***

Sec. 3. ***1. A law enforcement agency or forensic laboratory shall not include the DNA profile of a survivor obtained from the sexual assault forensic evidence kit of the survivor in any database that allows for the***

storage and exchange of DNA records unless the law enforcement agency or forensic laboratory is authorized to include the DNA profile in CODIS pursuant to 34 U.S.C. § 12592(b).

2. Except as otherwise provided in subsection 3 and except as otherwise required by state or federal law, a law enforcement agency that has in its possession or custody any biological evidence of a survivor secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor shall not share such evidence with or disclose such evidence to any person or entity, including, without limitation, any other law enforcement agency, except pursuant to:

(a) A court order; or

(b) A request from another law enforcement agency, if the law enforcement agency determines that such action is necessary to identify or prosecute the person who committed the alleged sexual assault of the survivor.

3. The provisions of subsection 2 do not apply if the disclosure is necessary for purposes of satisfying discovery obligations, including, without limitation, any obligation prescribed by the Federal Rules of Criminal Procedure.

4. As used in this section:

(a) "Any database" includes, without limitation, the State DNA Database, CODIS or any other database that allows for the storage and exchange of DNA records, including, without limitation, any local, state or national database.

(b) "DNA record" means a database record stored in any database, that includes the DNA profile of a person and data required to manage the record.

Sec. 4. NRS 178A.020 is hereby amended to read as follows:

178A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 178A.030 to 178A.140, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 178A.220 is hereby amended to read as follows:

178A.220 1. A survivor has the right to prompt genetic marker analysis of a sexual assault forensic evidence kit pursuant to NRS 200.3786.

2. A sexual assault forensic evidence kit must be transported to a forensic laboratory and analyzed pursuant to NRS 200.3786, unless the survivor requests in writing at any time before such analysis, for the forensic laboratory to defer analysis of the sexual assault forensic evidence kit.

3. Biological evidence ~~[, including, without limitation, a sexual assault forensic evidence kit,]~~ secured in connection with the investigation or prosecution of a criminal case must be preserved and stored in accordance with the provisions of this subsection and NRS 176.0912. A sexual assault forensic evidence kit that is in the custody of an agency of criminal justice must be retained for:

(a) If the sexual assault forensic evidence kit is associated with an uncharged or unsolved sexual assault, at least 50 years.

(b) If the sexual assault forensic evidence kit is associated with an unreported or anonymous sexual assault, at least 20 years.

4. If a survivor has requested to defer analysis pursuant to subsection 2, the survivor may request that the forensic laboratory analyze the sexual assault forensic evidence kit at any later date before the expiration of the retention period pursuant to subsection 3.

5. A survivor has the right to the information regarding the timeline of the genetic marker analysis of sexual assault forensic evidence kits pursuant to NRS 200.3786.

Sec. 6. NRS 178A.260 is hereby amended to read as follows:

178A.260 ~~[~~Forensic~~]~~ ***A law enforcement agency shall not use any biological*** evidence ***obtained*** from ~~[~~a sexual assault may not be used:~~]~~ ***the sexual assault forensic evidence kit of a survivor or any biological evidence secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor:***

1. To prosecute ~~[~~a~~]~~ ***the*** survivor for any ~~[~~:

~~(a) Misdemeanor; or~~

~~(b) Offense related to a controlled substance.~~]~~ ***crime;***

2. As a basis to search for further evidence of ~~[~~any unrelated misdemeanor or~~]~~ any ***criminal*** offense ~~[~~related to a controlled substance~~]~~ that may have been committed by the survivor ~~[~~.~~]~~ ***; or***

3. For any other purpose that is not directly related to the investigation or prosecution of the alleged sexual assault of the survivor . [, unless such action is otherwise required by state or federal law.]

Sec. 7. 1. To the extent money is available for this purpose, the Central Repository, the State DNA Database and each forensic laboratory shall:

(a) Conduct an audit of any biological specimen, DNA profile or DNA record stored or maintained in the Central Repository, the State DNA Database or forensic laboratory, as applicable, for the period beginning on January 1, 2021, and ending on December 31, 2021. Any such audit must:

(1) Include, without limitation, an examination and analysis of compliance with NRS 176.0911 to 176.0919, inclusive; and

(2) Identify the number of DNA profiles that should have been collected during the period beginning on January 1, 2021, and ending on December 31, 2021, and were not collected during that period; and

(b) Submit the results of the audit to the Joint Interim Standing Committee on Judiciary and the Director of the Legislative Counsel Bureau on or before January 1, 2024.

2. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(d) "DNA record" has the meaning ascribed to it in NRS 176.09116.

(e) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

(f) "State DNA database" means the database established by NRS 176.09121.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 659.

SENATORS STONE, SEEVERS GANSERT, GOICOECHEA; CANNIZZARO, DONDERO LOOP, HAMMOND, HANSEN, NGUYEN AND TITUS

JOINT SPONSORS: ASSEMBLYMEN YUREK, HARDY, GRAY, GALLANT; ~~[AND]~~ **BILBRAY-AXELROD,** GURR **AND HANSEN**

AN ACT relating to crimes; revising the penalties for engaging in reckless driving under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive a vehicle in willful or wanton disregard of the safety of persons or property. Existing law provides that certain unlawful acts, such as driving a vehicle in willful or wanton disregard of the safety of persons or property, constitute reckless driving. (NRS 484B.653) Under existing law, if a driver commits reckless driving and proximately causes substantial bodily harm to or the death of another person, the driver: (1) is guilty of a category B felony; (2) shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; and (3) may be subject to certain additional penalties if the violation is committed in a pedestrian safety zone or a temporary traffic control zone. (NRS 484B.130, 484B.135, 484B.653)

Section 3 of this bill revises the penalty for committing such a violation under certain circumstances. Specifically, **section 3** increases the maximum term of imprisonment for the commission of such a violation from 6 years to 10 years, if the violation: (1) involves operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit; or (2) is committed in a pedestrian safety zone, school zone or school crossing zone. This bill is known as "Rex's Law" after Rex Patchett.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property on a highway or premises to which the public has access.

(b) Drive a vehicle in an unauthorized speed contest on a highway or premises to which the public has access.

(c) Organize an unauthorized speed contest on a highway or premises to which the public has access.

(d) Drive a vehicle in an unauthorized trick driving display on a public highway.

(e) Facilitate an unauthorized trick driving display on a public highway.

➥ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. A person who violates paragraph (d) of subsection 1 is guilty of a gross misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

(b) For the second offense and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

7. A person who violates paragraph (e) of subsection 1 is guilty of:

(a) For the first offense, a misdemeanor and:

(1) Shall be punished by a fine of not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense and each subsequent offense, a gross misdemeanor and:

(1) Shall be punished by a fine of not less than $1,000 and not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

8. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6 or 7, the court:

(a) May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order; and

(c) May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense.

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on a highway or premises to which the public has access in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for ***:***

(a) Except as otherwise provided in paragraph (b), a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

(b) A minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not less than $2,000 but not more than $5,000 if:

(1) The violation involves operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit; or

(2) The violation is committed in an area designated as a pedestrian safety zone or school zone or a school crossing zone.

10. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the

person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

11. As used in this section:

(a) "Facilitate" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:

(1) Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or

(2) Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.

(b) "Organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

(c) "Trick driving display" means using a vehicle to perform tricks, stunts or other maneuvers on a public highway upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 627.

AN ACT relating to emergency management; requiring certain emergency management plans to include certain information related to the evacuation, transport and shelter of persons with pets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that an emergency management plan prepared by the Governor pursuant to NRS 414.060 or adopted by a political subdivision or local organization for emergency management must address the needs of persons with pets, service animals or service animals in training. (NRS 414.095) This bill requires that such an emergency management plan **, to the extent practicable,** also: (1) designate at least one shelter to accommodate persons with pets; and (2) ~~[to the extent practicable,]~~ include provisions for the evacuation, transport and shelter of persons with pets.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 414.095 is hereby amended to read as follows:

414.095 1. An emergency management plan prepared by the Governor pursuant to NRS 414.060 or adopted by a political subdivision or a local organization for emergency management must, without limitation ~~[, address]~~ ***:***

(a) Address the needs of persons with pets, service animals or service animals in training during and after an emergency or disaster ~~[.]~~ ***;***

(b) ~~[Designate]~~ To the extent practicable, designate at least one shelter to accommodate persons with pets; and

(c) To the extent practicable, include provisions for the evacuation, transport and shelter of persons with pets.

2. As used in this section:

(a) "Pet" has the meaning ascribed to it in NRS 574.615.

(b) "Service animal" has the meaning ascribed to it in NRS 426.097.

(c) "Service animal in training" has the meaning ascribed to it in NRS 426.099.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 596.

AN ACT relating to energy; authorizing an energy storage system that retains, stores and delivers energy through a system that uses only green hydrogen for the purposes of meeting certain biennial storage targets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility which has had a gross annual operating revenue of $250,000,000 or more in this State if the Commission determines such targets to be in the public interest. (NRS 704.187, 704.792, 704.796) Existing regulations establish such targets, with a target for the procurement of energy storage systems with a cumulative capacity of 1,000 megawatts by December 31, 2030. (LCB File No. R106-19) Under existing law, to qualify as an energy storage system for the purpose of meeting the biennial targets, an energy storage system is required to be commercially available technology that is capable of retaining, storing and delivering energy after storage by chemical, thermal or mechanical means. (NRS 704.793) **Section 2.8** of this bill authorizes technology that retains, stores and delivers energy through

hydrogen storage and use systems that only use green hydrogen to be used to meet the existing biennial energy storage targets. **Section 2.4** of this bill defines the term "green hydrogen" as hydrogen produced through a certain process that is completely powered by **hourly-matched, geographically deliverable** renewable energy ~~[.]~~ **that is new or otherwise would have been curtailed.** **Section 2.6** of this bill makes a conforming change to make this definition applicable to existing law governing biennial energy storage targets.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.4. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

"Green hydrogen" means hydrogen that is produced by splitting water molecules into hydrogen and oxygen through an electrolysis process that is completely powered by hourly-matched, geographically deliverable renewable energy ~~[.]~~ that is new or otherwise would have been curtailed.

Sec. 2.6. NRS 704.791 is hereby amended to read as follows:

704.791 As used in NRS 704.791 to 704.797, inclusive, ***and section 2.4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.792, 704.793 and 704.794 ***and section 2.4 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.8. NRS 704.793 is hereby amended to read as follows:

704.793 "Energy storage system" means commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation, by chemical, thermal or mechanical means ~~[.]~~ ***or through a hydrogen storage and use system that only uses green hydrogen.***

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 595.

AN ACT relating to motor vehicles; authorizing certain acts and transactions to be conducted through an electronic branch office established by the Department of Motor Vehicles; revising requirements relating to certificates of registration and certificates of title of a vehicle; eliminating certain limitations on the persons authorized to participate in a program established

by the Department for the electronic submission and storage of documents; requiring the Department to design, prepare and issue special license plates for all vehicles that are wholly powered by an electric motor and reducing the fees for those special license plates; authorizing the use of electronic signatures and stamps for recording certain information for certain transactions; prohibiting a person from driving an autocycle upon a highway unless that person holds a driver's license; exempting the driver and passengers of an autocycle from the requirement to wear protective headgear; **revising requirements for a person to be appointed to issue salvage titles on behalf of the Department;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to establish an electronic branch office consisting of an Internet website or software application through which documentation may be submitted and certain transactions may be conducted through electronic means. (NRS 481.055) **Section 1** of this bill sets forth certain specific acts which may be conducted through such an electronic branch office.

Existing law requires that if the Department establishes a program for the electronic submission and storage of documents, the Department allow only certain institutions and persons to apply for and participate in the program. (NRS 482.293) Existing law also authorizes the Department to waive the requirement of any required signature of a natural person on a document submitted by electronic means for those institutions and persons who comply with all of the requirements of the program. (NRS 482.294) **Section 3** of this bill eliminates the limitations on persons who may participate in the program, thereby authorizing applications and participation by all persons. **Section 4** of this bill eliminates references to the limited institutions and persons whose signatures may be waived for documents submitted electronically, providing for such waiver for any participant who complies with all requirements of the program.

Existing law requires: (1) certain information to be contained on the face of a certificate of registration of a vehicle; and (2) certain information and forms to be contained on the face or reverse, as applicable, of a certificate of title of a vehicle. (NRS 482.245) **Section 2** of this bill eliminates the requirements that such information and forms be contained specifically on the face or reverse of the applicable documents.

Existing law requires, upon a transfer of the title to, or interest of an owner in, a vehicle, the person whose title or interest is to be transferred and the transferee to write their signatures with pen and ink, along with other information, upon the reverse side of the certificate of title. Existing law also exempts a wholesale vehicle auctioneer from this requirement if he or she stamps certain information on the certificate of title and certain other documents relating to the sale and transfer of the vehicle. (NRS 482.400) **Section 5** of this bill: (1) eliminates the requirement of the use of pen and ink and the specification to write on the reverse side of the certificate, thereby

authorizing electronic signatures; and (2) authorizes a wholesale vehicle auctioneer to stamp electronically the information required by these provisions.

Sections 1.2 and 5.1 of this bill define the term "autocycle." **Sections 1.6 and 5.5** of this bill amend the definition of the term "motorcycle" to exclude autocycles. **Sections 1.4 and 5.3** of this bill make conforming changes to indicate the proper placement of **sections 1.2 and 5.1** in the Nevada Revised Statutes.

Section 5.7 of this bill prohibits, with certain exceptions, a person from driving an autocycle upon an highway unless that person holds a driver's license.

Existing law requires the driver and passengers of certain vehicles to wear protective headgear and certain other protective devices when those vehicles are being driven on a highway. (NRS 486.231) **Section 5.9** of this bill provides that, when an autocycle is being driven on a highway, the driver and passengers are not required to wear protective headgear.

Existing law: (1) requires the Department to design, prepare and issue special license plates for passenger cars and light commercial vehicles that are wholly powered by an electric motor; and (2) establishes the fees for those special license plates and their renewal. (NRS 482.3797) **Section 4.5** of this bill: (1) requires the Department to design, prepare and issue special license plates for all vehicles that are wholly powered by an electric motor; and (2) reduces the fees for those special license plates and their renewal.

Existing law authorizes the Department to appoint by contract any person as an agent of the Department to issue salvage titles and establishes certain requirements for the Department and proposed agent to enter into such an arrangement. (NRS 487.815) Section 5.93 of this bill defines such a person as a "salvage title agent." Section 5.97 of this bill revises the requirements imposed on the Department and the proposed agent. Section 5.95 of this bill makes a conforming change to indicate the proper placement of section 5.93 in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 481.055 is hereby amended to read as follows:

481.055 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds Section of the State Public Works Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director may deem necessary to the efficient operation of the Department and the various divisions thereof in space provided by the Buildings and Grounds Section. Any leases or agreements entered into pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.

3. The Department may establish an electronic branch office consisting of an Internet website or software application through which, notwithstanding any specific statute to the contrary, a person may submit forms, applications and other documentation and the Department may conduct transactions that have been designated by the Director as suitable to be conducted through electronic means ~~[.]~~ ***, including, without limitation:***

(a) The electronic transmission, recording and issuance of certificates of title, certificates of registration and information relating to those certificates.

(b) The electronic transmission and recording of applications for driver's licenses.

(c) The recording and electronic transmission between the Department, other states and law enforcement of information relating to citations and crashes, collisions, accidents and other casualties.

(d) The acceptance of electronic signatures.

(e) The collection and exchange of applications for licenses and other information from persons who are licensed as or seeking to be licensed as:

(1) Brokers;

(2) Dealers;

(3) Distributors;

(4) Lessors;

(5) Manufacturers;

(6) Rebuilders;

(7) Salespersons; and

(8) Vehicle transporters.

(f) The issuance of registration credentials pursuant to NRS 482.217.

4. The Department shall not conduct a transaction through the electronic branch office which state or federal law specifically requires to be conducted in person or accept documentation through the electronic branch office which state or federal law specifically requires to be presented in original form.

Sec. 1.2. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

"Autocycle" means a three-wheeled motor vehicle that:

1. Is designed with two front wheels and one rear wheel;

2. Is equipped with a steering wheel or handlebars;

3. Is equipped with safety belts for the driver and each passenger;

4. Uses foot pedals to control the braking and acceleration of the vehicle;

5. Does not require the operator or passengers to straddle or sit astride the vehicle; and

6. Has been manufactured to meet the federal safety requirements for a motorcycle.

Sec. 1.4. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, ***and section 1.2 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.6. NRS 482.070 is hereby amended to read as follows:

482.070 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "electric bicycle," "electric scooter," "tractor" or "moped" as defined in this chapter. ***The term does not include an autocycle.***

Sec. 2. NRS 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain ~~[upon the face thereof]~~ the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department.

2. The certificate of title must contain ~~[upon the face thereof]~~ the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, a reading of the vehicle's odometer as provided to the Department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle, the information required pursuant to subsection 4 of NRS 482.247 if the certificate of title is a certificate of title in beneficiary form pursuant to NRS 482.247 and such other statement of facts as may be determined by the Department. The ~~[reverse side of the]~~ certificate of title must ***also*** contain forms for notice to the Department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.

Sec. 3. NRS 482.293 is hereby amended to read as follows:

482.293 1. The Department may establish a program for the electronic submission and storage of documents.

2. If the Department establishes a program pursuant to subsection 1:

(a) An electronic submission or storage of documents that is carried out pursuant to the program with respect to a particular transaction is not valid unless all original documents required for the transaction pursuant to:

(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and

(2) The provisions of any regulations adopted pursuant thereto,

➥ have been executed and submitted to the Department.

(b) ~~[The Department shall allow only the following persons to apply for participation in the program:~~

~~(1) Financial institutions, new vehicle dealers and used vehicle dealers, for the purpose of submitting documents by electronic means to the Department on behalf of their customers.~~

~~(2) Owners of fleets composed of 10 or more vehicles.~~

~~(c)~~**]** The Department shall adopt regulations to carry out the program.

3. The regulations required to be adopted pursuant to paragraph **[**~~(c)~~**]** ***(b)*** of subsection 2 must include, without limitation:

(a) The type of electronic transmission that the Department will accept for the program.

(b) The process for submission of an application by a person who desires to participate in the program and the fee, if any, that must accompany the application for participation.

(c) The criteria that will be applied by the Department in determining whether to approve an application to participate in the program.

(d) The standards for ensuring the security and integrity of the process for issuance and renewal of a certificate of registration and a certificate of title, including, without limitation, the procedure for a financial and performance audit of the program.

(e) The terms and conditions for participation in the program and any restrictions on the participation.

(f) The contents of a written agreement that must be on file with the Department before a participant may submit a document by electronic means to the Department. Such written agreement must include, without limitation:

(1) An assurance that each document submitted by electronic means contains all the information that is necessary to complete the transaction for which the document is submitted;

(2) Certification that all the information contained in each document that is submitted by electronic means is truthful and accurate;

(3) An assurance that the participant who submits a document by electronic means will maintain all information and records that are necessary to support the document; and

(4) The signature of the participant who files the written agreement with the Department.

(g) The conditions under which the Department may revoke the approval of a person to participate in the program, including, without limitation, failure to comply with this section and NRS 482.294 and the regulations adopted pursuant thereto.

(h) The method by which the Department will store documents that are submitted to it by electronic means.

(i) The required technology that is necessary to carry out the program.

(j) Any other regulations that the Department determines necessary to carry out the program.

(k) Procedures to ensure compliance with:

(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and

(2) The provisions of any regulations adopted pursuant thereto,

➥ to the extent that such provisions relate to the submission and retention of documents used for the transfer of the ownership of vehicles.

4. The Department may accept gifts and grants from any source, including, without limitation, donations of materials, equipment and labor, for the establishment and maintenance of a program pursuant to this section.

Sec. 4. NRS 482.294 is hereby amended to read as follows:

482.294 1. If the Department approves an application for a person to participate in a program established pursuant to NRS 482.293, that participant may submit, by electronic means, a document that is required to be submitted pursuant to this chapter for the issuance or renewal of a certificate of registration or a certificate of title.

2. If the signature of a natural person is required pursuant to this chapter on a document that is submitted by electronic means, the Department may waive that requirement ~~[~~:

~~(a) In the case of a participant who is a financial institution, new vehicle dealer or used vehicle dealer, if the participant who submitted the document on behalf of that person complies with all requirements of this program.~~

~~(b) In the case of a participant who is an owner of a fleet composed of 10 or more vehicles,~~] if the participant complies with all requirements of this program.

3. Notwithstanding any other provision of law to the contrary, a document that is submitted by electronic means pursuant to subsection 1, if accepted by the Department, shall be deemed an original document in administrative proceedings, quasi-judicial proceedings and judicial proceedings.

Sec. 4.5. NRS 482.3797 is hereby amended to read as follows:

482.3797 1. The Department shall:

(a) Design, prepare and issue special license plates for ~~[passenger cars and light commercial]~~ vehicles that are wholly powered by an electric motor, using any colors and designs that the Department deems appropriate; and

(b) Issue the plates only to residents of Nevada for a ~~[passenger car or light commercial]~~ vehicle which is wholly powered by an electric motor.

2. The Department may issue special license plates pursuant to subsection 1 upon application by any person who:

(a) Is entitled to license plates pursuant to NRS 482.265;

(b) Submits proof satisfactory to the Department that the vehicle for which the special license plates are intended meets the requirements of subsection 1; and

(c) Otherwise complies with the requirements for registration and licensing pursuant to this chapter.

3. The fee for the ***issuance of*** special license plates is ~~[~~$125~~,~~ ~~*$81,]*~~ *$90,* in addition to ***the registration fees set forth in NRS 482.480 and 482.482, as*** applicable ***, and*** governmental services taxes. The special license plates are renewable upon the payment of ~~[~~$80.~~]~~ ***$46.***

4. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates issued

pursuant to this section if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates pursuant to subsection 3.

5. The Department, after deducting the costs of all applicable registration, license and license plate fees, shall deposit the fees collected pursuant to subsection 3 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection in the State Highway Fund.

6. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedures set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 5. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 3, 6 and 7, and NRS 482.247, upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall ~~[write their signatures with pen and ink upon]~~ ***sign in writing or electronically*** the certificate of title issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon ~~[the reverse side of]~~ the certificate. The Department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. Within 5 days after the transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred may submit electronically to the Department a notice of the transfer. The Department may provide, by request and at the discretion of the Department, information submitted to the Department pursuant to this section to a tow car operator or other interested party. The Department shall adopt regulations establishing:

(a) Procedures for electronic submissions pursuant to this section; and

(b) Standards for determining who may receive information from the Department pursuant to this section.

3. The Department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of title issued for a vehicle, the form becomes a part

of that certificate of title. The Department may charge a fee not to exceed the cost to provide the form.

4. Except as otherwise provided in subsections 5, 6 and 7, the transferee shall immediately apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

5. If the transferee is a dealer who intends to resell the vehicle, the transferee is not required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

6. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of title for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 5. The wholesale vehicle auctioneer is not required to comply with subsection 1 if the wholesale vehicle auctioneer:

(1) Does not take an ownership interest in the vehicle;

(2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is licensed as such in this or any other state; and

(3) Stamps his or her name, his or her identification number as a vehicle dealer and the date of the auction on the certificate of title and the bill of sale and any other documents of transfer for the vehicle. ***The wholesale vehicle auctioneer may stamp electronically the information which is required to be stamped on any document pursuant to this subparagraph.***

7. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the Department or its agent the certificate of registration and the license plate or plates for the vehicle, if the license plate or plates have not been removed from the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply for registration as provided in NRS 482.215 and pay the governmental services taxes due.

8. As used in this section, "wholesale vehicle auctioneer" means a dealer who:

(a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and

(b) Does not in the ordinary course of business buy, sell or own the vehicles he or she auctions.

Sec. 5.1. Chapter 486 of NRS is hereby amended by adding thereto a new section to read as follows:

"Autocycle" means a three-wheeled motor vehicle that:

1. Is designed with two front wheels and one rear wheel;

2. Is equipped with a steering wheel or handlebars;

3. Is equipped with safety belts for the driver and each passenger;

4. Uses foot pedals to control the braking and acceleration of the vehicle;

5. Does not require the operator or passengers to straddle or sit astride the vehicle; and

6. Has been manufactured to meet the federal safety requirements for a motorcycle.

Sec. 5.3. NRS 486.011 is hereby amended to read as follows:

486.011 As used in NRS 486.011 to 486.381, inclusive, ***and section 5.1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 486.031 to 486.057, inclusive, ***and section 5.1 of this act*** have the meanings ascribed to them in those sections.

Sec. 5.5. NRS 486.041 is hereby amended to read as follows:

486.041 "Motorcycle" means every motor vehicle equipped with a seat or a saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, excluding an electric bicycle as defined in NRS 484B.017, an electric scooter as defined in NRS 482.0295, a tractor ***, an autocycle*** and a moped.

Sec. 5.7. NRS 486.061 is hereby amended to read as follows:

486.061 Except for a nonresident who is at least 16 years of age and is authorized by the person's state of residency to drive a motorcycle, a person shall not drive:

1. A motorcycle, except a trimobile, upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, a driver's license issued pursuant to chapter 483 of NRS endorsed to authorize the holder to drive a motorcycle or a permit issued pursuant to subsection 4 or 5 of NRS 483.280.

2. A trimobile upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, or a driver's license issued pursuant to chapter 483 of NRS.

3. An autocycle upon a highway unless that person holds a driver's license issued pursuant to chapter 483 of NRS.

Sec. 5.9. NRS 486.231 is hereby amended to read as follows:

486.231 1. The Department shall adopt standards for protective headgear and protective glasses, goggles or face shields to be worn by the drivers and passengers of motorcycles and transparent windscreens for motorcycles.

2. Except as otherwise provided in this section, when any motorcycle or moped is being driven on a highway, the driver and passenger shall wear protective headgear securely fastened on the head and protective glasses, goggles or face shields meeting those standards.

3. When a motorcycle or a moped is equipped with a transparent windscreen meeting those standards, the driver and passenger are not required to wear glasses, goggles or face shields.

4. When a motorcycle or moped is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.

5. When a three-wheel vehicle, except a trimobile, on which the driver and passengers ride within an enclosed cab is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.

6. When an autocycle is being driven on a highway, the driver and passengers are not required to wear protective headgear.

Sec. 5.93. **Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Salvage title agent" means a person who enters into a contract with, and is appointed and authorized by, the Department to issue salvage titles pursuant to the provisions of NRS 487.810 and 487.815.

Sec. 5.95. **NRS 487.710 is hereby amended to read as follows:**

487.710 As used in NRS 487.710 to 487.890, inclusive, ***and section 5.93 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 487.720 to 487.790, inclusive, ***and section 5.93 of this act*** have the meanings ascribed to them in those sections.

Sec. 5.97. **NRS 487.815 is hereby amended to read as follows:**

487.815 1. The Department may by contract appoint any person as ~~[an]~~ ***a salvage title*** agent of the Department to issue those salvage titles which the Department is authorized to issue pursuant to NRS 487.810. ~~[An]~~ ***A salvage title*** agent appointed pursuant to this section shall charge and collect the fee required by NRS 487.810 for the issuance of a salvage title and remit it to the Department. Fees remitted to the Department pursuant to this subsection must be deposited with the State Treasurer for credit to the Revolving Account for the Issuance of Salvage Titles created by NRS 487.825.

2. Before entering into a contract pursuant to subsection 1, ~~[the Department must require:~~

~~(a) Each natural person who will be authorized to issue a salvage title on behalf of the proposed]~~ ***an applicant for appointment as a salvage title*** agent ~~[to:~~

~~(1)]~~ ***must:***

(a) File with the Department, on a form prescribed by the Department, an application which contains, without limitation, his or her social security number.

(b) Submit to the Department a complete set of his or her fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. ~~[; and~~

~~(2)]~~ ***(c)*** Pay a fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada

Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

~~[(b) The proposed agent to procure]~~

(d) Procure and file with the Department a good and sufficient bond in an amount of not less than $50,000, with a corporate surety thereon licensed to do business in the State of Nevada, approved as to form by the Attorney General, and conditioned upon the ~~[proposed agent]~~ ***applicant*** remitting to the Department the full amount of any fee he or she is required to collect pursuant to subsection 1. In lieu of a bond, the ~~[proposed agent]~~ ***applicant*** may deposit with the State Treasurer a like amount of lawful money of the United States.

3. The Department may, as the Director of the Department deems appropriate:

(a) Investigate the actions of ~~[an]~~ ***a salvage title*** agent appointed pursuant to subsection 1.

(b) Conduct audits of the ***salvage title*** agent at regular intervals.

(c) Inspect the premises of the ***salvage title*** agent during regular business hours to determine the ***salvage title*** agent's compliance with the contract entered into pursuant to subsection 1. The Department may require the ***salvage title*** agent to pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in any investigation or examination made at any premises of the ***salvage title*** agent located outside this State, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to conduct the investigation or examination outside this State.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2, 3, 4 **, ~~[and]~~** 5 **, 5.93, 5.95 and 5.97** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Sections 1.2, 1.4, 1.6, 4.5 and 5.1 to 5.9, inclusive, of this act become effective on the date on which the Director of the Department of Motor Vehicles notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the provisions of those sections.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 355.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 669.

AN ACT relating to financial services; prohibiting the Commissioner of Financial Institutions from requiring an applicant for a license to establish a new depository institution to identify the physical address of the proposed depository institution in the application for the license; authorizing certain persons employed by financial institutions to temporarily delay certain financial transactions involving the suspected exploitation of an older person or vulnerable person; exempting certain persons from liability for certain actions relating to the suspected exploitation of an older person or vulnerable person; authorizing the employee of a person licensed to engage in the business of lending in this State to perform certain work from a remote location under certain circumstances; setting forth various requirements concerning such work performed at a remote location; requiring a person licensed to engage in the business of lending in this State to provide notice to the Attorney General and certain other persons of certain breaches of security involving personal information; revising the circumstances under which a person is not required to accept an acknowledged power of attorney; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of various types of financial institutions, including, without limitation, depository institutions, by the Commissioner of Financial Institutions. (Title 55 of NRS) Existing law requires the Commissioner, during the process for the organization and licensing of a banking corporation or company, to examine all the facts connected with the formation of the proposed banking corporation or company, including its location. (NRS 659.045) Similarly, existing law requires a person who desires to organize a savings bank to submit to the Commissioner an application that contains, among other things, the location of the proposed main office of the savings bank. (NRS 673.080) **Section 1** of this bill prohibits the Commissioner from requiring an applicant for a license to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located. **Section 1** authorizes the Commissioner to require such an applicant to: (1) identify the location of the proposed main office, described in general terms, in the application; and (2) provide the physical address of the proposed main office before the depository institution commences business. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law prohibits a person from engaging in the business of lending in this State without having first obtained a license from the Commissioner for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) **Section 5** of this bill authorizes an employee of a licensee to engage in the business of lending in this State at a remote location if authorized by the licensee. **Section 5** requires a licensee: (1) to enter into a written agreement with an employee before authorizing the

employee to work at a remote location; and (2) to ensure that the employee and the remote location meet certain requirements. **Section 6** of this bill requires a licensee who authorizes an employee to engage in the business of lending in this State at a remote location to develop and adhere to a written data security policy meeting certain requirements. **Section 7** of this bill sets forth certain prohibited acts with respect to an employee who engages in the business of lending in this State at a remote location. **Section 8** of this bill requires a licensee who authorizes any employee to engage in the business of lending in this State at a remote location to conduct an annual review and evaluation of the operations of the licensee which are conducted by employees working at remote locations. **Section 11** of this bill defines words and terms for the purposes of this bill. **Sections 12-16** of this bill make certain changes to provisions governing the licensing of persons engaged in the business of lending to account for the provisions of **sections 5-8** which authorize an employee of a licensee to engage in the business of lending in this State at a remote location.

Existing law requires a data collector that owns, licenses or maintains computerized data which includes personal information to, after discovery or notification of a breach of security in which personal information maintained by the data collector was, or is reasonably believed to have been, acquired by an unauthorized person, notify each affected resident of this State and certain other persons. (NRS 603A.220) **Section 17** of this bill exempts a person licensed to engage in the business of lending in this State from those requirements. **Section 9** of this bill instead sets forth similar provisions which require a licensee, after discovery or notification of a breach of security in which personal information maintained by the licensee was, or is reasonably believed to have been, acquired by an unauthorized person, to notify each affected resident if the breach is reasonably likely to subject the resident to a risk of harm and certain other conditions are met. **Section 9** sets forth certain requirements for such a notification. **Section 10** of this bill requires a licensee who is required to notify more than 500 residents of this State pursuant to **section 9** as the result of a single breach also to notify the Attorney General.

Existing law requires certain financial institutions to designate a person to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person. (NRS 657.290) **Section 3** of this bill authorizes a designated reporter to delay a requested disbursement or transaction involving an older person or vulnerable person if the designated reporter knows or has reasonable cause to believe that the older person or vulnerable person has been exploited. **Section 3** sets forth procedures and requirements for the imposition of such a delay. Additionally, **section 3** provides that a financial institution and its officers, employees and designated reporters are immune from criminal, civil and administrative liability for: (1) making a report concerning the known or suspected exploitation of an older person or vulnerable person; (2) delaying ~~[or not delaying]~~ a requested disbursement or transaction involving such exploitation pursuant to **section 3**;

and (3) taking certain other actions relating to known or suspected exploitation of an older person or vulnerable person.

Under existing law, a person who refuses to accept an acknowledged power of attorney, with certain exceptions, is subject to: (1) a court order mandating acceptance of the power of attorney; and (2) liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney. (NRS 162A.370) **Section 16.5** of this bill provides that a designated reporter who delays a requested disbursement or transaction pursuant to **section 3** or certain other persons who make a report concerning the exploitation of an older person or vulnerable person are not required to accept an acknowledged power of attorney under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner shall not require an applicant for a license to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located.

2. The Commissioner may require an applicant for a license to establish a new depository institution to:

(a) Identify in the application for the license the location, described in general terms, where the main office of the proposed depository institution will be located; and

(b) Provide to the Commissioner the physical address of the main office of the proposed depository institution before the depository institution commences business.

Sec. 2. NRS 657.150 is hereby amended to read as follows:

657.150 As used in NRS 657.150 to 657.290, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 657.160 and 657.170 have the meanings ascribed to them in those sections.

Sec. 3. NRS 657.290 is hereby amended to read as follows:

657.290 1. Each financial institution shall designate a person or persons to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter ***:*** ~~[~~shall:~~]~~

(a) Except as otherwise provided in subsection 3, ***shall*** report the known or suspected exploitation of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; ~~[and]~~

(b) ~~[~~Make~~]~~ ***Shall make*** such a report as soon as reasonably practicable ~~[.]~~ ***; and***

(c) May temporarily delay a requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary if the designated reporter:

(1) Not later than 2 business days after the date on which the requested disbursement or transaction is delayed:

(I) Provides written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, except a party who is reasonably believed to have engaged in the suspected exploitation; and

(II) Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a local law enforcement agency of the delay; and

(2) Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and the appropriate local law enforcement agency of any new information that is relevant to the delay within a reasonable time after becoming aware of the information.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

5. ~~[~~An officer, employee~~]~~ ***A financial institution and any of its officers, employees*** and ~~[~~the~~]~~ designated ~~[~~reporter~~]~~ ***reporters*** are ~~[~~entitled to the

~~immunity~~] ***immune*** from ***civil, criminal and administrative*** liability ~~[set forth in NRS 200.5096 for making a report in good faith.~~] ***arising from:***

(a) Making a report in good faith pursuant to this section;

(b) Delaying ~~[or not delaying]~~ a requested disbursement or transaction involving the known or suspected exploitation of an older person or vulnerable person pursuant to this section; or

(c) Taking any reasonable action which is:

(1) Performed in furtherance of a duty or authorization created by subsection 2, 3 or 4; and

(2) Based upon a reasonable belief that an older person or vulnerable person has been exploited.

6. Except as otherwise provided in this subsection and subsections 7 and 8, a delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 expires 15 business days after the date on which the requested disbursement or transaction was delayed. If the local office of the Aging and Disability Services Division of the Department of Health and Human Services or a local law enforcement agency requests in writing that the designated reporter extend the delay, the delay expires upon the earlier of:

(a) Twenty-five business days after the date on which the requested disbursement or transaction was delayed; or

(b) Upon the written request of the local office of the Aging and Disability Services Division of the Department of Health and Human Services or the local law enforcement agency that requested the extension of the delay or upon the order of a court of competent jurisdiction.

7. A delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 may expire before the period set forth in subsection 6 and the designated reporter may proceed with the requested disbursement or transaction if the designated reporter reasonably believes that the requested disbursement or transaction will not result in exploitation of the older person or vulnerable person.

8. A court of competent jurisdiction may issue an order extending a delay of a requested disbursement or transaction authorized by paragraph (c) of subsection 2 based on the petition of the local office of the Aging and Disability Services Division of the Department of Health and Human Services, a local law enforcement agency or any other interested party.

9. When determining whether an older person or vulnerable person has been exploited, a designated reporter may consider any of the following circumstances, if applicable and without limitation:

(a) A requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary that the older person or vulnerable person cannot explain;

(b) A request to close a certificate of deposit of an older person or vulnerable person that is made:

(1) Before the date of maturity of the certificate of deposit; and

(2) With apparent disregard for any penalty associated with closing the certificate of deposit before the date of maturity of the certificate of deposit;

(c) A check written by an older person or vulnerable person under suspicious circumstances;

(d) An uncharacteristic attempt by an older person or vulnerable person to initiate a wire transfer of a significant sum of money;

(e) A suspicious signature on documentation relating to an account of an older person or vulnerable person;

(f) A suspicious alteration to a:

(1) Trust to which an older person or vulnerable person is a beneficiary; or

(2) Will or trust for which an older person or vulnerable person is a testator or trustee;

(g) A suspicious alteration in a power of attorney relating to an older person or a vulnerable person; and

(h) A person attempting to initiate a financial transaction on behalf of an older person or vulnerable person without proper documentation.

Sec. 4. Chapter 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 10, inclusive, of this act.

Sec. 5. ***1. An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act if authorized by the licensee.***

2. Before authorizing an employee to engage in the business of lending in this State at a remote location, a licensee must enter into a written agreement with the employee that is signed by the employee in which the employee:

(a) Agrees to:

(1) Maintain the confidentiality of data concerning borrowers and potential borrowers while working at the remote location;

(2) Maintain all data of the licensee electronically while working at the remote location;

(3) Read and comply with the data security policy adopted by the licensee pursuant to section 6 of this act; and

(4) Keep any equipment provided to the employee by the licensee for use at the remote location safe and secure in the manner prescribed by the licensee;

(b) Agrees not to:

(1) Print or otherwise reproduce physical documents containing any data of the licensee at the remote location;

(2) Except as authorized by section 7 of this act, disclose to a borrower or potential borrower that the employee is working at a remote location;

(3) Convey to a borrower or potential borrower that the remote location at which the licensee is working is the place of business of the licensee; and

(4) Conduct any interactions with a borrower or potential borrower in person at the remote location.

3. A licensee shall not authorize an employee to engage in the business of lending in this State at a remote location unless the remote location:

(a) Is located in the United States;

(b) Is secure and sufficiently closed off from the public to enable the employee to maintain the confidentiality of borrowers and potential borrowers; and

(c) Contains all the equipment necessary for the employee to perform his or her work for the licensee, which must:

(1) Be sufficiently connected to the systems used by the licensee, including, without limitation, telephone systems, computerized data systems and other computer systems, to allow the licensee to monitor and oversee the work of the employee as though the employee were performing the same work at the place of business of the licensee; and

(2) Require the employee to enter unique credentials, passwords or similar information to access the computerized data system of the licensee and other computer systems used by the licensee to conduct business.

4. A licensee shall ensure that each employee of the licensee who engages in the business of lending at a remote location:

(a) Before beginning work at a remote location, completes a training program at the place of business of the licensee that includes, without limitation, instruction on privacy, confidentiality, monitoring and security in the context of remote work and compliance with applicable laws and the policies of the licensee;

(b) Receives the same level of communication, management, oversight and monitoring he or she would receive while working at the place of business of the licensee; and

(c) Complies with the provisions of this chapter and the regulations adopted pursuant thereto.

5. As used in this section, "place of business" means an office or place of business for which a license has been issued pursuant to this chapter.

Sec. 6. *A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall develop and adhere to a written data security policy. The data security policy must set forth procedures and requirements to ensure that:*

1. Data of the licensee that is stored at or accessible from a remote location is protected against unauthorized or accidental disclosure, access, use, modification, duplication or destruction;

2. An employee working at a remote location is able to access the computerized data system of the licensee and other computer systems of the licensee only through the use of a virtual private network or other system that:

(a) Requires the use of a username and password, frequent password changes, multifactor authentication, a system that automatically prevents a

person from accessing an account upon the failure of the person to enter the appropriate credentials after a set number of attempts or any combination thereof; and

(b) Uses data encryption;

3. Any updates or repairs necessary to keep data and equipment secure are installed or implemented immediately;

4. All data of the licensee is stored in a safe and secure manner and the computerized data system of the licensee is capable of being modified to accommodate the storage of data necessary for an employee working at a remote location to perform his or her work;

5. Each remote location at which an employee works contains computers or other electronic devices which make use of reasonable security measures, such as antivirus software and firewalls;

6. The computerized data system of the licensee and other computer systems of the licensee may only be accessed through computers or other electronic devices which:

(a) Are issued by the licensee; and

(b) May only be used by an employee while performing activities approved by the licensee;

7. An internal or external risk assessment is performed annually on the protection of the data of the licensee from reasonably foreseeable internal or external risks;

8. After the performance of a risk assessment pursuant to subsection 7, the data security policy is updated to correct any deficiencies identified in the risk assessment;

9. The licensee has procedures in place which establish the actions that must be taken upon the:

(a) Discovery of a breach of the security of the computerized data system, including, without limitation, any actions that must be taken concerning the disclosure of the breach as required by section 9 of this act or other applicable law; and

(b) Occurrence of an emergency, including, without limitation, a fire or natural disaster, that has the potential to impact the storage of or access to data of the licensee;

10. The data of the licensee is disposed of in a timely and secure manner as required by applicable law and contractual requirements; and

11. The licensee is able, without the licensee or an agent of the licensee being physically present at a remote location, to disconnect any computer or device provided to an employee at a remote location from the computerized data system of the licensee or other computer systems of the licensee and disable and erase any data from such a computer or device upon termination of the employee's employment with the licensee.

Sec. 7. ***1. An employee who engages in the business of lending in this State at a remote location shall not print or store physical records containing any data of the licensee at the remote location.***

2. Except as otherwise provided in subsection 3, an employee who engages in the business of lending in this State at a remote location or the licensee who employs such an employee shall not represent in any manner to a borrower, potential borrower or any other person that the employee is working at a remote location, including, without limitation, by:

(a) Advertising in any form the address of the remote location where the employee works or a personal telephone number or facsimile number associated with the remote location;

(b) Meeting a borrower or potential borrower at, or inviting a borrower or potential borrower to, the remote location; or

(c) Directly or indirectly suggesting or holding out in any manner that the address of the remote location is the address of the place of business of the licensee, including, without limitation, by receiving mail intended for the licensee at the remote location or storing physical records of the licensee at the remote location.

3. An employee may respond to an inquiry concerning his or her location by stating that he or she is working remotely or working at a remote location.

4. As used in this section, "place of business" has the meaning ascribed to it in section 5 of this act.

Sec. 8. *A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall, at least once each year, conduct a review and evaluation of the operations of the licensee which are conducted by employees working at remote locations to determine whether such operations comply with the provisions of sections 5 to 8, inclusive, of this act. The Commissioner may require a licensee to conduct such a review and evaluation at such other times as the Commissioner deems necessary.*

Sec. 9. *1. If a licensee that owns or licenses computerized data that includes personal information discovers or is notified of a breach of the security of the computerized data system of the licensee, the licensee shall notify any resident of this State whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person if:*

(a) The breach is reasonably likely to subject the resident to a risk of harm; and

(b) Either:

(1) The personal information acquired or believed to have been acquired was not encrypted; or

(2) The breach resulted in, or is reasonably believed to have resulted in, an unauthorized person acquiring an encryption key or other means of converting encrypted personal information acquired by the person into an unencrypted or otherwise intelligible form.

2. Except as otherwise provided in this subsection and subsection 4, the notification required by subsection 1 must be made in the most expedient time possible and not more than 30 days after the date on which the licensee

discovered or was notified of the breach. A licensee may delay providing the notification beyond the period required by this subsection, as authorized by subsection 4 or if the delay is caused by any measures necessary to determine the scope of the breach and restore the reasonable integrity of the computerized data system of the licensee.

3. Except as otherwise provided in subsection 4, a licensee that maintains data which includes personal information that the licensee does not own shall notify the owner of the information of any breach of the security of the computerized data system of the licensee immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

4. A notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification must be made after the law enforcement agency determines that the notification will not impede a criminal investigation.

5. Except as otherwise provided in subsections 6 and 8, a notification required by this section may be provided by any of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the licensee demonstrates that the cost of providing notification would exceed $250,000, the affected class of subject persons to be notified exceeds 500,000 or the licensee does not have sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the licensee has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the licensee, if the licensee maintains an Internet website.

(3) Notification to major statewide media.

6. If a breach involves a username, password or other login credentials to an electronic mail account furnished by the licensee, the licensee shall not provide the notification required pursuant to this section to that electronic mail account.

7. A notification provided by a licensee pursuant to this section must be written in plain language and contain, at a minimum, the following information:

(a) The name and contact information of the licensee;

(b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach;

(c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the

breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach;

(d) The toll-free telephone numbers and addresses of the major credit reporting agencies; and

(e) If the breach involved personal information that includes a username, password or other login credentials to an online account, an advisement to the person whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person to promptly change any relevant passwords or security questions or answers associated with the online account and to take any other appropriate steps to protect the online account and any other online account for which the person uses any of the same information to access.

8. A licensee who maintains his or her own notification procedures as part of a data security policy for the treatment of personal information that are otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if the licensee notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the computerized data system of the licensee.

Sec. 10. ***1. A licensee who is required to notify more than 500 residents of this State pursuant to section 9 of this act as the result of a single breach shall notify the Attorney General of the breach not more than 30 days after the date on which the licensee discovered or was notified of the breach. The notification must include, without limitation:***

(a) The number of residents of this State affected or estimated to be affected by the breach.

(b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach.

(c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach.

(d) A summary of the actions taken to contain the breach.

(e) A sample copy of the notification the licensee provided to persons affected or reasonably believed to be affected by the breach which excludes any personally identifiable information.

2. If any of the information described in subsection 1 is unavailable to a licensee at the time the licensee submits the notification to the Attorney General, the licensee shall promptly provide the information to the Attorney General after the information becomes available to the licensee.

Sec. 11. NRS 675.020 is hereby amended to read as follows:

675.020 As used in this chapter, unless the context otherwise requires:

1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. ***"Breach of the security of the computerized data system" or "breach" means the unauthorized acquisition of computerized data from the computerized data system of the licensee that compromises the security, confidentiality or integrity of personal information maintained by the licensee. The term does not include the good faith acquisition of personal information by an employee or agent of a licensee for a legitimate purpose of the licensee, so long as the personal information is not used for a purpose unrelated to the licensee or subject to further authorized disclosure.***

4. "Business of lending in this State" means that a person:

(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or

(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.

5. "Commissioner" means the Commissioner of Financial Institutions.

~~[4.]~~ ***6.*** "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

~~[5.]~~ ***7. "Computerized data system" means a system of software, hardware or firmware, including, without limitation, a system of web-based applications, that:***

(a) Is owned, leased or licensed by a licensee;

(b) Is located at the place of business of the licensee or hosted remotely; and

(c) Stores or provides access to personal information, financial information or other data related to borrowers or potential borrowers.

8. "Consumer credit" has the meaning ascribed to it in NRS 604A.036.

~~[6.]~~ ***9.*** "Covered service member" has the meaning ascribed to it in NRS 604A.038.

~~[7.]~~ ***10.*** "Dependent" has the meaning ascribed to it in NRS 604A.057.

~~[8.]~~ ***11.*** "Internet business lender" means a person who makes business loans exclusively through the Internet.

~~[9.]~~ ***12.*** "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~[10.]~~ ***13.*** "Licensee" means a person to whom one or more licenses have been issued.

~~[11.]~~ ***14.*** "Nationwide Multistate Licensing System and Registry" or "Registry" has the meaning ascribed to it in NRS 604A.083.

15. "Personal information" has the meaning ascribed to it in NRS 603A.040.

16. "Remote location" means a location other than an office or place of business for which a license has been issued pursuant to this chapter and at

which the employee of a licensee engages in the business of lending in this State pursuant to sections 5 to 8, inclusive, of this act.

Sec. 12. NRS 675.060 is hereby amended to read as follows:

675.060 ~~[1.]~~ No person may engage in the business of lending in this State without first having obtained a license from the Commissioner pursuant to this chapter for each office or other place of business at which the person engages in such business, except that ~~[if]~~ ***:***

1. If a person intends to engage in the business of lending in this State as a deferred deposit loan service, high-interest loan service or title loan service, as those terms are defined in chapter 604A of NRS, the person must obtain a license from the Commissioner pursuant to chapter 604A of NRS before the person may engage in any such business.

~~2. [For the purpose of this section, a person engages in the business of lending in this State if he or she:~~

~~(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or~~

~~(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.]~~ ***An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.***

Sec. 13. NRS 675.120 is hereby amended to read as follows:

675.120 If the Commissioner finds:

1. That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, within the purposes of this chapter; and

2. That the applicant, unless he or she will function solely as a loan broker, has available for the operation of the business at the specified location ***identified in the application*** liquid assets of at least $50,000,

➥ he or she shall thereupon enter an order granting the application, and file his or her findings of fact together with the transcript of any hearing held under this chapter, and forthwith issue and deliver a license to the applicant.

Sec. 14. NRS 675.130 is hereby amended to read as follows:

675.130 Each license shall:

1. State the address at which the business is to be conducted ~~[;]~~ ***, not including any remote location;*** and

2. State fully the name of the licensee, and if the licensee is a copartnership or association, the names of its members, and if a corporation, the date and place of its incorporation.

Sec. 15. NRS 675.210 is hereby amended to read as follows:

675.210 Not more than one place of business may be maintained under the same license. The Commissioner may issue additional licenses to the same licensee for other business locations upon compliance with all the provisions

of this chapter governing issuance of a single license. Nothing herein requires a license for ~~[any]~~ ***:***

1. Any place of business devoted to accounting, recordkeeping or administrative purposes only ~~[.]~~ ***; or***

2. A remote location.

Sec. 16. NRS 675.240 is hereby amended to read as follows:

675.240 No licensee shall conduct the business of making loans provided for by this chapter under any name or at any place other than that stated in the license. Nothing herein shall prevent ~~[the]~~ ***:***

1. The making of loans by mail nor prohibit accommodations to individual borrowers when necessitated by hours of employment, sickness or other emergency situations ~~[.]~~ ***; or***

2. A licensee from authorizing an employee to engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.

Sec. 16.5. NRS 162A.370 is hereby amended to read as follows:

162A.370 1. Except as otherwise provided in subsection 2:

(a) A person shall either accept an acknowledged power of attorney, or request a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, not later than 10 business days after presentation of the power of attorney for acceptance;

(b) If a person requests a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, the person shall accept the power of attorney not later than 5 business days after receipt of the certification, translation or opinion of counsel; and

(c) A person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

2. A person is not required to accept an acknowledged power of attorney if:

(a) The person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(b) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;

(c) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(d) A request for a certification, a translation or an opinion of counsel pursuant to NRS 162A.360 is refused;

(e) The person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation or an opinion of counsel has been requested or provided pursuant to NRS 162A.360; ~~[or]~~

(f) The person makes, or has actual knowledge that another person has made, a report pursuant to NRS 200.5093 stating a good faith belief that the principal may be subject to abuse, neglect, exploitation, isolation or abandonment by the agent or a person acting for or with the agent ~~[.]~~ ***; or***

(g) The person:

(1) Makes, or has actual knowledge that another person has made, a report pursuant to NRS 657.290 of the known or suspected exploitation by the agent, or a person acting for or with the agent, of the principal who is an older person or vulnerable person; or

(2) Is a designated reporter of a financial institution who, pursuant to NRS 657.290, delays a requested disbursement or transaction involving a principal who is an older person or vulnerable person whom the designated reporter knows or has reasonable cause to believe is being exploited.

3. A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to:

(a) A court order mandating acceptance of the power of attorney; and

(b) Liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

4. As used in this section:

(a) "Designated reporter" has the meaning ascribed to it in NRS 657.230.

(b) "Older person" has the meaning ascribed to it in NRS 657.250.

(c) "Vulnerable person" has the meaning ascribed to it in NRS 657.270.

Sec. 17. NRS 603A.220 is hereby amended to read as follows:

603A.220 1. ~~[~~Any~~]~~ ***Except as otherwise provided in subsection 7, a*** data collector that owns or licenses computerized data which includes personal information shall disclose any breach of the security of the system data following discovery or notification of the breach to any resident of this State whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection 3, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system data.

2. Any data collector that maintains computerized data which includes personal information that the data collector does not own shall notify the owner or licensee of the information of any breach of the security of the system data immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

3. The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this section must be made after the law enforcement agency determines that the notification will not compromise the investigation.

4. For purposes of this section, except as otherwise provided in subsection 5, the notification required by this section may be provided by one of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the data collector demonstrates that the cost of providing notification would exceed $250,000, the affected class of subject persons to be notified exceeds 500,000 or the data collector does not have sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the data collector has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the data collector, if the data collector maintains an Internet website.

(3) Notification to major statewide media.

5. A data collector which:

(a) Maintains its own notification policies and procedures as part of an information security policy for the treatment of personal information that is otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if the data collector notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the system data.

(b) Is subject to and complies with the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., shall be deemed to be in compliance with the notification requirements of this section.

6. If a data collector determines that notification is required to be given pursuant to the provisions of this section to more than 1,000 persons at any one time, the data collector shall also notify, without unreasonable delay, any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, as that term is defined in 15 U.S.C. § 1681a(p), of the time the notification is distributed and the content of the notification.

7. The provisions of this section do not apply to a person licensed pursuant to chapter 675 of NRS.

Sec. 18. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 17, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 363.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 629.

AN ACT relating to affordable housing; authorizing the Housing Division of the Department of Business and Industry to prioritize funding for projects related to affordable housing that give preference to certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Account for Affordable Housing in the State General Fund and prescribes the distribution and use of money in the Account. (NRS 319.500, 319.510) Existing law also authorizes the Housing Division of the Department of Business and Industry to distribute a certain portion of money in the Account to public or private nonprofit charitable organizations for projects that meet certain criteria. (NRS 319.510) This bill authorizes the Division to give priority to projects that provide a preference for: (1) women who are veterans; (2) women who were previously incarcerated; (3) survivors of domestic violence; ~~[and]~~ (4) elderly women who do not have stable or adequate living arrangements ~~[.]~~ **; and (5) unmarried persons with primary physical custody of a child.**

WHEREAS, The shortage of affordable housing is affecting communities across the State of Nevada and the nation, and particularly impacts certain populations of women in Nevada; and

WHEREAS, Women who are veterans face many challenges when returning to civilian life, including, without limitation, raising children on their own and dealing with the psychological repercussions related to events such as military service or sexual trauma, which can put women who are veterans at a high risk of experiencing housing insecurity or homelessness; and

WHEREAS, Women who were formerly incarcerated experience barriers to employment as well as distrust and discrimination which create significant obstacles for formerly incarcerated women to obtain and maintain safe, stable housing for themselves and their families after release; and

WHEREAS, Survivors of domestic violence are also hampered in finding safe, affordable housing as a result of certain barriers such as a history of financial abuse, discrimination based on the violent or criminal actions of perpetrators and the unique safety and confidentiality needs of survivors of domestic violence; and

WHEREAS, Elderly women are more likely to live in poverty than men as a result of historical wage disparities and having to take time away from the workforce for caregiving; and

WHEREAS, Expansion of the inventory of affordable housing that provides a preference for these disadvantaged female populations will address many of the significant obstacles that such women face in obtaining safe, stable and affordable housing; and

WHEREAS, Federal and state funding for housing in Nevada should be prioritized for projects that provide a preference for such disadvantaged women; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 319.510 is hereby amended to read as follows:

319.510 1. Except as otherwise provided in subsection 2, money deposited in the Account for Affordable Housing must be used:

(a) For the acquisition, construction or rehabilitation of affordable housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of affordable housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account;

(e) To assist eligible persons by supplementing their monthly rent for the manufactured home lots, as defined by NRS 118B.016, on which their manufactured homes, as defined by NRS 118B.015, are located; and

(f) In any other manner consistent with this section to assist eligible families in obtaining or keeping affordable housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. Except as otherwise provided in this subsection, the Division may expend money from the Account as reimbursement for the necessary costs of efficiently administering the Account and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. In addition, the Division may expend not more than $175,000 per year from the Account to create and maintain the statewide low-income housing database required by NRS 319.143. The Division may expend not more than $75,000 per year of the money deposited in the Account pursuant to NRS 375.070 for the purpose set forth in paragraph (e) of subsection 1. Of the remaining money allocated from the Account:

(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120, as that section existed on December 4, 1997, to provide emergency assistance to needy families with children, subject to the following:

(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to affordable housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) Eighty-five percent must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of affordable housing for eligible families, subject to the following:

(1) ***Priority may be given to those projects that provide a preference for:***

(I) Women who are veterans;

(II) Women who were previously incarcerated;

(III) Survivors of domestic violence; ~~[and]~~

(IV) Elderly women who do not have stable or adequate living arrangements ~~[.]~~ ; and

(V) Unmarried persons with primary physical custody of a child.

(2) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

~~[(2)]~~ ***(3)*** Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

~~[(3)]~~ ***(4)*** Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

~~[(4)]~~ ***(5)*** All money must be used to benefit families whose income does not exceed 120 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.

~~[(5)]~~ ***(6)*** Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

~~[(6)]~~ ***(7)*** To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 368.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 662.

SENATORS D. HARRIS, SPEARMAN, DONATE, NEAL; CANNIZZARO, DALY, DONDERO LOOP, FLORES, KRASNER, LANGE, NGUYEN, PAZINA AND SCHEIBLE

JOINT SPONSORS: ASSEMBLYWOMEN BILBRAY-AXELROD AND HANSEN

AN ACT relating to real property; prescribing a procedure for removing certain discriminatory restrictions or prohibitions from a written instrument relating to real property; requiring the Real Estate Division of the Department of Business and Industry to prescribe a restrictive covenant modification form; eliminating certain provisions relating to a declaration of removal of a discriminatory restriction or prohibition; requiring each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any restriction or prohibition in a written instrument relating to real property that purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of the real property or purports to limit, restrict or prohibit the use or occupation of the real property on the basis of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression is void and unenforceable by operation of law. Existing law authorizes an owner of real property that is subject to such a restriction or prohibition to record a declaration of removal of the discriminatory restriction or prohibition by filing a declaration form with the county recorder of the county in which the real property is located. If an owner files such a form, existing law requires the county recorder to attach the declaration form to the original recorded instrument to indicate that the discriminatory restriction or prohibition is void. (NRS 111.237)

Section 1.3 of this bill eliminates provisions relating to the filing and recordation of a declaration of removal of a discriminatory restriction or prohibition. Instead, **section 1.3** prescribes a procedure for removing a discriminatory restriction or prohibition from a written instrument relating to real property. **Section 1.3** requires an interested person who wishes to remove a discriminatory restriction or prohibition from a written instrument to file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document, which redacts from a written instrument any discriminatory restriction or prohibition identified by the court in its order. If, after considering such a petition and any objections, the district court determines that a restriction or prohibition identified in a petition is void and unenforceable by operation of law, **section 1.3** requires the district court to issue an order directing the appropriate county recorder to record a restrictive covenant modification

document. If the district court issues such an order, **section 1.3** authorizes an interested person to record a restrictive covenant modification document by filing with the appropriate county recorder: (1) a restrictive covenant modification form; (2) a certified copy of the written instrument; and (3) a certified copy of the court order. Upon receipt of these documents, **section 1.3** requires the county recorder to: (1) redact from the written instrument any language identified in the court order; (2) record and index the restrictive covenant modification document and restrictive covenant modification form; and (3) retain the original written instrument as a public record for historical purposes.

Section 1 of this bill defines certain terms relating to the procedure prescribed by **section 1.3**. **Section 2** of this bill makes a conforming change relating to the recordation of a restrictive covenant modification document or restrictive covenant modification form.

Section 1.5 of this bill requires the Real Estate Division of the Department of Business and Industry to: (1) solicit recommendations concerning the design and contents of a restrictive covenant modification form; and (2) prescribe such a form.

Section 3 of this bill requires each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 111.010 is hereby amended to read as follows:

111.010 As used in this chapter:

1. "Conveyance" shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be its form, and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned or surrendered.

2. "Estate and interest in lands" shall be construed and embrace every estate and interest, present and future, vested and contingent, in lands as defined in subsection 3.

3. "Lands" shall be construed as coextensive in meaning with lands, tenements and hereditaments, and shall include in its meaning all possessory right to the soil for mining and other purposes.

4. "Restrictive covenant modification document" means a certified copy of a written instrument which redacts from the written instrument any language identified in a court order issued pursuant to NRS 111.237.

5. "Restrictive covenant modification form" means the form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to NRS 111.2375.

Sec. 1.3. NRS 111.237 is hereby amended to read as follows:

111.237 1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance,

leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

2. Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

3. ~~[The owner or owners of any real property subject to a]~~ ***A*** restriction or prohibition that is void and unenforceable by operation of law pursuant to subsection 1 or 2 may ~~[record]~~ ***be removed from a written instrument using the restrictive covenant modification procedure provided in this section.***

4. An interested person who wishes to remove from a written instrument any restriction or prohibition that is void and unenforceable by operation of law must file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document. Any such petition must:

(a) Be made on a form prescribed by the ~~[Real Estate Division]~~ ***clerk*** of the ~~[Department of Business and Industry pursuant to NRS 111.2375 declaring that all such restrictions]~~ ***court;***

(b) Specifically identify any restriction or ~~[prohibitions are removed from]~~ ***prohibition*** the ~~[referenced original]~~ ***interested person seeks to have redacted from the*** written instrument ~~[.~~

~~4. The form must be completed and signed by]~~ ***; and***

(c) Be accompanied by:

(1) An affidavit that states that the petitioner meets the definition of "interested person" set forth in subsection 14, if the petitioner is not the owner or owners of the real property; and

(2) A copy of the written instrument.

5. If the petitioner is not the owner or owners of the real property ~~[and]~~ ***, a copy of the petition must be served upon each owner of the property by mailing a copy of the petition by certified mail, return receipt requested, to each owner at his or her place of residence or to the registered agent of each owner at the address of the registered agent.***

6. If, within 10 days after service of the petition:

(a) No written objection is filed ***,*** ~~[in]~~ the ~~[office of]~~ ***district court may consider the petition without a hearing.***

(b) A written objection is filed, the district court shall set the matter for a hearing.

7. After considering the petition and any objections, if the district court determines that a restriction or prohibition identified in the petition is void and unenforceable by operation of law pursuant to subsection 1 or 2, the district court shall issue an order directing the county recorder ***of the county*** in which the real property is located ~~[.~~

~~5.]~~ ***to record a restrictive covenant modification document. An order issued pursuant to this subsection must clearly identify the language that must be redacted in the restrictive covenant modification document.***

8. If the ~~[form is filed with the appropriate county recorder]~~ ***district court issues an order*** pursuant to subsection ~~[4,]~~ ***7, an interested person may record a restrictive covenant modification document by filing with the appropriate county recorder:***

(a) A completed, signed restrictive covenant modification form;

(b) A certified copy of the written instrument; and

(c) A certified copy of a court order issued pursuant to subsection 7.

9. Upon receipt of the documents required by subsection 8, the county recorder shall ~~[record and index the form with any other restriction or prohibition upon real property, including, without limitation, real property within a common interest community pursuant to chapter 116 of NRS.~~

~~6. If the form is not filed with the county recorder of the appropriate county pursuant to subsection 4, the county recorder shall transfer the form to the county recorder of the appropriate county for recording and indexing in the manner described in subsection 5.~~

~~7.]~~ ***:***

(a) Redact from the certified copy of the written instrument any language identified in the order;

(b) Record and index:

(1) The restrictive covenant modification document; and

(2) The restrictive covenant modification form; and

(c) Retain the original written instrument as a public record for historical purposes.

10. The decision of the district court is not appealable.

11. No fee may be charged by:

(a) The clerk of the court for:

(1) The filing of a petition or written objection pursuant to this section; or

(2) Providing a certified copy of a court order issued pursuant to subsection 7; or

(b) The county recorder for any filing, indexing or recording required pursuant to subsection 9.

12. The filing of a petition pursuant to subsection 4 does not constitute grounds for delaying any probate proceeding, divorce proceeding or bankruptcy proceeding to which an owner is a party.

13. Nothing in this section regarding familial status shall be construed to apply to housing for older persons so long as such housing complies with the requirements of 42 U.S.C. § 3607.

~~[8.]~~ ***14.*** As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "Familial status" means the fact that a person:

(1) Lives with a child under the age of 18 and has:

(I) Lawful custody of the child; or

(II) Written permission to live with the child from the person who has lawful custody of the child;

(2) Is pregnant; or

(3) Has begun the proceeding to adopt or otherwise obtain lawful custody of a child.

(c) "Interested person" includes:

(1) The owner or owners of the real property.

(2) A representative of a common-interest community, if the real property is located within a common-interest community.

(3) A nonprofit organization or academic institution whose mission, in whole or in part, is to combat discrimination based upon race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression.

Sec. 1.5. NRS 111.2375 is hereby amended to read as follows:

111.2375 1. The Real Estate Division of the Department of Business and Industry shall:

(a) Solicit recommendations from the county recorder of each county concerning the design and contents of a ***restrictive covenant modification*** form that may be used ~~[to make a declaration of removal of]~~ ***for the purpose of redacting and removing*** a discriminatory restriction pursuant to NRS 111.237.

(b) Prescribe such a form after considering all recommendations solicited pursuant to paragraph (a).

2. ~~[The form must provide for the inclusion of the following:~~

~~(a) Identifying information concerning the original written instrument that contains a prohibition or restriction that is void and unenforceable pursuant to NRS 111.237;~~

~~(b) The name or names of the owner or owners of the property;~~

~~(c) The assessor's parcel number;~~

~~(d) The legal description of the real property as provided in the original written instrument;~~

~~(e) The mailing address of the owner or owners of the property; and~~

~~(f) The following statements in 14-point font, in substantially the following form:~~

~~(1) The referenced original written instrument contains discriminatory restrictions that are void and unenforceable pursuant to NRS 111.237. This declaration removes from the referenced original instrument all provisions that are void and unenforceable pursuant to NRS 111.237 and is valid solely for that purpose; and~~

~~(2) All persons in this State shall have an equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression pursuant to chapter 118 of NRS.~~

~~3.~~**]** The form must be made available, free of charge:

(a) By the Real Estate Division at its principal office designated pursuant to NRS 645.170 and at each branch office established pursuant to NRS 645.170 and on any Internet website maintained by the Division; and

(b) By the county recorder at the office of the county recorder and on any Internet website maintained by the county recorder in his or her official capacity.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a **[**~~declaration of removal of discriminatory restriction,~~**]** ***restrictive covenant modification form, a restrictive covenant modification document,*** a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain and sale deed;

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee's deed upon sale,

➥ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

Sec. 3. As soon as reasonably practicable on or after October 1, 2023, each county recorder in this State shall provide notice of the provisions of this act to each owner who, before October 1, 2023, recorded a form declaring that a restriction or prohibition is removed from an original written instrument.

Sec. 4. (Deleted by amendment.)

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 378.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 636.

AN ACT relating to common-interest communities; revising the type of documents that are required to be made available on the Internet website or within the electronic portal that is required to be established and maintained by certain unit-owners' associations; setting forth certain requirements for an Internet website or electronic portal that provides the ability for a unit's owner to make certain payments electronically; revising requirements concerning the provision of certain notices by an association; ~~[authorizing an association to purchase a unit in a common-interest community at a foreclosure sale;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each association of a common-interest community that contains 150 or more units to establish and maintain a secure Internet website or electronic portal and make available on the website or within the electronic portal any documents relating to the association. Existing law also requires the

Internet website or online portal to provide units' owners with the ability to pay assessments electronically. (NRS 116.31069) **Section 4** of this bill revises those requirements to: (1) require only certain specified documents concerning the association to be made available on the Internet website or within the electronic portal; and (2) eliminate the requirement that the Internet website or electronic portal provide units' owners the ability to pay assessments electronically. Instead, **section 1** of this bill authorizes such an Internet website or electronic portal to provide units' owners with the ability to pay obligations electronically if certain requirements are met, including, without limitation, the requirement that the association maintains certain insurance and that the executive board of the association makes a determination that providing units' owners the ability to make such payments is in the best interest of the association. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law requires, in general, any notice required to be given to a units' owner by an association and any communication from or other information provided by the association to be delivered to the mailing or electronic mail address designated by the unit's owner, unless the unit's owner has opted out of receiving electronic communications or has not designated an electronic mail address. (NRS 116.31068) **Section 3** of this bill eliminates those requirements for notice with respect to communications from and other information provided by the association and instead requires, with certain exceptions, such notices to be delivered to the electronic mail address that a unit's owner designates. **Section 3** sets forth the manner in which an association is required to deliver such notices to a unit's owner who has opted out of receiving electronic notices or who has not designated an electronic mail address at which to receive notices.

~~**[**Existing law provides that a unit-owners' association has a lien on a unit in a common-interest community for certain assessments and charges imposed on the unit's owner from the time the assessment or charge becomes due and establishes the process for the foreclosure of such liens, including the sale of the unit. (NRS 116.310312, 116.3116-116.31168) Existing law prohibits various persons from purchasing the unit at the foreclosure sale, including the person conducting the sale and any person who was involved in the process of foreclosing the association's lien. (NRS 116.31164) Section 5 of this bill authorizes an association to purchase a unit at a sale for the foreclosure of its lien by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of the lien.**]**~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An Internet website or electronic portal established and maintained by an association pursuant to NRS 116.31069 may provide units' owners with the ability to pay obligations electronically only if:

(a) The association, or if the association has contracted with a payment processor, the payment processor, maintains a policy of cybersecurity insurance in a minimum aggregate amount of $5,000,000 that provides coverage for potential losses associated with the unauthorized acquisition of personal information provided to process payments through the Internet website or electronic portal, including, without limitation, losses caused by identity theft.

(b) For an association that has contracted with a payment processor who maintains a policy of cybersecurity insurance described in paragraph (a), the association must maintain its own policy of cybersecurity insurance in a minimum aggregate amount of:

(1) For an association that contains 150 units or less, $250,000;

(2) For an association that contains more than 150 units and not more than 250 units, $500,000; and

(3) For an association that contains 250 units or more, $1,000,000.

(c) The Internet website or electronic portal allows the association or payment processor to suspend the ability of a unit's owner to make a payment through the Internet website or electronic portal concerning any past due obligation that has been assigned to a third party for collection.

(d) The association or payment processor complies with the requirements of NRS 603A.010 to 603A.290, inclusive, with respect to any personal information collected through the Internet website or online portal.

(e) The executive board of the association has conducted an evaluation of the costs and benefits of providing units' owners the ability to pay obligations through the Internet website or electronic portal, including, without limitation, the cost of the cybersecurity insurance required by this section and the potential impact on units' owners in the association, and has determined that providing units' owners the ability to make such payments through the Internet website or electronic portal is in the best interest of the association.

2. Nothing in this section requires a third party who has been assigned a past due obligation for collection to provide the debtor with the ability to pay the past due obligation through an Internet website or electronic portal.

3. As used in this section:

(a) "Cybersecurity insurance" means insurance that provides coverage for losses arising out of or relating to data breaches, unauthorized intrusions into an information system, computer viruses, ransomware, identity theft and similar exposures.

(b) "Obligation" has the meaning ascribed to it in NRS 116.310313.

(c) "Payment processor" means a person with whom an association has contracted to process payments made through an Internet website or electronic portal established and maintained by an association pursuant to NRS 116.31069 on behalf of the association.

(d) "Personal information" has the meaning ascribed to it in NRS 603A.040.

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and section 1 of this act*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Sec. 3. NRS 116.31068 is hereby amended to read as follows:

116.31068 1. Except as otherwise provided in ~~[subsection 3 and unless a unit's owner opts out of receiving electronic communications or has not designated an electronic mail address,]~~ ***subsections 2, 3 and 6,*** an association shall deliver any notice required to be given by the association under this chapter ~~[and any communication from or other information provided by the association]~~ to the ~~[mailing or]~~ electronic mail ~~[addresses]~~ ***address*** a unit's owner designates.

2. Except as otherwise provided in subsection ~~[3,]~~ ***6,*** if a unit's owner has opted out of receiving electronic ~~[communications, or has not designated an electronic mail address to which a notice, communication or other information can be delivered,]~~ ***notices,*** the association may deliver notices ~~[, communications and other information]~~ by:

(a) Hand delivery to each unit's owner;

(b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit; or

(c) Any other method reasonably calculated to provide notice to the unit's owner.

~~[2.]~~ ***3. Except as otherwise provided in subsection 6, if a unit's owner has not opted out of receiving electronic notices, but has not designated an electronic mail address at which to receive notices pursuant to this section, the association may deliver any notice required to be given pursuant to this chapter by:***

(a) Electronic means, including, without limitation, by electronic mail to an electronic mail address that a unit's owner has provided to the association

but has not designated as the electronic mail address at which to receive notices pursuant to this section; or

(b) Any of the methods specified in subsection 2.

4. A unit's owner is entitled to designate only one electronic mail address at which to receive notices pursuant to this section.

5. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

~~[3.]~~ ***6.*** The provisions of this section do not apply:

(a) To a notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive; or

(b) If any other provision of this chapter specifies the manner in which a notice ~~[, communication or other information]~~ must be given by an association.

Sec. 4. NRS 116.31069 is hereby amended to read as follows:

116.31069 1. Each association of a common-interest community that contains 150 or more units shall establish and maintain a secure Internet website or electronic portal that may be accessed by any unit's owner. The association shall make available on the website or within the electronic portal ~~[any]~~ ***the following*** documents relating to the common-interest community or the association ***:*** ~~[, including, without limitation:]~~

(a) The governing documents;

(b) ~~[The most recent copy of the declaration of covenants, conditions and restrictions;~~

~~(c)]~~ The annual budget of the association and any proposed budgets; ***and***

~~[(d)]~~ ***(c)*** The notices and agendas for any upcoming meetings of the association ***.*** ~~[; and~~

~~(e) Any other documents required to be posted by law or regulation.]~~

2. ~~[The Internet website or electronic portal established and maintained pursuant to subsection 1 must provide units' owners with the ability to pay assessments electronically.~~

~~3.]~~ Each association of a common-interest community that contains fewer than 150 units may, and is encouraged to, establish and maintain a secure Internet website or electronic portal pursuant to subsection 1.

Sec. 5. ~~[NRS 116.31164 is hereby amended to read as follows:~~

~~116.31164 1. The sale must be conducted in accordance with the provisions of this section.~~

~~2. If the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 satisfies the amount of the association's lien that is prior to its security interest not later than 5 days before the date of sale, the sale may not occur unless a record of such satisfaction is recorded in the office of the county recorder of the county in which the unit is located not later than 2 days before the date of sale.~~

~~3. The sale must be made between the hours of 9 a.m. and 5 p.m. and:~~

~~(a) If the unit is located in a county whose population is less than 100,000, at the courthouse in the county in which the unit is located.~~

~~(b) If the unit is located in a county whose population is 100,000 or more, at the public location in the county designated by the governing body of the county to conduct a sale of real property pursuant to NRS 107.080.~~

~~4. The sale may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State.~~

~~5. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale, except that:~~

~~(a) If the sale is postponed by oral proclamation, the sale must be postponed to a later date at the same time and location; and~~

~~(b) If such a date has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 116.311635.~~

~~6. On the day of sale, at the time and place specified in the notice, the person conducting the sale:~~

~~(a) Shall state to the persons assembled for the sale whether or not the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 has satisfied the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116.~~

~~(b) Except as otherwise provided in subsection 7, may sell the unit at public auction to the highest cash bidder.~~

~~7. [The]~~ ***Except as otherwise provided in subsection 8, the*** ~~following persons may not purchase the unit:~~

~~(a) Any person who was involved in the process of foreclosing the association's lien pursuant to NRS 116.3116 to 116.31168, inclusive, including, without limitation:~~

~~(1) Any person who exercised discretion in any decision relating to the foreclosure of the lien and any person employed by such a person;~~

~~(2) A collection agency used by the association to collect an obligation relating to the unit;~~

~~(3) A community manager of the association and any of his or her assistants;~~

~~(4) A member of the executive board of the association; or~~

~~(5) An attorney who provided representation to any of the parties with regard to the foreclosure of the lien;~~

~~(b) Any person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity to a person set forth in paragraph (a); or~~

~~(c) The person conducting the sale or any entity in which that person holds an interest.~~

~~8.~~ ***Notwithstanding any provision of the governing documents or any agreement to the contrary, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid***

~~***up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of the lien.***~~

~~**9.** After the sale, the person conducting the sale shall:~~

~~(a) Comply with the provisions of subsection 2 of NRS 116.31166; and~~

~~(b) Apply the proceeds of the sale for the following purposes in the following order:~~

~~(1) The reasonable expenses of sale;~~

~~(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;~~

~~(3) Satisfaction of the association's lien;~~

~~(4) Satisfaction in the order of priority of any subordinate claim of record; and~~

~~(5) Remittance of any excess to the unit's owner.~~**] (Deleted by amendment.)**

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 678.

AN ACT relating to barbering; authorizing an applicant for a license as a barber or apprentice who fails to pass the examination required for licensure to retake the examination without fulfilling any additional requirements under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who wishes to be licensed as a barber or an apprentice, in addition to fulfilling certain other requirements, to pass an examination conducted by the State Barbers' Health and Sanitation Board. (NRS 643.070, 643.080, 643.085) Existing law sets forth certain requirements for an applicant for a license as a barber who fails to pass the examination for licensure to be eligible to retake the examination. If the applicant is not a licensed cosmetologist, the applicant is required to practice as a licensed apprentice for an additional 3 months. If the applicant is a licensed cosmetologist, the applicant is required to complete further study in a barber school, as prescribed by the Board. Similarly, if an applicant for a license as an apprentice fails to pass the examination for licensure, existing law requires the applicant to complete further study in a barber school, as prescribed by the Board, before the applicant is eligible to retake the examination.

(NRS 643.110) This bill authorizes an applicant for licensure as a barber **who is not a licensed cosmetologist and** who fails to pass the examination required for licensure to retake the examination without fulfilling any additional requirements, so long as the applicant retakes the examination not later than 1 year after the initial examination. If an applicant does not retake the examination within that period, the applicant is required to ~~[fulfill the]~~ **continue to practice as a licensed apprentice for an** additional ~~[requirements set forth under existing law]~~ **3 months** each time before the applicant is eligible to retake the examination. Additionally, this bill authorizes an applicant for licensure as an apprentice **or for licensure as a barber, if the applicant is a licensed cosmetologist,** who fails to pass the examination required for licensure to retake the examination not more than three times within 6 months after taking the initial examination without fulfilling any additional requirements. If an applicant does not retake the examination within that period, the applicant is required to complete 250 hours of further study in a barber school **each time** before the applicant is eligible to retake the examination.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 643.110 is hereby amended to read as follows:

643.110 1. Except as otherwise provided in subsection 2, an applicant for a license as a barber who fails to pass the examination conducted by the Board ***may retake the examination for a license as a barber. If the applicant retakes the examination:***

(a) Not later than 1 year after taking the initial examination, the applicant is not required to complete any additional period of practice as a licensed apprentice before he or she may retake the examination; and

(b) Later than 1 year after taking the initial examination, the applicant must continue to practice as a licensed apprentice for an additional 3 months ***each time*** before he or she may retake the examination for a license as a barber.

2. An applicant for a license as a barber who is a cosmetologist licensed pursuant to the provisions of chapter 644A of NRS and who fails to pass the examination conducted by the Board ***may retake the examination for a license as a barber. ~~[If the]~~ The applicant ~~[retakes the examination:***

— (a) Not later than 1 year after taking the initial examination, the applicant is not required to complete]~~ may, without completing further study in a barber school , ~~[before he or she may]~~ retake the examination ~~[; and

— (b) Later]~~ not more than ~~[1 year]~~ three times within 6 months after taking the initial examination . ~~[,]~~ If the applicant retakes the examination later than 6 months after taking the initial examination, the applicant** must complete ~~[further study as prescribed by the Board, not exceeding]~~ 250 hours ~~[.]~~ ***of further study in a barber school approved by the Board ***each time*** before he or she may retake the examination for a license as a barber.

3. An applicant for a license as an apprentice who fails to pass the examination provided for in NRS 643.080 ~~[must complete further study as prescribed by the Board in a barber school approved by the Board before he or she]~~ may retake the examination for a license as an apprentice. ***The applicant may, without completing further study in a barber school, retake the examination not more than three times within 6 months after taking the initial examination. If the applicant retakes the examination later than 6 months after taking the initial examination, the applicant must complete 250 hours of further study in a barber school approved by the Board each time before he or she may retake the examination for a license as an apprentice.***

4. An applicant for a license as an instructor who fails to pass the examination provided for in NRS 643.1775 may retake the examination for a license as an instructor. If the applicant retakes the examination:

(a) Not later than 1 year after taking the initial examination, the applicant is not required to complete further study in a barber school before he or she may retake the examination; and

(b) Later than 1 year after taking the initial examination, the applicant must complete 250 hours of further study in a barber school approved by the Board each time before he or she may retake the examination for a license as an instructor.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 637.

AN ACT relating to personal financial administration; revising provisions that govern estates of deceased persons; revising provisions governing the notice of sale of certain property; authorizing a petitioner to submit a notice through an electronic filing system pursuant to the Nevada Electronic Filing and Conversion Rules; making certain information concerning trusts confidential; revising provisions governing the classification of distribution of interests; revising the powers exercisable by the protector of a trust; revising provisions relating to the jurisdiction and venue of a trust; clarifying provisions relating to a notice provided by the trustee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the estate of a decedent may be settled by the district court of any county in which any part of the estate is located or where the decedent was a resident at the time of death. (NRS 136.010) **Section 1** of this bill provides that the jurisdiction of the settlement of the estate of a decedent may be assumed in the district court of any county in this State if: (1)

the decedent was a resident of this State at the time of death; or (2) any part of the estate is located in this State. Existing law further provides that, if a decedent was a resident of this State at his or her time of death, the district court of any county in this State may assume jurisdiction of the settlement of the estate only after considering the convenience of the forum to certain parties. (NRS 136.010) **Section 1** removes such provisions of law and instead provides that: (1) the venue of the settlement of the estate of the decedent is proper in any district court in this State; and (2) if an interested person objects to the venue on the basis of convenience, the court may determine the appropriate venue only after considering the convenience of the forum in relation to where the decedent died or owned property or the preferences of certain parties.

Existing law provides that if a homestead was selected by the spouses and recorded while both were living, the homestead, upon the death of either spouse, vests absolutely in the survivor. If no homestead was selected, existing law provides that the homestead may be set apart by the court to the surviving spouse, minor child or minor children of the decedent for a limited period if the court deems it advisable after considering, among other things, the needs and resources of the family. (NRS 146.050) **Section 2** of this bill clarifies that the court must consider the needs and resources of the surviving spouse, minor child or minor children of the decedent.

If the value of an estate does not exceed $100,000, existing law authorizes the estate of the decedent to be set aside and assigned in a certain order without administration. (NRS 146.070) **Section 3** of this bill authorizes the court to: (1) upon request, order any asset assigned and set apart to be distributed to a designated person who resides in this State; (2) order the designated person to distribute the assets to the persons entitled thereto; and (3) retain jurisdiction of the estate to enforce the orders of the court until the designated person can prove that all sums of money due and all property of the estate has been distributed properly.

Existing law requires a notice of the time and place of sale of real property to be published in a certain manner before the sale is made. Under existing law, the court may waive the requirement of publication if, among other things, the personal representative is the sole devisee or heir of the estate or if all devisees or heirs of the estate consent in writing. (NRS 148.220) **Section 4** of this bill provides that the court may waive the requirement of publication if the following persons consent in writing: (1) the personal representative, if he or she is the sole devisee or heir of the estate; (2) all devisees to whom the property is devised if the property is specifically devised in the decedent's will; (3) all residuary devisees if the property is not specifically devised in the decedent's will; or (4) in the case of an intestate estate, all heirs of the estate.

Existing law requires that before the court can confirm a sale of real property at a private sale, the court must first, among other things, determine that the real property has been appraised within 1 year before the time of sale. Under existing law, the court can waive the requirement of an appraisement: (1) for

good cause shown; or (2) if the personal representative is the sole devisee or heir of the estate, or if all devisees or heirs consent in writing to sale without an appraisal. (NRS 148.260) **Section 5** of this bill authorizes the court to waive the requirement of an appraisement if the following people consent in writing to sale without an appraisal: (1) the personal representative, if he or she is the sole devisee or heir of the estate; (2) all devisees to whom the property is devised, if the property is specifically devised in the will of the decedent; (3) all residuary devisees, if the property is not specifically devised in the will of the decedent; and (4) in the case of an intestate estate, all heirs to the estate.

Existing law requires a petitioner to provide notice of the time and place of the hearing of a petition to certain interested persons by: (1) mailing a copy by registered or ordinary first-class mail addressed to the person being notified; and (2) publishing a copy of the notice in certain newspapers under certain circumstances. (NRS 155.010) If the court has established an electronic filing system pursuant to the Nevada Electronic Filing and Conversion Rules, **section 6** of this bill authorizes a petitioner to provide such notice to certain interested persons by submitting a copy of the notice through the electronic filing system of the court or through any other electronic means.

Existing law authorizes the maker or legal representative of a maker of a will, trust or testamentary instrument to obtain declaratory relief under the testamentary instrument or with respect to the administration of the trust or certain estates for certain purposes. (NRS 30.040) **Section 7** of this bill additionally authorizes an interested person or the legal representative of an interested person to obtain declaratory relief under the same circumstances.

Section 9 of this bill provides that a settlor of a trust may use a method set forth in a trust instrument for determining whether the settlor or trustee is incapacitated. **Section 16** of this bill authorizes a trustee presenting a certification of trust to include a declaration that the incapacity of the former trustee has been established pursuant to **section 9** and that the current acting trustee has succeeded to the office of trustee. (NRS 164.410)

Section 13 of this bill provides that certain information concerning trusts in pleadings and filings is confidential. **Section 18** of this bill makes a conforming change to reflect that certain information concerning trusts in pleadings and filings is made confidential pursuant to **section 13**.

Existing law classifies a distribution interest, among other classifications, as a support interest if the trustee is required to make distributions to the beneficiary pursuant to an ascertainable standard. (NRS 163.4185) **Section 11** of this bill revises the circumstances under which a distribution interest is classified as a support interest.

Existing law prescribes the powers and duties of a protector of a trust. (NRS 163.5553) **Section 12** of this bill provides that, unless otherwise provided in the trust instrument: (1) the powers of a protector of a trust are fiduciary in nature; and (2) the trust instrument may define the scope and extent of the fiduciary standard applicable to the exercise of any of the powers and duties of a protector of a trust.

Existing law provides that under certain circumstances, the district court is required to assume jurisdiction of a trust as a proceeding in rem. If the trustee does not reside or conduct business in this State, existing law provides that jurisdiction is proper in this State if, among other requirements: (1) the trust expressly provides that the trust originated in this State or that a court in this State has jurisdiction; (2) under certain circumstances, a person has designated that the trust originated in this State or that this State has jurisdiction; or (3) one or more beneficiaries of the trust reside in this State. (NRS 164.010) **Section 14** of this bill: (1) provides that jurisdiction of a trust is proper in this State if the trust or a certain person expressly provides or designates that the trust originated in a county located in this State; (2) removes the requirement that one or more beneficiaries of the trust reside in this State; and (3) provides that jurisdiction is proper if any trustee resides or conducts business in this State.

Existing law also provides that, for the purposes of determining venue, the court must consider the preference of counties in a certain order. (NRS 164.010) **Section 14** specifies that for the purposes of determining venue in this State, the following preferences apply: (1) a county in which venue was most recently declared; (2) a county in which venue is declared in the trust instrument; (3) a county in which the situs or domicile of the trust is declared in a certification of trust; (4) a county in which any trustee resides or conducts business at the time of the filing of the petition; (5) a county in which any real property interest owned by the trust is located; and (6) a county in which any beneficiary resides.

Existing law authorizes a trustee to provide notice to certain persons after a revocable trust becomes irrevocable and generally prohibits any person who is provided notice from bringing an action to contest the validity of the trust more than 120 days after notice is served. (NRS 164.021) **Section 15** of this bill clarifies that the notice must contain the dispositive provisions of the trust instrument that pertain to the beneficiary or a complete copy of the trust instrument. **Section 15** also authorizes a person to consent in writing to a period shorter than 120 days in which to bring an action to contest the validity of the trust.

Section 17 of this bill makes a technical correction to a provision relating to the liability of a trustee or disinterested person who, in good faith, fails to take certain actions. (NRS 164.796)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 136.010 is hereby amended to read as follows:

136.010 1. ~~[~~The~~]~~ ***Jurisdiction of the settlement of the*** estate of a decedent may be ~~[~~settled by~~]~~ ***assumed in*** the district court of any county in this State ~~[~~:~~]~~ ***if:***

(a) ~~[~~In which any part of the estate is located;~~]~~ ***The decedent was a resident of this State at the time of death;*** or

(b) ~~[Where the decedent was a resident at the time of death.]~~ ***Any part of the estate of the decedent is located in this State.***

2. ~~[If the decedent was a resident of this State at the time of death, the district court of any county in this State, whether death occurred in that county or elsewhere, may assume jurisdiction]~~ ***Venue*** of the settlement of the estate of ~~[the]~~ ***a*** decedent ***is proper in any district court in this State. If an interested person objects to the venue on the basis of convenience, the court may determine the appropriate venue*** only after ~~[taking into consideration]~~ ***considering, in order of priority,*** the convenience of the forum to:

(a) ***Where the decedent resided at the time of death;***

(b) Where the decedent owned real property;

(c) The ***preference of the*** person named as personal representative or trustee in the will; and

~~[(b)]~~ ***(d)*** The ***preference of the*** heirs, devisees, interested persons or beneficiaries to the decedent or estate and their legal counsel.

3. After a properly noticed hearing is held, the district court that first assumes jurisdiction of the settlement of an estate has exclusive jurisdiction of the settlement of that estate, including, without limitation:

(a) The proving of wills;

(b) The granting of letters; and

(c) The administration of the estate.

Sec. 2. NRS 146.050 is hereby amended to read as follows:

146.050 1. If the homestead was selected by the spouses, or either of them, during their marriage, and recorded while both were living, as provided in chapter 115 of NRS, it vests, on the death of either spouse, absolutely in the survivor, unless vesting is otherwise required pursuant to subsection 2 of NRS 115.060.

2. If no homestead was so selected, a homestead may be set apart by the court to the surviving spouse, minor child or minor children of the decedent for a limited period if deemed advisable considering the needs and resources of the ~~[family]~~ ***surviving spouse, minor child or minor children of the decedent*** and the nature, character and obligations of the estate. The duration of the homestead must be designated in the order setting it apart and may not extend beyond the lifetime of the surviving spouse or the minority of any child of the decedent, whichever is longer. A homestead so set apart then vests, subject to the setting apart:

(a) If set apart from the separate property of the decedent, in the heirs or devisees of the decedent.

(b) If set apart from community property, one-half in the surviving spouse and one-half in the devisees of the decedent, or if no disposition is made, then entirely in the surviving spouse.

3. In either case referred to in subsection 1 or 2, the homestead is not subject to the payment of any debt or liability existing against the spouses, or either of them, at the time of death of either, unless the debt or liability is secured by a mortgage or lien.

Sec. 3. NRS 146.070 is hereby amended to read as follows:

146.070 1. All or part of the estate of a decedent may be set aside without administration by the order of the court as follows:

(a) If the value of a decedent's estate does not exceed $100,000, the estate may be set aside without administration by the order of the court; or

(b) If a decedent's will directs that all or part of the decedent's estate is to be distributed to the trustee of a nontestamentary trust established by the decedent and in existence at the decedent's death, the portion of the estate subject to such direction may be set aside without administration. Any portion of a decedent's estate set aside to the nontestamentary trust pursuant to this paragraph is subject to creditors of the estate unless the petitioner provides proof to the court that the trustee has published or mailed the requisite notice to such creditors on behalf of the nontestamentary trust and settlor pursuant to NRS 164.025.

2. Except as otherwise provided in subsection 3, the whole estate set aside pursuant to paragraph (a) of subsection 1 must be assigned and set apart in the following order:

(a) To the payment of the petitioner's attorney's fees and costs incurred relative to the proceeding under this section;

(b) To the payment of funeral expenses, expenses of last illness, money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid and creditors, if there are any;

(c) To the payment of other creditors, if any; and

(d) Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent, and if there is no valid will, pursuant to intestate succession in accordance with chapter 134 of NRS.

3. If the value of the estate does not exceed $100,000 and the decedent is survived by a spouse or one or more minor children, the court must set aside the estate for the benefit of the surviving spouse or the minor child or minor children of the decedent, subject to any reduction made pursuant to subsection 4 or 5. The court may allocate the entire estate to the surviving spouse, the entire amount to the minor child or minor children, or may divide the estate among the surviving spouse and minor child or minor children.

4. As to any amount set aside to or for the benefit of the surviving spouse or minor child or minor children of the decedent pursuant to subsection 3, the court must set aside the estate without the payment of creditors except as the court finds necessary to prevent a manifest injustice.

5. To prevent an injustice to creditors when there are nonprobate transfers that already benefit the surviving spouse or minor child or minor children of the decedent, the court has the discretion to reduce the amount set aside under subsection 3 to the extent that the value of the estate, when combined with the value of nonprobate transfers, as defined in NRS 111.721, from the decedent to or for the benefit of the surviving spouse or minor child or minor children of the decedent exceeds $100,000.

6. In exercising the discretion granted in this section, the court shall consider the needs and resources of the surviving spouse and minor child or minor children, including any assets received by or for the benefit of the surviving spouse or minor child or minor children from the decedent by nonprobate transfers.

7. For the purpose of this section, a nonprobate transfer from the decedent to one or more trusts or custodial accounts for the benefit of the surviving spouse or minor child or minor children shall be considered a transfer for the benefit of such spouse or minor child or minor children.

8. Proceedings taken under this section must not begin until at least 30 days after the death of the decedent and must be originated by a petition containing:

(a) A specific description of all property in the decedent's estate;

(b) A list of all known liens and encumbrances against estate property at the date of the decedent's death, with a description of any that the petitioner believes may be unenforceable;

(c) An estimate of the value of the property, together with an explanation of how the estimated value was determined;

(d) A statement of the debts of the decedent so far as known to the petitioner;

(e) The names and residences of the heirs and devisees of the decedent and the age of any who is a minor and the relationship of the heirs and devisees to the decedent, so far as known to the petitioner; and

(f) If the decedent left a will, a statement concerning all evidence known to the petitioner that tends to prove that the will is valid.

9. If the petition seeks to have the estate set aside for the benefit of the decedent's surviving spouse or minor child or minor children without payment to creditors, the petition must also contain:

(a) A specific description and estimated value of property passing by one or more nonprobate transfers from the decedent to the surviving spouse or minor child or minor children; or

(b) An allegation that the estimated value of the property sought to be set aside, combined with the value of all nonprobate transfers from the decedent to the surviving spouse or minor child or minor children who are seeking to receive property pursuant to this section, is less than $100,000.

10. When property is distributed pursuant to an order granted under this section, the court may allocate the property on a pro rata basis or a non-pro rata basis.

11. The clerk shall set the petition for hearing and the petitioner shall give notice of the petition and hearing in the manner provided in NRS 155.010 to the decedent's heirs and devisees and to the Director of the Department of Health and Human Services. If a complete copy of the petition is not enclosed with the notice, the notice must include a statement setting forth to whom the estate is being set aside.

12. No court or clerk's fees may be charged for the filing of any petition in, or order of court thereon, or for any certified copy of the petition or order in an estate not exceeding $2,500 in value.

13. At the hearing on a petition under this section, the court may require such additional evidence as the court deems necessary to make the findings required under subsection 14.

14. The order granting the petition shall include:

(a) The court's finding as to the validity of any will presented;

(b) The court's finding as to the value of the estate and, if relevant for the purposes of subsection 5, the value of any property subject to nonprobate transfers;

(c) The court's determination of any property set aside under subsection 2;

(d) The court's determination of any property set aside under subsection 3, including, without limitation, the court's determination as to any reduction made pursuant to subsection 4 or 5; and

(e) The name of each distributee and the property to be distributed to the distributee.

15. As to the distribution of the share of a minor child set aside pursuant to this section, the court may direct the manner in which the money may be used for the benefit of the minor child as is deemed in the court's discretion to be in the best interests of the minor child, and the distribution of the minor child's share shall be made as permitted for the minor child's share under the terms of the decedent's will or to one or more of the following:

(a) A parent of such minor child, with or without the filing of any bond;

(b) A custodian under chapter 167 of NRS; or

(c) A court-appointed guardian of the estate, with or without bond.

16. ***The court, upon request of a petitioner under this section and upon such terms and conditions the court deems advisable to protect any interested person of the estate:***

(a) May order that any asset assigned and set apart pursuant to subsection 2 be distributed first to a designated person who resides in this State and is otherwise qualified pursuant to NRS 139.010;

(b) May order the designated person to distribute the assets to the person or persons entitled thereto; and

(c) Shall retain jurisdiction to enforce its orders until the designated person demonstrates to the court, by the production of satisfactory receipts, that all sums of money due and all the property of the estate has been distributed to the persons entitled thereto and all acts lawfully required have been performed.

17. For the purposes of this section, the value of property must be the fair market value of that property, reduced by the value of all enforceable liens and encumbrances. Property values and the values of liens and encumbrances must be determined as of the date of the decedent's death.

Sec. 4. NRS 148.220 is hereby amended to read as follows:

148.220 1. Notice of the time and place of sale of real property must be published in a newspaper published in the county in which the property, or some portion of the property, is located, if there is one so published, and if not, then in such paper as the court directs, for 2 weeks, being three publications, 1 week apart, before the day of sale or, in the case of a private sale, before the day on or after which the sale is to be made. For good cause shown, the court may decrease the number of publications to one and shorten the time for publication to a period not less than 8 days.

2. The court may waive the requirement of publication if:

(a) The ~~[personal representative is the sole devisee or heir of the estate, or if all devisees or heirs of the estate]~~ ***following persons*** consent in writing ~~[;]~~ ***:***

(1) The personal representative, if he or she is the sole devisee or heir of the estate;

(2) If the property is specifically devised in the will of the decedent, all devisees to whom the property is devised;

(3) If the property is not specifically devised in the will of the decedent, all residuary devisees; or

(4) In the case of an intestate estate, all heirs of the estate.

(b) The personal representative provides proof that the property has been publicly listed in a public property listing service for a period of not less than 30 days; or

(c) The estate is subject to a lien or mortgage on the property in excess of the value of the real property and the estate has entered into an agreement with the holder of the lien or mortgage to waive the deficiency and accept the net sales proceeds.

3. If it appears from the inventory and appraisement that the value of the property to be sold does not exceed $5,000, the personal representative may waive the requirement of publication and, in lieu thereof, post a notice of the time and place of sale in three of the most public places in the county in which the property, or some portion of the property, is located, for 2 weeks before the day of the sale or, in the case of a private sale, before the day on or after which the sale is to be made.

4. The property proposed to be sold must be described with common certainty in the notice.

Sec. 5. NRS 148.260 is hereby amended to read as follows:

148.260 1. Except as otherwise provided in subsection 2, a sale of real property at a private sale must not be confirmed by the court unless the court is satisfied that the sum offered represents the fair market value of the property sold and the real property has been appraised within 1 year before the time of sale. If the property has not been appraised, a new appraisement must be performed, as in the case of an original appraisement of an estate, at any time before the sale or confirmation of the property.

2. The court may waive the requirement of an appraisement:

(a) For good cause shown; ~~[or]~~

(b) ~~[If the]~~ ***The*** personal representative ***, if he or she*** is the sole devisee or heir of the estate ~~[, or if all devisees or heirs]~~ ***;***

(c) If the property is specifically devised in the will of the decedent, all devisees to whom the property is devised consent in writing to sale without an appraisal;

(d) If the property is not specifically devised in the will of the decedent, all residuary devisees consent in writing to sale without an appraisal; or

(e) In the case of an intestate estate, all heirs to the estate consent in writing to the sale without an appraisal,

➥ in which case the personal representative may rely on the assessed value of the property for taxation in obtaining confirmation of the sale.

Sec. 6. NRS 155.010 is hereby amended to read as follows:

155.010 1. Except as otherwise provided in this section or a specific statute relating to the kind of notice required or otherwise ordered by the court in a particular instance, a petitioner shall cause notice of the time and place of the hearing of a petition to be given to each interested person and to every other person entitled to notice pursuant to this title or his or her attorney if the person has appeared by attorney or requested that notice be sent to his or her attorney. Notice must be given:

(a) By mailing a copy thereof at least 10 days before the time set for the hearing by certified, registered or ordinary first-class mail addressed to the person being notified at the post office address given in the person's demand for notice, if any, or at his or her office or place of residence, if known, or by personally delivering a copy thereof to the person being notified at least 10 days before the time set for the hearing; ~~[or]~~

(b) ***By submitting a copy thereof through an electronic filing system, if the court establishes such a system pursuant to the Nevada Electronic Filing and Conversion Rules or by any other electronic means if the interested person or person entitled to notice consents in writing; or***

(c) If the address or identity of the person is not known and cannot be ascertained with reasonable diligence, by publishing at least once a week for 3 consecutive weeks a copy thereof in a newspaper having general circulation in the county where the hearing is to be held, the last publication of which must be at least 10 days before the date set for the hearing.

2. A person who, for the purposes of the matter to be considered at a hearing, is not an interested person is not entitled to notice of that hearing.

3. The court, for good cause shown, may provide for a different method or time of giving notice for any hearing, or may dispense with the notice otherwise required to be given to a person under this title.

4. Proof of the giving of notice must be made on or before the hearing and filed in the proceeding.

5. A person entitled to notice may, in writing, waive notice of the hearing of a petition.

6. Notice given pursuant to paragraph (b) or (c) of subsection 1 is complete upon electronic submission of any kind, unless the petitioner is

notified pursuant to the Nevada Electronic Filing and Conversion Rules that the service was not effectuated on the person intended to be served by such electronic means.

Sec. 7. NRS 30.040 is hereby amended to read as follows:

30.040 1. Any person interested under a deed, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

2. ~~[A]~~ ***Any interested person or legal representative of an interested person of, or a*** maker or legal representative of a maker of ***,*** a will, trust or other writings constituting a testamentary instrument may have determined any question of construction or validity arising under the instrument and obtain a declaration of rights, status or other legal relations thereunder. Any action for declaratory relief under this subsection may only be made in a proceeding commenced pursuant to the provisions of title 12 or 13 of NRS, as appropriate.

3. A principal or a person granted authority to act for a principal under power of attorney, whether denominated an agent, attorney-in-fact or otherwise, may have determined any question of construction or validity arising under the instrument and obtain a declaration of rights, status or other legal relations thereunder. Any action for declaratory relief under this subsection may only be made in a proceeding commenced pursuant to the provisions of title 12 or 13 of NRS, as appropriate.

Sec. 8. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. ***1. A person determined pursuant to this section to lack capacity or to be incapacitated shall be deemed to no longer have the authority to serve as a trustee, and the person having priority to serve as or to appoint the successor trustee upon resignation, death or incapacity of the trustee under the trust instrument shall immediately assume such authority.***

2. A person who would have authority to serve as the trustee but for the fact that he or she has been determined to be incapacitated pursuant to subsection 3 and who later regains capacity as determined in accordance with subsection 7 is immediately restored to such authority.

3. A person serving as a trustee is incapacitated for purposes of this section if the person:

(a) Is determined to lack capacity pursuant to subsection 4; or

(b) Is:

(1) Missing; or

(2) Detained, including, without limitation, incarcerated.

4. The incapacity of a person serving as a trustee may be established by:

(a) A method provided in the trust instrument of the person, including, without limitation, a method that does not require a physician or a court to determine incapacity;

(b) A licensed physician who has personally examined the person, unless the trust instrument provides otherwise; or

(c) A court of competent jurisdiction.

5. The successor trustee may certify under penalty of perjury that the incapacity of a person has been determined pursuant to this section by a signed affidavit that is acknowledged by all the currently acting trustees of the trust other than the incapacitated trustee. A person who acts in reliance upon such a certification of incapacity without knowledge that the representations contained therein are incorrect is not liable to any person for so acting and may assume without inquiry that the person who has been certified as incapacitated lacks capacity.

6. Any interested person may petition a court of competent jurisdiction pursuant to NRS 164.015 for an order declaring a person serving as a trustee to lack capacity within the meaning of this section and for the removal as a trustee.

7. A person who would have priority to serve as the trustee but for the fact that he or she has been determined to be incapacitated, who later regains capacity, may establish his or her capacity by:

(a) Using a method in the trust instrument to establish the capacity of the trustee;

(b) If the person is incapacitated pursuant to paragraph (b) of subsection 3, a signed affidavit acknowledged by the person that the individual is no longer incapacitated and that is delivered to the currently acting trustees of the trust; or

(c) Petitioning a court of competent jurisdiction under NRS 164.015 for an order declaring that the person is not incapacitated.

8. A written determination of the successor trustee or licensed physician provided pursuant to paragraph (a) or (b) of subsection 4 must be provided under penalty of perjury.

9. Incapacity pursuant to paragraph (c) of subsection 4 must be established by a preponderance of the evidence.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 163.4185 is hereby amended to read as follows:

163.4185 1. A distribution interest may be classified as:

(a) A mandatory interest if the trustee has no discretion to determine whether a distribution should be made, when a distribution should be made or the amount of the distribution.

(b) A support interest if the trustee is ***mandatorily*** required to make distributions to the beneficiary ~~[~~pursuant to an~~]~~ ***upon the determination of the trustee that the distribution will satisfy a defined*** ascertainable standard ~~[.]~~ ***set forth in the instrument and, upon such a determination, the trust instrument does not otherwise condition such distribution authority on the further discretion of the trustee.***

(c) A discretionary interest if the trustee has discretion to determine whether a distribution should be made, when a distribution should be made and the amount of the distribution.

2. If a trust contains a combination of a mandatory interest, a support interest or a discretionary interest, the trust must be separated as:

(a) A mandatory interest only to the extent of the mandatory language provided in the trust;

(b) A support interest only to the extent of the support language provided in the trust; and

(c) A discretionary interest for any remaining trust property.

3. If a trust provides for a support interest that also includes mandatory language but the mandatory language is qualified by discretionary language, the support interest must be classified and separated as a discretionary interest.

4. As used in this section, "ascertainable standard" means a standard relating to a person's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

Sec. 12. NRS 163.5553 is hereby amended to read as follows:

163.5553 1. A trust protector may exercise the powers provided to the trust protector in the instrument ~~[in the best interests of the trust.]~~ ***subject to the terms and provisions in the instrument.*** The powers exercised by a trust protector are at the sole discretion of the trust protector and are binding on all other persons. The powers granted to a trust protector may include, without limitation, the power to:

(a) Modify or amend the instrument to achieve a more favorable tax status or to respond to changes in federal or state law.

(b) Modify or amend the instrument to take advantage of changes in the rule against perpetuities, restraints on alienation or other state laws restricting the terms of a trust, the distribution of trust property or the administration of the trust.

(c) Increase or decrease the interests of any beneficiary under the trust.

(d) Modify the terms of any power of appointment granted by the trust. A modification or amendment may not grant a beneficial interest to a person which was not specifically provided for under the trust instrument.

(e) Remove and appoint a trustee, trust adviser, investment committee member or distribution committee member.

(f) Terminate the trust.

(g) Direct or veto trust distributions.

(h) Change the location or governing law of the trust.

(i) Appoint a successor trust protector or trust adviser.

(j) Interpret terms of the instrument at the request of the trustee.

(k) Advise the trustee on matters concerning a beneficiary.

(l) Review and approve a trustee's reports or accounting.

2. The powers provided pursuant to subsection 1 may be incorporated by reference to this section at the time a testator executes a will or a settlor signs a trust instrument. The powers provided pursuant to subsection 1 may be incorporated in whole or in part.

3. Unless otherwise provided in the trust instrument, the powers of the trust protector shall be considered fiduciary in nature. The trust instrument may define the scope and extent of a fiduciary standard applicable to the exercise of any power of the trust protector, including, without limitation, reducing or relieving the trust protector of a fiduciary duty.

Sec. 13. Chapter 164 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Confidential information relating to trusts that is contained in petitions and subsequent related findings under this title or title 12 of NRS may be redacted and filed under seal without a prior court order so long as the unredacted and complete copies of such petitions and filings are promptly provided to the court in camera and to all persons entitled to notice thereto.

2. Unless the court orders otherwise, confidential information once redacted or filed under seal must be redacted and filed under seal without a prior court order in all subsequent filings and orders in the matter relating to the petition, and unredacted and complete copies of such filings and orders must be promptly provided in camera to the court and to all persons entitled to copies thereto, as appropriate.

3. Nothing in this section shall be construed to abridge the power of any court of competent jurisdiction to order the production of unredacted and complete copies of petitions, filings and orders that have been redacted or filed under seal to an interested person, as defined in NRS 132.185, or to other persons for cause shown.

4. As used in this section, "confidential information" includes:

(a) Trust instruments, inventories, accountings and reports;

(b) The names and addresses of trust settlors and beneficiaries;

(c) Trust dispositive terms, including, without limitation:

(1) The identity and amount of distributions or gifts; and

(2) Powers of appointments;

(d) Corporate and company records relating to trusts;

(e) Personally identifying information, including, without limitation, social security numbers and dates of birth; and

(f) Any other information ~~[ordered by]~~ the court ~~[,]~~ deems confidential, if the interest in protecting the confidentiality of the information outweighs the public interest in accessing such information.

Sec. 14. NRS 164.010 is hereby amended to read as follows:

164.010 1. Upon petition of any person appointed as trustee of an express trust by any written instrument other than a will, or upon petition of a settlor or beneficiary of the trust, the district court ~~[of the county in which any trustee resides or conducts business at the time of the filing of the petition or~~

~~in which the trust has been domiciled as of the time of the filing of the petition]~~ shall assume jurisdiction of the trust as a proceeding in rem unless another court has properly assumed continuing jurisdiction in rem in accordance with the laws of that jurisdiction and the district court determines that it is not appropriate for the district court to assume jurisdiction under the circumstances.

2. For the purposes of this section, ~~[a trust is domiciled]~~ ***jurisdiction is proper*** in this State ~~[notwithstanding that the trustee neither resides nor conducts business in this State]~~ if:

(a) The trust instrument expressly provides that ~~[the]~~ ***:***

(1) The situs of the trust is in this State ***or a county located in this State;*** or ~~[that a]~~

(2) A court in this State has jurisdiction over the trust;

(b) A person has designated for the trust that this State ***or a county located in this State*** is the situs or has jurisdiction, if such person made the designation at a time during which he or she held the power to make such a designation under the express terms of the trust instrument;

(c) The trust owns an interest in real property located in this State;

(d) The trust owns personal property, wherever situated, if the trustee is:

(1) Incorporated or authorized to do business in this State;

(2) A trust company licensed under chapter 669 of NRS;

(3) A family trust company, as defined in NRS 669A.080; or

(4) A national association having an office in this State;

(e) ~~[One or more beneficiaries of the trust reside]~~ ***Any trustee resides or conducts business*** in this State; or

(f) At least part of the administration of the trust occurs in this State.

3. Notwithstanding the provisions of this section, if a court of a jurisdiction other than this State has jurisdiction over a trust and grants an order authorizing a transfer of jurisdiction over that trust to this State, the district court has the power to assume jurisdiction over the trust and to otherwise supervise the administration of that trust in accordance with the procedures set forth in this title.

4. For the purposes of determining venue ~~[,]~~ ***within this State,*** preference is given in the following order:

(a) To the county in which ~~[the situs or domicile]~~ ***venue*** was most recently declared by a person granted the power to make such a declaration under the terms of the trust instrument at the time of the filing of the petition;

(b) To the county in which ~~[the situs or domicile]~~ ***venue*** is declared in the trust instrument; ~~[and]~~

(c) To the county in which the situs or domicile is declared by the trustee at the time of the filing of the petition in a certification of the trust which complies with subsection 2 of NRS 164.400 and subsection 2 of NRS 164.410 and which contains a declaration of the trust's situs or domicile as authorized in subsection 1 of NRS 164.410 ~~[.]~~ ***;***

(d) To a county in which any trustee resides or conducts business at the time of the filing of the petition;

(e) To a county in which any real property interest owned by the trust is located; and

(f) To a county in which any beneficiary of the trust resides.

5. When the court assumes jurisdiction pursuant to this section, the court:

(a) Has jurisdiction of the trust as a proceeding in rem as of the date of the filing of the petition;

(b) Shall be deemed to have personal jurisdiction over any trustee confirmed by the court and any person appearing in the matter, unless such an appearance is made solely for the purpose of objecting to the jurisdiction of the court;

(c) May confirm at the same time the appointment of the trustee and specify the manner in which the trustee must qualify; and

(d) May consider at the same time granting orders on other matters relating to the trust, including, without limitation, matters that might be addressed in a declaratory judgment relating to the trust under subsection 2 of NRS 30.040 or petitions filed pursuant to NRS 153.031 or 164.015 whether such matters are raised in the petition to assume jurisdiction pursuant to this section or in one or more separate petitions that are filed concurrently with the petition to assume jurisdiction.

6. At any time, ~~[the]~~ ***a*** trustee may petition the court for removal of the trust from continuing jurisdiction of the court.

7. As used in this section, "written instrument" includes, without limitation, an electronic trust as defined in NRS 163.0015.

Sec. 15. NRS 164.021 is hereby amended to read as follows:

164.021 1. When a revocable trust becomes irrevocable because of the death of a settlor or by the express terms of the trust, the trustee may, after the trust becomes irrevocable, provide notice to any beneficiary of the irrevocable trust, any heir of the settlor or to any other interested person.

2. The notice provided by the trustee must contain:

(a) The identity of the settlor of the trust and the date of execution of the trust instrument;

(b) The name, mailing address and telephone number of any trustee of the trust;

(c) ~~[Any provision]~~ ***The dispositive provisions*** of the trust instrument which ~~[pertains]~~ ***pertain*** to the beneficiary ***, a complete copy of the trust instrument*** or notice that the heir or interested person is not a beneficiary under the trust;

(d) Any information required to be included in the notice expressly provided by the trust instrument; and

(e) A statement set forth in a separate paragraph, in 12-point boldface type or an equivalent type which states: "You may not bring an action to contest the trust more than 120 days from the date this notice is provided to you."

3. The trustee shall cause notice pursuant to this section to be provided in accordance with the provisions of NRS 155.010.

4. ~~[No]~~ ***Except as otherwise provided in this subsection, no*** person upon whom notice is provided pursuant to this section may bring an action to contest the validity of the trust more than 120 days from the date the notice ~~[pursuant to this section is provided, regardless of whether a petition under NRS 164.010 is subsequently]~~ ***is*** served upon the person ***,*** ~~[after the notice is provided,]~~ unless the person proves that he or she ~~[was not provided]~~ ***did not receive actual*** notice ***.*** ~~[in accordance with this section.]~~ ***A person upon whom notice is provided pursuant to this section may provide consent in writing to a period of less than 120 days in which the person may bring an action to contest the validity of the trust.***

5. For the purposes of paragraph (c) of subsection 2, a copy of the trust instrument shall be considered complete if it includes all amendments and restatements to the trust instrument the trustee has determined to be in effect at the time of the death of the settlor after the trustee has exercised due diligence.

6. A trustee is not liable in providing information pursuant to paragraph (c) of subsection 2 to any person whom the trustee has determined, after the exercise of due diligence, to be a beneficiary, heir or interested person.

Sec. 16. NRS 164.410 is hereby amended to read as follows:

164.410 1. A certification of trust may confirm the following facts or contain the following information:

(a) The existence of the trust and date of execution of any trust instrument;

(b) The identity of the settlor and each currently acting trustee;

(c) The powers of the trustee and any restrictions imposed upon the trustee in dealing with assets of the trust;

(d) The revocability or irrevocability of the trust and the identity of any person holding a power to revoke it;

(e) If there is more than one trustee, whether all of the currently acting trustees must or less than all may act to exercise identified powers of the trustee;

(f) A declaration regarding the situs or domicile of the trust and regarding the law that governs the validity, construction and administration of the trust; ~~[and]~~

(g) The form in which title to assets of the trust is to be taken ~~[.]~~ ***; and***

(h) A declaration that:

(1) The incapacity of the former trustee of the trust, including a settlor serving as the former trustee, has been determined pursuant to subsection 3, 4 or 6 of section 9 of this act; and

(2) The current acting trustee succeeded to the office of trustee pursuant to subsection 1 of section 9 of this act.

2. The certification must contain a statement that the trust has not been revoked or amended to make any representations contained in the certification incorrect, and that the signatures are those of all the currently acting trustees.

Sec. 17. NRS 164.796 is hereby amended to read as follows:

164.796 1. Unless expressly prohibited by the trust instrument, a trustee may convert a trust into a unitrust if:

(a) The trustee determines conversion to a unitrust will better enable the trustee to carry out the intent of the settlor and the purpose of the trust;

(b) The trustee gives written notice of his or her intention to convert the trust to a unitrust, including how the unitrust will operate, the income distributions rate established pursuant to subsection 3 of NRS 164.797 and subsection 1 of NRS 164.799, and what initial decisions the trustee will make pursuant to this section, to all beneficiaries who:

(1) Are presently eligible to receive income from the trust;

(2) Would be eligible, if a power of appointment were not exercised, to receive income from the trust if the interest of any beneficiary eligible to receive income terminated immediately before the trustee gives notice; and

(3) Would receive, if a power of appointment were not exercised, a distribution of principal if the trust terminated immediately before the trustee gives notice;

(c) There is at least one beneficiary who meets the requirements of subparagraph (1) of paragraph (b) and at least one beneficiary who meets the requirements of subparagraph (2) of paragraph (b); and

(d) No beneficiary objects, in writing and delivered to the trustee within 60 days of the mailing of the notice, to the conversion of the trust to a unitrust.

2. If a beneficiary timely objects to converting a trust into a unitrust, or if there are no beneficiaries under either subparagraph (1) or (3) of paragraph (b) of subsection 1, the trustee may petition the court to approve the conversion of the trust into a unitrust. The court shall approve the conversion if the court concludes that the conversion will enable the trustee to better carry out the intent of the settlor and the purpose of the trust.

3. A beneficiary may request that a trustee convert a trust into a unitrust. If the trustee does not convert the trust, the beneficiary may petition the court to order the conversion. The court shall direct the conversion if the court concludes that the conversion will enable the trustee to better carry out the intent of the settlor and the purpose of the trust.

4. A trustee, in determining whether and to what extent to convert a trust to a unitrust pursuant to subsection 1, shall consider all factors relevant to the trust and to the beneficiaries, including the factors set forth in subsection 2 of NRS 164.795, as applicable.

5. A conversion of a trust to a unitrust does not affect a term of the trust directing or authorizing the trustee to distribute principal or authorizing a beneficiary to withdraw all or a portion of the principal.

6. A trustee may not convert a trust into a unitrust in any circumstance set forth in subsection 3 of NRS 164.795.

7. If a trustee is prevented from converting a trust because a provision of paragraph (e), (f), (g) or (h) of subsection 3 of NRS 164.795 applies to the trustee and if there is a cotrustee to whom such provisions do not apply, the

cotrustee may convert the trust unless the exercise of the power by the remaining trustee is not permitted by the terms of the trust. If all trustees are prevented from converting a trust because a provision of paragraph (e), (f), (g) or (h) of subsection 3 of NRS 164.795 applies to all of the trustees, the trustees may petition the court to direct a conversion.

8. A trustee may permanently, or for a specified period, including a period measured by the life of a person, release the power to convert a trust pursuant to subsection 1 if:

(a) The trustee is uncertain about whether possessing or exercising the power of conversion will cause a result described in paragraphs (a) to (f), inclusive, or (h) of subsection 3 of NRS 164.795; or

(b) The trustee determines that possessing or exercising the power of conversion may or will deprive the trust of a tax benefit or impose a tax burden not described in subsection 3 of NRS 164.795.

9. A trustee or disinterested person who, in good faith, ***takes or*** fails to take any action under this section is not liable to any person affected by such action or inaction, regardless of whether the affected person received notice as provided in this section or was under a legal disability at the time of delivery of notice. An affected person's exclusive remedy is to petition the court for an order directing the trustee to convert the trust into a unitrust, to reconvert a unitrust into a trust or to change the percentage used to calculate the unitrust amount.

10. This section shall be construed to pertain to the administration of a trust, and the provisions of this section are available to any trust administered in this State or that is governed by the laws of this State, unless:

(a) The terms of the trust instrument show an intent that a beneficiary is to receive an amount other than a reasonable current return from the trust;

(b) The trust:

(1) Has a guaranteed annuity interest or fixed percentage interest as described in section 170(f)(2)(B) of the Internal Revenue Code;

(2) Is a charitable remainder trust within the meaning of section 664(d) of the Internal Revenue Code;

(3) Is a qualified subchapter S trust within the meaning of section 1361(c) of the Internal Revenue Code;

(4) Is a personal residence trust within the meaning of section 2702(a)(3)(A) of the Internal Revenue Code; or

(5) Is a trust in which one or more settlors retain a qualified interest within the meaning of section 2702(b) of the Internal Revenue Code;

(c) One or more persons to whom the trustee could distribute income have a power of withdrawal over the trust that is not subject to an ascertainable standard or that can be exercised to discharge a duty of support; or

(d) The terms of the trust instrument expressly prohibit the use of the provisions of this section through reference to this section or the trust instrument expressly states the settlor's intent that net income is not calculated as a unitrust amount.

11. As used in this section, "ascertainable standard" means a standard relating to an individual's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code and any regulations of the United States Treasury promulgated thereunder.

Sec. 18. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941,

439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 13 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede

or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 19. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 702.

AN ACT relating to common-interest communities; revising provisions relating to the requirement that the executive board of a unit-owners' association make certain records available for review at a designated location;

~~[requiring a unit's owner to pay the actual costs incurred by the association in providing such records under certain circumstances; prohibiting certain persons from taking retaliatory action against a unit-owners' association or certain other persons associated with the association; prohibiting certain persons within a common-interest community from bullying another person within that same common-interest community; revising the definition of the term violation relating to violations of the laws governing common-interest communities;]~~ authorizing the Commission for Common-Interest Communities and Condominium Hotels **or a hearing panel** to impose certain sanctions on a person who files certain affidavits with the Real Estate Division of the Department of Business and Industry; ~~[requiring the Division to take certain actions before referring an affidavit relating to a violation to the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the executive board of a unit-owners' association of a common-interest community to make certain financial records available for review at the business office of the association or some other nearby location including, among other records, certain personnel records of the employees of the association relating to the number of hours worked and the salaries and benefits of those employees. (NRS 116.31175) Section 1 of this bill excludes from the records the executive board must make available any personnel records of the employees of the association, including, without limitation, employment contracts, information regarding the salaries and benefits of employees and any other information concerning the employees of the association.~~

~~Existing law requires the executive board to provide, upon request: (1) a copy of such records to the unit's owner or the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels; (2) a copy in electronic format at no charge to the unit's owner or the Ombudsman; or (3) if the board is unable to provide a copy in electronic format, a copy in paper format at a cost not to exceed a certain amount per page of the record.]~~ Existing law prohibits the executive board **of a unit-owners' association of a common-interest community** from requiring a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association. (NRS 116.31175) **Section 1** ~~[revises this prohibition and instead authorizes the executive board to require a unit's owner or Ombudsman to pay the actual costs incurred by the association for the unit's owner to review any such record.~~

~~Existing law provides that if a unit's owner is the subject of a retaliatory action based on certain complaints or requests, the unit's owner may bring an action to recover compensatory damages and attorney's fees and costs. (NRS 116.31183) Section 2 of this bill prohibits a unit's owner, tenant or guest or invitee of a unit's owner or tenant to take, or direct or encourage another person to take, any retaliatory action against the executive board, a member of the~~

~~executive board, a community manager or an officer, employee or agent of the association based on certain actions taken by the executive board, member, community manager or officer, employee or agent. Section 2 also provides that the executive board, member, community manager or officer, employee or agent may bring an action to recover compensatory damages and attorney's fees and costs from the person who took such a retaliatory action.~~

~~Existing law prohibits certain persons within a common-interest community from threatening, harassing or otherwise engaging in certain courses of conduct against another person within that same common-interest community. (NRS 116.31184) Section 2.5 of this bill additionally prohibits certain persons within a common-interest community from bullying another person within that same common-interest community.~~

~~Section 3 of this bill revises the definition of the term "violation" for the purposes of existing law relating to violations of the laws governing common-interest communities to include a violation of the provision of law that prohibits a person from threatening, harassing or otherwise engaging in bullying or a course of conduct against certain persons in a unit-owners' association which: (1) causes harm or serious emotional distress, or the reasonable apprehension thereof to that person; or (2) creates a hostile environment for that person. (NRS 116.31184, 116.745)]~~ **increases the maximum hourly amount the executive board may require a unit's owner to pay to review any books, records, contracts or other papers of the association to $25 per hour.**

Existing law authorizes a person who is aggrieved by an alleged violation to file with the Real Estate Division of the Department of Business and Industry a written affidavit which includes certain information. Existing law authorizes the Commission for Common-Interest Communities and Condominium Hotels or a hearing panel to impose ~~[certain]~~ **an** administrative ~~[fines]~~ **fine of not more than $1,000** against ~~[a]~~ **any** person who knowingly files a false or fraudulent affidavit with the Division. (NRS 116.760) **Section 4** of this bill **: (1) increases the maximum amount of the administrative fine to not more than $10,000; and (2)** additionally authorizes the Commission or hearing panel to impose sanctions that disqualify a person from serving as a member of the executive board for a period of not more than 10 years against any person who **knowingly** files a ~~[vexatious, misleading, retaliatory, frivolous,]~~ false or fraudulent affidavit with the Division.

~~[Existing law provides that upon receipt of such an affidavit, the Division must refer the affidavit to the Ombudsman. (NRS 116.765) Section 5 of this bill requires the Division to determine whether the alleged violation, if assumed to be true, would constitute a violation before referring the affidavit to the Ombudsman.]~~

Section 4 also authorizes the Commission or a hearing panel to designate a person as a vexatious affiant if the Commission or hearing panel has imposed an administrative fine or sanctions against the person for knowingly filing a false or fraudulent affidavit with the Division on

two or more occasions. Under section 4, if the Commission or a hearing panel has designated a person as a vexatious affiant, then: (1) the Commission or hearing panel is required to transmit a copy of the order designating the person as a vexatious affiant to the Division; and (2) the Division shall not thereafter accept an affidavit filed by the person unless the person first submits a copy of the affidavit to the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels and, after reviewing the affidavit, the Ombudsman grants leave for the person to file the affidavit with the Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in subsection 4, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association, including, without limitation:

(a) The financial statement of the association;

(b) The budgets of the association required to be prepared pursuant to NRS 116.31151;

(c) The study of the reserves of the association required to be conducted pursuant to NRS 116.31152; and

(d) All contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party.

2. The executive board shall provide a copy of any of the records described in paragraphs (a), (b) and (c) of subsection 1 to a unit's owner or the Ombudsman within 21 days after receiving a written request therefor. Such records must be provided in electronic format at no charge to the unit's owner or, if the association is unable to provide the records in electronic format, the executive board may charge a fee to cover the actual costs of preparing a copy, but the fee may not exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

3. If the executive board fails to provide a copy of any of the records pursuant to subsection 2 within 21 days, the executive board must pay a penalty of $25 for each day the executive board fails to provide the records.

4. The provisions of subsection 1 do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees; ***[including, without limitation, employment contracts, information regarding the salaries and benefits of employees and any other information concerning the employees of the association;]***

(b) The records of the association relating to another unit's owner, including, without limitation, any architectural plan or specification submitted by a unit's owner to the association during an approval process required by the governing documents, except for those records described in subsection 5; and

(c) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:

(1) Is in the process of being developed for final consideration by the executive board; and

(2) Has not been placed on an agenda for final approval by the executive board.

5. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

6. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If the Ombudsman is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

7. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

8. The executive board shall not ~~*[may]*~~ require a unit's owner to pay an amount in excess of ~~[~~$10~~]~~ ***$25*** per hour ~~*[the actual costs incurred by the association for the unit's owner]*~~ to review any books, records, contracts or other papers of the association pursuant to the provisions of subsection 1.

~~*[9. As used in this section, "actual costs" includes, without limitation:*~~

~~*(a) The cost of gathering, preparing, copying or providing records, regardless of format;*~~

~~*(b) The cost of retrieving records from storage; and*~~

~~*(c) Any other related cost incurred by the association in allowing a unit's owner to review any books, records, contracts or other papers of the association.]*~~

Sec. 2. ~~[NRS 116.31183 is hereby amended to read as follows:~~

~~116.31183 1. An executive board, a member of an executive board, a community manager or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner because the unit's owner has:~~

~~(a) Complained in good faith about any alleged violation of any provision of this chapter or the governing documents of the association;~~

~~(b) Recommended the selection or replacement of an attorney, community manager or vendor; or~~

~~(c) Requested in good faith to review the books, records or other papers of the association.~~

~~2. *A unit's owner, a tenant or a guest or invitee of a unit's owner or tenant shall not take, or direct or encourage another person to take, any retaliatory action against the executive board, a member of the executive board, a community manager or an officer, employee or agent of the association because the executive board, member of the executive board, community manager or officer, employee or agent of the association has:*~~

~~*(a) In good faith, provided a unit's owner or, if different, the person against whom a fine will be imposed, with a notice of the applicable provisions of law or governing documents of the association that form the basis of an alleged violation;*~~

~~*(b) Failed in good faith to respond to a request or demand within the prescribed period pursuant to the governing documents of the association or this chapter; or*~~

~~*(c) Refused in good faith to provide confidential information of the association upon request or to otherwise engage in an unlawful activity.*~~

~~*3.* In addition to any other remedy provided by law, upon a violation of this section, a unit's owner *, member of the executive board, community manager or officer, employee or agent of an association* may bring a separate action to recover:~~

~~(a) Compensatory damages; and~~

~~(b) Attorney's fees and costs of bringing the separate action.~~

~~*4. As used in this section:*~~

~~*(a) "Retaliatory action" includes, without limitation, making defamatory statements on social media or another similar online forum.*~~

~~*(b) "Social media" has the meaning ascribed to it in NRS 232.003.]*~~

(Deleted by amendment.)

Sec. 2.5. ~~[~~NRS 116.31184 is hereby amended to read as follows:

~~116.31184 1. A community manager, an agent or employee of the community manager, a member of the executive board, an officer, employee or agent of an association, a unit's owner or a guest or tenant of a unit's owner shall not willfully and without legal authority threaten, harass or otherwise engage in~~ ***bullying or*** ~~a course of conduct against any other person who is the community manager of his or her common-interest community or an agent or employee of that community manager, a member of the executive board of his or her association, an officer, employee or agent of his or her association, another unit's owner in his or her common-interest community or a guest or tenant of a unit's owner in his or her common-interest community which:~~

~~(a) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to that person; or~~

~~(b) Creates a hostile environment for that person.~~

~~2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.~~

~~*3. As used in this section, "bullying:"*~~

~~*(a) Means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:*~~

~~*(1) Have the effect of:*~~

~~*(I) Damaging the property of a person; or*~~

~~*(II) Placing a person in reasonable fear of damage to the property of the person;*~~

~~*(2) Interfere with the rights of a person by:*~~

~~*(I) Creating an intimidating or hostile environment for the person; or*~~

~~*(II) Substantially interfering with the ability of the person to participate in or benefit from services, activities or privileges provided by a common-interest community; or*~~

~~*(3) Are acts or conduct described in subparagraph (1) or (2) and are based upon the:*~~

~~*(I) Actual of perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristics or background of a person; or*~~

~~*(II) Association of a person with another person having one or more of those actual or perceived characteristics;*~~

~~*(b) Includes, without limitation:*~~

~~*(1) Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;*~~

~~*(2) Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;*~~

~~*(3) Repeated or pervasive intimidation such as the use of aggressive, menacing or disrespectful gestures;*~~

~~*(4) Threats of harm to the possessions of a person, whether such threats are transmitted verbally, electronically or in writing;*~~

~~*(5) Blackmail, extortion or demands for protection money or involuntary loans or donations;*~~

~~*(6) Except as otherwise provided in NRS 116.345, blocking access to any property or facility of a common-interest community;*~~

~~*(7) Stalking; and*~~

~~*(8) Physically harmful contact with or injury to another person or his or her property.*~~ **(Deleted by amendment.)**

Sec. 3. ~~[~~NRS 116.745 is hereby amended to read as follows:~~

116.745 As used in NRS 116.745 to 116.795, inclusive, unless the context otherwise requires, "violation" means a violation of:~~

1. Any provision of this chapter ~~; [except NRS 116.31184;]~~

2. Any regulation adopted pursuant to this chapter; or~~

3. Any order of the Commission or a hearing panel.~~]~~ **(Deleted by amendment.)**

Sec. 4. NRS 116.760 is hereby amended to read as follows:

116.760 1. Except as otherwise provided in this section, a person who is aggrieved by an alleged violation may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Division a written affidavit that sets forth the facts constituting the alleged violation. The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation.

2. An aggrieved person may not file such an affidavit unless the aggrieved person has provided the respondent by certified mail, return receipt requested, with written notice of the alleged violation set forth in the affidavit. The notice must:

(a) Be mailed to the respondent's last known address.

(b) Specify, in reasonable detail, the alleged violation, any actual damages suffered by the aggrieved person as a result of the alleged violation, and any corrective action proposed by the aggrieved person.

3. A written affidavit filed with the Division pursuant to this section must be:

(a) On a form prescribed by the Division.

(b) Accompanied by evidence that:

(1) The respondent has been given a reasonable opportunity after receiving the written notice to correct the alleged violation; and

(2) Reasonable efforts to resolve the alleged violation have failed.

4. The Commission or a hearing panel may impose ~~[an]~~ ***either or both of the following:***

(a) An administrative fine of not more than ~~[$1,000~~ against ~~,]~~ ***$10,000; or***

(b) Sanctions disqualifying a person from serving as a member of the executive board for a period of not more than 10 years,

➥ ***against*** any person who knowingly files a ~~***[vexatious, misleading, retaliatory, frivolous,]***~~ false or fraudulent affidavit with the Division.

5. The Commission or a hearing panel may designate a person as a vexatious affiant if the Commission or a hearing panel has imposed an administrative fine or sanctions against the person pursuant to subsection 4 for knowingly filing a false or fraudulent affidavit with the Division on two or more occasions. If the Commission or a hearing panel has designated a person as a vexatious affiant pursuant to this subsection, the Commission or hearing panel shall transmit a copy of the order designating the person as a vexatious affiant to the Division and the Division shall not thereafter accept an affidavit filed by the person unless:

(a) The person first submits a copy of the affidavit to the Ombudsman; and

(b) After reviewing the affidavit, the Ombudsman grants leave for the person to file the affidavit with the Division.

Sec. 5. ~~[NRS 116.765 is hereby amended to read as follows:~~

~~116.765 1. Upon receipt of an affidavit that complies with the provisions of NRS 116.760,~~ ***if the Division determines that the alleged violation, if assumed to be true, would constitute a violation of this chapter,*** ~~the Division shall refer the affidavit to the Ombudsman.~~

~~2. The Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation.~~

~~3. If the parties are unable to resolve the alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and any information collected by the Ombudsman during his or her efforts to assist the parties to resolve the alleged violation.~~

~~4. Upon receipt of the report from the Ombudsman, the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation.~~

~~5. If, after investigating the alleged violation, the Division determines that the allegations in the affidavit are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the Commission and schedule a hearing on the complaint before the Commission or a hearing panel.~~**]** **(Deleted by amendment.)**

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 547.

AN ACT relating to public safety; establishing provisions governing the operation of a personal delivery device; imposing certain requirements on a personal delivery device operator; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides pedestrians on or near a highway with certain rights and imposes certain duties. (NRS 484B.280-484B.297) Existing law authorizes the operation of a mobile carrying device on sidewalks and in crosswalks and provides that such a device has, in general, the rights and duties of a pedestrian. (NRS 484B.790)

Section 3 of this bill defines the term "personal delivery device" to mean an electrically powered device that: (1) is intended primarily to transport cargo on sidewalks, crosswalks and other pedestrian areas; **and** (2) ~~[is not intended to carry passengers; and (3)]~~ is equipped with technology that allows navigation with or without the active control or monitoring of a natural person. **Section 1** of this bill provides that a personal delivery device is not a "vehicle" for purposes of existing law governing travel on public highways. (NRS 482.135) **Section 5** of this bill ~~[,]~~ **provides that a personal delivery device may only be operated at an institution within the Nevada System of Higher Education or on a sidewalk or crosswalk directly adjacent to such an institution while servicing the institution. Section 5:** (1) authorizes a personal delivery device to operate ~~[on sidewalks, in crosswalks and]~~ on highways **only** if crossing at an intersection ~~[,]~~ **or within a crosswalk;** (2) prohibits such a device from transporting hazardous material, transporting a person or unreasonably interfering with pedestrians or vehicle traffic; and (3) provides that such a device has, in general, the rights and duties of a pedestrian. **Section 5** also requires a personal delivery device to include a unique identifying number and a means of identifying and contacting the personal delivery device operator. **Section 4** of this bill defines the term "personal delivery device operator" to mean a person or entity that exercises control or monitoring over the operation and navigation of a personal delivery device, not including a person who solely: (1) requests or receives a delivery; (2) arranges for or dispatches a delivery; or (3) stores, charges or maintains a personal delivery device. **Section 6** of this bill requires a personal delivery device operator to maintain a policy of general liability insurance to cover any damages caused by the operation of personal delivery devices under the control of the operator. **Section 8** of this bill provides that a violation of the provisions of **section 5 or 6** is a civil infraction. **Section 7** of this bill makes a conforming change to indicate the proper placement of **sections 3 and 4** in the Nevada Revised Statutes.

Existing law authorizes the governing body of a county or city, respectively, to enact ordinances which regulate the time, place and manner of operation of mobile carrying devices. (NRS 244.3565, 268.41015) **Sections 9 and 10** of this bill create similar authority for personal delivery devices.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.135 is hereby amended to read as follows:

482.135 Except as otherwise provided in NRS 482.36348, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway. The term does not include:

1. Devices moved by human power or used exclusively upon stationary rails or tracks;
2. Mobile homes or commercial coaches as defined in chapter 489 of NRS;
3. Electric bicycles;
4. Electric personal assistive mobility devices;
5. Electric scooters; ~~[or]~~
6. A mobile carrying device as that term is defined in NRS 484B.029 ~~[.]~~ ***; or***
7. A personal delivery device as that term is defined in section 3 of this act.

Sec. 2. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***1. "Personal delivery device" means an electrically powered device that:***

(a) Is designed to operate autonomously, semi-autonomously or remotely by a personal delivery device operator;

(b) Is equipped with technology that allows navigation with or without the active control or monitoring of a natural person;

(c) Is intended primarily to transport cargo on sidewalks, crosswalks and other pedestrian areas;

(d) Weighs less than 150 pounds when empty; and

(e) Has a maximum speed of 10 miles per hour.

2. The term does not include a mobile carrying device.

Sec. 4. ***"Personal delivery device operator" means a person or entity that exercises control or monitoring over the operation and navigation of a personal delivery device. The term does not include a person or entity who solely:***

1. Requests or receives the delivery or services of a personal delivery device;

2. Arranges for or dispatches the requested services of a personal delivery device; or

3. Stores, charges or maintains a personal delivery device.

Sec. 5. *1. ~~[Except as otherwise provided in NRS 244.3565 or 268.41015, a]~~ A personal delivery device may only be operated ~~[on a sidewalk or crosswalk, including, without limitation, at]~~ :*

(a) At an institution within the Nevada System of Higher Education ~~[, if:~~ ~~(a)]~~ or upon a sidewalk or crosswalk directly adjacent to an institution within the Nevada System of Higher Education while servicing such an institution.

(b) If:

(1) The operator of the personal delivery device is capable of actively monitoring and remotely controlling the navigation and movement of the personal delivery device;

~~[(b)]~~ (2) The personal delivery device is equipped with a braking device that enables the personal delivery device to come to a controlled stop;

~~[(c)]~~ (3) The personal delivery device includes a unique identifying number and a means of identifying and contacting the personal delivery device operator; and

~~[(d)]~~ (4) The personal delivery device is operated in accordance with any requirements imposed by this section.

2. A personal delivery device operator may not allow a personal delivery device to:

(a) Operate on the highways of this State except when crossing at an intersection or within a crosswalk;

(b) Fail to comply with any traffic-control signal or devices that a pedestrian is obligated to comply with;

(c) Unreasonably interfere with pedestrians or vehicle traffic;

(d) Transport hazardous material as that term is defined in NRS 459.7024; or

(e) Transport a person.

3. A personal delivery device has all the rights and duties of a pedestrian except those which by their nature can have no application or as otherwise provided in this section.

4. A violation of this section:

(a) Is not a misdemeanor;

(b) Shall not be deemed a moving traffic violation; and

(c) Is punishable by the imposition of a civil penalty of $250.

5. As used in this section, "institution within the Nevada System of Higher Education" means any institution, branch, facility, department, office or housing of, or used by or for the benefit of, the Nevada System of Higher Education ~~[,]~~ or students or faculty of the System. The term includes, without limitation, campuses, offices, facilities and housing for students or faculty, whether owned or not owned by the System ~~[.]~~ , and property which is directly adjacent to property that is owned and managed by the System.

Sec. 6. *A personal delivery device operator shall maintain an insurance policy that provides general liability coverage of not less than $500,000 for*

any damages arising from the combined operations of any personal delivery devices under the control of the personal delivery device operator.

Sec. 7. NRS 484B.003 is hereby amended to read as follows:

484B.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484B.007 to 484B.077, inclusive, ***and sections 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.790, inclusive ~~[.]~~ ***and sections 5 and 6 of this act.***

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles, electric bicycles and electric scooters apply whenever a bicycle, an electric bicycle or an electric scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles, electric bicycles and electric scooters subject to those exceptions stated herein.

Sec. 9. NRS 244.3565 is hereby amended to read as follows:

244.3565 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** the board of commissioners of each county in this State may, to protect the health and safety of the public, enact an ordinance which ~~[regulates]~~ ***:***

(a) Regulates the time, place and manner of the operation of a mobile carrying device ***or personal delivery device*** in the unincorporated areas of the county, including, without limitation, by prohibiting the use of a mobile carrying device ***or personal delivery device*** in a specified area of the county ~~[.]~~ ***; and***

(b) Establishes additional standards for the safe operation of a personal delivery device.

2. A board of county commissioners, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in the county that is more than 36 inches wide.

3. ***The board of county commissioners of each county in this State may not enact an ordinance which regulates:***

(a) The design, manufacture, maintenance, taxation or assessment of a personal delivery device; or

(b) The types of property, other than alcohol and cannabis, that may be transported by a personal delivery device.

4. Nothing in this section shall be construed to prohibit a board of county commissioners from requiring a personal delivery device operator to obtain from the county a business license or pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the board of county commissioners.

5. As used in this section ~~[, "mobile]~~ ***:***

(a) "Mobile carrying device" has the meaning ascribed to it in NRS 484B.029.

(b) "Personal delivery device" has the meaning ascribed to it in section 3 of this act.

(c) "Personal delivery device operator" has the meaning ascribed to it in section 4 of this act.

Sec. 10. NRS 268.41015 is hereby amended to read as follows:

268.41015 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** the city council or other governing body of each incorporated city in this State, whether or not organized under general law or special charter, may, to protect the health and safety of the public, enact an ordinance which ~~[regulates]~~ ***:***

(a) Regulates the time, place and manner of the operation of a mobile carrying device ***or personal delivery device*** in the city, including, without limitation, by prohibiting the use of a mobile carrying device ***or personal delivery device*** in a specified area of the city ~~[.]~~ ***; and***

(b) Establishes additional standards for the safe operation of a personal delivery device.

2. A city council or governing body, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in the city that is more than 36 inches wide.

3. ***The city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may not enact an ordinance which regulates:***

(a) The design, manufacture, maintenance, taxation or assessment of a personal delivery device; or

(b) The types of property, other than alcohol and cannabis, that may be transported by a personal delivery device.

4. Nothing in this section shall be construed to prohibit a city council or governing body from requiring a personal delivery device operator to obtain from the city a business license or pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the city council or governing body.

5. As used in this section ~~[, "mobile]~~ ***:***

(a) "Mobile carrying device" has the meaning ascribed to it in NRS 484B.029.

(b) "Personal delivery device" has the meaning ascribed to it in section 3 of this act.

(c) "Personal delivery device operator" has the meaning ascribed to it in section 4 of this act.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 592.

AN ACT relating to motorcycles; revising provisions relating to penalties for driving without a motorcycle driver's license, motorcycle endorsement or permit to operate a motorcycle; ~~[establishing certain requirements for the renewal of a motorcycle endorsement to a driver's license;]~~ revising certain requirements for instructors for the Program for the Education of Motorcycle Riders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a resident of this State from driving a motorcycle upon a highway unless that person holds a valid motorcycle driver's license, a driver's license with a motorcycle endorsement or a permit to operate a motorcycle. (NRS 486.061) Existing law also provides that any person who violates this requirement is guilty of a misdemeanor. (NRS 486.381) **Section 3** of this bill provides that a court must allow such a person to complete a course of motorcycle safety in lieu of imposing a fine for such a violation which must be completed within 9 months of the issuance of the final order.

~~[Existing law provides that a motorcycle endorsement to a driver's license expires simultaneously with the expiration of the driver's license. (NRS 486.161) Existing regulations provide that a driver's license expires on the eighth anniversary of the birthday of the licensee, measured from the birthday of the licensee nearest the date of issuance or renewal. (NAC 483.043) Section 4 of this bill requires that an applicant for the renewal of a motorcycle endorsement, except for the first renewal of the motorcycle endorsement, provide proof that the applicant has successfully completed a course of motorcycle safety in the immediately preceding 12 months before the applicant may renew the motorcycle endorsement. Section 4 also provides that an applicant who submits such proof is not required to submit such proof again at any subsequent renewal that occurs within 7 years after such submission. Section 7 of this bill provides that this requirement does not take effect until January 1, 2032.]~~

Existing law requires the Director of the Department of Motor Vehicles to establish the Program for the Education of Motorcycle Riders and sets forth certain eligibility requirements for instructors of the Program. (NRS 486.372,

486.375) **Section 6** of this bill removes the eligibility requirements that a Program instructor: (1) be a resident of this State or a member of the Armed Forces of the United States stationed at a military installation located in Nevada; and (2) has held a motorcycle driver's license or endorsement for at least 2 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 486.061 is hereby amended to read as follows:

486.061 ***1.*** Except for a nonresident who is at least 16 years of age and is authorized by the person's state of residency to drive a motorcycle, a person shall not drive:

~~[1.]~~ ***(a)*** A motorcycle, except a trimobile, upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, a driver's license issued pursuant to chapter 483 of NRS endorsed to authorize the holder to drive a motorcycle or a permit issued pursuant to subsection 4 or 5 of NRS 483.280.

~~[2.]~~ ***(b)*** A trimobile upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, or a driver's license issued pursuant to chapter 483 of NRS.

2. If, pursuant to NRS 486.381, a court of competent jurisdiction finds that a person has violated the requirement of paragraph (a) of subsection 1, the court shall permit the person to complete a course of motorcycle safety in lieu of assessing a fine for the violation. The course of motorcycle safety must be completed within 9 months after the date of the final order of the court and proof of successful completion of the course must be filed with the court.

Sec. 4. ~~[NRS 486.161 is hereby amended to read as follows:~~

~~486.161 1. Every motorcycle driver's license expires as prescribed by regulation.~~

~~2. The Department shall adopt regulations prescribing when a motorcycle driver's license expires.~~

~~3. Every ***motorcycle driver's*** license is renewable at any time before its expiration upon application, submission of the statement required pursuant to NRS 486.084 and payment of the required fee.~~

~~***4.*** Every motorcycle endorsement to a driver's license issued on or after January 1, 1972, expires simultaneously with the expiration of the driver's license.~~

~~***5. Except for the initial renewal of a motorcycle endorsement to a driver's license, an applicant for the renewal of a motorcycle endorsement after the first renewal must submit proof of the successful completion by the applicant of a course of motorcycle safety approved by the Department, in consultation with the Administrator of the Program, in the immediately***~~

~~***preceding 12 months, except that an applicant who has submitted proof of the successful completion of a course of motorcycle safety is not required to submit such proof at any subsequent renewal that occurs within 7 years after such submission of proof.***~~

~~**[**4.**]** ***6.*** Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal must appear before an examiner for a driver's license and successfully pass a test of the applicant's eyesight.**]**~~ **(Deleted by amendment.)**

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 486.375 is hereby amended to read as follows:

486.375 1. A person who:

(a) ~~**[**Is a resident of this State or is a member of the Armed Forces of the United States stationed at a military installation located in Nevada;~~

~~(b)**]**~~ Is at least 21 years old;

~~**[**(c)**]**~~ ***(b)*** Holds a motorcycle driver's license or a motorcycle endorsement to a driver's license issued by the Department;

~~**[**(d) Has held a motorcycle driver's license or endorsement for at least 2 years; and~~

~~(e)**]**~~ ***and***

(c) Is certified as an instructor of motorcycle riders by a nationally recognized public or private organization which is approved by the Director,

➥ may apply to the Department for a license as an instructor for the Program.

2. The Department shall not license a person as an instructor if, within 2 years before the person submits an application for a license:

(a) The person has accumulated three or more demerit points pursuant to the uniform system of demerit points established pursuant to NRS 483.473, or has been convicted of, or found to have committed, traffic violations of comparable number and severity in another jurisdiction; or

(b) The person's driver's license was suspended or revoked in any jurisdiction.

3. The Director shall adopt standards and procedures for the licensing of instructors for the Program.

Sec. 6.5. (Deleted by amendment.)

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2, 5, 6 and 6.5 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Section 3 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2025, for all other purposes.

4. Section 4 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2032, for all other purposes.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 520.

Bill read second time and ordered to third reading.

Assembly Bill No. 521.

Bill read second time and ordered to third reading.

Assembly Bill No. 522.

Bill read second time and ordered to third reading.

Senate Bill No. 11.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 599.

AN ACT relating to unmanned aerial vehicles; requiring the Department of Public Safety to adopt certain regulations relating to unmanned aerial vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the usage of unmanned aerial vehicles by the State and its political subdivisions and private citizens. (NRS 493.103-493.118) A public agency other than a law enforcement agency may, for specified public purposes prescribed in regulations adopted by the Department of Public Safety, employ an unmanned aerial vehicle that has been registered with the Department. (NRS 493.118; NAC 493.100) **Section** ~~[1.7]~~ **1.9** of this bill requires the Department to adopt regulations to establish: (1) a list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and (2) a list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire. **Sections 1 and 1.3** of this bill prohibit **effective January 1, 2025,** a public agency or law enforcement agency from operating, purchasing or acquiring any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department.

Section 1.7 of this bill requires the Department to adopt regulations to: (1) authorize a public agency to conduct scheduled inspections to ensure compliance with building and fire codes and laws, ordinances, regulations and

rules adopting or establishing building and fire codes; (2) prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during the scheduled inspection; and (3) provide that if a photograph, image or recording or other information is collected through the operation of an unmanned aerial vehicle during a scheduled inspection, such photograph, image, recording or other information is not admissible and must not be disclosed in any proceeding other than a proceeding relating to the purpose of the scheduled inspection.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 493.112 is hereby amended to read as follows:

493.112 1. Except as otherwise provided in this section, nothing in this section shall be deemed to otherwise prohibit the operation of an unmanned aerial vehicle by a law enforcement agency for any lawful purpose in this State.

2. Except as otherwise provided in subsection 3, a law enforcement agency shall not operate an unmanned aerial vehicle for the purpose of gathering evidence or other information within the curtilage of a residence or at any other location or upon any property in this State at which a person has a reasonable expectation of privacy, unless the law enforcement agency first obtains a warrant from a court of competent jurisdiction authorizing the use of the unmanned aerial vehicle for that purpose. A warrant authorizing the use of an unmanned aerial vehicle must specify the period for which operation of the unmanned aerial vehicle is authorized. A warrant must not authorize the use of an unmanned aerial vehicle for a period of more than 10 days. Upon motion and a showing of probable cause, a court may renew a warrant after the expiration of the period for which the warrant was initially issued.

3. A law enforcement agency may operate an unmanned aerial vehicle without obtaining a warrant issued pursuant to subsection 2:

(a) If the law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the law enforcement agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.

(b) If a person provides written consent to the law enforcement agency authorizing the law enforcement agency to acquire information about the person or the real or personal property of the person. The written consent must specify the information to be gathered and the time, place and manner in which the information is to be gathered by the law enforcement agency.

(c) For the purpose of conducting search and rescue operations for persons and property in distress.

(d) Under circumstances in which the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including, without limitation, the threat of an act of terrorism. A law enforcement agency that operates an unmanned aerial vehicle pursuant

to this paragraph shall document the factual basis for its belief that such an imminent threat exists and shall, not later than 2 business days after initiating operation, file a sworn statement with a court of competent jurisdiction describing the nature of the imminent threat and the need for the operation of the unmanned aerial vehicle.

(e) Upon the declaration of a state of emergency or disaster by the Governor. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall not use the unmanned aerial vehicle outside of the geographic area specified in the declaration or for any purpose other than the preservation of public safety, the protection of property, or the assessment and evaluation of environmental or weather-related damage, erosion or contamination.

4. Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent with the requirements of this section, and any evidence that is derived therefrom:

(a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

5. ~~[A]~~ Except as otherwise provided in this subsection, a law enforcement agency shall not operate, purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118. A law enforcement agency may operate or use an unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle that was purchased or acquired before the effective date of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118.

Sec. 1.3. NRS 493.115 is hereby amended to read as follows:

493.115 1. A public agency:

(a) May operate an unmanned aerial vehicle only if:

(1) Before the operation of the unmanned aerial vehicle, the public agency registers the unmanned aerial vehicle with the Department pursuant to subsection 2 of NRS 493.118.

(2) The public agency operates the unmanned aerial vehicle in accordance with the regulations adopted by the Department pursuant to subsection 4 of NRS 493.118.

(b) Must not operate an unmanned aerial vehicle for the purposes of assisting a law enforcement agency with law enforcement or conducting a criminal prosecution.

2. Any photograph, image, recording or other information that is acquired by a public agency through the operation of an unmanned aerial vehicle in violation of this section, and any evidence that is derived therefrom:

(a) Is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

3. ~~[A]~~ Except as otherwise provided in this subsection, a public agency shall not operate, purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118. A public agency may operate or use an unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle that was purchased or acquired before the effective date of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118.

Sec. 1.7. NRS 493.118 is hereby amended to read as follows:

493.118 1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

(a) The provision of fire services.

(b) The provision of emergency medical services.

(c) The protection of a critical facility that is public property.

(d) Search and rescue operations conducted for persons and property in distress.

5. The regulations adopted by the Department pursuant to subsection 4 must include provisions that:

(a) Authorize, as a public purpose, a public agency to operate an unmanned aerial vehicle that is registered with the Department in order to conduct a scheduled inspection to ensure compliance with building or fire codes or laws, ordinances, regulations or rules adopting or establishing building or fire codes that are enforced by the public agency.

(b) Prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during a scheduled inspection described in paragraph (a). If any photograph, image or recording is collected in violation of such a regulation or if any other information is collected through the operation of an unmanned aerial vehicle during such a scheduled inspection, the photograph, image, recording or other information:

(1) Is not admissible and must not be disclosed in any judicial, administrative or other adjudicatory proceeding other than a proceeding relating to the purpose of the scheduled inspection; and

(2) May not be used to establish reasonable suspicion or probable cause as the basis for the investigation or prosecution of a crime or other offense.

~~***[6. In addition to the regulations adopted pursuant to subsection 4, the Department shall adopt regulations to establish:***~~

~~***(a) A list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and***~~

~~***(b) A list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire.***~~

~~***7. The lists established pursuant to subsection 6 must include, without limitation:***~~

~~***(a) Any country, business or entity from which a federal agency or contractor is prohibited from purchasing or acquiring an unmanned aerial vehicle, or other equipment or service relating to the operation of an unmanned aerial vehicle pursuant to any federal law, rule, regulation or order; and***~~

~~***(b) Any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle which has been prohibited for use by a federal agency or contractor pursuant to any federal law, rule, regulation or order.]***~~

Sec. 1.9. **NRS 493.118 is hereby amended to read as follows:**

493.118 1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

(a) The provision of fire services.

(b) The provision of emergency medical services.

(c) The protection of a critical facility that is public property.

(d) Search and rescue operations conducted for persons and property in distress.

5. The regulations adopted by the Department pursuant to subsection 4 must include provisions that:

(a) Authorize, as a public purpose, a public agency to operate an unmanned aerial vehicle that is registered with the Department in order to conduct a scheduled inspection to ensure compliance with building or fire codes or laws, ordinances, regulations or rules adopting or establishing building or fire codes that are enforced by the public agency.

(b) Prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during a scheduled inspection described in paragraph (a). If any photograph, image or recording is collected in violation of such a regulation or if any other information is collected through the operation of an unmanned aerial vehicle during such a scheduled inspection, the photograph, image, recording or other information:

(1) Is not admissible and must not be disclosed in any judicial, administrative or other adjudicatory proceeding other than a proceeding relating to the purpose of the scheduled inspection; and

(2) May not be used to establish reasonable suspicion or probable cause as the basis for the investigation or prosecution of a crime or other offense.

6. In addition to the regulations adopted pursuant to subsection 4, the Department shall adopt regulations to establish:

(a) A list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and

(b) A list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire.

7. The lists established pursuant to subsection 6 must include, without limitation:

(a) Any country, business or entity identified by the Secretary of Defense of the United States Department of Defense pursuant to Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, any amendments thereto or any subsequent federal law establishing such a list;

(b) Any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle sold, manufactured or distributed by an entity identified by the Secretary of Defense of the United States Department of Defense pursuant to Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, any amendments thereto or any subsequent federal law establishing such a list;

(c) Any hardware, software, vendor or service prohibited from being used by a state agency in Nevada by a regulation, guideline or policy adopted by the Division of Enterprise Information Technology Services of the Department of Administration pursuant to NRS 242.111 and 242.115; and

(d) Any other unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle, as determined by the Department.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. ~~[Sections 1, 1.3 and]~~ **Section** 1.7 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

3. Sections 1, 1.3 and 1.9 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2025, for all other purposes.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 78.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 684.

AN ACT relating to property; establishing and revising various definitions relating to property; establishing provisions relating to fees charged by landlords to prospective tenants; prohibiting landlords from transferring, selling, assigning or reporting to certain agencies information concerning amounts owed by tenants to landlords; establishing provisions relating to circumstances under which a landlord changes his or her agent, broker or property management company; **requiring a rental agreement to include separate appendices that contain certain information; making it unlawful for a landlord or certain other persons to charge a tenant certain fees;** making various changes relating to fees, fines, deposits and costs paid by tenants; requiring rental agreements to include a grace period for the late payment of rent; requiring a tenant to be served with advance notice of increases in certain fees, fines and costs; revising provisions relating to agents of attorneys who serve certain notices relating to evictions; revising provisions relating to representation in small claim actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a landlord and a tenant to perform certain obligations with respect to a lease of real property. (NRS 118A.240-118A.300) As part of a lease of real property, a landlord may require a tenant to pay a security deposit, defined as a payment, deposit, fee or charge used by the landlord to: (1) remedy a default in the payment of rent by the tenant; (2) repair damage to the premises other than normal wear; and (3) clean the dwelling unit. (NRS 118A.240, 118A.242) **Section 5** of this bill defines the term "security deposit" to mean a deposit made in cash or by any other acceptable manner to a landlord for any of the following purposes: (1) remedying any default of the tenant in the payment of periodic rent, including, without limitation, the cost of any fee for the late payment of rent; (2) repairing damage to the premises caused by the tenant other than normal wear; and (3) cleaning the unit. **Section 28** of this bill repeals the existing definition of "security deposit."

Existing law requires a landlord to return a security deposit, or any remaining portion thereof, within 30 days after the termination of the tenancy and makes the landlord liable for certain amounts for failing to return the security deposit within this period. (NRS 118A.242) **Section 15** of this bill requires a landlord to deliver an itemized, written accounting of the disposition of the security deposit or surety bond, or a combination thereof in certain circumstances; (2) prescribes how delivery of the itemized, written accounting must be effectuated by the landlord; and (3) makes the landlord liable for certain amounts for failing to deliver the itemized, written accounting. **Section 15** also provides that in any action relating to an amount claimed of a

security deposit for repairing damage to the premises caused by the tenant, the landlord has the burden of proving: (1) that the damage to the premises occurred during the tenancy; and (2) the actual costs of repair.

Existing law defines "normal wear" as deterioration which occurs without negligence, carelessness or abuse of the premises, equipment or chattels by the tenant, a member of the household of the tenant or another person on the premises with the consent of the tenant. (NRS 118A.110) **Section 11** of this bill revises the definition of "normal wear" to mean expected deterioration which occurs during the course of a tenancy from the normal use of the premises by such persons.

Existing law requires written rental agreements to contain certain provisions, including, without limitation, provisions concerning **: (1)** the amount of rent and the manner and time of its payment **[.] ; and (2) fees which are required and the purposes for which they are required.** (NRS 118A.200) Existing law authorizes a landlord to charge a reasonable fee for the late payment of rent. (NRS 118A.210) **Section 12** of this bill **[additionally]** requires such rental agreements to include a grace period for the late payment of rent. **Section 13** of this bill prohibits a landlord from charging the fee for the late payment of rent until the expiration of the grace period set forth in the rental agreement. **Section 4** of this bill defines the term "grace period" for such purposes. **Section 12** also **[**requires certain information relating to fees, fines and costs to be: (1) disclosed in writing to the tenant before he or she enters into a written rental agreement or otherwise begins the tenancy; and (2) printed clearly and conspicuously on the first page of the written rental agreement or clearly and conspicuously disclosed within the addenda to the written rental agreement, if applicable, that must be signed by the landlord or his or her agent and the tenant or his or her agent.**]** **: (1) requires a written rental agreement to include a separate appendix that contains an explanation of each fee that may be charged during the term of the rental agreement and the purpose for which the fee may be charged; and (2) makes it unlawful for a landlord or other person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount or for any purpose that is not set forth in the appendix. Finally, section 12 requires a written rental agreement to also include a separate appendix that contains an explanation of the rights of the tenant pursuant to federal and state law and local ordinances.**

Existing law places certain prohibitions on rental agreements. (NRS 118A.220) **Section 14** of this bill prohibits rental agreements from requiring tenants to pay any fee, fine or cost except those which are: (1) authorized by statute; or (2) actual and reasonable. **Sections 12, 19-21 and 24** of this bill make conforming changes relating to the limitations on fees, fines and costs.

Section 7 of this bill authorizes a landlord to charge a fee for the eviction of a tenant. **[**Additionally, section**]** **Section 6** of this bill **[**: (1) authorizes**]** **requires** a landlord **[**to charge a single fee to every prospective tenant**]** who

~~[intends to occupy one dwelling unit; and (2) prohibits a landlord from charging a]~~ **collects from a prospective tenant any** fee **to apply to rent a dwelling unit to refund the fee if the landlord: (1) rents the dwelling unit** to ~~[other]~~ **a different** prospective ~~[tenants who submit applications for occupancy of the same dwelling unit unless the initial application or applications, as applicable, for that dwelling unit have been denied.]~~ **tenant; and (2) does not conduct the activity for which the fee was collected. Section 6 further prohibits a landlord from collecting an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.**

Section 8 of this bill prohibits a landlord from transferring, selling, assigning or reporting to certain agencies any amount owed by the tenant, unless the landlord first delivers to the tenant an itemized, written accounting of all outstanding amounts owed by the tenant. **Section 8.5** of this bill requires any action for the enforcement of any provision of a rental agreement to be brought: (1) not later than 2 years after the termination of the tenancy; and (2) as a small claims action, if certain jurisdictional limits apply to the amount owed by the tenant.

Section 9 of this bill provides that if a landlord changes his or her agent, broker or property management company, the landlord or the new agent, broker or company is required to send certain information to the tenant within 10 business days after the change.

Existing law prohibits a landlord from increasing the rent of a tenant unless the tenant is served with advance notice of the increase. (NRS 118A.300) **Section 18** of this bill similarly prohibits a landlord from increasing certain fees, fines and costs charged to the tenant unless the tenant is served with advance notice of the increase.

Existing law provides that if a tenant's failure to perform basic obligations can be remedied by cleaning and the tenant fails to comply with a request to remedy such failure in a timely manner, the landlord may enter the dwelling unit, cause the work to be done and bill the tenant. (NRS 118A.440) **Section 22** of this bill deletes this provision of existing law.

Existing law requires a tenant to be served with certain notices relating to evictions. Existing law also provides that certain notices may be served by an agent of an attorney who is licensed in this State if: (1) the attorney has been retained by the landlord in certain actions; and (2) the agent is acting at the direction and under the direct supervision of the attorney. (NRS 40.280) In addition to the existing requirements concerning such agents, **section 25** of this bill prohibits the agent from being employed as a property manager in this State.

Existing law authorizes a nongovernmental legal or commercial entity to be represented by its director, officer or employee in an action in small claims court. (NRS 73.012) Similarly, **section 26** of this bill authorizes a landlord to be represented by his or her agent in a small claims action.

Section 26.5 of this bill provides that the amendatory provisions of this bill do not apply to a tenant of a dwelling unit that is a manufactured home, or on the premises of a manufactured home lot or a manufactured home park.

Finally, **section 27** of this bill provides that a rental agreement entered into before the effective date of this bill is binding upon the parties and may be enforced on or after that date, regardless of whether the provisions of the rental agreement conflict with the amendatory provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to:

(a) Authorize a person with a disability to make reasonable modifications to a dwelling which he or she occupies or will occupy if:

(1) The person with the disability pays for the modifications; and

(2) The modifications are necessary to ensure that the person with the disability may use and enjoy the dwelling; or

(b) Make reasonable accommodations in rules, policies, practices or services if those accommodations are necessary to ensure that the person with the disability may use and enjoy the dwelling.

2. A landlord may, as a condition for the authorization of such a modification, reasonably require the person who requests the authorization, upon the termination of his or her occupancy, to restore the dwelling to the condition that existed before the modification, reasonable wear and tear excepted.

3. Except as otherwise provided in subsection 4, a landlord may not increase the amount of a security deposit the landlord customarily requires a person to deposit because that person has requested authorization to modify a dwelling pursuant to subsection 1.

4. If a person requests authorization to modify a dwelling pursuant to subsection 1, the landlord may require that person to deposit an additional security deposit in addition to the amount the landlord usually requires if the additional security deposit:

(a) Is necessary to ensure the restoration of the dwelling pursuant to subsection 2;

(b) Does not exceed the actual cost of the restoration; and

(c) Is deposited by the landlord in an interest-bearing account. Any interest earned on the additional amount must be paid to the person who requested the authorization.

5. As used in this section, "security deposit" has the meaning ascribed to it in ~~[~~NRS 118A.240.~~]~~ ***section 5 of this act.***

Sec. 2. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 9, inclusive, of this act.

Sec. 3. (Deleted by amendment.)

Sec. 4. *"Grace period" means a period of time, not less than 3 days, during which rent can be paid late by a tenant.*

Sec. 5. *"Security deposit" means a deposit paid in cash, by check or by any other acceptable manner to a landlord for any of the following purposes:*

1. Remedying any default of the tenant in the payment of periodic rent, including, without limitation, the cost of any fee for the late payment of rent.

2. Repairing damage to the premises caused by the tenant other than normal wear.

3. Cleaning the dwelling unit.

Sec. 6. *1. A landlord ~~[may charge a single fee for the submission of a rental application by every prospective tenant who intends to occupy one dwelling unit. If a landlord has charged a fee for the submission of a rental application from a prospective tenant or multiple prospective tenants that intend to occupy one dwelling unit, the landlord may not charge other prospective tenants a fee for the submission of a rental application for the same dwelling unit unless the initial application or applications, as applicable, for that dwelling unit have been denied.~~*

~~2. The fee described in subsection 1 must not exceed the direct and actual costs of the landlord in processing the application, including, without limitation, reasonable personnel and administrative costs.]~~ who collects from a prospective tenant any fee to apply to rent a dwelling unit, including, without limitation, an application fee, a fee to obtain a credit report or a fee to obtain a background check, shall refund the fee to the prospective tenant if the landlord:

(a) Rents the dwelling unit to a different prospective tenant; and

(b) Does not conduct the activity for which the fee was collected, including, without limitation, processing the application or obtaining a credit report or background check of the prospective tenant.

2. A landlord shall not collect an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

3. As used in this section:

(a) "Household" means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.

(b) "Minor" means a person who is under 18 years of age.

Sec. 7. *A landlord may charge a tenant a fee for the eviction of the tenant. The amount of the fee must not exceed the direct and actual costs of the landlord associated with the action for eviction.*

Sec. 8. *1. A landlord may not transfer, sell, assign or report to a collection agency or credit reporting agency any amount owed by the tenant to the landlord, unless the landlord delivers to the tenant an itemized, written accounting of all outstanding amounts owed by the tenant at least 30 days in advance of transferring, selling, assigning or reporting the amount owed to a collection agency or credit reporting agency.*

2. An itemized, written accounting required by subsection 1 must contain a disclosure which states that if the outstanding amounts are not paid within 30 days, the landlord will transfer, sell, assign or report the outstanding amount to a collection agency or credit reporting agency.

3. The delivery of the itemized, written accounting must be effectuated by the landlord by:

(a) Personally handing the itemized, written accounting to the tenant at the place where rent is paid by the tenant; or

(b) Mailing the itemized, written accounting to the tenant at the present address of the tenant, if known, or the last known address of the tenant, if the present address of the tenant is unknown.

Sec. 8.5. ***1. Any action for the enforcement of any provision of a rental agreement must be commenced not later than 2 years after the termination of the tenancy, as established by the rental agreement.***

2. If the amount owed by the tenant does not exceed the jurisdictional limit set forth in chapter 73 of NRS, the landlord must bring a small claims action.

Sec. 9. ***Within 10 business days after the landlord changes his or her agent, broker or property management company, the landlord or the new agent, broker or company shall provide written notification to the tenant which must contain:***

1. The name, address and telephone number of the new agent, broker or company; and

2. A statement that the security deposit of the tenant was transferred, in its entirety without deductions, to the new entity and that no additional security deposit is required to be paid by the tenant.

Sec. 10. NRS 118A.020 is hereby amended to read as follows:

118A.020 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 118A.030 to 118A.175, inclusive, ***and sections 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 118A.110 is hereby amended to read as follows:

118A.110 ***1.*** "Normal wear" means ~~[~~that~~]~~ ***the expected*** deterioration which occurs ~~[~~without negligence, carelessness or abuse~~]~~ ***during the course of a tenancy from the normal use*** of the premises ~~[~~, equipment or chattels~~]~~ by the tenant, a ***household*** member of the ~~[~~tenant's household~~]~~ ***tenant*** or other person on the premises with the ~~[~~tenant's~~]~~ consent ~~[~~.~~]~~ ***of the tenant.***

2. The term does not include damage to the premises which results from the neglect or abuse of the premises by the tenant, a household member of the tenant or other person on the premises.

Sec. 12. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed

and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment ~~[.]~~ ***, including, without limitation:***

(1) The duration of the grace period.

(2) The fee for the late payment of rent.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) ~~[Fees]~~ ***Subject to the limitations set forth in NRS 118A.220, fees, fines and costs*** which are ~~[required]~~ ***to be paid by the tenant*** and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund ~~[.]~~ ***, as applicable.***

(g) ~~[Charges which may be required for late or partial payment of rent or for return of any dishonored check.~~

~~(h)]~~ Inspection rights of the landlord.

~~[(i)]~~ ***(h)*** A listing of persons or numbers of persons who are to occupy the dwelling.

~~[(j)]~~ ***(i)*** Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

~~[(k)]~~ ***(j)*** A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

~~[(l)]~~ ***(k)*** A summary of the provisions of NRS 202.470.

~~[(m)]~~ ***(l)*** Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

~~[(n)]~~ ***(m)*** Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

(n) A separate appendix that contains a clear and concise explanation of each fee that may be charged during the term of the rental agreement and the purpose for which the fee may be charged. The appendix must state with specificity:

(1) For each fee that is variable, that the cost to be paid by the tenant is the actual cost incurred and that no additional fee will be added unless the fee is for a charge incurred by the tenant, including, without limitation, a late fee; and

(2) For each fee that is fixed or provided by a third-party vendor, the current amount of the fee.

(o) A separate appendix that contains a clear and concise explanation of the rights of the tenant pursuant to federal and state laws and local ordinances.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. ~~*[The range of all fees, fines and costs, known or reasonably known, and the purpose for which they are required and the range of totals must be:*~~

~~*(a) Disclosed in writing to the tenant before he or she enters into a written rental agreement or otherwise commences the tenancy; and*~~

~~*(b) Clearly and conspicuously printed on the first page of the written rental agreement or clearly and conspicuously disclosed within the addenda to the rental agreement, if applicable, that must be signed by the landlord or his or her agent and the tenant or his or her agent.*~~

~~*6.]*~~ The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) ~~[No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.]~~ ***There is no fee for the late payment of rent.***

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. ~~*[7.]*~~ It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

7. ***It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount or for any purpose that is not set forth in the appendix to the rental agreement that is required pursuant to paragraph (n) of subsection 3.***

8. As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 13. NRS 118A.210 is hereby amended to read as follows:

118A.210 1. Rent is payable without demand or notice at the time and place agreed upon by the parties.

2. Unless the rental agreement establishes a definite term, the tenancy is from week to week in the case of a tenant who pays weekly rent and in all other cases the tenancy is from month to month.

3. In the absence of an agreement, either written or oral:

(a) Rent is payable at the beginning of the tenancy; and

(b) Rent for the use and occupancy of a dwelling is the fair rental value for the use and occupancy.

4. A landlord may charge a reasonable late fee for the late payment of rent as set forth in the rental agreement, but:

(a) In a tenancy that is longer than week to week, no late fee may be charged or imposed until at least 3 calendar days after the date that rent is due;

(b) Such a late fee must not exceed 5 percent of the amount of the periodic rent; ~~[and]~~

(c) ***Such a late fee must not be charged until the expiration of the grace period set forth in the rental agreement; and***

(d) The maximum amount of the late fee must not be increased based upon a late fee that was previously imposed.

Sec. 14. NRS 118A.220 is hereby amended to read as follows:

118A.220 1. A rental agreement shall not provide that the tenant:

(a) Agrees to waive or forego rights or remedies afforded by this chapter;

(b) Authorizes any person to confess judgment on any claim arising out of the rental agreement;

(c) Agrees to pay ~~[the]~~ ***:***

(1) The landlord's attorney's fees, except that the agreement may provide that reasonable attorney's fees may be awarded to the prevailing party in the event of court action; ***or***

(2) Any fee, fine or cost, except those which are:

(I) Expressly authorized by statute; or

(II) Actual and reasonable;

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith if the liability is based upon an act or omission of the landlord or any agent or employee of the landlord; or

(e) Agrees to give the landlord a different notice of termination than that required to be given by the landlord to the tenant.

2. Any provision prohibited by subsection 1 is void as contrary to public policy and the tenant may recover any actual damages incurred through the inclusion of the prohibited provision.

Sec. 15. NRS 118A.242 is hereby amended to read as follows:

118A.242 1. The landlord may not demand or receive a security deposit or a surety bond, or a combination thereof, including the last month's rent, whose total amount or value exceeds 3 months' periodic rent.

2. In lieu of paying all or part of the security deposit required by the landlord, a tenant may, if the landlord consents, purchase a surety bond to secure the tenant's obligation to the landlord under the rental agreement to:

(a) Remedy any default of the tenant in the payment of rent.

(b) Repair damages to the premises other than normal wear and tear.

(c) Clean the dwelling unit.

3. The landlord:

(a) Is not required to accept a surety bond purchased by the tenant in lieu of paying all or part of the security deposit; and

(b) May not require a tenant to purchase a surety bond in lieu of paying all or part of the security deposit.

4. Upon termination of the tenancy by either party for any reason, the landlord may claim of the security deposit or surety bond, or a combination thereof, only such amounts as are reasonably necessary to ~~[remedy]~~ ***:***

(a) Remedy any default of the tenant in the payment of rent ~~[, to repair]~~ ***;***

(b) Repair damages to the premises caused by the tenant other than normal wear ~~[and to pay the reasonable costs of cleaning the premises.]~~ ***; and***

(c) Clean the premises.

5. The landlord shall ~~[provide]~~ ***deliver to*** the tenant ~~[with]~~ an itemized, written accounting of the disposition of the security deposit or surety bond, or a combination thereof, and return any remaining portion of the security deposit to the tenant ~~[no]~~ ***not*** later than 30 days after the termination of the tenancy by handing it to the tenant personally at the place where the rent is paid, or by mailing it to the tenant at the tenant's present address or, if that address is unknown, at the tenant's last known address.

~~[5. If a tenant disputes an item contained in an itemized written accounting received from a landlord pursuant to subsection 4, the tenant may send a written response disputing the item to the surety. If the tenant sends the written response within 30 days after receiving the itemized written accounting, the surety shall not report the claim of the landlord to a credit reporting agency unless the surety obtains a judgment against the tenant.]~~

6. ***The delivery of the itemized, written accounting must be effectuated by the landlord by:***

(a) Personally handing the itemized, written accounting to the tenant at the place where rent is paid by the tenant; or

(b) Mailing the itemized, written accounting to the tenant at the present address of the tenant, if known, or the last known address of the tenant, if the present address of the tenant is unknown.

7. If the landlord fails or refuses to ***deliver the itemized, written accounting or*** return the remainder of a security deposit within 30 days after the end of a tenancy, the landlord is liable to the tenant for damages :

(a) In an amount equal to the entire security deposit; and

(b) For a sum to be fixed by the court of not more than the amount of the entire security deposit.

~~[7.]~~ ***8.*** In determining the sum, if any, to be awarded under paragraph (b) of subsection ~~[6,]~~ ***7,*** the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

~~[8. Except for an agreement which provides for a nonrefundable charge for cleaning, in a reasonable amount, no]~~

9. In any action relating to an amount claimed of a security deposit or surety bond, or a combination thereof, by a landlord for repairing damage to the premises caused by the tenant other than normal wear, the landlord has the burden of proving:

(a) That the damage to the premises occurred during the tenancy of the tenant; and

(b) The actual costs of repair.

10. A rental agreement ~~[may]~~ ***must not*** contain any provision characterizing any security deposit under this section as nonrefundable or any provision waiving or modifying a tenant's rights under this section. Any such provision is void as contrary to public policy.

~~[9.]~~ ***11.*** The claim of a tenant to a security deposit to which the tenant is entitled under this chapter takes precedence over the claim of any creditor of the landlord.

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 118A.300 is hereby amended to read as follows:

118A.300 The landlord may not increase ~~[the]~~ ***:***

1. The rent payable by a tenant unless the landlord serves the tenant with a written notice, ~~[60]~~ ***at least 60*** days or, in the case of any periodic tenancy of less than 1 month, ~~[30]~~ ***at least 30*** days in advance of the first rental payment to be increased, advising the tenant of the increase.

2. Any fee, fine or cost required to be paid by the tenant, unless the landlord serves the tenant with a written notice:

(a) At least 60 days in advance of the first payment to be increased, if the tenancy is from month to month; or

(b) At least 30 days in advance of the first payment to be increased, if the tenancy is from week to week.

Sec. 19. NRS 118A.355 is hereby amended to read as follows:

118A.355 1. Except as otherwise provided in this chapter, if a landlord fails to maintain a dwelling unit in a habitable condition as required by this chapter, the tenant shall deliver a written notice to the landlord specifying each

failure by the landlord to maintain the dwelling unit in a habitable condition and requesting that the landlord remedy the failures. If a failure is remediable and the landlord adequately remedies the failure or uses his or her best efforts to remedy the failure within 14 days after receipt of the notice, the tenant may not proceed under this section. If the landlord fails to remedy a material failure to maintain the dwelling unit in a habitable condition or to make a reasonable effort to do so within the prescribed time, the tenant may:

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

(d) Withhold any rent that becomes due without incurring ~~[late fees, charges for notice or]~~ any ~~[other charge or]~~ fee ***, fine or cost*** authorized by ~~[this chapter or]~~ the rental agreement until the landlord has remedied, or has attempted in good faith to remedy, the failure.

2. The tenant may not proceed under this section:

(a) For a condition caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent; or

(b) If the landlord's inability to adequately remedy the failure or use his or her best efforts to remedy the failure within 14 days is due to the tenant's refusal to allow lawful access to the dwelling unit as required by the rental agreement or this chapter.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and any security deposit recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless the tenant has given notice as required by subsection 1, except that the tenant may, without giving that notice:

(a) Recover damages under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that the landlord had knowledge of the condition constituting the failure to maintain the dwelling in a habitable condition; or

(2) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (d) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the failure to maintain the dwelling in a habitable condition from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the failure within the time prescribed in the written notice of that condition from the governmental agency.

5. Justice courts shall establish by local rule a mechanism by which tenants may deposit rent withheld under paragraph (d) of subsection 1 into an escrow account maintained or approved by the court. A tenant does not have a defense

to an eviction under paragraph (d) of subsection 1 unless the tenant has deposited the withheld rent into an escrow account pursuant to this subsection.

Sec. 20. NRS 118A.370 is hereby amended to read as follows:

118A.370 If the landlord fails to deliver possession of the dwelling unit to the tenant as provided in this chapter, rent abates until possession is delivered as required, and the tenant may:

1. Terminate the rental agreement upon at least 5 days' written notice to the landlord and upon termination the landlord shall return all prepaid rent, any security deposit recoverable under this chapter ~~[,]~~ and any ~~[payment,]~~ ***other fee, fine, cost or*** deposit ~~[, fee or charge to secure the execution of]~~ ***required under*** the rental agreement ~~[; or]~~ ***to be paid by the tenant before his or her possession of the premises.***

2. Demand performance of the rental agreement by the landlord and, if the tenant elects, maintain an action for possession of the dwelling unit against the landlord or any person wrongfully in possession and recover the actual damages sustained. If the landlord has exercised due diligence to evict the holdover tenant or remedy the condition keeping the new tenant from taking possession, the landlord is not liable for damages **.** ~~[; or]~~

3. Pursue any other remedies to which the tenant is entitled, including the right to recover any actual damages suffered.

Sec. 21. NRS 118A.380 is hereby amended to read as follows:

118A.380 1. If the landlord is required by the rental agreement or this chapter to supply heat, air-conditioning, running water, hot water, electricity, gas, a functioning door lock or another essential item or service and the landlord willfully or negligently fails to do so, causing the premises to become unfit for habitation, the tenant shall give written notice to the landlord specifying the breach. If the landlord does not adequately remedy the breach, or use his or her best efforts to remedy the breach within 48 hours, except a Saturday, Sunday or legal holiday, after it is received by the landlord, the tenant may, in addition to any other remedy:

(a) Procure reasonable amounts of such essential items or services during the landlord's noncompliance and deduct their actual and reasonable cost from the rent;

(b) Recover actual damages, including damages based upon the lack of use of the premises or the diminution of the fair rental value of the dwelling unit;

(c) Withhold any rent that becomes due during the landlord's noncompliance without incurring ~~[late fees, charges for notice or]~~ any ~~[other charge or]~~ fee **,** ***fine or cost*** authorized by ~~[this chapter or]~~ the rental agreement, until the landlord has attempted in good faith to restore the essential items or services; or

(d) Procure other housing which is comparable during the landlord's noncompliance, and the rent for the original premises fully abates during this period. The tenant may recover the actual and reasonable cost of that other housing which is in excess of the amount of rent which is abated.

2. If the tenant proceeds under this section, the tenant may not proceed under NRS 118A.350 and 118A.360 as to that breach.

3. The rights of the tenant under this section do not arise until the tenant has given written notice as required by subsection 1, except that the tenant may, without having given that notice:

(a) Recover damages as authorized under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that the landlord had knowledge of the lack of such essential items or services; or

(2) Has received written notice of the uninhabitable condition caused by such a lack from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (c) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.

4. The rights of the tenant under paragraph (c) of subsection 1 do not arise unless the tenant is current in the payment of rent at the time of giving written notice pursuant to subsection 1.

5. If such a condition was caused by the deliberate or negligent act or omission of the tenant, a member of his or her household or other person on the premises with his or her consent, the tenant has no rights under this section.

Sec. 22. NRS 118A.440 is hereby amended to read as follows:

118A.440 If the tenant's failure to perform basic obligations under this chapter can be remedied by repair ~~[,]~~ ***or*** replacement of a damaged item ***,*** ~~[or cleaning,]~~ and the tenant fails to use his or her best efforts to comply within 14 days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time or more promptly if conditions require in case of emergency, the landlord may enter the dwelling unit and cause the work to be done in a workmanlike manner and submit the itemized bill for the actual and reasonable cost, or the fair and reasonable value of the work. The itemized bill must be paid as rent on the next date periodic rent is due, or if the rental agreement has terminated, may be submitted to the tenant for immediate payment or deducted from the security deposit.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served

a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable.

The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or

notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant, ➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable ~~[charge]~~ ***fee*** for late ~~[payments]~~ ***payment*** of rent ~~[or dishonored checks,]~~ or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in ~~[NRS 118A.240.]~~ ***section 5 of this act.***

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

Sec. 25. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253 and 40.2542, the notices required by NRS 40.251 to 40.260, inclusive, must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a

person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to NRS 40.253 or 40.254;

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542.

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraph (b):

(1) If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

(I) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive;

(II) Reviewed the date and manner of service by the agent; and

(III) Believes to the best of his or her knowledge that such service complies with the requirements of this section.

(2) If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(3) If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive; ~~[and]~~

(b) The agent is acting at the direction and under the direct supervision of the attorney ~~[.]~~ ***; and***

(c) The agent is not employed as the property manager of any premises in this State.

Sec. 26. NRS 73.012 is hereby amended to read as follows:

73.012 ***1.*** A corporation, partnership, business trust, estate, trust, association or any other nongovernmental legal or commercial entity may be represented by its director, officer or employee in an action mentioned or covered by this chapter.

2. A landlord may be represented by his or her agent in an action mentioned or covered by this chapter.

Sec. 26.5. 1. The amendatory provisions of this act do not apply to the tenant of a dwelling that is a manufactured home or on the premises of a manufactured home lot or a manufactured home park.

2. As used in this section:

(a) "Dwelling" has the meaning ascribed to it in 118A.080.

(b) "Manufactured home" has the meaning ascribed to it in NRS 118B.015.

(c) "Manufactured home lot" has the meaning ascribed to it in NRS 118B.016.

(d) "Manufactured home park" has the meaning ascribed to it in NRS 118B.017.

(e) "Tenant" has the meaning ascribed to it in NRS 118A.170.

Sec. 27. Any rental agreement between a landlord and tenant entered into before the effective date of this act is binding upon the parties to the agreement and may be enforced on or after the effective date of this act, regardless of whether any provision of the rental agreement conflicts with the amendatory provisions of this act.

Sec. 28. NRS 118A.240 is hereby repealed.

Sec. 29. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

118A.240 "Security deposit" defined.

1. Any payment, deposit, fee or charge that is to be used for any of the following purposes is a "security deposit" and is governed by the provisions of this section and NRS 118A.242 and 118A.244:

(a) Remedying any default of the tenant in the payments of rent.

(b) Repairing damages to the premises other than normal wear caused by the tenant.

(c) Cleaning the dwelling unit.

2. "Security deposit" does not include:

(a) Any payment, deposit or fee to secure an option to purchase the premises; or

(b) Any payment to a corporation qualified under the laws of this State as a surety, guarantor or obligator for a premium paid to secure a surety bond or a similar bond, guarantee or insurance coverage for purposes of securing a tenant's obligations to a landlord as described in NRS 118A.242.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 647.

AN ACT relating to health care; revising provisions governing the regulation of hospitals; prohibiting a health carrier from denying certain providers of health care from entering into a contract to join the network of the health carrier under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations establishing licensing standards for hospitals. (NRS 449.0302) Existing regulations require a doctor of medicine or osteopathic medicine to perform a physical examination and complete a medical history of a patient seeking admission to a hospital not more than 7 days before or more than 48 hours after the patient is admitted to the hospital. (NAC 449.358) **Section 1** of this bill requires those regulations to authorize a certified nurse-midwife to perform such a physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.

Existing law requires a health carrier to comply with certain provisions governing the network plans that the health carrier offers or issues. (NRS 687B.600-687B.850) **Section 4** of this bill prohibits a health carrier from denying a request from a provider of health care to enter into a provider network contract to join the network established by the health carrier if the provider of health care: (1) meets **and accepts** the terms and conditions for participation in the network plan of the health carrier; (2) is employed by or has accepted an offer of employment from a school of medicine or school of osteopathic medicine in this State; (3) does not have a clinical practice already established in this State; and (4) requests to become a participating provider of health care in the network of the health carrier. **Section 4** authorizes a health carrier to deny a request from such a provider of health care to enter into such a provider network contract for certain reasons. **Section 4** also clarifies that a health carrier is authorized to terminate such a provider of health care from participating in the network of the health carrier for any grounds authorized

under the provider contract. **Sections 6 and 7** of this bill make conforming changes to indicate the proper placement of **section 4** in the Nevada Revised Statutes. **Sections 2 and 3** of this bill require the State or a local government to comply with **section 4** if it offers a health insurance policy to its officers and employees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the
Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement

services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. ***If the regulations adopted pursuant to this section require a physical examination to be performed on a patient or the medical history of a patient to be obtained before or after the patient is admitted to a hospital, those regulations must authorize a certified nurse-midwife to perform such a physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.***

14. As used in this section ~~[, "living]~~ ***:***

(a) "Certified nurse-midwife" means a person who is:

(1) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(2) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

(b) "Living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 2. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the

deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 ***and section 4 of this act*** apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 3. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 4 of this act,*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 4. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health carrier which offers or issues a network plan may not deny a request from a provider of health care to enter into a provider network contract with the health carrier if the provider of health care:

(a) Meets and accepts the terms and conditions for participation in the network of the health carrier, including, without limitation:

(1) Meeting any credentialing requirement of the health carrier;

(2) Agreeing to all provisions of the provider network contract, including, without limitation, provisions setting forth the grounds and procedures for terminating providers of health care from participation in the network; and

(3) Agreeing to participate in a review of the performance and experience of the provider of health care at least once each year or as otherwise required by the health carrier;

(b) Is employed by or has accepted an offer of employment from a school of medicine or school of osteopathic medicine in this State to serve in a position where the provider of health care teaches students studying to become providers of health care or resident physicians at least 50 percent of the time the provider of health care is performing his or her duties for the school;

(c) Does not have a clinical practice already established in this State at the time the request to enter into a provider network contract is made; and

(d) Requests to be a participating provider of health care in the network of the health carrier.

2. A health carrier which offers or issues a network plan may deny a request from a provider of health care to enter into a provider network contract with the health carrier if:

(a) The health carrier contracts with a third party for the delivery of services to covered persons;

(b) Participating providers of health care are paid though capitation agreements; or

(c) Accepting the provider of health care into the network plan would disrupt existing provider network contracts.

3. A health carrier may terminate a provider network contract entered into pursuant to subsection 1 for any grounds authorized under the contract. Such grounds may include, without limitation, failure to maintain the employment described in paragraph (b) of subsection 1 or issues of inconsistency with other participating providers of health care with regard to:

(a) Access for covered persons to the services of the provider of health care;

(b) The cost of the services of the provider of health care;

(c) The quality of care provided by the provider of health care; or

(d) Other issues relating to the utilization of the services of the provider of health care.

Sec. 5. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, ***and section 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[,]~~ ***, and section 4 of this act;***

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[,]~~ ***, and section 4 of this act;*** and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 4 of this act.***

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 161.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 648.

SUMMARY— ~~[Provides for the use of certain federal benefits.]~~ **Establishes programs** to **facilitate the** purchase **of** menstrual products. (BDR 38-811)

AN ACT relating to public assistance; providing for the use of benefits under certain federal programs for persons with low incomes to purchase menstrual products; **authorizing the establishment of a program to assist certain recipients of public assistance in the purchase of menstrual products;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Supplemental Nutrition Assistance Program, which provides assistance to certain low-income families for the purchase of food. (7 U.S.C. §§ 2011 et seq.) Existing federal law also establishes the Special Supplemental Nutrition Program for Women, Infants and Children, which provides, through eligible local agencies, nutrition education and supplemental foods to pregnant women, mothers, infants and children less than 5 years of age with low household incomes. (42 U.S.C. § 1786) Existing law requires the Department of Health and Human Services to administer these programs within this State. (NRS 422A.338) This bill requires the Department to authorize recipients of benefits provided under those programs to use such benefits to purchase menstrual products: (1) to the extent authorized by federal law; and (2) to the extent that federal funding is available. **This bill also authorizes the Department to: (1) establish and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division of Welfare and Supportive Services of the Department is responsible; and (2) accept gifts, grants and donations for the purposes of establishing such a program.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law and to the extent that federal funding is available, the Department shall authorize recipients of benefits provided under Supplemental Nutrition Assistance or the Special

Supplemental Nutrition Program for Women, Infants and Children established by 42 U.S.C. § 1786 to use such benefits to purchase menstrual products.

2. The Department shall take any action necessary to obtain federal authorization and federal funding to carry out the provisions of subsection 1, including, without limitation, applying for any necessary federal waiver.

3. To the extent that money is available for this purpose, the Department, through the Division, may establish and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division is responsible. The Department may accept gifts, grants and donations from any source for the purpose of establishing and administering such a program.

4. As used in this section, "menstrual products" includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 172.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 574.

AN ACT relating to health care; authorizing a minor to give express consent to certain health care providers for certain services for the prevention of sexually transmitted diseases and pregnancy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the age of 18 years as the age of majority in this State. (NRS 129.010) However, existing law authorizes a local or state health officer, licensed physician or clinic to examine or treat any minor who is suspected of being infected or is infected with any sexually transmitted disease without the consent of the parent, parents or legal guardian of the minor. (NRS 129.060) **Section 1** of this bill: (1) clarifies that a minor must consent to such examination or treatment before the examination or treatment is provided; and (2) additionally authorizes a minor to consent to such an examination or treatment provided by a physician assistant or registered nurse. **Section 1** also authorizes a minor to give express consent to certain health care providers for

the provision of services for the prevention of sexually transmitted diseases ~~[, including]~~ **or** the prescribing, dispensing or administration of a contraceptive drug or device ~~[,]~~ without the consent or notification of the parent, parents or legal guardian of the minor.

Existing law prohibits an employee or volunteer at a family resource center which has received a grant from the Director of the Department of Health and Human Services from administering drugs or contraceptives to or performing medical or dental procedures for a minor without written consent from the parent, guardian or legal custodian of the minor. (NRS 430A.180) **Section 2** of this bill authorizes a physician, physician assistant, registered nurse or pharmacist who is an employee or volunteer at such a family resource center to provide services for the prevention of sexually transmitted diseases ~~[, including the prescribing, dispensing or administering of]~~ **or prescribe, dispense or administer** a contraceptive drug or device ~~[,]~~ to a minor without consent of the parent, guardian or legal custodian.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 129.060 is hereby amended to read as follows:

129.060 Notwithstanding any other provision of law, ~~[the consent of the parent, parents or legal guardian of a minor is not necessary in order to authorize a]~~ ***a minor may give express consent to:***

1. A local or state health officer, licensed physician ***, physician assistant, registered nurse*** or clinic to ~~[examine]~~ ***conduct an examination for*** or treat, or both, ~~[any minor who is suspected of being infected or is found to be infected with]~~ any sexually transmitted disease.

2. A local or state health officer, licensed physician, physician assistant, registered nurse, pharmacist or clinic to ~~[provide]~~ :

(a) Provide services related to the prevention of sexually transmitted diseases, including, without limitation, the services described in NRS 639.28085 ; or ~~[the issuance of]~~

(b) Issue a prescription for, the dispensing of or the administration of a contraceptive drug or device.

Sec. 2. NRS 430A.180 is hereby amended to read as follows:

430A.180 ~~[When]~~

1. Except as otherwise provided in subsection 2, when providing services on behalf of a family resource center which has received a grant from the Director pursuant to the provisions of this chapter, an employee or volunteer at the family resource center shall not administer drugs or contraceptives to or perform medical or dental procedures for a minor unless written consent to administer those drugs or contraceptives or to perform those procedures has been obtained from the minor's parent, guardian or legal custodian.

2. A licensed physician, physician assistant, registered nurse or pharmacist who is an employee or volunteer at a family resource center which has received a grant from the Director pursuant to the provisions of

this chapter may provide the services described in NRS 129.060 under the conditions authorized by that section.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 289.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 635.

AN ACT relating to crimes; expanding the applicability of enhanced penalties for assault or battery against a provider of health care under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an assault without a deadly weapon or battery without a deadly weapon or without substantial harm to the victim is generally punishable as a misdemeanor. (NRS 200.471, 200.481) A person who commits assault without a deadly weapon against a provider of health care in the performance of his or her duties where the perpetrator knows or should know that the victim is a provider of health care is instead guilty of: (1) a category D felony, if the perpetrator is a probationer, a prisoner who is in lawful custody or confinement or a parolee; and (2) in all other cases, a gross misdemeanor. (NRS 200.471) Additionally, a person who commits a battery against a provider of health care performing his or her duty is guilty of: (1) a gross misdemeanor, if the perpetrator knows or should know that the victim is a provider of health care; or (2) category B felony if the perpetrator knows or should know that the victim is a provider of health care and the battery involves substantial bodily harm or strangulation. (NRS 200.481) **Sections 1 and 2** of this bill provide that, for those purposes, the term "provider of health care" includes: (1) a behavior analyst, assistant behavior analyst, registered behavior technician, mental health technician, public safety officer at a health care facility or participant in a program of training to provide emergency medical services; **(2) a person who provides health care services in the home for compensation;** or ~~[(2)]~~ **(3)** any person who is employed by or volunteers at a health care facility and meets certain other requirements. **Sections 1 and 2** additionally provide that the enhanced penalties for an assault or a battery against a provider of health care apply any time the provider of health care is assaulted or battered on the premises of a health care facility where the provider of health care performs his or her duty and the perpetrator knows or should know that the victim is a provider of health care, whether or not the provider of health care was performing his or her duty.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) ***"Health care facility" means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.***

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(d)]~~ ***(e)*** "Provider of health care" means ~~[a]~~ ***:***

(1) A physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, ***a person who provides health care services in the home for compensation,*** a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, ***a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician,*** a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, ***a public safety officer at a health care facility,*** an emergency medical technician, an advanced emergency medical technician ***,*** ~~[and]~~ a paramedic ~~[.~~

~~(e)]~~ ***or a participant in a program of training to provide emergency medical services; or***

(2) An employee of or volunteer for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(f)]~~ ***(g)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(g)]~~ ***(h)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(i)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(i)]~~ ***(j)*** "Taxicab driver" means a person who operates a taxicab.

~~[(j)]~~ ***(k)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault ~~[is]~~ ***:***

(1) Is committed upon ~~[an]~~ ***:***

(I) An officer, ~~[a provider of health care,]~~ a school employee, a taxicab driver or a transit operator who is performing his or her duty ***;***

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) A sports official based on the performance of his or her duties at a sporting event ***;*** and ~~[the]~~

(2) The person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official,

➥ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault ~~[is]~~ ***:***

(1) Is committed ***by a probationer, a prisoner who is in lawful custody or confinement or a parolee*** upon ~~[an]~~ ***:***

(I) An officer, ~~[a provider of health care,]~~ a school employee, a taxicab driver or a transit operator who is performing his or her duty ***;***

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) A sports official based on the performance of his or her duties at a sporting event ***;*** ~~[by a probationer, a prisoner who is in lawful custody or confinement or a parolee,]~~ and ~~[the]~~

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official,

➥ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 2. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) ***"Health care facility" has the meaning ascribed to it in NRS 200.471.***

(e) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(e)]~~ ***(f)*** "Provider of health care" has the meaning ascribed to it in NRS 200.471.

~~[(f)]~~ ***(g)*** "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(g)]~~ ***(h)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(i)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(i)]~~ ***(j)*** "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

~~[(j)]~~ ***(k)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(k)]~~ ***(l)*** "Taxicab driver" means a person who operates a taxicab.

~~[(l)]~~ ***(m)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon ~~[an]~~ ***:***

(I) An officer, ~~[provider of health care,]~~ school employee, taxicab driver or transit operator who was performing his or her duty ***;***

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) A sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery ~~[is]~~ ***:***

(1) Is committed upon ~~[an]~~ ***:***

(I) An officer, ~~[provider of health care,]~~ school employee, taxicab driver or transit operator who is performing his or her duty ***;***

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) A sports official based on the performance of his or her duties at a sporting event ***;*** and ~~[the]~~

(2) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➥ for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 704.

AN ACT relating to energy; revising certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement; imposing various requirements on solar installation companies; revising ~~[the definition of "distributed generation system".]~~ **certain definitions;** prohibiting a person from engaging in certain activities relating to residential photovoltaic systems unless the person is licensed by the State Contractors' Board or is an employee of such a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements on solar installation companies that sell and install distributed generation systems in this State. Existing law prescribes certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement. (NRS 598.9801-598.9822) **Section 3** of this bill authorizes a purchaser or lessee who enters into or signs an agreement for the purchase or lease of a distributed generation system or a power purchase agreement to rescind **or cancel** the agreement by providing certain notice to the solar installation company within 3 business days after the agreement was entered into or signed.

Existing law requires an agreement for the purchase or lease of a distributed generation system or a power purchase agreement to include a cover page containing certain information. (NRS 598.9809, 598.9813, 598.9816) **Sections 6-8** of this bill require such a cover page to include certain additional information. **Section 2** of this bill requires a solar installation company to: (1) verbally communicate the information that is required to be included in the cover page to a purchaser or lessee, as applicable, **in person or** via a telephone call **or videoconference** that is recorded; and (2) maintain each recording ~~[of such a telephone call]~~ for not less than ~~[10]~~ **4** years after the date ~~[on which the telephone call is made.]~~ **of any final inspection of the distributed generation system.** ~~[Section 9 of this bill requires]~~ **If** a solar installation company ~~[,]~~ **or its employees or agents advertise or negotiate certain terms for the purchase or lease of a distributed generation system or a power purchase agreement in a language other than English, section 9 of this bill requires the company to provide a translation of the contract, agreement or certain required notices in that language to certain persons** before the execution of ~~[an]~~ **the contract or** agreement ~~[for the purchase or lease of a distributed generation system or a power purchase agreement, to provide a copy of the cover page to the purchaser or lessee, as applicable, in the language that the majority of the solicitation, offer or transaction for the agreement occurred, if the majority of the language that was used was a language other than English.]~~ **resulting from such advertising or negotiations. Section 4** of this bill makes a conforming change to indicate the proper placement of **sections** ~~[2 and]~~ **1.3-3 of this bill** in the Nevada Revised Statutes.

Existing law defines "distributed generation system" as a system or facility for the generation of electricity: (1) that uses solar energy to generate electricity; (2) that is located on the property of a customer of an electric utility; (3) that is connected on the customer's side of the electricity meter; (4) that provides electricity primarily to offset customer load on that property; and (5) the excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems. (NRS 598.9804) **Section 5** of this bill revises the definition of "distributed generation system" to mean a system or facility for the **residential** generation of electricity that uses solar energy to generate electricity. **Section 5.5 of this bill revises the definition of "solar installation company."**

Section 9 ~~[of this bill]~~ provides that if a solar installation company executes an agreement for the purchase or lease of a distributed generation system or a power purchase agreement and **knowingly** fails to comply with requirements set forth under existing law governing such agreements and **sections** ~~[2]~~ **1.3-9** of this bill, the agreement is voidable by the purchaser or lessee, as applicable.

Existing law prohibits a person from performing any work on residential photovoltaic systems used to produce electricity without the proper license or other authorization under state law. (NRS 624.860) **Section 10** of this bill revises that prohibition to ~~[: (1)]~~ prohibit a person from performing such work **, or providing a bid for or executing a contract to perform such work,** unless the person holds a license issued by the State Contractors' Board or is an employee of such a person**.** ~~[; and (2) additionally prohibit a person from advertising, soliciting or offering to enter into an agreement for the purchase or lease of a distributed generation system or a power purchase agreement unless the person holds such a license or is an employee of such a person. Section 10 provides that a person who does not hold such a license and is not an employee of a person who holds such a license is authorized to generate leads or referrals for a residential photovoltaic system used to produce electricity if the person does not provide a quote or offer for the sale or installation of such a system.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 and]~~ **1.3 to** 3 **, inclusive,** of this act.

Sec. 1.3. ***"Offset" means the amount of alternating current kilowatt hours generated by a distributed generation system divided by prior consumption, to the extent data on prior consumption is available.***

Sec. 1.7. ***"Production" means the amount of alternating current kilowatt hours generated by a distributed generation system.***

Sec. 2. ***1. A solar installation company shall, ~~[through]~~ in person or by telephone ~~[,]~~ or videoconference, verbally ~~[communicate]~~ :***

(a) Confirm the identity of a purchaser or lessee under an agreement for the purchase or lease of a distributed generation system or a host customer under a power purchase agreement;

(b) Communicate to ~~[a]~~ the purchaser , ~~[or]~~ lessee ~~[under an agreement for the purchase or lease of a distributed generation system]~~ or ~~[a]~~ host customer ~~[under a power purchase agreement]~~ the information required to be included in a cover page pursuant to NRS 598.9809, 598.9813 or 598.9816, as applicable ~~[.]~~ ; and

(c) Confirm that the purchaser, lessee or host customer understands the information communicated pursuant to paragraph (b).

2. The verbal communication required by subsection 1 must be:

(a) Recorded by the solar installation company; and

(b) ~~[Provided:~~

~~(1) At]~~ Conducted at the time of the execution of the agreement or within 48 hours after the execution of the agreement . ~~[; and~~

~~(2) Before the installation of any distributed generation system under the agreement.]~~

3. A solar installation company shall not commence the installation of any distributed generation system under an agreement until the recording required pursuant to this section has been made.

4. A solar installation company shall maintain the recording ~~[of a verbal communication made]~~ required pursuant to this section for not less than ~~[10]~~ 4 years after the ~~[recording is made.]~~ date of the final inspection of the distributed generation system within the jurisdiction in which the distributed generation system is located.

Sec. 3. *Any purchaser or lessee who enters into or signs an agreement for the purchase or lease of a distributed generation system or host customer who enters into a power purchase agreement may rescind or cancel the agreement , without any penalty or obligation, by giving notice in writing to the solar installation company either by delivering, mailing or telegraphing such notice or sending such notice by electronic mail not later than midnight of the third business day after the date the agreement was entered into or signed. The notice must be addressed to the solar installation company at the solar installation company's place of business , or another place designated in the agreement, or sent to the electronic mail address set forth on the cover page required by NRS 598.9809, 598.9813 or 598.9816, as applicable, and must contain words indicating the intent of the purchaser, lessee or host customer to rescind or cancel the transaction previously entered into.*

Sec. 4. NRS 598.9801 is hereby amended to read as follows:

598.9801 As used in NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[2 and]~~ 1.3 to 3 , inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.9802 to 598.9808, inclusive, ***and sections 1.3 and 1.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 598.9804 is hereby amended to read as follows:

598.9804 "Distributed generation system" means a system or facility for the ***residential*** generation of electricity ~~[~~**:**

~~1. That~~**]** ***that*** uses solar energy to generate electricity **.** ~~[~~**;**

~~2. That is located on the property of a customer of an electric utility;~~

~~3. That is connected on the customer's side of the electricity meter;~~

~~4. That provides electricity primarily to offset customer load on that property; and~~

~~5. The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer-generators pursuant to NRS 704.766 to 704.776, inclusive.~~**]**

Sec. 5.5. **NRS 598.9808 is hereby amended to read as follows:**

598.9808 1. "Solar installation company" means any form of business organization or any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization, that ~~[transacts]~~ ***holds a license issued pursuant to chapter 624 of NRS which authorizes the performance of work concerning a distributed generation system and, directly or indirectly, on its own behalf or on behalf of another:***

(a) Performs or offers to perform any work concerning a distributed generation system;

(b) Advertises, solicits or offers to enter into an agreement described in NRS 598.9801 to 598.9822, inclusive, and sections 1.3 to 3, inclusive, of this act; or

(c) Transacts business ~~[directly with a residential customer of an electric utility]~~ to:

~~[(a)]~~ ***(1)*** Sell and install a distributed generation system; or

~~[(b)]~~ ***(2)*** Install a distributed generation system owned by a third party from whom the customer:

~~[(1)]~~ ***(I)*** Leases a distributed generation system; or

~~[(2)]~~ ***(II)*** Purchases electricity generated by a distributed generation system.

2. The term does not include ~~[entities that are third party:~~

~~(a) Owners of a distributed generation system; or~~

~~(b) Financiers of a distributed generation system who do not sell or install the distributed generation system.]~~ ***a person who generates leads or referrals to perform work concerning a distributed generation system for persons who hold a license issued pursuant to chapter 624 of NRS authorizing the performance of such work, if such activity is limited to:***

(a) Serving as the source of a referral;

(b) Providing the contact information of a person who holds a license issued pursuant to chapter 624 of NRS to a prospective purchaser or lessee;

(c) Setting up appointments on behalf of a person who holds a license issued pursuant to chapter 624 of NRS; or

(d) Advertising through print media.

Sec. 6. NRS 598.9809 is hereby amended to read as follows:

598.9809 An agreement for the lease of a distributed generation system must include a cover page that ~~[provides]~~ ***:***

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement ~~[with]~~ , without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in section 3 of this act.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to section 3 of this act and notice that the lessee may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to section 2 of this act.

(d) Notice that, before the installation of the distributed generation system, the lessee will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the lease of the distributed generation system other than what is contained in the agreement.

2. Provides the following information in at least 10-point font:

~~[1.]~~ ***(a)*** The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

~~[2.]~~ ***(b)*** An estimated timeline for the installation of the distributed generation system.

~~[3.]~~ ***(c)*** The estimated amount of the monthly payments due under the lease in the first year of operation of the distributed generation system.

~~[4.]~~ ***(d)*** The length of the term of the lease.

~~[5.]~~ ***(e)*** A description of any warranties.

~~[6.]~~ ***(f)*** The rate of any payment increases.

~~[7.]~~ ***(g)*** The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

~~[8.]~~ ***(h)*** The estimated production of the distributed generation system in the first year of operation ~~[.~~

~~9.]~~ ***and an explanation that:***

(1) The lessee will always receive a power bill if the premises of the lessee are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the lessee will impact the estimated offset, or savings, in relation to the production.

(i) A description of the terms for renewal or any other options available at the end of the term of the lease.

~~[10.]~~ ***(j)*** A description of any option to purchase the distributed generation system before the end of the term of the lease.

~~[11.]~~ ***(k)*** Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~[12.]~~ ***(l)*** Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~[13.]~~ ***(m)*** Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~[14.]~~ ***(n)*** Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(o) Notice that the lessee, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

Sec. 7. NRS 598.9813 is hereby amended to read as follows:

598.9813 An agreement for the purchase of a distributed generation system must include a cover page that ~~[provides]~~ ***:***

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement ~~[with]~~ , without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in section 3 of this act.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to section 3 of this act and notice that the purchaser may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to section 2 of this act.

(d) Notice that, before the installation of the distributed generation system, the purchaser will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the purchase of the distributed generation system other than what is contained in the agreement.

2. Provide the following information in at least 10-point font:

~~[1.]~~ ***(a)*** The size of the distributed generation system.

~~[2.]~~ ***(b)*** The length of the term of the warranty for the distributed generation system.

~~[3.]~~ ***(c)*** An estimated timeline for the installation of the distributed generation system.

~~[4.]~~ ***(d)*** A description of any warranties.

~~[5.]~~ ***(e)*** The total cost of the distributed generation system.

~~[6.]~~ ***(f)*** The estimated value of any portfolio energy credits and rebates of any incentives included in the calculation of the total cost of the distributed generation system.

~~[7.]~~ ***(g)*** The amounts due at the signing for and at the completion of the installation of the distributed generation system.

~~[~~8.~~]~~ ***(h)*** The estimated production of the distributed generation system in the first year of operation ~~[.~~

~~—9.]~~ ***and an explanation that:***

(1) The purchaser will always receive a power bill if the premises of the purchaser are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the purchaser will impact the estimated offset, or savings, in relation to the production.

(i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~[~~10.~~]~~ ***(j)*** Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~[~~11.~~]~~ ***(k)*** Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~[~~12.~~]~~ ***(l)*** Contact information for the State Contractors' Board and Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the purchaser, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

Sec. 8. NRS 598.9816 is hereby amended to read as follows:

598.9816 A power purchase agreement for the sale of the output of a distributed generation system must include a cover page that ~~[~~provides~~]~~ ***:***

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement ~~[with]~~ , without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in section 3 of this act.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to section 3 of this act and notice that the host customer may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to section 2 of this act.

(d) Notice that, before the installation of the distributed generation system, the host customer will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the sale of the output of the distributed generation system other than what is contained in the agreement.

2. Provides the following information in at least 10-point font:

~~[~~1.~~]~~ ***(a)*** The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

~~[~~2.~~]~~ ***(b)*** An estimated timeline for the installation of the distributed generation system.

~~[3.]~~ ***(c)*** The rate of electricity per kilowatt-hour of electricity for the first year of the agreement.

~~[4.]~~ ***(d)*** The length of the term of the agreement.

~~[5.]~~ ***(e)*** The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

~~[6.]~~ ***(f)*** The estimated production of the distributed generation system in the first year of operation ~~[.~~

~~7.]~~ ***and an explanation that:***

(1) The host customer will always receive a power bill if the premises of the host customer are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the host customer will impact the estimated offset, or savings, in relation to the production.

(g) A description of the options available at the end of the term of the agreement.

~~[8.]~~ ***(h)*** A description of any option to purchase the distributed generation system before the end of the term of the agreement.

~~[9.]~~ ***(i)*** Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~[10.]~~ ***(j)*** Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~[11.]~~ ***(k)*** Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~[12.]~~ ***(l)*** Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the host customer, before execution of the agreement, may request any document used in the solicitation, offer or transaction for the power purchase agreement in any language.

Sec. 9. NRS 598.9822 is hereby amended to read as follows:

598.9822 1. A host customer may file a complaint concerning a solar installation company with the Public Utilities Commission of Nevada. Upon receipt of a complaint, the Commission may direct the host customer to the appropriate agency or person to resolve the complaint.

2. The failure of a person to comply with NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[2 and]~~ 1.3 to 3 , inclusive, of this act*** constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

3. ***If a solar installation company executes with a purchaser or lessee an agreement for the purchase or lease of a distributed generation system or with a host customer a power purchase agreement and knowingly fails to comply with any requirement of NRS 598.9801 to 598.9822, inclusive, and sections ~~[2 and]~~ 1.3 to 3 , inclusive, of this act, including, without limitation,***

by failing to include any disclosure or information required by NRS 598.9801 to 598.9822, inclusive, and sections ~~[2 and]~~ 1.3 to 3, inclusive, of this act, or knowingly failing to maintain a recording of a verbal communication as required by section 2 of this act, the agreement is voidable by the purchaser, lessee or host customer. The actions of persons who solely conduct administrative duties or provide administrative services directly to and for the benefit of the solar installation company are not imputed to the solar installation company for the purposes of this subsection.

4. A violation of any provision of NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[2 and]~~ 1.3 to 3, inclusive, of this act*** constitutes consumer fraud for the purposes of NRS 41.600.

~~[4.]~~ ***5.*** Any document described in NRS 598.9809 to 598.9821, inclusive, ***and sections ~~[2 and]~~ 1.3 to 3, inclusive, of this act*** must be provided in:

(a) English; or

(b) ~~[~~Spanish,~~]~~ ***Any other language,*** if any person so requests ~~[.]~~ ***before the execution of the relevant document.***

6. ~~[A]~~ If a solar installation company ~~[, before the execution of an agreement for the purchase or lease of a distributed generation system or a power purchase agreement, shall provide the purchaser, lessee or host customer, as applicable, a copy of the cover page required by NRS 598.9809, 598.9813 or 598.9816, as applicable, in the language that the majority of the solicitation, offer or transaction for the agreement occurred, if the majority of the language that was used was a language other than English.] advertises its services or negotiates orally or in writing any of the requirements of NRS 598.9801 to 598.9822, inclusive, and sections 1.3 to 3, inclusive, of this act in a language other than English or permits an employee or agent of the solar installation company to so advertise or negotiate, the solar installation company must deliver a translation of any contract, agreement or notice described in NRS 598.9801 to 598.9822, inclusive, and sections 1.3 to 3, inclusive, of this act resulting from such advertising or negotiations in the language in which such advertising was made or such negotiations occurred to a person who is a party to such a contract or agreement, or who may sign the contract or agreement, or who is entitled to receive such notice. The translation of the contract, agreement or notice must be provided before the execution of the contract or agreement and include, without limitation, every term and condition in the contract, agreement or notice.***

Sec. 10. NRS 624.860 is hereby amended to read as follows:

624.860 ~~[1.]~~ A person shall not, directly or indirectly ~~[~~***~~, on his or her own behalf or on behalf of another,~~***~~]~~ perform or offer to perform ***, provide any proposal or bid for or execute a contract to perform*** any work concerning a residential photovoltaic system used to produce electricity ***~~[, or advertise, solicit or offer to enter into an agreement described in NRS 598.9801 to 598.9822, inclusive, and sections 2 and 3 of this act]~~*** unless the person ~~[~~holds: ~~1. A~~~~]~~ ***:***

[(a)] ***1. Holds a*** license issued pursuant to this chapter which authorizes the person to perform ~~[such]~~ work ~~[; or]~~ ***concerning a residential photovoltaic system used to produce electricity; or***

[(b)] ***2. Is an employee of a person described in ~~[paragraph (a).~~***

~~2. Any other license, certificate, registration or permit under state law which authorizes the person to perform such work.~~ ***~~The provisions of this section do not prohibit a person who does not hold a license issued pursuant to this chapter and who is not an employee of a person who holds a license issued pursuant to this chapter from generating leads or referrals for a residential photovoltaic system used to produce electricity if the person does not provide a quote or offer for the sale or installation of such a residential photovoltaic system.]~~*** ***subsection 1.***

Sec. 10.5. **This act becomes effective on January 1, 2024.**

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 315.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 652.

AN ACT relating to persons with disabilities; prescribing certain rights for persons with disabilities who are receiving certain home and community-based services and persons who are aged receiving such services; prescribing certain rights for pupils with disabilities who are receiving certain services through an individualized education program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes states to implement certain home and community-based services for persons who are elderly or disabled. (42 U.S.C. § 1396n) **Section 1** of this bill prescribes certain rights for persons with an intellectual disability, developmental disability or physical disability who are receiving such services or who are aged and receiving such services. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law requires public schools to provide special programs and services for pupils with disabilities. (NRS 388.419, 388.429) **Section 3** of this bill prescribes certain rights for pupils with disabilities who are enrolled in a public school or receiving services from a provider of special education and receiving transition services through an individualized education program. **Section 4** of this bill makes a conforming change to indicate the proper placement of **section 3** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. This section may be cited as the Bill of Rights for Persons with Intellectual, Developmental or Physical Disabilities or who are Aged.

2. Except as otherwise specifically provided by law, each person with an intellectual disability, developmental disability or physical disability who is receiving services pursuant to a home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n, and each person who is aged and is receiving such services, has, to the extent applicable to the services received by the person and appropriate for the person pursuant to the home and community-based services waiver, the right to:

(a) Participate in decisions that affect the life of the person, including, without limitation, decisions relating to:

(1) The finances and personal property of the person;

(2) The location where the person resides; and

(3) The development and implementation of any plan for delivering services and the frequency with which services are delivered pursuant to the home and community-based services waiver.

(b) Be treated with respect and dignity.

(c) An appropriate, safe and sanitary living environment that complies with all local, state and federal standards and recognizes the needs of the person for privacy and independence.

(d) Food that is adequate to meet the nutritional needs of the person.

(e) Practice the religion of his or her choice or abstain from the practice of any religion.

(f) Receive timely, effective and appropriate health care.

(g) Receive ancillary services, to the extent necessary for the person.

(h) Maintain privacy and confidentiality in personal matters.

(i) Communicate freely with persons of his or her choice and in any reasonable manner he or she chooses.

(j) Own and use personal property.

(k) Have social interactions with persons of any sex or gender identity or expression.

(l) Pursue vocational opportunities to promote and enhance the economic independence of the person.

(m) Be treated as an equal citizen under the law.

(n) Be free from emotional, psychological, physical and financial abuse.

(o) Participate in appropriate programs of education, training, social development, habilitation and reasonable recreation, including, without limitation, a class at or other program administered by a university, college, community college or trade school.

(p) Select a parent, family member, advocate , employee of this State or other person to act on his or her behalf, including, without limitation, by entering into a supported decision-making agreement pursuant to NRS 162C.200.

(q) Manage his or her own personal finances.

(r) Have his or her personal and medical records kept confidential to the extent provided by state and federal law.

(s) Voice grievances and suggest changes in policies, services and providers of services without restraint, interference, coercion, discrimination or reprisal.

(t) Be free from unnecessary chemical, physical or mechanical restraints.

(u) Participate in the political process.

(v) Refuse to participate in any medical, psychological or other research or experiment.

3. The rights set forth in subsection 2 do not abrogate any remedies provided by law.

4. As used in this section:

(a) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. This section may be cited as the Transition Bill of Rights for Pupils with Disabilities.

2. Except as otherwise specifically provided by law, each pupil with a disability who is enrolled in a public school or receiving services from a provider of special education and is receiving transition services through an individualized education program pursuant to 34 C.F.R. § 300.43 has the right to:

(a) Be provided notice of and invited to any meeting concerning his or her individualized education program at which transition services will be discussed.

(b) Attend all meetings concerning his or her individualized education program and be able to represent his or her desire concerning his or her:

(1) Training or education;

(2) Employment; and

(3) If appropriate, independent living.

(c) Be treated with respect and dignity by all teachers, paraprofessionals and other educational staff.

(d) Assist in the development of realistic, specific and measurable post-secondary goals in training, education, employment and, if appropriate, independent living for the pupil.

(e) Receive coordinated secondary transition services and related support services to help prepare the pupil to meet the measurable postsecondary goals established pursuant to paragraph (d). Such services must include, without limitation:

(1) An age-appropriate transition assessment;

(2) Instruction and related services;

(3) Community experiences;

(4) Assistance in developing objectives for employment and other life after the pupil ceases to attend school; and

(5) If appropriate, services to aid in developing skills for daily living and an evaluation of functional vocational skills.

(f) Communicate freely using methods of communication that are accessible to the pupil , including, without limitation, the preferred language of the pupil, concerning his or her strengths, interests, preferences and vision of his or her future for consideration when developing the transition plan.

(g) Have access to social interactions in school-based settings that are common to pupils of a similar age with persons with whom he or she chooses to interact. Such access must be provided to the same extent as pupils not receiving transition services through an individualized education program.

(h) Assist in developing annual goals and objectives reasonably calculated to promote progress toward achieving the measurable postsecondary goals developed pursuant to paragraph (d).

(i) Invite, or have assistance in inviting, appropriate outside agencies to any meeting concerning his or her individualized education program at which transition services will be discussed.

(j) Receive information necessary to identify, explore and connect with outside agencies, as appropriate, including, without limitation:

(1) The Bureau of Vocational Rehabilitation in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; [and]

(2) The Aging and Disability Services Division of the Department of Health and Human Services [.] ;

(3) The Council on Developmental Disabilities established in this State pursuant to 42 U.S.C. § 15025; and

(4) The Statewide Independent Living Council established in this State pursuant to 29 U.S.C. § 796d.

(k) Receive information on appropriate programs of support, including, without limitation, the Supplemental Security Income Program, as defined in NRS 422A.075.

(l) Select a parent, family member, advocate , employee of this State or other person to act on his or her behalf, including, without limitation, as prescribed in NRS 388.459.

(m) As appropriate to his or her individualized education program, receive education in financial literacy, including, without limitation, information about the Nevada ABLE Savings Program established pursuant to NRS 427A.889, to assist the pupil in managing his or her financial affairs.

(n) Receive, as appropriate, the pre-employment transition services required by 34 C.F.R. § 361.48.

(o) Voice concerns and disagreements with his or her educational or transition services and suggest changes in policies, services and providers of services without restraint, interference, coercion, discrimination or reprisal.

(p) Assist in the development of a course of study that is designed to provide the pupil with the ability to achieve his or her measurable post-secondary goals established pursuant to paragraph (d) and obtain a diploma.

(q) Receive information regarding potential consequences of attaining a diploma accessible to pupils with disabilities.

(r) As appropriate to his or her individualized education program, receive instruction in civil participation, including, without limitation, participation in the political process.

(s) Be notified, not less than 1 year before the pupil reaches 18 years of age, that any right accorded to the parent of a pupil with a disability pursuant to Part B of the Individuals with Disabilities Education Act, 20 U.S.C. § 1411 et seq., and the regulations adopted pursuant thereto, transfer to the pupil when he or she reaches 18 years of age.

3. The rights of a pupil with a disability set forth in subsection 2 do not abrogate any remedies provided by law.

Sec. 4. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~[,]~~ ***, and section 3 of this act:***

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and

decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 5. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 317.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 653.

AN ACT relating to public welfare; authorizing a provider of homeless services to authorize the use of the provider's address as a temporary mailing

address by a person experiencing homelessness for certain purposes; requiring the Division of Welfare and Supportive Services of the Department of Health and Human Services to publish a list of such providers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to provide certain services to persons who are transient, at imminent risk of homelessness or homeless. (NRS 422A.680) **Section 7** of this bill authorizes a provider of homeless services to authorize a person experiencing homelessness to utilize the provider's address as a temporary mailing address, if that person is ~~[a Nevada resident]~~ receiving other services from the provider ~~[.]~~ **and is a Nevada resident or a person who is not currently a Nevada resident and who the provider determines intends to remain in the State of Nevada for at least 6 months.** A person authorized to use a temporary mailing address under **section 7** may use that temporary mailing address for various purposes, including applying for public assistance, enrolling a family member in school, enrolling in an institution of the Nevada System of Higher Education, obtaining housing and seeking or retaining employment. **Section 7** requires a provider of homeless services to notify the Division of Welfare and Supportive Services of the Department within 30 days after authorizing a person experiencing homelessness to use the provider's address as that person's temporary address. **Section 7** further requires the Division, within the limits of legislative appropriation, to publish on the Internet website maintained by the Division a list of providers of homeless services that authorize a person experiencing homelessness to use the provider's address as that person's temporary mailing address. Finally, **section 7** provides that nothing in this bill shall be construed to prohibit a person actually residing at a provider of homeless services from using the address of that provider for the purpose of registering to vote or receiving voting materials by mail.

Section 8 of this bill authorizes the Administrator of the Division to adopt regulations to carry out the provisions of **sections 2-8** of this bill.

Sections 3-6 of this bill define terms relating to the provision of a temporary address for a person experiencing homelessness.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Nevada resident" means a person who has:***

1. Actually resided in this State for at least 6 months; or

2. A valid driver's license or identification card issued by the Department of Motor Vehicles of this State, other than such an identification card which indicates that the person is a seasonal resident.

Sec. 4. *"Person experiencing homelessness" means a person who is transient, at imminent risk of homelessness or homeless.*

Sec. 5. *"Provider of homeless services" means an organization that:*

1. Is a governmental entity or is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3);

2. Operates in this State; and

3. Primarily provides services to persons experiencing homelessness.

Sec. 6. *"Temporary mailing address" means a mailing address which a person experiencing homelessness is authorized to use pursuant to section 7 of this act.*

Sec. 7. *1. A provider of homeless services may authorize a person to use the provider's address as that person's temporary mailing address for a period of time not to exceed 180 days if that person is:*

(a) A Nevada resident ~~[.]~~ or a person who is not currently a Nevada resident and who the provider determines intends to remain in the State of Nevada for at least 6 months;

(b) A person in crisis; and

(c) Receiving services from the provider of homeless services.

2. A person experiencing homelessness may use a temporary mailing address to:

(a) Apply for public assistance;

(b) Enroll a family member in a school or other public educational facility;

(c) Enroll in an institution of the Nevada System of Higher Education;

(d) Obtain permanent or temporary housing, including, without limitation, supportive housing;

(e) Seek or retain employment; or

(f) Facilitate any other purpose prescribed by the Administrator of the Division.

3. A provider of homeless services that authorizes a person experiencing homelessness to use the provider's address as a temporary mailing address shall notify the Division within 30 days after the authorization is given.

4. Within the limits of legislative appropriation, the Division shall publish a list of all the providers of homeless services that authorize a person experiencing homelessness to use the provider's address as the person's temporary mailing address on an Internet website maintained by the Division.

5. Nothing in this section shall be construed to prohibit a person actually residing at a provider of homeless services from using the address of that provider of homeless services where the person resides for the purpose of registering to vote or receiving voting materials by mail.

Sec. 8. ***The Administrator may adopt regulations to carry out the provisions of sections 2 to 8, inclusive, of this act.***

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 8, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 654.

AN ACT relating to health care; requiring written approval to close certain hospitals or convert such a hospital into a different type of health facility; requiring certain facilities that provide emergency medical services to provide certain notice to patients; establishing **and increasing** certain civil penalties; **requiring an off-campus location of a hospital that provides emergency medical services or an independent center for emergency medical care to include certain information on a claim for reimbursement or payment;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain the written approval of the: (1) Director of the Department of Health and Human Services before making certain capital expenditures for construction of a new health facility under certain circumstances; or (2) the Chief Medical Officer before operating or undertaking any expenditure for the operation of a new medical helicopter within 150 miles from the base of an existing medical helicopter. (NRS 439A.100, 439A.104) **Section 2** of this bill similarly requires a person to obtain the written approval of the Director before closing a hospital in a county whose population is 100,000 or more (currently Clark and Washoe Counties) or converting such a hospital into a different type of health facility. **Sections 2 and 7-9** of this bill provide that such approval is a condition to: (1) the issuance or renewal of a license for certain health facilities converted from a hospital; and (2) certain amendments to such a license. **Sections 5 and 10** of this bill authorize the Department and the Division of Public and Behavioral Health of the Department to impose certain civil penalties and take certain other disciplinary action against a person who closes a hospital in a county whose population is 100,000 or more or converts a hospital in such a county to a different type of health facility without written approval in violation of **section 2**.

Existing law requires: (1) a hospital to notify the Department of any merger, acquisition or similar transaction involving the hospital; and (2) a physician group practice or a person who owns all or substantially all of a physician group practice to notify the Department of certain similar transactions under certain circumstances. (NRS 439A.126) **Section 4** of this bill authorizes the Department to impose an administrative penalty against a hospital ~~[, physician group practice or person who owns all or substantially all of a physician group practice]~~ that fails to provide timely notice of the information required by existing law. **Section 4 also requires the Department to notify the Board of Medical Examiners or the State Board of Osteopathic Medicine, as appropriate, if a physician group practice or a person who owns all or substantially all of a physician group practice fails to provide such timely notice. Upon receiving notice of such failure from the Department, sections 10.7 and 11.5 of this bill require those boards to proceed as if a complaint had been filed. If, after conducting an investigation and a hearing, the Board of Medical Examiners or the State Board of Osteopathic Medicine determines that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of a transaction for which notice is required, sections 10.7 and 11.5 authorize the respective board to impose an administrative penalty.**

Existing law requires each off-campus location of a hospital to obtain and use on all claims for reimbursement or payment a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital. (NRS 449.1818) Section 10.3 of this bill clarifies that the off-campus location: (1) is required to include the national provider identifier on each claim for reimbursement or payment; and (2) may additionally include on such a claim the national provider identifier for the main campus of the hospital. Section 10.3 also requires an independent center for emergency medical care to include its national provider identifier on all claims for reimbursement or payment.

Among other sanctions, existing law authorizes the Division of Public and Behavioral Health to impose against a hospital that fails to obtain a national provider identifier for an off-campus location that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital an administrative penalty of not more than $5,000 for each day of such failure, together with interest. (NRS 449.163) Section 10.2 of this bill doubles the amount of the administrative penalty that the Division is authorized to impose for such failure.

Existing law provides every patient of a medical facility, including ~~[an independent center for emergency medical care or]~~ **a** hospital, with the right to receive certain information about the condition and care of the patient and the cost of such care. (NRS 449A.106) ~~[Section]~~ **If an off-campus location of a**

hospital provides emergency medical services, section 10.5 of this bill requires ~~[an independent center for emergency medical care]~~ **the off-campus location** to **: (1)** post conspicuous notice that the ~~[independent center for emergency care]~~ **off-campus location** is an emergency medical facility and will charge patients for an emergency room visit ~~[. If an off-campus location of a hospital provides emergency medical services, section 10.5 requires the off-campus location to]~~ **; and (2)** provide each patient with ~~[: (1)]~~ certain notice concerning the rights of the patient upon registration **.** ~~[; and (2)]~~ **Section 10.5 also requires such an off-campus location to provide each patient with** a more detailed notice concerning billing and payment after the patient is found not to have an emergency medical condition or after the emergency medical condition of the patient has been stabilized, as applicable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in this section, no person may close a hospital in a county whose population is 100,000 or more or convert a hospital in such a county into a different type of health facility without first applying for and obtaining the written approval of the Director or the designee of the Director. The Division of Public and Behavioral Health of the Department shall not issue a new license or alter an existing license for conversion to a different type of health facility unless the Director or the designee of the Director has issued such an approval.***

2. The Director may adopt regulations which prescribe the process to apply for written approval pursuant to this section.

3. An applicant must provide any information requested by the Director or the designee of the Director for consideration of an application, which must include, without limitation, information related to:

(a) The location of the hospital;

(b) The ownership structure of the hospital;

(c) Whether the closure or conversion is likely to benefit any other health facility in the same geographic area as the hospital in which any person with an ownership interest in the hospital also has an ownership interest;

(d) An explanation of the need for the closure or conversion;

(e) Data regarding the population served by the hospital in the 24 months immediately preceding the application; and

(f) The manner in which and the locations where the population served by the hospital will be able to obtain the health services that were provided by the hospital during the 24 months following the closure or conversion of the hospital.

4. The Director or the designee of the Director shall not approve an application submitted pursuant to subsection 1 without considering the information required to be submitted pursuant to subsection 3.

5. The decision of the Director or the designee of the Director pursuant to this section is a final decision for the purposes of judicial review.

6. The provisions of this section do not apply to any person who ceases to operate hospitals in this State.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 439A.126 is hereby amended to read as follows:

439A.126 1. A hospital shall notify the Department of any merger, acquisition or joint venture with any entity, including, without limitation, a physician group practice, to which the hospital is a party or any contract for the management of the hospital not later than 60 days after the finalization of the transaction or execution of the contract for management, as applicable.

2. A physician group practice or a person who owns all or substantially all of a physician group practice shall notify the Department of a transaction described in subsection 3 to which the physician group practice or person, as applicable, is a party or any contract for the management of the physician group practice not later than 60 days after the finalization of the transaction or execution of the contract for management, as applicable, if:

(a) The physician group practices that are parties to the transaction or contract for management or that are owned by those parties represent at least 20 percent of the physicians who practice any specialty in a primary service area; and

(b) The physician group practice represents the largest number of physicians of any physician group practice that is a party to or owned by a party to the transaction or contract for management.

3. Notice must be provided pursuant to subsection 2 for any:

(a) Merger of, consolidation of or other affiliation between physician group practices, persons who own physician group practices or any combination thereof;

(b) The acquisition of all or substantially all of the properties and assets of a physician group practice;

(c) The acquisition of all or substantially all of the capital stock, membership interests or other equity interests of a physician group practice;

(d) The employment of all or substantially all of the physicians in a physician group practice; or

(e) The acquisition of an insolvent physician group practice.

4. Notice pursuant to subsection 1 or 2 must be provided in the form prescribed by the Department and must include, without limitation:

(a) The name of each party to the transaction or contract for management, as applicable;

(b) A description of the nature of the proposed relationship of the parties to the transaction or contract for management, as applicable;

(c) The names and any specialties of each physician who is a party or employed by or affiliated with a physician group practice that is a party to or is owned by a party to the transaction or contract for management, as applicable;

(d) The name and address of each business entity that will provide health services after the transaction or contract for management, as applicable;

(e) A description of the health services to be provided at each location of a business entity described in paragraph (d); and

(f) The primary service area to be served by each location of a business entity described in paragraph (d).

5. The Department shall:

(a) Post the information contained in the notices provided pursuant to subsections 1 and 2 on an Internet website maintained by the Department; and

(b) Annually prepare a report regarding market transactions and concentration in health care based on the information in the notices and post the report on an Internet website maintained by the Department.

6. ***If a hospital ~~[, a physician group practice or a person who owns all or substantially all of a physician group practice]~~ fails to provide timely notice to the Department pursuant to subsection 1 ~~[or 2, as applicable,]~~ and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the hospital ~~[, physician group practice or person who owns all or substantially all of a physician group practice]~~ an administrative penalty of not more than $5,000 for each day of such failure.***

7. If a physician group practice or a person who owns all or substantially all of a physician group practice fails to provide timely notice to the Department pursuant to subsection 2 and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department shall notify the Board of Medical Examiners or the State Board of Osteopathic Medicine, or both, as applicable, of such failure.

8. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used by the Department to carry out the provisions of NRS 439A.111 to 439A.126, inclusive, or for any other purpose authorized by the Legislature.

~~[8.]~~ 9. As used in this section:

(a) "Physician group practice" means any business entity organized for the purpose of the practice of medicine or osteopathic medicine by more than one physician.

(b) "Primary service area" means an area comprising the smallest number of zip codes from which the hospital or physician group practice draws at least 75 percent of patients.

Sec. 5. NRS 439A.310 is hereby amended to read as follows:

439A.310 1. Except as otherwise provided in subsection 2, any person who violates any of the provisions of this chapter is liable to the State for a civil penalty of:

(a) Where the provision violated governs the licensing of a project which is required to be approved pursuant to NRS 439A.100 ~~[,]~~ ***or section 2 of this act,*** not more than 10 percent of the proposed expenditure for the project.

(b) Where any other provision is violated, not more than $20,000 for each violation.

2. The Department shall not impose a penalty under this section if it applies for injunctive relief to prevent the same violation.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 449.080 is hereby amended to read as follows:

449.080 1. If, after investigation, the Division finds that the:

(a) Applicant is in full compliance with the provisions of NRS 449.029 to 449.2428, inclusive;

(b) Applicant is in substantial compliance with the standards and regulations adopted by the Board;

(c) Applicant, if he or she has undertaken a project for which approval is required pursuant to NRS 439A.100 ~~[,]~~ ***or section 2 of this act,*** has obtained the approval of the Director of the Department of Health and Human Services; and

(d) Facility conforms to the applicable zoning regulations,

➥ the Division shall issue the license to the applicant.

2. Any investigation of an applicant for a license to provide community-based living arrangement services conducted pursuant to subsection 1 must include, without limitation, an inspection of any building operated by the applicant in which the applicant proposes to provide community-based living arrangement services.

3. A license applies only to the person to whom it is issued, is valid only for the premises described in the license and is not transferable.

Sec. 8. NRS 449.087 is hereby amended to read as follows:

449.087 1. A licensee must obtain the approval of the Division to amend his or her license to operate a facility before the addition of any of the following services:

(a) The intensive care of newborn babies.

(b) The treatment of burns.

(c) The transplant of organs.

(d) The performance of open-heart surgery.

(e) A center for the treatment of trauma.

2. The Division shall approve an application to amend a license to allow a facility to provide any of the services described in subsection 1 if:

(a) The applicant satisfies the requirements contained in NRS 449.080;

(b) The Division determines on the basis of the standards adopted by the Board pursuant to subsection 4 that there are an adequate number of cases in the community to be served to support amending the license to add the service; and

(c) The Division determines that the applicant satisfies any other standards adopted by the Board pursuant to subsection 4.

3. The Division may revoke its approval if the licensee fails to maintain substantial compliance with the standards adopted by the Board pursuant to subsection 4 for the provision of such services, or with any conditions included

in the written approval of the Director issued pursuant to the provisions of NRS 439A.100 ~~[.]~~ ***or section 2 of this act.***

4. The Board shall:

(a) Adopt standards which have been adopted by appropriate national organizations to be used by the Division in determining whether there are an adequate number of cases in the community to be served to support amending the license of a licensee to add a service pursuant to this section; and

(b) Adopt such other standards as it deems necessary for determining whether to approve the provision of services pursuant to this section.

Sec. 9. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100 ~~[,]~~ ***or section 2 of this act;*** or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 10. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 ***or section 2 of this act*** or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required ~~[.]~~ ***, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to section 2 of this act.***

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 10.2. **NRS 449.163 is hereby amended to read as follows:**

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) ~~[Impose]~~ ***Except where a greater penalty is authorized by subsection 2, impose*** an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. ***If an off-campus location of a hospital fails to obtain a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital in violation of NRS 449.1818, the Division may impose against the hospital an administrative penalty of not more than $10,000 for each day of such failure,***

together with interest thereon at a rate not to exceed 10 percent per annum, in addition to any other action authorized by this chapter.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1 ~~[,]~~ ***or subsection 2,*** the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

~~[3.]~~ ***4.*** The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

~~[4.]~~ ***5.*** Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 ***or subsection 2*** must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 10.3. **NRS 449.1818 is hereby amended to read as follows:**

449.1818 1. Each off-campus location of a hospital ~~[must]~~ ***shall*** obtain and use ***and include*** on all claims for reimbursement or payment for health care services provided at the location a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital. ***If the off-campus location includes the national provider identifier on such a claim, the off-campus location may also include on the claim the national provider identifier used by the main campus of the hospital. If the off-campus location includes both the national provider identifier used by the off-campus location and the national provider identifier used by the main campus on a claim, the claim must clearly identify which national provider identifier corresponds to the off-campus location and which national provider identifier corresponds to the main campus.***

2. ***An independent center for emergency medical care shall include on all claims for reimbursement or payment for health care services provided at the independent center for emergency medical care the national provider identifier used by the independent center for emergency medical care.***

3. As used in this section:

(a) "National provider identifier" means the standard, unique health identifier for health care providers that is issued by the national provider system in accordance with 45 C.F.R. Part 162.

(b) "Off-campus location" means a facility:

(1) With operations that are directly or indirectly owned or controlled by, in whole or in part, a hospital or which is affiliated with a hospital, regardless of whether it is operated by the same governing body as the hospital;

(2) That is located more than 250 yards from the main campus of the hospital;

(3) That provides services which are organizationally and functionally integrated with the hospital; and

(4) That is an outpatient facility providing ambulatory surgery, urgent care or emergency room services.

Sec. 10.5. Chapter 449A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An ~~[independent center for emergency medical care]~~ off-campus location shall post conspicuously in each location where patients are admitted and registered a sign, in not less than 24 point boldface type, which states in English and Spanish:

NOTICE

This is an emergency medical facility that treats emergency medical conditions. You will be charged for a visit to an emergency room and not for a visit to an urgent care center.

2. An off-campus location shall provide to each patient of the emergency department of the off-campus location and any adult accompanying such a patient who is less than 18 years of age immediately upon registration a written statement in substantially the following form:

PATIENT INFORMATION

This is an emergency medical facility that treats emergency medical conditions. You will be charged for a visit to an emergency room and not for a visit to an urgent care center.

We will screen and treat you regardless of your ability to pay.

You have the right to ask questions regarding your treatment options and costs.

You have the right to receive prompt and reasonable responses to such questions and requests.

You have the right to reject treatment.

~~[However, we encourage you to defer your questions until after we screen you for an emergency medical condition.]~~

This is not a complete statement of patient information or rights. You will receive a more comprehensive statement after the completion of a medical screening examination that does not reveal an emergency medical condition or after your emergency medical condition has been stabilized.

3. To the extent practicable, a written statement provided pursuant to subsection 2 must be in the language requested by the patient or the adult accompanying the patient, as applicable.

4. After the completion of an appropriate medical screening examination of a patient of the emergency department of the off-campus location that does not reveal an emergency medical condition or after stabilizing the emergency medical condition of such a patient, an off-campus location shall provide the patient and, if the patient, is less than 18 years of age, any adult accompanying the patient, with written notice of:

(a) The policies of the off-campus location concerning the acceptance of patients enrolled in Medicaid and Medicare;

(b) The networks of third parties in which the off-campus location participates;

(c) The possibility that the patient may be billed separately by providers of health care at the off-campus location;

(d) The maximum price for emergency medical services that the off-campus location commonly provides; and

(e) Any additional fees that the off-campus location charges.

[4.] 5. As used in this section:

(a) ["Independent center for emergency medical care" has the meaning ascribed to it in NRS 449.013.

(b)] "Network" means a defined set of providers of health care who are under contract with a third party to provide health care services to persons covered by the third party.

[(c)] (b) "Off-campus location" means a facility:

(1) With operations that are directly or indirectly owned or controlled by, in whole or in part, a hospital or which is affiliated with a hospital, regardless of whether it is operated by the same governing body as the hospital;

(2) That is located more than 250 yards from the main campus of the hospital;

(3) That provides services which are organizationally and functionally integrated with the hospital; and

(4) That is an outpatient facility providing emergency room services.

[(d)] (c) "Third party" means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.

Sec. 10.7. **Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this subsection, if the Board receives notice from the Department of Health and Human Services pursuant to NRS 439A.126 that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of a transaction described in subsection 3 of NRS 439A.126, the Board must proceed as if a complaint had been filed

against the physician group practice or person, as applicable. If the report concerns a physician group practice that consists of physicians licensed pursuant to this chapter and osteopathic physicians licensed pursuant to chapter 633 of NRS, the Board shall consult with the State Board of Osteopathic Medicine to ensure that either the Board or the State Board of Osteopathic Medicine, but not both, investigates the notice.

2. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of Health and Human Services of a transaction described in subsection 3 of NRS 439A.126, the Board may impose an administrative penalty of not more than $5,000 for each day of such failure.

3. As used in this section, "physician group practice" has the meaning ascribed to it in NRS 439A.126.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. **Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this subsection, if the Board receives notice from the Department of Health and Human Services pursuant to NRS 439A.126 that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of a transaction described in subsection 3 of NRS 439A.126, the Board must proceed as if a complaint had been filed against the physician group practice or person, as applicable. If the report concerns a physician group practice that consists of osteopathic physicians licensed pursuant to this chapter and physicians licensed pursuant to chapter 630 of NRS, the Board shall consult with the Board of Medical Examiners to ensure that either the Board or the Board of Medical Examiners, but not both, investigates the notice.

2. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of Health and Human Services of a transaction described in subsection 3 of NRS 439A.126, the Board may impose an administrative penalty of not more than $5,000 for each day of such failure.

3. As used in this section, "physician group practice" has the meaning ascribed to it in NRS 439A.126.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[11,]~~ **11.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 661.

AN ACT relating to public safety; requiring a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe; requiring each law enforcement agency to adopt certain policies and procedures governing the performance by peace officers of works protected by copyright in certain circumstances; revising provisions governing the establishment of a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a peace officer from placing a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. Existing law also requires a peace officer to monitor any person who is in the custody of the peace officer for any signs of distress and to take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe. (NRS 193.305) **Section 1** of this bill requires a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.

Section 2 of this bill requires each law enforcement agency to adopt written policies and procedures governing the performance of copyrighted works by peace officers employed by the law enforcement agency while on duty, including policies prohibiting a peace officer from performing, or causing the performance of, a copyrighted work for the purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, with certain exceptions. **Section 2** prohibits retaliation or punitive action against a peace officer who discloses information concerning the performance of a copyrighted work in violation of such policies and procedures.

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license or identification card. (NRS 483.3485, 483.863) **Sections 4 and 6** of this bill authorize the Department to adopt regulations establishing a program for the imprinting of a symbol, and not any other indicator, of a medical condition on a driver's license and identification card, respectively. If the Department establishes such a program, **sections 4 and 6** additionally require: (1) the Department to adopt

a single symbol to represent all applicable medical conditions; (2) the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card if the person is on anticoagulants or has certain specified medical conditions; (3) the Department to maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license or identification card of a person; and (4) the Department to maintain certain information about the program on its Internet website. **If the Department establishes such a program, sections 4 and 6 also: (1) authorize the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card to indicate other medical conditions not specified in statute as the Department deems appropriate; and (2) require the Department to provide a means for members of the public to suggest additional medical conditions.**

Sections 3 and 5 of this bill make conforming changes in existing provisions relating to the issuance or renewal of a driver's license or identification card for consistency with the revisions made to the program pursuant to **sections 4 and 6**. **Section 7** of this bill requires the Department to include certain information regarding the program on the notifications for renewal of registration issued by the Department for a 12-month period.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 193.305 is hereby amended to read as follows:

193.305 1. In carrying out his or her duties, a peace officer shall not use a choke hold on another person.

2. A peace officer shall not place a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. A peace officer shall monitor any person who is in the custody of the peace officer for any signs of distress and shall take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe.

3. ***If a person who is in the custody of a peace officer indicates that he or she cannot breathe, the peace officer shall ensure that medical aid is rendered to the person by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.***

4. If a peace officer, in carrying out his or her duties, uses physical force on another person, the peace officer shall ensure that medical aid is rendered to any person who is injured by the use of such physical force as soon as practicable.

~~[~~4.~~]~~ ***5.*** As used in this section ~~[~~, "choke~~]~~ ***:***

(a) "Choke hold" means:

~~[~~(a)~~]~~ ***(1)*** A method by which a person applies sufficient pressure to another person to make breathing difficult or impossible, including, without limitation,

any pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce intake of air; or

~~[(b)]~~ ***(2)*** Applying pressure to a person's neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

Sec. 2. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each law enforcement agency shall adopt written policies and procedures governing the performance by peace officers employed by the law enforcement agency of copyrighted works while on duty. Such policies and procedures must:

(a) Except as otherwise provided in paragraph (b), prohibit a peace officer from performing, or causing the performance of, a copyrighted work for the purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, including, without limitation, the dissemination or sharing of a recording through an Internet website; and

(b) Authorize a peace officer to perform, or cause the performance of, a copyrighted work:

(1) While engaged in an undercover investigation;

(2) When the peace officer is not publicly performing official duties; or

(3) As necessary to ensure the safety of the peace officer at the time the copyrighted work is performed.

2. No retaliatory or punitive action may be taken against a peace officer who discloses information concerning the performance of a copyrighted work in violation of the policies and procedures of a law enforcement agency adopted pursuant to subsection 1.

3. As used in this section:

(a) "Copyrighted work" means any work protected under Title 17 of the United States Code.

(b) "Perform" has the meaning ascribed to it in 17 U.S.C. § 101.

Sec. 3. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or

prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the Nevada Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the Nevada Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is a misdemeanor for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition imprinted on his or her driver's license.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 4. NRS 483.3485 is hereby amended to read as follows:

483.3485 1. The Department may adopt regulations establishing a program for the imprinting of a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on a driver's license issued by the Department.

2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on a driver's license to]~~ ***If the Department establishes a program pursuant to subsection 1:***

(a) Except as otherwise provided in this title, the Department shall adopt a single symbol for imprinting on a driver's license to indicate a medical condition and shall not adopt individualized symbols for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

(XIV) Depression; or

(XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license of an eligible person. The record must be maintained in the same location and manner as all other records relating to the driver's license of the person, including, without limitation, the records relating to the

driver's license of the person that are made available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall maintain on the Internet website of the Department information about the program established pursuant to subsection 1, including, without limitation, the manner in which a person may obtain a driver's license which has been imprinted with a symbol indicating a medical condition.

(e) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 5. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. The Department shall adopt regulations prescribing the information that must be contained on an identification card.

4. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her identification card that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to indicate whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol ~~[or other~~

~~indicator of~~] ***indicating*** a medical condition imprinted on his or her identification card.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

5. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

6. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 4 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 6. NRS 483.863 is hereby amended to read as follows:

483.863 1. The Department may adopt regulations establishing a program for the imprinting of a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on an identification card issued by the Department.

2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on an identification card to]~~ ***If the Department establishes a program pursuant to subsection 1:***

(a) Except as otherwise provided in this title, the Department shall adopt a single symbol for imprinting on an identification card to indicate a medical condition and shall not adopt individualized symbols for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

(XIV) Depression; or

(XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the identification card of an eligible person. The record must be maintained in the same location and manner as all other records relating to the identification card of the person, including, without limitation, the records relating to the identification card of the person that are available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall, at the time of the issuance or renewal of an identification card, give the holder the opportunity to have imprinted on his or her identification card a symbol indicating a medical condition.

(e) The Department shall maintain on the Internet website of the Department information about the program established pursuant to subsection 1, including, without limitation, the manner in which a person may obtain an identification card which has been imprinted with a symbol indicating a medical condition.

(f) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 7. If the Department of Motor Vehicles adopts a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card issued by the Department pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, respectively, the Department shall, 30 days after the date on which the Department first accepts an application for the imprinting of a symbol indicating a medical condition pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, and any regulations adopted pursuant thereto, and for 12 calendar months thereafter, print on each notification for renewal of registration mailed by the Department pursuant to NRS 482.280, and on any electronic notification for renewal of registration issued by the Department:

1. A statement notifying the public that an eligible person may have imprinted on his or her driver's license or identification card a symbol indicating a medical condition.

2. The address of the Internet website of the Department where interested persons may obtain more information about the program established pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on October 1, 2023.

3. Sections 3 to 7, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) January 1, 2024, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 497.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 708.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYWOMEN** BILBRAY-AXELROD **; HANSEN AND MOSCA**

AN ACT relating to education; authorizing a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the board of trustees of certain school districts to zone the school district and determine which pupils must attend each school; and (2) allows pupils to attend certain schools despite the zoning decision of the board of trustees of the school district. (NRS 388.040) **Section 2** of this bill authorizes a pupil to attend a public school outside the zone of attendance in which the pupil is otherwise required to attend if the public school is not at capacity in the grade or classes required by the pupil. **Section 2** additionally requires **: (1)** the superintendent of each school district to establish an application process to enable such transfers of pupils between public schools ~~[.]~~ **; and (2) the State Board of Education to adopt regulations governing such a process.** **Section 1** of this bill authorizes the board of trustees of a school district that furnishes transportation to pupils to elect not to provide

transportation to a pupil who attends a public school outside of his or her zone of attendance pursuant to **section 2**. **Additionally, sections 1 and 2 authorize the board of trustees of a school district to accept gifts and grants to carry out certain provisions of those sections.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.790 is hereby amended to read as follows:

386.790 1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to NRS 388.417 to 388.469, inclusive, or 388.5251 to 388.5267, inclusive:

(a) Who are not excused from school attendance by the provisions of this title; and

(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.

2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.

3. The board of trustees of any school district may:

(a) Establish bus routes.

(b) Make regulations governing the conduct of pupils while being transported.

(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the State Board of Education or with law.

4. The board of trustees of a school district that furnishes transportation pursuant to this section may elect not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.

5. The board of trustees of a school district may accept gifts and grants to assist in any provision of transportation to pupils described pursuant to subsection 4.

Sec. 2. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils;

(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105;

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; ~~[or]~~

(e) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of NRS 388.408 ~~[.]~~ ***; or***

(f) Public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade or classes required by the pupil.

3. The superintendent of each school district shall:

(a) Establish an application process for a pupil to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2. Such a process must:

(1) Include a deadline by which an application must be submitted each school year;

(2) Provide for the notification of pupils and principals when an application is approved; and

(3) Require an application only if a pupil wishes to attend a public school outside the zone of attendance of the pupil.

(b) Establish capacity limits for each grade level and class within each public school in the school district.

(c) Publish, in coordination with the Department, the capacity limits established by paragraph (b).

(d) Establish a method to determine which pupils to enroll in any grade level and class within a public school for which applications exceed the capacity limits established by paragraph (b) which may include, without limitation, a lottery system.

(e) Allow a pupil whose application to attend a public school outside the zone of attendance that the pupil is otherwise required to attend is approved to permanently transfer to that public school without requiring an additional application in any subsequent school year.

4. The application process established pursuant to paragraph (a) of subsection 3 must not consider any of the following factors in determining whether to approve an application:

(a) The academic, artistic or athletic ability of a pupil;

(b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity;

(c) Whether a pupil is a pupil with a disability;

(d) Whether a pupil is an English learner; or

(e) Except as otherwise provided in this paragraph, whether a pupil has previously been the subject of disciplinary action. The superintendent of a school district may deny the application of a pupil who, in the school year for which the application is submitted or the immediately preceding school year, was suspended for 10 or more days or expelled.

5. If an application to attend a public school outside the zone of attendance that a pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 is approved, the board of trustees of a school district may, but is not required to, provide transportation for the pupil to the public school pursuant to NRS 386.790 to 386.845, inclusive.

6. A pupil whose application to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 is approved shall be deemed enrolled in the school district within which the public school is located regardless of the location of the residence of the pupil.

7. The board of trustees of a school district may accept gifts and grants to carry out the provisions of this section.

8. The State Board shall adopt any regulations necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Expelled" has the meaning ascribed to "expel" or "expulsion" in NRS 392.4603.

(b) "Suspended" has the meaning ascribed to "suspend" or "suspension" in NRS 392.4607.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[July]~~ **January** 1, ~~[2024,]~~ **2025,** for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Senate Bills Nos. 82 and 368 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 34.

Bill read third time.

The following amendment was proposed by Assemblyman Yurek:

Amendment No. 711.

AN ACT relating to legal services; authorizing the Attorney General or the chief legal officer or other authorized representative of a political subdivision of this State to provide legal representation to certain officers or employees of the State or a political subdivision thereof in certain actions or proceedings; revising provisions relating to special counsel employed by the Attorney General; revising provisions governing the legal representation of certain persons by the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Attorney General or the chief legal officer or other authorized representative of a political subdivision of this State to provide legal counsel to certain officers or employees of the State or a political subdivision of the State who are named as defendants in a civil action and certain other persons who are not officers or employees of the State or a political subdivision. Existing law authorizes the Attorney General, chief legal officer or other authorized representative to employ special counsel with respect to such civil actions if the Attorney General, chief legal officer or other authorized representative, as applicable, determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be provided by the Attorney General, chief legal officer or other authorized representative. (NRS 41.0339)

Section 1 of this bill authorizes the Attorney General or the chief legal officer or other authorized representative of a political subdivision of the State to represent certain officers or employees of the State or a political subdivision thereof who are summoned or subpoenaed to appear in an action or proceeding in which the person is not a named defendant if: (1) the person submits a written request for representation; and (2) the Attorney General, chief legal officer or other authorized representative, as applicable, determines that such representation is in the best interest of the State or a political subdivision of the State. **Section 1** also authorizes the Attorney General, chief legal officer or other authorized representative to employ special counsel with respect to such actions or proceedings if the Attorney General, chief legal officer or other authorized representative, as applicable, determines that it is impracticable,

uneconomical or could constitute a conflict of interest for the legal service to be provided by the Attorney General, chief legal officer or other authorized representative. **Section 2** of this bill makes a conforming change to indicate the appropriate placement of **section 1** in the Nevada Revised Statutes.

Existing law defines the term "state judicial officer" to mean a justice of the Supreme Court, senior justice, judge of a district court or senior judge. (NRS 41.03385) **Section 3.3** of this bill revises the term to include a judge or senior judge of the Court of Appeals.

Existing law requires that certain determinations relating to the employment of special counsel be made by the Attorney General prior to trial. (NRS 41.03435) **Section 3.7** of this bill removes the requirement that such determinations be made prior to trial.

In general, existing law: (1) provides that the Attorney General and his or her deputies are the legal advisers on all state matters arising in the Executive Department of the State Government; and (2) prohibits persons in the Executive Department from employing other counsel to represent the State or any agency in the Executive Department unless the Attorney General and the deputies of the Attorney General are disqualified to act in the matter. (NRS 228.110) **Section 4** of this bill authorizes a person in the Executive Department to employ counsel other than the Attorney General to represent the State or any agency in the Executive Department if the Attorney General determines that it is impracticable, uneconomical or could constitute a conflict of interest for the Attorney General or a deputy of the Attorney General to serve as the legal adviser on the matter. **Section 4** also requires compensation for such counsel to be paid out of: (1) the Reserve for Statutory Contingency Account; or (2) available federal grants or a permanent fund in the State Treasury other than the State General Fund.

Section 4.3 of this bill requires the Office of the Attorney General to submit a report, on or before July 1 of each odd-numbered year, to the Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on the Judiciary that includes, without limitation, a list of each contract for outside legal counsel entered into by the Executive Department of State Government during the immediately preceding biennium and, for each such contract, the names of the parties to the contract and the monetary amount of the contract.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The official attorney may represent any present or former local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator summoned or subpoenaed to appear in an action or proceeding in which the person is not a named defendant, if:

(a) Within 7 days after the delivery or service of the summons or subpoena, the person submits a written request for representation to the official attorney, and, if the person has an administrative supervisor, his or her administrative supervisor, unless a waiver is granted pursuant to subsection 9; and

(b) The official attorney determines that such representation is in the best interest of the State or a political subdivision of the State.

2. As soon as reasonably practicable after receiving a request pursuant to subsection 1, the official attorney shall determine whether to represent the person who submitted the request and provide written notice of his or her determination to that person.

3. No fact pertaining to the arrangements or circumstances by which the State or a political subdivision or any attorney thereof represents any person or does not represent a person pursuant to this section is admissible in evidence in any action or proceeding, except in connection with an application to withdraw as the attorney of record.

4. If the official attorney determines that it is impracticable, uneconomical or could constitute a conflict of interest for the official attorney to provide the legal services associated with representing a person pursuant to this section, the official attorney may employ special counsel to render such legal services. Compensation for special counsel employed by an official attorney pursuant to this subsection must be paid in accordance with the requirements prescribed by NRS 41.03435 or 41.0344, as applicable.

5. At any time after a written request is submitted pursuant to subsection 1, the person requesting representation may employ his or her own counsel to represent him or her in the action or proceeding. At that time, the State or political subdivision is excused from any duty to represent that person and is not liable for any expenses associated with the action or proceeding, including, without limitation, court costs and attorney's fees.

6. The official attorney may apply to a court to withdraw from representing a person pursuant to this section at any time after the official attorney has appeared in an action or proceeding to represent the person upon notice to the person. Such notice must include, without limitation, the reason for the requested withdrawal.

7. If a court grants a motion to withdraw brought by the official attorney pursuant to subsection 6, the State or any political subdivision has no duty to continue to represent the person who is the subject of the motion to withdraw.

8. The provisions of this section do not abrogate or otherwise alter or affect any immunity from, or protection against, any civil action or civil liability which is provided by law to a local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor, State Legislator, member of a state board or commission or member of a local board or commission for any act or omission relating to the person's public duties or employment.

9. The official attorney may waive the requirement for notification prescribed by paragraph (a) of subsection 1 for good cause shown.

10. Nothing in this section shall be construed to require an official attorney to represent any present or former local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator in any action or proceeding.

11. As used in this section, "action or proceeding" means any action, suit, matter, cause, hearing, appeal or proceeding.

Sec. 2. NRS 41.03375 is hereby amended to read as follows:

41.03375 As used in NRS 41.03375 to 41.03473, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 41.03377, 41.0338 and 41.03385 have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. NRS 41.03385 is hereby amended to read as follows:

41.03385 "State judicial officer" means a justice ***or senior justice*** of the Supreme Court, ~~[senior justice,]~~ ***judge or senior judge of the Court of Appeals or*** judge ***or senior judge*** of a district court ***.*** ~~[or senior judge.]~~

Sec. 3.7. NRS 41.03435 is hereby amended to read as follows:

41.03435 The Attorney General may employ special counsel whose compensation must be fixed by the Attorney General, subject to the approval of the State Board of Examiners, if the Attorney General determines ~~[at any time prior to trial]~~ that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be rendered by the Attorney General or a deputy attorney general. Compensation for special counsel must be paid out of:

1. The Reserve for Statutory Contingency Account; or
2. Available federal grants or a permanent fund in the State Treasury other than the State General Fund.

Sec. 4. NRS 228.110 is hereby amended to read as follows:

228.110 1. Except as otherwise provided in NRS 228.111 to 228.1118, inclusive, and 228.112 to 228.1127, inclusive, or by specific statute:

(a) The Attorney General and the duly appointed deputies of the Attorney General shall be the legal advisers on all state matters arising in the Executive Department of the State Government.

(b) No officer, commissioner or appointee of the Executive Department of the Government of the State of Nevada shall employ any attorney at law or counselor at law to represent the State of Nevada within the State, or to be compensated by state funds, directly or indirectly, as an attorney acting within the State for the State of Nevada or any agency in the Executive Department thereof unless ~~[the]~~ ***:***

(1) The Attorney General and the deputies of the Attorney General are disqualified to act in such matter ~~[.]~~ ***; or***

(2) The Attorney General determines that it is impracticable, uneconomical or could constitute a conflict of interest for the Attorney

General or a deputy of the Attorney General to serve as the legal adviser in such matter.

2. ***Compensation for any attorney or counselor at law employed as special counsel by the Attorney General must be paid in accordance with the requirements prescribed by NRS 41.03435.***

3. All claims for legal services rendered in violation of this section shall be void.

Sec. 4.3. **On or before July 1 of each odd-numbered year, the Office of the Attorney General shall submit a report to the Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on the Judiciary that includes, without limitation:**

1. A list of each contract entered into pursuant to NRS 228.110, as amended by section 4 of this act during the immediately preceding biennium; and

2. For each such contract listed in the report, the names of the parties to the contract and the monetary amount of the contract.

Sec. 4.7. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.** **Sec. 5.** 1. This section and sections 3, 3.3 and 3.7 of this act become effective upon passage and approval.

2. Sections 1, 2**, ~~[and]~~** 4 **, 4.3 and 4.7** of this act become effective on October 1, 2023.

Assemblyman Yurek moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 85.

Bill read third time.

Roll call on Senate Bill No. 85:

YEAS—42.

NAYS—None.

Senate Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 91.

Bill read third time.

Remarks by Assemblyman Yurek.

ASSEMBLYMAN YUREK:

Senate Bill 91 authorizes a licensed clinical alcohol and drug counselor to supervise a certified problem gambling counselor intern if the licensed clinical alcohol and drug counselor completes specific training in problem gambling and the supervision of interns.

Roll call on Senate Bill No. 91:

YEAS—42.

NAYS—None.

Senate Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 115.

Bill read third time.

Roll call on Senate Bill No. 115:

YEAS—42.

NAYS—None.

Senate Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Roll call on Senate Bill No. 133:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 147.

Bill read third time.

Roll call on Senate Bill No. 147:

YEAS—42.

NAYS—None.

Senate Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Roll call on Senate Bill No. 148:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 153.

Bill read third time.

Roll call on Senate Bill No. 153:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Roll call on Senate Bill No. 164:

YEAS—42.

NAYS—None.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 177.

Bill read third time.

Roll call on Senate Bill No. 177:

YEAS—42.

NAYS—None.

Senate Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 181.

Bill read third time.

Roll call on Senate Bill No. 181:

YEAS—31.

NAYS—DeLong, Gray, Gurr, Hafen, Hansen, Koenig, La Rue Hatch, McArthur, Newby, O'Neill, Summers-Armstrong—11.

Senate Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 182.

Bill read third time.

Roll call on Senate Bill No. 182:

YEAS—42.

NAYS—None.

Senate Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 194.

Bill read third time.

Roll call on Senate Bill No. 194:

YEAS—42.

NAYS—None.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 223.
Bill read third time.
Roll call on Senate Bill No. 223:
YEAS—42.
NAYS—None.
Senate Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 243.
Bill read third time.
Roll call on Senate Bill No. 243:
YEAS—42.
NAYS—None.
Senate Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 257.
Bill read third time.
Roll call on Senate Bill No. 257:
YEAS—42.
NAYS—None.
Senate Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 258.
Bill read third time.
Roll call on Senate Bill No. 258:
YEAS—42.
NAYS—None.
Senate Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 259.
Bill read third time.
Roll call on Senate Bill No. 259:
YEAS—42.
NAYS—None.
Senate Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 260.
Bill read third time.

Roll call on Senate Bill No. 260:
YEAS—42.
NAYS—None.
Senate Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 261.
Bill read third time.
Roll call on Senate Bill No. 261:
YEAS—42.
NAYS—None.
Senate Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 264.
Bill read third time.
Roll call on Senate Bill No. 264:
YEAS—42.
NAYS—None.
Senate Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 286.
Bill read third time.
Roll call on Senate Bill No. 286:
YEAS—42.
NAYS—None.
Senate Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 299.
Bill read third time.
Roll call on Senate Bill No. 299:
YEAS—37.
NAYS—DeLong, Gray, Gurr, Hafen, McArthur—5.
Senate Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 316.
Bill read third time.
Roll call on Senate Bill No. 316:
YEAS—42.
NAYS—None.

Senate Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 338.

Bill read third time.

Roll call on Senate Bill No. 338:

YEAS—39.

NAYS—Carter, Brittney Miller, Summers-Armstrong—3.

Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 340.

Bill read third time.

Roll call on Senate Bill No. 340:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 351.

Bill read third time.

Roll call on Senate Bill No. 351:

YEAS—42.

NAYS—None.

Senate Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 354.

Bill read third time.

Roll call on Senate Bill No. 354:

YEAS—40.

NAYS—Gallant, Gray—2.

Senate Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 381.

Bill read third time.

Roll call on Senate Bill No. 381:

YEAS—42.

NAYS—None.

Senate Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 397.
Bill read third time.
Roll call on Senate Bill No. 397:
YEAS—42.
NAYS—None.
Senate Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 401.
Bill read third time.
Roll call on Senate Bill No. 401:
YEAS—42.
NAYS—None.
Senate Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 410.
Bill read third time.
Roll call on Senate Bill No. 410:
YEAS—42.
NAYS—None.
Senate Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 411.
Bill read third time.
Roll call on Senate Bill No. 411:
YEAS—42.
NAYS—None.
Senate Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 433.
Bill read third time.
Roll call on Senate Bill No. 433:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Senate Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 442.
Bill read third time.

Roll call on Senate Bill No. 442:

YEAS—42.

NAYS—None.

Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 3, 18, 36, 68, 78, 82, 136, 206, 212, 215, 219, 223, 265, 274, 372, 401, 426; Senate Bill No. 27, 42, 44, 66, 406.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:23 p.m.

ASSEMBLY IN SESSION

At 2:29 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 164, Amendment No. 544; Assembly Bill No. 210, Amendment No. 575; Assembly Bill No. 214, Amendment No. 691; Assembly Bill No. 366, Amendment No. 577, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 244, 282.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 23, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 286, 442.

WAYNE THORLEY
Fiscal Analysis Division

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:31 p.m.

ASSEMBLY IN SESSION

At 8:23 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bill No. 463; Senate Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 76, 98, 100, 101, 110, 116, 118, 122, 126, 131, 146, 154, 162, 189, 225, 227, 235, 251, 264, 282, 289, 298, 311, 318, 333, 359, 361, 407.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 244.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 282.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 463.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 645.

AN ACT relating to children; transferring certain duties and authority related to the licensing and regulation of certain child care facilities from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Division of Welfare and Supportive Services of the Department; revising the membership of the Nevada Early Childhood Advisory Council; revising provisions governing the inspection and review of child care facilities; **revising provisions governing the inspection and approval of certain facilities by certain fire protection officials and agencies;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a child care facility to obtain a license from the Division of Public and Behavioral Health of the Department of Health and Human Services if: (1) the city or county in which the child care facility is located has not provided for the licensure of child care facilities by an agency of the city or county, as applicable; or (2) the child care facility is a child care institution. (NRS 432A.131) Existing law defines "child care institution" for that purpose to mean a facility that provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. (NRS 432A.0245) **Section 4** of this bill transfers the authority to license and regulate such child care facilities from the Division of Public and Behavioral Health to the Division of Welfare and Supportive Services of the Department. **Section 1** of this bill authorizes an employee of the Division of Welfare and Supportive Services to access the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child when investigating the background of certain persons associated with a child care facility, small child care establishment or outdoor youth program. **Section 2** of this bill defines "Administrator" to refer to the Administrator of the Division of Welfare and Supportive Services, and **section 3** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes. **Sections 6-8** of this bill transfer to the Administrator: (1) the duties to establish a policy for the coordination of entities with an interest in child care and to inspect child care facilities; and (2) the authority to waive certain education requirements for a person who is responsible for the operation of a child care facility. **Sections 9 and 10** of this bill make revisions so that certain reports relating to the immunization of children who have been admitted to child care facilities continue to be submitted to the Division of Public and Behavioral Health. **Section 11** of this bill transfers to the Division of Welfare and Supportive Services the duty to conduct a review of a child care facility that has been found by a legislative audit to have certain deficiencies.

Existing law establishes the Nevada Early Childhood Advisory Council and requires the Council to include certain members appointed by the Governor. (NRS 432A.076) **Section 5** of this bill eliminates the requirement that the Council include one member who is a representative of the Division of Public

and Behavioral Health. **Section 5** adds to the membership of the Council: (1) one member who is a representative of the Division of Welfare and Supportive Services whose duties include responsibility for child care; (2) one member who is a representative of that Division whose duties include implementing regulations governing the licensure of child care facilities; and (3) one member who is ~~[nominated by the Nevada Indian Commission and acts as a liaison for Indian tribes in this State.]~~ **a representative of a tribal organization, with consideration given to an enrolled member of a Nevada Indian tribe.**

Existing law: (1) requires the State Fire Marshal or a designee thereof to enter and inspect every building or premises of a child care facility and supervise fire drills at such a facility; and (2) provides that certain health care facilities are subject to inspection and approval by the State Fire Marshal. (NRS 432A.180, 449.0307) Section 8 provides that the State Fire Marshal or a designee is authorized, rather than required, to inspect child care facilities and supervise fire drills at such facilities. Section 8 also authorizes the State Fire Marshal to designate a local fire agency that meets an industry standard accepted by the State Fire Marshal to perform those duties. Finally, section 8 requires the State Board of Health to adopt regulations governing such inspections. Section 11.5 of this bill authorizes a designee of the State Fire Marshal, which may include a local fire agency that meets an industry standard accepted by the State Fire Marshal, to inspect and approve certain health care facilities. Section 11.8 of this bill makes a conforming change to clarify that the State Fire Marshal is authorized to designate such a local fire agency to conduct certain inspections of a residential facility for groups or a building operated by a provider of community-based living arrangement services.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220;

(b) The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made pursuant to NRS 392.303;

(c) Statistical information on the protective services provided in this State; and

(d) Any other information which the Division determines to be in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive.

3. The Division may release information contained in the Central Registry to an employer if:

(a) The person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

➥ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:

(a) An employee of the Division;

(b) An agency which provides child welfare services;

(c) An employee of the Division of ~~[~~Public and Behavioral Health~~]~~ ***Welfare and Supportive Services*** of the Department who is obtaining information in accordance with NRS 432A.170; and

(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 2. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

"Administrator" means the Administrator of the Division.

Sec. 3. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.0295, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4. NRS 432A.0273 is hereby amended to read as follows:

432A.0273 "Division" means the Division of ~~[~~Public and Behavioral Health~~]~~ ***Welfare and Supportive Services*** of the Department.

Sec. 5. NRS 432A.076 is hereby amended to read as follows:

432A.076 1. The Nevada Early Childhood Advisory Council is hereby established as the state advisory council on early childhood education and care required to be established pursuant to 42 U.S.C. § 9837b(b)(1)(A)(i). The membership of the Council must be appointed by the Governor and include, without limitation:

(a) One member who is a representative of the Division ~~[~~of Public and Behavioral Health of the Department~~]~~ whose duties include responsibility for child care;

(b) ***One member who is a representative of the Division whose duties include implementing regulations governing the licensure of child care facilities;***

(c) One member who is a representative of the Department of Education;

~~[(c)]~~ ***(d)*** One member who is a representative of the Department of Education whose duties include responsibilities for programs under section 619 or part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

~~[(d)]~~ ***(e)*** One member who is a representative of the boards of trustees of the school districts in this State;

~~[(e)]~~ ***(f)*** One member who is a representative of the Nevada System of Higher Education;

~~[(f)]~~ ***(g)*** One member who is a representative of local providers of early childhood education and developmental services;

~~[(g)]~~ ***(h)*** One member who is a representative of Head Start agencies in this State, including, without limitation, migrant and seasonal Head Start programs and Indian Head Start programs;

~~[(h)]~~ ***(i)*** One member who is appointed or designated pursuant to 42 U.S.C. § 9837b(a)(3)(A);

~~[(i)]~~ ***(j)*** One member who is a representative of the Aging and Disability Services Division of the Department;

~~[(j)]~~ ***(k)*** One member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood education programs;

~~[(k)]~~ ***(l)*** One member who is a representative of a nonprofit organization located in northern Nevada that provides early childhood education programs;

~~[(l)]~~ ***(m)*** One member who is a representative of the pediatric mental, physical or behavioral health care industry; ~~[and~~

~~(m)]~~ ***(n) One member who is*** ~~***[nominated by the Nevada Indian Commission and acts as a liaison for Indian tribes in this State;]***~~ ***a representative of a tribal organization, with consideration given to an enrolled member of a Nevada Indian tribe; and***

(o) Such other members as the Governor determines are appropriate.

2. The Council shall:

(a) Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood education programs.

(b) Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood education programs.

(c) Identify opportunities for and barriers to coordination and collaboration among early childhood education programs funded in whole or in part by the Federal Government, the State or a local government.

(d) Develop recommendations for:

(1) Increasing the participation of children in early childhood education programs funded in whole or in part by the Federal Government, the State or

a local government, including, without limitation, providing information on such programs to underrepresented and special populations;

(2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood education programs;

(3) A statewide professional development system for teachers engaged in early childhood education; and

(4) The establishment of statewide standards for early childhood education programs in this State.

(e) Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.

(f) Establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children. The guidelines must:

(1) Be based on national school readiness indicators;

(2) Address the following components of school readiness:

(I) Physical and developmental health;

(II) Social and emotional development;

(III) Approaches to learning;

(IV) Language and early literacy development; and

(V) Cognition and general knowledge.

(g) Develop recommendations for increasing parental involvement and family engagement in early childhood education programs.

(h) Perform such other duties relating to early childhood education programs as designated by the Governor.

3. On or before December 1 of each year, the Council shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Education, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, a summary of the activities of the Council and any recommendations for improvements to the early childhood system in this State.

4. The Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.

Sec. 6. NRS 432A.079 is hereby amended to read as follows:

432A.079 1. The ~~[~~Board~~]~~ ***Administrator*** shall establish a policy providing for coordination among all interested public, private and commercial agencies or entities to foster their cooperation in the interests of:

(a) Improving the quality of child care services offered by each participating agency and entity.

(b) Ensuring continuity in the program of community child care for each family.

(c) Reaching the maximum number of families possible within available resources, with top priority given to low-income families.

(d) Increasing opportunities for developing staff competence and career development within and between cooperating agencies and entities.

(e) Developing the most efficient, effective and economical methods for providing services to children and families.

(f) Ensuring an effective voice by parents of children receiving child care in the policy for and direction of programs.

(g) Mobilizing the resources of the community in such a manner as to ensure maximum public, private and individual commitment to provide expanded child care.

2. Such a policy must be primarily concerned with the coordination of day care and preschool programs, and also be concerned with:

(a) Availability of other needed services for children in preschool or day care programs;

(b) Availability of needed services for children of school age; and

(c) Coordination of community services with preschool or day care programs.

Sec. 7. NRS 432A.1773 is hereby amended to read as follows:

432A.1773 1. A licensee of a child care facility, or a person appointed by the licensee, who is responsible for the daily operation, administration or management of a child care facility must:

(a) Be at least 21 years of age and:

(1) Hold an associate's degree or a higher degree in early childhood education and have at least 1,000 hours of verifiable experience in a child care facility;

(2) Hold an associate's degree or a higher degree in any field other than early childhood education, have completed at least 15 semester hours in early childhood education or related courses and have at least 2,000 hours of verifiable experience in a child care facility;

(3) Hold a high school diploma or, if approved by the Administrator **,** ~~[~~of the Division of Public and Behavioral Health,~~]~~ a general educational development certificate, have completed at least 15 semester hours in early childhood education or related courses and have at least 3,000 hours of experience in a child care facility;

(4) Hold a current credential as a "Child Development Associate" with an endorsement for preschool age children or infants or toddlers, as appropriate, which has been issued by the Council for Professional Recognition, or its successor organization, and have at least 2,000 hours of verifiable experience in a child care facility; or

(5) Have a combination of education and experience which, in the judgment of the Administrator **,** ~~[~~of the Division of Public and Behavioral Health,~~]~~ is equivalent to that required by subparagraph (1), (2), (3) or (4);

(b) Have at least 1,000 verifiable hours in an administrative position or have completed a course or other training in business administration; and

(c) Within 90 days after the licensee or person appointed by the licensee commences service as the director of a child care facility, apply to the Nevada Registry or its successor organization, and annually renew his or her registration before the date on which it expires.

2. As used in this section, "Nevada Registry" means the organization that operates the statewide system of career development and recognition created to:

(a) Acknowledge and encourage professional achievement in the early childhood care and education workforce in this State;

(b) Establish a professional development system in this State for the field of early childhood care and education;

(c) Approve and track all informal training in the field of early childhood care and education in this State; and

(d) Act as a statewide clearinghouse of information concerning the field of early childhood care and education.

Sec. 8. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility or small child care establishment, whether registered or not, or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or a designee of the State Fire Marshal ~~[shall, at least annually:]~~ ***, which may include a local fire agency that*** ~~***[is accredited by a national organization that accredits fire agencies,]***~~ ***meets an industry standard accepted by the State Fire Marshal, may, in accordance with regulations adopted by the Board:***

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Division; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

➥ to secure compliance with standards for safety from fire and other emergencies.

3. The ~~[Chief Medical Officer]~~ ***Administrator*** or a designee of the ~~[Chief Medical Officer]~~ ***Administrator*** shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program ~~[, on behalf of the Division,]~~ to secure compliance with laws and regulations concerning the health, safety and welfare of children in the care of the facility or program.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The ~~[Chief Medical Officer]~~ ***Administrator*** shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 9. NRS 432A.230 is hereby amended to read as follows:

432A.230 Except as otherwise provided in NRS 432A.235 for accommodation facilities:

1. Except as otherwise provided in subsection 3 and unless excused because of religious belief or medical condition, a child may not be admitted to any child care facility within this State, including a facility licensed by a county or city, unless the parents or guardian of the child submit to the operator of the facility a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

(a) Diphtheria;

(b) Tetanus;

(c) Pertussis if the child is under 6 years of age;

(d) Poliomyelitis;

(e) Rubella;

(f) Rubeola; and

(g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or his or her designee or a registered nurse or his or her designee, attesting that the certificate accurately reflects the child's record of immunization.

3. A child whose parent or guardian has not established a permanent residence in the county in which a child care facility is located and whose history of immunization cannot be immediately confirmed by a physician in this State or a local health officer, may enter the child care facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days a certificate from a physician or local health officer that the child has received or is receiving the required immunizations; and

(b) Submits proof that the parent or guardian has not established a permanent residence in the county in which the facility is located.

4. If a certificate from the physician or local health officer showing that the child has received or is receiving the required immunizations is not submitted to the operator of the child care facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

5. Before December 31 of each year, each child care facility shall report to the Division ***of Public and Behavioral Health*** of the Department, on a form furnished by ~~[the]~~ ***that*** Division, the exact number of children who have:

(a) Been admitted conditionally to the child care facility; and

(b) Completed the immunizations required by this section.

Sec. 10. NRS 432A.235 is hereby amended to read as follows:

432A.235 1. Except as otherwise provided in subsection 2 and unless excused because of religious belief or medical condition, a child may not be

admitted to any accommodation facility within this State, including an accommodation facility licensed by a county or city, unless the parents or guardian of the child submit to the operator of the accommodation facility written documentation stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the diseases set forth in subsection 1 of NRS 432A.230. The written documentation required pursuant to this subsection must be:

(a) A letter signed by a licensed physician stating that the child has been immunized and received boosters or is complying with the schedules;

(b) A record from a public school or private school which establishes that a child is enrolled in the school and has satisfied the requirements for immunization for enrollment in the school pursuant to NRS 392.435 or 394.192; or

(c) Any other documentation from a local health officer which proves that the child has been immunized and received boosters or is complying with the schedules.

2. A child whose parent or guardian has not established a permanent residence in the county in which an accommodation facility is located and whose history of immunization cannot be immediately confirmed by the written documentation required pursuant to subsection 1 may enter the accommodation facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days the documentation required pursuant to subsection 1; and

(b) Submits proof that the parent or guardian has not established a permanent residence in the county in which the facility is located.

3. If the documentation required pursuant to subsection 1 is not submitted to the operator of the accommodation facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

4. Before December 31 of each year, each accommodation facility shall report to the Division ***of Public and Behavioral Health*** of the Department, on a form furnished by ~~[the]~~ ***that*** Division, the exact number of children who have:

(a) Been admitted conditionally to the accommodation facility; and

(b) Completed the immunizations required by this section.

5. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to maintain proof of immunization of a child admitted to the facility, the Board or agency shall authorize a business which operates more than one accommodation facility to maintain proof of immunization of a child admitted to any accommodation facility of the business at a single location of the business. The documentation must be accessible by each accommodation facility of the business.

Sec. 11. NRS 218G.595 is hereby amended to read as follows:

218G.595 1. Not later than 45 days after receiving a report pursuant to NRS 218G.590 concerning a child care facility licensed pursuant to chapter 432A of NRS, the Division of ~~[Public and Behavioral Health]~~ ***Welfare and Supportive Services*** of the Department of Health and Human Services or the county or incorporated city from which the facility has obtained a license pursuant to NRS 432A.131, as applicable, shall review the facility to which the report pertains to determine whether the facility has corrected the deficiencies described in the report. The review may include a physical inspection of the facility at the discretion of the Division, county or city, as applicable.

2. After conducting a review pursuant to subsection 1, the Division, county or city shall provide a report of its determinations to the Legislative Auditor. The report must include:

(a) A determination of whether the deficiencies described in the report of the Legislative Auditor or the Legislative Auditor's designee have been resolved;

(b) If the deficiencies described in the report of the Legislative Auditor or the Legislative Auditor's designee have not been resolved, a description of the measures being taken by the facility to resolve the deficiencies, a determination of whether those measures are adequate and the expected date by which the deficiencies will be resolved; and

(c) A statement of any issues of fact or law on which the Division, county or city, as applicable, disagrees with the report of the Legislative Auditor or the Legislative Auditor's designee.

3. If the Division, county or city concludes, after a review conducted pursuant to subsection 1, that a child care facility has not resolved a deficiency described in the report of the Legislative Auditor or the Legislative Auditor's designee, the Division, county or city, as applicable, shall, not later than 30 days after completing the review:

(a) Provide a copy of its report to each court or other governmental agency that places children in the facility and post the report publicly on an Internet website maintained by the Division, county or city, as applicable; and

(b) Schedule another review of the facility which must be conducted not later than 30 days after the review conducted pursuant to subsection 1. After the review conducted pursuant to this paragraph, the Division, county or city, as applicable, shall take the actions described in subsection 2 and, if necessary, this subsection.

4. The Legislative Auditor or the Legislative Auditor's designee shall include any information provided by the Division, a county or an incorporated city concerning any deficiency identified at a child care facility in any report issued by the Legislative Auditor or the Legislative Auditor's designee concerning the inspections, reviews and surveys required by NRS 218G.575.

5. This section shall not be construed to prohibit or limit the ability of:

(a) A licensing entity to impose sanctions on a facility for children under its jurisdiction; or

(b) A law enforcement agency to respond to criminal conduct at a facility for children.

6. As used in this section, "child care facility" has the meaning ascribed to it in NRS 432A.024.

Sec. 11.5. **NRS 449.0307 is hereby amended to read as follows:**

449.0307 The Division may:

1. Upon receipt of an application for a license, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies and purposes of any person proposing to engage in the operation of a medical facility, a facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed. The facility is subject to inspection and approval as to standards for safety from fire, on behalf of the Division, by the State Fire Marshal ~~[.]~~ ***or a designee of the State Fire Marshal, which may include a local fire agency that meets an industry standard accepted by the State Fire Marshal.***

2. Upon receipt of a complaint against a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed, except for a complaint concerning the cost of services, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that facility or any other medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of NRS 449.029 to 449.245, inclusive.

Sec. 11.8. **NRS 449.131 is hereby amended to read as follows:**

449.131 1. Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.029 to 449.245, inclusive.

2. The State Fire Marshal or a designee of the State Fire Marshal ***, which may include a local fire agency that meets an industry standard accepted by the State Fire Marshal,*** shall, upon receiving a request from the Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.0302:

(a) Enter and inspect a residential facility for groups or a building operated by a provider of community-based living arrangement services in which such services are provided; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.0302,

➥ to ensure the safety of the residents of the facility or persons receiving care from the provider, as applicable, in an emergency.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups and each building operated by a provider of community-based living arrangement services in which such services are provided to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Division shall enter and inspect any building or premises operated by a residential facility for groups or provider of community-based living arrangement services within 72 hours after the Division is notified that a residential facility for groups or provider of community-based living arrangement services is operating without a license.

Sec. 12. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 13. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 14. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 134.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 709.

AN ACT relating to health care; prohibiting an insurer from entering into a contract with a provider of vision care that contains certain provisions; **requiring a provider of vision care to make certain disclosures to a covered person;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an insurer from entering into a contract with a provider of vision care that conditions any rate of reimbursement for vision care on the provider of vision care prescribing certain ophthalmic devices or materials or increases the rate of reimbursement if the provider of vision care prescribes such ophthalmic devices or materials. (NRS 686A.135) **Section 1** of this bill additionally prohibits an insurer from entering into a contract with a provider of vision care that: (1) authorizes the insurer to set or limit the amount that the provider of vision care may charge for vision care that is not reimbursed under the contract; or (2) requires the provider of vision care to use a specific laboratory as the manufacturer of ophthalmic devices or materials provided to covered persons. **Section 1 requires a provider of vision care to disclose to any covered person an ownership or pecuniary interest of the provider in a supplier of ophthalmic devices or materials before the covered person authorizes the provider to obtain covered eyewear materials from such a supplier.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 686A.135 is hereby amended to read as follows:

686A.135 1. An insurer shall not enter into a contract with a provider of vision care that ~~[conditions]~~ ***:***

(a) Authorizes the insurer to set or limit the amount that the provider of vision care may charge for vision care that is not reimbursed under the contract;

(b) Requires the provider of vision care to use a specific laboratory as the manufacturer of ophthalmic devices or materials provided to covered persons; or

(c) Conditions any rate of reimbursement for vision care on the provider of vision care prescribing ophthalmic devices or materials in which the insurer has an ownership or other pecuniary interest or increases the rate of reimbursement if the provider of vision care prescribes such ophthalmic devices or materials.

2. Before entering into a contract with a provider of vision care to include the provider of vision care in the network of an insurer, the insurer must provide to the provider of vision care a list of the rates of reimbursement for each service covered by the contract.

3. An insurer shall disclose in any policy of insurance that covers vision care or any description of benefits covered by such a policy, whether written or electronic, any ownership or other pecuniary interest of the insurer in a supplier of ophthalmic devices or materials or a provider of vision care. The disclosure must appear in a conspicuous and clear manner.

4. An insurer that does not provide reimbursement for specific vision care shall not claim in any advertisement or other material that the insurer covers that vision care if such vision care is available at a discount or with a copayment or coinsurance in an amount that is in addition to the copayment or coinsurance that a covered person is typically required to pay for covered services.

5. ***A provider of vision care shall disclose in writing to any covered person under a policy of insurance that covers vision care any ownership or other pecuniary interest of the provider of vision care in a supplier of ophthalmic devices or materials, including, without limitation, a general disclosure of any rebates or rewards programs, before the covered person authorizes the provider of vision care to obtain covered eyewear materials from such a supplier or laboratory that is not contracted with the insurer providing the policy of insurance that covers vision care. The disclosure must appear in a conspicuous and clear manner.***

6. Nothing in this section shall be construed to prohibit a covered person from using an in-network source or supplier of ophthalmic devices or materials as set forth in the covered person's policy of insurance that covers vision care.

7. As used in this section:

(a) "Provider of vision care" means a physician who provides vision care or an optometrist.

(b) "Vision care" means:

(1) Routine ophthalmological evaluation of the eye, including refraction.

(2) Ophthalmic devices or materials, including, without limitation, lenses, frames, mountings or other specially fabricated ophthalmic devices.

➥ The term "vision care" does not include the initiation of treatment or diagnosis pursuant to a program of medical care.

Sec. 2. The amendatory provisions of section 1 of this act do not apply to any contract existing on October 1, 2023, between an insurer and a provider of vision care until the contract is renewed.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 180.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 707.

AN ACT relating to water; revising provisions relating to the establishment, membership and duties of a groundwater board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners to recommend to the State Engineer that the State Engineer establish a groundwater board in an area designated as a groundwater basin by the State Engineer. If the State Engineer directs the establishment of a groundwater board, the Governor is required to appoint seven members who serve on the groundwater board. Existing law authorizes the Governor to dissolve the groundwater board if the Governor determines that the future activities of the board are likely to be insubstantial. (NRS 534.035) **Section 1** of this bill: (1) authorizes a board of county commissioners to request that the State Engineer establish a groundwater board and appoint seven members to serve on the groundwater board; (2) **authorizes boards of county commissioners to jointly request that the State Engineer establish a groundwater board; (3)** authorizes a board of county commissioners **or boards of county commissioners, as applicable,** to appoint a nonvoting member to the groundwater board; ~~[(3)]~~ **(4)** provides that the groundwater board must be dissolved after 4 years unless the State Engineer approves a request from the board of county commissioners **or boards of county commissioners, as applicable,** to continue the board; and ~~[(4)]~~ **(5)** provides that the groundwater board may be dissolved by a majority vote of the groundwater board. **Section 1 further provides that only one groundwater board may be established for a designated groundwater basin.**

Section 1 also requires the State Engineer to consider the written advice and recommendations of the groundwater board on reducing overpumping in the designated basin.

Existing law requires: (1) the State to pay certain expenses of a groundwater board such as per diem and travel allowances for board members and expenses for consultants employed by a groundwater board; and (2) the State Engineer to determine and certify the budget of a groundwater board for paying such expenses. (NRS 534.035, 534.040) **Sections 1 and 2** of this bill eliminate these provisions and provide that members serve without compensation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 534.035 is hereby amended to read as follows:

534.035 1. In each area designated as a groundwater basin by the State Engineer pursuant to the provisions of NRS 534.030 ~~[, the]~~ **:**

(a) If the designated groundwater basin is located in one county, the board of county commissioners may ~~[recommend to the State Engineer]~~ ***request*** that the State Engineer establish a groundwater board. ~~[The State Engineer shall~~

~~determine whether or not a groundwater board is to be established and may direct its establishment by order.]~~

(b) If the designated groundwater basin is located in more than one county:

(1) A board of county commissioners may request or the boards of county commissioners of the counties may jointly request that the State Engineer establish a groundwater board.

(2) Regardless of whether a groundwater board is requested to be established jointly, the State Engineer may appoint members of the groundwater board in accordance with subsection 3 who reside in any county in which the designated groundwater basin is located.

2. ***Not more than one groundwater board may be established in a designated groundwater basin pursuant to subsection 1.***

3. If a groundwater board is ~~[established, the governing bodies of all the cities and towns within the designated area, the board of county commissioners of each county in which the area is located, and the governing body of any water district in which the area is included, or partly included, shall each submit a list of names of residents of the area to the Governor, who]~~ ***requested to be established pursuant to subsection 1, the State Engineer*** shall appoint seven members of the board ~~[. At least one member must be appointed from each list.]~~ ***who must reside within the designated groundwater basin as follows:***

(a) Four members, each of whom holds a permit or certificate to appropriate water within the designated groundwater basin with a senior date of priority, as determined by the State Engineer;

(b) Two members, each of whom holds a permit or certificate to appropriate water within the designated groundwater basin with a junior date of priority, as determined by the State Engineer; and

(c) One member who holds a permit or certificate, or permits or certificates, within the designated groundwater basin for the greatest quantity of groundwater in the basin, or if such a person is already appointed or unwilling to serve, the person who holds a permit or certificate, or permits or certificates, in the designated groundwater basin for the next greatest quantity of groundwater in the basin, as determined by the State Engineer.

~~[3.]~~ ***4.*** ~~[After the initial terms, the]~~ ***In addition to the members appointed pursuant to subsection*** ~~***[2,]***~~ ***3, the board of county commissioners or boards of county commissioners, as applicable, may appoint a nonvoting member to the groundwater board.***

~~***[4.]***~~ ***5.*** ***The*** term of office of each member of the ***groundwater*** board is 4 years. The ***groundwater*** board shall elect one member as chair and one member as secretary to serve as such at the pleasure of the ***groundwater*** board.

~~[4.~~ ~~***5.]***~~ ***6.*** The ***groundwater*** board shall ~~[maintain its headquarters at the county seat of]~~ ***hold public meetings and any physical location for such public meetings must be in*** the county in which the designated area is located , or if the area lies in more than one county ~~[,]~~ ***and the counties jointly***

requested the establishment of the groundwater board, in [~~the county seat of~~] one of the counties in which the area is located. The board shall hold meetings at such times and places as it may determine. Special meetings may be called at any time by the secretary at the request of any four members, or by the chair, upon notice specifying the matters to be acted upon at the meeting. No matters other than those specified in the notice may be acted upon at that meeting unless all members are present and consent thereto.

[~~5.~~ ~~*6.*~~] ***7.*** A majority of the ***groundwater*** board constitutes a quorum, and the ***groundwater*** board shall act only by a majority of those present.

[~~6. For each day's attendance at each meeting of the groundwater board, or for each day when services are actually performed for the groundwater board, the members are entitled to receive per diem and travel allowances provided by law. Claims for those expenses must be paid as provided in subsection 7 of NRS 534.040.~~

~~7.~~] ***8.*** ***Members of the groundwater board serve without compensation.***

~~*8.*~~ ***9.*** The State Engineer shall [~~not approve any application or issue any permit to drill a well, appropriate groundwater, change the place or manner of use or the point of diversion of water within the designated area, adopt any related regulations or enter any related orders until the State Engineer has conferred with the board and obtained its~~] ***consider the*** written advice and recommendations [~~.~~] ***of the groundwater board on reducing overpumping in the designated groundwater basin.***

[~~8. It is the intention of the Legislature that the State Engineer and the board be in agreement whenever possible, but, for the purpose of fixing responsibility to the Governor, if~~] ***If*** there is any disagreement between the State Engineer and the ***groundwater*** board, the views of the State Engineer prevail. [~~A written report of any such disagreement must be made immediately to the Governor by the State Engineer and the board.~~] ***A decision of the State Engineer to comply or not comply with the views of the groundwater board is not subject to judicial review. A disagreement between the State Engineer and a groundwater board is not admissible in any proceeding challenging a decision of the State Engineer.***

[~~9.~~] ***10.*** [~~Any~~] ***A*** groundwater board [~~may request from the State Engineer or any other state, county, city or district agency such technical information, data and advice as it may require to perform its functions, and~~] ***:***

(a) Must be dissolved 4 years after the date such a board is established by the State Engineer [~~and such other agencies shall, within the resources available to them, furnish such assistance as may be requested.~~

~~10. The Governor may dissolve the groundwater board by order if the Governor determines that the future activities of the board are likely to be insubstantial.~~] ***pursuant to subsection ~~2~~ 3 unless the State Engineer approves a request from the board of county commissioners or boards of county commissioners, as applicable, to continue the groundwater board for any additional 4 year term; and***

(b) May be dissolved by a majority vote of the groundwater board at a meeting of the board.

Sec. 2. NRS 534.040 is hereby amended to read as follows:

534.040 1. Upon the initiation of the administration of this chapter in any particular basin, and where the investigations of the State Engineer have shown the necessity for the supervision over the waters of that basin, the State Engineer may employ a well supervisor and other necessary assistants, who shall execute the duties as provided in this chapter under the direction of the State Engineer. The salaries of the well supervisor and the assistants of the well supervisor must be fixed by the State Engineer. The well supervisor and assistants are exempt from the provisions of chapter 284 of NRS.

2. If the money available from the license fees provided for in NRS 534.140 is not sufficient to pay those salaries, together with necessary expenses, including the compensation and other expenses of the Well Drillers' Advisory Board, the board of county commissioners shall, except as otherwise provided in this subsection, levy a special assessment annually, or at such time as the assessment is needed, upon all taxable property situated within the confines of the area designated by the State Engineer to come under the provisions of this chapter in an amount as is necessary to pay such salaries and expenses. If the board of county commissioners determines that the amount of a special assessment levied upon a property owner pursuant to this section when combined with the amount of all other taxes and assessments levied upon the property owner is less than the cost of collecting the special assessment levied pursuant to this subsection, the board of county commissioners may exempt the property owner from the assessment and appropriate money from the general fund of the county to pay the cost of the assessment.

3. Except as otherwise provided in subsection 2, in designated areas within which the use of groundwater is predominantly for agricultural purposes, any special assessment levied pursuant to this section must be charged against each water user who has a permit to appropriate water or a perfected water right, and the charge against each water user must be based upon the proportion which his or her water right bears to the aggregate water rights in the designated area. The minimum charge is $1.

4. The salaries and expenses may be paid by the State Engineer from the Water Distribution Revolving Account pending the levy and collection of an assessment levied pursuant to this section.

5. Except as otherwise provided in subsection 2, if a special assessment is levied pursuant to this section, the proper officers of the county shall levy and collect the special assessment as other special assessments are levied and collected, and the assessment is a lien upon the property.

6. Any special assessment collected pursuant to this section must be deposited with the State Treasurer for credit to the Water District Account to be accounted for in basin well accounts.

7. ~~[Upon determination and certification by the State Engineer of the amount to be budgeted for the current or ensuing fiscal year for the purpose of~~

~~paying the per diem and travel allowances of the groundwater board and employing consultants or other help needed to fulfill its responsibilities, the State Controller shall transfer that amount to a separate operating account for that fiscal year for the groundwater basin. Claims against the account must be approved by the groundwater board and paid as other claims against the State are paid.~~**]** The State Engineer may use money in a particular basin well account to support an activity outside the basin in which the money is collected if the activity bears a direct relationship to the responsibilities or activities of the State Engineer regarding the particular groundwater basin.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 715.

AN ACT relating to health care; revising provisions concerning medical certificates of death relating to a person who self-administers a medication that is designed to end his or her life; authorizing a physician or advanced practice registered nurse to prescribe a medication that is designed to end the life of a patient under certain circumstances; prohibiting persons other than a patient from administering a medication that is designed to end the life of the patient; imposing requirements on certain providers of health care and health care facilities relating to the records of a patient who requests a medication that is designed to end his or her life; providing immunity to certain providers of health care and health care facilities that take certain actions relating to prescribing or dispensing a medication that is designed to end the life of a patient; authorizing the owner or operator of a health care facility to prohibit certain persons from providing certain services relating to a medication that is designed to end the life of a patient; prohibiting a person from conditioning provisions of a will, contract, agreement or policy of life insurance on the request for or acquisition or administration of a medication that is designed to end the life of the person; prohibiting a person from denying benefits under a policy of life insurance to or imposing additional charges against a policyholder or beneficiary because the insured requested or revoked a request for a medication that is designed to end the life of the person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a patient who has been diagnosed with a terminal condition to refuse life-resuscitating or life-sustaining treatment in certain circumstances. (NRS 449A.400-449A.581, 450B.400-450B.590) **Sections 10-39** of this bill authorize a patient, under certain circumstances, to self-

administer a medication that is designed to end the life of the patient. **Section 20** of this bill defines "practitioner" to mean a physician, osteopathic physician or advanced practice registered nurse. **Sections 11-18, 21 and 22** of this bill define other relevant terms. **Section 23** of this bill authorizes a patient to request that his or her attending practitioner prescribe a medication that is designed to end his or her life if the patient: (1) is at least 18 years of age; (2) has been diagnosed with a terminal condition by at least two practitioners; (3) has made an informed and voluntary decision to end his or her own life; (4) is mentally capable of making such a decision; and (5) is not requesting the medication because of coercion, deception or undue influence. **Section 24** of this bill prescribes certain requirements concerning the manner in which a patient may request a medication that is designed to end the life of the patient, including that the patient make two verbal requests and one written request for the medication, and that the written request for the medication be signed by a witness. **Section 25** of this bill prescribes the form for the written request for the medication. **Section 26** of this bill imposes certain requirements before a practitioner is authorized to prescribe a medication that is designed to end the life of a patient, including that the practitioner: (1) inform the patient of his or her right to revoke a request for the medication at any time; (2) determine and verify that the patient meets the requirements for making such a request; (3) discuss certain relevant factors with the patient, including the diagnosis and prognosis of the patient and alternative options for care; (4) refer the patient to a consulting practitioner who can confirm the diagnosis, prognosis and mental capability of the patient and that the patient has not been coerced or unduly influenced; and (5) instruct the patient against self-administering the medication in public. **Section 27** of this bill requires a practitioner who determines that a patient who has requested a prescription for a medication that is designed to end his or her life may not be mentally capable to refer the patient to a qualified mental health professional and to receive confirmation about the patient's mental capability.

Section 28 of this bill: (1) prescribes procedures for the issuance of a prescription for a medication that is designed to end the life of the patient; and (2) provides that only an attending practitioner or a pharmacist may dispense such a medication. **Section 29** of this bill prohibits an attending practitioner from prescribing a medication that is designed to end the life of a patient based solely on the age or disability of the patient. **Section 30** of this bill requires certain providers of health care to include certain information concerning requests and prescriptions for and the dispensing of a medication that is designed to end the life of a patient in the medical record of the patient. If a patient who has requested a medication that is designed to end the life of a patient transfers care to another practitioner or health care facility, **sections 30 and 37** of this bill require the practitioner or health care facility that previously provided care to the patient to forward the patient's medical records to the new practitioner or health care facility. **Section 33** of this bill prescribes certain information that must be reported by an attending practitioner to the Division

of Public and Behavioral Health of the Department of Health and Human Services relating to a patient who has been prescribed or self-administered such a medication. **Section 34** of this bill requires the Division to compile an annual report concerning the implementation of the provisions of this bill authorizing a patient to request a prescription for a medication that is designed to end the life of the patient. **Sections 33, 46 and 47** of this bill provide that such information is otherwise confidential when reported to the Division.

Section 31 of this bill authorizes a patient, at any time, to revoke a request for a medication that is designed to end his or her life. **Sections 32 and 41** of this bill provide that only the patient to whom a medication that is designed to end his or her life is prescribed may administer the medication. **Section 32** establishes requirements for the disposal of any unused portion of the medication.

Section 39 of this bill makes certain persons exempt from professional discipline and immune from civil and criminal penalties and provides that such persons do not violate any applicable standard of care for taking actions authorized by this bill to assist a patient in acquiring a medication that is designed to end the life of the patient. **Section 35** of this bill provides that a death resulting from the self-administration of a medication that is designed to end the life of a patient is not mercy killing, euthanasia, assisted suicide, suicide or homicide when done in accordance with the provisions of this bill, and **section 4** of this bill requires a death certificate to list the terminal condition of the patient as the cause of death of the patient. **Sections 3 and 7** of this bill provide that a coroner, coroner's deputy or local health officer is not required to certify the cause of such a death. **Section 46.5** of this bill: (1) authorizes a coroner to make an appropriate investigation after discovering that a person has self-administered a medication designed to end the life of the person, to the extent necessary to determine the cause of the terminal condition with which the person was diagnosed; and (2) requires a coroner to cease such an investigation after determining that the terminal condition resulted from a natural cause. **Section 46.2** of this bill makes a conforming change to revise certain internal references.

Sections 36 and 44 of this bill prohibit a person from preventing or requiring a person to make or revoke a request for a medication that is designed to end the life of the person as a condition to receiving health care or as a condition in an agreement, contract or will.

Section 37 of this bill clarifies that a practitioner is not required to prescribe a medication that is designed to end the life of a patient and remains responsible for treating the patient's pain. However, if a patient who is diagnosed with a terminal condition requests information concerning the prescription and self-administration of a medication that is designed to end the life of the patient, **section 37** requires a practitioner to provide that information or ~~[refer]~~ **facilitate the transfer of** the patient to another provider of health care**.** ~~[who is willing to do so.]~~ **Section 37** also provides that a pharmacist is not required to fill a prescription for or dispense such a medication. **Section 38**

of this bill allows the owner or operator of a health care facility to prohibit an employee or independent contractor of the health care facility or any person who provides services on the premises of the health care facility from providing any services relating to prescribing a medication that is designed to end the life of a patient while acting within the scope of his or her employment or contract with the facility or while on the premises of the facility. **Section 39** prohibits a health care facility or provider of health care from taking certain actions against an employee or independent contractor who: (1) provides accurate, scientific information concerning end-of-life care to a patient; or (2) facilitates the prescription or self-administration of a medication that is designed to end the life of the patient. **Sections 40-43** of this bill make conforming changes to clarify that a practitioner or pharmacist is authorized to dispense a medication that is designed to end the life of a patient that is a controlled substance or dangerous drug and a patient may self-administer such a medication in accordance with other provisions governing medications designed to end the life of a patient.

Section 45 of this bill provides that a proposed protected person shall not be deemed to be in need of a general or special guardian solely because the proposed protected person requested a medication that is designed to end his or her life or revoked such a request.

Sections 48 and 49 of this bill prohibit insurers from conditioning life insurance benefits, group life insurance benefits or the payment of claims on whether the insured makes, fails to make or revokes a request for a medication that is designed to end the life of the insured or self-administers such a medication. **Section 50** of this bill makes a conforming change to reflect this prohibition on a policy of group life insurance.

WHEREAS, A mentally capable adult patient should have the right to self-determination concerning his or her health care decisions based on his or her values, beliefs or personal preferences; and

WHEREAS, It is important that patients have the full range of options for their care, especially at the end of their lives; and

WHEREAS, Patients with a terminal illness may undergo unremitting pain, agonizing discomfort and a sudden, continuing and irreversible reduction in their quality of life; and

WHEREAS, The availability of medical aid in dying provides an additional palliative care option for persons with a terminal illness who seek to retain their autonomy and some level of control over the progression of their disease or ease unnecessary pain and suffering; and

WHEREAS, The integration of medical aid in dying into standard end-of-life care has demonstrably improved such care by contributing to better conversations between providers of health care and patients, earlier and more appropriate enrollment in hospice care and better training concerning palliative care for providers; and

WHEREAS, Patient-directed care respects and responds to the decisions, preferences, needs and values of individual patients, ensures that the values of patients direct all clinical decisions concerning their care and ensures that patients are fully informed of and able to access the options for care that they desire; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 440 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. ***1. A coroner, coroner's deputy or local health officer is not required to certify the cause of death of a patient who dies after self-administering a medication that is designed to end the life of the patient in accordance with the provisions of sections 10 to 39, inclusive, of this act.***

2. A coroner, coroner's deputy or local health officer may access any records or information submitted to the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to section 33 of this act to confirm that a patient died from self-administering a medication that is designed to end the life of the patient in accordance with the provisions of sections 10 to 39, inclusive, of this act.

Sec. 4. NRS 440.380 is hereby amended to read as follows:

440.380 1. The medical certificate of death must be signed by the physician or advanced practice registered nurse, if any, last in attendance on the deceased, or pursuant to regulations adopted by the Board, it may be signed by the attending physician's associate physician, the chief medical officer of the hospital or institution in which the death occurred, or the pathologist who performed an autopsy upon the deceased. The person who signs the medical certificate of death shall specify:

(a) The social security number of the deceased.

(b) The hour and day on which the death occurred.

(c) The cause of death, so as to show the cause of disease or sequence of causes resulting in death, giving first the primary cause of death or the name of the disease causing death, and the contributory or secondary cause, if any, and the duration of each.

2. In deaths in hospitals or institutions, or of nonresidents, the physician or advanced practice registered nurse shall furnish the information required under this section, and may state where, in his or her opinion, the disease was contracted.

3. The medical certificate of death of a patient who dies after self-administering a medication that is designed to end the life of the patient in accordance with sections 10 to 39, inclusive, of this act:

(a) Must specify the terminal condition with which the patient was diagnosed as the cause of death; and

(b) Must not indicate suicide as the cause of death or mention that the patient self-administered a medication that is designed to end the life of the patient.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 440.420 is hereby amended to read as follows:

440.420 1. In case of any death occurring without medical attendance, the funeral director shall notify the local health officer, coroner or coroner's deputy of such death and refer the case to the local health officer, coroner or coroner's deputy **.** ~~[~~for immediate investigation and certification.~~]~~ ***Except as otherwise provided in NRS 259.050 and section 3 of this act, the coroner, coroner's deputy or local health officer shall immediately investigate the death and certify the cause of death.***

2. Where there is no qualified physician or advanced practice registered nurse in attendance, and in such cases only, the local health officer is authorized to make the certificate and return from the statements of relatives or other persons having adequate knowledge of the facts.

3. If the death was caused by unlawful or suspicious means, the local health officer shall then refer the case to the coroner for investigation and certification.

4. In counties which have adopted an ordinance authorizing a coroner's examination in cases of sudden infant death syndrome, the funeral director shall notify the local health officer whenever the cause or suspected cause of death is sudden infant death syndrome. The local health officer shall then refer the case to the coroner for investigation and certification.

5. The coroner or the coroner's deputy may certify the cause of death in any case which is referred to the coroner by the local health officer or pursuant to a local ordinance.

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 39, inclusive, of this act.

Sec. 10. ***As used in sections 10 to 39, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11 to 22, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 11. ***"Advanced practice registered nurse" means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.***

Sec. 12. ***"Attending practitioner" means the practitioner who has primary responsibility for the treatment of a terminal condition from which a patient suffers.***

Sec. 13. (Deleted by amendment.)

Sec. 14. ***"Consulting practitioner" means a practitioner to whom a patient is referred pursuant to paragraph (d) of subsection 1 of section 26 of this act for confirmation of the diagnosis and prognosis of the patient and that the patient is mentally capable.***

Sec. 15. ***"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.***

Sec. 16. ***"Health care facility" means any facility licensed pursuant to chapter 449 of NRS.***

Sec. 16.5. ***"Mentally capable" means that a patient has the ability to make, communicate and understand the nature of the decision to request and self-administer a medication that is designed to end the life of the patient.***

Sec. 17. ***"Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.***

Sec. 18. ***"Physician" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS.***

Sec. 19. (Deleted by amendment.)

Sec. 20. ***"Practitioner" means a physician or advanced practice registered nurse.***

Sec. 21. ***"Self-administer" or "self-administration" means the ingestion by a person of a medication that is designed to end his or her life as an affirmative, conscious and voluntary act. The term does not include the administration of the medication by parenteral injection or infusion.***

Sec. 22. ***"Terminal condition" means an incurable and irreversible condition that will, in accordance with reasonable medical judgment, result in death within 6 months.***

Sec. 23. ***A patient may request that his or her attending practitioner prescribe a medication that is designed to end the life of the patient if the patient:***

1. Is at least 18 years of age;

2. Has been diagnosed with a terminal condition by the attending practitioner and at least one consulting practitioner;

3. Has made an informed and voluntary decision to end his or her own life;

4. Is mentally capable; and

5. Is not requesting the medication because of coercion, deception or undue influence.

Sec. 24. ***1. A patient who wishes to obtain a prescription for a medication that is designed to end his or her life must:***

(a) Make two verbal requests for the medication to his or her attending practitioner. Except as otherwise provided in this paragraph, the second verbal request must be made at least 15 days after the first verbal request. If the attending practitioner determines that the patient is reasonably likely to die within 15 days after the first verbal request, the patient may make the second verbal request at any time.

(b) Make a written request for the medication in the form prescribed by section 25 of this act and submit the written request to the attending

practitioner. The written request for the medication must be signed by the patient and one witness, who must not be:

(1) Related to the patient by blood, marriage or adoption;

(2) Entitled to any portion of the estate of the patient upon death under a will or by operation of law;

(3) An owner, operator or employee of a health care facility where the patient is receiving treatment or is a resident;

(4) The attending practitioner; or

(5) An interpreter for the patient.

2. An oral or written request made pursuant to this section may not be made:

(a) By any person acting on behalf of the patient, including, without limitation, a surrogate, supporter, guardian or person designated in a power of attorney to make decisions concerning health care pursuant to NRS 162A.790.

(b) In an advance directive.

3. As used in this section:

(a) "Advance directive" has the meaning ascribed to it in NRS 449A.703.

(b) "Supporter" has the meaning ascribed to it in NRS 162C.090.

Sec. 25. ***A written request for a medication that is designed to end the life of a patient must be in substantially the following form:***

REQUEST FOR A MEDICATION
THAT IS DESIGNED TO END MY LIFE

I, ..., am an adult of sound mind.

I have been diagnosed with ..... and given a prognosis of less than 6 months to live.

I have been fully informed of my diagnosis, my prognosis and the feasible alternative, concurrent or additional treatment opportunities, including comfort care, hospice care and pain control. I have been offered resources or referrals to pursue these alternative, concurrent or additional treatment opportunities.

I have been fully informed of the nature of the medication to be prescribed to me and the risks and benefits of self-administering the medication, including that the likely effect of self-administering the medication is death. I understand that I can rescind this request at any time and that I am under no obligation to fill the prescription once it is written or to self-administer the medication if I obtain it.

I request that my attending practitioner prescribe a medication that I may self-administer to end my life and authorize my attending practitioner to contact a pharmacist to fill the prescription at a time of my choosing.

I make this request voluntarily, free from coercion or undue influence.

Signed: .....

Dated: .....

Witness signature: .....

Date: .....

Sec. 26. *1. Before prescribing a medication that is designed to end the life of a patient, the attending practitioner of the patient must:*

(a) Inform the patient that he or she may revoke a request for the medication at any time and provide the patient with the opportunity to revoke his or her second verbal request made pursuant to subsection 1 of section 24 of this act;

(b) Determine and verify, after each verbal and written request for the medication made pursuant to subsection 1 of section 24 of this act and immediately before writing the prescription, that the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;

(c) Discuss with the patient:

(1) The diagnosis and prognosis of the patient;

(2) All available methods of treating or managing the terminal condition of the patient, including, without limitation, comfort care, hospice care and pain control, and the risks and benefits of each method;

(3) The risks and benefits of self-administering the medication, including, without limitation, that death is the probable result of self-administering the medication;

(4) The recommended procedure for self-administering the medication;

(5) The manner in which the medication must be kept and disposed of in accordance with applicable state and federal law;

(6) The importance of having another person present when the patient self-administers the medication; and

(7) The benefits of notifying the patient's next of kin of his or her decision to request a prescription for a medication that is designed to end the life of the patient;

(d) Refer the patient to a consulting practitioner who is qualified by reason of specialty or experience to diagnose the terminal condition of the patient for examination and receive written confirmation from that practitioner of the diagnosis and prognosis of the patient and that the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;

(e) Inform the patient that there is no obligation to fill the prescription or to self-administer the medication, if obtained; and

(f) Instruct the patient against self-administering the medication in a public place. As used in this paragraph, "public place" means any location

readily accessible to the general public, but does not include a health care facility.

2. The attending practitioner shall refer the patient for comfort care, palliative care, hospice care, pain control or other end-of-life care if requested or as clinically indicated.

Sec. 27. ***1. If the attending practitioner to whom a patient makes a request for a medication that is designed to end the life of the patient or the consulting practitioner to whom a patient is referred pursuant to paragraph (d) of subsection 1 of section 26 of this act determines that the patient may not be mentally capable:***

(a) The attending practitioner or consulting practitioner, as applicable, must refer the patient for examination by a person professionally qualified in the field of psychiatric mental health; and

(b) The attending practitioner must not prescribe a medication that is designed to end the life of the patient, unless the person professionally qualified in the field of psychiatric mental health concludes, based on the examination, that the patient is mentally capable.

2. If a patient is examined pursuant to subsection 1, the person professionally qualified in the field of psychiatric mental health must provide to the attending practitioner and, if applicable, the consulting practitioner who made the referral, his or her written determination regarding whether the patient is mentally capable.

Sec. 28. ***1. Except as otherwise provided in section 29 of this act, the attending practitioner of a patient may prescribe a medication that is designed to end the life of the patient after the attending practitioner has ensured that the requirements of sections 23 to 27, inclusive, of this act have been met.***

2. After an attending practitioner prescribes a medication that is designed to end the life of a patient, the attending practitioner shall, after obtaining the written consent of the patient, contact a pharmacist and inform the pharmacist of the prescription. After the pharmacist has been notified, the attending practitioner shall transmit the prescription directly to the pharmacist.

3. A medication that is designed to end the life of a patient may only be dispensed by a registered pharmacist or by the attending practitioner of the patient. A pharmacist may only dispense such a medication pursuant to a valid prescription provided by an attending practitioner in accordance with subsection 2 to:

(a) The patient;

(b) The attending practitioner who prescribed the medication; or

(c) An agent of the patient who has been expressly identified to the pharmacist as such by the patient.

Sec. 29. ***An attending practitioner shall not prescribe a medication that is designed to end the life of a patient based solely on the age or disability of the patient.***

Sec. 30. *1. The attending practitioner of a patient who requests a medication that is designed to end the life of the patient shall document in the medical record of the patient:*

(a) Each request for such a medication made by the patient, including, without limitation, by including in the record a copy of the written request submitted pursuant to paragraph (b) of subsection 1 of section 24 of this act, and each revocation of such a request;

(b) The diagnosis and the prognosis of the patient provided by the attending practitioner;

(c) Each determination made by the attending practitioner concerning whether the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;

(d) Confirmation that:

(1) The attending practitioner offered the patient the opportunity to revoke his or her second verbal request for the medication, as required by subsection 1 of section 26 of this act; and

(2) The requirements set forth in sections 10 to 39, inclusive, of this act have been satisfied; and

(e) The name, amount and dosage of any medication that is designed to end the life of the patient and any ancillary medications that the attending practitioner prescribes for the patient.

2. A consulting practitioner shall report to the attending practitioner of the patient and document in the medical record of the patient his or her:

(a) Confirmation that the patient has requested a medication designed to end the life of the patient;

(b) Diagnosis and opinion regarding the prognosis of the patient; and

(c) Determination concerning whether the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act.

3. A person professionally qualified in the field of psychiatric mental health to whom a patient is referred pursuant to section 27 of this act shall document in the medical record of the patient his or her determination of whether the patient is mentally capable.

4. If a patient who has requested a medication that is designed to end his or her life changes his or her attending practitioner or transfers his or her care to a different health care facility, the prior attending practitioner and health care facility, as applicable, must, upon the request of the patient or the new attending practitioner or health care facility, forward the medical records of the patient to the new attending practitioner or health care facility, as applicable.

Sec. 31. *1. A patient who requests a medication that is designed to end his or her life may revoke the request at any time, without regard to his or her age or physical or mental condition.*

2. The revocation of a request for such a medication becomes effective immediately upon the patient communicating the revocation to his or her attending practitioner. When the patient revokes such a request, the

attending practitioner must document the revocation in the medical record of the patient.

Sec. 32. ***1. Only a patient to whom a medication that is designed to end his or her life is prescribed may administer the medication. No other person may administer the medication to the patient, including, without limitation, by parenteral injection or infusion. Any person who is present may assist the patient in preparing the medication for self-administration.***

2. If any amount of a medication that is designed to end the life of a patient is not self-administered, it must be disposed of in accordance with law.

Sec. 33. ***1. An attending practitioner who prescribes a medication that is designed to end the life of a patient shall:***

(a) Not more than 30 days after prescribing the medication, provide to the Division in the form prescribed by the Division the name, date of birth, diagnosis and prognosis of the patient and affirmation that the prescription was issued in accordance with the provisions of sections 10 to 39, inclusive, of this act; and

(b) Not more than 60 days after the death of a patient from administering the medication, provide to the Division the name and date of birth of the patient, the date on which the patient died and a statement of whether the patient was receiving hospice care at the time of death.

2. The Division shall prescribe forms for reporting each set of information required by subsection 1.

3. Except as otherwise provided in NRS 239.0115 and sections 3 and 34 of this act, any information or records submitted to the Division pursuant to this section are confidential.

4. The Division shall annually review a sample of the reports submitted pursuant to subsection 1 to ensure compliance with the requirements of that subsection.

5. The provisions of subsection 1 of section 39 of this act do not apply to a practitioner who willfully fails to comply with the requirements of this section.

Sec. 34. ***On or before February 1 of each year, the Division shall:***

1. Compile a report concerning the implementation of the provisions of sections 10 to 39, inclusive, of this act. The report:

(a) Must include, for the immediately preceding calendar year:

(1) The number of patients to whom a medication that is designed to end the life of a patient was prescribed;

(2) The number of patients described in subparagraph (1) who died after self-administering the medication and the terminal conditions which were specified as the cause of those deaths; and

(3) The number of practitioners who prescribed a medication that is designed to end the life of a patient.

(b) Must not include the personally identifiable information of any patient or provider of health care.

2. Make the report compiled pursuant to subsection 1 publicly available on the Internet website maintained by the Division.

Sec. 35. *1. A death resulting from a patient self-administering a medication that is designed to end his or her life in accordance with the provisions of sections 10 to 39, inclusive, of this act does not constitute mercy killing, euthanasia, assisted suicide, suicide or homicide.*

2. Any report or other document produced by this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State must refer to a request for, acquisition of, prescription of, dispensing of and self-administration of a medication that is designed to end the life of a patient as a request for, acquisition of, prescription of, dispensing of and self-administration, as applicable, of a medication that is designed to end the life of a patient.

Sec. 36. *1. A person shall not prevent a patient from making or revoking or require a patient to make or revoke a request for a medication that is designed to end the life of the patient as a condition of receiving health care.*

2. Any provision in any contract or agreement entered into before, on or after the effective date of this act, whether written or oral, that would affect the right of a patient to take any action in accordance with the provisions of sections 10 to 39, inclusive, of this act is unenforceable and void.

Sec. 37. *1. The provisions of sections 10 to 39, inclusive, of this act do not:*

(a) Require an attending practitioner to prescribe a medication that is designed to end the life of a patient or require a pharmacist to fill a prescription for or dispense such a medication;

(b) Affect the responsibility of a practitioner to provide information and treatment in accordance with the standard of care, including, without limitation, treatment for a patient's comfort or alleviation of pain; or

(c) Condone, authorize or approve mercy killing, euthanasia or assisted suicide.

2. An attending practitioner shall provide a patient who is diagnosed with a terminal condition with complete and accurate information concerning his or her available options for care and the risks and benefits of each option. If an attending practitioner is unwilling or unable to provide information concerning the prescription and self-administration of a medication that is designed to end the life of the patient in accordance with sections 10 to 39, inclusive, of this act to a patient who requests such information, the attending practitioner must ~~[refer]~~ facilitate the transition of the patient to another provider of health care ~~[who is willing and able to provide this information.]~~ , unless the patient refuses such a transition. An attending practitioner who fails to comply with the requirements of this subsection shall be deemed to have failed to obtain informed consent to any care provided to the patient after the request.

3. If a patient requests pursuant to section 24 of this act that the attending practitioner prescribe a medication that is designed to end the life of the patient and the attending practitioner is unwilling or unable to issue any prescription for such medication, the attending practitioner must:

(a) Document the request and the date of the request in the medical record of the patient; and

(b) Upon request, forward the medical records of the patient as required by subsection 4 of section 30 of this act.

Sec. 38. *1. Except as otherwise required by section 37 of this act, the owner or operator of a health care facility may prohibit:*

(a) Any employee or independent contractor of the health care facility from providing any services described in sections 10 to 39, inclusive, of this act while acting within the scope of his or her employment or contract, as applicable, with the health care facility; or

(b) Any other person, including, without limitation, an employee or independent contractor of the health care facility or another provider of health care who provides services on the premises of the health care facility, from providing any services described in sections 10 to 39, inclusive, of this act on the premises of the health care facility.

2. An owner or operator of a health care facility who prohibits any person from providing services described in sections 10 to 39, inclusive, of this act shall provide notice of the prohibition to:

(a) Each employee and independent contractor of the health care facility at the time of hiring and annually thereafter; and

(b) Each provider of health care not described in paragraph (a) who provides services on the premises of the health care facility, including, without limitation, through telehealth as defined in NRS 629.515, at the time the provider of health care begins providing services on the premises of the health care facility and annually thereafter.

3. The owner or operator of a health care facility may take any action authorized by law or authorized pursuant to any applicable rule, policy, procedure or contract against any person who provides a service prohibited by the owner or operator in compliance with subsection 1 while acting within the scope of his or her employment or contract, as applicable, or on the premises of the health care facility.

Sec. 39. *1. Except as otherwise provided in section 38 of this act:*

(a) A health care facility or provider of health care shall not:

(1) Prohibit an employee or independent contractor from:

(I) Providing services described in sections 10 to 39, inclusive, of this act outside the scope of the employment or contract, as applicable, and off the premises of the health care facility or any premises owned or operated by the provider of health care;

(II) Being present when a patient self-administers a medication that is designed to end the life of the patient outside the scope of his or her employment or contract, as applicable, and off the premises of the health

care facility or any premises owned or operated by the provider of health care; or

(III) Providing accurate, scientific information concerning the diagnosis and prognosis of a patient or options for the treatment of a terminal condition, including, without limitation, the administration of a medication that is designed to end the life of a patient, or providing information concerning available health care services and other resources, including, without limitation, information about how to access such services and resources, when discussing the options of the patient for end-of-life care; or

(2) Discharge, demote, censure, suspend, revoke or suspend the privileges of, discipline or otherwise penalize an employee or independent contractor who takes any action described in subparagraph (1).

(b) A practitioner, person professionally qualified in the field of psychiatric mental health, pharmacist or other provider of health care is not subject to professional discipline, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because the provider of health care:

(1) Takes any action authorized by sections 10 to 39, inclusive, of this act, including, without limitation, assisting a patient in preparing a medication that is designed to end the life of the patient in accordance with subsection 1 of section 32 of this act; or

(2) Is present when a patient self-administers a medication that is designed to end the life of the patient or when a patient dies as a result of such self-administration.

(c) A health care facility is not subject to disciplinary action, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because an employee or independent contractor of the health care facility takes any action authorized by sections 10 to 39, inclusive, of this act.

(d) A person other than a provider of health care is not subject to professional discipline, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because the person:

(1) Assists a patient in preparing a medication that is designed to end the life of the patient in accordance with subsection 1 of section 32 of this act; or

(2) Is present when a patient self-administers a medication that is designed to end the life of the patient or when a patient dies as a result of such self-administration.

2. If any part of paragraph (a) of subsection 1 conflicts with requirements concerning the receipt of federal money by this State, the conflicting provision does not apply solely to the extent of the conflict with respect to the health care facility or provider of health care directly affected.

3. A local government, coroner, law enforcement agency or an employee of a local government, coroner or law enforcement agency is not subject to

any civil or criminal penalty for ceasing or refusing to investigate or take other action in response to a death resulting from the self-administration of a medication designed to end the life of the patient pursuant to sections 10 to 39, inclusive, of this act or refusing to make a finding concerning such a death.

4. The provisions of this section do not limit liability for damages resulting from the negligence or intentional misconduct of any person providing services pursuant to sections 10 to 39, inclusive, of this act.

Sec. 40. NRS 453.256 is hereby amended to read as follows:

453.256 1. A prescription for a controlled substance must be given to a pharmacy in compliance with NRS 639.23535. A prescription for a substance included in schedule II must not be refilled. A prescription for a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201 must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

2. A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.

3. A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his or her profession.

4. No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

5. An individual practitioner may not dispense a substance included in schedule II, III or IV for the practitioner's own personal use except in a medical emergency.

6. A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

7. As used in this section, "medical treatment" includes ~~[~~dispensing~~]~~ ***:***

(a) Dispensing or administering a narcotic drug for pain, whether or not intractable ~~[.]~~ ***; and***

(b) Dispensing a medication that is designed to end the life of a patient pursuant to the provisions of sections 10 to 39, inclusive, of this act.

Sec. 41. NRS 453.375 is hereby amended to read as follows:

453.375 1. ~~[A]~~ ***Except as otherwise provided in sections 10 to 39, inclusive, of this act, a*** controlled substance may be possessed and administered by the following persons:

(a) A practitioner.

(b) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(c) A paramedic:

(1) As authorized by regulation of:

(I) The State Board of Health in a county whose population is less than 100,000; or

(II) A county or district board of health in a county whose population is 100,000 or more; and

(2) In accordance with any applicable regulations of:

(I) The State Board of Health in a county whose population is less than 100,000;

(II) A county board of health in a county whose population is 100,000 or more; or

(III) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(d) A respiratory therapist, at the direction of a physician or physician assistant.

(e) A medical student, student in training to become a physician assistant or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician or physician assistant and:

(1) In the presence of a physician, physician assistant or a registered nurse; or

(2) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(f) An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

(g) Any person designated by the head of a correctional institution.

(h) A veterinary technician at the direction of his or her supervising veterinarian.

(i) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(j) In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

(k) A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled

substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(l) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

2. As used in this section, "accredited college of medicine" means:

(a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(b) A school of osteopathic medicine, as defined in NRS 633.121.

Sec. 42. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217 ~~[,]~~ ***and sections 10 to 39, inclusive, of this act,*** a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 43. NRS 454.215 is hereby amended to read as follows:

454.215 ~~[A]~~ ***Except as otherwise provided in sections 10 to 39, inclusive, of this act, a*** dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his or her internship;

6. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Public and Behavioral Health of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

➥ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 44. NRS 133.065 is hereby amended to read as follows:

133.065 ***1.*** Except ***as otherwise provided in subsection 2 or*** to the extent that it violates public policy, a testator may:

~~[1.]~~ ***(a)*** Make a devise conditional upon a devisee's action or failure to take action or upon the occurrence or nonoccurrence of one or more specified events; and

~~[2.]~~ ***(b)*** Specify the conditions or actions which would disqualify a person from serving or which would constitute cause for removal of a person who is serving in any capacity under the will, including, without limitation, as a personal representative, guardian or trustee.

2. Any provision in a will executed on or after the effective date of this act that conditions a devise on any person requesting or failing to request a medication designed to end his or her life, revoking such a request or self-administering such a medication in accordance with the provision of sections 10 to 39, inclusive, of this act is unenforceable and void.

Sec. 45. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds that the proposed protected person is not incapacitated and is not in need of a guardian, the court shall dismiss the petition.

2. If the court finds that the proposed protected person is of limited capacity and is in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the person, estate, or person and estate of the proposed protected person.

4. A proposed protected person shall not be deemed to be in need of a general or special guardian based solely upon a request by the proposed protected person for a medication that is designed to end his or her life or the revocation of such a request if made in accordance with the provisions of sections 10 to 39, inclusive, of this act.

Sec. 46. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,

453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 33 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 46.2. NRS 259.010 is hereby amended to read as follows:

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025, 259.045, 259.047, 259.049, subsections ~~[3]~~ ***4*** and ~~[4]~~ ***5*** of NRS 259.050, NRS 259.053 and 259.150 to 259.180, inclusive, do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

Sec. 46.5. NRS 259.050 is hereby amended to read as follows:

259.050 1. When a coroner or the coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means, the coroner shall make an appropriate investigation.

2. ***When a coroner or the coroner's deputy is informed or otherwise discovers that a person has self-administered a medication designed to end his or her life pursuant to sections 10 to 39, inclusive, of this act, the coroner:***

(a) May make an appropriate investigation to the extent necessary to determine that the cause of the terminal condition with which the person was diagnosed; and

(b) Must cease investigating the death after determining that the terminal condition with which the person was diagnosed resulted from a natural cause.

3. In all cases where it is apparent or can be reasonably inferred that the death may have been caused by a criminal act, the coroner or the coroner's deputy shall notify the district attorney of the county where the inquiry is made, and the district attorney shall make an investigation with the assistance of the coroner. If the sheriff is not ex officio the coroner, the coroner shall also notify the sheriff, and the district attorney and sheriff shall make the investigation with the assistance of the coroner.

~~[3.]~~ ***4.*** If it is apparent to or can be reasonably inferred by the coroner that a death may have been caused by drug use or poisoning, the coroner shall cause a postmortem examination to be performed on the decedent by a forensic pathologist unless the death occurred following a hospitalization stay of 24 hours or more.

~~[4.]~~ ***5.*** A coroner may issue a subpoena for the production of any document, record or material that is directly related or believed to contain evidence related to an investigation by the coroner.

~~[5.]~~ ***6.*** The holding of a coroner's inquest is within the sound discretion of the district attorney or district judge of the county. An inquest need not be conducted in any case of death manifestly occasioned by natural cause, suicide, accident, motor vehicle crash or when it is publicly known that the death was caused by a person already in custody, but an inquest must be held unless the district attorney or a district judge certifies that no inquest is required.

~~[6.]~~ ***7.*** If an inquest is to be held, the district attorney shall call upon a justice of the peace of the county to preside over it. The justice of the peace shall summon three persons qualified by law to serve as jurors, to appear before the justice of the peace forthwith at the place where the body is or such other place within the county as may be designated by him or her to inquire into the cause of death.

~~[7.]~~ ***8.*** A single inquest may be held with respect to more than one death, where all the deaths were occasioned by a common cause.

Sec. 47. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 439.538 and 639.2357, ***and section 33 of this act,*** a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

(c) A practitioner who is then treating the patient;

(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;

(e) An agency of state government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his or her legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person;

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order; or

(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:

(1) Identifying a deceased person;

(2) Determining a cause of death; or

(3) Performing other duties authorized by law.

2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:

(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or

(b) The deceased person whose cause of death is being determined.

3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face “Copy, Not Refillable—For Reference Purposes Only.” The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.281.

Sec. 48. Chapter 688A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall not deny a claim under a policy of life insurance or annuity contract, cancel a policy of life insurance or annuity contract or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 10 to 39, inclusive, of this act, requested a medication designed to end the life of the insured, revoked such a request or self-administered such a medication.

2. Any provision of a policy of life insurance or annuity contract that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy or contract and which is included in a policy or contract that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.

Sec. 49. Chapter 688B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall not deny a claim under a policy of group life insurance, cancel a policy of group life insurance or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 10 to 39, inclusive, of this act, requested a medication designed to end the life of the insured, revoked such a request or self-administered such a medication.

2. Any provision of a policy of group life insurance that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy and which is included in a policy that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.

Sec. 50. NRS 688B.040 is hereby amended to read as follows:

688B.040 No policy of group life insurance shall be delivered in this State unless it contains in substance the provisions set forth in NRS 688B.040 to 688B.150, inclusive, ***and section 49 of this act,*** or provisions which in the opinion of the Commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable to the policyholder; except:

1. NRS 688B.100 to 688B.140, inclusive, do not apply to policies issued to a creditor to insure debtors of such creditor;

2. The standard provisions required for individual life insurance policies do not apply to group life insurance policies; and

3. If the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder; but nothing in this subsection shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies.

Sec. 51. Not later than 45 days after the effective date of this act, the Division of Public and Behavioral Health of the Department of Health and Human Services shall prescribe and make available on an Internet website maintained by the Division the forms for making the reports required by section 33 of this act.

Sec. 52. This act becomes effective upon passage and approval.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 682.

AN ACT relating to cosmetology; revising provisions governing the scope of practice of certain persons licensed and regulated by the State Board of Cosmetology; establishing procedures to contest certain citations issued by the Board; repealing or removing provisions which provide for the licensure and regulation by the Board of demonstrators of cosmetics and establishments for hair braiding; revising the powers and duties of the Board and the Executive Director of the Board; requiring the Board to adopt certain regulations; revising certain requirements for a person to obtain certain licenses and certificates of registration issued by the Board; revising certain licensing fees; revising provisions concerning the issuance and renewal of certain licenses and certificates of registration issued by the Board; revising provisions relating to cosmetological establishments and schools of cosmetology; revising certain requirements relating to the supervision of certain apprentices; authorizing the Board to issue certain citations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation by the State Board of Cosmetology of persons engaged in various branches of cosmetology and makeup artistry, cosmetological establishments and schools of cosmetology. (Chapter 644A of NRS)

Existing law exempts, with certain exceptions, persons authorized to practice medicine, commissioned medical officers of the United States Army,

Navy or Marine Hospital Service and various other persons from the provisions of existing law governing cosmetology. (NRS 644A.150) **Section 14** of this bill additionally exempts, with certain exceptions, persons authorized to practice nursing and certain additional members of the Armed Forces of the United States.

Existing law authorizes the Board to issue a citation to a: (1) licensee or registrant for certain violations relating to health or sanitation; and (2) person for certain unlicensed activities. (NRS 644A.865, 644A.955) **Section 62** of this bill additionally authorizes the Board to issue a citation to a licensee or registrant for certain additional violations. **Section 4** of this bill sets forth a process by which a person may contest certain citations. **Section 5** of this bill authorizes the Board to take appropriate legal action to recover the amount of a fine imposed by the Board.

Existing law provides for the licensure and regulation by the Board of persons engaged in the practice of: (1) esthetics, which existing law defines, in general, to include certain practices involving the care of the skin, the application of cosmetics and the removal of superfluous hair; and (2) advanced esthetics, which existing law defines to mean the practice of advanced esthetic procedures in addition to the practice of esthetics. (NRS 644A.014, 644A.075) Existing law designates a person engaged in the practice of esthetics as an esthetician and a person engaged in the practice of advanced esthetics as an advanced esthetician. (NRS 644A.013, 644A.065) Existing law also provides for the licensure and regulation by the Board of cosmetologists, which existing law defines, in general, to mean a person engaged in various practices involving the hair, nails and skin of a person. (NRS 644A.030)

Section 7 of this bill revises the list of procedures that constitute advanced esthetic procedures to: (1) include a medium-depth chemical peel, which **section 3** of this bill defines, in general, to mean the removal of certain layers of skin using chemicals; and (2) remove certain procedures. **Section 6** of this bill makes a conforming change to indicate the proper placement of **section 3** in the Nevada Revised Statutes.

Existing law defines "esthetic medical device" to mean, in general, certain devices used to perform an esthetic medical procedure. (NRS 644A.062) **Section 18** of this bill requires the Board to adopt regulations identifying each device that the Board determines to be appropriate for use in the performance of an esthetic medical procedure. **Section 10** of this bill revises the definition of "esthetic medical device" to include only those devices that the Board has identified by regulation. **Sections 8 and 11** of this bill revise the definitions of "cosmetologist" and "esthetics," respectively, for the purpose of: (1) prohibiting an esthetician or cosmetologist from using certain devices, including an esthetic medical device; and (2) authorizing an esthetician and a cosmetologist to perform certain procedures.

Existing law authorizes an advanced esthetician to perform a nonablative esthetic medical procedure under the supervision of a physician, a physician assistant or an advanced practice registered nurse. (NRS 644A.127) **Section 18**

requires the Board to adopt regulations identifying each nonablative esthetic medical procedure an advanced esthetician is authorized to perform. **Section 13** of this bill revises the definition of "nonablative esthetic medical procedure" for the purpose of authorizing an advanced esthetician to perform only those nonablative medical procedures that the Board has identified by regulation.

Existing law prohibits a provider of health care from using space leased in a cosmetological establishment to provide health care services at the same time a cosmetologist uses that space to engage in the practice of cosmetology. (NRS 644A.615) **Section 48** of this bill provides an exemption from that prohibition to authorize a physician, a physician assistant or an advanced practice registered nurse to use such a leased space to provide health care services associated with the supervision of an advanced esthetician.

Existing law sets forth certain powers and duties of the Board. (NRS 644A.230) **Section 15** of this bill provides those powers and duties to the Executive Director of the Board. Existing law requires the Board to keep all records and files at the main office of the Board and, with certain exceptions, make the records and files open to public inspection. (NRS 644A.230) **Section 15** removes the requirement to keep the records and files at the main office of the Board.

Existing law provides that certain documents and information of the Board relating to the imposition of disciplinary action against a person are confidential unless the person submits to the Board a request that such documents and information be made public records. (NRS 644A.870) **Section 56** of this bill removes provisions authorizing a person to submit such a request.

Sections 39, 42 and 47 of this bill require a licensee or registrant to have paid to the Board any outstanding fees, fines or other balance owed to the Board as a condition for the renewal of a license or certificate of registration. **Section 35** of this bill provides that certain fees charged by the Board are nonrefundable.

Existing law requires a makeup artist to register with the Board and provides that such a registration expires on January 1 of each year. (NRS 644A.395) **Section 12** of this bill revises the definition of "makeup artistry" to authorize a makeup artist to apply strip eyelashes. (NRS 644A.105) **Section 31** of this bill: (1) revises the information that a person must submit to the Board to register as a makeup artist; and (2) provides that a certificate of registration as a makeup artist is valid for 1 year after the date of issuance.

Existing law requires a person who applies to be admitted to an examination for licensure as a cosmetologist, hair designer, esthetician, advanced esthetician or nail technologist to satisfy certain training or experience requirements. Existing law authorizes such requirements to be satisfied by having practiced the applicable occupation for a certain length of time outside of this State. (NRS 644A.300, 644A.315, 644A.328, 644A.330, 644A.345) **Sections 20, 22 and 24-26** of this bill revise those training and experience

requirements to, among other things, specify that practice outside of this State includes practice in any other state, territory or country. **Sections 21 and 23** of this bill provide that an examination for a license as a cosmetologist or hair designer may include practical demonstrations of procedures involving the application of chemicals to the hair. **Section 32** of this bill revises certain training requirements for a person to be admitted to examination for a license as an electrologist. **Sections 29 and 30** of this bill revise requirements for a person to be admitted to examination for registration as a shampoo technologist and for the content of the examination. **Sections 27, 28 and 64** of this bill repeal and revise requirements for a person to be admitted to examination for licensure as a hair braider and for the content of the examination. **Sections 36, 54 and 59** of this bill make conforming changes to remove references to certain requirements concerning hair braiders repealed by **section 64**.

Existing law sets forth separate requirements for a person to be admitted for examination as an instructor depending on whether the person wishes to be licensed as an instructor of cosmetology, hair design, esthetics, advanced esthetics or nail technology. (NRS 644A.420-644A.430) **Sections 34 and 64** of this bill: (1) establish, with certain exceptions, the same requirements for each type of instructor; and (2) authorize an instructor to provide instruction only on subject matter that is within the scope of his or her license in the applicable branch of cosmetology. **Section 33** of this bill revises the materials that an applicant for a provisional license as an instructor is required to submit to the Board.

Sections 37, 39 and 42 of this bill revise the amount of fees charged to an applicant for examination for licensure as a hair braider and for the issuance and renewal of such a license. **Section 41** of this bill **: (1)** authorizes the Board to defer the expiration of certain licenses or certificates of registration for a person who submits a request and pays a fee ~~.~~ **; and (2) requires the Board to provide certain notice to a licensee or holder of a certificate of registration before the expiration of his or her license or certificate of registration.**

Existing law requires a person who holds a license or certificate of registration to practice any branch of cosmetology to display the license or certificate or a duplicate of the license or certificate at the position where the holder of the license or certificate performs his or her work. (NRS 644A.530) **Section 44** of this bill requires such a person to display the license or certificate or a duplicate of the license or certificate at each workstation where he or she performs his or her work on the public.

Existing law establishes requirements for the licensure and operation of a cosmetological establishment or a school of cosmetology. (NRS 644A.600-644A.630, 644A.700-644A.755) **Section 46** of this bill revises procedures for the issuance of a license for a cosmetological establishment. **Sections 51 and 52** of this bill revise requirements for the: (1) supervision by a licensed instructor of a school of cosmetology; (2) attendance of a student for

instruction in theory; and (3) advertisement of student work to the public. **Section 57** of this bill revises the circumstances under which certain apprentices may engage in certain practices at a cosmetological establishment. **Section 50** of this bill requires a cosmetological establishment to display a sign under certain circumstances indicating when no cosmetological services will be provided.

Existing law requires a person who engages in the practice of threading or the owner or operator of certain facilities in which a person engages in the practice of threading to register with the Board. (NRS 644A.550) **Sections 17 and 45** of this bill: (1) require the Board to keep certain records relating to a person who engages in the practice of threading; (2) provide that a certificate of registration to engage in the practice of threading expires 1 year after issuance; and (3) authorize a licensed cosmetologist or esthetician to engage in the practice of threading without registering with the Board.

Existing law provides for the licensure and regulation of establishments for hair braiding, which existing law defines to mean, in general, any premises, mobile unit or building where hair braiding is practiced, other than a cosmetological establishment. (NRS 644A.060) **Sections 16-19, 42, 53-55, 57, 60, 61 and 64** of this bill remove or repeal provisions which provide for the licensure and regulation of establishments for hair braiding, thereby requiring any establishment where hair braiding is practiced to be licensed as a cosmetological establishment. **Section 63** of this bill deems any person who, on October 1, 2023, holds a license for an establishment for hair braiding to hold a license for a cosmetological establishment.

Existing law provides for the licensure and regulation by the Board of demonstrators of cosmetics, which existing law defines to mean, in general, a person who demonstrates cosmetics under certain circumstances. (NRS 644A.045) **Sections 9, 17, 38-43, 48, 49, 54 and 64** of this bill repeal or remove all references to demonstrators of cosmetics in the provisions of existing law governing cosmetology for the purpose of no longer subjecting a demonstrator of cosmetics to licensure or regulation by the Board.

Existing law prohibits: (1) the use of an x-ray machine to treat the scalp or remove hair; and (2) the local application of corrosive substances for the purpose of peeling skin. (NRS 644A.925) **Section 58** of this bill: (1) eliminates the prohibition on the use of an x-ray machine to treat the scalp or remove hair; and (2) revises the prohibition on the use of corrosive substances to peel skin to allow for the application of certain substances by a cosmetologist, esthetician or advanced esthetician for certain purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 644A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***"Medium-depth chemical peel" means the removal of skin from the epidermis and papillary dermis layers using chemicals applied directly to the skin.***

Sec. 4. ***1. If a person is issued a citation pursuant to NRS 644A.955, the person may request a hearing before the Board to contest the citation by filing a written request with the Board:***

(a) Not later than 30 days after the date on which the citation is received by the person; or

(b) If the Board, for good cause shown, extends the time allowed to file a written request for a hearing to contest the citation, on or before the later date specified by the Board.

2. If the person files a written request for a hearing to contest the citation within the time allowed pursuant to this section, the Board shall provide notice of and conduct the hearing in the same manner as other disciplinary proceedings.

3. If the person does not file a written request for a hearing to contest the citation within the time allowed pursuant to this section, the citation shall be deemed a final order of the Board.

4. For the purposes of this section, a citation shall be deemed to have been received by a person:

(a) On the date on which the citation is personally delivered to the person;

(b) For a citation issued to a licensee or registrant which is sent by electronic mail, the date on which the citation is sent by electronic mail to the electronic mail address of the licensee or registrant on file with the Board; or

(c) If the citation is mailed, 7 days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 5. ***The Board may cause appropriate legal action to be taken in any court of competent jurisdiction to recover a fine imposed by the Board pursuant to this chapter.***

Sec. 6. NRS 644A.010 is hereby amended to read as follows:

644A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644A.011 to 644A.140, inclusive, ***and section 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 644A.012 is hereby amended to read as follows:

644A.012 "Advanced esthetic procedure" means any of the following procedures performed for esthetic purposes and not for the treatment of a medical, physical or mental ailment:

1. ~~[Exfoliation;~~
~~2. Microdermabrasion and related services;~~
~~3.]~~ Microneedling;
~~[4. Dermaplaning;~~
~~5. Extraction;~~
~~6. Hydrotherapy;~~

~~7.~~ ***2. Medium-depth chemical peel;***

3. A nonablative esthetic medical procedure; or

~~8.~~ ***4.*** Other similar esthetic preparations or procedures with the use of the hands or a mechanical or electronic apparatus.

Sec. 8. NRS 644A.030 is hereby amended to read as follows:

644A.030 1. "Cosmetologist" means a person who engages in the practices of:

(a) Cleansing, stimulating or massaging the scalp or cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(b) Cutting, trimming or shaping the hair.

(c) Arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring or straightening the hair of any person with the hands, mechanical or electrical apparatus or appliances, or by other means, or similar work incident to or necessary for the proper carrying on of the practice or occupation provided by the terms of this chapter.

(d) Removing superfluous hair from the surface of the body of any person by the use of depilatories, waxing, tweezers or sugaring, except for the ***removal of hair with lasers or the*** permanent removal of hair with needles.

(e) Manicuring the nails of any person.

(f) Beautifying, massaging, stimulating or cleansing the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or any device ~~[, electrical or otherwise,]~~ for the care of the skin ~~[.]~~ ***that is noninvasive and is not an esthetic medical device or otherwise prohibited by the Board.***

(g) Giving facials or skin care or applying cosmetics or eyelashes to any person.

(h) Performing any of the following procedures for esthetic purposes and not for the treatment of a medical, physical or mental ailment:

(1) Extraction;

(2) Hydrotherapy; or

(3) Exfoliation which does not remove any skin below the stratum corneum, including, without limitation, by the use of manual exfoliation, microdermabrasion or dermaplaning.

2. ~~[As used in this section, "depilatories" does not include the practice of threading.]~~ ***The term does not include a person who engages in the practice of advanced esthetics.***

Sec. 9. NRS 644A.040 is hereby amended to read as follows:

644A.040 "Cosmetology" includes the occupations of a cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider ~~[, demonstrator of cosmetics]~~ and nail technologist. The term does not include the occupation of a makeup artist.

Sec. 10. NRS 644A.062 is hereby amended to read as follows:

644A.062 "Esthetic medical device" means a device, as defined in 21 U.S.C. § 321, ~~[used to perform]~~ ***which the Board, by regulation, has***

determined to be appropriate for use in the performance of an esthetic medical procedure**.** ~~[, including, without limitation, a laser, a radial shockwave device, a cryotherapy device and a device that emits radio frequencies, plasma, intense pulsed light, ultrasound, microwaves or other similar energies.]~~

Sec. 11. NRS 644A.075 is hereby amended to read as follows:

644A.075 ~~[1.]~~ "Esthetics" means the practices of:

~~[(a)]~~ ***1.*** Beautifying, massaging, cleansing or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device ~~[, electrical or otherwise,]~~ for the care of the skin ~~[;~~

~~(b)]~~ ***that is noninvasive and is not an esthetic medical device or otherwise prohibited by the Board;***

2. Applying cosmetics, eyelash extensions or eyelashes to any person, tinting eyelashes and eyebrows, eyelash perming and lightening hair on the body; ~~[and~~

~~(c)]~~ ***3.*** Removing superfluous hair from the body of any person by the use of depilatories, waxing, tweezers or sugaring ~~[.]~~ ***; and***

4. Performing any of the following procedures for esthetic purposes and not for the treatment of a medical, physical or mental ailment:

(a) Extraction;

(b) Hydrotherapy; or

(c) Exfoliation which does not remove any skin below the stratum corneum, including, without limitation, by the use of manual exfoliation, microdermabrasion or dermaplaning,

➥ but does not include the branches of cosmetology of a cosmetologist, ***advanced esthetician,*** hair designer, shampoo technologist, hair braider, electrologist or nail technologist.

~~[2. As used in this section, "depilatories" does not include the practice of threading.]~~

Sec. 12. NRS 644A.110 is hereby amended to read as follows:

644A.110 1. "Makeup artistry" means the practice of applying makeup ***, strip eyelashes*** or prosthetics for:

(a) Theatrical, television, film and other similar productions;

(b) All aspects of the modeling and fashion industry, including, without limitation, photography for magazines; and

(c) Weddings.

2. The term includes the practice of applying makeup ***, strip eyelashes*** or prosthetics at:

(a) Licensed cosmetological establishments; and

(b) Retail establishments, unless the practice is limited to the demonstration of cosmetics by a retailer in the manner described in paragraph (d) of subsection 1 of NRS 644A.150.

Sec. 13. NRS 644A.127 is hereby amended to read as follows:

644A.127 "Nonablative esthetic medical procedure" means an esthetic medical procedure that is not expected to excise, vaporize, disintegrate or

remove living tissue ~~[.]~~ ***, and which the Board has, by regulation, authorized to be performed by an advanced esthetician.***

Sec. 14. NRS 644A.150 is hereby amended to read as follows:

644A.150 1. The following persons are exempt from the provisions of this chapter:

(a) Except for those provisions relating to advanced estheticians, all persons authorized by the laws of this State to practice ***nursing,*** medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the ***Armed Forces of the*** United States ~~[Army, Navy, or Marine Hospital Service]~~ when engaged in the actual performance of their official duties, and attendants attached to ~~[those services.]~~ ***a unit in a branch of the Armed Forces of the United States that provides medical services.***

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a service relating to the practice of cosmetology except cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his or her employee does not advertise cosmetological services or the practice of makeup artistry and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the Department of Corrections or the Caliente Youth Center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644A.740.

(b) Notwithstanding the provisions of NRS 644A.735, shall maintain a staff of at least one licensed instructor.

3. Any health care professional, as defined in NRS 453C.030, is exempt from the provisions of this chapter relating to advanced estheticians.

Sec. 15. NRS 644A.230 is hereby amended to read as follows:

644A.230 The ***Executive Director of the*** Board:

1. Shall prescribe the duties of ~~[its]~~ ***the*** officers, examiners and employees ~~[,]~~ ***of the Board,*** and fix the compensation of those employees.

2. May ***, with the approval of the Board,*** establish offices in as many ~~[localities]~~ ***locations*** in the State as ~~[it]~~ ***the Executive Director*** finds necessary to carry out the provisions of this chapter. ~~[All records and files of the Board must be kept at the main office of the Board and, except as otherwise provided in NRS 644A.870, be open to public inspection at all reasonable hours.]~~

3. May adopt a seal.

4. May issue subpoenas to compel the attendance of witnesses and the production of books and papers.

Sec. 16. NRS 644A.250 is hereby amended to read as follows:

644A.250 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license or certificate of registration, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. Issue certificates of registration to such applicants as may be entitled thereto.

4. License ~~[establishments for hair braiding,]~~ cosmetological establishments and schools of cosmetology.

5. Report to the proper prosecuting officer or law enforcement agency each violation of this chapter coming within its knowledge.

6. Inspect schools of cosmetology, ~~[establishments for hair braiding,]~~ cosmetological establishments and any facility in this State in which threading is conducted to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 17. NRS 644A.260 is hereby amended to read as follows:

644A.260 1. The Board shall keep a record containing the name, known place or places of business, electronic mail address, personal mailing address, telephone number and the date and number of the license or certificate of registration, as applicable, of every nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, ~~[demonstrator of cosmetics,]~~ ***person engaged in the practice of threading registered pursuant to NRS 644A.550,*** makeup artist registered pursuant to NRS 644A.395 and cosmetologist, together with the names and addresses of all ~~[establishments for hair braiding,]~~ cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure or registration.

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee or registrant.

(b) A member of the general public, except information concerning the personal mailing address, work address, electronic mail address and telephone number of a licensee or registrant.

Sec. 18. NRS 644A.275 is hereby amended to read as follows:

644A.275 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses and certificates of registration.

3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body.

6. For governing the conduct of cosmetological establishments.

7. ~~[As the Board determines are necessary for governing the conduct of establishments for hair braiding.]~~ ***Identifying each nonablative esthetic medical procedure that an advanced esthetician is authorized to perform pursuant to this chapter.***

8. Identifying each device that the Board determines to be appropriate for use in the performance of an esthetic medical procedure. Such devices may include, without limitation, a laser, a radial shockwave device, a cryotherapy device and a device that emits radio frequencies, plasma, intense pulsed light, ultrasound, microwaves or other similar energies.

Sec. 19. NRS 644A.280 is hereby amended to read as follows:

644A.280 1. The Board may adopt such regulations governing sanitary conditions as it deems necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases in the practice of hair braiding, ~~[in establishments for hair braiding,]~~ in the practice of a cosmetologist, in cosmetological establishments or schools of cosmetology, in the practice of threading and in any facility in this State in which threading is conducted.

2. No regulation governing sanitary conditions thus adopted has any effect until it has been approved by the State Board of Health.

3. A copy of all regulations governing sanitary conditions which are adopted must be furnished to each person to whom a license is issued for the conduct of a cosmetological establishment, ~~[establishment for hair braiding,]~~

school of cosmetology, practice of cosmetology or facility in this State in which threading is conducted.

Sec. 20. NRS 644A.300 is hereby amended to read as follows:

644A.300 The Board shall admit to examination for a license as a cosmetologist any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.
4. Has had any one of the following:

(a) Training of at least 1,600 hours ~~[, extending over a school term of 10 months,]~~ in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of ***at least*** 4 years outside this State ~~[.]~~ ***, including, without limitation, in any other state, territory or country, which has been documented and which the Board or its designee deems acceptable.***

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 600 hours of specialized training approved by the Board.

(d) At least 3,200 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644A.310.

Sec. 21. NRS 644A.305 is hereby amended to read as follows:

644A.305 Examinations for licensure as a cosmetologist may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, nail technology, cosmetics, thermal curling, marcelling, facial massage, massage of the scalp with the hands, ***procedures involving the application of chemicals to hair,*** and cutting, trimming or shaping hair;
2. Written or oral tests on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity as applicable to the practice of a cosmetologist; and

(c) The laws of Nevada and the regulations of the Board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the Board may require.

Sec. 22. NRS 644A.315 is hereby amended to read as follows:

644A.315 The Board shall admit to examination for a license as a hair designer each person who has applied to the Board in proper form and paid the fee, and who:

1. Is not less than 18 years of age.
2. Is of good moral character.

3. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

4. Satisfies at least one of the following:

(a) Is a barber registered pursuant to chapter 643 of NRS.

(b) Has had training of at least 1,000 hours ~~[, extending over a period of 7 consecutive months,]~~ in a school of cosmetology approved by the Board.

(c) Has had practice of the occupation of hair designing for at least 4 years outside this State ~~[.]~~ ***, including, without limitation, in any other state, territory or country, which has been documented and which the Board or its designee deems acceptable.***

(d) Has had at least 2,000 hours of service as a hair designer's apprentice in a licensed cosmetological establishment in which hair design is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a hair designer's apprentice issued to the person pursuant to NRS 644A.325.

Sec. 23. NRS 644A.320 is hereby amended to read as follows:

644A.320 The examination for licensure as a hair designer may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, thermal curling, marcelling, massage of the scalp with the hands, ***procedures involving the application of chemicals to hair,*** and cutting, trimming or shaping the hair;

2. Written or oral tests, or both written and oral tests, on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity as applicable to the practice of a hair designer; and

(c) The laws of this State and the regulations of the Board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the Board may require.

Sec. 24. NRS 644A.328 is hereby amended to read as follows:

644A.328 The Board shall admit to examination for a license as an advanced esthetician any person who has made the application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;

2. Is of good moral character;

3. Has successfully completed the 10th grade in school or its equivalent; and

4. Satisfies at least one of the following:

(a) The person has completed at least 900 hours of training in a licensed school of cosmetology in a curriculum prescribed by the Board pursuant to NRS 644A.277;

(b) The person is a licensed esthetician and has additionally completed at least 300 hours of training in a licensed school of cosmetology in a curriculum prescribed by the Board pursuant to NRS 644A.277; or

(c) The person has ~~[practiced]~~ ***practice*** as ~~[a full-time licensed]~~ ***an*** advanced esthetician for at least ~~[1 year.]~~ ***4 years outside this State, including,***

without limitation, in any other state, territory or country, which has been documented and which the Board or its designee deems acceptable.

Sec. 25. NRS 644A.330 is hereby amended to read as follows:

644A.330 The Board shall admit to examination for a license as an esthetician any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;
2. Is of good moral character;
3. Has successfully completed the 10th grade in school or its equivalent; and
4. Has had any one of the following:

(a) A minimum of 600 hours of training, which includes theory ~~[, modeling]~~ and practice, in a licensed school of cosmetology.

(b) Practice as ~~[a full-time licensed]~~ ***an*** esthetician for at least ~~[1 year.]~~ ***4 years outside this State, including, without limitation, in another state, territory or country, which has been documented and which the Board or its designee deems acceptable.***

(c) At least 1,200 hours of service as an esthetician's apprentice in a licensed cosmetological establishment in which esthetics is practiced. The required hours must have been completed during the period of validity of the certificate of registration as an esthetician's apprentice issued to the person pursuant to NRS 644A.340.

Sec. 26. NRS 644A.345 is hereby amended to read as follows:

644A.345 The Board shall admit to examination for a license as a nail technologist any person who has made application to the Board in proper form, paid the fee and who, before or on the date of the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. Has successfully completed the 10th grade in school or its equivalent.
4. Has had any one of the following:

(a) Practical training of at least 600 hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.

(b) Practice as a ~~[full-time licensed]~~ nail technologist for ~~[1 year]~~ ***at least 4 years*** outside ~~[the State of Nevada.]~~ ***this State, including, without limitation, in another state, territory or country, which has been documented and which the Board or its designee deems acceptable.***

(c) At least 1,200 hours of service as a nail technologist's apprentice in a licensed cosmetological establishment in which nail technology is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a nail technologist's apprentice issued to the person pursuant to NRS 644A.355.

Sec. 27. NRS 644A.360 is hereby amended to read as follows:

644A.360 ~~[~~1. Except as otherwise provided in NRS 644A.365, the~~]~~ ***The*** Board shall admit to examination as a hair braider each person who has applied to the Board in proper form and paid the fee, and who:

~~[~~(a)~~]~~ ***1.*** Is not less than 18 years of age.

~~[~~(b)~~]~~ ***2.*** Is of good moral character.

~~[~~(c)~~]~~ ***3.*** Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

~~[~~(d) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy five hours concerning infection control and prevention and sanitation;

(III) Seventy five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.

(e) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license, identification card or permanent resident card issued to the applicant by this State or another state, the District of Columbia, the United States or any territory of the United States or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.~~]~~

Sec. 28. NRS 644A.370 is hereby amended to read as follows:

644A.370 ~~[1.]~~ The examination for licensure as a hair braider pursuant to ~~[~~paragraph (d) of subsection 1 of~~]~~ NRS ~~[~~644A.365 must~~]~~ ***644A.360 may*** include:

~~[(a)]~~ ***1.*** A written test on antisepsis, sterilization and sanitation;

~~[(b)]~~ ***2.*** A written test on the laws of Nevada and the regulations of the Board relating to cosmetology; ~~[~~and

~~(c)]~~ ***3. A practical demonstration in hair braiding; and***

4. Such other tests or examinations as the Board deems necessary.

~~[2. The examination for licensure as a hair braider pursuant to NRS 644A.360 or paragraph (c) of subsection 1 of NRS 644A.365 must include:~~

~~(a) The written tests and such other tests or examinations described in subsection 1; and~~

~~(b) A practical demonstration in hair braiding.]~~

Sec. 29. NRS 644A.375 is hereby amended to read as follows:

644A.375 1. The Board shall admit to examination for a certificate of registration as a shampoo technologist, any person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 16 years of age.

(b) Is of good moral character.

(c) Has successfully completed the 10th grade in school or its equivalent.

(d) Satisfies at least one of the following:

(1) Training of at least 50 hours in a licensed school of cosmetology as a student of the occupation of a cosmetologist or hair designer;

(2) Training of at least 50 hours in a licensed school of cosmetology in a curriculum prescribed by the Board by regulation; ***or***

(3) Training of at least 50 hours which is administered online by the Board in a curriculum prescribed by the Board by regulation **.** ~~[~~**;** ~~or~~

~~(4) Has had practice as a full-time licensed shampoo technologist for 1 year outside this State.]~~

2. The Board may charge a fee of not more than $50 to administer the training described in subparagraph (3) of paragraph (d) of subsection 1.

~~[3. A certificate of registration as a shampoo technologist is valid for 2 years after the date on which it is issued and may be renewed by the Board upon good cause shown.]~~

Sec. 30. NRS 644A.380 is hereby amended to read as follows:

644A.380 The examination for a certificate of registration as a shampoo technologist must include:

1. ~~[~~Practical demonstrations in shampooing and rinsing the hair which are approved and conducted by the Board or a licensed school of cosmetology;

~~2.]~~ A written test on the laws of Nevada and the regulations of the Board relating to cosmetology; and

~~[3.]~~ ***2.*** Such ~~[~~other~~]~~ demonstrations and ***other*** tests as the Board requires.

Sec. 31. NRS 644A.395 is hereby amended to read as follows:

644A.395 1. Each makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment shall ~~[, on or before January 1 of each year,]~~ register with the Board on a form prescribed by the Board. The registration must:

(a) Include:

(1) The name, address, electronic mail address and telephone number of the makeup artist; and

(2) The name and license number of each cosmetological establishment in which the makeup artist will be practicing makeup artistry.

(b) Be accompanied by ~~[:~~

~~(1) A~~] ***a*** notarized statement indicating that the makeup artist:

~~[(I)]~~ ***(1)*** Is 18 years of age or older;

~~[(II)]~~ ***(2)*** Is of good moral character; and

~~[(III)]~~ ***(3)*** Has completed at least 2 years of high school **.** ~~[; and~~

~~(2) Two current photographs of the makeup artist which are 2 by 2 inches.]~~

2. The Board shall charge a fee of not more than $25 for registering a makeup artist pursuant to this section.

3. A makeup artist shall not practice makeup artistry in a licensed cosmetological establishment without first obtaining a certificate of registration.

4. A makeup artist, other than a makeup artist required to be registered pursuant to subsection 1, shall not engage in the practice of makeup artistry in this State unless he or she:

(a) Is 18 years of age or older;

(b) Is of good moral character; and

(c) Has completed at least 2 years of high school.

5. A certificate of registration as a makeup artist is valid for 1 year after the date on which it is issued.

Sec. 32. NRS 644A.400 is hereby amended to read as follows:

644A.400 The Board shall admit to examination for a license as an electrologist any person who has made application to the Board in the proper form and paid the fee, and who before or on the date set for the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Has successfully completed the 12th grade in school or its equivalent.

4. Has or has completed any one of the following:

(a) A minimum training of 500 hours under the immediate supervision of an approved electrologist in an approved school in which the practice is taught.

(b) Study of the practice for at least 1,000 hours extending over a period of ~~[5]~~ ***8*** consecutive months, under an electrologist licensed pursuant to this chapter, in an approved program for electrologist's apprentices.

(c) A valid electrologist's license issued by a state whose licensing requirements are equal to or greater than those of this State.

(d) Either training or practice, or a combination of training and practice, in electrology outside this State for a period specified by regulations of the Board.

Sec. 33. NRS 644A.415 is hereby amended to read as follows:

644A.415 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent;

(b) Has practiced as a full-time licensed cosmetologist, hair designer, ~~[~~hair braider,~~]~~ esthetician, advanced esthetician or nail technologist for 1 year and submits written verification of his or her experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits ~~[~~two~~]~~ ***a*** current ~~[~~photographs~~]~~ ***photograph*** of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than $40 and not more than $75 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 34. NRS 644A.420 is hereby amended to read as follows:

644A.420 1. The Board shall admit to examination for a license as an instructor of cosmetology ***, hair design, esthetics, advanced esthetics or nail technology*** any person who has applied to the Board in proper form, paid the fee and:

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) Has successfully completed the 12th grade in school or its equivalent;

(d) Has received a minimum of 700 hours of training as a student instructor or 500 hours of training as an instructor or as a licensed provisional instructor in a licensed school of cosmetology; ~~[~~and~~]~~

(e) Is licensed as a cosmetologist ***, hair designer, esthetician, advanced esthetician or nail technologist*** pursuant to this chapter ~~[~~.~~]~~ ***; and***

(f) If the applicant is licensed as a hair designer, esthetician, advanced esthetician or nail technologist, has practiced as a full-time licensed hair designer, esthetician, advanced esthetician or nail designer, as applicable, or as a licensed student instructor.

2. Each instructor shall pay an initial fee for a license of not less than $60 and not more than $90.

3. An instructor of cosmetology ***, hair design, esthetics, advanced esthetics or nail technology*** shall complete at least the number of hours of continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained in courses approved by the Board during each 2-year period of his or her license.

4. An instructor of cosmetology, hair design, esthetics, advanced esthetics or nail technology may only provide instruction on subject matter that is within the scope of his or her license as a cosmetologist, hair designer, esthetician, advanced esthetician or nail technologist.

Sec. 35. NRS 644A.450 is hereby amended to read as follows:

644A.450 1. An application for admission to examination or for a license in any branch of cosmetology, or for a certificate of registration as a shampoo technologist, esthetician's apprentice, cosmetologist's apprentice, hair designer's apprentice or nail technologist's apprentice must be made in writing on forms furnished by the Board and must be submitted within the period designated by the Board. The Board shall charge a ***nonrefundable*** fee of $15 for furnishing the forms.

2. An application must contain proof of the qualifications of the applicant for examination, licensure or registration. The applicant must certify that all the information contained in the application is truthful and accurate.

Sec. 36. NRS 644A.460 is hereby amended to read as follows:

644A.460 ~~[Except as otherwise provided in NRS 644A.365, upon]~~ ***Upon*** application to the Board, accompanied by a fee of $200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Is currently licensed in another state or territory or the District of Columbia.

Sec. 37. NRS 644A.470 is hereby amended to read as follows:

644A.470 1. In addition to the fee for an application, the fees for examination are:

(a) For examination as a cosmetologist, not less than $75 and not more than $200.

(b) For examination as an electrologist, not less than $75 and not more than $200.

(c) For examination as a hair designer, not less than $75 and not more than $200.

(d) For examination as a shampoo technologist, not less than $50 and not more than $100.

(e) For examination as a hair braider, ~~[$110.]~~ ***not less than $75 and not more than $200.***

(f) For examination as a nail technologist, not less than $75 and not more than $200.

(g) For examination as an esthetician, not less than $75 and not more than $200.

(h) For examination as an advanced esthetician, not less than $75 and not more than $200.

(i) For examination as an instructor of estheticians, advanced estheticians, hair designers, cosmetology or nail technology, not less than $75 and not more than $200.

2. ~~[Except as otherwise provided in this subsection, the]~~ ***The*** fee for each reexamination is not less than $75 and not more than $200. ~~[The fee for reexamination as a hair braider is $110.]~~

3. ~~[In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is $75.~~

~~4.]~~ Each applicant referred to in ~~[subsections]~~ ***subsection*** 1 ~~[and 3]~~ shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 38. NRS 644A.480 is hereby amended to read as follows:

644A.480 1. The Board:

(a) Shall provide examinations for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist ~~[or demonstrator of cosmetics]~~ in English and, upon the request of an applicant for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist ***,*** ~~[or demonstrator of cosmetics,]~~ in Spanish; and

(b) May provide examinations for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist ***,*** ~~[or demonstrator of cosmetics,]~~ in any other language upon the request of an applicant, if the Board determines that providing the examination in that language is in the best interests of the public.

2. A request for an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist ~~[or demonstrator of cosmetics]~~ to be translated into a language other than English or Spanish must be filed with the Board by the applicant making the request at least 90 days before the scheduled examination. The Board shall keep all such requests on file.

3. The Board shall impose a fee upon the applicants who file requests for an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist ~~[or demonstrator of cosmetics]~~ to be translated into a

language other than English or Spanish. The fee must be sufficient to ensure that the applicants bear the full cost for the development, preparation, administration, grading and evaluation of the translated examination. The fee is in addition to all other fees that must be paid by applicants for the examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist **.** ~~[or demonstrator of cosmetics.]~~

4. In determining whether it is in the best interests of the public to translate an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist ~~[or demonstrator of cosmetics]~~ into a language other than English or Spanish, the Board shall consider the percentage of the population within this State whose native language is the language for which the translated examination is sought.

Sec. 39. NRS 644A.490 is hereby amended to read as follows:

644A.490 1. The Board shall issue a license or certificate of registration, as applicable, as a cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist ~~[, demonstrator of cosmetics]~~ or instructor to each applicant who:

(a) Except as otherwise provided in NRS ~~[644A.380 and]~~ 644A.455, passes a satisfactory examination, conducted by the Board to determine his or her fitness to practice that occupation of cosmetology; ~~[and]~~

(b) Complies with such other requirements as are prescribed in this chapter for the issuance of the license or certificate of registration ~~[.]~~ ***; and***

(c) Has paid any required fees, fines or outstanding balances as required by the Board.

2. The fees for issuance of an initial license or certificate of registration, as applicable, are:

(a) For nail technologists, electrologists, estheticians, advanced estheticians, hair designers, ***hair braiders,*** shampoo technologists ~~[, demonstrators of cosmetics]~~ and cosmetologists:

(1) For 2 years, not less than $50 and not more than $100.

(2) For 4 years, not less than $100 and not more than $200.

(b) ~~[For hair braiders:~~

~~(1) For 2 years, $70.~~

~~(2) For 4 years, $140.~~

~~(c)]~~ For instructors:

(1) For 2 years, not less than $60 and not more than $100.

(2) For 4 years, not less than $120 and not more than $200.

Sec. 40. NRS 644A.510 is hereby amended to read as follows:

644A.510 Every licensed or registered nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[, demonstrator of cosmetics]~~ or cosmetologist shall, within 30 days after changing his or her place of business or personal mailing address, as designated in the records of the Board, notify the Board of the new place of

business or personal mailing address. Upon receipt of the notification, the Board shall make the necessary change in the records.

Sec. 41. NRS 644A.515 is hereby amended to read as follows:

644A.515 1. The license or certificate of registration, as applicable, of every cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist ~~[, demonstrator of cosmetics]~~ and instructor expires on either:

(a) The second anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license or certificate of registration, restored license or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license or certificate of registration, from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal; or

(b) The fourth anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license or certificate of registration, restored license or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license or certificate of registration from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal.

2. The Board may, by regulation, defer the expiration of a license or certificate of registration, as applicable, of a person who is on active duty in ***any branch of*** the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Board may similarly defer the expiration of the license or certificate of registration, as applicable, of the spouse or dependent child of that person if the spouse or child is residing with the person.

3. ***The Board may, by regulation, defer the expiration of a license or certificate of registration, as applicable, of a person who:***

(a) Submits to the Board, on a form prescribed by the Board, a request for his or her license or certificate of registration to be placed on inactive or retirement status; and

(b) Pays a fee in an amount established by the Board by regulation.

4. For the purposes of this section, any licensee or holder of a certificate of registration whose date of birth occurs on February 29 in a leap year shall be deemed to have a birthdate of February 28.

5. The Board shall send written notice to a licensee or holder of a certificate of registration identifying the date of the expiration of his or her license or certificate of registration, as applicable, at least:

(a) Ninety days before the license or certificate of registration expires; and

(b) Once each month following the month in which notice is sent pursuant to paragraph (a) until the month in which the license or certificate of registration expires.

Sec. 42. NRS 644A.520 is hereby amended to read as follows:

644A.520 1. An application for renewal of any license or certificate of registration issued pursuant to this chapter must be:

(a) Made on a form prescribed and furnished by the Board;

(b) Made on or before the date for renewal specified by the Board;

(c) Accompanied by the applicable fee for renewal; and

(d) Accompanied by all information required to complete the renewal.

2. The fees for renewal of a license or a certificate of registration, as applicable, are:

(a) For nail technologists, electrologists, estheticians, advanced estheticians, hair designers, ***hair braiders,*** shampoo technologists ~~[, demonstrators of cosmetics]~~ and cosmetologists:

(1) For 2 years, not less than $50 and not more than $100.

(2) For 4 years, not less than $100 and not more than $200.

(b) ~~[For hair braiders:~~

~~(1) For 2 years, $70.~~

~~(2) For 4 years, $140.~~

~~(c)]~~ For instructors:

(1) For 2 years, not less than $60 and not more than $100.

(2) For 4 years, not less than $120 and not more than $200.

~~[(d)]~~ ***(c)*** For cosmetological establishments:

(1) For 2 years, not less than $100 and not more than $200.

(2) For 4 years, not less than $200 and not more than $400.

~~[(e) For establishments for hair braiding:~~

~~(1) For 2 years, $70.~~

~~(2) For 4 years, $140.~~

~~(f)]~~ ***(d)*** For schools of cosmetology:

(1) For 2 years, not less than $500 and not more than $800.

(2) For 4 years, not less than $1,000 and not more than $1,600.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license or a certificate of registration as a shampoo technologist is not renewed, there must be assessed and collected at the time of renewal a penalty of $50 for a school of cosmetology and $20 for ~~[an establishment for hair braiding,]~~ a cosmetological establishment, all persons licensed pursuant to this chapter and persons registered as a shampoo technologist.

4. An application for the renewal of a license or a certificate of registration, as applicable, as a cosmetologist, hair designer, shampoo technologist, hair braider, esthetician, advanced esthetician, electrologist, nail technologist ~~[, demonstrator of cosmetics]~~ or instructor must be:

(a) Accompanied by ~~[two]~~ ***a*** current ~~[photographs]~~ ***photograph*** of the applicant ***;*** ~~[which are 2 by 2 inches and have the name of the applicant written on the back of each photograph;]~~ or

(b) If the application for the renewal of the license or certificate of registration, as applicable, is made online, accompanied by a current photograph of the applicant which is ~~[2 by 2 inches and is]~~ electronically attached to the application for renewal.

5. Before a person applies for the renewal of a license or certificate of registration, as applicable, as a cosmetologist, hair designer, shampoo technologist, hair braider, esthetician, advanced esthetician, electrologist ~~[,]~~ ***or*** nail technologist ***,*** ~~[or demonstrator of cosmetics,]~~ the person must ~~[complete]~~***:***

(a) Complete at least 4 hours of instruction relating to infection control and prevention in a professional course or seminar approved by the Board ~~[.]~~ ***; and***

(b) Pay any outstanding fee, fine or other balance owed to the Board.

Sec. 43. NRS 644A.525 is hereby amended to read as follows:

644A.525 1. A nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~[, demonstrator of cosmetics]~~ or instructor whose license or certificate of registration, as applicable, has expired may have his or her license or certificate of registration renewed only upon payment of all applicable required fees and submission of all information required to complete the renewal.

2. Any nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~[, demonstrator of cosmetics]~~ or instructor who retires from practice for more than 1 year may have his or her license or certificate of registration, as applicable, restored only upon payment of all required fees and submission of all information required to complete the restoration.

3. No nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~[, demonstrator of cosmetics]~~ or instructor who has retired from practice for more than 4 years may have his or her license or certificate of registration, as applicable, restored without examination and must comply with any additional requirements established in regulations adopted by the Board.

Sec. 44. NRS 644A.530 is hereby amended to read as follows:

644A.530 1. The holder of a license or certificate of registration issued by the Board to practice any branch of cosmetology must display his or her current license or certificate or a duplicate of the license or certificate in plain view of the public at the ~~[position]~~ ***workstation*** where the holder of the license or certificate performs his or her work ~~[.]~~ ***on the public.***

2. If a person practices cosmetology in more than one place, the person shall display the license or certificate or a duplicate of the license or certificate wherever he or she is actually working ~~[.]~~ ***on the public.***

Sec. 45. NRS 644A.550 is hereby amended to read as follows:

644A.550 1. Each natural person who engages in the practice of threading and each owner or operator of a kiosk or other stand-alone facility in which a natural person engages in the practice of threading shall ~~[, on or before January 1 of each year,]~~ register with the Board on a form prescribed by the Board. The registration must be accompanied by a fee of not more than $25 and must include:

(a) The name, address, electronic mail address and telephone number of the person, owner or operator; and

(b) Any other information relating to the practice of the person or the operation of the kiosk or other facility required by the Board.

2. The Board shall, during regular business hours, inspect each facility in this State in which threading is conducted **.** ~~[not later than 90 days after the date on which the registration is activated.]~~

3. The fee required by subsection 1 must be established by regulation of the Board.

4. A certificate of registration to engage in the practice of threading is valid for 1 year after the date on which it is issued.

5. A person who is registered with the Board pursuant to subsection 1 is not required to obtain any other license or certificate of registration pursuant to this chapter to engage in the practice of threading.

6. A licensed cosmetologist or esthetician is not required to register with the Board pursuant to subsection 1 to engage in the practice of threading.

Sec. 46. NRS 644A.600 is hereby amended to read as follows:

644A.600 1. Any person wishing to operate a cosmetological establishment in which any one or a combination of the occupations of cosmetology are practiced must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed cosmetological establishment and proof of the particular requisites for a license provided for in this chapter. The applicant must certify that all the information contained in the application is truthful and accurate.

2. The applicant must submit the application accompanied by the applicable required fees for inspection and licensing. ~~[Upon receipt of the application, the]~~ ***Before issuing a license for a cosmetological establishment, the*** Board shall ~~[contact the applicant to arrange a date and time to]~~ conduct ~~[the on-site]~~ ***an opening*** inspection ~~[and]~~ ***of the proposed cosmetological establishment*** to ***ensure that the minimum requirements for operating a cosmetological establishment pursuant to this chapter are met. After the Board has conducted an inspection pursuant to this subsection and determined that such minimum requirements are met, the Board or its designee shall*** issue ~~[and activate]~~ the license. ~~[A license issued pursuant to this subsection is not valid until it is activated.]~~

3. The fee for issuance of a license for a cosmetological establishment is:

(a) For 2 years, $200.

(b) For 4 years, $400.

4. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 47. NRS 644A.610 is hereby amended to read as follows:

644A.610 1. The license of every cosmetological establishment:

(a) Expires 2 years after the date of issuance or renewal of a license that was issued or renewed for a 2-year period.

(b) Expires 4 years after the date of issuance or renewal of a license that was issued or renewed for a 4-year period.

2. If a cosmetological establishment fails to pay the applicable required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

3. Before the license of a cosmetological establishment may be renewed, the holder of the license must pay any outstanding fee, fine or other balance owed to the Board.

Sec. 48. NRS 644A.615 is hereby amended to read as follows:

644A.615 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display in plain view of members of the general public:

(a) In the principal office or place of business of the holder, the license or a duplicate of the license; and

(b) At each cosmetological establishment operated by the holder, a sign of sufficient size to be legible to members of the general public stating that the establishment is not a medical facility.

2. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only licensed or registered, as applicable, nail technologists, electrologists, estheticians, advanced estheticians, hair designers, shampoo technologists, hair braiders ~~[, demonstrators of cosmetics]~~ and cosmetologists at the establishment to provide services relating to the practice of cosmetology. This subsection does not prohibit an operator of a cosmetological establishment from:

(a) Leasing space to or employing a barber. Such a barber remains under the jurisdiction of the State Barbers' Health and Sanitation Board and remains subject to the laws and regulations of this State applicable to his or her business or profession.

(b) Leasing space to any other professional, including, without limitation, a provider of health care pursuant to subsection 3. Each such professional remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.

3. The operator of a cosmetological establishment may lease space at the cosmetological establishment to a provider of health care for the purpose of providing health care within the scope of his or her practice. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** provider of health care shall not use the leased space to provide such health care at the same time a cosmetologist uses that space to engage in the practice of cosmetology. A provider of health care who leases space at a cosmetological establishment pursuant to this subsection remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.

4. ***A provider of health care who is a health care professional may use leased space at a cosmetological establishment to provide health care associated with the supervision of an advanced esthetician pursuant to***

NRS 644A.545 at the same time as a cosmetologist uses that space to engage in the practice of cosmetology.

5. As used in this section:

(a) ***"Health care professional" has the meaning ascribed to it in NRS 453C.030.***

(b) "Provider of health care" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

[~~(b)~~**]** ***(c)*** "Space" includes, without limitation, a separate room in the cosmetological establishment.

Sec. 49. NRS 644A.620 is hereby amended to read as follows:

644A.620 Cosmetology and threading may be practiced in a cosmetological establishment by licensed or registered, as applicable, cosmetologists, estheticians, advanced estheticians, electrologists, hair designers, shampoo technologists, hair braiders, **[**~~demonstrators of cosmetics,~~**]** nail technologists and natural persons who engage in the practice of threading, as appropriate, who are:

1. Employees of the owner of the enterprise; or
2. Lessees of space from the owner of the enterprise.

Sec. 50. NRS 644A.625 is hereby amended to read as follows:

644A.625 1. A cosmetological establishment must, at all times, be under the immediate supervision of a person who is licensed in the branch of cosmetology or a combination of branches of cosmetology of any service relating to the practice of cosmetology provided at the cosmetological establishment at the time the service is provided.

2. If the operator of a cosmetological establishment leases space to a licensed or registered, as applicable, nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider **[**~~, demonstrator of cosmetics~~**]** or cosmetologist pursuant to NRS 644A.615, the lessee must provide supervision for that branch of cosmetology in the manner required by subsection 1.

3. If a cosmetological establishment is open to the public at any time during which no licensed or registered, as applicable, nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider or cosmetologist is physically present in the establishment, the cosmetological establishment must display conspicuously a sign indicating that no cosmetological services are being offered at that time.

Sec. 51. NRS 644A.740 is hereby amended to read as follows:

644A.740 1. A school of cosmetology must at all times be under the immediate supervision of a licensed instructor **. [**~~who has had practical experience in an established place of business for at least 1 year in the practice of a majority of the branches of cosmetology taught at the school of cosmetology.~~**]**

2. A school of cosmetology shall:

(a) Except as otherwise provided in subsection 6, maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in each branch of cosmetology taught at the school of cosmetology.

(b) Maintain apparatus and equipment sufficient to teach all the subjects of its curriculum.

(c) Keep a daily record of the attendance of each student, a record devoted to the different practices, establish grades and hold examinations before issuing diplomas. These records must be submitted to the Board pursuant to its regulations.

(d) Include in its curriculum a course of deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

(e) Arrange the courses devoted to each branch or practice of cosmetology as the Board may from time to time adopt as the course to be followed by the schools.

(f) Not allow any student to perform services on the public for more than 7 hours in any day.

(g) ***Not allow any student to attend school for more than:***

(1) Forty regularly scheduled school hours in each week; ~~[or]~~

(2) Ten regularly scheduled school hours in any day ~~[.]~~ ; or

(3) Ten hours in a week to make up for regularly scheduled school hours that the student missed.

(h) Conduct at least 5 hours of instruction in theory in each 40-hour week **,** ~~[or 6 hours of instruction in theory in each 48-hour week,]~~ which must be ~~[attended]~~ ***completed*** by all registered students ~~[.~~

~~(h)]~~ ***either through in-person instruction or, subject to paragraph (i), through an alternative form of instruction that has been approved by the Board, including, without limitation, instruction that is provided through distance education.***

(i) Not allow any student to complete more than 10 percent of his or her required hours of instruction in theory in a manner other than through in-person instruction.

(j) Require that all work by students be done on the basis of rotation.

3. Except as otherwise provided in subsection 4, the Board may, upon request, authorize a school of cosmetology to offer, in addition to courses which are included in any curriculum required for licensure or registration in each branch of cosmetology taught at the school of cosmetology, any other course.

4. The Board shall, upon request, authorize a school of cosmetology to offer a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy, reflexology or structural integration if:

(a) The school of cosmetology has obtained all licenses, authorizations and approvals required by state and local law to offer such a course or program; and

(b) With regard to that portion of the premises where the school of cosmetology offers courses included in the cosmetological curriculum, the school of cosmetology continues to comply with the provisions of this chapter and any regulations adopted pursuant thereto.

5. Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy, reflexology or structural integration:

(a) The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and

(b) The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program.

6. A school of cosmetology is not required to maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in any branch of cosmetology if the school of cosmetology provides its students with a disclaimer, in at least 14-point bold type, indicating that completion of the instruction provided at the school of cosmetology does not:

(a) Qualify the student for a license or certificate of registration in any branch of cosmetology; or

(b) Prepare the student for an examination in any branch of cosmetology.

7. As used in this section, "distance education" means instruction delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated geographically.

Sec. 52. NRS 644A.750 is hereby amended to read as follows:

644A.750 No school of cosmetology ***or student of cosmetology*** may advertise student work to the public for pay through any medium, including radio, unless the work advertised is ~~[~~expressly~~]~~ ***:***

1. Expressly designated as student's work ~~[.]~~ ***;***

2. Performed within the school of cosmetology; and

3. Performed under the supervision of a licensed instructor of the school of cosmetology.

Sec. 53. NRS 644A.800 is hereby amended to read as follows:

644A.800 1. Except as otherwise provided in subsection 2, an advertisement for services relating to the practice of cosmetology must list:

(a) The name, as it appears on the license, and license number of the cosmetological establishment ~~[~~or establishment for hair braiding~~]~~ where the services will be provided; and

(b) The name and number of the license or certificate of registration of any licensee or registrant mentioned in the advertisement.

2. An advertisement for services relating to the practice of cosmetology to be provided at a school of cosmetology must list the name, as it appears on the license, and license number of the school of cosmetology where the services will be provided.

Sec. 54. NRS 644A.850 is hereby amended to read as follows:

644A.850 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of ~~[~~an establishment for hair braiding,~~]~~ a cosmetological establishment, a licensed or registered, as applicable, esthetician, advanced esthetician, cosmetologist, hair designer, shampoo technologist, hair braider, electrologist, instructor, nail technologist, ~~[~~demonstrator of cosmetics,~~]~~ makeup artist or school of cosmetology to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Failure of a cosmetologist's apprentice, electrologist's apprentice, esthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(c) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(g) Advertising in violation of any of the provisions of NRS 644A.800 or 644A.935.

(h) Permitting a license or certificate of registration to be used where the holder thereof is not personally, actively and continuously engaged in business.

(i) Failure to display the license or certificate of registration or a duplicate of the license or certificate of registration as provided in NRS 644A.530, 644A.535, 644A.615 ~~[~~, 644A.665~~]~~ and 644A.710.

(j) Failure to display the sign as provided in paragraph (b) of subsection 1 of NRS 644A.615.

(k) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(l) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(m) Engaging in prostitution or solicitation for prostitution in violation of NRS 201.353 or 201.354 by the owner of a cosmetological establishment ~~[~~, an establishment for hair braiding~~]~~ or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.

(n) Failure to comply with the provisions of NRS 454.217 or 629.086.

(o) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license or certificate of registration;

(b) Revoke or suspend a license or certificate of registration;

(c) Place the licensee or holder of a certificate of registration on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 55. NRS 644A.855 is hereby amended to read as follows:

644A.855 1. If the holder of a license or certificate of registration to operate a cosmetological establishment **[**~~, an establishment for hair braiding~~**]** or a facility in which threading is conducted or any other licensee or a holder of a certificate of registration issued pursuant to this chapter is charged with or cited for prostitution in violation of NRS 201.353 or 201.354 or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director of the Board. Upon receiving such a report, the Executive Director shall immediately forward the report to the Board or the Chair of the Board. The Board must meet as soon as practicable to consider the report. If the Board finds that the health, safety or welfare of the public imperatively require emergency action and issues a cease and desist order, the Executive Director shall immediately send the cease and desist order by certified mail to the licensee or holder of the certificate of registration. The temporary suspension of the license or certificate of registration is effective immediately after the licensee or holder of the certificate of registration receives notice of the cease and desist order and must not exceed 15 business days. The licensee or holder of the certificate of registration may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the Executive Director mails the cease and desist order. If the licensee or holder of the certificate of registration:

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall

schedule a hearing and notify the licensee or holder of the certificate of registration immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Executive Director mails the cease and desist order. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. For purposes of this section, a person is deemed to have notice of a temporary suspension of his or her license or certificate of registration:

(a) On the date on which the notice is personally delivered to the person; or

(b) If the notice is mailed, 3 days after the date on which the notice is mailed by certified mail to the last known business or residential address of the person.

Sec. 56. NRS 644A.870 is hereby amended to read as follows:

644A.870 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential **. [**~~, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~**]**

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 57. NRS 644A.900 is hereby amended to read as follows:

644A.900 1. It is unlawful for any person to conduct or operate a cosmetological establishment, **[**~~an establishment for hair braiding,~~**]** a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in subsections 4 and 5, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the person is licensed or registered in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in

work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644A.415 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of services relating to the practice of cosmetology by a person who is licensed or registered in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist ~~[.]~~ ***who is approved to supervise the apprentice.***

(f) A registered shampoo technologist from engaging in the practice of shampoo technology under the immediate supervision of a licensed cosmetologist or hair designer.

(g) A registered esthetician's apprentice from engaging in the practice of esthetics under the immediate supervision of a licensed esthetician or licensed cosmetologist ~~[.]~~ ***who is approved to supervise the apprentice.***

(h) A registered hair designer's apprentice from engaging in the practice of hair design under the immediate supervision of a licensed hair designer or licensed cosmetologist ~~[.]~~ ***who is approved to supervise the apprentice.***

(i) A registered nail technologist's apprentice from engaging in the practice of nail technology under the immediate supervision of a licensed nail technologist or licensed cosmetologist ~~[.]~~ ***who is approved to supervise the apprentice.***

(j) A makeup artist registered pursuant to NRS 644A.395 from engaging in the practice of makeup artistry for compensation or otherwise in a licensed cosmetological establishment.

4. A person employed to render services relating to the practice of cosmetology in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing or registration requirements of this chapter if he or she renders those services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 58. NRS 644A.925 is hereby amended to read as follows:

644A.925 Nothing in this chapter ~~[.]~~ ***permits:***

1. ~~[Authorizes the use of any X-ray machine in the treatment of the scalp or in the removal of superfluous hair; or~~

~~2. Permits the~~ ***The*** local application of ~~carbolic acid or corrosive sublimates or their derivatives or compounds, salicylic acid, resorcinol, or~~ any ~~other corrosive~~ substance for the purpose of peeling skin ~~. Any~~ ***that is not intended for use by:***

(a) A cosmetologist or esthetician for the purposes of peeling skin at or above the stratum corneum; or

(b) An advanced esthetician for the purposes of performing a medium-depth chemical peel; or

2. The implantation of permanent pigment into the skin ***.*** ~~is prohibited.~~

➥ A violation of the provisions of this section constitutes a misdemeanor.

Sec. 59. NRS 644A.930 is hereby amended to read as follows:

644A.930 1. It is unlawful for a person to alter a license or certificate of registration issued pursuant to this chapter.

2. It is unlawful for a person to reproduce mechanically or otherwise duplicate a license or certificate of registration issued pursuant to this chapter for purposes of fraud, deception, misrepresentation or other illegal purposes. A person may duplicate a license or certificate of registration issued pursuant to this chapter for a lawful purpose, including, without limitation, for purposes of displaying a duplicate license or certificate of registration pursuant to NRS 644A.530, 644A.535, 644A.615 ~~, 644A.665~~ or 644A.710.

Sec. 60. NRS 644A.935 is hereby amended to read as follows:

644A.935 With regard to advertising relating to the education, licensing, registration or practice of cosmetology or threading:

1. It is unlawful to advertise in any manner that is misleading or inaccurate with respect to any services relating to the practice of cosmetology offered by a licensee, registrant or other natural person.

2. An advertisement must not state or imply favorable consideration by the Board except that an advertisement may state that a cosmetological establishment, ~~establishment for hair braiding,~~ school of cosmetology, licensee or registrant is licensed or registered by the Board.

Sec. 61. NRS 644A.940 is hereby amended to read as follows:

644A.940 1. Except as otherwise provided in subsection 2, it is unlawful for any animal to be on the premises of a licensed ~~establishment for hair braiding or~~ cosmetological establishment.

2. The provisions of subsection 1 do not apply to:

(a) An aquarium maintained on the premises of a licensed ~~establishment for hair braiding or~~ cosmetological establishment; or

(b) A service animal or service animal in training.

3. As used in this section:

(a) "Service animal" includes only a dog that has been trained and meets the qualifications set forth in 28 C.F.R. § 36.104, and a miniature horse that has been trained and meets the qualifications set forth in 28 C.F.R. § 36.302.

(b) "Service animal in training" includes only a dog or miniature horse that is being trained for the purposes of 28 C.F.R. § 36.104 or 36.302, as applicable.

Sec. 62. NRS 644A.955 is hereby amended to read as follows:

644A.955 1. In addition to any other penalty ~~[:~~

~~(a) The]~~ ***, the*** Board may issue a citation to ~~[a]~~ ***:***

(a) A person who violates the provisions of NRS 644A.900.

(b) A licensee or registrant who violates the provisions of NRS 644A.850.

2. A citation issued pursuant to ~~[this paragraph]~~ ***subsection 1*** must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of ~~[subsection 2.]~~ ***section 4 of this act.*** A separate citation must be issued for each violation. ~~[If appropriate, the]~~ ***The*** citation may ~~[contain an]~~ ***include, without limitation:***

(a) An order to cease and desist ~~[.]~~ ***, if appropriate; and***

(b) ~~[Upon finding that a person has violated]~~ ***An order to pay an administrative fine for each violation.***

3. If the citation is issued to a licensee or registrant and includes an order to pay an administrative fine for one or more violations of the provisions of NRS 644A.850, the amount of the administrative fine must not exceed the maximum amount authorized by NRS 644A.850.

4. If the citation is issued to a person and includes an order to pay an administrative fine for one or more violations of the provisions of NRS 644A.900, the ~~[Board shall assess an administrative fine of:]~~ ***amount of the administrative fine must be:***

(1) For ~~[the]~~ ***a*** first violation, $1,000.

(2) For ~~[the]~~ ***a*** second violation, $1,500.

(3) For ~~[the]~~ ***a*** third or subsequent violation, $2,000.

~~[2. To appeal a finding of a violation of NRS 644A.900, the person must request a hearing by written notice of appeal to]~~

5. The provisions of this section and section 4 of this act do not apply to the issuance of a citation by any inspector of the Board ~~[within 30 days after the date on which the]~~ ***pursuant to subsection 3 of NRS 644A.865 and do not limit the authority of an inspector of the Board to issue such a*** citation ***.*** ~~[is issued.]~~

Sec. 63. A person who, on October 1, 2023, is the holder of a valid license to operate an establishment for hair braiding issued pursuant to NRS 644A.650 and who is otherwise qualified to hold such a license on that date shall be deemed to hold a license to operate a cosmetological establishment issued pursuant to NRS 644A.600, as amended by section 46 of this act.

Sec. 64. NRS 644A.045, 644A.060, 644A.365, 644A.385, 644A.390, 644A.423, 644A.425, 644A.430, 644A.650, 644A.655, 644A.660, 644A.665, 644A.670, 644A.675, 644A.680 and 644A.720 are hereby repealed.

Sec. 65. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 64, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

644A.045 "Demonstrator of cosmetics" defined.

644A.060 "Establishment for hair braiding" defined.

644A.365 Qualifications for examination for person who has practiced hair braiding in another state.

644A.385 Qualifications for examination.

644A.390 Scope of examination.

644A.423 Instructors of advanced estheticians: Qualifications for examination for license; continuing education.

644A.425 Instructors of estheticians: Qualifications for examination for license; continuing education.

644A.430 Instructors in nail technology: Qualifications for examination for license; continuing education.

644A.650 Application for license; verbal review; issuance and activation of license; on-site inspection; fees.

644A.655 Notice of change of ownership, name, services offered or location; new license required for operation after change; approval of changes in physical structure of establishment by Board.

644A.660 Expiration of license; effect of failure to timely pay renewal fee.

644A.665 Display of license.

644A.670 Practice of hair braiding by certain licensees.

644A.675 Supervision by licensed person.

644A.680 Food and beverage sales.

644A.720 Surety bonds; payment plans; regulations.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 251, 302, 384, 391, and 429 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 5.

Bill read third time.

Roll call on Senate Bill No. 5:

YEAS—42.

NAYS—None.

Senate Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 29.
Bill read third time.
Roll call on Senate Bill No. 29:
YEAS—42.
NAYS—None.
Senate Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 39.
Bill read third time.
Roll call on Senate Bill No. 39:
YEAS—42.
NAYS—None.
Senate Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 43.
Bill read third time.
Roll call on Senate Bill No. 43:
YEAS—42.
NAYS—None.
Senate Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 59.
Bill read third time.
Roll call on Senate Bill No. 59:
YEAS—42.
NAYS—None.
Senate Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 105.
Bill read third time.
Roll call on Senate Bill No. 105:
YEAS—42.
NAYS—None.
Senate Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 110.
Bill read third time.

Roll call on Senate Bill No. 110:
YEAS—42.
NAYS—None.
Senate Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 113.
Bill read third time.
Roll call on Senate Bill No. 113:
YEAS—42.
NAYS—None.
Senate Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 129.
Bill read third time.
Roll call on Senate Bill No. 129:
YEAS—42.
NAYS—None.
Senate Bill No. 129 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 247.
Bill read third time.
Roll call on Senate Bill No. 247:
YEAS—35.
NAYS—Dickman, Gallant, Gray, Hafen, Hansen, O'Neill, Peters—7.
Senate Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 298.
Bill read third time.
Roll call on Senate Bill No. 298:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Senate Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 323.
Bill read third time.
Roll call on Senate Bill No. 323:
YEAS—40.
NAYS—Brittney Miller, Summers-Armstrong—2.

Senate Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 382.

Bill read third time.

Roll call on Senate Bill No. 382:

YEAS—42.

NAYS—None.

Senate Bill No. 382 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:49 p.m.

ASSEMBLY IN SESSION

At 8:51 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 251, 302, 384, 391, 393, 404, 415, 424, and 429 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 164.

The following Senate amendment was read:

Amendment No. 544.

SUMMARY—Revises provisions related to outdoor recreation. (BDR ~~[S-487)]~~ **35-487)**

AN ACT relating to outdoor recreation; **revising the duties of the Advisory Board on Outdoor Recreation; eliminating the advisory committee established to assist and advise the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources on the development and administration of the Outdoor Education and Recreation Grant Program;** requiring the Division of Outdoor Recreation ~~[in the State Department of Conservation and Natural Resources]~~ to establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system in this State;

prescribing the membership and duties of the Outdoor Education Advisory Working Group; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Existing law creates the Outdoor Education and Recreation Grant Program and requires the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to adopt regulations to establish an advisory committee to assist and advise the Administrator in the development and administration of the Grant Program. (NRS 407A.605, 407A.610) Existing law also creates the Advisory Board on Outdoor Recreation, which is required to advise the Administrator on any matter concerning outdoor recreation in this State. (NRS 407A.575) Section 1.3 of this bill eliminates the advisory committee and instead requires the Advisory Board on Outdoor Recreation to serve as a technical advisory committee to assist and advise the Administrator in the development and administration of the Grant Program. Section 1 of this bill makes a conforming change to require the Advisory Board to assist and advise the Administrator in the development and administration of the Grant Program.**

Section 1.7 of this bill requires the Division of Outdoor Recreation ~~[in the State Department of Conservation and Natural Resources]~~ to establish an Outdoor Education Advisory Working Group in the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system in this State. ~~[This bill]~~ **Section 1.7** also: (1) prescribes the membership and duties of the Outdoor Education Advisory Working Group; (2) requires the Division to submit a written report describing the activities, findings, conclusions and recommendations of the Advisory Working Group for transmittal to the 83rd Session of the Legislature; and (3) authorizes the Outdoor Education Advisory Working Group to request the drafting of not more than 1 legislative measure for prefiling on or before the first day of the regular session of the Legislature in 2025.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 407A.575 is hereby amended to read as follows:**

407A.575 1. There is hereby created the Advisory Board on Outdoor Recreation composed of:

(a) The following 12 voting members:

(1) The Lieutenant Governor or his or her designee;

(2) The Director or his or her designee;

(3) The Director of the Department of Tourism and Cultural Affairs or his or her designee;

(4) The Executive Director of the Office of Economic Development or his or her designee;

(5) The Director of the Department of Wildlife or his or her designee;

(6) The Administrator of the Division of State Parks of the Department;

(7) The Chair of the Nevada Indian Commission;

(8) One member appointed by the Governor from a list of nominees submitted by the Board of Directors of the Nevada Association of Counties, or its successor organization, who:

(I) Resides in a county whose population is less than 100,000; and

(II) Has professional expertise or possesses demonstrated knowledge in outdoor recreation, natural resources management and economic development in this State; and

(9) Four members appointed by the Governor from a list of nominees submitted by the Lieutenant Governor and the Director as follows:

(I) A representative of the outdoor recreation industry;

(II) A representative of conservation interests;

(III) A person with experience in and knowledge of education; and

(IV) A person with experience in and knowledge of public health.

(b) The following two nonvoting members, who must be appointed by the Administrator of the Division of Outdoor Recreation or his or her designee, subject to the approval of the Director:

(1) A representative of the United States Department of the Interior from the Bureau of Land Management, National Park Service or United States Fish and Wildlife Service; and

(2) A representative of the United States Department of Agriculture from the United States Forest Service or Rural Development.

2. The Lieutenant Governor or his or her designee shall:

(a) Serve as Chair of the Advisory Board; and

(b) Appoint a member of the Advisory Board to serve as Vice Chair of the Advisory Board.

3. The Advisory Board shall meet at such times and places as are specified by a call of the Chair but not less than once a year. A majority of the voting members of the Advisory Board constitutes a quorum. If a quorum is present, the affirmative vote of a majority of the voting members of the Advisory Board present is sufficient for any official action taken by the Advisory Board.

4. The Advisory Board shall ~~[advise]~~ ***:***

(a) Advise the Administrator on any matter concerning outdoor recreation in this State ~~[.]~~ ***; and***

(b) Assist and advise the Administrator in the development and administration of the Outdoor Education and Recreation Grant Program pursuant to NRS 407A.610.

Sec. 1.3. **NRS 407A.610 is hereby amended to read as follows:**

407A.610 1. The ~~[Administrator]~~ ***Advisory Board on Outdoor Recreation created by NRS 407A.575*** shall ~~[, by regulation, establish an]~~ ***serve as a technical*** advisory committee to assist and advise the Administrator in the development and administration of the Grant Program.

2. The ***Administrator may adopt*** regulations ~~[must specify:~~

~~(a) The membership of the committee;~~

~~(b) The]~~ ***setting forth the*** duties of the ~~[committee;~~

~~(c) The terms of members of the committee; and~~

~~(d) The rules for the governance of the committee.~~

~~2. The Administrator shall appoint members to the advisory committee who have knowledge and experience in outdoor education and recreation and matters concerning the environment, agriculture, natural resources or other related matters relevant to the purposes of the Grant Program. The advisory committee must include, without limitation, members from:~~

~~(a) Agencies of state and local government;~~

~~(b) Public schools, private schools, charter schools and school districts;~~

~~(c) Private nonprofit organizations and community-based programs; and~~

~~(d) The business community.~~

~~3. In addition to the membership prescribed by subsection 2, the Administrator shall appoint to the advisory committee a person who was or is a pupil in this State and participated in an outdoor education and recreation program that was funded by a grant awarded pursuant to NRS 407A.605 or, if no such person is available to serve, a person who represents pupils in this State and has knowledge and experience in outdoor education and recreation programs.~~

~~4. To the extent that money is available for that purpose, each member of the advisory committee who is not an officer or employee of the State of Nevada is entitled to receive a salary of not more than $80 per day, fixed by the Administrator, for each day or portion of a day spent on the business of the advisory committee. Each member of the advisory committee who is an officer or employee of the State of Nevada serves without additional compensation. To the extent that money is available for that purpose, each member of the advisory committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~5. Each member of the advisory committee who is an officer or employee of the State of Nevada or a local government must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the advisory committee and perform any work necessary to carry out the duties of the advisory committee in the most timely manner practicable. A state agency or local governmental entity may not require an employee who is a member of the advisory committee to make up time or take annual vacation or compensatory time for the time that he or she is absent from work to carry out his or her duties as a member of the advisory committee.]~~ ***Advisory Board on Outdoor Recreation for the purposes of this section.***

~~[Section 1.]~~ ***Sec. 1.7.*** 1. The Division of Outdoor Recreation in the State Department of Conservation and Natural Resources shall establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system in this State. The Advisory Working Group consists of the following members:

(a) A representative of the Division of Outdoor Recreation, appointed by the Administrator of the Division;

(b) A representative of the Office of Early Learning and Development in the Department of Education, the Office of Standards and Instructional Support in the Department of Education or the Office for a Safe and Respectful Learning Environment in the Department of Education, appointed by the Superintendent of Public Instruction of the Department of Education;

(c) A representative of the ~~[Office of Minority Health and Equity in the]~~ Department of ~~[Health and Human Services,]~~ **Wildlife,** appointed by the Director of the Department of ~~[Health and Human Services;]~~ **Wildlife;**

(d) One teacher from an urban area, appointed by the Speaker of the Assembly;

(e) One teacher from an urban area, appointed by the Majority Leader of the Senate;

(f) One teacher from a rural area, appointed by the Governor;

(g) One superintendent of a school district, appointed by the Nevada Association of School Superintendents;

(h) One ~~[parent or legal guardian of a]~~ pupil enrolled in a public school, appointed by the Speaker of the Assembly ~~[,]~~ **, with the permission of a parent or legal guardian of the pupil;**

(i) ~~[A provider]~~ **Two providers** of nature-based education, **one of whom must primarily serve a minority or historically underserved community,** appointed by the Speaker of the Assembly;

(j) A member of the Senate, appointed by the Majority Leader of the Senate;

(k) A member of the Senate, appointed by the Minority Leader of the Senate;

(l) A member of the Assembly, appointed by the Speaker of the Assembly;

(m) A member of the Assembly, appointed by the Minority Leader of the Assembly;

(n) An early education specialist, appointed by the Majority Leader of the Senate; and

(o) A provider of health care to children and adolescents, appointed by the Governor.

2. The Outdoor Education Advisory Working Group shall study approaches to incorporate outdoor recreation into the curriculum for preschool, kindergarten and grades 1 to 12, inclusive, which include, without limitation, opportunities to integrate outdoor recreation with:

(a) Physical education;

(b) Scientific inquiry;

(c) Technology;

(d) Environmental science;

(e) Physical sciences;

(f) Language arts;

(g) Art;

(h) Humanities;

(i) Social and emotional learning; and

(j) Public service.

3. The Outdoor Education Advisory Working Group shall, at its first meeting, elect a Chair and Vice Chair from among its members.

4. A majority of the members of the Outdoor Education Advisory Working Group constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Outdoor Education Advisory Working Group.

5. The Division shall provide the Advisory Working Group with such administrative support as is necessary to assist the Outdoor Recreation Working Group in carrying out its duties pursuant to this section.

6. The members of the Outdoor Education Advisory Working Group serve without compensation generally.

7. Each member of the Outdoor Education Advisory Working Group who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Outdoor Education Advisory Working Group and perform any work necessary to carry out the duties of the Outdoor Education Advisory Working Group in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Outdoor Education Advisory Working Group to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The Division may accept gifts, grants and donations from any source to support the work of the Outdoor Education Advisory Working Group.

9. The Division shall, on or before December 31, 2024, prepare and submit a written report describing the activities, findings, conclusions and recommendations of the Outdoor Education Advisory Working Group to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

10. The Outdoor Education Advisory Working Group may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Outdoor Education Advisory Working Group. The request must be submitted to the Legislative Counsel on or before December 31, 2024, and must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this subsection must be prefiled on or before the first day of the regular session of the Legislature in 2025. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

11. As used in this section, "historically underserved community" has the meaning ascribed to it in NRS 445B.834.

Sec. 1.9. **Notwithstanding the provisions of NRS 407A.610, as amended by section 1.3 of this act, the terms of all of the members serving on the advisory committee established by regulation pursuant to NRS 407A.610 who are serving on June 30, 2023, expire on that date.**

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section ~~[1]~~ **1.7** of this act becomes effective:

(a) Upon passage and approval for the purpose of appointing members to the Outdoor Education Advisory Working Group established pursuant to section ~~[1]~~ **1.7** of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

3. Sections 1 and 1.3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

4. Section 1.9 of this act becomes effective upon passage and approval.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 544 to Assembly Bill No. 164.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

The amendment requires the existing Advisory Board of Outdoor Recreation to also serve as the technical advisory committee to assist and advise the Administrator of the Division of Outdoor Recreation in certain duties. It also makes certain changes to the membership of the Outdoor Education Advisory Working Group.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 366.

The following Senate amendment was read:

Amendment No. 577.

AN ACT relating to governmental administration; moving the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; revising the membership of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Keep Nevada Working Act and creates the Keep Nevada Working Task Force within the Office of the Lieutenant Governor. (NRS 224.320) Existing law further prescribes the duties of the Task Force, which include, without limitation: (1) developing strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State; (2) conducting research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries; (3) supporting the efforts of certain groups and entities to provide predictability and stability to the workforce in this State; (4) recommending approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities; and (5) entering into a contract with a

consultant to perform research necessary to carry out the duties of the Task Force. (NRS 224.340)

Sections 2-6 and 11 of this bill: (1) move the Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; (2) set forth the membership of the Task Force, with certain changes from the current Task Force; and (3) set forth the duties of the Task Force, which are the same duties of the current Task Force. **Sections 7 and 8** of this bill make technical changes to internal references to provisions of the Nevada Revised Statutes related to moving the Task Force into the Office of the Secretary of State.

Section 9 of this bill provides that membership of the existing Task Force continue to serve as members until the membership is appointed pursuant to **section 4** of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***Sections 2 to 6, inclusive, of this act may be cited as the Keep Nevada Working Act.***

Sec. 3. ***As used in sections 2 to 6, inclusive, of this act, "Task Force" means the Keep Nevada Working Task Force created by section 4 of this act.***

Sec. 4. ***1. The Keep Nevada Working Task Force is hereby created within the Office of the Secretary of State.***

2. The Task Force consists of:

(a) The Secretary of State, or his or her designee;

(b) Eight members appointed by the Secretary of State; and

(c) One member appointed by the Lieutenant Governor.

3. The Secretary of State shall appoint the following persons to serve on the Task Force:

(a) One person who represents an immigrant advocacy group.

(b) One person who represents a chamber of commerce in this State.

(c) One person who represents a labor organization **.** ~~***[with a statewide presence.]***~~

(d) One person who represents a local workforce board in this State.

(e) One person who represents a bar association or like association of lawyers which is involved in the advocacy of immigrants.

(f) One person who represents a small business that employs 50 or fewer full-time or part-time employees.

(g) One person who represents a state agency that works on immigrant workforce development.

(h) One person who represents an institution of higher education.

4. The members of the Task Force shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

5. The members of the Task Force serve without compensation.

Sec. 5. *1. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and a Vice Chair.*

2. The Task Force shall meet at least once each quarter.

3. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.

Sec. 6. *1. The Task Force may:*

(a) Develop strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State.

(b) Conduct research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries.

(c) Support the efforts of business leadership, civic groups, government and immigrant advocacy groups to provide predictability and stability to the workforce in this State.

(d) Recommend approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities.

(e) Enter into a contract with a consultant to perform research necessary to carry out the duties of the Task Force.

2. The Task Force may create subcommittees to the Task Force for any purpose that is consistent with the duties of the Task Force. If a subcommittee is created:

(a) The Task Force shall appoint the members of the subcommittee and designate one of the members of the subcommittee as chair of the subcommittee. The chair of the subcommittee must be a member of the Task Force.

(b) The subcommittee shall meet at the times and places specified by a call of the chair of the subcommittee. A majority of the members of the subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the subcommittee.

3. On or before July 1, 2024, and on or before July 1 of each subsequent year, the Task Force shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.

4. The Secretary of State may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 2 to 6, inclusive, of this act.

5. The Office of the Secretary of State shall provide personnel, facilities, equipment, funding and supplies as required by the Task Force to carry out its duties.

6. Each agency, board, commission, department, officer, employee or agent of this State, or a political subdivision thereof, shall provide the Task

Force with such assistance as the Task Force may reasonably require in discharging its duties.

Sec. 7. NRS 228.206 is hereby amended to read as follows:

228.206 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~[~~NRS 224.320,~~]~~ ***section 4 of this act,*** publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. The model policies must prioritize guidance and training recommendations which:

(a) Foster trust between the community and state or local law enforcement agencies; and

(b) Limit, to the fullest extent practicable and consistent with any applicable law, the engagement of state or local law enforcement agencies with federal immigration authorities for the purpose of immigration enforcement.

2. Each state or local law enforcement agency shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General.

3. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the state or local law enforcement agency.

4. As used in this section, "state or local law enforcement agency" means:

(a) The sheriff's office of a county;

(b) A metropolitan police department;

(c) A police department of an incorporated city;

(d) Any entity authorized to operate a prison, jail or detention facility, including, without limitation, any facility for the detention of juveniles;

(e) The Division of Parole and Probation of the Department of Public Safety;

(f) Any department of alternative sentencing; and

(g) Any other state or local agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(1) Has a duty to enforce the law; and

(2) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 8. NRS 228.208 is hereby amended to read as follows:

228.208 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~[~~NRS 224.320,~~]~~ ***section 4 of this act,*** publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at public schools, institutions of higher education, health care facilities and courthouses to ensure that such places remain safe and accessible

to residents of this State regardless of the immigration status or citizenship of such persons.

2. Each public school, institution of higher education, health care facility and courthouse in this State shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General.

3. Any organization that provides services relating to physical or mental health and wellness, education or access to justice is encouraged to adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1.

4. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the public school, institution of higher education, health care facility or courthouse, as applicable.

5. A policy adopted pursuant to this section must comply with:

(a) Any applicable law;

(b) Any policy, grant, waiver or other requirement necessary to maintain the funding of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable; and

(c) Any agreement related to the operation and functions of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable.

6. As used in this section:

(a) "Health care facility" means a facility licensed pursuant to chapter 449 of NRS and which is operated by this State or a political subdivision thereof.

(b) "Institution of higher education" has the meaning ascribed to it in NRS 179D.045.

(c) "Public school" means any school described in NRS 388.020.

Sec. 9. 1. The persons who are members of the Keep Nevada Working Task Force on July 1, 2023, continue to serve as members until the Secretary of State appoints members to the Task Force pursuant to section 4 of this act.

2. Nothing in this act prohibits the Secretary of State from appointing a person to the Keep Nevada Working Task Force who was appointed to the Task Force by the Lieutenant Governor pursuant to NRS 224.320, as that section existed on June 30, 2023, if the person meets the qualifications for appointment pursuant to section 4 of this act.

Sec. 10. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency

remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 11. NRS 224.300, 224.310, 224.320, 224.330 and 224.340 are hereby repealed.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of appointing members to the Keep Nevada Working Task Force created by section 4 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

224.300 Short title.

224.310 "Task Force" defined.

224.320 Creation; membership; terms and reappointment of members; vacancies; service without compensation.

224.330 Election of Chair and Vice Chair; frequency and location of meetings; quorum.

224.340 Powers; annual report to Legislative Commission; acceptance of gifts, grants and donations; operational support; assistance from public agencies.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 577 to Assembly Bill No. 366.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 210.

The following Senate amendment was read:

Amendment No. 575.

AN ACT relating to public works; requiring a contractor on a public work to provide a worker with written or electronic notice of certain information; requiring a person found by the Labor Commissioner to have willfully and repeatedly failed to pay prevailing wages to a worker to pay certain damages to the affected worker; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every contract to which a public body of this State is a party that requires the employment of certain skilled, semiskilled and unskilled workers to contain in express terms the hourly and daily rate of wages to be paid to each class of applicable workers. The hourly and daily rate must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020, 338.030) **Section 5.5** of this bill requires each contractor engaged on a public work to provide his or her workers ~~[assigned to the public work with]~~ **at the time of hire** a written or electronic notice that sets forth: (1) the Internet website of the Labor Commissioner where the prevailing wage rates for the public work project are posted; (2) the name of the contractor; and (3) the physical address of the principal place of business of the contractor. **Section 5.5** further requires the contractor to obtain ~~[from each worker]~~ a written or electronic acknowledgment of receipt of ~~[the]~~ **any** notice, to be maintained by the contractor for a period of at least 2 years and made available to the Labor Commissioner upon request.

Existing law requires, with certain exception, the Labor Commissioner, after an opportunity for a hearing, to assess a person found to have failed to pay the required prevailing wage an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid. (NRS 338.090) **Section 6** of this bill requires, without exception, a person found to have willfully and repeatedly failed to pay the prevailing wage to pay an affected worker damages in an amount that is equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid to the affected worker.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5.5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.5. ***1. A contractor engaged on a public work shall provide to his or her workers ~~[assigned to the public work]~~ at the time of hire a written or electronic notice that includes, without limitation:***

(a) The Internet website of the Labor Commissioner where the prevailing wage rates for the public work are posted;

(b) The name of the contractor; and

(c) The physical address of the principal place of business of the contractor.

2. A contractor shall obtain a written or electronic acknowledgement of receipt of ~~[the]~~ any notice pursuant to this section . ~~[from each worker assigned to the public work. Each]~~ The acknowledgement of notice must be maintained by the contractor for at least 2 years, made available to the Labor Commissioner upon request and include, without limitation:

(a) The worker's name, contact information and signature; and

(b) The date on which the worker received the notice.

Sec. 6. NRS 338.090 is hereby amended to read as follows:

338.090 1. Except as otherwise provided in subsection 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall, except as otherwise provided in subsection 4, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; ~~[and]~~

(b) ***Shall require a person found to have willfully and repeatedly failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, to pay damages to each affected worker in an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid to the worker; and***

(c) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 575 to Assembly Bill No. 210.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 214.

The following Senate amendment was read:

Amendment No. 691.

ASSEMBLYWOMAN ANDERSON

JOINT ~~[SPONSOR: SENATOR]~~ **SPONSORS: SENATORS** DALY **; AND GOICOECHEA**

CONTAINS UNFUNDED MANDATE ~~[(S 2)]~~ **(§§ 2, 3)**

(Not Requested by Affected Local Government)

AN ACT relating to regional transportation commissions; requiring a regional transportation commission in certain counties to establish an advisory committee; revising certain requirements relating to the security in operations of a regional transportation commission; revising certain requirements relating to the establishment of an advisory committee by a regional transportation commission in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a board of county commissioners may by ordinance create a regional transportation commission if a streets and highways plan has been adopted as part of the master plan by the county or regional planning commission. (NRS 277A.170) Existing law authorizes a regional transportation commission to provide for and maintain such security in operations as is necessary for the protection of persons and property. (NRS 277A.260) **Section 2** of this bill authorizes a regional transportation commission to establish a fine for a passenger who refuses to comply with a regional or statewide health and safety standard or mandate. **Section 2** further requires a regional transportation commission or any person who contracts with a regional transportation commission to operate a public transit system to: (1) maintain any audio or video recording that is used as evidence in certain disciplinary actions or contains an incident on a public transit system that results in an injury to an employee; and (2) upon the request of an employee organization that is the exclusive bargaining agent of the employees of a person who contracts with the regional transportation commission, to provide such audio or video recordings to the employee organization.

Existing law requires the regional transportation commission in a county whose population is 700,000 or more (currently only Clark County) to

establish an advisory committee to provide certain information and advice to the commission relating to public mass transportation in the county. The advisory committee consists of: (1) two members of the general public from each city within the county who are appointed by the governing body of that city; and (2) six members of the general public appointed by the regional transportation commission. (NRS 277A.340) **Section 3** of this bill instead requires the regional transportation commission **in a county whose population is 100,000 or more (currently Clark and Washoe Counties)** to ~~[appoint members to the]~~ **establish an** advisory committee. **Section 3** further provides that the membership of the committee must include: (1) at least two members who are ~~[representatives of the]~~ employees ~~[who work on a]~~ **of the person who contracts with the commission to operate the** public transit system in the county, are not in a supervisory position and are recommended by the principal officers of the employee organization that represents such employees; (2) at least one member of the general public; and (3) any other additional members appointed at the discretion of the regional transportation commission. **Section 3** also authorizes a regional transportation commission to assign certain duties of the advisory committee to another committee established by the regional transportation commission, provided that the membership of the other committee meets the membership requirements for an advisory committee.

~~[Section 1.5 of this bill requires a regional transportation commission in a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) to establish an advisory committee to provide certain information and advice to the regional transportation commission relating to public mass transportation in the county. Section 1.5 provides that the advisory committee consist of: (1) one member of the general public from each city within the county who is appointed by the governing body of that city; and (2) three members of the general public appointed by the regional transportation commission. Section 1.5 also requires the appointing authorities to coordinate to ensure that at least two of the members on the advisory committee are representatives of the employees who work for the public transit system in the county, are not in a supervisory position and are recommended by the principal officers of the employee organization that represents such employees.]~~

Section 6 of this bill revises a reference to federal law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. ~~**[**Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. In a county whose population is 100,000 or more but less than 700,000, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for***~~

~~*passengers of public mass transportation in the county and any other related subject as requested by the commission. The membership of the advisory committee must consist of:*~~

~~*— (a) One member of the general public from each city within the county who is appointed by the governing body of that city; and*~~

~~*— (b) Three members of the general public appointed by the commission.*~~

~~*— 2. The appointing authorities shall coordinate to ensure that at least two of the members appointed pursuant to paragraphs (a) and (b) of subsection 1:*~~

~~*— (a) Are representatives of the employees who work for the public transit system in the county;*~~

~~*— (b) Are not in a supervisory position; and*~~

~~*— (c) Are recommended by the principal officers of the employee organization that represents such employees.*~~

~~*— 3. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.*~~

~~*— 4. A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.*~~

~~*— 5. The advisory committee shall meet at least four times annually.*~~

~~*— 6. At its first meeting and annually thereafter, the advisory committee shall elect a chair and vice chair from among its members.*~~

~~*— 7. Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 277A.260 is hereby amended to read as follows:

277A.260 ***1.*** A commission may:

~~[1.]~~ ***(a)*** Provide for and maintain such security in operations as is necessary for the protection of persons and property under its jurisdiction and control.

~~[2.]~~ ***(b)*** Employ professional, technical, clerical and other personnel necessary to carry out the provisions of this chapter.

~~[3.]~~ ***(c)*** Establish ~~[a fine]~~ ***fines*** for a passenger who refuses to ~~[pay]~~ ***:***

(1) Pay or otherwise fails to pay the proper fare to ride on the public transit system established and operated by the commission ~~[.]~~ ***; or***

(2) Comply with a regional or statewide health and safety standard or mandate.

➥ If the commission establishes such ~~[a fine,]~~ ***fines,*** the commission may establish procedures that provide for the issuance and collection of the ~~[fine.]~~ ***fines.***

2. The commission or any person who contracts with the commission to operate the public transit system shall:

(a) Maintain, in accordance with all applicable provisions of state and federal law, any audio or video recording that:

(1) Is used as evidence in a disciplinary action involving an employee of any person who contracts with the commission to operate the public transit system; or

(2) Contains an incident on the public transit system that results in an injury to an employee of a person who contracts with the commission to operate the public transit system.

(b) Upon the request of an employee organization that is the exclusive bargaining agent of the employees of a person who contracts with the commission to operate the public transit system, provide the employee organization with any audio or video recording that:

(1) Is used as evidence in a disciplinary action involving an employee of any person who contracts with the commission to operate the public transit system; or

(2) Contains an incident on the public transit system that results in an injury to an employee of a person who contracts with the commission to operate the public transit system, provided that the commission and the person who contracts with the commission to operate the public transit system receive a written request by the employee organization for the audio or video recording within 10 calendar days of the incident.

Sec. 3. NRS 277A.340 is hereby amended to read as follows:

277A.340 1. ~~[~~In~~]~~ ***Except as otherwise provided in subsection 8, in*** a county whose population is ~~[~~700,000~~]~~ ***100,000*** or more, the commission shall establish an advisory committee to ~~[~~provide~~]~~ ***:***

(a) Provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county ~~[~~.~~]~~ ***; and***

(b) Perform, at the discretion of the commission, any other duties.

2. The commission shall appoint members to the advisory committee. The membership of the advisory committee must consist of:

(a) ~~[~~Two~~]~~ ***At least two*** members ~~[~~of the general public from each city within the county who are appointed by the governing body of that city; and~~]~~ ***who:***

(1) Are ~~[representatives of the]~~ employees ~~[who work on]~~ of the person who contracts with the commission to operate the public transit system in the county;

(2) Are not in a supervisory position; and

(3) Are recommended by the principal officers of the employee organization that represents such employees.

(b) ~~[~~Six members~~]~~ ***At least one member*** of the general public ***.*** ~~[~~appointed by the commission.

~~2.~~~~]~~ ***(c) Any other additional members appointed at the discretion of the commission.***

3. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

~~[3.]~~ ***4.*** A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.

~~[4.]~~ ***5.*** The advisory committee shall meet at least ~~[six]~~ ***four*** times annually.

~~[5.]~~ ***6.*** At its first meeting and annually thereafter, the advisory committee shall elect a chair and vice chair from among its members.

~~[6.]~~ ***7.*** Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

8. If a commission has established other committees, the commission may assign the duty of an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county to another committee, provided that the membership of the other committee meets the requirements of paragraphs (a) and (b) of subsection 2.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 277A.450 is hereby amended to read as follows:

277A.450 1. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, finance, operate and maintain, or any combination thereof, a high-capacity transit system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a high-capacity transit project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

2. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a high-capacity transit project and any other equipment that is related to the project. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

3. If a commission develops a high-capacity transit project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway ***public transportation*** systems set forth in 49 C.F.R. Part ~~[659.]~~ ***674.***

4. As used in this section:

(a) "Minimum operable segment" means the shortest portion of a high-capacity transit system that is technically capable of providing viable public transportation between two end points.

(b) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a high-capacity transit system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 7. (Deleted by amendment.)

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 691 to Assembly Bill No. 214.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 56.

The following Senate amendment was read:

Amendment No. 542.

AN ACT relating to vehicles; authorizing certain vehicles to drive on the paved shoulder of a highway under certain circumstances; revising provisions governing the acts required of a driver of a vehicle upon the immediate approach of certain emergency or official vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the limited conditions under which the driver of a vehicle may overtake and pass upon the right of another vehicle. (NRS 484B.210) **Section 1** of this bill allows authorized emergency vehicles, vehicles which have been issued permits as authorized emergency vehicles, traffic incident management vehicles of the Department of Transportation, tow cars, coroner vehicles and buses of public transit systems to drive on the paved shoulder of a highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

Existing law requires a driver of a vehicle, upon the approach of an authorized emergency vehicle or official vehicle of a regulatory agency making use of certain flashing lights, to yield the right-of-way, drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway and stop. (NRS 484B.267) **Section 2** of this bill prohibits a driver from driving to and stopping in a position on a paved shoulder of a highway where lawfully placed signage allows certain vehicles described in **section 1** to drive on the shoulder.

Existing law prohibits, except if required by an emergency, a person from driving a vehicle on a controlled-access highway outside of a marked traffic lane or marked entrance or exit lane. (NRS 484B.587) **Section 3** of this bill authorizes certain vehicles described in **section 1** to drive on the paved shoulder of a controlled-access highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.

(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.

(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:

(1) ~~[~~Does~~]~~ ***Except as otherwise provided in subsection 4, does*** not travel more than 200 feet in the section of pavement not marked as a traffic lane; or

(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

4. ***The provisions of subparagraph (1) of paragraph (c) of subsection 1 do not apply to:***

(a) An authorized emergency vehicle described in NRS 484A.480;

(b) A vehicle which has been issued a permit to operate as an authorized emergency vehicle pursuant to NRS 484A.490;

(c) A traffic incident management vehicle;

(d) A tow car;

(e) A coroner vehicle; or

(f) A public transit motor bus,

↳ that is being driven on the paved shoulder of a highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.

5. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

6. As used in this section:

(a) "Coroner vehicle" means an authorized vehicle used by a county coroner, medical examiner ~~***[,]***~~ ***or medicolegal death investigator*** ***:*** ~~***[or mortuary personnel.]***~~

(1) Responding to the scene of a death; or

(2) Transporting a dead human body.

(b) "Hazardous material vehicle" means a vehicle used by the Department of Transportation for the cleanup of a spill of hazardous or illicit material, solid waste or other environmental hazards on or adjacent to a highway or within the rights-of-way of the Department of Transportation.

(c) "Public transit motor bus" means a vehicle used by a public transit system, designed for carrying more than 10 passengers and used for the transportation of persons for compensation.

(d) "Public transit system" has the meaning ascribed to it in NRS 277A.120.

(e) "Traffic incident" means any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard.

(f) "Traffic incident management vehicle" means an authorized vehicle used by the Department of Transportation to provide aid to motorists or to mitigate traffic incidents and which makes use of flashing amber warning lights that meet the requirements of subsection 1 of NRS 484D.185 and any standards approved by the Department of Public Safety. The term includes:

(1) Vehicles operating as part of the Freeway Service Patrol of the Department of Transportation; and

(2) Vehicles, including, without limitation, hazardous material vehicles, which respond to traffic incidents, motor vehicle crashes or other emergencies for purposes other than providing police, fire and emergency medical services.

Sec. 2. NRS 484B.267 is hereby amended to read as follows:

484B.267 1. Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall ~~[yield]~~ ***, except when otherwise directed by a law enforcement officer:***

(a) Yield the right-of-way ***.*** ~~[and shall]~~

(b) Except as otherwise provided in this paragraph, immediately drive to a position parallel to, and as close as possible to, the right-hand edge or ***, if applicable,*** curb of a highway ***and*** clear of any intersection ***.*** ~~[and shall stop]~~ ***The driver shall not drive to and stop in a position on a paved shoulder of a highway where lawfully placed signage allows a vehicle described in paragraphs (a) to (f), inclusive, of subsection 4 of NRS 484B.210 to drive on the shoulder.***

(c) Stop and remain in such position until the authorized emergency vehicle or official vehicle has passed ***.*** ~~[, except when otherwise directed by a law enforcement officer.]~~

2. Upon approaching an authorized emergency vehicle or an official vehicle of a regulatory agency which is moving or preparing to move in any direction, including, without limitation, arriving at or leaving the scene of a

crash or other incident, and making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of any other vehicle shall, except when otherwise directed by a law enforcement officer:

(a) Decrease the speed of his or her vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop;

(d) If the authorized emergency vehicle or official vehicle of a regulatory agency is moving in the same direction of travel as the driver, not drive abreast of or overtake the authorized emergency vehicle or official vehicle of a regulatory agency;

(e) If possible, drive in a lane that is not adjacent to the lane in which the authorized emergency vehicle or official vehicle of a regulatory agency is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible; and

(f) If the authorized emergency vehicle or official vehicle of a regulatory agency:

(1) Approaches the driver's vehicle, proceed as required pursuant to subsection 1; or

(2) Stops, proceed as required pursuant to NRS 484B.607.

3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, "preparing to move" means any indication that is visible to an approaching driver that an authorized emergency vehicle or an official vehicle of a regulatory agency is about to move, including, without limitation:

(a) A movement of the vehicle; or

(b) The use of hand signals by the driver of the vehicle.

Sec. 3. NRS 484B.587 is hereby amended to read as follows:

484B.587 1. When official traffic-control devices are erected giving notice thereof, a person shall not drive a vehicle onto or from any controlled-access highway except at those entrances and exits which are indicated by such devices.

2. Except if required by an emergency ~~[,]~~ ***or as otherwise authorized by subsection 3,*** a person shall not drive a vehicle on a controlled-access highway:

(a) Upon any portion of the highway that lies outside of a marked traffic lane or marked entrance or exit lane; or

(b) Across any solid white line that separates an entrance or exit lane from a marked traffic lane.

3. ***A person driving a vehicle described in paragraphs (a) to (f), inclusive, of subsection 4 of NRS 484B.210 may drive that vehicle on a paved shoulder of a controlled-access highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.***

4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblyman Watts moved that the Assembly concur in the Senate Amendment No. 542 to Assembly Bill No. 56.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

The amendment removes vehicles used by mortuary personnel from the definition of "coroner vehicle" in subsection 6(a) of section 1 of the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 185.

The following Senate amendment was read:

Amendment No. 545.

ASSEMBLYWOMAN MOSCA

JOINT SPONSOR: SENATOR BUCK

CONTAINS UNFUNDED MANDATE (§ ~~[1)]~~ **1.5)**

Not Requested by Affected Local Government)

AN ACT relating to education; **revising provisions relating to the enrollment of pupils in charter schools;** requiring school districts, charter schools and university schools for profoundly gifted pupils to take certain measures to accommodate a pupil who plans to transfer to the school district or school or leave the school district or school because of the documented pending military transfer of a parent or guardian; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a charter school to give preference in enrollment to certain children before enrolling children who are otherwise eligible for enrollment. (NRS 388A.456) Section 1 of this bill authorizes a charter school to give the same preference to a child who has a parent or legal guardian who is a member of the military.

The Interstate Compact on Educational Opportunity for Military Children requires member states, including Nevada, to take certain measures to facilitate the enrollment and continued education of pupils who are children of military families and who transfer into this State. (NRS 388F.010) Existing law also requires the superintendent of a school district or his or her designee to make reasonable efforts to accommodate a pupil who transfers to a public school in the district due to the military transfer of the parent or legal guardian of the pupil. (NRS 388F.070) ~~[This]~~ **Section 1.5 of this** bill additionally requires the governing body of a charter school or university school for profoundly gifted pupils to make such reasonable efforts. ~~[This bill]~~ **Section 1.5** requires those

reasonable efforts to include authorizing such a pupil to enroll in the school and participate in any application or lottery process necessary to be eligible for such enrollment: (1) at the same time as pupils who reside in the school district or near the charter school or university school, as applicable; and (2) in the same manner as pupils who reside in the school district or near the charter school or university school, as applicable, or remotely using electronic means, regardless of whether such means are generally authorized for other pupils. ~~[This bill]~~ **Section 1.5** authorizes such a pupil to: (1) use the address of a military installation to which a parent or legal guardian of the pupil has a documented pending military transfer as the address of the pupil for all purposes relating to enrollment until the pupil notifies the public school of the actual address at which the pupil will reside in the appropriate attendance area; and (2) specify an additional address solely for the purpose of receiving correspondence. ~~[This bill]~~ **Section 1.5** also requires the superintendent of a school district or the superintendent's designee or the governing body of a charter school or university school for profoundly gifted pupils to make reasonable efforts to accommodate a pupil who plans to leave the school during the school year because of the documented pending military transfer of the parent or legal guardian of the pupil. ~~[This bill]~~ **Section 1.5** requires those efforts to include: (1) authorizing and assisting the pupil to complete the requirements for the current school year through a program of distance education, if such a program is available; and (2) cooperating with any school or school district to which the pupil plans to transfer. ~~[This bill]~~ **Section 1.5** requires a pupil who enrolls in a public school, charter school or university school for profoundly gifted pupils for all or part of a school year pursuant to the provisions of this bill to provide proof of residency before the beginning of the next school year if the pupil plans to enroll in the school for the next school year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 388A.456 is hereby amended to read as follows:**

388A.456 1. Before a charter school enrolls pupils who are eligible for enrollment pursuant to NRS 388A.453, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school.

(b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school.

(c) Is a child of a person:

(1) Who is employed by the charter school;

(2) Who is a member of the committee to form the charter school;

(3) Who is a member of the governing body of the charter school; or

(4) Who resides on or is employed on the federal military installation, if the charter school is located on a federal military installation;

(d) Is enrolled at a charter school with which the charter school has an articulation agreement, approved by the sponsor, providing for priority enrollment.

(e) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category.

(f) At the time his or her application is submitted, is enrolled in a public school of a school district with an enrollment that is more than 25 percent over the public school's intended capacity, as reported on the list maintained by the school district pursuant to subsection 4. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

(g) At the time his or her application is submitted, is enrolled in a public school that received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools for the most recent school year for which the public school received an annual rating. If a charter school enrolls pupils who are enrolled in such a public school before
enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

(h) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

(i) Has a parent or legal guardian who is a member of the military.

2. If more pupils described in this section who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this section on the basis of a lottery system.

3. A lottery held pursuant to subsection 2 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

4. Each school district shall create and maintain a list which specifies for each public school of the school district, the maximum enrollment capacity for each school, the actual number of pupils enrolled at each school and the percentage by which enrollment at each school exceeds the intended enrollment capacity, if applicable. Each school district shall post the list on the

Internet website maintained by the school district as soon as practicable after the count of pupils is completed pursuant to NRS 387.1223 but not later than November 1 of each year.

5. As used in this section, "member of the military" has the meaning ascribed to it in NRS 176A.043.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 388F.070 is hereby amended to read as follows:

388F.070 1. The superintendent of a school district or the superintendent's designee ***or the governing body of a charter school or a university school for profoundly gifted pupils*** shall ~~[, in]~~ ***:***

(a) Authorize a pupil who plans to transfer to a public school in the school district or to a charter school or university school, as applicable, from a school inside or outside this State because of the documented pending military transfer of the parent or legal guardian of the pupil to enroll in the public school, charter school or university school and participate in any application or lottery process necessary to be eligible for such enrollment:

(1) At the same time as pupils who reside in the school district or near the charter school or university school, as applicable; and

(2) In the same manner as pupils in the school district or near the charter school or university school, as applicable, or remotely using electronic means, regardless of whether such means are generally authorized for other pupils.

(b) Deem the address of a military installation to which a parent or legal guardian of the pupil has a documented pending military transfer to be the address of the pupil for all purposes relating to enrollment for which an address is required until the pupil notifies the public school of the actual address at which the pupil will reside in the appropriate attendance area.

(c) Authorize the pupil and the parent or legal guardian of the pupil to specify an additional, current address solely for the purpose of receiving correspondence.

(d) In accordance with NRS 388F.010, make ***other*** reasonable efforts to accommodate a pupil who transfers to a public school in the school district ***or to the charter school or university school, as applicable,*** from a school inside or outside this State because of the military transfer of the parent or legal guardian of the pupil.

2. If the superintendent of a school district or the superintendent's designee is not able to grant a standard high school diploma to a pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil, the superintendent or the superintendent's designee shall work cooperatively with the local education agency in the state in which the pupil was previously enrolled to determine if the pupil is eligible to receive a diploma from that local education agency and, if the pupil is eligible, to facilitate receiving a high school diploma from that local education agency.

3. If a pupil at a public school in a school district, a charter school or a university school for profoundly gifted pupils plans to leave the school during the school year because of the documented pending military transfer of the parent or legal guardian of the pupil, the superintendent of the school district or the superintendent's designee or the governing body of the charter school or university school, as applicable, shall make reasonable efforts to accommodate the pupil, including, without limitation, by:

(a) Authorizing and assisting the pupil to complete the requirements for the current school year through a program of distance education, if such a program is available; and

(b) Cooperating with any school or school district to which the pupil plans to transfer.

4. A pupil who enrolls in a public school, charter school or university school for profoundly gifted pupils pursuant to subsection 1 for all or part of a school year and plans to enroll in the school for the next school year shall, before the beginning of the next school year, provide proof of residency in this State and, as applicable, in:

(a) The school district;

(b) The zone of attendance of the school established pursuant to NRS 388.040; or

(c) The geographic area served by the charter school or university school.

5. As used in this section, "program of distance education" means a program comprised of one or more courses of study for which instruction is delivered by means of video, computer, television or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which instruction is delivered.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 **, 1.5** and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 545 to Assembly Bill No. 185.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students,

teachers, and chaperones from Jerry Whitehead Elementary School: Aaidyn Roberts, Antonio Moreno-Padilla , Brooke Mudd, Bryan Barrera, Caitlynn Nowicki, Corbin Brannan, Daniel Ahyo, Eli Behrooz, Emera Leitner, Emerson Cardona-Argueta, Emeryce Mar, Emily Rodriguez Velazquez, Emma Perez, Eva Ward, Gunner Rodeman, Hailey McKee, Ilana Braze, Isaac Hodges, Jameson Morgan, Javohnny Pine, Javonni Deleon, Jaxon Sullivan, Jonah Gutierrez, Jones Bailey, Joseph Gaffney-Neil, Kellen Waskiewicz, Kistin Morton, Kynlee Dalmann, Logan White King, Malachi Lagorio, Moralee Segoviano, Mya Newman, Oak Drake, Rene Alonso-Hernandez, Savanna Tobin, Solomona Spuhler, Taegan Andrews, Toren Freitas, Victoria Mena Munoz, and Zoe Mendoza Osorio.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Brewer LaChappelle.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Roy Gomm Elementary School: Aaliyah Mendoza, Alec Cieutat, Aria Fong, Bella Ryan, Cameron Moore, Canyon Jones, Chase Bolenbaker, Chieko Giordano, Connor Seevers, Ella Dominguez, Eric Xu, Francesca Martinez-Flores, Hailey Hagen, Hudson Hambright, Hudson Shepphird, Izzy Foti, Jack Medeiros, Jeremiah Ferguson, Julissa Rodriguez, Juniper Taylor, Kanoa Newell, Kate Melerine, Kayson Haugen, Kellen Marquez, Logan Dilts, Lousi Waclo, Matix Mackenzie, Miles Guilbe, Nolan Planeta, Ryan Dickens, Shaun Wiltshire, and Tyler Johnson.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Roderic Newton.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, May 24, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 9:01 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 24, 2023

Assembly called to order at 12:57 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Captain Immanuel Beeson.

Dear Heavenly Father, we come before You today with humble hearts, seeking Your guidance and wisdom for the members of our state legislature Assembly. We ask that you grant them the clarity of mind and the courage of heart to make decisions that are in the best interest of the people they serve.

May they be guided by fairness, justice, and compassion, and may they always strive to uphold the values of our great state. We ask that You bless them with the strength and perseverance to tackle the challenges that lie ahead and to work together towards a brighter future for all.

We offer this prayer in gratitude for their service and in faith that together, we can build a better tomorrow.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:13 p.m.

ASSEMBLY IN SESSION

At 1:14 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 109, 192, 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:20 p.m.

ASSEMBLY IN SESSION

At 1:34 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 3.

Resolution read.

Roll call on Senate Joint Resolution No. 3:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

NOTICE OF EXEMPTION

May 23, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 362.

SARAH COFFMAN
Fiscal Analysis Division

May 24, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 11.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that the persons as set forth on the Nevada Legislature's Press Accreditation List of May 24, 2023, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

KTVN: Robert Deiters; TIM MONEY MEDIA: Antonio Eubanks.

Motion carried.

Assemblywoman Monroe-Moreno moved that Senate Bills Nos. 11 and 362 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Jauregui moved that all measures reported out of committee be placed on the appropriate reading file for the balance of the session.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 497; Senate Bills Nos. 76, 114, 293, and 424 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 92 be taken from its position on the General File and placed at the top of General File.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:40 p.m.

ASSEMBLY IN SESSION

At 1:51 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Jauregui moved that Senate Bills Nos. 104, 134, 146, 161, 180, 196, 211, 239, 251, 262, 269, 302, 314, 315, 317, 321, 322, 348, 384, 391, 393, and 429 be taken from their positions on the General File and placed at the bottom of General File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 646.

AN ACT relating to anatomical gifts; authorizing a coroner or medical examiner to release a body or part of a body that is the subject of an anatomical gift under certain circumstances; prescribing a procedure for a court to appoint a person to make an anatomical gift of part or all of a decedent's body under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Revised Uniform Anatomical Gift Act establishes the rights of donors and other persons to affirmatively make anatomical gifts of human bodies and parts for the purpose of transplantation, therapy, research or education. The Uniform Act also sets forth various requirements and procedures for making, amending, revoking and refusing to make anatomical gifts. (NRS 451.500-

451.598) The Uniform Act authorizes: (1) a donor, an agent or guardian of a donor or the parent or guardian of a donor who is a minor to make an anatomical gift of the donor's body while the donor is still alive; and (2) certain classes of persons to make an anatomical gift of a decedent's body or part, in order of priority and subject to certain limitations. (NRS 451.556, 451.566) **Section 1** of this bill authorizes a coroner or medical examiner to release and authorize the removal of part or all of a body in his or her custody for the purpose of transplantation upon the request of a procurement organization if: (1) the part or body is the subject of a valid anatomical gift; (2) the coroner or medical examiner has no evidence of the decedent having communicated a desire that his or her body or part not become anatomical gifts; **(3) the procurement organization demonstrates it has made a reasonable effort to determine whether any other person in a class authorized to make an anatomical gift of the decedent's body or part is reasonably available;** and ~~[(3)]~~ **(4)** no person in a class authorized to make an anatomical gift of the decedent's body or part who is reasonably available objects to the making of an anatomical gift. **Section 1** immunizes a coroner or medical examiner from civil or criminal liability for any act or omission in accordance with the provisions of **section 1**. **Sections 2-4, 6 and 7** of this bill make conforming changes to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

If no other person authorized to make an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education is reasonably available, the Uniform Act authorizes any other person having the authority to dispose of the decedent's body to make an anatomical gift. (NRS 451.566) **Section 5** of this bill removes this provision and instead authorizes a procurement organization to petition a district court to appoint a person to make an anatomical gift of a decedent's body or part if no other person authorized to make such an anatomical gift is reasonably available. **Section 5** prohibits the court from granting such a petition unless the procurement organization **:** ~~[has determined that:]~~ (1) **demonstrates that it has made a reasonable effort to determine whether any other person in a class authorized to make an anatomical gift of the decedent's body or part is reasonably available; (2) has determined that** no person who is otherwise authorized to make an anatomical gift and is reasonably available objects to the anatomical gift; and ~~[(2)]~~ **(3) has determined that** no evidence exists of the decedent having communicated a desire that his or her body or part not become anatomical gifts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purpose of transplantation only, upon a determination of brain death pursuant to paragraph (b) of subsection 1 of NRS 451.007, the

coroner or medical examiner may release and authorize the removal of a decedent's body or part that is in the custody of the coroner or medical examiner if:

(a) The coroner or medical examiner has received a request from a procurement organization;

(b) The body or part is the subject of a valid anatomical gift;

(c) The coroner or medical examiner has no evidence of the decedent having communicated a desire that his or her body or part not become anatomical gifts, including, without limitation, through a refusal that has not been revoked; ~~[and]~~

(d) The procurement organization demonstrates to the satisfaction of the coroner or medical examiner that the procurement organization has made a reasonable effort pursuant to subsection 3 to determine whether any person described in subsection 1 of NRS 451.566 is reasonably available; and

(e) No person described in subsection 1 of NRS 451.566 who is reasonably available objects to the making of an anatomical gift.

2. A coroner or medical examiner is immune from civil or criminal liability for any act or omission performed in accordance with the provisions of this section.

3. Except in the case where the useful life of the body or part does not permit, a reasonable effort shall be deemed to have been made to determine whether any person described in subsection 1 of NRS 451.566 is reasonably available if a search for such persons has been underway for at least 12 hours. Such a search must include, without limitation:

(a) A check of any records of missing persons maintained by local law enforcement agencies and the National Crime Information Center;

(b) An examination of any personal effects of the decedent; and

(c) In order to obtain information that might lead to the location of any persons described in subsection 1 of NRS 451.566, the questioning of any persons known to have:

(1) Visited the decedent:

(I) Within the month before his or her death; or

(II) In a medical facility where the decedent was receiving care for the condition that caused his or her death;

(2) Accompanied the body of the decedent; or

(3) Reported the death.

4. As used in this section:

(a) "Local law enforcement agency" means the sheriff's office of a county, a metropolitan police department or a police department of an incorporated city.

(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 2. NRS 451.010 is hereby amended to read as follows:

451.010 1. The right to dissect the dead body of a human being is limited to cases:

(a) Specially provided by statute or by the direction or will of the deceased.

(b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as the coroner may authorize dissection.

(c) Where the spouse or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.

(d) Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.

(e) Where authorized by the provisions of NRS 451.500 to 451.598, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.

Sec. 3. NRS 451.503 is hereby amended to read as follows:

451.503 NRS 451.500 to 451.598, inclusive, ***and section 1 of this act*** apply to an anatomical gift or amendment to, revocation of or refusal to make an anatomical gift, whenever made.

Sec. 4. NRS 451.510 is hereby amended to read as follows:

451.510 As used in NRS 451.500 to 451.598, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 451.511 to 451.5545, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 451.566 is hereby amended to read as follows:

451.566 1. Subject to subsections 2 ***,*** ~~[and]~~ 3 ***and 4*** and unless barred by NRS 451.561 or 451.562, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(a) An agent of the decedent at the time of death who could have made an anatomical gift under subsection 2 of NRS 451.556 immediately before the decedent's death;

(b) The spouse of the decedent;

(c) Adult children of the decedent;

(d) Parents of the decedent;

(e) Adult siblings of the decedent;

(f) Adult grandchildren of the decedent;

(g) Grandparents of the decedent;

(h) An adult who exhibited special care and concern for the decedent;

(i) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(j) ~~[Any other person having the authority to dispose of the decedent's body.]~~ ***A person appointed by a district court pursuant to subsection 4.***

2. If there is more than one member of a class listed in paragraphs (a), (c), (d), (e), (f), (g) or (i) of subsection 1 entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or

a person to which the gift may pass under NRS 451.571 knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

3. A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection 1 is reasonably available to make or to object to the making of an anatomical gift.

4. If a person described in paragraphs (a) to (i), inclusive, of subsection 1 is not available to make an anatomical gift at the time of the decedent's death, a procurement organization may petition a district court to appoint a person to make an anatomical gift pursuant to paragraph (j) of subsection 1. The district court may hear the petition ex parte and grant the petition without a hearing. The district court shall not grant such a petition unless the procurement organization has : ~~[determined that:]~~

(a) ~~[No]~~ Demonstrated to the satisfaction of the district court that the procurement organization has made a reasonable effort pursuant to subsection 5 to determine whether any person described in paragraphs (a) to (i), inclusive, of subsection 1 is reasonably available;

(b) Determined that no person in a prior class under subsection 1 who is reasonably available objects to the making of an anatomical gift; and

~~[(b) No]~~

(c) Determined that no evidence exists of the decedent having communicated a desire that his or her body or part not become anatomical gifts, including, without limitation, through a refusal that has not been revoked.

5. Except in the case where the useful life of the body or part does not permit, a reasonable effort shall be deemed to have been made to determine whether any person described in paragraphs (a) to (i), inclusive, of subsection 1 is reasonably available if a search for such persons has been underway for at least 12 hours. Such a search must include, without limitation:

(a) A check of any records of missing persons maintained by local law enforcement agencies and the National Crime Information Center;

(b) An examination of any personal effects of the decedent; and

(c) In order to obtain information that might lead to the location of any persons described in paragraphs (a) to (i), inclusive, of subsection 1, the questioning of any persons known to have:

(1) Visited the decedent:

(I) Within the month before his or her death; or

(II) In a medical facility where the decedent was receiving care for the condition that caused his or her death;

(2) Accompanied the body of the decedent; or

(3) Reported the death.

6. As used in this section:

(a) "Local law enforcement agency" means the sheriff's office of a county, a metropolitan police department or a police department of an incorporated city.

(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 6. NRS 451.592 is hereby amended to read as follows:

451.592 1. A person that acts in accordance with NRS 451.500 to 451.598, inclusive, ***and section 1 of this act*** or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution or administrative proceeding.

2. Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

3. In determining whether an anatomical gift has been made, amended or revoked under NRS 451.500 to 451.598, inclusive, ***and section 1 of this act,*** a person may rely upon representations of a natural person listed in paragraph (b), (c), (d), (e), (f), (g) or (h) of subsection 1 of NRS 451.566 relating to the natural person's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

Sec. 7. NRS 451.593 is hereby amended to read as follows:

451.593 1. A document of gift is valid if executed in accordance with:

(a) The provisions of NRS 451.500 to 451.598, inclusive ~~[.]~~ ***, and section 1 of this act;***

(b) The laws of the state or country where it was executed; or

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence or was a national at the time the document of gift was executed.

2. If a document of gift is valid under this section, the law of this State governs the interpretation of the document of gift.

3. A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

Sec. 8. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 716.

SUMMARY—Revises provisions relating to county hospitals ~~[.]~~ **and county hospital districts.** (BDR 40-749)

AN ACT relating to ~~[county]~~ hospitals; **authorizing the board of trustees of a county hospital district to hold closed meetings under certain circumstances;** revising provisions governing meetings of a board of hospital

trustees ~~[,]~~ **of a county hospital;** revising certain provisions related to a hospital advisory board; authorizing a board of hospital trustees or hospital governing board to employ dentists; **revises certain exemptions governing unprofessional conduct by a dentist employed by a board of hospital trustees or hospital governing board;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a county or group of counties to establish a public hospital. (NRS 450.020) Existing law also: (1) provides for a board of hospital trustees for a public hospital, which has general powers and duties relating to establishing and maintaining a public hospital; (2) authorizes the appointment of a hospital advisory board in counties where the board of county commissioners is the board of hospital trustees; and (3) requires such a hospital advisory board to exercise the powers and duties delegated to it by the board of hospital trustees. (NRS 450.070, 450.150, 450.175) **Section 2** of this bill changes the name of a "hospital advisory board" to a "hospital governing board" and requires such a board to adopt bylaws and related policies and procedures.

Existing law requires a board of hospital trustees **of a county hospital** to hold meetings and authorizes the board of hospital trustees to hold a closed meeting to discuss providing or expanding a health care service or acquiring or expanding a facility. (NRS 450.140) **Section** ~~[1]~~ **1.5** of this bill also authorizes a board of hospital trustees or a hospital governing board to hold a closed meeting to discuss: (1) privileged or confidential matters before an organized committee of a county hospital in deliberating the character, alleged misconduct, professional competence, or physical or mental health of a provider of health care; and (2) ~~[a report related to the compliance of the county hospital with all laws, regulations and rulemaking guidance of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services or a report related to any conditions of participation in the Medicare or Medicaid programs.]~~ **matters related to a medical audit or the quality assurance programs of the county hospital.**

Section 1 of this bill authorizes a board of trustees of a county hospital district to hold a closed meeting for the same purposes as a board of hospital trustees of a county hospital. Section 1 also provides that the records of such a closed meeting become public records 5 years after the date of the meeting or when the board of trustees determines that confidentiality is no longer required, whichever is first, and defines the terms "provider of health care" and "review committee" for purposes of section 1.

Section 3 of this bill makes a conforming change to exempt a closed meeting held pursuant to ~~[section 1]~~ **sections 1 and 1.5** from the Open Meeting Law. **Sections 2.7 and 2.9 of this bill make conforming changes to indicate the proper placement of section 1 in the Nevada Revised Statutes.**

Existing law authorizes a board of hospital trustees of a public hospital to employ physicians and interns on a full-time or part-time basis, and fix their compensations. (NRS 450.180) **Section 2.5** of this bill authorizes a board of hospital trustees or any hospital governing board appointed pursuant to **section** ~~[1]~~ **2** to employ dentists and fix their compensation. **Section 3.5 of this bill exempts such a dentist from a prohibition against associating with or being employed by certain unlicensed persons under certain circumstances.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 450 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A board of trustees may hold a closed meeting exempt from the provisions of chapter 241 of NRS to discuss:

(a) Providing a new health care service in the county hospital district or materially expanding a health care service that is currently provided in the county hospital district;

(b) The acquisition of an additional facility by the county hospital district or the material expansion of an existing facility of the county hospital district;

(c) Matters before a review committee to deliberate the character, alleged misconduct, professional competence or physical or mental health of a provider of health care; or

(d) Matters related to a medical audit or the quality assurance programs of the county hospital district.

2. The provisions of subsection 1 must not be construed to:

(a) Authorize the board of trustees to hold a closed meeting to discuss a change of management or ownership or the dissolution of the county hospital district; or

(b) Prohibit the public from obtaining a report that is otherwise available to the public pursuant to state or federal law.

3. Except as otherwise provided in this subsection, minutes of a closed meeting held pursuant to subsection 1, any supporting material and any recording or transcript of the closed meeting become public records 5 years after the date on which the meeting is held or when the board of trustees determines that the matters discussed no longer require confidentiality, whichever occurs first. Minutes of a closed meeting held pursuant to subsection 1, any supporting material and any recording or transcript of the closed meeting that contains privileged information are not public records. Nothing in this section shall be construed to limit the disclosure of information that is discoverable as part of a legal proceeding or pursuant to court order.

4. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Review committee" has the meaning ascribed to it in NRS 49.117.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 450.140 is hereby amended to read as follows:

450.140 1. The board of hospital trustees shall hold meetings at least once each month, and shall keep a complete record of all its transactions.

2. Except as otherwise provided in NRS 241.0355:

(a) In counties where three county commissioners are not members of the board, three members of the board constitute a quorum for the transaction of business.

(b) And except as otherwise provided in paragraph (c), in counties where three county commissioners are members of the board, any five of the members constitute a quorum for the transaction of business.

(c) In counties where the board of county commissioners is the board of hospital trustees, a majority of the board constitutes a quorum for the transaction of business.

3. The board of hospital trustees ***or any hospital governing board appointed pursuant to NRS 450.175*** may hold a closed meeting ***exempt from the provisions of chapter 241 of NRS*** to discuss:

(a) Providing a new health care service at the county hospital or materially expanding a health care service that is currently provided by the county hospital; ~~[or]~~

(b) The acquisition of an additional facility by the county hospital or the material expansion of an existing facility of the county hospital ~~[.]~~ ***;***

(c) Matters before a review committee to deliberate the character, alleged misconduct, professional competence or physical or mental health of a provider of health care; or

(d) ~~***[A report]***~~ ***Matters related to*** ~~***f:***~~

~~***(1) The compliance of the county hospital with all laws, regulations and rulemaking guidance of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; or***~~

~~***(2) Any conditions of participation in the Medicare or Medicaid programs.]***~~ ***a medical audit or the quality assurance programs of the county hospital.***

4. ~~[Subsection]~~ ***The provisions of subsection*** 3 must not be construed to ~~[authorize]~~ ***:***

(a) Authorize the board of hospital trustees ***or the hospital governing board*** to hold a closed meeting to discuss a change of management or ownership or the dissolution of the county hospital ~~[.]~~ ***; or***

(b) Prohibit the public from obtaining a report that is otherwise available to the public pursuant to state or federal law.

5. ~~[Minutes]~~ ***Except as otherwise provided in this subsection, minutes*** of a closed meeting held pursuant to subsection 3, any supporting material and any recording or transcript of the closed meeting become public records 5

years after the date on which the meeting is held or when the board of hospital trustees ***or hospital governing board, as applicable,*** determines that the matters discussed no longer require confidentiality, whichever occurs first. ***Minutes of a closed meeting held pursuant to subsection 3, any supporting material and any recording or transcript of the closed meeting that contains privileged information are not public records. Nothing in this section shall be construed to limit the disclosure of information that is discoverable as part of a legal proceeding or pursuant to court order.***

6. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031 . [; and]

(b) "Review committee" has the meaning ascribed to it in NRS 49.117.

Sec. 2. NRS 450.175 is hereby amended to read as follows:

450.175 1. In counties where the board of county commissioners is the board of hospital trustees, the board of hospital trustees may appoint a hospital **[**advisory**]** ***governing*** board which shall exercise ***only the*** powers and duties delegated to the **[**advisory**]** ***governing*** board by the board of hospital trustees. ***In counties in which the board of hospital trustees appoints a hospital governing board, the governing board is the governing body of the county hospital when exercising powers and duties delegated to the governing board pursuant to this chapter.***

2. Members of a hospital **[**advisory**]** ***governing*** board must be appointed by a majority vote of the board of hospital trustees and shall serve at the pleasure of the board.

3. Members of the hospital **[**advisory**]** ***governing*** board may receive compensation for their services in an amount not to exceed $500 per month.

4. The hospital governing board shall adopt bylaws and related policies and procedures consistent with this chapter and all applicable ordinances.

Sec. 2.5. NRS 450.180 is hereby amended to read as follows:

450.180 The board of hospital trustees ***or any hospital governing board appointed pursuant to NRS 450.175*** may:

1. Appoint a chief executive officer and necessary assistants, and fix their compensations.

2. Employ physicians **,** **[**and**]** interns **[**,**]** ***and dentists,*** either full-time or part-time, as the board determines necessary, and fix their compensations.

3. Remove those appointees and employees.

4. Control the admission of physicians and interns to the staff by promulgating appropriate rules, regulations and standards governing those appointments.

5. Contract with individual physicians or private medical associations for the provision of certain medical services as may be required by the hospital.

Sec. 2.7. **NRS 450.550 is hereby amended to read as follows:**

450.550 As used in NRS 450.550 to 450.760, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Board of trustees" means:

(a) A board of hospital trustees:

(1) Elected pursuant to NRS 450.620 and a physician who is appointed pursuant to subsection 1 of NRS 450.640, if applicable; or

(2) Appointed pursuant to NRS 450.625 and a physician who is appointed pursuant to subsection 1 of NRS 450.640, if applicable; or

(b) A board of county commissioners, if that board enacts an ordinance which provides that the board of county commissioners is, ex officio, the board of hospital trustees, and a physician who is appointed pursuant to subsection 1 of NRS 450.640, if applicable.

2. "District hospital" means a hospital constructed, maintained and governed pursuant to NRS 450.550 to 450.760, inclusive.

Sec. 2.9. **NRS 450.590 is hereby amended to read as follows:**

450.590 1. Except as otherwise provided in subsection 3, if 25 percent or more of the holders of title or evidence of title to lands lying within the proposed district, whose names appear as such upon the last county assessment roll, present a petition to the board of county commissioners of the county in which the land lies, setting forth the exterior boundaries of the proposed district and asking that the district so described be established within a county hospital district pursuant to the provisions of NRS 450.550 to 450.750, inclusive, ***and section 1 of this act,*** the board of county commissioners shall adopt a resolution declaring the intention of the board to include the territory within a county hospital district, naming the district and describing its exterior boundaries.

2. The resolution must:

(a) Fix a time and place for the hearing of the proposed establishment of the district not less than 30 days after its adoption.

(b) Direct the clerk of the board of county commissioners to publish:

(1) The notice of intention of the board of county commissioners to establish the county hospital district; and

(2) The time and place fixed for the hearing.

(c) Designate that the notice must be published in a newspaper of general circulation published in the county and circulated in the proposed county hospital district, or if there is no newspaper so published and circulated, then in a newspaper of general circulation circulated in the proposed district.

3. The provisions of this section do not apply to a proposed hospital district if it includes territory within more than one county.

Sec. 3. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, ***450.140,*** 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 ~~[,]~~ ***and section 1 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 3.5. **NRS 631.3465 is hereby amended to read as follows:**

631.3465 The following acts, among others, constitute unprofessional conduct:

1. Dividing fees or agreeing to divide fees received for services with any person for bringing or referring a patient, without the knowledge of the patient or his or her legal representative, but licensed dentists are not prohibited from:

(a) Practicing in a partnership and sharing professional fees;

(b) Employing another licensed dentist, dental hygienist or dental therapist; or

(c) Rendering services as a member of a nonprofit professional service corporation.

2. Associating with or lending his or her name to any person engaged in the illegal practice of dentistry or associating with any person, firm or corporation holding himself, herself or itself out in any manner contrary to the provisions of this chapter.

3. Associating with or being employed by a person not licensed pursuant to this chapter if that person exercises control over the services offered by the dentist, owns all or part of the dentist's practice or receives or shares the fees received by the dentist. The provisions of this subsection do not apply to a dentist who ~~[associates]~~ ***:***

(a) Associates with or is employed by a person who owns or controls a dental practice pursuant to NRS 631.385 ~~[.]~~ ***; or***

(b) Is employed by a board of hospital trustees or a hospital governing board pursuant to NRS 450.180.

4. Using the name "clinic," "institute," "referral services" or other title or designation that may suggest a public or semipublic activity.

5. Practicing under the name of a dentist who has not been in active practice for more than 1 year.

Sec. 4. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency, or other entity to which the responsibility for enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 5. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change only references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 658.

AN ACT relating to criminal procedure; revising provisions relating to pretrial release hearings; authorizing a court to impose additional conditions

of release on a person under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law requires a court to hold a pretrial release hearing to determine the custody status of a person within 48 hours after the person has been taken into custody. However, existing law authorizes a court to continue such a pretrial release hearing if good cause is shown by a party. (NRS 178.4849) **Section ~~[1]~~ 1.2** of this bill instead authorizes the court to continue a pretrial release hearing: (1) at the request of either party or the court and for good cause shown; or (2) upon stipulation of the parties. **Section ~~[1]~~ 1.2** also **: (1)** prescribes certain requirements relating to the scheduling of a pretrial release hearing continued by the court **~~[.]~~ ; (2) authorizes the prosecuting attorney, the defendant and the defendant's attorney to appear at a pretrial release hearing by any means of remote communication; and (3) authorizes a magistrate who presides over a pretrial release hearing to do so by means of remote communication.**

Section 1 of this bill authorizes a district attorney and any attorney employed by a district attorney to prosecute a person in a county other than the county by which the district attorney is employed for the limited purpose of conducting a pretrial release hearing. Section 1 also provides that a public defender and the State Public Defender may, pursuant to an interlocal agreement, authorize the public defender, State Public Defender or any other attorney employed by the public defender or State Public Defender to provide for the representation of a defendant in a pretrial release hearing in any county. Finally, section 1 authorizes: (1) a district attorney, assistant district attorney, deputy district attorney or other attorney employed by a district attorney to receive a stipend for being available on a weekend or holiday to serve as the prosecuting attorney in a pretrial release hearing or for serving as the prosecuting attorney in any such pretrial release hearing conducted on a weekend or holiday; and (2) a public defender, the State Public Defender or any other attorney employed by the public defender or State Public Defender to receive a stipend for being available on a weekend or holiday to represent a defendant in a pretrial release hearing or for representing a defendant in any such pretrial release hearing conducted on a weekend or holiday.

Existing law provides that, with certain exceptions, in criminal cases the jurisdiction of a justice of the peace extends to the limits of the county of the justice of the peace. (NRS 4.370) Section 1.7 of this bill authorizes a justice of the peace, pursuant to an interlocal agreement, to conduct a pretrial release hearing in a municipal court.

Existing law sets forth the powers and duties of municipal courts. (NRS 5.050) Section 1.9 of this bill authorizes a municipal judge, pursuant to an interlocal agreement, to conduct a pretrial release hearing in a justice court.

Existing law provides that a court may only impose bail or a condition of release, or both, on a person if the imposition is the least restrictive means necessary to protect the safety of the community or to ensure the appearance of the person in court. Under existing law, if a person fails to comply with a condition of release imposed by the court, the court may, after providing the person with notice and an opportunity for a hearing: (1) deem such conduct contempt; (2) increase the amount of bail; or (3) revoke bail and remand the person into custody. (NRS 178.4851) **Section 1.5** of this bill authorizes the court to impose on a person who fails to comply with a condition of release such additional conditions of release as the court deems necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:**

Notwithstanding any other provision of law:

1. A district attorney, assistant district attorney, deputy district attorney or other attorney employed by a district attorney may:

(a) Be deputized to prosecute a person in a county other than the county by which the attorney is employed for the limited purpose of serving as the prosecuting attorney in a pretrial release hearing required by NRS 178.4849. An assistant district attorney, deputy district attorney or other attorney employed by a district attorney must receive the approval of the district attorney of the county in which the attorney is employed before serving as the prosecuting attorney in a pretrial release hearing in a county other than the county by which the attorney is employed.

(b) Receive a stipend for being available on a weekend or holiday to serve as the prosecuting attorney in a pretrial release hearing required by NRS 178.4849 or for serving as the prosecuting attorney in any such pretrial release hearing conducted on a weekend or holiday.

2. A public defender and the State Public Defender may, pursuant to an interlocal agreement, authorize the public defender, State Public Defender or any other attorney employed by the public defender or State Public Defender to provide for the representation of a defendant in a pretrial release hearing required by NRS 178.4849 in any county.

3. A public defender, the State Public Defender or any other attorney employed by the public defender or State Public Defender may receive a stipend for being available on a weekend or holiday to represent a defendant in a pretrial release hearing required by NRS 178.4849 or for representing a defendant in any such pretrial release hearing conducted on a weekend or holiday.

~~[Section 1.]~~ ***Sec. 1.2.*** NRS 178.4849 is hereby amended to read as follows:

178.4849 1. Except as otherwise provided in ~~[this section]~~ ***subsection 2*** and NRS 178.484 and 178.4847, a court shall, within 48 hours after a person has been taken into custody, hold a pretrial release hearing, in open court or by means of remote communication, to determine the custody status of the person.

2. The ***court may continue a*** pretrial release hearing ~~[may be continued]~~ ***:***

(a) At the request of either party or the court and for good cause shown. ~~*[A pretrial release hearing so continued must be placed on the next regularly scheduled calendar of the court.]*~~

(b) Upon stipulation of the parties. The court shall schedule a hearing continued pursuant to this paragraph for the date specified by stipulation.

3. A stipulation made pursuant to subsection 2 may be:

(a) An oral stipulation; or

(b) A written stipulation communicated by mail, by electronic mail, via the Internet or by other electronic means.

~~[2.]~~ ***4. The prosecuting attorney, the defendant and the defendant's attorney may appear at a pretrial release hearing by means of remote communication. An appearance by means of remote communication must be treated in the same manner as an appearance in person.***

5. A magistrate who presides over a pretrial release hearing may do so by means of remote communication.

6. As used in this section ~~[, "remote]~~ ***:***

(a) "Magistrate" means a judicial officer who presides over a pretrial release hearing.

(b) "Remote communication" means communication through telephone or videoconferencing.

Sec. 1.5. NRS 178.4851 is hereby amended to read as follows:

178.4851 1. Except as otherwise provided in subsection 4, the court shall only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498. Such conditions of release may include, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area;

(d) Prohibiting the person from possessing a firearm during the pendency of the case; or

(e) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety **,** or welfare, or the health, safety **,** or welfare of another person.

2. A prosecuting attorney may request that a court impose bail or a condition of release, or both, on a person. If the request includes the imposition of bail, the prosecuting attorney must prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498.

3. If a court imposes bail or any condition of release, or both, other than release on recognizance with no other conditions of release, the court shall make findings of fact for such a determination and state its reasoning on the record, and, if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release constitutes the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at the times and places ordered by the court.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. The person must sign a document before the person's release stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the safety of the community or the person's appearance, if applicable.

6. The document signed pursuant to subsection 5 must be filed with the clerk of the court of competent jurisdiction and becomes effective upon the signature of the person to be released.

7. If a person fails to comply with a condition of release imposed pursuant to this section, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010;

(b) ***Impose such additional conditions of release as the court deems necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court;***

(c) Increase the amount of bail pursuant to NRS 178.499, if applicable; or

~~[(c)]~~ ***(d)*** Revoke bail and remand the person into custody.

8. If a person fails to appear as ordered by the court and a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

9. An order issued pursuant to this section that imposes a condition on a person must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.

10. Nothing in this section shall be construed to require a court to receive the request of a prosecuting attorney before imposing a condition of release.

Sec. 1.7. **NRS 4.370 is hereby amended to read as follows:**

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault

where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing ~~[for]~~ **:**

(a) For a person located outside of the township of the justice of the peace.

(b) Pursuant to an interlocal agreement, in a municipal court.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 1.9. **NRS 5.050 is hereby amended to read as follows:**

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the municipal court has not established a

program pursuant to NRS 176A.280, to a program established pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:

(a) Within the jurisdiction of the municipal court; and

(b) Required by the United States Constitution, the Nevada Constitution or statute.

6. A municipal judge may, pursuant to an interlocal agreement, conduct a pretrial release hearing in a justice court.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 280.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 651.

AN ACT relating to health care; requiring a hospital to provide for the insertion **or injection** of certain long-acting reversible contraception if requested by a patient giving birth at a hospital; limiting the amount a hospital

or provider of health care may require an insurer to pay for long-acting reversible contraception under such circumstances; prohibiting an insurer from refusing to cover **a contraceptive injection or** the insertion of certain contraceptive devices at a hospital immediately after an insured gives birth; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements governing the operation of hospitals and other medical facilities. (NRS 449.029-449.2488) **Section 1** of this bill requires a hospital, upon the request of a patient giving birth at the hospital, to provide for the insertion **or injection** of long-acting reversible contraception unless: (1) the contraception is contraindicated for the patient; (2) a physician, physician assistant or advanced practice registered nurse determines that inserting **or injecting** the contraception would create an unreasonable risk of harm to the patient; or (3) the hospital is a religiously affiliated institution that objects to the insertion **or injection** of such contraception on religious grounds. **Section 1** requires a religiously affiliated hospital that objects to the insertion **or injection** of such contraception on religious grounds to notify maternity patients of that objection. **Section 1** also prohibits a hospital from requiring a provider of health care who objects to the insertion **or injection** of such contraception on religious grounds to participate in the insertion **or injection** of such contraception. **Section 1** requires such a provider at a hospital to refer a patient who requests the insertion **or injection** of such contraception to a provider who is willing to provide that service. **Section 1** restricts the amount that a provider of health care or hospital is authorized to require a third party insurer to pay for such contraception, the insertion **or injection** of such contraception or testing associated with such contraception. **Sections 2-7 and 9** of this bill make conforming changes to provide for the administration and enforcement of the requirements of **section 1** in the same manner as other requirements imposed by existing law on medical facilities.

Existing law requires certain public and private insurers, including, without limitation, Medicaid, to cover certain types of contraception, including certain implantable rods and intrauterine contraceptive devices. (NRS 287.010, 287.04335, 422.27172, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) **Sections 8 and 10-16** of this bill prohibit such an insurer from refusing to cover the insertion of such a device **or a contraceptive injection** at a hospital immediately after an insured gives birth.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if a patient giving birth at a hospital requests the insertion or injection of long-acting reversible

contraception, the hospital shall provide for the insertion or injection of the long-acting reversible contraception immediately after the birth unless:

(a) The use of the long-acting reversible contraception is contraindicated for the patient; or

(b) A physician, physician assistant or advanced practice registered nurse determines that inserting or injecting the long-acting reversible contraception would create an unreasonable risk of harm to the patient.

2. A hospital that is affiliated with a religious organization is not required to provide the service described in subsection 1 if the hospital objects on religious grounds. Before scheduling a patient for maternity care or, if such scheduling does not occur, upon admitting a patient to the hospital for maternity care, the hospital shall provide to the patient written notice that the hospital refuses to provide the service required by subsection 1.

3. A hospital shall not require a provider of health care who objects to the service described in subsection 1 on religious grounds to participate in the provision of that service. If such a provider of health care at a hospital, other than a hospital described in subsection 2, receives a request for that service, the provider shall refer the patient to a provider of health care who is willing to provide the service.

4. A hospital or provider of health care may not require a third party to pay more for:

(a) Long-acting reversible contraception inserted or injected pursuant to subsection 1 than the lowest rate prescribed in a contract between the third party and a hospital or a provider of the same type as the provider of health care, as applicable, for the same type of long-acting reversible contraception.

(b) The insertion or injection of long-acting reversible contraception pursuant to subsection 1 than the lowest rate prescribed in a contract between the third party and a hospital or a provider of the same type as the provider of health care, as applicable, for insertion or injection of the same type of long-acting reversible contraception.

(c) Any testing associated with the insertion or injection of long-acting reversible contraception pursuant to subsection 1 than the lowest rate prescribed in a contract between the third party and a hospital or a provider of health care of the same type as the provider of health care, as applicable, for the same test.

5. As used in this section:

(a) "Long-acting reversible contraception" means a method of contraception that requires administration less than once per month, including, without limitation:

(1) An intrauterine device; ~~[and]~~

(2) A contraceptive implant ~~[.]~~ ; and

(3) An injectable contraceptive.

(b) "Third party" means:

(1) An insurer, as that term is defined in NRS 679B.540;

(2) A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for prescription drugs;

(3) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or

(4) Any other insurer or organization that provides health coverage or benefits in accordance with state or federal law.

Sec. 2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 4. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 5. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and section 1 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1 of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 6. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1***

of this act or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1 of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 7. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 8. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion or removal of a device for contraception ~~[;]~~ ***, including, without limitation, the insertion of such a device at a hospital immediately after a person gives birth;***

(e) ***A contraceptive injection, including, without limitation, such an injection immediately after a person gives birth;***

(f) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

~~[(f)]~~ ***(g)*** Management of side effects relating to contraception; and

~~[(g)]~~ ***(h)*** Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 9. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act,*** as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 10. NRS 689A.0418 is hereby amended to read as follows:

689A.0418 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 8, 9 and 11, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2022,~~]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not ~~[~~use~~]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 11. NRS 689B.0378 is hereby amended to read as follows:

689B.0378 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2022,~~]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 11 at a hospital immediately after an insured gives birth.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 12. NRS 689C.1676 is hereby amended to read as follows:

689C.1676 1. Except as otherwise provided in subsection 7, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

4. Except as otherwise provided in subsections 8, 9 and 11, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2022,~~]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 13. NRS 695A.1865 is hereby amended to read as follows:

695A.1865 1. Except as otherwise provided in subsection 7, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

4. Except as otherwise provided in subsections 8, 9 and 11, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2022,~~]~~ ***2024,*** has the legal effect of including

the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 14. NRS 695B.1919 is hereby amended to read as follows:

695B.1919 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2022,~~]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide

the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 11 at a hospital immediately after an insured gives birth.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 695C.1696 is hereby amended to read as follows:

695C.1696 1. Except as otherwise provided in subsection 7, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

4. Except as otherwise provided in subsections 9, 10 and 12, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2022,~~]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

8. If a health maintenance organization refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the

frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 11 at a hospital immediately after an enrollee gives birth.

14. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 16. NRS 695G.1715 is hereby amended to read as follows:

695G.1715 1. Except as otherwise provided in subsection 7, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) Self-administered hormonal contraceptives dispenses by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

4. Except as otherwise provided in subsections 8, 9 and 11, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2022,~~]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Refuse to cover a contraceptive injection or the insertion of a device described in paragraph (c), (d) or (e) of subsection 10 at a hospital immediately after an insured gives birth.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7, inclusive, and 9 of this act become effective on October 1, 2023.

3. Sections 8 and 10 to 17, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations or performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 336.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 670.

AN ACT relating to health care; exempting certain conduct of certain practitioners of healing arts practicing within their authorized scope of authority from provisions governing certain practitioners of other healing arts; enacting provisions governing the certification and regulation of certified registered nurse anesthetists; authorizing a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a physician, physician assistant, dentist, advanced practice registered nurse, podiatric physician or optometrist to prescribe and dispense controlled substances and dangerous drugs under certain circumstances. (NRS 453.226, 454.215, 639.235) Existing law provides that provisions of existing law governing the practice of physicians, physician assistants, perfusionists and practitioners of respiratory care do not apply to any person permitted to practice any other healing art under title 54 of NRS who does so within the scope of that authority. (NRS 630.047) **Sections 1, 2.2 and 3-5** of this bill provide similar exemptions from provisions governing dentists, nurses, osteopathic physicians and physician assistants, podiatrists and optometrists for practitioners of healing arts who are acting within the scope of their authority. **Section 6** of this bill provides that the provisions of **sections 1, 2.2 and 3-5** apply to any conduct by a practitioner of a healing art before, on or after the effective date of this bill which has not been the subject of a final order from the Board of Dental Examiners of Nevada, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry or the Nevada State Board of Optometry. **Section 6** also requires those boards to terminate any investigation or disciplinary proceedings for conduct that is outside the scope of those boards.

Existing law: (1) provides for the certification of certified registered nurse anesthetists by the State Board of Nursing; and (2) authorizes a certified registered nurse anesthetist to administer anesthetic agents to a person under the care of a licensed physician, dentist or podiatric physician. (NRS 632.014) **Section 2.4** of this bill requires the State Board of Nursing to issue a certificate of registration to practice as a certified registered nurse anesthetist to a registered nurse who meets the requirements prescribed by existing law for such certification and any additional requirements prescribed by the Board.

Section 2.4 also requires the Board to adopt regulations governing certified registered nurse anesthetists.

Existing law authorizes a registered nurse to possess and administer controlled substances and dangerous drugs under certain circumstances. (NRS 453.375, 454.213) **Sections 2.6, 5.1, 5.5 and 5.9** of this bill additionally authorize a certified registered nurse anesthetist **working under the supervision of a physician licensed to practice medicine or osteopathic medicine in this State** to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a person under the care of a licensed physician in a critical access hospital before, during and after surgery or childbirth. **Sections 5.2-5.4 and 5.6-5.85** of this bill make additional changes necessary to authorize a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in such circumstances. A certified registered nurse anesthetist who unlawfully possesses, prescribes or administers a controlled substance, dangerous drug or poison would be subject to discipline and criminal and civil penalties to the same extent as other practitioners who unlawfully possess, prescribe or administer such drugs. (NRS 453.236, 453.305, 453.326, 453.3363, 453.553, 454.170, 454.356)

Section 2.8 of this bill makes a conforming change to remove a provision now duplicated in **section 2.4**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 631.115 is hereby amended to read as follows:

631.115 ***1.*** Except as otherwise provided in subsection 2 of NRS 631.317, this chapter does not apply to:

~~[1.]~~ ***(a)*** A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

~~[2.]~~ ***(b)*** A dentist, dental hygienist or dental therapist of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Any person permitted to practice any other healing art under this title who does so within the scope of that authority.

2. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.

Sec. 2. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as section 2.2, 2.4 and 2.6 of this act.

Sec. 2.2. ***1. Except as otherwise provided in NRS 632.472, this chapter does not apply to any person permitted to practice any other healing art under this title who does so within the scope of that authority.***

2. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.

Sec. 2.4. ***1. The Board shall issue a certificate of registration to practice as a certified registered nurse anesthetist to an applicant who:***

(a) Has successfully completed a nationally accredited program in the science of anesthesia; and

(b) Meets any additional requirements prescribed by the Board pursuant to subsection 2.

2. The Board shall adopt regulations to carry out the provisions of this section and section 2.6 of this act, including, without limitation, regulations:

(a) Specifying any additional training, education and experience necessary for certification as a certified registered nurse anesthetist;

(b) Delineating the authorized scope of practice of a certified registered nurse anesthetist; and

(c) Establishing the procedure to apply for certification as a certified registered nurse anesthetist.

Sec. 2.6. ***1. A certified registered nurse anesthetist may:***

(a) ~~[Order,]~~ Under the supervision of a physician licensed pursuant to chapter 630 or 633 of NRS, order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician in a critical access hospital in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth.

(b) Possess and administer controlled substances, poisons, dangerous drugs and devices in other circumstances under which a registered nurse is authorized to possess and administer controlled substances, poisons, dangerous drugs and devices.

2. A certified registered nurse anesthetist shall not order or prescribe a controlled substance, poison, dangerous drug or device except as authorized by paragraph (a) of subsection 1.

3. As used in this section, "critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. 1395i-4(e).

Sec. 2.8. NRS 632.014 is hereby amended to read as follows:

632.014 "Certified registered nurse anesthetist" means a registered nurse who ~~[:~~

~~1. Has completed a nationally accredited program in the science of anesthesia; and~~

~~2. Is]~~ ***is*** certified by the Board ***pursuant to section 2.4 of this act*** to administer anesthetic agents to a person under the care of a licensed physician, a licensed dentist or a licensed podiatric physician.

Sec. 3. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program.

(f) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

(g) Any person permitted to practice any other healing art under this title who does so within the scope of that authority.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 4. NRS 635.015 is hereby amended to read as follows:

635.015 1. This chapter does not apply:

(a) To commissioned surgeons of the United States Army, Navy or Marine Hospital Service in the actual performance of their official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(b) To physicians licensed in the State of Nevada.

(c) To any person permitted to practice any other healing art under this title who does so within the scope of that authority.

2. This chapter does not prohibit the manufacture, recommendation, advertisement, demonstration or sale of arch-support shoes, foot appliances or remedies by retail dealers.

3. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.

Sec. 5. NRS 636.027 is hereby amended to read as follows:

636.027 This chapter:

1. Applies to any person who is licensed to practice optometry pursuant to this chapter and any other person engaged in the practice of optometry in this State.

2. Must not be construed to apply to ~~[~~physicians~~]~~ ***:***

(a) Physicians and surgeons duly licensed to practice in this State.

(b) Any person permitted to practice any other healing art under this title who does so within the scope of that authority.

3. As used in this section, "healing art" has the meaning ascribed to it in NRS 630.0122.

Sec. 5.1. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

7. A certified registered nurse anesthetist ~~[when he or she]~~ who orders, prescribes, possesses or administers controlled substances, poisons, dangerous drugs or devices ~~[under the conditions prescribed by paragraph (a) of subsection 1 of]~~ in accordance with section 2.6 of this act.

Sec. 5.2. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

"Certified registered nurse anesthetist" has the meaning ascribed to it in NRS 632.014.

Sec. 5.25. NRS 453.016 is hereby amended to read as follows:

453.016 As used in this chapter, the words and terms defined in NRS 453.021 to 453.141, inclusive, ***and section 5.2 of this act*** have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.

Sec. 5.3. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced practice registered nurse, ***certified registered nurse anesthetist,*** dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse, ***certified registered nurse anesthetist,*** dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 5.4. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced practice registered nurse ***, certified registered nurse anesthetist*** or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 5.5. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

8. A certified registered nurse anesthetist ~~[when he or she]~~ who orders, prescribes, possesses or administers controlled substances ~~[under the conditions prescribed by paragraph (a) of subsection 1 of]~~ in accordance with section 2.6 of this act.

Sec. 5.6. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse ***, certified registered nurse anesthetist*** or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 5.7. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations. A person must present proof that he or she is authorized to access the database of the program established pursuant to NRS 453.162 before the Board may issue or renew a registration.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, ***and section 5.2 of this act*** to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive ~~[:]~~ ***, and section 5.2 of this act:***

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, ***certified registered nurse anesthetist,*** podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 5.75. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse ***, certified registered nurse anesthetist*** or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive ~~.~~ ***, and section 5.2 of this act.***

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity

possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➥ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one

pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 5.8. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced practice registered nurse ***, certified registered nurse anesthetist*** or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced practice registered nurse, ***certified registered nurse anesthetist,*** podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced practice registered nurse, ***certified registered nurse***

anesthetist, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced practice registered nurse, ***certified registered nurse anesthetist,*** podiatric physician or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 5.85. NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced practice registered nurse, ***certified registered nurse anesthetist,*** veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 5.9. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A certified registered nurse anesthetist ~~[when he or she]~~ who orders, prescribes, possesses or administers poisons, dangerous drugs or devices ~~[under the conditions prescribed by paragraph (a) of subsection 1 of]~~ in accordance with section 2.6 of this act.

Sec. 6. 1. The provisions of NRS 631.115, 633.171, 635.015 and 636.027, as amended by sections 1, 3, 4 and 5 of this act, respectively, and section 2.2 of this act apply to any conduct that:

(a) Occurred before, on or after the effective date of this ~~[act,]~~ **section;** and

(b) Has not been the subject of a final order of a regulatory body.

2. A regulatory body shall terminate any investigation or disciplinary proceedings:

(a) Against a person permitted to practice any healing art under title 54 of NRS for conduct outside the scope of the regulatory body; or

(b) Which are otherwise inconsistent with the amendatory provisions of this act.

3. As used in this section:

(a) "Healing art" has the meaning ascribed to it in NRS 630.0122.

(b) "Regulatory body" means the Board of Dental Examiners of Nevada, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry and the Nevada State Board of Optometry.

Sec. 7. 1. This section and sections 1, 2, 2.2, 3, 4 **, ~~[and]~~** 5 **and 6** of this act become effective upon passage and approval.

2. Sections 2.4, 2.6, 2.8 and 5.1 to 5.9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 92.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 720.

AN ACT relating to sidewalk vendors; establishing certain requirements for the regulation of sidewalk vendors by the governing body of certain counties and cities; requiring a local board of health to adopt certain regulations relating to sidewalk vendors who sell food; creating the Task Force on Safe Sidewalk Vending; setting forth the membership and duties of the Task Force on Safe Sidewalk Vending; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants a governing body of a county or city all powers necessary and proper to address matters of local concern. (NRS 244.146, 268.0035) **Sections 1-11 and 15-24.5** of this bill set forth various requirements for the licensing and regulation of sidewalk vendors of food by the governing body of certain counties and cities.

Sections 2 and 16 of this bill provide that the provisions of **sections 1-10 and 15-25** of this bill apply only to a county whose population is 100,000 or more (currently Clark and Washoe Counties) or to a city in a county whose population is 100,000 or more.

Sections 3 and 17 of this bill define the term "sidewalk vendor."

Sections 7 and 21 of this bill: (1) authorize a governing body of a county or city to adopt an ordinance regulating sidewalk vendors; and (2) require the governing body of a county or city that adopts such an ordinance to post on its Internet website a map of the areas where a person may engage in the act of sidewalk vending. **Sections 7 and 21** also prohibit a governing body of a county or city from, with certain exceptions: (1) enforcing or enacting a complete prohibition on sidewalk vending; (2) imposing criminal penalties for the act of sidewalk vending in a residential area; or (3) regulating sidewalk vendors, except in compliance or substantial compliance with the provisions of this bill.

Sections 7.5 and 21.5 of this bill prohibit a person, with certain exceptions, from selling food **, beverages** or merchandise upon a public sidewalk or pedestrian path from a conveyance within 1,500 feet of: (1) a resort hotel; (2) certain event facilities; (3) certain convention facilities; and (4) a median of a highway, if the median is adjacent to a parking lot. **Sections 7.5 and 21.5** authorize, with certain exceptions, a person to sell food **, beverages** or merchandise within 1,500 feet of such a location if the area is zoned exclusively for residential use.

Sections 8 and 22 of this bill authorize a governing body of a county or city to require that a sidewalk vendor: (1) hold certain state and local permits or licenses; and (2) submit certain information to the county or city.

Sections 9 and 23 of this bill provide that an ordinance adopted by a governing body of a county or city may, with certain exceptions, impose additional requirements regulating the time, place and manner of sidewalk vending.

Sections 10 and 24 of this bill authorize a governing body of a county or city to impose by ordinance certain penalties and fines for a violation of the provisions of the ordinance regulating sidewalk vendors or for operating without any required license or permit for sidewalk vendors.

Sections 10.5 and 24.5 of this bill provide that the provisions of this bill governing the regulation of sidewalk vendors by a governing body of a county or city shall not be construed to: (1) exempt a person from complying with any state or local law or regulation; (2) provide a defense to any criminal act that is not related to the act of sidewalk vending; or (3) affect certain rights of a

private property owner to use or authorize or limit the use of a privately owned sidewalk.

Section 11 of this bill makes a conforming change to create an exception to the authority of a board of county commissioners to regulate all character of lawful trades, callings, industries, occupations, professions and business.

Existing law authorizes a local board of health to adopt regulations relating to food establishments. (NRS 446.940) **Section 25** of this bill requires a local board of health to adopt regulations to establish a process for a person to apply for a permit, license or other authorization from the local board of health to operate as a sidewalk vendor and that allow a person applying for any such authorization to operate as a sidewalk vendor to: (1) pay any fees required by the local board of health using a payment plan; and (2) obtain any necessary certification as a food handler if the person does not have a driver's license or identification card.

Section 13 of this bill creates the Task Force on Safe Sidewalk Vending in the Office of the Secretary of State and requires the Secretary of State to appoint nine members to the Task Force. **Section 14** of this bill requires the Task Force to review existing laws governing sidewalk vending and recommend approaches to improve the laws of this State and cities and counties of this State governing sidewalk vending.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10.5, inclusive, of this act.

Sec. 2. ***The provisions of sections 2 to 10.5, inclusive, of this act apply only to a county whose population is 100,000 or more.***

Sec. 3. ***As used in sections 2 to 10.5, inclusive, of this act, unless the context otherwise requires, "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes, without limitation, a nonstationary sidewalk vendor and a stationary sidewalk vendor.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. ***1. A board of county commissioners may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of sections 2 to 10.5, inclusive, of this act.***

2. Except as otherwise provided in sections 2 to 10.5, inclusive, of this act, a board of county commissioners shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

3. A board of county commissioners that does not adopt an ordinance that complies or substantially complies with sections 2 to 10.5, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of sections 2 to 10.5, inclusive, of this act.

4. If a board of county commissioners adopts an ordinance pursuant to this section, the board of county commissioners shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 7.5. *1. Except as otherwise provided in subsection 4, a person shall not sell food , beverages or merchandise upon a public sidewalk or pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:*

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A median of a highway, if the median is adjacent to a parking lot.

2. For any violation of subsection 1, a board of county commissioners may impose a criminal, civil or administrative penalty in accordance with an ordinance adopted by the board of county commissioners pursuant to section 7 of this act. The maximum criminal penalty that may be specified in an ordinance adopted pursuant to section 7 of this act is a misdemeanor. A violation of subsection 1 or such an ordinance does not constitute a crime of moral turpitude.

3. Nothing in this section authorizes a person to sell merchandise 1,500 feet or more from:

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A median of a highway that is adjacent to a parking lot.

4. A person may sell food , beverages or merchandise within 1,500 feet of a location described in subsection 1 if the conveyance from which the person is selling food , beverages or merchandise is located in an area which is zoned exclusively for residential use, unless the area is on a public sidewalk or pedestrian path that is immediately adjacent to a location described in subsection 1.

Sec. 8. *An ordinance adopted by a board of county commissioners regulating sidewalk vendors pursuant to section 7 of this act may require that a sidewalk vendor:*

1. Hold:

(a) A permit or license for sidewalk vending;

(b) A state business license; and

(c) Any other licenses issued by a state or local governmental agency to the extent otherwise required by law.

➥ *Nothing in this section shall be construed to authorize a sidewalk vendor to not comply with any requirement to obtain a state business license or other license issued by a state agency or any permit or license issued by a local government, agency or board of health to the extent otherwise required by law.*

2. Submit information to the designated representative of the county relating to his or her operations, including, without limitation:

(a) The name and current mailing address of the sidewalk vendor;

(b) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;

(c) A description of the food offered for sale; and

(d) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true.

Sec. 9. *1. In addition to the provisions of section 8 of this act, an ordinance adopted by a board of county commissioners that regulates sidewalk vendors may:*

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to section 25 of this act.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 244.337 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the board of county commissioners, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors

pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the board of county commissioners of:

(I) Except as otherwise provided in section 7.5 of this act, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or park or recreational facility owned by the county; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a county that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 10. ***1. In accordance with an ordinance adopted pursuant to sections 2 to 10.5, inclusive, of this act, a board of county commissioners or its designee may:***

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to section 25 of this act.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a board of county commissioners or its designee may

also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to section 7.5 of this act.

Sec. 10.5. ***The provisions of sections 2 to 10.5, inclusive, of this act shall not be construed to:***

1. Exempt a person from complying with any state or local law or regulation;

2. Provide a defense to any criminal charge unrelated to the act of sidewalk vending; or

3. Affect the rights of a private property owner to use or authorize or limit the use of a sidewalk that is owned by the private property owner, including, without limitation, a privately owned sidewalk that is subject to an easement for public access.

Sec. 11. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3, 4 and 9, and NRS 244.33501, 244.35253, 244.3535 and 244.35351 to 244.35359, inclusive, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, ***and sections 2 to 10.5, inclusive, of this act,*** regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is

so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

9. Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to NRS 678B.645, a board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business, other than a cannabis consumption lounge, as defined in NRS 678A.087, in accordance with the provisions of chapter 678B of NRS.

Sec. 12. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***1. The Task Force on Safe Sidewalk Vending is hereby created within the Office of the Secretary of State.***

2. The Task Force consists of the following nine members appointed by the Secretary of State:

(a) A representative of a health district in a county whose population is 100,000 or more;

(b) A representative employed by a county or city whose primary duties are the performance of tasks related to business licensing;

(c) A representative of the gaming or restaurant industries in this State;

(d) A representative from a law enforcement agency in a county whose population is 100,000 or more;

(e) A representative from the Office of the Secretary of State; and

(f) Four members at large chosen by the Secretary of State, with priority given to persons who are sidewalk vendors or are affiliated with a community organization that represents and affiliates with sidewalk vendors.

3. The members of the Task Force:

(a) Shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

(b) Serve without compensation.

4. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.

5. To support the activities of the Task Force, the Secretary of State may establish an advisory board composed of representatives of counties, cities and businesses, including, without limitation, a member of a health department or health district.

6. The Task Force may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties of the Task Force.

Sec. 14. ***1. The Task Force on Safe Sidewalk Vending created by section 13 of this act shall:***

(a) Review the existing laws of this State, the cities and counties in this State and those of other states and municipalities relating to sidewalk vending; and

(b) Recommend approaches to improve the laws of this State and the cities and counties of this State to:

(1) Legalize sidewalk vending;

(2) Simplify and standardize the laws governing sidewalk vending;

(3) Remove unnecessary barriers to sidewalk vending;

(4) Protect the public health, safety and welfare by ensuring sidewalk vendors follow clear and narrowly tailored laws which address demonstrable health, safety and welfare risks; and

(5) Develop enforcement mechanisms, including, without limitation, civil penalties for sidewalk vendors that operate in authorized areas.

2. On or before September 1 of each even-numbered year, the Task Force shall submit to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission a written report. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation and regulations.

Sec. 15. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 24.5, inclusive, of this act.

Sec. 16. ***The provisions of sections 16 to 24.5, inclusive, of this act apply only to a city in a county whose population is 100,000 or more.***

Sec. 17. ***As used in sections 16 to 24.5, inclusive, of this act, unless the context otherwise requires, "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes, without limitation, a nonstationary sidewalk vendor and a stationary sidewalk vendor.***

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. *1. A city council or other governing body of an incorporated city may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of sections 16 to 24.5, inclusive, of this act.*

2. Except as otherwise provided in sections 16 to 24.5, inclusive, of this act, a city council or other governing body of an incorporated city shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

3. A city council or other governing body of an incorporated city that does not adopt an ordinance that complies or substantially complies with sections 16 to 24.5, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of sections 16 to 24.5, inclusive, of this act.

4. If a city council or other governing body of an incorporated city adopts an ordinance pursuant to this section, the city council or other governing body shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 21.5. *1. Except as otherwise provided in subsection 4, a person shall not sell food , beverages or merchandise upon a public sidewalk or pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:*

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A median of a highway, if the median is adjacent to a parking lot.

2. For any violation of subsection 1, a city council or other governing body of an incorporated city may impose a criminal, civil or administrative penalty in accordance with an ordinance adopted by the city council or other governing body of an incorporated city pursuant to section 21 of this act. The maximum criminal penalty that may be specified in an ordinance adopted pursuant to section 21 of this act is a misdemeanor. A violation of subsection 1 or such an ordinance does not constitute a crime of moral turpitude.

3. Nothing in this section authorizes a person to sell merchandise 1,500 feet or more from:

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A median of a highway that is adjacent to a parking lot.

4. A person may sell food , beverages or merchandise within 1,500 feet of a location described in subsection 1 if the conveyance from which the person is selling food , beverages or merchandise is located in an area which is zoned exclusively for residential use, unless the area is on a public sidewalk or pedestrian path that is immediately adjacent to a location described in subsection 1.

Sec. 22. *An ordinance adopted by a city council or other governing body of an incorporated city regulating sidewalk vendors pursuant to section 21 of this act may require that a sidewalk vendor:*

1. Hold:

(a) A permit or license for sidewalk vending;

(b) A state business license; and

(c) Any other licenses issued by a state or local governmental agency to the extent otherwise required by law.

➥ Nothing in this section shall be construed to authorize a sidewalk vendor to not comply with any requirement to obtain a state business license or other license issued by a state agency or any permit or license issued by a local government, agency or board of health to the extent otherwise required by law.

2. Submit information to the designated representative of the city relating to his or her operations, including, without limitation:

(a) The name and current mailing address of the sidewalk vendor;

(b) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;

(c) A description of the food offered for sale; and

(d) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true.

Sec. 23. *1. In addition to the provisions of section 22 of this act, an ordinance adopted by a city council or other governing body of an incorporated city that regulates sidewalk vendors may:*

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to section 25 of this act.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 268.092 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the city council or other governing body of an incorporated city, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the city council or other governing body of an incorporated city of:

(I) Except as otherwise provided in section 21.5 of this act, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or a park or recreational facility owned by the city; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a city that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 24. *1. In accordance with an ordinance adopted pursuant to sections 16 to 24.5, inclusive, of this act, a city council or other governing body of an incorporated city, or a designee of the city council or other governing body, may:*

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to section 25 of this act.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a city council or other governing body of an incorporated city, or a designee of the city council or other governing body, may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to section 21.5 of this act.

Sec. 24.5. ***The provisions of sections 16 to 24.5, inclusive, of this act, shall not be construed to:***

1. Exempt a person from complying with any state or local law or regulation;

2. Provide a defense to any criminal charge unrelated to the act of sidewalk vending; or

3. Affect the rights of a private property owner to use or authorize or limit the use of a sidewalk that is owned by the private property owner, including, without limitation, a privately owned sidewalk that is subject to an easement for public access.

Sec. 25. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local board of health in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more shall adopt regulations pursuant to NRS 446.940 regulating sidewalk vendors of food which must, without limitation:

(a) Establish a process for a person to apply to the local board of health for a permit, license or other authorization to operate as a sidewalk vendor;

(b) Provide for a person applying for a permit, license or other authorization for sidewalk vending to pay any fees required by the local board of health using a payment plan;

(c) Establish procedures for a person seeking to operate as a sidewalk vendor who does not have a drivers' license or identification card issued by this State or another State, the District of Columbia or any territory of the United States to obtain any certification required by the local board of health as a food handler; and

(d) Include any other regulation determined to be necessary by the Task Force on Safe Sidewalk Vending pursuant to section 14 of this act.

2. As used in this section, "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart,

wagon, showcase or rack. The term includes a nonstationary sidewalk vendor and a stationary sidewalk vendor.

Sec. 26. Any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

Sec. 26.5. Each local board of health in a county whose population is 100,000 or more and local board of health of a city in a county whose population is 100,000 or more shall adopt the regulations required by section 25 of this act on or before December 31, 2025.

Sec. 27. (Deleted by amendment.)

Sec. 27.5. The amendatory provisions of this section and sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act are not severable. If any provision of this section or sections 2 to 11, inclusive, or 16 to 26.5, inclusive, of this act, or any application thereof to any person, thing or circumstance is held invalid, the other provisions of this section and sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act become ineffective.

Sec. 28. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 29. 1. This section and sections 26.5 to 28, inclusive, of this act become effective upon passage and approval.

2. Sections 12, 13 and 14 of this act become effective:

(a) Upon passage and approval for the purpose of appointing members of the Task Force on Safe Sidewalk Vending and performing any other preparatory administrative tasks that are necessary to carry out the provisions of sections 12, 13 and 14 of this act; and

(b) On January 1, 2024, for all other purposes.

3. Sections 7.5, 21.5 and 26 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 15, 2023, for all other purposes.

4. Sections 1 to 7, inclusive, 8, 10, 11, 15 to 22, inclusive, 24, 24.5 and 25 of this act become effective on January 1, 2024.

5. Sections 9 and 23 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 463.

Bill read third time.

Roll call on Assembly Bill No. 463:

YEAS—42.

NAYS—None.

Assembly Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 520.

Bill read third time.

Remarks by Assemblymen Monroe-Moreno, C.H. Miller, Brown-May, Kasama, and Anderson.

ASSEMBLYWOMAN MONROE-MORENO:

The General Fund appropriations included in the General Appropriations Act total $3,453,793,513 in FY [Fiscal Year] 2024 and $3,588,282,593 in FY 2025, or $7.042 billion over the 2023-2025 biennium, an increase of approximately $1.026 billion when compared to General Fund appropriations approved by the 2021 Legislature for the 2021-2023 biennium. The Act includes Highway Fund appropriations totaling $167,536,452 in FY 2024 and $168,606,045 in FY 2025, or $336.1 million over the 2023-2025 biennium, an increase of approximately $30.8 million from the previous biennium.

For the Judicial Department's budgets, the Executive Budget included $23.3 million in court administrative assessment revenue over the 2023-2025 biennium. In closing the budgets for the Judicial Department, the money committees approved replacing all court administrative assessment revenue in Judicial Department budgets with direct General Fund appropriations. Through the replacement of that revenue source, the money committees approved total General Fund appropriations of $5.7 million over the 2023-2025 biennium to fund 30 new positions for the Judicial Department and also approved the consolidation of all nonelected positions within the Judicial Department, excluding the Commission on Judicial Discipline, into one new budget account and to allow the Supreme Court to employ such persons as it deems necessary, with salaries and benefits determined by the Supreme Court within the limits of legislative appropriations for that purpose.

The money committees approved one-time General Fund appropriations of $2.4 million over the 2023-2025 biennium to fund the replacement of the Supreme Court's legacy case management system for the appellate court, $1.3 million over the 2023-2025 biennium to implement a statewide digital evidence management system, and $1.4 million in FY 2024 to build a hybrid training facility within existing space in the Carson City Supreme Court building.

Funding for public schools and K-12 education was considered separately in the K-12 Education Funding Bill, which contains funding for the Pupil-Centered Funding Plan and other programs related to K-12 education.

In closing the Department of Education budgets, the money committees approved General Fund support totaling $119.1 million over the 2023-2025 biennium, which includes $34.5 million to fund the administration of statewide assessments. The money committees approved total General Fund appropriations of $22.3 million in FY 2024 and $24.8 million in FY 2025 for subgrants to entities participating in the State Pre-K program; General Fund appropriations of $1 million over the 2023-2025 biennium for a new school improvement program for Nevada's lowest-performing schools; and General Fund appropriations of $2.7 million over the 2023-2025 biennium to fund 11.5 new positions as well as 4 positions previously funded with federal funding.

In closing the budgets of the Nevada System of Higher Education [NSHE], the money committees approved total General Fund appropriations of $1.467 billion over the 2023-2025 biennium. In approving the NSHE budgets, the money committees approved to suspend the funding formula distribution component and allocate General Fund appropriations to each of the instructional institutions using the traditional base, maintenance, and enhancement decision unit model.

In closing the Department of Health and Human Services' Aging and Disability Services Division budgets, the money committees approved General Fund appropriations totaling $514.4 million over the 2023-2025 biennium. Of that amount, the money committees approved

General Fund appropriations of $46.8 million over the 2023-2025 biennium to support caseload growth, waitlist reductions, and associated staffing adjustments for various programs.

In closing the budgets within the Division of Health Care Financing and Policy, the money committees approved General Fund appropriations totaling $2.514 billion over the 2023-2025 biennium. The funding supports projected Medicaid average monthly caseloads of approximately 877,000 in FY 2024 and 858,000 in FY 2025 and projected Check Up average monthly caseload of approximately 23,400 in FY 2024 and 23,400 in FY 2025.

In closing the budgets of the Division of Public and Behavioral Health, the money committees approved total General Fund appropriations of $344.4 million over the 2023-2025 biennium.

The money committees approved total General Fund appropriations of $222.4 million to the Division of Welfare and Supportive Services for the 2023-2025 biennium, including General Fund appropriations of $49.2 million over the biennium to the Temporary Assistance for Needy Families—otherwise known as TANF—budget, primarily to support the TANF cash assistance caseload.

The money committees approved $352.9 million in General Fund appropriations over the 2023-2025 biennium for the support of the Division of Child and Family Services, including $4.9 million in General Fund appropriations to transfer in 22 positions from the Northern Nevada Child and Adolescent Services budget and to fund 56 new positions over the 2023-2025 biennium to staff the Desert Willow Treatment Center.

In closing the budgets for the Department of Corrections, the money committees approved $647.9 million in General Fund appropriations over the 2023-2025 biennium, which would provide housing for an average of 10,223 offenders in FY 2024 and 10,480 offenders in FY 2025.

The money committees approved Highway Fund appropriations of $164.7 million over the 2023-2025 biennium to support the operations of the Department of Motor Vehicles. Included in this amount are Highway Fund appropriations totaling $73 million over the 2023-2025 biennium to continue the Department Transformation Effort project.

In closing the budgets for the Department of Public Safety, the money committees approved $143.8 million in General Fund appropriations and $161.8 million in Highway Fund appropriations over the 2023-2025 biennium.

In closing the budgets for the Division of Parole and Probation, the money committees approved $115.2 million in General Fund appropriations to support the Division over the 2023-2025 biennium.

In closing the Department of Conservation and Natural Resources budgets, the money committees approved General Fund appropriations totaling $88.9 million over the 2023-2025 biennium.

In closing the Public Employees' Benefits Program budgets for the 2023-2025 biennium, the money committees approved General Fund appropriations of $9.8 million in FY 2024 and $10 million in FY 2025 to provide additional annual health savings account and health reimbursement arrangement contributions between $300 and $500 based on a participant's coverage tier. The money committees also approved General Fund appropriations of $2 million in each year of the 2023-2025 biennium that, when combined with the funding provided through the plan and these appropriations, would provide active state employees and retired state employees with life insurance coverage equivalent to pre-COVID-19 pandemic levels.

ASSEMBLYMAN C.H. MILLER:

I rise today in support of Assembly Bill 520. Because of responsible management by the Legislature, we have an opportunity to make an historic investment in Nevada's families and communities.

In this body, we hear a lot about improving mental health services. Well, investing in mental health is not just a talking point for me. Assembly Bill 520 makes it a reality and helps fill the gap in this critical service that so many Nevadans rely on—something this body can do today. By passing Assembly Bill 520, we will be taking action to invest in both Northern and Southern Nevada Adult Mental Health Services—today. It will also address Nevadans' physical health by directing needed funds toward Medicaid and a public health care option—today. These major investments for Nevadans are common sense after making it through a global pandemic that left so many injured and vulnerable.

Dr. King said, "The time is always right to do what is right." The time is now, and I hope you all will join me in doing what is right for Nevadans by supporting Assembly Bill 520.

ASSEMBLYWOMAN BROWN-MAY:

I rise in support of Assembly Bill 520. I am honored to serve as a member of this distinguished body every day, but no more so than today. I have served on the Committee on Ways and Means and have had the good fortune of watching the hard work of all our colleagues who came together to craft this dynamic piece of legislation.

I have heard many say that the bills we bring should reflect our values. I believe this bill does that. It is our responsibility to utilize our record revenues to invest in Nevadans—our health care, our education, our livelihoods— notwithstanding where we live, north, south, rural. All our communities will benefit by the investment—lifelong Nevadans and new citizens, even the newest one on the floor across the hall.

This measure provides record investments for those of us who are all too often left out or forgotten, including our diverse population of people with disabilities. It invests in early intervention supports for our youngest residents and includes special supports for K-12 and special education students as well as adult transition and community supports. This legislation supports all our citizens, including those left in the disability community who are often forgotten. Please join me in supporting this measure. Support Assembly Bill 520.

ASSEMBLYWOMAN KASAMA:

I rise today to speak to Assembly Bill 520. There are so many good programs and appropriations that we do have in this bill. I can assure you that I took notes during the meetings, and I read the bill with the little time that was provided to me. There are differences in the hearings and the final bill that is presented. During the hearings, objections were made to certain areas of expenditures in the bill. There were no negotiations with, or even attempts to work with, the Governor. We support the budget as presented by the Governor. There was truly no attempt at a bipartisan effort to present a fiscally sound budget that promotes the best policies and programs for all Nevadans.

ASSEMBLYWOMAN ANDERSON:

I rise in support of AB 520. There have been many comments made about these historic investments in our communities across our state, and there have been numerous discussions on our committees and numerous decisions that have been made, which is exactly what we were elected to do.

I stand today as an educator, incredibly proud of the fact that this budget allows us to see the individuals who will be helped, including our pre-K students, our students younger than the age of six. As we all know, earlier today I had some guests on the floor, the speech-language pathologists. They gave me a fact: Our brains are 90 percent developed before the age of six. The bill you have in front of you acknowledges that fact with an historic investment of almost $50 million in early childhood learning and development.

In addition to that, the bill recognizes that not only are we investing in our kids before they turn the age of 6, but we are also helping our children after 18—or even after 17 if they decide to take dual credit when they attend our Nevada System of Higher Education institutions. We are recognizing that helping each other can happen not just in our committee meetings and not just in this building, but more importantly, in our classrooms, in our communities, and in our state.

I ask for your support for AB 520.

ASSEMBLYWOMAN MONROE-MORENO:

I know there are a lot of people in the building who are watching the work we are doing. There are a lot of people who are watching us virutally online, and I would like to assure them that as the Chair of the Ways and Means Committee, we not only have committee and subcommittee meetings, but I personally come in every morning between 6:45 and 7 a.m. to meet with my staff, the Governor's staff, and the GFO [Governor's Office of Finance]. So there have been a number of meetings that got us to the point we are at today. There have been a number of conversations we have had to get us to this bill, and there have been a lot of negotiations.

We are not always going to agree on everything, but we do create opportunities to make sure everyone's voices are heard. A lot of the things that are in all of these bills you will be voting on today have the Governor's recommendations included in them. I wanted to get that on the record.

Roll call on Assembly Bill No. 520:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 521.

Bill read third time.

Remarks by Assemblymen Monroe-Moreno, Watts, Peters, Kasama, D'Silva, Dickman, and Jauregui.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 521, otherwise known as the CIP [Capital Improvement Program] bill, provides for the implementation of the 2023 Capital Improvement Program as approved by the money committees. The bill includes funding in the amount of $1.189 billion for the 2023 Capital Improvement Program and $32.3 million for resource conservation and preservation programs of the state outside of the CIP.

The bill includes the following major funding sources to support the 2023 CIP: $672.0 million in general obligation bonds; $422.2 million in General Fund appropriations; $69.9 million in federal funds for the Office of the Military, the Department of Veterans Services, and the Department of Administration projects; $11.5 million in State Highway Funds for Department of Motor Vehicles and Department of Public Safety projects; $5.4 million in agency funds to support the Department of Conservation and Natural Resources and the Department of Administration projects; $5 million in excess funding reallocated from projects approved in prior Capital Improvement Programs; $3 million in slot tax funding from the Special Higher Education Capital Construction Fund.

Assembly Bill 521 provides $830.5 million to support 30 construction projects in the 2023 Capital Improvement Program. Notable construction projects include $105.9 million to fund construction of a new 73,488 square foot full-service Department of Motor Vehicles facility with Commercial Driver's License services on Silverado Ranch Boulevard in Las Vegas; $99.8 million to remodel 86,280 square feet of existing space and construct an addition of rooms for residents at the Southern Nevada State Veterans Home in Boulder City; $158.5 million to construct a 130,000 square foot state office building on the Kinkead Building site in Carson City; $213.9 million to purchase 18 office buildings and a parking garage in Las Vegas providing a total of 835,518 gross square feet of office space for use by state agencies. Of the 18 buildings, 15 buildings are intended for future occupancy by Executive Branch agencies and 3 buildings would be for the future occupancy by the Legislative Branch. The bill also includes $74.5 million for building improvements for the office buildings to be purchased in Las Vegas that are intended for use by Executive Branch agencies.

Assembly Bill 521 provides $258.9 million for 49 various maintenance projects for existing state facilities; $57.1 million for 6 advance planning and design projects; and $42.5 million for 13 statewide projects, including roofing repairs, advance planning for future projects, paving, building official, fire and life safety, and accessibility projects.

Maintenance project funding includes, but is not limited to, approximately $86.9 million for the Department of Corrections for replacement of HVAC [heating, ventilation, and air-conditioning] systems, doors and locks, water and sewer systems, plumbing fixtures, boilers, underground piping replacement, installation of surveillance cameras, and electrical upgrades; $70.4 million to renovate the chilled water plant at the Desert Research Institute and to address deferred maintenance projects for institutions of the Nevada System of Higher Education;

$40 million to address deferred maintenance projects, including central plant renovations, electrical, HVAC systems, rehabilitate historic fence and lighting at the Capitol, and replacement of surveillance cameras, door access controls, and security systems for the Department of Administration; and $37.8 million for the Department of Health and Human Services for replacement of electrical systems, central plant renovations, fire system upgrades, replacement of HVAC systems, installation of security cameras and fencing, and chiller and boiler replacements.

Notable planning projects include $17.6 million for the advance planning for a new Department of Public Safety headquarters building in Carson City; $15.5 million for the advance planning for a new Southern Nevada State Veterans Home in North Las Vegas; and $18.2 million for the advance planning for a new southern Nevada forensic facility in Las Vegas.

Assembly Bill 521 authorizes the issuance of $59.3 million in state general obligation bonds to support three resource protection programs, including $43.3 million for the Conservation Bond Program established through the passage of Assembly Bill 84 of the 2019 Legislative Session, of which $27 million supports CIP Projects 23-C20 and a portion of 23-C12 for the Division of Museums and History; $13 million for the Lake Tahoe Environmental Improvement Program; and $3 million for the Cultural Centers and Historic Preservation Grant Program.

The bill includes a 16.18-cent property tax levy for debt service in each year of the 2023-2025 biennium for general obligation bonds issued to finance the Capital Improvement Program. The bill includes an additional 0.82-cent levy in each year of the 2023-2025 biennium that must be used exclusively for the repayment of bonded indebtedness issued as a result of the approval by the voters of Question 1 on the November 2002 ballot and for bonds to be issued for the Conservation Bond Program established through the passage of Assembly Bill 84 of the 2019 Session. Both programs were approved to protect, preserve, and obtain the benefits of the property and natural resources of the state. The total property tax levy of 17 cents remains unchanged from the levies approved for the 2021-23 biennium. The levies above the historic 15-cent levy, 2 cents, are not subject to the $3.64 local government property tax cap.

Assembly Bill 521 provides General Fund appropriations of $114.2 million and authorizes the issuance of $100 million in state general obligation bonds to support various capital improvement projects in Carson City and in Las Vegas for the Legislative Counsel Bureau. Additionally, the bill clarifies the supervision and control of certain property related to the capitol mall area and legislative parking garage in Carson City as well as property to be acquired in Las Vegas.

Assembly Bill 521 becomes effective upon passage and approval.

ASSEMBLYMAN WATTS:

I rise today in support of Assembly Bill 521. This bill will make significant capital improvements in our state's facilities. One thing that is important to me is the fact that in recent years, the threat of wildfires and the incidence of wildfires have skyrocketed. We have seen the devastation they can wreak on our homes and our communities. As climate change continues to worsen, that threat is only going to continue to grow. Assembly Bill 521 invests nearly $2 million in the Nevada Army National Guard Statewide Fire and Life Safety Program. This program will help Nevada stay ready and prepared to fight the threat posed by fires before they get out of control. It also further invests in conservation programs, natural resources, and protecting some of our beautiful outdoor spaces to keep our state the best place possible to live, work, and raise a family.

Again, for the investments it makes in protecting our natural resources and protecting public safety, I urge my colleagues to join me in supporting Assembly Bill 521.

ASSEMBLYWOMAN PETERS:

I rise today to speak in support of Assembly Bill 521, which will provide much-needed funding for capital improvement projects for government buildings across Nevada. Capital improvements are not to build nicer office spaces or buildings. They result in better government services for the citizens who rely on them. Included in Assembly Bill 521 is funding for the Americans with Disabilities Act statewide assistance fund, Department of Public Safety headquarters, remodeling the Summit View Youth Center, and more.

Nevadans expect and deserve high-quality government services, and Assembly Bill 521 will help deliver them. I hope you will join me in voting for Assembly Bill 521.

ASSEMBLYWOMAN KASAMA:

There are so many great appropriations in our CIP bill, Assembly Bill 521, and we do support many of those appropriations. However, we do have a large issue with the great expansion of the Legislative Counsel Bureau footprint. We are looking at expanding the square footage for the Legislative Counsel Bureau in southern Nevada to a larger square footage than what is currently in Carson City, the capital of the state of Nevada. In addition to that, we see in the bill, but did not hear in the hearings, the transfer of the title to the Legislative Counsel Bureau. I am not aware of that happening in the other branches of government. We see here that the Legislative Counsel Bureau budget for the next biennium has increased to $57.7 million, or 77.8 percent, over the previous biennium. In regard to this particular area in the CIP budget, we cannot support this.

ASSEMBLYMAN D'SILVA:

Today, I am speaking in support of the capital improvement budget, Assembly Bill 521.

As a combat veteran who saw service in Iraq, I feel it is important that the government acknowledge, recognize, and care for those who are prepared to make the ultimate sacrifice. The capital improvement budget will fund much-deserved projects to ensure our veterans are honored and treated with dignity, projects such as remodeling the Southern Nevada State Veterans Home, constructing the North Las Vegas State Veterans Home, expanding the Northern Nevada State Veterans Home, and making improvements to the veterans memorial cemeteries.

Please join me in supporting Assembly Bill 521.

ASSEMBLYWOMAN DICKMAN:

I appreciate the opportunity. I rise in opposition to this bill. There are a lot of things in this bill we are highly supportive of, but there are a number of issues in this bill that do not match up with the Governor's recommendations. For example, section 6 funds over $94 million with general obligation bonds that should be funded with cash. Given the current interest rates and the cost of bonds, this will increase the cost of these projects.

Another issue I have is that there are $214 million in General Fund cash and $100 million in general obligation bonds for LCB [Legislative Counsel Bureau] CIP projects, and there are no specifics in the bill as to the projects or the related costs.

It is clear to me that we need more negotiations; therefore, I will be voting no and urge my colleagues to do the same.

ASSEMBLYWOMAN JAUREGUI:

I rise in support of Assembly Bill 521. We worked very hard over the last four months and even before the legislative session began on a lot of what we see in this bill. A lot of what we see in this bill, including some of the buildings in southern Nevada, was also worked on very closely with the Governor's Office.

Also, I do want to correct some information. There is precedent. The buildings currently are titled to the respective branches. The Legislative Counsel Bureau currently does own the building. The title issues my colleague referenced in the bill simply transfer an existing building that we currently take care of and pay for from the Supreme Court to the Legislative Counsel Bureau.

There is so much good being done in this bill that has been worked on for hours by the committee, the Chair, the Governor's Office, and the GFO [Governor's Finance Office], who all compromised and agreed on things in this bill. I urge all of my colleagues to support Assembly Bill 521.

ASSEMBLYWOMAN MONROE-MORENO:

For further clarification, the 18 buildings that are in Las Vegas were not included in the Governor's recommended budget because he did not, nor did we, know the Director of Administration would find those buildings. So that was not included in the Governor's recommendation.

There were some other things that were included. However, when the Director of Administration found those 18 buildings, he saved the state a large amount of money. The Chair of Senate Finance, the Majority Leader of the Senate, and I joined the Governor's staff, and we toured the 18 buildings listed in this bill. There was one building that would have accommodated all the needs of the legislative body—just one. That is the building we requested; however, the

Executive Branch wanted that building. So to accommodate the needs of the Legislature, we had to take three buildings, which did mean a larger expense for us. But that was the deal that was made.

If you have been in this building any number of times, you will know we have always talked about diversity, inclusion, and expanding who we have as employees. If we are going to have a footprint in southern Nevada, we also need to have employees in southern Nevada. This gives us the opportunity to get that diversity and inclusion because we have a bigger employment base. We have a bigger population in southern Nevada. We are able to do two things—grow who we are as a legislative body through our presence in southern Nevada and also grow the people who work for us so they actually look like the people we all represent.

Roll call on Assembly Bill No. 521:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 521 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 522.

Bill read third time.

Remarks by Assemblymen Monroe-Moreno, O'Neill, Backus, Hibbetts, Jauregui, and Mr. Speaker.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 522, also known as the pay bill, establishes the maximum allowable salaries for certain employees not in the classified service of the state. The bill also makes General Fund appropriations of $629.8 million and Highway Fund appropriations of $56.4 million for salary increases for nonclassified, classified, and unclassified state employees; various grade increases for certain employees; incentive bonuses for personnel employed on certain dates; and the restoration of longevity pay for personnel in the Executive, Legislative, and Judicial Departments, with the addition of professional personnel employed by the Nevada System of Higher Education.

For state personnel not within a bargaining unit pursuant to NRS [*Nevada Revised Statutes*] 288.515, the Legislative Department, the Judicial Department, and certain collective bargaining units as defined in NRS 288.515, the bill provides funding for a 12 percent salary increase for FY [Fiscal Year] 2024, effective July 1, 2023, and a 4 percent salary increase for FY 2025, effective July 1, 2024. Those bargaining units are Unit B, administrative and clerical employees; Unit C, technical aides to professional employees; Unit D, professional employees who do not provide health care; and Unit J, supervisory employees from all occupational groups.

For state employees organized in the following collective bargaining units as defined in NRS 288.515, the bill includes funding for a 13 percent salary increase for FY 2024, effective July 1, 2023, and a 4 percent salary increase for FY 2025, effective July 1, 2024. Unit A includes labor, maintenance, custodial and institutional employees. Unit E includes professional employees who provide health care. Unit F includes employees, other than professional employees, who provide health care and personal care. Unit G includes category I peace officers. Unit I includes category III peace officers.

For state employees organized in the following collective bargaining units as defined in NRS 288.515, the bill includes funding for a 10 percent salary increase for FY 2024, effective July 1, 2023, and a 4 percent salary increase for FY 2025, effective July 1, 2024. Those units are Unit H, category II peace officers, and Unit K, firefighters.

In addition, the bill provides an additional 7 percent salary increase for classified, nonclassified, and unclassified state employees, and classified and professional employees of the Nevada System of Higher Education in FY 2025 if Assembly Bill 498 of the 2023 Legislative Session is not enacted by the Legislature and approved by the Governor.

The bill appropriates General Funds of $40.6 million and Highway Funds of $9.4 million for one, two, and three grade pay increases for certain positions on the classified employee compensation plan.

The bill appropriates $21.9 million in General Funds in each year of the 2023-2025 biennium for retention incentives of $250 per quarter for employees of the Executive Department, Judicial Department, the Legislative Department, and the Public Employees' Retirement System. Additionally, the bill allocates $3.5 million in each year of the 2023-2025 biennium for retention incentives for professional employees in the Nevada System of Higher Education.

The bill amends Chapter 284 of NRS to include a plan to encourage continuity of service by providing a semiannual payment of $100 to an employee with 8 years of continuous service, with an annual increase of $25 in the semiannual payment for an employee with 9 through 14 years of continuous service, $50 for an employee with 15 through 24 years of continuous service, and $75 for each additional year of continuous service after 24 years up to a maximum payment of 30 years of continuous state service. The bill further appropriates General Funds totaling $6.1 million in each year of the 2023-2025 biennium, Highway Funds totaling $1.3 million in FY 2024, and $1.5 million in FY 2025 to fund the plan to encourage continuity of service.

Assembly Bill 522 authorizes the Department of Health and Human Services and the Department of Corrections to provide callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric and medical facilities. The bill also authorizes the Gaming Control Board to continue the credential pay plan, which provides up to $5,000 annually for unclassified employees who possess a current Nevada certified public accountant certificate, a license to practice law, or are in a qualifying position as an electronic laboratory engineer and possess a Bachelor of Science or higher degree in engineering, electronic engineering, or computer science.

Sections 45 and sections 1 to 12, inclusive, sections 21 to 38, inclusive, and sections 41 to 44, inclusive, of this act become effective on July 1, 2023. Sections 13 to 20, inclusive, and sections 39 and 40 of this act become effective on July 1, 2023, if and only if Assembly Bill 498 of the 82nd Legislative Session is not enacted by the Legislature and approved by the Governor.

ASSEMBLYMAN O'NEILL:

I stand in opposition to Assembly Bill 522. First, may I say, I appreciate the work of our Chair, members, and particularly the staff of Ways and Means for their efforts and diligence in looking at the money allocated and projected for our state over the last 100-plus days. But may I also say that the Governor, who was elected by the majority of the population of the state of Nevada, submitted a bill for a budget that came balanced and was appropriate with historic—we talk about historic actions here; he did give an historic budget—huge increases to a variety of issues facing the state: the economy, education, and particularly public safety and what we are talking about today, which is our public state employees. I was one. I can speak to this, having been on the front line for 30 years as a state employee and having seen what has been done and not done for state employees.

With the major increase our Governor is proposing, he is also saying that what is being proposed is sustainable. What has happened in the past, from almost day one when I arrived in Nevada in 1980, is that they gave something to state employees and within two or three years took it away from state employees. They would give a 2 percent increase pay raise and then take a 3 percent increase in other payments from state employees, netting them a loss. It is that sustainability I am worried about. I do not want to be responsible for having to come back when I return here in two or four years and remove that from my fellow employees.

There is a lot of good in all these bills, particularly in AB 522. What is the issue? In the future, we should think about allowing the Governor to have line-item vetoes to address those that are truly unsustainable.

SPEAKER YEAGER:

Assemblyman O'Neill, I would urge you to keep your comments to the content of the bill.

ASSEMBLYMAN O'NEILL:

I apologize.

SPEAKER YEAGER:

That is not up for discussion by the body this afternoon, so if you could please limit your comments to the content of the bill.

ASSEMBLYMAN O'NEILL:

Then let me correct that, please, Mr. Speaker. I will say, there are other options that may be addressed in the future.

With that, that is why I stand in opposition. I ask my colleagues to consider that. Are you willing to give and take away in the future? Let that be resting with you in your thoughts.

ASSEMBLYWOMAN BACKUS:

I rise today in support of Assembly Bill 522. Day in and day out, our dedicated public safety officers and state employees go to work serving the people of Nevada. Oftentimes, despite working long hours, they go underappreciated and without thanks. But make no mistake: One of the reasons Nevada is the best state to raise a family is because of them and the sacrifices they make. They are true public servants. Without them, everything in our state would come to a grinding halt. Assembly Bill 522 will make appropriate, necessary, and long overdue investments in the people who keep our great state running. I urge all my colleagues to support Assembly Bill 522.

ASSEMBLYMAN HIBBETTS:

I stand in opposition to AB 522. The proposals in this bill are not what was agreed upon in the Governor's proposed budget. Despite how nice more and more spending always appears on the surface, this will send us toward a fiscal cliff. As a retired public employee, no one values our state workers more than I do. However, I think it is unfair to be asked to vote yes on such provisions when this body has refused to give a fair hearing to what our Governor has proposed. His calls for historic increases in spending have only been met with calls for more. Balancing a budget responsibly is a zero-sum game. We cannot use non-recurring revenue to fund our state expenditures. I believe this demand for increased spending will force us to raise costs on Nevadans down the line.

I am also very concerned that our Rainy Day Fund will be quickly depleted should we enter an even worse fiscal climate than the one we find ourselves in now. We owe it to Nevada to save money, and we owe it to all Nevadans, including our state workers, to have that Rainy Day Fund available until we need it.

For these reasons, I stand opposed to AB 522.

ASSEMBLYWOMAN JAUREGUI:

Today, I am speaking in strong, enthusiastic support of Assembly Bill 522. We all know that Nevada could not function without the hard work of our public safety officers and all our state employees. Assembly Bill 522 makes critical investments in the public servants who keep our state operating, public servants such as police officers, correctional officers, those who serve our veterans, and so many more. It provides essential, long-overdue cost-of-living adjustments and reinstates a morale-building longevity pay for those who have dedicated their careers to our state.

Our state employees have been the backbone of our state for years, and it is time we properly invest in them so they can continue to provide the critical services so many Nevadans rely on, the Nevadans we represent. For two economic downturns, our state has been carried on the backs of state employees. It is time to say thank you, we see you, we did not forget the sacrifices you made to help our state during our darkest days.

I hope you will all join me today in supporting our state employees and supporting Assembly Bill 522.

ASSEMBLYWOMAN MONROE-MORENO:

I rise in support of Assembly Bill 522 as a former law enforcement officer and public employee. Our public safety officers and our state employees consistently go above and beyond to serve the people of Nevada. They selflessly perform thankless acts every single day to keep Nevadans safe and keep our state functioning and functioning well. I am committed, and I know so many of you are as well, to respecting our public safety officers and our state employees and ensuring they have the pay that reflects the sacrifices they make for all of us. At a time when our state is struggling

with unprecedented vacancy rates across every state agency, Assembly Bill 522 will help Nevada to better attract and retain the best employees and improve state services.

There was mention of our Rainy Day Fund. Well, a number of us were here when we had to deplete our Rainy Day Fund, and the cuts were not just emotionally painful but also physically painful. We made a commitment to this state to make sure we had a Rainy Day Fund that could take us through whatever that next pandemic may be—and we know there will be something. We have a total of $904 million currently in our Rainy Day Fund—record numbers for the state of Nevada. But in FY [Fiscal Year] 2024, we will add another $109.2 million to our Rainy Day Fund, and we expect an additional $58.9 million in FY 2025, which will bring our record total to $1.72 million.

Pushing the state off a fiscal cliff is not what any of us want to do, so we have been responsible fiscal leaders to make sure we are prepared for the next pandemic, whatever that may be. But we know for a fact, we could not have made it through everything we have made it through—not just this pandemic, but every other economic downturn this state has weathered has been on the backs of our state employees and our public safety officers. Now, for the first time I—and I think most of you—have been in this building, we have money to make sure we say yes, we see you, we hear you, you are important, and we are going to make sure we have the resources to retain who we have and gain new employees.

Therefore, I emphatically encourage the members to join me in supporting Assembly Bill 522 and show our dedicated public servants that they matter and we have their backs.

Roll call on Assembly Bill No. 522:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:59 p.m.

ASSEMBLY IN SESSION

At 3:38 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 501, 503, 504.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 501.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 503.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 504.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 349.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 594.

AN ACT relating to document preparation services; authorizing a document preparation service to use the name of the Department of Motor Vehicles in an advertisement under certain circumstances; requiring, under certain circumstances, a document preparation service to request an amended registration from the Secretary of State; making it unlawful for a person to represent himself or herself as a document preparation service if the person is not registered as a document preparation service; setting forth the form for statements that must be included in any advertisement for services of a document preparation service; authorizing, under certain circumstances, the Secretary of State to suspend or revoke the registration of a document preparation service or to assess a ~~[civil]~~ penalty; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from using the name, service marks, trademarks or logo of the Department of Motor Vehicles in an advertisement unless the person is an appointed agent of the Department and has obtained the written permission of the Department for such use. (NRS 482.160) **Section 1** of this bill provides a limited exception from that general prohibition by authorizing a document preparation service to use the term "Department of Motor Vehicles" or "DMV" in an advertisement if: (1) the term is followed by the term "services," "registration services" or other similar language; and (2) the advertisement includes a clear and conspicuous statement that the

document preparation service is a third-party business not affiliated with the Department.

Existing law requires a person who wishes to engage in the business of a document preparation service to register with the Secretary of State. (NRS 240A.100) **Section 4** of this bill provides that it is unlawful for a person to: (1) represent himself or herself as a document preparation service if the person has not registered as a document preparation service, or if his or her registration is expired, revoked or suspended or is otherwise not in good standing; or (2) submit an application for registration as a document preparation service that contains a substantial and material misstatement or omission of fact.

Section 3 of this bill requires a registrant to submit to the Secretary of State a request for an amended registration ~~[, along with a fee of $10,]~~ if the registrant changes his or her: (1) mailing address, county or residence or place of business or employment; or (2) name and the registrant intends to use the new name in the performance of document preparation services.

Existing law sets forth certain requirements for any advertisement for the service of a registrant, including that the advertisement include a statement that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person. (NRS 240A.150) **Section 5** of this bill sets forth: (1) the specific words that must be included in such statement; and (2) certain penalties if the Secretary of State finds a person ~~[guilty of a]~~ **in** violation of such provisions.

Existing law prohibits a registrant from: (1) retaining any fees or costs for services not performed or costs not incurred after the date of last service performed for a client; (2) making certain promises, or statements; (3) using certain terms in an advertisement or written description of the registrant or services provided by the registrant; (4) representing himself or herself as a paralegal or legal assistant; (5) with certain exceptions, negotiating concerning the rights or responsibilities of a client; (6) with certain exceptions, appearing on behalf of a client in a court proceeding or other formal adjudicative proceeding; (7) with certain exceptions, providing certain advice, explanations, opinions or recommendations to a client; or (8) seeking or obtaining from a client a waiver of any provision of law relating to document preparation services. (NRS 240A.240) **Section 6** of this bill sets forth certain penalties **which may be imposed** if the Secretary of State finds a person ~~[guilty of a]~~ **in** violation of such provisions.

Existing law **: (1)** authorizes the Secretary of State to conduct or cause to be conducted an investigation if the Secretary of State obtains information that a provision of law, regulation or order relating to document preparation services has been violated ~~[.]~~ **; and (2) requires the Secretary of State to conduct a hearing before imposing any fine for such a violation.** (NRS 240A.260) **Section 7 of this bill** provides that if, within a reasonable period of time, a registrant fails to provide the Secretary of State with any information requested by the Secretary of State during an investigation of an alleged violation by the registrant, the Secretary of State may suspend ~~[, revoke]~~ or refuse to renew the

registration of the ~~[registration.]~~ **registrant. Section 7 removes the requirement for the Secretary of State to conduct a hearing before imposing such a fine, and instead requires the Secretary of State to provide an opportunity for a hearing. Section 7 also requires the Secretary of State, upon receiving a complaint alleging a violation of the provisions of law governing document preparation services, to provide notice of the complaint to the document preparation service or other person who is the subject of the complaint.**

Existing law authorizes the Secretary of State to deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of law relating to document preparation services. (NRS 240A.270) **Section 8** of this bill authorizes the Secretary of State to suspend or revoke the registration of a registrant pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.160 is hereby amended to read as follows:

482.160 1. The Director may adopt and enforce such administrative regulations as are necessary to carry out the provisions of this chapter.

2. The Director may establish branch offices as provided in NRS 481.055, and may by contract appoint any person or public agency as an agent to assist in carrying out the duties of the Department pursuant to this chapter.

3. Except as otherwise provided in this subsection, the contract with each agent appointed by the Department in connection with the registration of motor vehicles and issuance of license plates may provide for compensation based upon the reasonable value of the services of the agent but must not exceed $2 for each registration. An authorized inspection station or authorized station that issues certificates of registration pursuant to NRS 482.281 is not entitled to receive compensation from the Department pursuant to this subsection.

4. Except as otherwise provided in this section, no person may use in an advertisement:

(a) The name, service marks, trademarks or logo of the Department; or

(b) A service mark, trademark or logo designed to closely resemble a service mark, trademark or logo of the Department and intended to mislead a viewer to believe that the service mark, trademark or logo is the service mark, trademark or logo of the Department.

5. An agent appointed pursuant to subsection 2 or NRS 487.815 may use the name, service marks, trademarks or logo of the Department in an advertisement if the agent has obtained the written permission of the Department for such use.

6. A document preparation service registered pursuant to chapter 240A of NRS may use the term "Department of Motor Vehicles" or "DMV" in an advertisement if:

(a) The term is immediately followed by the term "services" or "registration services" or other similar language which clearly indicates that the document preparation service is a third-party business and that the advertisement is not an advertisement of the Department; and

(b) The advertisement includes a clear and conspicuous statement that the document preparation service is a third-party business not affiliated with the Department. The statement must be of a conspicuous size, if in writing, and must appear in substantially the following form:

THIS DOCUMENT PREPARATION SERVICE IS A THIRD-PARTY BUSINESS NOT AFFILIATED WITH THE NEVADA DEPARTMENT OF MOTOR VEHICLES.

Sec. 2. Chapter 240A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. If, at any time during his or her appointment, a registrant changes his or her mailing address, county of residence or place of business or employment, the registrant shall submit to the Secretary of State a request for an amended registration on a form provided by the Secretary of State. The request must:***

(a) Include the new information; and

(b) Be submitted within 30 days after making the change.

2. The Secretary of State may suspend the registration of a registrant who fails to provide to the Secretary of State notice of a change in any of the information specified in subsection 1.

3. If a registrant changes his or her name and the registrant intends to use his or her new name in performing document preparation services, the registrant shall submit to the Secretary of State a request for an amended registration on a form provided by the Secretary of State. The request must:

(a) Include the new name and signature and the address of the registrant; and

(b) Be submitted within 30 days after making the change . ~~[; and~~

~~(c) Be accompanied by a fee of $10.]~~

4. Upon receipt of a request for an amended registration , ~~[and the appropriate fee,]~~ the Secretary of State shall issue an amended registration.

Sec. 4. ***1. It is unlawful for a person to:***

(a) Represent himself or herself as a document preparation service if the person has not registered as a document preparation service pursuant to this chapter, or if his or her registration is expired, revoked or suspended or is otherwise not in good standing.

(b) Submit an application for registration as a document preparation service that contains a substantial and material misstatement or omission of fact.

2. Any person who violates a provision of paragraph (a) of subsection 1 is liable for a ~~[civil]~~ penalty of not more than $1,000 for each violation, plus reasonable ~~[attorney's]~~ investigative fees and costs.

3. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 1 and recover any penalties, attorney's fees and costs.

4. Any person who is aware of a violation of this chapter by a registrant or a person applying for registration as a document preparation service may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.

Sec. 5. NRS 240A.150 is hereby amended to read as follows:

240A.150 1. Any advertisement for the services of a registrant which the registrant disseminates or causes to be disseminated must include a ~~[~~clear and conspicuous~~]~~ statement ~~[~~that the registrant is not an attorney authorized to practice in this State and is prohibited from providing legal advice or legal representation to any person.

~~2. The statement required by subsection 1 to be included in an advertisement must:~~

~~(a) Be]~~ in the same language as the rest of the advertisement ***.*** ~~[~~; and

~~(b) Be in the form prescribed by regulation of the Secretary of State.~~

~~3.]~~ ***The*** ~~[***notice***]~~ ***statement must be of a conspicuous size, if in writing, and must appear in substantially the following form:***

> ***I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM NOT*** ~~[***LICENSED***]~~ ***AUTHORIZED TO GIVE LEGAL ADVICE OR LEGAL REPRESENTATION. I MAY NOT ACCEPT FEES FOR GIVING LEGAL ADVICE OR LEGAL REPRESENTATION.***

2. A person shall not disseminate or cause to be disseminated any advertisement or other statement that he or she is engaged in the business of a document preparation service in this State unless he or she has complied with all the applicable requirements of this chapter.

3. If the Secretary of State finds a registrant ~~[***guilty of a***]~~ ***in violation of the provisions of subsection 1, the Secretary of State*** ~~[***shall:***]~~ ***may:***

(a) Suspend the registration of the registrant for not less than 1 year.

(b) Revoke the registration of the registrant for a third or subsequent offense.

(c) Assess a ~~[***civil***]~~ ***penalty of not more than $1,000 for each violation.***

4. Unless a greater penalty is provided pursuant to NRS 240A.290, a registrant who is found guilty in a criminal prosecution of violating the provisions of subsection 1 shall be punished by a fine of ~~[***not***]~~ ***not less than $100 or more than*** ~~[***$1,000.***]~~ ***$5,000 for each violation.***

Sec. 6. NRS 240A.240 is hereby amended to read as follows:

240A.240 1. A registrant shall not:

(a) After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

(b) Make, orally or in writing:

(1) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

(2) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

(3) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

(c) Except as otherwise provided in subsection 3, in any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of the registrant, use the term "legal aid," "legal services," "law office," "notario," "notario publico," "notary public," "notary," "paralegal," "legal assistant," "licensed," "licenciado," "attorney," "lawyer" or any similar term, in English, Spanish or any other language, which implies that the registrant:

(1) Offers services without charge if the registrant does not do so;

(2) Is an attorney authorized to practice law in this State; or

(3) Is acting under the direction and supervision of an attorney.

(d) Represent himself or herself, orally or in writing, as a paralegal or legal assistant which implies that the registrant is acting under the direction and supervision of an attorney licensed to practice law in this State.

(e) Except as otherwise provided in subsection 2, negotiate with another person concerning the rights or responsibilities of a client, communicate the position of a client to another person or convey the position of another person to a client.

(f) Except as otherwise provided in subsection 2, appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

(g) Except as otherwise provided in subsection 2, provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.

(h) Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.

2. The provisions of paragraphs (e), (f) and (g) of subsection 1 do not apply to a registrant to the extent that compliance with such provisions would violate federal law.

3. A registrant who is also a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State may, in any advertisement or written description of the registrant or the services provided by the registrant, use the term "notary public."

4. If the Secretary of State finds a registrant ~~[guilty of a]~~ in violation of the provisions of subsection 1, the Secretary of State ~~[shall:]~~ may:

(a) Suspend the registration of the registrant for not less than 1 year.

(b) Revoke the registration of the registrant for a third or subsequent offense.

(c) Assess a ~~[civil]~~ penalty of not more than $1,000 for each violation.

Sec. 7. NRS 240A.260 is hereby amended to read as follows:

240A.260 1. If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.

2. ***If, within a reasonable period of time, a registrant fails to provide the Secretary of State with any information requested by the Secretary of State during an investigation of an alleged violation by the registrant, the Secretary of State may suspend ~~[, revoke]~~ or refuse to renew the registration of the registrant.***

3. If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:

(a) Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation. The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to NRS 240A.290 and ~~[civil]~~ penalties pursuant to this section and NRS 240A.280.

(b) If a registrant has committed the violation:

(1) ~~[Begin proceedings pursuant to NRS 240A.270 to revoke]~~ ***Revoke*** or suspend the registration of the registrant; or

(2) ~~[After a hearing on the matter, impose]~~ ***Impose*** a ~~[civil]~~ penalty of not more than $1,000 for each violation. The authority of the Secretary of State to impose a ~~[civil]~~ penalty applies regardless of whether the person is still a registrant at the time ~~[of the hearing]~~ ***that the penalty is imposed*** so long as the person was a registrant at the time that he or she committed the violation. ***The Secretary of State shall afford any person upon whom such a penalty is imposed an opportunity for a hearing pursuant to the provisions of NRS 233B.121.***

(c) If a person engaged in the business of a document preparation service and was not a registrant at the time of the violation, after a hearing on the matter, impose a ~~[civil]~~ penalty for each violation of not more than $5,000 or the amount of economic benefit derived from the violation, whichever is greater.

(d) Refer the alleged violation to the Attorney General or a district attorney for commencement of a civil action against the person pursuant to NRS 240A.280.

(e) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to NRS 240A.290.

(f) Take any combination of the actions described in this subsection.

~~[3.]~~ ***4.*** Any person who is aware of a violation of this chapter by a document preparation service, a person applying for registration as a document preparation service or a person who is engaging in the business of a document preparation service and is not registered by the Secretary of State pursuant to this chapter may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.

~~[4.]~~ ***5. If the Secretary of State receives a complaint alleging a violation of this chapter, the Secretary of State shall notify the document preparation service or other person who is the subject of the complaint. The notice:***

(a) Must be sent by certified mail;

(b) Is deemed to have been received 3 days after the notice is mailed;

(c) Must include, without limitation:

(1) A description of each allegation contained in the complaint;

(2) A statement of each statutory provision which the document preparation service or other person is alleged to have violated;

(3) An explanation of any disciplinary action that may be taken against the document preparation service or other person if the Secretary of State determines that the alleged violation occurred;

(4) A statement that the document preparation service or other person must respond to the notice not later than 15 days after the notice is received; and

(5) Instructions on the manner in which the document preparation service or other person may respond to the notice.

6. Any determination by the Secretary of State that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person and the imposition of any ~~[civil]~~ penalty by the Secretary of State pursuant to this section is a public record.

Sec. 8. NRS 240A.270 is hereby amended to read as follows:

240A.270 1. The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto. Except as otherwise provided in ~~[subsections 2 and 3,]~~ ***this section,*** a suspension or revocation may be imposed only after a hearing. ***The registration of a registrant may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.***

2. The Secretary of State may suspend the registration of any person who is also appointed as a notary public pursuant to NRS 240.010 and whose appointment as a notary public is suspended for violating the provisions of NRS 240.001 to 240.169, inclusive, or a regulation or order adopted or issued pursuant thereto. If the Secretary of State suspends the registration of a registrant pursuant to this subsection:

(a) The Secretary of State shall notify the registrant in writing of the suspension.

(b) The registrant may have his or her registration as a document preparation service reinstated by the Secretary of State if his or her registration as a document preparation service has not expired during the suspension upon a showing that his or her suspension as a notary public has been lifted.

3. Except as otherwise provided in subsection 2, the Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:

(a) The entry of a judgment or conviction; or

(b) The occurrence of any other event,

➥ that would disqualify the registrant from registration pursuant to subsection 2 of NRS 240A.100.

4. Upon the suspension or revocation of or refusal to renew the registration of a document preparation service pursuant to this section, the Secretary of State shall notify the Department of Motor Vehicles of the name of the document preparation service for the purposes of NRS 481.062.

Sec. 9. This act becomes effective on July 1, 2023.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 239 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 239.

Bill read third time.

Roll call on Senate Bill No. 239:

YEAS—23.

NAYS—Brown-May, DeLong, Dickman, Duran, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, Marzola, McArthur, C.H. Miller, O'Neill, Summers-Armstrong, Yurek—19.

Senate Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 14.

Bill read third time.

Roll call on Senate Bill No. 14:

YEAS—42.

NAYS—None.

Senate Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 34.

Bill read third time.
Roll call on Senate Bill No. 34:
YEAS—42.
NAYS—None.
Senate Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 61.
Bill read third time.
Roll call on Senate Bill No. 61:
YEAS—42.
NAYS—None.
Senate Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 63.
Bill read third time.
Roll call on Senate Bill No. 63:
YEAS—42.
NAYS—None.
Senate Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 78.
Bill read third time.
Roll call on Senate Bill No. 78:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Senate Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 81.
Bill read third time.
Roll call on Senate Bill No. 81:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Senate Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 172.
Bill read third time.
Roll call on Senate Bill No. 172:
YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 208.

Bill read third time.

Roll call on Senate Bill No. 208:

YEAS—42.

NAYS—None.

Senate Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 249.

Bill read third time.

Roll call on Senate Bill No. 249:

YEAS—42.

NAYS—None.

Senate Bill No. 249 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 272.

Bill read third time.

Roll call on Senate Bill No. 272:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 272 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 289.

Bill read third time.

Roll call on Senate Bill No. 289:

YEAS—42.

NAYS—None.

Senate Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 292.

Bill read third time.

Roll call on Senate Bill No. 292:

YEAS—39.

NAYS—Anderson, Summers-Armstrong, Thomas—3.

Senate Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 309.
Bill read third time.
Roll call on Senate Bill No. 309:
YEAS—42.
NAYS—None.
Senate Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 331.
Bill read third time.
Roll call on Senate Bill No. 331:
YEAS—42.
NAYS—None.
Senate Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 334.
Bill read third time.
Roll call on Senate Bill No. 334:
YEAS—42.
NAYS—None.
Senate Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 346.
Bill read third time.
Roll call on Senate Bill No. 346:
YEAS—42.
NAYS—None.
Senate Bill No. 346 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 355.
Bill read third time.
Roll call on Senate Bill No. 355:
YEAS—42.
NAYS—None.
Senate Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 363.
Bill read third time.

Roll call on Senate Bill No. 363:
YEAS—29.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, McArthur, O'Neill, Yurek—13.
Senate Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 378.
Bill read third time.
Roll call on Senate Bill No. 378:
YEAS—42.
NAYS—None.
Senate Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 386.
Bill read third time.
Roll call on Senate Bill No. 386:
YEAS—42.
NAYS—None.
Senate Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 404.
Bill read third time.
Roll call on Senate Bill No. 404:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Senate Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 407.
Bill read third time.
Roll call on Senate Bill No. 407:
YEAS—42.
NAYS—None.
Senate Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 415.
Bill read third time.
Roll call on Senate Bill No. 415:
YEAS—42.
NAYS—None.

Senate Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 417.

Bill read third time.

Roll call on Senate Bill No. 417:

YEAS—42.

NAYS—None.

Senate Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 422.

Bill read third time.

Roll call on Senate Bill No. 422:

YEAS—42.

NAYS—None.

Senate Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 423.

Bill read third time.

Roll call on Senate Bill No. 423:

YEAS—42.

NAYS—None.

Senate Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 104, 134, 146, 161, 180, 196, 211, 251, 262, 269, 302, 314, 315, 317, 321, 322, 348, 384, 391, 393, and 429 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 112.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 723.

AN ACT relating to wildlife; defining the term "wildlife" for the purposes of wildlife crossings; creating the Wildlife Crossings Account in the State General Fund; requiring the Director of the Department of Transportation to administer the Account; requiring the Department of Transportation, in consultation with the Department of Wildlife, to develop and publish an inventory and list of certain projects relating to wildlife crossings; requiring the Director of the Department of Transportation to review the standards and specifications for the design and construction of highways in this State to determine the standards and specifications necessary for incorporating wildlife crossings and related highway features into the highways of this State; requiring the Department of Transportation and the Department of Wildlife to consult with certain persons regarding locations for wildlife crossings and related highway features; authorizing the Director of the Department of Transportation to adopt regulations; making an appropriation to implement projects relating to wildlife crossings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes a wildlife-crossing safety program to provide grants of money to states for projects that seek to reduce wildlife-vehicle collisions and improve wildlife habitat connectivity. (23 U.S.C. § 171) **Section 1.5** of this bill defines the term "wildlife" for the purposes of this bill. **Section 2** of this bill creates the Wildlife Crossings Account in the State General Fund, which is administered by the Director of the Department of Transportation. **Section 2** requires the Department of Transportation to consult with the Department of Wildlife to identify locations and strategies relating to wildlife crossings and prioritize certain areas to fund projects relating to wildlife crossings.

Section 3 of this bill requires the Department of Transportation, in consultation with the Department of Wildlife, to develop, publish and update an inventory of connectivity needs on the state highway system where the implementation of wildlife crossings and other related highway features will improve permeability for wildlife, reduce wildlife-vehicle collisions or enhance wildlife activity.

Section 4 of this bill requires the Director of the Department of Transportation to review the standards and specifications for the design and construction of highways in this State to determine standards and specifications necessary to incorporate wildlife crossings and other related highway features into the highways in this State.

Section 4.5 of this bill requires the Department of Transportation and the Department of Wildlife to consult with holders of grazing permits and private landowners adjacent to any potential locations for wildlife crossings and related highway features.

Section 5 of this bill authorizes the Director of the Department of Transportation to adopt regulations to carry out the provisions of this bill.

Section 6 of this bill makes an appropriation to the Wildlife Crossings Account to implement projects relating to wildlife crossings and other highway features to improve permeability for wildlife.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 5, inclusive, of this act:

Sec. 1.5. ***As used in sections 1.5 to 5, inclusive, of this act, unless the context otherwise requires, "wildlife" has the meaning ascribed to it in NRS 501.097.***

Sec. 2. ***1. The Wildlife Crossings Account is hereby created in the State General Fund. The Director shall administer the Account. The Account is a continuing account without reversion.***

2. Any proceeds from the issuance of bonds or other securities for the Account must be deposited in the State Treasury for credit to the Account.

3. The Director may accept gifts, grants and bequests of money from any public or private source. The money must be deposited in the State Treasury for credit to the Account.

4. Money in the Account must be used by the Department for the design, construction, identification, restoration and protection of wildlife crossings and other related highway features to improve wildlife permeability in this State, which may include, without limitation:

(a) Matching any federal money for a project to design, construct, identify, restore or protect wildlife crossings and other related highway features;

(b) Conducting studies on wildlife crossings and other related highway features;

(c) Designing or constructing wildlife crossings and other related highway features;

(d) Planning related to wildlife crossings and other related highway features;

(e) Staffing needs related to the design, construction, identification, restoration and protection of wildlife crossings and other related highway features; and

(f) Carrying out the provisions of sections 1.5 to 5, inclusive, of this act, in cooperation with the Department of Wildlife.

5. In administering the Account, the Department shall consult with the Department of Wildlife to:

(a) Identify locations where key wildlife habitat, wildlife migration corridors and highways intersect;

(b) Identify and implement strategies to avoid, minimize and mitigate wildlife-vehicle collisions; and

(c) Prioritize areas to implement projects for wildlife crossings or other related highway features to improve permeability for wildlife while maintaining highway user safety.

6. All claims against the Account must be paid as other claims against the State are paid.

Sec. 3. ***1. The Department shall, in consultation with the Department of Wildlife, develop an inventory of connectivity needs on the state highway system where the implementation of wildlife crossings and other related highway features will improve permeability for wildlife, reduce wildlife-vehicle collisions or enhance wildlife connectivity. The inventory may include, without limitation, projects and needs previously identified by the Department, other state agencies, tribal governments and local governments.***

2. Not later than December 1, 2023, the Department shall publish:

(a) The inventory required pursuant to subsection 1; and

(b) A list of any funded transportation projects that implemented wildlife crossings or other related highway features to improve permeability for wildlife or addressed wildlife connectivity needs.

3. The Department shall update the inventory and list required to be published pursuant to subsection 2 at least once every 2 years.

Sec. 4. ***The Director shall review the standards and specifications for the design and construction of highways in this State to determine the standards and specifications necessary for incorporating wildlife crossings and other related highway features to improve permeability for wildlife in the design and construction of highways in this State.***

Sec. 4.5. ***In carrying out the provisions of sections 1.5 to 5, inclusive, of this act, the Department and the Department of Wildlife shall consult with holders of grazing permits and private landowners of land adjacent to any location identified for the possible implementation of wildlife crossings and related highway features to avoid or mitigate any impacts on livestock management or uses of private land.***

Sec. 5. ***The Director may adopt regulations to carry out the provisions of sections 1.5 to 5, inclusive, of this act.***

Sec. 6. There is hereby appropriated from the State General Fund to the Wildlife Crossings Account created pursuant to section 2 of this act the sum of ~~[$15,000,000]~~ **$5,000,000** to implement projects to design, construct, identify, restore or protect wildlife crossings and other related highway features to improve permeability for wildlife.

Sec. 7. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cassy Monte, Chloe Yocom, and Daniela Castro Anguiano.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Iraheta and Stephanie Vazquez.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Flocchini.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Brett Guisti and Davis Koenig.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Franklin.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Daniela Hernandez Tamayo, Jacquelin Merino Rios, Mellany Hollman, and Yajaira Rios.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, May 25, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 4:16 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 25, 2023

Assembly called to order at 12:53 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Ken Haskins.

Our eternal Father, we learn from the past, and we plan for the future, but we live in this day that You have made. So, enable us to make the most of every opportunity and to make the best use of our time. As opportunity presents itself, help us to do good to all people. I pray in Jesus' Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:02 p.m.

ASSEMBLY IN SESSION

At 1:04 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 57, 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 283, 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 155, 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was rereferred Senate Bill No. 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 62, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 501, 503, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 13, 20, 53, 144, 316, 343, 394, 414, 424, 455, 456, 464; Assembly Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 23, Amendment No. 540; Assembly Bill No. 35, Amendment No. 548; Assembly Bill No. 60, Amendment No. 576; Assembly Bill No. 127, Amendment No. 556; Assembly Bill No. 132, Amendment No. 610; Assembly Bill No. 163, Amendment No. 538; Assembly Bill No. 169, Amendment No. 611; Assembly Bill No. 207, Amendment No. 586; Assembly Bill No. 241, Amendment No. 587; Assembly Bill No. 256, Amendment No. 559; Assembly Bill No. 267, Amendment No. 613; Assembly Bill No. 410, Amendment No. 555; Assembly Bill No. 415, Amendment No. 554, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 202, Amendments Nos. 615, 718, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 367.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 5.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

Assemblywoman Jauregui moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of May 25, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

THE NEVADA INDEPENDENT: Noel Sims.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 367.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 719.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law requires a health carrier to submit to the Commissioner of Insurance copies of certain form letters used by the health carrier. (NRS 679B.124) **Section 1** of this bill requires a health carrier to instead: (1) submit to the Commissioner a report summarizing such form letters; and (2) maintain a copy of each form letter and make each copy available to the Commissioner upon request.

Existing law sets forth circumstances under which the Commissioner is authorized or required to hold a hearing on certain matters and establishes procedures governing such hearings. (NRS 679B.310) **Section 3** of this bill revises requirements concerning such hearings. **Section 47** of this bill makes a conforming change that is necessary as the result of the changes in **section 3**.

Existing law requires the Attorney General to establish a Fraud Control Unit for Insurance for the purposes of investigating and prosecuting acts of insurance fraud. (NRS 228.412) Existing law authorizes a district attorney of a county to prosecute certain cases involving insurance fraud with the permission of or at the request of the Attorney General. (NRS 686A.283) Existing law makes confidential certain records and information relating to an investigation conducted by the Attorney General and the Fraud Control Unit for the prosecution of insurance fraud and sets forth the circumstances under which the Attorney General is authorized to disclose such information. (NRS 679B.690) **Section 4** of this bill: (1) makes confidential certain additional records and information relating to an investigation for the prosecution of insurance fraud; (2) requires, with certain exceptions, such records and information to remain confidential for the duration of the investigation and after the conclusion of the investigation; and (3) sets forth circumstances in which a district attorney prosecuting a case of insurance fraud is also authorized to disclose such information.

Existing law sets forth certain requirements for an insurer to deliver certain notices or other documents by electronic means. Among other requirements, existing law requires the party to whom the notice or document will be delivered to have consented to delivery by electronic means. (NRS 680A.550) **Sections 4.2 and 4.8** of this bill authorize the plan sponsor of a health plan to provide such consent on behalf of a party covered by the plan under certain circumstances. **Section 4.2** requires a plan sponsor to take certain actions before providing such consent and an insurer to take certain actions before delivering any notice or other document to a party on whose behalf a plan sponsor has provided such consent. Finally, **section 4.2** requires a notice of cancellation, nonrenewal or termination of a health plan to be sent to a party covered by the health plan by mail unless the notice is delivered by electronic means in a manner that provides for the verification of the receipt of the notice. **Sections 4.4 and 4.6** of this bill make conforming changes to indicate the proper placement of **section 4.2** in the Nevada Revised Statutes.

Existing law sets forth various fees applicable to persons regulated by the Commissioner. Among these fees is a fee for a licensee's association with or appointment or sponsorship by an organization. (NRS 680B.010) A fee for a licensee's "appointment" by an organization refers to the fee associated with the appointment by an insurer of a person to offer policies on behalf of the insurer. (NRS 697.185, 697.250) A fee for a licensee's "association with" or "sponsorship by" an organization refers to the fee associated with the designation by an agent of an insurer of a natural person who is a licensee to represent the agent or to be responsible for the compliance of the agent with laws and regulations governing insurance. (NRS 683C.035, 684A.080, 684A.090, 684B.040, 697.184, 697.185, 697.250) **Sections 16-18, 20 and ~~[40-42]~~ 40, 41, and 42** of this bill revise provisions concerning the licensure of certain persons regulated by the Commissioner to clarify and standardize the circumstances in which an agent of an insurer is required to designate a natural

person to represent the agent or to be responsible for the agent's compliance with the laws and regulations governing insurance and is therefore required to pay the applicable fee. **Section 5** of this bill revises the terminology used to describe such a fee to refer to that fee as one for a licensee's association with or designation or sponsorship by an organization. The amount of such fees remains unchanged. **Section 5** removes certain duplicative fees, and **sections 33-35** make conforming changes necessitated by the renumbering of **section 5**.

Section 14 of this bill revises the requirements for an application for the issuance of a license as a managing general agent. **Section 7** of this bill authorizes the Commissioner to require an applicant for the issuance of a license as a managing general agent to file and maintain with the Commissioner a surety bond in an amount determined by the Commissioner.

Existing law prohibits a person from acting as an administrator unless the person holds a certificate of registration issued by the Commissioner. (NRS 683A.085) Existing law also imposes certain requirements and restrictions on a pharmacy benefit manager. (NRS 683A.171-683A.179) **Section 9** of this bill revises the definition of "administrator" to include specifically any person who administers a program of pharmacy benefits for an employer, insurer, internal service fund or trust. **Sections 11 and 12** of this bill revise requirements for the issuance and renewal of a certificate of registration as an administrator. **Sections 10.5 and 13** of this bill authorize an administrator who has obtained a certificate of registration issued by the Commissioner to delegate any of the duties of the administrator to an administrator who has not obtained a certificate of registration only if the delegating administrator has first obtained the written approval of the Commissioner. **Section 8** of this bill requires an administrator to notify the Commissioner of certain changes to the administrator. **Section 10** of this bill makes a conforming change to indicate the proper placement of **section 8** in the Nevada Revised Statutes.

Existing law authorizes the Commissioner to issue to a person a temporary license as a producer of insurance and independent adjuster and a temporary certificate as an exchange enrollment facilitator, which, in general, are valid for not more than 180 days. (NRS 683A.311, 684A.150, 695J.190) **Sections 15, 19 and 36** of this bill authorize the Commissioner to renew such a license or certificate for one additional period of 180 days under certain circumstances.

Existing law prohibits certain insurers from moving a prescription drug in a formulary from a lower cost tier to a higher cost tier under certain policies of health insurance issued to an individual or a small employer, except at certain times and under certain circumstances. However, existing law does not prohibit an insurer from, at any time, removing a prescription drug from a formulary and adding a prescription drug to a formulary. (NRS 687B.4095) **Section 22** of this bill prohibits certain insurers who have removed a prescription drug from a formulary from adding that prescription drug back into the formulary in a higher cost tier in the same plan year in which it was

removed, except at the times and under the circumstances provided for under existing law.

Sections 23 and 24 of this bill revise provisions relating to annuities for consistency with the Standard Nonforfeiture Law for Individual Deferred Annuities adopted by the National Association of Insurance Commissioners.

Existing law imposes certain requirements and restrictions on an applicant for a license as a producer of insurance or a licensee who wishes to use a name other than his or her true name to conduct business. (NRS 683A.301) **Sections 25 and 27** of this bill make these requirements and restrictions applicable to an applicant for or a holder of a certificate of authority to sell prepaid contracts for funeral services or a permit to sell prepaid contracts for burial services. **Section 26** of this bill requires a person to have a good business and personal reputation to qualify for an agent's license to sell prepaid contracts for burial services on behalf of a seller.

Section 28 of this bill revises the definition of "health benefit plan" that is applicable to provisions of existing law governing health insurance for small employers to standardize the definition of the term with other provisions of existing law governing health benefit plans.

Existing law sets forth certain requirements relating to the confidentiality and disclosure of certain records and information relating to an insurer. (NRS 679B.285) **Section 29** of this bill applies those requirements to certain records and information relating to a captive insurer. **Sections 30-32** of this bill revise the dates by which certain captive insurers are required to submit certain information to the Commissioner.

Existing law sets forth procedures and requirements for delinquency proceedings against an insurer. (Chapter 696B of NRS) Existing law sets forth the manner in which a delinquency proceeding must be commenced. (NRS 696B.250) **Section 37** of this bill provides that the Nevada Rules of Civil Procedure do not apply to the commencement of a delinquency proceeding. **Section 38** of this bill eliminates certain duplicative statutory language with respect to the powers of the Commissioner as a receiver, rehabilitator or liquidator of an insurer.

Existing law sets forth certain requirements for a person to obtain and renew a license as a bail agent, including, without limitation, the requirement that the person be a resident of this State and have resided in this State for not less than 1 year immediately preceding the date of the application for licensure. (NRS 697.150) Sections 39.4 and 39.6 of this bill provide for the issuance of a nonresident license as a bail agent to a nonresident person who is licensed as a bail agent in his or her home state and set forth certain requirements to obtain such a license. Section 39.3 of this bill defines the term "home state." Section 39.5 of this bill makes a conforming change to indicate the proper placement of section 39.3 in the Nevada Revised Statutes. Sections 39.6, 39.7, 39.8, 41.3 and 41.6 of this bill exempt an applicant for the issuance or renewal of a nonresident license

as a bail agent from certain requirements otherwise applicable to the issuance or renewal of a license as a bail agent.

Existing law requires a bail agent to maintain a place of business in this State accessible to the public. (NRS 697.280) Existing law requires a bail agent, before acting as an attorney-in-fact for an insurer on an undertaking, to register in the office of the sheriff and with the clerk of the district court in which the agent resides. (NRS 697.270) Section 42.5 of this bill requires a person who holds a nonresident license as a bail agent to instead register with the office of the sheriff and with the clerk of the district court in which the place of business of the bail agent is located.

Existing law sets forth certain requirements for a bail agent and bail enforcement agent with respect to the apprehension of a defendant and the surrender of a defendant to custody. (NRS 178.526, 697.325) **Sections 43 and 46** of this bill establish that only a bail enforcement agent is authorized to take certain actions with respect to the apprehension and surrender of a defendant. **Section 45** of this bill prohibits a bail agent, general agent, bail enforcement agent or bail solicitor from allowing any person other than a licensed bail enforcement agent to participate in the functions of a bail enforcement agent.

Existing law requires a bail agent or bail enforcement agent, before forcibly entering an inhabited dwelling, to notify the local law enforcement agency of the jurisdiction where the dwelling is located. Existing law defines "inhabited dwelling" to mean, in general, certain structures, buildings or vehicles in which the owner or other lawful occupant resides. (NRS 697.325) **Section 43**: (1) eliminates the term "inhabited dwelling"; (2) imposes certain requirements and restrictions on a bail enforcement agent with respect to the entry and forcible entry of any structure, as defined in **section 43**; and (3) imposes certain requirements and restrictions with respect to the use of physical force by a bail enforcement agent. **Section 44** of this bill provides that a bail agent who improperly causes the surrender of a defendant to custody is not entitled to collect any fees related to the surrender.

NEW section 39.2 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.2. **Chapter 697 of NRS is hereby amended by adding thereto the provisions set forth as sections 39.3 and 39.4 of this act.**

NEW section 39.3 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.3. ***"Home state" means the District of Columbia or any state or territory of the United States in which a bail agent maintains his or her principal place of residence or principal place of business and is licensed to act as a bail agent.***

NEW section 39.4 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.4. ***1. The Commissioner shall issue a nonresident license as a bail agent to a nonresident person if:***

(a) The person is currently licensed and in good standing as a bail agent in the resident or home state of the person;

(b) The person has submitted the proper request for licensure and has paid all fees required pursuant to NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110;

(c) The person has submitted or transmitted to the Commissioner the appropriate completed application for licensure;

(d) The person satisfies the requirements specified in subsection 2 of NRS 697.150; and

(e) The home state of the person awards nonresident licenses as a bail agent to persons of this State on the same basis.

2. The Commissioner may verify the licensing status of the nonresident person:

(a) Through any appropriate database, including, without limitation, the Producer Database maintained by the National Insurance Producer Registry or its affiliates or subsidiaries;

(b) By requesting that the nonresident person submit proof that the nonresident person is licensed and in good standing in the person's home state as a bail agent; or

(c) Through any other means the Commissioner determines to be appropriate.

3. As a condition to the continuation of a nonresident license as a bail agent, the nonresident bail agent shall maintain a resident license as a bail agent in the home state of the bail agent. A nonresident license as a bail agent issued under this section must be terminated and surrendered immediately to the Commissioner if the resident license as a bail agent in the home state is terminated for any reason, unless:

(a) The termination is due to the nonresident bail agent being issued a new resident license as a bail agent in a new home state; and

(b) The new resident license as a bail agent is from a state that has reciprocity with this State.

4. The Commissioner shall give notice of the termination of a resident license as a bail agent within 30 days after the date of the termination to any states that issued a nonresident license as a bail agent to the holder of the resident license. If the resident license as a bail agent was terminated because of a change in the home state of the bail agent, the notice must include both the previous and current address of the bail agent.

5. The Commissioner shall terminate a nonresident license as a bail agent issued pursuant to this section if the bail agent establishes legal residency in this State and fails to apply for a resident license as a bail agent within 90 days after establishing legal residency.

NEW section 39.5 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.5. **NRS 697.020 is hereby amended to read as follows:**

697.020 As used in this Code, unless the context otherwise requires, the words and terms defined in NRS 697.030 to 697.070, inclusive, ***and section 39.3 of this act*** have the meanings ascribed to them in those sections.

NEW section 39.6 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.6. **NRS 697.150 is hereby amended to read as follows:**

697.150 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 3,*** a person is entitled to receive, renew or hold a license as a bail agent if the person:

(a) Is a resident of this State and has resided in this State for not less than 1 year immediately preceding the date of the application for the license.

(b) Is a natural person not less than 18 years of age.

(c) Has been appointed as a bail agent by an authorized surety insurer, subject to the issuance of the license.

(d) Is competent, trustworthy and financially responsible.

(e) Has passed any written examination required under this chapter.

(f) Has filed the bond required by NRS 697.190.

(g) Has, on or after July 1, 1999, successfully completed a 6-hour course of instruction in bail bonds that is:

(1) Offered by a state or national organization of bail agents or another organization that administers training programs for bail agents; and

(2) Approved by the Commissioner.

2. ***A nonresident person is entitled to receive, renew or hold a nonresident license as a bail agent if, in addition to the applicable requirements set forth in section 39.4 of this act, the nonresident person satisfies the requirements set forth in paragraphs (b), (d) and (f) of subsection 1.***

3. A person is not entitled to receive, renew or hold a license as a bail agent if the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude. A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in this subsection is a sufficient ground for the Commissioner to deny a license to the applicant or to suspend or revoke the license of the agent.

NEW section 39.7 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.7. **NRS 697.180 is hereby amended to read as follows:**

697.180 1. A written application for a license as a ~~[bail agent,]~~ general agent, bail enforcement agent ***,*** ~~[or]~~ bail solicitor ***or bail agent, other than a nonresident license as a bail agent,*** must be filed with the Commissioner by the applicant, accompanied by the applicable fees. The application form must:

(a) Include the social security number of the applicant; and

(b) Require full answers to questions reasonably necessary to determine the applicant's:

(1) Identity and residence.

(2) Business record or occupations for not less than the 2 years immediately preceding the date of the application, with the name and address of each employer, if any.

(3) Prior criminal history, if any.

2. The Commissioner may require the submission of such other information as may be required to determine the applicant's qualifications for the license for which the applicant applied.

3. The applicant must verify his or her application. An applicant for a license under this chapter shall not knowingly misrepresent or withhold any fact or information called for in the application form or in connection therewith.

4. Each applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

5. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

NEW section 39.8 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 39.8. **NRS 697.183 is hereby amended to read as follows:**

697.183 An application for a license as a bail agent ***, other than an application for a nonresident license as a bail agent,*** must be accompanied by:

1. Proof of the completion of a 6-hour course of instruction in bail bonds that is:

(a) Offered by a state or national organization of bail agents or another organization that administers training programs for bail agents; and

(b) Approved by the Commissioner.

2. A written appointment by an authorized insurer as agent for bail bonds, subject to the issuance of the license.

3. A letter from a local law enforcement agency in the applicant's county of residence which indicates that the applicant:

(a) Has not been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; and

(b) Has not been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.

NEW section 41.3 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 41.3. **NRS 697.200 is hereby amended to read as follows:**

697.200 1. Any natural person who intends to apply for a license as a bail ~~[agent, bail]~~ enforcement agent ***,*** ~~[or]~~ bail solicitor ***or bail agent, other than a nonresident license as a bail agent,*** must personally take and pass a written examination of his or her competence to act as such. After passing the examination, the person may apply to the Commissioner for such a license.

2. The scope of the examination must be as broad as the bail bond business.

3. The examination must be administered by the Commissioner or an entity approved by the Commissioner.

NEW section 41.6 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 41.6. **NRS 697.230 is hereby amended to read as follows:**

697.230 1. Except as otherwise provided in NRS 697.177, each license issued to or renewed for a general agent, bail agent, bail enforcement agent or bail solicitor under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon payment of all applicable fees for renewal to the Commissioner on or before the renewal date for the license. All applicable fees must be accompanied by:

(a) ~~[Proof]~~ ***Except as otherwise provided in subsection 6, proof*** that the licensee has completed a 3-hour program of continuing education that is:

(1) Offered by the authorized surety insurer from whom the licensee received written appointment, if any, a state or national organization of bail agents or another organization that administers training programs for general agents, bail agents, bail enforcement agents or bail solicitors; and

(2) Approved by the Commissioner;

(b) If the licensee is a natural person, the statement required pursuant to NRS 697.181; and

(c) A written request for renewal of the license. The request must be made and signed:

(1) By the licensee in the case of the renewal of a license as a general agent, bail enforcement agent or bail agent.

(2) By the bail solicitor and the bail agent who employs the solicitor in the case of the renewal of a license as a bail solicitor.

2. Any license that is not renewed on or before the renewal date for the license expires on the renewal date. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the date of expiration if the request is accompanied by a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110, and, if the person requesting renewal is a natural person, the statement required pursuant to NRS 697.181.

3. A bail agent's license continues in force while there is in effect an appointment of him or her as a bail agent of one or more authorized insurers. Upon termination of all the bail agent's appointments and the bail agent's failure to replace any appointment within 30 days thereafter, the bail agent's license expires and the bail agent shall promptly deliver his or her license to the Commissioner.

4. The Commissioner shall terminate the license of a general agent for a particular insurer upon a written request by the insurer.

5. This section does not apply to temporary licenses issued under NRS 683A.311 or 697.177.

6. ***The provisions of paragraph (a) of subsection 1 do not apply to a person who:***

(a) Holds a nonresident license as a bail agent; and

(b) Has met the continuing education requirements of his or her home state.

7. As used in this section, "renewal date" means:

(a) For the first renewal of the license, the last day of the month which is 3 years after the month in which the Commissioner originally issued the license.

(b) For each renewal after the first renewal of the license, the last day of the month which is 3 years after the month in which the license was last due to be renewed.

NEW section 42.5 of Senate Bill No. 57 First Reprint is hereby added as follows:

Sec. 42.5. **NRS 697.270 is hereby amended to read as follows:**

697.270 A bail agent shall not act as an attorney-in-fact for an insurer on an undertaking unless the bail agent has registered in the office of the sheriff and with the clerk of the district court in which the agent resides ~~[, and the]~~ ***or, for a bail agent who holds a nonresident license as a bail agent, in which his or her place of business required by NRS 697.280 is located. The*** bail agent

may register in the same manner in any other county. Any bail agent shall file a certified copy of the appointment of the bail agent by power of attorney from each insurer which the bail agent represents as agent with each of such officers. The bail agent shall register and file a certified copy of renewed power of attorney annually on July 1. The clerk of the district court and the sheriff shall not permit the registration of a bail agent unless the agent is licensed by the Commissioner.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 721.

AN ACT relating to elections; **requiring the Secretary of State to allow any registered voter to use the system of approved electronic transmission to request and cast a ballot under certain circumstances;** revising provisions relating to mail ballots; revising provisions relating to a recount and contest of a presidential election; setting forth a specific form of a declaration of candidacy for an independent candidate for partisan office; revising the methods for paying certain filing fees; revising provisions governing members of election boards; revising provisions relating to when certain candidates may be declared elected at a primary election; revising provisions relating to the form of certain ballots; revising the deadline for a hearing of an election contest; **revising provisions relating to counting ballots and standards for counting votes;** revising provisions relating to risk-limiting audits; revising provisions relating to an application to preregister or register to vote; revising prohibitions relating to tampering or interfering with certain election equipment or computer programs; requiring the Secretary of State to adopt by regulation a cyber-incident response plan for elections; revising the deadline by which a withdrawal of candidacy must be presented by certain candidates; revising the definition of "uniformed-service voter"; revising provisions relating to the limit on contributions to a candidate for office; delaying the effective date of certain provisions relating to automatic voter registration; repealing certain provisions relating to elections; making various other changes relating to elections; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires ~~[, with certain exceptions, the county clerk and city clerk to prepare and distribute a mail ballot for every election to each active registered voter in the county or city and each person who registers to vote or updates his or her voter registration information not later than 14 days before the election. (NRS 293.269911, 293C.263)]~~ **the Secretary of State to establish a system of approved electronic transmission through which: (1)**

certain military and overseas electors and voters; or (2) certain registered electors and voters with a disability may register to vote, request a ballot and cast a ballot. (NRS 293.269951, 293D.200) **Sections 1.5 and 7.6** of this bill ~~[authorize a]~~ **require the Secretary of State to allow any** registered voter to ~~[request a replacement mail]~~ **use the system of approved electronic transmission to apply for and cast a** ballot if the registered voter: (1) does not have access to his or her ~~[original]~~ mail ballot; and (2) is unable to go to the polls because of an illness or disability resulting in confinement, hospitalization, serious illness or is suddenly called away from home. ~~[Sections 1.5 and 7.6 authorize a registered voter to designate in such a request a person to mark and sign a replacement mail ballot on his or her behalf. Sections 6.15, 6.2, 9.6 and 9.8 of this bill make conforming changes to provide that this provision is an exception to the prohibitions on a person marking or signing a mail ballot on behalf of another person.]~~ **Sections 6.55 and 10.5** of this bill require the county and city clerks to notify the public of the provisions of **sections 1.5 and 7.6**.

Existing federal law requires a certificate of ascertainment of appointment of presidential electors to be issued and transmitted to the Archivist of the United States not later than 6 days before the time fixed for the meeting of the electors, which is the first Tuesday after the second Wednesday in December. (3 U.S.C. §§ 5, 7) Existing state law authorizes a candidate defeated at any election to demand and receive a recount within 3 working days after the canvass of the vote. For purposes of demanding a recount in a general election, "canvass" means: (1) the canvass by the Supreme Court of the returns for a candidate for a statewide office; or (2) the canvass of the board of county commissioners of the returns for any other candidate. (NRS 293.403) The canvass by: (1) a board of county commissioners must be completed on or before the 10th day following the election; and (2) the Supreme Court is the fourth Tuesday of November after each general election. (NRS 293.387, 293.395) Each recount must be commenced within 5 days after demand, and completed within 5 days after it begins. (NRS 293.405) Existing state law further authorizes, with certain exceptions, a candidate or registered voter to contest an election by filing a statement of contest no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. (NRS 293.407, 293.413) If an election contest is filed, the court is required to set the matter for hearing not less than 5 days nor more than 10 days after the filing of the statement of contest. (NRS 293.413)

Section 1.7 of this bill establishes a different timeline for filing a recount or an election contest that applies only to the election of presidential electors. Specifically, **section 1.7** provides that a candidate for the office of presidential elector may demand and receive a recount if, on or before the 13th day following the election, the candidate files the written demand to and deposits the estimated costs of the recount with the Secretary of State. Any such recount must be: (1) commenced within 1 day after the demand is filed; and (2) completed within 5 days after the recount begins. **Section 1.7** further

authorizes a candidate or any registered voter to contest the election of a candidate to the office of presidential elector not more than 2 working days after the canvass of the returns by the Supreme Court. Such an election contest must be: (1) scheduled for a judicial hearing not more than 5 days after the filing of the statement of contest; and (2) decided before the deadline to issue and submit the certificate of ascertainment pursuant to federal law.

Pursuant to **section 1.7**, for purposes of the 2024 General Election, which will be held on November 5, 2024, the deadline: (1) to demand a recount for the office of presidential elector is November 18, 2024; (2) to begin a recount for the office of presidential elector is November 19, 2024; (3) to complete a recount for the office of presidential elector is November 24, 2024, (4) to contest the election for the office of presidential elector is December 2, 2024; and (5) for the court to set any such contest for hearing is December 7, 2024. Further, the deadline under federal law to issue and transmit the certificate of ascertainment is December 11, 2024, so pursuant to **section 1.7**, the court must determine the result of any election contest of the office of presidential elector before December 11, 2024.

Sections 6.35-6.5 and 7.3 of this bill make conforming changes to reflect the changes in **section 1.7** to the schedule for filing a demand for a recount or an election contest for the office of presidential elector.

Section 11.7 of this bill requires the Secretary of State to transmit the certificate of ascertainment to the Archivist.

Section 6.5 requires a court to set a contest of an election for hearing not more than 5 days after the filing of the statement of contest for any election.

Existing law requires an independent candidate for partisan office to file a declaration of candidacy. (NRS 293.200) Existing law further sets forth the form for a declaration of candidacy for all candidates for partisan office. (NRS 293.177) **Section 1.8** of this bill sets forth the form for the declaration of candidacy for an independent candidate for partisan office. **Section 3** of this bill makes conforming changes to clarify that the declaration of candidacy for an independent candidate must be in the form set forth in **section 1.8**.

Existing law sets forth certain fees for filing a declaration of candidacy and provides that the fee for filing a declaration of candidacy may be paid by cash, cashier's check or certified check. (NRS 293.193) **Section 2** of this bill: (1) provides that such a fee may also be paid by credit card; (2) revises the description of certain offices; and (3) reorganizes existing fees set forth in other provisions of existing law in to this schedule of fees.

Existing law provides that members of election boards continue to serve as such from the day before the day of the election until the time for filing contests of the election has expired. (NRS 293.225) **Section 3.5** of this bill provides instead that members continue to serve as such from the day of appointment.

Existing law provides that, in certain circumstances, if one candidate receives a majority of the votes cast in a primary election for certain nonpartisan offices, the candidate must be declared elected and the candidate's name must not be placed on the ballot. (NRS 293.260, 293C.175; Carson City

Charter § 5.010; Henderson City Charter § 5.010; Las Vegas City Charter § 5.010; North Las Vegas City Charter § 5.020; Sparks City Charter § 5.020) **Sections 4, 8 and 12-17** of this bill provide that for the purposes of determining the majority of the votes cast in a primary election for an office for which voters may select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.

Existing law provides that every ballot upon which appears the names of candidates for any statewide office or for President or Vice President of the United States must contain an additional line with a square in which the voter may select "None of these candidates." (NRS 293.269) **Section 5** of this bill provides instead that the additional line on such a ballot must contain a space in which the voter may select "None of these candidates."

Existing law: (1) authorizes the mail ballot central counting board to begin counting mail ballots 15 days before the day of the election; (2) requires the counting board to prepare to count the ballots when the polls are closed; and (3) establishes certain requirements for counting paper ballots. (NRS 293.269931, 293.363, 293C.26331, 293C.362) Sections 6.23 and 10.2 of this bill: (1) clarify that the mail ballot central counting board may begin counting mail ballots before the polls are closed; and (2) remove the requirements for counting paper ballots.

Existing law: (1) sets forth certain standards for counting votes; (2) requires the Secretary of State to adopt regulations establishing uniform, statewide standards for counting a vote; and (3) authorizes the Secretary of State to adopt regulations establishing additional uniform statewide standards. (NRS 293.3677, 293C.369) Sections 6.24 and 10.4 of this bill authorize the Secretary of State to establish uniform thresholds for determining whether writing or a mark must be counted as a vote.

Existing law provides that certain election materials, including the voted, rejected and spoiled ballots, must be sealed and deposited in the vaults of the county clerk. (NRS 293.391) **Section 6.25** of this bill provides that such election materials are subject to inspection for the purposes of a risk-limiting audit.

Existing law requires each county clerk to conduct a risk-limiting audit of the results of an election prior to the certification of the results of an election. (NRS 293.394) **Section 6.3** of this bill removes the requirement to conduct such an audit prior to the certification of the results.

Existing law provides that the deadline to register to vote at a voter registration agency, the Department of Motor Vehicles or an automatic voter registration agency is the last day to register to vote by mail. Existing law requires a county clerk to accept any application which is completed by the last day to register to vote by mail if the county clerk receives the application not later than 5 days after that date. (NRS 293.504, 293.5727, 293.5737) **Sections 6.6, 6.75 and 17.7** of this bill require a voter registration agency, the Department of Motor Vehicles and an automatic voter registration agency to

notify a voter who registers to vote after this deadline that in order to vote in the upcoming election, the voter must register to vote by computer or at a polling place or polling place for early voting.

Existing law requires the Secretary of State to prescribe the form for applications to preregister or register to vote. (NRS 293.5235) **Section 6.65** of this bill requires an application to preregister or register to vote to include an option for a voter to elect not to receive a mail ballot. **Sections 6.1 and 9.2** of this bill make conforming changes to provide that a county clerk and city clerk shall not distribute a mail ballot to a person who has elected not to receive a mail ballot.

Existing federal law sets forth certain requirements for the removal of a voter from the official list of eligible voters which prohibit a state from removing the name of a registered voter unless the voter: (1) confirms a change of residence outside of the registrar's jurisdiction in writing; or (2) fails to respond to a notice sent to his or her residence and has not voted or appeared to vote for a period of time after a notice has been mailed to his or her residence. (52 U.S.C. § 20507) **Sections 6.7 and 6.9** of this bill require a county clerk to mail a notice and conduct any correction or removal of a registered voter in accordance with existing federal law.

Existing law provides a penalty for a person who tampers or interferes or attempts to tamper or interfere with any computer program used to count ballots. (NRS 293.755) **Section 6.8** of this bill instead prohibits a person from tampering or interfering or attempting to tamper or interfere with any computer program used to conduct an election.

Existing law prohibits a person from being preregistered or registered to vote in more than one county at a time. (NRS 293.810) **Section 6.9** instead prohibits a person from being preregistered or registered to vote in more than one state at a time.

Existing law requires a county or city clerk or other election official to immediately notify the Secretary of State if the clerk or official identifies or is informed of a confirmed attack or attempted attack on the security of an information system used by the clerk or official. (NRS 293.875) **Section 7** of this bill requires the Secretary of State to adopt by regulation a cyber-incident response plan for elections. **Section 7** also requires a county or city clerk or other election official to notify the Secretary of State of any cyber-incident or attempted cyber-incident on the security of an information system used by the county or city clerk or other election official in accordance with the cyber-incident response plan.

Existing law provides that a withdrawal of candidacy must be presented: (1) for a candidate for city office, to the city clerk within 2 days after the last day for filing for candidacy; and (2) for all other candidates, to the county clerk within 7 days after the last day for filing. (NRS 293.202, 293C.195) **Section 9** of this bill requires a withdrawal of candidacy by a candidate for a city office to be presented within 7 days, consistent with the requirement for all other candidates.

Existing law authorizes uniformed-service voters and certain other voters to vote in an election using a system of approved electronic transmission, a federal postcard application or the federal write-in absentee ballot. (Chapter 293D of NRS) **Section 11** of this bill revises the definition of "uniformed-service voter" to include a member of the active or reserve components of the Space Force of the United States who is on active duty.

Existing law sets forth certain limits on making or committing to make any contributions to a candidate for office, except for a federal office, and provides that no contribution made, committed or accepted for a primary election or general election affects the limitation on contributions for a special election to recall a public officer. (NRS 294A.100) **Section 11.3** of this bill also provides that no contribution made, committed or accepted for a special election other than a special election to recall a public officer affects the limitation on contributions for a special election to recall a public officer.

Beginning on January 1, 2024, existing law expands the agencies which provide automatic voter registration services and establishes certain requirements for an automatic voter registration agency to transmit certain voter registration information to the Secretary of State and county clerks. (Chapter 555, Statutes of Nevada 2021, at page 3849) **Section 17.7** of this bill delays the effective date of these provisions until January 1, 2025.

Section 19 of this bill repeals certain provisions that: (1) prohibit a counting board from commencing to count the votes until all ballots are accounted for; (2) provide for a recount at a hearing of any contest; and (3) require the county clerk to transmit the number of registered voters in the county and their political affiliation to the Secretary of State before certain elections.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.

Sec. 1.5. ***1. ~~[Any]~~ The Secretary of State shall allow any registered voter ~~[may submit a written request]~~ to ~~[the county clerk for a replacement mail]~~ use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to apply for and cast a military-overseas ballot if the registered voter does not have access to his or her mail ballot and is unable to go to the polls because:***

(a) Of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) The registered voter is suddenly hospitalized, becomes seriously ill or is called away from home.

2. ~~[A written request submitted pursuant to subsection 1 must include, without limitation:~~

~~(a) The name, address and signature of the registered voter requesting the replacement mail ballot;~~

~~(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the replacement mail ballot for the registered voter;~~

~~(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home and cannot obtain his or her original mail ballot;~~

~~(d) If the registered voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and~~

~~(e) Unless the person designated pursuant to paragraph (b) will mark and sign the replacement mail ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the replacement mail ballot.~~

~~3. If the county clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 2, the county clerk shall, at the office of the county clerk, deliver the replacement mail ballot to the person designated in the request to obtain the replacement mail ballot for the registered voter.~~

~~4. Except as otherwise provided in subsection 5, the registered voter must vote the mail ballot in accordance with the requirements of NRS 293.269917.~~

~~5. A person designated in the request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the replacement mail ballot. If the person marks and signs the replacement mail ballot pursuant to this section, the person must:~~

~~(a) Indicate next to his or her signature that the replacement mail ballot has been marked and signed on behalf of the registered voter; and~~

~~(b) Submit a written statement with the replacement mail ballot that includes the name, address and signature of the person.~~

~~6. A replacement mail ballot prepared by or on behalf of a registered voter pursuant to this section must be mailed or delivered to the county clerk in accordance with NRS 293.269921.~~

~~7. The county clerk shall cancel the original mail ballot.~~

~~8. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by mail ballot to the extent that those provisions are not inconsistent with the provisions of this section.]~~ The deadlines for a registered voter to use the system of approved electronic transmission pursuant to subsection 1 to apply for and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to apply for and cast a military-overseas ballot.

3. Upon receipt of an application and ballot cast by a registered voter in accordance with subsection 1 using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections

official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

4. The Secretary of State shall ensure that the registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the registered voter to request and cast a ballot.

5. The Secretary of State shall prescribe the form and content of a declaration for use by a registered voter who does not have access to his or her mail ballot and is unable to go to the polls to swear or affirm specific representations pertaining to identity, eligibility to vote, status as a registered voter and timely and proper completion of a ballot.

6. The Secretary of State shall prescribe the duties of the county clerk upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.

7. The Secretary of State shall make available to a registered voter using the system of approved electronic transmission pursuant to this section information regarding instructions on using the system for approved electronic transmission to apply for and cast a ballot.

8. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.

(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.

(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.

(d) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

Sec. 1.7. ***For the purposes of an election to the office of presidential elector:***

1. The following requirements apply to a demand for a recount:

(a) A candidate for the office of presidential elector may demand and receive a recount of the vote to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, on or before the 13th day following the election, the candidate who demands the recount:

(1) Files in writing a demand with the Secretary of State; and

(2) Deposits in advance the estimated costs of the recount with the Secretary of State, as determined by the Secretary of State, in accordance with the regulations adopted by the Secretary of State defining the term "costs."

(b) A recount conducted pursuant to this subsection must be commenced within 1 day after the demand is filed and must be completed within 5 days after the recount is begun.

2. The following requirements apply to a contest of an election:

(a) A candidate for the office of presidential elector or any registered voter of this State may contest the election of a candidate to the office of presidential elector. To contest the election, the candidate or registered voter, as applicable, must file with the clerk of the district court a written statement of contest not more than 2 working days after the canvass of the returns by the Supreme Court.

(b) The statement of contest must be prepared in accordance with NRS 293.407.

(c) The court shall set the matter for a hearing not more than 5 days after the filing of the statement of contest and must determine the results of the contest before the deadline to issue and submit the certificate of ascertainment pursuant to 3 U.S.C. § 5. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

(d) The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. 1.8. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing

of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) ***For an independent candidate for partisan office:***

Declaration of Candidacy of ..... for the Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot at the general election as an independent candidate for the office of ....., I,

the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(c) For nonpartisan office:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to

constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 2. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy must be paid to the filing officer by cash, ***credit card,*** cashier's check or certified check.

United States Senator	$500
Representative in Congress	300
Governor	300
Justice of the Supreme Court	300
~~[Any state office, other than Governor or justice of the Supreme Court~~	~~200]~~
Independent candidate for the office of President of the United States	***250***
Lieutenant Governor	***200***
Secretary of State, State Treasurer, State Controller or Attorney General	***200***
Court of Appeals judge	***200***
Member of the State Board of Education	***200***
District judge	150
Justice of the peace	100
Any county office	100
State Senator	100
Assemblyman or Assemblywoman	100
Trustee of a county school district, hospital or hospital district	***30***
Any ***other*** district office other than district judge	30
Constable or other town or township office	30
Member of the Board of Regents of the University of Nevada	***0***
Any other office which receives no compensation	***0***

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

4. Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.

Sec. 3. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the third Friday in June.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy ***in the form required by NRS 293.177*** with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 3.5. NRS 293.225 is hereby amended to read as follows:

293.225 1. Members of election boards continue ***to serve*** as such from the day ~~[before the day of the election,]~~ ***of appointment*** until the time for filing contests of the election has expired.

2. Each member of an election board is subject to call by the board of county commissioners or city council to correct any errors discovered during the canvass of votes by the board of county commissioners or city council.

3. Reserve election board officers must be appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of the election, and the reserve officers must be compensated if they serve at the polls.

4. If a vacancy occurs in any election board on the day of the election and no reserves are available, the election board may appoint, at the polling place, any registered voter who is willing to serve and satisfies the election board that he or she possesses the qualifications required to perform the services required.

Sec. 4. NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.

3. If not more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election.

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

4. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in NRS 293.400, those candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for:

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.

➥ For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for a nonpartisan office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that

office shall be deemed to be one vote cast in the primary election for that office.

Sec. 5. NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a ~~[square]~~ ***space*** in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

2. Only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

Sec. 6. (Deleted by amendment.)

Sec. 6.1. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; ~~[or]~~

(b) Elects not to receive a mail ballot pursuant to subsection 2 ~~[.]~~ ***; or***

(c) Elects not to receive a mail ballot at the time the person preregistered or registered to vote.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 6.15. ~~[NRS 293.269917 is hereby amended to read as follows:~~

~~293.269917 1. Except as otherwise provided in NRS 293.269919~~ ***and section 1.5 of this act*** ~~and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:~~

~~(a) Mark and fold the mail ballot;~~

~~(b) Deposit the mail ballot in the return envelope and seal the return envelope;~~

~~(c) Affix his or her signature on the return envelope in the space provided for the signature; and~~

~~(d) Mail or deliver the return envelope in a manner authorized by law.~~

~~2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to NRS 293.269911, and no person may write in the name of an additional candidate for any office.~~

~~3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."]~~ **(Deleted by amendment.)**

Sec. 6.2. ~~[NRS 293.269919 is hereby amended to read as follows:~~

~~293.269919 1. Except as otherwise provided in this section~~ **~~[,]~~** ***or section 1.5 of this act,*** ~~a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293.269911 to 293.269937, inclusive.~~

~~2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.~~

~~3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.~~

~~4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person or the voter must include on the return envelope his or her name, address and signature.~~**]** **(Deleted by amendment.)**

Sec. 6.23. **NRS 293.363 is hereby amended to read as follows:**

293.363 1. ~~[When]~~ ***Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293.269931.***

2. Ballots cast using a mechanical voting system must not be counted until the polls are closed**.** ~~[, the counting board shall prepare to count the ballots voted.]~~ The counting procedure must be public and***, to the extent practicable,*** continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.~~

~~(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~**]**

Sec. 6.24. **NRS 293.3677 is hereby amended to read as follows:**

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question,

the vote for that office or question may not be counted ~~[.]~~ ***if the marks meet or exceed the threshold established by regulation pursuant to subsection 3.***

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote ~~[.]~~ ***unless the writing or mark meets or exceeds the threshold established by regulation pursuant to subsection 3.***

3. The Secretary of State:

(a) May adopt regulations establishing ~~[additional]~~ **:**

(1) Additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(2) Uniform thresholds for determining whether writing or a mark on a ballot must be counted as a vote; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 6.25. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, reports prepared pursuant to NRS 293.269937 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners

are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

6. All of the materials preserved pursuant to subsection 1 which are deposited with the county clerk are subject to inspection in a risk-limiting audit that is conducted in accordance with the regulations adopted pursuant to NRS 293.394.

Sec. 6.3. NRS 293.394 is hereby amended to read as follows:

293.394 1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:

(a) Procedures to conduct a risk-limiting audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the risk-limiting audit.

2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct a risk-limiting audit of the results of an election **. [**~~prior to the certification of the results of the election pursuant to NRS 293.395.~~**]**

3. As used in this section, "risk-limiting audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 6.35. NRS 293.403 is hereby amended to read as follows:

293.403 1. **[**~~A~~**]** ***Except as otherwise provided in section 1.7 of this act, a*** candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 6.4. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, ***or section 1.7 of this act,*** the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a

candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. The recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether all ballots are marked as required by law. All ballots must be recounted in the same manner in which the ballots were originally tabulated.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 6.43. NRS 293.405 is hereby amended to read as follows:

293.405 1. If the person who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the person shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary of State, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to the person.

2. If the person who demanded the recount prevails, the sum deposited with the Secretary of State, county clerk or city clerk must be refunded to the person and the cost of the recount must be paid as follows:

(a) If the recount concerns an office or ballot question for which voting is not statewide, the cost must be borne by the county or city which conducted the recount.

(b) If the recount concerns an office or ballot question for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the Secretary of State for review and approval. The Secretary of State shall submit the statements to the State Board of Examiners, which shall repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.

3. ~~[Each]~~ ***Except as otherwise provided in section 1.7 of this act, each*** recount must be commenced within 5 days after demand, and must be completed within 5 days after it is begun.

4. After the recount of a precinct is completed, that precinct must not be subject to another recount for the same office or ballot question at the same election.

Sec. 6.47. NRS 293.407 is hereby amended to read as follows:

293.407 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in NRS 293.413, ***or section 1.7 of this act, as applicable,*** file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and

(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

5. The contestant must notify the defendant that a statement of contest has been filed pursuant to this section.

Sec. 6.5. NRS 293.413 is hereby amended to read as follows:

293.413 1. ~~[~~The~~]~~ ***Except as otherwise provided in section 1.7 of this act, the*** statement of contest provided for in NRS 293.407 shall be filed with the clerk of the district court no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. The parties to a contest shall be denominated contestant and defendant.

2. The court shall set the matter for hearing not ~~[~~less~~]~~ ***more*** than 5 days ~~[~~nor more than 10 days~~]~~ after the filing of the statement of contest. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

3. The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. 6.55. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.269911, 293.269951, 293.2955 and 293.296 ~~[.]~~ ***and section 1.5 of this act.***

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly

or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the county clerk to the public in printed form.

Sec. 6.6. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for preregistering and registering to vote;

(b) Except as otherwise provided in subsection 3 and NRS 293.5732 to 293.5757, inclusive, distribute applications to preregister or register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to preregister or register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to preregister or register to vote.

3. A voter registration agency is not required to provide an application to preregister or register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person affirmatively declines to preregister or register to vote and submits to the agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to preregister or register to vote may not be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.5727 and 293.5747, any application to preregister or register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded

daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. The county clerk shall accept any application which is obtained from a voter registration agency pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

5. ***A voter registration agency shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.***

6. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to preregister or register to vote at recruitment offices of the United States Armed Forces.

Sec. 6.65. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by:

(a) Mailing an application to preregister or register to vote to the county clerk of the county in which the person resides.

(b) A computer using:

(1) The system established by the Secretary of State pursuant to NRS 293.671; or

(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

(c) Any other method authorized by the provisions of this title.

2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

3. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive:

(a) An application to preregister to vote may be used to correct information in a previous application.

(b) An application to register to vote may be used to correct information in the registrar of voters' register.

4. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

5. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 12 and signing the application.

6. The county clerk shall, upon receipt of an application, determine whether the application is complete.

7. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

8. Except as otherwise provided in subsections 5 and 6 of NRS 293.518 and NRS 293.5767, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

9. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.

10. If the applicant fails to check the box described in paragraph (b) of subsection 12, the application shall not be considered invalid, and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

11. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote by computer using:

(1) The system established by the Secretary of State pursuant to NRS 293.671; or

(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

12. The application to preregister or register to vote by mail must include:

(a) A notice in at least 10-point type which states:

> NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) If the application is to:

(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

(f) An option for an applicant to elect not to receive a mail ballot.

13. Except as otherwise provided in subsections 5 and 6 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

14. The county clerk shall mail, by postcard, the notices required pursuant to subsections 7 and 8. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the

person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

15. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

16. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

17. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

18. A person who willfully violates any of the provisions of subsection 15, 16 or 17 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

19. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 6.7. NRS 293.5307 is hereby amended to read as follows:

293.5307 If a county clerk enters into an agreement pursuant to NRS 293.5303, the county clerk shall review each notice of a change of address filed with the United States Postal Service by a resident of the county and identify each resident who is a registered voter and has moved to a new address. ~~[Before removing or correcting information in the statewide voter registration list, the]~~ ***The*** county clerk shall ***, in accordance with 52 U.S.C. § 20507,*** mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530.

Sec. 6.75. NRS 293.5727 is hereby amended to read as follows:

293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide an application to preregister or register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register an applicant to vote or to correct the preregistration or registration of the applicant, as applicable. An application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as

otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.

4. The Department ~~[is]~~ ***:***

(a) Is not required to provide an application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.

(b) Shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail in an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

5. The county clerk shall accept any application to:

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

6. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or register unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward

each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to preregister or register to vote.

8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the database created by the Secretary of State pursuant to NRS 293.675. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

9. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 6.8. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used ~~[to count ballots]~~ ***to conduct an election*** with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to ~~[count ballots]~~ ***conduct an election*** with the intent to influence the outcome of an election is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 6.9. NRS 293.810 is hereby amended to read as follows:

293.810 ***1.*** It is unlawful for any person to be preregistered to vote or registered as a voter in more than one ~~[county]~~ ***state*** at one time.

2. If a county clerk receives information from another state that a person is registered to vote in that state, the county clerk shall, in accordance with 52 U.S.C. § 20507, mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530 or 293.541, as applicable.

Sec. 7. NRS 293.875 is hereby amended to read as follows:

293.875 1. At least once each year, each county or city clerk and all members of their staff whose duties include administering an election must

complete a training class on cybersecurity that is approved by the Secretary of State.

2. ***The Secretary of State shall adopt by regulation a cyber-incident response plan for elections. Each county and city clerk and other local election official is required to comply with the requirements of the cyber-incident response plan.*** If any county or city clerk or other local election official identifies or is informed of a confirmed ~~[attack]~~ ***cyber-incident*** or attempted ~~[attack]~~ ***cyber-incident*** on the security of an information system used by the county or city clerk or other local election official, the county or city clerk or other local election official shall ~~[immediately]~~ notify the Secretary of State regarding such ~~[attack]~~ ***cyber-incident*** or attempted ~~[attack.]~~ ***cyber-incident in accordance with the cyber-incident response plan adopted by the Secretary of State pursuant to this subsection.***

Sec. 7.3. NRS 293B.400 is hereby amended to read as follows:

293B.400 1. Except as otherwise provided in this section, if a recount is demanded pursuant to the provisions of NRS 293.403 ***or section 1.7 of this act*** or if an election is contested pursuant to NRS 293.407, ***or section 1.7 of this act,*** the county or city clerk shall ensure that each mechanical recording device which directly recorded votes electronically for the applicable election provides a record printed on paper of each ballot voted on that device.

2. In carrying out the requirements of this section, the county or city clerk shall:

(a) Print only the records required for the recount or contest; and

(b) Collect those records and deposit them in the vaults of the county or city clerk pursuant to NRS 293.391 or 293C.390.

Sec. 7.6. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Any]~~ The Secretary of State shall allow any registered voter ~~[may submit a written request]~~ to ~~[the city clerk for a replacement mail]~~ use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot if the registered voter does not have access to his or her mail ballot and is unable to go to the polls because:

(a) Of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) The registered voter is suddenly hospitalized, becomes seriously ill or is called away from home.

2. ~~[A written request submitted pursuant to subsection 1 must include, without limitation:~~

~~(a) The name, address and signature of the registered voter requesting the replacement mail ballot;~~

~~(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the replacement mail ballot for the registered voter;~~

~~(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home and cannot obtain his or her original mail ballot;~~

~~(d) If the registered voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and~~

~~(e) Unless the person designated pursuant to paragraph (b) will mark and sign the replacement mail ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the replacement mail ballot.~~

~~3. If the city clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 2, the city clerk shall, at the office of the city clerk, deliver the replacement mail ballot to the person designated in the request to obtain the replacement mail ballot for the registered voter.~~

~~4. Except as otherwise provided in subsection 5, the registered voter must vote the mail ballot in accordance with the requirements of NRS 293C.26316.~~

~~5. A person designated in the request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the replacement mail ballot. If the person marks and signs the replacement mail ballot pursuant to this section, the person must:~~

~~(a) Indicate next to his or her signature that the replacement mail ballot has been marked and signed on behalf of the registered voter; and~~

~~(b) Submit a written statement with the replacement mail ballot that includes the name, address and signature of the person.~~

~~6. A replacement mail ballot prepared by or on behalf of a registered voter pursuant to this section must be mailed or delivered to the city clerk in accordance with NRS 293C.26321.~~

~~7. The city clerk shall cancel the original mail ballot.~~

~~8. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by mail ballot to the extent that those provisions are not inconsistent with the provisions of this section.~~] The deadlines for a registered voter to use the system of approved electronic transmission pursuant to subsection 1 to apply for and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to apply for and cast a military-overseas ballot.

3. Upon receipt of an application and ballot cast by a registered voter in accordance with subsection 1 using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

4. The Secretary of State shall ensure that the registered voter may provide his or her digital signature or electronic signature on any document

or other material that is necessary for the registered voter to request and cast a ballot.

5. The Secretary of State shall prescribe the form and content of a declaration for use by a registered voter who does not have access to his or her mail ballot and is unable to go to the polls to swear or affirm specific representations pertaining to identity, eligibility to vote, status as a registered voter and timely and proper completion of a ballot.

6. The Secretary of State shall prescribe the duties of the city clerk upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.

7. The Secretary of State shall make available to a registered voter using the system of approved electronic transmission pursuant to this section information regarding instructions on using the system for approved electronic transmission to apply for and cast a ballot.

8. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.

(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.

(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.

(d) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

Sec. 8. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the second Tuesday in June of each even-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk not earlier than:

(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.

(b) For any other office, the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office upon which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary city election for that office.***

Sec. 9. NRS 293C.195 is hereby amended to read as follows:

293C.195 A withdrawal of candidacy for a city office must be in writing and presented to the city clerk by the candidate in person within ~~[2]~~ ***7*** days, excluding Saturdays, Sundays and holidays, after the last day for filing a declaration of candidacy. ***If the withdrawal of candidacy is submitted in a timely manner pursuant to the provisions of this subsection, the withdrawal shall be deemed effective after the seventh day, excluding Saturdays, Sundays and holidays, after the last day for filing.***

Sec. 9.2. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; ~~[or]~~

(b) Elects not to receive a mail ballot pursuant to subsection 2 ~~[.]~~ ***; or***

(c) Elects not to receive a mail ballot at the time the person preregistered or registered to vote.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 9.6. ~~[NRS 293C.26316 is hereby amended to read as follows:~~

~~293C.26316 1. Except as otherwise provided in NRS 293C.26318 *and section 7.6 of this act* and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:~~

~~(a) Mark and fold the mail ballot;~~

~~(b) Deposit the mail ballot in the return envelope and seal the return envelope;~~

~~(c) Affix his or her signature on the return envelope in the space provided for the signature; and~~

~~(d) Mail or deliver the return envelope in a manner authorized by law.~~

~~2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to NRS 293C.263, and no person may write in the name of an additional candidate for any office.~~

~~3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."]~~ **(Deleted by amendment.)**

Sec. 9.8. ~~[NRS 293C.26318 is hereby amended to read as follows:~~

~~293C.26318 1. Except as otherwise provided in this section, *and section 7.6 of this act,* a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293C.263 to 293C.26337, inclusive.~~

~~2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail~~

~~ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.~~

~~— 3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.~~

~~— 4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person must include on the return envelope his or her name, address and signature.~~**]** **(Deleted by amendment.)**

Sec. 10. (Deleted by amendment.)

Sec. 10.2. **NRS 293C.362 is hereby amended to read as follows:**

293C.362 1. **[**~~When~~**]** ***Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293C.26331.***

2. Ballots cast using a mechanical voting system must not be counted until the polls are closed**.** ~~**[**, the counting board shall prepare to count the ballots voted.**]**~~ The counting procedure must be public and***, to the extent practicable,*** continue without adjournment until completed.

~~**[**2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~— (a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~— (b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.~~

~~— (c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~**]**

Sec. 10.4. **NRS 293C.369 is hereby amended to read as follows:**

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted **[**~~.~~**]** ***if the marks meet or exceed the threshold established by regulation pursuant to subsection 3.***

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote ~~[.]~~ ***unless the writing or mark meets or exceeds the threshold established by regulation pursuant to subsection 3.***

3. The Secretary of State:

(a) May adopt regulations establishing ~~[additional]~~ ***:***

(1) Additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(2) Uniform thresholds for determining whether writing or a mark on a ballot must be counted as a vote; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 10.5. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.263, 293C.281 and 293C.282 ~~[.]~~ ***and section 7.6 of this act.***

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the city clerk to the public in printed form.

Sec. 11. NRS 293D.090 is hereby amended to read as follows:

293D.090 "Uniformed-service voter" means an elector who is:

1. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps ***,*** ~~[or]~~ Coast Guard ***or Space Force*** of the United States who is on active duty;

2. A member of the Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States;

3. A member of the National Guard or state militia unit who is on activated status; or

4. A spouse or dependent of a person described in subsection 1, 2 or 3.

Sec. 11.3. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election, regardless of the number of candidates for the office, and $5,000 for the general election, regardless of the number of candidates for the office, during the period:

(a) Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. No contribution made, committed to be made or accepted pursuant to this section to a candidate for a primary election ***,*** ~~[or]~~ general election ***or special election other than a special election to recall a public officer*** affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.115 for a special election to recall a public officer.

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 11.7. NRS 298.055 is hereby amended to read as follows:

298.055 The ***Secretary of State shall submit the*** certificate of ascertainment ~~[submitted]~~ to the Archivist of the United States pursuant to 3 U.S.C. § ~~[6]~~ ***5. The certificate of ascertainment*** must include a statement that:

1. Each nominee for presidential elector shall serve as a presidential elector unless a vacancy occurs in the position of presidential elector held by that nominee for presidential elector before the conclusion of the meeting of presidential electors held pursuant to 3 U.S.C. § 7; and

2. If a person is appointed pursuant to NRS 298.065 to fill a vacancy in a position of presidential elector, the Secretary of State will submit an amended certificate of ascertainment to the Archivist.

Sec. 12. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 295, Statutes of Nevada 2015, at page 1481, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

5. If in the primary election one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.***

Sec. 13. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3553, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

➥ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number

of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

5. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 14. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapters 350 and 558, Statutes of Nevada 2019, at pages 2179 and 3553, respectively, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

➥ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.

4. A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she

must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

6. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 15. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 558, Statutes of Nevada 2019, at page 3558, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections.

1. A primary municipal election must be held in the City:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

2. In the primary municipal elections:

(a) The candidates for Council Member who are to be nominated must be nominated and voted for separately according to the respective wards.

(b) If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

3. Each candidate for municipal office must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

4. If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 16. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3562, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. A primary municipal election must be held:

(a) On the Tuesday following the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

3. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

4. Except as otherwise provided in subsection 5, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.***

Sec. 17. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 158, Statutes of Nevada 2021, at page 716, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

1. At the primary election:

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.

(b) Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.

2. If at 5 p.m. on the last day for filing a declaration of candidacy:

(a) There is only one candidate who has filed for nomination for an office, that candidate must be declared elected to the office and no election may be held for that office.

(b) Except as otherwise provided in paragraph (a), not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election.

(c) More than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must be placed on the ballot for the primary election.

3. If at the primary election:

(a) One candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office.

(b) No candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

➥ ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.***

Sec. 17.3 Section 22 of chapter 555, Statutes of Nevada 2021, at page 3866, is hereby amended to read as follows:

Sec. 22. NRS 293.5747 is hereby amended to read as follows:

293.5747 1. An automatic voter registration agency is required to electronically transmit the following information of a person to the Secretary of State and county clerk using the system established pursuant to NRS 293.5732:

(a) An electronic facsimile of the signature of the person, if the automatic voter registration agency is capable of recording, storing and

transmitting to the county clerk an electronic facsimile of the signature of the person;

(b) The first or given name and the surname of the person;

(c) The address at which the person actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(d) The date of birth of the person;

(e) At least one of the following:

(1) The number indicated on the person's current and valid driver's license or identification card issued by the Department of Motor Vehicles; or

(2) The last four digits of the person's social security number; and

(f) A description of the documentation presented to the automatic voter registration agency that indicates the person is a citizen of the United States.

2. Except as otherwise provided in section 3 of this act, the automatic voter registration agency shall electronically transmit to the Secretary of State and the appropriate county clerk the information described in subsection 1:

(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.

3. An automatic voter registration agency shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 17.7. Section 36 of chapter 555, Statutes of Nevada 2021, at page 3876, is hereby amended to read as follows:

Sec. 36. 1. This section becomes effective upon passage and approval.

2. Sections 32.3 and 32.7 of this act become effective on July 1, 2021.

3. Sections 1 to 32, inclusive, and 33, 34 and 35 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, **[**~~2024,~~**]** ***2025,*** for all other purposes.

Sec. 18. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 19. NRS 293.365, 293.423, 293.567 and 293C.365 are hereby repealed.

Sec. 20. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, inclusive, and 15 to 19, inclusive, of this act become effective on July 1, 2023.

3. Section 13 of this act becomes effective on July 1, 2023, if the question set forth in subsection 2 of section 5 of Assembly Bill No. 282 of the 2019 Legislative Session, chapter 350, Statutes of Nevada 2019, at page 2181, is not approved and ratified by the registered voters of the City of Henderson at the 2022 General Election.

4. Section 14 of this act becomes effective on July 1, 2023, if the question set forth in subsection 2 of section 5 of Assembly Bill No. 282 of the 2019 Legislative Session, chapter 350, Statutes of Nevada 2019, at page 2181, is approved and ratified by the registered voters of the City of Henderson at the 2022 General Election.

LEADLINES OF REPEALED SECTIONS

293.365 Accounting for all paper ballots before counting of votes begins.

293.423 Recount of ballots at hearing of contest.

293.567 Number of registered voters in county to be transmitted by county clerk to Secretary of State before certain elections.

293C.365 Accounting for all paper ballots before counting of votes begins.

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 604.

AN ACT relating to public safety; **requiring the Superintendent of Public Instruction to adopt a policy concerning the treatment of injuries to the head;** revising the contents of certain policies adopted by the Nevada Interscholastic Activities Association **, the board of trustees of a school district** and organizations for youth sports concerning the prevention and treatment of injuries to the head; requiring certain schools to adopt such a policy; ~~[requiring certain schools to create and distribute a brochure concerning the prevention and treatment of injuries to the head and establish a concussion management team; providing a penalty;]~~ **revising the requirements for a provider of health care to perform certain functions under such a policy;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association, the board of trustees of each school district and each organization for youth sports that sponsors or sanctions competitive sports for youth to adopt a policy concerning the prevention and treatment of injuries to the head. Existing law requires such a policy to require: (1) a pupil or youth who sustains or is suspected to have sustained an injury to the head to be removed from an activity or event to which the policy applies; and (2) the parent or guardian of such a pupil or youth to provide a signed statement from a provider of health care authorizing the pupil or youth to return to the activity or event before the pupil or youth is authorized to return to the activity or event. (NRS 385B.080, 392.452, 455A.200)

~~[Section 2 of this bill defines "provider of health care" as it is used in sections 3-7 of this bill.]~~ **Section 6.5 of this bill requires the Superintendent of Public Instruction to adopt by regulation a policy concerning the treatment of injuries to the head that affect the ability of a pupil to engage in his or her course work at school. Regulations adopted pursuant to section 6.5 must require a school to authorize a pupil who has sustained or is suspected of sustaining an injury to the head to receive reasonable accommodations that are based on peer-reviewed evidence. Section 6.5 requires the Superintendent to post the policy on an Internet website maintained by the Department of Education.**

Section 7 of this bill ~~[: (1) expands the policy that the Association is required]~~ **requires the Association** to adopt **regulations prescribing the policy of the Association** concerning the prevention and treatment of injuries to the head ~~. [; and (2) requires the Association to create a brochure on the prevention and treatment of injuries to the head. Sections 3-6 of this bill prescribe the requirements of the expanded policy.~~

~~Section 3 of this bill requires the policy to include a requirement that, if practicable, a provider of health care evaluate each pupil before the pupil participates in an interscholastic activity or event to determine the physical and cognitive abilities of the pupil. Section 4 of this bill requires the policy to require the person responsible for the supervision of a pupil who sustains or is suspected of sustaining an injury to the head during the interscholastic activity or event to: (1) immediately remove the pupil from the interscholastic activity or event and ensure the pupil is evaluated for an injury to the head; and (2) convey certain information about the head injury and the policy of the Association regarding head injuries to the parent or legal guardian of that pupil.~~

~~Section 6 of this bill requires the policy to include certain steps the pupil who has sustained or is suspected of having sustained an injury to the head is required to complete in order to return to participation in course work at school or an interscholastic activity or event. Section 5 of this bill prescribes a process for conducting daily evaluations of such a pupil to determine whether the pupil should progress through the steps prescribed by section 6.]~~ **Section 7 additionally requires the association to compile information on the**

prevention and treatment of injuries to the head. **Section 7** also requires the Association to: (1) provide the policy to a parent or legal guardian of a pupil before the pupil participates in an interscholastic activity or event and annually thereafter; (2) ensure that the pupil and his or her parent or legal guardian sign a form containing certain disclosures before the pupil participates in an interscholastic activity or event and annually thereafter; and (3) post the policy ~~[and brochure]~~ **and information** to an Internet website maintained by the Association. ~~[Lastly, section 7 requires the Association to review the policy and brochure every 5 years and update them as necessary to reflect current best practices in the treatment and prevention of injuries to the head.~~

~~Sections]~~ **Section 8** ~~[and 9]~~ of this bill ~~[require]~~ **requires** the board of trustees of each school district and the governing body of each charter school ~~[,]~~ **or** university school for profoundly gifted pupils ~~[and private school]~~ to adopt a policy ~~[and create a brochure]~~ with the same or substantially similar provisions as those required in ~~[sections 3-7]~~ **sections 6.5 and 7** and to modify such provisions as necessary for the provisions to apply to any pupil that sustains an injury to the head. ~~[Sections 8 and 9 additionally require: (1) the principal of each public and private school to create a concussion management team to perform certain duties prescribed in the policy; and (2) certain employees of a public or private school to complete training relating to head injuries. Section 9 provides that a person who willfully fails to perform the duties prescribed by section 9 is guilty of a misdemeanor.]~~

Section 10 of this bill requires each organization for youth sports that sanctions or sponsors competitive sports for youths in this State to adopt a policy with the same or substantially similar provisions as those required in ~~[sections 3-7, except those provisions concerning the return to course work in a classroom.]~~ **section 7.**

Sections 6.5-8 and 10 require the Superintendent, the Association, the board of trustees of each school district, the governing body of each charter school or university school for profoundly gifted pupils and each organization for youth sports, as applicable, to review the policy each person or organization adopted pursuant to the provisions of this bill at least once every 5 years and update it as necessary to reflect current best practices in the treatment and prevention of injuries to the head.

If a pupil or youth sustains an injury to the head, existing law requires that a provider of health care sign a form indicating that the pupil is medically cleared for participation in an activity, event or competitive sport before the pupil is authorized to return to such participation. (NRS 385B.080, 392.452, 455A.200) Sections 7, 8 and 10 additionally require the provider of health care that signs such a form to be acting within his or her scope of practice.

WHEREAS, A concussion is a type of injury to the brain that has the ability to mildly or severely disrupt the normal function of the brain; and

WHEREAS, Some concussions cause people to lose consciousness, but the majority of concussions occur without a loss of consciousness; and

WHEREAS, Concussions may occur in any organized or unorganized sport or recreational activity or through daily life events and can result from a fall or collision with another person, the ground or an object; and

WHEREAS, According to the Johns Hopkins University School of Medicine, children and young adults are at greater risk of sustaining a concussion than the average adult; and

WHEREAS, The Mayo Clinic estimates that between 15 and 20 percent of concussions result in post-concussive syndrome, the long-term effects of which may include cognitive impairment, depression, personality changes and other psychological disorders; and

WHEREAS, The Johns Hopkins University School of Medicine advises that concussions be treated with rest and limiting activities that require a person to concentrate heavily; and

WHEREAS, The National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services stresses the importance of schools and sports organizations adopting policies to reduce the risk of a child sustaining a concussion and ensure that proper treatment is provided to a child that sustains a concussion; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 385B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*As used in NRS 385B.080 and sections 2 to 6, inclusive, of this act, "provider of health care" means a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to chapter 632 of NRS, a physical therapist licensed pursuant to chapter 640 of NRS or an athletic trainer licensed pursuant to chapter 640B of NRS.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*Except as otherwise provided in NRS 385B.080, the policy adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.080 must require:*~~

~~*1. If practicable, a provider of health care to evaluate the physical and cognitive abilities of each pupil before the pupil participates in an interscholastic activity or event governed by the Nevada Interscholastic Activities Association and at least annually thereafter.*~~

~~*2. The evaluation required by subsection 1 to use one or more evidence-based tests that include, without limitation:*~~

~~*(a) Attempting to provoke the symptoms of an injury to the head in the pupil and evaluating the symptoms exhibited by the pupil; and*~~

~~(b) Evaluating the postural stability and cognitive ability of the pupil.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[Except as otherwise provided in NRS 385B.080, the policy adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.080 must require the teacher, coach or other person responsible for supervising a pupil who sustains or is suspected of sustaining an injury to the head while participating in an interscholastic activity or event to:~~

~~1. Immediately remove the pupil from the activity or event and ensure that the pupil is evaluated in accordance with procedure set forth in section 5 of this act; and~~

~~2. Ensure that the parent or legal guardian of the pupil is notified of the injury to the head and provided with the:~~

~~(a) Brochure created pursuant to NRS 385B.080;~~

~~(b) Procedure set forth in this section and sections 5 and 6 of this act for the pupil to return to full participation in course work at school and to an interscholastic activity or event;~~

~~(c) Contact information for the concussion management team established pursuant to subsection 5 of NRS 392.452 or subsection 5 of section 9 of this act, as applicable; and~~

~~(d) Form prescribed by the Nevada Interscholastic Activities Association pursuant to subsection 9 of section 5 of this act.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[Except as otherwise provided in NRS 385B.080, the policy adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.080 must require that:~~

~~1. Not sooner than 24 hours after a pupil sustains or is suspected of sustaining an injury to the head while participating in an interscholastic activity or event, a provider of health care initially evaluate the pupil as provided in subsection 3.~~

~~2. A provider of health care or school nurse who has received training in the evaluation of injuries to the head evaluate the pupil as provided in subsection 3 at least once each day thereafter until the pupil is authorized to return to full participation in course work at school and the interscholastic activity or event pursuant to subsection 9.~~

~~3. An evaluation performed pursuant to subsection 1 or 2 consists of:~~

~~(a) Evaluating the symptoms, postural stability and cognitive ability of the pupil. Such an evaluation must use the same test as was initially used to evaluate the pupil pursuant to section 3 of this act, if applicable.~~

~~(b) Comparing the results of the evaluation conducted pursuant to paragraph (a) to:~~

~~(1) The results of the evaluation conducted pursuant to section 3 of this act; or~~

~~(2) If an evaluation of the pupil has not been performed pursuant to section 3 of this act, a statistically valid database that establishes the physical and cognitive abilities of a pupil of similar age and other relevant~~

~~*characteristics to the pupil that sustained or is suspected to have sustained an injury to the head.*~~

~~*— 4. After performing an evaluation pursuant to subsection 1 or 2, a provider of health care or school nurse consult with other members of the concussion management team established pursuant to subsection 5 of NRS 392.452 or subsection 5 of section 9 of this act, as applicable, and, if such other members have been appointed, determine whether the pupil should advance to the next step, remain at the current step or return to the previous step of the procedures set forth in section 6 of this act.*~~

~~*— 5. Before a pupil advances to the next step or returns to the previous step of the procedures set forth in section 6 of this act, a provider of health care or school nurse approve the advancement or return, as applicable. A provider of health care or school nurse may not authorize a pupil to:*~~

~~*— (a) Skip a step or progress through more than one step in a day under any circumstance; or*~~

~~*— (b) Advance to the next step if the provider of health care or school nurse believes that it would be unsafe for the pupil to advance to the next step.*~~

~~*— 6. If a provider of health care or school nurse approves the advancement of a pupil to the next step of the procedures set forth in section 6 of this act, the provider of health care or school nurse document in a written record the date on which he or she approved the advancement.*~~

~~*— 7. The school in which a pupil is enrolled maintain the written record created pursuant to subsection 6 for at least 4 years after the date the documentation is made.*~~

~~*— 8. A provider of health care or school nurse who evaluates a pupil pursuant to subsection 2 return the pupil to the previous step of the procedures set forth in section 6 of this act, if the provider of health care or school nurse determines that symptoms for the injury to the head have worsened after the previous evaluation.*~~

~~*— 9. Before a pupil returns to full participation in course work at school or an interscholastic activity or event, a provider of health care evaluate the pupil pursuant to subsection 2 and sign a form prescribed by the Nevada Interscholastic Activities Association:*~~

~~*— (a) Certifying that the pupil has completed the appropriate procedure set forth in section 6 of this act; and*~~

~~*— (b) Authorizing the pupil to return to full participation in course work at school or a sport or other physically demanding interscholastic activity or event, as applicable.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[Except as otherwise provided in NRS 385B.080, the policy adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.080 must prohibit a pupil from returning to full participation in:*~~

~~*— 1. Course work at school until the pupil has completed a procedure that ensures the pupil is physically and mentally ready to return to full participation in course work at school, including, without limitation, completing the following steps in the following order:*~~

~~*(a) Total rest;*~~

~~*(b) Daily activities at home;*~~

~~*(c) Course work completed at home;*~~

~~*(d) Course work completed at school, but not participating in a classroom;*~~

~~*(e) Participation in a classroom with any accommodation necessary;*~~

~~*(f) Participation in a classroom with minimal accommodations; and*~~

~~*(g) A provider of health care signing a form authorizing the pupil to return to full participation in course work at school pursuant to subsection 9 of section 5 of this act.*~~

~~*2. An interscholastic activity or event until the pupil has completed a procedure that ensures the pupil is physically and mentally ready to return to full participation in the interscholastic activity or event, including, without limitation, completing the following steps in the following order:*~~

~~*(a) Total rest;*~~

~~*(b) Light aerobic activity;*~~

~~*(c) Moderate aerobic activity, including, without limitation, non-contact training activities at half speed;*~~

~~*(d) Vigorous aerobic activity, including, without limitation, non-contact training activities at full speed;*~~

~~*(e) Full contact practice; and*~~

~~*(f) A provider of health care signing a form authorizing the pupil to return to full participation in the interscholastic activity or event pursuant to subsection 9 of section 5 of this act.]*~~ **(Deleted by amendment.)**

Sec. 6.5. **Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Superintendent of Public Instruction shall, in cooperation with the Nevada Interscholastic Activities Association and the Chief Medical Officer, adopt regulations prescribing a policy concerning the treatment of injuries to the head that affect the ability of a pupil to learn and otherwise engage with his or her course work at school, including, without limitation, a concussion of the brain.

2. The policy adopted pursuant to subsection 1 must require a school to authorize a pupil who has sustained or is suspected of sustaining an injury to the head to receive reasonable accommodations that are based on peer-reviewed evidence until the pupil is mentally and physically ready to return to full participation in his or her course work. Such accommodations may include, without limitation:

(a) Rest;

(b) A modified schedule or curriculum; or

(c) Monitoring by a school nurse, athletic trainer or other person qualified to monitor the mental and physical health of the pupil.

3. The Superintendent of Public Instruction shall post the policy adopted pursuant to subsection 1 on an Internet website maintained by the Department.

4. At least once every 5 years, the Superintendent of Public Instruction shall:

(a) Review the policy adopted pursuant to subsection 1; and

(b) Update the policy to reflect current best practices in the prevention and treatment of injuries to head.

Sec. 7. NRS 385B.080 is hereby amended to read as follows:

385B.080 1. The Nevada Interscholastic Activities Association shall ***, in cooperation with the Superintendent of Public Instruction and the Chief Medical Officer,*** adopt ***[:***

(a) Adopt] ***regulations prescribing*** a policy concerning the prevention and treatment of injuries to the head which may occur during ***or otherwise affect*** a pupil's participation in interscholastic activities and events, including, without limitation, a concussion of the brain. ***[Except as otherwise provided in subsection 6, the policy must contain the items required by sections 3 to 6, inclusive, of this act.***

(b) Create a brochure concerning the prevention and treatment of injuries to the head which may occur during the participation of a pupil in interscholastic activities or events, including, without limitation, a concussion of the brain.

2.] The policy ***[brochure created pursuant to paragraph (b) of subsection 1]*** must provide information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, the risks associated with continuing to participate in the activity or event after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a pupil ***has or*** sustains or is suspected of ***having or*** sustaining an injury to the head while participating in an interscholastic activity or event, the pupil:

(a) Must be immediately removed from the activity or event; and

(b) May return to the activity or event if the parent or legal guardian of the pupil provides a signed statement of a provider of health care ***acting within his or her scope of practice*** indicating that the pupil is medically cleared for participation in the activity or event and the date on which the pupil may return to the activity or event. ***[include,]***

3. The Nevada Interscholastic Activities Association shall compile educational information on the prevention and treatment of injuries to the head, including, without limitation:

(a) Information about injuries to the head, including, without limitation, traumatic brain injuries and concussions of the brain;

(b) The procedure to be followed after an injury to the head or a suspected injury to the head of a pupil is sustained, including, without limitation, [the] any procedure in the policy adopted pursuant to [paragraph (a) of] subsection 1 to determine when a pupil may return to full participation in [course work at school and] any interscholastic activity or event;

(c) The symptoms that a pupil who has sustained an injury to the head is likely to exhibit and the manner in which such symptoms are likely to subside over time; and

(d) The recommended care and accommodations for a pupil who has sustained or is suspected to have sustained a concussion or other injury to the head and the resources for identifying the proper care and accommodations for a specific pupil . [; and

(e) A place for school personnel to fill in the contact information for:

(1) The concussion management team established pursuant to subsection 5 of NRS 392.452 or subsection 5 of section 9 of this act, as applicable;

(2) Providers of emergency medical services; and

(3) Nearby hospitals.

3.] ***4.*** Before a pupil participates in an interscholastic activity or event, and on an annual basis thereafter, ***the Nevada Interscholastic Activities Association shall ensure that*** the pupil and his or her parent or legal guardian:

(a) [Must be] ***Are*** provided with a copy of the policy adopted pursuant to ***[paragraph (a) of]*** subsection 1; and

(b) [Must sign] ***Sign*** a statement on a form prescribed by the Nevada Interscholastic Activities Association acknowledging that the pupil ***, if capable,*** and his or her parent or guardian [have read and understand the terms and conditions of the policy. ***.]*** ***understand:***

(1) [Understand that] That injuries to the head may occur during the participation of a pupil in interscholastic activities and events;

(2) [Understand the] The risks associated with participating in an activity or event in which a pupil may sustain an injury to the head;

(3) [Understand the] The risks associated with continuing to participate in an activity or event after a pupil has sustained an injury to the head; and

(4) [Agree to follow the policy adopted pursuant to paragraph (a) of subsection 1 and the policy adopted pursuant to NRS 392.452 or section 9 of this act, as applicable, by the school district, charter school, university school for profoundly gifted pupils or private school in which the pupil is enrolled;

(5) Understand that] That the policy adopted pursuant to [paragraph (a) of] subsection 1 and the [brochure created] educational information compiled pursuant to [paragraph (b) of] subsection [1] 3 are available on the Internet website maintained by the Nevada Interscholastic Activities Association . [; and

(6) Understand that the policy adopted and brochure created pursuant to NRS 392.452 or section 9 of this act, as applicable, are available on the Internet website maintained by the school district, charter school, university school for profoundly gifted pupils or private school in which the pupil is enrolled.

4. As used in this section, "provider of health care" means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical

~~therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.]~~

5. The Nevada Interscholastic Activities Association shall post the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1 and the ~~[brochure created]~~ educational information compiled pursuant to ~~[paragraph (b) of]~~ subsection ~~[1]~~ 3 on the Internet website of the Nevada Interscholastic Activities Association.

~~[5.]~~ 6. At least once every 5 years, the Nevada Interscholastic Activities Association shall:

(a) Review the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1 and the ~~[brochure created]~~ information compiled pursuant to ~~[paragraph (b) of]~~ subsection ~~[1,]~~ 3; and

(b) Update the policy and ~~[brochure]~~ information to reflect current best practices in the prevention and treatment of injuries to head.

~~[6. Notwithstanding the provisions of sections 3 to 6, inclusive, of this act, the Nevada Interscholastic Activities Association may adopt regulations which prescribe alternative contents of the policy adopted by the Association pursuant to this section if the Association:~~

~~(a) Receives testimony from experts in the field of the prevention and treatment of injuries to the head that the alternative contents reflect current best practices in the prevention and treatment of injuries to the head; and~~

~~(b) Concludes, on the basis of such testimony, that the alternative contents would be more effective at preventing and treating injuries to the head than the contents required by sections 3 to 6, inclusive, of this act.]~~

7. As used in this section, "provider of health care" means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

Sec. 8. NRS 392.452 is hereby amended to read as follows:

392.452 1. ~~[For those competitive sports not governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS, the]~~ ***The*** board of trustees of each school district ***, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils*** shall adopt ~~[:~~

~~(a) Adopt]~~ a policy ~~[and create a brochure]~~ concerning the prevention and treatment of injuries to the head ~~[which may occur during]~~ ***of*** a ~~[pupil's participation in competitive sports within the school district,]~~ ***pupil,*** including, without limitation, a concussion of the brain. ~~[To the extent practicable, the]~~ ***The*** policy ~~[and brochure]~~ must ~~[be consistent with]~~ ***:***

~~[(1)]~~ ***(a) Include at least the same or substantially similar provisions as*** the ~~[policy]~~ ***policies*** adopted ~~[and brochure created]~~ by the ***Superintendent of Public Instruction pursuant to section 6.5 of this act and the*** Nevada Interscholastic Activities Association pursuant to NRS 385B.080 ~~[. The policy must provide information concerning the nature and risk of injuries to the head~~

~~which may occur during a pupil's participation in competitive sports, including, without limitation, the risks associated with continuing to participate in competitive sports after sustaining such an injury.]~~ ***; and***

~~***[(2)]***~~ ***(b) Be modified as necessary to cover all pupils at a school who have or sustain , or are suspected of having or sustaining , an injury to the head, regardless of whether a pupil is at school or participating in an extracurricular activity when the injury or suspected injury occurs.***

~~***[(b) Prescribe a form that is substantially similar to the form prescribed by the Nevada Interscholastic Activities Association pursuant to subsection 9 of section 5 of this act on which a provider of health care may:***~~

~~***(1) Certify that a pupil who has sustained or is suspected of having sustained an injury to the head has completed all procedures required by the policy adopted pursuant to paragraph (a) for the pupil to return to full participation in course work at school or an extracurricular activity; and***~~

~~***(2) Authorize the pupil to return to full participation in course work at school or an extracurricular activity, as applicable.]***~~

2. The policy adopted pursuant to subsection 1 must require that if a pupil ***has or*** sustains , or is suspected of ***having or*** sustaining , an injury to the head while participating in competitive sports, the pupil:

(a) Must be immediately removed from the competitive sport; and

(b) May return to the competitive sport if the parent or legal guardian of the pupil provides a signed statement of a provider of health care ***acting within his or her scope of practice*** indicating that the pupil is medically cleared for participation in the competitive sport and the date on which the pupil may return to the competitive sport.

3. Before a pupil participates in competitive sports within a school district ~~[,]~~ ***or for a charter school or university school for profoundly gifted pupils,*** and on an annual basis thereafter, the ***board of trustees of a school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall ensure that each*** pupil and his or her parent or legal guardian:

(a) ~~[Must be]~~ ***Are*** provided with a copy of the policy adopted pursuant to ~~***[paragraph (a) of]***~~ subsection 1; and

(b) ~~[Must sign]~~ ***Sign*** a statement on a form prescribed by the board of trustees ***of the school district, governing body of the charter school or the governing body of the university school for profoundly gifted pupils, as applicable,*** acknowledging that the pupil ***, if capable,*** and his or her parent or guardian ~~[have read and understand the terms and conditions of the policy.~~

4. ~~***:]***~~ ***understand:***

(1) ~~[Understand that]~~ That injuries to the head may occur during the participation of a pupil in interscholastic activities and events;

(2) ~~[Understand the]~~ The risks associated with participating in an activity or event in which a pupil may sustain an injury to the head;

(3) ~~[Understand the]~~ The risks associated with continuing to participate in an activity or event after a pupil has sustained an injury to the head; and

(4) ~~[Agree to follow the policy adopted pursuant to paragraph (a) of subsection 1 and the policy adopted pursuant to NRS 385B.080 by the Nevada Interscholastic Activities Association;~~

~~(5) Understand that]~~ That the policy adopted ~~[and the brochure created]~~ pursuant to ~~[paragraph (a) of]~~ subsection 1 and the educational information compiled pursuant to subsection 3 of NRS 385B.080 are available on the Internet website maintained by the school district, charter school or university school for profoundly gifted pupils in which the pupil is enrolled . ~~[; and~~

~~(6) Understand that the policy adopted and brochure created pursuant to NRS 385B.080 are available on the Internet website maintained by the Nevada Interscholastic Activities Association.~~

~~3.]~~ 4. Upon notification that a pupil enrolled in a public school has sustained or is suspected of having sustained an injury to the head, the board of trustees of a school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils, as applicable, shall ensure that the pupil and his or her parent or legal guardian are provided with a printed or electronic copy of the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1.

~~[4.]~~ 5. Each public school, charter school and university school for profoundly gifted pupils shall post the policy adopted ~~[and the brochure created]~~ pursuant to ~~[paragraph (a) of]~~ subsection 1 and the educational information prepared pursuant to subsection 3 of NRS 385B.080 on an Internet website maintained by the school.

~~[5. The principal or other person in charge of each public school, including, without limitation, each charter school or university school for profoundly gifted pupils, shall establish a concussion management team for the school. The concussion management team must include a school nurse or athletic trainer, and may additionally include, without limitation:~~

~~(a) School psychologists;~~

~~(b) School social workers;~~

~~(c) School counselors;~~

~~(d) Teachers; and~~

~~(e) Administrators.~~

~~6. A concussion management team established pursuant to subsection 5 shall perform the duties prescribed in the policies adopted pursuant to paragraph (a) of subsection 1 and NRS 385B.080.~~

~~7.]~~ 6. At least once every 5 years, the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall:

(a) Review the policy adopted ~~[and the brochure created]~~ pursuant to ~~[paragraph (a) of]~~ subsection 1; and

(b) Update the policy ~~[and brochure]~~ to reflect current best practices in the prevention and treatment of injuries to the head.

~~[8.]~~ 7. Each ~~[administrator, teacher, counselor or other]~~ employee of a public school who ~~[is likely to encounter]~~ supports the academics or health, including, without limitation, mental or physical health, of a pupil who has sustained or is suspected of having sustained an injury to the head must annually complete training regarding the prevention and treatment of injuries to the head ~~[provided by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the National Federation of State High School Associations or a similar entity.]~~ , which must include, without limitation, a review of the educational information compiled pursuant to subsection 3 of NRS 385B.080. Each public school shall maintain a record of the training required by this section which is completed by each employee of the public school and provide such a record upon request.

~~[9.]~~ 8. As used in this section, "provider of health care" means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

Sec. 9. ~~[Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The governing body of each private school shall:*~~

~~*(a) Adopt a policy and create a brochure concerning the prevention and treatment of injuries to the head of a pupil, including, without limitation, a concussion of the brain. The policy and brochure must:*~~

~~*(1) Include at least the same or substantially similar provisions as the policy adopted and brochure created by the Nevada Interscholastic Activities Association pursuant to NRS 385B.080; and*~~

~~*(2) Be modified as necessary to cover all pupils at a school who sustain or are suspected of sustaining an injury to the head, regardless of whether a pupil is at school or participating in an extracurricular activity when the injury or suspected injury occurs.*~~

~~*(b) Prescribe a form that is substantially similar to the form prescribed by the Nevada Interscholastic Activities Association pursuant to subsection 9 of section 5 of this act on which a provider of health care may:*~~

~~*(1) Certify that a pupil who has sustained or is suspected of having sustained an injury to the head has completed all procedures required by the policy adopted pursuant to paragraph (a) for the pupil to return to full participation in course work at school or an extracurricular activity; and*~~

~~*(2) Authorize the pupil to return to full participation in course work at school or an extracurricular activity, as applicable.*~~

~~*2. Before a pupil participates in competitive sports with a private school, and on an annual basis thereafter, the governing body of each private school shall ensure that each pupil and his or her parent or legal guardian:*~~

~~*(a) Are provided with a copy of the policy adopted pursuant to paragraph (a) of subsection 1;*~~

~~(b) Sign a statement on a form prescribed by the governing body of the private school acknowledging that the pupil, if capable, and his or her parent or guardian:~~

~~(1) Understand that injuries to the head may occur during the participation of a pupil in interscholastic activities and events;~~

~~(2) Understand the risks associated with participating in an activity or event in which a pupil may sustain an injury to the head;~~

~~(3) Understand the risks associated with continuing to participate in an activity or event after a pupil has sustained an injury to the head;~~

~~(4) Agree to follow the policy adopted pursuant to paragraph (a) of subsection 1 and the policy adopted pursuant to NRS 385B.080 by the Nevada Interscholastic Activities Association;~~

~~(5) Understand that the policy adopted and the brochure created pursuant to paragraph (a) of subsection 1 are available on the Internet website maintained by the private school in which the pupil is enrolled; and~~

~~(6) Understand that the policy adopted and brochure created pursuant to NRS 385B.080 are available on the Internet website maintained by the Nevada Interscholastic Activities Association.~~

~~3. Upon notification that a pupil enrolled in a private school has sustained or is suspected of having sustained an injury to the head, the board of trustees of the private school shall ensure that the pupil and his or her parent or legal guardian are provided with a copy of the policy adopted pursuant to paragraph (a) of subsection 1.~~

~~4. Each private school shall post the brochure created pursuant to paragraph (a) of subsection 1 on an Internet website maintained by the school.~~

~~5. The principal or other person in charge of each private school shall establish a concussion management team for the school. The concussion management team must include a school nurse or athletic trainer, and may include, without limitation:~~

~~(a) School psychologists;~~

~~(b) School social workers;~~

~~(c) School counselors;~~

~~(d) Teachers; and~~

~~(e) Administrators.~~

~~6. A concussion management team established pursuant to subsection 5 shall perform the duties prescribed in the policies adopted pursuant to paragraph (a) of subsection 1 and NRS 385B.080.~~

~~7. At least once every 5 years, the governing body of each private school shall:~~

~~(a) Review the policy adopted and the brochure created pursuant to paragraph (a) of subsection 1; and~~

~~(b) Update the policy and brochure to reflect current best practices in the prevention and treatment of injuries to the head.~~

~~*8. Each administrator, teacher, counselor or other employee of a private school who is likely to encounter a pupil who has sustained or is suspected of having sustained an injury to the head must annually complete training regarding the prevention and treatment of injuries to the head provided by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the National Federation of State High School Associations or a similar entity. Each private school shall maintain a record of the training required by this section which is completed by each employee of the private school and provide such a record upon request.*~~

~~*9. A person who willfully violates the provisions of this section is guilty of a misdemeanor. Each day's failure to comply with the provisions of this section is a separate offense.*~~

~~*10. As used in this section, "provider of health care" means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.]*~~ **(Deleted by amendment.)**

Sec. 10. NRS 455A.200 is hereby amended to read as follows:

455A.200 1. Each organization for youth sports that sanctions or sponsors competitive sports for youths in this State shall adopt ~~*[:*~~

~~*(a) Adopt]*~~ a policy concerning the prevention and treatment of injuries to the head which may occur during ***or otherwise affect*** a youth's participation in those competitive sports, including, without limitation, a concussion of the brain. ~~**[**To the extent practicable, *Except for provisions concerning a pupil returning to full participation in course work at school,* the]~~ ***The*** policy must ~~**[**be consistent with**]**~~ ***include at least the same or substantially similar provisions as*** the policy adopted by the Nevada Interscholastic Activities Association pursuant to ***subsection 1 of*** NRS 385B.080. ~~**[**The policy must provide information concerning the nature and risk of injuries to the head which may occur during a youth's participation in competitive sports, including, without limitation, the risks associated with continuing to participate in competitive sports after sustaining such an injury.~~

~~*(b) Prescribe a form that is substantially similar to the form prescribed by the Nevada Interscholastic Activities Association pursuant to subsection 9 of section 5 of this act on which a provider of health care may:*~~

~~*(1) Certify that a youth who has sustained or is suspected of having sustained an injury to the head has completed all procedures required by the policy adopted pursuant to paragraph (a) for the youth to return to full participation in competitive sports; and*~~

~~*(2) Authorize the youth to return to full participation in competitive sports.]*~~

2. The policy adopted pursuant to subsection 1 must require that if a youth ***has or*** sustains , or is suspected of ***having or*** sustaining , an injury to the head while participating in competitive sports, the youth:

(a) Must be immediately removed from the competitive sport; and

(b) May return to the competitive sport if the parent or legal guardian of the youth provides a signed statement of a provider of health care ***acting within his or her scope of practice*** indicating that the youth is medically cleared for participation in the competitive sport and the date on which the youth may return to the competitive sport.

3. Before a youth participates in competitive sports sanctioned or sponsored by an organization for youth sports in this State, ***and on an annual basis thereafter, the organization for youth sports shall ensure that*** the youth and his or her parent or legal guardian:

(a) ~~[Must be]~~ ***Are*** provided with a copy of the policy adopted pursuant to ***paragraph (a) of*** subsection 1; and

(b) ~~[Must sign]~~ ***Sign*** a statement on a form prescribed by the organization for youth sports acknowledging that the youth ***, if capable,*** and his or her parent or legal guardian ~~[have read and understand the terms and conditions of the policy.~~

~~4. .~~ ~~]~~ ***understand:***

(1) ~~[Understand that]~~ That injuries to the head may occur during the participation of a youth in youth sports;

(2) ~~[Understand the]~~ The risks associated with participating in a youth sport in which a youth may sustain an injury to the head;

(3) ~~[Understand the]~~ The risks associated with continuing to participate in a youth sport after a youth has sustained an injury to the head;

(4) ~~[Agree to follow the policy adopted pursuant to paragraph (a) of subsection 1;~~

~~***(5) Understand that]***~~ ***That the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1 is available on the Internet website , if any, maintained by the organization for youth sports; and***

~~***[(6) Understand that]***~~

(5) That the policy adopted ~~[and brochure created]~~ and the educational information compiled pursuant to NRS 385B.080 are available on the Internet website maintained by the Nevada Interscholastic Activities Association.

~~[3.]~~ 4. Each organization for youth sports that sanctions or sponsors competitive sports for youths shall post the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1 on an Internet website maintained by the organization ~~[.]~~ , if any.

~~[4.]~~ 5. At least once every 5 years, each organization for youth sports that sanctions or sponsors competitive sports for youths in this State shall:

(a) Review the policy adopted pursuant to ~~[paragraph (a) of]~~ subsection 1; and

(b) Update the policy to reflect current best practice in the prevention and treatment of injuries to the head.

~~[5.]~~ 6. As used in this section:

(a) "Provider of health care" means a physician or physician assistant licensed under chapter 630 or 633 of NRS, an advanced practice registered nurse licensed under chapter 632 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

(b) "Youth" means a person under the age of 18 years.

Sec. 11. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 106.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 683.

AN ACT relating to ophthalmic dispensing; exempting the sale of prescription eyewear to intended wearers outside this State from provisions regulating ophthalmic dispensing **~~[.]~~ under certain circumstances; authorizing the imposition of certain administrative action and injunctive relief for certain violations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a person to hold a license as a dispensing optician issued by the Board of Dispensing Opticians in order to engage in the practice of ophthalmic dispensing in this State. (NRS 637.090) Existing law defines "ophthalmic dispensing" as the design, verification and delivery to the intended wearer of lenses, frames and other specially fabricated optical devices upon prescription. (NRS 637.022)]~~

Existing law exempts certain activity from provisions of law governing ophthalmic dispensing. (NRS 637.025) **Section ~~[6]~~ 9** of this bill additionally exempts from such provisions the **manufacturing and direct online** sale of **lenses, frames and other specially fabricated optical devices upon** prescription ~~[eyewear]~~ to an intended wearer **who is** located outside this State ~~[or any design,]~~ **at the time of purchase, if the** manufacturing ~~[or other activity in conjunction with such]~~ **is supervised by** a ~~[sale.]~~ **licensed dispensing optician. Section 9 requires such supervision to include a daily review of all optical manufacturing equipment by the licensed dispensing optician. Section 9 requires a person engaged in such manufacturing and**

direct online sale to confirm that lenses shipped to the intended wearer match the relevant prescription, as submitted by the intended wearer.

Existing law authorizes the imposition of disciplinary action and the issuance of an injunction against a person who is licensed to engage in the practice of ophthalmic dispensing or manage a business engaged in ophthalmic dispensing and violates certain provisions of law governing ophthalmic dispensing. (NRS 637.150, 637.185) Existing law also provides that such a person is guilty of a misdemeanor. (NRS 637.200) Section 9 provides that such a licensee is subject to disciplinary action and injunctive relief if the licensee: (1) is engaged in activity which, under the provisions of section 9, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with section 9 or, alternatively, with other provisions governing ophthalmic dispensing.

Existing law prohibits a person from engaging in the practice of ophthalmic dispensing or managing a business engaged in ophthalmic dispensing without a license. (NRS 637.090) Existing law provides that a person who violates that prohibition is guilty of a misdemeanor and subject to an administrative fine and injunctive relief. (NRS 637.181, 637.185, 637.200) Section 9 provides that an unlicensed person is subject to such an administrative fine and injunctive relief if the person: (1) is engaged in activity which, under the provisions of section 9, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with section 9. Sections 9 and 10 of this bill provide that a person who fails to comply with section 9 is not guilty of a misdemeanor, regardless of whether the person is licensed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. ~~[NRS 637.025 is hereby amended to read as follows:~~

~~637.025 The provisions of this chapter do not apply to:~~

~~1. Ophthalmic dispensing personally by a licensed physician, surgeon or optometrist unless exclusively engaged in the business of filling prescriptions.~~

~~2. Ophthalmic dispensing by an employee of a licensed physician, surgeon or optometrist if the employee practices ophthalmic dispensing only under the direct supervision of the licensed physician, surgeon or optometrist and only as an assistant to the licensed physician, surgeon or optometrist.~~

~~3. A licensed pharmacist dispensing prepackaged contact lenses pursuant to the provisions of NRS 639.2825.~~

~~4. The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses.~~

~~*5. The sale of prescription eyewear to an intended wearer located outside this State or any design, manufacturing or other activity in conjunction with such a sale.]*~~ **(Deleted by amendment.)**

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. **Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this section, a person is exempt from the provisions of this chapter if the person:

(a) Is engaged in the manufacturing and direct online sale of lenses, frames and other specially fabricated optical devices upon prescription to an intended wearer who is located outside this State at the time of purchase; and

(b) Complies with the requirements of subsection 2.

2. Any person who engages in the activity described in paragraph (a) of subsection 1 and does not otherwise comply with the provisions of this chapter shall:

(a) Ensure that the manufacturing of lenses, frames and other specially fabricated optical devices is supervised by a dispensing optician licensed pursuant

to this chapter. Such supervision must include, without limitation, a daily review of all optical manufacturing equipment by the dispensing optician to ensure that the lenses, frames and other specially fabricated optical devices being manufactured meet the standards adopted by the Board pursuant to this chapter; and

(b) Confirm that any lenses shipped to an intended wearer meet the requirements of the relevant prescription, as submitted by the intended wearer.

3. A person who engages in the activity described in paragraph (a) of subsection 1, is licensed pursuant to this chapter and fails to comply with the requirements of subsection 2 or the requirements of this chapter:

(a) Is subject to the provisions of 637.150 and 637.185; and

(b) Is not guilty of a misdemeanor.

4. A person who engages in the activity described in paragraph (a) of subsection 1 who is not licensed pursuant to this chapter:

(a) Shall be deemed to be in violation of NRS 637.090 and, except as otherwise provided in paragraph (b), is subject to all provisions applicable to a person who violates that section; and

(b) Is not guilty of a misdemeanor.

Sec. 10. **NRS 637.200 is hereby amended to read as follows:**

637.200 The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.

6. ~~[Violating]~~ ***Except as otherwise provided in section 9 of this act, violating*** any provision of this chapter.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 625.

SUMMARY—Revises provisions relating to ~~[~~certain~~]~~ crimes**.** ~~[~~committed by homeless persons.~~]~~ (BDR 14-244)

AN ACT relating to ~~[~~homeless persons;~~]~~ **crimes;** revising provisions relating to certain crimes committed by homeless persons; **authorizing a justice court or a municipal court to transfer original jurisdiction of certain cases to the district court to enable the defendant to receive assisted outpatient treatment;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain diversionary and specialty court programs to which certain defendants may be assigned, such as the preprosecution diversionary program and specialty court programs for veterans and members of the military, persons with mental illness and persons who use alcohol or other substances. (NRS 174.032, 176A.230, 176A.250, 176A.280) **Sections 4-8** of this bill authorize homeless persons who commit certain misdemeanor offenses to be assigned to such diversionary and specialty court programs. **Section 5** of this bill authorizes a court that assigns a homeless person to complete such a program of treatment to waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the homeless person for committing such an offense.

Existing law authorizes a criminal defendant or the district attorney to make a motion to the district court to commence a proceeding for the issuance of a court order requiring assisted outpatient treatment of the

defendant or the district court to commence such a proceeding on its own motion. (NRS 433A.335) Sections 5-11 of this bill authorize a justice court or a municipal court to transfer original jurisdiction of a case involving a defendant who is eligible to receive assisted outpatient treatment to the district court, including homeless persons who commit certain misdemeanors pursuant to section 5. Sections 12 and 13 of this bill make conforming changes to refer to provisions that have been renumbered by section 11.

Existing law limits the definition of an "eligible defendant" to mean a person who: (1) has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor; (2) appears to suffer from mental illness or to be intellectually disabled; and (3) would benefit from assignment to a specialty court program. (NRS 176A.235, 176A.255, 176A.285) Sections 6-8 of this bill expand the definition of an "eligible defendant" to include any person who, regardless of whether the person has tendered a plea to or been found guilty of an offense that is a misdemeanor: (1) appears to suffer from a mental illness or to be intellectually disabled; and (2) would benefit from assignment to a specialty court program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 174.032 is hereby amended to read as follows:

174.032 1. A justice court or municipal court may establish a preprosecution diversion program to which it may assign a defendant if he or she is determined to be eligible pursuant to NRS 174.031.

2. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031, the justice or municipal court must receive input from the prosecuting attorney, the attorney for the defendant, if any, and the defendant relating to the terms and conditions for the defendant's participation in the program.

3. A preprosecution diversion program established by a justice court or municipal court pursuant to this section may include, without limitation:

(a) A program of treatment which may rehabilitate a defendant, including, without limitation, educational programs, participation in a support group, anger management therapy, counseling , ~~[or]~~ a program of treatment for veterans and members of the military, mental illness or intellectual disabilities ~~[,]~~ or the use of alcohol or other substances ~~[;]~~ ***or ~~[chronic homelessness;]~~ a program of treatment to assist homeless persons;***

(b) Any appropriate sanctions to impose on a defendant, which may include, without limitation, community service, restitution, prohibiting contact with certain persons or the imposition of a curfew; and

(c) Any other factor which may be relevant to determining an appropriate program of treatment or sanctions to require for participation of a defendant in the preprosecution diversion program.

4. If the justice court or municipal court determines that a defendant may be rehabilitated by a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or the use of alcohol or other substances, the court may refer the defendant to an appropriate program of treatment established pursuant to NRS ***176A.230,*** 176A.250, 176A.280 or ~~[453.580.]~~ ***section 5 of this act.*** The court shall retain jurisdiction over the defendant while the defendant completes such a program of treatment.

5. The justice court or municipal court shall, when assigning a defendant to a preprosecution diversion program, issue an order setting forth the terms and conditions for successful completion of the preprosecution diversion program, which may include, without limitation:

(a) Any program of treatment the defendant is required to complete;

(b) Any sanctions and the manner in which they must be carried out by the defendant;

(c) The date by which the terms and conditions must be completed by the defendant, which must not be more than 18 months after the date of the order;

(d) A requirement that the defendant appear before the court at least one time every 3 months for a status hearing on the progress of the defendant toward completion of the terms and conditions set forth in the order; and

(e) A notice relating to the provisions of subsection 3 of NRS 174.033.

6. A defendant assigned to a preprosecution diversion program shall pay the cost of any program of treatment required by this section to the extent of his or her financial resources. The court shall not refuse to place a defendant in a program of treatment if the defendant does not have the financial resources to pay any or all of the costs of such program.

7. If restitution is ordered to be paid pursuant to subsection 5, the defendant must make a good faith effort to pay the required amount of restitution in full. If the justice court or municipal court determines that a defendant is unable to pay such restitution, the court must require the defendant to enter into a judgment by confession for the amount of restitution.

8. As used in this section, "homeless person" has the meaning ascribed to it in section 5 of this act.

Sec. 5. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A justice court, municipal court or district court, as applicable, that has jurisdiction over an eligible defendant who is charged with or convicted of an eligible offense may order the eligible defendant to complete a program of treatment.

2. Notwithstanding any other provision of law, a court that orders an eligible defendant to complete a program of treatment pursuant to this section may waive or reduce any fine, administrative assessment or fee that

would otherwise be imposed upon the eligible defendant for commission of the eligible offense pursuant to specific statute.

3. As used in this section:

(a) "Eligible defendant" means a homeless person who is charged with or convicted of an eligible offense.

(b) "Eligible offense" means a violation of any of the following statutory provisions, or any local ordinance prohibiting the same or similar conduct, that is punishable as a misdemeanor:

(1) NRS 202.450.

(2) NRS 205.860.

(3) NRS 206.010.

(4) NRS 206.040.

(5) NRS 206.140.

(6) NRS 206.310.

(7) NRS 207.030.

(8) NRS 207.200.

(9) NRS 207.203.

(c) "Homeless person" means a person:

(1) Who lacks a fixed, regular and adequate ~~[nighttime]~~ residence;

(2) With a primary ~~[nighttime]~~ residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including, without limitation, a car, a park, an abandoned building, a bus or train station, an airport or a camping ground; or

(3) Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, including, without limitation, transitional housing, hotels or motels paid for by any federal, state or local governmental program or any charitable organization.

➥ For the purpose of this paragraph, a person shall be deemed to be a homeless person if the person provides sufficient proof to the court that the person meets the criteria set forth in subparagraph (1), (2) or (3) or the person has recently used public services for homeless persons or if a public or private agency or entity that provides services to homeless persons provides sufficient proof to the court that the person is a homeless person.

(d) "Program of treatment" means a preprosecution diversion program, specialty court program or other program designed to assist homeless persons that is established pursuant to NRS 174.032, 176A.230, 176A.250, 176A.280 , 433A.335 or another specific statute or by court rule or court order.

Sec. 6. NRS 176A.235 is hereby amended to read as follows:

176A.235 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, "eligible defendant" means a person who:

(a) ~~[~~Has ~~***Except as otherwise provided in section 5 of this act, has*** not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;~~

~~(b)]~~ Has been diagnosed as having a substance use disorder after an in-person clinical assessment; and

~~[(c)]~~ ***(b)*** Would benefit from assignment to a program established pursuant to NRS 176A.230.

Sec. 7. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, "eligible defendant" means a person who:

(a) ~~[~~Has ~~***Except as otherwise provided in section 5 of this act, has*** not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;~~

~~(b)]~~ Appears to suffer from mental illness or to be intellectually disabled; and

~~[(c)]~~ ***(b)*** Would benefit from assignment to a program established pursuant to ***:***

(1) NRS 176A.250 ~~[.]~~ ***; or***

(2) NRS 433A.335, if the defendant is eligible to receive assisted outpatient treatment pursuant to that section.

Sec. 8. NRS 176A.285 is hereby amended to read as follows:

176A.285 If a justice court or municipal court has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as applicable, may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving a defendant who meets the qualifications of subsection 1 of NRS 176A.280 ***.*** ~~[~~and ~~***, except as otherwise provided in section 5 of this act,*** has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor.]~~

Sec. 9. **NRS 4.370 is hereby amended to read as follows:**

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance

of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to ***:***

(a) NRS 176A.250 ~~[or, if]~~ ***;***

(b) If the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ ***; or***

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 10. **NRS 5.050 is hereby amended to read as follows:**

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to ***:***

(a) NRS 176A.250 ~~[or, if]~~ ***;***

(b) If the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ ***; or***

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:

(a) Within the jurisdiction of the municipal court; and

(b) Required by the United States Constitution, the Nevada Constitution or statute.

Sec. 11. **NRS 433A.335 is hereby amended to read as follows:**

433A.335 1. A proceeding for an order requiring any person in the State of Nevada to receive assisted outpatient treatment may be commenced by the filing of a petition for such an order with the clerk of the district court of the county where the person who is to be treated is present. The petition may be filed by:

(a) Any person who is at least 18 years of age and resides with the person to be treated;

(b) The spouse, parent, adult sibling, adult child or legal guardian of the person to be treated;

(c) A physician, physician assistant, psychologist, social worker or registered nurse who is providing care to the person to be treated;

(d) The Administrator or his or her designee; or

(e) The medical director of a division facility in which the person is receiving treatment or the designee of the medical director of such a division facility.

2. A proceeding to require a person who is the defendant in a criminal proceeding in the district court to receive assisted outpatient treatment may be commenced ~~[by]~~ **:**

(a) By the district court ~~[, on]~~ ***:***

(1) On its own motion ~~[, or by]~~ **;**

(2) By motion of the defendant or the district attorney ~~[if:~~

~~(a)]~~ ***; or***

(3) After a justice court or a municipal court, upon approval of the district court, transfers original jurisdiction to the district court of a case involving a defendant who is eligible to receive assisted outpatient treatment pursuant to this section; and

(b) If:

(1) The defendant has been examined in accordance with NRS 178.415;

~~[(b)]~~ ***(2)*** The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

~~[(c)]~~ ***(3)*** The Division makes a clinical determination that assisted outpatient treatment is appropriate ~~[.]~~ ***for the defendant.***

3. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must allege the following concerning the person to be treated:

(a) The person is at least 18 years of age.

(b) The person has a mental illness.

(c) The person has a history of poor compliance with treatment for his or her mental illness that has resulted in at least one of the following circumstances:

(1) At least twice during the immediately preceding 48 months, poor compliance with mental health treatment has been a significant factor in causing the person to be hospitalized or receive services in the behavioral health unit of a detention facility or correctional facility. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(2) Poor compliance with mental health treatment has been a significant factor in causing the person to commit, attempt to commit or threaten to commit serious physical harm to himself or herself or others during the immediately preceding 48 months. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(3) Poor compliance with mental health treatment has resulted in the person being hospitalized, incarcerated or detained for a cumulative period of at least 6 months and the person:

(I) Is scheduled to be discharged or released from such hospitalization, incarceration or detention during the 30 days immediately following the date of the petition; or

(II) Has been discharged or released from such hospitalization, incarceration or detention during the 60 days immediately preceding the date of the petition.

(d) Because of his or her mental illness, the person is unwilling or unlikely to voluntarily participate in outpatient treatment that would enable the person to live safely in the community without the supervision of the court.

(e) Assisted outpatient treatment is the least restrictive appropriate means to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis.

4. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must be accompanied by:

(a) A sworn statement or a declaration that complies with the provisions of NRS 53.045 by a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, stating that he or she:

(1) Evaluated the person who is the subject of the petition or motion not earlier than 10 days before the filing of the petition or making of the motion;

(2) Recommends that the person be ordered to receive assisted outpatient treatment; and

(3) Is willing and able to testify at a hearing on the petition or motion; and

(b) A sworn statement or a declaration that complies with the provisions of NRS 53.045 from a person professionally qualified in the field of psychiatric mental health stating that he or she is willing to provide assisted outpatient treatment for the person in the county where the person resides.

5. A copy of the petition filed pursuant to subsection 1 or the motion made pursuant to subsection 2 must be served upon the person who is the subject of the petition or motion or his or her counsel and, if applicable, his or her legal guardian.

Sec. 12. **NRS 433A.337 is hereby amended to read as follows:**

433A.337 1. Before the date of a hearing on a petition or motion for assisted outpatient treatment, the person who made the sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, the personnel of the Division who made the clinical determination concerning the appropriateness of assisted outpatient treatment pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 2 of NRS 433A.335 or the person or entity who submitted the petition pursuant to NRS 433A.345, as applicable, shall submit to the court a proposed written treatment plan created by a person professionally qualified in the field of psychiatric mental health who is familiar with the person who is the subject of the petition or motion, as applicable. The proposed written treatment plan must set forth:

(a) The services and treatment recommended for the person who is the subject of the petition or motion; and

(b) The person who will provide such services and treatment and his or her qualifications.

2. Services and treatment set forth in a proposed written treatment plan must include, without limitation:

(a) Case management services to coordinate the assisted outpatient treatment recommended pursuant to paragraph (b); and

(b) Assisted outpatient treatment which may include, without limitation:

(1) Medication;

(2) Periodic blood or urine testing to determine whether the person is receiving such medication;

(3) Individual or group therapy;

(4) Full-day or partial-day programming activities;

(5) Educational activities;

(6) Vocational training;

(7) Treatment and counseling for a substance use disorder;

(8) If the person has a history of substance use, periodic blood or urine testing for the presence of alcohol or other recreational drugs;

(9) Supervised living arrangements; and

(10) Any other services determined necessary to treat the mental illness of the person, assist the person in living or functioning in the community or prevent a deterioration of the mental or physical condition of the person.

3. A person professionally qualified in the field of psychiatric mental health who is creating a proposed written treatment plan pursuant to subsection 1 shall:

(a) Consider any wishes expressed by the person who is to be treated in an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive; and

(b) Consult with the person who is to be treated, any providers of health care who are currently treating the person, any supporter or legal guardian of the person, and, upon the request of the person, any other person concerned with his or her welfare, including, without limitation, a relative or friend.

4. If a proposed written treatment plan includes medication, the plan must specify the type and class of the medication and state whether the medication is to be self-administered or administered by a specific provider of health care. A proposed written treatment plan must not recommend the use of physical force or restraints to administer medication.

5. If a proposed written treatment plan includes periodic blood or urine testing for the presence of alcohol or other recreational drugs, the plan must set forth sufficient facts to support a clinical determination that the person who is to be treated has a history of substance use disorder.

6. If the person who is to be treated has executed an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, a copy of the advance directive must be attached to the proposed written treatment plan.

7. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. **NRS 433A.341 is hereby amended to read as follows:**

433A.341 1. In proceedings for assisted outpatient treatment, the court shall hear and consider all relevant testimony, including, without limitation:

(a) The testimony of the person who made a sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, any personnel of the Division responsible for a clinical determination made pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 2 of NRS 433A.335 or the person or entity responsible for the decision to submit a petition pursuant to NRS 433A.345, as applicable;

(b) The testimony of any supporter or legal guardian of the person who is the subject of the proceedings, if that person wishes to testify; and

(c) If the proposed written treatment plan submitted pursuant to NRS 433A.337 recommends medication and the person who is the subject of the petition or motion objects to the recommendation, the testimony of the person professionally qualified in the field of psychiatric mental health who prescribed the recommendation.

2. The court may consider testimony relating to any past actions of the person who is the subject of the petition or motion if such testimony is probative of the question of whether the person currently meets the criteria prescribed by subsection 3 of NRS 433A.335 or subsection 1 of NRS 433A.345, as applicable.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 283.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 681.

CONTAINS UNFUNDED MANDATE (§~~[~~5~~]~~ 1 ~~[~~, 3~~)]~~ **)**

(Not Requested by Affected Local Government)

AN ACT relating to health care; requiring ~~[~~certain persons and entities~~]~~ **a custodian of health care records** to furnish health care records electronically under certain circumstances; prohibiting ~~[~~such persons and entities~~]~~ **a custodian of health care records** from charging a fee that exceeds a certain amount to furnish health care records electronically if the health care records are maintained electronically; **authorizing a person to disclose the genetic information of another person in accordance with certain federal law; requiring an insurer, third-party administrator or employer to furnish health care records in certain circumstances; prescribing the maximum amount of any fee charged to furnish health care records in those circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each custodian of health care records to make health care records available for inspection by a patient, certain representatives of a patient and certain government officials. (NRS 629.061) Upon request of such a person, **section 1** of this bill requires a custodian of health care records to electronically transmit the health care records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity.

Existing law authorizes a custodian of health care records to charge certain fees for furnishing a copy of health care records. (NRS 629.061) **Section 1 : (1) generally** prohibits a custodian of health care records from charging a fee that exceeds ~~[~~$15~~]~~ **$40** or other amounts prescribed by existing law for furnishing a copy of health care records electronically if the custodian of health care records maintains such health care records electronically ~~[~~.~~]~~ **; and (2) authorizes a custodian of health care records, other than the health care records of a state or local governmental entity, to charge certain additional fees in certain circumstances.** **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law prohibits a person from disclosing or compelling a person to disclose the identity of a person who was the subject of a genetic test or any genetic information of another person, with certain exceptions, without first obtaining the informed consent of that person or his or her

legal guardian. (NRS 629.171) Section 1.5 of this bill adds an exception to this prohibition to authorize a person to disclose such information as permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

Existing law provides for the payment of compensation to employees who are injured or disabled as a result of an occupational injury or disease. (Chapters 616A-616D and 617 of NRS) Existing law entitles any injured employee or a person who has been authorized by the injured employee to information from the records of an insurer or employer to the extent necessary for the proper presentation of such a claim. (NRS 616B.012) Existing regulations: (1) prescribe a process for an injured employee or person who has been authorized by the injured employee to request such information from the records of an insurer or employer; and (2) prohibit an insurer or employer from charging a fee that is more than 30 cents per page when providing the requested information. (NAC 616B.008)

Upon receiving such a request for health care records**,** ~~[that asks for the records to be furnished electronically,]~~ **section 3** of this bill requires an insurer, third-party administrator or employer to ~~[electronically transmit]~~ **furnish** any health care records **to the injured employee or his or her legal representative. Section 3 authorizes an insurer, third-party administrator or employer to electronically transmit such health care records** using a method of secure electronic transmission. **Section 3** ~~[prohibits an insurer, third-party administrator or employer from charging a fee that exceeds $15 for furnishing a copy of the health care records electronically if the insurer, third-party administrator or employer maintains such health care records electronically.]~~ **prescribes the maximum amounts of fees for furnishing health care records in response to such a request, which depend on whether the records are furnished by electronic mail, through a secure electronic method of file sharing or in a nonelectronic format. Section 4** of this bill makes a conforming change to clarify that **section 3** provides an exception to the general requirement that information obtained from an insurer or employer remain confidential.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person who is authorized to request a copy of health care records of a patient pursuant to NRS 629.061 requests that a copy of such records be furnished electronically, the custodian of health care records must electronically transmit a copy of the requested records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity. Such records must be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.

2. ~~[If]~~ Except as otherwise provided in subsections 3 and 4, if a custodian of health care records maintains health care records electronically, any fee to furnish those records electronically pursuant to subsection 1 must not exceed ~~[$15]~~ $40 or the amount per page prescribed by NRS 629.061, whichever is less.

3. If the total amount of the fee chargeable pursuant to subsection 2 for the furnishing of health care records electronically is less than $5, a custodian of health care records, other than a custodian of the health care records of a state or local governmental entity, may charge a fee of $5 for the furnishing of those health care records.

4. A custodian of health care records, other than a custodian of the health care records of a state or local governmental entity, may charge the following fees to furnish health care records electronically, in addition to the total amount of the fee charged pursuant to subsection 2 or 3:

(a) A fee of $5 for written confirmation that no health care records were found.

(b) A fee of $5 for furnishing a copy of a certificate of the custodian of health care records.

(c) A fee of $20 for a copy of a printed film sheet.

(d) A fee of $25 for furnishing a copy of radiologic images in any form other than a printed film sheet.

~~[3.]~~ 5. As used in this section ~~[, "secure]~~ :

(a) "Custodian of health care records" has the meaning ascribed to it in NRS 629.016 and additionally includes a covered entity or business associate, as those terms are defined in 45 C.F.R. § 160.103.

(b) "Health care records" has the meaning ascribed to it in NRS 629.021 and additionally includes individually identifiable health information, as defined in 45 C.F.R. § 160.103.

(c) "Secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

~~[(a)]~~ (1) No person other than the intended recipient receives the information;

~~[(b)]~~ (2) The identity and signature of the sender of the information can be authenticated; and

~~[(c)]~~ (3) The information which is received by the intended recipient is identical to the information that was sent.

Sec. 1.5. **NRS 629.171 is hereby amended to read as follows:**

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

2. To determine the parentage or identity of a person pursuant to NRS 56.020;

3. To determine the paternity of a person pursuant to NRS 126.121 or 425.384;

4. Pursuant to an order of a court of competent jurisdiction;

5. By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

6. To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

7. To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

8. To carry out the provisions of NRS 442.300 to 442.330, inclusive; ~~[or]~~

9. By an agency of criminal justice pursuant to NRS 179A.075 ~~[.]~~ ***; or***

10. As permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

Sec. 2. NRS 641.2291 is hereby amended to read as follows:

641.2291 1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a psychologist to a patient that meets the requirements of subsection 2 if:

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The patient has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a psychologist to a patient used for the purpose described in paragraph (a) of subsection 1:

(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the patient unless the patient has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a psychologist who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a psychologist to a patient for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining "training activity" for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a psychologist to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to patients in accordance with NRS 629.051 to 629.069, inclusive ~~[.]~~ ***, and section 1 of this act.***

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a psychologist to a patient that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, "mental health professional" means a psychologist, a marriage and family therapist, a clinical professional counselor, a social worker, a master social worker, an independent social worker, a clinical social worker, a clinical alcohol and drug counselor, an alcohol and drug counselor or problem gambling counselor.

Sec. 3. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an injured employee or his or her legal representative requests health care records ~~[electronically]~~ from an insurer, third-party administrator or employer pursuant to subsection ~~[1]~~ 2 of NRS 616B.012, any other provision of chapters 616A to 616D, inclusive, or chapter 617 of NRS or any regulation adopted pursuant thereto, the insurer, third-party administrator or employer shall ~~[electronically transmit]~~ furnish a copy of the requested records to the injured employee or legal representative. Such records ~~[must]~~ may be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.

2. If an insurer, third-party administrator or employer maintains health care records electronically, any fee to furnish those records ~~[electronically]~~ in an electronic format pursuant to subsection 1 must not exceed ~~[$15.]~~ :

(a) Fifteen dollars for records able to be delivered by electronic mail; or

(b) Twenty-five dollars for records required to be delivered using a secure electronic method of file sharing.

3. Any fee to furnish health care records in a form that is not electronic pursuant to subsection 1 must not exceed 30 cents per page.

4. As used in this section:

(a) "Health care records" has the meaning ascribed to it in NRS 629.021 ~~.~~ and additionally includes individually identifiable health information, as defined in 45 C.F.R. § 160.103.

(b) "Secure electronic transmission" has the meaning ascribed to it in section 1 of this act.

Sec. 4. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 607.217, 616B.015, 616B.021 and 616C.205, ***and section 3 of this act,*** information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government.

The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

➥ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B, 363C and 363D of NRS. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from:

(a) Disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance; or

(b) Notifying an injured employee or the surviving spouse or dependent of an injured employee of benefits to which such persons may be entitled in addition to those provided pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS but only if:

(1) The notification is solely for the purpose of informing the recipient of benefits that are available to the recipient; and

(2) The content of the notification is limited to information concerning services which are offered by nonprofit entities.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 310.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 680.

AN ACT relating to dentistry; providing for the licensure and regulation of expanded function dental assistants; creating a special endorsement for dental hygienists to practice restorative dental hygiene; ~~[providing for the regulation of the administration of local anesthesia and laser radiation by a dental hygienist or dental therapist;]~~ authorizing a dental hygienist who possesses certain qualifications to prescribe and dispense certain drugs ~~[;]~~ **that are not controlled substances and certain devices;** authorizing a public health dental hygienist to authorize an expanded function dental assistant or dental assistant to perform certain tasks under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of dentists, dental hygienists and dental therapists by the Board of Dental Examiners of Nevada. (Chapter 631 of NRS) Existing law authorizes a licensed dentist to assign certain tasks to a dental assistant, who is not required to have a license. (NRS 631.313, 631.317)

Sections 4-8 of this bill provide for the licensure and regulation of expanded function dental assistants. **Sections 2, 3 and 3.5** of this bill define the terms "expanded function dental assistance," "expanded function dental assistant" and "restorative dental hygiene," respectively. **Section 10** of this bill makes a conforming change to indicate the proper placement of **sections 2, 3 and 3.5** in the Nevada Revised Statutes.

Section 4 requires a person to be ~~[a citizen of the United States or lawfully entitled to remain and work in the United States and]~~ over 18 years of age to be eligible to apply for a license to practice expanded function dental assistance. **Section 5** of this bill requires an applicant for such a license to: (1) possess certain education and experience; (2) hold a current certification in the techniques of administering cardiopulmonary resuscitation; and (3) pass a written clinical examination and a written jurisprudence examination administered by the Board. **Section 6** of this bill authorizes a person who is licensed in another state and possesses certain other qualifications to apply for a license by endorsement as an expanded function dental assistant. **Section 6** authorizes the Board to require such an applicant to complete such additional training as is necessary for the applicant to be able to practice expanded

function dental assistance with the same degree of competence as a person licensed pursuant to **section 5**. **Section 6.5** of this bill requires the Board to issue a special endorsement to practice restorative dental hygiene to a dental hygienist who has an active license in good standing to practice dental hygiene in this State and has successfully completed a course on restorative dental hygiene. **Section 7** of this bill requires an expanded function dental assistant or a dental hygienist with a special endorsement to practice restorative dental hygiene to work under the authorization of a dentist and prescribes certain requirements governing the supervision of an expanded function dental assistant. **Section 8** of this bill prescribes the services and procedures an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene is authorized to perform. **Section 22** of this bill requires the Board to adopt regulations governing the practice of: (1) expanded function dental assistants; and (2) dental hygienists who hold a special endorsement to practice restorative dental hygiene. **Section 25** of this bill requires the Board to adopt regulations governing continuing education in expanded function dental assistance. **Section 26** of this bill prescribes certain fees relating to licensure as an expanded function dental assistant, which are equal to similar fees that apply to dental hygienists.

Section 36 of this bill prescribes certain activities that constitute the illegal practice of expanded function dental assistance, and **section 39** of this bill makes it a crime to practice expanded function dental assistance without a license. It is also a crime to practice restorative dental hygiene without the proper special endorsement. (NRS 631.400)

Sections 11-20, 21, 23, 24, 27-35, 37-40, 42-45, 47 and 48 of this bill make revisions to certain existing provisions so that expanded function dental assistants are treated in the same manner as similar providers of oral health care in various respects.

Existing law: (1) provides for the issuance of a special endorsement as a public health dental hygienist to a dental hygienist who possesses certain qualifications; and (2) authorizes the holder of such an endorsement to provide services without the authorization or supervision of a dentist under certain circumstances. (NRS 631.287) **Sections 20.5 and 42** of this bill authorize a public health dental hygienist to authorize an expanded function dental assistant or a dental assistant to perform certain tasks as part of an approved program of public health dental hygiene.

Existing law authorizes a dental hygienist to perform only those services which are authorized by a dentist, unless otherwise provided by a regulation adopted by the Board. (NRS 631.310) **Sections 9, 41 and 46** of this bill authorize a dental hygienist who possesses certain qualifications to prescribe and dispense **only** certain drugs that are not controlled substances and are used for preventative treatment and ~~[items]~~ **devices** used for such treatment. **Section 9 prohibits such a dental hygienist from prescribing or dispensing any controlled substance or any other drug or device that is not listed in section 9.** **Section 9** requires the Board to adopt regulations prescribing

continuing education for a dental hygienist who prescribes ~~[such]~~ **and dispenses the** drugs ~~[. Section 9.5 of this bill requires the Board to adopt regulations authorizing a dental hygienist or dental therapist to administer local anesthesia and laser radiation if authorized by the supervising dentist of the dental hygienist or dental therapist.]~~ **and devices listed in section 9. Section 40.5 of this bill: (1) requires a dental hygienist to obtain a certification from the State Board of Pharmacy to possess, prescribe and dispense dangerous drugs and devices pursuant to section 9; and (2) authorizes the State Board of Pharmacy to deny a dental hygienist application for such a certificate or grant the certificate but limit the ability of a dental hygienist to possess, prescribe and dispense dangerous drugs and devices.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9.5, inclusive, of this act:

Sec. 2. ***"Expanded function dental assistance" means the performance of educational, preventative, therapeutic, palliative and restorative treatment of intraoral or extraoral procedures under the supervision of a dentist or as otherwise authorized pursuant to this chapter by a person licensed pursuant to section 5 or 6 of this act.***

Sec. 3. ***"Expanded function dental assistant" means any person who practices the profession of expanded function dental assistance and is licensed pursuant to this chapter.***

Sec. 3.5. ***"Restorative dental hygiene" means the performance of educational, preventative, therapeutic, palliative and restorative treatment of intraoral or extraoral procedures under the supervision of a dentist or as otherwise authorized pursuant to this chapter by a dental hygienist who holds a special endorsement issued pursuant to section 6.5 of this act.***

Sec. 4. ***Any person is eligible to apply for a license to practice expanded function dental assistance in this State who*** ~~***[:***~~

~~***1. Is a citizen of the United States or lawfully entitled to remain and work in the United States; and***~~

~~***2. Is]***~~ ***is over 18 years of age.***

Sec. 5. ***Except as otherwise provided in section 6 of this act, an applicant for a license as an expanded function dental assistant must include in his or her application proof that he or she:***

1. Possesses the following qualifications:

(a) Graduation from an accredited program for dental assisting with expanded functions; or

(b) Successful completion of a course of training for expanded function dental assistants and:

(1) Graduation from an accredited program for dental assisting without expanded functions; or

(2) Employment as a dental assistant working full-time for at least 2 years or part-time for at least 4 years and a passing score on the examination for Certified Dental Assistants administered by the Dental Assisting National Board, or its successor organization;

2. Holds a current certification in the techniques of administering cardiopulmonary resuscitation;

3. Has passed a written clinical examination given by the Board upon such subjects as the Board deems necessary for the practice of expanded function dental assistance; and

4. Has passed a written examination given by the Board concerning laws and regulations governing the practice of expanded function dental assistance in this State.

Sec. 6. *1. An applicant for a license by endorsement as an expanded function dental assistant must include in his or her application proof that he or she:*

(a) Is currently licensed as an expanded function dental assistant in another state or territory of the United States, or the District of Columbia;

(b) Possesses the following qualifications:

(1) Graduation from an accredited program for dental assisting with expanded functions; or

(2) Employment as a dental assistant or an expanded function dental assistant working full-time for at least 2 years or part-time for at least 4 years; and

(c) Has passed a written examination given by the Board concerning laws and regulations governing the practice of expanded function dental assistance in this State.

2. The Board may require an applicant for licensure by endorsement as an expanded function dental assistant to complete any training that the Board deems necessary for the applicant to be able to practice expanded function dental assistance with the same degree of competence as a person who possesses the qualifications described in section 5 of this act.

Sec. 6.5. *1. The Board shall, upon application by a dental hygienist who has the qualifications prescribed by subsection 2, issue a special endorsement of the license allowing the dental hygienist to practice restorative dental hygiene. The special endorsement may be renewed biennially upon renewal of the license of the dental hygienist.*

2. An applicant for a special endorsement allowing a dental hygienist to practice restorative dental hygiene must include in his or her application proof that he or she:

(a) Holds an active license in good standing as a dental hygienist in this State; and

(b) Has successfully completed a course on restorative dental hygiene.

Sec. 7. *1. An expanded function dental assistant or dental hygienist with a special endorsement of his or her license issued pursuant to section 6.5 of this act may only practice expanded function dental assistance or*

restorative dental hygiene, as applicable, under the authorization of a dentist who is licensed in this State, unless otherwise authorized by NRS 631.287 or a regulation adopted by the Board.

2. Except as specifically authorized by NRS 631.287 or a regulation adopted by the Board, an expanded function dental assistant shall not practice expanded function dental assistance to a person unless that person is a patient of the authorizing dentist of the expanded function dental assistant.

3. Except as specifically required by a regulation adopted by the Board, the authorizing dentist of an expanded function dental assistant is not required to be present during the provision of services by the expanded function dental assistant.

4. If the expanded function dental assistance required or requested by a patient exceeds the scope of practice or the skill and training of an expanded function dental assistant, the expanded function dental assistant shall refer the patient to the authorizing dentist of the expanded function dental assistant.

Sec. 8. ***An expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene may perform the following acts under the conditions prescribed by section 7 of this act:***

1. Any service that a dental assistant or dental hygienist, as applicable, is authorized to perform pursuant to this chapter or any regulation adopted pursuant thereto.

2. Placing, condensing, contouring, adjusting, curing and finishing restorations that are made of a direct restorative material, including, without limitation, amalgam, resin-based composite and glass ionomer.

3. Placing and removing matrices and interproximal wedge devices.

4. Placing desensitizers, liners and bases.

5. Taking final impressions for:

(a) Indirect restorations, including, without limitation, crowns, bridges and veneers; and

(b) Removable prostheses, including, without limitation, dentures.

6. Adjusting a removable prostheses extraorally.

7. Cementation of permanent restorations, including, without limitation, crowns, bridges and veneers, if the authorizing dentist:

(a) Evaluates and approves each permanent restoration before the cementation is final; and

(b) Inspects each permanent restoration before the patient leaves the premises where the cementation occurred.

8. Placing topical fluoride.

9. Administering a hemostatic agent.

10. Applying agents for bleaching teeth.

11. Using an ultrasonic scaling unit only for the removal of bonding agents. This subsection does not authorize an expanded function dental assistant ~~***[or dental hygienist with a special endorsement to practice***~~

~~restorative dental hygiene]~~ to use an ultrasonic scaling unit on any natural tooth.

Sec. 9. 1. A dental hygienist who meets the requirements prescribed by regulation of the Board pursuant to subsection 4 and is issued a certificate by the State Board of Pharmacy pursuant to section 40.5 of this act may prescribe and dispense ~~[a:]~~ only:

(a) Topical or systemic prescription ~~[drug,]~~ drugs, other than ~~[a]~~ controlled ~~[substance,]~~ substances, for preventative care;

(b) Fluoride ~~[preparation]~~ preparations for which a prescription is not required;

(c) Topical antimicrobial oral ~~[rinse; or]~~ rinses; and

(d) Medicament ~~[tray]~~ trays or ~~[mouthguard.]~~ mouthguards.

2. A dental hygienist shall not prescribe or dispense ~~[a]~~ :

(a) A controlled substance ; or ~~[any]~~

(b) Any drug or ~~[item]~~ device not listed in subsection 1 ~~[.]~~ or authorized under the certificate issued pursuant to section 40.5 of this act.

3. A dental hygienist may only prescribe and dispense a drug or ~~[item]~~ device pursuant to subsection 1:

(a) In compliance with any applicable regulations adopted by the Board; and

(b) In compliance with any applicable law governing the handling, prescribing and dispensing of a drug ~~[.]~~ or device.

4. The Board shall adopt regulations prescribing the:

(a) Education and training that a dental hygienist must complete before prescribing and dispensing a drug or ~~[item]~~ device pursuant to subsection 1; and

(b) Continuing education that a dental hygienist must complete to be authorized to continue prescribing and dispensing drugs or ~~[items]~~ devices pursuant to subsection 1.

Sec. 9.5. ~~[1. The Board shall adopt regulations authorizing a dental hygienist or dental therapist to administer local anesthesia or use X-ray or laser radiation for dental treatment or dental diagnostic purposes.~~

~~2. The regulations adopted pursuant to this section must require:~~

~~(a) The supervising dentist of a dental hygienist or dental therapist to authorize any activity described in subsection 1; and~~

~~(b) Any location at which a dental hygienist or dental therapist administers local anesthesia to have licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia is administered.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, ***and sections 2, 3 and 3.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 631.070 is hereby amended to read as follows:

631.070 "License" means a certificate issued by the Board to any applicant upon completion of requirements for admission to practice ***expanded function dental assistance,*** dental hygiene, dental therapy or dentistry, or any of the special branches of dentistry, as provided by the license.

Sec. 12. NRS 631.115 is hereby amended to read as follows:

631.115 Except as otherwise provided in subsection ~~[2.]~~ ***3*** of NRS 631.317, this chapter does not apply to:

1. A legally qualified physician or surgeon unless he or she practices dentistry as a specialty.

2. A dentist, dental hygienist ***,*** ~~[or]~~ dental therapist ***or expanded function dental assistant*** of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

Sec. 13. NRS 631.130 is hereby amended to read as follows:

631.130 The Governor shall appoint:

1. Six members who are graduates of accredited dental schools or colleges, are residents of Nevada and have ethically engaged in the practice of dentistry in Nevada for a period of at least 5 years.

2. One member who has resided in Nevada for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

3. Three members who:

(a) Are graduates of accredited schools or colleges of dental hygiene or dental therapy;

(b) Are residents of Nevada; and

(c) Have been actively engaged in the practice of dental hygiene or dental therapy in Nevada for a period of at least 5 years before their appointment to the Board.

4. One member who is a representative of the general public. This member must not be:

(a) A dentist, dental hygienist ***,*** ~~[or]~~ dental therapist ~~[;]~~ ***or expanded function dental assistant;*** or

(b) The spouse or the parent or child, by blood, marriage or adoption, of a dentist, dental hygienist ***,*** ~~[or]~~ dental therapist ~~[.]~~ ***or expanded function dental assistant.***

Sec. 14. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, review panels, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry, dental hygiene ***,*** ~~[~~and~~]~~ dental therapy ~~[.]~~ ***and expanded function dental assistance.***

4. Examine applicants for licenses to practice dentistry, dental hygiene ***,*** ~~[~~and~~]~~ dental therapy ~~[.]~~ ***and expanded function dental assistance.***

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists, dental hygienists ***,*** ~~[~~and~~]~~ dental therapists ***and expanded function dental assistants*** licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 15. NRS 631.215 is hereby amended to read as follows:

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;

(c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the adjacent and associated structures and their impact on the human body;

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, dental hygienist, dental therapist ***, expanded function dental assistant*** or qualified technician from making radiograms or X-ray exposures for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) Prevents a dental hygienist or dental therapist from administering local anesthesia for pain management during treatment or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, upon authorization of a licensed dentist ***.*** ~~***[and, where applicable, in accordance with the regulations adopted pursuant to section 9.5 of this act.]***~~

(c) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

(d) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental therapy or an accredited school of dental assisting.

(e) Prevents a licensed dentist ***,*** ~~[or]~~ dental hygienist ***or expanded function dental assistant*** from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

(f) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

(g) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

(h) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.

(i) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

(j) Prohibits a dental hygienist, dental therapist or expanded function dental assistant from engaging in any activity authorized by this chapter or the regulations adopted pursuant thereto.

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

➥ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 16. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy ***, expanded function dental assistance*** or dentistry, or any of its special branches, must:

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121 ~~[,]~~ ***or section 5 or 6 of this act,*** submit with the application proof satisfactory that the applicant passed the examination.

2. An application must include all information required to complete the application.

3. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 17. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 18. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection 3 of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene, dental therapy ***, expanded function dental assistance*** or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 19. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240, 631.300 or 631.3121, issue a limited license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** to a person who:

(a) Is qualified for a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with:

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** at an educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or

(2) An accredited program of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** at an educational

or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230, 631.290 or 631.312, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ~~[,]~~ ***or expanded function dental assistance,***
➥ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State or accept compensation for the practice of dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental***

assistance except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** for services provided as a dental intern, dental resident or instructor of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 20. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240, 631.300 or 631.3121 ~~[,]~~ ***or section 5 of this act,*** issue a restricted geographical license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** to a person if the person meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240, 631.300 or 631.3121 ***or section 5 of this act*** for any applicant intending to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in a rural area of a county in which dental, dental hygiene ***,*** ~~[or]~~

dental therapy ***or expanded function dental assistance*** needs are underserved **,** as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240, 631.300 or 631.3121 ***or section 5 of this act*** for any applicant intending to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in one or more rural areas within those counties in which dental, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** needs are underserved **,** as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240, 631.300 or 631.3121 ***or section 5 of this act*** for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240, 631.300 or 631.3121 ~~[,]~~ ***or section 5 of this act;***

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230, 631.290 or 631.312 ~~[,]~~ ***or section 4 of this act,*** as appropriate.

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** has been revoked or suspended;

(b) Who has been refused a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ~~[,]~~ ***or expanded function dental assistance;*** or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ~~[,]~~ ***or expanded function dental assistance,***

➥ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** only in the county or counties which requested the

restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State or accept compensation for the practice of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240, 631.300 or 631.3121 ***or section 5 of this act*** if the person:

(a) Has not had a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board may revoke a restricted geographical license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 20.5. NRS 631.287 is hereby amended to read as follows:

631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist.

2. A dental hygienist who holds a special endorsement issued pursuant to subsection 1 may provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.

3. As part of a program for the provision of public health dental hygiene approved by the Board, a dental hygienist with a special endorsement to practice public health dental hygiene may authorize a dental assistant or expanded function dental assistant under his or her direct supervision to:

(a) Apply dental sealants;

(b) Apply topical fluoride;

(c) Perform coronal polishing;

(d) Take radiographs; and

(e) Provide oral health education.

Sec. 21. NRS 631.313 is hereby amended to read as follows:

631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, ***a*** dental therapist, ***a*** dental assistant ***, an expanded function dental assistant*** or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist or dental therapist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist ***,*** ~~[or]~~ dental therapist ~~[,]~~ ***or expanded function dental assistant,*** authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) ~~[The]~~ ***Except as otherwise provided in sections 8 and 9 of this act, the*** diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 22. NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a dental hygienist, dental therapist or dental assistant in his or her employ or that may be performed by a dental hygienist or dental therapist engaged in school health activities or employed by a public health agency.

2. ***Specifying the intraoral tasks, in addition to those prescribed by section 8 of this act, that may be assigned by a licensed dentist to an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene in his or her employ or that may be performed by an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene engaged in school health activities or employed by a public health agency.***

3. Governing the practice of dentists, dental hygienists **,** ~~[and]~~ dental therapists ***and expanded function dental assistants*** in full-time employment with the State of Nevada.

Sec. 23. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271, 631.2715 and 631.275:

(a) Each holder of a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

➥ be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 24. NRS 631.340 is hereby amended to read as follows:

631.340 1. Any person who has obtained from the Board a license certificate to practice dental hygiene, dental therapy ***, expanded function dental assistance*** or dentistry or any special branch of dentistry in this State, and who fails to obtain a renewal certificate, must, before resuming the practice in which he or she was licensed, make application to the Secretary-

Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.

2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice in his or her particular profession, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, the Secretary-Treasurer shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter.

Sec. 25. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene ***,*** ~~[and]~~ dental therapy ~~[.]~~ ***and expanded function dental assistance.*** The regulations must include:

(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course; and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. Each licensee must complete, as part of continuing education, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 26. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry	$1,500
Application fee for an initial license to practice dental hygiene ***or expanded function dental assistance***	750
Application fee for an initial license to practice dental therapy	1,000
Application fee for a specialist's license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance***	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance***	1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines	500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300

Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** 600
Annual license renewal fee for a limited license to practice dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** 300
Biennial license renewal fee for an inactive dentist 400
Biennial license renewal fee for a dentist who is retired or has a disability 100
Biennial license renewal fee for an inactive dental hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** 200
Biennial license renewal fee for a dental hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** who is retired or has a disability 100
Reinstatement fee for a suspended license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** 500
Reinstatement fee for a revoked license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** 500
Reinstatement fee to return a dentist, dental hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** who is inactive, retired or has a disability to active status 500
Fee for the certification of a license 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed $150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 27. NRS 631.3452 is hereby amended to read as follows:

631.3452 Except as otherwise provided in NRS 631.3453, an entity that owns or operates a dental office or clinic as described in paragraph (g) of subsection 2 of NRS 631.215 must:

1. Designate an actively licensed dentist as the dental director of the dental office or clinic. The dental director shall have responsibility for the clinical practice of dentistry at the dental office or clinic, including, without limitation:

(a) Diagnosing or treating any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof.

(b) Administering or prescribing such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases.

(c) Determining:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable.

(d) The overall quality of patient care that is rendered or performed in the clinical practice of dentistry.

(e) Supervising dental hygienists, dental therapists, dental assistants **,** ***expanded function dental assistants*** and other personnel involved in direct patient care and authorizing procedures performed by the dental hygienists, dental therapists, dental assistants **,** ***expanded function dental assistants*** and other personnel in accordance with the standards of supervision established by law or regulations adopted pursuant thereto.

(f) Providing any other specific services that are within the scope of clinical dental practice.

(g) Retaining patient dental records as required by law and regulations adopted by the Board.

(h) Ensuring that each patient receiving services from the dental office or clinic has a dentist of record.

2. Maintain current records of the names of licensed dentists who supervise the clinical activities of dental hygienists, dental therapists, dental assistants **,** ***expanded function dental assistants*** or other personnel involved in direct patient care. The records must be available to the Board upon written request.

Sec. 28. NRS 631.3455 is hereby amended to read as follows:

631.3455 Nothing in this chapter precludes a person or entity not licensed by the Board from providing goods or services for the support of the business of a dental practice, office or clinic if the person or entity does not manage or control the clinical practice of dentistry. Such goods and services may include, without limitation, transactions involving:

1. Real and personal property, other than the ownership of the clinical records of patients; and

2. Personnel, other than licensed dentists, dental hygienists **,** ~~[and]~~ dental therapists ~~[.]~~ ***and expanded function dental assistants.***

Sec. 29. NRS 631.346 is hereby amended to read as follows:

631.346 The following acts, among others, constitute unprofessional conduct:

1. Employing, directly or indirectly, any student or any suspended or unlicensed dentist, dental hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** to perform operations of any kind to treat or correct the teeth or jaws, except as provided in this chapter;

2. Except as otherwise provided in NRS 631.287 or 631.3453, giving a public demonstration of methods of practice any place other than the office where the licensee is known to be regularly engaged in this practice;

3. Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry, but a patient shall not be deemed to be an accomplice, employer, procurer, inducer, aider or abettor;

4. For a dental hygienist or dental therapist, practicing in any place not authorized pursuant to this chapter; or

5. Practicing while a license is suspended or without a renewal certificate.

Sec. 30. NRS 631.3465 is hereby amended to read as follows:

631.3465 The following acts, among others, constitute unprofessional conduct:

1. Dividing fees or agreeing to divide fees received for services with any person for bringing or referring a patient, without the knowledge of the patient or his or her legal representative, but licensed dentists are not prohibited from:

(a) Practicing in a partnership and sharing professional fees;

(b) Employing another licensed dentist, dental hygienist ***,*** ~~[or]~~ dental therapist ~~[,]~~ ***or expanded function dental assistant;*** or

(c) Rendering services as a member of a nonprofit professional service corporation.

2. Associating with or lending his or her name to any person engaged in the illegal practice of dentistry or associating with any person, firm or corporation holding himself, herself or itself out in any manner contrary to the provisions of this chapter.

3. Associating with or being employed by a person not licensed pursuant to this chapter if that person exercises control over the services offered by the dentist, owns all or part of the dentist's practice or receives or shares the fees received by the dentist. The provisions of this subsection do not apply to a dentist who associates with or is employed by a person who owns or controls a dental practice pursuant to NRS 631.385.

4. Using the name "clinic," "institute," "referral services" or other title or designation that may suggest a public or semipublic activity.

5. Practicing under the name of a dentist who has not been in active practice for more than 1 year.

Sec. 31. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist, dental hygienist ***,*** ~~[or]~~ dental therapist ***or expanded function dental assistant*** constituting substandard care in the practice of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ~~[,]~~ ***or expanded function dental assistance, as applicable;***

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the

United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;

7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344;

14. The performance or supervision of the performance of a pelvic examination in violation of NRS 629.085; or

15. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 32. NRS 631.3485 is hereby amended to read as follows:

631.3485 1. The following acts, among others, constitute unprofessional conduct:

(a) Willful or repeated violations of the provisions of this chapter;

(b) Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the Board of Dental Examiners of Nevada;

(c) Failure to pay the fees for a license; or

(d) Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061, if the dentist, dental

hygienist **,** ~~[or]~~ dental therapist ***or expanded function dental assistant*** is the custodian of health care records with respect to those records.

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in NRS 629.016.

Sec. 33. NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ~~[,]~~ ***or expanded function dental assistance*** the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry, dental hygiene**,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license.

Sec. 34. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the Board may:

(a) Refuse to issue a license to any person;

(b) Revoke or suspend the license or renewal certificate issued by it to any person;

(c) Fine a person it has licensed;

(d) Place a person on probation for a specified period on any conditions the Board may order;

(e) Issue a public reprimand to a person;

(f) Limit a person's practice to certain branches of dentistry;

(g) Require a person to participate in a program relating to an alcohol or other substance use disorder or any other impairment;

(h) Require that a person's practice be supervised;

(i) Require a person to perform community service without compensation;

(j) Require a person to take a physical or mental examination or an examination of his or her competence;

(k) Require a person to fulfill certain training or educational requirements;

(l) Require a person to reimburse a patient; or

(m) Any combination thereof,

➥ if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

(a) Engaging in the illegal practice of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ~~[;]~~ ***or expanded function dental assistance;***

(b) Engaging in unprofessional conduct; or

(c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 35. NRS 631.360 is hereby amended to read as follows:

631.360 1. Except as otherwise provided in NRS 631.364, the Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for initiating disciplinary action, investigate the actions of any person who practices dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. The Board shall, before initiating disciplinary action, at least 10 days before the date set for the hearing, notify the accused person in writing of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to

this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 36. NRS 631.395 is hereby amended to read as follows:

631.395 A person is guilty of the illegal practice of dentistry, dental hygiene ***,*** ~~[or]~~ dental therapy ***or expanded function dental assistance*** who:

1. Sells or barters, or offers to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dentists, dental hygienists ***,*** ~~[or]~~ dental therapists ~~[;]~~ ***or expanded function dental assistants;***

2. Purchases or procures by barter any such diploma, certificate or transcript, with the intent that it be used as evidence of the holder's qualifications to practice dentistry, or in fraud of the laws regulating that practice;

3. With fraudulent intent, alters in a material regard any such diploma, certificate or transcript;

4. Uses or attempts to use any diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist, dental hygienist ***,*** ~~[or]~~ dental therapist ~~[;]~~ ***or expanded function dental assistant;***

5. Practices dentistry under a false or assumed name;

6. Assumes the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine" or appends the letters "D.D.S." or "D.M.D." or "R.D.H." to his or her name, not having conferred upon him or her, by diploma from an accredited dental or dental hygiene college or school legally empowered to confer the title, the right to assume the title, or assumes any title or appends any letters to his or her name with the intent to represent falsely that he or she has received a dental degree or license;

7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;

8. Within 10 days after a demand is made by the Secretary-Treasurer, fails to furnish to the Board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office of the person at any time within 60 days before the notice, together with a sworn statement showing

under and by what license or authority the person and his or her employee are and have been practicing dentistry, but the affidavit must not be used as evidence against the person in any proceeding under this chapter;

9. Except as otherwise provided in NRS 629.091, practices dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State without a license;

10. Except as otherwise provided in NRS 631.385, owns or controls a dental practice, shares in the fees received by a dentist or controls or attempts to control the services offered by a dentist if the person is not himself or herself licensed pursuant to this chapter; or

11. Aids or abets another in violating any of the provisions of this chapter.

Sec. 37. NRS 631.396 is hereby amended to read as follows:

631.396 Any member or agent of the Board may enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 38. NRS 631.397 is hereby amended to read as follows:

631.397 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice dentistry, dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 39. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who practices or offers to practice dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in this State without a license, or who, having a license, practices dental hygiene **,** ~~[or]~~ dental therapy ***or expanded function dental assistance*** in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, ***expanded function dental assistant,*** chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 40.5. **Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 5, a dental hygienist licensed pursuant to chapter 631 of NRS may, if authorized by the Board, possess, prescribe or dispense dangerous drugs and devices only to the extent and subject to the limitations specified in section 9 of this act and the certificate issued to the dental hygienist by the Board pursuant to this section.

2. If a dental hygienist wishes to possess, prescribe or dispense dangerous drugs and devices and is authorized to do so by section 9 of this act and the regulations adopted pursuant thereto, the dental hygienist must apply to the Board for a certificate to possess, prescribe or dispense dangerous drugs and devices and pay the applicable fee for authorization of a practitioner to dispense dangerous drugs pursuant to NRS 639.170.

3. The Board shall consider each application separately and, except as otherwise provided in subsection 5, may, even though the dental hygienist is otherwise authorized by section 9 of this act to possess, prescribe or dispense dangerous drugs and devices:

(a) Refuse to issue a certificate;

(b) Issue a certificate limiting the authority of the dental hygienist to possess, prescribe or dispense dangerous drugs and devices, the area in which the dental hygienist may possess dangerous drugs and devices or the kind and amount of dangerous drugs or devices; or

(c) Issue a certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. The Board may adopt regulations controlling the maximum amount to be possessed, prescribed or dispensed and the storage, security, recordkeeping and transportation of dangerous drugs or devices by a dental hygienist licensed pursuant to chapter 631 of NRS.

5. The provisions of this section do not limit or authorize the Board to limit the authority of a dental hygienist to possess dangerous drugs under the circumstances authorized by paragraph (b) of subsection 1 of NRS 454.213, regardless of whether the dental hygienist holds a certificate issued pursuant to this section.

Sec. 41. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; ~~[or]~~

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification ~~[.]~~ ***; or***

7. A dental hygienist who:

(a) Holds a valid license to practice dental hygiene in this State; ~~***[and]***~~

(b) Is authorized to prescribe and dispense ~~***[certain]***~~ ***the dangerous drugs*** ~~***[pursuant to]***~~ ***and devices listed in section 9 of this act*** ~~***[.]***~~ ***in accordance with the provisions of that section and the regulations adopted pursuant thereto; and***

(c) Holds a certificate issued pursuant to section 40.5 of this act by the State Board of Pharmacy authorizing him or her to so prescribe.

Sec. 42. NRS 653.430 is hereby amended to read as follows:

653.430 The provisions of this chapter do not apply to:

1. A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS.

2. A dentist, dental hygienist **,** ~~**[or]**~~ dental therapist ***or expanded function dental assistant*** licensed pursuant to chapter 631 of NRS or a dental assistant working within the scope of his or her employment under the direct supervision of ~~**[a]**~~ ***:***

(a) A dentist ~~**[.]**~~ ***; or***

(b) Where authorized by NRS 631.287, a dental hygienist who holds a special endorsement to practice public health dental hygiene.

3. A chiropractic physician or chiropractic assistant licensed pursuant to chapter 634 of NRS.

4. A person training to become a chiropractic assistant or a student practicing in the preceptor program established by the Chiropractic Physicians' Board of Nevada pursuant to NRS 634.1375.

5. A podiatric physician or podiatry hygienist licensed pursuant to chapter 635 of NRS, or a person training to be a podiatry hygienist.

6. A veterinarian or veterinary technician licensed pursuant to chapter 638 of NRS or any other person performing tasks under the supervision of a veterinarian or veterinary technician as authorized by regulation of the Nevada State Board of Veterinary Medical Examiners.

7. The performance of mammography in accordance with NRS 457.182 to 457.187, inclusive.

Sec. 43. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, ***an expanded function dental assistant, an expanded function dental assistant student,*** a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless

the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 44. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, ***expanded function dental assistant,*** chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 45. NRS 439.2713 is hereby amended to read as follows:

439.2713 "Provider of oral health care" means a dentist **,** ~~[or]~~ dental hygienist ***or expanded function dental assistant*** licensed pursuant to the provisions of chapter 631 of NRS.

Sec. 46. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A dental hygienist who holds a valid license to practice dental hygiene in this State and ~~*[is]*~~ **:**

(a) Is authorized to prescribe and dispense ~~*[certain]*~~ ***the dangerous drugs*** ~~*[pursuant to]*~~ ***listed in section 9 of this act*** ~~*[.]*~~ ***in accordance with the provisions of that section and the regulations adopted pursuant thereto; and***

(b) Holds a certificate issued by the State Board of Pharmacy pursuant to section 40.5 of this act authorizing him or her to so prescribe.

Sec. 47. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist ***or expanded function dental assistant*** acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the

direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 48. NRS 695D.040 is hereby amended to read as follows:

695D.040 "Dentist" includes a dental hygienist ~~[.]~~ ***and an expanded function dental assistant.***

Sec. 49. 1. Not later than January 1, 2025, the Board of Dental Examiners of Nevada shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature that includes, without limitation:

(a) The number of persons that applied for licensure as an expanded function dental assistant pursuant to sections 5 and 6 of this act during the 2024 calendar year and the number of such licenses issued during the 2024 calendar year;

(b) The number of persons that applied for a special endorsement to practice restorative dental hygiene pursuant to section 6.5 of this act during the 2024 calendar year and the number of such special endorsements issued during the 2024 calendar year;

(c) The number of dental hygienists currently authorized to prescribe and dispense drugs **or devices** pursuant to section 9 of this act; and

(d) A description of the impact of authorizing the practice of expanded function dental assistance and restorative dental hygiene and the prescription and dispensing of drugs by dental hygienists on the quality and availability of dental services in this State.

2. As used in this section:

(a) "Dental hygienist" has the meaning ascribed to it in NRS 631.040.

(b) "Expanded function dental assistance" has the meaning ascribed to it in section 2 of this act.

(c) "Expanded function dental assistant" has the meaning ascribed to it in section 3 of this act.

(d) "Restorative dental hygiene" has the meaning ascribed to it in section 3.5 of this act.

Sec. 50. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 49, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 698.

SUMMARY— ~~[Eliminating the exemption of]~~ **Makes various changes relating to** the Cannabis Compliance Board**.** ~~[from the provisions of the Nevada Administrative Procedure Act.]~~ (BDR 56-519)

AN ACT relating to cannabis; **revising provisions relating to the appointment of members of the Cannabis Compliance Board; revising the qualifications and terms of office of members of the Board; authorizing the Governor to appoint and remove the Executive Director of the Board; revising the powers of the Board; authorizing the Board to adopt certain regulations; requiring the Board to adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities;** eliminating the exemption of the ~~[Cannabis Compliance]~~ Board from the provisions of the Nevada Administrative Procedure Act; revising procedures governing disciplinary proceedings conducted by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain legislative findings and declarations concerning the public policy of this State with respect to the cannabis industry. (NRS 678A.005) Section 1 of this bill revises those findings and declarations and adds certain findings and declarations relating to illegal and unregulated activities involving cannabis.

Existing law sets forth the general powers of the Cannabis Compliance Board. (NRS 678A.440) Section 1.6 of this bill authorizes the Board to: (1) seize and destroy cannabis and cannabis products involved in unlicensed cannabis activities in accordance with the procedures applicable to other property subject to forfeiture; and (2) commit resources and take certain actions relating to unlicensed cannabis activities.

Existing law sets forth the composition of the Board. (NRS 678A.360) Existing law requires the Governor to appoint the members of the Board and designate one member to serve as Chair. (NRS 678A.370) Section 1.3 of this bill revises certain requirements and qualifications of the members of the Board. Sections 1.3, 4.3 and 4.6 of this bill exempt one member of the Board who is required to be selected based on his or her knowledge, skill and experience in the cannabis industry from certain restrictions imposed on former public officers or employees. Section 1.4 of this bill revises provisions concerning the appointment of members of the Board.

Section 1.4 requires the Governor to designate one member of the Board to serve as Vice Chair and requires each member, before entering upon the duties of office, to receive training that is the same or substantially similar to that which is required of a cannabis establishment agent.

Section 5.4 of this bill provides for staggered terms of the five members of the Board by: (1) providing that the terms of office of three members of the Board serving on June 30, 2024, expire on that date and requiring new members be appointed for a term of 4 years commencing July 1, 2024; and (2) providing that the terms of office of the remaining two members of the Board serving as of June 30, 2025, expire on that date and requiring new members be appointed for a term of 4 years commencing July 1, 2025.

Existing law requires the Board to appoint, and authorizes the Board to remove, the Executive Director of the Board. (NRS 678A.420) Section 1.5 of this bill transfers that authority to the Governor and requires the Governor to consider the skill and experience of a potential Executive Director in regulated industries when making the appointment.

Existing law authorizes the Board to adopt regulations necessary and convenient to carry out certain provisions of law relating to the regulation of cannabis. (NRS 678A.450) Section 1.7 of this bill provides that if the Board adopts regulations establishing certain mechanisms to ensure compliance with those provisions of law, the mechanisms must: (1) include certain education and training for employees of the Board and certain information to aid licensees and registrants in compliance; and (2) establish certain grounds for disciplinary action against a licensee or registrant. Section 1.7 also authorizes the Board to adopt certain regulations governing cannabis establishments which are publicly traded companies. Finally, section 1.7 requires the Board to adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Section 5.3 of this bill makes a conforming change to account for the placement of new language in section 1.7.

Existing law sets forth the Nevada Administrative Procedure Act, which establishes the procedures for state agencies to adopt, amend or repeal administrative regulations and adjudicate contested cases. (Chapter 233B of NRS) Existing law exempts the ~~[Cannabis Compliance]~~ Board from the provisions of the Act. (NRS 233B.039) Existing law instead sets forth specific procedures for the Board to: (1) adopt, amend or repeal regulations; and (2) take disciplinary action against a person who holds a license or registration card issued by the Board. (NRS 678A.460, 678A.500-678A.640) **Section 5** of this bill eliminates the exemption of the Board from the provisions of the Act, thereby requiring the Board to adopt, amend and repeal regulations and adjudicate contested cases in the same manner as other state agencies subject to the provisions of the Act. **Section 6** of this bill repeals the specific procedures for the Board to adopt, amend or repeal regulations set forth under

existing law. **Sections ~~[1-3]~~ 1.9-3** of this bill revise the procedures for the Board to take disciplinary action to conform with the procedures for the adjudication of contested cases set forth in the Act.

Existing law sets forth procedures by which a person aggrieved by a final decision of the Board in a disciplinary proceeding may obtain judicial review of the decision. (NRS 678A.610-678A.640) **Section 6** eliminates those procedures. **Section 4** of this bill instead authorizes a person aggrieved by a final decision of the Board in a disciplinary proceeding to obtain judicial review of the decision in the manner provided in the Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 678A.005 is hereby amended to read as follows:**

678A.005 The Legislature hereby finds, and declares to be the public policy of this State, that:

1. The cannabis industry is ~~[beneficial]~~ ***significant*** to the economy of the State ~~[and the general welfare of its residents.]~~ ***of Nevada.***

2. ***A regulated cannabis industry provides access to legal cannabis and cannabis products in a safe manner. Cannabis and cannabis products obtained from illegal sources are not tested, may be associated with violent crime and are often targeted at minors.***

3. The continued growth and success of the cannabis industry is dependent upon public confidence and trust ***and an understanding*** that:

(a) Residents who suffer from chronic or debilitating medical conditions will be able to obtain medical cannabis safely and conveniently;

(b) Residents who choose to engage in the adult use of cannabis may also obtain adult-use cannabis in a safe and efficient manner;

(c) Cannabis establishments do not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods;

(d) Cannabis licenses and registration cards are issued in a fair and equitable manner ~~[;]~~ ***with a commitment to the consideration of social equity;***

(e) The holders of cannabis licenses and registration cards are representative of their communities; ~~[and]~~

(f) ~~[The]~~ ***Nevada seeks to emulate other privileged industries that are licensed and strictly regulated insofar as those industries are similar to or the approaches used in those industries are compatible with the cannabis industry in this State; and***

(g) A well regulated cannabis industry ~~[is free from]~~ ***provides significant tax revenues to the State and runs contrary to the*** criminal and corruptive elements ~~[.]~~ ***that exist in an unregulated and illegal market.***

~~[3.]~~ ***4.*** Public confidence and trust can only be maintained by strict ***but fair and equitable*** regulation of all persons, locations, practices, associations and activities related to the operation of cannabis establishments.

~~[4.]~~ ***5.*** All cannabis establishments and cannabis establishment agents must ~~[therefore]~~ be licensed, controlled and assisted to protect the public

health, safety, morals, good order and general welfare of the inhabitants of the State, to foster the stability and success of the cannabis industry and to preserve the competitive economy and policies of free competition of the State of Nevada.

Sec. 1.3. **NRS 678A.360 is hereby amended to read as follows:**

678A.360 1. Each member of the Board must be a resident of the State of Nevada.

2. No member of the Legislature, no person holding any elective office in the State Government, nor any officer or official of any political party is eligible for appointment to the Board.

3. Not more than three of the five members of the Board may be of the same political party.

4. It is the intention of the Legislature that the Board be composed of the most qualified persons available.

5. One member of the Board must [:

~~(a) Be a certified public accountant certified or licensed by this State or another state of the United States or a public accountant qualified to practice public accounting under the provisions of chapter 628 of NRS, have 5 years of progressively responsible experience in general accounting and have a comprehensive knowledge of the principles and practices of corporate finance; or~~

~~(b) Possess~~] ***possess*** the qualifications of an expert in the fields of corporate finance and auditing, ***inventory,*** general finance or economics [~~.~~] ***and be selected with special reference to his or her knowledge, skill and experience in representing businesses engaging in manufacturing, distribution, retail or agriculture.***

6. One member of the Board must be selected with special reference to his or her training and experience in the fields of investigation or law enforcement [~~.~~] ***, including, without limitation, in the area of illegal or unlicensed cannabis activities.***

7. One member of the Board must be an attorney licensed to practice in this State and selected with special reference to his or her knowledge, skill and experience in ***representing businesses in licensing matters or*** regulatory compliance.

8. One member of the Board must be selected with special reference to his or her knowledge, skill and experience in the cannabis industry. ***The person selected pursuant to this subsection is not subject to paragraph (b) of subsection 1 of NRS 281A.410 or subsection 3 of NRS 281A.550.***

9. One member of the Board must be a physician licensed pursuant to chapter 630 or 633 of NRS and have knowledge, skill and experience in the area of public health or be a psychologist, clinical professional counselor, alcohol and drug counselor ***,*** [~~or~~] social worker ***or a person with expertise in laboratory sciences and must be selected*** with ***special reference to his or her*** knowledge, skill and experience in the area of [~~education and prevention of abuse relating to~~] cannabis.

10. In addition to any other requirements imposed by this section, the member who is designated as Chair of the Board must have at least 5 years of leadership experience in his or her field.

Sec. 1.4. **NRS 678A.370 is hereby amended to read as follows:**

678A.370 1. ~~[The term of office of each member of the Board is 4 years, commencing on the last Monday in January.~~

~~2.]~~ The Governor shall appoint the members of the Board and designate one member to serve as Chair, who shall preside over all official activities of the Board ~~[.]~~ ***, and one member as Vice Chair, who shall perform duties established by the Board.***

2. The term of the Chair is 2 years. Upon expiration of the term of the Chair, if the Governor has not designated the member to serve as Chair for another term or designated another member to serve as Chair, the Vice Chair becomes the Chair.

3. In appointing members to the Board, the Governor shall consider whether the members appointed to the Board reflect the ethnic and geographical diversity of this State.

4. Each member of the Board serves a term of 4 years.

~~[3.]~~ ***5.*** The Governor may remove any member for ***neglect of duty,*** misfeasance, malfeasance or nonfeasance in office. Removal may be made after:

(a) The member has been served with a copy of the charges against the member; and

(b) A public hearing before the Governor is held upon the charges, if requested by the member charged.

➥ The request for a public hearing must be made within 10 days after service upon such member of the charges. If a hearing is not requested, a member is removed effective 10 days after service of charges upon the member. A record of the proceedings at the public hearing must be filed with the Secretary of State.

6. Before entering upon the duties of office, each person appointed to the Board must receive training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment.

Sec. 1.5. **NRS 678A.420 is hereby amended to read as follows:**

678A.420 1. The position of Executive Director of the Cannabis Compliance Board is hereby created.

2. The Executive Director:

(a) Is appointed by the ~~[Board]~~ ***Governor, with consideration given to the skill or experience of the appointee in regulated industries,*** and may be removed by the ~~[Board;]~~ ***Governor;***

(b) Is responsible for the conduct of the administrative matters of the Board; and

(c) Shall, except as otherwise provided in NRS 284.143, devote his or her entire time and attention to the business of the office of Executive Director and shall not pursue any other business or occupation or hold any other office for profit.

3. The Executive Director is entitled to an annual salary in the amount specified by the Board within the limits of legislative appropriations or authorizations.

Sec. 1.6. **NRS 678A.440 is hereby amended to read as follows:**

678A.440 In addition to any other powers granted by this title, the Board has the power to:

1. Enter into interlocal agreements pursuant to NRS 277.080 to 277.180, inclusive.

2. Establish and amend a plan of organization for the Board, including, without limitation, organizations of divisions or sections with leaders for such divisions or sections.

3. Appear on its own behalf before governmental agencies of the State or any of its political subdivisions.

4. Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this title.

5. Execute all instruments necessary or convenient for carrying out the provisions of this title.

6. Prepare, publish and distribute such studies, reports, bulletins and other materials as the Board deems appropriate.

7. Refer cases to the Attorney General for criminal prosecution.

8. Maintain an official Internet website for the Board.

9. Monitor federal activity regarding cannabis and report its findings to the Legislature.

10. Employ the services of such persons the Board considers necessary for the purposes of hearing disciplinary proceedings.

11. In accordance with NRS 179.1156 to 179.121, inclusive, seize and destroy cannabis and cannabis products involved in unlicensed cannabis activities.

12. Commit resources and take action to address unlicensed cannabis activities, including, without limitation:

(a) Investigating and referring matters involving unlicensed cannabis activities to the appropriate state or local law enforcement agency, including, without limitation, the Investigation Division of the Department of Public Safety and the Attorney General, for further investigation and possible criminal prosecution;

(b) Educating the public through various types of media and communication and other forms of public outreach on the dangers and illegality of unlicensed cannabis activities and the importance of having cannabis establishments which are licensed and regulated;

(c) Creating a system through which the public, licensees and registrants may file confidential reports of unlicensed cannabis activities; and

(d) Imposing penalties against persons who engage in unlicensed cannabis activities in accordance with the regulations adopted by the Board pursuant to NRS 678A.450.

Sec. 1.7. **NRS 678A.450 is hereby amended to read as follows:**

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such ***education, outreach,*** investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title. ***Such mechanisms must include, without limitation:***

(1) A system to educate, train and certify employees of the Board which:

(I) Each member must complete before he or she may engage in inspections, investigations or audits; and

(II) At a minimum, includes training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment;

(2) A system to educate and advise licensees and registrants on compliance with the provisions of this title which may serve as an alternative to disciplinary action; and

(3) Establishing specific grounds for disciplinary action against a licensee or registrant who knowingly violates the law or engages in grossly negligent, unlawful or criminal conduct or an act or omission that poses an imminent threat to the health or safety of the public.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.

(f) ***Policies and procedures relating to the disclosure of the identities of the shareholders and the annual report of a cannabis establishment that is a publicly traded company.***

(g) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a

cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

~~[(g)]~~ ***(h)*** Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

~~[(h)]~~ ***(i)*** Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. ***The Board shall adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Such regulations must, without limitation:***

(a) Establish penalties to be imposed for unlicensed cannabis activities, which may include, without limitation, the issuance of a cease and desist order or citation, the imposition of an administrative fine or civil penalty and other similar penalties.

(b) Set forth the procedures by which the Board may impose a penalty against a person for engaging in unlicensed cannabis activities.

(c) Set forth the circumstances under which the Board is required to refer matters concerning unlicensed cannabis activities to an appropriate state or local law enforcement agency.

4. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

~~[4.]~~ ***5.*** The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

~~[Section 1.]~~ ***Sec. 1.9.*** NRS 678A.510 is hereby amended to read as follows:

678A.510 1. If the Executive Director transmits the details of a suspected violation to the Attorney General pursuant to NRS 678A.500, the Attorney General shall conduct an investigation of the suspected violation to determine whether it warrants proceedings for disciplinary action of the licensee or registrant. If the Attorney General determines that further

proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Executive Director in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint. The Executive Director shall transmit the recommendation and other information received from the Attorney General to the Board.

2. The Board shall promptly make a determination with respect to each complaint resulting in an investigation by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action in accordance with NRS 678A.520 to 678A.600, inclusive, ***chapter 233B of NRS*** and the regulations adopted by the Board.

Sec. 2. NRS 678A.540 is hereby amended to read as follows:

678A.540 1. At all hearings before the Board:

(a) Oral evidence may be taken only upon oath or affirmation administered by the Board.

(b) Every party has the right to:

(1) Call and examine witnesses;

(2) Introduce exhibits relevant to the issues of the case;

(3) Cross-examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered in a direct examination;

(4) Impeach any witness regardless of which party first called the witness to testify; and

(5) Offer rebuttal evidence.

(c) If the respondent does not testify in his or her own behalf, the respondent may be called and examined as if under cross-examination.

(d) The hearing need not be conducted according to technical rules relating to evidence and witnesses ~~[.]~~ ***, except that those prescribed in NRS 233B.123 apply.*** Any relevant evidence ***that is not immaterial or unduly repetitious*** may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.

(e) The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.

2. The Board may take official notice of any generally accepted information or technical or scientific matter within the field of cannabis, and of any other fact which may be judicially noticed by the courts of this State. The parties must be informed of any information, matters or facts so noticed, and must be given a reasonable opportunity, on request, to refute such

information, matters or facts by evidence or by written or oral presentation of authorities, the manner of such refutation to be determined by the Board.

3. Affidavits may be received in evidence at any hearing of the Board in accordance with the following:

(a) The party wishing to use an affidavit must, not less than 10 days before the day set for hearing, serve upon the opposing party or counsel, either personally or by registered or certified mail, a copy of the affidavit which the party proposes to introduce in evidence together with a notice as provided in paragraph (c).

(b) Unless the opposing party, within 7 days after such service, mails or delivers to the proponent a request to cross-examine the affiant, the opposing party's right to cross-examine the affiant is waived and the affidavit, if introduced in evidence, must be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made in accordance with this paragraph, the affidavit may be introduced in evidence, but must be given only the same effect as other hearsay evidence.

(c) The notice referred to in paragraph (a) must be substantially in the following form:

> The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing set for the ..... day of the month of ……. of the year …… (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question (here insert name of affiant) unless you notify the undersigned that you wish to cross-examine (here insert name of affiant). To be effective your request must be mailed or delivered to the undersigned on or before 7 days from the date this notice and the enclosed affidavit are served upon you.
>
> .....
> (Party or Counsel)
> .....
> (Address)

Sec. 3. NRS 678A.590 is hereby amended to read as follows:

678A.590 1. Within 60 days after the hearing of a contested matter, the Board shall render a written decision on the merits **.** ~~[which]~~ ***Except as otherwise provided in subsection 5 of NRS 233B.121, the written decision*** must contain findings of fact ~~[,]~~ ***and conclusions of law which are separately stated,*** a determination of the issues presented and the penalty to be imposed, if any. The Board shall thereafter make and enter its written order in conformity to its decision. No member of the Board who did not hear the evidence may vote on the decision. The affirmative votes of a majority of the whole Board are required to impose any penalty. Copies of the decision and order must be served on the parties personally or sent to them by registered or

certified mail. The decision is effective upon such service, unless the Board orders otherwise.

2. The Board may, upon motion made within ~~[10]~~ ***15*** days after service of a decision and order, order a rehearing before the Board upon such terms and conditions as it may deem just and proper if a petition for judicial review of the decision and order has not been filed. The motion must not be granted except upon a showing that there is additional evidence which is material and necessary and reasonably calculated to change the decision of the Board, and that sufficient reason existed for failure to present the evidence at the hearing of the Board. The motion must be supported by an affidavit of the moving party or his or her counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced at the hearing. Upon rehearing, rebuttal evidence to the additional evidence must be permitted. After rehearing, the Board may modify its decision and order as the additional evidence may warrant.

Sec. 4. NRS 678A.610 is hereby amended to read as follows:

678A.610 ~~[1.]~~ Any person aggrieved by a final decision or order of the Board made after hearing or rehearing by the Board pursuant to NRS 678A.520 to 678A.600, inclusive, and whether or not a motion for rehearing was filed, ~~[~~may obtain a~~]~~ ***is entitled to*** judicial review ~~[~~thereof in the district court of the county in which the petitioner resides or has his, her or its principal place of business.

~~2. The judicial review must be instituted by filing a petition within 20 days after the effective date of the final decision or order. A petition may not be filed while a motion for rehearing or a rehearing is pending before the Board. The petition must set forth the order or decision appealed from and the grounds or reasons why petitioner contends a reversal or modification should be ordered.~~

~~3. Copies of the petition must be served upon the Board and all other parties of record, or their counsel of record, either personally or by certified mail.~~

~~4. The court, upon a proper showing, may permit other interested persons to intervene as parties to the appeal or as friends of the court.~~

~~5. The filing of the petition does not stay enforcement of the decision or order of the Board, but the Board itself may grant a stay upon such terms and conditions as it deems proper.~~~~]~~ ***of the decision or order in the manner provided by chapter 233B of NRS.***

Sec. 4.3. **NRS 281A.410 is hereby amended to read as follows:**

281A.410 In addition to the requirements of the code of ethical standards and the other provisions of this chapter:

1. ~~[If]~~ ***Except as otherwise provided in NRS 678A.360,*** a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. Except as otherwise provided in subsection 3, a State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve.

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. The Commission may relieve the member from the strict application of the provisions of this subsection if:

(a) The member files a request for an advisory opinion from the Commission pursuant to NRS 281A.675; and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each local agency affected by the matter; and

(3) The provisions of this chapter.

4. For the purposes of subsection 3, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

5. Unless permitted by this section, a public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

Sec. 4.6. **NRS 281A.550 is hereby amended to read as follows:**

281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility, ➥ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the Nevada Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the Nevada Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Be employed by such a person,

➥ for 1 year after the termination of the member's service on the Nevada Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6 ~~,~~ ***and NRS 678A.360,*** a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:

(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;

(b) The former public officer holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded $25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

6. A current or former public officer or employee may file a request for an advisory opinion pursuant to NRS 281A.675 concerning the application of the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

(a) The best interests of the public;

(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and

(c) The provisions of this chapter,

➥ it may issue an advisory opinion to that effect and grant such relief.

7. For the purposes of subsection 6, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

8. The advisory opinion does not relieve the current or former public officer or employee from the strict application of any provision of NRS 281A.410.

9. For the purposes of this section:

(a) A former member of the Public Utilities Commission of Nevada, the Nevada Gaming Control Board or the Nevada Gaming Commission; or

(b) Any other former public officer or employee governed by this section,

➥ is employed by or is soliciting or accepting employment from a business, industry or other person described in this section if any oral or written agreement is sought, negotiated or exists during the restricted period pursuant to which the personal services of the public officer or employee are provided or will be provided to the business, industry or other person, even if such an agreement does not or will not become effective until after the restricted period.

10. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.

Sec. 5. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

~~[(n) The Cannabis Compliance Board.]~~

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a

responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;

(i) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(j) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(k) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 5.3. **NRS 453.096 is hereby amended to read as follows:**

453.096 1. "Marijuana" means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) The seeds thereof;

(c) The resin extracted from any part of the plant, including concentrated cannabis;

(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin;

(e) Any commodity or product made using hemp which exceeds the maximum THC concentration established by the State Department of Agriculture for hemp; and

(f) Any product or commodity made from hemp which is manufactured or sold by a cannabis establishment which violates any regulation adopted by the Cannabis Compliance Board pursuant to paragraph ~~[(g)]~~ ***(h)*** of subsection 1 of NRS 678A.450 relating to THC concentration.

2. "Marijuana" does not include:

(a) Hemp, as defined in NRS 557.160, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS;

(b) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination; or

(c) Any commodity or product made using hemp, as defined in NRS 557.160, which does not exceed the maximum THC concentration established by the State Department of Agriculture for hemp.

Sec. 5.4. **1. The terms of the members of the Board described in subsections 5, 6 and 7 of NRS 678A.360, as amended by section 1.3 of this act, who are incumbent on June 30, 2024, expire on that date. On or before July 1, 2024, the Governor shall appoint to the Board the members described in subsections 5, 6 and 7 of NRS 678A.360, as amended by section 1.3 of this act, to terms that commence on July 1, 2024, and expire on June 30, 2028.**

2. The terms of the members of the Board described in subsections 8 and 9 of NRS 678A.360, as amended by section 1.3 of this act, who are incumbent on June 30, 2025, expire on that date. On or before July 1, 2025, the Governor shall appoint to the Board the members described in subsections 8 and 9 of NRS 678A.360, as amended by section 1.3 of this act, to terms that commence on July 1, 2025, and expire on June 30, 2029.

3. Notwithstanding the amendatory provisions of section 1.3 of this act, any appointment of a member to the Board that is made:

(a) For a member described in subsection 5, 6 or 7 of NRS 678A.360, as amended by section 1.3 of this act, before the appointment of the members required to be appointed pursuant to subsection 1 must be made in accordance with NRS 678A.360 and 678A.370, as those sections existed before the effective date of this act.

(b) For a member described in subsection 8 or 9 of NRS 678A.360, as amended by section 1.3 of this act, before the appointment of the members required to be appointed pursuant to subsection 2 must be made in accordance with NRS 678A.360 and 678A.370, as those sections existed before the effective date of this act.

Sec. 5.5. **The amendatory provisions of sections 2, 3, 4 and 6 of this act apply to any judicial or administrative proceedings commenced on or after the effective date of this act.**

Sec. 5.7. **The amendatory provisions of sections 5 and 6 of this act apply to regulations which are proposed by the Cannabis Compliance Board on or after the effective date of this act.**

Sec. 6. NRS 678A.460, 678A.560, 678A.620, 678A.630 and 678A.640 are hereby repealed.

Sec. 7. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

678A.460 Regulations: Procedure for adoption, amendment and repeal.

678A.560 Hearings: Limitations on communications.

678A.620 Judicial review: Record on review.

678A.630 Judicial review: Additional evidence taken by Board; review confined to record; court may affirm, remand or reverse.

678A.640 Judicial review: Appeal to appellate court; exclusive method of review for disciplinary hearings; certain actions not subject to judicial review.

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 330.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 580.

AN ACT relating to health care; revising requirements for certain health insurance plans to provide certain benefits for preventative health care relating to breast cancer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires most health insurance plans, including individual, group and blanket health insurance policies, small employer plans, benefit contracts provided by fraternal benefit societies, contracts for hospital or medical service, health care plans of health maintenance organizations and plans issued by managed care organizations to include coverage for mammograms. (NRS 689A.0405, 689B.0374, 689C.1674, 695A.1855, 695B.1912, 695C.1735, 695G.1713) **Sections 1-5, 6 and 7** of this bill revise existing provisions requiring coverage for mammograms to require such policies, plans and contracts of health care to additionally provide coverage for imaging tests to screen for breast cancer and diagnostic imaging tests for breast cancer for certain covered persons without requiring any deductible, copayment, coinsurance or any other form of cost-sharing ~~[.]~~ **, except under certain circumstances relating to the eligibility of health savings accounts associated with policies, plans and contracts of health care that have high**

deductibles. **Sections 5.5, 6.5, 7.5 and 8** of this bill make various changes to exclude the Public Employees' Benefits Program and plans of self-insurance for employees of local governments from the requirements of this bill and, thus, the Program and such plans may, but are not required to, provide the coverage set forth in this bill. **Sections 7.2 and 7.3** of this bill make changes necessary so that requirements concerning mammograms that currently apply to the Program and plans of self-insurance for employees of local governments continue to apply to the Program and such plans. **Sections 7.7 and 7.9** of this bill make conforming changes to indicate the proper placement of **sections 7.2 and 7.3**, respectively, in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 689A.0405 is hereby amended to read as follows:

689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for ~~[a]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment **,** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[~~2018,~~]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified policy of health insurance with respect to the deductible of such a policy of health insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified policy of health insurance" means a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 2. NRS 689B.0374 is hereby amended to read as follows:

689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for ~~[~~a~~]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating

to any benefit required by this section or the type of provider of health care to use for such treatment.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified policy of group health insurance with respect to the deductible of such a policy of group health insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified policy of group health insurance" means a policy of group health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 3. NRS 689C.1674 is hereby amended to read as follows:

689C.1674 1. A health benefit plan must provide coverage for benefits payable for expenses incurred for ~~[a]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified health benefit plan with respect to the deductible of such a health benefit plan after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior

authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health benefit plan" means a health benefit plan that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 4. NRS 695A.1855 is hereby amended to read as follows:

695A.1855 1. A benefit contract must provide coverage for benefits payable for expenses incurred for ~~[a]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition for coverage to obtain any benefit provided in a benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[~~2018,~~]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified benefit contract with respect to the deductible of such a benefit contract after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified benefit contract" means a benefit contract that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 5. NRS 695B.1912 is hereby amended to read as follows:

695B.1912 1. An insurer that offers or issues a contract for hospital or medical service must provide coverage for benefits payable for expenses incurred for ~~[(a)]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided in a contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A contract for hospital or medical service subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ ***2024,*** has the legal effect of including the coverage required

by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified contract for hospital or medical service with respect to the deductible of such a contract for hospital or medical service after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified contract for hospital or medical service" means a contract for hospital or medical service that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 5.5. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to ~~***[members]***~~ ***:***

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 6. NRS 695C.1735 is hereby amended to read as follows:

695C.1735 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for ~~[~~a~~]~~ ***:***

(a) A mammogram ~~[~~every 2 years, or~~]~~ ***to screen for breast cancer*** annually ~~[~~if ordered by a provider of health care,~~]~~ for ~~[~~women~~]~~ ***enrollees who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the enrollee's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the enrollee.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the enrollee's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an enrollee to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any benefit provided in the health care plan pursuant to subsection 1;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. A health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an enrollee pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified health care plan with respect to the deductible of such a health care plan after the enrollee has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health care plan" means a health care plan of a health maintenance organization that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 6.5. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.127, 695G.164, 695G.1645, 695G.167 and 695G.200 to 695G.230, inclusive, do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. ~~[This subsection does]~~

4. The provisions of NRS 695C.1735 do not apply to a managed care organization that provides health care services to members of the Public Employees' Benefits Program.

5. Subsections 3 and 4 do not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 7. NRS 695G.1713 is hereby amended to read as follows:

695G.1713 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for ~~[a]~~ ***:***

(a) A mammogram ~~[every 2 years, or]~~ ***to screen for breast cancer*** annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ ***insureds who are*** 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) ~~[Require]~~ ***Except as otherwise provided in subsection 6, require*** an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment ***,*** ~~[or]~~ coinsurance ***or any other form of cost-sharing*** or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any

provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. ***If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified health care plan with respect to the deductible of such a health care plan after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.***

7. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified health care plan" means a health care plan issued by a managed care organization that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 7.1. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.2 and 7.3 of this act.

Sec. 7.2. ***1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.***

2. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance

through a plan of self-insurance must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the governing body.

3. Except as otherwise provided in subsection 5, the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not:

(a) ~~[Require]~~ Except as otherwise provided in subsection 6, require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the plan of self-insurance pursuant to subsection 1;

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan of self-insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified plan of self-insurance with respect to the deductible of such a plan of self-insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which

case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.

7. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a plan of self-insurance provided by the governing body of a local governmental agency under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the governing body. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified plan of self-insurance" means a plan of self-insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 7.3. *1. If the Board provides health insurance through a plan of self-insurance, it shall provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.*

2. If the Board provides health insurance through a plan of self-insurance, it must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the Board.

3. Except as otherwise provided in subsection 5, if the Board provides health insurance through a plan of self-insurance, it shall not:

(a) ~~[Require]~~ Except as otherwise provided in subsection 6, require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the plan of self-insurance pursuant to subsection 1;

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan of self-insurance described in subsection 1 which is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, if the Board provides health insurance through a plan of self-insurance, the Board may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified plan of self-insurance with respect to the deductible of such a plan of self-insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.

7. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a plan of self-insurance provided by the Board under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the Board. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified plan of self-insurance" means a plan of self-insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 7.5. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body

to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to ***689B.0369, inclusive, 689B.0375 to*** 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are

eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 7.7. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, ***and section 7.2 of this act*** do not make it compulsory upon any governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, except as otherwise provided in NRS 287.021 or subsection 4 of NRS 287.023 or in an agreement entered into pursuant to subsection 3 of NRS 287.015, to pay any premiums, contributions or other costs for group insurance, a plan of benefits or medical or hospital services established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, for coverage under the Public Employees' Benefits Program, or to make any contributions to a trust fund established pursuant to NRS 287.017, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State to accept any such coverage or to assign his or her wages or salary in payment of premiums or contributions therefor.

Sec. 7.9. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***and section 7.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to ***695G.1712, inclusive, 695G.1714 to*** 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 9. This act becomes effective on January 1, 2024.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 660.

AN ACT relating to property; authorizing tenants subject to certain **actions for summary** eviction ~~[~~proceedings~~]~~ to ~~[~~assert certain affirmative defenses relating to~~]~~ **request that the court stay the action until a decision concerning an application for** rental assistance **is made** and establishing procedures relating thereto; **requiring a landlord to accept payment of rent from a tenant and rental assistance on behalf of a tenant under certain circumstances;** authorizing a justice court to establish a diversion program for certain tenants subject to an action for summary eviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises defaults in the payment of rent. (NRS 40.253) Section 9 of this bill defines the term "designated eviction proceeding" to include certain proceedings relating to the eviction of certain tenants who have defaulted in the payment of rent. Section 9 authorizes a tenant to claim as an affirmative defense to a designated eviction proceeding that: (1) the tenant has a pending application for rental assistance; or (2) the landlord of the tenant refused to participate in the application process for rental assistance or accept rental assistance provided on behalf of the tenant. Section 9 requires the court to stay the proceedings upon the assertion of such an affirmative defense for a period not to exceed 60 days unless the landlord receives an exemption. Section 9 also authorizes the landlord to file a motion to rebut the affirmative defense. If such a motion is filed by a landlord, section 9 authorizes the court to: (1) hold a hearing; or (2) maintain the stay of the proceedings for a period not to exceed 60 days. Section 9 also requires the court to: (1) dismiss the proceedings for~~

~~eviction upon the granting of the application for rental assistance and receipt of the rental assistance by the landlord under certain circumstances; or (2) deny the eviction if the tenant proves the claim that the landlord refused to participate in the application for rental assistance or accept rental assistance on behalf of the tenant. The court is authorized to award damages if an eviction is denied for such refusal. In determining the amount of damages, if any, to award to the tenant, section 9 requires the court to consider the degree of harm caused to the tenant by the refusal of the landlord to participate in the application process for rental assistance or accept the rental assistance on behalf of the tenant.]~~ **In general, existing law provides for a summary eviction procedure when a tenant defaults in the payment of rent. (NRS 40.253) Section 9 of this bill authorizes a tenant who has been served with a notice to pay rent or surrender the premises to request that the court stay an action for summary eviction based on a default in the payment of rent until a decision concerning an application for rental assistance is made. Section 9 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. If the court issues such a stay, section 9 authorizes a landlord to file a motion to lift the stay under certain circumstances. If an application for rental assistance is granted in an amount that will allow the tenant in an action that has been stayed to cure the default, section 9 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. If the application for rental assistance is denied or granted in an amount that will not allow the tenant in an action that has been stayed to cure the default, section 9 requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. Section 21.2 of this bill makes a conforming change relating to the submission of an affidavit pursuant to section 9.**

In general, existing law provides for a summary eviction procedure when a tenant neglects or fails to perform a condition or covenant of a lease or agreement. (NRS 40.254) Section 9.2 of this bill authorizes a tenant who has been served with a notice to surrender the premises to request that the court stay an action for summary eviction based on neglect or failure to perform a condition or covenant of the lease or agreement until a decision concerning an application for rental assistance is made. Section 9.2 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. Among other requirements, section 9.2 requires the tenant to submit proof that: (1) the tenant was in default on the payment when the landlord initiated the action for summary eviction; and (2) the condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. If the court issues such a stay, section 9.2 authorizes a landlord to file a motion to lift the stay under certain circumstances. When any stay issued by the court is lifted, section 9.2 requires the court to proceed with the action for summary eviction in

accordance with the requirements prescribed by existing law. If an application for rental assistance is granted in an amount that will allow the tenant to cure the default, section 9.2 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. Section 21.4 makes a conforming change relating to the submission of an affidavit pursuant to section 9.2.

Sections 9.1 and 9.3 of this bill create a similar process that becomes effective if and only if Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.

Section 9.5 of this bill authorizes a justice court to establish a diversion program to which it may assign an eligible tenant subject to an action for summary eviction. **Section 9.5** sets forth factors the court may consider in determining whether a tenant is eligible for assignment to such a diversion program. If the court assigns a tenant to such a diversion program, **section 9.5** requires the court to: (1) stay the pending action for summary eviction for not more than 60 days; and (2) if the tenant pays the landlord the rent that is in default or surrenders the premises before the expiration of the stay, dismiss the action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9.5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. ***1. ~~[In any designated eviction proceeding, the]~~ A tenant who has been served with a notice pursuant to subsection 1 of NRS 40.253 may ~~[claim as an affirmative defense]~~ request that ~~[:~~***

~~(a) The tenant has a pending]~~ the court stay any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until a decision concerning an application for rental assistance ~~[; or~~

~~(b) The landlord has refused to:~~

~~(1) Participate in the application process for rental assistance; or~~

~~(2) Accept rental assistance on behalf of the tenant.]~~ is made.

2. To ~~[assert the affirmative defense described in]~~ request a stay pursuant to subsection 1, a tenant must:

(a) ~~[Have submitted]~~ File, within the time specified in subsection 1 of NRS 40.253 for the payment of rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant

has a pending application for rental assistance ; ~~[before the date on which the landlord filed the complaint on which the designated eviction proceeding is based;]~~ and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If ~~[an affirmative defense described in subsection 1 is asserted by the tenant:~~

~~(a) Except as otherwise provided in subsection 8,]~~ the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court shall stay ~~[the designated]~~ any action for summary eviction ~~[proceeding]~~ initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until the applicable time described in subsection ~~[5 or 6; and~~

~~(b) The landlord may file a motion to rebut the affirmative defense by the tenant.]~~ 4.

4. If ~~[a landlord files the motion described in subsection 3, the court may:~~

~~(a) Hold a hearing on the motion; or~~

~~(b) Maintain the stay until the applicable time described in subsection 5 or 6.~~

~~5. Except as otherwise provided in subsection 6, if the affirmative defense asserted was that described in:~~

~~(a) Paragraph (a) of subsection 1,]~~ the court grants a stay pursuant to subsection 3, the stay ~~[of the designated eviction proceeding]~~ must be maintained by the court until such time as ~~[the]~~ :

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance ~~[, and, except as otherwise provided in subsection 11, if the application for rental assistance is granted, the court must dismiss the designated eviction proceeding at the time that the rental assistance is received by the landlord.]~~ ; or

(b) ~~[Paragraph (b) of subsection 1, the stay of the designated eviction proceeding must be maintained by the court until such time as the tenant proves the validity of the claim, in which case the court:~~

~~(1) Must deny the eviction; and~~

~~(2) May award damages to the tenant.~~

~~6.]~~ The court grants a motion filed pursuant to subsection 5.

5. A landlord may file a motion to lift a stay ~~[of a designated eviction proceeding must not exceed 60 days.~~

~~7. In determining the amount of damages to award a tenant]~~ issued pursuant to subsection ~~[5, the court shall consider the degree of harm caused to the tenant by the refusal of the landlord to:~~

~~(a) Participate in the application process for rental assistance; or~~

~~(b) Accept rental assistance on behalf of the tenant.~~

~~8.]~~ 3.

6. The court may grant a ~~[landlord an exemption from the requirement to stay a designated eviction proceeding]~~ motion filed pursuant to ~~[this section]~~ subsection 5 if ~~[:]~~ , at a hearing conducted on the motion, the court finds that:

(a) ~~[The landlord:~~

~~(1) Provides written notice to the tenant of the exemption sought at the same time that notice relating to the designated eviction proceeding is served upon the tenant; and~~

~~(2) Files a motion with the court for an exemption from the requirement to stay the designated eviction proceeding; and~~

~~(b) The court finds:~~

~~(1) That there is a pending designated eviction proceeding; and~~

~~(2)]~~ Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant ~~[.~~

~~9.]~~ , including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

7. If a tenant in bad faith submits an application for rental assistance , ~~[or asserts the affirmative defense described in paragraph (a) of subsection 1 in bad faith,]~~ the landlord may, in a separate cause of action, recover damages from the tenant.

~~[10.]~~ 8. If a landlord in bad faith files a motion ~~[for an exemption]~~ pursuant to subsection ~~[8,]~~ 5, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

~~[11. The provisions of paragraph (a) of subsection 5 which require the]~~

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court ~~[to]~~ must dismiss ~~[the designated]~~ any action for summary eviction ~~[proceeding do not apply if the rental assistance received]~~ initiated by the landlord ~~[does not cure the default of the tenant.~~

~~12. This section does not apply to any proceeding for eviction relating to:~~

~~(a) A commercial premises; or~~

~~(b) An unlawful detainer pursuant to subsection 4 of NRS 40.2514 or 40.255.~~

~~13.]~~ against the tenant pursuant to subsection 5 of NRS 40.253.

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 6 of NRS 40.253.

10. For purposes of subsection ~~[5,]~~ 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

~~[14. Any person or entity to whom a tenant submits a rental assistance application shall use its best efforts to notify the tenant, landlord and court of any determination made on a pending application for rental assistance as soon as reasonably practicable after making the determination.~~

~~15.]~~ 11. As used in this section:

(a) ~~[~~"Designated eviction proceeding" means~~

~~(1) A proceeding for summary eviction where the tenant has defaulted in the payment of rent;~~

~~(2) A proceeding for eviction for unlawful detainer pursuant to NRS 40.2512; or~~

~~(3) A proceeding for eviction relating to paragraph (a) of subsection 1 of NRS 118B.200.~~

~~(b)]~~ "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance ~~[.]~~ that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

~~[(c)]~~ (b) "Rental assistance" includes, without limitation, federal, state or local funds ~~[:~~

~~(1) Provided]~~ provided by a governmental entity ~~[;]~~ and

~~[(2) Administered]~~ administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.1. 1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 2 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File the written answer required by subsection 6 of section 2 of Assembly Bill No. 340 of this session with the court that has jurisdiction over

the matter within the time specified by subsection 6 of section 2 of Assembly Bill No. 340 of this session and include in the answer:

(1) A statement that the tenant has a pending application for rental assistance; and

(2) A request that the court stay the pending action for summary eviction; and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If the court determines that a written answer filed pursuant to subsection 6 of section 2 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court shall stay the pending action for summary eviction until the applicable time described in subsection 4.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or

(b) The court grants a motion filed pursuant to subsection 5.

5. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

6. The court may grant a motion filed pursuant to subsection 5 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

7. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

8. If a landlord in bad faith files a motion pursuant to subsection 5, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court must dismiss the pending action for summary eviction.

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 7 of Assembly Bill No. 340 of this session.

10. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

11. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.2. 1. A tenant who has been served with a notice pursuant to NRS 40.2516 may request that the court stay any action for summary eviction initiated by the landlord against the tenant pursuant to NRS 40.254 until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File, within the time specified in NRS 40.2516, an affidavit with the court that has jurisdiction over the matter stating that the tenant has a pending application for rental assistance that was submitted before the date on which the tenant was served with the notice described in subsection 1;

(b) Provide proof to the court that:

(1) The tenant:

(I) Was in default on the payment of rent when the notice described in subsection 1 was served; and

(II) Submitted the application for rental assistance before the notice described in subsection 1 was served; and

(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.

3. If the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court may stay any action for

summary eviction initiated by the landlord against the tenant pursuant to NRS 40.254.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or

(b) The court grants a motion filed pursuant to subsection 6.

5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements prescribed by NRS 40.254.

6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.

11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

12. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes,

without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.3. 1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 6.5 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File the written answer required by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session and include in the answer:

(1) A statement that the tenant has a pending application for rental assistance; and

(2) A request that the court stay the pending action for summary eviction; and

(b) Provide proof to the court that:

(1) The tenant:

(I) Was in default on the payment of rent when the landlord filed the affidavit of complaint for summary eviction; and

(II) Submitted the application for rental assistance before the landlord filed the affidavit of complaint for summary eviction; and

(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.

3. If the court determines that a written answer filed pursuant to subsection 6 of section 6.5 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to section 6.5 of Assembly Bill No. 340 of this session.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:

(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or

(b) The court grants a motion filed pursuant to subsection 6.

5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements prescribed by section 6.5 of Assembly Bill No. 340 of this session.

6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.

11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

12. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose

of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.5. ***1. A justice court may establish a diversion program to which it may assign an eligible tenant whose landlord applies by affidavit of complaint for eviction of the tenant pursuant to NRS 40.253.***

2. To determine whether a tenant is eligible for a diversion program established pursuant to subsection 1, the court may consider, without limitation, whether the tenant is eligible for any programs that are designed to provide:

(a) Social services which assist tenants in paying delinquent rent; and

(b) Wrap-around services.

3. If the court assigns a tenant to a diversion program established pursuant to subsection 1, the court shall:

(a) Stay the pending action for summary eviction for not more than 60 days after the date on which the tenant files an affidavit permitted in subsection 3 of NRS 40.253; and

(b) If the tenant pays to the landlord the amount of rent that is in default or surrenders the premises before the expiration of the stay, dismiss the pending action for summary eviction.

4. As used in this section, "wrap-around services" means services provided to a tenant that assist the tenant in avoiding future summary eviction actions.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 21.2. **NRS 40.253 is hereby amended to read as follows:**

40.253 1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to ~~[contest]~~ **:**

(I) Contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent; ***or***

(II) Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9 of this act;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an

unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant, ➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

Sec. 21.4. **NRS 40.254 is hereby amended to read as follows:**

40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; ~~[or]~~

(2) ***Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9.2 of this act; or***

(3) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not

exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 22. The amendatory provisions of this act apply to an action for summary eviction which accrues on or after ~~[October 1, 2023.]~~ **the effective date of this act.**

Sec. 23. (Deleted by amendment.)

Sec. 24. **1. This section and sections 1 to 8, inclusive, 9.5 to 21, inclusive, 22 and 23 of this act become effective upon passage and approval.**

2. Sections 9, 9.2, 21.2 and 21.4 of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is not enacted by the Legislature and approved by the Governor.

3. Sections 9.1 and 9.3 of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 679.

AN ACT relating to data privacy; requiring certain entities to develop, maintain and make available on the Internet a policy concerning the privacy of consumer health data; prohibiting such an entity from collecting or sharing consumer health data without the affirmative, voluntary consent of a consumer in certain circumstances; requiring such an entity to perform certain actions upon the request of a consumer; requiring such an entity to establish a process to appeal the denial of such a request; requiring such an entity to take certain actions to protect the security of consumer health data; limiting the circumstances under which a processor is authorized to process consumer health data; requiring a processor to assist certain entities in complying with certain requirements; prohibiting a person from selling or offering to sell consumer health data under certain circumstances; prohibiting the implementation of a geofence under certain circumstances; prohibiting discrimination against a consumer for certain reasons; authorizing certain civil enforcement; requiring certain persons to develop, maintain and make publicly available a policy concerning the storage and retention of biometric identifiers; establishing requirements governing storing, transmitting, protecting, collecting and sharing biometric identifiers; prohibiting the sale of a biometric identifier; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations contain various protections for health information maintained or used: (1) by a person or entity that provides health care, an insurer or a business associate of a person or entity that provides health care or an insurer; or (2) for scientific research. (42 U.S.C. §§ 11101 et seq.; Pub. L. No. 104-191, 100 Stat. 2548; 21 C.F.R. Parts 46, 50 and 56, 42 C.F.R. Parts 2 and 3, 45 C.F.R. Parts 160 and 164) **Sections 2-34** of this bill prescribe various protections for consumer health data that is maintained and used by other persons and nongovernmental entities and for other purposes. **Section 7** of this bill defines the term "consumer" to mean a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State, except for a natural person acting in an employment context or as an agent of a governmental entity. **Section 8** of this bill defines the term "consumer health data" to mean personally identifiable information that is linked or reasonably capable of being linked to a consumer and is used by a regulated entity to identify the health status of the consumer. **Section 15** of this bill defines the term "regulated entity" to refer to a person who: (1) conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and (2) determines the purpose and means of processing, sharing or selling consumer health data. **Sections 3-6, 9-11,** ~~[13,]~~ **12.5-14 and 16-19** of this bill define certain other terms. **Section 20** of this bill provides that the provisions of **sections 2-34** do not apply to certain **persons, entities and data, including: (1) certain** persons and entities whose collection

and disclosure of data is specifically regulated by federal law **;** and **(2)** certain data that is collected or disclosed under certain provisions of federal law or regulations or state law.

Section 21 of this bill requires a regulated entity to develop, maintain and make available a policy concerning the privacy of consumer health data. **Section 21** also prohibits a regulated entity from: (1) taking certain actions with regard to consumer health data that are inconsistent with the policy without the affirmative, voluntary consent of the consumer; or (2) entering into a contract for the processing of consumer health data that is inconsistent with the policy. **Section 22** of this bill generally prohibits a regulated entity from collecting or sharing consumer health data without the affirmative, voluntary consent of the consumer to whom the data relates, except to the extent necessary to provide a product or service that the consumer has requested from the regulated entity. **Section 22** of this bill prescribes certain requirements governing such consent.

Section 24 of this bill requires a regulated entity, upon the request of a consumer, to: (1) confirm whether the regulated entity is collecting, sharing or selling consumer health data concerning the consumer; (2) provide the consumer with a list of all third parties with whom the regulated entity has shared or to whom the regulated entity has sold consumer health data relating to the consumer; (3) cease collecting or sharing consumer health data relating to the consumer; or (4) delete consumer health data concerning the consumer. **Section 24** also requires a regulated entity to establish a secure and reliable means of making such a request. **Section 25** of this bill prescribes requirements governing the response to such a request, including a requirement that a regulated entity provide information in response to such a request free of charge in most circumstances. However, if a consumer submits more than two requests in a year and those requests are manifestly unfounded, excessive or repetitive, **section 25** authorizes the regulated entity to charge a reasonable fee to provide such information. **Section 26** of this bill prescribes requirements governing the time within which a regulated entity or an affiliate, processor or other third party with which a regulated entity has shared data must delete consumer health data in response to a request for such deletion. **Section 27** of this bill requires a regulated entity to establish a process to appeal the refusal of the regulated entity to act on a request made pursuant to **section 24**.

Section 28 of this bill requires a regulated entity to limit access to and establish, implement and maintain policies and procedures to protect the security of consumer health data. **Section 29** of this bill requires a processor who processes consumer health data on behalf of a regulated entity to only process such data in accordance with a written contract between the processor and the regulated entity. **Section 29** also requires such a processor to assist the regulated entity in complying with the provisions of **sections 2-34**.

Section 30 of this bill prohibits a person from selling or offering to sell consumer health data without the written authorization of the consumer to whom the data pertains or beyond the scope of such authorization, with certain

exceptions. **Section 30** also prohibits a person from conditioning the provision of goods or services on a consumer providing such authorization. **Section 30** requires a person who sells consumer health data to: (1) establish a means by which a consumer may revoke such written authorization; and (2) provide a copy of such written authorization to the consumer and purchaser. **Section 30** also requires both a seller and a purchaser of consumer health data to maintain such written authorization for at least 6 years after the expiration of the written authorization. **Section 17** of this bill exempts certain activity from the definition of the term "sell," thereby exempting such activity from the requirements of **section 30**.

Section 31 of this bill prohibits a person from implementing a geofence within 1,750 feet of any person or entity that provides in-person health care services or products for certain purposes. **Section 33** of this bill prohibits a regulated entity from discriminating against a consumer for taking any action authorized by **sections 2-34** or to enforce those provisions.

Sections 34.1-34.9 of this bill establish provisions for the protection of biometric identifiers. **Section 34.1** of this bill sets forth certain legislative findings concerning biometric identifiers. **Section 34.3** of this bill defines "biometric identifier" to mean biometric data relating to the ~~[face,]~~ **faceprint,** fingerprint or iris of a **specific natural** person ~~[.]~~ **that uniquely identifies that specific natural person. Sections 34.35-34.45** of this bill define certain other terms. **Section 34.5** of this bill provides that the provisions of **sections 34.1-34.9** do not apply to: (1) certain entities whose collection and sharing of data is specifically regulated by federal law; (2) photographs collected, possessed or shared for purposes other than verifying the identity of a person; (3) information collected, possessed or shared for certain medical or scientific purposes; (4) governmental or tribal entities; ~~[or]~~ (5) a person who is in the business of manufacturing or selling automobiles ~~[.]~~ **; (6) certain persons in the gaming industry; (7) law enforcement; or (8) with certain exceptions, biometric identifiers collected for certain purposes relating to security. Section 34.6** of this bill authorizes the provision of information or consent under **sections 34.1-34.9** electronically. **Section 34.7** of this bill requires a person who possesses a biometric identifier of another to develop, maintain and comply with a publicly available written policy setting forth a schedule for the retention and destruction of biometric identifiers. **Section 34.7** also establishes requirements governing the storage, transmittal and protection of biometric identifiers. **Section 34.8** of this bill prescribes requirements governing collecting and sharing biometric identifiers. **Section 34.8** also prohibits the sale of biometric identifiers.

Existing law provides that a variety of actions constitute deceptive trade practices. (NRS 118A.275, 205.377, 228.620, 370.695, 597.997, 603.170, 604B.910, 676A.770; chapter 598 of NRS) Existing law authorizes a court to impose a civil penalty of not more than $12,500 for each violation upon a person whom the court finds has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973)

Additionally, existing law authorizes a court to make such additional orders or judgments as may be necessary to restore to any person in interest any money or property which may have been acquired by means of any deceptive trade practice. (NRS 598.0993) In addition to these enforcement mechanisms, existing law provides that when the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry has cause to believe that a person has engaged or is engaging in any deceptive trade practice, the Commissioner or Director may request that the Attorney General represent him or her in instituting an appropriate legal proceeding, including an application for an injunction or temporary restraining order. (NRS 598.0979) Existing law provides that if a person violates a court order or injunction resulting from a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General, the person is required to pay a civil penalty of not more than $10,000 for each violation. Furthermore, if a court finds that a person has willfully engaged in a deceptive trade practice, the person who committed the violation: (1) may be required to pay an additional civil penalty not more than $5,000 for each violation; and (2) is guilty of a felony or misdemeanor, depending on the value of the property or services lost as a result of the deceptive trade practice. (NRS 598.0999) With certain exceptions, **sections 34 and 34.9** of this bill provide that a person who violates any provision of **sections 2-34.9** of this bill is guilty of a deceptive trade practice. **Sections 1, 34 and 34.9** of this bill provide that a person injured by such a violation does not have a private right of action. **Sections 34 and 34.9** additionally provide that the provisions of **sections 2-34.9** must not be construed to affect any other provision of law.

Section 35 of this bill exempts consumer health data and biometric identifiers from provisions of existing law governing information collected on the Internet from consumers because those provisions are less stringent than the provisions of **sections 2-34.9**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598.0977 is hereby amended to read as follows:

598.0977 ~~[If]~~ ***Except as otherwise provided in sections 34 and 34.9 of this act,*** an elderly person or a person with a disability suffers damage or injury as a result of a deceptive trade practice, he or she or his or her legal representative, if any, may commence a civil action against any person who engaged in the practice to recover the actual damages suffered by the elderly person or person with a disability, punitive damages, if appropriate, and reasonable attorney's fees. The collection of any restitution awarded pursuant to this section has a priority over the collection of any civil penalty imposed pursuant to NRS 598.0973.

Sec. 1.5. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 34.9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Affiliate" means an entity that shares common branding with another entity and controls, is controlled by or is under common control with the other entity. For the purposes of this section, an entity shall be deemed to control another entity if the entity:*

1. Owns or has the power to vote at least half of the outstanding shares of any class of voting security in the other entity;

2. Controls in any manner the election of a majority of the directors or persons exercising similar functions to directors of the other entity; or

3. Has the power to exercise controlling influence over the management of the other entity.

Sec. 4. *"Authenticate" means to ascertain the identity of the originator of an electronic or physical document and establish a link between the document and the originator.*

Sec. 5. *"Biometric data" means data which is generated from the measurement or technical processing of the physiological, biological or behavioral characteristics of a person and, alone or in combination with other data, is capable of being used to identify the person. The term includes, without limitation:*

1. Imagery of the fingerprint, palm print, hand print, scar, bodily mark, tattoo, voiceprint, face, retina, iris or vein pattern of a person; and

2. Keystroke patterns or rhythms and gait patterns or rhythms that contain identifying information.

Sec. 6. *"Collect" means to buy, rent, access, retain, receive, acquire, infer, derive or otherwise process consumer health data in any manner.*

Sec. 7. *"Consumer" means a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State. The term does not include a natural person acting in an employment context or as an agent of a governmental entity.*

Sec. 8. *"Consumer health data" means personally identifiable information that is linked or reasonably capable of being linked to a consumer and that a regulated entity uses to identify the past, present or future health status of the consumer. The term:*

1. Includes, without limitation:

(a) Information relating to:

(1) Any health condition or status, disease or diagnosis;

(2) Social, psychological, behavioral or medical interventions;

(3) Surgeries or other health-related procedures;

(4) The use or acquisition of medication;

(5) Bodily functions, vital signs or symptoms;

(6) Reproductive or sexual health care; and

(7) Gender-affirming care;

(b) Biometric data or genetic data related to information described in paragraph (a);

(c) Information related to the precise ~~[location]~~ geolocation information of a consumer ~~[within a radius of 1,750 feet]~~ that a regulated entity uses to indicate an attempt by a consumer to receive health care services or products; and

(d) Any information described in paragraph (a), (b) or (c) that is derived or extrapolated from information that is not consumer health data, including, without limitation, proxy, derivative, inferred or emergent data derived through an algorithm, machine learning or any other means.

2. Does not include information that is used to provide access to or enable gameplay by a person on a video game platform.

Sec. 9. ***"Gender-affirming care" means health services or products that support and affirm the gender identity of a person, including, without limitation:***

1. Treatments for gender dysphoria;

2. Gender-affirming hormone therapy; and

3. Gender-affirming surgery.

Sec. 10. ***"Genetic data" means any data that concerns the genetic characteristics of a person. The term includes, without limitation:***

1. Data directly resulting from the sequencing of all or a portion of the deoxyribonucleic acid of a person;

2. Genotypic and phenotypic information that results from analyzing the information described in subsection 1; and

3. Data concerning the health of a person that is analyzed in connection with the information described in subsection 1.

Sec. 11. ***"Health care services or products" means any service or product provided to a person to assess, measure, improve or learn about the health of a person. The term includes, without limitation:***

1. Services relating to any health condition or status, disease or diagnosis;

2. Social, psychological, behavioral or medical interventions;

3. Surgeries or other health-related procedures;

4. Medication or services related to the use or acquisition of medication; or

5. Monitoring or measurement related to bodily functions, vital signs or symptoms.

Sec. 12. (Deleted by amendment.)

Sec. 12.5. "Precise geolocation information" means information derived from technology, including, without limitation, latitude and longitude coordinates at the level of detail typically provided by a global positioning system, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. The term does not include:

1. The content of any communication; or

2. Any data generated by or connected to advanced metering infrastructure for utilities or other equipment used by a utility.

Sec. 13. *"Process" means any operation or set of operations performed on consumer health data.*

Sec. 14. *"Processor" means a person who processes consumer health data on behalf of a regulated entity.*

Sec. 15. *"Regulated entity" means any person who:*

1. Conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and

2. Alone or with other persons, determines the purpose and means of processing, sharing or selling consumer health data.

Sec. 16. *"Reproductive or sexual health care" means health care services or products that support or relate to the reproductive system or sexual well-being of a person. The term includes, without limitation, abortion, the provision of medication to induce an abortion and any medical or nonmedical services associated with an abortion.*

Sec. 17. *"Sell" means to exchange consumer health data for money or other valuable consideration. The term does not include the exchange of consumer health data for money or other valuable consideration:*

1. With a processor in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data pertains pursuant to section 22 of this act.

2. With a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity.

3. With a third party for the purpose of providing a product or service requested by the consumer to whom the consumer health data pertains.

4. With an affiliate of the person who is providing or disclosing the consumer health data.

5. As directed by the consumer to whom the consumer health data pertains or where the consumer to whom the consumer health data pertains intentionally uses the person who is providing or disclosing the consumer health data to interact with the third party to whom the consumer health data is provided or disclosed.

6. Where the consumer has intentionally made the consumer health data available to the general public through mass media that was not restricted to a specific audience.

Sec. 18. *"Share" means to release, disclose, disseminate, divulge, make available, provide access to, license or otherwise communicate consumer health data orally, in writing or by electronic or other means.*

Sec. 19. *"Third party" means a person who is not a consumer, regulated entity, processor or affiliate of a regulated entity.*

Sec. 20. *1. The provisions of sections 2 to 34, inclusive, of this act do not apply to:*

(a) Any person or entity that is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

(c) Patient identifying information, as defined in 42 C.F.R. § 2.11, that is collected, used or disclosed in accordance with 42 C.F.R. Part 2.

(d) Patient safety work product, as defined in 42 C.F.R. § 3.20, that is collected, used or disclosed in accordance with 42 C.F.R. Part 3.

(e) Identifiable private information, as defined in 45 C.F.R. § 46.102, that is collected, used or disclosed in accordance with 45 C.F.R. Part 46.

(f) Information used or shared as part of research conducted pursuant to 45 C.F.R. Part 46 or 21 C.F.R. Parts 50 and 56.

(g) Information used only for public health activities and purposes, as described in 45 C.F.R. § 164.512(b), regardless of whether such information is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(h) Personally identifiable information that is governed by and collected, used or disclosed pursuant to:

(1) Part C of Title XI of the Social Security Act, 42 U.S.C. §§ 1320d et seq.;

(2) The Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.; or

(3) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and the regulations adopted pursuant thereto.

(i) Information and documents created for the purposes of compliance with the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. §§ 11101 et seq., and any regulations adopted pursuant thereto.

(j) The collection or sharing of consumer health data where expressly authorized by any provision of federal or state law.

(k) ~~[Any]~~ Information processed by or for any governmental or tribal entity ~~[or any person processing consumer health data on behalf of a governmental or tribal entity.]~~ for civic or governmental purposes and operations or related services and operations.

(l) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

(m) Law enforcement agencies and law enforcement activities.

2. A third party that obtains consumer health data from a regulated entity through a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity is deemed to assume all obligations of the regulated entity to comply with the provisions of sections 2 to 34, inclusive, of this act.

Sec. 21. ***1. A regulated entity shall develop and maintain a policy concerning the privacy of consumer health data that clearly and conspicuously establishes:***

(a) The categories of consumer health data being collected by the regulated entity and the manner in which the consumer health data will be used;

(b) The categories of sources from which consumer health data is collected;

(c) The categories of consumer health data that are shared by the regulated entity;

(d) The categories of third parties and affiliates with whom the regulated entity shares consumer health data;

(e) The purposes of collecting, using and sharing consumer health data;

(f) The manner in which consumer health data will be processed;

(g) The procedure for submitting a request pursuant to section 24 of this act;

(h) The process, if any such process exists, for a consumer to review and request changes to any of his or her consumer health data that is collected by the regulated entity;

(i) The process by which the regulated entity notifies consumers whose consumer health data is collected by the regulated entity of material changes to the privacy policy;

(j) Whether a third party may collect consumer health data over time and across different Internet websites or online services when the consumer uses any Internet website or online service of the regulated entity; and

(k) The effective date of the privacy policy.

2. A regulated entity shall post conspicuously on the main Internet website maintained by the regulated entity a hyperlink to the policy developed pursuant to subsection 1 or otherwise provide that policy to consumers in a manner that is clear and conspicuous.

3. A regulated entity shall not:

(a) Collect, use or share categories of consumer health data, other than those included in the privacy policy pursuant to paragraph (c) of subsection 1, without disclosing those additional categories to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer;

(b) Share consumer health data with a third party or affiliate, other than those included in the privacy policy pursuant to paragraph (d) of subsection 1, without disclosing those additional third parties or affiliates to each consumer whose data will be shared and obtaining the affirmative, voluntary consent of the consumer;

(c) Collect, use or share consumer health data for purposes other than those included in the privacy policy pursuant to paragraph (e) of subsection 1 without disclosing those additional purposes to each consumer

whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer; or

(d) Enter into a contract pursuant to section 29 of this act with a processer to process consumer health data that is inconsistent with the privacy policy.

Sec. 22. ***1. A regulated entity shall not collect consumer health data except:***

(a) With the affirmative, voluntary consent of the consumer; or

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall not share consumer health data except:

(a) With the affirmative, voluntary consent of the consumer to whom the consumer health data relates, which must be separate and distinct from the consent provided pursuant to subsection 1 for the collection of the data;

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity; or

(c) Where required or authorized by another provision of law.

3. Any consent required by this section must be obtained before the collection or sharing, as applicable, of consumer health data. The request for such consent must clearly and conspicuously disclose:

(a) The categories of consumer health data to be collected or shared, as applicable;

(b) The purpose for collecting or sharing, as applicable, the consumer health data including, without limitation, the manner in which the consumer health data will be used;

(c) If the consumer health data will be shared, the categories of persons and entities with whom the consumer health data will be shared; and

(d) The manner in which the consumer may withdraw consent for the collection or sharing, as applicable, of consumer health data relating to the consumer and request that the regulated entity cease such collection or sharing pursuant to section 24 of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. ***1. Except as otherwise provided in section 25 of this act, upon the request of a consumer, a regulated entity shall:***

(a) Confirm whether the regulated entity is collecting, sharing or selling consumer health data relating to the consumer.

(b) Provide the consumer with a list of all third parties with whom the regulated entity has shared consumer health data relating to the consumer or to whom the regulated entity has sold such consumer health data.

(c) Cease collecting, sharing or selling consumer health data relating to the consumer.

(d) Delete consumer health data concerning the consumer.

2. A regulated entity shall establish a secure and reliable means of making a request pursuant to this section. When establishing the means for making such a request, the regulated entity must consider:

(a) The need for the safe and reliable communication of such requests; and

(b) The ability of the regulated entity to authenticate the identity of the consumer making the request.

Sec. 25. *1. Except as otherwise provided in this section, a regulated entity shall respond to a request made pursuant to section 24 of this act without undue delay and not later than 45 days after authenticating the request. If reasonably necessary based on the complexity and number of requests from the same consumer, the regulated entity may extend the period prescribed by this section not more than an additional 45 days. A regulated entity that grants itself such an extension must, not later than 45 days after authenticating the request, provide the consumer with notice of the extension and the reasons therefor.*

2. If a regulated entity is not able to authenticate a request made pursuant to section 24 of this act after making commercially reasonable efforts, the regulated entity:

(a) Is not required to comply with the request; and

(b) May request that the consumer provide such additional information as is reasonably necessary to authenticate the request.

3. A regulated entity:

(a) Shall provide information free of charge to a consumer in response to:

(1) Requests made pursuant to section 24 of this act at least twice each year; and

(2) Additional requests that are not manifestly unfounded, excessive or repetitive.

(b) Except as otherwise provided in paragraph (a), may charge a reasonable fee to provide information to a consumer in response to requests made pursuant to section 24 of this act that are manifestly unfounded, excessive or repetitive.

4. In any civil proceeding challenging the validity of a fee charged pursuant to paragraph (b) of subsection 3, the regulated entity has the burden of demonstrating by a preponderance of the evidence that the request to which the fee pertained was manifestly unfounded, excessive or repetitive.

Sec. 26. *1. Not later than 30 days after authenticating a request made pursuant to paragraph (d) of subsection 1 of section 24 of this act for the deletion of consumer health data, a regulated entity shall, except as otherwise provided in subsection 3:*

(a) Delete all consumer health data described in the request from the records and network of the regulated entity; and

(b) Notify each affiliate, processor, contractor or other third party with which the regulated entity has shared consumer health data of the deletion request.

2. Not later than 30 days after receiving notification of a deletion request pursuant to paragraph (b) of subsection 1, an affiliate, processor, contractor or other third party shall, except as otherwise provided in subsection 3, delete the consumer health data described in the request from the records and network of the affiliate, processor, contractor or other third party.

3. If data described in a deletion request made pursuant to paragraph (d) of subsection 1 of section 24 of this act is stored or archived on backup systems, a regulated entity or an affiliate, processor, contractor or other third party may delay the deletion of the data for not more than ~~[6 months]~~ 2 years after the request is authenticated, as necessary to restore the archived or backup system.

Sec. 27. *1. A regulated entity shall establish a process by which a consumer may appeal the refusal of the regulated entity to act on a request made pursuant section 24 of this act. The process must be:*

(a) Conspicuously available on the Internet website of the regulated entity; and

(b) Similar to the process for making a request pursuant to section 24 of this act.

2. Not later than 45 days after receiving an appeal pursuant to subsection 1, a regulated entity shall inform the consumer in writing of:

(a) Any action taken in response to the appeal or any decision not to take such action;

(b) The reasons for any such action or decision; and

(c) If the regulated entity decided not to take the action requested in the appeal, the contact information for the Office of the Attorney General.

Sec. 28. *1. A regulated entity shall only authorize the employees and processors of the regulated entity to access consumer health data where reasonably necessary to:*

(a) Further the purpose for which the consumer consented to the collection or sharing of the consumer data pursuant to section 22 of this act; or

(b) Provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall establish, implement and maintain policies and practices for the administrative, technical and physical security of consumer health data. The policies must:

(a) Satisfy the standard of care in the industry in which the regulated entity operates to protect the confidentiality, integrity and accessibility of consumer health data;

(b) Comply with the provisions of NRS 603A.010 to 603A.290, inclusive, where applicable; and

(c) Be reasonable, taking into account the volume and nature of the consumer health data at issue.

Sec. 29. *1. A processor shall only process consumer health data pursuant to a contract between the processor and a regulated entity. Such a*

contract must set forth the applicable processing instructions and the specific actions that the processor is authorized to take with regard to the consumer health data it possesses on behalf of the regulated entity.

2. To the extent practicable, a processor shall assist the regulated entity with which the processor has entered into a contract pursuant to subsection 1 in complying with the provisions of sections 2 to 34, inclusive, of this act.

3. If a processor processes consumer health data outside the scope of a contract described in subsection 1 or in a manner inconsistent with any provision of such a contract, the processor:

(a) Is not guilty of a deceptive trade practice pursuant to section 34 of this act solely because the processor violated the requirements of this section; and

(b) Shall be deemed a regulated entity for the purposes of sections 2 to 34, inclusive, of this act, for actions and omissions with regard to such consumer health data.

Sec. 30. *1. A person shall not sell or offer to sell consumer health data:*

(a) Without the written authorization of the consumer to whom the data pertains; or

(b) If the consumer provides such written authorization, in a manner that is outside the scope of or inconsistent with the written authorization.

2. A person shall not condition the provision of goods or services on a consumer authorizing the sale of consumer health data pursuant to subsection 1.

3. Written authorization pursuant to subsection 1 must be provided in a form written in plain language which includes, without limitation:

(a) The name and contact information of the person selling the consumer health data;

(b) A description of the specific consumer health data that the person intends to sell;

(c) The name and contact information of the person purchasing the consumer health data;

(d) A description of the purpose of the sale, including, without limitation, the manner in which the consumer health data will be gathered and the manner in which the person described in paragraph (c) intends to use the consumer health data;

(e) A statement of the provisions of subsection 2;

(f) A statement that the consumer may revoke the written authorization at any time and a description of the means established pursuant to subsection 4 for revoking the authorization;

(g) A statement that any consumer health data sold pursuant to the written authorization may be disclosed to additional persons and entities by the person described in paragraph (c) and, after such disclosure, is no longer subject to the protections of this section;

(h) The date on which the written authorization expires pursuant to subsection 5; and

(i) The signature of the consumer to which the consumer health data pertains.

4. A person who sells consumer health data shall establish a means by which a consumer may revoke a written authorization made pursuant to subsection 1.

5. Written authorization provided pursuant to subsection 1 expires 1 year after the date on which the authorization is given.

6. A written authorization provided pursuant to subsection 1 is not valid if the written authorization:

(a) Was a condition for the provision of goods or services to the consumer in violation of subsection 2;

(b) Does not comply with the requirements of subsection 3;

(c) Has been revoked pursuant to subsection 4; or

(d) Has expired pursuant to subsection 5.

7. A person who sells consumer health data shall provide a copy of the written authorization provided pursuant to subsection 1 to the consumer who signed the written authorization and the purchaser of the consumer health data.

8. A seller and purchaser of consumer health data shall each retain a copy of the written authorization provided pursuant to subsection 1 for at least 6 years after the date on which the written authorization expired pursuant to subsection 5.

9. The provisions of this section do not authorize the sale of a biometric identifier, as prohibited by subsection 3 of section 34.8 of this act.

Sec. 31. ***1. A person shall not implement a geofence within 1,750 feet of any medical facility, facility for the dependent or any other person or entity that provides in-person health care services or products for the purpose of:***

(a) Identifying or tracking consumers seeking in-person health care services or products;

(b) Collecting consumer health data; or

(c) Sending notifications, messages or advertisements to consumers related to their consumer health data or health care services or products.

2. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Geofence" means technology that uses coordinates for global positioning, connectivity to cellular towers, cellular data, radio frequency identification, wireless Internet data or any other form of detecting the physical location of a person to establish a virtual boundary with a radius of 1,750 feet or less around a specific physical location.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 32. (Deleted by amendment.)

Sec. 33. *A regulated entity shall not discriminate against a consumer for taking:*

1. Any action authorized by sections 2 to 34, inclusive, of this act; or

2. Any action to enforce the provisions of sections 2 to 34, inclusive, of this act.

Sec. 34. *1. Except as otherwise provided in this section and section 29 of this act, a violation of sections 2 to 34, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.*

2. The provisions of sections 2 to 34, inclusive, of this act:

(a) Do not create a private right of action; and

(b) Must not be construed to affect any other provision of law.

Sec. 34.1. *The Legislature hereby finds and declares that:*

1. The use of biometric identifiers to verify the identity of persons in personal and business settings is growing and is likely to streamline online transactions and the management of digital accounts, strengthen the security of identities and reduce the risk of cybersecurity issues and fraud for governmental entities, businesses and consumers.

2. Biometric identifiers are unlike other identifiers that are used to verify the identity of a person or access a digital account because biometric identifiers are unique to a person and are not capable of being changed if stolen.

3. Without ongoing measures to protect the security of biometric identifiers, persons are at a heightened risk of identity theft.

4. The public welfare, security and safety will be served by regulating the collection, use, security, handling, storage, retention and destruction of biometric identifiers.

Sec. 34.2. *As used in sections 34.1 to 34.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 34.3 to 34.45, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 34.3. *"Biometric identifier" means biometric data relating to the ~~[face,]~~ face print, fingerprint or iris of a specific natural person ~~[.]~~ that uniquely identifies that specific natural person. The term includes, without limitation, data from a photo identification document that contains the image of the face of a person with sufficient resolution that artificial intelligence or a machine learning algorithm is able to match the data with other biometric data to positively identify the person.*

Sec. 34.35. *"Collect" means to access, retain, receive, acquire, infer, derive or otherwise obtain a biometric identifier in any manner.*

Sec. 34.4. *"Share" means to release, disclose, disseminate, divulge, make available or provide access to a biometric identifier.*

Sec. 34.45. *"Subject" means the natural person to whom a biometric identifier relates.*

Sec. 34.5. *1. The provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to:*

~~[1.]~~ (a) Any person or entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

~~[2.]~~ (b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

~~[3.]~~ (c) Physical or digital photographs collected, possessed or shared for purposes not related to verifying the identity of the subject.

~~[4.]~~ (d) Information collected, possessed or shared for a medical purpose or to validate scientific testing or screening.

~~[5.]~~ (e) Any governmental or tribal entity or any person who collects, possesses or shares a biometric identifier on behalf of a governmental or tribal entity.

~~[6.]~~ (f) Any person in the business of manufacturing or selling automobiles, when acting in that capacity.

(g) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

(h) Law enforcement agencies and law enforcement activities.

(i) Any communications entity or affiliate thereof that belongs to a critical infrastructure sector, as identified in Presidential Policy Directive/PPD-21, issued on February 12, 2013.

2. Except as otherwise provided in subsection 3, the provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to biometric identifiers processed for the sole purpose of:

(a) Preventing, detecting, protecting against or responding to security incidents, identity theft, fraud, harassment or other malicious, deceptive or illegal activity;

(b) Investigating, reporting or prosecuting persons responsible for activity described in paragraph (a); or

(c) Preserving the integrity or security of systems.

3. A person who collects a biometric identifier described in subsection 2 shall comply with the requirements of subsection 2 of section 34.8 of this act, unless the person or biometric identifier is also exempt from those requirements pursuant to subsection 1.

Sec. 34.6. *For the purposes of sections 34.1 to 34.9, inclusive, of this act:*

1. Any information required to be provided in writing may be provided electronically; and

2. Any consent or release may be obtained electronically.

Sec. 34.7. *A person who possesses a biometric identifier that relates to another person shall:*

1. Develop, maintain and comply with a written policy setting forth a schedule for and procedures governing the retention and destruction of biometric identifiers. Except where preservation of a biometric identifier for a longer period of time is required by law, subpoena or an order by a court of competent jurisdiction or other lawful authority, such a policy must require the destruction of a biometric identifier on or before the earlier of:

(a) The date on which the initial purpose of obtaining the biometric identifier has been satisfied; or

(b) One year after the most recent interaction between the person in possession of the biometric identifier and the subject.

2. Make the policy established pursuant to subsection 1 available to the public.

3. Store and transmit biometric identifiers and protect biometric identifiers from disclosure a manner that:

(a) Meets the standard of care in the industry in which the person operates; and

(b) Is at least as protective as the manner in which the person stores, transmits or protects from disclosure, as applicable, other personally identifiable information.

Sec. 34.8. *1. Before collecting a biometric identifier, a person shall:*

(a) Inform the subject or his or her representative in writing:

(1) That the biometric identifier is being collected;

(2) The purpose for which the biometric identifier is being collected. stored and used; and

(3) The length of time for which the biometric identifier will be retained in accordance with the policy developed pursuant to section 34.7 of this act;

(b) Obtain the informed written consent of the subject or his or her representative which may include, without limitation, a written release executed as a condition of employment; and

(c) Verify of the identity of the subject and any representative providing written consent pursuant to paragraph (b) in a manner that meets the requirements of Special Publication 800-63-3 published by the National Institute of Standards and Technology of the United States Department of Commerce.

2. At the time a person collects a biometric identifier, the person shall ensure that the subject is present.

3. A person shall not sell, lease, trade or otherwise receive compensation for sharing a biometric identifier.

4. A person shall not share a biometric identifier unless:

(a) The subject or his or her representative consents to the sharing;

(b) The sharing completes a financial transaction requested or authorized by the subject or his or her representative; or

(c) The sharing is required by law, a court order, a subpoena, a search warrant or other lawful process . ~~; or~~

~~*(d) The sharing is performed by a person who holds a nonrestricted license, as defined in NRS 463.0177, and the biometric identifier is shared with a subsidiary or affiliate of the person for the purpose of security or surveillance.]*~~

Sec. 34.9. ***1. Except as otherwise provided in this section, a violation of sections 34.1 to 34.9, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.***

2. The provisions of sections 34.1 to 34.9, inclusive, of this act:

(a) Do not create a private right of action; and

(b) Must not be construed to affect any other provision of law.

Sec. 35. NRS 603A.338 is hereby amended to read as follows:

603A.338 The provisions of NRS 603A.300 to 603A.360, inclusive, do not apply to:

1. A consumer reporting agency, as defined in 15 U.S.C. § 1681a(f);

2. Any personally identifiable information regulated by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and the regulations adopted pursuant thereto, which is collected, maintained or sold as provided in that Act;

3. A person who collects, maintains or makes sales of personally identifiable information for the purposes of fraud prevention;

4. Any personally identifiable information that is publicly available;

5. Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold as provided in that Act; ~~[or]~~

6. ***Any consumer health data subject to the provisions of sections 2 to 34, inclusive, of this act;***

7. Any biometric identifiers subject to the provisions of sections 34.1 to 34.9, inclusive, of this act; or

8. A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 699.

SUMMARY—Revises provisions relating to candidates ~~[to the]~~ **for judicial** office**.** ~~[of district judge.]~~ (BDR ~~[1-803)]~~ **24-803)**

(CONTAINS UNFUNDED MANDATE (§§ 2, 3)
(Not Requested by Affected Local Government)

AN ACT relating to judiciary; requiring a candidate ~~[to the]~~ **for judicial** office ~~[of district judge]~~ **who is not the incumbent** to ~~[submit an application attesting]~~ **complete and file a questionnaire containing certain information relating** to his or her qualifications for office; **authorizing a candidate for judicial office who is the incumbent to complete and file such a questionnaire; requiring the filing officer to post such a questionnaire on the internet website of the filing officer,** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain qualifications for a person seeking to be a candidate ~~[to the office of district judge, which include that the person: (1) has attained the age of 25 years; (2) is an attorney licensed and admitted to practice law in the courts of this State at the time of election or appointment; (3) has been licensed to practice law in this State, another State or the district of Columbia for a total of not less than 10 years at any time preceding the election or appointment, at least 2 of which must have been in this State; (4) is a qualified elector and has been a bona fide resident of this State for 2 years preceding the election or appointment; and (5) has not ever been removed or retired from judicial office.]~~ **for the office of justice of the Nevada Supreme Court, judge of the Court of Appeals, judge of a district court, justice of the peace or municipal judge.** (NRS **2.020, 2A.020,** 3.060 ~~[)]~~ **, 4.010, 5.020)** **With certain exceptions, existing law further requires certain persons, including candidates for these judicial offices, to file a declaration of candidacy with the appropriate filing officer and pay a filing fee before his or her name may be printed on a ballot to be used at a primary election. (NRS 293.177)** This bill requires a person seeking to be a candidate ~~[to the]~~ **for judicial** office ~~[of district judge]~~ **who is not the incumbent** to ~~[submit]~~ **complete and file** with his or her declaration of candidacy ~~[the same application]~~ **a questionnaire** that is prescribed by the ~~[Commission on Judicial Selection for a person who applies to fill a vacancy in the office of district judge.]~~ **Nevada Supreme Court which includes, without limitation, information on: (1) the education of the candidate; and (2) the qualifications possessed by the candidate which are relevant to the judicial office for which he or she is filing a declaration of candidacy. This bill also authorizes a candidate for judicial office who is the incumbent to complete and file such a questionnaire.** This bill further requires the filing officer ~~[with whom the person files the declaration of candidacy]~~ **, upon receipt of such a questionnaire,** to publish the ~~[application]~~ **questionnaire** on the Internet website of the filing officer. ~~[Finally, this bill provides that such an application must not include any information or material that is confidential.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 3.060 is hereby amended to read as follows:~~

~~3.060 1. A person may not be a candidate for and is not eligible to the office of district judge unless the person:~~

~~(a) Has attained the age of 25 years.~~

~~(b) Is an attorney licensed and admitted to practice law in the courts of this State at the time of the election or appointment.~~

~~(c) Has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for a total of not less than 10 years at any time preceding the election or appointment, at least 2 years of which have been in this State.~~

~~(d) Is a qualified elector and has been a bona fide resident of this State for 2 years next preceding the election or appointment.~~

~~(e) Has not ever been removed from any judicial office by the Legislature or removed or retired from any judicial office by the Commission on Judicial Discipline.~~

~~2. *Except as otherwise provided in this subsection, each person who seeks to be a candidate to the office of district court must submit to the filing officer with his or her declaration of candidacy the same application that is prescribed by the Commission on Judicial Selection for a person who applies to fill a vacancy in the office of district judge. Upon receipt, the filing officer shall post the person's application on the Internet website of the filing officer. An application that is submitted or posted pursuant to this subsection must not include any information or material that is confidential pursuant to the rules of the Commission or any provision of federal or state law.*~~

~~*3.* For the purposes of this section, a person is eligible to be a candidate for the office of district judge if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.~~

~~*4. As used in this section:*~~

~~*(a) "Declaration of candidacy" has the meaning ascribed to it in NRS 293.0455.*~~

~~*(b) "Filing officer" has the meaning ascribed to it in NRS 293.057.]*~~

(Deleted by amendment.)

Sec. 2. **Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A candidate for judicial office who is not the incumbent shall complete and file with the filing officer, along with the declaration of candidacy for that office, a questionnaire prescribed by the Nevada Supreme Court. The questionnaire must include, without limitation, information on:

(a) The education of the candidate; and

(b) The qualifications possessed by the candidate which are relevant to the judicial office for which he or she is filing.

2. A candidate for judicial office who is the incumbent may complete and file with the filing officer the questionnaire described in subsection 1

within the time period prescribed by NRS 293.177 for a candidate to file a declaration of candidacy.

3. Upon receipt of the questionnaire completed and filed pursuant to subsection 1 or 2, the filing officer shall post the questionnaire on the Internet website of the filing officer.

Sec. 3. **Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A candidate for the office of municipal judge who is not the incumbent shall complete and file with the city clerk, along with the declaration of candidacy for that office, a questionnaire prescribed by the Nevada Supreme Court. The questionnaire must include, without limitation, information on:

(a) The education of the candidate; and

(b) The qualifications possessed by the candidate which are relevant to the office of municipal judge.

2. A candidate for the office of municipal judge who is the incumbent may complete and file with the city clerk the questionnaire described in subsection 1 within the time period prescribed by NRS 293C.175 for a candidate for the office of municipal judge to file a declaration of candidacy.

3. Upon receipt of the questionnaire completed and filed pursuant to subsection 1 or 2, the city clerk shall post the questionnaire on the Internet website of the city clerk.

Sec. 4. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 434.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 630.

AN ACT relating to retirement; revising provisions governing eligibility for membership in the Public Employees' Retirement System; revising provisions governing the options for service retirement allowances under the System; revising provisions relating to the granting of a divorce; ~~[revising provisions governing the disposition of certain pension or retirement benefits upon dissolution of marriage;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Eligible retired public employees receive retirement allowances through membership in and contributions to the Public Employees' Retirement System. (Chapter 286 of NRS) Under existing law, certain persons are not eligible to be members of the System, including substitute teachers. (NRS 286.297)

Section 1 of this bill makes substitute teachers eligible for membership in the System.

Existing law provides several different alternative options to an unmodified retirement allowance under the Public Employees' Retirement System that members are authorized to elect upon retirement. (NRS 286.590) **Section 2** of this bill provides the additional alternative option of a reduced service retirement allowance with a benefit paid for 6 months to a designated beneficiary or an alternate beneficiary.

Existing law specifies certain powers and duties of courts in granting a divorce. ~~[One such power is modifying an adjudication of property rights or an agreement settling property rights upon written stipulation by the parties to the action.]~~ (NRS 125.150) **Section 2.5** of this bill requires a court, in granting a divorce, to provide an explanation, or ensure that an explanation has been provided, to the parties of any provision relating to the disposition of pension or retirement benefits that will be included in the decree of divorce or any related order. ~~[Section 2.5 also authorizes a court to modify the adjudication of or an agreement settling property rights as a result of the filing of a motion to amend the adjudication or agreement relating to the disposition of pension or retirement benefits by the parties to the action.~~

~~Existing law provides for the disposition of pension or retirement benefits provided by the Public Employees' Retirement System or the Judicial Retirement Plan upon dissolution of marriage. Existing law codifies the "time rule," whereby the community interest in such retirement benefits is calculated by dividing an employee's length of service during marriage by his or her total length of service. (NRS 125.155) Section 3 of this bill replaces the "time rule" with the "frozen benefit rule," whereby the community interest in such retirement benefits is "frozen" at the salary base and years of service of the party participating in the retirement system on the date on which the decree of legal separation or divorce is entered. The "frozen benefit rule" currently applies to military pensions under the Uniformed Services Former Spouses' Protection Act. (10 U.S.C. § 1408(a)(4)(B))]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 286.297 is hereby amended to read as follows:

286.297 The following persons are not eligible to become members of the System:

1. Inmates of state institutions even though they may be receiving compensation for services performed for the institution.

2. Independent contractors or persons rendering professional services on a fee, retainer or contract basis.

3. Except as otherwise provided in NRS 286.525, persons retired under the provisions of this chapter who are employed by a participating public employer.

4. Members of boards or commissions of the State of Nevada or of its political subdivisions when such boards or commissions are advisory or directive and when membership thereon is not compensated except for expenses incurred. Receipt of a fee for attendance at official sessions of a particular board or commission does not constitute compensation for the purpose of this subsection.

5. ~~[Substitute teachers and students]~~ ***Students*** who are employed by the institution which they attend.

6. District judges, judges of the Court of Appeals and justices of the Supreme Court first elected or appointed on or after July 1, 1977, who are not enrolled in the System at the time of election or appointment.

7. Members of the professional staff of the Nevada System of Higher Education who are employed on or after July 1, 1977.

8. Persons employed on or after July 1, 1979, under the Comprehensive Employment and Training Act.

9. Except as otherwise provided in NRS 286.293, persons assigned to intermittent or temporary positions unless the assignment exceeds 6 consecutive months.

10. Persons employed on or after July 1, 1981, as part-time guards at school crossings.

11. Nurses who:

(a) Are not full-time employees;

(b) Are paid an hourly wage on a daily basis;

(c) Do not receive the employee benefits received by other employees of the same employer; and

(d) Do not work a regular schedule or are requested to work for a shift at a time.

Sec. 2. NRS 286.590 is hereby amended to read as follows:

286.590 The alternatives to an unmodified service retirement allowance are as follows:

1. Option 2 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement should the beneficiary survive the retired employee.

2. Option 3 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death at one-half the rate paid to the retired employee and be paid for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement should the beneficiary survive the retired employee.

3. Option 4 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death for the life of the retired employee's

beneficiary, whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of the election, should the retired employee's beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60. If a beneficiary designated under this option dies after the date of the retired employee's death but before attaining age 60, the contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the deceased beneficiary.

4. Option 5 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that it continue after the retired employee's death at one-half the rate paid to the retired employee and be paid for the life of the retired employee's beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of the election, should the retired employee's beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60. If a beneficiary designated under this option dies after the date of the retired employee's death but before attaining age 60, the contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the deceased beneficiary.

5. Option 6 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid after the retired employee's death to the beneficiary for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement, should the beneficiary survive the retired employee.

6. Option 7 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid after the retired employee's death to the beneficiary for the life of the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of election, should the beneficiary survive the retired employee, beginning on the attainment by the surviving beneficiary of age 60 years. If a surviving beneficiary dies after the date of the retired employee's death, but before attaining age 60, all contributions of the retired employee which have not been returned to the retired employee or the retired employee's beneficiary must be paid to the estate of the beneficiary.

7. Option 8 consists of a reduced service retirement allowance payable monthly during the retired employee's life, with the provision that a specific sum per month, which cannot exceed the monthly allowance paid to the retired employee, be paid for 6 months after the retired employee's death to the beneficiary whom the retired employee nominates by written designation acknowledged and filed with the Board at the time of retirement, should the

beneficiary survive the retired employee. The retired employee may also designate at the time of retirement one alternate beneficiary should the initial designated beneficiary not survive the retired employee. Except as otherwise provided in this subsection, if the designated beneficiary dies less than 6 months after the date of the retired employee's death, any amount which has not been paid to the designated beneficiary pursuant to this subsection must be paid to the estate of the designated beneficiary. If the retired employee designated an alternate beneficiary, any amount which has not been paid pursuant to this subsection to the initial designated beneficiary before the initial designated beneficiary's death must be paid to the alternate designated beneficiary. If the alternate designated beneficiary also later dies less than 6 months after the date of the retired employee's death, any amount which has not been paid to the alternate designated beneficiary pursuant to this subsection must be paid to the estate of the alternate designated beneficiary. If the initial designated beneficiary and, if applicable, the alternate designated beneficiary do not survive the retired employee, any amount which is required to be paid pursuant to this subsection to a beneficiary must be paid to the estate of the retired employee.

Sec. 2.5. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to either spouse, in a specified principal sum or as specified periodic payments, as appears just and equitable; ~~[and]~~

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, including, without limitation, any community property transferred into an irrevocable trust pursuant to NRS 123.125 over which the court acquires jurisdiction pursuant to NRS 164.010, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition ~~[.]~~ ***; and***

(c) Shall provide an explanation, or ensure that an explanation has been provided, to the parties of any provision relating to the disposition of pension or retirement benefits that will be included in the decree of divorce or any related order.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without

interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➥ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the separate property of either spouse for the other spouse's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court ~~***[as a result of the filing of a motion to amend the adjudication or agreement relating to the disposition of pension or retirement benefits by the parties to the action or]***~~ upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

Sec. 3. ~~[NRS 125.155 is hereby amended to read as follows:~~

~~"125.155 Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS or is prohibited by specific statute:~~

~~1. In determining the value of an interest in or entitlement to a pension or retirement benefit provided by the Public Employees' Retirement System pursuant to chapter 286 of NRS or the Judicial Retirement Plan established pursuant to NRS 1A.300, the court [:]~~

~~(a)]~~ ***shall base its determination upon the amount of the pension or retirement benefits to which the participating party would have been entitled using the salary base and years of service of the participating party on the date on which a decree of legal separation or divorce is entered.***

~~[Shall base its determination upon the number of years or portion thereof that the contributing party was employed and received the interest or entitlement, beginning on the date of the marriage and ending on the date on which a decree of legal separation or divorce is entered; and~~

~~(b) Shall not base its determination upon any estimated increase in the value of the interest or entitlement resulting from a promotion, raise or any other efforts made by the party who contributed to the interest or entitlement as a result of his or her continued employment after the date of a decree of legal separation or divorce.]~~

~~2. The court may, in making a disposition of a pension or retirement benefit provided by the Public Employees' Retirement System or the Judicial Retirement Plan, order that the benefit not be paid before the date on which the participating party retires. To ensure that the party who is not a participant will receive payment for the benefits, the court may:~~

~~(a) On its own motion or pursuant to an agreement of the parties, require the participating party to furnish a performance or surety bond, executed by the participating party as principal and by a corporation qualified under the laws of this state as surety, made payable to the party who is not a participant under the plan, and conditioned upon the payment of the pension or retirement benefits. The bond must be in a principal sum equal to the amount of the determined interest of the nonparticipating party in the pension or retirement benefits and must be in a form prescribed by the court.~~

~~(b) On its own motion or pursuant to an agreement of the parties, require the participating party to purchase a policy of life insurance. The amount payable under the policy must be equal to the determined interest of the nonparticipating party in the pension or retirement benefits. The nonparticipating party must be named as a beneficiary under the policy and must remain a named beneficiary until the participating party retires.~~

~~(c) Pursuant to an agreement of the parties, increase the value of the determined interest of the nonparticipating party in the pension or retirement benefit as compensation for the delay in payment of the benefit to that party.~~

~~(d) On its own motion or pursuant to an agreement of the parties, allow the participating party to provide any other form of security which ensures the payment of the determined interest of the nonparticipating party in the pension or retirement benefit.~~

~~3. If a party receives an interest in or an entitlement to a pension or retirement benefit which the party would not otherwise have an interest in or~~

~~be entitled to if not for a disposition made pursuant to this section, the interest or entitlement and any related obligation to pay that interest or entitlement terminates upon the death of either party unless pursuant to:~~

~~(a) An agreement of the parties; or~~

~~(b) An order of the court,~~

~~a party who is a participant in the Public Employees' Retirement System or the Judicial Retirement Plan provides an alternative to an unmodified service retirement allowance pursuant to NRS 1A.450 or 286.590.~~**] (Deleted by amendment.)**

Sec. 4. This act becomes effective ~~[upon passage and approval.]~~ **on July 1, 2023.**

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:27 p.m.

ASSEMBLY IN SESSION

At 1:30 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that all rules be suspended, reading so far had considered first or second reading as appropriate, and Senate Bills Nos. 501, 503, and 504 be declared emergency measures under the *Constitution* and placed at the top of General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 503 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

NOTICE OF EXEMPTION

May 25, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 452.

WAYNE THORLEY
Fiscal Analysis Division

GENERAL FILE AND THIRD READING

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblymen Anderson, O'Neill, Jauregui, Monroe-Moreno, and Hansen.

ASSEMBLYWOMAN ANDERSON:

Senate Bill 503 provides funding for K-12 public education for the 2023-2025 biennium. The total public support for school districts, charter schools, and university schools for profoundly gifted pupils is estimated to average $12,863 per pupil in FY [Fiscal Year] 2024 and $13,368 per pupil in FY 2025.

Section 3 appropriates $1.1 billion in FY 2024 and $1.5 billion in FY 2025 from the State General Fund to the Pupil-Centered Funding Plan Account in the State Education Fund. Section 4 authorizes other revenue of $4.4 billion in FY 2024 and $4.3 billion in FY 2025 to be received and expended for state support of K-12 public education. These other revenues include, but are not limited to, local school support tax, public schools operating property tax, governmental services tax, an annual excise tax on slot machines, transfers from the Permanent School Fund, revenue from mineral leases on federal land, room tax revenue, recreational marijuana retail excise tax, and transfers from the Cannabis Compliance Board.

Sections 5 and 6 require the Department of Education to transfer total funding of $194.8 million in both FY 2024 and FY 2025 to school districts for food services and transportation and total funding of $483.8 million in FY 2024 and $483.9 million in FY 2025 for local funding for pupils with disabilities.

The statewide base per pupil funding amount is $8,966 per pupil in FY 2024 and $9,414 per pupil in FY 2025. Enrollment is projected to slightly increase to 471,283 pupils in FY 2024 and to 471,754 pupils in FY 2025.

Sections 5 and 6 further provide additional weighted funding for each English learner, at-risk, and gifted and talented pupil estimated to be enrolled in a public school, which is expressed as a multiplier or weight to the statewide base per pupil funding amount. The multiplier for English learner pupils is 0.45 for each year of the 2023-2025 biennium, with total funding of $212.5 million in FY 2024 and $223.2 million in FY 2025. The multiplier for at-risk pupils is 0.35 for each year of the 2023-2025 biennium, with total funding of $198.7 million in FY 2024 and $208.6 million in FY 2025. The multiplier for gifted and talented pupils is 0.12 for each year of the 2023-2025 biennium, with total funding of $8 million in FY 2024 and $8.4 million in FY 2025.

Section 7 provides General Fund appropriations of $245.7 million in FY 2024 and $252.8 million in FY 2025 for the state support of pupils with disabilities. In addition, revenue of $2 million in each year of the 2023-2025 biennium are authorized for expenditure to provide additional support for extraordinary high-cost pupils with disabilities.

Section 8 provides General Fund appropriations totaling $44.3 million in each year of the 2023-2025 biennium to the Other State Education Programs budget for categorical grant programs, including but not limited to the career and technical education, Jobs for Nevada's Graduates, and the Incentivizing Pathways to Teaching grant programs.

Section 9 provides General Fund appropriations totaling $7.7 million in each year of the 2023-2025 biennium for the Professional Development Programs Account. Section 10 distributes $7.6 million of this funding in each year of the 2023-2025 biennium for the three Regional Professional Development training programs. Section 11 distributes $100,000 of this funding in each year of the 2023-2025 biennium for the Statewide Council for the Coordination of the Regional Training Programs to provide additional training opportunities for educational administrators in Nevada.

Section 12 provides General Fund appropriations of $560,886 in each year of the 2023-2025 biennium for the 1/5 Retirement Credit Purchase Program Account.

Section 13 provides General Fund appropriations of $2.4 million in each year of the 2023-2025 biennium and authorizes $3.8 million in FY 2024 and $4 million in FY 2025 to continue the Teach Nevada Scholarship program.

Section 14 appropriates $3.2 million in each year of the 2023-2025 biennium to the Interim Finance Committee that may be requested by the Department of Education to increase funding for the Teach Nevada Scholarship program.

Section 15 authorizes $851.7 million in FY 2024 and $878.9 million in FY 2025 for the Education Stabilization Account, otherwise known as the K-12 Rainy Day Account.

Section 16 revises the definition of at-risk pupils in statute, consistent with the revised identification of such pupils approved by the money committees.

Section 17 indicates July 1, 2023, as the effective date for the bill.

Today, I ask for your support of this historic funding in SB 503. It is a 29 percent increase by the end of the biennium. As many of you know, it is my honor to be a fourth-generation educator. When I was looking over notes last night and trying to figure out some things, I gave my mother a call. We started talking about what that increase would mean. Education has been underfunded in our state since my father started kindergarten in 1947 at Robert Mitchell Elementary School in Sparks, Nevada. Let me make sure that is clear—since 1947, we have not funded education. This body is finally starting to do something about it. We have been doing something about it when we can. Today is a day these three generations of teachers before me would be standing up proudly because we are doing something. We are taking the necessary and long-overdue steps to recognize the most important investment in our state. Our schools are being recognized and are being funded.

We are elected by our neighbors, by our communities, to do this job today. We are hired by them because they recognize that the pillars of government have to do with three areas. One is to propose things. The other is to check it, to have a balance in it. Let me tell you, we have a balance. We started our discussions long before this session started. As a matter of fact, the first set of discussions happened not with us but with the Nevada Commission on School Funding, a body that looked at how we are funding education based upon legislation that passed last session. They came up with recommendations, and they clearly stated, we are not funding education. We are doing something about it. As a committee, we met. The subcommittee on education, which I am not part of, met weekly. They had meetings daily, and the leadership of this body met almost on a daily basis with people about how to fund education. That resulted in us actually talking with school districts and getting what they needed.

Finally, we came forward with a bill—a bill that was voted out of a subcommittee and then two days later voted out of a joint committee. That bill is in front of you today. So for people who say we are rushing a long-overdue discussion, that is incorrect, and there is more than enough evidence to show that we have, in fact, been working hard.

I want to thank you for all the work people put in. Our staff put in so much more work. More importantly—and I would like to end with this—the last document I brought down with me today is what I call my happy folder. These are papers, cards, and notes that students have written to me over the years. That is what this budget is really about. It is not about these large books. It is about the people we are helping. I ask for your support of SB 503.

ASSEMBLYMAN O'NEILL:

I rise today in opposition to Senate Bill 503. First, let me say, I do appreciate the work that has been put in, the hearings we have had, and the time in Ways and Means to discuss the education bill. I understand the importance of the education bill—I truly do, as we all do here today.

However, at the beginning of this session, our Governor put forth an historic budget increase for education, and he set out to ensure this money went to programs and, more importantly, the people, educators, and students who need it most. The Governor's plan ensures funds and the oversight for those funds that Nevada students and parents need.

We oppose this bill because we oppose using a one-time surplus to fund ongoing expenses. We will not promise funds now that we cannot sustain in the future. The Governor's budget added $6 billion a year for both years for the next biennium. The Governor also set aside the historic $2 billion budget increase to cover those future costs. This is historic. This is what Nevada needs, and we are in full support.

Furthermore, in the Executive Budget, $291 million is supposed to go to early childhood literacy programs and the teacher pipeline for the next biennium. However, this is one-shot money that at this point we cannot guarantee in the future. We do not know we will have the same funds in the future, and this could lead to a fiscal cliff in 2025 that none of us want.

We never want to cut education. We want to always maintain it for the sake of our students, parents, and teachers. The year 2019 was the first time our students could read by fourth grade at

the rate of the national average. Our goal—the goal here, I believe—is to maintain and grow that. That is why we need to specifically spend these one-shot monies as the Governor laid out on early childhood literacy and the teacher pipeline.

ASSEMBLYWOMAN JAUREGUI:

I rise in support of Senate Bill 503. During my time in the Legislature, we have never made these types of historic investments. Nearly $12 billion is going into the education budget over the next biennium. That is truly remarkable.

This education budget is a huge victory for all Nevadans, and frankly, it is long overdue. As legislators, we all campaigned to improve our schools. We met with parents, teachers, and students to discuss how to best improve our schools. Well, I truly believe I can go back to my district and let my community know I worked hard to pass an education budget our state deserves, a budget that properly invests in our schools and allows them to provide additional resources which will allow our students to thrive.

Our children, our teachers, our education support staff, and our schools will immensely benefit from this historic budget, which is why I am urging all of my colleagues to support Senate Bill 503—to show our communities we are committed to improving our schools and our education system.

ASSEMBLYWOMAN MONROE-MORENO:

I rise in support of Senate Bill 503. As a mother and a grandmother, I understand the importance of our schools in the lives of our children. As the Chairwoman of the Assembly Ways and Means Committee, I also understand the important role teachers and support staff play in developing our children as they go through our education system.

Nevada's families, students, teachers, and support staff deserve a budget that invests in them, provides for additional resources, and truly gives them an opportunity to succeed. This is why I am supporting Senate Bill 503, because I truly believe this budget will have a positive impact for our education system for years to come. With SB 503, we will see historic investments in funding, which will give a nearly 30 percent increase in per-pupil funding by the end of the next biennium. That is truly monumental.

I have to say, the Governor's recommended budget is just that—it is a recommendation to the legislative body. Once we get it, we have a constitutional responsibility to provide a balanced budget that we expect this Governor to sign. And, no, the extra funding that went into it is not a one-time increase; it is a revenue increase in this state. As legislative leaders, we looked at the numbers. We calculated the numbers. We are doing what we are supposed to do to be fiscally responsible and make sure that what happened in 1947 does not continue to happen in 2023 in this state.

With that, make no mistake about it—these investments will have a transformative effect on our educational system. That is why I urge this body to vote in favor. Vote yes on Senate Bill 503.

ASSEMBLYWOMAN HANSEN:

I rise in opposition to SB 503. I stand before you, as all of you know, a mother of 8 and a grandmother of 20 children who have attended public schools here in Washoe County. My oldest is 40. I have been involved with the schools since the mid-eighties. Education, of course, is a very important subject to me and I know to all of us as well. The discussions we have here and the discussions we have in our Education Committee show our concern. I think where we part company at times—the definition of insanity is to keep doing the same thing and expecting a different result. Now, some could argue that it is money. Yes, that is a component. But it is also reform, and if we are not willing to give the Governor's packages consideration, we have to try something different. We need to look at other states that have done this and find things that work. While I understand the importance of funding education properly, I want to make sure we are funding things that work.

We are in dire straits. I am a broken record. When you graduate from a Nevada public high school, proficiency scores in English language arts are at 43 percent. That is below even the 50 percent mark. It is even worse for math, which is 26 percent. Unfortunately, those numbers that I quoted are pre-COVID. They are even worse post-COVID.

This is what we agree on: We care about kids, and we know we need to fund education. Where we part company is, what does that look like? I stand here today and say, it looks like reform. It is needed, and we need to have the discussion. Education of all issues should not be partisan. I encourage my members to vote no on this—not to give up, but to go back to the drawing board and have discussions that involve a lot more than what we have just been dealing with.

Roll call on Senate Bill No. 503:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 501.

Bill read third time.

Roll call on Senate Bill No. 501:

YEAS—42.

NAYS—None.

Senate Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 504.

Bill read third time.

Remarks by Assemblywomen Monroe-Moreno, Gorelow, Brown-May, and Backus.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 504 provides funding and authorizes the expenditure of funding other than State General Fund appropriations or State Highway Fund appropriations. The funding sources include federal funds, self-funded budgets receiving money through fees or other means, and revenue sources such as licensing fees, gifts, grants, interagency transfers, and other funds, which total $31.71 billion over the 2023-2025 biennium.

Additionally, due to the specific statutory language for these agencies, Senate Bill 504 includes authority for the Nevada Gaming Control Board and the Nevada Gaming Commission to expend $69.5 million from the General Fund over the 2023-2025 biennium. Similarly, the bill includes authority for the Department of Transportation to expend $840.5 million from the Highway Fund over the 2023-2025 biennium.

The money committees approved total funding of $1.4 million over the 2023-2025 biennium for the personnel and operating costs to add eight new positions for support of the implementation of the Statewide Council on Financial Independence and Individual Development Account Program and for the Office of the State Treasurer's Investment Division, Cash Management Division, College Savings Division, Unclaimed Property Division, and Nevada ABLE [Achieving a Better Life Experience] Savings Program.

The money committees approved reserve reductions totaling $1.5 million over the 2023-2025 biennium for eight new full-time positions for additional supervisory and information technology support for the Cannabis Compliance Board. The money committees further approved reserve reductions of $358,704 over the 2023-2025 biennium to relocate the Cannabis Compliance Board's Carson City office.

In closing the budgets of the Nevada System of Higher Education, the money committees approved revenue from all sources totaling $2.23 billion for the 2023-2025 biennium. Of the total revenues, non-General Fund revenues total $761 million, or 34.1 percent of total funding, and

include student registration fees, nonresident tuition, student application fees, federal and county revenues, and a transfer from a non-state-supported budget.

In closing the Governor's Office of Economic Development budgets, the money committees authorized non-General Fund revenues of $77.2 million over the 2023-2025 biennium, which includes $62.9 million in federal State Small Business Credit Initiative Funds.

The money committees approved the Governor's recommendation to reorganize the Department of Tourism and Cultural Affairs and authorized Room Tax revenues of $30.1 million in FY 2024 and $32.7 million in FY 2025 in the new Tourism Cultural Affairs Administration budget.

For the Fund for a Resilient Nevada, administered by the Department of Health and Human Services' Director's Office, the money committees approved opioid settlement fund reserve reductions of $12.2 million over the 2023-2025 biennium to support allocations to various public and private entities to address the impact of opioid and other substance use disorders in the state in accordance with the needs assessment and statewide plan developed to address these issues.

In closing the Aging and Disability Services Division budgets, the money committees authorized cost allocation revenues of $1 million over the 2023-2025 biennium to support ten new positions and associated costs, including five positions to support information technology needs; four positions to provide human resources support; and one Administrative Services Officer to support central fiscal services, as recommended by the Governor.

In closing the budgets of the Division of Health Care Financing and Policy, the money committees approved a new private hospital provider tax and budget, including authorized private hospital provider tax revenue of $572.3 million, transfers to the Medicaid budget totaling $405.4 million to fund the non-federal share of supplemental and directed payments totaling $1.06 billion, and transfers to the Medicaid Administrative budget to fund administrative activities, including five positions and associated expenditures, totaling $886,272 over the 2023-2025 biennium.

In closing the budgets of the Division of Public and Behavioral Health, the money committees approved $30 million in Telecom Fees over the 2023-2025 biennium to support the Crisis Response programs, including the 988 Crisis Call Center and Crisis Stabilization Centers, as well as one existing position and ten new full-time positions and associated expenditures. The money committees also approved five new full-time Facility Surveyor positions and associated expenditures totaling $813,913 in Child Care and Development Block Grant funds over the 2023-2025 biennium. Finally, the money committees approved the Governor's recommendation to transfer the Child Care Licensing program to the Division of Welfare and Supportive Services to consolidate related child care facility programs under one division and provide for efficiency.

For the Division of Welfare and Supportive Services' Child Assistance and Development budget, the money committees approved a combination of Child Care and Development Fund discretionary and mandatory/matching block grant revenues totaling $3.3 million over the 2023-2025 biennium for 14 new positions, including 7 positions to support the child care service centers and 7 positions to provide improved strategic planning and oversight. The money committees also approved additional Temporary Assistance for Needy Families Block Grant funding totaling $20 million over the 2023-2025 biennium to increase child care subsidies for the New Employees of Nevada program.

For the Department of Transportation, the money committees approved 50 new positions for the department to administer essential programs and comply with federal and state laws. The money committees also approved the Governor's recommendation for the sale of highway revenue bonds and associated interest earnings of $151.5 million in FY 2024 for construction projects.

ASSEMBLYWOMAN GORELOW:

Today, I rise in support of Senate Bill 504. COVID-19 may no longer be at its peak, but its impacts are still rippling through many communities. Senate Bill 504, or the Authorizations Act, provides desperately needed funds for relief programs in the Governor's Office that help everyday Nevadans recover and get back on their feet again. This includes affordable housing programs, which so many Nevadans need as rent and the cost of homes continue to rise. These investments will provide relief to many Nevadans in need and continue to make our state the place to live, work, and raise a family. Please join me in supporting Senate Bill 504.

ASSEMBLYWOMAN BROWN-MAY:

I rise in support of Senate Bill 504. This is an exciting time for us to be here, considering these monumental measures in front of us today. I am honored to represent my Assembly district and the 74,400 residents who go to work each and every day and who depend on us to do our jobs.

Today, I rise in support of Senate Bill 504, the Authorizations Act, because it provides a record level of critical funding for Nevada Medicaid and it works to fund benefits programs for our public safety officers and our public employees.

All Nevadans deserve access to quality and affordable health care. This has always been true, but it is especially important now, as many Nevadans continue to deal with the lingering effects and complications from COVID-19. This measure helps to ensure the money previously allocated for those COVID-19 relief efforts gets to where it is going quickly to help our citizens be successful.

I hope you will join me in supporting Senate Bill 504 so as many Nevadans as possible will have health care access and so the departments, divisions, and programs we support can help our communities.

ASSEMBLYWOMAN BACKUS:

I rise in support of Senate Bill 504. Small businesses are the backbone of Nevada's economy. They are owned and operated by everyday Nevadans who work hard with an entrepreneurial spirit. But it is not always easy. Sometimes, small businesses and their owners need assistance. Senate Bill 504 provides significant investment into small businesses, helping to buoy businesses that may be struggling to make ends meet or help to kick-start small businesses that have not formed yet. Please join me in supporting Senate Bill 504, and help small businesses thrive in Nevada.

Roll call on Senate Bill No. 504:

YEAS—42.

NAYS—None.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 192, 235, 280; Assembly Bills Nos. 448 and 62 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 436 and 293 be taken from the Chief Clerk's Desk and placed on the General File.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:10 p.m.

ASSEMBLY IN SESSION

At 2:33 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Jauregui moved that Senate Bill No. 436 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 159.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 436.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 710.

AN ACT relating to insurance; requiring the Commissioner of Insurance to submit to the Joint Interim Standing Committee on Commerce and Labor a report concerning the service contract provider industry in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of providers of service contracts by the Commissioner of Insurance. (Chapter 690C of NRS) Existing law defines a service contract as a contract pursuant to which a provider, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair, replace or perform maintenance on, or indemnify or reimburse the holder for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract and which have an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear. Types of service contracts include contracts that: (1) pay reimbursement for towing, rental and emergency road service; and (2) provide for the repair, replacement or maintenance of goods for damages that result from power surges or accidental damage from handling. (NRS 690C.080) Existing law authorizes the Commissioner to assess a civil penalty against a provider who fails to comply with existing law or who violates an order or regulation of the Commissioner. (NRS 690C.330)

This bill requires the Commissioner of Insurance to submit to the Joint Interim Standing Committee on Commerce and Labor an annual report that provides certain information concerning the service contract industry in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 690C of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 2 of this act.

Sec. 1.5. (Deleted by amendment.)

Sec. 2. ***1. On or before ~~[December]~~ March 31, ~~[2023,]~~ 2024, and on or before ~~[December]~~ March 31 of each year thereafter, the Commissioner shall submit a report to the Joint Interim Standing Committee on Commerce and Labor concerning the service contract industry in this State.***

2. The report must include, without limitation:

(a) For each report other than the initial report, the number of service contracts sold by providers, by county, during the calendar year for which the report is made;

(b) The number of providers doing business in this State;

(c) The number of providers, by the type of service contract provided;

(d) The number of complaints concerning providers received by the Division, by type of complaint ~~[.]~~ and information concerning the resolution of such complaints; and

(e) Any other matter relating to the service contract industry in this State that the Commissioner deems appropriate.

3. To the extent reasonably practicable, the information specified in paragraph (a) of subsection 2 must be disaggregated in the report.

4. As used in this section:

(a) "Provider" has the meaning ascribed to it in NRS 690C.070.

(b) "Service contract" has the meaning ascribed to it in NRS 690C.080.

Sec. 3. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 192.

Bill read third time.

Roll call on Senate Bill No. 192:

YEAS—42.

NAYS—None.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

Roll call on Senate Bill No. 235:

YEAS—42.

NAYS—None.

Senate Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 280.

Bill read third time.

Roll call on Senate Bill No. 280:

YEAS—42.

NAYS—None.

Senate Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Roll call on Assembly Bill No. 448:

YEAS—42.

NAYS—None.

Assembly Bill No. 448 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Roll call on Assembly Bill No. 62:

YEAS—42.

NAYS—None.

Assembly Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 13, 20, 53, 56, 76, 98, 100, 101, 110, 116, 118, 122, 126, 131, 144, 146, 154, 162, 164, 185, 189, 210, 214, 225, 227, 235, 251, 264, 282, 289, 298, 311, 316, 318, 333, 343, 359, 361, 366, 394, 407, 414, 424, 455, 456, 464; Assembly Joint Resolution No. 8; Senate Bills Nos. 4, 5, 8, 13, 16, 18, 19, 20, 21, 22, 23, 25, 29, 32, 39, 43, 59, 85, 87, 91, 105, 115, 117, 119, 129, 131, 133, 147, 148, 153, 164, 169, 177, 181, 182, 194, 210, 214, 223, 243, 247, 257, 258, 259, 260, 261, 264, 286, 298, 299, 316, 338, 340, 351, 354, 381, 382, 397, 401, 410, 411, 437, 442.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:42 p.m.

ASSEMBLY IN SESSION

At 2:58 p.m.
Mr. Speaker presiding.
Quorum present.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 501, 503, and 504.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 109, 146, 269, 302, 314, and 391 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 22, Amendment No. 706; Assembly Bill No. 34, Amendment No. 620; Assembly Bill No. 52, Amendment No. 686; Assembly Bill No. 54, Amendment No. 584; Assembly Bill No. 70, Amendment No. 619; Assembly Bill No. 121, Amendment No. 664; Assembly Bill No. 172, Amendment No. 689; Assembly Bill No. 193, Amendment No. 673; Assembly Bill No. 213, Amendment No. 690; Assembly Bill No. 231, Amendment No. 666; Assembly Bill No. 262, Amendment No. 692; Assembly Bill No. 272, Amendment No. 566; Assembly Bill No. 305, Amendment No. 693; Assembly Bill No. 364, Amendment No. 656; Assembly Bill No. 371, Amendment No. 607; Assembly Bill No. 373, Amendment No. 606; Assembly Bill No. 391, Amendment No. 694; Assembly Bill No. 437, Amendment No. 553; Assembly Bill No. 439, Amendment No. 643, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 109.
Bill read third time.
Roll call on Senate Bill No. 109:
YEAS—36.
NAYS—DeLong, Dickman, Gray, Hafen, Hansen, McArthur—6.
Senate Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 146.
Bill read third time.
Roll call on Senate Bill No. 146:
YEAS—42.
NAYS—None.

Senate Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 269.

Bill read third time.

Roll call on Senate Bill No. 269:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Brittney Miller, O'Neill, Yurek—15.

Senate Bill No. 269 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 302.

Bill read third time.

Roll call on Senate Bill No. 302:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 314.

Bill read third time.

Roll call on Senate Bill No. 314:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill—11.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 391.

Bill read third time.

Roll call on Senate Bill No. 391:

YEAS—41.

NAYS—Gray.

Senate Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Roll call on Assembly Bill No. 112:

YEAS—42.

NAYS—None.

Assembly Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 92, 104, 134, 161, 180, 196, 211, 251, 262, 293, 315, 317, 321, 322, 336, 348, 349, 384, 393, and 429 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to David Harber, Debra Harber, Robert Mercer, and Shell Mercer.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from the Triad School: Azalea Burnham, Ewan Harris, Gabriela Olcese, Hayla Rogers, Jimmie Randolph, June Taylor, Luca Lorestani, Madi Meadow Puliz, Matthias Emmons, Quincy Winfield , Scott Kinney, Sherry Malley, and Yvonne Blinde.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Marco Rauda and Tony Ramirez.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Hunter Lake Elementary School: Aleea McCreary, Alex Hurtado, Alexa Rodriguez, Alexis Grosvenor, Amanda Calma, Andy Alcantara Villegas, Angela Rodriguez, Angelina Fraga-Yankov, Ash Rozell, Brenna Sullivan, Ellery McCombs, Genovee Lomeli, Gerardo Lopez Rios, Jacob McDonald, Jade Feuerherm, Jason Boddy, Jayden Hill, Jonathan Webber, Jordan Ruse, Josiah Berryhill, Kaden Baumeister, Kane Edwards, Kash Jackson, Kennedy Peterson, Lillian Kingham, Lily Murray, Logan Jorgensen, Luke Montoya, Lula Morris, Marnie West, Matthew Reno, Mauricio Ortiz Zamudio, Mylavel Dupree, Nathan Kirkpatrick, Olive Sanborn, Oliver Romo, Raymond Guerra-Gonzalez, Rylan Aversa-Mix, Samantha Walker-White, Sky Waters, Taya Alvernaz, Torsten Sanford, Trenton Cone, Troy Fuller, Tyler Galloway, Uriah McDevitt-Moniz, Zayden Dela Cruz, and Zoe Trejo.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, May 26, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 3:11 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 26, 2023

Assembly called to order at 1:31 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Joseph Lent.

Yaahoo Ti Naa'a, mu Nevada poinavi sumuhoosi, nayadooaku, Uugwino'o pija mii gooba woitsami. Yeishi pija mii matuguna, pija sooduhei. Mu- naana, momoko'ni noko, meikoosabba bija masookwaguti. O'no tammi pija nayadooakwu, pija nanabua'agana, yaahoo mani-punina.

Heavenly Father, I thank You for this group of people that have been selected to make decisions for the state of Nevada. I ask a mighty blessing upon each and every one of them that they would peaceably be able to accomplish all that needs to be done this day. Give them health, clarity, direction, great focus, and a heart full of understanding for one another. Let them be free from conflict, confusion, or distraction. And let all things be done for the prosperity and benefit of the people of this state, according to Thy will. In Jesus' Name I pray, pihwa.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:45 p.m.

ASSEMBLY IN SESSION

At 1:55 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 469, 470, 471, 473, 474, 481, 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 41, 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 291; Senate Bills Nos. 88, 291.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 234.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 237, 290.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 26, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 520, 522.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 39, Amendment No. 539; Assembly Bill No. 49, Amendment No. 665; Assembly Bill No. 57, Amendment No. 724; Assembly Bill No. 65, Amendments Nos. 732, 733; Assembly Bill No. 114, Amendment No. 567; Assembly Bill No. 198, Amendment No. 641; Assembly Bill No. 218, Amendment No. 638; Assembly Bill No. 242, Amendment No. 695; Assembly Bill No. 244, Amendment No. 738; Assembly Bill No. 340, Amendment No. 677, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of May 26, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

THE NEVADA INDEPENDENT: Alexandra Couraud.

Motion carried.

Assemblywoman Jauregui moved that all rules be suspended, reading so far had considered second reading, and Senate Bills Nos. 35 and 38 be declared emergency measures under the *Constitution* and be placed on General File.

Motion carried.

Assemblywoman Jauregui moved to dispense with the reprinting of all measures for this legislative day.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 335 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 57, 60, 80, 251, 322, 384, 418, 429, and 436 be taken from their positions on the General File and placed at the top of General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 106, 370, 35, 38, and 104; Assembly Bill No. 376 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Watts:

Assembly Bill No. 524—AN ACT relating to energy; revising a definition relating to certain renewable energy facilities; revising provisions governing the submission of general rate applications; revising provisions governing the integrated resource plan submitted triennially by a utility; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 88.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 234.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 237.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 290.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 291.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 470.

Bill read second time and ordered to third reading.

Assembly Bill No. 471.

Bill read second time and ordered to third reading.

Assembly Bill No. 473.

Bill read second time and ordered to third reading.

Assembly Bill No. 474.

Bill read second time and ordered to third reading.

Assembly Bill No. 481.

Bill read second time and ordered to third reading.

Assembly Bill No. 523.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 106.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 745.

AN ACT relating to ophthalmic dispensing; exempting the sale of prescription eyewear to intended wearers outside this State from provisions regulating ophthalmic dispensing under certain circumstances; authorizing the imposition of certain administrative action and injunctive relief for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts certain activity from provisions of law governing ophthalmic dispensing. (NRS 637.025) **Section 9** of this bill additionally exempts from such provisions the manufacturing and direct online sale of lenses, frames and other specially fabricated optical devices upon prescription to an intended wearer who is located outside this State at the time of purchase, if the manufacturing is supervised by a licensed dispensing optician. **Section 9** requires such supervision to include a daily review of all optical manufacturing equipment by the licensed dispensing optician. **Section 9** requires a person engaged in such manufacturing and direct online sale to confirm that lenses shipped to the intended wearer match the relevant prescription, as submitted by the intended wearer.

Existing law authorizes the imposition of disciplinary action and the issuance of an injunction against a person who is licensed to engage in the practice of ophthalmic dispensing or manage a business engaged in ophthalmic dispensing and violates certain provisions of law governing ophthalmic dispensing. (NRS 637.150, 637.185) Existing law also provides that such a person is guilty of a misdemeanor. (NRS 637.200) **Section 9** provides that such a licensee is subject to disciplinary action and injunctive relief if the licensee: (1) is engaged in activity which, under the provisions of **section 9**, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with **section 9** or, alternatively, with other provisions governing ophthalmic dispensing.

Existing law prohibits a person from engaging in the practice of ophthalmic dispensing or managing a business engaged in ophthalmic dispensing without a license. (NRS 637.090) Existing law provides that a person who violates that prohibition is guilty of a misdemeanor and subject to an administrative fine and injunctive relief. (NRS 637.181, 637.185, 637.200) **Section 9** provides that an unlicensed person is subject to such an administrative fine and injunctive relief if the person: (1) is engaged in activity which, under the provisions of **section 9**, is otherwise exempt from provisions governing ophthalmic dispensing; and (2) fails to comply with **section 9**. **Sections 9 and 10** of this bill provide that a person who fails to comply with **section 9** is not guilty of a misdemeanor, regardless of whether the person is licensed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person is exempt from the provisions of this chapter if the person:

(a) Is engaged in the manufacturing and direct online sale of lenses, frames and other specially fabricated optical devices upon prescription to an intended wearer who is located outside this State at the time of purchase; and

(b) Complies with the requirements of subsection 2.

2. Any person who engages in the activity described in paragraph (a) of subsection 1 and does not otherwise comply with the provisions of this chapter shall:

(a) Ensure that the manufacturing of lenses, frames and other specially fabricated optical devices is supervised by a dispensing optician licensed pursuant to this chapter. Such supervision must include, without limitation, a daily review of all optical manufacturing equipment by the dispensing optician to ensure that the lenses, frames and other specially fabricated optical devices being manufactured meet the standards adopted by the Board pursuant to this chapter; and

(b) Confirm that any lenses shipped to an intended wearer meet the requirements of the relevant prescription, as submitted by the intended wearer.

3. A person who engages in the activity described in paragraph (a) of subsection 1, is licensed pursuant to this chapter and fails to comply with the requirements of subsection 2 or the requirements of this chapter:

(a) Is subject to the provisions of 637.150 and 637.185; and

(b) Is not guilty of a misdemeanor.

4. A person who engages in the activity described in paragraph (a) of subsection 1 , ~~[who]~~ is not licensed pursuant to this chapter ~~[,]~~ and fails to comply with the requirements of subsection 2:

(a) Shall be deemed to be in violation of NRS 637.090 and, except as otherwise provided in paragraph (b), is subject to all provisions applicable to a person who violates that section; and

(b) Is not guilty of a misdemeanor.

Sec. 10. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.

6. ~~[~~Violating~~]~~ ***Except as otherwise provided in section 9 of this act, violating*** any provision of this chapter.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 370.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 742.

AN ACT relating to data privacy; requiring certain entities to develop, maintain and make available on the Internet a policy concerning the privacy of consumer health data; prohibiting such an entity from collecting or sharing consumer health data without the affirmative, voluntary consent of a consumer in certain circumstances; requiring such an entity to perform certain actions upon the request of a consumer; requiring such an entity to establish a process to appeal the denial of such a request; requiring such an entity to take certain actions to protect the security of consumer health data; limiting the circumstances under which a processor is authorized to process consumer health data; requiring a processor to assist certain entities in complying with certain requirements; prohibiting a person from selling or offering to sell consumer health data under certain circumstances; prohibiting the implementation of a geofence under certain circumstances; prohibiting discrimination against a consumer for certain reasons; authorizing certain civil enforcement; ~~[requiring certain persons to develop, maintain and make publicly available a policy concerning the storage and retention of biometric identifiers; establishing requirements governing storing, transmitting, protecting, collecting and sharing biometric identifiers; prohibiting the sale of a biometric identifier;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations contain various protections for health information maintained or used: (1) by a person or entity that provides health care, an insurer or a business associate of a person or entity that provides health care or an insurer; or (2) for scientific research. (42 U.S.C. §§ 11101 et seq.; Pub. L. No. 104-191, 100 Stat. 2548; 21 C.F.R. Parts 46, 50 and 56, 42 C.F.R. Parts 2 and 3, 45 C.F.R. Parts 160 and 164) **Sections 2-34** of this bill prescribe various protections for consumer health data that is maintained and used by other persons and nongovernmental entities and for other purposes. **Section 7** of this bill defines the term "consumer" to mean a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State, except for a natural person acting in an employment context or as an agent of a governmental entity. **Section 8** of this bill defines the term "consumer health data" to mean personally identifiable information that is linked or reasonably capable of being linked to a consumer and is used by a regulated entity to identify the health status of the consumer. **Section 15** of this bill defines the term "regulated entity" to refer to a person who: (1) conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and (2) determines the purpose and means of processing, sharing or selling consumer health data. **Sections 3-6,** ~~[9-11, 12.5-14]~~ **9-14 and 16-19** of this bill define certain other terms. **Section 20** of this bill provides that the provisions of **sections 2-34** do not apply to certain persons, entities and data, including: (1) certain persons and entities whose

collection and disclosure of data is specifically regulated by federal law; and (2) certain data that is collected or disclosed under certain provisions of federal law or regulations or state law.

Section 21 of this bill requires a regulated entity to develop, maintain and make available a policy concerning the privacy of consumer health data. **Section 21** also prohibits a regulated entity from: (1) taking certain actions with regard to consumer health data that are inconsistent with the policy without the affirmative, voluntary consent of the consumer; or (2) entering into a contract for the processing of consumer health data that is inconsistent with the policy. **Section 22** of this bill generally prohibits a regulated entity from collecting or sharing consumer health data without the affirmative, voluntary consent of the consumer to whom the data relates, except to the extent necessary to provide a product or service that the consumer has requested from the regulated entity. **Section 22** of this bill prescribes certain requirements governing such consent.

Section 24 of this bill requires a regulated entity, upon the request of a consumer, to: (1) confirm whether the regulated entity is collecting, sharing or selling consumer health data concerning the consumer; (2) provide the consumer with a list of all third parties with whom the regulated entity has shared or to whom the regulated entity has sold consumer health data relating to the consumer; (3) cease collecting or sharing consumer health data relating to the consumer; or (4) delete consumer health data concerning the consumer. **Section 24** also requires a regulated entity to establish a secure and reliable means of making such a request. **Section 25** of this bill prescribes requirements governing the response to such a request, including a requirement that a regulated entity provide information in response to such a request free of charge in most circumstances. However, if a consumer submits more than two requests in a year and those requests are manifestly unfounded, excessive or repetitive, **section 25** authorizes the regulated entity to charge a reasonable fee to provide such information. **Section 26** of this bill prescribes requirements governing the time within which a regulated entity or an affiliate, processor or other third party with which a regulated entity has shared data must delete consumer health data in response to a request for such deletion. **Section 27** of this bill requires a regulated entity to establish a process to appeal the refusal of the regulated entity to act on a request made pursuant to **section 24**.

Section 28 of this bill requires a regulated entity to limit access to and establish, implement and maintain policies and procedures to protect the security of consumer health data. **Section 29** of this bill requires a processor who processes consumer health data on behalf of a regulated entity to only process such data in accordance with a written contract between the processor and the regulated entity. **Section 29** also requires such a processor to assist the regulated entity in complying with the provisions of **sections 2-34**.

Section 30 of this bill prohibits a person from selling or offering to sell consumer health data without the written authorization of the consumer to whom the data pertains or beyond the scope of such authorization, with certain

exceptions. **Section 30** also prohibits a person from conditioning the provision of goods or services on a consumer providing such authorization. **Section 30** requires a person who sells consumer health data to: (1) establish a means by which a consumer may revoke such written authorization; and (2) provide a copy of such written authorization to the consumer and purchaser. **Section 30** also requires both a seller and a purchaser of consumer health data to maintain such written authorization for at least 6 years after the expiration of the written authorization. **Section 17** of this bill exempts certain activity from the definition of the term "sell," thereby exempting such activity from the requirements of **section 30**.

Section 31 of this bill prohibits a person from implementing a geofence within 1,750 feet of any person or entity that provides in-person health care services or products for certain purposes. **Section 33** of this bill prohibits a regulated entity from discriminating against a consumer for taking any action authorized by **sections 2-34** or to enforce those provisions.

~~[Sections 34.1-34.9 of this bill establish provisions for the protection of biometric identifiers. Section 34.1 of this bill sets forth certain legislative findings concerning biometric identifiers. Section 34.3 of this bill defines "biometric identifier" to mean biometric data relating to the faceprint, fingerprint or iris of a specific natural person that uniquely identifies that specific natural person. Sections 34.35-34.45 of this bill define certain other terms. Section 34.5 of this bill provides that the provisions of sections 34.1-34.9 do not apply to: (1) certain entities whose collection and sharing of data is specifically regulated by federal law; (2) photographs collected, possessed or shared for purposes other than verifying the identity of a person; (3) information collected, possessed or shared for certain medical or scientific purposes; (4) governmental or tribal entities; (5) a person who is in the business of manufacturing or selling automobiles; (6) certain persons in the gaming industry; (7) law enforcement; or (8) with certain exceptions, biometric identifiers collected for certain purposes relating to security. Section 34.6 of this bill authorizes the provision of information or consent under sections 34.1-34.9 electronically. Section 34.7 of this bill requires a person who possesses a biometric identifier of another to develop, maintain and comply with a publicly available written policy setting forth a schedule for the retention and destruction of biometric identifiers. Section 34.7 also establishes requirements governing the storage, transmittal and protection of biometric identifiers. Section 34.8 of this bill prescribes requirements governing collecting and sharing biometric identifiers. Section 34.8 also prohibits the sale of biometric identifiers.]~~

Existing law provides that a variety of actions constitute deceptive trade practices. (NRS 118A.275, 205.377, 228.620, 370.695, 597.997, 603.170, 604B.910, 676A.770; chapter 598 of NRS) Existing law authorizes a court to impose a civil penalty of not more than $12,500 for each violation upon a person whom the court finds has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973)

Additionally, existing law authorizes a court to make such additional orders or judgments as may be necessary to restore to any person in interest any money or property which may have been acquired by means of any deceptive trade practice. (NRS 598.0993) In addition to these enforcement mechanisms, existing law provides that when the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry has cause to believe that a person has engaged or is engaging in any deceptive trade practice, the Commissioner or Director may request that the Attorney General represent him or her in instituting an appropriate legal proceeding, including an application for an injunction or temporary restraining order. (NRS 598.0979) Existing law provides that if a person violates a court order or injunction resulting from a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General, the person is required to pay a civil penalty of not more than $10,000 for each violation. Furthermore, if a court finds that a person has willfully engaged in a deceptive trade practice, the person who committed the violation: (1) may be required to pay an additional civil penalty not more than $5,000 for each violation; and (2) is guilty of a felony or misdemeanor, depending on the value of the property or services lost as a result of the deceptive trade practice. (NRS 598.0999) With certain exceptions, ~~[sections]~~ **section 34** ~~[and 34.9]~~ of this bill ~~[provide]~~ **provides** that a person who violates any provision of **sections** ~~[2 34.9 of this bill]~~ **2-34** is guilty of a deceptive trade practice. **Sections 1** ~~[,]~~ **and 34** ~~[and 34.9]~~ of this bill provide that a person injured by such a violation does not have a private right of action. ~~[Sections]~~ **Section 34** ~~[and 34.9]~~ additionally ~~[provide]~~ **provides** that the provisions of **sections** ~~[2 34.9]~~ **2-34** must not be construed to affect any other provision of law.

Section 35 of this bill exempts consumer health data ~~[and biometric identifiers]~~ from provisions of existing law governing information collected on the Internet from consumers because those provisions are less stringent than the provisions of **sections** ~~[2 34.9,]~~ **2-34.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598.0977 is hereby amended to read as follows:

598.0977 ~~[If]~~ ***Except as otherwise provided in ~~[sections]~~ section 34 ~~[and 34.9]~~ of this act,*** an elderly person or a person with a disability suffers damage or injury as a result of a deceptive trade practice, he or she or his or her legal representative, if any, may commence a civil action against any person who engaged in the practice to recover the actual damages suffered by the elderly person or person with a disability, punitive damages, if appropriate, and reasonable attorney's fees. The collection of any restitution awarded pursuant to this section has a priority over the collection of any civil penalty imposed pursuant to NRS 598.0973.

Sec. 1.5. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 34.9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Affiliate" means an entity that shares common branding with another entity and controls, is controlled by or is under common control with the other entity. For the purposes of this section, an entity shall be deemed to control another entity if the entity:***

1. Owns or has the power to vote at least half of the outstanding shares of any class of voting security in the other entity;

2. Controls in any manner the election of a majority of the directors or persons exercising similar functions to directors of the other entity; or

3. Has the power to exercise controlling influence over the management of the other entity.

Sec. 4. ***"Authenticate" means to ascertain the identity of the originator of an electronic or physical document and establish a link between the document and the originator.***

Sec. 5. ***"Biometric data" means data which is generated from the measurement or technical processing of the physiological, biological or behavioral characteristics of a person and, alone or in combination with other data, is capable of being used to identify the person. The term includes, without limitation:***

1. Imagery of the fingerprint, palm print, hand print, scar, bodily mark, tattoo, voiceprint, face, retina, iris or vein pattern of a person; and

2. Keystroke patterns or rhythms and gait patterns or rhythms that contain identifying information.

Sec. 6. ***"Collect" means to buy, rent, access, retain, receive, acquire, infer, derive or otherwise process consumer health data in any manner.***

Sec. 7. ***"Consumer" means a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State. The term does not include a natural person acting in an employment context or as an agent of a governmental entity.***

Sec. 8. ***"Consumer health data" means personally identifiable information that is linked or reasonably capable of being linked to a consumer and that a regulated entity uses to identify the past, present or future health status of the consumer. The term:***

1. Includes, without limitation:

(a) Information relating to:

(1) Any health condition or status, disease or diagnosis;

(2) Social, psychological, behavioral or medical interventions;

(3) Surgeries or other health-related procedures;

(4) The use or acquisition of medication;

(5) Bodily functions, vital signs or symptoms;

(6) Reproductive or sexual health care; and

(7) Gender-affirming care;

(b) Biometric data or genetic data related to information described in paragraph (a);

(c) Information related to the precise geolocation information of a consumer that a regulated entity uses to indicate an attempt by a consumer to receive health care services or products; and

(d) Any information described in paragraph (a), (b) or (c) that is derived or extrapolated from information that is not consumer health data, including, without limitation, proxy, derivative, inferred or emergent data derived through an algorithm, machine learning or any other means.

2. Does not include information that is used to provide access to or enable gameplay by a person on a video game platform.

Sec. 9. *"Gender-affirming care" means health services or products that support and affirm the gender identity of a person, including, without limitation:*

1. Treatments for gender dysphoria;

2. Gender-affirming hormone therapy; and

3. Gender-affirming surgery.

Sec. 10. *"Genetic data" means any data that concerns the genetic characteristics of a person. The term includes, without limitation:*

1. Data directly resulting from the sequencing of all or a portion of the deoxyribonucleic acid of a person;

2. Genotypic and phenotypic information that results from analyzing the information described in subsection 1; and

3. Data concerning the health of a person that is analyzed in connection with the information described in subsection 1.

Sec. 11. *"Health care services or products" means any service or product provided to a person to assess, measure, improve or learn about the health of a person. The term includes, without limitation:*

1. Services relating to any health condition or status, disease or diagnosis;

2. Social, psychological, behavioral or medical interventions;

3. Surgeries or other health-related procedures;

4. Medication or services related to the use or acquisition of medication; or

5. Monitoring or measurement related to bodily functions, vital signs or symptoms.

Sec. 12. (Deleted by amendment.)

Sec. 12.5. *"Precise geolocation information" means information derived from technology, including, without limitation, latitude and longitude coordinates at the level of detail typically provided by a global positioning system, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. The term does not include:*

1. The content of any communication; or

2. Any data generated by or connected to advanced metering infrastructure for utilities or other equipment used by a utility.

Sec. 13. *"Process" means any operation or set of operations performed on consumer health data.*

Sec. 14. *"Processor" means a person who processes consumer health data on behalf of a regulated entity.*

Sec. 15. *"Regulated entity" means any person who:*

1. Conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and

2. Alone or with other persons, determines the purpose and means of processing, sharing or selling consumer health data.

Sec. 16. *"Reproductive or sexual health care" means health care services or products that support or relate to the reproductive system or sexual well-being of a person. The term includes, without limitation, abortion, the provision of medication to induce an abortion and any medical or nonmedical services associated with an abortion.*

Sec. 17. *"Sell" means to exchange consumer health data for money or other valuable consideration. The term does not include the exchange of consumer health data for money or other valuable consideration:*

1. With a processor in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data pertains pursuant to section 22 of this act.

2. With a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity.

3. With a third party for the purpose of providing a product or service requested by the consumer to whom the consumer health data pertains.

4. With an affiliate of the person who is providing or disclosing the consumer health data.

5. As directed by the consumer to whom the consumer health data pertains or where the consumer to whom the consumer health data pertains intentionally uses the person who is providing or disclosing the consumer health data to interact with the third party to whom the consumer health data is provided or disclosed.

6. Where the consumer has intentionally made the consumer health data available to the general public through mass media that was not restricted to a specific audience.

Sec. 18. *"Share" means to release, disclose, disseminate, divulge, make available, provide access to, license or otherwise communicate consumer health data orally, in writing or by electronic or other means.*

Sec. 19. *"Third party" means a person who is not a consumer, regulated entity, processor or affiliate of a regulated entity.*

Sec. 20. *1. The provisions of sections 2 to 34, inclusive, of this act do not apply to:*

(a) Any person or entity that is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

(c) Patient identifying information, as defined in 42 C.F.R. § 2.11, that is collected, used or disclosed in accordance with 42 C.F.R. Part 2.

(d) Patient safety work product, as defined in 42 C.F.R. § 3.20, that is collected, used or disclosed in accordance with 42 C.F.R. Part 3.

(e) Identifiable private information, as defined in 45 C.F.R. § 46.102, that is collected, used or disclosed in accordance with 45 C.F.R. Part 46.

(f) Information used or shared as part of research conducted pursuant to 45 C.F.R. Part 46 or 21 C.F.R. Parts 50 and 56.

(g) Information used only for public health activities and purposes, as described in 45 C.F.R. § 164.512(b), regardless of whether such information is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(h) Personally identifiable information that is governed by and collected, used or disclosed pursuant to:

(1) Part C of Title XI of the Social Security Act, 42 U.S.C. §§ 1320d et seq.;

(2) The Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.; or

(3) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and the regulations adopted pursuant thereto.

(i) Information and documents created for the purposes of compliance with the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. §§ 11101 et seq., and any regulations adopted pursuant thereto.

(j) The collection or sharing of consumer health data where expressly authorized by any provision of federal or state law.

(k) Information processed by or for any governmental or tribal entity for civic or governmental purposes and operations or related services and operations.

(l) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

(m) Law enforcement agencies and law enforcement activities.

2. A third party that obtains consumer health data from a regulated entity through a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity is deemed to assume all obligations of the regulated entity to comply with the provisions of sections 2 to 34, inclusive, of this act.

Sec. 21. *1. A regulated entity shall develop and maintain a policy concerning the privacy of consumer health data that clearly and conspicuously establishes:*

(a) The categories of consumer health data being collected by the regulated entity and the manner in which the consumer health data will be used;

(b) The categories of sources from which consumer health data is collected;

(c) The categories of consumer health data that are shared by the regulated entity;

(d) The categories of third parties and affiliates with whom the regulated entity shares consumer health data;

(e) The purposes of collecting, using and sharing consumer health data;

(f) The manner in which consumer health data will be processed;

(g) The procedure for submitting a request pursuant to section 24 of this act;

(h) The process, if any such process exists, for a consumer to review and request changes to any of his or her consumer health data that is collected by the regulated entity;

(i) The process by which the regulated entity notifies consumers whose consumer health data is collected by the regulated entity of material changes to the privacy policy;

(j) Whether a third party may collect consumer health data over time and across different Internet websites or online services when the consumer uses any Internet website or online service of the regulated entity; and

(k) The effective date of the privacy policy.

2. A regulated entity shall post conspicuously on the main Internet website maintained by the regulated entity a hyperlink to the policy developed pursuant to subsection 1 or otherwise provide that policy to consumers in a manner that is clear and conspicuous.

3. A regulated entity shall not:

(a) Collect, use or share categories of consumer health data, other than those included in the privacy policy pursuant to paragraph (c) of subsection 1, without disclosing those additional categories to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer;

(b) Share consumer health data with a third party or affiliate, other than those included in the privacy policy pursuant to paragraph (d) of subsection 1, without disclosing those additional third parties or affiliates to each consumer whose data will be shared and obtaining the affirmative, voluntary consent of the consumer;

(c) Collect, use or share consumer health data for purposes other than those included in the privacy policy pursuant to paragraph (e) of subsection 1 without disclosing those additional purposes to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer; or

(d) Enter into a contract pursuant to section 29 of this act with a processer to process consumer health data that is inconsistent with the privacy policy.

Sec. 22. ***1. A regulated entity shall not collect consumer health data except:***

(a) With the affirmative, voluntary consent of the consumer; or

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall not share consumer health data except:

(a) With the affirmative, voluntary consent of the consumer to whom the consumer health data relates, which must be separate and distinct from the consent provided pursuant to subsection 1 for the collection of the data;

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity; or

(c) Where required or authorized by another provision of law.

3. Any consent required by this section must be obtained before the collection or sharing, as applicable, of consumer health data. The request for such consent must clearly and conspicuously disclose:

(a) The categories of consumer health data to be collected or shared, as applicable;

(b) The purpose for collecting or sharing, as applicable, the consumer health data including, without limitation, the manner in which the consumer health data will be used;

(c) If the consumer health data will be shared, the categories of persons and entities with whom the consumer health data will be shared; and

(d) The manner in which the consumer may withdraw consent for the collection or sharing, as applicable, of consumer health data relating to the consumer and request that the regulated entity cease such collection or sharing pursuant to section 24 of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. ***1. Except as otherwise provided in section 25 of this act, upon the request of a consumer, a regulated entity shall:***

(a) Confirm whether the regulated entity is collecting, sharing or selling consumer health data relating to the consumer.

(b) Provide the consumer with a list of all third parties with whom the regulated entity has shared consumer health data relating to the consumer or to whom the regulated entity has sold such consumer health data.

(c) Cease collecting, sharing or selling consumer health data relating to the consumer.

(d) Delete consumer health data concerning the consumer.

2. A regulated entity shall establish a secure and reliable means of making a request pursuant to this section. When establishing the means for making such a request, the regulated entity must consider:

(a) The need for the safe and reliable communication of such requests; and

(b) The ability of the regulated entity to authenticate the identity of the consumer making the request.

Sec. 25. *1. Except as otherwise provided in this section, a regulated entity shall respond to a request made pursuant to section 24 of this act without undue delay and not later than 45 days after authenticating the request. If reasonably necessary based on the complexity and number of requests from the same consumer, the regulated entity may extend the period prescribed by this section not more than an additional 45 days. A regulated entity that grants itself such an extension must, not later than 45 days after authenticating the request, provide the consumer with notice of the extension and the reasons therefor.*

2. If a regulated entity is not able to authenticate a request made pursuant to section 24 of this act after making commercially reasonable efforts, the regulated entity:

(a) Is not required to comply with the request; and

(b) May request that the consumer provide such additional information as is reasonably necessary to authenticate the request.

3. A regulated entity:

(a) Shall provide information free of charge to a consumer in response to:

(1) Requests made pursuant to section 24 of this act at least twice each year; and

(2) Additional requests that are not manifestly unfounded, excessive or repetitive.

(b) Except as otherwise provided in paragraph (a), may charge a reasonable fee to provide information to a consumer in response to requests made pursuant to section 24 of this act that are manifestly unfounded, excessive or repetitive.

4. In any civil proceeding challenging the validity of a fee charged pursuant to paragraph (b) of subsection 3, the regulated entity has the burden of demonstrating by a preponderance of the evidence that the request to which the fee pertained was manifestly unfounded, excessive or repetitive.

Sec. 26. *1. Not later than 30 days after authenticating a request made pursuant to paragraph (d) of subsection 1 of section 24 of this act for the deletion of consumer health data, a regulated entity shall, except as otherwise provided in subsection 3:*

(a) Delete all consumer health data described in the request from the records and network of the regulated entity; and

(b) Notify each affiliate, processor, contractor or other third party with which the regulated entity has shared consumer health data of the deletion request.

2. Not later than 30 days after receiving notification of a deletion request pursuant to paragraph (b) of subsection 1, an affiliate, processor, contractor or other third party shall, except as otherwise provided in subsection 3, delete the consumer health data described in the request from the records and network of the affiliate, processor, contractor or other third party.

3. If data described in a deletion request made pursuant to paragraph (d) of subsection 1 of section 24 of this act is stored or archived on backup systems, a regulated entity or an affiliate, processor, contractor or other third party may delay the deletion of the data for not more than 2 years after the request is authenticated, as necessary to restore the archived or backup system.

Sec. 27. *1. A regulated entity shall establish a process by which a consumer may appeal the refusal of the regulated entity to act on a request made pursuant section 24 of this act. The process must be:*

(a) Conspicuously available on the Internet website of the regulated entity; and

(b) Similar to the process for making a request pursuant to section 24 of this act.

2. Not later than 45 days after receiving an appeal pursuant to subsection 1, a regulated entity shall inform the consumer in writing of:

(a) Any action taken in response to the appeal or any decision not to take such action;

(b) The reasons for any such action or decision; and

(c) If the regulated entity decided not to take the action requested in the appeal, the contact information for the Office of the Attorney General.

Sec. 28. *1. A regulated entity shall only authorize the employees and processors of the regulated entity to access consumer health data where reasonably necessary to:*

(a) Further the purpose for which the consumer consented to the collection or sharing of the consumer data pursuant to section 22 of this act; or

(b) Provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall establish, implement and maintain policies and practices for the administrative, technical and physical security of consumer health data. The policies must:

(a) Satisfy the standard of care in the industry in which the regulated entity operates to protect the confidentiality, integrity and accessibility of consumer health data;

(b) Comply with the provisions of NRS 603A.010 to 603A.290, inclusive, where applicable; and

(c) Be reasonable, taking into account the volume and nature of the consumer health data at issue.

Sec. 29. *1. A processor shall only process consumer health data pursuant to a contract between the processor and a regulated entity. Such a contract must set forth the applicable processing instructions and the specific actions that the processor is authorized to take with regard to the consumer health data it possesses on behalf of the regulated entity.*

2. To the extent practicable, a processor shall assist the regulated entity with which the processor has entered into a contract pursuant to

subsection 1 in complying with the provisions of sections 2 to 34, inclusive, of this act.

3. If a processor processes consumer health data outside the scope of a contract described in subsection 1 or in a manner inconsistent with any provision of such a contract, the processor:

(a) Is not guilty of a deceptive trade practice pursuant to section 34 of this act solely because the processor violated the requirements of this section; and

(b) Shall be deemed a regulated entity for the purposes of sections 2 to 34, inclusive, of this act, for actions and omissions with regard to such consumer health data.

Sec. 30. ***1. A person shall not sell or offer to sell consumer health data:***

(a) Without the written authorization of the consumer to whom the data pertains; or

(b) If the consumer provides such written authorization, in a manner that is outside the scope of or inconsistent with the written authorization.

2. A person shall not condition the provision of goods or services on a consumer authorizing the sale of consumer health data pursuant to subsection 1.

3. Written authorization pursuant to subsection 1 must be provided in a form written in plain language which includes, without limitation:

(a) The name and contact information of the person selling the consumer health data;

(b) A description of the specific consumer health data that the person intends to sell;

(c) The name and contact information of the person purchasing the consumer health data;

(d) A description of the purpose of the sale, including, without limitation, the manner in which the consumer health data will be gathered and the manner in which the person described in paragraph (c) intends to use the consumer health data;

(e) A statement of the provisions of subsection 2;

(f) A statement that the consumer may revoke the written authorization at any time and a description of the means established pursuant to subsection 4 for revoking the authorization;

(g) A statement that any consumer health data sold pursuant to the written authorization may be disclosed to additional persons and entities by the person described in paragraph (c) and, after such disclosure, is no longer subject to the protections of this section;

(h) The date on which the written authorization expires pursuant to subsection 5; and

(i) The signature of the consumer to which the consumer health data pertains.

4. A person who sells consumer health data shall establish a means by which a consumer may revoke a written authorization made pursuant to subsection 1.

5. Written authorization provided pursuant to subsection 1 expires 1 year after the date on which the authorization is given.

6. A written authorization provided pursuant to subsection 1 is not valid if the written authorization:

(a) Was a condition for the provision of goods or services to the consumer in violation of subsection 2;

(b) Does not comply with the requirements of subsection 3;

(c) Has been revoked pursuant to subsection 4; or

(d) Has expired pursuant to subsection 5.

7. A person who sells consumer health data shall provide a copy of the written authorization provided pursuant to subsection 1 to the consumer who signed the written authorization and the purchaser of the consumer health data.

8. A seller and purchaser of consumer health data shall each retain a copy of the written authorization provided pursuant to subsection 1 for at least 6 years after the date on which the written authorization expired pursuant to subsection 5.

~~***[9. The provisions of this section do not authorize the sale of a biometric identifier, as prohibited by subsection 3 of section 34.8 of this act.]***~~

Sec. 31. ***1. A person shall not implement a geofence within 1,750 feet of any medical facility, facility for the dependent or any other person or entity that provides in-person health care services or products for the purpose of:***

(a) Identifying or tracking consumers seeking in-person health care services or products;

(b) Collecting consumer health data; or

(c) Sending notifications, messages or advertisements to consumers related to their consumer health data or health care services or products.

2. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Geofence" means technology that uses coordinates for global positioning, connectivity to cellular towers, cellular data, radio frequency identification, wireless Internet data or any other form of detecting the physical location of a person to establish a virtual boundary with a radius of 1,750 feet or less around a specific physical location.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 32. (Deleted by amendment.)

Sec. 33. ***A regulated entity shall not discriminate against a consumer for taking:***

1. Any action authorized by sections 2 to 34, inclusive, of this act; or

2. Any action to enforce the provisions of sections 2 to 34, inclusive, of this act.

Sec. 34. ***1. Except as otherwise provided in this section and section 29 of this act, a violation of sections 2 to 34, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.***

2. The provisions of sections 2 to 34, inclusive, of this act:

(a) Do not create a private right of action; and

(b) Must not be construed to affect any other provision of law.

Sec. 34.1. ~~***[The Legislature hereby finds and declares that:***~~

~~***1. The use of biometric identifiers to verify the identity of persons in personal and business settings is growing and is likely to streamline online transactions and the management of digital accounts, strengthen the security of identities and reduce the risk of cybersecurity issues and fraud for governmental entities, businesses and consumers.***~~

~~***2. Biometric identifiers are unlike other identifiers that are used to verify the identity of a person or access a digital account because biometric identifiers are unique to a person and are not capable of being changed if stolen.***~~

~~***3. Without ongoing measures to protect the security of biometric identifiers, persons are at a heightened risk of identity theft.***~~

~~***4. The public welfare, security and safety will be served by regulating the collection, use, security, handling, storage, retention and destruction of biometric identifiers.]***~~ **(Deleted by amendment.)**

Sec. 34.2. ~~***[As used in sections 34.1 to 34.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 34.3 to 34.45, inclusive, of this act have the meanings ascribed to them in those sections.]***~~ **(Deleted by amendment.)**

Sec. 34.3. ~~***[“Biometric identifier” means biometric data relating to the faceprint, fingerprint or iris of a specific natural person that uniquely identifies that specific natural person. The term includes, without limitation, data from a photo identification document that contains the image of the face of a person with sufficient resolution that artificial intelligence or a machine learning algorithm is able to match the data with other biometric data to positively identify the person.]***~~ **(Deleted by amendment.)**

Sec. 34.35. ~~***[“Collect” means to access, retain, receive, acquire, infer, derive or otherwise obtain a biometric identifier in any manner.]***~~ **(Deleted by amendment.)**

Sec. 34.4. ~~***[“Share” means to release, disclose, disseminate, divulge, make available or provide access to a biometric identifier.]***~~ **(Deleted by amendment.)**

Sec. 34.45. ~~***[“Subject” means the natural person to whom a biometric identifier relates.]***~~ **(Deleted by amendment.)**

Sec. 34.5. ~~***[1. The provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to:***~~

~~(a) Any person or entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.~~

~~(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.~~

~~(c) Physical or digital photographs collected, possessed or shared for purposes not related to verifying the identity of the subject.~~

~~(d) Information collected, possessed or shared for a medical purpose or to validate scientific testing or screening.~~

~~(e) Any governmental or tribal entity or any person who collects, possesses or shares a biometric identifier on behalf of a governmental or tribal entity.~~

~~(f) Any person in the business of manufacturing or selling automobiles, when acting in that capacity.~~

~~(g) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.~~

~~(h) Law enforcement agencies and law enforcement activities.~~

~~(i) Any communications entity or affiliate thereof that belongs to a critical infrastructure sector, as identified in Presidential Policy Directive/PPD-21, issued on February 12, 2013.~~

~~2. Except as otherwise provided in subsection 3, the provisions of sections 34.1 to 34.9, inclusive, of this act do not apply to biometric identifiers processed for the sole purpose of:~~

~~(a) Preventing, detecting, protecting against or responding to security incidents, identity theft, fraud, harassment or other malicious, deceptive or illegal activity;~~

~~(b) Investigating, reporting or prosecuting persons responsible for activity described in paragraph (a); or~~

~~(c) Preserving the integrity or security of systems.~~

~~3. A person who collects a biometric identifier described in subsection 2 shall comply with the requirements of subsection 2 of section 34.8 of this act, unless the person or biometric identifier is also exempt from those requirements pursuant to subsection 1.~~ **(Deleted by amendment.)**

Sec. 34.6. ~~[For the purposes of sections 34.1 to 34.9, inclusive, of this act:~~

~~1. Any information required to be provided in writing may be provided electronically; and~~

~~2. Any consent or release may be obtained electronically.]~~ **(Deleted by amendment.)**

Sec. 34.7. ~~[A person who possesses a biometric identifier that relates to another person shall:~~

~~1. Develop, maintain and comply with a written policy setting forth a schedule for and procedures governing the retention and destruction of~~

~~*biometric identifiers. Except where preservation of a biometric identifier for a longer period of time is required by law, subpoena or an order by a court of competent jurisdiction or other lawful authority, such a policy must require the destruction of a biometric identifier on or before the earlier of:*~~

~~*(a) The date on which the initial purpose of obtaining the biometric identifier has been satisfied; or*~~

~~*(b) One year after the most recent interaction between the person in possession of the biometric identifier and the subject.*~~

~~*2. Make the policy established pursuant to subsection 1 available to the public.*~~

~~*3. Store and transmit biometric identifiers and protect biometric identifiers from disclosure a manner that:*~~

~~*(a) Meets the standard of care in the industry in which the person operates; and*~~

~~*(b) Is at least as protective as the manner in which the person stores, transmits or protects from disclosure, as applicable, other personally identifiable information.]~~ (Deleted by amendment.)**

Sec. 34.8. ~~*[1. Before collecting a biometric identifier, a person shall:*~~

~~*(a) Inform the subject or his or her representative in writing:*~~

~~*(1) That the biometric identifier is being collected;*~~

~~*(2) The purpose for which the biometric identifier is being collected, stored and used; and*~~

~~*(3) The length of time for which the biometric identifier will be retained in accordance with the policy developed pursuant to section 34.7 of this act;*~~

~~*(b) Obtain the informed written consent of the subject or his or her representative which may include, without limitation, a written release executed as a condition of employment; and*~~

~~*(c) Verify of the identity of the subject and any representative providing written consent pursuant to paragraph (b) in a manner that meets the requirements of Special Publication 800-63-3 published by the National Institute of Standards and Technology of the United States Department of Commerce.*~~

~~*2. At the time a person collects a biometric identifier, the person shall ensure that the subject is present.*~~

~~*3. A person shall not sell, lease, trade or otherwise receive compensation for sharing a biometric identifier.*~~

~~*4. A person shall not share a biometric identifier unless:*~~

~~*(a) The subject or his or her representative consents to the sharing;*~~

~~*(b) The sharing completes a financial transaction requested or authorized by the subject or his or her representative; or*~~

~~*(c) The sharing is required by law, a court order, a subpoena, a search warrant or other lawful process.]~~ (Deleted by amendment.)**

Sec. 34.9. ~~*[1. Except as otherwise provided in this section, a violation of sections 34.1 to 34.9, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.*~~

~~*2. The provisions of sections 34.1 to 34.9, inclusive, of this act:*~~

~~*(a) Do not create a private right of action; and*~~

~~*(b) Must not be construed to affect any other provision of law.]*~~ **(Deleted by amendment.)**

Sec. 35. NRS 603A.338 is hereby amended to read as follows:

603A.338 The provisions of NRS 603A.300 to 603A.360, inclusive, do not apply to:

1. A consumer reporting agency, as defined in 15 U.S.C. § 1681a(f);

2. Any personally identifiable information regulated by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and the regulations adopted pursuant thereto, which is collected, maintained or sold as provided in that Act;

3. A person who collects, maintains or makes sales of personally identifiable information for the purposes of fraud prevention;

4. Any personally identifiable information that is publicly available;

5. Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold as provided in that Act; ~~[or]~~

6. ***Any consumer health data subject to the provisions of sections 2 to 34, inclusive, of this act;*** ***or***

~~*7. [Any biometric identifiers subject to the provisions of sections 34.1 to 34.9, inclusive, of this act; or*~~

~~*8.]*~~ A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 35.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 734.

AN ACT relating to controlled substances; establishing the crimes of ~~[mid-level]~~ **trafficking** and high-level trafficking in **any mixture which contains** illicitly manufactured ~~[fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of]~~ fentanyl; **establishing the crime of intentional misrepresentation of a fentanyl product; requiring each state and local law enforcement agency and the Nevada Sentencing Commission to submit certain reports to the Joint Interim Standing Committee on the Judiciary;** requiring, to the extent that money is available, the establishment of certain programs to provide certain offenders or prisoners who have a substance use disorder with medication-assisted treatment; **requiring the Joint Interim Standing Committee on the Judiciary to conduct an interim study concerning certain matters relating to forensic**

laboratories; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of a schedule I controlled substance, other than marijuana, a schedule II controlled substance or certain other controlled substances is guilty of: (1) low-level trafficking if the quantity of the controlled substance is 100 grams or more but less than 400 grams; and (2) high-level trafficking if the quantity of the controlled substance is 400 grams or more. A person who commits the crime of: (1) low-level trafficking is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties. (NRS 453.3385)

Existing regulations of the State Board of Pharmacy include fentanyl in the list of controlled substances in schedule II and various derivatives of fentanyl in the list of controlled substances in schedule I. (NAC 453.510, as amended by LCB File No. R023-21, NAC 453.520) ~~[Section 8 of this bill excludes illicitly manufactured fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of fentanyl from the controlled substances for which the provisions governing the crimes of low-level trafficking and high-level trafficking apply.]~~ **Section ~~[1]~~ 1.5** of this bill ~~[instead]~~ establishes the crimes of ~~[mid-level]~~ trafficking and high-level trafficking in **any mixture which contains** illicitly manufactured ~~[fentanyl, any derivative of fentanyl and any mixture which contains fentanyl or any derivative of]~~ fentanyl. Under **section ~~[1,]~~ 1.5,** a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of **any mixture which contains** illicitly manufactured ~~[fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of]~~ fentanyl is guilty of: (1) ~~[mid-level]~~ trafficking if the quantity involved is ~~[14]~~ **28** grams or more but less than ~~[28]~~ **42** grams; and (2) high-level trafficking if the quantity involved is ~~[28]~~ **42** grams or more **~~[.]~~ but less than 100 grams.** Under **section ~~[1,]~~ 1.5,** a person who commits the crime of **~~[: (1) mid-level]~~** trafficking **or high-level trafficking** is guilty of a category B felony and subject to certain prescribed penalties **~~[, and (2) high-level trafficking is guilty of a category A]~~**.

Section 1.7 of this bill establishes the crime of intentional misrepresentation of a fentanyl product. Under section 1.7, a person who sells to another person a mixture containing fentanyl and another controlled substance is guilty of intentional misrepresentation of a fentanyl product if the person: (1) knows that the mixture contains fentanyl; and (2) intentionally fails to inform the purchaser that the mixture contains fentanyl. Section 1.7 provides that such a person is guilty of a category B felony and subject to certain prescribed penalties.

Sections 1.9, 2, 5 and 6 of this bill provide that a person found guilty of ~~[mid-level]~~ **intentional misrepresentation of a fentanyl product or trafficking** or high-level trafficking in **any mixture which contains** illicitly manufactured ~~[fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of]~~ fentanyl is subject to the greater penalty for that crime if the acts constituting the crime could subject the person to a lesser punishment under another statute.

Sections 3, 4, 7, 9-12 and 13 of this bill add references to **section ~~[1]~~ 1.5** so that the crimes of ~~[mid-level]~~ **trafficking** and high-level trafficking in **any mixture which contains** illicitly manufactured ~~[fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of]~~ fentanyl are treated the same as the crimes of low-level and high-level trafficking involving schedule I controlled substances, other than marijuana, and schedule II controlled substances for certain purposes. **Section 12 adds a reference to section 1.7 so that the crime of intentional misrepresentation of a fentanyl product is treated the same as the crime of selling other controlled substances for certain purposes.**

Existing law prohibits, with certain exceptions, a court from suspending the sentence of a person convicted of trafficking in a controlled substance. (NRS 453.3405) Section 9 extends this prohibition to a person found guilty of trafficking or high-level trafficking in any mixture which contains illicitly manufactured fentanyl. Section 9 provides an exemption from this prohibition if the person convicted establishes, by a preponderance of the evidence, that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl.

Existing law provides that a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating certain provisions of existing law governing controlled substances if the evidence to support the penalty was obtained as a result of the person seeking medical assistance. (NRS 453C.150) Section 10 of this bill includes trafficking and high-level trafficking in a mixture that contains illicitly manufactured fentanyl among the offenses for which a person may not be penalized under such circumstances.

Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) **Section 12.3** of this bill requires the Director, to the extent that money is available, to establish a program to provide for the treatment of

offenders with a substance use disorder using medication-assisted treatment. **Section 12.3** requires: (1) the program to provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and (2) each offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director to be deemed eligible to participate in the program and offered the opportunity to participate. **Section 12.3** prohibits the Director from denying an offender the ability to participate in the program or terminating his or her participation in the program for certain reasons. Finally, **section 12.3** provides that an offender who participates in the program is not subject to discipline on the basis that the results of a screening test administered to the offender indicated the presence of a controlled substance. **Section 12.7** of this bill requires, to the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility to establish a program similar to that set forth in **section 12.3** to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

Section 1.8 of this bill requires each state and local law enforcement agency and the Nevada Sentencing Commission to submit to the Joint Interim Standing Committee on the Judiciary on or before March 1 and October 1 of each even-numbered year a report containing certain information regarding: (1) persons who have been charged with trafficking or high-level trafficking in any mixture that contains illicitly manufactured fentanyl or intentional misrepresentation of a fentanyl product; (2) programs for the treatment of persons incarcerated in the state prison or a county, city or town jail or detention facility; and (3) drug overdoses that resulted in the death of certain persons which were due to fentanyl or a controlled substance analog for fentanyl.

Section 14 of this bill requires the Joint Interim Standing Committee on the Judiciary to conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such laboratories to perform quantitative testing involving controlled substances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.5, 1.7 and 1.8 of this act.**

Sec. 1.5. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of ~~[illicitly manufactured fentanyl, any derivative of fentanyl or]~~ any mixture which contains illicitly

manufactured ~~[fentanyl or any derivative of]~~ fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

1. Is ~~[14]~~ 28 grams or more, but less than ~~[28]~~ 42 grams, is guilty of ~~[mid-level]~~ trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than ~~[2 years]~~ 1 year and a maximum term of not more than ~~[15]~~ 10 years . ~~[and by a fine of not more than $100,000.]~~

2. Is ~~[28]~~ 42 grams or more, but less than 100 grams, is guilty of high-level trafficking and shall be punished for a category ~~[A]~~ B felony by imprisonment in the state prison ~~[:~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

~~↵ and by a fine of not more than $500,000.]~~ for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 1.7. Unless a greater penalty is provided pursuant to NRS 453.333 or 453.334, a person who sells to another person a mixture containing fentanyl and another controlled substance and who:

1. Knows that the mixture contains fentanyl; and

2. Intentionally fails to inform the purchaser that the mixture contains fentanyl,

↵ is guilty of intentional misrepresentation of a fentanyl product and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than $50,000.

Sec. 1.8. 1. On or before March 1 and October 1 of each even-numbered year, each law enforcement agency and the Nevada Sentencing Commission, with the assistance of the Department of Sentencing Policy, shall submit to the Joint Interim Standing Committee on the Judiciary a report which must contain the following information, to the extent that such information is in the possession of the agency:

(a) The number of persons that were charged with a violation of section 1.5 or 1.7 of this act in the period since the last report;

(b) For each person who has ever been charged with a violation of section 1.5 or 1.7 of this act, the following information, if the information has not been included in a previous report:

(1) The race, gender, zip code, employment status and age of the person;

(2) Whether another criminal charge was filed in the person's case and, if so, what charge;

(3) Whether the person was represented by court-appointed counsel or otherwise determined to be indigent;

(4) The disposition of the case, including, without limitation, any sentence imposed on the person;

(5) Whether any portion of the sentence of the person was suspended or the person was granted probation and, if so:

(I) Whether the person has successfully completed the suspended sentence or probation; and

(II) Whether the suspension of sentence or probation has been revoked and, if so, whether the revocation was a result of a technical violation or a new criminal case; and

(6) Whether the court ordered the person to complete treatment for a substance use disorder and, if so, the type of treatment so ordered;

(c) The number of deaths in the period since the last report caused by a drug overdose due to fentanyl or a controlled substance analog for fentanyl that occurred in the state prison or any county or city jail or detention facility or other correctional facility in this State or while the deceased person was under a suspended sentence or on probation, parole or pretrial release; and

(d) Any significant developments in the period since the last report concerning any program of treatment implemented for the treatment of persons incarcerated in the state prison or any county, city or town jail or detention facility or other correctional facility in this State who have a substance use disorder using medication-assisted treatment and other appropriate withdrawal management care.

2. As used in this section, "law enforcement agency" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

Sec. 1.9. **NRS 453.321 is hereby amended to read as follows:**

453.321 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to:

(a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance;

(b) Manufacture or compound a counterfeit substance; or

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.333 or 453.334, ***or section 1.7 of this act,*** if a person violates subsection 1 and the controlled substance is classified in schedule I or II, the person shall be punished:

(a) For the first offense, for a category C felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction under this subsection, the offender has previously been convicted of an offense under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $20,000.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times under this section or of any offense under the

laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. Unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of subsection 2.

4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1, and the controlled substance is classified in schedule III, IV or V, the person shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the offender has previously been convicted of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $15,000 for each offense.

5. Unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of subsection 4.

Sec. 2. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection 5; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 5, is commonly used in manufacturing or compounding such a controlled substance.

➥ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385, ***or section ~~[1]~~ 1.5 of this act,*** a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.

3. If a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and the violation causes a fire or explosion, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

4. The court shall not grant probation to a person convicted pursuant to this section.

5. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.
(b) Acetone.
(c) N-Acetylanthranilic acid, its esters and its salts.
(d) Anthranilic acid, its esters and its salts.
(e) Benzaldehyde, its salts, isomers and salts of isomers.
(f) Benzyl chloride.
(g) Benzyl cyanide.
(h) 1,4-Butanediol.
(i) 2-Butanone (or methyl ethyl ketone or MEK).
(j) Ephedrine, its salts, isomers and salts of isomers.
(k) Ergonovine and its salts.
(l) Ergotamine and its salts.
(m) Ethylamine, its salts, isomers and salts of isomers.
(n) Ethyl ether.
(o) Gamma butyrolactone.
(p) Hydriodic acid, its salts, isomers and salts of isomers.
(q) Hydrochloric gas.
(r) Iodine.
(s) Isosafrole, its salts, isomers and salts of isomers.
(t) Lithium metal.
(u) Methylamine, its salts, isomers and salts of isomers.
(v) 3,4-Methylenedioxy-phenyl-2-propanone.
(w) N-Methylephedrine, its salts, isomers and salts of isomers.
(x) Methyl isobutyl ketone (MIBK).
(y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.

(z) Nitroethane, its salts, isomers and salts of isomers.
(aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
(bb) Phenylacetic acid, its esters and its salts.
(cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
(dd) Piperidine and its salts.
(ee) Piperonal, its salts, isomers and salts of isomers.
(ff) Potassium permanganate.
(gg) Propionic anhydride, its salts, isomers and salts of isomers.
(hh) Pseudoephedrine, its salts, isomers and salts of isomers.
(ii) Red phosphorous.
(jj) Safrole, its salts, isomers and salts of isomers.
(kk) Sodium metal.
(ll) Sulfuric acid.
(mm) Toluene.

Sec. 3. NRS 453.333 is hereby amended to read as follows:

453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 or 453.339 ***or section ~~[1]~~ 1.5 of this act*** or a law of any other jurisdiction which prohibits the same conduct.

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, ***or section ~~[1]~~ 1.5 of this act,*** and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, ***or section ~~[1]~~ 1.5 of this act,*** and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section:

(a) "Marijuana" does not include concentrated cannabis.

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➥ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, ***or section ~~[1]~~ 1.5 of this act,*** a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity

possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II, and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➥ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.337 is hereby amended to read as follows:

453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, ***or section ~~[1]~~ 1.5 of this act,*** a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. Except as otherwise provided in this subsection, unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 7. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385 and 453.339, ***and section ~~[1]~~ 1.5 of this act,*** the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

Sec. 8. ~~[NRS 453.3385 is hereby amended to read as follows:~~

~~453.3385 [1.] Except *as otherwise provided in NRS 453.339 and section 1 of this act and except* as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I or II, [except marijuana,] or any mixture which contains any such controlled substance, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:~~

~~[(a)] *1.* Is 100 grams or more, but less than 400 grams, is guilty of low-level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than $100,000.~~

~~[(b)] *2.* Is 400 grams or more, is guilty of high-level trafficking and shall be punished for a category A felony by imprisonment in the state prison:~~

~~[(1)] *(a)* For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~[(2)] *(b)* For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

~~, and by a fine of not more than $500,000.~~

~~[2. As used in this section, "marijuana" does not include concentrated cannabis.]~~ **(Deleted by amendment.)**

Sec. 9. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 4,*** the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385 or 453.339 ***or section ~~[1]~~ 1.5 of this act*** must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385 or 453.339 ***or section ~~[1]~~ 1.5 of this act*** if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

4. The court may suspend the sentence of any person convicted of violating any provision of section 1.5 of this act if the person establishes, by a preponderance of the evidence, that the person did not know that the mixture at issue contained illicitly manufactured fentanyl. If a person convicted of violating any provision of section 1.5 of this act claims that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl, the court shall, at sentencing, make findings of fact and state its reasoning on the record as to whether the person has met the burden of proof pursuant to this subsection.

Sec. 10. NRS 453C.150 is hereby amended to read as follows:

453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such

assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:

(a) Except as otherwise provided in subsection 4, ~~[a]~~ ***section 1.5 of this act or any other*** provision of chapter 453 of NRS relating to:

(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;

(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405 ; ~~*[or section 1 of this act;]*~~ or

(3) Use of a controlled substance, including, without limitation, NRS 453.336;

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;

(c) A restraining order; or

(d) A condition of the person's parole or probation,

➥ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;

(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

➥ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, ***or section ~~[1]~~ 1.5 of this act,*** or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, ***or section ~~[1]~~ 1.5 of this act,*** or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make

recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 12. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;

9. Taking property from another under circumstances not amounting to robbery;

10. Extortion;

11. Statutory sexual seduction;

12. Extortionate collection of debt in violation of NRS 205.322;

13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;

14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;

15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;

16. Any violation of NRS 199.280 which is punished as a felony;

17. Burglary;

18. Grand larceny;

19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;

20. Battery with intent to commit a crime in violation of NRS 200.400;

21. Assault with a deadly weapon;

22. Any violation of NRS 453.232, 453.316 to 453.339, inclusive, ***and ~~[section 1]~~ sections 1.5 and 1.7 of this act,*** or NRS 453.375 to 453.401, inclusive;

23. Receiving or transferring a stolen vehicle;

24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;

25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

26. Receiving, possessing or withholding stolen goods valued at $650 or more;

27. Embezzlement of money or property valued at $650 or more;

28. Obtaining possession of money or property valued at $650 or more, or obtaining a signature by means of false pretenses;

29. Perjury or subornation of perjury;

30. Offering false evidence;

31. Any violation of NRS 201.300, 201.320, 201.360 or 201.395;

32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

33. Any violation of NRS 205.506, 205.920 or 205.930;

34. Any violation of NRS 202.445 or 202.446;

35. Any violation of NRS 205.377;

36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or

37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 12.3. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the Director shall, with the approval of the Board, establish a program of treatment for offenders with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible offender as part of his or her medication-assisted treatment be made by a treating physician and the eligible offender.

3. Except as otherwise provided in this section, any offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If an offender received medication-assisted treatment immediately preceding his or her incarceration, the offender is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the Director may impose reasonable conditions for an offender to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The Director shall not deny an offender the ability to participate in the program or terminate the participation of an offender in the program on the basis that:

(a) The results of a screening test administered to the offender upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The offender committed an infraction of the rules of the institution or facility before or during the participation of the offender in the program.

5. An offender who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the offender during his or her participation in the program indicated the presence of a controlled substance.

6. As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 12.7. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility

shall establish a program to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible prisoner who participates in the program with appropriate medication-assisted treatment for the period in which the prisoner is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible prisoner as part of his or her medication-assisted treatment be made by a treating physician and the eligible prisoner.

3. Except as otherwise provided in this section, any prisoner who the sheriff, chief of police or town marshal has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the sheriff, chief of police or town marshal pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If a prisoner received medication-assisted treatment immediately preceding his or her incarceration, the prisoner is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the sheriff, chief of police or town marshal may impose reasonable conditions for a prisoner to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The sheriff, chief of police or town marshal shall not deny a prisoner the ability to participate in the program or terminate the participation of a prisoner in the program on the basis that:

(a) The results of a screening test administered to the prisoner upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The prisoner committed an infraction of the rules of the county, city or town jail or detention facility before or during the participation of the prisoner in the program.

5. A prisoner who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the prisoner during his or her participation in the program indicated the presence of a controlled substance.

6. As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 13. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, ***and section ~~[1]~~ 1.5 of this act,*** 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 14. **1. The Joint Interim Standing Committee on the Judiciary shall conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such laboratories to perform quantitative testing involving controlled substances. The study must include, without limitation, an analysis of:**

(a) The costs and benefits of performing such upgrades; and

(b) The impact of such upgrades on this State.

2. The Committee shall include its finding and recommendations for legislation relating to the study in the report required by subsection 4 of NRS 218E.330 to be prepared and submitted to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

Sec. 15. **Notwithstanding the provisions of section 1.8 of this act, each law enforcement agency and the Nevada Sentencing Commission shall submit to the Joint Interim Standing Committee on the Judiciary the first report required by that section on or before March 1, 2024. For the purposes of the first report submitted by an agency pursuant to this section, any reference in section 1.8 of this act to the period since the last report shall be deemed to refer to the period beginning on October 1, 2023, and ending on the date on which the first report is submitted by the agency.**

Sec. 16. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 38.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 591.

AN ACT relating to crimes; prohibiting certain employees of or volunteers at a school from contacting or communicating with a pupil under certain circumstances; prohibiting certain employees of or volunteers at a school from engaging in conduct intended to cause or encourage a pupil to engage in sexual conduct, transmit or distribute a sexual image of the pupil or engage in certain other behavior; ~~[providing that certain crimes committed against pupils constitute sexual offenses for the purposes of various statutes; providing that certain persons who are convicted of engaging in]~~ **prohibiting a court from ordering a victim or witness of** such conduct ~~[are]~~ **to be** subject to ~~[various statutory provisions relating to sex offenders;]~~ **a psychological or psychiatric examination; providing that certain persons who are convicted of engaging in such conduct are subject to various statutory provisions relating to electronic communications devices;** revising provisions relating to the licensure and employment of persons convicted of engaging in certain prohibited conduct with pupils; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law imposes criminal penalties on any person who knowingly contacts or communicates with a child, a person believed to be a child or a person with mental illness with the intent to persuade, lure or transport the child or person to a different location without permission or for certain purposes. (NRS 201.560) Section 2 of this bill defines "person in a position of authority" to mean a person who is 18 years of age or older and who: (1) is or was employed by or volunteering at a public or private school; and (2) has had contact with a pupil in the course of performing his or her duties as an~~

~~employee or volunteer. Unless a greater penalty is provided by statute, section 2 provides that a person in a position of authority is guilty of a category C felony if he or she knowingly contacts or communicates with or attempts to contact or communicate with a pupil who is less than 18 years of age with the intent to persuade, lure or transport the pupil away from certain locations and with the intent to: (1) engage in the commission of a crime punishable as a felony or gross misdemeanor; or (2) cause or encourage the pupil to engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor or facilitate the commission by the person in a position of authority of such an act.~~**]**

Existing law prohibits certain employees of or volunteers at a school from engaging in sexual conduct with certain pupils. (NRS 201.540) Existing law also prohibits: (1) a person from possessing a visual representation depicting a sexual portrayal or sexual conduct of certain minors; and (2) a minor from using an electronic communication device to transmit or distribute a sexual image of himself or herself to another person. (NRS 200.730, 200.737) Unless a greater penalty is provided by specific statute, **section 2 of this bill** provides that a person in a position of authority is guilty of a category C felony if he or she knowingly contacts or communicates with or attempts to contact or communicate with a pupil with the intent to: (1) engage in the commission of a crime punishable as a felony or gross misdemeanor; or (2) cause or encourage the pupil to engage in sexual conduct, use an electronic communication device to transmit or distribute a sexual image of himself or herself to the person or facilitate the commission of an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor. **Section 2** creates an exemption from the crime prescribed in **section 2** if the person in a position of authority: (1) is married to the pupil at the time an act prohibited by **section 2** is committed; (2) does not have or did not have contact with the pupil in the course of performing any of his or her duties; or (3) takes certain action upon receipt of an unsolicited sexual image or communication of a sexual nature from a pupil. **Section 4** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

[~~Section 1 of this bill makes certain penalties which are applicable to a person who commits sexual assault against certain minors and who has previously been convicted of another sexual assault or other sexual offense against a child applicable to a person who commits sexual assault against the same such minors and who has been previously convicted of a violation of section 2.~~**]**

Existing law makes certain conduct relating to the exhibition or sale to minors of obscene material a misdemeanor offense, unless a greater penalty is provided by specific statute. (NRS 201.265) **Section 3** of this bill adds a violation of **section 2** to the list of specific statutes in which a greater penalty is provided.

Existing law prohibits a court from ordering the victim of or a witness to certain sexual offenses to take or submit to a psychological or psychiatric

examination. (NRS 50.700) **Section 5** of this bill adds a violation of **section 2** to the list of sexual offenses to which that prohibition applies.

~~[Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) Sections 6 and 16 of this bill add a violation of section 2 to the list of sexual offenses that require a special sentence of lifetime supervision and for which conditions of lifetime supervision apply.~~

~~Existing law: (1) requires that a person convicted of certain sexual offenses undergo a psychosexual evaluation as part of the presentence investigation report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110) Sections 7 and 8 of this bill add a violation of section 2 to the list of sexual offenses that require a special sentence of lifetime supervision and for which certain conditions of lifetime supervision apply. Existing law similarly requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense before a scheduled parole hearing to determine the prisoner's risk to reoffend. (NRS 213.1214) Section 17 of this bill adds a violation of section 2 to the list of offenses which require such an assessment.]~~

Existing law requires a court that grants probation to or suspends the sentence of certain persons convicted of an offense that involved the use of a computer, system or network to order, as a condition of probation or suspension, that the person not own or use a computer. (NRS 176A.413) **Section 9** of this bill: (1) adds certain violations of **section 2** to the list of offenses for which a court is required to issue such an order; and (2) provides that the prohibition on owning or using a computer includes any electronic communication device. Existing law similarly requires the State Board of Parole Commissioners to require that certain persons convicted of an offense that involved the use of a computer, system or network not own or use a computer. (NRS 213.1258) **Section 18** of this bill: (1) adds certain violations of **section 2** to the list of offenses for which the Board is required to impose this condition of parole; and (2) provides that the prohibition on owning or using a computer includes any electronic communication device.

~~[Existing law requires a court to provide certain documentation to each victim and witness and certain other persons if an offender is convicted of certain sexual offenses. (NRS 178.5698) Section 10 of this bill requires that such documentation be provided to such persons if an offender is convicted of a violation of section 2.~~

~~Section 11 of this bill makes the provisions of law which prohibit a person convicted of a sexual offense from petitioning a court to seal the records~~

~~relating to such a conviction applicable to a person convicted of a violation of section 2. (NRS 179.245)]~~

Existing law allows a judge to grant an order authorizing the interception of certain communications when the interception may provide evidence of the commission of ~~[a sexual offense against a child.]~~ **certain offenses.** (NRS 179.460) **Section 12** of this bill adds a violation of **section 2** to the list of ~~[sexual]~~ offenses ~~[against a child]~~ for which a judge may grant such an order.

~~[Existing law defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to be prohibited from certain employment, to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099, 213.1245) Section 13 of this bill revises the list of sexual offenses to which these statutory provisions apply to include a violation of section 2.~~

~~Section 14 of this bill adds a violation of section 2 to the list of offenses used to classify a sex offender as a Tier II offender for the purposes of meeting certain requirements for registration of sex offenders. (NRS 179D.115) Section 15 of this bill makes conforming changes related to numbering changes made in sections 13 and 14.]~~

Sections 19-25 and 33 of this bill authorize the board of trustees of a school district, the governing body of a public or private school and the administrator of a private school to use a substantiated report of a violation of **section 2** for purposes of making certain employment decisions and certain other purposes. (NRS 288.150, 388A.515, 388A.5342, 388C.200, 391.033, 391.104, 391.281, 394.155)

Existing law requires the Superintendent of Public Instruction to grant all licenses for teachers and other educational personnel. (NRS 391.033) **Section 23** of this bill requires the Superintendent to suspend the application process for an applicant for licensure against whom a substantiated report of a violation of **section 2** is made and take certain other actions related to the report.

Existing law authorizes the State Board of Education to suspend or revoke a license issued by the Superintendent if the licensee is convicted of certain ~~[sex]~~ offenses or a substantiated report of certain prohibited conduct is made against the licensee. (NRS 391.330) **Section 26** of this bill: (1) adds a violation of **section 2** to the list of ~~[sex]~~ offenses for which the State Board may suspend or revoke a license; and (2) authorizes the State Board to suspend or revoke the license of a person against whom a substantiated report of a violation of **section 2** is made. **Existing law authorizes the State Board to bill an employee for certain expenses related to a disciplinary hearing if the hearing results from a recommendation to revoke or suspend a license based upon certain convictions described in section 26. (NRS 391.355) Section 26.5 of this bill adds a conviction of a violation of section 2 to the list of hearings for which the State Board may bill an employee.**

Existing law authorizes the board of trustees of a school district or the governing body of a public school to suspend, dismiss, demote or refuse to employ a teacher or administrator for immorality. (NRS 391.650, 391.750) Existing law also authorizes the superintendent of a school district to suspend a licensed employee who has been charged but not yet convicted of a crime involving immorality. (NRS 391.760) **Sections 27 and 28** of this bill add a violation of **section 2** to the list of immoral acts for which such action may be taken. **Section 28** also provides that a licensed employee who is convicted of a violation of **section 2** forfeits all rights of employment after the date of his or her arrest.

Existing law requires an employee of or a volunteer for a school to report certain conduct to an agency which provides child welfare services and to a law enforcement agency. (NRS 392.303) **Section 29** of this bill additionally requires an employee of or a volunteer for a school to make such a report for a violation of **section 2**. **Sections 29-32** of this bill make conforming changes relating to the requirement that an employee or a volunteer make such a report. (NRS 392.317, 392.337)

Section 34 of this bill requires the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child to contain the information in any substantiated report of a violation of **section 2**. (NRS 432.100) **Section 36** of this bill requires certain employers to screen employees through the Central Registry to determine whether the person has been the subject of a substantiated report of a violation of **section 2**. (NRS 433.639) **Section 35** of this bill makes a conforming change relating to the inclusion in the Central Registry of information relating to a violation of **section 2**.

Section 37 of this bill makes the amendatory provisions of **sections 1-36** apply to offenses committed on and after October 1, 2023.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 200.366 is hereby amended to read as follows:~~

~~200.366 1. A person is guilty of sexual assault if the person:~~

~~(a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on themselves or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct; or~~

~~(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on themselves or another, or on a beast.~~

~~2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:~~

~~(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:~~

~~(1) For life without the possibility of parole; or~~

~~(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.~~

~~(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.~~

~~3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:~~

~~(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.~~

~~(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.~~

~~(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.~~

~~4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:~~

~~(a) A sexual assault pursuant to this section or any other sexual offense against a child; or~~

~~(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,~~

~~➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.~~

~~5. The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b) of subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:~~

~~(a) The person committing the act uses force or threatens the use of force; or~~

~~(b) The person committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator's conduct.~~

~~6. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:~~

~~(a) Incest pursuant to NRS 201.180;~~

~~(b) Lewdness with a child pursuant to NRS 201.230;~~

~~(c) Sado-masochistic abuse pursuant to NRS 201.262;~~ **[**or**]**

~~(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony [.] ; or~~

~~*(e) A violation of section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 2. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*1. [Except as otherwise provided in subsection 3 and unless a greater penalty is provided by specific statute, a person in a position of authority who knowingly contacts or communicates with or attempts to contact or communicate with a pupil who is less than 18 years of age with the intent to persuade, lure or transport the pupil away from the pupil's home or from any location known to the pupil's parent or guardian or other person legally responsible for the pupil to a place other than where the pupil is located and with the intent to:*~~

~~*(a) Engage in the commission of a crime punishable as a felony or gross misdemeanor; or*~~

~~*(b) Cause or encourage the pupil to:*~~

~~*(1) Engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor; or*~~

~~*(2) Facilitate the commission by the person in a position of authority of a crime punishable as a felony or gross misdemeanor,*~~

~~*➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.*~~

~~*2.]*~~ ***Except as otherwise provided in subsection*** ~~*[3]*~~ ***2 and unless a greater penalty is provided by specific statute, a person in a position of authority who knowingly contacts or communicates with or attempts to contact or communicate with a pupil with the intent to:***

(a) Engage in the commission of a crime punishable as a felony or gross misdemeanor; or

(b) Cause or encourage the pupil to:

(1) Engage in sexual conduct, either in person or through the use of an electronic communication device;

(2) Use an electronic communication device to transmit or distribute a sexual image of himself or herself to the person;

(3) Engage in an unlawful act that, if committed by an adult, would be a felony or gross misdemeanor; or

(4) Facilitate the commission by the person in a position of authority of a crime punishable as a felony or gross misdemeanor,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~*[3.]*~~ ***2. The provisions of this section do not apply if the person in a position of authority:***

(a) Is married to the pupil at the time an act prohibited by this section is committed;

(b) Does not have or did not have contact with the pupil in the course of performing any of his or her duties; or

(c) Receives from a pupil, by electronic communication device, an unsolicited sexual image or communication of a sexual nature and reports the image or communication to the principal, administrator or other person in charge of the school at which the person is employed or volunteers as soon as reasonably practicable after receipt of the image or communication.

~~[4.]~~ 3. As used in this section:

(a) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(b) "Person in a position of authority" means a person who is 18 years of age or older and who:

(1) Is or was an employee at or volunteer for a public school or private school; and

(2) Has had contact with a pupil in the course of performing his or her duties as an employee or volunteer.

(c) "Pupil" means a person who is or was enrolled in or attending a public school or private school.

(d) "Sexual conduct" has the meaning ascribed to it in NRS 201.520 and also includes sexual conduct between two persons who are in different physical locations but who are communicating with each other through the use of an electronic communication device.

(e) "Sexual image" means any visual depiction, including, without limitation, any photograph or video of a pupil simulating or engaging in sexual conduct or of the pupil as the subject of a sexual portrayal.

(f) "Sexual portrayal" has the meaning ascribed to it in NRS 200.700.

Sec. 3. NRS 201.265 is hereby amended to read as follows:

201.265 Except as otherwise provided in NRS 200.720 and 201.2655, and unless a greater penalty is provided pursuant to NRS 201.560 ~~[,]~~ ***or section 2 of this act,*** a person is guilty of a misdemeanor if the person knowingly:

1. Distributes or causes to be distributed to a minor material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.

2. Exhibits for distribution to an adult in such a manner or location as to allow a minor to view or to have access to examine material that is harmful to minors, unless the person is the parent, guardian or spouse of the minor.

3. Sells to a minor an admission ticket or pass for or otherwise admits a minor for monetary consideration to any presentation of material that is harmful to minors, unless the minor is accompanied by his or her parent, guardian or spouse.

4. Misrepresents that he or she is the parent, guardian or spouse of a minor for the purpose of:

(a) Distributing to the minor material that is harmful to minors; or

(b) Obtaining admission of the minor to any presentation of material that is harmful to minors.

5. Misrepresents his or her age as 18 or over for the purpose of obtaining:

(a) Material that is harmful to minors; or

(b) Admission to any presentation of material that is harmful to minors.

6. Sells or rents motion pictures which contain material that is harmful to minors on the premises of a business establishment open to minors, unless the person creates an area within the establishment for the placement of the motion pictures and any material that advertises the sale or rental of the motion pictures which:

(a) Prevents minors from observing the motion pictures or any material that advertises the sale or rental of the motion pictures; and

(b) Is labeled, in a prominent and conspicuous location, "Adults Only."

Sec. 4. NRS 201.470 is hereby amended to read as follows:

201.470 As used in NRS 201.470 to 201.550, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 201.480 to 201.530, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 50.700 is hereby amended to read as follows:

50.700 1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical social worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical social worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical social worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Open or gross lewdness pursuant to NRS 201.210;

(h) Indecent or obscene exposure pursuant to NRS 201.220;

(i) Lewdness with a child pursuant to NRS 201.230;

(j) Sexual penetration of a dead human body pursuant to NRS 201.450;

(k) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;

(l) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;

(m) Luring a child or a person with mental illness pursuant to NRS 201.560;

(n) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;

(o) Pandering of a child pursuant to NRS 201.300;

(p) ***A violation of section 2 of this act;***

(q) Any other offense that has an element involving a sexual act or sexual conduct with another person; or

~~[(q)]~~ ***(r)*** Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 6. ~~[NRS 176.0931 is hereby amended to read as follows:~~

~~176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.~~

~~2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.~~

~~3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:~~

~~(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;~~

~~(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years~~

~~after the person's last conviction or release from incarceration, whichever occurs later; and~~

~~(c) The person is not likely to pose a threat to the safety of others, as determined by a licensed, clinical professional who has received training in the treatment of sexual offenders, if released from lifetime supervision.~~

~~4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.~~

~~5. As used in this section:~~

~~(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:~~

~~(1) An offense that involves:~~

~~(I) A victim less than 18 years of age;~~

~~(II) A crime against a child as defined in NRS 179D.0357;~~

~~(III) A sexual offense as defined in NRS 179D.097;~~

~~(IV) A deadly weapon, explosives or a firearm;~~

~~(V) The use or threatened use of force or violence;~~

~~(VI) Physical or mental abuse;~~

~~(VII) Death or bodily injury;~~

~~(VIII) An act of domestic violence;~~

~~(IX) Harassment, stalking, threats of any kind or other similar acts;~~

~~(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or~~

~~(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.~~

~~(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:~~

~~(I) A tribal court.~~

~~(II) A court of the United States or the Armed Forces of the United States.~~

~~(b) "Sexual offense" means:~~

~~(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560~~ **~~[.]~~** ***~~or section 2 of this act~~;***

~~(2) An attempt to commit an offense listed in subparagraph (1); or~~

~~(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.~~**~~]~~** **(Deleted by amendment.)**

Sec. 7. ~~[NRS 176.133 is hereby amended to read as follows:~~

~~"176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:~~

~~1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:~~

~~(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;~~

~~(b) A psychologist licensed to practice in this State;~~

~~(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;~~

~~(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;~~

~~(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or~~

~~(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.~~

~~2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.~~

~~3. "Sexual offense" means:~~

~~(a) Sexual assault pursuant to NRS 200.366;~~

~~(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;~~

~~(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;~~

~~(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~(f) Incest pursuant to NRS 201.180;~~

~~(g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;~~

~~(h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;~~

~~(i) Lewdness with a child pursuant to NRS 201.230;~~

~~(j) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~(k) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~

~~(l) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~

~~(m) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~

~~(n)~~ ***A violation of section 2 of this act;***

~~***(o)*** An attempt to commit an offense listed in paragraphs (a) to ~~[~~(m),~~]~~ ***(n),*** inclusive, if punished as a felony; or~~

~~[(o)]~~ ***(p)*** ~~An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 176A.110 is hereby amended to read as follows:~~

~~176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:~~

~~(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or~~

~~(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.~~

~~2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.~~

~~3. The provisions of this section apply to a person convicted of any of the following offenses:~~

~~(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.~~

~~(b) Statutory sexual seduction pursuant to NRS 200.368.~~

~~(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~

~~(d) Abuse or neglect of a child pursuant to NRS 200.508.~~

~~(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~(f) Incest pursuant to NRS 201.180.~~

~~(g) Open or gross lewdness pursuant to NRS 201.210.~~

~~(h) Indecent or obscene exposure pursuant to NRS 201.220.~~

~~(i) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~(j) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~(k) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~(l) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~(m)~~ ***A violation of section 2 of this act.***

(n) ~~A violation of NRS 207.180.~~

~~[(n)] *(o)* An attempt to commit an offense listed in paragraphs (b) to [(m),] *(n),* inclusive.~~

~~[(o)] *(p)* Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.]~~ **(Deleted by amendment.)**

Sec. 9. NRS 176A.413 is hereby amended to read as follows:

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, ~~[or]~~ luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 ***or a violation of section 2 of this act which involved the use of an electronic communication device*** and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The court is not required to impose a condition of probation or suspension of sentence set forth in subsection 1 if the court finds that:

(a) The use of a computer by the defendant will assist a law enforcement agency or officer in a criminal investigation;

(b) The defendant will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the defendant will assist companies that require the use of the specific technological knowledge of the defendant that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if a defendant is convicted of an offense that involved the use of a computer, system or network and the court grants probation or suspends the sentence, the court may, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 ~~[.]~~ ***and includes, without limitation, an electronic communication device.***

(b) ***"Electronic communication device" has the meaning ascribed to it in NRS 200.737.***

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

~~[(c)]~~ ***(d)*** "System" has the meaning ascribed to it in NRS 205.476.

~~[(d)]~~ ***(e)*** "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 10. ~~[NRS 178.5698 is hereby amended to read as follows:~~

~~178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:~~

~~(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;~~

~~(b) If the defendant is so released, the amount of bail required, if any; and~~

~~(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.~~

~~2. A request for information pursuant to subsection 1 must be made:~~

~~(a) In writing; or~~

~~(b) By telephone through an automated or computerized system of notification, if such a system is available.~~

~~3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:~~

~~(a) To each witness, documentation that includes:~~

~~(1) A form advising the witness of the right to be notified pursuant to subsection 5;~~

~~(2) The form that the witness must use to request notification in writing; and~~

~~(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.~~

~~(b) To each person listed in subsection 4, documentation that includes:~~

~~(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;~~

~~(2) The forms that the person must use to request notification; and~~

~~(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.~~

~~4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:~~

~~(a) A person against whom the offense is committed.~~

~~(b) A person who is injured as a direct result of the commission of the offense.~~

~~(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.~~

~~(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.~~

~~(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.~~

~~5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.~~

~~6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or~~

~~subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:~~

~~(a) The immediate family of the victim if the immediate family provides their current address;~~

~~(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and~~

~~(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,~~

~~→ before the offender is released from prison.~~

~~7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.~~

~~8. As used in this section:~~

~~(a) "Immediate family" means any adult relative of the victim living in the victim's household.~~

~~(b) "Sexual offense" means:~~

~~(1) Sexual assault pursuant to NRS 200.366;~~

~~(2) Statutory sexual seduction pursuant to NRS 200.368;~~

~~(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~(5) Incest pursuant to NRS 201.180;~~

~~(6) Open or gross lewdness pursuant to NRS 201.210;~~

~~(7) Indecent or obscene exposure pursuant to NRS 201.220;~~

~~(8) Lewdness with a child pursuant to NRS 201.230;~~

~~(9) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~(10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~

~~(11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~

~~(12) *A violation of section 2 of this act;*~~

~~*(13)* Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~

~~[(13)] *(14)* An offense that, pursuant to a specific statute, is determined to be sexually motivated; or~~

~~[(14)] *(15)* An attempt to commit an offense listed in this paragraph.]~~

(Deleted by amendment.)

Sec. 11. ~~[NRS 179.245 is hereby amended to read as follows:~~

~~179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:~~

~~(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;~~

~~(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;~~

~~(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or~~

~~(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.~~

~~2. A petition filed pursuant to subsection 1 must:~~

~~(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;~~

~~(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;~~

~~(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and~~

~~(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:~~

~~(1) Date of birth of the petitioner;~~

~~(2) Specific conviction to which the records to be sealed pertain; and~~

~~(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.~~

~~3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who~~

~~prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.~~

~~4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.~~

~~5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.~~

~~6. A person may not petition the court to seal records relating to a conviction of:~~

~~(a) A crime against a child;~~

~~(b) A sexual offense;~~

~~(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;~~

~~(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;~~

~~(e) A violation of NRS 484C.430;~~

~~(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;~~

~~(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or~~

~~(h) A violation of NRS 488.420 or 488.425.~~

~~7. The provisions of paragraph (c) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS~~

~~484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:~~

~~(a) Paragraph (b) of subsection 1 of NRS 484C.400; or~~

~~(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.~~

~~8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.~~

~~9. As used in this section:~~

~~(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.~~

~~(b) "Sexual offense" means:~~

~~(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~(2) Sexual assault pursuant to NRS 200.366.~~

~~(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.~~

~~(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~

~~(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.~~

~~(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.~~

~~(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~(9) Incest pursuant to NRS 201.180.~~

~~(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.~~

~~(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.~~

~~(12) Lewdness with a child pursuant to NRS 201.230.~~

~~(13) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~(16) *A violation of section 2 of this act.*~~

~~*(17)* Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.~~

~~[(17)] *(18)* An attempt to commit an offense listed in this paragraph.]~~ **(Deleted by amendment.)**

Sec. 12. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire, electronic or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS or a violation of NRS 463.160 or 465.086 ~~[.]~~ ***or a violation of section 2 of this act.***

2. A provider of electronic communication service or a public utility, an officer, employee or agent thereof or another person associated with the provider of electronic communication service or public utility who, pursuant to an order issued pursuant to subsection 1, provides information or otherwise assists an investigative or law enforcement officer in the interception of a wire, electronic or oral communication is immune from any liability relating to any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262;

(d) Sexual assault pursuant to NRS 200.366;

(e) Statutory sexual seduction pursuant to NRS 200.368;

(f) Open or gross lewdness pursuant to NRS 201.210; or

(g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony . ~~*[; or*~~

~~*(h) A violation of section 2 of this act.]*~~

Sec. 13. ~~[NRS 179D.097 is hereby amended to read as follows:~~

~~179D.097 1. "Sexual offense" means any of the following offenses:~~

~~(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a~~

~~child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~(b) Sexual assault pursuant to NRS 200.366.~~

~~(c) Statutory sexual seduction pursuant to NRS 200.368.~~

~~(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.~~

~~(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.~~

~~(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this section.~~

~~(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~(i) Incest pursuant to NRS 201.180.~~

~~(j) Open or gross lewdness pursuant to NRS 201.210.~~

~~(k) Indecent or obscene exposure pursuant to NRS 201.220.~~

~~(l) Lewdness with a child pursuant to NRS 201.230.~~

~~(m) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~(n) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~(o) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~(p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~(q) Sex trafficking pursuant to NRS 201.300.~~

~~(r)~~ ***A violation of section 2 of this act.***

~~***(s)*** Any other offense that has an element involving a sexual act or sexual conduct with another.~~

~~**[**(s)**]** ***(t)*** An attempt or conspiracy to commit an offense listed in paragraphs (a) to **[**(r),**]** ***(s),*** inclusive.~~

~~**[**(t)**]** ***(u)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~

~~**[**(u)**]** ***(v)*** An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:~~

~~(1) A tribal court.~~

~~(2) A court of the United States or the Armed Forces of the United States.~~

~~**[**(v)**]** ***(w)*** An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because~~

~~of the offense. This paragraph includes, without limitation, an offense prosecuted in:~~

~~(1) A tribal court.~~

~~(2) A court of the United States or the Armed Forces of the United States.~~

~~(3) A court having jurisdiction over juveniles.~~

~~2. Except for the offenses described in paragraphs (n) , [and] (o) *and (r)* of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:~~

~~(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or~~

~~(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 179D.115 is hereby amended to read as follows:~~

~~179D.115 "Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:~~

~~1. If committed against [a] :~~

~~*(a) A* child, constitutes:~~

~~[(a)] *(1)* Luring a child pursuant to NRS 201.560, if punishable as a felony;~~

~~[(b)] *(2)* Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;~~

~~[(c)] *(3)* An offense involving sex trafficking pursuant to NRS 201.300 or prostitution pursuant to NRS 201.320 or 201.395;~~

~~[(d)] *(4)* An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or~~

~~[(e)] *(5)* Any other offense that is comparable to or more severe than the offenses described in 34 U.S.C. § 20911(3) . [;]~~

~~*(b) A pupil, constitutes a violation of section 2 of this act.*~~

~~2. Involves an attempt or conspiracy to commit any offense described in subsection 1 . [;]~~

~~3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:~~

~~(a) A tribal court; or~~

~~(b) A court of the United States or the Armed Forces of the United States . [; or]~~

~~4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 179D.495 is hereby amended to read as follows:~~

~~179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph [(r)] *(s)* of subsection 1 of NRS 179D.097,~~

~~***subparagraph (5) of*** paragraph **[**(c)**]** ***(a)*** of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.**]**~~ **(Deleted by amendment.)**

Sec. 16. ~~**[**NRS 213.107 is hereby amended to read as follows:~~

~~213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:~~

~~1. "Board" means the State Board of Parole Commissioners.~~

~~2. "Chief" means the Chief Parole and Probation Officer.~~

~~3. "Division" means the Division of Parole and Probation of the Department of Public Safety.~~

~~4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.~~

~~5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.~~

~~6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.~~

~~7. "Sex offender" means any person who has been or is convicted of a sexual offense.~~

~~8. "Sexual offense" means:~~

~~(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560~~ **~~[~~**~~;~~**~~]~~** ~~***or section 2 of this act;***~~

~~(b) An attempt to commit any offense listed in paragraph (a); or~~

~~(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.~~

~~9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.~~**~~]~~** **(Deleted by amendment.)**

Sec. 17. ~~**[**NRS 213.1214 is hereby amended to read as follows:~~

~~213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must include, without limitation, a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the purposes of subsection 3 of NRS 213.1215. The Director shall ensure~~

~~a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.~~

~~2. The Director shall:~~

~~(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.~~

~~(b) Establish a procedure to:~~

~~(1) Ensure the accuracy of each completed assessment provided to the Board; and~~

~~(2) Correct any error occurring in a completed assessment provided to the Board.~~

~~3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.~~

~~4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.~~

~~5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.~~

~~6. As used in this section:~~

~~(a) "Director" means the Director of the Department of Corrections.~~

~~(b) "Reoffend in a sexual manner" means to commit a sexual offense.~~

~~(c) "Sex offender" means a person who, after July 1, 1956, is or has been:~~

~~(1) Convicted of a sexual offense; or~~

~~(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph [(20)] *(21)* of paragraph (d).~~

~~→ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.~~

~~(d) "Sexual offense" means any of the following offenses:~~

~~(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~(2) Sexual assault pursuant to NRS 200.366.~~

~~(3) Statutory sexual seduction pursuant to NRS 200.368.~~

~~(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~

~~(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.~~

~~(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.~~

~~(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~(9) Incest pursuant to NRS 201.180.~~

~~(10) Open or gross lewdness pursuant to NRS 201.210.~~

~~(11) Indecent or obscene exposure pursuant to NRS 201.220.~~

~~(12) Lewdness with a child pursuant to NRS 201.230.~~

~~(13) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~(17)~~ ***A violation of section 2 of this act.***

~~***(18)*** An attempt or conspiracy to commit an offense listed in subparagraphs (1) to ~~[~~(16),~~]~~ ***(17),*** inclusive.

~~[~~(18)~~]~~ ***(19)*** ~~An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~

~~[~~(19)~~]~~ ***(20)*** ~~An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:~~

~~(I) A tribal court.~~

~~(II) A court of the United States or the Armed Forces of the United States.~~

~~[~~(20)~~]~~ ***(21)*** ~~An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:~~

~~(I) A tribal court.~~

~~(II) A court of the United States or the Armed Forces of the United States.~~

~~(III) A court having jurisdiction over juveniles.~~

~~→ Except for the offenses described in subparagraphs (14)~~ **[**~~,~~ and**]** ~~(15)~~ **[**~~,~~**]** ***and 17,*** ~~the term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.~~**]** **(Deleted by amendment.)**

Sec. 18. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, **[**~~or~~**]** luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 **[**~~,~~**]** ***or a violation of section 2 of this act which involved the use of an electronic communication device,*** the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The Board is not required to impose a condition of parole set forth in subsection 1 if the Board finds that:

(a) The use of a computer by the parolee will assist a law enforcement agency or officer in a criminal investigation;

(b) The parolee will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the parolee will assist companies that require the use of the specific technological knowledge of the parolee that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if the Board releases on parole a prisoner convicted of an offense that involved the use of a computer, system or network, the Board may, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 **[**~~.~~**]** ***and includes, without limitation, an electronic communication device.***

(b) ***"Electronic communication device" has the meaning ascribed to it in NRS 200.737.***

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

[~~(c)~~**]** ***(d)*** "System" has the meaning ascribed to it in NRS 205.476.

[~~(d)~~**]** ***(e)*** "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 19. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 6 and NRS 354.6241, every local government employer shall negotiate in good faith

through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in subsections 8 and 11, discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections 9 and 11, the policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection 6 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. The provisions of NRS 245.063, 268.4069 and 391.1605 are not subject to negotiations with an employee organization. Any provision of a collective bargaining agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of NRS 245.063, 268.4069 or 391.1605 is unenforceable and void.

5. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.

6. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or

civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➥ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

7. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

8. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

9. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

10. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 9 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 9 is unenforceable and void.

11. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

12. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

13. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

14. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

Sec. 20. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with and employee at a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and, except as otherwise provided in NRS 388A.516, each volunteer at a charter school who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the charter school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, or employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that the applicant, employee or volunteer has not been convicted of a crime listed in NRS 388A.5342, the governing body of the charter school may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516 indicates that the applicant, employee or volunteer has been convicted of a crime listed in NRS 388A.5342, and the governing body of the charter school does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that information, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to

forward a copy of the information pursuant to this subsection, the charter school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. Not later than 15 days after receiving the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388A.516, the Superintendent of Public Instruction or the Superintendent's designee shall review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the charter school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:

(a) May accept gifts, grants and donations to carry out the provisions of this section and NRS 388A.516.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 or NRS 388A.516.

Sec. 21. NRS 388A.5342 is hereby amended to read as follows:

388A.5342 The governing body of a charter school shall terminate the employment of any teacher or administrator who is employed by the charter school but is not licensed pursuant to chapter 391 of NRS upon his or her conviction of a:

1. Felony or crime involving moral turpitude; ~~[or]~~

2. Sex offense pursuant to NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 ~~[.]~~ ***; or***

3. Violation of section 2 of this act.

Sec. 22. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. Except as otherwise provided in NRS 388C.205, each applicant for employment with and employee at a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a university school for profoundly gifted pupils who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the university school:

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense

involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 or subsection 5 of NRS 388C.205 indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the university school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the university school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils:

(a) May accept any gifts, grants and donations to carry out the provisions of this section and NRS 388C.205.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 or NRS 388C.205.

Sec. 23. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 8 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

6. Except as otherwise provided in subsection 8, a license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The information obtained by the Superintendent pursuant to subsections 3 and 4:

(1) Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude or indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable;

(2) Does not indicate that there has been a substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made against the applicant in any state; and

(3) Does not indicate that the applicant has a warrant for his or her arrest; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. If, pursuant to subparagraph (2) of paragraph (b) of subsection 6, the information indicates that a substantiated report has been made against the applicant in any state, the Superintendent shall:

(a) Suspend the application process;

(b) Notify the applicant of the substantiated report; and

(c) Provide the applicant an opportunity to rebut the substantiated report.

8. The Superintendent may deny an application for a license pursuant to this section if:

(a) A report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense; and

(b) The Superintendent provides to the applicant:

(1) Written notice of his or her intent to deny the application; and

(2) An opportunity for the applicant to have a hearing.

9. To request a hearing pursuant to subsection 8, an applicant must submit a written request to the Superintendent within 15 days after receipt of the notice by the applicant. Such a hearing must be conducted in accordance with regulations adopted by the State Board. If no request for a hearing is filed within that time, the Superintendent may deny the license.

10. If the Superintendent denies an application for a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.

11. The Department shall:

(a) Maintain a list of the names of persons whose applications for a license are denied due to conviction of a sexual offense involving a minor;

(b) Update the list maintained pursuant to paragraph (a) monthly; and

(c) Provide this list to the board of trustees of a school district or the governing body of a charter school upon request.

12. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. Except as otherwise provided in this section, any information shared with the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school is confidential and must not be disclosed to any person other than the applicant. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

13. The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 12.

14. The Superintendent may enter into reciprocal agreements with appropriate officials of other countries concerning the licensing of teachers.

15. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 24. NRS 391.104 is hereby amended to read as follows:

391.104 1. Except as otherwise provided in NRS 391.105, each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for

submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the

school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 and NRS 391.105.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 or NRS 391.105.

Sec. 25. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection 6 or 7 shall be deemed school police officers.

6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

8. The board of trustees of a school district shall ensure that each school police officer receives training in the prevention of suicide before beginning his or her service as a school police officer.

Sec. 26. NRS 391.330 is hereby amended to read as follows:

391.330 1. The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, or may issue a letter of reprimand to any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

(a) Unprofessional conduct.

(b) Immorality, as defined in NRS 391.650.

(c) Evident unfitness for service.

(d) Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.

(e) Conviction of a felony or crime involving moral turpitude.

(f) Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 ~~*[or section 2 of this act]*~~ in which a pupil enrolled in a school of a county school district was the victim.

(g) ***Conviction of a violation of section 2 of this act.***

~~*[(h)]*~~ ***(h)*** Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

~~*[(i)]*~~ ***(i)*** Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.

~~*[(j)]*~~ ***(j)*** Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.

~~*[(k)]*~~ ***(k)*** Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.

~~*[(l)]*~~ ***(l)*** An intentional violation of NRS 388.497 or 388.499.

~~*[(m)]*~~ ***(m)*** Knowingly and willfully failing to comply with the provisions of NRS 388.1351.

~~*[(n)]*~~ ***(n)*** A substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made against the applicant in any state.

2. The State Board shall adopt regulations governing the process by which a letter of reprimand may be issued to a teacher, administrator or other licensed employee pursuant to this section, including, without limitation, regulations concerning the time period during which a letter of reprimand will remain on the record of the teacher, administrator or other licensed employee.

3. A teacher, administrator or other licensed employee whose license is suspended pursuant to this section:

(a) May apply to reinstate his or her license after the period of suspension, as determined by the State Board, is completed; and

(b) If he or she applies to reinstate his or her license pursuant to paragraph (a), shall:

(1) Submit a new application for licensure to the Department; and

(2) Pay the appropriate fee for licensure.

4. A teacher, administrator or other licensed employee whose license is revoked may not apply to reinstate his or her license and the Department shall not grant a new license to such a person.

Sec. 26.5. **NRS 391.355 is hereby amended to read as follows:**

391.355 1. The State Board shall adopt rules of procedure for the conduct of hearings conducted pursuant to NRS 391.323.

2. The rules of procedure must provide for boards of trustees of school districts, governing bodies of charter schools or the Superintendent of Public Instruction or the Superintendent's designee to bring charges, when cause exists.

3. The rules of procedure must provide that:

(a) The licensed employee, board of trustees of a school district, governing body of a charter school and Superintendent are entitled to be heard, to be represented by an attorney and to call witnesses in their behalf.

(b) The hearing officer selected pursuant to NRS 391.322 is entitled to be reimbursed for his or her reasonable actual expenses.

(c) If requested by the hearing officer selected pursuant to NRS 391.322, an official transcript must be made.

(d) Except as otherwise provided in paragraph (e), the State Board, licensed employee and the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing are equally responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee or the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing for their percentage of any expenses incurred pursuant to this paragraph.

(e) If the hearing results from a recommendation to revoke or suspend a license based upon a conviction which is a ground for the suspension or revocation of a license pursuant to paragraph (e) **,** ~~[or]~~ (f) ***or (g)*** of subsection 1 of NRS 391.330, the licensed employee is fully responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee for such expenses.

4. A hearing officer selected pursuant to NRS 391.322 shall, upon the request of a party, issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings conducted pursuant to NRS 391.323.

Sec. 27. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 ***or section 2 of this act*** or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 28. NRS 391.760 is hereby amended to read as follows:

391.760 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and the superintendent is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Within 10 days after the suspension becomes effective, the superintendent shall begin proceedings pursuant to NRS 391.680 to 391.800, inclusive, to carry out the employee's dismissal. The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced.

2. Notwithstanding the provisions of NRS 391.750, a superintendent may suspend a licensed employee who has been officially charged but not yet

convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, the employee must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension. Within 10 days after the date on which the employee receives such notice, the superintendent shall provide the employee with the opportunity for an informal hearing to address the circumstances relating to the charges and any other circumstances relating to the suspension. The superintendent shall issue a written decision concerning the continuation of the suspension based on the information presented at the hearing. The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the superintendent issues the written decision. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.750.

3. If sufficient grounds for dismissal are not found to exist at the conclusion of the proceedings conducted pursuant to subsection 1 or 2, the employee must be reinstated with full compensation, plus interest.

4. A licensed employee who furnishes to the school district a bond or other form of security which is acceptable to the board as a guarantee that the employee will repay any amounts paid to him or her pursuant to this subsection as salary during a period of suspension is entitled to continue to receive his or her salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept a form of security other than a bond. An employee who receives a salary pursuant to this subsection shall repay it if the employee is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to NRS 179D.010 to 179D.550, inclusive, or is convicted of an act forbidden by NRS 200.508, 201.190, 201.265, 201.540, 201.560 or 207.260 ***or section 2 of this act*** forfeits all rights of employment from the date of his or her arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his or her arrest or the date on which his or her employment terminated, whichever is later.

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his or her right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if the employee is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in NRS 391.750.

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which

affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in NRS 391.750. An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

9. A licensed employee may be suspended pursuant to this section and admonished pursuant to NRS 391.755 for the same conduct.

Sec. 29. NRS 392.303 is hereby amended to read as follows:

392.303 1. In addition to the reporting required by NRS 432B.220, if, in his or her capacity as an employee of or volunteer for a public school or private school, such an employee or volunteer knows or has reasonable cause to believe that a child has been subjected to:

(a) Abuse or neglect, sexual conduct in violation of NRS 201.540 ***,*** ~~[or]~~ luring in violation of NRS 201.560 by another employee of or volunteer for a public school or private school ~~[.]~~ ***or a violation of section 2 of this act by another employee of or volunteer for a public or private school,*** the employee or volunteer who has such knowledge or reasonable cause to believe shall report the abuse or neglect, sexual conduct ***,*** ~~[or]~~ luring ***or other violation*** to the agency which provides child welfare services in the county in which the school is located and a law enforcement agency.

(b) Corporal punishment in violation of NRS 392.4633 or 394.366 by another employee of or volunteer for a public school or private school, the employee or volunteer who has such knowledge or reasonable cause to believe shall report the corporal punishment to the agency which provides child welfare services in the county in which the school is located.

2. A report pursuant to subsection 1 must be made as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been subjected to abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ~~[.]~~ ***or section 2 of this act.***

3. If a law enforcement agency that receives a report pursuant to paragraph (a) of subsection 1 concludes that there is not probable cause to believe that the person allegedly responsible for the abuse or neglect or who allegedly violated NRS 201.540 or 201.560 ***or section 2 of this act*** committed the act of which he or she is accused, the law enforcement agency shall notify the agency which provides child welfare services of that determination.

4. If a school police officer receives a report pursuant to this section of an offense that is punishable as a category A felony, the school police officer shall notify the local law enforcement agency that has jurisdiction over the school.

5. A law enforcement agency, other than a school police officer, shall notify a school police officer, if such an officer is employed in the school district, if the law enforcement agency receives a report pursuant to this section of an offense that is punishable as a felony and:

(a) Allegedly occurred:

(1) On the property of a public school for which the board of trustees of the school district has employed or appointed school police officers;

(2) At an activity sponsored by such a school; or

(3) On a school bus while the school bus was being used by such a school for an official school-related purpose; or

(b) Was allegedly committed by a person who the law enforcement agency has reasonable cause to believe is an employee or volunteer of such a school.

6. An agency which provides child welfare services shall assess all allegations contained in any report made pursuant to this section and, if the agency deems appropriate, assign the matter for investigation.

7. Nothing in NRS 392.275 to 392.365, inclusive, shall be construed to prohibit an agency which provides child welfare services and a law enforcement agency from undertaking simultaneous investigations of the abuse or neglect of a child or a violation of NRS 201.540 or 201.560 ~~[.]~~ ***or section 2 of this act.***

Sec. 30. NRS 392.317 is hereby amended to read as follows:

392.317 Except as otherwise provided in NRS 392.317 to 392.337, inclusive, and in addition to information provided pursuant to NRS 392.337, information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, may, at the discretion of the agency which provides child welfare services, be made available only to:

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** to a public agency and the identity of any child witness are kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child who is the subject of the report;

2. A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected or subject to a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ~~[,]~~ ***or section 2 of this act;***

3. An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care or treatment or supervision of the child or investigate the allegations in the report;

4. A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the conduct alleged in the report;

5. A court, other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

6. A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

7. A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

8. A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect and violations of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** or similar statutes in another jurisdiction;

9. A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

10. A team organized pursuant to NRS 432B.405 to review the death of a child;

11. Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(a) The identity of the person making the report is kept confidential; and

(b) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have engaged in the conduct described in the report;

12. The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

13. A public school, private school, school district or governing body of a charter school or private school in this State or any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; and

16. The Committee to Review Suicide Fatalities created by NRS 439.5104.

Sec. 31. NRS 392.325 is hereby amended to read as follows:

392.325 1. An agency which provides child welfare services investigating a report made pursuant to NRS 392.303 shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of a child or violating the provisions of NRS 201.540, 201.560, 392.4633 or 394.366 ~~[.]~~ ***or section 2 of this act:***

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person; or

(b) A written summary of the allegations made against the person. The summary must not identify the person who made the report, any child witnesses to the allegations contained in the report or any collateral sources and reporting parties.

2. A person may authorize the release of information maintained by an agency which provides child welfare services pursuant to NRS 392.275 to 392.365, inclusive, about himself or herself, but may not waive the confidentiality of such information concerning any other person.

3. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the allegations in a report made pursuant to NRS 392.303 to the person who made the report.

Sec. 32. NRS 392.337 is hereby amended to read as follows:

392.337 1. An agency which provides child welfare services investigating a report made pursuant to NRS 392.303 shall, upon completing the investigation, notify the parent or guardian of the child who is the subject of the report of the disposition assigned to the report pursuant to NRS 392.339.

2. If the report is substantiated, the agency shall:

(a) Forward the report to the Department of Education, the board of trustees of the school district in which the school is located or the governing body of the charter school or private school, as applicable, the appropriate local law enforcement agency within the county and the district attorney's office within the county for further investigation.

(b) Provide written notification to the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** which includes statements indicating that:

(1) The report made against the person has been substantiated and the agency which provides child welfare services intends to place the person's name in the Central Registry pursuant to paragraph (a); and

(2) The person may request an administrative appeal of the substantiation of the report and the agency's intention to place the person's name in the Central Registry by submitting a written request to the agency which provides child welfare services within the time required by NRS 392.345.

(c) After the conclusion of any administrative appeal pursuant to NRS 392.345 or the expiration of the time period prescribed by that section for requesting an administrative appeal, whichever is later, report to the Central Registry:

(1) Identifying and demographic information on the child who is the subject of the report, the parents of the child, any other person responsible for the welfare of the child and the person allegedly responsible for the conduct alleged in the report;

(2) The facts of the alleged conduct, including the date and type of alleged conduct, a description of the alleged conduct, the severity of any

injuries and, if applicable, any information concerning the death of the child; and

(3) The disposition of the case.

(d) Provide to the parent or guardian of the child who is the subject of the report:

(1) A written summary of the outcome of the investigation of the allegations in the report which must not identify the person who made the report, any child witnesses to the allegations in the report or any collateral sources and reporting parties; and

(2) A summary of any disciplinary action taken against the person who is named in the report as allegedly causing the abuse or neglect of the child or violating NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** which is known by the agency, including, without limitation, whether the name of such person will be placed in the Central Registry.

3. A parent or guardian who receives information pursuant to paragraph (d) of subsection 2 may disclose the information to an attorney for the child who is the subject of the report or the parent or guardian of the child.

Sec. 33. NRS 394.155 is hereby amended to read as follows:

394.155 1. Except as otherwise provided in NRS 394.157, each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:

(a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry

maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.

4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4 or NRS 394.157.

Sec. 34. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220;

(b) The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made pursuant to NRS 392.303;

(c) Statistical information on the protective services provided in this State; and

(d) Any other information which the Division determines to be in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive.

3. The Division may release information contained in the Central Registry to an employer if:

(a) The person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact

with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

➥ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:

(a) An employee of the Division;

(b) An agency which provides child welfare services;

(c) An employee of the Division of Public and Behavioral Health of the Department who is obtaining information in accordance with NRS 432A.170; and

(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 35. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the Central Registry must not be released unless the right of the applicant to the information is confirmed, the information concerning the report of abuse or neglect of the child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** has been reported pursuant to NRS 392.337 or 432B.310, as applicable, the released information discloses the disposition of the case and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 years.

3. The Division shall not release information from the Central Registry regarding a report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220 that received a disposition other than substantiated to any person or entity except for an agency which provides child welfare services.

4. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 36. NRS 433.639 is hereby amended to read as follows:

433.639 1. Not later than 3 days after employing a person to provide or supervise the provision of peer recovery support services in a position where the person has regular and substantial contact with minors or retaining a person as an independent contractor to provide or supervise the provision of peer

recovery support services in such a position and every 5 years thereafter, an employer, or person or entity who retained the independent contractor, shall:

(a) Obtain from the employee or independent contractor written authorization for the release of any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100; and

(b) Complete a child abuse and neglect screening through the Central Registry to determine whether there has been a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made against the person.

2. Except as otherwise provided in any regulations adopted pursuant to subsection 4, upon receiving information pursuant to subsection 1 from the Central Registry or from any other source that an employee or independent contractor described in subsection 1 has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made against him or her, the employer or person or entity who retained the independent contractor shall terminate the employment or contract of the employee or independent contractor, as applicable, after allowing the employee or independent contractor time to correct the information as required pursuant to subsection 3.

3. If an employee or independent contractor described in subsection 1 believes that the information provided to the employer or person or entity who retained the independent contractor pursuant to subsection 2 is incorrect, the employee or independent contractor must inform the employer, person or entity immediately. The employer, person or entity shall give any such employee or independent contractor 30 days to correct the information.

4. The Division, in consultation with each agency which provides child welfare services, may establish by regulation a process by which it may review evidence upon request to determine whether an employee or independent contractor described in subsection 1 who has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 ***or section 2 of this act*** made against him or her may continue to provide or supervise the provision of peer recovery support services and have regular and substantial contact with minors despite the report. Any such review must be conducted in a manner which does not discriminate against a person in violation of 42 U.S.C. §§ 2000e et seq.

5. If a process for review is established pursuant to subsection 4, an employee or independent contractor described in subsection 1 may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.

6. During any period in which an employee or independent contractor seeks to correct information pursuant to subsection 3 or requests a review of information pursuant to subsection 5, it is within the discretion of the employer

or person or entity who retained the independent contractor whether to allow the employee or independent contractor to continue to work for the employer, person or entity, as applicable, except that the employee or independent contractor shall not have regular and substantial contact with minors without supervision during such a period.

7. The Division shall adopt regulations to establish civil penalties to be imposed against any person or entity that fails to comply with the requirements of this section.

8. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 424.011.

Sec. 37. The amendatory provisions of sections 1 to 36, inclusive, of this act apply to offenses committed on or after October 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 104.

Bill read third time.

The following amendment was proposed by Assemblywoman Brittney Miller:

Amendment No. 737.

AN ACT relating to vehicles; revising provisions relating to certain traffic and related violations; revising provisions relating to the suspension of the driver's license of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2021 Legislative Session, the Legislature enacted Assembly Bill No. 116 (A.B. 116), which established civil penalties for certain traffic and related violations and enacted procedures for the adjudication of such violations. (Assembly Bill No. 116, chapter 506, Statutes of Nevada 2021, at page 3297) The procedures for the adjudication of civil infractions prescribed by A.B. 116 were based, in part, on the procedures for the adjudication of criminal violations prescribed by chapter 176 of NRS.

During the 2021 Legislative Session, the Legislature also enacted Senate Bill No. 219 (S.B. 219), which revised certain statutory provisions upon which the requirements prescribed by A.B. 116 were based by removing the authority of a court to suspend the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period as a result of any delinquent fine, administrative assessment, fee or restitution owed. (Senate Bill No. 219, chapter 505, Statutes of Nevada 2021, at page 3292)

Section 2 of this bill makes a technical change to align provisions relating to the adjudication of certain traffic and related civil infractions with the changes made by S.B. 219. Specifically, **section 2** removes the authority of a court to order the suspension of the driver's license of a person or prohibit a person from applying for a driver's license for a specified period as a result of

a delinquent fine, administrative assessment or fee associated with a civil penalty imposed for a traffic or related violation. (NRS 484A.7047) **Section 1** of this bill makes a conforming change relating to the removal of the authority of a court to suspend the driver's license of a person pursuant to **section 2**.

Section 3 of this bill provides that if, on or after the effective date of this bill, a person is subject to a suspension of his or her driver's license or a delay in the issuance of a driver's license imposed for failure to pay a delinquent fine, administrative assessment or fee, the Department of Motor Vehicles must: (1) immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license; and (2) notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license. **Section 3** also provides that the Department may not charge any fee for such reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for such reinstatement of a driver's license.

Existing law prescribes the required contents of traffic citations and civil infraction citations. (NRS 484A.630, 484A.7035) **Sections 1.3 and 1.4** of this bill revise the required contents of such citations.

Existing law provides that the juvenile court has exclusive original jurisdiction over a child who is alleged to have committed an act designated as a delinquent act, unless an exception applies. (NRS 62B.330, 62B.390) Under existing law, certain offenses are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. (NRS 62B.330) **Section 2.76** of this bill provides that violations of law that are punishable as civil infractions are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. Existing law grants justice courts and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions. (NRS 4.370, 5.050) Therefore, **section 2.76** clarifies that justice courts and municipal courts have jurisdiction to hear and dispose of violations of law that are punishable as civil infractions, regardless of the age of the person alleged to have committed the violation.

Existing law authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a traffic citation is issued for the purpose of enabling the court in which the person is required to appear to communicate with the person. (NRS 484A.630) **Section 1.4** similarly authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a civil infraction citation is issued for the same purpose.

Existing law requires a court to send certain notice to a person who receives a civil infraction citation. (NRS 484A.704) **Section 1.6** of this bill requires this notice to include certain information regarding any online program of dispute resolution established by the court.

Existing law: (1) authorizes certain courts and traffic violations bureaus to establish a system through which certain persons may perform certain actions related to a traffic citation or civil infraction citation; and (2) prescribes certain

requirements relating to any such system. (NRS 484A.615) **Section 1.2** of this bill additionally requires any such system to be capable of allowing certain persons to submit the state registration number of the vehicle the person was driving when the citation was issued.

Existing law requires a person who receives a civil infraction citation to respond to the citation within 90 days after the date on which the citation is issued. **Section 1.6** instead requires such a person to respond to the citation within 90 days after the date on which the citation is issued or filed with the court, whichever is later. **Section 1.4** makes a conforming change relating to the revised deadline set forth in **section 1.6**.

Under existing law, if a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by: (1) indicating that the person does not contest the determination; and (2) submitting full payment of the monetary penalty specified in the citation. (NRS 484A.704) **Section 1.6** revises this requirement by authorizing such a person to request that the court waive or reduce the monetary penalty specified in the citation or enter into a payment plan with the person in lieu of requiring the person to submit full payment of the monetary penalty specified in the citation. **Section 1.8** of this bill authorizes the court to waive or reduce the monetary penalty or enter into a payment plan with a person who submits a request pursuant to **section 1.6** under certain circumstances.

Existing law establishes the procedures for a hearing at which a person may contest whether the person committed a violation set forth in a civil infraction citation and generally requires the person to post a bond in an amount equal to the monetary penalty, administrative assessments and fees specified in the civil infraction citation or alternatively deposit such an amount in cash with the court. (NRS 484A.7041) **Section 1.7** of this bill ~~[revises this requirement to instead require the person to post a bond equal to $50 or the amount of the monetary penalty, administrative assessments and fees specified in the civil infraction citation, whichever is less, or alternatively deposit such an amount in cash with the court. Under existing law, any bond posted or cash deposited with the court must be forfeited upon the court's finding that the person committed a civil infraction. (NRS 484A.7041) Section 1.7 requires the court to enter a default judgment against the person for any amount remaining unsatisfied.]~~ **eliminates the requirement that a person who requests a hearing must post a bond or deposit cash with the court.**

Existing law authorizes a court having jurisdiction over a civil infraction to reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction. (NRS 484A.7043) **Section 1.8** clarifies that the court is not required to hold a hearing before reducing a moving violation to a nonmoving violation.

Under existing law, any civil penalty assessed against a person who is found to have committed a civil infraction must be paid to: (1) the treasurer of the

city in which the civil infraction occurred; or (2) if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred. (NRS 484A.7043) **Section 1.8** instead requires any such civil penalty to be paid to the treasurer of the city or county, as applicable, in which the civil infraction citation was filed.

Existing law: (1) authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction; and (2) provides a procedure for making such an election. Pursuant to this procedure, existing law requires the prosecuting attorney to make the election on or before the time scheduled for the first appearance of the defendant. (NRS 484A.7049) **Section 2.2** of this bill: (1) authorizes the prosecuting attorney to make the election at any time before the court enters a judgment of conviction; and (2) eliminates certain procedural requirements relating to making such an election. **Section 2.2** also authorizes the district attorney or city attorney of any county or city, respectively, to authorize a traffic enforcement agency over whom the district attorney or city attorney has jurisdiction to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction. **Finally, section 2.2 provides that a bench warrant may not be issued for a violation that is treated as a civil infraction.**

Existing law authorizes a peace officer to arrest a person without a warrant if the peace officer has reasonable cause for believing that the person has committed homicide by vehicle, certain offenses involving driving under the influence and certain other traffic and related offenses. (NRS 484A.710) **Section 2.6** of this bill authorizes a peace officer who has reasonable cause for believing that a person has committed a violation for which existing law authorizes the peace officer to arrest a person to also arrest the person without a warrant for an offense that is punishable as a civil infraction. **Section 2.4** of this bill makes a conforming change relating to arrests authorized by **section 2.6**.

Existing law establishes the jurisdiction of justice courts. (NRS 4.370) Section 2.67 of this bill authorizes the justice court to transfer original jurisdiction of a civil infraction to the district court or juvenile court if: (1) the person charged with the civil infraction is a person under 18 years of age; and (2) the district court or juvenile court, as applicable, approves the transfer.

Existing law provides certain persons with immunity from liability for certain acts or omissions under certain circumstances. (Chapter 41 of NRS) **Section 2.7** of this bill provides that a prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by the imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State. **Sections 2.72 and 2.74** of this bill make conforming changes to indicate the proper placement of **section 2.7** in the Nevada Revised Statutes.

Section 2.8 of this bill authorizes a board of county commissioners to provide by ordinance that a violation of a traffic ordinance enacted by the board imposes a civil penalty instead of a criminal sanction.

Section 2.9 of this bill requires the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, to: (1) study best practices for developing and implementing a standardized, statewide uniform civil infraction citation; and (2) submit its findings and recommendations for legislation to the Joint Interim Standing Committee on the Judiciary. **Section 2.95** of this bill requires justice courts and municipal courts, on or before January 1, 2024, to adopt rules governing the practice and procedure for setting aside a default judgment in an action relating to a civil infraction.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➥ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 ***.*** ~~[or 484A.7047.]~~

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from ***:*** ~~[any of the following:]~~

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ***;*** ~~[.]~~

(2) A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable ~~[, that a delinquency for~~

~~which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.]~~ ***; or***

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 1.2. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation must be issued pursuant to NRS 484A.630 or that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection 6, the court or traffic violations bureau may allow:

(a) A person who has been issued a traffic citation or a civil infraction citation that is filed with the court or traffic violations bureau to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea and state his or her defense or, if authorized, any mitigating circumstances, by mail, by electronic mail, over the Internet or by other electronic means.

(b) A peace officer who issued a civil infraction citation to a person or, if the provisions of NRS 484A.7049 apply, a peace officer who halted a person, to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath by mail, by electronic mail, over the Internet or by other electronic means in lieu of his or her personal appearance at the hearing held pursuant to NRS 484A.7041 to contest the determination that the person who has been issued the civil infraction citation committed a civil infraction.

2. Except as otherwise provided in subsection 6, if a court or traffic violations bureau has established a system pursuant to subsection 1, the court or traffic violations bureau may allow:

(a) A person described in paragraph (a) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea or state his or her defense or, if authorized, any mitigating circumstances in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court.

(b) A peace officer described in paragraph (b) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath in lieu of making a personal appearance in court.

3. Any plea or statement submitted through the system by a person or peace officer pursuant to subsection 2 must be received by the court before the

date on which the person is required to appear in court pursuant to the traffic citation or civil infraction citation.

4. If a court or traffic violations bureau allows an eligible person to whom a traffic citation or civil infraction citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or, if authorized, any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

5. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances or performing any other approved action is the person to whom the traffic citation or civil infraction citation was issued, be capable of requiring the person to submit any of the following information, as applicable, at the discretion of the court or traffic violations bureau:

(1) The traffic citation number or civil infraction citation number;

(2) The name and address of the person;

(3) The state registration number of the ~~[~~person's~~]~~ vehicle ~~[,]~~ ***the person was driving when the traffic citation or civil infraction citation was issued,*** if any;

(4) The number of the driver's license of the person, if any;

(5) The offense charged or the civil infraction for which the citation was issued; and

(6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 7.

(b) For the purposes of authenticating that the peace officer submitting the written statement or performing any other approved action is the peace officer who issued the civil infraction citation, be capable of requiring the peace officer to submit any of the following information at the discretion of the court or traffic violations bureau:

(1) The civil infraction citation number;

(2) The civil infraction for which the citation was issued; and

(3) The first initial, last name and personnel number of the peace officer.

(c) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

(d) If a plea and statement of the defense or mitigating circumstances of a person or a written statement of a peace officer is submitted by electronic mail, over the Internet or by other electronic means:

(1) Confirm receipt of:

(I) The plea and statement to the person making the plea; and

(II) The written statement to the peace officer; or

(2) Make available to:

(I) The person making the plea a copy of the plea and statement; and

(II) The peace officer submitting the written statement a copy of the written statement.

6. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

(a) Aggressive driving in violation of NRS 484B.650;

(b) Reckless driving in violation of NRS 484B.653;

(c) Vehicular manslaughter in violation of NRS 484B.657; or

(d) Driving, operating or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110 or 484C.120, as applicable.

7. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 1.3. NRS 484A.630 is hereby amended to read as follows:

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer must prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the ~~[person's]~~ vehicle ~~[,]~~ ***the person was driving when the citation was issued,*** if any, the number of the person's driver's license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means. The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation.

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing or physically receiving at least one copy

of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the traffic citation but physically receives a copy of the citation delivered by the peace officer:

(a) The receipt shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the person into physical custody for the violation.

Sec. 1.4. NRS 484A.7035 is hereby amended to read as follows:

484A.7035 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, ***or, if authorized by a traffic enforcement agency pursuant to NRS 484A.7049, for a violation of certain such provisions that is punishable as a misdemeanor,*** or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with NRS 484A.7049, the peace officer or prosecuting attorney, as applicable, may prepare a civil infraction citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing ***:*** ~~[~~, except as otherwise provided in paragraph (a) of subsection 2 of NRS 484A.7049:~~]~~

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in NRS 484A.703 to 484A.705, inclusive;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the ~~[~~person's~~]~~ vehicle ~~[~~,~~]~~ ***the person was driving when the citation was issued,*** if any;

(e) The number of the person's driver's license, if any;

(f) The civil infraction for which the citation was issued;

(g) The personnel number or other unique agency identification number of the peace officer issuing the citation ~~[~~and the address and phone number of the agency which employs the peace officer~~]~~ or, if a prosecuting attorney is issuing

the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation or the volunteer appointed pursuant to NRS 484B.470 who issued the citation ~~[and the address and phone number of the agency which employs the peace officer or volunteer,]~~ preprinted or printed legibly on the citation;

(h) A statement of the options provided pursuant to NRS 484A.703 to 484A.705, inclusive, for responding to the citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the citation or halted the person; and

(j) A statement that the person must respond to the citation as provided in NRS 484A.703 to 484A.705, inclusive, within 90 calendar days ~~[.]~~ ***after the date on which the citation is issued or filed with the court, whichever is later.***

2. ***The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means.***

3. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

~~[3.]~~ ***4.*** A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section or NRS 484A.7049. The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 1.6. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049 shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued ~~[.]~~ ***or filed with the court, whichever is later.***

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting ~~[full]~~ ***in person, by mail or through the Internet or other electronic means:***

(a) Full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau ~~[, in person, by mail or through the Internet or other electronic means.]~~ ***; or***

(b) A request that the court waive or reduce the monetary penalty or enter into a payment plan with the person, if the person believes that full payment of the monetary penalty and administrative assessment is excessive in relation to his or her financial resources or is not within his or her present financial ability to pay. Such a request must include any supporting documentation.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in ~~[this]~~ subsection ~~[.]~~ ***5,*** not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person ~~[, a]~~ ***:***

(a) A reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued ~~[.]~~ ***or filed with the court, whichever is later; and***

(b) If the court has established an online program of dispute resolution, notice of the availability of the program and instructions for participation in the program.

5. If the person agreed to receive communications relating to the civil infraction by text message, the court may send ~~[such a]~~ ***the*** notice ***required by subsection 4*** to the telephone number of the person as indicated on the civil infraction citation.

6. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued ~~[.]~~ ***or filed with the court, whichever is later,*** the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

~~[5.]~~ ***7.*** If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

~~[6.]~~ ***8.*** In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection ~~[5]~~ ***7*** shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

~~[7.]~~ ***9.*** If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 1.7. NRS 484A.7041 is hereby amended to read as follows:

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. ~~[Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to~~ ***$50 or*** ~~the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation.~~ ***, whichever is less.*** ~~In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon~~ ***Upon*** ~~the court's finding that the person committed the civil infraction.~~ ***:***

~~***(a) Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited; and***~~

~~***(b) The court shall enter a default judgment against the person for any amount remaining unsatisfied.***~~

~~***3.*** Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with this subsection.~~

~~3.~~ ~~***2.***~~

~~***4.]***~~ The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.

~~[4.~~ ~~***5.]***~~ ***3.*** A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has

established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

~~[~~5.~~ 6.]~~ ***4.*** After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

~~[~~6.~~ 7.]~~ ***5.*** An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 1.8. NRS 484A.7043 is hereby amended to read as follows:

484A.7043 1. Except as otherwise provided in this section, a person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than $500 per violation unless a greater civil penalty is authorized by specific statute. Except as otherwise provided in NRS 484A.792, any civil penalty collected pursuant to NRS 484A.703 to 484A.705, inclusive, must be paid to:

(a) The treasurer of the city in which the civil infraction ~~[occurred;]~~ ***citation was filed;*** or

(b) If the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction ~~[occurred.]~~ ***citation was filed.***

2. If a person is found to have committed a civil infraction, in addition to any civil penalty imposed on the person, the court shall order the person to pay the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that the person would be required to pay if the

civil penalty were a fine imposed on a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.

3. If the court determines that a civil penalty or administrative assessment ***specified in the civil infraction citation or*** imposed pursuant to this section is:

(a) Excessive in relation to the financial resources of the defendant, the court may waive or reduce the monetary penalty accordingly.

(b) Not within the defendant's present financial ability to pay, the court may enter into a payment plan with the person.

4. A court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, may:

(a) In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order the person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.

(b) Waive or reduce the civil penalty that a person who is found to have committed a civil infraction would otherwise be required to pay if the court determines that any circumstances warrant such a waiver or reduction.

(c) Reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction.

5. Nothing in this section shall be construed to require a court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, to hold a hearing before reducing a moving violation for which a person was issued a civil infraction citation to a nonmoving violation.

Sec. 2. NRS 484A.7047 is hereby amended to read as follows:

484A.7047 1. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:

(a) Not more than $100, if the amount of the delinquency is less than $2,000.

(b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.

2. The city or county that is responsible for collecting a delinquent civil penalty, administrative assessment or fee may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1 in accordance with the provisions of the contract.

3. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. The court may ~~[:~~

~~(a) Request]~~ ***request*** that the city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

~~[(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order pursuant to this paragraph suspending the driver's license of a delinquent person or delaying the ability of a delinquent person to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the delinquent person's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.]~~

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a justice court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a) or (b).

Sec. 2.2. NRS 484A.7049 is hereby amended to read as follows:

484A.7049 1. A prosecuting attorney may ***, at any time before a court having jurisdiction over the alleged offense enters a judgment of conviction against a defendant,*** elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The ~~[prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:~~

~~(a) Preparing a civil infraction citation in accordance with subsection 1 of NRS 484A.7035 that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;~~

~~(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and~~

~~(c) Delivering a copy of the notice and citation to the defendant.~~

~~3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.~~**]** ***district attorney or city attorney of any county or city, respectively, may authorize a traffic enforcement agency over whom the district attorney or city attorney, as applicable, has jurisdiction to elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. If so authorized, a traffic enforcement agency may authorize a peace officer employed by the agency to treat a violation of such provisions as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.***

3. A bench warrant may not be issued for a violation treated as a civil infraction pursuant to this section.

Sec. 2.4. NRS 484A.705 is hereby amended to read as follows:

484A.705 Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction while the person is under the influence of alcohol or a controlled substance, the person may ~~[~~instead~~]~~ be ~~[~~charged~~]~~ ***:***

1. Charged with a misdemeanor ~~[.]~~ ***; and***

2. Arrested, if authorized pursuant to NRS 484A.710.

Sec. 2.6. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed ~~[~~any~~]~~ ***:***

(a) Any of the following offenses:

~~[~~(a)~~]~~ ***(1)*** Homicide by vehicle;

~~[~~(b)~~]~~ ***(2)*** A violation of NRS 484C.110 or 484C.120;

~~[~~(c)~~]~~ ***(3)*** A violation of NRS 484C.430;

~~[~~(d)~~]~~ ***(4)*** A violation of NRS 484C.130;

~~[~~(e)~~]~~ ***(5)*** Failure to stop, give information or render reasonable assistance in the event of a crash resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;

~~[~~(f)~~]~~ ***(6)*** Failure to stop or give information in the event of a crash resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;

~~[~~(g)~~]~~ ***(7)*** Reckless driving;

~~[~~(h)~~]~~ ***(8)*** Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or

~~[~~(i)~~]~~ ***(9)*** Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

(b) An offense that is punishable as a civil infraction, if the officer has reasonable cause for believing that the person has committed an offense listed in paragraph (a).

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750.

Sec. 2.65. NRS 484A.760 is hereby amended to read as follows:

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in ~~[~~paragraphs (a) to (e),~~]~~ ***subparagraphs (1) to (5),*** inclusive, of ***paragraph (a) of*** subsection 1 of NRS 484A.710, and no magistrate is available at the time of arrest, and there

is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively, or physically receiving a copy of the traffic citation, as provided in NRS 484A.630.

Sec. 2.67. **NRS 4.370 is hereby amended to read as follows:**

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive. ***Upon approval of the district court or juvenile court, as applicable, the justice court may transfer original jurisdiction of a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, to the district court or juvenile court, as applicable, if the person charged with the civil infraction is a person under 18 years of age.***

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 2.7. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

A prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State.

Sec. 2.72. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive ~~[.]~~ ***, and section 2.7 of this act:***

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 388C of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700; and

(b) Contracts to provide medical services for the Department of Corrections.

➥ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 2.74. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, ***and section 2.7 of this act,*** 485.318, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.010 or the limitations of NRS 41.032 to 41.036, inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, ***and section 2.7 of this act,*** subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose

or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:

(a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(b) The person serving in the office of administrative head of the named agency.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 2.76. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance other than those:

(1) Specified in paragraph (f) or (g) of subsection 1 of NRS 62B.320;

(2) Concerning an offense related to tobacco; or

(3) Relating to the consumption or possession of alcohol or the possession of 1 ounce or less of marijuana that are punishable pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. ~~[For]~~ ***Except as otherwise provided in NRS 4.370, for*** the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense, if the person was 16 years of age or older when the murder or attempted murder was committed.

(b) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(c) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the

related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(d) ***A violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.***

(e) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2.8. NRS 244.3575 is hereby amended to read as follows:

244.3575 A board of county commissioners may by ordinance provide that ~~[the]~~ ***:***

1. The violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed $155, instead of a criminal sanction.

2. A violation of a traffic ordinance enacted by the board of county commissioners pursuant to NRS 484A.400 imposes a civil penalty in an amount not to exceed $500, instead of a criminal sanction.

Sec. 2.9. On or before July 1, 2024, the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, shall:

1. Study uniform civil infraction citations used in different states to determine best practices for developing and implementing a standardized, statewide uniform civil infraction citation in this State that may be issued through the electronic traffic citation system developed pursuant to NRS 484B.830; and

2. Submit its findings and any recommendations for legislation resulting from the study to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

Sec. 2.95. On or before January 1, 2024, the justice courts and municipal courts in this State shall adopt rules governing the practice and procedure for setting aside a default judgment entered in an action initiated pursuant to NRS 484A.703 to 484A.705, inclusive.

Sec. 3. 1. If, on or after the effective date of this act, a person is subject to:

(a) A suspension of his or her driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047; or

(b) A court order delaying the issuance of a driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047,

➥ as that section existed before the effective date of this act, the Department of Motor Vehicles shall immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license, as applicable, and shall notify the person, as soon as possible, of the reinstatement

of his or her driver's license or ability to apply for the issuance of a driver's license, as applicable.

2. The Department of Motor Vehicles may not:

(a) Charge any fee for the reinstatement of the driver's license of a person in accordance with this section; or

(b) Require a person to undergo any physical or mental examination pursuant to NRS 483.330 or 483.495 to be eligible for reinstatement of his or her driver's license.

Sec. 4. The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 376.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 726.

AN ACT relating to state employment; establishing provisions governing paid family leave for certain state employees under certain circumstances; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, state employees in the public service are entitled to certain types of leave, including, without limitation, annual, sick and disability leave and leaves of absence under certain provisions. (NRS 284.355, 284.360) **Section 1** of this bill provides that an employee of the Executive Department of the State Government is entitled to take 8 weeks of paid family leave over the course of a 12-month period to: (1) bond with a newborn child of the employee or a newborn child of the domestic partner of the employee; (2) bond with a newly adopted child of the employee; (3) recover from or undergo treatment for a serious illness; (4) care for a seriously ill member of the immediate family of the employee; or (5) participate in a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee. To be eligible for such paid family leave, **section 1** provides that an employee must: (1) be employed by the State for not less than 12 consecutive months; (2) have accrued not less than 40 hours of sick leave; and (3) have used any accrued sick leave in excess of 40 hours before taking paid family leave. **Section 1** further: (1) requires an appointing authority to pay an employee on paid family leave 50 percent of the regular wage the employee would have earned if the employee was not on leave; and (2) prohibits the appointing authority or designee of the appointing authority

from denying an eligible employee paid family leave or retaliating or taking any adverse action against an employee for taking paid family leave.

Section 2 of this bill makes a conforming change to provide that an employee may use his or her sick leave for the purposes set forth in **section 1** before taking paid family leave. **Section 3** of this bill makes a conforming change to provide that the provisions authorizing an employee to be granted a leave of absence without pay do not affect the rights of an employee to take paid family leave.

Section 3.5 of this bill makes an appropriation to the Department of Administration for the costs of computer programming to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an employee of the Executive Department of the State Government who has been employed for not less than 12 consecutive months is entitled to take 8 weeks of paid family leave:

(a) To bond with a newborn child of the employee or a newborn child of the domestic partner of the employee;

(b) To bond with a newly adopted child of the employee;

(c) To recover from or undergo treatment for a serious illness;

(d) To care for a seriously ill member of the immediate family of the employee; or

(e) For a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee.

2. An employee eligible for paid family leave pursuant to subsection 1 must have not less than 40 hours of sick leave accrued pursuant to NRS 284.355 before taking paid family leave. Any sick leave accrued in excess of 40 hours must be used before taking paid family leave.

3. An appointing authority shall pay an employee on paid family leave 50 percent of the regular wage the employee would have earned if the employee was not on leave.

4. An employee that is entitled to take paid family leave pursuant to subsection 1 is not required to take paid family leave consecutively and may take paid family leave over the course of a 12-month period.

5. An appointing authority or his or her designee shall not deny an eligible employee the right to take paid family leave in accordance with the provisions of this section or retaliate or take any adverse action against an employee for taking paid family leave pursuant to subsection 1.

6. As used in this section:

(a) "Domestic partner" means a person who is in a domestic partnership which is registered or recognized pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.

(b) "Immediate family" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.

(c) "Qualifying event" means any military event or essential need resulting from the military deployment of an immediate family member. The term includes, without limitation, arranging for child care or parental care during deployment, representing the military family member at a federal, state or local event during deployment and addressing issues due to the death of the military family member.

(d) "Serious illness" has the meaning ascribed to it in NRS 232.4854.

Sec. 2. NRS 284.355 is hereby amended to read as follows:

284.355 1. Except as otherwise provided in this section, all employees in the public service, whether in the classified or unclassified service, are entitled to sick and disability leave with pay of 1 1/4 working days for each month of service, which may be cumulative from year to year. After an employee has accumulated 90 working days of sick leave, the amount of additional unused sick leave which the employee is entitled to carry forward from 1 year to the next is limited to one-half of the unused sick leave accrued during that year, but the Commission may by regulation provide for subsequent use of unused sick leave accrued but not carried forward because of this limitation in cases where the employee is suffering from a long-term or chronic illness and has used all sick leave otherwise available to the employee.

2. ***An employee who is entitled to receive paid family leave pursuant to section 1 of this act may use his or her accrued sick leave for any purpose set forth in subsection 1 of section 1 of this act.***

3. Upon the retirement of an employee, the employee's termination through no fault of the employee or the employee's death while in public employment, the employee or the employee's beneficiaries are entitled to payment:

(a) For the employee's unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to the employee's number of years of public service, except service with a political subdivision of the State, as follows:

(1) For 10 years of service or more but less than 15 years, not more than $2,500.

(2) For 15 years of service or more but less than 20 years, not more than $4,000.

(3) For 20 years of service or more but less than 25 years, not more than $6,000.

(4) For 25 years of service, not more than $8,000.

(b) For the employee's unused sick leave accrued but not carried forward, an amount equal to one-half of the sum of:

(1) The employee's hours of unused sick leave accrued but not carried forward; and

(2) An additional 120 hours.

~~[3.]~~ ***4.*** The Commission may by regulation provide for additional sick and disability leave for long-term employees and for prorated sick and disability leave for part-time employees.

~~[4.]~~ ***5.*** An employee entitled to payment for unused sick leave pursuant to subsection ~~[2]~~ ***3*** may elect to receive the payment in any one or more of the following forms:

(a) A lump-sum payment.

(b) An advanced payment of the premiums or contributions for insurance coverage for which the employee is otherwise eligible pursuant to chapter 287 of NRS. If the insurance coverage is terminated and the money advanced for premiums or contributions pursuant to this subsection exceeds the amount which is payable for premiums or contributions for the period for which the former employee was actually covered, the unused portion of the advanced payment must be paid promptly to the former employee or, if the employee is deceased, to the employee's beneficiary.

(c) The purchase of additional retirement credit, if the employee is otherwise eligible pursuant to chapter 286 of NRS.

~~[5.]~~ ***6.*** Officers and members of the faculty of the Nevada System of Higher Education are entitled to sick and disability leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

~~[6.]~~ ***7.*** The Commission may by regulation provide policies concerning employees with mental or emotional disorders which:

(a) Use a liberal approach to the granting of sick leave or leave without pay to such an employee if it is necessary for the employee to be absent for treatment or temporary hospitalization.

(b) Provide for the retention of the job of such an employee for a reasonable period of absence, and if an extended absence necessitates separation or retirement, provide for the reemployment of such an employee if at all possible after recovery.

(c) Protect employee benefits, including, without limitation, retirement, life insurance and health benefits.

~~[7.]~~ ***8.*** The Commission shall establish by regulation a schedule for the accrual of sick leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of sick leave at the same rate proportionately as employees who work a 40-hour week accrue sick leave.

~~[8.]~~ ***9.*** The Division may investigate any instance in which it believes that an employee has taken sick or disability leave to which the employee was not entitled. If, after notice to the employee and a hearing, the Commission determines that the employee has taken sick or disability leave to which the employee was not entitled, the Commission may order the forfeiture of all or part of the employee's accrued sick leave.

Sec. 3. NRS 284.360 is hereby amended to read as follows:

284.360 1. Any person holding a permanent position in the classified service may be granted a leave of absence without pay. Leave of absence may be granted to any person holding a position in the classified service to permit acceptance of an appointive position in the unclassified service. Leave of absence must be granted to any person holding a position in the classified service to permit acceptance of a position in the Legislative Branch during a regular or special session of the Legislature, including a reasonable period before and after the session if the entire period of employment in the Legislative Branch is continuous.

2. If a person is granted a leave of absence without pay to permit acceptance of an appointive position in the unclassified service or a position in the Legislative Branch, any benefits earned while the person is in the:

(a) Classified service are retained and must be paid by the employer in the classified service, whether or not the person returns to the classified service.

(b) Unclassified service or employed by the Legislative Branch are retained and must be paid by the appointing authority in the unclassified service or by the Legislative Branch, if the person does not return to the classified service, or by the employer in the classified service, if the person returns to the classified service.

3. Any person in the unclassified service, except members of the academic staff of the Nevada System of Higher Education, may be granted by the appointing authority a leave of absence without pay for a period not to exceed 6 months.

4. Officers and members of the faculty of the Nevada System of Higher Education may be granted leaves of absence without pay as provided by the regulations prescribed pursuant to subsection 2 of NRS 284.345.

5. Except as otherwise provided in subsection 6, a person in the classified or unclassified service who:

(a) Is the natural parent of a child who is less than 6 months old; or

(b) Has recently adopted a child,

➥ must be granted, upon request, a leave of absence without pay for a period not to exceed 12 weeks. Such a request by natural parents must be submitted at least 3 months before the date upon which the requested leave will begin, unless a shorter notice is approved by the employer. Such a request by adoptive parents must be submitted not fewer than 2 working days after the parents receive notice of the approval of the adoption. This subsection does not affect the rights of an employee set forth in NRS 284.350 ***,*** ~~[or]~~ 284.355 ~~[.]~~ ***and section 1 of this act.***

6. The provisions of subsection 5 are effective only if the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., or a subsequent federal law ceases to provide for a parental leave of absence of at least 12 weeks.

Sec. 3.5. **1. There is hereby appropriated from the State General Fund to the Department of Administration the sum of $18,154 for the costs of computer programming to carry out the provisions of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 4. 1. This section ~~[becomes]~~ **and section 3.5 become** effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 57.

Bill read third time.

Roll call on Senate Bill No. 57:

YEAS—40.

NAYS—None.

EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 57 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 60.

Bill read third time.

Roll call on Senate Bill No. 60:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 80.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

I rise today in support of Senate Bill 80. Senate Bill 80 is the work of 21 Nevada Youth legislators. I want to acknowledge how hard they have worked and the dedication they have put

in throughout the year to narrow down so many impressive proposals to just one, the one you have before you today. This bill will help students who have suffered traumatic brain injuries go back to school.

I want to thank them, especially the two youth legislators who are sitting with me here today, for their time in this building, working with Senators, Assembly members, lobbyists, policy analysts, and legal counsel. Boy, did they get the full legislative experience.

I urge all of my colleagues to support Senate Bill 80.

Roll call on Senate Bill No. 80:

YEAS—40.

NAYS—None.

EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Roll call on Senate Bill No. 251:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 322.

Bill read third time.

Remarks by Assemblyman Yurek.

ASSEMBLYMAN YUREK:

Senate Bill 322 enacts Rex's Law. I want to say today that working on this piece of legislation has truly been one of my greatest legislative privileges. I know my colleague, Senator Stone, is in the gallery watching. It has been an amazing privilege to work with not only him but so many of you in this Chamber as well as many of our colleagues in the Senate Chamber, to come alongside this family that has suffered an unimaginable tragedy. They have demonstrated tremendous courage in leveraging that tragedy to help try to prevent this sort of tragedy from befalling anybody else in our community.

Roll call on Senate Bill No. 322:

YEAS—40.

NAYS—None.

EXCUSED—Bilbray-Axelrod, C.H. Miller—2.

Senate Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 384.

Bill read third time.

Roll call on Senate Bill No. 384:
YEAS—26.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
EXCUSED—Bilbray-Axelrod, C.H. Miller—2.
Senate Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 418.
Bill read third time.
Roll call on Senate Bill No. 418:
YEAS—38.
NAYS—Anderson, Considine—2.
EXCUSED—Bilbray-Axelrod, C.H. Miller—2.
Senate Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 429.
Bill read third time.
Roll call on Senate Bill No. 429:
YEAS—26.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
EXCUSED—Bilbray-Axelrod, C.H. Miller—2.
Senate Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 436.
Bill read third time.
Roll call on Senate Bill No. 436:
YEAS—40.
NAYS—None.
EXCUSED—Bilbray-Axelrod, C.H. Miller—2.
Senate Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that Senate Bill No. 35 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 404, 415.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 281.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 281.

Assemblyman Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 520, 522.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:53 p.m.

ASSEMBLY IN SESSION

At 7:40 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHELLE GORELOW, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 472, 475, 476, 477, 478, 479, 486, 492, 496, 500, 504, 508, 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 9—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2023-2025 biennium.

RESOLVED, by the Assembly of the State of Nevada, That, pursuant to the provisions of NRS 218E.150 and the Joint Standing Rules of the Legislature, the following members of the Assembly are designated regular and alternate members of the Legislative Commission to serve until their successors are designated: Mr. Steve Yeager, Ms. Sandra Jauregui, Ms. Shea Backus, Mr. C.H. Miller; Mr. Rich DeLong and Ms. Alexis Hansen are designated as the regular Assembly members; Ms. Sarah Peters and Ms. Shannon Bilbray-Axelrod are designated as the first and second alternate members, respectively, for Mr. Steve Yeager; Ms. Daniele Monroe-Moreno and Ms. Selena Torres are designated as the first and second alternate members, respectively, for Ms. Sandra Jauregui; Ms. Elaine Marzola and Ms. Venicia Considine are designated as the first and second alternate members, respectively, for Ms. Shea Backus; Mr. Howard Watts and Ms. Natha Anderson are designated as the first and second alternate members, respectively, for Mr. C.H. Miller; Mr. Phillip P.K. O'Neill and Ms. Danielle Gallant are designated as the first and second alternate members, respectively, for Mr. Rich DeLong; and Ms. Jill Dickman and Ms. Melissa Hardy are designated as the first and second alternate members, respectively, for Ms. Alexis Hansen; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Gorelow moved the adoption of the resolution.

Resolution adopted.

Assemblywoman Jauregui moved that Senate Bill No. 76 be taken from the Chief Clerk's Desk and placed on the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 155 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 335 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 568.

AN ACT relating to legislative affairs; **making various changes relating to legislative interim committees and presiding officers of those committees;** revising provisions relating to ~~[certain vacancies in]~~ Joint Interim Standing Committees **;** ~~[of the Legislature and the use of alternate committee members; transferring certain duties of the Joint Interim Standing Committee on Legislative Operations and Elections to the Joint Interim Standing Committee on Government Affairs;]~~ revising the deadline to submit an application to **the Joint Interim Standing Committee on Education to** serve on the Nevada State Teacher Recruitment and Retention Advisory Task Force; repealing the requirement that the Joint Interim Standing Committee on Health and Human Services review certain regulations; **revising provisions relating to legislative committee members and staff regulated by the Nevada**

Lobbying Disclosure and Regulation Act and Nevada Financial Disclosure Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various legislative interim committees that are created or authorized to conduct studies or investigations or perform other legislative business during the interim between legislative sessions, and existing law provides for the appointment or designation of chairs and vice chairs of such interim committees. (Chapter 218E of NRS, NRS 232B.210-232B.250) Existing law also contains provisions that apply exclusively to such interim committees without applying to any session committees. (NRS 218E.105-218E.140)

Under the term-limit provisions of the Nevada Constitution, Legislators are subject to limitations on the number of years that they may serve in each House of the Legislature. (Nev. Const. Art. 4, §§ 3, 4) Section 2 of this bill amends the statutory provisions that apply to interim committees in order to provide, with certain exceptions, that if a Legislator is serving the final term in his or her current House under the term-limit provisions, the Legislator is not eligible for the position of chair or vice chair of an interim committee during the legislative interim period that: (1) begins immediately after adjournment sine die of the last regular session in which the Legislator is eligible to serve in his or her current House; and (2) ends at the expiration of the Legislator's current term of office in that House. However, section 2 contains an exception for the position of Chair or Vice Chair of the Legislative Commission. Sections 3, 7, 8, 11-14 and 49 of this bill make conforming changes.

Under existing common-law principles of parliamentary law, the chair of a committee serves as the presiding officer of the committee and may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee. In addition, if a vacancy occurs in the position of chair, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise unavailable or unable to carry out the position for any reason, the vice chair of the committee serves as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled or the chair is eligible, available or able to carry out the position again, as applicable. (*Mason's Manual of Legislative Procedure* §§ 575-579, 608-611 (2020); Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* §§ 287, 308, 313, 314, 1910 (1856); *Hicks v. Long Branch Comm'n*, 55 A. 250, 250-51 (N.J. 1903)) To assist interim committees in conducting their legislative business consistently with existing common-law principles of parliamentary law, sections 4-6 of this bill codify those existing common-law principles into the statutory provisions that apply to interim committees. (*Welfare Div. v. Maynard*, 84 Nev. 525, 529 (1968)

("A statutory enactment can be simply a legislative pronouncement of already existing law."); *State Gaming Comm'n v. Southwest Sec.*, 108 Nev. 379, 383-84 (1992))

Existing law: (1) establishes Joint Interim Standing Committees of the Legislature that may evaluate and review issues within the jurisdiction of the corresponding standing committees from the preceding regular session of the Legislature, exercise certain investigative powers and, under certain circumstances, conduct studies directed by the Legislature or the Legislative Commission; (2) provides for the appointment of regular members and alternative members to each Joint Interim Standing Committee; and (3) requires the Legislative Commission to select a Chair and a Vice Chair for each Joint Interim Standing Committee. (NRS 218E.320, 218E.330) ~~[Section 1 of this bill provides that if the position of Chair of a Joint Interim Standing Committee is vacant, the Vice Chair shall serve as acting Chair until the vacancy is filled. Section 2]~~

Sections 8-10 of this bill clarify and revise various requirements governing the Joint Interim Standing Committees. Section 8 of this bill requires the appointing authorities to appoint the committee members, along with the Chairs and Vice Chairs, not later than August 31 following the adjournment of each regular session. Section 8 also clarifies the length of the terms that the committee members and the Chairs and Vice Chairs serve while qualified.

Section 9 of this bill authorizes the Joint Interim Standing Committees to begin holding their meetings on September 1 after the adjournment of each regular session, instead of November 1 under existing law. Section 9 ~~[of this bill]~~ provides that if a regular member ~~[of a Joint Interim Standing Committee]~~ cannot attend a meeting of the Committee, an ~~[alternative]~~ **alternate** member must, to the extent practicable, be of the same political party as the regular member ~~[.]~~ **, and section 9 clarifies that, when acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.**

Existing law requires that any recommended legislation proposed by a Joint Interim Standing Committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly serving on the Committee. (NRS 218E.325) Section 9 changes this requirement by providing that any recommended legislation proposed by a Committee must be approved by a vote in favor of such legislation by at least five members of the eight-member Committee, regardless of their House.

Existing law requires the Joint Interim Standing Committee on Legislative Operations and Elections to evaluate and review issues relating to governmental purchasing. (NRS 218E.330) **Section** ~~[3]~~ **10** of this bill transfers such duties ~~[from the Joint Interim Standing Committee on Legislative Operations and Elections]~~ to the Joint Interim Standing Committee on Government Affairs. **Section** ~~[6]~~ **44** of this bill makes a conforming change to

require that the biennial report on recommendations for legislation relating to government purchasing be submitted to the Joint Interim Standing Committee on Government Affairs.

Existing law creates the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources and prescribes the Subcommittee's powers and duties. (NRS 218E.500-218E.525, NRS 321.7355) Sections 15-17, 43 and 51 of this bill eliminate the Subcommittee and transfer its powers and duties to the Joint Interim Standing Committee on Natural Resources.

Existing law creates: (1) the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System; and (2) the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. (NRS 218E.550-218E.570, 218E.745-218E.760) Sections 18 and 19 of this bill revise the membership, organization and operations of each Legislative Committee.

Existing law creates the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) Sections 33-40 of this bill: (1) rename the Sunset Subcommittee as the Sunset Committee of the Legislature; and (2) revise the membership, organization and operations of the Sunset Committee.

Existing law authorizes Joint Interim Standing Committees and other interim committees to request the drafting of a certain number legislative measures for each regular session. (NRS 218D.160) Section 1 of this bill revises the number of such requests that may be made by: (1) the Joint Interim Standing Committee on Health and Human Services; (2) the Joint Interim Standing Committee on the Judiciary; (3) the Joint Interim Standing Committee on Natural Resources; and (4) the Sunset Committee of the Legislature.

Existing law requires the Joint Interim Standing Committee on Health and Human Services to review certain regulations that are proposed or adopted by certain licensing boards and that are related to health care. (NRS 439B.225) **Section ~~[9]~~ 51** of this bill repeals the requirement that the Joint Interim Standing Committee on Health and Human Services review such regulations. **Sections ~~[4 and 5]~~ 41 and 42** of this bill make conforming changes to eliminate the requirement that such regulations be submitted to the Joint Interim Standing Committee on Health and Human Services.

Existing law requires a teacher who wishes to serve on the Nevada State Teacher Recruitment and Retention Advisory Task Force to submit an application to the Joint Interim Standing Committee on Education on or before January 15 of an even-numbered year. (NRS 391.494) **Section ~~[7]~~ 46** of this bill moves the due date of the application from January 15 of an even-numbered year to December 1 of an odd-numbered year.

Existing law requires various reports, documents and other information to be compiled by state or local governmental agencies and then reported to certain legislative committees or staff. (NRS 193.309,

209.192, 209.461, 209.4818, 332.215, 388.887, 449.242) Sections 29-32, 44, 45 and 47 of this bill revise those reporting requirements.

Under existing law, the Nevada Lobbying Disclosure and Regulation Act (Lobbying Act) prohibits, with certain exceptions, Legislators, legislative officers and legislative staff members from knowingly or willfully soliciting or accepting any gift from a lobbyist, whether or not the Legislature is in a regular or special session. (NRS 218H.060, 218H.090, 218H.930) Under existing exceptions to the gift prohibitions, if Legislators or members of their households receive anything of value from a lobbyist to undertake or attend any educational or informational meetings, events or trips, such meetings, events or trips are excluded from the term "gift" under the Lobbying Act, but the Legislators are required to report the educational or informational meetings, events or trips on their financial disclosure statements under the Nevada Financial Disclosure Act (Financial Disclosure Act). (NRS 218H.045, 218H.060, 281.5583, 281.571)

Sections 20-27 of this bill create exceptions for legislative committee investigative meetings, events or trips. Section 22 of this bill defines a "legislative committee investigative meeting, event or trip" to include any meetings, events or trips that the chair of a legislative committee authorizes as official meetings, events or trips of the committee in order for the members of the committee and legislative staff members to investigate or otherwise receive any education or information on matters that are pertinent to the committee's legislative business or possible future legislative action. Based on the exceptions in sections 24 and 26 of this bill, such legislative committee investigative meetings, events or trips are not required to be reported on financial disclosure statements under the Financial Disclosure Act. (NRS 281.5583, 281.5585)

Sections 24 and 26 also make the existing exceptions for educational or informational meetings, events or trips applicable to: (1) legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly; and (2) legislative staff members but only if such staff members have the approval of their chief administrative supervisors to undertake or attend the educational or informational meetings, events or trips. Because the Financial Disclosure Act applies to legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly, and to certain senior staff members of the Legislative Counsel Bureau, such as the Director and the chiefs of the divisions, they are required to report the educational or informational meetings, events or trips on financial disclosure statements. By contrast, if rank-and-file legislative staff members have the approval of their chief administrative supervisors to undertake or attend any educational or informational meetings, events or trips, they are not required to report the educational or informational meetings, events or trips on financial disclosure statements, unless they qualify as a public officer or candidate or a member of a public officer's

or candidate's household for the purposes of the Financial Disclosure Act. (NRS 281.005, 281.558, 281.5583, 281.5587)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 218D.160 is hereby amended to read as follows:**

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) ~~[Except as otherwise provided in paragraphs (b), (c) and (d), a]~~ ***A*** Joint Interim Standing Committee may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the Committee ~~[.~~

~~(b) The Joint Interim Standing Committee on Health and Human Services may request the drafting of not more than 15 legislative measures which relate to matters within the scope of the Committee, at least 5 of which must relate to matters relating to child welfare.~~

~~(c) The]~~ ***, unless another provision in this subsection authorizes a different number of requests for a specific Joint Interim Standing Committee.***

(b) In addition to the number of requests authorized pursuant to paragraph (a), the Joint Interim Standing Committee on the Judiciary may ***also*** request the drafting of not more ~~[15]~~ ***than 5*** legislative measures ~~[which relate to matters within the scope of the Committee, at least 5 of which must relate to matters]~~ ***relating to child welfare and not more than 5 legislative measures*** relating to juvenile justice.

~~[(d) The Joint Interim Standing Committee on Natural Resources may request the drafting of not more than 14 legislative measures which relate to matters within the scope of the Committee, at least 4 of which must relate to matters relating to public lands based on the recommendations for legislation submitted by the Subcommittee on Public Lands pursuant to NRS 218E.525.~~

~~(e)]~~ ***(c)*** Any legislative committee created by a statute, other than the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 ***, the Sunset Committee of the Legislature created by NRS 232B.210*** or an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

~~[(f)]~~ ***(d)*** The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 may request the drafting of not more than 6 legislative measures which relate to matters within the scope of the Committee.

~~[(g)]~~ ***(e) The Sunset Committee of the Legislature created by NRS 232B.210 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the Committee, except that the Committee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.***

(f) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

~~[(h)]~~ ***(g)*** Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➥ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 2. **Chapter 218E of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this section, if at the expiration of a Legislator's current term of office, the Legislator will be prohibited from serving again in his or her current House because of the limitations on the number of years of service pursuant to Section 3 or 4 of Article 4 of the Nevada Constitution, as applicable, the Legislator is not eligible to be appointed, designated or selected as the chair or vice chair of a committee, or serve in either position, during the legislative interim period that:

(a) Begins immediately after adjournment sine die of the last regular session in which the Legislator is eligible to serve in his or her current House; and

(b) Ends at the expiration of the Legislator's current term of office in that House.

2. The provisions of this section apply to a Legislator whether or not the Legislator is eligible to serve in or becomes a candidate for a seat in the other House during his or her current term of office, except that the provisions of this section do not apply to a Legislator who is appointed to fill a vacancy in the other House before the expiration of his or her current term of office.

3. The provisions of this section do not apply to the position of Chair or Vice Chair of the Legislative Commission.

Sec. 3. **NRS 218E.105 is hereby amended to read as follows:**

218E.105 As used in NRS 218E.105 to 218E.140, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 218E.110, 218E.115 and 218E.120 have the meanings ascribed to them in those sections.

Sec. 4. **NRS 218E.110 is hereby amended to read as follows:**

218E.110 1. "Committee" means the Legislative Commission, a Joint Interim Standing Committee ***, the Sunset Committee of the Legislature created by NRS 232B.210*** and any other legislative committee or subcommittee created by ***the provisions of this chapter or*** a specific statute, concurrent resolution or order of the Legislative Commission to conduct studies or investigations or perform any other legislative business during the legislative interim.

2. ***The term includes, without limitation, any interim, advisory or other similar committee or subcommittee for which legislative staff members serve as the primary administrative or professional staff.***

3. The term does not include any legislative committee or subcommittee appointed by the Legislature or either House to conduct or perform legislative business during a regular or special session, including, without limitation, any joint, standing, temporary, special or select committee or committee of the whole.

Sec. 5. **NRS 218E.125 is hereby amended to read as follows:**

218E.125 1. The provisions of NRS 218E.105 to 218E.140, inclusive, ***and section 2 of this act,*** are intended to supplement the other provisions of this chapter and any other ~~[law]~~ ***laws or rules*** governing the legislative proceedings of a committee, ***including, without limitation, any applicable principles of parliamentary law,*** and the provisions of NRS 218E.105 to 218E.140, inclusive, ***and section 2 of this act,*** do not limit the application of such other ~~[provisions.]~~ ***legal authorities.***

2. The powers, privileges and immunities granted by the provisions of NRS 218E.105 to 218E.140, inclusive, ***and section 2 of this act,*** are in addition to any other powers, privileges and immunities recognized by ~~[law,]~~ ***any other laws or rules, including, without limitation, any applicable principles of parliamentary law,*** and all such powers, privileges and immunities are cumulative, so that the application or attempted application of any one does not bar the application or attempted application of any other.

Sec. 6. **NRS 218E.130 is hereby amended to read as follows:**

218E.130 1. A committee may conduct investigations and hold hearings regarding any matter which is pertinent to its legislative business or possible future legislative action and may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ~~[.]~~ ***, and section 2 of this act.***

2. The secretary of the committee or any member of the committee may administer oaths to witnesses who appear before the committee.

3. The chair of the committee, or the secretary of the committee on behalf of the chair, may cause the deposition of witnesses to be taken, whether the witnesses reside within or without the State, in the manner prescribed by court rules for taking depositions in civil actions in the district court.

4. The chair of the committee may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee, including, without limitation, any applicable principles of parliamentary law.

5. If a vacancy occurs in the position of chair of the committee, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise unavailable or unable to carry out the position for any reason, the vice chair of the committee shall serve as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled or the chair is eligible, available or able to carry out the position again, as applicable.

Sec. 7. **NRS 218E.240 is hereby amended to read as follows:**

218E.240 1. There is hereby created an Audit Subcommittee of the Legislative Commission consisting of five members.

2. The Chair of the Legislative Commission shall:

(a) Appoint the members of the Audit Subcommittee from among the members of the Legislative Commission and the Interim Finance Committee; and

(b) ~~[Designate]~~ ***Except as otherwise provided in section 2 of this act, designate*** one of the members of the Audit Subcommittee as Chair.

3. The Chair of the Legislative Commission shall designate five Legislators from among the members of the Legislative Commission and the Interim Finance Committee to serve as alternates for the members of the Audit Subcommittee.

4. The Legislative Auditor or a member of the staff of the Audit Division appointed by the Legislative Auditor shall serve as Secretary of the Audit Subcommittee.

5. The Audit Subcommittee shall meet at the times and places specified by a call of the Chair.

6. Three members of the Audit Subcommittee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Audit Subcommittee.

~~[Section 1.]~~ ***Sec. 8.*** NRS 218E.320 is hereby amended to read as follows:

218E.320 1. There are hereby created the following Joint Interim Standing Committees of the Legislature:

(a) Commerce and Labor;

(b) Education;

(c) Government Affairs;

(d) Growth and Infrastructure;
(e) Health and Human Services;
(f) Judiciary;
(g) Legislative Operations and Elections;
(h) Natural Resources; and
(i) Revenue.

2. Each Joint Interim Standing Committee consists of eight regular members and five alternate members. As soon as is practicable after the adjournment of each regular session ~~[.]~~ ***and not later than August 31 immediately following such adjournment:***

(a) The Speaker of the Assembly shall appoint three members of the Assembly as regular members of each Committee and two members of the Assembly as alternate members of each Committee.

(b) The Minority Leader of the Assembly shall appoint two members of the Assembly as regular members of each Committee and one member of the Assembly as an alternate member of each Committee.

(c) The Majority Leader of the Senate shall appoint two Senators as regular members of each Committee and one Senator as an alternate member of each Committee.

(d) The Minority Leader of the Senate shall appoint one Senator as a regular member of each Committee and one Senator as an alternate member of each Committee.

3. Before making their respective appointments, the Speaker of the Assembly, the Majority Leader of the Senate and the Minority Leaders of the Senate and Assembly shall consult so that, to the extent practicable:

(a) At least five of the regular members appointed to each Joint Interim Standing Committee served on the corresponding standing committee or committees during the preceding regular session.

(b) Not more than five of the regular members appointed to each Joint Interim Standing Committee are members of the same political party.

4. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** Legislative Commission shall ~~[select]~~ ***appoint*** the Chair and Vice Chair of each Joint Interim Standing Committee from among the members of the Committee ~~[.]~~ ***and shall make such appointments as soon as is practicable after the adjournment of each regular session and not later than August 31 immediately following such adjournment.*** The Chair must be appointed from one House of the Legislature and the Vice Chair from the other House. The position of Chair must alternate each biennium between the Houses of the Legislature. ~~[Each of those officers]~~

5. Except as otherwise provided in this section and section 2 of this act, each Chair and Vice Chair holds the position ***, while qualified,*** until a successor is appointed after the next regular session. If a vacancy occurs in the position of Chair or Vice Chair , the ~~*[*~~

~~*(a) The]*~~ vacancy must be filled in the same manner as the original ~~[selection]~~ ***appointment*** for the remainder of the unexpired term. ~~*[; and*~~

~~*(b) The Vice Chair shall serve as acting Chair until the vacancy is filled.*~~

~~5.~~ ***6.*** ***Except as otherwise provided in this subsection, a member of a Joint Interim Standing Committee holds his or her membership on the Committee, while qualified, until a successor is appointed after the next regular session.*** The membership of any member of a Joint Interim Standing Committee who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, may appoint a member to fill the vacancy for the remainder of the unexpired term.

~~6.~~ ***7.*** Vacancies on a Joint Interim Standing Committee must be filled in the same manner as original appointments.

~~Sec. 2.~~ ***Sec. 9.*** NRS 218E.325 is hereby amended to read as follows:

218E.325 1. Except as otherwise ordered by the Legislative Commission, the members of a Joint Interim Standing Committee shall meet not earlier than ~~November 1 of each odd-numbered year~~ ***September 1 immediately following the adjournment of each regular session*** and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair ***.*** ~~or a majority of the Committee.~~

2. The Director or his or her designee shall act as the nonvoting recording Secretary of each Joint Interim Standing Committee.

3. Five members of a Joint Interim Standing Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee, except that any recommended legislation proposed by ~~a~~ ***the*** Committee must be approved by a ~~majority of the members of the Senate and a majority of the members of the Assembly serving on~~ ***vote in favor of such legislation by at least five members of*** the Committee.

4. ***All requests for the drafting of recommended legislation approved by a Joint Interim Standing Committee must be made in accordance with NRS 218D.160.***

5. If ~~*a regular*~~ ***an alternate member of a Joint Interim Standing Committee attends a meeting of the Committee in place of a regular member who cannot attend*** ~~*a meeting of the Committee,*~~ ***the meeting, the alternate member who attends the meeting must, to the extent practicable, be of the same political party as the regular member. When acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.***

~~5.~~ ***6.*** Except during a regular or special session, for each day or portion of a day during which a member of a Joint Interim Standing Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

~~[~~

7. The compensation, per diem allowances and travel expenses of the members of a ***Joint Interim Standing*** Committee must be paid from the Legislative Fund.

~~[Sec. 3.]~~ ***Sec. 10.*** NRS 218E.330 is hereby amended to read as follows:

218E.330 1. A Joint Interim Standing Committee may:

(a) Evaluate and review issues within the jurisdiction of the corresponding standing committee or committees from the preceding regular session;

(b) Exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ~~[.]~~ ***, and section 2 of this act;*** and

(c) Within the limits of the Committee's budget, conduct studies directed by the Legislature or the Legislative Commission.

2. In addition to the authorized scope of issues set forth in paragraph (a) of subsection 1:

(a) ~~[The Joint Interim Standing Committee on Health and Human Services shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to child welfare.~~

~~(b)]~~ The Joint Interim Standing Committee on the Judiciary shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to ***child welfare and*** juvenile justice.

~~[(c)]~~ ***(b)*** The Joint Interim Standing Committee on ~~[Legislative Operations and Elections]~~ ***Government Affairs*** may evaluate and review issues relating to governmental purchasing, including, without limitation, recommendations submitted to the Joint Interim Standing Committee by the Commission to Study Governmental Purchasing pursuant to NRS 332.215.

3. The Legislative Commission shall review and approve the budget and work program of each Joint Interim Standing Committee and any changes to the budget or work program.

4. A Joint Interim Standing Committee shall prepare a comprehensive report of the Committee's activities in the interim and its findings and any recommendations for proposed legislation. The report must be submitted to the Director for distribution to the next regular session.

Sec. 11. **NRS 218E.400 is hereby amended to read as follows:**

218E.400 1. There is hereby created in the Legislative Counsel Bureau an Interim Finance Committee. Except as otherwise provided in this section, the Interim Finance Committee is composed of the members of the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during the current or immediately preceding regular session.

2. Except as otherwise provided in ~~[this subsection, the]~~ ***subsections 3 and 4:***

(a) The immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Finance Committee for the period ending with the convening of each even-numbered regular session ~~[.]~~ ***;***

(b) The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Finance Committee during the next legislative interim ~~[, and the]~~ ***; and***

(c) The position of Chair ***of the Interim Finance Committee*** alternates between the Houses according to this pattern.

3. Except as otherwise provided in subsection 4, if the immediate past Chair of the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means, as applicable, is not eligible to serve as the Chair of the Interim Finance Committee pursuant to section 2 of this act, the position of Chair of the Interim Finance Committee must be appointed as follows:

(a) If the position is entitled to be filled by the Senate for that legislative interim, the Majority Leader of the Senate shall appoint an eligible immediate past member of the Senate Standing Committee on Finance as the Chair of the Interim Finance Committee.

(b) If the position is entitled to be filled by the Assembly for that legislative interim, the Speaker of the Assembly shall appoint an eligible immediate past member of the Assembly Standing Committee on Ways and Means as the Chair of the Interim Finance Committee.

4. The term of the Chair of the Interim Finance Committee terminates if a new Chair of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as the case may be, is designated for the next regular session, in which case that person so designated serves as the Chair of the Interim Finance Committee until the convening of that regular session.

~~[3.]~~ ***5.*** If any regular member of the Interim Finance Committee informs the Secretary that the member will be unable to attend a particular meeting, the Secretary shall notify the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, to appoint an alternate for that meeting from the same House and political party as the absent member.

~~[4.]~~ ***6.*** Except as otherwise provided in subsection ~~[5,]~~ ***7,*** the term of a member of the Interim Finance Committee expires upon the convening of the next regular session unless the member is replaced by the appointing authority. If the Speaker designate of the Assembly or the Majority Leader designate of the Senate designates members of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as applicable, for the next regular session, the designated members become members of the Interim Finance Committee. A member may be reappointed.

~~[5.]~~ ***7.*** The membership of any member who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, shall appoint an alternate to fill the vacancy on the Interim Finance Committee. Except as otherwise provided in this subsection, each alternate serves on the Interim Finance Committee:

(a) If the alternate is a member of the Assembly, until the Speaker designate of the Assembly designates the members of the Assembly Standing Committee on Ways and Means for the next regular session or appoints a different alternate.

(b) If the alternate is a member of the Senate, until the Majority Leader designate of the Senate designates the members of the Senate Standing Committee on Finance for the next regular session or appoints a different alternate.

~~[6.]~~ ***8.*** The Director shall act as the Secretary of the Interim Finance Committee.

~~[7.]~~ ***9.*** A majority of the members of the Assembly Standing Committee on Ways and Means and a majority of the members of the Senate Standing Committee on Finance, jointly, may call a meeting of the Interim Finance Committee if the Chair does not do so.

~~[8.]~~ ***10.*** In all matters requiring action by the Interim Finance Committee, the vote of the Assembly members and the Senate members must be taken separately. No action may be taken unless it receives the affirmative vote of a majority of the Assembly members and a majority of the Senate members.

~~[9.]~~ ***11.*** The Interim Finance Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ~~[.~~ ~~10.]~~ ***, and section 2 of this act.***

12. Except during a regular or special session, for each day or portion of a day during which a member of the Interim Finance Committee and appointed alternate attends a meeting of the Interim Finance Committee or is otherwise engaged in the business of the Interim Finance Committee, the member or appointed alternate is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

~~[11.]~~ ***13.*** All such compensation, per diem allowances and travel expenses must be paid from the Contingency Fund in the State Treasury.

Sec. 12. **NRS 218E.405 is hereby amended to read as follows:**

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, subsection 3 of NRS 349.073, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b)

of subsection 4 of NRS 407.0762, NRS 428.375, 433.732, 439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 13. **NRS 218E.420 is hereby amended to read as follows:**

218E.420 1. There is hereby created an Interim Retirement and Benefits Committee of the Legislature to:

(a) Review the operation of the Public Employees' Retirement System, the Judicial Retirement System established pursuant to chapter 1A of NRS and the Public Employees' Benefits Program; and

(b) Make recommendations to the Public Employees' Retirement Board and the Board of the Public Employees' Benefits Program, the Legislative Commission and the Legislature.

2. The Interim Retirement and Benefits Committee consists of six members appointed as follows:

(a) Three members of the Senate, one of whom is the ***immediate past*** Chair of the ***Senate Standing*** Committee on Finance during the preceding regular session and two of whom are appointed by the Majority Leader of the Senate.

(b) Three members of the Assembly, one of whom is the ***immediate past*** Chair of the ***Assembly Standing*** Committee on Ways and Means during the preceding regular session and two of whom are appointed by the Speaker of the Assembly.

3. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

4. ***Except as otherwise provided in subsection 5:***

(a) The immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Retirement and Benefits Committee for the period ending with the convening of each odd-numbered regular session ~~[.]~~ ***;***

(b) The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Retirement and Benefits Committee during the next legislative interim ~~[, and the]~~ ***; and***

(c) The position of Chair ***of the Interim Retirement and Benefits Committee*** alternates between the Houses according to this pattern.

5. ***If the immediate past Chair of the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means, as applicable, is not eligible to serve as the Chair of the Interim Retirement and Benefits Committee pursuant to section 2 of this act, the position of Chair of the Interim Retirement and Benefits Committee must be appointed as follows:***

(a) If the position is entitled to be filled by the Senate for that legislative interim, the Majority Leader of the Senate shall appoint an eligible immediate past member of the Senate Standing Committee on Finance as the Chair of the Interim Retirement and Benefits Committee.

(b) If the position is entitled to be filled by the Assembly for that legislative interim, the Speaker of the Assembly shall appoint an eligible immediate past member of the Assembly Standing Committee on Ways and Means as the Chair of the Interim Retirement and Benefits Committee.

6. The Interim Retirement and Benefits Committee may exercise the powers conferred on it by law only when the Legislature is not in a regular or special session and shall meet at the call of the Chair.

~~[6.]~~ ***7.*** The Interim Retirement and Benefits Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ~~[.~~ ~~7.]~~ ***, and section 2 of this act.***

8. The Director shall provide a Secretary for the Interim Retirement and Benefits Committee.

~~[8.]~~ ***9.*** For each day or portion of a day during which members of the Interim Retirement and Benefits Committee attend a meeting of the Interim Retirement and Benefits Committee or are otherwise engaged in the business of the Interim Retirement and Benefits Committee, the members are entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

~~[9.]~~ ***10.*** All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 14. **NRS 218E.440 is hereby amended to read as follows:**

218E.440 1. If:

(a) The Legislature, by concurrent resolution, during a regular session; or

(b) The Interim Finance Committee, by resolution, while the Legislature is not in a regular session,

➥ determines that the performance of a fundamental review of the base budget of a particular agency is necessary, the Interim Finance Committee shall create a legislative committee for the fundamental review of the base budgets of state agencies.

2. The Interim Finance Committee:

(a) May create more than one such committee if the number of agencies designated for review warrants additional committees; and

(b) If more than one such committee is created, shall determine which agencies are to be reviewed by the respective committees.

3. For each such committee, the Interim Finance Committee shall:

(a) Appoint all the members;

(b) Appoint an equal number of members from the Senate and the Assembly;

(c) Appoint at least a majority of the members from the Interim Finance Committee; and

(d) ~~[Designate]~~ ***Except as otherwise provided in section 2 of this act, designate*** the chair.

4. Any member of a committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. Vacancies on a committee must be filled in the same manner as original appointments.

6. A majority of the members appointed to a committee constitutes a quorum.

7. The Director shall assign employees of the Legislative Counsel Bureau to provide such technical, clerical and operational assistance to a committee as the functions and operations of the committee may require.

Sec. 15. **NRS 218E.500 is hereby amended to read as follows:**

218E.500 The Legislature finds and declares that:

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this State.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely to have extensive effects within the State and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and

comment, and judicially tested where appropriate, to protect the rights and interests of the State and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and benefit from such interstate activities, it is appropriate that ~~[a subcommittee on matters relating to public lands]~~ ***the Joint Interim Standing Committee on Natural Resources*** be assigned primary responsibility for participating in them.

Sec. 16. **NRS 218E.520 is hereby amended to read as follows:**

218E.520 1. The ~~[Subcommittee]~~ ***Joint Interim Standing Committee on Natural Resources*** may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including, but not limited to, investigating the effect on the State, its citizens, political subdivisions, businesses and industries of those policies, rules, regulations and related laws, and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ~~[.]~~ ***, and section 2 of this act;***

(c) Consult with and advise the State Land Use Planning Agency on matters concerning federal land use, policies and activities in this State;

(d) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;

(e) Recommend to the Legislature as a result of its review any appropriate state legislation or corrective federal legislation;

(f) Advise the Attorney General if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the State pursuant to the Constitution of the United States;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the ~~[Subcommittee]~~ ***Committee*** and the State Land Use Planning Agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this State which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this State;

(h) Apply for any available grants and accept any gifts, grants or donations to assist the ~~[Subcommittee]~~ ***Committee*** in carrying out its duties; and

(i) Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chair of the ~~[Subcommittee]~~ ***Committee*** or by a majority of the members of the ~~[Subcommittee.]~~ ***Committee.***

2. Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

Sec. 17. **NRS 218E.525 is hereby amended to read as follows:**

218E.525 1. The ~~[Subcommittee]~~ ***Joint Interim Standing Committee on Natural Resources*** shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

2. The ~~[Subcommittee:]~~ ***Committee:***

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof; ***and***

(b) ~~[Shall submit recommendations for legislation to the Joint Interim Standing Committee on Natural Resources;~~

~~(c) Shall, on or before January 15 of each odd-numbered year, submit to the Joint Interim Standing Committee on Natural Resources for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); and~~

~~(d)]~~ May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

Sec. 18. **NRS 218E.555 is hereby amended to read as follows:**

218E.555 1. There is hereby created the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the

Marlette Lake Water System . ~~[consisting of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission with]~~

2. The Committee consists of eight regular members and five alternate members who are appointed in the same manner as the members of a Joint Interim Standing Committee pursuant to NRS 218E.320, except that the members of the Committee must be appointed, to the extent practicable:

(a) With appropriate regard for their experience with and knowledge of matters relating to the management of natural resources ~~[. The members must be appointed to]~~ ***; and***

(b) To provide representation from the various geographical regions of the State.

~~[2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

~~3. The members of the Committee shall elect a Chair from one House and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year.~~

~~4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.~~

~~5. Vacancies on the Committee must be filled in the same manner as original appointments.~~

~~6. The Committee shall report annually to the Legislative Commission concerning its activities and any recommendations.~~]

3. Except as otherwise provided in this section, the provisions of NRS 218E.320, 218E.325 and 218E.330:

(a) Apply to the Committee in the same manner as a Joint Interim Standing Committee, including, without limitation, providing the Committee with any powers, privileges and immunities set forth in those provisions; and

(b) Control the Committee's formation, organization and operations, including, without limitation, its membership, officers, management, government, budget, compensation, allowances, expenses, meetings and proceedings, but the Committee shall not be deemed a Joint Interim Standing Committee for the purposes of the number of requests that it may submit for the drafting of legislative measures pursuant to NRS 218D.160.

4. If there is a conflict between the provisions of NRS 218E.320, 218E.325 and 218E.330 and the provisions of a specific statute that applies to the Committee, the provisions of the specific statute control.

Sec. 19. **NRS 218E.750 is hereby amended to read as follows:**

218E.750 1. The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs ~~[, consisting of six members,]~~ is hereby created.

2. The ~~[membership of the]~~ Committee consists of ~~[:~~

~~(a) Three members of the Senate appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party; and~~

~~(b) Three members of the Assembly appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.~~

~~2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

~~3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. After the initial selection, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.~~

~~4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.~~

~~5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.~~~~]~~ ***eight regular members and five alternate members who are appointed in the same manner as the members of a Joint Interim Standing Committee pursuant to NRS 218E.320.***

3. Except as otherwise provided in this section, the provisions of NRS 218E.320, 218E.325 and 218E.330:

(a) Apply to the Committee in the same manner as a Joint Interim Standing Committee, including, without limitation, providing the Committee with any powers, privileges and immunities set forth in those provisions; and

(b) Control the Committee's formation, organization and operations, including, without limitation, its membership, officers, management, government, budget, compensation, allowances, expenses, meetings and proceedings, but the Committee shall not be deemed a Joint Interim Standing Committee for the purposes of the number of requests that it may submit for the drafting of legislative measures pursuant to NRS 218D.160.

4. If there is a conflict between the provisions of NRS 218E.320, 218E.325 and 218E.330 and the provisions of a specific statute that applies to the Committee, the provisions of the specific statute control.

Sec. 20. **Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 21 and 22 of this act.**

Sec. 21. ***1. "Legislative committee" means any committee, subcommittee, commission or similar body created or authorized by the Legislature or either House to conduct or perform legislative business at the direction of or on behalf of the Legislature or either House.***

2. The term includes, without limitation, any interim, advisory or other committee, subcommittee, commission or similar body for which legislative staff members serve as the primary administrative or professional staff.

Sec. 22. "Legislative committee investigative meeting, event or trip" means any meeting, event or trip that the chair of a legislative committee authorizes as an official meeting, event or trip of the committee in order for the members of the committee and legislative staff members to investigate or otherwise receive any education or information on matters that are pertinent to the committee's legislative business or possible future legislative action.

Sec. 23. **NRS 218H.030 is hereby amended to read as follows:**

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.033 to 218H.110, inclusive, ***and sections 21 and 22 of this act,*** have the meanings ascribed to them in those sections.

Sec. 24. **NRS 218H.045 is hereby amended to read as follows:**

218H.045 1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a Legislator ~~[if,]~~ ***or legislative officer, or any legislative staff member with the approval of his or her chief administrative supervisor, if*** in connection with the meeting, event or trip:

(a) The Legislator ***, legislative officer or legislative staff member,*** or a member of ~~[the Legislator's]~~ ***his or her*** household ***,*** receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and

(b) The Legislator ***, legislative officer or legislative staff member*** provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator ~~[.]~~ ***or the Legislative Branch.***

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include:

(a) A meeting, event or trip undertaken or attended by a Legislator ***, legislative officer or legislative staff member,*** or a member of ~~[the Legislator's]~~ ***his or her*** household ***,*** for personal reasons or for reasons relating to any professional or occupational license held by the ~~[Legislator or the member of the Legislator's household,]~~ ***person,*** unless the ~~[Legislator or the member of the Legislator's household]~~ ***person*** participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

(b) A meeting, event or trip undertaken or attended by a Legislator ***, legislative officer or legislative staff member,*** or a member of ~~[the Legislator's]~~ ***his or her*** household ***,*** if the meeting, event or trip is undertaken or attended as part of his or her bona fide employment or service as an employee or independent contractor and anything of value received by the ~~[Legislator or the member of the Legislator's household]~~ ***person*** for the

meeting, event or trip or otherwise paid for or reimbursed to the ~~[Legislator or the member of the Legislator's household]~~ ***person*** as part of his or her bona fide employment or service as an employee or independent contractor.

(c) A party, meal, function or other social event to which every Legislator is invited where educational or informational displays or materials are available but no formal speech, presentation or other similar action to educate or inform the Legislators occurs.

(d) A legislative committee investigative meeting, event or trip.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator ***, legislative officer or legislative staff member,*** or a member of ~~[the Legislator's]~~ ***his or her*** household ***,*** or reimbursement for any such actual expenses paid by the ~~[Legislator or a member of the Legislator's household,]~~ ***person,*** if the expenses are incurred on a day during which the ~~[Legislator or a member of the Legislator's household]~~ ***person*** undertakes or attends the meeting, event or trip or during which the ~~[Legislator or a member of the Legislator's household]~~ ***person*** travels to or from the meeting, event or trip.

5. For the purposes of this section, if a legislative staff member undertakes or attends a meeting, event or trip that meets the definition of "educational or informational meeting, event or trip" set forth in this section, the legislative staff member is not subject to the Nevada Financial Disclosure Act in NRS 281.5555 to 281.581, inclusive, unless the legislative staff member is a public officer or candidate or a member of a public officer's or candidate's household for the purposes of that Act.

Sec. 25. **NRS 218H.050 is hereby amended to read as follows:**

218H.050 1. "Expenditure" means any of the following acts by a lobbyist while the Legislature is in a regular or special session:

(a) Any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value; or

(b) Any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any such expenditure.

2. The term includes, without limitation:

(a) Anything of value provided for an educational or informational meeting, event or trip ~~[.]~~ ***or a legislative committee investigative meeting, event or trip.***

(b) The cost of a party, meal, function or other social event to which every Legislator is invited.

3. The term does not include:

(a) A prohibited gift.

(b) A lobbyist's personal expenditures for his or her own food, beverages, lodging, travel expenses or membership fees or dues.

Sec. 26. **NRS 218H.060 is hereby amended to read as follows:**

218H.060 1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or

rendering of money, services or anything else of value, unless consideration of equal or greater value is received.

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip ~~[.]~~ ***or a legislative committee investigative meeting, event or trip.***

(d) The cost of a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event. For the purposes of this paragraph, there is a presumption that every Legislator is invited if the party, meal, function or other social event is held at any governmental building, facility or other property or the invitation for or notice of the party, meal, function or other social event indicates that it is a legislative event.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.

(f) Anything of value received from a person who is:

(1) Related to the recipient, or to the spouse or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the recipient's household.

(g) Anything of value received by a person as part of his or her bona fide employment or service as an employee or independent contractor or otherwise paid for or reimbursed to the person as part of his or her bona fide employment or service as an employee or independent contractor.

Sec. 27. **NRS 218H.092 is hereby amended to read as follows:**

218H.092 ~~[~~"Member of the Legislator's household" means~~]~~ ***For the purposes of this chapter, "member of the person's household" or "member of his or her household," or any variation thereof, shall be deemed to mean:***

1. For a person who is ***subject to the Nevada Financial Disclosure Act in NRS 281.5555 to 281.581, inclusive,*** a member of ~~[~~the Legislator's~~]~~ ***his or her*** household for the purposes of ***that Act.***

2. For any other person, a substantially similar member of his or her household as if the Nevada Financial Disclosure Act in NRS 281.5555 to 281.581, inclusive ~~[.]~~ ***, applied to the person but only for the limited purposes of this definition.***

Sec. 28. **NRS 176.0129 is hereby amended to read as follows:**

176.0129 ***1.*** The Office of Finance shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of NRS 333.700, to review sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:

~~[1.]~~ ***(a)*** In a facility or institution of the Department of Corrections;

~~[2.]~~ ***(b)*** On probation;

~~[3.]~~ ***(c)*** On parole; and

~~[4.]~~ ***(d)*** Serving a term of residential confinement,

➥ during the 10 years immediately following the date of the projection.

2. On or before December 1 of each year, the Office of Finance shall prepare an annual report of the review and projections made by the independent contractor pursuant to subsection 1 and provide the report to:

(a) The Joint Interim Standing Committee on the Judiciary; and

(b) The Department of Sentencing Policy.

Sec. 29. **NRS 193.309 is hereby amended to read as follows:**

193.309 1. Each law enforcement agency shall annually make available to the public and on a monthly basis submit to the Central Repository a report that includes, without limitation, a compilation of statistics relating to incidents involving the use of force that occurred during the immediately preceding calendar year, or month, as applicable, including, without limitation:

(a) The number of complaints against peace officers employed by the law enforcement agency relating to the use of force and the number of such complaints that were substantiated; and

(b) A compilation of statistics relating to incidents involving the use of force that, for each incident, includes, without limitation, all information collected by the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

2. Each law enforcement agency shall submit the report required pursuant to subsection 1 in a manner approved by the Director of the Department of Public Safety and in accordance with the policies, procedures and definitions of the Department.

3. The Central Repository shall make the use-of-force data submitted by each law enforcement agency pursuant to subsection 1 available for access by the public on the Internet website of the Central Repository.

4. The Central Repository may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.

5. To the extent of legislative appropriation, the Office of the Attorney General shall:

(a) Review the use-of-force data that is publicly available on the Internet website of the Central Repository;

(b) Prepare a report containing any conclusions or recommendations resulting from its review; and

(c) On or before December 1 of each year, submit to the Governor ***, the Joint Interim Standing Committee on the Judiciary*** and ~~[to]~~ the Director of the Legislative Counsel Bureau for transmittal to the Legislature the report prepared pursuant to paragraph (b).

6. Each law enforcement agency in this State shall participate in the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

7. Information collected pursuant to this section must not be introduced into evidence or otherwise used in any way against a peace officer during a criminal proceeding.

8. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city;

(4) The Department of Corrections;

(5) The police department for the Nevada System of Higher Education;

(6) Any political subdivision of this State employing park rangers to enforce laws within its jurisdiction; or

(7) Any political subdivision of this State which has as its primary duty the enforcement of law and which employs peace officers to fulfill its duty.

Sec. 30. **NRS 209.192 is hereby amended to read as follows:**

209.192 1. There is hereby created in the State Treasury a Fund for New Construction of Facilities for Prison Industries as a capital projects fund. The Director shall deposit in the Fund the deductions made pursuant to subparagraph (3) of paragraph (a) of subsection 3 or subparagraph (2) of paragraph (a) of subsection 4 of NRS 209.463. The money in the Fund must only be expended:

(a) To house new industries or expand existing industries in the industrial program to provide additional employment of offenders;

(b) To relocate, expand, upgrade or modify an existing industry in the industrial program to enhance or improve operations or security or to provide additional employment or training of offenders;

(c) To purchase or lease equipment to be used for the training of offenders or in the operations of prison industries;

(d) To pay or fund the operations of prison industries, including, without limitation, paying the salaries of staff and wages of offenders if the cash balance in the Fund for Prison Industries is below the average monthly expenses for the operation of prison industries;

(e) To advertise and promote the goods produced and services provided by prison industries; or

(f) For any other purpose authorized by the Legislature.

2. Before money in the Fund may be expended:

(a) As described in paragraphs (b) to (e), inclusive, of subsection 1, the Director shall submit a proposal for the expenditure to the ~~[Joint Interim Standing Committee on the Judiciary]~~ ***Interim Finance Committee*** and the State Board of Examiners.

(b) For construction, the Director shall submit a proposal for the expenditure to the State Board of Examiners.

3. Upon making a determination that the proposed expenditure is appropriate and necessary, the State Board of Examiners shall recommend to the Interim Finance Committee, or the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means when the Legislature is in general session, that the expenditure be approved. Upon approval of the appropriate committee or committees, the money may be so expended.

4. If any money in the Fund is used as described in paragraph (d) of subsection 1, the Director shall repay the amount used as soon as sufficient money is available in the Fund for Prison Industries.

5. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

6. As used in this section, "Fund" means Fund for New Construction of Facilities for Prison Industries.

Sec. 31. **NRS 209.461 is hereby amended to read as follows:**

209.461 1. The Director shall:

(a) To the greatest extent possible, approximate the normal conditions of training and employment in the community.

(b) Except as otherwise provided in this section, to the extent practicable, require each offender, except those whose behavior is found by the Director to preclude participation, to spend 40 hours each week in vocational training or employment, unless excused for a medical reason or to attend educational classes in accordance with NRS 209.396. The Director shall require as a condition of employment that an offender sign an authorization for the deductions from his or her wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from the employment of an offender and a signed authorization from the offender is not required for the Director to make the deductions pursuant to NRS 209.463.

(c) Use the earnings from services and manufacturing conducted by the institutions and the money paid by private employers who employ the offenders to offset the costs of operating the prison system and to provide wages for the offenders being trained or employed.

(d) Provide equipment, space and management for services and manufacturing by offenders.

(e) Employ craftsmen and other personnel to supervise and instruct offenders.

(f) Contract with governmental agencies and private employers for the employment of offenders, including their employment on public works projects under contracts with the State and with local governments.

(g) Contract for the use of offenders' services and for the sale of goods manufactured by offenders.

(h) On or before January 1, 2014, and every 5 years thereafter, submit a report to the Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on the Judiciary. The report must include,

without limitation, an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in this State.

(i) Submit a report to each meeting of the Interim Finance Committee identifying any accounts receivable related to a program for the employment of offenders.

2. Every program for the employment of offenders established by the Director must:

(a) Employ the maximum number of offenders possible;

(b) Except as otherwise provided in NRS 209.192, provide for the use of money produced by the program to reduce the cost of maintaining the offenders in the institutions;

(c) Have an insignificant effect on the number of jobs available to the residents of this State; and

(d) Provide occupational training for offenders.

3. An offender may not engage in vocational training, employment or a business that requires or permits the offender to:

(a) Telemarket or conduct opinion polls by telephone; or

(b) Acquire, review, use or have control over or access to personal information concerning any person who is not incarcerated.

4. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the Director must result in a profit for the Department. The following must not be included in determining whether there is a profit for the Department:

(a) Fees credited to the Fund for Prison Industries pursuant to NRS 482.268, any revenue collected by the Department for the leasing of space, facilities or equipment within the institutions or facilities of the Department, and any interest or income earned on the money in the Fund for Prison Industries.

(b) The selling expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "selling expenses" means delivery expenses, salaries of sales personnel and related payroll taxes and costs, the costs of advertising and the costs of display models.

(c) The general and administrative expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "general and administrative expenses" means the salary of the Deputy Director of Industrial Programs and the salaries of any other personnel of the Central Administrative Office and related payroll taxes and costs, the costs of telephone usage, and the costs of office supplies used and postage used.

5. If any state-sponsored program incurs a net loss for 2 consecutive fiscal years, the Director shall appear before the ~~[Joint Interim Standing Committee on the Judiciary]~~ ***Interim Finance Committee*** to explain the reasons for the net loss and provide a plan for the generation of a profit in the next fiscal year. If the program does not generate a profit in the third fiscal year, the Director shall take appropriate steps to resolve the issue.

6. Except as otherwise provided in subsection 3, the Director may, with the approval of the Board:

(a) Lease spaces and facilities within any institution of the Department to private employers to be used for the vocational training and employment of offenders.

(b) Grant to reliable offenders the privilege of leaving institutions or facilities of the Department at certain times for the purpose of vocational training or employment.

7. Before entering into any contract with a private employer for the employment of offenders pursuant to subsection 1, the Director shall obtain from the private employer:

(a) A personal guarantee to secure an amount fixed by the Director of:

(1) For a contract that does not relate to construction, not less than 25 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director of not less than 25 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract; or

(2) For a contract that relates to construction, not less than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director of not less than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract,

➥ or a security agreement to secure any debt, obligation or other liability of the private employer under the contract, including, without limitation, lease payments, wages earned by offenders and compensation earned by personnel of the Department. The Director shall appear before the ~~[Joint Interim Standing Committee on the Judiciary]~~ ***Interim Finance Committee*** to explain the reasons for the amount fixed by the Director for any personal guarantee or surety bond.

(b) A detailed written analysis on the estimated impact of the contract on private industry in this State. The written analysis must include, without limitation:

(1) The number of private companies in this State currently providing the types of products and services offered in the proposed contract.

(2) The number of residents of this State currently employed by such private companies.

(3) The number of offenders that would be employed under the contract.

(4) The skills that the offenders would acquire under the contract.

8. The provisions of this chapter do not create a right on behalf of the offender to employment or to receive the federal or state minimum wage for any employment and do not establish a basis for any cause of action against

the State or its officers or employees for employment of an offender or for payment of the federal or state minimum wage to an offender.

9. As used in this section, "state-sponsored program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 32. **NRS 209.4818 is hereby amended to read as follows:**

209.4818 1. The ~~[Joint Interim Standing Committee on the Judiciary]~~ ***Interim Finance Committee*** shall:

(a) Be informed on issues and developments relating to industrial programs for correctional institutions;

(b) ~~[Submit a semiannual report to the Interim Finance Committee before July 1 and December 1 of each year on the status of current and proposed industrial programs for correctional institutions;~~

~~(c)]~~ Report to the Legislature on any ~~[other]~~ matter relating to industrial programs for correctional institutions that it deems appropriate;

~~[(d)]~~ ***(c)*** Recommend three persons to the Director for appointment as the Deputy Director for Industrial Programs whenever a vacancy exists;

~~[(e)]~~ ***(d)*** Before any new industrial program is established by the Director, review the proposed program for compliance with the requirements of subsections 2, 3, 4 and 7 of NRS 209.461 and submit to the Director its recommendations concerning the proposed program; and

~~[(f)]~~ ***(e)*** Review each state-sponsored industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably. If the Committee determines that a program has incurred a net loss in 3 consecutive fiscal years, the Committee shall report its finding to the Director with a recommendation regarding whether the program should be continued or terminated. If the Director does not accept the recommendation of the Committee, the Director shall submit a written report to the Committee setting forth his or her reasons for rejecting the recommendation.

2. Upon the request of the ~~[Joint Interim Standing Committee on the Judiciary,]~~ ***Interim Finance Committee,*** the Director and the Deputy Director for Industrial Programs shall provide to the Committee any information that the Committee determines is relevant to the performance of the duties of the Committee.

3. As used in this section, "state-sponsored industry program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 33. **Chapter 232B of NRS is hereby amended by adding thereto a new section to read as follows:**

As used in this section and NRS 232B.210 to 232B.250, inclusive, unless the context otherwise requires, "Sunset Committee" or "Committee" means the Sunset Committee of the Legislature created by NRS 232B.210.

Sec. 34. **NRS 232B.210 is hereby amended to read as follows:**

232B.210 1. The Sunset ~~[Subcommittee of the Legislative Commission, consisting of nine members,]~~ ***Committee of the Legislature*** is hereby created.

2. The ~~[membership of the Sunset Subcommittee]~~ ***Committee*** consists of ~~[:~~

~~(a) Three voting members of the Legislature appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;~~

~~(b) Three voting members of the Legislature appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and~~

~~(c) Three nonvoting members of the general public appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor pursuant to subsection 2.~~

~~2. The Governor shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (c) of subsection 1, or within 30 days after such a position on the Sunset Subcommittee becomes vacant, submit to the Legislative Commission the names of at least three persons qualified for membership on the Sunset Subcommittee. The Chair of the Legislative Commission shall appoint a new member or fill the vacancy from the list, or request a new list. The Chair of the Legislative Commission may appoint any qualified person who is a resident of this State to a position described in paragraph (c) of subsection 1.~~

~~3. Each member of the Sunset Subcommittee serves at the pleasure of the appointing authority.~~

~~4. The voting members of the Sunset Subcommittee shall elect a Chair from one House of the Legislature and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.~~

~~5. The membership of any member of the Sunset Subcommittee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.~~

~~6. A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.~~

~~7. The Sunset Subcommittee shall meet at the times and places specified by a call of the Chair. Four voting members of the Sunset Subcommittee constitute a quorum, and a quorum may exercise any power or authority conferred on the Sunset Subcommittee.~~

~~8. For each day or portion of a day during which a member of the Sunset Subcommittee who is a Legislator attends a meeting of the Sunset Subcommittee or is otherwise engaged in the business of the Sunset Subcommittee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:~~

~~(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;~~

~~(b) Per diem allowance provided for state officers generally; and~~

~~(c) Travel expenses provided pursuant to NRS 218A.655.~~

~~➥ The compensation, per diem allowances and travel expenses of the members of the Sunset Subcommittee who are Legislators must be paid from the Legislative Fund.~~

~~9. While engaged in the business of the Sunset Subcommittee, the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~] ***eight regular members and five alternate members who are appointed in the same manner as the members of a Joint Interim Standing Committee pursuant to NRS 218E.320.***

3. Except as otherwise provided in this section, the provisions of NRS 218E.320, 218E.325 and 218E.330:

(a) Apply to the Committee in the same manner as a Joint Interim Standing Committee, including, without limitation, providing the Committee with any powers, privileges and immunities set forth in those provisions; and

(b) Control the Committee's formation, organization and operations, including, without limitation, its membership, officers, management, government, budget, compensation, allowances, expenses, meetings and proceedings, but the Committee shall not be deemed a Joint Interim Standing Committee for the purposes of the number of requests that it may submit for the drafting of legislative measures pursuant to NRS 218D.160.

4. If there is a conflict between the provisions of NRS 218E.320, 218E.325 and 218E.330 and the provisions of a specific statute that applies to the Committee, the provisions of the specific statute control.

Sec. 35. **NRS 232B.220 is hereby amended to read as follows:**

232B.220 1. The Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The ~~[Sunset Subcommittee]~~ ***Committee*** shall review not less than 10 boards and commissions specified in subsection 1 ***during*** each legislative interim.

3. Any action taken by the ~~[Sunset Subcommittee]~~ ***Committee*** concerning a board or commission pursuant to NRS 232B.210 to 232B.250, inclusive, ***and section 33 of this act*** is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

Sec. 36. **NRS 232B.230 is hereby amended to read as follows:**

232B.230 1. Each board and commission subject to review by the Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall submit information to ~~[the Sunset Subcommittee]~~ ***it*** on a form prescribed by the ~~[Sunset Subcommittee.]~~ ***Committee.*** The information must include, without limitation:

(a) The name of the board or commission;

(b) The name of each member of the board or commission;

(c) The address of the Internet website established and maintained by the board or commission, if any;

(d) The name and contact information of the executive director of the board or commission, if any;

(e) A list of the members of the staff of the board or commission;

(f) The authority by which the board or commission was created;

(g) The governing structure of the board or commission, including, without limitation, information concerning the method, terms, qualifications and conditions of appointment and removal of the members of the board or commission;

(h) The duties of the board or commission;

(i) The operating budget of the board or commission;

(j) A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits the form required by this subsection, including the balances of any fund or account maintained by or on behalf of the board or commission;

(k) The most recent audit conducted of the board or commission, if any;

(l) The dates of the immediately preceding six meetings held by the board or commission;

(m) A statement of the objectives and programs of the board or commission;

(n) A conclusion concerning the effectiveness of the objectives and programs of the board or commission;

(o) Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs; and

(p) Such other information as the ~~[Sunset Subcommittee]~~ ***Committee*** may require.

2. The ~~[Sunset Subcommittee]~~ ***Committee*** may direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis of

the information submitted by each board and commission pursuant to subsection 1.

Sec. 37. **NRS 232B.235 is hereby amended to read as follows:**

232B.235 1. At any time during a legislative interim, if the Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** determines that a board or commission subject to ***its*** review ~~[by the Sunset Subcommittee]~~ should be audited, the ~~[Sunset Subcommittee]~~ ***Committee*** shall make such a recommendation to the Legislative Commission. The ~~[Sunset Subcommittee]~~ ***Committee*** shall include with its recommendation a summary of the justification for the recommendation.

2. After receiving a recommendation from the ~~[Sunset Subcommittee]~~ ***Committee*** pursuant to subsection 1, the Legislative Commission shall evaluate the recommendation and determine whether to direct the Legislative Auditor to perform an audit of the board or commission pursuant to NRS 218G.120. In making its determination, the Legislative Commission shall consider the current workload of the Audit Division of the Legislative Counsel Bureau.

3. The Legislative Auditor shall not perform more than four audits directed by the Legislative Commission pursuant to this section during a legislative interim.

Sec. 38. **NRS 232B.237 is hereby amended to read as follows:**

232B.237 1. The Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate.

2. Each professional or occupational licensing board and regulatory body subject to review pursuant to subsection 1 must submit information to the ~~[Sunset Subcommittee]~~ ***Committee*** on a form prescribed by the ~~[Sunset Subcommittee.]~~ ***Committee.*** The information must include, without limitation:

(a) The number of petitions submitted to a professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, ~~[433.616,]~~ 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 687B.630 and 706.4626;

(b) The number of determinations of disqualification made by the professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, ~~[433.616,]~~ 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 687B.630 and 706.4626; and

(c) The reasons for such determinations of disqualification.

3. As used in this section, "regulatory body" has the meaning ascribed to it in NRS 622.060.

Sec. 39. **NRS 232B.240 is hereby amended to read as follows:**

232B.240 1. The Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative Counsel Bureau to submit reports on, the need for the termination, modification, consolidation or continued operation of a board or commission.

2. The ~~[Sunset Subcommittee]~~ ***Committee*** shall consider any report submitted to it by the Legislative Counsel Bureau.

3. A board or commission has the burden of proving that there is a public need for its continued existence.

Sec. 40. **NRS 232B.250 is hereby amended to read as follows:**

232B.250 1. If the Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** determines to recommend the termination of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by the termination of the board or commission.

2. If the ~~[Sunset Subcommittee]~~ ***Committee*** determines to recommend the consolidation, modification or continuation of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which would make the operation of the board or commission or its successor more efficient or effective.

3. If the ~~[Sunset Subcommittee]~~ ***Committee*** determines to recommend the modification, continuation or removal of the restrictions on the criminal history of an applicant for an occupational or professional license, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by any modification, continuation or removal of such restrictions.

4. ~~[On or before June 30, 2012, the Sunset Subcommittee shall make all of its initial recommendations pursuant to this section, if any. The Sunset Subcommittee]~~ ***The Committee*** shall make all ~~[subsequent]~~ recommendations pursuant to this section, if any, on or before ~~[June 30]~~ ***August 31*** of each even-numbered year**.** ~~[occurring thereafter.]~~

~~[Sec. 4.]~~ ***Sec. 41.*** NRS 233B.063 is hereby amended to read as follows:

233B.063 1. An agency that intends to adopt, amend or repeal a permanent regulation must deliver to the Legislative Counsel a copy of the proposed regulation. The Legislative Counsel shall examine and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.

2. Unless the proposed regulation is submitted to the Legislative Counsel between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall deliver the approved or revised

text of the regulation within 30 days after it is submitted to the Legislative Counsel. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the Legislative Counsel, who shall examine and revise it if appropriate pursuant to the standards of subsection 1. Unless it is submitted between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall return it with any appropriate revisions within 30 days. ~~[If the agency is a licensing board as defined in NRS 439B.225 and the proposed regulation relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the Legislative Counsel shall also deliver one copy of the approved or revised text of the regulation to the Joint Interim Standing Committee on Health and Human Services.]~~

3. An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

4. An agency may amend or suspend a permanent regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year by adopting a temporary regulation in the same manner and subject to the same provisions as prescribed in subsection 3.

~~[Sec. 5.]~~ ***Sec. 42.*** NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library, Archives and Public Records Administrator, to the State Library, Archives and Public Records Administrator for use by the public. ~~[If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Joint Interim Standing Committee on Health and Human Services within 10 days after the regulation is filed with the Secretary of State.]~~

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 43. **NRS 321.7355 is hereby amended to read as follows:**

321.7355 1. The State Land Use Planning Agency may prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the administration of lands in the State of Nevada that are under federal management. The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

2. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council and ~~[the~~

~~Subcommittee on Public Lands of]~~ the Joint Interim Standing Committee on Natural Resources; and

(c) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

3. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or statements of policy to the Governor, the Legislature, ~~[the Subcommittee on Public Lands of]~~ the Joint Interim Standing Committee on Natural Resources or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council; and

(b) The ~~[Subcommittee on Public Lands of the]~~ Joint Interim Standing Committee on Natural Resources.

4. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

~~[Sec. 6.]~~ ***Sec. 44.*** NRS 332.215 is hereby amended to read as follows:

332.215 1. Each county of this state whose population is 100,000 or more, must be a member of the Commission to Study Governmental Purchasing which is composed of all purchasing agents of the local governments within those counties. Each county whose population is less than 100,000 may participate as a voting member of the Commission. The members shall select a Chair from among their number.

2. The Commission shall meet no less than quarterly or at the call of the Chair to study practices in governmental purchasing and laws relating thereto and shall make recommendations with respect to those laws to the next regular session of the Legislature.

3. On or before July 1 of each even-numbered year, the Commission shall submit a written report to the Joint Interim Standing Committee on ~~[Legislative Operations and Elections]~~ ***Government Affairs*** that includes any recommendations of the Commission for legislation relating to governmental purchasing.

Sec. 45. **NRS 388.887 is hereby amended to read as follows:**

388.887 1. The State Board shall create a subcommittee to review and make recommendations on the manner in which to provide age-appropriate and historically accurate instruction about the Holocaust and other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, in social studies and language arts courses of study.

2. The review conducted and any recommendations made by the subcommittee pursuant to this section must include, without limitation:

(a) The manner in which to modify the curricula of relevant courses in social studies and language arts to include the instruction described in this section;

(b) An inventory of available classroom resources for educators to meet the requirements of this section;

(c) The professional development that may be necessary or appropriate for a teacher who provides the instruction described in this section; and

(d) Consideration of any similar instruction provided in another state or school district.

3. The subcommittee shall link current standards with community resources that may assist in the implementation of the instruction described in subsection 1. The subcommittee shall review the manner in which the current standards support comprehensive education regarding the Holocaust and other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, including, without limitation, by:

(a) Preparing pupils to confront the immorality of the Holocaust, other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, and other acts of mass violence and to reflect on the causes of related historical events;

(b) Addressing the breadth of the history of the Holocaust, including, without limitation, the dictatorship of the Third Reich, the system of concentration camps, the persecution of both Jewish and non-Jewish people, the resistance to the Third Reich and the Holocaust by both Jewish and non-Jewish people and the various trials that occurred after the end of World War II;

(c) Developing the respect of pupils for cultural diversity and helping pupils to gain insight into the importance of international human rights for all people;

(d) Promoting the understanding of pupils of how the Holocaust contributed to the need for the term "genocide" and led to international legislation that recognized genocide as a crime;

(e) Communicating the impact of personal responsibility, civic engagement and societal responsiveness;

(f) Stimulating the reflection of pupils on the role and responsibility of citizens in democratic societies to combat misinformation, indifference and discrimination through the development of critical thinking skills and through tools of resistance such as protest, reform and celebration;

(g) Providing pupils with opportunities to contextualize and analyze patterns of human behavior by persons and groups who belong in one or more categories, including, without limitation, perpetrator, collaborator, bystander, victim and rescuer;

(h) Enabling pupils to understand the ramifications of prejudice, racism and stereotyping;

(i) Preserving the memories of survivors of genocide and providing opportunities for pupils to discuss and honor the cultural legacies of survivors;

(j) Providing pupils with a foundation for examining the history of discrimination in this State;

(k) Including in curricula the use of personal narratives and multimedia primary source materials, which may include, without limitation, video

testimony, photographs, artwork, diary entries, letters, government documents, maps and poems; and

(l) Exploring the various mechanisms of transitional and restorative justice that help humanity move forward in the aftermath of genocide.

4. The subcommittee must be composed of the Superintendent of Public Instruction, or his or her designee, and the following members appointed by the Superintendent:

(a) Three members representing the Governor's Advisory Council on Education Relating to the Holocaust created by NRS 233G.020;

(b) Three members representing nonprofit organizations that have developed curricula regarding the Holocaust for use in public schools;

(c) At least one member representing a school district in which 60,000 or more pupils are enrolled;

(d) At least one member representing a school district in which fewer than 60,000 pupils are enrolled;

(e) At least one member representing a charter school located in this State;

(f) At least one member representing nonprofit organizations that have developed curricula for use in public schools regarding the Armenian genocide; and

(g) At least one member representing nonprofit organizations that have developed curricula for use in public schools regarding genocides other than the Holocaust and the Armenian genocide.

5. On or before ~~[October]~~ ***July*** 1 of each even-numbered year, the State Board shall report its findings and any recommendations to the Joint Interim Standing Committee on Education, including, without limitation, any recommendations made by the subcommittee pursuant to subsection 1, as well as any actions the State Board has taken or intends to take to include the instruction in the relevant courses pursuant to subsection 2.

6. On or before ~~[February 1]~~ ***August 31*** of each ~~[odd-numbered]~~ ***even-numbered*** year, the Joint Interim Standing Committee on Education shall consider the report submitted by the State Board and prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature concerning the Committee's consideration of the matters described in this section and any recommendations for legislation to ensure the instruction described in this section is included in the curricula for the relevant courses.

7. As used in this section:

(a) "Genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group and includes, without limitation, genocides and other acts of mass atrocities identified by the United States Holocaust Memorial Museum:

(1) Killing members of the group;

(2) Causing serious bodily or mental harm to members of the group;

(3) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(4) Imposing measures intended to prevent births within the group; and

(5) Forcibly transferring children of the group to another group.

(b) "Holocaust" means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6,000,000 Jewish persons and 5,000,000 other persons by the Nazi regime and its collaborators.

~~[Sec. 7.]~~ ***Sec. 46.*** NRS 391.494 is hereby amended to read as follows:

391.494 1. Each member of the Task Force must:

(a) Be a licensed teacher with at least 5 consecutive years of experience teaching in a public school in this State;

(b) Be currently employed as a teacher and actively teaching in a public school in this State, and remain employed as a teacher in a public school in this State for the duration of the member's term; and

(c) Not be currently serving on any other education-related board, commission, council, task force or similar governmental entity.

2. On or before December 1, 2019, the Department shall prescribe a uniform application for a teacher to use to apply to serve on the Task Force.

3. A teacher who wishes to serve on the Task Force must submit an application prescribed pursuant to subsection 2 to the Joint Interim Standing Committee on Education on or before ~~[January 15]~~ ***December 1*** of an ~~[even-numbered]~~ ***odd-numbered*** year. On or before February 1 of each even-numbered year, the Joint Interim Standing Committee on Education shall select one or more teachers, as applicable, to serve as a member of the Task Force.

Sec. 47. **NRS 449.242 is hereby amended to read as follows:**

449.242 1. Except as otherwise provided in subsection 4, each hospital located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall establish a staffing committee to develop a written policy as required pursuant to NRS 449.2423 and a documented staffing plan as required pursuant to NRS 449.2421. Each staffing committee established pursuant to this subsection must consist of:

(a) Not less than one-half of the total regular members of the staffing committee from the licensed nursing staff and certified nursing assistants who are providing direct patient care at the hospital. The members described in this paragraph must consist of:

(1) One member representing each unit of the hospital who is a licensed nurse who provides direct patient care on that unit, elected by the licensed nursing staff who provide direct patient care on the unit that the member will represent.

(2) One member representing each unit of the hospital who is a certified nursing assistant who provides direct patient care on that unit, elected by the certified nursing assistants who provide direct patient care on the unit that the member will represent.

(b) Not less than one-half of the total regular members of the staffing committee appointed by the administration of the hospital.

(c) One alternate member representing each unit of the hospital who is a licensed nurse or certified nursing assistant who provides direct patient care on that unit, elected by the licensed nursing staff and certified nursing assistants who provide direct patient care on the unit that the member represents.

2. Each time a new staffing committee is formed pursuant to subsection 1, the administration of the hospital shall hold an election to select the members described in paragraphs (a) and (c) of subsection 1. Each licensed nurse and certified staffing assistant who provides direct patient care at the hospital must be allowed at least 3 days to vote for:

(a) The regular member described in paragraph (a) of subsection 1 who will represent his or her unit and profession; and

(b) The alternate member described in paragraph (c) of subsection 1 who will represent his or her unit.

3. If a vacancy occurs in a position on a staffing committee described in paragraph (a) or (c) of subsection 1, a new regular or alternate member, as applicable, must be elected in the same manner as his or her predecessor.

4. If a staffing committee is established for a health care facility described in subsection 1 through collective bargaining with an employee organization representing the licensed nursing staff and certified nursing assistants of the health care facility:

(a) The health care facility is not required to form a staffing committee pursuant to that subsection; and

(b) The staffing committee established pursuant to the collective bargaining agreement shall be deemed to be the staffing committee established for the health care facility pursuant to subsection 1.

5. In developing the written policy and the staffing plan, the staffing committee shall consider, without limitation, the information received pursuant to paragraph (b) of subsection 5 of NRS 449.2423 regarding requests to be relieved of a work assignment, refusals of a work assignment and objections to a work assignment.

6. The staffing committee of a hospital shall meet at least quarterly.

~~[7. Each hospital that is required to establish a staffing committee pursuant to this section shall prepare a written report concerning the establishment of the staffing committee, the activities and progress of the staffing committee and a determination of the efficacy of the staffing committee. The hospital shall submit the report on or before December 31 of each:~~

~~(a) Even-numbered year to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.~~

~~(b) Odd-numbered year to the Joint Interim Standing Committee on Health and Human Services.]~~

~~[Sec. 8.]~~ ***Sec. 48.*** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 49. **The provisions of section 2 of this act apply to any Legislator who, at the expiration of his or her current term of office, will be prohibited from serving again in his or her current House because of the limitations on the number of years of service pursuant to Section 3 or 4 of Article 4 of the Nevada Constitution, as applicable, whether or not the Legislator's current term of office began before the effective date of this act.**

Sec. 50. **1. If the provisions of any other statute or any other act or resolution passed by the Legislature conflict with the provisions of this act because they assign a power, duty or legislative study or investigation to a legislative committee, subcommittee or other body abolished by the provisions of this act or because they require the submission of a report, document or other information to a legislative committee, subcommittee or other body abolished by the provisions of this act:**

(a) The conflicting provisions of the other statute, act or resolution are superseded and abrogated by the provisions of this act; and

(b) The power, duty or legislative study or investigation shall be deemed assigned to, or the report, document or other information shall be deemed required to be submitted to, the appropriate Joint Interim Standing Committee created by NRS 218E.320 which has jurisdiction over the subject matter, except that if the subject matter falls within the jurisdiction of more than one Joint Interim Standing Committee, the Legislative Commission shall decide and resolve the matter in a manner that is consistent with the intent of the Legislature as determined by the Legislative Commission.

2. The Legislative Counsel shall, in preparing the reprint and supplements to the Nevada Revised Statutes:

(a) Make any revisions that are necessary to carry out the provisions of this section; and

(b) Change any references to a legislative committee, subcommittee or other body which has been abolished by the provisions of this act, or whose name has been changed or whose responsibilities have been transferred by the provisions of this act, so that such references refer to the appropriate legislative committee, subcommittee or other body.

3. As used in this section, "legislative study or investigation" includes, without limitation:

(a) Any interim legislative study or investigation; or

(b) Any legislative study or investigation assigned to a statutory legislative committee, subcommittee or other body.

~~[Sec. 9.]~~ ***Sec. 51.*** NRS **218E.505, 218E.510, 218E.515, 218E.560, 218E.755 and** 439B.225 ~~[is]~~ **are** hereby repealed.

~~[Sec. 10.]~~ ***Sec. 52.*** **1.** This ~~[act becomes effective on July 1, 2023.]~~ **section and sections 1 to 28, inclusive, and 30 to 51, inclusive, of this act become effective upon passage and approval.**

2. Section 29 of this act becomes effective on the date that the Director of the Department of Public Safety determines that there is sufficient funding to carry out the provisions of NRS 193.309.

[~~TEXT OF~~**] LEADLINES OF** REPEALED **[**~~SECTION~~**] SECTIONS**

218E.505 "Subcommittee" defined.

218E.510 Creation; membership; officers; terms; vacancies; alternates.

218E.515 Meetings; rules; quorum; compensation, allowances and expenses of members.

218E.560 Meetings; rules; quorum; compensation, allowances and expenses of members.

218E.755 Meetings; quorum; compensation, allowances and expenses of members.

439B.225 Committee to review certain regulations proposed or adopted by licensing boards; recommendations to Legislature.

[~~1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of NRS.~~

~~2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:~~

~~(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;~~

~~(b) The effect of the regulation on the cost of health care in this State;~~

~~(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and~~

~~(d) Any other related factor the Committee deems appropriate.~~

~~3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.~~

~~4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.~~**]**

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 472.

Bill read second time and ordered to third reading.

Assembly Bill No. 475.
Bill read second time and ordered to third reading.

Assembly Bill No. 476.
Bill read second time and ordered to third reading.

Assembly Bill No. 477.
Bill read second time and ordered to third reading.

Assembly Bill No. 478.
Bill read second time and ordered to third reading.

Assembly Bill No. 479.
Bill read second time and ordered to third reading.

Assembly Bill No. 486.
Bill read second time and ordered to third reading.

Assembly Bill No. 492.
Bill read second time and ordered to third reading.

Assembly Bill No. 496.
Bill read second time and ordered to third reading.

Assembly Bill No. 498.
Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 748.

SUMMARY—Revises provisions relating to ~~[the Public Employees' Retirement System.]~~ **public employees' retirement.** (BDR 23-1200)

AN ACT relating to ~~[the Public Employees' Retirement System;]~~ **public employees' retirement;** revising the calculation of contribution rates to the Public Employees' Retirement System from state employees and employers; **revising the contribution rates for the separate retirement program provided by the Board of Regents of the University of Nevada; making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Retired]~~ **Existing law provides that certain** public employees receive retirement allowances through membership in and contributions to the Public Employees' Retirement System. (Chapter 286 of NRS) Existing law requires that: (1) the contribution rates of employees and employers to the System be adjusted every 2 years based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report of the immediately preceding year, unless the existing rate is higher or lower than the actuarially determined rate by a specified percentage; and (2) the employee and employer are responsible for an equal portion of any increase or decrease in the contribution rate. (NRS 286.410, 286.421, 286.450) **Section 5** of this bill

revises the contribution rate for an employee of a participating state agency from a rate equal to that paid by the employer to one-half of the normal cost that is actuarially determined for police officers and firefighters and for regular members, depending on the retirement fund in which the member is participating. **Section 7** of this bill revises the employer contribution rate for a participating state agency to be the total contribution rate actuarially determined for police officers and firefighters and for regular members, depending on the retirement fund in which the member is participating, less the employee contribution rate of one-half of the normal costs determined pursuant to **section 5**. **Sections 5 and 7** also provide for the rounding of any adjusted contribution rate to the nearest one-quarter of 1 percent.

Section 6 of this bill makes conforming changes to **the Public Employees' Retirement System to** require, for purposes of the adjustment of salary increases and cost-of-living increases or of salary reductions, that the division of total contributions be determined in the same manner as provided for determining the employee and employer contribution rates.

Section 3 of this bill defines the term "normal costs" as that portion of the present value of projected benefits that is attributable to the current year of service, as determined by an actuary of the System. **Section 4** of this bill defines the term "participating state agency" to mean the following public employers that participate in the System: (1) an agency, bureau, board, commission, department, division, officer or other unit of the Executive Branch of the State Government, the Nevada System of Higher Education and the Public Employees' Retirement System; (2) the Legislative Branch of the State Government; and (3) the Judicial Branch of the State Government.

Existing law requires the Board of Regents of the University of Nevada to provide a retirement program separate from the Public Employees' Retirement System which provides retirement benefits for members of the professional staff. (NRS 286.802) Existing law further requires the Board of Regents and a participant in the retirement program to each contribute an amount equal to 10 percent of the participant's gross compensation, but those contributions must not be less than the contributions made for the Public Employees' Retirement System. (NRS 286.808) Section 8 of this bill eliminates that threshold and increases to 17.5 percent of a participant's gross compensation the amount that the Board of Regents and each participant is required to contribute to the retirement program.

Sections 9-13 of this bill make appropriations for the purpose of meeting any deficiencies between the money appropriated to the departments, commissions and agencies of the State of Nevada for the 2023-2025 biennium and the increase in employer contributions to the Public Employees' Retirement System pursuant to this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 286 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in NRS 286.410 to 286.462, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Normal cost" means that portion of the present value of projected benefits that is attributable to the current year of service, as determined by an actuary of the System.***

Sec. 4. ***"Participating state agency" means the following public employers that participate in the System:***

1. An agency, bureau, board, commission, department, division, officer or other unit of the Executive Branch of the State Government. The term includes the Nevada System of Higher Education and the Public Employees' Retirement System.

2. The Legislative Branch of the State Government.

3. The Judicial Branch of the State Government.

Sec. 5. NRS 286.410 is hereby amended to read as follows:

286.410 1. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** employee contribution rate must be:

(a) The matching contribution rate for employees and employers that is actuarially determined for police officers and firefighters and for regular members, depending upon the retirement fund in which the member is participating.

(b) Except as otherwise provided in subsection 2, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.

2. ~~[The]~~ ***Except as provided in subsection 4, the*** employee's portion of the matching contribution rate for employees and employers must not be adjusted in accordance with the provisions of paragraph (b) of subsection 1 if:

(a) The existing rate is lower than the actuarially determined rate but within one-quarter of 1 percent of the actuarially determined rate.

(b) The existing rate is higher than the actuarially determined rate but is within 1 percent of the actuarially determined rate. If the existing rate is more than 1 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 1 percent above the actuarially determined rate.

3. ***The employee contribution rate for a member who is an employee of a participating state agency must be:***

(a) One-half of the normal cost that is actuarially determined for police officers and firefighters and for regular members, depending on the retirement fund in which the member is participating.

(b) Except as otherwise provided in subsection 4, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate of one-half the normal cost as indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.

4. The employee's portion of the contribution rate for employees of a participating state agency and employers must not be adjusted in accordance with the provisions of paragraph (b) of subsection 3 if:

(a) The existing rate is lower than the actuarially determined rate but within one-quarter of 1 percent of the actuarially determined rate.

(b) The existing rate is higher than the actuarially determined rate but is within 1 percent of the actuarially determined rate. If the existing rate is more than 1 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 1 percent above the actuarially determined rate.

5. From each payroll during the period of the employee's membership, the employer shall deduct the amount of the member's contributions and transmit the deduction to the Board at intervals designated and upon forms prescribed by the Board. The contributions must be paid on compensation earned by a member from the member's first day of service.

~~[4.]~~ ***6.*** Any employee whose position is determined after July 1, 1971, to be eligible under the early retirement provisions for police officers and firefighters shall contribute the additional contributions required of police officers and firefighters from July 1, 1971, to the date of the employee's enrollment under the Police and Firefighters' Retirement Fund, if employment in this position occurred before July 1, 1971, or from date of employment in this position to the date of the employee's enrollment under the Police and Firefighters' Retirement Fund, if employment occurs later.

~~[5.]~~ ***7.*** Except as otherwise provided in NRS 286.430, the System shall guarantee to each member the return of at least the total employee contributions which the member has made and which were credited to the member's individual account. These contributions may be returned to the member, the member's estate or beneficiary or a combination thereof in monthly benefits, a lump-sum refund or both.

~~[6.]~~ ***8.*** Members with disabilities who are injured on the job and receive industrial insurance benefits for temporary total disability remain contributing members of the System for the duration of the benefits if and while the public employer continues to pay the difference between these benefits and the member's regular compensation. The public employer shall pay the employer contributions on these benefits.

Sec. 6. NRS 286.421 is hereby amended to read as follows:

286.421 1. A public employer that elected to pay on behalf of its employees the contributions required by subsection 1 of NRS 286.410 before July 1, 1983, shall continue to do so, but a public employer may not elect to pay those contributions on behalf of its employees on or after July 1, 1983.

2. An employee of a public employer that did not elect to pay on behalf of its employees the contributions required by subsection 1 of NRS 286.410 before July 1, 1983, may elect to:

(a) Pay the contribution required by subsection 1 ***or 3*** of NRS 286.410 ***, as applicable,*** on the employee's own behalf; or

(b) Have the employee's portion of the contribution paid by the employee's employer pursuant to the provisions of NRS 286.425.

3. Except for any person chosen by election or appointment to serve in an elective office of a political subdivision or as a district judge, a judge of the Court of Appeals or a justice of the Supreme Court of this State:

(a) Payment of the employee's portion of the contributions pursuant to subsection 1 ***or paragraph (b) of subsection 2*** must be:

(1) Made in lieu of equivalent basic salary increases or cost-of-living increases, or both; or

(2) Counterbalanced by equivalent reductions in employees' salaries.

(b) The average compensation from which the amount of benefits payable pursuant to this chapter is determined must be increased with respect to each month beginning after June 30, 1975, by 50 percent of the contribution made by the public employer, and must not be less than it would have been if contributions had been made by the member and the public employer separately. In the case of any officer or judge described in this subsection, any contribution made by the public employer on the officer's or judge's behalf does not affect the officer's or judge's compensation but is an added special payment.

4. Employee contributions made by a public employer must be deposited in either the Public Employees' Retirement Fund or the Police and Firefighters' Retirement Fund as is appropriate. These contributions must not be credited to the individual account of the member and may not be withdrawn by the member upon the member's termination.

5. The membership of an employee who became a member on or after July 1, 1975, and all contributions on whose behalf were made by the member's public employer must not be cancelled upon the termination of the member's service.

6. If an employer is paying the basic contribution on behalf of an employee, the total contribution rate, in lieu of the amounts required by subsection 1 ***or 3*** of NRS 286.410 ***, as applicable,*** and NRS 286.450, must be:

(a) The total contribution rate for employers that is actuarially determined for police officers and firefighters and for regular members, depending upon the retirement fund in which the member is participating.

(b) Except as otherwise provided in subsection 7, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.

7. The total contribution rate for employers must not be adjusted in accordance with the provisions of paragraph (b) of subsection 6 if:

(a) The existing rate is lower than the actuarially determined rate but is within one-half of 1 percent of the actuarially determined rate.

(b) The existing rate is higher than the actuarially determined rate but is within 2 percent of the actuarially determined rate. If the existing rate is more than 2 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 2 percent above the actuarially determined rate.

8. For the purposes of adjusting salary increases and cost-of-living increases or of salary reduction ~~[,]~~ ***:***

(a) For a member who is employed by a public employer that is not a participating state agency, the total contribution must be equally divided between employer and employee.

(b) For a member who is employed by a public employer that is a participating state agency, the total contribution must be divided between the participating state agency and employee in the same manner as the employee contribution rate is determined pursuant to subsection 3 of NRS 286.410 and the employer contribution rate is determined pursuant to section 2 of NRS 286.450.

9. Public employers other than the State of Nevada shall pay the entire employee contribution for those employees who contribute to the Police and Firefighters' Retirement Fund on and after July 1, 1981.

Sec. 7. NRS 286.450 is hereby amended to read as follows:

286.450 1. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** employer contribution rate must be:

(a) The matching contribution rate for employees and employers that is actuarially determined for police officers and firefighters and for regular members, depending upon the retirement fund in which the member is participating.

(b) Except as otherwise provided in subsection 2, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** employer's portion of the matching contribution rate for employees and employers must

not be adjusted in accordance with the provisions of paragraph (b) of subsection 1 if:

(a) The existing rate is lower than the actuarially determined rate but is within one-quarter of 1 percent of the actuarially determined rate.

(b) The existing rate is higher than the actuarially determined rate but is within 1 percent of the actuarially determined rate. If the existing rate is more than 1 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 1 percent above the actuarially determined rate.

3. The employer contribution rate for a participating state agency must be:

(a) The total contribution rate that is actuarially determined for police officers and firefighters and for regular members, depending on the retirement fund in which the member is participating, less the employee contribution rate as determined by paragraph (a) of subsection 3 of NRS 286.410.

(b) Except as otherwise provided in subsection 4, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined normal cost as indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.

4. The employer's portion of the contribution rate for employees of a participating state agency and employers who are participating state agencies must not be adjusted in accordance with the provisions of paragraph (b) of subsection 3 if:

(a) The existing rate is lower than the actuarially determined rate but is within one-quarter of 1 percent of the actuarially determined rate.

(b) The existing rate is higher than the actuarially determined rate but is within 1 percent of the actuarially determined rate. If the existing rate is more than 1 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 1 percent above the actuarially determined rate.

Sec. 8. **NRS 286.808 is hereby amended to read as follows:**

286.808 1. The Board of Regents of the University of Nevada shall contribute on behalf of each participant an amount equal to ~~[10]~~ ***17.5*** percent of the participant's gross compensation during continuance of employment. Each participant shall also contribute ~~[10]~~ ***17.5*** percent of the participant's gross compensation***.*** ~~[, but the contributions required by this section must not be less than those authorized by NRS 286.410 and 286.450.]~~ Payment of the contributions required by this section must be made by the disbursing officer for the Nevada System of Higher Education to the designated investment entities for the benefit of each participant.

2. The Board of Regents of the University of Nevada may, on behalf of each participant, pay the contribution required to be paid by the participant in subsection 1. Any such payment must be:

(a) Made in lieu of an equivalent increase in the basic salary or in the cost of living for the participant, or both; or

(b) Counterbalanced by an equivalent reduction in the participant's salary.

Sec. 9. **1. Except as otherwise provided in this section and sections 10, 11 and 12 of this act, there is hereby appropriated from the State General Fund to the State Board of Examiners for the purpose of meeting any deficiencies which may be created between the money appropriated to the departments, commissions and agencies of the State of Nevada, including, without limitation, the Commission on Judicial Discipline, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employees' Retirement System pursuant to this act, the following sums:**

For the Fiscal Year 2023-2024..... $58,342,302

For the Fiscal Year 2024-2025..... $63,410,225

2. There is hereby appropriated from the State General Fund to the State Board of Examiners the sum of $12,934,788 for Fiscal Year 2023-2024 for reimbursement to any department, commission or agency of the State of Nevada whose positions are included in the Executive Budget, as provided by the 82nd Session of the Nevada Legislature, and whose budget accounts have authorized reserves or retained earnings, for the purpose of meeting any deficiencies which may be created between the authorized money of the respective departments, commissions and agencies of the State of Nevada, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employee's Retirement System pursuant to this act.

3. There is hereby appropriated from the State General Fund to the State Board of Examiners the sum of $12,483,068 for Fiscal Year 2023-2024 for reimbursement to any department, commission or agency of the State of Nevada whose positions are included in the Executive Budget, as provided by the 82nd Session of the Nevada Legislature, and whose budget accounts do not have authorized reserves or retained earnings and do not receive any appropriations from the State General Fund or the State Highway Fund, for the purpose of meeting any deficiencies which may be created between the authorized money of the respective departments, commissions and agencies of the State of Nevada, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employee's Retirement System pursuant to this act.

4. Any remaining balance of the sums appropriated by subsections 1, 2 and 3 and, if applicable, transferred pursuant to this subsection, at the end of Fiscal Year 2023-2024 must be carried forward to Fiscal Year 2024-

2025 to be used for the same purpose. The sums appropriated by subsection 1 for Fiscal Year 2024-2025 may be transferred from Fiscal Year 2024-2025 to Fiscal Year 2023-2024 with the approval of the Interim Finance Committee upon the recommendation of the Governor.

5. Any remaining balance of the appropriations made by this section must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 10. **1. There is hereby appropriated from the State General Fund to the Judicial Department Staff Salaries budget account for the purpose of meeting any deficiencies which may be created between the money appropriated to the Judicial Department Staff Salaries budget account, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employees' Retirement System pursuant to this act the following sums:**

For the Fiscal Year 2023-2024..... $1,568,795

For the Fiscal Year 2024-2025..... $1,734,157

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 11. **There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 for the purpose of meeting any deficiencies which may be created between the money appropriated to the Legislative Fund, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employees' Retirement System pursuant to this act the following sums:**

For the Fiscal Year 2023-2024..... $3,195,140

For the Fiscal Year 2024-2025..... $3,519,302

Sec. 12. **1. There is hereby appropriated from the State General Fund to the State Board of Examiners for the purpose of meeting any deficiencies which may be created between the money appropriated to the**

Nevada System of Higher Education, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employees' Retirement System pursuant to this act the following sums:

For the Fiscal Year 2023-2024..... $16,552,651

For the Fiscal Year 2024-2025..... $17,000,141

2. Any remaining balance of the sums appropriated by subsection 1 at the end of Fiscal Year 2023-2024 must be carried forward to Fiscal Year 2024-2025 to be used for the same purpose. Any remaining balance of the sums appropriated by subsection 1 at the end of Fiscal Year 2024-2025 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 13. **1. There is hereby appropriated from the State Highway Fund to the State Board of Examiners for the purpose of meeting any deficiencies which may be created between the money appropriated to the departments, commissions and agencies of the State of Nevada, as fixed by the 82nd Session of the Nevada Legislature, and the requirements for increasing the employer contributions to the Public Employees' Retirement System pursuant to this act the following sums:**

For the Fiscal Year 2023-2024..... $19,263,280

For the Fiscal Year 2024-2025..... $20,703,524

2. Any remaining balance of the sums appropriated by subsection 1 and, if applicable, transferred pursuant to this subsection, at the end of Fiscal Year 2023-2024 must be carried forward to Fiscal Year 2024-2025 to be used for the same purpose. The sums appropriated by subsection 1 for Fiscal Year 2024-2025 may be transferred from Fiscal Year 2024-2025 to Fiscal Year 2023-2024 with the approval of the Interim Finance Committee upon the recommendation of the Governor.

3. Any remaining balance of the appropriations made by this section must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 19, 2025.

~~[Sec. 8.]~~ ***Sec. 14.*** This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 500.
Bill read second time and ordered to third reading.

Assembly Bill No. 504.
Bill read second time and ordered to third reading.

Assembly Bill No. 508.
Bill read second time and ordered to third reading.

Assembly Bill No. 509.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 335.
Bill read third time.
The following amendment was proposed by Assemblywoman Jauregui:
Amendment No. 764.

AN ACT relating to property; authorizing tenants subject to certain actions for summary eviction to request that the court stay the action until a decision concerning an application for rental assistance is made and establishing procedures relating thereto; requiring a landlord to accept payment of rent from a tenant and rental assistance on behalf of a tenant under certain circumstances; authorizing a justice court to establish a diversion program for certain tenants subject to an action for summary eviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law provides for a summary eviction procedure when a tenant defaults in the payment of rent. (NRS 40.253) **Section 9** of this bill authorizes a tenant who has been served with a notice to pay rent or surrender the premises to request that the court stay an action for summary eviction based on a default in the payment of rent until a decision concerning an application for rental assistance is made. **Section 9** establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. If the court issues such a stay, **section 9** **: (1)** authorizes a landlord to file a motion to lift the stay under certain circumstances ~~[.]~~ **; and (2) requires that the stay expire not later than 60 days after it is issued.** If an application for rental assistance is granted in an amount that will allow the tenant in an action that has been stayed to cure the default, **section 9** requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. If the application for rental assistance is denied or granted in an amount that will not allow the tenant in an action that has been stayed to cure the default, **section 9** requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. **Section 21.2** of this bill makes a

conforming change relating to the submission of an affidavit pursuant to **section 9**. **Section 9.1 of this bill creates a similar process that becomes effective if and only if Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.**

In general, existing law provides for a summary eviction procedure when a tenant neglects or fails to perform a condition or covenant of a lease or agreement. (NRS 40.254) **Section** ~~[9.2 of this bill authorizes a tenant who has been served with a notice to surrender the premises to request that the court stay an action for summary eviction based on neglect or failure to perform a condition or covenant of the lease or agreement until a decision concerning an application for rental assistance is made. Section 9.2 establishes the procedure for a tenant to request such a stay and criteria for the issuance of a stay. Among other requirements, section 9.2 requires the tenant to submit proof that: (1) the tenant was in default on the payment when the landlord initiated the action for summary eviction; and (2) the condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. If the court issues such a stay, section 9.2 authorizes a landlord to file a motion to lift the stay under certain circumstances. When any stay issued by the court is lifted, section 9.2 requires the court to proceed with the action for summary eviction in accordance with the requirements prescribed by existing law. If an application for rental assistance is granted in an amount that will allow the tenant to cure the default, section 9.2 requires the landlord to accept payment of rent from the tenant and rental assistance on behalf of the tenant. Section 21.4 makes a conforming change relating to the submission of an affidavit pursuant to section 9.2.~~

~~— Sections 9.1 and 9.3]~~ **9.7 of this bill requires a court to dismiss an action for summary eviction based on neglect or failure to perform a condition or covenant of a lease or agreement if the court finds that the affidavit of complaint for summary eviction was filed by the landlord in bad faith or as a pretext for evicting a tenant who is in default in the payment of rent. Section 21.4** of this bill ~~[create]~~ **creates** a similar ~~[process]~~ **requirement** that becomes effective if and only if Assembly Bill No. 340 of this session is **not** enacted by the Legislature and approved by the Governor.

Section 9.5 of this bill authorizes a justice court to establish a diversion program to which it may assign an eligible tenant subject to an action for summary eviction. **Section 9.5** sets forth factors the court may consider in determining whether a tenant is eligible for assignment to such a diversion program. If the court assigns a tenant to such a diversion program, **section 9.5** requires the court to: (1) stay the pending action for summary eviction for not more than 60 days; and (2) if the tenant pays the landlord the rent that is in default or surrenders the premises before the expiration of the stay, dismiss the action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[9.5,]~~ **9.7,** inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. ***1. A tenant who has been served with a notice pursuant to subsection 1 of NRS 40.253 may request that the court stay any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until a decision concerning an application for rental assistance is made.***

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File, within the time specified in subsection 1 of NRS 40.253 for the payment of rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has a pending application for rental assistance; and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court shall stay any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253 until the applicable time described in subsection 4.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until ~~[such time as:]~~ not later than the earliest of:

(a) The date on which the application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; ~~[or]~~

(b) The date on which the court grants a motion filed pursuant to subsection 5 ~~[.]~~ ; or

(c) Sixty days after the date on which the stay is granted.

5. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

6. The court may grant a motion filed pursuant to subsection 5 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

7. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

8. If a landlord in bad faith files a motion pursuant to subsection 5, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court must dismiss any action for summary eviction initiated by the landlord against the tenant pursuant to subsection 5 of NRS 40.253.

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 6 of NRS 40.253.

10. For purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

11. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose

of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.1. *1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 2 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.*

2. To request a stay pursuant to subsection 1, a tenant must:

(a) File the written answer required by subsection 6 of section 2 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 2 of Assembly Bill No. 340 of this session and include in the answer:

(1) A statement that the tenant has a pending application for rental assistance; and

(2) A request that the court stay the pending action for summary eviction; and

(b) Provide proof to the court of the date on which the application for rental assistance was submitted.

3. If the court determines that a written answer filed pursuant to subsection 6 of section 2 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court shall stay the pending action for summary eviction until the applicable time described in subsection 4.

4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until ~~[such time as:]~~ not later than the earliest of:

(a) The date on which the application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; ~~[or]~~

(b) The date on which the court grants a motion filed pursuant to subsection 5 ~~[.]~~ ; or

(c) Sixty days after the date on which the stay is granted.

5. A landlord may file a motion to lift a stay issued pursuant to subsection 3.

6. The court may grant a motion filed pursuant to subsection 5 if, at a hearing conducted on the motion, the court finds that:

(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:

(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or

(2) The landlord has missed three or more consecutive mortgage payments;

(b) The application for rental assistance was submitted in bad faith; or

(c) It is unlikely that:

(1) The application for rental assistance will be granted; or

(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.

7. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.

8. If a landlord in bad faith files a motion pursuant to subsection 5, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.

9. If the application for rental assistance is:

(a) Granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent:

(1) The landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant; and

(2) The court must dismiss the pending action for summary eviction.

(b) Denied, or granted in amount that, together with any other available funds, will not allow the tenant to cure the default in the payment of rent, the court shall:

(1) Issue an order lifting the stay; and

(2) Hold a hearing in accordance with the requirements prescribed by subsection 7 of Assembly Bill No. 340 of this session.

10. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.

11. As used in this section:

(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.

(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.

Sec. 9.2. ~~[*1. A tenant who has been served with a notice pursuant to NRS 40.2516 may request that the court stay any action for summary eviction initiated by the landlord against the tenant pursuant to NRS 40.254 until a decision concerning an application for rental assistance is made.*~~

~~*2. To request a stay pursuant to subsection 1, a tenant must:*~~

~~*(a) File, within the time specified in NRS 40.2516, an affidavit with the court that has jurisdiction over the matter stating that the tenant has a*~~

~~*pending application for rental assistance that was submitted before the date on which the tenant was served with the notice described in subsection 1;*~~

~~*(b) Provide proof to the court that:*~~

~~*(1) The tenant:*~~

~~*(I) Was in default on the payment of rent when the notice described in subsection 1 was served; and*~~

~~*(II) Submitted the application for rental assistance before the notice described in subsection 1 was served; and*~~

~~*(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.*~~

~~*3. If the court determines that an affidavit filed pursuant to subsection 2 is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to NRS 40.254.*~~

~~*4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:*~~

~~*(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or*~~

~~*(b) The court grants a motion filed pursuant to subsection 6.*~~

~~*5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements prescribed by NRS 40.254.*~~

~~*6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.*~~

~~*7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:*~~

~~*(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:*~~

~~*(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or*~~

~~*(2) The landlord has missed three or more consecutive mortgage payments;*~~

~~*(b) The application for rental assistance was submitted in bad faith; or*~~

~~*(c) It is unlikely that:*~~

~~*(1) The application for rental assistance will be granted; or*~~

~~*(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.*~~

~~*8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.*~~

~~*9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an*~~

~~*amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.*~~

~~*— 10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.*~~

~~*— 11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.*~~

~~*— 12. As used in this section:*~~

~~*— (a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.*~~

~~*— (b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.]*~~ **(Deleted by amendment.)**

Sec. 9.3. ~~*[1. A tenant against whom a landlord files an affidavit of complaint for summary eviction pursuant to subsection 3 of section 6.5 of Assembly Bill No. 340 of this session may request that the court stay the pending action for summary eviction until a decision concerning an application for rental assistance is made.*~~

~~*— 2. To request a stay pursuant to subsection 1, a tenant must:*~~

~~*— (a) File the written answer required by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session with the court that has jurisdiction over the matter within the time specified by subsection 6 of section 6.5 of Assembly Bill No. 340 of this session and include in the answer:*~~

~~*— (1) A statement that the tenant has a pending application for rental assistance; and*~~

~~*— (2) A request that the court stay the pending action for summary eviction; and*~~

~~*— (b) Provide proof to the court that:*~~

~~*— (1) The tenant:*~~

~~*— (I) Was in default on the payment of rent when the landlord filed the affidavit of complaint for summary eviction; and*~~

~~*— (II) Submitted the application for rental assistance before the landlord filed the affidavit of complaint for summary eviction; and*~~

~~(2) The condition or covenant of the lease or agreement that the tenant allegedly neglected or failed to perform is not material to the lease or agreement. For the purposes of this subparagraph, timely payment of rent is not material to the lease or agreement.~~

~~3. If the court determines that a written answer filed pursuant to subsection 6 of section 6.5 of Assembly Bill No. 340 of this session is accompanied by sufficient proof, the court may stay any action for summary eviction initiated by the landlord against the tenant pursuant to section 6.5 of Assembly Bill No. 340 of this session.~~

~~4. If the court grants a stay pursuant to subsection 3, the stay must be maintained by the court until such time as:~~

~~(a) The application for rental assistance is no longer pending or a determination is made on the pending application for rental assistance; or~~

~~(b) The court grants a motion filed pursuant to subsection 6.~~

~~5. When a stay issued pursuant to subsection 3 is lifted, the action for summary eviction must proceed in accordance with the requirements prescribed by section 6.5 of Assembly Bill No. 340 of this session.~~

~~6. A landlord may file a motion to lift a stay issued pursuant to subsection 3.~~

~~7. The court may grant a motion filed pursuant to subsection 6 if, at a hearing conducted on the motion, the court finds that:~~

~~(a) Evidence exists that the landlord faces a realistic threat of the foreclosure of the premises if the landlord is not able to evict the tenant, including, without limitation, evidence that:~~

~~(1) The property is subject to a lien, including, without limitation, a tax lien or lien for charges relating to utilities; or~~

~~(2) The landlord has missed three or more consecutive mortgage payments;~~

~~(b) The application for rental assistance was submitted in bad faith; or~~

~~(c) It is unlikely that:~~

~~(1) The application for rental assistance will be granted; or~~

~~(2) The tenant will be able to cure the default in the payment of rent, regardless of whether the application for rental assistance is granted.~~

~~8. If a tenant in bad faith submits an application for rental assistance, the landlord may, in a separate cause of action, recover damages from the tenant.~~

~~9. If a landlord in bad faith files a motion pursuant to subsection 6, the tenant may, in a separate cause of action, recover from the landlord an amount equal to damages, 1 month's rent or $1,000, whichever is greater, reasonable attorney's fees and costs of court.~~

~~10. If the application for rental assistance is granted in an amount that, together with any other available funds, will allow the tenant to cure the default in the payment of rent, the landlord must accept payment of rent from the tenant and rental assistance on behalf of the tenant.~~

~~*11. For the purposes of subsection 4, an application for rental assistance is no longer pending if the application is not actively being pursued by the tenant, including, without limitation, by providing in a timely manner any information or documentation requested by the person or entity to whom the application was submitted.*~~

~~*12. As used in this section:*~~

~~*(a) "Pending application for rental assistance" means an application for rental assistance submitted in good faith by a tenant. The term includes, without limitation, an application which is inactive due to any technical difficulty on the part of the tenant in the filing of the application for rental assistance that is outside of the control of the tenant. The term does not include an application for rental assistance that was started by the tenant but is not actively being pursued by the tenant.*~~

~~*(b) "Rental assistance" includes, without limitation, federal, state or local funds provided by a governmental entity and administered for the purpose of paying any amount of delinquent rent. The term does not include rental assistance provided pursuant to the provisions of 42 U.S.C. § 1437f.]*~~ **(Deleted by amendment.)**

Sec. 9.5. *1. A justice court may establish a diversion program to which it may assign an eligible tenant whose landlord applies by affidavit of complaint for eviction of the tenant pursuant to NRS 40.253.*

2. To determine whether a tenant is eligible for a diversion program established pursuant to subsection 1, the court may consider, without limitation, whether the tenant is eligible for any programs that are designed to provide:

(a) Social services which assist tenants in paying delinquent rent; and

(b) Wrap-around services.

3. If the court assigns a tenant to a diversion program established pursuant to subsection 1, the court shall:

(a) Stay the pending action for summary eviction for not more than 60 days after the date on which the tenant files an affidavit permitted in subsection 3 of NRS 40.253; and

(b) If the tenant pays to the landlord the amount of rent that is in default or surrenders the premises before the expiration of the stay, dismiss the pending action for summary eviction.

4. As used in this section, "wrap-around services" means services provided to a tenant that assist the tenant in avoiding future summary eviction actions.

Sec. 9.7. ***If the court finds that an affidavit of complaint for summary eviction filed pursuant to subsection 3 of section 6.5 of Assembly Bill No. 340 of this session was filed in bad faith or as a pretext for evicting a tenant who is in default in the payment of rent, the court must dismiss the proceeding.***

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)
Sec. 21. (Deleted by amendment.)

Sec. 21.2. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the

sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to ~~[contest]~~ ***:***

(I) Contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent***; or***

(II) Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9 of this act;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to

the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

Sec. 21.4. NRS 40.254 is hereby amended to read as follows:

40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) ~~*[Request that the court stay any action for summary eviction initiated by the landlord against the tenant using the procedure prescribed by section 9.2 of this act; or*~~

~~*(3)]*~~ Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. ***If the court finds that the affidavit of the landlord or the landlord's agent was submitted in bad faith or as a pretext for evicting a tenant who is in default in the payment of rent, the court must dismiss the proceeding.***

4. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any

reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 22. The amendatory provisions of this act apply to an action for summary eviction which accrues on or after the effective date of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. 1. This section and sections 1 to 8, inclusive, **9.2, 9.3,** 9.5 **, 10** to 21, inclusive, 22 and 23 of this act become effective upon passage and approval.

2. Sections 9, ~~[9.2,]~~ 21.2 and 21.4 of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is not enacted by the Legislature and approved by the Governor.

3. Sections 9.1 and ~~[9.3]~~ **9.7** of this act become effective upon passage and approval if, and only if, Assembly Bill No. 340 of this session is enacted by the Legislature and approved by the Governor.

4. Sections 9, 9.1, 9.7, 21.2 and 21.4 expire by limitation on June 30, 2025.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 92.

Bill read third time.

Roll call on Senate Bill No. 92:

YEAS—40.

NAYS—McArthur.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 134.

Bill read third time.

Roll call on Senate Bill No. 134:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.

Bill read third time.

Roll call on Senate Bill No. 159:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Roll call on Senate Bill No. 161:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 180.

Bill read third time.

Roll call on Senate Bill No. 180:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 180 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 196.

Bill read third time.

Roll call on Senate Bill No. 196:

YEAS—37.

NAYS—La Rue Hatch, Brittney Miller, Summers-Armstrong, Thomas—4.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 211.

Bill read third time.

Roll call on Senate Bill No. 211:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 211 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Roll call on Senate Bill No. 262:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 283.

Bill read third time.

Roll call on Senate Bill No. 283:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Roll call on Senate Bill No. 293:

YEAS—24.

NAYS—Cohen, DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Brittney Miller, O'Neill, Thomas, Yurek—17.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 310.

Bill read third time.

Roll call on Senate Bill No. 310:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 310 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 104, 335, and 370 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 104.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

I rise, unfortunately, in opposition to Senate Bill 104. I was in strong support of this bill until Amendment No. 737 appeared on our desks this afternoon. Unfortunately, I have to move to a no position due to a removal of some language.

Roll call on Senate Bill No. 104:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 335.

Bill read third time.

Roll call on Senate Bill No. 335:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 370.

Bill read third time.

Roll call on Senate Bill No. 370:

YEAS—33.

NAYS—DeLong, Gray, Hafen, Hansen, Hibbetts, Kasama, McArthur, Yurek—8.

EXCUSED—Bilbray-Axelrod.

Senate Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 155 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 155.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 776.

AN ACT relating to crimes; revising provisions relating to certain crimes committed by homeless persons; authorizing a justice court or a municipal court to transfer original jurisdiction of certain cases to the district court to

enable the defendant to receive assisted outpatient treatment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain diversionary and specialty court programs to which certain defendants may be assigned, such as the preprosecution diversionary program and specialty court programs for veterans and members of the military, persons with mental illness and persons who use alcohol or other substances. (NRS 174.032, 176A.230, 176A.250, 176A.280) **Sections 4-8** of this bill authorize homeless persons who commit certain misdemeanor offenses to be assigned to such diversionary and specialty court programs. **Section 5** of this bill authorizes a court that assigns a homeless person to complete such a program of treatment to waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the homeless person for committing such an offense.

Existing law authorizes a criminal defendant or the district attorney to make a motion to the district court to commence a proceeding for the issuance of a court order requiring assisted outpatient treatment of the defendant or the district court to commence such a proceeding on its own motion. (NRS 433A.335) **Sections 5-11** of this bill authorize a justice court or a municipal court to transfer original jurisdiction of a case involving a defendant who is eligible to receive assisted outpatient treatment to the district court, including homeless persons who commit certain misdemeanors pursuant to **section 5**. **Sections 12 and 13** of this bill make conforming changes to refer to provisions that have been renumbered by **section 11**.

Existing law limits the definition of an "eligible defendant" to mean a person who: (1) has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor; (2) appears to suffer from mental illness or to be intellectually disabled; and (3) would benefit from assignment to a specialty court program. (NRS 176A.235, 176A.255, 176A.285) **Sections 6-8** of this bill expand the definition of an "eligible defendant" to include any person who, regardless of whether the person has tendered a plea to or been found guilty of an offense that is a misdemeanor: (1) appears to suffer from a mental illness or to be intellectually disabled; and (2) would benefit from assignment to a specialty court program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 174.032 is hereby amended to read as follows:

174.032 1. A justice court or municipal court may establish a preprosecution diversion program to which it may assign a defendant if he or she is determined to be eligible pursuant to NRS 174.031.

2. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031, the justice or municipal court must receive input from the prosecuting attorney, the attorney for the defendant, if any, and the defendant relating to the terms and conditions for the defendant's participation in the program.

3. A preprosecution diversion program established by a justice court or municipal court pursuant to this section may include, without limitation:

(a) A program of treatment which may rehabilitate a defendant, including, without limitation, educational programs, participation in a support group, anger management therapy, counseling ***,*** ~~[or]~~ a program of treatment for veterans and members of the military, mental illness or intellectual disabilities or the use of alcohol or other substances ~~[,]~~ ***or a program of treatment to assist homeless persons;***

(b) Any appropriate sanctions to impose on a defendant, which may include, without limitation, community service, restitution, prohibiting contact with certain persons or the imposition of a curfew; and

(c) Any other factor which may be relevant to determining an appropriate program of treatment or sanctions to require for participation of a defendant in the preprosecution diversion program.

4. If the justice court or municipal court determines that a defendant may be rehabilitated by a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or the use of alcohol or other substances, the court may refer the defendant to an appropriate program of treatment established pursuant to NRS ***176A.230,*** 176A.250, 176A.280 or ~~[453.580.]~~ ***section 5 of this act.*** The court shall retain jurisdiction over the defendant while the defendant completes such a program of treatment.

5. The justice court or municipal court shall, when assigning a defendant to a preprosecution diversion program, issue an order setting forth the terms and conditions for successful completion of the preprosecution diversion program, which may include, without limitation:

(a) Any program of treatment the defendant is required to complete;

(b) Any sanctions and the manner in which they must be carried out by the defendant;

(c) The date by which the terms and conditions must be completed by the defendant, which must not be more than 18 months after the date of the order;

(d) A requirement that the defendant appear before the court at least one time every 3 months for a status hearing on the progress of the defendant toward completion of the terms and conditions set forth in the order; and

(e) A notice relating to the provisions of subsection 3 of NRS 174.033.

6. A defendant assigned to a preprosecution diversion program shall pay the cost of any program of treatment required by this section to the extent of his or her financial resources. The court shall not refuse to place a defendant in a program of treatment if the defendant does not have the financial resources to pay any or all of the costs of such program.

7. If restitution is ordered to be paid pursuant to subsection 5, the defendant must make a good faith effort to pay the required amount of restitution in full. If the justice court or municipal court determines that a defendant is unable to pay such restitution, the court must require the defendant to enter into a judgment by confession for the amount of restitution.

8. As used in this section, "homeless person" has the meaning ascribed to it in section 5 of this act.

Sec. 5. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A justice court, municipal court or district court, as applicable, that has jurisdiction over an eligible defendant who is charged with or convicted of an eligible offense may order the eligible defendant to complete a program of treatment.

2. Notwithstanding any other provision of law, a court that orders an eligible defendant to complete a program of treatment pursuant to this section may waive or reduce any fine, administrative assessment or fee that would otherwise be imposed upon the eligible defendant for commission of the eligible offense pursuant to specific statute.

3. As used in this section:

(a) "Eligible defendant" means a homeless person who is charged with or convicted of an eligible offense.

(b) "Eligible offense" means a violation of any local ordinance prohibiting public urination or defecation or possession of an open container of an alcoholic beverage, or the same or similar conduct, or a violation of the following statutory provisions, or any local ordinance prohibiting the same or similar conduct, that is punishable as a misdemeanor:

(1) NRS 202.450.

(2) NRS 205.860.

(3) NRS 206.010.

(4) ~~[NRS 206.040.~~

~~(5)]~~ NRS 206.140.

~~[(6)]~~ (5) NRS 206.310.

~~[(7) NRS 207.030.~~

~~(8)]~~ (6) NRS 207.200.

~~[(9) NRS 207.203.]~~

(c) "Homeless person" means a person:

(1) Who lacks a fixed, regular and adequate residence;

(2) With a primary residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including, without limitation, a car, a park, an abandoned building, a bus or train station, an airport or a camping ground; or

(3) Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, including, without

limitation, transitional housing, hotels or motels paid for by any federal, state or local governmental program or any charitable organization.

➥ For the purpose of this paragraph, a person shall be deemed to be a homeless person if the person provides sufficient proof to the court that the person meets the criteria set forth in subparagraph (1), (2) or (3) or the person has recently used public services for homeless persons or if a public or private agency or entity that provides services to homeless persons provides sufficient proof to the court that the person is a homeless person.

(d) "Program of treatment" means a preprosecution diversion program, specialty court program or other program designed to assist homeless persons that is established pursuant to NRS 174.032, 176A.230, 176A.250, 176A.280, 433A.335 or another specific statute or by court rule or court order.

Sec. 6. NRS 176A.235 is hereby amended to read as follows:

176A.235 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, "eligible defendant" means a person who:

(a) ~~[~~Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;

~~(b)]~~ Has been diagnosed as having a substance use disorder after an in-person clinical assessment; and

~~[(c)]~~ ***(b)*** Would benefit from assignment to a program established pursuant to NRS 176A.230.

Sec. 7. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.

2. As used in this section, "eligible defendant" means a person who:

(a) ~~[~~Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;

~~(b)]~~ Appears to suffer from mental illness or to be intellectually disabled; and

~~[(c)]~~ ***(b)*** Would benefit from assignment to a program established pursuant to ***:***

(1) NRS 176A.250 ~~[.]~~ ***; or***

(2) NRS 433A.335, if the defendant is eligible to receive assisted outpatient treatment pursuant to that section.

Sec. 8. NRS 176A.285 is hereby amended to read as follows:

176A.285 If a justice court or municipal court has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as applicable, may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving a defendant who meets the

qualifications of subsection 1 of NRS 176A.280 **.** ~~[and has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor.]~~

Sec. 9. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to ***:***

(a) NRS 176A.250 ~~[or, if]~~ ***;***

(b) If the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ ***; or***

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 10. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to ***:***

(a) NRS 176A.250 ~~[or, if]~~ ***;***

(b) If the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section ~~[.]~~ ***; or***

(c) NRS 433A.335, if the offender is eligible to receive assisted outpatient treatment pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:

(a) Within the jurisdiction of the municipal court; and

(b) Required by the United States Constitution, the Nevada Constitution or statute.

Sec. 11. NRS 433A.335 is hereby amended to read as follows:

433A.335 1. A proceeding for an order requiring any person in the State of Nevada to receive assisted outpatient treatment may be commenced by the filing of a petition for such an order with the clerk of the district court of the county where the person who is to be treated is present. The petition may be filed by:

(a) Any person who is at least 18 years of age and resides with the person to be treated;

(b) The spouse, parent, adult sibling, adult child or legal guardian of the person to be treated;

(c) A physician, physician assistant, psychologist, social worker or registered nurse who is providing care to the person to be treated;

(d) The Administrator or his or her designee; or

(e) The medical director of a division facility in which the person is receiving treatment or the designee of the medical director of such a division facility.

2. A proceeding to require a person who is the defendant in a criminal proceeding in the district court to receive assisted outpatient treatment may be commenced ~~[by]~~ ***:***

(a) By the district court ~~[, on]~~ ***:***

(1) On its own motion ~~[, or by]~~ ***;***

(2) By motion of the defendant or the district attorney ~~[if:~~

~~(a)]~~ ***; or***

(3) After a justice court or a municipal court, upon approval of the district court, transfers original jurisdiction to the district court of a case involving a defendant who is eligible to receive assisted outpatient treatment pursuant to this section; and

(b) If:

(1) The defendant has been examined in accordance with NRS 178.415;

~~[(b)]~~ ***(2)*** The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

~~[(c)]~~ ***(3)*** The Division makes a clinical determination that assisted outpatient treatment is appropriate ~~[.]~~ ***for the defendant.***

3. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must allege the following concerning the person to be treated:

(a) The person is at least 18 years of age.

(b) The person has a mental illness.

(c) The person has a history of poor compliance with treatment for his or her mental illness that has resulted in at least one of the following circumstances:

(1) At least twice during the immediately preceding 48 months, poor compliance with mental health treatment has been a significant factor in causing the person to be hospitalized or receive services in the behavioral health unit of a detention facility or correctional facility. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(2) Poor compliance with mental health treatment has been a significant factor in causing the person to commit, attempt to commit or threaten to commit serious physical harm to himself or herself or others during the immediately preceding 48 months. The 48-month period described in this subparagraph must be extended by any amount of time that the person has been hospitalized, incarcerated or detained during that period.

(3) Poor compliance with mental health treatment has resulted in the person being hospitalized, incarcerated or detained for a cumulative period of at least 6 months and the person:

(I) Is scheduled to be discharged or released from such hospitalization, incarceration or detention during the 30 days immediately following the date of the petition; or

(II) Has been discharged or released from such hospitalization, incarceration or detention during the 60 days immediately preceding the date of the petition.

(d) Because of his or her mental illness, the person is unwilling or unlikely to voluntarily participate in outpatient treatment that would enable the person to live safely in the community without the supervision of the court.

(e) Assisted outpatient treatment is the least restrictive appropriate means to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis.

4. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must be accompanied by:

(a) A sworn statement or a declaration that complies with the provisions of NRS 53.045 by a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, stating that he or she:

(1) Evaluated the person who is the subject of the petition or motion not earlier than 10 days before the filing of the petition or making of the motion;

(2) Recommends that the person be ordered to receive assisted outpatient treatment; and

(3) Is willing and able to testify at a hearing on the petition or motion; and

(b) A sworn statement or a declaration that complies with the provisions of NRS 53.045 from a person professionally qualified in the field of psychiatric mental health stating that he or she is willing to provide assisted outpatient treatment for the person in the county where the person resides.

5. A copy of the petition filed pursuant to subsection 1 or the motion made pursuant to subsection 2 must be served upon the person who is the subject of the petition or motion or his or her counsel and, if applicable, his or her legal guardian.

Sec. 12. NRS 433A.337 is hereby amended to read as follows:

433A.337 1. Before the date of a hearing on a petition or motion for assisted outpatient treatment, the person who made the sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, the personnel of the Division who made the clinical determination concerning the appropriateness of assisted outpatient treatment pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 2 of NRS 433A.335 or the person or entity who submitted the petition pursuant to NRS 433A.345, as applicable, shall submit to the court a proposed written treatment plan created by a person professionally qualified in the field of psychiatric mental health who is familiar with the person who is the subject of the petition or motion, as applicable. The proposed written treatment plan must set forth:

(a) The services and treatment recommended for the person who is the subject of the petition or motion; and

(b) The person who will provide such services and treatment and his or her qualifications.

2. Services and treatment set forth in a proposed written treatment plan must include, without limitation:

(a) Case management services to coordinate the assisted outpatient treatment recommended pursuant to paragraph (b); and

(b) Assisted outpatient treatment which may include, without limitation:

(1) Medication;

(2) Periodic blood or urine testing to determine whether the person is receiving such medication;

(3) Individual or group therapy;

(4) Full-day or partial-day programming activities;

(5) Educational activities;

(6) Vocational training;

(7) Treatment and counseling for a substance use disorder;

(8) If the person has a history of substance use, periodic blood or urine testing for the presence of alcohol or other recreational drugs;

(9) Supervised living arrangements; and

(10) Any other services determined necessary to treat the mental illness of the person, assist the person in living or functioning in the community or prevent a deterioration of the mental or physical condition of the person.

3. A person professionally qualified in the field of psychiatric mental health who is creating a proposed written treatment plan pursuant to subsection 1 shall:

(a) Consider any wishes expressed by the person who is to be treated in an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive; and

(b) Consult with the person who is to be treated, any providers of health care who are currently treating the person, any supporter or legal guardian of the person, and, upon the request of the person, any other person concerned with his or her welfare, including, without limitation, a relative or friend.

4. If a proposed written treatment plan includes medication, the plan must specify the type and class of the medication and state whether the medication is to be self-administered or administered by a specific provider of health care. A proposed written treatment plan must not recommend the use of physical force or restraints to administer medication.

5. If a proposed written treatment plan includes periodic blood or urine testing for the presence of alcohol or other recreational drugs, the plan must set forth sufficient facts to support a clinical determination that the person who is to be treated has a history of substance use disorder.

6. If the person who is to be treated has executed an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, a copy of the advance directive must be attached to the proposed written treatment plan.

7. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 433A.341 is hereby amended to read as follows:

433A.341 1. In proceedings for assisted outpatient treatment, the court shall hear and consider all relevant testimony, including, without limitation:

(a) The testimony of the person who made a sworn statement or declaration pursuant to paragraph (a) of subsection 4 of NRS 433A.335, any personnel of the Division responsible for a clinical determination made pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 2 of NRS 433A.335 or the person or entity responsible for the decision to submit a petition pursuant to NRS 433A.345, as applicable;

(b) The testimony of any supporter or legal guardian of the person who is the subject of the proceedings, if that person wishes to testify; and

(c) If the proposed written treatment plan submitted pursuant to NRS 433A.337 recommends medication and the person who is the subject of the petition or motion objects to the recommendation, the testimony of the person professionally qualified in the field of psychiatric mental health who prescribed the recommendation.

2. The court may consider testimony relating to any past actions of the person who is the subject of the petition or motion if such testimony is probative of the question of whether the person currently meets the criteria prescribed by subsection 3 of NRS 433A.335 or subsection 1 of NRS 433A.345, as applicable.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:17 p.m.

ASSEMBLY IN SESSION

At 8:34 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 404 be taken from the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 404.

Bill read third time.

The following amendment was proposed by Assemblywoman Brittney Miller:

Amendment No. 739.

AN ACT relating to civil actions; increasing the amount of civil damages for which certain providers of health care may be liable for acts or omissions in rendering care or assistance necessitated by certain traumatic injuries; excluding certain health care professionals from the definition of "provider of health care" for certain purposes; increasing the limitation on the amount of noneconomic damages a plaintiff may recover in a civil action against a provider of health care for professional negligence; ~~[imposing liability on]~~ **prohibiting** a hospital ~~[for the professional negligence of]~~ **from bringing certain actions against** a provider of health care **;** ~~[who renders professional services at the hospital;]~~ revising the statute of limitations for bringing an action against a provider of health care for injury or death based upon professional negligence, professional services rendered without consent or error or omission in practice; repealing provisions which limit the amount of a contingent fee for which an attorney representing a plaintiff in a civil action against a provider of health care for professional negligence may contract for or collect; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law limits to $50,000 the amount of civil damages for which a licensed physician or dentist, a hospital or certain employees of a hospital may be held liable for certain acts or omissions in rendering care or assistance at a hospital necessitated by a traumatic injury demanding immediate medical attention. (NRS 41.503) **Section 1** of this bill increases that amount to $250,000 and, beginning on January 1, 2026, requires that amount to be adjusted each year based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year.

Existing law sets forth various requirements and restrictions relating to civil actions against a provider of health care for professional negligence. (Chapter 41A of NRS) Existing law defines "provider of health care" for the purposes of those provisions to include a physician, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, medical laboratory director or technician, licensed dietitian, a person licensed to engage in radiation therapy or radiologic imaging, a licensed hospital and certain other entities. (NRS 41A.017) **Section 1.5** of this bill excludes from that definition an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a facility for hospice care and a nursing pool, thereby specifically excluding such persons from the provisions of existing law imposing certain requirements and restrictions on civil actions brought against a provider of health care for professional negligence.

Existing law limits the amount of noneconomic damages that a plaintiff may recover in a civil action brought against a provider of health care for professional negligence to $350,000, regardless of the number of plaintiffs, defendants or theories upon which liability may be based. (NRS 41A.035)

Section 2 of this bill instead limits the amount of noneconomic damages that a plaintiff may recover in such an action to: (1) for an action in which ~~[certain hospitals or employees, agents or affiliates of certain hospitals are]~~ **a hospital other than a critical access hospital is** a party, $2,000,000; and (2) for any other action, $550,000. **Section 2** requires, beginning on January 1, 2026, that those amounts be adjusted each year based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year. **Section 2 also prohibits a hospital from bringing an action against a provider of health care to recover from the provider of health care any amount paid to a plaintiff by the hospital.**

Existing law ~~[provides that each defendant in a civil action for injury or death against a provider of health care based upon professional negligence is severally, and not jointly, liable for damages awarded in the action. (NRS 41A.045) Section 2.5 of this bill: (1) deems a provider of health care who renders professional services at a hospital to be an agent of the hospital; and (2) provides that the hospital is vicariously liable for any professional negligence of the provider of health care in connection with the rendering of such services at the hospital.~~

~~Existing law]~~ requires an action for injury or death against a provider of health care based on professional negligence, professional services rendered without consent or error or omission in practice, to be commenced: (1) for an injury that occurred on or after October 1, 2002, not more than 3 years after the date of injury or 1 year after the plaintiff discovers or should have discovered the injury; and (2) if the injury occurred before October 1, 2002, not more than 4 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. (NRS 41A.097) **Section 3** of this bill revises those provisions to require all such actions to be brought not more than 4 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. **Section 4** of this bill provides that the changes in **section 3** apply retroactively to any injury or death that occurred before October 1, 2023, even if the statute of limitations that was in effect at the time of the injury or death has expired. Therefore, a civil action against a provider of health care that would otherwise be time-barred by the former statute of limitations is revived by this bill, so long as the revised statute of limitations set forth in **section 4** has not expired.

Section 6 of this bill repeals provisions that limit the amount of a contingent fee that an attorney representing a plaintiff in a civil action against a provider of health care for professional negligence may contract for or collect.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 41.503 is hereby amended to read as follows:

41.503 1. Except as otherwise provided in subsection 2 and NRS 41.504, 41.505 and 41.506:

(a) A hospital which has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237 and which is a nonprofit organization;

(b) A hospital other than a hospital described in paragraph (a);

(c) An employee of a hospital described in paragraph (a) or (b) who renders care or assistance to patients;

(d) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS who renders care or assistance in a hospital described in paragraph (a) or (b), whether or not the care or assistance was rendered gratuitously or for a fee; and

(e) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS:

(1) Whose liability is not otherwise limited pursuant to NRS 41.032 to 41.0337, inclusive; and

(2) Who renders care or assistance in a hospital of a governmental entity that has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237, whether or not the care or assistance was rendered gratuitously or for a fee,

➥ that in good faith renders care or assistance necessitated by a traumatic injury demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, may not be held liable for more than ~~[$50,000]~~ ***$250,000*** in civil damages, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant arising out of any act or omission in rendering that care or assistance if the care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct. 2. The limitation on liability provided pursuant to this section does not apply to any act or omission in rendering care or assistance:

(a) Which occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the limitation on liability provided by subsection 1 applies to any act or omission in rendering care or assistance which occurs before the stabilization of the patient following the surgery; or

(b) Unrelated to the original traumatic injury.

3. If: (a) A physician or dentist provides follow-up care to a patient to whom the physician or dentist rendered care or assistance pursuant to subsection 1; (b) A medical condition arises during the course of the follow-up care that is directly related to the original traumatic injury for which care or assistance was rendered pursuant to subsection 1; and

(c) The patient files an action for malpractice based on the medical condition that arises during the course of the follow-up care,

➥ there is a rebuttable presumption that the medical condition was the result of the original traumatic injury and that the limitation on liability provided by subsection 1 applies with respect to the medical condition that arises during the course of the follow-up care.

4. ***The maximum amount of civil damages set forth in subsection 1 must be adjusted on January 1 of each year beginning on January 1, 2026, in a rounded dollar amount corresponding to the percentage increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this subsection and establish the adjusted amount to take effect on January 1 of that year.***

5. For the purposes of this section:

(a) "Reckless, willful or wanton conduct," as it applies to a person to whom subsection 1 applies, shall be deemed to be that conduct which the person knew or should have known at the time the person rendered the care or assistance would be likely to result in injury so as to affect the life or health of another person, taking into consideration to the extent applicable:

(1) The extent or serious nature of the prevailing circumstances;

(2) The lack of time or ability to obtain appropriate consultation;

(3) The lack of a prior medical relationship with the patient;

(4) The inability to obtain an appropriate medical history of the patient; and

(5) The time constraints imposed by coexisting emergencies.

(b) "Traumatic injury" means any acute injury which, according to standardized criteria for triage in the field, involves a significant risk of death or the precipitation of complications or disabilities.

Sec. 1.5. NRS 41A.017 is hereby amended to read as follows:

41A.017 ***1.*** "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

2. The term does not include:

(a) An agency to provide nursing in the home, as defined in NRS 449.0015.

(b) A facility for hospice care, as defined in NRS 449.0033.

(c) A facility for intermediate care, as defined in NRS 449.0038.

(d) A facility for skilled nursing, as defined in NRS 449.0039.

(e) A nursing pool, as defined in NRS 449.0153.

Sec. 2. NRS 41A.035 is hereby amended to read as follows:

41A.035 ***1.*** In an action for injury or death against a provider of health care based upon professional negligence, the injured plaintiff may recover noneconomic damages, but the amount of noneconomic damages awarded in such an action must not exceed ***,*** ~~[~~$350,000,~~]~~ regardless of the number of plaintiffs, defendants or theories upon which liability may be based ***:***

(a) For an action in which a hospital, other than a critical access ~~***[hospital, or an employee, agent or affiliate of such a]***~~ ***hospital*** ***,*** ***is a party, $2,000,000.***

(b) For any other action, $550,000.

2. A hospital may not bring an action against a provider of health care, whether based on a claim of contractual or equitable indemnity, apportionment, contribution or other basis, to recover from the provider of health care any amount paid to a plaintiff by the hospital.

3. The maximum amounts of noneconomic damages set forth in paragraphs (a) and (b) of subsection 1 must be adjusted on January 1 of each year beginning on January 1, 2026, in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.

~~***[3.]***~~ ***4. As used in this section*** ~~***[:***~~

~~***(a) "Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a hospital.***~~

~~***(b) "Critical"***~~ ***, "critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).***

Sec. 2.5. ~~[~~NRS 41A.045 is hereby amended to read as follows:~~]~~

~~41A.045 1. In an action for injury or death against a provider of health care based upon professional negligence, each defendant is liable to the plaintiff for economic damages and noneconomic damages severally only, and not jointly, for that portion of the judgment which represents the percentage of negligence attributable to the defendant.~~

~~2. [This section is]~~ ***The provisions of subsection 1 are*** ~~intended to abrogate joint and several liability of a provider of health care in an action for injury or death against the provider of health care based upon professional negligence.~~

~~***3. Notwithstanding the provisions of this section, if a provider of health care renders professional services at a hospital:***~~

~~***(a) The provider of health care shall be deemed to be an agent of the hospital; and***~~

~~*(b) The hospital is vicariously liable for any professional negligence of the provider of health care in connection with the rendering of such services at the hospital.]*~~ **(Deleted by amendment.)**

Sec. 3. NRS 41A.097 is hereby amended to read as follows:

41A.097 1. Except as otherwise provided in subsection **[**~~3,~~**]** ***2,*** an action for injury or death against a provider of health care may not be commenced more than 4 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person **[**~~occurring before October 1, 2002,~~**]** based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person **[**~~occurring before October 1, 2002,~~**]** from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person **[**~~occurring before October 1, 2002,~~**]** from error or omission in practice by the provider of health care.

2. **[**~~Except as otherwise provided in subsection 3, an action for injury or death against a provider of health care may not be commenced more than 3 years after the date of injury or 1 year after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:~~

~~(a) Injury to or the wrongful death of a person occurring on or after October 1, 2002, based upon alleged professional negligence of the provider of health care;~~

~~(b) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from professional services rendered without consent; or~~

~~(c) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from error or omission in practice by the provider of health care.~~

~~3.~~**]** This time limitation is tolled for any period during which the provider of health care has concealed any act, error or omission upon which the action is based and which is known or through the use of reasonable diligence should have been known to the provider of health care.

[~~4.~~**]** ***3.*** For the purposes of this section, the parent, guardian or legal custodian of any minor child is responsible for exercising reasonable judgment in determining whether to prosecute any cause of action limited by subsection 1 **.** **[**~~or 2.~~**]** If the parent, guardian or custodian fails to commence an action on behalf of that child within the prescribed period of limitations, the child may not bring an action based on the same alleged injury against any provider of health care upon the removal of the child's disability, except that in the case of:

(a) Brain damage or birth defect, the period of limitation is extended until the child attains 10 years of age.

(b) Sterility, the period of limitation is extended until 2 years after the child discovers the injury.

Sec. 4. The amendatory provisions of section 3 of this act apply to any injury or death that occurred before October 1, 2023, regardless of any statute of limitations that was in effect at the time the injury or death occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before October 1, 2023.

Sec. 5. The amendatory provisions of:

1. Sections 1, 1.5 ~~[, 2.5]~~ and 6 of this act apply to a cause of action that accrues on or after October 1, 2023.

2. Section 2 of this act applies to a cause of action that accrues on or after January 1, 2024.

Sec. 6. NRS 7.095 is hereby repealed.

TEXT OF REPEALED SECTION

7.095 Limitations on contingent fees for representation of persons in certain actions against providers of health care.

1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first $50,000 recovered;

(b) Thirty-three and one-third percent of the next $50,000 recovered;

(c) Twenty-five percent of the next $500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Assemblywoman Brittney Miller moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assemblywoman Jauregui moved that the Assembly recess until 9 p.m.
Motion carried.

Assembly in recess at 8:36 p.m.

ASSEMBLY IN SESSION

At 9:50 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Senator Cannizzaro.
For: Assembly Bill No. 285.
To Waive:
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 26, 2023.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

GENERAL FILE AND THIRD READING

Senate Bill No. 315.
Bill read third time.
Roll call on Senate Bill No. 315:
YEAS—33.
NAYS—DeLong, Dickman, Gallant, Gray, Hafen, Hansen, McArthur, O'Neill—8.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 317.
Bill read third time.
Roll call on Senate Bill No. 317:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 321.
Bill read third time.
Roll call on Senate Bill No. 321:

YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 328.

Bill read third time.

Roll call on Senate Bill No. 328:

YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 330.

Bill read third time.

Roll call on Senate Bill No. 330:

YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 336.

Bill read third time.

Roll call on Senate Bill No. 336:

YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 336 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 348.

Bill read third time.

Roll call on Senate Bill No. 348:

YEAS—27.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 349.

Bill read third time.

Roll call on Senate Bill No. 349:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 393.
Bill read third time.
Roll call on Senate Bill No. 393:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 434.
Bill read third time.
Roll call on Senate Bill No. 434:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Senate Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 41.
Bill read third time.
Roll call on Assembly Bill No. 41:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Assembly Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 403.
Bill read third time.
Roll call on Assembly Bill No. 403:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.
Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 376.
Bill read third time.

Roll call on Assembly Bill No. 376:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 38.

Bill read third time.

Roll call on Senate Bill No. 38:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Roll call on Senate Bill No. 106:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 76.

Bill read third time.

Roll call on Senate Bill No. 76:
YEAS—37.
NAYS—Dickman, Gallant, McArthur, O'Neill—4.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 155.

Bill read third time.

Roll call on Senate Bill No. 155:
YEAS—41.
NAYS—None.
EXCUSED—Bilbray-Axelrod.

Senate Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.
Bill read third time.
Remarks by Assemblymen O'Neill and González.

ASSEMBLYMAN O'NEILL:
I stand in opposition to Assembly Bill 404. I know both sides have worked tirelessly on trying to find common ground. I appreciate the amendment that has been proposed; however, I still cannot accept the bill. I think it needs more work. I will be voting no, and I ask my colleagues to vote no. I hope it gets improved when it goes to the other house.

ASSEMBLYWOMAN GONZÁLEZ:
Today, I rise in strong support of Assembly Bill 404, a critical piece of legislation that gives victims access to justice. We need to address health care in our state while making sure nurses and doctors are willing to work here. But that does not require us to allow the system to operate with no responsibility for the quality of their care. Part of the solution is holding the health care system accountable and giving victims the ability to take their cases of medical malpractice in front of a jury of their peers. I urge my colleagues to vote yes on Assembly Bill 404.

Roll call on Assembly Bill No. 404:
YEAS—24.
NAYS—DeLong, Dickman, D'Silva, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Nguyen, O'Neill, Thomas, Yurek—17.
EXCUSED—Bilbray-Axelrod.
Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:15 p.m.

ASSEMBLY IN SESSION

At 10:27 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Gilian Hammones, Karlee Bolle, and Kayla Neilson.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Stella Thornton, Dillon Moss, and Alivia Aschenbach.

On request of Assemblyman Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Mathern.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from the Brookfield School: Anika Chrissinger,

Ashlynn Goodman, Avari To, Blake Carrasco, Christoper Zhang, Ean Cua, Ellie Solorzano, Emily Morrow, Erika Schrempp, Gabriella Green, Gracie Durkin, Isaac Xu, Jackson Hoel, Julia Bekes, Kennedy Work, Lucy Fuquay, Madison Greves, Marley Hutter, Natalie Heller, Penelope Sabatini, Piper Gray, and Preslie Shea.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Maddie Harris.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Haddee Martinez.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Barry Cole.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Varner.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Failer, Cy Orentlicher, and Shay Orentlicher.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, May 29, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:30 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

EIGHTY-SECOND SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2023

BEGUN ON MONDAY, THE SIXTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIFTH DAY OF JUNE

VOLUME 4

THE ONE HUNDRED THIRTEENTH DAY—THE ONE HUNDRED SEVENTEENTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 5 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 4

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ASSEMBLY PROCEEDINGS 4529

THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 29, 2023

Assembly called to order at 12:16 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Cohen, who was excused.

Prayer by the Chaplain Craig Swope.

Father, on this day we cannot help but think of sacrifice. The sacrifice of those who had dreams and had plans but instead, saw their dreams and plans cut short. Because of their service and sacrifice, we can dream and we can make plans.

As we approach the final days of this session, most of us will see some sacrifice, things we would like to see not happen, things we don't want to happen become reality. May we keep our perspective. May we remember, not only on this day but on all days, that there are hundreds of Nevadans who sacrificed all, and each one of us is the beneficiary of those sacrifices. We thank You for their service.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 15, 328, 461, 462, 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 46, 147, 239, 277, 299, 389, 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 140, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 148, 151, 257, 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 11, 17, 44, 91, 97, 107, 120, 124, 159, 177, 183, 275, 309, 342, 350, 398.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 1, 5; Assembly Joint Resolution No. 1 of the 81st Session.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 32, Amendment No. 765; Assembly Bill No. 33, Amendment No. 687; Assembly Bill No. 51, Amendment No. 713; Assembly Bill No. 55, Amendment No. 565; Assembly Bill No. 74, Amendments Nos. 558, 746; Assembly Bill No. 75, Amendment No. 728; Assembly Bill No. 143, Amendment No. 688; Assembly Bill No. 175, Amendments Nos. 585, 789; Assembly Bill No. 191, Amendment No. 616; Assembly Bill No. 220, Amendments Nos. 712, 735; Assembly Bill No. 250, Amendment No. 644; Assembly Bill No. 334, Amendments Nos. 570, 740; Assembly Bill No. 356, Amendment No. 608; Assembly Bill No. 405, Amendment No. 564; Assembly Bill No. 408, Amendments Nos. 655, 722; Assembly Bill No. 423, Amendments Nos. 560, 674; Assembly Bill No. 432, Amendments Nos. 572, 779; Assembly Bill No. 444, Amendments Nos. 676, 730; Assembly Bill No. 465, Amendment No. 747, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 5.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 387.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 274.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 27, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 36, 45, 54, 71, 145, 216, 226, 266, 307, 389.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 646 to Senate Bill No. 109; Assembly Amendment No. 647 to Senate Bill No. 146; Assembly Amendment No. 574 to Senate Bill No. 172; Assembly Amendment No. 716 to Senate Bill No. 192; Assembly Amendment No. 682 to Senate Bill No. 249; Assembly Amendment No. 667 to Senate Bill No. 269; Assembly Amendment No. 651 to Senate Bill No. 280; Assembly Amendment No. 635 to Senate Bill No. 289; Assembly Amendment No. 547 to Senate Bill No. 422; Assembly Amendment No. 592 to Senate Bill No. 423.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 36.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 45.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 54.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 71.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 145.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 216.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Senate Bill No. 226.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 266.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 274.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 307.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 387.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 389.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 15.
Bill read second time and ordered to third reading.

Assembly Bill No. 328.
Bill read second time.
The following amendment was proposed by Assemblyman Watts:
Amendment No. 801.
SUMMARY—Makes an appropriation to the ~~[Immigration Clinic]~~ **Thomas & Mack Legal Clinic** at the William S. Boyd School of Law of the University of Nevada, Las Vegas. (BDR S-1058)
AN ACT making an appropriation to the ~~[Immigration Clinic]~~ **Thomas & Mack Legal Clinic** at the William S. Boyd School of Law of the University of Nevada, Las Vegas for the purpose of providing pro bono legal services **;** ~~[related to immigration law;]~~ and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the ~~[Immigration Clinic]~~ **Thomas & Mack Legal Clinic** at the William S. Boyd School of Law of the University of Nevada, Las Vegas, for the purpose of providing pro bono legal services ~~[related to immigration law,]~~ the following sums:

For the Fiscal Year 2023-2024 ..... $500,000
For the Fiscal Year 2024-2025 ..... $500,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblyman Watts moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 461.
Bill read second time and ordered to third reading.

Assembly Bill No. 462.
Bill read second time and ordered to third reading.

Assembly Bill No. 469.
Bill read second time and ordered to third reading.

Assembly Bill No. 512.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 35 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 35.
Bill read third time.
Roll call on Senate Bill No. 35:
YEAS—31.
NAYS—Gray, Gurr, Hafen, Hansen, Hibbetts, Kasama, McArthur, Mosca, Orentlicher, Thomas—10.
EXCUSED—Cohen.
Senate Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 243.
Bill read third time.
Remarks by Assemblymen Hansen, Watts, and Bilbray-Axelrod.

ASSEMBLYWOMAN HANSEN:
I rise in opposition to AB 243. When this bill was first heard on March 16 in the Committee on Legislative Operations and Elections, which I do not serve on, it was a nine-page bill. On May 26, we had an amendment on our desk here in the Chamber which increased the size of the bill to 48 pages. I am particularly concerned about the dissolution of the interim Subcommittee on Public Lands.

To give a little bit of context, I have served on the Committee on Natural Resources and the Subcommittee on Public Lands since the 2019 interim. We all know that the state is 110,000-plus square miles. My district represents almost a third of that—six counties. Considering that 87 percent of the state is federal land, having the Subcommittee on Public Lands is vital. We would meet in various parts of the state, from Ely, to Pyramid Lake, to Boulder City, to Caliente. In the interim, tribes and members of rural communities who cannot make it to Carson and who cannot make committee meetings in person at the Grant Sawyer would come out. It also gave us legislators an opportunity to go on field trips to see the mastication programs of junipers in White Pine County. It gave us opportunities to visit mine sites and historic designations that were being considered.

I stand in strong opposition to the dissolution recommendation in the amendment. I understand it was a clean-up bill, but it has become way more than that. I would urge this body to vote no on AB 243.

ASSEMBLYMAN WATTS:

I rise in support of Assembly Bill 243. I very much appreciate the comments and concerns raised by my colleague from District 32; however, as the Chair of the Joint Interim Standing Committee on Natural Resources who was also involved in coordinating some of the activities of the Subcommittee on Public Lands, I can say there were a lot of logistical issues that arose from having both the eight-member Joint Interim Standing Committee on Natural Resources as well as the smaller subcommittee that had only two Assembly members, two Senators, and a representative from local and tribal governments. In conversations, we decided the best way to move forward is just to have the Joint Interim Standing Committee on Natural Resources.

I do want to note a couple things—one, the entire statutory charge originally given to the Subcommittee on Public Lands remains in place in statute, and that charge has been transferred fully to the Joint Interim Standing Committee on Natural Resources. The issues and scope are not being lost in any way.

I do appreciate this opportunity to put on record before the entire body that in conversations, we are going to maintain the tradition that existed with the Subcommittee on Public Lands, which really was our Joint Interim Standing Committee on Natural Resources before we reorganized the interim. There is a commitment that we will continue to have meetings with this expanded committee and alternates, which are some of the things that have been modified and improved through this bill to ensure we are actually getting more legislators out into our rural communities to learn about issues of importance.

So, while I completely understand and respect the concerns that have been raised by colleagues, at the end of the day, I think this is going to strengthen our interim process and continue to get members exposure to all the different communities in our state and the issues related to public lands and natural resources. I urge my colleagues to vote in support.

ASSEMBLYWOMAN BILBRAY-AXELROD:

I have to be honest—I was a hard no on this bill when I first looked at the amendment, but I do appreciate the conversations we have had and the clarification given by my colleague from the south. I will be bird-dogging this committee over the next interim to make sure the intent is exactly what was just stated, because I do think this is vitally important for the state of Nevada, not just for the state of Nevada but also federally. The Subcommittee on Public Lands has made many recommendations to the United States Congress over the last few decades.

I will be in support, and I will be watching to make sure it turns out the way we hope it does.

Roll call on Assembly Bill No. 243:

YEAS—34.

NAYS—Dickman, Gallant, Gray, Hafen, Hansen, Hardy, McArthur—7.

EXCUSED—Cohen.

Assembly Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 46, 140, 147, 148, 151, 239, 257, 277, 281, 299, 345, 389, 399, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 481, 486, 492, 496, 498, 500, 504, 508, 509, and 523 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 11, 17, 44, 91, 97, 107, 120, 124, 159, 177, 183, 275, 291, 309, 342, 350, 398; Assembly Joint Resolutions Nos. 1, 5; Assembly Joint Resolution No. 1 of the 81st Session; Assembly Concurrent Resolution No. 5; Senate Bills Nos. 113, 159, 251, 302, 323, 393, 429, 433.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Funmi Sheddy and Seun Sheddy.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Molnar and Calvin Bushek.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Carlos Rivera and Vilma Avalos Ortiz.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Maddox Gallant.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Gilian Hammons, Karlee Bolle, and Kayla Neilson.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Franz Rasp.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Larissa Gaeta.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Olivas and Tim Olivas.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, May 30, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:01 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 30, 2023

Assembly called to order at 12:43 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain Ron McMillin.

Merciful and Sovereign God. By You all things were created, in heaven and on earth, visible and invisible, whether thrones or dominions or rulers or authorities–all things were created through You and for You. To You be the Honor, the Praise, and the Glory.

Lord, we thank You for this day and for all those in this body, whom You have appointed to lead this great state, in a time such as this. Lord, it has been a long session, a session filled with testimonies, debates, and even arguments…all of which has taken an emotional toll. Lord, we ask that as this session nears an end, that You renew the strength and energy of each member here, so that they may finish well the work of the people they represent. Remind them of the purpose for which they have been called as they contemplate the remaining bills. Give them wisdom and discernment to know what is right and the courage to vote accordingly.

Lord, we ask for Your continued protection of each person here and that You return them safely home and reunite them to their loved ones upon the conclusion of this session.

We ask all of this in the name of our Lord and Savior, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 36, 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 50, 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 16, 460, 485, 493, 495, 502, 505, 510, 511, 516, 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 77, 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 161, 184, 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 9, 448, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 468, 470, 471, 472, 473, 474, 476, 477, 478, 479, 482, 483, 484, 485, 486, 487, 488, 489, 491, 493, 494, 497, 499, 500.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 24, 166, 222, 232, 242, 279, 301, 305, 380, 390.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 715 to Senate Bill No. 239; Assembly Amendment No. 603 to Senate Bill No. 292.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 9; Senate Bills Nos. 109, 146, 172, 192, 239, 249, 269, 280, 289, 292, 422, 423.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 250.

The following Senate amendment was read:

Amendment No. 644.

AN ACT relating to health care; prohibiting certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions; ~~[requiring certain entities to maintain a registered agent and office in this State;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal law requires the United States Secretary of Health and Human Services to negotiate with the manufacturers of certain drugs and to establish the maximum fair price for certain drugs, which is the maximum price at which such drugs may be sold to a recipient of Medicare. (42 U.S.C. §§ 1320f-2, 1320f-3) Existing federal law requires the Secretary of Health and Human Services to publish those maximum fair prices. (42 U.S.C. § 1320f-4) **Section 1** of this bill prohibits a person or entity that: (1) purchases a drug which is subject to a maximum fair price in this State from paying a price that is higher than the maximum fair price; or (2) seeks reimbursement for a drug subject to a maximum fair price which is delivered, dispensed or administered to a person in this State from seeking reimbursement at a rate which is higher than the maximum fair price. ~~[Section 1 also requires any such person or entity to maintain a registered agent and an office or base of operations in this State.]~~

Existing law: (1) prohibits certain trade practices which are deemed to be deceptive trade practices; and (2) provides for the enforcement of the prohibition on engaging in deceptive trade practices, including by prescribing criminal penalties to be imposed against a person who engages in a deceptive trade practice. (NRS 598.0903-598.0999) **Section 1** makes it a deceptive trade practice for any person to violate _~~[: (1)]~~ the prohibition on purchasing or seeking reimbursement for a drug at a price higher than the maximum fair price _~~[; or (2) the requirement to maintain a registered agent and an office or base of operations in this State when engaging in certain activity relating to drugs subject to a maximum fair price.]~~ **Sections 1 and 3** of this bill provide that a person who violates the provisions of **section 1** is not subject to any criminal penalty set forth in existing law for engaging in a deceptive trade practice, meaning such a person is subject only to the various civil enforcement measures, including civil penalties, set forth in existing law for engaging in a deceptive trade practice. (NRS 598.097-598.0999)

Existing law authorizes any person who is a victim of consumer fraud, including a deceptive trade practice, to bring a civil action. (NRS 41.600) **Section 2** of this bill provides that a violation of **section 1** constitutes consumer fraud, and **sections 1 and 2** authorize a victim of such a violation to bring a civil action.

WHEREAS, In the 2019 Legislative Session, Senate Bill No. 276 directed the Legislative Commission to appoint a committee to conduct an interim study

concerning the cost of prescription drugs in this State and the impact of rebates, reductions in price and other remuneration from manufacturers on prescription drug prices; and

WHEREAS, In reporting on the findings of the Committee to Conduct an Interim Study Concerning the Costs of Prescription Drugs, LCB Bulletin No. 21-9, published in January 2021, stated that "[i]n 2018, Americans paid an average of $1,229 for prescription drugs, the highest amount per capita in any developed country in the world"; and

WHEREAS, LCB Bulletin No. 21-9 also stated that "[i]ncreasing drug prices disproportionately affect uninsured and underinsured patients, while insured patients covered by high-deductible, commercial, or government-sponsored health insurance plans tend to pay more through premium and copay increases"; and

WHEREAS, The Nevada Spending and Government Efficiency Commission noted in its final report, "Final Report of the Nevada Spending and Government Efficiency Commission to Governor Jim Gibbons," published January 7, 2010, that the State of Nevada would realize significant savings on Medicaid, mental health, corrections and other programs if the cost of prescription drugs were better controlled; and

WHEREAS, Excessive prices negatively affect the ability of residents of this State to obtain prescription drugs, thereby endangering the health and safety of such residents; and

WHEREAS, Excessive prices of prescription drugs threaten the economic well-being of residents of this State, thereby inhibiting their ability to pay for necessary and essential goods and services including housing, food and utilities; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to increasing costs of health care and health insurance that threaten the ability of residents of this State to obtain affordable health coverage and maintain or achieve good health; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to rising costs for health care provided and paid for through health insurance programs for public employees, including employees of the State, municipalities, counties, school districts, institutions for higher education and retirees whose health costs are funded by taxpayer dollars, thereby threatening the ability of the State and local governments to fund other programs necessary for the public good and safety, such as public safety, police, fire and education; and

WHEREAS, To protect residents of this State from the negative effects from excessive costs of prescription drugs, and to protect the safety, health and economic well-being of Nevadans, the Legislature finds that legislation regarding affordable access to prescription drugs is necessary for residents of this State to achieve and maintain good health; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 8, a]~~ A person or entity that purchases a referenced drug in this State shall not pay a price for the referenced drug that, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug during the price applicability period.

2. ~~[Except as otherwise provided in subsection 8, a]~~ A person or entity that seeks reimbursement for a referenced drug which is delivered, dispensed or administered to a person in this State shall not seek reimbursement for the referenced drug at a rate which, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug during the price applicability period.

3. ~~[Except as otherwise provided in subsection 8, a person or entity that sells, offers for sale, distributes or delivers any referenced drug to a person or entity in this State or seeks reimbursement for a referenced drug which is delivered, dispensed or administered to a person in this State shall maintain in this State a registered agent and an office or base of operations.~~

~~4.]~~ Except as otherwise provided in subsection ~~[5,]~~ 4, a violation of subsection 1 ~~[,]~~ or 2 ~~[or 3]~~ by any person constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. Each such violation of subsection 1 or 2 ~~[or sale, offer for sale or distribution or delivery of a quantity of a referenced drug in violation of subsection 3]~~ constitutes a separate deceptive trade practice.

~~[5.]~~ 4. A person who violates the provisions of subsection 1 ~~[,]~~ or 2 ~~[or 3]~~ is not subject to any criminal penalty set forth in subsection 3 of NRS 598.0999.

~~[6.]~~ 5. A person aggrieved by a violation of subsection 1 ~~[,]~~ or 2 ~~[or 3]~~ may bring an action for consumer fraud pursuant to NRS 41.600.

~~[7.]~~ 6. The Department may adopt any regulations necessary to carry out the provisions of this section.

~~[8. A provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974 or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5):~~

~~(a) Is not required to comply with the requirements of this section.~~

~~(b) May elect to be subject to the provisions of this section by notifying the Director in writing on or before January 1 of each year in which the plan elects to participate.~~

~~9.]~~ 7. As used in this section:

(a) "Manufacturer" has the meaning ascribed to it in NRS 639.009.

(b) "Maximum fair price" means the maximum fair price for a drug published by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 1320f-4.

(c) "Price applicability period" has the meaning ascribed to it in 42 U.S.C. § 1320f(b)(2).

(d) "Referenced drug" means a drug subject to a maximum fair price.

(e) "Wholesaler" has the meaning ascribed to it in NRS 639.016.

Sec. 2. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351;

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive; ~~[or]~~

(f) A violation of NRS 417.133 or 417.135 ~~[.]~~ ***; or***

(g) A violation of section 1 of this act.

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 3. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(d) For an offense involving a loss of property or services valued at $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 4. The provisions of this act do not apply to any contract for the sale of or reimbursement for a drug entered into before January 1, 2024, but do apply to any renewal or extension of such a contract.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 644 to Assembly Bill No. 250.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 22.

The following Senate amendment was read:

Amendment No. 706.

AN ACT relating to contractors; revising provisions governing the actions that the State Contractors' Board is authorized or required to take after the issuance of a cease and desist order for unlicensed activity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Contractors' Board to issue a cease and desist order to a person for acting as a contractor or submitting a bid on a job in this

State without a license as a contractor and sets forth the actions that the Board is authorized or required to take after the issuance of the order. If the Board determines that the person to whom the cease and desist order was issued has not complied with the order, existing law requires the Board to: (1) for a first violation for which the value of the unlicensed work is $50,000 or less, issue a written administrative citation, conditioned upon the submission by the person of an application for a license as a contractor; and (2) for a second or subsequent violation, or a first violation for which the value of the unlicensed work exceeds $50,000, report the violation for possible criminal prosecution. If the Board determines that the person has complied with the cease and desist order, existing law: (1) requires the Board to issue an administrative citation and impose an administrative fine; and (2) authorizes the Board to require the person to submit an application for a license as a contractor. (NRS 624.212)

This bill replaces the separate procedures in existing law that the Board is required to follow after the issuance of a cease and desist order, depending upon whether the person to whom the order was issued complied with the order. Under the procedures set forth in this bill, the Board, regardless of the person's compliance with the order, is required to issue an administrative citation and impose an administrative fine for a first violation which does not involve theft or fraud. For a second or subsequent violation, or for any first violation involving theft or fraud, this bill requires the Board to **:** ~~[either:]~~ (1) issue an administrative citation and impose an administrative fine; ~~[or]~~ (2) report the violation for possible criminal prosecution ~~[.]~~ **; or (3) take both of those actions.** This bill retains the authority of the Board in existing law to, after the issuance of a cease and desist order: (1) require the person to submit an application for a license as a contractor; and (2) apply for injunctive relief.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 624.212 is hereby amended to read as follows:

624.212 1. The Executive Officer, on behalf of the Board, shall issue an order to cease and desist to any person:

(a) Acting as a contractor, including, without limitation, commencing work as a contractor; or

(b) Submitting a bid on a job situated in this State,

➥ without a valid license issued pursuant to this chapter. The order must be served personally or by certified mail and is effective upon receipt. For the purposes of this section, a person shall be deemed to have a valid license if the person has an active license and is performing work in conformity with the requirements of subsection 4 of NRS 624.220.

2. After confirming that the cease and desist order has been received by the person to whom it was issued, the Board shall return to the job site or take any other action required to confirm that the terms of the cease and desist order have been complied with. The person to whom the cease and desist order was issued may, while in the course of stopping work on the job, take any necessary

action within 48 hours after receiving the cease and desist order to protect the public, the project, any other contractors, laborers and equipment on the site and to limit the loss of any perishable goods.

3. ~~[If the Board determines that any term of a cease and desist order has not been complied with and no exception applies:~~

~~(a) The person to whom the cease and desist order was issued shall be deemed noncompliant with the cease and desist order and the person may not complete the project, except for taking any necessary action to protect the public, the project, any other contractors, laborers and equipment and to limit the loss of any perishable goods.~~

~~(b) Except as otherwise provided in paragraph (c), for a first violation, the Board shall issue a written administrative citation pursuant to NRS 624.341, which may include any reasonable investigatory fees and costs, conditioned upon the submission by the person of a bona fide application for the issuance of a license pursuant to this chapter within a reasonable period established by the Board.~~

~~(c) For a second or subsequent violation, or for any first violation for which the reasonable value of the unlicensed work exceeds $50,000, the Board shall:~~

~~(1) Report the violation of the cease and desist order to the appropriate district attorney for possible criminal prosecution pursuant to NRS 624.700; and~~

~~(2) Provide any reasonable assistance in the prosecution.~~

~~(d) The Board may apply for injunctive relief pursuant to the Nevada Rules of Civil Procedure to enjoin the person to whom the cease and desist order was issued from continuing to violate the cease and desist order in any county in which the person may be found. If such an action is filed, irreparable injury is presumed and the likelihood of success on the merits may be established by a showing that, on the date the cease and desist order was issued, the person did not hold a valid license issued pursuant to this chapter and had bid for or undertaken work for which such a license is required.~~

~~4. If the Board determines that the person to whom the]~~ ***After issuing a*** cease and desist order ***,*** ~~[was issued has complied with the order,]~~ the Board ~~[:]~~ ***shall:***

(a) ~~[Shall]~~ ***For a first violation which does not involve theft or fraud,*** issue an administrative citation pursuant to NRS 624.341 and impose an administrative fine against the person in accordance with NRS 624.710, in addition to any reasonable investigatory fees and costs ***.*** ~~[; and]~~

(b) ~~[May require]~~ ***For a second or subsequent violation, or for any first violation involving theft or fraud,*** ~~*[either:]*~~ ***take any or all of the following actions:***

(1) Issue an administrative citation pursuant to NRS 624.341 and impose an administrative fine against the person in accordance with NRS 624.710, in addition to any reasonable investigatory fees and costs . [; or]

(2) Report the violation of the provisions of this chapter for possible criminal prosecution pursuant to NRS 624.700. If the violation is prosecuted, the Board shall provide any reasonable assistance in the prosecution.

4. After issuing a cease and desist order, in addition to the actions required by subsection 3, the Board may:

(a) Require the person to submit a bona fide application for the issuance of a license pursuant to this chapter within a reasonable period established by the Board.

(b) If the Board determines that any term of the cease and desist order has not been complied with and no exception applies, apply for injunctive relief pursuant to the Nevada Rules of Civil Procedure to enjoin the person to whom the cease and desist order was issued from continuing to violate the cease and desist order in any county in which the person may be found. If such an action is filed, irreparable injury is presumed and the likelihood of success on the merits may be established by a showing that, on the date the cease and desist order was issued, the person did not hold a valid license issued pursuant to this chapter and had bid for or undertaken work for which such a license is required.

5. When assessing an administrative fine pursuant to this section, the Board may:

(a) Require the person to whom the cease and desist order was issued to remedy any loss or damage caused by the unlicensed activity for which the order was issued, including, without limitation, the disgorgement of any amount of money collected from the owner of the project that was not for material delivered to the job site and that has not been damaged or altered by the person;

(b) Reduce or stay any administrative fine imposed pursuant to subsection ~~[4]~~ ***3*** pending completion by the person of a program of training or an examination required by the Board; or

(c) Reduce or stay any administrative fine imposed pursuant to subsection ~~[4]~~ ***3*** if the person obtains a valid license issued pursuant to this chapter.

6. When imposing an administrative fine pursuant to this section, the Board shall impose the maximum administrative fine established pursuant to this chapter for the unlicensed activity if more than one of the following circumstances exist:

(a) The person has previously committed the same or a similar violation as the violation for which the administrative fine is imposed;

(b) The unlicensed activity involves more than one trade or craft;

(c) The unlicensed activity resulted in harm to any person or property;

(d) The unlicensed activity involved an elderly person or a person with a diagnosed physical or mental disability; or

(e) The unlicensed activity was for a project having a contract value in excess of $50,000.

7. Within 15 business days after receiving a cease and desist order, the person against whom the order was issued may petition the Board in writing to lift or alter the order. The petition may assert:

(a) As an absolute defense:

(1) Licensure of the person pursuant to this chapter;

(2) Any applicable exception to licensure set forth in NRS 624.031; or

(3) Misidentification of the person.

(b) As a partial defense:

(1) Overbreadth of any term of the cease and desist order;

(2) Vagueness or ambiguity of any term of the cease and desist order;

(3) Consideration of any necessary action taken by the person to protect the public, the project, any other contractors, laborers and any equipment on the job site and to limit any loss of perishable goods; or

(4) Any other ~~[defect]~~ ***deficiency*** in the terms of the cease and desist order.

8. After considering any assertion made in a petition pursuant to:

(a) Paragraph (a) of subsection 7, the Board shall, if facts are established to the satisfaction of the Board to support the absolute defense asserted in the petition, vacate the cease and desist order or any portion thereof.

(b) Paragraph (b) of subsection 7, the Board shall, if facts are established to the satisfaction of the Board to support the partial defense asserted in the petition, reasonably clarify any terms of the cease and desist order requested by the petitioner.

9. When considering an application for the issuance of a license pursuant to this chapter, the Board may consider:

(a) Any cease and desist order issued against the applicant;

(b) Compliance by the applicant with any cease and desist order issued against him or her;

(c) Any criminal conviction of the applicant for failure to comply with any cease and desist order; or

(d) The payment by the applicant of any criminal or administrative fine and any administrative fee or cost imposed against the applicant.

10. If the court finds that a person violated an order issued pursuant to subsection 1 without an established absolute defense set forth in paragraph (a) of subsection 7, it shall impose a fine of not less than $250 nor more than $1,000 for each violation of the order.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 706 to Assembly Bill No. 22.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 23.

The following Senate amendment was read:

Amendment No. 540.

AN ACT relating to contractors; authorizing a person who is issued a written administrative citation by the State Contractors' Board to request an informal citation conference before the Executive Officer of the Board; establishing requirements and procedures for such an informal citation conference; revising procedures by which a person is authorized to contest a citation; providing that the failure of a person to comply with the terms of a citation which has been affirmed or modified within a certain period of time constitutes cause for disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Contractors' Board to issue or authorize the issuance of a written administrative citation to a person if the Board has reason to believe the person: (1) acted as a contractor without an active license of the proper classification; or (2) has violated provisions of existing law governing contractors or regulations of the Board. (NRS 624.341) Existing law authorizes a person who is issued such a citation to contest the citation within 15 business days after the date on which the citation was served and requires the Board to conduct a hearing on the matter. (NRS 624.345, 624.351) If a person does not contest a citation within that period and the Board does not extend that period, the citation is deemed a final order of the Board and not subject to review by any court or agency. (NRS 624.345) **Section 4** of this bill revises the requirement for the Board to hold a hearing concerning a contested citation to require: (1) a person who wishes to contest a citation to submit to the Board written notice of his or her intent to contest the citation; and (2) the Board to hold the hearing on the matter within 90 calendar days after receipt of the written notice.

Section 1 of this bill creates an additional, informal process for the resolution of an administrative citation issued by the Board. **Section 1** authorizes a person who is issued such a citation to submit to the Executive Officer of the Board, within 15 business days after the date on which the citation is served on the person, a written request for an informal citation conference. Under **section 1**, the Executive Officer is required to conduct an informal citation conference within 60 business days after receiving such a request. At the conclusion of the conference, **section 1** requires the Executive Officer to affirm, modify or dismiss the citation and, if the citation is affirmed or modified, serve the affirmed or modified citation on the person or his or her attorney. **Sections 1 and 3** of this bill authorize a person who wishes to contest a citation which has been affirmed or modified following an informal citation conference to contest the citation within 15 business days after the date on which the affirmed or modified citation is served on the person. If the person submits to the Board written notice of his or her intent to contest the affirmed or modified citation within that period, or if that period is extended by the Board, **section 4** requires the Board to hold a hearing on the matter. If the person fails to contest the affirmed or modified citation within that period and that period is not extended by the Board, **section 3** of this bill deems the

affirmed or modified citation a final order of the Board and not subject to review by any court or agency.

Existing law provides that the failure of a person to comply with a citation issued by the Board within the period permitted for compliance set forth in the citation or, if a hearing is held, within 15 business days after the hearing, constitutes cause for disciplinary action by the Board. (NRS 624.302) **Section 2** of this bill provides that the failure of a person to comply with a citation that has been affirmed or modified following an informal citation conference within the time permitted for compliance or, if a hearing is held on the affirmed or modified citation, within 15 business days after the hearing, also constitutes cause for disciplinary action by the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is issued a written citation pursuant to NRS 624.341 may, within 15 business days after the date on which the citation is served on the person, submit to the Executive Officer or his or her designee a written request for an informal citation conference.

2. The Executive Officer or his or her designee shall, within 60 business days after the date on which a written request for an informal citation conference is received, conduct an informal citation conference with the person who submitted the request. The person may be represented by legal counsel at the conference.

3. Subject to the provisions of subsections 4 and 5, the Executive Officer or his or her designee may enter reasonable orders governing how an informal citation conference is conducted. An informal citation conference may be conducted in an informal manner and is not required to be conducted in accordance with the requirements for the conduct of a hearing set forth in NRS 233B.121 to 233B.150, inclusive.

4. At an informal citation conference, the Executive Officer or his or her designee and the person who submitted the request for the informal citation conference shall present all evidence that is known to them at the time of the conference that substantiates their respective positions.

5. An informal citation conference must not be recorded. Any offer of settlement or other statement made during an informal citation conference must not be used as an admission in any subsequent hearing, and the Executive Officer or his or her designee shall so inform the person who submitted the request for the informal citation conference at the beginning of the conference.

6. At the conclusion of an informal citation conference, the Executive Officer or his or her designee shall affirm, modify or dismiss the citation.

[5.] 7. If the Executive Officer or his or her designee affirms or modifies a citation pursuant to subsection [4.] 6:

(a) The original citation issued pursuant to NRS 624.341 shall be considered withdrawn and replaced by the affirmed or modified citation; and

(b) The Executive Officer or his or her designee shall, within 15 business days after the date on which the informal citation conference is concluded, serve on the person and his or her counsel, if applicable, the affirmed or modified citation and a written statement of the reasons for the decision to affirm or modify the citation.

~~[6.]~~ 8. A person whose citation was affirmed or modified pursuant to this section:

(a) May contest the affirmed or modified citation in accordance with the procedures set forth in NRS 624.345.

(b) May not submit a request to the Executive Officer or his or her designee for an informal citation conference concerning the affirmed or modified citation.

~~[7.]~~ 9. For the purposes of this section, a citation shall be deemed to have been served on a person on:

(a) The date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 2. NRS 624.302 is hereby amended to read as follows:

624.302 The following acts or omissions, among others, constitute cause for disciplinary action pursuant to NRS 624.300:

1. Contracting, offering to contract or submitting a bid as a contractor if the contractor's license:

(a) Has been suspended or revoked pursuant to NRS 624.300; or

(b) Is inactive.

2. Failure to comply with a written citation issued pursuant to NRS 624.341 ~~[within]~~ ***:***

(a) Within the time permitted for compliance set forth in the citation ~~[,]~~ ***or, if the citation is affirmed or modified following an informal citation conference pursuant to section 1 of this act, within the time permitted for compliance set forth in the affirmed or modified citation;*** or ~~[, if]~~

(b) If a hearing is held pursuant to NRS 624.291, within 15 business days after the hearing.

3. Except as otherwise provided in subsection 2, failure to pay an administrative fine imposed pursuant to this chapter within 30 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

➥ whichever occurs later.

4. The suspension, revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state if the contractor is licensed in this State or applies for a license in this State. A certified copy of the suspension, revocation or other disciplinary action taken by another state

against a contractor based on a license issued by that state is conclusive evidence of that action.

5. Failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint.

6. Failure or refusal to comply with a written request by the Board or its designee for information or records, or obstructing or delaying the providing of such information or records.

7. Failure or refusal to comply with an order of the Board.

Sec. 3. NRS 624.345 is hereby amended to read as follows:

624.345 1. A person who is issued a written citation pursuant to NRS 624.341 or an order to cease and desist pursuant to NRS 624.212 may contest the citation or order ~~[within]~~ ***:***

(a) Within 15 business days after the date on which the citation or order is served on the person ~~[.]~~ ***; or***

(b) For a citation that has been affirmed or modified following an informal citation conference pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person.

2. A person may contest, without limitation:

(a) The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the Board;

(b) The time allowed to take any corrective action ordered;

(c) The amount of any administrative fine ordered;

(d) The amount of any order to reimburse the Board for the expenses incurred to investigate the person; and

(e) Whether any corrective action described in the citation or order is reasonable.

3. ~~[If a person does not contest a]~~ ***A*** citation issued pursuant to NRS 624.341 or an order to cease and desist issued pursuant to NRS 624.212 ~~[within]~~ ***shall be deemed a final order of the Board and not subject to review by any court or agency if the person to whom the citation or order is issued does not contest the citation or order:***

(a) Within 15 business days after the date on which the citation or order is served on the person ~~[,]~~ ***;***

(b) For a citation that has been affirmed or modified following an informal citation conference conducted pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person; or ~~[on]~~

(c) On or before such later date as specified by the Board pursuant to subsection 4 **.** ~~[, the citation or order shall be deemed a final order of the Board and not subject to review by any court or agency.]~~

4. The Board may, for good cause shown, extend the time to contest a citation issued pursuant to NRS 624.341 or an order to cease and desist issued pursuant to NRS 624.212.

5. For the purposes of this section:

(a) An order to cease and desist must be served in accordance with NRS 624.212.

(b) A citation shall be deemed to have been served on a person on:

(1) The date on which the citation is personally delivered to the person; or

(2) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 4. NRS 624.351 is hereby amended to read as follows:

624.351 ~~[If]~~ ***1. The Board shall hold a hearing pursuant to NRS 624.291 if*** a person ~~[contests]~~ ***submits to the Board written notice of his or her intent to contest*** a citation issued pursuant to NRS 624.341 or order to correct a violation of the provisions of this chapter ~~[within]~~ ***:***

(a) Within 15 business days after ~~[receiving]~~ ***the date on which*** the citation or order ~~[,]~~ ***is served on the person;***

(b) For a citation that has been affirmed or modified following an informal citation conference conducted pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person; or ~~[on]~~

(c) On or before such later date as specified by the Board pursuant to subsection 4 of NRS 624.345 **.** ~~[, the Board shall hold a hearing pursuant to NRS 624.291.]~~

2. If a person submits to the Board written notice of his or her intent to contest a citation or order within the time required by paragraph (a) or (b) of subsection 1, the Board shall hold the hearing required by subsection 1 not later than 90 calendar days after the date on which the Board receives the written notice.

Sec. 5. The amendatory provisions of this act apply only to a written citation issued pursuant to NRS 624.341 on or after October 1, 2023.

Sec. 6. (Deleted by amendment.)

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 540 to Assembly Bill No. 23.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 39.

The following Senate amendment was read:

Amendment No. 539.

AN ACT relating to contractors; authorizing the State Contractors' Board to adopt regulations establishing mandatory elements to be included in contracts for work concerning certain residential improvements; establishing certain requirements for such contracts and for residential contractors who enter into such contracts; making the failure to comply with those requirements a cause for disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements pertaining to contracts used by a contractor and the owner of a single-family residence for work concerning a residential photovoltaic system used to produce electricity or work concerning a residential pool or spa. (NRS 624.875, 624.940) **Section 1** of this bill imposes similar requirements pertaining to a contract used by a residential contractor and the owner of a completed single-family residence who occupies the single-family residence for any construction, remodeling, repair or improvement performed by a residential contractor to the single-family residence or any activity for the supervision of such work. **Section 1** authorizes the State Contractors' Board to adopt regulations establishing mandatory elements to be included in such a contract. **Section 1** also sets forth certain information that is required to be included in such a contract. **With certain exceptions, such information includes, without limitation, the amount, not to exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, of any initial down payment or deposit paid or promised to be paid to the residential contractor by the owner before the start of the work.** **Section 1** further requires a residential contractor to: (1) furnish to the owner with whom the residential contractor has contracted for work concerning a residential improvement a copy of all documents signed and a receipt for any money paid to the residential contractor; and (2) apply for and obtain all necessary permits. If a contract entered into between a residential contractor and the owner for work concerning a residential improvement does not ~~[comply with]~~ **include the information required by** the provisions of **section 1 , other than the information concerning an initial down payment or deposit,** and any applicable regulations adopted by the Board, section 1 **: (1) authorizes the owner to modify the contract to bring the contract into compliance with those provisions; and (2)** provides that **such a modification is enforceable against the residential contractor if the modification is reasonable. If the contract does not include the information required by the provisions of section 1 concerning an initial down payment or deposit, section 1 provides that** the contract is voidable by the owner.

Existing law sets forth certain acts and omissions that constitute cause for disciplinary action against a contractor by the Board, including, without limitation, failure to comply with requirements for contracts for work concerning residential pools and spas and for work concerning residential photovoltaic systems used to produce electricity. (NRS 624.3016) **Section 2** of this bill makes a contractor's failure to comply with requirements for contracts for work concerning a residential improvement or regulations adopted by the Board governing such contracts cause for such disciplinary action. **Section 3** of this bill makes a conforming change as a result of this additional cause for disciplinary action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may adopt by regulation mandatory elements to be included in all contracts to be used by residential contractors for work concerning a residential improvement. Such mandatory elements must not be waived or limited by contract or in any other manner. On and after October 1, 2023, any contract entered into between a residential contractor and the owner of a single-family residence who occupies the single-family residence for work concerning a residential improvement must comply with the provisions of this section and all applicable regulations adopted by the Board. A contract that does not comply with the provisions of ~~[this section]~~:

(a) Subsection 2, other than the provisions of paragraph (g) of subsection 2, and all applicable regulations adopted by the Board may be modified by the owner of the single-family residence to bring the contract into compliance with those provisions and regulations. Any modification of a contract made pursuant to this paragraph is enforceable against the residential contractor if the modification is reasonable.

(b) Paragraph (g) of subsection 2 is voidable by the owner of the single-family residence.

2. Any contract for work concerning a residential improvement must contain in writing at least the following information:

(a) The name of the residential contractor, his or her address and contractor's license number and the monetary limit on that license.

(b) The name and mailing address of the owner of the single-family residence on which the work is being performed and the address or legal description of the property.

(c) The date of execution of the contract.

(d) The estimated date of completion of all work to be performed under the contract.

(e) A description of the work to be performed under the contract.

(f) The total amount to be paid to the residential contractor by the owner for all work to be performed under the contract, including all applicable taxes.

(g) The amount, not to exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, of any initial down payment or deposit paid or promised to be paid to the residential contractor by the owner before the start of the work.

The provisions of this paragraph do not apply if the residential contractor has filed with the Board a bond solely for the protection of consumers in the amount of $100,000 ~~.~~ or has been granted relief by the Board pursuant to subsection 5 of NRS 624.270.

(h) A statement that the residential contractor has provided the owner with the notice and informational form required by NRS 624.520 and 624.600.

(i) A statement that any change in the scope or price of the work to be performed under the contract must be agreed to in writing by the parties and incorporated into the original contract as a change order. A change order is not enforceable against the owner who is contracting for work concerning a residential improvement unless the change order sets forth all changes in the scope and price of the work and is accepted by the owner.

(j) For a project of new work concerning a residential improvement, a plan and scale drawing showing the shape, size and dimensions of and the specifications for the construction and equipment for the work specified in the contract, and a description of the work to be done, the materials to be used and the equipment to be installed, and the agreed consideration for the work. For projects which consist exclusively of repairs to existing work concerning a residential improvement, plans, scale drawings, equipment specifications and lists of materials and equipment are not required to be contained in or included with the contract.

(k) Except as otherwise provided in this subsection, the dollar amount of any progress payment and the stage of construction at which the residential contractor will be entitled to collect progress payments from the owner during the course of construction under a contract for work concerning a residential improvement. The schedule of payments must show the amount of each payment as a sum in dollars and cents. The schedule of payments must not provide for the residential contractor to receive, nor may the residential contractor actually receive, payments in excess of 100 percent of the value of the work performed on the project at any time, excluding finance charges, except for an initial down payment or deposit. ~~[With respect to a contract executed before October 1, 2023, if any schedule of payments set forth in the contract does not comply with the provisions of this chapter or any regulations adopted pursuant thereto:~~

~~(1) The obligation of the owner to make payments in accordance with the payment schedule is voidable; and~~

~~(2) The lender, if any, may not initiate proceedings to enforce the payment of any applicable loan unless and until the contract is reformed or otherwise amended to comply with those provisions of law.~~

~~]~~ The provisions of this paragraph do not apply if the residential contractor has furnished a bond for payment and performance covering full performance and completion of the contract and the cost of the bond is included in the price of the project.

(l) If the contract provides for payment of a commission to a salesperson out of the contract price, a statement that the payment must be made on a pro rata basis in proportion to the schedule of payments made to the residential contractor by the disbursing party in accordance with the provisions of paragraph (k).

➥ Except as otherwise provided in subsection 5, the contract may contain such other conditions, stipulations or provisions to which the parties may agree.

3. The contract must contain:

(a) A method whereby the owner may initial provisions of the contract, thereby indicating that those provisions have been read and are understood.

(b) In close proximity to the signatures of the owner and the residential contractor, a notice stating that the owner:

(1) May contact the Board if assistance is needed to clarify any of the provisions of the contract that the owner does not fully understand;

(2) Has the right to request a bond for payment and performance if such a bond is not otherwise required pursuant to NRS 624.270;

(3) May contact an attorney for an explanation of the rights of the owner under the contract; and

(4) May, if the contract was explained in a language other than the language in which the contract is written, ask for a contract that is written in the language in which the contract was explained.

4. At the time the owner signs the contract, the residential contractor shall furnish to the owner a legible copy of all documents signed and a written and signed receipt for any money paid to the residential contractor by the owner. All written information provided in the contract must be printed in at least 10-point bold type. The contract, receipt and other documents referenced in this subsection may be delivered by electronic means.

5. A condition, stipulation or provision in a contract that requires a person to waive any right provided by this chapter or any regulations adopted pursuant thereto or that relieves a person of an obligation or liability imposed by this chapter or those regulations is void. [Failure to comply with the requirements of this section renders a contract voidable by the owner.]

6. The residential contractor shall apply for and obtain all necessary permits.

7. As used in this section:

(a) "Contract" means any contract or agreement in which a residential contractor agrees to perform work concerning a residential improvement.

(b) "Residential contractor" means a contractor who is licensed pursuant to this chapter and who contracts with the owner of a single-family residence to perform work concerning a residential improvement.

(c) "Single-family residence" has the meaning ascribed to it in NRS 624.455.

(d) "Work concerning a residential improvement" or "work" means any construction, remodeling, repair or improvement performed by a residential contractor to a completed, single-family residence or any activity for the supervision concerning such work. The term does not include work concerning a residential photovoltaic system used to produce electricity, as defined in NRS 624.855, or work concerning a residential pool or spa, as defined in NRS 624.915.

Sec. 2. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245, 108.246 or 624.520.

5. Failure to comply with ***:***

(a) NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

~~[6. Failure to comply with]~~

(b) NRS 624.860 to 624.875, inclusive, or any regulations of the Board governing contracts for work concerning residential photovoltaic systems used to produce electricity.

~~[7.]~~ ***(c) Section 1 of this act or any regulations of the Board governing contracts for work concerning a residential improvement.***

6. Failure to comply with NRS 624.600.

~~[8.]~~ ***7.*** Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

~~[9.]~~ ***8.*** Failure to pay an assessment required pursuant to NRS 624.470.

~~[10.]~~ ***9.*** Failure to file a certified payroll report that is required for a contract for a public work.

~~[11.]~~ ***10.*** Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.

~~[12.]~~ ***11.*** Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

~~[13.]~~ ***12.*** Failure to provide a builder's warranty as required by NRS 624.602 or to respond reasonably to a claim made under a builder's warranty.

Sec. 3. NRS 624.750 is hereby amended to read as follows:

624.750 1. It is unlawful for a person to commit any act or omission described in subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or ~~[8]~~ ***7*** of NRS 624.3016.

2. Except as otherwise provided in subsection 3 and unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or NRS 624.720 or 624.740:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not less than $1,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $4,000 nor more than $10,000, and may be further punished by imprisonment in the county jail for not more than 364 days.

(c) For the third or subsequent offense, is guilty of a category E felony and shall be punished by a fine of not less than $10,000 nor more than $20,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

3. If a person is guilty of a violation of subsection 1 of NRS 624.700, the maximum fines set forth in subsection 2 may be exceeded by adding thereto a fine enhancement of not more than 10 percent of the value of any contract that the person entered into in violation of subsection 1 of NRS 624.700, if that person commenced any work or received any money relating to the contract.

4. It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:

(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by failing to pay for any services, labor, materials or equipment provided for that construction; and

(b) Wrongfully diverts that money to a use other than that for which it was received.

5. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 4:

(a) If the amount of money wrongfully diverted is $1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than 364 days.

(b) If the amount of money wrongfully diverted is more than $1,000, is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

6. Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 539 to Assembly Bill No. 39.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 127.

The following Senate amendment was read:

Amendment No. 556.

AN ACT relating to insurance; prohibiting an insurer from treating Medicare supplemental policies differently for certain purposes relating to the payment of commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal regulations define the term "Medicare supplemental policy" to mean a policy offered by a private insurer that is primarily designed to pay expenses not reimbursed under Medicare because of certain limitations under Medicare. (42 C.F.R. § 403.205) Existing law requires an insurer offering a Medicare supplemental policy or the Public Employees' Benefits Program or any local government that provides a similar policy for public employees to offer an open enrollment period for persons covered by such policies, during which the insurer or governmental entity is prohibited from placing certain restrictions on the issuance of such a policy. (NRS 287.010, 287.04335, 687B.352, 695B.320) Existing federal law requires the issuance of a Medicare supplemental policy under certain circumstances, under which such a policy is considered to be guaranteed issue. (42 U.S.C. § 1395ss) This bill prohibits an insurer or other person or entity from varying the commission associated with the purchase of Medicare supplemental policies during the open enrollment period, paying differential commissions associated with the purchase of Medicare supplemental policies during the open enrollment period or otherwise treating Medicare supplemental policies purchased during the open enrollment period differently for the purposes of commission for any reason, including: (1) because the Medicare supplemental policy is issued during the open enrollment period or classified as guaranteed issue; or (2) because of the ~~[age,]~~ health status, claims experience, receipt of health care or medical condition of the insured. This bill additionally requires an insurer or other person or entity to treat the purchase of a Medicare supplemental policy during the open enrollment period in the same manner as the renewal of a Medicare supplemental policy for purposes relating to the payment of a commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 687B.352 is hereby amended to read as follows:

687B.352 1. An insurer that issues a Medicare supplemental policy shall offer to a person currently insured under any such policy an annual open enrollment period commencing with the first day of the birthday month of the person and remaining open for at least 60 days thereafter, during which the person may purchase any Medicare supplemental policy made available by the insurer in this State that includes the same or lesser benefits. Innovative benefits, as described in 42 U.S.C. § 1395ss(p)(4)(B), must not be considered

when determining whether a Medicare supplemental policy includes the same benefits as or lesser benefits than another such policy.

2. During the open enrollment period offered pursuant to subsection 1, an insurer shall not deny or condition the issuance or effectiveness, or discriminate in the price of coverage, of a Medicare supplemental policy based on the health status, claims experience, receipt of health care or medical condition of a person described in subsection 1.

3. At least 30 days before the beginning of the open enrollment period offered pursuant to subsection 1 but not more than 60 days before the beginning of that period, an insurer that issues a Medicare supplemental policy shall notify each person to whom the open enrollment period applies of:

(a) The dates on which the open enrollment period begins and ends and the rights of the person established by the provisions of this section; and

(b) Any modification to the benefits provided by the policy under which the person is currently insured or adjustment to the premiums charged for that policy.

4. ***An insurer or other person or entity shall not vary the commission associated with the purchase of Medicare supplemental policies during the open enrollment period offered pursuant to subsection 1, pay differential commissions associated with the purchase of Medicare supplemental policies during that open enrollment period or otherwise treat Medicare supplemental policies purchased during that open enrollment period differently for the purposes of commission for any reason, including, without limitation:***

(a) Because the Medicare supplemental policy was purchased during the open enrollment period offered pursuant to subsection 1;

(b) Because the Medicare supplemental policy is classified as guaranteed issue under 42 U.S.C. § 1395ss or any other applicable federal or state law or regulations; or

(c) Because of the ~~[age,]~~ health status, claims experience, receipt of health care or medical condition of the insured.

5. An insurer or other person or entity must treat the purchase of a Medicare supplemental policy during the open enrollment period offered pursuant to subsection 1 in the same manner as the renewal of a Medicare supplemental policy for all purposes relating to the payment of a commission.

6. As used in this section, "Medicare supplemental policy" has the meaning ascribed to it in 42 C.F.R. § 403.205 and additionally includes policies offered by public entities that otherwise meet the requirements of that section.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 556 to Assembly Bill No. 127.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 163.

The following Senate amendment was read:

Amendment No. 538.

ASSEMBLYMEN GONZÁLEZ, CONSIDINE, THOMAS; ANDERSON, BROWN-MAY, DICKMAN, DURAN, GRAY, HARDY, LA RUE HATCH, NEWBY, NGUYEN, O'NEILL, ORENTLICHER AND WATTS

JOINT SPONSORS: SENATORS SPEARMAN, NEAL, D.HARRIS; **LANGE,** OHRENSCHALL AND SCHEIBLE

AN ACT relating to employment; providing for hours of leave, under certain circumstances, if an employee or a family or household member of an employee is a victim of an act which constitutes sexual assault; prohibiting the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from denying certain persons unemployment benefits under certain circumstances; requiring employers to provide reasonable accommodations under certain circumstances; prohibiting an employer from taking certain actions against an employee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who commits certain acts is guilty of sexual assault. (NRS 200.366) Existing law requires an employer to provide certain hours of leave to an employee who has been employed by the employer for at least 90 days and who is a victim of an act which constitutes domestic violence, or such an employee whose family or household member is a victim of an act which constitutes domestic violence and the employee is not the alleged perpetrator. Existing law provides that such an employee is entitled to not more than 160 hours of leave during a 12-month period. Such leave: (1) may be paid or unpaid; (2) must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred; (3) may be used consecutively or intermittently; and (4) under certain circumstances, must be deducted from leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. Existing law additionally requires an employer to maintain a record of the use of the hours of leave for each employee for a 2-year period and to make those records available for inspection by the Labor Commissioner. (NRS 608.0198) **Section 1** of this bill: (1) requires an employer to provide such leave to a victim of an act which constitutes sexual assault; (2) authorizes an employee to use the leave for certain purposes; and (3) requires an employer to maintain a record of the use of the hours of leave for each employee for a 2-year period and to make those records available for inspection by the Labor Commissioner.

Existing law prohibits the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from denying a person unemployment compensation benefits in certain circumstances. (NRS 612.3755) **Section 2** of this bill prohibits the Administrator from denying a person unemployment compensation benefits if the Administrator finds that the person: (1) left employment to protect himself or herself, or his or her family or household member, from an act which constitutes sexual assault; and (2) actively engaged in an effort to preserve employment. **Section 2** also authorizes the Administrator to request evidence from the person to support a claim for benefits.

Existing law requires an employer to provide reasonable accommodations which will not create an undue hardship for an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence. (NRS 613.222) **Section 3** of this bill similarly requires an employer to provide such accommodations for an employee who is a victim of an act which constitutes sexual assault or whose family or household member is a victim of an act which constitutes sexual assault.

Existing law prohibits an employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because of certain circumstances related to the commission of an act which constitutes domestic violence. (NRS 613.223) **Section 4** of this bill prohibits an employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because: (1) the employee or prospective employee is a victim of an act which constitutes sexual assault; (2) the employee or prospective employee's family or household member is a victim of an act which constitutes sexual assault; or (3) of other circumstances related to being a victim of an act which constitutes sexual assault.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 608.0198 is hereby amended to read as follows:

608.0198 1. An employee who has been employed by an employer for at least 90 days and who is a victim of an act which constitutes domestic violence ~~[,]~~ ***or sexual assault,*** or whose family or household member is a victim of an act which constitutes domestic violence ~~[,]~~ ***or sexual assault,*** and the employee is not the alleged perpetrator, is entitled to not more than 160 hours of leave in one 12-month period. Hours of leave provided pursuant to this subsection:

(a) May be paid or unpaid by the employer;

(b) Must be used within the 12 months immediately following the date on which the act which constitutes domestic violence ***or sexual assault*** occurred;

(c) May be used consecutively or intermittently; and

(d) If used for a reason for which leave may also be taken pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., must be

deducted from the amount of leave the employee is entitled to take pursuant to this section and from the amount of leave the employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

2. An employee may use the hours of leave pursuant to subsection 1 as follows:

(a) An employee may use the hours of leave only:

(1) For the diagnosis, care or treatment of a health condition related to an act which constitutes domestic violence ***or sexual assault*** committed against the employee or family or household member of the employee;

(2) To obtain counseling or assistance related to an act which constitutes domestic violence ***or sexual assault*** committed against the employee or family or household member of the employee;

(3) To participate in any court proceedings related to an act which constitutes domestic violence ***or sexual assault*** committed against the employee or family or household member of the employee; or

(4) To establish a safety plan, including, without limitation, any action to increase the safety of the employee or the family or household member of the employee from a future act which constitutes domestic violence ~~[.]~~ ***or sexual assault.***

(b) After taking any hours of leave upon the occurrence of the act which constitutes domestic violence ~~[.]~~ ***or sexual assault,*** an employee shall give not less than 48 hours' advance notice to his or her employer of the need to use additional hours of leave for any purpose listed in paragraph (a).

3. An employer shall not:

(a) Deny an employee the right to use hours of leave in accordance with the conditions of this section;

(b) Require an employee to find a replacement worker as a condition of using hours of leave; or

(c) Retaliate against an employee for using hours of leave.

4. The employer of an employee who takes hours of leave pursuant to this section may require the employee to provide to the employer documentation that confirms or supports the reason the employee provided for requesting leave. Such documentation may include, without limitation, a police report, a copy of an application for an order for protection, an affidavit from an organization which provides services to victims of domestic violence ***or sexual assault*** or documentation from a physician. Any documentation provided to an employer pursuant to this subsection is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

5. The Labor Commissioner shall prepare a bulletin which clearly sets forth the right to the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The

bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

6. An employer shall maintain a record of the hours of leave taken pursuant to this section for each employee for a 2-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner. The employer shall exclude the names of the employees from the records, unless a request for a record is for the purpose of an investigation.

7. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous leave benefit or paid leave benefit.

8. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or

(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence ~~[.]~~ ***or sexual assault.***

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 2. NRS 612.3755 is hereby amended to read as follows:

612.3755 1. The Administrator shall not deny any otherwise eligible person benefits if the Administrator finds that:

(a) The person left employment to protect himself or herself, or a family or household member, from an act which constitutes domestic violence ~~[,]~~ ***or sexual assault;*** and

(b) The person actively engaged in an effort to preserve employment.

2. The Administrator may request the person to furnish evidence satisfactory to support the person's claim for benefits.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or

(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence ~~[.]~~ ***or sexual assault.***

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 3. NRS 613.222 is hereby amended to read as follows:

613.222 1. An employer must make reasonable accommodations which will not create an undue hardship for an employee who is a victim of an act which constitutes domestic violence ***or sexual assault*** or whose family or household member is a victim of an act which constitutes domestic violence ~~[.]~~ ***or sexual assault.*** The employer may provide such accommodations, including, without limitation, as:

(a) A transfer or reassignment;

(b) A modified schedule;

(c) A new telephone number for work; or

(d) Any other reasonable accommodations which will not create an undue hardship deemed necessary to ensure the safety of the employee, the workplace, the employer or other employees.

2. An employer may require an employee to provide to the employer documentation that confirms or supports the reason the employee requires the reasonable accommodations.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" has the meaning ascribed to it in NRS 612.3755.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 4. NRS 613.223 is hereby amended to read as follows:

613.223 1. It is unlawful for any employer in this State to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, an employee because:

(a) The employee requested to use hours of leave pursuant to NRS 608.0198;

(b) The employee participated as a witness or interested party in court proceedings related to an act which constitutes domestic violence ***or sexual assault*** which triggered the use of leave pursuant to NRS 608.0198;

(c) The employee requested an accommodation pursuant to NRS 613.222; or

(d) An act which constitutes domestic violence ***or sexual assault*** was committed against the employee in the workplace of the employee.

2. As used in this section ~~[, "domestic]~~ ***:***

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 538 to Assembly Bill No. 163.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 213.

The following Senate amendment was read:

Amendment No. 690.

AN ACT relating to land use planning; requiring the governing body of a city or county to publish certain information on its Internet website relating to certain applications relating to land use planning; requiring the governing body of certain counties and cities to annually report certain information to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing; revising provisions relating to the procedures for review of certain applications for land use planning; revising provisions relating to the adoption of measures in certain counties relating to affordable housing; providing that certain deadlines relating to land use planning that apply to counties also apply to cities; requiring counties and cities to enact certain ordinances relating to projects for affordable housing on or before July 1, 2024; making certain legislative declarations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the governing body of certain cities or counties to include in its master plan a housing element, which includes certain information relating to housing. (NRS 278.150, 278.160) **Section 1.6** of this bill requires the governing body of such a city or county to annually report this information to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing. The Housing Division is required to compile and post such reports on its Internet website. **Section 12.5** of this bill requires the governing body of such a city or county to submit the first report required pursuant to **section 1.6** on or before July 15, 2024.

Existing law: (1) provides that any application submitted to a governing body or its designee that concerns any matter relating to land use planning may not be accepted if the application is incomplete; and (2) sets forth a timeline and process for the governing body or its designee to review an application for completeness. (NRS 278.02327) **Section 3** of this bill provides that if the governing body or its designee fails to comply with the timeline and process, the application shall be deemed to be complete. **Section 3** also requires the governing body or designee to review and respond to a corrected application within ~~[3]~~ **5** working days and prohibits a governing body or designee from using any preliminary application to circumvent the timeline or process in **section 3**.

Section 1.3 of this bill requires a governing body to publish on its Internet website a list of applications relating to land use planning in areas zoned for residential housing.

Existing law provides that if the governing body of a city or county is required to include the housing element in its master plan, the governing body is required to adopt certain measures for maintaining and developing affordable housing. (NRS 278.235) **Section 5** of this bill authorizes the governing body to also offer increased residential density for multi-family or multi-story residential development as one such measure. **Section 5** also revises contents of the annual report that the governing body is required to submit to the Housing Division of the Department of Business and Industry relating to affordable housing.

Existing law requires a subdivider to file copies of a tentative map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission. The tentative map is then distributed to all state and local agencies and persons charged with reviewing the proposed subdivision. If there is no planning commission, the clerk of the governing body is required to submit the tentative map to the governing body at its next meeting. If there is a planning commission, the planning commission shall, after accepting as a complete application a tentative map: (1) in a county whose population is 700,000 or more (currently only Clark County), within 45 days, approve, conditionally approve or disapprove the tentative map; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County), approve, conditionally approve or disapprove the tentative map. (NRS 278.330) **Section 7** of this bill provides that a city within such a county is subject to the same deadlines to approve, conditionally approve or disapprove the tentative map.

Existing law provides that the planning commission or governing body, as applicable, shall recommend approval, conditional approval or disapproval of a parcel map: (1) within 45 days after accepting the parcel map as a complete application in a county whose population is 700,000 or more (currently only Clark County); or (2) within 60 days after accepting the parcel map as a complete application in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 278.464) **Section 9** of this bill provides that a city within such a county is subject to the same deadlines to recommend approval, conditional approval or disapproval of a parcel map.

Existing law provides that, under certain circumstances, a governing body or planning commission may waive the requirement for a parcel map and that a request for such a waiver must be acted upon: (1) in a county whose population is 700,000 or more (currently only Clark County) within 45 days; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County) within 60 days. (NRS 278.464) **Section 9** provides that a city within such a county is subject to the same deadlines.

Existing law provides that a planning commission or governing body must take final action on a final map: (1) in a county whose population is 700,000 or more (currently only Clark County) within 45 days after accepting the final map as a complete application; or (2) in a county whose population is less than

700,000 (currently all counties other than Clark County) within 60 days after accepting the final map as a complete application. (NRS 278.4725) **Section 10** of this bill provides that a city within such a county is subject to the same deadlines.

Section 12 of this bill requires, on or before July 1, 2024, the governing body of each county and city to enact: (1) an expedited process for the consideration and approval of projects for affordable housing in the county or city; and (2) incentives for the development of projects for affordable housing in the county or city.

Sections 13 and 14 of this bill make certain legislative declarations regarding this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. ***1. A governing body shall publish on its Internet website a list of all applications relating to land use planning for residential housing pursuant to NRS 278.010 to 278.630, inclusive.***

2. The list must be updated at least monthly and include, without limitation:

(a) The date an application was initially filed;

(b) The number of days an application has been pending;

(c) The number of times an application was issued a notice for incompleteness;

(d) The number of applications rejected for being incomplete; and

(e) Any other information that is relevant to determine whether applications relating to land use planning for residential housing are processed efficiently and expeditiously.

3. As used in this section, "application" means any established ~~[preliminary]~~ application, including, without limitation, the preliminary application established pursuant to subsection 5 of NRS 278.02327. The term does not include an application for a building permit.

Sec. 1.6. ***1. If the governing body of each city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body shall, on or before July 15 of each year, report the following information relating to the county or city, as applicable, to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing created by NRS 319.174:***

(a) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(b) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own,

housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(c) An analysis of projected growth and the demographic characteristics of the community.

(d) A determination of the present and prospective need for affordable housing in the community.

(e) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(f) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(1) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(2) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land use planning restrictions that affect such parcels.

(g) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(h) A plan for maintaining and developing affordable housing and market rate housing to meet the housing needs of the community for a period of at least 5 years.

2. On or before September 15 of each year, the Housing Division of the Department of Business and Industry shall compile the reports submitted pursuant to subsection 1 and post the compilation on its Internet website.

3. As used in this section, "market rate housing" means housing for a household which has a total monthly gross income that is more than the total monthly gross income that would allow the household to qualify for affordable housing.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 1.3 and 1.6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.02327 is hereby amended to read as follows:

278.02327 1. Any application submitted to a governing body or its designee that concerns any matter relating to land use planning pursuant to NRS 278.010 to 278.630, inclusive, ***and sections 1.3 and 1.6 of this act,*** or any ordinance, resolution or regulation adopted pursuant thereto, may not be accepted by the governing body or its designee if the application is incomplete.

2. The governing body or its designee shall, within ~~[3]~~ ***10*** working days after receiving an application of the type described in subsection 1:

(a) Review the application for completeness;

(b) Accept the application if the governing body or its designee finds that the application is complete or return the application if the governing body or its designee finds that the application is incomplete; and

(c) If the governing body or its designee returns the application:

(1) Provide to the applicant a ***specific*** description of the additional information required; and

(2) ~~[If requested by the applicant, provide]~~ ***Provide*** to the applicant a copy of the relevant provision of the ordinance, resolution or regulation which specifically requires the additional information or an explanation of why the additional information is necessary.

3. If a governing body or its designee fails to comply with the provisions of subsection 2, the application shall be deemed to be complete.

4. Once an applicant submits a corrected application in response to a notice of incompleteness provided pursuant to subsection 2, the governing body or its designee shall review and respond to the corrected application within ~~[3]~~ 5 working days.

5. A governing body or its designee may establish a preliminary application process to help an applicant submit a complete application but shall not use any preliminary application process to circumvent the provisions of this section. Any preliminary application process established pursuant to this subsection must require a substantive meeting between an applicant and a governing body or its designee within 15 business days after the applicant's request.

6. As used in this section ~~[, "designee"]~~ :

(a) "Application" does not include an application for a building permit.

(b) "Designee" means any division, department or agency of a governing body with jurisdiction over land use planning, improvement planning, permitting, inspection, zoning, roadways, utilities, public health, water, sewer, drainage, traffic control and public works.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) Reducing or subsidizing in whole or in part impact fees, fees for the issuance of building permits collected pursuant to NRS 278.580 and fees imposed for the purpose for which an enterprise fund was created.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such

a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented ***or multi-story*** housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. A governing body may reduce or subsidize impact fees, fees for the issuance of building permits or fees imposed for the purpose for which an enterprise fund was created to assist in maintaining or developing a project for affordable housing, pursuant to paragraph (a) of subsection 1, only if:

(a) When the incomes of all the residents of the project for affordable housing are averaged, the housing would be affordable on average for a family with a total gross income that does not exceed 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.

(b) The governing body has adopted an ordinance that establishes the criteria that a project for affordable housing must satisfy to receive assistance in maintaining or developing the project for affordable housing. Such criteria

must be designed to put into effect all relevant elements of the master plan adopted by the governing body pursuant to NRS 278.150.

(c) The project for affordable housing satisfies the criteria set forth in the ordinance adopted pursuant to paragraph (b).

(d) The governing body makes a determination that reducing or subsidizing such fees will not impair adversely the ability of the governing body to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from such fees was pledged.

(e) The governing body holds a public hearing concerning the effect of the reduction or subsidization of such fees on the economic viability of the general fund of the city or county, as applicable, and, if applicable, the economic viability of any affected enterprise fund.

3. On or before ~~[January]~~ ***July*** 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Housing Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period**.** The governing body shall cooperate with the Housing Division to ensure that the information contained in the report is appropriate for inclusion in, and can be effectively incorporated into, the statewide low-income housing database created pursuant to NRS 319.143.

4. On or before ~~[February]~~ ***August*** 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 3 and post the compilation on the Internet website of the Housing Division.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.

2. The subdivider shall file copies of the map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission, together with a filing fee in an amount determined by the governing body.

3. The commission, its designated representative, the clerk or other designated representative of the governing body or, when authorized by the governing body, the subdivider or any other appropriate agency shall distribute copies of the map and any accompanying data to all state and local agencies and persons charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting.

5. Except as otherwise provided by subsection 6, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to take final action on a tentative map, the planning commission shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application a tentative map, approve, conditionally approve or disapprove the tentative map in the manner provided for in NRS 278.349. The planning commission shall file its written decision with the governing body.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning commission shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 3 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. The planning commission and the governing body or director of planning or other authorized person or agency shall not approve the parcel map unless the person proposing to divide the land has submitted an affidavit stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the person proposing to divide the land or any successor in interest.

5. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.

6. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

7. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

8. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chair of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body

or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925 has been vacated or abandoned in accordance with NRS 278.480.

Sec. 10. NRS 278.4725 is hereby amended to read as follows:

278.4725 1. Except as otherwise provided in this section, if the governing body has authorized the planning commission to take final action on a final map, the planning commission shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting the final map as a complete application. The planning commission shall file its written decision with the governing body. Except as otherwise provided in subsection 5, or unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

2. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or its authorized representative shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after the final map is accepted as a complete application. Except as otherwise provided in subsection 5 or unless the time is extended by mutual agreement, if the governing body or its authorized representative fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

3. An applicant or other person aggrieved by a decision of the authorized representative of the governing body or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

4. If the map is disapproved, the governing body or its authorized representative or the planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of the changes necessary to render the map acceptable.

5. If the final map divides the land into 16 lots or more, the governing body or its authorized representative or the planning commission shall not approve a map, and a map shall not be deemed approved, unless:

(a) Each lot contains an access road that is suitable for use by emergency vehicles; and

(b) The corners of each lot are set by a professional land surveyor.

6. If the final map divides the land into 15 lots or less, the governing body or its authorized representative or the planning commission may, if reasonably necessary, require the map to comply with the provisions of subsection 5.

7. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

8. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by each owner of land to be divided consenting to the preparation of the map, the dedication of the roads and the granting of the easements.

(b) A certificate signed by the clerk of the governing body or authorized representative of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 or 2 for action by the governing body or its authorized representative or the planning commission has expired and that the requirements of subsection 5 have been met. A certificate signed pursuant to this paragraph must also indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480.

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

9. A governing body may by local ordinance require a final map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his or her consent to the division of land.

10. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

11. The county recorder shall charge and collect for recording the map a fee set by the board of county commissioners of not more than $50 for the first sheet of the map plus $10 for each additional sheet.

12. A county recorder who records a final map pursuant to this section shall, within 7 working days after he or she records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

Sec. 11. (Deleted by amendment.)

Sec. 12. 1. On or before July 1, 2024, the governing body of each county and city shall enact by ordinance:

(a) An expedited process for the consideration and approval of projects for affordable housing in the county or city, as applicable. Such expedited process must prioritize, to the extent practicable, the processing of projects for affordable housing in the county or city, as applicable, over all other projects and allow deviation from the current process for the consideration and approval of projects for affordable housing. Any such deviation includes, without limitation, authorizing the administrative approval for any applications relating to affordable housing projects by a person authorized by the governing body.

(b) Incentives for the development of projects for affordable housing in the county or city, as applicable, that encourage the use of the expedited process required pursuant to paragraph (a).

2. As used in this section, "affordable housing" has the meaning ascribed to it NRS 278.0105.

Sec. 12.5. The governing body of each city or county that is required to submit a report pursuant to section 1.6 of this act shall submit the first report on or before July 15, 2024.

Sec. 13. 1. The Legislature hereby finds and declares that the efficient and expeditious processing of land use applications and improvement plans by a governing body is important to the economic health and housing supply of this State.

2. By considering and adopting the amendments to the provisions of NRS 278.02327 pursuant to section 3 of this act, the Legislature recognizes the importance of an efficient and expeditious process for the review of land use applications and improvement plans.

Sec. 14. 1. The Legislature hereby finds and declares that a consistent and robust supply of housing is an important factor in the overall affordability of housing.

2. By considering and adopting the amendments to the provisions of NRS 278.235 pursuant to section 5 of this act, the Legislature recognizes the need for more affordable housing in this State.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. 1. This section and sections 1 and 1.6 to 15, inclusive, of this act become effective on July 1, 2023.

2. Section 1.3 of this act becomes effective on January 1, 2024.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 690 to Assembly Bill No. 213.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 218.

The following Senate amendment was read:

Amendment No. 638.

AN ACT relating to real property; requiring a landlord or his or her agent to provide a tenant at least one method of paying rent or any other fee or charge that meets certain requirements; **authorizing a tenant to bring a civil action against a landlord who has committed certain violations;** prohibiting a landlord from charging a tenant a fee to make a payment through an Internet website or online portal that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of such service; requiring a written rental agreement to separately identify such a fee under certain circumstances; requiring a landlord or his or her agent to provide, upon request, a copy of a written rental agreement to a prospective tenant; requiring certain references to the amount of rent due under a rental agreement to be set forth in a certain manner; ~~[establishing certain practices as deceptive trade practices; providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement. Existing law requires any written agreement for the use and occupancy of a dwelling unit or premises to contain provisions relating to the amount of rent due and the manner and time of its payment. (NRS 118A.200) **Section 4** of this bill requires that, in each place where a landlord lists the amount of rent due under a rental agreement and in any reference to the amount of rent due in a written rental agreement, the rent must be set forth as a single figure representing the total amount of periodic rent that includes the amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent. **Section 4** prohibits a landlord from charging a tenant an amount for periodic rent that exceeds the amount of rent due under the written rental agreement, as set forth in the manner required by **section 4**. **Section 3.5** of this bill requires a landlord or his or her agent, upon request, to provide a

prospective tenant with a copy of the written rental agreement, if any, to which the prospective tenant would be subject if he or she were to become a tenant.

Section 2 of this bill requires a landlord to provide a tenant at least one method to pay rent or any other fee or charge which does not require the tenant to: (1) pay any fee or charge to use the method; or (2) provide information concerning a bank account of the tenant. **Section 2** also prohibits a landlord or his or her agent who allows a tenant to pay rent or any other fee or charge through an Internet website or online portal from charging the tenant a fee to make a payment through the Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal. **Section 2** requires the amount of any fee to be charged to the tenant by the landlord or his or her agent for the use of an Internet website or online portal to make a payment to be separately identified in any written rental agreement.

~~[Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS)]~~ **Section 3** of this bill ~~[makes it a deceptive trade practice to: (1) violate]~~ **authorizes a tenant who is aggrieved by a violation of** the requirements of **section 4** concerning the manner in which rent must be listed or referenced in a written rental agreement ~~[; and (2) charge]~~ **or the prohibition set forth in section 4 on charging** a tenant an amount for periodic rent that exceeds the amount of rent due under a written rental agreement ~~[in violation of section 4.]~~ **to bring a civil action for such a violation. Section 3 requires a court to award certain relief to a tenant who prevails in such an action.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

Sec. 2. ***1. A landlord or his or her agent shall provide a tenant at least one method of paying rent or any other fee or charge which does not require the tenant to:***

(a) Pay any fee or charge for using the method; or

(b) Provide information concerning a bank account of the tenant.

2. If a landlord or his or her agent allows a tenant to pay rent or any other fee or charge through an Internet website or online portal:

(a) The landlord or his or her agent shall not charge the tenant a fee to make a payment through the Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal; and

(b) The amount of any fee charged to the tenant by the landlord or his or her agent for the use of the Internet website or online portal must be separately identified in any written rental agreement.

Sec. 3. ***1. A tenant who is aggrieved by a violation of subsection 6 or 7 of NRS 118A.200 [constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. A tenant injured by such a violation] may bring a civil action in any court of competent jurisdiction for such violation.***

2. If a tenant prevails in an action brought pursuant to subsection 1, the court shall award the tenant:

(a) Any damages the tenant has sustained;

(b) Any equitable relief that the court deems appropriate; [and]

(c) The tenant's costs in the action and reasonable attorney's fees [.] ;

(d) Statutory damages of $1,000 for each violation which involved deception; and

(e) Treble the amount of actual damages sustained by the tenant as a result of each willful violation.

Sec. 3.5. ***A landlord or his or her agent shall, upon request, provide to a prospective tenant a copy of the written rental agreement, if any, to which the tenant would be subject if he or she were to become a tenant.***

Sec. 4. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent ***, set forth in the manner required by subsection 6,*** and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. ***In each place where a landlord lists the amount of rent due under a rental agreement and in any reference in a written rental agreement to the amount of rent due under the agreement, the rent must be set forth as a single figure representing the total amount of periodic rent that includes the amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent.***

7. A landlord shall not charge a tenant an amount for periodic rent that exceeds the amount of rent due under a written rental agreement as set forth in the manner required by subsection 6.

8. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

~~[7.]~~ ***9.*** As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 638 to Assembly Bill No. 218.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 267.

The following Senate amendment was read:

Amendment No. 613.

AN ACT relating to health care; revising provisions relating to the requirement that certain medical facilities conduct training of **certain** agents and employees in cultural competency; requiring the Office of Minority Health and Equity of the Department of Health and Human Services to establish, maintain and distribute a list of courses and programs relating to cultural competency that certain medical facilities are required to use to conduct training of certain agents and employees; increasing the number of hours of instruction relating to cultural competency that certain health care professionals are required to complete; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the State Board of Health shall require, by regulation, a medical facility, facility for the dependent and certain other facilities to conduct training relating specifically to cultural competency for any agent or employee of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are: (1) from various racial and ethnic backgrounds; (2) from various religious backgrounds; (3) persons with various sexual orientations and gender identities or expressions; (4) children and senior citizens; (5) persons with a mental or physical disability; and (6) part of any other population that such an agent or employee may need to better understand. Such training relating to cultural competency must be provided through a course or program that is approved by the Department of Health and Human Services. (NRS 449.103) **Section 1** of this bill: (1) requires the Board to set forth by regulation the frequency with which such a facility is required to conduct the training relating to cultural competency; and (2) creates an exception to the requirement to provide such training if an agent or employee of the facility has successfully completed a course or program of cultural competency as part of the continuing education requirements for the agent or employee to renew his or

her professional license, registration or certificate, as applicable. **Section 1 further limits the requirement to receive training relating to cultural competency to agents and employees who: (1) provide clinical, administrative or support services and regularly have direct patient contact as part of their regular job duties; or (2) oversee such agents or employees.** **Section 1** further requires the Office of Minority Health and Equity of the Department of Health and Human Services to: (1) establish and maintain a list of courses and programs on cultural competency that are approved for training relating to cultural competency; (2) make the most current list available on the Internet website of the Office; and (3) ensure that the list is distributed to each facility required to conduct the training on cultural competency. Finally, **section 1**: (1) authorizes a facility to apply to the Department to provide a course or program on cultural competency that is not already approved by the Department; and (2) requires the Department to report annually to certain joint interim committees of the Legislature the average length of time within which the Department approved a course or program of training in the immediately preceding year.

Existing law requires, as a prerequisite for the renewal of a license, a nurse, psychologist, marriage and family therapist, clinical professional counselor, social worker or behavior analyst to complete at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 632.343, 641.220, 641A.260, 641B.280, 641D.360) Existing law requires, as a prerequisite for the renewal of a license or certificate, an alcohol and drug counselor or problem gambling counselor to complete at least 1 hour of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 641C.450) **Section 3** of this bill requires a nurse to complete at least 4 hours of such instruction. **Sections 5-7** of this bill require a psychologist, marriage and family therapist, clinical professional counselor or social worker to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. **Section 8** of this bill requires an alcohol and drug counselor or problem gambling counselor to complete at least 3 hours of instruction relating to cultural competency and diversity, equity and inclusion. **Section 9** of this bill requires a behavior analyst to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.103 is hereby amended to read as follows:

449.103 1. ~~[To]~~ ***Except as otherwise provided in subsection ~~[2,]~~ 3, to*** enable an agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who ~~[provides care to a patient or resident of the facility]~~ ***is described in subsection 2*** to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation,

require such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who ~~[provides care to a patient or resident of the facility]~~ ***is described in subsection 2*** so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

(a) From various racial and ethnic backgrounds;

(b) From various religious backgrounds;

(c) Persons with various sexual orientations and gender identities or expressions;

(d) Children and senior citizens;

(e) Persons with a mental or physical disability; and

(f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

➥ ***The Board shall set forth by regulation the frequency with which a medical facility, facility for the dependent or other facility is required to provide such training relating to cultural competency.***

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the requirements of subsection 1 apply to any agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who:***

(a) Provides clinical, administrative or support services and has direct patient contact at least once each week on average as a part of his or her regular job duties; or

(b) Oversees an agent or employee described in paragraph (a).

3. A medical facility, facility for the dependent or other facility is not required to provide training relating specifically to cultural competency to an agent or employee who is described in subsection 2 and who has successfully completed a course or program in cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable.

~~[3.]~~ 4. Except as otherwise provided in subsection ~~[5,]~~ 6, the training relating specifically to cultural competency conducted by a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.

~~[4.]~~ 5. The Office of Minority Health and Equity of the Department of Health and Human Services shall:

(a) Establish and maintain a list of the courses and programs that are approved for training relating to cultural competency pursuant to subsection ~~[3.]~~ 4. The Office shall make the most current list available on the Internet website of the Office.

(b) Ensure that the list established and maintained pursuant to paragraph (a) is distributed to each medical facility, facility for the dependent or other

facility which is required to conduct training relating specifically to cultural competency pursuant to subsection 1.

~~[5.]~~ 6. A medical facility, facility for the dependent or other facility which is required to conduct training specifically relating to cultural competency may apply to the Department of Health and Human Services to provide a course or program on cultural competency that is not approved by the Department pursuant to subsection ~~[3.]~~ 4. Any such request must be approved or denied by the Department not later than 10 business days after the receipt of the application.

~~[6.]~~ 7. On or before October 1 of each year, the Department of Health and Human Services shall report the average length of time within which the Department approved a course of program or training relating to cultural competency in the immediately preceding year pursuant to subsection ~~[3]~~ 4 or ~~[5.]~~ 6, as applicable, to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.

8. As used in this section:

(a) "Direct patient contact" means direct contact with a patient or resident of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed which is in person or using telephone, electronic mail, telehealth or other electronic means, except that the term does not include incidental contact.

(b) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages.

These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse:

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least ~~[2]~~ ***4*** hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation:

(a) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this paragraph must be completed within 2 years after initial licensure and at least every 4 years thereafter.

(b) A requirement that the holder of a license must biennially receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.

Sec. 6. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each person must, on or before 10 business days after the date of expiration of his or her current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the biennial renewal of a license set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and

(d) Submit all information required to complete the renewal.

2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that the holder receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a marriage and family therapist or clinical professional counselor may need to better understand, as determined by the Board.

Sec. 7. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Except as otherwise provided in NRS 641B.295, submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. Except as otherwise provided in NRS 641B.295, the Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another

course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that every 2 years the holder receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license issued pursuant to this chapter may need to better understand, as determined by the Board.

Sec. 8. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate.

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470.

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation:

(a) A requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification.

(b) A requirement that the applicant receive at least ~~[1 hour]~~ ***3 hours*** of instruction relating to cultural competency and diversity, equity and inclusion for each year of the term of the applicant's licensure or certification. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license or certificate may need to better understand, as determined by the Board.

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant.

5. All information required to complete the renewal.

Sec. 9. NRS 641D.360 is hereby amended to read as follows:

641D.360 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the Board:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 641D.300.

3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable.

(b) Include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

(c) Include, without limitation, a requirement that the holder of a license as a behavior analyst receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a behavior analyst may need to better understand, as determined by the Board.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 9.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 613 to Assembly Bill No. 267.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 334.

The following Senate amendment was read:

Amendment No. 570.

AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle for repair relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) with certain exceptions, an insurer to approve or deny a claim of its insured relating to a contract of casualty of insurance within 30 days after receiving the claim; and (2) an insurer to notify a policyholder within 20 days after receiving the claim if the insurer requires additional information or time to determine whether to approve or deny the claim. (NRS 690B.012)

Section 1 of this bill provides that if an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the

insurer shall, within ~~[8]~~ **6** business days after receiving the claim and accepting liability: (1) request that the insured ~~[or]~~ **, the** claimant ~~[,]~~ **or a representative of the selected repair shop,** as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required **, within 2 business days after the inspection,** to ~~[furnish a copy of]~~ **transmit** the **completed** estimate which includes, without limitation, an indication of the extent of known damages **related to the claim** and manner of repair at the time of the inspection. **Section 1** further provides that if, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[8]~~ **6** business days after making such determination: (1) request that the insured ~~[or]~~ **, the** claimant ~~[,]~~ **or a representative of the selected repair shop,** as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required **, within 2 business days after the inspection,** to ~~[furnish a copy of]~~ **transmit** the **completed** estimate which includes, without limitation, an indication of the extent of known damages **related to the claim** and manner of repair at the time of the inspection. If the insurer fails to inspect or further inspect the vehicle during the time in which it is required to do so or fails to provide the required **completed** estimate, the insurer waives its right to inspect or further inspect the vehicle and, with certain exceptions, negotiations for payment of the claim are limited to the cost of labor and price of parts. Finally, **section 1** authorizes the Division of Insurance of the Department of Business and Industry to impose an administrative fine of not more than **the actual damages or** $1,200 **, whichever is less,** for each violation of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[8]~~ 6 business days after receiving the claim, accepting liability and confirming coverage:

(a) Request that the insured ~~[or]~~ , the claimant ~~[,]~~ or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and

(b) Except as otherwise provided in subsection 3, inspect the motor vehicle.

➥ ~~[The]~~ Within 2 business days after an inspection, the insurer shall ~~[furnish a copy of]~~ transmit the completed estimate ~~[at the time of the inspection]~~ which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.

2. If, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[8]~~ 6 business days after making such determination:

(a) Request that the insured ~~[or]~~ , the claimant ~~[,]~~ or a representative of the selected repair shop, as applicable, make the motor vehicle available for further inspection; and

(b) Except as otherwise provided in subsection 3, conduct such further inspection of the motor vehicle.

➥ ~~[The]~~ Within 2 business days after an inspection, the insurer shall ~~[furnish a copy of]~~ transmit the completed estimate ~~[at the time of the inspection]~~ which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.

3. If the insured or claimant does not make a motor vehicle available for inspection or further inspection within ~~[8]~~ 6 business days after receiving a request from the insurer pursuant to subsection 1 or 2, the insurer shall inspect or further inspect the vehicle as soon as practicable after the insured or claimant makes the motor vehicle available.

4. If an insurer fails to inspect the motor vehicle during the period required pursuant to subsection 1, 2 or 3, as applicable, or fails to ~~[furnish a copy of]~~ transmit the completed estimate required pursuant to subsection 1 or 2, as applicable, the insurer waives its right to inspect or further inspect the motor vehicle before any repairs are made to the vehicle. Unless the repair facility or, as applicable, the insured or claimant allows an inspection or further inspection of the vehicle after the period required pursuant to subsection 1, 2 or 3, negotiations for payment of the claim are limited to the cost of labor and the price of parts unless the insurer provides objective evidence to dispute the existence of damage or the chosen manner of repair.

5. The insured or claimant, as applicable, ~~[or a repair facility]~~ may file a complaint against the insurer with the Division if the insurer waives its right to inspect or further inspect the vehicle and does not limit negotiations for payment of the claim to the cost of labor and the price of parts or provide objective evidence to dispute the existence of the damage or the chosen manner of repair.

6. The Division may impose against an insurer an administrative fine of not more than the actual damages or $1,200 , whichever is less, for a violation of the provisions of this section.

7. As used in this section, "inspection" means:

(a) A physical inspection; or

(b) A digital inspection which includes, without limitation, the provision of digital photographs, videos or any other digital evidence through an electronic processing system authorized by an insurer that conducts the inspection of a motor vehicle.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 570 to Assembly Bill No. 334.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 740.

AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle for repair relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) with certain exceptions, an insurer to approve or deny a claim of its insured relating to a contract of casualty of insurance within 30 days after receiving the claim; and (2) an insurer to notify a policyholder within 20 days after receiving the claim if the insurer requires additional information or time to determine whether to approve or deny the claim. (NRS 690B.012)

Section 1 of this bill provides that if an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[6]~~ **8** business days after receiving the claim and accepting liability: (1) request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required, within 2 business days after the inspection, to transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair at the time of the inspection. **Section 1** further provides that if, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[6]~~ **8** business days after making such determination: (1) request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required, within 2 business days after the inspection, to transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair at the time of the inspection. If the insurer fails to inspect or further inspect the vehicle during the time in which it is required to do so or fails to provide the required completed estimate, the insurer waives its right to inspect or further inspect the vehicle and, with certain exceptions, negotiations for payment of the claim are limited to the cost of labor and price of parts. Finally, **section 1** authorizes the Division of Insurance of the Department of Business and Industry to impose an administrative fine of not more than the actual damages or $1,200, whichever is less, for each violation of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[6]~~ 8 business days after receiving the claim, accepting liability and confirming coverage:

(a) Request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and

(b) Except as otherwise provided in subsection 3, inspect the motor vehicle.

➥ Within 2 business days after an inspection, the insurer shall transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.

2. If, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[6]~~ 8 business days after making such determination:

(a) Request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for further inspection; and

(b) Except as otherwise provided in subsection 3, conduct such further inspection of the motor vehicle.

➥ Within 2 business days after an inspection, the insurer shall transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.

3. If the insured or claimant does not make a motor vehicle available for inspection or further inspection within ~~[6]~~ 8 business days after receiving a request from the insurer pursuant to subsection 1 or 2, the insurer shall inspect or further inspect the vehicle as soon as practicable after the insured or claimant makes the motor vehicle available.

4. If an insurer fails to inspect the motor vehicle during the period required pursuant to subsection 1, 2 or 3, as applicable, or fails to transmit the completed estimate required pursuant to subsection 1 or 2, as applicable, the insurer waives its right to inspect or further inspect the motor vehicle before any repairs are made to the vehicle. Unless the repair facility or, as applicable, the insured or claimant allows an inspection or further inspection of the vehicle after the period required pursuant to subsection 1, 2 or 3, negotiations for payment of the claim are limited to the cost of labor and the price of parts unless the insurer provides objective evidence to dispute the existence of damage or the chosen manner of repair.

5. The insured or claimant, as applicable, may file a complaint against the insurer with the Division if the insurer waives its right to inspect or

further inspect the vehicle and does not limit negotiations for payment of the claim to the cost of labor and the price of parts or provide objective evidence to dispute the existence of the damage or the chosen manner of repair.

6. The Division may impose against an insurer an administrative fine of not more than the actual damages or $1,200, whichever is less, for a violation of the provisions of this section.

7. As used in this section, "inspection" means:

(a) A physical inspection; or

(b) A digital inspection which includes, without limitation, the provision of digital photographs, videos or any other digital evidence through an electronic processing system authorized by an insurer that conducts the inspection of a motor vehicle.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 740 to Assembly Bill No. 334.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 364.

The following Senate amendment was read:

Amendment No. 656.

SUMMARY—Revises provisions governing ~~[~~~~physician assistants.~~~~]~~ **the Board of Medical Examiners.** (BDR 54-148)

AN ACT relating to ~~[~~~~physician assistants; prescribing the settings in which a physician assistant is authorized to practice;~~~~]~~ **medicine;** revising the membership of the Board of Medical Examiners; ~~[~~~~authorizing physician assistants to perform medical services without the supervision of a physician; authorizing a physician assistant to perform certain medical services under certain circumstances; eliminating provisions governing the testing or examination of applicants for licensure as a physician assistant; prescribing certain authority and duties of a physician assistant and an advanced practice registered nurse; authorizing certain unlicensed persons to use the title "inactive physician assistant"; removing the requirement that a rural clinic be supervised by a physician;~~~~]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law: (1) provides for the licensure and regulation of physician assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; and (2) requires a physician assistant to work under the supervision of a physician or osteopathic physician. (NRS 630.271, 630.275, 633.432-633.469) Sections 5, 10-12, 24 and 26-28 of this bill remove the requirement that a physician assistant be supervised by a physician or osteopathic physician. Sections 9, 21, 29, 30, 32, 35, 36, 81-84, 90, 98, 168, 169 and 204 of this bill remove references to supervision of a physician assistant by a physician or osteopathic physician. Sections 4 and 23 of this bill require a physician assistant who has practiced for less than 6,000 hours as a~~

~~physician assistant or who has changed the field of medicine within which the physician assistant practices to enter into a collaborative agreement with a physician. Sections 4 and 23 also prescribe the settings in which a physician assistant is authorized to practice. Sections 10 and 26 of this bill: (1) require a physician assistant to obtain the informed consent of a patient before providing any medical service; (2) prescribe medical services that a physician assistant is authorized to perform; and (3) require a physician assistant to only perform such services within his or her scope of practice and which he or she has the necessary education, training and experience to competently perform. Sections 12 and 28 of this bill remove a requirement that the Board of Medical Examiners and the State Board of Osteopathic Medicine adopt regulations governing the testing or examination of applicants for licensure as a physician assistant and the services which a physician assistant may perform. Section 30 makes a technical revision concerning the renewal of a license as an osteopathic physician assistant. Sections 1-3, 13-16, 18-20, 22, 25, 31-34, 37-80, 85-89, 91-97, 99-127, 129-167 and 170-201 of this bill make various changes so that physician assistants have similar authority and duties to other providers of health care who provide medical services independently and are otherwise treated in the same manner as other such providers of health care. Sections 54, 56, 70, 126, 142 and 178 of this bill also add advanced practice registered nurses to certain provisions to ensure that physician assistants and advanced practice registered nurses have similar authority.]~~

Existing law provides that the Board of Medical Examiners consists of: (1) six licensed physicians; (2) one representative of the interests of persons or agencies that regularly provide health care to persons who are indigent, uninsured or unable to afford health care; and (3) two residents of this State who are not affiliated with the healing arts. (NRS 631.050) ~~[Existing law also authorizes the Board to select physicians and members of the public to serve as advisory members of the Board. (NRS 630.075)]~~ **Section 1 of this bill increases the size of the Board of Medical Examiners from 9 members to 11 members. Sections** ~~[7 and 202]~~ **2 and 3** of this bill revise the membership of the Board to ~~[eliminate one member who is a licensed physician and instead]~~ require the appointment of one member who is a physician assistant ~~[. Section 8 of this bill authorizes the Board to select physician assistants to serve as advisory members of the Board.~~

~~Existing law prohibits a person who is not licensed as a physician assistant from holding himself or herself out as a physician assistant. (NRS 630.400, 633.741) Sections 17 and 32 of this bill authorize an unlicensed person who meets the requirements for licensure as a physician assistant to refer to himself or herself as an "inactive physician assistant."~~

~~Existing law requires the State Board of Pharmacy to adopt regulations governing the: (1) administration, possession, dispensing, storage, security, recordkeeping and transportation of controlled substances by a physician assistant; and (2) administration, possession, prescription, dispensing, storage, security, recordkeeping and transportation of dangerous drugs, poisons and~~

~~devices by a physician assistant. (NRS 639.1373) Section 36 removes a requirement that the Board consider the experience and training of the physician assistant when adopting those regulations.~~

~~Existing law establishes a rural clinic as a medical facility in a rural area where medical services are provided by a physician assistant or advanced practice registered nurse under the supervision of a physician. (NRS 449.0175) Section 128 of this bill removes the requirement that a rural clinic be supervised by a physician.]~~ **and one member who is a practitioner of respiratory care.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 205 of this bill and replace with the following new sections 1 through 4:

Section 1. **NRS 630.050 is hereby amended to read as follows:**

630.050 1. The Board of Medical Examiners consists of ~~[nine]~~ ***11*** members appointed by the Governor.

2. No person may be appointed as a member of the Board to serve for more than two consecutive full terms, but a person may be reappointed after the lapse of 4 years.

Sec. 2. **NRS 630.060 is hereby amended to read as follows:**

630.060 1. Six members of the Board must be persons who are licensed to practice medicine in this State, are actually engaged in the practice of medicine in this State and have resided and practiced medicine in this State for at least 5 years preceding their respective appointments.

2. ***One member of the Board must be a person who is licensed to practice as a physician assistant in this State, is actually engaged in practice as a physician assistant in this State and has resided and practiced as a physician assistant in this State for at least 5 years preceding his or her appointment.***

3. One member of the Board must be a person who is licensed to engage in the practice of respiratory care in this State, is actually engaged in the practice of respiratory care in this State and has resided and practiced respiratory care in this State for at least 5 years preceding his or her appointment.

4. One member of the Board must be a person who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member must not be licensed under the provisions of this chapter.

~~[3.]~~ ***5.*** The remaining two members of the Board must be persons who have resided in this State for at least 5 years and who:

(a) Are not licensed in any state to practice any healing art;

(b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;

(c) Are not actively engaged in the administration of any facility for the dependent as defined in chapter 449 of NRS, medical facility or medical school; and

(d) Do not have a pecuniary interest in any matter pertaining to the healing arts, except as a patient or potential patient.

~~[4.]~~ ***6.*** The members of the Board must be selected without regard to their individual political beliefs.

Sec. 3. **The amendatory provisions of sections 1 and 2 of this act do not affect the current term of appointment of any person who, before the effective date of this act, is a member of the Board of Medical Examiners, and each member continues to serve until the expiration of his or her term or until the member vacates his or her office, whichever occurs first. On and after the effective date of this act, the Governor shall make appointments to the Board of Medical Examiners in accordance with NRS 630.060, as amended by section 2 of this act.**

Sec. 4. **This act becomes effective upon passage and approval.**

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 656 to Assembly Bill No. 364.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 410.

The following Senate amendment was read:

Amendment No. 555.

ASSEMBLYMEN JAUREGUI, YEAGER, O'NEILL AND MONROE-MORENO

JOINT SPONSORS: SENATORS PAZINA, SPEARMAN AND STONE

AN ACT relating to industrial insurance; revising the circumstances in which certain employees are authorized to receive compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, an injury or disease sustained by an employee caused by stress is compensable under industrial insurance only if the employee can prove by clear and convincing medical or psychiatric evidence that: (1) the employee has a mental injury caused by extreme stress in time of danger; (2) the primary cause of the injury was an event that arose out of and during the course of his or her employment; and (3) the stress was not caused by a layoff, termination or disciplinary action. Existing law provides that a first responder may prove by clear and convincing medical or psychiatric evidence that the mental injury was primarily caused by the first responder witnessing an event of a certain specified type during the course of his or her employment. Under existing law, an ailment or disorder caused by any gradual mental stimulus or any death or disability ensuing therefrom is not compensable under industrial insurance. (NRS 616C.180)

Section 1 of this bill expands the stress-related injuries that may be compensable under industrial insurance under certain circumstances to include a mental injury which afflicts a first responder and which is caused by extreme stress for which the primary cause was witnessing an event or series of events that arose out of and during the course of employment and involved: (1) the death, or aftermath of the death, of a person as a result of a violent event; or (2) an injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. ~~[Any]~~ ***Except as otherwise provided in subsection 4, any*** ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. Except as otherwise provided by subsections 4 and 5, an injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment ~~[, and shall not be deemed the result of gradual mental stimulus,]~~ if the employee is a first responder and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event ***or a series of events*** described in paragraph (a) during the course of his or her employment.

5. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

8. As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 555 to Assembly Bill No. 410.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 415.

The following Senate amendment was read:

Amendment No. 554.

AN ACT relating to dispensing opticians; defining certain terms and revising certain definitions relating to ophthalmic dispensing; authorizing the Board of Dispensing Opticians to employ an Executive Director; providing immunity from civil liability to the Board and any of its members for certain acts; authorizing the Board to take certain actions against a person who commits certain violations; expanding the purposes for which the Board is authorized to accept ~~[gifts,]~~ grants, donations and contributions; revising provisions relating to the issuance, renewal, reinstatement, revocation and suspension of licenses; authorizing the Board to adopt certain regulations; requiring the Board to establish a schedule of fees relating to licensing; ~~[revising provisions relating to the confidentiality of certain information maintained by the Board;]~~ prescribing criteria for eligibility for a license as an apprentice dispensing optician; imposing certain requirements on an optical establishment; revising the criteria for eligibility for a license as a dispensing optician; revising certain provisions relating to a limited license as a dispensing optician; removing the authority of the Board to issue a special license as a dispensing optician; reorganizing various provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of Dispensing Opticians to regulate the practice of ophthalmic dispensing and requires the Governor to appoint the members to the Board. (NRS 637.030) **Section 17** of this bill authorizes a member of the Board to continue in office until his or her successor is appointed. **Sections 18, 20, 21 and 33** of this bill revise and reorganize certain provisions governing the powers, duties and operations of the Board. **Section 18** prescribes requirements for determining whether a quorum is present at a meeting of the Board. **Section 20** authorizes the Board to employ an Executive Director. **Sections 21 and 30** of this bill expand the purposes for which the Board is authorized to accept ~~[gifts,]~~ grants, donations and contributions. **Section 19** of this bill clarifies certain language relating to the compensation and travel expenses of members and employees of the Board. **Section 6** of this bill provides that the Board and any of its members, staff and employees are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duty of the Board. **Section 2** of this bill sets forth certain legislative declarations concerning the regulation of the practice of ophthalmic dispensing.

Existing law authorizes the Board to issue a license as a dispensing optician, a limited license as a dispensing optician and a license as an apprentice dispensing optician. (NRS 637.120, 637.121, 637.123) Existing law establishes requirements concerning the expiration and renewal of such licenses and, for a license or limited license as a dispensing optician, the placement of such a license on inactive status and the reactivation of such a license. (NRS 637.121, 637.123, 637.140) **Section 33** repeals various requirements relating to the expiration and renewal of a license, the placement

of a license on inactive status and the reactivation of a license. **Section 8** of this bill authorizes the Board to adopt regulations prescribing such requirements, as well as various other requirements relating to licensure.

Existing law: (1) authorizes the Board to adopt regulations necessary to carry out the provisions of existing law governing ophthalmic dispensing; and (2) requires the Board to adopt regulations setting forth minimum standards of optical and ophthalmic devices. (NRS 637.070, 637.073) **Sections 22, 28 and 33** of this bill: (1) reorganize certain provisions authorizing the Board to adopt regulations; (2) authorize, rather than require, the Board to adopt standards for optical and ophthalmic devices; and (3) authorize the Board to adopt certain other regulations.

Existing law provides that, in order to be eligible to hold a limited license as a dispensing optician, a person must have held such a license on February 1, 2004. Existing law: (1) authorizes the holder of such a license to practice ophthalmic dispensing; and (2) prohibits the holder of such a license from selling, furnishing or fitting contact lenses. (NRS 637.121) **Section 27** of this bill clarifies that, in order to be eligible for a limited license as a dispensing optician, a person must have held such a license since February 1, 2004. **Section 27** also: (1) requires a limited license to be displayed at the holder's place of practice; and (2) prohibits a limited license from being placed on inactive status on or after January 31, 2023. **Section 32.5** of this bill sets forth the procedure by which a limited license as a dispensing optician that has been transferred to an inactive list on or before January 31, 2023, may be reactivated.

Existing law authorizes the Board to take certain actions and impose certain penalties against an applicant for or the holder of a license or an unlicensed person who commits certain violations of the provisions of existing law governing ophthalmic dispensing. (NRS 637.150, 637.181, 637.183, 637.185) **Section 10** of this bill authorizes a person to file a complaint with the Board if the person reasonably believes a violation is occurring or about to occur. **Section 11** of this bill authorizes the Board to issue or authorize the issuance of an administrative citation against a person who the Board believes, based on a preponderance of the evidence, has committed a violation. **Section 12** of the bill sets forth procedures by which a person may contest a citation. **Sections 29 and 31** revise and reorganize provisions authorizing the Board to take: (1) certain disciplinary actions against the holder of a license under certain circumstances; and (2) certain actions against a person who commits, or employs a person who commits, certain violations. **Section 30** of this bill revises and reorganizes certain provisions relating to subpoenas issued by the Board and certain hearings and investigations conducted by the Board.

Existing law sets forth certain unlawful acts relating to ophthalmic dispensing, including filling a prescription for a contact lens in violation of the expiration date or the number of refills specified by the prescription. (NRS 637.200) **Sections 32 and 33** of this bill: (1) set forth certain additional

unlawful acts relating to ophthalmic dispensing; and (2) reorganize certain provisions defining when a prescription expires.

Existing law establishes qualifications for examination and licensing as a dispensing optician. (NRS 637.100) **Section 25** of this bill revises the requirements for an applicant to be eligible for a license as a dispensing optician and authorizes the Board to waive certain requirements for a person who provides proof that he or she: (1) is a graduate of a foreign school and has acquired education and experience that is equivalent to or greater than those required for licensure in this State; (2) is an active member of, or the spouse of an active member of, the Armed Forces of the United States who is on active duty; (3) has at least 5 consecutive years of work experience in the practice of ophthalmic dispensing in the District of Columbia or any other state or territory of the United States that has requirements for licensure which are equal to or greater than the requirements in this State; or (4) holds a valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any other state or territory in the United States.

Existing law requires the Board to issue a special license as a dispensing optician to certain applicants who meet certain requirements and who: (1) have an active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or (2) have not less than 5 years of experience as a dispensing optician. (NRS 637.127) **Section 33** of this bill eliminates that type of license.

Existing law requires the Board to maintain records pertaining to applicants to whom licenses have been issued or denied. (NRS 637.115) **Section 26** of this bill revises the type of information concerning applicants the Board is required to maintain. **Section 26** also requires the Board to maintain certain information concerning holders of a license and disclose certain information concerning applicants for and holders of licenses upon request. ~~**[**Section 23 of this bill revises provisions relating to the confidentiality of certain information maintained by the Board.**]**~~

Existing law prohibits a person from managing a business engaged in ophthalmic dispensing without a valid license issued by the Board. (NRS 637.090) **Section 24** of this bill revises that prohibition to instead prohibit a person from managing an optical establishment, as defined in **section 5** of this bill, without a valid license issued by the Board. **Section 24** also requires an optical establishment to post a sign notifying the public when a licensed dispensing optician is not physically present in the optical establishment.

Existing law authorizes an apprentice dispensing optician to perform the services of a dispensing optician under the direct supervision of a dispensing optician, licensed ophthalmologist or licensed optometrist. (NRS 637.125) **Section 7** of this bill prescribes criteria for eligibility for a license as an apprentice dispensing optician. **Section 3** of this bill defines the term "direct supervision." **Section 28** of this bill revises the circumstances under which an apprentice dispensing optician may engage in ophthalmic dispensing.

Existing law establishes maximum fees relating to licenses issued by the Board, which the Board sets by regulation. (NRS 637.110, 637.120, 637.121, 637.123, 637.140) **Sections 27 and 33** of this bill remove provisions setting forth those maximum fees. Instead, **section 9** of this bill requires the Board to establish a schedule of various fees relating to licensure and sets forth the maximum amount of those fees.

Section 4 of this bill defines "license" to mean a license issued by the Board. **Section 13** of this bill makes a conforming change to make the definitions set forth in **sections 3-5** applicable to the statutes governing ophthalmic dispensing. **Section 14** of this bill revises the definition of "dispensing optician." **Section 15** of this bill revises the definition of "ophthalmic dispensing" to: (1) include the issuing of a final authorization to deliver lenses, frames or other specially fabricated devices to the intended wearer and the making of certain recommendations relating to a prescription; and (2) exclude certain other activities. **Section 16** of this bill makes a conforming change to account for the revised definition of ophthalmic dispensing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***The Legislature declares that the purpose of this chapter is to protect the public safety and welfare by ensuring that:***

1. Only competent and scrupulous people practice ophthalmic dispensing in this State; and

2. Persons who practice ophthalmic dispensing in this State maintain an appropriate standard of professional conduct.

Sec. 3. ***"Direct supervision" means that a person is physically present in the optical establishment where ophthalmic dispensing is taking place to provide individual direction, control, inspection and evaluation of work to the person he or she is supervising.***

Sec. 4. ***"License" means a license issued by the Board.***

Sec. 5. ***"Optical establishment" means a single physical store, office or department of a business where ophthalmic dispensing takes place. The term includes such a store, office or department that is owned or operated by a business which owns or operates multiple stores, offices or departments where ophthalmic dispensing takes place.***

Sec. 6. ***The Board and any of its members, staff and employees are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duties pursuant to this chapter.***

Sec. 7. ***1. To be eligible for a license as an apprentice dispensing optician, an applicant must:***

(a) Be at least 18 years of age; and

(b) Be a graduate of an accredited high school or its equivalent.

2. A license as an apprentice dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist; and

(b) Must at all times be conspicuously displayed at the holder's place of practice.

Sec. 8. *The Board may adopt regulations:*

1. Establishing requirements for the issuance of licenses and the program of apprenticeship for apprentice dispensing opticians.

2. Prescribing or adopting any examination or certificate required for the issuance of a license as a dispensing optician. Any examination prescribed or adopted by the Board must, without limitation, be designed to test an applicant's knowledge of the theory and practice of ophthalmic dispensing.

3. Prescribing the procedure for:

(a) Submitting an application for licensure and any required documentation to the Board; and

(b) Approving or denying applications and issuing licenses.

4. Prescribing the period for which a license or limited license as a dispensing optician is valid and the terms for the renewal and reinstatement of such a license, which may include, without limitation, requirements for continuing education. Unless otherwise prescribed by regulation pursuant to this subsection, a license or limited license as a dispensing optician:

(a) Expires on January 31 each year;

(b) Is valid until its expiration date;

(c) Becomes delinquent if not renewed by January 31; and

(d) May be reinstated not more than 1 year after the date on which it becomes delinquent.

5. Prescribing the period for which a license as an apprentice dispensing optician is valid and the terms for the renewal and reinstatement of such a license, which may limit the number of times the license may be renewed and restrict the issuance of a new license if the apprentice dispensing optician does not meet requirements adopted pursuant to subsection 1. Unless otherwise prescribed by regulation pursuant to this subsection, a license as an apprentice dispensing optician:

(a) Expires on January 31 each year;

(b) Is valid until its expiration date;

(c) Becomes delinquent if not renewed by January 31; and

(d) May be reinstated not more than 30 days after the date on which it becomes delinquent.

6. Prescribing requirements for the placement of a license as a dispensing optician on inactive status and the reactivation of such a license.

7. Prescribing requirements for the approval of a course of continuing education or a provider of a course of continuing education.

Sec. 9. *The Board shall establish a schedule of fees and charges for the following items, which must not exceed the following amounts:*

An examination established by the Board pursuant to this chapter	*$250*
An application for a license as a dispensing optician	*$250*
An application for a license as an apprentice dispensing optician	*$250*
The renewal of a license as a dispensing optician	*$500*
The renewal of a limited license as a dispensing optician	*$200*
The renewal of a license as an apprentice dispensing optician	*$200*
The delinquency fee for a license as a dispensing optician	*$500*
The delinquency fee for a limited license as a dispensing optician	*$500*
The delinquency fee for a license as an apprentice dispensing optician	*$100*
The placement of a license as a dispensing optician on inactive status	*$300*
The reactivation of a license that has been placed on inactive status	*$300*

Sec. 10. *Any member of the public or a member or employee of the Board may file a complaint with the Board if the person reasonably believes that a provision of this chapter or any regulation adopted pursuant to this chapter has been or is about to be violated. The complaint must:*

1. Be submitted on a form and in the manner prescribed by the Board;

2. Set forth the alleged facts constituting the violation; and

3. Be signed and verified by the person filing the complaint.

Sec. 11. *1. If the Board or its designee has reason to believe, based upon a preponderance of evidence, that a person has violated any provision of this chapter or any regulation of the Board, the Board may issue, or authorize its designee to issue, a written administrative citation to the person. A citation issued pursuant to this section may include, without limitation, an order to:*

(a) Pay an administrative fine for each violation;

(b) Reimburse the Board for the amount of the expenses the Board incurred to investigate each violation, not to exceed $150; and

(c) Correct, at the cost of the person, a condition resulting from the violation. The order to correct the condition must:

(1) State the date by which the person must comply, which must be not less than 15 days after the date on which the person receives the citation. The Board may, for good cause, extend the date for compliance with the order.

(2) Describe in detail the actions that must be taken.

2. If a citation is issued to the holder of a license pursuant to this section and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine must not exceed the maximum amount authorized by subsection 2 of NRS 637.150 for each violation.

3. Except as otherwise provided in NRS 637.181, if a citation is issued pursuant to this section to a person who is not licensed by the Board and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine:

(a) For the first violation, must not be less than $100 or more than $1,000;

(b) For the second violation, must not be less than $250 or more than $5,000; and

(c) For the third violation and for each subsequent violation, must not be less than $500 and not more than $10,000.

4. Any sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

5. If a person does not pay an administrative fine imposed pursuant to this section or make satisfactory payment arrangements with the Board not later than 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 12. ***1. If a person is issued a written administrative citation pursuant to section 11 of this act, the person may request a hearing before the Board to contest the citation by filing a written request with the Board not later than 15 business days after the date on which the citation is received by the person, unless the Board authorizes a later date for good cause.***

2. If a person files a written request for a hearing within the time allowed by subsection 1, the Board shall provide notice of and conduct the hearing in the same manner as other disciplinary hearings.

3. If a person does not file a written request for a hearing to contest a citation within the time allowed by subsection 1, the citation shall be deemed a final order of the Board.

4. For the purposes of this section, a citation issued pursuant to section 11 of this act shall be deemed to be received by the person to whom it was issued:

(a) On the date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, 3 business days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 13. NRS 637.020 is hereby amended to read as follows:

637.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637.021 to ~~[637.024,]~~ ***637.0235,*** inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 14. NRS 637.0215 is hereby amended to read as follows:

637.0215 "Dispensing optician" means a person ~~[engaged in the practice of ophthalmic]~~ ***who holds a*** ~~***[:***~~

~~***1. License]***~~ ***license or limited license as a*** dispensing ~~***[. optician issued pursuant to NRS 637.120; or***~~

~~***2. Limited license as a dispensing]***~~ ***optician issued pursuant to*** ~~***[NRS 637.121.]***~~ ***this chapter.***

Sec. 15. NRS 637.022 is hereby amended to read as follows:

637.022 1. "Ophthalmic dispensing" means ~~[the]~~ ***:***

(a) The design ~~[, verification and delivery to the intended wearer]~~ of lenses, frames and other specially fabricated optical devices upon prescription ~~[.]~~ ***;***

(b) The inspection and verification of such lenses, frames and devices; and

(c) The issuing of the final authorization to deliver to the intended wearer such lenses, frames and devices.

2. The term includes:

(a) The taking of measurements to determine the size, shape and specifications of the lenses, frames or contact lenses;

(b) ***The making of recommendations to the intended wearer of the lenses regarding lens material and other design features necessary to fill the prescription;***

(c) The preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear ~~[;~~

~~(c)]~~ ***, including, without limitation, the preparation and delivery of work orders by entering prescription information and related instructions for fabricating eyewear into a paper or electronic form or other system used for work orders.***

(d) The ~~[verification]~~ ***final physical inspection and verification*** of the quality of finished ophthalmic products;

~~[(d)]~~ ***(e)*** The adjustment of lenses or frames to the intended wearer's face or eyes;

~~[(e)]~~ ***(f)*** The adjustment, replacement, repair and reproduction of previously prepared ophthalmic lenses, frames or other specially fabricated ophthalmic devices; and

~~[(f)]~~ ***(g)*** The fitting of contact lenses and the dispensing of prepackaged contact lenses pursuant to a written prescription ~~[, when done]~~ by a ~~[dispensing optician or apprentice dispensing optician who is authorized]~~ ***person licensed*** to do so pursuant to the provisions of this chapter.

3. The term does not include ~~[any]~~ ***:***

(a) The making of recommendations regarding frame designs or other design features that are not necessary to fill a prescription;

(b) The completion of sales transactions;

(c) The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses; or

(d) Any act for which a license is required pursuant to chapter 630 or 636 of NRS, and the provisions of this chapter do not authorize a dispensing optician or apprentice dispensing optician to perform any such act.

Sec. 16. NRS 637.025 is hereby amended to read as follows:

637.025 The provisions of this chapter do not apply to:

1. Ophthalmic dispensing personally by a licensed physician, surgeon or optometrist unless exclusively engaged in the business of filling prescriptions.

2. Ophthalmic dispensing by an employee of a licensed physician, surgeon or optometrist if the employee practices ophthalmic dispensing only under the direct supervision of the licensed physician, surgeon or optometrist and only as an assistant to the licensed physician, surgeon or optometrist.

3. ~~[~~A licensed pharmacist~~]~~ ***The*** dispensing ***of*** prepackaged contact lenses ***by a licensed pharmacist*** pursuant to the provisions of NRS 639.2825.

~~[~~4. The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses.~~]~~

Sec. 17. NRS 637.030 is hereby amended to read as follows:

637.030 1. The Board of Dispensing Opticians, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Four members who ***are dispensing opticians and*** have actively engaged in the practice of ophthalmic dispensing for not less than 3 years in the State of Nevada immediately preceding the appointment.

(b) One member who is a representative of the general public. This member must not be:

(1) A dispensing optician; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a dispensing optician.

3. ***A member of the Board may continue in office until his or her successor is appointed.***

4. The Governor, after hearing, may remove any member for cause.

Sec. 18. NRS 637.040 is hereby amended to read as follows:

637.040 1. The Board shall ~~[~~elect~~]~~ ***:***

(a) Elect a President, Vice President, Secretary and Treasurer from its membership ~~[.]~~ ***; and***

(b) Meet at least once each year on a date determined by the Board.

2. ~~[~~Any member~~]~~ ***A majority*** of the ***members of the*** Board ~~[~~may:

~~(a) Issue subpoenas to compel~~] ***constitutes a quorum for*** the ~~[~~attendance~~]~~ ***transaction*** of ~~[~~witnesses to testify before~~]~~ ***business of*** the Board ***.*** ~~[~~or the production of books, papers and documents. Subpoenas must issue under the seal of the~~]~~

3. The Board ~~[~~and must be served in~~]~~ ***shall operate on*** the ~~[~~same manner as subpoenas issued out of the district court.

~~(b) Administer oaths in taking testimony in any matter pertaining to the duties of the Board.~~] ***basis of a fiscal year commencing on July 1 and terminating on June 30.***

Sec. 19. NRS 637.045 is hereby amended to read as follows:

637.045 ***While engaged in the business of the Board:***

1. Each member of the Board is entitled to receive ~~[~~:

~~(a) A~~] ***a*** salary of not more than $150 per day, as fixed by the ~~[~~Board, while engaged in the business of the~~]~~ Board; and

~~[~~(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.~~]~~

2. ~~[~~While engaged in the business of the Board, each~~]~~ ***Each member and*** employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 20. NRS 637.050 is hereby amended to read as follows:

637.050 ***The Board may:***

1. ~~[~~The principal office of the Board is the place of business or employment of the Secretary of the Board, but it may maintain~~]~~ ***Maintain*** offices in as many ~~[~~localities~~]~~ ***locations*** in the State as it finds necessary to carry out the provisions of this chapter ***;*** ~~[~~, and may meet or conduct any of its business at any place in the State.~~]~~

2. ~~[~~The Board shall meet at least once in~~]~~ ***Employ and fix*** the ~~[~~fall~~]~~ ***compensation*** of ~~[~~each year on a date determined by the Board, at which time candidates applying for licensing must be examined~~]~~ ***an Executive Director*** and ~~[~~their qualifications determined.~~]~~ ***any other employees, including, without limitation, investigators, lobbyists, attorneys, other professional consultants and clerical personnel the Board deems necessary to carry out the provisions of this chapter;***

3. ~~[~~In addition to the meeting required by subsection 2, the Board may hold such other meetings as it may deem advisable. The time~~]~~ ***Contract with professional consultants*** and ~~[~~place of all such meetings must be determined by the Board.~~]~~ ***service providers, including, without limitation, investigators, lobbyists and attorneys, as the Board deems necessary to carry out the provisions of this chapter; and***

4. Transact any other business necessary to carry out the provisions of this chapter.

Sec. 21. NRS 637.060 is hereby amended to read as follows:

637.060 1. Except as otherwise provided in subsection ~~[~~3,~~]~~ ***4,*** all money received by the Board under the provisions of this chapter must be deposited in banks, credit unions, savings and loan associations or savings banks in the State of Nevada. The money may be drawn on by the Board for payment of all expenses incurred in the administration of the provisions of this chapter.

2. ***The Board may , for the use and benefit of the Board as a whole and not for any individual member of the Board, accept ~~[gifts,]~~ grants, donations***

and contributions of money from any source to assist the Board in carrying out the provisions of this chapter.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

~~[3.]~~ ***4.*** If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection ~~[2]~~ ***3*** and the Board deposits the money collected from the imposition of administrative fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 22. NRS 637.070 is hereby amended to read as follows:

637.070 ~~[1.]~~ The Board may adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter ~~[.~~

~~2. The Board shall have a common seal of which all courts of this State shall take judicial notice.~~

~~3. The Board may empower any member to conduct any proceeding, hearing or investigation necessary to its purposes.~~

~~4. The Board may employ and fix the compensation of attorneys, investigators and other professional consultants and such other employees and assistants as it may deem necessary to carry out the provisions of this chapter.~~**]** ***, including, without limitation, regulations:***

1. Establishing standards of practice for persons licensed pursuant to this chapter.

2. Setting forth minimum standards for lenses, frames, specially fabricated optical devices and other ophthalmic devices dispensed by a dispensing optician. Such standards must be consistent with the minimum standards of quality approved by the American National Standards Institute.

3. Prescribing the form of an administrative citation issued pursuant to section 11 of this act.

4. Prescribing a schedule of administrative fines that may be imposed in connection with issuance of an administrative citation.

Sec. 23. ~~[NRS 637.085 is hereby amended to read as follows:~~

~~637.085 [1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.~~

~~2.] Except as otherwise provided in [this section and] NRS 239.0115, the following may be kept confidential:~~

~~[(a)] 1. Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.~~

~~[(b)] 2. Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.~~

~~[(c)] 3. Any communication between:~~

~~[(1)]~~ ***(a)*** ~~The Board and any of its committees or panels; and~~

~~[(2)]~~ ***(b)*** ~~The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.~~

~~[(d) Any other information or records in the possession of the Board.~~

~~3.]~~ ***4.*** ~~[Except as otherwise provided in this section and NRS 239.0115, a]~~ ***A*** ~~complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person . [are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~

~~4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.]~~

~~5. [The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or]~~ ***Any*** ~~other information [to any other licensing board] or [any other agency]~~ ***record in possession of the Board*** ~~that is [investigating]~~ ***not*** ~~a [person, including, without limitation, a law enforcement agency.]~~ ***public record subject to the provisions of chapter 239 of NRS.]***

(Deleted by amendment.)

Sec. 24. NRS 637.090 is hereby amended to read as follows:

637.090 ***1.*** A person shall not engage in the practice of ophthalmic dispensing or manage ~~[a business engaged in ophthalmic dispensing]~~ ***an optical establishment*** without holding a valid, active license issued as provided by this chapter.

2. If an optical establishment is open to the public at any time during which no licensed dispensing optician is physically present at the optical establishment, the optical establishment must display a clear and conspicuous sign indicating that a licensed dispensing optician is not present and that no services requiring a licensed dispensing optician may be performed at the optical establishment without a licensed dispensing optician present.

Sec. 25. NRS 637.100 is hereby amended to read as follows:

637.100 1. To ~~[qualify]~~ ***be eligible*** for ~~[examination and licensing]~~ ***a license*** as a dispensing optician, an applicant must ***:*** ~~[furnish proof that the applicant:]~~

(a) ~~[Is]~~ ***Be*** at least 18 years of age.

(b) ~~[Is of good moral character.~~

~~(c) Is]~~ ***Be*** a graduate of an accredited high school or its equivalent.

~~[(d) Has passed the examination of the American Board of Opticianry.~~

~~(e) Has]~~

(c) Have done either of the following:

(1) ~~[~~Served~~]~~ ***Successfully completed an educational program on ophthalmic dispensing approved by the Board and served*** as an apprentice dispensing optician for not less than ~~[~~3~~]~~ ***2*** years in ~~[~~an optical establishment where prescriptions for spectacles or contact lenses from given formulae are fitted and filled under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist for the purpose of acquiring experience in ophthalmic dispensing and has passed an educational program on the theory of ophthalmic dispensing approved~~]~~ ***accordance with regulations adopted*** by the Board ~~[~~,~~]~~ ***pursuant to NRS 637.070;*** or

(2) ~~[~~Successfully completed a course of study in a school which offers a~~]~~ ***Been awarded an associate's*** degree ~~[~~of associate~~]~~ in applied science for studies in ophthalmic dispensing ***from a school which is*** approved by the Board and ~~[~~has had 1 year of ophthalmic experience~~]~~ ***served*** as an apprentice dispensing optician ~~[~~under~~]~~ ***for not less than 1 year in accordance with regulations adopted by*** the ~~[~~direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist.

~~(f) Has done all~~~~]~~ ***Board pursuant to NRS 637.070.***

(d) Have passed any examination or obtained any certificate required by regulations adopted by the Board pursuant to NRS 637.070 for the issuance of ~~[~~the following:

~~(1) Successfully completed a course of instruction on the fitting of contact lenses approved by the Board;~~

~~(2) Completed at least 100 hours of training and experience in the fitting of and filling of prescriptions for contact lenses under the direct supervision of a licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, a licensed ophthalmologist or a licensed optometrist;~~

~~(3) Passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and~~

~~(4) Passed the practical examination on the fitting of and filling of prescriptions for contact lenses adopted by the Board.~~~~]~~ ***a license as a dispensing optician.***

2. The Board ~~[~~shall adopt regulations to carry out~~]~~ ***may waive*** the ~~[~~provisions of this section, including, without limitation, regulations that establish requirements for:

~~(a) The program of apprenticeship for apprentice dispensing opticians;~~

~~(b) The training and experience of apprentice dispensing opticians; and~~

~~(c) The issuance of licenses to apprentice dispensing opticians.~~~~]~~ ***requirements of paragraph (c) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant:***

(a) Is a graduate of a foreign school and has acquired education and experience that the Board deems equivalent to or greater than the education and experience required for the issuance of a license as a dispensing optician in this State;

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States who is on active duty; or

(c) Has at least 5 consecutive years of work experience in the practice of ophthalmic dispensing in the District of Columbia or any state or territory of the United States that does not have requirements for licensure which the Board deems equal to or greater than the requirements for the issuance of a license as a dispensing optician in this State. Some portion of the 5 consecutive years of work experience must have been obtained within the 2 years immediately preceding the date of application for licensure.

3. The Board may waive the requirements of paragraphs (c) and (d) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant holds a valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any state or territory of the United States that has requirements for licensure which the Board deems to be equal to or greater than the requirements for the issuance of a license as a dispensing optician in this State.

4. A license as a dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State; and

(b) Must be conspicuously displayed at all times at the holder's place of practice.

Sec. 26. NRS 637.115 is hereby amended to read as follows:

637.115 ***1.*** The Board shall maintain records pertaining to applicants to whom licenses have been issued or denied. These records must ~~[be open to the public and must]~~ include:

~~[1.]~~ ***(a)*** The name of each applicant.

~~[2.]~~ ***(b)*** The name of ~~[the school granting the diploma to the applicant.~~

~~3. The date of the diploma.~~

~~4.]~~ ***each person who is issued a license.***

(c) The business address of the applicant ~~[.]~~ ***or holder of a license.***

~~[5.]~~ ***(d)*** The date of issuance or denial of the license.

~~[6.]~~ ***(e)*** The current status of the license.

(f) The name of each holder of a license who has been subject to disciplinary action by the Board.

2. Upon request, the Board shall disclose any information maintained pursuant to subsection 1 and may charge a fee for a copy of the information. The fee must not exceed the actual cost incurred by the Board in producing the copy.

Sec. 27. NRS 637.121 is hereby amended to read as follows:

637.121 1. ~~[Except as otherwise provided in this section, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.~~

~~2.]~~ Only a person who is deemed to ~~[hold]~~ ***have held*** an active ~~[,]~~ ***or*** inactive ~~[or delinquent]~~ limited license as a dispensing optician ~~[on]~~ ***since***

February 1, 2004, may hold a limited license as a dispensing optician. A limited license as a dispensing optician may not be issued to any other person.

~~[3. A person practicing ophthalmic dispensing pursuant to a limited license:~~

~~(a) Except as otherwise provided in this section, is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal or reactivation of a license; and~~

~~(b) Shall]~~

2. A limited license as a dispensing optician:

(a) Authorizes the holder to engage in the practice of ophthalmic dispensing pursuant to this chapter, except that the holder shall not ~~[sell, furnish or fit]~~ ***dispense*** contact lenses ~~[~~.

~~4. A limited license as a dispensing optician:~~

~~(a) Expires on January 31 of each year.]~~ ***or supervise the dispensing of contact lenses by a person licensed as an apprentice dispensing optician pursuant to this chapter.***

(b) Must at all times be conspicuously displayed at the holder's place of practice.

~~[(b)]~~ ***(c)*** May ***not*** be ~~[renewed before its expiration upon:~~

~~(1) Presentation of proof of completion of the continuing education required by this section; and~~

~~(2) Payment of a renewal fee set by the Board of not more than $200.~~

~~(c) Except as otherwise provided in subsection 5, is delinquent if it is not renewed before January 31 of each year. Not later than 2 years after the expiration of a limited license, a delinquent limited license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than $500.~~

~~5. Upon written request to the Board, and payment of a fee not to exceed $300, a licensee in good standing may have his or her name and limited license as a dispensing optician transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the limited license is inactive. If an inactive licensee wishes to resume the practice of ophthalmic dispensing as limited by this section, the Board shall reactivate the limited license upon:~~

~~(a) If deemed necessary by the Board, the demonstration by the licensee that the licensee is then qualified and competent to practice;~~

~~(b) The completion of an application; and~~

~~(c) Payment of the renewal fee set by the Board pursuant to subsection 4.~~

~~6. To reactivate a limited license as a dispensing optician pursuant to subsection 5, an inactive licensee is not required to pay the delinquency fee and the renewal fee for any year while the license was inactive.~~

~~7. Except as otherwise provided in subsection 8, each person with a limited license as a dispensing optician must complete courses of continuing education in ophthalmic dispensing each year. Such continuing education must:~~

~~(a) Encompass such subjects as are established by regulations of the Board.~~

~~(b) Consist of a minimum of 12 hours for a period of 12 months.~~

~~8. A person with a limited license as a dispensing optician who is on active military service is exempt from the requirements of subsection 7.~~

~~9. The Board shall adopt any other regulations it determines are necessary to carry out the provisions of this section.~~**]** ***placed on inactive status on or after January 31, 2023.***

Sec. 28. NRS 637.125 is hereby amended to read as follows:

637.125 1. A person may not employ another person to perform the services of a dispensing optician unless the other person:

(a) Is licensed by the Board as a dispensing optician; or

(b) Is licensed by the Board as an apprentice dispensing optician and is directly supervised as required by the provisions of this chapter.

2. A licensed dispensing optician may not allow another person who is under his or her direct supervision to perform the services of a dispensing optician unless the other person is licensed by the Board as a dispensing optician or an apprentice dispensing optician.

3. **[**~~If a person is~~**]** ***A*** licensed **[**~~by the Board as an~~**]** apprentice dispensing optician **[**~~, a~~**]** ***may engage in ophthalmic dispensing only when a*** licensed dispensing optician, **[**~~licensed~~**]** ophthalmologist or **[**~~licensed~~**]** optometrist **[**~~must:~~

~~(a) Directly supervise~~**]** ***is physically present in the optical establishment to provide direct supervision for*** all **[**~~work done by the apprentice~~**]** dispensing **[**~~optician.~~**]** ***activities performed by the apprentice and to verify the quality of the finished products to be dispensed.***

[~~(b) Be in attendance whenever the~~**]**

4. A licensed dispensing optician, ophthalmologist or optometrist who is providing direct supervision to an apprentice dispensing optician shall not supervise more than two apprentice dispensing **[**~~optician is engaged in ophthalmic dispensing.~~**]** ***opticians at any one time.***

[~~(c) Post the license of the apprentice dispensing optician in a conspicuous place where the apprentice dispensing optician works.~~

~~4. A licensed dispensing optician may not have under his or her supervision more than two licensed apprentice dispensing opticians at any one time.~~

~~5. A licensed dispensing optician or a person who employs a licensed dispensing optician may employ other persons to assist in consulting on optical fashions, and a licensed dispensing optician may supervise such other persons. Such other persons:~~

~~(a) Are not required to be licensed pursuant to the provisions of this chapter.~~

~~(b) May not perform the services of a dispensing optician.~~

~~6. The Board may adopt regulations to carry out the provisions of this section.]~~

Sec. 29. NRS 637.150 is hereby amended to read as follows:

637.150 1. If the Board finds, ~~[by a preponderance of the evidence,]~~ ***after notice and a hearing as required by law,*** that an applicant or holder of a license ~~[:~~

~~(a) Has]~~ ***has*** been adjudicated insane ~~[;~~

~~(b) Habitually]~~ ***, habitually*** uses any controlled substance or intoxicant ~~[;~~

~~(c) Has]~~ ***or has*** been ***diagnosed with a medical or mental health condition that is likely to impede the safe practice of ophthalmic dispensing, the Board may:***

(a) For an applicant, refuse to grant the applicant a license; or

(b) For a holder of a license:

(1) Place the holder on probation;

(2) Suspend or revoke the license;

(3) Refuse to renew or reinstate the license; or

(4) Take any combination of the disciplinary actions described in subparagraphs (1), (2) and (3).

2. If the Board finds, after notice and a hearing as required by law, that an applicant or holder of a license has committed unprofessional conduct which has endangered or is likely to endanger public health, safety or welfare, the Board may:

(a) For an applicant, refuse to grant the applicant a license; or

(b) For a holder of a license:

(1) Place the holder on probation;

(2) Suspend or revoke the license;

(3) Refuse to renew or reinstate the license;

(4) Reprimand the holder publicly;

(5) Require the holder to reimburse the Board for the cost of any investigation or hearing related to the disciplinary action;

(6) Require the holder to pay an administrative fine of not more than $10,000 for each act constituting unprofessional conduct; or

(7) Take any combination of the disciplinary actions described in subparagraphs (1) to (6), inclusive.

3. The Board shall not privately reprimand a holder of a license.

4. Pursuant to NRS 622A.410, the Board may reinstate a license that has been revoked if the person who was issued the license applies to the Board for its reinstatement.

5. Notwithstanding the provisions of chapter 622A of NRS, if the Board receives a report pursuant to subsection 5 of NRS 228.420, the Board must commence disciplinary proceedings regarding the report not later than 30 days after receiving the report.

6. ~~[The Board shall, to the extent feasible, communicate and cooperate with or provide any documents or information to any other licensing board~~

or agency, including, without limitation, a law enforcement agency, that is investigating a person licensed pursuant to this chapter.

7. An order of the Board that imposes discipline and the findings of fact and conclusions of law supporting the order are public records.

8.] ***As used in this section, "unprofessional conduct" includes:***

(a) Being convicted of ~~[a *any]*~~ ***:***

(1) Any crime involving moral turpitude ***;***

~~[(d) Has been convicted of *or violating]*~~

(2) A violation of any federal or state law relating to a controlled substance; or

(3) Violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

~~[(e) Has advertised]~~

(b) Advertising in any manner which would tend to deceive, defraud or mislead the public;

~~[(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained]~~

(c) Obtaining a license to practice in this State through fraud ***or the misrepresentation or concealment*** of ~~[any kind;~~

~~(g) Has been convicted of a violation of any federal or state law relating to a controlled substance;~~

~~(h) Has,]~~ ***a material fact;***

(d) Dispensing, without proper verification, ~~[dispensed]~~ a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to NRS ~~[637.073;~~

~~(i) Has violated any regulation of the Board;~~

~~(j) Has violated *a material fact;*~~

~~*(d)]*~~ ***637.070;***

(e) Committing fraud or deceit in the practice of ophthalmic dispensing;

~~*[(e)]*~~ ***(f) Violating*** any provision of this chapter ~~[;~~

~~(k) Is incompetent;~~

~~(l) Is guilty of unethical or unprofessional conduct as determined by]~~ ***or any regulations of*** the Board ~~[;~~

~~(m) Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;~~

~~(n) Is guilty of a fraudulent or deceptive practice as determined by the Board; or~~

~~(o) Has operated]~~ ***adopted pursuant to this chapter;*** ~~*[and*~~

~~*(f)]*~~ ***(g) Operating*** a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160 ~~*[.*~~ ,

~~→ the Board may, in the case of an applicant, refuse to grant the applicant a license, or may, in the case of a holder of a license, place the holder on probation, reprimand the holder publicly, require the holder to pay an administrative fine of not more than $10,000, suspend or revoke the holder's license, or take any combination of these disciplinary actions.~~

~~2. The Board shall not privately reprimand a holder of a license.~~

~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~4. The provisions of paragraph (o) of subsection 1 apply to an owner or other principal responsible for the operation of the medical facility.~~

~~5. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.~~**]** ***; and***

(h) Engaging in any other conduct which the Board has determined is unethical or unprofessional.

Sec. 30. NRS 637.154 is hereby amended to read as follows:

637.154 1. **[**~~To the extent that money is available for that purpose, the~~**]** ***The*** Board may, **[**~~upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license.~~**]** ***in a manner that is consistent with the provisions of chapter 622A of NRS, conduct investigations, hold hearings and examine witnesses in carrying out its duties pursuant to this chapter.***

2. **[**~~The~~**]** ***For the purposes of this chapter, any member of the*** Board may **[**~~accept gifts, grants~~**]** ***administer oaths*** and **[**~~donations of money from any source~~**]** ***issue subpoenas*** to **[**~~carry out~~**]** ***compel*** the **[**~~provisions~~**]** ***attendance*** of **[**~~this section.~~**]** ***witnesses and the production of books, papers, documents and any other articles related to the practice of ophthalmic dispensing.***

3. If any person fails to comply with a subpoena within 10 days after its issuance, the Board may petition the district court for an order compelling compliance with the subpoena.

4. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

5. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order, the person must be dealt with as for contempt of court.

Sec. 31. NRS 637.181 is hereby amended to read as follows:

637.181 Notwithstanding the provisions of chapter 622A of NRS **[**~~:~~

~~1. The Board shall conduct an investigation if it receives a complaint that sets forth reason to believe that a person, without the proper license, is~~

~~engaging in an activity for which a license is required pursuant to this chapter. The complaint must be:~~

~~(a) Made in writing; and~~

~~(b) Signed and verified by the person filing the complaint.~~

~~2. If~~**,** ***if*** the Board determines that a person ~~[, without the proper license, is engaging]~~ ***who is not licensed pursuant to this chapter has engaged*** in an activity for which a license is required pursuant to this chapter, ~~[the Board:~~

~~(a) Shall issue]~~ ***or has violated, or employed a person who, in the course of his or her employment, has violated any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section, the Board may:***

1. Issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains the proper license from the Board.

~~[(b) May, after notice and opportunity for a hearing, impose upon]~~

2. Issue a citation to the person ***pursuant to section 11 of this act. Such a citation must describe with particularity the nature of the violation and inform the person of the provisions of this section.***

3. Order the person to reimburse the Board the costs of any investigation or hearing related to a violation.

4. Assess against the person an administrative fine of not more than $10,000 ~~[.]~~ ***for each separate violation.*** The imposition of an administrative fine is a final decision for the purposes of judicial review.

~~[3. An administrative fine imposed pursuant to this section is in addition to]~~

5. Impose any ~~[other penalty provided in this chapter.~~

~~4. The Board shall retain all complaints received by]~~ ***combination of*** the ~~[Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.]~~ ***penalties set forth in subsections 1, 2 and 3.***

Sec. 32. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription ~~[for a contact lens]~~ in violation of the expiration date or ***, for a prescription for a contact lens, in violation of the*** number of refills specified by the prescription. ***A prescription shall be deemed to have***

an expiration date of 2 years after the date on which the prescription was issued, unless the practitioner who wrote the prescription includes on the prescription a different period.

6. ***Holding oneself out to the public, either verbally or in writing, to be an optician, a dispensing optician or an apprentice dispensing optician without holding a valid and active license issued pursuant to this chapter.***

7. Failing to comply with a citation or order issued pursuant to this chapter after the citation or order is final.

8. Violating any provision of this chapter.

Sec. 32.5. Notwithstanding the amendatory provisions of this act, a person who, on January 31, 2023, holds a limited license as a dispensing optician which has been transferred to an inactive list pursuant to NRS 637.121, as that section existed before October 1, 2023, may reactivate the limited license as a dispensing optician in accordance with NRS 637.121, as that section existed before October 1, 2023.

Sec. 33. NRS 637.010, 637.024, 637.041, 637.073, 637.075, 637.110, 637.120, 637.123, 637.127, 637.135, 637.140, 637.155, 637.170, 637.175 and 637.183 are hereby repealed.

Sec. 34. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 33, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

637.010 Short title.

637.024 "Supervision" defined.

637.041 Enforcement of subpoenas issued by Board.

637.073 Regulations setting minimum standards for optical and ophthalmic devices.

637.075 Fiscal year.

637.110 Fees for application for license; requirements for, waiver of and passing score for examination of applicant for license as dispensing optician; prohibition on participation in preparing, conducting and grading examination.

637.120 Issuance of license as dispensing optician; display of license; nontransferability; issuance of duplicate license.

637.123 Apprentice dispensing optician: Expiration, renewal and reinstatement of license; fees; continuing education; limitations on renewal.

637.127 Special license as dispensing optician.

637.135 Dispensing optician: Continuing education.

637.140 Dispensing optician: Expiration, renewal and reinstatement of license; fees; inactive status; reactivation of inactive license.

637.155 Hearing required after receipt of report of certain violations of Industrial Insurance Act.

637.170 Reinstatement of revoked license; fee.

637.175 Expiration of prescriptions.

637.183 Administrative fine for violation of provisions governing employment and supervision of dispensing opticians, apprentice dispensing opticians and other assistants.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 554 to Assembly Bill No. 415.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 437.

The following Senate amendment was read:

Amendment No. 553.

SUMMARY—Limits the amount **and circumstances under which** a provider of health care may charge for filling out certain forms associated with certain leaves of absence. (BDR 54-670)

AN ACT relating to providers of health care; limiting the amount **and circumstances under which** a provider of health care may charge to fill out certain forms necessary to take a leave of absence authorized by the Family and Medical Leave Act of 1993; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Family and Medical Leave Act of 1993, certain employees have the right to take an unpaid leave of absence from work for certain medical or family reasons, including, without limitation: (1) because of a serious health condition of the employee that makes the employee unable to perform the functions of his or her position; (2) to care for certain family members who have a serious health condition; or (3) to care for certain veterans or members of the Armed Forces who have suffered a serious injury or illness. (29 U.S.C. § 2612) The Act authorizes an employer of an employee who requests leave for one of those reasons to require the employee to provide a certification issued by a health care provider that contains certain information concerning the serious health condition or serious injury or illness. (29 U.S.C. § 2613; 29 C.F.R. §§ 825.305-825.310) This bill prohibits a provider of health care from charging a person ~~[more than $10]~~ **any fee or charge** to fill out a form for such a certification ~~[.]~~ **if the provider of health care has examined, treated or otherwise provided health care services to the person who is the subject of the certification within the immediately preceding 3 years. If the provider of health has not examined, treated or otherwise provided health care services to the person who is the subject of the certification within the immediately preceding 3 years, this bill prohibits the provider of health care from charging more than $25 to fill out such a form.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[A]~~ ***If a person requests that a provider of health care fill out a form for a certification required by an employer pursuant to 29 U.S.C. § 2613, the provider of health care shall not charge*** ~~[a]~~ ***the person*** ~~[more]~~ ***:***

1. Any fee or charge to fill out the form if the provider of health care has examined, treated or otherwise provided health care services to the person who is the subject of the certification within the 3 years immediately preceding the date on which the request to fill out the form is made.

2. More than ~~[$10]~~ ***$25 to fill out*** ~~[a]~~ ***the form*** ~~[for a]~~ ***if the provider of health care has not examined, treated or otherwise provided health care services to the person who is the subject of the certification*** ~~[required by an employer pursuant to 29 U.S.C. § 2613.]~~ ***within the 3 years immediately preceding the date on which the request to fill out the form is made.***

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 553 to Assembly Bill No. 437.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 439.

The following Senate amendment was read:

Amendment No. 643.

AN ACT relating to insurance; providing **, with certain exceptions,** that no provision for arbitration in a contract for health insurance is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ **insured** under the contract ~~[,]~~ **who makes a claim;** repealing certain provisions related to provisions for arbitration in a contract for health insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Insurance Code, which governs certain contracts of insurance. (Title 57 of NRS) Existing law provides that no provision for arbitration contained in an automobile liability or motor vehicle liability insurance policy delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy. (NRS 690B.017) **Sections 4, 6, 7, 15, 16.5, 17, 18.5, 19 and 20** of this bill similarly provide that no provision for arbitration is binding that is contained in any: (1) policy of health insurance by an insurer; (2) policy of group or blanket health insurance; (3) health benefit plan; (4) benefit contract; (5) contract for hospital, medical or dental services; (6) evidence of coverage by a health maintenance organization; (7) plan for dental care; (8) evidence of coverage by a prepaid limited health service organization; or (9) evidence of coverage by a managed care organization. **Sections 4, 6, 7, 15, 16.5, 17, 18.5,**

19 and 20 further provide that a provision for arbitration included in any such contract of insurance must contain a statement that the provision for arbitration is not binding. **Section 16.5 further provides that such provisions do not apply to a contract between: (1) a plan sponsor; and (2) a hospital or a provider of health care. Sections 5 and 8** of this bill make conforming changes to indicate the proper placement of **sections 4 and 7** of this bill, respectively, in the Nevada Revised Statutes.

Section 22 of this bill repeals certain provisions of the Nevada Insurance Code to eliminate requirements related to provisions for arbitration in certain contracts for insurance. **Section 18** of this bill makes a conforming change to eliminate a reference to a repealed section.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any policy of health insurance delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the policy ~~[.]~~ who makes a claim.

2. If a policy of health insurance contains a provision for arbitration, the policy of health insurance must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the policy of health insurance ~~[.]~~ who makes a claim.

Sec. 5. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 4 of this act.***

Sec. 6. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any policy of group or blanket health insurance delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the policy ~~[.]~~ who makes a claim.

2. If a policy of group or blanket health insurance contains a provision for arbitration, the policy of group or blanket health insurance must include a statement that the arbitration provision is not binding upon ~~[the named

~~*insured or]*~~ *any* ~~*[other]*~~ *person* ~~*[who makes a claim]*~~ *insured under the policy of group or blanket health insurance* ~~*[.]*~~ *who makes a claim.*

Sec. 7. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any health benefit plan delivered, issued for delivery or renewed in this State is binding upon ~~*[the named insured or]*~~ ***any*** ~~*[other]*~~ ***person*** ~~*[who makes a claim]*~~ *insured under the health benefit plan* ~~*[.]*~~ *who makes a claim.*

2. If a health benefit plan contains a provision for arbitration, the health benefit plan must include a statement that the arbitration provision is not binding upon ~~*[the named insured or]*~~ ***any*** ~~*[other]*~~ ***person*** ~~*[who makes a claim]*~~ *insured under the health benefit plan* ~~*[.]*~~ *who makes a claim.*

Sec. 8. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 7 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any benefit contract delivered, issued for delivery or renewed in this State is binding upon ~~*[the named insured or]*~~ ***any*** ~~*[other]*~~ ***person*** ~~*[who makes a claim]*~~ *insured under the contract* ~~*[.]*~~ *who makes a claim.*

2. If a benefit contract contains a provision for arbitration, the benefit contract must include a statement that the arbitration provision is not binding upon ~~*[the named insured or]*~~ ***any*** ~~*[other]*~~ ***person*** ~~*[who makes a claim]*~~ *insured under the benefit contract* ~~*[.]*~~ *who makes a claim.*

Sec. 16. (Deleted by amendment.)

Sec. 16.5. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in subsection 3:

1. No provision for arbitration contained in any contract for hospital, medical or dental services delivered, issued for delivery or renewed in this State is binding upon ~~*[the named insured or]*~~ ***any*** ~~*[other]*~~ ***person*** ~~*[who makes a claim]*~~ *insured under the contract for hospital, medical or dental services.*

2. If a contract for hospital, medical or dental services contains a provision for arbitration, the contract must include a statement that the arbitration provision is not binding upon ~~*[the named insured or]*~~ ***any*** ~~*[other]*~~

person ~~[who makes a claim]~~ insured under the contract for hospital, medical or dental services.

3. The provisions of this section do not apply to a contract between:

(a) A plan sponsor, as defined in section 3(16)(B) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(16)(B), as that section existed on July 16, 1997; and

(b) A hospital or a provider of health care, as defined in NRS 439.820.

Sec. 17. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[,]~~ who makes a claim.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[,]~~ who makes a claim.

Sec. 18. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759 ~~[,]~~ ***and*** 695C.176 to 695C.200, inclusive, ~~[and 695C.265]~~ do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 apply to a

health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 18.5. Chapter 695D of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any plan for dental care delivered, issued for delivery or renewed in this State is binding upon ~~[the member or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the plan for dental care ~~[.]~~ who makes a claim.

2. If a plan for dental care contains a provision for arbitration, the plan for dental care must include a statement that the arbitration provision is not binding upon ~~[the member or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the plan for dental care ~~[.]~~ who makes a claim.

Sec. 19. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

Sec. 20. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

Sec. 21. The provisions of this act do not apply to any contract for insurance existing on October 1, 2023, but apply to any renewal of such a contract.

Sec. 22. NRS 689A.0403, 689B.067, 689B.270, 695B.181, 695B.182, 695C.265 and 695C.267 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

689A.0403 Procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

689B.067 Provision in policy requiring binding arbitration for disputes with insurer authorized; procedure for arbitration; declaratory relief.

689B.270 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695B.181 Provision in contract requiring binding arbitration authorized; procedures for arbitration; declaratory relief.

695B.182 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695C.265 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695C.267 Provision requiring binding arbitration authorized; procedures for arbitration; declaratory relief.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 643 to Assembly Bill No. 439.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 432.

The following Senate amendment was read:

Amendment No. 572.

AN ACT relating to optometry; prohibiting certain persons from owning or controlling an optometry practice under certain circumstances; requiring a licensee to provide certain notifications to the Nevada State Board of Optometry; authorizing persons enrolled in certain educational or residency programs to practice optometry under certain circumstances; prohibiting a licensee from prescribing ophthalmic lenses under certain circumstances; establishing certain requirements relating to the use of optometric telemedicine; reducing the fee for a veteran to obtain an initial license to practice optometry; revising certain requirements to obtain a license; revising provisions relating to the ownership of an optometry practice under an assumed or fictitious name under certain circumstances; authorizing the Board to issue citations for certain violations; requiring certain regulations adopted by the State Board of Health to authorize a licensed optometrist to serve as the director of a medical laboratory under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada State Board of Optometry to adopt policies and regulations necessary to regulate the practice of optometry in this State and issue licenses to engage in the practice of optometry. (NRS 636.125, 636.215) **Sections 2-12** of this bill define certain terms relating to the practice of optometry. **Section 20** of this bill makes a conforming change to indicate the proper placement of **sections 2-12** in the Nevada Revised Statutes. **Section 28** of this bill authorizes the Board to issue a citation to a person who violates certain provisions of law governing the practice of optometry.

Existing law establishes a schedule of fees which the Board may not exceed when charging for the issuance of a license to practice optometry and for certain other purposes. (NRS 636.143) **Section 21** of this bill revises the fees

associated with the initial issuance of a license. **Section 21** sets forth the maximum fee the Board is authorized to charge for the initial issuance of a license to an applicant who is a veteran, which is one-half of the maximum fee the Board is authorized to charge an applicant who is not a veteran.

Existing law authorizes the Board to issue a license by endorsement to certain persons who hold a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States and who meet certain other requirements. (NRS 636.206) **Section 24** of this bill requires the: (1) corresponding license to be active; and (2) applicant to not have been licensed by the Board to practice optometry in this State in the immediately preceding year.

Existing law requires a licensee to notify the Executive Director of the Board in advance of changing the location where the licensee practices optometry or establishing an additional location to practice optometry. (NRS 636.370) **Section 15** of this bill requires a licensee to notify the Board not later than 30 days after a change of the personal mailing address or primary telephone number of the licensee or the electronic mail address that the licensee most recently provided to the Board. **Section 16** of this bill requires a licensee to report to the Board within 30 days the revocation, suspension or surrender of, or any disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued by any other jurisdiction.

Section 13 of this bill prohibits, with certain exceptions, a person who is not licensed to practice optometry in this State from: (1) owning, being an officer or board member of or having control over the management or operations of an optometry practice located in this State; or (2) being an officer or board member of an entity that operates such an optometry practice or holding a position in such an entity that allows the person to have control over the management or operations of an optometry practice. **Section 13** also prohibits a person who is employed by a management service provider which is providing certain business services to an optometry practice from performing certain roles for the optometry practice or the entity that operates the optometry practice using those services.

Existing law prohibits an optometrist from owning all or any part of an optometry practice under an assumed or fictitious name unless the optometrist has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name at a specified location. (NRS 636.350) **Section 26** of this bill specifies that each person who owns any part of such a practice hold an active license to practice optometry in this State and have been issued such a certificate of registration.

Section 14 of this bill **: (1)** authorizes a surviving family member of a licensed optometrist who has died and who was the sole owner of an optometry practice to own the optometry practice without holding a license to practice optometry in this State for not more than 1 year after the death of the licensed optometrist ~~[.]~~ **; and (2) clarifies that such ownership does not exempt a person from the requirement to obtain a license to engage in the practice**

of optometry. Section 14 requires such a surviving family member, not later than 1 year after the death of the licensee, to transfer ownership of that optometry practice to another licensed optometrist or to dissolve the practice.

Existing law prohibits a person from engaging in the practice of optometry in this State unless the person is licensed by the Board. (NRS 636.145) **Section 17** of this bill authorizes students who are participating in certain externship programs pursuant to a course of study in optometry or certain persons engaged in a residency program for optometry to perform certain procedures pursuant to those programs which constitute engaging in the practice of optometry. **Section 22** of this bill makes a conforming change to indicate that the performance of such procedures does not constitute the unlawful practice of optometry.

Existing law authorizes a licensed optometrist to prescribe therapeutic or corrective lenses for the correction or relief of or remedy for an abnormal condition or inefficiency of the eye or visual process. (NRS 636.025, 636.215) **Section 18** of this bill prohibits a licensed optometrist from issuing, offering to issue, duplicating or extending a prescription for certain lenses if the optometrist has not performed, or does not have access to records relating to, a comprehensive eye examination performed within the immediately preceding 2 years on the intended recipient of the lenses.

Existing law defines the term "telehealth" to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. (NRS 629.515) **Section 8** of this bill defines the term "optometric telemedicine" to mean, in general, the use of telehealth by a licensed optometrist to deliver health care services within the scope of the practice of optometry to a patient at a different location. **Section 19** of this bill authorizes and sets forth certain requirements for the use of optometric telemedicine by a licensed optometrist for certain purposes. **Section 19** requires, with certain exceptions, a licensed optometrist to have performed a comprehensive examination on a patient within the immediately preceding 2 years to deliver health care services to the patient through optometric telemedicine. **Section 19** additionally authorizes an licensed optometrist to remotely monitor certain health data of a patient.

Existing law authorizes the State Board of Health to prescribe regulations relating to the operation of medical laboratories and the qualifications of the directors of those laboratories. (NRS 652.130) **Section 29** of this bill requires the regulations to include licensed optometrists among the licensed physicians qualified to serve as the laboratory director of certain laboratories under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. *"Asynchronous optometric telemedicine" means a form of optometric telemedicine in which data that is collected from an examination of a patient that is conducted in person is later transmitted to an optometrist for review.*

Sec. 3. *1. "Comprehensive examination" means an examination of a patient which is conducted in person and during which all of the following tests, procedures or actions are performed:*

(a) The documentation of the primary reason for which the examination is conducted;

(b) A review of the medical history and ocular history of both the patient and his or her immediate family;

(c) A review of any medications used by the patient;

(d) A review of any allergies of the patient;

(e) A review of documentation identifying the patient's primary care physician;

(f) General medical observations, including, without limitation, neurological and psychological orientation;

(g) Eye pressure;

(h) Gross, confrontation or formal visual fields;

(i) A basic sensorimotor examination;

(j) A complete pupillary assessment, including, without limitation, an examination of the presence of an afferent pupillary defect;

(k) Eye alignment;

(l) Visual acuities;

(m) Keratometry or autokeratometry;

(n) Anterior segment examination using a slit beam and magnification, as through a biomicroscope slit lamp, to include ocular adnexa, eyelid, eyelashes, conjunctiva, pupil, cornea, anterior chamber and lens;

(o) Posterior segment examination that includes the examination of the optic nerve, macula, retina and vessels; and

(p) A review and assessment of all data collected pursuant to paragraphs (a) to (o), inclusive, and the development of a plan to provide necessary treatment.

2. The term includes an examination in which a test, procedure or action specified in paragraphs (a) to (p), inclusive, of subsection 1 was not performed if the person conducting the examination was unable to perform the test, procedure or action and used an alternative method to obtain comparable data to that which would have been obtained by the proper performance of the test, procedure or action.

Sec. 4. *"Distant site" has the meaning ascribed to it in NRS 629.515.*

Sec. 5. *"Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease that are within the scope of the practice of optometry.*

Sec. 6. *"Licensee" means a person who is licensed to practice optometry pursuant to this chapter.*

Sec. 7. *"Non-comprehensive examination" means an examination that includes some but not all of the elements of a comprehensive examination.*

Sec. 8. *"Optometric telemedicine" means the use of telehealth, as defined in NRS 629.515, by a licensee who is located at a distant site to deliver health care services to a patient who is located at an originating site. The term includes, without limitation, synchronous optometric telemedicine and asynchronous optometric telemedicine.*

Sec. 9. *"Optometry practice" or "optometric practice" means a business through which one or more optometrists practice optometry.*

Sec. 10. *"Originating site" has the meaning ascribed to it in NRS 629.515.*

Sec. 11. *"Remote patient monitoring" means the monitoring by a licensee of data:*

1. Collected from a patient of the licensee at one location and transmitted to the licensee at another location; and

2. That is necessary to make informed decisions about providing health care services to the patient.

Sec. 12. *"Synchronous optometric telemedicine" means a form of optometric telemedicine in which information is exchanged via electronic communication in real time and includes, without limitation, communication via telephone, video, a mobile application or an online platform on an Internet website.*

Sec. 13. *1. Except as otherwise provided in section 14 of this act, a person who is not licensed to practice optometry pursuant to this chapter shall not:*

(a) Hold an ownership interest in an optometry practice;

(b) Be an officer or board member of an optometry practice or occupy any other position of authority at an optometry practice that allows the person to exert control over the management or operation of the optometry practice; or

(c) Be an officer or board member of an entity that operates one or more optometry practices or occupy any other position of authority at such an entity that allows the person to exert control over the management or operations of an optometry practice that the entity operates.

2. A person shall not accept compensation to perform any services for a management service provider that is providing services to an optometry practice if the person is:

(a) An officer or board member of the optometry practice or occupies any other position of authority at an optometry practice that allows the person to exert control over the management or operation of the optometry practice receiving those services; or

(b) An officer or board member of an entity that operates the optometry practice or occupies any other position of authority at such an entity that allows the person to exert control over the management or operations of the optometry practice receiving those services.

3. As used in this section:

(a) "Management service provider" means a person that contracts to provide management or administrative support services to an optometry practice. The term does not include a provider of insurance, a provider of health care as defined in NRS 41A.017 or a person that offers optometric care at an optometry practice or that offers comprehensive examinations.

(b) "Management or administrative support services" includes, without limitation, legal services and services relating to management, billing, credentialing, accounting, marketing, the storage of electronic medical records, the management of human resources, the provision of malpractice insurance, information technology, the financing of equipment, recruitment, transactions involving real estate and technical support for optometric telemedicine.

Sec. 14. *1. For not more than 1 year after the death of a licensee who is the sole owner of an optometry practice, a surviving member of the licensee's family may own the optometry practice without being licensed pursuant to this chapter. Not later than 1 year after the death of the licensee, the surviving member of the licensee's family shall transfer ownership of the optometry practice to a licensee or dissolve the optometry practice.*

2. The provisions of this section do not ~~[abrogate,]~~ :

(a) Exempt a person from the requirement to obtain a license pursuant to this chapter to engage in the practice of optometry; and

(b) Abrogate, alter or otherwise affect any obligation to comply with the requirements of chapters 629 and 636 of NRS relating to the custody of health care records.

3. As used in this section, "member of the licensee's family" means any person related to the licensee by blood, adoption or marriage within the third degree of consanguinity.

Sec. 15. *A licensee shall notify the Board of any change in the personal mailing address or primary telephone number of the licensee or any change of the electronic mail address most recently provided by the licensee to the Board not later than 30 calendar days after the change.*

Sec. 16. *A licensee shall report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued to the licensee by another state or territory of the United States, the District of Columbia or a foreign country.*

Sec. 17. *1. A student who is enrolled in a graduate course of study in optometry at an accredited school or college of optometry and who is participating in an externship authorized by the school or college, as applicable, as part of that course of study may perform procedures within the scope of a license to practice optometry issued pursuant to this chapter if an optometrist or ophthalmologist licensed in this State:*

(a) Is physically present at the clinic where the student is performing the procedures at all times while those procedures are being performed; and

(b) Examines the person on whom the student performed any procedure before the person is discharged.

2. Except as otherwise provided in subsection 3, a person who has received a degree of doctor of optometry and who is engaged in a residency program for optometry in this State may, without a license, engage in the practice of optometry within the scope of a license to practice optometry issued pursuant to this chapter and examine and manage patients without supervision if an optometrist or ophthalmologist licensed in this State is physically present at the clinic at all times when the person is practicing optometry.

3. A person described in subsection 2 may, in an emergency, provide care to a patient without an optometrist or ophthalmologist licensed in this State being physically present at the clinic if the person consults with an appropriate optometrist or ophthalmologist associated with the clinic to determine the proper care and management of the treatment of the patient.

4. As used in this section, "clinic" means a facility at which a licensed optometrist or ophthalmologist provides services to patients.

Sec. 18. ***It is unlawful for a licensee to issue, offer to issue, duplicate or extend a prescription for an ophthalmic lens for a person if the licensee has not performed a comprehensive examination, or does not have access to the complete results of a comprehensive examination that was performed, on the person within the immediately preceding 2 years.***

Sec. 19. ***1. Except as otherwise provided in subsection 5, a person shall not engage in optometric telemedicine to provide health care services to a patient located at an originating site in this State unless the person is licensed to practice optometry pursuant to this chapter.***

2. Except as otherwise provided in subsection 3, a licensee may engage in synchronous or asynchronous optometric telemedicine to provide health care services to a patient only if the licensee has completed a comprehensive examination on the patient within the immediately preceding 2 years.

3. A licensee may engage in synchronous optometric telemedicine to perform a non-comprehensive examination of a new patient if the licensee has access to all the information obtained from a comprehensive examination of the patient that was conducted by an optometrist or ophthalmologist within the immediately preceding 2 years.

4. A licensee may engage in asynchronous optometric telemedicine to conduct a consultation regarding a patient on whom the licensee has not completed a comprehensive examination within the immediately preceding 2 years if:

(a) An optometrist, ophthalmologist or primary care physician providing care to the patient requests that the licensee conduct the consultation and provides the licensee with all the information about the patient that is necessary to determine whether the patient requires a comprehensive examination; and

(b) The consultation performed by the licensee is limited to a determination of whether the patient requires a comprehensive examination and does not involve any diagnosis, recommendation for or treatment of the patient or a prescription for the patient.

5. A person who holds a valid, active and unrestricted license issued by the District of Columbia or any state or territory of the United States to practice optometry may conduct a consultation through asynchronous optometric telemedicine described in subsection 4 in the same manner as a licensee pursuant to that subsection without holding a license to practice optometry in this State.

6. A licensee may engage in remote patient monitoring of a patient on whom the licensee has completed a comprehensive examination within the immediately preceding 2 years for the purposes of:

(a) Acquiring data about the health of the patient;

(b) Assessing changes in previously diagnosed chronic health conditions;

(c) Confirming the stability of the health of the patient; or

(d) Confirming expected therapeutic results.

7. A licensee may engage in optometric telemedicine to provide health care services to a patient who is located at an originating site outside this State if the licensee has completed a comprehensive examination of the patient within the immediately preceding 2 years and such action is permitted by the laws of the state in which the patient is located.

8. A licensee shall not engage in optometric telemedicine to provide any health care service to the patient that the licensee has determined should be provided in person.

9. A licensee engaging in optometric telemedicine or remote patient monitoring shall not:

(a) Conduct himself or herself in a manner that violates the standard of care required of an optometrist who is treating a patient in person, including, without limitation, by issuing a prescription for ophthalmic lenses based solely upon one or more of the following:

(1) Answers provided by a patient in an online questionnaire;

(2) The application of lensometry; or

(3) The application of auto-refraction; or

(b) Condition the provision of optometric telemedicine or remote patient monitoring on the patient consenting to receiving a standard of care below that which is required by paragraph (a).

Sec. 20. NRS 636.015 is hereby amended to read as follows:

636.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 636.016 to 636.023, inclusive, ***and sections 2 to 12, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 636.143 is hereby amended to read as follows:

636.143 ***1.*** At least once every 2 years, the Board shall review and, if the Board deems it necessary, establish or revise, within the limits prescribed a schedule of fees for the following purposes:

Not more than

~~[1.]~~ ***(a)*** Examinations $250

~~[2.]~~ ***(b)*** ~~[Applications for the issuance of a 1 year license ..... $600~~

~~3. Renewal]~~ ***Initial issuance or renewal*** of a license $1,200

~~[4.]~~ ***(c)*** Granting certification or issuing certificates $1,000

~~[5.]~~ ***(d)*** Licensing of extended clinical facilities and other practice locations $500

~~[6.]~~ ***(e)*** Individually verifying licensure or disciplinary status $100

~~[7.]~~ ***(f)*** Late fee $1,000

~~[8.]~~ ***(g) Initial issuance of a license to an applicant who is a veteran $600***

(h) Any other service provided by the Board pursuant to this chapter $1,000

2. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 22. NRS 636.145 is hereby amended to read as follows:

636.145 1. ~~[A]~~ ***Except as otherwise provided in section 17 of this act, a*** person shall not engage in the practice of optometry in this State unless:

(a) The person has obtained a license pursuant to the provisions of this chapter; and

(b) Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. The Board shall conduct an investigation pursuant to subsection 3 if the Board receives a complaint which sets forth any reason to believe that a person has engaged in the practice of optometry in this State without a license issued pursuant to this chapter.

3. In addition to any other penalty prescribed by law, if the Board, after conducting an investigation and hearing in accordance with chapters 233B, 622 and 622A of NRS, determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist from the practice of optometry until the person obtains a license from the Board.

(b) Issue a citation to the person ~~[.]~~ ***pursuant to NRS 636.420.***

(c) Impose any combination of the penalties set forth in paragraphs (a) and (b).

4. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any

substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to this chapter.

5. Each instance of unlicensed activity constitutes a separate offense for which a separate citation may be issued.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 636.206 is hereby amended to read as follows:

636.206 1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid ***, active*** and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of optometry for the past 5 years;

(4) ***Has not held a license to practice optometry in this State in the immediately preceding year;***

(5) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

~~[(5)]~~ ***(6)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 636.350 is hereby amended to read as follows:

636.350 1. ~~[~~An optometrist~~]~~ ***A person*** shall not own all or any portion of an optometry practice under an assumed or fictitious name unless the ~~[~~optometrist has~~]~~ ***person:***

(a) Holds an active license to practice optometry in this State; and

(b) Has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name and at a specific location.

2. ~~[~~An optometrist~~]~~ ***A person*** who applies for a certificate of registration to own all or any portion of an optometry practice under an assumed or fictitious name must submit to the Board an application on a form provided by the Board. The application must be accompanied by proof satisfactory to the Board that the assumed or fictitious name has been registered or otherwise approved by any appropriate governmental entity, including, without limitation, any incorporated city or unincorporated town in which the optometrist practices, if the registration or other approval is required by the governmental entity.

3. Each ~~[~~optometrist~~]~~ ***person*** who is issued a certificate of registration pursuant to this section shall:

(a) Comply with the provisions of chapter 602 of NRS;

(b) Display or cause to be displayed near the entrance of his or her business the full name of the optometrist and the words or letters that designate him or her as an optometrist; and

(c) Display or cause to be displayed near the entrance of his or her business the full name of any optometrist who regularly provides optometric services at the business and the words or letters that designate him or her as an optometrist.

4. The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate of registration to practice optometry under an assumed or fictitious name.

5. As used in this section, "assumed or fictitious name" means a name other than the name of the optometrist printed on his or her license to practice optometry.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 636.420 is hereby amended to read as follows:

636.420 ***1.*** After providing notice and a hearing pursuant to chapter 622A of NRS, the Board may impose an administrative fine of not more than $5,000 for each violation against a person licensed under this chapter who engages in any conduct constituting grounds for disciplinary action set forth in NRS 636.295.

2. ~~[In addition to any other penalty prescribed by law, if]~~ If the Board determines that a person has violated any provision of this chapter, the Board may issue a citation to the person. The citation may contain an order to pay an administrative fine of not more than $1,000 for each violation or, for a violation described in subsection 1, $5,000 for each such violation. A citation issued pursuant to this subsection must be in writing, describe with

particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit to the Board a written request for a hearing not later than 30 days after the date of issuance of the citation. The Board shall provide notice of and conduct a hearing requested pursuant to this subsection in accordance with the provisions of chapter 622A of NRS.

Sec. 29. NRS 652.130 is hereby amended to read as follows:

652.130 1. Except as otherwise provided in NRS 652.127, the Board, with the advice of the Medical Laboratory Advisory Committee, may prescribe and publish rules and regulations relating to:

(a) The education, training and experience qualifications of laboratory directors and technical personnel.

(b) The location and construction of laboratories, including plumbing, heating, lighting, ventilation, electrical services and similar conditions, to ensure the conduct and operation of the laboratory in a manner which will protect the public health.

(c) Sanitary conditions within the laboratory and its surroundings, including the water supply, sewage, the handling of specimens and matters of general hygiene, to ensure the protection of the public health.

(d) The equipment essential to the proper conduct and operation of a laboratory.

(e) The determination of the accuracy of test results produced by a laboratory and the establishment of minimum qualifications therefor.

2. Any regulations adopted by the Board pursuant to this section must not require that the laboratory director of a laboratory in which the only test performed is a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations:

(a) Be a licensed physician; or

(b) Perform duties other than those prescribed in NRS 652.180.

3. Any regulations adopted by the Board pursuant to this section that require the laboratory director of a laboratory in which the only tests performed are tests that are classified as waived tests pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations to be a licensed physician must include a licensed optometrist among the types of licensed physicians who are qualified to serve as a laboratory director of such a laboratory.

Sec. 30. (Deleted by amendment.)

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 572 to Assembly Bill No. 432.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 779.

AN ACT relating to optometry; ~~[prohibiting certain persons from owning or controlling an optometry practice under certain circumstances;]~~ requiring a licensee to provide certain notifications to the Nevada State Board of Optometry; authorizing persons enrolled in certain educational or residency programs to practice optometry under certain circumstances; prohibiting a licensee from prescribing ophthalmic lenses under certain circumstances; establishing certain requirements relating to the use of optometric telemedicine; reducing the fee for a veteran to obtain an initial license to practice optometry; revising certain requirements to obtain a license; revising provisions relating to the ownership of an optometry practice under an assumed or fictitious name under certain circumstances; authorizing the Board to issue citations for certain violations; requiring certain regulations adopted by the State Board of Health to authorize a licensed optometrist to serve as the director of a medical laboratory under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada State Board of Optometry to adopt policies and regulations necessary to regulate the practice of optometry in this State and issue licenses to engage in the practice of optometry. (NRS 636.125, 636.215) **Sections 2-12** of this bill define certain terms relating to the practice of optometry. **Section 20** of this bill makes a conforming change to indicate the proper placement of **sections 2-12** in the Nevada Revised Statutes. **Section 28** of this bill authorizes the Board to issue a citation to a person who violates certain provisions of law governing the practice of optometry.

Existing law establishes a schedule of fees which the Board may not exceed when charging for the issuance of a license to practice optometry and for certain other purposes. (NRS 636.143) **Section 21** of this bill revises the fees associated with the initial issuance of a license. **Section 21** sets forth the maximum fee the Board is authorized to charge for the initial issuance of a license to an applicant who is a veteran, which is one-half of the maximum fee the Board is authorized to charge an applicant who is not a veteran.

Existing law authorizes the Board to issue a license by endorsement to certain persons who hold a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States and who meet certain other requirements. (NRS 636.206) **Section 24** of this bill requires the: (1) corresponding license to be active; and (2) applicant to not have been licensed by the Board to practice optometry in this State in the immediately preceding year.

Existing law requires a licensee to notify the Executive Director of the Board in advance of changing the location where the licensee practices optometry or establishing an additional location to practice optometry. (NRS 636.370) **Section 15** of this bill requires a licensee to notify the Board not later than 30 days after a change of the personal mailing address or primary telephone number of the licensee or the electronic mail address that the licensee most recently provided to the Board. **Section 16** of this bill requires a licensee to

report to the Board within 30 days the revocation, suspension or surrender of, or any disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued by any other jurisdiction.

~~[Section 13 of this bill prohibits, with certain exceptions, a person who is not licensed to practice optometry in this State from: (1) owning, being an officer or board member of or having control over the management or operations of an optometry practice located in this State; or (2) being an officer or board member of an entity that operates such an optometry practice or holding a position in such an entity that allows the person to have control over the management or operations of an optometry practice. Section 13 also prohibits a person who is employed by a management service provider which is providing certain business services to an optometry practice from performing certain roles for the optometry practice or the entity that operates the optometry practice using those services.]~~

Existing law prohibits an optometrist from owning all or any part of an optometry practice under an assumed or fictitious name unless the optometrist has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name at a specified location. (NRS 636.350) **Section 26** of this bill specifies that each person who owns any part of such a practice hold an active license to practice optometry in this State and have been issued such a certificate of registration.

Section 14 of this bill: (1) authorizes a surviving family member of a licensed optometrist who has died and who was the sole owner of an optometry practice to own the optometry practice without holding a license to practice optometry in this State for not more than 1 year after the death of the licensed optometrist; and (2) clarifies that such ownership does not exempt a person from the requirement to obtain a license to engage in the practice of optometry. **Section 14** requires such a surviving family member, not later than 1 year after the death of the licensee, to transfer ownership of that optometry practice to another licensed optometrist or to dissolve the practice.

Existing law prohibits a person from engaging in the practice of optometry in this State unless the person is licensed by the Board. (NRS 636.145) **Section 17** of this bill authorizes students who are participating in certain externship programs pursuant to a course of study in optometry or certain persons engaged in a residency program for optometry to perform certain procedures pursuant to those programs which constitute engaging in the practice of optometry. **Section 22** of this bill makes a conforming change to indicate that the performance of such procedures does not constitute the unlawful practice of optometry.

Existing law authorizes a licensed optometrist to prescribe therapeutic or corrective lenses for the correction or relief of or remedy for an abnormal condition or inefficiency of the eye or visual process. (NRS 636.025, 636.215) **Section 18** of this bill prohibits a licensed optometrist from issuing, offering to issue, duplicating or extending a prescription for certain lenses if the optometrist has not performed, or does not have access to records relating to,

a comprehensive eye examination performed within the immediately preceding 2 years on the intended recipient of the lenses.

Existing law defines the term "telehealth" to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. (NRS 629.515) **Section 8** of this bill defines the term "optometric telemedicine" to mean, in general, the use of telehealth by a licensed optometrist to deliver health care services within the scope of the practice of optometry to a patient at a different location. **Section 19** of this bill authorizes and sets forth certain requirements for the use of optometric telemedicine by a licensed optometrist for certain purposes. **Section 19** requires, with certain exceptions, a licensed optometrist to have performed a comprehensive examination on a patient within the immediately preceding 2 years to deliver health care services to the patient through optometric telemedicine. **Section 19** additionally authorizes an licensed optometrist to remotely monitor certain health data of a patient.

Existing law authorizes the State Board of Health to prescribe regulations relating to the operation of medical laboratories and the qualifications of the directors of those laboratories. (NRS 652.130) **Section 29** of this bill requires the regulations to include licensed optometrists among the licensed physicians qualified to serve as the laboratory director of certain laboratories under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. ***"Asynchronous optometric telemedicine" means a form of optometric telemedicine in which data that is collected from an examination of a patient that is conducted in person is later transmitted to an optometrist for review.***

Sec. 3. ***1. "Comprehensive examination" means an examination of a patient which is conducted in person and during which all of the following tests, procedures or actions are performed:***

(a) The documentation of the primary reason for which the examination is conducted;

(b) A review of the medical history and ocular history of both the patient and his or her immediate family;

(c) A review of any medications used by the patient;

(d) A review of any allergies of the patient;

(e) A review of documentation identifying the patient's primary care physician;

(f) General medical observations, including, without limitation, neurological and psychological orientation;

(g) Eye pressure;

(h) Gross, confrontation or formal visual fields;

(i) A basic sensorimotor examination;

(j) A complete pupillary assessment, including, without limitation, an examination of the presence of an afferent pupillary defect;

(k) Eye alignment;

(l) Visual acuities;

(m) Keratometry or autokeratometry;

(n) Anterior segment examination using a slit beam and magnification, as through a biomicroscope slit lamp, to include ocular adnexa, eyelid, eyelashes, conjunctiva, pupil, cornea, anterior chamber and lens;

(o) Posterior segment examination that includes the examination of the optic nerve, macula, retina and vessels; and

(p) A review and assessment of all data collected pursuant to paragraphs (a) to (o), inclusive, and the development of a plan to provide necessary treatment.

2. The term includes an examination in which a test, procedure or action specified in paragraphs (a) to (p), inclusive, of subsection 1 was not performed if the person conducting the examination was unable to perform the test, procedure or action and used an alternative method to obtain comparable data to that which would have been obtained by the proper performance of the test, procedure or action.

Sec. 4. *"Distant site" has the meaning ascribed to it in NRS 629.515.*

Sec. 5. *"Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease that are within the scope of the practice of optometry.*

Sec. 6. *"Licensee" means a person who is licensed to practice optometry pursuant to this chapter.*

Sec. 7. *"Non-comprehensive examination" means an examination that includes some but not all of the elements of a comprehensive examination.*

Sec. 8. *"Optometric telemedicine" means the use of telehealth, as defined in NRS 629.515, by a licensee who is located at a distant site to deliver health care services to a patient who is located at an originating site. The term includes, without limitation, synchronous optometric telemedicine and asynchronous optometric telemedicine.*

Sec. 9. *"Optometry practice" or "optometric practice" means a business through which one or more optometrists practice optometry.*

Sec. 10. *"Originating site" has the meaning ascribed to it in NRS 629.515.*

Sec. 11. *"Remote patient monitoring" means the monitoring by a licensee of data:*

1. Collected from a patient of the licensee at one location and transmitted to the licensee at another location; and

2. That is necessary to make informed decisions about providing health care services to the patient.

Sec. 12. ***"Synchronous optometric telemedicine" means a form of optometric telemedicine in which information is exchanged via electronic communication in real time and includes, without limitation, communication via telephone, video, a mobile application or an online platform on an Internet website.***

Sec. 13. ~~***[1. Except as otherwise provided in section 14 of this act, a person who is not licensed to practice optometry pursuant to this chapter shall not:***~~

~~***(a) Hold an ownership interest in an optometry practice;***~~

~~***(b) Be an officer or board member of an optometry practice or occupy any other position of authority at an optometry practice that allows the person to exert control over the management or operation of the optometry practice; or***~~

~~***(c) Be an officer or board member of an entity that operates one or more optometry practices or occupy any other position of authority at such an entity that allows the person to exert control over the management or operations of an optometry practice that the entity operates.***~~

~~***2. A person shall not accept compensation to perform any services for a management service provider that is providing services to an optometry practice if the person is:***~~

~~***(a) An officer or board member of the optometry practice or occupies any other position of authority at an optometry practice that allows the person to exert control over the management or operation of the optometry practice receiving those services; or***~~

~~***(b) An officer or board member of an entity that operates the optometry practice or occupies any other position of authority at such an entity that allows the person to exert control over the management or operations of the optometry practice receiving those services.***~~

~~***3. As used in this section:***~~

~~***(a) "Management service provider" means a person that contracts to provide management or administrative support services to an optometry practice. The term does not include a provider of insurance, a provider of health care as defined in NRS 41A.017 or a person that offers optometric care at an optometry practice or that offers comprehensive examinations.***~~

~~***(b) "Management or administrative support services" includes, without limitation, legal services and services relating to management, billing, credentialing, accounting, marketing, the storage of electronic medical records, the management of human resources, the provision of malpractice insurance, information technology, the financing of equipment, recruitment, transactions involving real estate and technical support for optometric telemedicine.]***~~ **(Deleted by amendment.)**

Sec. 14. ***1. For not more than 1 year after the death of a licensee who is the sole owner of an optometry practice, a surviving member of the licensee's family may own the optometry practice without being licensed pursuant to this chapter. Not later than 1 year after the death of the licensee,***

the surviving member of the licensee's family shall transfer ownership of the optometry practice to a licensee or dissolve the optometry practice.

2. The provisions of this section do not:

(a) Exempt a person from the requirement to obtain a license pursuant to this chapter to engage in the practice of optometry; and

(b) Abrogate, alter or otherwise affect any obligation to comply with the requirements of chapters 629 and 636 of NRS relating to the custody of health care records.

3. As used in this section, "member of the licensee's family" means any person related to the licensee by blood, adoption or marriage within the third degree of consanguinity.

Sec. 15. ***A licensee shall notify the Board of any change in the personal mailing address or primary telephone number of the licensee or any change of the electronic mail address most recently provided by the licensee to the Board not later than 30 calendar days after the change.***

Sec. 16. ***A licensee shall report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued to the licensee by another state or territory of the United States, the District of Columbia or a foreign country.***

Sec. 17. ***1. A student who is enrolled in a graduate course of study in optometry at an accredited school or college of optometry and who is participating in an externship authorized by the school or college, as applicable, as part of that course of study may perform procedures within the scope of a license to practice optometry issued pursuant to this chapter if an optometrist or ophthalmologist licensed in this State:***

(a) Is physically present at the clinic where the student is performing the procedures at all times while those procedures are being performed; and

(b) Examines the person on whom the student performed any procedure before the person is discharged.

2. Except as otherwise provided in subsection 3, a person who has received a degree of doctor of optometry and who is engaged in a residency program for optometry in this State may, without a license, engage in the practice of optometry within the scope of a license to practice optometry issued pursuant to this chapter and examine and manage patients without supervision if an optometrist or ophthalmologist licensed in this State is physically present at the clinic at all times when the person is practicing optometry.

3. A person described in subsection 2 may, in an emergency, provide care to a patient without an optometrist or ophthalmologist licensed in this State being physically present at the clinic if the person consults with an appropriate optometrist or ophthalmologist associated with the clinic to determine the proper care and management of the treatment of the patient.

4. As used in this section, "clinic" means a facility at which a licensed optometrist or ophthalmologist provides services to patients.

Sec. 18. ***It is unlawful for a licensee to issue, offer to issue, duplicate or extend a prescription for an ophthalmic lens for a person if the licensee has not performed a comprehensive examination, or does not have access to the complete results of a comprehensive examination that was performed, on the person within the immediately preceding 2 years.***

Sec. 19. ***1. Except as otherwise provided in subsection 5, a person shall not engage in optometric telemedicine to provide health care services to a patient located at an originating site in this State unless the person is licensed to practice optometry pursuant to this chapter.***

2. Except as otherwise provided in subsection 3, a licensee may engage in synchronous or asynchronous optometric telemedicine to provide health care services to a patient only if the licensee has completed a comprehensive examination on the patient within the immediately preceding 2 years.

3. A licensee may engage in synchronous optometric telemedicine to perform a non-comprehensive examination of a new patient if the licensee has access to all the information obtained from a comprehensive examination of the patient that was conducted by an optometrist or ophthalmologist within the immediately preceding 2 years.

4. A licensee may engage in asynchronous optometric telemedicine to conduct a consultation regarding a patient on whom the licensee has not completed a comprehensive examination within the immediately preceding 2 years if:

(a) An optometrist, ophthalmologist or primary care physician providing care to the patient requests that the licensee conduct the consultation and provides the licensee with all the information about the patient that is necessary to determine whether the patient requires a comprehensive examination; and

(b) The consultation performed by the licensee is limited to a determination of whether the patient requires a comprehensive examination and does not involve any diagnosis, recommendation for or treatment of the patient or a prescription for the patient.

5. A person who holds a valid, active and unrestricted license issued by the District of Columbia or any state or territory of the United States to practice optometry may conduct a consultation through asynchronous optometric telemedicine described in subsection 4 in the same manner as a licensee pursuant to that subsection without holding a license to practice optometry in this State.

6. A licensee may engage in remote patient monitoring of a patient on whom the licensee has completed a comprehensive examination within the immediately preceding 2 years for the purposes of:

(a) Acquiring data about the health of the patient;

(b) Assessing changes in previously diagnosed chronic health conditions;

(c) Confirming the stability of the health of the patient; or

(d) Confirming expected therapeutic results.

7. A licensee may engage in optometric telemedicine to provide health care services to a patient who is located at an originating site outside this State if the licensee has completed a comprehensive examination of the patient within the immediately preceding 2 years and such action is permitted by the laws of the state in which the patient is located.

8. A licensee shall not engage in optometric telemedicine to provide any health care service to the patient that the licensee has determined should be provided in person.

9. A licensee engaging in optometric telemedicine or remote patient monitoring shall not:

(a) Conduct himself or herself in a manner that violates the standard of care required of an optometrist who is treating a patient in person, including, without limitation, by issuing a prescription for ophthalmic lenses based solely upon one or more of the following:

(1) Answers provided by a patient in an online questionnaire;

(2) The application of lensometry; or

(3) The application of auto-refraction; or

(b) Condition the provision of optometric telemedicine or remote patient monitoring on the patient consenting to receiving a standard of care below that which is required by paragraph (a).

Sec. 20. NRS 636.015 is hereby amended to read as follows:

636.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 636.016 to 636.023, inclusive, ***and sections 2 to 12, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 636.143 is hereby amended to read as follows:

636.143 ***1.*** At least once every 2 years, the Board shall review and, if the Board deems it necessary, establish or revise, within the limits prescribed a schedule of fees for the following purposes:

	Not more than
~~[1.]~~ ***(a)*** Examinations	$250
~~[2.]~~ ***(b)*** ~~[Applications for the issuance of a 1-year license~~	~~$600~~
~~3. Renewal]~~ ***Initial issuance or renewal*** of a license	$1,200
~~[4.]~~ ***(c)*** Granting certification or issuing certificates	$1,000
~~[5.]~~ ***(d)*** Licensing of extended clinical facilities and other practice locations	$500
~~[6.]~~ ***(e)*** Individually verifying licensure or disciplinary status	$100
~~[7.]~~ ***(f)*** Late fee	$1,000
~~[8.]~~ ***(g) Initial issuance of a license to an applicant who is a veteran***	***$600***
(h) Any other service provided by the Board pursuant to this chapter	$1,000

2. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 22. NRS 636.145 is hereby amended to read as follows:

636.145 1. ~~[A]~~ ***Except as otherwise provided in section 17 of this act, a*** person shall not engage in the practice of optometry in this State unless:

(a) The person has obtained a license pursuant to the provisions of this chapter; and

(b) Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. The Board shall conduct an investigation pursuant to subsection 3 if the Board receives a complaint which sets forth any reason to believe that a person has engaged in the practice of optometry in this State without a license issued pursuant to this chapter.

3. In addition to any other penalty prescribed by law, if the Board, after conducting an investigation and hearing in accordance with chapters 233B, 622 and 622A of NRS, determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist from the practice of optometry until the person obtains a license from the Board.

(b) Issue a citation to the person ~~[.]~~ ***pursuant to NRS 636.420.***

(c) Impose any combination of the penalties set forth in paragraphs (a) and (b).

4. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to this chapter.

5. Each instance of unlicensed activity constitutes a separate offense for which a separate citation may be issued.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 636.206 is hereby amended to read as follows:

636.206 1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid ***, active*** and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of optometry for the past 5 years;

(4) ***Has not held a license to practice optometry in this State in the immediately preceding year;***

(5) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

~~[(5)]~~ ***(6)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 636.350 is hereby amended to read as follows:

636.350 1. ~~[An optometrist]~~ ***A person*** shall not own all or any portion of an optometry practice under an assumed or fictitious name unless the ~~[optometrist has]~~ ***person:***

(a) Holds an active license to practice optometry in this State; and

(b) Has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name and at a specific location.

2. ~~[An optometrist]~~ ***A person*** who applies for a certificate of registration to own all or any portion of an optometry practice under an assumed or fictitious name must submit to the Board an application on a form provided by the Board. The application must be accompanied by proof satisfactory to the Board that the assumed or fictitious name has been registered or otherwise approved by any appropriate governmental entity, including, without limitation, any incorporated city or unincorporated town in which the optometrist practices, if the registration or other approval is required by the governmental entity.

3. Each ~~[optometrist]~~ ***person*** who is issued a certificate of registration pursuant to this section shall:

(a) Comply with the provisions of chapter 602 of NRS;

(b) Display or cause to be displayed near the entrance of his or her business the full name of the optometrist and the words or letters that designate him or her as an optometrist; and

(c) Display or cause to be displayed near the entrance of his or her business the full name of any optometrist who regularly provides optometric services at the business and the words or letters that designate him or her as an optometrist.

4. The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate of registration to practice optometry under an assumed or fictitious name.

5. As used in this section, "assumed or fictitious name" means a name other than the name of the optometrist printed on his or her license to practice optometry.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 636.420 is hereby amended to read as follows:

636.420 ***1.*** After providing notice and a hearing pursuant to chapter 622A of NRS, the Board may impose an administrative fine of not more than $5,000 for each violation against a person licensed under this chapter who engages in any conduct constituting grounds for disciplinary action set forth in NRS 636.295.

2. If the Board determines that a person has violated any provision of this chapter, the Board may issue a citation to the person. The citation may contain an order to pay an administrative fine of not more than $1,000 for each violation or, for a violation described in subsection 1, $5,000 for each such violation. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit to the Board a written request for a hearing not later than 30 days after the date of issuance of the citation. The Board shall provide notice of and conduct a hearing requested pursuant to this subsection in accordance with the provisions of chapter 622A of NRS.

Sec. 29. NRS 652.130 is hereby amended to read as follows:

652.130 1. Except as otherwise provided in NRS 652.127, the Board, with the advice of the Medical Laboratory Advisory Committee, may prescribe and publish rules and regulations relating to:

(a) The education, training and experience qualifications of laboratory directors and technical personnel.

(b) The location and construction of laboratories, including plumbing, heating, lighting, ventilation, electrical services and similar conditions, to ensure the conduct and operation of the laboratory in a manner which will protect the public health.

(c) Sanitary conditions within the laboratory and its surroundings, including the water supply, sewage, the handling of specimens and matters of general hygiene, to ensure the protection of the public health.

(d) The equipment essential to the proper conduct and operation of a laboratory.

(e) The determination of the accuracy of test results produced by a laboratory and the establishment of minimum qualifications therefor.

2. Any regulations adopted by the Board pursuant to this section must not require that the laboratory director of a laboratory in which the only test performed is a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations:

(a) Be a licensed physician; or

(b) Perform duties other than those prescribed in NRS 652.180.

3. Any regulations adopted by the Board pursuant to this section that require the laboratory director of a laboratory in which the only tests performed are tests that are classified as waived tests pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations to be a licensed physician must include a licensed optometrist among the types of licensed physicians who are qualified to serve as a laboratory director of such a laboratory.

Sec. 30. (Deleted by amendment.)

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 779 to Assembly Bill No. 432.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 54.

The following Senate amendment was read:

Amendment No. 584.

AN ACT relating to education; revising provisions governing the compulsory school attendance of certain children; revising the contents required in certain annual reports of accountability of schools and school districts; revising provisions governing the reimbursement of certain hospitals and other facilities for providing educational services to children in their care; revising provisions governing the counting of pupils for purposes of calculating apportionment; requiring a child who has taken a high school equivalency assessment to attend school until receipt of notice of successful completion of the assessment; requiring a county advisory board to review school attendance to reflect the ethnic and geographic diversity of the county; revising provisions governing the absences of pupils; revising provisions governing habitual truancy; authorizing certain written notices and other documents to be made electronically; requiring a school to take certain actions relating to a truant pupil; imposing certain duties relating to chronic absenteeism on the board of trustees of a school district and the Department of Education; repealing certain provisions excusing attendance for certain children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school district, each school in the school district and each charter school sponsored by the school district to prepare an annual

report of accountability which includes information concerning pupils who are eligible for and receive free or reduced-price breakfasts and lunches. (NRS 385A.270) **Section 2** of this bill eliminates the requirement to include in such a report information concerning pupils who receive free or reduced-price breakfasts and lunches.

Under existing law, certain hospitals and other facilities that provide residential treatment to children and also operate a licensed private school or an accredited educational program approved by the Department of Education are authorized to request reimbursement from the Department for the cost of providing educational services to a child who is verified to be a patient or resident of the hospital or facility, attends the private school or educational program for more than 7 school days and meets certain other requirements. Upon receiving such a request, the Department is required to determine the amount of reimbursement as a percentage of the adjusted base per pupil funding for the school district which the child would otherwise attend if the child were not in the hospital or facility or the statewide base per pupil funding amount for the charter school which the pupil would otherwise attend. (NRS 387.1225) **Section 4** of this bill authorizes the hospital or facility to request reimbursement from the school district or charter school in which the child is enrolled and revises the requirements to request such reimbursement. **Section 4** also revises the method of calculating the amount of reimbursement to base the reimbursement upon a daily rate of the adjusted base per pupil funding for the school district or a daily rate of the statewide base per pupil funding amount or adjusted base per pupil funding for the charter school, as applicable.

Existing law requires the State Board of Education to adopt regulations for counting enrollment and calculating the average daily attendance of pupils for apportionment purposes. (NRS 387.123) **Section 5** of this bill requires, instead, the use of the average daily enrollment of pupils for such purposes.

Existing law requires, with certain exceptions, each parent, custodial parent, guardian or other person in this State having control or charge of any child between the ages of 7 and 18 years to send the child to a public school during all the time the school is in session. (NRS 392.040) **Section 13** of this bill: (1) clarifies that such a child must also be enrolled in a public school; (2) requires that the child be sent to school for the full school day during all the time the school is in session; (3) requires the parent or legal guardian of the child to sign a statement or acknowledge via registration on an Internet website maintained by the school district that the parent or legal guardian and the child understand the district's policy concerning attendance; and (4) provides that a pupil who receives certain services outside of a public school shall be deemed to be in attendance at the public school and in compliance with the requirements for attendance during the time the pupil is receiving the services and is being transported to and from the school to receive those services. **Sections 1, 3, 6-10, 12, 15, 16, 22, 27, 29-31 and 34-45** of this bill revise various provisions as they relate to compulsory school attendance to conform

with the additional requirements of school enrollment established in **section 13**.

Existing law provides that compulsory attendance at public school must be excused if a child has obtained permission to take the high school equivalency assessment. (NRS 392.075) **Section 17** of this bill provides that after the child has taken the assessment, school attendance is required until the child receives notification of the successful completion of the assessment.

Existing law requires the board of trustees of a school district to prescribe a minimum number of days that a pupil must be in attendance to obtain credit or be promoted to the next higher grade. (NRS 392.122) **Section 18** of this bill authorizes a board of trustees of a school district to adopt a policy prescribing the circumstances under which a pupil will be considered chronically absent. **Section 18** also: (1) eliminates provisions requiring, under certain circumstances, days on which a pupil's absence is approved by a teacher or principal to be credited towards the required days of attendance; (2) revises the process by which, upon request by the pupil and the parent or legal guardian of a pupil, a principal or principal's designee is required to review and recalculate the number of the pupil's absences for the purposes of determining whether the pupil may obtain credit or be promoted to the next higher grade; and (3) eliminates provisions authorizing the board of trustees of a school district to adopt a policy to exempt pupils who are physically or mentally unable to attend school from certain limitations on absences and certain conditions required in such a policy.

Existing law creates in each county at least one advisory board to review school attendance. (NRS 392.126) **Section 19** of this bill requires the membership of each such board to reflect, to the greatest extent possible, the ethnic and geographic diversity of the county.

Existing law requires a teacher or principal to give written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. (NRS 392.130) **Section 20** of this bill: (1) revises this provision to authorize a teacher or principal to give such approval upon the request of a parent or legal guardian, made during the absence or within the 3 days immediately preceding or the 3 days immediately following the requested absence for an emergency; (2) prohibits the approval of absences for more than 10 percent of the number of school days in the school year; (3) requires all approved and unapproved absences to be counted for the purposes of determining whether a pupil is chronically absent; and (4) requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to communicate its policy on truancy and the Department's definition of chronic absenteeism to parents and legal guardians in a language they can understand and provide a parent or legal guardian notice when a pupil is approaching the 10 percent limit in the number of absences that may be approved.

Sections 20, 23-26 and 29 of this bill authorize certain notices, consents, referrals, agreements, reports and other documentation which must be in writing to be made electronically.

Section 21 of this bill revises the circumstances under which a child may be declared a habitual truant and provides an exception for a child who is physically or mentally unable to attend school.

Existing law requires a school in which a pupil is enrolled to take reasonable actions designed to encourage, enable or convince the pupil to attend school if the pupil has one or more unapproved absences. (NRS 392.144) **Section 23** of this bill requires the school to take such actions if the pupil has been truant from school.

Section 28 of this bill requires the board of trustees of each school district to: (1) establish procedures to monitor and report chronic absenteeism of pupils; and (2) determine chronic absenteeism of pupils at each school within the district. **Section 28** also requires: (1) the Department to adopt by regulation a definition of the term "chronic absenteeism"; and (2) the board of trustees of each school district to ensure that the actions taken pursuant to that section are consistent with the definition adopted by the Department.

Section 46 of this bill repeals provisions excusing attendance for children: (1) who reside a certain distance from the nearest public school; and (2) between 15 and 18 years of age who have completed the first eight grades to enter employment or apprenticeship.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Challenge school" has the meaning ascribed to it in NRS 388D.305.

2. "Charter school" means a public school that is formed pursuant to the provisions of chapter 388A of NRS.

3. "Department" means the Department of Education.

4. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

5. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.

6. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

7. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

8. "School bus" has the meaning ascribed to it in NRS 484A.230.

9. "School counselor" or "counselor" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school counselor issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school counselor.

10. "School psychologist" or "psychologist" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school psychologist issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school psychologist.

11. "School social worker" or "social worker" means a social worker licensed pursuant to chapter 641B of NRS who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school social worker issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school social worker.

12. "State Board" means the State Board of Education.

13. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 2. NRS 385A.270 is hereby amended to read as follows:

385A.270 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

(a) The number and percentage of pupils who are eligible for free or reduced-price breakfasts; ***and***

(b) ~~[~~The percentage of pupils who receive free and reduced price breakfasts;

~~(c)~~**]** The number and percentage of pupils who are eligible for free or reduced-price ~~[~~lunches;

~~(d) The percentage of pupils who receive free and reduced price~~**]** lunches **.** ~~[~~**;**

~~(e) A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced price breakfasts, pupils who receive free and reduced price breakfasts, pupils who are eligible for free or reduced price lunches, pupils who receive free and reduced price lunches and pupils who are not eligible for free or reduced price breakfasts or lunches;~~

~~(f) A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced price breakfasts, pupils who receive free and reduced price breakfasts, pupils who are eligible for free or reduced price~~

~~lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:~~

~~(1) Retention rates;~~

~~(2) Graduation rates;~~

~~(3) Dropout rates;~~

~~(4) Grade point averages; and~~

~~(5) Except as otherwise provided in subsection 6 of NRS 390.105, scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.~~**]**

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 3. NRS 385B.020 is hereby amended to read as follows:

385B.020 "Pupil" means a student of a school or a child that receives instruction at home and is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.

Sec. 4. NRS 387.1225 is hereby amended to read as follows:

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS may request reimbursement from the ~~[~~Department~~]~~ ***school district or charter school in which a child is enrolled*** for the cost of providing educational services to ~~[~~a~~]~~ ***the*** child ~~[~~who:~~]~~ ***if:***

(a) The ~~[~~Department~~]~~ ***school district or charter school*** verifies ***that the child*** is a patient or resident of the hospital or facility; and

(b) ~~[~~Attends~~]~~ ***The child attends*** the private school for more than 7 school days.

2. A hospital or other facility licensed in the District of Columbia or any state or territory of the United States that provides residential treatment and which operates an educational program accredited by a national organization and approved by the Department of Education may request reimbursement from the ~~[~~Department~~]~~ ***school district or charter school in which a child is enrolled*** for the cost of providing educational services to ~~[~~a~~]~~ ***the*** child ~~[~~who:~~]~~ ***if:***

(a) The Department ~~[~~verifies:~~]~~ ***and the school district or charter school, as applicable, verify that the child:***

(1) Is a patient or resident of the hospital or facility; and

(2) Is a resident of this State; ***and***

(b) ***The child:***

(1) Is admitted to the hospital or facility on an order from a physician because the necessary treatment required for the child is not available in this State;

~~[~~(c)~~]~~ ***(2)*** Attends the accredited educational program for more than 7 school days;

~~[~~(d)~~]~~ ***(3)*** Is not homeschooled or enrolled in a private school; and

~~[(c)]~~ ***(4)*** Has been admitted to the medical facility under the order of a physician to receive medically necessary treatment for a medical or mental health condition with which the child has been diagnosed.

3. A hospital or other facility that wishes to receive reimbursement pursuant to subsection 2 shall:

(a) Notify the ***Department and the*** school district or charter school in which the child is enrolled upon admitting the child to the accredited educational program; and

(b) Transfer any educational records of the child to the school district or charter school in which the child is enrolled in accordance with any applicable regulations adopted pursuant to subsection 9.

4. Upon receiving a request for reimbursement pursuant to subsection 1 or 2, the ~~[Department]~~ ***school district or charter school in which the child is enrolled*** shall determine the amount of reimbursement to which the hospital or facility is entitled ~~[as a percentage]~~ ***by multiplying the number of days determined pursuant to subsection 6 by the following, as applicable:***

(a) The daily rate of the adjusted base per pupil funding for the school district which the child would otherwise attend ***.*** ~~[or]~~ ***The daily rate of the adjusted base per pupil funding for the school district which the child would otherwise attend must be calculated by dividing the adjusted base per pupil funding provided to the school district in which the child is enrolled pursuant to NRS 387.1214 by 180.***

(b) The daily rate of the statewide base per pupil funding amount ***or adjusted base per pupil funding, as applicable,*** for the charter school which the child would otherwise attend ***.*** ~~[, as applicable.]~~ ***The daily rate of the statewide base per pupil funding amount or adjusted base per pupil funding, as applicable, for the charter school which the child would otherwise attend must be calculated by dividing the statewide base per pupil funding amount or adjusted base per pupil funding, as applicable, provided to the charter school in which the child is enrolled pursuant to NRS 387.1214 by 180.***

5. If the request for reimbursement is made pursuant to subsection 1, the child is a pupil with a disability and the hospital or facility is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto, the hospital or facility is also entitled to ~~[a corresponding percentage of]~~ ***an amount determined by increasing the daily rate determined pursuant to subsection 4 by*** the statewide multiplier for the pupil established pursuant to NRS 387.122, which is ~~[withheld from]~~ ***received by*** the school district or charter school where the child was enrolled before being placed in the hospital or facility ~~[.]~~ ***for the number of days determined pursuant to subsection 6.*** The Department shall distribute the money withheld from the school district or charter school to the hospital or facility.

6. For the purposes of subsections 4 and 5, the amount of reimbursement to which the hospital or facility is entitled must be calculated on the basis of the number of school days the child is a patient or resident of the hospital or

facility and attends the private school or accredited educational program, as applicable, excluding the 7 school days prescribed in paragraph (b) of subsection 1 or ***subparagraph (2) of*** paragraph ~~[~~(c)~~]~~ ***(b)*** of subsection 2, as applicable**.** ~~[, in proportion to the number of days of instruction scheduled for that school year by the board of trustees of the school district or the charter school, as applicable.]~~

7. A hospital or other facility is not entitled to reimbursement for days of instruction provided to a child in a year in excess of the minimum number of days of free school required by NRS 388.090.

8. If a hospital or other facility requests reimbursement from ~~[~~the Department~~]~~ ***a school district or charter school*** for the cost of providing educational services to a pupil with a disability pursuant to subsection 1 or 2, the school district or charter school in which the child is enrolled shall be deemed to be the local educational agency for the child for the purposes of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto.

9. The Department shall adopt any regulations necessary to carry out the provisions of this section, which may include, without limitation, regulations to:

(a) Prescribe a procedure for the transfer of educational records pursuant to subsection 3;

(b) Carry out or ensure compliance with the requirements of subsections 4 and 5 concerning reimbursement for educational services provided to a pupil with a disability; and

(c) Require the auditing of ~~[~~a~~]~~ ***:***

(1) A hospital or other facility that requests reimbursement ***; and***

(2) A school district or charter school from which reimbursement is requested,

➥ pursuant to this section to ensure compliance with any applicable provisions of federal or state law.

10. The provisions of this section must not be construed to authorize reimbursement pursuant to this section of a hospital or facility for the cost of health care services provided to a child.

11. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, pupils who are enrolled in a university school for profoundly gifted pupils located in the

county and pupils who are enrolled in a challenge school located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474.

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

(i) Pupils who are enrolled in a challenge school.

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily ~~[attendance]~~ ***enrollment*** of pupils. Except as otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:

(a) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.

Sec. 6. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education if:

(a) Pursuant to this section or other specific statute, the pupil is eligible for enrollment or the pupil's enrollment is not otherwise prohibited;

(b) The program of distance education in which the pupil wishes to enroll is offered by the school district in which the pupil resides or a charter school or, if the program of distance education in which the pupil wishes to enroll is a full-time program of distance education offered by a school district other than the school district in which the pupil resides, the program is not the same

or substantially similar to a program of distance education offered by the school district in which the pupil resides;

(c) The pupil satisfies the qualifications and conditions for enrollment adopted by the State Board pursuant to NRS 388.874; and

(d) The pupil satisfies the requirements of the program of distance education.

2. A child who is exempt from compulsory ***enrollment and*** attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or ~~[otherwise]~~ attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.

3. If a pupil who is prohibited from ***enrolling in and*** attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.

4. A pupil who is enrolled in grade 12 in a program of distance education and who moves out of this State is eligible to maintain enrollment in the program of distance education until the pupil graduates from high school.

Sec. 7. NRS 388A.366 is hereby amended to read as follows:

388A.366 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, except for tuition or fees that the board of trustees of a school district is authorized to charge, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 390.105 and, if the charter school enrolls pupils at a high school grade level, the college

and career readiness assessment administered pursuant to NRS 390.610 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Northwest Accreditation Commission.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 8. NRS 388A.411 is hereby amended to read as follows:

388A.411 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the charter school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, unless the pupil is

exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

2. The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department.

3. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

4. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Public Charter School Authority may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

Sec. 9. NRS 388C.260 is hereby amended to read as follows:

388C.260 1. Each pupil who is enrolled in a university school for profoundly gifted pupils, including, without limitation, a pupil who is enrolled in a program of special education in a university school for profoundly gifted pupils, must be included in the count of pupils in the university school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, unless the pupil is exempt from compulsory school ***enrollment and*** attendance pursuant to NRS 392.070.

2. A university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

3. All money received by a university school for profoundly gifted pupils from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State.

4. The governing body of a university school for profoundly gifted pupils may negotiate with the board of trustees of the school district in which the school is located or the State Board for additional money to pay for services that the governing body wishes to offer.

5. To determine the amount of money for distribution to a university school for profoundly gifted pupils in its first year of operation in which state

funding is provided, the count of pupils who are enrolled in the university school must initially be determined 30 days before the beginning of the school year of the school district in which the university school is located, based upon the number of pupils whose applications for enrollment have been approved by the university school. The count of pupils who are enrolled in a university school for profoundly gifted pupils must be revised each quarter based upon the average daily enrollment of pupils in the university school reported for the preceding quarter pursuant to subsection 1 of NRS 387.1223.

6. Pursuant to NRS 387.1242, the governing body of a university school for profoundly gifted pupils may request that the apportionments made to the university school in its first year of operation be paid to the university school 30 days before the apportionments are otherwise required to be made.

7. If a university school for profoundly gifted pupils ceases to operate pursuant to this chapter during a school year, the remaining apportionments that would have been made to the university school pursuant to NRS 387.124 and 387.1242 for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the university school reside.

8. If the governing body of a university school for profoundly gifted pupils uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the university school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 10. NRS 388D.020 is hereby amended to read as follows:

388D.020 1. If the parent of a child who is subject to compulsory ***enrollment and*** attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory ***enrollment and*** attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to NRS 388D.050;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

> I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school ***enrollment and*** attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

Sec. 11. NRS 388D.200 is hereby amended to read as follows:

388D.200 ~~[~~1.~~]~~ Except as otherwise provided in this ~~[~~subsection,~~]~~ ***section,*** if a child is exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070 ~~[~~or 392.110,~~]~~ and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, including, without limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this ~~[~~subsection~~]~~ ***section*** apply during the period of a child's employment with an

entity, regardless of whether the child has obtained the appropriate exemption from compulsory ***enrollment and*** attendance at the time his or her contract with the entity is under negotiation.

~~[2. If such a child is exempt from compulsory attendance pursuant to NRS 392.110, the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.]~~

Sec. 12. NRS 392.016 is hereby amended to read as follows:

392.016 1. If a pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, the pupil may attend a public school that is located in a school district other than the school district in which the pupil resides.

2. If a pupil described in subsection 1 attends a public school that is located in a school district other than the school district in which the pupil resides:

(a) The pupil must be included in the count of pupils of the school district in which the pupil attends school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive.

(b) Neither the board of trustees of the school district in which the pupil attends school nor the board of trustees of the school district in which the pupil resides is required to provide transportation for the pupil to attend the public school.

3. The provisions of this section do not apply to a pupil who is ineligible to ***enroll in or*** attend a public school pursuant to NRS 392.264 or 392.4675.

Sec. 13. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall ***enroll the child in a public school and*** send the child to ~~[a]~~ ***the*** public school ***for the full school day*** during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before the first day of a school year may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before the first day of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before the first day of a school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before the first day of a school year, the

child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before the first day of a school year may elect for the child not to ***enroll in and*** attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school ***for the full school day*** during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging ***or acknowledge via registration on an Internet website maintained by the school district*** that he or she has read and understands the policy concerning attendance ***, the child understands the policy concerning attendance*** and ***the parent or legal guardian, as applicable, has read and understands*** the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. ***A pupil who receives services outside of a public school*** ~~***[, including, without limitation, services]***~~ ***pursuant to an individualized education program*** ~~***[,]***~~ ***or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794,*** ~~***[or some other similar agreement with the public school,]***~~ ***shall be deemed to be in attendance at the public school and in compliance with the requirements for attendance set forth in this section during the time the pupil is receiving the services and is being transported to and from the public school to receive those services.***

7. A child who is 7 years of age on or before the first day of a school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's ***enrollment and*** attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection ~~[7.]~~ ***8*** to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

~~[7.]~~ ***8.*** Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before the first day of the next school year; and

(b) Whose parents waived the child's ***enrollment and*** attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

~~[8.]~~ ***9.*** Except as otherwise provided in subsection ~~[9,]~~ ***10,*** a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~[9.]~~ ***10.*** Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

~~[10.]~~ ***11.*** As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 392.060 is hereby amended to read as follows:

392.060 ~~[Attendance]~~ ***Enrollment and attendance*** required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child has already completed the 12 grades of the elementary and high school courses.

Sec. 16. NRS 392.070 is hereby amended to read as follows:

392.070 ~~[Attendance]~~ ***Enrollment and attendance*** of a child required by the provisions of NRS 392.040 must be excused when:

1. The child is enrolled in a private school pursuant to chapter 394 of NRS; or

2. A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with NRS 388D.020.

Sec. 17. NRS 392.075 is hereby amended to read as follows:

392.075 ~~[Attendance]~~

1. Except as otherwise provided in subsection 2, enrollment and attendance required by the provisions of NRS 392.040 must be excused if a child has obtained permission to take the high school equivalency assessment pursuant to NRS 390.055.

2. After a child has taken the high school equivalency assessment, the child shall enroll in and attend school pursuant to the provisions of NRS 392.040 until the child receives notification that the child has successfully completed the assessment.

Sec. 18. NRS 392.122 is hereby amended to read as follows:

392.122 1. Except as otherwise provided in NRS 389.320, the board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory ***enrollment and*** attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school district may adopt a policy prescribing ~~[a]~~ ***:***

(a) A minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.

(b) The circumstances under which a pupil will be considered chronically absent by the Department.

2. ~~[For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130, must be credited towards the required days of attendance if the pupil has completed course work requirements. The teacher or principal of the school may approve the absence of a pupil for deployment activities of the parent or legal guardian of the pupil, as defined in NRS 388F.010. If the board of trustees of a school district has adopted a policy pursuant to subsection 5,~~

~~the 10-day limitation on absences does not apply to absences that are excused pursuant to that policy.~~

~~3. Except as otherwise provided in subsection 5, before~~ ***Before*** a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or the principal's designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and the pupil's parent or legal guardian may request a review of the absences of the pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and the pupil's parent or legal guardian, ***the parent or legal guardian may present*** the principal or the principal's designee ~~[shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or the principal's designee shall credit towards the required days of attendance each day of absence for which:~~

~~(a) There is evidence or a written affirmation by the parent or legal guardian of the pupil that the pupil was physically or mentally unable to attend school on the day of the absence; and~~

~~(b) The pupil has completed course work requirements.~~

~~4.]~~ ***with documentation that the pupil has complied with the attendance requirements prescribed pursuant to subsection 1 by attending school, either in person or through an alternative program of education or a program of distance education approved by the Department. If the documentation is accurate and the principal or principal's designee finds that any absence of the pupil was entered in error, the error must be corrected and the absences of the pupil must be recalculated for the purposes of determining whether the pupil may obtain credit or be promoted to the next higher grade.***

3. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection ~~[3.]~~ ***2*** to the board of trustees of the school district in which the pupil is enrolled.

~~[5. The board of trustees of a school district may adopt a policy to exempt pupils who are physically or mentally unable to attend school from the limitations on absences set forth in subsection 1. If a board of trustees adopts a policy pursuant to this subsection:~~

~~(a) A pupil who receives an exemption pursuant to this subsection is not exempt from the minimum number of days of attendance prescribed pursuant to subsection 1.~~

~~(b) The days on which a pupil is physically or mentally unable to attend school must be credited towards the required days of attendance if the pupil has completed course work requirements.~~

~~(c) The procedure for review of absences set forth in subsection 3 does not apply to days on which the pupil is absent because the pupil is physically or mentally unable to attend school.~~

~~6.~~ ***4.*** A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the ***enrollment,*** attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.

Sec. 19. NRS 392.126 is hereby amended to read as follows:

392.126 1. There is hereby created in each county at least one advisory board to review school attendance. The membership of each such board ***must, to the greatest extent possible, reflect the ethnic and geographic diversity of the county and*** may consist of:

(a) One probation officer in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(b) One representative of a law enforcement agency in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(c) One representative of the district attorney for the county, appointed by the district attorney;

(d) One parent or legal guardian of a pupil who is enrolled in a public school in the county, or his or her designee or alternate who is also a parent or legal guardian, appointed by the president of the board of trustees of the school district;

(e) One member of the board of trustees of the school district, appointed by the president of the board of trustees;

(f) One school counselor or school teacher employed by the school district, appointed by an organization or association that represents licensed educational personnel in the school district;

(g) One deputy sheriff in the county, appointed by the sheriff of the county; and

(h) One representative of the agency which provides child welfare services, as defined in NRS 432B.030.

2. The members of each such board shall elect a chair from among their membership.

3. Each member of such a board must be appointed for a term of 2 years. A vacancy in the membership of the board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Each member of such a board serves without compensation, except that, for each day or portion of a day during which a member of the board attends a meeting of the board or is otherwise engaged in the business of the board, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The board of trustees of the school district shall pay the per diem allowance and travel expenses from the general fund of the school district.

Sec. 20. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of the pupil's teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. ~~[The]~~

2. Upon the request of a parent or legal guardian of a pupil, made during the absence or within the 3 days immediately preceding or the 3 days immediately following the requested absence, a teacher or principal ~~[shall]~~ ***may*** give his or her written approval for ~~[a]~~ ***the*** pupil to be absent if an emergency exists ~~[or upon the request of a parent or legal guardian of the pupil.]~~ ***, including, without limitation, a medical emergency concerning a member of his or her family, compliance with a court order, a funeral or similar event of grieving, a family emergency, temporary homelessness and a religious observance. A teacher or principal may not approve absences pursuant to this subsection in excess of 10 percent of the number of school days in the school year.***

3. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, the pupil must receive the approval of the teacher or principal.

~~[2.]~~ ***4.*** An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

~~[3.]~~ ***5.*** If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

~~[4.]~~ ***6.*** An absence which has not been approved pursuant to ~~[subsection 1 or 3]~~ ***this section*** shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written ***or electronic*** notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written ***or electronic*** notice must be delivered to the parent, legal guardian or other person who has control of the child. The written ***or electronic*** notice must inform the parents or legal guardian of such absences in a form specified by the Department.

~~[5.]~~ ***7. Except as otherwise provided in subsection 2 of NRS 392.122, all approved and unapproved absences must be counted for the purpose of determining whether a pupil is chronically absent.***

8. The board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils shall:

(a) Communicate through various means, in a format and, to the extent practicable, in a language that parents and legal guardians can understand,

the truancy policy and the definition of chronic absenteeism adopted by the Department pursuant to NRS 392.150; and

(b) Provide a parent or legal guardian of a pupil notice when the pupil is approaching the limit of 10 percent in the number of absences that may be approved pursuant to subsection 2.

9. The provisions of this section apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

~~[6.]~~ ***10.*** As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

Sec. 21. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written ~~[:~~

~~(a) Approval]~~ ***approval*** of the child's teacher or the principal of the school pursuant to subsection 1 ***or 2*** of NRS 392.130 ~~[, or~~

~~(b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,~~

~~➥]~~ may again be declared a habitual truant ~~[.]~~ ***, unless the child is physically or mentally unable to attend school as provided in NRS 392.130.***

3. The provisions of this section apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

Sec. 22. NRS 392.141 is hereby amended to read as follows:

392.141 The provisions of NRS 392.144 to 392.148, inclusive, apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

Sec. 23. NRS 392.144 is hereby amended to read as follows:

392.144 1. If a pupil has ~~[one or more unapproved absences]~~ ***been truant*** from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

2. If a pupil is a habitual truant pursuant to NRS 392.140, or if a pupil who is a habitual truant pursuant to NRS 392.140 is again declared truant pursuant to NRS 392.130 in the same school year after being declared a habitual truant, the principal of the school shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with NRS 392.149;

(b) If the parent or legal guardian of a pupil has signed a written ***or electronic*** consent pursuant to subsection 4, submit a written ***or electronic*** referral of the pupil to the advisory board to review school attendance in the county in accordance with NRS 392.146; or

(c) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall:

(a) Report a pupil to an attendance officer, a school police officer or the law enforcement agency pursuant to paragraph (a) of subsection 2;

(b) Refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2; or

(c) Refer a pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

4. If the principal of a school makes an initial determination to submit a written ***or electronic*** referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written ***or electronic*** consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to NRS 392.146 and 392.147. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2; or

(b) Refer the pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

Sec. 24. NRS 392.146 is hereby amended to read as follows:

392.146 A written ***or electronic*** referral of a pupil to an advisory board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written ***or electronic*** referral or any additional information that the advisory board considers necessary. The school shall provide written ***or electronic*** notice of the referral to the parents or legal guardian of the pupil. The written ***or electronic*** notice must include, without limitation:

1. The name and address of the pupil referred;

2. A written ***or electronic*** explanation of the reason for the referral;

3. A summary of the provisions of NRS 392.147; and

4. The address and telephone number of the advisory board to review school attendance.

Sec. 25. NRS 392.147 is hereby amended to read as follows:

392.147 1. If an advisory board to review school attendance receives a written ***or electronic*** referral of a pupil pursuant to NRS 392.146, the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall:

(a) Report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149; or

(b) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148. If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written ***or electronic*** agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written ***or electronic*** agreement, the chair of the advisory board is legally obligated to report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

➥ The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written ***or electronic*** agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148 if:

(a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;

(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or the pupil's parents or legal guardian violates the terms of the written ***or electronic*** agreement entered into pursuant to subsection 3.

5. If the chair of an advisory board makes a report to an attendance officer, a school police officer or the local law enforcement agency pursuant to subsection 4, the chair shall:

(a) Submit to the attendance officer, school police officer or law enforcement agency, as applicable, written ***or electronic*** documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the attendance officer, school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

6. If the chair of an advisory board refers a pupil for the imposition of administrative sanctions pursuant to subsection 4, the chair shall:

(a) Provide written ***or electronic*** documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations regarding the appropriate disposition of the case.

7. If the parents or legal guardian of a pupil enter into a written ***or electronic*** agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written ***or electronic*** agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

8. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

Sec. 26. NRS 392.148 is hereby amended to read as follows:

392.148 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, a school police officer or a person designated pursuant to subsection 6 shall conduct an investigation, set a date for a hearing and provide a written ***or electronic*** notice of the hearing to the parent or legal guardian of the pupil. If it appears after investigation and a hearing that a pupil is a habitual truant, a

school police officer or a person designated pursuant to subsection 6 may issue an order imposing the following administrative sanctions against a pupil:

(a) If it is the first time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 30 days but not more than 6 months. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 30 days:

(1) Immediately following the date of the order if the pupil is eligible to apply for a driver's license; or

(2) After the date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

(b) If it is the second time or any subsequent time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 60 days but not more than 1 year. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 60 days immediately following:

(1) The date of the order if the pupil is eligible to apply for a driver's license; or

(2) The date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

2. If a pupil applies for a driver's license, the Department of Motor Vehicles shall:

(a) Notify the pupil of the provisions of this section that authorize the suspension of the driver's license of the pupil; and

(b) Require the pupil to sign an affidavit acknowledging that the pupil is aware that his or her driver's license may be suspended pursuant to this section.

3. If an order is issued pursuant to this section delaying the ability of the pupil to receive a driver's license, a copy of the order must be forwarded to the Department of Motor Vehicles not later than 5 days after the order is issued.

4. If an order is issued pursuant to this section suspending the driver's license of a pupil:

(a) The pupil shall surrender his or her driver's license to the school police officer or the person designated pursuant to subsection 6.

(b) Not later than 5 days after issuing the order, the school police officer or the designated person shall forward to the Department of Motor Vehicles a copy of the order and the driver's license of the pupil.

(c) The Department of Motor Vehicles:

(1) Shall report the suspension of the driver's license of the pupil to an insurance company or its agent inquiring about the pupil's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(2) Shall not treat the suspension in the manner statutorily required for moving traffic violations.

(3) Shall not require the pupil to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after the suspension of a driver's license.

5. The parent or legal guardian of a pupil may request a hearing before a person designated by the board of trustees of the school district in which the pupil is enrolled to appeal the imposition of any administrative sanctions pursuant to this section. The person designated by the board of trustees shall, not later than 30 days after receipt of the request, hold a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the person designated by the board of trustees shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

6. If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section.

Sec. 27. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the attendance officer, school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. The provisions of this section apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

Sec. 28. NRS 392.150 is hereby amended to read as follows:

392.150 1. The board of trustees of a school district may appoint an attendance officer for the school district, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. If the board of trustees appoints an attendance officer for the school district, the board of trustees may:

(a) Fix the compensation of the attendance officer;

(b) Prescribe the duties of the attendance officer; and

(c) Adopt regulations not inconsistent with law for the performance of the duties of the attendance officer.

2. The board of trustees of each school district shall:

(a) Establish procedures to monitor the attendance ***, chronic absenteeism*** and truancy of pupils, including, without limitation, a standard method for reporting the ***chronic absenteeism and*** truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;

(b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

(c) Determine, based on the attendance ***, chronic absenteeism*** and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

3. The Department shall adopt by regulation a definition of the term "chronic absenteeism." The board of trustees of each school district shall ensure that the actions taken pursuant to subsection 2 are consistent with such a definition.

Sec. 29. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to ***enroll in and*** attend school pursuant to NRS 392.040 for violation of any of the provisions of NRS 392.040 to ~~[392.110,]~~ ***392.075,*** inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written ***or electronic*** report of the investigation and the findings thereof in the records of the board.

Sec. 30. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to ***enroll in and*** attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to ~~[392.110,]~~ ***392.075,*** inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 31. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is under 18 years of age and required to ***enroll in and*** attend school pursuant to NRS 392.040 and who violates any of the

provisions of law requiring the ***enrollment and*** attendance of children in the public schools of this State.

Sec. 32. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 **,** ~~[~~and 392.140,~~]~~ and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 **,** ~~[~~and 392.140,~~]~~ and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 33. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to ~~[~~392.110,~~]~~ ***392.075,*** inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

➥ of a child under 18 years of age who is under his or her control or charge, is guilty of a misdemeanor.

Sec. 34. NRS 392.264 is hereby amended to read as follows:

392.264 1. If a superintendent of a school district receives notification and a victim identified in the notification is a pupil in the school district, the superintendent shall not permit an offender who is subject to the provisions of NRS 62F.100 to 62F.150, inclusive, to ***enroll in or*** attend a public school that a victim is ***enrolled in or*** attending unless:

(a) An alternative plan of supervision is approved by the court pursuant to NRS 62F.130; or

(b) An alternative plan of attendance is approved by the court pursuant to NRS 62F.140.

2. If the court does not approve an alternative plan of supervision or an alternative plan of attendance for the offender and the school district in which the offender resides does not have another public school in the district for the offender to ***enroll in and*** attend, the superintendent of the school district shall negotiate an agreement with:

(a) The superintendent of an adjoining school district within this state for the offender to ***enroll in and*** attend a public school in that adjoining school district; or

(b) The superintendent, or another appropriate administrator, of an adjoining school district in an adjoining state for the offender to ***enroll in and*** attend a public school in that adjoining school district.

3. The superintendent of the school district in which the offender resides shall inform the person with whom the superintendent is negotiating that the offender has been adjudicated delinquent for a sexual offense or a sexually motivated act, but the superintendent shall not disclose the name of a victim.

4. An agreement which is made pursuant to this section and which is presented to a board of trustees for approval:

(a) Must not contain the name of a victim;

(b) Must comply with the provisions of subsections 2 and 3 of NRS 392.010; and

(c) Must be approved by the Superintendent of Public Instruction.

5. A board of trustees may terminate an agreement entered into pursuant to this section if, because of a change in circumstances, the offender is able to ***enroll in and*** attend a public school in the school district in which the offender resides without violating subsection 1.

Sec. 35. NRS 392.268 is hereby amended to read as follows:

392.268 If a school district incurs additional costs for transporting an offender because the offender is prohibited from ***enrolling in or*** attending a public school that a victim is ***enrolled in or*** attending, the school district is entitled to reimbursement of all or part of those costs from the parents or guardians of the offender to the extent ordered by the court pursuant to NRS 62F.110. The superintendent of the school district or the parents or guardians of the offender may petition the court to reconsider the amount of reimbursement ordered by the court.

Sec. 36. NRS 394.098 is hereby amended to read as follows:

394.098 "Postsecondary education" is limited to education or educational services offered by an institution which is privately owned to persons who have completed or terminated their elementary and secondary education or who are beyond the age of compulsory school ***enrollment and*** attendance for the attainment of academic, professional or vocational objectives.

Sec. 37. NRS 394.103 is hereby amended to read as follows:

394.103 "Private schools" means private elementary and secondary educational institutions. The term does not include a home in which instruction is provided to a child who is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.

Sec. 38. NRS 62A.240 is hereby amended to read as follows:

62A.240 "Private school" includes private elementary and secondary educational institutions. The term does not include a home in which instruction is provided to a child who is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070 or a school or educational program that is conducted exclusively for children who have been adjudicated delinquent.

Sec. 39. NRS 62B.320 is hereby amended to read as follows:

62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:

(a) Is subject to compulsory school ***enrollment and*** attendance and is a habitual truant from school;

(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;

(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation;

(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737;

(e) Transmits or distributes an image of bullying committed against a minor in violation of NRS 200.900;

(f) Violates a county or municipal ordinance imposing a curfew on a child;

(g) Violates a county or municipal ordinance restricting loitering by a child;

(h) Commits an offense related to tobacco; or

(i) Commits an alcohol or marijuana offense that is punishable pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.

3. The provisions of subsection 1 do not prohibit the imposition of administrative sanctions pursuant to NRS 392.148 against a child who is subject to compulsory school ***enrollment and*** attendance and is a habitual truant from school.

4. As used in this section:

(a) "Alcohol or marijuana offense" has the meaning ascribed to it in NRS 62E.173.

(b) "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(c) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(d) "Sexual image" has the meaning ascribed to it in NRS 200.737.

Sec. 40. NRS 129.090 is hereby amended to read as follows:

129.090 1. A petition filed pursuant to NRS 129.080 must be in writing, verified by the petitioner and set forth:

(a) The name, age and address of the minor;

(b) The names and addresses of the parents of the minor;

(c) The name and address of any legal guardian of the minor;

(d) If no parent or guardian can be found, the name and address of the child's nearest known relative residing within this state;

(e) Facts relating to the minor's education, employment, and length of residence apart from his or her parents or guardian;

(f) That the minor willingly lives apart from his or her parents or legal guardian with the consent or acquiescence of his or her parents or legal guardian;

(g) That the minor is managing his or her own financial affairs;

(h) That the source of the minor's income is not derived from any activity declared to be a crime by the laws of this state or the United States; and

(i) That the minor is attending school or has been excused from ***enrolling in and*** attending school pursuant to NRS 392.040 to 392.125, inclusive.

2. If any of the facts required by subsection 1 are not known, the petition must so state.

3. For filing the petition, the clerk of the district court shall charge the fees prescribed by law for the commencement of civil actions or proceedings generally.

Sec. 41. NRS 361.068 is hereby amended to read as follows:

361.068 1. The following personal property is exempt from taxation:

(a) Personal property held for sale by a merchant;

(b) Personal property held for sale by a manufacturer;

(c) Raw materials and components held by a manufacturer for manufacture into products, and supplies to be consumed in the process of manufacture;

(d) Tangible personal property purchased by a business which will be consumed during the operation of the business;

(e) Livestock;

(f) Colonies of bees;

(g) Pipe and other agricultural equipment used to convey water for the irrigation of legal crops;

(h) All boats;

(i) Slide-in campers and camper shells;

(j) Except as otherwise provided in NRS 361.186, fine art for public display; and

(k) All personal property that is:

(1) Owned by a person who is not a resident of this state; and

(2) Located in this state solely for the purposes of:

(I) An exhibit that is used in a convention or tradeshow that is located in this State; or

(II) A display, exhibition, carnival, fair or circus that is transient in nature and is located in this State for not more than 30 days.

2. The Nevada Tax Commission may exempt from taxation that personal property for which the annual taxes would be less than the cost of collecting those taxes. If such an exemption is provided, the Nevada Tax Commission shall annually determine the average cost of collecting property taxes in this state which must be used in determining the applicability of the exemption.

3. A person claiming the exemption provided for in paragraph (j) of subsection 1 shall:

(a) On or before June 15 for the next ensuing fiscal year, file with the county assessor an affidavit declaring that the fine art will, during that ensuing fiscal year, meet all the criteria set forth in paragraph (b) of subsection 4; and

(b) During any fiscal year in which the person claims the exemption, make available for educational purposes and not for resale, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display if such a poster is available for purchase by the public at the time of the request.

4. As used in this section:

(a) "Boat" includes any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Fine art for public display":

(1) Except as otherwise provided in subparagraph (2), means a work of art which:

(I) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;

(II) Was purchased in an arm's length transaction for $25,000 or more, or has an appraised value of $25,000 or more;

(III) Is on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of each year for which the exemption is claimed or, if the facility displaying the fine art disposes of it before the end of that year, during at least two-thirds of the full weeks during which the facility had possession of it, or if the gallery, museum or other building or area in which the fine art will be displayed will not be opened until after the beginning of the fiscal year for which the exemption is claimed, these display requirements must be met for the first full fiscal year after the date of opening, and the date of opening must not be later than 2 years after the purchase of the fine art being displayed; and

(IV) Is on display in a facility that is available for group tours by pupils or students for at least 5 hours on at least 60 days of each full year for which the exemption is claimed, during which the facility in which it is displayed is open, by prior appointment and at reasonable times, without charge; and

(2) Does not include:

(I) A work of fine art that is a fixture or an improvement to real property;

(II) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(III) Products of filmmaking or photography, including, without limitation, motion pictures;

(IV) Literary works;

(V) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VI) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

(c) "Personal property held for sale by a merchant" includes property that:

(1) Meets the requirements of sub-subparagraphs (I) and (II) of subparagraph (1) of paragraph (b);

(2) Is made available for sale within 2 years after it is acquired; and

(3) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

(d) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(e) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.

(f) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.

Sec. 42. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection 4, the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Except as otherwise provided in subsection 3, has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Except as otherwise provided in subsection 3, submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

➥ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) Has not been convicted of or found by a court to have committed a moving traffic violation or convicted of a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. In lieu of the supervised experience required pursuant to paragraph (b) of subsection 1, a person applying for a Class C noncommercial driver's license may provide to the Department proof that the person has successfully completed:

(a) The training required pursuant to paragraph (a) of subsection 1; and

(b) A hands-on course in defensive driving that has been approved by the Department pursuant to NRS 483.727.

4. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

(a) Except as otherwise provided in subsection 5, complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

5. If a course described in paragraph (a) of subsection 4 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection 4.

Sec. 43. NRS 483.267 is hereby amended to read as follows:

483.267 1. The Department may issue a restricted license to any applicant between the ages of 14 and 18 years which entitles the applicant to drive a motor vehicle upon a highway if a member of his or her household has a medical condition which renders that member unable to operate a motor vehicle, and a hardship exists which requires the applicant to drive.

2. An application for a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Contain a statement that a person living in the same household with the applicant suffers from a medical condition which renders that person unable to operate a motor vehicle and explaining the need for the applicant to drive.

(c) Be signed and verified as provided in NRS 483.300.

(d) Include:

(1) A written statement signed by the principal of the public school in which the applicant is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the applicant which states that the applicant is excused from compulsory school ***enrollment and*** attendance pursuant to NRS 392.070;

(3) A copy of the applicant's high school diploma or certificate of attendance; or

(4) A copy of the applicant's certificate of general educational development or an equivalent document.

(e) Contain such other information as may be required by the Department.

3. A restricted license issued pursuant to this section:

(a) Is effective for the period specified by the Department;

(b) Authorizes the licensee to operate a motor vehicle on a street or highway only under conditions specified by the Department; and

(c) May contain other restrictions which the Department deems necessary.

4. No license may be issued under this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

Sec. 44. NRS 483.270 is hereby amended to read as follows:

483.270 1. The Department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this State in a county whose population is less than 55,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the Department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school,

➥ and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Be signed and verified as provided in NRS 483.300.

(c) Include a written statement signed by the:

(1) Principal of the public school in which the pupil is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123; or

(2) Parent or legal guardian of the pupil which states that the pupil is excused from compulsory school ***enrollment and*** attendance pursuant to NRS 392.070.

(d) Contain such other information as may be required by the Department.

3. Any restricted license issued pursuant to this section:

(a) Is effective only for the school year during which it is issued or for a more restricted period.

(b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going to and from school, and at a speed not in excess of 55 miles per hour.

(c) May contain such other restrictions as the Department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by the licensee, only while the licensee is going to and from school, members of his or her immediate family, or other minor persons upon written consent of the parents or guardians of such minors, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The Department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

Sec. 45. NRS 644A.700 is hereby amended to read as follows:

644A.700 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and the applicant must certify that all the information contained in the application is truthful and accurate. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of a number of students acceptable to the Board;

(e) The applicable fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains adequate floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school ***enrollment and*** attendance.

(e) Meets all requirements established by regulations of the Board.

3. The fee for issuance of a license for a school of cosmetology is:

(a) For 2 years, not less than $500 and not more than $800.

(b) For 4 years, not less than $1,000 and not more than $1,600.

4. If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

6. The Board shall, by regulation, prescribe:

(a) The minimum enrollment of students required by paragraph (d) of subsection 1; and

(b) The amount of floor space required by paragraph (b) of subsection 2.

7. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 46. NRS 392.080 and 392.110 are hereby repealed.

Sec. 47. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

392.080 Attendance excused for distant residence from nearest school. Attendance required by the provisions of NRS 392.040 shall be excused when the Superintendent of Public Instruction has determined that the child's residence is located at such distance from the nearest public school as to render attendance unsafe or impractical, and the child's parent or guardian has notified the board of trustees to that effect in writing.

392.110 Attendance excused for child between 15 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.

1. Any child between the ages of 15 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 584 to Assembly Bill No. 54.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 65.

The following Senate amendment was read:

Amendment No. 732.

AN ACT relating to education; revising provisions relating to reports regarding and investigations into incidents of discrimination based on race, bullying and cyber-bullying; revising provisions governing the approval of work-based learning programs; revising the requirement for children of a certain age to attend a public school; revising provisions governing the placement of children in certain early grades; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office for a Safe and Respectful Learning Environment in the Department of Education and requires the Director of the Office to investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying. (NRS 388.1323) Existing law also requires the Director to establish the SafeVoice Program within the Office, which allows a person to make an anonymous report to a support center regarding dangerous, violent or unlawful activity that is conducted, or is threatened to be conducted, on the property of a public school or in certain other circumstances related to public schools. (NRS 388.1455) Any anonymous tip made through the SafeVoice Program is then forwarded to the appropriate public safety agencies and certain trained personnel at the public school for appropriate action to be taken. (NRS 388.14553) **Section 3** of this bill provides that the Director is not required to investigate a complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying if the complaint is made through the SafeVoice Program and investigated by certain trained personnel at the public school, unless the complaint alleges that a previous investigation of the same matter by the personnel at the public school failed to resolve the issue or was otherwise deficient.

Section 2 of this bill revises the definition of "bullying" to exclude acts, gestures and expressions which are engaged in as part of a mutual disagreement or conflict.

Upon receiving a report of discrimination based on race, bullying or cyber-bullying, existing law requires the administrator of a school or his or her designee to immediately begin an investigation into the report. With certain exceptions, existing law requires the investigation to be completed not later than 2 school days after receipt of the report. (NRS 388.1351) **Section 6** of this bill requires the investigation to be completed, to the greatest extent practicable, within 5 school days after the administrator or designee receives the report, or within 7 school days if extenuating circumstances prevent the investigation from being completed within 5 school days. **Section 6** also removes the requirement for a direct supervisor of a principal to submit to the Office a quarterly report regarding incidents of discrimination based on race, bullying or cyber-bullying.

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon the approval of the State Board of Education. (NRS 389.167) **Section 9** of this bill requires a work-based learning program to be approved instead by the Superintendent of Public Instruction.

Existing law requires a child to be a certain age on or before the first day of the school year to be admitted to certain early grades of school. (NRS 392.040) **Section 12** of this bill changes the date by which a child must attain a certain age to start certain early grades from the first day of the school year to August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding a school year.

Existing law, in general, requires a child between 7 and 18 years of age to attend public school. (NRS 392.040) **Section 12.5** of this bill revises this provision to require each child to begin attending public school once the child is 6 years of age, rather than 7 years of age. **Section 15.5** of this bill requires a child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time to be admitted to kindergarten or first grade.

Section 15.7 of this bill authorizes a public school to: (1) admit a child who was enrolled in a prekindergarten program during the 2022-2023 school year in kindergarten for the following school year if the child is 5 years of age on or before the first day of the school year; and (2) promote a pupil who is enrolled in and who successfully completes kindergarten or first grade in a public school during the 2022-2023 or 2023-2024 school years to the next grade level for the following school year, regardless of his or her age during the 2023-2024 and 2024-2025 school years, as applicable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 388.122 is hereby amended to read as follows:

388.122 1. "Bullying" means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:

(a) Have the effect of:

(1) Physically harming a person or damaging the property of a person; or

(2) Placing a person in reasonable fear of physical harm to the person or damage to the property of the person;

(b) Interfere with the rights of a person by:

(1) Creating an intimidating or hostile educational environment for the person; or

(2) Substantially interfering with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school; or

(c) Are acts or conduct described in paragraph (a) or (b) and are based upon the:

(1) Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; or

(2) Association of a person with another person having one or more of those actual or perceived characteristics.

2. The term includes, without limitation:

(a) Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;

(b) Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;

(c) Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;

(d) Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;

(e) Blackmail, extortion or demands for protection money or involuntary loans or donations;

(f) Blocking access to any property or facility of a school;

(g) Stalking; and

(h) Physically harmful contact with or injury to another person or his or her property.

3. The term does not include expressions, acts or gestures which are engaged in as part of a mutual disagreement or conflict.

Sec. 3. NRS 388.1323 is hereby amended to read as follows:

388.1323 1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, and obtain information about antidiscrimination and anti-bullying efforts and organizations; and

(b) Provides outreach and antidiscrimination and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:

(1) Training regarding methods, procedures and practice for recognizing discrimination based on race, bullying and cyber-bullying behaviors;

(2) Training regarding effective intervention and remediation strategies regarding discrimination based on race, bullying and cyber-bullying;

(3) Training regarding methods for reporting violations of NRS 388.135; and

(4) Information on and referral to available resources regarding suicide prevention and the relationship between discrimination based on race, bullying or cyber-bullying and suicide, including, without limitation, resources for pupils who are members of groups at a high risk of suicide. Such groups include, without limitation, the groups described in subsection 3 of NRS 388.256.

4. The Director of the Office shall establish procedures by which the Office may receive reports of discrimination based on race, bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive.

5. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated a provision of NRS 388.121 to 388.1395, inclusive. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety. ***The Director of the Office or his or her designee is not required to investigate a complaint pursuant to this subsection if the complaint is made through the SafeVoice Program established pursuant to NRS 388.1455 and investigated by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553, unless the complaint alleges that a previous investigation conducted by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553 regarding the same matter failed to resolve the issue or was otherwise deficient.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the discrimination based on race, bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the discrimination based on race, bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported discrimination based on race, bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the discrimination based on race, bullying or cyber-bullying. The notification must be provided:

(1) If the discrimination based on race, bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the discrimination based on race, bullying or cyber-bullying is reported; or

(2) If the discrimination based on race, bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the discrimination based on race, bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed ~~[not later than 2]~~ ***, to the greatest extent practicable, within 5*** school days after the administrator or designee

receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within ~~[~~2~~]~~ ***5*** school days after making a good faith effort, ~~[~~1~~]~~ ***2*** additional school ~~[~~day~~]~~ ***days*** may be used to complete the investigation. ~~[The time for completing an investigation into a report of cyber-bullying may also be extended to not more than 5 school days after the report is received with the consent of each reported victim of the cyber-bullying or, if a reported victim is under 18 years of age and is not emancipated, the parent or guardian of the reported victim.]~~

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred:

(a) The report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation; and

(b) Any action taken after the completion of the investigation to address the discrimination based on race, bullying or cyber-bullying must be based on restorative disciplinary practices and carried out in a manner that causes the least possible disruption for the victim or victims. When necessary, the administrator or ~~[~~his or her~~]~~ designee shall give priority to ensuring the safety and well-being of the victim or victims over any interest of the perpetrator or perpetrators when determining the actions to take.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the discrimination based on race, bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported discrimination based on race, bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or ~~[~~his or her~~]~~ designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator ~~[~~, his~~]~~ or ~~[~~her~~]~~ designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or ~~[his or her]~~ designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of discrimination based on race, bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1 concerning incidents of bullying or cyber-bullying;

(b) Reports received pursuant to subsection 1 concerning incidents of discrimination based on race;

(c) Times in which a violation of NRS 388.135 is found to have occurred; and

(d) Times in which no violation of NRS 388.135 is found to have occurred.

13. ~~[A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235, the:~~

~~(a) Total number of reports received pursuant to subsection 1 concerning bullying or cyber-bullying;~~

~~(b) Total number of reports received pursuant to subsection 1 concerning incidents of discrimination based on race;~~

~~(c) Number of times in which a violation of NRS 388.135 is found to have occurred; and~~

~~(d) Number of times in which no violation of NRS 388.135 is found to have occurred.~~

~~14. The Office for a Safe and Respectful Learning Environment, in consultation with the direct supervisor of a principal, shall, after reviewing a report submitted pursuant to subsection 12 or 13, as applicable, make any recommendations based on identified trends and patterns the Office determines to be appropriate regarding interventions or training to address discrimination based on race, bullying and cyber-bullying at the school.~~

~~15.~~] School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

~~[16.]~~ ***14.*** The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 389.167 is hereby amended to read as follows:

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to and with the approval of the ~~[State Board.]~~ ***Superintendent of Public Instruction.*** An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the ~~[State Board]~~ ***Superintendent of Public Instruction*** of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

(a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.

(b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the ~~[State Board]~~ ***Superintendent of Public Instruction*** to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

(a) A detailed training agreement and training plan be completed for each pupil participating in the work-based learning program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program; and

(c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:

(a) The number of pupils participating in the work-based learning program; and

(b) The types of work-based learning offered through the work-based learning program.

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to

a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before ~~[the first day]~~ ***August 1*** of ~~[a]~~ ***the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the*** school year **,** may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before ~~[the first day]~~ ***August 1*** of ~~[a]~~ ***the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before ~~[the first day]~~ ***August 1*** of ~~[a]~~ ***the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before ~~[the first day of a]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before ~~[the first day of a]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided

by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before ~~[the first day of a]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before ~~[the first day]~~ ***August 1*** of the ~~[next]~~ ***school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. Except as otherwise provided in subsection 9, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

10. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.3. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of ~~[7]~~ ***6*** and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is ~~[6]~~ ***5*** years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year may elect for the child not to attend kindergarten ~~[or the first grade]~~ during that year. The parents, custodial parent, guardian or other person who makes such an election

shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of ~~[7]~~ ***6*** years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. ~~[A child who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:~~

~~(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.~~

~~(b) If the child has completed kindergarten, be admitted to the first grade.~~

~~(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.~~

~~➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.~~

~~7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:~~

~~(a) Who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year; and~~

~~(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,~~

~~➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.~~

~~8.~~ Except as otherwise provided in subsection ~~[9.]~~ ***7,*** a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~[9.]~~ ***7.*** Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

~~[10.]~~ ***8.*** As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.5. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of ~~[7]~~ ***6*** and 18 years; and

(b) Any child who has arrived at the age of ~~[6]~~ ***5*** years but not at the age of ~~[7]~~ ***6*** years and is enrolled in a public school,

➥ who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in

which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.3. NRS 422A.333 is hereby amended to read as follows:

422A.333 1. A recipient who has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

➥ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 15.5. A child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time must:

1. If the child has not completed kindergarten, be admitted to kindergarten at the beginning of the 2024-2025 school year; or

2. If the child has completed kindergarten, be admitted to the first grade at the beginning of the 2024-2025 school year.

Sec. 15.7. **Notwithstanding the provisions of NRS 392.040, as amended by sections 12 and 12.3 of this act:**

1. A child who is enrolled in a prekindergarten program during the 2022-2023 school year may be admitted to kindergarten at the beginning of the 2023-2024 school year if the child is 5 years of age on or before the first day of the school year.

2. A pupil who is enrolled in and successfully completes kindergarten or first grade in a public school during the 2022-2023 or 2023-2024 school years may be promoted to the next grade level regardless of his or her age during the 2023-2024 and 2024-2025 school years, as applicable.

Sec. 16. 1. This section and sections 1 to 12, inclusive, 13, 14 **,** ~~[and]~~ 15 **and 15.7** of this act become effective on July 1, 2023.

2. Sections 12.3, 12.5, 15.3 and 15.5 of this act become effective on July 1, 2024.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 732 to Assembly Bill No. 65.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 733.

AN ACT relating to education; **restricting the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting;** revising provisions relating to reports regarding and investigations into incidents of discrimination based on race, bullying and cyber-bullying; revising provisions governing the approval of work-based learning programs; revising the requirement for children of a certain age to attend a public school; revising provisions governing the placement of children in certain early grades; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that a public body such as the board of trustees of a school district give notice of its meetings by: (1) posting an agenda consisting of a list describing the items on which action may be taken by the public body; and (2) clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, under certain circumstances, by placing the term "for possible corrective action" next to the appropriate item. (NRS 241.015, 241.020) Existing law sets forth certain requirements and procedures for meetings of the board of trustees of a school district, including, without limitation: (1) a requirement that the board of trustees hold a regular meeting at least once each month; and (2) the authority for the president of the board of trustees to call special meetings under certain circumstances. (NRS 386.330) Section 1.5 of this bill prohibits, except in an emergency that impacts the school district, the board of trustees of a school district from taking any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to the Open Meeting Law after 11:59 p.m. on the day of the meeting. Section 1.5 further provides that if the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees: (1) schedules the delayed agenda item at a future meeting; or (2) waits at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

Existing law establishes the Office for a Safe and Respectful Learning Environment in the Department of Education and requires the Director of the Office to investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying. (NRS 388.1323) Existing law also requires the Director to establish the SafeVoice Program within the Office, which allows a person to make an anonymous report to a support center regarding dangerous, violent or unlawful activity that is conducted, or is threatened to be conducted, on the property of a public school or in certain other circumstances related to public schools. (NRS 388.1455) Any anonymous tip made through the SafeVoice Program is then forwarded to the appropriate public safety agencies and certain trained personnel at the public school for appropriate action to be taken. (NRS 388.14553) **Section 3** of this bill provides that the Director is not required to investigate a complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying if the complaint is made through the SafeVoice Program and investigated by certain trained personnel at the public school, unless the complaint alleges that a previous investigation of the same matter by the personnel at the public school failed to resolve the issue or was otherwise deficient.

Section 2 of this bill revises the definition of "bullying" to exclude acts, gestures and expressions which are engaged in as part of a mutual disagreement or conflict.

Upon receiving a report of discrimination based on race, bullying or cyber-bullying, existing law requires the administrator of a school or his or her designee to immediately begin an investigation into the report. With certain exceptions, existing law requires the investigation to be completed not later than 2 school days after receipt of the report. (NRS 388.1351) **Section 6** of this bill requires the investigation to be completed, to the greatest extent practicable, within 5 school days after the administrator or designee receives the report, or within 7 school days if extenuating circumstances prevent the investigation from being completed within 5 school days. **Section 6** also removes the requirement for a direct supervisor of a principal to submit to the Office a quarterly report regarding incidents of discrimination based on race, bullying or cyber-bullying.

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon the approval of the State Board of Education. (NRS 389.167) **Section 9** of this bill requires a work-based learning program to be approved instead by the Superintendent of Public Instruction.

Existing law requires a child to be a certain age on or before the first day of the school year to be admitted to certain early grades of school. (NRS 392.040) **Section 12** of this bill changes the date by which a child must attain a certain

age to start certain early grades from the first day of the school year to August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding a school year.

Existing law, in general, requires a child between 7 and 18 years of age to attend public school. (NRS 392.040) **Section 12.5** of this bill revises this provision to require each child to begin attending public school once the child is 6 years of age, rather than 7 years of age. **Section 15.5** of this bill requires a child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time to be admitted to kindergarten or first grade.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. **NRS 386.330 is hereby amended to read as follows:**

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

6. Except in an emergency that impacts the school district, the board of trustees shall not take any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant

to chapter 241 of NRS after 11:59 p.m. on the day of the meeting. If the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees:

(a) Schedules the delayed agenda item at a future meeting by placing the item on its agenda for the future meeting pursuant to chapter 241 of NRS; or

(b) Waits until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

7. As used in this section, "emergency" has the meaning ascribed to it in NRS 241.020.

Sec. 2. NRS 388.122 is hereby amended to read as follows:

388.122 1. "Bullying" means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:

(a) Have the effect of:

(1) Physically harming a person or damaging the property of a person; or

(2) Placing a person in reasonable fear of physical harm to the person or damage to the property of the person;

(b) Interfere with the rights of a person by:

(1) Creating an intimidating or hostile educational environment for the person; or

(2) Substantially interfering with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school; or

(c) Are acts or conduct described in paragraph (a) or (b) and are based upon the:

(1) Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; or

(2) Association of a person with another person having one or more of those actual or perceived characteristics.

2. The term includes, without limitation:

(a) Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;

(b) Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;

(c) Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;

(d) Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;

(e) Blackmail, extortion or demands for protection money or involuntary loans or donations;

(f) Blocking access to any property or facility of a school;

(g) Stalking; and

(h) Physically harmful contact with or injury to another person or his or her property.

3. The term does not include expressions, acts or gestures which are engaged in as part of a mutual disagreement or conflict.

Sec. 3. NRS 388.1323 is hereby amended to read as follows:

388.1323 1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, and obtain information about antidiscrimination and anti-bullying efforts and organizations; and

(b) Provides outreach and antidiscrimination and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:

(1) Training regarding methods, procedures and practice for recognizing discrimination based on race, bullying and cyber-bullying behaviors;

(2) Training regarding effective intervention and remediation strategies regarding discrimination based on race, bullying and cyber-bullying;

(3) Training regarding methods for reporting violations of NRS 388.135; and

(4) Information on and referral to available resources regarding suicide prevention and the relationship between discrimination based on race, bullying or cyber-bullying and suicide, including, without limitation, resources for pupils who are members of groups at a high risk of suicide. Such groups include, without limitation, the groups described in subsection 3 of NRS 388.256.

4. The Director of the Office shall establish procedures by which the Office may receive reports of discrimination based on race, bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive.

5. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has

violated a provision of NRS 388.121 to 388.1395, inclusive. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety. ***The Director of the Office or his or her designee is not required to investigate a complaint pursuant to this subsection if the complaint is made through the SafeVoice Program established pursuant to NRS 388.1455 and investigated by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553, unless the complaint alleges that a previous investigation conducted by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553 regarding the same matter failed to resolve the issue or was otherwise deficient.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the discrimination based on race, bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the discrimination based on race, bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported discrimination based on race, bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the discrimination based on race, bullying or cyber-bullying. The notification must be provided:

(1) If the discrimination based on race, bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the discrimination based on race, bullying or cyber-bullying is reported; or

(2) If the discrimination based on race, bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school

day, before the school's administrative office closes on the school day following the day on which the discrimination based on race, bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed ~~[not later than 2]~~ ***, to the greatest extent practicable, within 5*** school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within ~~[2]~~ ***5*** school days after making a good faith effort, ~~[1]~~ ***2*** additional school ~~[day]~~ ***days*** may be used to complete the investigation. ~~[The time for completing an investigation into a report of cyber-bullying may also be extended to not more than 5 school days after the report is received with the consent of each reported victim of the cyber-bullying or, if a reported victim is under 18 years of age and is not emancipated, the parent or guardian of the reported victim.]~~

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred:

(a) The report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation; and

(b) Any action taken after the completion of the investigation to address the discrimination based on race, bullying or cyber-bullying must be based on restorative disciplinary practices and carried out in a manner that causes the least possible disruption for the victim or victims. When necessary, the administrator or ~~[his or her]~~ designee shall give priority to ensuring the safety and well-being of the victim or victims over any interest of the perpetrator or perpetrators when determining the actions to take.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the discrimination based on race, bullying or cyber-bullying to

inquire about the well-being of the reported victim and to ensure that the reported discrimination based on race, bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or ~~[his or her]~~ designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator ~~[, his]~~ or ~~[her]~~ designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or ~~[his or her]~~ designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of discrimination based on race, bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1 concerning incidents of bullying or cyber-bullying;

(b) Reports received pursuant to subsection 1 concerning incidents of discrimination based on race;

(c) Times in which a violation of NRS 388.135 is found to have occurred; and

(d) Times in which no violation of NRS 388.135 is found to have occurred.

13. ~~[A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235, the:~~

~~(a) Total number of reports received pursuant to subsection 1 concerning bullying or cyber-bullying;~~

~~(b) Total number of reports received pursuant to subsection 1 concerning incidents of discrimination based on race;~~

~~(c) Number of times in which a violation of NRS 388.135 is found to have occurred; and~~

~~(d) Number of times in which no violation of NRS 388.135 is found to have occurred.~~

~~14. The Office for a Safe and Respectful Learning Environment, in consultation with the direct supervisor of a principal, shall, after reviewing a report submitted pursuant to subsection 12 or 13, as applicable, make any recommendations based on identified trends and patterns the Office determines to be appropriate regarding interventions or training to address discrimination based on race, bullying and cyber-bullying at the school.~~

~~15.~~**]** School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

[~~16.~~**]** ***14.*** The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 389.167 is hereby amended to read as follows:

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to and with the approval of the **[**~~State Board.~~**]** ***Superintendent of Public Instruction.*** An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must

include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the ~~[~~State Board~~]~~ ***Superintendent of Public Instruction*** of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

(a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.

(b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the ~~[~~State Board~~]~~ ***Superintendent of Public Instruction*** to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

(a) A detailed training agreement and training plan be completed for each pupil participating in the work-based training program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program; and

(c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:

(a) The number of pupils participating in the work-based learning program; and

(b) The types of work-based learning offered through the work-based learning program.

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before ~~[the first day]~~ ***August 1*** of ***the school year, or if August 1 does not occur during the school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year ***,*** may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before ~~[the first day]~~ ***August 1*** of ***the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before ~~[the first day]~~ ***August 1*** of ***the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year ~~[.]~~ ; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before ~~[the first day of]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before ~~[the first day of]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such

an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before ~~[the first day of]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before ~~[the first day]~~ ***August 1*** of the ~~[next]~~ ***school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. Except as otherwise provided in subsection 9, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

10. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.3. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of ~~[7]~~ ***6*** and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is ~~[6]~~ ***5*** years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year may elect for the child not to attend kindergarten ~~[or the first grade]~~ during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of ~~[7]~~ ***6*** years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. ~~[A child who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:~~

~~(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.~~

~~(b) If the child has completed kindergarten, be admitted to the first grade.~~

~~(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the~~

~~district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.~~

~~➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.~~

~~7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:~~

~~(a) Who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year; and~~

~~(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,~~

~~➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.~~

~~8.~~ Except as otherwise provided in subsection ~~[9,]~~ ***7,*** a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~[9.]~~ ***7.*** Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

~~[10.]~~ ***8.*** As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.5. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of ~~[7]~~ ***6*** and 18 years; and

(b) Any child who has arrived at the age of ~~[6]~~ ***5*** years but not at the age of ~~[7]~~ ***6*** years and is enrolled in a public school,

➥ who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.3. NRS 422A.333 is hereby amended to read as follows:

422A.333 1. A recipient who has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

➥ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 15.5. A child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time must:

1. If the child has not completed kindergarten, be admitted to kindergarten at the beginning of the 2024-2025 school year; or

2. If the child has completed kindergarten, be admitted to the first grade at the beginning of the 2024-2025 school year.

Sec. 16. 1. This section and sections 1 to 12, inclusive, 13, 14 and 15 of this act becomes effective on July 1, 2023.

2. Sections 12.3, 12.5, 15.3 and 15.5 of this act become effective on July 1, 2024.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 733 to Assembly Bill No. 65.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 74.

The following Senate amendment was read:

Amendment No. 558.

SUMMARY—Revises provisions relating to ~~[higher education.]~~ **agreements entered into by public bodies.** (BDR 34-377)

AN ACT relating to ~~[higher education;]~~ **public bodies;** authorizing the Board of Regents of the University of Nevada to enter into an agreement to affiliate with a public or private entity for certain purposes; **authorizing a public body to enter into a public-private partnership in connection with certain facilities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to establish policies governing the contracts that faculty members and employees of the Nevada System of Higher Education may enter into or benefit from. (NRS 396.255) Existing law also authorizes certain faculty members of the System to bid or enter into a contract with a governmental agency if the contract complies with the policies established by the Board of Regents. (NRS 281.221)

Existing law requires that mechanics and workers employed on certain public construction projects be paid at least the wage then prevailing for the type of work that the mechanic or worker performs in the region in which the public work is located. (NRS 338.020) Under existing law, any contract for construction work of the System for which the estimated cost exceeds $100,000 is subject to the prevailing wage requirements. (NRS 338.075)

Section 1 of this bill authorizes the Board of Regents to enter into an agreement with a public or private entity, whether for profit or not for profit, to promote and enhance an educational program or student life at an institution within the System. **Section 1** requires that such an agreement include certain provisions, including, without limitation, a provision stating that the prevailing wage requirements apply to any construction work performed under the agreement. **Section 2** of this bill establishes that any such agreement is subject

to the policies established by the Board of Regents governing contracts that faculty members and employees of the System may enter into or benefit from.

Existing law provides, in any county whose population is 700,000 or more (currently Clark County), for the use of a public-private partnership to plan, finance, design, construct, improve, maintain or operate a transportation facility. (NRS 338.158-338.1602) Section 2.8 of this bill authorizes a public body to enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire a facility other than a transportation facility. Sections 2.1-2.7 of this bill define terms related to such public-private partnerships. Section 2.9 of this bill makes a conforming change to reflect that a public body may enter into a public-private partnership in connection with certain facilities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may enter into an agreement to affiliate with a publicly or privately owned entity, whether for profit or not for profit, to further promote and enhance an educational program or student life at an institution within the System.

2. An agreement entered into pursuant to this section must include, without limitation:

(a) Standards that must be met by the entity;

(b) An allocation of any costs or profits that must be shared between the entity and the institution;

(c) Identification of shared goals and responsibilities;

(d) Provisions governing the joint employment and supervision of employees, if applicable;

(e) Provisions governing the shared review and allocation of the use of facilities, resources and employees, if applicable; and

(f) A provision stating that the requirements of NRS 338.020 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

Sec. 2. NRS 396.255 is hereby amended to read as follows:

396.255 The Board of Regents shall, to carry out the purposes of subsection 3 of NRS 281.221, subsection 3 of NRS 281.230, subsection 3 of NRS 281A.430 and NRS 396.1215, ***and section 1 of this act,*** establish policies governing the contracts that faculty members and employees of the System may enter into or benefit from.

Sec. 2.1. **Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.2 to 2.8, inclusive, of this act.**

Sec. 2.2. ***As used in sections 2.2 to 2.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.3 to 2.7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.3. ***"Concession" means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement between a public body and a private partner for the use or control, in whole or in part, of a facility by a private partner.***

Sec. 2.4. ***"Facility" means any existing, enhanced, upgraded or new facility used or useful for the use of persons, including, without limitation, any construction, alteration, repair, renovation, demolition or remodeling necessary to complete any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind and any other work or improvement appurtenant thereto. The term:***

1. Includes:

(a) Related or ancillary facilities used or useful for any purpose of the facility, including, without limitation, administrative buildings, structures, maintenance yards and buildings, control systems, communication systems, information systems, energy systems, parking facilities and other related equipment or property that is needed or used to support the facility; and

(b) All improvements, including, without limitation, equipment, necessary to the full utilization of a facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting and other improvements incidental to the project.

2. Does not include a transportation facility as that term is defined in NRS 338.1583.

Sec. 2.5. ***"Private partner" means a person with whom a public body enters into a public-private partnership.***

Sec. 2.6. ***"Public-private partnership" means a contract entered into by a public body and a private partner.***

Sec. 2.7. ***"User fee" means a fee or other similar charge, including, without limitation, any incidental, account maintenance or administrative fee or charge imposed on a person for his or her use of a facility by a public body or private partner pursuant to a public-private partnership.***

Sec. 2.8. ***1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire, or any combination thereof, a facility.***

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for a facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the facility;

(d) A contract involving a construction manager at risk;

(e) A concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the facility;

(g) An operation and maintenance agreement for a facility;

(h) Any other method or agreement for completion of the facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

3. A public-private partnership shall include a provision stating that:

(a) The requirements of NRS 338.013 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

(b) The provisions of this chapter that require public bidding apply with respect to the awarding of contracts or procurement of goods in connection with the construction of a facility under the agreement if 25 percent or more of the cost of constructing the facility is financed with public money. Such public bidding is not required if the method of procurement selected does not require public bidding pursuant to this chapter.

Sec. 2.9. **NRS 338.1711 is hereby amended to read as follows:**

338.1711 1. Except as otherwise provided in this section and NRS 338.158 to 338.16995, inclusive, ***and sections 2.1 to 2.8, inclusive, of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds $5,000,000.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 558 to Assembly Bill No. 74.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 746.

AN ACT relating to public bodies; authorizing the Board of Regents of the University of Nevada to enter into an agreement to affiliate with a public or private entity for certain purposes; authorizing a public body to enter into a public-private partnership in connection with certain facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to establish policies governing the contracts that faculty members and employees of the Nevada System of Higher Education may enter into or benefit from. (NRS 396.255) Existing law also authorizes certain faculty members of the

System to bid or enter into a contract with a governmental agency if the contract complies with the policies established by the Board of Regents. (NRS 281.221)

Existing law requires that mechanics and workers employed on certain public construction projects be paid at least the wage then prevailing for the type of work that the mechanic or worker performs in the region in which the public work is located. (NRS 338.020) Under existing law, any contract for construction work of the System for which the estimated cost exceeds $100,000 is subject to the prevailing wage requirements. (NRS 338.075)

Section 1 of this bill authorizes the Board of Regents to enter into an agreement with a public or private entity, whether for profit or not for profit, to promote and enhance an educational program or student life at an institution within the System. **Section 1** requires that such an agreement include certain provisions, including, without limitation, a provision stating that the prevailing wage requirements apply to any construction work performed under the agreement. **Section 2** of this bill establishes that any such agreement is subject to the policies established by the Board of Regents governing contracts that faculty members and employees of the System may enter into or benefit from.

Existing law provides, in any county whose population is 700,000 or more (currently Clark County), for the use of a public-private partnership to plan, finance, design, construct, improve, maintain or operate a transportation facility. (NRS 338.158-338.1602) **Section 2.8** of this bill authorizes a public body to enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire a facility other than a transportation facility. **Sections 2.1-2.7** of this bill define terms related to such public-private partnerships. **Section 2.9** of this bill makes a conforming change to reflect that a public body may enter into a public-private partnership in connection with certain facilities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may enter into an agreement to affiliate with a publicly or privately owned entity, whether for profit or not for profit, to further promote and enhance an educational program or student life at an institution within the System.

2. An agreement entered into pursuant to this section must include, without limitation:

(a) Standards that must be met by the entity;

(b) An allocation of any costs or profits that must be shared between the entity and the institution;

(c) Identification of shared goals and responsibilities;

(d) Provisions governing the joint employment and supervision of employees, if applicable;

(e) Provisions governing the shared review and allocation of the use of facilities, resources and employees, if applicable; and

(f) A provision stating that the requirements of NRS 338.020 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

Sec. 2. NRS 396.255 is hereby amended to read as follows:

396.255 The Board of Regents shall, to carry out the purposes of subsection 3 of NRS 281.221, subsection 3 of NRS 281.230, subsection 3 of NRS 281A.430 and NRS 396.1215, ***and section 1 of this act,*** establish policies governing the contracts that faculty members and employees of the System may enter into or benefit from.

Sec. 2.1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.2 to 2.8, inclusive, of this act.

Sec. 2.2. ***As used in sections 2.2 to 2.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.3 to 2.7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.3. ***"Concession" means any lease, ground lease, ~~[franchise, easement, permit, right of entry,]~~ operating agreement or other binding agreement between a public body and a private partner for the use or control, in whole or in part, of a facility by a private partner.***

Sec. 2.4. ***"Facility" means any existing, enhanced, upgraded or new facility used or useful for the use of persons, including, without limitation, any construction, alteration, repair, renovation, demolition or remodeling necessary to complete any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind and any other work or improvement appurtenant thereto. The term:***

1. Includes ~~[:

~~(a) Related]~~ related or ancillary facilities used or useful for any purpose of the facility, including, without limitation, administrative buildings, structures,

~~[maintenance yards and buildings, control systems, communication systems, information systems, energy systems,]~~ parking facilities and other related equipment or property that is needed or used to support the facility . ~~[; and

~~(b) All improvements, including, without limitation, equipment, necessary to the full utilization of a facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting and other improvements incidental to the project.]~~

2. Does not include a transportation facility as that term is defined in NRS 338.1583.

Sec. 2.5. ***"Private partner" means a person with whom a public body enters into a public-private partnership.***

Sec. 2.6. ***"Public-private partnership" means a contract entered into by a public body and a private partner.***

Sec. 2.7. ***"User fee" means a fee or other similar charge, including, without limitation, any incidental, account maintenance or administrative fee or charge imposed on a person for his or her use of a facility by a public body or private partner pursuant to a public-private partnership.***

Sec. 2.8. ***1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire, or any combination thereof, a facility.***

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for a facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the facility;

(d) A contract involving a construction manager at risk;

(e) A concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the facility;

(g) An operation and maintenance agreement for a facility;

(h) Any other method or agreement for completion of the facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

3. A public-private partnership shall include a provision stating that:

(a) The requirements of NRS 338.013 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

(b) The provisions of this chapter that require public bidding apply with respect to the awarding of contracts or procurement of goods in connection with the construction of a facility under the agreement if 25 percent or more of the cost of constructing the facility is financed with public money. Such public bidding is not required if the method of procurement selected does not require public bidding pursuant to this chapter.

Sec. 2.9. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.158 to 338.16995, inclusive, ***and sections 2.1 to 2.8, inclusive, of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds $5,000,000.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 746 to Assembly Bill No. 74.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 175.

The following Senate amendment was read:

Amendment No. 585.

AN ACT relating to education; revising provisions governing the election and appointment of members of the board of trustees of certain school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the members of the board of trustees of a county school district in which more than 75,000 pupils are enrolled (currently Clark County School District) are elected from seven election districts, established by the board of trustees, that are as nearly equal in population as possible and are composed of contiguous territory. (NRS 386.165) **Section 1.5** of this bill adds four nonvoting members to the board of trustees of such a county school district, of whom: (1) one nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located who must also reside in the school district; and (2) three nonvoting members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member who must reside in the city of the governing body that appoints him or her.

Section 1.5 also provides that the nonvoting members of the board of trustees **: (1)** have ~~[: (1)]~~ **, with certain exceptions,** the same rights and responsibilities as the voting members; **and** (2) **do not have** voting rights for the election of officers ~~[; and (3)]~~ **or** the authority to serve as an officer of the board of trustees. **Section 1.5** further provides that each trustee holds office until his or her successor is appointed or elected and qualified. **Section 7.5 of this bill makes a conforming change to require officers of the board of trustees to be elected, voting members of the board of trustees.**

Section 1 of this bill makes a conforming change to provide that a board of trustees of a county school district in which more than 75,000 pupils are enrolled consists of 11 members.

Sections 2-4 of this bill make conforming changes that clarify that certain requirements for a candidate for the board of trustees of a school district only apply to candidates who are elected and not appointed.

Section 5 of this bill makes a conforming change that requires vacancies among the elected members of a board of trustees of a school district to be filled by appointment **by the remaining elected members** at a public meeting of the board of trustees. **Section 5** additionally requires that vacancies that occur among the appointed members of a board of trustees of a school district must be filled by the appointing authority. **Section 6** of this bill makes a

conforming change by allowing for the governing body, and not exclusively the board of trustees, to appoint a member to a temporary vacancy in the event a vacancy occurs due to a member entering active military service.

Section 7 of this bill makes a conforming change by deleting certain provisions governing the term of office of a member of a board of trustees of a school district which have been moved to **section 1.5**.

Under existing law, a majority of the members of the board of trustees constitutes a quorum and no action of the board of trustees is valid unless the action receives the approval of a majority of all the members of the board of trustees at a regularly called meeting. (NRS 386.330) Section 8.5 of this bill provides that a majority of the elected members of the board of trustees constitutes a quorum and that no action of the board of trustees is valid unless the action receives the approval of a majority of all the elected members of the board of trustees at a regularly called meeting.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.120 is hereby amended to read as follows:

386.120 1. The board of trustees of a county school district consists of ~~[~~five~~]~~ ***5, 7*** or ~~[~~seven~~]~~ ***11*** members as follows:

(a) ***If more than 75,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of 11 members. The members of the board must be elected and appointed as provided in NRS 386.165.***

(b) If 1,000 or more ***but not more than 75,000*** pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members. Except in school districts in which more than 25,000 pupils are enrolled, the members of the board must be elected at large until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~[~~(b)~~]~~ ***(c)*** If fewer than 1,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of five members. The members of the board must be elected as provided in NRS 386.160 until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~[~~(c)~~]~~ ***(d)*** If 1,000 or more, but fewer than 1,500 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members unless the board, on or before December 1 in any year before a general election will be held, adopts a resolution specifying that the board will consist of five members. If the board consists of seven members, the election of members is governed by paragraph ~~[~~(a).~~]~~ ***(b).*** If the board consists of five members, the election of members is governed by paragraph ~~[~~(b).~~]~~ ***(c).***

2. Before the adoption of a resolution pursuant to paragraph ~~[~~(c)~~]~~ ***(d)*** of subsection 1, the board of trustees shall post conspicuously, in three different

places in the school district, a notice containing in full the text of the resolution with the date upon which the board of trustees of the school district is to meet to act upon the resolution. Posting of the notice must be made not less than 10 days before the date fixed in the resolution for action thereon.

3. If a board of trustees adopts a resolution pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1, it must transmit a copy of the resolution to the Superintendent of Public Instruction on or before December 15 of the year before the general election will be held.

Sec. 1.5. NRS 386.165 is hereby amended to read as follows:

386.165 1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:

(a) As nearly equal in population as practicable; and

(b) Composed of contiguous territory.

2. The board of trustees in each county school district in which more than 75,000 pupils are enrolled is composed of 11 members, of whom:

(a) Seven voting members must be elected in election districts established pursuant to subsection 1 by the board of trustees.

(b) One nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.

(c) Three nonvoting members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.

~~[2.]~~ ***3.*** In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

➥ The districts must be composed of contiguous territory.

~~[3. Each trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.]~~

4. In each school district in which more than 25,000 pupils ***but not more than 75,000 pupils*** are enrolled, the ***board of trustees is composed of seven members who must be elected in an election district established pursuant to subsection 3 by the board of trustees.***

5. The appointing authority shall make an appointment pursuant to subsection 2 at least 30 days but not more than 90 days before the expiration of the term of office of the incumbent member.

6. ***The*** term of ***office of*** a school trustee is 4 years ~~[. Three trustees must be elected at the general election of 1982 and four trustees must be elected at the general election of 1984.]~~ ***, commencing on the first Monday of January thereafter next following the election of the trustee.***

7. Each trustee shall hold office until his or her successor is appointed or elected and qualified.

8. The nonvoting members of the board of trustees appointed pursuant to subsection 2 :

(a) Except as otherwise provided in paragraph (b), shall have ~~[:~~

~~(a) The]~~ the same rights and responsibilities as voting members of the board of trustees, including, without limitation, being involved in any briefings, interviews, evaluations, closed-door sessions and policy and operational discussions;

(b) ~~[Voting]~~ Do not have voting rights for the election of officers ~~[; and~~

~~(c) The]~~ or the authority to serve as an officer of the board of trustees.

Sec. 2. NRS 386.240 is hereby amended to read as follows:

386.240 A candidate for ***election to*** the office of trustee of a school district shall:

1. Be a qualified elector.

2. Have the qualifications of residence within the county school district required for the office for which he or she seeks election.

Sec. 3. NRS 386.250 is hereby amended to read as follows:

386.250 A candidate for ***election to*** the office of trustee of a county school district must:

1. Be nominated in the manner provided by the primary election laws of this State; and

2. File a declaration of candidacy, as defined in NRS 293.0455, with the county clerk of the county whose boundaries are conterminous with the boundaries of the county school district.

Sec. 4. NRS 386.260 is hereby amended to read as follows:

386.260 1. Trustees ~~[shall]~~ ***who are required to be elected pursuant to NRS 386.165 must*** be elected as provided in the election laws of this state.

2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue election certificates to the candidates elected.

3. Immediately, the county clerk shall transmit a copy of each election certificate to the Superintendent of Public Instruction.

Sec. 5. NRS 386.270 is hereby amended to read as follows:

386.270 Except as otherwise provided in NRS 386.275:

1. Any vacancy occurring ~~[in]~~ ***among the elected members of*** a board of trustees must be filled by appointment by the remaining ***elected*** members of the board at a public meeting held after notice of the meeting is published at least once each week for 2 weeks in a newspaper qualified pursuant to the provisions of chapter 238 of NRS. The appointee shall serve until the next

general election, at which time his or her successor must be elected for the balance of the unexpired term.

2. ***Any vacancy occurring among the appointed members of a board of trustees must be filled by the appointing authority. The appointee serves for the balance of the unexpired term and may be reappointed.***

3. Any person appointed to fill a vacancy must have the qualifications provided in NRS ***386.165 or*** 386.240 ~~[.]~~ ***, as applicable.***

Sec. 6. NRS 386.275 is hereby amended to read as follows:

386.275 1. If a vacancy occurs, or will occur, in a board of trustees because a member of the board has entered, or is entering, into active military service, ~~[~~the board of trustees may appoint~~]~~ a person ***may be appointed*** to serve as a temporary replacement for that member. Such a temporary appointment must be made in the manner, and subject to the requirements, otherwise prescribed in NRS 386.270, except that the member of the board of trustees who has entered, or is entering, into active military service may participate in the process to appoint his or her temporary replacement.

2. If a person is temporarily appointed to serve on a board of trustees pursuant to this section:

(a) The person fully assumes the duties, rights and responsibilities of a member of the board of trustees, and is entitled to the compensation, allowances and expenses otherwise payable to a member, for the duration of his or her appointment.

(b) The member of a board of trustees who is temporarily replaced shall be deemed to be on leave without pay from the board of trustees for the duration of the appointment of his or her temporary replacement.

3. A person appointed to serve on the board of trustees pursuant to this section serves:

(a) Until the member of the board of trustees being temporarily replaced returns from active military service; or

(b) For the remainder of the unexpired term of that member,

➥ whichever occurs first.

Sec. 7. NRS 386.300 is hereby amended to read as follows:

386.300 Each trustee shall:

~~1. [Enter upon the duties of office on the 1st Monday in January next following the election of the trustee.~~

~~2. Hold office until his or her successor is elected and qualified.~~

~~3.]~~ Take and subscribe to the official oath.

~~[4.]~~ ***2.*** File with the Superintendent of Public Instruction a copy of his or her official oath together with a statement showing the term for which the trustee has been elected or appointed.

Sec. 7.5. **NRS 386.310 is hereby amended to read as follows:**

386.310 1. The board of trustees shall meet and organize by:

(a) Electing one of its ***elected*** members as president.

(b) Electing one of its ***elected*** members as clerk, or by selecting some other qualified person as clerk.

(c) Electing additional officers ***from its elected members*** as may be deemed necessary.

(d) Fixing the term of office for each of its officers.

2. A record of the organization of the board of trustees must be entered in the minutes, together with the amount of salary to be paid to the clerk.

3. Immediately after the organization of the board of trustees, the clerk shall file the names of the president, the clerk and the members of the board of trustees with the Department and the county auditor of the county whose boundaries are conterminous with the boundaries of the county school district.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. **NRS 386.330 is hereby amended to read as follows:**

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the ***elected*** members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the ***elected*** members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

Sec. 9. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 585 to Assembly Bill No. 175.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 789.

Section 1.5 of Assembly Bill No. 175 Second Reprint is hereby amended as follows:

Sec. 1.5. NRS 386.165 is hereby amended to read as follows:

386.165 1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:

(a) As nearly equal in population as practicable; and

(b) Composed of contiguous territory.

2. The board of trustees in each county school district in which more than 75,000 pupils are enrolled is composed of 11 members, of whom:

(a) Seven voting members must be elected in election districts established pursuant to subsection 1 by the board of trustees.

(b) One nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.

(c) Three nonvoting members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.

~~[2.]~~ ***3.*** In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

➥ The districts must be composed of contiguous territory.

3. Each ***elected*** trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.

4. In each school district in which more than 25,000 pupils ***but not more than 75,000 pupils*** are enrolled, the ***board of trustees is composed of seven members who must be elected in an election district established pursuant to subsection 3 by the board of trustees.***

5. The appointing authority shall make an appointment pursuant to subsection 2 at least 30 days but not more than 90 days before the expiration of the term of office of the incumbent member.

6. The term of ***office of*** a school trustee is 4 years ~~[. Three trustees must be elected at the general election of 1982 and four trustees must be elected at~~

~~the general election of 1984.~~] ***, commencing on the first Monday of January thereafter next following the election of the trustee.***

7. Each trustee shall hold office until his or her successor is appointed or elected and qualified.

8. The nonvoting members of the board of trustees appointed pursuant to subsection 2:

(a) Except as otherwise provided in paragraph (b), shall have the same rights and responsibilities as voting members of the board of trustees, including, without limitation, being involved in any briefings, interviews, evaluations, closed-door sessions and policy and operational discussions;

(b) Do not have voting rights for the election of officers or the authority to serve as an officer of the board of trustees.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 789 to Assembly Bill No. 175.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 207.

The following Senate amendment was read:

Amendment No. 586.

AN ACT relating to education; authorizing the board of trustees of a school district and the governing body of a charter school to obtain insurance for liability arising out of the participation of a pupil in a work-based learning program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon approval of the State Board of Education. (NRS 389.167) This bill authorizes the board of trustees of a school district or the governing body of a charter school to obtain liability insurance against liability arising out of the participation of a pupil in a work-based learning program. This bill also prohibits the board of trustees of a school district or the governing body of a charter school from directly or indirectly charging a pupil or the parent or legal guardian of a pupil for the cost of such insurance coverage. **This bill authorizes the board of trustees of a school district or the governing body of a charter school to accept gifts, grants and donations to purchase or maintain such insurance.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district or the governing body of a charter school that has been approved by the State Board to offer a work-

based learning program may purchase and maintain insurance against any liability arising out of the participation of a pupil in the work-based learning program. The coverage authorized by this section must be obtained from an insurer who is authorized to do business in this State.

2. A school district or charter school may not directly or indirectly charge a pupil or the parent or legal guardian of a pupil for the cost of obtaining insurance coverage pursuant to subsection 1.

3. The board of trustees of a school district or the governing body of a charter school may accept gifts, grants and donations from any source to purchase or maintain insurance coverage pursuant to subsection 1.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 586 to Assembly Bill No. 207.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 241.

The following Senate amendment was read:

Amendment No. 587.

ASSEMBLYMEN MOSCA; ANDERSON, BILBRAY-AXELROD, D'SILVA, **HANSEN,** KOENIG, LA RUE HATCH, TAYLOR, THOMAS AND TORRES

JOINT SPONSORS: SENATORS **BUCK,** DONATE, FLORES, NGUYEN AND PAZINA

AN ACT relating to education; requiring pupils enrolled in a public high school to be enrolled in the courses and credits required to obtain a college and career ready high school diploma ~~[,]~~ **or certain diplomas that are equivalent or more rigorous;** establishing exceptions to the requirement for a pupil to be enrolled in such courses and credits; ~~[prescribing additional requirements for obtaining a college and career ready high school diploma and endorsement;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that prescribe the criteria for a pupil to receive a college and career ready high school diploma, which must include requirements that the pupil: (1) satisfy the criteria for receipt of a standard high school diploma; and (2) obtain a college-ready endorsement or a career-ready endorsement. Existing law requires the State Board to adopt regulations prescribing the criteria for a pupil to obtain each endorsement. (NRS 390.605) Existing law also requires a pupil enrolled in a public high school to enroll in a certain number of credits in certain subject areas. (NRS 389.018) **Section 1** of this bill requires a pupil enrolled in a public high school to enroll in the courses and credits required by the State Board to receive **: (1)** a college and career ready high school diploma ~~[,]~~ **; or (2) a diploma offered by a school district that is equivalent to or more rigorous than a college and career ready high school diploma.** **Section 1** provides that a pupil is not required to enroll in such courses and credits if: (1) the pupil,

~~[his parent or legal guardian and an administrator or]~~ **a** counselor at the school **and, under certain circumstances, the parent or legal guardian of the pupil and an administrator at the school,** mutually agree to a modified course of study for the pupil after the pupil's ninth grade year; or (2) the pupil is a pupil with a disability and is exempted from the requirement to do so in accordance with the pupil's individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. ~~[Section 1.5 of this bill prescribes additional requirements necessary to receive a college and career ready diploma. Section 1.7 of this bill prescribes the requirements necessary to receive a college ready or career ready endorsement.]~~ **Section 2** of this bill provides for the application of the amendatory provisions of this bill to certain pupils enrolled in a school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) beginning in the 2024-2025 school year. **Section 2** applies similar provisions to certain pupils enrolled in a school district located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) beginning with the 2026-2027 school year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) One-half unit of credit in American government;

(2) Two units of credit in American history, world history or geography; and

(3) One-half unit of credit in economics.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an

administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable. A school district may authorize one or more public high schools in the school district to offer a combined course in American government and economics for one unit of credit which satisfies the requirements of subparagraphs (1) and (3) if the curriculum of an advanced placement course is used for American government in the combined course.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

5. Except as otherwise provided in ~~[this]~~ subsection ~~[,]~~ 6, in addition to the courses of study and credits required by subsection 2, a pupil enrolled in a public high school must enroll in ~~[any]~~ :

(a) Any additional courses of study and credits required by the State Board to receive a college and career ready high school diploma, including, without limitation, the courses of study and credits required to receive one of the endorsements described in subsection 3 of NRS 390.605 ~~[.]~~ ; or

(b) Any additional courses of study and credits required to receive a diploma that is awarded by a school district and is equivalent to or more rigorous than a college and career ready high school diploma.

6. A pupil is not required to enroll in the courses of study and credits required by ~~[this]~~ subsection 5 if:

(a) After the pupil's ninth grade year, the pupil ~~[consults]~~ and, to the extent practicable, the parent or legal guardian of the pupil consult with a counselor and, to the extent practicable, an administrator, at the school in

which the pupil is enrolled and ~~[agrees]~~ the pupil, counselor and, if applicable, the parent or legal guardian and administrator, mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable; or

(b) The pupil is a pupil with a disability and, in accordance with his or her individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, is exempted from the requirement to enroll in the courses of study and credits required by this subsection.

~~[6.]~~ 7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 1.3. ~~[Chapter 390 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.]~~ **(Deleted by amendment.)**

Sec. 1.5. ~~*[1. To receive a college and career ready diploma evidencing graduation from high school pursuant to NRS 390.605, a pupil must, in addition to meeting the criteria prescribed pursuant to subsection 1 of NRS 390.600:*~~

~~*(a) Successfully complete the requirements to receive an advanced diploma prescribed by regulations adopted pursuant to NRS 390.600;*~~

~~*(b) Demonstrate proficiency in speaking not less than two languages or have earned not less than two of the units of credit used to complete the requirements to receive an advanced diploma prescribed by regulations adopted pursuant to NRS 390.600 in:*~~

~~*(1) Advanced placement courses;*~~

~~*(2) International baccalaureate courses;*~~

~~*(3) Dual credit courses or courses completed through dual enrollment;*~~

~~*(4) Career and technical education courses;*~~

~~*(5) Work-based learning courses; or*~~

~~*(6) A world language course; and*~~

~~*(c) Obtain a college-ready endorsement pursuant to section 1.7 of this act, or a career-ready endorsement pursuant to section 1.7 of this act.*~~

~~*2. To the extent that money is available for these purposes, the Department:*~~

~~*(a) Shall award incentive grants to each public high school, including, without limitation, each charter school that operates as a high school, for each graduate of the school who receives a college and career ready high school diploma; and*~~

~~*(b) May reimburse a school district or a charter school that operates as a high school for any costs associated to administer or provide an assessment, credential, certificate or certification required for a pupil to receive a college and career ready high school diploma pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 1.7. ~~[*1. To receive a college ready endorsement pursuant to paragraph (a) of subsection 3 of NRS 390.605, a pupil must, before graduating from high school:*~~

~~*(a) Complete a college readiness assessment prescribed by the Board of Regents of the University of Nevada; and*~~

~~*(b) Receive not less than the minimum scores for initial placement into college level English and mathematics courses prescribed by the Board of Regents.*~~

~~*2. To receive a career ready endorsement pursuant to paragraph (b) of subsection 3 of NRS 390.605, a pupil must, before graduating from high school:*~~

~~*(a) Receive not less than the minimum score prescribed by the State Board on a career readiness assessment prescribed by the State Board;*~~

~~*(b) Satisfy the requirements for the issuance of a certificate for the completion of a course of study in career and technical education established pursuant to NRS 388.390; or*~~

~~*(c) Obtain an industry-recognized credential identified by the Executive Director of the Governor's Office of Workforce Innovation in the Department of Employment, Training and Rehabilitation pursuant to NRS 232.975.]*~~ **(Deleted by amendment.)**

Sec. 2. 1. The amendatory provisions of section 1 of this act apply to pupils who are enrolled in a school district located in a county whose population is 100,000 or more and who are:

(a) Enrolled in grade 9 for the 2024-2025 school year;

(b) Enrolled in grade 9 or 10 for the 2025-2026 school year;

(c) Enrolled in grade 9, 10 or 11 for the 2026-2027 school year; and

(d) Enrolled in high school for each school year thereafter.

2. The amendatory provisions of section 1 of this act apply to pupils who are enrolled in a school district located in a county whose population is less than 100,000 and who are:

(a) Enrolled in grade 9 for the 2026-2027 school year;

(b) Enrolled in grade 9 or 10 for the 2027-2028 school year;

(c) Enrolled in grade 9, 10 or 11 for the 2028-2029 school year; and

(d) Enrolled in high school for each school year thereafter.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 ~~[to]~~ ***and*** 2 ~~[, inclusive,]~~ of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 587 to Assembly Bill No. 241.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 33.

The following Senate amendment was read:

Amendment No. 687.

AN ACT relating to governmental financial administration; revising provisions governing the investment of money in the State Permanent School Fund; revising provisions governing the investment of money by certain governmental entities; revising provisions governing money transferred from the State Permanent School Fund to a corporation for public benefit to provide private equity funding to certain businesses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the State Treasurer: (1) shall have charge of all investments of money and the sale of all securities of the State Permanent School Fund; and (2) if there is a sufficient amount of uninvested money in the Fund, shall negotiate for the investment of the money in certain investments. (NRS 355.050, 355.060) **Section 1** of this bill expands the list of authorized investments for money in the State Permanent School Fund to include: (1) certain commercial paper issued by certain corporations, trusts and limited-liability companies organized and operating in the United States and depository institutions licensed by the United States; and (2) certain notes, bonds and other unconditional obligations issued by certain corporations organized and operating in the United States or depository institutions licensed by the United States.

Under existing law, the State Treasurer is prohibited from making certain investments of money in the State Permanent School Fund unless the State Treasurer obtains a judicial determination that such an investment does not violate the prohibition in the Nevada Constitution against the State of Nevada donating or loaning state money or credit, or subscribing to or being interested in the stock of any company, association or corporation, except a corporation that is formed for educational or charitable purposes. (Nev. Const. Art. 8, § 9; NRS 355.060) **Section 1** prohibits the State Treasurer from investing in such commercial paper and notes, bonds and other unconditional obligations issued by certain corporations, trusts, limited-liability companies and depository institutions without obtaining a judicial determination that such an investment does not violate the prohibition in the Nevada Constitution.

Upon obtaining a judicial determination that an investment does not violate the Nevada Constitution, existing law authorizes the State Treasurer to transfer up to $75,000,000 from the State Permanent School Fund to a corporation for public benefit and requires the corporation by agreement to provide private equity funding to businesses engaged in certain industries, at least 70 percent

of which funding must be provided to businesses located or seeking to locate in Nevada. (NRS 355.280) **Section 4** of this bill: (1) ~~[increases the maximum amount of money the State Treasurer is authorized to transfer from the State Permanent School Fund to the corporation for public benefit to provide such private equity funding from $75,000,000 to $125,000,000; (2)]~~ decreases the amount of private equity funding such a corporation for public benefit must agree to provide to certain businesses located in this State or seeking to locate in this State from at least 70 percent to more than 50 percent; and ~~[(3)]~~ **(2)** provides that the corporation for public benefit may provide private equity funding to a pooled fund that includes businesses located outside of this State provided that more than 50 percent of the funding is provided to certain businesses located in this State or seeking to locate in this State.

Existing law authorizes the State Treasurer to invest money from the General Portfolio of the State in certain categories of bonds and other securities. (NRS 355.140). **Section 2** of this bill: (1) increases from 20 to 25 percent the maximum share of the aggregate value of the General Portfolio that is authorized to be invested in bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System; and (2) authorizes investment in commercial paper issued by certain trusts or limited-liability companies, in addition to the existing authority to invest in commercial paper issued by certain corporations.

Existing law prescribes the bonds and other securities that are proper and lawful investments for a local government and certain administrative entities. (NRS 355.170) **Section 3** of this bill revises these authorized investments to require that investments in negotiable certificates of deposit: (1) must have a remaining term to maturity of 5 years or less at the time of purchase; and (2) must, under certain circumstances, be rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better. **Section 3** also provides that not more than 5 percent of the total par value of the portfolio may be invested in notes, bonds and other unconditional obligations issued by any one commercial bank, insured credit union, savings and loan association or savings bank.

Section 3 further increases from 20 to 25 percent the maximum share of the money available to a local government for investment that is authorized to be invested in bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System. Lastly, **section 3** removes the requirement that to invest in obligations of state and local governments, the interest on the obligation must be exempt from gross income for federal income tax purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 355.060 is hereby amended to read as follows:

355.060 1. The State Controller shall notify the State Treasurer monthly of the amount of uninvested money in the State Permanent School Fund.

2. Whenever there is a sufficient amount of money for investment in the State Permanent School Fund, the State Treasurer shall proceed to negotiate for the investment of the money in:

(a) United States bonds.

(b) A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) At the time of purchase has a remaining term to maturity of 5 years or less; and

(4) Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase.

(c) A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., as amended;

(4) Is purchased from a registered broker-dealer;

(5) At the time of purchase has a remaining term to maturity of 5 years or less; and

(6) Is rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase.

(d) Obligations or certificates of the Federal National Mortgage Association, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal Farm Credit Banks Funding Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States.

(e) Bonds of this state or of other states.

(f) Bonds of any county of the State of Nevada.

(g) United States treasury notes.

(h) Farm mortgage loans fully insured and guaranteed by the Farm Service Agency of the United States Department of Agriculture.

(i) Loans at a rate of interest of not less than 6 percent per annum, secured by mortgage on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, of unexceptional title and free from all encumbrances.

(j) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

(k) Common or preferred stock of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States, if:

(1) The stock of the corporation is:

(I) Listed on a national stock exchange; or

(II) Traded in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated Quotation System (NASDAQ);

(2) The outstanding shares of the corporation have a total market value of not less than $50,000,000;

(3) The maximum investment in stock is not greater than 50 percent of the book value of the total investments of the State Permanent School Fund;

(4) Except for investments made pursuant to paragraph (m), the amount of an investment in a single corporation is not greater than 3 percent of the book value of the assets of the State Permanent School Fund; and

(5) Except for investments made pursuant to paragraph (m), the total amount of shares owned by the State Permanent School Fund is not greater than 5 percent of the outstanding stock of a single corporation.

(l) A pooled or commingled real estate fund or a real estate security that is managed by a corporate trustee or by an investment advisory firm that is registered with the Securities and Exchange Commission, either of which may be retained by the State Treasurer as an investment manager. The shares and the pooled or commingled fund must be held in trust. The total book value of an investment made under this paragraph must not at any time be greater than 5 percent of the total book value of all investments of the State Permanent School Fund.

(m) Mutual funds or common trust funds that consist of any combination of the investments listed in paragraphs (a) to (l), inclusive.

(n) The limited partnerships or limited-liability companies described in NRS 355.280.

(o) Commercial paper issued by a corporation, trust or limited-liability company organized and operating in the United States or by a depository

institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of not more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

↪ except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph.

(p) Notes, bonds and other unconditional obligations for the payment of money, except certificates of deposit that are not issued by commercial banks, insured credit unions, savings and loan associations or savings banks, issued by corporations organized and operating in the United States or by depository institutions licensed by the United States or any state and operating in the United States that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of not more than 5 years; and

(3) Are rated by a nationally recognized rating service as "A" or its equivalent, or better,

↪ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph.

3. The State Treasurer shall not invest any money in the State Permanent School Fund pursuant to paragraph (k), (l), (m) ***,*** ~~[or]~~ (n) ***, (o) or (p)*** of subsection 2 unless the State Treasurer obtains a judicial determination that the proposed investment or category of investments will not violate the provisions of Section 9 of Article 8 of the Constitution of the State of Nevada. The State Treasurer shall contract for the services of independent contractors to manage any investments of the State Treasurer made pursuant to paragraph (k), (l) ***,*** ~~[or]~~ (m) ***, (o) or (p)*** of subsection 2. The State Treasurer shall establish such criteria for the qualifications of such an independent contractor as are appropriate to ensure that each independent contractor has expertise in the management of such investments.

4. In addition to the investments authorized by subsection 2, the State Treasurer may make loans of money from the State Permanent School Fund to school districts pursuant to NRS 387.526.

5. No part of the State Permanent School Fund may be invested pursuant to a reverse-repurchase agreement.

Sec. 2. NRS 355.140 is hereby amended to read as follows:

355.140 1. In addition to other investments provided for by a specific statute, the following bonds and other securities are proper and lawful investments of any of the money of this state, of its various departments, institutions and agencies, and of the State Insurance Fund:

(a) Bonds and certificates of the United States;

(b) Bonds, notes, debentures and loans if they are underwritten by or their payment is guaranteed by the United States;

(c) Obligations or certificates of the United States Postal Service, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Agricultural Mortgage Corporation, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States;

(d) Bonds of this state or other states of the Union;

(e) Bonds of any county of this state or of other states;

(f) Bonds of incorporated cities in this state or in other states of the Union, including special assessment district bonds if those bonds provide that any deficiencies in the proceeds to pay the bonds are to be paid from the general fund of the incorporated city;

(g) General obligation bonds of irrigation districts and drainage districts in this state which are liens upon the property within those districts, if the value of the property is found by the board or commission making the investments to render the bonds financially sound over all other obligations of the districts;

(h) Bonds of school districts within this state;

(i) Bonds of any general improvement district whose population is 200,000 or more and which is situated in two or more counties of this state or of any other state, if:

(1) The bonds are general obligation bonds and constitute a lien upon the property within the district which is subject to taxation; and

(2) That property is of an assessed valuation of not less than five times the amount of the bonded indebtedness of the district;

(j) Medium-term obligations for counties, cities and school districts authorized pursuant to chapter 350 of NRS;

(k) Loans bearing interest at a rate determined by the State Board of Finance when secured by first mortgages on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, and of unexceptional title and free from all encumbrances;

(l) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and

federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, excluding such money thereof as has been received or which may be received hereafter from the Federal Government or received pursuant to some federal law which governs the investment thereof;

(m) Negotiable certificates of deposit issued by commercial banks, insured credit unions, savings and loan associations or savings banks;

(n) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System, except that acceptances may not exceed 180 days' maturity, and may not, in aggregate value, exceed ~~[~~20~~]~~ ***25*** percent of the total par value of the portfolio as determined at the time of purchase;

(o) Commercial paper issued by a corporation ***, trust or limited-liability company*** organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of not more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 25 percent of the total par value of the portfolio as determined at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph;

(p) Notes, bonds and other unconditional obligations for the payment of money, except certificates of deposit that do not qualify pursuant to paragraph (m), issued by corporations organized and operating in the United States or by depository institutions licensed by the United States or any state and operating in the United States that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of not more than 5 years; and

(3) Are rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 25 percent of the total par value of the portfolio as determined

at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph;

(q) A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) At the time of purchase has a remaining term to maturity of 5 years or less; and

(4) Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase;

(r) A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., as amended;

(4) Is purchased from a registered broker-dealer;

(5) At the time of purchase has a remaining term to maturity of 5 years or less; and

(6) Is rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investment pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase;

(s) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued by the Federal Government or agencies of the Federal Government or in repurchase agreements fully collateralized by such securities;

(t) Collateralized mortgage obligations that are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(u) Asset-backed securities that are rated by a nationally recognized rating service as "AAA" or its equivalent.

2. Repurchase agreements and reverse-repurchase agreements are proper and lawful investments of money of the State and the State Insurance Fund for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The State Treasurer shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements to the State Treasurer;

(2) The State Treasurer has determined to have adequate capitalization and earnings and appropriate assets to be highly credit worthy; and

(3) Have executed a written master repurchase agreement or master reverse-repurchase agreement, as applicable, in a form satisfactory to the State Treasurer and the State Board of Finance pursuant to which all repurchase agreements or reverse-repurchase agreements are entered into. The master repurchase agreement and master reverse-repurchase agreement must require the prompt delivery to the State Treasurer and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act, 11 U.S.C. §§ 101 et seq.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The State must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the State when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the State concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly;

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase; and

(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.

(c) In all reverse-repurchase agreements:

(1) The State must enter into a written contract with the appointed custodian which authorizes the custodian to transfer the securities underlying the reverse-repurchase agreement only at or after the time at which money to pay the purchase price of the securities is transferred to the custodian;

(2) The date on which the State commits to repurchase a security purchased by a counterparty or securities of the same issuer, description, issue date and maturity must not be more than 90 days after the date on which the counterparty purchased the securities from the State; and

(3) Money received by the custodian pursuant to subparagraph (1) may be used by the State only to purchase securities whose maturity matches or is not longer than the term of the reverse-repurchase agreement.

3. As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Repurchase agreement" means a purchase of securities by the State or State Insurance Fund from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

(c) "Reverse-repurchase agreement" means a purchase of securities by a counterparty from the State which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 3. NRS 355.170 is hereby amended to read as follows:

355.170 1. Except as otherwise provided in this section and NRS 354.750 and 355.171, the governing body of a local government or an administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, that is not a local government may purchase for investment the following securities and no others:

(a) Bonds and debentures of the United States, the maturity dates of which do not extend more than 10 years after the date of purchase.

(b) A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) At the time of purchase has a remaining term to maturity of 5 years or less; and

(4) Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase.

(c) A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, §§ 77a et seq., as amended;

(4) Is purchased from a registered broker-dealer;

(5) At the time of purchase has a remaining term to maturity of 5 years or less; and

(6) Is rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase.

(d) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive.

(e) Bills and notes of the United States Treasury, the maturity date of which is not more than 10 years after the date of purchase.

(f) Obligations of an agency or instrumentality of the United States of America or a corporation sponsored by the government, the maturity date of which is not more than 10 years after the date of purchase.

(g) Negotiable certificates of deposit issued by commercial banks, insured credit unions, savings and loan associations or savings banks ~~[.]~~ ***that:***

(1) At the time of purchase has a remaining term to maturity of 5 years or less; and

(2) If the certificates are not within the limits of insurance provided by an instrumentality of the United States, are rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better, ~~[and]~~ or are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133,

➥ except that not more than 5 percent of the total par value of the portfolio may be invested in notes, bonds and other unconditional obligations issued by any one commercial bank, insured credit union, savings and loan association or savings bank. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the investment advisor must report the reduction in the rating to the governing body of the local government that purchased the investment, the governing body of the

local government or, if the purchase was effected by the State Treasurer pursuant to his or her investment of a pool of money from local governments, the State Treasurer must take such action as the governing body or State Treasurer deems appropriate to preserve the principal value and integrity of the portfolio as a whole and the governing body or State Treasurer, as applicable, must report to the State Board of Finance any action taken pursuant to this paragraph. For the purposes of subparagraph (2), any reference in NRS 356.133 to a "county treasurer" or "board of county commissioners" shall be deemed to refer to the appropriate financial officer or governing body of the local government purchasing the certificates.

(h) Securities which have been expressly authorized as investments for local governments by any provision of Nevada Revised Statutes or by any special law.

(i) Nonnegotiable certificates of deposit issued by insured commercial banks, insured credit unions, insured savings and loan associations or insured savings banks, except certificates that are not within the limits of insurance provided by an instrumentality of the United States, unless those certificates are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133. For the purposes of this paragraph, any reference in NRS 356.133 to a "county treasurer" or "board of county commissioners" shall be deemed to refer to the appropriate financial officer or governing body of the local government purchasing the certificates.

(j) Subject to the limitations contained in NRS 355.177, negotiable notes or medium-term obligations issued by local governments of the State of Nevada pursuant to NRS 350.087 to 350.095, inclusive.

(k) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve Banks, and generally accepted by banks or trust companies which are members of the Federal Reserve System. Eligible bankers' acceptances may not exceed 180 days' maturity. Purchases of bankers' acceptances may not exceed ~~[~~20~~]~~ ***25*** percent of the money available to a local government for investment as determined at the time of purchase.

(l) Obligations of state and local governments ~~[~~:

~~(1) If:~~

~~(I) The interest on the obligation is exempt from gross income for federal income tax purposes; and~~

~~(II) The~~] ***if the*** obligation ~~[~~has~~]~~ ***:***

(1) Has been rated "A" or higher by one or more nationally recognized bond credit rating agencies; or

(2) ~~[~~If the obligation is~~]~~ ***Is*** secured by the proceeds that are paid into the tax increment account of a tax increment area created by a municipality pursuant to NRS 278C.220.

(m) Commercial paper issued by a corporation ***, trust or limited-liability company*** organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of no more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 25 percent of the total par value of the portfolio as determined at the time of purchase, and not more than 5 percent of the total par value of the portfolio may be invested in commercial paper issued by any one corporation or depository institution. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the investment advisor must report the reduction in the rating to the governing body of the local government that purchased the investment, the governing body of the local government or, if the purchase was effected by the State Treasurer pursuant to his or her investment of a pool of money from local governments, the State Treasurer must take such action as the governing body or State Treasurer deems appropriate to preserve the principal value and integrity of the portfolio as a whole and the governing body or State Treasurer, as applicable, must report to the State Board of Finance any action taken pursuant to this paragraph.

(n) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in:

(I) Securities issued by the Federal Government or agencies of the Federal Government;

(II) Master notes, bank notes or other short-term commercial paper rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better, issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States; or

(III) Repurchase agreements that are fully collateralized by the obligations described in sub-subparagraphs (I) and (II).

(o) Obligations of the Federal Agricultural Mortgage Corporation.

2. Repurchase agreements are proper and lawful investments of money of a governing body of a local government for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The governing body of the local government shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements;

(2) The governing body of the local government has determined to have adequate capitalization and earnings and appropriate assets to be highly creditworthy; and

(3) Have executed a written master repurchase agreement in a form satisfactory to the governing body of the local government pursuant to which all repurchase agreements are entered into. The master repurchase agreement must require the prompt delivery to the governing body of the local government and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The governing body of the local government must enter a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the governing body of the local government when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the governing body of the local government concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly;

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase; and

(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.

3. The securities described in paragraphs (a), (d) and (e) of subsection 1 and the repurchase agreements described in subsection 2 may be purchased when, in the opinion of the governing body of the local government, there is sufficient money in any fund of the local government to purchase those securities and the purchase will not result in the impairment of the fund for the purposes for which it was created.

4. When the governing body of the local government has determined that there is available money in any fund or funds for the purchase of bonds as set out in subsection 1 or 2, those purchases may be made and the bonds paid for out of any one or more of the funds, but the bonds must be credited to the funds in the amounts purchased, and the money received from the redemption of the bonds, as and when redeemed, must go back into the fund or funds from which the purchase money was taken originally.

5. Any interest earned on money invested pursuant to subsection 3, may, at the discretion of the governing body of the local government, be credited to

the fund from which the principal was taken or to the general fund of the local government.

6. The governing body of a local government may invest any money apportioned into funds and not invested pursuant to subsection 3 and any money not apportioned into funds in bills and notes of the United States Treasury, the maturity date of which is not more than 1 year after the date of investment. These investments must be considered as cash for accounting purposes, and all the interest earned on them must be credited to the general fund of the local government.

7. This section does not authorize the investment of money administered pursuant to a contract, debenture agreement or grant in a manner not authorized by the terms of the contract, agreement or grant.

8. As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Local government" has the meaning ascribed to it in NRS 354.474.

(c) "Repurchase agreement" means a purchase of securities by the governing body of a local government from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 4. NRS 355.280 is hereby amended to read as follows:

355.280 If the State Treasurer obtains the judicial determination required by subsection 3 of NRS 355.060, the State Treasurer may transfer an amount not to exceed $75,000,000 ~~***[$125,000,000]***~~ from the State Permanent School Fund to the corporation for public benefit. Such a transfer must be made pursuant to an agreement that requires the corporation for public benefit to:

1. Provide, through the limited partnerships or limited-liability companies described in subsection 1 of NRS 355.270, private equity funding; and

2. Ensure that ~~[at least 70]~~ ***more than 50*** percent of all private equity funding provided by the corporation for public benefit ***, including, without limitation, private equity funding provided by a corporation for public benefit to a pooled fund that includes businesses located outside of this State,*** is provided to businesses:

(a) Located in this State or seeking to locate in this State; and

(b) Engaged primarily in one or more of the following industries:

(1) Health care and life sciences.

(2) Cyber security.

(3) Homeland security and defense.

(4) Alternative energy.

(5) Advanced materials and manufacturing.

(6) Information technology.

(7) Any other industry that the board of directors of the corporation for public benefit determines will likely meet the targets for investment returns established by the corporation for public benefit for investments authorized by NRS 355.250 to 355.285, inclusive, and comply with sound fiduciary principles.

Sec. 5. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 687 to Assembly Bill No. 33.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 52.

The following Senate amendment was read:

Amendment No. 686.

AN ACT relating to governmental administration; revising provisions relating to the determination of a quorum of a public body and the number of votes necessary for a public body to take action; clarifying the applicability of the Open Meeting Law to certain gatherings of the members of a public body; revising the notice requirements for certain meetings of a public body; revising provisions related to abstaining from voting by a member of a public body for certain conflicts of interest; creating exceptions to the Open Meeting Law for certain committees that prepare arguments relating to ballot measures; ~~[clarifying]~~ **revising provisions relating to** the applicability of the Open Meeting Law to certain foundations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. (NRS 241.020) With certain exceptions, to constitute a "meeting" for purposes of the Open Meeting Law, the following two conditions must be met: (1) there must be a gathering of members of a public body at which a quorum is present; and (2) the members must be gathering to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power. In addition, a "meeting" occurs for purposes of the Open Meeting Law when a collective quorum of the members of a public body attend a series of gatherings of less than a quorum of a public body held with the specific intent to avoid the provisions of the Open Meeting Law. A "meeting" does not occur for purposes of the Open Meeting Law where a quorum of members of a public body receives information from its attorney regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and deliberate toward a decision, but not take action, on the matter. The Open Meeting Law further provides that a "meeting" does not occur if there is a gathering or series of gatherings of a quorum of members of a public body: (1)

which occurs at a social function if the members do not deliberate toward a decision or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power; or (2) to receive training regarding the legal obligations of the public body if the members do not deliberate toward a decision or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power. **Section 4** of this bill makes technical, nonsubstantive changes to reorganize the definition of "meeting" to make clear that a meeting does not occur for purposes of the Open Meeting Law if the members of a public body, regardless of the presence of an actual or collective quorum of those members, do not deliberate or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power.

For purposes of the Open Meeting Law, a quorum is defined as a simple majority of the membership of a public body unless a different proportion is provided in law for that public body. (NRS 241.015) Under existing law, some public bodies include nonvoting members as well as voting members and, for some such public bodies, existing law specifies whether nonvoting members are counted for purposes of determining a quorum. (See, e.g., NRS 360.010, 360.080) **Section 4** specifies that, unless otherwise provided in law for a public body, nonvoting members are not counted for purposes of determining a quorum of that public body. **Section 2** of this bill specifies that, unless otherwise provided by specific statute ~~[,]~~ **or unless all members of the public body must be elected officials,** if a vacancy occurs in the voting membership of a public body, the necessary quorum and number of votes necessary to take action on a matter is reduced as though the voting membership does not include the vacancy.

The Open Meeting Law authorizes a public body to conduct a meeting by means of a remote technology system under certain circumstances. (NRS 241.023) **Sections 4, 5 and 8** of this bill make conforming changes to include remote technology systems as one of the means by which public bodies conduct meetings.

The Open Meeting Law prohibits, with certain exceptions, a public body from holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person, or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has given written notice to that person of the time and place of the meeting and received proof of service of the notice. With certain exceptions, the notice is required to be delivered personally to the person or sent by certified mail by certain deadlines. (NRS 241.033) **Section 6** of this bill adds to the methods by which such notice may be given and revises the deadlines for providing such notice. ~~[Section 6 also removes the requirement for a public body to receive proof of service of the notice before the meeting if the notice was given by electronic mail.]~~

The Open Meeting Law prohibits, with certain exceptions, a public body from holding a meeting to consider whether to: (1) take administrative action against a person; or (2) acquire real property owned by a person by the exercise

of the power of eminent domain unless the public body has given written notice to that person of the time and place of the meeting and received proof of service of such notice. With certain exceptions, the notice must be delivered personally to the person or sent by certified mail by certain deadlines. (NRS 241.034) **Sections 3 and 7** of this bill: (1) reorganize these provisions; and (2) revise the deadlines for providing such notice. **Section 3** **[~~: (1)~~]** adds to the manners by which notice of a meeting to consider whether to take administrative action against a person may be given **. [~~; and (2) removes the requirement for a public body to receive proof of service of such notice before considering the matter if the notice was provided by electronic mail.~~]** **Section 4** defines the term "administrative action against a person." **Sections 16-19** of this bill make conforming changes relating to the reorganization of these provisions.

Under existing law, with certain exceptions, if a public officer on a body or committee abstains from voting on a matter because of certain conflicts of interest, as required by the Nevada Ethics in Government Law, the necessary quorum and the number of votes necessary to act upon the matter is reduced as though the member abstaining were not a member of the body or committee. (NRS 281A.420) The Open Meeting Law provides that in a county whose population is 45,000 or more (currently Carson City and Clark, Douglas, Elko, Lyon, Nye and Washoe Counties), the reduction in the necessary quorum and the number of votes necessary to act upon the matter does not apply to a public body that is required to be composed of elected officials only, unless before abstaining from the vote, the member of the public body receives and discloses the opinion of the legal counsel authorized by law to provide legal advice to the public body that the abstention is required. (NRS 241.0355) **Sections 9 and 10** of this bill eliminate the requirement that the member of such a public body receives and discloses the opinion of the legal counsel in order to reduce the necessary quorum and the number of votes necessary to act upon the matter.

Existing law requires the appointment of committees to prepare arguments advocating or opposing approval of statewide ballot measures proposed by initiative or referendum, county ballot measures and city ballot measures. (NRS 293.252, 295.121, 295.217) Under existing law, the provisions of the Open Meeting Law do not apply to any consultations, deliberations, hearings or meetings that are conducted by committees that prepare arguments advocating or opposing approval of county ballot measures. (NRS 295.121) **Sections 11 and 12** of this bill also exempt from the Open Meeting Law consultations, deliberations, hearings or meetings that are conducted by: (1) committees that prepare arguments advocating or opposing approval of statewide ballot measures proposed by initiative or referendum; and (2) committees that prepare arguments advocating or opposing approval of city ballot measures. **Section 5** of this bill makes a conforming change to indicate these additional exemptions from the Open Meeting Law.

The Open Meeting Law defines a "public body" to include a library foundation, an educational foundation and a university foundation if the foundation is created in a specified manner. (NRS 241.015) **Sections ~~[13-15]~~ 13 and 14** of this bill clarify that the Open Meeting Law only applies to ~~[such]~~ a **library** foundation **or an educational foundation** if the foundation meets the definition of a "public body." (NRS 379.1495, 388.750 **~~[, 396.405)]~~) Section 4 provides that the Open Meeting Law applies to a university foundation.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2 or by specific statute, if a vacancy occurs in the voting membership of a public body, the necessary quorum and number of votes necessary to take action on a matter is reduced as though the voting membership does not include the vacancy.***

2. The provisions of subsection 1 do not apply to a public body if all members of the public body must be elected officials.

Sec. 3. ***1. Except as otherwise provided in subsection 5, a public body shall not consider at a meeting whether to take administrative action against a person unless the public body has given written notice to that person of the time and place of the meeting.***

2. The written notice required pursuant to subsection 1 must be given to the person in one of the following manners:

(a) Delivered personally to that person at least 7 calendar days before the meeting;

(b) Sent by certified mail to the last known address of that person at least 14 calendar days before the meeting;

(c) If the person is represented by an attorney in connection with the matter, delivered personally ~~[or by electronic mail]~~ to the attorney of the person at least 7 calendar days before the meeting; or

(d) If the public body makes decisions directly concerning the employment of the person, delivered personally to the person at his or her place of employment ~~[or to the electronic mail address assigned to the person by the public body]~~ during a time at which the person is required to be present at work that is at least 7 calendar days before the meeting.

3. Except as otherwise provided in this subsection, a public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider the matter relating to that person at a meeting. ~~[If the written notice was provided by electronic mail pursuant to subsection 2, the public body may consider the matter relating to that person at a meeting without receiving proof of service.]~~

4. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.

5. The written notice otherwise required pursuant to this section is not required:

(a) If the public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person, and the written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section; or

(b) In an emergency.

6. As used in this section, "emergency" means an unforeseen circumstance which requires the public body to take immediate action and includes, without limitation:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 4. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the ***voting*** members present, whether in person ***, by use of a remote technology system*** or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the ***voting*** members present, whether in person ***, by use of a remote technology system*** or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the ***voting*** members present, whether in person ***, by use of a remote technology system*** or by means of electronic communication, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. ***"Administrative action against a person" means an action that is uniquely personal to the person and includes, without limitation, the potential for a negative change in circumstances to the person. The term does not include the denial of any application where the denial does not change the present circumstance or situation of the person.***

3. "Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

~~[3.]~~ ***4.*** "Meeting":

(a) Except as otherwise provided in ~~[paragraph]~~ ***paragraphs*** (b) ~~[,]~~ ***and (c),*** means:

(1) The gathering of members of a public body at which a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person ***, by use of a remote technology system*** or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) ***Does not include any gathering or series of gatherings of members of a public body if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.***

(c) Does not include a gathering or series of gatherings of members of a public body ~~[, as described in paragraph (a),]~~ at which a quorum is actually or collectively present, whether in person ***, by use of a remote technology system*** or by means of electronic communication ~~[:~~

~~(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.~~

~~(2) To]~~ ***, to*** receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

~~[(3) To receive training regarding the legal obligations of the public body, including, without limitation, training conducted by an attorney employed or retained by the public body, the Office of the Attorney General or the Commission on Ethics, if at the gathering the members do not deliberate toward a decision or action on any matter over which the public body has supervision, control, jurisdiction or advisory power.~~

~~4.]~~ ***5.*** Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes a library foundation as defined in NRS 379.0056 ~~[,]~~ ***and*** an educational foundation as defined in subsection 3 of NRS 388.750 ~~[and a university foundation as defined in subsection 3 of NRS 396.405,]~~ if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government, if the board, commission or committee has at least two members who are not employed by the public officer or entity;

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201; ~~[and]~~

(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or

(2) The subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action.~~[.~~

~~5.]~~ ***; and***

(e) A university foundation as defined in subsection 3 of NRS 396.405.

6. "Quorum" means a simple majority of the ***voting*** membership of a public body or another proportion established by law.

~~[6.]~~ ***7.*** "Remote technology system" means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in a meeting, even though the person is not physically present at the meeting. The term includes, without limitation, teleconference and videoconference systems.

~~[7.]~~ ***8.*** "Supporting material" means material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.

~~[8.]~~ ***9.*** "Working day" means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 5. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, ***293.252,*** 295.121, ***295.217,*** 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and ***a remote technology system or*** electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 6. NRS 241.033 is hereby amended to read as follows:

241.033 1. Except as otherwise provided in ~~***[this subsection and]***~~ subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:

(a) Given written notice to that person of the time and place of the meeting; and

(b) Received proof of service of the notice. ~~***[If the written notice was given by electronic mail pursuant to subsection 2, the public body may hold the meeting described in this section without receiving proof of service.]***~~

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be ~~[.]~~ ***given to the person in one of the following manners:***

(1) Delivered personally to that person at least ~~[5 working]~~ ***7 calendar*** days before the meeting; ~~[or]~~

(2) Sent by certified mail to the last known address of that person at least ~~[21 working]~~ ***14 calendar*** days before the meeting ~~[.]~~ ***;***

(3) If the person is represented by an attorney in connection with the matter, delivered personally ~~[or by electronic mail]~~ to the attorney of the person at least 7 calendar days before the meeting; or

(4) If the public body makes decisions directly concerning the employment of the person, delivered personally to the person at his or her place of employment ~~[or to the electronic mail address assigned to the person by the public body]~~ during a time at which the person is required to be present at work that is at least 7 calendar days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of ~~[subparagraphs (1) and (2) of]~~ paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;

(b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or

mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section:

(a) A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.

(b) Casual or tangential references to a person or the name of a person during a meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) A meeting held to recognize or award positive achievements of a person, including, without limitation, honors, awards, tenure and commendations, is not subject to the notice requirements otherwise imposed by this section.

Sec. 7. NRS 241.034 is hereby amended to read as follows:

241.034 1. ~~[Except as otherwise provided in subsection 3:~~

~~(a)]~~ A public body shall not consider at a meeting whether to ~~[:~~

~~(1) Take administrative action against a person; or~~

~~(2) Acquire]~~ ***acquire*** real property owned by a person by the exercise of the power of eminent domain ~~[,~~

~~➥]~~ unless the public body has given written notice to that person of the time and place of the meeting.

~~[(b)]~~ ***2.*** The written notice required pursuant to ~~[paragraph (a)]~~ ***subsection 1*** must be:

~~[(1)]~~ ***(a)*** Delivered personally to that person at least ~~[5 working]~~ ***7 calendar*** days before the meeting; or

~~[(2)]~~ ***(b)*** Sent by certified mail to the last known address of that person at least ~~[21 working]~~ ***14 calendar*** days before the meeting.

➥ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider ~~[a]~~ ***the*** matter ~~[set forth in paragraph (a) relating to that person]~~ at a meeting.

~~[2.]~~ ***3.*** The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.

~~[3. The written notice otherwise required pursuant to this section is not required if:~~

~~(a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and~~

~~(b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.~~]

4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.

Sec. 8. NRS 241.035 is hereby amended to read as follows:

241.035 1. Each public body shall keep written minutes of each of its meetings, including:

(a) The date, time and place of the meeting.

(b) Those members of the public body who were present, whether in person***, by use of a remote technology system*** or by means of electronic communication, and those who were absent.

(c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.

(d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.

(e) Any other information which any member of the public body requests to be included or reflected in the minutes.

➥ Unless good cause is shown, a public body shall approve the minutes of a meeting within 45 days after the meeting or at the next meeting of the public body, whichever occurs later.

2. Minutes of public meetings are public records. Minutes or an audio recording of a meeting made in accordance with subsection 4 must be made available for inspection by the public within 30 working days after adjournment of the meeting. A copy of the minutes or audio recording must be made available to a member of the public upon request at no charge. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive. Minutes of meetings closed pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was considered has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.

(b) Paragraph (b) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality.

(c) Paragraph (c) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters considered no longer require confidentiality and the person who appealed the results of the examination has consented to their disclosure, except that the public body shall remove from the minutes any references to the real name of the person who appealed the results of the examination. That person is entitled to a copy of the minutes upon request whether or not they become public records.

3. All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.

4. Except as otherwise provided in subsection 8, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS. If a public body makes an audio recording of a meeting or causes a meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least 3 years after the adjournment of the meeting at which it was recorded or transcribed;

(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

(c) Must be made available to the Attorney General upon request.

5. The requirement set forth in subsection 2 that a public body make available a copy of the minutes or audio recording of a meeting to a member of the public upon request at no charge does not prohibit a court reporter who is certified pursuant to chapter 656 of NRS from charging a fee to the public body for any services relating to the transcription of a meeting.

6. A court reporter who transcribes a meeting is not required to provide a copy of any transcript, minutes or audio recording of the meeting prepared by the court reporter directly to a member of the public at no charge.

7. Except as otherwise provided in subsection 8, any portion of a public meeting which is closed must also be recorded or transcribed and the recording or transcript must be retained and made available for inspection pursuant to the provisions of subsection 2 relating to records of closed meetings. Any recording or transcript made pursuant to this subsection must be made available to the Attorney General upon request.

8. If a public body makes a good faith effort to comply with the provisions of subsections 4 and 7 but is prevented from doing so because of factors beyond the public body's reasonable control, including, without limitation, a power outage, a mechanical failure or other unforeseen event, such failure does not constitute a violation of the provisions of this chapter.

Sec. 9. NRS 241.0355 is hereby amended to read as follows:

241.0355 ~~[1. A]~~ ***Except as otherwise provided in subsection 5 of NRS 281A.420, [and section 2 of this act,]*** ***a*** public body that is required to

be composed of elected officials only may not take action by vote unless at least a majority of all the members of the public body vote in favor of the action. For purposes of this ~~[subsection,]~~ ***section,*** a public body may not count an abstention as a vote in favor of an action.

~~[2. In a county whose population is 45,000 or more, the provisions of subsection 5 of NRS 281A.420 do not apply to a public body that is required to be composed of elected officials only, unless before abstaining from the vote, the member of the public body receives and discloses the opinion of the legal counsel authorized by law to provide legal advice to the public body that the abstention is required pursuant to NRS 281A.420. The opinion of counsel must be in writing and set forth with specificity the factual circumstances and analysis leading to that conclusion.]~~

Sec. 10. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

(a) Regarding which the public officer or employee has accepted a gift or loan;

(b) In which the public officer or employee has a significant pecuniary interest;

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person; or

(d) Which would reasonably be related to the nature of any representation or counseling that the public officer or employee provided to a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410,

➥ without disclosing information concerning the gift or loan, the significant pecuniary interest, the commitment in a private capacity to the interests of the other person or the nature of the representation or counseling of the private person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, upon the person to whom the public officer or employee has a commitment in a private capacity or upon the private person who was represented or counseled by the public officer or employee. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require a public officer to disclose:

(a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

(b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

(a) The public officer's acceptance of a gift or loan;

(b) The public officer's significant pecuniary interest; or

(c) The public officer's commitment in a private capacity to the interests of another person.

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of another person, accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the duty of the public officer to make a proper disclosure at the time the matter is considered and in the manner required by subsection 1.

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer makes a proper disclosure at the time the matter is considered and in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

5. ~~[Except as otherwise provided in NRS 241.0355, if]~~ ***If*** a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary

to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section, "public officer" and "public employee" do not include a State Legislator.

Sec. 11. NRS 293.252 is hereby amended to read as follows:

293.252 1. For each constitutional amendment or statewide measure proposed by initiative or referendum to be placed on the ballot by the Secretary of State, the Secretary of State shall, pursuant to subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative or referendum and the other committee must be composed of three persons who oppose approval by the voters of the initiative or referendum.

2. If the Secretary of State is unable to appoint three persons who are willing to serve on a committee, the Secretary of State may appoint fewer than three persons to that committee, but the Secretary of State must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative or referendum and the committee that opposes approval by the voters of that initiative or referendum.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative or referendum.

4. The Secretary of State shall consider appointing to a committee pursuant to this section:

(a) Any person who has expressed an interest in serving on the committee; and

(b) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. A committee appointed pursuant to this section:

(a) Shall elect a chair for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative or referendum, prepare an argument either advocating or opposing approval by the voters of the initiative or referendum;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative or referendum;

(2) The environmental impact of the initiative or referendum; and

(3) The impact of the initiative or referendum on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the Secretary of State not later than the date prescribed by the Secretary of State pursuant to subsection 6.

6. The Secretary of State shall provide, by rule or regulation:

(a) The maximum permissible length of an argument and rebuttal prepared pursuant to this section; and

(b) The date by which an argument and rebuttal prepared pursuant to this section must be submitted by a committee to the Secretary of State.

7. Upon receipt of an argument or rebuttal prepared pursuant to this section, the Secretary of State:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative or referendum pertains; and

(b) Shall reject each statement in the argument or rebuttal that the Secretary of State believes is libelous or factually inaccurate.

➥ The decision of the Secretary of State to reject a statement pursuant to this subsection is a final decision for the purposes of judicial review. Not later than 5 days after the Secretary of State rejects a statement pursuant to this subsection, the committee that prepared the statement may appeal that rejection by filing a complaint in the First Judicial District Court. The Court shall set the matter for hearing not later than 3 working days after the complaint is filed and shall give priority to such a complaint over all other matters pending before the court, except for criminal proceedings.

8. The Secretary of State may revise the language submitted by a committee pursuant to this section so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect of the language without the consent of the committee.

9. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 12. NRS 295.217 is hereby amended to read as follows:

295.217 1. For each initiative, referendum, advisory question or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 295.215 or 295.230; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

➥ the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 1.

5. Before the council appoints a committee pursuant to this section, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the council fails to appoint a committee as required pursuant to this section, the city clerk shall, in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the city clerk pursuant to subsection 8. The city clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.

7. A committee appointed pursuant to this section:

(a) Shall elect a chair for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The anticipated financial effect of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that the city clerk believes is libelous or factually inaccurate.

➥ The decision of the city clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review. Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection by filing a complaint in district court. The court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. If a question is to be placed on the ballot by an entity described in paragraph (b) of subsection 1, the entity must provide a copy and explanation of the question to the city clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the city clerk is governed by subsection 3 of NRS 293.481.

12. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 13. NRS 379.1495 is hereby amended to read as follows:

379.1495 1. A library foundation:

(a) Shall comply with the provisions of chapter 241 of NRS ~~[.]~~ ***if the library foundation is a public body, as defined in NRS 241.015.***

(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;

(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 14 of NRS 375.090; and

(d) May allow a trustee or the executive director or other head administrator, or a designee thereof, of the library which it supports to serve as a member of its governing body.

2. A library foundation is not required to disclose the name of any contributor or potential contributor to the library foundation, the amount of his or her contribution or any information which may reveal or lead to the discovery of his or her identity. The library foundation shall, upon request, allow a contributor to examine, during regular business hours, any record,

document or other information of the library foundation relating to that contributor.

Sec. 14. NRS 388.750 is hereby amended to read as follows:

388.750 1. An educational foundation:

(a) Shall comply with the provisions of chapter 241 of NRS ~~[,]~~ ***if the educational foundation is a public body, as defined in NRS 241.015;***

(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and

(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 12 of NRS 375.090.

2. An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, "educational foundation" means a nonprofit corporation, association or institution or a charitable organization that is:

(a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;

(b) Formed pursuant to the laws of this State; and

(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 15. ~~[NRS 396.405 is hereby amended to read as follows:~~

~~396.405 1. A university foundation:~~

~~(a) Shall comply with the provisions of chapter 241 of NRS~~ ~~[,]~~ ***if the university foundation is a public body, as defined in NRS 241.015.***

~~(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;~~

~~(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 13 of NRS 375.090; and~~

~~(d) May allow a president or an administrator of the university, state college or community college which it supports to serve as a member of its governing body.~~

~~2. A university foundation is not required to disclose the name of any contributor or potential contributor to the university foundation, the amount of his or her contribution or any information which may reveal or lead to the discovery of his or her identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.~~

~~3. As used in this section, "university foundation" means a nonprofit corporation, association or institution or a charitable organization that is:~~

~~(a) Organized and operated primarily for the purpose of fundraising in support of a university, state college or a community college;~~

~~(b) Formed pursuant to the laws of this State; and~~

~~(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).~~] **(Deleted by amendment.)**

Sec. 16. NRS 622A.300 is hereby amended to read as follows:

622A.300 1. To initiate the prosecution of a contested case, the prosecutor shall file a charging document with the regulatory body and serve the licensee with the charging document.

2. The regulatory body shall determine whether the case will be heard by the regulatory body or a hearing panel or officer.

3. The regulatory body or hearing panel or officer shall provide the licensee with written notice of the case pursuant to NRS 233B.121 and ~~[241.034.]~~ ***section 3 of this act.***

4. If the case is heard by a hearing panel or officer, the hearing panel or officer shall follow the procedures established by this chapter and any other applicable statutory and regulatory provisions governing the case. The hearing panel or officer shall prepare written findings and recommendations and serve the findings and recommendations on the parties and the regulatory body for its review.

5. The findings and recommendations of the hearing panel or officer do not become final unless they are approved by the regulatory body after review. In reviewing the findings and recommendations of the hearing panel or officer, the regulatory body may:

(a) Approve the findings and recommendations, with or without modification;

(b) Reject the findings and recommendations and remand the case to the hearing panel or officer;

(c) Reject the findings and recommendations and order a hearing de novo before the regulatory body; or

(d) Take any other action that the regulatory body deems appropriate to resolve the case.

6. If the case is heard by the regulatory body, the regulatory body shall follow the procedures established by this chapter and any other applicable statutory and regulatory provisions governing the case.

7. The regulatory body or the hearing panel or officer, with the approval of the regulatory body, may consolidate two or more cases if it appears that the cases involve common issues of law or fact and the interests of the parties will not be prejudiced by the consolidation.

Sec. 17. NRS 642.518 is hereby amended to read as follows:

642.518 Notwithstanding the provisions of chapter 622A of NRS:

1. If the Board finds that probable cause exists for the revocation of a license, permit or certificate issued by the Board pursuant to the provisions of this chapter or chapter 451 or 452 of NRS, and that enforcement of the provisions of this chapter or chapter 451 or 452 of NRS requires immediate suspension of the license, permit or certificate pending an investigation, the Board may, upon 5 days' written notice and a preliminary hearing, enter an order suspending the license, permit or certificate for a period of not more than

60 days, pending a hearing upon the revocation of the license, permit or certificate.

2. For the purposes of this section, notice shall be deemed to be sufficient if the notice is personally served on the holder of the license, permit or certificate or posted at the address of the holder, as indicated in the records of the Board, at least 5 days before the preliminary hearing.

3. The provisions of ~~[~~NRS 241.034~~]~~ ***section 3 of this act*** do not apply to any action that is taken by the Board pursuant to this section.

Sec. 18. NRS 642.557 is hereby amended to read as follows:

642.557 Notwithstanding the provisions of chapter 622A of NRS:

1. If the Board has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter or chapter 440, 451 or 452 of NRS, any regulation adopted by the Board pursuant thereto or any order of the Board, the Board may enter an order requiring the person to desist or refrain from engaging in the violation.

2. The provisions of ~~[~~NRS 241.034~~]~~ ***section 3 of this act*** do not apply to any action that is taken by the Board pursuant to this section.

Sec. 19. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and ~~[~~241.034.~~]~~ ***section 3 of this act.*** A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue

subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 20. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 686 to Assembly Bill No. 52.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 60.

The following Senate amendment was read:

Amendment No. 576.

AN ACT relating to local improvements; revising the process for the governing body of a municipality to provide notice of the annual assessment roll for a neighborhood improvement project; **revising the process for such a governing body to approve an amendment to the assessment roll;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any county, city or town to create an improvement district for the acquisition, improvement, equipment, operation and maintenance of certain projects, including a neighborhood improvement project, and to finance the cost of any such project through such methods as the issuance of certain bonds and the levy of assessments upon property in the improvement district. (NRS 271.265, 271.270, 271.325)

Existing law requires the governing body of a local government which has acquired or improved a neighborhood improvement project to annually: (1) prepare an estimate of expenditures for the next fiscal year and a proposed assessment roll for the district; (2) conduct a public hearing on the estimate of expenditures and proposed assessment roll; and (3) confirm and levy the assessments. (NRS 271.377) **Section 3** of this bill requires instead that a governing body for a neighborhood improvement project annually: (1) prepare an amendment to the assessment roll and an estimate of the expenditures for the next fiscal year; (2) hold a public meeting to consider the amendment; (3) mail or, upon written request and to the extent practicable, transmit by electronic mail a notice of the public meeting at least 21 days before the date of the meeting to the owner of each tract to be assessed; and (4) confirm the amendment to the assessment roll by resolution and mail notice of the assessments to the owner of each tract being assessed. **Section 3 further: (1)**

requires the governing body to list an amendment to the assessment roll as a separate action item on the meeting agenda; and (2) prohibits the governing body from approving an amendment to the assessment roll as a group of agenda items in a single motion.

Sections 1 and 2 of this bill make conforming changes to clarify appropriate references to certain sections in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 271.296 is hereby amended to read as follows:

271.296 1. The governing body may, by resolution, dissolve an improvement district that is created for the purposes of a neighborhood improvement project if property owners whose property is assessed for a combined total of more than 50 percent of the total amount of the assessments of all the property in the improvement district submit a written petition to the governing body that requests the dissolution of the district within the period prescribed in subsection 2.

2. The dissolution of an improvement district pursuant to this section may be requested within 30 days after:

(a) The first anniversary of the date the improvement district was created; and

(b) Each subsequent anniversary thereafter.

3. As soon as practicable after the receipt of the written petition of the property owners submitted pursuant to subsection 1, the governing body shall pass a resolution of intention to dissolve the improvement district. The governing body shall give notice of a hearing on the dissolution. The notice must be provided and the hearing must be held ~~[pursuant to the requirements]~~ ***in the manner*** set forth in NRS ~~[271.377.]~~ ***271.380 and 271.385.*** If the governing body determines that dissolution of the improvement district is appropriate, it shall dissolve the improvement district by resolution, effective not earlier than the 30th day after the hearing.

4. If there is indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the improvement district, the portion of the assessment necessary to pay the indebtedness remains effective and must be continued in the following years until the debt is paid.

Sec. 2. NRS 271.297 is hereby amended to read as follows:

271.297 An association with which a governing body contracts pursuant to NRS 271.332 may, at any time, request that the governing body modify a plan or plat with regard to the neighborhood improvement project. Upon the written request of the association, the governing body may modify the plan or plat by ordinance after ***providing notice and*** holding a hearing on the proposed modification ~~[pursuant to NRS 271.377.]~~ ***in the manner set forth in NRS 271.380 and 271.385.*** If the proposed modification of a plat expands the territory for assessment, a person who owns or resides within a tract which is located within the territory proposed to be added to the improvement district

may file a protest pursuant to NRS 271.392 at any time before the governing body modifies the plat by ordinance. A petition is not required for a modification made pursuant to this section.

Sec. 3. NRS 271.377 is hereby amended to read as follows:

271.377 1. On or before June 30 of each year after the governing body acquires or improves a neighborhood improvement project, the governing body shall prepare or cause to be prepared an estimate of the expenditures required in the ensuing fiscal year and a proposed ***amendment to the*** assessment roll assessing an amount not greater than the estimated cost against the benefited property. The ***amendment to the*** assessment must be computed according to frontage or another uniform and quantifiable basis.

2. The governing body shall ~~[hold a public hearing upon the estimate of expenditures and the proposed assessment roll.]~~ ***consider the amendment to the assessment roll at a public meeting of the governing body.*** Notice must be given ~~[and the hearing conducted in the manner provided in NRS 271.380 and 271.385. The assessment may not exceed the amount stated in the proposed assessment roll unless a new hearing is held after notice is mailed and published in the manner provided in NRS 271.305 and 271.310.]~~ ***by mail or, upon written request and to the extent practicable, by electronic mail to the owner of each tract to be assessed at least 21 days before the date of the meeting of the governing body. The notice must set forth the amount of the assessment roll for the ensuing fiscal year.***

3. ***The agenda for a public meeting of the governing body to consider an amendment to the assessment roll must list the amendment as a separate action item. The governing body shall not approve an amendment to the assessment roll as a group of agenda items in a single motion.***

4. After the ~~[public hearing,]~~ ***meeting,*** the governing body shall confirm the assessments, as specified in the ~~[proposed]~~ ***amendment to the*** assessment roll ~~[or as modified, and levy the assessment as provided in NRS 271.390.]~~ ***, by resolution and mail notice of the assessments to the owner of each tract being assessed. The notice must set forth the date on which the assessment is due and instructions for paying the assessment.***

~~[4.]~~ ***5.*** An improvement district created for a neighborhood improvement project is not entitled to any distribution from the local government tax distribution account.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 576 to Assembly Bill No. 60.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 143.

The following Senate amendment was read:

Amendment No. 688.

AN ACT relating to counties; authorizing, under certain circumstances, a board of county commissioners **of certain counties** to convey without consideration real property acquired directly from the Federal Government for purposes of clearing title to certain persons; exempting such transfers from the real property transfer tax; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain procedures for a board of county commissioners to transfer or sell real property. (NRS 244.2795-244.296) **Section 1** of this bill authorizes ~~[a]~~ **the** board of county commissioners **of a county whose population is less than 4,500 (currently Esmeralda, Eureka and Storey Counties)** to convey, without consideration and without complying with certain requirements in existing law, real property that the county acquired directly from the Federal Government for the purpose of clearing title to the property. (NRS 244.281) The real property must be conveyed to the person or persons, as applicable, who have an interest in the property. To convey such real property, **section 1** requires the board of county commissioners to execute and record a deed, which is effective upon recordation. **Section 1** further requires the board of county commissioners, upon recordation of the deed, to send actual notice by certified mail to the person or persons to whom the property was conveyed. The notice must include, without limitation, a copy of the recorded deed and information on how the person may disclaim the interest in the property.

Section 5.5 of this bill provides that if ~~[a]~~ **the** board of county commissioners **of a county whose population is less than 4,500 (currently Esmeralda, Eureka and Storey Counties)** conveys any real property pursuant to **section 1** between October 1, 2023, and June 30, 2024, the county recorder of the county shall report to the Joint Interim Standing Committee on Government Affairs the number of such conveyances initiated or completed.

Sections 2 and 3 of this bill make conforming changes to exempt such conveyances from the provisions that generally apply to the sale or lease of property by a board of county commissioners.

Section 5 of this bill exempts conveyances executed pursuant to **section 1** from the real property transfer tax.

Section 4 of this bill indicates the proper placement of **section 1** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ The board of county commissioners of a county whose population is less than 4,500 may convey real property, without consideration or without complying with the provisions of NRS 244.281, if:

(a) The real property was acquired by the county directly from the Federal Government for the purpose of clearing title to the real property; and

(b) The board of county commissioners conveys the real property to the person or persons, as applicable, who have an interest in the real property.

2. If the board of county commissioners of a county whose population is less than 4,500 conveys real property pursuant to subsection 1, the board must execute and record a deed, which shall be effective upon recordation. Upon recordation, the board of county commissioners must send actual notice by certified mail to the person or persons, as applicable, to whom the property was conveyed that includes, without limitation, a copy of the recorded deed and information on how the person may disclaim the interest in property.

Sec. 2. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, ***and section 1 of this act,*** and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph and paragraph (h) of subsection 1 of NRS 244.281, obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 3. NRS 244.281 is hereby amended to read as follows:

244.281 1. Except as otherwise provided in this subsection and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, ***and section 1 of this act,*** and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

(a) When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or

flood control facility within the county and will be in the best interest of the county, it may:

(1) Sell the real property in the manner prescribed for the sale of real property in NRS 244.282.

(2) Lease the real property in the manner prescribed for the lease of real property in NRS 244.283.

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the county; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) Except as otherwise provided in this paragraph and paragraph (h), if the board of county commissioners by its resolution further finds that the real property to be sold or leased is worth more than $1,000, the board shall select two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the real property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the real property is sufficient before selling or leasing it. Except for real property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the board of county commissioners may:

(1) Lease the real property; or

(2) Sell the real property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

(e) A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. The board of county commissioners must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, the zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property

is listed with a licensed real estate broker, the board of county commissioners must obtain one new appraisal of the real property pursuant to the provisions of NRS 244.2795 before listing the real property for sale or lease at the new appraised value.

2. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

3. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 4. NRS 371.047 is hereby amended to read as follows:

371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.043 or 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:

(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.

(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.

2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, ***and section 1 of this act,*** dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.043 or 371.045, as applicable.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

(a) Constitutes a taking of all or any part of the property, or interest therein;

(b) Lowers the value of the property; or

(c) Constitutes a nuisance.

5. As used in this section:

(a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.

(b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.

(c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located.

Sec. 5. NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property, including, without limitation, a transfer by an instrument in writing pursuant to the terms of a land sale installment contract previously recorded and upon which the taxes imposed by this chapter have been paid.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.655 to 111.699, inclusive, and a Death of Grantor Affidavit recorded in the office of the county recorder pursuant to NRS 111.699.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

➥ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.

13. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.

14. A transfer to a library foundation. As used in this subsection, "library foundation" has the meaning ascribed to it in NRS 379.0056.

15. A conveyance of real property to a person or persons from ~~[a]~~ the board of county commissioners of a county whose population is less than 4,500 pursuant to section 1 of this act.

Sec. 5.5. If ~~[a]~~ **the** board of county commissioners **of a county whose population is less than 4,500** conveys any real property pursuant to section 1 of this act between October 1, 2023, and June 30, 2024, the county recorder of the county shall, on or before July 1, 2024, report to the Joint Interim Standing Committee on Government Affairs the number of such conveyances initiated or completed.

Sec. 6. This act becomes effective on October 1, 2023, and expires by limitation on June 30, 2025.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 688 to Assembly Bill No. 143.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 172.

The following Senate amendment was read:

Amendment No. 689.

SUMMARY—Revises provisions governing collective bargaining for ~~[local government]~~ **certain public** employees. (BDR 23-700)

AN ACT relating to collective bargaining; requiring **, with certain exceptions,** each ~~[local government employer]~~ **school district** to semiannually provide each employee organization recognized by the ~~[local government employer]~~ **school district** certain information relating to each employee of the bargaining unit represented by the employee organization; **requiring collective bargaining between the Executive Department of State Government and classified employees to include matters relating to parking and transportation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each employee organization recognized by a local government employer **, including, without limitation, a school district,** in

this State to file a report with the Government Employee-Management Relations Board each year containing certain information, including, without limitation, the total number of persons in each bargaining unit represented by the employee organization. (NRS 288.165) **Section 1** of this bill requires, with certain exception, that each ~~[local government employer]~~ **school district** provide each employee organization recognized by the ~~[local government employer]~~ **school district** the name, address, ~~[email]~~ **electronic mail** address, telephone number, work contact information and work location of each employee in the bargaining unit represented by the employee organization at least on a semiannual basis ~~[.]~~ **, unless the school district and an employee organization recognized by the school district agree otherwise.** **Section 1** further provides that if a ~~[local government]~~ **school district** employee notifies his or her employer in writing that he or she does not want the employer to provide his or her information to the employee organization, the ~~[local government employer: (1)]~~ **school district** must ~~[still]~~ **not** provide the information to the employee organization ~~[twice per year,]~~ but ~~[must not provide the information to the employee organization more often; and (2)]~~ must still provide the information to the Government Employee-Management Relations Board when requested by order of the Board. **Section 1** also provides that information about any ~~[local government]~~ **school district** employee provided to an employee organization or the Board is confidential and is not a public record. **Section 3** of this bill makes a conforming change relating to making such information confidential and not a public record.

Existing law sets forth the requirements for collective bargaining between the Executive Department of State Government and employee organizations that represent classified employees, including the subjects of mandatory bargaining. (NRS 288.500) Section 2.5 of this bill additionally requires such collective bargaining to include matters relating to parking and transportation.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection and subsection 3, at least twice each year, on or before January 1 and July 1, each ~~[local government employer]~~ school district shall provide each employee organization recognized by the ~~[local government employer]~~ school district the name, address, ~~[email]~~ electronic mail address, telephone number, work contact information and work location of each ~~[local government]~~ school district employee of the bargaining unit represented by the employee organization. A school district and an employee organization may agree to

provide such information about school district employees at other times that are in addition to or in place of January 1 and July 1 of each year.

2. [A local government employer] Except as otherwise provided in subsection 3, a school district is required to provide an employee organization with the information about a [local government] school district employee pursuant to subsection 1 regardless of whether the employee has joined the employee organization.

3. If a [local government] school district employee notifies [his or her employer] the school district in writing that he or she does not want the [employer] school district to provide any of his or her information to the employee organization recognized by the [local government employer,] school district, the [local government employer:] school district:

(a) Must [still] not provide the information set forth in subsection 1 to the employee organization ; [on or before January 1 and July 1 of year but must not provide the information set forth in subsection 1 to the employee organization more often;] and

(b) Must still provide the information set forth in subsection 1 to the Government Employee-Management Relations Board when requested by the order of the Board.

4. Information about any [local government] school district employee that is provided pursuant to this section to an employee organization or the Government Employee-Management Relations Board is confidential and is not a public record.

Sec. 2. NRS 288.131 is hereby amended to read as follows:

288.131 As used in NRS 288.131 to 288.280, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 288.132 to 288.138, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 288.500 is hereby amended to read as follows:**

288.500 1. For the purposes of collective bargaining, supplemental bargaining and other mutual aid or protection, employees have the right to:

(a) Organize, form, join and assist labor organizations, engage in collective bargaining and supplemental bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such activity.

2. Collective bargaining and supplemental bargaining entail a mutual obligation of the Executive Department and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:

(a) The subjects of mandatory bargaining set forth in subsection 2 of NRS 288.150, except paragraph (f) of that subsection;

(b) ***Matters relating to parking and transportation;***

(c) The negotiation of an agreement;

~~[(c)]~~ ***(d)*** The resolution of any question arising under an agreement; and

~~[(d)]~~ ***(e)*** The execution of a written contract incorporating the provisions of an agreement, if requested by either party.

3. The subject matters set forth in subsection 3 of NRS 288.150 are not within the scope of mandatory bargaining and are reserved to the Executive Department without negotiation.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of NRS 288.400 to 288.630, inclusive, the Executive Department is entitled to take the actions set forth in paragraph (b) of subsection 6 of NRS 288.150. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. This section does not preclude, but the provisions of NRS 288.400 to 288.630, inclusive, do not require, the Executive Department to negotiate subject matters set forth in subsection 3 which are outside the scope of mandatory bargaining. The Executive Department shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

6. The Executive Department shall furnish to an exclusive representative data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of the subjects of mandatory bargaining described in subsection 2. This subsection shall not be construed to require the Executive Department to furnish to the exclusive representative any advice or training received by representatives of the Executive Department concerning collective bargaining.

7. To the greatest extent practicable, any decision issued by the Board before October 1, 2019, relating to the interpretation of, or the performance under, the provisions of NRS 288.150 shall be deemed to apply to any complaint arising out of the interpretation of, or performance under, the provisions of this section.

Sec. 3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,

239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,

641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 689 to Assembly Bill No. 172.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 305.

The following Senate amendment was read:

Amendment No. 693.

AN ACT relating to public works; requiring **, with certain exceptions,** a contractor or subcontractor to comply with certain requirements relating to the use of apprentices who are women on a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a contractor or subcontractor engaged in: (1) vertical construction who employs a worker on a public work to use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed; and (2) horizontal construction who employs a worker on a public work to use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. (NRS 338.01165) **Section 1** of this bill requires that, to the extent practicable: (1) at least 2 percent of the hours of labor for vertical construction that is required to be performed by apprentices must be performed by women; and (2) at least 1 percent of the hours of labor for horizontal construction that is required to be performed by apprentices must be performed by women. **Section 1 also requires the State Apprenticeship Council to review, at least once every 2 years, the policies of an apprenticeship program that does not provide enough apprentices who are women to enable a contractor or subcontractor to meet the percentage of hours of labor required to be performed by women. Section 2** of this bill provides that such requirements do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ***To the extent practicable, at least 2 percent of the hours of labor that is required to be performed by apprentices must be performed by women. For purposes of this subsection, "to the extent practicable" means to the extent the requirement to have at least 2 percent of the hours of labor to be performed by apprentices who are women is feasible or capable of being done or carried out with reasonable effort, taking into account the number and availability of apprentices who are women in the applicable apprenticed craft or type of work.***

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ***To the extent practicable, at least 1 percent of the hours of labor that is required to be performed by apprentices must be performed by women. For purposes of this subsection, "to the extent practicable" means to the extent the requirement to have at least 3 percent of the hours of labor to be performed by apprentices who are women is feasible or capable of being done or carried out with reasonable effort, taking into account the number and availability of apprentices who are women in the applicable apprenticed craft or type of work.***

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. A contractor or subcontractor engaged on a public work is not required to use an apprentice***, regardless of gender,*** in a craft or type of work performed

in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

6. A public body may, upon the request of a contractor or subcontractor, submit a request to the Labor Commissioner to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection ~~[10.]~~ ***11.***

7. The Labor Commissioner shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.

8. A public body, contractor or subcontractor may request a hearing on the determination of the Labor Commissioner within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

9. A contractor or subcontractor engaged on a public work shall enter into an apprenticeship agreement for all apprentices required to be used in the construction of a public work. If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection ~~[10]~~ ***11*** and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.

10. ***If a contractor or subcontractor does not meet the requirements set forth in subsection 1 or 2, as applicable, to have a percentage of the hours of labor performed by apprentices who are women, there is a rebuttable presumption that there were not enough apprentices who are women available to comply with such requirements. If an apprenticeship program is unable to rebut the presumption, the State Apprenticeship Council shall, at least once every two years, require the apprenticeship program to appear before the State Apprenticeship Council to review the policies of the program to recruit women. The State Apprenticeship Council may, without limitation, recommend improvements for recruiting women to the apprenticeship program.***

11. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) "Good cause" means:

(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;

(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or

(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.

➥ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.

(e) "Journeyman" has the meaning ascribed to it in NRS 624.260.

(f) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. The amendatory provisions of this act do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

Sec. 3. This act becomes effective on January 1, 2024.

Assemblywoman Torres moved that the Assembly do not concur in the Senate Amendment No. 693 to Assembly Bill No. 305.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

The following Senate amendment was read:

Amendment No. 694.

AN ACT relating to public works; authorizing a local government to ~~[require a contractor on]~~ **enter into a prehire agreement for** a public work **;** ~~[to give a preference for local hiring;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a process for a local government to award a contract for a public work. (NRS 338.1385) This bill authorizes a local government to ~~[require a contractor on]~~ **enter into a prehire agreement for** a public work **.** ~~[to give]~~ **Any such prehire agreement may contain** a preference for hiring labor on the public work to local residents who reside: (1) within the jurisdiction of the local government; (2) within a certain specified distance of

the jurisdiction of the local government; or (3) within a certain geographic area within the jurisdiction of the local government. This authority does not apply if any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work. This bill also clarifies that this authority shall not be construed to authorize a contractor on a public work to pay any worker on the public work less than the applicable prevailing wage.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a local government sponsoring or financing a public work may ~~[require that a contractor on]~~ enter into a prehire agreement for the public work . ~~[give]~~ Any such prehire agreement may contain a preference for hiring labor on the public work to local residents who possess a valid driver's license or identification card issued by the Department of Motor Vehicles or other proof of current address which indicates that the person resides:

(a) Within the jurisdiction of the local government;

(b) Within a certain specified distance of the jurisdiction of the local government, as provided by the local government sponsoring or financing the public work; or

(c) Within a certain geographic area within the jurisdiction of the local government.

2. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 1, those provisions do not apply insofar as their application would preclude or reduce federal assistance.

3. Nothing in this section shall be construed to authorize a contractor on a public work to pay any worker on the public work less than the applicable prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. 1. The amendatory provisions of this act apply to a public work for which bids are first advertised by a local government after the effective date of this act.

2. As used in this section, "local government" and "public work" have the meanings ascribed to them in NRS 338.010.

Sec. 7. (Deleted by amendment.)

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 694 to Assembly Bill No. 391.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:36 p.m.

ASSEMBLY IN SESSION

At 1:38 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 423.

The following Senate amendment was read:

Amendment No. 560.

AN ACT relating to the boards of trustees of school districts; restricting, with certain exceptions, the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting; ~~[authorizing, under certain circumstances, the board of trustees to restrict certain public comment at a regular or special meeting;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that a public body such as the board of trustees of a school district give notice of its meetings by: (1) posting an agenda consisting of a list describing the items on which action may be taken by the public body; and (2) clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, under certain circumstances, by placing the term "for possible corrective action" next to the appropriate item. (NRS 241.015, 241.020) Existing law sets forth certain requirements and procedures for meetings of the board of trustees of a school district, including, without limitation: (1) a requirement that the board of trustees hold a regular meeting at least once each month; and (2) the authority for the president of the board of trustees to call special meetings under certain circumstances. (NRS 386.330) **Section 1** of this bill prohibits, except in an emergency that impacts the school district, the board of trustees of a school district from taking any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to the Open Meeting Law after 11:59 p.m. on the day of the meeting. **Section 1** further provides that if the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees: (1) schedules the delayed agenda item at a future meeting; or (2)

waits at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

~~[The United States Constitution and the Nevada Constitution protect the freedom of speech but a public body may, under certain circumstances, limit speech at a public meeting. (U.S. Const. Amend. I; Nev. Const. Art. 1, § 9; Minnesota State Bd. for Community Colleges v. Knight, 465 U.S. 271, 281-85 (1984); White v. City of Norwalk, 900 F.2d 1421, 1425 (9th Cir. 1990)) Under existing case law, a public body may: (1) impose reasonable time, place and manner restrictions that are viewpoint neutral and maintain decorum and order; and (2) limit public comment that is not relevant to or within the authority of the public body. (Norwalk at 1425; Reza v. Pearce, 806 F.3d 497, 503-04 (9th Cir. 2015); see also OMLO 2001-22 (12-17-2002); Nevada Open Meeting Law Manual, § 8.05 (11th ed. 2012)) However, existing case law prohibits a public body from restricting public comment that is slanderous or offensive unless such public comment causes an actual disturbance at the meeting. (Acosta v. City of Costa Mesa, 718 F.3d 800, 813 (9th Cir. 2013)) Consistent with existing case law, the Open Meeting Law authorizes the removal from a meeting of a public body any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (NRS 241.030) Section 1 authorizes a board of trustees of a school district, consistent with existing case law, to restrict public comment at a regular meeting or special meeting if the public comment: (1) is a topic that is not relevant to or within the authority of the board of trustees; or (2) is willfully disruptive of the meeting by being slanderous or offensive.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees

shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

6. Except in an emergency that impacts the school district, the board of trustees shall not take any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to chapter 241 of NRS after 11:59 p.m. on the day of the meeting. If the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees:

(a) Schedules the delayed agenda item at a future meeting by placing the item on its agenda for the future meeting pursuant to chapter 241 of NRS; or

(b) Waits until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

7. ~~[The board of trustees may restrict public comment at a regular meeting or special meeting if the public comment:~~

~~(a) Is a topic that is not relevant to or within the authority of the board of trustees; or~~

~~(b) Is willfully disruptive of the meeting by being slanderous or offensive.~~

~~8.]~~ As used in this section, "emergency" has the meaning ascribed to it in NRS 241.020.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved that the Assembly do not concur in the Senate Amendment No. 560 to Assembly Bill No. 423.

Motion carried.

The following Senate amendment was read:

Amendment No. 674.

SUMMARY—Revises provisions governing ~~[~~~meetings of a board~~]~~ **boards** of trustees of ~~[~~~a~~~]~~ school ~~[~~~district.~~~]~~ **districts.** (BDR 34-847)

AN ACT relating to the boards of trustees of school districts; **prohibiting a board of trustees of a school district from adopting certain policies;** restricting, with certain exceptions, the time of day during which the board of

trustees of a school district may take action or corrective action at a regular or special meeting; authorizing, under certain circumstances, the board of trustees to restrict certain public comment at a regular or special meeting; **providing an administrative penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides each board of trustees of a school district, with certain exceptions, with such reasonable and necessary powers as required to promote the welfare of school children. (NRS 386.350) Section 1 of this bill prohibits a board of trustees from adopting a policy that limits the access of a pupil to school facilities or activities because of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex. Section 1 further authorizes the Department of Education to impose an administrative penalty against a board of trustees that adopts such a policy.

The Open Meeting Law requires that a public body such as the board of trustees of a school district give notice of its meetings by: (1) posting an agenda consisting of a list describing the items on which action may be taken by the public body; and (2) clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, under certain circumstances, by placing the term "for possible corrective action" next to the appropriate item. (NRS 241.015, 241.020) Existing law sets forth certain requirements and procedures for meetings of the board of trustees of a school district, including, without limitation: (1) a requirement that the board of trustees hold a regular meeting at least once each month; and (2) the authority for the president of the board of trustees to call special meetings under certain circumstances. (NRS 386.330) **Section ~~[1]~~ 1.5** of this bill prohibits, except in an emergency that impacts the school district, the board of trustees of a school district from taking any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to the Open Meeting Law after 11:59 p.m. on the day of the meeting. **Section ~~[1]~~ 1.5** further provides that if the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees: (1) schedules the delayed agenda item at a future meeting; or (2) waits at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

The United States Constitution and the Nevada Constitution protect the freedom of speech but a public body may, under certain circumstances, limit speech at a public meeting. (U.S. Const. Amend. I; Nev. Const. Art. 1, § 9; *Minnesota State Bd. for Community Colleges v. Knight*, 465 U.S. 271, 281-85 (1984); *White v. City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990)) Under

existing case law, a public body may: (1) impose reasonable time, place and manner restrictions that are viewpoint neutral and maintain decorum and order; and (2) limit public comment that is not relevant to or within the authority of the public body. (*Norwalk* at 1425; *Reza v. Pearce*, 806 F.3d 497, 503-04 (9th Cir. 2015); *see also* OMLO 2001-22 (12-17-2002); *Nevada Open Meeting Law Manual*, § 8.05 (11th ed. 2012)) However, existing case law prohibits a public body from restricting public comment that is slanderous or offensive unless such public comment causes an actual disturbance at the meeting. (*Acosta v. City of Costa Mesa*, 718 F.3d 800, 813 (9th Cir. 2013)) Consistent with existing case law, the Open Meeting Law authorizes the removal from a meeting of a public body any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (NRS 241.030) Section ~~[1]~~ **1.5** authorizes a board of trustees of a school district, consistent with existing case law, to restrict public comment at a regular meeting or special meeting if the public comment: (1) is a topic that is not relevant to or within the authority of the board of trustees; or (2) is willfully disruptive of the meeting by being slanderous or offensive.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A board of trustees shall not adopt a policy that limits the access of a pupil because of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex, to school facilities or activities.

2. If the Department finds that a board of trustees adopts a policy that violates the provisions of subsection 1, the Department may impose an administrative penalty of not more than $5,000 for each day that the policy is in effect.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the

board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

6. Except in an emergency that impacts the school district, the board of trustees shall not take any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to chapter 241 of NRS after 11:59 p.m. on the day of the meeting. If the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees:

(a) Schedules the delayed agenda item at a future meeting by placing the item on its agenda for the future meeting pursuant to chapter 241 of NRS; or

(b) Waits until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

7. The board of trustees may restrict public comment at a regular meeting or special meeting if the public comment:

(a) Is a topic that is not relevant to or within the authority of the board of trustees; or

(b) Is willfully disruptive of the meeting by being slanderous or offensive.

8. As used in this section, "emergency" has the meaning ascribed to it in NRS 241.020.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved that the Assembly do not concur in the Senate Amendment No. 674 to Assembly Bill No. 423.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 57.

The following Senate amendment was read:

Amendment No. 724.

AN ACT relating to motor vehicles; revising provisions relating to a lien on a motor vehicle; **revising provisions relating to automobile wreckers; revising provisions governing liens on certain abandoned vehicles;** revising the date by which the Director of the Department of Motor Vehicles is required to submit certain reports concerning garages, garage operators and body shops; repealing provisions relating to special license plates issued to honorary consuls of foreign countries; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain persons who store, maintain, keep, repair or furnish facilities or services for certain vehicles have a lien on such vehicles. (NRS 108.265-108.367) Existing law authorizes a person who has such a lien to satisfy the lien by selling the vehicle at an auction held at or near the place where the lien was acquired. **Section 1** of this bill provides that, if a person who has such a lien is unable to sell the vehicle at a public auction for the fair market value of the vehicle, the person may satisfy the lien by selling the vehicle by private sale directly to a third-party purchaser in an arm's length transaction. **Section 1** also removes the requirement that a sale must be held at or near the place where the lien was acquired.

Existing law provides for the licensure and regulation of automobile wreckers. (NRS 487.047-487.200) Section 3.3 of this bill authorizes an automobile wrecker to sell a vehicle acquired by the automobile wrecker that: (1) possesses minor damage; and (2) is not scheduled to be salvaged. Existing law requires, in general, that the seller of a used motor vehicle provide the buyer of the vehicle with evidence that the vehicle complies with certain engine emission standards for the purpose of registering the vehicle with the Department of Motor Vehicles. (NRS 445B.800) Section 1.5 of this bill provides that this requirement does not apply to an automobile wrecker who: (1) has acquired a vehicle that possesses minor damage and is not scheduled to be salvaged; (2) sells such a vehicle to a buyer who is responsible for obtaining such compliance before registering the vehicle; and (3) complies with certain notice requirements.

Existing law requires an automobile wrecker to forward to the Department the certificates of title and registration for certain vehicles acquired by the automobile wrecker. (NRS 487.100) Section 3.6 of this bill provides an exemption to this requirement if the automobile wrecker acquires a vehicle to sell that: (1) possesses minor damage; and (2) is not scheduled to be salvaged.

Existing law provides provisions for the removal and disposal of abandoned vehicles. (NRS 487.205-487.300) Existing law provides that the owner of a garage to which an abandoned vehicle has been removed or an automobile wrecker who towed an abandoned vehicle has a lien on the

vehicle and establishes the manner in which such a lien may be satisfied depending on the appraised value of the vehicle. (NRS 487.270) Section 3.9 of this bill provides that the operator of a tow car who tows an abandoned vehicle has a lien on the vehicle. Section 3.9 revises the appraised values which determine the manner in which a lien on an abandoned vehicle may be satisfied. Section 3.9 authorizes an automobile wrecker or operator of a tow car to obtain an unbranded title for an abandoned vehicle from the Department if the automobile wrecker or operator presents a certificate of inspection to the Department which meets certain requirements.

On November 16, 2021, the United States Department of State issued a notice indicating that it is the preference of the Office of Foreign Missions of the United States Department of State that states cease issuing special license plates to honorary consular officers. (United States Department of State, "Cessation of Honorary Consul License Plates," November 16, 2021) In accordance with that notice, **section 7** of this bill repeals provisions of existing law which provide for the issuance of special license plates to a person appointed as an honorary consul of a foreign country, thereby terminating the production and distribution of such plates. (NRS 482.3675) **Sections 2 and 3** of this bill make conforming changes by eliminating references to the repealed section.

Existing law requires the Director of the Department of Motor Vehicles to prepare and submit an annual report concerning garages, garage operators and body shops to the Legislative Commission or Legislature, as appropriate, on or before January 1 of each year. (NRS 487.557) **Section 4** of this bill instead requires the Director to submit this report on or before February 1 of each year. **Section 4** also updates references to the standing committees to whom the report will be transmitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 108.310 is hereby amended to read as follows:

108.310 Subject to the provisions of NRS 108.2723 and 108.315, the lien created in NRS 108.270 to 108.367, inclusive, may be satisfied as follows:

1. The lien claimant shall give written notice to the person on whose account the storing, maintaining, keeping, repairing, labor, fuel, supplies, facilities, services or accessories were made, done or given, and to any other person known to have or to claim an interest in the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home, upon which the lien is asserted, and to the:

(a) Housing Division of the Department of Business and Industry with regard to mobile homes, manufactured homes and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of Motor Vehicles with regard to all other items included in this section.

2. ~~[In]~~ ***Except as otherwise provided in subsection 3, in*** accordance with the terms of a notice so given, a sale by ***public*** auction ~~[may]~~ ***must*** be held to satisfy any valid claim which has become a lien on the motor vehicle, aircraft, motorcycle,
motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home. ~~[The sale must be held in the place where the lien was acquired or, if that place is manifestly unsuitable for the purpose, at the nearest suitable place.]~~

3. A lien claimant may cause a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold by private sale directly to a third-party purchaser in an arm's length transaction if the lien claimant is unable to sell the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home at a public auction ~~***[for the fair market value of the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.***~~

~~3.]~~ ***after a reasonable effort.***

4. Every aspect of a sale made pursuant to subsection 2 or 3, including, without limitation, the method of advertising, time, date, place, terms and price, must be commercially reasonable.

5. After the time for the payment of the claim specified in the notice has elapsed, an advertisement of the sale, describing the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold, and stating the name of the owner or person on whose account it is held, and the time and place of the sale, must be published once a week for 3 consecutive weeks in a newspaper ***of general circulation*** published in the place where the sale is to be held ~~***. [***~~, but if no newspaper is published in that place, then in a newspaper published in this State that has a general circulation in that place.~~***]*** The sale must not be held less than 22 days after the time of the first publication.

~~***[***~~4. ~~***5.]***~~ ***6.*** From the proceeds of the sale the lien claimant who furnished the services, labor, fuel, accessories, facilities or supplies shall satisfy the lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of the proceeds must be delivered, on demand, to the person to whom the lien claimant would have been bound to deliver, or justified in delivering, the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

~~***[6.]***~~ ***7. Nothing in this section shall be construed to prohibit a lien claimant from purchasing a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home at a public auction held pursuant to subsection 2*** ~~***[for***~~

~~*the fair market value of the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.*~~

~~*7.]*~~ ***if the sale complies with the requirements prescribed by subsection 4.***

8. ***As used in this section*** ~~*[:*~~

~~*(a) "Arm's[*~~ ***, "arm's*** ***length transaction" means a transaction*** ~~*[between two parties:*~~

~~*(1) Who are not related, affiliated or on close terms; and*~~

~~*(2) Who are presumed to have roughly equal bargaining power.*~~

~~*(b) "Fair market value" means the retail value of a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home that is established by:*~~

~~*(1) An objective appraisal based upon local market resources, including, without limitation, automobile dealers and classified advertisements of newspapers;*~~

~~*(2) An independent appraisal service;*~~

~~*(3) A current issue of a nationally recognized guide used by financial institutions in this State for the valuation of used goods, including, without limitation, used motor vehicles; or*~~

~~*(4) A computer based service commonly used by the insurance industry for the valuation of goods, including, without limitation, used motor vehicles.]*~~ ***in which the buyer is not affiliated with the seller.***

Sec. 1.5. **NRS 445B.805 is hereby amended to read as follows:**

445B.805 The provisions of NRS 445B.800 do not apply to:

1. Transfer of registration or ownership between:

(a) Spouses; or

(b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.

2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this State.

3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.

4. Transfer of registration from a vehicle dealer or new vehicle dealer to any person who buys or exchanges an interest in a motor vehicle if evidence of compliance was issued within 180 days before the transfer.

5. A consignee who is conducting a consignment auction which meets the requirements set forth in NRS 445B.807 if the consignee:

(a) Informs the buyer, using a form, including, without limitation, an electronic form, if applicable, as approved by the Department of Motor Vehicles, that the consignee is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle;

(b) Posts a notice in a conspicuous location at the site of the consignment auction or, if applicable, on the Internet website on which the consignment auction is conducted, and includes a notice in any document published by the consignee that lists the vehicles available for the consignment auction or solicits persons to bid at the consignment auction, stating that the consignee is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 if the motor vehicle is sold at the consignment auction; and

(c) Makes the vehicle available for inspection before the consignment auction:

(1) In the case of a live auction with an auctioneer verbally calling for and accepting bids, at the location of the consignment auction; or

(2) In the case of an auction that is conducted on an auction website on the Internet by a consignee who is certified pursuant to subsection 2 of NRS 445B.807, at the primary place of business of the consignee conducting the consignment auction.

6. An automobile wrecker who is selling a vehicle pursuant to section 3.3 of this act if the automobile wrecker:

(a) Informs the buyer, using a form, including, without limitation, an electronic form, that the automobile wrecker is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle; and

(b) Posts a notice in a conspicuous location at the business of the automobile wrecker or, if applicable, on the Internet website of the automobile wrecker, and includes a notice in any document published by the automobile wrecker that lists the vehicles available for sale by the automobile wrecker, stating that the automobile wrecker is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770.

Sec. 2. NRS 482.379 is hereby amended to read as follows:

482.379 1. The Director may order the design and preparation of license plates which commemorate the 125th anniversary of Nevada's admission into the Union and establish the procedures for the application and issuance of the plates.

2. The Department may designate any colors, numbers and letters for the commemorative plates.

3. A person who is entitled to license plates pursuant to NRS 482.265 may apply for commemorative license plates.

4. The fee for the commemorative license plates is $10, in addition to all other applicable registration and license fees and governmental services taxes. If a person is eligible for and applies for any special license plates issued pursuant to NRS 482.3667, 482.3672, ~~[~~482.3675,~~]~~ 482.368 or 482.370 to 482.3825, inclusive, and applies to have those special license plates combined

with commemorative plates, the person must pay the fees for the special license plates in addition to the fee for the commemorative plates.

5. In addition to all fees for the license, registration and governmental services taxes, a person who is eligible for and applies for commemorative plates must pay $25 for the celebration of the 125th anniversary of Nevada's admission into the Union. The fees for the license, registration, and governmental services taxes and the charge for the celebration may be paid with a single check.

6. Commemorative plates are renewable upon the payment of $10.

7. If during a registration period, the holder of commemorative plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Within 30 days after removing the plates from the vehicle, return them to the Department; or

(b) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as is provided for in this chapter.

8. Except as otherwise provided by subsection 10, if a commemorative license plate or set of license plates issued pursuant to the provisions of this section is lost, stolen or mutilated, the owner of the vehicle may secure a duplicate number plate or set of duplicate number plates, as the case may be, from the Department upon payment of the fees set forth in subsection 2 of NRS 482.500.

9. The Department shall, for each set of commemorative license plates that it issues:

(a) Deposit the $25 collected for the celebration of the 125th anniversary of Nevada's admission into the Union with the State Treasurer for credit to the Account for Nevada's 125th Anniversary in the State General Fund;

(b) Deposit $7.50 with the State Treasurer for credit to the Motor Vehicle Fund pursuant to the provisions of NRS 482.180; and

(c) Deposit $2.50 with the State Treasurer for credit to the Department to reimburse the Department for the cost of manufacturing the license plates.

10. The Department shall not:

(a) Issue the commemorative license plates after October 31, 1990.

(b) Issue duplicate or replacement commemorative license plates after June 30, 1995.

11. License plates issued pursuant to this section are not subject to reissue pursuant to subsection 2 of NRS 482.265.

Sec. 3. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration $5.00
For every substitute number plate or set of plates 5.00
For every duplicate number plate or set of plates 10.00
For every decal displaying a county name ..... .50
For every other indicator, decal, license plate sticker or tab 5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, **[**~~482.3675,~~**]** 482.370 to 482.3755, inclusive, 482.376 or 482.379 to 482.3818, inclusive, a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

Sec. 3.3. **Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person who is licensed as an automobile wrecker may, after acquiring a vehicle that possesses minor damage and is not scheduled to be salvaged, sell such a vehicle.

2. Before an automobile wrecker sells a vehicle subject to registration pursuant to the laws of this State, the automobile wrecker must possess the certificate of title for the vehicle.

3. Upon sale of the vehicle, the automobile wrecker shall provide the certificate of title for the vehicle to the person who purchased the vehicle.

4. As used in this section, "minor damage" means damage to a motor vehicle that can be repaired with the use of common repair materials.

Sec. 3.6. **NRS 487.100 is hereby amended to read as follows:**

487.100 1. Except as otherwise provided in subsections 2 and 3, any automobile wrecker purchasing from any person other than a licensed operator of a salvage pool any vehicle subject to registration pursuant to the laws of this State shall forward to the Department the certificates of title and registration last issued therefor.

2. The certificate of ownership last issued for a mobile home or commercial coach must be sent by the wrecker to the Housing Division of the Department of Business and Industry.

3. An automobile wrecker is not required to:

(a) Provide the Department with a certificate of title, salvage title or a nonrepairable vehicle certificate and certificate of registration last issued; or

(b) Obtain from the Department a certificate of title, salvage title, nonrepairable vehicle certificate or certificate of registration,

➥ for a motor vehicle that is to be processed as parts or scrap metal by the automobile wrecker pursuant to NRS 487.105.

4. An automobile wrecker is not required to provide the Department with the certificate of title and certificate of registration last issued for a motor vehicle that the automobile wrecker sells pursuant to section 3.3 of this act.

Sec. 3.9. **NRS 487.270 is hereby amended to read as follows:**

487.270 1. Whenever a vehicle has been removed to a garage or other place as provided by NRS 487.230, the owner of the garage or the automobile wrecker ***or operator of a tow car*** who towed the vehicle has a lien on the vehicle for:

(a) The costs of towing and storing for a period not exceeding 90 days; and

(b) If the vehicle was removed from public property at the request of a constable, the fee described in paragraph (d) of subsection 2 of NRS 258.125.

2. If the vehicle is appraised at a value ~~[of $500 or less]~~ ***of less than $1,500, or less than such other value greater than $1,500 which the Department may establish by regulation,*** and is not reclaimed within the period prescribed in NRS 487.250, the owner of the garage ***,*** ~~[or]~~ automobile wrecker ***or operator of a tow car*** may satisfy his or her lien by retaining the vehicle and obtaining a certificate pursuant to NRS 487.880, if applicable, ~~[or]~~ a salvage title as provided in NRS 487.810 ~~[.]~~ ***or an unbranded title pursuant to subsection 4.***

3. If the vehicle is appraised at a value of more than ~~[$500]~~ ***$1,500, or more than such other value greater than $1,500 which the Department may establish by regulation,*** and is not reclaimed within 45 days, the owner of the garage ***,*** ~~[or]~~ automobile wrecker ***or operator of a tow car*** may satisfy his or her lien, in accordance with the provisions of NRS 108.265 to 108.367, inclusive. Before such a person may sell the vehicle, the person shall obtain a certificate pursuant to NRS 487.880, if applicable, ~~[or]~~ a salvage title as provided in NRS 487.810 ~~[.]~~ ***or an unbranded title pursuant to subsection 4.***

4. ***Before an automobile wrecker or operator of a tow car satisfies his or her lien pursuant to subsection 2 or 3, the automobile wrecker or operator of a tow car may request that the Department issue an unbranded title for the vehicle. The Department shall issue the unbranded title if the automobile wrecker or operator of a tow car submits to the Department a certificate of inspection in such form as the Department may prescribe which has been completed and signed by a garage operator who operates a garage that is registered pursuant to NRS 487.560, by the owner of a body shop licensed pursuant to NRS 487.630, by a rebuilder licensed pursuant to NRS 482.325 or by a qualified employee of such a garage, body shop or rebuilder certifying that:***

(a) The vehicle was inspected by the garage operator, owner, rebuilder or employee;

(b) The vehicle meets the standards of the vehicle manufacturer for mechanical fitness and safety;

(c) Any safety equipment, including, without limitation, occupant restraint devices, which was present in the vehicle at the time the vehicle was manufactured is present and operational to the standards of the manufacturer and the provisions of 49 C.F.R. §§ 571.208 and 571.209; and

(d) The vehicle is in a condition to be operated safely on the highways of this State.

5. Nothing in subsection 4 shall be construed as requiring the Department to change the existing status of a certificate of title, including, without limitation, any designation that a vehicle is a salvage vehicle or rebuilt vehicle.

6. If the vehicle was removed from public property at the request of a constable and the owner of the garage or automobile wrecker satisfies his or her lien pursuant to subsection 2 or 3, the owner of the garage or automobile wrecker shall transmit to the constable the fee described in paragraph (d) of subsection 2 of NRS 258.125.

7. As used in this section:

(a) "Operator of a tow car" means the operator of a tow car who holds a certificate of public convenience and necessity issued pursuant to NRS 706.4463.

(b) "Unbranded title" means a certificate of title that does not include a specified designation, including, without limitation, a designation that a motor vehicle is a salvage vehicle or rebuilt vehicle.

Sec. 4. NRS 487.557 is hereby amended to read as follows:

487.557 1. On or before ~~[~~January~~]~~ ***February*** 1 of each year, the Director of the Department shall prepare a report concerning garages, garage operators and body shops. The report must include:

(a) The number of complaints relating to garages, garage operators and body shops made to and acted upon by the Department during the year for which the report is prepared;

(b) The number of investigations conducted during that year by the Department relating to garages, garage operators and body shops; and

(c) The outcome of each investigation specified in paragraph (b) and the extent to which any information relating to each investigation is subject to disclosure to the members of the public.

2. On or before ~~[~~January~~]~~ ***February*** 1 of each even-numbered year, the Director of the Department shall submit the report required pursuant to subsection 1 to the Legislative Commission. On or before ~~[~~January~~]~~ ***February*** 1 of each odd-numbered year, the Director of the Department shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Senate Standing Committee on ~~[~~Energy,~~]~~ ***Growth and*** Infrastructure ***;*** ~~[~~and Transportation;~~]~~ and

(b) The Assembly Standing Committee on ~~[Transportation.]~~ ***Growth and Infrastructure.***

Sec. 5. A person to whom the Department of Motor Vehicles issued special license plates pursuant to NRS 482.3675 shall, on or before January 1, 2024, surrender any such plates in his or her possession to the Department, and, in lieu of any plates surrendered, is entitled to receive regular Nevada license plates.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. NRS 482.3675 is hereby repealed.

Sec. 8. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

482.3675 Honorary consul of foreign country.

1. An owner of a motor vehicle who is a United States citizen or a citizen of a foreign country residing in this State and who holds from a foreign country a letter of appointment as an honorary consul may, upon signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A copy of the letter of appointment from that country,

➥ be issued a set of license plates upon which is inscribed CONSULAR CORPS with a number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003.

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section loses his or her status as an honorary consul, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to honorary consuls of foreign countries. The Department shall include on the form for application a notice to the applicant that the issuance of such license plates does not confer any diplomatic immunity.

5. Special license plates issued pursuant to this section are renewable upon the payment of $10.

Assemblyman Watts moved that the Assembly concur in the Senate Amendment No. 724 to Assembly Bill No. 57.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 262.

The following Senate amendment was read:

Amendment No. 692.

AN ACT relating to state purchasing; requiring, to the extent practicable, certain state agencies to give preference to the purchase of certain vehicles and fuels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for the purchase of automobiles by any department, office, bureau, officer or employee of the State. (NRS 334.010) Existing law establishes the Fleet Services Division of the Department of Administration and authorizes the Governor to assign any state-owned vehicle to the Division. (NRS 232.213, 336.060) **Section 1** of this bill requires, to the extent practicable, each department, office, bureau, officer or employee of the State, when purchasing an automobile, to give preference to automobiles that minimize: (1) emissions; and (2) the total cost of the automobile over the service life of the automobile.

Section 1 also requires each department, office, bureau, officer or employee of the State to: (1) give preference to the purchase of motor vehicle fuel blended with ethanol, to the extent practicable; (2) if purchasing an automobile that uses diesel fuel, ensure that the automobile is capable of using biodiesel fuel blends containing not less than 20 percent by volume of biodiesel fuel; and (3) maintain records on the type of fuel used by each automobile purchased by the department, office, bureau, officer or employee. **Section 2** of this bill also requires the Executive Officer of the Division to maintain such records for all state-owned vehicles assigned to the Division.

Section 2.5 of this bill declares that it is the policy **goal** of this State to pursue and support **, to the extent practicable,** a transition of all publicly-owned vehicles to vehicles which emit zero tailpipe emissions by 2050.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 334.010 is hereby amended to read as follows:

334.010 1. No automobile may be purchased by any department, office, bureau, officer or employee of the State without prior written consent of the State Board of Examiners.

2. All such automobiles must be used for official purposes only.

3. All such automobiles, except:

(a) Automobiles maintained for and used by the Governor;

(b) Automobiles used by or under the authority and direction of the Chief Parole and Probation Officer, the State Contractors' Board and auditors, the State Fire Marshal, the Investigation Division of the Department of Public Safety, the investigators of the Nevada Gaming Control Board, the investigators of the Securities Division of the Office of the Secretary of State and the investigators of the Attorney General;

(c) One automobile used by the Department of Corrections;

(d) Two automobiles used by the Caliente Youth Center;

(e) Three automobiles used by the Nevada Youth Training Center; and

(f) Four automobiles used by the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services,

➥ must be labeled by painting the words "State of Nevada" and "For Official Use Only" on the automobiles in plain lettering. The Director of the Department of Administration or a representative of the Director shall prescribe the size and location of the label for all such automobiles.

4. ***In accordance with the provisions of chapter 333 of NRS, each department, office, bureau, officer or employee of the State shall:***

(a) To the extent practicable, give preference to the purchase of automobiles which minimize:

(1) Emissions from the automobile; and

(2) The total costs of the automobile over the service life of the automobile, which may include, without limitation, fuel costs, maintenance costs and any rebates or financial incentives offered for the purchase of the automobile;

(b) To the extent practicable, purchase motor vehicle fuel blended with ethanol, including, without limitation, gasoline, biodiesel and biomass-based diesel blends for use in the automobile; and

(c) If purchasing an automobile powered by diesel fuel, ensure that the vehicle is capable of using biodiesel fuel blends comprised of not less than 20 percent by volume of biodiesel fuel.

5. Each department, office, bureau, officer or employee of the State shall maintain records on the type of fuel used by each automobile purchased by the department, office, bureau, officer or employee, which may include, without limitation, electric, gasoline, compressed natural gas, diesel, hydrogen or hybrid fuel sources.

6. Any officer or employee of the State of Nevada who violates any provision of ~~[this section]~~ ***subsection 1, 2 or 3*** is guilty of a misdemeanor.

7. As used in this section:

(a) "Biodiesel" has the meaning ascribed to it in NRS 590.070.

(b) "Biomass-based diesel blend" has the meaning ascribed to it in NRS 590.070.

Sec. 2. NRS 336.080 is hereby amended to read as follows:

336.080 The Executive Officer shall:

1. Be responsible for proper maintenance and storage of all vehicles assigned to the Fleet Services Division.

2. Maintain records ~~[to]~~ ***:***

(a) To show the location and operating and maintenance costs of vehicles assigned to the Fleet Services Division ~~[.]~~ ***; and***

(b) Of the type of fuel used by each vehicle assigned to the Fleet Services Division, which may include, without limitation, electric, gasoline, compressed natural gas, diesel, hydrogen or hybrid fuel sources.

Sec. 2.5. 1. The Legislature hereby finds and declares that:

(a) The "Nevada Statewide Greenhouse Gas Emissions Inventory and Projections, 1990-2042" indicates that the transportation sector is the top source of greenhouse gas emissions in this State, making up nearly 32 percent of Nevada's emissions in 2020.

(b) The American Lung Association's annual report, "State of the Air," has repeatedly ranked Las Vegas and Reno among the top 25 most polluted cities in terms of air quality, and transportation is a primary contributor to smog-forming pollution and particulate matter linked to lung disease and other serious health conditions.

(c) The State of Nevada spends billions of dollars each year to purchase out-of-state fossil fuels, which makes residents of this State vulnerable to the volatility of oil prices and increases the risk of disruptions in the event of a natural disaster.

(d) Nevada has immense potential to use local clean energy resources to power transportation in this State, furthering its energy independence.

(e) Zero emissions technologies now provide a viable, cost-effective alternative to many vehicles that run on fossil fuels, and prices are continuing to decline as these technologies mature.

(f) For publicly-owned transportation fleets, the transition to electric vehicles can bring considerable cost savings to taxpayers due to lower costs to operate and maintain such vehicles over their lifetimes.

2. It is the policy **goal** of this State to pursue and support **, to the extent practicable,** a transition of all publicly-owned, light-duty vehicles to vehicles which emit zero tailpipe emissions by the year 2040, and ~~[to]~~ **a** transition **of** all publicly-owned, medium- and heavy-duty vehicles to vehicles which emit zero tailpipe emissions by the year 2050.

Assemblyman Watts moved that the Assembly concur in the Senate Amendment No. 692 to Assembly Bill No. 262.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 114.

The following Senate amendment was read:

Amendment No. 567.

AN ACT relating to children; revising the membership of the Nevada Early Childhood Advisory Council; defining the term "early childhood program" for purposes of the duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Early Childhood Advisory Council and sets forth the minimum membership of the Council, who are to be appointed by the Governor. The Governor is also authorized to appoint such additional members to the Council as the Governor determines are necessary. (NRS 432A.076) This bill requires that the membership of the Council include: (1) one member who is a representative of the Division of Public and

Behavioral Health of the Department of Health and Human Services whose duties include responsibility for maternal, child and adolescent health; (2) one member who is a representative of the Program for Child Care and Development in the Division of Welfare and Supportive Services of the Department; (3) one member who is a representative of a public school who works with pupils in kindergarten through grade 3; (4) one member who is a representative of a tribal organization; and (5) at least one member who is a parent or guardian of a child less than 8 years of age and who has participated in one or more federal or state early childhood programs. This bill provides that the member who is appointed as a representative of the Department of Education whose duties include responsibilities for certain programs may, alternatively, be a representative of the Department of Health and Human Services whose duties include similar responsibilities. This bill also defines the term "early childhood program" for purposes of the duties of the Council as any program that stimulates physical, cognitive, linguistic, social and emotional development for children less than 8 years of age pertaining to: (1) nutrition; (2) health care; (3) mental and behavioral health; (4) protection; and (5) play and learning.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432A.076 is hereby amended to read as follows:

432A.076 1. The Nevada Early Childhood Advisory Council is hereby established as the state advisory council on early childhood education and care required to be established pursuant to 42 U.S.C. § 9837b(b)(1)(A)(i). The membership of the Council must be appointed by the Governor and include, without limitation:

(a) One member who is a representative of the Division of Public and Behavioral Health of the Department whose duties include responsibility for child care;

(b) ***One member who is a representative of the Division of Public and Behavioral Health of the Department whose duties include responsibility for maternal, child and adolescent health;***

(c) One member who is a representative of the Program for Child Care and Development, as defined in NRS 422A.055;

(d) One member who is a representative of the Department of Education;

~~[(c)]~~ ***(e)*** One member who is a representative of the Department of Education whose duties include responsibilities for programs under section 619 or part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq. ~~[.]~~ ***, or a representative of the Department of Health and Human Services whose duties include responsibilities for programs under part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;***

~~[(d)]~~ ***(f)*** One member who is a representative of the boards of trustees of the school districts in this State;

~~[(e)]~~ ***(g)*** One member who is a representative of the Nevada System of Higher Education;

~~[(f)]~~ ***(h)*** One member who is a representative of local providers of early childhood education and developmental services;

~~[(g)]~~ ***(i) One member who is a representative of a public school, as defined in NRS 385.007, who works with pupils in kindergarten through grade 3;***

(j) One member who is a representative of Head Start agencies in this State, including, without limitation, migrant and seasonal Head Start programs and Indian Head Start programs;

~~[(h)]~~ ***(k)*** One member who is appointed or designated pursuant to 42 U.S.C. § 9837b(a)(3)(A);

~~[(i)]~~ ***(l)*** One member who is a representative of the Aging and Disability Services Division of the Department;

~~[(j)]~~ ***(m)*** One member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood ~~[education]~~ programs;

~~[(k)]~~ ***(n)*** One member who is a representative of a nonprofit organization located in northern Nevada that provides early childhood ~~[education]~~ programs;

~~[(l)]~~ ***(o)*** One member who is a representative of the pediatric mental, physical or behavioral health care industry;

(p) One member who is a representative of a tribal organization, with consideration given to an enrolled member of a Nevada Indian tribe ~~***[who is recommended by the Nevada Indian Commission in consultation with the Inter-Tribal Council of Nevada, Inc., or its successor organization;]***~~***.***

(q) At least one member who is a parent or guardian of a child less than 8 years of age and who has participated in one or more federal or state early childhood programs, including, without limitation:

(1) The Program for Child Care and Development administered by the Division of Welfare and Supportive Services of the Department pursuant to chapter 422A of NRS;

(2) Head Start or Early Head Start;

(3) Nevada Home Visiting Program in the Department;

(4) Nevada Ready! State Pre-K program in the Department of Education; or

(5) The Special Supplemental Nutrition Program for Women, Infants and Children in the United States Department of Agriculture; and

~~[(m)]~~ ***(r)*** Such other members as the Governor determines are appropriate.

2. ***In making the appointment of any member pursuant to paragraph (q) of subsection 1, the Governor, to the extent practicable, must give preference to a parent or guardian who represents a diverse population of this State.***

3. The Council shall:

(a) Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood ~~[education]~~ programs.

(b) Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood ~~[education]~~ programs.

(c) Identify opportunities for and barriers to coordination and collaboration among early childhood ~~[education]~~ programs funded in whole or in part by the Federal Government, the State or a local government.

(d) Develop recommendations for:

(1) Increasing the participation of children in early childhood ~~[education]~~ programs funded in whole or in part by the Federal Government, the State or a local government, including, without limitation, providing information on such programs to underrepresented and special populations;

(2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood ~~[education]~~ programs;

(3) A statewide professional development system for teachers engaged in early childhood education; and

(4) The establishment of statewide standards for early childhood ~~[education]~~ programs in this State.

(e) Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.

(f) Establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children. The guidelines must:

(1) Be based on national school readiness indicators;

(2) Address the following components of school readiness:

(I) Physical and developmental health;

(II) Social and emotional development;

(III) Approaches to learning;

(IV) Language and early literacy development; and

(V) Cognition and general knowledge.

(g) Develop recommendations for increasing parental involvement and family engagement in early childhood ~~[education]~~ programs.

(h) Perform such other duties relating to early childhood ~~[education]~~ programs as designated by the Governor.

~~[3.]~~ ***4.*** On or before December 1 of each year, the Council shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Education, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, a summary of the activities of the Council and any recommendations for improvements to the early childhood system in this State.

~~[4.]~~ ***5.*** The Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.

6. As used in this section, "early childhood program" means any program for children less than 8 years of age pertaining to:

(a) Nutrition;

(b) Health care;

(c) Mental and behavioral health;

(d) Protection; and

(e) Play and learning,

➥ to stimulate physical, cognitive, linguistic, social and emotional development.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 567 to Assembly Bill No. 114.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 72, 103, 195, 240, 276.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 719 to Senate Bill No. 57; Assembly Amendment No. 604 to Senate Bill No. 80; Assembly Amendments Nos. 624, 720 to Senate Bill No. 92; Assembly Amendment No. 626 to Senate Bill No. 208; Assembly Amendment No. 657 to Senate Bill No. 211; Assembly Amendment No. 580 to Senate Bill No. 330; Assembly Amendment No. 595 to Senate Bill No. 346; Assembly Amendment No. 594 to Senate Bill No. 349; Assembly Amendment No. 678 to Senate Bill No. 386; Assembly Amendment No. 637 to Senate Bill No. 407; Assembly Amendment No. 710 to Senate Bill No. 436.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

Assembly Bill No. 132.

The following Senate amendment was read:

Amendment No. 610.

SUMMARY— ~~[Establishes provisions relating to the review of opioid overdose fatalities.]~~ **Requires the establishment of a Regional Opioid Task Force in Clark County.** (BDR ~~[40-721)]~~ **S-721)**

CONTAINS UNFUNDED MANDATE (§ 1)
(Requested by Affected Local Government)

AN ACT relating to public health; ~~[authorizing certain persons and entities]~~ **requiring the Clark County Board of County Commissioners to establish a Regional Opioid Task Force** to ~~[conduct an]~~ **study certain issues relating to** opioid overdose ~~[fatality review; prohibiting the use of an opioid overdose fatality review for certain purposes; requiring certain information to be made~~

~~available to a person or entity conducting an opioid overdose fatality review; providing certain immunity from liability;~~] **fatalities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Committee to Review Suicide Fatalities within the Department of Health and Human Services, consisting of 10 members appointed by the Director of the Department. (NRS 439.5104) The Committee has certain powers and duties, including obtaining and using data and information to: (1) review suicide fatalities in this State to determine trends, risk factors and strategies for prevention; (2) determine and prepare reports concerning trends and patterns of suicide fatalities in this State; (3) identify and evaluate the prevalence of risk factors for preventable suicide fatalities in this State; (4) evaluate and prepare reports concerning high risk factors, current practices, lapses in systematic responses and barriers to the safety and well being of persons who are at risk of suicide in this State; and (5) recommend any improvement in sources of information relating to investigating reported suicide fatalities and preventing suicide in this State. (NRS 439.5106) The Committee also may: (1) conduct certain investigations; (2) petition a district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose recommended legislation concerning suicide fatalities in this State; and (4) issue certain reports. (NRS 439.5108) This bill enables certain persons and entities to review fatalities resulting from opioid overdoses in this State.~~

~~Section 2 of this bill defines the term "opioid overdose fatality review" to mean a review of one or more deaths resulting from an opioid overdose. Section 3.5 of this bill authorizes certain governmental entities and health care facilities, a provider of health care or faculty or students at an institution of higher education to conduct an opioid overdose fatality review. Section 3.5 also authorizes other entities to enter into a memorandum of understanding with a governmental entity or an institution of higher education authorizing the entity to conduct an opioid overdose fatality review. Section 3.5: (1) requires a person or entity conducting an opioid overdose fatality review to make any results, findings or recommendations from the opioid overdose fatality review available to the public; and (2) prohibits such a person or entity from using the opioid overdose fatality review for the commercial or exclusive benefit of the entity.~~

~~Section 4 of this bill authorizes a person or entity conducting an opioid overdose fatality review to consult and cooperate with certain entities and access certain information. Section 4 also prescribes certain activities that may be conducted as part of an opioid overdose fatality review.~~

~~Section 5 of this bill authorizes a person or entity conducting an opioid overdose fatality review to: (1) conduct certain investigations; (2) petition a district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose recommendations concerning overdose fatalities in this State; and (4) publish certain reports. Sections 3.5, 5 and 8 of~~

~~this bill provide that certain books, records or papers received by a person or entity conducting an opioid overdose fatality review are confidential. Section 5 also provides immunity from civil and criminal liability for persons and entities that act in due care in accordance with sections 2-5 of this bill and other applicable law.~~

~~Sections 7, 9 and 10 of this bill make conforming changes to require that certain information be made available to a person or entity conducting an opioid overdose fatality review.~~**]** **This bill requires the Clark County Board of County Commissioners to establish a Regional Opioid Task Force to review data relating to opioid overdose fatalities and near fatalities and use such data to address gaps in community services relating to opioids and opioid overdose fatalities. This bill also requires the Clark County Board of County Commissioners to appoint the members to the Task Force who must be certain persons, represent certain organizations or agencies or have expertise in certain areas. This bill further requires the Task Force to submit a report to the Governor and Director of the Legislative Counsel Bureau with a summary of the work of the Task Force and recommendations for legislation.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 11 of this bill and replace with the following new sections 1 through 3:

Section 1. **1. The Clark County Board of County Commissioners shall establish a Regional Opioid Task Force, consisting of the following members appointed by the Clark County Board of County Commissioners:**

(a) One member who represents a social services agency in Clark County;

(b) One member who represents the Department of Family Services of Clark County;

(c) One member who represents the Department of Juvenile Justice Services of Clark County;

(d) One member who represents the Southern Nevada Health District;

(e) One member with experience in the field of public health epidemiology selected from a list of nominees submitted by the Southern Nevada Health District;

(f) One member with experience in the field of primary health care;

(g) One member with experience in the field of mental health;

(h) One member who represents the Clark County School District;

(i) One member who represents law enforcement selected from a list of nominees submitted by the Las Vegas Metropolitan Police Department;

(j) One member with experience in the field of behavioral health;

(k) One member with experience in the field of addiction medicine;

(l) One member who represents a provider of emergency medical services in Clark County;

(m) One member who represents public health educators or community health workers who represent or serve persons with limited-English proficiency;

(n) One member who represents a substance use disorder prevention coalition in Clark County; and

(o) The Clark County coroner or his or her designee.

2. The Task Force shall:

(a) Review data relating to opioid overdose fatalities and near fatalities in the county to identify gaps in community services relating to opioids and opioid overdose fatalities;

(b) Identify existing statewide and community databases that contain information relating to harm reduction and substance use to assist in identifying gaps in community services and developing targeted interventions relating to opioids; and

(c) Ensure any data reviewed by the Task Force is comprised of multiple sources and databases.

3. After reviewing data pursuant to subsection 2, the Task Force may elect to conduct:

(a) A systemic review of opioid overdose fatalities occurring on or after October 1, 2023, as necessary to determine the responsiveness of community services; or

(b) A review of opioid overdose fatalities in the zip codes of Clark County with the highest numbers of opioid overdose fatalities.

4. In addition to the requirements of subsection 2, the Task Force shall identify:

(a) Any trends in the social determinants of health relating to opioid overdose fatalities; and

(b) Opportunities for collaboration to leverage existing resources to prevent opioid overdose fatalities, prevent substance misuse and promote recovery for persons with addictive disorders.

5. Beginning not later than January 1, 2024, the Task Force shall meet not less than once each quarter. The meetings of the Task Force must be conducted in accordance with the provisions of chapter 241 of NRS.

6. The Clark County Board of County Commissioners shall ensure that there is sufficient staffing to support the administrative needs of the Task Force.

7. On or before December 30, 2024, the Task Force shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature which includes a summary of the work of the Task Force and any recommendations for legislation.

Sec. 2. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 3. **This act becomes effective on October 1, 2023, and expires by limitation on December 31, 2024.**

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 610 to Assembly Bill No. 132.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 169.

The following Senate amendment was read:

Amendment No. 611.

ASSEMBLYWOMEN GORELOW, BILBRAY-AXELROD, THOMAS, GONZÁLEZ; ANDERSON, BROWN-MAY, DURAN, PETERS AND SUMMERS-ARMSTRONG

JOINT SPONSORS: SENATORS CANNIZZARO, DONDERO LOOP **,** ~~[AND]~~ KRASNER **, LANGE, NGUYEN, SEEVERS GANSERT, SPEARMAN AND TITUS**

AN ACT relating to feminine hygiene products; defining certain terms relating to the labeling of feminine hygiene products; requiring, with certain exceptions, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product; providing certain requirements for the revision of a list of ingredients in a feminine hygiene product; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions relating to the labeling of certain foods, drugs, devices and cosmetics. (Chapter 585 of NRS) **Section 3** of this bill: (1) requires, with certain exceptions, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product; (2) requires the ingredients identified on such label to be listed in order of predominance by weight and identified by using standardized nomenclature **,** ~~[,]~~ **or by the name established by the Center for Baby and Adult Hygiene Products,** unless the ingredient is confidential business information; (3) if the ingredient is confidential business information, authorizes the ingredient to be identified by its common name; and (4) requires, if a manufacturer has an Internet website, the manufacturer to post the list of ingredients on the Internet website of the manufacturer. **Section 3.5** of this bill requires, with certain exceptions, a manufacturer to revise the list of ingredients on the label of a feminine hygiene product not later than: (1) for a label on a package or box containing a feminine hygiene product, 18 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list; and (2) for a list of ingredients posted on the Internet website of the manufacturer, 6 months

after the change to an ingredient, the addition of an ingredient or the revision of a designated list. **Sections 1.3-2.9** of this bill define certain terms related to the labeling of feminine hygiene products.

Existing law provides that a violation of any provision of chapter 585 of NRS relating to the labeling of certain foods, drugs, devices and cosmetics is a gross misdemeanor, except for certain violations of the chapter that are punishable as a category D felony. (NRS 585.550) A violation of **section 3 or 3.5** is also a gross misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 585 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 3.5, inclusive, of this act.

Sec. 1.1. ***As used in sections 1.1 to 3.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.3 to 2.9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 1.3. ***1. "Confidential business information" means an intentionally added ingredient or combination of ingredients for which:***

(a) A claim has been approved by the Administrator of the United States Environmental Protection Agency for inclusion on the Toxic Substances Control Act confidential Chemical Substance Inventory pursuant to 15 U.S.C. § 2607(b); or

(b) The manufacturer or supplier claims is a trade secret, as that term is defined in NRS 600A.030.

2. The term does not include:

(a) An intentionally added ingredient or combination of ingredients that is on a designated list; or

(b) A fragrance allergen included on Annex III of the European Union Cosmetics Regulation No. 1223/2009, as that regulation existed on January 20, 2023, if the fragrance allergen is present in ~~[the]~~ a feminine hygiene product at a concentration at or above 0.001 percent or 10 parts per million.

Sec. 1.5. ***"Designated list" means any of the following, in the form most recently published:***

1. Chemicals for which a reference ~~[does]~~ dose or reference concentration has been developed based on neurotoxicity in the Integrated Risk Information System maintained by the United States Environmental Protection Agency.

2. Chemicals identified as carcinogenic to humans, likely to be carcinogenic to humans, or as Group A, B1 or B2 carcinogens in the Integrated Risk Information System maintained by the United States Environmental Protection Agency.

3. Neurotoxicants that are identified in the Toxic Substances Portal of the Agency for Toxic Substances and Disease Registry of the United States Department of Health and Human Services.

4. Persistent bioaccumulative and toxic priority chemicals that are identified in the United States Environmental Protection Agency's National Waste Minimization Program.

5. Reproductive or developmental toxicants identified in monographs on the Potential Human Reproductive and Developmental Effects published by the National Toxicology Program.

6. Chemicals identified on the Toxics Release Inventory maintained by the United States Environmental Protection Agency as persistent, bioaccumulative and toxic that are subject to the reporting requirements pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11001 et seq.

7. Chemicals that are identified as known to be, or reasonably anticipated to be, human carcinogens by the 15th Report on Carcinogens published by the National Toxicology Program.

8. Chemicals that are identified as priority pollutants in the Nevada water quality control plans pursuant to 33 U.S.C. § 1341 or identified as pollutants by this State or the United States Environmental Protection Agency for one or more bodies of water in this State pursuant to 33 U.S.C. § 1341 and 40 C.F.R. § 130.7.

~~***[9. Chemicals that are identified with noncancer endpoints and listed with an inhalation or oral reference exposure level by the California Office of Environmental Health Hazard Assessment pursuant to Cal. Health & Safety Code § 44360(b)(2).]***~~

Sec. 2. ***"Feminine hygiene product" means any product used for the purpose of catching menstruation and vaginal discharge, including, without limitation, tampons, pads and menstrual cups, whether disposable or reusable.***

Sec. 2.1. "Fragrance ingredient" means an intentionally added substance or complex mixture of aroma chemicals, natural essential oils and other functional ingredients present in a feminine hygiene product for which the sole purpose is to impart an odor or scent, or to counteract an odor, and is:

1. Present in a feminine hygiene product at a concentration at or above 0.01 percent or 100 parts per million based on the total amount of the substance as a percentage of the total weight of the feminine hygiene product;

2. Included on a designated list; or

3. A fragrance allergen included on Annex III of the European Union Cosmetics Regulation No. 1223/2009, as that regulation existed on January 20, 2023, if the fragrance allergen is present in the feminine hygiene product at a concentration at or above 0.001 percent or 10 parts per million based on the total amount of the fragrance allergen as a percentage of the total weight of the feminine hygiene product.

Sec. 2.3. ***"Ingredient" means*** ~~***[an ingredient for]***~~ ***a fragrance ingredient or other intentionally added substance or combination of substances in a***

feminine hygiene product, unless the intentionally added substance or combination of substances is confidential business information.

Sec. 2.6. ***"Intentionally added" means a substance that serves a technical or functional purpose in the finished feminine hygiene product.***

Sec. 2.9. ***"Manufacturer" means a person or entity:***

1. That manufacturers feminine hygiene products and whose name appears on the product label; or

2. For whom the product is manufactured or distributed, as identified on the product label pursuant to the Fair Packaging and Labeling Act, 15 U.S.C. §§ 1451 et seq.

Sec. 3. ***1. Except as otherwise provided in this subsection, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State must bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product. Reasonable variations shall be permitted, and exemptions as to a small package shall be established by regulations prescribed by the Commissioner.***

2. On the list of ingredients required pursuant to subsection 1, the ingredients must be:

(a) Listed in order of predominance by weight unless the weight of the ingredient is 1 percent or less. If the weight of an ingredient is less than 1 percent, the ingredient may be listed in any order following the other ingredients.

(b) Except as otherwise provided in this ~~[paragraph,]~~ section, identified using standardized nomenclature, including, without limitation, the International Nomenclature of Cosmetic Ingredients, the Consumer Product Ingredients Dictionary published by the Household and Commercial Products Association or the common name of the chemical. If the ingredient does not have a standardized nomenclature, the ingredient must be identified using the name established by the Center for Baby and Adult Hygiene Products.

3. If ~~[the]~~ an ingredient is confidential business information, the ingredient may be identified on the list of ingredients required pursuant to subsection 1 by its common name.

~~[3.]~~ 4. If a manufacturer has an Internet website, the list of ingredients that is required pursuant to subsection 1 must be posted on the Internet website of the manufacturer.

5. Nothing in this section prohibits a manufacturer from using technology, including, without limitation, a link to an Internet website, to communicate the information required by this section.

Sec. 3.5. ***A manufacturer must revise the list of ingredients on the label of a feminine hygiene product pursuant to section 3 of this act not later than:***

1. For the label on a package or box containing a feminine hygiene product, 18 months after the change to an ingredient, the addition of an

ingredient or the revision of a designated list, unless the designated list becomes effective at a later date.

2. For a list of ingredients posted on the Internet website of the manufacturer, 6 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list, unless the designated list becomes effective at a later date.

Sec. 4. (Deleted by amendment.)

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 611 to Assembly Bill No. 169.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 202.

The following Senate amendment was read:

Amendment No. 615.

AN ACT relating to medical facilities; authorizing a patient in a facility for skilled nursing or his or her representative to request the installation and use of an electronic communication device in the living quarters of the patient; prescribing requirements for the selection and operation of such a device; prohibiting a person from taking certain actions concerning such a device or the images and sounds broadcast by such a device; prohibiting a facility for skilled nursing or an employee of such a facility from taking certain additional actions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain duties of a medical facility, including a facility for skilled nursing, and specific rights of a patient in such a facility. (NRS 449A.100-449A.124) **Sections 3-7** of this bill define certain terms. **Section 9** of this bill authorizes a patient in a facility for skilled nursing or the representative of such a patient to request the installation and use of an electronic communication device in the living quarters of the patient under certain circumstances. Among other requirements, **section 9** requires the patient or representative of the patient to: (1) agree to waive the right to privacy of the patient; and (2) obtain the consent of the roommate of the patient or his or her representative, if applicable. **Section 8** of this bill prescribes the requirements to act as the representative of a patient or roommate for those purposes. **Section 9** requires a facility for skilled nursing to make reasonable efforts to accommodate a patient whose roommate fails to provide such consent. **Section 9** also authorizes a patient, representative or roommate to

revoke a request for, or consent to, the installation and use of an electronic communication device.

Section 9 requires a facility for skilled nursing to approve a request for the installation and use of an electronic communication device if the applicable requirements are met. If such approval is granted, **section 10** of this bill provides that the patient or his or her representative is responsible for: (1) choosing the electronic communication device, subject to certain limitations; and (2) the cost of installing, maintaining and removing the electronic communication device **[.] and any repairs required due to the installation or removal of the electronic communication device.**

Section 11 of this bill generally prohibits a person other than the patient or the representative for the patient who has requested the installation and use of an electronic communication device from intentionally: (1) obstructing, tampering with or destroying any such device or recording made by such a device; and (2) viewing or listening to any images or sounds which are displayed, broadcast or recorded by any such device except as otherwise authorized. **Section 11** authorizes an attorney for a patient or certain government officials to view or listen to any images or sounds which are displayed, broadcast or recorded by an electronic communication device or to temporarily disable or turn off such a device. **Sections 9 and 11** authorize a patient or the representative of a patient **, with the consent of the roommate of the patient or his or her representative, if any,** to authorize additional persons to view or listen to images or sounds which are displayed, broadcast or recorded by an electronic communication device. **Section 11** prohibits a facility for skilled nursing from denying admission to or discharging a patient from the facility or otherwise discriminating or retaliating against a patient because of a decision to request the installation and use of an electronic communication device. **Section 12** of this bill subjects a person or entity who violates the provisions of **section 11** to certain civil and criminal penalties, and **section 1** of this bill subjects a facility for skilled nursing that violates the provisions of **sections 3-14** of this bill to disciplinary action. **Section 13** of this bill: (1) **[**authorizes**]** **requires** a facility for skilled nursing to post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters; and (2) prohibits an employee at a facility for skilled nursing from refusing to enter the living quarters of a patient or fail to perform any of the duties of the employee on the grounds that an electronic communication device is in use in the living quarters. **Section 14** of this bill: (1) authorizes the State Board of Health to adopt regulations necessary to carry out the provisions of **sections 3-14**; and (2) makes the provisions of **sections 3-14** inapplicable to an electronic communication device that is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of sections 3 to 14, inclusive, of this act and any regulation adopted pursuant thereto.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 2. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 14, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.***

Sec. 5. ***"Guardian" has the meaning ascribed to it in NRS 159.017.***

Sec. 6. ***"Living quarters" means the room in which a patient resides.***

Sec. 7. ***"Representative" means a person who is authorized to serve as the representative of a patient pursuant to section 8 of this act.***

Sec. 8. ***A person may serve as the representative of a patient in a facility for skilled nursing, including, without limitation, a patient who is the roommate of a patient who wishes to submit or has submitted a request pursuant to section 9 of this act, for the purposes of sections 3 to 14, inclusive, of this act if the person:***

1. Is the guardian of the patient whom he or she is representing and:

(a) The power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive, and the power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically delegated to the person in the power of attorney.

Sec. 9. ***1. A patient in a facility for skilled nursing or the representative of the patient may request the installation and use of an electronic communication device in the living quarters of the patient by submitting to the facility for skilled nursing:***

(a) A completed form prescribed by the facility pursuant to subsection 3; or

(b) If the facility has not prescribed a form pursuant to subsection 3, a written request that meets the requirements of subsection 2.

2. A request submitted pursuant to subsection 1 must include or be accompanied by:

(a) Information regarding the type, function and expected use of the electronic communication device which will be installed and used;

(b) The name and contact information for any person other than the patient or his or her representative who is authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of section 11 of this act;

(c) An agreement by the patient or the representative of the patient to, except as otherwise provided by section 11 of this act:

(1) Waive the patient's right to privacy in connection with use of the electronic communication device; and

(2) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the patient's right to privacy in connection with use of the electronic communication device;

(d) If the patient has a roommate:

(1) The written consent of the roommate or the representative of the roommate to ~~[the]~~ :

(I) The installation and use of an electronic communication device in the living quarters of the patient ~~[.]~~ ; and

(II) The viewing of or listening to the images or sounds which are displayed, broadcast or recorded by the electronic communication device by the patient, the representative of the patient and each person identified pursuant to paragraph (b); and

(2) An agreement by the roommate or the representative of the roommate to, except as otherwise provided in section 11 of this act:

(I) Waive the roommate's right to privacy in connection with use of the electronic communication device; and

(II) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the roommate's right to privacy in connection with the accidental or intentional use or misuse of the electronic communication device; and

(e) If the request is submitted by the representative of the patient, proof that the representative of the patient meets the requirements of section 8 of this act.

3. A facility for skilled nursing may prescribe a form for use by a patient or the representative of a patient to request to install and use an electronic communication device in the living quarters of the patient. To the extent practicable, such a form must be provided in a language chosen by the patient or the representative of the patient. Such a form must include, without limitation:

(a) An explanation of the provisions of sections 3 to 14, inclusive, of this act; and

(b) Places to record the information, agreements and consent described in paragraphs (a) to (d), inclusive, of subsection 2.

4. A facility for skilled nursing shall approve a request by a patient or the representative of a patient pursuant to this section if the request meets the requirements of this section.

5. If the roommate or the representative of the roommate of a patient who wishes to submit a request pursuant to subsection 1, or whose representative wishes to submit such a request, refuses to provide consent and enter into the agreement required by paragraph (d) of subsection 2, the facility for skilled nursing shall make reasonable attempts to accommodate the patient. Such reasonable attempts may include, without limitation, moving either the patient or his or her roommate to different living quarters with the consent of the person being moved or his or her representative.

6. A patient or the representative of a patient who has submitted a request pursuant to subsection 1, a roommate who has provided consent pursuant to paragraph (d) of subsection 2 or the representative of such a roommate may withdraw the request or consent at any time, including, without limitation, after the request has been approved or after an electronic communication device has been installed, by submitting a written revocation to the facility for skilled nursing. ~~[Upon]~~ Not later than 24 hours after the submission of such a written revocation, the facility for skilled nursing shall cause the removal of any electronic communication device that has been installed.

Sec. 10. *1. If a facility for skilled nursing approves a request to install and use an electronic communication device in the living quarters of a patient pursuant to section 9 of this act, the patient or the representative of the patient is solely responsible for:*

(a) Choosing the electronic communication device, subject to the limitations prescribed by subsection ~~[2; and]~~ 3;

(b) The cost of the electronic communication device ~~[and the]~~ ;

(c) The cost of installing, maintaining and removing the electronic communication device, if applicable, other than the cost of electricity used to power the electronic communication device ~~[.]~~ ; and

(d) The cost of any repairs required due to the installation or removal of the device.

2. A patient who is discharged from a facility for skilled nursing or the representative of such a patient remains solely responsible for the costs described in subsection 1, including, without limitation, such costs that are incurred after the discharge of the patient.

3. An electronic communication device chosen by a patient or the representative of a patient pursuant to subsection 1 must:

(a) Be capable of being temporarily disabled or turned on and off; and

(b) If the device communicates using video or other visual transmission, to the greatest extent practicable, be installed:

(1) With a fixed viewpoint of the living quarters; or

(2) In a manner that avoids capturing images of activities such as bathing, dressing and toileting.

Sec. 11. *1. Except as otherwise provided in this section, a person other than the patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act shall not intentionally:*

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to section 9 of this act or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Aging and Disability Services Division or the Division of Public and Behavioral Health of the Department of Health and Human Services who is conducting an investigation;

(c) The State Long-Term Care Ombudsman; and

(d) An attorney who is representing the patient or a roommate of the patient and acting within the scope of that representation.

3. A patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device. Any such authorization must be made in writing. The patient or representative, as applicable, shall provide a copy of the authorization to the facility and the roommate of the patient or the representative of the roommate, if any.

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the living quarters of the patient.

5. A facility for skilled nursing shall not deny admission to or discharge a patient from the facility or otherwise discriminate or retaliate against a patient because of a decision to request the installation and use of an electronic communication device in the living quarters of the patient pursuant to section 9 of this act.

Sec. 12. *1. A natural person who violates subsection 1 of section 11 of this act:*

(a) For a first offense, is liable for a civil penalty not to exceed $5,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $10,000 for each violation; and

(2) Is guilty of a misdemeanor.

2. In addition to any disciplinary action imposed pursuant to chapter 449 of NRS, a facility for skilled nursing or any person, partnership, association or corporation establishing, conducting, managing or operating a facility for skilled nursing who violates subsection 1 or 5 of section 11 of this act:

(a) For a first offense, is liable for a civil penalty not to exceed $10,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $20,000 for each violation; and

(2) Is guilty of a misdemeanor.

3. The Attorney General or any district attorney may recover any civil penalty assessed pursuant to this section in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 13. ***1. A facility for skilled nursing ~~[may]~~ shall post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters.***

2. An employee of a facility of skilled nursing shall not refuse to enter the living quarters of a patient which contains an electronic communication device installed pursuant to section 9 of this act or fail to perform any of the duties of the employee on the grounds that such a device is in use.

Sec. 14. ***1. The State Board of Health may adopt regulations necessary to carry out the provisions of sections 3 to 14, inclusive, of this act.***

2. The provisions of sections 3 to 14, inclusive, of this act do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 615 to Assembly Bill No. 202.

Motion carried.

The following Senate amendment was read:

Amendment No. 718.

AN ACT relating to medical facilities; authorizing a patient in a facility for skilled nursing or his or her representative to request the installation and use of an electronic communication device in the living quarters of the patient; prescribing requirements for the selection and operation of such a device; prohibiting a person from taking certain actions concerning such a device or the images and sounds broadcast by such a device; prohibiting a facility for skilled nursing or an employee of such a facility from taking certain additional

actions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain duties of a medical facility, including a facility for skilled nursing, and specific rights of a patient in such a facility. (NRS 449A.100-449A.124) **Sections 3-7** of this bill define certain terms. **Section 9** of this bill authorizes a patient in a facility for skilled nursing or the representative of such a patient to request the installation and use of an electronic communication device in the living quarters of the patient under certain circumstances. Among other requirements, **section 9** requires the patient or representative of the patient to: (1) agree to waive the right to privacy of the patient; and (2) obtain the consent of the roommate of the patient or his or her representative, if applicable. **Section 8** of this bill prescribes the requirements to act as the representative of a patient or roommate for those purposes. **Section 9** requires a facility for skilled nursing to make reasonable efforts to accommodate a patient whose roommate fails to provide such consent. **Section 9** also authorizes a patient, representative or roommate to revoke a request for, or consent to, the installation and use of an electronic communication device.

Section 9 requires a facility for skilled nursing to approve a request for the installation and use of an electronic communication device if the applicable requirements are met. If such approval is granted, **section 10** of this bill provides that the patient or his or her representative is responsible for: (1) choosing the electronic communication device, subject to certain limitations; and (2) the cost of installing, maintaining and removing the electronic communication device and any repairs required due to the installation or removal of the electronic communication device.

Section 11 of this bill generally prohibits a person other than the patient or the representative for the patient who has requested the installation and use of an electronic communication device from intentionally: (1) obstructing, tampering with or destroying any such device or recording made by such a device; and (2) viewing or listening to any images or sounds which are displayed, broadcast or recorded by any such device except as otherwise authorized. **Section 11** authorizes an attorney for a patient or certain government officials to view or listen to any images or sounds which are displayed, broadcast or recorded by an electronic communication device or to temporarily disable or turn off such a device. **Sections 9 and 11** authorize a patient or the representative of a patient ~~[, with the consent of the roommate of the patient or his or her representative, if any,]~~ to authorize additional persons to view or listen to images or sounds which are displayed, broadcast or recorded by an electronic communication device. **Section 11** prohibits a facility for skilled nursing from denying admission to or discharging a patient from the facility or otherwise discriminating or retaliating against a patient because of a decision to request the installation and use of an electronic communication device. **Section 12** of this bill subjects a person or entity who

violates the provisions of **section 11** to certain civil and criminal penalties, and **section 1** of this bill subjects a facility for skilled nursing that violates the provisions of **sections 3-14** of this bill to disciplinary action. **Section 13** of this bill: (1) requires a facility for skilled nursing to post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters; and (2) prohibits an employee at a facility for skilled nursing from refusing to enter the living quarters of a patient or fail to perform any of the duties of the employee on the grounds that an electronic communication device is in use in the living quarters. **Section 14** of this bill: (1) authorizes the State Board of Health to adopt regulations necessary to carry out the provisions of **sections 3-14**; and (2) makes the provisions of **sections 3-14** inapplicable to an electronic communication device that is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of sections 3 to 14, inclusive, of this act and any regulation adopted pursuant thereto.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 2. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 14, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.***

Sec. 5. ***"Guardian" has the meaning ascribed to it in NRS 159.017.***

Sec. 6. ***"Living quarters" means the room in which a patient resides.***

Sec. 7. ***"Representative" means a person who is authorized to serve as the representative of a patient pursuant to section 8 of this act.***

Sec. 8. ***A person may serve as the representative of a patient in a facility for skilled nursing, including, without limitation, a patient who is the roommate of a patient who wishes to submit or has submitted a request pursuant to section 9 of this act, for the purposes of sections 3 to 14, inclusive, of this act if the person:***

1. Is the guardian of the patient whom he or she is representing and:

(a) The power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive, and the power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically delegated to the person in the power of attorney.

Sec. 9. ***1. A patient in a facility for skilled nursing or the representative of the patient may request the installation and use of an electronic communication device in the living quarters of the patient by submitting to the facility for skilled nursing:***

(a) A completed form prescribed by the facility pursuant to subsection 3; or

(b) If the facility has not prescribed a form pursuant to subsection 3, a written request that meets the requirements of subsection 2.

2. A request submitted pursuant to subsection 1 must include or be accompanied by:

(a) Information regarding the type, function and expected use of the electronic communication device which will be installed and used;

(b) The name and contact information for any person other than the patient or his or her representative who is authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of section 11 of this act;

(c) An agreement by the patient or the representative of the patient to, except as otherwise provided by section 11 of this act:

(1) Waive the patient's right to privacy in connection with use of the electronic communication device; and

(2) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the patient's right to privacy in connection with use of the electronic communication device;

(d) If the patient has a roommate:

(1) The written consent of the roommate or the representative of the roommate to ~~***[:***~~

~~***(I) The]***~~ ***the installation and use of an electronic communication device in the living quarters of the patient; and***

~~***[(II) The viewing of or listening to the images or sounds which are displayed, broadcast or recorded by the electronic communication device by the patient, the representative of the patient and each person identified pursuant to paragraph (b); and]***~~

(2) An agreement by the roommate or the representative of the roommate to, except as otherwise provided in section 11 of this act:

(I) Waive the roommate's right to privacy in connection with use of the electronic communication device; and

(II) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of

the roommate's right to privacy in connection with the ~~[accidental or intentional]~~ use ~~[or misuse]~~ of the electronic communication device; and

(e) If the request is submitted by the representative of the patient, proof that the representative of the patient meets the requirements of section 8 of this act.

3. A facility for skilled nursing may prescribe a form for use by a patient or the representative of a patient to request to install and use an electronic communication device in the living quarters of the patient. To the extent practicable, such a form must be provided in a language chosen by the patient or the representative of the patient. Such a form must include, without limitation:

(a) An explanation of the provisions of sections 3 to 14, inclusive, of this act; and

(b) Places to record the information, agreements and consent described in paragraphs (a) to (d), inclusive, of subsection 2.

4. A facility for skilled nursing shall approve a request by a patient or the representative of a patient pursuant to this section if the request meets the requirements of this section.

5. If the roommate or the representative of the roommate of a patient who wishes to submit a request pursuant to subsection 1, or whose representative wishes to submit such a request, refuses to provide consent and enter into the agreement required by paragraph (d) of subsection 2, the facility for skilled nursing shall make reasonable attempts to accommodate the patient. Such reasonable attempts may include, without limitation, moving either the patient or his or her roommate to different living quarters with the consent of the person being moved or his or her representative.

6. A patient or the representative of a patient who has submitted a request pursuant to subsection 1, a roommate who has provided consent pursuant to paragraph (d) of subsection 2 or the representative of such a roommate may withdraw the request or consent at any time, including, without limitation, after the request has been approved or after an electronic communication device has been installed, by submitting a written revocation to the facility for skilled nursing. Not later than 24 hours after the submission of such a written revocation, the facility for skilled nursing shall cause the removal of any electronic communication device that has been installed.

Sec. 10. *1. If a facility for skilled nursing approves a request to install and use an electronic communication device in the living quarters of a patient pursuant to section 9 of this act, the patient or the representative of the patient is solely responsible for:*

(a) Choosing the electronic communication device, subject to the limitations prescribed by subsection 3;

(b) The cost of the electronic communication device;

(c) The cost of installing, maintaining and removing the electronic communication device, if applicable, other than the cost of electricity used to power the electronic communication device; and

(d) The cost of any repairs required due to the installation or removal of the device.

2. A patient who is discharged from a facility for skilled nursing or the representative of such a patient remains solely responsible for the costs described in subsection 1, including, without limitation, such costs that are incurred after the discharge of the patient.

3. An electronic communication device chosen by a patient or the representative of a patient pursuant to subsection 1 must:

(a) Be capable of being temporarily disabled or turned on and off; and

(b) If the device communicates using video or other visual transmission, to the greatest extent practicable, be installed:

(1) With a fixed viewpoint of the living quarters; or

(2) In a manner that avoids capturing images of activities such as bathing, dressing and toileting.

Sec. 11. ***1. Except as otherwise provided in this section, a person other than the patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act shall not intentionally:***

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to section 9 of this act or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Aging and Disability Services Division or the Division of Public and Behavioral Health of the Department of Health and Human Services who is conducting an investigation;

(c) The State Long-Term Care Ombudsman; and

(d) An attorney who is representing the patient or a roommate of the patient and acting within the scope of that representation.

3. A patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device. Any such authorization must be made in writing. The patient or representative, as applicable, [~~shall~~] may provide a copy of the authorization to the facility and the roommate of the patient or the representative of the roommate, if any.

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the living quarters of the patient.

5. A facility for skilled nursing shall not deny admission to or discharge a patient from the facility or otherwise discriminate or retaliate against a patient because of a decision to request the installation and use of an electronic communication device in the living quarters of the patient pursuant to section 9 of this act.

Sec. 12. ***1. A natural person who violates subsection 1 of section 11 of this act:***

(a) For a first offense, is liable for a civil penalty not to exceed $5,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $10,000 for each violation; and

(2) Is guilty of a misdemeanor.

2. In addition to any disciplinary action imposed pursuant to chapter 449 of NRS, a facility for skilled nursing or any person, partnership, association or corporation establishing, conducting, managing or operating a facility for skilled nursing who violates subsection 1 or 5 of section 11 of this act:

(a) For a first offense, is liable for a civil penalty not to exceed $10,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $20,000 for each violation; and

(2) Is guilty of a misdemeanor.

3. The Attorney General or any district attorney may recover any civil penalty assessed pursuant to this section in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 13. ***1. A facility for skilled nursing shall post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters.***

2. An employee of a facility of skilled nursing shall not refuse to enter the living quarters of a patient which contains an electronic communication device installed pursuant to section 9 of this act or fail to perform any of the duties of the employee on the grounds that such a device is in use.

Sec. 14. ***1. The State Board of Health may adopt regulations necessary to carry out the provisions of sections 3 to 14, inclusive, of this act.***

2. The provisions of sections 3 to 14, inclusive, of this act do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 718 to Assembly Bill No. 202.

Motion carried.

Bill ordered to enrollment.

Assembly Bill No. 35.

The following Senate amendment was read:

Amendment No. 548.

AN ACT relating to corrections; requiring the warden or manager of an institution or facility to make certain determinations concerning use of telecommunications devices by offenders; requiring the Director of the Department of Corrections to adopt regulations authorizing an offender to possess, have in his or her custody or control and use an authorized telecommunications device for certain purposes; revising the definition of a telecommunications device to include certain tablets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law prohibits an offender from having access to a telecommunications device. Existing law authorizes an offender to use a telecommunications device to conduct certain visits and correspondence. Existing law also authorizes certain offenders to use telecommunications devices: (1) pursuant to an agreement with the Department of Corrections; or (2) in accordance with any regulations governing the use of such devices adopted by the Department of Corrections. Finally, existing law defines the term "telecommunications device" to include a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer with certain capabilities. (NRS 209.417)

This bill removes statutory provisions authorizing offenders to have access to a telecommunications device and instead: (1) requires the warden or manager of an institution or facility to determine which telecommunications devices, if any, are authorized for use by an offender; and (2) requires the Director of the Department to adopt regulations authorizing an offender to possess, have in his or her custody or control and use an authorized telecommunications device for certain purposes. This bill requires such regulations to authorize an offender to possess, have in his or her custody or control and use an authorized telecommunications device for the purpose of: (1) conducting certain visits and correspondence; (2) appearing in court; (3) receiving medical care; (4) applying for or enrolling in a benefit from a governmental program; (5) performing legal research; (6) obtaining a diploma, degree, certificate or similar credential; ~~[and]~~ (7) taking a vocational assessment**~~[.]~~ ; and (8) communicating with an attorney.** This bill

authorizes the Director of the Department, with the approval of the Board, to adopt regulations authorizing an offender to possess, have in his or her custody or control and use an authorized telecommunications device for any purpose other than these specified purposes. The bill requires such regulations to: (1) prescribe requirements for determining whether a telecommunications device will be authorized for use by an offender; (2) prescribe the criteria for eligibility for an offender to use an authorized telecommunications device; (3) set forth the circumstances under which an offender is authorized to use such a device to access the Internet; and (4) prescribe standards for the use of such a device by an offender. Finally, this bill revises the definition of "telecommunications device" to include a tablet with certain capabilities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.417 is hereby amended to read as follows:

209.417 1. ~~[Except as otherwise provided in this section, the]~~ ***The*** warden or manager of an institution or facility shall ~~[ensure]~~ ***:***

(a) Determine which telecommunications devices, if any, are authorized for use by an offender in accordance with the regulations adopted pursuant to this section; and

(b) Ensure that no offender in the institution or facility, or in a vehicle of the Department, has access to a telecommunications device ~~[.]~~ ***that is not an authorized telecommunications device.***

~~2. [An offender may use a telephone or, for the purpose of communicating with his or her child pursuant to NRS 209.42305, any other approved telecommunications device subject to the limitations set forth in NRS 209.419.~~

~~3. An offender may use an approved telecommunications device for the purpose of conducting a visit or correspondence which is authorized pursuant to NRS 209.423, subject to the limitations set forth in NRS 209.419.~~

~~4. The Department may enter into an agreement with an offender authorizing the offender to use a telecommunications device to facilitate or participate in correctional activities or to perform educational, vocational or legal research, subject to the limitations set forth in NRS 209.419.~~

~~5.]~~ The Director ~~[may,]~~ ***shall,*** with the approval of the Board, adopt regulations authorizing an offender ~~[who is assigned to transitional housing, a center for the purpose of making restitution pursuant to NRS 209.4827 to 209.4843, inclusive, or a specific program of education or vocational training authorizing the offender]~~ to ***possess, have in his or her custody or control and*** use ~~[a]~~ ***an authorized*** telecommunications device ~~[:~~

~~(a) To access a network, including, without limitation, the Internet,]~~ for the purpose of:

~~[(1)]~~ ***(a) Communicating with his or her child pursuant to NRS 209.42305;***

(b) Conducting a visit or correspondence which is authorized pursuant to NRS 209.423;

(c) Appearing in court;

(d) Receiving medical care;

(e) Applying for or enrolling in a benefit from a governmental program;

(f) Performing legal research;

(g) Obtaining ~~[educational]~~ ***:***

(1) Educational or vocational training that is approved by the Department;

(2) ***A diploma, degree, certificate or similar credential, including, without limitation, a high school diploma, a general educational development certificate or an equivalent document, an associate degree or a baccalaureate degree;***

(h) Taking a vocational assessment;

(i) Searching for or applying for employment; ~~[or~~

~~(3) *and]*~~

(j) Performing essential job functions~~.~~ ~~[.~~

~~(b) For any other purpose if a telecommunications device is required by an employer of the offender to perform essential job functions.]~~ ***; and***

(k) Communicating with an attorney who represents him or her in a criminal or civil action.

3. The Director may, with the approval of the Board, adopt regulations authorizing an offender to use an authorized telecommunications device for any purpose other than a purpose listed in subsection 2.

4. An offender may possess, have in his or her custody or control and use an authorized telecommunications device in accordance with any regulations adopted by the Director pursuant to subsection 2 or 3. Any communication made by an offender using an authorized telecommunications device pursuant to this section is subject to the limitations set forth in NRS 209.419.

5. The regulations adopted by the Director pursuant to subsections 2 and 3 must:

(a) Prescribe the criteria for eligibility for an offender to use an authorized telecommunications device;

(b) Prescribe requirements for determining whether a telecommunications device will be authorized for use by an offender;

(c) Set forth the circumstances under which an offender may use an authorized telecommunications device to access a network, including, without limitation, the Internet; and

(d) Prescribe standards for the use of an authorized telecommunications device by an offender.

6. As used in this section ~~[, "telecommunications]~~ ***:***

(a) "Authorized telecommunications device" means a device authorized for use by an offender in accordance with the regulations adopted pursuant to this section.

(b) "Benefits from a governmental program" means any benefit, program or assistance provided by a governmental entity pursuant to statute or

regulation, including, without limitation, Social Security, Medicare and Medicaid.

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

(e) "Telecommunications device" means a device, or an apparatus associated with a device, that can enable an offender to communicate with a person outside of the institution or facility at which the offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer ***or tablet*** that is connected to a computer network, is capable of connecting to a computer network through the use of wireless technology or is otherwise capable of communicating with a person or device outside of the institution or facility.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective ~~[:~~

~~(a) Upon]~~ **upon** passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act ~~[;]~~ **,** and ~~[:~~

~~(b) On]~~ **on** January 1, 2024, for all other purposes.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 548 to Assembly Bill No. 35.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 55.

The following Senate amendment was read:

Amendment No. 565.

AN ACT relating to unclaimed property; revising provisions of the Uniform Unclaimed Property Act; authorizing the Administrator of Unclaimed Property to adopt regulations relating to certain agreements between an owner of property and another person concerning property paid or delivered to the Administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacts the Uniform Unclaimed Property Act, which generally establishes the powers, duties and liabilities of the State and other persons concerning unclaimed property. (Chapter 120A of NRS) Existing law makes the State Treasurer the Administrator of Unclaimed Property and requires the State Treasurer, in his or her capacity as the Administrator, to carry out the provisions of the Act. (NRS 120A.025, 120A.140)

Existing law makes certain gift certificates subject to the provisions of the Act and provides that a gift certificate is presumed abandoned on the expiration date of the gift certificate. (NRS 120A.113, 120A.520) **Section 2** of this bill defines the term "gift certificate" for purposes of the Act. **Section 4** of this bill makes a conforming change indicating the proper placement of **section 2** in the Nevada Revised Statutes.

For consistency with the Act, **section 6** of this bill replaces the term "financial institution" with the term "financial organization."

Existing law governs when certain forms of property are presumed abandoned. (NRS 120A.500, 120A.520) **Section 7** of this bill makes various changes relating to the dates on which certain property that is unclaimed by the apparent owner is presumed abandoned. **Section 7** also provides that the signing of a return receipt constitutes an indication of an owner's interest in property for purposes of determining the date on which certain property is presumed abandoned. **Section 8** of this bill provides that a gift certificate that is no longer honored by the issuer is presumed abandoned on the date on which the gift certificate ceases to be honored by the issuer.

Among other duties, existing law requires a holder of property presumed to be abandoned to: (1) make a report to the Administrator concerning the property; and (2) send written notice to the apparent owner of the property under certain circumstances. (NRS 120A.560) **Section 9** of this bill revises provisions relating to the report filed with the Administrator. **Section 9** also requires the holder of property to send the required written notice by certified mail in certain circumstances. **Section 14** of this bill makes a conforming change updating references to **section 9**.

Existing law requires the Administrator to publish certain notice concerning unclaimed or abandoned property in a newspaper of general circulation. Among other requirements, existing law requires such notice to include the name of a person reported to the Administrator as an apparent owner. (NRS 120A.580) **Section 10** of this bill ~~[instead]~~ requires the Administrator to create and maintain a statewide database that is searchable electronically and includes the name of a person reported to the Administrator as an apparent owner of unclaimed property. **Section 10** also requires the Administrator to: (1) make the database publicly available on the website of the Administrator; (2) publish general information regarding the Act on the website of the Administrator; and (3) annually publish certain information concerning unclaimed property**.** ~~[by press release.]~~

Existing law requires the Administrator to sell certain abandoned property at a public sale after providing certain notice of the sale to the public. (NRS 120A.610) **Section 11** of this bill revises the manner in which the Administrator is required to provide such notice. **Section 15** of this bill makes a conforming change updating references to **section 11**.

Existing law authorizes a holder of property, with the written consent of the Administrator, to report and deliver property to the Administrator before the property is presumed abandoned. (NRS 120A.660) **Section 12** of this bill removes the requirement that the Administrator must provide written consent before the delivery of such property if the Administrator determines that receipt of the property is in the best interests of the State.

Existing law authorizes the Administrator to enter into an intrastate agreement with an agency from this State to protect certain confidential information shared for the purpose of facilitating the return of property

pursuant to the Act. (NRS 120A.715) **Section 13** of this bill instead: (1) authorizes the Administrator to request a state or local agency to provide him or her with certain confidential information for the purpose of facilitating the return of unclaimed or abandoned property; and (2) requires an agency to provide the information requested unless the provision of such information is prohibited by federal law.

Existing law prescribes requirements and restrictions relating to an agreement between an owner of property and another person, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property of the owner that is presumed abandoned. (NRS 120A.740) **Section 14.5** of this bill authorizes the Administrator to adopt such regulations as are necessary to protect the interests of an owner who enters into such an agreement. **Section 14.5** provides that such regulations may provide for the licensure or registration of a person with whom an owner enters into an agreement.

Section 16 of this bill eliminates a provision requiring that the Act must be applied and construed to effectuate its general purpose to make the law uniform among the states that enact the Act. (NRS 120A.750)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 120A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Gift certificate" has the meaning ascribed to it in NRS 598.0921.***

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 120A.020 is hereby amended to read as follows:

120A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 120A.025 to 120A.122, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 120A.125 is hereby amended to read as follows:

120A.125 The provisions of this chapter do not apply to tangible property held in a safe-deposit box or other safekeeping depository which is not maintained by:

1. A bank or other financial ~~[institution;]~~ ***organization;*** or
2. A safe-deposit company.

Sec. 7. NRS 120A.500 is hereby amended to read as follows:

120A.500 1. Except as otherwise provided in subsections 6 ***, 7*** and ~~[7,]~~ ***8,*** property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:

(a) A traveler's check, 15 years after issuance;

(b) A money order, 7 years after issuance;

(c) Any stock or other equity interest in a business association or financial organization, including a security entitlement under NRS 104.8101 to

104.8511, inclusive, 3 years after the ~~[earlier of the]~~ date of the ~~[most recent dividend, stock split or other distribution unclaimed]~~ ***last indication*** by the ~~[apparent]~~ owner ~~[, or the date of the second mailing of a statement]~~ of ~~[account or other notification or communication that was returned as undeliverable or after]~~ ***interest in*** the ~~[holder discontinued mailings, notifications or communications to the apparent owner;]~~ ***property;***

(d) Any debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 3 years after the date of the most recent interest payment unclaimed by the apparent owner;

(e) A demand ~~[,]~~ ***or*** savings ~~[or]~~ ***deposit, 3 years after the date of the last indication by the owner of interest in the property;***

(f) Time deposits, 3 years after:

(1) The date of maturity for time ~~[deposit, including a deposit that is automatically renewable, 3 years after the earlier of maturity or the date of the last indication by the owner of interest in the property, but a deposit that is automatically renewable is deemed matured for purposes of this section upon its initial]~~ ***deposits that are not automatically renewable; or***

(2) The date of maturity, ***after the ~~[second]~~ first renewal of the time deposit, for time deposits that are automatically renewable,*** unless the owner has consented to a ***subsequent*** renewal at or about the time of ~~[the]~~ ***any such subsequent*** renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;

~~[(f)]~~ ***(g)*** Except as otherwise provided in NRS 120A.520, any money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;

~~[(g)]~~ ***(h)*** Any amount owed by an ~~[insurer]~~ ***insurance company*** on a life or endowment insurance policy or an annuity ~~[that has matured or terminated,]~~ ***contract, including, without limitation, any amount in a retained asset account,*** 3 years after the ~~[obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which payment is owed on proof of death has not matured by proof of death of the insured or annuitant:~~

~~(1) With respect to an amount owed for a life or endowment insurance policy, 3 years after the earlier]~~ ***earliest*** of ~~[the date:~~

~~(I)]~~ ***:***

(1) The ~~[insurance company has knowledge of the]~~ ***date of the*** death of the insured ~~[;]~~ or ***annuitant;***

~~[(II)]~~ ***(2) The maturity date of the insurance policy or annuity contract; or***

(3) The ***date that the*** insured ~~[has attained, or]~~ would have attained ***,*** if living, the limiting age under the mortality table on which the reserve is based; ~~[and~~

~~(2) With respect to an amount owed on an annuity contract, 3 years after the date the insurance company has knowledge of the death of the annuitant;~~

~~(h)~~ ***(i) Any amount owed by an insurance company on a policy or contract not described in paragraph (h), 3 years after the obligation to pay arose under the terms of the policy or contract;***

(j) Any property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;

~~(i)~~ ***(k)*** Any property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;

~~(j)~~ ***(l)*** Except as otherwise provided in NRS 607.170 and 703.375, any property held by a court, government, governmental subdivision, agency or instrumentality, 1 year after the property becomes distributable;

~~(k)~~ ***(m)*** Any wages or other compensation for personal services, 1 year after the compensation becomes payable;

~~(l)~~ ***(n)*** A deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;

~~(m)~~ ***(o)*** Any property in an individual retirement account, defined benefit plan or other account or plan ~~, that is qualified for tax deferral under the income tax laws of the United States,~~ ***established for retirement purposes,*** 3 years after ***:***

(1) If the account or plan is tax-deferred or tax-exempt, the ~~later of:~~

~~(1) The~~ date ~~determined as follows:~~

~~(I) Except as otherwise provided in sub-subparagraph (II), the date a second consecutive communication sent by the holder by first-class United States mail to the apparent~~ ***that the*** owner ~~is returned to the holder undelivered by the United States Postal Service; or~~

~~(II) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service;~~ ***would have reached the age of required minimum distribution pursuant to the Internal Revenue Code;*** or

(2) ~~The earlier of the following dates:~~

~~(I) The~~ ***If the account or plan is not tax-deferred or tax-exempt, the*** date ~~the apparent owner becomes 70.5 years of age, if determinable by the holder; or~~

~~(II) If the Internal Revenue Code requires distribution to avoid a tax penalty, 2 years after the date the holder receives, in the ordinary course of business, confirmation of the death of the apparent owner;~~

~~(n)~~ ***that the property becomes distributable;***

(p) The trust liability of a trust fund established with respect to a prepaid contract for funeral services or burial services as required by chapter 689 of NRS, 3 years after the ~~earlier~~ ***earliest*** of:

(1) The date ***the holder has knowledge*** of ***the*** death of the beneficiary ~~,~~ ***named in or otherwise ascertainable from the prepaid contract;*** or

(2) ~~If the holder does not know whether the beneficiary is deceased, the~~ ***The*** date the beneficiary ***named in or otherwise ascertainable from the***

prepaid contract has attained, or would have attained if living, the age of 105 years; and

~~[(o)]~~ ***(q)*** All other property, 3 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

2. At the time that an interest is presumed abandoned under subsection 1, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

3. Property is unclaimed if, for the applicable period set forth in subsection 1 ***, 7*** or ~~[7,]~~ ***8,*** as applicable, the apparent owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by ~~[or on behalf of]~~ the holder ~~[,]~~ ***or an agent of the holder*** with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or ~~[its representative]~~ ***an agent of the holder*** who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

4. An indication of an owner's interest in property ***:*** ~~[includes:]~~

(a) ***Includes:***

(1) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;

~~[(b)]~~ ***(2)*** Activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account or a direction by the apparent owner to increase, decrease or change the amount or type of property held in the account;

~~[(c) The]~~

(3) Except as otherwise provided in paragraph (b), the making of a deposit to or withdrawal from a bank account; ~~[and~~

~~(d)]~~ ***(4)*** The payment of a premium with respect to a property interest in an insurance policy, but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions ~~[.]~~ ***;***

(5) The signing of a return receipt by the apparent owner for notice provided pursuant to NRS 120A.560; and

(6) The execution of a Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting, Form W-8BEN of the Internal Revenue Service, by the owner for purposes of a security where the last-known address of the owner is in a foreign country; and

(b) Does not include the making of an automatically renewable:

(1) Deposit, if the deposit is made by the holder or an agent of the holder; or

(2) Withdrawal, if the withdrawal is made by the holder or an agent of the holder.

➥ For the purposes of this subsection, an action by an agent or other representative of the apparent owner, other than the holder ***or an agent of the holder*** acting as the agent of the apparent owner, is presumed to be an action on behalf of the apparent owner.

5. Property is payable or distributable for purposes of this chapter notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

6. The following property clearly designated as such must not be presumed abandoned because of inactivity or failure to make a demand:

(a) An account or asset managed through a guardianship;

(b) An account blocked at the direction of a court;

(c) A trust account established to address a special need;

(d) A qualified income trust account;

(e) A trust account established for tuition purposes; and

(f) A trust account established on behalf of a client.

7. For property described in ~~[paragraphs (c) to (f), inclusive, and (o) of subsection 1, the 3-year period described in each of those paragraphs must be reduced to a 2-year period if the holder of the property reported more than $10 million in property presumed abandoned on the holder's most recent report of abandoned property made pursuant to NRS 120A.560.]~~ ***paragraph (p) of subsection 1, if the holder does not have knowledge of the death of the beneficiary named in or otherwise ascertainable from the prepaid contract for funeral services or burial services and the holder does not know the date of birth of the beneficiary, the property described in that paragraph is presumed abandoned:***

(a) Forty years after the date the prepaid contract for funeral services or burial services was executed; or

(b) Three years after the last indication by the owner of interest in the property,

➥ ***whichever is later.***

8. For property described in paragraphs (c) to (f), inclusive, (o) and (q) of subsection 1, the property is presumed abandoned 3 years after the date described in each of those paragraphs or the date on which the holder has knowledge of the death of the owner, whichever is earlier.

9. The provisions of paragraph (h) of subsection 1 apply to a life or endowment insurance policy or an annuity contract, regardless of whether the policy or contract is matured, unmatured, or terminated.

10. For purposes of this section, a person has knowledge of the death of a person when the person:

(a) Receives proof of death of the person;

(b) Reasonably determines the death of a person pursuant to NRS 688D.090; or

(c) Otherwise validates, in good faith, the death of the person.

11. As used in this section:

(a) "Proof of death" has the meaning ascribed to it in NRS 672.210.

(b) "Retained asset account" has the meaning ascribed to it in NRS 688D.060.

Sec. 8. NRS 120A.520 is hereby amended to read as follows:

120A.520 1. Sixty percent of the unredeemed or uncharged value remaining on a gift certificate which is issued or sold in this State ~~[~~and which has an expiration date~~]~~ is presumed abandoned and subject to the provisions of this chapter on the ~~[~~expiration~~]~~ ***:***

(a) Expiration date ~~[.]~~ ***; or***

(b) Date on which the certificate is no longer honored by the issuer or seller.

2. ~~[~~If a gift certificate is issued or sold in this State and the seller or issuer does not obtain and maintain in his or her records the name and address of the owner of the gift certificate, the address of the owner of the gift certificate shall be deemed to be the address of the Office of the State Treasurer in Carson City. —3.~~]~~ This section does not create a cause of action against a person who issues or sells a gift certificate.

~~[~~4. As used in this section, "gift certificate" has the meaning ascribed to it in NRS 598.0921.~~]~~

Sec. 9. NRS 120A.560 is hereby amended to read as follows:

120A.560 1. A holder of property presumed abandoned shall make a report to the Administrator concerning the property.

2. A holder may contract with a third party, including, without limitation, a transfer agent, to make the report required by subsection 1.

3. Whether or not a holder contracts with a third party pursuant to subsection 2, the holder is responsible:

(a) To the Administrator for the complete, accurate and timely reporting of property presumed abandoned;

(b) For paying or delivering to the Administrator the property described in the report; and

(c) For any penalties, interest and fees due pursuant to NRS 120A.730.

4. The report must contain:

(a) A description of the property;

(b) ~~[~~Except with respect to a traveler's check or money order,~~]~~ ***If known or readily ascertainable by the holder,*** the name ***,*** ~~[~~, if known, and~~]~~ last known address ~~[~~, if any,~~]~~ and the social security number or taxpayer identification number ~~[~~, if readily ascertainable,~~]~~ of the apparent owner of property;

(c) In the case of an amount held or owing under an annuity or a life or endowment insurance policy, the full name and last known address of the annuitant or insured and of the beneficiary;

(d) In the case of property held in a safe-deposit box or other safekeeping depository, an indication of the location of the property and where it may be inspected by the Administrator and any amounts owing to the holder;

(e) The date identified in subsection 1 ***or 8*** of NRS 120A.500 from which the length of time required in subsection 1 ***, 7*** or ~~[7.]~~ ***8*** of NRS 120A.500 must be measured to determine whether the property is presumed abandoned pursuant to NRS 120A.500 or, if the property is a gift certificate, the date identified in subsection 1 of NRS 120A.520, as applicable; and

(f) Other information that the Administrator by regulation prescribes as necessary for the administration of this chapter.

5. If ***the information described in paragraph (b) of subsection 4 is:***

(a) Partially recorded, the recorded portion must be contained in the report; or

(b) Not recorded in part or in full, the information contained in the report must be reported as unknown.

6. If a holder of property presumed abandoned is a successor to another person who previously held the property for the apparent owner or the holder has changed its name while holding the property, the holder shall file with the report its former names, if any, and the known names and addresses of all previous holders of the property.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7.]~~ ***8,*** the report must be filed before November 1 of each year and cover the 12 months next preceding July 1 of that year.

~~[7.]~~ ***8.*** A report with respect to an insurance company must be filed before May 1 of each year for the immediately preceding calendar year.

~~[8. The]~~

9. Except as otherwise provided in subsection 10, the holder of property presumed abandoned shall send written notice to the apparent owner, not more than 120 days or less than 60 days before filing the report, stating that the holder is in possession of property subject to this chapter if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be invalid and is sufficient to direct delivery of first-class United States mail to the apparent owner; and

(b) The value of the property is $50 or more.

~~[.]~~

10. If the property presumed abandoned is in the form of stocks, equity, retirement accounts or virtual currency and the property is valued at $1,000 or more, the holder of the property shall send the written notice required by subsection 9 in the form of certified mail.

11. If a holder is required to send written notice to the apparent owner pursuant to ~~[this]~~ subsection ***9*** and the apparent owner has consented to receive delivery from the holder by electronic mail, as defined in NRS 41.715, the holder shall send the notice by first-class United States mail ***or certified mail, as applicable,*** to the apparent owner's last known mailing address, as

described in paragraph (a) ~~[,]~~ ***of subsection 9*** and by electronic mail, unless the holder believes the apparent owner's electronic mail address is invalid.

~~[9.]~~ ***12.*** Before the date for filing the report, the holder of property presumed abandoned may request the Administrator to extend the time for filing the report. The Administrator may grant the extension for good cause. The holder, upon receipt of the extension, may make an interim payment on the amount the holder estimates will ultimately be due, which terminates the accrual of additional interest on the amount paid.

~~[10.]~~ ***13.*** The holder of property presumed abandoned shall file with the report an affidavit stating that the holder has complied with subsection ~~[8.]~~ ***9.***

~~[11.]~~ ***14.*** Except as otherwise provided in subsection ~~[12,]~~ ***15,*** the holder of property presumed abandoned shall, through a business portal established by the Administrator, electronically file the report and make the payment of the total amount due.

~~[12.]~~ ***15.*** The Administrator may waive the requirement to file the report and make the payment electronically for good cause shown by the holder. The holder must request the waiver on or before the deadline established by the Administrator.

Sec. 10. NRS 120A.580 is hereby amended to read as follows:

120A.580 1. The Administrator shall ~~[publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must:~~

~~(a) In a county whose population is 700,000 or more:~~

~~(1) Be published not less than six times per year, or more frequently as necessary to comply with the provisions of subparagraph (3), in a newspaper of general circulation in the county with a circulation of more than 15,000;~~

~~(2) Include instructions]~~ ***create and maintain a statewide database concerning unclaimed property. The database must be searchable electronically and include, without limitation, the name of each person reported to the Administrator pursuant to NRS 120A.560 as an apparent owner of property presumed abandoned.***

2. The Administrator shall make the database publicly available on the website of the Administrator.

3. The Administrator shall publish general information concerning the provisions of this chapter on the website of the Administrator. The information must be updated quarterly and include, without limitation:

(a) Instructions on how to search and access information relating to unclaimed property; ~~[and~~

~~(3) Be not less than one full page in size. The Administrator may comply with the requirement in this subparagraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than six full pages.~~

~~(b) In a county whose population is less than 700,000:~~

~~(1) Be published not less than once each year in a newspaper of general circulation in the county; and~~

~~(2) Include the last known city of any person named in the notice.~~

~~2. The notice required by subsection 1 must be in a form that, in the judgment of the Administrator, is likely to attract the attention of persons who may have a legal or equitable interest in unclaimed property or of the legal representatives of such persons. The form must contain:~~

~~(a)~~ ***(b)*** The name, physical address, telephone number and Internet address of the website of the Administrator;

~~[(b)]~~ ***(c)*** A statement explaining that unclaimed property is presumed to be abandoned and has been taken into the protective custody of the Administrator; ~~[and~~

~~(c)~~ ***(d)*** A statement that information about property taken into protective custody and its return to the owner is available to the owner or a person having a legal or beneficial interest in the property, upon request to the Administrator, directed to the Deputy of Unclaimed Property ~~[.~~

~~3. In addition to publishing the notice required by subsection 1,~~ ***;***

(e) Information concerning the requirements prescribed by NRS 120A.560 and 120A.640; and

(f) Any other information deemed necessary by the Administrator.

4. At least once a year, the Administrator shall publish ~~[a notice not later than February 1 and August 1 of each year summarizing the requirements of this chapter as they apply to the holders of unclaimed property. The notice must:~~

~~(a) Be published in a newspaper of general circulation in this State; and~~

~~(b) Be not less than one full page in size. The Administrator may comply with the requirement of this paragraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than two full pages.~~

~~4. In addition to complying with the requirements of subsections 1, 2 and 3,~~ ***the information made available on the website of the Administrator pursuant to subsection 3 by press release.***

5. In addition to complying with the requirements of subsections 1 to 4, inclusive, the Administrator shall, in each county whose population is less than 700,000, publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must:

(a) Be published not less than once each year in a newspaper of general circulation in the county; and

(b) Include the last known city of any person named in the notice.

6. The notice required by subsection 5 must:

(a) Be in a form that, in the judgment of the Administrator, is likely to attract the attention of persons who may have a legal or equitable interest in unclaimed property or of the legal representatives of such persons; and

(b) Include the information made available on the website of the Administrator pursuant to subsection 3.

7. Nothing in this section shall be construed to limit the ability of the Administrator ~~[may]~~ ***to*** advertise or otherwise provide information concerning unclaimed or abandoned property ~~[, including, without limitation, the information set forth in subsections 2 and 3,]~~ at any other time and in any other manner that the Administrator selects.

Sec. 11. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections ~~[4]~~ ***5*** to ~~[8,]~~ ***9,*** inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. ~~[Any sale held under this section must be preceded by a single publication of notice, not less than]~~ ***At least*** 21 days before ***a*** sale, ~~[in a newspaper of general circulation in the county in which the property is to be sold. The]~~ ***held under this section, the*** Administrator ~~[may]~~ ***shall provide notice to the public of the sale by posting notice of the sale:***

(a) At the principal office of the Administrator;

(b) At not less than three other prominent places within this State;

(c) On the website of the Administrator; and

(d) By press release.

3. The Administrator may provide additional notice of ~~[any such]~~ ***a*** sale ***held under this section*** at any time and in any manner that the Administrator selects.

~~[3.]~~ ***4.*** The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[5,]~~ ***6,*** the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

~~[5.]~~ ***6.*** The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

~~[6.]~~ ***7.*** Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

~~[7.]~~ ***8.*** The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

~~[8.]~~ ***9.*** All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the State Education Fund.

Sec. 12. NRS 120A.660 is hereby amended to read as follows:

120A.660 ~~[1.]~~ The Administrator may ~~[decline]~~ ***:***

1. Decline to receive property reported under this chapter which the Administrator considers to have a value less than the expenses of notice and sale ~~[.~~

~~2. A holder, with the written consent of the Administrator and upon conditions and terms prescribed by the Administrator, may report and deliver~~***;***

and

2. Receive property ***reported and delivered by a holder*** before the property is presumed abandoned ~~[.]~~ ***if the Administrator determines that receipt of such property is in the best interests of the State.***

Sec. 13. NRS 120A.715 is hereby amended to read as follows:

120A.715 ~~[In order to facilitate the return of property under this chapter, the]~~

1. The Administrator may ~~[enter into cooperative agreements with an]~~ ***request that a state agency or local*** agency ~~[from this State concerning the protection of shared]~~ ***provide to the Administrator certain*** confidential information ~~[, rules]~~ for ~~[data matching and other issues. Upon]~~ the ~~[execution]~~

purpose of ~~[such an agreement,]~~ ***facilitating*** the ~~[Administrator may provide to the agency with which the Administrator has entered the cooperative agreement information regarding the apparent owners]~~ ***return*** of unclaimed or abandoned property ~~[pursuant to]~~ ***under*** this chapter, including, without limitation, ~~[the name and social security number of the apparent owner. An agency that has entered into a cooperative agreement with the Administrator pursuant to this section shall notify the Administrator of]~~ the last known address of ~~[each]~~ ***an*** apparent owner ~~[for which information was provided to the agency pursuant to this section, except as]~~ ***of unclaimed or abandoned property.***

2. A state agency or local agency shall provide to the Administrator any information requested pursuant to subsection 1 as soon as reasonably practicable unless the provision of such information is prohibited by federal law.

3. Nothing in this section shall be construed to limit the ability of the Administrator to request or receive from a state agency or local agency information which is not deemed confidential.

4. As used in this section:

(a) "Local agency" has the meaning ascribed to it in NRS 223.466.

(b) "State agency" has the meaning ascribed to it in NRS 223.470.

Sec. 14. NRS 120A.730 is hereby amended to read as follows:

120A.730 1. A holder who fails to report, pay or deliver property within the time prescribed by this chapter shall pay to the Administrator interest at the rate of 18 percent per annum on the property or value thereof from the date the property should have been reported, paid or delivered.

2. Except as otherwise provided in subsection 3, a holder who fails to report, pay or deliver property within the time prescribed by this chapter or fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $200 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $5,000.

3. A holder who willfully fails to report, pay or deliver property within the time prescribed by this chapter or willfully fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

4. A holder who makes a fraudulent report shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day from the date a report under this chapter was due, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

5. The Administrator for good cause may waive, in whole or in part, interest under subsection 1 and penalties under subsections 2 and 3, and shall waive penalties if the holder acted in good faith and without negligence.

6. A holder who fails to make a payment as required by subsections ~~[11]~~ ***14*** and ~~[12]~~ ***15*** of NRS 120A.560 must be assessed by the Administrator a fee for each such payment in an amount equal to the greater of $50 or 2 percent of the amount of the payment.

Sec. 14.5. NRS 120A.740 is hereby amended to read as follows:

120A.740 1. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property that is presumed abandoned, is void and unenforceable if it was entered into during the period commencing on the date the property was presumed abandoned and extending to a time that is 24 months after the date the property is paid or delivered to the Administrator. This subsection does not apply to an owner's agreement with an attorney to file a claim as to identified property or contest the Administrator's denial of a claim.

2. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property, is enforceable only if the agreement:

(a) Is in writing;

(b) Clearly sets forth the nature of the property and the services to be rendered;

(c) Sets forth the date on which the property was paid or delivered to the Administrator;

(d) Sets forth a statement of the provisions of this section;

(e) Is signed by the apparent owner; and

(f) States the value of the property before and after the fee or other compensation has been deducted.

3. If an agreement covered by this section applies to mineral proceeds and the agreement contains a provision to pay compensation that includes a portion of the underlying minerals or any mineral proceeds not then presumed abandoned, the provision is void and unenforceable.

4. An agreement covered by this section must not provide for compensation that is more than:

(a) If the property that is the subject of the agreement was paid or delivered to the Administrator less than 5 years before the signing of the agreement, 10 percent of the total value of the property.

(b) If the property that is the subject of the agreement was paid or delivered to the Administrator 5 years or more before the signing of the agreement, 20 percent of the total value of the property.

5. An agreement that provides for compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the subject of the agreement is unenforceable except by the owner. An owner who has agreed to pay compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the

subject of the agreement, or the Administrator on behalf of the owner, may maintain an action to reduce the compensation to an amount that does not exceed the applicable percentage set forth in subsection 4 of the total value of the property. The court may award reasonable attorney's fees to an owner who prevails in the action.

6. This section does not preclude an owner from asserting that an agreement covered by this section is invalid on grounds other than noncompliance with the provisions of this section.

7. The Administrator may adopt such regulations as are necessary to protect the interests of an owner who enters into an agreement covered by this section. The regulations may, without limitation, provide for the licensure or registration of a person with whom an owner enters into an agreement.

Sec. 15. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The money identified in subsection ~~[8]~~ ***9*** of NRS 120A.610;

(e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;

(g) The money identified in subsection 1 of NRS 328.450;

(h) The money identified in subsection 1 of NRS 328.460;

(i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(k) The money required to be transferred to the State Education Fund pursuant to NRS 362.100;

(l) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(m) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(n) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(o) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(p) The money identified in subsection 5 of NRS 445B.640;

(q) The money identified in paragraph (b) of subsection 4 of NRS 678B.390;

(r) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(s) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(t) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;

(u) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(v) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

(w) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;

(x) The money required to be distributed to the State Education Fund pursuant to NRS 363D.290; and

(y) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

Sec. 16. NRS 120A.750 is hereby repealed.

Sec. 17. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

120A.750 Uniformity of application and construction. This chapter shall be applied and construed to effectuate its general purpose to make

uniform the law with respect to the subject matter of the Uniform Unclaimed Property Act among the states that enact it.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 565 to Assembly Bill No. 55.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 75.

The following Senate amendment was read:

Amendment No. 728.

AN ACT relating to securities; defining "Nevada certified investor"; authorizing the Administrator of the Securities Division of the Office of the Secretary of State, who is the Deputy of Securities, to adopt certain regulations **;** ~~**[**in consultation with the Office of Economic Development; revising the information that must be included in a registration statement for a security that may be registered by qualification; exempting a person who files a registration statement for a security that may be registered by qualification from paying any fees associated with that filing;**]**~~ providing for an exemption from certain requirements concerning the registration of securities for certain transactions involving an offer to sell or sale of a security by certain issuers who are residents of this State to a Nevada certified investor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law, with certain exceptions, prohibits a person from engaging in certain activities relating to offering to sell or selling a security unless the security is registered with the Securities and Exchange Commission. (15 U.S.C. § 77e) Existing federal law creates an exemption from this requirement for a security which is part of an issue offered or sold only to persons who are residents of the same state of which the issuer is also a resident and doing business within or, if the issuer is a corporation, incorporated by and doing business within. (15 U.S.C. § 77c(a)(11)) Existing federal regulations set forth: (1) requirements that an issuer must meet to be deemed to be a resident of and doing business within a state where the issuer offers and sells securities; and (2) various other requirements for transactions involving intrastate offers or sales of securities for the transaction to qualify for the exemption from the federal registration requirements. (17 C.F.R. §§ 230.147, 230.147A)

Existing state law prohibits a person from offering to sell or selling any security in this State unless the security meets certain registration requirements or the security transaction is exempt from the registration requirements. (NRS 90.460) **Section 5** of this bill creates an exemption from those state registration requirements for certain transactions involving an offer to sell or sale of a security to a Nevada certified investor. **Section 2** of this bill defines "Nevada certified investor" to mean, in general, a natural person who is, or a married couple who each are, a resident of this State and who meets certain

financial qualifications. Under **section 5**, a transaction involving an offer to sell or sale of a security to a Nevada certified investor is exempt from the registration requirements provided under existing state law if: (1) the transaction meets the requirements for the federal exemption for intrastate offers and sales of securities; (2) the transaction meets any other requirements established by regulations adopted by the Administrator of the Securities Division of the Office of the Secretary of State, who is the Deputy of Securities, pursuant to **section 3** of this bill; (3) the transaction involves certain types of Nevada certified investors, the ~~[total amount paid by]~~ **transaction would not result in** the Nevada certified investor ~~[for all of the securities involved in the transaction does not exceed]~~ **investing more than** 10 percent of the net worth of the investor ~~[, subject to certain requirements concerning the net worth of the investor;]~~ **in securities purchased in transactions exempt pursuant to section 3; and** (4) ~~[the transaction is part of an issue in which not more than 75 purchasers are Nevada certified investors; and (5)]~~ the person offering to sell or selling the security first undergoes a criminal background check ~~[.]~~ **, submits certain information to the Administrator and makes certain information available to Nevada certified investors.**

Section 3 authorizes the Administrator ~~[, in consultation with the Office of Economic Development within the Office of the Governor,]~~ to adopt regulations establishing additional requirements for transactions involving an offer to sell or sale of a security to a Nevada certified investor to qualify for an exemption from the registration requirements pursuant to **section 5**.

Section 4 of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Existing law authorizes the registration of a security by qualification and requires the registration statement for such a security to contain certain information relating to the issuer and certain other persons. (NRS 90.490) **Section 4.5** of this bill revises the information which is required to be included in the registration statement.

~~[Existing law sets forth certain fees associated with the filing of a registration statement or an amendment to a registration statement. (NRS 90.500) Section 4.7 of this bill exempts a person who files a registration statement to register a security by qualification or an amendment to such a registration statement from paying any fees associated with such filings. Sections 4.1-4.9 and 5.5 make conforming changes to revise certain internal references.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. "Nevada certified investor" means a natural person who is, or a married couple who each are, a resident of this State and who, at the time an offer to sell or sale of a security is made to the person or couple:***

(a) Holds an ownership interest of more than 50 percent in a business that has reported a gross revenue of more than $200,000 or 2 1/2 times the median household income, whichever is greater, on each federal income tax return filed for the 2 immediately preceding calendar years; or

(b) Has reported an income on the federal income tax return of the person or couple filed for the immediately preceding calendar year that exceeds ~~[$100,000]~~ the greater of:

(1) One hundred thousand dollars, if the person filed an individual federal income tax return, or $150,000, if the couple jointly filed a federal income tax return; or ~~[the]~~

(2) The median household income . ~~[, whichever is greater.]~~

2. As used in this section, "median household income" means the median household income in this State, as identified in the most recent data from the American Community Survey published by the Bureau of the Census of the United States Department of Commerce or as determined by the Administrator based on another source of data specified by the Administrator by regulation.

Sec. 3. ***The Administrator may ~~[, in consultation with the Office of Economic Development,]~~ adopt regulations that set forth additional requirements for transactions involving an offer to sell or sale of a security to a Nevada certified investor that must be met for the transaction to qualify for an exemption pursuant to subsection 22 of NRS 90.530. Such regulations may include, without limitation, provisions establishing minimum qualifications for an issuer who engages in such a transaction ~~[.]~~ and additional requirements concerning the process by which such an issuer shall submit to the Administrator and make available to a Nevada certified investor the information required by subsection 22 of NRS 90.530.***

Sec. 4. NRS 90.211 is hereby amended to read as follows:

90.211 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 90.215 to 90.309, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4.1. ~~[NRS 90.470 is hereby amended to read as follows:~~

~~90.470 1. Securities for which a registration statement has been filed under the Securities Act of 1933 in connection with the offering of the securities may be registered by filing, whether or not they are also eligible for registration under NRS 90.480 or 90.490, if:~~

~~(a) The issuer is organized under the laws of the United States or a state or, if the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process;~~

~~(b) The issuer has actively engaged in business operations in the United States for a period of at least 36 consecutive calendar months immediately before the filing of the federal registration statement;~~

~~(c) The issuer has registered a class of equity securities under section 12(b) or 12(g) of the Securities Exchange Act of 1934, and the class of securities is held of record by 500 or more persons;~~

~~(d) The issuer has:~~

~~(1) Either a total net worth of $4,000,000 or a total net worth of $2,000,000 and net pretax income from operations before allowances for extraordinary items, for at least 2 of the 3 preceding fiscal years;~~

~~(2) Not less than 400,000 units of the class of security registered under section 12 of the Securities Exchange Act of 1934 held by the public, excluding securities held by officers and directors of the issuer, underwriters and persons beneficially owning 10 percent or more of that class of security; and~~

~~(3) No outstanding warrants and options held by the underwriters and executive officers and directors of the issuer in an amount exceeding 10 percent of the total number of shares to be outstanding after completion of the offering of the securities being registered;~~

~~(e) The issuer has been subject to the requirements of section 12 of the Securities Exchange Act of 1934 and has filed all the material required to be filed under sections 13 and 14 of that act for at least 36 consecutive calendar months immediately before the filing of the statement and the issuer has filed in a timely manner all reports required to be filed during the 12 calendar months next preceding the filing of the federal registration statement;~~

~~(f) For at least 30 days during the 3 months next preceding the offering of the securities registered there have been at least four market makers for the class of equity securities registered under section 12 of the Securities Exchange Act of 1934;~~

~~(g) Each of the underwriters participating in the offering of the security and each broker dealer who will offer the security in this State is a member of or is subject to the regulations of fair practice of a national association of securities dealers with respect to the offering and the underwriters have contracted to purchase the securities offered in a principal capacity;~~

~~(h) The aggregate commissions or discounts to be received by the underwriters will not exceed 10 percent of the aggregate price at which the securities being registered are offered to the public;~~

~~(i) Neither the issuer nor any of its subsidiaries, since the end of the fiscal year next preceding the filing of the registration statement, have:~~

~~(1) Failed to pay a dividend or sinking fund installment on preferred stock;~~

~~(2) Defaulted on indebtedness for borrowed money; or~~

~~(3) Defaulted on the rental on one or more long term leases, and the defaults in the aggregate are material to the financial position of the issuer and its subsidiaries, taken as a whole; and~~

~~(j) In the case of an equity security, the price at which the security will be offered to the public is not less than $5 per share.~~

~~2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection~~ **[**4**]** ***5*** ~~of NRS 90.500 and the consent to service of process required by NRS 90.770:~~

~~(a) A statement demonstrating eligibility for registration by filing;~~

~~(b) The name, address and form of organization of the issuer;~~

~~(c) With respect to a person on whose behalf a part of the offering is to be made in a nonissuer distribution:~~

~~(1) Name and address;~~

~~(2) The amount of securities of the issuer held by the person as of the date of the filing of the registration statement; and~~

~~(3) A statement of the reasons for making the offering;~~

~~(d) A description of the security being registered; and~~

~~(e) A copy of the latest prospectus filed with the registration statement under and satisfying the requirements of section 10 of the Securities Act of 1933.~~

~~3. If the information and records required to be filed by subsection 2 have been on file with the Administrator for at least 5 business days, or any shorter period the Administrator allows by regulation or order, and the applicable registration fee has been paid before the effectiveness of the federal registration statement, a registration statement under this section automatically becomes effective concurrently with the effectiveness of the federal registration statement. If the federal statement becomes effective before the conditions in this section are satisfied and they are not waived, the registration statement becomes effective when the conditions are satisfied. The registrant shall promptly notify the Administrator by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall file promptly a posteffective amendment containing the information and records in the price amendment. The Administrator shall promptly acknowledge receipt of notification and effectiveness of the registration statement as of the date and time the registration statement became effective with the Securities and Exchange Commission.~~**]** **(Deleted by amendment.)**

Sec. 4.3. **[**~~NRS 90.480 is hereby amended to read as follows:~~

~~90.480 1. Securities for which a registration statement has been filed under the Securities Act of 1933 in connection with the offering of the securities may be registered by coordination.~~

~~2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection~~ **[**~~4~~**]** ***5*** ~~of NRS 90.500 and the consent to service of process required by NRS 90.770:~~

~~(a) One copy of the latest form of prospectus filed under the Securities Act of 1933;~~

~~(b) If the Administrator by regulation or order requires:~~

(1) A copy of the articles of incorporation and bylaws, or their substantial equivalents, currently in effect;

(2) A copy of any agreement with or among underwriters;

(3) A copy of any indenture or other instrument governing the issuance of the security to be registered; and

(4) A copy, specimen or description of the security;

(c) If the Administrator requests and subject to the provisions of NRS 90.730, any other information or copies of any other records filed under the Securities Act of 1933; and

(d) An undertaking to forward promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, all future amendments to the federal prospectus, other than an amendment that delays the effective date of the registration statement, whichever occurs first.

3. A registration statement under this section becomes effective when the federal registration statement becomes effective and all the following conditions are satisfied:

(a) No order is in effect, and no proceeding is pending, under NRS 90.510;

(b) The registration statement has been on file with the Administrator for at least 10 days, but if the registration statement is not filed with the Administrator within 5 days after the initial filing under the Securities Act of 1933, the registration statement must have been on file with the Administrator for 30 days or any shorter period as the Administrator by regulation or order specifies; and

(c) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for 2 full business days or any shorter period the Administrator permits and the offering is made within those limitations.

4. The registrant shall promptly notify the Administrator of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a posteffective amendment containing the information and records in the price amendment.

5. Upon failure to receive the required notification and posteffective amendment with respect to the price amendment, the Administrator may enter an order, retroactively denying effectiveness to the registration statement or suspending its effectiveness until the registrant complies with subsection 4. The Administrator shall promptly notify the registrant of the issuance of the order. If the registrant proves compliance with the requirements of subsection 4 as to notice and posteffective amendment, the order is void as of its entry.

6. The Administrator by regulation or order may waive either or both of the conditions specified in paragraphs (b) and (c) of subsection 3.

7. If the federal registration statement becomes effective before all the conditions in subsection 3 are satisfied and they are not waived, the registration statement automatically becomes effective when all the conditions are satisfied. If the registrant advises the Administrator of the date when the

~~federal registration statement is expected to become effective, the Administrator shall promptly advise the registrant, at the registrant's expense, whether all conditions are satisfied and whether the Administrator then contemplates the institution of a proceeding under NRS 90.510, but the advice by the Administrator does not preclude the institution of a proceeding for an order suspending the effectiveness of the registration statement. An order issued under this subsection is not retroactive.~~

~~8. The Administrator by regulation or order may waive or modify the application of a requirement of this section if a provision or an amendment, repeal or other alteration of the provisions of the Securities Act of 1933 for the registration of securities or of the regulations adopted under that act renders the waiver or modification appropriate for further coordination of state and federal registration.~~**]** **(Deleted by amendment.)**

Sec. 4.5. NRS 90.490 is hereby amended to read as follows:

90.490 1. A security may be registered by qualification.

2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection 4 ***[5]*** of NRS 90.500 and the consent to service of process required by NRS 90.770:

(a) With respect to the issuer and any significant subsidiary:

(1) Its name, address and form of organization;

(2) The state or foreign jurisdiction and date of its organization;

(3) The general character and location of its business;

(4) A description of its physical property and equipment; and

(5) A statement of the general competitive conditions in the industry or business in which it is or will be engaged;

(b) With respect to every director and officer of the issuer or person occupying a similar status or performing similar functions:

(1) Name , ***[and]*** address ***[;]*** and principal occupation for the last 5 years;

(2) The amount of securities of the issuer held by the person as of a specified date within 30 days before the filing of the registration statement;

(3) The amount of the securities covered by the registration statement to which the person has indicated an intention to subscribe; and

(4) A description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past 3 years or proposed to be effected ; ***[, including, without limitation, compensation provided to the person or that is proposed to be provided to the person by the issuer or the significant subsidiary;]***

(c) With respect to persons covered by paragraph (b), the compensation paid or given, directly or indirectly, during the last 12 months and estimated to be paid during the next 12 months by the issuer together with all predecessors, parents, subsidiaries and affiliates, to all those persons in the aggregate;

(d) With respect to any person owning of record, or beneficially if known, 10 percent or more of the outstanding shares of a class of equity security of the issuer, the information specified in paragraph (b) ***;*** **[**~~other than occupation;~~**]**

(e) ~~[~~

~~(d)]~~ With respect to a promoter, ***if such a promoter exists, and*** if the issuer was organized within the last 3 years:

(1) The information specified in paragraph (b);

(2) The amount paid to the person within that period or intended to be paid; and

(3) The consideration for the payment;

(f) With respect to a person on whose behalf a part of the offering is to be made in a nonissuer distribution:

(1) Name and address;

(2) The amount of securities of the issuer held by the person as of the date of the filing of the registration statement;

(3) A description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past 3 years or proposed to be effected; and

(4) A statement of the reasons for making the offering;

(g) ~~[(e)]~~ The capitalization and long-term debt, on both a current and a pro forma basis, of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and ***, if applicable,*** a statement of the amount and kind of consideration, whether in the form of cash, physical assets, services, patents, goodwill or anything else, for which the issuer or a subsidiary has issued its securities within the last 2 years or is obligated to issue its securities;

(h) ~~[(f)]~~ The kind and amount of securities to be offered, the proposed offering price or the method by which it is to be computed, any variation therefrom at which a proportion of the offering is to be made to a person or class of persons other than the underwriters, with a specification of the person or class, the basis upon which the offering is to be made if otherwise than for cash, the estimated aggregate underwriting and selling discounts or commissions and finder's fees, including separately cash, securities, contracts or anything else of value to accrue to the underwriters or finders in connection with the offering or, if the selling discounts or commissions are variable, the basis of determining them and their maximum and minimum amounts, the estimated amounts of other selling expenses, including legal, engineering and accounting charges, the name and address of every underwriter and every recipient of a finder's fee, a copy of any underwriting or selling-group agreement pursuant to which the distribution is to be made, or the proposed form of the agreement whose terms have not yet been determined, and a description of the plan of distribution of securities that are to be offered otherwise than through an underwriter;

(i) ~~[(g)]~~ The estimated cash proceeds to be received by the issuer from the offering, the purposes for which the proceeds are to be used by the issuer, the amount to be used for each purpose, the order of priority in which the proceeds will be used for the purposes stated, the amounts of funds to be raised from other sources to achieve the purposes stated, the sources of the funds, and, if

part of the proceeds is to be used to acquire property, including goodwill, otherwise than in the ordinary course of business, the names and addresses of the vendors, the purchase price, the names of the persons who have received commissions in connection with the acquisition and the amounts of commissions and any other expense in connection with the acquisition, including the cost of borrowing money to finance the acquisition;

(j) ***[(h)]*** A description of the stock options or other security options outstanding or to be created in connection with the offering and the amount of the options held or to be held by every person required to be named in paragraph (b), ***[(c),]*** (d) , (e), ***[or]*** (f) or (h) and by a person who holds or will hold 10 percent or more in the aggregate of the options;

(k) ***[(i)]*** The dates of, parties to and general effect, concisely stated, of every management or other material contract made or to be made otherwise than in the ordinary course of business if it is to be performed in whole or in part at or after the filing of the registration statement or was made within the last 2 years, and a copy of the contract;

(l) ***[(j)]*** A description of any pending litigation or proceedings to which the issuer is a party and that materially affect its business or assets, including any litigation or proceeding known to be contemplated by a governmental authority;

(m) ***[(k)]*** A copy of any prospectus, pamphlet, circular, form letter, advertisement or other sales literature intended as of the effective date to be used in connection with the offering ~~[~~;

~~(n)]~~ ***, if such materials exist;***

[(l)] ***(n)*** A copy, specimen or description of the security being registered, a copy of the issuer's articles of incorporation and bylaws or their substantial equivalents, as currently in effect, and a copy of any indenture or other instrument covering the security to be registered;

(o) A signed or conformed copy of an opinion of counsel as to the legality of the security being registered, with an English translation if it is in a foreign language, which states whether the security when sold will be legally issued, fully paid and nonassessable and, if a debt security, a binding obligation of the issuer;

(p) The written consent of an accountant, engineer, appraiser or other person whose profession gives authority to a statement made by the person, if the person is named as having prepared or certified a report or valuation, other than a public and official record or statement, which is used in connection with the registration statement;

(q) A statement of financial condition of the issuer as of a date within 4 months before the filing of the registration statement, a statement of results of operations and analysis of surplus for each of the 3 fiscal years preceding the date of the statement of financial condition and for any period between the close of the last fiscal year and the date of the statement of financial condition, or for the period of the issuer's and any predecessors' existence if less than 3 years, and, if part of the proceeds of the offering is to be applied to the purchase

of a business, the same financial statements which would be required if that business were the registrant; and

(r) ~~***[and***~~

~~***(m)]***~~ Any additional information the Administrator by regulation or order specifies.

3. A statement under this section becomes effective 30 calendar days, or any shorter period as the Administrator by regulation or order specifies, after the date the registration statement or the last amendment other than a price amendment is filed, if:

(a) No order is in effect and no proceeding is pending under NRS 90.510;

(b) The Administrator has not, under subsection 4, ordered that effectiveness be delayed; and

(c) The registrant has not requested that effectiveness be delayed.

4. The Administrator may delay effectiveness for a single period of not more than 90 days if the Administrator determines the registration statement is not complete in all material respects and promptly notifies the registrant of that determination. The Administrator may delay effectiveness for a single period of not more than 30 days if the Administrator determines that the delay is necessary, whether or not the Administrator previously delayed effectiveness under this subsection.

Sec. 4.7. ~~**[**NRS 90.500 is hereby amended to read as follows:~~

~~90.500 1. A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a broker-dealer licensed under this chapter.~~

~~2. Except as otherwise provided in subsection 3~~ ~~**[,] *or 4,***~~ ~~a person filing a registration statement shall pay a filing fee of 0.2 percent of the maximum aggregate offering price at which the registered securities are to be offered in this State, but not less than $700 or more than $5,000. If a registration statement is withdrawn before the effective date or a pre-effective order is entered under NRS 90.510, the Administrator shall retain the fee.~~

~~3. An open-end management company, a face-amount certificate company or a unit investment trust, as defined in the Investment Company Act of 1940, may register an indefinite amount of securities under a registration statement. The registrant shall pay:~~

~~(a) A fee of $1,000 at the time of filing; and~~

~~(b) Within 60 days after the registrant's fiscal year during which its statement is effective, a fee of $4,000, or file a report on a form the Administrator adopts, specifying its sale of securities to persons in this State during the fiscal year and pay a fee of 0.2 percent of the aggregate sales price of the securities sold to persons in this State, but the latter fee must not be less than $700 or more than $5,000.~~

~~***4. A person filing a registration statement pursuant to NRS 90.490 is exempt from paying any fee to file the registration statement.***~~

~~***5.*** Except as otherwise permitted by subsection 3, a statement must specify:~~

~~(a) The amount of securities to be offered in this State and the states in which a statement or similar record in connection with the offering has been or is to be filed; and~~

~~(b) Any adverse order, judgment or decree entered by a securities agency or administrator in any state or by a court or the Securities and Exchange Commission in connection with the offering.~~

~~[5.]~~ ***6.*** ~~A record filed under this chapter as now or previously in effect, within 5 years before the filing of a registration statement, may be incorporated by reference in the registration statement if the record is currently accurate.~~

~~[6.]~~ ***7.*** ~~The Administrator by regulation or order may permit the omission of an item of information or record from a statement.~~

~~[7.]~~ ***8.*** ~~In the case of a nonissuer offering, the Administrator may not require information under subsection [13]~~ ***14*** ~~or NRS 90.510 unless it is known to the person filing the registration statement or to the person on whose behalf the offering is to be made, or can be furnished by one of them without unreasonable effort or expense.~~

~~[8.]~~ ***9.*** ~~In the case of a registration under NRS 90.480 or 90.490 by an issuer who has no public market for its shares and no significant earnings from continuing operations during the last 5 years or any shorter period of its existence, the Administrator by regulation or order may require as a condition of registration that the following securities be deposited in escrow for not more than 3 years:~~

~~(a) A security issued to a promoter within the 3 years immediately before the offering or to be issued to a promoter for a consideration substantially less than the offering price; and~~

~~(b) A security issued to a promoter for a consideration other than cash, unless the registrant demonstrates that the value of the noncash consideration received in exchange for the security is substantially equal to the offering price for the security.~~

~~➥ The Administrator by regulation may determine the conditions of an escrow required under this subsection, but the Administrator may not reject a depository solely because of location in another state.~~

~~[9.]~~ ***10.*** ~~The Administrator by regulation may require as a condition of registration under NRS 90.480 or 90.490 that the proceeds from the sale of the registered security in this State must be impounded until the issuer receives a specified amount from the sale of the security. The Administrator by regulation or order may determine the conditions of an impounding arrangement required under this subsection, but the Administrator may not reject a depository solely because of its location in another state.~~

~~[10.]~~ ***11.*** ~~If a security is registered pursuant to NRS 90.470 or 90.480, the prospectus filed under the Securities Act of 1933 must be delivered to each purchaser in accordance with the requirements of that act for the delivery of a prospectus.~~

~~**[**11.**]** ***12.*** If a security is registered pursuant to NRS 90.490, an offering record containing information the Administrator by regulation or order designates must be delivered to each purchaser with or before the earliest of:~~

~~(a) The first written offer made to the purchaser by or for the account of the issuer or another person on whose behalf the offering is being made or by an underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by it as a participant in the distribution;~~

~~(b) Confirmation of a sale made by or for the account of a person named in paragraph (a);~~

~~(c) Payment pursuant to a sale; or~~

~~(d) Delivery pursuant to a sale.~~

~~**[**12.**]** ***13.*** Except for a registration statement under which an indefinite amount of securities are registered as provided in subsection 3, a statement remains effective for 1 year after its effective date unless the Administrator by regulation extends the period of effectiveness. A registration statement under which an indefinite amount of securities are registered remains effective until 60 days after the beginning of the registrant's next fiscal year following the date the statement was filed. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of a nonissuer transaction while the registration statement is effective, unless the Administrator by regulation or order provides otherwise. A registration statement may not be withdrawn after its effective date if any of the securities registered have been sold in this State, unless the Administrator by regulation or order provides otherwise. No registration statement is effective while an order is in effect under subsection 1 of NRS 90.510.~~

~~**[**13.**]** ***14.*** During the period that an offering is being made pursuant to an effective registration statement, the Administrator by regulation or order may require the person who filed the registration statement to file reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering.~~

~~**[**14.**]** ***15.*** A registration statement filed under NRS 90.470 or 90.480 may be amended after its effective date to increase the securities specified to be offered and sold. The amendment becomes effective upon filing of the amendment and payment of an additional filing fee of 3 times the fee otherwise payable, calculated in the manner specified in subsection 2, with respect to the additional securities to be offered and sold. The effectiveness of the amendment relates back to the date or dates of sale of the additional securities being registered.~~

~~**[**15.**]** ***16.*** A registration statement filed under NRS 90.490 may be amended after its effective date to increase the securities specified to be offered and sold, if the public offering price and underwriters' discounts and commissions are not changed from the respective amounts which the Administrator was informed. The amendment becomes effective when the Administrator so orders and relates back to the date of sale of the additional securities being registered. **[**A person filing an amendment shall pay an~~

~~additional filing fee of 3 times the fee otherwise payable, calculated in the manner specified in subsection 2, with respect to the additional securities to be offered and sold.~~**]]** **(Deleted by amendment.)**

Sec. 4.9. ~~**[**NRS 90.510 is hereby amended to read as follows:~~

~~90.510 1. The Administrator may issue an order denying effectiveness to, or suspending or revoking the effectiveness of, a registration statement if the Administrator finds that the order is in the public interest and that:~~

~~(a) The registration statement as of its effective date or as of the proposed effective date in the case of an order denying effectiveness, an amendment under subsection **[**14**]** ***15*** or **[**15**]** ***16*** of NRS 90.500, as of its effective date, or a report under subsection **[**13**]** ***14*** of NRS 90.500, is incomplete in any material respect or contains a statement that, in the light of the circumstances under which it was made, was false or misleading with respect to a material fact;~~

~~(b) This chapter, or a regulation, order or condition lawfully imposed under this chapter, has been willfully violated in connection with the offering by:~~

~~(1) The person filing the registration statement;~~

~~(2) The issuer, a partner, officer or director of the issuer, a person occupying similar status or performing similar functions, or a person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer; or~~

~~(3) An underwriter;~~

~~(c) The security registered or sought to be registered is the subject of a permanent or temporary injunction of a court of competent jurisdiction or an administrative order similar to an order under this section entered under any other federal or state law applicable to the offering, except that the Administrator may not:~~

~~(1) Institute a proceeding against an effective registration statement under this paragraph more than 1 year after the date of the order or injunction relied on; or~~

~~(2) Enter an order under this paragraph on the basis of an order or injunction entered under the securities act of another state unless the order or injunction was based on facts that currently would constitute a ground for an order under this section;~~

~~(d) The issuer's enterprise or method of business includes or would include activities that are illegal where performed;~~

~~(e) The offering has worked or tended to work a fraud upon purchasers or would so operate;~~

~~(f) The offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions or other compensation, or promoters' profits or participation, or unreasonable amounts or kinds of options;~~

~~(g) A security sought to be registered pursuant to NRS 90.470 is not eligible for such registration;~~

~~(h) With respect to a security sought to be registered pursuant to NRS 90.480, there has been a failure to comply with the undertaking required by paragraph (d) of subsection 2 of that section; or~~

~~(i) The applicant or registrant has failed to pay the proper filing fee, but the Administrator may enter only an order denying effectiveness under this paragraph and shall vacate the order if the deficiency is corrected.~~

~~2. The Administrator may not institute a proceeding:~~

~~(a) Against an effective registration statement on the basis of a fact or transaction known to the Administrator when the registration statement became effective unless the proceeding is instituted within 30 days after the registration statement became effective; or~~

~~(b) With respect to a registration filed under NRS 90.470 on the basis of paragraph (e) or (f) of subsection 1.~~

~~3. The Administrator may vacate or modify an order entered under this section if the Administrator finds that the conditions which prompted entry have changed or that it is otherwise in the public interest.~~**] (Deleted by amendment.)**

Sec. 5. NRS 90.530 is hereby amended to read as follows:

90.530 The following transactions are exempt from NRS 90.460 and 90.560:

1. An isolated nonissuer transaction, whether or not effected through a broker-dealer.

2. A nonissuer transaction in an outstanding security if the issuer of the security has a class of securities subject to registration under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and has been subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78m and 78o(d), for not less than 90 days next preceding the transaction, or has filed and maintained with the Administrator for not less than 90 days preceding the transaction information, in such form as the Administrator, by regulation, specifies, substantially comparable to the information the issuer would be required to file under section 12(b) or 12(g) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78l(b) and 78l(g), were the issuer to have a class of its securities registered under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and paid a fee of $300 with the filing.

3. A nonissuer transaction by a sales representative licensed in this State, in an outstanding security if:

(a) The security is sold at a price reasonably related to the current market price of the security at the time of the transaction;

(b) The security does not constitute all or part of an unsold allotment to, or subscription or participation by, a broker-dealer as an underwriter of the security;

(c) At the time of the transaction, a recognized securities manual designated by the Administrator by regulation or order contains the names of the issuer's officers and directors, a statement of the financial condition of the issuer as of

a date within the preceding 18 months, and a statement of income or operations for each of the last 2 years next preceding the date of the statement of financial condition, or for the period as of the date of the statement of financial condition if the period of existence is less than 2 years;

(d) The issuer of the security has not undergone a major reorganization, merger or acquisition within the preceding 30 days which is not reflected in the information contained in the manual; and

(e) At the time of the transaction, the issuer of the security has a class of equity security listed on the New York Stock Exchange, American Stock Exchange or other exchange designated by the Administrator, or on the National Market System of the National Association of Securities Dealers Automated Quotation System. The requirements of this paragraph do not apply if:

(1) The security has been outstanding for at least 180 days;

(2) The issuer of the security is actually engaged in business and is not developing the issuer's business, in bankruptcy or in receivership; and

(3) The issuer of the security has been in continuous operation for at least 5 years.

4. A nonissuer transaction in a security that has a fixed maturity or a fixed interest or dividend provision if there has been no default during the current fiscal year or within the 3 preceding years, or during the existence of the issuer, and any predecessors if less than 3 years, in the payment of principal, interest or dividends on the security.

5. A nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to purchase.

6. A transaction between the issuer or other person on whose behalf the offering of a security is made and an underwriter, or a transaction among underwriters.

7. A transaction in a bond or other evidence of indebtedness secured by a real estate mortgage, deed of trust, personal property security agreement, or by an agreement for the sale of real estate or personal property, if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

8. A transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

9. A transaction executed by a bona fide secured party without the purpose of evading this chapter.

10. An offer to sell or the sale of a security to a financial or institutional investor or to a broker-dealer.

11. Except as otherwise provided in this subsection, a sale or an offer to sell securities of an issuer if:

(a) The transaction is part of an issue in which there are not more than 35 purchasers in this State, other than those designated in subsection 10, during any 12 consecutive months;

(b) No general solicitation or general advertising is used in connection with the offer to sell or sale of the securities;

(c) No commission or other similar compensation is paid or given, directly or indirectly, to a person, other than a broker-dealer licensed or not required to be licensed under this chapter, for soliciting a prospective purchaser in this State; and

(d) One of the following conditions is satisfied:

(1) The seller reasonably believes that all the purchasers in this State, other than those designated in subsection 10, are purchasing for investment; or

(2) Immediately before and immediately after the transaction, the issuer reasonably believes that the securities of the issuer are held by 50 or fewer beneficial owners, other than those designated in subsection 10, and the transaction is part of an aggregate offering that does not exceed $500,000 during any 12 consecutive months.

➥ The Administrator by rule or order as to a security or transaction or a type of security or transaction may withdraw or further condition the exemption set forth in this subsection or waive one or more of the conditions of the exemption.

12. An offer to sell or sale of a preorganization certificate or subscription if:

(a) No commission or other similar compensation is paid or given, directly or indirectly, for soliciting a prospective subscriber;

(b) No public advertising or general solicitation is used in connection with the offer to sell or sale;

(c) The number of offers does not exceed 50;

(d) The number of subscribers does not exceed 10; and

(e) No payment is made by a subscriber.

13. An offer to sell or sale of a preorganization certificate or subscription issued in connection with the organization of a depository institution if that organization is under the supervision of an official or agency of a state or of the United States which has and exercises the authority to regulate and supervise the organization of the depository institution. For the purpose of this subsection, "under the supervision of an official or agency" means that the official or agency by law has authority to require disclosures to prospective investors similar to those required under NRS 90.490, impound proceeds from the sale of a preorganization certificate or subscription until organization of the depository institution is completed, and require refund to investors if the depository institution does not obtain a grant of authority from the appropriate official or agency.

14. A transaction pursuant to an offer to sell to existing security holders of the issuer, including persons who at the time of the transaction are holders of transferable warrants exercisable within not more than 90 days after their issuance, convertible securities or nontransferable warrants, if:

(a) No commission or other similar compensation, other than a standby commission, is paid or given, directly or indirectly, for soliciting a security holder in this State; or

(b) The issuer first files a notice specifying the terms of the offer to sell, together with a nonrefundable fee of $300, and the Administrator does not by order disallow the exemption within the next 5 full business days.

15. A transaction involving an offer to sell, but not a sale, of a security not exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration or offering statement or similar record as required under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., has been filed, but is not effective;

(b) A registration statement, if required, has been filed under this chapter, but is not effective; and

(c) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator or the Securities and Exchange Commission, and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

16. A transaction involving an offer to sell, but not a sale, of a security exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration statement has been filed under this chapter, but is not effective; and

(b) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

17. A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets or other reorganization to which the issuer, or its parent or subsidiary, and the other person, or its parent or subsidiary, are parties, if:

(a) The securities to be distributed are registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., before the consummation of the transaction; or

(b) The securities to be distributed are not required to be registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., written notice of the transaction and a copy of the materials, if any, by which approval of the transaction will be solicited, together with a nonrefundable fee of $300, are given to the Administrator at least 10 days before the consummation of the transaction and the Administrator does not, by order, disallow the exemption within the next 10 days.

18. A transaction involving the offer to sell or sale of one or more promissory notes each of which is directly secured by a first lien on a single

parcel of real estate, or a transaction involving the offer to sell or sale of participation interests in the notes if the notes and participation interests are originated by a depository institution and are offered and sold subject to the following conditions:

(a) The minimum aggregate sales price paid by each purchaser may not be less than $250,000;

(b) Each purchaser must pay cash either at the time of the sale or within 60 days after the sale; and

(c) Each purchaser may buy for the purchaser's own account only.

19. A transaction involving the offer to sell or sale of one or more promissory notes directly secured by a first lien on a single parcel of real estate or participating interests in the notes, if the notes and interests are originated by a mortgagee approved by the Secretary of Housing and Urban Development under sections 203 and 211 of the National Housing Act, 12 U.S.C. §§ 1709 and 1715b, and are offered or sold, subject to the conditions specified in subsection 18, to a depository institution or insurance company, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Government National Mortgage Association.

20. A transaction between any of the persons described in subsection 19 involving a nonassignable contract to buy or sell the securities described in subsection 18 if the contract is to be completed within 2 years and if:

(a) The seller of the securities pursuant to the contract is one of the parties described in subsection 18 or 19 who may originate securities;

(b) The purchaser of securities pursuant to a contract is any other person described in subsection 19; and

(c) The conditions described in subsection 18 are fulfilled.

21. A transaction involving one or more promissory notes secured by a lien on real estate, or participating interests in those notes, by a mortgage company licensed pursuant to chapter 645B of NRS to engage in those transactions.

22. A transaction involving an offer to sell or sale of a security to a Nevada certified investor if all of the following conditions are satisfied:

(a) The transaction satisfies the requirements for exemption under section 3(a)(11) of the Securities Act of 1933, 15 U.S.C. § 77c(a)(11) and Rule 147 or 147A of the Securities and Exchange Commission, 17 C.F.R. § 230.147 or 230.147A.

(b) The transaction satisfies any requirements established by the Administrator by regulation pursuant to section 3 of this act.

(c) For a transaction involving the sale of a security to a Nevada certified investor described in paragraph (b) of subsection 1 of section 2 of this act, the ~~***[total amount paid by]***~~ ***transaction would not result in the Nevada certified investor*** ~~***[for all of the securities involved in the transaction does not exceed]***~~ ***investing more than 10 percent of the net worth of the investor*** ~~***[.]***~~ ***in securities that were purchased by the Nevada certified investor in transactions exempt from NRS 90.460 and 90.560 pursuant to this***

subsection. For the purposes of meeting the requirements of this paragraph, the equity the Nevada certified investor holds in a primary residence must not account for more than 50 percent of the net worth of the Nevada certified investor.

(d) ~~[The transaction is part of an issue in which there are not more than 75 purchasers who are Nevada certified investors.~~

~~(e)]~~ The person offering to sell or selling the security has submitted to the Administrator ~~[a]~~ :

(1) A complete set of his or her fingerprints and written permission authorizing the Administrator to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for forwarding to the Federal Bureau of Investigation for its report on the criminal history of the person ~~[.]~~ ;

(2) The latest available balance sheet of the issuer; and

(3) A description of any compensation paid by the person offering to sell or selling the security to any person authorized to make decisions on behalf of or exert control over the management or operation of the person offering to sell or selling the security.

(e) The person offering to sell or selling the security has made available to any Nevada certified investor wishing to purchase the security:

(1) A full disclosure of any and all previous criminal convictions; and

(2) The information submitted to the Administrator pursuant to subparagraphs (2) and (3) of paragraph (d).

Sec. 5.5. ~~[NRS 90.660 is hereby amended to read as follows:~~

~~90.660 1. A person who offers or sells a security in violation of any of the following provisions:~~

~~(a) Subsection 1 of NRS 90.310;~~

~~(b) NRS 90.460;~~

~~(c) Subsection [10] *11* of NRS 90.500;~~

~~(d) Subsection 2 of NRS 90.570;~~

~~(e) Subsection 2 of NRS 90.610; or~~

~~(f) A condition imposed in subsection [8] *9* or [9] *10* of NRS 90.500,~~

~~* is liable to the person purchasing the security. Upon tender of the security, the purchaser may recover the consideration paid for the security and interest at the legal rate of this State from the date of payment, costs and reasonable attorney's fees, less the amount of income received on the security. A purchaser who no longer owns the security may recover damages. Damages are the amount that would be recoverable upon a tender less the value of the security when the purchaser disposed of it, plus interest at the legal rate of this State from the date of disposition of the security, costs and reasonable attorney's fees determined by the court. Tender requires only notice of willingness to exchange the security for the amount specified.~~

~~2. A person who offers or sells a security in violation of subsection 2 of NRS 90.570 is not liable under subsection 1 of this section if:~~

~~(a) The purchaser knew that a statement of a material fact was untrue or that there was an omission of a statement of a material fact; or~~

~~(b) The seller did not know and in the exercise of reasonable care could not have known of the untrue statement or misleading omission.~~

~~3. A person who willfully participates in any act or transaction in violation of NRS 90.580 is liable to a person who purchases or sells a security, other than a security traded on a national securities exchange or quoted on a national automated quotation system administered by a self-regulatory organization, at a price that was affected by the act or transaction for the damages sustained as a result of the act or transaction. Damages are the difference between the price at which the securities were purchased or sold and the market value the securities would have had at the time of the person's purchases or sale in the absence of the act or transaction, plus interest at the legal rate of this State from the date of the act or transaction and reasonable attorney's fees.~~

~~4. A person who directly or indirectly controls another person who is liable under subsection 1 or 3, a partner, officer or director of the person liable, a person occupying a similar status or performing similar functions, any agent of the person liable, an employee of the person liable if the employee materially aids in the act, omission or transaction constituting the violation, and a broker-dealer or sales representative who materially aids in the act, omission or transaction constituting the violation, are also liable jointly and severally with and to the same extent as the other person, but it is a defense that the person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by which the liability is alleged to exist. With respect to a person who directly or indirectly, controls another person who is liable under subsection 3, it is also a defense that the controlling person acted in good faith and did not, directly or indirectly, induce the act, omission or transaction constituting the violation. Contribution among the several persons liable is the same as in cases arising out of breach of contract.~~**]**

(Deleted by amendment.)

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 5.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 728 to Assembly Bill No. 75.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 373.

The following Senate amendment was read:

Amendment No. 606.

AN ACT relating to deceptive trade practices; clarifying the authority of the Attorney General with respect to a deceptive trade practice; increasing certain civil penalties for engaging in a deceptive trade practice under certain circumstances; revising the statute of limitations for engaging in a deceptive trade practice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) Existing law authorizes the Attorney General to obtain a temporary restraining order, a preliminary or permanent injunction or other appropriate relief by bringing an action in the name of the State against a person the Attorney General has reason to believe has engaged or is engaging in a deceptive trade practice. (NRS 598.0963) **Section 1** of this bill clarifies that such other appropriate relief which the Attorney General may obtain includes, without limitation, the recovery of a civil penalty, disgorgement, restitution or the recovery of damages as parens patriae.

Existing law authorizes a court or the Director of the Department of Business and Industry or his or her designee, in certain actions and proceedings relating to the enforcement of the provisions prohibiting deceptive trade practices, to impose an additional maximum civil penalty of $12,500 for each violation if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward an elderly person **,** ~~[or]~~ a person with a disability **~~[.]~~ or a minor person.** (NRS ~~[598.0973) Section]~~ **598.0973, 598.09735) Sections 1.5 and 1.7** of this bill ~~[increases]~~ **increase** the additional maximum civil penalty to ~~[$25,000]~~ **$15,000** if the deceptive trade practice was directed toward **a person with a disability and $25,000 if directed toward** an elderly person **~~[.]~~ or a minor person.**

Existing law authorizes the Commissioner of Consumer Affairs, the Director of the Department of Business and Industry, the district attorney of any county in this State or the Attorney General to recover a civil penalty not to exceed $5,000 if the court finds that a person has willfully engaged in a deceptive trade practice. (NRS 598.0999) **Section 2** of this bill increases the maximum civil penalty for such a willful violation to $15,000.

Existing law requires an indictment for the offense of engaging in certain trade practices punishable as a felony to be found, or an information or complaint to be filed, within 4 years after the commission of the offense. (NRS 171.085) **Section 3** of this bill imposes that requirement for all offenses involving the commission of any deceptive trade practice that is punishable as a felony. **Section 4** of this bill clarifies that the amendatory provisions of **section 3** apply to an offense committed: (1) before July 1, 2023, if the applicable statute of limitations has commenced but has not yet expired; and (2) on or after July 1, 2023.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive. The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief ~~[.]~~ ***, including, without limitation, the recovery of a civil penalty, disgorgement, restitution or the recovery of damages:***

(a) As parens patriae of the persons residing this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly; or

(b) As parens patriae, with respect to direct or indirect damages to the general economy of the State of Nevada or any agency or political subdivision thereof.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 1.5. NRS 598.0973 is hereby amended to read as follows:

598.0973 1. Except as otherwise provided in NRS 598.0974, in any action or proceeding brought pursuant to NRS 598.0903 to 598.0999, inclusive, if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability, the court or the Director or his or her designee may, in addition to any other civil or criminal penalty, impose a civil penalty of ***:***

(a) For a deceptive trade practice directed toward a person with a disability, not more than ~~[$12,500]~~ ***$15,000*** for each violation.

(b) For a deceptive trade practice directed toward an elderly person, not more than $25,000 for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court or the Director or his or her designee shall consider whether:

(a) The conduct of the person was in disregard of the rights of the elderly person or person with a disability;

(b) The person knew or should have known that his or her conduct was directed toward an elderly person or a person with a disability;

(c) The elderly person or person with a disability was more vulnerable to the conduct of the person because of the age, health, infirmity, impaired understanding, restricted mobility or disability of the elderly person or person with a disability;

(d) The conduct of the person caused the elderly person or person with a disability to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the elderly person or person with a disability to suffer:

(1) Mental or emotional anguish;

(2) The loss of the primary residence of the elderly person or person with a disability;

(3) The loss of the principal employment or source of income of the elderly person or person with a disability;

(4) The loss of money received from a pension, retirement plan or governmental program;

(5) The loss of property that had been set aside for retirement or for personal or family care and maintenance;

(6) The loss of assets which are essential to the health and welfare of the elderly person or person with a disability; or

(7) Any other interference with the economic well-being of the elderly person or person with a disability, including the encumbrance of his or her primary residence or principal source of income; or

(f) Any other factors that the court or the Director or his or her designee deems to be appropriate.

Sec. 1.7. **NRS 598.09735 is hereby amended to read as follows:**

598.09735 1. Except as otherwise provided in NRS 598.0974, in any action or proceeding brought pursuant to NRS 598.0903 to 598.0999, inclusive, if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward a minor person, the court or the Director or his or her designee may, in addition to any other civil or criminal penalty, impose a civil penalty of not more than ~~[$12,500]~~ ***$25,000*** for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court or the Director or his or her designee shall consider whether:

(a) The conduct of the person was in disregard of the rights of the minor person;

(b) The person knew or should have known that his or her conduct was directed toward a minor person;

(c) The minor person was more vulnerable to the conduct of the person because of the age of the minor person;

(d) The conduct of the person caused the minor person to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the minor person to suffer:

(1) Mental or emotional anguish;

(2) The loss of money or financial support received from any source;

(3) The loss of property that had been set aside for education or for personal or family care and maintenance;

(4) The loss of assets which are essential to the health and welfare of the minor person; or

(5) Any other interference with the economic well-being of the minor person; or

(f) Any other factors that the court or the Director or his or her designee deems to be appropriate.

3. As used in this section, "minor person" means a person who is 17 years of age or younger.

Sec. 2. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed ~~[$5,000]~~ ***$15,000*** for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(d) For an offense involving a loss of property or services valued at $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 3. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080 to 171.084, inclusive, and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, a violation of NRS 90.570, a violation punishable pursuant to ~~[paragraph (c)]~~ ***paragraphs (a) to (d), inclusive,*** of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.

3. Sex trafficking must be found, or an information or complaint filed, within 6 years after the commission of the offense.

4. Any felony other than the felonies listed in subsections 1, 2 and 3 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 4. The amendatory provisions of section 3 of this act apply to an offense committed:

1. Before July 1, 2023, if the applicable statute of limitations has commenced but has not expired on July 1, 2023.

2. On or after July 1, 2023.

Sec. 5. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 606 to Assembly Bill No. 373.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 121.

The following Senate amendment was read:

Amendment No. 664.

ASSEMBLYWOMEN CONSIDINE, ANDERSON, BILBRAY-AXELROD, GONZÁLEZ, AND SUMMERS-ARMSTRONG

JOINT SPONSOR: SENATOR NGUYEN

AN ACT relating to incarcerated persons; requiring institutions and facilities of the Department of Corrections to provide incarcerated persons with original, physical copies of mail under certain circumstances; **authorizing the Director of the Department to adopt regulations exempting the Department from the requirement to provide incarcerated persons with original, physical copies of mail under certain circumstances;** requiring such institutions and facilities and city or county jails and detention facilities to provide notification to certain persons of a critical medical condition of an incarcerated person; requiring such institutions, facilities and jails to provide an opportunity for an incarcerated person to call a friend, relative or other person to provide notification of a critical medical condition of the incarcerated person under certain circumstances; requiring such institutions, facilities and jails to ensure the timely filling of prescriptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to establish regulations with the approval of the Board of State Prison Commissioners, including regulations relating to the custody, care, training, health and safety of offenders. (NRS 209.131) **Section 2** of this bill requires the Department to provide to an offender the original, physical copy of any physical mail addressed to the offender that the offender is entitled and allowed to receive. **Section 2 authorizes the Director, with the approval of the Board, to adopt regulations exempting the Department from this requirement if the Department conducts a study and determines, using evidence-based methods, that complying with the requirement presents a danger to the health and safety of the staff or offenders in institutions or facilities of the Department. Section 2 also provides that any such regulations must be adopted in accordance with the provisions of the Nevada Administrative Procedure Act. (Chapter 233B of NRS) If the Director adopts regulations exempting the Department from the requirement to provide offenders with original, physical copies of mail, section 2 requires the Director to submit the study and any evidence or data that supports the determination of the Department to: (1) the Legislative Counsel when the adopted regulation is submitted; and (2) the Director of the Legislative Counsel Bureau after the regulation is adopted for transmittal to the Joint Interim Standing Committee on the Judiciary.**

Section 3 of this bill requires the Department to ensure that an offender completes a medical release of information form at the time of intake and has

the ability to update the completed form as necessary. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which requires the offender to stay in a medical facility overnight, **section 3** requires the Department, within 24 hours after such hospitalization or diagnosis, to attempt to inform all persons authorized by the current medical release of information form about the health status of the offender. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which does not require the offender to stay in a medical facility overnight, **section 3** requires the Department, within 4 hours after the return of the offender to the institution or facility at which the offender is incarcerated, to provide the offender with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the offender.

Section 4 of this bill requires the Department to ensure that if an offender requires prescription medication, the prescription will be filled in a timely manner.

Sections 7 and 8 of this bill impose upon county and city jails and detention facilities requirements similar to those contained in **sections 3 and 4**.

Section 9 of this bill requires the Department to revise its regulations to conform with the provisions of **sections 2-4**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. ~~[An]~~ Except as otherwise provided in subsection 2, an institution or facility shall provide an offender with the original, physical copy of any mail addressed to the offender that the offender is entitled and allowed to receive.***

2. The Director may, with the approval of the Board, adopt regulations exempting the Department from the requirements prescribed by subsection 1 if the Department conducts a study and determines, using evidence-based methods, that complying with the requirements prescribed by subsection 1 presents a danger to the health and safety of the staff or offenders in institutions or facilities. Any regulations adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 233B of NRS.

3. Any regulation adopted pursuant to subsection 2 which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by the study and any evidence or data that supports the determination of the Department that complying with the requirements prescribed by subsection 1 presents a danger to the health and safety of the staff or offenders in institutions or facilities.

4. A soon as reasonably practicable after adopting a regulation pursuant to subsection 2, the Director shall submit the study and any evidence or data that supports the determination of the Department that complying with the

requirements prescribed by subsection 1 presents a danger to the health and safety of the staff or offenders in institutions or facilities to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

5. As used in this section, "original, physical copy" means a letter, card or other document received by the institution or facility from the United States Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the institution or facility or any entity contracted by the institution or facility to provide such a service.

Sec. 3. ***1. The Department shall ensure that each offender:***

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which requires the offender to stay in a medical facility overnight, the Department shall, within 24 hours after such hospitalization or diagnosis, attempt to inform all persons authorized by the current medical release of information form about the health status of the offender.

3. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which does not require the offender to stay in a medical facility overnight, the Department shall, within 4 hours after the return of the offender to the institution or facility at which the offender is incarcerated, provide the offender with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the offender.

4. As used in this section:

(a) "Critical medical condition" means a condition diagnosed by a provider of health care that:

(1) Is terminal;

(2) Requires life-sustaining medical treatment;

(3) Involves a significant risk of death; or

(4) Involves extreme physical illness ~~.~~ , including, without limitation an extreme physical illness resulting from a drug or alcohol overdose.

(b) "Drug or alcohol overdose" has the meaning ascribed to it in NRS 453C.150.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 4. ***If an offender in the custody of the Department requires prescription medication for any physical or mental illness, the Department shall ensure that:***

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or

2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 5. Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. (Deleted by amendment.)

Sec. 7. ***1. Each county or city jail or detention facility shall ensure that each prisoner:***

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a critical medical condition which requires the prisoner to stay in a medical facility overnight, the jail or detention facility shall, within 24 hours after such hospitalization or diagnosis, attempt to inform all persons listed on the current medical release of information form about the health status of the prisoner.

3. If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a critical medical condition which does not require the prisoner to stay in a medical facility overnight, the jail or detention facility shall, within 4 hours after the return of the prisoner to the jail or detention facility at which the prisoner is imprisoned, provide the prisoner with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the prisoner.

4. As used in this section:

(a) "Critical medical condition" means a condition diagnosed by a provider of health care that:

(1) Is terminal;

(2) Requires life-sustaining medical treatment;

(3) Involves a significant risk of death; or

(4) Involves extreme physical illness ~~***[.]***~~ ***, including, without limitation, a drug or alcohol overdose.***

(b) "Drug or alcohol overdose" has the meaning ascribed to it in NRS 453C.150.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 8. ***If a prisoner in the custody of a county or city jail or detention facility requires prescription medication for any physical or mental illness, the jail or detention facility shall ensure that:***

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or

2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 9. The Department of Corrections shall, as soon as practicable, amend or repeal any existing regulations that conflict or are inconsistent with the provisions of sections 2, 3 and 4 of this act.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 664 to Assembly Bill No. 121.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 193.

The following Senate amendment was read:

Amendment No. 673.

Assemblymen González, D'Silva, Thomas, Anderson, Torres; Gorelow, La Rue Hatch, Marzola, C.H. Miller, Nguyen, Orentlicher, Peters and Taylor

Joint Sponsors: Senators Ohrenschall; **Krasner** and Nguyen

SUMMARY—Revises provisions relating to custodial interrogations of children. (BDR ~~[14-229)]~~ **5-229)**

AN ACT relating to criminal procedure; prohibiting a peace officer or other person authorized to conduct a custodial interrogation of a child from making certain statements during a custodial interrogation of a child; providing that a statement by a child obtained in violation of such a prohibition is presumed involuntary and inadmissible in any criminal or juvenile proceeding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements relating to custodial interrogations. (NRS 62C.013, 171.1239) This bill prohibits a peace officer or other person authorized to conduct a custodial interrogation of a child from: (1) knowingly making certain materially false statements about evidence to a child who is the subject of a custodial interrogation; or (2) making certain express or implied promises of leniency or advantage to a child who is the subject of a custodial interrogation. This bill additionally creates a presumption that any statement by a child obtained in violation of this bill is involuntary and inadmissible in any criminal or juvenile proceeding. To overcome this presumption, the State must prove, by a preponderance of the evidence, that the statement was voluntary, reliable and not induced by a violation of this bill. Finally, this bill creates an exception to the prohibition created by this bill for circumstances in which: (1) the peace officer or other person who conducted the custodial interrogation reasonably believed that the information sought was necessary to protect life or property from an imminent threat; and (2) the questions asked by such a person were limited to those reasonably necessary to obtain information related to the imminent threat.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[171]~~ **62C** of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a peace officer or other person authorized to conduct a custodial interrogation of a child taken into custody shall not during a custodial interrogation of a child:

(a) Knowingly make a materially false statement about evidence that is reasonably likely to elicit an incriminating response from the child; or

(b) Make any express or implied promise to the child of leniency or advantage for the child that the peace officer or other person conducting the investigation lacks the authority to make, including, without limitation, any promise about the filing of charges or prosecution of the child.

2. A statement by a child obtained in violation of this section is presumed to be involuntary and inadmissible in any criminal or juvenile proceeding. The State may overcome the presumption set forth in this subsection by proving by a preponderance of the evidence that the statement was voluntary, reliable and not induced by an act in violation of this section. In making a determination pursuant to this subsection of whether the presumption has been overcome, the finder of fact shall consider the totality of the circumstances of the interrogation.

3. Subsection 1 does not apply to a custodial interrogation of a child if:

(a) The peace officer or other person who conducted the custodial interrogation of the child reasonably believed the information sought was necessary to protect life or property from an imminent threat; and

(b) The questions asked by the peace officer or other person were limited to those reasonably necessary to obtain information related to the imminent threat.

4. As used in this section:

(a) "Child" means a person who is less than 18 years of age. The term includes:

(1) A person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

(2) A person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330.

(b) "Custodial interrogation" means any interrogation of a person who is required to be advised of his or her rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966).

(c) "Peace officer" has the meaning ascribed to it in NRS 169.125.

Sec. 2. This act becomes effective on July 1, 2024.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 673 to Assembly Bill No. 193.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 231.

The following Senate amendment was read:

Amendment No. 666.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law contains the Uniform Commercial Code, which is a set of uniform laws governing commercial transactions. (Chapters 104 and 104A of NRS) This bill enacts the 2022 amendments to the Uniform Commercial Code, which: (1) adds Article 12 governing controllable electronic records; and (2) makes various changes to Articles 1, 2, 3, 5, 7, 8, 9, 2A and 4A of the Code. **Sections 75 and 76** of this bill also enact the 2018 amendments to Article 9 of the Code.

Sections 9-15 of this bill enact Article 12, which provides rules for transactions involving controllable electronic records. **Section 10** of this bill defines certain terms for the purposes of Article 12. **Section 26** of this bill makes a conforming change to account for the definition of "value" set forth in **section 10**. **Section 11** of this bill: (1) establishes that Article 9 will govern if it is in conflict with Article 12; and (2) provides that a transaction that is subject to Article 12 is also subject to certain other laws that establish different rules for consumers. **Sections 12, 13 and 70** of this bill establish the circumstances under which a purchaser obtains control of and certain rights in a controllable account, controllable payment intangible or controllable electronic record. **Section 14** of this bill sets forth certain circumstances under which an account debtor on a controllable account or controllable payment intangible may discharge his or her obligation under certain circumstances. **Section 15** of this bill establishes rules for determining the jurisdiction whose law governs a controllable electronic record. **Section 27** of this bill provides that the provisions of an agreement specifying applicable law for a transaction governed by **section 15** is effective only to the extent permitted by **section 15**.

Sections 16-24 of this bill enact the transitional rules included in the 2022 amendments to the Code and define certain related terms. **Section 18** of this bill provides that a transaction validly entered into before the effective date of this bill, which is October 1, 2023, and the rights, duties and interests flowing from the transaction remain valid thereafter.

Existing law contains Article 1 of the Code, which sets forth the definitions and other general provisions that, in the absence of any conflicting provision in the Code, apply as default rules for transactions and matters otherwise covered in other articles of the Code. (NRS 104.1101-104.1310) **Section 25** of this bill enacts the uniform amendments to the definitions of certain terms which are defined for the purposes of the Code. Among other changes, **section 25** revises the definition of the term "sign" to encompass the authentication or adoption of all records and not just writings and the definition of the term "money" to exclude ~~[any medium of exchange in an electronic form.]~~ **certain forms of digital currency, digital mediums of exchange and digital monetary units of account.** **Sections 28, 38-41, 52, 55-57, 62, 63, 68, 72-75, 77, 78, 81, 82 and 85-90** of this bill make conforming changes to

account for the new definition of "sign." **Sections 25, 31-35, 44, 86, 94-100 and 102-108** of this bill replace the term "writing" with "record" and make certain other changes to allow for certain documents and communications to take a form other than a written or otherwise tangible form.

Existing law contains Article 2 of the Code, the uniform law governing sales. (NRS 104.2101-104.2725) **Sections 29 and 30** of this bill define the term "hybrid transaction" and describe the extent to which Article 2 governs hybrid transactions.

Existing law contains Article 3 of the Code, the uniform law governing negotiable instruments. (NRS 104.3101-104.3605) **Section 36** of this bill authorizes a negotiable instrument to contain certain provisions specifying which laws govern the instrument and how certain disputes will be resolved. **Section 37** of this bill expands the definition of "issue" to include certain electronic transmissions. **Section 38** of this bill removes certain requirements relating to the generation and form of a signature that makes a person liable on a negotiable instrument. **Section 39** provides that an obligation to pay a check is not discharged solely by the destruction of the check, under certain circumstances.

Existing law contains Article 5 of the Code, the uniform law governing letters of credit. (NRS 104.5101-104.5118) **Section 41** prescribes the method for determining the location of a branch of a bank for certain purposes.

Existing law contains Article 7 of the Code, the uniform law governing warehouse receipts, bills of lading and other documents of title. (NRS 104.7101-104.7603) **Section 42** of this bill removes certain definitions made unnecessary by the revisions made in **section 25**. **Section 43** of this bill: (1) makes various changes related to the process for determining when a person has control of an electronic document of title after a certain system evidences that the document was issued or transferred to the person; and (2) defines when a person is deemed to have obtained control of an electronic document of title through another person.

Existing law contains Article 8 of the Code, the uniform law governing investment securities. (NRS 104.8101-104.8511) **Section 44** revises certain definitions for the purposes of Article 8. **Section 45** of this bill provides that a controllable account, controllable electronic record or controllable payment intangible is a financial asset only to the extent that a securities intermediary and an entitled person agree that it should be treated as a financial asset. **Section 46** of this bill revises the circumstances under which a purchaser is deemed to have control of a security entitlement that is controlled by another person and makes various related changes. **Section 47** of this bill establishes that the local law of the jurisdiction of the issuer or of the securities intermediary governs certain matters related to a security or security entitlement. **Section 48** of this bill makes technical changes to certain provisions governing protected purchasers.

Existing law contains Article 9 of the Code, the uniform law governing secured transactions. (NRS 104.9101-104.9717) **Section 49** of this bill revises

certain definitions relating to secured transactions and defines certain terms relating to controllable electronic records. **Sections 3, 50 and 51** of this bill set forth the circumstances under which a person is deemed to have control of a controllable electronic record, a deposit account or an authoritative electronic copy of a record evidencing chattel paper. **Sections 4, 54-56 and 79** of this bill revise certain rights and duties of a party possessing or controlling certain collateral. **Section 52** identifies the circumstances under which a security interest is enforceable against the debtor and third parties with respect to collateral that is controllable electronic records, electronic documents or certain other collateral. **Section 53** of this bill revises the circumstances under which a security interest may attach to certain proceeds.

Sections 5, 6 and 58-60 of this bill revise and establish certain rules for determining the applicable law governing the perfection, the effect of perfection or nonperfection and the priority of a security interest in certain property. **Sections 7, 8 and 61-65** of this bill revise certain provisions related to the perfection of certain security interests and prescribe certain methods for perfecting those security interests. **Sections 66, 67 and 71** of this bill revise the circumstances under which a buyer or lessee of goods, a buyer of an electronic document, chattel paper, controllable electronic record, controllable account or controllable payment intangible or a transferee of money takes free of a security interest or leasehold interest. **Section 69** of this bill revises the circumstances under which a purchaser of chattel paper has priority over a security interest in the chattel paper. **Section 75** exempts a controllable account or controllable payment intangible from certain requirements relating to an assignment of debt. **Section 80** of this bill provides that a secured party that obtains control of a controllable account, controllable electronic record or controllable payment intangible owes a duty to a debtor or obligor under certain circumstances. **Section 91** of this bill provides that certain provisions which limit the liability of a secured party do not apply to a secured party that obtains control of a controllable account, controllable electronic record or controllable payment intangible under certain circumstances. **Sections 83 and 84** of this bill make certain revisions to the content and form of notification before the disposition of certain collateral.

Existing law provides that, with certain exceptions, any rule of law, statute, regulation or term in an agreement between an account debtor and an assignor or in a promissory note that imposes certain restrictions on the assignment of a security interest in certain collateral is ineffective. (NRS 104.9406, 104.9408) **Sections 75 and 76**, which enact the 2018 amendments to Article 9, provide that those provisions do not apply to a security interest in an ownership interest in a general partnership, limited partnership or limited-liability company.

Existing law contains Article 2A of the Code, the uniform law governing leases. (NRS 104A.2101-104A.2532) **Section 93** of this bill defines the term "hybrid lease" to mean a single transaction involving a lease of goods and the

provision of services or the sale, lease or license of certain property. **Section 92** of this bill describes the extent to which Article 2A governs hybrid leases.

Existing law contains Article 4A of the Code, the uniform law governing funds transfers. (NRS 104A.4101-104A.4507) **Section 101** of this bill authorizes the imposition of certain obligations in a security procedure established by agreement between a customer and a receiving bank.

Sections 109-112 of this bill make conforming changes to internal references to sections amended in this bill.

Section 25 of Assembly Bill No. 231 First Reprint is hereby amended as follows:

Sec. 25. NRS 104.1201 is hereby amended to read as follows:

104.1201 1. Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other Articles of the Uniform Commercial Code that apply to particular Articles or parts thereof, have the meanings stated.

2. Subject to definitions contained in other Articles of the Uniform Commercial Code that apply to particular Articles or parts thereof:

(a) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set off, suit in equity and any other proceeding in which rights are determined.

(b) "Aggrieved party" means a party entitled to pursue a remedy.

(c) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in NRS 104.1303.

(d) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union and trust company.

(e) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title or certificated security that is payable to bearer or endorsed in blank.

(f) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(g) "Branch" includes a separately incorporated foreign branch of a bank.

(h) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(i) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas

or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(j) "Conspicuous," with reference to a term, means so written, displayed or presented that ***, based on the totality of the circumstances,*** a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. ~~[Conspicuous terms include the following:~~

~~(1) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font or color to the surrounding text of the same or lesser size; and~~

~~(2) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.]~~

(k) "Consumer" means a natural person who enters into a transaction primarily for personal, family or household purposes.

(l) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by the Uniform Commercial Code as supplemented by any other applicable laws.

(m) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(n) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim or third-party claim.

(o) "Delivery," with respect to an electronic document of title **,** means voluntary transfer of control and **,** with respect to an instrument, a tangible document of title or ***an authoritative tangible copy of a record evidencing*** chattel paper, means voluntary transfer of possession.

(p) "Document of title" means a record:

(1) That in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold and dispose of the record and the goods the record covers; and

(2) That purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

➥ The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(q) ***"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.***

(r) "Fault" means a default, breach or wrongful act or omission.

~~[(r)]~~ ***(s)*** "Fungible goods" means:

(1) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(2) Goods that by agreement are treated as equivalent.

~~[(s)]~~ ***(t)*** "Genuine" means free of forgery or counterfeiting.

~~[(t)]~~ ***(u)*** "Good faith," except as otherwise provided in Article 5, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

~~[(u)]~~ ***(v)*** "Holder" means:

(1) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(2) The person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(3) The person in control ***, other than pursuant to subsection 7 of NRS 104.7106,*** of a negotiable electronic document of title.

~~[(v)]~~ ***(w)*** "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

~~[(w)]~~ ***(x)*** "Insolvent" means:

(1) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(2) Being unable to pay debts as they become due; or

(3) Being insolvent within the meaning of federal bankruptcy law.

~~[(x)]~~ ***(y)*** "Money" means a medium of exchange ***that is*** currently authorized or adopted by a domestic or foreign government ~~[.]~~ ***and is not ~~[in an electronic form.]~~ a central bank digital currency.*** The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries. ***As used in this paragraph, "central bank digital currency":***

(1) Means a digital currency, a digital medium of exchange or a digital monetary unit of account issued by the United States Federal Reserve System, a federal agency, a foreign government, a foreign central bank or a foreign reserve system that is made directly available to a consumer by such entities; and

(2) Includes a digital currency, a digital medium of exchange or a digital monetary unit of account issued by the United States Federal Reserve System, a federal agency, a foreign government, a foreign central bank or a foreign reserve system that is processed or validated directly by such entities.

~~[(y)]~~ ***(z)*** "Organization" means a person other than a natural person.

~~[(z)]~~ ***(aa)*** "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to the Uniform Commercial Code.

~~[(aa)]~~ ***(bb)*** "Person" means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, government, governmental subdivision, agency or instrumentality, ~~[public corporation,]~~ or any other legal or commercial entity. ***The term includes a protected series, however denominated, of an entity if the protected series is established under law other than the Uniform Commercial Code that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.***

~~[(bb)]~~ ***(cc)*** "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

~~[(cc)]~~ ***(dd)*** "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift or any other voluntary transaction creating an interest in property.

~~[(dd)]~~ ***(ee)*** "Purchaser" means a person that takes by purchase.

~~[(ee)]~~ ***(ff)*** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~[(ff)]~~ ***(gg)*** "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

~~[(gg)]~~ ***(hh)*** "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate.

~~[(hh)]~~ ***(ii)*** "Right" includes remedy.

~~[(ii)]~~ ***(jj)*** "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible or a promissory note in a transaction that is subject to Article 9. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under NRS 104.2401, but a buyer may also acquire a "security interest" by complying with Article 9. Except as otherwise provided in NRS 104.2505, the right of a seller or lessor of goods under Article 2 or 2A to retain or acquire

possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with Article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under NRS 104.2401 is limited in effect to a reservation of a "security interest." Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to NRS 104.1203.

~~[(jj) "Send"]~~

(kk) "Send," in connection with a ~~[writing,]~~ record or ~~[notice]~~ ***notification,*** means:

(1) To deposit in the mail ***,*** ~~[or]~~ deliver for transmission ***or transmit*** by any other usual means of communication ***,*** with postage or cost of transmission provided for and ~~[properly]~~ addressed ~~[and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none]~~ to any address reasonable under the circumstances; or

(2) ~~[In any other way to]~~ ***To*** cause ***the record or notification*** to be received ~~[any record or notice]~~ within the time it would have ~~[arrived]~~ ***been received*** if properly sent ~~[.~~

~~(kk) "Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing.]~~ ***under subparagraph (1).***

(ll) ***"Sign" means, with present intent to authenticate or adopt a record:***

(1) Execute or adopt a tangible symbol; or

(2) Attach to or logically associate with the record an electronic symbol, sound or process.

↳ "Signed," "signing" and "signature" have corresponding meanings.

(mm) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~[(mm)]~~ ***(nn)*** "Surety" includes a guarantor or other secondary obligor.

~~[(nn)]~~ ***(oo)*** "Term" means a portion of an agreement that relates to a particular matter.

~~[(oo)]~~ ***(pp)*** "Unauthorized signature" means a signature made without actual, implied or apparent authority. The term includes a forgery.

~~[(pp)]~~ ***(qq)*** "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

~~[(qq)]~~ ***(rr)*** "Writing" includes printing, typewriting or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 666 to Assembly Bill No. 231.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 244.

The following Senate amendment was read:

Amendment No. 738.

SUMMARY— ~~[Revises provisions relating to]~~ **Establishes certain rights of persons compelled to submit to** certain mental or physical examinations. (BDR 54-819)

AN ACT relating to health care; establishing the substantive rights of a person compelled to submit to a mental or physical examination under certain circumstances; authorizing a person who has been aggrieved by the violation of certain rights to institute an action for injunctive and other appropriate relief ~~[;]~~ **in certain circumstances;** repealing provisions relating to a mental or physical examination required of certain persons in a civil action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an observer to be present at a mental or physical examination ordered by a court for the purpose of discovery in a civil action. The observer may: (1) be an attorney for the person undergoing the examination; and (2) make an audio or stenographic recording of the examination. (NRS 52.380) In 2021, the Nevada Supreme Court held that such a statute is unconstitutional because it: (1) is a procedural statute that does not create a substantive right; and (2) attempts to abrogate an existing rule of procedure that the court "prescribed under its inherent authority to regulate the judicial process." (*Lyft, Inc. v. Eighth Jud. Dist. Court*, 137 Nev. Adv. Op. 86, 501 P.3d 994, 1002 (2021); N.R.C.P. 35) **Section 2** of this bill repeals this statute.

Section 1 of this bill provides that, with certain exceptions, a person compelled to submit to a mental or physical examination pursuant to a court order, a contractual obligation or any other type of obligation has the right to: (1) receive notice of the examination at least 21 days before the date of the examination; (2) have an interpreter and certain observers present throughout the examination; (3) take notes or appoint an observer to take notes during the examination; and (4) after providing notice to the ~~[person conducting the examination,]~~ **examiner,** make certain recordings of the examination. **Section 1** further provides that the testimony or reports of the ~~[person conducting the examination]~~ **examiner** are not privileged communications.

Section 1 authorizes a person compelled to submit to a mental or physical examination to bring an action against a person who has violated the rights established by **section 1** ~~[and to]~~ **, if notice of the alleged violation is provided to that person not later than 7 days before the action is commenced. The person compelled to submit to a mental or physical examination may** obtain certain remedies in that action, including: (1) attorney's fees; (2) actual damages or a fine of $1,500, whichever is greater; (3) injunctive and protective relief; and (4) an order prohibiting the use of any information gathered during the examination in any judicial or administrative proceeding.

Finally, section 1 exempts from the requirements of section 1 certain compelled mental or physical examinations, including, without limitation, such an examination conducted by an examiner with whom the person

compelled to submit to the examination has a preexisting relationship as a patient or will have a future relationship as a patient.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law and except as otherwise provided in this section, a person compelled to submit to a mental or physical examination pursuant to a court order, a contractual obligation or any other type of obligation retains the right to:

(a) Unless otherwise specified or agreed upon by both parties, receive notice of the requesting party's intention to compel the person to submit to a mental or physical examination at least 21 days before the date of the examination;

(b) Have any observer of choice present throughout the examination, including, without limitation, the person's attorney, provider of health care or any other person hired by or on behalf of the person;

(c) Have an interpreter present if the person believes that an interpreter is necessary to facilitate communication with the examiner;

(d) Take notes or appoint an observer to take notes during the examination; and

(e) After providing notice to the ~~[person conducting the examination,]~~ examiner, make an audio, stenographic or video recording of the examination or appoint an observer to make such a recording.

2. The testimony or reports of ~~[a person]~~ an examiner who conducts an examination of a person compelled to submit to a mental or physical examination described in subsection 1 are not privileged communications.

3. ~~[A]~~ An examiner may suspend the examination of a person compelled to submit to a mental or physical examination pursuant to subsection 1 if an observer attending the examination disrupts or attempts to participate in the examination.

4. A person compelled to submit to a mental or physical examination may bring an action in a court of competent jurisdiction for a violation of this section to seek any or all of the following relief ~~[:]~~ , if notice of the alleged violation is provided to the person who allegedly violated this section not later than 7 days before the action is commenced:

(a) Attorney's fees;

(b) Actual damages or a fine of $1,500, whichever is greater;

(c) Injunctive relief;

(d) Protective relief; or

(e) An order prohibiting the use of any information gathered at the examination in any judicial or administrative proceeding.

~~[4.]~~ 5. The provisions of subsection 1 do not apply to a person compelled to submit to a mental or physical examination pursuant to titles 5, 14 , ~~[and]~~ 15 and 39 of NRS and chapter 432B of NRS.

~~[5.]~~ 6. As used in this section ~~[, "mental]~~ :

(a) "Examiner" means a person conducting a mental or physical examination.

(b) "Mental or physical examination" does not include any evaluation ~~[made]~~ :

(1) Made with respect to a child custody proceeding, as defined in NRS 125A.055 ~~[.]~~ ; or

(2) Conducted by an examiner with whom the person compelled to submit to the examination has a preexisting relationship as a patient or will have a future relationship as a patient.

Sec. 1.5. 1. The amendatory provisions of this act ~~[do not]~~ apply **only** to a mental or physical examination conducted ~~[before October 1, 2023.]~~ **on or after the effective date of this act.**

2. As used in this section, "mental or physical examination" has the meaning ascribed to it in section 1 of this act.

Sec. 2. NRS 52.380 is hereby repealed.

Sec. 3. **This act becomes effective upon passage and approval.**

TEXT OF REPEALED SECTION

52.380 Attendance by observer.

1. An observer may attend an examination but shall not participate in or disrupt the examination.

2. The observer attending the examination pursuant to subsection 1 may be:

(a) An attorney of an examinee or party producing the examinee; or

(b) A designated representative of the attorney, if:

(1) The attorney of the examinee or party producing the examinee, in writing, authorizes the designated representative to act on behalf of the attorney during the examination; and

(2) The designated representative presents the authorization to the examiner before the commencement of the examination.

3. The observer attending the examination pursuant to subsection 1 may make an audio or stenographic recording of the examination.

4. The observer attending the examination pursuant to subsection 1 may suspend the examination if an examiner:

(a) Becomes abusive towards an examinee; or

(b) Exceeds the scope of the examination, including, without limitation, engaging in unauthorized diagnostics, tests or procedures.

5. An examiner may suspend the examination if the observer attending the examination pursuant to subsection 1 disrupts or attempts to participate in the examination.

6. If the examination is suspended pursuant to subsection 4 or 5, the party ordered to produce the examinee may move for a protective order pursuant to the Nevada Rules of Civil Procedure.

7. As used in this section:

(a) "Examination" means a mental or physical examination ordered by a court for the purpose of discovery in a civil action.

(b) "Examinee" means a person who is ordered by a court to submit to an examination.

(c) "Examiner" means a person who is ordered by a court to conduct an examination.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 738 to Assembly Bill No. 244.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 272.

The following Senate amendment was read:

Amendment No. 566.

AN ACT relating to mail theft; establishing provisions relating to mail theft; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law describes certain actions which constitute theft. (NRS 205.0832) **Section 1** of this bill provides that a person commits the crime of mail theft if the person: (1) knowingly, willfully and with the intent to deprive, injure, damage or defraud another, takes, destroys, hides or embezzles mail or obtains any mail by fraud or deception; (2) buys, receives, conceals or possesses mail and knows or reasonably should know that the mail was unlawfully taken or obtained; (3) ~~[buys, receives, conceals or possesses personal identifying information and knows or reasonably should know that the personal identifying information was unlawfully taken or obtained from mail; (4)]~~ buys, receives, conceals or possesses a United States Postal Service key that provides access to certain mail receptacles, or a counterfeit device or key designed to provide access to the lock mechanisms of such mail receptacles; or ~~[(5)]~~ **(4)** knowingly, willfully and with the intent to steal the mail inside, damages, ~~[breaks open,]~~ **opens,** tears down, takes or destroys any mail receptacle. **Section 1** also provides that a person who commits the crime of mail theft is guilty of a category D felony, which is punishable by a term of imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years and a fine of not more than $5,000. **Section 1** also requires the court to order a person who commits the offense of mail theft to pay restitution.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person commits the crime of mail theft if the person:

(a) Knowingly, willfully and with the intent to deprive, injure, damage or defraud another:

(1) Takes, destroys, hides or embezzles mail; or

(2) Obtains any mail by fraud or deception;

(b) Buys, receives, conceals or possesses:

(1) Mail and knows or reasonably should know that the mail was unlawfully taken or obtained;

(2) ~~[Personal identifying information and knows or reasonably should know that the personal identifying information was unlawfully taken or obtained from mail in violation of this subsection;~~

~~(3)]~~ Any key suited to any lock adopted by the United States Postal Service that provides access to any mail receptacle in any neighborhood or apartment panel used for the purpose of centralized mail; or

~~[(4)]~~ (3) A counterfeit device or key designed to provide access to a lock described in subparagraph ~~[(3),]~~ (2); or

(c) Knowingly, willfully and with the intent to steal any mail inside, damages, ~~[breaks open,]~~ opens, tears down, takes or destroys any mail receptacle.

2. A person who violates any provision of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. As used in this section:

(a) "Mail" means any letter, postal card, parcel, package, bag or other material, along with its contents, that:

(1) Has postage affixed by the postal customer or postal service;

(2) Has been accepted for delivery by the postal service;

(3) The postal customer leaves for collection by the postal service; or

(4) The postal service delivers to the postal customer.

(b) "Mail receptacle" means a mailbox, post office box, rural box, letter box, lock drawer or any place or area intended or used by postal customers or a postal service for the collection, deposit or delivery of mail.

(c) ~~[("Personal identifying information" has the meaning ascribed to it in NRS 205.4617.~~

~~(d)]~~ "Postal service" means the United States Postal Service or a private common mail carrier.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 566 to Assembly Bill No. 272.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 340.

The following Senate amendment was read:

Amendment No. 677.

AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law authorizes a landlord who seeks to recover possession of a premises from a tenant to do so by filing an unlawful detainer action or an action for summary eviction. (NRS 40.253, 40.254, 40.2542, 40.290-40.420) Existing law prescribes separate summary eviction procedures for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent; and (3) certain tenants of a commercial premises who default in the payment of rent. (NRS 40.253, 40.254, 40.2542)

In general, the summary eviction procedures prescribed by existing law require a landlord to provide certain written notice to a tenant: (1) informing the tenant that he or she must take certain action or surrender the premises on or before a date specified in the notice; and (2) advising the tenant of his or her right to contest the matter by filing an affidavit with the court that has jurisdiction over the matter. In so doing, the summary eviction procedures prescribed by existing law require a tenant who contests a summary eviction to file an affidavit in court concerning an action for summary eviction before a landlord is required to make any filing concerning the matter. If such an affidavit is filed, a hearing is held. If no such affidavit is filed, upon noncompliance of a tenant with the written notice, existing law authorizes: (1) the landlord to apply by affidavit of complaint for the summary eviction of the tenant; and (2) the court, without holding a hearing, to order the removal of the tenant within a prescribed period. (NRS 40.253, 40.254, 40.2542)

Section 22 of this bill repeals the summary eviction procedures prescribed by existing law for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; and (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. **Sections 2-6.5** of this bill reenact, reorganize and revise these procedures. **Section 2** of this bill establishes a new procedure for the summary eviction of certain tenants who are not tenants of a commercial premises and who default in the payment of rent. **Section 6.5** of this bill establishes a new procedure for the summary eviction of certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent.

The new procedures for summary eviction set forth in **sections 2 and 6.5** are similar to the procedures repealed by **section 22** except with regard to: (1) the required contents of a written notice; (2) certain requirements relating to filings made with the court; and (3) the period of time before the removal of a tenant. Instead of requiring a tenant who contests a summary eviction to file

an affidavit in court before the landlord files a complaint, **sections 2 and 6.5** require the landlord, upon the expiration of certain notice provided to the tenant, to: (1) apply by affidavit of complaint for the summary eviction of the tenant; and (2) serve the tenant with a file-stamped copy of the affidavit of complaint ~~[,]~~ **and** a copy of the summons **.** ~~[and certain notice.]~~ **Sections 2 and 6.5** additionally require the landlord to file with the court proof of service of the affidavit, summons and notice within a prescribed period. **Sections 2 and 6.5** require the tenant to file an answer to the affidavit of compliant within 7 calendar days after the date of service. If a tenant files an answer within the prescribed period, a hearing is held. If no such answer is filed, **sections 2 and 6.5** authorize the court, without holding a hearing, to order the removal of the tenant within a prescribed period under certain circumstances. **Sections 9-20** of this bill make conforming changes relating to the repeal, revision and reorganization of the procedures for summary eviction.

Existing law requires a court that grants an action for summary eviction for a default in the payment of rent during the COVID-19 emergency to automatically seal the eviction case court file. (NRS 40.2545) **Section 11** of this bill removes requirements relating to the COVID-19 emergency **.** ~~[, thereby requiring a court that grants an action for summary eviction brought pursuant to section 2 to automatically seal the eviction case court file.]~~ **Section 11** also requires a court to automatically seal the eviction case court file for an action for summary eviction brought pursuant to section **2 or** 6.5 ~~[if the landlord fails to file an affidavit of complaint for summary eviction within the time prescribed by section 6.5.]~~ **under certain circumstances.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 14, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for a default in the payment of rent using the procedure for summary eviction provided in this section.***

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord's agent must serve upon the tenant a written notice which:

(a) Except as otherwise provided in subsection 12, requires the tenant to pay the past due rent or surrender the premises before the close of business on the seventh calendar day following the date of service; and

(b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the notice provided pursuant to subsection 2, the landlord or the landlord's agent may apply by affidavit of

complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection 12, be filed with the court not later than 30 calendar days after the expiration of the notice period described in subsection 2; and

(b) State or contain:

(1) The date the tenancy commenced;

(2) The amount of periodic rent reserved;

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;

(4) The date the rental payments became delinquent;

(5) The length of time the tenant has remained in possession without paying rent;

(6) The amount of rent claimed due and delinquent;

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280;

(8) A copy of the written notice served on the tenant pursuant to subsection 2; and

(9) A copy of the signed written rental agreement, if any.

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within:

(a) Fifteen calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, with or without the documents required to be included in the affidavit of complaint pursuant to subparagraphs (8) and (9) of paragraph (b) of subsection 4, and a copy of the summons [and a notice] which must advise the tenant that:

(1) Except as otherwise provided in subsection 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 7 calendar days after service of the affidavit of complaint for summary eviction;

(2) If the tenant does not file an answer within the period described in subparagraph (1), the court may issue a summary order for the removal of the tenant or [an order] providing for the nonadmittance of the tenant;

(3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and

(4) The tenant may request that the court stay the execution of the summary order [of] for the removal of the tenant or [order] providing for the

nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit ~~[,]~~ and summons ~~[and notice]~~ required by paragraph (a).

6. Except as otherwise provided in subsection 12, upon being served pursuant to subsection 5, the tenant shall, within 7 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section ~~[,]~~ and the tenant is guilty of an unlawful detainer, issue ~~[:]~~ a summary order which:

(a) ~~[A summary order]~~ Provides for the removal of the tenant or ~~[an order providing]~~ for the nonadmittance of the tenant; and

(b) ~~[An order directing]~~ Directs the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, ~~[require that]~~ the court shall take no further action and any further proceedings must be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.

10. Written notices to the tenant prescribed by this section , including, without limitation, the affidavit of complaint and summons, must be served in the manner provided by NRS 40.280.

11. Proof of service of any notice required by this section must be filed with the court before a summary order for the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

12. For the purposes of this section, if the date on which:

(a) An affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

(b) A tenant must pay any past due rent or surrender the premises falls on a Saturday, Sunday or legal holiday, the tenant must pay the past due rent or surrender the premises before the close of business on the next day the business office of the landlord is open.

13. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.

14. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

15. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Sec. 3. (Deleted by amendment.)

Sec. 4. ***Upon receipt of a summary order for the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant issued pursuant to subsection 6 of section 2 of this act, the sheriff or constable shall:***

1. Post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable.

2. As soon as reasonably practicable, but not earlier than 24 hours after the posting of the order, remove the tenant.

Sec. 5. ***1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460.***

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 20 days after the later of:

(a) The date on which the summary order for removal or ~~[the order]~~ providing for nonadmittance was issued.

(b) The date on which the tenant vacated or was removed from the premises.

(c) The date on which a copy of the costs claimed by the landlord was requested by or provided to the tenant.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server licensed pursuant to chapter 648 of NRS. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

Sec. 6. *1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the reasonableness of any action taken by the landlord pursuant to subsection 3 of NRS 118A.460.*

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 5 days after the date on which the tenant vacated or was removed from the premises.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the tenant to retrieve his or her essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

4. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 3, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

Sec. 6.5. *1. Except as otherwise provided in subsection ~~[14,]~~ 15, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516 using the procedure for summary eviction provided in this section.*

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent must serve upon the tenant:

(a) The written notice to surrender required by NRS ~~[40.250,]~~ 40.251, 40.2514 or 40.2516, as applicable; and

(b) A written notice which informs the tenant that if the tenant fails to comply with the requirements of written notice to surrender, the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the written notice required by paragraph (a) of subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection 12, be filed with the court not later than 30 calendar days after the expiration of the period described in the written notice to surrender required by paragraph (a) of subsection 2; and

(b) State or contain:

(1) The date the tenancy commenced;

(2) The date when the tenancy or rental agreement allegedly terminated;

(3) A copy of the written notice served on the tenant pursuant to subsection 2;

(4) Any facts supporting the written notice;

(5) A copy of the signed written rental agreement, if any;

(6) A statement that the written notice was served on the tenant in accordance with NRS 40.280; and

(7) A copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255, if the property has been purchased in a residential foreclosure . ~~[; and~~

~~(8) A statement that the claim for relief was authorized by law.]~~

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within:

(a) Fifteen calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, with or without the documents required to be included in the affidavit of complaint pursuant to subparagraphs (3) and (5) of paragraph (b) of subsection 4, and a copy of the summons ~~[and a notice]~~ which must advise the tenant that:

(1) Except as otherwise provided in subsection 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 7 calendar days after service of the affidavit of complaint for summary eviction;

(2) If the tenant does not file an answer within the period described in subparagraph (1), the court may issue a summary order for the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant;

(3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and

(4) The tenant may request that the court stay the execution of the summary order ~~[of]~~ for the removal of the tenant or ~~[order]~~ providing for the nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit ~~[,]~~ and summons ~~[and notice]~~ required by paragraph (a).

6. Except as otherwise provided in subsection 12, upon being served pursuant to subsection 5, the tenant shall, within 7 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section ~~[,]~~ and the tenant is guilty of an unlawful detainer, issue ~~[:]~~ a summary order which:

(a) ~~[A summary order]~~ Provides for the removal of the tenant or ~~[an order providing]~~ for the nonadmittance of the tenant; and

(b) ~~[An order directing]~~ Directs the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, ~~[require that]~~ the court shall take no further action and any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.

10. Written notices to the tenant prescribed by this section , including, without limitation, the affidavit of complaint and summons, must be served in the manner provided by NRS 40.280.

11. Proof of service of any notice required by this section must be filed with the court before a summary order for the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

12. For the purposes of this section, if the date on which an affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

13. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.

14. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 7 wherein the tenant contested the eviction.

15. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

16. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 40.2516 is hereby amended to read as follows:

40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the real property, dwelling unit, recreational vehicle or mobile home is held, other than those mentioned in NRS 40.250 to ~~[~~40.254,~~]~~ ***40.252,*** inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the real property, dwelling unit, recreational vehicle or mobile home, served

upon the tenant, and, if there is a subtenant in actual occupation of the premises or property, also upon the subtenant, remains uncomplied with for 5 days after the service thereof. Within 5 days after the service, the tenant, or any subtenant in actual occupation of the premises or property, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS ~~[40.254 or]~~ 40.290 to 40.420, inclusive ~~[.]~~ ***, or section 6.5 of this act.***

Sec. 10. NRS 40.252 is hereby amended to read as follows:

40.252 For the purposes of NRS 40.250 to 40.252, inclusive, and ~~[NRS 40.254:]~~ ***sections 2 to 6.5, inclusive, of this act:***

1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.

2. Notice to surrender the premises which was given by one colessor of real property or a mobile home is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.

Sec. 11. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. ~~[If a court grants an action for summary eviction pursuant to NRS 40.253 during the COVID-19 emergency, *section 2 of this act,* the court shall automatically seal the eviction case court file.~~

~~2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in]~~ ***In*** any action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[,]~~ ***or section 2 or 6.5 of this act,*** the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which dismisses the action for summary eviction;

(b) Ten judicial days after the entry of a court order which denies the action for summary eviction; or

(c) Thirty-one days after the tenant has filed an affidavit described in ~~[subsection 3 of NRS 40.253 or]~~ subsection 3 of NRS 40.2542 **.** ~~[, if ; or~~

~~(d) If the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit. for summary eviction on or before 30 days after the date on which the notice required by subsection 2 of section 2 or subsection 2 of section 6.5 of this act expires.~~

~~3.]~~ ***2.*** In addition to the provisions for the automatic sealing of an eviction case court file pursuant to ~~[subsections]~~ ***subsection*** 1 **,** ~~[and 2,]~~ the court may order the sealing of an eviction case court file for an action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[.]~~ ***or section 2 or 6.5 of this act:***

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

~~[4.]~~ ***3.*** If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

~~[5.]~~ ***4.*** Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, by a sheriff or constable. This subsection does not:

(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.

(b) Prohibit the service of a notice to surrender pursuant to NRS 40.280, and such service of a notice to surrender shall be deemed not to constitute making the notice to surrender available for public inspection as described in this subsection.

~~[6.]~~ ***5.*** As used in this section ~~[:~~

~~(a) "COVID-19 emergency" means the period of time:~~

~~(1) Beginning on March 12, 2020, the date on which the Governor issued the Declaration of Emergency for COVID-19; and~~

~~(2) Ending on the date on which the Governor terminates the emergency described in the Declaration May 20, 2022.~~

~~(b) "Eviction]~~ ***, "eviction*** case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 12. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2, 4 and 9, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and

(c) Upon termination of the previous owner's interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.

3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[NRS 40.253 and 40.254.]~~ ***sections 2 and 6.5 of this act.***

4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

5. During the notice period described in subsection 4:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

6. The notice described in subsection 4 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 4; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[NRS 40.253 and 40.254.]~~ ***sections 2 and 6.5 of this act.***

7. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 4.

8. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 4 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 4.

9. This section does not apply to the tenant of a mobile home lot in a mobile home park.

10. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 13. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS ~~[40.253 and]~~ 40.2542, the notices required by NRS 40.251 to 40.260, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the

property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to ~~[~~NRS 40.253 or 40.254;~~]~~ ***section 2 or 6.5 of this act;***

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542.

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) ~~[~~Except as otherwise provided in paragraph (b):

~~(1)~~~~]~~ If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

~~[~~(I)~~]~~ ***(1)*** Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive ~~[~~.~~]~~ ***, and sections 2 to 6.5, inclusive, of this act;***

~~[~~(II)~~]~~ ***(2)*** Reviewed the date and manner of service by the agent; and

~~[~~(III)~~]~~ ***(3)*** Believes to the best of his or her knowledge that such service complies with the requirements of this section.

~~[~~(2)~~]~~ ***(b)*** If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

~~[~~(3)~~]~~ ***(c)*** If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the

person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

~~[(b) For a short-term tenancy, if service of the notice was not delivered in person:~~

~~(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~(2) The endorsement of a sheriff or constable stating the:~~

~~(I) Time and date the request for service was made by the landlord or the landlord's agent;~~

~~(II) Time, date and manner of the service; and~~

~~(III) Fees paid for the service.]~~

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive ~~[,]~~ ***, and sections 2 to 6.5, inclusive, of this act;*** and

(b) The agent is acting at the direction and under the direct supervision of the attorney.

Sec. 14. NRS 40.385 is hereby amended to read as follows:

40.385 1. Either party may appeal an order entered pursuant to NRS ~~[~~40.253, 40.254 or~~]~~ 40.2542 ***or section 2 or 6.5 of this act*** by filing a notice of appeal within 10 judicial days after the date of entry of the order.

2. Except as otherwise provided in this section, a stay of execution may be obtained by filing with the trial court a bond in the amount of $250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of any unpaid rent claim of the landlord.

3. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS ~~[~~40.253, 40.254 or~~]~~ 40.2542 ~~[.]~~ ***or section 2 or 6.5 of this act.***

Sec. 15. NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

(a) The address or other location of the property;

(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and

(c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection ~~[1]~~ ***2*** of ~~[~~NRS 40.253~~]~~ ***section 2 of this act*** or subsection 1 of NRS 40.2542, as applicable.

Sec. 16. NRS 118A.460 is hereby amended to read as follows:

118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability in the following manner:

(a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period

and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ ***section 5 of this act.***

3. During the 5-day period following the eviction or lockout of a tenant, the landlord shall provide the former tenant a reasonable opportunity to retrieve essential personal effects, including, without limitation, medication, baby formula, basic clothing and personal care items. Any dispute relating to the reasonableness of the landlord's actions pursuant to this section may be resolved using the procedure provided in ~~[subsection 9 of NRS 40.253.]~~ ***section 6 of this act.***

Sec. 17. ~~[NRS 118C.230 is hereby amended to read as follows:~~

~~118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:~~

~~(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.~~

~~(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).~~

~~(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~2. A tenant of commercial premises is presumed to have abandoned the premises if:~~

~~(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and~~

~~(b) The removal is not within the normal course of business of the tenant.~~

~~3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.~~

~~4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.2542.~~**]** **(Deleted by amendment.)**

Sec. 18. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to **[**~~NRS 40.254~~**]** ***section 6.5 of this act*** within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to **[**~~NRS 40.254,~~**]** ***section 6.5 of this act,***

➥ the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

Sec. 19. NRS 453.305 is hereby amended to read as follows:

453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.

2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.

3. The notices required by this section must:

(a) Be written in language which is easily understood;

(b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;

(c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;

(d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and

(e) Advise the owner that:

(1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;

(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;

(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and

(4) The provisions of NRS 40.2514 and ~~[40.254]~~ ***section 6.5 of this act*** authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.

4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.

5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

Sec. 20. NRS 645H.520 is hereby amended to read as follows:

645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:

(a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;

(b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;

(c) Cleaning the interior or exterior of real property in foreclosure;

(d) Providing repair or improvements for real property in foreclosure; and

(e) Removing trash and debris from real property in foreclosure and the surrounding property.

2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:

(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ ***section 5 of this act.***

Sec. 21. The amendatory provisions of sections 2 to 20, inclusive, of this act apply to an action for summary eviction which accrues on or after October 1, 2023.

Sec. 22. NRS 40.253 and 40.254 are hereby repealed.

TEXT OF REPEALED SECTIONS

40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.

1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the

premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to

NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon

the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

40.254 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.

1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 677 to Assembly Bill No. 340.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 356.

The following Senate amendment was read:

Amendment No. 608.

AN ACT relating to mobile tracking devices; prohibiting a person from installing, concealing or otherwise placing a mobile tracking device in or on the motor vehicle of another person under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The United States District Court for the District of Nevada has held that using a GPS tracking device to monitor the movements of a person implicates

the tort of invasion of privacy because a person has a reasonable expectation of privacy with respect to his or her daily movements in a motor vehicle. (*Ringelberg v. Vanguard Integrity Prof'ls-Nev., Inc.*, No. 2:17-CV-01788-JAD-PAL (D. Nev. Dec. 3, 2018)) Existing law does not expressly prohibit a person from installing a tracking device on the motor vehicle of another person. This bill expressly provides that a person commits the crime of unlawful installation of a mobile tracking device if the person installs, conceals or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the motor vehicle **.** ~~[, unless the person is a law enforcement officer who]~~ **This prohibition does not apply to a law enforcement agency that** installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle ~~[pursuant to a warrant or court order.]~~ **in accordance with all applicable requirements of the United States Constitution, the Nevada Constitution and the laws of this State.** This bill provides that a person who commits any such offense is guilty of: (1) for the first offense, a misdemeanor; (2) for the second offense, a gross misdemeanor; or (3) for the third or any subsequent offense, a category C felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person commits the crime of unlawful installation of a mobile tracking device if the person knowingly installs, conceals or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the motor vehicle.

2. The provisions of subsection 1 do not apply to a law enforcement ~~[officer who]~~ agency that installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle ~~[pursuant to a warrant or court order.]~~ in accordance with all applicable requirements of the United States Constitution, the Nevada Constitution and the laws of this State.

3. A person who commits the crime of unlawful installation of a mobile tracking device is guilty of:

(a) For the first offense, a misdemeanor.

(b) For the second offense, a gross misdemeanor.

(c) For the third or any subsequent offense, a category C felony and shall be punished as provided in NRS 193.130.

4. As used in this section, "mobile tracking device" means any device that permits a person to track the movement or location of another person or object through the transmission of any signal, including, without limitation, a radio or electronic signal.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 608 to Assembly Bill No. 356.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 371.

The following Senate amendment was read:

Amendment No. 607.

AN ACT relating to parentage; adopting provisions of the Uniform Parentage Act; revising provisions relating to the establishment of a parent and child relationship and the presumption of parentage; establishing provisions concerning the voluntary acknowledgment of parentage and denial of parentage by certain persons; authorizing the State Board of Health to adopt regulations relating to an acknowledgment of parentage or denial of parentage; establishing provisions governing genetic testing in proceedings to adjudicate parentage; establishing and revising various provisions relating to proceedings to adjudicate parentage; authorizing a person who claims to be a de facto parent of a child to be adjudicated as a parent of the child in certain circumstances; authorizing a court to adjudicate a child to have more than two parents in certain circumstances; establishing and revising provisions relating to assisted reproduction and gestational agreements; providing for the right of a gestational carrier to make all health care decisions regarding the gestational carrier and the pregnancy of the gestational carrier; repealing various provisions relating to parentage; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing parentage and the establishment of parent and child relationships. (Chapter 126 of NRS) **Sections 28-91** of this bill generally replace such provisions with provisions modeled after those of the Uniform Parentage Act (hereinafter "UPA"), adopted by the Uniform Law Commission in 2017. **Sections 4-26** of this bill define terms for the purposes of chapter 126 of NRS that are modeled after the definitions of the terms used in the UPA.

Existing law provides the manners in which the legal relationship of a mother and child can be established, including: (1) except in the case of a gestational agreement, proof that a woman gave birth to a child; (2) an adjudication that a woman is the mother of a child; (3) proof that a woman has adopted a child; (4) an unrebutted presumption of a woman's maternity; (5) the consent of a woman to assisted reproduction that resulted in the birth of a child; or (6) an adjudication confirming a woman as a parent of a child born to a gestational carrier. (NRS 126.041) Existing law also provides the manners in which the legal relationship of a father and child can be established, including: (1) an adjudication that a man is the father of a child; (2) proof that a man has adopted a child; (3) the consent of a man to assisted reproduction that resulted in the birth of a child; (4) an adjudication confirming a man as a parent of a

child born to a gestational carrier; (5) a presumption of paternity that arises if a man was married to or cohabiting with the natural mother of a child or resides with and holds out a child as his natural child; (6) genetic testing establishing a man as the father of a child; or (7) a voluntary acknowledgment of paternity by a man. (NRS 126.041, 126.051, 126.053) **Section 34** of this bill uses the gender-neutral language of the UPA to set forth the circumstances in which a parent and child relationship is established between a person and a child. Similarly, **section 37** of this bill uses the gender-neutral language of the UPA to establish the circumstances in which a person is presumed to be a parent of a child.

Sections 38-51 of this bill establish provisions modeled after those of the UPA relating to the voluntary acknowledgment or voluntary denial of parentage by certain persons, including provisions relating to the requirements for, rescission of and challenge to an acknowledgment of parentage or denial of parentage. **Section 42** of this bill provides that, unless an acknowledgment of parentage or denial of parentage is rescinded or challenged, such an acknowledgment of parentage or denial of parentage that meets all requirements of law and is filed with the State Registrar of Vital Statistics is equivalent to an adjudication of the parentage of a child or the nonparentage of a person, respectively. **Section 43** of this bill prohibits the State Registrar of Vital Statistics from charging a fee for filing an acknowledgment of parentage or denial of parentage, and **section 51** of this bill authorizes the State Board of Health to adopt any necessary regulations relating to an acknowledgment of parentage or denial of parentage.

Existing law provides that in an action to determine paternity, a court is authorized or required, depending on the circumstances, to order genetic testing of a mother, child, alleged father or any other person. (NRS 126.121) **Sections 52-68** of this bill establish various provisions modeled after those of the UPA concerning genetic testing, including: (1) the limitation on the use of genetic testing; (2) the authority to order, facilitate or deny genetic testing; (3) the requirements of genetic testing; (4) reports and costs of genetic testing; (5) additional genetic testing when a result is contested; (6) genetic testing when a specimen is not available from an alleged genetic parent; and (7) genetic testing of a deceased person or identical sibling. **Section 68** of this bill provides that a person commits a misdemeanor if, without proper authority, he or she intentionally releases an identifiable specimen of another person collected for genetic testing for a purpose not relevant to a proceeding regarding parentage.

Existing law establishes various provisions relating to an action to determine paternity or maternity. (NRS 126.071-126.231) **Sections 69-89** of this bill replace several of those provisions with provisions modeled after those of the UPA governing proceedings to adjudicate parentage. Existing law provides that if an action to determine paternity is brought before the birth of a child, all proceedings are generally required to be stayed until after the birth of the child. (NRS 126.071) **Section 84** of this bill instead authorizes a proceeding to adjudicate parentage to be commenced and an order or judgment to be entered

before the birth of a child, but requires enforcement of the order or judgment to be stayed until after the birth of the child.

Existing law does not bar an action to determine paternity until 3 years after a child reaches the age of majority. (NRS 126.081) **Sections 75 and 76** of this bill instead provide that a proceeding to determine whether an alleged genetic parent or presumed parent, respectively, is a parent of a child may be commenced after the child becomes an adult if the child initiates the proceeding.

Existing law requires that an informal hearing be held after an action to determine paternity has been brought and further requires a court to attempt to resolve the issues raised in the action during the pretrial hearing. (NRS 126.111) **Section 136** of this bill repeals the provisions relating to such a pretrial hearing, as the UPA does not require any such pretrial hearing to be conducted.

Section 77 of this bill authorizes a person who claims to be a de facto parent of a child to commence a proceeding to establish parentage of the child if the child is alive and less than 18 years of age. **Section 77** provides that a person who claims to be a de facto parent of a child must be adjudicated as a parent of the child if there is only one other person who is a parent or has a claim to parentage of the child and the person who claims to be a de facto parent can demonstrate certain facts by clear and convincing evidence. **Section 81** of this bill authorizes a court to adjudicate a child to have more than two parents if the court finds that failure to recognize more than two parents would be detrimental to the child.

Existing law establishes provisions concerning assisted reproduction and gestational surrogacy. (NRS 126.500-126.810) This bill establishes only certain provisions modeled after those of the UPA relating to such matters. **Section 92** of this bill establishes provisions relating to the parental status of certain persons who die before a child is conceived by assisted reproduction. **Section 93** of this bill authorizes a party to a gestational agreement to terminate the agreement at any time before an embryo transfer or, if an embryo transfer does not result in pregnancy, at any time before a subsequent embryo transfer.

Existing law requires that a gestational agreement provide for the express written agreement of the gestational carrier to undergo embryo or gamete transfer and attempt to carry and give birth to any resulting child. (NRS 126.750) **Section 107 of this bill requires that a gestational agreement also provide for the express written agreement of the gestational carrier and any legal spouse or domestic partner of the gestational carrier to acknowledge that each intended parent is the legal and physical custodian of any resulting child. Section 107 ~~[of this bill]~~ also** specifies that a gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including whether to: (1) consent to a cesarean section or the transfer of multiple embryos; (2) use the services of a health care practitioner chosen by the gestational carrier; (3) terminate or continue the pregnancy; and (4)

reduce or retain the number of fetuses or embryos carried by the gestational carrier. **Section 107 further** provides that any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Existing law provides that the subsequent marriage or domestic partnership of a gestational carrier after the execution of a gestational agreement does not affect the validity of the agreement. (NRS 126.770) **Section 108** of this bill provides that the subsequent marriage, domestic partnership or divorce of any party to a gestational agreement does not affect the validity of the agreement unless the agreement expressly provides otherwise.

Existing law provides that if a gestational carrier breaches a gestational agreement, a specific performance remedy that would require the gestational carrier to be impregnated is prohibited. (NRS 126.780) **Section 109** of this bill instead provides that specific performance is not an available remedy with regard to a gestational agreement except to enforce any provision in the agreement that is necessary to enable the intended parents to exercise the full rights of parentage immediately upon the birth of the child, if the intended parents are being prevented from exercising such rights.

Sections 98-106 of this bill make various other changes to the provisions of existing law concerning assisted reproduction and gestational surrogacy.

Section 136 repeals provisions of existing law that are not necessary because of the establishment of the provisions modeled after those of the UPA in **sections 28-91**.

Sections 1, 94-97, 110-133 and 136 of this bill make conforming changes to reflect the revisions made to existing law because of the establishment of the provisions modeled after those of the UPA in **sections 28-91** and the repeal of unnecessary provisions in **section 136**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 125C.003 is hereby amended to read as follows:

125C.003 ~~[1.]~~ A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:

~~[(a)]~~ ***1.*** The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;

~~[(b) A child is born out of wedlock and the provisions of subsection 2 are applicable;]~~ or

~~[(c)]~~ ***2.*** Except as otherwise provided in subsection 6 of NRS 125C.0035 or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this ~~[paragraph]~~ ***subsection*** is a rebuttable presumption.

~~[2. A court may award primary physical custody of a child born out of wedlock to:~~

~~(a) The mother of the child if:~~

~~(1) The mother has not married the father of the child;~~

~~(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and~~

~~(3) The father of the child:~~

~~(I) Is not subject to any presumption of paternity under NRS 126.051;~~

~~(II) Has never acknowledged paternity pursuant to NRS 126.053; or~~

~~(III) Has had actual knowledge of his paternity but has abandoned the child.~~

~~(b) The father of the child if:~~

~~(1) The mother has abandoned the child; and~~

~~(2) The father has provided sole care and custody of the child in her absence.~~

~~3. As used in this section:~~

~~(a) "Abandoned" means that a mother or father has:~~

~~(1) Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or~~

~~(2) Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.~~

~~(b) "Expedited process" has the meaning ascribed to it in NRS 126.161.~~]

Sec. 2. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 93, inclusive, of this act.

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 26, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Acknowledged parent" means a person who has established a parent and child relationship under sections 38 to 51, inclusive, of this act.***

Sec. 5. ***"Adjudicated parent" means a person who has been adjudicated to be a parent of a child by a court with jurisdiction.***

Sec. 6. ***"Alleged genetic parent" means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother. The term does not include:***

1. A presumed parent;

2. A person whose parental rights have been terminated or declared not to exist; or

3. A donor.

Sec. 7. ***"Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:***

1. Intrauterine or intracervical insemination;

2. Donation of gametes;

3. Donation of embryos;

4. In vitro fertilization and transfer of embryos; and

5. Intracytoplasmic sperm injection.

Sec. 8. *"Birth" includes stillbirth.*

Sec. 9. *"Child" means a person of any age whose parentage may be determined under sections 28 to 91, inclusive, of this act.*

Sec. 10. *"Child support agency" means a governmental entity, public official or private agency authorized to provide parentage-establishment services under Title IV-D of the Social Security Act, 42 U.S.C. §§ 651 to 669, inclusive.*

Sec. 11. *"Custodial parent" means a parent who has been awarded physical custody of a child or, if no award of physical custody has been made by a court, the parent with whom the child resides.*

Sec. 12. *"Determination of parentage" means establishment of a parent and child relationship by a judicial or administrative proceeding or signing of a valid acknowledgment of parentage under sections 38 to 51, inclusive, of this act.*

Sec. 13. *"Donor" means a person who provides gametes intended for use in assisted reproduction, whether or not for consideration. The term does not include:*

1. A person who gives birth to a child conceived by assisted reproduction, except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

2. A parent or an intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 14. *"Gamete" means a sperm or egg.*

Sec. 15. *"Genetic testing" means an analysis of genetic markers to identify or exclude a genetic relationship.*

Sec. 16. *"Intended parent" means a person, married or unmarried, or in or not in a domestic partnership, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction.*

Sec. 17. *"Parent" means a person who has established a parent and child relationship under section 34 of this act.*

Sec. 18. *"Parentage" or "parent and child relationship" means the legal relationship between a child and a parent of the child.*

Sec. 19. *"Person" means a natural person of any age.*

Sec. 20. *"Presumed parent" means a person who under section 37 of this act is presumed to be a parent of a child, unless the presumption is overcome in a judicial proceeding, a valid denial of parentage is made under sections 38 to 51, inclusive, of this act or a court adjudicates the person to be a parent.*

Sec. 21. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 22. *"Sign" means, with present intent to authenticate or adopt a record:*

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 23. *"Signatory" means a person who signs a record.*

Sec. 24. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession under the jurisdiction of the United States. The term includes a federally recognized Indian tribe.*

Sec. 25. *"Transfer" means a procedure for assisted reproduction by which an embryo is placed in the body of the person who will give birth to the child.*

Sec. 26. *"Witnessed" means that at least one person who is authorized to sign has signed a record to verify that the person personally observed a signatory sign the record.*

Sec. 27. *As used in this chapter, unless the context otherwise requires, any reference to the father of a child or the mother of a child includes a parent of any gender, and any reference to paternity is equally applicable to parentage.*

Sec. 28. *Sections 28 to 91, inclusive, of this act may be cited as the Uniform Parentage Act (2017).*

Sec. 29. *1. Sections 28 to 91, inclusive, of this act apply to an adjudication or determination of parentage.*

2. Sections 28 to 91, inclusive, of this act do not create, affect, enlarge or diminish parental rights or duties under law of this State other than sections 28 to 91, inclusive, of this act.

Sec. 30. *Each district court may adjudicate parentage under sections 28 to 91, inclusive, of this act.*

Sec. 31. *In any proceeding in which a court of this State has jurisdiction to determine the parentage of a child, the court shall apply the law of this State to adjudicate parentage. The applicable law does not depend on:*

1. The place of birth of the child; or

2. The past or present residence of the child.

Sec. 32. *A proceeding under sections 28 to 91, inclusive, of this act is subject to law of this State other than sections 28 to 91, inclusive, of this act which governs the health, safety, privacy and liberty of a child or other person who could be affected by disclosure of information that could identify the child or other person, including, without limitation, address, telephone number, digital contact information, place of employment, social security number and the child's day care facility or school.*

Sec. 33. *To the extent practicable, a provision of sections 28 to 91, inclusive, of this act applicable to a father and child relationship applies to a mother and child relationship and a provision of sections 28 to 91,*

inclusive, of this act applicable to a mother and child relationship applies to a father and child relationship.

Sec. 34. *A parent and child relationship is established between a person and a child if:*

1. The person gives birth to the child, except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act;

2. There is a presumption under section 37 of this act of the person's parentage of the child, unless the presumption is overcome in a judicial proceeding or a valid denial of parentage is made under sections 38 to 51, inclusive, of this act;

3. The person is adjudicated a parent of the child by a court of this State or any other state;

4. The person adopts the child;

5. The person acknowledges parentage of the child under sections 38 to 51, inclusive, of this act, unless the acknowledgment is rescinded under section 45 of this act or successfully challenged under sections 38 to 51, inclusive, or 69 to 89, inclusive, of this act; or

6. The person's parentage of the child is established under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 35. *A parent and child relationship extends equally to every child and parent, regardless of the marital status of the parent.*

Sec. 36. *Unless parental rights are terminated, a parent and child relationship established under sections 28 to 91, inclusive, of this act applies for all purposes.*

Sec. 37. *1. A person is presumed to be a parent of a child if:*

(a) Except as otherwise provided under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act or law of this State other than sections 28 to 91, inclusive, of this act:

(1) The person and the person who gave birth to the child are married to or in a domestic partnership with each other and the child is born during the marriage or domestic partnership, whether the marriage or domestic partnership is or could be declared invalid;

(2) The person and the person who gave birth to the child were married to or in a domestic partnership with each other and the child is born not later than 300 days after the marriage or domestic partnership is terminated by death, divorce, dissolution, annulment or declaration of invalidity, or after a decree of separation or separate maintenance, whether the marriage or domestic partnership is or could be declared invalid; or

(3) The person and the person who gave birth to the child married or entered into a domestic partnership with each other after the birth of the child, whether the marriage or domestic partnership is or could be declared invalid, the person at any time asserted parentage of the child, and:

(I) The assertion is in a record filed with the State Registrar of Vital Statistics; or

(II) The person agreed to be and is named as a parent of the child on the birth certificate of the child; or

(b) The person resided in the same household with the child for the first 2 years of the life of the child, including any period of temporary absence, and openly held out the child as the person's child.

2. A presumption of parentage under this section may be overcome, and competing claims to parentage may be resolved, only by an adjudication under sections 69 to 89, inclusive, of this act or a valid denial of parentage under sections 38 to 51, inclusive, of this act.

Sec. 38. *A person who gave birth to a child and an alleged genetic parent of the child, intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, or presumed parent may sign an acknowledgment of parentage to establish the parentage of the child.*

Sec. 39. *1. An acknowledgment of parentage under section 38 of this act must:*

(a) Be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent and child relationship, and the signatures must be attested by an electronic notary public or other notarial officer or signed by at least one witness;

(b) State that the child whose parentage is being acknowledged:

(1) Does not have a presumed parent other than the person seeking to establish the parent and child relationship or has a presumed parent whose full name is stated; and

(2) Does not have another acknowledged parent, adjudicated parent or person who is a parent of the child under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act other than the person who gave birth to the child; and

(c) State that the signatories understand that the acknowledgement is the equivalent of an adjudication of parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred 2 years after the effective date of the acknowledgment.

2. An acknowledgment of parentage is void if, at the time of signing:

(a) A person other than the person seeking to establish parentage is a presumed parent, unless a denial of parentage by the presumed parent in a signed record is filed with the State Registrar of Vital Statistics; or

(b) A person, other than the person who gave birth to the child or the person seeking to establish parentage, is an acknowledged or adjudicated parent or a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 40. *A presumed parent or alleged genetic parent may sign a denial of parentage in a record. The denial of parentage is valid only if:*

1. An acknowledgment of parentage by another person is filed under section 42 of this act;

2. The signature of the presumed parent or alleged genetic parent is attested by an electronic notary public or other notarial officer or signed by at least one witness; and

3. The presumed parent or alleged genetic parent has not previously:

(a) Completed a valid acknowledgment of parentage for the same child, unless the previous acknowledgment was rescinded under section 45 of this act or challenged successfully under section 46 of this act; or

(b) Been adjudicated to be a parent of the child.

Sec. 41. *1. An acknowledgment of parentage and a denial of parentage may be contained in a single document or may be in counterparts and may be filed with the State Registrar of Vital Statistics separately or simultaneously. If filing of the acknowledgment and denial both are required under sections 28 to 91, inclusive, of this act, neither is effective until both are filed.*

2. An acknowledgment of parentage or denial of parentage may only be signed after the birth of the child.

3. Subject to subsection 1, an acknowledgment of parentage or denial of parentage takes effect on the filing of the document with the State Registrar of Vital Statistics.

4. An acknowledgment of parentage or denial of parentage signed by a person who is a minor is valid if the acknowledgment complies with sections 28 to 91, inclusive, of this act.

Sec. 42. *1. Except as otherwise provided in sections 45 and 46 of this act, an acknowledgment of parentage that complies with sections 38 to 51, inclusive, of this act and is filed with the State Registrar of Vital Statistics is equivalent to an adjudication of parentage of the child and confers on the acknowledged parent all rights and duties of a parent.*

2. Except as otherwise provided in sections 45 and 46 of this act, a denial of parentage by a presumed parent or alleged genetic parent which complies with sections 38 to 51, inclusive, of this act and is filed with the State Registrar of Vital Statistics with an acknowledgment of parentage that complies with sections 38 to 51, inclusive, of this act is equivalent to an adjudication of the nonparentage of the presumed parent or alleged genetic parent who signed the denial and discharges the presumed parent or alleged genetic parent who signed the denial from all rights and duties of a parent.

Sec. 43. *The State Registrar of Vital Statistics may not charge a fee for filing an acknowledgment of parentage or denial of parentage.*

Sec. 44. *A court conducting a judicial proceeding or an administrative agency conducting an administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of parentage. A court may determine that a person who signed an acknowledgment of parentage is a parent in a later proceeding based on other grounds.*

Sec. 45. *1. A signatory may rescind an acknowledgment of parentage or denial of parentage by filing with the State Registrar of Vital Statistics a*

rescission in a signed record which is attested by an electronic notary public or notarial officer or signed by at least one witness, before the earlier of:

(a) Sixty days after the effective date under section 41 of this act of the acknowledgment or denial; or

(b) The date of the first hearing before a court in a proceeding, to which the signatory is a party, to adjudicate an issue relating to the child, including a proceeding that establishes support.

2. If an acknowledgment of parentage is rescinded under subsection 1, an associated denial of parentage is invalid, and the State Registrar of Vital Statistics shall notify the person who gave birth to the child and the person who signed a denial of parentage of the child that the acknowledgment has been rescinded. Failure to give the notice required by this subsection does not affect the validity of the rescission.

Sec. 46. *1. After the period for rescission under section 45 of this act expires, but not later than 2 years after the effective date under section 41 of this act of an acknowledgment of parentage or denial of parentage, a signatory of the acknowledgment or denial may commence a proceeding to challenge the acknowledgment or denial only on the basis of fraud, duress or material mistake of fact.*

2. A challenge to an acknowledgment of parentage or denial of parentage by a person who was not a signatory to the acknowledgment or denial is governed by section 78 of this act.

Sec. 47. *1. Every signatory to an acknowledgment of parentage and any related denial of parentage must be made a party to a proceeding to challenge the acknowledgment or denial.*

2. By signing an acknowledgment of parentage or denial of parentage, a signatory submits to personal jurisdiction in this State in a proceeding to challenge the acknowledgment or denial, effective on the filing of the acknowledgment or denial with the State Registrar of Vital Statistics.

3. The court may not suspend the legal responsibilities arising from an acknowledgment of parentage, including the duty to pay child support, during the pendency of a proceeding to challenge the acknowledgment or a related denial of parentage, unless the party challenging the acknowledgment or denial shows good cause.

4. A party challenging an acknowledgment of parentage or denial of parentage has the burden of proof.

5. If the court determines that a party has satisfied the burden of proof under subsection 4, the court shall order the State Registrar of Vital Statistics to amend the birth record of the child to reflect the legal parentage of the child.

6. A proceeding to challenge an acknowledgment of parentage or denial of parentage must be conducted under sections 69 to 89, inclusive, of this act.

Sec. 48. *The court shall give full faith and credit to an acknowledgment of parentage or denial of parentage effective in another state if the*

acknowledgment or denial was in a signed record and otherwise complies with the law of the other state.

Sec. 49. *A valid acknowledgment of parentage or denial of parentage is not affected by a later modification of the declaration developed by the State Board of Health pursuant to NRS 440.285.*

Sec. 50. *1. The State Registrar of Vital Statistics may release information relating to an acknowledgment of parentage or denial of parentage to a signatory of the acknowledgment or denial, a court, federal agency , agency which provides child welfare services and child support agency of this or another state.*

2. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 51. *The State Board of Health may adopt any regulations that are necessary to implement sections 38 to 51, inclusive, of this act.*

Sec. 52. *As used in sections 52 to 68, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 53 to 57, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 53. *"Combined relationship index" means the product of all tested relationship indices.*

Sec. 54. *"Ethnic or racial group" means, for the purpose of genetic testing, a recognized group that a person identifies as the person's ancestry or part of the ancestry or that is identified by other information.*

Sec. 55. *"Hypothesized genetic relationship" means an asserted genetic relationship between a person and a child.*

Sec. 56. *"Probability of parentage" means, for the ethnic or racial group to which a person alleged to be a parent belongs, the probability that a hypothesized genetic relationship is supported, compared to the probability that a genetic relationship is supported between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship, expressed as a percentage incorporating the combined relationship index and a prior probability.*

Sec. 57. *"Relationship index" means a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship.*

Sec. 58. *1. Sections 52 to 68, inclusive, of this act govern genetic testing of a person in a proceeding to adjudicate parentage, whether the person:*

(a) Voluntarily submits to testing; or

(b) Is tested under an order of the court or as a result of the facilitation of a child support agency.

2. Genetic testing may not be used:

(a) To challenge the parentage of a person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

(b) To establish the parentage of a person who is a donor.

Sec. 59. *1. Except as otherwise provided in sections 52 to 68, inclusive, or 69 to 89, inclusive, of this act, in a proceeding under sections 28 to 91, inclusive, of this act to determine parentage, the court shall order the child and any other person to submit to genetic testing if a request for testing is supported by the sworn statement of a party:*

(a) Alleging a reasonable possibility that the person is the child's genetic parent; or

(b) Denying genetic parentage of the child and stating facts establishing a reasonable possibility that the person is not a genetic parent.

2. A child support agency may facilitate genetic testing only if there is no acknowledged or adjudicated parent of a child other than the person who gave birth to the child.

3. The court may not order, and a child support agency may not facilitate, in utero genetic testing.

4. If two or more persons are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

5. Genetic testing of a person who gave birth to a child is not a condition precedent to testing of the child and a person whose genetic parentage of the child is being determined. If the person who gave birth to the child is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each person whose genetic parentage of the child is being adjudicated.

6. In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a parent under section 77 of this act, or to challenge an acknowledgment of parentage, the court may deny a motion for genetic testing of the child and any other person after considering the factors in subsections 1 and 2 of section 81 of this act.

7. If a person requesting genetic testing is barred under sections 69 to 89, inclusive, of this act from establishing the person's parentage, the court shall deny the request for genetic testing.

8. An order under this section for genetic testing is enforceable by contempt.

Sec. 60. *1. Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by:*

(a) The AABB, formerly known as the American Association of Blood Banks, or a successor to its functions; or

(b) An accrediting body designated by the Secretary of the United States Department of Health and Human Services.

2. A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each person undergoing genetic testing.

3. Based on the ethnic or racial group of a person undergoing genetic testing, a testing laboratory shall determine the databases from which to select frequencies for use in calculating a relationship index. If a person or a child support agency objects to the laboratory's choice, the following rules apply:

(a) Not later than 30 days after receipt of the report of the test, the objecting person or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.

(b) The person or the child support agency objecting to the laboratory's choice under this subsection shall:

(1) If the requested frequencies are not available to the laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or

(2) Engage another laboratory to perform the calculations.

(c) The laboratory may use its own statistical estimate if there is a question which ethnic or racial group is appropriate. The laboratory shall calculate the frequencies using statistics, if available, for any other ethnic or racial group requested.

4. If, after recalculation of the relationship index under subsection 3 using a different ethnic or racial group, genetic testing under section 62 of this act does not identify a person as a genetic parent of a child, the court may require a person who has been tested to submit to additional genetic testing to identify a genetic parent.

Sec. 61. *1. A report of genetic testing must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the requirements of sections 52 to 68, inclusive, of this act is self-authenticating.*

2. Documentation from a testing laboratory of the following information is sufficient to establish a reliable chain of custody and allow the results of genetic testing to be admissible without testimony:

(a) The name and photograph of each person whose specimen has been taken;

(b) The name of the person who collected each specimen;

(c) The place and date each specimen was collected;

(d) The name of the person who received each specimen in the testing laboratory; and

(e) The date each specimen was received.

Sec. 62. *1. Subject to a challenge under subsection 2, a person is identified under sections 28 to 91, inclusive, of this act as a genetic parent of a child if genetic testing complies with sections 52 to 68, inclusive, of this act and the results of the testing disclose:*

(a) The person has at least a 99 percent probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and

(b) A combined relationship index of at least 100 to 1.

2. A person identified under subsection 1 as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of sections 52 to 68, inclusive, of this act which:

(a) Excludes the person as a genetic parent of the child; or

(b) Identifies another person as a possible genetic parent of the child other than:

(1) The person who gave birth to the child; or

(2) The person identified under subsection 1.

3. Except as otherwise provided in section 67 of this act, if more than one person other than the person who gave birth to the child is identified by genetic testing as a possible genetic parent of the child, the court shall order each person to submit to further genetic testing to identify a genetic parent.

Sec. 63. *1. Subject to assessment of fees under sections 69 to 89, inclusive, of this act, payment of the cost of initial genetic testing must be made in advance:*

(a) By the person who made the request for genetic testing;

(b) As agreed by the parties; or

(c) As ordered by the court.

2. If the cost of genetic testing is paid by a child support agency, the agency may seek reimbursement from the genetic parent whose parent and child relationship is established.

Sec. 64. *The court shall order, or a child support agency may facilitate, additional genetic testing on request of a person who contests the result of the initial testing under section 62 of this act. If initial genetic testing under section 62 of this act identified a person as a genetic parent of the child, the court may not order, and a child support agency may not facilitate, additional testing unless the contesting person pays for the testing in advance.*

Sec. 65. *1. Subject to subsection 2, if a genetic-testing specimen is not available from an alleged genetic parent of a child, a person seeking genetic testing demonstrates good cause and the court finds that the circumstances are just, the court may order any of the following persons to submit specimens for genetic testing:*

(a) A parent of the alleged genetic parent;

(b) A sibling of the alleged genetic parent;

(c) Another child of the alleged genetic parent and the person who gave birth to the other child; and

(d) Another relative of the alleged genetic parent necessary to complete genetic testing.

2. To issue an order under this section, the court must find that a need for genetic testing outweighs the legitimate interests of the person sought to be tested.

Sec. 66. *If a person seeking genetic testing demonstrates good cause, the court may order genetic testing of a deceased person.*

Sec. 67. *1. If the court finds there is reason to believe that an alleged genetic parent has an identical sibling and evidence that the sibling may be a genetic parent of the child, the court may order genetic testing of the sibling.*

2. If more than one sibling is identified under section 62 of this act as a genetic parent of the child, the court may rely on nongenetic evidence to adjudicate which sibling is a genetic parent of the child.

Sec. 68. *1. Release of a report of genetic testing for parentage is controlled by law of this State other than sections 28 to 91, inclusive, of this act.*

2. A person who intentionally releases an identifiable specimen of another person collected for genetic testing under sections 52 to 68, inclusive, of this act for a purpose not relevant to a proceeding regarding parentage, without a court order or written permission of the person who furnished the specimen, commits a misdemeanor.

Sec. 69. *1. A proceeding may be commenced to adjudicate the parentage of a child. Except as otherwise provided in sections 28 to 91, inclusive, of this act, the proceeding is governed by the Nevada Rules of Civil Procedure.*

2. A proceeding to adjudicate the parentage of a child born under a gestational agreement is governed by NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

3. As used in this section, "gestational agreement" has the meaning ascribed to it in NRS 126.570.

Sec. 70. *Except as otherwise provided in sections 38 to 51, inclusive, and 76 to 79, inclusive, of this act, a proceeding to adjudicate parentage may be maintained by:*

1. The child;

2. The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;

3. A person who is a parent under sections 28 to 91, inclusive, of this act;

4. A person whose parentage of the child is to be adjudicated;

5. A child support agency or other governmental agency authorized by law of this State other than sections 28 to 91, inclusive, of this act;

6. An adoption agency authorized by law of this State other than sections 28 to 91, inclusive, of this act or licensed child-placing agency; ~~*[or]*~~

7. A representative authorized by law of this State other than sections 28 to 91, inclusive, of this act to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated or a minor ~~*[.]*~~ ***; or***

8. An agency which provides child welfare services in a proceeding pursuant to chapter 432B of NRS. As used in this subsection, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 71. *1. The petitioner shall give notice of a proceeding to adjudicate parentage to the following persons, if the whereabouts of the person are known:*

(a) The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;

(b) A person who is a parent of the child under sections 28 to 91, inclusive, of this act;

(c) A presumed, acknowledged or adjudicated parent of the child; and

(d) A person whose parentage of the child is to be adjudicated.

2. A person entitled to notice under subsection 1 has a right to intervene in the proceeding.

3. Lack of notice required by subsection 1 does not render a judgment void. Lack of notice does not preclude a person entitled to notice under subsection 1 from bringing a proceeding under subsection 2 of section 79 of this act.

Sec. 72. *1. The court may adjudicate a person's parentage of a child only if the court has personal jurisdiction over the person.*

2. A court of this State with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident if the conditions prescribed in NRS 130.201 are satisfied.

3. Lack of jurisdiction over one person does not preclude the court from making an adjudication of parentage binding on another person.

Sec. 73. *Venue for a proceeding to adjudicate parentage is in the county of this State in which:*

1. The child resides or is located;

2. If the child does not reside in this State, the respondent resides or is located; ~~[or]~~

3. A proceeding has been commenced for administration of the estate of a person who is or may be a parent under sections 28 to 91, inclusive, of this act ~~[.]~~ ; or

4. A proceeding has been commenced to protect a child from abuse or neglect pursuant to chapter 432B of NRS.

Sec. 74. *1. Except as otherwise provided in subsection 2 of section 58 of this act, the court shall admit a report of genetic testing ordered by the court under section 59 of this act as evidence of the truth of the facts asserted in the report.*

2. A party may object to the admission of a report described in subsection 1, not later than 14 days after the party receives the report. The party shall cite specific grounds for exclusion.

3. A party that objects to the results of genetic testing may call a genetic-testing expert to testify in person or by another method approved by the court. Unless the court orders otherwise, the party offering the testimony bears the expense for the expert testifying.

4. Admissibility of a report of genetic testing is not affected by whether the testing was performed:

(a) Voluntarily, under an order of the court or as a result of the facilitation of a child support agency; or

(b) Before, on or after commencement of the proceeding.

Sec. 75. *1. A proceeding to determine whether an alleged genetic parent who is not a presumed parent is a parent of a child may be commenced:*

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. This subsection applies in a proceeding described in subsection 1 if the person who gave birth to the child is the only other person with a claim to parentage of the child. The court shall adjudicate an alleged genetic parent to be a parent of the child if the alleged genetic parent:

(a) Is identified under section 62 of this act as a genetic parent of the child and the identification is not successfully challenged under section 62 of this act;

(b) Admits parentage in a pleading, when making an appearance or during a hearing, the court accepts the admission and the court determines the alleged genetic parent to be a parent of the child;

(c) Declines to submit to genetic testing ordered by the court or facilitated by a child support agency, in which case the court may adjudicate the alleged genetic parent to be a parent of the child even if the alleged genetic parent denies a genetic relationship with the child;

(d) Is in default after service of process and the court determines the alleged genetic parent to be a parent of the child; or

(e) Is neither identified nor excluded as a genetic parent by genetic testing and, based on other evidence, the court determines the alleged genetic parent to be a parent of the child.

3. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding involving an alleged genetic parent, at least one other person in addition to the person who gave birth to the child has a claim to parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 76. *1. A proceeding to determine whether a presumed parent is a parent of a child may be commenced:*

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. A presumption of parentage under section 37 of this act cannot be overcome after the child attains 2 years of age unless the court determines:

(a) The presumed parent is not a genetic parent, never resided with the child and never held out the child as the presumed parent's child; or

(b) The child has more than one presumed parent.

3. The following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth to the child is the only other person with a claim to parentage of the child:

(a) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child.

(b) If the presumed parent is identified under section 62 of this act as a genetic parent of the child and that identification is not successfully challenged under section 62 of this act, the court shall adjudicate the presumed parent to be a parent of the child.

(c) If the presumed parent is not identified under section 62 of this act as a genetic parent of the child and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage of the child, the court shall adjudicate the parentage of the child in the best interest of the child based on the factors under subsections 1 and 2 of section 81 of this act.

4. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate a presumed parent's parentage of a child, another person in addition to the person who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 77. ***1. A proceeding to establish parentage of a child under this section may be commenced only by a person who:***

(a) Is alive when the proceeding is commenced; and

(b) Claims to be a de facto parent of the child.

2. A person who claims to be a de facto parent of a child must commence a proceeding to establish parentage of a child under this section:

(a) Before the child attains 18 years of age; and

(b) While the child is alive.

3. The following rules govern standing of a person who claims to be a de facto parent of a child to maintain a proceeding under this section:

(a) The person must file an initial verified pleading alleging specific facts that support the claim to parentage of the child asserted under this section. The verified pleading must be served on all parents and legal guardians of the child and any other party to the proceeding.

(b) An adverse party, parent or legal guardian may file a pleading in response to the pleading filed under paragraph (a). A responsive pleading must be verified and must be served on parties to the proceeding.

(c) Unless the court finds a hearing is necessary to determine disputed facts material to the issue of standing, the court shall determine, based on the pleadings under paragraphs (a) and (b), whether the person has alleged facts sufficient to satisfy by a preponderance of the evidence the requirements of paragraphs (a) to (g), inclusive, of subsection 4. If the court holds a hearing under this subsection, the hearing must be held on an expedited basis.

4. In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to parentage of the child, the court shall adjudicate the person who claims to be a de facto parent to be a parent of the child if the person demonstrates by clear and convincing evidence that:

(a) The person resided with the child as a regular member of the child's household for a significant period;

(b) The person engaged in consistent caretaking of the child;

(c) The person undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(d) The person held out the child as the person's child;

(e) The person established a bonded and dependent relationship with the child which is parental in nature;

(f) Another parent of the child fostered or supported the bonded and dependent relationship required under paragraph (e); and

(g) Continuing the relationship between the person and the child is in the best interest of the child.

5. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, there is more than one other person who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection 4 are satisfied, the court shall adjudicate parentage under section 81 of this act.

Sec. 78. *1. If a child has an acknowledged parent, a proceeding to challenge the acknowledgment of parentage or a denial of parentage, brought by a signatory to the acknowledgment or denial, is governed by sections 46 and 47 of this act.*

2. If a child has an acknowledged parent, the following rules apply in a proceeding to challenge the acknowledgment of parentage or a denial of parentage brought by a person, other than the child, who has standing under section 70 of this act and was not a signatory to the acknowledgment or denial:

(a) The person must commence the proceeding not later than 2 years after the effective date of the acknowledgment.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 80 of this act.

Sec. 79. *1. If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by a person who was a party to the adjudication or received notice under section 71 of this act, is governed by the rules governing a collateral attack on a judgment.*

2. If a child has an adjudicated parent, the following rules apply to a proceeding to challenge the adjudication of parentage brought by a person, other than the child, who has standing under section 70 of this act and was

not a party to the adjudication and did not receive notice under section 71 of this act:

(a) The person must commence the proceeding not later than 2 years after the effective date of the adjudication.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 81 of this act.

Sec. 80. ***1. A person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act or the person who gave birth to the child may bring a proceeding to adjudicate parentage. If the court determines the person is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, the court shall adjudicate the person to be a parent of the child.***

2. In a proceeding to adjudicate a person's parentage of a child, if another person other than the person who gave birth to the child is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, the court shall adjudicate the person's parentage of the child under section 81 of this act.

Sec. 81. ***1. In a proceeding to adjudicate competing claims of, or challenges under subsection 3 of section 76 of this act or section 78 or 79 of this act, to parentage of a child by two or more persons, the court shall adjudicate parentage in the best interest of the child, based on:***

(a) The age of the child;

(b) The length of time during which each person assumed the role of parent of the child;

(c) The nature of the relationship between the child and each person;

(d) The harm to the child if the relationship between the child and each person is not recognized;

(e) The basis for each person's claim to parentage of the child; and

(f) Other equitable factors arising from the disruption of the relationship between the child and each person or the likelihood of other harm to the child.

2. If a person challenges parentage based on the results of genetic testing, in addition to the factors listed in subsection 1, the court shall consider:

(a) The facts surrounding the discovery the person might not be a genetic parent of the child; and

(b) The length of time between the time that the person was placed on notice that the person might not be a genetic parent and the commencement of the proceeding.

3. The court may adjudicate a child to have more than two parents under sections 28 to 91, inclusive, of this act if the court finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent

or person seeking an adjudication of parentage. In determining detriment to the child, the court shall consider all relevant factors, including the harm if the child is removed from a stable placement with a person who has fulfilled the child's physical needs and psychological needs for care and affection and has assumed the role for a substantial period.

Sec. 82. *1. In a proceeding under sections 69 to 89, inclusive, of this act, the court may issue a temporary order for child support if the order is consistent with the law of this State other than sections 28 to 91, inclusive, of this act and the person ordered to pay support is:*

(a) A presumed parent of the child;

(b) Petitioning to be adjudicated a parent;

(c) Identified as a genetic parent through genetic testing under section 62 of this act;

(d) An alleged genetic parent who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be a parent of the child; or

(f) A parent under sections 28 to 91, inclusive, of this act.

2. A temporary order may include a provision for custody and visitation under law of this State other than sections 28 to 91, inclusive, of this act.

Sec. 83. *1. Except as otherwise provided in subsection 2, the court may combine a proceeding to adjudicate parentage under sections 28 to 91, inclusive, of this act with a proceeding for adoption, termination of parental rights, protection of a child from abuse or neglect pursuant to chapter 432B of NRS, child custody or visitation, child support, divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, administration of an estate or other appropriate proceeding.*

2. A respondent may not combine a proceeding described in subsection 1 with a proceeding to adjudicate parentage brought under NRS 130.0902 to 130.802, inclusive.

Sec. 84. *Except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, a proceeding to adjudicate parentage may be commenced before the birth of the child and an order or judgment may be entered before birth, but enforcement of the order or judgment must be stayed until the birth of the child.*

Sec. 85. *1. A minor child is a permissive party but not a necessary party to a proceeding under sections 69 to 89, inclusive, of this act.*

2. The court shall appoint a guardian ad litem to represent a child in a proceeding under sections 69 to 89, inclusive, of this act if the court finds that the interests of the child are not adequately represented.

Sec. 86. *The court shall adjudicate parentage of a child without a jury.*

Sec. 87. *The court may dismiss a proceeding under sections 28 to 91, inclusive, of this act for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.*

Sec. 88. *1. An order adjudicating parentage must identify the child in a manner provided by law of this State other than sections 28 to 91, inclusive, of this act.*

2. Except as otherwise provided in subsection 3, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel and other reasonable expenses incurred in a proceeding under sections 69 to 89, inclusive, of this act. Attorney's fees awarded under this subsection may be paid directly to the attorney, and the attorney may enforce the order in the attorney's own name.

3. The court may not assess fees, costs or expenses in a proceeding under sections 69 to 89, inclusive, of this act against a child support agency of this State or another state, except as provided by law of this State other than sections 28 to 91, inclusive, of this act.

4. In a proceeding under sections 69 to 89, inclusive, of this act, a copy of a bill for genetic testing or prenatal or postnatal health care for the person who gave birth to the child and the child, that is provided to the adverse party, excluding a child support agency, not later than 10 days before a hearing, is admissible to establish:

(a) The amount of the charge billed; and

(b) That the charge is reasonable and necessary.

5. On request of a party and for good cause, the court in a proceeding under sections 69 to 89, inclusive, of this act may order the name of the child changed. If the court order changing the name varies from the name on the birth certificate of the child, the court shall order the State Registrar of Vital Statistics to issue an amended birth certificate.

Sec. 89. *1. Except as otherwise provided in subsection 2:*

(a) A signatory to an acknowledgment of parentage or denial of parentage is bound by the acknowledgment and denial as provided in sections 38 to 51, inclusive, of this act; and

(b) A party to an adjudication of parentage by a court acting under circumstances that satisfy the jurisdiction requirements of NRS 130.201 and any person who received notice of the proceeding are bound by the adjudication.

2. A child is not bound by a determination of parentage under sections 28 to 91, inclusive, of this act unless:

(a) The determination was based on an unrescinded acknowledgment of parentage and the acknowledgment is consistent with the results of genetic testing;

(b) The determination was based on a finding consistent with the results of genetic testing, and the consistency is declared in the determination or otherwise shown;

(c) The determination of parentage was made under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

(d) The child was a party or was represented by a guardian ad litem in the proceeding.

3. In a proceeding for divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, the court is deemed to have made an adjudication of parentage of a child if the court acts under circumstances that satisfy the jurisdiction requirements of NRS 130.201 and the final order:

(a) Expressly identifies the child as a "child of the marriage" or "issue of the marriage" or includes similar words indicating that both spouses are parents of the child; or

(b) Provides for support of the child by a spouse or domestic partner unless that spouse's or domestic partner's parentage of the child is disclaimed specifically in the order.

4. Except as otherwise provided in subsection 2 or section 79 of this act, a determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to the earlier proceeding.

5. A party to an adjudication of parentage may challenge the adjudication only under law of this State other than sections 28 to 91, inclusive, of this act relating to appeal, vacation of judgment or other judicial review.

Sec. 90. *In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 91. *Sections 28 to 91, inclusive, of this act modify, limit and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b).*

Sec. 92. *1. If a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the birth of the child, the person's death does not preclude the establishment of the person's parentage of the child if the person otherwise would be a parent of the child under sections 28 to 91, inclusive, of this act.*

2. If a person who consented in a record to assisted reproduction by a person who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased person is a parent of a child conceived by the assisted reproduction only if:

(a) Either:

(1) The person consented in a record that if assisted reproduction were to occur after the death of the person, the person would be a parent of the child; or

(2) The person's intent to be a parent of a child conceived by assisted reproduction after the person's death is established by clear and convincing evidence; and

(b) Either:

(1) The embryo is in utero not later than 36 months after the person's death; or

(2) The child is born not later than 45 months after the person's death.

3. An intended parent is not a parent of a child conceived by assisted reproduction under a gestational agreement if the intended parent dies before the transfer of a gamete or embryo unless:

(a) The agreement provides otherwise; and

(b) The transfer of a gamete or embryo occurs not later than 36 months after the death of the intended parent or birth of the child occurs not later than 45 months after the death of the intended parent.

Sec. 93. ***1. A party to a gestational agreement may terminate the agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent embryo transfer.***

2. Unless a gestational agreement provides otherwise, on termination of the agreement under subsection 1, the parties are released from the agreement, except that each intended parent remains responsible for expenses that are reimbursable under the agreement and incurred by the gestational carrier through the date of termination.

3. Except in a case involving fraud, neither a gestational carrier nor the gestational carrier's spouse, domestic partner or former spouse or domestic partner, if any, is liable to the intended parent or parents for a penalty or liquidated damages, for terminating a gestational agreement under this section.

Sec. 94. NRS 126.151 is hereby amended to read as follows:

126.151 1. ~~[An action under this chapter is a civil action governed by the Nevada Rules of Civil Procedure. The mother of the child and the alleged father are competent to testify and may be compelled to testify. Subsections 3 and 4 of NRS 126.111 and NRS 126.121 and 126.131 apply.~~

~~2.]~~ In an action against an alleged ~~[father,]~~ ***genetic parent,*** evidence offered by the alleged ~~[father]~~ ***genetic parent*** with respect to ~~[a man]~~ ***another person*** who is not subject to the jurisdiction of the court concerning that ~~[man's]~~ ***person's*** sexual intercourse with the ~~[mother]~~ ***person who gave birth to the child*** at or about the probable time of conception of the child is admissible in evidence only if the alleged ~~[father]~~ ***genetic parent*** has undergone and made available to the court ~~[blood tests or tests for genetic identification,]~~ the results of ***genetic testing performed pursuant to sections 52 to 68, inclusive, of this act*** which show a probability less than 99 percent that the alleged ~~[father]~~ ***genetic parent*** is ~~[the father]~~ ***a genetic parent*** of the child.

~~[3.]~~ ***2.*** The trial must be by the court without a jury.

Sec. 95. NRS 126.161 is hereby amended to read as follows:

126.161 1. A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the existence or

nonexistence of the relationship of parent and child is determinative for all purposes.

2. If such a judgment or order of this State is at variance with the child's birth certificate, the judgment or order must direct that a new birth certificate be issued as provided in NRS 440.270 to 440.340, inclusive.

3. If the child is a minor, such a judgment or order of this State must provide for the child's support as required by chapter 125B of NRS and must include an order directing the withholding or assignment of income for the payment of the support unless:

(a) One of the parties demonstrates and good cause is found by the court, or pursuant to the expedited process, for the postponement of the withholding or assignment; or

(b) All parties otherwise agree in writing.

4. Such a judgment or order of this State may:

(a) Contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child.

(b) Direct ~~[~~~the father~~]~~ ***a parent*** to pay the reasonable expenses of the ~~[~~~mother's~~]~~ pregnancy and confinement ~~[.]~~ ***of the person who gave birth to the child.*** The court may limit the ~~[~~~father's~~]~~ liability ***of a parent*** for past support of the child to the proportion of the expenses already incurred which the court deems just.

5. A court that enters such a judgment or order shall ensure that the social security numbers of the ~~[~~~mother and father~~]~~ ***parents*** are:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

6. A judgment or order issued pursuant to this chapter within a proceeding held pursuant to chapter 432B of NRS:

(a) Is not subject to the provisions relating to the confidentiality of judgments or orders set forth in chapter 432B of NRS; and

(b) Is a final order.

7. As used in this section, "expedited process" means ~~[~~~a voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283,~~]~~ a voluntary acknowledgment of parentage developed by the State Board of Health pursuant to NRS 440.285, judicial procedure or an administrative procedure established by this or another state, as that term is defined in NRS 130.10179, to facilitate the collection of an obligation for the support of a child.

Sec. 96. NRS 126.201 is hereby amended to read as follows:

126.201 1. ~~[~~~At the pretrial hearing and in further proceedings,~~]~~ ***In any proceeding held pursuant to this chapter,*** any party may be represented by

counsel. If a party is financially unable to obtain counsel, the court may appoint counsel to represent that party with respect to the determination of the existence or nonexistence of the parent and child relationship and the duty of support, including **,** without limitation **,** the expenses of the ~~[mother's]~~ pregnancy and confinement ~~[,]~~ ***of the person who gave birth to the child,*** medical expenses for the birth of the child and support of the child from birth until trial.

2. If a party is financially unable to pay the cost of a transcript, the court shall furnish on request a transcript for purposes of appeal.

Sec. 97. NRS 126.291 is hereby amended to read as follows:

126.291 1. Proceedings to compel support by a nonsupporting parent may be brought in accordance with this chapter. They are not exclusive of other proceedings. The court may assess the usual filing fees, charges or court costs against the nonsupporting parent and shall enforce their collection with the other provisions of the judgment.

2. Except as otherwise provided in this subsection, when the district attorney is requested to bring an action to compel support or an action to determine ~~[paternity,]~~ ***parentage,*** the district attorney may charge the requester a fee of not more than $20 for an application. This fee may not be assessed against:

(a) The State of Nevada when acting as a party to an action brought pursuant to this chapter.

(b) Any person or agency requesting services pursuant to chapter 130 of NRS.

3. If the court finds that a parent and child relationship exists, it may assess against the nonsupporting parent, in addition to any support obligation ordered a reasonable collection fee. If the court finds that the nonsupporting parent would experience a financial hardship if required to pay the fee immediately, it may order that the fee be paid in installments, each of which is not more than 25 percent of the support obligation for each month.

4. All fees collected pursuant to this section must be deposited in the general fund of the county and an equivalent amount must be allocated to augment the county's program for the enforcement of support obligations.

5. As used in this section, "nonsupporting parent" means the parent of a child who has failed to provide an equitable share of his or her child's necessary maintenance, education and support.

Sec. 98. NRS 126.500 is hereby amended to read as follows:

126.500 As used in NRS 126.500 to 126.810, inclusive, ***and sections 92 and 93 of this act,*** unless the context otherwise requires, the words and terms defined in NRS ~~[126.510]~~ ***126.520*** to ~~[126.630,]~~ ***126.580,*** inclusive, have the meanings ascribed to them in those sections.

Sec. 99. NRS 126.660 is hereby amended to read as follows:

126.660 ***1.*** A donor is not a parent of a child conceived by means of assisted reproduction.

2. The consent of the spouse or domestic partner of a person who wishes to be a donor is not required for the person to be a donor.

Sec. 100. NRS 126.670 is hereby amended to read as follows:

126.670 A person who provides gametes for, or consents to, assisted reproduction by ~~[a woman,]~~ ***the person giving birth to the child*** as provided in NRS 126.680, with the intent to be a parent of ~~[her]~~ ***the*** child **,** is a parent of the resulting child.

Sec. 101. NRS 126.680 is hereby amended to read as follows:

126.680 1. ~~[Consent]~~ ***Except as otherwise provided in subsection 2, consent*** by a person who intends to be a parent of a child born by assisted reproduction must be in a ~~[declaration for the voluntary acknowledgment of parentage, signed pursuant to NRS 126.053.]~~ ***record signed by the person giving birth to the child and the person who intends to be a parent of the child.***

2. Failure ~~[of a person to sign a declaration for the voluntary acknowledgment of parentage]~~ ***to consent in a record as*** required by subsection 1, before or after the birth of the child, does not preclude a finding of parentage if ~~[the woman and]~~ the person ~~[, during]~~ ***who intends to be a parent of the child or the person giving birth to the child:***

(a) Proves by clear and convincing evidence the existence of an express agreement entered into by the person who intends to be a parent of the child and the person giving birth to the child, before the conception of the child, that the person who intends to be a parent of the child and the person giving birth to the child intended that they both would be parents of the child; or

(b) During the first 2 years of the child's life, ***including any period of temporary absence,*** resided together in the same household with the child and openly held out the child as their own.

Sec. 102. NRS 126.690 is hereby amended to read as follows:

126.690 1. Except as otherwise provided in subsection 2, the legal spouse or domestic partner of a ~~[woman]~~ ***person*** who gives birth to a child by means of assisted reproduction may not challenge the parentage of the child unless:

(a) Within 2 years after learning of the birth of the child, a proceeding is commenced to adjudicate parentage; and

(b) The court finds that, before or after the birth of the child, the legal spouse or domestic partner did not consent to the assisted reproduction.

2. A proceeding to adjudicate parentage may be maintained at any time if the court determines that:

(a) The legal spouse or domestic partner did not provide gametes for, or consent to, the assisted reproduction by the person who gave birth ~~[,]~~ ***to the child;***

(b) The legal spouse or domestic partner and the ~~[woman]~~ ***person*** who gave birth to the child have not cohabited since the probable time of the assisted reproduction; and

(c) The legal spouse or domestic partner never openly held out the child as his or her own.

Sec. 103. NRS 126.700 is hereby amended to read as follows:

126.700 1. If a marriage or domestic partnership is dissolved or terminated before the transfer of ~~[~~eggs, sperm or~~]~~ embryos, the former spouse or former domestic partner is not a parent of the resulting child unless the former spouse or former domestic partner consented in a record that if assisted reproduction were to occur after a dissolution or termination, the former spouse or former domestic partner would be a parent of the child.

2. The consent of a person to assisted reproduction may be withdrawn by that person in a record at any time before ~~[~~placement~~]~~ ***transfer*** of the ~~[~~eggs, sperm or~~]~~ embryos.

Sec. 104. NRS 126.710 is hereby amended to read as follows:

126.710 1. A prospective gestational carrier, ~~[~~her~~]~~ ***the*** legal spouse or domestic partner **,** if ~~[~~she is married or in a domestic partnership,~~]~~ ***any, of the prospective gestational carrier,*** a donor or the donors and the intended parent or parents may enter into a written agreement providing that:

(a) The prospective gestational carrier agrees to pregnancy by means of assisted reproduction;

(b) The prospective gestational carrier, ~~[~~her~~]~~ ***the*** legal spouse or domestic partner **,** if ~~[~~she is married or in a domestic partnership,~~]~~ ***any, of the prospective gestational carrier,*** and the donor or donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(c) The intended parent or parents become the parent or parents of any resulting child.

2. If two persons are the intended parents, both of the intended parents must be parties to the gestational agreement.

3. A gestational agreement is enforceable only if it satisfies the requirements of NRS 126.750.

4. A gestational agreement may provide for payment of consideration pursuant to NRS 126.800 and 126.810.

Sec. 105. NRS 126.720 is hereby amended to read as follows:

126.720 ***Except as otherwise provided in section 92 of this act:***

1. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750:

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor ~~[her]~~ ***the*** legal spouse or domestic partner, if any, ***of the gestational carrier*** shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750 and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination to the contrary is made by a court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within 60 days after the birth of the child.

3. The parties to a gestational carrier arrangement shall assume the rights and obligations of subsections 1 and 2 if:

(a) The gestational carrier satisfies the eligibility requirements set forth in subsection 1 of NRS 126.740;

(b) The intended parent or parents satisfy the requirement set forth in subsection 2 of NRS 126.740; and

(c) The gestational carrier arrangement occurs pursuant to a gestational agreement which meets the requirements set forth in NRS 126.750.

4. Before or after the birth of the resulting child, the intended parent or parents or the prospective gestational carrier or gestational carrier may commence a proceeding in any district court in this State to obtain an order designating the content of the birth certificate issued as provided in NRS 440.270 to 440.340, inclusive. If:

(a) A copy of the gestational agreement is attached to the petition;

(b) The requirements of NRS 126.740 and 126.750 are satisfied; and

(c) Any of the following applies:

(1) The resulting child is anticipated to be born in this State;

(2) The resulting child was born in this State;

(3) The intended parent or parents reside in this State;

(4) The intended parent or parents resided in this State when the gestational agreement was executed;

(5) The gestational carrier resides in this State;

(6) The gestational agreement was executed in this State; or

(7) The medical procedures for assisted reproduction that were performed pursuant to the gestational agreement and resulted in pregnancy were performed in this State,

➥ the court may issue an order validating the gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child.

Sec. 106. NRS 126.740 is hereby amended to read as follows:

126.740 1. A prospective gestational carrier is eligible to be a gestational carrier pursuant to NRS 126.710 to 126.810, inclusive, ***and sections 92 and 93 of this act*** if, at the time the gestational agreement is executed, ~~[she:]~~ ***the prospective gestational carrier:***

(a) Has completed a medical evaluation relating to the anticipated pregnancy;

(b) Has undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement; and

(c) Did not contribute any gametes that will ultimately result in an embryo that ~~[she]~~ ***the gestational carrier*** will attempt to carry to term.

2. The intended parent or parents shall be deemed to have satisfied the requirements of NRS 126.710 to 126.810, inclusive, ***and sections 92 and 93 of this act*** if, before the gestational carrier agreement is executed, ~~[he, she or they]~~ ***the intended parent or parents*** have undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement.

Sec. 107. NRS 126.750 is hereby amended to read as follows:

126.750 1. A gestational agreement is enforceable only if it satisfies the requirements of this section.

2. The gestational carrier and the intended parent or parents must be represented by separate, independent counsel in all matters concerning the gestational carrier arrangement and gestational agreement.

3. A gestational agreement must:

(a) Be in writing;

(b) Be executed before the commencement of any medical procedures in furtherance of the gestational carrier arrangement, other than the medical evaluation required by subsection 1 of NRS 126.740 to determine the eligibility of the gestational carrier, by:

(1) A gestational carrier satisfying the eligibility requirements set forth in subsection 1 of NRS 126.740 and the legal spouse or domestic partner ***, if any,*** of the gestational carrier ***;*** ~~[, if any;]~~ and

(2) An intended parent or parents satisfying the requirement set forth in subsection 2 of NRS 126.740;

(c) Be notarized and signed by all the parties with attached declarations of the independent attorney of each party; and

(d) Include the separate, written and signed acknowledgment of the gestational carrier and the intended parent or parents stating that he or she has received information about the legal, financial and contractual rights, expectations, penalties and obligations of the gestational agreement.

4. A gestational agreement must provide for:

(a) The express written agreement of the gestational carrier to:

(1) Undergo embryo or gamete transfer and ***, subject to the provisions of subsection 6,*** attempt to carry and give birth to any resulting child; and

(2) ~~[Surrender legal and physical custody of any resulting child to the]~~ ***Acknowledge that each*** intended parent ~~[or parents immediately upon the birth]~~ ***is the legal and physical custodian*** of ~~[the]~~ ***any resulting*** child;

(b) The express written agreement of the legal spouse or domestic partner, if any, of the gestational carrier to:

(1) Undertake the obligations imposed upon the gestational carrier pursuant to the terms of the gestational agreement; and

(2) ~~[Surrender legal and physical custody of any resulting child to the]~~ ***Acknowledge that each*** intended parent ~~[or parents immediately upon the birth]~~ ***is the legal and physical custodian*** of ~~[the]~~ ***any resulting*** child;

(c) The express written agreement of each party to the use by the gestational carrier of the services of a physician ~~[of her choosing,]~~ ***chosen by the gestational carrier,*** after consultation with the intended parent or parents, to provide care to the gestational carrier during the pregnancy; and

(d) The express written agreement of the intended parent or parents to:

(1) Accept legal and physical custody of any resulting child not biologically related to the gestational carrier or ~~[her]~~ ***the*** spouse or domestic partner, if any, ***of the gestational carrier*** immediately upon the birth of the child or children regardless of the number, gender or mental or physical condition of the child or children; and

(2) Assume sole responsibility for the support of any resulting child not biologically related to the gestational carrier or ~~[her]~~ ***the*** spouse or domestic partner, if any, ***of the gestational carrier*** immediately upon the birth of the child.

5. A gestational agreement is enforceable even if it contains one or more of the following provisions:

(a) The gestational carrier's agreement to undergo all medical examinations, treatments and fetal monitoring procedures recommended for the success of the pregnancy by the physician providing care to the gestational carrier during the pregnancy.

(b) The gestational carrier's agreement to abstain from any activities that the intended parent or parents or the physician providing care to the gestational carrier during the pregnancy reasonably believes to be harmful to the pregnancy and the future health of any resulting child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using prescription drugs not authorized by a physician aware of the pregnancy, exposure to radiation or any other activity proscribed by a health care provider.

(c) The agreement of the intended parent or parents to pay the gestational carrier reasonable compensation.

(d) The agreement of the intended parent or parents to pay for or reimburse the gestational carrier for reasonable expenses, including, without limitation, medical, legal or other professional expenses, related to the gestational carrier arrangement and the gestational agreement.

6. A gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including, without limitation, whether to consent to a cesarean section or the transfer of multiple embryos, whether to use the services of a health care practitioner chosen by the gestational carrier, whether to terminate or continue the pregnancy and whether to reduce or retain the number of fetuses or embryos carried by the gestational carrier.

Any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Sec. 108. NRS 126.770 is hereby amended to read as follows:

126.770 ***1. Unless a gestational agreement expressly provides otherwise:***

(a) The marriage or domestic partnership of a gestational carrier after ~~[she executes a]~~ ***the*** gestational agreement ***is signed by all parties*** does not affect the validity of the ~~[gestational]~~ agreement ~~[and:~~

~~1. The]~~ ***, the*** consent of the ~~[legal]~~ spouse or domestic partner of the gestational carrier to the ~~[gestational]~~ agreement is not required ~~[.~~

~~2. The legal]~~ ***, and the*** spouse or domestic partner of the gestational carrier ~~[must]~~ ***is*** not ~~[be]~~ ***a*** presumed ~~[to be the]~~ parent of ~~[any resulting]~~ ***a*** child ~~[.]~~ ***conceived by assisted reproduction under the agreement; and***

(b) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of the gestational carrier after the agreement is signed by all parties does not affect the validity of the agreement.

2. Unless a gestational agreement expressly provides otherwise:

(a) The marriage or domestic partnership of an intended parent after the agreement is signed by all parties does not affect the validity of a gestational agreement, the consent of the spouse or domestic partner of the intended parent is not required, and the spouse or domestic partner of the intended parent is not, based on the agreement, a parent of a child conceived by assisted reproduction under the agreement; and

(b) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of an intended parent after the agreement is signed by all parties does not affect the validity of the agreement and the intended parents are the parents of a child conceived by assisted reproduction under the agreement.

Sec. 109. NRS 126.780 is hereby amended to read as follows:

126.780 1. A gestational carrier, ~~[her]~~ ***the*** legal spouse or domestic partner, if any, ***of the gestational carrier*** or the intended parent or parents are in noncompliance when ~~[he, she or they breach]~~ ***any such person breaches*** any provision of the gestational agreement or ~~[fail]~~ ***fails*** to meet any of the requirements of NRS 126.710 to 126.810, inclusive ~~[.]~~ ***, and sections 92 and 93 of this act.***

2. In the event of noncompliance, a court of competent jurisdiction shall determine the respective rights and obligations of the parties to the gestational agreement ~~[based solely]~~ ***:***

(a) If the agreement substantially complies with NRS 126.710 to 126.810, inclusive, and sections 92 and 93 of this act, based on the evidence of the ~~[original]~~ intent of the parties ~~[.]~~ ***at the time of execution of the agreement and other relevant evidence.***

(b) If the agreement does not substantially comply with NRS 126.710 to 126.810, inclusive, and sections 92 and 93 of this act, pursuant to other applicable law of this State.

3. ~~[There must be no specific]~~ ***Specific*** performance ***is not an available*** remedy ~~[available for breach of the]~~ ***except to enforce any provision in a*** gestational agreement ~~[by the gestational carrier that would require the gestational carrier to be impregnated.]~~ ***that is necessary to enable the intended parents to exercise the full rights of parentage immediately upon the birth of the child, if the intended parents are being prevented from exercising such rights.***

Sec. 110. NRS 128.150 is hereby amended to read as follows:

128.150 1. If a ~~[mother]~~ ***person who gave birth to a child*** relinquishes or proposes to relinquish ***the child*** for adoption ~~[a]~~ ***and the*** child ~~[who]~~ has:

(a) A presumed ~~[father]~~ ***parent*** pursuant to ~~[NRS 126.051;]~~ ***section 37 of this act;***

(b) A ~~[father]~~ ***parent*** whose relationship to the child has been determined by a court; or

(c) A ~~[father]~~ ***parent*** as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction,

➥ and the ~~[father]~~ ***parent*** has not consented to the adoption of the child or relinquished the child for adoption, a proceeding must be brought pursuant to this chapter and a determination made of whether a parent and child relationship exists and, if so, if it should be terminated.

2. If a ~~[mother]~~ ***person who gave birth to a child*** relinquishes or proposes to relinquish ***the child*** for adoption ~~[a]~~ ***and the*** child ~~[who]~~ does not have:

(a) A presumed ~~[father]~~ ***parent*** pursuant to ~~[NRS 126.051;]~~ ***section 37 of this act;***

(b) A ~~[father]~~ ***parent*** whose relationship to the child has been determined by a court;

(c) A ~~[father]~~ ***parent*** as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction; or

(d) A ~~[father]~~ ***parent*** who can be identified in any other way,

➥ or if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the ~~[mother]~~ ***person who gave birth to the child*** or the person having custody of the child, shall file a petition in the district court to terminate the parental rights of the ~~[father,]~~ ***other parent,*** unless the ~~[father's]~~ ***other parent's*** relationship to the child has been previously terminated or determined not to exist by a court.

3. In an effort to identify and protect the interests of the ~~[natural father,]~~ ***other parent,*** the court which is conducting a proceeding pursuant to this chapter shall cause inquiry to be made of the ~~[mother]~~ ***person who gave birth***

to the child and any other appropriate person. The inquiry must include the following:

(a) Whether the ~~[mother]~~ ***person who gave birth to the child*** was married ***or in a domestic partnership*** at the time of conception of the child or at any time thereafter.

(b) Whether the ~~[mother]~~ ***person who gave birth to the child*** was cohabiting with ~~[a man]~~ ***another person*** at the time of conception or birth of the child.

(c) Whether the ~~[mother]~~ ***person who gave birth to the child*** has received support payments or promises of support with respect to the child or in connection with ~~[her]~~ ***the*** pregnancy ~~[.]~~ ***of the person.***

(d) Whether any ~~[man]~~ ***person*** has formally or informally acknowledged or declared ~~[his]~~ ***their*** possible ~~[paternity]~~ ***parentage*** of the child.

4. If, after the inquiry, the ~~[natural father]~~ ***other parent*** is identified to the satisfaction of the court, or if more than one ~~[man]~~ ***person*** is identified as a possible ~~[father,]~~ ***parent,*** each must be given notice of the proceeding in accordance with subsection 6 or with this chapter, as applicable. If any of them fails to appear or, if appearing, fails to claim custodial rights, such failure constitutes abandonment of the child. If the ~~[natural father]~~ ***other parent*** or a ~~[man]~~ ***person*** representing ~~[himself]~~ ***themselves*** to be the ~~[natural father,]~~ ***other parent,*** claims custodial rights, the court shall proceed to determine custodial rights.

5. If, after the inquiry, the court is unable to identify the ~~[natural father]~~ ***other parent*** or any possible ~~[natural father]~~ ***other parent*** and no person has appeared claiming to be the ~~[natural father]~~ ***other parent*** and claiming custodial rights, the court shall enter an order terminating the unknown ~~[natural father's]~~ ***person's*** parental rights with reference to the child. Subject to the disposition of any appeal, upon the expiration of 6 months after an order terminating parental rights is issued under this subsection, or this chapter, the order cannot be questioned by any person in any manner or upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter.

6. Notice of the proceeding must be given to every person identified as ~~[the natural father]~~ ***a parent*** or a possible ~~[natural father]~~ ***parent*** in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process in a civil action, or in any manner the court directs. Proof of giving the notice must be filed with the court before the petition is heard.

Sec. 111. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a nonresident party who is a natural person in a tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

2. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule in NRS 51.065 if given

in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the ~~[mother]~~ ***person who gave birth to the child*** and ***the*** child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify under penalty of perjury by telephone, audiovisual means or other electronic means at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between a married couple ***or between domestic partners*** does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of a married couple***, domestic partners*** or parent and child does not apply in a proceeding under this chapter.

10. A ~~[voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283 or a]~~ voluntary acknowledgment of parentage developed by the State Board of Health pursuant to NRS 440.285, certified as a true copy, is admissible to establish parentage of the child.

Sec. 112. NRS 130.401 is hereby amended to read as follows:

130.401 1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this State with personal jurisdiction over the parties may issue a support order if:

(a) The natural person seeking the order resides outside this State; or

(b) The support-enforcement agency seeking the order is located outside this State.

2. The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the natural person ordered to pay is:

(a) A presumed ~~[father]~~ ***parent*** of the child under ~~[subsection 1 of NRS 126.051;]~~ ***section 37 of this act;***

(b) Petitioning to have ~~[his paternity]~~ ***their parentage*** adjudicated;

(c) Identified as the ~~[father]~~ ***parent*** of the child through genetic testing;

(d) An alleged ~~[father]~~ ***genetic parent*** who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be the ~~[father]~~ ***parent*** of the child;

(f) An ~~[acknowledged father or]~~ acknowledged parent as provided by ~~[NRS 126.053;]~~ ***sections 38 to 51, inclusive, of this act;***

(g) The ~~[mother of]~~ ***person who gave birth to*** the child; or

(h) A natural person who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to NRS 130.305.

Sec. 113. NRS 3.405 is hereby amended to read as follows:

3.405 1. In an action to establish ~~[paternity,]~~ ***parentage,*** the court may appoint a master to take testimony and recommend orders.

2. The court may appoint a master to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.

3. The master must be an attorney licensed to practice in this State. The master:

(a) Shall take testimony and establish a record;

(b) In complex cases shall issue temporary orders for support pending resolution of the case;

(c) Shall make findings of fact, conclusions of law and recommendations for the establishment and enforcement of an order;

(d) May accept voluntary acknowledgments of ~~[paternity]~~ ***parentage*** or liability for support and stipulated agreements setting the amount of support;

(e) May, subject to confirmation by the district court, enter default orders against a responsible parent who does not respond to a notice or service within the required time; and

(f) Has any other power or duty contained in the order of reference issued by the court.

➥ If a temporary order for support is issued pursuant to paragraph (b), the master shall order that the support be paid to the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.

4. The findings of fact, conclusions of law and recommendations of the master must be furnished to each party or the party's attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 10 days after receipt

of the findings of fact, conclusions of law and recommendations, either party may file with the court and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter upon notice and motion.

Sec. 114. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in this subsection, a parent who has joint legal and physical custody of a child pursuant to NRS 125C.0015 shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child. A person who violates this subsection shall be punished as provided in subsection 1 unless the person demonstrates to the satisfaction of the court that he or she violated this subsection to protect the child or himself or herself from an act that constitutes domestic violence pursuant to NRS 33.018.

3. If ~~[the mother]~~ ***a parent*** of a child has primary physical custody ***of the child*** pursuant to ~~[subsection 2 of]~~ NRS 125C.003, ~~[the father]~~ ***another parent*** of the child shall not willfully conceal or remove the child from the physical custody of the ~~[mother. If the father of a child has]~~ ***parent who has*** primary physical custody ***.*** ~~[pursuant to subsection 2 of NRS 125C.003, the mother of the child shall not willfully conceal or remove the child from the physical custody of the father.]~~ A person who violates this subsection shall be punished as provided in subsection 1.

4. A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.0065 without the written consent of the non-relocating parent or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable. A person who violates this subsection shall be punished as provided in subsection 1.

5. A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.006 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

7. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

8. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

9. A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

10. In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.006 or 125C.0065.

11. This section does not apply to a person who detains, conceals, removes or relocates with a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and reported the detention, concealment, removal or relocation to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing, removing or relocating with the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 115. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067,

88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, ~~[~~126.141,~~]~~ 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,

598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without

limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 116. NRS 422A.585 is hereby amended to read as follows:

422A.585 1. The Division shall, within the limitations of available funding, establish a program which promotes the self-sufficiency of a ~~[natural father]~~ ***parent*** whose ~~[paternity]~~ ***parentage*** is presumed pursuant to ~~[NRS 126.051]~~ ***section 37 of this act*** or a noncustodial parent of a child for whom benefits are being received by a household.

2. If a ~~[natural father]~~ ***parent*** whose ~~[paternity]~~ ***parentage*** is presumed pursuant to ~~[NRS 126.051]~~ ***section 37 of this act*** or a noncustodial parent of a child for whom benefits are being received by a household chooses to participate in the program established pursuant to subsection 1, the Division may, within the limitations of available funding, increase the amount of benefits provided to the head of the household on behalf of the child.

Sec. 117. NRS 432B.560 is hereby amended to read as follows:

432B.560 1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

(d) Tests for the typing of blood or taking of specimens for genetic identification ~~[of the child, the natural mother of the child or the alleged father of the child]~~ pursuant to ~~[NRS 126.121.]~~ ***sections 52 to 68, inclusive, of this act.***

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630. Payments for the obligation of support must be determined in accordance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.620, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

Sec. 118. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the person ~~[giving]~~ ***who gave*** birth ***to a child*** and ***the*** child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the person ~~[giving]~~ ***who gave*** birth ***to a child*** and ***the*** child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) ~~[The person giving birth or other]~~ ***A*** parent or, if ~~[the other]~~ ***each*** parent is absent ~~[and the person giving birth is]~~ ***or*** incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the person ~~[giving]~~ ***who gave*** birth ***to a child*** was:

(a) Married ***or in a domestic partnership*** at the time of ***the*** birth, the name of the spouse ***or domestic partner*** of ~~[that]~~ ***the*** person ***who gave birth*** must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth is the other parent of the child; or

(2) The person ~~[giving]~~ ***who gave*** birth and a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 ~~[.]~~ ***and the spouse or domestic partner of the person who gave birth has signed a voluntary denial of parentage developed by the Board pursuant to NRS 440.285.***

(b) Widowed at the time of birth but married ***or in a domestic partnership*** at the time of conception, the name of the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth at the time of conception is the other parent of the child; or

(2) The person ~~[giving]~~ ***who gave*** birth and a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth at the time of conception have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 ~~[.]~~ ***and the spouse or domestic partner of the person who gave birth has signed a voluntary denial of parentage developed by the Board pursuant to NRS 440.285.***

6. If the person ~~[giving]~~ ***who gave*** birth was unmarried ***and not in a domestic partnership*** at the time of ***the*** birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 119. NRS 440.285 is hereby amended to read as follows:

440.285 1. The Board shall:

(a) Develop ~~[a declaration]~~ ***declarations*** to be signed under penalty of perjury for the voluntary acknowledgment of parentage ***and the voluntary denial of parentage*** in this State ~~[.]~~ ***pursuant to sections 38 to 51, inclusive, of this act;*** and

(b) Distribute the declarations to each hospital or freestanding birthing center in this State.

2. Before providing a declaration for the acknowledgment of parentage ***or denial of parentage*** to ~~[the person who gave birth to a child or]~~ a person who wishes to acknowledge ***or deny*** the parentage of a child, the agencies described in paragraph (b) of subsection 1 shall ensure that ~~[the person who gave birth and]~~ the person who wishes to acknowledge ***or deny*** parentage ~~[are]~~ ***is*** given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of parentage ~~[.]~~ ***or declaration for the denial of parentage.***

Sec. 120. NRS 440.287 is hereby amended to read as follows:

440.287 1. If a person who has given birth or a person who has signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 with the person who has given birth rescinds the acknowledgment pursuant to ~~[subsection 2 of NRS 126.053,]~~ ***section 45 of this act,*** the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged ~~[paternity or]~~ parentage ~~[, as applicable,]~~ unless a court issues an order establishing that the person who acknowledged ~~[paternity or]~~ parentage ~~[, as applicable,]~~ is not the ~~[father or]~~ parent ~~[, as applicable,]~~ of the child.

2. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 121. NRS 440.319 is hereby amended to read as follows:

440.319 1. Whenever the State Registrar receives an order issued by a district court in this State pursuant to subsection 4 of NRS 126.720 validating a gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child, the State Registrar shall prepare and file a certificate of birth in the name of the child which shows the intended parent or parents as the parent or parents of the child and seal and file the order and the original certificate of birth, if any. Unless the court order is issued by a district court in this State for an action which was originally commenced in this State, a court order concerning a gestational agreement is not valid for any purpose in this State as it relates to a child born in this State, including, without limitation, the preparation and filing of a certificate of birth by the State Registrar.

2. As used in this section:

(a) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.

(b) "Intended parent" has the meaning ascribed to it in ~~[NRS 126.590.]~~ ***section 16 of this act.***

Sec. 122. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the ~~[paternity or]~~ parentage of a child being established by the:

(a) ~~[Person who gave birth and other parent acknowledging paternity of a child by signing a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283;~~

~~(b)]~~ Person who gave birth ***to the child*** and another person acknowledging parentage of the child by signing a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285; or

~~[(c)]~~ ***(b)*** Order of a district court,

➥ the State Registrar, upon the receipt of the declaration or court order, shall prepare a new certificate of birth in the name of the child as shown in the declaration or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the declaration or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 123. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging ~~[an unmarried woman who has borne]~~ ***a person who gave birth to*** a child, a hospital or freestanding birthing center shall provide to the child's parents:

(a) The opportunity to sign, in the hospital, a declaration for the voluntary acknowledgment of ~~[paternity]~~ ***parentage*** developed pursuant to NRS ~~[440.283;]~~ ***440.285 and, if applicable, a voluntary denial of parentage developed pursuant to NRS 440.285;***

(b) Written materials about establishing ~~[paternity;]~~ ***parentage;***

(c) The forms necessary to acknowledge ~~[paternity]~~ ***or deny parentage*** voluntarily;

(d) A written description of the rights and responsibilities of acknowledging ~~[paternity;]~~ ***parentage;*** and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of ~~[paternity.]~~ ***parentage.***

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or freestanding birthing center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 124. NRS 629.151 is hereby amended to read as follows:

629.151 It is unlawful to obtain any genetic information of a person without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless the information is obtained:

1. By a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

2. ~~[To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~3.]~~ To determine the ~~[paternity]~~ ***parentage*** of a person pursuant to NRS ~~[126.121 or]~~ 425.384 ~~[;~~

~~4.]~~ ***or sections 52 to 68, inclusive, of this act;***

3. For use in a study where the identities of the persons from whom the genetic information is obtained are not disclosed to the person conducting the study;

~~[5.]~~ ***4.*** To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law; or

~~[6.]~~ ***5.*** Pursuant to an order of a court of competent jurisdiction.

Sec. 125. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

2. ~~[To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~3.]~~ To determine the ~~[paternity]~~ ***parentage*** of a person pursuant to NRS ~~[126.121 or]~~ 425.384 ~~[;~~

~~4.]~~ ***or sections 52 to 68, inclusive, of this act;***

3. Pursuant to an order of a court of competent jurisdiction;

~~[5.]~~ ***4.*** By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

~~[6.]~~ ***5.*** To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

~~[7.]~~ ***6.*** To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

~~[8.]~~ ***7.*** To carry out the provisions of NRS 442.300 to 442.330, inclusive; or

~~[9.]~~ ***8.*** By an agency of criminal justice pursuant to NRS 179A.075.

Sec. 126. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS ~~[126.121 and]~~ 652.186 ~~[,]~~ ***and sections 52 to 68, inclusive, of this act,*** no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS, a licensed dentist or a registered pharmacist may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 127. NRS 689A.0424 is hereby amended to read as follows:

689A.0424 1. An insurer that offers or issues a policy of health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the policy of health insurance.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 128. NRS 689B.03766 is hereby amended to read as follows:

689B.03766 1. An insurer that offers or issues a policy of group health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the policy of group health insurance.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 129. NRS 689C.1945 is hereby amended to read as follows:

689C.1945 1. A carrier that offers or issues a health benefit plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the health benefit plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 130. NRS 695A.1857 is hereby amended to read as follows:

695A.1857 1. A society that offers or issues a benefit contract that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the benefit contract.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 131. NRS 695B.1948 is hereby amended to read as follows:

695B.1948 1. An insurer that offers or issues a contract for hospital or medical services that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the contract for hospital or medical services.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 132. NRS 695C.1712 is hereby amended to read as follows:

695C.1712 1. A health maintenance organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the enrollee is acting as a gestational carrier.

2. If an enrollee acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the health care plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 133. NRS 695G.1716 is hereby amended to read as follows:

695G.1716 1. A managed care organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the health care plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 134. The amendatory provisions of this act apply to a pending proceeding to adjudicate parentage commenced before October 1, 2023, for an issue on which a judgment has not been entered.

Sec. 135. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to appropriately replace references to the term "paternity" with the term "parentage," references to the term "father" with the term "parent" and references to the term "mother" with the term "parent," "person who gave birth," "person who will give birth," "person giving birth" or another similar term, as appropriate given the context, in the manner provided in this act; and

2. In preparing supplements to the Nevada Administrative Code, appropriately replace references to the term "paternity" with the term "parentage," references to the term "father" with the term "parent" and references to the term "mother" with the term "parent," "person who gave

birth," "person who will give birth," "person giving birth" or another similar term, as appropriate given the context, in the manner provided in this act.

Sec. 136. NRS 56.020, 126.021, 126.041, 126.051, 126.053, 126.071, 126.081, 126.091, 126.101, 126.105, 126.111, 126.121, 126.131, 126.141, 126.143, 126.171, 126.223, 126.231, 126.510, 126.540, 126.550, 126.560, 126.590, 126.600, 126.610, 126.620, 126.630 and 440.283 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

56.020 Determination of parentage or identity.
126.021 Definitions.
126.041 Establishment of relationship.
126.051 Presumptions of paternity.
126.053 Voluntary acknowledgment of paternity or parentage.
126.071 Who may bring action; when action may be brought.
126.081 Period of limitations.
126.091 Jurisdiction; joinder; venue.
126.101 Parties.
126.105 Service of process.
126.111 Pretrial hearing; testimony.
126.121 Tests for typing of blood or genetic identification; admissibility in court; effect of refusal to submit to test.
126.131 Evidence relating to paternity; evidence of costs of certain medical services.
126.141 Pretrial recommendations.
126.143 Order for temporary support of child.
126.171 Costs.
126.223 Entry of default upon failure to plead or defend in action.
126.231 Who may bring action; provisions of chapter applicable to action.
126.510 "Assisted reproduction" defined.
126.540 "Donor" defined.
126.550 "Embryo" defined.
126.560 "Gamete" defined.
126.590 "Intended parent" defined.
126.600 "In vitro fertilization" defined.
126.610 "Parent" defined.
126.620 "Record" defined.
126.630 "Sign" defined.
440.283 Voluntary acknowledgment of paternity: Board to develop and distribute declarations to be signed; certain entities to provide services and notice concerning effect of declaration.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 607 to Assembly Bill No. 371.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 405.

The following Senate amendment was read:

Amendment No. 564.

AN ACT relating to criminal procedure; authorizing a justice court or municipal court to establish a program for the treatment of mental illness or intellectual disabilities; **revising various provisions relating to a program for the treatment of mental illness or intellectual disabilities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court to establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign an eligible defendant. Under existing law, a justice court or municipal court is authorized, upon approval of a district court, to transfer original jurisdiction of a case involving such an eligible defendant to the district court. (NRS 4.370, 5.050, 176A.250, 176A.255) **Sections 1-6** of this bill additionally authorize a justice court or municipal court to establish such a program and to transfer original jurisdiction of a case involving an eligible defendant to the district court if the justice court or municipal court **: (1)** has not established such a program ~~[.]~~ **; or (2) determines that the transfer is appropriate and necessary.**

Existing law limits the definition of an "eligible defendant" to mean a person who: (1) has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor; (2) appears to suffer from mental illness or to be intellectually disabled; and (3) would benefit from assignment to a program. (NRS 176A.255) Section 2 of this bill expands the definition of an "eligible defendant" to include any person who, regardless of whether the person has tendered a plea to or been found guilty of an offense that is a misdemeanor: (1) appears to suffer from a mental illness or to be intellectually disabled; and (2) would benefit from assignment to a program.

Existing law provides that upon a violation of a term or condition of such a program, the court may: (1) enter a judgement of conviction and proceed as provided in the section pursuant to which the defendant was charged; and (2) order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison. (NRS 176A.260) **Section 3** authorizes the imposition of certain sanctions against a defendant for such a violation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176A.250 is hereby amended to read as follows:

176A.250 A ***district court, justice court or municipal*** court may establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign a defendant pursuant to NRS 174.032, 176.211, 176A.260 or 176A.400. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 2. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. A ~~***[If a justice court or municipal court has not established a program pursuant to NRS 176A.250, the]***~~ justice court or a municipal court ***, as applicable,*** may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant ~~[,]~~ ***if the justice court or municipal court, as applicable:***

(a) Has not established a program pursuant to NRS 176A.250; or

(b) Determines that the transfer is appropriate and necessary.

2. As used in this section, "eligible defendant" means a person who:

(a) ~~[Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;~~

~~(b)]~~ Appears to suffer from mental illness or to be intellectually disabled; and

~~[(c)]~~ ***(b)*** Would benefit from assignment to a program established pursuant to NRS 176A.250.

Sec. 3. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the ***district court, justice court or municipal*** court ***, as applicable,*** may:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 if the ***district court, justice court or municipal*** court determines that the defendant is eligible for participation in such a program; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250, if the ***district court, justice court or municipal*** court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.250 if the defendant is diagnosed as having a mental illness or an intellectual disability:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and

(b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.

3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the ***district court, justice court or municipal*** court concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.

4. If the offense committed by the defendant is a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant is not eligible for assignment to the program.

5. Upon violation of a term or condition:

(a) ***The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:***

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The ***district court, justice court or municipal*** court ***, as applicable,*** may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

~~[(b)]~~ ***(c)*** Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the ***district*** court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

6. Except as otherwise provided in subsection 8, upon fulfillment of the terms and conditions, the ***district court, justice court or municipal*** court ~~[.]~~ ***, as applicable:***

(a) Shall discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

8. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 4. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.260, the ***district court, justice court or municipal*** court ***, as applicable,*** shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The ***district court, justice court or municipal*** court ***, as applicable,*** shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.260, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the ***district court, justice court or municipal*** court ***, as applicable,*** orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the ***district court, justice court or municipal*** court ***, as applicable,*** in writing of its compliance with the order.

Sec. 5. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. ~~[Upon approval of the district court, a]~~ ***A*** justice court may ***, upon approval of the district court,*** transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to ~~***[, if the justice court has not established its own]***~~ ***a program established by the district court pursuant to:***

(a) NRS 176A.250, ~~[a]~~ ***if the justice court:***

(1) Has not established its own program ~~[established *by the district court]*~~ pursuant to ~~[NRS 176A.250 or, if the justice court has not established a program pursuant to]~~ ***that section ~~[.]~~ ; or***

(2) Determines that the transfer is appropriate and necessary.

(b) NRS 176A.280, ~~[to a]~~ ***if the justice court has not established its own*** program ~~[established *by the district court]*~~ pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 6. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. ~~[Upon approval of the district court, a]~~ ***A*** municipal court may ***, upon approval of the district court,*** transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to ~~***[, if the municipal court has not established its own]***~~ ***a program established by the district court pursuant to:***

(a) NRS 176A.250, ~~[a]~~ ***if the municipal court:***

(1) Has not established its own program ~~[established ***by the district court]***~~ pursuant to ~~[NRS 176A.250 or, if the municipal court has not established a program pursuant to]~~ ***that section*** ~~***[,]***~~ ***; or***

(2) Determines that the transfer is appropriate and necessary.

(b) NRS 176A.280, ~~[to a]~~ ***if the municipal court has not established its own*** program ~~[established ***by the district court]***~~ pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:

(a) Within the jurisdiction of the municipal court; and

(b) Required by the United States Constitution, the Nevada Constitution or statute.

Sec. 7. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 564 to Assembly Bill No. 405.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 408.

The following Senate amendment was read:

Amendment No. 655.

SUMMARY—Revises provisions relating to ~~[reckless driving.]~~ **motor vehicles.** (BDR 43-95)

AN ACT relating to motor vehicles; authorizing the removal of a vehicle or part of a vehicle from the highway following the issuance of a citation for reckless driving; **requiring the inclusion of certain information regarding hardship tariffs in the annual report submitted by the operator of a tow car to the Nevada Transportation Authority; revising provisions governing the towing of a motor vehicle requested by a person other than the owner of the vehicle;** prohibiting a tow car operator from charging fees or costs for the storage of ~~[such]~~ a vehicle until the vehicle has been stored for a certain period; requiring the ~~[owner of such a vehicle to pay]~~ **operator of a tow car to consider charging** a hardship tariff instead of the normal rate for the storage and removal of the vehicle under certain circumstances; ~~[revising provisions relating to the applicability of certain traffic laws concerning reckless driving;]~~ **requiring the operator of a tow car to display certain information in his or her place of business;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a law enforcement officer to remove, or cause to be removed, a vehicle or part of a vehicle found on the highway to a place of safekeeping under certain circumstances. (NRS 484B.443) **Section 1** of this bill authorizes a law enforcement officer to take such action if the person driving or in actual physical control of the vehicle is issued a citation for reckless driving. **Section 3** of this bill provides that the provisions of law requiring a tow car operator to allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing do not apply if the towing was requested by a law enforcement officer pursuant to the amendatory provisions of **section 1**.

Existing law makes it unlawful for a person to drive a vehicle in an unauthorized trick driving display or to facilitate an unauthorized trick driving display on a public highway. (NRS 484B.653) **Section 2** of this bill

additionally prohibits a person from driving a vehicle in an unauthorized trick driving display or facilitating an unauthorized trick driving display on premises to which the public has access.

~~[Existing law requires that, under certain circumstances, a registered owner of a vehicle that is towed must pay certain fees and charges to the tow car operator for the towing, storage and removal of the vehicle. (NRS 484B.443, 706.4477, 706.4479)]~~ Existing law ~~[: (1) prohibits the tow car operator from charging any fee or cost for the storage of the vehicle until at least 48 hours has passed since the motor vehicle arrived and was registered at the place of storage; and (2) requires that if the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period must begin when the regular business hours of the place of storage next begin. (NRS 706.4477) Section 2.2 of this bill makes these provisions applicable when a tow car operator tows a vehicle at the request of a law enforcement officer pursuant to section 1.]~~ **provides that if the towing of a motor vehicle is requested by a person other than the owner, an agent of the owner, a law enforcement officer or other person employed to enforce the laws, ordinances and codes of a local government, the operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. (NRS 706.4477) Section 3.1 of this bill provides that the operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 24 hours after the motor vehicle arrives and is registered at the place of storage.**

Existing law provides that an owner of real property may not have a vehicle towed from a residential complex solely because the registration of the vehicle is expired. (NRS 706.4477) Section 3.1: (1) prohibits an operator from charging any fee or cost for the towing of a vehicle solely because the registration of the vehicle is expired; and (2) provides that the towing of such a vehicle by an operator is a violation subject to certain penalties.

Existing law further requires the owner of a vehicle that has been towed to pay a hardship tariff, instead of the normal rate, for the cost of removal and storage of the vehicle if: (1) the vehicle was towed **from a residential complex** at the request of a person other than the owner of the vehicle or the owner's authorized agent because the vehicle was not registered in this State or any other state; and (2) the owner is unable to pay the normal rate for reasons outside of the owner's control. (NRS 706.4477) ~~[Section 2.2 of this bill similarly provides that if the tow car operator tows a vehicle at the request of a law enforcement officer pursuant to section 1, the owner of the vehicle is required to pay the hardship tariff, instead of the normal rate, for the cost of the removal and storage of the vehicle if the owner establishes the inability to pay the normal rate. Section 2.2 further provides that the owner establishes the inability to pay the normal rate by providing evidence that the owner is a recipient of certain public assistance, has a household net income below a~~

~~certain amount, has certain expenses in excess of income or otherwise qualifies for the hardship tariff for a reason established by the Nevada Transportation Authority by regulation.~~

~~— Section 2.4 of this bill makes a conforming change to make the definitions in existing law governing tow car operators applicable to the provisions of section 2.2.~~

~~— Sections 2.6, 2.8 and 3.3-3.7 of this bill make conforming changes to provide that the requirements of section 2.2 are enforced by the Authority in the same manner as other laws governing tow car operators.~~**] Section 3.1 removes the requirement for the owner of a vehicle to pay a hardship tariff under these circumstances and instead requires an operator of a tow car to consider charging a hardship tariff for the removal and storage of a motor vehicle if the owner is unable to pay the normal rate for reasons outside of the owner's control. Section 3.1 requires an operator of a tow car to display a written notice in his or her place of business: (1) regarding the requirement for the operator to consider charging a hardship tariff; and (2) containing a telephone number for the Authority where a person may report certain alleged violations of law.**

Existing law requires each fully regulated carrier, operator of a tow car and common or contract motor carrier regulated by the Nevada Transportation Authority to furnish an annual report to the Authority in the form and detail required by the Authority. (NRS 706.167) Section 2.9 of this bill requires the annual report submitted by the operator of a tow car to include the number of times that the operator charged a hardship tariff during the calendar year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484B.443 is hereby amended to read as follows:

484B.443 1. Except as otherwise provided in subsection 2, whenever any law enforcement officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any law enforcement officer finds a vehicle, the cargo of a vehicle or other property unattended, disabled or spilled upon any highway, bridge or causeway, or in any tunnel, where the vehicle, cargo or property constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety, the officer or the law enforcement agency employing the officer, in coordination with unified command, if applicable, may provide for the immediate removal of the vehicle, cargo or property to a position where the vehicle, cargo or property no longer constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety.

3. Except as otherwise provided in subsection 2, any law enforcement officer may, subject to the requirements of subsection 4, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to a garage or other place of safekeeping if:

(a) The vehicle has been involved in a crash and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(b) The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; ~~[or]~~

(c) ***The person driving or in actual physical control of the vehicle has been issued a citation for reckless driving pursuant to NRS 484B.653; or***

(d) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.

4. Unless a different course of action is necessary to preserve evidence of a criminal offense, a law enforcement officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to the garage of the tow car operator unless directed otherwise by the officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in the possession or control of the tow car operator.

5. A person or entity, including a law enforcement officer, the law enforcement agency employing the law enforcement officer, unified command or a tow car operator who provides for the removal of a vehicle, the cargo of a vehicle or other property pursuant to subsection 2:

(a) Is not liable for any loss of or damage to the vehicle, the contents of the vehicle, the cargo or the property that is removed; and

(b) Must make a reasonable attempt, as soon as practicable, to notify the owner of the vehicle, cargo or property as to the location of the vehicle, cargo or property if the owner of the vehicle or property is not present at the time of removal and the owner of the vehicle, cargo or property is ascertainable by the officer.

6. All costs incurred under the provisions of subsection 2 must be borne by the owner of the vehicle, cargo or property.

7. As used in this section:

(a) "Traffic incident" has the meaning ascribed to it in NRS 484B.607.

(b) "Unified command" means a group of law enforcement officers or other persons organized to provide a coordinated response to a traffic incident which requires two or more responding entities within a jurisdiction or which requires responding entities from two or more jurisdictions. The responding entities may include, without limitation, police, fire or emergency medical personnel, a tow car operator, or a state or local governmental entity responsible for roadway or other infrastructure repair or maintenance.

Sec. 2. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property on a highway or premises to which the public has access.

(b) Drive a vehicle in an unauthorized speed contest on a highway or premises to which the public has access.

(c) Organize an unauthorized speed contest on a highway or premises to which the public has access.

(d) Drive a vehicle in an unauthorized trick driving display on a ~~[public]~~ highway ~~[.]~~ ***or premises to which the public has access.***

(e) Facilitate an unauthorized trick driving display on a ~~[public]~~ highway ~~[.]~~ ***or premises to which the public has access.***

➥ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. A person who violates paragraph (d) of subsection 1 is guilty of a gross misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

(b) For the second offense and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

7. A person who violates paragraph (e) of subsection 1 is guilty of:

(a) For the first offense, a misdemeanor and:

(1) Shall be punished by a fine of not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense and each subsequent offense, a gross misdemeanor and:

(1) Shall be punished by a fine of not less than $1,000 and not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

8. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6 or 7, the court:

(a) May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order; and

(c) May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense.

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on a highway or premises to which the public has access in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

10. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the

person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

11. As used in this section:

(a) "Facilitate" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:

(1) Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or

(2) Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.

(b) "Organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a ~~[~~public~~]~~ highway ~~[,]~~ ***or premises to which the public has access,*** regardless of whether a fee is charged for attending the unauthorized speed contest.

(c) "Trick driving display" means using a vehicle to perform tricks, stunts or other maneuvers on a ~~[~~public~~]~~ highway ***, or premises to which the public has access,*** upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.

Sec. 2.2. ~~[~~Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*1. If the operator of a tow car tows a vehicle at the request of a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443, the operator shall not charge any fee or cost for the storage of the vehicle until at least 48 hours after the vehicle arrives and is registered at the place of storage. If the vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48 hour period begins when the regular business hours of the place of storage next begin.*~~

~~*2. The owner of a vehicle towed pursuant to paragraph (c) of subsection 3 of NRS 484B.443 shall pay the hardship tariff described in NRS 706.4477 for the cost of removal and storage of the vehicle if the owner demonstrates that the owner is incapable of paying the normal rate charged for the removal and storage of the vehicle by providing evidence that the owner:*~~

~~*(a) Is receiving benefits provided by a federal or state program of public assistance;*~~

~~*(b) Has a household net income which is equal to or less than 200 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Registrar by the United States Department of Health and Human Services;*~~

~~*(c) Resides in public housing, as that term is defined in NRS 315.021;*~~

~~*(d) Has expenses for the necessities of life that exceed his or her income; or*~~

~~*(e) Qualifies for a hardship tariff for any other reason established by the Authority by regulation.]*~~ **(Deleted by amendment.)**

Sec. 2.4. ~~[NRS 706.011 is hereby amended to read as follows:~~

~~"706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 2.2 of this act,* unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 2.6. ~~[NRS 706.286 is hereby amended to read as follows:~~

~~"706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person that:~~

~~(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;~~

~~(b) Any of the provisions of NRS 706.444 to 706.453, inclusive, *and section 2.2 of this act,* have been violated;~~

~~(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or~~

~~(d) Any service is inadequate,~~

~~" the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.~~

~~2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.~~

~~3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.]~~ **(Deleted by amendment.)**

Sec. 2.8. ~~[NRS 706.4463 is hereby amended to read as follows:~~

~~"706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:~~

~~(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;~~

~~(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and~~

~~(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive~~ **~~[.]~~** ~~*, and section 2.2 of this act.*~~

~~2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:~~

~~(a) File an application with the Authority; and~~

~~(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:~~

~~(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;~~

~~(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;~~

~~(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and~~

~~(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.~~

~~4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.~~

~~5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:~~

~~(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or~~

~~(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.~~~~]~~ **(Deleted by amendment.)**

Sec. 2.9. **NRS 706.167 is hereby amended to read as follows:**

706.167 1. Each fully regulated carrier, operator of a tow car and common or contract carrier regulated by the Authority shall:

(a) Keep uniform and detailed accounts of all business transacted in the manner required by the Authority by regulation and render them to the Authority upon its request.

(b) Furnish an annual report to the Authority in the form and detail that it prescribes by regulation.

➥ The regulations of the Authority may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the Authority to enforce the provisions of NRS 706.011 to 706.791, inclusive.

2. Except as otherwise provided in subsection 3, the reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. A carrier may, with the permission of the Authority, prepare the reports required by this section for a year other than a calendar year that the Authority specifies and submit them not later than a date specified by the Authority in each year.

4. If the Authority finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

5. The Authority shall require an operator of a tow car to include in his or her annual report the number of times the operator charged a hardship tariff pursuant to NRS 706.4477 during the calendar year.

Sec. 3. NRS 706.4469 is hereby amended to read as follows:

706.4469 1. The operator shall allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing if:

(a) A request is made to release the vehicle; and

(b) Except as otherwise provided in subsection 2, the owner or agent pays a fee established by the operator for releasing the vehicle.

2. If a vehicle that has been connected to a tow car was requested to be towed pursuant to subparagraph (2) of paragraph (b) of subsection 2 of NRS 706.4477 and the owner, or agent of the owner, provides proof that the vehicle is registered pursuant to this chapter or chapter 482 of NRS or in any other state:

(a) The operator shall immediately release the motor vehicle to the owner or agent; and

(b) The owner or agent is not responsible for paying the fee established by the operator for releasing the vehicle.

3. ***The provisions of this section do not apply if a vehicle that has been connected to a tow car was requested to be towed by a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443.***

4. As used in this section, "provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was connected to the tow car.

Sec. 3.1. **NRS 706.4477 is hereby amended to read as follows:**

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer or other person who is employed to enforce the laws, ordinances and codes of a local government:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. Except as otherwise

provided in subsection 2, for the purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located, the owner of the real property or authorized agent of the owner, which may be the tow operator if the tow operator has entered into a contract for that purpose with the owner of the real property:

(a) Must:

(1) Meet the requirements of subsection 1.

(2) Except as otherwise provided in this subparagraph, if the vehicle is being towed pursuant to subparagraph (1) or (2) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed. The provisions of this subparagraph do not apply and the vehicle may be immediately towed if it is a vehicle for which a notice was previously affixed:

(I) For the same or a similar reason within the same residential complex.

(II) Three or more times during the immediately preceding 6 months within the same residential complex for any reason, regardless of whether the vehicle was subsequently towed.

(b) May only have a vehicle towed:

(1) Because of a parking violation;

(2) If the vehicle is not registered pursuant to this chapter or chapter 482 of NRS or in any other state; or

(3) If the vehicle is:

(I) Blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex, which may include, without limitation, if the vehicle is parked in a space that is clearly marked for a specific resident or the use of a specific unit in the residential complex.

(c) May not have a vehicle towed solely because the registration of the vehicle is expired. ***An operator may not charge any fee or cost for towing a vehicle in violation of this paragraph. The towing of a vehicle solely because the registration of the vehicle is expired is a violation of this section, subject to the provisions of subsection 9.***

3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

4. The owner of a motor vehicle towed pursuant to the provisions of subsection 1, 2 or 3:

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Subject to the provisions of subsection 7, is responsible for the cost of removal and storage of the motor vehicle.

5. The owner may rebut the presumption in subsection 4 by showing that:

(a) The owner transferred the owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the owner; or

(b) The vehicle is stolen, if the owner submits evidence that, before the discovery of the vehicle, the owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

6. An operator shall not charge any fee or cost for the storage of the motor vehicle until at least ~~[48]~~ ***24*** hours after the motor vehicle arrives and is registered at the place of storage. If the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the ~~[48-hour]~~ ***24-hour*** period begins when the regular business hours of the place of storage next begin.

7. ~~[The owner of the vehicle]~~ ***An operator*** shall ~~[pay]~~ ***consider charging*** a hardship tariff for the cost of removal and storage of the motor vehicle if ~~[:~~

~~(a) A vehicle has been towed pursuant to subparagraph (2) of paragraph (b) of subsection 2;~~

~~(b) The]~~ ***the*** owner of the vehicle ~~,~~ ~~[does not provide proof that the vehicle was registered pursuant to this chapter or chapter 482 of NRS or in any other state at the time the vehicle was towed; and~~

~~(c) The owner,]~~ for reasons outside of his or her control as determined by the regulations adopted pursuant to this section, is incapable of paying the normal rate charged for the removal and storage of the motor vehicle.

~~[8.]~~ ***8.*** The Authority shall adopt regulations to carry out the provisions of this section, including, without limitation, establishing a range of hardship tariffs ~~[a person]~~ ***an operator*** may ~~[pay]~~ ***charge*** pursuant to this section and setting forth what qualifies as a reason that is outside of the control of the owner.

~~[8.]~~ ***9. If a motor vehicle is towed in violation of the provisions of this section or an operator charges any fee or cost for the towing of a motor vehicle in violation of this section:***

(a) The operator may be subject to a penalty in accordance with the provisions of NRS 706.756 to 706.781, inclusive; and

(b) The owner of the vehicle may bring an action against the operator to recover any costs incurred by the person as a result of the violation, including, without limitation, any loss of income.

10. An operator shall display conspicuously in his or her place of business a written notice which must contain, in boldface type letters not less than 1 inch in height and 1 inch in width:

(a) A statement that the operator must consider charging a hardship tariff under certain circumstances; and

(b) A telephone number for the Authority where a person may report a violation of the provisions of this chapter.

11. As used in this section:

(a) "Parking violation" means a violation of any:

(1) State or local law or ordinance governing parking; or

(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.

(b) ~~["Provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was towed.~~

~~(c)]~~ "Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.

Sec. 3.3. ~~[NRS 706.4483 is hereby amended to read as follows:~~

~~706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive~~ **[.] *, and section 2.2 of this act.***

~~2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.~~**] (Deleted by amendment.)**

Sec. 3.5. ~~[NRS 706.756 is hereby amended to read as follows:~~

~~706.756 1. Except as otherwise provided in subsection 2, any person who:~~

~~(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and section 2.2 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;~~

~~(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and section 2.2 of this act* or by the Authority~~

~~or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive~~ **[;]** ***and section 2.2 of this act;***

~~(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive~~ **[;]** ***and section 2.2 of this act;***

~~(d) Fails to obey any order, decision or regulation of the Authority or the Department;~~

~~(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;~~

~~(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive~~ **[;]** ***and section 2.2 of this act;***

~~(g) Advertises as providing:~~

~~(1) The services of a fully regulated carrier; or~~

~~(2) Towing services,~~

~~→ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;~~

~~(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;~~

~~(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;~~

~~(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;~~

~~(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;~~

~~(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or~~

~~(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,~~

~~→ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.~~

~~2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:~~

~~(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.~~

~~(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.~~

~~3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.~~

~~4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.~~

~~5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.~~

~~6. Any bail allowed must not be less than the appropriate fine provided for by this section.~~**]** **(Deleted by amendment.)**

Sec. 3.7. ~~**[**NRS 706.781 is hereby amended to read as follows:~~

~~706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, ***and section 2.2 of this act*** for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, ***and section 2.2 of this act*** and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.~~**]** **(Deleted by amendment.)**

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 655 to Assembly Bill No. 408.

Motion carried.

The following Senate amendment was read:

Amendment No. 722.

AN ACT relating to motor vehicles; authorizing the removal of a vehicle or part of a vehicle from the highway following the issuance of a citation for reckless driving; requiring the inclusion of certain information regarding ~~**[**hardship tariffs~~**]** **certain deviations from the rates set forth in certain schedules and tariffs** in the annual report submitted by the operator of a tow car to the Nevada Transportation Authority; revising provisions governing the towing of a motor vehicle requested by a person other than the owner of the vehicle; prohibiting a tow car operator from charging fees or costs for the storage of a vehicle until the vehicle has been stored for a certain period; requiring the operator of a tow car to consider charging a ~~**[**hardship tariff instead of the normal~~**]** **lower** rate for the storage and removal of the vehicle under certain circumstances; requiring the operator of a tow car to display certain information in his or her place of business; **revising provisions**

prohibiting the solicitation of a tort victim to employ, hire or retain any attorney at law in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a law enforcement officer to remove, or cause to be removed, a vehicle or part of a vehicle found on the highway to a place of safekeeping under certain circumstances. (NRS 484B.443) **Section 1** of this bill authorizes a law enforcement officer to take such action if the person driving or in actual physical control of the vehicle is issued a citation for reckless driving. **Section 3** of this bill provides that the provisions of law requiring a tow car operator to allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing do not apply if the towing was requested by a law enforcement officer pursuant to the amendatory provisions of **section 1**.

Existing law makes it unlawful for a person to drive a vehicle in an unauthorized trick driving display or to facilitate an unauthorized trick driving display on a public highway. (NRS 484B.653) **Section 2** of this bill additionally prohibits a person from driving a vehicle in an unauthorized trick driving display or facilitating an unauthorized trick driving display on premises to which the public has access.

~~[Existing law provides that if the towing of a motor vehicle is requested by a person other than the owner, an agent of the owner, a law enforcement officer or other person employed to enforce the laws, ordinances and codes of a local government, the operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. (NRS 706.4477) Section 3.1 of this bill provides that the operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 24 hours after the motor vehicle arrives and is registered at the place of storage.]~~

Existing law provides that an owner of real property may not have a vehicle towed from a residential complex solely because the registration of the vehicle is expired. (NRS 706.4477) **Section 3.1 ~~[.]~~ of this bill:** (1) prohibits an operator from charging any fee or cost for the towing of a vehicle solely because the registration of the vehicle is expired; and (2) provides that the towing of such a vehicle by an operator is a violation subject to certain penalties.

Existing law further requires the owner of a vehicle that has been towed to pay a hardship tariff, instead of the normal rate, for the cost of removal and storage of the vehicle if: (1) the vehicle was towed from a residential complex at the request of a person other than the owner of the vehicle or the owner's authorized agent because the vehicle was not registered in this State or any other state; and (2) the owner is unable to pay the normal rate for reasons outside of the owner's control. (NRS 706.4477) **Section 3.1** removes the requirement for the owner of a vehicle to pay a hardship tariff under these

circumstances and instead requires an operator of a tow car to consider charging a ~~[hardship tariff]~~ **lower rate** for the removal and storage of a motor vehicle if the owner is unable to pay the normal rate for reasons outside of the owner's control. **Section 3.1** requires an operator of a tow car to display a written notice in his or her place of business: (1) regarding the requirement for the operator to consider charging a ~~[hardship tariff;]~~ **lower rate;** and (2) containing a telephone number for the Authority where a person may report certain alleged violations of law.

Existing law requires each fully regulated carrier, operator of a tow car and common or contract motor carrier regulated by the Nevada Transportation Authority to furnish an annual report to the Authority in the form and detail required by the Authority. (NRS 706.167) **Section 2.9** of this bill requires the annual report submitted by the operator of a tow car to include the number of times that the operator ~~[charged]~~ **deviated from the otherwise applicable schedule or tariff to charge** a ~~[hardship tariff]~~ **lower rate** during the calendar year.

Existing law prohibits a person, in exchange for compensation, from soliciting a tort victim to employ, hire or retain any attorney at law at the scene of a traffic crash that may result in a civil action or at a county or city jail or detention facility. Existing law authorizes a tort victim to void any contract, agreement or obligation that is made, obtained, procured or incurred in violation of this prohibition. (NRS 7.045) Section 3.9 of this bill: (1) further prohibits a person from soliciting a tort victim at any medical facility or other location where a provider of health care performs health care services or within 72 hours after the time that the tort occurred; and (2) prohibits such solicitations regardless of whether the solicitation is in exchange for compensation. Section 3.9 provides that any contract, agreement or obligation made, obtained, procured or incurred in violation of the prohibition against such solicitations is void. Section 3.9 establishes certain amounts which may be obtained from a civil action brought for a prohibited solicitation and revises the applicable criminal penalties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484B.443 is hereby amended to read as follows:

484B.443 1. Except as otherwise provided in subsection 2, whenever any law enforcement officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any law enforcement officer finds a vehicle, the cargo of a vehicle or other property unattended, disabled or spilled upon any highway, bridge or causeway, or in any tunnel, where the vehicle, cargo or property

constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety, the officer or the law enforcement agency employing the officer, in coordination with unified command, if applicable, may provide for the immediate removal of the vehicle, cargo or property to a position where the vehicle, cargo or property no longer constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety.

3. Except as otherwise provided in subsection 2, any law enforcement officer may, subject to the requirements of subsection 4, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to a garage or other place of safekeeping if:

(a) The vehicle has been involved in a crash and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(b) The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; ~~[or]~~

(c) ***The person driving or in actual physical control of the vehicle has been issued a citation for reckless driving pursuant to NRS 484B.653; or***

(d) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.

4. Unless a different course of action is necessary to preserve evidence of a criminal offense, a law enforcement officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to the garage of the tow car operator unless directed otherwise by the officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in the possession or control of the tow car operator.

5. A person or entity, including a law enforcement officer, the law enforcement agency employing the law enforcement officer, unified command or a tow car operator who provides for the removal of a vehicle, the cargo of a vehicle or other property pursuant to subsection 2:

(a) Is not liable for any loss of or damage to the vehicle, the contents of the vehicle, the cargo or the property that is removed; and

(b) Must make a reasonable attempt, as soon as practicable, to notify the owner of the vehicle, cargo or property as to the location of the vehicle, cargo or property if the owner of the vehicle or property is not present at the time of removal and the owner of the vehicle, cargo or property is ascertainable by the officer.

6. All costs incurred under the provisions of subsection 2 must be borne by the owner of the vehicle, cargo or property.

7. As used in this section:

(a) "Traffic incident" has the meaning ascribed to it in NRS 484B.607.

(b) "Unified command" means a group of law enforcement officers or other persons organized to provide a coordinated response to a traffic incident which requires two or more responding entities within a jurisdiction or which requires responding entities from two or more jurisdictions. The responding entities may include, without limitation, police, fire or emergency medical personnel, a tow car operator, or a state or local governmental entity responsible for roadway or other infrastructure repair or maintenance.

Sec. 2. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property on a highway or premises to which the public has access.

(b) Drive a vehicle in an unauthorized speed contest on a highway or premises to which the public has access.

(c) Organize an unauthorized speed contest on a highway or premises to which the public has access.

(d) Drive a vehicle in an unauthorized trick driving display on a ~~[public]~~ highway ~~[.]~~ ***or premises to which the public has access.***

(e) Facilitate an unauthorized trick driving display on a ~~[public]~~ highway ~~[.]~~ ***or premises to which the public has access.***

➥ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. A person who violates paragraph (d) of subsection 1 is guilty of a gross misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

(b) For the second offense and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

7. A person who violates paragraph (e) of subsection 1 is guilty of:

(a) For the first offense, a misdemeanor and:

(1) Shall be punished by a fine of not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense and each subsequent offense, a gross misdemeanor and:

(1) Shall be punished by a fine of not less than $1,000 and not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

8. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6 or 7, the court:

(a) May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order; and

(c) May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense.

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on a highway or premises to which the public has access in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes

the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

10. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

11. As used in this section:

(a) "Facilitate" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:

(1) Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or

(2) Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.

(b) "Organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a ~~[public]~~ highway ~~[,]~~ ***or premises to which the public has access,*** regardless of whether a fee is charged for attending the unauthorized speed contest.

(c) "Trick driving display" means using a vehicle to perform tricks, stunts or other maneuvers on a ~~[public]~~ highway ***, or premises to which the public has access,*** upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.

Sec. 2.2. (Deleted by amendment.)

Sec. 2.4. (Deleted by amendment.)

Sec. 2.6. (Deleted by amendment.)

Sec. 2.8. (Deleted by amendment.)

Sec. 2.9. NRS 706.167 is hereby amended to read as follows:

706.167 1. Each fully regulated carrier, operator of a tow car and common or contract carrier regulated by the Authority shall:

(a) Keep uniform and detailed accounts of all business transacted in the manner required by the Authority by regulation and render them to the Authority upon its request.

(b) Furnish an annual report to the Authority in the form and detail that it prescribes by regulation.

➥ The regulations of the Authority may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the Authority to enforce the provisions of NRS 706.011 to 706.791, inclusive.

2. Except as otherwise provided in subsection 3, the reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. A carrier may, with the permission of the Authority, prepare the reports required by this section for a year other than a calendar year that the Authority specifies and submit them not later than a date specified by the Authority in each year.

4. If the Authority finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

5. The Authority shall require an operator of a tow car to include in his or her annual report the number of times the operator ~~[charged a hardship tariff]~~ deviated from the otherwise applicable schedule or tariff to charge a lower rate pursuant to NRS 706.4477 during the calendar year.

Sec. 3. NRS 706.4469 is hereby amended to read as follows:

706.4469 1. The operator shall allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing if:

(a) A request is made to release the vehicle; and

(b) Except as otherwise provided in subsection 2, the owner or agent pays a fee established by the operator for releasing the vehicle.

2. If a vehicle that has been connected to a tow car was requested to be towed pursuant to subparagraph (2) of paragraph (b) of subsection 2 of NRS 706.4477 and the owner, or agent of the owner, provides proof that the vehicle is registered pursuant to this chapter or chapter 482 of NRS or in any other state:

(a) The operator shall immediately release the motor vehicle to the owner or agent; and

(b) The owner or agent is not responsible for paying the fee established by the operator for releasing the vehicle.

3. ***The provisions of this section do not apply if a vehicle that has been connected to a tow car was requested to be towed by a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443.***

4. As used in this section, "provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was connected to the tow car.

Sec. 3.1. NRS 706.4477 is hereby amended to read as follows:

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer or other person who is employed to enforce the laws, ordinances and codes of a local government:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. Except as otherwise provided in subsection 2, for the purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located, the owner of the real property or authorized agent of the owner, which may be the tow operator if the tow operator has entered into a contract for that purpose with the owner of the real property:

(a) Must:

(1) Meet the requirements of subsection 1.

(2) Except as otherwise provided in this subparagraph, if the vehicle is being towed pursuant to subparagraph (1) or (2) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed. The provisions of this subparagraph do not apply and the vehicle may be immediately towed if it is a vehicle for which a notice was previously affixed:

(I) For the same or a similar reason within the same residential complex.

(II) Three or more times during the immediately preceding 6 months within the same residential complex for any reason, regardless of whether the vehicle was subsequently towed.

(b) May only have a vehicle towed:

(1) Because of a parking violation;

(2) If the vehicle is not registered pursuant to this chapter or chapter 482 of NRS or in any other state; or

(3) If the vehicle is:

(I) Blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex, which may include, without limitation, if the vehicle is parked in a space that is clearly marked for a specific resident or the use of a specific unit in the residential complex.

(c) May not have a vehicle towed solely because the registration of the vehicle is expired. ***An operator may not charge any fee or cost for towing a vehicle in violation of this paragraph. The towing of a vehicle solely because the registration of the vehicle is expired is a violation of this section, subject to the provisions of subsection 9.***

3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

4. The owner of a motor vehicle towed pursuant to the provisions of subsection 1, 2 or 3:

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Subject to the provisions of subsection 7, is responsible for the cost of removal and storage of the motor vehicle.

5. The owner may rebut the presumption in subsection 4 by showing that:

(a) The owner transferred the owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the owner; or

(b) The vehicle is stolen, if the owner submits evidence that, before the discovery of the vehicle, the owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

6. An operator shall not charge any fee or cost for the storage of the motor vehicle until at least 48 ***[24]*** hours after the motor vehicle arrives and is registered at the place of storage. If the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour ***[24-hour]*** period begins when the regular business hours of the place of storage next begin.

7. ~~[The owner of the vehicle]~~ ***An operator*** shall ~~[pay]~~ ***consider charging*** a ~~[hardship]~~ ***rate which is lower than the rate set forth in the otherwise applicable schedule or*** tariff for the cost of removal and storage of the motor vehicle if ~~[:~~

~~(a) A vehicle has been towed pursuant to subparagraph (2) of paragraph (b) of subsection 2;~~

~~(b) The]~~ ***the*** owner of the vehicle ***,*** ~~[does not provide proof that the vehicle was registered pursuant to this chapter or chapter 482 of NRS or in any other state at the time the vehicle was towed; and~~

~~(c) The owner,]~~ for reasons outside of his or her control as determined by the regulations adopted pursuant to this section, is incapable of paying the normal rate charged for the removal and storage of the motor vehicle. ***An operator may deviate from the otherwise applicable schedule or tariff without the approval of the Authority to charge a lower rate pursuant to this subsection.***

~~[~~***8.*** The Authority shall adopt regulations to carry out the provisions of this section, including, without limitation, ~~[establishing a range of hardship tariffs a person~~ ***an operator*** ~~may pay~~ ***charge*** ~~pursuant to this section and]~~

setting forth what qualifies as a reason that is outside of the control of the owner.

~~[8.]~~ ***9. If a motor vehicle is towed in violation of the provisions of this section or an operator charges any fee or cost for the towing of a motor vehicle in violation of this section:***

(a) The operator may be subject to a penalty in accordance with the provisions of NRS 706.756 to 706.781, inclusive; and

(b) The owner of the vehicle may bring an action against the operator to recover any costs incurred by the person as a result of the violation, including, without limitation, any loss of income.

10. An operator shall display conspicuously in his or her place of business a written notice which must contain, in boldface type letters not less than 1 inch in height and 1 inch in width:

(a) A statement that the operator must consider charging a ~~[hardship tariff]~~ lower rate under certain circumstances; and

(b) A telephone number for the Authority where a person may report a violation of the provisions of this chapter.

11. As used in this section:

(a) "Parking violation" means a violation of any:

(1) State or local law or ordinance governing parking; or

(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.

(b) ~~[~~"Provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was towed.

~~(c)]~~ "Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.

Sec. 3.3. (Deleted by amendment.)

Sec. 3.5. (Deleted by amendment.)

Sec. 3.7. (Deleted by amendment.)

Sec. 3.9. **NRS 7.045 is hereby amended to read as follows:**

7.045 1. Except as otherwise provided in this section, it shall be unlawful for a person ~~[, in exchange for compensation,]~~ to solicit a tort victim to employ, hire or retain any attorney at law:

(a) At the scene of a traffic crash that may result in a civil action; ~~[or]~~

(b) At a county or city jail or detention facility ~~[.]~~ ***;***

(c) At a medical facility or other location where a provider of health care performs health care services; or

(d) Within 72 hours after the tort occurred.

2. It is unlawful for a person to conspire with another person to commit an act which violates the provisions of subsection 1.

3. This section does not prohibit or restrict:

(a) A recommendation for the employment, hiring or retention of an attorney at law in a manner that complies with the Nevada Rules of Professional Conduct.

(b) The solicitation of motor vehicle repair or storage services by a tow car operator.

(c) Any activity engaged in by police, fire or emergency medical personnel acting in the normal course of duty.

(d) A communication by a tort victim with the tort victim's insurer concerning the investigation of a claim or settlement of a claim for property damage.

(e) Any inquiries or advertisements performed in the ordinary course of a person's business.

4. ~~[A tort victim may void any]~~ ***Any*** contract, agreement or obligation that is made, obtained, procured or incurred ***with a tort victim*** in violation of this section ~~[.]~~ ***is void.***

5. ***A tort victim who prevails in a civil action pursuant to this section:***

(a) May recover:

(1) Twice the amount of actual damages he or she incurred from the violation of this section; and

(2) An amount equal to twice the amount of the financial obligation imposed upon the tort victim by the contract, agreement or obligation that was made, obtained, procured or incurred in violation of this section.

(b) Is entitled to reasonable attorney's fees and costs.

6. A civil action pursuant to this section is subject to the limitation set forth in subsection 1 of NRS 11.190.

7. Any person who violates any of the provisions of this section ~~[is]~~ ***:***

(a) For the first offense, is guilty of a ***gross*** misdemeanor.

~~[6.]~~ ***(b) For a second or any subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.***

8. As used in this section, "tort victim" means a person:

(a) Whose property has been damaged as a result of any accident or motor vehicle crash that may result in a civil action, criminal action or claim for tort damages by or against another person;

(b) Who has been injured or killed as a result of any accident or motor vehicle crash that may result in a civil action, criminal action or claim for tort damages by or against another person; or

(c) A parent, guardian, spouse, sibling or child of a person who has died as a result of any accident or motor vehicle crash that may result in a civil action, criminal action or claim for tort damages by or against another person.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 722 to Assembly Bill No. 408.

Motion carried.

Bill ordered to enrollment.

Assembly Bill No. 242.

The following Senate amendment was read:

Amendment No. 695.

CONTAINS UNFUNDED MANDATE (§§ 6, **9,** 17)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to elections; ~~[revising provisions relating to the authorized methods of voting in an election under certain circumstances;]~~ **requiring ballots and votes be counted using a mechanical voting system;** revising provisions relating to accommodations for certain voters who are elderly or have a disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that voting at any election conducted under title 24 of NRS must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law. (NRS 293.270) Existing law also provides that mechanical voting systems may be used to cast, register, record and count ballots or votes in all statewide, county, city and district elections of any kind held in this State. (NRS 293B.050) ~~[Sections 5,]~~ **Section 9** ~~[and 15]~~ of this bill ~~[prohibit the marking of paper ballots by hand when voting in person at the polls at an election in this State and instead require that all]~~ **provides that ballots or** votes **: (1) may be** cast ~~[in person at a polling place be cast]~~ **, registered and recorded** using a mechanical voting system ~~[. Sections 2, 4, 7, 11, 14, 16, 18, 21, 25, 27, 29, 31, 33, 35, 37, 39, 40, 42, 44 and 46 of this bill make conforming changes to remove references to paper ballots and printing on paper ballots.]~~ **; and (2) must be counted using a mechanical voting system. Sections 1, ~~[3, 10, 12,]~~ 10-13, 20, 22-24, 26, 28, 30, 32, 34, 36, 38, 41, 43, 45 and 47** of this bill make conforming changes to require the use of a mechanical voting system ~~[when voting in person. Section 49 of this bill makes conforming changes to repeal certain provisions relating to paper ballots and the discretionary use of mechanical voting systems. Section 8.5 of this bill revises the term "mechanical voting system" to include marking a mail ballot which is subsequently counted on an electronic tabulator.]~~ **for counting votes and clarify that the use of a mechanical voting system for casting ballots is authorized but not required.**

Existing law requires that, with certain exceptions, each polling place must have at least one voting booth that is specifically designed, designated and equipped for voters who are elderly or voters with a disability. (NRS 293.2955, 293C.281) **Sections 6 and 17** of this bill instead require, with certain exceptions, that each polling place must have at least two such voting booths and additional voting booths if determined necessary by the county clerk or city clerk. **Sections 6 and 17** further require each county clerk, city clerk and all election board officers to complete training in the use of the voting booths and specially equipped voting devices in order to assist such voters. **Sections 8 and 19** of this bill make conforming changes to revise existing internal references relating to **sections 6 and 17**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of 5,000 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct ~~[.]~~ in those precincts in which a mechanical voting system is used ~~[.]~~ ***for casting ballots.***

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 2. ~~[NRS 293.250 is hereby amended to read as follows:~~

~~293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:~~

~~(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.~~

~~(b) The procedures to be followed and the requirements of:~~

~~(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.~~

~~(2) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.~~

~~(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951.~~

~~2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to [be printed] *appear* on every kind of ballot:~~

~~(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.~~

~~(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.~~

~~3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.~~

~~4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.~~

~~5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~6. The names of candidates for township and legislative or special district offices must **[**be printed**]** ***appear*** only on the ballots furnished to voters of that township or district.~~

~~7. A county clerk:~~

~~(a) May divide **[**paper**]** ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.~~

~~(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 293.267 is hereby amended to read as follows:~~

~~293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.~~

~~2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.~~

~~3. Except as otherwise provided in subsection 4:~~

~~(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the words "no political party" or the abbreviation "NPP," as the case may be.~~

~~(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation "NP."~~

~~4. [~~Where a~~]~~ ***For ballots cast using a mechanical voting*** system ~~, [of voting other than by paper ballot is used,]~~ the Secretary of State may provide for any placement of the name or abbreviation of the political party, the words "no political party" or "nonpartisan" or the abbreviation "NPP" or "NP," as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.

~~5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:~~

> ~~The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.]~~

(Deleted by amendment.)

Sec. 4. ~~[NRS 293.2693 is hereby amended to read as follows:~~

~~293.2693 [If a county or city uses paper ballots, including, without limitation, for mail ballots, the]~~ ***The*** ~~county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.]~~

(Deleted by amendment.)

Sec. 5. ~~[NRS 293.270 is hereby amended to read as follows:~~

~~293.270 1. Voting at any election regulated by this title must be [on printed]~~ ***by mechanical voting system, by mail*** ~~ballots or by any other system approved by the Secretary of State or specifically authorized by law.~~

~~2.~~ ***Except as otherwise provided in subsection 3, all votes cast in person at a polling place at any election must be cast using a mechanical voting system and not by the marking of a paper ballot by hand. This includes votes cast by:***

~~*(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and*~~

~~*(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.*~~

~~*3. The requirements of subsection 2 do not:*~~

~~*(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.*~~

~~*(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.*~~

~~4. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the ballot prepared by the election officers, and no person may write in the name of an additional candidate for any office.~~

~~*5. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.]*~~ **(Deleted by amendment.)**

Sec. 6. NRS 293.2955 is hereby amended to read as follows:

293.2955 1. Except as otherwise provided in subsection 2, at all times during which a polling place is open:

(a) The polling place must:

(1) Be accessible to a voter who is elderly or a voter with a disability; and

(2) Have at least ~~[one]~~ ***two*** voting ~~[booth]~~ ***booths*** that ~~[is:]~~ ***are:***

(I) Designed to allow a voter in a wheelchair to vote;

(II) Designated for use by a voter who is elderly or a voter with a disability;

(III) Equipped to allow a voter who is elderly or a voter with a disability to vote with the same privacy as a voter who is not elderly or as a voter without a disability; and

(IV) Equipped with a mechanical recording device which directly records the votes electronically and which may be used by a voter with a disability; and

(b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

2. A polling place that does not comply with the provisions of paragraph (a) of subsection 1 may be used if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.

3. ***If, in the opinion of the county clerk, more than two voting booths described in subparagraph (2) of paragraph (a) of subsection 1 are required***

to accommodate the needs of voters who are elderly or voters with a disability, the county clerk shall place additional voting booths at the polling place as needed.

4. At each polling place, the county clerk is encouraged to:

(a) Post in a conspicuous place, in at least 12-point type, instructions for voting;

(b) Provide ballots in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability; and

(c) Provide, in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability, all materials that are:

(1) Related to the election; and

(2) Made available to a voter in printed form at the polling place.

[~~4.~~**]** ***5.*** As an alternative to carrying out the functions described in subsection **[**~~3,~~**]** ***4,*** if, in the opinion of the county clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices will be best served by placing such devices at centralized voting locations, the county clerk may so provide. If the county clerk provides for the placement of specially equipped voting devices at centralized locations, a voter who is elderly or disabled and requires the use of such a device to be able to cast a ballot without assistance may cast his or her ballot at any centralized voting location designated by the county clerk.

6. Each county clerk and all election board officers must complete training in the use of the voting booths and specially equipped voting devices required pursuant to this section to ensure that the county clerk and election board officers are able to assist voters who are elderly or voters with a disability in the use of such voting booths and devices.

Sec. 7. **[**~~NRS 293.363 is hereby amended to read as follows:~~

~~293.363 **[**1.**]** When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.~~

~~**[**2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his~~

~~or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.~~

~~(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~**]** **(Deleted by amendment.)**

Sec. 8. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county

clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or

disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection ~~[4]~~ ***5*** of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

13. The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 8.5. NRS 293B.033 is hereby amended to read as follows:

293B.033 "Mechanical voting system" means a system of voting whereby a voter may cast a vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By marking a paper ballot ***, including, without limitation, a mail ballot,*** which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 9. NRS 293B.050 is hereby amended to read as follows:

293B.050 ~~*[1.]*~~ At all statewide, county, city and district elections of any kind held in this State, ballots or votes ~~[may]~~ ***:***

~~*[(a)]*~~ ***1. May*** be cast, registered ~~[,]~~ ***and*** recorded ~~[and counted]~~ by means of a mechanical voting system.

~~*[(b)]*~~ ***2. Must be counted by means of a mechanical voting system.***

~~*[2. Except as otherwise provided in subsection 3, all votes cast in person at a polling place in an election must be cast using a mechanical voting system and not by the marking of a paper ballot by hand. This includes votes cast by:*~~

~~*(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and*~~

~~*(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.*~~

~~*3. The requirements of subsection 2 do not:*~~

~~*(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.*~~

~~*(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.*~~

~~*4. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.]*~~

Sec. 10. NRS 293B.105 is hereby amended to read as follows:

293B.105 The board of county commissioners of any county or the city council or other governing body of any city ~~[may]~~ ***:***

1. May purchase and adopt for use at elections any mechanical voting system and mechanical recording device ~~[. The system or device may be used at any or all elections held in the county or city,]~~ for voting ~~[,]~~ ***and*** registering ~~[and counting]~~ votes cast.

2. Must purchase and adopt for use at elections a mechanical voting system for counting votes cast.

Sec. 11. NRS 293B.110 is hereby amended to read as follows:

293B.110 ~~[A]~~ ***Except as otherwise provided in NRS 293B.050, a*** mechanical voting system or mechanical recording device may be adopted ***and used*** for some of the precincts or districts in the same county or city, while the remainder of the precincts or districts in that county or city may be furnished with paper ballots or any other ~~*[adopt and use a different]*~~ mechanical voting system or mechanical recording device.

Sec. 12. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election **,** ~~[where a mechanical voting system is to be used,]~~ the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, without limitation, overvotes or, in a primary election or presidential preference primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year;

(2) A presidential preference primary election; or

(3) A general election,

➥ the total votes, other than mail ballots, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election or presidential preference primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 13. NRS 293B.175 is hereby amended to read as follows:

293B.175 In those districts or precincts in which a mechanical voting system is used ~~[,]~~ ***for casting ballots,*** the ~~***[The]***~~ list of offices and candidates and the statements of measures appropriate for use with ~~[that]~~ ***a mechanical voting*** system in combination with the device upon which a vote is registered is an official ballot.

Sec. 14. ~~[NRS 293B.365 is hereby amended to read as follows:~~

~~293B.365 The central ballot inspection board shall:~~

~~1. Receive the ballots in sealed containers.~~

~~2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.~~

~~3. Register the numbers of ballots by precinct.~~

~~4. Deliver any damaged [paper] ballots to the ballot duplicating board.~~

~~5. Receive duplicates of damaged [paper] ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct.~~

~~6. Place each damaged original [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct.~~

~~7. Reject any [paper] ballot that has been marked in a way that identifies the voter.~~

~~8. Place each rejected [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. Except as otherwise provided in subsection 2, all votes cast in person at a polling place in an election must be cast using a mechanical voting system and not by the marking of a paper ballot by hand. This includes votes cast by:***~~

~~***(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and***~~

~~***(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.***~~

~~***2. The requirements of subsection 1 do not:***~~

~~***(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.***~~

~~***(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.***~~

~~***3. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.]***~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 293C.262 is hereby amended to read as follows:~~

~~293C.262 1. The offices for which there are candidates, the names of the candidates therefor and the questions to be voted upon must [be printed]~~ ***appear*** ~~on ballots for a city election in the following order:~~

~~(a) City offices:~~

~~(1) Mayor;~~

~~(2) Council members according to ward in numerical order, if no wards, in alphabetical order; and~~

~~(3) Municipal judges.~~

~~(b) Questions presented to the voters of a city or a portion of a city with advisory questions listed in consecutive order after any other questions presented to the voters of the city.~~

~~2. The city clerk:~~

~~(a) May divide [paper] ballots into two sheets in a manner that provides a clear understanding and grouping of all measures and candidates.~~

~~(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.]~~ **(Deleted by amendment.)**

Sec. 17. NRS 293C.281 is hereby amended to read as follows:

293C.281 1. Except as otherwise provided in subsection 2, at all times during which a polling place is open:

(a) The polling place must:

(1) Be accessible to a voter who is elderly or a voter with a disability; and

(2) Have at least ~~[one]~~ ***two*** voting ~~[booth]~~ ***booths*** that ~~[is:]~~ ***are:***

(I) Designed to allow a voter in a wheelchair to vote;

(II) Designated for use by a voter who is elderly or a voter with a disability;

(III) Equipped to allow a voter who is elderly or a voter with a disability to vote with the same privacy as a voter who is not elderly or as a voter without a disability; and

(IV) Equipped with a mechanical recording device which directly records the votes electronically and which may be used by persons with disabilities; and

(b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

2. A polling place that does not comply with the provisions of paragraph (a) of subsection 1 may be used if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.

3. ***If, in the opinion of the city clerk, more than two voting booths described in subparagraph (2) of paragraph (a) of subsection 1 are required to accommodate the needs of voters who are elderly or voters with a disability, the city clerk shall place additional voting booths at the polling place as needed.***

4. At each polling place, the city clerk is encouraged to:

(a) Post in a conspicuous place, in at least 12-point type, instructions for voting;

(b) Provide ballots in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability; and

(c) Provide, in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability, all materials that are:

(1) Related to the election; and

(2) Made available to a voter in printed form at the polling place.

~~[~~4.~~]~~ ***5.*** As an alternative to carrying out the functions described in subsection ~~[~~3,~~]~~ ***4,*** if, in the opinion of the city clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices will be best served by placing such devices at centralized voting locations, the city clerk may so provide. If the city clerk provides for the placement of specially equipped voting devices at centralized locations, a voter who is elderly or disabled and requires the use of such a device to be able to cast a ballot without assistance may cast his or her ballot at any centralized voting location designated by the city clerk.

6. Each city clerk and all election board officers must complete training in the use of the voting booths and specially equipped voting devices required pursuant to this section to ensure that the city clerk and election board officers are able to assist voters who are elderly or voters with a disability in the use of such voting booths and devices.

Sec. 18. ~~[~~NRS 293C.362 is hereby amended to read as follows:~~]~~

~~293C.362 [1.] When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.~~

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.~~

~~(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~**]] (Deleted by amendment.)**

Sec. 19. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection ~~[4]~~ ***5*** of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 20. NRS 293C.600 is hereby amended to read as follows:

293C.600 1. Before any election ~~[,]~~ ***,*** where a mechanical voting system will be used ~~[,]~~ ***for casting ballots,*** the city clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes

cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, but not limited to, overvotes must not be counted.

(c) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered that lacks a code identifying the precinct in which it was voted.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The city clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 21. ~~[NRS 293C.645 is hereby amended to read as follows:~~

~~293C.645 The central ballot inspection board shall:~~

~~1. Receive the ballots in sealed containers.~~

~~2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the storage devices that store the ballots voted on mechanical recording devices that directly record votes electronically.~~

~~3. Register the numbers of ballots by precinct.~~

~~4. Deliver any damaged [paper] ballots to the ballot duplicating board.~~

~~5. Receive duplicates of damaged [paper] ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct.~~

~~6. Place each damaged original [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct.~~

~~7. Reject any [paper] ballot that has been marked in a way that identifies the voter.~~

~~8. Place each rejected [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot.~~] **(Deleted by amendment.)**

Sec. 22. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks.

3. The title of the statute or resolution must be set out on the ballot, and the question printed ***[appear]*** upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. Where ***[For ballots cast using]*** a mechanical voting system ***[,]*** is used ***[,]*** ***for casting ballots,*** the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 23. NRS 295.170 is hereby amended to read as follows:

295.170 1. The subject matter of such questions must be stated concisely on the ballot, and the question printed ~~[appear]~~ upon the ballot for the information of the voter must be as follows: "Shall the act (setting out the title thereof) be approved?"

2. Where ~~[For ballots cast using]~~ a mechanical voting system ~~[,]~~ is used ~~[,]~~ ***for casting ballots,*** the title of the act must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed by the district attorney to 20 words.

3. The district attorney shall prepare an explanation of each such question, which must be placed on the ballot or the list of offices and candidates and the statements of measures to be voted on, or posted in the polling place.

4. The votes cast upon such question must be counted and canvassed as the votes for county officers are counted and canvassed.

Sec. 24. NRS 306.060 is hereby amended to read as follows:

306.060 1. If the officer against whom the petition is filed furnishes no justification of the officer's course in office, none need appear on the ballot at the election upon the officer's recall.

2. Where ~~[For ballots cast using]~~ a mechanical voting system ~~[,]~~ is used ~~[,]~~ ***for casting ballots,*** the reason for demanding the recall of the officer and the officer's justification need not ~~[be printed]~~ ***appear*** on the ballot, but must be printed on sample ballots, which must be presented to registered voters upon their application to vote.

Sec. 25. ~~[Section 5.050 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1728, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 26. Section 5.090 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 67, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in***

accordance with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 27. ~~[Section 5.040 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:~~

~~Sec. 5.040 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible before the close of filing and any applicable period for withdrawal of candidacy, must be [printed]~~ ***placed*** ~~on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed]~~ ***placed*** ~~on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed]~~ ***appear*** ~~in bold type.]~~ **(Deleted by amendment.)**

Sec. 28. Section 5.080 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 616, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board of Council Members provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 29. ~~[Section 5.050 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed]~~ ***placed*** ~~on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed]~~ ***placed*** ~~on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 30. Section 5.090 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 306, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 31. ~~[Section 5.040 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:~~

~~Sec. 5.040 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 32. Section 5.080 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 464, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting votes ~~[that is not inconsistent]~~ ***in accordance*** with ~~[law or the]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 33. ~~[Section 5.050 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 34. Section 5.090 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 417, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 35. ~~[Section 5.050 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all of the candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same name or names which are so similar as likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballots; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 36. Section 5.090 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1416, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or for]~~ counting the votes ~~[, or both, which are not inconsistent]~~ ***in accordance*** with the ~~[law or the]~~ ***election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 37. ~~[Section 5.060 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1886, is hereby amended to read as follows:~~

~~Sec. 5.060 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be~~ **[**~~printed~~**]** ***placed*** ~~on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of both candidates must be included in their names as~~ **[**~~printed~~**]** ***placed*** ~~on the ballot; or~~

~~(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and must~~ **[**~~be printed~~**]** ***appear*** ~~in bold type.~~**]** **(Deleted by amendment.)**

Sec. 38. Section 5.090 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1887, is hereby amended to read as follows:

Sec. 5.090 **[**~~Voting machines.~~**]** ***Mechanical voting systems.***

1. The City Council **[**~~may~~**]** ***shall*** provide for the use of mechanical or other devices for **[**~~voting or~~**]** counting the votes **[**~~not inconsistent~~**]** ***in accordance*** with **[**~~law or~~**]** ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 39. ~~[Section 5.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be~~ **[**~~printed~~**]** ***placed*** ~~on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as~~ **[**~~printed~~**]** ***placed*** ~~on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must~~ **[**~~be printed~~**]** ***appear*** ~~in bold type.~~

~~3. In any election regulated by this Charter, the names of candidates as~~ **[**~~printed~~**]** ***placed*** ~~on the ballot shall not include any title, designation or~~

~~other reference which will indicate the profession or occupation of such candidates.~~**] (Deleted by amendment.)**

Sec. 40. ~~[Section 5.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.~~**] (Deleted by amendment.)**

Sec. 41. Section 5.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1979, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 42. ~~[Section 5.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.~~**] (Deleted by amendment.)**

Sec. 43. Section 5.090 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 737, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 44. ~~[Section 5.040 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 493, Statutes of Nevada 2009, at page 2938, is hereby amended to read as follows:~~

~~Sec. 5.040 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible before the close of filing and any applicable period for withdrawal of candidacy, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 45. Section 5.080 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 470, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board of Council Members provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 46. ~~[Section 5.040 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:~~

~~Sec. 5.040 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 47. Section 5.080 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 48. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 49. ~~[NRS 293.365, 293.373, 293B.050, 293C.365 and 293C.375 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 50. This act becomes effective on July 1, 2023.

~~[~~

~~TEXT OF REPEALED SECTIONS~~

~~293.365 Accounting for all paper ballots before counting of votes begins. Except as otherwise provided in NRS 293.269931, no counting board in any precinct, district or polling place in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.~~

~~293.373 Duties of officers of counting board after ballots counted if paper ballots used. If paper ballots are used:~~

~~1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.~~

~~2. The rosters and tally lists must be returned to the county clerk.~~

~~293B.050 Authorization for use of mechanical voting system. At all statewide, county, city and district elections of any kind held in this State, ballots or votes may be cast, registered, recorded and counted by means of a mechanical voting system.~~

~~293C.365 Accounting for all paper ballots before counting of votes begins. Except as otherwise provided in NRS 293C.26331, a counting board in any precinct, district or polling place in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.~~

~~293C.375 Duties of officers of counting board after ballots counted if paper ballots used. If paper ballots are used:~~

~~1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.~~

~~2. The rosters and tally lists must be returned to the city clerk.]~~

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 695 to Assembly Bill No. 242.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 34.

The following Senate amendment was read:

Amendment No. 620.

AN ACT relating to water; revising ~~[various]~~ **the** public notice requirements **for certain applications** relating to water; revising certain requirements for maps relating to water rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is required to publish ~~[certain notices and court orders]~~ **a notice for certain applications** in a newspaper of general circulation consecutively for certain periods of time. (NRS ~~[533.087, 533.095, 533.165,]~~ 533.360) ~~[Sections 1, 2, 5 and]~~ **Section 6** of this bill ~~[eliminate]~~ **eliminates** the requirement to publish the notice ~~[or order submitted by the State Engineer]~~ consecutively. ~~[Sections 2, 5 and]~~ **Section 6** further ~~[require]~~ **requires** the ~~[Division of Water Resources of the State Department of Conservation and Natural Resources]~~ **State Engineer** to post the notice ~~[or court order]~~ on the Internet website of the Division ~~[.]~~ **of Water Resources of the State Department of Conservation and Natural Resources.**

~~[Existing law authorizes any interested person to file a written protest against the granting of an application for a permit within 30 days of the last publication of the notice of application. (NRS 533.365) Section 8 of this bill provides that a person may file a protest against the granting of an application for a permit within 60 days after the first date of publication or if the notice is not posted consecutively, within 30 days after the last date of publication of the notice for certain applications, whichever is later. Section 8 further provides that if the State Engineer does not receive any protests to an application within 60 days after the first date of publication, the State Engineer: (1) may presume that the notice was published consecutively and process the application conditionally; and (2) may not grant the application or issue a~~

~~permit until the State Engineer files proof that the notice was published and posted.]~~

Sections 3, 10 and 11 of this bill remove requirements that certain maps relating to water rights be on mylar and tracing linen.

Section 4 of this bill clarifies that certain blank forms for a proof of appropriation must be included in the notice sent by the State Engineer to certain persons claiming rights in or to the waters of certain stream systems.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 533.087 is hereby amended to read as follows:~~

~~533.087 1. A claimant of any vested water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2027. If a claimant fails to file such proof on or before December 31, 2027, the claim shall be deemed to be abandoned.~~

~~2. Until December 31, 2027, the State Engineer shall cause notice of the provisions of subsection 1 to be:~~

~~(a) Published annually for 4 [consecutive] weeks in at least one newspaper of general circulation within the boundaries of each groundwater basin throughout the State.~~

~~(b) Posted on the Internet website maintained by the State Engineer.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 533.095 is hereby amended to read as follows:~~

~~533.095 1. As soon as practicable after the State Engineer enters an order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.~~

~~2. The notice shall set forth:~~

~~(a) That all claimants to rights in the waters of the stream system are required, as provided in this chapter, to make proof of their claims, except claimants who submitted proof of their claims pursuant to NRS 533.087;~~

~~(b) The date on which the State Engineer will commence taking proofs of appropriation regarding the rights in and to the waters of the stream system;~~

~~(c) The date by which all proofs of appropriation must be filed; and~~

~~(d) That all proofs of appropriation must be accompanied by maps prepared in accordance with and depicting any information required pursuant to NRS 533.100 and 533.115.~~

~~3. The notice shall be [published] :~~

~~*(a) Published* for a period of 4 [consecutive] weeks in one or more newspapers of general circulation within the boundaries of the stream system.~~

~~*(b) Posted on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.*~~

~~4. At or near the time of the first publication of the notice, the State Engineer shall send by mail to each person, or deliver to each person, in person,~~

~~hereinafter designated as claimant, claiming rights in or to the waters of the stream system, insofar as such claimants can be reasonably ascertained, a notice equivalent in terms to the published notice setting forth the date when the State Engineer will commence the taking of proofs, and the date prior to which proofs must be filed with the State Engineer. The notice must be mailed at least 30 days prior to the date fixed for the commencement of the taking of proofs. The date set prior to which the proofs must be filed shall not be less than 60 days from the date set for the commencement of taking proofs. The notice shall be deemed to be an order of the State Engineer as to its contents.~~**]**

(Deleted by amendment.)

Sec. 3. NRS 533.100 is hereby amended to read as follows:

533.100 1. The State Engineer shall begin an investigation of the flow of the stream and of the ditches diverting water, and of the lands irrigated therefrom, and shall gather such other data and information as may be essential to the proper determination of the water rights in the stream.

2. The State Engineer shall:

(a) Reduce his or her observations and measurements to writing.

(b) If necessary, execute surveys or cause them to be executed.

(c) If necessary, prepare, or cause to be prepared, maps from the observations of such surveys in accordance with such uniform rules and regulations as the State Engineer may adopt.

3. The surveys and maps shall show with substantial accuracy:

(a) The course of the stream.

(b) The location of each ditch or canal diverting water therefrom, together with the point of diversion thereof.

(c) The area and outline of each parcel of land upon which the water of the stream has been employed for the irrigation of crops or pasture.

(d) The kind of culture upon each of the parcels of land.

4. The map shall be prepared as the surveys and observations progress, and, when completed, shall be filed and made of record in the Office of the State Engineer. Such map for original filing in the Office of the State Engineer shall, in addition to complying with any other applicable rule or regulation of the State Engineer, be on **[**~~mylar, on~~**]** a scale of not less than 1,000 feet to the inch.

Sec. 4. NRS 533.115 is hereby amended to read as follows:

533.115 1. The State Engineer shall, in addition, enclose with the notice to be mailed as provided in ***subsection 4 of*** NRS 533.095, blank forms upon which a claimant who has not submitted proof pursuant to NRS 533.087 shall present in writing all particulars necessary for the determination of the claimant's right in or to the waters of the stream system. The form for a proof of appropriation must include the following:

(a) The name and mailing address of the claimant.

(b) The nature of the right or use on which the claim for appropriation is based.

(c) The time of the initiation of such right, the priority date claimed and a description of the place of diversion and works of diversion and distribution.

(d) The date of beginning of construction.

(e) The date when completed.

(f) The dates of beginning and completion of enlargements.

(g) The dimensions of the ditch as originally constructed and as enlarged.

(h) The date when water was first used for irrigation or other beneficial purposes.

(i) If the water was used for irrigation, the number of acres irrigated the first year, the number of acres irrigated in subsequent years, the dates of irrigation, the area and location of the lands which were irrigated, the character of the soil and the kind of crops cultivated, the rate of diversion and the number of acre-feet of water per annum required to irrigate the land.

(j) If the water was used for a beneficial purpose other than irrigation, the rate of diversion and the number of acre-feet of water used annually.

(k) If the water was used for watering livestock, the number and type of livestock.

(l) Any other facts as will show the extent and nature of the right and compliance with the law in acquiring the same, as may be required by the State Engineer.

2. A claimant must submit a separate proof of appropriation for each source of water of the stream system in which or to which the claimant claims a right.

3. The proof of appropriation submitted by the claimant must be accompanied by a map prepared, except as otherwise provided in subsection 4, in accordance with and depicting any information required pursuant to the requirements of subsections 3 and 4 of NRS 533.100.

4. If the map submitted with a proof of appropriation is prepared for water used for watering livestock, the map must be on a scale of not less than 1:24,000 or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude, and further identifying the location or extent of the livestock use by one-sixteenth sections within a numbered section, township and range.

Sec. 5. ~~[NRS 533.165 is hereby amended to read as follows:~~

~~533.165 1. As soon as practicable thereafter, a certified copy of the order of determination, together with the copies of the original evidence and transcript of testimony filed with, or taken before, the State Engineer, duly certified by the State Engineer, shall be filed with the clerk of the county, as ex officio clerk of the district court, in which the stream system is situated, or, if in more than one county but all within one judicial district, then with the clerk of the county wherein reside the largest number of parties in interest.~~

~~2. If such stream system shall be in two or more judicial districts, then the State Engineer shall notify the district judge of each of such judicial districts of his or her intent to file such order of determination, whereupon, within 10 days after receipt of such notice, such judges shall confer and agree where the~~

~~court proceedings under this chapter shall be held and upon the judge who shall preside, and on notification thereof the State Engineer shall file the order of determination, evidence and transcripts with the clerk of the court so designated.~~

~~3. If such district judges fail to notify the State Engineer of their agreement, as provided in subsection 2, within 5 days after the expiration of such 10 days, then the State Engineer may file such order of determination, evidence and transcript with the clerk of any county the State Engineer may elect, and the district judge of such county shall have jurisdiction over the proceedings in relation thereto.~~

~~4. If the judge so selected and acting shall retire from office, or be removed from office or be disqualified, for any cause, then the judge of the district court having jurisdiction of the proceedings shall act as the judge on the matter or shall select the judge to preside in such matter.~~

~~5. In all instances a certified copy of the order of determination shall be filed with the county clerk of each county in which such stream system, or any part thereof, is situated.~~

~~6. Upon the filing of the certified copy of the order, evidence and transcript with the clerk of the court in which the proceedings are to be had, the State Engineer shall procure an order from the court setting the time for hearing. The clerk of such court shall immediately furnish the State Engineer with a certified copy thereof. The State Engineer immediately thereupon shall [mail] :~~

~~*(a) Mail* a copy of [such] *the* certified order of the court, by registered or certified mail, addressed to each party in interest at the party's last known place of residence . [, and shall cause the same]~~

~~*(b) Submit a copy of the certified order of the court* to be published at least once a week for 4 [consecutive] weeks in some newspaper of general circulation that is available in general circulation in each county in which such stream system or any part thereof is located.~~

~~*(c) Post a copy of the certified order of the court on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.*~~

~~7. The State Engineer shall file with the clerk of the court [proof] :~~

~~*(a) Proof* of [such] service by registered or certified mail [and by] *in accordance with the requirements of paragraph (a) of subsection 6;*~~

~~*(b) Proof that the certified order was submitted for* publication [.] *; and*~~

~~*(c) Proof that the certified order was posted on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources,*~~

~~" Such service by registered or certified mail and by publication *and posting* shall be deemed full and sufficient notice to all parties in interest of the date and purpose of such hearing. *]*~~ **(Deleted by amendment.)**

Sec. 6. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 2 of NRS 533.370, when an application is filed in compliance

with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 ~~[consecutive]~~ weeks in a newspaper of general circulation in the county where the point of diversion is located, ***and post on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources,*** a notice of the application which sets forth:

(a) That the application has been filed.

(b) The date of the filing.

(c) The name and address of the applicant.

(d) The name of the source from which the appropriation is to be made.

(e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

(f) The purpose for which the water is to be appropriated.

➥ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication ~~***[and posting]***~~ must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

Sec. 7. (Deleted by amendment.)

Sec. 8. ~~[NRS 533.365 is hereby amended to read as follows:~~

~~533.365 1. Any person interested may, within ***60 days after the first date of publication or, if the notice is not published consecutively,*** 30 days after the date of last publication of the notice of application ***[,] that is set forth in the notice pursuant to subsection 1 of NRS 533.360, whichever is later,*** file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which, except as otherwise provided in subsection 2, must be verified by the affidavit of the protestant, or an agent or attorney thereof.~~

~~2. If the application is for a permit to change the place of diversion, manner of use or place of use of water already appropriated within the same basin, a protest filed against the granting of such an application by a government, governmental agency or political subdivision of a government must be verified by the affidavit of:~~

~~(a) Except as otherwise provided in paragraph (b), the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or~~

~~(b) If the governmental agency or political subdivision is a division or other part of a department, the director or other person in charge of that department in this State, including, without limitation:~~

~~(1) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;~~

~~(2) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;~~

~~(3) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;~~

~~(4) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;~~

~~(5) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or~~

~~(6) The chair of the board of county commissioners, if the protest is filed by a county.~~

~~3. On receipt of a protest that complies with the requirements of subsection 1 or 2, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which advice must be sent by certified mail.~~

~~4. The State Engineer shall consider the protest, and may, in his or her discretion, hold hearings and require the filing of such evidence as the State Engineer may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.~~

~~5. Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.~~

~~6. If the State Engineer holds a hearing pursuant to subsection 4, the State Engineer shall render a decision on each application not later than 240 days after the later of:~~

~~(a) The date all transcripts of the hearing become available to the State Engineer; or~~

~~(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State~~

~~Engineer. The State Engineer may, for good cause shown, extend any applicable period.~~

~~7. The State Engineer shall adopt rules of practice regarding the conduct of a hearing held pursuant to subsection 4. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.~~

~~*8. If the State Engineer does not receive any written protest against the granting of an application within 60 days after the first date of publication pursuant to subsection 1 of NRS 533.360, the State Engineer may presume that the notice was published consecutively and process the application conditionally. The State Engineer may not grant the application or issue a permit until the State Engineer files proof that the notice was published and posted pursuant to the requirements of NRS 533.360.*~~ **(Deleted by amendment.)**

Sec. 9. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, where there is no unappropriated water in the proposed source of supply, where the groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State

Engineer shall cause notice of the application to be republished ***and reposted*** pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, ***and reposting,*** a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 10. NRS 533.405 is hereby amended to read as follows:

533.405 1. The State Engineer may, in his or her discretion, request that the statement required by NRS 533.400 be accompanied by a map on ~~[tracing linen on]~~ a scale of not less than 1,000 feet to the inch, which shall show with substantial accuracy the following:

(a) The point of diversion by legal subdivisions or by metes and bounds from some corner, when possible, from the source of supply.

(b) The traverse of the ditch or other conduit, together with cross sections of the same.

(c) The legal subdivisions of the land embraced in the application for the permit and the outline by metes and bounds of the irrigated area, with the amount thereof.

(d) The average grade and the difference in elevation of the termini of the conduit, and the carrying capacity of the same.

(e) The actual quantity of water flowing in the canal or conduit during the time the survey was being made.

2. The map must bear the affidavit of the surveyor or engineer making such survey and map. If the survey and map are made by different persons the affidavit of each must be on the map, showing that the map as compiled agrees with the survey.

3. The map shall conform with such rules and regulations as the State Engineer shall make, which rules shall not be in conflict herewith.

Sec. 11. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water $360.00
This fee includes the cost of publication, which is $50.

For reviewing a corrected application or map, or both, in connection with an application for a water right permit 100.00

For examining and acting upon plans and specifications for construction of a dam 1,200.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right 240.00
This fee includes the cost of publication, which is $50.

For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing right $180.00

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water, watering livestock or wildlife purposes 360.00
plus $3 per acre-foot approved or fraction thereof.

Except for generating hydroelectric power, watering livestock or wildlife purposes, for issuing and recording each permit to change an existing water

right whether temporary or permanent for any purpose 300.00
plus $3 per acre-foot approved or fraction thereof.
For issuing and recording each permit for additional rate of diversion from a well where no additional volume of water is granted 1,000.00
For issuing and recording each permit to change the point of diversion or place of use of an existing right whether temporary or permanent for irrigation purposes, a maximum fee of 750.00
For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for watering livestock or wildlife purposes 240.00
plus $50 for each cubic foot of water per second approved or fraction thereof.
For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water 480.00
plus $50 for each cubic foot per second of water approved or fraction thereof.
For filing and examining a request for a waiver in connection with an application to drill a well 120.00
For filing and examining a notice of intent to drill a well $25.00
For filing and examining an affidavit to relinquish water rights in favor of use of water for domestic wells 300.00
For filing a secondary application under a reservoir permit 300.00
For approving and recording a secondary permit under a reservoir permit 540.00
For reviewing each tentative subdivision map 180.00
plus $1 per lot.
For reviewing and approving each final subdivision map 120.00
For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet 480.00
plus $1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.
For flood control detention basins 480.00

plus $1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.

For filing proof of completion of work 60.00
For filing proof of beneficial use 60.00
For issuing and recording a certificate upon approval of the proof of beneficial use 350.00
For filing proof of resumption of a water right 360.00
For filing any protest 30.00
For filing any application for extension of time within which to file proofs, of completion or beneficial use, for each year for which the extension of time is sought 120.00
For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought 120.00
For reviewing a cancellation of a water right pursuant to a petition for review 360.00
For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384 ..... 120.00
plus $20 per conveyance document.
For filing any other instrument 10.00
For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page $1.00
For each additional page ..... .20
For certifying to copies of documents, records or maps, for each certificate 6.00
For each copy of any full size drawing or map 6.00
For each color copy of any full size drawing or map (2′ x 3′) 12.00
For colored ~~[mylar]~~ plots 10.00

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the State General Fund. All fees received for copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the

refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the State General Fund.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 620 to Assembly Bill No. 34.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 70.

The following Senate amendment was read:

Amendment No. 619.

AN ACT relating to wildlife; revising provisions relating to the authorized uses of certain fees for processing each application for a game tag; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in addition to any fee charged and collected for a game tag, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department of Wildlife for costs related to certain programs and activities, including, without limitation, wildlife management activities relating to the protection of nonpredatory game animals and sensitive wildlife species and conducting research relating to managing and controlling predatory wildlife. (NRS 502.253) This bill revises the wildlife management activities for which the Department may use the proceeds of such fees to provide that the Department, at the direction of the applicant, may instead use the proceeds of such fees only for: (1) developing and implementing an annual program for the lethal removal of predatory wildlife; or (2) ~~[wildlife management activities relating to the protection of nonpredatory game species and the habitat of such]~~ **developing and implementing an annual program for the improvement of wildlife habitat and research or management activities beneficial to** nonpredatory game species.

Existing law also requires that the Department expend on any program developed for the management and control of predatory wildlife not less than 80 percent of the total money collected from the $3 application processing fee in the most recent fiscal year for which the Department has information. (NRS 502.253) This bill removes the minimum 80 percent expenditure requirement for programs developed for the management and control of predatory wildlife.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department ***, at the direction of the applicant,*** for costs related to:

(a) Developing and implementing an annual program for the ~~[management and control]~~ ***lethal removal*** of predatory wildlife; ***or***

(b) ~~[Wildlife management activities relating to the protection of nonpredatory game~~ animals and sensitive wildlife ~~species.~~ ~~;***and the habitat of such nonpredatory game***~~ and ***species.***~~

~~(c) Conducting research necessary to determine successful techniques for managing and controlling predatory wildlife.]~~ ***Developing and implementing an annual program for the improvement of wildlife habitat and research or management activities beneficial to nonpredatory game species.***

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission in accordance with the provisions of subsection 4 and the policies adopted by the Commission pursuant to NRS 501.181.

4. The Department ~~[:~~

~~(a) In]~~ ***, in*** adopting any program for the ~~[management and control]~~ ***lethal removal*** of predatory wildlife developed pursuant to this section, shall first consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee created by NRS 567.020.

~~[(b) Shall not adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.]~~

5. The money in the Wildlife Account credited pursuant to this section remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 619 to Assembly Bill No. 70.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 191.

The following Senate amendment was read:

Amendment No. 616.

AN ACT relating to water; revising provisions relating to a plan of water conservation and plan for incentives relating to water conservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each supplier of water to: (1) adopt a plan of water conservation and update the plan every 5 years; (2) include with the plan of water conservation a water loss audit or certain water loss calculations; and (3) adopt a plan to provide certain incentives relating to water conservation. Existing law defines a "supplier of water" to include any public or private entity that supplies water for municipal, industrial or domestic purposes. (NRS 540.121-540.151) This bill revises the definition of "supplier of water" to exclude a public or private entity that ~~[: (1)]~~ has less than 15 service connections ~~[; (2) serves year-round residents; and (3) supplies water for municipal or quasi-municipal purposes.]~~ As a result of the change to the definition of "supplier of water," this bill removes the requirement for such an entity to adopt and update a plan of water conservation, conduct a water loss audit or calculate water losses or adopt a plan to provide certain incentives relating to water conservation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 540.121 is hereby amended to read as follows:

540.121 ***1.*** As used in NRS 540.121 to 540.151, inclusive, "supplier of water" includes, but is not limited to:

~~[1.]~~ ***(a)*** Any county, city, town, local improvement district, general improvement district and water conservancy district;

~~[2.]~~ ***(b)*** Any water district, water system, water project or water planning and advisory board created by a special act of the Legislature; and

~~[3.]~~ ***(c)*** Any other public or private entity,

➥ that supplies water for municipal, industrial or domestic purposes.

2. The term does not include ~~[a]~~ ***:***

(a) A public utility required to adopt a plan of water conservation pursuant to NRS 704.662 ~~[.]~~ ***; or***

(b) A public or private entity that ~~[:~~

~~*(1) Has]*~~ ***has less than 15 service connections, as defined in NRS 445A.843*** ~~*. [;*~~

~~*(2) Serves year-round residents; and*~~

~~*(3) Supplies water for municipal or quasi-municipal purposes.]*~~

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 616 to Assembly Bill No. 191.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 220.

The following Senate amendment was read:

Amendment No. 712.

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to water; ~~[requiring certain]~~ **authorizing a district board of health to establish a program to pay the costs for** property owners with a septic system to connect to a community sewerage disposal system ~~[by January 1, 2054;]~~ **under certain circumstances;** revising provisions relating to a permit to operate a water system; revising provisions relating to water ~~[and sewer facilities;]~~ **systems;** revising provisions relating to tentative maps and final maps for a subdivision of land; establishing minimum standards for certain landscaping irrigation fixtures in new construction and expansions and renovations in certain structures; revising provisions relating to grants of money for water conservation; exempting the use of water by certain entities to extinguish fires in an emergency from provisions governing the appropriation of water; revising provisions relating to groundwater in certain designated areas; revising conditions under which the State Engineer may require the plugging of certain wells used for domestic purposes; defining certain terms relating to the Conservation of Colorado River Water Act; authorizing the Board of Directors of the Southern Nevada Water Authority to enact certain restrictions on water use for single-family residences under certain circumstances; prohibiting, with certain exceptions, the use of the waters of the Colorado River for certain purposes; establishing requirements relating to an irrigation water efficiency monitoring program; revising certain provisions relating to the use of the waters of the Colorado River to irrigate nonfunctional turf; authorizing the Authority to operate a program to convert properties using a septic system to a municipal sewer system and to impose a fee for such a program; authorizing the Board of Directors to authorize the General Manager of the Authority to restrict the use of water under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district board of health may adopt regulations to control the use of a residential individual system for disposal of sewage in the district. (NRS 444.650) Existing law also authorizes a district board of health, upon approval of the State Board of Health, to adopt regulations to regulate sanitation and the sanitary protection of water and food supplies. (NRS 439.366, 439.410) **Section 1** of this bill ~~[requires]~~ **authorizes** a district board of health ~~[in a county whose population is 700,000 or more (currently only Clark County)]~~ to ~~[: (1) require all]~~ **create a voluntary financial**

assistance program to pay 100 percent of the costs for property owners with an existing septic system whose property is served by a municipal water system to connect to the community sewerage disposal system **. [**~~not later than January 1, 2054; and (2) enter into an agreement with a water authority to establish a program to pay not less than 85 percent of the cost for property owners to abandon an existing individual septic system and connect to the community sewerage disposal system.~~**]** **Section 1** also **: (1)** authorizes such a district board of health to, upon an affirmative vote of two-thirds of the members of the board, impose a **voluntary** fee on owners of such septic systems to carry out such requirements**. [**~~.~~**]** **; and (2) if such a voluntary fee is imposed, prohibits the district board of health from paying the costs of connecting to the community sewerage disposal system for any property owner who does not pay the voluntary fee. Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes. **Section 34.5 of this bill requires a district board of health that creates such a voluntary financial assistance program to, on or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau a report setting forth the number of participants in the program and recommendations for legislation.**

Under existing law, a permit to operate a water system may not be issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources or certain district boards of health unless certain conditions are met, including, without limitation, that: (1) the local governing body assumes responsibility in case of default and assumes the duty of assessing the lands served; (2) the applicant furnishes the local governing body sufficient surety; (3) the owners of the lands to be served by the water system agree to be assessed by the local governing body for the cost of the water system if there is a default; and (4) the owners agree that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users may be required to connect to the water system provided by the public utility, municipality or other public entity and be assessed the costs for the connection. (NRS 445A.895) **Section 4** of this bill revises these conditions to: (1) provide that, with certain exceptions, the sole and exclusive obligation of the local governing body is to use the surety in the event of a default to contract and pay the operator responsible for the continued operation and maintenance of the water system; (2) require the owners of property served by the water system to also provide a surety to the local governing body; and **[**~~(2)~~**]** **(3)** provide that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users of the water system in certain counties are required to connect. **Section [**~~4~~**] 4.5** of this bill makes conforming changes to revise certain provisions relating to the **[**~~responsibility of~~**]** **disposition of the proceeds of assessments and sureties imposed by** a local governing body for a public water system in the event of a default. **Section 3** of this bill revises a reference to certain findings. **Section 2.3 of this bill defines "local governing**

body" for the purposes of the provisions of sections 4 and 4.5. Section 2.6 of this bill makes a conforming change to indicate the proper placement of section 2.3 in the Nevada Revised Statutes.

~~[Under existing law, a board of county commissioners of a county whose population is 700,000 or more (currently only Clark County) is authorized to prohibit certain persons, associations and corporations from using, constructing, acquiring or cause or permit the use, construction or acquisition of any type of private sewage system and to provide for the disconnection of any plumbing facilities from a private sewage system. (NRS 244.366) Section 8 of this bill also authorizes such a board of county commissioners to require any building or other structure that uses or is served by any type of private sewage system to connect to a public sewage system if the building or other structure is served by a municipal water system and is within 400 feet of the service lines and appurtenances of a public sewage system.]~~

Under existing law, if the State Environmental Commission determines that, in relevant part, water provided by a public utility or a municipality or other public entity is reasonably available to users of a water system, the board of county commissioners of that county may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity. (NRS 244.3655) **Section 7** of this bill provides instead that if the Commission determines that water provided by a public utility or a municipality or other public entity may be accessed within 1,250 feet of any lot or parcel served by the water system, the board of county commissioners shall, in a county whose population is 700,000 or more (currently only Clark County), and may, in all other counties, require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity.

Under existing law, if the State Environmental Commission or the governing body of certain cities determines certain water systems ~~[or package plants for sewage treatment]~~ within the city limits are not serving the needs of its users and water ~~[or sewerage]~~ provided by a public utility, the city or another municipality or public entity is reasonably available to those users, the governing body may require all users of the system ~~[or plant]~~ to connect into the available water system ~~[or sewers]~~ and assess each lot or parcel for its share of the cost. (NRS 268.4102 **)** ~~[, 268.4105)]~~ **Section 10** of this bill provides instead that if the water system ~~[or sewerage]~~ may be accessed within 1,250 feet of the property of such users, the governing body of a county whose population is 700,000 or more (currently only Clark County) shall require all users to connect. ~~[Section 11 of this bill provides that if the property served by a package plant for sewage treatment receives water from a municipal water system, the governing body of a county whose population is 700,000 or more shall require all users of the plant to connect. Sections]~~ **Section 10** ~~[and 11]~~ also ~~[provide]~~ **provides** that all other governing bodies of a county may require all users to connect in such circumstances.

~~[Section 9 of this bill provides that if the governing body of a city in a county whose population is 700,000 or more determines that a private septic system or any package plant for sewage treatment is located within the city and a user of the private septic system or package plant for sewage treatment receives water from a municipal water system, the governing body must require all users of the septic system or package plant for sewage treatment to connect to the public sewers and may assess each lot or parcel for its share of the cost for the connection.]~~

Existing law sets forth an approval process for the subdivision of land that requires: (1) a subdivider of land to submit a tentative map to the planning commission or the governing body of a county or city, as applicable; and (2) the planning commission or governing body to forward a copy of the tentative map to certain other state and local agencies for review and comment. (NRS 278.330-278.460) **Sections 13 and 16** of this bill require that if a proposed subdivision will be served by a public water system: (1) in a county whose population is 700,000 or more, the planning commission or the governing body, as applicable, must file the tentative map with the supplier of water for review and comment; and (2) if the subdivision is located in a general improvement district, the planning commission or the governing body must file the tentative map with the supplier of water in the district. **Section 17** of this bill provides that such a governing body of a county or city may not approve a tentative map, unless the supplier of water determines that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

Under existing law, a final map presented for filing must include certificates and acknowledgements from certain entities. (NRS 278.374-278.378) **Section 14** of this bill requires that if a subdivision in a county whose population is 700,000 or more or in a general improvement district will be served by a public water system, the final map presented for filing must include a certificate of approval from the supplier of water.

Section 15 of this bill makes conforming changes to indicate the proper placement of **sections 13 and 14** in the Nevada Revised Statutes. **Section 18** of this bill makes a conforming change to require the certificate of approval required by **section 14** to appear on the final map. **Sections 19 and 21** of this bill make conforming changes to also require a map of reversion and a final map for a planned development to have such a certificate of approval, if applicable.

Existing law establishes certain minimum standards for plumbing fixtures in new construction, expansions and renovations in residential, commercial, industrial or manufactured structures, public buildings, manufactured homes and mobile homes and requires the use of certain plumbing fixtures that have been certified under the WaterSense program established by the United States Environmental Protection Agency if a final product specification has been developed by the WaterSense program. (NRS 278.582, 338.193, 461.175, 489.706) **Sections 6, 20, 22 and 24** of this bill require that, with certain

exceptions, if the WaterSense program has established a final product specification for an irrigation controller or spray sprinkler body, any new construction, expansions and renovations on such structures, buildings and homes must install irrigation controllers and spray sprinkler bodies that have been certified under the WaterSense program.

Existing law establishes a program to provide grants of money for water conservation and capital improvements to certain water systems, including grants to an eligible recipient to pay certain costs associated with connecting a well to a municipal water system under certain circumstances. (NRS 349.981) **Section 23** of this bill provides instead for grants of money to pay certain costs associated with plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system under certain circumstances.

Existing law exempts, under certain circumstances, the de minimus collection of precipitation from the requirements of the Nevada Revised Statutes relating to the appropriation of water. (NRS 533.027) **Section 24.5** of this bill also exempts the use of water by public agencies or volunteer fire departments to extinguish fires in an emergency.

Under existing law, the State Engineer may issue temporary permits to appropriate groundwater in certain designated areas which may be revoked if the property served by the permit is within 180 feet of water furnished by an entity such as a water district or a municipality and the well needs to be redrilled or have certain repairs made. (NRS 534.120) **Section 26** of this bill instead provides that the State Engineer: (1) may only issue a temporary permit if water cannot be furnished by a public entity that furnishes water; and (2) authorizes the State Engineer to revoke such a temporary permit if the property served by the temporary permit is within 1,250 feet of water furnished by a public entity such as a water district or a municipality. **Section 26** also requires the State Engineer to, in an area in which such temporary permits have been issued: (1) deny applications to appropriate groundwater if a public entity that furnishes water serves the area; (2) limit the depth of domestic wells; and (3) prohibit the drilling of wells for domestic use.

Under existing law, the State Engineer may require the plugging of certain domestic wells drilled in a basin in which such wells must be registered if water can be furnished by certain entities, but only if the charge for connecting to the furnished water is less than $200. (NRS 534.180) **Section 27** of this bill: (1) removes the requirement that the charge for connecting be less than $200; and (2) requires plugging of a well if the well is within 1,250 feet of a municipal water system.

Existing law requires that applications for the appropriation of water or to change the place of diversion, manner of use or place of use of certain waters must be made to the Colorado River Commission. (NRS 538.171) **Section 27.5** of this bill also requires that applications to change the holder of the entitlement to appropriate certain waters be submitted to the Colorado River Commission.

The Conservation of Colorado River Water Act prohibits, with certain exceptions, the waters of the Colorado River that are distributed by the Southern Nevada Water Authority or one of the member agencies of the Authority from being used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence on and after January 1, 2027. (Section 39 of chapter 364, Statutes of Nevada 2021, at page 2180) **Section 31** of this bill prohibits the use of such waters of the Colorado River for irrigating nonfunctional turf on any parcel of property that is not used exclusively as a single-family residence.

Section 28 of this bill defines "General Manager" for the purposes of the Conservation of Colorado River Water Act. **Section 29** of this bill **: (1)** authorizes the Board of Directors of the Authority to restrict the use of water by a single-family residence to not more than 0.5 acre-feet of water during any year in which a shortage on the Colorado River has been declared by the Federal Government **[.] ; and (2) requires the Board of Directors to establish a process to approve a waiver of such restrictions on the use of water. Section 29** also prohibits, with certain exceptions, the installation of new turf on any parcel of property that uses such waters of the Colorado River for irrigation beginning on the effective date of this bill and ending on December 31, 2023. Any new turf installed on and after January 1, 2024, must meet the requirements established by the Board of Directors, unless the General Manager approves a waiver.

Section 29 further **[: (1)]** prohibits the installation of a new septic system on any parcel of property that uses such waters of the Colorado River **. [; and (2) requires any parcel of property which uses such waters of the Colorado River to discontinue the use of the septic system and connect to a public sewer system if the property served by the existing septic system is connected to a municipal water system.]**

Section 30 of this bill requires certain parcels of property which use such waters of the Colorado River to participate in an irrigation water efficiency monitoring program if the property: (1) is not used exclusively as a single-family residence; and (2) consists of 20,000 square feet or more of turf. **Section 30** also: (1) requires the Board of Directors to develop and establish policies, guidelines and deadlines for participation in such an irrigation water efficiency monitoring program; and (2) authorizes the General Manager to approve an extension or waiver from the irrigation water efficiency monitoring program.

The Southern Nevada Water Authority Act authorizes the Authority, in consultation with the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin, to operate a project for the recharge and recovery or underground storage and recovery of groundwater for the benefit of owners of wells in the Las Vegas Valley Groundwater Basin. (Section 14.5 of chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387) The Act also authorizes the Authority to assess certain fees on users of groundwater

and owners of domestic wells, including a fee if the Authority operates such a project. (Section 13 of chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387) **Section 33** of this bill also authorizes the Authority, in consultation with the Advisory Committee, to operate a program to convert any property served by a septic system to a municipal sewer system. **Section 32** of this bill authorizes the Authority to assess a fee on users of groundwater and owners of domestic wells for the program to convert septic systems.

The Southern Nevada Water System Act of 1995 establishes certain powers and duties of the Authority. (Section 2 of chapter 393, Statutes of Nevada 1995, at page 963) **Section 34** of this bill authorizes the Board of Directors of the Authority, by resolution, to authorize the General Manager of the Authority to restrict water usage during certain water emergencies and shortages and provides that the Board of Directors must ratify any such restrictions imposed by the General Manager.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district board of health ~~[shall require]~~ may create a voluntary financial assistance program to pay 100 percent of the cost for a property owner with an existing septic system whose property is served by a municipal water system to abandon the septic system and connect to the community sewerage disposal system . ~~[not later than January 1, 2054.]~~

2. ~~[To carry out the requirement of subsection 1, the district board of health shall enter into an agreement with a water authority created by cooperative agreement pursuant to chapter 277 of NRS to establish a program to pay not less than 85 percent of the cost for property owners to abandon a septic system and connect to a community sewerage disposal system. Such a program must pay such costs for up to 200 property owners each calendar year.~~

~~3.~~] Upon an affirmative vote of two-thirds of all the members of the district board of health, the district board of health may impose a voluntary annual fee on property owners with existing septic systems whose property is served by a municipal water system to carry out the provisions of this section.

~~[4. The~~

3. If the district board of health ~~[shall adopt regulations to carry the provisions of this section, which:~~

~~(a) Must prioritize properties with a septic system where the community sewerage disposal system is adjacent to the property; and~~

~~(b) May, upon an affirmative vote of two-thirds of all the members of the district board of health, provide for administrative penalties for noncompliance with the provisions of this section.~~

~~*5. In carrying out the program created pursuant to subsection 2, the district board of health may:*~~

~~*(a) Grant a one-time extension of not more than 5 years to a property owner that is required to abandon a septic system and connect to a community sewerage disposal system if there is insufficient money for the program to pay 85 percent of the cost pursuant to subsection 2;*~~

~~*(b) Enter into agreements with the governing body of a county or city to establish special improvement districts and landscape improvement districts;*~~

~~*(c) Revoke a septic permit held by any property owner who fails to pay the fee authorized pursuant to subsection 3, if imposed, and require such property owner to immediately connect to a community sewerage disposal system without financial assistance; and*~~

~~*(d) Enter into cooperative agreements pursuant to chapter 277 of NRS to secure money for the program created pursuant to subsection 2.*~~

~~*6.*~~ ***imposes a voluntary annual fee pursuant to subsection 2:***

(a) The fee must not exceed the annual sewer rate charged by the largest community sewerage disposal system in the county or counties, as applicable, in which the district board of health has been established; and

(b) The district board of health shall not provide financial assistance to any property owner who does not pay the voluntary fee.

4. As used in this section:

(a) "Community sewerage disposal system" means a public system of sewage disposal which is operated for the benefit of a county, city, district or other political subdivision of this State.

(b) "Septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system. The term includes a residential individual system for disposal of sewage.

Sec. 2. NRS 439.361 is hereby amended to read as follows:

439.361 The provisions of NRS 439.361 to 439.3685, inclusive, ***and section 1 of this act,*** apply to a county whose population is 700,000 or more.

Sec. 2.3. **Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:**

"Local governing body" means:

1. The governing body of an incorporated city in which is located within the limits of the incorporated city all or any part of an area serviced by a water system; or

2. The board of county commissioners of a county in which is located within the unincorporated area of the county all of an area serviced by a water system.

Sec. 2.6. **NRS 445A.805 is hereby amended to read as follows:**

445A.805 As used in NRS 445A.800 to 445A.955, inclusive, ***and section 2.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, ***and section 2.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 445A.890 is hereby amended to read as follows:

445A.890 Before making the finding specified in NRS 445A.910 and before making the determinations specified in NRS 244.3655, 268.4102 and 445A.895, the ***Commission or*** Division ***, as applicable,*** shall request comments from the:

1. Public Utilities Commission of Nevada;
2. State Engineer;
3. Local government within whose jurisdiction the water system is located; and
4. Owner of the water system.

Sec. 4. NRS 445A.895 is hereby amended to read as follows:

445A.895 A permit to operate a water system may not be issued pursuant to NRS 445A.885 unless all of the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.
2. The applicant fully complies with all of the conditions of NRS 445A.885 to 445A.915, inclusive.
3. The applicant submits to the Division or the district board of health designated by the Commission documentation issued by the State Engineer which sets forth that the applicant holds water rights that are sufficient to operate the water system.
4. The local governing body ~~[assumes:]~~ ***agrees:***

(a) ~~[Responsibility in case of]~~ ***That, except as otherwise provided in paragraph (b), in the event of a*** default by the builder ***,*** ~~[or]~~ developer ***or owner*** of the water system ***, the sole and exclusive obligation of the local governing body shall be to use the surety furnished to the local governing body pursuant to subsection 5 to contract with and pay the operator of the water system*** for ~~[its]~~ ***the*** continued operation and maintenance ~~[in accordance with all the terms and conditions of the permit.]~~ ***of the water system.***

(b) ~~[The]~~ ***To assume the*** duty of assessing the lands served as provided in subsection 6 ~~[.]~~ ***in the event of default by the builder, developer or owner of the water system.***

5. The applicant furnishes the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate ***, properly established and funded reserve account*** or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold,

➥ whichever is later.

6. The owners of the lands to be served by the water system ~~[record]~~ ***:***

(a) Furnish the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate, properly established and funded reserve account or any other form acceptable to the governing body,

to ensure the continued maintenance and operation of the water system and continued technical, financial and managerial capability of the water system; and

(b) Record a declaration of covenants, conditions and restrictions which is an equitable servitude running with the land and which must provide ~~[that]~~ ***:***

(1) That each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of ***replenishing or augmenting the surety required pursuant to paragraph (a) as necessary for the*** continued operation and maintenance of the water system if there is a default by the ~~[applicant or operator]~~ ***builder, developer or owner*** of the water system ~~[and a sufficient surety, as provided in subsection 5, is not available.]~~ ***;***

(2) That the owners of the lands will annually provide the local governing body with a financial audit of the water system, including, without limitation, any reserve account, if established, to ensure the adequacy of the financial management of the water system; and

(3) An acknowledgment of and agreement with the obligations of the local governing body pursuant to subsection 4 and subsection 3 of NRS 445A.905.

7. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

8. The ***owners of the lands to be served by the water system record a*** declaration of covenants, conditions and restrictions ~~[recorded by the owners of the lands further]~~ ***, which is an equitable servitude running with the land, and*** provides that if the Division determines that:

(a) The water system is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available,

➥ the local governing body ***shall, in a county whose population is 700,000 or more, and*** may, ***in all other counties,*** pursuant to NRS 244.3655 or 268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

9. Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

Sec. 4.5. NRS 445A.905 is hereby amended to read as follows:

445A.905 1. The proceeds of any assessments upon lots or parcels ***and the sureties required pursuant to NRS 445A.895*** must be deposited with the treasurer of the local governing body which received them, and they may be expended only for the:

(a) Continued maintenance and operation of the water system;

(b) Replacement of the water system if necessary; and

(c) Payment of the costs, including, but not limited to, the direct costs of connection and the costs of necessary new or rehabilitated facilities and any necessary water rights, associated with connection to any water system provided by a public utility or a municipality or other public entity that becomes reasonably available.

2. If any surplus exists in the proceeds of assessments ***and the sureties required pursuant to NRS 445A.895*** after all purposes of the assessments ***and sureties*** have been fully met, the surplus must be refunded to the persons who paid the assessments ~~[,]~~ ***and sureties,*** in the proportion that their respective assessments ***and sureties*** bear to the gross proceeds of all assessments ***and sureties*** collected by the local governing body.

3. For the purposes set forth in subsection 1, the local governing body is not obligated to:

(a) Expend money from any source other than the assessments and surety deposited pursuant to NRS 445A.895;

(b) Extend credit on behalf of a builder, developer or owner of land to be served by the water system; or

(c) Collect any unpaid assessment, unless the local governing body has agreed to assume the duty for the assessments pursuant to subsection 4 of NRS 445A.895.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 461.175 is hereby amended to read as follows:

461.175 1. Each manufactured building on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured building on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured building on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured building on which construction begins on or after January 1, 2024, and each existing manufactured building which is expanded or renovated on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape irrigation fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 7. NRS 244.3655 is hereby amended to read as follows:

244.3655 1. If the State Environmental Commission determines that:

(a) A water system which is located in a county and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within 1,250 feet of any lot of parcel served by the water system,***

➥ the board of county commissioners of that county ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all

users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 8. ~~[NRS 244.366 is hereby amended to read as follows:~~

~~244.366 1. The board of county commissioners of any county whose population is 700,000 or more has the power, outside of the limits of incorporated cities and towns:~~

~~(a) To construct, acquire by gift, purchase or the exercise of eminent domain, otherwise acquire, reconstruct, improve, extend, better and repair water and sewer facilities, such as:~~

~~(1) A water system, including but not limited to water mains, conduits, aqueducts, pipelines, ditches, canals, pumping stations, and all appurtenances and machinery necessary or useful and convenient for obtaining, transporting or transferring water.~~

~~(2) A water treatment plant, including but not limited to reservoirs, storage facilities, and all appurtenances necessary or useful and convenient thereto for the collection, storage and treatment, purification and disposal of water for domestic uses and purposes.~~

~~(3) A storm sewer or sanitary sewage collection system, including but not limited to intercepting sewers, outfall sewers, force mains, collecting sewers, storm sewers, combined sanitary and storm sewers, pumping stations, ejector stations, and all other appurtenances necessary, useful or convenient for the collection, transportation and disposal of sewage.~~

~~(4) A sewage treatment plant, including but not limited to structures, buildings, machinery, equipment, connections and all appurtenances necessary, useful or convenient for the treatment, purification or disposal of sewage.~~

~~(b) To acquire, by gift, purchase or the exercise of the right of eminent domain, lands or rights in land or water rights in connection therewith, including but not limited to easements, rights-of-way, contract rights, leases, franchises, approaches, dams and reservoirs.~~

~~(c) To operate and maintain those water facilities, sewer facilities, lands, rights in land and water rights.~~

~~(d) To sell, lease, donate for public use and otherwise dispose of those water facilities, sewer facilities, lands, rights in land and water rights.~~

~~(e) To prescribe and collect rates, fees, tolls or charges, including but not limited to the levy or assessments of such rates, fees, tolls or charges against governmental units, departments or agencies, including the State of Nevada and political subdivisions thereof, for the services, facilities and commodities~~

~~furnished by those water facilities and sewer facilities, and to provide methods of collections, and penalties, including but not limited to denial of service, for nonpayment of the rates, fees, tolls or charges.~~

~~(f) To provide it is unlawful for any persons, associations and corporations owning, occupying or in any way controlling any building or other structure, any part of which is within 400 feet of any street, alley, court, passageway, other public highway, right-of-way, easement or other alley owned or occupied by the county in which a public sewer is then in existence and use, to construct, otherwise acquire, to cause or permit to be constructed or otherwise acquired, or to use or continue to use any private sewage disposal plant, privy vault, *septic system,* septic tank, cesspool or other private sewage system, upon such terms and conditions as the board of county commissioners may provide.~~

~~(g) To provide for the disconnection of plumbing facilities from any [of those] *private sewage disposal plant, privy vault, septic system, septic tank, cesspool or other* private sewage [facilities] *system or facility* and for the discontinuance and elimination of [those] *such a* private sewage [facilities.] *system or facility.*~~

~~*(h) To require any building or other structure that uses or is served by any private sewage disposal plant, privy vault, septic system, septic tank, cesspool or other private sewage system or facility to connect to a public sewage system if the building or other structure is served by a municipal water system and is within 400 feet of the service lines and appurtenances of public sewage system provided by a public utility, municipality or other public entity.*~~

~~2. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.~~

~~3. This section, being necessary to secure and preserve the public health, safety and convenience and welfare, must be liberally construed to effect its purpose.~~

~~4. Any person, association or corporation violating any of the provisions of any ordinance adopted pursuant to this section is guilty of a misdemeanor.~~

~~*5. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.]*~~ **(Deleted by amendment.)**

Sec. 9. **[**~~Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If the governing body of a city in a county whose population is 700,000 or more determines that:*~~

~~*(a) A private septic system or a package plant for sewage treatment is located within the city limits; and*~~

~~*(b) A user of the private septic system or package plant for sewage treatment receives water from a municipal water system,*~~

~~*➥ the governing body shall require all users of the private septic system or package plant for sewage treatment to connect into the available sewers provided by the public utility, the city or another municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the cost of connecting into such sewers. These assessments are not subject to the jurisdiction of the Public Utilities Commission of Nevada.*~~

~~*2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system.]*~~ **(Deleted by amendment.)**

Sec. 10. NRS 268.4102 is hereby amended to read as follows:

268.4102 1. If the State Environmental Commission determines that:

(a) A water system which is located within the boundaries of a city and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within 1,250 feet of any lot or parcel served by the water system,***

➥ the governing body of that city ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 11. ~~[NRS 268.4105 is hereby amended to read as follows:~~

~~268.4105 1. If the governing body of the city determines that:~~

~~(a) A package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is not satisfactorily serving the needs of its users; and~~

~~(b) [Sewerage provided by a public utility, the city or another municipality or other public entity is reasonably available to those users,]~~ ~~*A user of the private septic system or package plant for sewage treatment receives water from a municipal water system,*~~

~~➥ the governing body *shall, in a county whose population is 700,000 or more, and* may *, in all other counties,* require all users of the plant to connect into the available sewers provided by [a] *the* public utility, the city or another municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the cost of connecting into those sewers. These~~

~~assessments are not subject to the jurisdiction of the Public Utilities Commission of Nevada.~~

~~2. If the State Department of Conservation and Natural Resources has found that a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is violating any of the conditions of NRS 445A.465 to 445A.515, inclusive, and has notified the holder of the permit that he or she must bring the plant into compliance, but the holder of the permit has failed to comply within a reasonable time after the date of the notice, the governing body of the city in which the plant is located may take the following actions independently of any further action by the State Department of Conservation and Natural Resources:~~

~~(a) Give written notice, by certified mail, to the owner of the plant and the owners of the property served by the plant that if the violation is not corrected within 30 days after the date of the notice, the governing body of the city will seek a court order authorizing it to assume control; and~~

~~(b) After the 30-day period has expired, if the plant has not been brought into compliance, apply to the district court for an order authorizing the governing body to assume control of the plant and assess the property for the continued operation and maintenance of the plant as provided in subsection 4.~~

~~3. If the governing body of the city determines at any time that immediate action is necessary to protect the public health and welfare, it may assume physical control and operation of a package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, without complying with any of the requirements set forth in subsection 2. The governing body may not maintain control of the plant pursuant to this subsection for a period greater than 30 days unless it obtains an order from the district court authorizing an extension.~~

~~4. Each lot and parcel served by a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is subject to assessment by the governing body of the city in which the plant is located for its proportionate share of the cost of continued operation and maintenance of the plant if there is a default or the city assumes control and operation of the plant pursuant to subsection 2 or 3.~~**]** **(Deleted by amendment.)**

Sec. 12. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***In a county whose population is 700,000 or more, when any subdivider proposes to subdivide land that will be served by a public water system, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body, shall file a copy of the subdivider's tentative map with the supplier of water. The supplier of water shall, within 30 days, review and comment in writing upon the tentative map to the planning commission or the governing body regarding the availability of water which meets***

applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

Sec. 14. ***A final map presented for filing which is subject to the provisions of NRS 278.347 or section 13 of this act must include a certificate by the supplier of water showing that the final map is approved by the supplier of water with regard to the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

Sec. 15. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 13 and 14 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 16. NRS 278.347 is hereby amended to read as follows:

278.347 ***1.*** When any subdivider proposes to subdivide land, any part of which is located within the boundaries of any general improvement district organized or reorganized pursuant to chapter 318 of NRS, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with ~~[~~the~~]~~ ***:***

(a) The board of trustees of the district ~~[. The board of trustees may within]~~ ***; and***

(b) If the subdivision will be served by a public water system, the supplier of water in the district.

2. Within 30 days ***:***

(a) The board of trustees may review and comment in writing upon the ***tentative*** map ***filed pursuant to subsection 1*** to the planning commission or governing body ~~[.]~~ ***; and***

(b) If applicable, the supplier of water shall review and comment in writing upon the tentative map filed pursuant to subsection 1 to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

3. The planning commission or governing body shall take any such comments ***submitted pursuant to subsection 2 by the board of trustees and the supplier of water, if applicable,*** into consideration before approving the tentative map.

Sec. 17. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands;

(k) The potential impacts to wildlife and wildlife habitat; and

(l) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless ~~[~~the~~]~~ ***:***

(a) The subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest ~~[.]~~ ***; and***

(b) For any tentative map subject to the requirements of NRS 278.347 or section 13 of this act, the supplier of water that will serve the subdivision has determined that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

➥ Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 18. NRS 278.373 is hereby amended to read as follows:

278.373 The certificates and acknowledgments required by NRS 116.2109 and 278.374 to 278.378, inclusive, ***and section 14 of this act, if applicable,*** must appear on a final map and may be combined where appropriate.

Sec. 19. NRS 278.4955 is hereby amended to read as follows:

278.4955 1. The map of reversion submitted pursuant to NRS 278.490 must contain the appropriate certificates required by NRS 278.376 ***,*** ~~[and]~~ 278.377 ***and section 14 of this act, if applicable,*** for the original division of the land, any agreement entered into for a required improvement pursuant to NRS 278.380 for the original division of the land, and the certificates required by NRS 278.496 and 278.4965. If the map includes the reversion of any street or easement owned by a city, a county or the State, the provisions of NRS 278.480 must be followed before approval of the map.

2. The final map of reversion must:

(a) Be prepared by a professional land surveyor licensed pursuant to chapter 625 of NRS. The professional land surveyor shall state in his or her certificate that the map has been prepared from information on a recorded map or maps that are being reverted. The professional land surveyor may state in the certificate that he or she assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in the certificate information which is sufficient to identify clearly the recorded map or maps being reverted.

(b) Be clearly and legibly drawn in black permanent ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with black permanent ink.

3. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

4. The scale of the final map must be large enough to show all details clearly, and enough sheets must be used to accomplish this end.

5. The particular number of the sheet and the total number of sheets comprising the final map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

6. Each future conveyance of the reverted property must contain a metes and bounds legal description of the property and must include the name and mailing address of the person who prepared the legal description.

Sec. 20. NRS 278.582 is hereby amended to read as follows:

278.582 1. Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture ***or landscape irrigation fixture*** which does not meet the standards made applicable for the respective county or city pursuant to this section.

2. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A urinal which continually flows or flushes water must not be installed.

3. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection ~~[6.]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. ***Except as otherwise provided in subsection 7, each residential, commercial or industrial structure on which construction begins on or after January 1, 2024, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of ~~[subsection]~~ ***subsections*** 4 ~~[.]~~ ***and 5:***

(a) A plumbing fixture ***or landscape irrigation fixture*** is considered certified under the WaterSense program if the fixture has been:

(1) Tested by an accredited third-party certifying body or laboratory in accordance with the United States Environmental Protection Agency's WaterSense program or an analogous successor program;

(2) Certified by the certifying body or laboratory as meeting the performance and efficiency requirements of the WaterSense program or an analogous successor program; and

(3) Authorized by the WaterSense program or an analogous successor program to use the WaterSense label or the label of an analogous successor program.

(b) If the WaterSense program modifies the requirements for a plumbing fixture ***or landscape irrigation fixture*** to be certified under the WaterSense program, a plumbing fixture ***or landscape irrigation fixture*** that was certified under the previous requirements shall be deemed certified for use under the WaterSense program for a period of 12 months following the modification of the requirements for certification.

~~[6.]~~ ***7.*** The requirements of this section ~~[for]~~ ***:***

(a) For the installation of certain plumbing fixtures do not apply to any portion of:

~~[(a)]~~ ***(1)*** An existing residential, commercial or industrial structure which is not being expanded or renovated; or

~~[(b)]~~ ***(2)*** An existing residential, commercial or industrial structure if the structure was constructed 50 years or more before the current year, regardless of whether that structure has been expanded or renovated since its original construction.

(b) Except as otherwise provided in federal law, do not prohibit the governing body of a county or city from adopting more stringent requirements for plumbing fixtures or landscape irrigation fixtures.

Sec. 21. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan which has been given final approval by the city or county must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance with that plan. A county recorder shall not file for record any final plan unless it includes:

(a) A final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive ~~[;]~~ ***, and sections 13 and 14 of this act;***

(b) The certifications required pursuant to NRS 116.2109; and

(c) The same certificates of approval as are required under NRS 278.377 ***and section 14 of this act, if applicable,*** or evidence that:

(1) The approvals were requested more than 30 days before the date on which the request for filing is made; and

(2) The agency has not refused its approval.

2. Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.

3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of any landowners affected by the modification and in accordance with the provisions of NRS 278A.410.

4. For the recording or filing of any final map, plat or plan, the county recorder shall collect a fee of $50 for the first sheet of the map, plat or plan plus $10 for each additional sheet. The fee must be deposited in the general fund of the county where it is collected.

Sec. 22. NRS 338.193 is hereby amended to read as follows:

338.193 1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.

2. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing public building which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.

3. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing public building which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after January 1, 2020, and each existing public building which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. For the purposes of subsection 4, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

6. ***Each public building, other than a prison or jail, on which construction begins on or after January 1, 2024, and each existing public building which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

7. For the purposes of subsection 6, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

8. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of:

(a) An existing public building which is not being expanded or renovated; or

(b) A public building if the public building was constructed 50 years or more before the current year, regardless of whether that public building has been expanded or renovated since its original construction.

Sec. 23. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water

systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

(1) Piping or lining of an irrigation canal;

(2) Recovery or recycling of wastewater or tailwater;

(3) Scheduling of irrigation;

(4) Measurement or metering of the use of water;

(5) Improving the efficiency of irrigation operations; and

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with ***plugging and abandoning a well and*** connecting ~~[a]~~ ***the property formerly served by the*** well to a municipal water system, ***if the State Engineer requires the plugging of the well pursuant to subsection 3 of NRS 534.180 or*** if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(3) The cost of plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system.

(f) A governing body to pay the costs associated with developing and maintaining a water resource plan.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section:

(a) "Eligible recipient" means:

(1) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

(2) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) "Governing body" has the meaning ascribed to it in NRS 278.015.

(c) "Water resource plan" means a water resource plan created pursuant to NRS 278.0228.

Sec. 24. NRS 489.706 is hereby amended to read as follows:

489.706 1. Each manufactured home or mobile home on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured home or mobile home on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured home or mobile home on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured home or mobile home on which construction begins on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 24.5. NRS 533.027 is hereby amended to read as follows:

533.027 1. The provisions of this chapter do not apply to ~~[the]~~ ***:***

(a) The use of water in emergency situations to extinguish fires by a public agency or a volunteer fire department; or

(b) The de minimus collection of precipitation:

~~[(a)]~~ ***(1)*** From the rooftop of a single-family dwelling for nonpotable domestic use; or

~~[(b)]~~ ***(2)*** If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. The guzzler must:

~~[(1)]~~ ***(I)*** Have a capacity of 20,000 gallons or less;

~~[(2)]~~ ***(II)*** Have a capture area of 1 acre or less;

~~[(3)]~~ ***(III)*** Have a pipe length of 1/4 mile or less;

~~[(4)]~~ ***(IV)*** Be developed by a state or federal agency responsible for wildlife management or by any other person in consultation with the Department of Wildlife; and

~~[(5)]~~ ***(V)*** Be approved for use by the Department of Wildlife.

2. As used in this section:

(a) "Domestic use" has the meaning ascribed to it in NRS 534.013 **.** ~~[; and]~~

(b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

(c) "Public agency" means an agency, bureau, board, commission, department or division of this State or a political subdivision of this State.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. ~~[Except as otherwise provided in subsection 5, the]~~ ***The*** State Engineer may ~~[:~~

~~(a) Issue]~~ ***only issue*** temporary permits to appropriate groundwater ~~[which]~~ ***if water cannot be furnished by a public entity such as a water district or municipality presently engaged in furnishing water to the inhabitants***

thereof. Such temporary permits can be limited as to time and ~~[which]~~ may, ~~[except as limited by subsection 4,]~~ be revoked if and when ~~[water]~~ ***:***

(a) Water can be furnished by ~~[an]~~ ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof ~~[.]~~ ***; and***

(b) ***The property served is within 1,250 feet of the water furnished pursuant to paragraph (a).***

➥ ***The holder of a temporary permit that is revoked pursuant to this subsection must be given 730 days from the date of revocation to connect to the public entity furnishing water.***

4. In a basin designated pursuant to NRS 534.030, the State Engineer may:

(a) Deny applications to appropriate groundwater for any use in areas served by ~~[such an]~~ ***a public*** entity ~~[.~~

~~(c)]~~ ***such as a water district or a municipality presently engaged in furnishing water to the inhabitants of the area.***

(b) Limit the depth of domestic wells.

~~[(d)]~~ ***(c)*** Prohibit the drilling of wells for domestic use ~~[, as defined in NRS 534.013,]~~ in areas where water can be furnished by ~~[an]~~ ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

~~[(e)]~~ ***(d)*** In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

~~[4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well drilling rig.]~~

5. ~~[The State Engineer may, in]~~ ***In*** an area in which have been issued temporary permits pursuant to subsection 3, ~~[limit]~~ ***the State Engineer:***

(a) Shall:

(1) Deny any applications to appropriate groundwater for use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water;

(2) Limit the depth of a domestic well ~~[pursuant to paragraph (c) of subsection 3 or]~~ ***; or***

(3) Prohibit the drilling of wells for domestic use in areas where water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants; and

(b) May prohibit repairs from being made to a ***domestic*** well, and may require the person proposing to deepen or repair the ***domestic*** well to obtain water from ~~[an]~~ ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

~~[(a)]~~ ***(1)*** The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

~~[(b)]~~ ***(2)*** The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. The provisions of this section do not prohibit the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from ~~[an]~~ ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 27. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year.

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada,

➥ but only if ~~[the charge for making the connection to the service is less than $200.]~~ ***such a well is within 1,250 feet of a municipal water system.***

4. If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:

(a) The owner of the well shall:

(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;

(2) Install a water meter capable of measuring the total withdrawal of water from the well; and

(3) Ensure the total withdrawal of water from the well does not exceed 2 acre-feet per year;

(b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;

(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.

Sec. 27.5. NRS 538.171 is hereby amended to read as follows:

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada under and by virtue of any Act of the Congress of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of such waters, or to change the ***holder of the entitlement to appropriate water,*** place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the Commission in accordance with the regulations of the Commission. In considering such an application, the Commission shall use the criteria set forth in ~~[subsection 3 of]~~ NRS 533.370. The Commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The Commission shall furnish to the State Engineer a copy of all agreements entered into by the Commission concerning the original appropriation and use of such waters. It shall also furnish to the State Engineer any other information it possesses relating to the use of water from the Colorado River which the State Engineer deems necessary to allow the State Engineer to act on applications for permits for the subsequent appropriation of these waters after they fall within the State Engineer's jurisdiction.

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the Commission or by any entity to whom or with whom the Commission has contracted the water is not subject to regulation by the State Engineer.

5. Any use of water from the Muddy River or the Virgin River for the creation of any developed shortage supply or intentionally created surplus does not require the submission of an application to the State Engineer to change the place of diversion, manner of use or place of use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in NRS 533.030.

(b) "Intentionally created surplus" has the meaning ascribed to it in NRS 533.030.

Sec. 28. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 37.5, immediately following section 37, to read as follows:

Sec. 37.5. "General Manager" means the General Manager of the Southern Nevada Water Authority.

Sec. 29. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto new sections to be designated as sections 38.2, 38.4 and 38.6, respectively, immediately following section 38, to read as follows:

Sec. 38.2. 1. If the Federal Government declares a shortage on the Colorado River for the upcoming year, the Board of Directors may limit each single-family residence that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or a member agency of the Southern Nevada Water Authority to not more than 0.5 acre-feet of water for that upcoming year. Any limitation imposed by the Board of Directors may not go into effect before December 31 of the year before the year for which the shortage is declared.

2. If the Board of Directors limits water usage of single-family residences pursuant to subsection 1, the Southern Nevada Water Authority and the member agencies of the Southern Nevada Water Authority shall notify all customers of the action of the Board of Directors to limit water usage by not later than October 1 of the year before the year for which the shortage is declared.

3. The Board of Directors shall establish a process to approve a waiver of any limitations imposed pursuant to subsection 1 for certain properties.

Sec. 38.4. 1. Except as otherwise provided in this section, on and after the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority :

(a) No no new septic system may be installed . ; and

(b) If the parcel of property has an existing septic system installed and a connection to a municipal water system, the owner of the property

~~*shall be required to connect to the public sewer system and discontinue the use of the existing septic system.]*~~

2. The General Manager may, in his or her discretion, approve a waiver of the ~~[prohibitions]~~ prohibition set forth in subsection 1.

3. The provisions of this section do not apply to any decreed, certificated or permitted right to appropriate water that is diverted from the Virgin River or Muddy River.

4. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground which is typically composed of a septic tank and a subsurface fluid distribution or disposal system.

Sec. 38.6. 1. Except as otherwise provided in this subsection, beginning on the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, and ending on December 31, 2023, new turf may not be installed on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority. The provisions of this subsection do not apply to the installation of warm-season turf in parks, schools or cemeteries.

2. Except as otherwise provided in subsection 4, on and after January 1, 2024, any new turf that is installed on a parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority must be installed in accordance with any requirements for turf adopted by the Board of Directors pursuant to subsection 3.

3. The Board of Directors shall adopt requirements for the installation of new turf on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority.

4. The General Manager or his or her designee may approve a waiver from the prohibition set forth in subsection 2 or any turf requirements adopted by the Board of Directors pursuant to subsection 3.

Sec. 30. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 39.5, immediately following section 39, to read as follows:

Sec. 39.5. 1. Except as otherwise provided in this section, the Southern Nevada Water Authority shall require the owner of any parcel of property that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority to participate in an irrigation water

efficiency monitoring program established by the Southern Nevada Water Authority, if the parcel of property:

(a) Is not used exclusively as a single-family residence; and

(b) Consists of 20,000 square feet or more of turf.

2. The Board of Directors shall:

(a) Develop and establish policies and guidelines for an irrigation water efficiency monitoring program;

(b) Establish deadlines within the service area of the Southern Nevada Water Authority for any owner subject to the requirements of subsection 1 to begin participating in the irrigation water efficiency monitoring program; and

(c) Not later than January 1, 2025, notify the owner of any parcel of property subject to the requirements of subsection 1 that he or she is required to participate in the irrigation water efficiency monitoring program by the deadline established pursuant to paragraph (b).

3. The General Manager or his or her designee may approve an extension or waiver from:

(a) The provisions of subsection 1; or

(b) The provisions of the policies and guidelines developed pursuant to subsection 2.

Sec. 31. Section 39 of the Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2180, is hereby amended to read as follows:

Sec. 39. 1. Except as otherwise provided in this section, on and after January 1, 2027, the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority may not be used to irrigate nonfunctional turf on any ***parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence.

2. The Board of Directors shall:

(a) Define "functional turf" and "nonfunctional turf" for the purposes of subsection 1 and promulgate the definitions in the service rules ***, ordinances or codes*** of the member agencies of the Southern Nevada Water Authority; and

(b) Develop a plan to identify and facilitate the removal of existing nonfunctional turf within the service area of the Southern Nevada Water Authority on ***each parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence. The plan must, without limitation:

(1) Establish phases for the removal of nonfunctional turf based on categories of water users; and

(2) Establish deadlines within the service area of the Southern Nevada Water Authority for existing customers to remove nonfunctional turf on ***any parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence before December 31, 2026.

3. The ~~[Board of Directors]~~ ***General Manager or his or her designee*** may approve an extension or a waiver from:

(a) The prohibition set forth in subsection 1; and

(b) The provisions of the plan developed pursuant to subsection 2.

4. The provisions of this section do not prohibit a person from:

(a) Complying with any requirement adopted by the governing body of a county or city pursuant to chapter 278 of NRS to maintain open space or drought tolerant landscaping on any property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single family residence; or

(b) Using alternative sources of water to irrigate nonfunctional turf on and after January 1, 2027, on any property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence.

Sec. 32. Section 13 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 13. 1. The Southern Nevada Water Authority may establish and collect each calendar year a fee to be assessed on users of groundwater in the Basin. Money raised from the fees must be used as provided in section 14 of this act.

2. Except as otherwise provided in this section:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $13 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $13.

3. Except as otherwise provided in subsections 4 and 5, if the Southern Nevada Water Authority operates a project for the recharge and recovery or underground storage and recovery of water ***or a program for the conversion of properties served by a septic system*** pursuant to section 14.5 of this act:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $30 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $30.

4. The maximum fees specified in subsections 2 and 3 may be adjusted ***not more than*** once each year for inflation. The maximum amount of the adjustment must be determined by multiplying the respective amounts of the fees by the percentage of inflation, if any. The Consumer Price Index published by the United States Department of Labor for July preceding the year for which the adjustment is made must be used in determining the percentage of inflation.

5. The maximum fees may be increased by an amount that is greater than the amount of the adjustment for inflation as calculated pursuant to subsection 4 only if the increase is approved by the Legislature.

6. As used in this section, "water right" means the legal right to use water that has been appropriated pursuant to chapters 533 and 534 of NRS by means of application, permit, certificate, decree or claim of vested right.

Sec. 33. Section 14.5 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 14.5. ***1.*** The Southern Nevada Water Authority may, in consultation with the Advisory Committee, operate ~~[a]~~ ***:***

(a) A project for the recharge and recovery or underground storage and recovery of water pursuant to chapter 534 of NRS for the benefit of owners of wells in the Basin ~~[.]~~ ***; and***

(b) A program for the conversion of properties served by a septic system to a municipal sewer system.

2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.

Sec. 34. The Southern Nevada Water System Act of 1995, being chapter 393, Statutes of Nevada 1995, at page 963, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. 1. The Board of Directors of the Southern Nevada Water Authority may, by resolution, authorize the General Manager to restrict the use of water:

(a) During any period in which the Federal Government has declared a water shortage in the Colorado River;

(b) If emergency conditions exist; or

(c) If the delivery system is unable to provide adequate volumes of water.

2. Any restrictions imposed by the General Manager pursuant to subsection 1 must be ratified by the Board of Directors of the Southern Nevada Water Authority not more than 15 calendar days after the date the restrictions are imposed.

3. The provisions of this section shall not be construed to authorize the Board of Directors to restrict the use of any water rights held by the United States Department of Defense.

Sec. 34.5. **On or before December 31, 2024, a district board of health that creates a voluntary financial assistance program pursuant to section 1 of this act shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Natural Resources and the 83rd Session of**

the Legislature which sets forth the number of property owners that are participating in the voluntary financial assistance program and any recommendations for legislation.

Sec. 35. ~~[The provisions of NRS 354.599 do not apply to any additional expense of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 36. This act becomes effective upon passage and approval.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 712 to Assembly Bill No. 220.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 735.

AN ACT relating to water; authorizing a district board of health to establish a program to pay the costs for property owners with a septic system to connect to a community sewerage disposal system under certain circumstances; revising provisions relating to a permit to operate a water system; revising provisions relating to water systems; revising provisions relating to tentative maps and final maps for a subdivision of land; establishing minimum standards for certain landscaping irrigation fixtures in new construction and expansions and renovations in certain structures; revising provisions relating to grants of money for water conservation; exempting the use of water by certain entities to extinguish fires in an emergency from provisions governing the appropriation of water; revising provisions relating to groundwater in certain designated areas; revising conditions under which the State Engineer may require the plugging of certain wells used for domestic purposes; defining certain terms relating to the Conservation of Colorado River Water Act; authorizing the Board of Directors of the Southern Nevada Water Authority to enact certain restrictions on water use for single-family residences under certain circumstances; prohibiting, with certain exceptions, the use of the waters of the Colorado River for certain purposes; establishing requirements relating to an irrigation water efficiency monitoring program; revising certain provisions relating to the use of the waters of the Colorado River to irrigate nonfunctional turf; authorizing the Authority to operate a program to convert properties using a septic system to a municipal sewer system and to impose a fee for such a program; authorizing the Board of Directors to authorize the General Manager of the Authority to restrict the use of water under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district board of health may adopt regulations to control the use of a residential individual system for disposal of sewage in the district. (NRS 444.650) Existing law also authorizes a district board of health, upon approval of the State Board of Health, to adopt regulations to regulate sanitation and the sanitary protection of water and food supplies. (NRS 439.366, 439.410) **Section 1** of this bill authorizes a district board of

health to create a voluntary financial assistance program to pay 100 percent of the costs for property owners with an existing septic system whose property is served by a municipal water system to connect to the community sewerage disposal system. **Section 1** also: (1) authorizes such a district board of health to, upon an affirmative vote of two-thirds of the members of the board, impose a voluntary fee on owners of such septic systems to carry out such requirements; and (2) if such a voluntary fee is imposed, prohibits the district board of health from paying the costs of connecting to the community sewerage disposal system for any property owner who does not pay the voluntary fee. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes. **Section 34.5** of this bill requires a district board of health that creates such a voluntary financial assistance program to, on or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau a report setting forth the number of participants in the program and recommendations for legislation.

Under existing law, a permit to operate a water system may not be issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources or certain district boards of health unless certain conditions are met, including, without limitation, that: (1) the local governing body assumes responsibility in case of default and assumes the duty of assessing the lands served; (2) the applicant furnishes the local governing body sufficient surety; (3) the owners of the lands to be served by the water system agree to be assessed by the local governing body for the cost of the water system if there is a default; and (4) the owners agree that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users may be required to connect to the water system provided by the public utility, municipality or other public entity and be assessed the costs for the connection. (NRS 445A.895) **Section 4** of this bill revises these conditions to: (1) provide that, with certain exceptions, the sole and exclusive obligation of the local governing body is to use the surety in the event of a default to contract and pay the operator responsible for the continued operation and maintenance of the water system; (2) require the owners of property served by the water system to also provide a surety to the local governing body; and (3) provide that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users of the water system in certain counties are required to connect. **Section 4.5** of this bill makes conforming changes to revise certain provisions relating to the disposition of the proceeds of assessments and sureties imposed by a local governing body for a public water system in the event of a default. **Section 3** of this bill revises a reference to certain findings. **Section 2.3** of this bill defines "local governing body" for the purposes of the provisions of **sections 4 and 4.5**. **Section 2.6** of this bill makes a conforming change to indicate the proper placement of **section 2.3** in the Nevada Revised Statutes.

Under existing law, if the State Environmental Commission determines that, in relevant part, water provided by a public utility or a municipality or other public entity is reasonably available to users of a water system, the board of county commissioners of that county may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity. (NRS 244.3655) **Section 7** of this bill provides instead that if the Commission determines that water provided by a public utility or a municipality or other public entity may be accessed within 1,250 feet of any lot or parcel served by the water system, the board of county commissioners shall, in a county whose population is 700,000 or more (currently only Clark County), and may, in all other counties, require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity.

Under existing law, if the State Environmental Commission or the governing body of certain cities determines certain water systems within the city limits are not serving the needs of its users and water provided by a public utility, the city or another municipality or public entity is reasonably available to those users, the governing body may require all users of the system to connect into the available water system and assess each lot or parcel for its share of the cost. (NRS 268.4102) **Section 10** of this bill provides instead that if the water system may be accessed within 1,250 feet of the property of such users, the governing body of a county whose population is 700,000 or more (currently only Clark County) shall require all users to connect. **Section 10** also provides that all other governing bodies of a county may require all users to connect in such circumstances.

Existing law sets forth an approval process for the subdivision of land that requires: (1) a subdivider of land to submit a tentative map to the planning commission or the governing body of a county or city, as applicable; and (2) the planning commission or governing body to forward a copy of the tentative map to certain other state and local agencies for review and comment. (NRS 278.330-278.460) **Sections 13 and 16** of this bill require that if a proposed subdivision will be served by a public water system: (1) in a county whose population is 700,000 or more, the planning commission or the governing body, as applicable, must file the tentative map with the supplier of water for review and comment; and (2) if the subdivision is located in a general improvement district, the planning commission or the governing body must file the tentative map with the supplier of water in the district. **Section 17** of this bill provides that such a governing body of a county or city may not approve a tentative map, unless the supplier of water determines that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

Under existing law, a final map presented for filing must include certificates and acknowledgments from certain entities. (NRS 278.374-278.378) **Section 14** of this bill requires that if a subdivision in a county whose population is 700,000 or more or in a general improvement district will be

served by a public water system, the final map presented for filing must include a certificate of approval from the supplier of water.

Section 15 of this bill makes conforming changes to indicate the proper placement of **sections 13 and 14** in the Nevada Revised Statutes. **Section 18** of this bill makes a conforming change to require the certificate of approval required by **section 14** to appear on the final map. **Sections 19 and 21** of this bill make conforming changes to also require a map of reversion and a final map for a planned development to have such a certificate of approval, if applicable.

Existing law establishes certain minimum standards for plumbing fixtures in new construction, expansions and renovations in residential, commercial, industrial or manufactured structures, public buildings, manufactured homes and mobile homes and requires the use of certain plumbing fixtures that have been certified under the WaterSense program established by the United States Environmental Protection Agency if a final product specification has been developed by the WaterSense program. (NRS 278.582, 338.193, 461.175, 489.706) **Sections 6, 20, 22 and 24** of this bill require that, with certain exceptions, if the WaterSense program has established a final product specification for an irrigation controller or spray sprinkler body, any new construction, expansions and renovations on such structures, buildings and homes must install irrigation controllers and spray sprinkler bodies that have been certified under the WaterSense program.

Existing law establishes a program to provide grants of money for water conservation and capital improvements to certain water systems, including grants to an eligible recipient to pay certain costs associated with connecting a well to a municipal water system under certain circumstances. (NRS 349.981) **Section 23** of this bill provides instead for grants of money to pay certain costs associated with plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system under certain circumstances.

Existing law exempts, under certain circumstances, the de minimus collection of precipitation from the requirements of the Nevada Revised Statutes relating to the appropriation of water. (NRS 533.027) **Section 24.5** of this bill also exempts the use of water by public agencies or volunteer fire departments to extinguish fires in an emergency.

Under existing law, the State Engineer may issue temporary permits to appropriate groundwater in certain designated areas which may be revoked if the property served by the permit is within 180 feet of water furnished by an entity such as a water district or a municipality and the well needs to be redrilled or have certain repairs made. (NRS 534.120) **Section 26** of this bill instead provides that the State Engineer: (1) may only issue a temporary permit if water cannot be furnished by a public entity that furnishes water; and (2) authorizes the State Engineer to revoke such a temporary permit if the property served by the temporary permit is within 1,250 feet of water furnished by a public entity such as a water district or a municipality. **Section 26** also requires

the State Engineer to, in an area in which such temporary permits have been issued: (1) deny applications to appropriate groundwater if a public entity that furnishes water serves the area; (2) limit the depth of domestic wells; and (3) prohibit the drilling of wells for domestic use.

Under existing law, the State Engineer may require the plugging of certain domestic wells drilled in a basin in which such wells must be registered if water can be furnished by certain entities, but only if the charge for connecting to the furnished water is less than $200. (NRS 534.180) **Section 27** of this bill: (1) removes the requirement that the charge for connecting be less than $200; and (2) requires plugging of a well if the well is within 1,250 feet of a municipal water system.

Existing law requires that applications for the appropriation of water or to change the place of diversion, manner of use or place of use of certain waters must be made to the Colorado River Commission. (NRS 538.171) **Section 27.5** of this bill also requires that applications to change the holder of the entitlement to appropriate certain waters be submitted to the Colorado River Commission.

The Conservation of Colorado River Water Act prohibits, with certain exceptions, the waters of the Colorado River that are distributed by the Southern Nevada Water Authority or one of the member agencies of the Authority from being used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence on and after January 1, 2027. (Section 39 of chapter 364, Statutes of Nevada 2021, at page 2180) **Section 31** of this bill prohibits the use of such waters of the Colorado River for irrigating nonfunctional turf on any parcel of property that is not used exclusively as a single-family residence.

Section 28 of this bill defines "General Manager" for the purposes of the Conservation of Colorado River Water Act. **Section 29** of this bill: (1) authorizes the Board of Directors of the Authority to restrict the use of water by a single-family residence to not more than 0.5 acre-feet of water during any year in which ~~[a shortage on the Colorado River has been declared by]~~ the Federal Government ~~[,]~~ **reduces Nevada's allocation of the Colorado River to 270,000 acre-feet or less;** and (2) requires the Board of Directors to establish a process to approve a waiver of such restrictions on the use of water. **Section 29** also prohibits, with certain exceptions, the installation of new turf on any parcel of property that uses such waters of the Colorado River for irrigation beginning on the effective date of this bill and ending on December 31, 2023. Any new turf installed on and after January 1, 2024, must meet the requirements established by the Board of Directors, unless the General Manager approves a waiver.

Section 29 further prohibits the installation of a new septic system on any parcel of property that uses such waters of the Colorado River.

Section 30 of this bill requires certain parcels of property which use such waters of the Colorado River to participate in an irrigation water efficiency monitoring program if the property: (1) is not used exclusively as a single-

family residence; and (2) consists of 20,000 square feet or more of turf. **Section 30** also: (1) requires the Board of Directors to develop and establish policies, guidelines and deadlines for participation in such an irrigation water efficiency monitoring program; and (2) authorizes the General Manager to approve an extension or waiver from the irrigation water efficiency monitoring program.

The Southern Nevada Water Authority Act authorizes the Authority, in consultation with the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin, to operate a project for the recharge and recovery or underground storage and recovery of groundwater for the benefit of owners of wells in the Las Vegas Valley Groundwater Basin. (Section 14.5 of chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387) The Act also authorizes the Authority to assess certain fees on users of groundwater and owners of domestic wells, including a fee if the Authority operates such a project. (Section 13 of chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387) **Section 33** of this bill also authorizes the Authority, in consultation with the Advisory Committee, to operate a program to convert any property served by a septic system to a municipal sewer system. **Section 32** of this bill authorizes the Authority to assess a fee on users of groundwater and owners of domestic wells for the program to convert septic systems.

The Southern Nevada Water System Act of 1995 establishes certain powers and duties of the Authority. (Section 2 of chapter 393, Statutes of Nevada 1995, at page 963) **Section 34** of this bill authorizes the Board of Directors of the Authority, by resolution, to authorize the General Manager of the Authority to restrict water usage during certain water emergencies and shortages and provides that the Board of Directors must ratify any such restrictions imposed by the General Manager.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district board of health may create a voluntary financial assistance program to pay 100 percent of the cost for a property owner with an existing septic system whose property is served by a municipal water system to abandon the septic system and connect to the community sewerage disposal system.

2. Upon an affirmative vote of two-thirds of all the members of the district board of health, the district board of health may impose a voluntary annual fee on property owners with existing septic systems whose property is served by a municipal water system to carry out the provisions of this section.

3. If the district board of health imposes a voluntary annual fee pursuant to subsection 2:

(a) The fee must not exceed the annual sewer rate charged by the largest community sewerage disposal system in the county or counties, as applicable, in which the district board of health has been established; and

(b) The district board of health shall not provide financial assistance to any property owner who does not pay the voluntary fee.

4. As used in this section:

(a) "Community sewerage disposal system" means a public system of sewage disposal which is operated for the benefit of a county, city, district or other political subdivision of this State.

(b) "Septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system. The term includes a residential individual system for disposal of sewage.

Sec. 2. NRS 439.361 is hereby amended to read as follows:

439.361 The provisions of NRS 439.361 to 439.3685, inclusive, ***and section 1 of this act,*** apply to a county whose population is 700,000 or more.

Sec. 2.3. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

"Local governing body" means:

1. The governing body of an incorporated city in which is located within the limits of the incorporated city all or any part of an area serviced by a water system; or

2. The board of county commissioners of a county in which is located within the unincorporated area of the county all of an area serviced by a water system.

Sec. 2.6. NRS 445A.805 is hereby amended to read as follows:

445A.805 As used in NRS 445A.800 to 445A.955, inclusive, ***and section 2.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, ***and section 2.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 445A.890 is hereby amended to read as follows:

445A.890 Before making the finding specified in NRS 445A.910 and before making the determinations specified in NRS 244.3655, 268.4102 and 445A.895, the ***Commission or*** Division ***, as applicable,*** shall request comments from the:

1. Public Utilities Commission of Nevada;
2. State Engineer;
3. Local government within whose jurisdiction the water system is located; and
4. Owner of the water system.

Sec. 4. NRS 445A.895 is hereby amended to read as follows:

445A.895 A permit to operate a water system may not be issued pursuant to NRS 445A.885 unless all of the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.

2. The applicant fully complies with all of the conditions of NRS 445A.885 to 445A.915, inclusive.

3. The applicant submits to the Division or the district board of health designated by the Commission documentation issued by the State Engineer which sets forth that the applicant holds water rights that are sufficient to operate the water system.

4. The local governing body ~~[assumes:]~~ ***agrees:***

(a) ~~[Responsibility in case of]~~ ***That, except as otherwise provided in paragraph (b), in the event of a*** default by the builder ***,*** ~~[or]~~ developer ***or owner*** of the water system ***, the sole and exclusive obligation of the local governing body shall be to use the surety furnished to the local governing body pursuant to subsection 5 to contract with and pay the operator of the water system*** for ~~[its]~~ ***the*** continued operation and maintenance ~~[in accordance with all the terms and conditions of the permit.]~~ ***of the water system.***

(b) ~~[The]~~ ***To assume the*** duty of assessing the lands served as provided in subsection 6 ~~[.]~~ ***in the event of default by the builder, developer or owner of the water system.***

5. The applicant furnishes the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate ***, properly established and funded reserve account*** or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold,

➥ whichever is later.

6. The owners of the lands to be served by the water system ~~[record]~~ ***:***

(a) Furnish the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate, properly established and funded reserve account or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system and continued technical, financial and managerial capability of the water system; and

(b) Record a declaration of covenants, conditions and restrictions which is an equitable servitude running with the land and which must provide ~~[that]~~ ***:***

(1) That each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of ***replenishing or augmenting the surety required pursuant to paragraph (a) as necessary for the*** continued operation and maintenance of the water system if there is a default by the ~~[applicant or operator]~~ ***builder, developer or owner*** of the water system ~~[and a sufficient surety, as provided in subsection 5, is not available.]~~ ***;***

(2) That the owners of the lands will annually provide the local governing body with a financial audit of the water system, including, without

limitation, any reserve account, if established, to ensure the adequacy of the financial management of the water system; and

(3) An acknowledgment of and agreement with the obligations of the local governing body pursuant to subsection 4 and subsection 3 of NRS 445A.905.

7. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

8. The ***owners of the lands to be served by the water system record a*** declaration of covenants, conditions and restrictions ~~[recorded by the owners of the lands further]~~ ***, which is an equitable servitude running with the land, and*** provides that if the Division determines that:

(a) The water system is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available,

➥ the local governing body ***shall, in a county whose population is 700,000 or more, and*** may, ***in all other counties,*** pursuant to NRS 244.3655 or 268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

9. Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

Sec. 4.5. NRS 445A.905 is hereby amended to read as follows:

445A.905 1. The proceeds of any assessments upon lots or parcels ***and the sureties required pursuant to NRS 445A.895*** must be deposited with the treasurer of the local governing body which received them, and they may be expended only for the:

(a) Continued maintenance and operation of the water system;

(b) Replacement of the water system if necessary; and

(c) Payment of the costs, including, but not limited to, the direct costs of connection and the costs of necessary new or rehabilitated facilities and any necessary water rights, associated with connection to any water system provided by a public utility or a municipality or other public entity that becomes reasonably available.

2. If any surplus exists in the proceeds of assessments ***and the sureties required pursuant to NRS 445A.895*** after all purposes of the assessments ***and sureties*** have been fully met, the surplus must be refunded to the persons who

paid the assessments ~~[.]~~ ***and sureties,*** in the proportion that their respective assessments ***and sureties*** bear to the gross proceeds of all assessments ***and sureties*** collected by the local governing body.

3. For the purposes set forth in subsection 1, the local governing body is not obligated to:

(a) Expend money from any source other than the assessments and surety deposited pursuant to NRS 445A.895;

(b) Extend credit on behalf of a builder, developer or owner of land to be served by the water system; or

(c) Collect any unpaid assessment, unless the local governing body has agreed to assume the duty for the assessments pursuant to subsection 4 of NRS 445A.895.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 461.175 is hereby amended to read as follows:

461.175 1. Each manufactured building on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured building on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured building on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with

any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured building on which construction begins on or after January 1, 2024, and each existing manufactured building which is expanded or renovated on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape irrigation fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 7. NRS 244.3655 is hereby amended to read as follows:

244.3655 1. If the State Environmental Commission determines that:

(a) A water system which is located in a county and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within 1,250 feet of any lot of parcel served by the water system,***

➥ the board of county commissioners of that county ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 268.4102 is hereby amended to read as follows:

268.4102 1. If the State Environmental Commission determines that:

(a) A water system which is located within the boundaries of a city and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within 1,250 feet of any lot or parcel served by the water system,***

➥ the governing body of that city ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 11. (Deleted by amendment.)

Sec. 12. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***In a county whose population is 700,000 or more, when any subdivider proposes to subdivide land that will be served by a public water system, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body, shall file a copy of the subdivider's tentative map with the supplier of water. The supplier of water shall, within 30 days, review and comment in writing upon the tentative map to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

Sec. 14. ***A final map presented for filing which is subject to the provisions of NRS 278.347 or section 13 of this act must include a certificate by the supplier of water showing that the final map is approved by the supplier of water with regard to the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

Sec. 15. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 13 and 14 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 16. NRS 278.347 is hereby amended to read as follows:

278.347 ***1.*** When any subdivider proposes to subdivide land, any part of which is located within the boundaries of any general improvement district organized or reorganized pursuant to chapter 318 of NRS, the planning commission or its designated representative, or, if there is no planning

commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with ~~[the]~~ ***:***

(a) The board of trustees of the district ~~[. The board of trustees may within]~~***; and***

(b) If the subdivision will be served by a public water system, the supplier of water in the district.

2. Within 30 days ***:***

(a) The board of trustees may review and comment in writing upon the ***tentative*** map ***filed pursuant to subsection 1*** to the planning commission or governing body ~~[.]~~ ***; and***

(b) If applicable, the supplier of water shall review and comment in writing upon the tentative map filed pursuant to subsection 1 to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

3. The planning commission or governing body shall take any such comments ***submitted pursuant to subsection 2 by the board of trustees and the supplier of water, if applicable,*** into consideration before approving the tentative map.

Sec. 17. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands;

(k) The potential impacts to wildlife and wildlife habitat; and

(l) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless ~~[~~the~~]~~ ***:***

(a) The subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest ~~[~~.~~]~~ ***; and***

(b) For any tentative map subject to the requirements of NRS 278.347 or section 13 of this act, the supplier of water that will serve the subdivision has determined that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

➥ Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 18. NRS 278.373 is hereby amended to read as follows:

278.373 The certificates and acknowledgments required by NRS 116.2109 and 278.374 to 278.378, inclusive, ***and section 14 of this act, if applicable,*** must appear on a final map and may be combined where appropriate.

Sec. 19. NRS 278.4955 is hereby amended to read as follows:

278.4955 1. The map of reversion submitted pursuant to NRS 278.490 must contain the appropriate certificates required by NRS 278.376 ***,*** ~~[~~and~~]~~ 278.377 ***and section 14 of this act, if applicable,*** for the original division of the land, any agreement entered into for a required improvement pursuant to

NRS 278.380 for the original division of the land, and the certificates required by NRS 278.496 and 278.4965. If the map includes the reversion of any street or easement owned by a city, a county or the State, the provisions of NRS 278.480 must be followed before approval of the map.

2. The final map of reversion must:

(a) Be prepared by a professional land surveyor licensed pursuant to chapter 625 of NRS. The professional land surveyor shall state in his or her certificate that the map has been prepared from information on a recorded map or maps that are being reverted. The professional land surveyor may state in the certificate that he or she assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in the certificate information which is sufficient to identify clearly the recorded map or maps being reverted.

(b) Be clearly and legibly drawn in black permanent ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with black permanent ink.

3. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

4. The scale of the final map must be large enough to show all details clearly, and enough sheets must be used to accomplish this end.

5. The particular number of the sheet and the total number of sheets comprising the final map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

6. Each future conveyance of the reverted property must contain a metes and bounds legal description of the property and must include the name and mailing address of the person who prepared the legal description.

Sec. 20. NRS 278.582 is hereby amended to read as follows:

278.582 1. Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture ***or landscape irrigation fixture*** which does not meet the standards made applicable for the respective county or city pursuant to this section.

2. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing residential, commercial or industrial structure which is expanded or renovated on or after

March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A urinal which continually flows or flushes water must not be installed.

3. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with

any applicable requirements of federal law and the building code of the county or city.

5. ***Except as otherwise provided in subsection 7, each residential, commercial or industrial structure on which construction begins on or after January 1, 2024, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of ~~[subsection]~~ ***subsections*** 4 ~~[:]~~ ***and 5:***

(a) A plumbing fixture ***or landscape irrigation fixture*** is considered certified under the WaterSense program if the fixture has been:

(1) Tested by an accredited third-party certifying body or laboratory in accordance with the United States Environmental Protection Agency's WaterSense program or an analogous successor program;

(2) Certified by the certifying body or laboratory as meeting the performance and efficiency requirements of the WaterSense program or an analogous successor program; and

(3) Authorized by the WaterSense program or an analogous successor program to use the WaterSense label or the label of an analogous successor program.

(b) If the WaterSense program modifies the requirements for a plumbing fixture ***or landscape irrigation fixture*** to be certified under the WaterSense program, a plumbing fixture ***or landscape irrigation fixture*** that was certified under the previous requirements shall be deemed certified for use under the WaterSense program for a period of 12 months following the modification of the requirements for certification.

~~[6.]~~ ***7.*** The requirements of this section ~~[for]~~ ***:***

(a) For the installation of certain plumbing fixtures do not apply to any portion of:

~~[(a)]~~ ***(1)*** An existing residential, commercial or industrial structure which is not being expanded or renovated; or

~~[(b)]~~ ***(2)*** An existing residential, commercial or industrial structure if the structure was constructed 50 years or more before the current year, regardless of whether that structure has been expanded or renovated since its original construction.

(b) Except as otherwise provided in federal law, do not prohibit the governing body of a county or city from adopting more stringent requirements for plumbing fixtures or landscape irrigation fixtures.

Sec. 21. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan which has been given final approval by the city or county must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance with that plan. A county recorder shall not file for record any final plan unless it includes:

(a) A final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and sections 13 and 14 of this act;***

(b) The certifications required pursuant to NRS 116.2109; and

(c) The same certificates of approval as are required under NRS 278.377 ***and section 14 of this act, if applicable,*** or evidence that:

(1) The approvals were requested more than 30 days before the date on which the request for filing is made; and

(2) The agency has not refused its approval.

2. Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.

3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of any landowners affected by the modification and in accordance with the provisions of NRS 278A.410.

4. For the recording or filing of any final map, plat or plan, the county recorder shall collect a fee of $50 for the first sheet of the map, plat or plan plus $10 for each additional sheet. The fee must be deposited in the general fund of the county where it is collected.

Sec. 22. NRS 338.193 is hereby amended to read as follows:

338.193 1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.

2. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing public building which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.

3. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing public building which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after January 1, 2020, and each existing public building which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. For the purposes of subsection 4, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

6. ***Each public building, other than a prison or jail, on which construction begins on or after January 1, 2024, and each existing public building which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

7. For the purposes of subsection 6, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

8. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of:

(a) An existing public building which is not being expanded or renovated; or

(b) A public building if the public building was constructed 50 years or more before the current year, regardless of whether that public building has been expanded or renovated since its original construction.

Sec. 23. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

(1) Piping or lining of an irrigation canal;

(2) Recovery or recycling of wastewater or tailwater;

(3) Scheduling of irrigation;

(4) Measurement or metering of the use of water;

(5) Improving the efficiency of irrigation operations; and

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with ***plugging and abandoning a well and*** connecting ~~[a]~~ ***the property formerly served by the*** well to a municipal water system, ***if the State Engineer requires the plugging of the well pursuant to subsection 3 of NRS 534.180 or*** if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(3) The cost of plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system.

(f) A governing body to pay the costs associated with developing and maintaining a water resource plan.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit

cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section:

(a) "Eligible recipient" means:

(1) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

(2) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) "Governing body" has the meaning ascribed to it in NRS 278.015.

(c) "Water resource plan" means a water resource plan created pursuant to NRS 278.0228.

Sec. 24. NRS 489.706 is hereby amended to read as follows:

489.706 1. Each manufactured home or mobile home on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured home or mobile home on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured home or mobile home on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured home or mobile home on which construction begins on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 24.5. NRS 533.027 is hereby amended to read as follows:

533.027 1. The provisions of this chapter do not apply to ~~[the]~~ ***:***

(a) The use of water in emergency situations to extinguish fires by a public agency or a volunteer fire department; or

(b) The de minimus collection of precipitation:

~~[(a)]~~ ***(1)*** From the rooftop of a single-family dwelling for nonpotable domestic use; or

~~[(b)]~~ ***(2)*** If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. The guzzler must:

~~[(1)]~~ ***(I)*** Have a capacity of 20,000 gallons or less;

~~[(2)]~~ ***(II)*** Have a capture area of 1 acre or less;

~~[(3)]~~ ***(III)*** Have a pipe length of 1/4 mile or less;

~~[(4)]~~ ***(IV)*** Be developed by a state or federal agency responsible for wildlife management or by any other person in consultation with the Department of Wildlife; and

~~[(5)]~~ ***(V)*** Be approved for use by the Department of Wildlife.

2. As used in this section:

(a) "Domestic use" has the meaning ascribed to it in NRS 534.013 **.** ~~[; and]~~

(b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

(c) "Public agency" means an agency, bureau, board, commission, department or division of this State or a political subdivision of this State.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. ~~[Except as otherwise provided in subsection 5, the]~~ ***The*** State Engineer may ~~[:~~

~~(a) Issue]~~ ***only issue*** temporary permits to appropriate groundwater ~~[which]~~ ***if water cannot be furnished by a public entity such as a water district or municipality presently engaged in furnishing water to the inhabitants thereof. Such temporary permits*** can be limited as to time and ~~[which]~~ may, ~~[except as limited by subsection 4,]~~ be revoked if and when ~~[water]~~ ***:***

(a) Water can be furnished by ~~[an]~~ ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof ~~[.]~~ ***; and***

(b) ***The property served is within 1,250 feet of the water furnished pursuant to paragraph (a).***

➥ The holder of a temporary permit that is revoked pursuant to this subsection must be given 730 days from the date of revocation to connect to the public entity furnishing water.

4. In a basin designated pursuant to NRS 534.030, the State Engineer may:

(a) Deny applications to appropriate groundwater for any use in areas served by ~~[such an]~~ ***a public*** entity ~~[.~~

~~(c)~~] ***such as a water district or a municipality presently engaged in furnishing water to the inhabitants of the area.***

(b) Limit the depth of domestic wells.

[~~(d)~~] ***(c)*** Prohibit the drilling of wells for domestic use [~~, as defined in NRS 534.013,~~] in areas where water can be furnished by [~~an~~] ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

[~~(e)~~] ***(d)*** In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

[~~4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well-drilling rig.~~]

5. [~~The State Engineer may, in~~] ***In*** an area in which have been issued temporary permits pursuant to subsection 3, [~~limit~~] ***the State Engineer:***

(a) Shall:

(1) Deny any applications to appropriate groundwater for use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water;

(2) Limit the depth of a domestic well [~~pursuant to paragraph (c) of subsection 3 or~~] ***; or***

(3) Prohibit the drilling of wells for domestic use in areas where water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants; and

(b) May prohibit repairs from being made to a ***domestic*** well, and may require the person proposing to deepen or repair the ***domestic*** well to obtain water from [~~an~~] ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

[~~(a)~~] ***(1)*** The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

[~~(b)~~] ***(2)*** The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. The provisions of this section do not prohibit the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from ~~[an]~~ ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 27. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year.

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada,

➥ but only if ~~[the charge for making the connection to the service is less than $200.]~~ ***such a well is within 1,250 feet of a municipal water system.***

4. If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:

(a) The owner of the well shall:

(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;

(2) Install a water meter capable of measuring the total withdrawal of water from the well; and

(3) Ensure the total withdrawal of water from the well does not exceed 2 acre-feet per year;

(b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;

(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.

Sec. 27.5. NRS 538.171 is hereby amended to read as follows:

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada under and by virtue of any Act of the Congress of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of such waters, or to change the ***holder of the entitlement to appropriate water,*** place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the Commission in accordance with the regulations of the Commission. In considering such an application, the Commission shall use the criteria set forth in ~~[subsection 3 of]~~ NRS 533.370. The Commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The Commission shall furnish to the State Engineer a copy of all agreements entered into by the Commission concerning the original appropriation and use of such waters. It shall also furnish to the State Engineer any other information it possesses relating to the use of water from the Colorado River which the State Engineer deems necessary to allow the State Engineer to act on applications for permits for the subsequent appropriation of these waters after they fall within the State Engineer's jurisdiction.

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the Commission or by any entity to whom or with whom the Commission has contracted the water is not subject to regulation by the State Engineer.

5. Any use of water from the Muddy River or the Virgin River for the creation of any developed shortage supply or intentionally created surplus does not require the submission of an application to the State Engineer to change the place of diversion, manner of use or place of use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in NRS 533.030.

(b) "Intentionally created surplus" has the meaning ascribed to it in NRS 533.030.

Sec. 28. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 37.5, immediately following section 37, to read as follows:

Sec. 37.5. "General Manager" means the General Manager of the Southern Nevada Water Authority.

Sec. 29. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto new sections to be designated as sections 38.2, 38.4 and 38.6, respectively, immediately following section 38, to read as follows:

Sec. 38.2. 1. If the Federal Government ~~[declares a shortage on]~~ reduces Nevada's allocation of the Colorado River for the upcoming year ~~[,]~~ to 270,000 acre-feet or less, the Board of Directors may limit each single-family residence that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or a member agency of the Southern Nevada Water Authority to not more than 0.5 acre-feet of water for that upcoming year. Any limitation imposed by the Board of Directors may not go into effect before December 31 of the year before the year for which the ~~[shortage is declared.]~~ Federal Government has reduced Nevada's allocation of the Colorado River to 270,000 acre-feet or less.

2. If the Board of Directors limits water usage of single-family residences pursuant to subsection 1, the Southern Nevada Water Authority and the member agencies of the Southern Nevada Water Authority shall notify all customers of the action of the Board of Directors to limit water usage by not later than October 1 of the year before the year for which the ~~[shortage is declared.]~~ Federal Government has reduced Nevada's allocation of the Colorado River to 270,000 acre-feet or less.

3. The Board of Directors shall establish a process to approve a waiver of any limitations imposed pursuant to subsection 1 for certain properties.

Sec. 38.4. 1. Except as otherwise provided in this section, on and after the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority no new septic system may be installed.

2. The General Manager may, in his or her discretion, approve a waiver of the prohibition set forth in subsection 1.

3. The provisions of this section do not apply to any decreed, certificated or permitted right to appropriate water that is diverted from the Virgin River or Muddy River.

4. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground which is typically composed of a septic tank and a subsurface fluid distribution or disposal system.

Sec. 38.6. 1. Except as otherwise provided in this subsection, beginning on the effective date of Assembly Bill No. 220 of the 82nd

Session of the Nevada Legislature, and ending on December 31, 2023, new turf may not be installed on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority. The provisions of this subsection do not apply to the installation of warm-season turf in parks, schools or cemeteries.

2. Except as otherwise provided in subsection 4, on and after January 1, 2024, any new turf that is installed on a parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority must be installed in accordance with any requirements for turf adopted by the Board of Directors pursuant to subsection 3.

3. The Board of Directors shall adopt requirements for the installation of new turf on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority.

4. The General Manager or his or her designee may approve a waiver from the prohibition set forth in subsection 2 or any turf requirements adopted by the Board of Directors pursuant to subsection 3.

Sec. 30. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 39.5, immediately following section 39, to read as follows:

Sec. 39.5. 1. Except as otherwise provided in this section, the Southern Nevada Water Authority shall require the owner of any parcel of property that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority to participate in an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority, if the parcel of property:

(a) Is not used exclusively as a single-family residence; and

(b) Consists of 20,000 square feet or more of turf.

2. The Board of Directors shall:

(a) Develop and establish policies and guidelines for an irrigation water efficiency monitoring program;

(b) Establish deadlines within the service area of the Southern Nevada Water Authority for any owner subject to the requirements of subsection 1 to begin participating in the irrigation water efficiency monitoring program; and

(c) Not later than January 1, 2025, notify the owner of any parcel of property subject to the requirements of subsection 1 that he or she is

required to participate in the irrigation water efficiency monitoring program by the deadline established pursuant to paragraph (b).

3. The General Manager or his or her designee may approve an extension or waiver from:

(a) The provisions of subsection 1; or

(b) The provisions of the policies and guidelines developed pursuant to subsection 2.

Sec. 31. Section 39 of the Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2180, is hereby amended to read as follows:

Sec. 39. 1. Except as otherwise provided in this section, on and after January 1, 2027, the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority may not be used to irrigate nonfunctional turf on any ***parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence.

2. The Board of Directors shall:

(a) Define "functional turf" and "nonfunctional turf" for the purposes of subsection 1 and promulgate the definitions in the service rules ***, ordinances or codes*** of the member agencies of the Southern Nevada Water Authority; and

(b) Develop a plan to identify and facilitate the removal of existing nonfunctional turf within the service area of the Southern Nevada Water Authority on ***each parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence. The plan must, without limitation:

(1) Establish phases for the removal of nonfunctional turf based on categories of water users; and

(2) Establish deadlines within the service area of the Southern Nevada Water Authority for existing customers to remove nonfunctional turf on ***any parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence before December 31, 2026.

3. The ~~[Board of Directors]~~ ***General Manager or his or her designee*** may approve an extension or a waiver from:

(a) The prohibition set forth in subsection 1; and

(b) The provisions of the plan developed pursuant to subsection 2.

4. The provisions of this section do not prohibit a person from:

(a) Complying with any requirement adopted by the governing body of a county or city pursuant to chapter 278 of NRS to maintain open space or drought tolerant landscaping on any property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single family residence; or

(b) Using alternative sources of water to irrigate nonfunctional turf on and after January 1, 2027, on any property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence.

Sec. 32. Section 13 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 13. 1. The Southern Nevada Water Authority may establish and collect each calendar year a fee to be assessed on users of groundwater in the Basin. Money raised from the fees must be used as provided in section 14 of this act.

2. Except as otherwise provided in this section:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $13 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $13.

3. Except as otherwise provided in subsections 4 and 5, if the Southern Nevada Water Authority operates a project for the recharge and recovery or underground storage and recovery of water ***or a program for the conversion of properties served by a septic system*** pursuant to section 14.5 of this act:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $30 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $30.

4. The maximum fees specified in subsections 2 and 3 may be adjusted ***not more than*** once each year for inflation. The maximum amount of the adjustment must be determined by multiplying the respective amounts of the fees by the percentage of inflation, if any. The Consumer Price Index published by the United States Department of Labor for July preceding the year for which the adjustment is made must be used in determining the percentage of inflation.

5. The maximum fees may be increased by an amount that is greater than the amount of the adjustment for inflation as calculated pursuant to subsection 4 only if the increase is approved by the Legislature.

6. As used in this section, "water right" means the legal right to use water that has been appropriated pursuant to chapters 533 and 534 of NRS by means of application, permit, certificate, decree or claim of vested right.

Sec. 33. Section 14.5 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 14.5. ***1.*** The Southern Nevada Water Authority may, in consultation with the Advisory Committee, operate ~~[a]~~ ***:***

(a) A project for the recharge and recovery or underground storage and recovery of water pursuant to chapter 534 of NRS for the benefit of owners of wells in the Basin ~~[.]~~ ***; and***

(b) A program for the conversion of properties served by a septic system to a municipal sewer system.

2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.

Sec. 34. The Southern Nevada Water System Act of 1995, being chapter 393, Statutes of Nevada 1995, at page 963, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. 1. The Board of Directors of the Southern Nevada Water Authority may, by resolution, authorize the General Manager to restrict the use of water:

(a) During any period in which the Federal Government has declared a water shortage in the Colorado River;

(b) If emergency conditions exist; or

(c) If the delivery system is unable to provide adequate volumes of water.

2. Any restrictions imposed by the General Manager pursuant to subsection 1 must be ratified by the Board of Directors of the Southern Nevada Water Authority not more than 15 calendar days after the date the restrictions are imposed.

3. The provisions of this section shall not be construed to authorize the Board of Directors to restrict the use of any water rights held by the United States Department of Defense.

Sec. 34.5. On or before December 31, 2024, a district board of health that creates a voluntary financial assistance program pursuant to section 1 of this act shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Natural Resources and the 83rd Session of the Legislature which sets forth the number of property owners that are participating in the voluntary financial assistance program and any recommendations for legislation.

Sec. 35. (Deleted by amendment.)

Sec. 36. This act becomes effective upon passage and approval.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 735 to Assembly Bill No. 220.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 465.

The following Senate amendment was read:

Amendment No. 747.

ASSEMBLYMEN YEAGER; AND GRAY

JOINT SPONSOR: SENATOR SPEARMAN

AN ACT relating to the state militia; revising the age requirements for enlisted personnel and commissioned officers; revising provisions governing the Adjutant General of the Office of the Military; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the position of the Adjutant General as an appointed member of the military staff of the Governor and grants the Adjutant General the authority to appoint two Assistant Adjutants General that are selected from the commissioned officers of the Armed Forces of the United States. (NRS 412.042, 412.044) **Section 2** of this bill requires that the two Assistant Adjutants General are instead selected from the commissioned officers of the Nevada National Guard.

Existing law further provides that to be eligible for appointment to the office of Adjutant General or Assistant Adjutant General, a person must be an officer of the Armed Forces of the United States and be federally recognized in the grade of colonel or higher. (NRS 412.044, 412.054) **Sections 3 and 4** of this bill require instead that to be eligible for appointment to the office of Adjutant General or Assistant Adjutant General, a person must be an officer of the Nevada National Guard, federally recognized in the grade of colonel or higher and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.

Existing law establishes the Nevada National Guard as an organized body of enlisted personnel between the ages of 17 and 64 years and commissioned officers between the ages of 18 and 64 years. (NRS 412.026) **Section 1** of this bill instead provides that enlisted personnel and commissioned officers serve in accordance with the age requirements set forth under federal law and any applicable regulations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 412.026 is hereby amended to read as follows:

412.026 1. The militia of the State is composed of the Nevada National Guard and, when called into active service by the Governor, reservists to the Nevada National Guard and any volunteer military organizations licensed by the Governor.

2. The Nevada National Guard is an organized body of enlisted personnel ~~[~~between the ages of 17 and 64 years~~]~~ and commissioned officers ~~[~~between the ages of 18 and 64 years,~~]~~ ***who serve in accordance with the age requirements set forth under federal law and any applicable regulations adopted pursuant thereto,*** divided into the Nevada Army National Guard and the Nevada Air National Guard.

3. If a volunteer military organization is formed and becomes licensed by the Governor, it shall consist of an organized body of able-bodied residents of

the State between the ages of 17 and 64 years who are not serving in any force of the Nevada National Guard and who are or who have declared their intention to become citizens of the United States.

Sec. 2. NRS 412.042 is hereby amended to read as follows:

412.042 1. The military staff of the Governor consists of the Adjutant General and not more than two Assistant Adjutants General selected from the commissioned officers of the ~~[Armed Forces of the United States.]~~ ***Nevada National Guard.***

2. The military staff of the Governor shall perform such ceremonial functions and duties as the Governor may prescribe.

Sec. 3. NRS 412.044 is hereby amended to read as follows:

412.044 1. The Governor shall appoint an Adjutant General who shall serve at the pleasure of the Governor or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial. The service of the Adjutant General shall continue while such Adjutant General is serving in a federal active duty status under an order or call by the President of the United States.

2. To be eligible for appointment to the office of Adjutant General, a person must be an officer of the ~~[Armed Forces of the United States]~~ ***Nevada National Guard*** and federally recognized in the grade of colonel or higher ~~[.]~~ ***and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.***

3. The Adjutant General may be appointed in the grade of colonel or higher, but not exceeding that of major general. If appointed in a lower grade, the Adjutant General may be promoted by the Governor to any grade not exceeding that of major general.

Sec. 4. NRS 412.054 is hereby amended to read as follows:

412.054 1. The Adjutant General may appoint two Assistant Adjutants General, one each from the Nevada Army National Guard and the Nevada Air National Guard, who may serve as Chief of Staff for Army and Chief of Staff for Air, respectively, at the pleasure of the Adjutant General or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial.

2. To be eligible for appointment to the office of Assistant Adjutant General, a person must be an officer of the ~~[Armed Forces of the United States]~~ ***Nevada National Guard*** and be federally recognized in the grade of colonel or higher ~~[.]~~ ***and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.***

3. An Assistant Adjutant General may be appointed in the grade of colonel or higher, but not exceeding that of brigadier general. An Assistant Adjutant General may be promoted by the Governor to any grade not exceeding that of brigadier general.

4. The Assistant Adjutants General shall perform such duties as may be assigned by the Adjutant General.

5. Whoever serves as Chief of Staff for Army is in the unclassified service of the State and, except as otherwise provided in NRS 284.143, shall not hold any other city, county, state or federal office of profit.

6. In the event of the absence or inability of the Adjutant General to perform his or her duties, the Adjutant General shall designate by Office regulations:

(a) One of the Assistant Adjutants General to perform the duties of his or her office as Acting Adjutant General.

(b) If neither Assistant Adjutant General is available, any national guard officer to be the Acting Adjutant General.

➥ The designated Assistant Adjutant General or designated officer may continue to receive his or her authorized salary while so serving as Acting Adjutant General, and shall so serve until the Adjutant General is again able to perform the duties of the office, or if the office is vacant, until an Adjutant General is regularly appointed and qualified.

Sec. 5. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 747 to Assembly Bill No. 465.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 256.

The following Senate amendment was read:

Amendment No. 559.

AN ACT relating to education; revising the requirements to receive approval from the State Board of Education to offer a work-based learning program; requiring the Department of Education to adopt regulations prescribing a method for the board of trustees of a school district to determine whether the employment and supervision of a pupil in a work-based learning program is appropriate; authorizing the board of trustees of a school district to exempt certain volunteers participating in a work-based learning program from submitting fingerprints for the purpose of a criminal background check; deeming certain employees of a business, agency or organization that participates in a work-based learning program not to be volunteers at a school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each volunteer at a public school, including a charter school or university school for profoundly gifted pupils, and a private school who is likely to have unsupervised contact with pupils to submit his or her fingerprints to the governing body of a charter school or university school for profoundly gifted pupils, the administrator of the private school or the board of trustees of the school district, as applicable, for the purposes of a criminal background check before beginning his or her service as a volunteer and at least once every 5 years thereafter. (NRS 388A.515, 388C.200, 391.104, 394.155) Existing law defines the term "volunteer" to mean any person who,

without compensation, works at, assists with or oversees any activity or event conducted or sponsored by the school during or outside of school hours. (NRS 388A.510, 388C.190, 391.1035, 394.154)

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon application to and with the approval of the State Board of Education. Under existing law, a work-based learning program must include certain requirements to receive approval from the State Board to offer a work-based learning program. (NRS 389.167) **Section 1.5** of this bill requires a work-based learning program to additionally include a requirement that each pupil participating in the work-based learning program complete training on: (1) identifying and reporting harassment in the workplace; ~~[and]~~ (2) developing and maintaining healthy relationships in the workplace~~[.]~~ **; and (3) identifying the signs of certain predatory behavior.**

Section 2 of this bill requires the Department of Education to prescribe by regulation a method for the board of trustees of a school district to: (1) examine a business, agency or organization seeking to participate in a work-based learning program; and (2) determine if the employment and supervision of a pupil by the business, agency or organization would be appropriate. If the board of trustees of a school district determines the employment and supervision of a pupil in a work-based learning program by the business, agency or organization is appropriate, **section 2** authorizes a board of trustees of a school district to exempt a volunteer employed by the business, agency or organization from submitting his or her fingerprints for the purposes of a criminal background check. **Section 5** of this bill makes a conforming change to specifically exempt such a volunteer from submitting his or her fingerprints for the purposes of a criminal background check. **Section 3** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Sections 1 and 4 of this bill revise the definition of the term "volunteer" for the purposes of public schools to exclude an employee of a business, agency or organization that participates in a work-based learning program, other than an employee who directly oversees the participation of **or has unsupervised contact with** a pupil in the work-based learning program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388A.510 is hereby amended to read as follows:

388A.510 "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a charter school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of any overnight trip.

2. Does not include ~~[a]~~ ***:***

(a) ***A*** student who is enrolled at an institution of higher education and is:

~~[(a)]~~ ***(1)*** Taking a course which requires the student to be present in the classroom of the charter school on a limited basis to observe and to be observed in the classroom; and

~~[(b)]~~ ***(2)*** Under direct supervision of a teacher or his or her professor at all times while in the classroom.

(b) An employee of a business, agency or organization that participates in a work-based learning program pursuant to NRS 389.167, other than an employee who directly oversees the participation of or has unsupervised contact with a pupil in the work-based learning program.

Sec. 1.5. NRS 389.167 is hereby amended to read as follows:

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to and with the approval of the State Board. An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the State Board of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

(a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.

(b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the State Board to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

(a) A detailed training agreement and training plan be completed for each pupil participating in the work-based learning program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program; ~~[and]~~

(c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway ~~[.]~~ ***; and***

(d) Training be completed by each pupil participating in the work-based learning program on:

(1) Identifying and reporting harassment in the workplace; ~~[and]~~

(2) Developing and maintaining healthy relationships in the workplace ~~[.]~~ ; and

(3) Identifying the signs of a person engaging in predatory conduct to prepare a pupil for sexual activity or to foster an inappropriate personal or professional relationship with a pupil, including, without limitation, through communicating or attempting to befriend or establish a relationship or other connection with a parent or legal guardian of a pupil in furtherance of such conduct.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:

(a) The number of pupils participating in the work-based learning program; and

(b) The types of work-based learning offered through the work-based learning program.

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall prescribe by regulation a method for the board of trustees of a school district to determine if a business, agency or organization that is seeking to employ and supervise a pupil as a part of a work-based learning program pursuant to NRS 389.167 should be subject to the provisions of NRS 391.104 requiring a volunteer who is likely to have unsupervised contact with pupils to submit his or her fingerprints for an investigation into the criminal background of the volunteer.

2. The method prescribed by the Department pursuant to subsection 1 must include, without limitation, a process outlining how the board of trustees of a school district shall:

(a) Examine a business, agency or organization seeking to participate in a work-based learning program pursuant to NRS 389.167; and

(b) Determine if the employment and supervision of a pupil in the work-based learning program by the business, agency or organization examined pursuant to paragraph (a) would be appropriate for the pupil.

3. If the board of trustees of a school district determines the employment of a pupil in a work-based learning program pursuant to this section is appropriate for the pupil pursuant to subsection 2, the board of trustees may exempt any volunteers employed by the business, agency or organization from the requirements of NRS 391.104 requiring a volunteer who is likely to have unsupervised contact with pupils to submit his or her fingerprints for an investigation into the criminal background of the volunteer.

Sec. 3. NRS 391.1025 is hereby amended to read as follows:

391.1025 As used in NRS 391.1025 to 391.106, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 391.103 and 391.1035 have the meanings ascribed to them in those sections.

Sec. 4. NRS 391.1035 is hereby amended to read as follows:

391.1035 "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a public school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of an overnight trip.

2. Does not include ~~[a]~~ ***:***

(a) A student who is enrolled at an institution of higher education and is:

~~[(a)]~~ ***(1)*** Taking a course which requires the student to be present in the classroom of the public school on a limited basis to observe and to be observed in the classroom; and

~~[(b)]~~ ***(2)*** Under direct supervision of a teacher or his or her professor at all times while in the classroom.

(b) An employee of a business, agency or organization that participates in a work-based learning program pursuant to NRS 389.167, other than an employee who directly oversees the participation of or has unsupervised contact with a pupil in the work-based learning program.

Sec. 5. NRS 391.104 is hereby amended to read as follows:

391.104 1. Except as otherwise provided in NRS 391.105 ~~[.]~~ ***and section 2 of this act,*** each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 and NRS 391.105.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 or NRS 391.105.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Section 2 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

3. Sections 1, 1.5, 3, 4 and 5 of this act become effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 559 to Assembly Bill No. 256.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 250.

Assemblywoman Jauregui moved that the Assembly recess until 7 p.m.
Motion carried.

Assembly in recess at 2:32 p.m.

ASSEMBLY IN SESSION

At 9:29 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:
Assembly Bill No. 525—AN ACT making appropriations for various purposes relating to health, education and employment; and providing other matters properly relating thereto.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 9.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 24.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 166.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 222.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 232.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 242.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 279.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 301.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 305.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 380.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 390.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 448.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 453.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 455.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 456.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 457.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 458.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 459.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 460.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 461.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 462.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 463.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 464.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 465.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 466.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 468.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 470.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 471.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 472.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 473.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 474.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 476.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 477.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 478.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 479.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 482.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 483.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 484.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 485.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 486.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 487.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 488.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 489.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 491.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 493.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 494.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 497.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 499.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 500.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 72.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 103.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 195.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 240.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 276.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 526—AN ACT relating to state financial administration; providing for the redistribution of certain money authorized for expenditure to certain nonprofit organizations; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 71, 282, 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 260, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 7, 201, 203, 310, 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 130, 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that for the balance of the session, all measures with amendments reported out of committee be placed at the top of the appropriate reading file.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 16.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 785.

AN ACT relating to courts; prescribing the manner for increases in the annual base salary of the justices of the Nevada Supreme Court and the judges

of the Nevada Court of Appeals; **making an appropriation for such increases;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets the annual base salary for justices of the Nevada Supreme Court at $170,000 and for judges of the Nevada Court of Appeals at $165,000. (NRS 2.050, 2A.080) ~~[This]~~ **Sections 1 and 2 of this** bill ~~[provides]~~ **provide** for increases in the annual base salary for justices of the Nevada Supreme Court and judges of the Nevada Court of Appeals every 6 years based upon the cumulative percentage increase in the salaries of the classified employees of this State. **Section 2.5 of this bill makes an appropriation for such increases.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 2.050 is hereby amended to read as follows:

2.050 1. Until the first Monday in January ~~[2009,]~~ ***2025,*** the justices of the Supreme Court whose terms of office expire on the first Monday in January ~~[2009]~~ ***2025*** are entitled to receive an annual base salary of ~~[$140,000. From and after]~~ ***$170,000. On*** the first Monday in January ~~[2009,]~~ ***2025, the annual base salary must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 12 years. Every sixth year thereafter, the annual base salary of*** their successors in office ~~[are entitled to receive an annual base salary of $170,000.]~~ ***must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 6 years.***

2. Until the first Monday in January ~~[2011,]~~ ***2027,*** the justices of the Supreme Court whose terms of office expire on the first Monday in January ~~[2011]~~ ***2027*** are entitled to receive an annual base salary of ~~[$140,000. From and after]~~ ***$170,000. On*** the first Monday in January ~~[2011,]~~ ***2027, the annual base salary must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 12 years. Every sixth year thereafter, the annual base salary of*** their successors in office ~~[are entitled to receive an annual base salary of $170,000.]~~ ***must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 6 years.***

3. Until the first Monday in January ~~[2013,]~~ ***2029,*** the justices of the Supreme Court whose terms of office expire on the first Monday in January ~~[2013]~~ ***2029*** are entitled to receive an annual base salary of ~~[$140,000. From and after]~~ ***$170,000. On*** the first Monday in January ~~[2013,]~~ ***2029, the annual base salary must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 12 years. Every sixth year thereafter, the annual base salary of*** their successors in office ~~[are entitled to receive an~~

~~annual base salary of $170,000.]~~ ***must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 6 years.***

4. All salaries provided for in this section are payable in biweekly installments as other state officers are paid.

Sec. 2. NRS 2A.080 is hereby amended to read as follows:

2A.080 1. ~~[The]~~ ***Until the first Monday in January 2029, the*** annual base salary of each judge of the Court of Appeals is $165,000. ***On the first Monday in January 2029 and on the first Monday of every sixth year thereafter, the annual base salary of his or her successor in office must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 6 years.***

2. A judge of the Court of Appeals who has served as a justice of the Supreme Court, judge of the Court of Appeals or judge of a district court, or any combination thereof, for at least 4 years is entitled to an additional salary of 2 percent of his or her annual base salary for each year of service. The additional salary must not exceed 22 percent of his or her annual base salary.

3. The salary provided for in this section is payable in biweekly installments as other state officers are paid.

Sec. 2.5. **1. There is hereby appropriated from the State General Fund to the State Judicial Elected Officials Account the sum of $86,113 for Fiscal Year 2024-2025 for increases in the salary of justices of the Supreme Court and judges of the Court of Appeals.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 3. **1.** This ~~[act becomes]~~ **section and sections 1 and 2 of this act become** effective on July 1, 2023.

2. Section 2.5 of this act becomes effective on July 1, 2024.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 130.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 808.

AN ACT relating to assisted living; revising provisions governing the program to award competitive grants from the Fund for a Healthy Nevada to certain assisted living facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Fund for a Healthy Nevada in the State Treasury and requires the State Treasurer to deposit in the Fund a portion of all money received by this State resulting from any settlement or judgment in a civil action against a manufacturer of tobacco products. (NRS 439.620) Existing law requires the Department of Health and Human Services to allocate $200,000 of all revenues deposited in the Fund each year for direct expenditure by the Director of the Department to award competitive grants to finance the establishment or expansion of assisted living facilities that provide certain services pursuant to a program established under Medicaid. (NRS 439.630) In order to provide such services, existing law requires an assisted living facility to be certified as meeting certain criteria relating to affordability, the provision of case management services and financing. (NRS 319.147, 422.3962) This bill **[**~~: (1) increases the amount allocated from the Fund to support such grants to $1,000,000; and (2) additionally~~**]** authorizes the use of such grants to fund the operation of such assisted living facilities. This bill also requires the Director, when awarding such grants, to prioritize assisted living facilities that meet certain criteria relating to affordability, the provision of case management services and financing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Department shall:

(a) Conduct, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct, public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent alcohol and other substance use disorders; and

(4) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities, and report the results of the evaluation to the Joint Interim Standing Committee on Health and Human Services on an annual basis.

(c) Subject to legislative authorization, allocate money for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, for senior citizens and persons with disabilities pursuant to NRS 439.635 to 439.690, inclusive. From the money allocated pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens and persons with disabilities pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, the Interim Finance Committee, the Joint Interim Standing Committee on Health and Human Services and any other committees or commissions the Director deems appropriate regarding the general manner in which expenditures have been made pursuant to this paragraph.

(d) Subject to legislative authorization, allocate, by contract or grant, money for expenditure by the Aging and Disability Services Division of the Department in the form of grants for existing or new programs that assist senior citizens and other specified persons with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of informal caretakers, including, without limitation, informal caretakers of any person with Alzheimer's disease or other related dementia regardless of the age of the person;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

➥ The Aging and Disability Services Division of the Department shall consider recommendations from the Grants Management Advisory Committee concerning the independent living needs of senior citizens.

(e) Allocate $200,000 ~~***[$1,000,000]***~~ of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Director to award competitive grants to finance the establishment ***,*** ~~**[**or**]**~~ expansion ***and operation*** of assisted living facilities that provide services pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.3962. The Director shall develop policies and procedures for awarding grants pursuant to this paragraph ~~**[**.**]**~~ ***that prioritize assisted living facilities that demonstrate the ability to meet the criteria for certification pursuant to NRS 319.147.*** If any money allocated pursuant to this paragraph remains after awarding grants to all eligible applicants, the Director must reallocate such money to the Aging and Disability Services Division of the Department to be used for the purposes described in paragraph (d).

(f) Subject to legislative authorization, allocate to the Division money for programs that are consistent with the guidelines established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services relating to evidence-based best practices to prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco. In making allocations pursuant to this paragraph, the Division shall allocate the money, by contract or grant:

(1) To the district board of health in each county whose population is 100,000 or more for expenditure for such programs in the respective county;

(2) For such programs in counties whose population is less than 100,000; and

(3) For statewide programs for tobacco cessation and other statewide services for tobacco cessation and for statewide evaluations of programs which receive an allocation of money pursuant to this paragraph, as determined necessary by the Division and the district boards of health.

(g) Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of residents of this State, including, without limitation, programs that improve health services for children.

(h) Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Department shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite care or relief of informal caretakers for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(i) Maximize expenditures through local, federal and private matching contributions.

(j) Ensure that any money expended from the Fund will not be used to supplant existing methods of funding that are available to public agencies.

(k) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

(l) To make the allocations required by paragraphs (f), (g) and (h):

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) Review and consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

(5) Submit annual reports concerning the programs to the Governor, the Interim Finance Committee, the Joint Interim Standing Committee on Health and Human Services and any other committees or commissions the Director deems appropriate.

(m) Transmit a report of all findings, recommendations and expenditures to the Governor, each regular session of the Legislature, the Joint Interim Standing Committee on Health and Human Services and any other committees or commissions the Director deems appropriate.

(n) After considering the recommendations submitted to the Director pursuant to subsection 6, develop a plan each biennium to determine the percentage of available money in the Fund for a Healthy Nevada to be allocated from the Fund for the purposes described in paragraphs (c), (d), (f), (g) and (h). The plan must be submitted as part of the proposed budget submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210.

(o) On or before September 30 of each even-numbered year, submit to the Grants Management Advisory Committee, the Nevada Commission on Aging created by NRS 427A.032 and the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211 a report on the funding plan submitted to the Chief of the Budget Division of the Office of Finance pursuant to paragraph (n).

2. The Department may take such other actions as are necessary to carry out its duties.

3. To make the allocations required by paragraph (d) of subsection 1, the Aging and Disability Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens and other specified persons for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens and other specified persons upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging and Disability Services Division pursuant to paragraph (d) of subsection 1 to the Governor, the Interim Finance Committee, the Joint Interim Standing Committee on Health and Human Services and any other committees or commissions the Director deems appropriate.

4. The Aging and Disability Services Division of the Department shall submit each proposed grant or contract which would be used to expand or

augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging and Disability Services Division of the Department shall not expend or transfer any money allocated to the Aging and Disability Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens or persons with disabilities pursuant to NRS 439.635 to 439.690, inclusive.

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

6. On or before June 30 of each even-numbered year, the Grants Management Advisory Committee, the Nevada Commission on Aging and the Nevada Commission on Services for Persons with Disabilities each shall submit to the Director a report that includes, without limitation, recommendations regarding community needs and priorities that are determined by each such entity after any public hearings held by the entity.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 451.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 810.

SUMMARY—Revises provisions relating to certain employees in the ~~[Office of Finance in the Office of the Governor.]~~ **Executive Department of the State Government.** (BDR 23-1085)

AN ACT relating to state employees; providing that an employee in the unclassified service of the Budget Division of the Office of Finance is entitled to compensation for overtime under certain circumstances; **requiring the Division of Human Resource Management of the Department of Administration to conduct a study relating to the pay of certain positions within the Executive Department of the State Government; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Budget Division of the Office of Finance in the Office of the Governor. (NRS 223.400) Under existing law, the Budget Division has various duties and powers including, without limitation, the preparation of: (1) the executive budget report for the Governor's approval and submission to the Legislature; and (2) the proposed budget for the Executive Department of the State Government. (NRS 353.185) Under existing law, certain employees in the unclassified service are not entitled to compensation for overtime. (NRS 284.148) ~~[This]~~ **Section 1 of this** bill provides that such an employee in the Budget Division is entitled to compensation for overtime performed when the employee is doing work relating to the preparation of the executive budget report or proposed budget during the period beginning on September 1 of an even-numbered year and ending on January 31 of the following year. **Section 2 of this bill provides that the provisions of section 1 expire by limitation on June 30, 2025.**

Section 1.3 of this bill requires the Division of Human Resource Management of the Department of Administration to: (1) conduct a study, or contract with a third party to conduct a study, to evaluate the pay of all classified and unclassified positions within the Executive Department of the State Government; and (2) submit a report of the findings of the study to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and the Interim Finance Committee. Section 1.7 of this bill makes an appropriation to the Division of Human Resource Management for the costs of the study.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.148 is hereby amended to read as follows:

284.148 1. An elected officer or an employee in the unclassified service who is on the personal staff of an elected officer, an appointed head of a department or division who serves at the pleasure or discretion of an elected officer or an executive, administrative or professional employee within the meaning of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq.:

(a) Must be paid on a salary basis, within a maximum amount established by law;

(b) ~~[Is]~~ ***Except as otherwise provided in subsection 4, is*** not entitled to compensation for overtime; and

(c) Is not subject to disciplinary suspensions for less than 1 week.

2. An employee in the classified service who is an executive, administrative or professional employee within the meaning of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., and who is either a head of a department, division or bureau, or a doctoral level professional:

(a) Must be paid on a salary basis;

(b) Is not entitled to compensation for overtime; and

(c) Is not subject to disciplinary suspensions for less than 1 week.

3. Unless otherwise specified by statute, the Division shall determine which positions in the classified and unclassified service are subject to the provisions of this section.

4. An employee in the unclassified service of the Budget Division of the Office of Finance is entitled to compensation for overtime performed when the employee is doing work relating to the preparation of the executive budget report or the proposed budget for the Executive Department of the State Government during the period beginning on September 1 of an even-numbered year and ending on January 31 of the following year.

Sec. 1.3. **1. The Division of Human Resource Management of the Department of Administration shall conduct a comprehensive salary study, or contract with a third party to conduct such a study, to evaluate the pay of all classified and unclassified positions within the Executive Department of the State Government, including, without limitation, a review of the feasibility or desirability of providing compensation for overtime for positions which are currently not entitled to such compensation.**

2. Not later than December 31, 2024, the Division of Human Resource Management shall prepare and submit a report of the findings of the study conducted pursuant to subsection 1 to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and the Interim Finance Committee.

Sec. 1.7. **1. There is hereby appropriated from the State General Fund to the Division of Human Resource Management of the Department of Administration the sum of $500,000 for the costs of conducting the study required by section 1.3 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. **1.** This **section becomes effective upon passage and approval.**

2. Sections 1.3 and 1.7 of this act ~~[becomes]~~ **become** effective on July 1, 2023.

3. Section 1 of this act becomes effective on July 1, 2023, and expires by limitation on June 30, 2025.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 788.

AN ACT relating to health care; revising the entities required to be licensed as nursing pools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) defines the term "nursing pool" to mean a person or agency which provides, through its employees or by a contractual arrangement with other persons, nursing services to any natural person, medical facility or facility for the dependent; and (2) requires the licensure and regulation of a nursing pool as a medical facility. (NRS 449.0151, 449.0153, 449.030) This bill revises the definition of the term "nursing pool" to only include a person or agency which provides, through its employees or by contractual arrangement with other persons, infusion or private duty nursing services to a natural person. This bill also exempts from that definition: (1) a nursing pool providing staff for a medical facility or facility for the dependent; (2) **an entity that assists a medical facility in contracting with or hiring a provider of health care or other person involved in the provision of health care under certain circumstances; (3)** a licensed private employment agency; and ~~[(3)]~~ **(4)** a licensed professional employer organization. This bill thus exempts such entities from licensure and regulation as medical facilities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.0153 is hereby amended to read as follows:

449.0153 1. "Nursing pool" means a person or agency which provides for compensation, through its employees or by contractual arrangement with other persons, ***infusion or private duty*** nursing services to any natural person**.** ~~**[**, medical facility or facility for the dependent.**]**~~

2. The term does not include:

(a) An independent contractor who provides such services without the assistance of employees;

(b) A nursing pool based in ***or providing staff for*** a medical facility or facility for the dependent;

(c) A provider of community-based living arrangement services during any period in which the provider of community-based living arrangement services is engaged in providing community-based living arrangement services; ~~**[**or**]**~~

(d) A provider of supported living arrangement services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services ~~**[**.**]**~~ ***;***

(e) An entity that assists a medical facility in contracting with or hiring a provider of health care or other person involved in the provision of health care if:

(1) The provider of health care or other person is not an employee of the entity assisting in the hiring or contracting of the provider of health care or other person; and

(2) The medical facility sets the terms of employment of the provider of health care or other person, including, without limitation, compensation;

(f) A private employment agency licensed pursuant to NRS 611.045; or

~~(f)~~ (g) A professional employer organization licensed pursuant to NRS 611.410.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 480.

Bill read second time and ordered to third reading.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 775.

SUMMARY—Makes an appropriation to the Legislative Fund for ~~[capital improvement projects for facilities]~~ **annual dues for national organizations, a passenger van** and information technology services projects. (BDR S-1141)

AN ACT making an appropriation to the Legislative Fund for ~~[capital improvement projects for facilities]~~ **annual dues for national organizations, a passenger van** and information technology services projects; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of ~~[$25,587,290 for capital improvement projects for facilities]~~ **$3,974,486 for annual dues for national organizations, a passenger van** and information technology services projects.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 493.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 772.

AN ACT making an appropriation to the Nevada System of Higher Education for an interim study of the funding formula for the System; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$5,000,000]~~ **$2,000,000** for the System Administration budget account for an interim study of the funding formula for the System.

2. The Nevada System of Higher Education shall submit a report of the results of the study, including any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmission to the 83rd Session of the Nevada Legislature.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 495.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 773.

AN ACT making appropriations to the Nevada Highway Patrol Division of the Department of Public Safety for the replacement or purchase of vehicles, motorcycles, weapons and certain equipment and a staffing study; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the

sum of $11,948,770 for the replacement of fleet vehicles and associated special equipment.

Sec. 2. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $275,859 for the replacement of fleet motorcycles and associated special equipment.

Sec. 3. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of ~~[$66,620]~~ **$77,120** for the replacement of vehicle hoists, tire changing machines and a forklift.

Sec. 4. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $987,548 for the replacement of ballistic rifle vests, helmets, patrol rifles and red dot sights.

Sec. 5. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $702,720 for the replacement of taser weapons.

Sec. 6. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $438,385 for the replacement of mobile data computers.

Sec. 7. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $43,370 for the replacement of radar certification systems.

Sec. 8. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $1,783,667 for the replacement of portable event recording devices and associated software.

Sec. 9. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $39,990 for the replacement of equipment for weighing vehicles.

Sec. 10. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $422,122 for the replacement of computer hardware and associated software.

Sec. 11. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $13,004 for the purchase of oil filter crushers and a steel shipping container for use as a fabrication workspace.

Sec. 12. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $415,525 for the purchase of oral fluid mobile testing devices and cartridges.

Sec. 13. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of ~~[$50,000]~~ **$74,889** for a staffing study of the Division.

Sec. 14. Any remaining balance of the appropriations made by sections 1 to 13, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 19, 2025.

Sec. 15. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 774.

AN ACT making a supplemental appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services for an unanticipated revenue shortfall and an increase in operating costs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of **[**~~$589,999~~**]** **$471,798** for an unanticipated revenue shortfall and an increase in operating costs. This appropriation is supplemental to that made by section 17 of chapter 310, Statutes of Nevada 2021, at page 1804.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 811.

The Title of Assembly Bill No. 503 is hereby amended as follows:

AN ACT relating to background checks; ~~[revising provisions authorizing a person to petition certain professional or occupational licensing boards or public officers to review his or her criminal history and determine whether the person is able to obtain a particular license, permit, certificate, registration or qualification; prohibiting certain professional or occupational licensing boards, public officers and regulatory bodies from including information concerning the criminal history of a person in certain reports submitted to the Director of the Legislative Counsel Bureau and the Sunset Subcommittee of the Legislative Commission, as applicable;]~~ establishing requirements relating to investigations into the criminal backgrounds of volunteers of a charter school, university school for profoundly gifted pupils or school district who are likely to have unsupervised contact with pupils; removing provisions authorizing the disclosure of information relating to the criminal history of an applicant for a license as a teacher or another educational personnel position to the administrator of a private school; removing certain requirements imposed on the Department of Education regarding persons whose applications for a license are denied because of a conviction of a sexual offense involving a minor; revising provisions concerning applicants for employment with a school district who are required to submit fingerprints to the school district; removing provisions requiring an applicant for employment with or employee of a private school or volunteer to submit fingerprints to the administrator of the private school and accordingly repealing provisions concerning exceptions to such a requirement; requiring applicants for ~~[various]~~ **certain** licenses, certificates ~~[, registrations,]~~ **or** permits ~~[or similar types of authorization]~~ to submit to the applicable regulatory body a complete set of fingerprints and written permission authorizing the applicable regulatory body to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; removing the applicability of certain requirements to applicants for a license to practice any of the special branches of dental hygiene, dental therapy or dentistry; defining the term "dentistry"; revising provisions of the Psychology Interjurisdictional Compact concerning the disclosure of certain information relating to licensed psychologists; defining certain terms relating to reports on the criminal history of certain persons associated with ~~[medical laboratories,]~~ medical cannabis establishments and adult-use cannabis establishments; ~~[repealing certain provisions relating to regulatory bodies;]~~ and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

~~[Existing law authorizes a regulatory body to develop and implement a process by which a person with a criminal history is able to petition the regulatory body to review such criminal history and determine whether the person is disqualified from obtaining a license from the regulatory body~~

~~because of such criminal history. Existing law also authorizes the regulatory body to request the criminal history record of a person who petitions the regulatory body for such a determination and requires the person to submit his or her criminal history record which includes reports from the Central Repository for Nevada Records of Criminal History (hereinafter "Central Repository") and the Federal Bureau of Investigation (hereinafter "FBI"). (NRS 622.085) Existing law replicates these provisions for various professional or occupational licensing boards and public officers that issue licenses, permits, certificates, registrations or qualifications. (NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 678B.630, 706.4626) Section 89 of this bill repeals such provisions concerning a regulatory body and repeals certain other provisions that impose requirements on regulatory bodies in general. Sections 1, 3-6, 14-18, 21-23, 26-46, 86 and 87 of this bill provide that a person who petitions a particular professional or occupational licensing board or public officer to review the criminal history of the person and make a determination regarding the ability of the person to obtain a license, permit, certificate, registration or qualification is : (1) required to submit to the applicable board or public officer a complete set of fingerprints and written permission authorizing the board or public officer to forward the fingerprints to the Central Repository for its report on the criminal history of the person and for submission to the FBI for its report on the criminal history of the person; and (2) prohibited from receiving the reports from the Central Repository and the FBI.~~

~~Existing law requires certain professional or occupational licensing boards and public officers to whom a person submits a petition to review the criminal history of the person and make a determination regarding the ability of the person to obtain a license, permit, certificate, registration or qualification to submit to the Director of the Legislative Counsel Bureau, on a quarterly basis, a report that includes: (1) the number of such petitions submitted to the professional or occupational licensing board or public officer; (2) the number of determinations of disqualification made; (3) the reasons for such determinations; and (4) any other information requested by the Director or which the professional or occupational licensing board or public officer determines would be helpful. (NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 678B.630, 706.4626) Sections 1, 3-6, 14-18, 21-23, 26-46, 86 and 87 prohibit professional or occupational licensing boards and public officers from including in such a report any information concerning the~~

~~criminal history of a person that is obtained from a report received from the Central Repository or the FBI. Section 47 of this bill similarly prohibits a regulatory body from including any information concerning a person that is obtained from a report received from the Central Repository or the FBI in certain quarterly reports submitted to the Director of the Legislative Counsel Bureau.~~

~~Existing law requires the Sunset Subcommittee of the Legislative Commission to conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate. For the purposes of such a review, each professional or occupational licensing board and regulatory body subject to review is required to submit certain information to the Sunset Subcommittee. (NRS 232B.237) Section 2 of this bill prohibits a professional or occupational licensing board or regulatory body from including any information concerning the criminal history of a person that is obtained from a report received from the Central Repository or the FBI as part of the information submitted to the Sunset Subcommittee.~~**]**

Existing law establishes certain circumstances in which a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school, the governing body of a university school for profoundly gifted pupils or the board of trustees of a school district. (NRS 388A.516, 388C.205, 391.105) **Sections 7, 8 and 11** of this bill establish requirements relating to investigations into the criminal background of such volunteers that are conducted in such circumstances.

Existing law requires an applicant for a license as a teacher or another educational personnel position to submit to the Superintendent of Public Instruction a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for its report on the criminal history of the applicant and for submission to the ~~[~~FBI~~]~~ **Federal Bureau of Investigation (hereinafter "FBI")** for its report on the criminal history of the applicant. Existing law requires the Superintendent to forward the information obtained from an investigation of the applicant to the board of trustees of a school district, the governing body of a charter school or the university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. (NRS 391.033) **Section 9** of this bill removes such a requirement. Existing law also requires the Department of Education to: (1) maintain a list of the names of persons whose applications for a license are denied due to conviction of a sexual offense involving a minor; (2) update the list monthly; and (3) provide the list to the board of trustees of a school district or the governing body of a charter school upon request. (NRS 391.033) **Section 9** removes such provisions.

Existing law authorizes the board of trustees of a school district to employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed

personnel in the instruction or supervision of children. (NRS 391.100) **Section 10** of this bill replaces the term "other auxiliary, nonprofessional personnel" with the term "paraprofessionals."

Existing law requires certain applicants for employment with and employees of a private school and volunteers at a private school who are likely to have unsupervised contact with pupils to submit to the administrator of the private school, before beginning employment and at least once every 5 years thereafter, a complete set of fingerprints of the applicant, employee or volunteer and written permission authorizing the administrator to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant, employee or volunteer and for submission to the FBI for its report on the criminal history of the applicant, employee or volunteer. (NRS 394.155) Existing law also provides exceptions to such a requirement in certain circumstances for volunteers at a private school who are likely to have unsupervised contact with pupils. (NRS 394.157) **Section 13** of this bill removes such provisions requiring the submission of fingerprints to the administrator of a private school, and **section 89** of this bill accordingly repeals the exceptions to such a requirement. **Section 12** of this bill makes a conforming change to remove a reference to the repealed section containing the exceptions to such a requirement.

~~**[**Sections 19 and 20 of this bill require an applicant for licensure to operate a crematory, or certain specific persons if the applicant is a partnership, corporation or other form of business organization, and an applicant for a certificate of authority to engage in the business of operating a cemetery, and certain other persons named in the application, to submit to the Nevada Funeral and Cemetery Services Board a complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant or other person, as applicable, and for submission to the FBI for its report on the criminal history of the applicant or other person, as applicable.~~

~~Existing law requires the Nevada Gaming Commission to provide by regulation for the registration of club venue employees and associated matters and authorizes such regulations to require the registration of certain third-party contractors who provide services to club venues. (NRS 463.15999) Existing law also requires the Nevada Gaming Commission to adopt regulations which require certain persons who manufacture or distribute associated equipment for use in this State to register with the Nevada Gaming Control Board. (NRS 463.665) Sections 24 and 25 of this bill require an applicant for registration as a club venue employee, a third-party contractor required to apply for registration and an applicant for registration to manufacture or distribute associated equipment in this State to submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant or third-party contractor, as applicable, and for submission to the~~

~~FBI for its report on the criminal history of the applicant or third-party contractor, as applicable.~~

~~Existing law establishes the requirements for the application for and issuance of professional and occupational licenses, certificates, registrations, permits or similar types of authorization by various state agencies, boards and commissions. (Title 54 of NRS) Sections 48-50, 54-58, 61, 65-67 and 69-79 of this bill provide that an applicant for certain licenses, certificates, registrations, permits or similar types of authorization, in addition to satisfying any other requirements, is: (1) required to submit to the applicable regulatory body a complete set of fingerprints and written permission authorizing the body to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant and for submission to the FBI for its report on the criminal history of the applicant; and (2) prohibited from receiving the reports from the Central Repository and the FBI. Sections 59, 62 and 63 of this bill make a conforming change to indicate the proper placement of section 58 in the Nevada Revised Statutes, and section 68 of this bill makes a conforming change to indicate the proper placement of section 67 in the Nevada Revised Statutes.~~**]**

Existing law requires every applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, to satisfy certain requirements as part of the application process. (NRS 631.220) **Section 53** of this bill removes the applicability of the requirements to such special branches. **Section 51** of this bill defines the term "dentistry," and **section 52** of this bill makes a conforming change to indicate the proper placement of **section 51** in the Nevada Revised Statutes.

Existing law enacts the Psychology Interjurisdictional Compact, which is designed, in general, to allow telepsychological practice across state lines and temporary in-person, face-to-face services into a state in which a psychologist is not licensed to practice psychology. The Compact requires the Psychology Interjurisdictional Compact Commission to provide for the development and maintenance of a Coordinated Licensure Information System (hereinafter "Coordinated Database") to which a compact state is required to submit certain information concerning licensees. The Compact also authorizes the Commission to convene in a closed, nonpublic meeting if the Commission must discuss certain information, including the disclosure of investigatory records compiled for law enforcement purposes. (NRS 641.227) **Section 60** of this bill: (1) prohibits a compact state from submitting to the Coordinated Database any information concerning the criminal history of a licensee that is included in a report from the Central Repository or the FBI; and (2) removes the ability of the Commission to discuss the disclosure of investigatory records compiled for law enforcement purposes.

[~~Existing law prohibits, in general, a person from operating, conducting, issuing a report from or maintaining a medical laboratory without first obtaining a license to do so issued by the Division of Public and Behavioral Health of the Department of Health and Human Services and sets forth the~~

~~application requirements for such a license. (NRS 652.080, 652.090) Section 77 of this bill requires, as part of the application process, each applicant for a license and certain persons associated with a medical laboratory to submit a complete set of fingerprints and written permission authorizing the Division to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant or other person, as applicable, and for submission to the FBI for its report on the criminal history of the applicant or other person, as applicable. Sections 72-77 of this bill define certain terms relating to such an application process.~~**]**

Existing law establishes the requirements for the licensing of marriage and family therapists, clinical professional counselors, marriage and family therapist interns and clinical professional counselor interns. (NRS 641A.210-641A.2888) Section 61 of this bill provides that an applicant for a license to practice as a marriage and family therapist or clinical professional counselor, a license by endorsement to practice as a marriage and family therapist or clinical professional counselor or a license as a marriage and family therapist intern or clinical professional counselor intern, in addition to satisfying any other requirements, is required to submit to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors a complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant and for submission to the FBI for its report on the criminal history of the applicant.

Existing law requires an applicant for any license, permit or certificate issued by the Nevada Funeral and Cemetery Services Board to submit a complete set of his or her fingerprints to the Board. (NRS 642.511) Section 65 of this bill sets forth the specific licenses, permits and certificates for which an applicant is applying that require the submission of his or her fingerprints to the Board.

Existing law requires each applicant for a license to engage in the business of a medical cannabis establishment or an adult-use cannabis establishment and certain other persons associated with the proposed medical cannabis establishment or adult-use cannabis establishment to submit a complete set of the person's fingerprints and written permission authorizing the Cannabis Compliance Board to forward the fingerprints to the Central Repository for submission to the FBI for its report on the criminal history of the applicant or other person, as applicable. (NRS 678B.210, 678B.250) **Sections 81-84** of this bill define certain terms for the purposes of such provisions. **Section 85** of this bill makes a conforming change to indicate the proper placement of **sections 81-84** in the Nevada Revised Statutes.

[~~Section 64 of this bill revises certain language concerning applicants for a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician to reflect, consistent with the language used in this bill, that the written authorization of the applicant for his or her~~

~~fingerprints to be forwarded to the Central Repository and to the FBI is for the purpose of obtaining a report of the criminal history of the applicant from the Central Repository and a report of the criminal history of the applicant from the FBI. Section 88 of this bill requires the Legislative Counsel, when preparing the reprint and supplements to the Nevada Revised Statutes, to appropriately revise any references to a person providing written permission for his or her fingerprints to be forwarded to the Central Repository and the FBI in the same manner or in a manner that is otherwise consistent with the revisions made in this bill.~~]

Section 1 of Assembly Bill No. 503 is hereby amended as follows:

Section 1. (Deleted by amendment.)

Section 2 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 2. (Deleted by amendment.)

Section 3 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 3. (Deleted by amendment.)

Section 4 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 4. (Deleted by amendment.)

Section 5 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 5. (Deleted by amendment.)

Section 6 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 6. (Deleted by amendment.)

Section 14 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 14. (Deleted by amendment.)

Section 15 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 15. (Deleted by amendment.)

Section 16 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 16. (Deleted by amendment.)

Section 17 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 17. (Deleted by amendment.)

Section 18 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 18. (Deleted by amendment.)

Section 19 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 19. (Deleted by amendment.)

Section 20 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 20. (Deleted by amendment.)

Section 21 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 21. (Deleted by amendment.)

Section 22 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 22. (Deleted by amendment.)

Section 23 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 23. (Deleted by amendment.)

Section 24 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 24. (Deleted by amendment.)

Section 25 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 25. (Deleted by amendment.)

Section 26 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 26. (Deleted by amendment.)

Section 27 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 27. (Deleted by amendment.)

Section 28 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 28. (Deleted by amendment.)

Section 29 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 29. (Deleted by amendment.)

Section 30 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 30. (Deleted by amendment.)

Section 31 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 31. (Deleted by amendment.)

Section 32 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 32. (Deleted by amendment.)

Section 33 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 33. (Deleted by amendment.)

Section 34 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 34. (Deleted by amendment.)

Section 35 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 35. (Deleted by amendment.)

Section 36 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 36. (Deleted by amendment.)

Section 37 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 37. (Deleted by amendment.)

Section 38 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 38. (Deleted by amendment.)

Section 39 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 39. (Deleted by amendment.)

Section 40 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 40. (Deleted by amendment.)

Section 41 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 41. (Deleted by amendment.)

Section 42 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 42. (Deleted by amendment.)

Section 43 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 43. (Deleted by amendment.)

Section 44 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 44. (Deleted by amendment.)

Section 45 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 45. (Deleted by amendment.)

Section 46 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 46. (Deleted by amendment.)

Section 47 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 47. (Deleted by amendment.)

Section 48 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 48. **(Deleted by amendment.)**

Section 49 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 49. **(Deleted by amendment.)**

Section 50 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 50. **(Deleted by amendment.)**

Section 54 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 54. **(Deleted by amendment.)**

Section 55 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 55. **(Deleted by amendment.)**

Section 56 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 56. **(Deleted by amendment.)**

Section 57 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 57. **(Deleted by amendment.)**

Section 58 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 58. **(Deleted by amendment.)**

Section 59 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 59. **(Deleted by amendment.)**

Section 61 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 61. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter, an applicant for a license to practice as a marriage and family therapist or clinical professional counselor, a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, a license as a marriage and family therapist intern or a license as a clinical professional counselor intern that is issued pursuant to this chapter ~~*[,*~~

~~*1. Shall]*~~ ***shall*** *submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.* ~~*[; and*~~

~~*2. Is prohibited from receiving the reports obtained pursuant to subsection 1.]*~~

Section 62 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 62. **(Deleted by amendment.)**

Section 63 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 63. **(Deleted by amendment.)**

Section 64 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 64. **(Deleted by amendment.)**

Section 65 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 65. NRS 642.511 is hereby amended to read as follows:

642.511 ~~[An]~~ ***In addition to any other requirements set forth in this chapter, an*** applicant for ~~[any]~~ ***a*** license ~~[, permit or]~~ ***to practice the profession of embalming, a*** certificate ***of registration to serve as a registered apprentice***

to a licensed embalmer, a funeral director's license, a license as a funeral arranger, a permit to operate a funeral establishment or a permit to operate a direct cremation facility that is issued ~~[by the Board must]~~ ***pursuant to this chapter*** ~~*[:*~~

~~*1. Shall]*~~ ***shall*** submit ~~[as part of his or her application]~~ ***to the Board*** a complete set of fingerprints and written permission authorizing the Board to forward ~~[the]~~ ***those*** fingerprints to the Central Repository for Nevada Records of Criminal History ***for its report on the criminal history of the applicant and*** for submission to the Federal Bureau of Investigation for its report ~~[.]~~ ***on the criminal history of the applicant. [; and***

~~*2. Is prohibited from receiving the reports obtained pursuant to subsection 1.]*~~

Section 66 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 66. (Deleted by amendment.)

Section 67 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 67. (Deleted by amendment.)

Section 68 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 68. (Deleted by amendment.)

Section 69 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 69. (Deleted by amendment.)

Section 70 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 70. (Deleted by amendment.)

Section 71 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 71. (Deleted by amendment.)

Section 72 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 72. (Deleted by amendment.)

Section 73 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 73. (Deleted by amendment.)

Section 74 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 74. (Deleted by amendment.)

Section 75 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 75. (Deleted by amendment.)

Section 76 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 76. (Deleted by amendment.)

Section 77 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 77. (Deleted by amendment.)

Section 78 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 78. (Deleted by amendment.)

Section 79 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 79. (Deleted by amendment.)

Section 82 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 82. ***"Officer" means a natural person who:***

1. Is proposed to hold the title of, or be designated by a proposed cannabis establishment as, ~~*[an officer of the cannabis establishment, including, without limitation,]*~~ ***a president, vice president, secretary,***

treasurer, manager, chief executive officer, chief operating officer or chief financial officer of the cannabis establishment **;** ~~***[or anyone in charge of a principal business unit or function of the cannabis establishment;]***~~ ***and***

2. May or may not be an owner of the proposed cannabis establishment.

Section 83 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 83. ***"Owner" means*** ***a natural person who is*** ***the holder of any ownership interest in a proposed cannabis establishment.***

Section 86 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 86. (Deleted by amendment.)

Section 87 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 87. (Deleted by amendment.)

Section 88 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 88. (Deleted by amendment.)

Section 89 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 89. NRS 394.157 ~~**[**, 622.085, 622.360, 622.530**]**~~ and 644A.465 are hereby repealed.

Section 91 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 91. ~~**[1.]**~~ This act becomes effective upon passage and approval.

~~**[**2. Section 68 of this act expires by limitation 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.**]**~~

Amend the bill as a whole by adding the text of the repealed section(s) to read as follows:

~~[LEADLINES]~~ TEXT OF REPEALED SECTIONS

394.157 Conditions under which volunteer not required to submit fingerprints.

1. A volunteer at a private school who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the administrator of the private school pursuant to NRS 394.155 if:

(a) The volunteer submits a statement from an entity described in this subsection that is acceptable to the administrator or other sufficient evidence to the administrator of the private school or the administrator otherwise determines that, within a time period deemed acceptable by the administrator, another entity determined the volunteer to be eligible for employment or licensure or to serve as a volunteer;

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation includes the submission of fingerprints to the Federal Bureau of Investigation; and

(c) The administrator accepts the investigation. An administrator may, in his or her discretion, accept or reject an investigation described in this section for any reason.

2. In addition to the exceptions described in subsection 1, a volunteer at a private school who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the administrator of the private school pursuant to NRS 394.155 if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

~~[622.085 Development and implementation of process for preliminary determination of whether person's criminal history will disqualify person from obtaining license; fee; posting of requirements and list of disqualifying crimes for licensure on Internet website; request for criminal history record; prohibition on submission of false or misleading information.~~

~~622.360 Disciplinary proceedings: Authority to require licensee to submit fingerprints; additional grounds for disciplinary action; supplemental provision.~~

~~622.530 Regulatory body to adopt regulations for license by endorsement for qualified persons; restrictions; issuance of license by endorsement; conflicts with other license by endorsement provisions.]~~

644A.465 Reduction of duplication in licensing and registration procedure for applicant who also applies to local governmental entity to practice massage therapy, reflexology or structural integration.

1. The Board and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing or registration procedure for a qualified applicant who is applying to the Board for a license or certificate of registration to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy, reflexology or structural integration, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy, reflexology or structural integration and, not later than 60 days after that application, the applicant also submits an application to the Board for a license or certificate of registration to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board if the applicant submitted a set of fingerprints with his or her application to the local governmental entity;

(b) The Board shall request from the local governmental entity a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the local governmental entity shall provide to the Board any reports relating to a background investigation of the applicant; and

(d) The Board shall use the reports provided by the local governmental entity in reviewing the application for a license or certificate of registration to practice pursuant to this chapter.

3. If a qualified applicant submits an application to the Board for a license or certificate of registration to practice pursuant to this chapter and, not later than 60 days after that application, the applicant also submits an application to a local governmental entity for a license to practice massage therapy, reflexology or structural integration:

(a) The applicant is not required to submit a set of fingerprints to the local governmental entity if the applicant submitted a set of fingerprints with his or her application to the Board;

(b) The local governmental entity shall request from the Board a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board shall provide to the local governmental entity any reports relating to a background investigation of the applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, reflexology or structural integration, except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 505.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 771.

AN ACT making appropriations to and authorizing the expenditure of money by the Department of Veterans Services and the Veterans Home Account for the replacement of computer hardware and associated software, the purchase of information technology peripheral devices and the performance of certain projects; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Veterans Services the sum of $48,295 for the replacement of computer hardware and associated software.

2. Expenditure of $44,758 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2023-2024 and Fiscal Year 2024-2025 by the Department of Veterans Services for the same purpose as set forth in subsection 1.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Veterans Services the sum of $4,152 for the purchase of information technology peripheral devices.

2. Expenditure of $3,848 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2023-2024 and Fiscal Year 2024-2025 by the Department of Veterans Services for the same purpose as set forth in subsection 1.

Sec. 3. There is hereby appropriated from the State General Fund to the Veterans Home Account established pursuant to NRS 417.145 the sum of $148,210 for the replacement of computer hardware and associated software and the purchase of information technology peripheral devices for the Northern Nevada Veterans Home.

Sec. 4. There is hereby appropriated from the State General Fund to the Veterans Home Account established pursuant to NRS 417.145 the sum of ~~[$66,640]~~ **$34,769** for the ~~[installation of water backflow prevention devices and the]~~ widening of an interior door at the Northern Nevada Veterans Home.

Sec. 5. Any remaining balance of the appropriations made by sections 1 to 4, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 510.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 770.

AN ACT making appropriations to the Department of Motor Vehicles for the replacement or purchase of computer hardware and software, office furniture and equipment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $274,079 for the Automation budget account for the replacement of office furniture and equipment.

Sec. 2. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $1,790,857 for the Automation budget account for the replacement of computer hardware, software, printers and network switches and for the upgrade of fiber connections.

Sec. 3. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of ~~[$200,181]~~ **$205,610** for the Department Transformation Effort budget account for the replacement of office furniture and equipment.

Sec. 4. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of ~~[$15,456]~~ **$15,208** for the Department Transformation Effort budget account for the replacement of computer hardware and associated software.

Sec. 5. There is hereby appropriated from the State Highway Fund to the Motor Carrier Division of the Department of Motor Vehicles the sum of $8,632 for the replacement of office furniture and equipment.

Sec. 6. There is hereby appropriated from the State Highway Fund to the Motor Carrier Division of the Department of Motor Vehicles the sum of $33,666 for the replacement of computer hardware and associated software.

Sec. 7. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $2,590 for the Hearings Office budget account for the replacement of office furniture and equipment.

Sec. 8. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $7,568 for the Hearings Office budget account for the replacement of computer hardware and associated software and the renewal of software licenses.

Sec. 9. There is hereby appropriated from the State Highway Fund to the Division of Field Services of the Department of Motor Vehicles the sum of $475,886 for the replacement of office furniture and equipment.

Sec. 10. There is hereby appropriated from the State Highway Fund to the Division of Field Services of the Department of Motor Vehicles the sum of $719,292 for the replacement of computer hardware and associated software.

Sec. 11. There is hereby appropriated from the State Highway Fund to the Division of Compliance Enforcement of the Department of Motor Vehicles the sum of $190,074 for the replacement of office furniture and equipment.

Sec. 12. There is hereby appropriated from the State Highway Fund to the Division of Compliance Enforcement of the Department of Motor Vehicles the sum of ~~[$167,546]~~ **$168,041** for the replacement of computer hardware and associated software.

Sec. 13. There is hereby appropriated from the State Highway Fund to the Division of Central Services and Records of the Department of Motor Vehicles the sum of $21,912 for the replacement of office furniture and equipment.

Sec. 14. There is hereby appropriated from the State Highway Fund to the Division of Central Services and Records of the Department of Motor Vehicles the sum of $294,069 for the replacement of computer hardware and associated software.

Sec. 15. There is hereby appropriated from the State Highway Fund to the Division of Research and Project Management of the Department of Motor Vehicles the sum of ~~[$28,369]~~ **$27,985** for the replacement of office furniture and equipment.

Sec. 16. There is hereby appropriated from the State Highway Fund to the Division of Research and Project Management of the Department of Motor Vehicles the sum of $15,978 for the replacement of computer hardware and associated software.

Sec. 17. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $6,147 for the Office of the Director budget account for the replacement of office furniture and equipment.

Sec. 18. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $46,682 for the Office of the Director budget account for the replacement of computer hardware and associated software.

Sec. 19. There is hereby appropriated from the State Highway Fund to the Administrative Services Division of the Department of Motor Vehicles the sum of $167,730 for the replacement of office furniture and equipment.

Sec. 20. There is hereby appropriated from the State Highway Fund to the Administrative Services Division of the Department of Motor Vehicles the sum of $159,146 for the replacement of computer hardware and associated software.

Sec. 21. There is hereby appropriated from the State Highway Fund to the Administrative Services Division of the Department of Motor Vehicles the sum of $4,021 for the purchase of equipment for expedited mailings.

Sec. 22. Any remaining balance of the appropriations made by sections 1 to 21, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 19, 2025.

Sec. 23. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 511.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 769.

AN ACT making appropriations to the Division of Public and Behavioral Health of the Department of Health and Human Services for the replacement of computer hardware and associated software, the replacement of office furniture and equipment and deferred maintenance projects; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $2,552 for the Family Planning budget account for the replacement of computer hardware and associated software.

Sec. 2. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $13,347,212 for the Southern Nevada Adult Mental Health Services budget account for deferred maintenance projects.

Sec. 3. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $790,431 for the Southern Nevada Adult Mental Health Services budget account for the replacement of computer hardware and associated software.

Sec. 4. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $312,817 for the Southern Nevada Adult Mental Health Services budget account for the replacement of laboratory equipment.

Sec. 5. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $179,035 for the Southern Nevada Adult Mental Health Services budget account for the replacement of utility carts and ice makers.

Sec. 6. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of ~~[$611,310]~~ **$264,870** for the Northern Nevada Adult Mental Health Services budget account for deferred maintenance projects.

Sec. 7. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $398,960 for the Northern Nevada Adult Mental Health Services budget account for the replacement of computer hardware and associated software.

Sec. 8. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $159,355 for the Community Health Services budget account for the replacement of computer hardware and associated software.

Sec. 9. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $88,121 for the Lakes Crossing Center budget account for the replacement of computer hardware and associated software.

Sec. 10. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $151,500 for the Lakes Crossing Center budget account for deferred maintenance projects.

Sec. 11. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $347,494 for the Rural Clinics budget account for the replacement of computer hardware and associated software.

Sec. 12. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $96,183 for the Rural Clinics budget account for the replacement of office furniture and equipment.

Sec. 13. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $35,736 for the Rural Clinics budget account for the replacement of telephone system equipment.

Sec. 14. Any remaining balance of the appropriations made by sections 1 to 13, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 15. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 516.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 777.

AN ACT relating to Indian affairs; creating the Department of Native American Affairs; transferring the Nevada Indian Commission from the Department of Tourism and Cultural Affairs to the Department of Native American Affairs; transferring responsibility for administering the Account for the Protection and Rehabilitation of the Stewart Indian School to the Executive Director of the Department; **revising provisions relating to the Account for the Protection and Rehabilitation of the Stewart Indian School;** establishing certain duties of the Executive Director and the Department; revising certain duties of the Commission; revising the membership of certain boards on which a representative of the Commission serves; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Indian Commission in the Department of Tourism and Cultural Affairs. (NRS 231.167, 233.020) **Section 8** of this bill creates the Department of Native American Affairs, which consists of the Executive Director of the Department, the Nevada Indian Commission and the Stewart Indian School Cultural Center and Museum.

Section 7 of this bill sets forth a legislative declaration that the creation of the Department of Native American Affairs and the provisions of the Nevada Revised Statutes relating to the Department are not intended to infringe upon the sovereignty of Indian tribes.

Sections 1 and 11 of this bill transfer the Nevada Indian Commission from the Department of Tourism and Cultural Affairs to the Department of Native American Affairs. **Sections 2 and 3** of this bill make conforming changes to remove certain responsibilities of the Chair of the Nevada Indian Commission relating to the Department of Tourism and Cultural Affairs.

Section 10 of this bill defines certain terms relating to the Department of Native American Affairs.

Section 6 of this bill indicates the proper placement of **sections 7-9** in the Nevada Revised Statutes.

Existing law requires the Governor to appoint an Executive Director of the Commission who is jointly responsible to the Governor and the Commission and establishes certain responsibilities for the Executive Director. (NRS 233A.055, 233A.065) **Section 12** of this bill instead requires the Governor to appoint an Executive Director of the Department of Native American Affairs. **Section 13** of this bill: (1) assigns the responsibilities of the Executive Director of the Commission to the Executive Director of the Department; (2) removes language providing that the Executive Director is jointly responsible to the Governor and the Commission; and (3) requires the Executive Director to oversee the functions of the Department. **Section 14** of

this bill authorizes the Executive Director to appoint such staff as the execution of his or her duties and the operation of the Department may require.

Existing law creates the Account for the Protection and Rehabilitation of the Stewart Indian School which is administered by the Director of the State Department of Conservation and Natural Resources. (NRS 232.159) **Sections 4, 5, 9 and 33** of this bill transfer the responsibility for administering the Account to the Executive Director.

Existing law authorizes the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources to make a direct sale of two parcels of state land located within Carson City and requires the money from such a sale, less any costs, to be deposited in the Account. (NRS 232.159) Section 9 authorizes the Administrator to also lease such parcels of state land and requires the money from any such lease, less any costs, to be deposited in the Account.

Existing law sets forth various duties of the Nevada Indian Commission which include: (1) acting as the coordinating agency for discussions regarding activities at and the uses of the buildings and grounds of the former Stewart Indian School; and (2) scheduling and coordinating certain activities relating to "Nevada Tribes Legislative Day." (NRS 233A.090-233A.100) **Sections 15 and 16** of this bill instead assign such duties to the Department.

Section 15 of this bill directs the Commission to: (1) provide recommendations and advice to the Executive Director concerning the administration of the Department and any other matter relating to the social and economic welfare and well-being of American Indians residing in this State; (2) provide direction to the Executive Director concerning any reports prepared by the Department and review drafts of such reports; and (3) receive reports from the Executive Director and provide direction to the Executive Director to ensure any measures taken by the Department are effective.

Section 19 of this bill authorizes the Department of Native American Affairs to appoint advisory committees to assist and advise the Commission, negotiate and contract with other agencies, cooperate with and secure the cooperation of various entities and provide certain information or assistance to the Department of Wildlife. **Section 28** of this bill makes a conforming change to provide that the Department of Native American Affairs may provide certain information or assistance to the Department of Wildlife.

Existing law creates the Nevada Indian Commission's Gift Fund as a special revenue fund administered by the Executive Director of the Commission. (NRS 233A.097) **Section 18** of this bill revises the name of the Fund to the Department of Native American Affairs' Gift Fund and requires the Executive Director of the Department to administer the Fund. **Section 22** of this bill makes a conforming change to revise the name of the Fund.

Existing law requires the Commission to develop and implement certain policies to promote communication and collaboration between state agencies and Indian tribes. (NRS 233A.200-233A.280) **Section 20** of this bill instead requires the Department to develop and implement such policies.

Existing law requires: (1) all heads of state agencies and managers and employees of state agencies to take certain training which is provided in consultation with the Commission relating to communication and collaboration with Indian tribes; and (2) each state agency that communicates with Indian tribes on a regular basis to submit a report to the Commission on the activities of the state agency. (NRS 233A.270) **Section 21** of this bill assigns such responsibilities to the Department.

Existing law provides for the appointment of a Museum Director of the Stewart Indian School Cultural Center and Museum. (NRS 233A.065, 233A.310) **Section 23** of this bill provides that the Museum Director is responsible to and under the direction of the Executive Director.

Existing law requires a representative or the Chair of the Nevada Indian Commission to serve on the Nevada State Board on Geographic Names, the Advisory Board on Outdoor Recreation, the Interagency Council on Veterans Affairs and the Regional Transmission Coordination Task Force. (NRS 327.120, 407A.575, 417.0191, 704.79887) **Sections 24-27 and 29** of this bill instead require the Executive Director or his or her designee to serve on such boards.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 231.167 is hereby amended to read as follows:

231.167 The Department of Tourism and Cultural Affairs is hereby created, consisting of:

1. The Division of Tourism;
2. The Division of Museums and History, created by NRS 381.004;
3. The Board of Museums and History, created by NRS 381.002;
4. The Nevada Arts Council, created by NRS 233C.025;
5. ~~[~~The Nevada Indian Commission, created by NRS 233A.020;~~

~~6.]~~ The Board of the Nevada Arts Council, created by NRS 233C.030; and

~~[7.]~~ ***6.*** The Commission on Tourism.

Sec. 2. NRS 231.170 is hereby amended to read as follows:

231.170 1. The Commission on Tourism is composed of:

(a) Eleven voting members as follows:

(1) The Lieutenant Governor, who is its Chair;

(2) Eight members, appointed by the Governor, who are informed on and have experience in travel and tourism, including the business of gaming; and

(3) The chief administrative officers of the county fair and recreation boards or, if there is no county fair and recreation board in the county, the chair of the board of county commissioners, of the two counties that paid the largest amount of the proceeds from the taxes imposed on the revenue from the rental of transient lodging to the Department of Taxation for deposit with the State Treasurer for credit to the Fund for the Promotion of Tourism created by NRS 231.250 for the previous fiscal year.

(b) The following ex officio, nonvoting members:

(1) The Chair of the Board of Museums and History; ***and***

(2) ~~[~~The Chair of the Nevada Indian Commission; and

~~(3)]~~ The Chair of the Board of the Nevada Arts Council.

2. A change in any member of the Commission who serves pursuant to subparagraph (3) of paragraph (a) of subsection 1 that is required because of a change in the amount of the proceeds paid to the Department of Taxation by each county must be effective on January 1 of the calendar year immediately following the fiscal year in which the proceeds were paid to the Department of Taxation.

3. Of the members appointed by the Governor pursuant to subparagraph (2) of paragraph (a) of subsection 1:

(a) At least one member must be a resident of a county whose population is 700,000 or more.

(b) At least one member must be a resident of a county whose population is 100,000 or more but less than 700,000.

(c) At least two members must be residents of counties whose population is less than 100,000.

(d) Four members may be residents of any county in this State.

Sec. 3. NRS 231.210 is hereby amended to read as follows:

231.210 The Director:

1. Must be appointed by the Governor from a list of three persons submitted to the Governor by the Lieutenant Governor from recommendations made to the Lieutenant Governor by the:

(a) Voting members of the Commission on Tourism;

(b) Chair of the Board of Museums and History; ***and***

(c) ~~[~~Chair of the Nevada Indian Commission; and

~~(d)]~~ Chair of the Board of the Nevada Arts Council.

2. Is in the unclassified service of the State.

3. Shall, except as otherwise provided in NRS 284.143, devote his or her entire time to the duties of his or her office and shall not follow any other gainful employment or occupation.

Sec. 4. NRS 232.070 is hereby amended to read as follows:

232.070 1. As executive head of the Department, the Director is responsible for the administration, through the divisions and other units of the Department, of all provisions of law relating to the functions of the Department, except functions assigned by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles or the Sagebrush Ecosystem Council.

2. Except as otherwise provided in subsection 4, the Director shall:

(a) Establish departmental goals, objectives and priorities.

(b) Approve divisional goals, objectives and priorities.

(c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.

(d) Coordinate divisional programs within the Department and coordinate departmental and divisional programs with other departments and with other levels of government.

(e) Appoint the executive head of each division within the Department.

(f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.

(g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.

(h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.

(i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:

(1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;

(2) Matters relating to the park and recreational policy of the State;

(3) The use of land within this State which is under the jurisdiction of the Federal Government;

(4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and

(5) The preservation, protection and use of this State's natural resources.

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles or the Sagebrush Ecosystem Council, but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the Commissions and the Council.

5. Except as otherwise provided in NRS ~~[~~232.159 and~~]~~ 232.161, all gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

Sec. 5. NRS 232.140 is hereby amended to read as follows:

232.140 1. Except as otherwise provided in NRS ~~[~~232.159 and~~]~~ 232.161, money to carry out the provisions of NRS 232.010 to 232.162, inclusive, and to support the Department and its various divisions and other units must be provided by direct legislative appropriation from the State General Fund.

2. All money so appropriated must be paid out on claims approved by the Director in the same manner as other claims against the State are paid.

Sec. 6. Chapter 233A of NRS is hereby amended by adding thereto the provisions set forth as sections 7, 8 and 9 of this act.

Sec. 7. ***The Legislature hereby finds and declares that nothing in this chapter, including, without limitation, the creation of the Department of Native American Affairs, is intended to infringe upon the sovereignty of Indian tribes who are recognized by the United States as possessing powers of self-government.***

Sec. 8. ***1. The Department of Native American Affairs is hereby created.***

2. The Department consists of:

(a) The Executive Director;

(b) The Nevada Indian Commission created pursuant to NRS 233A.020; and

(c) The Stewart Indian School Cultural Center and Museum established pursuant to NRS 233A.300.

Sec. 9. ***1. The Account for the Protection and Rehabilitation of the Stewart Indian School is hereby created in the State General Fund. The Executive Director shall administer the Account.***

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. The money in the Account does not revert to the State General Fund at the end of any fiscal year, and the balance in the Account must be carried forward to the next fiscal year.

3. In addition to any money deposited into the Account from the sale of real property pursuant to subsection 6, the Executive Director may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source for the purpose of funding the Account.

4. The Executive Director may expend the money in the Account only for the purposes of repairing and maintaining the historic state buildings and grounds of the Stewart Indian School.

5. The Executive Director shall, before expending any money pursuant to subsection 4, consult with an advisory committee that provides a prioritized list of projects that may be funded from the Account. The advisory committee consists of:

(a) The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources;

(b) The Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources;

(c) The Administrator of the State Public Works Division of the Department of Administration; and

(d) The Executive Director or his or her designee.

6. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources may lease or make a direct sale of two parcels of land of approximately 100 acres located within Carson City, and generally described as follows:

(a) The northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of Section 33, Township 15 N., Range 19 E., M.D.B. & M.

(b) The southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of Section 33 and the southwest quarter (SW 1/4) of the southwest quarter (SW 1/4) of Section 34, Township 15 N., Range 19 E., M.D.B. & M.

➥ Money received from the lease or sale, less any costs related to the lease or sale, must be deposited in the Account.

Sec. 10. NRS 233A.010 is hereby amended to read as follows:

233A.010 As used in this chapter:

1. ~~[~~"Chair" means the Chair of the Nevada Indian Commission.~~

2.]~~ "Commission" means the Nevada Indian Commission.

~~[~~3.~~]~~ ***2.*** "Commissioner" means a commissioner of the Nevada Indian Commission.

~~[~~4.~~]~~ ***3. "Department" means the Department of Native American Affairs.***

4. "Executive Director" means the Executive Director of the Department.

5. "Museum" means the Stewart Indian School Cultural Center and Museum established pursuant to NRS 233A.300.

Sec. 11. NRS 233A.020 is hereby amended to read as follows:

233A.020 ***1.*** The Nevada Indian Commission ~~[~~, consisting of five members appointed by the Governor,~~]~~ is hereby created ~~[~~.~~]~~ ***within the Department.***

2. The Commission consists of five members appointed by the Governor pursuant to NRS 233A.030.

Sec. 12. NRS 233A.055 is hereby amended to read as follows:

233A.055 1. The Governor, upon recommendation of the Commission, shall appoint an Executive Director of the ~~[~~Commission~~]~~ ***Department*** who has had successful experience in the administration and promotion of a program comparable to that provided by this chapter.

2. The Executive Director ~~[~~of the Commission~~]~~ is in the unclassified service of the State.

3. Except as otherwise provided in NRS 284.143, the Executive Director ~~[~~of the Commission~~]~~ shall devote his or her entire time to the duties of his or her office and shall not follow any other gainful employment or occupation.

Sec. 13. NRS 233A.065 is hereby amended to read as follows:

233A.065 The Executive Director ~~[~~of the Commission~~]~~ shall:

1. ~~[~~Be jointly responsible to the Governor and the Commission.~~]~~ ***Oversee all of the functions of the Department.***

2. Direct and supervise all the technical and administrative activities of the Commission.

3. Attend all Commission meetings and act as ***Executive*** Secretary, keeping minutes and audio recordings or transcripts of the proceedings.

4. Report to the Governor and the Commission all matters concerning the ~~[~~administration~~]~~ ***work*** of ~~[~~his or her office.~~]~~ ***the Department.*** The Executive Director shall request the advice of the Commission regarding matters of policy, but is responsible, unless otherwise provided by law, for the conduct of the administrative functions of the ~~[~~Commission office.~~]~~ ***Department.***

5. Compile, for ~~[~~Commission approval and~~]~~ submission to the Governor, a biennial report regarding the work of the ~~[~~Commission~~]~~ ***Department*** and such other matters as the Executive Director may consider desirable.

6. Serve as contracting officer to receive funds from the Federal Government or other sources for such studies ~~[~~as~~]~~ the Commission deems necessary ~~[~~.~~]~~ ***pursuant to NRS 233A.090.***

7. Attend all meetings of any special study committee appointed by the Governor pursuant to this chapter and act as ***Executive*** Secretary, keeping minutes and audio recordings or transcripts of the proceedings.

8. Appoint, supervise and establish the powers and duties of a Museum Director.

9. Perform any lawful act which the Executive Director considers necessary or desirable to carry out the purposes and provisions of this chapter.

Sec. 14. NRS 233A.070 is hereby amended to read as follows:

233A.070 The Executive Director ~~[~~of the Commission~~]~~ may appoint such professional, technical, clerical and operational staff as the execution of his or her duties and the operation of the ~~[~~Commission~~]~~ ***Department*** may require.

Sec. 15. NRS 233A.090 is hereby amended to read as follows:

233A.090 ***1.*** The purpose of the Commission shall be to study matters affecting the social and economic welfare and well-being of American Indians residing in Nevada, including, but not limited to, matters and problems relating to Indian affairs and to federal and state control, responsibility, policy and operations affecting such Indians.

2. The Commission shall ~~[~~recommend~~]~~ ***:***

(a) Recommend to the Executive Director necessary or appropriate action, policy and legislation or revision of legislation and administrative agency regulations pertaining to ~~[~~such Indians. The Commission shall make~~]~~ ***American Indians residing in Nevada;***

(b) Provide recommendations and advice to the Executive Director concerning the administration of the Department and on any other matter affecting the social and economic welfare and well-being of American Indians residing in Nevada;

(c) Provide direction to the Executive Director concerning any reports prepared by the Department and review drafts of such reports;

(d) Receive reports from the Executive Director and provide direction to the Executive Director concerning measures taken by the Department to ensure that any such measures taken relating to the duties of the Commission are effective; and

(e) Make and report from time to time ~~[its]~~ ***the*** findings and recommendations ***of the Commission*** to the ~~[Legislature, to the Governor]~~ ***Department*** and to the public ~~[and shall so report]~~ at least biennially.

Sec. 16. NRS 233A.092 is hereby amended to read as follows:

233A.092 The ~~[Commission]~~ ***Department*** is hereby designated as the coordinating agency for discussions among the ~~[Commission,]~~ ***Department,*** state agencies and local governmental entities regarding activities at and uses of the buildings and grounds of the former Stewart Indian School.

Sec. 17. NRS 233A.095 is hereby amended to read as follows:

233A.095 In observance of "Nevada Tribes Legislative Day" established pursuant to NRS 236.038, the ~~[Nevada Indian Commission]~~ ***Department*** shall:

1. Invite the Legislature, the Governor and other elected officials to recognize and pay tribute to the history and culture of American Indians and their contributions to the prosperity and cultural diversity of Nevada and the United States.

2. Schedule activities and discussions between state and tribal leaders on issues of common interest.

Sec. 18. NRS 233A.097 is hereby amended to read as follows:

233A.097 1. Except for gifts or grants specifically accounted for in another fund, all gifts or grants of money, revenues generated or other property which the ~~[Commission]~~ ***Department*** is authorized to accept must be accounted for in the ~~[Nevada Indian Commission's]~~ ***Department of Native American Affairs'*** Gift Fund, which is hereby created as a special revenue fund. The Fund is a continuing fund without reversion. The ~~[Commission]~~ ***Department*** may establish such accounts in the Fund as are necessary to account properly for gifts, grants and revenues received and money received pursuant to NRS 233A.300. All such money received by the ~~[Commission]~~ ***Department*** must be deposited in the State Treasury for credit to the Fund. The money in the Fund must be paid out on claims as other claims against the State are paid. Unless otherwise specifically provided by statute, claims against the Fund must be approved by the Executive Director ~~[of the Commission]~~ or his or her designee.

2. Gifts of property other than money may be sold or exchanged when this is deemed by the ~~[Commission]~~ ***Department*** to be in the best interest of the ~~[Commission.]~~ ***Department.*** The sale price must not be less than 90 percent of the value determined by a qualified appraiser appointed by the ~~[Commission.]~~ ***Department.*** All money received from the sale must be deposited in the State Treasury to the credit of the appropriate gift account in the ~~[Nevada Indian Commission's]~~ ***Department of Native American Affairs'*** Gift Fund. The money may be spent only for the purposes of the ~~[Commission.]~~ ***Department.*** The property may not be sold or exchanged if to do so would violate the terms of the gift.

Sec. 19. NRS 233A.100 is hereby amended to read as follows:

233A.100 The ~~[Commission]~~ ***Department*** may:

1. Appoint advisory committees whenever necessary or appropriate to assist and advise the ~~[Commission]~~ ***Department*** in the performance of its duties and responsibilities under this chapter.

2. Negotiate and contract with such other agencies, public or private, as it deems necessary or appropriate for such services, facilities, studies and reports to the ~~[Commission]~~ ***Department*** as will best enable it to carry out the purposes for which it is created.

3. Cooperate with and secure the cooperation of state, county, city and other agencies, including Indian tribes, bands, colonies and groups and intertribal organizations in connection with ~~[its]~~ ***the*** study or investigation of any matter within the scope of this chapter or NRS 383.150 to 383.190, inclusive.

4. Provide any information or assistance requested by the Department of Wildlife pursuant to NRS 502.280.

Sec. 20. NRS 233A.260 is hereby amended to read as follows:

233A.260 1. The ~~[Commission]~~ ***Department*** shall develop and implement a policy that:

(a) Promotes effective communication and collaboration between a state agency and Indian tribes;

(b) Promotes positive government-to-government relations between this State and Indian tribes;

(c) Promotes cultural competency in providing effective services to Indian tribes; and

(d) Establishes a method for notifying employees of a state agency of the provisions of NRS 233A.200 to 233A.280, inclusive, and the policy that the ~~[Commission]~~ ***Department*** develops pursuant to this section.

2. In the process of developing the policy pursuant to subsection 1, the ~~[Commission]~~ ***Department*** shall consult with representatives of Indian tribes and of state agencies.

3. A state agency shall make a reasonable effort to collaborate with Indian tribes in the development and implementation of policies, agreements and programs of the state agency that directly affect Indian tribes.

4. Each state agency that communicates with Indian tribes on a regular basis shall designate a tribal liaison who reports directly to the office of the head of the agency. The tribal liaison shall:

(a) Assist the head of the state agency with ensuring the implementation of the policy developed pursuant to subsection 1;

(b) Serve as a contact person who shall maintain ongoing communication between the state agency and affected Indian tribes; and

(c) Ensure that training is provided to the staff of the state agency pursuant to subsection 2 of NRS 233A.270.

➥ Nothing in this subsection precludes a tribal liaison from providing or facilitating additional training.

5. If a representative of an Indian tribe, on tribal business, contacts a state agency to resolve an issue with a policy, agreement or program of the state

agency that affects that Indian tribe, the tribal liaison of the state agency shall notify the head of the state agency of the issue. The head of the state agency, or his or her designee, and the tribal liaison must follow the policy developed pursuant to subsection 1 to attempt to resolve the issue in collaboration with the Indian tribe.

6. The ~~[Commission]~~ ***Department*** shall publish on its Internet website an accurate list of the names and contact information for the leaders of the Indian tribes and for the tribal liaison of each state agency that communicates with Indian tribes on a regular basis.

Sec. 21. NRS 233A.270 is hereby amended to read as follows:

233A.270 1. At least once each year, the Governor shall meet with the leaders of Indian tribes in a state-tribal summit to address matters of mutual concern.

2. All heads of a state agency and state agency managers and employees who have ongoing communication with Indian tribes shall complete a training provided by the Division of Human Resource Management of the Department of Administration, in consultation with the ~~[Commission.]~~ ***Department.*** Such training must be designed to support:

(a) The promotion of effective communication and collaboration between state agencies and Indian tribes;

(b) The development of positive government-to-government relations between this State and Indian tribes; and

(c) Cultural competency in providing effective services to Indian tribes.

3. On or before July 1 of each year, each state agency that communicates with Indian tribes on a regular basis shall submit a report to the ~~[Commission]~~ ***Department*** on the activities of the state agency pursuant to NRS 233A.200 to 233A.280, inclusive. The report must include:

(a) The name and contact information of each person in the state agency who is responsible for developing and implementing programs of the state agency that directly affect Indian tribes;

(b) Any actions taken or planned by the state agency to carry out the policy implemented pursuant to NRS 233A.260;

(c) A certification by the Division of Human Resource Management of the Department of Administration of the number of managers and employees of the state agency who have completed the training required pursuant to subsection 2;

(d) A description of current and planned programs and services provided to or directly affecting Indian tribes and the amount of funding for each program; and

(e) A description of the method the state agency established for notifying employees of the state agency of the provisions of NRS 233A.200 to 233A.280, inclusive.

4. The ~~[Commission]~~ ***Department*** shall periodically submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission:

(a) A compilation of the reports submitted pursuant to subsection 3; and

(b) A report on the activities and any findings and recommendations of the ~~[Commission.]~~ ***Department.***

Sec. 22. NRS 233A.300 is hereby amended to read as follows:

233A.300 1. The buildings and grounds of the former Stewart Indian School that are designated by the ~~[Commission]~~ ***Department*** are under the management of the Museum Director for the purpose of establishing and maintaining the Stewart Indian School Cultural Center and Museum.

2. The Museum Director shall enter into an agreement with the State Land Registrar or any other state agency that receives an assignment from the State Land Registrar of the buildings and grounds of the former Stewart Indian School. The agreement must, without limitation:

(a) Designate which buildings and grounds of the former Stewart Indian School under the management of the Museum Director pursuant to subsection 1 are appropriate for holding special events; and

(b) Authorize the Museum Director to grant special use permits to hold special events at or on the buildings and grounds of the former Stewart Indian School designated pursuant to paragraph (a).

3. Any money received for any special events held at or on the buildings and grounds of the former Stewart Indian School in accordance with the agreement entered into pursuant to subsection 2 must be:

(a) Paid into the State Treasury for credit to the ~~[Nevada Indian Commission's]~~ ***Department of Native American Affairs'*** Gift Fund created by NRS 233A.097; and

(b) Used by the ~~[Commission]~~ ***Department*** to carry out programs to preserve and maintain the operations and cultural integrity of the former Stewart Indian School.

Sec. 23. NRS 233A.310 is hereby amended to read as follows:

233A.310 The Museum Director appointed pursuant to NRS 233A.065:

1. Is in the classified service of the State ***;*** ~~[.]~~

2. ***Is responsible to and under the direction of the Executive Director; and***

3. Shall exercise such powers and carry out such duties pursuant to NRS 233A.320 and as are assigned to the Museum Director by the Executive Director pursuant to NRS 233A.065.

Sec. 24. NRS 321.740 is hereby amended to read as follows:

321.740 1. The Land Use Planning Advisory Council is hereby created. The Advisory Council consists of:

(a) Eighteen voting members appointed by the Governor, as follows:

(1) One member from each county in this State who represents that county; and

(2) ~~[One member who represents the Nevada Indian Commission.]~~ ***The Executive Director of the Department of Native American Affairs or his or her designee.***

(b) One nonvoting member appointed by the Nevada Association of Counties, or its successor organization.

(c) One nonvoting member appointed by the Nevada League of Cities and Municipalities, or its successor organization.

2. The provisions of subsection 6 of NRS 232A.020 do not apply to members of the Advisory Council who also serve as county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.

3. Each board of county commissioners ~~[and the Nevada Indian Commission]~~ shall, at least 30 days before the beginning of any term of the representative of the county ~~[or the Nevada Indian Commission,]~~ or **,** within 30 days after the position of that representative becomes vacant, submit to the Governor the name of its nominee or a list of the names of not more than three nominees who are elected officials or other representatives of the county ~~[or of the Nevada Indian Commission, as applicable,]~~ for the position to be filled. If a board of county commissioners ~~[or the Nevada Indian Commission]~~ submits the names of two or more nominees, the board ~~[or the Nevada Indian Commission, as applicable,]~~ shall number its nominees in order of preference. That order of preference is not binding upon the Governor. The Governor shall appoint the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees.

4. If:

(a) A board of county commissioners fails to submit the name of its nominee or a list of nominees within the time required by this subsection or subsection 3, the Governor may appoint to the Advisory Council any resident of that county as the representative of the county.

(b) ~~[The Nevada Indian Commission fails to submit the name of its nominee or a list of nominees within the time required by subsection 3, the Governor may appoint any resident of the State who has experience working with tribal governments in this State and who has knowledge of natural resource issues pertaining to tribal lands in this State as the representative of the Nevada Indian Commission.~~

~~(c)]~~ A board of county commissioners ~~[or the Nevada Indian Commission]~~ has timely submitted the name of its nominee or a list of nominees pursuant to subsection 3 and the Governor fails to appoint a person so nominated:

(1) If one person has been nominated, that person; or

(2) If two or more persons have been nominated, the person listed by the board ~~[or the Nevada Indian Commission, as applicable,]~~ first in order of preference,

➥ shall be deemed to be a voting member of the Advisory Council as of the beginning of the new term or, in the case of an appointment to fill a vacancy, the first meeting of the Advisory Council that is held not less than 30 days after the submission of the nomination unless, before that date, the Governor notifies the board ~~[or the Nevada Indian Commission, as applicable,]~~ in writing that none of its nominees will be appointed to the Advisory Council. Within

30 days after the date of any such notice, the board ~~[or the Nevada Indian Commission, as applicable,]~~ shall submit to the Governor the name of a new nominee or a list of new nominees.

5. Except as otherwise provided in this subsection, each voting member serves a term of 3 years. If a voting member appointed pursuant to subparagraph (1) of paragraph (a) of subsection 1 is an elected official of the county that he or she represents on the Advisory Council and he or she does not become a candidate for reelection or is defeated for reelection, the board of county commissioners of that county may end the person's membership on the Advisory Council before the expiration of his or her 3-year term. If the board of county commissioners ends the person's membership on the Advisory Council pursuant to this subsection:

(a) That person's membership on the Advisory Council ends on the date on which his or her term of office as an elected official of the county ends; and

(b) A vacancy exists in the membership of the Advisory Council that must be filled for the remainder of the unexpired term pursuant to subsection 3 or 4, as applicable.

6. Any voting member is eligible for reappointment to the Advisory Council.

7. The nonvoting members of the Advisory Council serve at the pleasure of the appointing authority.

8. At its first meeting each year, the Advisory Council shall elect a Chair and Vice Chair from among its voting members.

9. A majority of the voting members of the Advisory Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Council.

10. A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive from the county he or she represents the per diem allowance and travel expenses provided by law for state officers and employees generally.

Sec. 25. NRS 327.120 is hereby amended to read as follows:

327.120 The Board consists of:

1. Twelve voting members, which include one representative of each of the following agencies or organizations:

(a) Bureau of Mines and Geology of the State of Nevada.

(b) Faculty of the University of Nevada, Reno.

(c) Faculty of the University of Nevada, Las Vegas.

(d) Division of State Library, Archives and Public Records of the Department of Administration.

(e) Department of Transportation of the State.

(f) State Department of Conservation and Natural Resources.

(g) Nevada Historical Society.

(h) ~~[Nevada Indian Commission.]~~ ***Department of Native American Affairs.***

(i) United States Bureau of Land Management.

(j) United States Forest Service.

(k) United States National Park Service.

(l) Inter-Tribal Council of Nevada, Inc., or its successor organization.

➥ Each agency or organization shall designate a representative and one alternative representative for this purpose.

2. An Executive Secretary who is a nonvoting member of the Board. The voting members of the Board shall select the Executive Secretary.

Sec. 26. NRS 407A.575 is hereby amended to read as follows:

407A.575 1. There is hereby created the Advisory Board on Outdoor Recreation composed of:

(a) The following 12 voting members:

(1) The Lieutenant Governor or his or her designee;

(2) The Director or his or her designee;

(3) The Director of the Department of Tourism and Cultural Affairs or his or her designee;

(4) The Executive Director of the Office of Economic Development or his or her designee;

(5) The Director of the Department of Wildlife or his or her designee;

(6) The Administrator of the Division of State Parks of the Department;

(7) The ~~[~~Chair of the Nevada Indian Commission;~~]~~ ***Executive Director of the Department of Native American Affairs or his or her designee;***

(8) One member appointed by the Governor from a list of nominees submitted by the Board of Directors of the Nevada Association of Counties, or its successor organization, who:

(I) Resides in a county whose population is less than 100,000; and

(II) Has professional expertise or possesses demonstrated knowledge in outdoor recreation, natural resources management and economic development in this State; and

(9) Four members appointed by the Governor from a list of nominees submitted by the Lieutenant Governor and the Director as follows:

(I) A representative of the outdoor recreation industry;

(II) A representative of conservation interests;

(III) A person with experience in and knowledge of education; and

(IV) A person with experience in and knowledge of public health.

(b) The following two nonvoting members, who must be appointed by the Administrator of the Division of Outdoor Recreation or his or her designee, subject to the approval of the Director:

(1) A representative of the United States Department of the Interior from the Bureau of Land Management, National Park Service or United States Fish and Wildlife Service; and

(2) A representative of the United States Department of Agriculture from the United States Forest Service or Rural Development.

2. The Lieutenant Governor or his or her designee shall:

(a) Serve as Chair of the Advisory Board; and

(b) Appoint a member of the Advisory Board to serve as Vice Chair of the Advisory Board.

3. The Advisory Board shall meet at such times and places as are specified by a call of the Chair but not less than once a year. A majority of the voting members of the Advisory Board constitutes a quorum. If a quorum is present, the affirmative vote of a majority of the voting members of the Advisory Board present is sufficient for any official action taken by the Advisory Board.

4. The Advisory Board shall advise the Administrator on any matter concerning outdoor recreation in this State.

Sec. 27. NRS 417.0191 is hereby amended to read as follows:

417.0191 1. The Interagency Council on Veterans Affairs is hereby created. The Council consists of:

(a) The Director of the Department of Business and Industry;

(b) The Director of the Department of Corrections;

(c) The Director of the Department of Employment, Training and Rehabilitation;

(d) The Director of the Department of Health and Human Services;

(e) The Director of the Department of Public Safety;

(f) The Director of the Department of Veterans Services;

(g) The Adjutant General;

(h) The Chancellor of the Nevada System of Higher Education;

(i) The Executive Director of the Office of Economic Development;

(j) The Executive Director of the ~~[Nevada Indian Commission;]~~ ***Department of Native American Affairs;***

(k) The Administrator of the Division of Human Resource Management of the Department of Administration; and

(l) Any other persons appointed by the Governor, including, without limitation, representatives of federal and local governmental agencies and private entities that provide services to veterans. Members appointed pursuant to this paragraph serve at the pleasure of the Governor.

2. A member of the Council may designate a person to represent him or her at any meeting of the Council. The person designated may exercise all the duties, rights and privileges of the member that he or she represents.

Sec. 28. NRS 502.280 is hereby amended to read as follows:

502.280 1. Any resident Native American of the State of Nevada may apply for a specialty combination fishing and hunting license. When applying for a specialty combination fishing and hunting license, the resident Native American shall exhibit a document issued in this State by the chair of a tribal council or chief of a Native American tribe, or an officer of a reservation, colony or educational institution, stating that the bearer is a resident Native American of the State of Nevada.

2. The Department shall issue a specialty combination fishing and hunting license to a resident Native American pursuant to subsection 5 of NRS 502.240 pursuant to the same methods as the Department issues a specialty

combination fishing and hunting license to a person pursuant to subsection 4 of NRS 502.240.

3. Before hunting for deer or big game off an Indian reservation in this State, all Native Americans must secure resident deer tags or other resident big game tags and pay the fee provided therefor in NRS 502.250.

4. If the Department is considering whether to make any recommendations for proposed legislation relating to any fishing and hunting rights of a resident Native American or any Native American tribe in this State, the Department shall, in accordance with regulations adopted by the Commission:

(a) Provide notice of the proposed action to each of those tribes or any other person specified in those regulations; and

(b) Consult with each of those tribes and persons concerning the proposed action.

5. Upon request by the Department, the ~~[Nevada Indian Commission]~~ ***Department of Native American Affairs*** may provide information or assistance to the Department in carrying out the provisions of this section.

6. The Commission shall adopt regulations to carry out the provisions of this section.

Sec. 29. NRS 704.79887 is hereby amended to read as follows:

704.79887 1. The Regional Transmission Coordination Task Force is hereby created.

2. The Governor shall appoint a person to act as the Chair of the Task Force who serves at the pleasure of the Governor. The Chair is a voting member of the Task Force.

3. In addition to the Chair, the Task Force consists of:

(a) The following voting members, appointed by the Governor:

(1) A representative of an electric utility that primarily serves densely populated counties, as defined in NRS 704.110;

(2) A representative of an organization that represents rural electric cooperatives and municipally owned electric utilities in this State;

(3) A representative of the Colorado River Commission of Nevada;

(4) A representative of a transmission line development company operating in this State;

(5) A representative of the large-scale solar energy industry in this State;

(6) A representative of the geothermal energy industry in this State;

(7) A representative of the data center businesses in this State;

(8) A representative of an organization that represents the mining industry in this State;

(9) A representative of an organization that represents the gaming and resort businesses in this State;

(10) A representative of a labor organization in this State;

(11) A representative of an organization in this State that advocates on behalf of environmental or public lands issues who has expertise in or knowledge of environmental or public lands issues;

(12) A representative of the ~~[Nevada Indian Commission;]~~ ***Department of Native American Affairs;***

(13) A representative of the Office of Energy;

(14) A representative of the Office of Economic Development;

(15) Two members of the Senate, nominated by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;

(16) Two members of the Assembly, nominated by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and

(17) Not more than three persons who represent the general public.

(b) The following nonvoting members, appointed by the Governor:

(1) A representative of the Public Utilities Commission of Nevada; and

(2) A representative of the Bureau of Consumer Protection in the Office of the Attorney General.

4. The members of the Task Force serve at the pleasure of the Governor.

5. The members of the Task Force serve without compensation.

Sec. 30. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 31. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 32. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 33. NRS 232.159 is hereby repealed.

Sec. 34. This act becomes effective on July 1, 2024.

TEXT OF REPEALED SECTION

232.159 Account for the Protection and Rehabilitation of the Stewart Indian School: Creation; powers and duties of Director; limitations on use of money in Account; advisory committee; authorization of sale of certain land.

1. The Account for the Protection and Rehabilitation of the Stewart Indian School is hereby created in the State General Fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. The money in the Account does not revert to the State General Fund at the end of any fiscal year, and the balance in the Account must be carried forward to the next fiscal year.

2. In addition to any money deposited into the Account from the sale of real property pursuant to subsection 5, the Director may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source for the purpose of funding the Account.

3. The Director may expend the money in the Account only for the purposes of repairing and maintaining the historic state buildings and grounds of the Stewart Indian School.

4. The Director shall, before expending any money pursuant to subsection 3, consult with an advisory committee that provides a prioritized list of projects that may be funded from the Account. The advisory committee consists of:

(a) The Administrator of the Division of State Lands of the Department;

(b) The Administrator of the Office of Historic Preservation of the Department;

(c) The Administrator of the State Public Works Division of the Department of Administration; and

(d) The Executive Director of the Nevada Indian Commission.

5. The Administrator of the Division of State Lands of the Department may make a direct sale of two parcels of land of approximately 100 acres located within Carson City, and generally described as follows:

(a) The northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of Section 33, Township 15 N., Range 19 E., M.D.B. & M.

(b) The southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of Section 33 and the southwest quarter (SW 1/4) of the southwest quarter (SW 1/4) of Section 34, Township 15 N., Range 19 E., M.D.B. & M.

➥ Money received from the sale, less any costs related to the sale, must be deposited in the Account.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 743.

AN ACT relating to the Legislative Counsel Bureau; ~~[requiring the Research Director of the Research Division of the Legislative Counsel Bureau to appoint an employee to act as a liaison between the Legislature and the public regarding public education; requiring the Research Division to establish a method to report certain information regarding the system of public education;]~~ requiring the Legislative Auditor to conduct performance audits of certain school districts and the State Public Charter School Authority; authorizing the Chair of the Interim Finance Committee to request certain additional audits of school districts; establishing provisions governing such performance audits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Legislative Counsel Bureau which consists of a Legislative Commission, an Interim Finance Committee, a Director, an Audit Division, a Fiscal Analysis Division, a Legal Division, a Research Division and an Administrative Division. (NRS 218F.100) ~~[Section 3 of this bill requires the Research Division to establish and maintain a method for persons to report waste, abuse or fraud that is occurring in the system of public education and authorizes information regarding waste, abuse and fraud which is so reported to be conveyed to law enforcement or the Legislative Auditor, at the discretion of the Research Director of the Research Division. Section 2 of this bill requires the Research Director, who is the chief of the Research Division, consistent with the budget approved by the Legislative Commission and within the limits of legislative appropriations and other available funds, to appoint an employee of the Research Division to act as a liaison between members of the public and the Legislature with respect to issues and concerns regarding public education and requires the employee so appointed to monitor the method of reporting established pursuant to section 3.]~~

Existing law requires the Legislative Auditor, who is the chief of the Audit Division, to conduct certain audits of accounts, funds and other records of agencies of the State to determine certain information. (NRS 218F.100, 218G.200) **Section 5** of this bill requires the Legislative Auditor to conduct a performance audit of the two school districts with the largest number of enrolled pupils in this State and the State Public Charter School Authority not later than August 31, 2026, and not less than once every 4 years thereafter. **Section 5** authorizes the Legislative Auditor to evaluate certain matters as part of such a performance audit and to exercise his or her professional judgment

in determining the scope and manner of work to be conducted and the objectives of each such audit. **Sections 5, 8 and 9** of this bill require the final written report of each audit to be presented to the Legislative Commission, the Interim Finance Committee or a subcommittee of the Interim Finance Committee and, under certain circumstances, the Audit Subcommittee of the Legislative Commission, by certain dates.

Section 6 of this bill authorizes the Chair of the Interim Finance Committee, not later than January 1, 2026, and every 4 years thereafter, to request that the Legislative Auditor conduct a performance audit of up to three additional school districts. **Sections 6, 8 and 9** of this bill require the final written report of each such audit to be presented to the Legislative Commission, the Interim Finance Committee or a subcommittee of the Interim Finance Committee and, under certain circumstances, the Audit Subcommittee of the Legislative Commission, by certain dates.

Section 7 of this bill requires the Legislative Auditor or the authorized representative of the Legislative Auditor to furnish a copy of the preliminary report of a performance audit to the superintendent of the respective school district or the Executive Director of the State Public Charter School Authority, as applicable. **Section 7** requires the superintendent of the respective school district or the Executive Director of the State Public Charter School Authority, as applicable, to submit to the Legislative Auditor a written statement of explanation or rebuttal concerning any findings for inclusion in the final report. **Section 8** of this bill requires the Legislative Auditor to furnish copies of the final written report to certain persons and prohibits the Legislative Auditor from disclosing the contents of an audit before it has been presented to certain legislative bodies. **Section 8** authorizes the Legislative Commission to adopt certain regulations regarding the presentation and distribution of the final written report.

Section 9 of this bill requires the Legislative Commission or Audit Subcommittee to notify the respective school district or the State Public Charter School Authority, as applicable, of its acceptance of a final written report of an audit that contains a recommendation for corrective action and requires the school district or the State Public Charter School Authority, as applicable, to submit a plan for corrective action to the Legislative Auditor. **Section 9** requires a person who submits a plan for corrective action to submit to the Legislative Auditor a report regarding the implementation of any recommendations of the Legislative Auditor.

Section 10 of this bill requires the officers and employees of a school district or the State Public Charter School Authority to provide certain assistance to the Legislative Auditor or the authorized representative of the Legislative Auditor in the inspection, examination and audit of books, accounts, records, reports or other documents. **Section 10** requires each school district or the State Public Charter School Authority to cooperate fully with the Legislative Auditor or the authorized representative of the Legislative Auditor in the

performance of his or her duties with respect to a performance audit conducted pursuant to **sections 5-10** of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 218F of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*The Research Director shall, consistent with the budget approved by the Legislative Commission and within the limits of legislative appropriations and other available funds, appoint an employee of the Research Division to act as a liaison between members of the public and the Legislature with respect to issues and concerns regarding public education in this State. The employee appointed pursuant to this section:*~~

~~*1. Shall monitor the electronic mail address, online form or telephone number established pursuant to section 3 of this act.*~~

~~*2. May, at the direction of the Research Director, submit a report to the Audit Subcommittee or the Interim Finance Committee regarding any issues or concerns with respect to public education which are relevant to the work of those bodies.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[*1. The Research Division shall establish and maintain an electronic mail address, online form or telephone number for persons to report waste, abuse or fraud that is occurring in the system of public education.*~~

~~*2. At the discretion of the Research Director, information regarding waste, abuse or fraud which is reported to the Research Division using a method established pursuant to this section may be conveyed to law enforcement or the Legislative Auditor. The Legislative Counsel Bureau and its employees may not be held liable in any civil or criminal action for any disclosure of information to law enforcement or the Legislative Auditor pursuant to this subsection.*~~

~~*3. The Legislative Counsel Bureau shall make information regarding the electronic mail address, online form or telephone number established pursuant to subsection 1 available on the Internet website of the Legislature.]*~~ **(Deleted by amendment.)**

Sec. 4. Chapter 218G of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 10, inclusive, of this act.

Sec. 5. ***1. The Legislative Auditor shall, not later than August 31, 2026, and not less than once every 4 years thereafter, conduct a performance audit of each of the following entities:***

(a) The school district in this State with the largest number of pupils enrolled;

(b) The school district in this State with the second largest number of pupils enrolled; and

(c) The State Public Charter School Authority.

2. As part of a performance audit conducted pursuant to this section, the Legislative Auditor may evaluate, without limitation:

(a) Compliance with statutory requirements concerning annual reports of accountability, as well as consistency, or lack thereof, in the methodology used for such reporting;

(b) Compliance with state or local laws relating to contracting with outside entities to provide goods or services;

(c) Whether any plans presented by the school district or the State Public Charter School Authority to the Legislature or the Interim Finance Committee, including, without limitation, any subcommittee of the Interim Finance Committee, have been implemented and whether any such plan is achieving or has achieved the desired outcome;

(d) The efficacy of any strategy or program implemented at one or more schools to:

(1) Improve the proficiency of pupils in the subject areas of reading, mathematics, science or writing;

(2) Improve the educational outcomes of pupils who are English learners, at-risk pupils or receiving special education;

(3) Improve the academic performance of pupils enrolled in a Title I school, as defined in NRS 385A.040; or

(4) Increase parental involvement and family and community engagement in public schools.

(e) The efficacy of any strategy or program of recruitment or retention designed to ensure the availability of qualified teachers and other educational personnel and support staff, including, without limitation, mental health professionals.

(f) The efficacy of any strategy or program implemented by a school district or the State Public Charter School Authority to reduce class sizes.

(g) Any other matter which the Legislative Auditor is requested to evaluate by the Interim Finance Committee.

3. The Legislative Auditor, in performing his or her duties pursuant to this section and section 6 of this act, may exercise his or her professional judgment in determining the scope and manner of work to be conducted and the objectives of each audit.

4. The Legislative Auditor shall, on or before September 1, 2026, and every 4 years thereafter, present to the Legislative Commission a final written report of each audit conducted pursuant to this section during the immediately preceding 4 years.

5. The Legislative Auditor shall present a final written report of each audit conducted pursuant to this section to the Interim Finance Committee, or the appropriate subcommittee of the Interim Finance Committee, as directed by the Chair of the Interim Finance Committee, after the report is presented to the Legislative Commission but in no event later than December 31 of the year in which the final report was presented to the Legislative Commission.

6. As used in this section, "at-risk pupil" has the meaning ascribed to it in NRS 387.1211.

Sec. 6. *1. The Chair of the Interim Finance Committee may, not later than January 1, 2026, and every 4 years thereafter, request that, in addition to the entities set forth in subsection 1 of section 5 of this act, the Legislative Auditor conduct a performance audit of up to three additional school districts selected by the Chair. Within the limits of legislative appropriations, the Legislative Auditor shall conduct each performance audit requested by the Chair pursuant to this section.*

2. The Legislative Auditor shall, on or before September 1, 2030, and every 4 years thereafter, present a final written report of each audit conducted pursuant to this section during the immediately preceding 4 years to the Legislative Commission.

3. The Legislative Auditor shall present a final written report of each audit conducted pursuant to this section to the Interim Finance Committee, or the appropriate subcommittee of the Interim Finance Committee, as directed by the Chair of the Interim Finance Committee, after the report is presented to the Legislative Commission but in no event later than December 31 of the year in which the final report was presented to the Legislative Commission.

Sec. 7. *The Legislative Auditor or the Legislative Auditor's authorized representative shall furnish a copy of the preliminary report of an audit conducted pursuant to section 5 or 6 of this act to the superintendent of the respective school district or the Executive Director of the State Public Charter School Authority, as applicable, and discuss the report with the superintendent of the school district or the Executive Director of the State Public Charter School Authority. The superintendent of the school district or the Executive Director of the State Public Charter School Authority, as applicable, shall submit to the Legislative Auditor, within 10 days after the discussion, a written statement of explanation or rebuttal concerning any of the findings, and the Legislative Auditor shall include in the final written report prepared pursuant to section 5 or 6 of this act the explanation or rebuttal of the superintendent of the school district or the Executive Director of the State Public Charter School Authority to any of the findings contained in the final report.*

Sec. 8. *1. Except as otherwise provided in subsection 2, the Legislative Auditor shall furnish copies of the final written report of each audit conducted pursuant to section 5 or 6 of this act to all Legislators, other appropriate state officers and the superintendent of the respective school district or the Executive Director of the State Public Charter School Authority, as applicable, following the presentation of the final written report to the Legislative Commission.*

2. The Legislative Commission may by regulation provide for the:

(a) Presentation of the final written report of each audit to the Audit Subcommittee before the report is presented to the Legislative Commission.

(b) Distribution of copies of the final written report of an audit to each member of the Legislative Commission or Audit Subcommittee, or both, before the report is presented to the Legislative Commission.

(c) Distribution of copies of the final written report or a summary of the final report to all Legislators, other appropriate state officers and the superintendent of the respective school district or the Executive Director of the State Public Charter School Authority after the final report is presented to the Audit Subcommittee.

3. Except as otherwise provided by chapters 218A to 218H, inclusive, of NRS, the Legislative Auditor shall not disclose the content of any audit conducted pursuant to section 5 or 6 of this act before it is presented to the:

(a) Audit Subcommittee, if the final written report is presented to the Audit Subcommittee pursuant to regulations adopted by the Legislative Commission.

(b) Legislative Commission, if the final written report is not presented to the Audit Subcommittee pursuant to regulations adopted by the Legislative Commission.

Sec. 9. *1. The Legislative Commission or the Audit Subcommittee shall notify the respective school district or the State Public Charter School Authority, as applicable, of its acceptance of a final written report of an audit by the Legislative Auditor that concerns the school district or the State Public Charter School Authority and contains any recommendations for corrective action. Within 60 working days after the receipt of notification, if corrective action is recommended, the school district or State Public Charter School Authority, as applicable, shall submit a plan for corrective action to the Legislative Auditor. The school district or State Public Charter School Authority, as applicable, shall commence corrective action pursuant to the plan immediately after its submission.*

2. The Legislative Auditor shall notify the:

(a) Audit Subcommittee, if the final written report was first presented to the Audit Subcommittee pursuant to regulations adopted by the Legislative Commission; or

(b) Legislative Commission, if the final written report was first presented to the Legislative Commission,

↪ of any failure to submit a plan pursuant to subsection 1.

3. Each person who submits a plan pursuant to subsection 1 shall, within 6 months after submission of the plan, submit to the Legislative Auditor a report specifying the extent to which the recommendations of the Legislative Auditor have been carried out, the extent to which the recommendations have not been carried out and the reasons for any failure to carry out the recommendations.

4. The Legislative Auditor shall submit each report received pursuant to subsection 3 to the Legislative Commission and the Interim Finance Committee.

5. The Legislative Auditor shall notify the:

(a) Audit Subcommittee, if so authorized by regulations adopted by the Legislative Commission; or

(b) Legislative Commission,

↪ of any failure to submit a report pursuant to subsection 3.

6. The Legislative Commission may by regulation:

(a) Provide that reports received by the Legislative Auditor pursuant to subsection 3 must be submitted to the Audit Subcommittee before they are submitted to the Legislative Commission.

(b) Authorize the Audit Subcommittee to:

(1) Review the reports;

(2) Conduct hearings to examine any justification for a failure to carry out the recommendations of the Legislative Auditor; and

(3) Report its findings to the Legislative Commission.

Sec. 10. ***1. Every officer and employee of a school district or the State Public Charter School Authority shall aid and assist the Legislative Auditor at such times as the Legislative Auditor requires in the inspection, examination and audit of any books, accounts, records, reports or other documents in their possession.***

2. Upon the request of the Legislative Auditor or the Legislative Auditor's authorized representative, all officers and employees of a school district or the State Public Charter School Authority shall make available to the Legislative Auditor all their books, accounts, records, reports or other documents, confidential or otherwise, necessary, irrespective of their form or location in performing authorized audits or investigations.

3. Each school district or the State Public Charter School Authority shall cooperate fully with the Legislative Auditor or the Legislative Auditor's authorized representative in the performance of his or her duties pursuant to sections 5 to 10, inclusive, of this act.

Sec. 11. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270,

228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190,

640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 8 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 12. NRS 239C.210 is hereby amended to read as follows:

239C.210 1. A document, record or other item of information described in subsection 2 that is prepared and maintained for the purpose of preventing or responding to an act of terrorism is confidential, not subject to subpoena or discovery, not subject to inspection by the general public and may only be inspected by or released to:

(a) Public safety and public health personnel; and

(b) Except as otherwise provided in this subsection, the Legislative Auditor conducting a postaudit pursuant to NRS 218G.010 to 218G.555, inclusive, ***and sections 5 to 10, inclusive, of this act,***

➥ if the Governor determines, by executive order, that the disclosure or release of the document, record or other item of information would thereby create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare. Any information that is inspected by or released to the Legislative Auditor pursuant to this subsection is not subject to the exception from confidentiality set forth in NRS 218G.130. The Legislative Auditor may confirm that vulnerability assessments have been submitted to or are in the possession of a state agency that is the subject of a postaudit, but the assessments must not be inspected by or released to the Legislative Auditor. An employee of the Audit Division of the Legislative Counsel Bureau who is conducting a postaudit that includes access to documents or information subject to the provisions of this section must be properly cleared through federal criteria or state or local background investigation and instructed, trained or certified, as applicable, regarding the security sensitivity of the documents or information.

2. The types of documents, records or other items of information subject to executive order pursuant to subsection 1 are as follows:

(a) Assessments, plans or records that evaluate or reveal the susceptibility of fire stations, police stations and other law enforcement stations to acts of terrorism or other related emergencies.

(b) Drawings, maps, plans or records that reveal the critical infrastructure of primary buildings, facilities and other structures used for storing, transporting or transmitting water or electricity, natural gas or other forms of

energy, fiber optic cables, microwave towers or other vertical assets used for the transmission or receipt of data or communications used by response agencies and public safety and public health personnel.

(c) Documents, records or other items of information which may reveal the details of a specific emergency response plan or other tactical operations by a response agency and any training relating to such emergency response plans or tactical operations.

(d) Handbooks, manuals or other forms of information detailing procedures to be followed by response agencies in the event of an act of terrorism or other related emergency.

(e) Documents, records or other items of information that reveal information pertaining to specialized equipment used for covert, emergency or tactical operations of a response agency, other than records relating to expenditures for such equipment.

(f) Documents, records or other items of information regarding critical telecommunications facilities and the infrastructure and security of radio frequencies for transmissions used by response agencies, including, without limitation:

(1) Access codes, passwords or programs used to ensure the security of radio frequencies for transmissions used by response agencies;

(2) Procedures and processes used to ensure the security of radio frequencies for transmissions used by response agencies; and

(3) Plans used to re-establish security and service with respect to radio frequencies for transmissions used by response agencies after security has been breached or service has been interrupted.

(g) Vulnerability assessments and emergency response plans of utilities, public entities and private businesses in this State. As used in this paragraph, "public entities" means departments, agencies or instrumentalities of the State, any of its political subdivisions or tribal governments. The term includes general improvement districts.

3. If a person knowingly and unlawfully discloses a document, record or other item of information subject to an executive order issued pursuant to subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

4. The Governor shall review the documents, records and other items of information determined by executive order pursuant to subsection 1 to be confidential every 10 years to assess the continued need for the documents, records and other items of information to remain confidential.

5. As used in this section, "public safety and public health personnel" includes:

(a) State, county, city and tribal emergency managers;

(b) Members and staff of terrorism early warning centers or fusion intelligence centers in this State;

(c) Employees of fire-fighting or law enforcement agencies, if the head of the agency has designated the employee as having an operational need to know of information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism; and

(d) Employees of a public health agency, if the agency is one that would respond to a disaster and if the head of the agency has designated the employee as having an operational need to know of information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism. As used in this paragraph, "disaster" has the meaning ascribed to it in NRS 414.0335.

Sec. 13. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 16, 2023.

Sec. 14. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 36.

Bill read second time and ordered to third reading.

Senate Bill No. 71.

Bill read second time and ordered to third reading.

Senate Bill No. 167.

Bill read second time and ordered to third reading.

Senate Bill No. 273.

Bill read second time and ordered to third reading.

Senate Bill No. 281.

Bill read second time and ordered to third reading.

Senate Bill No. 282.

Bill read second time and ordered to third reading.

Senate Bill No. 291.

Bill read second time and ordered to third reading.

Senate Bill No. 367.

Bill read second time and ordered to third reading.

Senate Bill No. 371.

Bill read second time and ordered to third reading.

Senate Bill No. 387.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 77.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 786.

AN ACT relating to economic development; creating the Office of Entrepreneurship within the Office of Economic Development; setting forth the powers and duties of the Office of Entrepreneurship; providing that the records, files and communications of the Office of Entrepreneurship are confidential; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Economic Development within the Office of the Governor and which consists of the Division of Economic Development and the Nevada Film Office. (NRS 231.043) **Sections 6 and 12** of this bill create the Office of Entrepreneurship within the Office of Economic Development and require state agencies to cooperate with and assist the Office of Entrepreneurship. **Section 6** also authorizes the Office of Entrepreneurship to employ any necessary personnel to perform the functions and duties of the Office of Entrepreneurship. **Section 7** of this bill requires the Office of Entrepreneurship to: (1) work to strengthen policies and programs supporting the growth of entrepreneurship in the State; (2) work with stakeholders and organizations supporting entrepreneurship in the State to enhance the skills of, provide technical support to and expand resources for entrepreneurs across the State; and (3) serve as a point of contact to assist businesses in operation for 5 years or less in their interactions with state agencies and, where appropriate, refer businesses to other state and local agencies that provide assistance to businesses. **Section 8** of this bill requires the Office of Entrepreneurship to submit annually to the Legislative Commission a report that includes, without limitation: (1) the number and total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years, including a breakdown by demographic segments and geographical areas throughout the State; (2) the percentage of the number of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total number of contracts awarded; (3) the number of businesses owned by women, minorities or veterans that have been in operation for not more than 5 years and awarded a state contract; (4) the percentage of the total dollar amount of state contracts awarded to businesses that have been in operation for not more

than 5 years compared to the total dollar amount of contracts awarded; (5) the types of businesses awarded a state contract; (6) recommendations on improving access to state contracts for Nevada businesses that have been in operation for not more than 5 years, including those businesses in statistically underrepresented demographic segments and geographic areas of Nevada; (7) recommendations on improving overall entrepreneurship in this State including, without limitation, identifying regional challenges to entrepreneurship; and (8) any additional information deemed necessary by the Office of Economic Development to provide an accurate depiction of the condition of entrepreneurship in Nevada. **Section 9** of this bill authorizes the Office of Economic Development to encourage 5 percent of the total number of state contracts to be awarded to businesses that have been in operation for not more than 5 years and whose principal place of business is in this State. **Sections 10 and 13** of this bill provide that the records, files and communications of the Office of Entrepreneurship are confidential and are not public records.

Section 13.5 of this bill makes an appropriation to the Office of Economic Development for operating, equipment, marketing, travel costs, the creation of an Internet website and two full-time staff positions to carry out the functions of the Office of Entrepreneurship.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***"Business" means any corporation, partnership, company, cooperative, sole proprietorship or other legal entity organized or operating for pecuniary or nonpecuniary gain.***

Sec. 3. ***"Entrepreneur" means a person who initiates and assumes the financial risk of a business.***

Sec. 4. ***"Office of Entrepreneurship" means the Office of Entrepreneurship created by section 6 of this act.***

Sec. 5. ***"State agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.***

Sec. 6. ***1. The Office of Entrepreneurship is hereby created within the Office of Economic Development.***

2. The Office of Entrepreneurship shall employ such personnel as are necessary to perform the functions and duties of the Office of Entrepreneurship set forth in sections 2 to 10, inclusive, of this act.

3. A state agency shall cooperate with and assist the Office of Entrepreneurship in the performance of its duties and functions.

Sec. 7. ***The Office of Entrepreneurship shall:***

1. Work to strengthen policies and programs supporting the growth of entrepreneurship in the State, including, without limitation, across demographic segments and geographic areas.

2. Work with stakeholders and organizations supporting entrepreneurship to enhance the learning and skills of, provide technical support to and expand access to resources for entrepreneurs across the State.

3. Serve as a point of contact to assist businesses that have been in operation for not more than 5 years in their interactions with state agencies and, where appropriate, refer businesses to other state or local agencies that provide assistance to businesses.

Sec. 8. ***On or before November 1 of each year beginning 2 years after the creation of the Office of Entrepreneurship, and annually thereafter, the Office of Entrepreneurship shall submit to the Legislative Commission a report that includes, without limitation:***

1. The number and total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years, including, without limitation, a breakdown by demographic segments and geographical areas throughout the State;

2. The percentage of the number of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total number of contracts awarded;

3. The number of businesses owned by women, minorities or veterans that have been in operation for not more than 5 years and have been awarded a state contract;

4. The percentage of the total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total dollar amount of contracts awarded;

5. The types of businesses awarded a state contract;

6. Recommendations on improving access to state contracts for businesses that have been in operation for not more than 5 years, including, without limitation, those businesses in statistically underrepresented demographic segments and geographic areas of Nevada;

7. Recommendations on improving overall entrepreneurship in this State including, without limitation, identifying regional challenges to entrepreneurship; and

8. Any additional information deemed necessary by the Office of Economic Development to provide an accurate depiction of the condition of entrepreneurship in Nevada.

Sec. 9. ***The Office of Economic Development shall encourage 5 percent of the total number of state contracts to be awarded to businesses that have been in operation for not more than 5 years and whose principal place of business is in this State.***

Sec. 10. ***All records, files and communications of the Office of Entrepreneurship made or received pursuant to sections 2 to 10, inclusive, of this act are confidential and not a public record.***

Sec. 11. NRS 231.002 is hereby amended to read as follows:

231.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 231.003 to 231.009, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 231.043 is hereby amended to read as follows:

231.043 1. There is hereby created within the Office of the Governor the Office of Economic Development, consisting of:

(a) A Division of Economic Development; ~~[and]~~

(b) The Nevada Film Office ~~[.]~~ ***; and***

(c) The Office of Entrepreneurship.

2. The Governor shall propose a budget for the Office.

3. Employees of the Office are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.

Sec. 13. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495,

385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725,

706A.230, 710.159, 711.600, ***and section 10 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 13.5. **1. There is hereby appropriated from the State General Fund to the Office of Economic Development for operating, equipment,**

marketing, travel costs, the creation of an Internet website and two full-time staff positions to carry out the functions of the Office of Entrepreneurship created by section 6 of this act the following sums:

For the Fiscal Year 2023-2024..... $249,626

For the Fiscal Year 2024-2025..... $269,153

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 135.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 787.

AN ACT relating to homelessness; revising the process for persons who are homeless to apply for a certified or official copy of a birth certificate; **revising certain information required to be included on an identification card issued to a pupil;** requiring the Nevada Housing Crisis Response System to assist persons in crisis who are applying for a state identification card; revising requirements for the issuance of a state identification card to certain homeless children and youth; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to provide, and the State Registrar of Vital Statistics to carry out, a system for the registration of births and deaths in this State. (NRS 440.120) Existing law requires the State Registrar, and authorizes certain other entities, to issue a certified copy of a certificate of birth to an applicant if the applicant meets certain requirements. (NRS 440.175, 440.650) Existing law prohibits: (1) the State Registrar from charging a fee for a certified copy of a record of birth to a homeless person who submits on a form prescribed by the State Registrar a statement signed

under penalty of perjury that the person is homeless; and (2) another person or governmental organization from charging a fee for a certified or official copy of a certificate of birth to a homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless. (NRS 440.175, 440.700) Existing law prohibits the State Registrar from requiring the signed statement that a person is homeless be notarized. (NRS 440.700) **Section 1** of this bill: (1) requires a homeless person who wishes to obtain a certified or official copy of a certificate of birth from a person or governmental organization, other than the State Registrar, to submit a statement signed under penalty of perjury that the person is homeless rather than a signed affidavit; and (2) prohibits such a person or governmental entity from requiring that such a signed statement be notarized.

Sections 1 and 2 of this bill require the State Registrar and other entities who issue certified or official copies of birth certificates to notify an applicant for a certified or official copy of a birth certificate upon determining that required documents are missing from the application. If the applicant is homeless, **sections 1 and 2** require the State Registrar or other entity to allow the applicant at least 30 days after the notice was provided to submit the missing documents.

Existing law requires the board of trustees of a school district or the governing body of a charter school to ensure that information relating to mental health resources appears on the back of any identification card issued to a pupil at a school within the school district or the charter school. (NRS 388.1335) Existing federal law establishes the National Suicide Prevention Lifeline program, including the establishment of a national suicide prevention and mental health crisis hotline that may be accessed by dialing the digits 9-8-8. (42 U.S.C. §§ 290bb-36c) Existing state law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain activities to support the implementation of a hotline for persons who are considering suicide or are otherwise in a behavioral health crisis that may be accessed by dialing the digits 9-8-8. (NRS 433.704) Section 2.5 of this bill requires the board of trustees of a school district or the governing body of a charter school to include the number 9-8-8, or any successor number for such a hotline established pursuant to the National Suicide Prevention Lifeline program, on the back of any identification card issued to a pupil at a school within the school district or the charter school.

Existing law allows certain residents or seasonal residents of this State who do not hold a valid driver's license or identification card to apply for an identification card in this State. (NRS 483.810-483.890) Existing law requires the Department of Health and Human Services to establish and administer the Nevada Housing Crisis Response System to provide certain types of assistance to persons who are transient, at imminent risk of homelessness or homeless. (NRS 422A.680) **Section 3** of this bill requires the System to collaborate with

the Department of Motor Vehicles to facilitate assistance to persons in crisis who wish to apply for such an identification card.

Existing law requires the Department of Motor Vehicles to waive, not more than one time, all fees and costs for the issuance of an original or duplicate identification card to a homeless child or youth less than 25 years of age. (NRS 483.825) **Section 4** of this bill removes the limitation that such fees and costs may be waived only once, thus requiring the Department to waive all fees and costs for the issuance of any identification card issued to a homeless child or youth less than 25 years of age.

Existing law requires an applicant for an identification card to provide to the Department of Motor Vehicles: (1) proof of his or her full legal name and age; and (2) if he or she has been issued a social security number, proof of that social security number. (NRS 483.850, 483.860) **Section 5** of this bill removes the requirement to provide proof of a social security number for any applicant who is a homeless child or youth less than 25 years of age. **Section 6** of this bill authorizes an applicant who is a homeless child or youth less than 25 years of age to prove his or her legal name and age by providing: (1) a school identification card that meets certain requirements; and (2) an unofficial transcript from the respective school that contains the date of birth of the applicant.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 440.175 is hereby amended to read as follows:

440.175 1. Upon request, the State Registrar may furnish statistical data to any federal, state, local or other public or private agency, upon such terms or conditions as may be prescribed by the Board.

2. No person may prepare or issue any document which purports to be an original, certified copy, certified abstract or official copy of:

(a) A certificate of birth, death or fetal death, except as authorized in this chapter or by the Board.

(b) A certificate of marriage, except a county clerk, county recorder or a person so required pursuant to NRS 122.120.

(c) A decree of divorce or annulment of marriage, except a county clerk or the judge of a court of record.

3. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall:

(a) Not charge a fee for issuing a certified or official copy of a certificate of birth to:

(1) A homeless person who submits ~~[a signed affidavit]~~ on a form prescribed by the State Registrar ~~[stating]~~ ***a statement signed under penalty of perjury*** that the person is homeless. ***The issuing person or governmental organization shall not require such a statement to be notarized.***

(2) A person who submits documentation from the Department of Corrections verifying that the person is imprisoned or was released from prison within the immediately preceding 90 days.

(b) Remit to the State Registrar fees collected which are charged in an amount established by the State Registrar by regulation:

(1) For each registration of a birth or death in its district.

(2) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a).

(3) For each copy issued of a certificate of death in its district.

4. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall, upon determining that required documents are missing from an application for a certified or official copy of a certificate of birth, notify the applicant of the deficiency. Such notice must include, without limitation, notice of the additional documents that the applicant must submit. If the applicant is a homeless person who submits on a form prescribed by the State Registrar a statement signed under penalty of perjury that the person is homeless, the person or governmental organization shall allow the applicant at least 30 days after the date of the notice to submit the missing documents. The issuing person or governmental organization shall not require the signed statement to be notarized.

Sec. 2. NRS 440.650 is hereby amended to read as follows:

440.650 1. Upon request, the State Registrar shall furnish any applicant a certified copy of the record of any birth or death registered under the provisions of this chapter.

2. The State Registrar shall not issue a certified copy of a certificate or parts thereof unless the State Registrar is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded, subject, however, to review by the Board or a court of competent jurisdiction under the limitations of NRS 440.170.

3. The State Registrar shall, upon determining that required documents are missing from an application for a certified copy of a certificate of birth, notify the applicant of the deficiency. Such notice must include, without limitation, notice of the additional documents that the applicant must submit. If the applicant is a homeless person who submits on a form prescribed by the State Registrar a statement signed under penalty of perjury that the person is homeless, the State Registrar shall allow the applicant at least 30 days after the date of the notice to submit the missing documents. The State Registrar shall not require the signed statement to be notarized.

Sec. 2.5. **NRS 388.1335 is hereby amended to read as follows:**

388.1335 ***1.*** The board of trustees of a school district or the governing body of a charter school shall ensure that information relating to mental health resources, including, without limitation, the ~~[telephone]~~ number ***9-8-8 which may be dialed to access the hotline described in NRS 433.704*** for ~~[a local or national]~~ ***persons who are considering*** suicide ~~[prevention]~~ ***or otherwise in a***

behavioral health crisis, or any successor number for a hotline ~~[,]~~ ***established pursuant to the National Suicide Prevention Lifeline program,*** appears on the back of any identification card issued to a pupil at a school within the school district or the charter school.

2. As used in this section, "National Suicide Prevention Lifeline program" has the meaning ascribed to it in NRS 433.702.

Sec. 3. NRS 422A.680 is hereby amended to read as follows:

422A.680 1. To the extent that money is available for this purpose, the Department shall establish and administer the Nevada Housing Crisis Response System.

2. The System must:

(a) Coordinate with social service agencies, local governments and nonprofit organizations to, as quickly as possible, identify, assess, refer and connect persons in crisis to housing, assistance and services, including, without limitation, emergency services, emergency shelters, interim housing and permanent housing.

(b) Provide and operate a system for responding to a crisis that is accessible by a person in crisis 24 hours a day, 7 days a week, including holidays, through which a person in crisis may be identified, assessed, referred and connected to housing, assistance and services pursuant to paragraph (a).

(c) Provide education or information on how persons in crisis may access and use the System for responding to a crisis that is provided pursuant to paragraph (b).

(d) To prevent homelessness, develop prevention assistance programs that assist persons who are:

(1) Transient or at imminent risk of homelessness in:

(I) Preserving their current housing situation;

(II) Identifying housing arrangements as an alternative to their current housing situation; or

(III) Immediately finding housing arrangements for persons who are leaving a housing situation that is not safe; and

(2) Homeless in finding housing arrangements.

(e) Collaborate with the Department of Motor Vehicles to facilitate assistance to persons in crisis who wish to apply for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive.

3. The System may perform any other action that:

(a) Assists persons in crisis; and

(b) Helps prevent or address homelessness in this State.

4. The Department may adopt such regulations as are necessary to carry out the provisions of this section and NRS 422A.690, including, without limitation, regulations requiring a person or entity that accepts money from the Department or a division thereof to participate in the System.

5. As used in this section, "person in crisis" means a person who is transient, at imminent risk of homelessness or homeless.

Sec. 4. NRS 483.825 is hereby amended to read as follows:

483.825 1. Except as otherwise provided in subsection 4, the Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail, as applicable, within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person or person released from prison, a county, city or town jail or detention facility for a duplicate identification card.

3. Except as otherwise provided in subsection 4, if the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

4. The Department shall waive the fee prescribed by NRS 483.820, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection 3 ~~[not more than one time]~~ for furnishing an original identification card or a duplicate identification card to a homeless child or youth less than 25 years of age who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and less than 25 years of age.

5. The Department may accept gifts, grants and donations of money to fund the provision of original and duplicate identification cards without a fee to persons pursuant to subsections 1 and 4.

6. As used in this section:

(a) "Homeless child or youth" has the meaning ascribed to ~~[it]~~ ***"homeless children and youths"*** in 42 U.S.C. § 11434a.

(b) "Photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 5. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. ~~[An]~~ ***Except as otherwise provided in subsection 6, an*** applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.5727 or 293.5742.

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

6. The provisions of subsection 3 do not apply to a homeless child or youth less than 25 years of age who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and less than 25 years of age.

7. As used in this section, "homeless child or youth" has the meaning ascribed to "homeless children and youths" in 42 U.S.C. § 11434a.

Sec. 6. NRS 483.860 is hereby amended to read as follows:

483.860 1. ~~[Every]~~ ***Except as otherwise provided in subsection 4, every*** applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 5 of that section.

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

4. If an applicant is a homeless child or youth less than 25 years of age who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and less than 25 years of age, the applicant may satisfy the requirements of subsection 1 by presenting a school identification card and an unofficial transcript from the respective school that includes the date of birth of the applicant. A school identification card presented pursuant to this subsection must include, without limitation:

(a) The name of the school that issued the card;

(b) The first and last name of the applicant; and

(c) A photograph of the applicant.

5. As used in this section:

(a) "Homeless child or youth" has the meaning ascribed to "homeless children and youths" in 42 U.S.C. § 11434a.

(b) "Photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. **1. This section becomes effective upon passage and approval.**

2. Sections 1 to 3, inclusive, 7 and 8 of this act become effective on October 1, 2023.

3. Sections 4, 5 and 6 of this act become effective on January 1, 2026.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 161.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 802.

AN ACT relating to governmental administration; requiring, under certain circumstances, that the Department of Motor Vehicles place a designation on

a vehicle registration, driver's license or identification card for a person with a communication ~~[impairment;]~~ **need;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license or identification card. (NRS 483.3485, 483.863) Existing law further requires, upon the application of a person with a disability which limits or impairs the ability to walk, that the Department place a designation on any driver's license or identification card issued to the person indicating that the person is a person with such disability. (NRS 483.349, 483.865) Existing law: (1) authorizes the Director of the Department to adopt and enforce certain regulations relating to the registration of motor vehicles; and (2) requires, with certain exceptions, every owner of a motor vehicle, trailer or semitrailer to apply to the Department or a registered dealer for registration thereof. (NRS 482.160, 482.205) ~~[Sections 1,]~~ **Effective January 1, 2024, sections 1.5 and 1.7** of this bill require, upon the application of a person with a communication ~~[impairment,]~~ **need,** that the Department place on any ~~[vehicle registration,]~~ driver's license or identification card issued to the person a designation indicating that the person is a person with a communication ~~[impairment.]~~ **need. Effective January 1, 2026, section 3.5 of this bill requires, upon the application of a person with a communication need, that the Department place on any vehicle registration issued to the person a designation indicating that the person is a person with a communication need.**

Sections 1, 1.5 and 1.7 ~~[further]~~ prohibit the Department from requiring any person to disclose that the person is a person with a communication ~~[impairment.]~~ **need.** ~~[As used in]~~ **For the purposes of sections 1, 1.5 and 1.7**, the term "a person with a communication ~~[impairment"]~~ **need"** means a person who: (1) is deaf; (2) has a speech disorder; (3) has a language disorder; (4) has an auditory processing disorder; (5) is neurodivergent; or (6) has any other condition that impairs the ability of the person to comprehend language.

Sections 2 and 3 of this bill make conforming changes to indicate the proper placement of **section 1.5** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Upon the application of a person with a communication impairment, the Department shall place on any vehicle registration issued to the person pursuant to the provisions of this chapter a designation that the person is a person with a communication impairment.~~

~~2.]~~ The Department shall not require any person to disclose that the person is a person with a communication ~~[impairment.~~

~~*3.]*~~ ***need.***

2. As used in this section, "a person with a communication ~~*[impairment"]*~~ ***need" means a person who:***

(a) Is deaf, as defined in NRS 426.084;

(b) Has a speech disorder that impairs the ability of the person to articulate speech sounds, speak fluently or use the person's voice;

(c) Has a language disorder that impairs the ability of the person to comprehend language;

(d) Has an auditory processing disorder that impairs the ability of the person to comprehend language;

(e) Is neurodivergent; or

(f) Has any other condition that impairs the ability of the person to comprehend language.

Sec. 1.3. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.

Sec. 1.5. ***1. Upon the application of a person with a communication*** ~~*[impairment,]*~~ ***need, the Department shall place on any driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a person with a communication*** ~~*[impairment.]*~~ ***need.***

2. The Department shall not require any person to disclose that the person is a person with a communication ~~*[impairment.]*~~ ***need.***

3. As used in this section, "a person with a communication ~~*[impairment"]*~~ ***need" has the meaning ascribed to it in section 1 of this act.***

Sec. 1.7. ***1. Upon the application of a person with a communication*** ~~*[impairment,]*~~ ***need, the Department shall place on any identification card issued to the person pursuant to the provisions of NRS 483.810 to 483.890, inclusive, a designation that the person is a person with a communication*** ~~*[impairment.]*~~ ***need.***

2. The Department shall not require any person to disclose that the person is a person with a communication ~~*[impairment.]*~~ ***need.***

3. As used in this section, "a person with a communication ~~*[impairment"]*~~ ***need" has the meaning ascribed to it in section 1 of this act.***

Sec. 2. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, ***and section 1.5 of this act*** apply only with respect to noncommercial drivers' licenses.

Sec. 3. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, ***and section 1.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 3.5. **Section 1 of this act is hereby amended to read as follows:**

1. ***Upon the application of a person with a communication need, the Department shall place on any vehicle registration issued to the person***

pursuant to the provisions of this chapter a designation that the person is a person with a communication need.

2. The Department shall not require any person to disclose that the person is a person with a communication need.

~~[2.]~~ ***3.*** As used in this section, "a person with a communication need" means a person who:

(a) Is deaf, as defined in NRS 426.084;

(b) Has a speech disorder that impairs the ability of the person to articulate speech sounds, speak fluently or use the person's voice;

(c) Has a language disorder that impairs the ability of the person to comprehend language;

(d) Has an auditory processing disorder that impairs the ability of the person to comprehend language;

(e) Is neurodivergent; or

(f) Has any other condition that impairs the ability of the person to comprehend language.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 3, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Section 3.5 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 184.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 800.

AN ACT relating to air pollution; creating the Account for Clean Trucks and Buses; creating the Clean Trucks and Buses Incentive Program; establishing various requirements for the Program; ~~[making an appropriation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Environmental Commission to prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines. (NRS 445B.760) Existing law also requires the Commission to establish, by

regulation, a program for the regulation of smoke and other emissions by inspection of heavy-duty motor vehicles that are powered by diesel fuel or motor vehicle fuel. (NRS 445B.780) This bill establishes a voucher incentive program called the Clean Trucks and Buses Incentive Program in which the Division of Environmental Protection of the State Department of Conservation and Natural Resources will, within the limits of money available for such purposes, issue vouchers to approved contractors to redeem with the Division for offering certain price incentives to certain entities for the sale of eligible zero-emission medium-duty and heavy-duty vehicles.

Sections 2-15 of this bill define various terms related to the Clean Trucks and Buses Incentive Program.

Section 16 of this bill creates the Account for Clean Trucks and Buses, which is administered by the Division to carry out the Clean Trucks and Buses Incentive Program. **Section 16** requires the Department of Transportation to enter into an agreement with the Division to: (1) enable the Division to administer 35 percent of the apportionment of federal money to this State for the federal Carbon Reduction Program, 23 U.S.C. § 175, beginning in January 2024 **[.] , unless federal guidance on the federal Carbon Reduction Program determines that such federal money may not be used for the Clean Trucks and Buses Incentive Program;** (2) coordinate with the Division to ensure that the use of the money is consistent with all requirements of federal law; and (3) ensure that any necessary waivers for the Clean Trucks and Buses **Incentive** Program are obtained from the federal government.

Section 17 of this bill creates the Clean Trucks and Buses Incentive Program and sets forth the base incentives and **, unless otherwise inconsistent with federal law or guidance,** incentive increases that are available to eligible entities for the purchase of a clean truck or bus. To be eligible for an incentive from the Program, **section 17** requires that an entity: (1) own or operate a diesel-powered or gasoline-powered medium-duty or heavy-vehicle or a fleet of medium-duty or heavy-duty vehicles; and (2) be domiciled in this State.

Section 20.5 of this bill requires the Commission to adopt regulations to carry out the Program, which must include requirements for: (1) the Division to approve a clean truck or bus or repowered vehicle as eligible for purchase using an incentive from the Program; (2) a contractor to submit an application to be approved to sell eligible clean trucks or buses using an incentive from the Program; and (3) an eligible entity to work with an approved contractor to submit an application to receive an incentive from the Program **[.] and be awarded such an incentive from the Program.**

Section 21 of this bill requires the Division to review applications on a quarterly basis. Upon approval of an application, **section 21** requires the Division to reserve the amount of the incentive from the Program offered to the entity in the Account for Clean Trucks and Buses and, with certain exceptions, issue the approved contractor a voucher for that amount, which is valid for 1 year and may be extended for an additional 1 year upon the request of the approved contractor. Once the clean truck or bus has been purchased,

delivered and placed into operation by the entity, **section 21** authorizes the contractor to redeem the voucher with the Division.

Section 22 of this bill requires an entity that receives an incentive for the purchase of a clean truck or bus from the Clean Trucks and Buses Incentive Program to submit written reports to the Division in accordance with regulations adopted by the Commission. **Section 22** further requires the Division to submit an annual summary of these reports to the Director of the Legislative Counsel Bureau.

~~[Section 22.5 of this bill makes an appropriation to the Account for Clean Trucks and Buses created by section 16 for carrying out the Clean Trucks and Buses Program.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 15, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Clean truck or bus" means a medium-duty or heavy-duty vehicle that:***

1. Is powered by electricity that is stored in a battery or produced by a hydrogen fuel cell; and

2. Produces zero exhaust emissions.

Sec. 4. ***"Clean Trucks and Buses Incentive Program" or "Program" means the Clean Trucks and Buses Incentive Program created by section 17 of this act.***

Sec. 5. ***"Commission" means the State Environmental Commission.***

Sec. 6. ***"Contractor" means:***

1. An original equipment manufacturer;

2. An upfit manufacturer; or

3. A vehicle dealership that sells clean trucks or buses and that has an agreement with an original equipment manufacturer or upfit manufacturer to sell eligible clean trucks or buses using incentives from the Clean Trucks and Buses Incentive Program.

Sec. 7. ***"Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.***

Sec. 8. ***"Eligible entity" or "entity" means:***

1. A local government, which includes, without limitation, any county, city, district, agency, regional transportation commission, school district or other political subdivision of this State;

2. A state agency that operates a medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles;

3. A nonprofit organization;

4. A commercial entity that owns a medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles; or

5. An independent truck operator.

Sec. 9. *"Gross vehicle weight rating" means the maximum weight specified by the manufacturer of a vehicle at which a vehicle can be operated safely.*

Sec. 10. *"Historically underserved community" has the meaning ascribed to it in NRS 445B.834.*

Sec. 11. *"Independent truck operator" means a person who is the owner or operator of a medium-duty or heavy-duty vehicle that is hired as a third-party contractor to transport goods for a commercial entity.*

Sec. 12. *"Medium-duty or heavy-duty vehicle" means any medium-duty vehicle or heavy-duty vehicle that:*

1. Has a gross vehicle weight rating of more than 8,500 pounds; or

2. Is classified as having a gross vehicle weight rating class established by the United States Environmental Protection Agency of 2b or higher.

Sec. 13. *"Original equipment manufacturer" means a company that builds or assembles the completed drivetrain and chassis of a medium-duty or heavy-duty vehicle.*

Sec. 14. *"Repowered vehicle" means a medium-duty or heavy-duty vehicle that was previously powered by diesel or gasoline which has been upfitted or retrofitted by an upfit manufacturer to be powered by a battery electric or fuel cell electric powertrain.*

Sec. 15. *"Upfit manufacturer" means a company that installs equipment on the rolling chassis of a medium-duty or heavy-duty vehicle that was purchased from an original equipment manufacturer to switch the power source of the vehicle from diesel or gasoline to a battery electric or a fuel cell electric powertrain in order to create a repowered vehicle.*

Sec. 16. *1. The Account for Clean Trucks and Buses is hereby created in the State Treasury to be administered by the Division.*

2. The interest and income earned on the money in the Account must, after deducting any applicable charges, be credited to the Account. All claims against the Account must be paid as other ~~[claims]~~ claims against the State are paid.

3. ~~[Any]~~ Except as otherwise provided in subsection 7, any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund , ~~[remaining,]~~ and the balance in the Account must be carried forward to the next fiscal year.

4. All money that is deposited or paid into the Account must be used by the Division to carry out the Clean Trucks and Buses Incentive Program created pursuant to section 17 of this act.

5. Beginning in fiscal year 2024, and for the duration of the time in which apportionments are made to the State of Nevada by the Federal Government pursuant to the federal Carbon Reduction Program, 23 U.S.C.

§ 175, and available for such purposes, the Department of Transportation shall:

(a) Enter into an agreement with the Division under which :

(1) Except as otherwise provided in subparagraph 2, the Division will administer 35 percent of the federal money apportioned to this State pursuant to the federal Carbon Reduction Program, 23 U.S.C. § 175, and the Department of Transportation will make such federal money available for use by the Division to carry out the provisions of sections 2 to 22, inclusive, of this act, including, without limitation, to the extent authorized by federal law, for the costs of administering the Clean Trucks and Buses Incentive Program and staffing costs.

(2) If federal guidance on the federal Carbon Reduction Program, 23 U.S.C. § 175, determines that federal money apportioned pursuant to the federal Carbon Reduction Program cannot be used to carry out the provisions of sections 2 to 22, inclusive, of this act, the agreement must provide for the federal money to revert to the Department of Transportation for eligible uses of such federal money.

(b) Coordinate with the Division to ensure all requirements of federal law are met in developing the Clean Trucks and Buses Incentive Program created by section 17 of this act and administering any federal money apportioned under federal law.

(c) Assist the Division to request and obtain any waivers from the Federal Highway Administration that are necessary to comply with federal law and any conditions for any federal money.

6. The Division may apply for and accept gifts, grants, donations, bequests and any other source of money available under federal law, including, without limitation, the Clean Heavy-Duty Vehicle Program, 42 U.S.C. § 7432 [,] or the Greenhouse Gas Reduction Fund, 42 U.S.C. § 7434, [or the Diesel Emissions Reduction Act, 42 U.S.C. §§ 16131-16139, inclusive,] and from private sources for deposit in the Account to carry out the provisions of the Clean Trucks and Buses Incentive Program created by section 17 of this act.

7. Any money deposited in the Account pursuant to the federal Carbon Reduction Program, 23 U.S.C. § 175, that is scheduled to expire in 1 year or less must revert to the Department of Transportation for other eligible uses of such federal money.

Sec. 17. *1. The Clean Trucks and Buses Incentive Program is hereby created for the purpose of awarding incentives to eligible entities for the purchase of eligible clean trucks and buses from approved contractors. Except as otherwise provided in subsection 2, the Division shall administer the Program in accordance with the provisions of sections 2 to 22, inclusive, of this act.*

2. In accordance with subsection 5 of section 16 of this act, the Department of Transportation shall oversee the use of federal money for the Clean Trucks and Buses Incentive Program, ensure all requirements of

federal law are met for such federal money and administer payments of federal money to the Division to carry out the Program.

3. In administering the Clean Trucks and Buses Incentive Program, the Division shall establish, in accordance with the regulations adopted by the Commission pursuant to section 20.5 of this act:

(a) The clean trucks and buses that are eligible for purchase using an incentive from the Program;

(b) The contractors that are approved to sell eligible clean trucks and buses;

(c) A process for reviewing applications submitted by an approved contractor to determine which entities will receive an incentive in accordance with the requirements set forth in this section; and

(d) A process for issuing vouchers to approved contractors who have sold an eligible clean truck or bus to an eligible entity to redeem the incentive offered to the entity.

4. To receive an incentive for the purchase of an eligible clean truck or bus, an entity must:

(a) Own or operate a diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles; and

(b) Be domiciled in this State.

5. The base incentive that is available to an eligible entity from the Program for a clean truck or bus is based on the gross vehicle weight rating class established by the United States Environmental Protection Agency as follows:

(a) For a gross vehicle weight rating class of 2b, $20,000;

(b) For a gross vehicle weight rating class of 3, $50,000;

(c) For a gross vehicle weight rating class of 4, $65,000;

(d) For a gross vehicle weight rating class of 5, $75,000;

(e) For a gross vehicle weight rating class of 6, $90,000;

(f) For a gross vehicle weight rating class of 7, $135,000; and

(g) For a gross vehicle weight rating class of 8, $175,000.

6. If an eligible entity demonstrates that the entity meets one of the following criteria, the base incentives set forth in subsection 4 may be increased <u>if the increase is consistent with any federal law and guidance on the federal Carbon Reduction Program, 23 U.S.C. § 175,</u> as follows:

(a) For a <u>disadvantaged small business, including, without limitation, a disadvantaged</u> minority-owned, veteran-owned, LGBTQ-owned or woman-owned business <u>,</u> ~~[,]~~ <u>or disadvantaged business owned by a resident of an Indian reservation or Indian colony, a</u> 5 percent increase to the base incentive.

(b) For a small business, a 20 percent increase to the base incentive.

(c) For an independent truck operator, a 33 percent increase to the base incentive. An independent truck operator may not also apply to receive the small business increase to the base incentive.

(d) For a regional transportation commission, a 10 percent increase to the base incentive.

(e) For a school district, charter school or university school for profoundly gifted pupils:

(1) A 10 percent increase to the base incentive; or

(2) If the school district, charter school or university school for profoundly gifted pupils is located in a historically underserved community, a 20 percent increase to the base incentive.

(f) For a tribal government, a 20 percent increase to the base incentive.

~~***[(g) For a business owned by a resident of an Indian reservation or Indian colony, a 20 percent increase to the base incentive.]***~~

7. An eligible entity:

(a) May not receive more than 2 increases to the base incentive pursuant to subsection 6;

(b) Except as otherwise provided in paragraph (c), may not receive more than 10 incentives in one year; and

(c) That is a school district or regional transportation commission in a county whose population is 700,000 or more may not receive more than 15 incentives in a year.

8. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 20.5. ***The Commission shall adopt regulations to carry out the Clean Trucks and Buses Incentive Program in accordance with the provisions of sections 2 to 22, inclusive of this act. Any such regulations adopted by the Commission pursuant to this section must be consistent with all applicable requirements of federal law and must include, without limitation:***

1. The requirements to approve a clean truck or bus as eligible for an incentive, including, without limitation:

(a) The process by which applications must be submitted to the Division to approve a clean truck or bus as eligible to receive an incentive;

(b) The contents of an application required for approval of a clean truck or bus as eligible to receive an incentive;

(c) Any specific requirements relating to the manufacturing and final assembly of clean trucks or buses that are necessary to meet any requirements of federal law for the use of federal money;

(d) Any specific requirements for repowered vehicles; ~~[and]~~

(e) Any performance requirements for eligible vehicles to meet in order to participate in the Program; and

(f) Any other necessary requirements relating to approving a clean truck or bus, as determined by the Commission.

2. The requirements to approve a contractor to participate as an approved contractor in the Program, including, without limitation:

(a) The process by which applications must be submitted by contractors to the Division;

(b) The contents of the application required to be submitted by a contractor to participate as an approved contractor;

(c) Any activities in which an approved contractor may engage under the Program; and

(d) Any other necessary requirements relating to approving a contractor, as determined by the Commission.

3. The requirements relating to entities which are eligible to receive an incentive for the purchase of an eligible clean truck or bus, including, without limitation:

(a) The process to determine the eligibility of entities to receive an incentive;

(b) Any requirements for eligible entities;

(c) The contents of the application submitted by an entity who may be eligible for an incentive and an approved contractor for a voucher from the Program;

(d) The process by which applications for a voucher are submitted and processed by the Division;

(e) ~~[Any performance requirements for eligible vehicles to meet in order to participate in the Program;]~~ The process for awarding incentives to eligible entities; and

(f) Any other necessary requirements relating to applications for and awards of incentives, as determined by the Commission.

Sec. 21. *1. The Division shall review the applications submitted in accordance with the regulations adopted pursuant to section 20.5 of this act on a rolling basis beginning on January 1, March 1, June 1 and September 1 of each year and, within the limits of money available from the Account for Clean Trucks and Buses for that quarter, grant applications for incentives.*

If an eligible entity meets the requirements for an incentive but does not receive an incentive after submitting an application, the entity must be waitlisted and granted priority to receive an incentive during the next application cycle.

2. Upon approving an application, the Division shall reserve the amount of the incentive in the Account for Clean Trucks and Buses and, except as otherwise provided in subsection 4, issue the approved contractor a voucher for that amount, which, except as otherwise provided in this subsection, is valid for a period of 1 year from the date of issuance. The approved contractor may redeem the voucher by submitting proof to the Division that the clean truck or bus has been purchased, delivered and placed into operation by the entity who received the incentive. The approved contractor may submit a request to the Division for an extension of the voucher for an additional period of 1 year.

3. The approved contractor must reduce the price of the clean truck or bus by the full amount of the voucher issued to the approved contractor and must not charge any additional fees for selling the clean truck or bus, including, without limitation, any fees associated with processing the voucher.

4. If the incremental cost of an eligible clean truck or bus is less than the incentive which an entity is eligible to receive, the Division shall reduce the value of the voucher to the incremental cost of purchasing the clean truck or bus instead of a comparable diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle.

Sec. 22. ***1. An entity that receives an incentive for the purchase of a clean truck or bus from the Clean Trucks and Buses Incentive Program must submit written reports to the Division in accordance with the regulations adopted by the Commission pursuant to subsection 2.***

2. The Commission shall adopt regulations establishing reporting requirements in accordance with this section for recipients of an incentive from the Program. Such regulations:

(a) May not require a recipient to submit a report more than two times each year; and

(b) May not require a recipient to submit a report for more than 3 years, unless otherwise required to comply with federal law.

3. On or before December 31 of each year, the Division shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session to the Legislative Commission, a summary of the reports submitted to the Division pursuant to this section.

Sec. 22.5. ~~[There is hereby appropriated from the State General Fund to the Account for Clean Trucks and Buses, created by section 16 of this act, the sum of $4,000,000 for carrying out the Clean Trucks and Buses Incentive Program created by section 17 of this act.~~ **] (Deleted by amendment.)**

Sec. 23. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 24. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 20.5, inclusive, 22 and 23 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Section 21 of this act becomes effective on the date that the permanent regulations required to be adopted by the State Environmental Commission pursuant to section 20.5 of this act are filed with the Secretary of State pursuant to NRS 233B.070.

4. Section 22.5 of this act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 192.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 799.

AN ACT relating to elections; establishing requirements relating to the purchase of ~~[mail]~~ ballots and return envelopes used in certain elections in this State; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; **making an appropriation to the Office of the Secretary of State to enter into a contract for the purchase of ballots and return envelopes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State. (NRS 293.250) **Sections 1.5 and 4** of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. **Sections 1.5 and 4** also require the Secretary of State to prescribe a method for distinguishing the return envelopes of each county or city, as applicable.

Section 1 of this bill requires the Secretary of State to enter into a statewide contract for the purchase of all ballots and return envelopes used in a presidential preference primary election, primary election and general election in this State. **Section 5.3 of this bill makes an appropriation to the Office of the Secretary of State to enter into such a contract.**

__**Section 1** further requires each county and city clerk to use the ballots and return envelopes purchased by the Secretary of State for such elections. **Section 5.5** of this bill provides that a county or city clerk may request from the Secretary of State an exemption from this requirement for the presidential preference primary election, primary election and general election held in 2024.

Existing law requires a county clerk and city clerk to keep continuously posted certain signs and notices which indicate that electioneering is prohibited between the boundary marked by the sign and the entrance to a polling place. (NRS 293.361, 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and city clerk to ensure that any signs and notices posted are: (1) at least 17 inches by 11 inches in size; (2) placed on a window or door of the polling place or freestanding; and (3) visible to a person approaching the boundary marked by the sign.

Existing law defines "electioneering" to include buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to provide instead that "electioneering" includes buying, selling, wearing or displaying any badge, button or other insigne which expressly refers to any political party or a candidate or ballot question to be voted upon at that election.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

The Secretary of State shall enter into a contract for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in all presidential preference primary elections, primary elections and general elections held in this State. Such a contract is subject to the provisions of chapter 333 of NRS. Each county clerk and city clerk in this State shall use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract entered into pursuant to this section for all presidential preference primary elections, primary elections and general elections.

Sec. 1.5. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 2. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The county clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 3. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. ***The county clerk shall ensure that any notice posted pursuant to subsection 1 is:***

(a) At least 17 inches by 11 inches in size;

(b) Placed on a window or door of the polling place or a freestanding sign; and

(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.

3. The provisions of ~~[subsection]~~ ***subsections*** 1 ***and 2*** do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

~~[3.]~~ ***4.*** Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~[4.]~~ ***5.*** As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which ~~[is designed or tends to aid or promote the success or defeat of]~~ ***expressly refers to*** any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 4. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The city clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 5.3. **1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State to enter into a contract pursuant to section 1 of this act for the purchase of ballots, including, without limitation, mail ballots and return envelopes, the following sums:**

For the Fiscal Year 2023-2024..... $7,805,011

For the Fiscal Year 2024-2025..... $3,902,506

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 5.5. Upon the request of a county clerk or city clerk, the Secretary of State may grant an exemption from the requirement to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract entered into pursuant to section 1 of this act for the presidential preference primary election, primary election and general election that is held in 2024.

Sec. 6. 1. This section and section 5.5 of this act become effective upon passage and approval.

2. **Section 5.3 of this act becomes effective on July 1, 2023.**

3. Sections 1 to 5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblywoman González:

Amendment No. 820.

AN ACT relating to elections; establishing requirements relating to the purchase of mail ballots and return envelopes used in certain elections in this State; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State. (NRS 293.250) **Sections 1.5 and 4** of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. **Sections 1.5 and 4** also require the Secretary of State to prescribe a method for distinguishing the return envelopes of each county or city, as applicable.

Section 1 of this bill requires the Secretary of State to enter into a statewide contract for the purchase of all ballots and return envelopes used in a presidential preference primary election, primary election and general election in this State. **Section 1 provides that if such a contract requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract must require the vendor to deposit the mail ballots for mailing at a location within this State.** **Section 1** further requires each county and city clerk to use the ballots and return envelopes purchased by the Secretary of State for such elections. **Section 5.5** of this bill provides that a county or city clerk may request from the Secretary of State an exemption from this requirement for the presidential preference primary election, primary election and general election held in 2024.

Existing law requires a county clerk and city clerk to keep continuously posted certain signs and notices which indicate that electioneering is prohibited between the boundary marked by the sign and the entrance to a polling place. (NRS 293.361, 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and city clerk to ensure that any signs and notices posted are: (1) at least 17 inches by 11 inches in size; (2) placed on a window or door of the polling place or freestanding; and (3) visible to a person approaching the boundary marked by the sign.

Existing law defines "electioneering" to include buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to provide instead that "electioneering" includes buying, selling, wearing or displaying any badge, button or other insigne which expressly refers to any political party or a candidate or ballot question to be voted upon at that election.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State shall enter into a contract for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in all presidential preference primary elections, primary elections and general elections held in this State. Such a contract is subject to the provisions of chapter 333 of NRS. Each county clerk and city clerk in this State shall use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract entered into pursuant to this section for all presidential preference primary elections, primary elections and general elections.

2. If a contract entered into pursuant to this section requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract must require the vendor to deposit the mail ballots for mailing at a location within this State.

Sec. 1.5. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 2. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The county clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 3. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection ~~[~~2.~~]~~ ***3,*** it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. ***The county clerk shall ensure that any notice posted pursuant to subsection 1 is:***

(a) At least 17 inches by 11 inches in size;

(b) Placed on a window or door of the polling place or a freestanding sign; and

(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.

3. The provisions of ~~[subsection]~~ ***subsections*** 1 ***and 2*** do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

~~[3.]~~ ***4.*** Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~[4.]~~ ***5.*** As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which ~~[is designed or tends to aid or promote the success or defeat of]~~ ***expressly refers to*** any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 4. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The city clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 5.5. Upon the request of a county clerk or city clerk, the Secretary of State may grant an exemption from the requirement to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract entered into pursuant to section 1 of this act for the presidential preference primary election, primary election and general election that is held in 2024.

Sec. 6. 1. This section and section 5.5 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman González moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 246.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 797.

AN ACT relating to elections; requiring, under certain circumstances, the Secretary of State, county clerks and city clerks to ensure that voting materials and certain other elections information are posted on certain Internet websites and made available in certain languages; requiring the Secretary of State to establish a toll-free telephone number which may be used for a person to receive language interpretation or translation assistance relating to an election; requiring such telephone number to be posted at each polling place and on certain Internet websites and included on sample ballots; requiring the Secretary of State to include certain information related to a registered voter's preferred language on an application to register to vote; requiring county and city clerks to make a good faith effort to appoint election board officers who are bilingual; revising the information relating to registered voters that is required to be included on the statewide voter registration list; requiring, under certain circumstances, a mechanical voting system to list offices, candidates and ballot measures in a voter's preferred language; creating and setting forth the membership and duties of the Language Access Advisory Committee; **making an appropriation to the Office of the Secretary of State for certain expenses relating to language access and the establishment of a toll-free telephone number;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each voting system used by a county or city to provide voting materials in English and every language in which voting materials are required to be prepared pursuant to federal law. (52 U.S.C. § 10503; NRS 293.2699) **Section 5** of this bill requires the Secretary of State to ensure that voting materials and other elections information are posted or made available at a polling place in certain languages. **Section 5** further requires the Secretary of State, on or before January 1 of each odd-numbered year, to review certain data on persons who are members of a minority group and are of limited-English proficiency in the State. Based on the review of such data,

under certain circumstances, the Secretary of State and certain county and city clerks are required to ensure that voting materials and other information are provided in certain other languages. **Sections 11-16, 18, 19 and 26-28.5** of this bill make conforming changes to require that certain elections materials be available in such languages.

Section 37.5 of this bill requires the Secretary of State to review certain data in sufficient time for voting materials to be prepared for the 2024 General Election.

Sections 2-4 of this bill, respectively, define the terms "limited-English proficiency," "minority group" and "voting materials." **Section 9** of this bill makes a conforming change to indicate the proper placement of **sections 2-4** in the Nevada Revised Statutes.

Section 6 of this bill requires the Secretary of State and authorizes a county clerk to establish a toll-free telephone number which may be used by any person to receive language interpretation or translation assistance relating to an election. **Sections 7, 14-16, 18, 22, 27 and 28** of this bill require each polling place, sample ballot and Internet website of the county or city clerk, as applicable, to include such telephone number.

Section 8 of this bill requires the Secretary of State to include on all forms for an application to preregister or register to vote certain language authorizing a person who registers to vote to request a sample ballot in a language other than English.

Existing law requires each county and city clerk to appoint registered voters to act as election board officers for the various polling places in the county or city, as applicable. (NRS 293.217, 293C.220) **Sections 10 and 25** of this bill require the county or city clerk to make a good faith effort to appoint election board officers who are bilingual.

Existing law requires the Secretary of State to prescribe forms for applications to preregister or register to vote. (NRS 293.507) **Section 17** of this bill requires the Secretary of State to include on each such application a line on which to enter the applicant's state or country of birth and a language preference. **Section 20** of this bill requires such information to be included on the statewide voter registration list.

Existing law requires the Secretary of State to establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to preregister and register to vote, cancel such preregistration or registration, update such preregistration or registration and determine at what polling place or places he or she is entitled to vote. The system is required to be user friendly. (NRS 293.671) **Section 19** of this bill requires the system to also be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to **section 5**.

Section 21 of this bill provides that if the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statement

of ballot measures for which the voter is entitled to vote is in that preferred language.

Section 34 of this bill creates the Language Access Advisory Committee within the Office of the Secretary of State, consisting of the Secretary of State or his or her designee, and certain other members. **Section 35** of this bill requires the Advisory Committee to: (1) identify certain programs and services that address language accessibility of elections and voting materials; (2) coordinate with community organizations to determine language accessibility of elections and voting materials; (3) act as a liaison between the Office of the Secretary of State and community organizations; (4) make certain annual assessments relating to language accessibility; and (5) make certain recommendations to the Office of the Secretary of State relating to language accessibility. **Section 36** of this bill sets forth certain requirements for meetings of the Advisory Committee. **Section 37** of this bill: (1) requires the Secretary of State to appoint the initial members of the Advisory Committee before January 1, 2024; and (2) staggers the terms of the initial members.

Section 36.7 of this bill makes an appropriation to the Office of the Secretary of State to carry out certain provisions of this bill relating to language access and the establishment of the toll-free telephone number required pursuant to section 6.

Sections 23 and 24 of this bill make conforming changes to indicate the proper placement of **section 22** in the Nevada Revised Statutes.

Section 29 of this bill makes a conforming change to indicate the proper placement of **section 7** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Limited-English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.***

Sec. 3. ***"Minority group" includes, without limitation, United States citizens of Chinese heritage.***

Sec. 4. ***"Voting materials" means any material related to voter registration, elections and the electoral process, including, without limitation, applications to register to vote, ballots, mail ballots, sample ballots, instructions and other forms.***

Sec. 5. ***1. The Secretary of State shall ensure that voting materials and other elections information that is posted on the Internet website of the Office of the Secretary of State or the system of approved electronic transmission established pursuant to NRS 293D.200 is available on such website and system of approved electronic transmission in any language in which voting materials are required to be prepared pursuant to 52 U.S.C. § 10503. If any such language does not have a standard writing system, the information required to be posted must be set forth in an audio recording in***

the language. Except as otherwise provided in this subsection, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this subsection. If such a certified translator is not available to translate the information required pursuant to this subsection, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

2. Each county clerk and city clerk shall ensure that the Internet website of the county or city clerk, as applicable, has posted in a prominent location a link to the information on the website of the Office of the Secretary of State required pursuant to subsection 1.

3. The Secretary of State shall, on or before January 1 of each odd-numbered year, review data on persons who are members of a minority group and are of limited-English proficiency in the State, based on the American Community Survey conducted by the Bureau of the Census of the United States Department of Commerce or language preference information collected by the Secretary of State. In addition to the requirements set forth in subsections 1 and 2, if, based on such data:

(a) The Secretary of State finds that there are at least 5,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall ensure that voting materials and other elections information that are posted on the Internet website of the Office of the Secretary of State or set forth in the system of approved electronic transmission

established pursuant to NRS 293D.200 are available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

(b) Except as otherwise provided in this paragraph, the Secretary of State finds that there are at least 20,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify each county clerk and each county clerk shall cooperate with the Secretary of State to ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the

language. Except as otherwise provided in this paragraph, each county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the county clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance. The cost of preparing and providing voting materials and other elections information in any language required pursuant to this paragraph is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners. The provisions of this paragraph do not apply to the extent that a county clerk is required pursuant to paragraph (c) to ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group.

(c) The Secretary of State finds that there are at least 5,000 qualified electors in a county who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify the county clerk and the county clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the county clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

(d) The Secretary of State finds that there are at least 5,000 qualified electors in a city who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify the city clerk and the city clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the city clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the city clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the city clerk

shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

Sec. 6. ***1. The Secretary of State shall:***

(a) Establish a toll-free telephone number which may be used by any person in this State to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) Post the toll-free telephone number established pursuant to paragraph (a) on the Internet website of the Office of the Secretary of State.

2. A county clerk:

(a) May establish a toll-free telephone number which may be used by any person in the county to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) If such a toll-free telephone number is established pursuant to paragraph (a), post the toll-free telephone number on the Internet website of the county clerk.

3. Each county and city clerk shall post the toll-free telephone number established by the Secretary of State pursuant to subsection 1 on the Internet website of the county or city clerk, as applicable.

Sec. 7. ***The county clerk shall ensure that at each polling place for early voting the toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.***

Sec. 8. ***1. The Secretary of State shall include on all forms for an application to preregister or register to vote prescribed by the Secretary of State, including, without limitation, a paper application and the form set forth on the system established by the Secretary of State pursuant to NRS 293.671 to allow persons to register to vote by computer, the following language in at least 14-point bold type:***

[ ] CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH AND INCLUDE THE PREFERRED LANGUAGE HERE _____

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE, COUNTY AND CITY.

2. Except as otherwise provided in this subsection, the county clerk and city clerk of the county and city where the voter is registered to vote must provide the voter who has indicated a preferred language other than English

with a sample ballot in the preferred language. If, pursuant to section 5 of this act, a county or city clerk is not required to provide voting materials in the preferred language of the voter, the county or city clerk, as applicable, must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.

Sec. 9. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, ***and sections 2, 3 and 4 of this act,*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various polling places in the county as provided in NRS 293.220 to 293.227, inclusive, and NRS 293.269929. ***The county clerk shall make a good faith effort to appoint election board officers who are bilingual in a language that voting materials are required to be provided in pursuant to section 5 of this act.*** The registered voters appointed as election board officers for any polling place must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the mail ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the mail ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➥ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 11. NRS 293.2549 is hereby amended to read as follows:

293.2549 1. The Secretary of State, each county clerk and each city clerk shall:

(a) Make the Voters' Bill of Rights readily available to the public;

(b) Maintain a copy of the Voters' Bill of Rights in his or her office for reproduction and distribution to the public; ~~[and]~~

(c) Ensure that the Voters' Bill of Rights is posted in a conspicuous place, in at least 12-point type, at each polling place ~~[.]~~ ***; and***

(d) Ensure that the Voters' Bill of Rights is available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.

2. The Secretary of State shall ensure that the Voters' Bill of Rights is posted on the Secretary of State's Internet website ~~[.]~~ ***and available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.***

Sec. 12. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in:

(a) English; ~~[and]~~

(b) Every language in which voting materials are required to be prepared in the county or city pursuant to 52 U.S.C. § 10503 ~~[.]~~ ***; and***

(c) Every other language in which voting materials are required to be prepared in the county or city pursuant to section 5 of this act.

2. In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.

~~[3. As used in this section:~~

~~(a) "Limited English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.~~

~~(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.~~

~~(c) "Voting materials" has the meaning ascribed to it in 52 U.S.C. § 10503.]~~

Sec. 13. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. ***If a county clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the county clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 14. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive;

4. Instructions concerning the identification required for persons who registered by mail or computer and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities;

6. ***Instructions concerning how a registered voter may obtain a copy of voting materials in each of the languages that voting materials are required to be prepared in pursuant to section 5 of this act;***

7. The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for obtaining language interpretation or translation assistance relating to the election;

8. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and

~~[7.]~~ ***9.*** Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 15. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; ~~[and]~~

(e) All reports submitted to the Secretary of State pursuant to the provisions of chapter 294A of NRS ~~[.]~~ ***; and***

(f) The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. ***The information required to be maintained by the Secretary of State pursuant to subsection 1 shall be available in all of the languages that voting materials are required to be prepared in pursuant to section 5 of this act.***

3. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

~~[3.]~~ ***4.*** If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 16. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~[and]~~

(b) The abstract of votes required pursuant to the provisions of NRS 293.388 ~~[.]~~ ***; and***

(c) The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. ***The information required to be maintained by a county clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the county pursuant to section 5 of this act.***

4. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 17. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) Standard forms for applications to preregister or register to vote;

(b) Special forms for preregistration and registration to be used in a county where registrations are performed and records of registration are kept by computer; and

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to preregister or register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to preregister or register to vote must include a:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to preregister or register to vote must include:

(a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

(e) A line on which to enter the applicant's state or country of birth and a language preference.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 18. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type**.** ~~[; and]~~

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

(c) Include on the front page, in a separate box created by bold lines, a notice that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL (Insert appropriate telephone number)

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND COUNTY

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. ***If a person requests a sample ballot in a language other than English and the county clerk is required to provide voting materials in such language pursuant to section 5 of this act, the county clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a county clerk is not required to provide voting materials in the preferred language of the voter, the county clerk must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.***

13. The county clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the county clerk is required to provide information and voting materials pursuant to section 5 of this act.

14. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

~~[13.]~~ ***15.*** The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 19. NRS 293.671 is hereby amended to read as follows:

293.671 1. The Secretary of State shall establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to:

(a) Preregister and register to vote;

(b) Cancel his or her preregistration or voter registration;

(c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address ***,*** ~~[and]~~ party affiliation ~~[;]~~ and ***language preference; and***

(d) Determine at what polling place or places he or she is entitled to vote.

2. The system established pursuant to subsection 1 must:

(a) Be user friendly;

(b) ***Be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to section 5 of this act;***

(c) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and 293.4855; and

~~[(c)]~~ ***(d)*** Inform any person who uses the system to register to vote for an election pursuant to NRS 293.5837, 293.5842 and 293.5847 that the person may vote in the election only if the person complies with the applicable requirements established by those sections.

3. The Secretary of State shall include on the system, in black lettering and not more than 14-point type, the following information:

(a) The qualifications to register or preregister to vote;

(b) That if the applicant does not meet the qualifications, he or she is prohibited from registering or preregistering to vote; and

(c) The penalties for submitting a false application.

4. The Secretary of State shall not include on the system:

(a) Any additional warnings regarding the penalties for submitting a false application; or

(b) The notice set forth in NRS 225.083.

Sec. 20. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is

qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.

2. The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

3. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name ***, state or country of birth, language preference*** and ***other*** registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 9, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 10, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

4. Each county and city clerk shall:

(a) Electronically enter into the database created pursuant to subsection 1 all information related to voter preregistration and registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

5. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

6. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

7. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

8. The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the statewide voter registration list with information in the records of the State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.

9. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

10. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 21. Chapter 293B of NRS is hereby amended by adding thereto a new section to read as follows:

If the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statements of measures for which the voter is entitled to vote is in that preferred language.

Sec. 22. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

The city clerk shall ensure that at each polling place for early voting the applicable toll-free telephone number established by the Secretary of State pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.

Sec. 23. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in NRS 293.5817 and 293C.263 to 293C.26337, inclusive, the conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. The governing body of the city may provide for the conduct of early voting by personal appearance in a city election pursuant to NRS 293.5772 to 293.5887, inclusive, and 293C.355 to 293C.361, inclusive ~~[.]~~ ***and section 22 of this act.***

Sec. 24. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail in accordance with the provisions of NRS 293C.263 to 293C.26337, inclusive, if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293.5772 to 293.5887, inclusive, 293C.265 to 293C.302, inclusive, and 293C.355 to 293C.361, inclusive, ***and section 22 of this act,*** do not apply to an election conducted pursuant to this section.

Sec. 25. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various polling places and precincts in the city as provided in NRS 293.225, 293.227, 293C.227, 293C.228 and 293C.26329. ***The city clerk shall make a good faith effort to appoint election board officers who are bilingual in a language that voting materials are required to be provided in pursuant to section 5 of this act.*** No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board and the mail ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board and the mail ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➥ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 26. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. ***If a city clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the city clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 27. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type **. [**~~;~~**]**

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217 **. [**~~; and~~**]**

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

(d) Include on the front page, in a separate box created by bold lines, a notice that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL

(Insert appropriate telephone number)

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND CITY

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. ***If a person requests a sample ballot in a language other than English and the city clerk is required to provide voting materials in such language pursuant to section 5 of this act, the city clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a city clerk is not required to provide voting materials in the preferred language of the voter, the city clerk must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.***

11. The city clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the city clerk is required to provide information and voting materials pursuant to section 5 of this act.

12. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

~~[11.]~~ ***13.*** The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 28. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~[and]~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387 ~~[.]~~ ***; and***

(c) The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. ***The information required to be maintained by a city clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the city pursuant to section 5 of this act.***

4. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 28.5. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter. ***The Secretary of State shall ensure that the system is available in all languages in which voting materials are***

required to be prepared and made available pursuant to 52 U.S.C. § 10503 or section 5 of this act.

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

6. The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:

(a) The person would have been able to preregister to vote pursuant to NRS 293.4855 except for the residency requirement; and

(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.

Sec. 29. NRS 298.700 is hereby amended to read as follows:

298.700 1. Except as otherwise provided in this section, the provisions of NRS 293.356 to 293.361, inclusive, ***and section 7 of this act,*** apply to a presidential preference primary election.

2. The period for early voting for a presidential preference primary election begins 10 calendar days before the date of the presidential preference primary election and extends through the Friday before the day of the presidential preference primary election.

3. The county clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

4. A permanent polling place for early voting must remain open:

(a) On Monday through Friday during the period for early voting, for at least 8 hours during such hours as the county clerk may establish.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours during such hours as the county clerk may establish.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 3, during such hours as the county clerk may establish.

Sec. 30. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 31 to 36, inclusive, of this act.

Sec. 31. ***As used in sections 31 to 36, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 32 and 33 of this act have the meanings ascribed to them in those sections.***

Sec. 32. ***"Advisory Committee" means the Language Access Advisory Committee created by section 34 of this act.***

Sec. 33. ***"Language access programs" means a program or service that focuses on communication barriers between persons who cannot read, speak or write English fluently.***

Sec. 34. ***1. The Language Access Advisory Committee is hereby created within the Office of the Secretary of State.***

2. The Advisory Committee consists of the following members who represent the diversity of this State, including:

(a) The Secretary of State or his or her designee;

(b) The registrar of voters of each county that has created the office of registrar of voters pursuant to NRS 244.164;

(c) A county clerk of a county whose population is less than 100,000, appointed by the Secretary of State; and

(d) Three other members of the public appointed by the Secretary of State.

3. The Secretary of State shall:

(a) Consider members who have knowledge of language access programs when appointing members of the Advisory Committee;

(b) Select the Chair of the Advisory Committee from among its members; and

(c) Designate an employee of the Office of the Secretary of State to serve as Secretary for the Advisory Committee.

4. The Secretary of State may assign such other employees of his or her Office as he or she deems necessary to assist the Advisory Committee in its duties.

5. The Chair of the Advisory Committee shall appoint a Vice Chair from among the members of the Advisory Committee.

6. After the initial term, each member of the Advisory Committee shall serve for a term of 2 years. Each member of the Advisory Committee serves at the pleasure of the Secretary of State. If a vacancy occurs, the Secretary of State shall appoint a new member to fill the vacancy for the remainder of the unexpired term.

7. Members of the Advisory Committee serve without compensation. While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 35. ***1. The Advisory Committee shall:***

(a) Identify programs and services that address problems concerning language accessibility of elections and voting materials;

(b) Coordinate with community organizations to determine language accessibility needs for elections and voting materials;

(c) Act as liaison between the Office of the Secretary of State and community organizations;

(d) Make annual assessments to determine language accessibility programs and services that could be implemented for the election process;

(e) Make recommendations to the Office of the Secretary of State relating to language accessibility programs and services that should be implemented in elections.

2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.

Sec. 36. ***1. The Advisory Committee shall meet at least four times in a calendar year. One meeting must be in person. The Advisory Committee may conduct all other meetings through the use of remote technology systems. A special meeting of the Advisory Committee may be called by the Secretary of State and the Chair of the Advisory Committee at such additional times as they deem necessary.***

2. The Chair of the Advisory Committee or, in the absence of the Chair, the Vice Chair of the Advisory Committee, shall preside at each meeting of the Advisory Committee.

3. A majority of the members of the Advisory Committee constitute a quorum.

4. As used in this section, "remote technology system" has the meaning ascribed to it in NRS 241.015.

Sec. 36.5. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253, 293.405, 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235 ~~[.]~~ ***and section 5 of this act;***

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 36.7. **1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State for personnel, travel expenses, operating expenses, equipment and information services expenses, vendor services relating to the expansion of language access and the establishment of a toll-free telephone number required by section 6 of this act the following sums:**

For the Fiscal Year 2023-2024..... $240,244

For the Fiscal Year 2024-2025..... $209,332

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 37. 1. The Secretary of State shall appoint the members of the Language Access Advisory Committee created by section 34 of this act before January 1, 2024.

2. Notwithstanding the provisions of section 34 of this act, the members of the Language Access Advisory Committee must be appointed to serve initial terms as follows:

(a) The member who is a county clerk of a county whose population is less than 100,000 and one of the members who are members of the public must be appointed to serve a term of 2 years.

(b) Two of the members who are members of the public must be appointed to serve a term of 3 years.

Sec. 37.5. 1. The Secretary of State shall ensure that the review of data that the Secretary of State is required to perform pursuant to section 5 of this act is completed in sufficient time so that voting materials may be made available by the Secretary of State and any affected county or city clerk in any required language for the 2024 General Election.

2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.

Sec. 38. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 39. 1. This section and sections 37, 37.5 and 38 of this act become effective upon passage and approval.

2. **Section 36.7 of this act becomes effective on July 1, 2023.**

3. Sections 1 to 36.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 798.

ASSEMBLYMEN TORRES, MARZOLA, WATTS, GONZÁLEZ; ANDERSON, BACKUS, BILBRAY-AXELROD, BROWN-MAY, CARTER, COHEN, CONSIDINE, D'SILVA, DURAN, BRITTNEY MILLER, C.H. MILLER, **MONROE-MORENO,** MOSCA, NEWBY, NGUYEN, PETERS, SUMMERS-ARMSTRONG AND TAYLOR

AN ACT relating to elections; requiring, under certain circumstances, the Secretary of State, county clerks and city clerks to ensure that voting materials and certain other elections information are posted on certain Internet websites and made available in certain languages; requiring the Secretary of State to establish a toll-free telephone number which may be used for a person to receive language interpretation or translation assistance relating to an election; requiring such telephone number to be posted at each polling place and on certain Internet websites and included on sample ballots; requiring the Secretary of State to include certain information related to a registered voter's preferred language on an application to register to vote; requiring county and city clerks to make a good faith effort to appoint election board officers who are bilingual; revising the information relating to registered voters that is required to be included on the statewide voter registration list; requiring, under certain circumstances, a mechanical voting system to list offices, candidates

and ballot measures in a voter's preferred language; creating and setting forth the membership and duties of the Language Access Advisory Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each voting system used by a county or city to provide voting materials in English and every language in which voting materials are required to be prepared pursuant to federal law. (52 U.S.C. § 10503; NRS 293.2699) **Section 5** of this bill requires the Secretary of State to ensure that voting materials and other elections information are posted or made available at a polling place in certain languages. **Section 5** further requires the Secretary of State, on or before January 1 of each odd-numbered year, to review certain data on persons who are members of a minority group and are of limited-English proficiency in the State. Based on the review of such data, under certain circumstances, the Secretary of State and certain county and city clerks are required to ensure that voting materials and other information are provided in certain other languages. **Sections 11-16, 18, 19 and 26-28.5** of this bill make conforming changes to require that certain elections materials be available in such languages.

Section 37.5 of this bill requires the Secretary of State to review certain data in sufficient time for voting materials to be prepared for the 2024 General Election.

Sections 2-4 of this bill, respectively, define the terms "limited-English proficiency," "minority group" and "voting materials." **Section 9** of this bill makes a conforming change to indicate the proper placement of **sections 2-4** in the Nevada Revised Statutes.

Section 6 of this bill requires the Secretary of State and authorizes a county clerk to establish a toll-free telephone number which may be used by any person to receive language interpretation or translation assistance relating to an election. **Sections 7, 14-16, 18, 22, 27 and 28** of this bill require each polling place, sample ballot and Internet website of the county or city clerk, as applicable, to include such telephone number.

Section 8 of this bill requires the Secretary of State to include on all forms for an application to preregister or register to vote certain language authorizing a person who registers to vote to request a sample ballot in a language other than English.

Existing law requires each county and city clerk to appoint registered voters to act as election board officers for the various polling places in the county or city, as applicable. (NRS 293.217, 293C.220) **Sections 10 and 25** of this bill require the county or city clerk to make a good faith effort to appoint election board officers who are bilingual.

Existing law requires the Secretary of State to prescribe forms for applications to preregister or register to vote. (NRS 293.507) **Section 17** of this bill requires the Secretary of State to include on each such application a line on which to enter the applicant's state or country of birth and a language

preference. **Section 20** of this bill requires such information to be included on the statewide voter registration list.

Existing law requires the Secretary of State to establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to preregister and register to vote, cancel such preregistration or registration, update such preregistration or registration and determine at what polling place or places he or she is entitled to vote. The system is required to be user friendly. (NRS 293.671) **Section 19** of this bill requires the system to also be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to **section 5**.

Section 21 of this bill provides that if the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statement of ballot measures for which the voter is entitled to vote is in that preferred language.

Section 34 of this bill creates the Language Access Advisory Committee within the Office of the Secretary of State, consisting of the Secretary of State or his or her designee, and certain other members. **Section 35** of this bill requires the Advisory Committee to: (1) identify certain programs and services that address language accessibility of elections and voting materials; (2) coordinate with community organizations to determine language accessibility of elections and voting materials; (3) act as a liaison between the Office of the Secretary of State and community organizations; (4) make certain annual assessments relating to language accessibility; and (5) make certain recommendations to the Office of the Secretary of State relating to language accessibility. **Section 36** of this bill sets forth certain requirements for meetings of the Advisory Committee. **Section 37** of this bill: (1) requires the Secretary of State to appoint the initial members of the Advisory Committee before January 1, 2024; and (2) staggers the terms of the initial members.

Sections 23 and 24 of this bill make conforming changes to indicate the proper placement of **section 22** in the Nevada Revised Statutes.

Section 29 of this bill makes a conforming change to indicate the proper placement of **section 7** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Limited-English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.***

Sec. 3. ***"Minority group" includes, without limitation, United States citizens of Chinese heritage.***

Sec. 4. *"Voting materials" means ~~[any material related to voter registration, elections and the electoral process, including, without limitation, applications]~~ the following written materials:*

1. Applications to preregister or register to vote ~~[, ballots,]~~ ;

2. Ballots and the instructions for the use of such ballots, including, without limitation, mail ballots, sample ballots ~~[,]~~ and provisional ballots;

3. Voting instructions ~~[and other forms.]~~ ;

4. Information and instructions relating to the location of polling places, including, without limitation, vote centers, permanent polling places for early voting and temporary branch polling places and the hours during which such polling places will be open;

5. Any notices required to be provided for an election pursuant to title 24 of NRS;

6. Ballot questions;

7. Any forms prepared for an election to assist voters; and

8. Any other voting materials the Secretary of State requires to be translated by a regulation adopted pursuant to section 5 of this act.

Sec. 5. *1. The Secretary of State shall ensure that voting materials and other elections information that is posted on the Internet website of the Office of the Secretary of State or the system of approved electronic transmission established pursuant to NRS 293D.200 is available on such website and system of approved electronic transmission in any language in which voting materials are required to be prepared pursuant to 52 U.S.C. § 10503. If any such language does not have a standard writing system, the information required to be posted must be set forth in an audio recording in the language. Except as otherwise provided in this subsection, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this subsection. If such a certified translator is not available to translate the information required pursuant to this subsection, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.*

2. Each county clerk and city clerk shall ensure that the Internet website of the county or city clerk, as applicable, has posted in a prominent location a link to the information on the website of the Office of the Secretary of State required pursuant to subsection 1.

3. The Secretary of State shall, on or before January 1 of each odd-numbered year, review data on persons who are members of a minority group and are of limited-English proficiency in the State, based on the American Community Survey conducted by the Bureau of the Census of the United States

Department of Commerce or language preference information collected by the Secretary of State. In addition to the requirements set forth in subsections 1 and 2, if, based on such data:

(a) The Secretary of State finds that there are at least 5,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall ensure that voting materials and other elections information that are posted on the Internet website of the Office of the Secretary of State or set forth in the system of approved electronic transmission established pursuant to NRS 293D.200 are available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

(b) Except as otherwise provided in this paragraph, the Secretary of State finds that there are at least 20,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall ~~[notify]~~ collaborate with each county clerk ~~[and each county clerk shall cooperate with the Secretary of State]~~ to ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, ~~[each county clerk]~~ the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the ~~[county clerk]~~ Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance. The cost of preparing and providing voting materials and other elections information in any language required pursuant to this paragraph is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners. The provisions of this paragraph do not apply to the extent that a county clerk is required pursuant to paragraph (c) to ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group.

(c) The Secretary of State finds that there are at least 5,000 qualified electors in a county who are members of a minority group and are of limited-

English proficiency, the Secretary of State shall notify the county clerk and the county clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the county clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

(d) The Secretary of State finds that there are at least 5,000 qualified electors in a city who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify the city clerk and the city clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the city clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the city clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the city clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

4. The Secretary of State may adopt regulations requiring any additional voting material that must be translated pursuant to this section.

Sec. 6. *1. The Secretary of State shall:*

(a) Establish a toll-free telephone number which may be used by any person in this State to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) Post the toll-free telephone number established pursuant to paragraph (a) on the Internet website of the Office of the Secretary of State.

2. A county clerk:

(a) May establish a toll-free telephone number which may be used by any person in the county to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) If such a toll-free telephone number is established pursuant to paragraph (a), post the toll-free telephone number on the Internet website of the county clerk.

3. Each county and city clerk shall post the toll-free telephone number established by the Secretary of State pursuant to subsection 1 on the Internet website of the county or city clerk, as applicable.

Sec. 7. ***The county clerk shall ensure that at each polling place for early voting the toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.***

Sec. 8. ***1. The Secretary of State shall include on all forms for an application to preregister or register to vote prescribed by the Secretary of State, including, without limitation, a paper application and the form set forth on the system established by the Secretary of State pursuant to NRS 293.671 to allow persons to register to vote by computer, the following language in at least 14-point bold type:***

[ ] CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH AND INCLUDE THE PREFERRED LANGUAGE HERE _____

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE, COUNTY AND CITY.

2. Except as otherwise provided in this subsection, the county clerk and city clerk of the county and city where the voter is registered to vote must provide the voter who has indicated a preferred language other than English with a sample ballot in the preferred language. If, pursuant to section 5 of this act, a county or city clerk is not required to provide voting materials in the preferred language of the voter, the county or city clerk, as applicable, must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.

Sec. 9. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, ***and sections 2, 3 and 4 of this act,*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various polling places in the county as provided in NRS 293.220 to 293.227, inclusive, and

NRS 293.269929. ***The county clerk shall make a good faith effort to appoint election board officers who are bilingual in a language that voting materials are required to be provided in pursuant to section 5 of this act.*** The registered voters appointed as election board officers for any polling place must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the mail ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the mail ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➥ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 11. NRS 293.2549 is hereby amended to read as follows:

293.2549 1. The Secretary of State, each county clerk and each city clerk shall:

(a) Make the Voters' Bill of Rights readily available to the public;

(b) Maintain a copy of the Voters' Bill of Rights in his or her office for reproduction and distribution to the public; ~~[and]~~

(c) Ensure that the Voters' Bill of Rights is posted in a conspicuous place, in at least 12-point type, at each polling place ~~[.]~~ ***; and***

(d) Ensure that the Voters' Bill of Rights is available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.

2. The Secretary of State shall ensure that the Voters' Bill of Rights is posted on the Secretary of State's Internet website ~~[.]~~ ***and available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.***

Sec. 12. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in:

(a) English; ~~[and]~~

(b) Every language in which voting materials are required to be prepared in the county or city pursuant to 52 U.S.C. § 10503 ~~[.]~~ ***; and***

(c) Every other language in which voting materials are required to be prepared in the county or city pursuant to section 5 of this act.

2. In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial need for voting materials of the county or city, as applicable, to be provided in the

language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.

~~[3. As used in this section:~~

~~(a) "Limited English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.~~

~~(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.~~

~~(c) "Voting materials" has the meaning ascribed to it in 52 U.S.C. § 10503.]~~

Sec. 13. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. ***If a county clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the county clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive

a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 14. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive;

4. Instructions concerning the identification required for persons who registered by mail or computer and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities;

6. ***Instructions concerning how a registered voter may obtain a copy of voting materials in each of the languages that voting materials are required to be prepared in pursuant to section 5 of this act;***

7. The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for obtaining language interpretation or translation assistance relating to the election;

8. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and

~~[7.]~~ ***9.*** Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 15. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; ~~[and]~~

(e) All reports submitted to the Secretary of State pursuant to the provisions of chapter 294A of NRS ~~[.]~~ ***; and***

(f) The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. ***The information required to be maintained by the Secretary of State pursuant to subsection 1 shall be available in all of the languages that voting materials are required to be prepared in pursuant to section 5 of this act.***

3. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

~~[3.]~~ ***4.*** If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 16. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~[and]~~

(b) The abstract of votes required pursuant to the provisions of NRS 293.388 ~~[.]~~ ***; and***

(c) The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. ***The information required to be maintained by a county clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the county pursuant to section 5 of this act.***

4. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the

county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 17. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) Standard forms for applications to preregister or register to vote;

(b) Special forms for preregistration and registration to be used in a county where registrations are performed and records of registration are kept by computer; and

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to preregister or register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to preregister or register to vote must include a:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to preregister or register to vote must include:

(a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

(e) A line on which to enter the applicant's state or country of birth and a language preference.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the

applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 18. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type **.** ~~[; and]~~

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

(c) Include on the front page, in a separate box created by bold lines, a notice that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL (Insert appropriate telephone number)

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND COUNTY

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or

in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. ***If a person requests a sample ballot in a language other than English and the county clerk is required to provide voting materials in such language pursuant to section 5 of this act, the county clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a county clerk is not required to provide voting materials in the preferred language of the voter, the county clerk must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.***

13. The county clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the county clerk is required to provide information and voting materials pursuant to section 5 of this act.

14. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

~~[13.]~~ ***15.*** The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 19. NRS 293.671 is hereby amended to read as follows:

293.671 1. The Secretary of State shall establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to:

(a) Preregister and register to vote;

(b) Cancel his or her preregistration or voter registration;

(c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address ***,*** ~~[and]~~ party affiliation ~~[;]~~ and ***language preference; and***

(d) Determine at what polling place or places he or she is entitled to vote.

2. The system established pursuant to subsection 1 must:

(a) Be user friendly;

(b) ***Be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to section 5 of this act;***

(c) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and 293.4855; and

~~[(c)]~~ ***(d)*** Inform any person who uses the system to register to vote for an election pursuant to NRS 293.5837, 293.5842 and 293.5847 that the person may vote in the election only if the person complies with the applicable requirements established by those sections.

3. The Secretary of State shall include on the system, in black lettering and not more than 14-point type, the following information:

(a) The qualifications to register or preregister to vote;

(b) That if the applicant does not meet the qualifications, he or she is prohibited from registering or preregistering to vote; and

(c) The penalties for submitting a false application.

4. The Secretary of State shall not include on the system:

(a) Any additional warnings regarding the penalties for submitting a false application; or

(b) The notice set forth in NRS 225.083.

Sec. 20. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.

2. The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

3. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name ***, state or country of birth, language preference*** and ***other*** registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 9, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 10, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

4. Each county and city clerk shall:

(a) Electronically enter into the database created pursuant to subsection 1 all information related to voter preregistration and registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

5. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

6. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

7. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

8. The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the statewide voter registration list with information in the records of the State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must

compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.

9. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

10. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 21. Chapter 293B of NRS is hereby amended by adding thereto a new section to read as follows:

If the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statements of measures for which the voter is entitled to vote is in that preferred language.

Sec. 22. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

The city clerk shall ensure that at each polling place for early voting the applicable toll-free telephone number established by the Secretary of State pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.

Sec. 23. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in NRS 293.5817 and 293C.263 to 293C.26337, inclusive, the conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. The governing body of the city may provide for the conduct of early voting by personal appearance in a city election pursuant to NRS 293.5772 to 293.5887, inclusive, and 293C.355 to 293C.361, inclusive ~~[.]~~ ***and section 22 of this act.***

Sec. 24. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail in accordance with the provisions of NRS 293C.263 to 293C.26337, inclusive, if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293.5772 to 293.5887, inclusive, 293C.265 to 293C.302, inclusive, and 293C.355 to 293C.361, inclusive, ***and section 22 of this act,*** do not apply to an election conducted pursuant to this section.

Sec. 25. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various polling places and precincts in the city as provided in NRS 293.225, 293.227, 293C.227, 293C.228 and 293C.26329. ***The city clerk shall make a good faith effort to appoint election board officers who are bilingual in a language that voting materials are required to be provided in pursuant to section 5 of this act.*** No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board and the mail ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board and the mail ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➥ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 26. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. ***If a city clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the city clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 27. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot

for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type **. [~~:~~]**

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217 **. [~~; and~~]**

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

(d) Include on the front page, in a separate box created by bold lines, a notice that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL (Insert appropriate telephone number)

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND CITY

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or

in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. ***If a person requests a sample ballot in a language other than English and the city clerk is required to provide voting materials in such language pursuant to section 5 of this act, the city clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a city clerk is not required to provide voting materials in the preferred language of the voter, the city clerk must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.***

11. The city clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the city clerk is required to provide information and voting materials pursuant to section 5 of this act.

12. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

~~[11.]~~ ***13.*** The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 28. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~[and]~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387 ~~[.]~~ ***; and***

(c) The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. ***The information required to be maintained by a city clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the city pursuant to section 5 of this act.***

4. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 28.5. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter. ***The Secretary of State shall ensure that the system is available in all languages in which voting materials are required to be prepared and made available pursuant to 52 U.S.C. § 10503 or section 5 of this act.***

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as modified to be consistent with this chapter. The Secretary of State shall

ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

6. The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:

(a) The person would have been able to preregister to vote pursuant to NRS 293.4855 except for the residency requirement; and

(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.

Sec. 29. NRS 298.700 is hereby amended to read as follows:

298.700 1. Except as otherwise provided in this section, the provisions of NRS 293.356 to 293.361, inclusive, ***and section 7 of this act,*** apply to a presidential preference primary election.

2. The period for early voting for a presidential preference primary election begins 10 calendar days before the date of the presidential preference primary election and extends through the Friday before the day of the presidential preference primary election.

3. The county clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

4. A permanent polling place for early voting must remain open:

(a) On Monday through Friday during the period for early voting, for at least 8 hours during such hours as the county clerk may establish.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours during such hours as the county clerk may establish.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 3, during such hours as the county clerk may establish.

Sec. 30. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 31 to 36, inclusive, of this act.

Sec. 31. ***As used in sections 31 to 36, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 32 and 33 of this act have the meanings ascribed to them in those sections.***

Sec. 32. ***"Advisory Committee" means the Language Access Advisory Committee created by section 34 of this act.***

Sec. 33. ***"Language access programs" means a program or service that focuses on communication barriers between persons who cannot read, speak or write English fluently.***

Sec. 34. ***1. The Language Access Advisory Committee is hereby created within the Office of the Secretary of State.***

2. The Advisory Committee consists of the following members who represent the diversity of this State, including:

(a) The Secretary of State or his or her designee;

(b) The registrar of voters of each county that has created the office of registrar of voters pursuant to NRS 244.164;

(c) A county clerk of a county whose population is less than 100,000, appointed by the Secretary of State; and

(d) Three other members of the public appointed by the Secretary of State.

3. The Secretary of State shall:

(a) Consider members who have knowledge of language access programs when appointing members of the Advisory Committee;

(b) Select the Chair of the Advisory Committee from among its members; and

(c) Designate an employee of the Office of the Secretary of State to serve as Secretary for the Advisory Committee.

4. The Secretary of State may assign such other employees of his or her Office as he or she deems necessary to assist the Advisory Committee in its duties.

5. The Chair of the Advisory Committee shall appoint a Vice Chair from among the members of the Advisory Committee.

6. After the initial term, each member of the Advisory Committee shall serve for a term of 2 years. Each member of the Advisory Committee serves at the pleasure of the Secretary of State. If a vacancy occurs, the Secretary of State shall appoint a new member to fill the vacancy for the remainder of the unexpired term.

7. Members of the Advisory Committee serve without compensation. While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 35. ***1. The Advisory Committee shall:***

(a) Identify programs and services that address problems concerning language accessibility of elections and voting materials;

(b) Coordinate with community organizations to determine language accessibility needs for elections and voting materials;

(c) Act as liaison between the Office of the Secretary of State and community organizations;

(d) Make annual assessments to determine language accessibility programs and services that could be implemented for the election process;

(e) Make recommendations to the Office of the Secretary of State relating to language accessibility programs and services that should be implemented in elections.

2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.

Sec. 36. ***1. The Advisory Committee shall meet at least four times in a calendar year. One meeting must be in person. The Advisory Committee may conduct all other meetings through the use of remote technology systems. A special meeting of the Advisory Committee may be called by the Secretary of State and the Chair of the Advisory Committee at such additional times as they deem necessary.***

2. The Chair of the Advisory Committee or, in the absence of the Chair, the Vice Chair of the Advisory Committee, shall preside at each meeting of the Advisory Committee.

3. A majority of the members of the Advisory Committee constitute a quorum.

4. As used in this section, "remote technology system" has the meaning ascribed to it in NRS 241.015.

Sec. 36.5. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253, 293.405, 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235 ~~[.]~~ ***and section 5 of this act;***

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to

approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 37. 1. The Secretary of State shall appoint the members of the Language Access Advisory Committee created by section 34 of this act before January 1, 2024.

2. Notwithstanding the provisions of section 34 of this act, the members of the Language Access Advisory Committee must be appointed to serve initial terms as follows:

(a) The member who is a county clerk of a county whose population is less than 100,000 and one of the members who are members of the public must be appointed to serve a term of 2 years.

(b) Two of the members who are members of the public must be appointed to serve a term of 3 years.

Sec. 37.5. 1. The Secretary of State shall ensure that the review of data that the Secretary of State is required to perform pursuant to section 5 of this act is completed in sufficient time so that voting materials may be made available by the Secretary of State and any affected county or city clerk in any required language for the 2024 General Election.

2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.

Sec. 38. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 39. 1. This section and sections 37, 37.5 and 38 of this act become effective upon passage and approval.

2. Sections 1 to 36.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 304.

Bill read third time.

The following amendment was proposed by Assemblywoman Anderson:

Amendment No. 804.

AN ACT relating to special license plates; **exempting special license plates that encourage the donation of human organs from certain provisions limiting the number of designs of special license plates issued by the Department of Motor Vehicles;** eliminating the requirement to provide proof

of current or former employment as a professional full-time salaried firefighter or current or former service as a volunteer firefighter in an application for the renewal of certain special license plates recognizing such employment or service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to issue special license plates that encourage the donation of human organs. (NRS 482.37905) Under existing law, certain special license plates, including special license plates that encourage the donation of human organs, are subject to a limitation of the number of separate designs of special license plates which the Department may issue at any one time. (NRS 482.367008) Section 1 of this bill exempts the special license plates that encourage the donation of human organs from the limitation on the number of separate designs of special license plates which the Department may issue at any one time.

Existing law authorizes the Department ~~[of Motor Vehicles]~~ to issue special license plates recognizing: (1) current or former employment as a professional full-time salaried firefighter; and (2) current or former service as a volunteer firefighter. Existing law requires an application for the issuance or renewal of such special license plates to include documentation providing reasonable proof of the applicant's eligibility to receive the special plates. (NRS 482.3753, 482.3754) ~~[This]~~ **Sections 2 and 3 of this** bill ~~[eliminates]~~ **eliminate** the requirement to include such documentation in an application for the renewal of such special license plates.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 482.367008 is hereby amended to read as follows:**

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, ~~[482.37905,]~~ 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

(c) Except for a license plate that is issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794, 482.37941 or 482.3817, a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the

Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Department pursuant to NRS 482.367002, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Department must approve the design, preparation and issuance of the special plates as described in NRS 482.367002; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

~~[Section 1.]~~ ***Sec. 2.*** NRS 482.3753 is hereby amended to read as follows:

482.3753 1. Except as otherwise provided in this section, the Department, in cooperation with professional full-time salaried firefighters in the State of Nevada, shall design, prepare and issue license plates that recognize current or former employment as a professional full-time salaried firefighter using any colors and designs which the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department shall issue license plates that recognize current or former employment as a professional full-time salaried firefighter for a passenger car or a light commercial vehicle upon application by a qualified person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that recognize current or former employment as a professional full-time salaried firefighter if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that recognize current or former employment as a professional full-time salaried firefighter.

3. An application for the issuance ~~[or renewal]~~ of license plates that recognize current or former employment as a professional full-time salaried firefighter is void unless it is accompanied by documentation which, in the determination of the Department, provides reasonable proof of the identity of the applicant and proof of the applicant's:

(a) Current employment as a professional full-time salaried firefighter; or

(b) Status as a former professional full-time salaried firefighter who retired from employment after completing at least 10 years of creditable service as a firefighter within this State or any other jurisdiction with:

(1) A fire department; or

(2) A federal or state agency, the duties of which involve the prevention and suppression of fires, including, without limitation, the Bureau of Land

Management and the Division of Forestry of the State Department of Conservation and Natural Resources.

4. Proof of an applicant's current or former employment as a professional full-time salaried firefighter must consist of:

(a) An identification card issued by the Professional Fire Fighters of Nevada or its successor;

(b) An identification card issued by the Nevada Fire Chiefs Association or its successor;

(c) An identification card issued by a professional firefighters' or chiefs' organization or association from any other jurisdiction that is acceptable to the Department; or

(d) A letter certifying the applicant's current or former employment as a professional full-time salaried firefighter, which letter must be from:

(1) The Professional Fire Fighters of Nevada or its successor;

(2) The Nevada Fire Chiefs Association or its successor;

(3) A professional firefighters' or chiefs' organization or association from any other jurisdiction that is acceptable to the Department; or

(4) The chief officer of a federal or state agency or any other jurisdiction, the duties of which involve the prevention and suppression of fires, including, without limitation, the Bureau of Land Management and the Division of Forestry of the State Department of Conservation and Natural Resources.

5. ***An application for the renewal of license plates issued pursuant to this section is not required to be accompanied by proof of the applicant's current or former employment as a professional full-time salaried firefighter.***

6. The fee payable to the Department for license plates that recognize current or former employment as a professional full-time salaried firefighter is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10 in addition to all other applicable registration and license fees and governmental services taxes.

~~[6.]~~ ***7.*** In addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection ~~[5,]~~ ***6,*** a person who requests a set of license plates that recognize current or former employment as a professional full-time salaried firefighter must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to support the Professional Fire Fighters of Nevada Benevolent Association.

~~[7.]~~ ***8.*** The Department shall deposit the fees collected pursuant to subsection ~~[6]~~ ***7*** with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Professional Fire Fighters of Nevada Benevolent Association.

~~[8.]~~ ***9.*** If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[9.]~~ ***10.*** As used in this section:

(a) "Any other jurisdiction" means any governmental or quasi-governmental entity within the United States which employs professional full-time salaried firefighters and includes, without limitation, any city, county, state, territory, Indian tribe or branch of the Armed Forces of the United States.

(b) "Professional full-time salaried firefighter" means a person employed in this State or any other jurisdiction in a full-time salaried occupation of fire fighting for the benefit or safety of the public.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 482.3754 is hereby amended to read as follows:

482.3754 1. Except as otherwise provided in this section, the Department, in cooperation with the Nevada State Firefighters' Association or its successor, shall design, prepare and issue license plates that recognize current or former service as a volunteer firefighter using any colors and designs which the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department shall issue license plates that recognize current or former service as a volunteer firefighter for a passenger car or a light commercial vehicle upon application by a qualified person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that recognize current or former service as a volunteer firefighter if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that recognize current or former service as a volunteer firefighter.

3. An application for the issuance ~~[or renewal]~~ of license plates that recognize current or former service as a volunteer firefighter is void unless it is accompanied by documentation which, in the determination of the Department, provides reasonable proof of the identity of the applicant and proof of the applicant's current service as a volunteer firefighter or status as a former volunteer firefighter who retired from service as a volunteer firefighter within this State after completing at least 10 years of active service. Proof of an applicant's current or former service as a volunteer firefighter must consist of:

(a) An identification card which indicates that the applicant currently serves as a volunteer firefighter; or

(b) A letter from the chief officer of a volunteer or combination fire department certifying the applicant's current or former service as a volunteer firefighter.

4. ***An application for the renewal of license plates issued pursuant to this section is not required to be accompanied by proof of the applicant's current or former service as a volunteer firefighter.***

5. The fee payable to the Department for license plates that recognize current or former service as a volunteer firefighter is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10 in addition to all other applicable registration and license fees and governmental services taxes.

~~[5.]~~ ***6.*** In addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection ~~[4,]~~ ***5,*** a person who requests a set of license plates that recognize current or former service as a volunteer firefighter must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to support the training of volunteer firefighters.

~~[6.]~~ ***7.*** The Department shall deposit the fees collected pursuant to subsection ~~[5]~~ ***6*** with the State Treasurer for credit to the State General Fund. The State Treasurer shall account separately for the money deposited pursuant to this subsection and reserve such money for expenditure by the State Fire Marshal in accordance with this subsection. The State Fire Marshal may expend the money reserved pursuant to this subsection solely for the support of, and to pay expenses related to, training for volunteer firefighters provided by or as directed by the Board of Directors of the Nevada State Firefighters' Association or its successor.

~~[7.]~~ ***8.*** If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[8.]~~ ***9.*** As used in this section:

(a) "Combination fire department" means a fire department that is:

(1) Served by both volunteer and full-time salaried firefighters; and

(2) Recognized as such by the State Fire Marshal.

(b) "Volunteer fire department" means a fire department recognized as a bona fide volunteer fire department by the State Fire Marshal.

(c) "Volunteer firefighter" means a person who serves actively in an unpaid capacity in a volunteer or combination fire department within this State as a firefighter for the benefit or safety of the public.

~~[Sec. 3.]~~ ***Sec. 4.*** 1. This section becomes effective upon passage and approval.

2. Sections 1 **,** ~~[and]~~ 2 **and 3** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 15.

Bill read third time.

Roll call on Assembly Bill No. 15:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 46.

Bill read third time.

Roll call on Assembly Bill No. 46:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 140.

Bill read third time.

Roll call on Assembly Bill No. 140:

YEAS—40.

NAYS—Gray.

EXCUSED—Kasama.

Assembly Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 147.

Bill read third time.

Roll call on Assembly Bill No. 147:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 148.

Bill read third time.

Roll call on Assembly Bill No. 148:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151.

Bill read third time.

Roll call on Assembly Bill No. 151:

YEAS—39.

NAYS—Bilbray-Axelrod, Newby—2.

EXCUSED—Kasama.

Assembly Bill No. 151 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Roll call on Assembly Bill No. 239:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 257.

Bill read third time.

Roll call on Assembly Bill No. 257:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Roll call on Assembly Bill No. 277:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 281.

Bill read third time.

Roll call on Assembly Bill No. 281:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill, Yurek—13.

EXCUSED—Kasama.

Assembly Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Roll call on Assembly Bill No. 299:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

Remarks by Assemblyman Orentlicher.

Conflict of interest declared by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:

I would like to disclose that I am employed at UNLV [University of Nevada, Las Vegas] to teach at the William S. Boyd School of Law. The only appropriation contained in Assembly Bill 328 would appropriate money directly to the legal clinic at the School of Law. Because this bill has a direct and distinct impact on my employer, I am hereby making this disclosure for the purpose of Assembly Standing Rule No. 23, and I will abstain from voting on Assembly Bill 328.

Roll call on Assembly Bill No. 328:

YEAS—29.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, McArthur, O'Neill—11.

NOT VOTING—Orentlicher.

EXCUSED—Kasama.

Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 345.

Bill read third time.

Roll call on Assembly Bill No. 345:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill, Yurek—13.

EXCUSED—Kasama.

Assembly Bill No. 345 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 389.

Bill read third time.

Roll call on Assembly Bill No. 389:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 399.

Bill read third time.

Roll call on Assembly Bill No. 399:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.

Roll call on Assembly Bill No. 461:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Roll call on Assembly Bill No. 462:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Roll call on Assembly Bill No. 469:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Roll call on Assembly Bill No. 470:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 471.

Bill read third time.

Roll call on Assembly Bill No. 471:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 472.

Bill read third time.

Roll call on Assembly Bill No. 472:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

Roll call on Assembly Bill No. 473:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 474.

Bill read third time.

Roll call on Assembly Bill No. 474:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 475.

Bill read third time.

Roll call on Assembly Bill No. 475:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 476.

Bill read third time.

Roll call on Assembly Bill No. 476:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477.

Bill read third time.

Roll call on Assembly Bill No. 477:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Roll call on Assembly Bill No. 478:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 479.

Bill read third time.

Roll call on Assembly Bill No. 479:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

Roll call on Assembly Bill No. 481:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 223 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 29, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 223 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 223 ("AB 223"), which is titled as follows:

> AN ACT relating to collection agencies; requiring a collection agency to provide a payoff letter upon the request of a debtor; requiring a collection agency to provide a satisfaction letter to a debtor after a claim has been satisfied; authorizing a debtor to bring a civil action against a collection agency that violates the requirement to provide a payoff letter or a satisfaction letter to the debtor; revising the method by which a collection agency must notify a medical debtor before taking any action to collect a medical debt; and providing other matters properly relating thereto.

AB 223 is well intended in that it presumably aims to increase transparency and accessibility to information in Nevada's debt-collection process. However, it is problematic that this bill creates a private right of action. There are already established complaint processes for these types of claims through the Financial Institutions Division ("FID"), which protects Nevadan debtors, and more generally, the Department of Business and Industry, which are less expensive and more streamlined than traditional litigation. While debtor protection is an important goal, the policy changes contemplated in this bill should instead be deliberated and executed upon through the Department of Business and Industry's regulatory processes.

As such, since the FlD's mechanism for resolving debt-collection disputes better serves the needs of Nevadans without the need for costly litigation, I cannot support this bill.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 223 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 265 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 29, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 265 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 265 ("AB 265"), which is titled as follows:

> AN ACT relating to mental health; adding certain members to the subcommittee on the mental health of children of the Commission on Behavioral Health; creating a statewide mental health consortium; prescribing the membership, powers and duties of the statewide mental health consortium; authorizing the statewide mental health consortium to request the drafting of not more than 1 legislative measure for each regular session of the Legislature; and providing other matters properly relating thereto.

The intent of AB 265–to promote the mental health of children–is noble. The mental health of our children is, and should be, a priority for all of us. However, this bill includes an unfunded mandate on the Executive Branch. Last session, a nearly identical bill (Assembly Bill 273), included a fiscal note for one full-time employee and the related costs to do the work required under the provisions of the bill. In 2023, there were no fiscal notes submitted on the bill, nor were there any appropriations to fund the resources necessary to implement the provisions of this bill. It is inappropriate to ask over-worked State agencies to do more without providing additional funding to ensure existing employees do not simply have to absorb the work for "other duties as assigned".

Furthermore, AB 265 adds an unnecessary layer of bureaucracy to State government and increases the number of bill drafts submitted to the Legislature.

Since AB 265 does little to address the primary issue plaguing our mental health crisis–that we do not have enough beds to adequately serve those struggling with mental health issues–I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 265 be placed on the Chief Clerk's Desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 7, 50, 72, 201, 203, 260, 310, 349, 457, 486, 492, 496, 498, 500, 504, 508, 509, 512, and 523

be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Arballo, Sandra Arballo, and Richard Melito.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Zamora.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Burgans.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, May 31, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:05 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 31, 2023

Assembly called to order at 12:45 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Member Steep Weiss.

Nevada Assembly and citizens, we pray: Almighty God, we fearlessly place our trust in Your all-embracing care. Yours is the power that arms us with strength, stability, agility, and endurance and makes our way perfect. Yours is the kingdom that governs us and guides us today in all we think and say and do. Your Love protects us from all harm, heals every ill, and prevents us from going astray.

Give us the ability to recognize more of the beautiful truth that we are each created in Your likeness, with all of the spiritual qualities we inherit directly from You–Your wisdom, insight, sensitivity, courage, patience, and respect for each other.

Enable us to stay alert, remain calm, think clearly, and act decisively in service to constituents and for the benefit of all people in Nevada. We thank You with all our heart, soul, and strength.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 24, 166, 279, 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 388, 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 489, 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 153, 156, 195, 226, 232, 270, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 669 to Senate Bill No. 355.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 527—AN ACT relating to state financial administration; revising requirements relating to the preparation of the state budget; revising provisions relating to revisions of work programs in the state budget; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved to dispense with reprinting of all measures for the balance of the session.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 489.
Bill read second time and ordered to third reading.

Assembly Bill No. 494.
Bill read second time and ordered to third reading.

Senate Bill No. 24.
Bill read second time and ordered to third reading.

Senate Bill No. 166.
Bill read second time and ordered to third reading.

Senate Bill No. 279.
Bill read second time and ordered to third reading.

Senate Bill No. 294.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 812.
SENATORS DONATE; FLORES, D. HARRIS AND SCHEIBLE
JOINT SPONSOR: ASSEMBLYWOMAN BILBRAY-AXELROD

AN ACT relating to firearms; requiring a licensed dealer to provide a locking device capable of securing a firearm with each sale or transfer of a firearm; requiring a licensed gun dealer to post a notice on the premises which informs a buyer that the unlawful storage of a firearm may result in imprisonment or a fine; requiring the board of trustees of each school district and the governing body of each charter school to include certain provisions related to active assailants in a plan for responding to a crisis, emergency or suicide; requiring certain school police officers to receive training in active assailant movement techniques; requiring the Department of Health and Human Services to develop and implement a safe firearm storage education campaign; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits a person from aiding or knowingly permitting a child to handle, possess or control a firearm under certain circumstances; (2) provides that a person does not aid or knowingly permit a child to violate such existing law if the firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure; and (3) makes it a misdemeanor to negligently store or leave a firearm at a location under his or her control, if a person knows or has reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling, possessing or controlling a firearm, may obtain such a firearm. (NRS 202.300)

Section 4 of this bill requires a licensed dealer to: (1) provide with each firearm sold or otherwise transferred a locking device capable of securing the firearm; and (2) post in a conspicuous location on its premises a notice which informs a buyer that the negligent storage of a firearm may result in imprisonment or a fine. A licensed dealer who violates a requirement of **section 4** is guilty of a misdemeanor punishable by a fine of not more than $500. **Section 5** of this bill makes a conforming change to indicate the proper placement of **section 4** in the Nevada Revised Statutes.

Existing law requires the board of trustees of each school district and the governing body of each charter school to establish a development committee to develop a plan to be used by the schools in the district or the charter school in responding to a crisis, emergency or suicide. Such a committee, under existing law, is required to develop a plan which constitutes the minimum requirements of a plan for a school to use. (NRS 388.241, 388.243)

Section 9.1 of this bill requires such a plan to include, if the school district has school police officers, a plan to coordinate with local law enforcement agencies to train school police officers in active assailant movement techniques. ~~[In a school district which has more than 50,000 pupils enrolled in its schools, section]~~ **Section 9.1** additionally requires the plan to include a plan to: (1) coordinate with local law enforcement agencies or public safety organizations to provide active assailant trainings to ~~[certain]~~ employees of ~~[the]~~ **a** school **;** ~~[district;]~~ (2) provide certain support to pupils ~~[,]~~ **and members of the** faculty and staff who have experienced a crisis or emergency;

(3) ensure that **members of the faculty and staff and** a pupil's parents or legal guardians are notified of **the occurrence, development and conclusion of** a crisis or an emergency through any communication method established by a school; and (4) inform a pupil's parent or legal guardian of any state requirement related to the storage of firearms.

Existing law authorizes: (1) the board of trustees of a school district to employ, appoint or contract for the provision of school police officers; and (2) the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 388A.384, 391.281) **Sections 9.2 and 9.3** of this bill require school police officers to receive training in active assailant movement techniques before beginning their service as a school police officer. **Section 9.1** defines the terms "active assailant movement techniques" and "active assailant training" for the purpose of **sections 9.1-9.3**.

Existing law creates within the Department of Health and Human Services a Statewide Program for Suicide Prevention and requires the Coordinator of the Program to develop and maintain an Internet or network site with links to certain resources for suicide prevention. (NRS 439.511) **Section 10** of this bill requires the Program, in consultation with the Department and to the extent that money is available, to develop and implement a safe firearm storage education campaign to inform and educate certain persons about certain information relating to the safe storage of firearms. **Section 10** authorizes the Program to: (1) develop and provide to local law enforcement agencies and health care providers certain materials relating to the safe storage of firearms; (2) provide owners of firearms with information relating to the cost of purchasing locking devices, gun safes or other secure storage containers for firearms; and (3) use any advertising medium or form of messaging deemed appropriate by the Department in furtherance of the goals of the education campaign. Under **section 10**, the Department of Health and Human Services is required to post on the Internet or network site certain information about community programs that allow owners of firearms to voluntarily and temporarily store a firearm at certain secure locations outside of their homes.

Section 11 of this bill further requires the Coordinator to post on the Internet or network site information relating to: (1) the crime of negligent storage of a firearm; (2) the penalties for such an offense; and (3) the requirement that a licensed dealer provide a locking device with each firearm transferred. **Section 11** also requires the Coordinator to develop and provide to certain persons an informational pamphlet which includes certain information about the offense of negligent storage of a firearm.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. ***1. Every licensed dealer shall:***

(a) Provide with each firearm sold or otherwise transferred a locking device capable of securing the firearm; and

(b) Post in a conspicuous location on its premises and at any other location at which the dealer sells a firearm a sign which is not less than 8.5 inches wide by 11 inches high and which contains, in at least 24-point boldface type, the following:

NOTICE

Negligent storage of a firearm may result in imprisonment or fine.

2. A licensed dealer who violates any provision of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than $500.

3. The provisions of this section do not apply to ~~[storing]~~ an antique firearm or a firearm that has been determined to be a curio or relic pursuant to 18 U.S.C. Chapter 44.

4. As used in this section:

(a) "Licensed dealer" has the meaning ascribed to it in NRS 202.2546.

(b) "Locking device" means a device which prohibits the operation or discharge of a firearm and which can only be disabled with the use of a key, a combination, biometric data or other similar means.

Sec. 5. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[.]~~ ***, and section 4 of this act:***

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms importer or manufacturer" means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. "Motor vehicle" means every vehicle that is self-propelled.

8. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

9. "Unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.1. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each emergency operations plan development committee established by the board of trustees of a school district shall develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee established by the governing body of a charter school shall develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) If the school district has an emergency manager designated pursuant to NRS 388.262, consult with the emergency manager.

(c) If the school district has school resource officers, consult with the school resource officer or a person designated by him or her.

(d) If the school district has school police officers, consult with the chief of school police of the school district or a person designated by him or her.

(e) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Office of the Military or his or her designee.

(f) Consult with the State Fire Marshal or his or her designee and a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety.

(g) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency;

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide;

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide;

(f) A procedure for responding to a crisis or an emergency that occurs during an extracurricular activity which takes place on school grounds;

(g) A plan which includes strategies to assist pupils and staff at a school in recovering from a suicide; ~~[and]~~

(h) A description of the organizational structure which ensures there is a clearly defined hierarchy of authority and responsibility used by the school for the purpose of responding to a crisis, emergency or suicide ***;*** ~~[.]~~

(i) If the school district has school police officers, a plan to coordinate with local law enforcement agencies to train school police officers in active assailant movement techniques ; ~~[.]~~

(j) ~~[In a school district which has more than 50,000 pupils enrolled in its schools, a]~~ A plan to ~~[:

(1) Coordinate] ***coordinate with local law enforcement agencies or public safety organizations to provide active assailant trainings to each employee of the school ~~[district;***

(2) Provide] ***;***

(k) A plan to provide support to:

~~[(I)]~~ (1) Pupils who have experienced a crisis or emergency by using trauma-informed and age-appropriate resources ~~[.

(II) Faculty] ***; and***

(2) Members of the faculty and staff who have experienced a crisis or emergency by using trauma-informed resources ~~[.

(3) Ensure] ***;***

(l) A plan to ensure that members of the faculty and staff and a pupil's parents or legal guardians are notified of the occurrence, development and conclusion of a crisis or an emergency through any communication method established by a school, including, without limitation, communicating through text message or electronic mail ~~[.

~~*(4) At]*~~ ***; and***

(m) A plan to inform, at least twice each academic year, ~~[inform]~~ a pupil's parent or legal guardian of any state requirement related to the storage of firearms, including, without limitation, the crimes and penalties described in subsection 5 of NRS 202.300 and section 4 of this act.

3. Each emergency operations plan development committee shall provide for review a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. The board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for review to the Division of Emergency Management of the Office of the Military the plan developed pursuant to this section.

5. Except as otherwise provided in NRS 388.249 and 388.251, each public school must comply with the plan developed for it pursuant to this section.

6. As used in this section:

(a) "Active assailant movement techniques" means any training in the technical and tactical skills necessary for school police officers to respond to a crisis or emergency concerning an active assailant.

(b) "Active assailant training" means any training in responding to a crisis or emergency concerning an active assailant that is necessary to evacuate or secure the school.

Sec. 9.2. NRS 388A.384 is hereby amended to read as follows:

388A.384 1. If the governing body of a charter school makes a request to the board of trustees of the school district in which the charter school is located for the provision of school police officers pursuant to NRS 388A.378, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide for payment by the charter school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers, including, without limitation, any other costs associated with providing the officers. If the school district is the sponsor of the charter school, the contract entered into pursuant to this section must be separate from any other contract or agreement with the sponsor.

2. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of the charter school and the board of trustees of the school district by not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

3. A school district that enters into a contract pursuant to this section with a charter school for the provision of school police officers is immune from civil and criminal liability for any act or omission of a school police officer that provides services to the charter school pursuant to the contract.

4. The governing body of a charter school shall ensure that each school police officer receives training in active assailant movement techniques before beginning his or her service as a school police officer.

5. As used in this section, "active assailant movement techniques" has the meaning ascribed to it in NRS 388.243.

Sec. 9.3. NRS 391.281 is hereby amended to read as follows:

391.281 1. Each applicant for employment or appointment pursuant to this section or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, must, before beginning his or her employment or appointment and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's or employee's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant or employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant or employee.

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant or employee that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant or employee has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant or employee, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant or employee, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant or employee.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3.

5. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of

trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to NRS 388A.384. In addition, persons who provide police services pursuant to subsection 6 or 7 shall be deemed school police officers.

6. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to NRS 388A.384. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property owned by the school district and, if applicable, the property owned or occupied by the charter school, but outside the jurisdiction of the metropolitan police department.

7. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to NRS 388A.384, and on property therein that is owned by the school district and, if applicable, the property owned or occupied by the charter school.

8. The board of trustees of a school district shall ensure that each school police officer receives training in ~~[the]~~ ***:***

(a) The prevention of suicide ***; and***

(b) Active assailant movement techniques,

↪ before beginning his or her service as a school police officer.

9. As used in this section, "active assailant movement techniques" has the meaning ascribed to it in NRS 388.243.

Sec. 10. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, and in consultation with the Department, the Statewide Program for Suicide Prevention shall develop and implement a safe firearm storage education campaign to inform and educate purchasers of firearms, licensed dealers, shooting ranges and safety instructors about the safe storage of firearms and state requirements related to the safe storage of firearms.

2. As part of the education campaign, the Statewide Program for Suicide Prevention may:

(a) Develop and provide materials to local law enforcement agencies and health care providers to assist with educating the public about the safe storage of firearms and state requirements related to the storage of firearms;

(b) Provide information to owners of firearms about programs that assist with the cost of purchasing locking devices for firearms, gun safes or other secure storage containers for firearms, including, without limitation, programs that provide free or reduced-price locking devices; and

(c) In furtherance of the goals of the education campaign, use any publishing, radio or other advertising medium or any other form of messaging deemed appropriate by the Department.

3. The Department shall provide information on the Internet or network site developed pursuant to paragraph (i) of subsection 3 of NRS 439.511, information about community programs that allow owners of firearms to voluntarily and temporarily store a firearm at a secure location outside of the home, including, without limitation, a licensed dealer, gun range or law enforcement agency.

4. The Department may provide assistance to any local entity that facilitates a program described in subsection 3.

5. The Department may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.

Sec. 11. NRS 439.511 is hereby amended to read as follows:

439.511 1. There is hereby created within the Department a Statewide Program for Suicide Prevention. The Department shall implement the Statewide Program for Suicide Prevention, which must, without limitation:

(a) Create public awareness for issues relating to suicide prevention;

(b) Build community networks; and

(c) Carry out training programs for suicide prevention for law enforcement personnel, providers of health care, school employees, family members of veterans, members of the military and other persons at risk of suicide and other persons who have contact with persons at risk of suicide.

2. The Director shall employ a Coordinator of the Statewide Program for Suicide Prevention. The Coordinator:

(a) Must have at least the following education and experience:

(1) A bachelor's degree in social work, psychology, sociology, counseling or a closely related field and 5 years or more of work experience in behavioral health or a closely related field; or

(2) A master's degree or a doctoral degree in social work, psychology, sociology, counseling, public health or a closely related field and 2 years or more of work experience in behavioral health or a closely related field.

(b) Should have as many of the following characteristics as possible:

(1) Significant professional experience in social services, mental health or a closely related field;

(2) Knowledge of group behavior and dynamics, methods of facilitation, community development, behavioral health treatment and prevention programs, and community-based behavioral health problems;

(3) Experience in working with diverse community groups and constituents; and

(4) Experience in writing grants and technical reports.

3. The Coordinator shall:

(a) Provide educational activities to the general public relating to suicide prevention;

(b) Provide training to persons who, as part of their usual routine, have face-to-face contact with persons who may be at risk of suicide, including, without limitation, training to recognize persons at risk of suicide and providing information on how to refer those persons for treatment or supporting services, as appropriate;

(c) To the extent that money is available for this purpose, provide training to family members of veterans, members of the military and other persons at risk of suicide, including, without limitation, training in recognizing and productively interacting with persons at risk of suicide and the manner in which to refer those persons to persons professionally trained in suicide intervention and prevention;

(d) Develop and carry out public awareness and media campaigns in each county targeting groups of persons who are at risk of suicide;

(e) Enhance crisis services relating to suicide prevention;

(f) Link persons trained in the assessment of and intervention in suicide with schools, public community centers, nursing homes and other facilities serving persons most at risk of suicide;

(g) Coordinate the establishment of local advisory groups in each county to support the efforts of the Statewide Program;

(h) Work with groups advocating suicide prevention, community coalitions, managers of existing crisis hotlines that are nationally accredited or certified, and staff members of mental health agencies in this State to identify and address the barriers that interfere with providing services to groups of persons who are at risk of suicide, including, without limitation, elderly persons, Native Americans, youths and residents of rural communities;

(i) Develop and maintain an Internet or network site with links to appropriate resource documents, suicide hotlines that are nationally accredited

or certified, licensed professional personnel, state and local mental health agencies and appropriate national organizations;

(j) ***Post on the Internet or network site developed and maintained pursuant to paragraph (i) any applicable law relating to the negligent storage of a firearm, including, without limitation, the crimes and penalties described in subsection 5 of NRS 202.300 and section 4 of this act;***

(k) Review current research on data collection for factors related to suicide and develop recommendations for improved systems of surveillance and uniform collection of data;

~~[(k)]~~ ***(l)*** Develop and submit proposals for funding from agencies of the Federal Government and nongovernmental organizations; ~~[and~~

~~(l)]~~ ***(m)*** Oversee and provide technical assistance to each person employed to act as a trainer for suicide prevention pursuant to NRS 439.513 ~~[.]~~ ***; and***

(n) Develop and provide to licensed dealers, shooting ranges, safety instructors and health care providers an information pamphlet which includes information about any applicable law relating to the negligent storage of a firearm, including, without limitation, subsection 5 of NRS 202.300 and section 4 of this act.

4. As used in this section:

(a) "Internet or network site" means any identifiable site on the Internet or on a network and includes, without limitation:

(1) A website or other similar site on the World Wide Web;

(2) A site that is identifiable through a Uniform Resource Locator; and

(3) A site on a network that is owned, operated, administered or controlled by a provider of Internet service.

(b) "Systems of surveillance" means systems pursuant to which the health conditions of the general public are regularly monitored through systematic collection, evaluation and reporting of measurable information to identify and understand trends relating to suicide.

Sec. 12. (Deleted by amendment.)

Sec. 13. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 301.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

Roll call on Assembly Bill No. 7:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 16.

Bill read third time.

Roll call on Assembly Bill No. 16:

YEAS—42.

NAYS—None.

Assembly Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

Roll call on Assembly Bill No. 50:

YEAS—42.

NAYS—None.

Assembly Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 72.

Bill read third time.

Roll call on Assembly Bill No. 72:

YEAS—42.

NAYS—None.

Assembly Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Roll call on Assembly Bill No. 77:

YEAS—30.

NAYS—DeLong, Dickman, Gallant, Gurr, Hafen, Hansen, Hardy, Kasama, Koenig, McArthur, O'Neill, Yurek—12.

Assembly Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130.

Bill read third time.

Roll call on Assembly Bill No. 130:

YEAS—42.

NAYS—None.

Assembly Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135.
Bill read third time.
Roll call on Assembly Bill No. 135:
YEAS—42.
NAYS—None.
Assembly Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 161.
Bill read third time.
Roll call on Assembly Bill No. 161:
YEAS—42.
NAYS—None.
Assembly Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 184.
Bill read third time.
Roll call on Assembly Bill No. 184:
YEAS—42.
NAYS—None.
Assembly Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 192.
Bill read third time.
Roll call on Assembly Bill No. 192:
YEAS—41.
NAYS—Dickman.
Assembly Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 201.
Bill read third time.
Roll call on Assembly Bill No. 201:
YEAS—30.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill—12.
Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 203.
Bill read third time.

Roll call on Assembly Bill No. 203:
YEAS—42.
NAYS—None.
Assembly Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 246.
Bill read third time.
Roll call on Assembly Bill No. 246:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Assembly Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 260.
Bill read third time.
Roll call on Assembly Bill No. 260:
YEAS—42.
NAYS—None.
Assembly Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 304.
Bill read third time.
Roll call on Assembly Bill No. 304:
YEAS—42.
NAYS—None.
Assembly Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 310.
Bill read third time.
Roll call on Assembly Bill No. 310:
YEAS—42.
NAYS—None.
Assembly Bill No. 310 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 349.
Bill read third time.
The following amendment was proposed by Assemblyman O'Neill:
Amendment No. 823.
~~[ASSEMBLYMAN]~~ **ASSEMBLYMEN** O'NEILL **; AND WATTS**

AN ACT relating to wildlife; ~~[revising provisions governing the Wildlife Account in the State General Fund;]~~ establishing the Nevada Wildlife Conservation Program and Nevada Wildlife Conservation Program Account to support the preservation, protection, management and restoration of wildlife and wildlife habitats; creating the Board of the Nevada Wildlife Conservation Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife, which administers the wildlife laws of this State. (NRS 501.331) **Section 3** of this bill establishes the Nevada Wildlife Conservation Program to support the preservation, protection, management and restoration of wildlife and wildlife habitats. **Section 3**: (1) requires the Department to administer the Program; and (2) authorizes the Department to contract with the Community Foundation of Northern Nevada to assist with the administration of the Program. **Section 3** also creates the Nevada Wildlife Conservation Program Account in the State General Fund and requires that the money in the Account be used: (1) to provide matching money required as a condition of federal grants; or (2) for the preservation, protection, management and restoration of wildlife and wildlife habitats.

Section 3 further provides that, upon request, the personal identifying information of a person who donates to the Account must be kept confidential. **Section 5** of this bill makes a conforming change to account for the confidentiality of personal identifying information of certain people who make a donation to the Program.

Section 4 of this bill establishes the Board of the Nevada Wildlife Conservation Program to advise the Department on the expenditure of money in the Nevada Wildlife Conservation Program Account created by **section 3**.

Existing law establishes the Wildlife Account in the State General Fund and authorizes the Department, with certain exceptions, to use the money in the Wildlife Account to carry out certain provisions of existing law relating to wildlife. (NRS 501.356) **Section 1** of this bill ~~[: (1) provides that the Department is authorized to use the money in the Wildlife Account under the direction of the Board of Wildlife Commissioners; and (2) makes a conforming change relating to section 1 to provide]~~ **provides** that money received by the Department for the Nevada Wildlife Conservation Program Account is not required to be deposited in the Wildlife Account in the State General Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees described in NRS 278.337;

(c) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(d) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(e) Appropriations made by the Legislature; and

(f) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, ***the Nevada Wildlife Conservation Program Account pursuant to section 3 of this act,*** the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department ~~***[, under the direction of the Commission,]***~~ may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250, 502.410 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the protection, propagation and management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 2. Chapter 502 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. The Nevada Wildlife Conservation Program is hereby established to support the preservation, protection, management and restoration of wildlife and wildlife habitats in this State. The Nevada Wildlife Conservation Program Account is hereby created in the State General Fund.***

2. The Department shall administer the Program and shall take such actions as the Department determines are necessary to carry out the provisions of this section. The Department may contract with the Community Foundation of Northern Nevada to provide assistance in the administration of the Program including, without limitation, the collection of donations for the Program.

3. In addition to any direct legislative appropriation, the Department may apply for and accept any gift, grant, bequest, donation for deposit in the Account and use by the Program. The money in the Account must be used

in accordance with any recommendations of the Board of the Nevada Wildlife Conservation Program created by section 4 of this act:

(a) To provide matching money required as a condition of any federal grant related to the preservation, protection, management and restoration of wildlife and wildlife habitats; or

(b) For the preservation, protection, management or restoration of wildlife and wildlife habitats.

4. A person that makes a donation to the Program may request to remain anonymous. The personal identifying information of such a person is confidential. As used in this subsection, "personal identifying information" has the meaning ascribed to it in NRS 205.4617.

5. Any interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year. Claims against the Account must be paid as other claims against the State are paid.

6. The Department shall, on or before February 1 of each year, submit a report to the Interim Finance Committee concerning the Nevada Wildlife Conservation Program Account, including, without limitation:

(a) The number of donations and total value of each donation during the immediately preceding calendar year;

(b) The total amount of any grants of money received by the Department for deposit in the Account during the immediately preceding calendar year;

(c) The total amount of money received by the Program, the amount of money expended from the Account, and a description of each project for which the money was spent; and

(d) Any recommendations concerning legislation to improve the Program.

Sec. 4. *1. There is hereby created the Board of the Nevada Wildlife Conservation Program to advise the Department on the expenditure of money in the Nevada Wildlife Conservation Program Account created by section 3 of this act.*

2. The Board consists of the following ~~[three]~~ six members:

(a) One member from ~~[a field related to the management of wildlife,]~~ the Commission, appointed by the Governor;

(b) One member ~~[with background in the management of rangeland or the management of wildlife, appointed by the Chair of the Commission; and]~~ from a nongovernmental organization in this State that is focused on conservation, appointed by the Majority Leader of the Senate;

(c) ~~[The Chair of the Commission or a member of the Commission appointed by the Chair.]~~ One member who represents the mining industry, appointed by the Minority Leader of the Senate;

(d) One member who is an attorney with legal expertise in the field of real estate or personal estate planning, appointed by the Speaker of the Assembly;

(e) One member who represents an energy corporation that operates in this State, appointed by the Minority Leader of the Assembly; and

(f) The Director, who serves as an ex officio member of the Board.

3. Each appointed member of the Board:

(a) Must be a resident of this State; and

(b) Serves a term of 2 years.

4. At its first meeting each year, the members of the Board shall elect a Chair, who shall serve until the next Chair is elected. The Board shall meet as necessary at the call of the Chair.

5. A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Board.

6. While engaged in the business of the Board, to the extent of legislative appropriation, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,

360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117,

692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 3 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 6. This act becomes effective on July 1, 2023.

Assemblyman O'Neill moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 451.

Bill read third time.

Roll call on Assembly Bill No. 451:

YEAS—42.

NAYS—None.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457.

Bill read third time.

Roll call on Assembly Bill No. 457:

YEAS—42.

NAYS—None.

Assembly Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

Roll call on Assembly Bill No. 460:

YEAS—37.

NAYS—Anderson, Carter, Duran, Brittney Miller, Nguyen—5.

Assembly Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

Roll call on Assembly Bill No. 480:

YEAS—42.

NAYS—None.

Assembly Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485.

Bill read third time.

Roll call on Assembly Bill No. 485:
YEAS—42.
NAYS—None.
Assembly Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 486.
Bill read third time.
Roll call on Assembly Bill No. 486:
YEAS—42.
NAYS—None.
Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 492.
Bill read third time.
Roll call on Assembly Bill No. 492:
YEAS—42.
NAYS—None.
Assembly Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 493.
Bill read third time.
Roll call on Assembly Bill No. 493:
YEAS—42.
NAYS—None.
Assembly Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 495.
Bill read third time.
Roll call on Assembly Bill No. 495:
YEAS—42.
NAYS—None.
Assembly Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 496.
Bill read third time.
Roll call on Assembly Bill No. 496:
YEAS—42.
NAYS—None.

Assembly Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Roll call on Assembly Bill No. 498:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

Roll call on Assembly Bill No. 500:

YEAS—42.

NAYS—None.

Assembly Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

Roll call on Assembly Bill No. 502:

YEAS—42.

NAYS—None.

Assembly Bill No. 502 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503.

Bill read third time.

Roll call on Assembly Bill No. 503:

YEAS—42.

NAYS—None.

Assembly Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 504.

Bill read third time.

Roll call on Assembly Bill No. 504:

YEAS—42.

NAYS—None.

Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 505.
Bill read third time.
Roll call on Assembly Bill No. 505:
YEAS—42.
NAYS—None.
Assembly Bill No. 505 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 508.
Bill read third time.
Roll call on Assembly Bill No. 508:
YEAS—42.
NAYS—None.
Assembly Bill No. 508 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 509.
Bill read third time.
Roll call on Assembly Bill No. 509:
YEAS—42.
NAYS—None.
Assembly Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 510.
Bill read third time.
Roll call on Assembly Bill No. 510:
YEAS—42.
NAYS—None.
Assembly Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 511.
Bill read third time.
Roll call on Assembly Bill No. 511:
YEAS—42.
NAYS—None.
Assembly Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 512.
Bill read third time.

Roll call on Assembly Bill No. 512:
YEAS—42.
NAYS—None.
Assembly Bill No. 512 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 516.
Bill read third time.
Roll call on Assembly Bill No. 516:
YEAS—42.
NAYS—None.
Assembly Bill No. 516 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 517.
Bill read third time.
Roll call on Assembly Bill No. 517:
YEAS—42.
NAYS—None.
Assembly Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 523.
Bill read third time.
Roll call on Assembly Bill No. 523:
YEAS—42.
NAYS—None.
Assembly Bill No. 523 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 36, 71, 167, 273, 281, 282, 291, 367, 371, and 387 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 153.
Bill read third time.
Roll call on Assembly Bill No. 153:
YEAS—42.
NAYS—None.

Assembly Bill No. 153 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Roll call on Assembly Bill No. 156:

YEAS—42.

NAYS—None.

Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Roll call on Assembly Bill No. 195:

YEAS—42.

NAYS—None.

Assembly Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

Roll call on Assembly Bill No. 226:

YEAS—42.

NAYS—None.

Assembly Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232.

Bill read third time.

Roll call on Assembly Bill No. 232:

YEAS—35.

NAYS—Brown-May, Considine, DeLong, Gorelow, La Rue Hatch, Orentlicher, Summers-Armstrong—7.

Assembly Bill No. 232 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 270.

Bill read third time.

Roll call on Assembly Bill No. 270:

YEAS—42.

NAYS—None.

Assembly Bill No. 270 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388.

Bill read third time.

Roll call on Assembly Bill No. 388:

YEAS—33.

NAYS—DeLong, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, McArthur, Yurek—9.

Assembly Bill No. 388 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 430.

Bill read third time.

Roll call on Assembly Bill No. 430:

YEAS—42.

NAYS—None.

Assembly Bill No. 430 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

Bill read third time.

Roll call on Assembly Bill No. 443:

YEAS—42.

NAYS—None.

Assembly Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 349.

Bill read third time.

Roll call on Assembly Bill No. 349:

YEAS—42.

NAYS—None.

Assembly Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of May 31, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

PBS Reno: Rebecca Cronon.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 22, 23, 33, 34, 35, 39, 52, 54, 55, 57, 60, 65, 70, 74, 75, 114, 121, 127, 132, 143, 163, 169, 172, 175, 191, 193, 202, 207, 213, 218, 220, 231, 241, 242, 244, 256, 262, 267, 272, 334, 340, 356, 364, 371, 373, 391, 405, 408, 410, 415, 432, 437, 439, 465; Senate Bills Nos. 57, 80, 92, 208, 211, 330, 346, 349, 386, 407, 436.

Assemblywoman Jauregui moved that the Assembly recess until 6 p.m.
Motion carried.

Assembly in recess at 2 p.m.

ASSEMBLY IN SESSION

At 11:05 p.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 285, Amendments Nos. 701, 821; Assembly Bill No. 330, Amendment No. 851, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 58, 467, 475, 480, 495, 498.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 285.

The following Senate amendment was read:

Amendment No. 701.

AN ACT relating to education; removing certain requirements for the use of restorative disciplinary practices in public schools; requiring certain schools to provide a progressive discipline plan based on restorative justice to certain pupils; revising provisions governing the development of a plan of discipline by the board of trustees of a school district ~~[,]~~ **or governing body of a charter school or university school for profoundly gifted pupils;** revising provisions governing age **and certain other** requirements for the suspension, expulsion and permanent expulsion of pupils; requiring the provision and reporting of a plan to provide education services to certain pupils; revising provisions governing the reporting of certain data concerning discipline of pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a plan to provide for the restorative discipline of pupils, developed: (1) in accordance with the statewide framework for restorative justice developed by the Department of Education; and (2) with input from certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law: (1) **to the extent that money is available,** requires the Department to develop a statewide framework for restorative justice; and (2) sets forth requirements for that framework. (NRS 388.1333) **Section 5** of this bill removes the requirement to establish such a plan, instead requiring that the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils establish a plan of progressive discipline. **Section 5** also requires such entities to include **within such a plan: (1)** disciplinary practices based on restorative justice ~~[within such a plan.]~~ **; (2) methods of alternative conflict resolution and interventions based on social and emotional learning; and (3) provisions for the placement of a pupil in a more restrictive educational environment at the school or at a different school.** **Sections 1 and 2** of this bill make conforming changes relating to the removal of this requirement. **Section 2.5** of this bill: (1) requires the Department to develop the statewide framework for restorative justice regardless of funding; and (2) requires the framework developed by the Department to include certain training on school climate for teachers, administrators and other school staff.

Existing law requires, in general, that a public school provide a plan of action based on restorative justice before removing a pupil from a classroom or the premises of the school or suspending or expelling the pupil. **Existing law requires the Department to develop one or more examples of such a plan of action, with certain required elements.** (NRS 392.472) ~~[Sections 7 and]~~ **Section 9** of this bill ~~[require]~~ **requires** a public school to instead provide a progressive discipline plan based on restorative justice: (1) to a pupil who has been suspended for at least 5 cumulative days during a school year; and (2) within 2 days after removing a pupil. **Section 9** additionally requires an example of a **progressive discipline** plan ~~[of action]~~ developed by the Department to include certain determinations concerning an individualized education program. Further, **section 9** requires the plan to be made available to certain personnel. **Sections 3 and 4** of this bill provide similar authorization concerning the provision of **progressive discipline** plans based on restorative justice ~~[to]~~ **for** charter schools and university schools for profoundly gifted pupils.

Existing law requires a public school to offer certain education services to a pupil who is removed from a classroom or the premises of a public school for more than 2 days. (NRS 392.4645) **Section 5.5** of this bill requires **the public school to develop a plan to offer such services and requires the plan to include: (1) an option to provide such services in an in-person setting; (2) the location of such services; and (3) a plan for the pupil to complete**

certain assignments. Section 5.5 also requires each school district to, on or before August 1 of each year, **collect a representative sample of the plans developed and** submit a copy of ~~[such a plan]~~ **the sampled plans** to the: (1) Joint Interim Standing Committee on Education; (2) Department of Education; and (3) State Board of Education.

Existing law authorizes, under certain circumstances, the suspension, expulsion or permanent expulsion of a pupil who attends a public school, charter school or university school for profoundly gifted pupils and who is at least 11 years of age. (NRS 388A.495, 388C.150, 392.466, 392.467) Existing law further provides that a pupil who is less than 11 years of age may be suspended, expelled or permanently expelled by the public school in which the pupil is enrolled if such a punishment is approved by the board of trustees of the school district. (NRS 392.466) **Sections 3, 4 and ~~[8]~~ 7** of this bill provide for the suspension, expulsion or permanent expulsion of certain pupils ~~[less than]~~ **who are at least** 11 years of age. **Sections 3, 4 and 7: (1) provide that pupils who are less than 11 years of age may, following review and approval by certain school officials, be suspended in certain situations; and (2) prohibit, in general, the expulsion or permanent expulsion of a pupil who is less than 11 years of age.**

Under existing law, a public school is prohibited, in general, from permanently expelling a pupil who is less than 11 years of age, except for certain situations in which such a punishment is authorized by the board of trustees of a school district. (NRS 392.466, 392.467) **Section 8** ~~[authorizes the permanent expulsion of a pupil who is less than 11 years of age.]~~ **of this bill additionally prohibits a public school, in general, from expelling such a pupil. Section 7** ~~[of this bill authorizes the suspension, expulsion or permanent expulsion of]~~ **provides that, for** a pupil who sells or distributes a controlled substance in certain situations or commits an act of violence against certain persons in various school settings **:** ~~[if:]~~ (1) the pupil **may be suspended if he or she is less than 11 years of age and may also be expelled or permanently expelled if he or she** is at least ~~[6]~~ **11** years of age; (2) the suspension ~~[or expulsion is]~~ **of a pupil who is less than 6 years of age must be** reviewed by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal ~~[complies]~~ **must comply** with federal law. **Sections 3 and 4** apply similar provisions to charter schools and university schools for profoundly gifted pupils, respectively.

Existing law provides the process for the principal of a school to deem a pupil a habitual disciplinary problem. (NRS 392.4655) Existing law additionally provides the process by which, after a principal determines a pupil is not a habitual disciplinary problem, a teacher may appeal the decision to the board of trustees of the school district. **Section 6** of this bill ~~[instead]~~ provides that ~~[such an]~~ **a pupil must be at least 11 years of age to be deemed a habitual disciplinary problem. Section 6 additionally requires that the pupil be deemed a habitual disciplinary problem if the school has written evidence showing that the pupil did not make efforts to enter into or**

participate in a plan of behavior. Section 6 revises the persons to whom a pupil or legal guardian of a pupil may appeal ~~[must be made to either the superintendent of the school district or his or her designee.]~~ **a determination that the pupil is a habitual disciplinary problem.**

Existing law requires, in general, that the principal of a school deem a pupil a habitual disciplinary problem following a determination that homelessness is not the cause of the behavior of the pupil. (NRS 392.4655) Existing law also requires that, to suspend or expel a pupil in certain situations, a determination be made that the behavior of a pupil is not caused by homelessness or being in foster care. (NRS 392.466, 392.467) Section 6 removes the requirement that a principal presume the behavior of a pupil is due to homelessness unless evidence indicates otherwise. Additionally, section 6 requires that, before deeming a pupil to be a habitual disciplinary problem, a determination be made that: (1) homelessness is not a factor in the behavior of the pupil; and (2) the placement of the pupil in foster care is not a factor in his or her behavior. Similar requirements are prescribed by sections 7 and 8.

Existing law requires each public school to collect data on the discipline of pupils. (NRS 392.462) **Section 4.5** of this bill requires ~~[: (1)]~~ such data collection to occur quarterly **.** ~~[; and (2)]~~ **Section 4.5 also requires the data collection to** include data on **: (1)** the implementation of a plan for progressive discipline ~~[and]~~ **;** **(2)** the training that teachers and administrators have received regarding the plan ~~[.]~~ **; (3) the number of staff positions in the school that are vacant; (4) the average class size for each grade in the school; and (5) the ratio of pupils to school counselors, psychologists and social workers. Section 4.5** additionally requires the principal of each school to, before August 1 of each year, report the data to: (1) the board of trustees of the school district; (2) the Joint Interim Standing Committee on Education; ~~[and]~~ (3) the Superintendent of Public Instruction ~~[.~~

~~— Section 6 makes a conforming change to refer to provisions that have been renumbered by section 7.]~~ **; and (4) the Department of Education.**

Existing law requires the Department to include in the statewide system of accountability for public schools data to recognize public schools that reduce the frequency of suspension, expulsion or removal of pupils from school. (NRS 385A.605) Section 1.5 of this bill requires certain data collected pursuant to section 4.5 to be included in the statewide system of accountability.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension or expulsion, or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be discrimination based on race, bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion, or both, for discrimination based on race, bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of discrimination based on race, bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

(g) For each school in the district, including, without limitation, each charter school sponsored by the district, information on:

(1) The plan ~~[for restorative justice and the process]~~ for progressive discipline used by the school ~~[;]~~ and ***any disciplinary practices based on restorative justice used by the school; and***

(2) The manner in which the school trains employees on restorative justice and progressive discipline. ~~***[and, if the school provides such training, restorative justice.]***~~

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Discrimination based on race" has the meaning ascribed to it in NRS 388.1235.

(d) "Expulsion" has the meaning ascribed to it in NRS 392.4603.

(e) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(f) "Suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 1.5. **NRS 385A.605 is hereby amended to read as follows:**

385A.605 The Department shall include in the statewide system of accountability for public schools data ~~[to]~~ **:**

1. To recognize public schools that reduce the frequency of the suspension, expulsion or removal of pupils from school as a means of discipline, including, without limitation, a reduction in the occurrences of the suspension, expulsion or removal of pupils that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250 ~~[.]~~ ***; and***

2. That is collected pursuant to NRS 392.462 and submitted to the Department pursuant to paragraph (d) of subsection 2 of that section.

Sec. 2. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) ~~[~~Requirements and methods~~]~~ ***Recommendations*** for restorative disciplinary practices that align with the statewide framework for restorative justice ~~: [~~if such a framework is developed pursuant to NRS 388.1333,~~]~~ and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 2.5. NRS 388.1333 is hereby amended to read as follows:

388.1333 1. ~~[~~To the extent that money is available, the~~]~~ ***The*** Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:

(a) In accordance with NRS 392.472, establish standards for a ***progressive discipline*** plan ~~[~~of action~~]~~ based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;

(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;

(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; ***and***

(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information ***and training for teachers, administrators and other school staff*** on, without limitation:

(1) Multi-tiered systems of support;

(2) Early warning systems;

(3) Positive behavioral interventions and support;

(4) The provision of school social workers;

(5) Curriculum on social and emotional learning; ~~[and]~~

(6) Trauma-informed practices; ~~[and~~

~~(c) Provide for training for teachers, administrators and other school staff in:~~

~~(1)]~~ ***(7)*** Child and adolescent development;

~~[(2)]~~ ***(8)*** Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and

~~[(3)]~~ ***(9)*** Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.

2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.

3. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(d) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 3. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

3. A pupil who ~~[is at least 11 years of age and who]~~ poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process ~~[,]~~ ***or*** ~~[who is selling or distributing any controlled substance or]~~ who

is found to be in possession of a ***firearm or*** dangerous weapon as provided in NRS 392.466 may be removed from the charter school ~~[only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.]~~ ***immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion ~~[.]~~ , except that:***

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this section.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this section, and the suspension must be reviewed and approved by the governing body of the charter school.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

4. ***Any pupil who sells or distributes any controlled substance while on the premises of any charter school, at an activity sponsored by a charter school or on any charter school bus shall meet with the school and his or her parent or legal guardian. The school may provide a plan ~~[of action]~~ for progressive discipline based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:***

(a) A pupil who is less than ~~[6]~~ 11 years of age may not be expelled or permanently expelled pursuant to this section.

(b) A pupil who is less than 6 years of age may be suspended ~~[or expelled]~~ pursuant to this section ~~[only after]~~ , and the suspension ~~[or expulsion is]~~ must be reviewed and approved by the governing body of the charter school.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

5. A pupil with a disability who is at least 11 years of age and who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[5.]~~ ***6.*** A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

~~[6.]~~ ***7.*** The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~[7.]~~ ***8.*** As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 4. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in

the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

3. A pupil ~~[who is at least 11 years of age and]~~ who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process ~~[,]~~ ***or*** ~~[who is selling or distributing any controlled substance or]~~ who is found to be in possession of a ***firearm or*** dangerous weapon as provided in NRS 392.466 may be removed ~~[only after]~~ ***from*** the university school for profoundly gifted pupils ~~[has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.]~~ ***immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion*** ~~***[.]***~~ ***, except that:***

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this section.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this section, and the suspension must be reviewed and approved by the governing body of the university school for profoundly gifted pupils.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the university school for profoundly gifted pupils in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

4. ***Any pupil who sells or distributes any controlled substance while on the premises of any university school for profoundly gifted pupils, at an activity sponsored by a university school for profoundly gifted pupils or on any bus owned by a university school for profoundly gifted pupils shall meet with the school and his or her parent or legal guardian. The school may provide a plan*** ~~***[of action]***~~ ***for progressive discipline based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:***

(a) A pupil who is less than ~~***[6]***~~ ***11 years of age may not be expelled or permanently expelled pursuant to this section.***

(b) A pupil who is less than 6 years of age may be suspended ~~***[or expelled]***~~ ***pursuant to this section*** ~~***[only after]***~~ ***, and the suspension*** ~~***[or expulsion is]***~~ ***must be reviewed and approved by the governing body of the university school for profoundly gifted pupils.***

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the university school for profoundly gifted pupils in which the pupil is enrolled shall make available to the pupil a free

appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

5. A pupil with a disability who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[5.]~~ ***6.*** A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

~~[6.]~~ ***7.*** The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~[7.]~~ ***8.*** As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 4.5. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall ***quarterly*** collect data on the discipline of pupils ~~[.]~~ ***and the*** ~~***[plan]***~~ ***plans developed pursuant to NRS 392.4644.*** Such data must include, without limitation, the number of expulsions and suspensions of pupils ***, the number of staff positions in the school that are***

vacant, the average class size for each grade in the school , the implementation of ~~[the]~~ each plan, the training received by teachers and administrators regarding ~~[the]~~ each plan , ~~[~~and~~]~~ the number of placements of pupils in another school ***~~[.]~~ and the ratio of pupils to school counselors, school psychologists and school social workers.*** Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;

2. ~~[~~Report~~]~~ ***On or before August 1 of each year, report*** the data to ~~[~~the~~]~~ ***:***

(a) The board of trustees of the school district ~~[~~each quarter;~~,]~~ ***or the governing body of the public school, as applicable;***

(b) The Joint Interim Standing Committee on Education; ~~[~~and~~]~~

(c) The Superintendent of Public Instruction; and

(d) The Department; and

3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 5. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The board of trustees of each school district ***, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils*** shall establish a plan to provide for the ~~[~~restorative~~]~~ ***progressive*** discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators ***, school counselors, school social workers, school psychologists, behavior analysts*** and other educational personnel and support personnel who are employed ~~[~~by~~]~~ ***at*** the ***public*** school ***,*** ~~[~~district,~~]~~ pupils who are enrolled in ***the public school or*** schools within the school district ***, as applicable,*** and the parents and guardians of pupils who are enrolled in ***the public school or*** schools within the school district ***~~[.]~~ , as applicable.***

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of ***the public school or*** each school within the school district ***~~[.]~~ , as applicable.***

(d) ~~[~~Provide restorative disciplinary practices which include, without limitation:

~~(1) Holding a pupil accountable for his or her behavior;~~

~~(2) Restoration or remedies related to the behavior of the pupil;~~

~~(3) Relief for any victim of the pupil; and~~

~~(4) Changing the behavior of the pupil.~~

~~(e) Provide for~~~~]~~ ***Prescribe methods of alternative conflict resolution and interventions based on social and emotional learning that are developed to avoid the need for the removal of a pupil.***

(e) Include provisions that authorize the temporary removal of a pupil from a classroom or other premises of a public school ~~[in accordance with]~~ ***pursuant to*** NRS 392.4645.

(f) ~~*[(e)]*~~ Provide for the placement of a pupil in ***a more restrictive educational environment at that school or at*** a different ***public school or*** school within the school district ***, as applicable,*** in accordance with NRS 392.466.

(g) ~~*[(f)]*~~ Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(h) ~~[Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.~~

~~(i) *(g)]*~~ Be ***provided to each school over which the board of trustees or governing body has authority and*** posted on the Internet website maintained by the ***public*** school ***.*** ~~[district.~~

~~*(h)]*~~ ***(i) Be in accordance with a plan to use disciplinary practices based on restorative justice developed pursuant to subsection 2 [.]*** ***, if applicable.***

2. ***The board of trustees of a school district shall, in addition to establishing a plan to provide for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan must:***

(a) Authorize the use of disciplinary practices based on restorative justice which include, without limitation:

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil; and

(b) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from schools that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

3. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators ***, school counselors, school social workers, school psychologists, behavior analysts*** and other educational personnel and support personnel who are employed at the school ***,*** ~~[and]~~ the parents and guardians of pupils ***,*** ~~[and]~~ the pupils who are enrolled in the school ~~[.]~~ ***and, if applicable, the organizational team established pursuant to NRS 388G.700;***

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately

affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; ***and***

(c) Based upon the review, recommend to the board of trustees of the school district ***or governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** revisions to the plan, as recommended by the teachers, school administrators ***, school counselors, school social workers, school psychologists, behavior analysts*** and other educational personnel and support personnel ***,*** ~~[and]~~ the parents and guardians of pupils ***,*** ~~[and]~~ the pupils who are enrolled in the school ~~[.]~~ ***and, if applicable, the organizational team established pursuant to NRS 388G.700,*** if necessary ***.*** ~~[:~~

~~(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.~~

~~3.]~~ ***4. On or before September 30 of each year, the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts, other educational personnel and support personnel, the parents and guardians of pupils, the pupils who are enrolled in the school and, if applicable, organizational teams established pursuant to NRS 388G.700.***

5. Not more than 14 days after the receipt of a plan established pursuant to subsection 1 or a revised plan issued pursuant to subsection 4, the principal of each school shall:

(a) Post a copy of the plan or the revised plan on the Internet website maintained by the school; and

(b) Distribute to each teacher, school administrator, school counselors, school social workers, school psychologists, behavior analysts, and all educational support personnel who are employed at or assigned to the school and, if applicable, the organizational team a written or electronic copy of the plan or the revised plan.

6. On or before November 15 of each year, the board of trustees of each school district ***and the governing body of each charter school or university school for profoundly gifted pupils*** shall:

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ ***over which the board of trustees or governing body has authority*** in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(b) Post a copy of the report on the Internet website maintained by the school district. [.

~~4. 5.]~~ ***, charter school or university school for profoundly gifted pupils, as applicable.***

7. If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific corrective period must be at least 12 months but not more than 36 months, and must include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, after the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:

(a) Make measurable progress in addressing the disproportionality or insufficiency listed in the notice issued pursuant to this subsection; or

(b) Provide the required progress reports,

↪ the Superintendent may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.

8. As used in this section [~~, "restorative~~] ***:***

(a) "Behavior analyst" has the meaning ascribed to it in NRS 641D.030.

(b) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

Sec. 5.5. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. [~~Except as otherwise provided in subsection 5, the~~] ***The*** plan ***for progressive discipline*** established pursuant to ***subsection 1 of*** NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide [~~an~~] ***a written*** explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➥ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must ***develop a plan to*** offer a pupil who is removed from a classroom or any other premises of the public school pursuant to this section for more than 2 school days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. ~~[Before]~~ ***A plan developed by a public school pursuant to subsection 4 must include:***

(a) An option to provide such education and support services to a pupil in an in-person setting;

(b) The location where such services will be provided to the pupil; and

(c) A plan for the pupil to complete any assignments or course work missed during his or her removal.

6. Upon removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

~~[6.]~~ ***7. Each school district shall, on or before August 1 of each year, collect a representative sample of the plans developed pursuant to subsection 4 and submit a copy of the*** ~~[plan developed pursuant to subsection 4]~~ ***sampled plans to:***

(a) The Joint Interim Standing Committee on Education;

(b) The Department; and

(c) The State Board.

~~[7.]~~ ***8. The sample of plans that is collected pursuant to subsection 7 must correspond with the proportion of pupils within the school district who are:***

(a) Economically disadvantaged;

(b) From major racial and ethnic groups;

(c) Pupils with disabilities;

(d) English learners;

(e) Migratory children;

(f) Of each gender;

(g) Homeless;

(h) In foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

9. As used in this section, "homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

Sec. 6. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil ***who is at least 11 years of age and*** enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;

(b) The ***school has made reasonable efforts to develop a plan of behavior pursuant to subsection 5 and the*** pupil has not ~~[entered]~~ ***made efforts to enter*** into ~~[and participated]~~ ***or participate*** in ***such*** a plan of behavior ***;*** ~~[pursuant to subsection 6; and]~~

(c) The ~~[behavior]~~ ***homelessness*** of the pupil was not ~~[caused by homelessness,]~~ ***a factor in his or her behavior,*** as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker ~~[.]~~ ***; and***

(d) The placement in foster care of the pupil was not a factor in his or her behavior, as determined in consultation with a contact person at the school, including, without limitation, a school counselor or school social worker.

2. ~~[A principal of a school shall presume that the behavior of the pupil was caused by homelessness unless the principal determines the behavior was not caused by homelessness pursuant to subsection 1.~~

~~3.]~~ At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle

school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the ~~[~~board of trustees~~]~~ ***superintendent*** of the school district ~~[.]~~ ***or ~~[his]~~ the administrative head of the charter school or ~~[her designee.]~~ university school for profoundly gifted pupils, as applicable.*** Upon receipt of such a request, the ~~[~~board of trustees~~]~~ ***superintendent or ~~[his or her designee]~~ administrative head*** shall review the initial request and determination pursuant to the procedure established by the board of trustees ***of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters.

~~[4.]~~ ***3.*** If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection ~~[6,]~~ ***5,*** the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection ~~[10]~~ ***9*** of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection ~~[6.]~~ ***5.***

~~[5.]~~ ***4.*** A school shall provide the notice required by subsection ~~[4]~~ ***3*** for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

~~[6.]~~ ***5.*** If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the

consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the ***school,*** school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the ***school or*** school district.

~~[7.]~~ ***6.*** If a pupil commits the same act for which notice was provided pursuant to subsection ~~[4]~~ ***3*** after he or she enters into a plan of behavior pursuant to subsection ~~[6,]~~ ***5,*** the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

~~[8.]~~ ***7.*** A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

~~[9.]~~ ***8.*** The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the ~~[board of trustees]~~ ***superintendent*** of the school district ***or*** ~~*[his]*~~ ***the administrative head of the charter school or*** ~~*[her designee]*~~ ***university school for profoundly gifted pupils, as applicable,*** a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the ~~[board of trustees]~~ ***superintendent*** of the school district ***or*** ~~*[his]*~~ ***the administrative head of the charter school or*** ~~*[her designee]*~~ ***university school for profoundly gifted pupils, as applicable,*** shall review the determination in accordance with the procedure established by the board of trustees ***of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters.

~~[10.]~~ ***9.*** As used in this section:

(a) ***"Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.***

(b) "Significant suspension" means the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

~~[(b)]~~ ***(c)*** "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 7. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~[and who is at least 11 years of age]~~ shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended ***, expelled*** or ***permanently*** expelled from the school, ~~[in which case the pupil shall:]~~ ***except that:***

(a) ~~[Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or]~~ ***A pupil who is less than ~~[6]~~ 11 years of age may not be expelled or permanently expelled pursuant to this section.***

(b) ~~[Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.]~~ ***A pupil who is less than 6 years of age may be suspended ~~[or expelled]~~ pursuant to this section ~~[only after]~~ , and the suspension ~~[or expulsion is]~~ must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.***

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school ~~[the]~~ ***a*** plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil with a disability who committed the battery, the board of trustees of the school district ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** or its designee

has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil **,** ~~[of any age,]~~ including, without limitation, a pupil with a disability, who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The ~~[school district of the]~~ current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

(a) Suspended from the school; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; ~~[or]~~

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program ~~[.]~~ ***; or***

(c) Enroll in a program of alternative education provided by the school district in which the pupil resides. Each school district shall, alone or through a partnership with another school district, provide a program of alternative education pursuant to this paragraph in an in-person setting that

allows each pupil enrolled in the program to receive educational services in the least restrictive educational environment.

7. The superintendent of schools of a school district ***or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable,*** may, for good cause shown in a particular case in that school district ~~[.]~~ ***or public school, as applicable,*** allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent ***or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable,*** shall allow such a modification if ~~[the superintendent]~~ ***he or she*** determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district ~~[.]~~ ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable.***

9. ~~[Except as otherwise provided in this subsection and subsection 3, a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.~~

~~10.]~~ Except as otherwise provided in subsection 3, a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted by the board of trustees of the school district ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters and only after the board of trustees of the school district ***or governing body, as applicable,*** or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[11.]~~ ***10.*** A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that ***homelessness or being in foster care was not a factor in*** the behavior that led to the consideration for suspension or expulsion ***.*** ~~[was not caused by homelessness or being in foster care.]~~ The person responsible for making a determination of whether or not ***homelessness***

or being in foster care was a factor in the behavior ~~[was caused by homelessness or being in foster care]~~ shall presume that ***homelessness or being in foster care was not a factor in*** the behavior ~~[was caused by homelessness or being in foster care]~~ unless the person determines ~~[that the behavior was not caused by homelessness or being in foster care]~~ ***otherwise*** pursuant to this subsection. A determination that ***homelessness was not a factor in*** the behavior ~~[was not caused by homelessness]~~ must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that ***being in foster care was not a factor in*** the behavior ~~[was not caused by being in foster care]~~ must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~[12.]~~ ***11.*** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~[13.]~~ ***12.*** As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(e) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(f) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(g) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(h) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

~~[14.]~~ ***13.*** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 8. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~[5]~~ ***4*** and ~~[6]~~ ***5*** and NRS 392.466, the board of trustees of a school district ***or the governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from ~~[any]~~ ***a*** public school ***.*** ~~[within the school district.]~~ Except as otherwise provided in this subsection and subsection 3 of NRS 392.466, a pupil who is less than 11 years of age must not be ***expelled or*** permanently expelled from school. In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against ***expelling or*** permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district ~~[.]~~ ***or the governing body of the charter school or university school, as applicable.***

2. Except as otherwise provided in subsection ~~[6,]~~ ***5,*** no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who ***poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or*** is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. ~~[The board of trustees of a school district or its designee may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:~~

~~(a) Conducts an independent investigation of the conduct of the pupil; and~~

~~(b) Gives notice of the charges brought against the pupil by the school to the pupil.~~

~~4.]~~ The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~[5.]~~ ***4.*** The board of trustees of a school district ***or the governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** or its designee shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~[6.]~~ ***5.*** A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters and only after the board of trustees of the school district ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[7.]~~ ***6.*** A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that ***homelessness or being in foster care was not a factor in*** the behavior that led to the consideration for suspension or expulsion***.*** ~~[was not caused by homelessness or being in foster care.]~~ The person responsible for making a determination of whether or not ***homelessness or being in foster care was a factor in*** the behavior ~~[was caused by homelessness or being in foster care]~~ shall presume that ***homelessness or being in foster care was not a factor in*** the behavior ~~[was caused by homelessness or being in foster care]~~ unless the person determines ~~[that the behavior was not caused by homelessness or being in foster care]~~ ***otherwise*** pursuant to this subsection. A determination that ***homelessness was not a factor in*** the behavior ~~[was not caused by homelessness]~~ must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that ***being in foster care was not a factor in*** the behavior ~~[was not caused by being in foster care]~~ must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~[8.]~~ ***7.*** As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 9. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.466 ***,*** ~~[~~and to the extent practicable,~~]~~ a public school shall provide a ***progressive discipline*** plan ~~[~~of action~~]~~ based on restorative justice ~~[~~before~~]~~ ***:***

(a) To a pupil who has received at least 5 cumulative days of suspension during a school year; and

(b) Within 2 days after removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school ~~[~~.~~]~~ ***for a period of at least 3 days. Such a plan must include information concerning the provision of education services to the pupil during his or her removal pursuant to subsection 4 of NRS 392.4645.***

2. The Department shall develop one or more examples of a ***progressive discipline*** plan ~~[~~of action~~]~~ ***based on restorative justice*** which ~~[~~may~~]~~ ***must*** include, without limitation:

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team ~~[~~,~~]~~ ***to determine:***

(1) Whether an individualized education program is needed for the pupil;

(2) Whether an individualized education program, if one has been developed, has been appropriately implemented; and

(3) Whether any adjustments should be made to an individualized education plan that has been developed;

(e) A referral to appropriate community-based services; ~~[~~and~~]~~

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel ~~[~~.~~]~~ ***;***

(g) A determination of the need for a referral to a school social worker; ~~[~~***and***~~]~~

(h) Guidelines for the provision of notice to a pupil to initiate his or her reinstatement; and

(i) A plan for the reinstatement of a pupil who was expelled.

3. ~~[~~The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4.~~]~~ The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the statewide framework for restorative justice developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;

(b) ~~[A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;~~

~~(c)]~~ One or more models of restorative justice and best practices relating to restorative justice;

~~[(d)]~~ ***(c)*** A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

~~[(e)]~~ ***(d)*** One or more examples of a ***progressive discipline*** plan ~~[of action]~~ based on restorative justice developed pursuant to subsection 2.

4. A progressive discipline plan based on restorative justice developed pursuant to this section shall be made available to any teacher or appropriate personnel of the school district who administers temporary alternative placement after the removal of a pupil.

5. As used in this section:

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Section 2.5 of this act becomes effective upon passage and approval for the purpose of creating a statewide framework for restorative justice and developing the training required pursuant to paragraph (d) of subsection 1 of that section, and on July 1, 2028, for all other purposes.

3. Sections 1, **1.5,** 2 and 3 to 9, inclusive, of this act become effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 701 to Assembly Bill No. 285.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 821.

AN ACT relating to education; removing certain requirements for the use of restorative disciplinary practices in public schools; requiring certain schools to provide a progressive discipline plan based on restorative justice to certain pupils; revising provisions governing the development of a plan of discipline by the board of trustees of a school district or governing body of a charter school or university school for profoundly gifted pupils; revising provisions governing age and certain other requirements for the suspension, expulsion and permanent expulsion of pupils; requiring the provision and reporting of a plan to provide education services to certain pupils; revising provisions

governing the reporting of certain data concerning discipline of pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a plan to provide for the restorative discipline of pupils, developed: (1) in accordance with the statewide framework for restorative justice developed by the Department of Education; and (2) with input from certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law: (1) to the extent that money is available, requires the Department to develop a statewide framework for restorative justice; and (2) sets forth requirements for that framework. (NRS 388.1333) **Section 5** of this bill removes the requirement to establish such a plan, instead requiring that the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils establish a plan of progressive discipline. **Section 5** also requires such entities to include within such a plan: (1) disciplinary practices based on restorative justice; (2) methods of alternative conflict resolution and interventions based on social and emotional learning; and (3) provisions for the placement of a pupil in a more restrictive educational environment at the school or at a different school. **Sections 1 and 2** of this bill make conforming changes relating to the removal of this requirement. **Section 2.5** of this bill: (1) requires the Department to develop the statewide framework for restorative justice regardless of funding; and (2) requires the framework developed by the Department to include certain training on school climate for teachers, administrators and other school staff.

Existing law requires, in general, that a public school provide a plan of action based on restorative justice before removing a pupil from a classroom or the premises of the school or suspending or expelling the pupil. Existing law requires the Department to develop one or more examples of such a plan of action, with certain required elements. (NRS 392.472) **Section 9** of this bill requires a public school to instead provide a progressive discipline plan based on restorative justice: (1) to a pupil who has been suspended for at least 5 cumulative days during a school year; and (2) within 2 days after removing a pupil. **Section 9** additionally requires an example of a progressive discipline plan developed by the Department to include certain determinations concerning an individualized education program. Further, **section 9** requires the plan to be made available to certain personnel. **Sections 3 and 4** of this bill provide similar ~~[authorization]~~ **requirements** concerning the provision of progressive discipline plans based on restorative justice for charter schools and university schools for profoundly gifted pupils.

Existing law requires a public school to offer certain education services to a pupil who is removed from a classroom or the premises of a public school for more than 2 days. (NRS 392.4645) **Section 5.5** of this bill requires the public school to **, on or before August 1 of each year,** develop **or review and revise** a plan to offer such services **to, without limitation, pupils who are less than 11 years of age** and requires the plan to include: (1) an option to provide such

services in an in-person setting; (2) the location of such services; and (3) a plan for the pupil to complete certain assignments. **Section 5.5 requires each public school to, on or before August 1 of each year, submit such a plan to: (1) the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable; (2) the State Board of Education; and (3) the Joint Interim Standing Committee on Education.** **Section 5.5** also requires each school district to, on or before August 1 of each year, collect a representative sample of the plans developed and submit a copy of the sampled plans to the: (1) Joint Interim Standing Committee on Education; (2) Department of Education; and (3) State Board**.** ~~[of Education.]~~ **Section 1 requires the plan developed pursuant to section 5.5 to be included in the annual report of accountability for the quality of schools and the educational achievement of pupils.**

Existing law authorizes, under certain circumstances, the suspension, expulsion or permanent expulsion of a pupil who attends a public school, charter school or university school for profoundly gifted pupils and who is at least 11 years of age. (NRS 388A.495, 388C.150, 392.466, 392.467) Existing law further provides that a pupil who is less than 11 years of age may be suspended, expelled or permanently expelled by the public school in which the pupil is enrolled if such a punishment is approved by the board of trustees of the school district. (NRS 392.466) ~~[Sections 3, 4 and]~~ **Section 7** of this bill ~~[provide]~~ **provides** for the suspension, expulsion or permanent expulsion of certain pupils who are at least 11 years of age. ~~[Sections 3, 4 and]~~ **Section 7**: (1) ~~[provide]~~ **provides** that pupils who are less than 11 years of age may, following review and approval by certain school officials, be suspended in certain situations; and (2) ~~[prohibit,]~~ **prohibits,** in general, the expulsion or permanent expulsion of a pupil who is less than 11 years of age. **Sections 3 and 4 apply these provisions to the discipline of certain pupils in charter schools and university schools for profoundly gifted pupils, respectively.**

Under existing law, a public school is prohibited, in general, from permanently expelling a pupil who is less than 11 years of age, except for certain situations in which such a punishment is authorized by the board of trustees of a school district. (NRS 392.466, 392.467) **Section 8** of this bill additionally prohibits a public school, in general, from expelling such a pupil. **Section 7** provides that, for a pupil who sells or distributes a controlled substance in certain situations or commits ~~[an act of violence against certain persons]~~ **a battery other than a battery intended to result in the bodily injury of an employee of the school** in various school settings: (1) the pupil may be suspended if he or she is less than 11 years of age and may also be expelled or permanently expelled if he or she is at least 11 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal must comply with federal law. **Additionally, section 7 provides that, for a pupil who commits a**

battery which is intended to result in the bodily injury of an employee of the school: (1) the pupil shall be suspended or expelled if he or she is at least 8 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed and approved by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal must comply with federal law. Finally section 7 provides that a pupil who is found in possession of a firearm at a public school or an activity or school bus of a public school: (1) shall be suspended, expelled or permanently expelled if he or she is at least 11 years of age; (2) shall be suspended or expelled if he or she is at least 8 but less than 11 years of age; (3) may be suspended if he or she is at least 6 but less than 8 years of age; (4) may be suspended if he or she is less than 6 years of age upon review and approval by the superintendent of the school district or his or her designee; and (5) if the pupil is a pupil with a disability, any removal of the pupil must comply with federal law. Sections 3 and 4 apply similar provisions to charter schools and university schools for profoundly gifted pupils, respectively.

Existing law provides the process for the principal of a school to deem a pupil a habitual disciplinary problem. (NRS 392.4655) Existing law additionally provides the process by which, after a principal determines a pupil is not a habitual disciplinary problem, a teacher may appeal the decision to the board of trustees of the school district. **Section 6** of this bill provides that a pupil must be at least 11 years of age to be deemed a habitual disciplinary problem. **Section 6** additionally requires that the pupil be deemed a habitual disciplinary problem if the school has written evidence showing that the pupil did not make efforts to enter into or participate in a plan of behavior. **Section 6** revises the persons to whom a pupil or legal guardian of a pupil may appeal a determination that the pupil is a habitual disciplinary problem.

Existing law requires, in general, that the principal of a school deem a pupil a habitual disciplinary problem following a determination that homelessness is not the cause of the behavior of the pupil. (NRS 392.4655) Existing law also requires that, to suspend or expel a pupil in certain situations, a determination be made that the behavior of a pupil is not caused by homelessness or being in foster care. (NRS 392.466, 392.467) **Section 6** removes the requirement that a principal presume the behavior of a pupil is due to homelessness unless evidence indicates otherwise. Additionally, **section 6** requires that, before deeming a pupil to be a habitual disciplinary problem, a determination be made that: (1) homelessness is not a factor in the behavior of the pupil; and (2) the placement of the pupil in foster care is not a factor in his or her behavior. Similar requirements are prescribed by **sections 7 and 8**.

Existing law requires each public school to collect data on the discipline of pupils. (NRS 392.462) **Section 4.5** of this bill requires such data collection to occur quarterly. **Section 4.5** also requires the data collection to include data on: (1) the implementation of a plan for progressive discipline; (2) the training that teachers and administrators have received regarding the plan; (3) the

number of staff positions in the school that are vacant; (4) the average class size for each grade in the school; and (5) the ratio of pupils to school counselors, psychologists and social workers. **Section 4.5** additionally requires the principal of each school to, before August 1 of each year, report the data to: (1) the board of trustees of the school district; (2) the Joint Interim Standing Committee on Education; (3) the Superintendent of Public Instruction; and (4) the Department of Education.

Existing law requires the Department to include in the statewide system of accountability for public schools data to recognize public schools that reduce the frequency of suspension, expulsion or removal of pupils from school. (NRS 385A.605) **Section 1.5** of this bill requires certain data collected pursuant to **section 4.5** to be included in the statewide system of accountability.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension or expulsion, or both, of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be discrimination based on race, bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion, or both, for discrimination based on race, bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of discrimination based on race, bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

(g) For each school in the district, including, without limitation, each charter school sponsored by the district, information on:

(1) The plan ~~[~~for restorative justice and the process~~]~~ for progressive discipline used by the school ~~[~~,~~]~~ and ***any disciplinary practices based on restorative justice used by the school;*** ~~***[and]***~~

(2) ***The plan developed pursuant to subsection 4 of NRS 392.4645; and***

(3) The manner in which the school trains employees on restorative justice and progressive discipline.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Discrimination based on race" has the meaning ascribed to it in NRS 388.1235.

(d) "Expulsion" has the meaning ascribed to it in NRS 392.4603.

(e) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(f) "Suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 1.5. NRS 385A.605 is hereby amended to read as follows:

385A.605 The Department shall include in the statewide system of accountability for public schools data ~~[to]~~ ***:***

1. To recognize public schools that reduce the frequency of the suspension, expulsion or removal of pupils from school as a means of discipline, including, without limitation, a reduction in the occurrences of the suspension, expulsion or removal of pupils that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250 ~~[.]~~ ***; and***

2. That is collected pursuant to NRS 392.462 and submitted to the Department pursuant to paragraph (d) of subsection 2 of that section.

Sec. 2. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) ~~[Requirements and methods]~~ ***Recommendations*** for restorative disciplinary practices that align with the statewide framework for restorative justice ***;*** ~~[if such a framework is developed pursuant to NRS 388.1333;]~~ and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 2.5. NRS 388.1333 is hereby amended to read as follows:

388.1333 1. ~~[To the extent that money is available, the]~~ ***The*** Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:

(a) In accordance with NRS 392.472, establish standards for a ***progressive discipline*** plan ~~[of action]~~ based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;

(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;

(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; ***and***

(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information ***and training for teachers, administrators and other school staff*** on, without limitation:

(1) Multi-tiered systems of support;

(2) Early warning systems;

(3) Positive behavioral interventions and support;

(4) The provision of school social workers;

(5) Curriculum on social and emotional learning; ~~[and]~~

(6) Trauma-informed practices; ~~[and~~

~~(e) Provide for training for teachers, administrators and other school staff in:~~

~~(1)]~~ ***(7)*** Child and adolescent development;

~~[(2)]~~ ***(8)*** Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and

~~[(3)]~~ ***(9)*** Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.

2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.

3. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(d) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 3. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~[If]~~ ***A pupil enrolled in a charter school shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.***

3. Except as otherwise provided in ~~***[subsection 3,]***~~ ***NRS 392.467, if*** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

~~[3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, *or* who is selling or distributing any controlled substance or who is found to be in possession of a *firearm or* dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467. *immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion, except that:*~~

~~*(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this section.*~~

~~*(b) A pupil who is less than 6 years of age may be suspended pursuant to this section, and the suspension must be reviewed and approved by the governing body of the charter school.*~~

~~*(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.]~~

4. ***[Any pupil who sells or distributes any controlled substance while on the premises of any charter school, at an activity sponsored by a charter school or on any charter school bus shall meet with the school and his or her parent or legal guardian. The school may provide a plan for progressive discipline based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:***

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this section.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this section, and the suspension must be reviewed and approved by the governing body of the charter school.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the charter school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

~~***5.*** A pupil with a disability who is at least 11 years of age and who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~(b) Expelled from school pursuant to this section.~~

~~(c) Permanently expelled from school pursuant to this section.~~

~~5.~~ ***6.]*** A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

[~~6.~~ ***7.]*** ***5.*** The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

[~~7.~~ ***8.]*** ***6.*** As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) ~~***[***"Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled.~~

~~(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and~~

~~(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.~~

~~(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.~~

~~(d)~~ "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 4. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~If~~ ***A pupil enrolled in a university school for profoundly gifted pupils shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.***

3. Except as otherwise provided in ~~[subsection 3,]~~ NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is suspended or expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the suspension or expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is suspended or expelled and is appealing the suspension or expulsion or a pupil who is being considered for suspension or expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

~~[3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, *or* who is selling or distributing any controlled substance or who is found to be in possession of a *firearm or* dangerous weapon as provided in NRS 392.466 may be removed only after *from* the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467. *immediately upon being given an explanation of the reasons for the removal of the pupil and pending*~~

proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion, except that:

— (a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this section.

— (b) A pupil who is less than 6 years of age may be suspended pursuant to this section, and the suspension must be reviewed and approved by the governing body of the university school for profoundly gifted pupils.

— (c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the university school for profoundly gifted pupils in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.]

4. ***[Any pupil who sells or distributes any controlled substance while on the premises of any university school for profoundly gifted pupils, at an activity sponsored by a university school for profoundly gifted pupils or on any bus owned by a university school for profoundly gifted pupils shall meet with the school and his or her parent or legal guardian. The school may provide a plan for progressive discipline based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:***

— (a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this section.

— (b) A pupil who is less than 6 years of age may be suspended pursuant to this section, and the suspension must be reviewed and approved by the governing body of the university school for profoundly gifted pupils.

— (c) For a pupil with a disability who has been suspended or expelled pursuant to this section, the university school for profoundly gifted pupils in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

~~— 5. A pupil with a disability who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~— (a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~— (b) Expelled from school pursuant to this section.~~

~~(c) Permanently expelled from school pursuant to this section.~~

~~5.~~ ***~~6.~~]*** A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

~~[6.~~ ***~~7.~~]*** ***5.*** The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~[7.~~ ***~~8.~~]*** ***6.*** As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) ~~["Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:~~

~~(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and~~

~~(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.~~

~~(c) "Pupil with a disability" has the meaning ascribed to it in NRS 388.417.~~

~~(d)]~~ "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 4.5. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall ***quarterly*** collect data on the discipline of pupils ~~[.]~~ ***and the plans developed pursuant to NRS 392.4644.*** Such data must include, without limitation, the number of expulsions and suspensions of pupils ***, the number of staff positions in the school that are vacant, the average class size for each grade in the school, the implementation of each plan, the training received by teachers and administrators regarding each plan,*** ~~[and]~~ the number of placements of pupils in another school ~~[.]~~ ***and the ratio of pupils to school counselors, school psychologists and school social workers.*** Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;

2. ~~[Report]~~ ***On or before August 1 of each year, report*** the data to ~~[the]~~ ***:***

(a) The board of trustees of the school district ~~[each quarter;]~~ ***or the governing body of the public school, as applicable;***

(b) The Joint Interim Standing Committee on Education; ~~[and]~~

(c) The Superintendent of Public Instruction; and

(d) The Department; and

3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 5. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The board of trustees of each school district ***, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils*** shall establish a plan to provide for the ~~[~~restorative~~]~~ ***progressive*** discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators ***, school counselors, school social workers, school psychologists, behavior analysts*** and other educational personnel and support personnel who are employed ~~[~~by~~]~~ ***at*** the ***public*** school ***,*** ~~[~~district,~~]~~ pupils who are enrolled in ***the public school or*** schools within the school district ***, as applicable,*** and the parents and guardians of pupils who are enrolled in ***the public school or*** schools within the school district ~~[.]~~ ***, as applicable.***

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of ***the public school or*** each school within the school district ~~[.]~~ ***, as applicable.***

(d) ~~[Provide restorative disciplinary practices which include, without limitation:~~

~~(1) Holding a pupil accountable for his or her behavior;~~

~~(2) Restoration or remedies related to the behavior of the pupil;~~

~~(3) Relief for any victim of the pupil; and~~

~~(4) Changing the behavior of the pupil.~~

~~(e) Provide for~~~~]~~ ***Prescribe methods of alternative conflict resolution and interventions based on social and emotional learning that are developed to avoid the need for the removal of a pupil.***

(e) Include provisions that authorize the temporary removal of a pupil from a classroom or other premises of a public school ~~[~~in accordance with~~]~~ ***pursuant to*** NRS 392.4645.

(f) Provide for the placement of a pupil in ***a more restrictive educational environment at that school or at*** a different ***public school or*** school within the school district ***, as applicable,*** in accordance with NRS 392.466.

(g) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(h) ~~[Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.~~

~~(i)~~ Be ***provided to each school over which the board of trustees or governing body has authority and*** posted on the Internet website maintained by the ***public*** school ***.*** ~~[district.]~~

(i) Be in accordance with a plan to use disciplinary practices based on restorative justice developed pursuant to subsection 2, if applicable.

2. ***The board of trustees of a school district shall, in addition to establishing a plan to provide for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan must:***

(a) Authorize the use of disciplinary practices based on restorative justice which include, without limitation:

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil; and

(b) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from schools that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

3. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators ***, school counselors, school social workers, school psychologists, behavior analysts*** and other educational personnel and support personnel who are employed at the school ***,*** ~~[and]~~ the parents and guardians of pupils ***,*** ~~[and]~~ the pupils who are enrolled in the school ~~[.]~~ ***and, if applicable, the organizational team established pursuant to NRS 388G.700;***

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; ***and***

(c) Based upon the review, recommend to the board of trustees of the school district ***or governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** revisions to the plan, as recommended by the teachers, school administrators ***, school counselors, school social workers, school psychologists, behavior analysts*** and other educational personnel and support personnel ***,*** ~~[and]~~ the parents and guardians of pupils ***,*** ~~[and]~~ the pupils who are enrolled in the school ~~[.]~~ ***and, if applicable, the organizational team established pursuant to NRS 388G.700,*** if necessary ***.*** ~~[;~~

~~(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or~~

~~electronic copy of the plan or the revised plan, as provided by the school district.~~

~~3.~~] ***4. On or before September 30 of each year, the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts, other educational personnel and support personnel, the parents and guardians of pupils, the pupils who are enrolled in the school and, if applicable, organizational teams established pursuant to NRS 388G.700.***

5. Not more than 14 days after the receipt of a plan established pursuant to subsection 1 or a revised plan issued pursuant to subsection 4, the principal of each school shall:

(a) Post a copy of the plan or the revised plan on the Internet website maintained by the school; and

(b) Distribute to each teacher, school administrator, school counselors, school social workers, school psychologists, behavior analysts, and all educational support personnel who are employed at or assigned to the school and, if applicable, the organizational team a written or electronic copy of the plan or the revised plan.

6. On or before November 15 of each year, the board of trustees of each school district ***and the governing body of each charter school or university school for profoundly gifted pupils*** shall:

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ ***over which the board of trustees or governing body has authority*** in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(b) Post a copy of the report on the Internet website maintained by the school district ~~[.~~

~~4.~~] ***, charter school or university school for profoundly gifted pupils, as applicable.***

7. If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific corrective period must be at least 12 months but not more than 36 months, and must include required monitoring of the progress

made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, after the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:

(a) Make measurable progress in addressing the disproportionality or insufficiency listed in the notice issued pursuant to this subsection; or

(b) Provide the required progress reports,

➥ the Superintendent may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.

8. As used in this section ~~[, "restorative]~~ ***:***

(a) "Behavior analyst" has the meaning ascribed to it in NRS 641D.030.

(b) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

Sec. 5.5. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. ~~[Except as otherwise provided in subsection 5, the~~ ***The*** ~~plan~~ ***plan for progressive discipline*** established pursuant to ~~***subsection 1 of***~~ ~~NRS 392.4644 must provide for the temporary removal of a]~~ ***A*** pupil ***may be temporarily removed*** from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. ~~[The plan must provide that, upon]~~ ***Upon*** the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide ~~[an]~~ ***a written*** explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➥ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must ***, on or before August 1 of each year, develop or review and revise a plan to*** offer a pupil ***, including, without limitation, a pupil who is less than 11 years of age,*** who is removed from a classroom or any other premises of the public school pursuant to this section ***or NRS 392.466*** for more than 2 school days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. ~~[~~Before~~]~~ ***A plan developed by a public school pursuant to subsection 4 must include:***

(a) An option to provide such education and support services to a pupil in an in-person setting;

(b) The location where such services will be provided to the pupil; and

(c) A plan for the pupil to complete any assignments or course work missed during his or her removal.

6. Each public school shall, on or before August 1 of each year, submit the plan that is developed or reviewed and revised pursuant to subsection 4 to:

(a) The board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable;

(b) The State Board; and

(c) The Joint Interim Standing Committee on Education.

7. Upon removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

~~[~~6. ~~7.]~~ ***8. Each school district shall, on or before August 1 of each year, collect a representative sample of the plans developed pursuant to subsection 4 and submit a copy of the sampled plans to:***

(a) The Joint Interim Standing Committee on Education;

(b) The Department; and

(c) The State Board.

[8.] ***9.*** ***The sample of plans that is collected pursuant to subsection 7 must correspond with the proportion of pupils within the school district who are:***

(a) Economically disadvantaged;

(b) From major racial and ethnic groups;

(c) Pupils with disabilities;

(d) English learners;

(e) Migratory children;

(f) Of each gender;

(g) Homeless;

(h) In foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

[9.] ***10.*** As used in this section, "homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

Sec. 6. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil ***who is at least 11 years of age and*** enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;

(b) The ***school has made reasonable efforts to develop a plan of behavior pursuant to subsection 5 and the*** pupil has not ~~[entered]~~ ***made efforts to enter*** into ~~[and participated]~~ ***or participate*** in ***such*** a plan of behavior ***;*** ~~[pursuant to subsection 6; and]~~

(c) The ~~[behavior]~~ ***homelessness*** of the pupil was not ~~[caused by homelessness,]~~ ***a factor in his or her behavior,*** as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker ~~[.]~~ ***; and***

(d) The placement in foster care of the pupil was not a factor in his or her behavior, as determined in consultation with a contact person at the school, including, without limitation, a school counselor or school social worker.

2. ~~[A principal of a school shall presume that the behavior of the pupil was caused by homelessness unless the principal determines the behavior was not caused by homelessness pursuant to subsection 1.~~

~~3.]~~ At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's

record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the ~~[board of trustees]~~ ***superintendent*** of the school district ~~[.]~~ ***or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable.*** Upon receipt of such a request, the ~~[board of trustees]~~ ***superintendent or administrative head*** shall review the initial request and determination pursuant to the procedure established by the board of trustees ***of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters.

~~[4.]~~ ***3.*** If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection ~~[6,]~~ ***5,*** the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection ~~[5]~~ ***8*** of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection ~~[10 9]~~ ***12*** of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection ~~[6.]~~ ***5.***

~~[5.]~~ ***4.*** A school shall provide the notice required by subsection ~~[4]~~ ***3*** for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

~~[6.]~~ ***5.*** If a pupil ***, including, without limitation, a pupil who is less than 11 years of age,*** is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the ***school,*** school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the ***school or*** school district.

~~[7.]~~ ***6.*** If a pupil commits the same act for which notice was provided pursuant to subsection ~~[4]~~ ***3*** after he or she enters into a plan of behavior pursuant to subsection ~~[6,]~~ ***5,*** the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

~~[8.]~~ ***7.*** A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

~~[9.]~~ ***8.*** The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the ~~[board of trustees]~~ ***superintendent*** of the school district ***or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable,*** a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the ~~[board of trustees]~~ ***superintendent*** of the school district ***or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable,*** shall review the determination in accordance with the procedure established by the board of trustees ***of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters.

~~[10.]~~ ***9.*** As used in this section:

(a) ***"Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.***

(b) "Significant suspension" means the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

~~[(b)]~~ ***(c)*** "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 7. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who ~~[commits a battery which results in the bodily injury of an employee of the school or who]~~ sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~[and who is at least 11 years of age]~~ shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended ***, expelled*** or ***permanently*** expelled from the school, ~~[in which case the pupil shall:]~~ ***except that:***

(a) ~~[Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or]~~ ***A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this*** ~~***[section.]***~~ ***subsection.***

(b) ~~[Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.]~~ ***A pupil who is less than 6 years of age may be suspended pursuant to this*** ~~***[section,]***~~ ***subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.***

(c) For a pupil with a disability who has been suspended or expelled pursuant to this ~~***[section,]***~~ ***subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.***

2. ***Except as otherwise provided in this section, any pupil who commits a battery against an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:***

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter

school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

3. Except as otherwise provided in this section, any pupil who commits a battery which is intended to result in the bodily injury of an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil shall be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

4. An employee who is a victim of a battery which ~~[results]~~ ***is intended to result*** in the bodily injury of an employee of the school may appeal to the school ~~[the]~~ ***a*** plan of action provided pursuant to subsection ~~[1]~~ ***3*** if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil with a disability who committed the battery, the board of trustees of the school district ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

~~[3.]~~ ***5.*** Except as otherwise provided in this section, any pupil ***,*** ~~[of any age,]~~ including, without limitation, a pupil with a disability, who ***poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who*** is found in possession of ~~[a firearm or]~~ a dangerous weapon ***other than a firearm*** while on the premises of any public

school, at an activity sponsored by a public school or on any school bus ~~[must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.~~

~~4.]~~ ***may be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion, except that:***

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the public school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

6. Except as otherwise provided in this section, any pupil, including, without limitation, a pupil with a disability, who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion. A pupil who is:

(a) Eleven years of age or older shall be suspended, expelled or permanently expelled pursuant to this section.

(b) At least 8 but less than 11 years of age shall be suspended or expelled pursuant to this subsection.

(c) At least 6 but less than 8 years of age may be suspended pursuant to this subsection.

(d) Less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(e) A pupil with a disability who has been suspended or expelled pursuant to this subsection must be provided with a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., by the public school in which the pupil is enrolled

for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

7. If a school is unable to retain a pupil in the school pursuant to ~~[~~subsection~~]~~ ***subsections*** 1 ***to 6, inclusive,*** for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil ***, including, without limitation, a pupil who is less than 11 years of age,*** is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The ~~[~~school district of the~~]~~ current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

~~[~~5.~~]~~ ***8.*** Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

(a) Suspended from the school; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

~~[~~6.~~]~~ ***9.*** If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; ~~[~~or~~]~~

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program ~~[~~.~~]~~***; or***

(c) Enroll in a program of alternative education provided by the school district in which the pupil resides. Each school district shall, alone or through a partnership with another school district, provide a program of alternative education pursuant to this paragraph in an in-person setting that allows each pupil enrolled in the program to receive educational services in the least restrictive educational environment.

~~[~~7.~~]~~ ***10.*** The superintendent of schools of a school district ***or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable,*** may, for good cause shown in a particular case in that school district ~~[~~,~~]~~ ***or public school, as applicable,*** allow a modification to a suspension or expulsion pursuant to subsections 1 to ~~[~~5,~~]~~ ***8,*** inclusive, if such modification is set forth in writing. The superintendent ***or the administrative head of a charter school or university school for profoundly gifted pupils, as***

applicable, shall allow such a modification if ~~[~~the superintendent~~]~~ ***he or she*** determines that a plan of action based on restorative justice may be used successfully.

~~[~~8.~~]~~ ***11.*** This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district ~~[~~.~~]~~ ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable.***

~~[9. Except as otherwise provided in this subsection and subsection 3, a pupil who is less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.~~

~~10.~~~~]~~ ***12.*** Except as otherwise provided in subsection ~~[~~3,~~]~~ ***5 or 6,*** a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted by the board of trustees of the school district ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters and only after the board of trustees of the school district ***or governing body, as applicable,*** or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[~~11.~~ 10.~~~~]~~ ***13.*** A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that ***homelessness or being in foster care was not a factor in*** the behavior that led to the consideration for suspension or expulsion ***.*** ~~[~~was not caused by homelessness or being in foster care.~~]~~ The person responsible for making a determination of whether or not ***homelessness or being in foster care was a factor in*** the behavior ~~[~~was caused by homelessness or being in foster care~~]~~ shall presume that ***homelessness or being in foster care was not a factor in*** the behavior ~~[~~was caused by homelessness or being in foster care~~]~~ unless the person determines ~~[~~that the behavior was not caused by homelessness or being in foster care~~]~~ ***otherwise*** pursuant to this subsection. A determination that ***homelessness was not a factor in*** the behavior ~~[~~was not caused by homelessness~~]~~ must be made in

consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that ***being in foster care was not a factor in*** the behavior ~~[was not caused by being in foster care]~~ must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~[12.~~ ~~***11.]***~~ ***14.*** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~[13.~~ ~~***12.]***~~ ***15.*** As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) ***"Bodily injury" means any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient or trifling in nature.***

(c) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

~~[(c)]~~ ***(d)*** "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

~~[(d)]~~ ***(e)*** "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

~~[(e)]~~ ***(f)*** "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

~~[(f)]~~ ***(g)*** "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

~~[(g)]~~ ***(h)*** "Restorative justice" has the meaning ascribed to it in NRS 392.472.

~~[(h)]~~ ***(i)*** "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

~~[14.~~ ~~***13.]***~~ ***16.*** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed

exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 8. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~[5.]~~ ***4*** and ~~[6.]~~ ***5*** and NRS 392.466, the board of trustees of a school district ***or the governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from ~~[any]~~ ***a*** public school ***.*** ~~[within the school district.]~~ Except as otherwise provided in this subsection and ~~[subsection 3]~~ ***subsections 5 and 6*** of NRS 392.466, a pupil who is less than 11 years of age must not be ***expelled or*** permanently expelled from school. In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against ***expelling or*** permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district ~~[.]~~ ***or the governing body of the charter school or university school, as applicable.***

2. Except as otherwise provided in subsection ~~[6,]~~ ***5,*** no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who ***poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or*** is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. ~~[The board of trustees of a school district or its designee may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:~~

~~(a) Conducts an independent investigation of the conduct of the pupil; and~~

~~(b) Gives notice of the charges brought against the pupil by the school to the pupil.~~

~~4.]~~ The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~[5.]~~ ***4.*** The board of trustees of a school district ***or the governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** or its designee shall not authorize the expulsion, suspension or

removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~[6.]~~ ***5.*** A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters and only after the board of trustees of the school district ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[7.]~~ ***6.*** A homeless pupil or a pupil in foster care who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that ***homelessness or being in foster care was not a factor in*** the behavior that led to the consideration for suspension or expulsion ***.*** ~~[was not caused by homelessness or being in foster care.]~~ The person responsible for making a determination of whether or not ***homelessness or being in foster care was a factor in*** the behavior ~~[was caused by homelessness or being in foster care]~~ shall presume that ***homelessness or being in foster care was not a factor in*** the behavior ~~[was caused by homelessness or being in foster care]~~ unless the person determines ~~[that the behavior was not caused by homelessness or being in foster care]~~ ***otherwise*** pursuant to this subsection. A determination that ***homelessness was not a factor in*** the behavior ~~[was not caused by homelessness]~~ must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that ***being in foster care was not a factor in*** the behavior ~~[was not caused by being in foster care]~~ must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~[8.]~~ ***7.*** As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 9. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.466 ***,*** ~~[and to the extent practicable,]~~ a public school shall provide a ***progressive discipline*** plan ~~[of action]~~ based on restorative justice ~~[before]~~ ***:***

(a) To a pupil , including, without limitation, a pupil who is less than 11 years of age, who has received at least 5 cumulative days of suspension during a school year; and

(b) Within 2 days after removing a pupil ***, including, without limitation, a pupil who is less than 11 years of age,*** from a classroom or other premises of the public school or suspending or expelling a pupil from school ~~[.]~~ ***for a period of at least 3 days. Such a plan must include information concerning the provision of education services to the pupil during his or her removal pursuant to subsection 4 of NRS 392.4645.***

2. The Department shall develop one or more examples of a ***progressive discipline*** plan ~~[of action]~~ ***based on restorative justice*** which ~~[may]~~ ***must*** include, without limitation:

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team ~~[,]~~ ***to determine:***

(1) Whether an individualized education program is needed for the pupil;

(2) Whether an individualized education program, if one has been developed, has been appropriately implemented; and

(3) Whether any adjustments should be made to an individualized education plan that has been developed;

(e) A referral to appropriate community-based services; ~~[and]~~

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel ~~[.]~~ ***;***

(g) A determination of the need for a referral to a school social worker;

(h) Guidelines for the provision of notice to a pupil to initiate his or her reinstatement; and

(i) A plan for the reinstatement of a pupil who was expelled.

3. ~~[The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school. —4.]~~ The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the statewide framework for restorative justice developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;

(b) ~~[A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;~~

~~(c)]~~ One or more models of restorative justice and best practices relating to restorative justice;

~~[(d)]~~ ***(c)*** A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

~~[(e)]~~ ***(d)*** One or more examples of a ***progressive discipline*** plan ~~[of action]~~ based on restorative justice developed pursuant to subsection 2.

4. A progressive discipline plan based on restorative justice developed pursuant to this section shall be made available to any teacher or appropriate personnel of the school district who administers temporary alternative placement after the removal of a pupil.

5. As used in this section:

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Section 2.5 of this act becomes effective upon passage and approval for the purpose of creating a statewide framework for restorative justice and developing the training required pursuant to paragraph (d) of subsection 1 of that section, and on July 1, 2028, for all other purposes.

3. Sections 1, 1.5, 2 and 3 to 9, inclusive, of this act become effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 821 to Assembly Bill No. 285.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 330.

The following Senate amendment was read:

Amendment No. 851.

AN ACT relating to education; requiring a suspension or expulsion in a charter school or a university school for profoundly gifted pupils to be consistent with such punishments in certain public schools; requiring a plan for restorative discipline for public schools to include consideration of certain data relating to pupil discipline; authorizing the Superintendent of Public Instruction to require implementation of an alternative plan for restorative discipline if a public school fails to take certain actions relating to disproportionality in pupil discipline; requiring a plan for restorative discipline to reflect the authority to temporarily remove a pupil from the classroom; requiring certain actions by a school at the time of a suspension or expulsion of a pupil for committing certain acts; revising the persons to whom the appeals

of certain disciplinary determinations may be made; revising requirements for policies for the appeal of suspensions and expulsions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions relating to the behavior and discipline of pupils. (NRS 392.4601-392.472) **Sections 2 and 3** of this bill apply these provisions to charter schools and university schools for profoundly gifted pupils.

Section 3.3 of this bill establishes: (1) requirements for proper notification to a pupil and the parent or legal guardian of the pupil, if the pupil is less than 18 years of age, of the policy to appeal a suspension or expulsion; (2) a 5-day timeline for a pupil or, if the pupil is less than 18 years of age, the parent or guardian of the pupil to appeal the suspension or expulsion; (3) a 5-day timeline for a hearing to be scheduled upon receipt of such an appeal; (4) the method for determining whether a pupil who is suspended or expelled or is being considered for suspension or expulsion may be considered for temporary alternative placement; and (5) that education services are required to be provided to the pupil to prevent the pupil from losing academic credit or being disengaged from school during the period the pupil is suspended or expelled. **Sections 3.5 and 3.7** of this bill make conforming changes to indicate the proper placement of **section 3.3** in the Nevada Revised Statutes.

Under existing law, the board of trustees of each school district is required to establish a plan to provide for the restorative discipline of pupils, which must be developed with the input of certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law also requires each public school to collect and submit data on the discipline of pupils and categorize such data by various subgroups of pupils. (NRS 392.462) **Section 4** of this bill requires that the data be reported to the superintendent of the school district or to the administrative head of a charter school. **Section 6** also requires the Superintendent of Public Instruction to review data on the disproportionality of punishments and provide a corrective period for any deficient schools to make progress in addressing any disproportionalities or any insufficiency in such data.

Existing law requires a plan to provide for the restorative discipline of pupils to provide for the temporary removal of a pupil from a classroom or other premises of a public school under certain circumstances. (NRS 392.4645) **Section 7** instead authorizes the temporary removal of a pupil from a classroom or other premises of a public school under such circumstances, and **section 6** requires a plan to provide for the restorative discipline of pupils to include provisions for such a temporary removal.

Existing law requires that a pupil who has been removed from the classroom or other premises of a public school must have a conference within 3 days after removal, with certain exceptions. If such a conference is not held within 3 days, the pupil is required to be allowed to return to the classroom or other premises, with certain exceptions. (NRS 392.4646) **Section 8** of this bill

removes the requirement if, in the judgment of the principal, the pupil continues to pose a threat and the superintendent has authorized an extension of the removal.

Existing law provides certain requirements concerning the determination that a pupil is deemed a habitual disciplinary problem. (NRS 392.4655) **Section 9** of this bill revises the persons to whom a pupil or parent or legal guardian of a pupil may appeal such a determination.

Existing law authorizes, under certain circumstances, the suspension, expulsion or permanent expulsion of a pupil who attends a public school, charter school or university school for profoundly gifted pupils and who is at least 11 years of age. (NRS 388A.495, 388C.150, 392.466, 392.467) Existing law further provides that a pupil who is less than 11 years of age may be suspended, expelled or permanently expelled by the public school in which the pupil is enrolled if such a punishment is approved by the board of trustees of the school district. (NRS 392.466) Section 10 of this bill provides for the suspension, expulsion or permanent expulsion of certain pupils who are at least 11 years of age. Section 10: (1) provides that pupils who are less than 11 years of age may, following review and approval by certain school officials, be suspended in certain situations; and (2) prohibits, in general, the expulsion or permanent expulsion of a pupil who is less than 11 years of age.

Under existing law, ~~[certain pupils may be suspended or expelled from school for: (1) committing a battery which results in the bodily injury of an employee of the school; or (2) selling or distributing any controlled substance in certain circumstances. (NRS 392.466) Section 10 of this bill: (1) revises the circumstances under which a pupil is expelled or assigned to a temporary alternative placement; and (2) requires the pupil to be permanently expelled for the second occurrence. Section 10 also requires a school to develop and implement a reentry plan based on restorative justice practices following the first occurrence.]~~ **a public school is prohibited, in general, from permanently expelling a pupil who is less than 11 years of age, except for certain situations in which such a punishment is authorized by the board of trustees of a school district. (NRS 392.466, 392.467) Section 10 provides that, for a pupil who sells or distributes a controlled substance in certain situations or commits a battery other than a battery intended to result in the bodily injury of an employee of the school in various school settings: (1) the pupil may be suspended if he or she is less than 11 years of age and may also be expelled or permanently expelled if he or she is at least 11 years of age; (2) the suspension of a pupil who is less than 6 years of age must be reviewed by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal must comply with federal law. Additionally, section 10 provides that, for a pupil who commits a battery which is intended to result in the bodily injury of an employee of the school: (1) the pupil shall be suspended or expelled if he or she is at least 8 years of age; (2) the suspension of a**

pupil who is less than 6 years of age must be reviewed and approved by the superintendent of the school district or his or her designee; and (3) if the removal is of a pupil with a disability, such removal must comply with federal law. Finally, section 10 provides that a pupil who is found in possession of a firearm at a public school or an activity or school bus of a public school: (1) shall be suspended, expelled or permanently expelled if he or she is at least 11 years of age; (2) shall be suspended or expelled if he or she is at least 8 but less than 11 years of age; (3) may be suspended if he or she is at least 6 but less than 8 years of age; (4) may be suspended if he or she is less than 6 years of age upon review and approval by the superintendent of the school district or his or her designee; and (5) if the pupil is a pupil with a disability, any removal of the pupil must comply with federal law. Sections 10 and 11 of this bill: (1) prohibit the permanent expulsion of a pupil who is less than 6 years of age; and (2) authorize a homeless pupil or a pupil in foster care of any age to be suspended or expelled for not more than 5 days if the principal determines that the conduct of the pupil poses an ongoing threat.

Existing law provides that a pupil may not be suspended or expelled unless the pupil is given the opportunity for a hearing. (NRS 392.467) **Section 11** removes the hearing requirement before suspension or expulsion for certain pupils who: (1) pose a danger to other persons or property; (2) threaten to disrupt the academic process; (3) are selling or distributing a controlled substance; or (4) are in possession of a firearm or other dangerous weapon.

Existing law provides certain requirements concerning the process for appealing a suspension or expulsion. (NRS 392.4671) **Section 12** of this bill makes these requirements applicable to significant suspensions, expulsions or permanent expulsions.

Existing law requires that, with certain exceptions, a public school must provide a plan of action based on restorative justice to a pupil before removing, suspending or expelling the pupil. (NRS 392.472) **Section 13** of this bill allows a pupil to be temporarily removed in certain circumstances without first providing such a plan.

Section 13.5 of this bill amends Assembly Bill No. 285 to resolve a conflict.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of discrimination based on race, bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) Requirements and methods for restorative disciplinary practices that align with the statewide framework for restorative justice if such a framework is developed pursuant to NRS 388.1333; and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of discrimination based on race, bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of discrimination based on race, bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

3. As used in this section, "restorative justice" has the meaning ascribed to it in NRS 392.472.

Sec. 2. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~[If]~~ ***A pupil enrolled in a charter school shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.***

3. Except as otherwise provided in NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, ~~[before]~~ ***at the time of*** the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, ~~[has been]~~ ***are*** given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a

pupil is ***significantly*** suspended **,** ~~[or]~~ expelled ~~[,]~~ ***or permanently expelled,*** the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the ***significant*** suspension **,** ***expulsion*** or ***permanent*** expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is ***significantly*** suspended **,** ~~[or]~~ expelled ***or permanently expelled*** and is appealing the ***significant*** suspension **,** ***expulsion*** or ***permanent*** expulsion or a pupil who is being considered for ***significant*** suspension **,** ***expulsion*** or ***permanent*** expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

~~[3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.]~~

4. ~~[A pupil with a disability who is at least 11 years of age and who is enrolled in a charter school may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~(b) Expelled from school pursuant to this section.~~

~~(c) Permanently expelled from school pursuant to this section.~~

~~5.]~~ A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

~~[6.]~~ ***5.*** The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

~~[7.]~~ ***6.*** As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) ~~[~~"Pupil with a disability" has the meaning ascribed to it in NRS 388.417.~~]~~ ***"Significantly suspended" has the meaning ascribed to "significant suspension" in NRS 392.4655.***

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 3. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~[~~If~~]~~ ***A pupil enrolled in a university school for profoundly gifted pupils shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.***

3. Except as otherwise provided in NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, ~~[~~before~~]~~ ***at the time of*** the suspension or expulsion, the pupil ~~[~~has been~~]~~ ***is*** given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is ***significantly*** suspended ***,*** ~~[~~or~~]~~ expelled ~~[~~,~~]~~ ***or permanently expelled,*** the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion in accordance with the provisions of NRS 392.4671. The university school shall ensure that a pupil who is ***significantly*** suspended ***,*** ~~[~~or~~]~~ expelled ***or permanently expelled*** and is appealing the ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion or a pupil who is being considered for ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4673. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

~~[~~3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed only after the university school for profoundly gifted pupils has

~~made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.~~**]**

4. **[**~~A pupil with a disability who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:~~

~~(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence of proscribed conduct.~~

~~(b) Expelled from school pursuant to this section.~~

~~(c) Permanently expelled from school pursuant to this section.~~

~~5.~~**]** A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

[~~6.~~**]** ***5.*** The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

[~~7.~~**]** ***6.*** As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) **[**~~"Pupil with a disability" has the meaning ascribed to it in NRS 388.417.~~**]** ***"Significantly suspended" has the meaning ascribed to "significant suspension" in NRS 392.4655.***

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 3.3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a pupil is suspended or expelled from a public school, the board of trustees of the school district or the governing body of the charter school or

university school for profoundly gifted pupils in which the pupil is enrolled or the designee of the board of trustees or governing body, as applicable, shall provide, on the same day that the pupil is suspended or expelled, a notice of the policy for appealing a suspension or expulsion of a pupil adopted by the board of trustees or governing body, as applicable, pursuant to NRS 392.4671, to the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil. A notice provided pursuant to this subsection must:

(a) Include information regarding the timelines for appealing the suspension or expulsion, as applicable, pursuant to subsection 2;

(b) Be written clearly and in a manner that allows the pupil and, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil, to understand each provision of the policy; and

(c) To the extent practicable, be provided in as many languages as possible.

2. Not later than 5 school days after receiving notification of the suspension or expulsion of the pupil pursuant to NRS 392.4671, the pupil or, if the pupil is less than 18 years of age, the parent or legal guardian of the pupil may file an appeal pursuant to the policy adopted by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, pursuant to NRS 392.4671.

3. Not later than 5 school days after receiving notification of an appeal of a suspension or expulsion made pursuant to the policy adopted pursuant to NRS 392.4671, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, must schedule a hearing.

4. A pupil who is suspended or expelled or is being considered for suspension or expulsion:

(a) May be considered for temporary alternative placement pursuant to NRS 392.4645 if, in the judgment of the principal after consideration of the seriousness of the acts which were the basis for the discipline of the pupil:

(1) The temporary alternative placement will serve as the least restrictive environment possible, pursuant to NRS 392.4673; and

(2) The pupil does not pose a serious threat to the safety of the school.

(b) Must be provided education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period of suspension or expulsion.

5. As used in this section, "principal" means the lead administrator of a public school, including, without limitation, such an administrator who is referred to by another title.

Sec. 3.5. NRS 392.4601 is hereby amended to read as follows:

392.4601 As used in NRS 392.4601 to 392.472, inclusive, ***and section 3.3 of this act,*** unless the context otherwise requires, the words and terms defined

in NRS 392.4603, 392.4605 and 392.4607 have the meanings ascribed to them in those sections.

Sec. 3.7. NRS 392.4609 is hereby amended to read as follows:

392.4609 The Department shall adopt any regulations necessary to carry out the provisions of NRS 392.4601 to 392.472, inclusive, ***and section 3.3 of this act,*** including, without limitation, regulations which establish timelines for the purposes of subsection 1 of NRS 392.4671.

Sec. 4. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall collect data on the discipline of pupils. Such data must include, without limitation, the number of expulsions and suspensions of pupils and the number of placements of pupils in another school. Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;

2. Report the data to the ~~[board of trustees]~~ ***superintendent*** of the school district ***or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable,*** each quarter; and

3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 5. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. ~~[Except as otherwise provided in subsection 3, a]~~ ***A*** pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or

(b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms,

➥ unless it substantially disrupts the educational environment ~~[.]~~ ***, creates a risk of harm to another person or places another person in reasonable fear of harm.***

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;

(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;

(d) Using a finger or hand to simulate a firearm or dangerous weapon;

(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and

(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. ~~[A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:~~

~~(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;~~

~~(b) Causes bodily harm to another person; or~~

~~(c) Places another person in reasonable fear of bodily harm.~~

~~4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.~~

~~5.]~~ The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

~~[6.]~~ ***4.*** As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in NRS 392.466.

(b) "Firearm" has the meaning ascribed to it in NRS 392.466.

Sec. 6. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The ~~[board of trustees]~~ ***superintendent*** of each school district ~~[,]~~ ***and the administrative head of each charter school and university school for profoundly gifted pupils*** shall establish a plan to provide for the restorative discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, pupils who are enrolled in schools within the school district and the parents and guardians of pupils who are enrolled in schools within the school district.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.

(d) Provide restorative disciplinary practices which include, without limitation:

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil.

(e) ~~[Provide for]~~ ***Include provisions that authorize*** the temporary removal of a pupil from a classroom or other premises of a public school ~~[in accordance with]~~ ***pursuant to*** NRS 392.4645.

(f) Provide for the placement of a pupil in a different school ~~[within the school district]~~ in accordance with NRS 392.466.

(g) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(h) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333 **.** ~~[, including, without limitation, by addressing]~~

(i) Include consideration of the results of the data collected and reported pursuant to NRS 392.462 and include methods for addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

~~[(i) Be posted on the Internet website maintained by the school district.]~~

2. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators and other educational personnel and support personnel who are employed at the school ***,*** ~~[and]~~ the parents and guardians of pupils and the pupils who are enrolled in the school ~~[.]~~ ***and, if applicable, the organizational team established pursuant to NRS 388G.700;***

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; ***and***

(c) Based upon the review, recommend to the ~~[board of trustees]~~ ***superintendent*** of the school district ***or*** ~~*[governing body]*~~ ***the administrative head of the charter school or university school for profoundly gifted pupils, as applicable,*** revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel ***,*** ~~[and]~~ the parents and guardians of pupils and the pupils who are enrolled in the school ~~[.]~~ ***and, if applicable, the organizational team established pursuant to NRS 388G.700,*** if necessary **.** ~~[;~~

~~(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~(e) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.]~~

3. ***On or before September 30 of each year, the*** ~~*[board of trustees]*~~ ***superintendent of each school district and the*** ~~*[governing body]*~~ ***administrative head of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, other educational personnel and support personnel and, if applicable, organizational teams pursuant to subsection 2.***

4. Not more than 14 days after the receipt of the revised plan issued pursuant to subsection 3, the principal of each school shall:

(a) Post a copy of the plan or the revised plan on the Internet website maintained by the school; and

(b) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school and, if applicable, the organizational team a written or electronic copy of the plan or the revised plan.

5. On or before November 15 of each year, the board of trustees of each school district ***and the governing body of each charter school or university school for profoundly gifted pupils*** shall:

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(b) Post a copy of the report on the Internet website maintained by the school district ~~[.~~

~~4. As used in this section, "restorative justice" has the meaning ascribed to it in NRS 392.472.]~~ ***, charter school or university school for profoundly gifted pupils, as applicable.***

6. If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific corrective period shall be at least 12 months and not more than 36 months, and shall include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, following the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:

(a) Make measurable progress in addressing the disproportionality or insufficiency listed in the notice received pursuant to this subsection; or

(b) Provide the required progress reports,

➥ the Superintendent of Public Instruction may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.

Sec. 7. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. ~~[Except as otherwise provided in subsection 5, the plan established pursuant to NRS 392.4644 must provide for the temporary removal of a]~~ ***A*** pupil ***may be temporarily removed*** from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has

engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. ~~[The plan must provide that, upon]~~ ***Upon*** the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➥ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must offer a pupil who is removed from a classroom or any other premises of the public school pursuant to this section for more than 2 school days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. ~~[Before~~ ~~***When]***~~ ***Upon*** removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

6. As used in this section, "homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

Sec. 8. NRS 392.4646 is hereby amended to read as follows:

392.4646 1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom or any other premises of a public school pursuant to NRS 392.4645, a conference must be held with:

(a) The pupil;

(b) A parent or legal guardian of the pupil, unless the pupil is an unaccompanied pupil;

(c) The principal of the school; and

(d) The teacher or other staff member who removed the pupil.

➥ The principal shall give an oral and written notice of the conference to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom or other premises of the public school from which the pupil was removed before the conference is held. If the conference is not held within 3 school days after the removal of the pupil, the pupil, including, without limitation, an unaccompanied pupil or a pupil in foster care, must be allowed to return to the classroom or other premises unless:

(a) The parent or legal guardian of the pupil refuses to attend the conference;

(b) The failure to hold a conference is attributed to the action or inaction of the pupil, including, without limitation, an unaccompanied pupil or a pupil in foster care, or the parent or legal guardian of the pupil; ~~[or]~~

(c) The parent or legal guardian requested that the date of the conference be postponed ~~[.]~~ ***; or***

(d) If:

(1) In the judgment of the principal, there is a reasonable expectation that the pupil poses a threat to employees of the school or other pupils enrolled at the school; and

(2) The principal has received written authorization from the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, to

extend the period for which the pupil is removed from the classroom or other premises of the public school.

5. During the conference, the teacher who removed the pupil from the classroom, the staff member who removed the pupil from the other premises of the public school or the principal shall provide the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom or other premises. The pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom or other premises was appropriate in their opinion based upon the behavior of the pupil. If the pupil is a homeless pupil, the conference must include consideration of and interventions to mitigate the impact of homelessness on the behavior of the pupil.

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom or other premises of a public school ~~[.]~~ ***or such period as deemed appropriate by the superintendent or administrative head, as applicable, pursuant to paragraph (d) of subsection 4,*** the principal shall recommend whether to return the pupil to the classroom or other premises or continue the temporary alternative placement of the pupil if the pupil has been assigned to a temporary alternative placement.

7. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 9. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 6; and

(c) The behavior of the pupil was not caused by homelessness, as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker.

2. A principal of a school shall presume that the behavior of the pupil was caused by homelessness unless the principal determines the behavior was not caused by homelessness pursuant to subsection 1.

3. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the ~~[board of trustees]~~ ***superintendent*** of the school district ~~[.]~~ ***or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable.*** Upon receipt of such a request, the ~~[board of trustees]~~ ***superintendent or administrative head*** shall review the initial request and determination pursuant to the procedure established by the board of trustees ***of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters.

4. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 6, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection ~~[5]~~ ***8*** of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection ~~[10]~~ ***12*** of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 6.

5. A school shall provide the notice required by subsection 4 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

6. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil

or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

7. If a pupil commits the same act for which notice was provided pursuant to subsection 4 after he or she enters into a plan of behavior pursuant to subsection 6, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

8. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

9. The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the ~~[board of trustees]~~ ***superintendent*** of the school district ***or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable,*** a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the ~~[board of trustees]~~ ***superintendent*** of the school district ***or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable,*** shall review the determination in accordance with the procedure established by the board of trustees ***of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters.

10. As used in this section:

(a) "Significant suspension" means the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

(b) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 10. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who ~~[commits a battery which results in the bodily injury of an employee of the school or who]~~ sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~[and who is at least 11 years of age]~~ shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended ~~[or]~~ ***, expelled or permanently*** expelled from the school . ~~[in which case the pupil shall:~~ ***or be assigned to a temporary alternative placement pursuant to subsection 2 of NRS 392.4645. Following such a removal, the school must develop a reentry plan for the pupil that is based on restorative justice practices and, if the pupil is not an unaccompanied pupil, provide such a plan to the parent or legal guardian of the pupil. For the second occurrence, the pupil shall be permanently expelled from the school and:]*** ***except that:***

(a) ~~[Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or]~~ ***A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.***

(b) ~~[Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.]~~ ***A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.***

(c) For pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

2. ***Except as otherwise provided in this section, any pupil who commits a battery against an employee of the school while on the premises of any***

public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

3. Except as otherwise provided in this section, any pupil who commits a battery which is intended to result in the bodily injury of an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil shall be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

4. An employee who is a victim of a battery which ~~[results]~~ ***is intended to result*** in the bodily injury of an employee of the school may appeal to the school ~~[the]~~ ***a*** plan of action provided pursuant to subsection ~~[1]~~ ***3*** if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil with a disability who committed the battery, the board of trustees of the school district ***or governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

~~[~~3.~~]~~ ***5.*** Except as otherwise provided in this section, any pupil ***,*** ~~[~~of any age,~~]~~ including, without limitation, a pupil with a disability, who ***poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who*** is found in possession of ~~[~~a firearm or~~]~~ a dangerous weapon ***other than a firearm*** while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~[~~must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school.

~~4.~~~~]~~ ***may be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion, except that:***

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the public school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

6. Except as otherwise provided in this section, any pupil, including, without limitation, a pupil with a disability, who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion. A pupil who is:

(a) Eleven years of age or older shall be suspended, expelled or permanently expelled pursuant to this section.

(b) At least 8 but less than 11 years of age shall be suspended or expelled pursuant to this subsection.

(c) At least 6 but less than 8 years of age may be suspended pursuant to this subsection.

(d) Less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(e) A pupil with a disability who has been suspended or expelled pursuant to this subsection must be provided with a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., by the public school in which the pupil is enrolled for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

7. If a school is unable to retain a pupil in the school pursuant to ~~[subsection]~~ ***subsections*** 1 ***to 6, inclusive,*** for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil ***, including, without limitation, a pupil who is less than 11 years of age,*** is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The ~~[school district of the]~~ current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

~~[5.]~~ ***8.*** Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655 ~~[, the pupil is at least 11 years of age]~~ and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

(a) Suspended from the school; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

~~[6.]~~ ***9.*** If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; ~~[or]~~

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program ~~[.]~~ ***; or***

(c) Enroll in a program of alternative education provided by the school district in which the pupil resides. Each school district shall, alone or

through a partnership with another school district, provide a program of alternative education pursuant to this paragraph in an in-person setting that allows each pupil enrolled in the program to receive educational services in the least restrictive educational environment.

~~[7.]~~ ***10.*** The superintendent of schools of a school district ***or the administrative head of a charter school or university school for profoundly gifted pupils*** may, for good cause shown in a particular case ~~[,]~~ in that school district,***or public school, as applicable,*** allow a modification to a suspension or expulsion pursuant to subsections 1 to ~~[5,]~~ ***8,*** inclusive, if such modification is set forth in writing. The superintendent ***or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable,*** shall allow such a modification if ~~[~~the superintendent~~]~~ ***he or she*** determines that a plan of action based on restorative justice may be used successfully.

~~[8.]~~ ***11.*** This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district ~~[.]~~ ***or the governing body of the charter school or university school for profoundly gifted pupils, as applicable.***

~~[~~9. Except as otherwise provided in this subsection and subsection 3 , ***or 11,*** a pupil who is ***at least 6 years of age but*** less than 11 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees ***superintendent*** of the school district. ***or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable.*** A pupil who is at least 11 years of age may be suspended, expelled or permanently expelled from school pursuant to this section only after the board of trustees of the school district or its designee has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues. ***only if the suspension, expulsion or permanent expulsion is conducted consistent with policies adopted by the board of trustees or governing body, as applicable, pursuant to NRS 392.467.***

10. ***A pupil who is less than 6 years of age must not be permanently expelled from school.***

11.~~]~~ 12. Except as otherwise provided in subsection ~~[3,]~~ ***5 or 6,*** a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted by the board of trustees of the school district ***or governing body of the charter school or university school for profoundly gifted pupils, as applicable,*** for such matters and only after the board of trustees of the school district ***or governing body, as applicable,*** or its designee has reviewed ~~***[an administrative review of]***~~ the circumstances and determined ~~***[a determination]***~~ that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than ~~[5]~~ ***10*** days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[~~11.~~ *12.]* *13.*~~ A homeless pupil or a pupil in foster care ~~[who is at least 11 years of age]~~ may be suspended ~~[or expelled]~~ from school pursuant to this section ~~[only]~~ ***for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and*** if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~[~~12.~~ *13.]* *14.*~~ ***The principal of a public school may, at his or her discretion, reduce or eliminate the period of suspension, convert an expulsion to a suspension or otherwise reduce, eliminate or alter a disciplinary action imposed upon a pupil who commits a battery which results in the bodily injury of an employee of the school.***

~~*[14.]* *15.*~~ ***The principal of a public school may reduce the period of suspension or convert an expulsion to a suspension for a pupil who distributes a controlled substance while on the premises of a public school, at an activity sponsored by a public school or on a school bus if:***

(a) The pupil is less than 11 years of age;

(b) The pupil has not engaged in such proscribed conduct before; and

(c) After a thorough review of the facts and circumstances, the principal determines that the pupil did not know that the substance being distributed was a controlled substance.

~~*[15.]* *16.*~~ The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~[~~13.~~ *16.]* *17.*~~ As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) ***"Bodily injury" means any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient or trifling in nature.***

(c) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

~~[(c)]~~ ***(d)*** "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

~~[(d)]~~ ***(e)*** "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

~~[(e)]~~ ***(f)*** "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

~~[(f)]~~ ***(g)*** "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

~~[(g)]~~ ***(h)*** "Restorative justice" has the meaning ascribed to it in NRS 392.472.

~~[(h)]~~ ***(i)*** "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

~~[14.~~ ~~*17.]*~~ ***18.*** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 11. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~[~~5 and~~]~~ 6 ***and 7,*** and NRS 392.466, the board of trustees of a school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from ~~[~~any~~]~~ ***a*** public school ***.*** ~~[~~within the

~~school district.~~] Except as otherwise provided in this subsection and ~~[subsection 3]~~ ***subsections 5 and 6*** of NRS 392.466, a pupil who is ***at least 6 years of age but*** less than 11 years of age must not be ***expelled or*** permanently expelled from school . In ~~***[absent]***~~ extraordinary circumstances ~~***[,]***~~ , a school may request an exception to the prohibition set forth in this subsection against ***expelling or*** permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district ~~[.]~~ ***or the governing body of the charter school or university school, as applicable.***

2. ***A pupil who is less than 6 years of age must not be permanently expelled from school.***

3. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity ~~[for]~~ ***to schedule*** a hearing, except that a pupil who ~~[is]~~ ***:***

(a) Poses a continuing danger to persons or property;

(b) Is an ongoing threat of disrupting the academic process;

(c) Is selling or distributing any controlled substance; or

(d) Is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 ***,***

➥ may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

~~[3.]~~ ***4.*** The board of trustees of a school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** or its designee may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

(a) Conducts an independent investigation of the conduct of the pupil; and

(b) Gives notice of the charges brought against the pupil by the school to the pupil.

~~[4.]~~ ***5.*** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~[5.]~~ ***6.*** The board of trustees of a school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** or its designee shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~[6.]~~ ***7.*** A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district ***or governing body of the charter school or university school for profoundly gifted pupils, as***

applicable, for such matters and only after ~~[the board of trustees of the school district or its designee has reviewed]~~ ***an administrative review of*** the circumstances and ~~[determined]~~ ***a determination*** that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than ~~[5]~~ ***10*** days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

~~[7.]~~ ***8.*** A homeless pupil or a pupil in foster care ~~[who is at least 11 years of age]~~ may be suspended ~~[or expelled]~~ from school pursuant to this section ~~[only]~~ ***for not more than 5 days if, following a review of all available information, the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and*** if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness or being in foster care. The person responsible for making a determination of whether or not the behavior was caused by homelessness or being in foster care shall presume that the behavior was caused by homelessness or being in foster care unless the person determines that the behavior was not caused by homelessness or being in foster care pursuant to this subsection. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.

~~[8.]~~ ***9.*** As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 12. NRS 392.4671 is hereby amended to read as follows:

392.4671 1. The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils, as applicable, shall adopt a policy for appealing the ***significant***

suspension ***, expulsion*** or ***permanent*** expulsion of a pupil enrolled in the school district, charter school or university school, as applicable. The policy must provide, without limitation, that:

(a) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may authorize the ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609;

(b) Within the timeline established by the Department pursuant to NRS 392.4609, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall notify the pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil who is ~~[suspended]~~ ***given a significant suspension, expelled*** or ***permanently*** expelled of:

(1) The ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion;

(2) The right to appeal the ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion; and

(3) Information on the appeal policy adopted by the board of trustees of the school district or the governing body of the charter school or university school, as applicable;

(c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, who is ~~[suspended]~~ ***given a significant suspension, expelled*** or ***permanently*** expelled may file an appeal with the board of trustees of the school district, the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, within the timeline established by the Department pursuant to NRS 392.4609;

(d) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall schedule a hearing on an appeal of a ***significant*** suspension ***, expulsion*** or ***permanent*** expulsion of a pupil within the timeline established by the Department pursuant to NRS 392.4609; and

(e) After conducting a hearing pursuant to this subsection, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may not increase the initial ***significant*** suspension or expulsion of a pupil.

2. The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall post the appeal policy on the Internet website of the school district and each school within the district or of the charter school or university school, as applicable.

3. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

4. As used in this section:

(a) "Permanently expelled" has the meaning ascribed to it in NRS 392.466.

(b) "Significant suspension" has the meaning ascribed to it in NRS 392.4655.

Sec. 13. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS ***392.4645 and*** 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team;

(e) A referral to appropriate community-based services; and

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the statewide framework for restorative justice developed pursuant to NRS 388.1333 and the requirements of this section and NRS 392.462;

(b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;

(c) One or more models of restorative justice and best practices relating to restorative justice;

(d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

(e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. As used in this section:

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 13.5. **Section 5 of Assembly Bill No. 285 of this session is hereby amended to read as follows:**

Sec. 5. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The ~~[board of trustees]~~ ***superintendent*** of each school district ~~[,]~~ ***and the*** ~~[governing body]~~ ***administrative head of each charter school and*** ~~[the governing body of each]~~ ***university school for profoundly gifted pupils*** shall establish a plan to provide for the ~~[restorative]~~ ***progressive*** discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators ***, school counselors, school social workers, school psychologists, behavior analysts*** and other educational personnel and support personnel who are employed ~~[by]~~ ***at*** the ***public*** school ***,*** ~~[district,]~~ pupils who are enrolled in ***the public school or*** schools within the school district ***, as applicable,*** and the parents and guardians of pupils who are enrolled in ***the public school or*** schools within the school district ~~[.]~~ ***, as applicable.***

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of ***the public school or*** each school within the school district ~~[.]~~ ***, as applicable.***

(d) ~~[Provide restorative disciplinary practices which include, without limitation:~~

~~(1) Holding a pupil accountable for his or her behavior;~~

~~(2) Restoration or remedies related to the behavior of the pupil;~~

~~(3) Relief for any victim of the pupil; and~~

~~(4) Changing the behavior of the pupil.~~

~~(e) Provide for~~] ***Prescribe methods of alternative conflict resolution and interventions based on social and emotional learning that are developed to avoid the need for the removal of a pupil.***

(e) Include provisions that authorize the temporary removal of a pupil from a classroom or other premises of a public school ~~[in accordance with]~~ ***pursuant to*** NRS 392.4645.

(f) Provide for the placement of a pupil in ***a more restrictive educational environment at that school or at*** a different ***public school or*** school within the school district ***, as applicable,*** in accordance with NRS 392.466.

(g) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(h) ~~[Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.~~

~~(i)~~ Be ***provided to each school over which the board of trustees or governing body has authority and*** posted on the Internet website maintained by the ***public*** school ***.*** ~~[district.]~~

(i) Be in accordance with a plan to use disciplinary practices based on restorative justice developed pursuant to subsection 2, if applicable.

2. ***The ~~[board of trustees]~~ superintendent of a school district shall, in addition to establishing a plan to provide for the progressive discipline of pupils pursuant to subsection 1, establish a plan to use disciplinary practices based on restorative justice. Such a plan must:***

(a) Authorize the use of disciplinary practices based on restorative justice which include, without limitation:

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil; and

(b) Be in accordance with the statewide framework for restorative justice developed pursuant to NRS 388.1333, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from schools that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

3. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators ***, school counselors, school social workers, school psychologists, behavior analysts*** and other educational personnel and support personnel who are employed at the school ***,*** ~~[and]~~ the parents and guardians of pupils ***,*** ~~[and]~~ the pupils who are enrolled in the school ~~[.]~~ ***and, if applicable, the organizational team established pursuant to NRS 388G.700;***

(b) Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; ***and***

(c) Based upon the review, recommend to the ~~[board of trustees]~~ ***superintendent*** of the school district ***or ~~[governing body]~~ the administrative head of the charter school or university school for profoundly gifted pupils, as applicable,*** revisions to the plan, as recommended by the teachers, school administrators ***, school counselors, school social workers, school psychologists, behavior analysts*** and other educational personnel and support personnel ***,*** ~~[and]~~ the parents and guardians of pupils ***,*** ~~[and]~~ the pupils who are enrolled in the school ~~[.]~~ ***and, if applicable, the organizational team established pursuant to NRS 388G.700,*** if necessary ***.*** ~~[;~~

~~(d) Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and~~

~~(c) Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.~~

~~3.~~ ***4. On or before September 30 of each year, the [board of trustees] superintendent of each school district and the [governing body] administrative head of each charter school or university school for profoundly gifted pupils shall issue a revised plan that appropriately reflects comments provided by teachers, school administrators, school counselors, school social workers, school psychologists, behavior analysts, other educational personnel and support personnel, the parents and guardians of pupils, the pupils who are enrolled in the school and, if applicable, organizational teams established pursuant to NRS 388G.700.***

5. Not more than 14 days after the receipt of a plan established pursuant to subsection 1 or a revised plan issued pursuant to subsection 4, the principal of each school shall:

(a) Post a copy of the plan or the revised plan on the Internet website maintained by the school; and

(b) Distribute to each teacher, school administrator, school counselors, school social workers, school psychologists, behavior analysts, and all educational support personnel who are employed at or assigned to the school and, if applicable, the organizational team a written or electronic copy of the plan or the revised plan.

6. On or before November 15 of each year, the board of trustees of each school district ***and the governing body of each charter school or university school for profoundly gifted pupils*** shall:

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school ~~[within the district]~~ ***over which the board of trustees or governing body has authority*** in complying with the requirements of this section, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250; and

(b) Post a copy of the report on the Internet website maintained by the school district ~~[~~.

~~4.]~~ ***, charter school or university school for profoundly gifted pupils, as applicable.***

7. If the Superintendent of Public Instruction determines that the data collected pursuant to NRS 392.462 indicates disproportionality in disciplinary actions or is insufficient to determine whether disproportionality exists, the Superintendent shall issue a written notice to the school district, charter school or university school for profoundly gifted pupils, as applicable, listing the specific areas of concern and providing a specific corrective period for the school district, charter

school or university school for profoundly gifted pupils, as applicable, to implement a framework to reduce the disproportionality or correct the insufficiency of the data, as applicable. The specific corrective period must be at least 12 months but not more than 36 months, and must include required monitoring of the progress made by the school district, charter school or university school for profoundly gifted pupils, as applicable. If, after the conclusion of the specific corrective period, the school district, charter school or university school for profoundly gifted pupils, as applicable, fails to:

(a) Make measurable progress in addressing the disproportionality or insufficiency listed in the notice issued pursuant to this subsection; or

(b) Provide the required progress reports,

➥ the Superintendent may issue an alternative plan for the school district, charter school or university school for profoundly gifted pupils, as applicable, for mandatory implementation.

8. As used in this section ~~[, "restorative]~~ ***:***

(a) "Behavior analyst" has the meaning ascribed to it in NRS 641D.030.

(b) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

Sec. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 15. (Deleted by Amendment)

Sec. 16. **1.** This **section and sections 1 to 13, inclusive, 14 and 15 of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Section 13.5 of this act becomes effective upon passage and approval if and only if Assembly Bill No. 285 of this session is enacted by the Legislature and approved by the Governor.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 851 to Assembly Bill No. 330.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:09 p.m.

ASSEMBLY IN SESSION

At 11:23 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 285 and 330.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 145, 195, 275, 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 232, 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 222, 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 128, 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 482, 506, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 137, 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 258, 261, 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 58.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 467.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 475.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 480.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 495.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 498.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 843.

AN ACT making an appropriation to the Outdoor Education and Recreation Grant Program Account for the costs of the program; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Outdoor Education and Recreation Grant Program Account created by NRS 407A.615 for carrying out the Outdoor Education and Recreation Grant

Program and awarding grants in accordance with NRS 407A.605 the following sums:

For the Fiscal Year 2023-2024 ..... ~~[$500,000]~~ **$250,000**

For the Fiscal Year 2024-2025 ..... ~~[$500,000]~~ **$250,000**

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 840.

SUMMARY—Makes an appropriation to the **State** Department of ~~[Education]~~ **Agriculture** for universal free breakfast and lunch for Nevada pupils. (BDR S-1010)

AN ACT making an appropriation to the **State** Department of ~~[Education]~~ **Agriculture** for the purpose of awarding grants of money to Nevada school districts to provide universal free breakfast and lunch for Nevada pupils; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the **State** Department of ~~[Education]~~ **Agriculture the sum of $43,000,000** for the purpose of awarding grants of money to Nevada school districts to provide universal free breakfast and lunch to Nevada pupils **.** ~~[the following sums:~~

~~For the Fiscal Year 2023-2024 ..... $50,000,000~~

~~For the Fiscal Year 2024-2025 ..... $50,000,000]~~

2. ~~[The sums appropriated by subsection 1 are available for either fiscal year.]~~ Any remaining balance of ~~[those sums]~~ **the appropriation made by subsection 1** must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. This act becomes effective on July 1, ~~[2023.]~~ **2024.**

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 482.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 833.

SUMMARY—Makes appropriations to the ~~[Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor as loans** for the replacement of an information technology service management provider and computer hardware and associated software. (BDR S-1146)

AN ACT making appropriations to the ~~[Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor as loans** for the replacement of an information technology service management provider and computer hardware and associated software; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **1.** There is hereby appropriated from the State General Fund to the ~~[Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor** the sum of $299,974 **as a loan to the Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of the information technology service management provider.

2. Commencing on July 1, 2025, the Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from the intergovernmental transfers to repay in annual installments the cost of the replacement of the information technology service management provider to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of the information technology service management provider and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 2. **1.** There is hereby appropriated from the State General Fund to the ~~[Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor** the sum of $122,958 **as a loan to the Enterprise Application Services Unit of the Division of Enterprise**

Information Technology Services of the Department of Administration for the replacement of computer hardware and associated software.

2. Commencing on July 1, 2025, the Enterprise Application Services Unit of the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from the intergovernmental transfers to repay in annual installments the cost of the replacement of computer hardware and associated software to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of computer hardware and associated software and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 3. Any remaining balance of the appropriations made by sections 1 and 2 of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 506.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 836.

SUMMARY—Makes appropriations **to the Office of Finance in the Office of the Governor as loans** to the Division of Enterprise Information Technology Services of the Department of Administration for the replacement of an information technology investments tracking system and computer hardware and associated software. (BDR S-1147)

AN ACT making appropriations **to the Office of Finance in the Office of the Governor as loans** to the Division of Enterprise Information Technology Services of the Department of Administration for the replacement of an information technology investments tracking system and computer hardware and associated software; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **1.** There is hereby appropriated from the State General Fund to the **[**~~Division~~**]** **Office** of **[**~~Enterprise Information Technology Services~~**]** **Finance in the Office** of the **[**~~Department of Administration~~**]** **Governor** the sum of $246,000 **[**~~for the Office of Chief Information Officer budget account~~**]** **as a loan to the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of the system for tracking information technology investments.

2. Commencing on July 1, 2025, the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from intergovernmental transfers to repay in annual installments the cost of the replacement of the system for tracking information technology investments to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of the system for tracking information technology investments and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 2. **1.** There is hereby appropriated from the State General Fund to the **[**~~Division~~**]** **Office** of **[**~~Enterprise Information Technology Services~~**]** **Finance in the Office** of the **[**~~Department of Administration~~**]** **Governor** the sum of $26,082 **[**~~for the Office of Chief Information Officer budget account~~**]** **as a loan to the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of computer hardware and associated software.

2. Commencing on July 1, 2025, the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from intergovernmental transfers to repay in annual installments the cost of the replacement of computer hardware and associated software to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of computer hardware and associated software and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 3. Any remaining balance of the appropriations made by sections 1 and 2 of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 515.
Bill read second time and ordered to third reading.

Senate Bill No. 145.
Bill read second time and ordered to third reading.

Senate Bill No. 195.
Bill read second time and ordered to third reading.

Senate Bill No. 222.
Bill read second time and ordered to third reading.

Senate Bill No. 232.
Bill read second time and ordered to third reading.

Senate Bill No. 237.
Bill read second time and ordered to third reading.

Senate Bill No. 275.
Bill read second time and ordered to third reading.

Senate Bill No. 290.
Bill read second time and ordered to third reading.

Senate Bill No. 305.
Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 854.

SENATORS D. HARRIS, SPEARMAN, HANSEN, NEAL; DALY, LANGE, OHRENSCHALL, SCHEIBLE AND STONE

JOINT SPONSORS: ASSEMBLYMEN CARTER, D'SILVA, DURAN, GONZÁLEZ, NGUYEN, TAYLOR, THOMAS AND TORRES

AN ACT relating to employment; creating the Board of Trustees of the Nevada Employee Savings Trust; prescribing the membership, powers, duties and limitations of the Board; authorizing the Board to create the Nevada Employee Savings Trust Program; prescribing certain required attributes of the Program; creating the Nevada Employee Savings Trust Administrative Fund and specifying the sources and uses of money deposited therein; creating the Nevada Employee Savings Trust and prescribing the manner of its administration; providing for the confidentiality of certain information; providing civil immunity to certain persons and entities in connection with the Program; making certain persons fiduciaries with respect to participants in the Program; prohibiting certain persons from engaging in certain financial transactions in connection with the Program; requiring the preparation and submission of certain annual reports; making an appropriation to the Office of the State Treasurer for costs related to the administration of the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law provides for individual retirement accounts and individual retirement annuities by which persons may save money for retirement under favorable income tax treatment. (26 U.S.C. §§ 408, 408A) This bill establishes the Nevada Employee Savings Trust under the direction of a board of trustees with the power to establish a similar program and to encourage private employees to establish such accounts.

Section 19 of this bill creates the Board of Trustees of the Nevada Employee Savings Trust and establishes its membership. **Section 20** of this bill establishes certain powers and duties of the Board. In particular, **section 20** authorizes and empowers the Board to: (1) design, establish and operate the Nevada Employee Savings Trust Program; and (2) adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

Section 21 of this bill requires the State Treasurer to provide staff support to the Board within the limits of appropriations and authorizes the State Treasurer to provide administrative support to the Board.

Section 22 of this bill provides that an act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the assets controlled by the Board. **Section 22** also prohibits the Board from imposing any obligations on the State or pledging the credit of the State.

Section 23 of this bill establishes certain attributes that the Board must include in the Program, including: (1) that covered employers must automatically enroll all covered employees in the Program or in a similar program offered by a trade association or chamber of commerce, unless a covered employee opts out of the Program or, if applicable, the similar program offered by a trade association or chamber of commerce; (2) that contributions to a covered employee's Individual Retirement Account must be withheld from the employee's compensation at the rate set by the Board unless the employee elects not to contribute or to contribute at a different rate; (3) that a covered employee may withdraw contributions to meet a financial or other emergency; and (4) that the Board must prepare informational materials, disclosure statements, forms and instructions concerning the Program for distribution by covered employers to covered employees.

Section 24 of this bill creates the Nevada Employee Savings Trust Administrative Fund in the State Treasury, specifies the sources of money that must be deposited in the Fund and requires the Board to use money in the Fund solely to pay the administrative costs and expenses of the Board and the Program.

Section 25 of this bill authorizes the Board to borrow money or enter into certain long-term procurement contracts with financial providers until the Board determines that the Program is financially self-sustaining.

Section 26 of this bill creates the Nevada Employee Savings Trust as an instrumentality of the State and requires the Board to appoint a Trustee of the Trust. **Section 26** requires that the assets of all Individual Retirement Accounts established by covered employees through the Program be allocated to the Trust and invested, managed and administered for the exclusive purposes of providing benefits to the covered employees and defraying the reasonable expenses of the Board, Program and Trust. **Section 26** also establishes certain investment guidelines and practices.

Section 27 of this bill provides that, except to the extent necessary to administer the Program, personal information relating to individual participants in the Program and information relating to individual accounts established or maintained through the Program is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.

Section 28 of this bill provides a grant of immunity from civil liability to covered employers for the consequences of various decisions made by employees or the Board in connection with the Program, including, for example, an employee's decision to participate in or opt out of the Program, an investment decision made by the participant or the Board or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. **Section 28** also provides that a covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

Section 29 of this bill absolves the State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program from any responsibility or civil liability for the actions of certain other persons in connection with the Program, including, for example, a person's failure to comply with provisions of the Internal Revenue Code, the payment of benefits or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. **Section 29** also provides that the debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.

Section 30 of this bill provides that members of the Board, the Trustee and certain other persons involved in the administration of the Trust are fiduciaries with respect to the participants in the Program.

Section 31 of this bill prohibits members of the Board, its staff and persons who serve as administrators of the Program from engaging in certain financial transactions in connection with the Program.

Section 32 of this bill requires the Board to obtain an annual independent audit of the Board, Program and Trust and to annually submit audited financial reports to the Governor, State Controller and Legislature.

Section 35 of this bill requires, with certain exceptions, the Board to establish the Program and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program beginning on July 1, 2025. **Section 35** further authorizes the Board to implement the Program in phases but if the Board does so, the first phase must not begin before July 1, 2025.

Section 34.5 of this bill makes an appropriation to the Office of the State Treasurer for costs related to the administration of the Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 31 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 18, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Administrative Fund" means the Nevada Employee Savings Trust Administrative Fund created by section 24 of this act.***

Sec. 4. ***"Board" means the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act.***

Sec. 5. ***"Compensation" means compensation within the meaning of section 219(f)(1) of the Internal Revenue Code, 26 U.S.C. § 219 (f)(1), that is received by a covered employee from a covered employer.***

Sec. 6. ***"Contribution rate" means the percentage of a covered employee's compensation that is withheld from the covered employee's compensation and paid to the Individual Retirement Account established or maintained for the covered employee through the Program.***

Sec. 7. ***1. "Covered employee" means a person who:***

(a) Is employed by a covered employer for not less than 120 days;

(b) Has wages or other compensation that is allocable to the State; and

(c) Is at least 18 years of age.

2. For purposes of the investment, withdrawal, transfer, rollover or other distribution of an Individual Retirement Account, the term also includes the beneficiary of a deceased covered employee.

3. The term does not include:

(a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. §§ 151 et seq.;

(b) Any employee on whose behalf an employer makes contributions to a Taft-Hartley multiemployer pension trust fund; or

(c) Any person who is an employee of the Federal Government, the State or any other state, county or municipal corporation, or any of this State's or any other state's units or instrumentalities.

Sec. 8. ***"Covered employer" means an employer that:***

1. Employs more than five persons in this State;

2. Has been in business for at least 36 months; and

3. Has not maintained a tax-favored retirement plan for its employees or has not done so in an effective form and operation at any time within the current calendar year or 3 immediately preceding calendar years.

Sec. 9. *1. Except as otherwise provided in subsection 2, "employer" means a person or entity engaged in a business, profession, trade or other enterprise in this State, whether for profit or not for profit, that employs one or more persons in this State.*

2. The term does not include an agency or entity of the Federal Government, the government of this State or a political subdivision of this State.

Sec. 10. *"Individual Retirement Account" means an individual retirement account and an individual retirement annuity established under section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.*

Sec. 11. *"Internal Revenue Code" means the federal Internal Revenue Code of 1986, as amended.*

Sec. 12. *"Investment fund" means an investment portfolio established by the Board within the Trust for investment purposes.*

Sec. 13. *"Participant" means a person who contributes to an Individual Retirement Account established or maintained through the Program or has an account balance in an Individual Retirement Account established or maintained through the Program.*

Sec. 14. *"Program" means the Nevada Employee Savings Trust Program established by the Board pursuant to section 20 of this act.*

Sec. 15. *"State" means the State of Nevada.*

Sec. 16. *"Tax-favored retirement plan" means a retirement plan that is tax-qualified under or is described in and satisfies the requirements of section 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p) of the Internal Revenue Code, 26 U.S.C. §§ 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p).*

Sec. 17. *"Trust" means the Nevada Employee Savings Trust created pursuant to section 26 of this act and each Individual Retirement Account trust or annuity contract allocated to the Nevada Employee Savings Trust pursuant to section 26 of this act.*

Sec. 18. *"Trustee" means the Trustee of the Trust appointed by the Board pursuant to subsection 2 of section 26 of this act.*

Sec. 19. *1. There is hereby created the Board of Trustees of the Nevada Employee Savings Trust.*

2. The Board consists of:

(a) The State Treasurer or the designee of the State Treasurer;

(b) The Lieutenant Governor or the designee of the Lieutenant Governor;

(c) One member, appointed by the Governor, who represents employers;

(d) One member, appointed by the Governor, who is a representative of an association that represents employees;

(e) One member, appointed by the Governor, who has experience in the field of investments;

(f) One member, appointed by the Majority Leader of the Senate, who represents retirees; and

(g) One member, appointed by the Speaker of the Assembly, who has experience in small business.

3. Each appointed member serves a term of 4 years unless dismissed for cause. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments.

4. Any vacancy occurring in the appointed membership of the Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. The State Treasurer or the designee of the State Treasurer shall serve as the Chair of the Board.

6. The Board shall meet at the call of the Chair as frequently as required to perform its duties.

7. A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.

8. Each member of the Board serves without compensation, except that each member is entitled to receive:

(a) The per diem allowance and travel expenses provided for state officers and employees generally; and

(b) Reimbursement for any other actual and reasonable expense incurred while performing the member's duties.

Sec. 20. *The Board is authorized and empowered to:*

1. Design, establish, and operate the Nevada Employee Savings Trust Program;

2. Enter into contracts necessary or desirable for the administration of the Program, including, without limitation, contracts with one or more other states to:

(a) Provide for the administration of all or part of the Program by another state;

(b) Administer all or part of the qualified employee savings trust program of another state; or

(c) Jointly administer the Program with the qualified employee savings trust program of one or more other states;

3. Hire, retain and terminate third party service providers as the Board deems necessary or desirable for the Program, including, without limitation, nonprofit organizations, consultants, investment managers or advisers, trustees, custodians, insurance companies, record keepers, administrators, actuaries, counsel, auditors and other professionals;

4. Determine, without limitation, the:

(a) Types of Individual Retirement Accounts to be offered;

(b) Default contribution rate; and

(c) Process for automatic escalation of participant contributions;

5. Develop an option for participants to convert contributions into fixed lifetime income streams;

6. Develop and implement an outreach plan to gain input and disseminate information regarding the Program and retirement and financial education in general to employees, employers and other constituents in this State;

7. Determine the number of days during which a covered employer must make the Program available to a covered employee upon first becoming a covered employer or covered employee;

8. Determine the number of days, which must not be less than 90, after the Program is first made available to a covered employee during which the covered employee may exercise the employee's right to opt out of the Program without penalty; and

9. Adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

Sec. 21. *1. The State Treasurer shall, within the limits of legislative appropriations, provide staff support to the Board and may otherwise provide administrative support to the Board.*

2. The Board may enter into an intergovernmental agreement or contract to obtain outreach, technical assistance or compliance services with any officer, agency, division or department of the State, including, without limitation, the Lieutenant Governor, Secretary of State, Department of Taxation, Department of Employment, Training and Rehabilitation, Department of Business and Industry and Office of the Labor Commissioner. An officer, agency, division or department that enters into such an intergovernmental agreement with the Board shall collaborate with any other officer, agency, division or department of the State as necessary to provide such outreach, technical assistance or compliance services to the Board.

3. Each officer, agency, division or department of the State must provide any information necessary for the Board to implement the Program regardless of whether the Board has entered into an intergovernmental agreement or contract with the officer, agency, division or department pursuant to subsection 2.

Sec. 22. *1. An act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the Trust.*

2. The Board may not impose any obligations on the State or pledge the credit of the State.

Sec. 23. *The Program designed, established and operated by the Board pursuant to section 20 of this act must provide, without limitation, that:*

1. Each covered employer shall automatically enroll the covered employee in the Program or in a similar program offered by a trade

association or chamber of commerce, unless the employee elects to opt out of the Program, or if applicable, the similar program offered by a trade association or chamber of commerce.

2. Contributions must be withheld from the compensation of each covered employee at the contribution rate set by the Board unless the covered employee elects not to contribute or to contribute at a different rate.

3. An Individual Retirement Account established and maintained through the Program must qualify for favorable federal income tax treatment pursuant to section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.

4. To the extent consistent with federal law, a covered employee may withdraw from the employee's Individual Retirement Account at any time if necessary to meet a financial or other emergency.

5. The Board may establish intervals after which a covered employee who opted out of the Program may later elect to participate in the Program.

6. A covered employer must deposit a covered employee's withheld contributions under the Program with the Trustee in such manner as is determined by the Board, but in no case later than 10 business days after the date such amounts otherwise would have been paid to the covered employee.

7. The Board shall determine the rules and procedures for withdrawals, distributions, transfers and rollovers of Individual Retirement Accounts and for the designation of Individual Retirement Account beneficiaries.

8. The Board shall determine a method for employers other than covered employers and employees other than covered employees to participate in the Program, if allowed under federal law.

9. The Board shall prepare or cause to be prepared informational materials and required disclosures regarding the Program for distribution by covered employers to covered employees. Such materials must include, without limitation:

(a) A description of the benefits and risks associated with making contributions through the Program;

(b) Instructions about how to obtain additional information about the Program;

(c) A description of the federal and state income tax consequences of an Individual Retirement Account, which may consist of or include the disclosure statement required to be distributed by the Trustee by the Internal Revenue Code and the Treasury Regulations adopted thereunder;

(d) A statement that covered employees seeking financial advice should contact their own financial advisers and that covered employers are not in a position to provide financial advice and that covered employers are not liable for decisions covered employees make concerning the Program;

(e) A statement that the Program is not an employer-sponsored retirement plan;

(f) A statement that neither the Program nor the covered employee's Individual Retirement Account established or maintained through the Program is guaranteed by the State; and

(g) A statement that:

(1) Neither a covered employer nor the State will monitor or has an obligation to monitor the covered employee's eligibility under the Internal Revenue Code to make contributions to an Individual Retirement Account or to monitor whether the covered employee's contributions to the Individual Retirement Account established or maintained for the covered employee through the Program exceed the maximum permissible Individual Retirement Account contribution;

(2) It is the covered employee's responsibility to monitor such matters; and

(3) Neither the State nor the covered employer will have any liability with respect to any failure of the covered employee to be eligible to make Individual Retirement Account contributions or for making any contribution in excess of the maximum Individual Retirement Account contribution.

10. The Board shall prepare or cause to be prepared information, forms or instructions to be furnished to covered employees at such times as the Board determines that provide the covered employee with the procedures for, without limitation:

(a) Making contributions to the covered employee's Individual Retirement Account established or maintained through the Program, including, without limitation, a description of the default contribution rate, any automatic escalation rate or frequency and the covered employee's right to elect to make no contribution or to change the contribution rate;

(b) Making an investment election with respect to the covered employee's Individual Retirement Account established or maintained through the Program, including a description of the default investment fund;

(c) Making transfers, rollovers, withdrawals and other distributions from the covered employee's Individual Retirement Account; and

(d) Exercising the covered employee's right to opt out of the Program.

11. Each covered employer shall deliver or facilitate the delivery of the items set forth in subsections 9 and 10, and any other information required by the Board, to each covered employee at such time and in such manner as determined by the Board.

12. The Program shall be designed and operated in a manner that will cause it not to be an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 24. *1. The Nevada Employee Savings Trust Administrative Fund is hereby created in the State Treasury.*

2. The Board shall administer the Administrative Fund.

3. The Board shall deposit in the Administrative Fund all money received for the Program, including, without limitation:

(a) Money appropriated to the Administrative Fund by the Legislature;

(b) Money transferred to the Administrative Fund from the Federal Government, other state agencies or local governments;

(c) Any gifts, donations, grants or other money designated for the Administrative Fund from the State, or any unit of federal or local government, or any other person, firm, partnership, corporation or other entity solely for deposit into the Administrative Fund, whether for investment or administrative expenses; and

(d) Earnings on money in the Administrative Fund.

4. The Board shall use the money in the Administrative Fund solely to pay the administrative costs and expenses of the Program and the administrative costs and expenses the Board incurs in the performance of its duties.

Sec. 25. *1. The Board may, to enable or facilitate the start up and continuing operation, maintenance, administration and management of the Program until the Board determines that the Program has accumulated sufficient balances and is able to generate sufficient funding for the Program to be financially self-sustaining:*

(a) Borrow money from the State, any unit of federal, state or local government or any other person, firm, partnership, corporation or entity; or

(b) Enter into long-term procurement contracts with one or more financial providers if the Board determines that the fee structure of a contract allows or assists the Program to minimize or avoid the need to borrow money pursuant to paragraph (a) or to rely upon general assets of the State.

2. Money borrowed pursuant to subsection 1 must:

(a) Be borrowed in the name of the Program and Board only;

(b) Be repaid solely from the revenues of the Program; and

(c) Not be repaid unless the money was offered contingent upon the promise of such repayment.

3. Within the limits of legislative appropriations, the State may pay on behalf of the Board administrative costs associated with the creation, maintenance, operation and management of the Program and Trust until the Board determines that sufficient assets are available in the Administrative Fund for that purpose. Thereafter, all administrative costs of the Program and Trust, including any repayment of start-up money provided by the State, must be repaid only out of money on deposit in the Administrative Fund.

Sec. 26. *1. The Nevada Employee Savings Trust is hereby created as an instrumentality of the State.*

2. The Board shall appoint an institution qualified to act as a trustee of Individual Retirement Account trusts or an insurance company that issues annuity contracts pursuant to section 408 of the Internal Revenue Code,

26 U.S.C. § 408, and licensed to do business in the State of Nevada to act as Trustee of the Trust.

3. The assets of Individual Retirement Accounts established or maintained for covered employees must be allocated to the Trust and may be combined for investment purposes. Trust assets must be managed and administered for the exclusive purposes of providing benefits to covered employees and defraying reasonable expenses of administering and managing the investments, Individual Retirement Accounts, Board, Program and Trust.

4. The Board shall establish within the Trust one or more investment funds, each pursuing an investment strategy and policy established by the Board. The underlying investments of each investment fund must be diversified so as to minimize the risk of large losses under any circumstances. The Board may, at any time or from time to time, add, replace or remove any investment fund.

5. The Board may allow covered employees to allocate assets of their Individual Retirement Accounts among such investment funds and, in such case, the Board also may designate an investment fund as a default investment for the Individual Retirement Accounts of covered employees who do not make an investment choice.

6. The Board, in consultation with such third-party professional investment advisers, managers or consultants as it may retain, shall select the underlying investments of each investment fund. Such underlying investments may include, without limitation, shares of mutual funds and exchange-traded funds, publicly traded equity and fixed-income securities and other investments available for investment by the Trust. An investment fund may not invest in any bond, debt instrument or other security issued by the State.

7. The Board may, in its discretion, retain an investment adviser to select and manage the investments of an investment fund on a discretionary basis, subject to the Board's ongoing review and oversight. An investment adviser retained pursuant to this subsection must be:

(a) An investment adviser registered as such under the Investment Advisers Act of 1940, 15 U.S.C. §§ 80b-1 et seq.; or

(b) A bank or other institution exempt from registration under the Investment Advisers Act.

8. The Trustee shall be subject to directions of the Board or of an investment adviser pursuant to this section and shall otherwise have no responsibility for the selection, retention or disposition of the investments or assets of the Trust.

9. The assets of the Trust must at all times be preserved, invested and expended solely for the purposes of the Trust and no property rights therein shall exist in favor of the State or any covered employer. Trust assets must not be transferred or used by the State for any purposes other than the purposes of the Trust or paying the expenses of operating the Program.

Amounts deposited with the Trustee do not constitute property of the State and must not be commingled with state money and the State has no claim to or against, or interest in, the assets of the Trust.

10. The assets of the Trust must at all times be held separate and apart from the assets of the State. The State, Program, Board, any member of the Board or any covered employer shall not guaranty any investment, rate of return, or interest on amounts held in the Trust, an investment fund or any Individual Retirement Account. The State, Program, Board, any member of the Board or any covered employer is not liable for any losses incurred by Trust investments or otherwise by any covered employee or other person as a result of participating in the Program.

11. The provisions of chapter 90 of NRS, the Uniform Securities Act, do not apply to the Trust, any investment fund or any interest held by an Individual Retirement Account in the Trust or such investment fund.

12. The Trust and each investment fund are exempt from all taxation by this State and any political subdivision thereof.

Sec. 27. ***Except to the extent necessary to administer the Program, personally identifiable information relating to individual participants in the Program, including, without limitation, the name, physical and electronic mail address, telephone number and other personally identifiable information of the participant, and information relating to individual accounts established or maintained through the Program, including, without limitation, the identity or amount of any investment, contribution or earnings attributable to an account, is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.***

Sec. 28. ***1. A covered employer or other employer may not be held liable for:***

(a) An employee's decision to participate in or opt out of the Program;

(b) A participant's or the Board's investment decisions;

(c) The administration, investment, investment returns or investment performance of the Program, including, without limitation, any interest rate or other rate of return on any contribution or account balance, provided the covered employer or other employer played no role;

(d) The design of the Program or the benefits paid to participants;

(e) A person's awareness of or compliance with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner; or

(f) Any loss, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.

2. A covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

Sec. 29. *1. The State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program:*

(a) Have no responsibility for compliance by persons with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner;

(b) Have no duty, responsibility or liability to any party for the payment of any benefits through the Program, regardless of whether sufficient money is available through the Program to pay such benefits;

(c) Do not and shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and

(d) Are not and shall not be liable or responsible for any loss, deficiency, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.

2. The debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.

Sec. 30. *1. Each member of the Board, the Trustee and each investment adviser or other person who has control of the assets of the Trust is a fiduciary with respect to the Trust and each Individual Retirement Account established and maintained through the Program.*

2. Each fiduciary shall discharge its duties with respect to the Program solely in the interests of covered employees and with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of like character and aims.

Sec. 31. *A member of the Board and a person who serves on the staff of the Board or as an administrator of the Program shall not:*

1. Directly or indirectly have any interest in the making of any investment under the Program or in any gains or profits accruing from such an investment;

2. Borrow any Program-related money or deposits, or use any such money or deposits in any manner, for himself or herself or as an agent or partner of others; or

3. Become an endorser, surety or obligor on any investment made through the Program.

Sec. 32. *1. The Board shall cause an accurate account of all the activities, operations and receipts and expenditures of the Board, Program and Trust to be maintained. Each year, a full audit of the books and accounts*

of the Board, Program and Trust pertaining to those activities, operations, receipts and expenditures, personnel, services and facilities must be conducted by a certified public accountant and must include, without limitation, direct and indirect costs attributable to the use of outside consultants, independent contractors and any other persons who are not state employees for the administration of the Program. For the purposes of the audit, the auditors shall have access to the properties and records of the Board, Program and Trust and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the Board, Program and Trust.

2. Not later than August 1 of each year, the Board shall submit to the Governor, the State Controller and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations and receipts and expenditures of the Board, Program and Trust during the immediately preceding calendar year. The report must also include projected activities of the Program for the current calendar year.

3. The Board shall prepare an annual report on the operation of the Program to be available to all citizens and provided to appropriate state officers.

Sec. 33. ***This chapter, being necessary to secure the public health, safety, convenience and welfare, must be liberally construed to effect its purposes.***

Sec. 34. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007,

241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625,

645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***section 27 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 34.5. 1. There is hereby appropriated from the State General Fund to the Office of the State Treasurer for costs related to the administration of the Nevada Employee Savings Trust Program established pursuant to section 20 of this act the following sums:

For the Fiscal Year 2023-2024 ..... $669,491

For the Fiscal Year 2024-2025 ..... $535,074

2. The Office of the State Treasurer shall repay the sums appropriated by subsection 1 as soon as the Office has received sufficient money for the operation of the Program.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 35. 1. Except as otherwise provided in this section, the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act shall establish the Nevada Employee Savings Trust Program pursuant to section 20 of this act and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program beginning on July 1, 2025.

2. The Board may implement the Program in phases so that the ability of covered employees to contribute to an Individual Retirement Account through the Program first applies on different dates for different employees based on the number of employees employed by the covered employer. If the Board implements the Program in phases pursuant to this subsection, the first phase must not begin before July 1, 2025.

3. The Board shall not implement the Program if, and to the extent that, it determines that the Program is preempted by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq. If the Board determines that

one or more provisions of the Program are preempted by Employee Retirement Income Security Act of 1974, the Board shall implement the remaining provisions of the Program to the extent practicable.

4. The Board shall not implement a provision of the Program that authorizes an arrangement by which an employer facilitates access for an employee to contribute to an Individual Retirement Account by means of payroll deduction if the Board determines that the arrangement is an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 36. As soon as practicable on or after the effective date of this section, the Governor, Majority Leader of the Senate and Speaker of the Assembly shall appoint the members of the Board of Trustees of the Nevada Employee Savings Trust pursuant to section 19 of this act.

Sec. 37. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 38. 1. This section and section 36 of this act become effective upon passage and approval.

2. Section 34.5 of this act becomes effective on July 1, 2023.

3. Sections 1 to 34, inclusive, 35 and 37 of this act, become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 307.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 137, 252, 258, 261, and 263 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Jauregui moved that Senate Concurrent Resolution No. 5 be taken from the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to John Cooke.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Golightly.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Taylor Clement and Vince Rossi, Jr.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Jones.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Corie Humphrey and Kash Williams.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Kasina Douglass-Boone and Tayler Simpson.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Laurynn Lovely Hayes and Londynn Newell.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, June 1, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:40 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), June 1, 2023

Assembly called to order at 1:14 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Sean Savoy.

Before reading the familiar lines, I ask each of you to take a moment in silence to be reminded of your calling, of the mandate to the people–individually and as a whole–of the great state of Nevada. I ask you as you listen to the prayer to imagine yourself as the person reading the words, invoking the Creator to imbue you with the faculties of heart and mind and with the conscience, compassion, and charity to embody a person of high nature to fulfill your most sacred duties and obligations.

Let us pray.

> Lord, make me an instrument of Your peace; where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.
>
> O divine Master, grant that I may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 58, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 6, 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 28, 255, 383, 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 62, 403, 463.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 319, 425, 428.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 107, 246, 277, 327, 364, 439, 443.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 543, 711 to Senate Bill No. 34; Assembly Amendment No. 590 to Senate Bill No. 61; Assembly Amendment No. 632 to Senate Bill No. 63; Assembly Amendment No. 668 to Senate Bill No. 76; Assembly Amendment No. 704 to Senate Bill No. 293; Assembly Amendment No. 589 to Senate Bill No. 309; Assembly Amendment No. 653 to Senate Bill No. 317; Assembly Amendment No. 670 to Senate Bill No. 336; Assembly Amendment No. 705 to Senate Bill No. 391; Assembly Amendment No. 702 to Senate Bill No. 417; Assembly Amendment No. 699 to Senate Bill No. 418; Assembly Amendment No. 536 to Senate Joint Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 634, 737 to Senate Bill No. 104; Assembly Amendment No. 648 to Senate Bill No. 161; Assembly Amendment No. 602 to Senate Bill No. 196; Assembly Amendment No. 681 to Senate Bill No. 283; Assembly Amendment No. 596 to Senate Bill No. 334; Assembly Amendments Nos. 679, 742 to Senate Bill No. 370.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 107.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 246.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 277.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 319.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 327.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 364.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 425.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 428.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 439.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 443.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 137.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 819.

AN ACT relating to fetal alcohol spectrum disorders; making certain provisions applicable to fetal alcohol spectrum disorders; requiring the Medicaid program to provide coverage of certain services to persons with fetal alcohol spectrum disorders; providing that fetal alcohol spectrum disorder is a developmental disability; **making an appropriation and authorizing certain expenditures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Advisory Board on Maternal and Child Health, the Division of Public and Behavioral Health of the Department of Health and Human Services and the University of Nevada School of Medicine to take certain actions to monitor, prevent, identify and treat fetal alcohol syndrome.

(NRS 442.137, 442.385, 442.390, 442.420) Existing law also provides that, if a pregnant woman is referred to the Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol syndrome, any report relating to the referral or other associated documentation is confidential and not to be used in any criminal prosecution of the woman. (NRS 442.395) **Sections 2-6** of this bill expand the applicability of those provisions to apply to all fetal alcohol spectrum disorders. **Section 1** of this bill defines the term "fetal alcohol spectrum disorder" for the purposes of provisions relating to maternal and child health to mean a continuum of birth defects caused by maternal consumption of alcohol during pregnancy.

Existing law requires the Department to administer Medicaid. (NRS 422.270) **Section 6.7** of this bill requires the Director of the Department, to the extent that federal financial participation is available, to include under Medicaid coverage for certain supports and services provided to recipients of Medicaid with fetal alcohol spectrum disorders. **Section 6.7** also authorizes the Department to apply to the Federal Government for any waiver granted pursuant to federal law or amendment necessary to the State Plan for Medicaid to receive federal funding to include such coverage in the State Plan. **Section 6.3** of this bill makes a conforming change to indicate that the provisions of **section 6.7** will be administered in the same manner as the provisions of existing law governing Medicaid. **Section 7.5 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services and authorizes certain related expenditures to carry out the provisions of section 6.7.**

Existing law defines "developmental disability" for the purpose of provisions governing services for persons with developmental disabilities as a neurological condition that manifests before a person attains the age of 22 years, is likely to continue indefinitely and results in substantial functional limitations. (NRS 435.007) **Section 7** of this bill provides that a fetal alcohol spectrum disorder is a developmental disability.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Division" means the Division of Public and Behavioral Health of the Department.

5. "Fetal alcohol ~~[~~syndrome" includes fetal alcohol effects.~~]~~ ***spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.***

6. "Freestanding birthing center" has the meaning ascribed to it in NRS 449.0065.

7. "Laboratory" has the meaning ascribed to it in NRS 652.040.

8. "Midwife" means:

(a) A person certified as:

(1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(2) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or

(b) Any other type of midwife.

9. "Provider of health care or other services" means:

(a) A clinical alcohol and drug counselor who is licensed, or an alcohol and drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; or

(i) The holder of a certificate of registration as a pharmacist.

Sec. 2. NRS 442.137 is hereby amended to read as follows:

442.137 The purpose of the Advisory Board is to advise the Administrator of the Division concerning perinatal care to enhance the survivability and health of infants and persons who are pregnant, are giving birth and have given birth, and concerning programs to improve the health of preschool children, to achieve the following objectives:

1. Ensuring the availability and accessibility of primary care health services;

2. Reducing the rate of infant mortality;

3. Reducing the incidence of preventable diseases and handicapping conditions among children;

4. Identifying the most effective methods of preventing fetal alcohol ~~[~~syndrome~~]~~ ***spectrum disorder*** and collecting information relating to the incidence of fetal alcohol ~~[~~syndrome~~]~~ ***spectrum disorders*** in this state;

5. Preventing the consumption of alcohol by women during pregnancy;

6. Reducing the need for inpatient and long-term care services;

7. Increasing the number of children who are appropriately immunized against disease;

8. Increasing the number of children from low-income families who are receiving assessments of their health;

9. Ensuring that services to follow up the assessments are available, accessible and affordable to children identified as in need of those services;

10. Assisting the Division in developing a program of public education that it is required to develop pursuant to NRS 442.385, including, without limitation, preparing and obtaining information relating to fetal alcohol ~~[syndrome;]~~ ***spectrum disorders;***

11. Assisting the University of Nevada School of Medicine in reviewing, amending and distributing the guidelines it is required to develop pursuant to NRS 442.390; and

12. Promoting the health of infants and persons who are pregnant, are giving birth or have given birth by ensuring the availability and accessibility of affordable perinatal services.

Sec. 3. NRS 442.385 is hereby amended to read as follows:

442.385 The Division shall develop and carry out a program of public education to increase public awareness about the dangers of fetal alcohol ~~[syndrome]~~ ***spectrum disorders*** and other adverse effects on a fetus that may result from the consumption of alcohol during pregnancy. The program must include, without limitation:

1. Educational messages that are directed toward the general public and specific geographical areas and groups of persons in this State that are identified pursuant to subsection 1 of NRS 442.420 as having women who are at a high risk of consuming alcohol during pregnancy.

2. Providing training materials to school personnel to assist them in identifying pupils who may be suffering from ***a*** fetal alcohol ~~[syndrome]~~ ***spectrum disorder*** and offering to provide the parents of those pupils with a referral for diagnostic services and treatment.

3. If a toll-free telephone service is otherwise provided by the Division, the use of that telephone service for providing information relating to programs for the treatment of substance use disorders, providers of health care or other services and other available resources, and referrals to those programs, if appropriate. The telephone number must be disclosed in the educational messages provided pursuant to this section.

Sec. 4. NRS 442.390 is hereby amended to read as follows:

442.390 The University of Nevada School of Medicine shall develop guidelines to assist a provider of health care or other services in identifying:

1. Pregnant women who are at a high risk of consuming alcohol during pregnancy; and

2. Children who are suffering from fetal alcohol ~~[syndrome.]~~ ***spectrum disorders.***

Sec. 5. NRS 442.395 is hereby amended to read as follows:

442.395 Except as otherwise provided in NRS 239.0115 and 439.538, if a pregnant woman is referred to the Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol ~~[syndrome,]~~ ***spectrum disorders,*** any report relating to the referral or other associated documentation is confidential and must not be used in any criminal prosecution of the woman.

Sec. 6. NRS 442.420 is hereby amended to read as follows:

442.420 The Division shall develop and maintain a system for monitoring fetal alcohol ~~[syndrome,]~~ ***spectrum disorders*** that may include, without limitation, a method of:

1. Identifying the geographical areas in this state in which women are at a high risk of consuming alcohol during pregnancy and groups of persons in this state that include such women;

2. Identifying and evaluating deficiencies in existing systems for delivering perinatal care; and

3. Collecting and analyzing data relating to systems for delivering perinatal care.

Sec. 6.3. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 6.7 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 6.7. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall, to the extent that federal financial participation is available, include under Medicaid coverage for supports and services provided to recipients of Medicaid with fetal alcohol spectrum disorders that are aimed at allowing such recipients to remain living in the home of the recipient or in a community-based setting.

2. The Department may apply to the Secretary of Health and Human Services for any waiver granted pursuant to federal law, amendment to the State Plan for Medicaid or other federal authority that authorizes the Department to receive federal funding to provide the coverage described in subsection 1. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

Sec. 7. NRS 435.007 is hereby amended to read as follows:

435.007 As used in this chapter, unless the context otherwise requires:

1. "Administrative officer" means a person with overall executive and administrative responsibility for those state or nonstate intellectual and developmental disability centers designated by the Administrator.

2. "Administrator" means the Administrator of the Division.

3. "Child" means any person under the age of 18 years who may be eligible for intellectual disability services or developmental disability services.

4. "Department" means the Department of Health and Human Services.

5. "Developmental disability" means autism, cerebral palsy, epilepsy **,** ***a fetal alcohol spectrum disorder*** or any other neurological condition diagnosed by a qualified professional that:

(a) Is manifested before the person affected attains the age of 22 years;

(b) Is likely to continue indefinitely;

(c) Results in substantial functional limitations, as measured by a qualified professional, in three or more of the following areas of major life activity:

(1) Taking care of oneself;

(2) Understanding and use of language;

(3) Learning;

(4) Mobility;

(5) Self-direction; and

(6) Capacity for independent living; and

(d) Results in the person affected requiring a combination of individually planned and coordinated services, support or other assistance that is lifelong or has an extended duration.

6. "Director of the Department" means the administrative head of the Department.

7. "Division" means the Aging and Disability Services Division of the Department.

8. "Division facility" means any unit or subunit operated by the Division for the care, treatment and training of consumers.

9. ***"Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.***

10. "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

~~[10.]~~ ***11.*** "Intellectual and developmental disability center" means an organized program for providing appropriate services and treatment to persons with intellectual disabilities and persons with developmental disabilities. An intellectual and developmental disability center may include facilities for residential treatment and training.

~~[11.]~~ ***12.*** "Medical director" means the chief medical officer of any program of the Division for persons with intellectual disabilities or developmental disabilities.

~~[12.]~~ ***13.*** "Mental illness" has the meaning ascribed to it in NRS 433.164.

~~[13.]~~ ***14.*** "Parent" means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

~~[14.]~~ ***15.*** "Person" includes a child and any other consumer with an intellectual disability and a child or any other consumer with a developmental disability who has attained the age of 18 years.

~~[15.]~~ ***16.*** "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.

~~[16.]~~ ***17.*** "Residential facility for groups" means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

~~[17.]~~ ***18.*** "Training" means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual disabilities or persons with developmental disabilities through the process of providing those experiences that will enable the person to:

(a) Develop his or her physical, intellectual, social and emotional capacities to the fullest extent;

(b) Live in an environment that is conducive to personal dignity; and

(c) Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

~~[18.]~~ ***19.*** "Treatment" means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

Sec. 7.5. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide the Medicaid coverage described in subsection 1 of section 6.7 of this act, for updates to the Medicaid Management Information System and for personnel, travel, operating, equipment and information services expenses associated with implementing the provisions of section 6.7 of this act the following sums:**

For the Fiscal Year 2023-2024..... $114,642

For the Fiscal Year 2024-2025..... $158,672

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

3. Expenditure of $149,362 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2023-2024 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1.

4. Expenditure of $403,165 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2024-2025 by the Division of Health Care Financing and Policy of the

Department of Health and Human Services for the same purposes as set forth in subsection 1.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, 7**, 7.5** and 8 of this act become effective on July 1, 2023.

3. Sections 6.3 and 6.7 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 252.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 838.

AN ACT relating to governmental administration; creating the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund; revising the membership of the Board of Museums and History; requiring the Administrator of the Division of Museums and History of the Department of Tourism and Cultural Affairs to develop and maintain an Internet website related to institutions of the Division and ensure that the Internet website is accessible to persons with disabilities; authorizing the Administrator to authorize or require a museum director of an institution of the Division to establish certain procedures that enable the accessibility of the exhibits in the institution to persons who are blind or visually impaired; requiring the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to study during the 2023-2024 interim any issues that exist that limit the ability of persons with disabilities to access the institutions of the Division; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Division of Museums and History of the Department of Tourism and Cultural Affairs, which consists of the Office of the Administrator and certain museums and historical societies which are established as institutions of the Division. (NRS 381.004) Existing law further sets forth various duties of the Administrator. (NRS 381.006, 381.0063) **Section 3** of this bill requires the Administrator to also: (1) develop and maintain an Internet website related to the institutions of the Division and ensure that the Internet website is accessible to persons with disabilities,

including, without limitation, persons who are blind or visually impaired; and (2) consult with certain organizations regarding the accessibility of institutions of the Division to persons with disabilities, including, without limitation, persons who are blind or visually impaired. **Section 4.5 of this bill makes an appropriation to the Division for the development of the Internet website required to be developed pursuant to section 3. Section 4** of this bill authorizes the Administrator to authorize or require a museum director of an institution of the Division to establish certain procedures that enable the accessibility of the exhibits in the institution for persons who are blind or visually impaired.

Section 1 of this bill creates the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund, to be administered by the Administrator. Money in the Account must be expended only to improve access at institutions of the Division for persons with disabilities, including, without limitation, persons who are blind or visually impaired.

Existing law creates the Board of Museums and History, which consists of twelve members, including five representatives of the general public who are knowledgeable about museums. (NRS 381.002) **Section 2** of this bill provides that one of the representatives of the general public must be a person who is knowledgeable about museums and has a disability. **Section 6** of this bill clarifies that the provisions of **section 2** do not affect the term of any person who is a member of the Board on June 30, 2023.

Section 5 of this bill requires the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to study during the 2023-2024 interim any issues that exist which limit the ability of persons with disabilities, including, without limitation, persons who are blind or visually impaired, to access the institutions of the Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 381 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund. The Account shall be administered by the Administrator.

2. The money in the Account must be expended only to improve access at institutions of the Division that are established pursuant to NRS 381.004 for persons with disabilities, including, without limitation, persons who are blind or visually impaired.

3. The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account.

4. The interest and income earned on money in the Account from any gift, donation, bequest or appropriation, after deducting any applicable charges, must be credited to the Account.

5. Money from any gift, donation, bequest or appropriation that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 2. NRS 381.002 is hereby amended to read as follows:

381.002 1. The Board of Museums and History, consisting of twelve members appointed by the Governor, is hereby created.

2. The Governor shall appoint to the Board:

(a) Five representatives of the general public who are knowledgeable about museums ~~[.]~~ ***, one of whom must be a person with a disability.***

(b) Six members representing the fields of history, prehistoric archeology, historical archeology, architectural history, and architecture with qualifications as defined by the Secretary of Interior's standards for historic preservation in the following fields:

(1) One member who is qualified in history;

(2) One member who is qualified in prehistoric archeology;

(3) One member who is qualified in historic archeology;

(4) One member who is qualified in architectural history;

(5) One member who is qualified as an architect; and

(6) One additional member who is qualified, as defined by the Secretary of Interior's standards for historic preservation, in any of the fields of expertise described in subparagraphs (1) to (5), inclusive.

(c) One member, after giving consideration to any recommendation of an enrolled member of a Nevada Indian tribe which is submitted by the Nevada Indian Commission, after consultation with the Inter-Tribal Council of Nevada, Inc., or its successor organization.

3. The Board shall elect a Chair and a Vice Chair from among its members at its first meeting of every even-numbered year. The terms of the Chair and Vice Chair are 2 years or until their successors are elected.

4. With respect to the functions of the Office of Historic Preservation, the Board may develop, review and approve policy for:

(a) Matters relating to the State Historic Preservation Plan;

(b) Nominations to the National Register of Historic Places and make a determination of eligibility for listing on the Register for each property nominated; and

(c) Nominations to the State Register of Historic Places and make determination of eligibility for listing on the Register for each property nominated.

5. With respect to the functions of the Division, the Board shall develop, review and make policy for investments, budgets, expenditures and general control of the Division's private and endowed dedicated trust funds pursuant to NRS 381.003 to 381.0037, inclusive.

6. In all other matters pertaining to the Office of Historic Preservation and the Division of Museums and History, the Board serves in an advisory capacity.

7. The Board may adopt such regulations as it deems necessary to carry out its powers and duties.

Sec. 2.5. NRS 381.0031 is hereby amended to read as follows:

381.0031 1. ~~[All]~~ ***Except as otherwise provided in subsection 5, all*** money and the proceeds from property received by the Division or any institution of the Division through any grant other than a grant of federal money, bequest or devise, and the proceeds from memberships, sales, interest and dividends from any sources other than appropriation by the Legislature, admission charges and sales of tickets for train rides, are private money and not state money. The Board shall establish a Division of Museums and History Dedicated Trust Fund. All private money must be accounted for in that Fund. No other money may be accounted for in that Fund.

2. Except as otherwise provided in this chapter, all of the money in the Dedicated Trust Fund must be deposited in a financial institution to draw interest or be expended, invested and reinvested pursuant to the specific instructions of the donor, or, where no such specific instructions exist, in the sound discretion of the Board. The provisions of subsections 3 and 4 of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. The Board shall account separately for the portions of the private money received by each institution of the Division but may combine all or any portion of the private money for the purposes of investment and reinvestment.

4. The Board shall adopt an investment policy for the private money.

5. The provisions of this section do not apply to any money received for deposit in the Account for Improving Access to State Museums for Persons with Disabilities created by section 1 of this act.

Sec. 3. NRS 381.006 is hereby amended to read as follows:

381.006 ***1.*** For the property and facilities of the Division, the Administrator:

~~[1.]~~ ***(a)*** Is responsible to the Director for the general administration of the Division and its institutions and for the submission of its budgets, which must include the combined budgets of its institutions.

~~[2.]~~ ***(b)*** Shall supervise the museum directors of its institutions in matters pertaining to the general administration of the institutions.

~~[3.]~~ ***(c)*** Shall coordinate the submission of requests by its institutions for assistance from governmental sources.

~~[4.]~~ ***(d)*** Shall oversee the public relations of its institutions.

~~[5.]~~ ***(e)*** Shall superintend the planning and development of any new facilities for the Division or its institutions.

~~[6.]~~ ***(f)*** Shall assist the efforts of its institutions in improving their services to the rural counties.

~~[7.]~~ ***(g)*** Shall supervise the facilities for storage which are jointly owned or used by any of its institutions.

~~[8.]~~ ***(h)*** Shall trade, exchange and transfer exhibits and equipment when the Administrator considers it proper and the transactions are not sales.

~~[9.]~~ ***(i)*** May contract with any person to provide concessions on the grounds of the property and facilities of the Division, provided that any contract permitting control of real property of the Division by a nongovernmental entity must be executed as a lease pursuant to NRS 321.003, 321.335, 322.050, 322.060 and 322.070.

~~[10.]~~ ***(j)*** Shall oversee the supervision, control, management and operation of any buildings or properties in this State that are under the control of the Division.

~~[11.]~~ ***(k)*** Shall supervise the furnishing, remodeling, repairing, alteration and erection of premises and buildings of the Division or premises and buildings that may be conveyed or made available to the Division.

2. In addition to the duties set forth in subsection 1, the Administrator shall:

(a) Develop and maintain an Internet website related to the museums and historical societies established as institutions of the Division pursuant to NRS 381.004 and ensure that the Internet website is accessible to persons with disabilities, including, without limitation, persons who are blind or visually impaired.

(b) Consult with organizations that are dedicated to the welfare of persons with disabilities, including, without limitation, persons who are blind or visually impaired. Such organizations may include, without limitation, the American Council of the Blind and the National Federation of the Blind, regarding the accessibility of institutions of the Division that are established pursuant to NRS 381.004 to persons who are blind or visually impaired.

Sec. 4. NRS 381.0063 is hereby amended to read as follows:

381.0063 1. The Administrator shall, in accordance with any directive received from the Director pursuant to NRS 232.005, authorize or require each museum director to perform such duties set forth in subsections 2 and 3 as are necessary for the operation of the institution administered by the museum director, after giving consideration to:

(a) The size and complexity of the programs the museum director is required to administer;

(b) The number of personnel needed to carry out those programs;

(c) Requirements for accreditation; and

(d) Such other factors as are relevant to the needs of the institution and the Division.

2. The Administrator may authorize or require a museum director to:

(a) Oversee duties related to the auditing and approval of all bills, claims and accounts of the institution administered by the museum director.

(b) Receive, collect, exchange, preserve, house, care for, document, interpret, display and exhibit, particularly, but not exclusively, respecting the State of Nevada:

(1) Samples of the useful and fine arts, sciences and industries, relics, memorabilia, products, works, records, rare and valuable articles and objects, including, without limitation, drawings, etchings, lithographs, photographs,

paintings, statuary, sculpture, fabrics, furniture, implements, machines, geological and mineral specimens, precious, semiprecious and commercial minerals, metals, earths, gems and stones.

(2) Books, papers, records and documents of historic, artistic, literary or industrial value or interest by reason of rarity, representative character or otherwise.

(c) Collect, gather and prepare the natural history of Nevada and the Great Basin.

(d) Establish such programs in history, archeology, anthropology, paleontology, mineralogy, ethnology, ornithology and such other programs as in the judgment of the Board and Administrator may be proper and necessary to carry out the objects and purposes appropriate to the institution administered by the museum director.

(e) Receive and collect property from any appropriate agency of the State of Nevada, or from accessions, gifts, exchanges, loans or purchases from any other agencies, persons or sources.

(f) House and preserve, care for and display or exhibit property received by an institution. This paragraph does not prevent the permanent or temporary retention, placement, housing or exhibition of a portion of the property in other places or locations in or outside of the State at the sole discretion of the Board.

(g) Make and obtain plans and specifications and let and supervise contracts for work or have the work done on force account or day labor, supplying material or labor, or otherwise.

(h) Receive, accept and obtain by exchange in the name of the State of Nevada all property loaned to the institution administered by the museum director for preservation, care, display or exhibit, or decline and reject the property in his or her discretion, and undertake to be responsible for all property loaned to the institution or make just payment of any reasonable costs or rentals therefor.

(i) Apply for and expend all gifts and grants that the institution administered by the museum director is authorized to accept in accordance with the terms and conditions of the gift or grant.

(j) Govern, manage and control the exhibit and display of all property and things of the institution administered by the museum director at other exhibits, expositions, world's fairs and places of public or private exhibition. Any property of the State of Nevada that may be placed on display or on exhibition at any world's fair or exposition must be taken into custody by the Administrator at the conclusion of the world's fair or exposition and placed and kept in the institution, subject to being removed and again exhibited at the discretion of the Administrator or a person designated by the Administrator.

(k) Negotiate and consult with and agree with other institutions, departments, officers and persons or corporations of and in the State of Nevada and elsewhere respecting quarters for and the preservation, care, transportation, storage, custody, documentation, interpretation, display and

exhibit of articles and things controlled by the institutions and respecting the terms and cost, the manner, time, place and extent, and the return thereof.

(l) Trade, exchange and transfer exhibits and duplicates when the Administrator deems it proper. Such transactions shall not be deemed sales.

(m) Establish the qualifications for life, honorary, annual, sustaining and such other memberships as are established by the Board pursuant to NRS 381.0045.

(n) Adopt rules for the internal operations of the institution administered by the museum director, including, without limitation, the operation of equipment of the institution.

(o) Establish procedures that enable the accessibility of the exhibits in an institution administered by the museum director for persons who are blind or visually impaired, including, without limitation, by providing audio guides, audio descriptive displays, tactile displays and experiences, dedicated tours for persons who are blind or visually impaired, Braille signage and descriptions, temporary lighting and adapted educational classes.

3. The Administrator shall require a museum director to serve as, or to designate an employee to serve as, ex officio State Paleontologist. The State Paleontologist shall, within the limits of available time, money and staff:

(a) Systematically inventory the paleontological resources within the State of Nevada;

(b) Compile a database of fossil resources within this State;

(c) Coordinate and promote paleontological research activities within this State, including, without limitation, regulating and issuing permits to engage in such activities;

(d) Disseminate and assist other persons in disseminating information gained from research conducted by the State Paleontologist; and

(e) Display and promote, and assist other persons in displaying and promoting, the paleontological resources of this State to enhance education, culture and tourism within this State.

4. The enumeration of the powers and duties that may be assigned to a museum director pursuant to this section is not exclusive of other general objects and purposes appropriate to a public museum.

5. The provisions of this section do not prohibit the Administrator from making such administrative and organizational changes as are necessary for the efficient operation of the Division and its institutions and to ensure that an institution properly carries out the duties and responsibilities assigned to that institution.

Sec. 4.5. **1. There is hereby appropriated from the State General Fund to the Division of Museums and History of the Department of Tourism and Cultural Affairs the sum of $25,000 for the development of an Internet website which meets the requirements of NRS 381.006, as amended by section 3 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity

to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 5. 1. The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 shall study during the 2023-2024 interim any issues that exist which limit the ability of persons with disabilities, including, without limitation, persons who are blind or visually impaired, to access the museums and historical societies established as institutions of the Division of Museums and History of the Department of Tourism and Cultural Affairs pursuant to NRS 381.004.

2. In the report required pursuant to subsection 3 of NRS 218E.760, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs shall set forth any recommended legislation for improving the accessibility of the museums and historical societies established as institutions of the Division of Museums and History of the Department of Tourism and Cultural Affairs pursuant to NRS 381.004 to persons with disabilities, including, without limitation, persons who are blind or visually impaired.

Sec. 6. The provisions of NRS 381.002, as amended by section 2 of this act, do not apply to the existing terms of members of the Board of Museums and History who were appointed to the Board pursuant to paragraph (a) of subsection 2 of NRS 381.002, as that section existed on June 30, 2023.

Sec. 7. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 258.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 841.

AN ACT relating to governmental administration; requiring, with certain exceptions, a governmental entity to keep confidential certain personal information regarding donors, members or volunteers of a nonprofit organization; prohibiting, with certain exceptions, a governmental entity from requesting or releasing certain personal information regarding donors, members or volunteers of a nonprofit organization; **making an appropriation to the Interim Finance Committee for allocation to the Office of the Attorney General to fund certain positions;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain governmental agencies to collect certain personal information. (Chapter 239B of NRS) Existing law also prohibits, with certain exceptions, a governmental agency from requiring a person to include personal information on any document submitted to the governmental agency after a certain date. (NRS 239B.030) **Section 2** of this bill requires, with certain exceptions, a governmental entity to keep confidential any personal information in the records of the governmental entity that identifies a person as a donor, member or volunteer of a nonprofit organization. **Section 2** also prohibits, with certain exceptions, a governmental entity from: (1) requiring that any person or nonprofit organization provide the governmental entity with personal information that identifies a donor, member or volunteer of a nonprofit organization; (2) releasing, publicizing or otherwise publicly disclosing personal information that identifies a donor, member or volunteer of a nonprofit organization; or (3) requesting or requiring a current or prospective contractor or grantee to provide a list of nonprofit organizations to which the contractor or grantee has provided support. **Section 2** provides that the personal information that identifies a donor, member or volunteer of a nonprofit organization includes any list, record, register, roster or other data of any kind that includes a donation, name, address or telephone number that directly or indirectly identifies a person as a donor of financial or nonfinancial support, member or volunteer of any nonprofit organization.

Section 2 provides that a person who alleges that a governmental entity or an officer or employee of a governmental entity has violated these provisions may bring a civil action to obtain certain relief, including damages in an amount of not less than: (1) $2,500 for a violation; and (2) $7,500 for an intentional violation. ~~[Section 2 further provides that any officer or employee of a governmental entity who knowingly and willfully violates these provisions is guilty of a misdemeanor.]~~

Section 1 of this bill makes a conforming change to provide that such personal information is not a public record.

Section 3 of this bill makes a conforming change to prohibit the Secretary of State, in carrying out certain requirements of existing law, from collecting or disclosing any information that directly identifies a person as a donor of financial support to a nonprofit organization.

Section 4 of this bill makes a conforming change to provide that any information collected by the Attorney General in an audit, examination**, review** or investigation of a corporation for public benefit or a corporation holding assets in a charitable trust may only be used in connection with the audit, examination**, review** or investigation and is otherwise subject to the requirements of **section 2**.

Section 5 of this bill makes an appropriation to the Interim Finance Committee for allocation to the Office of the Attorney General to fund certain positions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,

439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 2 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in

any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 2. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a governmental entity shall maintain in a confidential manner any personal information that identifies a person as a donor, member or volunteer of a nonprofit organization.

2. Except as otherwise provided in subsection 3, a governmental entity shall not:

(a) Require any person or nonprofit organization to provide the governmental entity with personal information that identifies a person as a donor, member or volunteer of a nonprofit organization or otherwise compel the release of such personal information;

(b) Release, publicize or otherwise publicly disclose personal information in possession of the governmental entity that identifies a person as a donor, member or volunteer of a nonprofit organization; or

(c) Request or require a current or prospective contractor or grantee working with the governmental entity to provide a list of nonprofit organizations to which the contractor or grantee has provided financial or nonfinancial support.

3. The provisions of subsections 1 and 2 do not apply to personal information that identifies a person as a donor, member or volunteer of a nonprofit organization that is requested, obtained, released or disclosed as a result of the following:

(a) Any personal information required to be disclosed for the purpose of complying with any provision of federal law;

(b) Any information, report or disclosure required to be filed with the Secretary of State pursuant to title 7 of NRS provided that, except as otherwise provided in this subsection, any information that directly identifies a person as a donor of financial support to a nonprofit organization must not be collected or disclosed;

(c) Any report or disclosure required to be filed pursuant to chapter 294A of NRS;

(d) Any confidential information shared pursuant to NRS 232.357;

(e) Any warrant issued by a court of competent jurisdiction;

(f) Any request for information in connection with discovery proceedings if:

(1) The relevant and probative value of the information requested outweighs its prejudicial effect; and

(2) The requester obtains a protective order from the court barring the disclosure of such information to any person not named in the proceedings;

(g) Any personal information voluntarily released by a person to the governmental entity or any personal information voluntarily released by a nonprofit organization to the public;

(h) Any personal information resulting from a donation to a nonprofit organization that is affiliated with a governmental entity that was disclosed to the governmental entity pursuant to state law ***;*** ***~~[if the person did not request anonymity from the nonprofit organization;]~~***

(i) Any personal information admitted as evidence before a court of competent jurisdiction, if the court finds there is good cause for the public release of such information;

(j) Any requests for screenings submitted by a nonprofit organization pursuant to NRS 179A.325;

(k) Any contract ***, resolution*** ***or agreement entered into by a nonprofit organization with a governmental entity, including for purposes of obtaining a governmental benefit or grant, whereby the governmental entity is authorized to or any statute which expressly authorizes a governmental entity to inspect the records of the nonprofit organization, including, without***

limitation, a contract , resolution or agreement entered into pursuant to NRS 427A.085, 433.354, 433B.220 or 439.155;

(l) Any report required to be filed by a nonprofit organization and posted by the Department of Health and Human Services on the Internet website maintained by the Department pursuant to NRS 439B.665 and 439B.670;

(m) Any information required to be filed by a nonprofit organization of surplus line brokers with the Commissioner of Insurance pursuant to NRS 685A.075;

(n) Any information submitted to a governmental entity by a national securities association that is registered pursuant to 15 U.S.C. § 78o-3 or any regulation adopted pursuant thereto, including, without limitation, any information submitted to the Secretary of State pursuant to chapters 90 and 91 of NRS and any regulations adopted pursuant thereto for the purposes of licensing, registration, examination, investigation or enforcement;

(o) Any requirement to disclose the relationship between a public officer or employee and a nonprofit organization pursuant to NRS 281A.420, as a response to a lawful request or subpoena in an investigation or as part of or in response to a request for an advisory opinion submitted pursuant to NRS 281A.670 to 281A.690, inclusive, or an ethics complaint filed or initiated pursuant to NRS 281A.700 to 281A.790, inclusive;

(p) Any information submitted to or requested by the Nevada Gaming Control Board pursuant to NRS 462.160 for the purposes of the licensing or registration of a charitable lottery or charitable game, provided that any information collected is confidential as provided in NRS 463.120;

(q) ~~[Any]~~ A request for information ~~[requested]~~ :

(1) Required by the Attorney General for an audit, examination , review or investigation conducted pursuant to NRS 82.536, provided that:

~~[(1)]~~ (I) Such information ~~[must]~~ shall only be used in connection with the specific audit, examination , review or investigation to which the request ~~[for information]~~ relates and for any related proceedings ; ~~[or action resulting from such an audit, examination or investigation;]~~ and

~~[(2) Except as otherwise provided in this paragraph, such]~~

(II) Such information ~~[is]~~ shall otherwise remain subject to the ~~[requirements]~~ provisions of this section, unless expressly required by ~~[statute or a court]~~ law to be publicly disclosed;

~~[(r) Any information requested under]~~

(2) Relating to the authority to ~~[act and]~~ exercise the power of the Secretary of State or the power of the Attorney General in the areas of consumer protection ~~[,]~~ pursuant to NRS 228.380, including, without limitation, ~~[participating on behalf of the persons residing in this State pursuant to NRS 228.380 and any action to enforce]~~ the provisions of NRS 90.615, ~~[597.120 to 597.260, inclusive, 597.8191 to 597.8198,]~~ 597.262, 597.8198, 598C.180, 599B.015, and 599B.213 to 599B.245, inclusive, and chapters 598, 598A, ~~[598C, 599B]~~ and 711 of NRS, provided that ~~[, except as otherwise provided in this paragraph,]~~ such information is otherwise subject

to the requirements of this section, unless expressly required by ~~[statute or a court]~~ law to be publicly disclosed;

(3) Relating to a criminal investigation or prosecution by the Attorney General, where there is credible evidence that a crime has been or is being committed or for information relating to any authorized civil investigation or inquiry undertaken by the Attorney General, provided that any personal information obtained in such an investigation or prosecution shall remain confidential unless its disclosure is expressly required by law to be publicly disclosed or is necessary to publicize in a court pleading or submission of evidence to a court; or

(4) Connected with a constituent complaint submitted to the Attorney General; and

~~[(c)]~~ (r) The names of members of a labor organization and the amount of dues collected by a governmental entity that are provided to the labor organization for the purposes of collecting and reporting the remittance of dues to the labor organization from its members, in accordance with a valid authorization to withhold dues.

4. Any person who alleges that a governmental entity or an officer or employee of a governmental entity has violated the provisions of subsection 1 or 2 may bring a civil action in a court of competent jurisdiction. If the person prevails, the person is entitled to receive any or all of the following relief:

(a) Injunctive relief as the court deems appropriate;

(b) Costs incurred in bringing the action, including, without limitation, reasonable attorney's fees;

(c) Except as otherwise provided in paragraph (d), damages of not less than $2,500; and

(d) If the court determines that a governmental entity or officer or employee of a governmental entity intentionally violated the provisions of this section, damages of not less than $7,500.

5. ~~[Any officer or employee of a governmental entity who knowingly and willfully violates the provisions of subsection 1 or 2 is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 90 days, or by a fine of not more than $1,000, or by both fine and imprisonment.~~

~~6.]~~ For the purposes of this section, personal information that identifies a person as a donor, member or volunteer of a nonprofit organization:

(a) Includes, without limitation, any list, record, register, roster or other data of any kind that includes a donation, name, address or telephone number that directly or indirectly identifies a person as a donor of financial or nonfinancial support, member or volunteer of any nonprofit organization; and

(b) Does not include information that identifies a person as a staff member, employee or contractor of a nonprofit organization.

~~[7.]~~ 6. As used in this section:

(a) "Governmental entity" has the meaning ascribed to it in NRS 239.005.

(b) "Labor organization" has the meaning ascribed to it in NRS 288.048.

(c) "Nonprofit organization" means:

(1) An organization which qualifies as tax exempt pursuant to section 501(c) of the Internal Revenue Code; and

(2) Any entity that has submitted an application with the Internal Revenue Service for recognition as a tax exempt entity pursuant to section 501(c) of the Internal Revenue Code.

Sec. 3. Chapter 75 of NRS is hereby amended by adding thereto a new section to read as follows:

Pursuant to section 2 of this act, in carrying out the requirements of this title, the Secretary of State shall not collect or disclose any information that directly identifies a person as a donor of financial support to a nonprofit organization.

Sec. 4. NRS 82.536 is hereby amended to read as follows:

82.536 1. A corporation for public benefit and a corporation holding assets in charitable trust is subject at all times to examination by the Attorney General, on behalf of the State, to ascertain the condition of its affairs and to what extent, if at all, it fails to comply with trusts it has assumed or has departed from the purposes for which it is formed. In case of any such a failure or departure, the Attorney General may institute, in the name of the State, the proceeding necessary to correct the noncompliance or departure.

2. The Attorney General, or any person given the status of relator by the Attorney General, may bring an action to enjoin, correct, obtain damages for or otherwise to remedy a breach of a charitable trust or departure from the purposes for which it is formed.

3. Any information collected by the Attorney General pursuant to this section:

(a) ~~[Must]~~ Shall only be used in connection with an audit, examination , review or investigation by the Attorney General and for any proceedings or action resulting from such an audit, examination or investigation; and

(b) Except as otherwise provided in this subsection and section 2 of this act, is subject to the requirements of section 2 of this act, unless expressly required by ~~[statute or a court]~~ law to be publicly disclosed.

Sec. 5. **1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Office of the Attorney General to fund one Deputy Attorney General position and one Compliance Investigator position the following sums:**

For the Fiscal Year 2023-2024..... $202,583

For the Fiscal Year 2024-2025..... $249,577

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any

portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 6. **1. This section and section 5 of this act become effective on July 1, 2023.**

2. Sections 1 to 4, inclusive, of this act become effective on October 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 261.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 845.

AN ACT relating to governmental administration; requiring the State Plan for Economic Development to include a statement regarding the efficient use of water resources; requiring a plan submitted by ~~[a]~~ **certain** regional development ~~[authority]~~ **authorities** to include water conservation strategies; ~~[requiring the Office of Economic Development to conduct a study relating to consumptive water use and economic development;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Economic Development within the Office of the Governor and requires the Executive Director of the Office of Economic Development to develop and periodically revise a State Plan for Economic Development. (NRS 231.043, 231.053) **Section 1** of this bill requires the Executive Director to include a statement in the State Plan regarding the manner in which this State can maximize the efficient use of the water resources of this State through its economic development programs.

Existing law requires each regional development authority to present a plan to the Executive Director regarding the development and enhancement of certain recruiting and marketing efforts. (NRS 231.054) **Section 2** of this bill requires **each** such ~~[a]~~ plan **presented by a regional development authority located in a county whose population is 100,000 or more (currently Clark and Washoe Counties)** to also include strategies on conserving the water resources of this State through such recruiting and marketing efforts.

~~[Section 3 of this bill requires the Office of Economic Development to conduct a study of consumptive water use and economic development of businesses receiving certain related abatements and submit a report of its findings and recommendations for legislation to the Governor and the Director~~

~~of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 231.053 is hereby amended to read as follows:

231.053 After considering any advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which:

(a) Must include a statement of:

(1) New industries which have the potential to be developed in this State;

(2) The strengths and weaknesses of this State for business incubation;

(3) The competitive advantages and weaknesses of this State;

(4) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(5) The manner in which this State can maximize the efficient use of the water resources of this State through the programs of economic development in this State;

~~[(5)]~~ ***(6)*** A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

~~[(6)]~~ ***(7)*** Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities; and

(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.130 or the gaming license fees imposed by the provisions of NRS 463.370.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.

7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.

8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

Sec. 2. NRS 231.054 is hereby amended to read as follows:

231.054 ***1.*** Each regional development authority shall present a plan to the Executive Director ~~[regarding]~~ ***that includes*** the development and enhancement of a recruiting and marketing effort to attract professionals and businesses to the region of this State served by the regional development authority . ~~***[and]***~~

2. The plan submitted pursuant to subsection 1 by a regional development authority located in a county whose population is 100,000 or more must also include strategies to encourage the conservation of the water resources of this State through such a recruiting and marketing effort.

3. The Executive Director shall consider any plan presented pursuant to this section in carrying out the provisions of NRS 231.053.

Sec. 3. ~~[1. The Office of Economic Development shall conduct a study during the 2023-2024 interim relating to consumptive water use and economic development of businesses receiving certain abatements pursuant to NRS 360.750.~~

~~2. The study must include, without limitation, a review of:~~

~~(a) The amount of consumptive water use per primary job created under NRS 360.750 organized by the economic sector in which the business related to the job operates;~~

~~(b) Any consumptive water analysis conducted by businesses for measurement of consumptive water use over the duration for which the abatement or partial abatement of certain property taxes is granted;~~

~~(c) Financial incentives that encourage companies to manage water efficiently; and~~

~~(d) Programs that are mutually beneficial for new businesses and the State that reduce water risks and operating costs related to economic development.~~

~~3. In conducting the study, the Office shall consult with and solicit input from persons and organizations with relevant expertise, including, without limitation:~~

~~(a) Institutions of higher education;~~
~~(b) Nonprofit organizations;~~
~~(c) Private industry and chambers of commerce;~~
~~(d) Regional development authorities; and~~
~~(e) Water authorities.~~

~~4. In carrying out its duties pursuant to this section, the Office may enter into contracts necessary to complete the study conducted pursuant to subsection 1.~~

~~5. On or before September 1, 2024, the Office shall submit a report of the results of the study conducted pursuant to subsection 1 and any recommendations for legislation to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.~~] **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 263.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 846.

AN ACT relating to water; enacting provisions relating to the transmission of Legionnaires' disease by building water systems in covered health care facilities; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. (NRS 441A.120) Existing law also establishes requirements for: (1) a provider of health care, medical facility or laboratory director to report if a person has or is suspected of having a communicable disease; and (2) the health authority to investigate such reports. (NRS 441A.150-441A.165) This bill establishes certain requirements for the building water systems in covered health care facilities to limit the risk of the transmission of Legionnaires' disease.

Section 5 of this bill defines the term "covered health care facility" to mean ~~[a health care]~~ **: (1) a** facility ~~[that receives federal or state money through]~~ **for intermediate care that has been certified by the Centers for** Medicare ~~[or]~~ **and** Medicaid ~~[: (1) in which a patient's stay may exceed 24 hours; (2) that contains one or more areas to house and treat patients receiving treatment for burns, chemotherapy, solid organ transplantation or bone marrow transplantation; (3) that contains one or more areas to house patients who are~~

~~immunocompromised and at-risk persons on medications that weaken the immune system or who have diabetes or chronic lung disease; or (4) that is a residential facility for groups.]~~ **Services of the United States Department of Health and Human Services; (2) a facility for skilled nursing that has been certified by the Centers; (3) a hospital that has been certified by the Centers; and (4) a hospital that has been certified as a critical access hospital.**

Sections 2.5-4 , 7 and ~~[6-8]~~ **8** of this bill define certain other terms relating to the provisions of this bill for covered health care facilities.

Section 9 of this bill requires each owner or operator of a covered health care facility to adopt and implement a water management plan for the building water system to minimize the risks of the transmission of Legionnaires' disease by the building water system, which, among other requirements, must: (1) with certain exceptions, be designed by a water management team that includes persons holding certain certifications relating to water management and infection control; and (2) include provisions for monitoring the water from the building water system. **Section 9** further requires the owner or operator of the covered health care facility to review the water management plan on an annual basis.

Section 8.5 of this bill requires the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services to review each new edition of certain standards relating to water management and Legionellosis for the purposes of the provisions of **sections 2-14** of this bill.

Section 11 of this bill requires a provider of health care, medical facility or laboratory director to immediately notify the health authority upon the suspicion or positive diagnosis of Legionnaires' disease connected to a covered health care facility.

Section 12 of this bill requires the Board to adopt regulations to carry out the provisions of **sections 2-14**.

Section 13 of this bill requires the Board to submit a report to the Governor and the Director of the Legislative Counsel Bureau detailing the occurrence of Legionnaires' disease in this State.

Section 14 of this bill provides that a covered health care facility that violates the provisions of **sections 2-14** or any regulation adopted or order issued pursuant thereto is a public nuisance and requires the covered health care facility to abate the nuisance.

As a result of the inclusion of **sections 2-14** in chapter 441A of NRS, a person who violates the provisions of **sections 2-14** is guilty of a misdemeanor. (NRS 441A.910)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 441A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 to 8, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 2.5. *"Administrator" means the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 3. *"ASSE Series 12000" means the most recent edition of the ASSE/IAPMO/ANSI Series 12000, Professional Qualifications Standard for Water Management and Infection Control Risk Assessment for Building Systems, published by ASSE International, or its successor organization, and approved by the Administrator pursuant to section 8.5 of this act.*

Sec. 4. *"Building water system" means a potable or non-potable water system in a building or building site.*

Sec. 5. *"Covered health care facility" means ~~[a health care]~~ :*

1. A facility for intermediate care as defined in NRS 449.0038 that ~~[receives federal or state money through]~~ has been certified by the Centers for Medicare ~~[or]~~ and Medicaid ~~[:~~

~~1. Where a patient's length of stay may exceed 24 hours;]~~ Services of the United States Department of Health and Human Services;

2. ~~[That contains one or more areas for housing or treating patients that are receiving treatment for burns, chemotherapy, organ transplants or bone marrow transplants;]~~ A facility for skilled nursing as defined in NRS 449.0039 that has been certified by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

3. ~~[That contains one or more areas for housing patients that are immunocompromised and at-risk persons taking medications that weaken the immune system or who have diabetes or chronic lung disease; or]~~ A hospital as defined in NRS 449.012 that has been certified by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

4. ~~[That is a residential facility for groups.]~~ A hospital that has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

Sec. 6. ~~[*"Health care facility" means any facility licensed pursuant to chapter 449 of NRS.*]~~ **(Deleted by amendment.)**

Sec. 7. *"Legionnaires' disease" means a pulmonary disease caused by the Legionella bacterium.*

Sec. 7.5. ~~[*"Residential facility for groups" has the meaning ascribed to it in NRS 449.017.*]~~ **(Deleted by amendment.)**

Sec. 8. *"Standard 188" means the most recent edition of ANSI/ASHRAE Standard 188, Legionellosis: Risk Management for Building Water Systems, published by the American Society of Heating,*

Refrigerating and Air-Conditioning Engineers, Inc. or its successor organization, and approved by the Administrator pursuant to section 8.5 of this act.

Sec. 8.5. ***1. The Administrator shall review each new edition of:***

(a) ASSE Series 12000 that is published after the 2021 edition; and

(b) Standard 188 that is published after the 2018 edition.

2. Each new edition reviewed by the Administrator pursuant to subsection 1 shall be deemed approved unless the Administrator issues a formal declaration within 90 days after publication of the new edition that the edition is not suitable for this State.

Sec. 9. ***1. Each owner or operator of a covered health care facility shall adopt and implement a water management program to minimize the growth and transmission of Legionella bacteria in the building water system in accordance with the provisions of sections 2 to 14, inclusive, of this act and any regulations adopted pursuant thereto.***

2. The water management program required pursuant to subsection 1 must, without limitation:

(a) Be designed and administered in accordance with Standard 188;

(b) Except as otherwise provided in subsection 5, be designed by a water management team that includes, without limitation:

(1) At least one person who holds the Water Quality Program Certification for Employers and Designated Representatives, ASSE 12060; and

(2) At least one person who holds the Legionella Water Safety and Management Personnel Certification, ASSE 12080;

(c) Require that any work or services necessary to administer the water management program, including, without limitation, culture sampling and analysis, cleaning, flushing, disinfecting, prevention, control or remediation measures, are performed by persons and organizations that have been certified in accordance with the most recent edition of ASSE Series 12000;

(d) Establish procedures to validate, as an initial matter and on an ongoing basis, that the water management plan has been implemented as designed and that the program is effectively controlling any hazardous conditions throughout the building water system; and

(e) Establish procedures to monitor the building water system in accordance with subsection 3 and any regulations adopted by the Board pursuant to section 12 of this act.

3. A water management program adopted pursuant to this section must set forth requirements to monitor the building water system for the presence of Legionella bacteria.

4. The owner or operator of a covered health care facility shall:

(a) Except as otherwise provided in this paragraph, review the water management program and the monitoring of the building water system conducted in accordance with the program on an annual basis. The owner

or operator shall conduct an additional review of the water management program and monitoring of the building water system if:

(1) One or more cases of Legionnaires' disease are or may be associated with the covered health care facility;

(2) Construction, modification or repair work has been completed which may affect the building water system;

(3) The hematopoietic stem cell transplant and solid organ transplant units, if present, are expanded or relocated; or

(4) Any other event determined by the Board that requires additional review.

(b) Maintain records of the water management program and all monitoring details and results for at least 3 years. Such records must be made available for inspection by the Board or health authority upon request.

5. The requirements of paragraph (b) of subsection 2 do not apply to a rural clinic, rural hospital or hospital that has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

6. As used in this section:

(a) "Rural clinic" has the meaning ascribed to it in NRS 449.0175.

(b) "Rural hospital" has the meaning ascribed to it in NRS 449.0177.

Sec. 10. (Deleted by amendment.)

Sec. 11. ***Pursuant to NRS 441A.150, a provider of health care, medical facility or a laboratory director shall, in the manner prescribed by the Board, immediately notify the health authority upon a suspicion or positive diagnosis of Legionnaires' disease in a covered health care facility. The health authority shall investigate the matter pursuant to NRS 441A.160 or 441A.163, as applicable.***

Sec. 12. ***The Board shall adopt regulations to carry out the provisions of sections 2 to 14, inclusive, of this act, including, without limitation, requirements for sampling sites, monitoring and testing for Legionella bacteria in the building water system of a covered health care facility and Legionella culture sampling and analysis.***

Sec. 13. ***On or before January 31 of each year, the Board shall prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature or, if the Legislature is not in session, to the Joint Interim Standing Committee on Health and Human Services, a report detailing the occurrence of Legionnaires' disease in this State which must include, without limitation:***

1. The number of cases of Legionnaires' disease in this State for each of the immediately preceding 10 years;

2. The number of positive Legionella culture test results reported to the Board for the immediately preceding year;

3. The number and types of violations of the provisions of sections 2 to 14, inclusive, of this act; and

4. Any recommendations of the Board for legislation necessary to further control Legionella bacteria in the water systems of covered health care facilities.

Sec. 14. ***Any covered health care facility in violation of the provisions of sections 2 to 14, inclusive, of this act, or any regulation adopted or order issued pursuant thereto, is hereby declared to be a public nuisance. A covered health facility shall abate any such nuisance.***

Sec. 15. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 16. 1. This section and section 15 of this act become effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2025, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 6.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 837.

AN ACT relating to health care; providing for the establishment of a health care cost growth benchmark for each year as a target for the maximum growth of total health care spending during that year; requiring certain state agencies to collaborate to develop and engage relevant persons and entities to implement strategies for meeting the health care cost growth benchmark; requiring certain insurers to report information relating to health care spending in this State; requiring the Director of the Department of Health and Human Services to publish an annual report concerning health care spending in this State; requiring the Patient Protection Commission within the Office of the Director to make certain recommendations concerning the health care cost growth benchmark and hold an annual informational public hearing concerning health care spending in this State; **making an appropriation and authorizing certain expenditures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates the Patient Protection Commission within the Office of the Director of the Department of Health and Human Services; and (2) requires the Commission to perform certain duties relating to the provision of health care in this State. Such duties include conducting a systematic review

of issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care in this State. (NRS 439.902-439.918) In 2021, the Governor issued Executive Order 2021-29, which establishes targets, known as health care cost growth targets, for the growth of spending on health care for each year, beginning in 2022 and ending in 2026. Executive Order 2021-29 requires the Division of Insurance of the Department of Business and Industry, the Department of Health and Human Services and other relevant state agencies to engage relevant parties to develop strategies to meet those targets and monitor and publish certain reports concerning the growth of health care spending. (Executive Order 2021-29 (12-27-2021))

Sections 3-9 of this bill define terms relevant to health care cost growth benchmarks. **Section 10** of this bill requires the Director of the Department to annually establish a health care cost growth benchmark for the immediately following year in an amount equal to the health care cost growth target established by the Governor in Executive Order 2021-29. Beginning in 2026 and every 5 years thereafter: (1) **section 13** of this bill requires the Commission to establish and submit to the Director recommendations for health care cost growth benchmarks for each of the immediately following 5 years; and (2) **section 18** of this bill requires the Director to consider those recommendations and establish the health care cost growth benchmark for each of those years. **Section 13** authorizes the Commission to recommend that the Director modify the health care cost growth benchmark or the manner in which the growth in health care spending relative to the health care cost growth benchmark is assessed, if the Commission determines that economic conditions warrant the modification. **Section 10** authorizes the Director to modify the health care cost growth benchmark in response to such a recommendation. **Section 10** requires the Department, the Division of Insurance of the Department of Business and Industry and other relevant state agencies to collaborate to develop and engage relevant persons and entities to implement strategies for meeting the health care cost growth benchmark.

Section 11 of this bill requires insurers to report to the Director certain data prescribed by regulation of the Director relating to health care spending. **Section 11** also requires the Director to request certain information relating to health care spending from the Federal Government. **Section 12** of this bill requires the Director to compile and submit to the Governor and the Legislature an annual report of certain data and analysis relating to health care spending in this State that is based on the data collected from insurers pursuant to **section 11**. **Section 12** requires the report to include the rate of growth in total health care spending compared to the applicable health care cost growth benchmark. Beginning in 2025, **section 14** of this bill requires the Commission to annually: (1) hold an informational public hearing to compare the rate of growth in total health care spending in the most recent year for which such information is available to the health care cost growth benchmark for that year; and (2) compile and submit to the Governor, the Director and the Legislature

a report of recommendations for strategies to assist the health care system in this State in meeting the health care cost growth benchmark.

Existing law requires the Commission to examine the cost of health care and the primary factors impacting those costs as part of its systemic review of issues relating to health care in this State. (NRS 439.916) **Section 15** of this bill requires that examination to include an examination of the information contained in the report compiled by the Director pursuant to **section 12**. **Sections 16 and 17** of this bill make conforming changes to clarify that the activities of the Commission prescribed by **sections 13 and 14** are part of the duties of the Commission. **Section 18.5 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services and authorizes certain related expenditures to carry out the provisions of this bill.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Commission" means the Patient Protection Commission created by NRS 439.908.***

Sec. 4. ***"Covered person" means a policyholder, subscriber, enrollee or other person covered by a third party.***

Sec. 5. ***"Health care cost growth benchmark" means a percentage established by the Director pursuant to section 10 of this act as the target maximum amount for the growth of total health care spending in this State during a calendar year.***

Sec. 6. ***"Health care provider entity" means an organized group of providers of health care that:***

1. Is treated as a single entity for the purpose of contracting or billing;

2. Includes at least one provider of primary care; and

3. Provides care to a sufficient number of persons to participate in contracting based on the total cost of providing care to a group of covered persons, even if they are not engaged in such a contract.

Sec. 7. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 8. ***"Third party" means:***

1. An insurer, as that term is defined in NRS 679B.540;

2. A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for health care or prescription drugs;

3. A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its

officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or

4. Any other insurer or organization providing coverage or benefits for health care or prescription drugs in accordance with state or federal law.

➥ *The term does not include an insurer that provides coverage under a policy of casualty or property insurance.*

Sec. 9. *"Total health care spending" means the sum of all spending on health care in this State, or for a particular market, third party or health care provider entity, during a calendar year, including, without limitation:*

1. Money paid to providers of health care;

2. Cost sharing paid by covered persons; and

3. The difference between premiums paid to third parties and benefits provided by third parties, including, without limitation:

(a) Expenditures by third parties for advertising, commissions, administrative costs and other operating costs;

(b) Net additions or subtractions from reserves, rate credits and dividends;

(c) Premium taxes; and

(d) Profits or losses.

Sec. 10. *1. On or before July 1 of each year, the Director shall:*

(a) Establish the health care cost growth benchmark for the immediately following year in an amount equal to the health care cost growth target established by the Governor in Executive Order 2021-29, issued on December 27, 2021; and

(b) Post the health care cost growth benchmark on an Internet website maintained by the Department.

2. The Director may modify the health care cost growth benchmark in response to a recommendation from the Commission pursuant to subsection 3 of section 13 of this act.

3. The Department, the Division of Insurance of the Department of Business and Industry and any other relevant agencies of the Executive Branch of the State Government shall collaborate to develop and engage relevant persons and entities to implement strategies for meeting the health care cost growth benchmark that are practicable and based on evidence and data.

Sec. 11. *1. Except as otherwise provided in subsection 3, on or before August 15 of each year, each third party shall report to the Director the aggregated data prescribed by regulation of the Director, in the form prescribed by the Director, for at least the immediately preceding 2 years. The regulations adopted pursuant to this section must:*

(a) Require a third party to report such information as necessary to compile the report described in section 12 of this act and include, without limitation, data concerning expenditures by third parties acting on behalf of self-insured employers; and

(b) For the purposes of reporting the information described in section 12 of this act relating to primary care and giving consideration to approaches used by other states and national organizations, prescribe:

(1) Categories of providers of health care who are considered to be providers of primary care;

(2) Specific codes used in generally accepted coding systems for billing in health care that correspond to procedures that are deemed to be primary care; and

(3) Categories of payments and practices relating to payment, including, without limitation, payment that is not based on claims, that should be included when calculating spending on primary care.

2. A provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974 or the administrator of a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) are not required to but may submit the data prescribed by the Director pursuant to this section.

3. The Director shall annually submit to the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services a request for information relating to the unadjusted total medical expenses of residents of this State.

Sec. 12. ***1. On or before March 31 of each year, the Director shall compile a report concerning health care spending in this State that is based on the data reported pursuant to section 11 of this act in the immediately preceding year and submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:***

(a) The Joint Interim Standing Committee on Health and Human Services; and

(b) In even-numbered years, the next regular session of the Legislature.

2. The report compiled pursuant to subsection 1 must include, for the immediately preceding year:

(a) The total health care spending for this State and the rate of growth of total health care spending compared to the applicable health care cost growth benchmark;

(b) The rate of growth in total health care spending by market for each market listed in subsection 3 and the rate of growth in total health care spending for each such market compared to the applicable health care cost growth benchmark;

(c) A specific identification of each third party that reported information pursuant to section 11 of this act and, for each such third party, the rate of growth of total health care spending by the third party for each market listed in subsection 3 in which the third party operates compared to the applicable health care cost growth benchmark;

(d) A specific identification of each health care provider entity for which information was reported pursuant to section 11 of this act and, for each

such health care provider entity, the rate of growth of total health care spending compared to the applicable health care cost growth benchmark;

(e) The net cost of private health insurance provided by each third party that issues such insurance for each market listed in subsection 3 in which the third party operates;

(f) Total spending on primary care as a percentage of total health care spending;

(g) The rate of growth in total spending on primary care;

(h) The average monthly spending for each covered person on commercial health insurance premiums;

(i) The rate of growth in health insurance premiums for each market listed in subsection 3 and each third party that reported information pursuant to section 11 of this act;

(j) The average monthly spending for each covered person on cost sharing;

(k) The rate of growth in cost sharing for each market listed in subsection 3 and each third party that reported information pursuant to section 11 of this act;

(l) An analysis of the drivers of growth in health care spending for different categories of services, including, without limitation, the relative contribution of utilization and price on the rate of growth; and

(m) Any information necessary to provide context for the information described in paragraphs (a) to (l), inclusive, including, without limitation:

(1) The impact of the rate of inflation;

(2) The impact of health care spending and the growth of such spending on access to health care; and

(3) Responses to public health crises or other similar emergencies.

3. The information reported pursuant to paragraphs (b), (c), (e), (i) and (k) of subsection 2 must include:

(a) The individual commercial insurance market;

(b) The small group commercial insurance market;

(c) The large group commercial insurance market;

(d) The self-insured commercial insurance market;

(e) Medicaid; and

(f) Medicare.

4. Upon receiving the report submitted pursuant to subsection 1, the Governor shall post the report on an Internet website maintained by the Governor.

Sec. 13. *1. On or before May 1, 2026, and every 5 years thereafter, the Commission shall establish and submit to the Director recommendations for health care cost growth benchmarks for each of the immediately following 5 years and any information or analysis used to inform the recommendations. In developing such recommendations, the Commission shall consider:*

(a) Any historical or forecasted changes in median per capita income in this State and the rate of growth in potential gross state product;

(b) The rate of inflation;

(c) The most recent annual report compiled by the Director pursuant to section 12 of this act; and

(d) Input from the public.

2. To solicit input from the public pursuant to paragraph (d) of subsection 1, the Commission may:

(a) Hold a public hearing;

(b) Convene an advisory committee consisting of such members as are appointed by the Commission; or

(c) Conduct any other activities that the Commission determines to be useful in soliciting public input.

3. The Commission may submit to the Director a recommendation to modify a health care cost growth benchmark or the manner in which the Director assesses the rate of growth in health care spending relative to the health care cost growth benchmark, if the Commission determines that economic conditions, including, without limitation, the rate of inflation, warrant the modification.

4. As used in this section, "potential gross state product" means the sum of the expected percentage of growth in the productivity of the national labor force, the expected percentage of growth in the labor force of this State and the expected national rate of inflation, minus the expected percentage of growth in population of this State.

Sec. 14. *1. On or before June 30 of each year, the Commission shall hold an informational public hearing to compare the rate of growth in total health care spending in the most recent year for which such information is available to the health care cost growth benchmark for that year. The hearing must include, without limitation, an examination of:*

(a) The report compiled by the Director pursuant to section 12 of this act for the applicable year;

(b) The spending of health care provider entities and third parties including, without limitation:

(1) Trends in the cost of providing health care;

(2) The factors contributing to the cost of providing health care; and

(3) Spending on primary care as a percentage of total medical expenses; and

(c) Any other matters deemed relevant by the Commission.

2. On or before September 1 of each year, the Commission shall:

(a) Compile a report of recommendations for strategies to assist the health care system in this State, including, without limitation, health care provider entities and third parties, in meeting the health care cost growth benchmark; and

(b) Submit the report to the Governor, the Director of the Department and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(2) In odd-numbered years, the next regular session of the Legislature.

3. When compiling a report pursuant to subsection 2, the Commission shall examine, without limitation, data and findings from:

(a) The report most recently compiled by the Director pursuant to section 12 of this act; and

(b) The most recent informational public hearing held pursuant to subsection 1.

Sec. 15. NRS 439.916 is hereby amended to read as follows:

439.916 1. The Commission shall systematically review issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care, including, without limitation, prescription drugs, in this State. The review must include, without limitation:

(a) Comprehensively examining the system for regulating health care in this State, including, without limitation, the licensing and regulation of health care facilities and providers of health care and the role of professional licensing boards, commissions and other bodies established to regulate or evaluate policies related to health care.

(b) Identifying gaps and duplication in the roles of such boards, commissions and other bodies.

(c) Examining the cost of health care and the primary factors impacting those costs ~~[.]~~ ***, including, without limitation, by examining the information contained in the report compiled pursuant to section 12 of this act.***

(d) Examining disparities in the quality and cost of health care between different groups, including, without limitation, minority groups and other distinct populations in this State.

(e) Reviewing the adequacy and types of providers of health care who participate in networks established by health carriers in this State and the geographic distribution of the providers of health care who participate in each such network.

(f) Reviewing the availability of health benefit plans, as defined in NRS 687B.470, in this State.

(g) Reviewing the effect of any changes to Medicaid, including, without limitation, the expansion of Medicaid pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, on the cost and availability of health care and health insurance in this State.

(h) If a data dashboard is established pursuant to NRS 439.245, using the data dashboard to review access by different groups and populations in this State to services provided through telehealth and evaluating policies to make such access more equitable.

(i) Reviewing proposed and enacted legislation, regulations and other changes to state and local policy related to health care in this State.

(j) Researching possible changes to state or local policy in this State that may improve the quality, accessibility or affordability of health care in this State, including, without limitation:

(1) The use of purchasing pools to decrease the cost of health care;

(2) Increasing transparency concerning the cost or provision of health care;

(3) Regulatory measures designed to increase the accessibility and the quality of health care, regardless of geographic location or ability to pay;

(4) Facilitating access to data concerning insurance claims for medical services to assist in the development of public policies;

(5) Resolving problems relating to the billing of patients for medical services;

(6) Leveraging the expenditure of money by the Medicaid program and reimbursement rates under Medicaid to increase the quality and accessibility of health care for low-income persons; and

(7) Increasing access to health care for uninsured populations in this State, including, without limitation, retirees and children.

(k) Monitoring and evaluating proposed and enacted federal legislation and regulations and other proposed and actual changes to federal health care policy to determine the impact of such changes on the cost of health care in this State.

(l) Evaluating the degree to which the role, structure and duties of the Commission facilitate the oversight of the provision of health care in this State by the Commission and allow the Commission to perform activities necessary to promote the health care needs of residents of this State.

(m) Making recommendations to the Governor, the Legislature, the Department of Health and Human Services, local health authorities and any other person or governmental entity to increase the quality, accessibility and affordability of health care in this State, including, without limitation, recommendations concerning the items described in this subsection.

2. The Commission may request that any state or local governmental entity submit not more than two reports each year containing or analyzing information that is not confidential by law concerning the cost of health care, consolidation among entities that provide or pay for health care or other issues related to access to health care. To the extent that a governmental entity from which such a report is requested has the resources to compile the report and the disclosure of the information requested is authorized by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the governmental entity shall provide the report to the Executive Director of the Commission and submit a copy of the report to the Attorney General.

3. If a data dashboard is established pursuant to NRS 439.245, the Commission shall make available on an Internet website maintained by the Commission a hyperlink to the data dashboard.

4. As used in this section:

(a) "Health carrier" has the meaning ascribed to it in NRS 687B.625.

(b) "Network" has the meaning ascribed to it in NRS 687B.640.

(c) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 16. NRS 439.918 is hereby amended to read as follows:

439.918 1. In addition to conducting the review described in NRS 439.916 ~~[,]~~ ***and performing the duties described in section 13 of this act,*** the Commission shall:

(a) Attempt to identify and facilitate collaboration between existing state governmental entities that study or address issues relating to the quality, accessibility and affordability of health care in this State, including, without limitation, the regional behavioral health policy boards created by NRS 433.429;

(b) Attempt to coordinate with such entities to reduce any duplication of efforts among and between those entities and the Commission;

(c) Establish, submit to the Director and annually update a plan to increase access by patients to their medical records and provide for the interoperability of medical records between providers of health care in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any other applicable federal law or regulations; and

(d) Make recommendations to the Director and the Legislature concerning:

(1) The analysis and use of data to improve access to and the quality of health care in this State, including, without limitation, using data to establish priorities for addressing health care needs; and

(2) Ensuring that data concerning health care in this State is publicly available and transparent.

2. On or before January 1 and July 1 of each year, the Commission shall:

(a) Compile a report describing the meetings of the Commission and the activities of the Commission during the immediately preceding 6 months. The report must include, without limitation, a description of any issues identified as negatively impacting the quality, accessibility or affordability of health care in this State and any recommendations for legislation, regulations or other changes to policy or budgets to address those issues.

(b) Submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In January of odd-numbered years, the next regular session of the Legislature.

(2) In all other cases, to the Joint Interim Standing Committee on Health and Human Services.

3. Upon receiving a report pursuant to subsection 2, the Governor shall post the report on an Internet website maintained by the Governor.

4. The Commission may prepare and publish additional reports on specific topics at the direction of the Chair.

Sec. 17. NRS 439.918 is hereby amended to read as follows:

439.918 1. In addition to conducting the review described in NRS 439.916 and performing the duties described in ~~[section]~~ ***sections*** 13 ***and 14*** of this act, the Commission shall:

(a) Attempt to identify and facilitate collaboration between existing state governmental entities that study or address issues relating to the quality, accessibility and affordability of health care in this State, including, without limitation, the regional behavioral health policy boards created by NRS 433.429;

(b) Attempt to coordinate with such entities to reduce any duplication of efforts among and between those entities and the Commission;

(c) Establish, submit to the Director and annually update a plan to increase access by patients to their medical records and provide for the interoperability of medical records between providers of health care in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any other applicable federal law or regulations; and

(d) Make recommendations to the Director and the Legislature concerning:

(1) The analysis and use of data to improve access to and the quality of health care in this State, including, without limitation, using data to establish priorities for addressing health care needs; and

(2) Ensuring that data concerning health care in this State is publicly available and transparent.

2. On or before January 1 and July 1 of each year, the Commission shall:

(a) Compile a report describing the meetings of the Commission and the activities of the Commission during the immediately preceding 6 months. The report must include, without limitation, a description of any issues identified as negatively impacting the quality, accessibility or affordability of health care in this State and any recommendations for legislation, regulations or other changes to policy or budgets to address those issues.

(b) Submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In January of odd-numbered years, the next regular session of the Legislature.

(2) In all other cases, to the Joint Interim Standing Committee on Health and Human Services.

3. Upon receiving a report pursuant to subsection 2, the Governor shall post the report on an Internet website maintained by the Governor.

4. The Commission may prepare and publish additional reports on specific topics at the direction of the Chair.

Sec. 18. Section 10 of this act is hereby amended to read as follows:

Sec. 10. 1. On or before July 1 ~~[of each year,]~~ ***, 2026, and every 5 years thereafter,*** the Director shall:

(a) ~~[Establish]~~ ***After considering the recommendations made by the Commission pursuant to subsection 1 of section 13 of this act and any information or analysis used to inform that recommendation, establish*** the health care cost growth benchmark for ***each of*** the immediately following ~~[year in an amount equal to the health care cost growth target~~

~~established by the Governor in Executive Order 2021-29, issued on December 27, 2021;~~] ***5 years;*** and

(b) Post the health care cost growth ~~[benchmark]~~ ***benchmarks*** on an Internet website maintained by the Department.

2. The Director may modify the health care cost growth ~~[benchmark]~~ ***benchmarks*** in response to a recommendation from the Commission pursuant to subsection 3 of section 13 of this act.

3. ~~[The]~~ ***After considering the recommendations made by the Commission pursuant to section 14 of this act, the*** Department, the Division of Insurance of the Department of Business and Industry and any other relevant agencies of the Executive Branch of the State Government shall collaborate to develop and engage relevant persons and entities to implement strategies to meet the health care cost growth ~~[benchmark]~~ ***benchmarks*** that are practicable and based on evidence and data.

Sec. 18.5. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for personnel, travel, operating, information services and equipment expenses associated with implementing the provisions of this act the following sums:**

For the Fiscal Year 2023-2024 ..... $33,768

For the Fiscal Year 2024-2025 ..... $42,694

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

3. Expenditure of $33,768 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2023-2024 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1.

4. Expenditure of $42,694 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2024-2025 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1.

Sec. 19. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 20. 1. This section and sections 1 to 13, inclusive, 15, 16 and 19 of this act become effective upon passage and approval.

2. **Section 18.5 of this act becomes effective on July 1, 2023.**

3. Sections 14 and 17 of this act become effective on January 1, 2025.

~~[3.]~~ **4.** Section 18 of this act becomes effective on January 1, 2026.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 28.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 844.

AN ACT relating to the State Treasurer; establishing the Nevada Baby Bonds Program and the Nevada Baby Bonds Trust Fund; setting forth the duties and responsibilities of the State Treasurer in administering the Program and Trust Fund; authorizing the State Treasurer to adopt regulations relating to the Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution requires the State Treasurer to perform such duties as may be prescribed by law. (Nev. Const. Art. 5, § 22) **Section 8** of this bill: (1) establishes the Nevada Baby Bonds Program and the Nevada Baby Bonds Trust Fund; and (2) requires the State Treasurer to administer the Program and Trust Fund. **Sections 6 and 7** of this bill, respectively, define the terms "Program" and "Trust Fund."

Section 9 of this bill requires the State Treasurer ~~[, upon notification of the birth of a designated beneficiary,]~~ to, within the limits of money made available for this purpose, credit $3,200 in the Trust Fund to ~~[the]~~ **each** designated beneficiary. **If the money available in the Trust Fund is insufficient to cover all designated beneficiaries for a particular year, section 9 requires the State Treasurer to: (1) determine the appropriate number of designated beneficiaries for whom money is available; and (2) select by lottery the designated beneficiaries who will receive a credit of $3,200 in the Trust Fund.**

Section 4 of this bill defines a "designated beneficiary" to mean a natural person born in this State on or after January 1, 2024, whose birth was subject to medical coverage provided under Medicaid or the Children's Health Insurance Program. **Sections 3 and 5** of this bill, respectively, define the terms "Children's Health Insurance Program" and "Medicaid."

Section 9 of this bill authorizes a designated beneficiary to submit a claim to the State Treasurer to receive money credited to the designated beneficiary in the Trust Fund if the designated beneficiary: (1) is at least 18 but less than 30 years of age; (2) has been a resident of this State for at least the 12 months

immediately preceding the submission of the claim; (3) attests that he or she will use the money for certain purposes; and (4) has successfully completed a course in financial literacy approved by the State Treasurer.

Section 10 of this bill requires the State Treasurer to provide an annual statement to each designated beneficiary which includes certain information.

Section 11 of this bill provides that, with certain exceptions, any money deposited into the Trust Fund must not be used to calculate the personal assets of a designated beneficiary for purposes of determining eligibility of the designated beneficiary for: (1) any disability, medical or other health benefits administered by this State; or (2) any student loan program, student grant program or other student financial aid program administered by this State.

Section 12 of this bill: (1) sets forth certain requirements and limitations on the State Treasurer in investing and reinvesting the money in the Trust Fund; and (2) authorizes the State Treasurer to enter into certain contracts and procure insurance for the Trust Fund, apply for, accept and expend any gifts, grants and donations and take any other action necessary to carry out the provisions of law related to the Program.

Sections 13 and 15 of this bill provide, with certain exceptions, that all information about a designated beneficiary which is contained in a record or file in the possession, control or custody of the State Treasurer is confidential.

Section 14 of this bill authorizes the State Treasurer to adopt any regulations necessary to carry out the provisions of law relating to the Program, including, without limitation, requirements relating to the course in financial literacy for designated beneficiaries required by **section 9**.

Section 16 of this bill makes an appropriation to the Nevada Baby Bonds Trust Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Children's Health Insurance Program" means the program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health insurance for uninsured children from low-income families in this State.***

Sec. 4. ***"Designated beneficiary" means a natural person born in this State on or after January 1, 2024, whose birth was subject to medical coverage provided under Medicaid or the Children's Health Insurance Program.***

Sec. 5. ***"Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide***

assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

Sec. 6. *"Program" means the Nevada Baby Bonds Program established by section 8 of this act.*

Sec. 7. *"Trust Fund" means the Nevada Baby Bonds Trust Fund created by section 8 of this act.*

Sec. 8. *1. The Nevada Baby Bonds Program is hereby established, to be administered by the State Treasurer.*

2. The Nevada Baby Bonds Trust Fund is hereby created for the purpose of carrying out the Program. The Trust Fund and any account established by the State Treasurer pursuant to subsection 3 must be administered by the State Treasurer.

3. The State Treasurer may establish such accounts in the Trust Fund as the State Treasurer determines necessary to carry out the duties of the State Treasurer pursuant to sections 2 to 14, inclusive, of this act.

4. The Trust Fund is an instrumentality of this State, and its property and income are exempt from all taxation of this State and any political subdivision thereof.

5. The Trust Fund consists of:

(a) All money from public or private sources appropriated by or made available to this State for the benefit of the Trust Fund; and

(b) All earnings on the money in the Trust Fund.

6. The money in the Trust Fund:

(a) Is not the property of this State and this State has no claim to or interest in such money; and

(b) Must not be commingled with any money of this State.

7. Any contract entered into by the State Treasurer on behalf of the Trust Fund does not constitute a debt or obligation of this State, and no designated beneficiary is entitled to any money in the Trust Fund except for that money credited to the designated beneficiary pursuant to section 9 of this act.

8. The money in the Trust Fund must be preserved, invested and expended solely pursuant to and for the purposes authorized by sections 2 to 14, inclusive, of this act and must not be loaned or otherwise transferred or used by this State for any other purpose.

9. The Trust Fund must continue in existence as long as it holds any deposits or has any obligations, or until its existence is terminated by law. Upon termination, any unclaimed assets must revert to the State General Fund.

10. The State Treasurer may use not more than 5 percent of the money appropriated during a fiscal year for the Program to pay administrative costs.

Sec. 9. *1. The Department of Health and Human Services shall notify the State Treasurer of the birth of each designated beneficiary. ~~[Upon notification of the birth of a designated beneficiary,]~~ Except as otherwise provided in this subsection, the State Treasurer shall, within the limits of*

money made available for this purpose, credit to ~~[the]~~ each designated beneficiary $3,200 in the Trust Fund. If the money available for such purpose is insufficient to cover all designated beneficiaries born for a particular year, the State Treasurer shall:

(a) Determine the appropriate number of designated beneficiaries for whom money in the Trust Fund is available; and

(b) Select by lottery the designated beneficiaries for that year who will receive a credit of $3,200 in the Trust Fund.

2. A designated beneficiary may submit a claim to the State Treasurer to receive money in the Trust Fund credited to the designated beneficiary if:

(a) The designated beneficiary is at least 18 but less than 30 years of age;

(b) The designated beneficiary has been a resident of this State for at least the 12 months immediately preceding the submission of the claim to the State Treasurer;

(c) The designated beneficiary attests that he or she will use the money for one or more of the following purposes:

(1) Postsecondary education, including, without limitation, vocational education or apprenticeship readiness and training;

(2) To purchase a home;

(3) To start or purchase a business; or

(4) To invest in financial assets or personal capital that provides a long-term gain to the wages or wealth of the designated beneficiary; and

(d) The designated beneficiary has successfully completed a course in financial literacy approved by the State Treasurer, which must include, without limitation, training on the rights and protections available to consumers when:

(1) Receiving or repaying a student loan for postsecondary education;

(2) Purchasing a home;

(3) Starting or purchasing a business; and

(4) Investing in financial assets or personal capital that provides a long term gain to the wages or wealth of the designated beneficiary.

3. The money for which the designated beneficiary may submit a claim pursuant to subsection 2 must include:

(a) The amount credited to the designated beneficiary pursuant to subsection 1; and

(b) The pro rata share of the total net earnings from the investment of the money held in the Trust Fund that the State Treasurer determines is attributable to the designated beneficiary.

4. The State Treasurer must credit back to the Trust Fund all money which the designated beneficiary is entitled to claim pursuant to subsection 3 if:

(a) The designated beneficiary dies before he or she is eligible to submit a claim to the State Treasurer pursuant to subsection 1; or

(b) The designated beneficiary does not submit a claim that meets the requirements set forth in subsection 1 before the designated beneficiary reaches 30 years of age.

Sec. 10. *1. The State Treasurer shall provide an annual statement to each designated beneficiary who receives a credit in the Trust Fund pursuant to section 9 of this act which must include, without limitation:*

(a) A statement of the amount credited to the designated beneficiary in the Trust Fund;

(b) A projection of the growth of the amount credited to the designated beneficiary in the Trust Fund;

(c) Resources and information to promote the financial wellness and literacy of the designated beneficiary; and

(d) Any other information about the Program that the State Treasurer determines to be relevant.

2. The State Treasurer may request the contact information of any designated beneficiary from a state agency for the purpose of carrying out the provisions of subsection 1. Upon any such request, a state agency shall provide the State Treasurer with the contact information of a designated beneficiary.

Sec. 11. *Except as otherwise provided by federal law, any money deposited into the Trust Fund and credited to a designated beneficiary, and any increase in the values thereof, must not be used to calculate the personal assets of a designated beneficiary for purposes of determining the eligibility of the designated beneficiary for:*

1. Any disability, medical or other health benefits administered by this State; or

2. Any student loan program, student grant program or other student financial aid program administered by this State.

Sec. 12. *1. The State Treasurer, on behalf of the Trust Fund and for trust purposes, shall:*

(a) Except as otherwise provided in subsection 2, invest and reinvest the money in the Trust Fund, including, without limitation, in any instrument, obligation, security or property, in any manner that is reasonable and appropriate in order to achieve the objectives of the Trust Fund, and while exercising the discretion and care of a prudent person in similar circumstances with similar objectives; and

(b) Give due consideration to the expected rate of return, risk, term or maturity, diversification of the total investments within the Trust Fund, liquidity, projected disbursements and expenditures and anticipated deposits, contributions and gifts to the Trust Fund.

2. The State Treasurer shall not, on behalf of the Trust Fund, invest directly in obligations of the State or any political subdivision thereof or in any investment or other fund administered by the State Treasurer.

3. The State Treasurer, on behalf of the Trust Fund and for trust purposes, may:

(a) Enter into contracts for the Trust Fund, including, without limitation, contracts for legal, actuarial, accounting, custodial, advisory, management, administrative, advertising, marketing and consulting services, and pay for such contractual services from the earnings on the money in the Trust Fund;

(b) Procure insurance for the Trust Fund in connection with the property, assets, activities or deposits of the Trust Fund;

(c) Apply for, accept and expend any gifts, grants and donations from any public or private source for the purpose of carrying out the provisions of sections 2 to 14, inclusive, of this act; and

(d) Take any other action necessary to carry out the provisions of sections 2 to 14, inclusive, of this act, and incidental to the duties imposed on the State Treasurer pursuant to sections 2 to 14, inclusive, of this act.

Sec. 13. ***1. Except as otherwise provided in this section, all information about a designated beneficiary which is contained in a record or file in the possession, control or custody of the State Treasurer is confidential regardless of the form, location and manner of creation or storage of a record or file containing the information.***

2. The State Treasurer may only disclose information made confidential pursuant to subsection 1 to a third party if:

(a) Such disclosure is necessary for the State Treasurer to carry out his or her duties related to the Program; and

(b) The State Treasurer executes a confidentiality agreement with the third party before providing the third party with any confidential information.

Sec. 14. ***The State Treasurer may adopt any regulations necessary for the purposes of carrying out the provisions of sections 2 to 14, inclusive, of this act, including, without limitation, requirements for the course in financial literacy for designated beneficiaries required pursuant to subsection 2 of section 9 of this act and requirements to ensure a designated beneficiary has successfully completed such a course.***

Sec. 15. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040,

213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485,

639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***section 13 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 16. There is hereby appropriated from the State General Fund to the Nevada Baby Bonds Trust Fund created by section 8 of this act the sum of ~~[$80,000,000]~~ **$5,000,000** for the establishment of the Nevada Baby Bonds Program pursuant to section 8 of this act.

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Section 16 of this act becomes effective on July 1, 2023.

3. Sections 1 to 15, inclusive of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 37.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 858.

AN ACT relating to behavioral health; authorizing the establishment of the Behavioral Health Workforce Development Center of Nevada at one or more institutions within the Nevada System of Higher Education; prescribing the structure and duties of the Center; authorizing the Board of Regents of the University of Nevada to accept, receive, invest, disburse and account for money received for purposes related to the Center; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to administer: (1) a program to provide loans for fees, books and living expenses to students in the nursing programs of the Nevada System of Higher

Education; and (2) the Nevada Health Service Corps, which repays the loans of practitioners of certain health professions who practice in areas of this State for which a shortage of that type of practitioner exists. (NRS 396.890, 396.900, 396.903) **Section 6** of this bill similarly authorizes the Board to establish the Behavioral Health Workforce Development Center of Nevada at one or more institutions within the System for purposes related to strengthening the workforce of providers of behavioral health care in this State. **Section 6** requires the Center to consist of: (1) a main hub located at an institution within the System; and (2) regional hubs in each of the five behavioral health regions into which this State is divided. (NRS 433.428) To the extent that money is available, **section 6** authorizes each institution at which the Center is established to provide resources to support the Center in accomplishing its duties. **Sections 3-5** of this bill define terms related to the Center and its activities.

If the Center is established, **section 7** of this bill requires the Center to establish a behavioral health workforce development consortium consisting of various persons and entities involved in education, behavioral health and workforce development. **Section 7** also requires the Center to develop and implement a strategic plan for the recruitment, education and retention of a qualified, diverse and evolving behavioral health workforce in this State. **Section 7** requires: (1) the strategic plan to include plans for convening and organizing the members of the consortium and other relevant persons and entities to create and implement strategies to develop the behavioral health workforce of this State; and (2) the Center, under the direction of the consortium, to carry out the duties prescribed by the strategic plan. **Section 8** of this bill requires the Center, if established, to perform various other duties related to strengthening the behavioral health workforce of this State, and **section 7** requires the strategic plan to include plans for performing those duties. **Section 9** of this bill authorizes the Board to: (1) accept gifts, grants and donations for the purposes of supporting the Center and its duties; and (2) receive, invest, disburse and account for all money received for that purpose. **Section 10** of this bill requires the Center, if established, to annually report to the Legislature, the Board, the Chancellor of the System and certain other entities concerning the activities of the Center. **Section 10.5 of this bill makes an appropriation to the System for certain personnel and operating expenses related to the creation of the Center.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. *"Behavioral health region" has the meaning ascribed to it in NRS 433.426.*

Sec. 4. *"Center" means the Behavioral Health Workforce Development Center of Nevada established pursuant to section 6 of this act.*

Sec. 5. *"Provider of behavioral health care" means a person who is:*

1. Licensed, certified or registered pursuant to chapter 641, 641A, 641B, 641C or 641D of NRS;

2. Licensed as a physician, physician assistant or registered nurse and practices in psychiatry, addiction medicine or another specialty relating to behavioral health; or

3. A school counselor or school psychologist.

Sec. 6. *1. The Board of Regents may establish the Behavioral Health Workforce Development Center of Nevada at an institution or multiple institutions within the System.*

2. The primary purposes of the Center must be to:

(a) Increase the number of graduates of high schools in this State who pursue higher education in fields related to behavioral health;

(b) Increase the number of graduates from programs for the education of providers of behavioral health care within the System who intern and practice in this State;

(c) Increase the number of providers of behavioral health care who have the specialized training necessary to address the most critical shortages of such providers in this State;

(d) Increase the number of supervisors and sites for internships for students and graduates of programs for the education of providers of behavioral health care;

(e) Decrease the amount of time between graduation from a program for the education of providers of behavioral health care and licensure, certification or registration and, if applicable, endorsement as such a provider; and

(f) Address other needs relating to the number and distribution of providers of behavioral health care in this State, as determined by the Center.

3. The Center must consist of:

(a) A main hub at one of the institutions at which the Center is established; and

(b) Regional hubs in each behavioral health region of this State.

4. To the extent that money is available for this purpose, each institution at which the Center is established may provide personnel, facilities, equipment and supplies to support the Center in carrying out the provisions of sections 2 to 10, inclusive, of this act. Such personnel, facilities, equipment and supplies may include, without limitation:

(a) Facilities for conferences and training;

(b) The time and labor of the faculty and staff of the institution; and

(c) Equipment for telehealth, as defined in NRS 629.515, and distance learning.

Sec. 7. ***1. If established, the Center shall:***

(a) Establish a behavioral health workforce development consortium. The consortium must consist of:

(1) Institutions within the System;

(2) Providers of behavioral health care;

(3) The Department of Education and school districts;

(4) State and local law enforcement agencies;

(5) Consumers of behavioral health care;

(6) Family members of consumers of behavioral health care;

(7) Hospitals and other facilities that provide behavioral health care;

(8) The Department of Health and Human Services, the Department of Veterans Services, the Department of Employment, Training and Rehabilitation and other relevant agencies of this State selected by the Center;

(9) Sites that provide internships for providers of behavioral health care;

(10) Representatives of members of the Armed Forces of the United States and the National Guard who are on active duty, veterans and families of such members and veterans;

(11) Representatives of historically marginalized communities, including, without limitation:

(I) Lesbian, gay, bisexual, transgender and questioning persons; and

(II) Persons of color;

(12) Representatives of persons with disabilities; and

(13) Other relevant persons and entities, as selected by the Center.

(b) Develop and implement a strategic plan for the recruitment, education and retention of a qualified, diverse and evolving behavioral health workforce in this State, with the highest priority placed on rural, frontier and underserved urban communities. The strategic plan must include, without limitation, plans for:

(1) Convening and organizing the members of the consortium created pursuant to paragraph (a) and other relevant persons and entities to develop and implement strategies to strengthen the behavioral health workforce in every behavioral health region of this State; and

(2) Performing the duties prescribed by section 8 of this act.

2. If established, the Center shall, under the direction of the consortium created pursuant to paragraph (a) of subsection 1, perform the duties prescribed in the strategic plan developed pursuant to paragraph (b) of subsection 1.

3. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 8. ***In addition to the duties prescribed by sections 7 and 10 of this act, the Center, if established, shall:***

1. Through the regional hubs established pursuant to section 6 of this act:

(a) Collaborate with other persons and entities to assess the specific behavioral health needs of each behavioral health region; and

(b) Engage in research and training specifically designed to address those needs.

2. Coordinate with the System, the Department of Health and Human Services, the Department of Education, the Department of Employment, Training and Rehabilitation and other state agencies involved in behavioral health, education and workforce development to promote the efficient utilization of state resources designated for those purposes.

3. Build partnerships with school districts, institutions within the System, occupational licensing boards that license, certify or register providers of behavioral health care, the Department of Education, the Department of Employment, Training and Rehabilitation and other public and private entities involved in workforce development to establish pipelines to careers in behavioral health from schools through professional practice. Such pipelines must focus on recruiting youth who are:

(a) From underserved and marginalized communities; or

(b) Interested in pursuing careers that address the most critical behavioral health needs of this State, including, without limitation, careers providing behavioral health care to children, the elderly and other underserved populations.

4. Develop and implement strategies to:

(a) Recruit adults who are interested in careers in behavioral health;

(b) Retain providers of behavioral health care who currently practice in this State; and

(c) Ensure that providers who participate in the pipelines established pursuant to subsection 3 ultimately practice in this State.

5. Collaborate with professional organizations for providers of behavioral health care, institutions that provide training and education for providers of behavioral health care and other relevant persons and entities to ensure the availability of high-quality continuing education on emerging, evidence-based practices for providing behavioral health care in various settings.

6. Provide or collaborate with other agencies to provide technical assistance for providers of behavioral health care regarding administrative issues and other nonacademic issues relating to the provision of behavioral health care in this State, including, without limitation:

(a) Obtaining a state business license and any necessary local licenses;

(b) Planning the establishment and operation of a business to provide behavioral health care;

(c) Billing insurers for the provision of behavioral health care; and

(d) The management of staff.

7. Provide technical assistance to support the provision of graduate and postgraduate training in evidence-based practices for providing behavioral health care at existing and new sites for the provision of such training, with

the highest priority placed on sites that serve rural, frontier and underserved urban communities.

8. Provide training for supervisors of graduate and postgraduate training for providers of behavioral health care, with the highest priority placed on supervisors who serve rural, frontier and underserved urban communities.

9. Collaborate with existing entities or establish new programs to assist adult students in pursuing the education and training necessary to become a provider of behavioral health care.

10. Coordinate with other entities to obtain or, where necessary, collect and analyze data to:

(a) Determine where providers of behavioral health care who practice in this State were born, educated and trained;

(b) Evaluate the progression of persons through programs for the education and training of providers of behavioral health care in this State and determine where such persons practice after completing those programs;

(c) Ensure the strength and success of pipelines to careers in behavioral health from schools through professional practice; and

(d) Identify the degree to which programs of education and training for providers of behavioral health care produce an adequate number of specialists to meet the needs of this State and each behavioral health region.

11. Collaborate with agencies involved in the education, training, licensure, certification, registration and endorsement of providers of behavioral health care to develop systems for:

(a) Identifying methods used by providers of education or training for providers of behavioral health care to prepare participants in programs of such education or training to correctly implement evidence-based practices for providing behavioral health care;

(b) Identifying the practices and therapeutic modalities being taught to participants in programs of education or training for providers of behavioral health care; and

(c) To the extent feasible, tracking the implementation of the methods, practices and modalities described in paragraphs (a) and (b) by providers of behavioral health care.

12. Monitor progress toward the goals prescribed in the strategic plan developed pursuant to section 7 of this act.

13. Perform the duties prescribed by this section and section 7 of this act in a manner that leverages existing programs and resources and avoids duplication of efforts.

Sec. 9. ***The Board of Regents may:***

1. Apply for and accept gifts, grants and donations for the purposes of carrying out the provisions of sections 2 to 10, inclusive, of this act.

2. Receive, invest, disburse and account for all money received for the purposes of carrying out the provisions of sections 2 to 10, inclusive, of this act.

Sec. 10. ***On or before June 1 of each year, the Center, if established, shall:***

1. Compile a report concerning its activities during the immediately preceding calendar year and planned activities for the current calendar year and following calendar years; and

2. Submit the report to:

(a) The Director of the Legislative Counsel Bureau for transmittal to:

(1) The Joint Interim Standing Committee on Health and Human Services; and

(2) The Joint Interim Standing Committee on Commerce and Labor;

(b) The Commission on Behavioral Health;

(c) Each regional behavioral health policy board created by NRS 433.429;

(d) The Board of Regents; and

(e) The Chancellor of the System.

Sec. 10.5. **1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education for personnel and operating expenses associated with the establishment of the Behavioral Health Workforce Development Center at the University of Nevada, Las Vegas, the following sums:**

For the Fiscal Year 2023-2024..... $684,926

For the Fiscal Year 2024-2025..... $1,369,321

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 11. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. **Section 10.5 of this act becomes effective on July 1, 2023.**

3. Sections 1 to ~~[11,]~~ **10,** inclusive, **and 11** of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 255.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 857.

AN ACT relating to adoption; revising provisions governing financial assistance to the adoptive family of a child with special needs; **making appropriations to and authorizing expenditures by the Division of Child and Family Services of the Department of Health and Human Services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an agency which provides child welfare services to provide financial assistance to a family that adopts a child with special needs until the child attains majority, becomes self-sustaining, is emancipated or dies. (NRS 127.186) If such a child is still enrolled in school, **section 1 of** this bill authorizes an agency which provides child welfare services to provide financial assistance until the child graduates high school or reaches 19 years of age, whichever comes first. **Sections 1.2-1.6 of this bill make appropriations to, and authorize expenditure by, the Division of Child and Family Services of the Department of Health and Human Services for the increased costs of providing such financial assistance.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 127.186 is hereby amended to read as follows:

127.186 1. The agency which provides child welfare services or a child-placing agency licensed by the Division pursuant to this chapter may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the agency which provides child welfare services or the licensed agency by proposed adoptive parents when, in the judgment of the agency which provides child welfare services or the child-placing agency, it would be in the best interests of the child to be placed in that adoptive home.

2. The agency which provides child welfare services or child-placing agency, whichever has custody of the child, shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the proposed adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the proposed adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the head of the agency which provides child welfare services or his or her designee has reviewed and approved in writing the grant of financial assistance.

4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.

5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or his or her designee. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the agency which provides child welfare services that continued assistance is denied.

6. All financial assistance provided under this section ceases immediately when the child ~~[attains majority, becomes]~~ ***:***

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting ~~[, is]~~ ***;***

(d) Is emancipated ***;*** or ~~[dies, whichever occurs first.]~~

(e) Dies.

7. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

8. A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the agency which provides child welfare services or child-placing agency consents to the adoption of such a child pursuant to this section.

9. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

Sec. 1.2. **1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Washoe County Child Welfare budget account for increases in the amount of adoption subsidies in Washoe County resulting from the amendatory provisions of section 1 of this act the following sums:**

For the Fiscal Year 2023-2024..... $180,598

For the Fiscal Year 2024-2025..... $142,587

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Child and Family Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024..... $244,310

For the Fiscal Year 2024-2025..... $182,299

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 1.4. **1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Clark County Child Welfare budget account for increases in the amount of adoption subsidies in Clark County resulting from the amendatory provisions of section 1 of this act the following sums:**

For the Fiscal Year 2023-2024..... $494,830

For the Fiscal Year 2024-2025..... $641,828

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Child and Family Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024..... $694,305

For the Fiscal Year 2024-2025..... $850,107

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any

purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 1.6. **1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Rural Child Welfare budget account for increases in the amount of adoption subsidies in counties other than Washoe and Clark Counties resulting from the amendatory provisions of section 1 of this act the following sums:**

For the Fiscal Year 2023-2024..... $58,022

For the Fiscal Year 2024-2025..... $70,772

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Child and Family Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024..... $78,932

For the Fiscal Year 2024-2025..... $90,975

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 259.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 839.

AN ACT relating to disabilities; requiring a provider of jobs and day training services to develop a plan to transition persons earning less than the state minimum wage to earning at least the state minimum wage or pursuing other services and assisting such persons to participate in certain activities; requiring a provider of jobs and day training services to submit a report relating to such

a plan to the Aging and Disability Services Division of the Department of Health and Human Services; authorizing a recipient of jobs and day training services to have an advocate present at certain meetings; prohibiting any person from paying less than the state minimum wage to a person with an intellectual disability or developmental disability after a certain date; providing for the inclusion under Medicaid of certain services to assist such a person in pursuing competitive integrated employment; requiring the Department to seek a waiver of certain federal requirements governing the compensation of a recipient of prevocational services under Medicaid; **making an appropriation and authorizing certain expenditures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state and federal law authorize a provider of jobs and day training services to enter into a contract or other arrangement with an employer to provide for the employment of a person with an intellectual disability or person with a developmental disability for less than the state minimum wage if: (1) the person was employed on July 22, 2016, and the employer holds a federal certification authorizing the employer to pay less than the state minimum wage; or (2) before the person began employment, the person received certain employment-related services and applied for federal vocational rehabilitation services. (29 U.S.C. § 794g; NRS 435.305) Existing federal law authorizes an employer to request a special certificate to employ a person impaired by age, physical or mental deficiency or injury at wages less than minimum wage. (29 U.S.C. § 214(c))

Section 8 of this bill prohibits a provider of jobs and day training services from entering into a contract that provides for a recipient of jobs and day training services to receive a wage that is less than the state minimum wage on or after January 1, 2025. **Sections 6 and 7** of this bill make conforming changes to remove references to such contracts. **Sections 9, 13 and 14** of this bill prohibit the payment of a wage that is less than the state minimum wage to a recipient of jobs and day training services on or after January 1, 2028. **Section 12** of this bill prohibits a person from employing a person under a special certificate at less than minimum wage on or after that date. **Section 3** of this bill requires a provider of jobs and day training services that holds a special certificate to annually submit to the Aging and Disability Services Division of the Department of Health and Human Services for approval a plan to: (1) transition the recipient earning less than the state minimum wage to earning at least the state minimum wage by January 1, 2028, or in obtaining competitive integrated employment, supported employment or community activities related to the goals of the person; and (2) assist the recipient in participating in unpaid activities that are not related to employment. **Section 3** requires the plan submitted by a provider of jobs and day training services to be accompanied by a report that includes certain benchmarks showing the progress the provider is making toward transitioning a recipient of jobs and

day training services who is earning less than the state minimum wage to earning at least the state minimum wage.

Section 4 of this bill: (1) authorizes a person with a disability who is earning less than the state minimum wage to choose a person to advocate on his or her behalf at any meeting concerning employment with his or her employer or a member of the staff of a provider of jobs and day training services; and (2) requires the Division, upon the request of such a person, to assist the person in finding such an advocate. **Section 2** of this bill defines the term "competitive integrated employment" and **sections 5, 8 and 9** of this bill make conforming changes to indicate the proper placement of **sections 2-4** in the Nevada Revised Statutes.

Federal law authorizes states to receive federal financial participation to support the provision of certain home and community-based services, including habilitation services, for recipients of Medicaid who are elderly or disabled. (42 U.SC. § 1396n(i)) Existing law requires the Department to apply to the Secretary of Health and Human Services for a waiver that provides such federal authorization. (NRS 422.396) **Section 11** of this bill requires the Department to amend its waiver to: (1) include as medical assistance under Medicaid certain habilitation services that are designed to provide persons assistance in pursuing competitive integrated employment; and (2) authorize the compensation of a recipient of Medicaid who is receiving prevocational services at a rate equal to or greater than the state minimum wage. **Section 11** also requires the Department to adopt necessary regulations to carry out the provisions of **section 11**. **Section 10** of this bill makes a conforming change to indicate the proper placement of **section 11** in the Nevada Revised Statutes.

Section 12.5 of this bill makes an appropriation to and authorizes certain expenditures by the Aging and Disability Services Division of the Department of Health and Human Services for certain Medicaid benefit counseling services to assist persons with an intellectual disability or persons with a developmental disability.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 435 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705(5).***

Sec. 3. ***1. On or before January 1 of each year, a provider of jobs and day training services that holds a valid certificate issued pursuant to 29 U.S.C. § 214(c) authorizing the provider of jobs and day training services to pay less than the state minimum wage in effect on that date shall submit to the Division for its approval a plan detailing the manner in which the provider of jobs and day training services will:***

(a) Transition such persons from earning less than the state minimum wage to earning at least the state minimum wage by January 1, 2028, or

support such persons in obtaining competitive integrated employment, supported employment or community activities related to the goals of the persons; and

(b) Assist such persons to participate in unpaid activities that are not related to employment.

2. A plan submitted pursuant to subsection 1 must be informed by evidence-based practices and models for providing effective employment and align with any applicable federal laws and regulations. Such a plan must be accompanied by a report that contains for each person who is earning less than the state minimum wage under a valid certificate issued pursuant to 29 U.S.C. § 214(c), measurable benchmarks to show the progress the provider of jobs and day training services is making toward:

(a) Transitioning the person to earning at least the state minimum wage or supporting the person in pursuing competitive integrated employment, supported employment or community activities related to the goals of the person; and

(b) Assisting the person to participate in unpaid activities that are not related to employment.

3. If the Division determines that a plan submitted pursuant to this section does not meet the requirements of this section or will not make adequate progress towards the goals prescribed by subsection 1, the Division shall require the provider of jobs and day training services to submit a revised plan.

4. The Division may adopt any regulations necessary to carry out the provisions of this section and section 4 of this act.

5. As used in this section, "supported employment" has the meaning ascribed to it in 29 U.S.C. § 705(38).

Sec. 4. ***1. A person with an intellectual disability or person with a developmental disability who is earning less than the state minimum wage under a valid certificate issued pursuant to 29 U.S.C. § 214(c) may choose a person, including, without limitation, his or her case manager, parent or legal guardian, to advocate on his or her behalf at any meeting concerning the employment with his or her employer or a member of the staff of the provider of jobs and day training services.***

2. Upon request of a person with an intellectual disability or person with a developmental disability, the Division shall assist the person in finding an independent advocate to perform the functions described in subsection 1.

Sec. 5. NRS 435.140 is hereby amended to read as follows:

435.140 As used in NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 435.172, 435.176 and 435.179 ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 435.220 is hereby amended to read as follows:

435.220 1. The Administrator shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual disabilities or persons with developmental disabilities with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that ~~[~~: ~~(a) Is~~**]** ***is*** comparable to employment of persons without intellectual disabilities or persons without developmental disabilities **.** ~~[; and~~

~~(b) Pays at or above the minimum wage set forth in NRS 608.250.~~**]**

Sec. 7. NRS 435.225 is hereby amended to read as follows:

435.225 1. A partnership, firm, corporation or association, including, without limitation, a nonprofit organization, or a state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual disabilities or persons with developmental disabilities with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that ~~[~~: ~~(a) Is~~**]** ***is*** comparable to employment of persons without intellectual disabilities or persons without developmental disabilities **.** ~~[; and~~

~~(b) Pays at or above the minimum wage set forth in NRS 608.250.~~**]**

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

Sec. 8. NRS 435.305 is hereby amended to read as follows:

435.305 1. Except as otherwise provided in subsection 3, a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** may enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age under which the person will be paid less than the state minimum wage if the person was ~~[employed]~~ ***:***

(a) Employed on July 22, 2016, by an entity that holds a valid certificate pursuant to 29 U.S.C. § 214(c) ***;*** or ~~[, before]~~

(b) Before beginning such employment, the person has:

~~[(a)]~~ ***(1)*** Received preemployment transition services available under the provisions of 29 U.S.C. § 733 or transition services under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

~~[(b)]~~ ***(2)*** Received career counseling, information and referrals to federal and state programs and other resources in the geographic area in which the person resides that offer services and supports that are designed to enable the person to attain competitive integrated employment and meet the requirements of subsection 2; and

~~[(c)]~~ ***(3)*** Applied for vocational rehabilitation services under the provisions of 29 U.S.C. §§ 720 to 751, inclusive, and been found:

~~[(1)]~~ ***(I)*** Ineligible for such services; or

~~[(2)]~~ ***(II)*** Eligible for such services and ~~[:~~

~~(I) Has]~~ ***has*** an individualized plan for employment pursuant to 29 U.S.C. § 722 ~~[;~~

~~(II) Has]~~ ***, has*** been working, with appropriate supports and services, toward an employment outcome specified in that plan without success ~~[;]~~ and

~~[(III) The]~~ ***the*** person's vocational rehabilitation case has been closed.

2. Counseling, information, referrals, services and supports provided pursuant to ***subparagraph (2) of*** paragraph (b) of subsection 1 must not be provided to a person for the purpose of obtaining employment compensated at less than the state minimum wage.

3. A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** shall not enter into a contract or other arrangement described in subsection 1 ~~[with a local educational agency.]~~ ***on or after January 1, 2025.***

4. Except as otherwise provided in subsection 5, if a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** enters into a contract or other arrangement described in subsection 1:

(a) The Division shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, provide the person employed pursuant to the arrangement with career counseling, information and referrals as described in ***subparagraph (2) of*** paragraph (b) of subsection 1 in a manner that facilitates independent decisions and informed choice; and

(b) The employer of the person shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, inform the person of opportunities in the geographic area in which the person resides to receive training concerning self-advocacy, self-determination and peer mentoring that is provided by a person or entity that does not have a financial interest in the employment outcome of the person.

5. If a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** enters into a contract or other arrangement described in subsection 1 with a business with fewer than 15 employees, the business may satisfy the requirements of subsection 4 by referring a person employed pursuant to the arrangement to the Division for the services described in that subsection at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment.

6. The Division, in consultation with the Department of Education, shall adopt regulations prescribing the manner in which compliance with the requirements of subsections 1 and 4 may be documented.

7. An employer who employs a person pursuant to a contract or other arrangement described in subsection 1 shall:

(a) Before the employment begins, verify that the person meets the requirements of subsection 1 by reviewing the documentation prescribed for that purpose pursuant to subsection 6;

(b) For the duration of the employment:

(1) Verify that the person has received the services required by subsection 4 by reviewing the documentation prescribed for that purpose pursuant to subsection 6; and

(2) Maintain on file a copy of the documentation reviewed pursuant to subparagraph (1) and paragraph (a).

8. The Division may inspect the documentation maintained pursuant to subparagraph (2) of paragraph (b) of subsection 7 as necessary to ensure compliance with the requirements of this section.

~~**[**9. As used in this section :~~

~~(a) "Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705.~~

~~(b) "Local educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(19).**]**~~

Sec. 9. NRS 435.310 is hereby amended to read as follows:

435.310 A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive **~~[:]~~ *, and sections 2, 3 and 4 of this act:***

1. Except as otherwise provided in subsection 2, may enter into contracts with authorized county and school officials and public and private agencies to give care and training to persons with intellectual disabilities or persons with developmental disabilities who would also qualify for care or training programs offered by the public schools or by county welfare programs.

2. ~~[Except as otherwise provided in NRS 435.305, shall]~~ ***Shall*** not enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person ~~[under 25 years of age]~~ where the person will be paid less than the state minimum wage.

Sec. 10. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 11 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 11. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall apply to the Secretary of Health and Human Services to amend its home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n. The waiver must be amended, in addition to providing coverage for any home and community-based service which the waiver covers on January 1, 2025, to authorize:

(a) The Department to include as medical assistance under Medicaid the funding of habilitation services designed to provide persons with intellectual disabilities or persons with developmental disabilities assistance in pursuing competitive integrated employment, including, without limitation:

(1) Benefit counseling to assist a person with an intellectual disability or person with a developmental disability in earning a higher income while retaining any benefits or services that the person may be receiving.

(2) Job coaching and job development. To the extent authorized by the Federal Government, the services described in this subparagraph must not be subject to authorization limits.

(b) The compensation of a recipient of services under the waiver described in subsection 1 who is receiving prevocational services at a rate equal to or greater than the state minimum wage, including, without limitation, by waiving the requirement prescribed by 42 C.F.R. § 440.180(c)(2)(i)(B) that a person receiving prevocational services be compensated at less than 50 percent of the minimum wage.

2. The Department shall:

(a) Cooperate with the Federal Government in amending the waiver pursuant to this section;

(b) If the Federal Government approves the amendments to the waiver, adopt regulations necessary to carry out the provisions of this section, including, without limitation, the criteria to be used in determining eligibility for the habilitation services designed to provide assistance to persons pursuing competitive integrated employment pursuant to subsection 1; and

(c) Implement the amendments to the waiver only to the extent that the amendments are approved by the Federal Government.

3. As used in this section, "competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705(5).

Sec. 12. NRS 608.250 is hereby amended to read as follows:

608.250 1. Each employer shall pay to each employee of the employer a wage of not less than:

(a) Beginning July 1, 2019:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $7.25 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.25 per hour worked.

(b) Beginning July 1, 2020:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.00 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.00 per hour worked.

(c) Beginning July 1, 2021:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.75 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.75 per hour worked.

(d) Beginning July 1, 2022:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.50 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $10.50 per hour worked.

(e) Beginning July 1, 2023:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $10.25 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $11.25 per hour worked.

(f) Beginning July 1, 2024:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $11.00 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $12.00 per hour worked.

2. It is unlawful for any person ***, including, without limitation, a person who employs a person under a special certificate issued pursuant to 29 U.S.C. § 214(c),*** to employ, cause to be employed or permit to be employed, or to contract with, cause to be contracted with or permit to be contracted with, any person for a wage less than that established by this section.

Sec. 12.5. **1. There is hereby appropriated from the State General Fund to the Aging and Disability Services Division of the Department of Health and Human Services the sum of $395,729 for the funding of Medicaid program benefit counseling services to assist a person with an intellectual disability or a person with a developmental disability in earning a higher income while retaining any benefits or services that the person may be receiving pursuant to section 11 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

3. There is hereby authorized the expenditure of $670,351 not appropriated from the State General Fund or State Highway Fund during Fiscal Year 2024-2025 by the Aging and Disability Services Division of the Department of Health and Human Services for the same purpose as provided in subsection 1.

Sec. 13. 1. Any contract or other arrangement entered into pursuant to NRS 435.305 between a provider of jobs and day training services and a person or governmental entity that provides for the employment of a person under which the person will be paid less than the state minimum wage must expire or terminate on or before December 31, 2027.

2. As used in this section, "jobs and day training services" has the meaning ascribed to it in NRS 435.176.

Sec. 14. NRS 435.305 is hereby repealed.

Sec. 15. 1. This section and section 13 of this act become effective upon passage and approval.

2. **Section 12.5 of this act becomes effective on July 1, 2024.**

3. Sections 1 to 8, inclusive, 10 and 11 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2025, for all other purposes.

~~[3.]~~ **4.** Sections 9, 12 and 14 of this act become effective on January 1, 2028.

~~[4.]~~ **5.** Sections 2, 3 and 4 of this act expire by limitation on December 31, 2027.

LEADLINE OF REPEALED SECTION

435.305 Conditions under which provider of services may enter into arrangement to provide for employment of person under 25 years of age for less than state minimum wage; regulations concerning documentation.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 383.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 873.

AN ACT relating to health care; prohibiting a governmental entity from substantially burdening certain activity relating to reproductive health services under certain circumstances; authorizing a person whose engagement in such activity has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens such activity in certain circumstances; expanding required coverage of contraception under the State Plan for Medicaid; **making appropriations to and authorizing expenditures by the Division of Health Care Financing and Policy of the Department of Health and Human Services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain rights for a patient of a medical facility or a facility for the dependent. (NRS 449A.100-449A.124) **Sections 2-7** of this bill establish the Right to Reproductive Health Care Act. **Sections 4-5.5** of this bill define certain terms for purposes of the Act. **Section 6** of this bill applies the provisions of the Act to certain state laws and all local laws and ordinances and the implementation of those laws and ordinances, regardless of when those laws or ordinances were enacted. **Section 7** of this bill generally prohibits a governmental entity from enacting or implementing any limitation or requirement that singles out reproductive health services and substantially burdens: (1) the access of a person to reproductive health services, drugs or

devices related to reproductive health services or information related to reproductive health services; or (2) the ability of a provider of health care to provide reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services within his or her scope of practice, training and experience. **Section 7** creates an exception to such prohibitions if the governmental entity demonstrates by clear and convincing evidence that the burden, as applied to the person or provider of health care who is subject to the burden: (1) furthers a compelling interest; and (2) is the least restrictive means of furthering that interest. **Section 7** authorizes a person whose ability to obtain or provide reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services is burdened to bring or defend an action in court and obtain appropriate relief. **Section 7** requires a court to award costs and attorney's fees to a person who prevails on such a claim.

Existing law requires the State Plan for Medicaid to include coverage for certain contraceptive drugs and devices, including: (1) up to a 12-month supply of contraceptive drugs; (2) certain devices for contraception; and (3) voluntary sterilization for women. (NRS 422.27172) **Section 8** of this bill additionally requires the State Plan for Medicaid to cover: (1) voluntary sterilization for men; (2) clinical services relating to covered contraceptive drugs, devices and services; and (3) ~~[a portion of]~~ the cost of language translation services provided to facilitate the provision of covered contraceptive drugs, devices and services. **Section 8 requires the Division of Health Care Financing and Policy of the Department of Health and Human Services to develop a methodology establishing a rate of compensation for such translation services that is cost effective and comparable to the rate paid for translation services by other governmental entities that arrange for the provision of such services.** **Section 8** also requires the State Plan to: (1) cover certain contraceptive services when provided by any provider of health care for whom the services are within his or her scope of practice, training and experience; (2) reimburse a provider of health care, other than a physician, physician assistant or advanced practice registered nurse, for providing such services at a rate that is not less than the rate provided to a physician, physician assistant or advanced practice registered nurse; and (3) cover such services regardless of whether the services are provided in an inpatient or outpatient setting.

Section 20.5 of this bill makes appropriations to, and authorizes expenditures by, the Division for costs of providing Medicaid coverage for translation services and certain other purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *Sections 2 to 7, inclusive, of this act may be cited as the Right to Reproductive Health Care Act.*

Sec. 3. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 5.5 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Governmental entity" means the State of Nevada or any of its agencies or political subdivisions.*

Sec. 5. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 5.5. *"Reproductive health services" means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, miscarriage, in-vitro fertilization or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.*

Sec. 6. *1. Except as otherwise provided in this subsection, the provisions of sections 2 to 7, inclusive, of this act apply to all state and local laws and ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether enacted before, on or after January 1, 2024. The provisions of sections 2 to 7, inclusive, of this act do not apply to NRS 442.250 or the implementation of NRS 442.250.*

2. State laws that are enacted on or after January 1, 2024, are subject to the provisions of sections 2 to 7, inclusive, of this act unless the law explicitly excludes such application by reference to this section.

3. The provisions of sections 2 to 7, inclusive, of this act do not:

(a) Authorize a governmental entity to burden:

(1) The access of any person to reproductive health services, information related to reproductive health services or any drug or device related to reproductive health services; or

(2) The ability of a provider of health care to provide reproductive health services or information related to reproductive health services or to provide, administer, dispense or prescribe any drug or device related to reproductive health services within the scope of practice, training and experience of the provider of health care.

(b) Authorize or sanction any sterilization procedure without the voluntary and informed consent of the patient.

Sec. 7. *1. Except as otherwise provided in this section, a governmental entity shall not enact or implement any limitation or requirement that:*

(a) Expressly, effectively, implicitly or, as implemented, singles out reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services or any providers of health care or facilities that provide reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services; and

(b) Substantially burdens:

(1) The access of a person to reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services; or

(2) The ability of a provider of health care to provide reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services within the scope of practice, training and experience of the provider of health care.

2. A governmental entity may enact a requirement or limitation described in subsection 1 if the governmental entity demonstrates by clear and convincing evidence that the burden imposed by the requirement or limitation on the activity described in paragraph (b) of subsection 1, as applied to the person or provider of health care who is subject to the burden:

(a) Furthers a compelling interest; and

(b) Is the least restrictive means of furthering that interest.

3. Notwithstanding any provision of NRS 41.0305 to 41.039, inclusive, but subject to the limitation on damages set forth in NRS 41.035 when applicable, a person or provider of health care who has been substantially burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief. A court shall award costs and attorney's fees to a person who prevails on such a claim or defense pursuant to this section.

4. A court may find that a person is a vexatious litigant if the person makes a claim within the scope of sections 2 to 7, inclusive, of this act which is without merit, fraudulent or otherwise intended to harass or annoy a person. If a court finds that a person is a vexatious litigant pursuant to this subsection, the court may deny standing to that person to bring further claims which allege a violation of this section.

Sec. 8. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion or removal of a device for contraception;

(e) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; ~~[and]~~

(g) Voluntary sterilization ~~[for women.]~~ ***; and***

(h) Any clinical services relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive. Such clinical services, include, without limitation, services to monitor the use and effectiveness of contraception.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. ***The Plan must:***

(a) Provide for the reimbursement of a provider of health care for providing services described in subsection 1 if the services are within the scope of practice, training and experience of the provider of health care.

(b) Provide coverage for the services described in subsection 1 regardless of whether those services are provided in an inpatient or outpatient setting.

7. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for ~~***[:***~~

~~***(a) One-quarter of]***~~ ***the costs of any language translation services provided to facilitate the provision of any drug, device or service described in subsection 1*** ***.*** ~~***[to a recipient of Medicaid who is eligible for the Children's Health Insurance Program; and***~~

~~***(b) One-half of the costs of any language translation services provided to facilitate the provision of any drug, device or service described in subsection 1 to a recipient of Medicaid who is not eligible for the Children's Health Insurance Program.]***~~ ***The Division shall develop a methodology establishing a rate of compensation for such translation services that is cost effective and comparable to the rate paid for translation services by other governmental entities that arrange for the provision of such services.***

8. As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 20.5. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for costs of providing Medicaid coverage for translation services, changes to the Medicaid Management Information System and manual claim pricing associated with implementing the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $15,102

For the Fiscal Year 2024-2025..... $23,449

2. Expenditure of the following sums not appropriated from the State General Fund or State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024..... $47,753

For the Fiscal Year 2024-2025..... $72,073

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 21. 1. This section becomes effective upon passage and approval.

2. **Section 20.5 of this act becomes effective on July 1, 2023.**

3. Sections 1 to 20, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 422.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 849.

AN ACT relating to persons with disabilities; requiring the Aging and Disability Services Division of the Department of Health and Human Services to create a pilot program to serve children diagnosed with a fetal alcohol spectrum disorder ~~[;]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Individuals with Disabilities Education Act establishes a federal grant program to assist states in operating a statewide comprehensive system of early intervention services for infants and toddlers with disabilities. (20 U.S.C. §§ 1431 et seq.) Existing law establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department of Health and Human Services to serve as the primary autism program within the Department and to provide and coordinate services to persons diagnosed or determined to have autism spectrum disorders through the age of 19 years. (NRS 427A.875) Existing law requires the Division to refer an infant or toddler with a disability who has autism spectrum disorder and is eligible for early intervention services to the Program and develop a plan of treatment for the infant or toddler. (NRS 427A.880) Existing law additionally requires certain providers of health care to notify an agency which provides child welfare services when the provider knows or has reasonable cause to believe that a newborn infant has been affected by a fetal alcohol spectrum disorder. (NRS 432B.220) ~~[This]~~ **To the extent that money is available, this** bill ~~[: (1)]~~ requires the Division to create a pilot program to serve children diagnosed with a fetal alcohol spectrum disorder **.** ~~[and]~~ **This bill requires the program to provide: (1) evidence-based services and support for such children who do not qualify to receive services from other existing programs; and (2) training for providers of health care and providers of other services relating to the provision of health care and other services to such children. This bill** requires the pilot program to be administered by the Autism Treatment Assistance Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. 1. The Aging and Disability Services Division of the Department of Health and Human Services shall **, to the extent that money is available,** create a pilot program to be administered by the Autism Treatment Assistance Program established by NRS 427A.875 to serve children diagnosed with a fetal alcohol spectrum disorder.

2. ~~[The]~~ **If a** pilot program **is** created pursuant to subsection 1 **, the pilot program** must provide ~~[evidence-based]~~ **:**

(a) Evidenced-based services and support for children diagnosed with a fetal alcohol spectrum disorder who do not meet the requirements to receive such services from existing programs ~~[.]~~ **; and**

(b) Training to providers of health care and providers of other services relating to the provision of health care and other services to children diagnosed with a fetal alcohol spectrum disorder.

3. ~~[On or before July 1, 2025,]~~ **If a pilot program is created pursuant to subsection 1,** the Division shall **, on or before July 1, 2025,** submit a report of findings and recommendations resulting from the pilot program created pursuant to subsection 1 to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2. This act becomes effective on July 1, 2023, and expires by limitation on December 31, 2025.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 128.

Bill read third time.

Roll call on Assembly Bill No. 128:

YEAS—41.

NAYS—Thomas.

Assembly Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319.

Bill read third time.

Roll call on Assembly Bill No. 319:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Assembly Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 482.
Bill read third time.
Roll call on Assembly Bill No. 482:
YEAS—42.
NAYS—None.
Assembly Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 489.
Bill read third time.
Roll call on Assembly Bill No. 489:
YEAS—42.
NAYS—None.
Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 494.
Bill read third time.
Roll call on Assembly Bill No. 494:
YEAS—42.
NAYS—None.
Assembly Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 506.
Bill read third time.
Roll call on Assembly Bill No. 506:
YEAS—42.
NAYS—None.
Assembly Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 515.
Bill read third time.
Roll call on Assembly Bill No. 515:
YEAS—42.
NAYS—None.

Assembly Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 137, 252, 258, 261, 263, 6, 28, 37, 255, 259, 383, and 422 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 137.

Bill read third time.

Roll call on Assembly Bill No. 137:

YEAS—42.

NAYS—None.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Roll call on Assembly Bill No. 252:

YEAS—42.

NAYS—None.

Assembly Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258.

Bill read third time.

Roll call on Assembly Bill No. 258:

YEAS—34.

NAYS—Considine, DeLong, Dickman, Gallant, Gray, Hansen, McArthur, O'Neill—8.

Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261.

Bill read third time.

Roll call on Assembly Bill No. 261:

YEAS—42.

NAYS—None.

Assembly Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 263.
Bill read third time.
Roll call on Assembly Bill No. 263:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Assembly Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 6.
Bill read third time.
Roll call on Assembly Bill No. 6:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Assembly Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 28.
Bill read third time.
Roll call on Assembly Bill No. 28:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Assembly Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 37.
Bill read third time.
Roll call on Assembly Bill No. 37:
YEAS—42.
NAYS—None.
Assembly Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 255.
Bill read third time.
Roll call on Assembly Bill No. 255:
YEAS—42.
NAYS—None.
Assembly Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 259.
Bill read third time.

Roll call on Assembly Bill No. 259:

YEAS—42.

NAYS—None.

Assembly Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.

Bill read third time.

Roll call on Assembly Bill No. 383:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Roll call on Assembly Bill No. 422:

YEAS—42.

NAYS—None.

Assembly Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 859.

AN ACT relating to economic development; providing that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year; making an appropriation to the Nevada Air Service Development Fund; **making an appropriation to the Fund for Aviation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic Development in the Office of the Governor and the members of the Commission on Tourism. (NRS 231.680) Existing law also creates the Nevada Air Service Development Fund and requires the Commission to develop a program to make grants of money from the Fund to air carriers that will service or provide enhanced air service routes that will service certain airports in this State. (NRS 231.690, 231.710) **Section 1** of this bill provides that money remaining in the Nevada Air Service Development Fund does not revert to the

State General Fund at the end of a fiscal year and must be carried forward to the next fiscal year. **Section 2** of this bill makes an appropriation from the State General Fund to the Nevada Air Service Development Fund in the amount of $5,000,000 for Fiscal Year 2023-2024 and $5,000,000 for Fiscal Year 2024-2025.

Existing law creates the Fund for Aviation in the State Treasury and authorizes the Director of the Department of Transportation to award grants to counties, cities and other local governments, except for facilities owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more (currently Clark County) for the planning, establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government. (NRS 494.048) Section 2.5 of this bill makes an appropriation to the Fund for Aviation in the amount of $1,000,000 for Fiscal Year 2023-2024 and $1,000,000 for Fiscal Year 2024-2025 for these purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 231.690 is hereby amended to read as follows:

231.690 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund. ***Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.***

2. The Commission may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.

3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in NRS 231.710.

Sec. 2. There is hereby appropriated from the State General Fund to the Nevada Air Service Development Fund created pursuant to NRS 231.690 the following sums to make grants of money to air carriers that satisfy the criteria set forth in NRS 231.710:

For the Fiscal Year 2023-2024 ..... $5,000,000

For the Fiscal Year 2024-2025 ..... $5,000,000

Sec. 2.5. **1. There is hereby appropriated from the State General Fund to the Fund for Aviation created by NRS 494.048 the following sums:**

For the Fiscal Year 2023-2024 ..... $1,000,000

For the Fiscal Year 2024-2025 ..... $1,000,000

2. The money appropriated by subsection 1 must be used by rural airports to match money that is available from the Federal Aviation Administration.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 834.

SUMMARY—Makes an appropriation to the Office of ~~[Information Security of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Finance in the Office of the Governor as a loan** for the replacement of computer hardware and associated software. (BDR S-1129)

AN ACT making an appropriation to the Office of ~~[Information Security of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Finance in the Office of the Governor as a loan** for the replacement of computer hardware and associated software; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Office of ~~[Information Security of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Finance in the Office of the Governor** the sum of $17,147 **as a loan to the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of computer hardware and associated software.

2. **Commencing on July 1, 2025, the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from intergovernmental transfers to repay in annual installments the cost of the replacement of computer hardware and associated software to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of the computer hardware and associated software and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.**

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation

is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 507.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 870.

AN ACT making appropriations to the Department of Corrections for a staffing study and the replacement and purchase of computer hardware and software and various types of equipment, vehicles and systems; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $193,165 for the Prison Medical Care budget account for the replacement of medical equipment.

Sec. 2. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $395,000 for the Office of the Director budget account for a staffing study of the Department.

Sec. 3. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $969,500 for the Office of the Director budget account for the replacement of computer hardware and associated software.

Sec. 4. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of ~~[$3,022,392]~~ **$2,822,392** for the Office of the Director budget account for the replacement of switch software.

Sec. 5. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $91,232 for the Office of the Director budget account for the replacement of uninterruptible power supply systems.

Sec. 6. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $682,902 for the Office of the Director budget account for the replacement of computer servers.

Sec. 7. ~~[There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $230,284 for the Warm Springs~~

~~Correctional Center budget account for the replacement of commercial kitchen and laundry equipment.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $36,997 for the Warm Springs Correctional Center budget account for the replacement of a commercial dishwashing machine.]~~ **(Deleted by amendment.)**

Sec. 9. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $58,876 for the Northern Nevada Correctional Center budget account for the replacement of exercise area enclosures.

Sec. 10. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $98,918 for the Northern Nevada Correctional Center budget account for the purchase of a system to provide notification of medical needs or emergencies in cells.

Sec. 11. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $36,997 for the Northern Nevada Correctional Center budget account for the replacement of a commercial dishwashing machine.

Sec. 12. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $24,090 for the Northern Nevada Correctional Center budget account for the replacement of commercial kitchen and laundry equipment.

Sec. 13. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $36,300 for the Southern Desert Correctional Center budget account for the replacement of a commercial bakery oven.

Sec. 14. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $276,626 for the Southern Desert Correctional Center budget account for the replacement of vehicles for inmate transportation.

Sec. 15. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $22,834 for the Southern Desert Correctional Center budget account for the replacement of an emergency battery system.

Sec. 16. ~~[There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $40,000 for the Humboldt Conservation Camp budget account for the purchase and installation of security cameras.]~~ **(Deleted by amendment.)**

Sec. 17. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $29,575 for the Ely State Prison budget account for the replacement of an X-ray scanner.

Sec. 18. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $202,000 for the Ely State Prison budget account for the replacement of a garbage truck.

Sec. 19. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $9,214 for the Ely State Prison budget account for the replacement of walk-through metal detectors.

Sec. 20. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $158,810 for the Ely State Prison budget account for the replacement of the inmate food delivery system.

Sec. 21. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $23,179 for the Ely State Prison budget account for the replacement of stab-resistant custody vests.

Sec. 22. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $23,628 for the Lovelock Correctional Center budget account for the replacement of utility carts used for on-site transportation.

Sec. 23. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $56,993 for the Lovelock Correctional Center budget account for the replacement of inmate food delivery equipment.

Sec. 24. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $71,740 for the Lovelock Correctional Center budget account for the replacement of a key control system.

Sec. 25. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $96,174 for the High Desert State Prison budget account for the purchase of walk-through metal detectors.

Sec. 26. Any remaining balance of the appropriations made by sections 1 to 25, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 27. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 34, 61, 63, 76, 293, 309, 317, 336, 391, 417, 418; Senate Joint Resolution No. 3.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:20 p.m.

ASSEMBLY IN SESSION

At 11:13 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 9, 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 484, 526, 527; Senate Bills Nos. 445, 448, 449, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 466, 468, 470, 471, 472, 473, 476, 477, 478, 479, 482, 483, 484, 485, 486, 487, 488, 489, 491, 493, 494, 497, 499, 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 292, 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 139, 357, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 266, 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 283, 290, 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 469.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 126, 143, 162, 225, 233, 342, 350, 413, 416, 435, 492.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 633 to Senate Bill No. 14.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5

Assemblywoman Peters moved the adoption of the resolution.

Resolution adopted.

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of June 1, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

THE NEVADA INDEPENDENT: Naoka Foreman.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 126.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 143.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 162.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 225.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 233.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 342.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 350.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 413.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 416.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 435.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 469.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 492.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Bills Nos. 346, 484, 488, 526, 527; Senate Bills Nos. 9, 88, 103, 107, 389, 425, 445, 448, 449, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 466, 468, 470, 471, 472, 473, 476, 477, 478, 479, 482, 483, 484, 485, 486,

487, 488, 489, 491, 493, 494, 497, 499, 500 were taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Assembly Bills Nos. 139, 266, 283, 290, 292, 301, 357, 434, 449; Senate Bills Nos. 24, 36, 71, 145, 166, 167, 195, 222, 232, 237, 273, 275, 279, 281, 282, 290, 291, 294, 301, 305, 307, 367, 371, 387 were taken from the General File and placed on the General File for the next legislative day.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Fey, Kurt Mische, Mendy Elliot, and Nancy Maldonado.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to and Will Rucker.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Breon King and Zack Khan.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Noriega, Carlos Hernandez, Marc Ellis, and Susie Martinez.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Arne Von Stetina and Dana Von Stetina.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Dwayne McClintock.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Dielle Telada, Henry Rosas, and Judi Bishop.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Yurek.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, June 2, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:24 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), June 2, 2023

Assembly called to order at 1:47 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblywoman Lesley Cohen.

Ru'ach HaShalom, Spirit of Peace and Wholeness, open our eyes to the gifts and blessings we offer and receive from each other; open our hearts to welcome each other fully and truly; open our hands to embrace, to support, to lift each other–*b'geela, b'reena, b'shalom, uv'rei-ut*–with joy, with song, with peace, and with deep friendship.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 277, 413, 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your, your Committee on Ways and Means, to which were referred Assembly Bill No. 396; Senate Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 84, 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 119, 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 125, 279, 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 321, 322, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 45, 54, 285, 339, 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of June 2, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KUNR: Bert Johnson.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 195; Assembly Bills Nos. 301 and 449 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 346 be taken from the Second Reading File and placed on the Chief Clerk's Desk

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Yeager (emergency request of Speaker of the Assembly):

Assembly Bill No. 528—AN ACT relating to homelessness; establishing a program to provide matching funds to certain qualified projects; authorizing the governing body of a city or county to provide an abatement of certain fees; authorizing the Department of Health and Human Services to create provider codes for certain purposes related to Medicaid billing; creating the Homelessness Support Services Matching Account; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 905.

SUMMARY—Makes ~~[an appropriation]~~ **appropriations** to Clark County **and the Cities of Reno and Sparks** for programs for rental assistance to certain persons. (BDR S-1011)

AN ACT making ~~[an appropriation]~~ **appropriations** to Clark County **and the Cities of Reno and Sparks** for programs for rental assistance to certain persons; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to Clark County for programs for rental assistance to persons who are elderly, persons with disabilities and families or persons facing an unanticipated emergency, the following sums:

For the Fiscal Year 2023-2024 ..... ~~[$22,000,000]~~ **$6,000,000**

For the Fiscal Year 2024-2025 ..... ~~[$22,000,000]~~ **$6,000,000**

2. Upon acceptance of the money appropriated by subsection 1, the County Manager of Clark County agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Clark County through December 1, 2024;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Clark County through June 30, 2025; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of Clark County, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money

was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 1.5. **1. There is hereby appropriated from the State General Fund to the City of Reno for programs for rental assistance to persons who are elderly, persons with disabilities and families or persons facing an unanticipated emergency, the following sums:**

For the Fiscal Year 2023-2024..... $1,500,000

For the Fiscal Year 2024-2025..... $1,500,000

2. Upon acceptance of the money appropriated by subsection 1, the City Manager of the City of Reno agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the City of Reno through December 1, 2024;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the City of Reno through June 30, 2025; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the City of Reno, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 1.7. **1. There is hereby appropriated from the State General Fund to the City of Sparks for programs for rental assistance to persons who are elderly, persons with disabilities and families or persons facing an unanticipated emergency, the following sums:**

For the Fiscal Year 2023-2024..... $1,500,000

For the Fiscal Year 2024-2025..... $1,500,000

2. Upon acceptance of the money appropriated by subsection 1, the City Manager of the City of Sparks agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the City of Sparks through December 1, 2024;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the City of Sparks through June 30, 2025; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the City of Sparks, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 400.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 884.

~~[CONTAINS UNFUNDED MANDATE (§§ 25, 26)~~
~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to education; creating the Early Childhood Literacy and Readiness Account and authorizing grants from the Account for certain purposes; ~~[revising the distribution interest, income and excess money in the Education Stabilization Account; authorizing a charter school to receive funding under the Pupil-Centered Funding Plan for transportation for pupils in certain circumstances;]~~ revising various provisions relating to the Commission on School Funding; ~~[authorizing a pupil to attend a public school outside the~~

~~zone of attendance the pupil is otherwise required to attend in certain circumstances; providing for programs of career and technical education in certain school districts for pupils wishing to become a teacher;~~] authorizing a city or county to sponsor a charter school; ~~[establishing the Office of School Choice and the duties of the Office; revising provisions governing the Nevada Educational Choice Scholarship Program; requiring certain uses of money carried forward at the end of a school year by a local school precinct; creating the State Teacher Pipeline Account and authorizing grants from the Account for certain purposes;~~] revising provisions relating to the Teach Nevada Scholarship Program; creating the Nevada Teacher Advancement Scholarship Program; revising provisions governing the promotion of pupils; revising provisions relating to the retention of pupils in the same grade; ~~[authorizing the Governor to designate positions in a school district or charter school as positions for which there is a critical labor shortage for purposes relating to the Public Employees' Retirement System;]~~ **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Education, to the extent money is available, to award grants to certain entities to support prekindergarten programs. (NRS 387.652-387.658) **Sections 11-14** of this bill create the Early Childhood Literacy and Readiness Account and authorize the Department to award grants to certain entities to support early childhood literacy and readiness programs. **Section** ~~[15 of this bill transfers certain excess money in the Education Stabilization Account to the Early Childhood Literacy and Readiness Account.~~

~~As part of the Pupil-Centered Funding Plan, existing law requires money in each fiscal year to be appropriated to each school district to provide transportation for pupils. (NRS 387.1214) Section 16 of this bill additionally authorizes a charter school to receive money to provide transportation for pupils if: (1) the charter school submits to the Superintendent of Public Instruction a transportation plan which meets certain requirements; and (2) the plan is approved by the Superintendent of Public Instruction. Sections 17-21, 27, 34, 73, 80 and 82 of this bill make conforming changes to refer to provisions that have been renumbered by this bill.~~] **93.5 of this bill makes an appropriation to the Account.**

Existing law creates the Commission on School Funding and establishes the duties of the Commission. (NRS 387.1246, 387.12463) **Section 22** of this bill: (1) ~~[revises the membership of the Commission; (2)]~~ requires the Department to engage in certain activities to support the Commission; and ~~[(3)]~~ **(2)** authorizes the Commission to meet at any time. **Section 23** of this bill expands the duties of the Commission by requiring the Commission to: (1) review the academic progress made by pupils in each public school and certain private schools that receive public money in this State; and (2) review and consider strategies to improve the accessibility of existing and new programs within and between public schools. **Section 23** also eliminates the power of the Joint

Interim Standing Committee on Education to review the recommendations of the Commission and determine whether to transmit the recommendations to the Governor or the Legislature and instead requires the Commission to transmit its recommendations to the Governor and the Legislature after considering the recommendations of the Joint Interim Standing Committee on Education. **Section 93** of this bill makes an appropriation to the Department to support the operations of the Commission.

Existing law requires each school district and each public school to create a report on or before October 1 of each year that includes certain information about the number and kinds of personnel and services provided by the school district or public school, respectively, during the immediately preceding school year and any changes anticipated by the school district or public school. (NRS 387.12468) **Section 24** of this bill requires the Department to prepare any reports or provide any data necessary for a school district or public school to produce such reports. **Section 93** makes an appropriation to the Department to support the completion of such reports.

~~**[**Existing law: (1) authorizes the board of trustees of certain school districts to zone the school district and determine which pupils must attend each school; and (2) allows pupils to attend certain schools despite the zoning decision of the board of trustees of the school district. (NRS 388.040) Section 25 of this bill authorizes a pupil to attend a public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade or classes required by the pupil. Section 25 additionally requires the superintendent of each school district to establish an application process to enable such transfers of pupils between public schools. Section 9 of this bill authorizes the board of trustees of a school district that furnishes transportation to pupils to elect not to provide transportation to a pupil who attends a public school outside of his or her zone of attendance pursuant to section 25.~~

~~Existing law requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and authorizes the board of trustees of any other school district to establish and maintain a program of career and technical education. (NRS 388.380) Section 26 of this bill requires the board of trustees of a large school district (currently only Clark County School District) and authorizes the board of trustees of any other school district to establish and maintain a program of career and technical education for pupils who wish to become a teacher that includes the opportunity to earn, through enrollment in dual credit courses, at least 12 units of credit applicable to earning a credential, certificate or degree at a community college, state college or university. Section 54 of this bill establishes the State Teacher Pipeline Account for the support of such programs of career and technical education. Section 15 transfers certain excess money in the Education Stabilization Account to the State Teacher Pipeline Account.**]**~~

Existing law: (1) requires the State Public Charter School Authority to sponsor charter schools; and (2) authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to apply to the Department for authorization to sponsor charter schools. (NRS 388A.220) **Section 32** of this bill **: (1)** authorizes a city or county to apply to the Department for authorization to sponsor charter schools ~~[.]~~ **; (2) prohibits a city or county from sponsoring a new charter school or expanding the enrollment or authorizing an additional campus of an existing charter school if the total number of pupils enrolled in charter schools in the city or county exceeds a certain percentage of pupils in public schools other than charter schools; and (3) limits a city or county to sponsoring a charter school within the territory of the city or county. Section 34 of this bill makes conforming changes to refer to provisions that have been renumbered by section 32. Sections 1-5, 7, 8, 28-31, 33-39, 50-52 and 75** of this bill authorize a city or county approved by the Department to, in general, sponsor charter schools in the same manner as the board of trustees of a school district or a college or university within the Nevada System of Higher Education.

~~[Existing law creates the Nevada Educational Choice Scholarship Program, which provides certain tax incentives to organizations that provide grants for certain pupils to attend schools which require some type of payment. (NRS 388D.270) Sections 42-45 of this bill create the Office of School Choice within the Department with an Executive Director who is responsible for the administration of the Office. Sections 45, 48 and 49 of this bill make the Executive Director responsible for the administration of the Nevada Educational Choice Scholarship Program. Section 45 additionally specifies the duties of the Office. Sections 46 and 47 of this bill make conforming changes to indicate the proper placement of sections 42-45 in the Nevada Revised Statutes.~~

~~Under existing law, financial institutions, mining businesses and other employers are required to pay an excise tax (the modified business tax) on wages paid by them. (NRS 363A.130, 363B.110) Existing law also requires each: (1) person who holds certain licenses relating to gaming to pay a monthly license fee based upon gross revenue (the gaming tax); and (2) insurer to pay a tax upon net direct premiums and net direct considerations written (the general tax on insurance premiums). (NRS 463.370, 680B.027) Existing law: (1) establishes a credit against the modified business tax for a taxpayer who makes a donation to a scholarship organization that provides grants on behalf of certain pupils to allow the pupils to attend schools in this State, including private schools; and (2) limits the total amount of such credits in each fiscal year to $6,655,000. (NRS 363A.139, 363B.119, 388D.270) Section 48: (1) increases the maximum household income of an eligible pupil from 300 percent to 500 percent of the federally designated level signifying poverty; and (2) increases the maximum amount of a grant from a certain amount benchmarked for inflation (currently $8,726) to an amount equal to the~~

~~adjusted base per pupil funding that would apply to a school pursuant to the Pupil-Centered Funding Plan if the school were a charter school. Sections 81 and 83 of this bill increase the total amount of authorized tax credits from $6,655,000 in a fiscal year to an amount equal to 0.50 percent of all money deposited in the State Education Fund in Fiscal Years 2023-2024 and 2024-2025, increasing to 5 percent of all money deposited in the State Education Fund in Fiscal Year 2031-2032 and each fiscal year thereafter. Sections 84, 87 and 88 of this bill establish a credit against the gaming tax and the general tax on insurance premiums for a licensee or insurer, respectively, who makes a donation to a scholarship organization to be administered in the same manner as a credit against the modified business tax. Sections 85 and 89-92 of this bill make conforming changes to indicate the proper placement of sections 87 and 88 in the Nevada Revised Statutes.~~

~~Existing law: (1) deems each public school within a large school district (currently Clark County School District) to be a local school precinct which is empowered to carry forward its year-end balance to the next school year for use by the local school precinct; and (2) requires a large school district to account for any amount carried forward by a local school precinct as a restricted fund balance. (NRS 388G.600, 388G.650) Section 53 of this bill requires a local school precinct that carries forward a balance of more than 3 percent of its actual expenditures to develop a plan to use the balance for certain purposes. If a local school precinct fails to submit such a plan or to spend the balance within 2 years, section 53 requires a large school district to transfer the balance in excess of 3 percent of the expenditures of the local school precinct to the Education Stabilization Account.~~**]**

Existing law establishes the Teach Nevada Scholarship Program, which awards grants to public or private universities, colleges or other providers of an alternative licensure program in this State to award scholarships to students who attend the university, college or provider to complete a program which is approved by the State Board of Education and upon completion: (1) makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject of special education; or (2) allows a student to specialize in early childhood education. (NRS 391A.580) **Section 56** of this bill requires the State Board to annually review and report on the Teach Nevada Scholarship Program. **Section 67** of this bill makes a conforming change to indicate the proper placement of **section 56** in the Nevada Revised Statutes. **Section 68** of this bill: (1) revises provisions relating to the priority of grant awards for the Teach Nevada Scholarship Program; and (2) requires a student to have graduated from a high school in this State or a county that borders this State and accepts pupils from this State or who have successfully completed the high school equivalency assessment selected by the State Board before 20 years of age to be eligible for a Teach Nevada Scholarship. **Section 69** of this bill **[**~~: (1)~~**]** increases the maximum amount of a Teach Nevada Scholarship to match the cost of receiving a bachelor's degree at a public university in this State**.** **[**~~; and (2) allows a scholarship recipient to~~

~~receive the 25 percent of scholarship money retained by the State Board after maintaining employment as a teacher at a private school in this State for 5 years.]~~

Sections 57-66 of this bill create the Nevada Teacher Advancement Scholarship Program, which, in general, is structured similarly to the Teach Nevada Scholarship Program. **Section 63** of this bill allows a Nevada Teacher Advancement Scholarship to be used to obtain a master's degree in education or a related field of study. **Section 63** similarly requires 25 percent of an award of a Nevada Teacher Advancement Scholarship to be retained by the State Board, and **section 64** allows this amount to be released to a scholarship recipient if he or she maintains employment as a teacher at a public school ~~[or private school]~~ in this State for 3 consecutive school years immediately following completion of the program for which the Nevada Teacher Advancement Scholarship was awarded. **Section 93.7 of this bill makes an appropriation to the Nevada Teacher Advancement Scholarship Program Account.**

Existing law requires an elementary school to provide intervention services and intensive instruction to a pupil during the time the pupil attends the school if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination in reading that meets the score prescribed by the State Board. Existing law also authorizes the principal of such a school to retain the pupil, rather than promote the pupil to the next grade, in certain circumstances, in consultation with a literacy specialist and certain other persons. (NRS 388A.487, 392.760) **Sections 71 and 72** of this bill require a pupil enrolled in grade 3 to be retained in grade 3, rather than promoted to grade 4, if the pupil does not obtain the score in the subject area of reading on ~~[the criterion-referenced]~~ **a uniform** examination in reading that meets the score prescribed by the State Board or receive an exemption by the superintendent of schools of the school district or governing body of the charter school. **Sections 71 and 72** also authorize a pupil to receive a good-cause exemption to allow the pupil to be promoted to grade 4 without obtaining such a score and require the State Board to prescribe an alternative examination for pupils who do not obtain such a score. **Section 40** of this bill requires a pupil enrolled in a charter school to be retained in grade 3 under similar circumstances. **Section 76** of this bill revises the information that must be included in a written notice provided to the parent or legal guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3 who exhibits a deficiency in the subject area of reading. **Section 77** of this bill requires a school to provide certain intervention services and intensive instruction to a pupil who does not obtain a passing score in **the subject area of** reading regardless of whether the pupil is retained in grade 3. **Section 77 additionally: (1) requires literacy specialists and personnel with knowledge and expertise relating to providing intervention services and intensive instruction to pupils who are deficient in the subject area of reading to, in addition to any other duties, provide such services and instruction to such pupils; and (2) requires each**

public school to offer summer school to a pupil in second or third grade who is deficient in the subject area of reading. **Sections 40 and 78** of this bill require certain information relating to pupils with a deficiency in reading who were retained in grade 3 or not retained due to a good-cause exemption to be included in the annual report of pupils receiving intervention services and intensive instruction to address a deficiency in reading. **Sections 6 and 74** of this bill make conforming changes to refer to provisions that have been renumbered by this bill.

~~[Existing law requires, in general, a public employee who retires and is subsequently reemployed in a position covered by the Public Employees' Retirement System to forfeit his or her retirement benefits for the period of reemployment. (NRS 286.520) If a position is designated as a position for which there is a critical labor shortage, however, a retired public employee may fill the position and continue to receive his or her retirement benefits during the period of reemployment. (NRS 286.523) Section 79 of this bill authorizes the Governor to designate a position in any school district or charter school in this State as a position for which there is a critical labor shortage, thereby enabling such a position to be filled by a retired employee without loss of retirement benefits.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education ***or city or county*** that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons,

including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are English learners;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635; and

10. On or before February 1 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature in odd-numbered years and to the Legislative Commission in even-numbered years, describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 2. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before December 31 of each year, prepare for the immediately preceding school year a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 3. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Office of Finance;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

Sec. 4. NRS 385A.090 is hereby amended to read as follows:

385A.090 1. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school shall provide written notice that the report required pursuant to NRS 385A.070 is available on the Internet website maintained by the school district, State Public Charter School Authority **,** ~~[or]~~ institution ~~[,]~~ ***or city or county,*** if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385A.250.

(b) The board of trustees of each school district, the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to NRS 385A.070 by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority **,** ~~[or]~~ the institution ~~[,]~~ ***or the city or county,*** if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority **,** ~~[or]~~ the institution ***, the city or the county*** does not maintain a website, the State Public Charter School Authority **,** ~~[or]~~ the institution, ***the city or the county,*** as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

2. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 1 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority **,** ~~[or]~~ a college or university within the Nevada System of Higher

Education ***or a city or county*** that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to NRS 385A.070.

Sec. 5. NRS 385A.240 is hereby amended to read as follows:

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 , ~~***[or]***~~ 392.125 or 392.760, ~~***[section 71 of this act,]***~~ for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

Sec. 5.5. **NRS 385A.240 is hereby amended to read as follows:**

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ~~[,]~~ ***or*** 392.125 or ~~[392.760,]~~ ***section 71 of this act,*** for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school

district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority, each college or university within the Nevada System of Higher Education and each city or county that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

Sec. 6. NRS 385A.450 is hereby amended to read as follows:

385A.450 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

1. For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ~~[,]~~ ***or*** 392.125 or ~~[392.760,]~~ ***section 71 of this act,***

reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

3. The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this subsection, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

4. The number of habitual truants reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number who are:

(a) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(b) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(c) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

Sec. 7. NRS 385A.670 is hereby amended to read as follows:

385A.670 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the school achievement targets and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority **,** ~~[or]~~ the institution within the Nevada System of Higher Education ***or the city or county*** that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) or (c), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education ~~[.]~~ ***or a city or county.***

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 390.255.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 390.260.

Sec. 8. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Except as otherwise provided in subsection 3:

(a) Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[.]~~ ***or a city or county.***

(b) The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees.

(c) The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority **,** ~~[and]~~ all charter schools sponsored by a college or university within the Nevada System of Higher Education ~~[.]~~ ***and all charter schools sponsored by a city or county.***

2. Except as otherwise provided in subsection 3:

(a) Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence.

(b) If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district

shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15.

(c) If the school is a charter school sponsored by the State Public Charter School Authority **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** the Department shall make a final determination concerning the rating for the school on September 15.

3. The Department may temporarily waive or otherwise pause the requirement to make ratings for public schools that comply with 20 U.S.C. § 6311(c) pursuant to this section if the United States Department of Education grants a waiver from or otherwise pauses the requirements of 20 U.S.C. § 6311(c).

4. On or before September 15 of each year, the Department shall post on the Internet website maintained by the Department the determinations and final ratings made for all schools in this State.

Sec. 9. ~~[NRS 386.790 is hereby amended to read as follows:~~

~~386.790 1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to NRS 388.417 to 388.469, inclusive, or 388.5251 to 388.5267, inclusive:~~

~~(a) Who are not excused from school attendance by the provisions of this title; and~~

~~(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.~~

~~2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.~~

~~3. The board of trustees of any school district may:~~

~~(a) Establish bus routes.~~

~~(b) Make regulations governing the conduct of pupils while being transported.~~

~~(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the State Board of Education or with law.~~

~~***4. The board of trustees of a school district that furnishes transportation pursuant to this section may elect not to provide transportation to pupils who attend a public school outside of the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.]***~~ **(Deleted by amendment.)**

Sec. 10. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.

Sec. 11. ***As used in sections 11 to 14, inclusive, of this act, unless the context otherwise requires, "Account" means the Early Childhood Literacy and Readiness Account created by section 12 of this act.***

Sec. 12. ***1. The Early Childhood Literacy and Readiness Account is hereby created in the State General Fund. The Account must be administered by the Department.***

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charge; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the Account.

3. ~~[Any money]~~ Except as otherwise provided in subsection 4, the balance remaining in the Account ~~[at the end]~~ that has not been committed for expenditure on or before June 30 of ~~[a]~~ each fiscal year ~~[, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert]~~ reverts to the State General Fund . ~~[, and the balance in the Account must be carried forward to the next fiscal year.]~~

4. The Department may accept gifts and grants of money from any source for deposit in the Account. All money received pursuant to this subsection:

(a) Must be accounted for separately in the Account;

(b) Must be expended in accordance with the terms of the gift or grant; and

(c) Does not revert to the State General Fund and must be carried over into the next fiscal year.

5. The money in the Account may only be used to award grants to school districts, sponsors of charter schools and nonprofit organizations to support early childhood literacy and readiness programs pursuant to section 13 of this act.

Sec. 13. ***1. The Department shall, to the extent money is available, award grants of money to school districts, sponsors of charter schools and nonprofit organizations to support early childhood literacy and readiness programs. Each program supported by a grant awarded pursuant to this section must:***

(a) Serve children who are less than 6 years of age;

(b) Be evidence-based;

(c) Provide for appropriate individualized accommodations and supports for children with disabilities; and

(d) Include a plan of reporting and accountability for the performance of the program.

2. A school district, sponsor of a charter school or nonprofit organization that wishes to receive a grant pursuant to this section must

submit an application to the Department. The Department may approve such an application if the Department determines that the application:

(a) Includes an implementation plan which is financially sound; and

(b) Proposes to use all money available from the grant within 2 years or such shorter period of time as the Department determines appropriate.

3. The Department shall prioritize the award of grants pursuant to this section to a school district, sponsor of a charter school or nonprofit organization to support an early childhood literacy and readiness program that:

(a) Receives money from a private source;

(b) Receives money from a federal grant;

(c) Has demonstrated sustained success in improving the literacy and readiness for elementary school of children less than 6 years of age; or

(d) Provides services to geographical areas with a higher proportion of children entering kindergarten who have demonstrated a deficit across early learning domains during the immediately preceding 2 years.

Sec. 14. ***On or before November 1 of each year, the Department shall:***

1. Review all grants awarded pursuant to section 13 of this act during the immediately preceding year;

2. Compile a report for the immediately preceding year which must include, without limitation:

(a) The number of applications for a grant received pursuant to section 13 of this act;

(b) The number of grants awarded pursuant to section 13 of this act;

(c) The total cost of all grants awarded pursuant to section 13 of this act; and

(d) Such other information as may be prescribed by the Department to demonstrate the effectiveness of recipients of a grant awarded pursuant to section 13 of this act in improving the literacy and readiness for elementary school of children less than 6 years of age.

Sec. 15. ~~[NRS 387.1213 is hereby amended to read as follows:~~

~~387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be [credited to the Account.]~~ ***transferred as follows:***

~~***(a) Seventy-five percent to the Teach Nevada Scholarship Program Account created by NRS 391A.575; and***~~

~~***(b) Twenty-five percent to the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act.***~~

~~2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.~~

~~3. The balance in the Education Stabilization Account must not exceed 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred [to the State Education Fund.]~~ ***as follows:***

~~***(a) If the balance in the Education Stabilization Account is 17 percent or more of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account for the immediately preceding year:***~~

~~***(1) An amount of the excess equal to 1 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account for the immediately preceding year to the State Teacher Pipeline Account created by section 54 of this act;***~~

~~***(2) An amount of the excess equal to 1 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account for the immediately preceding year to the Early Childhood Literacy and Readiness Account created by section 12 of this act; and***~~

~~***(3) The remainder of the excess to the State Education Fund.***~~

~~***(b) If the balance in the Education Stabilization Account does not exceed 17 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account for the immediately preceding year:***~~

~~***(1) Fifty percent to the State Teacher Pipeline Account created by section 54 of this act; and***~~

~~***(2) Fifty percent to the Early Childhood Literacy and Readiness Account created by section 12 of this act.***~~

~~4. If the Interim Finance Committee finds that:~~

~~(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment; or~~

~~(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund,~~

~~the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and~~

~~direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.~~

~~5. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.~~**] (Deleted by amendment.)**

Sec. 16. **[**~~NRS 387.1214 is hereby amended to read as follows:~~

~~387.1214 1. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to NRS 387.1212, the Legislature shall determine the statewide base per pupil funding amount for each fiscal year of the biennium, which is the amount of money expressed on a per pupil basis for the projected enrollment of the public schools in this State, determined to be sufficient by the Legislature to fund the costs of all public schools in this State to operate and provide general education to all pupils for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b)~~ ***, (c)*** ~~or~~ **[**~~(c)~~**]** ***(f)*** ~~of subsection 2 or NRS 387.122. It is the intent of the Legislature that the statewide base per pupil funding amount for any fiscal year, to the extent practicable, be not less than the statewide base per pupil funding amount for the immediately preceding fiscal year, adjusted by inflation, unless the amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year. If the amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year, it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph~~ **[**~~(c)~~**]** ***(f)*** ~~of subsection 2.~~

~~2. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to NRS 387.1212, the money in the State Education Fund, excluding any amount of money in the Education Stabilization Account, must be appropriated as established by law for each fiscal year of the biennium for the following purposes:~~

~~(a) To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide food services~~ **[**~~and transportation~~**]** ~~for pupils and any other similar service that the Legislature deems appropriate.~~

~~(b)~~ ***Except as otherwise provided in subsection 3, to each school district and charter school, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide transportation for pupils.***

~~***(c)*** To each school district, charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by~~

~~the Legislature, when combined with any other resources available for this purpose, to provide local funding to support pupils with disabilities.~~

~~**[**(c)**]** ***(d)*** To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide adjusted base per pupil funding for each pupil estimated to be enrolled in the school district.~~

~~**[**(d)**]** ***(e)*** To each charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide:~~

~~(1) The statewide base per pupil funding amount for each pupil estimated to be enrolled full-time in a program of distance education provided by the charter school or university school for profoundly gifted pupils; and~~

~~(2) Adjusted base per pupil funding for each pupil estimated to be enrolled in the charter school or university school for profoundly gifted pupils other than a pupil identified in subparagraph (1).~~

~~**[**(e)**]** ***(f)*** To each school district, charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide additional weighted funding for each pupil estimated to be enrolled in the school district, charter school or university school for profoundly gifted pupils who is:~~

~~(1) An English learner;~~

~~(2) An at-risk pupil; or~~

~~(3) A gifted and talented pupil.~~

~~3. ***A charter school must not receive any money appropriated pursuant to paragraph (b) of subsection 2 unless the Superintendent of Public Instruction has approved a transportation plan for the charter school. Each charter school that wishes to receive money appropriated pursuant to paragraph (b) of subsection 2 must submit a transportation plan to the Superintendent of Public Instruction. The Superintendent of Public Instruction may approve a transportation plan if he or she determines:***~~

~~***(a) The transportation plan will materially improve access to education in the region served by the transportation plan;***~~

~~***(b) The transportation plan is financially viable;***~~

~~***(c) The cost of the transportation plan would not unreasonably impact the apportionment of money under the Pupil-Centered Funding Plan to other public schools; and***~~

~~***(d) The transportation plan would not cost more, on a per pupil basis, than the average cost for transportation for other public schools operating in the school district in which the charter school is located.***~~

~~***4.*** The adjusted base per pupil funding appropriated pursuant to paragraph **[**(c)**]** ***(d)*** of subsection 2 for each school district must be determined by applying the cost-adjustment factor established pursuant to NRS 387.1215 which applies to the school district and the attendance area adjustment~~

~~established pursuant to NRS 387.1218 which applies to each applicable area of the school district to the statewide base per pupil funding amount.~~

~~**[**4.**]** *5.* The adjusted base per pupil funding appropriated pursuant to subparagraph (2) of paragraph **[**(d)**]** *(c)* of subsection 2 for each charter school or university school for profoundly gifted pupils must be determined by applying the cost adjustment factor established pursuant to NRS 387.1215 which applies to the charter school or university school and, if applicable, the attendance area adjustment established pursuant to NRS 387.1218 to the statewide base per pupil funding amount.~~

~~**[**5.**]** *6.* The weighted funding appropriated pursuant to paragraph **[**(e)**]** *(f)* of subsection 2 must be established separately for each category of pupils identified in that paragraph and expressed as a multiplier to be applied to the statewide base per pupil funding amount determined pursuant to subsection 1. A pupil who belongs to more than one category of pupils or for whom a school district, charter school or university school for profoundly gifted pupils is eligible to receive the statewide multiplier pursuant to NRS 387.122 must receive only the weighted funding for the single category to which the pupil belongs which has the largest multiplier or the statewide multiplier, whichever is larger. It is the intent of the Legislature that, to the extent practicable:~~

~~(a) The multiplier for each category of pupils for any fiscal year be not less than the multiplier for the immediately preceding fiscal year unless:~~

~~(1) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year, in which event it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph **[**(e)**]** *(f)* of subsection 2; or~~

~~(2) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, increases from the preceding fiscal year but in an amount which, after funding the appropriations required by paragraphs (a) to **[**(d),**]** *(c),* inclusive, of subsection 2, is insufficient to fund the multiplier for each category of pupils, in which event it is the intent of the Legislature that the remaining money in the State Education Fund be used to provide a multiplier for each category of pupils which is as close as practicable to the multiplier for the preceding fiscal year;~~

~~(b) The recommendations of the Commission for the multiplier for each category of pupils be considered and the multiplier for one category of pupils may be changed by an amount that is not proportional to the change in the multiplier for one or more other categories of pupils if the Legislature determines that a disproportionate need to serve the pupils in the affected category exists; and~~

~~(c) If the multipliers for all categories of pupils in a fiscal year are increased from the multipliers in the immediately preceding fiscal year, a proportional increase is considered for the statewide base per pupil funding amount.~~

~~[6.] 7. For any money identified in subsection 4 of NRS 362.170 which is deposited to the credit of the State Education Fund:~~

~~(a) The amount of such money for the county from which the money was collected that does not exceed the total amount of money appropriated pursuant to subsection 2 to the county school district is deemed to be the first money appropriated pursuant to subsection 2 for that county school district.~~

~~(b) The amount of such money for the county from which the money was collected which exceeds the total amount of money appropriated pursuant to subsection 2 to the county school district must be transferred to the county school district and is hereby authorized for expenditure as a continuing appropriation for the purpose of mitigating the adverse effects of the cyclical nature of the industry of extracting and processing minerals on the ability of the county school district to offer its pupils a reasonably equal educational opportunity.~~

~~[7.] 8. The weighted funding appropriated pursuant to paragraph [(c)] (f) of subsection 2:~~

~~(a) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and~~

~~(b) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 387.1223 is hereby amended to read as follows:~~

~~387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year. If October 1, January 1, April 1 or July 1 falls on a Saturday, Sunday or legal holiday, the report may be submitted before 5 p.m. on the next business day.~~

~~2. Except as otherwise provided in subsection 3, the yearly apportionment from the State Education Fund for each school district must be computed by:~~

~~(a) Multiplying the adjusted base per pupil funding established for that school district for that school year by the sum of:~~

~~(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, in a public school in the school district based on the average daily enrollment of those pupils during the quarter.~~

~~(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, based on the average daily enrollment of those pupils during the quarter.~~

~~(3) The count of pupils who reside in the county and are enrolled:~~

~~(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school, based on the average daily enrollment of those pupils during the quarter.~~

~~(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by the school district, based on the average daily enrollment of those pupils during the quarter.~~

~~(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.~~

~~(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.~~

~~(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.~~

~~(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474 or subsection 1 of NRS 392.074, based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (1).~~

~~(8) The count of pupils enrolled in a challenge school based on the average daily enrollment of those pupils calculated in the manner set forth in an agreement entered into pursuant to NRS 388D.330.~~

~~(b) Adding to the amount computed in paragraph (a) the amounts appropriated pursuant to paragraphs (a), (b)~~ ***, (c)*** ~~and~~ **[**~~(c)~~**]** ***(f)*** ~~of subsection 2 of NRS 387.1214.~~

~~3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the monthly apportionments from the State Education Fund to that school district or charter school pursuant to NRS 387.124.~~

~~4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for~~

~~purposes of apportioning money from the State Education Fund to that school district or charter school pursuant to NRS 387.124.~~

~~5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.~~

~~6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.~~

~~7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing the yearly apportionment pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.~~

~~8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing the yearly apportionment pursuant to this section.~~**] (Deleted by amendment.)**

Sec. 18. ~~[NRS 387.124 is hereby amended to read as follows:~~

~~387.124 Except as otherwise provided in this section and NRS 387.1241, 387.1242 and 387.528:~~

~~1. On or before the first day of each month, the Superintendent of Public Instruction shall apportion the State Education Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-twelfth of their respective yearly apportionments less any amount set aside as a reserve or contained in the Education Stabilization Account. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the amounts established by law for each school year pursuant to paragraphs (a)~~ **[**~~, (b), (c)~~**]** ***to (d), inclusive,*** ~~and~~ **[**~~(e)~~**]** ***(f)*** ~~of subsection 2 of NRS 387.1214 for all pupils who attend a public school operated by the school district located in the county.~~

~~2. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, if a pupil is enrolled part-time in a program of distance education and part-time in a:~~

~~(a) Public school other than a charter school, an apportionment must be made to the school district in which the pupil resides. The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.~~

~~(b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. The charter school in which the pupil is enrolled shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.~~

~~3. The Director of the State Department of Agriculture shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 387.1241 is hereby amended to read as follows:~~

~~"387.1241 Except as otherwise provided in NRS 387.124, 387.1242, 387.1244 and 387.528:~~

~~1. The apportionment to a charter school, computed on a yearly basis, is equal to the amounts established by law for each school year pursuant to paragraphs [(d) and] *(b),* (e) *and (f)* of subsection 2 of NRS 387.1214 for all pupils who attend the charter school, minus the sponsorship fee prescribed by NRS 388A.414 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.~~

~~2. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsections 1 and 2 of NRS 387.124. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all 12 apportionments in advance in its first year of operation.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 387.1242 is hereby amended to read as follows:~~

~~"387.1242 Except as otherwise provided in NRS 387.124, 387.1241, 387.1244 and 387.528:~~

~~1. The apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the amounts established by law for each school year pursuant to paragraphs [(d) and] (e) *and (f)* of subsection 2 of NRS 387.1214 for all pupils who attend the university school.~~

~~2. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1 of NRS 387.124. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all 12 apportionments in advance in its first year of operation.]~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 387.12445 is hereby amended to read as follows:~~

~~"387.12445 1. Except as otherwise provided in subsection 2, each school district shall ensure that all adjusted base per pupil funding received by the~~

~~school district pursuant to paragraph [(c)] *(d)* of subsection 2 of NRS 387.1214 is accounted for separately and, after a deduction for the administrative expenses of the school district in an amount which does not exceed the amount prescribed by the Department by regulation for each school district, be distributed and used as described in this subsection. The adjusted base per pupil funding provided to each school district must:~~

~~(a) Be distributed by each school district to its public schools in a manner that ensures each pupil in the school district receives a reasonably equal educational opportunity.~~

~~(b) Be used to support the educational needs of all pupils in the school district, including, without limitation, operating each public school in the school district, training and supporting educational personnel and carrying out any program or service established by, or requirement imposed pursuant to, this title for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b) *, (c)* or [(e)] *(f)* of subsection 2 of NRS 387.1214 or NRS 387.122.~~

~~2. If a school district determines that an additional amount of money is necessary to satisfy requirements for maintenance of effort or any other requirement under federal law for pupils with disabilities enrolled in the school district, the school district may transfer the necessary amount of money from the adjusted base per pupil funding received by the school district for that purpose.~~

~~3. Each school district shall ensure that all weighted funding received by the school district pursuant to paragraph [(e)] *(f)* of subsection 2 of NRS 387.1214 is accounted for separately and distributed directly to each school in which the relevant pupils are estimated to be enrolled.~~

~~4. Each public school shall account separately for the local funding for pupils with disabilities received by the public school pursuant to paragraph [(b)] *(c)* of subsection 2 of NRS 387.1214, for the adjusted base per pupil funding received by the public school pursuant to paragraph [(c)] *(d)* of subsection 2 of NRS 387.1214, for each category of weighted funding received by the public school pursuant to paragraph [(e)] *(f)* of subsection 2 of NRS 387.1214 and for money received from the statewide multiplier pursuant to NRS 387.122. Unless the provisions of subsection 7 or 8 impose greater restrictions on the use of weighted funding by a public school, the public school must use the weighted funding received for each relevant pupil:~~

~~(a) As a supplement to the adjusted base per pupil funding received for the pupil; and~~

~~(b) Solely for the purpose of providing such additional educational programs, services or support as are necessary to ensure the pupil receives a reasonably equal educational opportunity.~~

~~5. Except as otherwise provided in subsection 6, the separate accounting required by subsection 4 for pupils with disabilities and gifted and talented pupils must include:~~

~~(a) The amount of money provided to the public school for special education; and~~

~~(b) The cost of:~~

~~(1) Instruction provided by licensed special education teachers and supporting staff;~~

~~(2) Related services, including, without limitation, services provided by psychologists, therapists and health-related personnel;~~

~~(3) Transportation of the pupils with disabilities and gifted and talented pupils to and from school;~~

~~(4) The direct supervision of educational and supporting programs; and~~

~~(5) The supplies and equipment needed for providing special education.~~

~~6. Money received from federal sources must be accounted for separately and excluded from the accounting required pursuant to subsection 5.~~

~~7. A public school that receives weighted funding for one or more at-risk pupils must use that weighted funding only to provide Victory services and, if one or more at-risk pupils for whom the school received weighted funding in the at-risk pupil category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such at-risk pupil which are appropriate for each category to which the at-risk pupil belongs.~~

~~8. A public school that receives weighted funding for one or more pupils who are English learners must use that weighted funding only to provide Zoom services and, if one or more English learners for whom the school received weighted funding in the English learner category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such English learner which are appropriate for each category to which the English learner belongs.~~

~~9. The Department shall adopt regulations prescribing the maximum amount of money that each school district may deduct for its administrative expenses from the adjusted base per pupil funding received by the school district. When adopting such regulations, the Department may express the maximum amount of money that may be deducted as a percentage of the adjusted base per pupil funding received by the school district.~~

~~10. As used in this section:~~

~~(a) "Victory services" means any one or more of the following services:~~

~~(1) A prekindergarten program provided free of charge.~~

~~(2) A summer academy or other instruction for pupils provided free of charge at times during the year when school is not in session.~~

~~(3) Additional instruction or other learning opportunities provided free of charge at times of day when school is not in session.~~

~~(4) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of at-risk pupils.~~

~~(5) Incentives for hiring and retaining teachers and other licensed educational personnel who provide Victory services.~~

~~(6) Employment of paraprofessionals, other educational personnel and other persons who provide Victory services.~~

~~(7) A reading skills center.~~

~~(8) Integrated student supports, wrap around services and evidence based programs designed to meet the needs of at risk pupils.~~

~~(9) Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has been reviewed and approved as a Victory service by the Superintendent of Public Instruction.~~

~~(b) "Zoom services" means any one or more of the following services:~~

~~(1) A prekindergarten program provided free of charge.~~

~~(2) A reading skills center.~~

~~(3) Professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners.~~

~~(4) Incentives for hiring and retaining teachers and other licensed educational personnel who provide Zoom services.~~

~~(5) Engagement and involvement with parents and families of pupils who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils.~~

~~(6) A summer academy or, for those schools that do not operate on a traditional school calendar, an intersession academy provided free of charge, including, without limitation, the provision of transportation to attend the summer academy or intersession academy.~~

~~(7) An extended school day.~~

~~(8) Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has been reviewed and approved as a Zoom service by the Superintendent of Public Instruction.~~~~]~~ **(Deleted by amendment.)**

Sec. 22. NRS 387.1246 is hereby amended to read as follows:

387.1246 1. The Commission on School Funding, consisting of 11 ***[13]*** members, is hereby created.

2. The Commission consists of the following members, who may not be Legislators:

(a) One member appointed by the Governor, who serves as Chair;

(b) Two members appointed by the Majority Leader of the Senate;

(c) Two members appointed by the Speaker of the Assembly;

(d) One member appointed by the Minority Leader of the Senate;

(e) One member appointed by the Minority Leader of the Assembly;

(f) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has more than 40,000

pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization; and

(g) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has 40,000 or fewer pupils enrolled in its public schools , ~~*[or the superintendent of such a school district who has previously served as the chief financial officer of the school district for not less than 3 years,]*~~ nominated by the Nevada Association of School Superintendents or its successor organization , ~~*[;*~~

~~*(h) One member appointed by the Governor who has demonstrated expertise in the operation, performance and accountability of schools and school districts and the achievement and educational outcomes of pupils; and*~~

~~*(i) One member appointed by the Governor who is an expert in the field of education, made in consultation with the Nevada Association of School Superintendents.]*~~

➥ In making appointments to the Commission, the appointing authorities shall consider whether the membership generally reflects the geographic distribution of pupils in the State.

3. Each member of the Commission must:

(a) Be a resident of this State;

(b) Not have been registered as a lobbyist pursuant to NRS 218H.200 for a period of at least 2 years immediately preceding appointment to the Commission;

(c) Have relevant experience in public education;

(d) Have relevant experience in fiscal policy, school finance or similar or related financial activities;

(e) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and

(f) Have demonstrated ability in the field of economics, taxation or other discipline necessary to school finance and be able to bring knowledge and professional judgment to the deliberations of the Commission.

4. Each member of the Commission serves a term of 3 years and may be reappointed to additional terms.

5. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.

6. The Commission shall:

(a) Elect a Vice Chair from among its members at its first meeting for a term of 3 years. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the existing term.

(b) Adopt such rules governing the conduct of the Commission as it deems necessary.

(c) Hold its first meeting on or before October 1, 2019, and hold such additional number of meetings as may be necessary to accomplish the tasks assigned to it . ~~[in the time allotted.]~~

7. A majority of the members of the Commission constitutes a quorum and a majority of those present must concur in any decision.

8. The Department shall provide the Commission with meeting rooms, data processing services and administrative and clerical assistance ~~[.]~~ ***and undertake any research, analysis, study or other work required by the Commission to carry out its duties pursuant to NRS 387.12463.*** The Superintendent of Public Instruction and Office of Finance shall jointly provide the Commission with professional staff services.

9. While engaged in the business of the Commission, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[10. The Commission may meet only between July 1 of an odd-numbered year and September 30 of the subsequent even-numbered year.]~~

Sec. 23. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Joint Interim Standing Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the Joint Interim Standing Committee on Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215 and the method for calculating the attendance area adjustment established pursuant to NRS 387.1218.

(f) Review the academic progress made by pupils in each public school and each private school that enrolls one or more pupils on whose behalf the school was provided a grant pursuant to NRS 388D.270 since the implementation of the Pupil-Centered Funding Plan, including, without limitation, any changes to the academic progress of such pupils as the result of any additional money provided to each such school by the Pupil-Centered Funding Plan or Nevada Educational Choice Scholarship Program. In performing such a review, the Commission shall:

(1) Use metrics to measure the academic achievement of pupils which include, without limitation:

(I) The rate of graduation of pupils from high school by type of diploma;

(II) The performance of pupils on standardized examinations in math, reading and science;

(III) The number of credentials or other certifications in fields of career and technical education earned by pupils;

(IV) The number of pupils who earn a passing score on an advanced placement examination;

(V) The number of pupils who earn a passing score on an international baccalaureate examination;

(VI) The percentage of pupils in each school who lack a sufficient number of credits to graduate by the end of their 12th grade year;

(VII) The percentage of pupils in each school who drop out;

(VIII) The number of pupils who enroll in higher education upon graduation;

(IX) The number of pupils who enroll in a vocational or technical school or apprenticeship training program;

(X) The attendance rate for pupils;

(XI) The number of violent acts by pupils and disciplinary actions against pupils; and

(XII) Any other metric prescribed by the Commission;

(2) Use metrics to measure the improvement of pupils enrolled in elementary school in literacy which include, without limitation:

(I) The literacy rate for pupils in first, third and fifth grades;

(II) The number of pupils in elementary school who were promoted to the next grade after testing below proficient in reading in the immediately preceding school year, separated by grade level and by level of performance on the relevant test;

(III) The number of schools that employ a licensed teacher designated to serve as a literacy specialist pursuant to NRS 388.159 and the number of schools that fail to employ and designate such a licensed teacher; and

(IV) Any other metric prescribed by the Commission;

(3) Use metrics to measure the ability of public schools to hire and retain sufficient staff to meet the needs of the public schools which include, without limitation:

(I) The rate of vacancies in positions for teachers, support staff and administrators;

(II) The attendance rate for teachers;

(III) The retention rate for teachers;

(IV) The number of schools and classrooms within each school in which the number of pupils in attendance exceeds the designed capacity for the school or classroom;

(V) The number of classes taught by a substitute teacher for more than 25 percent of the school year; and

(VI) Any other metric prescribed by the Commission;

(4) Use metrics to measure the extent to which schools meet the needs and expectations of pupils, parents or legal guardians of pupils, teachers and administrators which include, without limitation:

(I) The results of an annual survey of satisfaction of school employees;

(II) The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and

(III) Any other metric prescribed by the Commission;

(5) Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;

(6) Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and

(7) Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability, including, without limitation, revisions to the metrics identified in subparagraphs (1) to (4), inclusive.

(g) Review and consider strategies to improve the accessibility of existing and new programs for pupils within and between public schools, including, without limitation, open zoning.

2. ***Each school district and each charter school shall submit a quarterly report to the Commission that identifies how funding from the Pupil-Centered Funding Plan is being used to improve the academic performance and progress of pupils and includes, without limitation, all data or metrics collected by the school district or charter school to demonstrate such improvement. The Commission shall review the reports submitted pursuant to this subsection and transmit the reports, along with any commentary or recommendations relating to the reports, to the Governor, the Director of the Legislative Counsel Bureau, the Joint Interim Standing Committee on Education and the Interim Finance Committee.***

3. After receiving the reports submitted to the Commission pursuant to subsection 2, the Governor may, with the approval of the Legislature or Interim Finance Committee if the Legislature is not in session, direct a school district or charter school to take such remedial actions as the Governor determines to be necessary and appropriate to address any deficiency identified in the reports submitted pursuant to subsection 2.

4. The Commission shall ~~[present]~~ ***:***

(a) Present any recommendations pursuant to paragraphs (a) to ~~[(d),]~~ ***(g),*** inclusive, of subsection 1 at a meeting of the Joint Interim Standing Committee on Education for consideration and ~~[revision]~~ ***recommendations*** by the Committee ~~[. The Joint Interim Standing Committee on Education shall review each recommendation of the Commission and determine whether to]~~ ***; and***

(b) After consideration of the recommendations of the Joint Interim Standing Committee on Education, transmit the ~~[recommendation]~~ ***recommendations*** or a revised version of the ***[recommendation] recommendations*** to the Governor ~~[or]~~ ***and the Director of the Legislative Counsel Bureau for distribution to*** the Legislature.

Sec. 24. NRS 387.12468 is hereby amended to read as follows:

387.12468 1. On or before October 1 of each year, each school district shall create a report that includes a description of the personnel employed and services provided by the school district during the immediately preceding school year and any changes that the school district anticipates making to the personnel and services during the current school year. The school district shall post a copy of the report on the Internet website maintained by the school district.

2. On or before October 1 of each year, each public school shall create a report that includes a description of the personnel employed and services provided by the school during the immediately preceding school year and any changes the school anticipates making to the personnel and services during the current school year. The public school shall post a copy of the report on the Internet website maintained by the public school or, if the public school does not maintain an Internet website, on the Internet website maintained by the school district or the governing body or sponsor of the public school, as applicable.

3. The Department shall prescribe by regulation the format and contents of the information to be provided to create the report created by each school district pursuant to subsection 1 and each public school pursuant to subsection 2. The reports must include, as applicable and without limitation:

(a) Each grade level at which the public school enrolls pupils;

(b) The number of pupils attending the public school;

(c) The average class size at the public school;

(d) The number of persons employed by the public school to provide instruction, support to pupils, administrative support and other personnel including, without limitation, the number of employees in any subgroup of each type or classification of personnel as prescribed by the Department;

(e) The professional development provided by the public school;

(f) The amount of money spent per pupil for supplies, materials, equipment and textbooks;

(g) For each category of pupils for which the public school receives any additional funding, including, without limitation, pupils with disabilities, pupils who are English learners, at-risk pupils and gifted and talented pupils:

(1) The number of pupils in each category who attend the public school;

(2) If the Department determines that pupils within a category must be divided based on severity of need, the number of pupils in each such subcategory; and

(3) The number of persons employed to provide instruction, support to pupils, administrative support and other personnel employed by the public school and dedicated to providing services to each category or subcategory of pupils, including, without limitation, any subgroup of each kind of personnel prescribed by the Department;

(h) The total amount of money received to support the operations of the public school, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount;

(i) The total amount of money received by the public school as adjusted base per pupil funding, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount; and

(j) The amount of money received by the public school as weighted funding for each category of pupils supported by weighted funding, divided by the number of pupils enrolled in the public school who are identified in the appropriate category and expressed as a per pupil amount for each category.

4. The Department shall prepare any reports or provide any data necessary for a school district or public school to produce the reports required by subsections 1 and 2, respectively.

Sec. 25. ~~[~~NRS 388.040 is hereby amended to read as follows:

~~388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.~~

~~2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:~~

~~(a) Charter school;~~

~~(b) University school for profoundly gifted pupils;~~

~~(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105;~~

~~(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive;~~ ~~[or]~~

~~(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of NRS 388.408~~ **[.] ; or**

(f) Public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade or classes required by the pupil.

3. The superintendent of each school district shall:

(a) Establish an application process for a pupil to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2. Such a process must:

(1) Include a deadline by which an application must be submitted each school year;

(2) Provide for the notification of pupils and principals when an application is approved; and

(3) Require an application only if a pupil wishes to attend a public school outside the zone of attendance of the pupil.

(b) Establish capacity limits for each grade level and class within each public school in the school district.

(c) Publish, in coordination with the Office of School Choice created by section 45 of this act, the capacity limits established by paragraph (b).

(d) Allow a pupil whose application to attend a public school outside the zone of attendance that the pupil is otherwise required to attend is approved to permanently transfer to that public school without requiring an additional application in any subsequent school year.

4. The application process established pursuant to paragraph (a) of subsection 3 must not consider any of the following factors in determining whether to approve an application:

(a) The academic, artistic or athletic ability of a pupil;

(b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity;

(c) Whether a pupil is a pupil with a disability;

(d) Whether a pupil is an English learner; or

(e) Except as otherwise provided in this paragraph, whether a pupil has previously been the subject of disciplinary action. The superintendent of a school district may deny the application of a pupil who, in the school year for which the application is submitted or the immediately preceding school year, was suspended for 10 or more days or expelled.

5. If an application to attend a public school outside the zone of attendance that a pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 is approved, the board of trustees of a school district may, but is not required to, provide transportation for the pupil to the public school pursuant to NRS 386.790 to 386.845, inclusive.

6. As used in this section:

(a) "Expelled" has the meaning ascribed to "expel" or "expulsion" in NRS 392.4603.

~~*(b) "Suspended" has the meaning ascribed to "suspend" or "suspension" in NRS 392.4607.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~[~~NRS 388.380 is hereby amended to read as follows:

~~388.380 1. Except as otherwise provided in [subsection] *subsections* 3 [,] *and 4,* the board of trustees of a school district in a county whose population is 100,000 or more shall and any other board of trustees of a school district may:~~

~~(a) Establish and maintain a program of career and technical education giving instruction in the subjects approved by the State Board.~~

~~(b) Raise and expend money for the establishment and maintenance of a program of career and technical education.~~

~~2. A pupil who successfully completes a program of career and technical education and who otherwise satisfies the requirements for graduation from high school must be awarded a high school diploma with an endorsement indicating that the pupil has successfully completed the program of career and technical education. The provisions of this subsection do not preclude a pupil from receiving more than one endorsement on his or her diploma, if applicable.~~

~~3. The board of trustees of each school district shall incorporate into the curriculum:~~

~~(a) Guidance and counseling in career and technical education in accordance with NRS 389.041; and~~

~~(b) Technology.~~

~~4. *The board of trustees of each large school district, as defined in NRS 388G.530, shall, and each other board of trustees of a school district may, establish and maintain a program of career and technical education giving instruction to pupils who wish to become a teacher. A program established and maintained pursuant to this subsection must include, without limitation, the opportunity for a pupil who successfully completes the program to earn, through enrollment in dual credit courses at a community college, state college or university that has been approved for dual credit pursuant to NRS 389.160, at least 12 units of credit applicable toward earning a credential, certificate or degree, as applicable, at the community college, state college or university.*~~

~~*5.* The State Board shall adopt regulations prescribing the endorsement of career and technical education for a high school diploma.]~~ **(Deleted by amendment.)**

Sec. 27. ~~[~~NRS 388.429 is hereby amended to read as follows:

~~388.429 1. The Legislature declares that funding provided for each school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to pupils with disabilities residing in Nevada through the use of local funding for pupils with disabilities prescribed by paragraph [(b)] *(c)* of subsection 2 of NRS 387.1214 and the statewide multiplier established pursuant to NRS 387.122.~~

~~2. Subject to the provisions of NRS 388.417 to 388.469, inclusive, the board of trustees of each school district shall make such special provisions as may be necessary for the education of pupils with disabilities.~~

~~3. The board of trustees of a school district in a county whose population is less than 700,000 may provide early intervening services. Such services must be provided in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.~~

~~4. The board of trustees of a school district shall establish uniform criteria governing eligibility for instruction under the special education programs provided for by NRS 388.417 to 388.469, inclusive. The criteria must prohibit the placement of a pupil in a program for pupils with disabilities solely because the pupil is a disciplinary problem in school. The criteria are subject to such standards as may be prescribed by the State Board.~~**] (Deleted by amendment.)**

Sec. 28. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts and charter schools in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to NRS 385A.310 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ***and a city or county*** that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Committee and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 29. NRS 388A.105 is hereby amended to read as follows:

388A.105 The Department shall adopt regulations that prescribe:

1. The process for submission of an application pursuant to NRS 388A.220 by the board of trustees of a school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

2. The process for submission of an application to form a charter school to the board of trustees of a school district **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***and a city or county,*** and the contents of the application;

3. The process for submission of an application to renew a charter contract to the board of trustees of a school district **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***and a city or county,*** and the contents of the application;

4. The criteria and type of investigation that must be applied by the board of trustees of a school district **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ***and a city or county*** in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a charter contract;

5. The process for submission of an amendment of a charter contract to the board of trustees of a school district **,** ~~[and]~~ a college or university within the

Nevada System of Higher Education ***and a city or county*** pursuant to NRS 388A.276 and the contents of the application; and

6. In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

(a) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and

(b) Ethics requirements for the governing bodies of charter schools.

Sec. 30. NRS 388A.159 is hereby amended to read as follows:

388A.159 1. The State Public Charter School Authority is hereby deemed a local educational agency for all purposes, including, without limitation:

(a) The provision of a free and appropriate public education to each pupil enrolled in a charter school sponsored by the State Public Charter School Authority;

(b) The provision of special education and related services provided by a charter school sponsored by the State Public Charter School Authority; and

(c) Directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** that are eligible to receive such money.

2. A college or university within the Nevada System of Higher Education ***or a city or county*** that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational agency. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

Sec. 31. NRS 388A.171 is hereby amended to read as follows:

388A.171 The State Public Charter School Authority shall:

1. Before March 1 of each even-numbered year:

(a) In consultation with the Department and each board of trustees of a school district **,** ~~[and]~~ college or university within the Nevada System of Higher Education ***and city or county*** that sponsors a charter school, review all statutes and regulations from which charter schools are not exempt and determine whether such statutes and regulations assisted or impeded the charter schools in achieving their academic, fiscal and organizational goals and objectives;

(b) Make recommendations to the Joint Interim Standing Committee on Education concerning any legislation that would assist charter schools in achieving their academic, fiscal and organizational goals; and

(c) Make recommendations to the State Board and the Department concerning any changes to regulations that would assist charter schools in achieving their academic, fiscal and organizational goals.

2. Make available information concerning the formation and operation of charter schools in this State and the academic, fiscal and organizational performance of each charter school in this State to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public. The State Public Charter School Authority shall update such information annually.

Sec. 32. NRS 388A.220 is hereby amended to read as follows:

388A.220 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 388A.255. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. ***A city or county may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a city or county may sponsor charter schools. A city or county:***

(a) May not sponsor a new charter school or allow an existing charter school to increase enrollment or operate an additional campus of an existing charter school if the total number of pupils enrolled in charter schools in the city or county is 7 percent or more of the number of pupils enrolled in public schools other than charter schools in the city or county.

(b) May only sponsor a charter school which is located entirely within the incorporated area of the city or the unincorporated area of the county, as applicable.

5. The board of trustees of a school district ***,*** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** may enter

into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.

~~[5.]~~ ***6.*** Before a board of trustees of a school district ***,*** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** that is approved to sponsor charter schools approves an application to form a charter school, the board of trustees ***,*** ~~[or]~~ college or university ~~[,]~~ ***or city or county,*** as applicable, shall prepare, in collaboration with the Department and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of ~~*[:*~~

~~*(a) The]*~~ ***the*** demographic information of pupils , the ~~*:*~~

~~*(b) The]*~~ academic needs of pupils and the ~~*:*~~

~~*(c) The]*~~ needs of any pupils who are at risk of dropping out of school in the geographic areas served by the sponsor . ~~*; and*~~

~~*(d) The extent to which public schools in the area to be served by a charter school exceed the ratio of pupils per licensed teacher established by NRS 388.700, enroll pupils beyond the stated capacity of the public school or otherwise surpass any generally accepted standards for class sizes.*~~

~~6.]~~ ***7.*** On or before January 31 of each year, the State Public Charter School Authority shall prepare, in collaboration with the Department and, to the extent practicable, the board of trustees of each school district in this State and any other sponsor of a charter school in this State, an evaluation of ~~*[:*~~

~~*(a) The]*~~ ***the*** demographic information of pupils , the ~~*:*~~

~~*(b) The]*~~ academic needs of pupils and the ~~*:*~~

~~*(c) The]*~~ needs of any pupils who are at risk of dropping out of school in this State . ~~*; and*~~

~~*(d) The extent to which public schools in areas served by charter schools exceed the ratio of pupils per licensed teacher established by NRS 388.700, enroll pupils beyond the stated capacity of the public schools or otherwise surpass any generally accepted standards for class sizes.]*~~

Sec. 33. NRS 388A.229 is hereby amended to read as follows:

388A.229 1. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the achievement and proficiency of pupils as set forth in the performance framework for the charter school in a manner that complies with all applicable federal and state laws.

2. The sponsor of the charter school may aggregate data reported by the State and collected by the sponsor concerning pupil achievement and school performance at separate facilities operated by the same governing body or charter management organization and across all grades served by the charter school for the purpose of evaluating and reporting pupil achievement and

school performance. Such an aggregation of data may include, without limitation, a weighted average of data concerning pupil achievement and school performance of each elementary school, junior high school, middle school or high school program operated by the charter school. The sponsor may also disaggregate such data by facility and by grade level or group of grade levels to provide greater transparency and accountability. The sponsor may also adopt policies for determining pupil achievement and school performance at a charter school. Any data reported pursuant to this subsection must be reported in a manner that complies with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.

3. The State Board may adopt regulations to place requirements on the manner in which data is reported by the board of trustees of a school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** that sponsors a charter school including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

4. The State Public Charter School Authority may adopt regulations establishing requirements concerning the manner in which it reports data, including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

Sec. 34. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) Consider the degree to which the proposed charter school will address the needs identified in the evaluation prepared by the proposed sponsor pursuant to subsection ~~[5 or]~~ 6 ***or 7*** of NRS 388A.220, as applicable;

(d) If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located;

(e) Base its determination on documented evidence collected through the process of reviewing the application;

(f) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223; and

(g) Consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the proposed operators, including, without limitation, a charter management organization or educational management organization, of the proposed charter school.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor;

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school;

(c) Based on the most recent evaluation prepared by the proposed sponsor pursuant to subsection ~~[5 or]~~ 6 ***or 7*** of NRS 388A.220, as applicable, the proposed charter school will address one or more of the needs identified in the evaluation; and

(d) It has received sufficient input from the public, including, without limitation, input received at the meeting held pursuant to subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255, as applicable.

4. The identity of each member of the team of reviewers assembled by a proposed sponsor of a charter school is confidential for 5 years after the review of an application to form a charter school is complete and must not be disclosed unless ordered by a district court in an action brought pursuant to subsection 3 of NRS 388A.255.

5. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 35. NRS 388A.252 is hereby amended to read as follows:

388A.252 1. If the board of trustees of a school district **,** ~~[or]~~ a college or a university within the Nevada System of Higher Education ~~[, as applicable,]~~ ***or a city or county*** receives an application to form a charter school, the board of trustees **,** ~~[or]~~ the institution ~~[,]~~ ***or the city or county,*** as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district **,** ~~[or]~~ the institution ~~[,]~~ ***or the city or county,*** as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249.

2. The board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, may approve an application if the requirements of subsection 3 of NRS 388A.249 are satisfied.

3. The board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

Sec. 36. NRS 388A.258 is hereby amended to read as follows:

388A.258 Notwithstanding the provisions of NRS 388A.249, 388A.252 and 388A.255, the State Public Charter School Authority may adopt regulations establishing timelines and procedures by which the State Public Charter School Authority will review applications and the board of trustees of a school district **,** ~~[that is approved to sponsor charter schools or]~~ a college or university within the Nevada System of Higher Education ***or city or county*** that is approved to sponsor charter schools may adopt policies establishing timelines and procedures by which the board of trustees **,** ~~[or]~~ college or university ~~[,]~~ ***or city or county,*** as applicable, will review applications. These regulations or policies may:

1. Establish different timelines and review procedures for different types of applicants; and

2. Authorize or require an applicant to submit an abbreviated application, the contents of such an application and criteria that the State Public Charter School Authority will use to determine whether to invite the applicant to submit a full application that meets the requirements of NRS 388A.243 and 388A.246 or deny the abbreviated application and recommend that the applicant make substantial revisions and submit the application during another application cycle.

Sec. 37. NRS 388A.270 is hereby amended to read as follows:

388A.270 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall negotiate, develop and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; ~~[or]~~

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university ~~[.]~~ ***; or***

(d) If a city or county is the sponsor of the charter school, the mayor of the city or the chair of the board of county commissioners, as applicable.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. ***If a city or county approves the application:***

(a) The city or county shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

9. Except as otherwise provided in NRS 388A.285, a charter contract must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

Sec. 38. NRS 388A.279 is hereby amended to read as follows:

388A.279 1. The State Public Charter School Authority, the board of trustees of the school district ***,*** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend a charter contract of the charter school it sponsors, including, without limitation, a request to amend a charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in the charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to NRS 388A.282.

2. A charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable, must deny a request to amend a charter contract in the manner described in paragraph (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees**,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable, determines that:

(a) Except as otherwise provided in subsection 6 of NRS 388A.274, the charter school is not meeting the requirements of the performance framework concerning academics, finances or organization established pursuant to NRS 388A.273; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 39. NRS 388A.378 is hereby amended to read as follows:

388A.378 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides **,** ~~[or]~~ with the Nevada System of Higher Education ***or with a city or county*** for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 388A.381 before the provision of such services other than for the provision of school police officers when the provisions of NRS 388A.384 apply. If the board of trustees of a school district provides services to a charter school pursuant to this section or NRS 388A.474, it shall not charge more than its cost for providing such services determined on a cost per pupil basis.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve,

maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

Sec. 40. NRS 388A.487 is hereby amended to read as follows:

388A.487 1. The governing body of a charter school that operates as an elementary school shall adopt rules for the provision of intervention services and intensive instruction to ***and the academic retention of*** pupils who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765 ~~[.]~~ ***and section 71 of this act.*** The rules must:

(a) Prescribe the programs and instruction which will be provided to a pupil who has been identified as deficient in the subject area of reading in accordance with the plan established pursuant to NRS 388.157.

(b) Require the school to provide to a pupil who has been identified as deficient in the subject area of reading with intervention services and intensive instruction in accordance with the plan established pursuant to NRS 388.157.

(c) Require a pupil enrolled in grade 3 to be retained in the same grade, rather than promoted to grade 4, when required pursuant to section 71 of this act.

2. On or before October 15 of each year, the governing body of each charter school that operates as an elementary school shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who ***:*** ~~[were:]~~

(1) ~~[~~Designated~~]~~ ***Were designated*** in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school of a charter school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously provided intervention services and intensive instruction while enrolled in an elementary school of a charter school; ~~[~~and~~]~~

(2) Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(I) Did not improve at a rate prescribed by the governing body of a charter school, indicating a need for more intensive or different interventions; ***or***

(II) Improved at a rate prescribed by the governing body of a charter school, indicating growth toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; ~~[~~and~~]~~

(3) Were retained in grade 3 pursuant to section 71 of this act, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(4) Were not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(b) Submit a copy of the report to the Department, the Legislature and the sponsor of the charter school; and

(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Sec. 41. ~~[Chapter 388D of NRS is hereby amended by adding thereto the provisions set forth as sections 42 to 45, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 42. ~~[*"Executive Director" means the Executive Director of the Office of School Choice appointed pursuant to section 45 of this act.*]~~ **(Deleted by amendment.)**

Sec. 43. ~~[*"Office" means the Office of School Choice created by section 45 of this act.*]~~ **(Deleted by amendment.)**

Sec. 44. ~~[*"Scholarship organization" means an organization in this State that meets the requirements set forth in NRS 388D.270.*]~~ **(Deleted by amendment.)**

Sec. 45. ~~[*1. The Office of School Choice is hereby created within the Department.*~~

~~*2. The Executive Director of the Office:*~~

~~*(a) Is appointed by and serves at the pleasure of the Governor.*~~

~~*(b) Is responsible to the Superintendent of Public Instruction.*~~

~~*(c) Is in the unclassified service of the State.*~~

~~*3. The Executive Director is responsible for the administration of:*~~

~~*(a) The Office; and*~~

~~*(b) The Nevada Educational Choice Scholarship Program established pursuant to NRS 388D.250 to 388D.280, inclusive, and sections 42 to 45, inclusive, of this act and any other federal, state or local programs that support options for school choice.*~~

~~*4. The Office shall:*~~

~~*(a) Support quality public and private educational choice programs;*~~

~~*(b) Provide structure, information and assistance to pupils, families, schools, sponsors of charter schools teachers and administrators to promote the success of pupils in any generally accepted means of educating pupils in kindergarten through grade 12, including, without limitation, traditional public schools, charter schools, magnet schools, private schools, micro schools, virtual schools, and homeschools;*~~

~~*(c) Ensure pupils and their families have access to all information necessary to evaluate all public and private school options, including,*~~

~~*without limitation, policies and requirements for enrollment and admission, and make such information available on the Internet website of the Office;*~~

~~*— (d) Develop a uniform set of data, standards and metrics to measure the performance and educational outcomes of pupils for the evaluation and comparison of schools to enable pupils and their families to make informed decisions on options for school choice;*~~

~~*— (e) Periodically create reports based on the measurements gathered pursuant to paragraph (d) and publish such reports on the Internet website of the Office;*~~

~~*— (f) Collaborate with the State Board and the State Public Charter School Authority to increase access to options for school choice that produce educational outcomes which are above average for pupils;*~~

~~*— (g) Determine the number of available seats in charter schools in this State and publish such information on the Internet website of the Office;*~~

~~*— (h) When determined to be appropriate by the Executive Director, provide direct support to pupils and their families to assist in navigating the options for school choice available in this State;*~~

~~*— (i) Make recommendations to the Superintendent of Public Instruction for evidence-based strategies to increase options for school choice and improve educational outcomes of pupils;*~~

~~*— (j) Design, develop and administer a program for open zoning in public schools; and*~~

~~*— (k) Engage in any other activities to increase options for school choice and allow pupils and their families to efficiently choose such options.]*~~ **(Deleted by amendment.)**

Sec. 46. ~~[NRS 388D.250 is hereby amended to read as follows:~~

~~— 388D.250 NRS 363A.139, 363B.119 and 388D.250 to 388D.280, inclusive, *and sections 42 to 45, inclusive, 84, 87 and 88 of this act* may be cited as the Nevada Educational Choice Scholarship Program.]~~ **(Deleted by amendment.)**

Sec. 47. ~~[NRS 388D.260 is hereby amended to read as follows:~~

~~— 388D.260 As used in NRS 388D.250 to 388D.280, inclusive, *and sections 42 to 45, inclusive, of this act,* unless the context otherwise requires, [“scholarship organization” means an organization in this State that meets the requirements set forth in NRS 388D.270.] *the words and terms defined in sections 42, 43 and 44 of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 48. ~~[NRS 388D.270 is hereby amended to read as follows:~~

~~— 388D.270 1. A scholarship organization must:~~

~~— (a) Be exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).~~

~~— (b) Not own or operate any school in this State, including, without limitation, a private school, which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.~~

~~(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.~~

~~(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.~~

~~(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than **[**300**]** ***500*** percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools. The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed **[**$7,755 for Fiscal Year 2015-2016.**]** ***the adjusted base per pupil funding that would apply pursuant to subsection 5 of NRS 387.1214 to the school attended by the pupil if the school were a charter school.***~~

~~(f) Not limit to a single school the schools for which it provides grants.~~

~~(g) Except as otherwise provided in paragraph (e), not limit to specific pupils the grants provided pursuant to that paragraph.~~

~~2. **[**The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year.**]** On May 1 of each year, the **[**Department of Education**]** ***Executive Director*** shall **[**determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also**]** post the **[**adjusted amounts**]** ***maximum amount of a grant authorized pursuant to paragraph (c) of subsection 1 for each school in this State eligible to receive such a grant*** on **[**its**]** ***the*** Internet website **[**.**]** ***of the Office.***~~

~~3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil.~~

~~4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:~~

~~(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and~~

~~(b) The total amount of the donation, gift or grant made to the scholarship organization.~~

~~5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the information may be aggregated and reported for all such pupils if reporting is~~

~~required by the regulations of the [Department of Education.] *Executive Director.*~~

~~— 6. The [Department of Education:] *Executive Director:*~~

~~— (a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.~~

~~— (b) May adopt such other regulations as the [Department] *Executive Director* determines necessary to carry out the provisions of this section.~~

~~— 7. As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.]~~ **(Deleted by amendment.)**

Sec. 49. ~~[NRS 388D.280 is hereby amended to read as follows:~~

~~— 388D.280 — A scholarship organization which receives a donation, gift or grant of money described in NRS 388D.270 shall report to the [Department of Education,] *Executive Director,* on or before January 31 of each year, on a form prescribed by the [Department:] *Executive Director:*~~

~~— 1. The name, address and contact information of the scholarship organization;~~

~~— 2. The total number of such donations, gifts and grants received by the scholarship organization during the immediately preceding calendar year;~~

~~— 3. The total dollar amount of such donations, gifts and grants received during the immediately preceding calendar year;~~

~~— 4. The total number of pupils for whom the scholarship organization made grants during the immediately preceding calendar year pursuant to NRS 388D.270;~~

~~— 5. The total dollar amount of such grants made during the immediately preceding calendar year; and~~

~~— 6. For each school for which such a grant was made during the immediately preceding calendar year:~~

~~— (a) The name and address of the school;~~

~~— (b) The number of pupils enrolled in the school for whom such a grant was made; and~~

~~— (c) The total dollar amount of such grants provided for pupils enrolled in the school.]~~ **(Deleted by amendment.)**

Sec. 50. NRS 388G.130 is hereby amended to read as follows:

388G.130 1. Except as otherwise provided in subsection 10, the empowerment team of a public school, other than a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ~~[,]~~ ***or by a city or county,*** that develops an empowerment plan pursuant to NRS 388G.120 shall submit the proposed empowerment plan to the designee of the board of trustees appointed pursuant to this subsection for review and approval pursuant to this section. The board of trustees shall designate a person to review each proposed empowerment plan and recommend the approval or denial of the plan to the board of trustees.

2. The board of trustees shall approve or deny the empowerment plan. The approval or denial of an empowerment plan must be based solely upon the

contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the school pursuant to subsection 4 of NRS 388G.120.

3. Except as otherwise provided in subsection 10, if the board of trustees approves an empowerment plan, the president of the board of trustees, the principal of the public school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the board of trustees of the school district revokes the plan.

4. Except as otherwise provided in subsection 10, if the board of trustees denies an empowerment plan, the board of trustees shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 10, an empowerment plan for a public school is not effective and a public school shall not operate as an empowerment school unless the plan is signed by the president of the board of trustees of the school district, the principal of the public school and the chair of the empowerment team, if the principal is not the chair. If an empowerment plan includes a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, a public school may operate under the approved plan but the requested waivers from state law are not effective unless approved by the State Board pursuant to subsection 7.

6. Except as otherwise provided in subsection 10, the empowerment team may submit a written request to the board of trustees for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If the empowerment plan includes a request for a waiver from a statute or regulation, the board of trustees shall forward the approved empowerment plan to the State Board for review of the request for a waiver. The State Board shall review the empowerment plan and may approve or deny the request for a waiver from a statute or regulation unless the statute or regulation is required by federal law or is required to carry out federal law.

8. If the State Board approves the request for a waiver for a school, the Department shall provide written notice of the approval to the board of trustees of the school district that submitted the empowerment plan on behalf of the school.

9. If the State Board denies a request for a waiver, the State Board shall:

(a) Return the request to the school district with a written statement indicating the reason for the denial; and

(b) Except as otherwise provided in subsection 10, provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. A request for a waiver may be resubmitted by the school district, after the empowerment team corrects any deficiencies, not more than once in a school year.

10. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 388G.100, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

Sec. 51. NRS 388G.140 is hereby amended to read as follows:

388G.140 1. Except as otherwise provided in subsection 7, the empowerment team of a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** which develops an empowerment plan pursuant to NRS 388G.120 shall submit the proposed plan to the Department for transmission to the State Board for review and approval pursuant to this section.

2. The State Board shall review each proposed empowerment plan and approve or deny the plan, including a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, if applicable. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the charter school pursuant to subsection 4 of NRS 388G.120.

3. Except as otherwise provided in subsection 7, if the State Board approves an empowerment plan, the President of the State Board, the principal of the charter school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the State Board revokes the plan.

4. Except as otherwise provided in subsection 7, if the State Board denies an empowerment plan, the State Board shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 7, an empowerment plan for a charter school that is sponsored by the State Public Charter School Authority**,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** is not effective and a charter school shall not operate as an empowerment school unless the plan is signed by the President of the State

Board, the principal of the charter school and the chair of the empowerment team, if the principal is not the chair.

6. Except as otherwise provided in subsection 7, the empowerment team may submit a written request to the Department for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 388G.100, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

Sec. 52. NRS 388G.200 is hereby amended to read as follows:

388G.200 1. Each empowerment school, other than a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ~~[,]~~ ***or by a city or county,*** shall, on a quarterly basis, submit to the board of trustees of the school district in which the school is located a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

2. Each charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** which is approved to operate as an empowerment school shall, on a quarterly basis, submit to the Department a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

3. The board of trustees of a school district shall conduct a financial audit of each empowerment school within the school district, other than a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ~~[.]~~ ***or by a city or county.*** Each financial audit must be conducted on an annual basis and more frequently if determined necessary by the board of trustees.

4. The Department shall conduct a financial audit of each charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** which operates as an empowerment school on an annual basis and more frequently if determined necessary by the Department.

5. On or before July 1 of each year, the board of trustees of each school district shall compile the reports and audits required pursuant to subsections 1 and 3, if any, and forward the compilation to the:

(a) Governor;

(b) Department; and

(c) Joint Interim Standing Committee on Education.

6. On or before July 1 of each year, the Department shall compile the reports and audits required pursuant to subsections 2 and 4, if any, and forward the compilation to the:

(a) Governor; and

(b) Joint Interim Standing Committee on Education.

Sec. 53. ~~[NRS 388C.650 is hereby amended to read as follows:~~

~~388C.650 1. On or before January 15 of each year, to assist the local school precincts in preparing their budgets for the next school year, the superintendent shall establish and make public:~~

~~(a) The average unit cost for each type of employee employed to work at a local school precinct which is determined based upon the average unit cost across the large school district. A separate average unit cost must be established for teachers and substitute teachers, respectively.~~

~~(b) A list of equipment, services and supplies that a local school precinct may obtain from the large school district using the money allocated to the local school precinct and the cost for such equipment, services and supplies. The cost of such equipment, services and supplies must not exceed the actual cost to the large school district to provide the equipment, services and supplies to the local school precinct.~~

~~2. [Each] *Except as otherwise provided in subsections 3 and 4, each* local school precinct must carry forward its year-end balance to the next school year for use by the local school precinct. The large school district must account for any such amount that is carried forward as a restricted fund balance.~~

~~*3. If the year-end balance carried forward pursuant to subsection 2 in any school year exceeds 2 percent of the actual expenditures of the local school precinct during the immediately preceding school year, the local school precinct shall develop a plan in cooperation with the large school district to use such a year-end balance and submit the plan to the large school district within 90 days after the end of the school year from which the year-end balance was carried forward. The plan must include spending the entire amount of money by which the year-end balance carried forward pursuant to subsection 2 exceeds 2 percent of the actual expenditures of the local school precinct during the immediately preceding school year for one or more of the following purposes, in order of priority:*~~

~~*(a) Deferred maintenance within the local school precinct;*~~

~~*(b) Tutoring or other programs to improve the academic achievement of pupils within the local school precinct;*~~

~~*(c) Programs to support social, emotional and academic development of pupils within the local school precinct;*~~

~~*(d) Extracurricular programs for pupils within the local school precinct;*~~

~~*(e) One-time incentive payments on the basis of merit to teachers within the local school precinct;*~~

~~*(f) One-time incentive payments on the basis of merit to support staff within the local school precinct;*~~

~~*(g) Tutoring or other programs to improve the academic achievement of pupils within the large school district;*~~

~~*(h) Programs to support social, emotional and academic development of pupils within the large school district;*~~

~~*(i) Extracurricular programs for pupils within the large school district;*~~

~~*(j) One-time incentive payments on the basis of merit to teachers within the large school district; and*~~

~~*(k) One-time incentive payments on the basis of merit to support staff within the large school district.*~~

~~*4. If a local school precinct:*~~

~~*(a) Fails to submit a plan required by subsection 3 to the large school district within 90 days after the end of a school year from which a year-end balance exceeding 2 percent of the actual expenditures of the local school precinct during the immediately preceding school year was carried forward; or*~~

~~*(b) Fails to spend the entire amount of money by which the year-end balance carried forward pursuant to subsection 2 exceeded 2 percent of the actual expenditures of the local school precinct during the immediately preceding school year pursuant to a plan submitted pursuant to subsection 3 within 2 years after the submission of the plan,*~~

~~*↳ the large school district shall transfer the amount of money by which the balance carried forward exceeded 2 percent of the actual expenditures of the local school precinct during the immediately preceding school year, less any amount spent by the local school precinct pursuant to a plan submitted pursuant to subsection 3, to the Education Stabilization Account created by NRS 387.1213. The local school precinct shall reduce any balance carried forward by any amount transferred to the Education Stabilization Account pursuant to this subsection.]*~~ **(Deleted by amendment.)**

Sec. 54. ~~[Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The State Teacher Pipeline Account is hereby created in the State General Fund. The Account must be administered by the State Board.*~~

~~*2. The interest and income on:*~~

~~*(a) The money in the Account, after deducting any applicable charges; and*~~

~~*(b) Unexpired appropriations made to the Account from the State General Fund,*~~

~~*↳ must be credited to the Account.*~~

~~*3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*~~

~~*4. The State Board may accept gifts and grants of money from any source for deposit in the Account.*~~

~~*5. The money in the Account may only be used to award grants to school districts to support programs of career and technical education created pursuant to subsection 4 of NRS 388.380.]*~~ **(Deleted by amendment.)**

Sec. 55. Chapter 391A of NRS is hereby amended by adding thereto the provisions set forth as sections 56 to 66, inclusive, of this act.

Sec. 56. ***On or before November 1 of each year, the State Board shall:***

1. Review all Teach Nevada Scholarships awarded for the immediately preceding academic year;

2. Compile a report for the immediately preceding academic year which must include, without limitation:

(a) The number of students who applied for a Teach Nevada Scholarship;

(b) The number of scholarship recipients;

(c) The total cost of all Teach Nevada Scholarships;

(d) The graduation rate of scholarship recipients;

(e) The percentage of students who:

(1) Were scholarship recipients in the academic year that immediately precedes the year which is the subject of the report;

(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and

(3) Received a Nevada Teacher Advancement Scholarship, as defined in section 60 of this act, for the academic year which is the subject of the report;

(f) The percentage of scholarship recipients who graduated and became employed as a teacher at a public school ~~*[or private school]*~~ ***in this State; and***

(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of NRS 391A.585; and

3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 57. ***As used in sections 57 to 66, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 58 to 61, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 58. ***"Account" means the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act.***

Sec. 59. ***"Nevada Teacher Advancement Scholarship" means a scholarship awarded by a university, college or other provider of an alternative licensure program to a student pursuant to section 64 of this act.***

Sec. 60. ***"Other provider of an alternative licensure program" means an entity, other than a university or college, which has been approved by the Commission on Professional Standards in Education in accordance with the regulations adopted pursuant to NRS 391.019 to provide education and training to a student which will lead to an alternative route to licensure for the student.***

Sec. 61. *"Scholarship recipient" means the recipient of a Nevada Teacher Advancement Scholarship awarded pursuant to section 64 of this act.*

Sec. 62. *1. The Nevada Teacher Advancement Scholarship Program Account is hereby created in the State General Fund. The Account must be administered by the State Board.*

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charge; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The State Board may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may only be used to:

(a) Award grants to universities, colleges and other providers of an alternative licensure program that are approved to award Nevada Teacher Advancement Scholarships pursuant to section 64 of this act.

(b) Disburse the money retained pursuant to paragraph (b) of subsection 2 of section 63 of this act to a scholarship recipient who meets the requirements of subsection 4 of section 64 of this act.

Sec. 63. *1. A public or private university or college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which results in a master's degree in education or a related field of study.*

2. The State Board shall:

(a) Establish the number of Nevada Teacher Advancement Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of section 64 of this act.

3. The State Board:

(a) Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Have successfully completed a teacher preparatory program at a public school established pursuant to subsection 4 of NRS 388.380;

(2) Received the Teach Nevada Scholarship, as defined in NRS 391A.570, and successfully fulfilled the requirements of subsection 4 of NRS 391A.585; or

(3) Are veterans or the spouses of veterans.

(b) May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;

(2) Intend to teach in public schools in this State which have the highest shortage of teachers;

(3) Have been economically disadvantaged or belong to a racial or ethnic minority group; or

(4) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Nevada Teacher Advancement Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student has taught in a public school ~~[or private school]~~ in this State for not less than 2 of the immediately preceding 5 years.

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of sections 57 to 66, inclusive, of this act.

Sec. 64. ***1. Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account pursuant to section 63 of this act shall use the money to award Nevada Teacher Advancement Scholarships to students who will attend the university, college or other provider of an alternative licensure program with***

the intent to complete a program described in subsection 1 of section 63 of this act. Such students may include, without limitation, students who have completed a bachelor's degree and taught in a public school in this State for at least 2 years.

2. A university, college or other provider of an alternative licensure program may award a Nevada Teacher Advancement Scholarship to a scholarship recipient in an amount:

(a) Not to exceed the cost of receiving a master's degree at a public university in this State prorated over the number of semesters required for the student to complete the program; and

(b) Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in subsection 1 of section 63 of this act, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an alternative licensure program, and the total amount of any other gift aid received by the student.

3. A university, college or other provider of an alternative licensure program that awards a Nevada Teacher Advancement Scholarship shall, at the beginning of each semester disburse to the scholarship recipient 75 percent of the scholarship money awarded to the scholarship recipient for the semester.

4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant to paragraph (b) of subsection 2 of section 63 of this act if the scholarship recipient:

(a) Completes the program for which he or she was awarded the scholarship;

(b) Maintains employment as a teacher at a public school ~~[for private school]~~ in this State for 3 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and

(c) Meets any other requirements established by the State Board.

5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of section 63 of this act, a scholarship recipient who meets the requirements set forth in subsection 4 must request the State Board to disburse the money within 1 year after the 2-year anniversary of the date on which the scholarship recipient meets the requirements of subsection 4.

6. As used in this section, "gift aid" means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.

Sec. 65. ***1. If a scholarship recipient does not complete the program for which the scholarship was awarded for any reason, including, without limitation, withdrawing from the university, college or other provider of an alternative licensure program or pursuing another course of study, the university, college or other provider of an alternative licensure program that***

awarded the scholarship must pay to the State Board for credit to the Account:

(a) Any amount of money that the university, college or other provider of an alternative licensure program has received but has not yet disbursed to the scholarship recipient pursuant to section 64 of this act; and

(b) An amount of money equal to the total amount of money disbursed to the scholarship recipient pursuant to section 64 of this act or $1,000, whichever is less.

2. If a scholarship recipient completes the program for which the scholarship was awarded on schedule, as described in the application for the scholarship submitted pursuant to section 63 of this act, to the extent that money is available for this purpose, the State Board shall pay $1,000 to the university, college or other provider of an alternative licensure program that awarded the scholarship. Any money received by a university, college or other provider of an alternative licensure program pursuant to this section must be used to pay costs associated with providing a program described in subsection 1 of section 63 of this act.

Sec. 66. ***On or before November 1 of each year, the State Board shall:***

1. Review all Nevada Teacher Advancement Scholarships awarded for the immediately preceding academic year;

2. Compile a report for the immediately preceding academic year which must include, without limitation:

(a) The number of students who applied for a Nevada Teacher Advancement Scholarship;

(b) The number of scholarship recipients;

(c) The total cost of all Nevada Teacher Advancement Scholarships;

(d) The graduation rate of scholarship recipients;

(e) The percentage of students who:

(1) Received a Teach Nevada Scholarship, as defined in NRS 391A.570, in the academic year that immediately precedes the year which is the subject of the report;

(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and

(3) Were scholarship recipients for the academic year which is the subject of the report;

(f) The percentage of scholarship recipients who graduated and became employed as teachers at a public school ~~[or private school]~~ in this State; and

(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of section 64 of this act; and

3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 67. NRS 391A.550 is hereby amended to read as follows:

391A.550 As used in NRS 391A.550 to 391A.590, inclusive, ***and section 56 of this act,*** unless the context otherwise requires, the words and

terms defined in NRS 391A.555 to 391A.570, inclusive, have the meanings ascribed to them in those sections.

Sec. 68. NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which:

(a) Upon completion makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; or

(b) Allows a student to specialize in the subject area of early childhood education.

2. The State Board shall:

(a) Establish the number of Teach Nevada Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

3. The State Board ~~[may]~~ ***:***

(a) Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Have successfully completed a teacher preparatory program at a public school established pursuant to subsection 4 of NRS 388.380; or

(2) Are veterans or the spouses of veterans.

(b) May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

~~[(a) Are veterans or the spouses of veterans;]~~

(1) Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;

~~[(b)]~~ ***(2)*** Intend to teach in public schools in this State which have the highest shortage of teachers;

~~[(c)]~~ ***(3)*** Have been economically disadvantaged or belong to a racial or ethnic minority group; or

~~[(d)]~~ ***(4)*** Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Teach Nevada Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student ~~[agrees to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education.]~~ ***obtained a high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State or successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 before 20 years of age.***

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of NRS 391A.550 to 391A.590, inclusive ~~[.]~~ ***, and section 56 of this act.***

Sec. 69. NRS 391A.585 is hereby amended to read as follows:

391A.585 1. Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account pursuant to NRS 391A.580 shall use the money to award Teach Nevada Scholarships to students who will attend the university, college or other provider of an alternative licensure program with the intent to complete a program described in subsection 1 of NRS 391A.580. Such students may include, without limitation:

(a) Recent high school graduates who enroll in a program described in subsection 1 of NRS 391A.580;

(b) Students who are enrolled at a university or college who change their academic program or major to a program described in subsection 1 of NRS 391A.580;

(c) Students who have completed some credits at a university or college and who enroll in a program described in subsection 1 of NRS 391A.580;

(d) Students who possess a bachelor's degree in a field other than education who pursue an alternative route to licensure as a teacher;

(e) Veterans and the spouses of veterans; and

(f) Students who have had some experience working in a classroom, including, without limitation, as a paraprofessional or substitute teacher.

2. A university, college or other provider of an alternative licensure program may award a Teach Nevada Scholarship to a scholarship recipient in an amount ~~[not]~~ ***:***

(a) Not to exceed ~~[$3,000 per semester or $24,000 in the aggregate.]~~ ***the cost of receiving a bachelor's degree at a public university in this State prorated over the number of semesters required for the student to complete the program; and***

(b) Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in subsection 1 of NRS 391A.580, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an alternative licensure program, and the total amount of any other gift aid received by the student.

3. A university, college or other provider of an alternative licensure program that awards a Teach Nevada Scholarship shall, at the beginning of each semester disburse to the scholarship recipient 75 percent of the scholarship money awarded to the scholarship recipient for the semester.

4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580 if the scholarship recipient:

(a) Completes the program for which he or she was awarded the scholarship;

(b) Maintains employment as a teacher at a public school ~~***[for private school]***~~ in this State for 5 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and

(c) Meets any other requirements established by the State Board.

5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580, a scholarship recipient who meets the requirements set forth in subsection 4 must request the State Board to disburse the money within 1 year after the 5-year anniversary of the date on which the scholarship recipient meets the requirements of subsection 4.

6. As used in this section, "gift aid" means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.

Sec. 70. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections **70.5,** 71 and 72 of this act.

Sec. 70.5. As used in NRS 392.750 to 392.775, inclusive, and sections 70.5, 71 and 72 of this act, unless the context otherwise requires, "subject area of reading" includes, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension.

Sec. 71. ***1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3, rather than promoted to***

grade 4, if the pupil does not obtain a score in the subject area of reading on the ~~[criterion-referenced]~~ uniform examination administered pursuant to ~~[NRS 390.105]~~ paragraph (a) of subsection 5 that meets the passing score prescribed by the State Board.

2. If a pupil will be retained in grade 3 pursuant to this section, the principal of the school must provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3.

3. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to this section to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.

4. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to NRS 392.760, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4, while continuing to receive remediation in the subject area of reading.

5. The State Board shall prescribe by regulation ~~[an]~~ :

(a) A uniform examination for administration in kindergarten and grades 1, 2 and 3 to measure the proficiency of pupils in the subject area of reading;

(b) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the uniform examination administered pursuant to paragraph (a) to be promoted to grade 4 without a good-cause exemption; and

(c) An alternative examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the ~~[criterion-referenced]~~ uniform examination administered pursuant to ~~[NRS 390.105]~~ paragraph (a) and the passing score such a pupil must obtain on the alternative examination to be promoted to grade 4 without the approval for a good-cause exemption pursuant to section 72 of this act.

Sec. 72. *1. The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good-cause exemption for the pupil upon a determination by the principal of the*

school pursuant to subsection 3 that the pupil is eligible for such an exemption.

2. A good-cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good-cause exemption if the pupil:

(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;

(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond grade 3;

(c) Is an English learner and has received not less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the ~~[criterion-referenced examinations]~~ uniform examination administered pursuant to ~~[NRS 390.105]~~ paragraph (a) of subsection 5 of section 71 of this act is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the ~~[criterion-referenced examinations]~~ uniform examination administered pursuant to ~~[NRS 390.105;]~~ paragraph (a) of subsection 5 of section 71 of this act;

(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and

(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.

3. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 2 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the

charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice to the principal of the approval or denial.

4. A principal who determines that a pupil is eligible for a good-cause exemption pursuant to subsection 3 shall notify the parent or legal guardian of the pupil if the superintendent of schools of the school district or the governing body of the charter school, as applicable, has approved the good-cause exemption.

5. The principal of a school in which a pupil for whom a good-cause exemption is approved pursuant to subsection 3 and who is promoted to grade 4 must ensure that the pupil continues to be provided intervention services and intensive instruction in the subject area of reading pursuant to NRS 392.760.

6. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(I)(A).

Sec. 73. ~~[NRS 392.015 is hereby amended to read as follows:~~

~~392.015 1. The board of trustees of a school district shall, upon application, allow any pupil who resides on an Indian reservation located in two or more counties to attend the school nearest to the pupil's residence, without regard to the school district in which the pupil's residence is located. For the purposes of apportionment of money, if such a pupil attends a school outside the county in which the pupil resides, the pupil must be counted as being enrolled in the district in which he or she attends school.~~

~~2. A pupil who is allowed to attend a school outside the school district in which the pupil's residence is located pursuant to this section must remain in that school for the full school year.~~

~~3. The school district which pays the additional costs of transporting a pupil pursuant to this section to a school outside the school district in which the pupil's residence is located is entitled to be reimbursed for those costs by the school district in which the pupil is enrolled. Such additional costs must be paid from money received by the school district in which the pupil is enrolled from the State Education Fund pursuant to paragraph [(a)] *(b)* of subsection 2 of NRS 387.1214.~~

~~4. The provisions of this section do not apply to a pupil who:~~

~~(a) Is ineligible to attend public school pursuant to NRS 392.4675; or~~

~~(b) Resides on an Indian reservation pursuant to an order issued by a court of competent jurisdiction in another state adjudging the pupil to be delinquent and committing him or her to the custody of a public or private institution or agency in this state.~~**]** **(Deleted by amendment.)**

Sec. 74. NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4 ~~[,]~~ ***and section 71 of this act,*** before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a

reasonable effort to arrange a meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.

2. Except as otherwise provided in ~~[~~NRS 392.760,~~]~~ ***section 71 of this act,*** the teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.

3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school ~~[.]~~ ***and in section 71 of this act,*** no pupil may be retained more than one time in the same grade.

4. Except as otherwise provided in NRS 388A.487, this section does not apply to the academic retention of pupils who are enrolled in a charter school.

Sec. 75. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district **,** ~~[or]~~ the State Public Charter School Authority or a college or university within the Nevada System of Higher Education ***or a city or county*** that sponsors a charter school pursuant to subsection 3 of NRS 385A.240;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 76. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 or who newly enrolls in a public elementary school exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in elementary school that has been approved by the Department pursuant to NRS 388.157;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, ***the pupil will be retained in grade 3, rather than promoted to grade 4, unless the pupil receives a good-cause exemption pursuant to section 72 of this act, and*** the school will provide the pupil with intervention services and intensive instruction each year that the pupil is enrolled in the elementary school, unless it is determined that such services and instruction are no longer necessary;

3. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the ~~[criterion-referenced]~~ ***uniform*** examination in ~~[only]~~ the subject area of reading administered pursuant to ~~[NRS 390.105]~~ ***paragraph (a) of subsection 5 of section 71 of this act*** is not the only factor used to determine whether the pupil will be ~~[provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;]~~ ***retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good-cause exemption pursuant to section 72 of this act;***

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to NRS 392.765 regarding ~~[the]~~ ***:***

(a) The provision of intervention services and intensive instruction to a pupil enrolled in an elementary school; ***and***

(b) The promotion of a pupil to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to section 71 of this act;

6. Include information regarding the English literacy development of a pupil who is an English learner;

7. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is an English learner;

8. To the extent practicable, be provided in a language that the parent or legal guardian can understand;

9. Explain that a plan to monitor the growth of the pupil in the subject area of reading will regularly assess the pupil and the elementary school will provide notice to the parent or legal guardian the status of the growth of the pupil; and

10. Explain that services and the programs provided to the pupil will be adjusted to improve the deficiency in the subject area of reading.

Sec. 77. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, an elementary school must provide to a pupil enrolled in the school intervention services and intensive instruction if the pupil does not obtain a score in ~~[only]~~ the subject area of reading on the ~~[criterion-referenced]~~ ***uniform*** examination administered pursuant to ~~[NRS 390.105]~~ ***paragraph (a) of subsection 5 of section 71 of this act*** that meets the passing score prescribed by the State Board. ***The school must provide such services and instruction to a pupil, regardless of whether the pupil is retained in grade 3 pursuant to section 71 of this act or is not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act.***

2. The principal of a school, in consultation with the literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise related to providing intervention services and intensive instruction to the pupil ~~[:~~

~~(a) Shall]~~ ***shall*** ensure that the pupil continues to be provided intervention services and intensive instruction in the subject area of reading for as long as it is determined to be necessary while the pupil is enrolled at the elementary school. Such instruction must include, without limitation, strategies based upon evidence-based research that will improve proficiency in the subject area of reading.

~~[(b) May retain the pupil in grade 3 rather than promote the pupil to grade 4 when authorized pursuant to NRS 392.125.]~~

3. Each literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise relating to providing intervention services and intensive instruction to a pupil in the subject area of reading shall, in addition to any other duties or responsibilities assigned to him or her, provide intervention services and intensive instruction directly to pupils who do not obtain a score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) of

subsection 5 of section 71 of this act that meets the passing score prescribed by the State Board.

4. Each public school shall offer a pupil who is enrolled in grade 2 or grade 3 in the school and does not obtain a score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act that meets the passing score prescribed by the State Board the opportunity to enroll in summer school at the public school.

Sec. 78. NRS 392.775 is hereby amended to read as follows:

392.775 On or before October 15 of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public elementary school within the school district who:

(a) Were designated in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously provided intervention services and intensive instruction; ~~[and]~~

(b) Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(1) Did not improve at a rate prescribed by the board of trustees of the school district, indicating a need for more intensive or different interventions; and

(2) Improved at a rate prescribed by the board of trustees of the school district, indicating progress toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled ~~[.]~~ ***;***

(c) Were retained in grade 3 pursuant to section 71 of this act for a deficiency in the subject area of reading, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(d) Were not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.

2. Submit a copy of the report to the Department ~~[,]~~ ***and*** the Legislature **.** ~~[and sponsor of the charter school.]~~

3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 79. ~~[NRS 286.523 is hereby amended to read as follows:~~

~~286.523 1. It is the policy of this State to ensure that the reemployment of a retired public employee pursuant to this section is limited to positions of extreme need. An employer who desires to employ such a retired public employee to fill a position for which there is a critical labor shortage must~~

~~make the determination of reemployment based upon the appropriate and necessary delivery of services to the public.~~

~~2. The provisions of subsections 1 and 2 of NRS 286.520 do not apply to a retired employee who accepts employment or an independent contract with a public employer under the System if:~~

~~(a) The retired employee fills a position for which there is a critical labor shortage; and~~

~~(b) At the time of the retired employee's reemployment, the retired employee is receiving:~~

~~(1) A benefit that is not actuarially reduced pursuant to subsection 6 of NRS 286.510; or~~

~~(2) A benefit actuarially reduced pursuant to subsection 6 of NRS 286.510 and has reached the required age at which the retired employee could have retired with a benefit that was not actuarially reduced pursuant to subsection 6 of NRS 286.510.~~

~~3. A retired employee who is reemployed under the circumstances set forth in subsection 2 may reenroll in the System as provided in NRS 286.525.~~

~~4. [Positions] *Except as otherwise provided in subsection 8, positions* for which there are critical labor shortages must be determined in an open public meeting held by the designating authority as follows:~~

~~(a) Except as otherwise provided in this subsection, the State Board of Examiners shall designate positions in State Government for which there are critical labor shortages.~~

~~(b) The Supreme Court shall designate positions in the Judicial Branch of State Government for which there are critical labor shortages.~~

~~(c) The Board of Regents shall designate positions in the Nevada System of Higher Education for which there are critical labor shortages.~~

~~(d) The board of trustees of each school district shall designate positions within the school district for which there are critical labor shortages.~~

~~(e) The governing body of a charter school shall designate positions within the charter school for which there are critical labor shortages.~~

~~(f) The governing body of a local government shall designate positions with the local government for which there are critical labor shortages.~~

~~(g) The Board shall designate positions within the System for which there are critical labor shortages.~~

~~5. In determining whether a position is a position for which there is a critical labor shortage [,] *pursuant to subsection 4,* the designating authority shall make findings based upon the criteria set forth in this subsection that support the designation. Before making a designation, the designating authority shall consider all efforts made by the applicable employer to fill the position through other means. The written findings made by the designating authority must include:~~

~~(a) The history of the rate of turnover for the position;~~

~~(b) The number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted;~~

~~(c) The length of time the position has been vacant;~~

~~(d) The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and~~

~~(e) The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.~~

~~6. A designating authority that designates a position as a critical need position *pursuant to subsection 4* shall submit to the System its written findings which support that designation made pursuant to subsection 5 on a form prescribed by the System. The System shall compile the forms received from each designating authority and provide a biennial report on the compilation to the Interim Retirement and Benefits Committee of the Legislature.~~

~~7. A designating authority shall not designate a position pursuant to subsection 4 as a position for which there is a critical labor shortage for a period longer than 2 years. To be redesignated as such a position, the designating authority must consider and make new findings in an open public meeting as to whether the position continues to meet the criteria set forth in subsection 5.~~

~~*8. In addition to any position designated as a position for which there is a critical labor shortage pursuant to subsection 4, the Governor may designate a position in any school district or charter school in this State as a position for which there is a critical labor shortage. If the Governor makes such a designation, he or she shall notify the System of each position so designated. A designation pursuant to this subsection remains in effect until revoked by the Governor.]*~~ **(Deleted by amendment.)**

Sec. 80. ~~[~~NRS 363A.130 is hereby amended to read as follows:

~~363A.130 1. Except as otherwise provided in NRS 360.203, there is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.~~

~~2. The tax imposed by this section:~~

~~(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.~~

~~(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.~~

~~3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:~~

~~(a) File with the Department a return on a form prescribed by the Department; and~~

~~(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.~~

~~4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.~~

~~5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363A.139, to a credit equal to the amount authorized pursuant to NRS 363A.139 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in~~ **[**NRS 388D.260.**]** ~~*section 44 of this act.]*~~ **(Deleted by amendment.)**

Sec. 81. **[**~~NRS 363A.139 is hereby amended to read as follows:~~

~~363A.139 1. Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.~~

~~2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department~~

~~of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.~~

~~3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.~~

~~4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection , [and] subsection 4 of NRS 363B.119 , *subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* is [$6,655,000.] :~~

~~*(a) For Fiscal Years 2023-2024 and 2024-2025, 0.50 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(b) For Fiscal Years 2025-2026 and 2026-2027, 1 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(c) For Fiscal Years 2027-2028 and 2028-2029, 2 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(d) For Fiscal Years 2029-2030 and 2030-2031, 4 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(e) For Fiscal Year 2031-2032 and each fiscal year thereafter, 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~→ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.~~

~~5. [Except as otherwise provided in this subsection, in addition to the amount of credits authorized by subsection 4 for Fiscal Years 2019-2020, 2020-2021 and 2021-2022, the Department of Taxation may approve applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363B.119 is $4,745,000. The provisions of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to subsection 4.] If, in [Fiscal Year 2019-2020, 2020-2021 or 2021-2022,] *any fiscal year,* the amount of credits authorized by subsection 1 and approved pursuant to [this] subsection [and] *4,* subsection [5] *4* of NRS 363B.119 , *subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* is less than [$4,745,000,] *the amount of credits authorized for that fiscal year,* the remaining amount of credits pursuant to [this] subsection [and] *4,*

~~subsection [5] *4* of NRS 363B.119 *, subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to [this] subsection [and] *4,* subsection [5] *4* of NRS 363B.119 *, subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* is equal to [$14,235,000.] *5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.* The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.~~

~~6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.~~

~~7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.~~

~~8. As used in this section, "scholarship organization" has the meaning ascribed to it in [NRS 388D.260.] *section 44 of this act.]*~~ **(Deleted by amendment.)**

Sec. 82. ~~[NRS 363B.110 is hereby amended to read as follows:~~

~~363B.110 1. Except as otherwise provided in NRS 360.203, there is hereby imposed an excise tax on each employer at the rate of 1.475 percent of the amount by which the sum of all the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer exceeds $50,000.~~

~~2. The tax imposed by this section:~~

~~(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.~~

~~(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.~~

~~3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:~~

~~(a) File with the Department a return on a form prescribed by the Department; and~~

~~(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.~~

~~4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.~~

~~5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363B.119, to a credit equal to the amount authorized pursuant to NRS 363B.119 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in~~ **[**NRS 388D.260.**]** ***section 44 of this act.]*** **(Deleted by amendment.)**

Sec. 83. **[**~~NRS 363B.119 is hereby amended to read as follows:~~

~~363B.119 1. Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.~~

~~2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.~~

~~3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.~~

~~4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection , [and] subsection 4 of NRS 363A.139 , *subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* is [$6,655,000.] :~~

~~*(a) For Fiscal Years 2023-2024 and 2024-2025, 0.50 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(b) For Fiscal Years 2025-2026 and 2026-2027, 1 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(c) For Fiscal Years 2027-2028 and 2028-2029, 2 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(d) For Fiscal Years 2029-2030 and 2030-2031, 4 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(e) For Fiscal Year 2031-2032 and each fiscal year thereafter, 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~↵~~ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

~~5. [In addition to the amount of credits authorized by subsection 4 for Fiscal Years 2019-2020, 2020-2021 and 2021-2022, the Department of Taxation may approve applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363A.139 is $4,745,000. The provisions of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to subsection 4.] If, in [Fiscal Year 2019-2020, 2020-2021 or 2021-2022,] *any fiscal year,* the amount of credits authorized by subsection 1 and approved pursuant to [this] subsection [and] *4,* subsection [5] *4* of NRS 363A.139 , *subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* is less than [$4,745,000,] *the amount of credits authorized for that fiscal year,* the remaining amount of credits pursuant to [this] subsection [and] *4,* subsection [5] *4* of NRS 363A.139 , *subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to [this] subsection *4,* and subsection [5] *4* of NRS 363A.139 , *subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* is equal to~~

~~[$14,235,000.] 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.~~ ~~The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.~~

~~6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.~~

~~7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.~~

~~8. As used in this section, "scholarship organization" has the meaning ascribed to it in [NRS 388D.260.] section 44 of this act.]~~ **(Deleted by amendment.)**

Sec. 84. ~~[Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Any taxpayer who is required to pay a tax pursuant to NRS 463.370 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.~~

~~2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.~~

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. The Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 87 of this act is:

(a) For Fiscal Years 2023-2024 and 2024-2025, 0.50 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(b) For Fiscal Years 2025-2026 and 2026-2027, 1 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(c) For Fiscal Years 2027-2028 and 2028-2029, 2 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(d) For Fiscal Years 2029-2030 and 2030-2031, 4 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(e) For Fiscal Year 2031-2032 and each fiscal year thereafter, 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

➥ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. If, in any fiscal year, the amount of credits authorized by subsection 1 and approved pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 87 of this act is less than the amount of credits authorized for that fiscal year, the remaining amount of credits pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 87 of this act must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 87 of this act is equal to 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the

~~*donation made by the taxpayer to the scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.*~~

~~*7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.*~~

~~*8. As used in this section:*~~

~~*(a) "Scholarship organization" has the meaning ascribed to it in section 44 of this act.*~~

~~*(b) "Taxpayer" means any person liable for a tax imposed by NRS 463.370.]*~~ **(Deleted by amendment.)**

Sec. 85. ~~[NRS 679A.160 is hereby amended to read as follows:~~

~~679A.160 Except as otherwise provided by specific statute, no provision of this Code applies to:~~

~~1. Fraternal benefit societies, as identified in chapter 695A of NRS, except as stated in chapter 695A of NRS.~~

~~2. Hospital, medical or dental service corporations, as identified in chapter 695B of NRS, except as stated in chapter 695B of NRS.~~

~~3. Motor clubs, as identified in chapter 696A of NRS, except as stated in chapter 696A of NRS.~~

~~4. Bail agents, as identified in chapter 697 of NRS, except as stated in NRS 680B.025 to 680B.039, inclusive, *and sections 87 and 88 of this act* and chapter 697 of NRS.~~

~~5. Risk retention groups, as identified in chapter 695E of NRS, except as stated in chapter 695E of NRS.~~

~~6. Captive insurers, as identified in chapter 694C of NRS, with respect to their activities as captive insurers, except as stated in chapter 694C of NRS.~~

~~7. Health and welfare plans arising out of collective bargaining under chapter 288 of NRS, except that the Commissioner may review the plan to ensure that the benefits are reasonable in relation to the premiums and that the fund is financially sound.~~

~~8. Programs established pursuant to subsection 1 of NRS 315.725 and the entities administering those programs, except as stated in NRS 315.725.]~~ **(Deleted by amendment.)**

Sec. 86. ~~[Chapter 680B of NRS is hereby amended by adding thereto the provisions set forth as sections 87 and 88 of this act.]~~ **(Deleted by amendment.)**

Sec. 87. ~~*[1. Any taxpayer who is required to pay a tax pursuant to NRS 680B.027 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.*~~

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. The Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 84 of this act is:

(a) For Fiscal Years 2023-2024 and 2024-2025, 0.50 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(b) For Fiscal Years 2025-2026 and 2026-2027, 1 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(c) For Fiscal Years 2027-2028 and 2028-2029, 2 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(d) For Fiscal Years 2029-2030 and 2030-2031, 4 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(e) For Fiscal Year 2031-2032 and each fiscal year thereafter, 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

↳ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

~~*— 5. If, in any fiscal year, the amount of credits authorized by subsection 1 and approved pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 84 of this act is less than the amount of credits authorized for that fiscal year, the remaining amount of credits pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 84 of this act must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 84 of this act is equal to 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.*~~

~~*— 6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to the scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.*~~

~~*— 7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.*~~

~~*— 8. As used in this section:*~~

~~*— (a) "Scholarship organization" has the meaning ascribed to it in section 44 of this act.*~~

~~*— (b) "Taxpayer" means any person liable for a tax imposed by this chapter.]*~~ **(Deleted by amendment.)**

Sec. 88. ~~*[1. An insurer who makes a donation of money to a scholarship organization during the calendar quarter for which a report is filed pursuant to NRS 680B.032 or during a calendar year in which a report is filed pursuant to NRS 680B.030 is entitled, in accordance with section 87 of this act, to a credit equal to the amount authorized pursuant to section 87 of this act against any tax otherwise due pursuant to NRS 680B.027.*~~

~~*— 2. As used in this section, "scholarship organization" has the meaning ascribed to it in section 44 of this act.]*~~ **(Deleted by amendment.)**

Sec. 89. ~~[NRS 680B.025 is hereby amended to read as follows:~~

~~— 680B.025 — For the purposes of NRS 680B.025 to 680B.039, inclusive~~ **[.] ,** ~~*and sections 87 and 88 of this act.*~~

~~1. "Total income derived from direct premiums written":~~

~~(a) Does not include premiums written or considerations received from life insurance policies or annuity contracts issued in connection with the funding of a pension, annuity or profit-sharing plan qualified or exempt pursuant to sections 401, 403, 404, 408, 457 or 501 of the United States Internal Revenue Code as renumbered from time to time.~~

~~(b) Does not include payments received by an insurer from the Secretary of Health and Human Services pursuant to a contract entered into pursuant to section 1876 of the Social Security Act, 42 U.S.C. § 1395mm.~~

~~(c) As to title insurance, consists of the total amount charged by the company for the sale of policies of title insurance.~~

~~2. Money accepted by a life insurer pursuant to an agreement which provides for an accumulation of money to purchase annuities at future dates may be considered as "total income derived from direct premiums written" either upon receipt or upon the actual application of the money to the purchase of annuities, but any interest credited to money accumulated while under the latter alternative must also be included in "total income derived from direct premiums written," and any money taxed upon receipt, including any interest later credited thereto, is not subject to taxation upon the purchase of annuities. Each life insurer shall signify on its return covering premiums for the calendar year 1971 or for the first calendar year it transacts business in this State, whichever is later, its election between those two alternatives. Thereafter an insurer shall not change his or her election without the consent of the Commissioner. Any such money taxed as "total income derived from direct premiums written" is, in the event of withdrawal of the money before its actual application to the purchase of annuities, eligible to be included as "return premiums" pursuant to the provisions of NRS 680B.030.~~ **(Deleted by amendment.)**

Sec. 90. ~~NRS 680B.0395 is hereby amended to read as follows:~~

~~680B.0395 An insurer who holds a certificate of authority as a reinsurer is exempt from the requirements of NRS 680B.025 to 680B.039, inclusive~~ ***and sections 87 and 88 of this act.*** **(Deleted by amendment.)**

Sec. 91. ~~NRS 695B.320 is hereby amended to read as follows:~~

~~695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, subsections 2, 4, 18, 19 and 31 of NRS 680B.010, NRS 680B.025 to 680B.060, inclusive,~~ ***and sections 87 and 88 of this act,*** ~~chapter 681B of NRS, NRS 686A.010 to 686A.315, inclusive, 686B.010 to 686B.175, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.~~

~~2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."~~] **(Deleted by amendment.)**

Sec. 92. ~~[NRS 695F.090 is hereby amended to read as follows:~~

~~695F.090 1. Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:~~

~~(a) NRS 686B.010 to 686B.175, inclusive, concerning rates and essential insurance.~~

~~(b) NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.~~

~~(c) NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.~~

~~(d) The requirements of NRS 679B.152.~~

~~(e) The fees imposed pursuant to NRS 449.465.~~

~~(f) NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.~~

~~(g) The assessment imposed pursuant to NRS 679B.700.~~

~~(h) Chapter 683A of NRS.~~

~~(i) To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.~~

~~(j) NRS 689A.035, 689A.0463, 689A.410, 689A.413 and 689A.415.~~

~~(k) NRS 680B.025 to 680B.060, inclusive, *and sections 87 and 88 of this act* concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this paragraph, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."~~

~~(l) Chapter 692C of NRS, concerning holding companies.~~

~~(m) NRS 689A.637, concerning health centers.~~

~~(n) Chapter 681B of NRS, concerning assets and liabilities.~~

~~(o) NRS 682A.400 to 682A.468, inclusive, concerning investments.~~

~~2. For the purposes of this section and the provisions set forth in subsection 1, a prepaid limited health service organization is included in the meaning of the term "insurer."~~] **(Deleted by amendment.)**

Sec. 93. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $1,000,000 for the cost of supporting the operations of the Commission on School Funding and the completion of reports pursuant to NRS 387.12468, as amended by section 24 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after

September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 93.5. **1. There is hereby appropriated from the State General Fund to the Early Childhood Literacy and Readiness Account created by section 12 of this act the following sums:**

For the Fiscal Year 2023-2024..... $70,000,000

For the Fiscal Year 2024-2025..... $70,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 93.7. **1. There is hereby appropriated from the State General Fund to the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act the following sums:**

For the Fiscal Year 2023-2024..... $2,000,000

For the Fiscal Year 2024-2025..... $2,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 94. ~~[Notwithstanding the provisions of subsection 3 of NRS 387.1213, as amended by section 15 of this act, if the balance in the Education Stabilization Account created by NRS 387.1213 at the end of Fiscal Year 2024-2025 exceeds 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year, the money in excess of such amount must be transferred as follows:~~

~~1. Fifty percent to the State Teacher Pipeline Account created by section 54 of this act; and~~

~~2. Fifty percent to the Early Childhood Literacy and Readiness Account created by section 12 of this act.~~] **(Deleted by amendment.)**

Sec. 95. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 96. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 97. 1. This section and sections 95 and 96 of this act become effective upon passage and approval.

2. Sections 1 to ~~[4,]~~ **5,** inclusive, 7, 8, 10 to 24, inclusive, 26 to 39, inclusive, 41 to 70, inclusive, 73, 75 and 79 to 94, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

3. Sections ~~[5,]~~ **5.5,** 6, 9, 25, 40, **70.5,** 71, 72, 74, 76, 77 and 78 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, ~~[2024,]~~ **2028,** for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 524.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 907.

AN ACT relating to energy; revising a definition relating to certain renewable energy facilities; revising provisions governing the submission of general rate applications; revising provisions governing the integrated resource plan submitted triennially by a utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years an integrated resource plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the integrated resource plan must include certain components, including, without limitation, a comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands. (NRS 704.741)

Section 2 of this bill sets forth certain declarations of the Legislature relating to the affordability, availability and reliability of the supply of electricity in this State. **Section 4** of this bill requires the integrated resource plan of an electric utility to include: (1) at least one scenario that provides for the construction or acquisition of energy resources through contract or ownership to be placed into service to close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission; and (2) for each scenario considered, certain information regarding each energy resource proposed and an evaluation of the impact the implementation of a scenario will have on certain matters. **Section 4** authorizes an electric utility to submit an integrated resource plan more frequently than once every 3 years. **Section 4** requires the Commission to adopt regulations governing the manner in which and circumstances under which an electric utility may file an amendment to its integrated resource plan. **Section 5** of this bill requires an electric utility to schedule a consumer session before filing an integrated resource plan or an amendment to such a plan. **Sections 6 and 7** of this bill make a conforming change to reflect changes in the numbering of subsections in **section 4**.

Section 1 of this bill revises the definition of "facility for the storage of energy from renewable generation."

Existing law requires certain electric utilities to file a general rate application once every 36 months. Existing law prohibits a public utility that has filed a general rate application from filing another general rate application until all pending general rate applications filed by that utility have been decided by the Commission, except under certain circumstances. (NRS 704.110) **Section 3** of this bill authorizes an electric utility to file a general rate application more frequently than once every 36 months. **Section 3** provides that an affiliate of a public utility is also prohibited from filing another general rate application until all pending general rate applications filed by that utility have been decided by the Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701A.327 is hereby amended to read as follows:

701A.327 1. "Facility for the storage of energy from renewable generation" means a facility that is constructed or installed for the ~~[~~sole~~]~~ purpose of storing electric energy received from a facility for the generation of electricity from renewable energy for release at a later time, including, without limitation, a facility that is designed to use energy storage technology.

2. The term does not include a facility that is located on a residential property.

Sec. 2. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature hereby declares that:

1. Rising energy needs and supply chain issues in the western United States have affected Nevada's ability to access the energy market to serve Nevada residents during periods of high energy demand.

2. It is paramount to the health and economic vitality of this State to ensure the affordability, availability and reliability of its electric supply.

3. An efficient regional energy market and comprehensive resource planning are essential to ensure affordable, safe and reliable electric service for customers of an electric utility from a balanced portfolio of supply and demand options, particularly in light of these challenges.

4. The integrated resource planning process must enable meaningful participation and robust review of a utility's proposals by the Commission and stakeholders to ensure the affordability, resiliency and reliability of the state's electric supply by considering all reasonable measures including, without limitation, demand-side management and increasing utility-owned, controlled or contracted electric generating capacity.

5. Increasing access to reliable electric generating capacity and procuring the most cost-effective resources supports the provision of affordable, resilient and reliable energy services to Nevadans and this State should take advantage of federal funding and tax benefits that provide additional opportunities.

6. It continues to be in the interest of this State to invest in a portfolio of electric generation supply and demand-side management measures that increase energy reliability and reduce greenhouse gas emissions consistent with state policy.

7. It is in the interest of Nevada to reduce electric utilities' reliance on market purchases and secure sufficient energy supply to protect reliability in a manner that promotes affordability and may reduce exposure to price volatility for customers, through methods which include dedicated in-state resources and dedicated energy resources delivered through firm transmission.

Sec. 3. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the

application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2019; and

(2) ~~[Once]~~ ***At least once*** every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2020; and

(2) ~~[Once]~~ ***At least once*** every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general

rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under

consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility ***, or a public utility affiliated with the public utility through common ownership,*** shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility ***or its affiliate*** is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit ~~[the]~~ ***a*** public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection 10; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas. If the balance of the public utility's

deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.

9. If the Commission approves a request to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic transmission pursuant to NRS 704.188. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate

adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

10. An electric utility shall adjust its rates on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic submission pursuant to NRS 704.188. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written

notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

12. If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection 11 and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

13. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto, or the retirement or elimination of a utility facility identified in an emissions reduction and capacity replacement plan submitted pursuant to NRS 704.7316 and accepted by the Commission for retirement or elimination pursuant to NRS 704.751 and the regulations adopted pursuant thereto, shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing, or retiring or eliminating, as applicable, such a facility. For the purposes of this subsection, a plan or an amendment to a plan shall be deemed to be accepted by the Commission only as to that portion of the plan or amendment accepted as filed or modified with the consent of the utility pursuant to NRS 704.751.

14. In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the public interest.

17. As used in this section:

(a) "Deferred energy accounting adjustment" means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period, not

including kilowatt-hours sold pursuant to an expanded solar access program established pursuant to NRS 704.7865.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

(d) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

Sec. 4. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, ***or more often if necessary,*** in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:

(1) Forecast the future demands, except that a forecast of the future retail electric demands of the utility or utilities must not include the amount of energy and capacity proposed pursuant to subsection ~~[5]~~ ***6*** as annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; ~~[and]~~

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary ~~[.]~~ ***; and***

(c) Establish requirements governing the manner in which and circumstances under which an amendment may be filed with the Commission to modify an approved plan.

3. The Commission shall require the utility or utilities to include in the plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.

(b) A proposal for the expenditure of not less than 10 percent of the total expenditures related to energy efficiency and conservation programs on energy

efficiency measures for customers of the electric utility in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.

(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include ~~[at]~~ ***:***

(1) At least one scenario of low carbon dioxide emissions that:

~~[(1)]~~ ***(I)*** Uses sources of supply that result in, by 2050, an amount of energy production from zero carbon dioxide emission resources that equals the forecasted demand for electricity by customers of the utility;

~~[(2)]~~ ***(II)*** Includes the deployment of distributed generation; and

~~[(3)]~~ ***(III)*** If the plan is submitted on or before June 1, 2027, uses sources of supply that result in, by the year 2030, an 80 percent reduction in carbon dioxide emissions from the generation of electricity to meet the demands of customers of the utility as compared to the amount of such emissions in the year 2005.

(2) At least one scenario that provides for the construction or acquisition of energy resources through contract or ownership to be placed into service to close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission.

➥ A requirement to include a particular scenario in the plan pursuant to this paragraph, or the compliance of a utility with such a requirement, shall not be construed as indicating a preference by the Commission or the utility for a particular scenario.

(d) An analysis of the effects of the requirements of NRS 704.766 to 704.776, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

(e) A list of the utility's or utilities' assets described in NRS 704.7338.

(f) A surplus asset retirement plan as required by NRS 704.734.

4. For each scenario considered pursuant to subsection 3, the plan must include, without limitation:

(a) For each energy resource proposed:

(1) A description of each energy resource to be constructed, acquired or contracted for by the utility, including, without limitation, the location of the energy resource, the technology to be used by the energy resource to generate electricity, the anticipated capacity of the energy resource and the anticipated date by which the energy resource will be placed into service;

(2) The cost of constructing or acquiring , operating and maintaining the energy resource or, if the energy resource is contracted for by the utility, the price of the energy to be supplied by the energy resource;

(3) Whether the energy resource will be owned by the utility or utilized by the utility pursuant to a contract with a third party; and

(4) Any other information required by the Commission to evaluate the prudence of the scenario.

(b) An evaluation of the impact that the implementation of the scenario will have on:

(1) The ability of the utility to decrease its reliance on market purchases to meet the utility's open energy load requirements, including, without limitation, any appropriate reserves, and the forecast of energy needs over the next 10 years;

(2) The ability of the utility to reliably integrate into its supply portfolio larger amounts of electricity from variable energy resources, including, without limitation, solar, geothermal, hydropower and wind energy resources;

(3) The ability of the utility to access energy markets or geographic locations that have excess capacity to import into this State through firm transmission to ensure additional reliability in times of increased energy needs;

(4) The ability of the utility to increase access to carbon-free energy, support compliance with the renewable portfolio standard and advance the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820 through a balanced portfolio of energy supply and demand-side resources;

(5) The ability of the utility to demonstrate to a regional entity that the utility has adequate resources to meet the forecast for energy needs over the next 10 years;

(6) The ability of the utility to advance cost-effective demand-side management; ~~[and]~~

(7) The rates charged to the customers of the utility, provided that, in implementing the plan, the utility must endeavor to mitigate costs for the benefit of customers to the extent possible by utilizing federal funding and tax credits available to utilities or third parties for the development of electric resources ~~[.]~~ ; and

(8) The benefits from high-quality jobs, job training and apprenticeships provided by the projects included in the plan, whether constructed or operated by the utility or a third-party developer.

~~[4.]~~ ***5.*** The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:

(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.

(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.

(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.

(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.

(f) Include a transportation electrification plan as required by NRS 704.7867.

~~[5.]~~ ***6.*** The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:

(a) A forecast of the load growth of the utility or utilities;

(b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;

(c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;

(d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and

(e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end-use customers of the electric utility.

~~[6.]~~ ***7.*** The annual limits proposed pursuant to subsection ~~[5]~~ ***6*** shall not apply to energy and capacity sales to an eligible customer if the eligible customer:

(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.

~~[7.]~~ ***8.*** As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

(b) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

(c) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

(d) "Energy" has the meaning ascribed to it in NRS 704B.090.

(e) "Historically underserved community" has the meaning ascribed to it in NRS 704.78343.

(f) "Low-income household" has the meaning ascribed to it in NRS 704.78347.

(g) "New electric resource" has the meaning ascribed to it in NRS 704B.110.

(h) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

(i) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

(j) "Sensitivity analysis" means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.

Sec. 5. NRS 704.744 is hereby amended to read as follows:

704.744 ***1.*** The Commission shall require each utility which supplies electricity in this State, not less than 4 months before filing a plan required pursuant to NRS 704.741, or within a reasonable period before filing an amendment to such a plan ~~[pursuant to NRS 704.751,]~~ ***in accordance with the regulations adopted by the Commission pursuant to NRS 704.741,*** to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons to provide an overview of the anticipated filing or amendment.

2. Each utility which supplies electricity in this State shall, before filing a plan required pursuant to NRS 704.741 or an amendment to such a plan, schedule at least one consumer session to review the plan or amendment and provide an opportunity for interested persons to:

(a) Learn about the progress of the utility in developing plans and amendments to plans;

(b) Determine whether key assumptions are being applied in a consistent and acceptable manner;

(c) Determine whether key results are reasonable; and

(d) Offer suggestions on other matters as appropriate.

3. Each utility shall prepare a summary of each consumer session held pursuant to subsection 2 and include the summary in the testimony of the utility in support of the plan or amendment to the plan.

Sec. 6. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility or utilities associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable;

(d) Provide the greatest opportunity for the creation of new jobs in this State; and

(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.

➥ In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility or utilities.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:

(a) The cost to the customers of the electric utility or utilities to implement the plan;

(b) Whether the plan provides the greatest economic benefit to this State;

(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and

(d) Whether the plan represents the best value to the customers of the electric utility or utilities.

9. In considering whether to accept or modify a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 after May 16, 2019, which is included in the plan pursuant to subsection ~~[5]~~ ***6*** of NRS 704.741, the Commission shall consider whether the proposed annual limits:

(a) Further the public interest, including, without limitation, whether the proposed annual limits promote safe, economic, efficient and reliable electric service to all customers of electric service in this State;

(b) Align an economically viable utility model with state public policy goals; and

(c) Encourage the development and use of renewable energy resources located in this State and, in particular, renewable energy resources that are coupled with energy storage.

10. In considering whether to accept or modify a plan to accelerate transportation electrification submitted pursuant to NRS 704.7867, the Commission shall consider:

(a) Whether the proposed investments, incentives, rate designs, systems and programs are reasonably expected to achieve one or more of the following:

(1) Improve the efficiency of the electric utility's electrical system, operational flexibility or system utilization during off-peak hours;

(2) Improve the ability of the electric utility to integrate renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid;

(3) Reduce greenhouse gas emissions and air pollution;

(4) Improve air quality in communities most affected by air pollution from the transportation sector;

(5) Support increased consumer choice in electric vehicle charging and related infrastructure and services;

(6) Increase access to the use of electricity as a transportation fuel by low-income users by including investments, incentives or programs for those users, or for entities operating in communities or at locations that will benefit low-income users;

(7) Foster the investment of private capital in transportation electrification, as defined in NRS 704.7867, and the demand for skilled jobs in related services; and

(8) Provide information and education on the benefits of transportation electrification to customers.

(b) Whether the proposed investments, incentives, rate designs, systems and programs provide electric services and pricing that customers value.

(c) Whether the proposed investments, incentives, systems and programs incorporate public reporting requirements which will serve to inform program design and Commission policy.

(d) The cost to the customers of the electric utility to implement the plan.

Sec. 7. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 210 days for all portions of the plan not described in paragraph (a).

➥ If the Commission issues an order modifying the plan, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 165 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➥ If the Commission issues an order modifying the amendment, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. Any order issued by the Commission accepting or modifying a plan required pursuant to NRS 704.741 or an amendment to such a plan must include the justification of the Commission for the preferences given pursuant to subsection 5 of NRS 704.746 to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746.

4. All prudent and reasonable expenditures made to develop the utility's or utilities' plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's or utilities' customers.

5. The Commission may accept an energy efficiency plan containing an energy efficiency program submitted pursuant to paragraph (a) of subsection 3 of NRS 704.741 and energy efficiency and conservation programs submitted pursuant to paragraph (b) of subsection 3 of NRS 704.741 that are not cost effective if the energy efficiency plan as a whole is cost effective. Any order issued by the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan must, if the energy efficiency plan remains cost effective, require that not less than 10 percent of the total expenditures of the utility or utilities on approved energy efficiency and conservation programs in the energy efficiency plan must be specifically directed to energy efficiency measures for customers of the utility or utilities in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.

6. The Commission may accept a distributed resources plan submitted pursuant to subsection ~~[4]~~ ***5*** of NRS 704.741 if the Commission determines that the plan includes each element required by that subsection.

7. Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility or utilities to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility or utilities for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

8. The Commission shall accept a transmission infrastructure for a clean energy economy plan that conforms to the requirements of subsections 1 and 2 of NRS 704.79877 and includes the evaluations required by subsection 4 of NRS 704.79877.

9. As used in this section:

(a) "Historically underserved community" has the meaning ascribed to it in NRS 704.78343.

(b) "Low-income household" has the meaning ascribed to it in NRS 704.78347.

Sec. 8. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 26, 2023.

Sec. 9. 1. This act becomes effective on July 1, 2023.

2. Section 1 of this act expires by limitation on June 30, 2049.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 904.

SUMMARY—Makes appropriations requiring certain one-time payments ~~[and salary increases]~~ for **certain** state ~~[officers and employees.]~~ **personnel.** (BDR S-768)

AN ACT making appropriations requiring certain one-time payments ~~[and salary increases]~~ for **certain** state ~~[officers and employees;]~~ **personnel;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[1. There is hereby appropriated from the State General Fund to the State Board of Examiners the sum of $697,880 for the following payments and increase in salary, retroactive to July 1, 2022, for personnel represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515:~~

~~(a) For all such personnel, an increase in salary for Fiscal Year 2022-2023 of 1 percent.~~

~~(b) For such personnel with 10 or more years of continuous State service, a one-time payment of $1,500.~~

~~(c) For such personnel who hold:~~

~~(1) A bachelor's degree, a one-time payment of $900.~~

~~(2) An associate's degree as his or her highest postsecondary degree, a one-time payment of $500.~~

~~An employee may not receive more than one payment pursuant to this paragraph.~~

~~2. Of the sum appropriated by subsection 1, not more than $83,783 may be allocated and disbursed to the Nevada System of Higher Education.~~

~~3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.~~**]** **(Deleted by amendment.)**

Sec. 2. ~~**[**1. There is hereby appropriated from the State Highway Fund to the State Board of Examiners the sum of $891,725 for the following payments and increase in salary, retroactive to July 1, 2022, for personnel represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515:~~

~~(a) For all such personnel, an increase in salary for Fiscal Year 2022-2023 of 1 percent.~~

~~(b) For such personnel with 10 or more years of continuous State service, a one-time payment of $1,500.~~

~~(c) For such personnel who hold:~~

~~(1) A bachelor's degree, a one-time payment of $900.~~

~~(2) An associate's degree as his or her highest postsecondary degree, a one-time payment of $500.~~

~~*~~ ~~An employee may not receive more than one payment pursuant to this paragraph.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.~~**]** **(Deleted by amendment.)**

Sec. 3. 1. There is hereby appropriated from the State General Fund to the State Board of Examiners the sum of ~~**[**$19,737,672**]**~~ **$20,435,552** for ~~**[**an increase in salary, retroactive to July 1, 2021, of 3 percent for Fiscal Year 2021-2022 and Fiscal Year 2022-2023**]**~~ **one-time payments** for personnel represented by the bargaining units established in:

(a) Paragraph (a) of subsection 1 of NRS 288.515.

(b) Paragraph (e) of subsection 1 of NRS 288.515.

(c) Paragraph (f) of subsection 1 of NRS 288.515.

(d) **Paragraph (g) of subsection 1 of NRS 288.515.**

(e) Paragraph (i) of subsection 1 of NRS 288.515.

2. Of the sum appropriated by subsection 1, not more than ~~[$1,219,659]~~ **$1,303,442** may be allocated and disbursed to the Nevada System of Higher Education.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, ~~[2023,]~~ **2024,** by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[15, 2023,]~~ **20, 2024,** by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~[15, 2023.]~~ **20, 2024.**

Sec. 4. 1. There is hereby appropriated from the State Highway Fund to the State Board of Examiners the sum of ~~[$80,024]~~ **$3,118,196** for ~~[an increase in salary, retroactive to July 1, 2021, of 3 percent for Fiscal Year 2021-2022 and Fiscal Year 2022-2023]~~ **one-time payments** for personnel represented by the bargaining units established in:

(a) Paragraph (a) of subsection 1 of NRS 288.515.

(b) Paragraph (e) of subsection 1 of NRS 288.515.

(c) Paragraph (f) of subsection 1 of NRS 288.515.

(d) **Paragraph (g) of subsection 1 of NRS 288.515.**

(e) Paragraph (i) of subsection 1 of NRS 288.515.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, ~~[2023,]~~ **2024,** by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[15, 2023,]~~ **20, 2024,** by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September ~~[15, 2023.]~~ **20, 2024.**

Sec. 5. ~~[The approximate maximum salaries as set forth in section 1 of chapter 309, Statutes of Nevada 2021, at page 1779, must be increased by an additional 2 percent commencing on April 1, 2023, and ending on June 30, 2023.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[1. Except as otherwise provided in this act, to effect increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of $5,482,671, for the purpose of meeting any deficiencies which may be created between the appropriated money of the respective departments, commissions and agencies of the Executive and Judicial Departments of the State Government, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries of the classified, unclassified and nonclassified personnel of those departments, commissions~~

~~and agencies necessary under an adjusted pay plan to become effective on April 1, 2023.~~

~~2. Of the sum appropriated by subsection 1, not more than $2,303,623 may be allocated and disbursed to the Nevada System of Higher Education.~~

~~3. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to various departments, commissions and agencies of the Executive and Judicial Departments of the State Government, out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money otherwise appropriated or available, equal the amount of money required to pay the salaries of the classified, unclassified and nonclassified employees of the respective departments, commissions and agencies under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.~~ **(Deleted by amendment.)**

Sec. 7. ~~[1. To effect increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, there is hereby appropriated from the State Highway Fund to the State Board of Examiners the sum of $566,090, for the purpose of meeting any deficiencies which may exist between the appropriated money of the Office of Finance in the Office of the Governor, Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries of classified and unclassified personnel of the Office of Finance in the Office of the Governor, Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority necessary under an adjusted pay plan to become effective on April 1, 2023.~~

~~2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Office of Finance in the Office of the Governor, Department of Motor Vehicles, the Department of Public Safety and the Nevada Transportation Authority out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money otherwise appropriated or available, equal the amount of money required to meet and pay the salaries of the classified and unclassified employees of the Office of Finance in the Office of the Governor, Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.~~ **(Deleted by amendment.)**

Sec. 8. ~~[1. When determining the allocations of the money appropriated by section 6 or 7 of this act, the State Board of Examiners shall not distribute money to an account beyond the maximum salary need amount determined for the account. Appropriations established for an account within a department, agency or commission must not be distributed to another account within the department, agency or commission if that action results in the distribution of money beyond the maximum salary need amount determined for the account.~~

~~2. The sums appropriated by sections 6 and 7 of this act must be applied to salaries notwithstanding the provisions of NRS 281.123.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[To effect increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, there is hereby appropriated from the State General Fund to the Legislative Fund, the sum of $248,387, for the purpose of meeting any deficiencies which may be created between the money appropriated to the Legislative Fund, as fixed by the 81st Session of the Nevada Legislature, and the requirements for salaries of the personnel of the Legislative Counsel Bureau and of interim legislative operations necessary under an adjusted pay plan to become effective on April 1, 2023.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[1. To effect the State of Nevada's share of increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, for employees of the Tahoe Regional Planning Agency, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of not more than $13,013. The amounts transferred must not be used to increase an employee's base salary unless the State of California provides the required 2-for-1 matching funds. If such matching funds are not provided by the State of California, any amounts provided to the Tahoe Regional Planning Agency by the State of Nevada must be used as a one-time salary bonus.~~

~~2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Tahoe Regional Planning Agency out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money otherwise appropriated or available, equal the amount of money required to meet and pay the State of Nevada's share of the salaries of the employees of the Tahoe Regional Planning Agency under the adjusted pay plan to become effective on April 1, 2023. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than an increase in salaries described in this section.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[Any remaining balance of an appropriation made by section 6, 7, 9 or 10 of this act must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and~~

~~any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 15, 2023.]~~ **(Deleted by amendment.)**

Sec. 12. This act becomes effective ~~[upon passage and approval.]~~ **on July 1, 2023.**

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 484.

Bill read second time and ordered to third reading.

Assembly Bill No. 488.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 835.

SUMMARY—Makes appropriations to the ~~[Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor as loans** for the replacement of computer hardware and associated software, the replacement of components of a security firewall and security upgrades to mountaintop microwave sites. (BDR S-1128)

AN ACT making appropriations to the ~~[Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor as loans** for the replacement of computer hardware and associated software, the replacement of components of a security firewall and security upgrades to mountaintop microwave sites; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **1.** There is hereby appropriated from the State General Fund to the ~~[Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor** the sum of ~~[$101,678 for the Computer Facility budget account]~~ **$188,747 as a loan to the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of computer hardware and associated software.

2. Commencing on July 1, 2025, the Division of Enterprise Information Technology Services of the Department of Administration

shall use revenues from intergovernmental transfers to repay in annual installments the cost of the replacement of computer hardware and associated software to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of computer hardware and associated software and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 2. ~~[There is hereby appropriated from the State General Fund to the Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration the sum of $33,042 for the Data Communications and Network Engineering budget account for the replacement of computer hardware and associated software.]~~ **(Deleted by amendment.)**

Sec. 3. **1.** There is hereby appropriated from the State General Fund to the ~~[Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor** the sum of $1,280,928 ~~[for the Data Communications and Network Engineering budget account]~~ **as a loan to the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of components of a security firewall.

2. Commencing on July 1, 2025, the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from intergovernmental transfers to repay in annual installments the cost of the replacement of components of the security firewall to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of components of the security firewall and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 4. ~~[There is hereby appropriated from the State General Fund to the Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration the sum of $26,082 for the Telecommunications budget account for the replacement of computer hardware and associated software.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[There is hereby appropriated from the State General Fund to the Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration the sum of $27,945 for the Network Transport Services budget account for the replacement of computer hardware and associated software.]~~ **(Deleted by amendment.)**

Sec. 6. **1.** There is hereby appropriated from the State General Fund to the ~~[Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor** the sum of $141,949 ~~[for the Network Transport Services budget account]~~ **as a loan to the Division of Enterprise Information Technology Services of the Department of Administration** for security upgrades to mountaintop microwave sites.

2. Commencing on July 1, 2025, the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from intergovernmental transfers to repay in annual installments the cost of the security upgrades to mountaintop microwave sites to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the security upgrades to mountaintop microwave sites and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 7. Any remaining balance of the appropriations made by sections 1 ~~[to]~~ **, 3 and** 6 ~~[, inclusive,]~~ of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 526.

Bill read second time and ordered to third reading.

Assembly Bill No. 527.

Bill read second time and ordered to third reading.

Senate Bill No. 9.

Bill read second time and ordered to third reading.

Senate Bill No. 88.

Bill read second time and ordered to third reading.

Senate Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 899.

AN ACT relating to criminal justice; revising the membership, powers and duties of the Nevada Sentencing Commission; establishing the Subcommittee on Misdemeanors of the Sentencing Commission; prescribing the membership, powers and duties of the Subcommittee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Sentencing Commission within the Department of Sentencing Policy, prescribes the membership of the

Sentencing Commission and sets forth various powers and duties of the Sentencing Commission. (NRS 176.0133, 176.0134) **Section 2** of this bill revises the membership of the Sentencing Commission to remove a member appointed by the Governor and add: (1) a member who is an attorney and whose practice primarily consists of representing criminal defendants in a county whose population is less than 55,000 (currently counties other than Clark and Washoe Counties and Carson City); (2) a member who is a district attorney; (3) a member who is a representative of the Central Repository for Nevada Records of Criminal History; and (4) a member who is a faculty member ~~[in]~~ **of** the Nevada System of Higher Education ~~[.]~~ **who teaches criminal justice.** **Section 2** also: (1) prescribes certain additional requirements relating to members of the Sentencing Commission who are district attorneys; and (2) authorizes the Sentencing Commission to establish working groups, task forces and similar entities to assist in its work.

Section 3 of this bill removes certain specific requirements relating to recommendations of the Sentencing Commission. **Section 3** also removes requirements that the Sentencing Commission: (1) provide certain training regarding sentencing; (2) act as a sentencing policy resource for this State; and (3) propose and recommend statutory sentencing guidelines. **Section 1.9** of this bill makes a conforming change relating to the duties of the Sentencing Commission.

Section 1.5 of this bill creates the Subcommittee on Misdemeanors of the Sentencing Commission and sets forth its membership and duties. **Section 1.7** of this bill authorizes the Chair of the Subcommittee to appoint working groups to aid in the work of the Subcommittee. **Section 1.7** provides that all information and materials received or prepared by a working group are confidential. **Section 4.5** of this bill makes a conforming change relating to the information and materials made confidential pursuant to **section 1.7**. **Section 1.3** of this bill defines the term "subcommittee" for purposes of the provisions of **sections 1.5 and 1.7**. **Section 1.8** of this bill makes a conforming change to indicate the proper placement of **sections 1.3-1.7** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.

Sec. 1.3. ***"Subcommittee" means the Subcommittee on Misdemeanors of the Sentencing Commission.***

Sec. 1.5. ***1. There is hereby created the Subcommittee on Misdemeanors of the Sentencing Commission, consisting of members appointed by the Chair of the Sentencing Commission, who must include, without limitation:***

(a) One member who has expertise in:

(1) Policies and practices regarding misdemeanor sentencing implemented in this State and other states; and

(2) Administrative assessments, fines and fees related to the criminal justice system in this State and other states;

(b) One member who is a city attorney;

(c) One member who is an attorney, experienced in defending criminal actions; and

(d) One member who serves as a court administrator for a justice or municipal court.

2. The Chair of the Sentencing Commission shall designate one of the members of the Subcommittee to serve as the Chair of the Subcommittee.

3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise all the power or authority conferred on the Subcommittee. Members of the Subcommittee shall serve without compensation.

4. The Subcommittee shall:

(a) Study existing laws, policies and practices relating to misdemeanor offenses in this State and other states, including, without limitation, the sentences imposed for misdemeanor offenses in this State and other states; and

(b) Submit a biennial report describing the findings, conclusions and recommendations of the subcommittee to the Sentencing Commission.

Sec. 1.7. ***1. The Chair of the Subcommittee may appoint working groups composed of persons with subject matter expertise, including, without limitation, representations of criminal justice agencies in this State to aid in the work of the Subcommittee.***

2. The Chair of the Subcommittee may appoint any person the Chair deems appropriate to serve on a working group, which may include, without limitation, representatives of criminal justice agencies within this State.

3. All information and materials received or prepared by a working group are confidential and not public record for purposes of chapter 239 of NRS.

4. The members of a working group serve without compensation.

Sec. 1.8. NRS 176.01313 is hereby amended to read as follows:

176.01313 As used in NRS 176.0131 to 176.014, inclusive, ***and sections 1.3, 1.5 and 1.7 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 176.01315, 176.01317 and 176.0132 ***and section 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.9. NRS 176.01327 is hereby amended to read as follows:

176.01327 The Executive Director appointed pursuant to NRS 176.01323 shall:

1. Oversee all of the functions of the Department.

2. Serve as Executive Secretary of the Sentencing Commission without additional compensation.

3. Report to the Sentencing Commission on sentencing and related issues regarding the functions of the Department and provide such information to the Sentencing Commission as requested.

4. Assist the Sentencing Commission in determining necessary and appropriate recommendations to assist in carrying out the responsibilities of the Department.

5. Establish the budget for the Department.

6. Facilitate the collection and aggregation of data from the courts, Department of Corrections, Division of Parole and Probation of the Department of Public Safety and any other agency of criminal justice.

7. Identify variables or sets of data concerning criminal justice that are not currently collected or shared across agencies of criminal justice within this State.

8. Assist in preparing and submitting the comprehensive report required to be prepared by the Sentencing Commission pursuant to subsection ~~[11]~~ ***5*** of NRS 176.0134.

9. Assist the Sentencing Commission in carrying out its duties pursuant to subsections 2 and 3 of NRS 176.01347 relating to the calculation of the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and in preparing a report containing the projected amount of such costs for the next biennium and recommendations for the reinvestment of the amount of the costs.

10. Take any other actions necessary to carry out the powers and duties of the Sentencing Commission pursuant to NRS 176.0131 to 176.014, inclusive.

Sec. 2. NRS 176.0133 is hereby amended to read as follows:

176.0133 1. The Nevada Sentencing Commission is hereby created within the Department. The Sentencing Commission consists of:

(a) One member ~~[appointed by the Governor;]~~ ***who is an attorney and whose practice primarily consists of representing criminal defendants in a county whose population is less than 55,000, appointed by the Executive Director of the Department of Indigent Defense Services or his or her designee;***

(b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(c) Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;

(d) One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;

(e) The Director of the Department of Corrections;

(f) One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;

(g) ~~[One member who is a district attorney,]~~ ***Two members*** appointed by the governing body of the Nevada District Attorneys Association ~~[;]~~ ***, one of whom must be a district attorney in a county whose population is 100,000 or***

more and one of whom must be a district attorney in a county whose population is less than 100,000;

(h) One member who is a representative of the Office of the Clark County Public Defender, appointed by the head of the Office of the Clark County Public Defender;

(i) One member who is a representative of the Office of the Washoe County Public Defender, appointed by the head of the Office of the Washoe County Public Defender;

(j) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

(k) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

(l) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

(m) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

(n) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

(o) One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;

(p) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(q) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

(r) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(s) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(t) The Director of the Department of Employment, Training and Rehabilitation; ~~[and]~~

(u) One member who is a representative of an organization that works with offenders upon release from incarceration to assist in reentry into the community appointed by the Chair of the Legislative Commission ~~[.]~~ ***;***

(v) One member who is a representative of the Central Repository for Nevada Records of Criminal History, appointed by the Director of the Department of Public Safety; and

(w) One member who is a faculty member of the ~~[University of]~~ Nevada ~~[, Las Vegas, or the University]~~ System of ~~[Nevada, Reno,]~~ Higher Education who teaches criminal justice, appointed by the Governor.

2. The Executive Director shall serve as the Executive Secretary of the Sentencing Commission.

3. If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest, or, if there is no successor in interest, by the Governor.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Sentencing Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The Legislators who are members of the Sentencing Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Sentencing Commission.

6. At the first regular meeting of each odd-numbered year, the members of the Sentencing Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

7. The Sentencing Commission shall:

(a) Hold its first meeting on or before September 1 of each odd-numbered year; and

(b) Meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

8. A member of the Sentencing Commission may designate a nonvoting alternate to attend a meeting in his or her place.

9. A majority of the members of the Sentencing Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Sentencing Commission. A nonvoting alternate designated by a member pursuant to subsection 8 who attends a meeting of the Sentencing Commission for which the alternate is designated shall be deemed to be a member of the Sentencing Commission for the purpose of determining whether a quorum exists.

10. While engaged in the business of the Sentencing Commission, to the extent of legislative appropriation, each member of the Sentencing Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

11. The Sentencing Commission may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

Sec. 3. NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. **[**~~Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.~~

~~2.~~ Evaluate ***and study*** the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of enhanced supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

~~3.~~ ***2.*** Recommend changes in the structure of sentencing in this State which ~~, to~~ ***:***

(a) Are consistent with the public policy set forth in NRS 176.0131; and

(b) To the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing ***.*** ~~, including, without limitation, the following:~~

~~(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.~~

~~(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.~~

~~(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.~~

~~(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.~~

~~(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.~~

~~(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.~~

~~(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.~~

~~4.~~ ***3.*** Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

~~5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.~~

~~6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.~~

~~7. Identify potential areas of sentencing disparity related to race, gender and economic status.~~

~~8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.~~

~~9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.~~

~~10.~~ ***4.*** Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

~~[11.]~~ ***5.*** For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including the Sentencing Commission's:

(a) Recommended changes pertaining to sentencing;

(b) Findings;

(c) Recommendations for proposed legislation;

(d) Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;

(e) Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;

(f) Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;

(g) Recommendations for improvements, changes and budgetary adjustments; and

(h) Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

~~[12.]~~ ***6.*** Submit the report prepared pursuant to subsection ~~[11]~~ ***5*** not later than January 15 of each odd-numbered year to:

(a) The Office of the Governor;

(b) The Director of the Legislative Counsel Bureau for distribution to the Legislature; and

(c) The Chief Justice of the Nevada Supreme Court.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495,

385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725,

706A.230, 710.159, 711.600, ***and section 1.7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 5. 1. This section becomes effective on passage and approval.

2. Sections 1 to 4.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 107.

Bill read second time and ordered to third reading.

Senate Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 900.

SUMMARY—Revises provisions relating to crimes. (BDR ~~[15-133)]~~ **16-133)**

AN ACT relating to crimes; ~~[revising provisions governing crimes relating to facilitating sex trafficking;]~~ requiring the preparation and submission of a comprehensive biennial report concerning human trafficking in this State; revising certain requirements for compensation from the Fund for the Compensation of Victims of Crime; revising provisions governing the Contingency Account for Victims of Human Trafficking; **renaming the Account;** making an appropriation; ~~[providing penalties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that a person commits the crime of facilitating sex trafficking if the person: (1) facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of inducing that person to engage in unlawful sexual conduct or prostitution or, if that person is a child, certain acts relating to pornography involving minors; (2) sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking, soliciting a child who is a victim of sex trafficking or engaging in certain acts relating to pornography involving minors; or (3) travels to or within this State by any means with the intent of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim has been induced to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors. A person who commits the crime of facilitating sex trafficking is guilty of a category B felony and is subject to certain minimum and maximum terms of imprisonment depending on whether the victim is an adult or child. (NRS 201.301)~~

~~Sections 1-3 of this bill provide that a person who commits the crime of facilitating sex trafficking is subject to the same penalties that apply under~~

~~existing law for committing the crime against a child if the person commits the crime against a peace officer who is posing as a child or a person who is assisting in an investigation on behalf of a peace officer by posing as a child. Sections 3.5 and 7 of this bill make conforming changes to provisions of existing law that contain references to the crime of facilitating sex trafficking of a child to reflect the changes made in sections 1-3.]~~

Existing law requires the payment of compensation from the Fund for the Compensation of Victims of Crime to certain victims of criminal acts and requires an application for such compensation from the Fund to be filed not later than 24 months after the injury or death for which compensation is claimed. (NRS 217.100, 217.180, 217.260) **Section 5** of this bill creates an exception to this time limit by authorizing a person who is a victim of sex trafficking or facilitating sex trafficking to file an application for compensation from the Fund not later than 60 months after the injury or death for which compensation is claimed.

Existing law creates the Contingency Account for Victims of Human Trafficking in the State General Fund and requires the Director of the Department of Health and Human Services to administer the Contingency Account. (NRS 217.530) Existing law requires a recipient of an allocation of money from the Contingency Account to use the money only for establishing or providing programs or services to victims of human trafficking. (NRS 217.540) **Section 6.2 of this bill renames the Contingency Account for Victims of Human Trafficking as the Account for Victims of Human Trafficking. Section 6.5** of this bill specifies that a recipient of an allocation of money from the ~~[Contingency]~~ Account may use the money for establishing pilot programs for alternatives to law enforcement response to victims of human trafficking. **Section 7.5** of this bill makes an appropriation to the ~~[Contingency]~~ Account **.** ~~[for Victims of Human Trafficking created by NRS 217.530.]~~ **Sections 6.1, 6.2 and 8.5 of this bill make conforming changes relating to the renaming of the Account.**

Existing law establishes the Center for the Analysis of Crime Statistics within the Department of Criminal Justice at the University of Nevada, Las Vegas. (NRS 396.792) **Section 4** of this bill requires certain entities and agencies to submit certain information biennially to the Center and requires the Center to prepare and submit a comprehensive biennial report on human trafficking in this State. **Section 6** of this bill makes a conforming change to indicate the proper placement of **section 4** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 201.295 is hereby amended to read as follows:~~

~~201.295 As used in NRS 201.295 to 201.440, inclusive, unless the context otherwise requires:~~

~~1. "Adult" means a person 18 years of age or older.~~

~~2. *"Adult posing as a child" means an adult who is:*~~

~~*(a) A peace officer who is posing as a child; or*~~

~~*(b) A person who is assisting in an investigation on behalf of a peace officer by posing as a child.*~~

~~*3.* "Child" means a person less than 18 years of age.~~

~~[3.]~~ ~~*4.* "Induce" means to persuade, encourage, inveigle or entice.~~

~~[4.]~~ ~~*5. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*~~

~~*6.* "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.~~

~~[5.]~~ ~~*7.* "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.~~

~~[6.]~~ ~~*8.* "Sexual conduct" means any of the acts enumerated in subsection [4.~~

~~7.] *6.*~~

~~*9.* "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[~~NRS 201.301 is hereby amended to read as follows:~~

201.301 1. A person is guilty of facilitating sex trafficking if the person:~~

~~(a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:~~

~~(1) Inducing the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;~~

~~(2) Inducing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or~~

~~(3) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720~~ ~~[;]~~ ~~*or, if the person is an adult posing as a child, using the person for any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child;*~~

~~(b) Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:~~

~~(1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;~~

~~(2) Soliciting a child~~ ~~*or an adult posing as a child*~~ ~~who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or~~

~~(3) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720~~ ~~[;]~~ ~~*or, if the person is an adult posing as a child,*~~

~~***engaging in any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child;*** or~~

~~(c) Travels to or within this State by any means with the intent of engaging in:~~

~~(1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution; or~~

~~(2) Any act involving a child that is prohibited by NRS 200.710 or 200.720 **[**.**]** ***or, if the person is an adult posing as a child, any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child.***~~

~~2. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:~~

~~(a) **[**If**]** ***Except as otherwise provided in paragraph (b), if*** the victim is **[**18 years of age or older,**]** ***an adult,*** shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.~~

~~(b) If the victim is **[**less than 18 years of age,**]** ***a child or an adult posing as a child,*** shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years.**]**~~ **(Deleted by amendment.)**

Sec. 3. ~~**[**NRS 201.352 is hereby amended to read as follows:~~

~~201.352 1. If a person is convicted of a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the violation is a child ***or an adult posing as a child*** when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the child **[**,**]** ***or an adult posing as a child,*** the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $500,000.~~

~~2. If a person is convicted of a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the offense is a child ***or an adult posing as a child*** when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395 and any fine imposed pursuant to subsection 1, impose a fine of not more than $500,000.~~

~~3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.**]**~~ **(Deleted by amendment.)**

Sec. 3.5. **[**~~NRS 201.354 is hereby amended to read as follows:~~

~~201.354 1. It is unlawful for a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.~~

~~2. Any person who violates subsection 1 by soliciting for prostitution:~~

~~(a) A child; **or***~~

~~(b) **[**A peace officer who is posing as a child; or~~

~~(c) A person who is assisting in an investigation on behalf of a peace officer by**]** ***an adult*** posing as a child,~~

~~➥ is guilty of soliciting a child for prostitution.~~

~~3. Except as otherwise provided in subsection 5, a person who violates this section:~~

~~(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than $400.~~

~~(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than $800.~~

~~(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than $1,300.~~

~~4. In addition to any other penalty imposed, the court shall order a person who violates subsection 1 to pay a civil penalty of not less than $200 per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:~~

~~(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.~~

~~(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.~~

~~5. A person who **[**violates this section**]** ***is guilty of soliciting a child for prostitution pursuant to subsection 2*** by soliciting ***for prostitution*** a child **[**for prostitution:**]** ***or an adult posing as a child:***~~

~~(a) For a first offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and by a fine of not more than $5,000.~~

~~(b) For a second offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(c) For a third or subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and maximum term of not more than 6 years, and may be further punished by a fine of not more than $15,000. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.~~

~~6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury, as applicable, to be used for:~~

~~(a) The enforcement of this section; and~~

~~(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~" Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.~~

~~7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.~~

~~8. Except as limited by subsection 9, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 7, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.~~] **(Deleted by amendment.)**

Sec. 4. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before July 1 of each even-numbered year, each entity designated pursuant to subsection 3 shall, except as otherwise provided in subsection 2, submit to the Center for the Analysis of Crime Statistics established by NRS 396.792:

(a) The annual operating budget of the entity;

(b) A copy of any written policy adopted by the entity concerning:

(1) The ~~[identification of victims]~~ manner in which the entity determines whether a person is a victim of human trafficking;

(2) Referrals to resources for victims of human trafficking; and

(3) The detention or citation of victims of human trafficking;

(c) Information concerning the delivery of services for victims of human trafficking, which must include, without limitation:

(1) A description of the services that were provided by the entity during the immediately preceding biennium;

(2) A description of the efforts made by the entity during the immediately preceding biennium to locate victims in need of such services and provide such services to those victims;

(3) The number of victims served by the entity during the immediately preceding biennium; and

(4) The number of victims who were:

(I) Served by the entity during the immediately preceding biennium; and

(II) Arrested or issued a citation during the immediately preceding biennium for conduct related to human trafficking; ~~[and]~~

(d) The age, gender and race of each:

(1) Victim of human trafficking to whom the entity provided services during the immediately preceding biennium;

(2) Person alleged to have committed the crime of human trafficking against a victim described in subparagraph (1);

(e) The zip code of:

(1) The residence of each person described in paragraph (d);

(2) The location at which any arrest relating to a person described in paragraph (d) occurred; and

(f) Policy recommendations for decreasing human trafficking in this State.

2. The requirements prescribed by subsection 1 do not apply to any written policy, the disclosure of which would, in the determination of the adopting entity, compromise, jeopardize or otherwise threaten the safety or privacy of victims of human trafficking.

3. The following entities shall submit the information required by subsection 1 to the Center:

(a) The State of Nevada Human Trafficking Coalition;

(b) The Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children;

(c) The Nevada Policy Council on Human Trafficking, or its successor organization;

(d) Each local human trafficking task force;

(e) Each recipient of an allocation of money from the ~~[Contingency]~~ Account; and

(f) Any other entity designated by the Chair of the Joint Interim Standing Committee on the Judiciary on or before January 1 of an even-numbered year.

4. On or before July 1 of each even-numbered year, each law enforcement agency in this State shall submit to the Center the number of arrests made or citations issued by the agency for a violation of NRS 201.353 or 201.354 or conduct related to human trafficking during the immediately preceding biennium and the disposition of those cases.

5. On or before July 1 of each odd-numbered year, the Center shall:

(a) Compile the information submitted pursuant to subsections 1 and 4 and prepare a comprehensive report concerning human trafficking in this State; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Judiciary.

6. As used in this section:

(a) ~~["Contingency Account"]~~ "Account" means the ~~[Contingency]~~ Account for Victims of Human Trafficking created by NRS 217.530.

(b) "Local human trafficking task force" includes, without limitation:

(1) The Northern Nevada Human Trafficking Task Force, or its successor organization; and

(2) The Southern Nevada Human Trafficking Task Force, or its successor organization.

(c) "Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children" means the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children established by the Governor pursuant to Executive Order 2016-14, issued on May 31, 2016.

(d) "State of Nevada Human Trafficking Coalition" means the State of Nevada Human Trafficking Coalition formed pursuant to NRS 217.098.

Sec. 5. NRS 217.100 is hereby amended to read as follows:

217.100 1. Except as otherwise provided in subsection 5, any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, may apply to the Director for such compensation not later than 24 months after the injury or death for which compensation is claimed ~~[.]~~ ***or, for a person who is a victim of sex trafficking or facilitating sex trafficking, not later than 60 months after the injury or death for which compensation is***

claimed, unless waived by the Director or a person designated by the Director for good cause shown, and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made.

2. An order for the payment of compensation must not be made unless the application is made within the time set forth in subsection 1.

3. Where the person entitled to make application is:

(a) A minor, the application may be made on his or her behalf by a parent or guardian.

(b) Mentally incapacitated, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.

4. The applicant must submit with his or her application the reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim's injury or death, treated or examined the victim in relation to the injury for which compensation is claimed.

5. The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of pornography. Such a minor must apply for compensation before reaching 21 years of age.

6. As used in this section:

(a) "Facilitating sex trafficking" means a violation of NRS 201.301.

(b) "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

Sec. 6. NRS 217.500 is hereby amended to read as follows:

217.500 As used in NRS 217.500 to 217.540, inclusive, ***and section 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 217.510 and 217.520 have the meanings ascribed to them in those sections.

Sec. 6.1. **NRS 217.510 is hereby amended to read as follows:**

217.510 ~~["Contingency Account"]~~ ***"Account"*** means the ~~[Contingency]~~ Account for Victims of Human Trafficking created by NRS 217.530.

Sec. 6.2. **NRS 217.530 is hereby amended to read as follows:**

217.530 1. The ~~[Contingency]~~ Account for Victims of Human Trafficking is hereby created in the State General Fund.

2. The Director of the Department of Health and Human Services shall administer the ~~[Contingency]~~ Account. The money in the ~~[Contingency]~~ Account:

(a) Must be expended only for the purposes of:

(1) Establishing or providing programs or services to victims of human trafficking; and

(2) Fundraising for the direct benefit of the ~~[Contingency]~~ Account. The total amount of money expended pursuant to this subparagraph in any fiscal year must not exceed $10,000 or 10 percent of the amount of money in the ~~[Contingency]~~ Account at the beginning of that fiscal year, whichever is less.

(b) Is hereby authorized for expenditure as a continuing appropriation for these purposes.

3. The Director may apply for and accept gifts, grants and donations or other sources of money for deposit in the ~~[Contingency]~~ Account.

4. The interest and income earned on the money in the ~~[Contingency]~~ Account, after deducting any applicable charges, must be credited to the ~~[Contingency]~~ Account.

5. Any money remaining in the ~~[Contingency]~~ Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the ~~[Contingency]~~ Account must be carried forward to the next fiscal year.

Sec. 6.5. NRS 217.540 is hereby amended to read as follows:

217.540 1. A nonprofit organization or any agency or political subdivision of this State may apply to the Director of the Department of Health and Human Services for an allocation of money from the ~~[Contingency]~~ Account.

2. ~~[Except as otherwise provided in this subsection, the]~~ ***The*** Grants Management Advisory Committee created by NRS 232.383 shall review applications received by the Director pursuant to subsection 1 and make recommendations to the Director concerning allocations of money from the ~~[Contingency]~~ Account to applicants. ~~[If the Director, in his or her discretion, determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately, the Director may make an allocation of money from the Contingency Account pursuant to this section without the review of the application or the making of recommendations by the Grants Management Advisory Committee.]~~

3. The Director may make allocations of money from the ~~[Contingency]~~ Account to applicants and may place such conditions on the acceptance of such an allocation as the Director determines are necessary, including, without limitation, requiring the recipient of an allocation to submit periodic reports concerning the recipient's use of the allocation.

4. The recipient of an allocation of money from the ~~[Contingency]~~ Account may use the money only for the purposes of establishing or providing programs or services to victims of human trafficking ~~[.]~~ ***, including, without limitation, establishing pilot programs for alternatives to law enforcement response to victims of human trafficking.***

Sec. 7. ~~[NRS 432C.150 is hereby amended to read as follows:~~

~~432C.150 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.~~

~~2. Except as otherwise provided in this section, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:~~

~~(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe is a commercially sexually exploited child;~~

~~(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe is a commercially sexually exploited child and the person requires the information to determine whether to place the child in protective custody;~~

~~(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:~~

~~(1) The child; or~~

~~(2) The person responsible for the welfare of the child;~~

~~(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the commercial sexual exploitation of a child;~~

~~(e) A court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;~~

~~(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;~~

~~(g) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;~~

~~(h) Except as otherwise provided in subsection 4, a federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from commercial sexual exploitation;~~

~~(i) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;~~

~~(j) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the commercial sexual exploitation of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;~~

~~(k) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons; or~~

~~(l) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency.~~

~~3. Before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports that a child is a commercially sexually exploited child and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged commercial sexual exploitation of a child or the life or safety of any person.~~

~~4. An agency which provides child welfare services shall not provide information maintained by the agency which provides child welfare services to a juvenile court only to facilitate a determination by the court related to the adjudication of a child who is accused of:~~

~~(a) Sex trafficking a child in violation of NRS 201.300; or~~

~~(b) Facilitating sex trafficking of a child ***or an adult posing as a child, as defined in NRS 201.295,*** in violation of NRS 201.301.~~

~~5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.~~

~~6. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.~~

~~7. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.~~

~~8. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to a district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings against any person alleged to be the perpetrator of the commercial sexual exploitation of a child.~~

~~9. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.~~

~~10. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.~~

~~11. As used in this section, "parent" has the meaning ascribed to it in NRS 432B.080.]~~ **(Deleted by amendment.)**

Sec. 7.5. There is hereby appropriated from the State General Fund to the Contingency Account for Victims of Human Trafficking created by NRS 217.530 the sum of $1,000,000.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8.5. **The Legislative Counsel shall:**

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 9. 1. This section and section 7.5 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, ~~[and]~~ 8 **and 8.5** of this act become effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 425.

Bill read second time and ordered to third reading.

Senate Bill No. 445.

Bill read second time and ordered to third reading.

Senate Bill No. 448.

Bill read second time and ordered to third reading.

Senate Bill No. 449.

Bill read second time and ordered to third reading.

Senate Bill No. 453.

Bill read second time and ordered to third reading.

Senate Bill No. 455.

Bill read second time and ordered to third reading.

Senate Bill No. 456.

Bill read second time and ordered to third reading.

Senate Bill No. 457.
Bill read second time and ordered to third reading.

Senate Bill No. 458.
Bill read second time and ordered to third reading.

Senate Bill No. 459.
Bill read second time and ordered to third reading.

Senate Bill No. 460.
Bill read second time and ordered to third reading.

Senate Bill No. 461.
Bill read second time and ordered to third reading.

Senate Bill No. 462.
Bill read second time and ordered to third reading.

Senate Bill No. 463.
Bill read second time and ordered to third reading.

Senate Bill No. 464.
Bill read second time and ordered to third reading.

Senate Bill No. 466.
Bill read second time and ordered to third reading.

Senate Bill No. 468.
Bill read second time and ordered to third reading.

Senate Bill No. 470.
Bill read second time and ordered to third reading.

Senate Bill No. 471.
Bill read second time and ordered to third reading.

Senate Bill No. 472.
Bill read second time and ordered to third reading.

Senate Bill No. 473.
Bill read second time and ordered to third reading.

Senate Bill No. 476.
Bill read second time and ordered to third reading.

Senate Bill No. 477.
Bill read second time and ordered to third reading.

Senate Bill No. 478.
Bill read second time and ordered to third reading.

Senate Bill No. 479.
Bill read second time and ordered to third reading.

Senate Bill No. 482.
Bill read second time and ordered to third reading.

Senate Bill No. 483.
Bill read second time and ordered to third reading.

Senate Bill No. 484.
Bill read second time and ordered to third reading.

Senate Bill No. 485.
Bill read second time and ordered to third reading.

Senate Bill No. 486.
Bill read second time and ordered to third reading.

Senate Bill No. 487.
Bill read second time and ordered to third reading.

Senate Bill No. 488.
Bill read second time and ordered to third reading.

Senate Bill No. 489.
Bill read second time and ordered to third reading.

Senate Bill No. 491.
Bill read second time and ordered to third reading.

Senate Bill No. 493.
Bill read second time and ordered to third reading.

Senate Bill No. 494.
Bill read second time and ordered to third reading.

Senate Bill No. 497.
Bill read second time and ordered to third reading.

Senate Bill No. 499.
Bill read second time and ordered to third reading.

Senate Bill No. 500.
Bill read second time and ordered to third reading.

Senate Bill No. 45.
Bill read second time and ordered to third reading.

Senate Bill No. 54.
Bill read second time and ordered to third reading.

Senate Bill No. 240.
Bill read second time and ordered to third reading.

Senate Bill No. 277.
Bill read second time and ordered to third reading.

Senate Bill No. 285.
Bill read second time and ordered to third reading.

Senate Bill No. 319.
Bill read second time and ordered to third reading.

Senate Bill No. 339.
Bill read second time and ordered to third reading.

Senate Bill No. 413.
Bill read second time and ordered to third reading.

Senate Bill No. 416.
Bill read second time and ordered to third reading.

Senate Bill No. 452.
Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 216, 327, 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHELLE GORELOW, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 216.
Bill read second time and ordered to third reading.

Senate Bill No. 327.
Bill read second time and ordered to third reading.

Senate Bill No. 443.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 84.
Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 897.

SUMMARY— ~~[Revises requirements]~~ **Provides** for the issuance of ~~[certain]~~ **free** annual permits **to certain persons** for entering ~~[, camping and boating in]~~ state parks and recreational areas. (BDR 35-471)

AN ACT relating to state lands; requiring the **Administrator of the** Division of State Parks of the State Department of Conservation and Natural Resources to **establish a program to** issue, free of charge, an annual permit for entering ~~[, camping and boating in]~~ all state parks and recreational areas to ~~[members of certain Indian tribes under certain circumstances;]~~ **certain**

persons; making an appropriation to the Division to offset the loss of revenue from user fees resulting from such a program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the **Administrator of the** Division of State Parks of the State Department of Conservation and Natural Resources to **establish a program to** issue free of charge ~~[, other than an administrative fee,]~~ an annual permit to enter ~~[, camp and boat in]~~ all state parks and recreational areas in this State to any ~~[bona fide resident of this State who: (1) is 65 years of age or older; or (2) has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States.]~~ **pupil who is enrolled in the fifth grade at a school in this State.** (NRS 407.065) ~~[This]~~ **Section 1 of this** bill requires the ~~[Division]~~ **Administrator to establish a similar program** to issue free of charge an annual permit to enter ~~[, camp and boat in]~~ all state parks and recreational areas in this State to any **: (1)** member of an Indian tribe located in whole or in part in this State ~~[. This bill also provides that the Division is required to issue such an annual permit to a member of an Indian tribe without collecting an administrative fee.]~~ **; and (2) bona fide resident of this State who has been discharged, except a person who has been dishonorably discharged, from the Armed Forces of the United States.**

Section 1.3 of this bill makes a conforming change to provide that such a program is an exception to the requirement that the Administrator impose and collect a reasonable fee for entering state parks and recreation areas.

Section 1.7 of this bill makes an appropriation to the Division to offset the loss of revenue from user fees associated with implementing such a program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Administrator shall establish a program for the issuance of an annual permit, free of charge, to enter each state park and recreation area in this State to:

1. Any member of an Indian tribe that is located in whole or in part in this State; and

2. Any bona fide resident of this State who has been discharged from the Armed Forces of the United States, except a person who has been dishonorably discharged.

~~[Section 1.]~~ ***Sec. 1.3.*** NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph and NRS 407.066, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Except as otherwise provided in this section ~~[,]~~ ***and section 1 of this act,*** shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State : ~~***[without charge:]***~~

(1) ~~***[Except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit:***~~

~~***(I)]***~~ Upon application therefor and proof of residency and age, to any bona fide resident of the State of Nevada who is 65 years of age or older.

(2) ~~***[(II)]***~~ Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States.

➥ The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

~~[(2) Upon application therefor and proof of tribal membership, to a member of an Indian tribe that is located in whole or in part in this State.]~~

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature.

The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Account for State Park Interpretative and Educational Programs and Operation of Concessions created by NRS 407.0755.

(i) May organize the areas under the jurisdiction of the Division into regions.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 4, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 4, use the facilities of the state park or recreational area without paying the entrance fee.

3. The Administrator shall establish a program for the issuance of an annual permit, free of charge, to enter each state park and recreational area in this State to any pupil who is enrolled in the fifth grade at a school in this State. The program must:

(a) Specify the period for which the Administrator may issue an annual permit to a pupil pursuant to this subsection, including, without limitation, the date upon which the Administrator may issue an annual permit to a pupil who has completed fourth grade and who intends to enter the fifth grade after completing the fourth grade;

(b) Specify the circumstances under which a pupil and any person accompanying a pupil may use the annual permit to enter a state park or recreational area; and

(c) Include any other requirement which the Administrator determines is necessary to establish and carry out the program pursuant to this subsection.

4. An annual permit issued pursuant to subsection 2 or 3 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

5. During each Public Lands Day observed pursuant to NRS 236.053, and upon proof of residency in this State, the Division shall allow a resident of this State to enter, camp and boat in any state park or recreational area without the

payment of any fees for those activities. The free day of camping authorized pursuant to this subsection must include either the Friday night before Public Lands Day or overnight on the night of Public Lands Day, as determined by the Administrator for each state park and recreational area. A person is not entitled to receive more than one free night of camping during each Public Lands Day pursuant to this subsection.

6. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 1.7. **1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources for offsetting the loss of revenue from user fees associated with implementing the provisions of section 1 of this act the following sums:**

For the Fiscal Year 2023-2024..... $214,545

For the Fiscal Year 2024-2025..... $241,909

2. Any balance of the sums appropriated by subsection 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 119.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 874.

AN ACT relating to adult maltreatment; creating the Vulnerable Adult Fatality Review Committee; providing for the review of deaths resulting from or relating to adult maltreatment; requiring the Committee to develop certain reports and perform certain other duties relating to the investigation and prevention of adult maltreatment; ~~[requiring the Attorney General to develop a plan in response to certain reports developed by the Committee;]~~ providing access for the Committee to certain documents; **requiring the Unit for the**

Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General to compile certain reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to abuse, neglect, isolate, abandon or exploit an older person or a vulnerable person. (NRS 200.5099) **Section 3** of this bill defines the term "adult maltreatment" to refer to such crimes. **Sections 4-7** of this bill define certain other terms. **Section 8** of this bill creates the Vulnerable Adult Fatality Review Committee within the Department of Health and Human Services and prescribes the membership of the Committee. **Section 8** also prescribes certain rules governing the operation of the Committee. **Section 8** immunizes the members, employees, agents and consultants of the Committee from civil liability for acts performed in good faith and within the scope of duties of the Committee. **Section 8** authorizes the Director of the Department to: (1) apply for and accept gifts, grants and donations to support the activities of the Committee; and (2) adopt regulations governing the activities of the Committee.

Section 9 of this bill requires the Committee to review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by certain governmental entities or relatives of the decedent. **Section 9** additionally authorizes the Committee to review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment. **Section 10** of this bill prescribes other duties of the Committee relating to the investigation and prevention of adult maltreatment. **Section 10** requires the Committee to: (1) biennially publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State; and (2) annually submit to the ~~[Attorney General and the]~~ Legislature a separate report containing certain information and recommendations about adult maltreatment. **Section 10** requires a representative of the Committee or the Aging and Disability Services Division of the Department to biennially present such information and recommendations at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. ~~[Section 10 also requires the Attorney General to annually publish and present at a public meeting a plan to address the information and recommendations contained in that report.]~~ **Section 11** of this bill authorizes the Committee to take certain measures necessary to perform its duties, including consulting with experts and other interested persons and entering into contracts. **Section 12** of this bill entitles the Committee to access certain records it determines necessary to perform its duties and authorizes the Committee to petition the district court for a subpoena to compel the production of such records. **Section 12** also provides that information acquired by and records of the Committee are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. **Sections 12 and**

14 of this bill provide that such records are not public records. **Sections 12 and 15** of this bill provide that meetings of the Committee are closed to the public.

Existing law creates in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons. (NRS 228.265) Existing law authorizes the Unit to investigate and prosecute deaths resulting from adult maltreatment. (NRS 228.270) **Section 10** requires the Committee to refer a case of suspected adult maltreatment to the Unit for investigation and prosecution where appropriate. **Section 12** authorizes the Committee to meet and share information with the Unit and certain entities that investigate domestic violence. **Section 13** of this bill requires the Unit to compile a report of the outcome of and findings regarding each case referred by the Committee to the Unit.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Adult maltreatment" means the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person in violation of NRS 200.5099.***

Sec. 4. ***"Committee" means the Vulnerable Adult Fatality Review Committee established by section 8 of this act.***

Sec. 5. ***"Facility or service provider" means:***

1. Any facility or other entity licensed or certified pursuant to chapter 435 or 449 of NRS.

2. A provider of emergency medical services.

3. A facility for long-term rehabilitation.

4. Any unlicensed establishment that provides food, shelter, assistance and limited supervision to an older person or a vulnerable person.

Sec. 6. ***"Older person" has the meaning ascribed to it in NRS 228.255.***

Sec. 7. ***"Vulnerable person" has the meaning ascribed to it in NRS 228.262.***

Sec. 8. ***1. The Vulnerable Adult Fatality Review Committee is hereby established within the Department.***

2. The Director shall appoint to the Committee:

(a) One member who is a licensed social worker who is actively providing services to clients in this State who are vulnerable persons;

(b) One member who is an attorney and is:

(1) Licensed to practice law in this State; and

(2) Employed by the Office of the Attorney General; and

(c) At least ~~[5]~~ 4 but not more than ~~[11]~~ 10 members who:

(1) Are providers of health care, representatives of nonprofit organizations whose work is related to adult maltreatment, issues of older persons or issues of vulnerable persons, representatives of agencies involved in vital statistics and law enforcement and other persons interested in adult maltreatment or the welfare of older persons and vulnerable persons; and

(2) Represent the racial, ethnic, linguistic and geographic diversity of this State.

3. The members of the Committee serve:

(a) At the pleasure of the Director; and

(b) Without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Committee.

5. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

6. At the first meeting of the Committee and annually thereafter:

(a) The Director shall appoint a Chair of the Committee;

(b) The Committee shall elect a Secretary from among its members; and

(c) The Committee shall adopt rules for its own management and government.

7. The Committee shall meet at least twice each year and may meet at such further times as determined necessary by the Chair.

8. A member of the Committee or an employee, agent or consultant of the Committee is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Committee. For the purposes of this subsection, any act which violates a provision of law concerning the privacy of information shall be deemed to be outside the scope of the duties of the Committee.

9. The Director may:

(a) Apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 12, inclusive, of this act; and

(b) Adopt any regulations necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

Sec. 9. ***1. The Committee:***

(a) Shall review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by the Division, a law enforcement agency or an adult related to the decedent within the third degree of consanguinity; and

(b) May, within the limits of available resources, review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment.

2. A review pursuant to subsection 1 must include, without limitation, and to the extent that such records exist, a review of relevant medical records, death certificates, records of an autopsy, records created by a facility or provider, records of the Division, records of a social services agency, mental health records and records of a law enforcement agency described in section 12 of this act.

Sec. 10. *1. In addition to conducting reviews pursuant to section 9 of this act, the Committee shall:*

(a) Within the limits of available resources:

(1) Cross-reference databases maintained by the Division with databases maintained by coroners and medical examiners in this State to identify deaths that may have been caused by or related to adult maltreatment and review such deaths in accordance with section 9 of this act.

(2) Review incidents and trends in adult maltreatment in this State.

(3) Identify and review disparities in the incidence of adult maltreatment in this State by analyzing:

(I) The race, ethnicity and age of persons who experience adult maltreatment;

(II) The geographic region of the residence of persons who experience adult maltreatment; and

(III) Any other variables identified by the Committee.

(b) Refer a case of suspected adult maltreatment to the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265 for further investigation and prosecution where appropriate.

(c) Based on the reviews conducted pursuant to paragraph (a) and section 9 of this act, develop findings and recommendations to prevent adult maltreatment and address the needs of victims of adult maltreatment.

(d) Disseminate the findings and recommendations developed pursuant to paragraph (c) to the Division, providers of health care, agencies and organizations that provide social services, facilities or service providers, law enforcement agencies, organizations that provide services to victims of adult maltreatment, other interested persons and entities and the public.

(e) On or before December 31 of each even-numbered year, compile and publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State during the immediately preceding 24 months. Such data must be aggregated and

presented in a manner that does not allow for the identification of any person.

(f) On or before December 31 of each year:

(1) Develop, in collaboration with the Division, a report that includes, without limitation:

(I) A description of the deaths resulting from adult maltreatment and other incidents of adult maltreatment reviewed pursuant to paragraph (a) of subsection 1 and section 9 of this act, respectively, during the immediately preceding 12 months, provided in a manner that does not allow for the identification of any person;

(II) A summary of the disparities identified and reviewed pursuant to subparagraph (3) of paragraph (a) of subsection 1;

(III) Plans for corrective action to reduce adult maltreatment in this State; and

(IV) Recommendations for any legislation or other changes to policy to reduce adult maltreatment or otherwise improve the well-being of older persons and vulnerable persons in this State; and

(2) Submit the report developed pursuant to subparagraph (1) to ~~[the Office of the Attorney General and]~~ the Director of the Legislative Counsel Bureau for transmittal to:

(I) For a report submitted on or before December 31 of an odd-numbered year, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750; and

(II) For a report submitted on or before December 31 of an even-numbered year, the next regular session of the Legislature.

2. The Committee may, within the limits of available resources:

(a) Conduct any other research into issues relating to adult maltreatment or the well-being of older persons and vulnerable persons in this State;

(b) Promote changes in policy in the public and private sectors to reduce adult maltreatment or address the effects of adult maltreatment;

(c) Take measures to improve the services provided to victims of adult maltreatment, including, without limitation, identifying gaps in services provided to victims of adult maltreatment and reducing barriers to service for victims of adult maltreatment; and

(d) Engage in activities to increase public awareness regarding adult maltreatment.

3. On or before August 1 of each odd-numbered year, a representative of the Committee or the Division shall present the findings, plans for corrective action and recommendations for changes to policy contained in the reports developed pursuant to paragraph (f) of subsection 1 for the immediately preceding 2 years at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750.

~~*[4. Not later than 90 days after receiving a report pursuant to subparagraph (2) of paragraph (f) of subsection 1, the Office of the Attorney General shall:*~~

~~*(a) Develop a plan to address the findings, plans for corrective action and recommendations for changes to policy contained in the report;*~~

~~*(b) Present the plan at a public hearing; and*~~

~~*(c) Post the plan on the Internet website of the Attorney General.]*~~

Sec. 11. *The Committee may take any action necessary to carry out its duties, including, without limitation:*

1. Consulting with experts and other interested persons to ensure the data collected is of the highest quality;

2. Entering into a contract or other agreement with any person or entity, including, without limitation, a college or university, to:

(a) Assist the Committee with its organization and meetings;

(b) Collect, analyze and disseminate information; or

(c) Assist in carrying out any other duty of the Committee;

3. Establishing subcommittees consisting of members of the Committee; and

4. Employing such persons as it deems necessary to carry out its duties.

Sec. 12. *1. The Committee is entitled to access to:*

(a) All final investigative information of law enforcement agencies regarding a death that may have been caused by or related to adult maltreatment or other incident of adult maltreatment being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to a death of an older person or a vulnerable person that may have been caused by or related to adult maltreatment;

(c) Any medical or mental health records of a decedent or other victim of adult maltreatment;

(d) Any records of the Division or any other agency which has provided services to a decedent or other victim of adult maltreatment; and

(e) Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470; or

(c) The Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of adult maltreatment being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to a subpoena issued pursuant to this subsection shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a death that is known or suspected to have been caused by or be related to adult maltreatment for the purpose of research or to prevent future adult maltreatment if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. The disclosure of information or records to the Committee does not make such information or records confidential with respect to the person or entity that disclosed the records if the information or records are not otherwise confidential.

6. The meetings of the Committee are closed to the public.

Sec. 13. NRS 228.270 is hereby amended to read as follows:

228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:

(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

(c) Jointly with the district attorney of the county in which the violation occurred.

2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be from abuse, neglect, isolation or abandonment. A multidisciplinary team may include, without limitation, the following members:

(a) A representative of the Unit;

(b) Any law enforcement agency that is involved with the case under review;

(c) The district attorney's office in the county where the case is under review;

(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;

(e) A representative of the coroner's office; and

(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.

3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person or vulnerable person who is the subject of the review or any person who was in contact with the older person or vulnerable person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be the result of abuse, neglect, isolation or abandonment.

5. On or before February 1 of each year, the Unit shall:

(a) Compile a report of the outcome of and findings regarding each case referred to the Unit by the Vulnerable Adult Fatality Review Committee pursuant to section 10 of this act; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the next regular session of the Legislature; and

(2) In even-numbered years, the Joint Interim Standing Committee on the Judiciary.

Sec. 14. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040,

213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485,

639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 12 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 15. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ***and section 12 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 16. Notwithstanding the provisions of paragraphs (e) and (f) of subsection 1 of section 10 of this act, the first reports required by those

paragraphs must be published on an Internet website maintained by the Department of Health and Human Services or submitted to ~~[the Attorney General and]~~ the Director of the Legislative Counsel Bureau ~~[, as applicable,]~~ on or before December 31, 2026.

Sec. 16.5. **The amendatory provisions of this act apply only to a contract entered into between the Department of Health and Human Services and a district attorney on or after July 1, 2023.**

Sec. 17. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 18. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 125.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 898.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYMEN** BACKUS ; **GORELOW AND HAFEN**

JOINT SPONSORS: SENATORS BUCK AND KRASNER

AN ACT relating to public safety; requiring the tribal liaison for the Department of Public Safety to maintain ongoing communication relating to missing or murdered indigenous persons between the Department and certain entities; authorizing ~~[a law enforcement agency]~~ **the Department** to accept a report relating to certain persons missing from an Indian reservation or Indian colony located in whole or in part in this State; requiring ~~[the Peace Officers' Standards and Training Commission]~~ **certain law enforcement agencies** to ~~[adopt certain regulations for the training of peace officers]~~ **notify certain persons or agencies after receiving a report** related to **a** missing indigenous ~~[persons;]~~ **person; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each state agency that communicates with Indian tribes on a regular basis to designate a tribal liaison whose duties include maintaining ongoing communication between the state agency and affected Indian tribes. (NRS 233A.260) **Section 2** of this bill requires the tribal liaison for the Department of Public Safety to also maintain ongoing communication related to missing or murdered indigenous persons between the Department and: (1) Indian tribes and tribal communities in this State; (2) tribal organizations; (3) urban Indian organizations; (4) other tribal liaisons designated by state agencies; and (5) nongovernmental entities that provide services to women who are members of Indian tribes.

Existing law requires each sheriff, chief of police or other law enforcement agency which receives a report of a person missing under suspicious circumstances who is 18 years of age or older to enter the information concerning the missing person into the computer for the National Crime Information Center. (NRS 480.500) **Section 3** of this bill authorizes ~~[a sheriff, chief of police or other law enforcement agency]~~ **the Department** to: (1) accept a report of a person who is 18 years of age or older and missing under certain circumstances from an Indian reservation or Indian colony that is located in whole or in any part of this State; and (2) enter the information concerning the missing person into the computer for the National Crime Information Center.

~~[Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations which require that all peace officers receive training in the handling of cases involving missing children. (NRS 289.510) Section 4 of this bill requires the Commission to also adopt regulations which require that all peace officers receive training in the taking of reports and the handling of cases relating to missing indigenous women and other indigenous persons.]~~

Section 3.5 of this bill requires each sheriff, chief of police or other law enforcement agency that receives a report that an indigenous person who is 18 years of age or older is missing from an Indian reservation or Indian colony that is located in whole or in part in this State to notify: (1) the Missing and Murdered Unit within the Office of Justice Services of the Bureau of Indian Affairs; (2) a person employed as a police officer by the Indian tribe having jurisdiction over the Indian reservation or Indian colony from which the person is missing; or (3) the tribal liaison for the Department.

Section 4.5 of this bill makes an appropriation to the Investigation Division of the Department for personnel, travel, operating, equipment and information services expenses to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[and]~~ **,** 3 **and 3.5** of this act.

Sec. 2. ***In addition to the duties set forth in NRS 233A.260, the tribal liaison for the Department shall maintain ongoing communication relating to missing or murdered indigenous persons between the Department and:***

1. Indian tribes and tribal communities in this State;

2. Tribal organizations;

3. Urban Indian organizations;

4. Other tribal liaisons designated by state agencies pursuant to NRS 233A.260; and

5. Nongovernmental entities that provide services to women who are members of Indian tribes.

Sec. 3. *Notwithstanding any other provision of state or local law, [a sheriff, chief of police or other law enforcement agency] the Department may:*

1. Accept a report of a person who is 18 years of age or older and missing from an Indian reservation or Indian colony that is located in whole or in part in this State if the person who is reported missing:

(a) Has a physical or mental disability;

(b) Is missing after an emergency or natural disaster;

(c) Is missing under:

(1) Circumstances that indicate he or she may be in danger or that his or her disappearance may not be voluntary; or

(2) Any other suspicious circumstance; and

2. Enter the information concerning the missing person into [the computer for] the National Crime Information Center pursuant to NRS 480.500.

Sec. 3.5. If a person reports to a sheriff, chief of police or other law enforcement agency that an indigenous person who is 18 years of age or older is missing from an Indian reservation or Indian colony that is located in whole or in part in this State, the sheriff, chief of police or other law enforcement agency, as applicable, shall notify:

1. The Missing and Murdered Unit within the Office of Justice Services of the Bureau of Indian Affairs;

2. A person employed as a police officer by the Indian tribe having jurisdiction over the Indian reservation or Indian colony from which the person is missing; or

3. The tribal liaison designated by the Department pursuant to NRS 233A.260.

Sec. 4. [NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;

(2) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance,

~~which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:~~

~~(I) Racial profiling;~~

~~(II) Mental health, including, without limitation, crisis intervention;~~

~~(III) The well-being of officers;~~

~~(IV) Implicit bias recognition;~~

~~(V) De-escalation;~~

~~(VI) HIuman trafficking; and~~

~~(VII) Firearms.~~

~~(4) Qualifications for instructors of peace officers;~~

~~(5) Requirements for the certification of a course of training; and~~

~~(6) Standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.~~

~~(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.~~

~~(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.~~

~~(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.~~

~~(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive.~~

~~(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.~~

~~(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.~~

~~2. Regulations adopted by the Commission:~~

~~(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;~~

~~(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;~~

~~(c) ***Must require that all peace officers receive training in the taking of reports and handling of cases relating to missing indigenous women and other indigenous persons.***~~

~~*(d)* Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and~~

~~[(d)] *(e)* May require that training be carried on at institutions which it approves in those regulations.]~~ **(Deleted by amendment.)**

Sec. 4.5. **1. There is hereby appropriated from the State General Fund to the Investigation Division of the Department of Public Safety for personnel, travel, operation, equipment and information services expenses to carry out the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $104,945

For the Fiscal Year 2024-2025..... $113,148

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 5. ~~[1.]~~ This ~~[section becomes effective upon passage and approval. 2. Sections 1, 2 and 3 of this]~~ act ~~[become]~~ **becomes** effective on July 1, 2023.

~~[3. Section 4 of this act becomes effective:~~

~~(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On January 1, 2024, for all other purposes.]~~

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 138.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 894.

AN ACT relating to Medicaid; requiring the State Plan for Medicaid to include coverage for certain behavioral health integration services; **making an appropriation and authorizing certain expenditures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to develop and administer a State Plan for Medicaid which includes a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270; 42 U.S.C. § 1396a) **Section 1** of this bill requires such covered medical services to include behavioral health services that are delivered through evidence-based, behavioral health integration models. **Section 2** of this bill makes a conforming change to indicate that the provisions of **section 1** will be administered in the same manner as the provisions of existing law governing the State Plan for Medicaid. **Section 3 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department and authorizes certain related expenditures to carry out the provisions of section 1.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for behavioral health services, including, without limitation, mental health services and services for the treatment of a substance use disorder, that are delivered through evidence-based, behavioral health integration models, including, without limitation, collaborative care management services.

2. As used in this section:

(a) "Behavioral health integration model" means a model of delivering behavioral health services that integrates such services with primary care. The term includes, without limitation, the delivery of behavioral health services using collaborative care management services.

(b) "Collaborative care management services" means a combination of services and structured care management with regular assessments directed and provided by a team of providers of primary care and providers of behavioral health care.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for system modifications and**

to pay the nonfederal share of expenditures incurred for the services described in section 1 of this act the following sums:

For the Fiscal Year 2023-2024..... $4,760

For the Fiscal Year 2024-2025..... $207,313

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

3. Expenditure of $14,280 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2023-2024 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1.

4. Expenditure of $428,275 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2024-2025 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1.

~~[Sec. 3.]~~ ***Sec. 4.*** 1. This section becomes effective upon passage and approval.

2. **Section 3 of this act becomes effective on July 1, 2023.**

3. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[January]~~ **July** 1, 2024, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 224.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 864.

AN ACT relating to collective bargaining; authorizing collective bargaining for certain state employees; providing for the recognition of professional organizations; providing for the establishment of bargaining units and the

designation of exclusive representatives; establishing certain rights for professional organizations and professional employees; establishing procedures for collective bargaining and for making collective bargaining agreements; authorizing the Government Employee-Management Relations Board to collect certain fees; prohibiting certain practices relating to collective bargaining; authorizing a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General for certain purposes; authorizing the Board of Regents of the University of Nevada to conduct collective bargaining negotiations and enter into collective bargaining agreements with certain employees; providing a civil penalty; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes collective bargaining between: (1) local government employers and local government employees; and (2) the State and certain state employees. (Chapter 288 of NRS) This bill authorizes collective bargaining between state professional employers and professional employees. **Section 5** of this bill defines "state professional employer" to mean a board, commission or similar body within the Executive Department of the State Government, including, without limitation, the Board of Regents of the University of Nevada, that employs 400 or more professional employees. **Section 13** of this bill defines "professional employee" to mean a person who, with various exceptions, is employed by a state professional employer and who is: (1) in the unclassified service of the State; or (2) paid in accordance with any arrangement other than the pay plan for the classified service of the State.

Sections 2, 57 and 59 of this bill expand the powers and duties of the Government Employee-Management Relations Board to include hearing and deciding disputes between state professional employers and professional employees.

Section 17 of this bill sets forth certain legislative findings and declarations. **Section 18** of this bill authorizes professional employees to organize, form, join and assist professional organizations and engage in collective bargaining activity or refrain from engaging in such activity. **Sections 1 and 22** of this bill authorize an officer of a state professional employer to, upon written authorization by a professional employee, withhold money from the salary or wages of the employee to pay dues or fees to a professional organization.

Section 19 of this bill provides for the recognition of a professional organization by a state professional employer. **Sections 19 and 58** of this bill set forth the conditions under which a state professional employer is authorized to withdraw such recognition. **Section 23** of this bill: (1) authorizes a recognized professional organization to, with certain limitations, represent a professional employee with respect to any condition of the employment of the employee; and (2) provides that only an exclusive representative may engage in collective bargaining on behalf of the professional employees of the applicable bargaining unit.

Section 24 of this bill authorizes, with certain conditions, a professional employee to act for himself or herself with respect to conditions of his or her employment. **Section 20** of this bill establishes certain rights of professional organizations. ~~[Section 21 of this bill requires, upon request by an exclusive representative, a state professional employer to furnish to the representative certain personal contact information relating to each professional employee represented by the representative.]~~ **Section 25** of this bill requires a professional employee who could be subject to certain adverse employment actions to be ~~[provided with certain notice and]~~ afforded ~~[certain rights.]~~ **the right to be represented unless the professional employee waives, in writing, that right.**

Section 26 of this bill provides for the creation and organization of bargaining units. **Sections 27-31** of this bill set forth procedures for a professional organization to be designated by the Board, either with or without an election, as an exclusive representative of a bargaining unit. **Sections 29 and 62** of this bill: (1) require the Board to verify each showing of interest filed by a professional organization against the employment records of the state professional employer; and (2) provide that a showing of interest by a professional employee or a petition requesting an election relating to exclusive representation submitted to the Board is confidential and not a public record.

Section 32 of this bill requires each state professional employer that has recognized one or more professional organizations and each professional organization to file certain reports with the Board annually.

Section 33 of this bill sets forth certain subjects that constitute the scope of mandatory bargaining. **Section 34** of this bill requires negotiations between an exclusive representative and a state professional employer to commence not later than 60 calendar days after one party gives notice to the other party. **Section 35** of this bill sets forth certain duties of an exclusive representative. **Section 36** of this bill requires a state professional employer to designate a representative to engage in collective bargaining with an exclusive representative. **Section 36** further requires a state professional employer to comply with reasonable requests to furnish certain data to the exclusive representative. **Section 39** of this bill authorizes a professional organization to be represented by a licensed attorney in negotiations with a state professional employer.

Sections 37, 38, 41 and 42 of this bill set forth various requirements and limitations relating to the provisions of a collective bargaining agreement. **Section 64** of this bill provides that in the event of a conflict between certain policies and procedures for personnel adopted by the Board of Regents of the University of Nevada and the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement prevail.

Section 40 of this bill requires any new or modified collective bargaining agreement between a state professional employer and an exclusive representative to be: (1) submitted to the members of the professional organization for a ratification vote; and (2) approved at a public hearing by,

depending on the state professional employer, either the State Board of Examiners or the Board of Regents. **Sections 46 and 63** of this bill provide that certain meetings convened for the purpose of collective bargaining and resolving disputes relating to collective bargaining are exempt from the provisions of existing law requiring open and public meetings of public bodies.

Sections 43-45 of this bill provide for the mediation and arbitration of disputes between state professional employers and exclusive representatives.

Section 47 of this bill prohibits certain practices in the context of collective bargaining. **Section 48** of this bill sets forth procedures to establish that a party has committed such a prohibited practice.

Section 49 of this bill establishes certain provisions relating to actions brought by or against state professional employers or professional organizations.

Existing law requires the Government Employee-Management Relations Board to annually assess a fee on local government employers and the Executive Department for the support of the Board based on the number of employees employed by the local government employer or the Executive Department in the first pay period of the immediately preceding year. (NRS 288.139, 288.475) **Section 50** of this bill requires the Board to assess a similar fee on each state professional employer based on the number of professional employees in a bargaining unit that had an exclusive representative in the first pay period of the immediately preceding year.

Sections 51 and 52 of this bill authorize: (1) a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General to provide support to the state professional employer to carry out the provisions of **sections 6-52** of this bill; and (2) the Division of Human Resource Management and the Attorney General to charge the state professional employer for any such services provided.

Section 61 of this bill authorizes the Governor to request the drafting of as many legislative measures as are necessary to carry out the provisions of **sections 6-52**. **Sections 56 and 60** of this bill revise provisions of existing law prohibiting strikes against the State or a local government employer by an employee organization or labor organization for the purpose of also prohibiting strikes by a professional organization.

Sections 4, 5 and 7-16 of this bill define certain words and terms applicable to the provisions of this bill. **Sections 54 and 55** of this bill revise certain definitions relating to collective bargaining that are applicable to employee organizations and labor organizations to also include professional organizations. **Section 53** of this bill makes a conforming change to indicate the proper placement of **sections 4 and 5** in the Nevada Revised Statutes.

Section 65 of this bill grants the Board of Regents the authority to conduct collective bargaining negotiations and to enter into collective bargaining agreements with the professional employees of the Nevada System of Higher Education.

Sections 65.3 and 65.5 of this bill make appropriations to the Interim Finance Committee for allocation to the Nevada System of Higher Education and to the Office of the Attorney General for personnel and certain other expenses associated with the changes relating to collective bargaining in this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(3) Except as otherwise provided in paragraph (c), insurers;

(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) Except as otherwise provided in NRS 288.545 ~~[,]~~ ***and section 22 of this act,*** employee organizations ***,*** ~~[and]~~ labor organizations ~~[.]~~ ***and professional organizations.***

(b) May, in accordance with an agreement entered into pursuant to NRS 701A.450 between the Director of the Office of Energy and the officer or employee specifying amounts, withhold those amounts and pay them to the Director of the Office of Energy for credit to the Renewable Energy Account created by NRS 701A.450.

(c) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the Executive Department.

Sec. 2. NRS 281.755 is hereby amended to read as follows:

281.755 1. Except as otherwise provided in subsections 2 and 5, a public body shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If the public body determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the public body, the public body may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the public body may require the employee to accept a reasonable alternative selected by the public body and the employee may appeal the decision by filing a complaint in the manner set forth in subsection 4.

3. An officer or agent of a public body shall not retaliate, or direct or encourage another person to retaliate, against an employee of the public body because the employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 2 to express breast milk; or

(b) Taken any action to require the public body to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

4. An employee who is aggrieved by the failure of a public body to comply with the provisions of this section may:

(a) If the employee is employed by the Executive Department of State Government, is not an employee of an entity described in NRS 284.013 and is not an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, ***or sections 6 to 52, inclusive, of this act,*** file a complaint with the Employee-Management Committee in accordance with the procedures provided pursuant to NRS 284.384;

(b) If the employee is employed by the Legislative Department of State Government, file a complaint with the Director of the Legislative Counsel Bureau;

(c) If the employee is employed by the Judicial Department of State Government, file a complaint with the Court Administrator; and

(d) If the employee is employed by a political subdivision of this State or any public or quasi-public corporation organized under the laws of this State or if the employee is employed by the Executive Department of State Government and is an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, ***or sections 6 to 52, inclusive, of this act,*** file a complaint with the Government Employee-Management Relations Board in the manner set forth in NRS 288.115.

5. The requirements of this section do not apply to the Department of Corrections. The Department is encouraged to comply with the provisions of this section to the extent practicable.

6. As used in this section, "public body" means:

(a) The State of Nevada, or any agency, instrumentality or corporation thereof;

(b) The Nevada System of Higher Education; or

(c) Any political subdivision of this State or any public or quasi-public corporation organized under the laws of this State, including, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

Sec. 3. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 52, inclusive, of this act.

Sec. 4. ***"Professional organization" means an organization of any kind that:***

1. Has, as one of its purposes, the improvement of the terms and conditions of employment of professional employees, as defined in section 13 of this act; and

2. Provides the service of representation to professional employees, including, without limitation, in collective bargaining with state professional employers.

Sec. 5. ***"State professional employer" means a board, commission or similar body within the Executive Department, including, without limitation, the Board of Regents of the University of Nevada on behalf of the Nevada System of Higher Education, that employs 400 or more professional employees as defined in section 13 of this act.***

Sec. 6. ***As used in sections 6 to 52, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 16, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 7. ***"Arbitration" means a process of dispute resolution in which the parties involved in an impasse or grievance submit their dispute to a third party for a final and binding decision.***

Sec. 8. ***"Bargaining unit" means a group of professional employees recognized by a state professional employer as having sufficient community of interest for representation by a professional organization for the purpose of collective bargaining.***

Sec. 9. ***"Confidential employee" means an employee who provides administrative support to an employee who assists in the formulation, determination and effectuation of managerial personnel policies concerning collective bargaining.***

Sec. 10. ***"Exclusive representative" means a professional organization that, as a result of its designation as such by the Board, has the exclusive right to:***

1. Represent all the professional employees within a bargaining unit; and

2. Engage in collective bargaining with a state professional employer pursuant to sections 6 to 52, inclusive, of this act concerning wages, hours and other terms and conditions of employment for those professional employees.

Sec. 11. ***"Grievance" means an act, omission or occurrence that a professional employee or an exclusive representative believes to be an injustice relating to any condition arising out of the relationship between a***

state professional employer and a professional employee, including, without limitation, working hours, working conditions, membership in a professional organization or the interpretation of any law, regulation or agreement.

Sec. 12. *1. "Managerial employee" means an employee whose primary function is to administer and control the business of any state professional employer and who is vested with discretion and independent judgment with regard to the general conduct and control of the state professional employer.*

2. The term includes, without limitation:

(a) A chief administrative officer, the chief administrative officer's deputy and immediate assistants, department heads and their deputies and immediate assistants, appointed officials and others who are primarily responsible for formulating and administering management policies and programs;

(b) Administrators of an academic institution, including, without limitation:

(1) Chancellors, presidents, provosts and deans;

(2) Vice, associate and assistant chancellors, presidents, provosts and deans; and

(3) Other employees who are primarily responsible for formulating and administering management policies and programs; and

(c) Attorneys who serve a state professional employer or advise other managerial employees.

3. With respect to professional employees of an academic institution:

(a) A professional employee shall not be deemed a managerial employee solely because the professional employee participates in decisions with respect to courses, curriculum, personnel or other matters of educational policy through shared governance mechanisms or peer review.

(b) A chair or head of a department or similar academic unit or program who performs the duties described in paragraph (a) primarily on behalf of the members of the academic unit or program shall not be deemed a managerial employee solely because of those duties.

Sec. 13. *1. "Professional employee" means a person who is employed by a state professional employer and:*

(a) Is in the unclassified service of the State; or

(b) Is paid in accordance with any arrangement other than the pay plan for the classified service of the State.

2. The term does not include:

(a) A local government employee;

(b) A person who is employed in the classified service of the State pursuant to chapter 284 of NRS;

(c) A person who is employed by the Nevada System of Higher Education:

(1) In the classified service of the State; or

(2) Who is required to be paid in accordance with the pay plan for the classified service of the State;

(d) A person employed by the Public Employees' Retirement System who is required to be paid in accordance with the pay plan for the classified service of the State;

(e) An elected official or any person appointed to fill a vacancy in an elected office;

(f) A person who is employed in neither the classified nor the unclassified service of the State pursuant to NRS 223.085;

(g) A person whose employment is the result of an appointment by the Governor to a position which deems the person to be a civil officer of the State pursuant to NRS 232A.030 or 616C.340;

(h) A managerial employee;

(i) A confidential employee;

(j) A temporary, intermittent or seasonal worker who is employed for less than 90 calendar days in a period of 365 calendar days;

(k) A commissioned officer or an enlisted member of the Nevada National Guard; or

(l) A person who is employed within the office of a statewide elected constitutional officer.

Sec. 14. *"Recognition" or "recognized" means the formal acknowledgment by a state professional employer that a particular professional organization has the right to represent professional employees of the state professional employer.*

Sec. 15. *"Showing of interest" means written or electronic documentation that provides evidence of the membership of a professional employee in or his or her support for a professional organization for the purpose of exclusive representation. The term includes any electronic signature pursuant to chapter 719 of NRS.*

Sec. 16. *1. "Supervisory employee" means a person who does not have the responsibility for the general conduct and control of a state professional employer, but who:*

(a) Performs management duties, including, without limitation:

(1) Establishing performance standards for subordinate employees;

(2) Scheduling, assigning, overseeing or reviewing the work of subordinate employees under established performance standards; or

(3) Effectively recommending the performance of the duties described in subparagraphs (1) and (2) and the manner in which such duties are performed; or

(b) Has the authority to adjust grievances, apply established personnel policies and procedures, enforce the provisions of a collective bargaining agreement or effectively recommend such action,

➥ if the exercise of the duties or authority described in paragraph (a) or (b) is not of a merely routine or clerical nature but requires the use of

independent judgment and occupies a regular and significant portion of the employee's workday.

2. With respect to professional employees of an academic institution:

(a) A professional employee shall not be deemed to be a supervisory employee solely because the professional employee participates in decisions with respect to courses, curriculum, personnel or other matters of educational policy through shared governance mechanisms or peer review.

(b) A chair or head of a department or similar academic unit or program who performs the duties described in paragraph (a) primarily on behalf of the members of the academic unit or program shall not be deemed a supervisory employee solely because of those duties.

Sec. 17. *1. The Legislature hereby finds and declares that there is a great need to:*

(a) Promote harmonious and constructive relations between state professional employers and their professional employees; and

(b) Increase the efficiency of state professional employers.

2. It is therefore in the public interest that the Legislature enact provisions:

(a) Granting certain professional employees the right to associate with others in organizing and choosing exclusive representatives for the purpose of engaging in collective bargaining;

(b) Requiring state professional employers to recognize professional organizations and to negotiate wages, hours and other terms and conditions of employment with exclusive representatives and to enter into written agreements evidencing the result of collective bargaining; and

(c) Establishing standards and procedures that protect the rights of professional employees, state professional employers and the people of the State.

3. The Legislature further finds and declares that:

(a) Joint decision making and consultation between administration and faculty or academic professional employees is a long-accepted manner of shared governance in institutions of higher education and is essential to the advancement of the educational missions of those institutions;

(b) It is a purpose of sections 6 to 52, inclusive, of this act to preserve and encourage the practice and mechanisms of shared governance with respect to professional employees of public institutions of higher education in this State; and

(c) The provisions of sections 6 to 52, inclusive, of this act are not intended to restrict, limit or prohibit the full exercise of the functions of faculty in any shared governance mechanism or practice, including, without limitation, the establishment and function of faculty senates and the principle of peer review in the appointment, retention and tenure of faculty in an institution of higher education.

Sec. 18. *1. For the purposes of collective bargaining and other mutual aid or protection, every professional employee has the right to:*

(a) Organize, form, join and assist professional organizations, engage in collective bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such an activity.

2. A state professional employer shall not discriminate in any way among its professional employees on account of membership or nonmembership in a professional organization.

3. Professional employees have the right to communicate with one another and with representatives of professional organizations concerning organization, representation, issues in the workplace, collective bargaining and the business and programs of a professional organization, including, without limitation, communicating by means of electronic mail, text messages and other electronic communications, telephone, paper documents and other means of communications of the workplace subject to the reasonable regulations of a state professional employer or such limitations as may be set forth in a collective bargaining agreement.

Sec. 19. *1. A state professional employer shall recognize a professional organization that presents to the state professional employer:*

(a) A copy of the bylaws, charter or constitution of the professional organization, which demonstrates that the organization has as one of its purposes the improvement of the terms and conditions of employment of professional employees;

(b) A roster of its officers, if any, and representatives; and

(c) An identification of the professional employees that the professional organization seeks to represent.

2. If a state professional employer first receives the written permission of the Board, the state professional employer may withdraw recognition from a professional organization that fails to:

(a) Present a copy of each change in its bylaws, charter or constitution, if any; or

(b) Give notice of any change in the roster of its officers and representatives, if any.

Sec. 20. *1. Except as otherwise provided in subsection 2 and subject to such reasonable regulations as a state professional employer may prescribe or such conditions and limitations as may be set forth in a collective bargaining agreement, a professional organization that has been recognized shall have the right to:*

(a) At reasonable times, access areas in which professional employees work;

(b) Use bulletin boards, mailboxes, electronic mail and other means of communication to communicate with professional employees at their workplace;

(c) At reasonable times, use the facilities of a workplace for the purpose of meetings concerned with the exercise of any rights guaranteed under the provisions of sections 6 to 52, inclusive, of this act; and

(d) Provide information to professional employees during the orientation or on-boarding of new employees.

2. If a professional organization has been designated as the exclusive representative of a bargaining unit, no professional organization other than the professional organization designated as the exclusive representative may exercise the rights set forth in subsection 1 with respect to professional employees in the bargaining unit except to the extent that such access is otherwise provided to the general public.

Sec. 21. ~~*[1. Unless a professional employee has directed a state professional employer not to furnish that employee's personal contact information to an exclusive representative, a state professional employer shall, upon the request of an exclusive representative but not more than once each calendar quarter, furnish to the exclusive representative the following personal contact information, as contained in the records of the state professional employer, for each professional employee who is represented by the exclusive representative:*~~

~~*(a) Home address;*~~

~~*(b) Home telephone number or other personal telephone number; and*~~

~~*(c) Personal electronic mail address.*~~

~~*2. The furnishing of an employee's personal contact information pursuant to subsection 1 does not make that information a public record for the purposes of chapter 239 of NRS.]*~~ **(Deleted by amendment.)**

Sec. 22. *1. Except as otherwise provided in subsection 4, an officer of a state professional employer shall, upon written authorization by a professional employee, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to a recognized professional organization.*

2. If applicable, a written authorization provided pursuant to subsection 1 must comply with the provisions of chapter 719 of NRS.

3. Except as otherwise provided in this subsection, a written authorization provided pursuant to subsection 1 is binding for the period specified in the authorization. An authorization may be revoked by the professional employee by notifying the professional organization in accordance with the terms of the authorization. The professional organization shall process a revocation of an authorization in a timely manner.

4. If the Board designates a professional organization as the exclusive representative of a bargaining unit pursuant to sections 6 to 52, inclusive, of this act, an officer of a state professional employer shall not, pursuant to NRS 281.129, withhold any amount of money from the salary or wages of a professional employee within the bargaining unit to pay dues or similar fees to a professional organization other than the professional organization that is the exclusive representative of the bargaining unit.

Sec. 23. *1. Except as otherwise provided in this section, a recognized professional organization may represent a professional employee of a state*

professional employer that has recognized the professional organization with respect to any condition of the employment of the professional employee, including, without limitation, representation in disciplinary proceedings and investigations and proceedings for the adjustment of grievances, regardless of whether the professional employee is a member of the professional organization.

2. If a professional employee is in a bargaining unit that has an exclusive representative, no professional organization other than the professional organization designated as the exclusive representative for the bargaining unit may represent the professional employee.

3. Only the professional organization which has been designated by the Board as the exclusive representative of a bargaining unit pursuant to sections 6 to 52, inclusive, of this act may engage in collective bargaining on behalf of the professional employees of that bargaining unit.

Sec. 24. ***1. Except as otherwise provided in this section, the recognition of a professional organization or the designation of a professional organization as an exclusive representative does not preclude a professional employee from acting for himself or herself with respect to any condition of his or her employment. Such a professional employee has the right to present grievances to a state professional employer at any time and to have those grievances adjusted.***

2. If a professional employee, acting for himself or herself, presents a grievance to a state professional employer pursuant to subsection 1:

(a) Any action taken in the adjustment of a grievance must be consistent with the terms of an applicable collective bargaining agreement in effect, if any; and

(b) If the professional employee is in a bargaining unit that has an exclusive representative, the exclusive representative must be given an opportunity to be present at any meetings or hearings related to the adjustment of the grievance and be provided a copy of the adjustment of the grievance.

Sec. 25. ***1. Subject to the conditions imposed by section 23 of this act and any other conditions and limitations as may be set forth in a collective bargaining agreement, a professional employee who ~~[is]~~ :***

(a) Is the subject of an internal administrative investigation that could lead to dismissal, involuntary demotion, suspension, reduction of pay, payment of restitution or other similar adverse employment action against the professional employee ; or

(b) During any questioning by a state professional employer, reasonably believes that the questioning could lead to the consequences set forth in paragraph (a),

↳ must be ~~[:~~

~~(a) Provided notice in writing of the allegations against the professional employee within 30 calendar days after the date on which the state professional employer becomes aware, or reasonably should have become~~

~~*aware, of the allegations. The notice must be provided before the professional employee is questioned regarding the allegations.*~~

~~*(b) Afforded]*~~ *afforded the right to have a lawyer or other representative of the professional employee's choosing present with the professional employee* ~~*[at any time that the professional employee is questioned regarding the allegations. The professional employee must be given not less than 2 business days to obtain such representation,]*~~ *unless the professional employee waives, in writing, his or her right to be represented.*

2. ~~*[If, during any questioning by a state professional employer, a professional employee who does not have a representative present has a reasonable belief that the questioning could lead to dismissal, involuntary demotion, suspension, reduction of pay, payment of restitution or similar adverse employment action against the professional employee and makes a clear request for representation by a recognized professional organization, the state professional employer must:*~~

~~*(a) Grant the request and delay the questioning by not less than 2 business days to allow a representative of the professional organization to be present and to provide an opportunity for the professional employee to consult with the representative; or*~~

~~*(b) Deny the request and end the questioning immediately.*~~

~~*3.]*~~ *A state professional employer must not retaliate in any way against a professional employee for asserting his or her rights under subsection* ~~*[2.*~~

~~*4. A state professional employer shall annually inform its professional employees of the rights afforded to professional employees under subsection 2.]*~~ *1.*

Sec. 26. *1. Each state professional employer which has recognized a professional organization shall determine, in consultation with the recognized organization, which group or groups of its professional employees constitute an appropriate bargaining unit or bargaining units. The primary criterion for that determination must be the community of interest among the employees concerned. Without restricting the rights of the parties to make their determination pursuant to this subsection, for the Nevada System of Higher Education, there is a presumption that the contact, interests and working conditions of employees within a branch university, college or other branch create a sufficient community of interest.*

2. Managerial employees must be excluded from any bargaining unit.

3. Confidential employees must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

4. A supervisory employee must not be a member of the same bargaining unit as the professional employees under the supervision of the supervisory employee. Any dispute between the parties as to whether a professional employee is a supervisor must be submitted to the Board. A professional organization which is negotiating on behalf of two or more bargaining units

may select members of each unit to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.

5. If any professional organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the state professional employer and any professional organization involved. The Board shall apply the same criterion as specified in subsection 1.

Sec. 27. ***If no professional organization is designated as the exclusive representative of a bargaining unit and a recognized professional organization files with the Board a showing of interest for the professional organization by more than 50 percent of the professional employees in a bargaining unit which is verified by the Board pursuant to section 29 of this act, the Board shall designate the professional organization as the exclusive representative of the bargaining unit without ordering an election.***

Sec. 28. ***1. If no professional organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit if:***

(a) A recognized professional organization files with the Board a written request for an election which includes a showing of interest for the professional organization by at least 30 percent but not more than 50 percent of the professional employees within the bargaining unit which is verified by the Board pursuant to section 29 of this act; and

(b) No other election to choose, change or discontinue exclusive representation has been conducted within the bargaining unit during the immediately preceding 12 months.

2. If the Board has designated a professional organization as the exclusive representative of a bargaining unit following an election pursuant to subsection 1 or without an election pursuant to section 27 of this act, the Board shall order an election:

(a) If:

(1) Another recognized professional organization files with the Board a written request for an election which includes a showing of interest for the professional organization by more than 50 percent of the professional employees within the bargaining unit; or

(2) A group of professional employees within the bargaining unit files with the Board a written request for an election which includes a petition or other evidence showing that more than 50 percent of the professional employees within the bargaining unit have requested that an election be conducted to change or discontinue exclusive representation;

(b) If applicable, the written request filed pursuant to paragraph (a) is filed at least 225 calendar days but not more than 270 calendar days before the date on which the current collective bargaining agreement in effect for the bargaining unit expires; and

(c) If no other election to choose, change or discontinue exclusive representation has been conducted within the bargaining unit during the immediately preceding 12 months.

Sec. 29. *1. The Board shall verify each showing of interest filed by a professional organization pursuant to section 27 or 28 of this act and the identity of each professional employee identified in a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection 2 of section 28 of this act by comparing the name of a professional employee included in the showing of interest or written request, as applicable, with the employment records of the state professional employer.*

2. A showing of interest filed by a professional organization pursuant to section 27 or 28 of this act or a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection 2 of section 28 of this act is confidential and is not a public record.

3. The Board shall not disclose to any person the identity of any professional employee who has participated in a showing of interest filed by a professional organization pursuant to section 27 or 28 of this act or a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection 2 of section 28 of this act.

Sec. 30. *1. If the Board orders an election within a bargaining unit pursuant to section 28 or 31 of this act, the Board shall order that each of the following be placed on the ballot for the election:*

(a) If applicable, a choice for the recognized professional organization that requested the election pursuant to section 28 of this act;

(b) If applicable, a choice for the recognized professional organization that is currently designated as the exclusive representative of the bargaining unit;

(c) A choice for any other recognized professional organization that, on or before the date that is prescribed by the rules adopted by the Board pursuant to NRS 288.110 and section 31 of this act, files with the Board a written request to be placed on the ballot for the election and includes with the written request a showing of interest for that other professional organization by at least 30 percent of the professional employees within the bargaining unit; and

(d) A choice for "no exclusive representation."

2. If a ballot for an election contains more than two choices and none of the choices on the ballot receives a majority of the votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

3. If the choice for "no exclusive representation" receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the bargaining unit as being without an exclusive representative.

4. If a recognized professional organization receives a majority of the votes cast at the initial election or at any runoff election, the Board shall

designate that professional organization as the exclusive representative of the bargaining unit.

Sec. 31. ***1. The Board shall preside over all elections that are conducted pursuant to this section or section 28 or 30 of this act and shall determine the eligibility requirements for professional employees to vote in any such election.***

2. An election conducted pursuant to this section or section 28 or 30 of this act must be conducted by secret ballot. The Board may adopt rules prescribing the manner in which voting in such an election may be conducted, which may include, without limitation, voting in person, by mail or by secure electronic means.

3. A professional organization that is placed as a choice on the ballot for an election or any professional employee who is eligible to vote at an election may file with the Board a written objection to the results of the election. The objection must be filed not later than 10 business days after the date on which the notice of the results of the election is given by the Board.

4. In response to a written objection filed pursuant to subsection 3 or upon its own motion, the Board may invalidate the results of an election and order a new election if the Board finds that any conduct or circumstances raise substantial doubt that the results of the election are reliable.

Sec. 32. ***1. Each state professional employer that has recognized one or more professional organizations shall, on or before November 30 of each year, file with the Board:***

(a) A list of each professional organization recognized by the state professional employer;

(b) A list of each professional organization designated as the exclusive representative for a bargaining unit within the state professional employer; and

(c) A description of each bargaining unit within the state professional employer.

2. Each professional organization recognized by a state professional employer shall file a report with the Board on or before November 30 of each year. The report must include:

(a) The full name of the professional organization;

(b) The name of each state professional employer which has recognized the professional organization;

(c) The names of the officers of the professional organization;

(d) If applicable, the total number of professional employees in each bargaining unit for which the professional organization has been designated as the exclusive representative;

(e) Copies of all changes to the bylaws, charter or constitution of the professional organization that were adopted during the preceding year;

(f) The name, address and telephone number of the person designated by the professional organization to receive communications from the Board on business relating to the professional organization; and

(g) A copy of any collective bargaining agreement in effect between the professional organization and a state professional employer.

3. A professional organization which has not previously been recognized by a state professional employer shall file the report required by subsection 2 not later than 30 calendar days after recognition.

Sec. 33. *1. Collective bargaining entails a mutual obligation between a state professional employer and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:*

(a) The subjects of mandatory bargaining set forth in subsection 2;

(b) The negotiation of an agreement;

(c) The resolution of any question arising under an agreement; and

(d) The execution of a written contract incorporating the provisions of an agreement.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Maternity or paternity leave and family medical leave.

(f) Other paid or nonpaid leaves of absence.

(g) Except as otherwise provided in subsection 3, insurance and health care benefits provided by the state professional employer.

(h) Total hours of work required of a professional employee on each workday or workweek.

(i) Total number of days of work required of a professional employee in a work year.

(j) Discharge and disciplinary procedures.

(k) Recognition clause.

(l) The method for determining the classification and titles of professional employees in the bargaining unit.

(m) Deduction of dues for the recognized professional organization.

(n) Protection of professional employees in the bargaining unit from discrimination because of participation in recognized professional organizations consistent with the provisions of sections 6 to 52, inclusive, of this act.

(o) ~~*[No strike provisions consistent with the provisions of this chapter.*~~

~~*(p)]*~~ *Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.*

~~*[(q)]*~~ *(p) General savings clauses.*

~~*[(r)]*~~ *(q) Except as otherwise provided in section 38 of this act, the duration of collective bargaining agreements.*

~~*[(s)]*~~ *(r) Safety of professional employees.*

~~*[(t)]*~~ *(s) Facilities for meeting with students for professional employees who have teaching or advising responsibilities.*

~~[(u)]~~ (t) Policies for the transfer and reassignment of professional employees.

~~[(v)]~~ (u) Procedures for reduction in or addition to the workforce consistent with the provisions of sections 6 to 52, inclusive, of this act.

3. The following are not subject to negotiation pursuant to this section:

(a) Pension or retirement benefits provided by the Public Employees' Retirement System pursuant to chapter 286 of NRS to persons employed by this State, state agencies, as described in subsection 2 of NRS 286.070, and the Public Employees' Retirement System.

(b) Benefits provided by the Public Employees' Benefits Program pursuant to NRS 287.0402 to 287.049, inclusive, to persons employed by a participating state agency as defined in NRS 287.04054.

(c) Provisions governing participation in the Public Employees' Deferred Compensation Program pursuant to NRS 287.250 to 287.370, inclusive.

4. The following are not subjects within the scope of mandatory bargaining and are reserved to the state professional employer without negotiation:

(a) Except as otherwise provided in paragraph ~~[(u)]~~ (t) of subsection 2, the right to hire, direct, assign or transfer an employee. This right does not include the right to assign or transfer an employee as a form of discipline.

(b) The right to determine the quality and quantity of services to be offered to the public.

(c) Safety of the public.

5. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of sections 6 to 52, inclusive, of this act, a state professional employer is entitled to take whatever actions may be necessary to carry out its responsibilities during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070. Those actions may include the suspension of any such collective bargaining agreement or any portion thereof for the duration of the emergency or disaster to the extent necessary to carry out the responsibilities of the state professional employer. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

6. This section does not preclude, but the provisions of sections 6 to 52, inclusive, of this act, do not require, a state professional employer to negotiate subject matters outside of the scope of mandatory bargaining or consult with any professional employee or professional organization on any such matter. A state professional employer shall discuss subject matters outside the scope of mandatory bargaining but is not required to negotiate those matters.

Sec. 34. *1. Whenever an exclusive representative or a state professional employer desires to negotiate any matter which is subject to negotiation pursuant to the provisions of sections 6 to 52, inclusive, of this act, it shall give written notice to the other party.*

2. The parties shall commence negotiations not later than 60 calendar days following the notification provided for in subsection 1.

Sec. 35. ***1. An exclusive representative shall:***

(a) Act as the representative of all professional employees within each bargaining unit that it represents; and

(b) In good faith and on behalf of each bargaining unit that it represents, individually or collectively, bargain with a state professional employer concerning the wages, hours and other terms and conditions of employment for the professional employees within each bargaining unit that it represents.

2. A professional organization may serve as an exclusive representative for multiple bargaining units.

Sec. 36. ***1. A state professional employer shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the state professional employer. For the Nevada System of Higher Education, where a bargaining unit has been determined pursuant to section 26 of this act and that bargaining unit is unique to an institution within the System, a representative of that institution may be, but is not required to be, designated as the representative to conduct negotiations concerning collective bargaining agreements on behalf of the Nevada System of Higher Education for that institution.***

2. A representative designated pursuant to subsection 1 shall, on behalf of the state professional employer, negotiate in good faith with an exclusive representative concerning a collective bargaining agreement, as required by section 33 of this act.

3. A state professional employer shall comply with reasonable requests by an exclusive representative to furnish data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of the subjects of mandatory bargaining described in section 33 of this act. This subsection shall not be construed to require a state professional employer to furnish to the exclusive representative any advice or training received by representatives of the state professional employer concerning collective bargaining.

Sec. 37. ***1. Each collective bargaining agreement negotiated between a state professional employer and an exclusive representative pursuant to sections 6 to 52, inclusive, of this act must be in writing and must include, without limitation:***

(a) A procedure to resolve grievances that applies to all professional employees in the bargaining unit and culminates in binding arbitration as the final stage of appeal by either party. Such a procedure:

(1) Must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreements, the applicability of any law, rule or regulation relating to the employment and appeal of discipline and other adverse personnel actions; and

(2) May, for professional employees of academic institutions, incorporate established shared governance mechanisms, including, without limitation, oversight by a faculty senate and peer review.

(b) A nonappropriation clause that provides that any provision of the collective bargaining agreement which requires the Legislature to appropriate money is effective only:

(1) To the extent of the legislative appropriation; and

(2) Until the collective bargaining agreement is reopened and the provision is renegotiated.

2. A professional employee in a bargaining unit who is aggrieved by the failure of the state professional employer or its designated representative to comply with the requirements of NRS 281.755 may pursue a grievance related to that failure through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 288.115,

➥ but once the professional employee has properly filed a grievance in writing under the procedure described in paragraph (a) or filed a complaint under the procedure described in paragraph (b), the professional employee may not proceed in an alternative manner.

3. If there is a conflict between any provision of a collective bargaining agreement between a state professional employer and an exclusive representative and:

(a) Any policy, procedure or regulation adopted by the state professional employer, the provision of the agreement prevails unless the provision of the agreement is outside the lawful scope of collective bargaining.

(b) An existing statute, the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

Sec. 38. *If the parties to collective bargaining cannot agree to a new collective bargaining agreement before the end of the term of a collective bargaining agreement, the terms of the existing collective bargaining agreement remain in effect until a new collective bargaining agreement takes effect.*

Sec. 39. *Whenever a professional organization enters into negotiations with a state professional employer pursuant to sections 6 to 52, inclusive, of this act, the professional organization may, at the sole expense of the professional organization, be represented by an attorney licensed to practice law in this State.*

Sec. 40. *1. The draft of any new collective bargaining agreement or similar agreement or of any proposed modifications to an existing collective bargaining agreement or similar agreement between a state professional employer and an exclusive representative must be submitted in writing by the professional organization to the members of the organization within the*

relevant bargaining unit before a vote on the ratification of the agreement is taken.

2. A vote on the ratification of a collective bargaining agreement must be conducted in accordance with the internal rules and procedures of the professional organization.

3. Any new or modified collective bargaining agreement or similar agreement between a state professional employer and an exclusive representative must be approved, at a public hearing, by:

(a) If the agreement concerns professional employees of the Nevada System of Higher Education, the Board of Regents of the University of Nevada; or

(b) If the agreement does not concern professional employees of the Nevada System of Higher Education, the State Board of Examiners.

4. Not less than 3 business days before the date of the hearing conducted pursuant to subsection 3, the Board of Regents of the University of Nevada or the State Board of Examiners, as applicable, shall cause the following documents to be posted and made available on the Internet website used by the Board of Regents or the State Board of Examiners, as applicable, to provide public notice of meetings:

(a) The proposed collective bargaining agreement and any exhibits or other attachments to the proposed agreement;

(b) If the proposed collective bargaining agreement is a modification of a previous agreement, a document showing any language added to or deleted from the previous agreement; and

(c) Any supporting material prepared for the Board of Regents or the State Board of Examiners, as applicable, relating to the financial impact of the agreement.

Sec. 41. ***If a provision of a collective bargaining agreement:***

1. Does not require an act of the Legislature to be given effect, the provision becomes effective in accordance with the terms of the agreement.

2. Requires an act of the Legislature to be given effect:

(a) The state professional employer shall request that the Governor request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision;

(b) The Governor shall request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision; and

(c) The provisions become effective, if at all, on the date on which the act of the Legislature becomes effective.

Sec. 42. ***1. If a provision of a collective bargaining agreement requires the Legislature to appropriate money to implement the provision:***

(a) The state professional employer that is a party to the agreement shall include the full amount necessary to fund the provision in the proposed budget of the state professional employer submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210.

(b) The Governor may include in the biennial proposed executive budget of the State any amount of money the Governor deems appropriate for the state professional employer. If such amount is not sufficient to fully fund the provision of the collective bargaining agreement, the Governor shall submit to the Legislature and the state professional employer a statement setting forth the reasons for not including the amount necessary to fully fund the provision.

2. If the Legislature does not appropriate the amount of money that is necessary to implement fully a provision of a collective bargaining agreement, any such agreement may be opened by either party to that agreement solely for the purpose of renegotiating the provision that was not fully funded by the appropriation. All other terms and conditions of the collective bargaining agreement remain in full force and effect.

Sec. 43. *1. Either party may request mediation through the Federal Mediation and Conciliation Service if the parties do not reach a collective bargaining agreement:*

(a) Not later than 120 calendar days after the date on which the parties began negotiations; or

(b) On or before any later date set by the agreement of the parties in writing.

2. The mediator shall bring the parties together as soon as possible after his or her appointment and shall attempt to settle each issue in dispute not later than 21 calendar days after his or her appointment or any later date set by the agreement of the parties.

Sec. 44. *1. If a mediator appointed pursuant to section 43 of this act determines that his or her services are no longer helpful, or if the parties do not reach a collective bargaining agreement through mediation within 21 calendar days after the appointment of the mediator or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall attempt to agree upon an impartial arbitrator.*

2. If the parties do not agree upon an impartial arbitrator within 5 business days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date set by agreement of the parties, the parties shall request from the Federal Mediation and Conciliation Service a list of seven potential arbitrators. Not later than 5 business days after receipt of the list of arbitrators, the parties shall select an arbitrator from the list by alternately striking one name until the name of only one arbitrator remains, and the parties must accept that arbitrator to hear the dispute in question. The party who will strike the first name must be determined by a coin toss.

3. The arbitrator shall begin arbitration proceedings not later than 15 calendar days after the appointment or any later date set by agreement of the parties.

4. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board

pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

5. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

6. The arbitrator shall render a decision not later than 15 calendar days after beginning arbitration proceedings or any later date set by agreement of the parties.

7. The state professional employer and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 45. *1. For issues in dispute after arbitration proceedings are held pursuant to section 44 of this act, the arbitrator shall incorporate either the final offer of the state professional employer or the final offer of the exclusive representative into his or her decision. The decision of the arbitrator must be limited to a selection of one of the two final offers of the parties. As incorporated in his or her decision, the arbitrator shall not revise or amend the selected final offer of the applicable party on any issue.*

2. To determine which final offer to incorporate into his or her decision, the arbitrator shall assess the reasonableness of:

(a) The position of each party as to each issue in dispute; and

(b) The proposed contractual terms and provisions contained in each final offer.

3. In assessing reasonableness pursuant to subsection 2, the arbitrator shall:

(a) Compare the salaries, wages, hours and other terms and conditions of employment for the professional employees within the bargaining unit with the salaries, wages, hours and other terms and conditions of employment for other employees performing similar services and for other employees generally:

(1) In public employment in comparable communities or institutions; and

(2) In private employment in comparable communities or institutions.

(b) Consider, without limitation:

(1) The financial ability of the state professional employer to pay the costs associated with the proposed collective bargaining agreement, with due regard for the primary obligation of the state professional employer to safeguard the health, safety and welfare of the people of this State and to fulfill the mission of the state professional employer;

(2) Any legal or contractual restrictions on funds based on the sources of those funds, including, without limitation, legislative appropriations, fees, gifts and federal, state, local and private grants and contracts;

(3) The average prices paid by consumers for goods, services and housing in the geographic location where the professional employees work; and

(4) Such other factors as are normally or traditionally used as part of collective bargaining, mediation, arbitration or other methods of dispute resolution to determine the wages, hours and other terms and conditions of employment for professional employees in public or private employment.

4. The decision of the arbitrator is final and binding upon the parties.

Sec. 46. *The following proceedings, required by or conducted pursuant to this chapter, are not subject to any provision of NRS which requires a meeting to be open or public:*

1. Any negotiation or informal discussion between a state professional employer and a professional organization or professional employees as individuals.

2. Any meeting of a mediator with either party or both parties to a negotiation.

3. Any meeting or investigation conducted by a mediator or arbitrator.

4. Any meeting of a state professional employer with its management representative or representatives.

5. Deliberations of the Board toward a decision on a complaint, appeal or petition for declaratory relief.

Sec. 47. *1. It is a prohibited practice for a state professional employer or its designated representative to willfully:*

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 6 to 52, inclusive, of this act.

(b) Dominate, interfere or assist in the formation or administration of any professional organization.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any professional organization.

(d) Discharge or otherwise discriminate against any professional employee because the professional employee has:

(1) Signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter; or

(2) Formed, joined or chosen to be represented by any professional organization.

(e) Refuse to bargain collectively in good faith with an exclusive representative as required by sections 33, 35 and 36 of this act.

(f) Deny to any professional organization the rights guaranteed to it under sections 6 to 52, inclusive, of this act.

(g) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin or because of political or personal reasons or affiliations.

(h) Fail to provide the data required by subsection 3 of section 36 of this act.

(i) Fail to comply with the requirements of NRS 281.755.

2. It is a prohibited practice for a professional organization or its designated agent to willfully:

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 6 to 52, inclusive, of this act.

(b) If the professional organization is an exclusive representative, refuse to bargain collectively in good faith with a state professional employer, as required by sections 33, 35 and 36 of this act.

(c) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin or because of political or personal reasons or affiliations.

3. As used in this section:

(a) "Bargain collectively" includes the entire bargaining process, including mediation and arbitration, as provided in sections 6 to 52, inclusive, of this act.

(b) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(c) "Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 48. ***1. To establish that a party committed a prohibited practice in violation of section 47 of this act, the party aggrieved by the practice must file a complaint with the Board in accordance with procedures prescribed by the Board.***

2. Except as otherwise provided in this section, the Board shall hear a complaint filed pursuant to subsection 1 in accordance with the provisions of NRS 288.110 and any rules adopted by the Board pursuant to that section.

3. The Board shall conduct any hearing on the complaint in accordance with:

(a) The provisions of chapter 233B of NRS that apply to a contested case; and

(b) Any rules adopted by the board pursuant to NRS 288.110.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 4 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 business days after being served with the order or decision of the Board.

Sec. 49. *1. Except as otherwise provided by specific statute, a professional organization and a state professional employer may sue or be sued as an entity pursuant to sections 6 to 52, inclusive, of this act.*

2. If any action or proceeding is brought by or against a professional organization pursuant to sections 6 to 52, inclusive, of this act, the district court in and for the county in which the professional organization maintains its principal office or the county in which the claim arose has jurisdiction over the claim.

3. A natural person and his or her assets are not subject to liability for any judgment awarded pursuant to sections 6 to 52, inclusive, of this act, against a state professional employer or a professional organization.

Sec. 50. *1. On or before July 1 of each year, the Board shall charge and collect a fee from each state professional employer that has recognized one or more professional organizations in an amount not to exceed $10 for each professional employee who was, in the first pay period of the immediately preceding fiscal year:*

(a) Employed by the state professional employer; and

(b) In a bargaining unit that had an exclusive representative.

2. A state professional employer shall pay the fee imposed pursuant to subsection 1 on or before July 31 of each year. A state professional employer shall not impose the fee against its employees.

3. If a state professional employer fails to pay the fee assessed pursuant to subsection 1 on or before July 1 of that year, the Board shall impose a civil penalty not to exceed $10 for each professional employee employed by the state professional employer for whom the fee was not paid.

4. A state professional employer may not receive a reduction in the amount of the fee imposed pursuant to subsection 1 or a refund of that amount if a professional employee is not employed for a full calendar year. The fee must be imposed whether or not the professional employee is a member of a professional organization.

5. To carry out the provisions of this section, the Board may, by any reasonable means, verify the identities and number of professional employees employed by a state professional employer in bargaining units that have an exclusive representative.

Sec. 51. *1. Except as otherwise provided in subsection 5, a state professional employer may use the services of the Division of Human Resource Management of the Department of Administration to provide support to the state professional employer to carry out the provisions of sections 6 to 52, inclusive, of this act.*

2. If a state professional employer uses the services of the Division of Human Resource Management pursuant to subsection 1, the Division may charge an annual fee to the state professional employer for each professional employee who is within a bargaining unit with a designated exclusive representative. The state professional employer shall pay the annual fee to the Division on or before the date on which the payment is due, as specified by the Division. The Division may specify a different due date for the annual fee for each state professional employer.

3. Any money received from the fees collected pursuant to subsection 2 must be accounted for separately for each state professional employer and may only be used by the Division of Human Resource Management to provide support to the state professional employer to carry out the provisions of sections 6 to 52, inclusive, of this act, including, without limitation, the personnel and operating costs of the Division in providing such support.

4. To carry out the provisions of this section, the Division of Human Resource Management may verify by any reasonable means the number of professional employees of the state professional employer within bargaining units that are represented by a professional organization as the exclusive representative.

5. As the entity with the authority to fix salaries and establish policies and procedures of the unclassified personnel of the Nevada System of Higher Education pursuant to chapter 396 of NRS, the Board of Regents of the University of Nevada shall ~~***[conduct]***~~ ***carry out the provisions of sections 6 to 52, inclusive, of this act, including, without limitation:***

(a) Conducting its own negotiations ; and

(b) Providing for its own representation in any disciplinary matter, investigation or grievance process,

➥ pursuant to the provisions of sections 6 to 52, inclusive, of this act.

Sec. 52. ***1. A state professional employer may use the services of the Attorney General to provide support to the state professional employer to carry out the provisions of sections 6 to 52, inclusive, of this act.***

2. If a state professional employer uses the services of the Attorney General pursuant to subsection 1, the Attorney General may charge the state professional employer for those services pursuant to NRS 228.113.

Sec. 53. NRS 288.015 is hereby amended to read as follows:

288.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.029 to 288.074, inclusive, ***and sections 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 54. NRS 288.032 is hereby amended to read as follows:

288.032 "Collective bargaining" means a method of determining conditions of employment by negotiation between representatives of the Executive Department ***, state professional employer*** or local government employer and an employee organization ***, professional organization*** or labor organization, entailing a mutual obligation of the Executive Department ***, state professional employer*** or local government employer, as applicable, and the

representative of the state or local government employees to meet at reasonable times and bargain in good faith with respect to:

1. Wages, hours and other terms and conditions of employment;
2. The negotiation of an agreement;
3. The resolution of any question arising under a negotiated agreement; or
4. The execution of a written contract incorporating any agreement reached if requested by either party,

➥ but this obligation does not compel either party to agree to a proposal or require the making of a concession.

Sec. 55. NRS 288.065 is hereby amended to read as follows:

288.065 "Mediation" means assistance by an impartial third party to reconcile differences between the Executive Department ***, a state professional employer*** or a local government employer and an exclusive representative through interpretation, suggestion and advice.

Sec. 56. NRS 288.074 is hereby amended to read as follows:

288.074 "Strike" means any concerted:

1. Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees;
2. Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact; or
3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization ***, professional organization*** or labor organization.

Sec. 57. NRS 288.080 is hereby amended to read as follows:

288.080 1. The Government Employee-Management Relations Board is hereby created, consisting of five members, broadly representative of the public and not closely allied with any employee organization, ***any professional organization,*** any labor organization, the Executive Department ***, any state professional employer*** or any local government employer.

2. Not more than three of the members of the Board may be members of the same political party, and at least three of the members must reside in southern Nevada. The term of office of each member is 4 years.

3. The Governor shall appoint the members of the Board.

Sec. 58. NRS 288.090 is hereby amended to read as follows:

288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. Except as otherwise provided in this section, any three members of the Board constitute a quorum, and a majority of a quorum present at any meeting may exercise all the power and authority conferred on the Board.

2. Except by a majority vote of the entire membership of the Board, the Board may not:

(a) Elect a Chair or Vice Chair;

(b) Appoint the Commissioner or Secretary of the Board, or terminate the employment of the Commissioner or Secretary;

(c) Adjust the fee charged to local government employers pursuant to NRS 288.139 or impose a civil penalty for failure to pay the fee;

(d) Make or adopt any rule or regulation; ~~[or]~~

(e) ***Grant permission to a state professional employer to withdraw recognition from a professional organization pursuant to section 19 of this act; or***

(f) Grant permission to a local government employer to withdraw recognition from an employee organization or order an election pursuant to NRS 288.160.

3. Whenever less than five members of the Board are present at any meeting, not more than two of the members present may be members of the same political party.

4. The Board may, within the limits of legislative appropriations and any other available money:

(a) Appoint a Commissioner and a Secretary, who are in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.

Sec. 59. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding ~~[:]~~ ***, mediation and arbitration;***

(c) ***The recognition, as defined in section 14 of this act, of professional organizations;***

(d) The recognition, as defined in NRS 288.136, of employee organizations;

~~[(d)]~~ ***(e) The designation of the exclusive representative, as defined in section 10 of this act, of a bargaining unit of professional employees in accordance with sections 27 to 31, inclusive, of this act;***

(f) The designation of the exclusive representative ***, as defined in NRS 288.430,*** of a bargaining unit in accordance with the provisions of NRS 288.520, 288.525 and 288.530; and

~~[(e)]~~ ***(g)*** The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by the Executive Department, ***any state professional employer,*** any local government employer, any employee, as defined in NRS 288.425, ***any professional employee, as defined in section 13 of this act,*** any local government employee, any employee organization ***, any professional organization*** or any labor organization. Except as otherwise provided in this subsection and NRS 288.115, 288.280 and 288.625 ~~[,]~~ ***and section 48 of this act,*** the Board shall conduct a hearing within 180 days after it decides to hear a complaint. If a complaint alleges a violation of paragraph (a) of subsection 1 of NRS 288.620***,*** ~~[or]~~ paragraph (b) of subsection 2 of NRS 288.620, ***subsection 1 of section 47 of this act or paragraph (b) of subsection 2 of section 47 of this act,*** the Board shall conduct a hearing not later than 45 days after it decides to hear the

complaint, unless the parties agree to waive this requirement. The Board, after a hearing, if it finds that the complaint is well taken, may order any person or entity to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. Except when an expedited hearing is conducted pursuant to NRS 288.115, the Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

7. As used in this section ~~[, "bargaining unit"]~~ ***:***

(a) "Arbitration" has the meaning ascribed to it in NRS 288.410 or section 7 of this act, as applicable.

(b) "Bargaining unit" has the meaning ascribed to it in NRS 288.134 or 288.415 ~~[.]~~ ***or section 8 of this act, as applicable.***

Sec. 60. NRS 288.710 is hereby amended to read as follows:

288.710 1. If a strike is commenced or continued in violation of an order issued pursuant to NRS 288.705, the court may:

(a) Punish each employee organization ***, professional organization*** or labor organization guilty of such violation by a fine of not more than $50,000 against each employee organization ***, professional organization*** or labor organization for each day of continued violation.

(b) Punish any officer of an employee organization ***, professional organization*** or labor organization who is wholly or partly responsible for such violation by a fine of not more than $1,000 for each day of continued violation, or by imprisonment as provided in NRS 22.110.

(c) Punish any employee of the State or of a local government employer who participates in such strike by ordering the dismissal or suspension of such employee.

2. Any of the penalties enumerated in subsection 1 may be applied alternatively or cumulatively, in the discretion of the court.

Sec. 61. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. Except as otherwise provided in subsection 2, for a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 110 legislative measures which have been approved by the Governor or the Governor's designated representative on

behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceding the regular session.

2. The Governor or the Governor's designated representative may request at any time before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary to carry out the provisions of NRS 288.400 to 288.630, inclusive ~~[.]~~ ***, or sections 6 to 52, inclusive, of this act.***

3. The Director of the Office of Finance may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

4. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	3
Secretary of State	6
State Treasurer	5
State Controller	5
Attorney General	20

5. In addition to the requests authorized by subsection 4, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 31 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 4 must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 62. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130,

125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,

625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections ~~[21,]~~ 29 and 46 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 63. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 ~~[,]~~ ***and section 46 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 64. NRS 396.251 is hereby amended to read as follows:

396.251 1. The Board of Regents may establish policies and procedures for personnel which govern student employees, physicians engaged in a program for residency training and postdoctoral fellows of the System and which are separate from the policies and procedures established for the unclassified personnel of the System. Any such policy or procedure does not diminish the eligibility of those persons for coverage as employees under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

2. ***Except as otherwise provided in sections 6 to 52, inclusive, of this act:***

(a) In establishing policies and procedures pursuant to subsection 1, the Board of Regents is not bound by any of the other provisions of this chapter or the provisions of title 23 of NRS. ~~[~~Those~~]~~

(b) The provisions ***of this chapter and the provisions of title 23 of NRS*** do not apply to a student employee, a physician engaged in a program for residency training or a postdoctoral fellow of the System unless otherwise provided by the Board of Regents.

3. In the event of a conflict between the policies and procedures established pursuant to subsection 1 and the provisions of a collective bargaining agreement entered into pursuant to sections 6 to 52, inclusive, of this act, the provisions of the agreement prevail.

Sec. 65. NRS 396.280 is hereby amended to read as follows:

396.280 The Board of Regents shall have ~~[~~the~~]~~ ***:***

1. The power to fix the salaries of the academic staff of the System.

2. The authority to conduct collective bargaining negotiations and to enter into collective bargaining agreements with the professional employees of the System pursuant to sections 6 to 52, inclusive, of this act to establish the terms and conditions of employment of the academic staff and other professional employees of the System. As used in this subsection, "professional employee" has the meaning ascribed to it in section 13 of this act.

Sec. 65.3. **1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Nevada System of Higher Education for personnel and operating expenses associated with the changes relating to collective bargaining in this act the following sums:**

For the Fiscal Year 2023-2024 ..... $600,671

For the Fiscal Year 2024-2025 ..... $1,290,630

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to

which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 65.5. **1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Office of the Attorney General for personnel, operating and information services expenses associated with the changes relating to collective bargaining in this act the following sums:**

For the Fiscal Year 2023-2024..... $181,380

For the Fiscal Year 2024-2025..... $230,755

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 66. 1. Except as otherwise provided in subsection 2, insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before July 1, 2023, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after July 1, 2023.

2. If a collective bargaining agreement entered into before July 1, 2023, has a provision authorizing the reopening of negotiations, the amendatory provisions of this act do not apply to the reopened negotiations of the provisions of that collective bargaining agreement if a renegotiated collective bargaining agreement is entered into before January 1, 2024.

3. If a state professional employer has established a bargaining unit for any of its professional employees or has designated a professional organization as the exclusive representative for a bargaining unit as of July 1, 2023, such bargaining unit or exclusive representative shall be deemed the bargaining unit or exclusive representative representing the same professional employees on and after July 1, 2023, until such time, if any, the bargaining unit or exclusive representative is changed or modified in accordance with the provisions of this act.

4. As used in this section:

(a) "Bargaining unit" has the meaning ascribed to it in section 8 of this act.

(b) "Exclusive representative" has the meaning ascribed to it in section 10 of this act.

(c) "Professional employee" has the meaning ascribed to it in section 13 of this act.

(d) "Professional organization" has the meaning ascribed to it in section 4 of this act.

(e) "State professional employer" has the meaning ascribed to it in section 5 of this act.

Sec. 67. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 279.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 888.

AN ACT relating to the Nevada System of Higher Education; prohibiting the assessment of tuition charges against ~~[a student]~~ **certain students** within the System ~~[whose]~~ **with a** parent **who** is a veteran who has been awarded the Purple Heart; requiring the waiver of the payment of registration fees and certain other fees assessed against such a student; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the Board of Regents of the University of Nevada to assess tuition charges for students at all campuses of the Nevada System of Higher Education who are not residents of Nevada. Existing law also prevents the Board of Regents from assessing tuition charges against veterans who have been awarded the Purple Heart. (NRS 396.540) Section 1 of this bill prohibits the Board of Regents from assessing tuition charges against the child of a veteran who has been awarded the Purple Heart.]~~

Existing law authorizes the Board of Regents to grant a waiver of registration and certain other fees to certain persons, including a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart. (NRS 396.5443) **Section 2** of this bill requires the Board of Regents to **, in certain circumstances,** waive the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is the child of **such** a veteran ~~[of the Armed Forces of the United States who has been awarded the Purple Heart]~~ to the extent that the fees exceed the amount of any federal educational benefits to which the student is entitled. **Section 2** additionally provides that a child who is eligible to receive such a waiver may use it for: (1) ten years after he or she attains 18 years of

age; or (2) if he or she enrolls in the System before attaining 18 years of age, for 10 years after the date of enrollment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. [~~NRS 396.540 is hereby amended to read as follows:~~

~~396.540 1. For the purposes of this section:~~

~~(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.~~

~~(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.~~

~~(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.~~

~~2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:~~

~~(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;~~

~~(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;~~

~~(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:~~

~~(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or~~

~~(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;~~

~~(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);~~

~~(e) All public school teachers who are employed full-time by school districts in the State of Nevada;~~

~~(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;~~

~~(g) Employees of the System who take classes other than during their regular working hours;~~

~~(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;~~

~~(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;~~

~~(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged;~~

~~(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart~~ **~~[;]~~** ***~~and the children of such veterans;~~***

~~(l) All students who are:~~

~~(1) Veterans using Post 9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or~~

~~(2) Spouses or dependents using Post 9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;~~

~~(m) All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive; and~~

~~(n) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System.~~

~~3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.~~

~~4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.~~**~~]~~** **(Deleted by amendment.)**

Sec. 2. NRS 396.5443 is hereby amended to read as follows:

396.5443 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is ~~[a]~~ ***:***

(a) A veteran of the Armed Forces of the United States who has been awarded the Purple Heart ~~**[.*or the child of such a veteran.]***~~ ***; or***

(b) The child of such a veteran, if:

(1) The veteran is a bona fide resident of this State, or was a bona fide resident of this State at the time of his or her death; and

(2) The child of the veteran graduated from a high school located in this State.

2. The amount of the waiver must be equal to:

(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or

(b) If the student is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

4. For the purpose of assessing fees and charges against a student to whom a waiver is granted pursuant to this section, including, without limitation, tuition charges pursuant to NRS 396.540, such a student shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may grant more favorable waivers of registration fees, laboratory fees and any other mandatory fees for veterans of the Armed Forces of the United States who have been awarded the Purple Heart ***or the child of such a veteran*** than the waiver provided pursuant to this section if required for the receipt of federal money.

6. A child of a veteran of the Armed Forces of the United States who has been awarded the Purple Heart may use a waiver granted pursuant to this section for 10 years after the child attains 18 years of age, or, if the child enrolls in the System before attaining 18 years of age, for 10 years after the date of such enrollment.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 321.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 867.

AN ACT relating to public safety; setting forth certain requirements and restrictions concerning foil balloons that are sold, offered for sale or manufactured in this State; prohibiting, with certain exceptions, a person from selling, offering for sale or manufacturing a foil balloon that fails to meet

certain requirements; requiring the Public Utilities Commission of Nevada to adopt a standard for the testing and evaluation of the dielectric performance of foil balloons; providing enhanced penalties in certain circumstances for committing assault or battery upon a utility worker; prohibiting a person from committing certain acts against the infrastructure of a public utility; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-10 of this bill set forth certain requirements and restrictions concerning the manufacturing and sale of foil balloons, which **section 5** of this bill defines, in general, to mean a balloon that is constructed of electrically conductive material and that is not a hot air balloon or a balloon used in a governmental or scientific research project.

Section 2 sets forth certain legislative findings and declarations concerning foil balloons.

Section 7 of this bill requires a person who manufactures a foil balloon in this State to include certain markings on the foil balloon. **Section 7** also prohibits a person from selling, offering for sale or distributing a foil balloon that is filled with a gas that is lighter than air unless: (1) an object of sufficient weight is affixed to the balloon or its appurtenance to counter the lift capability of the foil balloon; and (2) no electrically conductive string, tether or streamer or other electrically conductive object is attached to the foil balloon.

Section 9 of this bill requires the Public Utilities Commission of Nevada to adopt a standard for the testing and evaluation of the dielectric performance of foil balloons. **Section 9**: (1) requires that standard to be the P2845 Standard, if the P2845 Standard is deemed final and approved; and (2) sets forth the conditions under which the P2845 Standard is deemed final and approved. **Section 6** of this bill defines "P2845 Standard" to mean, in general, a certain specified standard for the testing and evaluation of the dielectric performance of foil balloons established by the Institute of Electrical and Electronics Engineers.

Section 8 of this bill: (1) requires any foil balloon sold, offered for sale or manufactured in this State to have been tested in accordance with, and meet the performance standards set forth in, the standard adopted by the Commission pursuant to **section 9**; and (2) prohibits a person from selling, offering for sale or manufacturing a foil balloon in this State unless the foil balloon meets those requirements. **Section 8** provides for the gradual implementation of those requirements by setting forth certain deadlines by which certain percentages of the foil balloons sold, offered for sale or manufactured by a person must comply with those requirements. **Section 8** sets forth certain circumstances under which those deadlines may be extended.

Section 10 provides for the imposition of a civil penalty against a person who sells, offers for sale or manufactures a foil balloon in violation of **sections 2-10** not to exceed $50 for each balloon sold, offered for sale or manufactured, not to exceed $2,500 for each day on which a violation occurs. **Section 10** authorizes the Attorney General, a district attorney or a city

attorney to: (1) recover the civil penalties in a civil action; and (2) bring an action to enjoin any violation of **sections 2-10**.

Existing law: (1) makes it unlawful to commit certain acts involving theft or damage to property of a public utility; (2) prescribes certain criminal penalties for the commission of such unlawful acts; and (3) provides for a civil action for damages for an injury to or the destruction of the property of a public utility. (NRS 704.800, 704.805) **Section 11** of this bill makes it unlawful for a person, with the intent to interfere or otherwise prevent the performance of the normal function of any infrastructure owned by a public utility, to: (1) commit any trespass upon the infrastructure; or (2) intentionally or recklessly deface, damage or tamper with the infrastructure. **Section 12** of this bill authorizes a public utility to bring a civil action for damages against any person who violates the prohibition created by **section 11**.

Under existing law, if a person commits an assault upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty and the person knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, the person is guilty of: (1) a category B felony if the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon; (2) a category D felony if the person is a probationer, prisoner or parolee; or (3) if neither of those circumstances is present, a gross misdemeanor. (NRS 200.471) Additionally, under existing law, if a person commits a battery upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, and the person knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, the person is guilty of: (1) a category B felony if the battery causes substantial bodily harm or is committed by strangulation; or (2) if those circumstances are not present and no greater penalty is provided by law, a gross misdemeanor. (NRS 200.481) **Sections 10.3 and 10.6** of this bill provide for the imposition of those penalties for an assault or battery committed upon a utility worker.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. Electric utilities in this State are responsible for delivering safe, reliable energy through large transmission and distribution networks. Equipment failure or damage from weather, animals and human activity can cause power outages.

2. Electric utilities report that foil balloons are among the top causes of outages. Foil balloons are coated with a shiny metallic film that conducts electricity. If a foil balloon contacts power lines, this can create an electrical fault that can damage power lines, cause blackouts and start fires.

3. Because of the risk of power outages and fires caused by foil balloons coming into contact with power lines, other states and jurisdictions have considered bans on foil balloons.

4. Modern technology has advanced to allow for the manufacturing of foil balloons that resist conducting electricity. The Institute of Electrical and Electronics Engineers is developing standards for such balloons.

5. Requiring foil balloons to be tested and to meet performance standards concerning their dielectric performance will minimize the risks of power outages and fires.

Sec. 3. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[4, 5 and 6]~~ 3.5 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3.5. "Commencement date" means the date on which the regulation adopted by the Commission establishing the P2845 Standard pursuant to section 9 of this act becomes effective, or on June 20, 2027, whichever is later.

Sec. 4. *"Commission" means the Public Utilities Commission of Nevada.*

Sec. 5. *1. "Foil balloon" means a balloon that is constructed of electrically conductive material.*

2. The term does not include a hot air balloon or a balloon used in a governmental or scientific research project.

Sec. 6. *"P2845 Standard" means the "Standard for Testing and Evaluating the Dielectric Performance of Celebratory Balloons in Contact with Overhead Power Distribution Lines Rated up to 38 kV System Voltage," IEEE P2845, of the Institute of Electrical and Electronics Engineers.*

Sec. 7. *1. A person who manufactures a foil balloon in this State shall include on the foil balloon a suitable, permanent mark that:*

(a) Identifies the manufacturer of the foil balloon.

(b) If the foil balloon meets the requirements of section 8 of this act, indicates that the foil balloon meets those requirements. If the Commission has adopted the P2845 Standard pursuant to section 9 of this act, any marking specified in the P2845 Standard shall be deemed to be a suitable mark for the purposes of this subsection.

2. A person shall not sell, offer for sale or distribute a foil balloon that is filled with a gas that is lighter than air in this State after the commencement date unless:

(a) An object of sufficient weight is affixed to the foil balloon or its appurtenance to counter the lift capability of the foil balloon; and

(b) No electrically conductive string, tether or streamer or any other electrically conductive object is attached to the foil balloon.

Sec. 8. *1. Except as otherwise provided in this section, a person shall not sell, offer to sell or manufacture a foil balloon in this State after the*

commencement date unless the foil balloon meets the requirements set forth in this section.

2. Except as otherwise provided in this section, any foil balloon sold, offered for sale or manufactured in this State after the commencement date must be tested in accordance with, and meet the performance standards set forth in, a standard for the testing and evaluation of the dielectric performance of foil balloons adopted by the Commission pursuant to section 9 of this act.

3. Except as otherwise provided in subsections 4 and 5, a person who sells, offers for sale or manufactures foil balloons in this State after the commencement date shall ensure that:

(a) Not less than 25 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, 2027.

(b) Not less than 55 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, 2028.

(c) Not less than 80 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, 2029.

(d) One hundred percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, 2030.

4. A period described in subsection 3 must be tolled during any period in which a serious development, manufacturing, production or supply chain issue or event in the nature of force majeure occurs if the issue or event:

(a) Makes it infeasible to develop, manufacture, produce or sell foil balloons in compliance with the requirements of this section; and

(b) Is outside of the control of the person who sells, offers to sell or manufactures a foil balloon in this State.

5. If a period of tolling is required pursuant to subsection 4, the period must be:

(a) Twenty four months; or

(b) Until the serious development, manufacturing, production or supply chain issue or event in the nature of force majeure is resolved,

➥ whichever occurs ~~[first.]~~ later.

6. As used in this section, "infeasible" means incapable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors.

Sec. 9. *1. The Commission shall adopt, by regulation, a standard for testing and evaluating the dielectric performance of foil balloons. If the P2845 Standard is final and approved, the Commission shall adopt the P2845 Standard as the standard required by this section.*

2. For the purposes of subsection 1, the P2845 Standard shall be deemed to be final and approved if the Institute for Electrical and Electronics Engineers has:

(a) Published an interim version of the P2845 Standard;

(b) Completed a trial of the interim version of the P2845 Standard; and

(c) After any materially substantive adjustments, if any, to the interim version, published a final version of the P2845 Standard.

Sec. 10. ***1. A person who sells, offers for sale or manufactures a foil balloon in violation of sections 2 to 10, inclusive, of this act is subject to a civil penalty not to exceed $50 for each such foil balloon sold, offered for sale or manufactured, except that the penalty against the person must not exceed $2,500 for each day on which a violation occurs.***

2. A civil penalty imposed pursuant to subsection 1 must be recovered in a civil action brought by the Attorney General or by the district attorney or city attorney for the jurisdiction in which the violation occurred.

3. Any civil penalty collected pursuant to this section by:

(a) The Attorney General must be paid to the State Treasurer for credit to the State General Fund.

(b) A district attorney or city attorney must deposited in the county or city treasury, as applicable.

4. In determining whether to impose a civil penalty pursuant to subsection 1, the court shall consider:

(a) The nature, extent and severity of the violation;

(b) If multiple violations occurred, the number of violations;

(c) The economic effect of the civil penalty on the person;

(d) The annual revenue of the person in both sales of foil balloons and total sales;

(e) Whether the person took good faith measures to comply with the requirements of sections 2 to 10, inclusive, of this act and when such measures were taken;

(f) The deterrent effect that the imposition of the penalty would have on both the person and the regulated community as a whole;

(g) The willfulness of the person responsible for the violation; and

(h) Any other factors that justice may require.

5. The Attorney General or the district attorney or city attorney of a county or city, as applicable, in which a person sells, offers for sale or manufactures a foil balloon in violation of sections 2 to 10, inclusive, of this act may bring an action to enjoin the violation.

Sec. 10.3. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing

assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

(k) "Utility worker" means an employee ~~[or contractor]~~ of a public utility as defined in NRS 704.020 ~~[.]~~ whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver ***,*** ~~[or]~~ a transit operator ***or a utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator ***, a utility worker*** or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver ***,*** ~~[or]~~ a transit operator ***or a utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator ***, a utility worker*** or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 10.6. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

(j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(k) "Taxicab driver" means a person who operates a taxicab.

(l) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

(m) "Utility worker" means an employee ~~[or contractor]~~ of a public utility as defined in NRS 704.020 ~~[,]~~ whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver ***,*** ~~[or]~~ transit operator ***or utility worker*** who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver ***,*** ~~[or]~~ transit operator ***or utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 11. NRS 704.800 is hereby amended to read as follows:

704.800 1. It is unlawful for a person to obtain any water, gas, electricity, power or other service, goods or product provided by a public utility with the intent to avoid payment therefor, by:

(a) Opening, breaking into, tapping or connecting with any pipe, flume, ditch, conduit, reservoir, wire, meter or other apparatus belonging to or used by any other person or by the State, any county, city, district or municipality, and taking and removing therefrom or allowing to flow or be taken therefrom any water, gas, electricity or power belonging to another;

(b) Connecting a pipe, tube, flume, conduit, wire or other instrument or appliance with any pipe, conduit, tube, flume, wire, line, pole, lamp, meter or other apparatus belonging to or used by any water, irrigation, gas, electric or power company or corporation, or belonging to or used by any other person in such a manner as to take therefrom water, gas, electricity or power for any purpose or use without passing through the meter or instrument or other means provided for registering the quantity consumed or supplied;

(c) Altering, disconnecting, removing, injuring or preventing the action of any headgate, meter or other instrument used to measure or register the quantity of water, gas, electricity or power used or supplied; or

(d) Injuring or interfering with the efficiency of any meter, pipe, conduit, flume, wire, pole, line, lamp, fixture, hydrant or other attachment or apparatus belonging to or used by any water, irrigation, gas, electric or power company or corporation.

2. ***It is unlawful for a person, with the intent to interfere with or otherwise prevent the performance of the normal function of any infrastructure owned by a public utility and without the consent of the public utility, to:***

(a) Commit any trespass upon the infrastructure; or

(b) Intentionally or recklessly deface, damage or tamper with the infrastructure.

3. If the value of the service involved or the property damaged or stolen is:

(a) Five hundred dollars or more, a person who violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Less than $500, a person who violates the provisions of this section is guilty of a misdemeanor.

➥ In determining the value of the service involved, the value of all services unlawfully obtained or attempted to be obtained within 3 years before the time the indictment is found or the information is filed may be aggregated.

~~[3.]~~ ***4.*** This section applies when the service involved either originates or terminates, or both originates and terminates, in this state, or when the charges for the service would have been billable in the normal course by a person providing the service in this state but for the fact that the service was obtained

or attempted to be obtained by one or more of the means set forth in subsection 1.

Sec. 12. NRS 704.805 is hereby amended to read as follows:

704.805 1. Any public utility may bring a civil action for damages against any person who ~~[willfully]~~ ***:***

(a) Willfully and knowingly obtains, attempts to obtain or solicits, aids or abets another to obtain any service provided by the public utility by:

~~[(a)]~~ ***(1)*** Opening, breaking into, tapping or connecting with any pipe, flume, ditch, conduit, reservoir, wire, meter or other apparatus owned or used by another person;

~~[(b)]~~ ***(2)*** Bypassing any meter or other instrument used to register the quantity consumed or supplied; or

~~[(c)]~~ ***(3)*** Altering, disconnecting, removing, injuring or preventing the action of any meter or other instrument used to register the quantity consumed or supplied ~~[.]~~ ***; or***

(b) Violates subsection 2 of NRS 704.800,

➥ and recover a sum equal to treble the amount of the actual damages, plus all reasonable costs and expenses incurred by the public utility because of that conduct, including the cost of equipment, investigating the matter and expert witnesses and attorney's fees.

2. There is a rebuttable presumption that the person responsible for payment for the delivery of the service of a public utility to any premises caused or had knowledge of any act specified in ***paragraph (a) of*** subsection 1 if the person:

(a) Is the occupant of the premises; or

(b) Has any access to the system for delivery of the service to the premises.

3. The presumption provided in subsection 2 only shifts the burden of going forward with the evidence and does not shift the burden of proof to the defendant.

4. A person who willfully or negligently injures or destroys the property of a public utility which is used in the actual production, distribution or delivery of the service provided by the public utility is liable to the public utility for the cost of the repair or replacement of the property injured or destroyed, including the direct and indirect costs attributable to the repair or replacement but subtracting the value, if any, of salvage.

5. Nothing in this section abridges or alters any other right of action or remedy available to a public utility before or after July 1, 1985.

6. As used in this section, "direct and indirect costs attributable to repair or replacement" include, but are not limited to, costs for:

(a) Labor;

(b) Materials;

(c) Supervision of employees;

(d) Supplies;

(e) Tools;

(f) Taxes;

(g) Transportation;
(h) General and administrative expenses;
(i) Allocable benefits for employees;
(j) Allowances for meals; and
(k) Any other related expenses.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 322.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 893.

AN ACT relating to public health; prohibiting a person from selling or offering to sell a kratom product to an end user unless the kratom product has been registered with the ~~[State Department]~~ **Division** of ~~[Agriculture;]~~ **Public and Behavioral Health of the Department of Health and Human Services;** setting forth requirements for the registration of a kratom product with the ~~[Department;]~~ **Division;** requiring a person who registers a kratom product to pay certain expenses and report certain information relating to the kratom product to the ~~[Department;]~~ **Division;** authorizing the ~~[Department]~~ **Division** to adopt certain regulations governing kratom products; revising provisions establishing certain prohibited acts relating to kratom products; exempting a person who engages in certain acts relating to kratom products from certain criminal or legal penalties if certain substances in those products are designated as controlled substances; prohibiting the State Board of Pharmacy from including certain substances on a schedule of controlled substances; providing penalties; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "kratom product" to mean, in general, any product or ingredient containing any part of the leaf of the *Mitragyna Speciosa* plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine, or any synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine. Existing law prohibits a person from: (1) selling or offering to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years; (2) preparing, distributing, advertising, selling or offering to sell a kratom product that is adulterated with certain substances; and (3) selling a kratom product that does not have a label that meets certain requirements. Existing law provides for the imposition of a civil penalty of not more than $1,000 against a person who violates those prohibitions. (NRS 597.998)

Section 5 of this bill revises the definition of kratom product to mean food containing any part of the leaf of the *Mitragyna Speciosa* plant. **Section 9** of

this bill revises the prohibited acts relating to kratom products set forth under existing law to revise: (1) requirements relating to the type of kratom products that a person is prohibited from preparing, distributing, advertising, selling or offering to sell; and (2) the information that must be included on a label for a kratom product. **Section 9** eliminates the civil penalty imposed for engaging in such prohibited acts and **section 8.7** of this bill instead provides for the imposition of administrative fines by the ~~[State Department]~~ **Division** of ~~[Agriculture]~~ **Public and Behavioral Health of the Department of Health and Human Services** for certain violations relating to kratom products.

Section 6 of this bill prohibits a person from selling or offering to sell a kratom product to an end user unless the kratom product has been registered with the ~~[Department.]~~ **Division. Section 6** sets forth certain requirements for a person to register a kratom product with the ~~[Department.]~~ **Division.**

Sections 6.5 and 8 of this bill set forth circumstances under which the ~~[Department]~~ **Division** may require a person who registers a kratom product to submit the kratom product to a laboratory for certain additional testing. **Section 7.5** of this bill requires a person who registers a kratom product to submit to the ~~[Department]~~ **Division** a copy of certain reports concerning the kratom product that are required to be submitted to the United States Food and Drug Administration.

Section 7 of this bill authorizes the ~~[Board]~~ **Division** to adopt certain regulations to carry out the provisions of this bill. **Section 9.8 of this bill makes an appropriation from the State General Fund to the Division for personnel, travel, operating, equipment and information services expenses to carry out the provisions of this bill.**

Existing law authorizes the State Board of Pharmacy to adopt regulations to add, delete or reschedule substances as controlled substances in schedules I, II, III, IV or V pursuant to the Uniform Controlled Substances Act. (NRS 453.146) Existing law prohibits certain substances from being included on such a schedule. (NRS 453.2186) **Section 9.5** of this bill prohibits the Board from including mitragynine or any of its constituent alkaloids on any schedule unless the substance is designated as a controlled substance pursuant to federal law. **Section 8.3** of this bill provides that if mitragynine or any of its constituent alkaloids is added to a schedule of controlled substances, a person who engages in the possession, delivery, production, sale or use of a kratom product that meets the requirements of this bill and who confines his or her activities to those authorized by this bill does not commit a violation of any law, ordinance, rule or regulation of this State or any political subdivision of this State and any such conduct must not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.

Sections 2.5-4.5 of this bill define certain other words and terms for the purposes of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8.7, inclusive, of this act.

Sec. 2. *As used in NRS 597.998 and sections 2 to 8.7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 to 5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.5. *"Certificate of analysis" means a document produced by a laboratory describing the results of the laboratory's testing of a kratom product.*

Sec. 3. *~~["Department"]~~ "Division" means the ~~[State Department]~~ Division of ~~[Agriculture.]~~ Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 4. *"Food" means any food, food product, food ingredient, dietary ingredient, dietary supplement or beverage intended for ultimate human consumption.*

Sec. 4.5. *"Kratom extract" means a kratom product containing any part of the leaf of the Mitragyna Speciosa plant that has been extracted and concentrated to provide a dosage that is more standardized.*

Sec. 5. *"Kratom product" means food containing any part of the leaf of the Mitragyna Speciosa plant, or an extract thereof, which is manufactured as a powder, capsule, pill or other edible form.*

Sec. 6. *1. A person shall not sell or offer to sell a kratom product to an end user unless the kratom product has been registered with the ~~[Department]~~ Division pursuant to this section.*

2. A person who wishes to register a kratom product must submit to the ~~[Department:]~~ Division:

(a) An application on a form prescribed by the ~~[Department;]~~ Division.

(b) A fee in an amount established by the ~~[Department]~~ Division by regulation ~~[;]~~ .

(c) A certificate of analysis for the kratom product which:

(1) Is produced by an independent laboratory that meets any requirements set forth in regulations adopted by the ~~[Department]~~ Division pursuant to section 7 of this act ~~[; and]~~ . Such requirements may include, without limitation, a requirement that the independent laboratory meet any accreditation standards required by the Division relating to the testing of food.

(2) Provides sufficient information about the kratom product to enable the ~~[Department]~~ Division to determine whether the kratom product complies with the provisions of NRS 597.998 and sections 2 to 8.7, inclusive, of this act ~~[; and]~~ .

(d) Any other information and documentation that the ~~[Department]~~ Division deems necessary to ensure that the kratom product meets the

requirements of NRS 597.998 and sections 2 to 8.7, inclusive, of this act and the regulations adopted pursuant thereto.

3. A registration issued pursuant to this section expires 1 year after issuance and may be renewed by submitting to the ~~[Department]~~ Division an application for renewal and the same fees and materials required by paragraphs (b), (c) and (d) of subsection 2 for an initial registration.

Sec. 6.5. *1. If the ~~[Department]~~ Division has reasonable cause to believe that the information contained on the label of, or the certificate of analysis for, a kratom product is inaccurate, the ~~[Department]~~ Division may require the person who registered the kratom product to send the kratom product to a laboratory selected by the ~~[Department]~~ Division to conduct testing on the kratom product.*

2. After the testing conducted pursuant to subsection 1 is completed, the ~~[Department]~~ Division shall send the person who registered the kratom product a bill for the costs of the testing. If the person fails to pay those costs within a period of time after the receipt of the bill established by the ~~[Department]~~ Division by regulation, the ~~[Department]~~ Division shall revoke the registration of the kratom product.

Sec. 7. *The ~~[Department]~~ Division may adopt regulations as it determines to be necessary or advisable to carry out the provisions of NRS 597.998 and sections 2 to 8.7, inclusive of this act.*

Sec. 7.5. *1. If a person submits to the United States Food and Drug Administration a report pursuant to 21 U.S.C. § 379aa-1 concerning a serious adverse event involving a kratom product that the person has registered pursuant to section 6 of this act, the person shall send a copy of that report to the ~~[Department]~~ Division by certified mail within a period of time established by the ~~[Department]~~ Division by regulation.*

2. Failure to send to the ~~[Department]~~ Division a copy of the report described in subsection 1 within the time required by subsection 1, constitutes grounds for the revocation of the registration of the kratom product about which the report relates.

Sec. 8. *1. Any person may report to the ~~[Department]~~ Division on a form prescribed by the ~~[Department]~~ Division a suspected violation of NRS 597.998 or sections 2 to 8.7, inclusive, of this act.*

2. If the ~~[Department]~~ Division determines that the allegations in a complaint are credible and relate to the content or labeling of, or a certificate of analysis for, a kratom product, the ~~[Department]~~ Division shall require the person who committed the alleged violation to obtain and provide to the ~~[Department,]~~ Division, within a period of time prescribed by the ~~[Department]~~ Division by regulation, a new certificate of analysis which complies with paragraph (c) of subsection 2 of section 6 of this act for the kratom product.

3. If a person fails to provide the ~~[Department]~~ Division with a certificate of analysis pursuant to subsection 2, the ~~[Department]~~ Division shall revoke the registration for the kratom product.

Sec. 8.3. ***Notwithstanding any other provision of law, if mitragynine or any of its constituent alkaloids are added to schedule I, II, III, IV or V by the State Board of Pharmacy by regulation pursuant to NRS 453.146, a person who engages in the possession, delivery, production, sale or use of a kratom product that meets the requirements of NRS 597.998 and sections 2 to 8.7, inclusive, of this act and who confines his or her activities to those authorized by NRS 597.998 and sections 2 to 8.7, inclusive, of this act does not violate any law, ordinance, rule or regulation of this State or any political subdivision of this State and such conduct may not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.***

Sec. 8.7. ***1. A person who violates any provision of NRS 597.998 and sections 2 to 8.7, inclusive, of this act is subject to an administrative fine in an amount not to exceed $500 for a first offense and $1,000 for a second or subsequent offense.***

2. Upon the request of a person to whom an administrative fine is issued, the ~~[Department]~~ Division shall provide notice of and conduct a hearing in accordance with the provisions of chapter 233B of NRS.

Sec. 9. NRS 597.998 is hereby amended to read as follows:

597.998 1. A person shall not knowingly ***distribute,*** sell or offer to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years.

2. A person shall not knowingly prepare, distribute, advertise, sell or offer to sell a kratom product that ~~[is]~~ ***:***

(a) Is ~~[combined, packaged or]~~ adulterated ***, as defined in 21 U.S.C. § 342, or combined or packaged*** with ~~[a]~~ ***:***

(1) A controlled substance or a dangerous drug, as defined in chapter 454 of NRS, or any poisonous or deleterious substance; or

(2) Any substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer ~~[. A person has not violated the provisions of this subsection if he or she can show by a preponderance of evidence that he or she relied in good faith upon the representations of a manufacturer, processor, packer or distributor of the kratom product.~~

~~3. A person shall not sell a kratom product that does not have a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product.~~

~~4. A person who violates any provision of this section is subject to a civil penalty of not more than $1,000 for each violation.~~

~~5. As used in this section, "kratom product" means any product or ingredient containing:~~

~~(a) Any part of the leaf of the Mitragyna Speciosa plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine; or~~

~~(b) A synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine,~~

~~regardless of whether the product or ingredient is labeled or sold for human consumption.~~ ***;***

(b) Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 1 percent of the alkaloid composition of the kratom product;

(c) Contains a synthetic alkaloid, including, without limitation, synthetic mitragynine, synthetic 7-hydroxymitragynine or any synthetically derived compound of the Mitragyna Speciosa plant;

(d) Does not include a label that complies with any requirements for the labeling of food established by the State Board of Health by regulations adopted pursuant to NRS 439.200 or 446.940 and that clearly sets forth:

(1) The recommended size of an individual serving;

(2) The maximum limits for individual servings per day;

(3) The number of servings equal to the size of one recommended individual serving that are contained in the package; and

(4) Directions for the safe and effective use of the kratom product.

(e) A kratom extract which contains levels of residual solvents that exceed the levels authorized by chapter 467 of the United States Pharmacopeia-National Formulary, published by the United States Pharmacopeial Convention.

Sec. 9.5. NRS 453.2186 is hereby amended to read as follows:

453.2186 1. Authority to control pursuant to NRS 453.146, 453.218, 453.2182 and 453.2184 does not extend to distilled spirits, wine, malt beverages or tobacco.

2. ***The Board shall not include mitragynine or any of its constituent alkaloids on any schedule unless the substance is designated as a controlled substance pursuant to federal law.***

3. The Board shall not include any nonnarcotic substance on any schedule if that substance is in a form suitable for final dosage and has been approved by the Food and Drug Administration for sale over the counter without a prescription, unless the Board affirmatively finds that:

(a) The substance itself or one or more of its active ingredients is an immediate precursor of a controlled substance; and

(b) The substance is materially misbranded or mislabeled, or the public interest requires the scheduling of the substance as a controlled substance in schedule I, II, III or IV.

~~[3.]~~ ***4.*** In determining whether the public interest requires the scheduling of the substance, the Board shall consider:

(a) Whether the customary methods of marketing and distributing the substance are likely to lead to its unlawful distribution or use, including any relevant information with regard to a manufacturer or distributor of the substance concerning:

(1) His or her record of compliance with applicable federal, state and local statutes, ordinances and regulations;

(2) His or her past experience in the manufacture and distribution of controlled substances, and the existence in his or her establishment of effective controls against the unlawful distribution or use of the substance;

(3) Whether he or she has ever been convicted under any federal or state law relating to a controlled substance; and

(4) Whether he or she has ever furnished materially falsified or fraudulent material in any application filed pursuant to NRS 453.011 to 453.552, inclusive;

(b) Whether the substance is controlled under the federal Controlled Substances Act;

(c) The status of any pending proceeding to determine whether the substance should be controlled or exempted from control;

(d) Any history of abuse or misuse of the substance in this State; and

(e) Any other factors which are relevant to the public health and safety.

~~[4.]~~ ***5.*** In determining whether a substance is misbranded or mislabeled, the Board shall consider the requirements of the federal Food, Drug, and Cosmetic Act and the Code of Federal Regulations concerning indications for its use and any advertising for a use not so indicated.

Sec. 9.8. **1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for personnel, travel, operating, equipment and information services expenses to carry out the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $121,162

For the Fiscal Year 2024-2025..... $140,010

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. **Section 9.8 of this act becomes effective on July 1, 2023.**

3. Sections 1 to 9.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 441.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 869.

AN ACT relating to industrial insurance; revising **requirements for the administration of certain insurance claims; revising** certain requirements to ~~[make]~~ **maintain** certain insurance records **and make them** available for inspection; removing the requirement that certain entities maintain a telephone service to accept collect calls from injured employees; revising the circumstances under which the Administrator of the Division of Industrial Relations of the Department of Business and Industry is authorized to remove a physician or chiropractic physician from a list or panel of physicians and chiropractic physicians who may provide certain medical services relating to the Nevada Industrial Insurance Act; requiring the Administrator to publish annual and quarterly reports; authorizing certain physicians and chiropractic physicians to decline to perform certain evaluations under certain circumstances; **revising procedures for the selection of a physician or chiropractic physician to perform certain evaluations and examinations;** revising provisions relating to independent medical examinations; revising provisions relating to benefits for a permanent partial disability; revising provisions relating to an appeal of certain determinations of the Administrator; ~~[requiring certain insurance claims to be administered by certain persons;]~~ revising procedures for the reimbursement of an insurer that pays for an increase in certain compensation or benefits; ~~[repealing certain restrictions relating to associations of self-insured employers;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Industrial Insurance Act, which provides for the payment of compensation to employees who are injured or disabled as the result of an occupational injury. (Chapters 616A-616D of NRS)

Existing law requires certain insurers to maintain an office in this State that is operated by the insurer or its third-party administrator and to provide access to files relating to industrial insurance claims at that office. (NRS 616B.021, 616B.027) **Section ~~[1]~~ 1.5** of this bill requires the insurer to make such files available for inspection and reproduction by electronic means or at an office operated by the insurer or its third-party administrator located in this State. **Section ~~[1]~~ 1.5** also authorizes the insurer to keep physical records concerning a claim filed in this State at a location outside this State if those records are made available for inspection and reproduction in certain electronic forms or at offices located in this State.

Section 2 of this bill permits an office operated by an insurer or its third-party administrator to keep reproductions of certain files rather than the original copies. **Section 2** also removes the requirement that an insurer accept collect calls from injured employees.

Existing law requires a person who acts as a third-party administrator pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act to administer claims arising under each plan of insurance that the person administers from one or more offices located in this State and maintain in those offices all of the records concerning those claims. (NRS 616B.503) Section 2.3 of this bill removes that requirement. Instead, section 1 of this bill establishes certain authorizations and requirements concerning the administration of claims arising under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. Section 1: (1) authorizes an employee of a private carrier who is licensed as a company adjuster or a third-party administrator for a private carrier to administer such claims from a location in or outside this State; and (2) requires records concerning such claims to be maintained at offices located in this State or in certain electronic forms. Section 1 also: (1) authorizes an employee of a private carrier who is not licensed as a company adjuster or a third-party administrator for a self-insured employer or an association of self-insured public or private employers to administer such claims only from one or more offices located in this State; and (2) requires records concerning such claims to be maintained at those offices. Section 2 requires an employee of a private carrier or a third-party administrator who administers a claim from a location outside of this State to make himself or herself available to communicate in real time with a claimant or a representative of a claimant at certain times.

Existing law requires the Commissioner to take certain disciplinary action against a third-party administrator for certain violations. (NRS 616B.506) Section 2.7 of this bill requires the Commissioner to also take such disciplinary action against a third-party administrator who violates the provisions of section 1.

Existing law requires an insurer to keep a list of physicians and chiropractic physicians from which an injured employee may choose to receive treatment and include in that list a certain number of physicians or chiropractic physicians from a panel established and maintained by the Administrator of the Division of Industrial Relations of the Department of Business and Industry. Existing law also sets forth procedures and limitations governing the removal of a physician or chiropractic physician from an insurer's list. (NRS 616C.087, 616C.090) **Section 4** of this bill expands the circumstances under which a physician or chiropractic physician may be involuntarily removed from an insurer's list and requires the Administrator to adopt regulations prescribing the format of the list which insurers must maintain. **Section 5** of this bill revises the reasons for which the Administrator may

remove a physician or chiropractic physician from a panel and authorizes certain persons to notify the Administrator if the person believes a physician or chiropractic physician satisfies certain criteria for removal from a panel. **Section 5** also authorizes a physician or chiropractic physician who is removed from a panel to reapply under certain circumstances for inclusion on the panel.

Existing law provides that an employee who is injured by an accident arising out of and in the course of employment is entitled to receive compensation under the **Nevada Industrial Insurance** Act for a permanent partial disability which is rated during an evaluation by certain physicians or chiropractic physicians. (NRS 616C.490) **Section 7** of this bill revises the methodology by which those physicians or chiropractic physicians are selected to perform such an evaluation and authorizes such a physician or chiropractic physician to decline to perform an evaluation if the physician or chiropractic physician believes he or she is not qualified to rate the disability at issue. **Sections 3 and 7** of this bill require the Administrator to prepare annual and quarterly reports containing certain information about those physicians and chiropractic physicians and the frequency with which they perform such evaluations and certain other examinations.

Existing law authorizes an injured employee, subject to various requirements and restrictions, to obtain an independent medical examination concerning an injury that is the subject of a claim filed pursuant to the **Nevada Industrial Insurance** Act. (NRS 616C.145) **Section 6** of this bill provides that such an injured employee is entitled to request such an independent examination for a permanent partial disability to determine if the employee has a ratable impairment or to dispute the initial rating determination of the employee's injury. **Section 6** also identifies the method by which the rate of reimbursement relating to certain independent medical examinations must be determined and authorizes an insurer to recover the cost of a second examination to determine a rating of a permanent partial disability under certain circumstances.

Existing law authorizes an injured employee who disagrees with the percentage of disability determined by a physician or chiropractic physician to obtain a second determination of the percentage of disability by selecting the next physician or chiropractic physician in rotation from the list of qualified physicians and chiropractic physicians maintained by the Administrator. (NRS 616C.100) Section 5.5 of this bill requires the physician or chiropractic physician to be selected at random from that list.

Existing law authorizes certain persons to request a hearing before a hearing officer of matters relating to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. (NRS 616C.315) If necessary to resolve a medical question concerning the rating of an employee's permanent disability, existing law authorizes a hearing officer to refer the employee for examination by a rating physician or chiropractic physician who, with certain exceptions, must be selected in rotation from the list of

physicians and chiropractic physicians maintained by the Administrator. (NRS 616C.330, 616C.360) Sections 6.8 and 6.9 of this bill instead require the physician or chiropractic physician to be selected at random from the list.

Existing law provides that a claimant under the **Nevada Industrial Insurance** Act may elect to receive payment for a permanent partial disability in a lump sum under certain circumstances. (NRS 616C.495) **Section 8** of this bill requires an insurer to use the actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant demands payment in a lump sum to calculate the present value of the lump sum payable.

Existing law authorizes the Administrator to order an insurer or certain other persons to pay to a claimant a benefit penalty if the Administrator determines the insurer or other person has refused to process a claim for compensation pursuant to the **Nevada Industrial Insurance** Act or committed certain other violations. (NRS 616D.120) Existing law authorizes a person to contest a decision of the Administrator to impose or refuse to impose a benefit penalty by filing a notice of appeal with an appeals officer. (NRS 616D.140) **Section 9** of this bill revises certain procedural requirements relating to such an appeal and authorizes a claimant on whose behalf a benefit penalty is imposed to bring a civil action to recover the amount of the benefit penalty.

~~[Section 10 of this bill requires all claims brought pursuant to the Act or the Nevada Occupational Diseases Act to be administered by: (1) a salaried employee of an insurer located in this State; (2) a licensed adjuster located in or outside this State; or (3) a person authorized to adjust claims under the authority of a registered third-party administrator acting on behalf of an insurer located in or outside this State. Section 10 also exempts certain persons from those requirements and requires all files relating to a claim filed pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act to be made available for inspection at certain locations in this State or by electronic means.~~

~~Section 10.5 of this bill repeals provisions prohibiting an association's administrator employed by an association of self-insured public or private employers and a third-party administrator of an association of public or private employers from holding a financial interest in or serving as employee, officer or director of one another.]~~

Existing law authorizes an insurer or employer who pays an annual increase in compensation for permanent total disability to a claimant or dependent who is entitled to such compensation due to certain industrial injuries or disablements to obtain reimbursement from the Administrator and sets forth the procedure for obtaining such a reimbursement. (NRS 616C.266) Similarly, existing law entitles an insurer who pays an increase in certain death benefits to a widow, widower, surviving child or surviving dependent parent to be reimbursed annually for the amount of that increase and sets forth procedures for obtaining reimbursement. (NRS 616C.268) **Sections 6.3 and 6.7** of this bill revise the procedures governing the issuance of such reimbursement to an

insurer and impose various requirements on the Administrator with respect to such reimbursement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location in or outside of this State. All records concerning a claim administered pursuant to this subsection must be maintained at one or more offices located in this State or by computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original.

2. An employee of a private carrier who is not licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a self-insured employer or an association of self-insured public or private employers may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS only from one or more offices located in this State. All records concerning a claim administered pursuant to this subsection must be maintained in those offices.

3. The Commissioner may:

(a) Under exceptional circumstances, waive the requirements of subsections 1 and 2; and

(b) Adopt regulations to carry out the provisions of this section.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 616B.021 is hereby amended to read as follows:

616B.021 1. An insurer shall ~~[provide access to]~~ ***make*** the files of claims ***available for inspection and reproduction:***

(a) At an office operated by the insurer or its third-party administrator located in ~~[its offices.]~~ ***this State; or***

(b) By electronic means.

2. The physical records in a file concerning a claim filed in this State may be kept at ~~[an office located]~~ ***a location*** outside this State if all records in the file are ~~[accessible]~~ ***made available for inspection and reproduction*** at ~~[offices]~~ ***an office operated by the insurer or its third-party administrator that is*** located in this State ~~[on]~~ ***or by*** computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during regular business hours within 24 hours after requested by the employee or the employee's designated agent, the employer or the employer's designated agent, or the Administrator or the

Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.

3. Upon request, the insurer shall make copies or other reproductions of anything in the file and may charge a reasonable fee for this service. Copies or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.

4. The Administrator may adopt regulations concerning the:

(a) Maintenance of records in a file on claims that are open or closed; and

(b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.

5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 2. NRS 616B.027 is hereby amended to read as follows:

616B.027 1. Every insurer shall:

(a) Provide an office in this State operated by the insurer or its third-party administrator in which:

(1) A complete file ***, or a reproduction of the complete file,*** of each claim is accessible, in accordance with the provisions of NRS 616B.021;

(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS, may receive information related to a claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS; and

(3) An employee or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021.

(b) Provide statewide toll-free telephone service to the office maintained pursuant to paragraph (a) **.** ~~[or accept collect calls from injured employees.]~~

2. Each private carrier shall provide:

(a) Adequate services to its insured employers in controlling losses; and

(b) Adequate information on the prevention of industrial accidents and occupational diseases.

3. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier who administers a claim arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location outside of this State pursuant to subsection 1 of section 1 of this act shall make himself or herself available to communicate in real time with the claimant or a representative of the claimant Monday through Friday, 9 a.m.

to 5 p.m. local time in this State, excluding any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 2.3. **NRS 616B.503 is hereby amended to read as follows:**

616B.503 1. A person shall not act as a third-party administrator for an insurer without a certificate issued by the Commissioner pursuant to NRS 683A.08524.

2. A person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS shall:

(a) ~~[Administer from one or more offices located in this State all of the claims arising under each plan of insurance that the person administers and maintain in those offices all of the records concerning those claims;~~

~~(b)]~~ Administer each plan of insurance directly, without subcontracting with another third-party administrator; and

~~[(c)]~~ ***(b)*** Upon the termination of the person's contract with an insurer, transfer forthwith to a certified third-party administrator chosen by the insurer all of the records in the person's possession concerning claims arising under the plan of insurance.

3. The Commissioner may, under exceptional circumstances, waive the requirements of subsection 2.

Sec. 2.7. **NRS 616B.506 is hereby amended to read as follows:**

616B.506 The Commissioner shall impose an administrative fine, not to exceed $1,000 for each violation, and may withdraw the certification of any third-party administrator who:

1. Fails to comply with regulations of the Commissioner regarding reports or other requirements necessary to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

2. Violates any provision of NRS 616B.503 ***, section 1 of this act*** or any regulation adopted by the Commissioner or the Administrator concerning the administration of the plan of insurance.

Sec. 3. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall, not later than 30 days after the end of each calendar quarter, publish and make publicly available on the Internet website of the Division a report containing:

(a) The name of each rating physician or chiropractic physician, listed in alphabetical order by last name, who conducted an examination or evaluation on an injured employee pursuant to NRS 616.100, 616C.145, 616C.330, 616C.360 or 616C.490 in the immediately preceding calendar quarter; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a), the number of examinations or evaluations that were conducted by the rating physician or chiropractic physician as result of:

(1) The selection of the rating physician or chiropractic physician ~~[in rotation]~~ at random from the list of qualified physicians and chiropractic

physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490; and

(2) An agreement by an insurer and an injured employee.

2. The Administrator shall retain an archive which is accessible by the public of each report published pursuant to subsection 1.

Sec. 3.5. NRS 616C.050 is hereby amended to read as follows:

616C.050 1. An insurer shall provide to each claimant:

(a) Upon written request, one copy of any medical information concerning the claimant's injury or illness.

(b) A statement which contains information concerning the claimant's right to:

(1) Receive the information and forms necessary to file a claim;

(2) Select a treating physician or chiropractic physician and an alternative treating physician or chiropractic physician in accordance with the provisions of NRS 616C.090;

(3) Request the appointment of the Nevada Attorney for Injured Workers to represent the claimant before the appeals officer;

(4) File a complaint with the Administrator;

(5) When applicable, receive compensation for:

(I) Permanent total disability;

(II) Temporary total disability;

(III) Permanent partial disability;

(IV) Temporary partial disability;

(V) All medical costs related to the claimant's injury or disease; or

(VI) The hours the claimant is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;

(6) Receive services for rehabilitation if the claimant's injury prevents him or her from returning to gainful employment;

(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and

(8) Judicial review of any final decision within the time specified by statute.

2. The insurer's statement must include a copy of the form designed by the Administrator pursuant to subsection ~~[9]~~ ***12*** of NRS 616C.090 that notifies injured employees of their right to select an alternative treating physician or chiropractic physician. The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.

Sec. 4. NRS 616C.087 is hereby amended to read as follows:

616C.087 1. The Legislature hereby declares that:

(a) The choice of a treating physician or chiropractic physician is a substantive right and substantive benefit of an injured employee who has a claim under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

(b) The injured employees of this State have a substantive right to an adequate choice of physicians and chiropractic physicians to treat their industrial injuries and occupational diseases.

2. Except as otherwise provided in this subsection and subsections 3 and 4 ~~[, an]~~ ***:***

(a) The panel maintained by the Administrator pursuant to NRS 616C.090 must not include a physician or chiropractic physician in a discipline or specialization if the physician or chiropractic physician does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization; and

(b) An insurer's list of physicians and chiropractic physicians from which an injured employee may choose pursuant to NRS 616C.090 must include not less than 12 physicians or chiropractic physicians, as applicable, in each of the following disciplines and specializations, without limitation, from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090:

~~[(a)]~~ ***(1)*** Orthopedic surgery on spines;
~~[(b)]~~ ***(2)*** Orthopedic surgery on shoulders;
~~[(c)]~~ ***(3)*** Orthopedic surgery on elbows;
~~[(d)]~~ ***(4)*** Orthopedic surgery on wrists;
~~[(e)]~~ ***(5)*** Orthopedic surgery on hands;
~~[(f)]~~ ***(6)*** Orthopedic surgery on hips;
~~[(g)]~~ ***(7)*** Orthopedic surgery on knees;
~~[(h)]~~ ***(8)*** Orthopedic surgery on ankles;
~~[(i)]~~ ***(9)*** Orthopedic surgery on feet;
~~[(j)]~~ ***(10)*** Neurosurgery;
~~[(k)]~~ ***(11)*** Neurology;
~~[(l)]~~ ***(12)*** Cardiology;
~~[(m)]~~ ***(13)*** Pulmonology;
~~[(n)]~~ ***(14)*** Psychiatry;
~~[(o)]~~ ***(15)*** Pain management;
~~[(p)]~~ ***(16)*** Occupational medicine;
~~[(q)]~~ ***(17)*** Physiatry or physical medicine;
~~[(r)]~~ ***(18)*** General practice or family medicine; and
~~[(s)]~~ ***(19)*** Chiropractic medicine.

➥ If the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 12 physicians or chiropractic physicians, as applicable, for a discipline or specialization specifically identified in this subsection, all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

3. For any other discipline or specialization not specifically identified in subsection 2, the insurer's list must include not fewer than 8 physicians or chiropractic physicians, as applicable, unless the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to

NRS 616C.090 contains fewer than 8 physicians or chiropractic physicians, as applicable, for that discipline or specialization, in which case all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

4. For each county whose population is 100,000 or more, an insurer's list of physicians and chiropractic physicians must include for that county a number of physicians and chiropractic physicians, as applicable, that is not less than the number required pursuant to subsections 2 and 3 and that also maintain in that county:

(a) An active practice; and

(b) A physical office.

5. If an insurer fails to maintain a list of physicians and chiropractic physicians that complies with the requirements of subsections 2, 3 and 4, an injured employee may choose a physician or chiropractic physician from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090.

6. Each insurer shall, not later than October 1 of each year, update the list of physicians and chiropractic physicians and file the list with the Administrator. The list must be certified by an adjuster who is licensed pursuant to chapter 684A of NRS.

7. Upon receipt of a list of physicians and chiropractic physicians that is filed pursuant to subsection 6, the Administrator shall:

(a) Stamp the list as having been filed; and

(b) Indicate on the list the date on which it was filed.

8. The Administrator shall:

(a) Provide a copy of an insurer's list of physicians and chiropractic physicians to any member of the public who requests a copy; or

(b) Post a copy of each insurer's list of physicians and chiropractic physicians on an Internet website maintained by the Administrator and accessible to the public for viewing, printing or downloading.

9. At any time, a physician or chiropractic physician may request in writing that he or she be removed from an insurer's list of physicians and chiropractic physicians. The insurer must comply with the request and omit the physician or chiropractic physician from the next list which the insurer files with the Administrator.

10. A physician or chiropractic physician may not be involuntarily removed from an insurer's list of physicians and chiropractic physicians except for good cause. As used in this subsection, "good cause" means that one or more of the following circumstances apply:

(a) The physician or chiropractic physician has died or is disabled.

(b) The license of the physician or chiropractic physician has been revoked or suspended.

(c) The physician or chiropractic physician has been convicted of:

(1) A felony; or

(2) A crime for a violation of a provision of chapter 616D of NRS.

(d) The physician or chiropractic physician has been removed from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 by the Administrator upon a finding that the physician or chiropractic physician ~~[has]~~ ***:***

(1) Has failed to comply with the standards for treatment of industrial injuries or occupational diseases as established by the Administrator ~~[.]~~ ***; or***

(2) Does not accept and treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

11. Unless a physician or chiropractic physician, as applicable, is removed from an insurer's list of physicians and chiropractic physicians pursuant to subsection 10, an injured employee may continue to receive treatment from that physician or chiropractic physician even if:

(a) The employer of the injured employee changes insurers or administrators.

(b) The physician or chiropractic physician is no longer included in the applicable insurer's list of physicians and chiropractic physicians, provided that the physician or chiropractic physician agrees to continue to accept compensation for that treatment at the rates which:

(1) Were previously agreed upon when the physician or chiropractic physician was most recently included in the list; or

(2) Are newly negotiated but do not exceed the amounts provided under the fee schedule adopted by the Administrator.

12. The Administrator shall adopt regulations prescribing the form in which a list of physicians and chiropractic physicians created by an employer, insurer or third-party administrator pursuant to this section must be maintained. The Administrator shall require that any such list be in a format which is easily searchable, including, without limitation, an indexed database, a portable document format, a spreadsheet with data that may be filtered, a comma-separated values file or any other comparable format.

Sec. 5. NRS 616C.090 is hereby amended to read as follows:

616C.090 1. The Administrator shall establish, maintain and update not less frequently than annually on or before July 1 of each year, a panel of physicians and chiropractic physicians who have demonstrated special competence and interest in industrial health to treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS. The Administrator shall maintain the following information relating to each physician and chiropractic physician on the panel:

(a) The name of the physician or chiropractic physician.

(b) The title or degree of the physician or chiropractic physician.

(c) The legal name of the practice of the physician or chiropractic physician and the name under which the practice does business.

(d) The street address of the location of every office of the physician or chiropractic physician.

(e) The telephone number of every office of the physician or chiropractic physician.

(f) Every discipline and specialization practiced by the physician or chiropractic physician.

(g) Every condition and part of the body which the physician or chiropractic physician will treat.

2. Every employer whose insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 shall maintain a list of those physicians and chiropractic physicians on the panel who are reasonably accessible to his or her employees.

3. An injured employee whose employer's insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 may choose a treating physician or chiropractic physician from the panel of physicians and chiropractic physicians. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician from the panel if the choice is made within 90 days after his or her injury. The insurer shall notify the first physician or chiropractic physician in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractic physician must be reimbursed only for the services the physician or chiropractic physician, as applicable, rendered to the injured employee up to and including the date of notification. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is on the panel. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list.

4. An injured employee whose employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 must choose a treating physician or chiropractic physician pursuant to the terms of that contract. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract without the approval of the insurer if the choice is made within 90 days after his or her injury. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals

officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. If the injured employee, after choosing a treating physician or chiropractic physician, moves to a county which is not served by the organization for managed care or providers of health care named in the contract and the insurer determines that it is impractical for the injured employee to continue treatment with the physician or chiropractic physician, the injured employee must choose a treating physician or chiropractic physician who has agreed to the terms of that contract unless the insurer authorizes the injured employee to choose another physician or chiropractic physician. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care pursuant to NRS 616B.527, as appropriate. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list. If the employee fails to select a physician or chiropractic physician, the insurer may select a physician or chiropractic physician with that specialization. If a physician or chiropractic physician with that specialization is not available pursuant to the terms of the contract, the organization for managed care or the provider of health care may select a physician or chiropractic physician with that specialization.

5. If the injured employee is not satisfied with the physician or chiropractic physician selected by himself or herself or by the insurer, the organization for managed care or the provider of health care pursuant to subsection 4, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract. A change in the treating physician or chiropractic physician may be made at any time but is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the insurer denies a request for a change in the treating physician or chiropractic physician under this subsection, the insurer must include in a written notice of denial to the injured employee the specific reason for the denial of the request.

6. Except when emergency medical care is required and except as otherwise provided in NRS 616C.055, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractic physician or other person selected by the injured employee in disregard of the provisions of this section or for any compensation

for any aggravation of the injured employee's injury attributable to improper treatments by such physician, chiropractic physician or other person.

7. The Administrator may order necessary changes in a panel of physicians and chiropractic physicians and shall ~~[suspend]~~ ***:***

(a) Suspend or remove any physician or chiropractic physician from a panel for good cause shown in accordance with NRS 616C.087 ~~[.]~~ ***; and***

(b) Remove from being included on a panel as a practitioner of a discipline or specialization any physician or chiropractic physician who does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization.

8. ***Any interested person may notify the Administrator, on a form prescribed by the Administrator, if the person believes that a physician or chiropractic physician does not accept and treat injured employees:***

(a) Under chapters 616A to 616D, inclusive, or chapter 617 of NRS for industrial injuries or occupational diseases; or

(b) For industrial injuries or occupational diseases in a discipline or specialization for which the physician or chiropractic physician is included on a panel of physicians and chiropractic physicians maintained by the Administrator pursuant to this section.

9. If the Administrator receives notice pursuant to subsection 8, the Administrator shall:

(a) Conduct an investigation to determine whether the physician or chiropractic physician may remain on the panel for a discipline or specialization; and

(b) Publish or cause to be published on the Internet website of the Division not later than 90 days after receiving the notice the results of the investigation.

10. A physician or chiropractic physician who is removed pursuant to paragraph (b) of subsection 7 from a discipline or specialization on a panel may request, on a form prescribed by the Administrator, to be reinstated on a panel for that discipline or specialization if the physician or chiropractic physician demonstrates to the satisfaction of the Administrator that he or she accepts and treats injured employees for that discipline or specialization.

11. An injured employee may receive treatment by more than one physician or chiropractic physician:

(a) If the insurer provides written authorization for such treatment; or

(b) By order of a hearing officer or appeals officer.

~~[9.]~~ ***12.*** The Administrator shall design a form that notifies injured employees of their right pursuant to subsections 3, 4 and 5 to select an alternative treating physician or chiropractic physician and make the form available to insurers for distribution pursuant to subsection 2 of NRS 616C.050.

Sec. 5.5. **NRS 616C.100 is hereby amended to read as follows:**

616C.100 1. If an injured employee disagrees with the percentage of disability determined by a physician or chiropractic physician, the injured

employee may obtain a second determination of the percentage of disability. If the employee wishes to obtain such a determination, the employee must select the ~~[next]~~ physician or chiropractic physician ~~[in rotation]~~ ***at random*** from the list of qualified physicians or chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490. If a second determination is obtained, the injured employee shall pay for the determination. If the physician or chiropractic physician selected to make the second determination finds a higher percentage of disability than the first physician or chiropractic physician, the injured employee may request a hearing officer or appeals officer to order the insurer to reimburse the employee pursuant to the provisions of NRS 616C.330 or 616C.360.

2. The results of a second determination made pursuant to subsection 1 may be offered at any hearing or settlement conference.

Sec. 6. NRS 616C.145 is hereby amended to read as follows:

616C.145 1. An injured employee may obtain an independent medical examination:

(a) Except as otherwise provided in subsections 2 and 3, whenever a dispute arises from a determination issued by the insurer regarding the approval of care, the direction of a treatment plan or the scope of the claim;

(b) Within 30 days after an injured employee receives any report generated pursuant to a medical examination requested by the insurer pursuant to NRS 616C.140; or

(c) At any time by leave of a hearing officer or appeals officer after the denial of any therapy or treatment.

2. An injured employee is entitled to an independent medical examination pursuant to paragraph (a) of subsection 1 only:

(a) For a claim for compensation that is open;

(b) When the closure of a claim for compensation is under dispute pursuant to NRS 616C.235; or

(c) When a hearing or appeal is pending pursuant to NRS 616C.330 or 616C.360.

3. An injured employee is entitled to only one independent medical examination per calendar year pursuant to paragraph (a) of subsection 1.

4. Except as otherwise provided in subsection 5, an independent medical examination must not involve treatment and must be conducted by a physician or chiropractic physician selected by the injured employee from the panel of physicians and chiropractic physicians established pursuant to subsection 1 of NRS 616C.090.

5. ~~[If the dispute concerns the rating of a permanent disability,]~~ ***An injured employee is entitled to request*** an independent medical examination ~~[may be conducted by a rating physician or chiropractic physician.]~~ ***pursuant to paragraph (a) of subsection 1 for a permanent partial disability to determine if the injured employee has a ratable impairment or, if the injured employee is seeking to dispute an initial rating determination, to obtain a second rating.*** The injured employee must select the ~~[next]~~ rating physician or

chiropractic physician ~~[in rotation]~~ ***at random*** from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. ***Nothing in this subsection shall be construed to prohibit an injured employee from obtaining a determination for a permanent partial disability pursuant to NRS 616C.100.***

6. The insurer shall:

(a) Pay the costs of any independent medical examination conducted pursuant to this section in accordance with ~~[NRS 616C.260;]~~ ***subsection 7;*** and

(b) Upon request, receive a copy of any report or other document that is generated as a result of the independent medical examination.

7. ***The rates of reimbursement for an independent medical examination conducted pursuant to this section must be:***

(a) For an independent medical examination other than an independent medical examination conducted pursuant to subsection 5, the rates applicable to independent medical examinations, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

(b) For an independent medical examination conducted pursuant to subsection 5, the rates applicable to a permanent partial disability, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

8. If an injured employee requests an independent medical examination pursuant to subsection 5 to obtain a second rating and the second rating does not result in a higher percentage of disability than the initial rating determination, the insurer may recover the cost of the independent medical examination, determined in accordance with the rates of reimbursement specified in paragraph (b) of subsection 7, from the amount of the award for permanent partial disability that the injured employee is entitled to be paid for that claim pursuant to NRS 616C.490.

9. The provisions of this section do not apply to an independent medical examination ordered by a hearing officer pursuant to subsection 3 of NRS 616C.330 or by an appeals officer pursuant to subsection 3 of NRS 616C.360.

Sec. 6.3. NRS 616C.266 is hereby amended to read as follows:

616C.266 1. An insurer, including an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an annual increase in compensation for a permanent total disability to a claimant or a dependent of a claimant pursuant to subsection 2 of NRS 616C.473 is entitled to be reimbursed for the amount of that increase in accordance with this section if the insurer provides to the Administrator all of the following:

(a) The name of the claimant or dependent of a claimant to whom the insurer paid the increase in compensation.

(b) The claim number under which the compensation for a permanent total disability was paid to the claimant or dependent of a claimant.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the permanent total disability of the injured employee.

(d) The date on which the disability of the injured employee was determined or deemed to be total and permanent.

(e) The amount of the compensation for a permanent total disability to which the claimant or dependent of a claimant was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in compensation for a permanent total disability.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the items required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement for payments of increases in compensation for permanent total disability which were made in the immediately preceding calendar year.

3. ~~[~~An~~]~~ ***If an*** insurer ~~[~~may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by~~]~~ ***complies with subsection 2,*** the Administrator ~~[~~.~~]~~ ***shall:***

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. ~~[~~If~~]~~ ***A person who is aggrieved by a written determination of*** the Administrator ~~[~~approves an insurer's request for reimbursement,~~]~~ ***pursuant to this section may appeal*** the ~~[~~Administrator must withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in that Account that is necessary to reimburse~~]~~ ***determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after*** the ~~[~~insurer or employer for~~]~~ ***date on which*** the ~~[~~cost~~]~~ ***insurer receives notice*** of the ~~[~~increase in compensation paid to claimants and dependents pursuant to subsection 2 of NRS 616C.473. If the income realized from the investment of the assets in the Account is insufficient to pay such reimbursement, the Administrator must pay the remainder of the reimbursement from the assessments levied by the Administrator pursuant to NRS 232.680.~~]~~ ***Administrator's determination.***

5. ***The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this***

section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is subject, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in compensation for a permanent total disability pursuant to subsection 1.

8. If an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer, the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement under this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 6.7. NRS 616C.268 is hereby amended to read as follows:

616C.268 1. An insurer, including, without limitation, an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an increase in death benefits to a widow, widower, surviving child or surviving dependent parent pursuant to NRS 616C.508 is entitled to be reimbursed for the amount of that increase from the Fund for Workers' Compensation and Safety if the insurer provides to the Administrator all of the following:

(a) The name of the widow, widower, surviving child or surviving dependent parent to whom the insurer paid the increase in death benefits.

(b) The claim number under which death benefits were paid to the widow, widower, surviving child or surviving dependent parent.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the eligibility of the widow, widower, surviving child or surviving dependent parent for death benefits.

(d) The date of the death of the injured employee who is the:

(1) Spouse of the widow or widower;

(2) Parent of the surviving child; or

(3) Child of the surviving dependent parent.

(e) The amount of the death benefit to which the widow, widower, surviving child or surviving dependent parent was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in death benefits.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the information required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement pursuant to this section for payments of increases in death benefits which were made in the immediately preceding calendar year.

3. ~~[~~An~~]~~ ***If an*** insurer ~~[~~may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by~~]~~ ***complies with subsection 2,*** the Administrator ~~[~~.~~]~~ ***shall:***

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. ***A person who is aggrieved by a written determination of the Administrator pursuant to this section may appeal the determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after the date on which the insurer receives notice of the Administrator's determination.***

5. The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is subject, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in death benefits pursuant to subsection 1.

8. If an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer, the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement made pursuant to this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 6.8. **NRS 616C.330 is hereby amended to read as follows:**

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his or her receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may order an independent medical examination, which must not involve treatment, and refer the employee to a physician or chiropractic physician of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractic physician is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractic physician. The rating physician or chiropractic physician must be selected ~~[in rotation]~~ ***at random*** from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractic physician. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. The hearing officer may consider the opinion of an examining physician, chiropractic physician, physician assistant or advanced practice registered nurse, in addition to the opinion of an authorized treating physician, chiropractic physician, physician assistant or advanced practice registered nurse, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant

to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractic physician for such service, whichever is less.

6. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

8. The hearing officer shall render his or her decision within 15 days after:

(a) The hearing; or

(b) The hearing officer receives a copy of the report from the medical examination the hearing officer requested.

9. The hearing officer shall render a decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.

10. The hearing officer shall give notice of the decision to each party by mail. The hearing officer shall include with the notice of the decision the necessary forms for appealing from the decision.

11. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.

12. References to a physician assistant and an advanced practice registered nurse in this section are for the purposes of the examination and treatment of an injured employee which are authorized to be provided by a physician assistant or advanced practice registered nurse in the exclusive context of an initial examination and treatment pursuant to NRS 616C.010.

Sec. 6.9. **NRS 616C.360 is hereby amended to read as follows:**

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him or her on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Order an independent medical examination and refer the employee to a physician or chiropractic physician of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractic physician is on the insurer's panel of providers of health care. If the medical question concerns the rating of a

permanent disability, the appeals officer may refer the employee to a rating physician or chiropractic physician. The rating physician or chiropractic physician must be selected ~~[in rotation]~~ ***at random*** from the list of qualified physicians or chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an independent review organization, submit the matter to an independent review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. The appeals officer may consider the opinion of an examining physician, chiropractic physician, physician assistant or advanced practice registered nurse, in addition to the opinion of an authorized treating physician, chiropractic physician, physician assistant or advanced practice registered nurse, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractic physician for such service, whichever is less.

6. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. Any party to the appeal or contested case or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

8. Except as otherwise provided in subsection 9, the appeals officer shall render a decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

9. The appeals officer shall render a decision on a contested claim submitted pursuant to subsection 2 of NRS 616C.345 within 15 days after:

(a) The date of the hearing; or

(b) If the appeals officer orders an independent medical examination, the date the appeals officer receives the report of the examination,

➥ unless both parties to the contested claim agree to a later date.

10. The appeals officer may affirm, modify or reverse any decision made by a hearing officer and issue any necessary and proper order to give effect to his or her decision.

11. References to a physician assistant and an advanced practice registered nurse in this section are for the purposes of the examination and treatment of an injured employee which are authorized to be provided by a physician assistant or advanced practice registered nurse in the exclusive context of an initial examination and treatment pursuant to NRS 616C.010.

Sec. 7. NRS 616C.490 is hereby amended to read as follows:

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, "disability" and "impairment of the whole person" are equivalent terms.

2. Except as otherwise provided in subsection 3:

(a) Within 30 days after receiving from a physician or chiropractic physician a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractic physician selected pursuant to this subsection to determine the extent of the employee's disability.

(b) Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician:

(1) The insurer shall select the rating physician or chiropractic physician from the list of qualified rating physicians and chiropractic physicians designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

(2) Rating physicians and chiropractic physicians must be selected ~~[in rotation]~~ ***at random*** from the list of qualified physicians and chiropractic physicians designated by the Administrator ~~[, according to their area of specialization and the order in which their names appear on the list]~~ unless the ~~[next]~~ physician or chiropractic physician ***who is selected*** is currently an employee of the insurer making the selection, in which case ~~[the insurer must select the]~~ ***another random selection must be made until a*** physician or chiropractic physician ~~[who is next on the list and]~~ who is not currently an employee of the insurer ~~[.]~~ ***is selected.***

(3) A rating physician or chiropractic physician selected pursuant to subparagraph (1) or (2) may decline the selection if he or she believes he or she does not have the ability to rate the disability at issue.

3. Notwithstanding any other provision of law, an injured employee or the legal representative of an injured employee may, at any time, without limitation, request that the Administrator select a rating physician or chiropractic physician from the list of qualified physicians and chiropractic

physicians designated by the Administrator. The Administrator, upon receipt of the request, shall immediately select for the injured employee the rating physician or chiropractic physician ~~[who is next in rotation on]~~ ***at random from*** the list ~~. [, according to the area of specialization.]~~

4. If an insurer contacts a treating physician or chiropractic physician to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractic physician that portion or a summary of that portion of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.

5. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractic physician is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

➥ The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.

6. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180, no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.

7. The rating physician or chiropractic physician shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which the employee is entitled pursuant to this section; or

(b) That the employee is not entitled to benefits for permanent partial disability.

8. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

➥ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

9. Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

10. If there is a previous disability, the percentage of disability for a subsequent injury must be determined pursuant to NRS 616C.099.

11. In the event of a dispute over an award of compensation for permanent partial disability, the insurer shall commence making installment payments to the injured employee for that portion of the award that is not in dispute:

(a) Not later than the date by which such payment is required pursuant to subsection 8 or 9, as applicable; and

(b) Without requiring the injured employee to make an election whether to receive his or her compensation in installment payments or in a lump sum.

12. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

13. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

14. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

15. The Administrator shall prepare and publish on the Internet website of the Division an annual report which contains:

(a) The name of each rating physician or chiropractic physician who was selected in the immediately preceding year to conduct an evaluation to determine the extent of an employee's disability pursuant to this section; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a):

(1) The number of times the rating physician or chiropractic physician was selected to conduct an evaluation to determine the extent of an employee's disability; and

(2) The number of evaluations that the rating physician or chiropractic physician completed.

Sec. 8. NRS 616C.495 is hereby amended to read as follows:

616C.495 1. Except as otherwise provided in NRS 616C.380, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his or her compensation in a lump sum. A claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616C.505, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(d) Any claimant injured on or after July 1, 1995, and before January 1, 2016, who incurs a disability that:

(1) Does not exceed 25 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 25 percent may:

(I) Elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

(II) To the extent that the insurer has offered to provide compensation in a lump sum up to the present value of an award for disability of 30 percent, elect to receive his or her compensation in a lump sum up to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(e) Any claimant injured on or after January 1, 2016, and before July 1, 2017, who incurs a disability that:

(1) Does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(f) Any claimant injured on or after July 1, 2017, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of up to 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(g) If the permanent partial disability rating of a claimant seeking compensation pursuant to this section would, when combined with any

previous permanent partial disability rating of the claimant that resulted in an award of benefits to the claimant, result in the claimant having a total permanent partial disability rating in excess of 100 percent, the claimant's disability rating upon which compensation is calculated must be reduced by such percentage as required to limit the total permanent partial disability rating of the claimant for all injuries to not more than 100 percent.

2. If the claimant elects to receive his or her payment for a permanent partial disability in a lump sum pursuant to subsection 1, all of the claimant's benefits for compensation terminate. Except as otherwise provided in paragraph (d), the claimant's acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting the claimant waives all of his or her rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his or her disability, except:

(a) The right of the claimant to:

(1) Reopen his or her claim in accordance with the provisions of NRS 616C.390; or

(2) Have his or her claim considered by his or her insurer pursuant to NRS 616C.392;

(b) Any counseling, training or other rehabilitative services provided by the insurer;

(c) The right of the claimant to receive a benefit penalty in accordance with NRS 616D.120; and

(d) The right of the claimant to conclude or resolve any contested matter which is pending at the time that the claimant executes his or her election to receive his or her payment for a permanent partial disability in a lump sum. The provisions of this paragraph do not apply to:

(1) The scope of the claim;

(2) The claimant's stable and ratable status; and

(3) The claimant's average monthly wage.

3. The claimant, when he or she demands payment in a lump sum pursuant to subsection 2, must be provided with a written notice which prominently displays a statement describing the effects of accepting payment in a lump sum of an entire permanent partial disability award, any portion of such an award or any uncontested portion of such an award, and that the claimant has 20 days after the mailing or personal delivery of the notice within which to retract or reaffirm the demand, before payment may be made and the claimant's election becomes final.

4. Any lump-sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

5. Except as otherwise provided in this subsection, the total lump-sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his or her

permanent partial disability before electing to receive payment for that disability in a lump sum, the lump-sum payment must be calculated for the remaining payment of compensation.

6. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection 8 of NRS 616C.490 and actuarial annuity tables adopted by the Division. The tables must be reviewed annually by a consulting actuary and must be adjusted accordingly on July 1 of each year by the Division using:

(a) The most recent unisex "Static Mortality Tables for Defined Benefit Pension Plans" published by the Internal Revenue Service; and

(b) The average 30-Year Treasury Constant Maturity Rate for March of the current year as reported by the Board of Governors of the Federal Reserve System.

7. ***To calculate the present value of a lump sum payable to a claimant, the insurer shall use the actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant demands payment in a lump sum.***

8. If a claimant would receive more money by electing to receive compensation in a lump sum than the claimant would if he or she receives installment payments, the claimant may elect to receive the lump-sum payment.

Sec. 9. NRS 616D.140 is hereby amended to read as follows:

616D.140 1. If a person wishes to contest a decision of the Administrator to impose or refuse to impose a benefit penalty pursuant to NRS 616D.120, the person must file a notice of appeal with an appeals officer in accordance with this section. The notice of appeal must set forth the reasons the proposed benefit penalty should or should not be imposed.

2. A person who is aggrieved by:

(a) A written determination of the Administrator; or

(b) The failure of the Administrator to respond within 90 days to a written request mailed to the Administrator by the person who is aggrieved,

➥ may appeal from the determination or failure to respond by filing a request for a hearing before an appeals officer. The request must be filed within 30 days after the date on which the notice of the Administrator's determination was mailed by the Administrator or within ~~[100]~~ ***120*** days after the date on which the unanswered written request was mailed to the Administrator, as applicable. The failure of the Administrator to respond to a written request for a determination within 90 days after receipt of the request shall be deemed by the appeals officer to be a denial of the request. ***After the expiration of the 90-day period after the receipt of the request, the Administrator shall have no further jurisdiction to issue a determination concerning the request, and only the appeals officer shall have jurisdiction over the decision to impose or refuse to impose the benefit penalty.***

3. If a notice of appeal is not filed as required by this section, the imposition of or refusal to impose the benefit penalty shall be deemed a final order and is not subject to review by any court or agency.

4. A hearing held pursuant to this section must be conducted by the appeals officer as a hearing de novo. The appeals officer shall render a written decision on the appeal. Except as otherwise provided in this section, the provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this section.

5. A benefit penalty imposed pursuant to NRS 616D.120 must be paid to the claimant on whose behalf it is imposed. If such a payment is not made within the period required by NRS 616D.120, the benefit penalty may be recovered in a civil action brought by the Administrator ~~[on behalf of]~~ ***or*** the claimant in a court of competent jurisdiction in the county in which the claimant resides, in which the violation occurred or in which the person who is required to pay the benefit penalty has his or her principal place of business.

6. Any party aggrieved by a decision issued pursuant to this section by an appeals officer may appeal the decision directly to the district court.

Sec. 10. ~~[Chapter 684A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. All claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS shall be administered by:*~~

~~*(a) A salaried employee of an insurer located in this State;*~~

~~*(b) An adjuster located in or outside this State, who holds a license pursuant to this chapter; or*~~

~~*(c) A person authorized to adjust claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524 acting on behalf of an insurer located in or outside this State.*~~

~~*2. All files relating to a claim filed pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must be made available for inspection:*~~

~~*(a) At the office of an insurer or a third-party administrator located in this State; or*~~

~~*(b) By electronic means.*~~

~~*3. A person who is not located in this State and who administers a claim pursuant to subsection 1 that is filed by a claimant located in this State shall make himself or herself available to communicate in real time with the claimant or a representative of the claimant Monday through Friday, 9 a.m. to 5 p.m. local time in this State, excluding any day declared to be a legal holiday pursuant to NRS 236.015.*~~

~~*4. The provisions of this section do not apply to:*~~

~~*(a) A self-insured employer, as defined by NRS 616A.305;*~~

~~*(b) An association of self-insured private employers, as defined by NRS 616A.050; or*~~

~~*(c) An association of self-insured public employers, as defined by NRS 616A.055.]*~~ **(Deleted by amendment.)**

Sec. 10.5. ~~[NRS 616B.371 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10.5, inclusive, of this act become effective ~~[:~~

~~(a) Upon]~~ **upon** passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act **, ~~[;]~~** and

~~[(b) On]~~ **on** January 1, 2024, for all other purposes.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~616B.371 Association's administrator prohibited from financial interest in third-party administrator; third-party administrator prohibited from financial interest in association's administrator; contractual requirement.~~

~~1. An association's administrator employed by an association of self-insured public or private employers, or an employee, officer or director of an association's administrator, may not be an employee, officer or director of a third-party administrator employed by the association or have a direct or indirect financial interest in the third-party administrator of the association.~~

~~2. The third-party administrator of an association of self-insured public or private employers, or an employee, officer or director of the third-party administrator, may not be an employee, officer or director of an association's administrator employed by the association or have a direct or indirect financial interest in that association's administrator~~

~~3. Any contract entered into by an association of self-insured public or private employers and a third-party administrator must include a provision which states that, unless the Commissioner otherwise provides, the third-party administrator shall administer any claim or other obligation of the association to its conclusion during the period of the contract.]~~

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 139.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 890.

AN ACT relating to governmental agencies; ~~[requiring a governmental agency]~~ **authorizing an agency of criminal justice** that collects demographic information on race or ethnicity to include a category for persons of Middle Eastern or North African descent; **requiring any other governmental agency that collects demographic information on race or ethnicity to include a**

category for persons of Middle Eastern or North African descent; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain governmental agencies to collect certain personal information. (Chapter 239B of NRS) **Section 1** of this bill ~~[requires governmental agencies that collect]~~ **authorizes an agency of criminal justice that collects** demographic information on race or ethnicity to include a separate category for persons of Middle Eastern or North African descent. **Section 1 requires any other governmental agency that collects demographic information on race or ethnicity to include a separate category for persons of Middle Eastern or North African descent.**

Section 1 defines "agency of criminal justice" to mean: (1) any court; and (2) any governmental agency or subunit of any governmental agency which performs a function in the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its budget to a function in the administration of criminal justice, including, without limitation, a local law enforcement agency, the Nevada Highway Patrol, the Division of Parole and Probation of the Department of Public Safety and the Department of Corrections. (NRS 179A.030)

Section 2 of this bill makes a conforming change to apply the relevant definition of governmental agency to **section 1**.

Section 2.5 of this bill makes an appropriation to the Division of Welfare and Supportive Services of the Department of Health and Human Services for computer programming to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

~~[A]~~ An agency of criminal justice, as defined in NRS 179A.030, that collects information from a person related to the race or ethnicity of the person may include a separate category for persons of Middle Eastern or North African descent. Any other governmental agency that collects information from a person related to the race or ethnicity of the person shall include a separate category for persons of Middle Eastern or North African descent.

Sec. 2. NRS 239B.024 is hereby amended to read as follows:

239B.024 As used in NRS 239B.022 and 239B.026 ~~[,]~~ ***and section 1 of this act,*** "governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

Sec. 2.5. **1. There is hereby appropriated from the State General Fund to the Division of Welfare and Supportive Services of the**

Department of Health and Human Services the sum of $140,400 for the cost of computer programming to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2024, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. **Section 2.5 of this act becomes effective on July 1, 2023.**

3. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 266.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 896.

AN ACT relating to governmental administration; requiring the governing body of certain counties and cities to ensure that public notices are issued in certain languages; requiring each such county and city to develop a language access plan; requiring the Office for New Americans created in the Office of the Governor to employ a person to perform certain duties related to language access; requiring the Director of the Office for New Americans to submit a biannual report to the Legislature relating to language access plans of state agencies and local governments; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the head of each agency of the Executive Department of the State Government to designate one or more employees of the agency to be responsible for developing and biennially revising a language access plan for the agency that meets certain requirements. (NRS 232.0081) Similarly, **sections 3 and 6** of this bill, respectively, require each board of county commissioners and governing body of a city to: (1) designate one or more

employees of the county or city, as applicable, to be responsible for developing and biennially revising a language access plan for the county or city, as applicable, that meets certain requirements; and (2) on or before August 1 of each even-numbered year, submit the language access plan to the Office for New Americans created in the Office of the Governor.

Section 4 of this bill requires the Director of the Office for New Americans to, on or before September 30 of each even-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, setting forth any recommendations for legislation relating to language access plans of state agencies or local governments. **Section 4** further requires the Director of the Office to employ a person to serve as the language access coordinator to: (1) coordinate with each governing body required to create a language access plan; (2) provide oversight, central coordination, consultation and technical assistance to any state agency, board of county commissioners and governing body of a city in the implementation of language access plans; (3) provide any state agency, board of county commissioners and governing body of a city with a policy manual containing baseline policies and procedures for compliance with language access requirements; (4) maintain a publicly available roster of language interpreters and translators in positions that regularly have contact with the public and the languages each interpreter or translator speaks; (5) train any state agency, board of county commissioners and governing body of a city to effectively recruit and retain language interpreters and translators and to support the recruitment and retention process; (6) receive and investigate complaints relating to language access against any state agency, board of county commissioners or governing body of a city and work with the Director to resolve such complaints; (7) implement an annual budget and procurement strategy for expenses related to state language access plans; and (8) provide any local government with the demographical information of persons with limited English proficiency who are constituents of the local government. **Section 7.5 of this bill makes an appropriation to the Office for personnel, travel, operating, equipment and information technology expenses associated with implementing the provisions of this bill.**

Sections 2 and 7 of this bill require the board of county commissioners in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and the governing body of a city whose population is 25,000 or more located in such a county (currently the Cities of Henderson, Las Vegas, North Las Vegas, Reno and Sparks) to ensure that any public notice which is issued by the planning commission of the county or city, as applicable, sets forth a link to the Internet website of the county or city, as applicable, that includes the public notice in every language in which voting materials are required to be prepared in the county pursuant to federal and state law. **Sections 2 and 7** further require such boards of county commissioners and such governing bodies of cities to make a good faith effort to find certified translators to

translate such information. **Sections 2 and 7** provide that the respective county, county employees, city and city employees are not liable for any such translation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The board of county commissioners in a county whose population is 100,000 or more shall:***

(a) Ensure that any public notice issued by the planning commission of the county:

(1) Sets forth the link to the Internet website of the county and a statement that information regarding the public notice is available in other languages on that Internet website; and

(2) Is available on the Internet website of the county in every language in which voting materials are required to be prepared in the county pursuant to 52 U.S.C. § 10503 and NRS 293.2699.

(b) Make a good faith effort to find certified translators to translate the information required pursuant to this section.

2. The county and employees of the county are not liable for any mistake made in translating the information required pursuant to this section.

3. As used in this section, "public notice" means any notice or other written matter that the planning commission of the county is required to send by mail to a person or post in a public manner, including, without limitation, by posting on an Internet website.

Sec. 3. ***1. Each board of county commissioners shall designate one or more employees of the county to be responsible for developing and biennially revising a language access plan for the county that meets the requirements of subsection 2.***

2. A language access plan must assess existing needs of the residents of the county for language services and the degree to which the county has met those needs. The plan must include recommendations to expand language services, if needed, to improve access to the services provided by the county. The plan must:

(a) Outline the compliance of the county and any contractors, grantees, assignees, transferees or successors of the county with existing federal and state laws and regulations and any requirements associated with funding received by the county concerning the availability of language services and accessibility of the services provided by the county or any contractors, grantees, assignees, transferees or successors to residents of the county who are persons with limited English proficiency;

(b) Provide an inventory of language services currently provided by the county, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to residents served by the county in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) Procedures and resources used by the county for outreach to persons with limited English proficiency who are residents of the county, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

(4) Any resources made available to employees of the county related to cultural competency;

(c) Provide an inventory of the training and resources provided to employees of the county who serve residents who are persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) Recording in the electronic records of the county that a resident served by the county is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;

(4) Communicating with the board concerning the needs of the residents served by and eligible to receive any services from the county for language services; and

(5) Notifying residents who are persons with limited English proficiency who are eligible for or currently receiving services from the county of the services available from the county in the preferred language of those residents at a literacy level and in a format that is likely to be understood by those residents; and

(d) Identify areas in which the services described in paragraph (b) and the training and resources described in paragraph (c) do not meet the needs of residents who are persons with limited English proficiency in the county, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the county; and

(II) That translators and interpreters used by the county adequately represent the preferred languages spoken by residents of the county; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred language of residents who are persons with limited English proficiency who are eligible for or currently receiving services from the county and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. Each board of county commissioners shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof; and

(b) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of residents who are persons with limited English proficiency served by the county as identified pursuant to paragraph (d) of subsection 2, in the proposed budget for the county.

5. On or before August 1 of each even-numbered year, each board of county commissioners shall submit the language access plan developed and revised pursuant to subsection 1 to the Office for New Americans created in the Office of the Governor pursuant to NRS 223.910.

6. As used in this section:

(a) "Language services" has the meaning ascribed to it in NRS 232.0081.

(b) "Oral language services" has the meaning ascribed to it in NRS 232.0081.

(c) "Person with limited English proficiency" has the meaning ascribed to it in NRS 232.0081.

(d) "Translation services" has the meaning ascribed to it in NRS 232.0081.

Sec. 4. NRS 223.920 is hereby amended to read as follows:

223.920 The Director of the Office for New Americans created by NRS 223.910 shall ensure that the Office:

1. Serves as the coordinating office for each state agency that is responsible for a program that provides services to immigrants in this State, including, without limitation, a program that:

(a) Relates to professional licensing, registration, permitting or similar types of authorization issued by a regulatory body;

(b) Connects immigrants to entrepreneurial and other business resources and workforce development training and programs; and

(c) Assists immigrants in areas relating to quality of life, including, without limitation, education, housing and health care.

2. Reviews and analyzes the policies and programs of state agencies relating to immigrants and makes recommendations to the Governor on such policies and programs, including, without limitation, the elimination of duplication in existing state programs.

3. Provides information and assistance relating to issues affecting immigrants to state agencies, both directly and by serving as a clearinghouse for information received from state agencies, other departments of the State Government, political subdivisions of this State, any other state or the Federal Government.

4. Engages in state and federal advocacy and makes recommendations concerning law and policy affecting immigrants to advance economic and population growth in this State.

5. Develops sustainable partnerships with community foundations and other nonprofit and private sector entities that serve immigrant communities in this State.

6. ***Employs a person to serve as the language access coordinator who:***

(a) Coordinates with:

~~[(a)]~~ ***(1) Each board of county commissioners and each governing body of a city required to develop a language access plan pursuant to section 3 or 6 of this act, as applicable;***

(2) Refugee resettlement agencies in this State to identify gaps in programs provided by those agencies; and

~~[(b)]~~ ***(3)*** State agencies to assist in efforts to resettle, integrate and assimilate refugees in this State ~~[.]~~ ***;***

(b) Provides oversight, central coordination, consultation and technical assistance to any state agency, board of county commissioners and governing body of a city in the implementation of language access plans;

(c) Provides any state agency, board of county commissioners and governing body of a city with a policy manual containing baseline policies and procedures for compliance with language access plans;

(d) Maintains a publicly available roster of language interpreters and translators in positions that regularly have contact with the public and the languages each interpreter or translator speaks;

(e) Trains any state agency, board of county commissioners and governing body of a city to effectively recruit and retain language interpreters and translators and to support the recruitment and retention process;

(f) Receives and investigates complaints relating to language access against any state agency, board of county commissioners or governing body of a city and works with the Director to resolve such complaints;

(g) Implements an annual budget and procurement strategy for expenses related to state language access plans; and

(h) Provides any local government with the demographical information of persons with limited English proficiency who are constituents of the local government.

7. On or before September 30 of each even-numbered year, submits a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, that sets forth any recommendations for legislation relating to language access plans of state agencies or local governments.

8. As used in this section, "person with limited English proficiency" has the meaning ascribed to it in NRS 232.0081.

Sec. 5. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. ***1. The governing body of a city shall designate one or more employees of the city to be responsible for developing and biennially revising a language access plan for the city that meets the requirements of subsection 2.***

2. A language access plan must assess existing needs of the residents of the city for language services and the degree to which the city has met those needs. The plan must include recommendations to expand language services, if needed, to improve access to the services provided by the city. The plan must:

(a) Outline the compliance of the city and any contractors, grantees, assignees, transferees or successors of the city with existing federal and state laws and regulations and any requirements associated with funding received by the city concerning the availability of language services and accessibility of the services provided by the city or any contractors, grantees, assignees, transferees or successors to residents of the city who are persons with limited English proficiency;

(b) Provide an inventory of language services currently provided by the city, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to residents served by the city in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) Procedures and resources used by the city for outreach to persons with limited English proficiency who are residents of the city, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

(4) Any resources made available to employees of the city related to cultural competency;

(c) Provide an inventory of the training and resources provided to employees of the city who serve residents who are persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) Recording in the electronic records of the city that a resident served by the city is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;

(4) Communicating with the governing body concerning the needs of the residents served by and eligible to receive any services from the city for language services; and

(5) Notifying residents who are persons with limited English proficiency who are eligible for or currently receiving services from the city of the services available from the city in the preferred language of those residents at a literacy level and in a format that is likely to be understood by those residents; and

(d) Identify areas in which the services described in paragraph (b) and the training and resources described in paragraph (c) do not meet the needs of residents who are persons with limited English proficiency in the city, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the city; and

(II) That translators and interpreters used by the city adequately represent the preferred languages spoken by residents of the city; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred language of residents who are persons with limited English proficiency who are eligible for or currently receiving services from the city and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. The governing body of a city shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof; and

(b) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of residents who are persons with limited English proficiency served

by the city as identified pursuant to paragraph (d) of subsection 2, in the proposed budget for the city.

5. On or before August 1 of each even-numbered year, the governing body of a city shall submit the language access plan developed and revised pursuant to subsection 1 to the Office for New Americans created in the Office of the Governor pursuant to NRS 223.910.

6. As used in this section:

(a) "Language services" has the meaning ascribed to it in NRS 232.0081.

(b) "Oral language services" has the meaning ascribed to it in NRS 232.0081.

(c) "Person with limited English proficiency" has the meaning ascribed to it in NRS 232.0081.

(d) "Translation services" has the meaning ascribed to it in NRS 232.0081.

Sec. 7. ***1. The governing body of a city whose population is 25,000 or more located in a county whose population is 100,000 or more shall:***

(a) Ensure that any public notice issued by the planning commission of the city:

(1) Sets forth a link to the Internet website of the city and a statement that information regarding the public notice is available in other languages on that Internet website; and

(2) Is available on the Internet website of the city in every language in which voting materials are required to be prepared in the city pursuant to 52 U.S.C. § 10503 and NRS 293.2699.

(b) Make a good faith effort to find certified translators to translate the information required pursuant to this section.

2. The city and employees of the city are not liable for any mistake made in translating the information required pursuant to this section.

3. As used in this section, "public notice" means any notice or other written matter that the planning commission of the city is required to send by mail to a person or post in a public manner, including, without limitation, by posting on an Internet website.

Sec. 7.5. **1. There is hereby appropriated from the State General Fund to the Office for New Americans in the Office of the Governor for personnel, travel, operating, equipment and information technology expenses associated with implementing the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $104,560

For the Fiscal Year 2024-2025..... $84,350

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any

purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 10. **1. This section becomes effective upon passage and approval.**

2. Section 7.5 of this act becomes effective on July 1, 2023.

3. Sections 1, 3 to 6, inclusive, 8 and 9 of this act become effective on October 1, 2023.

4. Sections 2 and 7 of this act become effective on January 1, 2024.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 283.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 866.

AN ACT relating to health care; authorizing the Department of Health and Human Services to establish an incentive payment under the Medicaid program for doula services provided in rural areas; requiring the Department to seek an increase to certain reimbursement rates under the Medicaid program for doula services; **making an appropriation and authorizing certain expenditures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) Existing law requires the Director of the Department, to the extent authorized by federal law, to include under Medicaid coverage for certain doula services. (NRS 422.27717) **Section 1** of this bill authorizes the Department to establish an incentive payment for enrolled doulas who provide doula services to recipients of Medicaid in rural areas of this State. **Section 1** also makes changes to reflect that federal law requires services provided under a federal waiver to be included in a waiver document that is separate from the State Plan for Medicaid. **Section 1.5** of this bill requires the Department to submit to the United States Secretary of Health and Human Services on or before October 1, 2023, a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis pursuant to the

State Plan for certain services provided by a doula to an amount that is intended to cover the cost of the services. **Section 1.3 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department and authorizes certain related expenditures for increases in reimbursement rates and actuarial expenses associated with carrying out the provisions of this bill.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 422.27177 is hereby amended to read as follows:

422.27177 1. The Director shall, to the extent authorized by federal law, include ~~[in the State Plan for]~~ ***under*** Medicaid ~~[a requirement that the State pay the nonfederal share of expenditures incurred]~~ ***coverage*** for doula services provided by an enrolled doula.

2. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 or apply for an amendment of the State Plan for Medicaid that authorizes the Department to receive federal funding to ~~[include in the State Plan for Medicaid]~~ ***provide*** coverage of doula services provided by an enrolled doula. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. A person who wishes to receive reimbursement through the Medicaid program for doula services provided to a recipient of Medicaid must submit to the Division:

(a) An application for enrollment in the form prescribed by the Division; and

(b) Proof that he or she possesses the required training and qualifications prescribed by the Division pursuant to subsection 4.

4. The Division, in consultation with community-based organizations that provide services to pregnant women in this State, shall prescribe the required training and qualifications for enrollment pursuant to subsection 3 to receive reimbursement through Medicaid for doula services.

5. ***The Department may establish a program to provide incentive payments for enrolled doulas who provide doula services to recipients of Medicaid in rural areas of this State.***

6. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Enrolled doula" means a doula who is enrolled with the Division pursuant to this section to receive reimbursement through Medicaid for doula services.

Sec. 1.3. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the**

Department of Health and Human Services for increases in reimbursement rates under the Medicaid program for services provided by doulas and actuarial expenses associated with implementing the provisions of this act the following sums:

For the Fiscal Year 2023-2024..... $165,891

For the Fiscal Year 2024-2025..... $205,515

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

3. Expenditure of $300,726 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2023-2024 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1.

4. Expenditure of $378,409 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2024-2025 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1.

Sec. 1.5. 1. On or before October 1, 2023, the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis pursuant to the State Plan for services provided by a doula to an amount that is intended to cover the cost of the services.

2. The request submitted pursuant to subsection 1 must be supported using methods for determining reimbursement rates accepted by the Secretary.

Sec. 2. **1.** This ~~[act becomes]~~ **section and sections 1 and 1.5 of this act become** effective upon passage and approval.

2. Section 1.3 of this act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 290.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 877.

ASSEMBLYMEN BROWN-MAY; CARTER, D'SILVA, GONZÁLEZ, **HAFEN,** KOENIG, NGUYEN AND TORRES

JOINT SPONSOR: SENATOR GOICOECHEA

AN ACT relating to motor vehicles; authorizing, under certain circumstances, a dealer and purchaser to enter into a written return agreement to cancel a vehicle sale; revising provisions relating to the registration of certain vehicles when the certificate of title is lost, unlawfully detained or otherwise not available; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that whenever application is made to the Department of Motor Vehicles for registration of a motor vehicle of which the ownership has been transferred, the person transferring the vehicle is authorized to designate the person receiving the vehicle to provide the information required by the Department relating to odometer disclosures if the: (1) certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and (2) model year is 9 years old or newer. (NRS 482.415) **Section 4** of this bill provides instead that this process applies to the registration of a motor vehicle of which the model year is 2011 or newer and the vehicle is less than 20 years old.

Section 1 of this bill authorizes a dealer licensed in this State and the purchaser of a vehicle to enter into a written return agreement to cancel the sale. Upon entering into such a written agreement, the sale is cancelled. The dealer is required, within 15 days, to return to the purchaser or secured party, as applicable, all money, taxes and fees that were collected by the dealer at the time of the sale. **Section 1** provides that if such a written agreement is entered into, the dealer may submit an application to the Department of Motor Vehicles for a certificate of title. **Section 1** further requires **[**~~, under certain circumstances,~~**]** the Department of Motor Vehicles to issue a certificate of title **[**~~not later than 7 days~~**]** after receiving such an application. Finally, **section 1**: (1) prohibits, under certain circumstances, a dealer from selling in this State the vehicle that is the subject of such a cancellation of sale until the dealer receives the certificate of title from the Department of Motor Vehicles; (2) requires a dealer to retain the written return agreement to cancel a vehicle sale with the sales records for the transaction; and (3) provides that the cancellation of a sale pursuant to **section 1** does not negate the fact that the vehicle has been the subject of a previous retail sale.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Section 3 of this bill creates an exception to the general requirement that an existing certificate of title be endorsed by the transferor and transferee when an ownership interest in the vehicle is transferred. (NRS 482.400)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, a dealer licensed in this State and the purchaser of a vehicle may enter into a written return agreement to cancel the sale of the vehicle. Upon entering into such an agreement, the sale is cancelled and the dealer shall, not later than 15 days after the sale is cancelled, return to the purchaser or secured party, as applicable, all of the money, taxes and fees that were collected by the dealer at the time of sale.

2. If a dealer and purchaser enter into a written return agreement to cancel the sale of a vehicle pursuant to subsection 1, the dealer may submit an application for a certificate of title to the Department of Motor Vehicles. Any such application for a certificate of title must be in the form prescribed by the Department of Motor Vehicles, may request the expedited processing of the application and must include, without limitation:

(a) A copy of the written return agreement described in subsection 1;

(b) The fees required for the issuance of a certificate of title pursuant to NRS 482.429;

(c) If the Department has already issued a certificate of title for the vehicle in relation to the sale:

(1) The certificate of title that the Department issued to the purchaser; or

(2) An affidavit certifying that the certificate of title issued to the purchaser by the Department is unavailable and needs to be cancelled by the Department; and

(d) If the Department of Motor Vehicles has not issued a certificate of title for the vehicle in relation to the sale, the certificate of title upon which the title transfer to the purchaser was made.

3. Except as otherwise provided in subsection 8, ~~[if an application for a certificate of title requests the expedited processing of the application, not later than 7 days after receiving the application,]~~ the Department of Motor Vehicles shall issue the certificate of title to the dealer that sets forth:

(a) The dealer as the owner of the vehicle; and

(b) An odometer reading, as recorded at the time of the sale.

4. Except as otherwise provided in subsection 8, if an application for a certificate of title submitted pursuant to subsection 2 does not request the expedited processing of the application, the Department of Motor Vehicles shall at its standard processing time, issue the certificate of title to the dealer that sets forth:

(a) The dealer as the owner of the vehicle; and

(b) An odometer reading, as recorded at the time of the sale.

5. A dealer shall not sell in this State a vehicle that is the subject of a cancellation of sale pursuant to this section if the dealer has submitted an application for a certificate of title pursuant to subsection 2 until the dealer receives the certificate of title from the Department of Motor Vehicles.

6. A dealer must retain a written return agreement to cancel the sale of a vehicle entered into pursuant to subsection 1 with the sales records related to the sale between the dealer and purchaser.

7. The cancellation of the sale of a vehicle pursuant to a written return agreement entered into pursuant to subsection 1 does not negate the fact that the vehicle has been the subject of a previous retail sale.

8. Nothing in this section shall be construed to prohibit the Department of Motor Vehicles from reviewing an application for a certificate of title submitted pursuant to subsection 2 for the accuracy and completeness of any information contained therein, or conduct any necessary investigations before issuing a certificate of title.

Sec. 2. NRS 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain upon the face thereof the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department.

2. The certificate of title must contain upon the face thereof the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, ***and section 1 of this act,*** a reading of the vehicle's odometer as provided to the Department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle, the information required pursuant to subsection 4 of NRS 482.247 if the certificate of title is a certificate of title in beneficiary form pursuant to NRS 482.247 and such other statement of facts as may be determined by the Department. The reverse side of the certificate of title must contain forms for notice to the Department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.

Sec. 3. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 3, 6 and 7, and NRS 482.247, ***and section 1 of this act,*** upon a

transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of title issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. The Department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. Within 5 days after the transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred may submit electronically to the Department a notice of the transfer. The Department may provide, by request and at the discretion of the Department, information submitted to the Department pursuant to this section to a tow car operator or other interested party. The Department shall adopt regulations establishing:

(a) Procedures for electronic submissions pursuant to this section; and

(b) Standards for determining who may receive information from the Department pursuant to this section.

3. The Department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of title issued for a vehicle, the form becomes a part of that certificate of title. The Department may charge a fee not to exceed the cost to provide the form.

4. Except as otherwise provided in subsections 5, 6 and 7, the transferee shall immediately apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

5. If the transferee is a dealer who intends to resell the vehicle, the transferee is not required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

6. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of title for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 5. The wholesale vehicle auctioneer is not required to comply with subsection 1 if the wholesale vehicle auctioneer:

(1) Does not take an ownership interest in the vehicle;

(2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is licensed as such in this or any other state; and

(3) Stamps his or her name, his or her identification number as a vehicle dealer and the date of the auction on the certificate of title and the bill of sale and any other documents of transfer for the vehicle.

7. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the Department or its agent the certificate of registration and the license plate or plates for the vehicle, if the license plate or plates have not been removed from the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply for registration as provided in NRS 482.215 and pay the governmental services taxes due.

8. As used in this section, "wholesale vehicle auctioneer" means a dealer who:

(a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and

(b) Does not in the ordinary course of business buy, sell or own the vehicles he or she auctions.

Sec. 4. NRS 482.415 is hereby amended to read as follows:

482.415 1. Whenever application is made to the Department for registration of a vehicle previously registered pursuant to this chapter and the applicant is unable to present the certificate of registration or certificate of title previously issued for the vehicle because the certificate of registration or certificate of title is lost, unlawfully detained by one in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to a new certificate of registration and certificate of title, it may register the applicant's vehicle and issue new certificates and a new license plate or plates to the person or persons entitled thereto. An applicant who is unable to satisfy the Department that the applicant is entitled to a new certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of NRS 482.2605.

2. Whenever application is made to the Department for the registration of a motor vehicle of which the:

(a) Ownership has been transferred;

(b) Certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and

(c) Model year is ~~[9 years old]~~ ***2011*** or newer ~~[,]~~ ***and the motor vehicle is less than 20 years old,***

➥ the transferor of the motor vehicle may, to furnish any information required by the Department to carry out the provisions of NRS 484D.330, designate the

transferee of the motor vehicle as attorney-in-fact on a form for a power of attorney provided by the Department.

3. The Department shall provide the form described in subsection 2. The form must be:

(a) Produced in a manner that ensures that the form may not be easily counterfeited; and

(b) Substantially similar to the form set forth in Appendix E of Part 580 of Title 49 of the Code of Federal Regulations.

4. The Department may charge a fee not to exceed 50 cents for each form it provides.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 357.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 892.

AN ACT relating to education; replacing the required course or unit of a course of instruction concerning the human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility with a required course or unit of a course in sexuality education; revising the membership and duties of the advisory committee established in each school district for such a course; revising provisions governing consent to participate in such a course or unit of a course; requiring the board of trustees of each school district to submit to the Legislature an annual report concerning such a course or unit of a course of instruction; requiring the adoption of statewide standards concerning such a course or unit of a course; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a course or unit of a course of instruction concerning the human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility which must be taught by a teacher or school nurse whose qualifications have been approved by the board of trustees. Existing law requires each board of trustees to establish an advisory committee to advise the district concerning the content of and materials to be used in such a course. (NRS 389.036) **Section 2** of this bill revises these requirements by requiring the board of trustees of a school district to establish a course or unit of a course of instruction in evidence-based, factual instruction in sexuality education. **Section 2** also: (1) adds two pupils who attend schools in the district to the membership of the advisory committee; and (2) requires each member of the advisory committee to have one vote on each matter requiring a vote. **Section 2** additionally requires the advisory committee to

make recommendations on the persons who will provide instruction in a course or unit of a course in sexuality education. **Section 3** of this bill requires the standards adopted by the Council to Establish Academic Standards for Public Schools for instruction in health to include standards for sexuality education. **Section 2** requires the course or unit of a course of instruction to: (1) comply with such standards of content and performance established by the Council for a course of study in health; and (2) be appropriate for the ages of pupils who receive the instruction. **Section 3** also authorizes the Council to include topics related to sexuality education in the standards for other courses where appropriate.

Existing law further requires notice to be given to a parent or guardian of a pupil to whom such a course or unit of such a course of instruction will be offered and requires the school district to provide a form for the parent or guardian of a pupil to provide written permission for the pupil to participate in the course or unit of a course. (NRS 389.036) **Section 2** replaces this form by requiring the school district to provide a form for the parent or guardian of a pupil to refuse to authorize a pupil's participation in specific lessons in the course or the entire course. **Section 2** authorizes a school district to make this form available on a secure Internet website and requires the form to include an option for a parent or guardian of a pupil to refuse permission for the pupil to participate in a course of sexuality education: (1) for that school year only; or (2) for any school year in which the pupil is enrolled in the school district.

Section 1 of this bill requires the board of trustees of each school district to submit an annual report on the status of the establishment of such a course or unit of such a course of instruction in the district to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education.

Section 3.5 of this bill makes an appropriation to the Department of Education for costs related to the development and implementation of standards of content and performance for the course in sexuality education established in section 2.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before July 1 of each year, the board of trustees of each school district shall prepare and submit a report on the status of the establishment of a course or unit of a course of instruction in sexuality education pursuant to NRS 389.036 to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education.

2. The report submitted pursuant to subsection 1 must include, without limitation, the following information relating to the course or unit of a course of instruction, categorized by school and grade level:

(a) The number of pupils who participated in the course or unit of a course of instruction; and

(b) The number of pupils who did not participate in the course or unit of a course of instruction based on the choice of the parent or guardian of the pupil.

3. The report must also include the total number of hours of instruction and the content of the curriculum of the course or unit of a course of instruction established by the school district pursuant to NRS 389.036 for each grade level in the school district in which the instruction was taught.

4. If only a portion of the curriculum of the school district relating to the course or unit of a course of instruction was taught or if fewer hours of instruction were taught than the number of hours of instruction reported pursuant to subsection 3, the report must indicate which portion of the curriculum was not taught, if any, and the reason for its exclusion.

Sec. 2. NRS 389.036 is hereby amended to read as follows:

389.036 1. The board of trustees of a school district shall ~~[establish]~~ ***:***

(a) Establish a course or unit of a course of ~~[:~~

~~(a) Factual]~~ ***evidence-based, factual*** instruction ~~[concerning the human immunodeficiency virus; and~~

~~(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.~~

~~2.]~~ ***in sexuality education. The course or unit of a course of instruction must comply with the standards of content and performance for a course of study in health established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and must be appropriate for the ages of the pupils who receive the instruction. The course must include, without limitation, instruction concerning:***

(1) Reproductive and sexual anatomy and physiology, including, without limitation, biological, psychological and emotional changes that accompany maturation;

(2) Puberty, pregnancy, parenting, body image and gender stereotypes;

(3) Sexually transmitted infections and related communicable diseases;

(4) The benefits, potential side effects and proper use of methods approved by the United States Food and Drug Administration for preventing pregnancy and sexually transmitted infections;

(5) The ways in which the use of alcohol and drugs affect responsible decision making;

(6) The impact of media and peers on the thoughts, feelings and behaviors of pupils related to sexuality;

(7) How to identify, prevent and respond to domestic violence, sexual abuse and sexual assault, including, without limitation, medical and legal resources and counseling for survivors of such crimes;

(8) Statutes related to age of consent and statutory rape, including, without limitation, NRS 200.366, 200.727, 201.230, 201.540 and 201.550, and preventing statutory rape;

(9) Statutes related to the transmission and possession of sexually explicit images, including, without limitation, NRS 200.604, 200.727, 200.730 and 200.780, and avoiding participation in such acts and the exploitation of others through the creation and transmission of such images over the Internet or in any other manner; and

(10) The manner in which to locate and access reproductive health services, including, without limitation, obtaining contraceptives, barrier methods, cancer screenings and testing for and the treatment of sexually transmitted infections; and

(b) Periodically revise the content of the course or unit of a course of instruction established pursuant to paragraph (a) as necessary to ensure that the content is current, appropriate for the ages of the pupils and, as applicable, medically accurate.

2. The course or unit of a course established pursuant to subsection 1 must:

(a) Use instructional methods and materials that promote the inclusion and acceptance of pupils regardless of race, gender, gender identity or expression, religion, sexual orientation, ethnic or cultural background or disability;

(b) Promote the development of skills, including, without limitation, setting goals that are needed to make responsible decisions about sexuality and sexual behavior throughout life;

(c) Be designed to provide equally meaningful instruction to pupils regardless of their level of sexual experience or whether they are currently engaging in sexual activity;

(d) Emphasize that abstaining from sexual activity is the only way to ensure the avoidance of pregnancy and sexually transmitted infections;

(e) Emphasize the use of interpersonal skills to develop healthy relationships, including, without limitation, friendships, marriage and romantic and familial relationships; and

(f) Involve the parents or guardians of pupils in the instruction provided and encourage pupils to communicate with their families concerning issues related to sexuality.

3. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend schools in the district; ~~[and]~~

(b) ***Two pupils who attend schools in the district; and***

(c) Four representatives, one from each of ~~[four of]~~ the following professions or occupations:

(1) Medicine or nursing;

(2) Counseling;

(3) Religion; ***and***

(4) ~~[Pupils who attend schools in the district; or~~

~~(5)]~~ Teaching.

~~[➥ This]~~

4. Each member of the advisory committee appointed pursuant to subsection 3 is entitled to one vote on each matter requiring a vote.

5. The advisory committee ***appointed pursuant to subsection 3*** shall advise the district concerning the content of and materials to be used in a course ***or unit of a course*** of instruction established pursuant to this section, ~~[and]~~ the recommended ages of the pupils to whom the course ***or unit*** is offered ~~[.]~~ ***and the persons who will provide instruction in such a course. The advisory committee shall ensure that each person recommended to provide such instruction meets the requirements of subsection 6.*** The final decision on these matters must be that of the board of trustees.

~~[3.]~~ ***6.*** The subjects of the ~~[courses]~~ ***course or unit of a course of instruction*** may be taught only by a teacher ***,*** ~~[or]~~ school nurse ~~[whose qualifications have]~~ ***, provider of health care or other person who has*** been ~~[previously]~~ approved by the board of trustees. ***The board of trustees may approve a person for the purposes of this subsection if it determines that the person has demonstrated competency in the applicable subject and the use of the required instructional materials.***

~~[4.]~~ ***7.*** The parent or guardian of each pupil to whom a course ***or unit of a course of instruction established pursuant to this section*** is offered must first be furnished written notice that the course ***or unit of a course of instruction*** will be offered. ~~[The]~~ ***Except as otherwise provided in subsection 8, the*** notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil ~~[consenting to]~~ ***refusing to authorize*** the pupil's attendance. ***The form must allow the parent to refuse authorization for the pupil to attend specific lessons or the entirety of the course or unit of a course.*** Upon receipt of the written ~~[consent]~~ ***refusal*** of the parent or guardian, the pupil ~~[may attend the course. If the written consent of the parent or guardian is not received, the pupil]~~ must be excused from ~~[such attendance]~~ ***attending the course or unit of a course or the specific lesson for which authorization was refused, as applicable,*** without any penalty as to credits or academic standing. ***If the written refusal of the parent or guardian is not received, the pupil must attend each lesson of the course or unit of a course.*** Any course ***or unit of a course*** offered pursuant to this section is not a requirement for graduation.

~~[5.]~~ ***8. The form required to be provided to a parent or guardian of a pupil pursuant to subsection 7:***

(a) May be made available on the secure Internet website of the school district for the electronic signature of the parent or guardian and may be included with any online registration to register a child with a school.

(b) Must allow the parent or guardian of a pupil to refuse to authorize the pupil to attend a course or unit of a course of instruction established pursuant to this section during:

(1) The school year in which the authorization is refused; or

(2) Any school year in which the pupil is enrolled in the school district.

(c) Must include a notification that authorization may be refused at any time and, regardless of how authorization is refused, the parent or guardian will receive written notice pursuant to subsection 7 when a course or unit of a course of instruction established pursuant to subsection 1 will be offered.

9. All instructional materials to be used in a course ***or unit of a course of instruction established pursuant to this section*** must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

10. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 3. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education;

(5) The arts;

(6) Computer education and technology, which includes computer science and computational thinking;

(7) Health;

(8) Physical education; and

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The standards for health must include ~~[~~mental~~]~~ ***:***

(a) Mental health and the relationship between mental health and physical health ~~[.]~~ ***; and***

(b) Standards for sexuality education. The standards for other courses may include topics relating to sexuality education where appropriate.

5. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

6. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

7. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

8. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

9. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 3.5. **1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $115,609 for personnel, travel, contractor and other costs related to the development and implementation of standards of content and performance for the course in sexuality education established pursuant to NRS 389.636, as amended by section 2 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2024, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024.

Sec. 4. The report of the board of trustees of a school district required pursuant to section 1 of this act for the 2022-2023 school year must:

1. Consist of information concerning the course or unit of a course of instruction concerning human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility established pursuant to NRS 389.036, as that section existed on June 30, 2023.

2. Be submitted to the Director of the Legislative Counsel Bureau on or before October 1, 2023.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 434.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 848.

AN ACT relating to prescription drugs; prohibiting certain pharmacy benefit managers and health carriers from taking certain actions against entities that participate in a federal program to facilitate the discounted purchase of prescription drugs; prohibiting a program administered by the Department of Health and Human Services to provide therapeutics to persons with human immunodeficiency virus from taking similar actions; imposing certain limitations on the use of money available to administer the program to provide therapeutics to persons with human immunodeficiency virus; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law creates a program, known as the 340B Program, by which certain hospitals and other facilities that provide health care to low-income patients are able to purchase certain drugs at discounted rates. (42 U.S.C. § 256b) Existing law prohibits a pharmacy benefit manger from prohibiting a pharmacist or pharmacy from taking certain actions to assist a person in obtaining a less expensive alternative or generic drug. (NRS 683A.179) Existing law imposes certain requirements relating to the operation of health carriers. (NRS 687B.470-687B.850) **Sections 1, 3, 6 and 7** of this bill prohibit pharmacy benefit managers and health carriers, including governmental entities that provide coverage for employees, from: (1) discriminating against a covered entity that participates in the 340B Program to purchase drugs at a discounted rate or a pharmacy that contracts with such an entity with regard to reimbursement; (2) taking certain actions to limit the ability of such an entity or pharmacy to receive the full benefit of participating in that program; (3) excluding such an entity or pharmacy from an insurance network because the entity or pharmacy participates in that program; (4) restricting the ability of a person to receive a 340B drug; or (5) taking certain other actions to limit the participation of an entity or pharmacy in the Program. **Section 1** exempts from those prohibitions a pharmacy benefit manager that manages prescription drug benefits under Medicaid **.** ~~[where reimbursement is provided on a fee-for-service basis.]~~ **Sections 1 and 3 also provide that the provisions of those sections do not prohibit the Department of Health and Human Services, the Division of Health Care Financing and Policy of the Department of Health and Human Services or a Medicaid managed care organization from taking certain actions necessary to comply with federal law or ensure the financial stability of the Medicaid program. Sections 2,**

4 and 5 of this bill make conforming changes to indicate the proper placement of **sections 1 and 3** in the Nevada Revised Statutes.

Existing law authorizes the Department of Health and Human Services to administer a program pursuant to federal law to provide therapeutics to treat certain persons who have been diagnosed with the human immunodeficiency virus. (NRS 439.529) **Section 9** of this bill prescribes certain limitations on the use of money allocated to the program. **Section 8** of this bill requires the program to take certain actions and refrain from certain activity to ensure that a covered provider that participates in the 340B Program to purchase drugs at a discounted rate or a pharmacy that contracts with such a provider receives the full benefit of participating in the Program. **Section 8** additionally prohibits the program administered by the Department from: (1) denying a request from such a covered provider or contract pharmacy to participate in the network of the program in certain circumstances; or (2) engaging in certain discrimination against a covered provider or contract pharmacy.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pharmacy benefit manager shall not:

(a) Discriminate against a covered entity, a contract pharmacy or a 340B drug in the amount of reimbursement for any item or service or the procedures for obtaining such reimbursement;

(b) Assess any fee, chargeback, clawback or adjustment against a covered entity or contract pharmacy on the basis that the covered entity or contract pharmacy dispenses a 340B drug or otherwise limit the ability of a covered entity or contract pharmacy to receive the full benefit of purchasing the 340B drug at or below the ceiling price, as calculated pursuant to 42 U.S.C. § 256b(a)(1);

(c) Exclude a covered entity or contract pharmacy from any network because the covered entity or contract pharmacy dispenses a 340B drug;

(d) Restrict the ability of a person to receive a 340B drug, including, without limitation, by imposing a copayment, coinsurance, deductible or other cost-sharing obligation on the drug that is different from a similar drug on the basis that the drug is a 340B drug;

(e) Restrict the methods by which a covered entity or contract pharmacy may dispense or deliver a 340B drug or the entity through which a covered entity may dispense or deliver such a drug in a manner that does not apply to drugs that are not 340B drugs; or

(f) Prohibit a covered entity or contract pharmacy from purchasing a 340B drug or interfere with the ability of a covered entity or contract pharmacy to purchase a 340B drug.

2. This section does not ~~[apply]~~ :

(a) Apply to a pharmacy benefit manager that has entered into a contract with the Department of Health and Human Services pursuant to NRS 422.4053 when the pharmacy benefit manager is managing prescription drug benefits under Medicaid ~~[where reimbursement is provided on a fee-for-service basis.]~~ , including, without limitation, where such benefits are delivered through a Medicaid managed care organization.

(b) Prohibit the Department of Health and Human Services, the Division of Health Care Financing and Policy of the Department of Health and Human Services or a Medicaid managed care organization from taking such actions as are necessary to:

(1) Prevent duplicate discounts or rebates where prohibited by 42 U.S.C. § 256b(a)(5)(A); or

(2) Ensure the financial stability of the Medicaid program, including, without limitation, by including or enforcing provisions in any contract with a pharmacy benefit manager entered into pursuant to NRS 422.4053.

3. As used in this section:

(a) "340B drug" means a prescription drug that is purchased by a covered entity under the 340B Program.

(b) "340B Program" means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.

(c) "Contract pharmacy" means a pharmacy that enters into a contract with a covered entity to dispense 340B drugs and provide related pharmacy services to the patients of the covered entity.

(d) "Covered entity" has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).

(e) "Medicaid managed care organization" has the meaning ascribed to it in 42 U.S.C. § 1396b(m).

(f) "Network" means a defined set of providers of health care who are under contract with a pharmacy benefit manager or third party to provide health care services to covered persons.

Sec. 2. NRS 683A.171 is hereby amended to read as follows:

683A.171 As used in NRS 683A.171 to 683A.179, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 683A.172 to 683A.176, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health carrier shall not:

(a) Discriminate against a covered entity, a contract pharmacy or a 340B drug in the amount of reimbursement for any item or service or the procedures for obtaining such reimbursement;

(b) Assess any fee, chargeback, clawback or adjustment against a covered entity or contract pharmacy on the basis that the covered entity or contract pharmacy dispenses a 340B drug or otherwise limit the ability of a covered

entity or contract pharmacy to receive the full benefit of purchasing the 340B drug at or below the ceiling price, as calculated pursuant to 42 U.S.C. § 256b(a)(1);

(c) Exclude a covered entity or contract pharmacy from any network because the covered entity or contract pharmacy dispenses a 340B drug;

(d) Restrict the ability of a person to receive a 340B drug, including, without limitation, by imposing a copayment, coinsurance, deductible or other cost-sharing obligation on the drug that is different from a similar drug on the basis that the drug is a 340B drug;

(e) Restrict the methods by which a covered entity or contract pharmacy may dispense or deliver a 340B drug or the entity through which a covered entity may dispense or deliver such a drug in a manner that does not apply to drugs that are not 340B drugs; or

(f) Prohibit a covered entity or contract pharmacy from purchasing a 340B drug or interfere with the ability of a covered entity or contract pharmacy to purchase a 340B drug.

2. This section does not prohibit the Department of Health and Human Services, the Division of Health Care Financing and Policy of the Department of Health and Human Services or a Medicaid managed care organization from taking such actions as are necessary to:

(a) Prevent duplicate discounts or rebates where prohibited by 42 U.S.C. § 256b(a)(5)(A); or

(b) Ensure the financial stability of the Medicaid program, including, without limitation, by including or enforcing provisions in any relevant contract.

3. As used in this section:

(a) "340B drug" means a prescription drug that is purchased by a covered entity under the 340B Program.

(b) "340B Program" means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.

(c) "Contract pharmacy" means a pharmacy that enters into a contract with a covered entity to dispense 340B drugs and provide related pharmacy services to the patients of the covered entity.

(d) "Covered entity" has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).

(e) "Medicaid managed care organization" has the meaning ascribed to it in 42 U.S.C. § 1396b(m).

Sec. 4. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 3 of this act;***

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 3 of this act;*** and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 3 of this act.***

Sec. 6. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 ***and section 3 of this act*** apply to coverage provided pursuant to this paragraph,

except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 7. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352,

687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 3 of this act,*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 8. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Department administers a program pursuant to NRS 439.529:

(a) The program may not prohibit or interfere with the ability of a covered provider or contract pharmacy to purchase, administer or dispense, as applicable, a 340B drug, regardless of whether the drug is dispensed or administered to a person participating in the program or whether the program pays all, part or none of the cost of the drug.

(b) When a covered provider or contract pharmacy dispenses or administers a drug that is eligible to be a 340B drug to a person participating in the program and the program pays the insurance premium of the person and the copayment, coinsurance, deductible or other cost-sharing obligation of the person, the program shall pay to the covered provider or contract pharmacy the full amount of the copayment, coinsurance, deductible or other cost-sharing obligation, regardless of whether the drug is a 340B drug.

(c) The program may not deny a request from a covered provider or contract pharmacy to be included in the network of the program if the covered provider or contract pharmacy:

(1) Meets the terms and conditions for participation in the network of the program; and

(2) Requests to participate in the network of the program.

(d) The program shall not treat a covered provider or contract pharmacy differently from an entity that does not participate in the 340B Program or a pharmacy that has contracted with a covered provider, as applicable, in any manner, including, without limitation:

(1) In any regulation, guidance, policy, procedure or contract;

(2) With regard to participation in the network of the program; or

(3) In any matter relating to the dispensing of drugs or billing and reimbursement for drugs.

2. As used in this section:

(a) "340B drug" means a prescription drug that is purchased under the 340B Program.

(b) "340B Program" means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.

(c) "Contract pharmacy" means a pharmacy that enters into a contract with a covered provider to dispense 340B drugs and provide related pharmacy services to the patients of the covered provider.

(d) "Covered entity" has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).

(e) "Covered provider" means a covered entity other than the program established pursuant to NRS 439.529.

(f) "Network" means a defined set of providers of health care who are under contract with any program established pursuant to NRS 439.529 to provide health care services to persons who participate in the program.

Sec. 9. NRS 439.529 is hereby amended to read as follows:

439.529 1. The Department may, to the extent that money is available, administer a program pursuant to 42 U.S.C. §§ 300ff-21 et seq. to provide therapeutics to treat certain persons who have been diagnosed with the human immunodeficiency virus and to prevent the serious deterioration of the health of such persons. The program may include the provision of subsidies and pharmaceutical services.

2. The Director shall:

(a) Establish the criteria for eligibility for participation in the program administered pursuant to this section, which must be in accordance with the provisions of 42 U.S.C. §§ 300ff-21 et seq.; and

(b) Prescribe the manner in which the program will be administered and services will be provided.

3. The Department may use any other program administered by the Department to facilitate the provision of subsidies and services pursuant to this section, including, without limitation, the provision of subsidies for pharmaceutical services to senior citizens and persons with disabilities pursuant to NRS 439.635 to 439.690, inclusive. If the Department uses another program to facilitate the provision of subsidies and services pursuant to this section, the Department shall not commingle the money available to carry out the provisions of this section and the money available to carry out the other program.

4. Money available to carry out the provisions of this section must be accounted for separately by the Department. ***The Department shall use such money only to pay for or subsidize the cost of:***

(a) Drugs approved by the United States Food and Drug Administration;

(b) Insurance premiums, deductibles, copayments, coinsurance or other cost-sharing obligations associated with private health insurance; and

(c) Services that improve access to, adherence to and monitoring of drug treatment.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 58.

Bill read third time.

Roll call on Assembly Bill No. 58:

YEAS—41.

NAYS—None.

EXCUSED—Thomas.

Assembly Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292.

Bill read third time.

Roll call on Assembly Bill No. 292:

YEAS—41.

NAYS—None.

EXCUSED—Thomas.

Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Roll call on Assembly Bill No. 487:

YEAS—41.

NAYS—None.

EXCUSED—Thomas.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507.

Bill read third time.

Roll call on Assembly Bill No. 507:

YEAS—41.

NAYS—None.

EXCUSED—Thomas.

Assembly Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 322 and Senate Bill No. 371 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 62, 403, 463; Senate Bill No. 14.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:02 p.m.

ASSEMBLY IN SESSION

At 8:40 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 234, 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 242, 380, 390, 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Senate Bills Nos. 126, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue, to which was referred Assembly Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA BACKUS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 45, 158, 208, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 150, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 155, 253, 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bill No. 160; Senate Bill No. 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 490.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 832.

The Title of Assembly Bill No. 490 is hereby amended as follows:

AN ACT relating to economic development; authorizing the creation of an academic medical district in a contiguous area that meets certain requirements; requiring the governance of an academic medical district by a board of directors; prescribing the conditions and procedure for the dissolution of an academic medical district; authorizing the creation of a tax increment area and the issuance of bonds and other securities for certain projects within an academic medical district; authorizing an academic medical district to engage in certain other activity; requiring an academic medical district to report certain information to a participating governmental entity; prescribing the proper venue for an action against an academic medical district; authorizing a governmental entity to convey certain property rights to an academic medical district; authorizing a business located in an academic medical district to receive a partial abatement of certain taxes under certain conditions; **authorizing certain public hospitals and the Board of Regents of the University of Nevada to enter into an agreement to affiliate with a public or private entity for certain purposes;** and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Sections 1-25 of this bill enact provisions authorizing the creation of an academic medical district. **Section 2** of this bill provides that the provisions of those sections may be known and cited as the Academic Medical District Act. **Section 10** of this bill sets forth certain legislative findings concerning academic medical districts. **Section 11** of this bill requires the provisions of the Academic Medical District Act to be liberally construed to facilitate economic development and access to quality health care for the residents of this State.

Section 4 of this bill defines "academic medical center" to mean **a collaborative venture between** an educational institution **and a nonprofit or public hospital** that **[:] includes:** (1) ~~[includes an accredited medical school and at least one school for certain other providers of health care; and (2) owns~~

~~or is affiliated with a teaching hospital or health care system.]~~ **the school of medicine at the University of Nevada, Las Vegas, or the University of Nevada, Reno; (2) a teaching hospital that maintains an accredited program of residency training with a certain number of residency positions; and (3) a physician practice plan for teaching students and residents.** **Sections 5-9** of this bill define certain other terms. **Section 12** of this bill authorizes the creation of an academic medical district only in a contiguous area that includes an academic medical center, a full-service ~~[nonprofit]~~ **public** hospital with at least 200 inpatient beds and at least 50 acres of land. **Section 13** of this bill authorizes one or more boards of county commissioners or one or more governing bodies of incorporated cities, or both, to create an academic medical district by ordinance. **Section 13** requires such a participating entity to hold at least three public hearings before adopting such an ordinance. **Section 15** of this bill prescribes the procedure: (1) for a participating entity to withdraw from an academic medical district; and (2) to dissolve an academic medical district.

Section 14 of this bill authorizes a participating entity to adopt an ordinance creating a tax increment area consisting of all or part of the academic medical district for the purpose of creating a special account for the payment of bonds or other securities issued to defray the cost of certain infrastructure and capital projects within the academic medical district. If a participating entity designates such a tax increment area, **section 14** provides for the allocation of a portion of the taxes levied upon taxable property in the tax increment area each year to pay the bond requirements of loans, money advanced to, or indebtedness incurred by the municipality to finance or refinance the project. **Section 22** of this bill authorizes the issuance of such bonds or securities by counties or incorporated cities that have created an academic medical district.

Section 16 of this bill: (1) requires an academic medical district to be governed by a board of directors; and (2) prescribes the required qualifications and terms of such directors. **Sections 16-18** of this bill establish certain procedures governing the operations of such a board of directors.

Section 18.5 of this bill authorizes a public hospital within an academic medical district to enter into an agreement to affiliate with a publicly or privately owned entity to undertake any project within the academic medical district and requires certain approval of such an agreement before it becomes effective.

Section 19 of this bill authorizes an academic medical district to: (1) act jointly with other persons and entities; (2) enter into agreements; (3) purchase insurance; **and** (4) market, advertise and promote the academic medical district**.** ~~[; and (5) establish and maintain commercially reasonable compensation for use of the facilities of the academic medical district.]~~ **Section 19 prohibits an academic medical district from taking action related to a public hospital within the academic medical district that is within the authority of the hospital governing board or the board of hospital trustees for the public hospital pursuant to existing law.**

Section 20 of this bill authorizes an academic medical district to ~~[accept public and private funding.]~~ **establish certain compensation for the use of the facilities owned, constructed, operated or maintained by the academic medical district but prohibits the academic medical district from establishing such compensation for services provided at a public hospital within the academic medical district.**

Section 23 of this bill requires an academic medical district, upon the request of a participating entity, to report to the participating entity concerning issues and activities necessary for the operation of the district. **Section 24** of this bill requires any action against an academic medical district to be brought in the county where the principal office of the academic medical district is located. **Section 25** of this bill authorizes any governmental entity to convey certain rights in real property to an academic medical district.

Existing law authorizes the Office of Economic Development to approve an abatement or partial abatement of certain property taxes, business taxes and sales and use taxes in certain circumstances. (NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.753, 360.754) **Section 31** of this bill authorizes a business located in an academic medical district or a person who intends to locate or expand a business in an academic medical district to apply for a partial abatement of: (1) local sales and use taxes imposed on the purchase of tangible personal property used to provide health care or conduct scientific research; and (2) the excise tax on wages paid to critical medical or scientific employees. **Section 31** requires the Office to grant such an application if: (1) the applicant enters into an agreement authorizing the Office to conduct audits of the applicant and to remain in business in the academic medical district for a certain period of time; and (2) the Office finds that the business meets certain requirements relating to wages and benefits for employees and economic activity in the academic medical district. Additionally, if the applicant is requesting a partial abatement of certain taxes imposed for the benefit of public schools, **section 31** requires the applicant to obtain the approval of a supermajority of the Board of Economic Development. **Sections 35 and 36** of this bill provide for the duration and amount of the abatement of taxes if an application for such an abatement is approved. **Sections 26-29 and 32-34** of this bill make various changes so that a partial abatement granted pursuant to **section 31** is treated in the same manner as other similar abatements authorized by law.

Section 36.3 of this bill authorizes the Board of Regents of the University of Nevada to enter into an agreement with a public or private entity, whether for profit or not for profit, to promote and enhance an educational program or student life at an institution within the Nevada System of Higher Education. Section 36.7 of this bill establishes that any such agreement is subject to the policies established by the Board of Regents governing contracts that faculty members and employees of the System may enter into or from which they may benefit.

Section 4 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 4. *"Academic medical center" means a collaborative venture between an educational institution and a nonprofit or public hospital that ~~[:]~~ includes:*

1. ~~[Includes a]~~ The school of medicine ~~[that is accredited by the Liaison Committee on Medical Education, or its successor organization, or a school of osteopathic medicine that is accredited by the Commission on Osteopathic College Accreditation, or its successor organization;]~~ at the University of Nevada, Las Vegas, or the University of Nevada, Reno.

2. ~~[Includes at least one school for the education of providers of health care, other than physicians, dentists, nurses, optometrists or pharmacists;]~~ A teaching hospital that maintains a program of residency training that is approved by the Accreditation Council for Graduate Medical Education, or its successor organization, and that maintains at least 100 positions for residents participating in the program; and

3. ~~[Owns or is affiliated with a teaching hospital or health care system.]~~ A physician practice plan which provides for the teaching of students and residents and which is organized and maintained by the school of medicine described in subsection 1 or the teaching hospital described in subsection 2.

Section 8 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 8. *"Project" means:*

1. An undertaking described in subsection 1 or 2 of NRS 278C.140.

2. A project for any infrastructure or capital project necessary or desirable ~~[for]~~ to further the purposes of an academic medical district.

Section 10 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 10. *The Legislature hereby finds and declares that the creation of one or more academic medical districts:*

1. Is essential to:

(a) ~~[Develop and diversify the economy of the]~~ Improve access to health care and outcomes of health care in this State;

(b) ~~[Provide employment opportunities for Nevadans;]~~ Increase the access of patients to clinical trials and health care provided as a result of clinical trials;

(c) ~~[Increase the access of patients to clinical trials and health care provided as a result of clinical trials;]~~ Identify and address gaps in access to health care and health outcomes for minority populations and veterans in this State;

(d) Provide employment opportunities for Nevadans; and

~~[(d) Improve access to health care and outcomes of health care in this State.]~~

(e) Develop and diversify the economy of the State.

2. Will facilitate commerce and economic development in this State through:

(a) Strategic investment in facilities of postsecondary educational institutions and programs to increase the number of providers of health care in this State; and

(b) Comprehensive and, where feasible, joint planning, development, management and operation of health care facilities and supporting infrastructure to facilitate the growth of academic medical centers.

Section 12 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 12. *1. Subject to the requirements set forth in this section and section 13 of this act, an academic medical district may be created only in a contiguous area that includes:*

(a) An academic medical center;

(b) A full-service ~~[nonprofit]~~ public hospital with not less than 200 inpatient beds; and

(c) At least 50 acres of land.

2. All areas within the boundaries of an academic medical district must be within the boundaries of the county or counties and incorporated city or cities, as applicable, of one or more of the participating entities which create the academic medical district in accordance with section 13 of this act.

Section 14 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 14. *1. If an academic medical district is created by one participating entity, the participating entity, on behalf of the county or incorporated city in which the academic medical district is located, may adopt an ordinance creating a tax increment area within the academic medical district consisting of all or any portion of the academic medical district for the purpose of creating a special account for the payment of bonds or securities issued or loans, money advanced or indebtedness incurred to defray the cost of a project, as supplemented by the Local Government Securities Law.*

2. If an academic medical district is created by two or more participating entities, the participating entities may enter into an interlocal or cooperative agreement for the ordering of a project whose boundaries encompass all or part of the academic medical district and the creation of the tax increment area and the tax increment account pertaining thereto. A tax increment area created pursuant to this subsection must be administered as provided in the interlocal or cooperative agreement, notwithstanding any provision of this section to the contrary. If the participating entities enter into an interlocal or cooperative agreement pursuant to this subsection, the participating entities may, in accordance with the procedures set forth in the interlocal or cooperative agreement:

(a) Jointly take any action required to be taken by a participating entity for the creation of a tax increment area pursuant to this section, except that each governing body must adopt an ordinance in order to create the tax increment area;

(b) Enter into contracts for the undertaking; and

(c) Issue bonds or otherwise finance the cost of the undertaking.

3. A participating entity may amend an ordinance creating a tax increment area pursuant to this section by adopting a supplemental ordinance to:

(a) Modify the project by specifying new projects or removing or modifying projects specified in the original ordinance . [;]

(b) [Add] Except as otherwise provided in this paragraph, add areas to or remove areas from a tax increment area . [; and] An area may be added to the tax increment area only if the participating entity finds that the addition of the area to the tax increment area:

(1) Increases access to clinical trials or clinical research within the academic medical district;

(2) Is necessary to accommodate the expansion of the medical school within the academic medical district; or

(3) Otherwise promotes the purposes of the academic medical district related to health care.

(c) Make such other changes, additions or deletions as the governing body determines will further its objectives within the tax increment area.

➥ The amount of taxes to be allocated to a tax increment account pursuant to subsection [5] 6 must be computed separately for the original tax increment area and each addition of land thereto.

4. A participating entity shall not adopt an ordinance creating a tax increment area pursuant to this section unless:

(a) The board has determined that the project described in the ordinance is necessary or desirable to further the purposes of the academic medical district.

(b) The participating entity makes a finding at a public hearing that the project will benefit the academic medical district.

5. If the participating entity is not the board of county commissioners for the county in which the academic medical district is or will be located, the participating entity must, at least 45 days before making the finding required by subsection 4, provide to the board of county commissioners in the county in which the academic medical district is or will be located:

(a) Written notice of the time and place of the meeting at which the participating entity will consider making that finding; and

(b) Each analysis prepared by or for or presented to the participating entity regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to section 22 of this act on the provision of local governmental services.

➥ After the receipt of the notice required by this subsection and before the date of the meeting at which the participating entity will consider making the finding required by subsection 4, the board of county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, if any, of the project and the use of any money proposed to be pledged pursuant to section 22 of this act, and may submit to the participating entity any comments regarding that fiscal effect. The participating entity may

consider those comments when making any finding pursuant to subsection 4.

6. After the effective date of the ordinance adopted pursuant to subsection 1, any taxes levied upon taxable property in the tax increment area each year by or for the benefit of the State, the municipality and any public body must be divided as follows:

(a) That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of those taxing agencies upon the total sum of the assessed value of the taxable property in the tax increment area as shown upon the last equalized assessment roll used in connection with the taxation of the property by the taxing agency, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid.

(b) Except as otherwise provided in this section, the portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) must be allocated to, and when collected must be paid into, the tax increment account pertaining to the undertaking to pay the bond requirements of loans, money advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, incurred by the municipality to finance or refinance, in whole or in part, the undertaking. Unless the total assessed valuation of the taxable property in the tax increment area exceeds the total assessed value of the taxable property in the area as shown by the last equalized assessment roll referred to in this subsection, all of the taxes levied and collected upon the taxable property in the area must be paid into the funds of the respective taxing agencies. When the loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the tax increment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

~~[6.]~~ 7. The portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) of subsection ~~[5]~~ 6 which is attributable to any tax rate levied by a taxing agency:

(a) To produce revenue in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the debt service fund of that taxing agency.

(b) In excess of any tax rate of that taxing agency applicable to the last taxation of the property before the effective date of the ordinance, if that additional rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(c) Pursuant to NRS 387.3285 or 387.3287, if that rate was approved by a majority of the registered voters within the area of the taxing agency voting

upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(d) For the support of the public schools within a county school district pursuant to NRS 387.195, must be allocated to, and when collected must be paid into, the State Education Fund.

~~[7.]~~ 8. The provisions of paragraph (a) of subsection ~~[6]~~ 7 include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund.

~~[8.]~~ 9. A tax increment area must expire not more than 30 years after the date on which the ordinance which creates the area becomes effective.

~~[9.]~~ 10. As used in this section, the term "last equalized assessment roll" means the assessment roll in existence on the 15th day of March immediately preceding the effective date of the ordinance.

Section 16 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 16. *1. An academic medical district must be governed by a board of directors with an odd-numbered membership set by the participating entity or entities. If there is more than one participating entity, the membership of the board of directors must be agreed to by all of the participating entities. The board of directors must be composed of:*

(a) One director appointed by each county that is a participating entity, if any;

(b) One director appointed by each city that is a participating entity, if any; ~~[and]~~

(c) One director who is a member of the board of hospital trustees of a public hospital located in the academic medical district, selected from a nomination made by that board of hospital trustees; and

(d) Any other directors appointed in accordance with this section and as provided in an ordinance adopted by a participating entity pursuant to section 13 of this act ~~.~~, which must include, without limitation, at least one but not more than two directors who are members of the participating entity.

2. A director of an academic medical district must work or reside within the boundaries of the participating entity that appoints him or her.

3. ~~[The following persons are not eligible to be appointed to a board:~~

~~(a) An elected official of any governmental entity.~~

~~(b) An employee of a participating entity.~~

~~4.]~~ Except as otherwise provided in this section, the directors of an academic medical district must be appointed to terms of 4 years. The terms must be staggered in such a manner that, to the extent possible, the terms of one-half of the directors will expire every 2 years. The initial directors of the academic medical district shall, at the first meeting of the board after their appointment, draw lots to determine which directors will initially serve terms of 2 years and which will serve terms of 4 years. A director may be reappointed.

~~[5.]~~ 4. A vacancy occurring during the term of a director must be filled by the appointing participating entity for the unexpired term as soon as is reasonably practicable.

NEW section 18.5 of Assembly Bill No. 490 is hereby added as follows:

Sec. 18.5. A public hospital located within an academic medical district may enter into an agreement to affiliate with a publicly or privately owned entity, whether for profit or not for profit, to undertake any project within the academic medical district. Before becoming effective, any such agreement must be approved by the hospital governing board and the board of hospital trustees for the public hospital.

Section 19 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 19. *1. An academic medical district may:*

(a) Act jointly with any other person, private or public, inside or outside this State or the United States, in the performance of any power or duty under this chapter.

(b) Enter into an agreement with any person, including, without limitation, the United States or any other governmental entity, for any purpose of the academic medical district.

(c) Purchase and pay premiums for insurance of any type in an amount considered necessary or advisable by the board.

(d) Market, advertise and promote the use of any real or personal property that the academic medical district constructs, owns, leases, operates ~~[, regulates]~~ or maintains.

2. An academic medical district may not:

(a) Exercise the power of eminent domain.

(b) Provide retail utility services or duplicate a service or facility of a governmental entity.

(c) Take any action related to a public hospital within the academic medical district that is within the authority of the hospital governing board or the board of hospital trustees for the public hospital pursuant to chapter 450 of NRS.

Section 20 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 20. *1. ~~[An]~~ Except as otherwise provided in this subsection, an academic medical district shall establish and maintain rates, rentals, fees, charges or other compensation that is commercially reasonable and nondiscriminatory for the use of the facilities owned, constructed, operated ~~[, regulated]~~ or maintained by the academic medical district. An academic medical district may not establish and maintain rates, rentals, fees, charges or other compensation for services provided at a public hospital within the academic medical district.*

2. An academic medical district may accept any public or private funding, grant or donation.

Section 31 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 31. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner of a business that provides health care or conducts scientific research and is located within the boundaries of an academic medical district or a person who intends to locate or expand such a business within the boundaries of an academic medical district may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The local sales and use taxes imposed on the purchase or use of tangible personal property described in section 36 of this act.

(b) The taxes imposed pursuant to chapter 363B of NRS on the wages paid by the business to critical medical or scientific employees, as defined by regulation of the Office of Economic Development.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsection 3, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 4, continue in operation within the boundaries of the academic medical district for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;

(c) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than ~~[100]~~ 125 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(d) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health

insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office;

(e) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement;

(f) The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least $250,000 within the boundaries of the academic medical district where the business is located within 1 year after receiving a certificate of eligibility for a partial abatement;

(2) The business will maintain and possess within the boundaries of the academic medical district where the business is located tangible personal property having a value of not less than $5,000,000 during the period of partial abatement; or

(3) The business develops, refines or owns a patent or other intellectual property; and

(g) If the application is for the partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than 10 years.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department; and

(b) The Nevada Tax Commission.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish

the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (a) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant must not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

7. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

➥ the business shall repay to the Department the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

9. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

10. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

11. As used in this section:

(a) "Academic medical district" has the meaning ascribed to it in section 5 of this act.

(b) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subparagraph (3) of paragraph (a) of subsection 2.

(c) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

NEW section 36.3 of Assembly Bill No. 490 is hereby added as follows:

Sec. 36.3. **Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board of Regents may enter into an agreement to affiliate with a publicly or privately owned entity, whether for profit or not for profit, to further promote and enhance an educational program or student life at an institution within the System.

2. An agreement entered into pursuant to this section must include, without limitation:

(a) Standards that must be met by the entity;

(b) An allocation of any costs or profits that must be shared between the entity and the institution;

(c) Identification of shared goals and responsibilities;

(d) Provisions governing the joint employment and supervision of employees, if applicable;

(e) Provisions governing the shared review and allocation of the use of facilities, resources and employees, if applicable; and

(f) A provision stating that the requirements of NRS 338.020 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

NEW section 36.7 of Assembly Bill No. 490 is hereby added as follows:

Sec. 36.7. **NRS 396.255 is hereby amended to read as follows:**

396.255 The Board of Regents shall, to carry out the purposes of subsection 3 of NRS 281.221, subsection 3 of NRS 281.230, subsection 3 of NRS 281A.430 and NRS 396.1215, ***and section 36.3 of this act,*** establish policies governing the contracts that faculty members and employees of the System may enter into or benefit from.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 491.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 911.

SUMMARY—Makes appropriations to the Nevada System of Higher Education for enrollment recovery at **and to support certain expenditures for** certain institutions. (BDR S-1180)

AN ACT making appropriations to the Nevada System of Higher Education for enrollment recovery at **and to support certain expenditures for** certain institutions within the System; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$420,503]~~ **$419,555** for the Great Basin College budget account for enrollment recovery at Great Basin College.

Sec. 2. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$11,560,948]~~ **$12,139,324** for the College of Southern Nevada budget account for enrollment recovery at the College of Southern Nevada.

Sec. 3. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$593,495]~~ **$1,012,772** for the Truckee Meadows Community College budget account for enrollment recovery at Truckee Meadows Community College.

Sec. 4. **There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $297,917 for the Western Nevada College budget account to support instructional and operational expenditures for Western Nevada College.**

Sec. 5. **There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $855,490 for the Nevada State College budget account to support instructional and operational expenditures for Nevada State College.**

~~[Sec. 4.]~~ ***Sec. 6.*** Any remaining balance of the appropriations made by sections 1 ~~[, 2 and 3]~~ **to 5, inclusive,** of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

~~[Sec. 5.]~~ ***Sec. 7.*** This act becomes effective upon passage and approval.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 875.

AN ACT relating to capital projects; requiring the board of county commissioners of certain counties to levy a property tax for capital projects of school districts; authorizing the board of county commissioners of certain

counties to levy a property tax for capital projects of school districts for which a grant is available from the ~~[Account]~~ **Fund** to Assist Rural School Districts in Financing Capital Improvements; **exempting that property tax from certain partial abatements; exempting both property taxes from the statutory limitation on the total ad valorem tax levy;** creating the ~~[Account]~~ **Fund** to Assist Rural School Districts in Financing Capital Improvements; **requiring the board of county commissioners of certain counties to establish an oversight panel for school district capital improvement projects;** making appropriations to the ~~[Account;]~~ **Fund;** making an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a fund for capital projects. (NRS 387.328) Existing law also creates the Fund to Assist School Districts in Financing Capital Improvements from which a grant of money may be obtained if certain emergency conditions exist within the school district. (NRS 387.333, 387.3335)

Section 2 of this bill requires the board of county commissioners of a county whose population is 52,500 or more and less than 57,500 (currently Elko County), to levy a tax at a rate of not less than 1 cent and not more than 25 cents on each $100 of assessed valuation of taxable property within the county. **Section 2** requires any money collected from such a tax to be deposited in the county treasury for credit to the fund for capital projects to be held and expended in the same manner as other money deposited in that fund. **Section 6** of this bill authorizes the school district of a county where such a tax is imposed to pledge the proceeds of the tax, and the portion of the governmental services tax whose allocation to the school district is based on the amount of the property tax levy attributable to its debt service, to the payment of any bonds or other obligations the school district issued for capital projects. **Section 8** of this bill provides that, if the board of county commissioners of a county which is required to levy such a tax does not adopt an ordinance levying the tax on or before June 30, 2024, the tax is levied at a rate of 25 cents on each $100 of assessed valuation of taxable property within the county.

Section 4 of this bill creates the ~~[Account]~~ **Fund** to Assist Rural School Districts in Financing Capital Improvements and requires the money in the ~~[Account]~~ **Fund** to be used to make grants to school districts in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) for certain capital projects.

Section 3 of this bill authorizes the board of county commissioners of a county whose population is less than 100,000, other than a board which is required to levy a tax pursuant to **section 2**, to levy a tax on all taxable property in the county for a capital project for which a grant may be obtained from the ~~[Account.]~~ **Fund. Section 3** requires the board of county commissioners to determine the amount of money required for the capital project, excluding any

amount that the board anticipates will be covered by a grant from the ~~[Account,]~~ **Fund,** and fix a rate of taxation which will raise that amount. **Section 3** requires the revenue from the tax to be expended for: (1) a capital project for which a grant was made from the ~~[Account;]~~ **Fund;** or (2) if the amount collected for a fiscal year exceeds the amount of the grant for that year, in the same manner as other money in the fund for capital projects established by the school district. **Section 5.5 of this bill requires the board of county commissioners of a county which levies a tax pursuant to section 2 or 3 to establish an oversight panel for school district capital improvement projects.**

Section 5 of this bill requires the board of trustees of a school district in a county which levies a tax pursuant to **section 3** and authorizes the board of trustees of a school district in a county which levies a tax pursuant to **section 2** during a fiscal year to apply to the Director of the Office of Finance in the Office of the Governor for a grant of money from the ~~[Account.]~~ **Fund. Section 5** requires the Director of the Office of Finance to make a grant of money from the ~~[Account]~~ **Fund** in an amount which is equal to: (1) the total amount of tax assessed pursuant to **section 3** by the county for the capital project during the immediately preceding fiscal year; or (2) the amount of the proceeds of the tax imposed pursuant to **section 2** for the immediately preceding fiscal year which the board of trustees of the school district has certified will be dedicated to the capital project.

Existing law, in general, limits the total amount of property taxes which may be imposed to $3.64 on each $100 of assessed valuation. (NRS 361.453) Sections 2 and 3 exempt the rates for the property taxes in those sections from this limitation. Section 7 of this bill makes a conforming change to indicate these exemptions from the limitation.

Existing law provides a partial abatement of the property taxes levied on property for which an assessed valuation has previously been established, a remainder parcel of real property, certain single-family residences and certain residential rental dwellings. (NRS 361.4722, 361.4723, 361.4724) With certain exceptions, existing law exempts new or increased property taxes from those partial abatements if a legislative act that became effective after April 6, 2005, imposed a duty on a taxing entity to levy the tax or increase the rate of the tax. (NRS 361.4726) Section 7.5 of this bill exempts the new property tax authorized to be levied by section 3 from those partial tax abatements.

Section 9 of this bill makes appropriations from the State General Fund to the ~~[Account]~~ **Fund** for grants to school districts in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), including grants for capital projects for schools located on qualified tribal land. **Section 10** of this bill makes an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[5,]~~ **5.5,** inclusive, of this act.

Sec. 2. ***1. The board of county commissioners of a county whose population is 52,500 or more and less than 57,500 shall, in addition to any taxes levied in accordance with NRS 387.195, levy a tax at a rate of not less than 1 cent and not more than 25 cents on each $100 of assessed valuation of taxable property within the county for capital projects of a school district, including, without limitation, capital projects for schools located on qualified tribal land.***

2. Any money collected pursuant to this section must be deposited in the county treasury for credit to the fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

3. The rate of any tax levied pursuant to subsection 1 must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

4. As used in this section, "qualified tribal land" means any real property:

(a) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(b) Over which an Indian tribe exercises governmental power.

Sec. 3. ***1. Except for a board of county commissioners which is required to levy a tax pursuant to section 2 of this act, the board of county commissioners of a county whose population is less than 100,000, may, in addition to any taxes levied in accordance with NRS 387.195, levy a tax at a rate established by the board of county commissioners on all taxable property in the county for a capital project of the school district for which a grant may be obtained from the ~~[Account]~~ Fund to Assist Rural School Districts in Financing Capital Improvements created ~~[pursuant to]~~ by section 4 of this act. The board of county commissioners shall determine the amount of money necessary, when combined with money anticipated to be received as a grant from the ~~[Account,]~~ Fund, to pay the costs of the proposed capital project or the principal and interest on bonds or other obligations issued for one or more purposes set forth in subsection 5 of section 4 of this act, and shall fix a rate which, when levied upon every dollar of assessed valuation of taxable property in the district, will raise that amount.***

2. Any money collected pursuant to this section must be deposited in the county treasury for credit to the fund for capital projects established pursuant to NRS 387.328, to be expended:

(a) For a capital project of a school district for which a grant to the school district was made from the ~~[Account]~~ Fund to Assist Rural School Districts in Financing Capital Improvements pursuant to section 5 of this act; or

(b) With respect to any money collected in excess of the amount of the grant made from the ~~[Account]~~ Fund to Assist Rural School Districts in Financing Capital Improvements for the fiscal year pursuant to section 5 of this act, in the same manner as other money deposited in ~~[that]~~ the fund ~~[.]~~ for capital projects.

3. The proceeds of the tax collected pursuant to this section may be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in subsection 5 of section 4 of this act. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

4. The rate of any tax levied pursuant to subsection 1 must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

Sec. 4. *1. The ~~[Account]~~ Fund to Assist Rural School Districts in Financing Capital Improvements is hereby created in the State Treasury, to be administered by the Director of the Office of Finance. All money received and held by the State Treasurer for the purpose of the ~~[Account]~~ Fund must be deposited in the ~~[Account.]~~Fund.*

2. The Director of the Office of Finance may accept gifts and grants from any source for deposit in the ~~[Account.]~~Fund.

3. The money in the ~~[Account]~~ Fund must be invested as the money in other state funds is invested. All interest and income earned on the money in the ~~[Account]~~ Fund must be credited to the ~~[Account.]~~Fund.

4. Claims against the ~~[Account]~~ Fund must be paid as other claims against the State are paid.

5. Money in the ~~[Account]~~ Fund must be used to make grants to school districts in counties whose population is less than 100,000, for the following purposes:

(a) Construction, design or purchase of new buildings for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, but not limited to, playgrounds, athletic fields and sites for stadiums.

Sec. 5. *1. Following any fiscal year in which a county levies a tax imposed pursuant to section 3 of this act, the board of trustees of the school district in the county shall apply to the Director of the Office of Finance for*

a grant of money from the ~~[Account]~~ Fund created pursuant to section 4 of this act on a form provided by the Director.

2. Following any fiscal year in which a county levies a tax imposed pursuant to section 2 of this act, the board of trustees of the school district in the county may apply to the Director of the Office of Finance for a grant of money from the ~~[Account]~~ Fund created pursuant to section 4 of this act on a form provided by the Director.

3. The application for a grant of money from the ~~[Account]~~ Fund submitted pursuant to this section must be accompanied by:

(a) A description of the capital project for which the grant is requested, which must be a capital project described by subsection 5 of section 4 of this act; and

(b) Either:

(1) Documentation of the amount of the tax assessed pursuant to section 3 of this act for the capital project for which the grant is requested in the immediately preceding fiscal year; or

(2) A statement by the board of trustees of the school district in a county which has levied a tax imposed pursuant to section 2 of this act certifying the amount of the proceeds of the tax imposed pursuant to section 2 of this act for the immediately preceding fiscal year which will be dedicated to the capital project.

4. To the extent that money is available for that purpose in the ~~[Account]~~ Fund and if the Director of the Office of Finance determines that the capital project for which the grant is requested is a project for which a grant may be made from the ~~[Account,]~~ Fund, the Director shall make a grant of money from the ~~[Account]~~ Fund to a school district that submits an application pursuant to subsection 1 or 2 in an amount that is equal to:

(a) The total amount of tax assessed by the county for the capital project pursuant to section 3 of this act in the immediately preceding fiscal year; or

(b) If the school district is located in a county which levies a tax imposed pursuant to section 2 of this act, the amount of the proceeds of the tax imposed pursuant to section 2 of this act for the immediately preceding fiscal year which the board of trustees of the school district has certified will be dedicated to the capital project.

5. The Director of the Office of Finance shall adopt regulations that prescribe the annual deadline for submission of an application to the Director by a school district pursuant to this section.

Sec. 5.5. 1. The board of county commissioners of a county whose population is less than 100,000 and which levies a tax pursuant to section 2 or 3 of this act shall establish an oversight panel for school district capital improvement projects, consisting of five members selected as follows:

(a) One member who is the chair of the board of county commissioners of the county, or his or her designee, who shall serve as the chair of the oversight panel;

(b) One member who is a member of the board of trustees of the school district in the county, appointed by the president of the board of trustees of the school district;

(c) One member who is a member of a federally recognized Indian tribe or nation located in whole or in part within the boundaries of the county, appointed by the executive head of the federally recognized Indian tribe or nation;

(d) One member who is a resident of the county and has experience in the building of school facilities, appointed by the president of the board of trustees of the school district in the county; and

(e) One member who is a resident of the county and has experience in the financing of public works projects, appointed by the chair of the board of county commissioners of the county.

2. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

3. The oversight panel shall meet at least once each calendar quarter.

4. The oversight panel shall:

(a) Review all credits to and debits from the fund for capital projects established pursuant to NRS 387.328;

(b) Recommend future uses of the money raised by the county from levying a tax imposed pursuant to section 2 or 3 of this act;

(c) Review the amount of any appropriation, grant, gift or donation received by the county for the construction of school facilities located on qualified tribal land; and

(d) Make a recommendation for the date of termination of a tax levied pursuant to section 2 or 3 of this act if the date of termination of the tax is not otherwise fixed.

Sec. 6. NRS 387.328 is hereby amended to read as follows:

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. The proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962, 375.070, 377C.110 and 387.3288 ***and section 2 of this act*** and, in a county whose population is 100,000 or more but

less than 700,000, the portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 7. NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723, 387.3288 and 450.760, ***and sections 2 and 3 of this act,*** the total ad valorem tax levy for all public purposes must not exceed $3.64 on each $100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each $100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is less than 45,000, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada Tax Commission was at least $3.50 on each $100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this

subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.

Sec. 7.5. **NRS 361.4726 is hereby amended to read as follows:**

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. The amount of any tax imposed pursuant to NRS 354.705 and 387.3288 ***and section 3 of this act*** is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. For the purposes of this section, "taxing entity" does not include the State.

Sec. 8. If the board of county commissioners of a county whose population is 52,500 or more and less than 57,500, has not adopted an ordinance levying the tax pursuant to section 2 of this act on or before June 30, 2024, a tax shall be levied pursuant to section 2 of this act at a rate of 25 cents on each $100 of assessed valuation of taxable property within the county. The tax shall be collected and administered in the same manner as though the board of county commissioners had adopted an ordinance levying the tax pursuant to section 2 of this act at that rate.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the ~~[Account]~~ **Fund** to Assist Rural School Districts in Financing Capital Improvements created by section 4 of this act the sum of $25,000,000, for grants to school districts, and the sum of $25,000,000, for grants to school districts for capital projects for schools located on qualified tribal land.

2. As used in this section, "qualified tribal land" means any real property:

(a) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(b) Over which an Indian tribe exercises governmental power.

Sec. 10. 1. There is hereby appropriated from the State General Fund to the Elko County School District the sum of $64,500,000 for the construction of a school on the Duck Valley Indian Reservation to replace the Owyhee Combined School.

2. All money appropriated by subsection 1 must be used only for the purposes specified in subsection 1 and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including, without limitation, any costs related to other buildings or facilities.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2028, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2028, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2028.

Sec. 11. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 21, 2023.

Sec. 12. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 126, 234, 242, 274, 380, 390, 428, and 435 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 45.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 891.

AN ACT relating to health care; creating a program to repay the student education loans of certain providers of health care; prescribing the requirements to receive repayment of student education loans under the program; providing for the administration of the program; providing certain funding for the program **~~[.]~~ and the Nevada Health Service Corps;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Treasurer to perform certain duties relating to the financing of higher education, including designating a Student Loan Ombudsman and administering the Nevada College Savings Trust Fund and the Millennium Scholarship Trust Fund. (NRS 226.400, 226.560, 353B.320, 353B.350, 396.926) **Section 6** of this bill creates the Student Loan Repayment for Providers of Health Care in Underserved Communities Program to repay the student education loans of qualified providers of health care who work in certain underserved communities. **Section 6** requires the State Treasurer to

ensure that at least 15 percent of the money available for the Program in any year is used to repay the student education loans of providers of health care who commit to practicing in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties). With regard to other money available for the Program, **section 6** requires the State Treasurer to prioritize certain providers of health care when awarding repayment of student education loans under the Program. **Section 8** of this bill requires the State Treasurer to adopt regulations prescribing: (1) the procedure the State Treasurer will use to repay the student education loans pursuant to **section 6**; and (2) the manner in which such prioritization will be implemented. **Section 7** of this bill prescribes the requirements for a provider of health care to be eligible for repayment of student education loans under the Program. **Section 8** requires the State Treasurer to adopt regulations to prescribe certain procedures and standards relating to the Program, including: (1) the procedure to apply for repayment of student education loans under the Program; (2) any additional standards for eligibility to receive repayment of student education loans under the Program; and (3) a methodology for determining the amount of repayment of a student education loan that a provider of health care may receive. **Section 8** also authorizes the State Treasurer to adopt any other regulations necessary to carry out the Program. **Sections 2-5** of this bill define certain terms related to the Program. **Sections 8 and 13** of this bill provide for the confidentiality of applications to receive repayment of student education loans under the Program and the personally identifiable information of applicants. **Section 9** of this bill: (1) authorizes the State Treasurer to employ the necessary staff to administer the Program; and (2) requires the State Treasurer to post certain information about the Program on an Internet website.

Section 11 of this bill requires the Student Loan Ombudsman to assist certain student loan borrowers to become aware of, qualify for and apply for the Program.

Section 10 of this bill creates the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities in the State General Fund to fund the Program. **Section 12** of this bill requires the State Treasurer to transfer certain money from the Abandoned Property Trust Account to the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities.

Existing law authorizes the University of Nevada School of Medicine to establish a Nevada Health Service Corps to encourage practitioners to practice in areas of Nevada in which a shortage of that type of practitioner exists. (NRS 396.900) Existing law authorizes the School of Medicine to authorize the Corps to administer a program under which money for loans is repaid on behalf of practitioners who practice in such areas. (NRS 396.903) Existing law authorizes the School of Medicine to apply for matching money available for the program from the Federal Government. (NRS 396.902) Section 12 requires the State Treasurer to transfer certain

money from the Abandoned Property Trust Account to the School of Medicine for the purpose of obtaining such federal matching money.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them those sections.***

Sec. 3. ***"Program" means the Student Loan Repayment for Providers of Health Care in Underserved Communities Program created by section 6 of this act.***

Sec. 4. ***"Provider of health care" means:***

1. A physician;

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS;

3. A dentist;

4. A licensed nurse;

5. A person who holds a license as an attendant or is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

6. An optometrist;

7. An audiologist;

8. A practitioner of respiratory care;

9. A podiatric physician;

10. A psychologist;

11. A clinical professional counselor;

12. A perfusionist;

13. A pharmacist or pharmacy technician;

14. An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

15. A midwife; or

16. A provider of doula services who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to receive reimbursement through Medicaid pursuant to NRS 422.27177.

Sec. 5. ***"Student education loan" has the meaning ascribed to it in NRS 226.510.***

Sec. 6. ***1. The Student Loan Repayment for Providers of Health Care in Underserved Communities Program is hereby created to repay the student education loans of providers of health care who are eligible for the Program pursuant to sections 7 and 8 of this act and any regulations adopted pursuant thereto.***

2. The State Treasurer shall administer the Program.

3. In administering the Program, the State Treasurer shall:

(a) Ensure that persons who receive repayment of student education loans are committed to providing health care services in an underserved community in this State;

(b) Ensure that at least 15 percent of money available for the Program in any year be used to repay the student education loans of providers of health care who commit to practicing in a county whose population is less than 100,000, to the extent that such providers are participating in the Program;

(c) With regard to money available for the Program other than money used for the purpose described in paragraph (b), prioritize the repayment of student education loans for providers of primary care, providers of health care who commit to accepting as patients recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program and other providers of health care specified by the regulations adopted by the State Treasurer pursuant to section 8 of this act; and

(d) Work collaboratively to raise awareness about the Program with organizations that work with providers of health care and students studying to become providers of health care, including, without limitation:

(1) Educational institutions in this State, including, without limitation, institutions in the Nevada System of Higher Education;

(2) Organizations that represent medical students and other students studying to become providers of health care;

(3) Organizations that represent providers of health care;

(4) Tribal governments; and

(5) Organizations who advocate for improved health outcomes in minority communities.

4. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, psychiatry or obstetrics and gynecology.

Sec. 7. *A provider of health care is eligible for repayment of a student education loan under the Program if the provider of health care:*

1. Is a current resident of this State;

2. Is actively licensed, certified or registered in good standing to practice in this State as a provider of health care; and

3. Commits to at least 5 years of clinical practice as a licensed, certified or registered provider of health care in this State:

(a) In a census tract which, upon commencement of such clinical practice, is designated as a qualified census tract by the United States Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii);

(b) In a census tract which, upon commencement of such clinical practice, has a high level of social vulnerability as determined according to the Social Vulnerability Index developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;

(c) In a community in which, according to the decennial census immediately preceding the commencement of such clinical practice, at least 20 percent of households were not proficient in the English language;

(d) On tribal lands or in a community where tribal members commonly reside;

(e) In a geographic area that has been subject to historical instances of redlining, segregation or other discriminatory practices on the basis of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression, as determined by the State Treasurer in accordance with the regulations adopted pursuant to section 8 of this act; or

(f) In a county whose population is less than 100,000.

Sec. 8. *1. A provider of health care who meets the qualifications set forth in section 7 of this act and wishes to receive repayment of student education loans from the Program must submit an application to the State Treasurer in the form prescribed by the State Treasurer and comply with any regulations adopted pursuant to subsection 2.*

2. The State Treasurer:

(a) Shall adopt regulations prescribing the procedures and standards, in addition to those prescribed by section 7 of this act, for determining the eligibility of a provider of health care to receive repayment of a student education loan from the Program.

(b) Shall adopt regulations establishing a methodology for determining the amount of repayment of a student education loan that a provider of health care is eligible to receive from the Program. That methodology must include, without limitation, a sliding scale that conditions the amount a provider of health care should receive from the Program on areas of specialization, type of degree and average loan burden for the particular field of health care in which the provider practices.

(c) Shall adopt regulations establishing the:

(1) Procedure that the State Treasurer will use to carry out the provisions of paragraph (b) of subsection 3 of section 6 of this act; and

(2) Manner in which the Program must prioritize the repayment of student education loans for the providers of health care pursuant to paragraph (c) of subsection 3 of section 6 of this act.

(d) Shall adopt regulations prescribing the manner in which the State Treasurer will determine whether a geographic area meets the requirements of paragraph (e) of subsection 3 of section 7 of this act.

(e) Shall adopt regulations prescribing the procedures for the repayment of a student education loan of a provider of health care who has been found eligible to receive such repayment from the Program.

(f) May adopt any other regulations necessary to carry out the Program.

3. The Program may not provide to a provider of health care more than $120,000 for the repayment of student education loans.

4. The application of a provider of health care for repayment of a student education loan and any related personally identifiable information of the applicant is confidential.

Sec. 9. ***The State Treasurer:***

1. May employ such staff as the State Treasurer deems necessary to administer the Program.

2. Shall post information about the Program, including, without limitation, the requirements to be eligible to receive repayment of student education loans from the Program and the procedure to apply for such repayment, on an Internet website maintained by the State Treasurer.

Sec. 10. ***1. The Account for Student Loan Repayment for Providers of Health Care in Underserved Communities is hereby created in the State General Fund. The State Treasurer shall administer the Account.***

2. Money for the Account may be provided:

(a) By direct legislative appropriation;

(b) By transfer from another account, including, without limitation, the Abandoned Property Trust Account created by NRS 120A.620; or

(c) As provided in subsection 5.

3. Money in the Account must be used solely:

(a) To administer the Account and the Program; and

(b) To repay the student education loans of providers of health care who have qualified for such repayment pursuant to sections 7 and 8 of this act.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The State Treasurer may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose of administering the Program and repaying the student education loans of providers of health care who have qualified for repayment of student education loans pursuant to sections 7 and 8 of this act. The State Treasurer shall deposit any money so received into the Account.

Sec. 11. NRS 226.570 is hereby amended to read as follows:

226.570 The Student Loan Ombudsman shall:

1. Receive, review and attempt to resolve any complaint from a student loan borrower, including, without limitation, attempting to resolve such a complaint in collaboration with an institution of higher education, a student loan servicer and any other person who participates in providing a student education loan.

2. Compile and analyze data on complaints as described in subsection 1.

3. Assist student loan borrowers to understand their rights and responsibilities under the terms of student education loans.

4. Provide information to the public, governmental agencies and the Legislature regarding the problems and concerns of student loan borrowers and make recommendations for resolving those problems and concerns.

5. Analyze and monitor the development and implementation of federal, state and local laws, regulations and policies relating to student loan borrowers and recommend any changes the Student Loan Ombudsman deems necessary.

6. Review the complete history of any student education loan for any student loan borrower who has provided written consent for such a review.

7. Disseminate information concerning the availability of the Student Loan Ombudsman to assist student loan borrowers, potential student loan borrowers, institutions of higher education, student loan servicers and any other persons who participate in providing a student education loan, with any concerns relating to student loan servicing.

8. ***Assist student loan borrowers who are pursuing degrees in a health-related field to become aware of, qualify for and apply for the Student Loan Repayment for Providers of Health Care in Underserved Communities Program created by section 6 of this act.***

9. Take any other actions necessary to fulfill the duties of the Student Loan Ombudsman as set forth in this section.

Sec. 12. NRS 120A.620 is hereby amended to read as follows:

120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Account:

(a) Any costs in connection with the sale of abandoned property.

(b) Any costs of mailing and publication in connection with any abandoned property.

(c) Reasonable service charges.

(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.

(e) Any valid claims filed pursuant to this chapter.

5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:

(a) The first $7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.

(b) The next $1,000,000 each year must be transferred to the Grant Matching Account created by NRS 223.492.

(c) ***The next ~~[$5,000,000]~~ $2,500,000 each year must be transferred to the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities created by section 10 of this act.***

(d) If the Nevada Health Service Corps is established pursuant to NRS 396.900, the next $250,000 each year must be transferred to the University of Nevada School of Medicine for the purpose of obtaining matching money for the Corps from the Federal Government pursuant to subsection 1 of NRS 396.902.

(e) The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640 and any claims approved for payment by the Administrator pursuant to NRS 120A.525. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund **,** ~~[or]~~ the Grant Matching Account ~~[.]~~ ***or the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities.***

6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4 or NRS 120A.525, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.

Sec. 13. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,

268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,

648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 8 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 14. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 150.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 913.

AN ACT relating to education; revising provisions prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against certain students who are Native American; revising provisions requiring the Board of Regents to grant certain waivers of fees for certain students who are Native American; making an appropriation to the Nevada System of Higher Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to grant a waiver of registration fees, laboratory fees and other mandatory fees assessed each semester for a Native American student who demonstrates that the student: (1) is a member of a federally recognized Indian tribe or nation, all or part of which is located in this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of the tribe or nation, regardless of membership status; (2) is eligible for enrollment in a school within the Nevada System of Higher Education; (3) has been a resident of this State for at least 1 year; (4) has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester, or the equivalent of a 2.0 grade point average if a different scale is used; and (5) has completed the Free Application for Federal Student Aid. (NRS 396.5449) **Section 1.3** of this bill ~~[removes the requirement to be a resident of this State for at least 1 year to be eligible for the waiver.]~~ **: (1) allows a student who is a member or descendant of an Indian tribe or**

nation located outside of this State and who meets all other requirements to receive such a waiver; and (2) revises the residency requirement to include students who are bona fide residents of this State, who are members or descendants of Indian tribes or nations located at least partially in this State or who have resided on qualified tribal land for at least 1 year.

Existing law requires the waiver to be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program. (NRS 396.5449) Existing law provides that a pupil enrolled in high school may earn college credit for a dual credit course taken while in high school and apply the credit received for such a course to the total number of credits required for graduation from his or her high school. (NRS 389.160) **Section 1.3**: (1) ~~[revises the requirement for the waiver to be granted to a student who enrolls in any program offered by a school within the System by excluding a course or program in a field other than health, social work, science, technology, engineering, art or mathematics in support of which an appropriation has not been made by the Legislature;]~~ **clarifies that the waiver applies to any course or program, whether for a degree or not, offered during any academic period;** and (2) requires the waiver to be granted to an eligible student who enrolls in a dual credit course offered by a school within the System.

Existing law requires the amount of the waiver to be limited based on the federal education benefits to which a student is entitled during a semester. (NRS 396.5449) **Section 1.3** removes this requirement and instead requires the amount of the waiver to equal the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

Existing law prohibits the Board of Regents from assessing tuition charges against certain students. (NRS 396.540, 396.5449) **Section 1** of this bill makes a conforming change to reflect the prohibition against the Board of Regents assessing tuition charges against students who have been granted the waiver. **Section 1.7** of this bill makes an appropriation to the System to defray the cost of granting the waiver.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare
Training Center located at Pickel Meadow, California, on the date on which the student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the

Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged;

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart;

(l) All students who are:

(1) Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or

(2) Spouses or dependents using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;

(m) All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive; ~~[and]~~

(n) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System ~~[.]~~ ***; and***

(o) All students who have been granted a waiver pursuant to NRS 396.5449.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 1.3. NRS 396.5449 is hereby amended to read as follows:

396.5449 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who ***:*** ~~[is Native American and demonstrates that the student:]~~

(a) Is a member of a federally recognized Indian tribe or nation ~~[, all or part of which is located within the boundaries of this State,]~~ or ~~[who is]~~ certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of ~~[such]~~ a tribe or nation, ~~[all or part of which is located within the boundaries of this State,]~~ regardless of membership status;

(b) Is eligible for enrollment in a school within the System ~~[;]~~ ***, including, without limitation, enrollment in a dual credit course through a program for dual credit;***

(c) ~~[Has been]~~ ***Is*** ~~[a]~~ ***:***

(1) A bona fide resident of this State ***, as defined in NRS 396.540 ;***

(2) A member or descendant of an enrolled member of an Indian tribe or nation, all or part of which is located within the boundaries of this State; or

(3) Currently a resident on qualified tribal land, whether his or her actual residence was located within or outside of the boundaries of this State, and has been such a resident for not less than 1 year;

(d) Has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used; and

(e) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 ~~[.]~~ ***unless the student is or will be enrolled exclusively in one or more dual credit courses through a program for dual credit.***

2. The amount of the waiver must be equal to ~~[:~~

~~(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or~~

~~(b) If the student is not entitled to receive any federal educational benefits for a semester,]~~ the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any ***course or*** program ***, whether for a degree or not,*** offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program ***,*** ~~[or]~~ a professional program ~~[.]~~ ***or a dual credit course through a program for dual credit, [except a course or program in a field other than health, social work, science, technology, engineering, arts or mathematics in support of which an appropriation has not been made by the Legislature.] offered during any academic period, including courses offered during the summer and between terms or semesters.***

4. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, the person shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may request documentation confirming that the student is a member or descendant of a member of a federally recognized Indian tribe or nation ***.*** ~~[, all or part of which is located within the boundaries of this State.]~~

6. As used in this section:

(a) "Program for dual credit" means a program through which a pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, may enroll in a dual credit course offered by a school within the System.

(b) "Qualified tribal land" means any real property:

(1) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(2) Over which a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, exercises governmental power.

Sec. 1.7. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education to defray the cost of granting waivers pursuant to NRS 396.5449 the following sums:

For the Fiscal Year 2023-2024 ..... ~~[$450,000]~~ **$457,449**

For the Fiscal Year 2024-2025 ..... ~~[$450,000]~~ **$457,449**

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 155.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 862.

ASSEMBLYMEN PETERS; **BROWN-MAY, DICKMAN,** GONZÁLEZ, **HAFEN, KASAMA,** NGUYEN, ORENTLICHER **,** ~~[AND]~~ THOMAS **AND WATTS**

AN ACT relating to health care; requiring policies of health insurance to include coverage of biomarker testing **for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer** in certain circumstances; establishing certain conditions relating to such required coverage; **providing for a study of the cost-effectiveness of biomarker testing; making an appropriation and authorizing certain expenditures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2717-422.27248, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194-689C.195, 689C.425, 695A.184-695A.1875,

695B.1901-695B.1949, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) **Sections 13-15, 17, 19, 20, 22-25 and 27** of this bill require certain public and private health plans, including Medicaid and health plans for state and local government employees, to provide coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ **cancer** when such biomarker testing is supported by medical and scientific evidence. **Sections 13-15, 17, 19, 20, 22-25 and 27** require such health plans to: (1) provide the required coverage in a manner that limits disruptions in care and the need for multiple specimens; and (2) establish a process for requesting an exception to a policy excluding coverage for biomarker testing **for the diagnosis, treatment, management or ongoing monitoring of cancer** or appealing a denial of coverage for **such** biomarker testing. **Sections 13-17, 19, 20, 22-25 and 27** additionally require such health plans to respond to any request for preauthorization for **such** biomarker testing within: (1) 24 hours for urgent requests; or (2) 72 hours for all other requests. **Sections 13-17, 19, 20, 22-25 and 27** clarify that an insurer is not required to cover biomarker testing for screening purposes or in certain circumstances. **Sections 11, 18 and 21** of this bill make conforming changes to indicate the proper placement of **sections 15, 17 and 20**, respectively, in the Nevada Revised Statutes. **Section 26** of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 24** of this bill. The Commissioner would also be authorized to take such action against other private health insurers who fail to comply with the requirements of **section 17, 19, 20, 22, 23 or 27** of this bill. (NRS 680A.200) **Section 28.5 of this bill appropriates and authorizes the expenditure of money for the Division of Health Care Financing and Policy of the Department of Health and Human Services to contract with a qualified person to determine the cost-effectiveness of providing coverage for biomarker testing under Medicaid for the diagnosis, treatment, management or ongoing monitoring of diseases or conditions other than cancer. Section 29.5 of this bill requires the Joint Interim Standing Committee on Health and Human Services, in coordination with the Department of Health and Human Services, to conduct a study during the 2023-2024 interim concerning the cost-effectiveness of biomarker testing.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 15 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725,

689B.030 to 689B.050, inclusive, ***and section 19 of this act,*** 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, ***and section 27 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 15. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, the Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. The Director shall:

(a) Ensure that the coverage required by subsection 1 is provided in a manner that limits disruptions in care and the need for multiple specimens.

(b) Include in the State Plan for Medicaid a clear and readily accessible process for a recipient of Medicaid or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[;]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the Department.

3. If the State Plan for Medicaid requires a recipient of Medicaid to obtain prior authorization for a biomarker test described in subsection 1, the State Plan must require a response to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require the State Plan for Medicaid to include coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(d) Where a more cost-effective test is equally capable of meeting the medical needs of the recipient of Medicaid.

5. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689C.1675, 695A.1856, 695B.1912, 695B.1913, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) ~~[~~Respond~~]~~ ***Unless a shorter time period is prescribed by a specific statute, including, without limitation, sections 17, 19, 20, 22, 23, 24 and 27 of this act, respond*** to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 17. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[,]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner

that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 17 of this act.***

Sec. 19. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of group health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[,]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a carrier that issues a health benefit plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A carrier shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[;]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the carrier.

3. If a carrier requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the carrier shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a carrier to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that is not in the applicable network plan of the carrier;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent,

diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 20 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 22. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a society that issues a benefit contract shall include in the contract coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A society shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[;]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the society.

3. If a society requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the society shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a society to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the society;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the benefit contract or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A gene mutation or characteristic; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a hospital or medical service corporation that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for

the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A hospital or medical service corporation shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[,]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the hospital or medical service corporation.

3. If a hospital or medical service corporation requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the hospital or medical service corporation shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a hospital or medical service corporation to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the hospital or medical service corporation;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of health insurance offered by a hospital or medical service corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical service corporation. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a health maintenance organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A health maintenance organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an enrollee or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[;]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the health maintenance organization.

3. If a health maintenance organization requires an enrollee to obtain prior authorization for a biomarker test described in subsection 1, the health maintenance organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a health maintenance organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the health maintenance organization;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the enrollee.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract

with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 ***and section 24 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 26. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 24 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 27. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a managed care organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A managed care organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[.]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the managed care organization.

3. If a managed care organization requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the managed care organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a managed care organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the managed care organization;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 28. (Deleted by amendment.)

Sec. 28.5. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services the sum of $325,000 for the cost of contracting with a qualified person to determine the cost-effectiveness of providing coverage for biomarker testing under Medicaid for the diagnosis, treatment, management or ongoing monitoring of diseases or conditions other than cancer.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

3. Expenditure of $325,000 not appropriated from the State General Fund or State Highway Fund is hereby authorized during Fiscal Year 2023-2024 and Fiscal Year 2024-2025 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1.

4. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

Sec. 29. (Deleted by amendment.)

Sec. 29.5. **1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services, in coordination with the Department of Health and Human Services, shall study the cost-effectiveness of biomarker testing, including, without limitation, the cost-effectiveness of biomarker testing:**

(a) For the diagnosis, treatment, management or ongoing monitoring of specific diseases or conditions; and

(b) To screen for specific diseases or conditions or traits associated with specific diseases or conditions.

2. The Joint Interim Standing Committee on Health and Human Services shall submit a report of the results of the study, including any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 83rd Session of the Nevada Legislature.

3. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic

process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

Sec. 30. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, 12, **and** 28 ~~[and 29]~~ **to 29.5, inclusive,** of this act become effective on July 1, 2023.

3. Sections 11, 13 to 27, inclusive, and 30 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 158.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 887.

AN ACT relating to emergency medical services; ratifying the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the certification and regulation of advanced emergency medical technicians, emergency medical technicians and paramedics in this State. (Chapter 450B of NRS) **Section 2** of this bill ratifies the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact. The Compact authorizes: (1) emergency medical service personnel who are certified in this State to perform their professional duties in any other state that has ratified the Compact; and (2) emergency medical service personnel who are certified in another state that has ratified the Compact to perform their professional duties in this State. **Sections 1, 3-7 and 9-21** of this bill make various changes to clarify that a person who is authorized to practice as an emergency medical technician, advanced emergency medical

technician or paramedic under the Compact, including by serving as an attendant on an ambulance or air ambulance: (1) is not prohibited from doing so because he or she is not licensed or certified in this State; and (2) is legally equivalent to an emergency medical technician, advanced emergency medical technician or paramedic who is certified in this State for certain purposes. **Section 8** of this bill provides that a person who is authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic under the Compact is not eligible for an endorsement to provide community paramedicine services. **Section 21.5 of this bill makes an appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services to cover certain fees related to the coordinated database established under the Compact.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. Except as otherwise provided in NRS 259.047, a law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees or volunteers, any other person who is employed by or is a volunteer for an agency of criminal justice or any other public employee or volunteer for a public agency who, in the course of his or her official duties, comes into contact with human blood or bodily fluids, or the employer of such a person or the public agency for which the person volunteers, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if:

(a) The officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee or volunteer, other person employed by or volunteering for an agency of criminal justice or other public employee or volunteer for a public agency was likely exposed to a communicable disease; and

(b) Testing of the person or decedent is necessary to determine the appropriate treatment for the officer, emergency medical attendant, firefighter, county coroner, medical examiner, employee or volunteer.

2. When possible, before filing a petition pursuant to subsection 1, the person, employer or public agency for which the person volunteers, and who is petitioning shall submit information concerning the likely exposure to a communicable disease to the designated health care officer for the employer or public agency or, if there is no designated health care officer, the person designated by the employer or public agency to document and verify likely exposure to communicable diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer or public agency to document and verify likely exposure to communicable diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a likely transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or decedent who likely exposed him or her to a communicable disease. If the court determines that such probable cause exists, the court shall:

(a) Order the person who likely exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease to submit two appropriate specimens to a local hospital or medical laboratory for testing for exposure to a communicable disease; or

(b) Order that two appropriate specimens be taken from the decedent who likely exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease and be submitted to a local hospital or medical laboratory for testing for exposure to the communicable disease.

➥ The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace may authorize the designated health care officer or the person designated by the employer or public agency to document and verify likely exposure to a communicable disease to sign the name of the judge or justice of the peace on a duplicate order. Such a duplicate order shall be deemed to be an order of the court. As soon as practicable after the duplicate order is signed, the duplicate order must be returned to the judge or justice of the peace who authorized the signing of it and must indicate on its face the judge or justice of the peace to whom it is to be returned. The judge or justice of the peace, upon receiving the returned order, shall endorse the order with his or her name and enter the date on which the order was returned. Any failure of the judge or justice of the peace to make such an endorsement and entry does not in and of itself invalidate the order.

5. Except as otherwise provided in NRS 629.069, all records submitted to the court in connection with a petition filed pursuant to this section and any proceedings concerning the petition are confidential and the judge or justice of the peace shall order the records and any record of the proceedings to be sealed and to be opened for inspection only upon an order of the court for good cause shown.

6. A court may establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order pursuant to this section by electronic or telephonic means.

7. The employer of a person or the public agency for which the person volunteers, who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer or public agency, shall pay the cost of performing the test pursuant to subsection 3.

8. As used in this section:

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "Emergency medical attendant" means a person ~~[licensed]~~ ***who is:***

(1) Licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS ~~[.]~~ ***; or***

(2) Authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 2. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact is hereby ratified and entered into with all other jurisdictions legally joining the Compact, in substantially the form set forth in this section:

RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT

SECTION 1. PURPOSE

In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and paramedics. This Compact is intended to facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This Compact is designed to achieve the following purposes and objectives:

1. Increase public access to EMS personnel;

2. Enhance the states' ability to protect the public's health and safety, especially patient safety;

3. Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;

4. Support licensing of military members who are separating from an active duty tour and their spouses;

5. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information;

6. Promote compliance with the laws governing EMS personnel practice in each member state; and

7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

SECTION 2. DEFINITIONS

In this Compact:

A. "Advanced emergency medical technician (AEMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

B. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions and state court judgments enforcing adverse actions by the state EMS authority.

C. "Alternative program" means a voluntary, nondisciplinary substance abuse recovery program approved by a state EMS authority.

D. "Certification" means the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated and legally defensible examination.

E. "Commission" means the national administrative body of which all states that have enacted the Compact are members.

F. "Emergency medical technician (EMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

G. "Home state" means a member state where an individual is licensed to practice emergency medical services.

H. "License" means the authorization by a state for an individual to practice as an EMT, AEMT, paramedic or a level in between EMT and paramedic.

I. "Medical director" means a physician licensed in a member state who is accountable for the care delivered by EMS personnel.

J. "Member state" means a state that has enacted this Compact.

K. "Privilege to practice" means an individual's authority to deliver emergency medical services in remote states as authorized under this Compact.

L. "Paramedic" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

M. "Remote state" means a member state in which an individual is not licensed.

N. "Restricted" means the outcome of an adverse action that limits a license or the privilege to practice.

O. "Rule" means a written statement by the Commission promulgated pursuant to Section 12 of this Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or is an organizational, procedural or practice requirement of the Commission and has the force and effect of statutory law in a member state and includes the amendment, repeal or suspension of an existing rule.

P. "Scope of practice" means defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute or court decision, it tends to represent the limits of services an individual may perform.

Q. "Significant investigatory information" means:

1. Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

2. Investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.

R. "State" means any state, commonwealth, district or territory of the United States.

S. "State EMS authority" means the board, office or other agency with the legislative mandate to license EMS personnel.

SECTION 3. HOME STATE LICENSURE

A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this Compact.

B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this Compact.

C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

2. Has a mechanism in place for receiving and investigating complaints about individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

4. Not later than 5 years after activation of the Compact, requires a criminal background check of all applicants for initial licensure, including

the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. § 731.202 and submit documentation of such as promulgated in the rules of the Commission; and

5. Complies with the rules of the Commission.

SECTION 4. COMPACT PRIVILEGE TO PRACTICE

A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with Section 3.

B. To exercise the privilege to practice under the terms and provisions of this Compact, an individual must:

1. Be at least 18 years of age;

2. Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic or state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

3. Practice under the supervision of a medical director.

C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the Commission.

D. Except as provided in Section 4, subsection C, an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the Commission.

E. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

F. If an individual's privilege to practice in any remote state is restricted, suspended or revoked the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the Commission, and under the following circumstances:

1. The individual originates a patient transport in a home state and transports the patient to a remote state;

2. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;

3. The individual enters a remote state to provide patient care and/or transport within that remote state;

4. The individual enters a remote state to pick up a patient and provide care and transport to a third member state; and

5. Other conditions as determined by rules promulgated by the Commission.

SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply, and to the extent any terms or provisions of this Compact conflict with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

A. Member states shall consider a veteran, active military service member and member of the National Guard and Reserves separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses.

C. All individuals functioning with a privilege to practice under this Section remain subject to the adverse actions provisions of Section 8.

SECTION 8. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

B. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

1. All home state adverse action orders shall include a statement that the individual's Compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

2. An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

C. A member state shall report adverse actions and any occurrences that the individual's Compact privileges are restricted, suspended or revoked to the Commission in accordance with the rules of the Commission.

D. A remote state may take adverse action on an individual's privilege to practice within that state.

E. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

F. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

G. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY

A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this Compact to:

1. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist orders to restrict, suspend or revoke an individual's privilege to practice in the state.

SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE

A. The Compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice.

1. The Commission is a body politic and an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting and Meetings

1. Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his or her designee shall be the delegate to this Compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state will determine which entity will be responsible for assigning the delegate.

2. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 12.

5. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:

a. Noncompliance of a member state with its obligations under the Compact;

b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase or sale of goods, services or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law enforcement purposes;

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including, but not limited to, bylaws and/or rules:

1. Establishing the fiscal year of the Commission;

2. Providing reasonable standards and procedures;

a. For the establishment and meetings of other committees; and

b. Governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;

4. Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;

6. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees; and

7. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations.

D. The Commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any.

E. The Commission shall maintain its financial records in accordance with the bylaws.

F. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

G. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same, provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed, provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of EMS personnel licensure and practice.

H. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

3. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

I. Qualified Immunity, Defense and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing

occurred within the scope of Commission employment, duties or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel, and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 11. COORDINATED DATABASE

A. The Commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action and significant investigatory information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Significant investigatory information;

4. Adverse actions against an individual's license;

5. An indicator that an individual's privilege to practice is restricted, suspended or revoked;

6. Nonconfidential information related to alternative program participation;

7. Any denial of application for licensure and the reasons for such denial; and

8. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

E. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

SECTION 12. RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and

2. On the website of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least 25 persons;

2. A governmental subdivision or agency; or

3. An association having at least 25 members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this Section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this Section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in the Compact and in this Section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety or welfare;

2. Prevent a loss of Commission member state funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight

1. The executive, legislative and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

B. Default, Technical Assistance and Termination

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor and the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and nonmember states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter,

the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until 6 months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 15. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining member states. Nothing in this Compact supersedes state law or rules related to licensure of EMS agencies.

Sec. 3. NRS 450B.025 is hereby amended to read as follows:

450B.025 "Advanced emergency medical technician" means a person ~~[certified]~~ ***who is:***

1. Certified by the health officer as having satisfactorily completed a program of training for certification as an advanced emergency medical technician pursuant to NRS 450B.191 ~~[.]~~ ***; or***

2. Practicing as an advanced emergency medical technician in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 4. NRS 450B.065 is hereby amended to read as follows:

450B.065 "Emergency medical technician" means a person ~~[certified]~~ ***who is:***

1. Certified by the health officer as having satisfactorily completed a program of training for certification as an emergency medical technician pursuant to NRS 450B.1905 ~~[.]~~ ***; or***

2. Practicing as an emergency medical technician in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 5. NRS 450B.095 is hereby amended to read as follows:

450B.095 "Paramedic" means a person ~~[certified]~~ ***who is:***

1. Certified by the health officer as having satisfactorily completed a program of training for certification as a paramedic pursuant to NRS 450B.195 ~~[.]~~ ***; or***

2. Practicing as a paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 6. NRS 450B.191 is hereby amended to read as follows:

450B.191 1. A program of training for certification as an advanced emergency medical technician must be supervised by a licensed physician and approved by the health authority.

2. A program of training for certification as an advanced emergency medical technician must include an approved curriculum in intravenous therapy and the management of a passage for air to the lungs. Only a certified emergency medical technician with experience as established by the board is eligible for this training.

3. In order to maintain certification, each advanced emergency medical technician must annually:

(a) Comply with the requirements established by the board for continuing medical education; and

(b) Demonstrate his or her skills as required by regulation of the board.

4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification as an advanced emergency medical technician. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for advanced emergency medical technicians.

5. A person shall not represent himself or herself to be an advanced emergency medical technician unless the person has on file with the health authority a currently valid certificate demonstrating successful completion of the program of training required by this section ~~[.]~~ ***or is practicing under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

6. Except as authorized by subsection 7 of NRS 450B.160 ~~[,]~~ ***and the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as an advanced emergency medical technician without fulfilling the requirements established by the board.

Sec. 7. NRS 450B.195 is hereby amended to read as follows:

450B.195 1. Only a certified emergency medical technician with experience as established by the board is eligible for training as a paramedic.

2. A program of training for certification as a paramedic must be supervised by a licensed physician and approved by the health authority.

3. To maintain certification, each paramedic must annually:

(a) Comply with the requirements established by the board for continuing medical education; and

(b) Demonstrate his or her skills as required by regulation of the board.

4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification as a paramedic. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for paramedics.

5. A person shall not represent himself or herself to be a paramedic unless the person has on file with the health authority a currently valid certificate evidencing the person's successful completion of the program of training required by this section ~~[.]~~ ***or is practicing under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

6. Except as authorized by subsection 7 of NRS 450B.160 ~~[.]~~ ***and the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as a paramedic without fulfilling the requirements established by the board.

Sec. 8. NRS 450B.199 is hereby amended to read as follows:

450B.199 As used in this section and NRS 450B.1993 and 450B.1996, unless the context otherwise requires, "emergency medical provider" means an emergency medical technician, advanced emergency medical technician or paramedic ~~[.]~~ ***who is certified pursuant to this chapter.***

Sec. 9. NRS 450B.225 is hereby amended to read as follows:

450B.225 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***or as otherwise authorized by the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** during any period in which an air ambulance is used to provide medical transportation services for which a permit is required, the air ambulance must be staffed with, at a minimum:

(a) One primary attendant who:

(1) Is an emergency medical services registered nurse who has at least 3 years of critical care nursing experience;

(2) Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and

(3) Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board; and

(b) One secondary attendant who meets the same qualifications as a primary attendant pursuant to paragraph (a) or:

(1) Is certified as a paramedic;

(2) Has at least 3 years of field experience as a paramedic;

(3) Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and

(4) Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board.

2. If, as determined by the pilot and medical director of the air ambulance, the weight of the secondary attendant could compromise the performance of the air ambulance, safety or patient care, an air ambulance providing medical transportation services may be staffed with only a primary attendant as described in paragraph (a) of subsection 1.

3. The board may adopt regulations specifying the acceptable documentation of the requirements set forth in paragraph (a) or (b) of subsection 1.

4. The health authority may issue a letter of endorsement and identification card to an emergency medical services registered nurse or paramedic who satisfies the requirements of paragraph (a) or (b) of subsection 1.

Sec. 10. NRS 450B.255 is hereby amended to read as follows:

450B.255 A person shall not represent himself or herself to be an emergency medical technician, advanced emergency medical technician or paramedic unless the person has been issued a currently valid certificate by the health authority ~~[.]~~ ***or is practicing under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

Sec. 11. NRS 450B.260 is hereby amended to read as follows:

450B.260 1. Except as otherwise provided in this section ~~[,]~~ ***or as authorized by the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** the public or private owner of an ambulance or air ambulance or a fire-fighting agency which owns a vehicle used in providing medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility shall not permit its operation and use by any person not licensed under this chapter.

2. An ambulance carrying a sick or injured patient must be occupied by a driver and an attendant, each of whom is licensed as an attendant pursuant to this chapter ***,*** ~~[or]~~ exempt from licensing pursuant to subsection 7 of NRS 450B.160 ~~[,]~~ ***or authorized to practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** except as otherwise provided in

subsection 5 or in geographic areas which may be designated by the board and for which the board may prescribe lesser qualifications.

3. An air ambulance carrying a sick or injured patient must be occupied by a licensed attendant, ~~[or]~~ a person exempt from licensing pursuant to subsection 7 of NRS 450B.160 ~~[.]~~ ***or a person authorized to practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** in addition to the pilot of the aircraft.

4. The pilot of an air ambulance is not required to have a license under this chapter.

5. A person who operates or uses a vehicle owned by a fire-fighting agency is not required to be licensed under this chapter, except that such a vehicle may not be used to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons:

(a) At the scene of an emergency unless at least one person in the vehicle is licensed to provide the care; or

(b) While transporting those persons to a medical facility unless at least two persons in the vehicle are licensed to provide the care.

6. Nothing in this section precludes the operation of an aircraft in this State in a manner other than as an air ambulance.

Sec. 12. NRS 450B.655 is hereby amended to read as follows:

450B.655 "Dedicated advanced life support ambulance" means an ambulance equipped to provide advanced life support that:

1. Is capable of transporting a patient from a special event to a hospital but, upon delivering the patient, immediately returns to the site of the special event; and

2. Is staffed by:

(a) At least one licensed attendant who is an emergency medical technician and one licensed attendant who is a paramedic; or

(b) At least two other attendants, each with an equivalent or a higher level of skill than the levels described in paragraph (a) and each of whom is licensed pursuant to this chapter ***,*** ~~[or]~~ exempt from licensure pursuant to subsection 7 of NRS 450B.160 ~~[.]~~ ***or authorized to practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

Sec. 13. NRS 450B.660 is hereby amended to read as follows:

450B.660 "First-aid station" means a fixed location at the site of a special event that is staffed by:

1. At least one licensed attendant who is an emergency medical technician, advanced emergency medical technician or paramedic; or

2. A person with a higher level of skill than the levels described in subsection 1 who is capable of providing emergency medical care within his or her scope of practice and is licensed pursuant to this chapter ***,*** ~~[or]~~ exempt from licensure pursuant to subsection 7 of NRS 450B.160 ~~[.]~~ ***or authorized to***

practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 14. NRS 450B.670 is hereby amended to read as follows:

450B.670 "Roving emergency medical technician team" means a team at the site of a special event that:

1. Consists of two or more ~~[licensed attendants who are]~~ emergency medical technicians, advanced emergency medical technicians or paramedics ~~[;]~~ ***who are licensed attendants or authorized to serve as attendants under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act;*** and

2. Has the medical supplies necessary to provide emergency medical care.

Sec. 15. NRS 450B.675 is hereby amended to read as follows:

450B.675 "Roving intermediate emergency medical technician team" means a roving emergency medical team that consists of two or more ~~[licensed attendants who are]~~ advanced emergency medical technicians or paramedics ~~[.]~~ ***who are licensed attendants or authorized to serve as attendants under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

Sec. 16. NRS 450B.712 is hereby amended to read as follows:

450B.712 1. An authorized entity may obtain an order for auto-injectable epinephrine from a physician, osteopathic physician, physician assistant or advanced practice registered nurse, pursuant to NRS 630.374, 632.239 or 633.707 to be maintained by the authorized entity at any location under control of the authorized entity where allergens capable of causing anaphylaxis may be present. If a dose of auto-injectable epinephrine maintained by the authorized entity is used or expires, the authorized entity may obtain an additional dose of auto-injectable epinephrine to replace the used or expired dose.

2. Auto-injectable epinephrine maintained by an authorized entity pursuant to this section may be provided to a person for self-administration or may be administered to any person reasonably believed to be experiencing anaphylaxis by:

(a) An owner, employee or agent of the authorized entity who has received the training required pursuant to NRS 450B.714; or

(b) A person, other than an owner, employee or agent of the authorized entity, who is trained to recognize the symptoms of anaphylaxis and to administer auto-injectable epinephrine, who may include, without limitation, a provider of health care, a provider of emergency medical services, an athletic trainer or a family member of a person who suffers from allergies capable of causing anaphylaxis.

3. An authorized entity shall:

(a) Store auto-injectable epinephrine in a designated, secure location that is easily accessible and in compliance with the instructions provided by the manufacturer of the auto-injectable epinephrine and any requirements prescribed by the board; and

(b) Designate one or more employees or agents who have received the training described in NRS 450B.714 to be responsible for the storage, maintenance and oversight of the auto-injectable epinephrine maintained by the authorized entity.

4. Not later than 30 days after a dose of auto-injectable epinephrine maintained by an authorized entity is administered, the authorized entity shall report, on a form prescribed by the board, the circumstances surrounding such administration. The board shall publish an annual report summarizing and analyzing the information reported by authorized entities pursuant to this subsection.

5. As used in this section:

(a) "Provider of emergency medical services" means a person ~~[licensed]~~ ***who is:***

(1) Licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to this chapter ~~[.]~~ ***; or***

(2) Authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

(b) "Provider of health care" means a physician, nurse or physician assistant registered or licensed in this State.

Sec. 17. NRS 41.139 is hereby amended to read as follows:

41.139 1. Except as otherwise provided in subsection 2, a peace officer, firefighter or emergency medical attendant may bring and maintain an action for damages for personal injury caused by the willful act of another person, or by another person's lack of ordinary care or skill in the management of the person's property, if the conduct causing the injury:

(a) Occurred after the person who caused the injury knew or should have known of the presence of the peace officer, firefighter or emergency medical attendant;

(b) Was intended to injure the peace officer, firefighter or emergency medical attendant;

(c) Violated a statute, ordinance or regulation:

(1) Intended to protect the peace officer, firefighter or emergency medical attendant; or

(2) Prohibiting resistance to or requiring compliance with an order of a peace officer or firefighter; or

(d) Was arson.

2. This section does not impose liability on the employer of the peace officer, firefighter or emergency medical attendant.

3. As used in this section:

(a) "Emergency medical attendant" means a person ~~[licensed]~~ ***who is:***

(1) Licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS ~~[.]~~ ***; or***

(2) Authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

(b) "Peace officer" has the meaning ascribed to it in NRS 169.125.

Sec. 18. NRS 41.504 is hereby amended to read as follows:

41.504 1. Any physician, physician assistant or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant, physician assistant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision.

2. An emergency medical attendant, physician assistant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, physician assistant, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

3. As used in this section, "emergency medical attendant" means a person ~~[licensed]~~ ***who is:***

(a) Licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS ~~[.]~~ ***; or***

(b) Authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 19. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS ~~[.]~~ ***or practicing as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

(n) A peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. ***The provisions of subsection 8 do not apply to the employer of a person practicing as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

11. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 20. NRS 484B.767 is hereby amended to read as follows:

484B.767 1. Except as otherwise provided in this section, a peace officer, a firefighter, an emergency medical technician, an advanced emergency medical technician or a paramedic certified pursuant to chapter 450B of NRS ***or authorized to practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act*** or an employee of a pedestrian mall, who operates a bicycle, an electric bicycle or an electric scooter while on duty, is not required to comply with any provision of NRS or any ordinance of a local government relating to the operation of a bicycle, an electric bicycle or an electric scooter while on duty if he or she:

(a) Is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law; or

(b) Determines that noncompliance with any such provision is necessary to carry out his or her duties.

2. The provisions of this section do not:

(a) Relieve a peace officer, firefighter, emergency medical technician, advanced emergency medical technician, paramedic or employee of a pedestrian mall from the duty to operate a bicycle, an electric bicycle or an electric scooter with due regard for the safety of others.

(b) Protect such a person from the consequences of the person's disregard for the safety of others.

3. As used in this section, "pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 21. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS ~~[.]~~ ~~,~~ ***or authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act;***

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractic physician;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

(bb) A behavior analyst, assistant behavior analyst or registered behavior technician; or

(cc) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 21.5. **1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for maintenance fees and software licenses to connect to the coordinated database established under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact the following sums:**

For the Fiscal Year 2023-2024..... $5,000

For the Fiscal Year 2024-2025..... $5,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 22. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 23. 1. This section becomes effective upon passage and approval.

2. **Section 21.5 of this act becomes effective on July 1, 2023.**

3. Sections 1 to ~~[22.]~~ **21,** inclusive, **and 22** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 160.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 889.

AN ACT relating to criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; authorizing the Records, Communications and Compliance Division of the Department of Public Safety and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, necessary for the automatic sealing of criminal records; requiring the Administrative Office of the Courts to submit annual reports to the Legislature and adopt certain other rules; creating the Advisory Task Force on Automatic Record Sealing and establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Administrative Office of the Courts and the Legislature; expanding the circumstances in which there is a rebuttable presumption that criminal records should be sealed; revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; **applying provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence;** authorizing the Central Repository for Nevada Records of Criminal History and its employees to inquire into and inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain procedures pursuant to which a person is authorized to petition a court for the sealing of criminal records relating to: (1) convictions for certain offenses; (2) charges against a person that were dismissed or declined for prosecution or for which the person was acquitted; (3) a conviction which has been set aside; and (4) a conviction for an offense that has been decriminalized. Existing law: (1) establishes certain requirements concerning the amount of time that must elapse after a person was convicted or charged before the records relating to the conviction or charge are eligible to be sealed through the filing of such a petition; and (2) sets forth the circumstances under which a court is authorized or required to grant the petition. (NRS 179.245, 179.255, 179.271)

Section 1.3 of this bill requires the Records, Communications and Compliance Division of the Department of Public Safety, not later than

January 1, ~~[2026,]~~ **2027,** to develop and implement a process to identify each: (1) conviction of a person and each charge against a person that becomes an eligible conviction and eligible charge; and (2) agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge. **Section 1.3** defines "eligible conviction" and "eligible charge" to mean, in general, certain convictions **of** or charges **against a person after January 1, 2027,** if the records relating to the conviction or charge are eligible to be sealed pursuant to the provisions of existing law governing the sealing of records. After the development and implementation of the process of identifying eligible convictions and eligible charges, **section 1.3** requires the Division to, each month: (1) identify and compile a list of each conviction or charge that has become an eligible conviction or eligible charge in the immediately preceding month and each person or governmental entity identified as having possession of records relating to those eligible convictions and eligible charges; and (2) transmit the list to the Administrative Office of the Courts to recommend the sealing of the records relating to a listed eligible conviction or eligible charge.

Section 1.3 requires the Administrative Office of the Courts, not later than January 1, ~~[2026,]~~ **2027,** to develop and implement a process to review ~~[and approve]~~ such a list received from the Division and to transmit to every court having jurisdiction each conviction of a person or charge against a person that has become an eligible conviction or eligible charge. **Section 1.3** also requires the Administrative Office of the Courts, upon receiving such a list from the Division, to confirm each eligible conviction and eligible charge and notify every court having jurisdiction over the sealing of each eligible conviction or eligible charge. **Section 1.3** requires a court that receives such a notification from the Administrative Office of the Courts to then provide notice to the appropriate prosecuting attorney or agency and authorizes the prosecuting attorney or agency to object to the sealing of the records relating to each listed eligible conviction or eligible charge. **Section 1.3** further establishes the circumstances in which the court may order the records to be sealed. **Section 5** of this bill requires the order to be sent to the persons and governmental entities named in the order, who are then required to seal records relating to the eligible conviction or eligible charge. **Section 1.3** also: (1) authorizes the Division and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of **section 1.3**; and (2) requires the Administrative Office of the Courts to submit certain annual reports to the Legislature beginning on January 31, ~~[2027.]~~ **2028.**

Existing law provides, in general, that there is a rebuttable presumption that certain records of a person should be sealed if the person petitions the court for the sealing of such records and satisfies all statutory requirements. (NRS 179.2445) **Section 3.5** of this bill provides that there is also a rebuttable presumption that certain records of a person should be sealed if a court receives a list of confirmed eligible convictions or charges from the Administrative

Office of the Courts pursuant to **section 1.3** and the records relate to such confirmed eligible convictions or charges. **Sections 3.7 and 3.9** of this bill make conforming changes to reflect the change in **section 3.5**.

Existing law provides that if a court seals certain records of a person, certain civil rights of the person are restored. Existing law requires the person to be given documentation demonstrating that fact. If the documentation is lost, damaged or destroyed, the person is authorized to request that a court issue an order to restore his or her civil rights. (NRS 179.285) **Section 6** of this bill makes a technical, nonsubstantive change to existing law by reorganizing the language in existing law. **Section 6.5** of this bill provides for the restoration of civil rights if the records of a person are sealed pursuant to **section 1.3**. However, under **section 6.5**, the person is not required to be given documentation demonstrating that fact. Instead, **section 6.5** authorizes a person who was not given documentation of the restoration of his or her civil rights to request that a court issue an order in the same manner as a person whose documentation is lost, damaged or destroyed.

Section 7 of this bill authorizes a person who is the subject of records that are sealed pursuant to **section 1.3** to petition a court to allow for the inspection of the records. **Section 8** of this bill authorizes certain other governmental entities to inspect such records under certain circumstances. **Section 7.5** of this bill authorizes the Central Repository for Nevada Records of Criminal History and its employees to inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm. (NRS 202.360)

Sections 5-7 of this bill also apply provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence.

If a person is arrested and the charges against the person are dismissed or declined for prosecution or the person is acquitted of the charges, existing law authorizes the person to petition a court for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. (NRS 179.255) **Section 4** of this bill authorizes a person against whom multiple charges were brought, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, to petition for the sealing of those portions of the records relating to the arrest of the person and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.

Section 2 of this bill provides that it is the public policy of this State to enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Section 1.7 of this bill creates the Advisory Task Force on Automatic Record Sealing and establishes requirements concerning the membership of

the Task Force. **Section 1.7** establishes the general duties of the Task Force, including reviewing the current petition-based process for the sealing of records and identifying the ways in which the process can be streamlined to simplify the process for petitioners. **Section 1.7** also requires the Task Force to prepare and submit a report to the Administrative Office of the Courts and the Legislature: (1) on or before July 1, 2024, that sets forth the initial activities and findings of the Task Force; ~~[and]~~ (2) on or before July 1, 2025, **that sets forth the activities, findings and initial recommendations of the Task Force; and (3) on or before July 1, 2026,** that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records of criminal history. **Section 8.3** of this bill requires the Administrative Office of the Courts, before January 1, 2025, to adopt rules to streamline the process for filing a petition for the sealing of records, as recommended by the Task Force.

Sections 2-3.3 of this bill make conforming changes to indicate the proper placement of **sections 1.3 and 1.7** in the Nevada Revised Statutes.

Section 8.1 of this bill makes an appropriation from the State General Fund to the Department of Public Safety for the technology costs associated with complying with the provisions of section 1.3. Section 8.15 of this bill makes an appropriation from the State General Fund to the Department for the provision of support to the Task Force, including for the administrative costs of supporting the Task Force and employing or contracting with persons to perform certain functions. Section 8.2 of this bill makes an appropriation from the State General Fund to the Interim Finance Committee for allocation to the Department for the award of grants of money to criminal justice agencies to support technology or system upgrades for the purpose of complying with the provisions of section 1.3.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***1. Not later than January 1, ~~[2026,]~~ 2027, the Division shall develop and implement a process to identify, based on data maintained in the records of the Division, each:***

(a) Conviction of a person that becomes an eligible conviction;

(b) Charge against a person that becomes an eligible charge; and

(c) Agency of criminal justice or public or private company, agency, officer and other custodian of records that may reasonably be identified as having possession of records relating to a conviction or charge that becomes an eligible conviction or eligible charge.

2. After the development and implementation of the process described in subsection 1, the Division shall, each month:

(a) Identify each:

(1) Conviction of a person or charge against a person that has become an eligible conviction or eligible charge in the immediately preceding month; and

(2) Agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge identified pursuant to subparagraph (1);

(b) Compile a list of each eligible conviction, eligible charge and person or governmental entity identified pursuant to paragraph (a); and

(c) Transmit the list compiled pursuant to paragraph (b) to the Administrative Office of the Courts to recommend the sealing of records relating to an eligible conviction or eligible charge identified on the list.

3. Not later than January 1, ~~[2026,]~~ 2027, the Administrative Office of the Courts shall develop and implement a process to review ~~[and approve]~~ the list received from the Division pursuant to paragraph (c) of subsection 2 and transmit to every court having jurisdiction each:

(a) Conviction of a person that has become an eligible conviction; and

(b) Charge against a person that has become an eligible charge.

4. Upon receiving a list transmitted by the Division pursuant to paragraph (c) of subsection 2, the Administrative Office of the Courts shall confirm each eligible conviction and eligible charge and, not later than 30 business days after receiving the list from the Division, notify every court having jurisdiction over the sealing of records relating to each confirmed eligible conviction and eligible charge to order the sealing of such records.

5. A court that receives notification from the Administrative Office of the Courts pursuant to subsection 4 shall, not later than 15 calendar days after receiving such notification, provide notice to the appropriate prosecuting attorney or agency. The prosecuting attorney or agency may object to the sealing of such records not later than 30 calendar days after receiving notice from the court.

6. If, not later than 30 calendar days after receiving notice from the court pursuant to subsection 5, a prosecuting attorney or agency:

(a) Stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records.

(b) Does not stipulate to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records without a hearing. Each person or governmental entity identified on the list as having possession of records relating to an eligible conviction or eligible charge to which the order applies must be named in the order.

(c) Objects to the sealing of the records, the court may conduct a hearing on the matter. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and order the sealing of the records.

7. The Division and the Administrative Office of the Courts shall take such actions as are necessary to ensure public awareness of the provisions

of this section. Such actions may include, without limitation, the posting of appropriate information on an Internet website maintained by the Division or the Administrative Office of the Courts or the conducting of a public awareness campaign.

8. The Division and the Administrative Office of the Courts may adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of this section, including, without limitation, rules or regulations concerning:

(a) Contracting with any vendors to update any necessary technology; and

(b) Applying for any grants available to carry out the provisions of this section.

9. The provisions of this section do not prohibit a person from petitioning the court for the sealing of any eligible records in accordance with any other applicable provision of law.

10. If a person believes that his or her records have been sealed, the person may make a written request to the appropriate court to confirm that his or her records have been sealed and review such records.

11. On or before January 31, ~~[2027,]~~ 2028, and each year thereafter, the Administrative Office of the Courts shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to Legislature that sets forth, to the extent possible, the number of records that were identified to be eligible for sealing and the number of records that were ordered to be sealed during the previous calendar year.

12. As used in this section:

(a) "Division" means the Records, Communications and Compliance Division of the Department of Public Safety.

(b) "Eligible charge" means any charge against a person on or after January 1, 2027, if the records relating to the charge are eligible to be sealed pursuant to ~~[subsection 1 of NRS 179.255,]~~ paragraph (c) or (g) of subsection 1 of NRS 179.245 for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351.

(c) "Eligible conviction" means any conviction of a person on or after January 1, 2027, if the records relating to the conviction are eligible to be sealed pursuant to paragraph (c) or (g) of subsection 1 of NRS 179.245 for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351, and the person has not been, in the time period prescribed in the applicable provision, charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations.

Sec. 1.7. *1. The Advisory Task Force on Automatic Record Sealing is hereby created. The Task Force consists of:*

(a) Fifteen members appointed by the ~~[Department of Public Safety in accordance with subsection 2,]~~ Legislative Commission from recommendations submitted by the applicable participating entities consisting of:

(1) One member who is a representative of the Administrative Office of the Courts;

(2) One member who is a representative of the Nevada Supreme Court ~~[,]~~ or his or her designee;

(3) One member who is a representative of a district court;

(4) One member who is a representative of a justice court;

(5) ~~[One member who is a representative of an outlying justice court;~~

~~(6)]~~ One member who is a representative of a municipal court;

~~[(7)]~~ (6) One member who is a representative of a district attorney's office;

~~[(8)]~~ (7) One member who is a representative of the Office of the Attorney General;

~~[(9)]~~ (8) One member who is a representative of the Office of the Clark County Public Defender or the Office of the Washoe County Public Defender or who is an attorney in private practice and experienced in defending criminal actions;

~~[(10)]~~ (9) One member who is a representative of ~~[a]~~ an urban law enforcement agency;

(10) One member who is a representative of a rural law enforcement agency;

(11) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety;

(12) One member who is a representative of the Department of Corrections; ~~[and]~~

(13) ~~[Three]~~ One member who is a representative of the Records, Communications and Compliance Division of the Department of Public Safety; and

(14) Two members who are representatives from nonprofit organizations focused on issues relating to criminal justice;

(b) ~~[Two members who are Senators, one of whom]~~ One member of the Senate who is appointed by the Majority Leader of the Senate ; ~~[and one of whom is appointed by the Minority Leader of the Senate;]~~ and

(c) ~~[Two members who are members]~~ One member of the Assembly ~~[, one of whom]~~ who is appointed by the Speaker of the Assembly . ~~[and one of whom is appointed by the Minority Leader of the Assembly.]~~

2. ~~[The Department of Public Safety shall solicit applications for appointment to the Task Force pursuant to paragraph (a) of subsection 1.]~~ When appointing members to the Task Force pursuant to paragraph (a) of

subsection 1, the ~~[Department]~~ Legislative Commission shall ensure that all regions of this State are represented.

3. At the first meeting of the Task Force, the members shall elect a Chair and Vice Chair by a majority vote.

4. The Department of Public Safety shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.

5. The members of the Task Force serve without compensation or per diem allowance. If sufficient money is available, a member of the Task Force may, upon written request, receive reimbursement for travel expenses provided for state officers and employees generally while engaged in the business of the Task Force.

6. The Task Force : ~~[shall:]~~

(a) Shall:

(1) Review the current petition-based process for the sealing of records and identify the ways in which the process can be streamlined to simplify the process for petitioners;

~~[(b)]~~ (2) Conduct research on methods to implement the provisions of section 1.3 of this act, including, without limitation, necessary technology and system upgrades within the criminal justice system of this State;

~~[(c)]~~ (3) Identify and assess any technology and system gaps, necessary infrastructure and policy constraints to support the implementation of the automatic sealing of records; ~~[and~~

~~(d)]~~ (4) Develop a timeline for implementation that includes benchmarks to implement the provisions of section 1.3 of this act; and

(5) Recommend approaches to improve the ability of this State to expand future provisions concerning the automatic sealing of records, including, without limitation, the feasibility of retroactively sealing eligible charges and convictions ~~[.]~~ ; and

(b) May consider, in its discretion, any other matters submitted by a member of the Task Force.

7. The ~~[Task Force]~~ Department of Public Safety may:

(a) Enter into a contract with a consultant or vendor to perform the research necessary for the Task Force to carry out its duties; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to assist the Task Force in carrying out its duties.

8. The Task Force shall:

(a) On or before July 1, 2024, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the initial activities and findings of the Task Force, including, without limitation, the ways in which the petition-based process for the sealing of records can be streamlined; ~~[and]~~

(b) On or before July 1, 2025, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative

Counsel Bureau, for transmittal to the Legislature, that sets forth the activities, findings and initial recommendations of the Task Force; and

(c) On or before July 1, 2026, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records.

9. The meetings of the Task Force are closed to the public and are not subject to the provisions of chapter 241 of NRS.

Sec. 2. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to ~~[favor]~~ ***:***

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive ~~[.]~~ ***, and section 1.7 of this act; and***

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.3. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~[section]~~ ***sections 1.3 and*** 1.7 of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.7. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~[sections]~~ ***section*** 1.3 ~~[and 1.7]~~ of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, ***and section 1.7 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.1. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~[section]~~ ***sections 1.3 and*** 1.7 of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~[sections]~~ ***section*** 1.3 ~~[and 1.7]~~ of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.5. NRS 179.2445 is hereby amended to read as follows:

179.2445 1. Except as otherwise provided in subsection 2, upon the ~~[filing]~~ ***:***

(a) Filing of a petition for the sealing of records pursuant to NRS 179.245, 179.247, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

(b) Receipt by a court of the list of confirmed eligible convictions or eligible charges from the Administrative Office of the Courts pursuant to section 1.3 of this act, there is a rebuttable presumption that the records relating to the confirmed eligible convictions or eligible charges should be sealed.

2. The presumption set forth in ***paragraph (a) of*** subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.850 and applies to the court for the sealing of records relating to the conviction.

Sec. 3.7. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years

from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of***

subsection 1 of NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.430;

(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 3.9. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to

the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of:

(a) A violation of NRS 201.353 or 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) A crime under the laws of this State, other than a crime of violence; or

(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow the prosecuting attorney who prosecuted the petitioner for the crime and any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case. If the prosecuting agency does not stipulate to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case or does not file a written objection within 30 days after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may vacate the judgment and seal all documents, papers

and exhibits in accordance with subsection 7 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, the court shall vacate the judgment, apply the presumption and seal all documents, papers and exhibits related to the case.

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

(a) Vacate the judgment and dismiss the accusatory pleading; and

(b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

9. If the court enters an order pursuant to subsection 8, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 7, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

Sec. 4. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time 8 years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. ***If a person has been arrested for alleged criminal conduct and multiple charges were brought against the person, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, a petition filed pursuant to this subsection may request the sealing of those***

portions of the records relating to the arrest and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting agency that prosecuted or declined to prosecute the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, the court shall apply the presumption and seal the records.

7. If the court finds:

(a) That there has been an acquittal and there is no evidence that further action will be brought against the person, the court shall order sealed all records of the arrest and of the proceedings leading to the acquittal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada; or

(b) That prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 5. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 34.970, ***41.910,*** 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[,]~~ ***or section 1.3 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 6. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, ***41.910,*** 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. ~~[A]~~ ***If a*** person ~~[who]~~ has had his or her records sealed in this State or any other state and ~~[whose]~~ ***was not given*** official documentation of the restoration of civil rights ***or if that documentation*** is lost, damaged or destroyed ***, the person*** may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 6.5. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, 41.910, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[.]~~ ***or section 1.3 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, ***except if the person's records were sealed pursuant to section 1.3 of this act,*** a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. If a person has had his or her records sealed in this State or any other state and was not given official documentation of the restoration of civil rights or if that documentation is lost, damaged or destroyed, the person may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 7. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, ***41.910,*** 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ***or section 1.3 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and

179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ***or section 1.3 of this act*** in determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.

Sec. 7.5. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to ~~[sexual]~~ ***:***

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, ***or section 1.3 of this act,*** if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, ***or section 1.3 of this act,*** if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** that constitute information relating to:

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8.1. **There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of $1,000,000 for the technology costs associated with complying with the provisions of section 1.3 of this act.**

Sec. 8.15. **There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of $500,000 for the provision of support to the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, for the administrative costs of supporting the Task Force and employing or contracting with persons to perform the functions described in paragraph (a) of subsection 6 of section 1.7 of this act.**

Sec. 8.2. **There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $1,000,000 for allocation to the Department of Public Safety for the award of grants of money to criminal justice agencies to support technology or system upgrades for the purpose of complying with the provisions of section 1.3 of this act.**

Sec. 8.25. **Any remaining balance of the appropriations made by sections 8.1, 8.15 and 8.2 of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise**

transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 8.3. 1. Before January 1, 2025, the Administrative Office of the Courts shall adopt rules to streamline the process for filing a petition for the sealing of records of criminal history, as recommended by the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, rules regarding:

(a) A standard order for the sealing of records of criminal history to be used by all courts having jurisdiction over the sealing of records of criminal history;

(b) The authority for a petitioner to file a request for the sealing of records of criminal history with one court; and

(c) Any other changes that will expedite or simplify the process for petitioners to seal records of criminal history.

2. As used in this section, "record of criminal history" has the meaning ascribed to it in NRS 179A.070.

Sec. 8.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. 1. This section and sections 1, 2, 3, 4, 6, 7.5, 8.3 and 8.7 become effective upon passage and approval.

2. **Sections 8.1 to 8.25, inclusive, of this act become effective on July 1, 2023.**

3. Section 1.3 of this act becomes effective:

(a) Upon passage and approval for the purpose of:

(1) The Division developing and implementing the process required pursuant to subsection 1 of that section;

(2) The Administrative Office of the Courts developing and implementing the process required pursuant to subsection 3 of that section; and

(3) The Division and the Administrative Office of the Courts adopting any rules or regulations, as applicable, and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

~~[3.]~~ **4.** Section 1.7 of this act becomes effective upon passage and approval and expires by limitation on June 30, ~~[2026.]~~ **2027.**

~~[4.]~~ **5.** Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become effective on January 1, 2026.

~~[5.]~~ **6.** Sections 2.3 and 3.1 of this act become effective on January 1, 2026, and expire by limitation on June 30, 2026.

~~[6.]~~ **7.** Sections 2.7 and 3.3 of this act become effective on July 1, 2026.

~~[7.]~~ **8.** As used in this section, "Division" means the Records, Communications and Compliance Division of the Department of Public Safety.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 208.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 906.

AN ACT relating to Medicaid; establishing a program to provide structured family caregiving to certain recipients of Medicaid; **making appropriations to and authorizing expenditures by certain divisions of the Department of Health and Human Services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law authorizes a state to apply for a waiver that allows the state to receive financial contributions from the Federal Government toward the cost of providing certain home and community-based services for recipients of Medicaid who are elderly or disabled. (42 U.S.C. § 1396n(c)) Existing law requires the Department of Health and Human Services to apply for such a waiver covering certain home and community-based services for recipients of Medicaid with physical disabilities. (NRS 422.396)

Section 1 of this bill requires the Department to apply to the United States Secretary of Health and Human Services for a home and community-based services waiver to include structured family caregiving for recipients of Medicaid suffering from dementia. **Section 1** requires that the Department include in its application for the waiver: (1) an authorization for an applicant for or a recipient of Medicaid to choose his or her caregiver and the residence where the recipient will receive the structured family caregiving; and (2) a requirement that the caregiver be or become an employee of an agency to provide personal care services in the home or an intermediary service organization and receive a daily stipend through that employer. **Section 1** also requires a caregiver to receive certain training. **Section 2** of this bill makes a conforming change to indicate that **section 1** will be administered in the same manner as other provisions of existing law governing Medicaid. **Section 2.3 of this bill makes appropriations to, and authorizes expenditures by, the Division of Health Care Financing and Policy of the Department for costs relating to including such structured family caregiving as medical assistance under Medicaid. Section 2.6 of this bill makes appropriations to, and authorizes expenditures by, the Division of Welfare and Supportive Services of the Department for costs relating to system modifications to implement this bill.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall apply to the Secretary of Health and Human Services for a home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n(c). The waiver must authorize the Department to include structured family caregiving for persons suffering from dementia as medical assistance under Medicaid.

2. The waiver must:

(a) Authorize an applicant for or a recipient of Medicaid suffering from dementia to choose any:

(1) Person, including, without limitation, a spouse or a person who is legally responsible for the recipient, to serve as his or her caregiver; and

(2) Appropriate residence in which to receive structured family caregiving;

(b) Require a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a), including, without limitation, a caregiver chosen by an applicant whose application is approved, to be or become an employee of an agency to provide personal care services in the home or an intermediary service organization;

(c) Establish a per diem rate to be paid to an agency to provide personal care services in the home or an intermediary service organization that employs a caregiver pursuant to paragraph (b);

(d) Require an agency to provide personal care services in the home or intermediary service organization that employs a caregiver pursuant to paragraph (b) to provide to the caregiver a daily stipend that is at least 65 percent of the per diem rate paid to the agency to provide personal care services in the home or intermediary service organization; and

(e) Require a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a), including, without limitation, a caregiver chosen by an applicant whose application is approved, to complete any training the Aging and Disability Services Division of the Department determines to be necessary for the caregiver to provide adequate care to the recipient.

3. The Department shall:

(a) Cooperate with the Federal Government in obtaining a waiver pursuant to this section;

(b) If the Federal Government approves the waiver, adopt regulations necessary to carry out the provisions of this section, including, without limitation, the criteria to be used in determining eligibility for an applicant for or a recipient of Medicaid suffering from dementia to receive structured family caregiving pursuant to this section; and

(c) Implement the amendments to the waiver only to the extent that the amendments are approved by the Federal Government.

4. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Intermediary service organization" has the meaning ascribed to it in NRS 449.4304.

(c) "Structured family caregiving" means the provision of services to a person who resides in the same residence as the caregiver on a full-time basis. The services provided may include, without limitation:

(1) Case management services;

(2) Personal care services;

(3) Personal assistance;

(4) Homemaker services; and

(5) Health-related services, including, without limitation, home health aide services.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 2.3. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the costs of including structured family caregiving for persons suffering from dementia as medical assistance under Medicaid pursuant to section 1 of this act and for personnel, travel, operating, equipment, information services expenses and system costs for changes to the Medicaid Management Information System associated with carrying out the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $50,662

For the Fiscal Year 2024-2025..... $100,400

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024..... $85,382

For the Fiscal Year 2024-2025..... $223,781

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any

purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 2.6. **1. There is hereby appropriated from the State General Fund to the Division of Welfare and Supportive Services of the Department of Health and Human Services the sum of $72,240 for system modifications to implement the provisions of this act.**

2. Expenditure of the sum of $650,160 during Fiscal Year 2023-2024 not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Welfare and Supportive Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. **Sections 2.3 and 2.6 of this act become effective on July 1, 2023.**

3. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2025, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 253.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 865.

SUMMARY—Provides for the ~~[licensure]~~ **permitting** and regulation of certain events at which the sale and consumption of cannabis or cannabis products is allowed. (BDR 56-152)

AN ACT relating to cannabis; providing for the ~~[licensure]~~ **permitting** and regulation by the ~~[Cannabis Compliance Board]~~ **board of county commissioners of a county and the governing body of an incorporated city**

of certain events at which the sale and consumption of cannabis or cannabis products is allowed; **providing for the licensure and regulation by the Cannabis Compliance Board of persons who sell cannabis and cannabis products at such events;** setting forth certain requirements for the issuance of a ~~[temporary]~~ cannabis ~~[event]~~ **concierge sales** permit and ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license; setting forth certain requirements concerning the ~~[operation]~~ **sale** of **cannabis and cannabis products at** a temporary cannabis event; imposing various requirements on ~~[portable]~~ cannabis ~~[vendors;]~~ **concierges;** revising provisions relating to social equity applicants; ~~[requiring the Board to adopt regulations]~~ establishing certain fees; revising provisions relating to the consumption of cannabis in a public place; revising provisions relating to the excise tax on retail sales of cannabis and cannabis products; exempting a ~~[portable cannabis vendor]~~ **person** who ~~[holds]~~ **has been issued a permit to hold** a temporary cannabis event **and a cannabis concierge** from certain provisions prohibiting a person from maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) This bill provides for the ~~[licensure]~~ **permitting** and regulation **by the board of county commissioners of a county and the governing body of an incorporated city** of events at which the sale of cannabis or cannabis products and the consumption of cannabis or cannabis products by persons 21 years of age or older is allowed. **Section 6** of this bill designates such events as "temporary cannabis events." **This bill also provides for the licensure and regulation by the Cannabis Compliance Board of persons who sell cannabis and cannabis products at temporary cannabis events. Section 4 of this bill designates such a person a "cannabis concierge."**

Section ~~[14]~~ **35.3** of this bill **authorizes the board of county commissioners of a county to adopt an ordinance providing for the issuance of a permit to authorize a person to hold a temporary cannabis event in an unincorporated area of the county. Section 35.3** prohibits a person from holding a temporary cannabis event **in an unincorporated area of a county** unless ~~[: (1) the person has been licensed by the Board as a portable cannabis vendor; and (2) the Board has issued a temporary cannabis event permit for the event.]~~ **the board of county commissioners has adopted such an ordinance and issued the person a permit. Section 35.3 also: (1) sets forth various requirements for the contents of such an ordinance, including, without limitation, requirements concerning the process by which a person may obtain a permit to hold a temporary cannabis event and requirements concerning the operation of such an event; and (2) authorizes a board of county commissioners that adopts such an**

ordinance to charge a fee for the issuance of a permit and engage in certain other activities. Section 35.6 of this bill establishes similar provisions for the governing body of an incorporated city for temporary cannabis events held in the incorporated city. Section ~~[4]~~ **14** of this bill ~~[defines "portable cannabis vendor" to mean, in general, a business that:]~~ **prohibits a person from selling cannabis or cannabis products at a temporary cannabis event unless:** (1) ~~[is]~~ **the person has been** licensed by the **Cannabis Compliance** Board ~~[,]~~ **as a cannabis concierge; and** (2) ~~[holds temporary cannabis events; and (3) purchases cannabis or cannabis products from an adult-use cannabis retail store and sells such cannabis or]~~ **the Board has issued the person a** cannabis ~~[products at]~~ **concierge sales permit for the** temporary cannabis ~~[events held by the business.]~~ **event. Section 18** of this bill establishes requirements for licensure as a ~~[portable]~~ cannabis ~~[vendor.]~~ **concierge. Section 14** sets forth certain requirements for a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** to obtain a ~~[temporary]~~ cannabis ~~[event]~~ **concierge sales** permit. ~~[Section 14.5 of this bill: (1) deems a temporary cannabis event permit conditional until the portable cannabis vendor has obtained the necessary approvals from the local government having jurisdiction over the location where the temporary cannabis event will be located; (2) requires the Board to adopt regulations requiring the surrender of a conditional temporary cannabis event permit for the failure to obtain such approvals within a certain period of time; and (3) requires a portable cannabis vendor who is issued a temporary cannabis event permit to comply with all local ordinances and rules.
— Section]~~ **Sections 15 and 16** of this bill ~~[prohibits a person other than the portable cannabis vendor to whom the temporary cannabis event permit was issued from selling cannabis or cannabis products at a temporary cannabis event and sets]~~ **set** forth certain requirements for ~~[such]~~ sales ~~[. Section 16 of this bill imposes certain requirements and restrictions on a portable cannabis vendor relating to the operation of]~~ **of cannabis and cannabis products by a cannabis concierge at** a temporary cannabis event.

Section 19 of this bill requires a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** who ~~[holds]~~ **sells cannabis and cannabis products at** a temporary cannabis event to purchase all cannabis or cannabis products for resale at ~~[a]~~ **the** temporary cannabis event from an adult-use cannabis retail store.

Existing law defines "social equity applicant" to mean, in general, an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge who has been adversely affected by previous laws which criminalized activity relating to cannabis. (NRS 678B.065) Existing law requires the Board to adopt regulations establishing criteria for determining whether an applicant qualifies as a social equity applicant. (NRS 678B.323) **Section 24** of this bill expands the definition of "social equity applicant" to include an applicant for the issuance or renewal of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license who has been adversely affected by previous laws which criminalized activity relating to cannabis. **Section 27** of this bill requires the Board to adopt

regulations establishing criteria for determining whether such an applicant qualifies as a social equity applicant. **Section 21** of this bill ~~[requires the Board to issue the first portable cannabis vendor license to a social equity applicant and the second portable cannabis vendor license to an applicant who is not a social equity applicant. After the issuance of the first two portable cannabis vendor licenses, section 21 requires the Board to issue portable cannabis vendor licenses by alternately issuing such a license to a social equity applicant and an applicant who is not a social equity applicant.]~~ **imposes certain requirements and restrictions on the Board concerning the manner in which cannabis concierge licenses must be issued.**

Section 22 of this bill sets forth certain requirements for the issuance of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license under circumstances in which more than one qualified applicant has applied for a license. **Section 22** requires the Board to revoke the license of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** who **has held a cannabis concierge license for at least 18 months and** has not ~~[held]~~ **been issued a cannabis concierge sales permit for** a temporary cannabis event in the immediately preceding 18 months and provides for the reissuance of such a revoked license. **Section 41.5 of this bill provides that a person who is issued one of the first five cannabis concierge licenses is deemed not to hold a license for the purposes of those requirements until 2 years after the date on which the license was issued. As such, under sections 22 and 41.5, the license of a such a person is not subject to revocation for failing to be issued a cannabis concierge sales permit until at least 42 months after the issuance of the license.**

Existing law imposes an excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge. (NRS 372A.290) **Section 39** of this bill applies this excise tax to retail sales of cannabis or cannabis products by a ~~[portable]~~ cannabis ~~[vendor.]~~ **concierge. Sections 36 and 38** of this bill make conforming changes to reflect the imposition of the excise tax on retail sales of cannabis or cannabis products by a ~~[portable]~~ cannabis ~~[vendor.~~

~~Section 20 of this bill authorizes a local government to charge a portable cannabis vendor a fee for holding a temporary cannabis event.]~~ **concierge.**

Section 29 of this bill ~~[requires the Board to adopt regulations establishing]~~ **establishes certain** fees associated with a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license ~~[. Existing law authorizes the Board to establish reduced fees for the initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge for social equity applicants. (NRS 678B.390) Section 29 similarly authorizes the Board to establish reduced fees for the initial issuance or renewal of a portable cannabis vendor license for social equity applicants.]~~ **and a cannabis concierge sales permit.**

Section 9 of this bill includes a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** within the definition of "cannabis establishment" provided in existing law, thereby subjecting such businesses to the requirements of existing law

applicable to cannabis establishments. (NRS 678A.095) Similarly, **section 10** of this bill includes a ~~[temporary]~~ cannabis ~~[event]~~ **concierge sales** permit and a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license within the definition of "license" provided in existing law, thereby subjecting the holders of such licenses to the provisions of existing law applicable to holders of other licenses issued by the Board. (NRS 678A.160) **Section 11** of this bill authorizes the Board to adopt regulations providing policies and procedures under which the Board is authorized to waive any requirement applicable to a cannabis establishment that the Board determines is not appropriate for a ~~[portable]~~ cannabis ~~[vendor.]~~ **concierge. Section 31** of this bill requires the Board to adopt regulations concerning the safe and healthful ~~[operation]~~ **conduct** of **sales of cannabis and cannabis products by a cannabis concierge at a** temporary cannabis ~~[events.]~~ **event.**

Section 23 of this bill provides that a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license or ~~[temporary]~~ cannabis ~~[event]~~ **concierge sales** permit issued by the Board pursuant to the provisions of this bill is a revocable privilege. **Sections 25 and 26** of this bill prohibit the issuance of a medical cannabis establishment license or an adult-use cannabis establishment license, respectively, if any of the persons proposed to be owners, officers or board members of the establishment have previously served in such a position for a cannabis establishment that has had a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license or ~~[temporary]~~ cannabis ~~[event]~~ **concierge sales** permit issued by the Board revoked.

Existing law requires the Board to adopt regulations setting forth procedures and requirements for the transfer of a license. (NRS 678B.380) **Section 28** of this bill ~~[specifies that]~~ **requires** such regulations ~~[must]~~ **to** set forth ~~[procedures and]~~ **certain specified authorizations and** requirements for the transfer of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license**.** ~~[that is held by a social equity applicant.]~~

Section 30 of this bill revises provisions of existing law that prohibit a person from selling or advertising the sale of cannabis or cannabis products for the purpose of authorizing the holder of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license to engage in such activities. (NRS 678B.530) Existing law exempts, in general, persons who hold certain licenses issued by the Board from state prosecution for certain offenses relating to cannabis. (NRS 678D.200) **Section 33** of this bill expands this exemption to include the holder of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license.

Existing law prohibits, with certain exceptions, the consumption of cannabis or cannabis products in a public place. (NRS 678C.300, 678D.300, 678D.310) **Sections 32, 34 and 35** of this bill revise these provisions for the purposes of authorizing a person to consume cannabis or cannabis products in an area designated for that activity at a temporary cannabis event.

Existing law prohibits a person from opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance. (NRS 453.316) **Section 41** of this bill exempts ~~[a portable]~~ **from the**

application of this provision: (1) a person who has been issued a permit by the board of county commissioners of a county or the governing body of an incorporated city to hold a temporary cannabis ~~[vendor]~~ **event and** whose activities are confined to those authorized under the provisions of **the ordinance adopted by the board of county commissioners or governing body, as applicable; and (2) a cannabis concierge who sells cannabis and cannabis products at a temporary cannabis event and whose activities are confined to those authorized by the provisions of** this bill **.** ~~[from the application of this provision.]~~

Section 41.3 of this bill makes an appropriation to the Department of Taxation for payments under the cost allocation plan for services of the Attorney General and for personnel, travel, operating, equipment and information services expenses associated with implementing the provisions of this bill.

Sections 4-7 of this bill define words and terms applicable to the provisions of this bill. **Sections 8 and 37** of this bill make conforming changes to indicate the proper placement of new provisions in the Nevada Revised Statutes. **Section 40** of this bill makes a conforming change to reflect the addition of the provisions of **section 29**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. ***~~[“Portable cannabis vendor”]~~ “Cannabis concierge” means a business that:***

1. Is licensed by the Board pursuant to section 18 of this act; and

2. ~~[Permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to temporary cannabis events; and~~

~~3.]~~ Purchases cannabis or cannabis products from an adult-use cannabis retail store and sells such cannabis or cannabis products at a temporary cannabis event ~~[held by the business.]~~ for which a permit has been issued by the board of county commissioners of a county pursuant to section 35.3 of this act or the governing body of an incorporated city pursuant to section 35.6 of this act, as applicable.

Sec. 5. ***~~[“Portable cannabis vendor]~~ “Cannabis concierge license” means a license that is issued by the Board pursuant to section 18 of this act to authorize the operation of a ~~[portable]~~ cannabis ~~[vendor.]~~ concierge.***

Sec. 5.5. “Cannabis concierge sales permit” means a license that is issued by the Board pursuant to section 14 of this act to authorize a cannabis concierge to sell cannabis and cannabis products at a temporary cannabis event.

Sec. 6. ***"Temporary cannabis event" means an event ~~[held by a portable cannabis vendor for which a temporary cannabis event permit has been issued by the Board pursuant to section 14 of this act and]~~ at which:***

1. ~~[The portable]~~ A cannabis ~~[vendor]~~ concierge sells cannabis or cannabis products to persons 21 years of age or older; and

2. The consumption of cannabis or cannabis products by persons 21 years of age or older is allowed.

Sec. 7. ***~~[~~"Temporary cannabis event permit" means a license that is issued by the Board pursuant to section 14 of this act to authorize a portable cannabis vendor to hold a temporary cannabis event. ~~]~~*** **(Deleted by amendment.)**

Sec. 8. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, ***and sections 2 to ~~[7,]~~ 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 678A.095 is hereby amended to read as follows:

678A.095 "Cannabis establishment" means:

1. An adult-use cannabis establishment; ~~[or]~~
2. A medical cannabis establishment ~~[.]~~ ***; or***
3. ***A ~~[portable]~~ cannabis ~~[vendor.]~~ concierge.***

Sec. 10. NRS 678A.160 is hereby amended to read as follows:

678A.160 "License" means:

1. An adult-use cannabis establishment license; ~~[or]~~
2. A medical cannabis establishment license ~~[.]~~ ***;***
3. ***A ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit; or***
4. ***A ~~[portable]~~ cannabis ~~[vendor]~~ concierge license.***

Sec. 11. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in

any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) ***Policies and procedures governing the circumstances under which the Board may waive any requirement applicable to a cannabis establishment that the Board determines is not appropriate for a ~~[portable]~~ cannabis ~~[vendor.]~~ concierge.***

(i) Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

4. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 12. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 22, inclusive, of this act.

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. A person shall not ~~[hold]~~ sell cannabis or cannabis products at a temporary cannabis event unless the person:

(a) Is a ~~[portable]~~ cannabis ~~[vendor;]~~ concierge; and

(b) Has been issued a ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit for the temporary cannabis event by the Board pursuant to this section.

2. A ~~[portable]~~ cannabis ~~[vendor]~~ concierge who wishes to obtain a ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit must submit to the Board the application ~~[deposit,]~~ fee, as set forth in ~~[subsection 6,]~~

NRS 678B.390, and an application on a form prescribed by the Board. The application must include:

(a) The name, address, telephone number and electronic mail address of the applicant;

(b) The physical address of the location at which the [proposed] temporary cannabis event will be held ; [, the location of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the temporary cannabis event permit was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the temporary cannabis event permit was submitted to the Board or, if the temporary cannabis event will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the temporary cannabis event permit was submitted to the Board;]

(c) The date or dates of the [proposed] temporary cannabis event ; [, which must not exceed 3 consecutive days;]

(d) [The number of persons reasonably expected to attend the proposed temporary cannabis event, which must be not less than 750 persons, estimated using the method set forth by the Board by regulation, and evidence to support this expectation;

(e) A diagram of the physical layout of the proposed temporary cannabis event, which clearly sets forth each:

(1) Entrance and exit to the proposed temporary cannabis event that will be used by participants during the event;

(2) Area within the proposed temporary cannabis event designated for the sale of cannabis or cannabis products;

(3) Area within the proposed temporary cannabis event designated for the consumption of cannabis or cannabis products; and

(4) Area within the proposed] Evidence that the temporary cannabis event [designated for the storage of cannabis or cannabis products;

(f)] has been issued a permit by the board of county commissioners of the county pursuant to section 35.3 of this act or the governing body of the incorporated city pursuant to section 35.6 of this act, as applicable, where the temporary cannabis event will be located;

(e) Operating procedures consistent with the regulations of the Board for the safe and healthful [operation] conduct of sales of cannabis and cannabis products at temporary cannabis events, including, without limitation:

(1) Procedures to ensure the use of adequate security measures;

(2) The use of an inventory control system; and

(3) Procedures to ensure adequate controls for the sale of cannabis and cannabis products;

~~[(g) An attestation by the applicant that he or she understands and agrees to comply with the requirements set forth in section 16 of this act;]~~

(f) A plan to ensure adequate security of the operations of the cannabis concierge at the temporary cannabis event, including, without limitation, the security of the cannabis and cannabis products offered for sale and the money collected by the cannabis concierge at the temporary cannabis event;

(g) A plan for the disposition of any unsold cannabis at the temporary cannabis event, which must include:

(1) Entering into an agreement with the adult-use cannabis retail store from which the cannabis and cannabis products were purchased to provide for the return of unsold cannabis to the retail store;

(2) Entering into agreements with the adult-use cannabis retail store from which the cannabis and cannabis products were purchased and an adult-use cannabis distributor to provide for the delivery of cannabis and cannabis products to the cannabis concierge at the temporary cannabis event in stages, so as to minimize the amount of cannabis and cannabis products in the possession of the cannabis concierge at any given time;

(3) Entering into an agreement with a person engaged in the disposal of cannabis and cannabis products who has been approved by the Board to provide for the destruction of unsold cannabis or cannabis products; or

(4) Any combination of subparagraphs (1), (2) and (3); and

(h) Such other information as the Board may require by regulation.

3. The Board shall issue a ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit to an applicant if:

(a) The application satisfies the requirements of this section;

(b) The applicant is a ~~[portable]~~ cannabis ~~[vendor]~~ concierge who is qualified in the determination of the Board pursuant to NRS 678B.200; and

(c) The ~~[temporary]~~ cannabis ~~[event]~~ concierge is not disqualified from ~~[being licensed]~~ being issued a cannabis concierge sales permit for the temporary cannabis event pursuant to any other applicable law.

4. Each ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit issued pursuant to this section must set forth the location and date or dates of the temporary cannabis event for which the ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit is issued.

5. The Board shall not issue a ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit to a ~~[portable]~~ cannabis ~~[vendor]~~ concierge that has ~~[held]~~ been issued a cannabis concierge sales permit for a temporary cannabis event that was held within the immediately preceding 30 days.

~~[6. The Board shall, by regulation, set forth the amount of the application deposit required by subsection 2, which must be an amount sufficient to cover the actual administrative cost of processing the application. Not more than 30 days after the issuance or denial of a temporary cannabis event permit pursuant to this section, the Board shall return to the applicant any unused money from the deposit.~~

~~*7. For the purposes of paragraph (b) of subsection 2, the distance must be measured from the main entrance of the proposed temporary cannabis event to the closest point of the property line of a school, community facility or gaming establishment.*~~

~~*8. As used in this section, "community facility" has the meaning ascribed to it in NRS 678B.250.]*~~

Sec. 14.5. ~~*[1. The issuance by the Board of a temporary cannabis event permit pursuant to section 14 of this act shall be deemed to be conditional until the local government having jurisdiction over the location in which the event will be located has issued a business license for the operation of the temporary cannabis event, if applicable, and any other approval necessary for the operation of the temporary cannabis event.*~~

~~*2. The Board shall adopt regulations:*~~

~~*(a) Requiring the surrender of a conditional temporary cannabis event permit if the portable cannabis vendor to which the permit is issued does not satisfy the requirements of subsection 1 within a period of time determined by the Board; and*~~

~~*(b) Authorizing a portable cannabis vendor to request an extension of the period of time established pursuant to paragraph (a) as a result of factors outside of the control of the portable cannabis vendor that cause a delay in satisfying the requirements of subsection 1.*~~

~~*3. A portable cannabis vendor that is issued a temporary cannabis event permit shall comply with all applicable ordinances and rules of the local government having jurisdiction over the location in which the temporary cannabis event will be located, including, without limitation, ordinances and rules pertaining to zoning and land use and ordinances and rules imposing any other requirement upon the portable cannabis vendor and the temporary cannabis event.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[1. A person shall not sell cannabis or cannabis products at a temporary cannabis event unless the person is the portable cannabis vendor to whom the temporary cannabis event permit was issued.*~~

~~*2.]*~~ ***Except as otherwise provided by regulations adopted by the Board, all provisions of this title and the regulations adopted pursuant thereto relating to the testing and labeling of cannabis and cannabis products and the sale of cannabis and cannabis products on the premises of an adult-use cannabis retail store or a retail cannabis consumption lounge also apply to cannabis and cannabis products sold by a cannabis concierge at a temporary cannabis event.***

Sec. 16. A ~~*[portable]*~~ ***cannabis*** ~~*[vendor]*~~ ***concierge that*** ~~*[holds]*~~ ***sells cannabis or cannabis products at a temporary cannabis event shall:***

1. ~~*[Ensure that only persons who are 18 years of age or older are allowed to access the temporary cannabis event and only persons 21 years of age or older are allowed to access areas within the temporary cannabis event designated for the sale or consumption of cannabis or cannabis products;*~~

~~—2.]~~ *Comply with all procedures and requirements prescribed by regulation of the Board for the collection and disposal of cannabis or cannabis products which are left at the temporary cannabis event and for the management of other cannabis waste;*

~~[3.]~~ *2. Ensure that* ~~[all]~~ *the cannabis concierge engages in sales* ~~[and consumption]~~ *of cannabis or cannabis products at the temporary cannabis event* ~~[are confined to]~~ *only within the areas* ~~[within]~~ *of the event designated for such* ~~[activities;]~~ *sales;*

~~[4. Ensure that firearms and other weapons are prohibited at the temporary cannabis event;~~

~~—5.]~~ *3. Ensure that no sales of cannabis or cannabis products are conducted within 1 hour before the close of the temporary cannabis event on each day of the temporary cannabis event;*

~~[6. Ensure that the temporary cannabis event is held entirely outdoors;]~~ *and*

~~[7.]~~ *4. Comply with any other requirements prescribed by regulation of the Board.*

Sec. 17. (Deleted by amendment.)

Sec. 18. *1. A person shall not engage in the business of a* ~~[portable]~~ *cannabis* ~~[vendor]~~ *concierge unless the person holds a* ~~[portable]~~ *cannabis* ~~[vendor]~~ *concierge license issued pursuant to this section.*

2. A person who wishes to engage in the business of a ~~[portable]~~ *cannabis* ~~[vendor]~~ *concierge must submit to the Board an application on a form prescribed by the Board.*

3. The Board shall issue a ~~[portable]~~ *cannabis* ~~[vendor]~~ *concierge license to an applicant if:*

(a) The person who wishes to engage in the business of a ~~[portable]~~ *cannabis* ~~[vendor]~~ *concierge has submitted to the Board all of the following:*

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed ~~[portable]~~ *cannabis* ~~[vendor;]~~ *concierge;*

(II) The physical address where the proposed ~~[portable]~~ *cannabis* ~~[vendor]~~ *concierge will be located;*

(III) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed ~~[portable]~~ *cannabis* ~~[vendor,]~~ *concierge, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report and for submission to the Federal Bureau of Investigation for its report; and*

(IV) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed ~~[portable]~~ *cannabis* ~~[vendor;]~~ *concierge;*

(3) Operating procedures consistent with the rules of the Board for oversight of the proposed ~~[portable]~~ cannabis ~~[vendor;]~~ concierge; and

(4) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed ~~[portable]~~ cannabis ~~[vendor]~~ concierge have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its ~~[portable]~~ cannabis ~~[vendor]~~ concierge license or ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(c) None of the persons who are proposed to be owners, officers or board members of the proposed ~~[portable]~~ cannabis ~~[vendor]~~ concierge are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed ~~[portable]~~ cannabis ~~[vendor,]~~ concierge, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for its report and for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in sections 21 and 22 of this act, if an applicant for licensure to engage in the business of a ~~[portable]~~ cannabis ~~[vendor]~~ concierge satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant a ~~[portable]~~ cannabis ~~[vendor]~~ concierge license. A ~~[portable]~~ cannabis ~~[vendor]~~ concierge license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

Sec. 19. *A ~~[portable]~~ cannabis ~~[vendor]~~ concierge that ~~[holds]~~ sells cannabis and cannabis products at a temporary cannabis event shall purchase all cannabis or cannabis products for resale at the temporary cannabis event from an adult-use cannabis retail store.*

Sec. 20. ~~*[A local government having jurisdiction over the location in which a temporary cannabis event is to be held may charge the portable cannabis vendor a fee for holding the event.]*~~ **(Deleted by amendment.)**

Sec. 21. *1. Except as otherwise provided in section 22 of this act, the Board shall issue ~~[:~~*

~~(a) The]~~ the first ~~[portable]~~ five cannabis ~~[vendor license]~~ concierge licenses to ~~[a]~~ social equity ~~[applicant; and~~

~~*(b) The second portable cannabis vendor license to an applicant who is not a social equity applicant.]*~~ ***applicants. For 18 months after the date on which the Board issues the fifth cannabis concierge license pursuant to this subsection, the Board shall not issue any additional cannabis concierge licenses.***

~~*2. [After the]*~~ ***The*** *Board* ~~*[has issued the first two portable cannabis vendor licenses pursuant to subsection 1,]*~~ ***may, beginning 18 months after the date on which the Board issues the fifth cannabis concierge license pursuant to subsection 1, issue an additional 16 cannabis concierge licenses. The Board shall issue the first of those licenses to an applicant who is not a social equity applicant and the second of those licenses to a social equity applicant. In issuing the remaining 14 licenses, the Board:***

(a) Shall issue ~~*[portable]*~~ ***cannabis*** ~~*[vendor]*~~ ***concierge licenses by alternately issuing such a license to*** ~~*[a]*~~ ***an applicant who is not a social equity applicant and an applicant who is*** ~~*[not]*~~ ***a social equity applicant; and***

(b) Shall not issue a license to ~~*[an applicant who is not]*~~ ***a social equity applicant unless the previous license issued by the Board was issued to*** ~~*[a]*~~ ***an applicant who is not a social equity applicant and vice versa.***

3. For 5 years after the date on which the Board issues the 16th cannabis concierge license pursuant to subsection 2, the Board shall not issue any additional cannabis concierge licenses.

4. The Board may, beginning 5 years after the date on which the Board issues the 16th cannabis concierge license pursuant to subsection 2, issue additional licenses in the manner prescribed by this subsection. The Board shall issue the first cannabis concierge license pursuant to this subsection to an applicant who is not a social equity applicant and the second cannabis concierge license to an applicant who is a social equity applicant. After the issuance of those two cannabis concierge licenses, the Board:

(a) Shall issue cannabis concierge licenses by alternately issuing a license to an applicant who is not a social equity applicant and an applicant who is a social equity applicant; and

(b) Shall not issue a cannabis concierge license to a social equity applicant unless the previous license issued by the Board was issued to an applicant who is not a social equity applicant and vice versa.

Sec. 22. ***1. Subject to the requirements of section 21 of this act, if there is more than one qualified applicant for a single*** ~~*[portable]*~~ ***cannabis*** ~~*[vendor]*~~ ***concierge license, the Board shall select the qualified applicant to be issued the license*** ~~*[at random.]*~~ ***on the basis of a lottery system.***

2. The Board shall revoke the license of a ~~*[portable]*~~ ***cannabis*** ~~*[vendor]*~~ ***concierge who has held a cannabis concierge license for at least 18 months and has not*** ~~*[held]*~~ ***been issued a*** ~~*[temporary]*~~ ***cannabis*** ~~*[event]*~~ ***concierge sales permit in the immediately preceding 18 months. If the*** ~~*[portable]*~~ ***cannabis*** ~~*[vendor]*~~ ***concierge whose license is revoked pursuant to this section is:***

(a) A social equity applicant, the Board shall reissue the license to another qualified social equity applicant; and

(b) Not a social equity applicant, the Board shall reissue the license to another qualified applicant who is not a social equity applicant.

Sec. 23. NRS 678B.010 is hereby amended to read as follows:

678B.010 The Legislature hereby finds and declares that:

1. The purpose for licensing cannabis establishments and registering cannabis establishment agents is to protect the public health and safety and the general welfare of the people of this State.

2. Any:

(a) Medical cannabis establishment license issued pursuant to NRS 678B.210;

(b) Adult-use cannabis establishment license issued pursuant to NRS 678B.250;

(c) ~~*[Temporary cannabis event]*~~ ***Cannabis concierge sales permit issued pursuant to section 14 of this act;***

(d) ~~*[Portable cannabis vendor]*~~ ***Cannabis concierge license issued pursuant to section 18 of this act;***

(e) Cannabis establishment agent registration card issued pursuant to NRS 678B.340;

~~[(d)]~~ ***(f)*** Cannabis establishment agent registration card for a cannabis executive issued pursuant to NRS 678B.350; and

~~[(e)]~~ ***(g)*** Cannabis establishment agent registration card for a cannabis receiver issued pursuant to NRS 678B.355,

➥ is a revocable privilege and the holder of such a license or card, as applicable, does not acquire thereby any vested right.

Sec. 24. NRS 678B.065 is hereby amended to read as follows:

678B.065 "Social equity applicant" means an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge ***or*** ~~*[portable]*~~ ***cannabis*** ~~*[vendor]*~~ ***concierge license*** who has been adversely affected by provisions of previous laws which criminalized activity relating to cannabis, as determined by the Board in accordance with the regulations adopted pursuant to NRS 678B.323. Such adverse effects may include, without limitation, adverse effects on an owner or officer of the applicant.

Sec. 25. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the

medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license **,** ~~[or]~~ adult-use cannabis establishment license **,** ~~***[temporary]***~~ ***cannabis*** ~~***[event]***~~ ***concierge sales permit or*** ~~***[portable]***~~ ***cannabis*** ~~***[vendor]***~~ ***concierge license*** revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 26. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270, 678B.280, 678B.322 and 678B.324 to 678B.328, inclusive, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177

and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license ***,*** ~~***[or]***~~ medical cannabis establishment license ***,*** ~~***[temporary]***~~ ***cannabis*** ~~***[event]***~~ ***concierge sales permit or*** ~~***[portable]***~~ ***cannabis*** ~~***[vendor]***~~ ***concierge license*** revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or 678B.324, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 27. NRS 678B.323 is hereby amended to read as follows:

678B.323 1. The Board shall adopt regulations establishing criteria to be used by the Board for determining whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge ~~[, cannabis event organizer license]~~ ***or*** ~~***[portable]***~~ ***cannabis*** ~~***[vendor]***~~ ***concierge license*** qualifies as a social equity applicant for the purposes of this chapter.

2. The regulations adopted pursuant to subsection 1 must establish the minimum percentage of ownership in a proposed independent cannabis consumption lounge ***or*** ~~***[portable]***~~ ***cannabis*** ~~***[vendor]***~~ ***concierge*** which will be

held by a person or group of persons who have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis for the applicant to qualify as a social equity applicant.

Sec. 28. NRS 678B.380 is hereby amended to read as follows:

678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:

(a) A cannabis establishment agent registration card.

(b) A cannabis establishment agent registration card for a cannabis executive.

(c) A cannabis establishment agent registration card for a cannabis receiver.

(d) A medical cannabis establishment license.

(e) An adult-use cannabis establishment license.

(f) A ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit.

(g) A ~~[portable]~~ cannabis ~~[vendor]~~ concierge license.

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of a license ***~~[, including, without limitation, the holder of a portable cannabis vendor license who is a social equity applicant,]~~*** may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter. Such regulations may give priority in the processing of transfers of licenses to a transfer in which the transferor is:

(a) Subject to a receivership;

(b) Involved in a recapitalization; or

(c) A party to a court proceeding involving financial distress.

3. The regulations adopted pursuant to subsection 2 must:

(a) Prohibit the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge from transferring the license until at least 2 years from the date on which the independent cannabis consumption lounge for which the license was issued became operational;

(b) Require the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge who wishes to cease operations before the independent cannabis consumption lounge for which the license was issued has been operational for at least 2 years to surrender the license to the Board; ~~[and]~~

(c) Require the Board to hold a license surrendered pursuant to paragraph (b) in reserve for issuance to an applicant for such a license in the future ~~[.]~~ ***;***

(d) Prohibit the holder of a cannabis concierge license from transferring the license until at least 5 years from the date on which the license was issued;

(e) Require the holder of a cannabis concierge license who wishes to cease operations before the cannabis concierge has held the license for at least 5 years to surrender the license to the Board;

(f) Require the Board to hold a cannabis concierge license surrendered pursuant to paragraph (e) in reserve for issuance to a future applicant for such a license who is:

(1) A social equity applicant if the person who surrendered the license was a social equity applicant; and

(2) Not a social equity applicant if the person who surrendered the license was not a social equity applicant; and

(g) Authorize the transfer of a cannabis concierge license after the license has been held for 5 years only to a transferee who is:

(1) A social equity applicant if the transferor was a social equity applicant; and

(2) Not a social equity applicant if the transferor was not a social equity applicant.

Sec. 29. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection 3, ~~[4,]~~ the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary	$30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary	5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory	5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory	3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store	20,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store	6,600
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	30,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility	10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility	10,000

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility..... 3,300
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory..... 15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory..... 5,000
For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge..... 10,000
For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge..... 10,000
For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge..... 10,000
For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge..... 10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor..... 15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor..... 5,000
For the initial issuance of a cannabis concierge license to a person who is not a social equity applicant..... 5,000
For the renewal of a cannabis concierge license for a person who is not a social equity applicant..... 3,000
For the initial issuance of a cannabis concierge license to a person who a social equity applicant..... 2,500
For the renewal of a cannabis concierge license for a person who is a social equity applicant..... 1,500
For the issuance of a cannabis concierge sales permit..... 250
For each person identified in an application for the initial issuance of a cannabis establishment agent registration card..... 150
For each person identified in an application for the renewal of a cannabis establishment agent registration card..... 150

2. ~~***[The Board shall establish by regulation fees for the issuance and renewal of a portable cannabis vendor license.***~~

~~***3.]***~~ The Board may by regulation establish reduced fees for:

(a) The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; and

(b) The application fee set forth in ~~***[paragraph (c) of]***~~ subsection 3, ~~***[4; and***~~

~~*(c) The initial issuance and renewal of a portable cannabis vendor license,]*~~

➥ for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

3. ~~*[4.]*~~ Except as otherwise provided in subsection 2, ~~*[3,]*~~ in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license or adult-use cannabis establishment license must pay to the Board:

(a) For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a one-time, nonrefundable application fee of $5,000;

(b) For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of $100,000;

(c) For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of $10,000; and

(d) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

4. ~~*[5.]*~~ Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 30. NRS 678B.530 is hereby amended to read as follows:

678B.530 1. A person shall not:

(a) Advertise the sale of cannabis or cannabis products by the person; or

(b) Sell, offer to sell or appear to sell cannabis or cannabis products or allow the submission of an order for cannabis or cannabis products,

➥ unless the person holds an adult-use cannabis establishment license ***,*** ~~**[or]**~~ a medical cannabis establishment license ~~**[.]**~~ ***or a*** ~~***[portable]***~~ ***cannabis*** ~~***[vendor]***~~ ***concierge license.***

2. A local government shall not regulate the content of an advertisement for the sale of cannabis or cannabis products unless the local government adopts an ordinance setting forth such regulations.

Sec. 31. NRS 678B.650 is hereby amended to read as follows:

678B.650 The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;

2. Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;

3. Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in NRS 678C.080 and 678C.070, respectively;

(b) Minimum requirements for the oversight of cannabis establishments;

(c) Minimum requirements for the keeping of records by cannabis establishments;

(d) Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and

(e) Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from hemp, as defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;

4. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 678B.390 may be reduced over time to ensure that the fees imposed pursuant to NRS 678B.390 are, insofar as may be practicable, revenue neutral;

5. Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and a cannabis establishment agent registration card for a cannabis receiver and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;

6. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;

7. Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;

8. Determine whether any provision of this chapter or chapter 678C or 678D of NRS would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable;

9. Allow for any record relating to the delivery of cannabis or cannabis products that is required to be kept by a cannabis establishment to be created and maintained in an electronic format;

10. Prescribe the manner in which the Board will determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses pursuant to NRS 678B.325 and 678B.328;

11. Set forth rules pertaining to the safe and healthful operation of cannabis consumption lounges, including, without limitation:

(a) Standards for the air quality in a cannabis consumption lounge;

(b) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a cannabis consumption lounge; and

(c) Requirements for the training of employees of a cannabis consumption lounge in the sale and safe consumption of single-use cannabis products and ready-to-consume cannabis products; ~~[and]~~

12. ***Set forth rules pertaining to the safe and healthful ~~[operation]~~ conduct of sales of cannabis or cannabis products by a cannabis concierge at a temporary cannabis ~~[events,]~~ event, including, without limitation:***

(a) Requirements for the testing, labeling and sale of cannabis and cannabis products at a temporary cannabis event; and

(b) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a temporary cannabis event and the management of cannabis waste; and

~~***[(c) The method by which a portable cannabis vendor must estimate the expected attendance at a proposed temporary cannabis event; and]***~~

13. Address such other matters as the Board deems necessary to carry out the provisions of this title.

Sec. 32. NRS 678C.300 is hereby amended to read as follows:

678C.300 1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to NRS 678C.230 or 678C.270 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged or assisted in the medical use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Delivering cannabis to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

(f) Delivering cannabis for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

2. Except as otherwise provided in NRS 678C.240 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.

3. ***For the purposes of sub-subparagraph (I) of subparagraph (1) of paragraph (d) of subsection 1, an area within a temporary cannabis event that is designated for the consumption of cannabis or cannabis products is not a public place or a place open to the public or exposed to public view.***

4. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678D of NRS relating to the adult use of cannabis.

~~[4.]~~ ***5.*** As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 33. NRS 678D.200 is hereby amended to read as follows:

678D.200 1. Except as otherwise provided in NRS 678D.300, a person who is 21 years of age or older is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any

other criminal offense solely for being in the presence or vicinity of the adult use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person:

(a) Is 21 years of age or older;

(b) Is not employed by any agency or political subdivision of this State in a position which requires the person to be certified by the Peace Officers' Standards and Training Commission;

(c) Engages in the adult use of cannabis in accordance with the provisions of this title;

(d) Does not, at any one time, possess, deliver or produce more than:

(1) One ounce of usable cannabis;

(2) One-eighth of an ounce of concentrated cannabis;

(3) Six cannabis plants, irrespective of whether the cannabis plants are mature or immature; and

(4) A maximum allowable quantity of adult-use cannabis products as established by regulation of the Board;

(e) Cultivates, grows or produces not more than six cannabis plants:

(1) Within an enclosed area that is not exposed to public view that is equipped with locks or other security devices which allow access only by an authorized person; and

(2) At a residence or upon the grounds of a residence in which not more than 12 cannabis plants are cultivated, grown or produced;

(f) Delivers 1 ounce or less of usable cannabis or one-eighth of an ounce or less of concentrated cannabis without remuneration to a person who is 21 years of age or older so long as such delivery is not advertised or promoted to the public; and

(g) Assists another person who is 21 years of age or older in carrying out any of the acts described in paragraphs (a) to (f), inclusive.

4. If a person possesses, uses or produces cannabis in an amount which exceeds the amount set forth in paragraph (d) of subsection 3 or in any manner other than that set forth in subsection 3, the person is not exempt from state prosecution for the possession, delivery or production of cannabis.

5. A person who holds an adult-use cannabis establishment license issued to the person pursuant to NRS 678B.250, ***a ~~[portable]~~ cannabis ~~[vendor]~~ concierge license issued to the person pursuant to section 18 of this act,*** a cannabis establishment agent registration card issued to the person pursuant to NRS 678B.340, a cannabis establishment agent registration card for a cannabis executive issued to the person pursuant to NRS 678B.350 or a cannabis establishment agent registration card for a cannabis receiver issued to the person pursuant to NRS 678B.355, and confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. The commission of any act by a person for which the person is exempt from state prosecution pursuant to this section must not be used as the basis for the seizure or forfeiture of any property of the person or for the imposition of a civil penalty.

Sec. 34. NRS 678D.300 is hereby amended to read as follows:

678D.300 1. A person is not exempt from state prosecution for any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged in the adult use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Knowingly delivering cannabis to another person who is not 21 years of age or older unless:

(1) The recipient holds a valid registry identification card or letter of approval issued to the person by the Division of Public and Behavioral Health of the Department of Health and Human Services or its designee pursuant to NRS 678C.230 or 678C.270.

(2) The person demanded and was shown bona fide documentary evidence of the age and identity of the recipient issued by a federal, state, county or municipal government, or subdivision or agency thereof.

2. ***For the purposes of sub-subparagraph (I) of subparagraph (1) of paragraph (d) of subsection 1, an area within a temporary cannabis event that is designated for the consumption of cannabis or cannabis products is not a public place or a place open to the public or exposed to public view.***

3. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 35. NRS 678D.310 is hereby amended to read as follows:

678D.310 1. Except as otherwise provided in chapter 678C of NRS, a person shall not:

(a) Cultivate cannabis within 25 miles of an adult-use cannabis retail store licensed pursuant to chapter 678B of NRS, unless the person is an adult-use cannabis cultivation facility or is a cannabis establishment agent volunteering at, employed by or providing labor to an adult-use cannabis cultivation facility;

(b) Cultivate cannabis plants where they are visible from a public place by normal unaided vision; or

(c) Cultivate cannabis on property not in the cultivator's lawful possession or without the consent of the person in lawful physical possession of the property.

2. A person who violates the provisions of subsection 1 is guilty of:

(a) For a first violation, a misdemeanor punished by a fine of not more than $600.

(b) For a second violation, a misdemeanor punished by a fine of not more than $1,000.

(c) For a third violation, a gross misdemeanor.

(d) For a fourth or subsequent violation, a category E felony.

3. Except as otherwise provided in subsection 10 or by regulations adopted by the Board pursuant to NRS 678B.645, a person who smokes or otherwise consumes cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle is guilty of a misdemeanor punished by a fine of not more than $600.

4. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain cannabis is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 2 of NRS 484C.350,

➥ or any combination thereof.

5. If a person under 21 years of age fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the

custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

6. A person under 21 years of age who knowingly enters, loiters or remains on the premises of an adult-use cannabis establishment shall be punished by a fine of not more than $500 unless the person is authorized to possess cannabis pursuant to chapter 678C of NRS and the adult-use cannabis establishment is a dual licensee.

7. A person who manufactures cannabis by chemical extraction or chemical synthesis, unless done pursuant to an adult-use cannabis establishment license for an adult-use cannabis production facility issued by the Board or authorized by this title, is guilty of a category E felony.

8. A person who knowingly gives cannabis or a cannabis product to any person under 21 years of age or who knowingly leaves or deposits any cannabis or cannabis product in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

9. A person who knowingly gives cannabis to any person under 18 years of age or who knowingly leaves or deposits any cannabis in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

10. A person may smoke or otherwise consume cannabis or a cannabis product in ~~[~~a~~]~~ ***:***

(a) A cannabis consumption lounge.

(b) An area within a temporary cannabis event that is designated for the consumption of cannabis or cannabis products.

Sec. 35.3. **Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person shall not hold a temporary cannabis event in an unincorporated area of a county unless the board of county commissioners of the county has adopted an ordinance pursuant to this section providing for the permitting of such events and the person has obtained such a permit.

2. The board of county commissioners of each county may, by ordinance, provide for the issuance of a permit authorizing the holder of the permit to hold a temporary cannabis event.

3. An ordinance adopted pursuant to subsection 2 must:

(a) Require each applicant for a permit to hold a temporary cannabis event to submit an application to the board of county commissioners on a form prescribed by the board of county commissioners which must include:

(1) The name, address, telephone number and electronic mail address of the applicant;

(2) The physical address of the location at which the proposed temporary cannabis event will be held, the location of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or

kindergarten through grade 12 and that existed on the date on which the application for the permit was submitted to the board of county commissioners, within 300 feet of a community facility that existed on the date on which the application for the permit was submitted to the board of county commissioners or, if the temporary cannabis event will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the permit was submitted to the board of county commissioners;

(3) The date or dates of the proposed temporary cannabis event, which must not exceed 3 consecutive days;

(4) The number of persons reasonably expected to attend the proposed temporary cannabis event, which must be not less than 750 persons, and evidence to support this expectation;

(5) A diagram of the physical layout of the proposed temporary cannabis event, which clearly sets forth each:

(I) Entrance and exit to the proposed temporary cannabis event that will be used by participants during the event;

(II) Area within the proposed temporary cannabis event designated for the sale of cannabis or cannabis products; and

(III) Area within the proposed temporary cannabis event designated for the consumption of cannabis or cannabis products;

(6) An attestation by the applicant that he or she understands and agrees to comply with the requirements described in paragraph (e); and

(7) Such other information as the board of county commissioners may require.

(b) Require:

(1) The issuance of a permit to be deemed conditional until the person issued the permit submits to the board of county commissioners evidence that a cannabis concierge has been issued a cannabis concierge sales permit by the Cannabis Compliance Board pursuant to section 14 of this act to sell cannabis and cannabis products at the event; and

(2) The surrender of a conditional permit if the person issued the permit does not satisfy the requirements of subparagraph (1) within a period of time determined by the board of county commissioners.

(c) Require each permit issued by the board of county commissioners to set forth the location and date or dates of the temporary cannabis event for which the permit is issued.

(d) Require all consumption of usable cannabis by means of smoking at the temporary cannabis event to be conducted in an enclosed structure that meets any standards for air quality or other standards established by the board of county commissioners, unless the board of county commissioners determines this requirement not to be appropriate for a particular temporary cannabis event based on the attributes of the event.

(e) Establish requirements for the operation of temporary cannabis events. Such requirements must require the person who obtained the permit to ensure that:

(1) Only persons who are 21 years of age or older are allowed to access areas within the temporary cannabis event designated for the sale or consumption of cannabis or cannabis products; and

(2) Firearms and other weapons are prohibited at the temporary cannabis event.

4. If a board of county commissioners adopts an ordinance pursuant to subsection 2, the board of county commissioners may:

(a) Establish and collect a fee for the issuance of a permit.

(b) Grant or deny applications for the issuance of a permit.

(c) Impose conditions, limitations and restrictions upon a permit.

(d) Establish any other requirements necessary to carry out the ordinance, including, without limitation, the imposition of a penalty for a violation of the ordinance.

(e) Adopt, amend and repeal regulations relating to the ordinance.

5. For the purposes of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the main entrance of the proposed temporary cannabis event to the closest point of the property line of a school, community facility or gaming establishment.

6. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis concierge" has the meaning ascribed to it in section 4 of this act.

(c) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(d) "Community facility" has the meaning ascribed to it in NRS 678B.210.

(e) "Smoking" means inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or any other matter or substance that contains usable cannabis.

(f) "Temporary cannabis event" has the meaning ascribed to it in section 6 of this act.

(g) "Usable cannabis" has the meaning ascribed to it in NRS 678C.100.

Sec. 35.6. **Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person shall not hold a temporary cannabis event in an incorporated city in this State unless the governing body of the incorporated city has adopted an ordinance pursuant to this section providing for the permitting of such events and the person has obtained such a permit.

2. The governing body of the incorporated city may, by ordinance, provide for the issuance of a permit authorizing the holder of the permit to hold a temporary cannabis event.

3. An ordinance adopted pursuant to subsection 2 must:

(a) Require each applicant for a permit to hold a temporary cannabis event to submit an application to the governing body on a form prescribed by the governing body, which much include:

(1) The name, address, telephone number and electronic mail address of the applicant;

(2) The physical address of the location at which the proposed temporary cannabis event will be held, the location of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the permit was submitted to the governing body, within 300 feet of a community facility that existed on the date on which the application for the permit was submitted to the governing body or, if the temporary cannabis event will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the permit was submitted to the governing body;

(3) The date or dates of the proposed temporary cannabis event, which must not exceed 3 consecutive days;

(4) The number of persons reasonably expected to attend the proposed temporary cannabis event, which must be not less than 750 persons, and evidence to support this expectation;

(5) A diagram of the physical layout of the proposed temporary cannabis event, which clearly sets forth each:

(I) Entrance and exit to the proposed temporary cannabis event that will be used by participants during the event;

(II) Area within the proposed temporary cannabis event designated for the sale of cannabis or cannabis products; and

(III) Area within the proposed temporary cannabis event designated for the consumption of cannabis or cannabis products;

(6) An attestation by the applicant that he or she understands and agrees to comply with the requirements described in paragraph (e); and

(7) Such other information as the governing body may require.

(b) Require:

(1) The issuance of a permit to be deemed conditional until the person issued the permit submits to the governing body evidence that a cannabis concierge has been issued a cannabis concierge sales permit by the Cannabis Compliance Board pursuant to section 14 of this act to sell cannabis and cannabis products at the event; and

(2) The surrender of a conditional permit if the person issued the permit does not satisfy the requirements of subparagraph (1) within a period of time determined by the governing body.

(c) Require each permit issued by the governing body to set forth the location and date or dates of the temporary cannabis event for which the permit is issued.

(d) Require all consumption of usable cannabis by means of smoking at a temporary cannabis event to be conducted in an enclosed structure that meets any standards for air quality or other standards established by the governing body, unless the governing body determines this requirement not to be appropriate for a particular temporary cannabis event based on the attributes of the event.

(e) Establish requirements for the operation of temporary cannabis events. Such requirements must require the person who obtained the permit to ensure that:

(1) Only persons who are 21 years of age or older are allowed to access areas within the temporary cannabis event designated for the sale or consumption of cannabis or cannabis products; and

(2) Firearms and other weapons are prohibited at the temporary cannabis event.

4. If a governing body of an incorporated city adopts an ordinance pursuant to subsection 2, the governing body may:

(a) Establish and collect a fee for the issuance of a permit.

(b) Grant or deny applications for the issuance of a permit.

(c) Impose conditions, limitations and restrictions upon a permit.

(d) Establish any other requirements necessary to carry out the ordinance, including, without limitation, the imposition of a penalty for a violation of the ordinance.

(e) Adopt, amend and repeal regulations relating to the ordinance.

5. For the purposes of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the main entrance of the proposed temporary cannabis event to the closest point of the property line of a school, community facility or gaming establishment.

6. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis concierge" has the meaning ascribed to it in section 4 of this act.

(c) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(d) "Community facility" has the meaning ascribed to it in NRS 678B.210.

(e) "Smoking" means inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or any other matter or substance that contains usable cannabis.

(f) "Temporary cannabis event" has the meaning ascribed to it in section 6 of this act.

(g) "Usable cannabis" has the meaning ascribed to it in NRS 678C.100.

Sec. 36. Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:

[**"Portable cannabis vendor"**] ***"Cannabis concierge" has the meaning ascribed to it in section 4 of this act.***

Sec. 37. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, ***and section 36 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, ***and section 36 of this act,*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 372A.250 is hereby amended to read as follows:

372A.250 "Taxpayer" means a:

1. Cannabis cultivation facility;
2. Adult-use cannabis retail store; ~~[or]~~
3. Cannabis consumption lounge ~~[.]~~ ***; or***
4. ~~***[Portable cannabis vendor.]***~~ ***Cannabis concierge.***

Sec. 39. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store ***,*** ~~[or]~~ cannabis consumption lounge ***or*** ~~***[portable]***~~ ***cannabis*** ~~***[vendor]***~~ ***concierge*** at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the seller of the cannabis or cannabis product;

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(c) "Local government" has the meaning ascribed to it in NRS 360.640.

(d) "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.

(e) "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.

(f) "Wholesale sale" means a sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

Sec. 40. ~~[NRS 387.1212 is hereby amended to read as follows:~~

~~387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.~~

~~2. Money which must be deposited for credit to the State Education Fund includes, without limitation:~~

~~(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;~~

~~(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;~~

~~(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;~~

~~(d) The money identified in subsection 8 of NRS 120A.610;~~

~~(e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;~~

~~(f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;~~

~~(g) The money identified in subsection 1 of NRS 328.450;~~

~~(h) The money identified in subsection 1 of NRS 328.460;~~

~~(i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;~~

~~(j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;~~

~~(k) The money required to be transferred to the State Education Fund pursuant to NRS 362.100;~~

~~(l) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;~~

~~(m) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;~~

~~(n) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;~~

~~(o) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;~~

~~(p) The money identified in subsection 5 of NRS 445B.640;~~

~~(q) The money identified in paragraph (b) of subsection [4] 5 of NRS 678B.390;~~

~~(r) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;~~

~~(s) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;~~

~~(t) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;~~

~~(u) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;~~

~~(v) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;~~

~~(w) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;~~

~~(x) The money required to be distributed to the State Education Fund pursuant to NRS 363D.290; and~~

~~(y) The direct legislative appropriation from the State General Fund required by subsection 3.~~

~~3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative~~

~~appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.~~

~~4. Money in the Fund must be paid out on claims as other claims against the State are paid.]~~ **(Deleted by amendment.)**

Sec. 41. NRS 453.316 is hereby amended to read as follows:

453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.

3. This section does not apply to:

(a) Any rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.

(b) Any cannabis consumption lounge, as defined in NRS 678A.087, whose activities are confined to those authorized in title 56 of NRS.

(c) A ~~[portable cannabis vendor, as defined in section 4 of this act, that]~~ person who holds a temporary cannabis event, as defined in section 6 of this act, for which a permit has been issued by the board of county commissioners of a county pursuant to section 35.3 of this act or the governing body of an incorporated city pursuant to section 35.6 of this act, as applicable, and whose activities are confined to those authorized ~~[in title 56 of NRS.~~

~~(c)~~ ***~~(d)]~~ by the board of county commissioners or governing body, as applicable, by ordinance.***

(d) A cannabis concierge, as defined in section 4 of this act, that sells cannabis or cannabis products at a temporary cannabis event, as defined in section 6 of this act, and whose activities are confined to those authorized in title 56 of NRS.

(e) Any person who opens or maintains any public place in which a person is authorized to consume cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, pursuant to regulations adopted by the Cannabis Compliance Board pursuant to NRS 678B.645, and whose activities are confined to those authorized by such regulations.

Sec. 41.3. **1. There is hereby appropriated from the State General Fund to the Department of Taxation for payments under the cost allocation plan for services of the Attorney General and for personnel, travel, operating, equipment and information services expenses associated with implementing the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $106,333

For the Fiscal Year 2024-2025..... $118,021

2. Any balance of the sums appropriated by subsection 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 41.5. **For the purposes of subsection 2 of section 22 of this act, a person who has been issued one of the first five cannabis concierge licenses pursuant to subsection 1 of section 21 of this act shall be deemed to hold a cannabis concierge license 2 years after the date on which the cannabis concierge license was issued to the person.**

Sec. 42. 1. This section becomes effective upon passage and approval.

2. **Section 41.3 of this act becomes effective on July 1, 2023.**

3. Sections 1 to 41, inclusive, **and 41.5** of this act become effective ~~[:~~

~~(a) Upon~~**]** **upon** passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act**, ,** ~~[;]~~ and

~~[(b) On~~**]** **on** July 1, 2024, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 323.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 895.

AN ACT relating to education; requiring the Superintendent of Public Instruction to develop a strategic plan for the recruitment of teachers and other licensed educational personnel; **revising the membership of the Commission on Professional Standards in Education;** requiring the Commission ~~[on Professional Standards in Education]~~ to adopt certain regulations concerning the licensing of teachers and other educational personnel; authorizing a school

district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned for training purposes as a student teacher, counselor, student social worker or trainee in a library; authorizing a school district and the governing body of a charter school to provide certain professional development training; **making an appropriation to the Department of Education;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the duties of the Superintendent of Public Instruction. (NRS 385.175) **Section 1** of this bill requires the Superintendent to develop a strategic plan for the recruitment of teachers and other licensed educational personnel and establishes requirements for the contents of the strategic plan.

Existing law: (1) creates the Commission on Professional Standards in Education to prescribe qualifications for the licensure of teachers and other educational personnel; and (2) provides that the Commission consists of 11 members who are appointed by the Governor, including a person who has expertise and experience in the operation of a business. (NRS 391.011, 391.019) Section 1.5 of this bill: (1) removes the member who has expertise and experience in the operation of a business; and (2) adds three additional members, including the dean of the School of Education at Nevada State College or the dean representing the Teacher Education Program at Great Basin College, as well as two human resources professionals from school districts of different enrollment sizes. Section 1.8 of this bill makes a conforming change to refer to provisions that have been renumbered by this bill.

Existing law requires the Commission ~~[on Professional Standards in Education]~~ to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel, including regulations governing examinations for the initial licensing of teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. (NRS 391.019, 391.021) **Section 3** of this bill requires the Commission to adopt regulations that authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics prescribed by the Commission if the applicant completes a course of study approved by the Department of Education with a grade of B or better in each subject area of the competency test that the applicant previously did not pass.

Existing law requires the Commission to adopt regulations prescribing course work on parental involvement and family engagement and multicultural education. (NRS 391.019, 391.0347) **Sections 2 and 4.5** of this bill require the Commission to establish standards for professional development training which may be used to satisfy such course work requirements. **Section 6** of this bill requires a school district and the governing body of a charter school to provide professional development training on: (1) parental involvement and

family engagement in accordance with the standards adopted by the Commission; and (2) multicultural education in accordance with the standards adopted by the Commission. **Section 6** requires that such training be provided at no cost to the employee. **Section 7** of this bill makes a conforming change to indicate the proper placement of **section 6** in the Nevada Revised Statutes.

Existing law requires the Commission to adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State. (NRS 391.032) **Section 4** of this bill requires the Commission to adopt regulations that require the Superintendent of Public Instruction to issue a provisional license to teach ~~[pending receipt of academic transcripts of certain applicants who are]~~ **if a person has graduated with a bachelor's or higher degree and is awaiting conferment of the degree and is** otherwise qualified for a license.

Existing law requires the Board of Regents of the University of Nevada to establish a program of student teaching and practicum which allows students to be assigned to a school district as student teachers, counselors or trainees in a library. (NRS 396.519) Existing law authorizes school districts to enter into agreements with certain institutions of higher education for the assignment of students to schools as student teachers, counselors or trainees in a library. (NRS 391.095) **Section 5** of this bill authorizes: (1) a governing body of a charter school or university school for profoundly gifted pupils to similarly enter into agreements; and (2) a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned within the school district for training purposes as a student teacher, counselor, student social worker or trainee in a library.

Section 10.1 of this bill makes an appropriation to the Department of Education for: (1) certain costs relating to an interim study concerning the Praxis II and pedagogy examinations required by section 10.3 of this act; and (2) other personnel and legal costs to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

7. Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

8. ***Develop a strategic plan for the recruitment of teachers and other licensed educational personnel which includes, without limitation:***

(a) A strategy to decrease the processing times of applications for licensure pursuant to chapter 391 of NRS.

(b) A plan to provide for the translation of academic transcripts which are in a language other than English of applicants for licensure pursuant to chapter 391 of NRS. The Department shall post the process for the translation of academic transcripts on its Internet website.

9. Perform such other duties as are prescribed by law.

Sec. 1.5. **NRS 391.011 is hereby amended to read as follows:**

391.011 1. The Commission on Professional Standards in Education, consisting of ~~[eleven]~~ ***13*** members appointed by the Governor, is hereby created.

2. Five members of the Commission must be teachers who teach in the classroom as follows:

(a) One who holds a license to teach secondary education and teaches in a secondary school.

(b) One who holds a license to teach middle school or junior high school education and teaches in a middle school or junior high school.

(c) One who holds a license to teach elementary education and teaches in an elementary school.

(d) One who holds a license to teach special education and teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One school counselor, psychologist, speech-language pathologist, audiologist, or social worker who is licensed pursuant to this chapter and employed by a school district or charter school.

(b) One administrator of a school who is employed by a school district or charter school to provide administrative service at an individual school. Such an administrator must not provide service at the district level.

(c) The dean of the College of Education at one of the universities in the Nevada System of Higher Education, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

(d) ***The dean of the School of Education at Nevada State College, or a representative of the dean, or a representative of the Teacher Education Program at Great Basin College.***

(e) The chief human resources officer or a representative of the department of human resources of a school district in which more than 40,000 pupils are enrolled.

(f) The chief human resources officer or a representative of the department of human resources of a school district in which 40,000 or fewer pupils are enrolled.

(g) One member who is the parent or legal guardian of a pupil enrolled in a public school.

~~[(e) One member who has expertise and experience in the operation of a business.~~

~~(f)]~~ ***(h)*** One member who is the superintendent of schools of a school district.

4. Three of the five appointments made pursuant to subsection 2 must be made from a list of names of at least three persons for each position that is submitted to the Governor by an employee organization representing the majority of teachers in the State who teach in the educational level from which the appointment is being made.

5. The appointment made pursuant to:

(a) Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.

(c) ***Paragraphs (e), (f) and (h) of subsection 3 must be made from lists of names of persons submitted to the Governor by the Nevada Association of School Superintendents or its successor organization.***

(d) Paragraph ~~[(d)]~~ ***(g)*** of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

~~[(d) Paragraph (f) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Association of School Superintendents.]~~

Sec. 1.8. **NRS 391.017 is hereby amended to read as follows:**

391.017 1. The Commission may meet at least once each month.

2. A majority of the Commission constitutes a quorum for the transaction of business.

3. The members of the Commission are entitled to the travel expenses and subsistence allowances provided by law for state officers and employees generally while attending meetings of the Commission.

4. Any costs associated with employing a substitute teacher while a member of the Commission who is a teacher attends a meeting of the Commission must be:

(a) Paid by the school district or charter school that employs the member; or

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (a), (b) or ~~[(c)]~~ ***(d)*** of subsection 5 of NRS 391.011.

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall ~~[work]~~ ***:***

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 3. NRS 391.021 is hereby amended to read as follows:

391.021 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. ***The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.***

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 4. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. ***The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach*** ~~***[pending receipt of any academic transcripts of an applicant]***~~ ***if:***

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant:

(1) [Holds a valid license or certificate to teach issued by another state for which completion of] ***Graduated with*** *a bachelor's or higher degree* ***[and professional education course work through a college or university accredited by a regional accrediting association is necessary;]*** ***but is awaiting conferment of the degree; or***

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 4.5. NRS 391.0347 is hereby amended to read as follows:

391.0347 1. Any licensed teacher who is initially licensed on or after July 1, 2019, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; ~~[and]~~

(c) ***That establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this section; and***

(d) As otherwise necessary to carry out the requirements of this section.

Sec. 5. NRS 391.095 is hereby amended to read as follows:

391.095 1. A school district ***or a governing body of a charter school or university school for profoundly gifted pupils*** may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the Commission pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district ***, charter school or university school for profoundly gifted pupils, as applicable,*** for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** for purposes of

NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. ***Except as otherwise provided in the agreement entered into pursuant to subsection 1 and to the extent not inconsistent with NRS 391.096, a school district or governing body of a charter school or university school for profoundly gifted pupils, as applicable, may compensate a student assigned within the school district charter school or university school for profoundly gifted pupils for training purposes as a student teacher, counselor, student social worker or trainee in a library.***

3. As used in this section:

(a) "Accredited" has the meaning ascribed to it in NRS 394.006.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

Sec. 6. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school district and the governing body of a charter school shall provide professional development training on:

(a) Parental involvement and family engagement that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.019 to teachers who have not yet completed the course work on parental involvement and family engagement prescribed by NRS 391.019.

(b) Multicultural education that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.0347 to teachers who have not yet completed the course work on multicultural education prescribed by NRS 391.0347.

2. Any professional development training provided pursuant to subsection 1:

(a) May be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.

(b) Must be provided at no cost to the employee.

Sec. 7. NRS 391A.345 is hereby amended to read as follows:

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, ***and section 6 of this act,*** unless the context otherwise requires, "professional development training" has the meaning ascribed to "professional development" in 20 U.S.C. § 7801(42).

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.1. **1. There is hereby appropriated from the State General Fund to the Department of Education for the costs of contracting with a qualified person to conduct the study required by section 10.3 of this act and personnel and legal expenses to carry out the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $2,786

For the Fiscal Year 2024-2025..... $200,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 10.3. The Commission on Professional Standards in Education shall:

1. Conduct a study during the 2023-2024 interim concerning the Praxis II and pedagogy examinations;

2. Present its recommendations to the **Senate and Assembly** Standing ~~[Committee]~~ **Committees** on Education during the 83rd Session of the Nevada Legislature; and

3. Adopt regulations pursuant to NRS 391.019, 391.021 and 391.023 as it deems necessary and appropriate based on its findings and recommendations as they relate to the Praxis II and pedagogy examinations.

Sec. 10.6. The Department of Education and the Nevada System of Higher Education shall jointly:

1. Develop a plan to expand awareness of and eliminate barriers for access to any scholarship programs that are intended to increase the number of persons licensed pursuant to chapter 391 of NRS; and

2. Present the plan to the Joint Interim Standing Committee on Education on or before June 30, 2024.

Sec. 10.9. **The term of the member of the Commission on Professional Standards in Education appointed to the Commission pursuant to paragraph (e) of subsection 3 of NRS 391.011, as that section exists on June 30, 2024, expires on July 1, 2024.**

2. As soon as practicable after July 1, 2024, the Governor shall appoint to the Commission on Professional Standards in Education the members described in paragraphs (d), (e) and (f) of NRS 391.011, as amended by section 1.5 of this act. In making those appointments, the Governor shall appoint members to staggered initial terms of 1, 2 and 3 years.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. **Section 10.1 of this act becomes effective on July 1, 2023.**

3. Sections 1 to ~~[10.6,]~~ **10,** inclusive, **10.3, 10.6 and 10.9** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblywoman Jauregui:

Amendment No. 903.

AN ACT relating to education; requiring the Superintendent of Public Instruction to develop a strategic plan for the recruitment of teachers and other licensed educational personnel; requiring the Commission on Professional Standards in Education to adopt certain regulations concerning the licensing of teachers and other educational personnel; authorizing a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned for training purposes as a student teacher, counselor, student social worker or trainee in a library; **eliminating the requirement that pupil growth account for 15 percent of certain teacher and administrator evaluations; revising provisions governing the review of the statewide performance evaluation system; revising provisions relating to the evaluations that certain teachers are required to receive;** authorizing a school district and the governing body of a charter school to provide certain professional development training; **repealing provisions containing certain requirements relating to learning goals for pupils and the measurement of pupil growth;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the duties of the Superintendent of Public Instruction. (NRS 385.175) **Section 1** of this bill requires the Superintendent to develop a strategic plan for the recruitment of teachers and other licensed educational personnel and establishes requirements for the contents of the strategic plan.

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel, including regulations governing examinations for the initial licensing of teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. (NRS 391.019, 391.021) **Section 3** of this bill requires the Commission to adopt regulations that authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics prescribed by the Commission if the applicant completes a course of study approved by the Department of Education with a grade of B or better in each subject area of the competency test that the applicant previously did not pass.

Existing law requires the Commission to adopt regulations prescribing course work on parental involvement and family engagement and multicultural education. (NRS 391.019, 391.0347) **Sections 2 and 4.5** of this bill require the Commission to establish standards for professional development training which may be used to satisfy such course work requirements. **Section 6** of this bill requires a school district and the governing body of a charter school to provide professional development training on: (1) parental involvement and family engagement in accordance with the standards adopted by the Commission; and (2) multicultural education in accordance with the standards adopted by the Commission. **Section 6** requires that such training be provided at no cost to the employee. **Section 7** of this bill makes a conforming change to indicate the proper placement of **section 6** in the Nevada Revised Statutes.

Existing law requires the Commission to adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State. (NRS 391.032) **Section 4** of this bill requires the Commission to adopt regulations that require the Superintendent of Public Instruction to issue a provisional license to teach pending receipt of academic transcripts of certain applicants who are otherwise qualified for a license.

Existing law requires the Board of Regents of the University of Nevada to establish a program of student teaching and practicum which allows students to be assigned to a school district as student teachers, counselors or trainees in a library. (NRS 396.519) Existing law authorizes school districts to enter into agreements with certain institutions of higher education for the assignment of students to schools as student teachers, counselors or trainees in a library. (NRS 391.095) **Section 5** of this bill authorizes: (1) a governing body of a charter school or university school for profoundly gifted pupils to similarly enter into agreements; and (2) a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned within the school district for training purposes as a student teacher, counselor, student social worker or trainee in a library.

Existing law requires that pupil growth account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils. (NRS 391.465) Section 5.3 of this bill eliminates this requirement. Sections 5.1 and 5.5 of this bill make conforming changes to eliminate references to this requirement.

Existing law: (1) requires the State Board of Education to annually review the statewide performance evaluation system to ensure accuracy and reliability; and (2) sets forth certain items which are required to be analyzed in such a review. (NRS 391.485) Section 5.7 of this bill: (1) eliminates from that analysis certain data used to evaluate pupil growth; and (2) eliminates a requirement that the Department of Education, in reviewing the manner in which the statewide performance evaluation is carried out by each school district, include a review of the manner in which learning goals for pupils are established and evaluated.

Existing law requires each postprobationary teacher to receive certain evaluations that are based upon a certain number of observation cycles of that teacher. (NRS 391.690) Section 5.9 of this bill revises the circumstances under which a postprobationary teacher is required to, and may request to, be evaluated. Section 5.9 also prohibits an administrator from: (1) directly or indirectly requiring such a teacher to participate in an observation cycle or receive an evaluation; or (2) conducting an observation cycle or evaluation of such a teacher without the consent of that teacher under certain circumstances. Section 11 of this bill makes these provisions retroactively applicable to include evaluations received for the 2021-2022 and 2022-2023 school years.

Section 13 of this bill repeals provisions requiring: (1) the development of learning goals for pupils; (2) the establishment of assessments to measure pupil growth; and (3) the evaluation of certain teachers and administrators to determine the extent to which learning goals were achieved.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

7. Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

8. ***Develop a strategic plan for the recruitment of teachers and other licensed educational personnel which includes, without limitation:***

(a) A strategy to decrease the processing times of applications for licensure pursuant to chapter 391 of NRS.

(b) A plan to provide for the translation of academic transcripts which are in a language other than English of applicants for licensure pursuant to chapter 391 of NRS. The Department shall post the process for the translation of academic transcripts on its Internet website.

9. Perform such other duties as are prescribed by law.

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate

proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall ~~[work]~~ ***:***

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 3. NRS 391.021 is hereby amended to read as follows:

391.021 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. ***The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant***

submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 4. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. ***The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach pending receipt of any academic transcripts of an applicant if:***

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant:

(1) Holds a valid license or certificate to teach issued by another state for which completion of a bachelor's or higher degree and professional education course work through a college or university accredited by a regional accrediting association is necessary; or

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not

provisional within 3 years after the date on which a provisional license is issued.

Sec. 4.5. NRS 391.0347 is hereby amended to read as follows:

391.0347 1. Any licensed teacher who is initially licensed on or after July 1, 2019, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; ~~[and]~~

(c) ***That establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this section; and***

(d) As otherwise necessary to carry out the requirements of this section.

Sec. 5. NRS 391.095 is hereby amended to read as follows:

391.095 1. A school district ***or a governing body of a charter school or university school for profoundly gifted pupils*** may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the Commission pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district ***, charter school or university school for profoundly gifted pupils, as applicable,*** for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. ***Except as otherwise provided in the agreement entered into pursuant to subsection 1 and to the extent not inconsistent with NRS 391.096, a school district or governing body of a charter school or university school for profoundly gifted pupils, as applicable, may compensate a student assigned within the school district charter school or university school for profoundly gifted pupils for training purposes as a student teacher, counselor, student social worker or trainee in a library.***

3. As used in this section:

(a) "Accredited" has the meaning ascribed to it in NRS 394.006.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

Sec. 5.1. **NRS 391.460 is hereby amended to read as follows:**

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level, administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, and other licensed educational personnel, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods**; [**~~, which includes evaluations based upon pupil growth as required by NRS 391.465;~~**]**

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers, administrators and other licensed educational personnel throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers, administrators and other licensed educational personnel, to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers, administrators and other licensed educational personnel; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 5.3. **NRS 391.465 is hereby amended to read as follows:**

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Developing; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a), which must include, without limitation, consideration of whether the classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

(c) ~~[Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.~~

~~(d)]~~ Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

~~[(e)]~~ ***(d)*** Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include

the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

~~[(f)]~~ ***(e)*** Require a person who evaluates a teacher who is responsible for a number of pupils that exceeds the applicable recommended ratio of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890, who is a postprobationary employee as defined in NRS 391.650 and whose performance on that evaluation is designated as effective or highly effective to, under the statewide performance evaluation system, award the teacher an additional weight for criteria relating to:

(1) The manner in which the teacher structures a classroom environment;

(2) The manner in which the teacher provides an opportunity for extended discourse;

(3) The manner in which the teacher employs the cognitive abilities and skills of all pupils;

(4) The manner in which the teacher engages with the families of pupils; and

(5) The perception of pupils of the performance of the teacher,

➥ that is equivalent to the percentage by which the ratio of pupils for which the teacher is responsible exceeds the recommended ratio of pupils per licensed teacher. Any additional weight awarded to a teacher pursuant to this paragraph must not cause the score on a criterion to exceed the maximum score that would otherwise be possible on the criterion for a teacher rated as highly effective.

~~[(g)]~~ ***(f)*** If an employee knowingly and willfully failed to comply with the provisions of NRS 388.1351, indicate any disciplinary actions taken against the employee pursuant to NRS 388.1354.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 5.5. **NRS 391.470 is hereby amended to read as follows:**

391.470 On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the implementation and effectiveness of the process for peer observations of teachers set forth in the regulations adopted by the State Board pursuant to

paragraph ~~[(c)]~~ ***(d)*** of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer observations.

Sec. 5.7. **NRS 391.485 is hereby amended to read as follows:**

391.485 1. The State Board shall annually review the statewide performance evaluation system to ensure accuracy and reliability. Such a review must include, without limitation, an analysis of the:

(a) Number and percentage of teachers, administrators and other licensed educational personnel who receive each designation identified in paragraph (a) of subsection 2 of NRS 391.465 in each school, school district, and the State as a whole; ***and***

(b) ~~[Data used to evaluate pupil growth in each school, school district and the State as a whole, including, without limitation, any observations; and~~

~~(c)]~~ Effect of the evaluations conducted pursuant to the statewide system of accountability for public schools on the academic performance of pupils enrolled in the school district in each school and school district, and the State as a whole.

2. The board of trustees of each school district shall annually review the manner in which schools in the school district carry out the evaluation of teachers, administrators and other licensed educational personnel pursuant to the statewide performance evaluation system.

3. The Department may review the manner in which the statewide performance evaluation system is carried out by each school district . ~~[, including, without limitation, the manner in which the learning goals for pupils are established and evaluated pursuant to NRS 391.480.]~~

Sec. 5.9. **NRS 391.690 is hereby amended to read as follows:**

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as developing or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three observation cycles which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two observation cycles during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as developing or ineffective on the evaluation, the postprobationary teacher may request that the third observation cycle be conducted by another administrator. If a postprobationary teacher requests that his or her third observation cycle be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** a postprobationary teacher receives an evaluation designating his or her overall performance as

effective ~~[,]~~ ***or highly effective,*** the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of the school year.

3. If a postprobationary teacher receives an evaluation designating his or her overall performance as ***effective or*** highly effective for 2 consecutive ~~[school years,]~~ ***evaluations,*** the postprobationary teacher ***:*** ~~[must:]~~

(a) ~~[Participate]~~ ***May request to participate*** in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as ***effective or*** highly effective ***. ~~[; and]~~ If a postprobationary teacher requests to participate in an observation cycle pursuant to this paragraph, the postprobationary teacher may receive one evaluation based in part upon the observation cycle conducted pursuant to this paragraph only upon the request of the postprobationary teacher.***

(b) ~~[Receive]~~ ***Must receive*** one evaluation in the ***second*** school year immediately following the school year in which the postprobationary teacher ~~[participated in the observation cycle pursuant to paragraph (a).]~~ ***receives a second consecutive evaluation designating his or her performance as effective or highly effective.*** The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of that school year.

4. An administrator may not:

(a) Directly or indirectly threaten, intimidate, coerce, compel or otherwise require a postprobationary teacher to request or not to request to participate in an observation cycle or receive an evaluation pursuant to paragraph (a) of subsection 3; or

(b) Conduct an observation cycle or evaluation of a postprobationary teacher pursuant to paragraph (a) of subsection 3 without the consent of the postprobationary teacher.

Sec. 6. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school district and the governing body of a charter school shall provide professional development training on:

(a) Parental involvement and family engagement that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.019 to teachers who have not yet completed the course work on parental involvement and family engagement prescribed by NRS 391.019.

(b) Multicultural education that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.0347 to teachers who have not yet completed the course work on multicultural education prescribed by NRS 391.0347.

2. Any professional development training provided pursuant to subsection 1:

(a) May be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.

(b) Must be provided at no cost to the employee.

Sec. 7. NRS 391A.345 is hereby amended to read as follows:

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, ***and section 6 of this act,*** unless the context otherwise requires, "professional development training" has the meaning ascribed to "professional development" in 20 U.S.C. § 7801(42).

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.3. The Commission on Professional Standards in Education shall:

1. Conduct a study during the 2023-2024 interim concerning the Praxis II and pedagogy examinations;

2. Present its recommendations to the Standing Committee on Education during the 83rd Session of the Nevada Legislature; and

3. Adopt regulations pursuant to NRS 391.019, 391.021 and 391.023 as it deems necessary and appropriate based on its findings and recommendations as they relate to the Praxis II and pedagogy examinations.

Sec. 10.6. The Department of Education and the Nevada System of Higher Education shall jointly:

1. Develop a plan to expand awareness of and eliminate barriers for access to any scholarship programs that are intended to increase the number of persons licensed pursuant to chapter 391 of NRS; and

2. Present the plan to the Joint Interim Standing Committee on Education on or before June 30, 2024.

Sec. 11. **1. The amendatory provisions of NRS 391.690, as amended by section 5.9 of this act, apply to any evaluation, observation cycle and other conduct of postprobationary teachers and administrators described in NRS 391.690, as amended by section 5.9 of this act, that occurs on or after July 1, 2021.**

2. As used in this section:

(a) "Evaluation" means an evaluation of a postprobationary teacher as described in NRS 391.690, as amended by section 5.9 of this act.

(b) "Observation cycle" means an observation cycle that a postprobationary teacher participates in or requests to participate in as described in NRS 391.690, as amended by section 5.9 of this act.

Sec. 12. **Any administrative regulations relating to learning goals or pupil growth which were adopted pursuant to NRS 391.480 by a regulatory body before July 1, 2023, and which conflict with or are inconsistent with the provisions of this act are void.**

Sec. 13. **NRS 391.480 is hereby repealed.**

~~[Sec. 11.]~~ ***Sec. 14.*** 1. This section becomes effective upon passage and approval.

2. **Sections 5.1 to 5.9, inclusive, 11, 12 and 13 of this act become effective:**

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

3. Sections 1 to ~~[10.6,]~~ **5,** inclusive, **and 6 to 10.6, inclusive,** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

TEXT OF REPEALED SECTION

391.480 Development of learning goals for pupils; Department to establish list of assessments to measure achievement of learning goals; evaluation of educational personnel based on achievement of learning goals; regulations.

1. Each teacher at a school in a school district shall, in consultation with the principal of the school at which the teacher is employed or other administrator who is assigned by the principal, develop learning goals for the pupils of the teacher for a specified period.

2. Each principal, vice principal and other administrator who provides direct instructional services to pupils at a school in a school district shall, in consultation with his or her direct supervisor, develop learning goals for the pupils at the school where the principal, vice principal or other administrator, as applicable, is employed for a specified period.

3. The Department shall establish a list of assessments that may be used by a school or school district to measure the achievement of learning goals established pursuant to this section.

4. The board of trustees of each school district shall ensure that the learning goals for pupils established pursuant to this section measure pupil growth in accordance with the criteria established by regulation of the State Board.

5. Each teacher and administrator who establishes learning goals for pupils pursuant to this section must be evaluated at the end of the specified period to determine the extent to which the learning goals of the pupils were achieved. Such an evaluation must be conducted in accordance with the criteria established by regulation of the State Board for determining the level of pupil growth for the purposes of the statewide performance evaluation system. The State Board may establish by regulation the manner in which to include certain categories of pupils in the evaluation conducted pursuant to this subsection.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 348.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 912.

AN ACT relating to education; creating the Virtual Early Childhood Family Engagement Pilot Program in the Department of Health and Human Services; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Early Childhood Advisory Council and requires the Council to develop recommendations for: (1) increasing the participation of children in early childhood education programs; and (2) the establishment of statewide standards for early childhood education programs. (NRS 432A.076) **Section 4** of this bill creates the Virtual Early Childhood Family Engagement Pilot Program within the Department of Health and Human Services. **Section 5** of this bill requires the Department to select a nonprofit organization that has demonstrated a record of success in virtual early childhood family engagement programs to administer the Program. **Section 6** of this bill requires the organization selected to administer the Program to: (1) create a plan to recruit parents, guardians and foster parents of children who are eligible to enter kindergarten for the next school year throughout the State to participate in the Program; (2) provide programming in reading, math and science to participating children and their parents, guardians or foster parents in their residences through computers; and (3) provide the parents, guardians and foster parents of children participating in the Program with information concerning relevant government programs. **Section 7** of this bill requires the organization selected to administer the Program to submit an annual report to the Department concerning: (1) the demographics of children who are participating in the Program; and (2) the success of the Program in preparing children for kindergarten. **Section 7** also requires the Department to submit similar reports to the Legislature. **Sections 2 and 3** of this bill define certain terms related to the Program. **Section 8.5 of this bill makes an appropriation to the Department to establish and implement the Program.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. As used in sections 1 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 3 of this act have the meaning ascribed to them in those sections.

Sec. 2. "Department" means the Department of Health and Human Services.

Sec. 3. "Program" means the Virtual Early Childhood Family Engagement Pilot Program created by section 4 of this act.

Sec. 4. 1. The Virtual Early Childhood Family Engagement Pilot Program is hereby created within the Department.

2. The purposes of the Program are to:

(a) Provide training and coaching to empower parents and guardians of young children in the education of their child; and

(b) Increase the readiness of children for kindergarten in every geographic area of this State.

Sec. 5. 1. The Department shall issue a request for proposals from organizations that are recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), to administer the Program.

2. The Department shall review the proposals submitted to the Department pursuant to subsection 1 and select to administer the Program an organization that has a record of success conducting virtual early childhood family engagement programs, as demonstrated through independent, valid and reliable evaluations.

Sec. 6. 1. The organization selected to administer the Program pursuant to section 5 of this act shall:

(a) Create a plan to recruit parents, guardians and foster parents of children described in paragraph (a) of subsection 2 who are from diverse backgrounds and all geographic areas of the State to participate in the Program;

(b) Provide the programming described in paragraph (b) of subsection 2 to such children and their parents, guardians or foster parents in their residences through a computer or similar device;

(c) Provide for the installation of a computer or Internet service if the residence of the child or parent, guardian or foster parent lacks such a device or service;

(d) Effectively engage the parents, guardians and foster parents who participate in the Program to empower them in the education of their children; and

(e) At least twice during each school year that a child participates in the Program, and upon request of the parent, guardian or foster parent of a child who is participating in the Program, provide such parents, guardians or foster parents information in electronic form or in writing concerning relevant services and resources provided by the State and relevant political subdivisions of this State, including, without limitation:

(1) Any program that provides:

(I) Rental and housing assistance; or

(II) Subsidies for child care;

(2) The Kinship Guardianship Assistance Program established and administered by the Department pursuant to NRS 432B.622;

(3) Preschools that provide in-person instruction;

(4) Registration for kindergarten;

(5) Medicaid and the Children's Health Insurance Program;

(6) Temporary Assistance for Needy Families, as defined in NRS 422A.080;

(7) Supplemental Nutrition Assistance, as defined in NRS 422A.072;

(8) Early intervention services, as defined in NRS 427A.8715; and

(9) Programs for workforce development.

2. The Program must:

(a) Serve children who will be eligible to enter kindergarten for the next school year, including, without limitation, children:

(1) Whose household has an income which is not more than 200 percent of the federally designated level signifying poverty;

(2) Who are in the foster care system; or

(3) Who reside in rural areas of this State.

(b) Utilize a developmentally appropriate, adaptive curriculum in reading, mathematics and science for the Program that:

(1) Is aligned to the *Head Start Early Learning Outcomes Framework: Ages Birth to Five* published by the Office of Head Start of the Administration for Children and Families of the United States Department of Health and Human Services and any standards of content and performance established for prekindergarten pursuant to NRS 389.520;

(2) Is aligned to the *WIDA Early Language Development Standards* prescribed by *WIDA*;

(3) Is certified as a Certified Autism Resource by the International Board of Credentialing and Continuing Education Standards; and

(4) Is endorsed by the Council of Administrators of Special Education.

(c) Ensure that the time a child is required by the Program to use a digital screen is less than the maximum amount of time recommended by the American Academy of Pediatrics for children who are 4 years of age to use a digital screen.

Sec. 7. 1. On or before July 30, 2024, and July 30, 2025, the organization selected to administer the Program pursuant to section 5 of this act shall submit a report to the Department which includes, without limitation:

(a) The number of children enrolled in the Program during the immediately preceding school year, in total and in each county of this State;

(b) The number and percentage of children described in paragraph (a) who meet each criterion identified in paragraph (a) of subsection 2 of section 6 of this act;

(c) The demographics of the children enrolled in the Program, if known, including, without limitation:

(1) Race;

(2) Ethnicity;

(3) Disability status;

(4) Household income;

(5) County of residence; and

(6) Language spoken at home;

(d) Quantitative data and, to the extent any is available, qualitative data that demonstrates the effectiveness of the Program at improving the abilities of a child in reading, writing and mathematics and the readiness of the children participating in the Program for kindergarten, including, without limitation:

(1) Data concerning the educational development of the children participating in the Program;

(2) The number of children who completed the Program and who are ready for kindergarten; and

(3) Data concerning the level of satisfaction that parents, guardians and foster parents have concerning the Program; and

(e) Any additional information determined by the Department to be necessary to evaluate the Program.

2. On or before September 30, 2024, and September 30, 2025, the Department shall compile a report of the data reported pursuant to subsection 1 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) In 2024, the next regular session of the Legislature; and

(b) In 2025, the Joint Interim Standing Committee on Education and the Joint Interim Standing Committee on Health and Human Services.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. **1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services to establish and implement the Virtual Early Childhood Family Engagement Pilot Program created by section 4 of this act the following sums:**

For the Fiscal Year 2023-2024..... $1,000,000

For the Fiscal Year 2024-2025..... $1,000,000

2. Any balance of the sums appropriated by subsection 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 9. This act becomes effective on July 1, 2023, and expires by limitation on September 30, 2025.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 386.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 868.

AN ACT relating to midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of licensed certified professional midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring any midwife who provides services in this State to provide to clients a Community Birth Disclosure; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; creating a special endorsement authorizing a licensed certified professional midwife to order, dispense and implant certain devices; creating a special endorsement authorizing a licensed certified professional midwife to possess, administer, prescribe and dispense certain drugs; exempting a licensed certified professional midwife and other providers of health care from certain liability; **prohibiting certain persons from performing midwifery;** requiring Medicaid to cover the services of a licensed certified professional midwife; authorizing a licensed certified professional midwife to serve as the director of a freestanding birthing center; specifying the midwives to which certain requirements apply; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a midwife to perform certain duties relating to reporting births and deaths and testing newborn babies for certain diseases. (NRS 440.100, 440.740, 442.008-442.110, 442.600-442.680) **Sections 2-32** of this bill provide for: (1) the licensure of licensed certified professional midwives by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) the regulation of licensed certified professional midwives by the Division and the Board of Licensed Certified Professional Midwives created by **section 17** of this bill. **Sections 2-14, 45, 69 and 74** of this bill define certain terms related to the practice of certified professional midwifery. **Section 15** of this bill **: (1)** exempts certain providers of health care from requirements governing the licensure and regulation of licensed certified professional midwives **[.]** **; and (2) provides that sections 2-32 do not abridge, limit or otherwise affect the right of a person to deliver a baby in the manner and location that the person desires.** **Sections 36, 38, 39 and 42-44** of this bill similarly exempt licensed certified professional midwives and certified professional midwife student midwives

from provisions governing certain other providers of health care. Licensed certified professional midwives and certified professional midwife student midwives would also be exempt from provisions governing allopathic physicians. (NRS 630.047)

Section 16 of this bill authorizes the Division to accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this bill.

Section 17 creates the Board of Licensed Certified Professional Midwives. **Sections 34, 55 and 58-62** of this bill make various changes to ensure that the Board is treated similarly to other boards that regulate health-related professions. **Section 34** also provides that a person may obtain a license as a licensed certified professional midwife through reciprocity if the person has been in practice for at least 1 year immediately preceding the date on which the person submits an application. **Section 18** of this bill prescribes certain requirements concerning the operations and duties of the Board. **Section 19** of this bill requires the Board to adopt regulations governing the practice of certified professional midwifery, including: (1) requirements governing the issuance and renewal of a license as a licensed certified professional midwife **~~[.]~~ , including a requirement that an applicant to renew a license must have completed continuing education in cultural humility or the elimination of racism or bias;** (2) requirements governing the investigation of misconduct and discipline; (3) requirements governing the management of a client who is at a moderate or high risk of an adverse outcome; and (4) requirements governing certain other aspects of the practice of certified professional midwifery. **Section 76.5 of this bill provides that continuing education in cultural humility or the elimination of racism or bias completed by a licensed certified professional midwife satisfies a requirement that an agent or employee of certain health care facilities receive training in cultural competency.**

Section 20 of this bill prescribes the requirements for the issuance of a license as a licensed certified professional midwife. **Section 103** of this bill revises the requirements for the issuance of a license as a licensed certified professional midwife on January 1, 2026, to authorize the Division to exempt certain applicants from certain education requirements to address shortages in the number of midwives practicing in rural or underserved areas in the State or barriers for applicants from marginalized identities. **Section 21** of this bill: (1) authorizes a licensed certified professional midwife to utilize a certified professional midwife birth assistant to perform certain simple, routine medical tasks; and (2) prescribes the required training for a certified professional midwife birth assistant.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) **Sections 22 and 29** of this bill enact such procedures as applicable to an applicant for a license as a licensed certified professional midwife in order to comply with federal law. **Sections 104 and**

110 of this bill remove a requirement that an application for a license as a licensed certified professional midwife include the social security number of the applicant on the date that those federal requirements are repealed, while leaving in place the other requirements of **sections 22 and 29** until 2 years after that date. **Section 33** of this bill makes a conforming change to account for applicants for licensure who do not have a social security number.

Section 23 of this bill prescribes the authorized activities of a certified professional midwife student midwife and requirements governing the supervision of a certified professional midwife student midwife by a preceptor. **Section 24** of this bill requires any midwife who provides services in this State to provide to a client a Community Birth Disclosure that contains certain information. **Section 24** additionally requires the Board to create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State. **Section 24** further requires a licensed certified professional midwife to obtain informed written consent from each client before providing services.

Existing law authorizes only certain practitioners who are licensed in this State and registered with the State Board of Pharmacy to prescribe drugs and devices. (NRS 639.235, 639.23505) **Sections 25, 40, 41 and 78** of this bill authorize a licensed certified professional midwife to: (1) order, possess and administer certain drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines for a client. **Sections 26, 40 and 78** of this bill authorize a licensed certified professional midwife to apply to the Division for a special endorsement for his or her license to: (1) order, dispense and implant contraceptive devices; or (2) possess, administer, prescribe and dispense certain dangerous drugs. **Sections 21, 23 and 79** of this bill authorize a certified professional midwife birth assistant or certified professional midwife student midwife to administer certain drugs, devices, chemicals and solutions under the direct supervision of a licensed certified professional midwife or in certain emergency situations. **Section 23** additionally authorizes a certified professional midwife student midwife to administer or implant a contraceptive device under the supervision of a preceptor who holds the appropriate special endorsement.

Section 27 of this bill imposes specific requirements concerning the management of a client who is at a moderate or high risk of an adverse outcome, and **section 19** requires the Board of Licensed Certified Professional Midwives to adopt additional regulations governing the management of such a client. ~~[Section 107 of this bill creates the Collaboration and Transfer Guidelines Workgroup to make recommendations to the Board for regulations governing the transfer of such a client to a medical facility.]~~ **Section 19.5 of this bill authorizes the Board to establish an advisory committee to advise the Board concerning the adoption of those regulations.** **Section 27** also exempts: (1) a licensed certified professional midwife from liability resulting from the informed refusal to consent of such a client to consultation, co-management with or referral to another provider of health care or transfer to a

medical facility or the inability of the licensed certified professional midwife to arrange for such consultation or carry out such co-management, referral or transfer; and (2) other providers of health care from liability for the actions or omissions of a licensed certified professional midwife.

Section 28 of this bill requires a licensed certified professional midwife to report to the Division certain information concerning his or her practice upon the renewal of his or her license.

Section 30 of this bill: (1) requires the Division to maintain certain records of proceedings relating to licensing, disciplinary actions and investigations; and (2) declares certain records to be confidential and certain other records to be public. **Section 57** of this bill makes a conforming change to clarify that such confidential records of the Division are not public records. **Section 31** of this bill prohibits a person who does not hold a license as a licensed certified professional midwife from representing that he or she is licensed to engage in the practice of certified professional midwifery. **Section 31 also prohibits a person whose license to perform midwifery in another jurisdiction of the United States has been suspended or revoked from performing midwifery or holding himself or herself out as a midwife in this State until the license in the other district, state or territory is restored.** **Section 31** authorizes a person to represent that he or she is licensed to engage in the practice of certified professional midwifery if the person is licensed in another district, state or territory of the United States and the person discloses that license to the public. **Section 31** also prohibits a certified professional midwife student midwife from: (1) engaging in midwifery in circumstances other than those authorized by this bill; or (2) representing that he or she is qualified to engage in the practice of certified professional midwifery without supervision. **Section 31 authorizes the Division to order a person to cease and desist from performing midwifery or holding himself or herself out as a midwife if: (1) his or her license as a licensed certified professional midwife has been suspended or revoked; (2) he or she is the subject of pending disciplinary action; or (3) he or she has voluntarily relinquished his or her license under certain circumstances.** **Section 31 additionally** authorizes the Division to, when it has reason to believe or has received complaints that a person has repeatedly violated the provisions of **section 31**, certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought. **Section 32** authorizes the Division or the Attorney General to seek an injunction against any person violating any provision of **sections 2-32**.

Existing law defines the term "provider of health care" as a person who practices any of certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 35** of this bill includes licensed certified professional midwives in the definition of "provider of health care," thereby subjecting

licensed certified professional midwives to the same requirements. **Section 76** of this bill makes a conforming change to clarify that licensed certified professional midwives are providers of health care. **Section 37** of this bill requires a licensed certified professional midwife to report misconduct by a person licensed or certified by the State Board of Nursing to the Executive Director of the Board.

Sections 48 and 49 of this bill provide that a licensed certified professional midwife is not liable for civil damages resulting from providing emergency care or gratuitous care to an indigent person under certain circumstances. **Section 70** of this bill requires a licensed certified professional midwife who attends a birth that occurs outside a hospital which is not also attended by a physician or advanced practice registered nurse to prepare a birth certificate. **Section 71** of this bill provides for the imposition of a fine upon a person who furnishes false information to a licensed certified professional midwife for the purpose of making incorrect certification of births or deaths.

Existing law provides that, in any civil action concerning any unwelcome or nonconsensual sexual conduct, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim. (NRS 41.138) **Section 47** of this bill provides that a licensed certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant is a person of authority for that purpose.

Sections 46, 50-54, 63, 64, 66-76 and 80-102 of this bill make revisions to treat licensed certified professional midwives similarly to other providers of health care in certain respects. **Section 65** of this bill requires Medicaid to cover the services of a licensed certified professional midwife and to provide reimbursement for such services at rates comparable to other providers of health care who provide similar services. **Section 56** of this bill makes a conforming change to indicate the proper placement of **section 65** in the Nevada Revised Statutes.

Section 77 of this bill authorizes a licensed certified professional midwife to serve as the director of a freestanding birthing center.

Existing law requires a primary care provider, including a midwife, to take certain actions to facilitate the detection of harmful mutations in the BRCA gene in patients who are adult women. (NRS 457.301) **Section 81** of this bill provides that this requirement applies to licensed certified professional midwives, but not to other midwives.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 32, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Board" means the Board of Licensed Certified Professional Midwives created by section 17 of this act.*

Sec. 4. *"Certified nurse-midwife" means a person who is:*

1. Certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization; and

2. Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 5. *"Certified professional midwife birth assistant" means a person who performs routine medical tasks and procedures under the direct supervision of a licensed certified professional midwife.*

Sec. 6. *"Certified professional midwife student midwife" means a person who performs midwifery under the direct supervision of a preceptor pursuant to section 23 of this act.*

Sec. 7. *"Co-manage" means a licensed certified professional midwife jointly managing the care of a client with another provider of health care.*

Sec. 8. *"Consult" means a client receiving an opinion concerning the management of a particular condition or symptom from an appropriate provider of health care at the direction of a licensed certified professional midwife.*

Sec. 9. *"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 10. *"Licensed certified professional midwife" means a person licensed as a licensed certified professional midwife pursuant to section 20 of this act.*

Sec. 11. *"Medical facility" has the meaning ascribed to it in NRS 449.0151.*

Sec. 11.5. ***"Midwifery" means the provision of care to clients before conception, while pregnant and during the postpartum period and to newborn infants. The term includes, without limitation, the practice of certified professional midwifery.***

Sec. 12. *"Practice of certified professional midwifery" means the provision of autonomous care to healthy clients who are at low risk of developing complications before conception, while pregnant and during the postpartum period and to newborn infants for up to 6 weeks after childbirth. The term includes, without limitation, co-management of the care of a client with a qualified provider of health care.*

Sec. 13. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 14. *"Refer" means a licensed certified professional midwife arranging for another provider of health care to assume primary responsibility for managing a condition or symptom.*

Sec. 15. *1. Except as otherwise provided in this section and sections 21, 24 and 27 of this act, the provisions of this chapter do not apply to a person who holds a license, certificate or other credential issued pursuant to chapters 630 to 641D, inclusive, of NRS and is practicing within the scope of authority authorized by that license, certificate or other credential. For the purposes of this subsection, a certified nurse-midwife shall be deemed to be practicing within the scope of authority authorized by his or her license as an advanced practice registered nurse.*

2. This chapter does not prohibit:

(a) Gratuitous services of a person in an emergency; or

(b) Gratuitous care by friends or by members of the family.

3. This chapter does not abridge, limit or otherwise affect the right of any person to deliver a baby in the manner and location that the person desires.

Sec. 16. *The Division may accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this chapter.*

Sec. 17. *1. The Board of Licensed Certified Professional Midwives is hereby created.*

2. The Administrator of the Division shall appoint to the Board:

(a) Four voting members who are licensed certified professional midwives currently practicing in this State;

(b) ~~[One voting member who is an advanced practice registered nurse or physician currently practicing in the area of obstetrics in this State;~~

~~(c) One voting member who is a provider of health care, other than a provider of health care described in paragraph (a) or (b), who is currently providing neonatal or pediatric care in this State;~~

~~(d)]~~ One voting member who is a representative of the general public and who has received care from a licensed certified professional midwife;

~~[(e) One nonvoting member who is a social worker licensed in this State or community organizer with experience in public health; and~~

~~(f)]~~ and

(c) One nonvoting member to serve as a liaison with the Division.

3. The Board may adopt regulations, in consultation with the Division, to add not more than three members, in addition to the members appointed pursuant to subsection 2, to the Board.

4. Each member of the Board must be a resident of this State.

~~[4.]~~ 5. The Administrator of the Division:

(a) May solicit nominations for appointment to the Board from interested persons and entities.

(b) Shall give preference when appointing the members of the Board to candidates who have experience ~~[collaborating with licensed certified professional midwives or]~~ providing or utilizing midwifery services outside of a hospital.

~~[5.]~~ *6. The Board shall adopt regulations prescribing the terms of its members. Such terms must not exceed 4 years. The Administrator of the Division may:*

(a) Reappoint a member at the expiration of his or her term; or

(b) Terminate a member before the expiration of his or her term for cause.

~~[6.]~~ *7. A vacancy on the Board must be filled in the same manner as the initial appointment.*

~~[7.]~~ *8. Except as otherwise provided in this subsection, members of the Board serve without compensation. The State Board of Health may, by regulation, provide for compensation of the members of the Board.*

Sec. 18. *1. A majority of the voting members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.*

2. The Board shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its members;

(b) Meet annually at the call of the Chair; and

(c) Recommend to the Legislature any statutory changes to improve the practice of certified professional midwifery in this State.

3. To the extent that money is available, the Board may meet more frequently than required by paragraph (b) of subsection 2.

4. To the extent practicable, any advice or recommendations made by the Board concerning the practice of certified professional midwifery must be guided by current, peer-reviewed scientific research.

Sec. 19. *The Board shall adopt any regulations necessary or convenient for carrying out the provisions of this chapter. In adopting regulations, the Board shall consider measures necessary to minimize the likelihood of serious harm to the clients of licensed certified professional midwives and the fetuses and newborn infants of such clients. Those regulations must include, without limitation:*

1. Requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including, without limitation:

(a) The period for which a license is valid, which must not exceed 2 years. If the Division determines that the fees collected pursuant to this chapter will not cover the costs of the Division to perform the duties prescribed by the provisions of this chapter if that period is longer than 1 year, the Division shall notify the Board of that determination. Upon receiving such notice, the Board shall adopt regulations pursuant to this paragraph to prescribe a period for which a license is valid that does not exceed 1 year.

(b) A requirement that an applicant for the renewal of a license must have completed continuing education in cultural humility or the elimination of racism or bias. The regulations adopted pursuant to this paragraph must allow an applicant for the renewal of a license to satisfy that requirement by completing any continuing education in cultural humility or the elimination

of racism or bias required by the North American Registry of Midwives, or its successor organization, to maintain certification by that organization.

2. The procedure for filing a complaint with the Division concerning a licensed certified professional midwife or certified professional midwife student midwife.

3. Grounds for the Division to impose disciplinary action against a licensed certified professional midwife or certified professional midwife student midwife and the procedure by which the Division will impose such disciplinary action.

4. Requirements governing the reinstatement of a license or special endorsement that has been revoked, including, without limitation, the procedure to apply for reinstatement ~~[.]~~ and the minimum amount of time after the revocation that must pass before the person is authorized to apply for reinstatement.

5. Requirements governing the reinstatement of the authority to perform midwifery of a person who has been ordered to cease and desist from performing midwifery and holding himself or herself out as a midwife pursuant to section 31 of this act, including, without limitation, the procedure to apply for reinstatement and the minimum amount of time after the issuance of the order that must pass before the person is authorized to apply for reinstatement.

6. Regulations governing the ordering, usage and administration of drugs, vaccines, chemicals, solutions and devices pursuant to section 25 of this act.

~~[6.]~~ 7. Regulations concerning the management by a licensed certified professional midwife of a client who may have a condition that puts the client at a moderate or high risk of an adverse outcome for the client or the fetus or newborn infant of the client. The regulations must, to the extent practicable, be guided by current, peer-reviewed scientific research and must include, without limitation:

(a) A list of conditions or symptoms associated with a risk of serious permanent harm or death to a client or the fetus or newborn infant of a client, in addition to those prescribed by section 27 of this act;

(b) A list of conditions or symptoms associated with a risk of greater than minimal harm to a client or the fetus or newborn infant of a client that do not pose a risk of serious permanent harm or death, in addition to those prescribed by section 27 of this act; and

(c) Specific requirements for each condition or symptom listed pursuant to subparagraphs (1) and (2) governing:

(1) The circumstances under which a licensed certified professional midwife must arrange for the client to consult with another provider of health care, co-manage the care of the client with another provider of health care, refer primary responsibility for the care of a client to another provider of health care or transfer the care of the client to a medical facility, procedures for such consultation, co-management, referral or transfer and

requirements to ensure that a provider of health care who is consulted, with whom a client's condition or symptom is co-managed or to whom primary responsibility for the care of a client is referred is appropriately qualified; and

(2) The information that must be included on the form for providing informed refusal to consent to consultation, co-management, referral or transfer pursuant to section 27 of this act and the management of a client who provides such informed refusal to consent.

~~[7.]~~ 8. Requirements governing the screening of clients in accordance with chapter 442 of NRS and necessary measures for the prevention of communicable diseases.

~~[8.]~~ 9. Requirements concerning the records of treatment and outcomes that must be kept by a licensed certified professional midwife.

~~[9.]~~ 10. Administrative penalties that the Division may impose upon a certified professional midwife student midwife who engages in the practice of certified professional midwifery without a preceptor.

~~[10.]~~ 11. Administrative penalties that the Division may impose upon a licensed certified professional midwife who engages in activity for which a special endorsement is required by section 23 or 26 of this act without the appropriate endorsement.

~~[11.]~~ 12. Any other requirements necessary to optimize obstetrical and neonatal outcomes for clients of licensed certified professional midwives.

Sec. 19.5. 1. The Board may establish by regulation an advisory committee to advise the Board concerning the regulations adopted pursuant to subsection 7 of section 19 of this act. If such an advisory committee is established, the regulations adopted pursuant to this section must establish:

(a) The membership of the advisory committee;

(b) The terms of the members of the advisory committee; and

(c) The duties of the advisory committee.

2. Any recommendations of an advisory committee established pursuant to this section must be based on current, peer-reviewed scientific evidence and widely accepted best practices. Such recommendations may include, without limitation, recommendations concerning the transmission of information necessary for the care of a client from a licensed certified professional midwife to a provider of health care to whom the client is referred or a medical facility to which the client is transferred.

3. Members of the advisory committee serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. A member of the advisory committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the advisory committee and perform any work necessary to carry out the duties of the advisory committee in the most timely manner practicable. A state agency or political subdivision of this State shall not

require an officer or employee who is a member of the advisory committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the advisory committee; or

(b) Take annual leave or compensatory time for the absence.

Sec. 20. *1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000, and* ~~*[a)*~~ *:*

(a) A complete set of his or her fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report ~~*[.]*~~ *; or*

(b) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken in this State and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report.

2. The application must include, without limitation, proof that the applicant is certified as a midwife by the North American Registry of Midwives, or its successor organization, and:

(a) Has completed an educational program that is consistent with the most recent statement on licensure of Certified Professional Midwives by the United States Midwifery Education, Regulation and Association, or its successor organization; or

(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.

~~*[2.]*~~ *3. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:*

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

~~*[3.]*~~ *4. To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health* ~~*[shall]*~~ *may establish by regulation a procedure through which:*

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section or section 26 of this act. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section or section 26 of this act are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section or section 26 of this act to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~[4]~~ *5. As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.*

Sec. 21. *1. A licensed certified professional midwife may utilize a certified professional midwife birth assistant to perform the tasks and procedures authorized by subsection 3. Except as otherwise provided in subsection 2, a certified professional midwife birth assistant, including, without limitation, a provider of health care serving as a certified professional midwife birth assistant, must:*

(a) Be at least 18 years of age;

(b) Have completed training in cultural humility or the elimination of racism or bias;

(c) Have completed training in the techniques of administering neonatal resuscitation provided through the Neonatal Resuscitation Program of the American Academy of Pediatrics, or any successor to that program; and

(d) Hold current certification in the techniques of administering cardiopulmonary resuscitation.

2. A certified professional midwife birth assistant who is a licensed certified professional midwife or a certified nurse-midwife is not required to possess the qualifications set forth in subsection 1.

3. Except as otherwise provided in subsection 5, a certified professional midwife birth assistant may perform routine clinical tasks and procedures only under the direct supervision of a licensed certified professional midwife who is present on the premises and able to intervene if necessary. Such tasks include, without limitation:

(a) Administering medications, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 25 of this act, intradermally, subcutaneously and intramuscularly and performing skin tests;

(b) Providing medication, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 25 of this act, to a patient to self-administer orally, sublingually, topically or rectally;

(c) Administering oxygen;

(d) Assisting in the care of a newborn infant immediately after birth;

(e) Placing a device used for auscultation of fetal heart tones;

(f) Assisting a client with activities of daily living and assisting the client in moving between the bed and bathroom;

(g) Performing cardiopulmonary or neonatal resuscitation; and

(h) Checking vital signs.

4. The supervising licensed certified professional midwife is responsible for ensuring that the certified professional midwife birth assistant has been properly trained to provide the services delegated to him or her. The supervising licensed certified professional midwife shall retain any documentation of the training that the certified professional midwife birth assistant has received for at least 5 years after the supervising licensed certified professional midwife ceases to supervise the certified professional midwife birth assistant.

5. A certified professional midwife birth assistant may provide any necessary assistance in an emergency or when birth is imminent if his or her supervising licensed certified professional midwife is not present. If a certified professional midwife birth assistant provides such assistance without supervision, the certified professional midwife birth assistant must contact a provider of emergency medical services to provide further assistance.

6. A certified professional midwife birth assistant shall not assess clinical information or make clinical decisions.

Sec. 22. ***1. In addition to any other requirements set forth in this chapter:***

(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division of Public and Behavioral Health of the Department of Health and Human Services shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license as a licensed certified professional midwife may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other

public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 23. ***1. Except as otherwise provided in subsection 5, a certified professional midwife student midwife may engage in the practice of certified professional midwifery, including, without limitation, by using or administering any drug, vaccine, device, chemical or solution described in subsection 1, 2 or 3 of section 25 of this act, only under the direct supervision of a preceptor who is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides midwifery services.***

2. A certified professional midwife student midwife may administer or implant a contraceptive device or possess and administer a drug prescribed by the regulations adopted pursuant to paragraph (b) of subsection 1 of section 26 of this act only under the direct supervision of a preceptor who is a licensed certified professional midwife, holds the appropriate special endorsement issued pursuant to section 26 of this act authorizing the preceptor to engage in such activity and is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides services pursuant to this subsection.

3. A preceptor must be a person engaged in the practice of certified professional midwifery who is approved by the North American Registry of Midwives, or its successor organization, to serve as a preceptor.

4. A preceptor shall:

(a) Notify each client that a certified professional midwife student midwife may be involved in the care of the client;

(b) Explain the scope of the activities that the certified professional midwife student midwife may perform under the supervision of the preceptor; and

(c) Review and evaluate all care provided by a certified professional midwife student midwife under his or her supervision and attend every clinical encounter between the certified professional midwife student midwife and a client.

5. If the preceptor of a certified professional midwife student midwife ceases to serve as his or her preceptor and the certified professional midwife student midwife has no additional preceptor, the certified professional

midwife student midwife must cease engaging in the practice of certified professional midwifery.

6. A certified professional midwife student midwife may provide any necessary assistance in an emergency or when birth is imminent if his or her preceptor is not present. If a certified professional midwife student midwife needs to provide such assistance and his or her preceptor is not present, the certified professional midwife student midwife must contact a provider of emergency medical services to provide further assistance.

Sec. 24. ***Upon accepting a client:***

1. Any midwife, including, without limitation, a licensed certified professional midwife and a certified nurse-midwife, shall provide the client with a Community Birth Disclosure. The Community Birth Disclosure must inform the client regarding:

(a) The type of midwife that the midwife is;

(b) The type of education and training that the midwife has received; and

(c) The care to be provided by the midwife.

➥ The Board shall create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State.

2. A midwife must sign and date, and obtain the signature of the client with a notation of the date of that signature, the Community Birth Disclosure provided pursuant to subsection 1. The midwife shall retain a copy of the Community Birth Disclosure for 5 years.

3. In addition to complying with the requirements of subsections 1 and 2, a licensed certified professional midwife shall obtain from the client informed written consent regarding the care to be provided by the licensed certified professional midwife. Informed written consent requires that the licensed certified professional midwife provide to the client:

(a) A description of the educational background and credentials of the licensed certified professional midwife;

(b) A description of the practice of certified professional midwifery as set forth in section 12 of this act and the limitations on the practice of a licensed certified professional midwife;

(c) Instructions for obtaining a copy of the provisions of sections 2 to 32, inclusive, of this act and the regulations adopted pursuant to section 19 of this act;

(d) Instructions for filing a complaint with the Division in accordance with the regulations adopted pursuant to section 19 of this act;

(e) A description of the actions that the licensed certified professional midwife will take in an emergency, including, without limitation, the conditions under which the licensed certified professional midwife will recommend the transfer of the client to a medical facility and the procedure that the licensed certified professional midwife will follow when making such a transfer;

(f) A description of the procedures that will be used during the birth in the client's chosen setting, the risks and benefits of birth in that setting and the conditions that may arise during delivery;

(g) A disclosure of whether the licensed certified professional midwife holds liability insurance;

(h) A summary of the provisions of section 27 of this act and the regulations adopted pursuant to section 19 of this act governing consultation, co-management, referral and transfer and a description of the procedures established by the licensed certified professional midwife for consultation, co-management, referral and transfer; and

(i) Any other information required by regulation of the Board.

Sec. 25. *1. A licensed certified professional midwife may use the following devices:*

(a) Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal monitors, tocodynamometer monitors, equipment for administering oxygen, glucose monitoring systems and testing strips, neonatal and adult oximetry equipment, centrifuges and equipment for conducting screenings of hearing ability;

(b) Equipment for administering nitrous oxide, including, without limitation, scavenging systems, only in a freestanding birthing center licensed pursuant to chapter 449 of NRS;

(c) Neonatal and adult resuscitation equipment, including, without limitation, airway devices; and

(d) Any other device authorized by regulation of the Board.

2. A licensed certified professional midwife may possess and administer:

(a) Oxytocin, misoprostol, methylergonovine, tranexamic acid, lidocaine, penicillin, ampicillin, cefazolin, clindamycin, epinephrine, diphenhydramine, ondansetron, phylloquinone, erythromycin ointment, terbutaline and nitrous oxide;

(b) Influenza vaccine, hepatitis B vaccine, COVID-19 vaccine and diphtheria, tetanus and pertussis vaccine;

(c) Rho (D) immune globulin and hepatitis B immune globulin; and

(d) Any other drugs or vaccines authorized by regulation of the Board.

3. A licensed certified professional midwife may possess and administer:

(a) Oxygen, lactated Ringers solution, 5 percent dextrose in lactated Ringers solution, 0.9 percent sodium chloride solution and sterile water; and

(b) Any other chemicals or solutions authorized by regulation of the Board.

4. A licensed certified professional midwife may order for a client:

(a) Breast pumps, compression stockings and belts, maternity belts, diaphragms, cervical caps, glucometers, glucose testing strips, iron supplements and prenatal vitamins; and

(b) Any vaccine described in paragraph (b) of subsection 2.

Sec. 26. ***1. The Division shall, upon application by a licensed certified professional midwife who has such qualifications as the Board specifies by regulation, issue:***

(a) A special endorsement of the license authorizing the licensed certified professional midwife to order, dispense, administer and implant contraceptive devices for a client.

(b) A special endorsement of the license authorizing the licensed certified professional midwife to possess, administer, prescribe and dispense drugs prescribed by regulation of the Board, in consultation with the State Board of Pharmacy, for a client.

2. An application for the issuance or renewal of a special endorsement pursuant to this section must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $500.

3. The Board, in consultation with the State Board of Pharmacy, shall adopt regulations to carry out the provisions of this section. Those regulations must prescribe:

(a) The training and experience necessary to obtain a special endorsement, including, without limitation:

(1) The additional education and training necessary to obtain a special endorsement described in paragraph (a) or (b) of subsection 1, which must be similar to the education and training required for other providers of health care who perform the activities authorized by those endorsements;

(2) The number of completed implantations of a contraceptive device under the supervision of a preceptor necessary to obtain a special endorsement described in paragraph (a) of subsection 1; and

(3) Requirements for the completion of training required by the manufacturer of a contraceptive device or the equivalent of such training to obtain a special endorsement described in paragraph (a) of subsection 1.

(b) The period for which a special endorsement is valid, which must not exceed ~~***[2 years,]***~~ ***the length of the period for which the license of the holder of the endorsement is valid.***

(c) The contraceptive devices that the holder of a special endorsement issued pursuant to paragraph (a) of subsection 1 may order, dispense, administer and implant.

(d) The drugs that the holder of a special endorsement issued pursuant to paragraph (b) of subsection 1 may possess, administer, prescribe or dispense, which must only include:

(1) Antibiotic, antiemetic, antiviral, antifungal and antipruritic medications and low-potency topical steroids for the prevention and treatment of conditions that do not constitute a significant deviation from normal pregnancy or postpartum; and

(2) Hormonal and nonhormonal contraceptives.

4. A special endorsement issued pursuant to paragraph (b) of subsection 1 does not authorize the holder to prescribe or dispense drugs for a newborn infant.

Sec. 27. *1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:*

(a) Complete placenta previa;

(b) Partial placenta previa after the 27th week of gestation;

(c) Infection with the human immunodeficiency virus;

(d) Cardiovascular disease;

(e) Severe mental illness that may cause the client to cause harm to themselves or others;

(f) Pre-eclampsia or eclampsia;

(g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;

(h) Potentially serious anatomic fetal abnormalities;

(i) Diabetes that requires insulin or other medication for management;

(j) Gestational age of greater than 43 weeks; or

(k) Any other condition or symptom:

(1) Designated by the regulations adopted pursuant to section 19 of this act; or

(2) Which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.

2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

(a) Prior cesarean section or other surgery resulting in a uterine scar;

(b) Multifetal gestation;

(c) Noncephalic presentation after 36 weeks of gestation; or

(d) Any other condition or symptom designated by the regulations adopted pursuant to section 19 of this act.

3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:

(a) The contents of the recommendation;

(b) The condition or symptom for which the recommendation was made;

(c) Whether the client consented to the consultation, co-management, referral or transfer; and

(d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.

4. A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Board. If a client provides informed refusal to consent to:

(a) Consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom described in subsection 1 exists, the licensed certified professional midwife must attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co-manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is not liable for any damages resulting from the failure to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:

(1) May continue to serve as the primary provider of health care for the client until the client provides such consent; and

(2) Is not liable for any damages resulting from the failure to consult, co-manage or refer.

5. If, after determining that a condition or symptom described in:

(a) Subsection 1 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.

6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.

Sec. 28. *1. With each application for the renewal of his or her license, a licensed certified professional midwife shall submit to the Division a report, in the form prescribed by the Division, that includes, for the immediately preceding licensure period:*

(a) The total number of clients who, when accepted by the licensed certified professional midwife as clients, intended to deliver their babies outside of a hospital;

(b) The number of live births attended by the licensed certified professional midwife outside of a hospital;

(c) The number of cases of fetal demise, deaths of newborns and maternal deaths attended by the licensed certified professional midwife;

(d) The number of clients transferred to a medical facility during the antepartum, intrapartum or immediate postpartum periods and the reason for and outcome of each such transfer;

(e) A brief description of any complications resulting in maternal or infant morbidity or mortality;

(f) The planned location and actual location of each delivery; and

(g) Any other information required by regulation of the Board.

2. Not later than 30 days after attending a maternal or newborn infant death, a licensed certified professional midwife shall report the death to the Division and the Board.

Sec. 29. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the Division shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the*

holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the appropriate fee required pursuant to this chapter.

Sec. 30. ***1. The Division shall keep a record of its proceedings relating to licensing, disciplinary actions and investigations. Except as otherwise provided in this chapter, ~~[the record must be open to public inspection at all reasonable times.]~~ the record is a public record for the purposes of chapter 239 of NRS.***

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential and privileged.

3. A complaint or other document filed by the Division to initiate disciplinary action, any written opinion rendered by the Division and all documents and information considered by the Division when determining whether to impose discipline are public records.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The provisions of this section do not prohibit the Division from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 31. ***1. Except as otherwise provided in subsection 2, a person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division shall not:***

(a) Use in connection with his or her name the words "licensed certified professional midwife," "licensed midwife" or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery in this State; or

(b) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her

company under the heading "licensed certified professional midwife," "licensed midwife" or any other term that indicates or implies that he or she is licensed to engage in the practice of certified professional midwifery in this State.

2. A person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division may use or list the words or headings described in paragraph (a) or (b) of subsection 1 if the person is licensed in the District of Columbia or any state or territory of the United States ~~***[,]***~~ ***and is not subject to an order issued pursuant to subsection 5. If the person uses or lists the words or headings pursuant to this section, the person shall disclose the district, state or territory, as applicable, in which he or she is licensed.***

3. A person who is licensed as a licensed certified professional midwife and who is also licensed to perform midwifery in any capacity in the District of Columbia or any state or territory of the United States shall disclose each additional district, state or territory, as applicable, in which he or she is currently licensed or has ever been licensed in all circumstances described in paragraphs (a) and (b) of subsection 1. If the license of such a person to perform midwifery has been revoked or suspended in the other district, state or territory, the person shall not perform midwifery or hold himself or herself out as a midwife until his or her license in the other district, state or territory is reinstated to an active and valid status.

4. A certified professional midwife student midwife shall not:

(a) Engage in midwifery except in circumstances authorized by this chapter; or

(b) Use in connection with his or her name the words "licensed certified professional midwife," "certified professional midwife," "licensed midwife" or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery without supervision, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery without supervision in this State.

5. The Division may order a person to cease and desist from performing midwifery and holding himself or herself out as a midwife if:

(a) The person's license as a licensed certified professional midwife has been suspended or revoked;

(b) The person has disciplinary action pending against him or her pursuant to this chapter; or

(c) The person has voluntarily relinquished his or her license while a complaint is pending against the person which alleges a violation which:

(1) Has caused serious injury, serious harm or serious impairment of public health; or

(2) Indicates that the person would be likely to cause serious injury, serious harm or serious impairment of public health if the person continues to perform midwifery.

6. A person shall not perform midwifery or hold himself or herself out as a midwife after receiving an order to cease and desist from those activities pursuant to subsection 5 unless the Division has reinstated his or her license to practice licensed certified professional midwifery or his or her authority to perform midwifery in accordance with the regulations adopted pursuant to section 19 of this act.

7. If the Division has reason to believe that a person has repeatedly violated any provision of this section or the Division has received complaints that a person has repeatedly violated any provision of this section, the Division may certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.

Sec. 32. ***1. The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from violating a provision of this chapter or any regulations adopted pursuant thereto.***

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person as a preventive or punitive measure.

(b) Does not relieve any person or business entity from any other legal action.

Sec. 33. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 641D.330, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155, ***and section 22 of this act,*** an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without

limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 34. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641D, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) ~~[~~Has~~]~~ ***Except as otherwise provided in this paragraph, has*** been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1. ***If the person seeks to practice as a licensed certified professional midwife in this State pursuant to sections 2 to 32, inclusive, of this act, the person must have been in practice for at least 1 year immediately preceding the date on which the***

person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Joint Interim Standing Committee on Health and Human Services in even-numbered years.

Sec. 35. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractic physician;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

(bb) A behavior analyst, assistant behavior analyst or registered behavior technician; ~~[or]~~

(cc) ***A licensed certified professional midwife; or***

(dd) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 36. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing, nursing, ***certified professional midwifery,*** veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 37. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, ***licensed certified professional midwife,*** chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds

for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 38. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, ***certified professional midwifery,*** veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program.

(f) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 39. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, 640 to 641D, inclusive, or 653 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act,***

➥ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 40. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; ~~[or]~~

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification ~~[.]~~ ***; or***

7. A licensed certified professional midwife, for the purpose of:

(a) Ordering any device or drug described in subsection 1 or 2 of section 25 of this act for use in his or her practice in accordance with the provisions

of that section and any regulations adopted pursuant to section 19 of this act;

(b) Ordering any device or vaccine described in subsection 4 of section 25 of this act for a client;

(c) If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and dispensing any medical device for contraception authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act; and

(d) If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (b) of subsection 1 of section 26 of this act, prescribing and dispensing any drug authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act.

Sec. 41. NRS 639.23505 is hereby amended to read as follows:

639.23505 ~~[A]~~

1. Except as otherwise provided in subsection 2, a practitioner shall not dispense for human consumption any controlled substance or dangerous drug if the practitioner charges a patient for that substance or drug, either separately or together with charges for other professional services:

~~[1.]~~ ***(a)*** Unless the practitioner first applies for and obtains a certificate from the Board and pays the required fee; and

~~[2.]~~ ***(b)*** Issues a written prescription.

2. A licensed certified professional midwife may administer drugs and devices ordered pursuant to section 25 of this act in accordance with the provisions of that section and any regulations adopted pursuant to section 19 of this act without obtaining a certificate from the Board.

Sec. 42. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive, or 641D of NRS, ***or sections 2 to 32, inclusive, of this act*** who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 43. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640, 640A or 641D of NRS, ***or sections 2 to 32, inclusive, of this act*** when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 44. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS ***or sections 2 to 32, inclusive, of this act*** if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.

(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.

(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 45. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise expressly provided in a particular statute or required by the context, "licensed certified professional midwife" means a person licensed as a licensed certified professional midwife pursuant to section 20 of this act.

Sec. 46. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first $50,000 recovered;

(b) Thirty-three and one-third percent of the next $50,000 recovered;

(c) Twenty-five percent of the next $500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 47. NRS 41.138 is hereby amended to read as follows:

41.138 1. In any civil action concerning any unwelcome or nonconsensual sexual conduct, including, without limitation, sexual harassment, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

2. As used in this section:

(a) "Person in a position of authority" means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, ***licensed certified professional midwife, certified professional midwife student midwife, certified professional midwife birth assistant,*** psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.

(b) "Sexual harassment" has the meaning ascribed to it in NRS 176A.280.

Sec. 48. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** and any person who holds an equivalent license issued by another state, who renders emergency care or assistance, including, without limitation, emergency obstetrical care or assistance, in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, physician assistant, ~~[or]~~ nurse ***or licensed certified professional midwife*** from liability for damages resulting from that person's acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

2. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of that person's license to an indigent person,

➥ is not liable for any civil damages as a result of any act or omission by that person, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

3. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by that person in rendering that care

or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

4. As used in this section, "gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 49. NRS 41.506 is hereby amended to read as follows:

41.506 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

2. A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to subsection 1 and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

Sec. 50. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 51. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may

introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

(a) Recover any amount against the plaintiff; or

(b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds $50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make

further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 52. NRS 52.320 is hereby amended to read as follows:

52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:

1. "Custodian of medical records" means a chiropractic physician, physician, registered physical therapist, ~~[or]~~ licensed nurse ***or licensed certified professional midwife*** who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who has care, custody and control of medical records for such a person or institution.

2. "Medical records" includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

Sec. 53. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, ***licensed certified professional midwife,*** perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 54. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 641D, 653 or 654 of NRS ~~[,]~~ ***or sections 2 to 32, inclusive, of this act,*** the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 55. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than $200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each

quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is $200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 56. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 65 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 57. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,

360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117,

692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 30 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 58. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. Except as otherwise provided in NRS 284.4086, to the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 59. NRS 353.005 is hereby amended to read as follows:

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 60. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 61. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 62. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

Sec. 63. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 64. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 65. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, the Director shall include in the State Plan for Medicaid a requirement that, except as otherwise provided in subsection 2, the State shall pay the nonfederal share of expenditures incurred for services rendered by a licensed certified professional midwife. Such services must be reimbursed at a rate comparable to similar services provided by other providers of health care, including, without limitation, physicians, physician assistants and advanced practice registered nurses, regardless of the location at which the services are provided.

2. The Department or a managed care organization, including, without limitation, a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid may charge a copayment or coinsurance or apply a deductible for the services described in subsection 1. The amount of such a copayment, coinsurance or deductible must not exceed the amount of the copayment, coinsurance or deductible charged for the same services provided by another provider of health care.

3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 66. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a

medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

(n) A peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement

agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 67. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 "Practitioner" means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 68. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of NRS ~~[.]~~ ***and sections 2 to 32, inclusive, of this act.***

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 69. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, "midwife" means any type of midwife, including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.

Sec. 70. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the person giving birth and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the person giving birth and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician ***or advanced practice registered nurse*** in attendance at or immediately after the birth.

(b) ***The licensed certified professional midwife in attendance at or immediately after the birth.***

(c) Any other person in attendance at or immediately after the birth.

~~[(c)]~~ ***(d)*** The person giving birth or other parent or, if the other parent is absent and the person giving birth is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the person giving birth was:

(a) Married at the time of birth, the name of the spouse of that person must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse of the person giving birth is the other parent of the child; or

(2) The person giving birth and a person other than the spouse of the person giving birth have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

(b) Widowed at the time of birth but married at the time of conception, the name of the spouse of the person giving birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse of the person giving birth at the time of conception is the other parent of the child; or

(2) The person giving birth and a person other than the spouse of the person giving birth at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

6. If the person giving birth was unmarried at the time of birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 71. NRS 440.770 is hereby amended to read as follows:

440.770 Any person who furnishes false information to a physician, advanced practice registered nurse, ***licensed certified professional midwife,*** funeral director, midwife or informant for the purpose of making incorrect certification of births or deaths shall be punished by a fine of not more than $250.

Sec. 72. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse, ***licensed certified professional midwife*** or veterinarian licensed in accordance with state law, a physician assistant licensed pursuant to chapter 630 or 633 of NRS or a pharmacist registered pursuant to chapter 639 of NRS.

Sec. 73. NRS 441A.315 is hereby amended to read as follows:

441A.315 1. Except as otherwise provided in subsection 3, a physician, physician assistant, advanced practice registered nurse or midwife who provides or supervises the provision of emergency medical services in a hospital or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Consult with the patient to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, conduct any test which is medically indicated for the patient or assist the patient with obtaining any such test, to the extent practicable for the physician, physician assistant, advanced practice registered nurse or midwife.

2. Except as otherwise provided in subsection 3, a hospital that provides emergency medical services or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Ensure that the patient is consulted to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the

human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, ensure that any test which is medically indicated for the patient is conducted or that the patient is assisted with obtaining any such test, to the extent practicable for the hospital.

3. A physician, physician assistant, advanced practice registered nurse, midwife or hospital is not required to comply with the requirements of subsection 1 or 2 if the physician, physician assistant, advanced practice registered nurse or midwife or a provider of health care who provides emergency medical services or primary care to the patient at the hospital, as applicable, reasonably believes that the patient:

(a) Is being treated for a life-threatening emergency;

(b) Has recently been offered or has been the subject of a test for the human immunodeficiency virus or other sexually transmitted diseases; or

(c) Lacks capacity to consent to such testing.

4. The Board shall adopt regulations to ensure that:

(a) Any test which is administered to a patient or for which a patient is assisted in obtaining pursuant to this section is medically indicated for that patient; and

(b) Communications concerning testing pursuant to this section are made in a culturally competent manner and, to the extent practicable, in a language that is easily understood by the patient.

5. A physician, physician assistant, advanced practice registered nurse, midwife or hospital that fails to comply with the provisions of this section:

(a) Is not subject to a criminal penalty or an administrative fine pursuant to this chapter; and

(b) Is subject to disciplinary action, where applicable.

6. As used in this section:

(a) ***"Midwife" has the meaning ascribed to it in NRS 442.003.***

(b) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

~~[(b)]~~ ***(c)*** "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 74. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Division" means the Division of Public and Behavioral Health of the Department.

5. "Fetal alcohol syndrome" includes fetal alcohol effects.

6. "Freestanding birthing center" has the meaning ascribed to it in NRS 449.0065.

7. "Laboratory" has the meaning ascribed to it in NRS 652.040.

8. "Midwife" means ~~[:~~

~~(a) A person certified as:~~

~~(1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or~~

~~(2) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or~~

~~(b) Any other]~~ ***any*** type of midwife ~~[.]~~ ***, including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.***

9. "Provider of health care or other services" means:

(a) A clinical alcohol and drug counselor who is licensed, or an alcohol and drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker;

(h) A licensed dietitian; ~~[or]~~

(i) ***A licensed certified professional midwife; or***

(j) The holder of a certificate of registration as a pharmacist.

Sec. 75. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse-midwife who is licensed by the State Board of Nursing.

(c) An advanced practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

(e) A licensed certified professional midwife.

Sec. 76. NRS 442.610 is hereby amended to read as follows:

442.610 "Provider of health care" means:

1. A provider of health care as defined in NRS 629.031 ~~[,]~~ ***, including, without limitation, a licensed certified professional midwife; and***

2. ~~[A midwife; and~~

~~3.]~~ A freestanding birthing center licensed pursuant to chapter 449 of NRS.

Sec. 76.5. **NRS 449.103 is hereby amended to read as follows:**

449.103 1. To enable an agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who provides care to a patient or resident of the facility to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation, require such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who provides care to a patient or resident of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

(a) From various racial and ethnic backgrounds;

(b) From various religious backgrounds;

(c) Persons with various sexual orientations and gender identities or expressions;

(d) Children and senior citizens;

(e) Persons with a mental or physical disability; and

(f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

2. The training relating specifically to cultural competency conducted by a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.

3. The regulations adopted pursuant to this section must authorize a licensed certified professional midwife who is subject to the requirements of subsection 1 to use the training required by the regulations adopted pursuant to paragraph (b) of subsection 1 of section 19 of this act to satisfy the requirements of subsection 1.

Sec. 77. NRS 449.198 is hereby amended to read as follows:

449.198 1. A freestanding birthing center must:

(a) Provide sufficient space for members of the family of the pregnant person and other persons chosen by the pregnant person to assist with the birth;

(b) Have obstetrical services available to meet the needs of an acute patient; and

(c) Be located within 30 miles of a hospital that offers obstetric, neonatal and emergency services relating to pregnancy.

2. Surgery, including, without limitation, the use of forceps, vacuum extractions, cesarean sections and tubal ligations, must not be performed at a freestanding birthing center.

3. A freestanding birthing center must have a director who is responsible for the operation of the freestanding birthing center. The director of a freestanding birthing center must be:

(a) A physician;

(b) ***A licensed certified professional midwife;***

(c) A person who:

(1) Is certified as a Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; and

(2) Has successfully completed a program of education and training in midwifery that:

(I) Is accredited by the Midwifery Education Accreditation Council, or its successor organization; and

(II) Provides instruction and training in the Essential Competencies for Midwifery Practice prescribed by the International Confederation of Midwives, or its successor organization; or

~~[(c)]~~ ***(d)*** A certified nurse-midwife.

4. As used in this section, "certified nurse-midwife" means a person who is:

(a) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(b) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 78. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A licensed certified professional midwife, for the purpose of:

(a) Ordering any device or drug described in subsection 1 or 2 of section 25 of this act for use in his or her practice;

(b) Ordering any device or vaccine described in subsection 4 of section 25 of this act for a client;

(c) If the licensed certified professional midwife holds an endorsement issued pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and dispensing any contraceptive device authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act; and

(d) If the licensed certified professional midwife holds an endorsement issued pursuant to paragraph (b) of subsection 1 of section 26 of this act, prescribing and dispensing any drug authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act.

Sec. 79. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(v) A certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant who is administering the medicine or drug under the direct supervision of a licensed certified professional midwife, as authorized by sections 2 to 32, inclusive, of this act and any regulations adopted pursuant thereto.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 80. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of

chapters 630, 631, 633, 635, 636, 638, 639 or 653 of NRS ~~.~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 81. NRS 457.301 is hereby amended to read as follows:

457.301 1. A primary care provider shall:

(a) Attempt to determine whether each adult woman to whom he or she provides care has a personal or family history of breast, ovarian, tubal or peritoneal cancer or an ancestry associated with a harmful mutation in the BRCA gene or meets any other criteria under which the United States Preventive Services Task Force has recommended screening for a risk of such a mutation; and

(b) If the primary care provider determines that an adult woman to whom he or she provides care meets the criteria described in paragraph (a) and has not previously undergone genetic testing for a harmful mutation in the BRCA gene, use an appropriate brief familial risk assessment tool to screen for a risk of such a mutation.

2. If such a screening indicates that a woman is at risk of a harmful mutation in the BRCA gene, the primary care provider must:

(a) Provide the woman with written notice of the need to discuss genetic counseling and testing with the provider;

(b) Provide genetic counseling to the woman or ensure that the woman is referred for genetic counseling; and

(c) If a genetic test for harmful mutations in the BRCA gene is clinically indicated as a result of the genetic counseling, administer such a test to the woman or ensure that the woman is referred for such testing.

3. A primary care provider who fails to comply with this section is not subject to criminal penalties or professional discipline for such failure to comply.

4. As used in this section, "primary care provider" means:

(a) A physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS or advanced practice registered nurse who specializes in primary care, family medicine, internal medicine or obstetrics and gynecology; or

(b) A ***licensed certified professional*** midwife.

Sec. 82. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to:

1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~.~~ ***and sections 2 to 32, inclusive, of this act.***

2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.

Sec. 83. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity;

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage; and

(d) Workers' compensation insurance.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

(a) Premiums directly written;

(b) Premiums directly earned;

(c) Number of policies issued;

(d) Net investment income, using appropriate estimates when necessary;

(e) Losses paid;

(f) Losses incurred;

(g) Loss reserves, including:

(1) Losses unpaid on reported claims; and

(2) Losses unpaid on incurred but not reported claims;

(h) Number of claims, including:

(1) Claims paid; and

(2) Claims that have arisen but are unpaid;

(i) Expenses for adjustment of losses, including allocated and unallocated losses;

(j) Net underwriting gain or loss;

(k) Net operation gain or loss, including net investment income; and

(l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

(a) Recoverable federal income tax;

(b) Net unrealized capital gain or loss; and

(c) All other expenses not included in subsection 2.

Sec. 84. NRS 686A.2825 is hereby amended to read as follows:

686A.2825 "Practitioner" means:

1. A physician, dentist, nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractic physician, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist, person who holds a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS or other provider of health services who is authorized to engage in his or her occupation by the laws of this state or another state; and

2. An attorney admitted to practice law in this state or any other state.

Sec. 85. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***and sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 86. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** for a breach of the practitioner's professional duty toward a patient.

Sec. 87. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

(a) The name and title of the person;

(b) The interest of the person in the hearing; and

(c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive.

Sec. 88. NRS 689A.035 is hereby amended to read as follows:

689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 89. NRS 689B.015 is hereby amended to read as follows:

689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the

modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 90. NRS 689C.131 is hereby amended to read as follows:

689C.131 1. A carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the carrier to its insureds.

2. A carrier specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the carrier uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a carrier specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the carrier upon giving to the provider 45 days' written notice of the modification of the carrier's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 91. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the name of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the practitioner's name, the name of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 92. NRS 690B.270 is hereby amended to read as follows:

690B.270 If an insurer declines to issue to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** a policy of professional liability insurance, the insurer shall, upon the request of the practitioner, disclose to the practitioner the reasons the insurer declined to issue the policy.

Sec. 93. NRS 690B.280 is hereby amended to read as follows:

690B.280 If an insurer, for a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[,]~~ ***or sections 2 to 32, inclusive, of this act,*** sets the premium for the policy for the practitioner at a rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate.

Sec. 94. NRS 690B.290 is hereby amended to read as follows:

690B.290 If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[,]~~ ***or sections 2 to 32, inclusive, of this act,*** the insurer shall:

1. Offer to issue an extended reporting endorsement to the practitioner; and

2. Disclose to the practitioner the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. The cost formula must be based on:

(a) An amount that is not more than twice the amount of the premium for the claims-made policy at the time of the termination of that policy; and

(b) The rates filed by the insurer and approved by the Commissioner.

Sec. 95. NRS 690B.300 is hereby amended to read as follows:

690B.300 1. Except as otherwise provided in this section, if an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year, the insurer shall not set the premium for the policy at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year if the difference in rates is based in whole or in part upon the number of babies delivered per year by the practitioner.

2. If an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year, the insurer may set the premium for the policy at a rate that is different, based in whole or in part upon the number of babies delivered per year by the practitioner, from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year if the insurer:

(a) Bases the difference upon actuarial and loss experience data available to the insurer; and

(b) Obtains the approval of the Commissioner for the difference in rates.

3. The provisions of this section do not prohibit an insurer from setting the premium for a policy of professional liability insurance issued to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year if the difference in rates is based solely upon factors other than the number of babies delivered per year by the practitioner.

Sec. 96. NRS 690B.310 is hereby amended to read as follows:

690B.310 1. If an agreement settles a claim or action against a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** for a breach of his or her professional duty toward a patient, the following terms of the agreement must not be made confidential:

(a) The names of the parties;

(b) The date of the incidents or events giving rise to the claim or action;

(c) The nature of the claim or action as set forth in the complaint and the answer that is filed with the district court; and

(d) The effective date of the agreement.

2. Any provision of an agreement to settle a claim or action that conflicts with this section is void.

Sec. 97. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS, the insurer shall:

(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.

(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.

(c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.

(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.

(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

> If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 98. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner may collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Such information may include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios; and

(c) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** in this State;

(b) Whose credit utilization shows a substantial change from the previous year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner may:

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** in this State.

4. On an ongoing basis, the Commissioner may analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** in this State.

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature.

Sec. 99. NRS 695A.095 is hereby amended to read as follows:

695A.095 1. A society shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the society to its insureds.

2. A society shall not contract with a provider of health care to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a society and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 45 days' written notice of the modification of the society's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a society contracts with a provider of health care to provide health care to an insured, the society shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 100. NRS 695B.035 is hereby amended to read as follows:

695B.035 1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.

2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days' written notice of the modification of the corporation's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~.~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 101. NRS 695C.125 is hereby amended to read as follows:

695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a health maintenance organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~.~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 102. NRS 695G.127 is hereby amended to read as follows:

695G.127 1. A managed care organization shall not contract with a provider of health care to provide health care to an insured unless the managed care organization uses the form prescribed by the Commissioner pursuant to

NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a managed care organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the managed care organization upon giving to the provider 45 days' written notice of the modification of the managed care organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a managed care organization contracts with a provider of health care to provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, the managed care organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 103. Section 20 of this act is hereby amended to read as follows:

Sec. 20. 1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000, and:

(a) A complete set of his or her fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; or

(b) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken in this State and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report.

2. The application must include, without limitation, proof that the applicant ~~[is]~~ ***:***

(a) Is certified as a midwife by the North American Registry of Midwives, or its successor organization ***;*** ~~[,]~~ and ~~[:~~

~~(a)]~~ ***(b)*** Has completed an educational program that is consistent with the most recent statement on licensure of Certified Professional Midwives by the United States Midwifery Education, Regulation and Association, or its successor organization ***.*** ~~[; or~~

~~(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.]~~

3. ***If the Division determines it to be necessary to address shortages in the number of licensed certified professional midwives practicing in rural or underserved areas in this State or barriers for applicants from marginalized identities, the Division may, on a case-by-case basis, exempt an applicant from the requirements of paragraph (b) of subsection 2 if the applicant:***

(a) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization; and

(b) Has completed the Portfolio Evaluation Process prescribed by that organization.

4. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

~~[4.]~~ ***5.*** To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health may establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section or section 26 of this act. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section or section 26 of this act are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section or section 26 of this act to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~[5.]~~ ***6.*** As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of

such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 104. Section 22 of this act is hereby amended to read as follows:

Sec. 22. 1. In addition to any other requirements set forth in this chapter ~~[~~:

~~(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.~~

~~(b) An]~~ ***, an*** applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division of Public and Behavioral Health of the Department of Health and Human Services shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license as a licensed certified professional midwife may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 105. (Deleted by amendment.)

Sec. 106. ~~[As soon as practicable on or after the effective date of this section, but not later than 6 months after receiving the recommendations of the Collaboration and Transfer Guidelines Workgroup created by section 107 of this act, the Board of Licensed Certified Professional Midwives created by section 17 of this act shall adopt the regulations required by subsection 6 of section 19 of this act. In adopting the regulations, the Board shall consider the~~

~~measures necessary to minimize the likelihood of serious harm to the client and the fetus or newborn infant of the client.~~] **(Deleted by amendment.)**

Sec. 107. [~~1. The Collaboration and Transfer Guidelines Workgroup is hereby created.~~

~~2. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall appoint to the Workgroup:~~

~~(a) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Northern Nevada;~~

~~(b) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Southern Nevada;~~

~~(c) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or freestanding birthing center, as defined in NRS 449.0065, to a hospital and who practices in Northern Nevada;~~

~~(d) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or freestanding birthing center, as defined in NRS 449.0065, to a hospital and who practices in Southern Nevada;~~

~~(e) One voting member who represents a provider of emergency medical services in Northern Nevada;~~

~~(f) One voting member who represents a provider of emergency medical services in Southern Nevada; and~~

~~(g) One nonvoting member to serve as a liaison with the State Board of Health.~~

~~3. The Nevada Chapter of the National Association of Certified Professional Midwives, or its successor organization, in consultation with the Nevada Association of Certified Professional Midwives, or its successor organization, shall appoint to the Workgroup four voting members who are midwives who reside and practice in Nevada. To the extent practicable, two members must reside and practice in Northern Nevada and two members must practice in Southern Nevada.~~

~~4. The Nevada Hospital Association, or its successor organization, may appoint to the Workgroup one member who is a representative of the Association, or its successor organization.~~

~~5. A vacancy on the Workgroup must be filled in the same manner as the initial appointment.~~

~~6. Members of the Workgroup serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~7. A member of the Workgroup who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Workgroup and perform any work necessary to carry out the duties of the Workgroup in the most timely manner practicable. A state agency or political~~

~~subdivision of this State shall not require an officer or employee who is a member of the Workgroup to:~~

~~(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Workgroup; or~~

~~(b) Take annual leave or compensatory time for the absence.~~

~~8. The Workgroup may divide into one subcommittee of members from Northern Nevada and one subcommittee of members from Southern Nevada.~~

~~9. A majority of the voting members of the Workgroup or a subcommittee thereof constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Workgroup or a subcommittee thereof.~~

~~10. The Workgroup and each subcommittee thereof shall:~~

~~(a) At its first meeting and annually thereafter, elect a Chair from among its members; and~~

~~(b) Meet at the call of the Chair.~~

~~11. Not later than July 1, 2024, the Workgroup or, if the Workgroup divides into subcommittees pursuant to subsection 8, each subcommittee of the Workgroup, shall make recommendations to the Board of Licensed Certified Professional Midwives created by section 17 of this act concerning the regulations required by subsection 6 of section 19 of this act governing the transfer of the client of a licensed certified professional midwife to a medical facility. Those recommendations must, to the extent practicable, be guided upon peer-reviewed scientific evidence and widely accepted best practices and include, without limitation, provisions for the transmission of all information necessary for the care of the client from the licensed certified professional midwife to the medical facility. The Workgroup ceases to exist upon submission of those recommendations unless the Board requests that the Workgroup continue to meet.~~

~~12. As used in this section:~~

~~(a) "Certified nurse-midwife" means an advanced practice registered nurse who is certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization.~~

~~(b) "Licensed certified professional midwife" means a person who is certified as a certified professional midwife by the North American Registry of Midwives.~~

~~(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.~~

~~(d) "Northern Nevada" means Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Pershing, Storey, Washoe and White Pine.~~

~~(e) "Southern Nevada" means the counties of Clark, Esmeralda, Lincoln, Mineral and Nye.~~**]** **(Deleted by amendment.)**

Sec. 108. Notwithstanding the provisions of section 17 of this act, on or before July 1, 2024, the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services may appoint to the Board of Licensed Certified Professional Midwives created by that section:

1. Four members pursuant to paragraph (a) of subsection 2 of that section who are not licensed pursuant to section 20 of this act and are certified as midwives by the North American Registry of Midwives, or its successor organization. If such a member is not licensed as a licensed certified professional midwife pursuant to section 20 of this act on July 1, 2024:

(a) His or her term ends on that date; and

(b) The Administrator shall appoint a person who is so licensed to fill the vacancy.

2. One member pursuant to paragraph ~~[(d)]~~ **(b)** of subsection 2 of section 17 of this act who has not received care from a licensed certified professional midwife licensed pursuant to section 20 of this act but who has received care from a midwife certified by the North American Registry of Midwives, or its successor organization. That member may serve until the expiration of the term prescribed pursuant to subsection ~~[5]~~ **6** of section 17 of this act.

Sec. 109. NRS 440.035 is hereby repealed.

Sec. 110. 1. This section and sections 106 and 107 of this act become effective upon passage and approval.

2. Sections 1 to 102, inclusive, 108 and 109 of this act become effective:

(a) Upon passage and approval for the purpose of appointing the members of the Board of Licensed Certified Professional Midwives created by section 17 of this act, adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Section 103 of this act becomes effective on January 1, 2026.

4. Section 104 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

5. Section 105 of this act becomes effective on the date on which the regulations described in section 106 of this act become effective.

6. Section 33 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

7. Sections 22, 29 and 104 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

440.035 "Midwife" defined. As used in this chapter, "midwife" means:

1. A person certified as:

(a) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(b) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or

2. Any other type of midwife.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 428.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 842.

AN ACT relating to economic development; requiring the State Treasurer to establish a tuition reimbursement program; **creating the Nevada Grown Educator Account to fund the tuition reimbursement program;** revising the membership of the Board of Economic Development; requiring the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation to establish and administer a Career Pathways Demonstration Program; **requiring the Governor's Office of Workforce Innovation to establish a program for work-based learning opportunities outside of school;** requiring large school districts **and authorizing other school districts** to offer a Teacher Academy College Pathway Program; authorizing the Board of Regents of the University of Nevada to enter into certain agreements and establish a program to provide information regarding admissions to certain pupils; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation and prescribes the duties of the Office and its Executive Director, which include, without limitation, defining career pathways and identifying priority career pathways for secondary and postsecondary education. (NRS 232.965, 232.975) **Section** ~~[2.3]~~ **2.4** of this bill requires the Governor's Office of Workforce Innovation to establish and administer a Career Pathways Demonstration Program. **Section** ~~[2.3]~~ **2.4** requires the Office to identify not more than three priority industries, including K-12 education, for the development and implementation of career pathways and to take certain steps to implement the Program, including, without limitation, establishing measurable objectives for the outcomes of the Program and implementing a competitive process to select proposals for career pathway projects. **Section** ~~[2.3]~~ **2.4** establishes requirements for proposals for career pathway projects selected by the Office. **Section 7** of this bill requires the Governor's Office of Workforce Innovation to submit certain reports regarding the status of the Career Pathways Demonstration Program. **Section 9** of this bill provides that the provisions of **section** ~~[2.3]~~ **2.4** governing the Career Pathways Demonstration Program expire on June 30, 2028. **Section 6.5 of this bill makes an appropriation to the Office for costs associated with the Career Pathways Demonstration Program. Section 2.5 of this bill requires the Governor's Office of Workforce Innovation to establish a program for work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, in coordination with the Department of Education.** **Section 2.7** of this bill makes a conforming change to indicate the proper placement of ~~[section 2.3]~~ **sections 2.4 and 2.5** in the Nevada Revised Statutes.

Existing law creates the Board of Economic Development, which is required to review and make recommendations on various aspects of economic development in Nevada. (NRS 231.033, 231.037) **Section 2** of this bill adds the Superintendent of Public Instruction as a nonvoting member of the Board.

Section 3 of this bill requires each large school district, meaning a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District), to offer a Teacher Academy College Pathway Program at every high school in the school district **with 250 or more pupils enrolled** to enable pupils in grades ~~[10-12]~~ **9 to 12** to prepare for employment in professions in K-12 education ~~[.]~~ **and authorizes a large school district to offer the Program at high schools with fewer than 250 pupils. Section 3 authorizes a school district which is not a large school district to offer the Program at high schools in the school district.** **Section 3** requires a large school district **and other school districts which offer the Program** to take certain actions to implement the ~~[Teacher Academy College Pathway]~~ Program. **Section 3 requires the State Board of Education to adopt regulations prescribing the curriculum for the Program and authorizes the State Board to adopt other necessary regulations.**

Section ~~[1.5]~~ 1.7 of this bill requires the State Treasurer to establish a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who completed the Teacher Academy College Pathway Program and who worked as a full-time, licensed teacher for at least 3 consecutive school years at a public school in this State. **Section 1.7 authorizes the State Treasurer to provide partial reimbursement for such tuition charges and fees to a person who completed the Teacher Academy College Pathway Program and who has worked as a full-time, licensed teacher for 1 year or 2 consecutive years. Section 1.9 of this bill creates the Nevada Grown Educator Account and requires the money in the Account to be used to carry out the program established pursuant to section 1.7. Section 6.7 of this bill makes an appropriation to the Account.**

Section 5 of this bill authorizes the Board of Regents of the University of Nevada to: (1) enter into an agreement with a ~~[large]~~ school district to assist in the implementation of the Teacher Academy College Pathway Program; and (2) establish a program to identify pupils who have completed the Teacher Academy College Pathway Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the Nevada System of Higher Education, and inform such pupils of the institutions within the System where such pupils may qualify for admission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. Chapter 226 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.7 and 1.9 of this act.**

Sec. 1.7. 1. The State Treasurer shall establish by regulation a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who:

(a) Completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act; and

(b) ~~[Has]~~ Except as otherwise provided in subsection 3, has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years.

2. The program may not provide reimbursement for any tuition charge, registration fee, laboratory fee or any other mandatory fee which was paid or otherwise provided for through a scholarship, financial aid, waiver or similar financial assistance.

3. The State Treasurer may provide partial reimbursement of tuition charges, registration fees, laboratory fees and any other mandatory fees paid

by a person who completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act and who has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years in an amount not to exceed, for each year of service at a public school in this State, one-third of the total tuition charges, registration fees, laboratory fees and any other mandatory fees paid by the person to an institution within the Nevada System of Higher Education which are subject to reimbursement pursuant to this section and the regulations adopted pursuant thereto.

Sec. 1.9. 1. The Nevada Grown Educator Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.

2. The money in the Account must be used to carry out the program established pursuant to section 1.7 of this act.

3. The State Treasurer may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 2. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

(1) The Governor;

(2) The Lieutenant Governor;

(3) The Secretary of State; and

(4) Six members who must be selected from the private sector and appointed as follows:

(I) Three members appointed by the Governor;

(II) One member appointed by the Speaker of the Assembly;

(III) One member appointed by the Majority Leader of the Senate; and

(IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the Senate shall appoint the member for the initial term, the Minority Leader of the Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee;

(2) ***The Superintendent of Public Instruction or his or her designee;***

(3) The Director of the Department of Business and Industry; and

~~[(3)]~~ ***(4)*** The Director of the Department of Employment, Training and Rehabilitation.

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including, without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 are appointed for terms of 4 years. The initial members of the Board shall by lot select three of the initial members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. The Governor, the Lieutenant Governor or the Secretary of State may designate a person to serve as a member of the Board for the Governor, Lieutenant Governor or Secretary of State, respectively. Any person designated to serve pursuant to this subsection shall serve for the term of the officer appointing him or her and serves at the pleasure of that officer. If the Governor designates a person to serve on his or her behalf, that person shall serve as the Chair of the Board. Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority of the voting members of the Board constitutes a quorum, and the affirmative vote of a majority of the voting members of the Board is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the voting members of the Board.

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 2.3. Chapter 232 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions of sections 2.4 and 2.5 of this act.**

Sec. 2.4. 1. The Governor's Office of Workforce Innovation shall establish and administer a Career Pathways Demonstration Program to develop and implement career pathways that will enable students to prepare for employment in professions which serve the long-term needs of this State. The Office shall identify not more than three priority industries, including, without limitation, K-12 education, for the development and implementation of career pathways as part of the Program.

2. In implementing the Program, the Office shall:

(a) Establish clear, measurable objectives for the outcomes of the Program which are aligned with the State Plan for Economic Development

developed by the Executive Director of the Office of Economic Development within the Office of the Governor pursuant to subsection 2 of NRS 231.053, including, without limitation, targets based on reliable data concerning:

(1) The number of persons entering the career pathway;

(2) The number and percentage of persons completing distinct phases of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway;

(3) The number and percentage of participants in a career pathway who obtain high-quality employment in the target industry; and

(4) The number and percentage of participants in a career pathway employed for at least 2 years in the target industry.

(b) Rely on economic and workforce development data to inform decision-making, including, without limitation:

(1) Estimates of the number of high-quality jobs that will be required in this State in the next 5 to 10 years;

(2) Projected workforce capacity in relation to the estimates pursuant to subparagraph (1);

(3) The number and capacity of existing industry-aligned career pathway programs;

(4) Enrollment, participation and completion rates for industry-aligned career pathway programs;

(5) Credentialing rates or other industry-aligned indicators of workforce readiness;

(6) Industry-aligned, skill-based employee retention rates;

(7) The demographic information of the participants in the Program, including, without limitation, race, gender and enrollment at a Title I school; and

(8) Other relevant data available through the statewide longitudinal data system maintained by the Executive Director of the Office pursuant to NRS 232.975.

(c) Collaborate with school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

(d) Establish criteria for evaluating the performance of career pathway projects and the entities that assist in the development and implementation of career pathway projects, including, without limitation, the Department of Education, school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

3. The Office shall develop and implement a competitive process to select proposals for career pathway projects. Each proposal for a career pathway project selected by the Office must incorporate best practices for career pathway design and address, ~~[including,]~~ without limitation:

(a) The types of high-quality jobs which the career pathway project will prepare students for, based on a definition of "high-quality job" which shall be developed and promulgated by the Office.

(b) The educational opportunities that the project will offer to K-12 pupils and students of the Nevada System of Higher Education which may include, without limitation:

(1) Early exposure to career options for pupils in elementary, junior high or middle school;

(2) Multiple entry points into the career pathway;

(3) Meaningful, practice-based learning opportunities aligned to the career pathway and the workforce priorities within the target industry, including, without limitation, paid work-based learning opportunities; ~~[and]~~

(4) Opportunities for students to receive credentials aligned to the skills and experience needed for employment in the target industry ~~[.]~~ ; and

(5) Work-based learning opportunities that may be eligible for exemption from federal laws and regulations from which exemptions are available for work-based learning programs for pupils.

(c) The practices that will be implemented to recruit students for the career pathway, including, without limitation, practices that will foster equity and the inclusion in the career pathway of students from historically underserved communities.

(d) The types of early career guidance, incentives and support that will be offered to participants in the career pathway, which may include, without limitation:

(1) Employment opportunities for students who participate in the career pathway, including, without limitation, employer commitments to recruiting students who successfully obtain the qualifications for employment through the career pathway;

(2) Professional support and development opportunities for participants early in their career in the target industry, including, without limitation, mentoring; and

(3) Financial incentives which eliminate or substantially reduce financial barriers to entry into professions in the target industry.

(e) The roles and responsibilities of the persons necessary to develop and implement the career pathway, which may include, without limitation:

(1) Program staff;

(2) School districts and the Nevada System of Higher Education;

(3) Regional development authorities; and

(4) Representatives from the target industries.

(f) The financial plan for the career pathway project, including, without limitation:

(1) The projected 5-year budget for the career pathway project;

(2) Existing funding sources for the career pathway project and the amount of funding that the person submitting the proposal will allocate to the project;

(3) Anticipated funding sources for the career pathway project; and

(4) Any additional funding necessary to implement the career pathway project which is not addressed by the existing funding sources.

(g) The goals and anticipated outcomes of the career pathway project, including, without limitation:

(1) The target number of total participants in the career pathway project;

(2) The target number of participants who will successfully complete each stage of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway; and

(3) The target number of participants who will complete the career pathway, regardless of their entry point into the career pathway.

4. The Office may enter into an agreement with the Department of Education to administer the Teacher Academy College Pathway Program offered pursuant to section 3 of this act. Such an agreement may require the Department of Education to administer any local, state or federal funding appropriated or otherwise available to implement the Teacher Academy College Pathway Program.

5. As used in this section, "career pathway" means a series of structured and connected educational opportunities designed to help a person enter or advance within a given occupation or industry sector.

Sec. 2.5. 1. The Governor's Office of Workforce Innovation shall, in coordination with the Department of Education, establish a program to provide paid and unpaid work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, inclusive.

2. The program must:

(a) Allow pupils involved in work-based learning opportunities to receive elective course credit for the learning opportunities;

(b) Establish criteria to evaluate the program for work-based learning opportunities;

(c) Outline any communication or collaboration needed between the Governor's Office of Workforce Innovation, the Department of Education and the board of trustees of a school district to implement the program for work-based learning opportunities;

(d) Establish basic requirements for a person or organization to participate in the program for work-based learning opportunities, including, without limitation, conducting background checks on appropriate personnel and providing minimum standards for accountability; and

(e) Provide a process for the receipt of credits earned through the program for work-based learning opportunities in the school in which the pupil is enrolled.

3. The Governor's Office of Workforce Innovation may cooperate with the Department of Education and the Board of Regents of the University of

Nevada to enable pupils to earn up to 12 units of dual credit for approved work-based learning opportunities.

Sec. 2.7. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.980, inclusive, ***and ~~[section 2.3]~~ sections 2.4 and 2.5 of this act,*** unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.

2. "Director" means the Director of the Department.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each large school district shall offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled that will enable interested pupils in grades ~~[10, 11 and]~~ 9 to 12 , inclusive, to prepare for employment in professions in K-12 education. A large school district may offer a Program at high schools with fewer than 250 pupils. A school district that is not a large school district may offer a Program at one or more high schools in the school district.

2. A large school district , and a school district that is not a large school district which elects to offer the Program, shall:

(a) Advertise the Program and the benefits of participation in the Program.

(b) Ensure each high school in the ~~[large]~~ school district which offers such a Program is staffed by a full-time employee who is:

(1) A licensed teacher or administrator; and

(2) Responsible for implementing the Program at the school.

(c) Assess each pupil entering grade ~~[10]~~ 9 who is or will be enrolled in a high school which offers such a Program and who is interested in participating in the Program, identify any ~~[academic, socio-economic or other]~~ barriers, including, without limitation, academic, financial, socioeconomic and transportation barriers, to the participation in and completion of the Program by such interested pupils and, if such barriers are identified, inform the pupil and the parents or legal guardian of the pupil of any programs and services which are available to help the pupil to overcome such barriers and provide such programs and services to the pupil.

(d) Offer internships at elementary, junior high ~~[and]~~ or middle schools in the ~~[large]~~ school district to qualified pupils in ~~[grade]~~ grades 11 and 12 who participate in the Program.

(e) Offer employment as a paraprofessional to qualified high school graduates who have completed the Program and are enrolled in a program to become a teacher at an institution in the Nevada System of Higher Education.

(f) For qualified applicants for employment with the ~~[large]~~ school district who have completed the Program and who have submitted a timely application, provide an offer of employment or decline to provide an offer of employment to such an applicant not later than January 31 of the year

immediately preceding the school year for which the applicant applied for employment.

(g) Enter into an agreement with the Board of Regents of the University of Nevada to:

(1) Enable pupils who participate in the Program to earn up to 12 units of college credit for courses taken and internships engaged in as part of the Program at no cost to the pupil.

(2) Establish qualifications for teachers of the school district who teach courses in the Program which are eligible for college credit, which may include, without limitation, a minimum of 4 years of classroom teaching experience or a Master's degree.

(3) Guarantee the admission of otherwise academically qualified pupils who complete the Program to institutions in the Nevada System of Higher Education.

(4) Provide programs, services, scholarships and financial aid to assist pupils who participate in the Program in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

(h) Inform pupils who participate in the Program and the parents and legal guardians of such pupils about programs, services, scholarships and financial aid which are available to assist pupils in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

3. A large school district , and a school district that is not a large school district which elects to offer the Program may enter into an agreement with the Board of Regents of the University of Nevada to provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education. If the provisions of this subsection conflict with the provisions of chapter 388G of NRS, the provisions of this subsection prevail.

4. The State Board:

(a) Shall adopt regulations that prescribe the curriculum for the Program which are consistent with the provisions of this section. To the extent a school district provides programs of career and technical education other than the Program, such programs of career and technical education must nonetheless be consistent with the regulations adopted pursuant to this paragraph, to the extent applicable.

(b) May adopt such other regulations as are necessary to carry out the provisions of this section.

6. As used in this section:

(a) "Large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.

(b) "Program" means the Teacher Academy College Pathway Program created pursuant to this section.

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***1. The Board of Regents may enter into an agreement with a ~~[large]~~ school district pursuant to section 3 of this act to assist in the implementation of a Teacher Academy College Pathway Program.***

2. The Board of Regents may, by regulation, establish a program to:

(a) Identify pupils who have completed the Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the System; and

(b) Inform such pupils of the institutions within the System where such pupils may academically qualify for admission.

3. As used in this section , ~~[:~~

~~(a) "Large school district" has the meaning ascribed to it in section 3 of this act.~~

~~(b)]~~ "Program" has the meaning ascribed to it in section 3 of this act.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. **1. There is hereby appropriated from the State General Fund to the Governor's Office of Workforce Innovation in the Department of Employment, Training and Rehabilitation for costs associated with developing and implementing the Career Pathways Demonstration Program established pursuant to section 2.4 of this act, including, without limitation, personnel, travel, operating and technology expenses, the following sums:**

For the Fiscal Year 2023-2024..... $289,026

For the Fiscal Year 2024-2025..... $331,870

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 6.7. **There is hereby appropriated from the State General Fund to the Nevada Grown Educator Account created by section 1.9 of this act the sum of $10,000,000.**

Sec. 7. 1. On or before October 1, 2026, the Governor's Office of Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program **~~[.]~~ established**

pursuant to section 2.4 of this act. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) The status of the implementation of each career pathway;

(g) A summary of the proposals for career pathway projects which were received by the Office but were not selected for the Program; and

(h) An evaluation of each career pathway, including, without limitation:

(1) Whether progress has been made towards achieving the goals and objectives of each career pathway;

(2) A description of any challenges to implementation of the career pathways; and

(3) A description of any changes made to the design or implementation of the career pathways, if any, or any changes which are anticipated in the future and the reason for such changes.

2. On or before June 1, 2028, the Governor's Office of Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) An evaluation of each career pathway, including, without limitation:

(1) The success of the career pathway at achieving the industry-specific goals and objectives;

(2) An assessment of the return on investment for the State with respect to the career pathway;

(3) A description of any opportunities to extend or expand the career pathway;

(4) An evaluation of ability of the career pathway to serve as a model for the creation of career pathways in other industries which should be prioritized to aid in the economic development of this State; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

(g) An evaluation of the success of the Program as a whole, including, without limitation:

(1) The overall outcomes of the Program, in relation to the goals and objectives established by the Office;

(2) Successful aspects of the Program and key elements contributing to the success of the Program;

(3) Shortcomings of the Program and key elements hindering the success of the Program;

(4) Recommendations for policy changes that would foster successful expansion of the development and implementation of career pathways by the Office; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. 1. This ~~[act becomes]~~ **section and sections 1 to 6, inclusive, and 6.5 to 8, inclusive, of this act become** effective on July 1, 2023.

2. Section ~~[2.3]~~ **2.4** of this act expires on June 30, 2028.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 305.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 863.

AN ACT relating to employment; creating the Board of Trustees of the Nevada Employee Savings Trust; prescribing the membership, powers, duties and limitations of the Board; authorizing the Board to create the Nevada Employee Savings Trust Program; prescribing certain required attributes of the Program; creating the Nevada Employee Savings Trust Administrative Fund and specifying the sources and uses of money deposited therein; creating the Nevada Employee Savings Trust and prescribing the manner of its administration; providing for the confidentiality of certain information; providing civil immunity to certain persons and entities in connection with the Program; making certain persons fiduciaries with respect to participants in the Program; prohibiting certain persons from engaging in certain financial transactions in connection with the Program; requiring the preparation and submission of certain annual reports; making an appropriation to the Office of the State Treasurer for costs related to the administration of the Program;

requiring the Board to conduct a study on the feasibility of including independent contractors in the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law provides for individual retirement accounts and individual retirement annuities by which persons may save money for retirement under favorable income tax treatment. (26 U.S.C. §§ 408, 408A) This bill establishes the Nevada Employee Savings Trust under the direction of a board of trustees with the power to establish a similar program and to encourage private employees to establish such accounts.

Section 19 of this bill creates the Board of Trustees of the Nevada Employee Savings Trust and establishes its membership. **Section 20** of this bill establishes certain powers and duties of the Board. In particular, **section 20** authorizes and empowers the Board to: (1) design, establish and operate the Nevada Employee Savings Trust Program; and (2) adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

Section 21 of this bill requires the State Treasurer to provide staff support to the Board within the limits of appropriations and authorizes the State Treasurer to provide administrative support to the Board.

Section 22 of this bill provides that an act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the assets controlled by the Board. **Section 22** also prohibits the Board from imposing any obligations on the State or pledging the credit of the State.

Section 23 of this bill establishes certain attributes that the Board must include in the Program, including: (1) that covered employers must automatically enroll all covered employees in the Program or in a similar program offered by a trade association or chamber of commerce, unless a covered employee opts out of the Program or, if applicable, the similar program offered by a trade association or chamber of commerce; (2) that contributions to a covered employee's Individual Retirement Account must be withheld from the employee's compensation at the rate set by the Board unless the employee elects not to contribute or to contribute at a different rate; (3) that a covered employee may withdraw contributions to meet a financial or other emergency; and (4) that the Board must prepare informational materials, disclosure statements, forms and instructions concerning the Program for distribution by covered employers to covered employees.

Section 24 of this bill creates the Nevada Employee Savings Trust Administrative Fund in the State Treasury, specifies the sources of money that must be deposited in the Fund and requires the Board to use money in the Fund solely to pay the administrative costs and expenses of the Board and the Program.

Section 25 of this bill authorizes the Board to borrow money or enter into certain long-term procurement contracts with financial providers until the Board determines that the Program is financially self-sustaining.

Section 26 of this bill creates the Nevada Employee Savings Trust as an instrumentality of the State and requires the Board to appoint a Trustee of the Trust. **Section 26** requires that the assets of all Individual Retirement Accounts established by covered employees through the Program be allocated to the Trust and invested, managed and administered for the exclusive purposes of providing benefits to the covered employees and defraying the reasonable expenses of the Board, Program and Trust. **Section 26** also establishes certain investment guidelines and practices.

Section 27 of this bill provides that, except to the extent necessary to administer the Program, personal information relating to individual participants in the Program and information relating to individual accounts established or maintained through the Program is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.

Section 28 of this bill provides a grant of immunity from civil liability to covered employers for the consequences of various decisions made by employees or the Board in connection with the Program, including, for example, an employee's decision to participate in or opt out of the Program, an investment decision made by the participant or the Board or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. **Section 28** also provides that a covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

Section 29 of this bill absolves the State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program from any responsibility or civil liability for the actions of certain other persons in connection with the Program, including, for example, a person's failure to comply with provisions of the Internal Revenue Code, the payment of benefits or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. **Section 29** also provides that the debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.

Section 30 of this bill provides that members of the Board, the Trustee and certain other persons involved in the administration of the Trust are fiduciaries with respect to the participants in the Program.

Section 31 of this bill prohibits members of the Board, its staff and persons who serve as administrators of the Program from engaging in certain financial transactions in connection with the Program.

Section 32 of this bill requires the Board to obtain an annual independent audit of the Board, Program and Trust and to annually submit audited financial reports to the Governor, State Controller and Legislature.

Section 35 of this bill requires, with certain exceptions, the Board to establish the Program and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program beginning on July 1, 2025. **Section 35** further authorizes the Board to implement the Program in phases but if the Board does so, the first phase must not begin before July 1, 2025.

Section 34.5 of this bill makes an appropriation to the Office of the State Treasurer for costs related to the administration of the Program.

Section 36.5 of this bill requires the Board to: (1) conduct a study on the feasibility of including independent contractors in the Program; and (2) submit a report of the findings of the study to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 31 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 18, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Administrative Fund" means the Nevada Employee Savings Trust Administrative Fund created by section 24 of this act.***

Sec. 4. ***"Board" means the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act.***

Sec. 5. ***"Compensation" means compensation within the meaning of section 219(f)(1) of the Internal Revenue Code, 26 U.S.C. § 219 (f)(1), that is received by a covered employee from a covered employer.***

Sec. 6. ***"Contribution rate" means the percentage of a covered employee's compensation that is withheld from the covered employee's compensation and paid to the Individual Retirement Account established or maintained for the covered employee through the Program.***

Sec. 7. ***1. "Covered employee" means a person who:***

(a) Is employed by a covered employer for not less than 120 days;

(b) Has wages or other compensation that is allocable to the State; and

(c) Is at least 18 years of age.

2. For purposes of the investment, withdrawal, transfer, rollover or other distribution of an Individual Retirement Account, the term also includes the beneficiary of a deceased covered employee.

3. The term does not include:

(a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. §§ 151 et seq.;

(b) Any employee on whose behalf an employer makes contributions to a Taft-Hartley multiemployer pension trust fund; or

(c) Any person who is an employee of the Federal Government, the State or any other state, county or municipal corporation, or any of this State's or any other state's units or instrumentalities.

Sec. 8. *"Covered employer" means an employer that:*

1. Employs more than five persons in this State;

2. Has been in business for at least 36 months; and

3. Has not maintained a tax-favored retirement plan for its employees or has not done so in an effective form and operation at any time within the current calendar year or 3 immediately preceding calendar years.

Sec. 9. *1. Except as otherwise provided in subsection 2, "employer" means a person or entity engaged in a business, profession, trade or other enterprise in this State, whether for profit or not for profit, that employs one or more persons in this State.*

2. The term does not include an agency or entity of the Federal Government, the government of this State or a political subdivision of this State.

Sec. 10. *"Individual Retirement Account" means an individual retirement account and an individual retirement annuity established under section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.*

Sec. 11. *"Internal Revenue Code" means the federal Internal Revenue Code of 1986, as amended.*

Sec. 12. *"Investment fund" means an investment portfolio established by the Board within the Trust for investment purposes.*

Sec. 13. *"Participant" means a person who contributes to an Individual Retirement Account established or maintained through the Program or has an account balance in an Individual Retirement Account established or maintained through the Program.*

Sec. 14. *"Program" means the Nevada Employee Savings Trust Program established by the Board pursuant to section 20 of this act.*

Sec. 15. *"State" means the State of Nevada.*

Sec. 16. *"Tax-favored retirement plan" means a retirement plan that is tax-qualified under or is described in and satisfies the requirements of section 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p) of the Internal Revenue Code, 26 U.S.C. §§ 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p).*

Sec. 17. *"Trust" means the Nevada Employee Savings Trust created pursuant to section 26 of this act and each Individual Retirement Account trust or annuity contract allocated to the Nevada Employee Savings Trust pursuant to section 26 of this act.*

Sec. 18. *"Trustee" means the Trustee of the Trust appointed by the Board pursuant to subsection 2 of section 26 of this act.*

Sec. 19. *1. There is hereby created the Board of Trustees of the Nevada Employee Savings Trust.*

2. The Board consists of:

(a) The State Treasurer or the designee of the State Treasurer;

(b) The Lieutenant Governor or the designee of the Lieutenant Governor;

(c) One member, appointed by the Governor, who represents employers;

(d) ~~[One member, appointed by the Governor, who is a representative of an association that represents employees;~~

~~(e)]~~ One member, appointed by the Governor, who has experience in the field of investments;

~~[(f)]~~ (e) One member, appointed by the Majority Leader of the Senate, who represents retirees; and

~~[(g)]~~ (f) One member, appointed by the Speaker of the Assembly, who has experience in small business.

3. Each appointed member serves a term of 4 years unless dismissed for cause. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments.

4. Any vacancy occurring in the appointed membership of the Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. The State Treasurer or the designee of the State Treasurer shall serve as the Chair of the Board.

6. The Board shall meet at the call of the Chair as frequently as required to perform its duties.

7. A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.

8. Each member of the Board serves without compensation, except that each member is entitled to receive:

(a) The per diem allowance and travel expenses provided for state officers and employees generally; and

(b) Reimbursement for any other actual and reasonable expense incurred while performing the member's duties.

Sec. 20. *The Board is authorized and empowered to:*

1. Design, establish, and operate the Nevada Employee Savings Trust Program;

2. Enter into contracts necessary or desirable for the administration of the Program, including, without limitation, contracts with one or more other states to:

(a) Provide for the administration of all or part of the Program by another state;

(b) Administer all or part of the qualified employee savings trust program of another state; or

(c) Jointly administer the Program with the qualified employee savings trust program of one or more other states;

3. Hire, retain and terminate third party service providers as the Board deems necessary or desirable for the Program, including, without limitation, nonprofit organizations, consultants, investment managers or advisers, trustees, custodians, insurance companies, record keepers, administrators, actuaries, counsel, auditors and other professionals;

4. Determine, without limitation, the:

(a) Types of Individual Retirement Accounts to be offered;

(b) Default contribution rate; and

(c) Process for automatic escalation of participant contributions;

5. Develop an option for participants to convert contributions into fixed lifetime income streams;

6. Develop and implement an outreach plan to gain input and disseminate information regarding the Program and retirement and financial education in general to employees, employers and other constituents in this State;

7. Determine the number of days during which a covered employer must make the Program available to a covered employee upon first becoming a covered employer or covered employee;

8. Determine the number of days, which must not be less than 90, after the Program is first made available to a covered employee during which the covered employee may exercise the employee's right to opt out of the Program without penalty; and

9. Adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

Sec. 21. *1. The State Treasurer shall, within the limits of legislative appropriations, provide staff support to the Board and may otherwise provide administrative support to the Board.*

2. The Board may enter into an intergovernmental agreement or contract to obtain outreach, technical assistance or compliance services with any officer, agency, division or department of the State, including, without limitation, the Lieutenant Governor, Secretary of State, Department of Taxation, Department of Employment, Training and Rehabilitation, Department of Business and Industry and Office of the Labor Commissioner. An officer, agency, division or department that enters into such an intergovernmental agreement with the Board shall collaborate with any other officer, agency, division or department of the State as necessary to provide such outreach, technical assistance or compliance services to the Board.

3. Each officer, agency, division or department of the State must provide any information necessary for the Board to implement the Program regardless of whether the Board has entered into an intergovernmental agreement or contract with the officer, agency, division or department pursuant to subsection 2.

Sec. 22. *1. An act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the Trust.*

2. The Board may not impose any obligations on the State or pledge the credit of the State.

Sec. 23. *The Program designed, established and operated by the Board pursuant to section 20 of this act must provide, without limitation, that:*

1. Each covered employer shall automatically enroll the covered employee in the Program or in a similar program offered by a trade association or chamber of commerce, unless the employee elects to opt out of the Program, or if applicable, the similar program offered by a trade association or chamber of commerce.

2. Contributions must be withheld from the compensation of each covered employee at the contribution rate set by the Board unless the covered employee elects not to contribute or to contribute at a different rate.

3. An Individual Retirement Account established and maintained through the Program must qualify for favorable federal income tax treatment pursuant to section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.

4. To the extent consistent with federal law, a covered employee may withdraw from the employee's Individual Retirement Account at any time if necessary to meet a financial or other emergency.

5. The Board may establish intervals after which a covered employee who opted out of the Program may later elect to participate in the Program.

6. A covered employer must deposit a covered employee's withheld contributions under the Program with the Trustee in such manner as is determined by the Board, but in no case later than 10 business days after the date such amounts otherwise would have been paid to the covered employee.

7. The Board shall determine the rules and procedures for withdrawals, distributions, transfers and rollovers of Individual Retirement Accounts and for the designation of Individual Retirement Account beneficiaries.

8. The Board shall determine a method for employers other than covered employers and employees other than covered employees to participate in the Program, if allowed under federal law.

9. The Board shall prepare or cause to be prepared informational materials and required disclosures regarding the Program for distribution by covered employers to covered employees. Such materials must include, without limitation:

(a) A description of the benefits and risks associated with making contributions through the Program;

(b) Instructions about how to obtain additional information about the Program;

(c) A description of the federal and state income tax consequences of an Individual Retirement Account, which may consist of or include the

disclosure statement required to be distributed by the Trustee by the Internal Revenue Code and the Treasury Regulations adopted thereunder;

(d) A statement that covered employees seeking financial advice should contact their own financial advisers and that covered employers are not in a position to provide financial advice and that covered employers are not liable for decisions covered employees make concerning the Program;

(e) A statement that the Program is not an employer-sponsored retirement plan;

(f) A statement that neither the Program nor the covered employee's Individual Retirement Account established or maintained through the Program is guaranteed by the State; and

(g) A statement that:

(1) Neither a covered employer nor the State will monitor or has an obligation to monitor the covered employee's eligibility under the Internal Revenue Code to make contributions to an Individual Retirement Account or to monitor whether the covered employee's contributions to the Individual Retirement Account established or maintained for the covered employee through the Program exceed the maximum permissible Individual Retirement Account contribution;

(2) It is the covered employee's responsibility to monitor such matters; and

(3) Neither the State nor the covered employer will have any liability with respect to any failure of the covered employee to be eligible to make Individual Retirement Account contributions or for making any contribution in excess of the maximum Individual Retirement Account contribution.

10. The Board shall prepare or cause to be prepared information, forms or instructions to be furnished to covered employees at such times as the Board determines that provide the covered employee with the procedures for, without limitation:

(a) Making contributions to the covered employee's Individual Retirement Account established or maintained through the Program, including, without limitation, a description of the default contribution rate, any automatic escalation rate or frequency and the covered employee's right to elect to make no contribution or to change the contribution rate;

(b) Making an investment election with respect to the covered employee's Individual Retirement Account established or maintained through the Program, including a description of the default investment fund;

(c) Making transfers, rollovers, withdrawals and other distributions from the covered employee's Individual Retirement Account; and

(d) Exercising the covered employee's right to opt out of the Program.

11. Each covered employer shall deliver or facilitate the delivery of the items set forth in subsections 9 and 10, and any other information required by the Board, to each covered employee at such time and in such manner as determined by the Board.

12. The Program shall be designed and operated in a manner that will cause it not to be an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 24. *1. The Nevada Employee Savings Trust Administrative Fund is hereby created in the State Treasury.*

2. The Board shall administer the Administrative Fund.

3. The Board shall deposit in the Administrative Fund all money received for the Program, including, without limitation:

(a) Money appropriated to the Administrative Fund by the Legislature;

(b) Money transferred to the Administrative Fund from the Federal Government, other state agencies or local governments;

(c) Any gifts, donations, grants or other money designated for the Administrative Fund from the State, or any unit of federal or local government, or any other person, firm, partnership, corporation or other entity solely for deposit into the Administrative Fund, whether for investment or administrative expenses; and

(d) Earnings on money in the Administrative Fund.

4. The Board shall use the money in the Administrative Fund solely to pay the administrative costs and expenses of the Program and the administrative costs and expenses the Board incurs in the performance of its duties.

Sec. 25. *1. The Board may, to enable or facilitate the start up and continuing operation, maintenance, administration and management of the Program until the Board determines that the Program has accumulated sufficient balances and is able to generate sufficient funding for the Program to be financially self-sustaining:*

(a) Borrow money from the State, any unit of federal, state or local government or any other person, firm, partnership, corporation or entity; or

(b) Enter into long-term procurement contracts with one or more financial providers if the Board determines that the fee structure of a contract allows or assists the Program to minimize or avoid the need to borrow money pursuant to paragraph (a) or to rely upon general assets of the State.

2. Money borrowed pursuant to subsection 1 must:

(a) Be borrowed in the name of the Program and Board only;

(b) Be repaid solely from the revenues of the Program; and

(c) Not be repaid unless the money was offered contingent upon the promise of such repayment.

3. Within the limits of legislative appropriations, the State may pay on behalf of the Board administrative costs associated with the creation, maintenance, operation and management of the Program and Trust until the Board determines that sufficient assets are available in the Administrative Fund for that purpose. Thereafter, all administrative costs of the Program and Trust, including any repayment of start-up money provided

by the State, must be repaid only out of money on deposit in the Administrative Fund.

Sec. 26. ***1. The Nevada Employee Savings Trust is hereby created as an instrumentality of the State.***

2. The Board shall appoint an institution qualified to act as a trustee of Individual Retirement Account trusts or an insurance company that issues annuity contracts pursuant to section 408 of the Internal Revenue Code, 26 U.S.C. § 408, and licensed to do business in the State of Nevada to act as Trustee of the Trust.

3. The assets of Individual Retirement Accounts established or maintained for covered employees must be allocated to the Trust and may be combined for investment purposes. Trust assets must be managed and administered for the exclusive purposes of providing benefits to covered employees and defraying reasonable expenses of administering and managing the investments, Individual Retirement Accounts, Board, Program and Trust.

4. The Board shall establish within the Trust one or more investment funds, each pursuing an investment strategy and policy established by the Board. The underlying investments of each investment fund must be diversified so as to minimize the risk of large losses under any circumstances. The Board may, at any time or from time to time, add, replace or remove any investment fund.

5. The Board may allow covered employees to allocate assets of their Individual Retirement Accounts among such investment funds and, in such case, the Board also may designate an investment fund as a default investment for the Individual Retirement Accounts of covered employees who do not make an investment choice.

6. The Board, in consultation with such third-party professional investment advisers, managers or consultants as it may retain, shall select the underlying investments of each investment fund. Such underlying investments may include, without limitation, shares of mutual funds and exchange-traded funds, publicly traded equity and fixed-income securities and other investments available for investment by the Trust. An investment fund may not invest in any bond, debt instrument or other security issued by the State.

7. The Board may, in its discretion, retain an investment adviser to select and manage the investments of an investment fund on a discretionary basis, subject to the Board's ongoing review and oversight. An investment adviser retained pursuant to this subsection must be:

(a) An investment adviser registered as such under the Investment Advisers Act of 1940, 15 U.S.C. §§ 80b-1 et seq.; or

(b) A bank or other institution exempt from registration under the Investment Advisers Act.

8. The Trustee shall be subject to directions of the Board or of an investment adviser pursuant to this section and shall otherwise have no

responsibility for the selection, retention or disposition of the investments or assets of the Trust.

9. The assets of the Trust must at all times be preserved, invested and expended solely for the purposes of the Trust and no property rights therein shall exist in favor of the State or any covered employer. Trust assets must not be transferred or used by the State for any purposes other than the purposes of the Trust or paying the expenses of operating the Program. Amounts deposited with the Trustee do not constitute property of the State and must not be commingled with state money and the State has no claim to or against, or interest in, the assets of the Trust.

10. The assets of the Trust must at all times be held separate and apart from the assets of the State. The State, Program, Board, any member of the Board or any covered employer shall not guaranty any investment, rate of return, or interest on amounts held in the Trust, an investment fund or any Individual Retirement Account. The State, Program, Board, any member of the Board or any covered employer is not liable for any losses incurred by Trust investments or otherwise by any covered employee or other person as a result of participating in the Program.

11. The provisions of chapter 90 of NRS, the Uniform Securities Act, do not apply to the Trust, any investment fund or any interest held by an Individual Retirement Account in the Trust or such investment fund.

12. The Trust and each investment fund are exempt from all taxation by this State and any political subdivision thereof.

Sec. 27. ***Except to the extent necessary to administer the Program, personally identifiable information relating to individual participants in the Program, including, without limitation, the name, physical and electronic mail address, telephone number and other personally identifiable information of the participant, and information relating to individual accounts established or maintained through the Program, including, without limitation, the identity or amount of any investment, contribution or earnings attributable to an account, is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.***

Sec. 28. ***1. A covered employer or other employer may not be held liable for:***

(a) An employee's decision to participate in or opt out of the Program;

(b) A participant's or the Board's investment decisions;

(c) The administration, investment, investment returns or investment performance of the Program, including, without limitation, any interest rate or other rate of return on any contribution or account balance, provided the covered employer or other employer played no role;

(d) The design of the Program or the benefits paid to participants;

(e) A person's awareness of or compliance with the conditions and other provisions of the Internal Revenue Code that determine which persons are

eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner; or

(f) Any loss, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.

2. A covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

Sec. 29. *1. The State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program:*

(a) Have no responsibility for compliance by persons with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner;

(b) Have no duty, responsibility or liability to any party for the payment of any benefits through the Program, regardless of whether sufficient money is available through the Program to pay such benefits;

(c) Do not and shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and

(d) Are not and shall not be liable or responsible for any loss, deficiency, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.

2. The debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.

Sec. 30. *1. Each member of the Board, the Trustee and each investment adviser or other person who has control of the assets of the Trust is a fiduciary with respect to the Trust and each Individual Retirement Account established and maintained through the Program.*

2. Each fiduciary shall discharge its duties with respect to the Program solely in the interests of covered employees and with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of like character and aims.

Sec. 31. *A member of the Board and a person who serves on the staff of the Board or as an administrator of the Program shall not:*

1. Directly or indirectly have any interest in the making of any investment under the Program or in any gains or profits accruing from such an investment;

2. Borrow any Program-related money or deposits, or use any such money or deposits in any manner, for himself or herself or as an agent or partner of others; or

3. Become an endorser, surety or obligor on any investment made through the Program.

Sec. 32. ***1. The Board shall cause an accurate account of all the activities, operations and receipts and expenditures of the Board, Program and Trust to be maintained. Each year, a full audit of the books and accounts of the Board, Program and Trust pertaining to those activities, operations, receipts and expenditures, personnel, services and facilities must be conducted by a certified public accountant and must include, without limitation, direct and indirect costs attributable to the use of outside consultants, independent contractors and any other persons who are not state employees for the administration of the Program. For the purposes of the audit, the auditors shall have access to the properties and records of the Board, Program and Trust and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the Board, Program and Trust.***

2. Not later than August 1 of each year, the Board shall submit to the Governor, the State Controller and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations and receipts and expenditures of the Board, Program and Trust during the immediately preceding calendar year. The report must also include projected activities of the Program for the current calendar year.

3. The Board shall prepare an annual report on the operation of the Program to be available to all citizens and provided to appropriate state officers.

Sec. 33. ***This chapter, being necessary to secure the public health, safety, convenience and welfare, must be liberally construed to effect its purposes.***

Sec. 34. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630,

178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,

633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***section 27 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 34.5. 1. There is hereby appropriated from the State General Fund to the Office of the State Treasurer for costs related to the administration of the Nevada Employee Savings Trust Program established pursuant to section 20 of this act the following sums:

For the Fiscal Year 2023-2024 ..... $669,491

For the Fiscal Year 2024-2025 ..... $535,074

2. The Office of the State Treasurer shall repay the sums appropriated by subsection 1 as soon as the Office has received sufficient money for the operation of the Program.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 35. 1. Except as otherwise provided in this section, the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act shall establish the Nevada Employee Savings Trust Program pursuant to section 20 of this act and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program beginning on July 1, 2025.

2. The Board may implement the Program in phases so that the ability of covered employees to contribute to an Individual Retirement Account through the Program first applies on different dates for different employees based on

the number of employees employed by the covered employer. If the Board implements the Program in phases pursuant to this subsection, the first phase must not begin before July 1, 2025.

3. The Board shall not implement the Program if, and to the extent that, it determines that the Program is preempted by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq. If the Board determines that one or more provisions of the Program are preempted by Employee Retirement Income Security Act of 1974, the Board shall implement the remaining provisions of the Program to the extent practicable.

4. The Board shall not implement a provision of the Program that authorizes an arrangement by which an employer facilitates access for an employee to contribute to an Individual Retirement Account by means of payroll deduction if the Board determines that the arrangement is an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 36. As soon as practicable on or after the effective date of this section, the Governor, Majority Leader of the Senate and Speaker of the Assembly shall appoint the members of the Board of Trustees of the Nevada Employee Savings Trust pursuant to section 19 of this act.

Sec. 36.5. **1. The Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act shall conduct a study on the feasibility of including independent contractors in the Nevada Employee Savings Trust Program established pursuant to section 20 of this act.**

2. Not later than December 31, 2024, the Board shall prepare and submit a report of the findings of the study conducted pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

Sec. 37. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 38. 1. This section and section 36 of this act become effective upon passage and approval.

2. ~~[Section]~~ **Sections** 34.5 **and 36.5** of this act ~~[becomes]~~ **become** effective on July 1, 2023.

3. Sections 1 to 34, inclusive, 35 and 37 of this act, become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 362.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 919.

AN ACT relating to public safety; requiring a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe; requiring each law enforcement agency to adopt certain policies and procedures governing the performance by peace officers of works protected by copyright in certain circumstances; revising provisions governing the establishment of a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a peace officer from placing a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. Existing law also requires a peace officer to monitor any person who is in the custody of the peace officer for any signs of distress and to take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe. (NRS 193.305) **Section 1** of this bill requires a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.

Section 2 of this bill requires each law enforcement agency to adopt written policies and procedures governing the performance of copyrighted works by peace officers employed by the law enforcement agency while on duty, including policies prohibiting a peace officer from performing, or causing the performance of, a copyrighted work for the purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, with certain exceptions. **Section 2** prohibits retaliation or punitive action against a peace officer who discloses information concerning the performance of a copyrighted work in violation of such policies and procedures.

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license or identification card. (NRS 483.3485, 483.863) **Sections 4 and 6** of this bill authorize the Department to adopt regulations establishing a program for the imprinting of a symbol, and not any other indicator, of a medical condition on a driver's license and identification card, respectively. If the Department establishes such a program, **sections 4 and 6** additionally require: (1) the Department to adopt a single symbol to represent all applicable medical conditions; (2) the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card if the person is on anticoagulants or has certain specified medical conditions; (3) the Department to maintain a record of the

medical condition for which the symbol indicating a medical condition was imprinted on the driver's license or identification card of a person; and (4) the Department to maintain certain information about the program on its Internet website. If the Department establishes such a program, **sections 4 and 6** also: (1) authorize the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card to indicate other medical conditions not specified in statute as the Department deems appropriate; and (2) require the Department to provide a means for members of the public to suggest additional medical conditions.

Sections 3 and 5 of this bill make conforming changes in existing provisions relating to the issuance or renewal of a driver's license or identification card for consistency with the revisions made to the program pursuant to **sections 4 and 6**. **Section 7** of this bill requires the Department to include certain information regarding the program on the notifications for renewal of registration issued by the Department for a 12-month period. **Section 6.5 of this bill makes an appropriation to the Department for programming costs and necessary system enhancements associated with carrying out the provisions of sections 4, 6 and 7.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 193.305 is hereby amended to read as follows:

193.305 1. In carrying out his or her duties, a peace officer shall not use a choke hold on another person.

2. A peace officer shall not place a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. A peace officer shall monitor any person who is in the custody of the peace officer for any signs of distress and shall take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe.

3. ***If a person who is in the custody of a peace officer indicates that he or she cannot breathe, the peace officer shall ensure that medical aid is rendered to the person by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.***

4. If a peace officer, in carrying out his or her duties, uses physical force on another person, the peace officer shall ensure that medical aid is rendered to any person who is injured by the use of such physical force as soon as practicable.

~~[~~4.~~]~~ ***5.*** As used in this section ~~[~~, "choke~~]~~ ***:***

(a) "Choke hold" means:

~~[~~(a)~~]~~ ***(1)*** A method by which a person applies sufficient pressure to another person to make breathing difficult or impossible, including, without limitation, any pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce intake of air; or

~~[(b)]~~ ***(2)*** Applying pressure to a person's neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

Sec. 2. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each law enforcement agency shall adopt written policies and procedures governing the performance by peace officers employed by the law enforcement agency of copyrighted works while on duty. Such policies and procedures must:

(a) Except as otherwise provided in paragraph (b), prohibit a peace officer from performing, or causing the performance of, a copyrighted work for the purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, including, without limitation, the dissemination or sharing of a recording through an Internet website; and

(b) Authorize a peace officer to perform, or cause the performance of, a copyrighted work:

(1) While engaged in an undercover investigation;

(2) When the peace officer is not publicly performing official duties; or

(3) As necessary to ensure the safety of the peace officer at the time the copyrighted work is performed.

2. No retaliatory or punitive action may be taken against a peace officer who discloses information concerning the performance of a copyrighted work in violation of the policies and procedures of a law enforcement agency adopted pursuant to subsection 1.

3. As used in this section:

(a) "Copyrighted work" means any work protected under Title 17 of the United States Code.

(b) "Perform" has the meaning ascribed to it in 17 U.S.C. § 101.

Sec. 3. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover

investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the Nevada Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the Nevada Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is a misdemeanor for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition imprinted on his or her driver's license.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 4. NRS 483.3485 is hereby amended to read as follows:

483.3485 1. The Department may adopt regulations establishing a program for the imprinting of a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on a driver's license issued by the Department.

2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on a driver's license to]~~ ***If the Department establishes a program pursuant to subsection 1:***

(a) Except as otherwise provided in this title, the Department shall adopt a single symbol for imprinting on a driver's license to indicate a medical condition and shall not adopt individualized symbols for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

(XIV) Depression; or

(XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license of an eligible person. The record must be maintained in the same location and manner as all other records relating to the driver's license of the person, including, without limitation, the records relating to the driver's license of the person that are made available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of

Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall maintain on the Internet website of the Department information about the program established pursuant to subsection 1, including, without limitation, the manner in which a person may obtain a driver's license which has been imprinted with a symbol indicating a medical condition.

(e) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 5. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. The Department shall adopt regulations prescribing the information that must be contained on an identification card.

4. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her identification card that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to indicate whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition imprinted on his or her identification card.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

5. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

6. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 4 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 6. NRS 483.863 is hereby amended to read as follows:

483.863 1. The Department may adopt regulations establishing a program for the imprinting of a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on an identification card issued by the Department.

2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on an identification card to]~~ ***If the Department establishes a program pursuant to subsection 1:***

(a) Except as otherwise provided in this title, the Department shall adopt a single symbol for imprinting on an identification card to indicate a medical condition and shall not adopt individualized symbols for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

(XIV) Depression; or

(XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the identification card of an eligible person. The record must be maintained in the same location and manner as all other records relating to the identification card of the person, including, without limitation, the records relating to the identification card of the person that are available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall, at the time of the issuance or renewal of an identification card, give the holder the opportunity to have imprinted on his or her identification card a symbol indicating a medical condition.

(e) The Department shall maintain on the Internet website of the Department information about the program established pursuant to subsection 1, including, without limitation, the manner in which a person may obtain an identification card which has been imprinted with a symbol indicating a medical condition.

(f) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 6.5. **1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $127,772 for programming costs and necessary system enhancements associated with carrying out the provisions of sections 4, 6 and 7 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 19, 2025.

Sec. 7. If the Department of Motor Vehicles adopts a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card issued by the Department pursuant to NRS 483.3485, as

amended by section 4 of this act, or 483.863, as amended by section 6 of this act, respectively, the Department shall, 30 days after the date on which the Department first accepts an application for the imprinting of a symbol indicating a medical condition pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, and any regulations adopted pursuant thereto, and for 12 calendar months thereafter, print on each notification for renewal of registration mailed by the Department pursuant to NRS 482.280, and on any electronic notification for renewal of registration issued by the Department:

1. A statement notifying the public that an eligible person may have imprinted on his or her driver's license or identification card a symbol indicating a medical condition.

2. The address of the Internet website of the Department where interested persons may obtain more information about the program established pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. **Section 6.5 of this act becomes effective on July 1, 2023.**

3. Sections 1 and 2 of this act become effective on October 1, 2023.

~~[3.]~~ **4.** Sections 3 to ~~[7,]~~ **6,** inclusive, **and 7** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) January 1, 2024, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 45, 150, 155, 158, 160, 208, 253, 348, 386, and 428 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 45.

Bill read third time.

Roll call on Assembly Bill No. 45:

YEAS—41.

NAYS—None.

EXCUSED—González.

Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 150.
Bill read third time.
Roll call on Assembly Bill No. 150:
YEAS—41.
NAYS—None.
EXCUSED—González.
Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 155.
Bill read third time.
Roll call on Assembly Bill No. 155:
YEAS—41.
NAYS—None.
EXCUSED—González.
Assembly Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 158.
Bill read third time.
Roll call on Assembly Bill No. 158:
YEAS—42.
NAYS—None.
Assembly Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 160.
Bill read third time.
Roll call on Assembly Bill No. 160:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 208.
Bill read third time.
Roll call on Assembly Bill No. 208:
YEAS—42.
NAYS—None.
Assembly Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 253 and 386 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 348.

Bill read third time.

Roll call on Assembly Bill No. 348:

YEAS—40.

NAYS—Bilbray-Axelrod, Hansen—2.

Assembly Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 428.

Bill read third time.

Roll call on Assembly Bill No. 428:

YEAS—42.

NAYS—None.

Assembly Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 24, 36, 71, 145, 166, 167, 222, 232, 237, 273, 275, 279, 281, 282, 290, 291, 294, 301, 307, 367, and 387 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:19 p.m.

ASSEMBLY IN SESSION

At 9:23 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Ellis Hampton, Jackson Olson, and Rudy Zamora.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Jeanne Penrod.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Austin.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Marshawna Sanford.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Princess Payne and Whitney McIntosh.

Assemblywoman Jauregui moved that the Assembly adjourn until Saturday, June 3, 2023, at 9:30 a.m.

Motion carried.

Assembly adjourned at 9:23 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

EIGHTY-SECOND SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2023

BEGUN ON MONDAY, THE SIXTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIFTH DAY OF JUNE

VOLUME 5

THE ONE HUNDRED EIGHTEENTH DAY—THE ONE HUNDRED TWENTIETH DAY

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THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), June 3, 2023

Assembly called to order at 11:01 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain Ron McMillin.

God Almighty, King over all. We come before You this morning with hearts of gratitude. We are grateful for this day and for the many blessings You have bestowed upon us. We thank You for allowing us to live in a state that is so rich in history, diversity, and resources.

We thank You for our legislators and our Governor and for the commitment they have made to serve the people of this state. We pray that You will give them insight into the needs of our communities and our state. Grant them the wisdom and the courage they need to address those needs, and to lead our state well.

We also thank You for all the legislative staff who work so tirelessly behind the scenes to keep everything moving efficiently. We pray Your blessing upon them. Lord, we thank You for our first responders and their dedication to preserving life and property. May Your hand of protection be upon them as they selflessly serve their communities.

To You, God, be the Honor, the Praise, and the Glory.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 216, 245, 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 163, 205, 311, 450.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 189.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that all rules be suspended, and all Assembly Bills be declared emergency measures under the *Constitution* and placed on third reading and final passage.

Motion carried.

Assemblywoman Jauregui moved to dispense with the reprinting of all measures for the balance of the session.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bills Nos. 524 and 400 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 371 be taken from the Chief Clerk's Desk and placed at the top of the General File

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 322 be taken from the Chief Clerk's Desk and placed at the top of General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 346 be taken from the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bills Nos. 253, 301, 386, 449, and Senate Bill No. 195 be taken from the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen O'Neill, Anderson, Taylor, DeLong, Dickman, La Rue Hatch, Newby and Peters; Senators Goicoechea, Scheible, Harris and Daly (emergency request of Assembly Minority Leader):

Assembly Bill No. 529—AN ACT relating to counties; revising provisions relating to the annual compensation of elected county officers; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 163.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 189.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 205.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 311.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Senate Bill No. 450.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 126.
Bill read second time and ordered to third reading.

Senate Bill No. 234.
Bill read second time and ordered to third reading.

Senate Bill No. 242.
Bill read second time and ordered to third reading.

Senate Bill No. 274.
Bill read second time and ordered to third reading.

Senate Bill No. 380.
Bill read second time and ordered to third reading.

Senate Bill No. 390.
Bill read second time and ordered to third reading.

Senate Bill No. 428.
Bill read second time and ordered to third reading.

Senate Bill No. 435.
Bill read second time and ordered to third reading.

Senate Bill No. 72.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 910.

AN ACT relating to education; directing the Joint Interim Standing Committee on Education to conduct certain studies during the 2023-2024 interim and report its findings to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Joint Interim Standing Committee on Education. (NRS 218E.320) Existing law authorizes the Committee to: (1) evaluate, review and comment upon issues related to education in Nevada; (2) conduct investigations and hold hearings; (3) conduct studies as directed by the Legislature or the Legislative Commission; and (4) make certain recommendations to the Legislature. (NRS 218E.330, 218E.615) This bill directs the Committee to conduct ~~[five]~~ **six** separate studies during the 2023-2024 interim and report its findings for each study to the Legislature. Specifically, this bill directs the Committee to study: (1) the mental health and wellness of pupils; (2) the workload of teachers, including any relevant statutory and regulatory requirements; (3) requirements governing the licensing **and authorization to work** of teachers and administrators and the effect of such requirements on the diversity and effectiveness of teachers and administrators and the recruitment of local teachers and administrators; (4) trends in graduation and achievement of pupils enrolled in high school and any divergence between those trends; ~~[and]~~ (5) groups of pupils that may require additional resources, and policies and strategies that may address the needs of such groups ~~[.]~~ **; and (6) waivers of registration fees, laboratory fees and other fees at institutions within the Nevada System of Higher Education.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Joint Interim Standing Committee on Education shall, during the 2023-2024 interim:

(a) Conduct a study concerning the mental health and wellness of pupils in this State and programs to improve the mental health and wellness of such pupils, including, without limitation, evidence-based mental health therapies and practices.

(b) Conduct a study concerning the workload of teachers in this State, including, without limitation, provisions of law and regulations that affect the workload of teachers in this State, to better understand and evaluate the workload of teachers in this State.

(c) Conduct a study concerning requirements governing the licensing **and authorization to work** of teachers and administrators in this State, including, without limitation, ~~[any requirement that an applicant for a license as a teacher or administrator, as applicable, must pass the "Praxis Core Academic Skills for Educators" examination in reading, mathematics and writing, prepared and administered by the Educational Testing Service,]~~ **requirements for the authorization of a holder of a J-1 visa issued pursuant to 8 U.S.C. § 1101(a)(15)(J) to work as a teacher or administrator, in order** to:

(1) Identify whether such requirements are barriers to increasing the diversity of teachers or administrators, as applicable, in this State and increasing the number of pupils in the public schools in this State and students at institutions of higher education in this State who eventually become teachers and administrators in this State; and

(2) Ensure that requirements concerning the competency of applicants for a license as a teacher or administrator, as applicable, are reasonable indicators of the future effectiveness of such an applicant as a teacher or administrator.

(d) Conduct a study concerning:

(1) Trends in the graduation rates of, and the types of diplomas awarded to, pupils enrolled in high school in this State, based on the information included in the annual report of accountability pursuant to NRS 385A.260;

(2) Trends in achievement of pupils enrolled in high school in this State, including, without limitation, information relating to such trends that is included in the annual report of accountability pursuant to NRS 385A.200;

(3) A comparison of the trends described in subparagraphs (1) and (2); and

(4) Any factors which may be responsible for the trends described in subparagraphs (1) and (2) and any divergence between the trends described in subparagraph (1) and the trends described in subparagraph (2).

(e) Conduct a study concerning:

(1) Groups of pupils who may require additional resources to receive a reasonably equal educational opportunity;

(2) The specific educational needs of such groups of pupils;

(3) Policies and strategies that target such groups of pupils, address specific needs and provide specific interventions, including, without limitation, policies and strategies to increase enrollment in postsecondary education or vocational training; and

(4) Long-term strategies to fund and implement such policies and programs.

(f) Conduct a study concerning waivers of registration fees, laboratory fees and other fees at institutions within the Nevada System of Higher Education, including, without limitation, any such waivers granted by the Board of Regents of the University of Nevada pursuant to NRS 396.544 to 396.54495, inclusive.

2. On or before February 1, 2025, for each study listed in subsection 1, the Joint Interim Standing Committee on Education shall submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 216, 332, 253, 301, 386, 449, 346, and 483 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 216.

Bill read third time.

Roll call on Assembly Bill No. 216:

YEAS—42.

NAYS—None.

Assembly Bill No. 216 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332.

Bill read third time.

Roll call on Assembly Bill No. 332:

YEAS—29.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Kasama, Koenig, McArthur, O'Neill, Yurek—13.

Assembly Bill No. 332 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 253.

Bill read third time.

Roll call on Assembly Bill No. 253:

YEAS—30.

NAYS—DeLong, Dickman, Gray, Gurr, Hafen, Hansen, Hardy, Kasama, Koenig, McArthur, O'Neill, Yurek—12.

Assembly Bill No. 253 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 876.

AN ACT relating to public employees; revising the definition of "police officer" to include **all category I peace officers,** certain school police officers, juvenile probation officers, bailiffs and deputy marshals of municipal courts and marshals and deputy marshals of cities or towns for the purposes of certain benefits and exemptions; specifying that the use of certain designations by the Department of Public Safety or a division **[,] or** officer **[or employee]** of the Department does not exclude **[certain employees of the Department]** from the definition of "police officer" for the purposes of certain benefits and exemptions **[,] certain persons employed by the Department who are included within that definition under existing law;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "police officer" to include various law enforcement officers of this State for the purposes of certain provisions relating to eligibility for benefits under the Nevada Occupational Diseases Act. (NRS 617.135) Among the law enforcement officers included in the definition of "police officer" are certain specified employees of the Department of Public Safety. (NRS 617.135) Existing law authorizes the Director of the Department of Public Safety to authorize: (1) the Department to use certain designations to identify itself; and (2) the divisions of the Department and the officers and employees of the Department to use certain designations to identify themselves. (NRS 480.150) This bill provides that the use of such a designation does not exclude from the definition of "police officer" any **[**employee of**]** **person employed by** the Department of Public Safety **who is** included in the definition of "police officer" under existing law.

This bill also expands the definition of "police officer" to include **:** **[**a:**]** (1) **a** school police officer employed or appointed by the board of trustees of a school district; (2) **a** juvenile probation officer; (3) **a** bailiff or deputy marshal of a municipal court; **[**and**]** (4) **a** marshal or deputy marshal of a city or town **[**.**] ; and (5) all category I peace officers.** Furthermore, because various other provisions of the Nevada Revised Statutes reference "police officer" as that term is defined in the Act, this bill makes applicable to **all category I peace officers,** school police officers employed or appointed by the board of trustees

of a school district, juvenile probation officers, bailiffs and deputy marshals of municipal courts and marshals and deputy marshals of cities or towns: (1) industrial insurance coverage for police officers; (2) exemption from service as grand or trial jurors; (3) compensation for police officers with temporary disabilities; and (4) eligibility for certain programs of group insurance or other medical or hospital service for the surviving spouse or any surviving child of a police officer or firefighter. (NRS 6.020, 281.153, 287.021, 287.0477; chapters 616A-616D of NRS)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 617.135 is hereby amended to read as follows:

617.135 ***1.*** "Police officer" includes:

~~[1.]~~ ***(a)*** A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

~~[2.]~~ ***(b)*** A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

~~[3.]~~ ***(c)*** A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

~~[4.]~~ ***(d)*** A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

~~[5.]~~ ***(e)*** A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

~~[6.]~~ ***(f)*** A chief or investigator of the Department of Public Safety whose duties include, without limitation:

~~[(a)]~~ ***(1)*** The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

~~[(b)]~~ ***(2)*** The provision of technology support services to the Director and the divisions of the Department of Public Safety;

~~[7.]~~ ***(g)*** An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

~~[8.]~~ ***(h)*** An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

~~[9.]~~ ***(i) A school police officer employed or appointed by the board of trustees of a school district pursuant to NRS 391.281;***

(j) A member of the police department of the Nevada System of Higher Education;

~~[10.]~~ ***(k)*** A:

~~[(a)]~~ ***(1)*** Uniformed employee of; or

~~[(b)]~~ ***(2)*** Forensic specialist employed by,

➥ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

~~[11.]~~ ***(l) A juvenile probation officer;***

(m) A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;

~~[12.]~~ ***(n)*** A forensic specialist or correctional officer employed by the Division of Public and Behavioral Health of the Department of Health and Human Services at facilities for mentally disordered offenders;

~~[13.]~~ ***(o)*** The State Fire Marshal and his or her assistant and deputies;

~~[14.]~~ ***(p)*** A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280;

~~[15.]~~ ***(q)*** A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260;

~~[16.]~~ ***(r)*** A bailiff or a deputy marshal of the district court***, municipal court*** or justice court whose duties require him or her to carry a weapon and to make arrests; ~~[and~~

~~17.]~~ ***(s)*** An agricultural police officer appointed by the Director of the State Department of Agriculture pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS 289.290 ~~[.]~~ ***; [and]***

(t) A marshal or deputy marshal of a city or town [.] ; and

(u) Any category I peace officer as defined in NRS 289.460 who is not otherwise included in paragraphs (a) to (t), inclusive.

2. The use of any designation by the Department of Public Safety, a division of the Department or an officer [or employee] of the Department pursuant to subsection 3 of NRS 480.150 does not exclude any person described in paragraphs (b) to (f), inclusive, and (m) of subsection 1 from the definition of "police officer" set forth in subsection 1.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on July 1, ~~[2023.]~~ **2024.**

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 386.

Bill read third time.

Roll call on Assembly Bill No. 386:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hardy, Hibbetts, Kasama, Koenig, McArthur—11.

Assembly Bill No. 386 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 449.

Bill read third time.

Roll call on Assembly Bill No. 449:

YEAS—41.

NAYS—Thomas.

Assembly Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 886.

AN ACT relating to state financial administration; defining the term "adjusted base budget" for purposes of the State Budget Act; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Budget Act sets forth the process for the preparation and submission of the proposed biennial budget for the Executive Department of the State Government. (NRS 353.150-353.246) Specifically, the Act requires the Chief of the Budget Division of the Office of Finance to prepare a final version of the proposed budget, which must include the adjusted base budget for each department, institution and agency of the Executive Department. (NRS 353.230) **Section 2** of this bill defines the term "adjusted base budget" to mean the amount appropriated **or authorized to support ongoing expenditures budgeted** to the department, institution or agency by the Legislature for the second year of the current biennium, as adjusted for: (1) the removal of any one-time appropriation or authorization that was appropriated **or authorized** by the Legislature to the department, institution or agency for the second year of the biennium; (2) statewide fringe benefits, assessments, rent insurance premiums and cost allocations; (3) contractual obligations that are approved or expired during the current biennium; (4) ongoing expenditures approved by the Interim Finance Committee during the current biennium; (5) any annualization of costs that occurred for part of the second year of the current biennium; (6) actual caseloads incurred during the first year of the biennium; (7) rate changes that are projected to affect the budget of the department, institution or agency during the next biennium; and (8) any other adjustment that is necessary based on the limit upon total proposed expenditures or as otherwise determined by the Chief.

The Act further requires the Chief to provide to the Fiscal Analysis Division of the Legislative Counsel Bureau each agency's adjusted base budget by program or budgetary account for the next 2 fiscal years. (NRS 353.211) **Section 1** of this bill defines the term "adjusted base budget" to mean the amount appropriated **or authorized to support ongoing expenditures**

budgeted to the agency by the Legislature for the second year of the current biennium, as adjusted for: (1) **the removal of** any one-time appropriation or authorization that was appropriated **or authorized** by the Legislature to the agency for the second year of the current biennium; (2) statewide fringe benefits, assessments, rent insurance premiums and cost allocations; (3) contractual obligations that are approved or expired during the current biennium; (4) ongoing expenditures approved by the Interim Finance Committee during the current biennium; (5) any annualization of costs that occurred for part of the second year of the current biennium; (6) actual caseloads incurred during the first year of the biennium; (7) rate changes that are projected to affect the budget of the agency during the next biennium; and (8) any other adjustment that is necessary based on the limit upon total proposed expenditures or as otherwise determined by the Chief.

Section 2.5 of this bill makes an appropriation to the Legislative Fund to update the budgeting software of the Fiscal Analysis Division of the Legislative Counsel Bureau to accommodate the amendatory provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353.211 is hereby amended to read as follows:

353.211 1. On or before October 15 of each even-numbered year, the Chief shall provide to the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) Computerized budget files containing the actual data regarding revenues and expenditures for the previous year;

(b) The work programs for the current year; and

(c) Each agency's requested budget for the next 2 fiscal years.

2. On or before December 31 of each even-numbered year, the Chief shall provide to the Fiscal Analysis Division:

(a) Each agency's adjusted base budget by program or budgetary account for the next 2 fiscal years; and

(b) An estimated range of the costs for:

(1) Continuing the operation of State Government; and

(2) Providing elementary, secondary and higher public education,

➥ at the current level of service.

3. The information provided to the Fiscal Analysis Division pursuant to subsections 1 and 2 is open for public inspection.

4. The Governor may authorize or direct an agency to hold public hearings on a budget submitted pursuant to paragraph (c) of subsection 1 at any time after the material is provided pursuant to subsection 1.

5. As used in this section, "adjusted base budget" means the amount appropriated or authorized to support ongoing expenditures budgeted to the agency by the Legislature for the second year of the current biennium, as adjusted for:

(a) The removal of any one-time appropriation or authorization that was appropriated or authorized by the Legislature to the agency for the second year of the biennium;

(b) Statewide fringe benefits, assessments, rent insurance premiums and cost allocations;

(c) Contractual obligations that are approved or expired during the current biennium;

(d) Ongoing expenditures approved by the Interim Finance Committee during the current biennium;

(e) Any annualization of costs that occurred for part of the second year of the current biennium;

(f) Actual caseloads incurred during the first year of the biennium;

(g) Rate changes that are projected to affect the budget of the agency during the next biennium; and

(h) Any other adjustment that is necessary:

(1) Based on the limit upon total proposed expenditures calculated pursuant to NRS 353.213; or

(2) As otherwise determined by the Chief.

Sec. 2. NRS 353.230 is hereby amended to read as follows:

353.230 1. The Chief shall review the estimates, altering, revising, increasing or decreasing the items of the estimates as the Chief may deem necessary in view of the needs of the various departments, institutions and agencies in the Executive Department of the State Government and the total anticipated income of the State Government and of the various departments, institutions and agencies of the Executive Department during the next fiscal year. In performing the duties required by this subsection, the Chief shall use the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

2. The Chief shall meet with a Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative and personnel of the various departments, institutions and agencies of the Executive Department to discuss:

(a) The budgetary requests of each department, institution and agency; and

(b) The budgetary recommendations of the Budget Division for each department, institution and agency,

➥ for the next 2 fiscal years. The Chief shall allow the Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative full access to all materials connected with the review.

3. The Chief shall then prepare a final version of the proposed budget, in accordance with NRS 353.150 to 353.246, inclusive, and shall deliver it to the Governor. The final version of the proposed budget must include the adjusted base budget for each department, institution and agency of the Executive Department, the costs for continuing each program at the current level of service and the costs, if any, for new programs, recommended enhancements of existing programs or reductions for the departments, institutions and agencies of the Executive Department for the next 2 fiscal years.

All projections of revenue and any other information concerning future state revenue contained in the proposed budget must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

4. The Governor shall, not later than 14 calendar days before the commencement of the regular legislative session, submit the proposed budget to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The Governor shall simultaneously submit, as a separate document:

(a) An analysis of any new programs or enhancements of existing programs being recommended; and

(b) Any increase in or new revenues which are being recommended in the proposed budget.

➥ The document must specify the total cost by department, institution or agency of new programs or enhancements, but need not itemize the specific costs. All projections of revenue and any other information concerning future state revenue contained in the document must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

5. On or before the 19th calendar day of the regular legislative session, the Governor shall submit to the Legislative Counsel recommendations for each legislative measure which will be necessary to carry out the final version of the proposed budget or to carry out the Governor's legislative agenda. These recommendations must contain sufficient detailed information to enable the Legislative Counsel to prepare the necessary legislative measures.

6. During the consideration of the general appropriation bill and any special appropriation bills and bills authorizing budgeted expenditures by the departments, institutions and agencies operating on money designated for specific purposes by the Constitution or otherwise, drafted at the request of the Legislature upon the recommendations submitted by the Governor with the proposed budget, the Governor or a representative of the Governor have the right to appear before and be heard by the appropriation committees of the Legislature in connection with the appropriation bill or bills, and to render any testimony, explanation or assistance required of him or her.

7. As used in this section, "adjusted base budget" means the amount appropriated or authorized to support ongoing expenditures budgeted to the department, institution or agency by the Legislature for the second year of the current biennium, as adjusted for:

(a) The removal of any one-time appropriation or authorization that was appropriated or authorized by the Legislature to the department, institution or agency for the second year of the biennium;

(b) Statewide fringe benefits, assessments, rent insurance premiums and cost allocations;

(c) Contractual obligations that are approved or expired during the current biennium;

(d) Ongoing expenditures approved by the Interim Finance Committee during the current biennium;

(e) Any annualization of costs that occurred for part of the second year of the current biennium;

(f) Actual caseloads incurred during the first year of the biennium;

(g) Rate changes that are projected to affect the budget of the department, institution or agency during the next biennium; and

(h) Any other adjustment that is necessary:

(1) Based on the limit upon total proposed expenditures calculated pursuant to NRS 353.213; or

(2) As otherwise determined by the Chief.

Sec. 2.5. **There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of $27,000 for the purpose of updating the budgeting software of the Fiscal Analysis Division of the Legislative Counsel Bureau to accommodate the amendatory provisions of this act.**

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 483.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 914.

AN ACT making an appropriation to the Workforce Innovations for a New Nevada Account; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Workforce Innovations for a New Nevada Account created by NRS 231.151 ~~[~~~the sum of $20,000,000~~]~~ to carry out the provisions of NRS 231.141 to 231.152, inclusive ~~[.]~~ **, the following sums:**

For the Fiscal Year 2023-2024..... $5,000,000

For the Fiscal Year 2024-2025..... $5,000,000

2. **The sums appropriated by subsection 1 are available for either fiscal year.** Any remaining balance of ~~[~~~the appropriation made by subsection 1~~]~~ **those sums** must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or

transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 322.

Bill read third time.

The following amendment was proposed by Assemblyman Duy Nguyen:

Amendment No. 925.

AN ACT relating to public health; prohibiting a person from selling or offering to sell a kratom product to an end user unless the kratom product has been registered with the Division of Public and Behavioral Health of the Department of Health and Human Services; setting forth requirements for the registration of a kratom product with the Division; requiring a person who registers a kratom product to pay certain expenses and report certain information relating to the kratom product to the Division; authorizing the Division to adopt certain regulations governing kratom products; revising provisions establishing certain prohibited acts relating to kratom products; exempting a person who engages in certain acts relating to kratom products from certain criminal or legal penalties if certain substances in those products are designated as controlled substances; ~~[prohibiting the State Board of Pharmacy from including certain substances on a schedule of controlled substances;]~~ providing penalties; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "kratom product" to mean, in general, any product or ingredient containing any part of the leaf of the *Mitragyna Speciosa* plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine, or any synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine. Existing law prohibits a person from: (1) selling or offering to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years; (2) preparing, distributing, advertising, selling or offering to sell a kratom product that is adulterated with certain substances; and (3) selling a kratom product that does not have a label that meets certain requirements. Existing law provides for the imposition of a civil penalty of not more than $1,000 against a person who violates those prohibitions. (NRS 597.998)

Section 5 of this bill revises the definition of kratom product to mean food containing any part of the leaf of the *Mitragyna Speciosa* plant. **Section 9** of this bill revises the prohibited acts relating to kratom products set forth under existing law to revise: (1) requirements relating to the type of kratom products that a person is prohibited from preparing, distributing, advertising, selling or offering to sell; and (2) the information that must be included on a label for a

kratom product. **Section 9** eliminates the civil penalty imposed for engaging in such prohibited acts and **section 8.7** of this bill instead provides for the imposition of administrative fines by the Division of Public and Behavioral Health of the Department of Health and Human Services for certain violations relating to kratom products.

Section 6 of this bill prohibits a person from selling or offering to sell a kratom product to an end user unless the kratom product has been registered with the Division. **Section 6** sets forth certain requirements for a person to register a kratom product with the Division.

Sections 6.5 and 8 of this bill set forth circumstances under which the Division may require a person who registers a kratom product to submit the kratom product to a laboratory for certain additional testing. **Section 7.5** of this bill requires a person who registers a kratom product to submit to the Division a copy of certain reports concerning the kratom product that are required to be submitted to the United States Food and Drug Administration.

Section 7 of this bill authorizes the Division to adopt certain regulations to carry out the provisions of this bill. **Section 9.8** of this bill makes an appropriation from the State General Fund to the Division for personnel, travel, operating, equipment and information services expenses to carry out the provisions of this bill.

Existing law sets forth the Uniform Controlled Substances Act, which establishes various provisions relating to controlled substances, including, without limitation, provisions establishing certain offenses concerning controlled substances and the penalties for those offenses. (NRS 453.011-453.348)

Existing law authorizes the State Board of Pharmacy to adopt regulations to add, delete or reschedule substances as controlled substances in schedules I, II, III, IV or V pursuant to the Uniform Controlled Substances Act. (NRS 453.146) ~~[Existing law prohibits certain substances from being included on such a schedule. (NRS 453.2186) Section 9.5 of this bill prohibits the Board from including mitragynine or any of its constituent alkaloids on any schedule unless the substance is designated as a controlled substance pursuant to federal law.]~~ **Section 8.3** of this bill provides that if mitragynine or any of its constituent alkaloids is added to a schedule of controlled substances, a person who engages in the possession, delivery, production, sale or use of a kratom product that meets the requirements of this bill and who confines his or her activities to those authorized by this bill does not commit a violation of any law, ordinance, rule or regulation of this State or any political subdivision of this State and any such conduct must not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person. **Section 9.7 of this bill provides that the Uniform Controlled Substances Act and certain other provisions governing controlled substances do not apply to the extent that they are inconsistent with the provisions of sections 2-9 of this act.**

Sections 2.5-4.5 of this bill define certain other words and terms for the purposes of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8.7, inclusive, of this act.

Sec. 2. ***As used in NRS 597.998 and sections 2 to 8.7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 to 5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Certificate of analysis" means a document produced by a laboratory describing the results of the laboratory's testing of a kratom product.***

Sec. 3. ***"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.***

Sec. 4. ***"Food" means any food, food product, food ingredient, dietary ingredient, dietary supplement or beverage intended for ultimate human consumption.***

Sec. 4.5. ***"Kratom extract" means a kratom product containing any part of the leaf of the Mitragyna Speciosa plant that has been extracted and concentrated to provide a dosage that is more standardized.***

Sec. 5. ***"Kratom product" means food containing any part of the leaf of the Mitragyna Speciosa plant, or an extract thereof, which is manufactured as a powder, capsule, pill or other edible form.***

Sec. 6. ***1. A person shall not sell or offer to sell a kratom product to an end user unless the kratom product has been registered with the Division pursuant to this section.***

2. A person who wishes to register a kratom product must submit to the Division:

(a) An application on a form prescribed by the Division.

(b) A fee in an amount established by the Division by regulation.

(c) A certificate of analysis for the kratom product which:

(1) Is produced by an independent laboratory that meets any requirements set forth in regulations adopted by the Division pursuant to section 7 of this act. Such requirements may include, without limitation, a requirement that the independent laboratory meet any accreditation standards required by the Division relating to the testing of food.

(2) Provides sufficient information about the kratom product to enable the Division to determine whether the kratom product complies with the provisions of NRS 597.998 and sections 2 to 8.7, inclusive, of this act.

(d) Any other information and documentation that the Division deems necessary to ensure that the kratom product meets the requirements of NRS 597.998 and sections 2 to 8.7, inclusive, of this act and the regulations adopted pursuant thereto.

3. A registration issued pursuant to this section expires 1 year after issuance and may be renewed by submitting to the Division an application for renewal and the same fees and materials required by paragraphs (b), (c) and (d) of subsection 2 for an initial registration.

Sec. 6.5. *1. If the Division has reasonable cause to believe that the information contained on the label of, or the certificate of analysis for, a kratom product is inaccurate, the Division may require the person who registered the kratom product to send the kratom product to a laboratory selected by the Division to conduct testing on the kratom product.*

2. After the testing conducted pursuant to subsection 1 is completed, the Division shall send the person who registered the kratom product a bill for the costs of the testing. If the person fails to pay those costs within a period of time after the receipt of the bill established by the Division by regulation, the Division shall revoke the registration of the kratom product.

Sec. 7. *The Division may adopt regulations as it determines to be necessary or advisable to carry out the provisions of NRS 597.998 and sections 2 to 8.7, inclusive of this act.*

Sec. 7.5. *1. If a person submits to the United States Food and Drug Administration a report pursuant to 21 U.S.C. § 379aa-1 concerning a serious adverse event involving a kratom product that the person has registered pursuant to section 6 of this act, the person shall send a copy of that report to the Division by certified mail within a period of time established by the Division by regulation.*

2. Failure to send to the Division a copy of the report described in subsection 1 within the time required by subsection 1, constitutes grounds for the revocation of the registration of the kratom product about which the report relates.

Sec. 8. *1. Any person may report to the Division on a form prescribed by the Division a suspected violation of NRS 597.998 or sections 2 to 8.7, inclusive, of this act.*

2. If the Division determines that the allegations in a complaint are credible and relate to the content or labeling of, or a certificate of analysis for, a kratom product, the Division shall require the person who committed the alleged violation to obtain and provide to the Division, within a period of time prescribed by the Division by regulation, a new certificate of analysis which complies with paragraph (c) of subsection 2 of section 6 of this act for the kratom product.

3. If a person fails to provide the Division with a certificate of analysis pursuant to subsection 2, the Division shall revoke the registration for the kratom product.

Sec. 8.3. *Notwithstanding any other provision of law, if mitragynine or any of its constituent alkaloids are added to schedule I, II, III, IV or V by the State Board of Pharmacy by regulation pursuant to NRS 453.146, a person who engages in the possession, delivery, production, sale or use of a kratom product that meets the requirements of NRS 597.998 and sections 2*

to 8.7, inclusive, of this act and who confines his or her activities to those authorized by NRS 597.998 and sections 2 to 8.7, inclusive, of this act does not violate any law, ordinance, rule or regulation of this State or any political subdivision of this State and such conduct may not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.

Sec. 8.7. ***1. A person who violates any provision of NRS 597.998 and sections 2 to 8.7, inclusive, of this act is subject to an administrative fine in an amount not to exceed $500 for a first offense and $1,000 for a second or subsequent offense.***

2. Upon the request of a person to whom an administrative fine is issued, the Division shall provide notice of and conduct a hearing in accordance with the provisions of chapter 233B of NRS.

Sec. 9. NRS 597.998 is hereby amended to read as follows:

597.998 1. A person shall not knowingly ***distribute,*** sell or offer to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years.

2. A person shall not knowingly prepare, distribute, advertise, sell or offer to sell a kratom product that ~~[is]~~ ***:***

(a) Is adulterated ***, as defined in 21 U.S.C. § 342, or combined or packaged*** with ~~[a]~~ ***:***

(1) A controlled substance or a dangerous drug, as defined in chapter 454 of NRS, or any poisonous or deleterious substance; or

(2) Any substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer ~~[. A person has not violated the provisions of this subsection if he or she can show by a preponderance of evidence that he or she relied in good faith upon the representations of a manufacturer, processor, packer or distributor of the kratom product.~~

~~3. A person shall not sell a kratom product that does not have a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product.~~

~~4. A person who violates any provision of this section is subject to a civil penalty of not more than $1,000 for each violation.~~

~~5. As used in this section, "kratom product" means any product or ingredient containing:~~

~~(a) Any part of the leaf of the Mitragyna Speciosa plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine; or~~

~~(b) A synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine,~~

~~➥ regardless of whether the product or ingredient is labeled or sold for human consumption.~~] ***;***

(b) Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 1 percent of the alkaloid composition of the kratom product;

(c) Contains a synthetic alkaloid, including, without limitation, synthetic mitragynine, synthetic 7-hydroxymitragynine or any synthetically derived compound of the Mitragyna Speciosa plant;

(d) Does not include a label that complies with any requirements for the labeling of food established by the State Board of Health by regulations adopted pursuant to NRS 439.200 or 446.940 and that clearly sets forth:

(1) The recommended size of an individual serving;

(2) The maximum limits for individual servings per day;

(3) The number of servings equal to the size of one recommended individual serving that are contained in the package; and

(4) Directions for the safe and effective use of the kratom product.

(e) A kratom extract which contains levels of residual solvents that exceed the levels authorized by chapter 467 of the United States Pharmacopeia-National Formulary, published by the United States Pharmacopeial Convention.

Sec. 9.5. ~~[NRS 453.2186 is hereby amended to read as follows:~~

~~453.2186 1. Authority to control pursuant to NRS 453.146, 453.218, 453.2182 and 453.2184 does not extend to distilled spirits, wine, malt beverages or tobacco.~~

~~2.~~ ***The Board shall not include mitragynine or any of its constituent alkaloids on any schedule unless the substance is designated as a controlled substance pursuant to federal law.***

~~3. The Board shall not include any nonnarcotic substance on any schedule if that substance is in a form suitable for final dosage and has been approved by the Food and Drug Administration for sale over the counter without a prescription, unless the Board affirmatively finds that:~~

~~(a) The substance itself or one or more of its active ingredients is an immediate precursor of a controlled substance; and~~

~~(b) The substance is materially misbranded or mislabeled, or the public interest requires the scheduling of the substance as a controlled substance in schedule I, II, III or IV.~~

~~[3.]~~ ***4.*** ~~In determining whether the public interest requires the scheduling of the substance, the Board shall consider:~~

~~(a) Whether the customary methods of marketing and distributing the substance are likely to lead to its unlawful distribution or use, including any relevant information with regard to a manufacturer or distributor of the substance concerning:~~

~~(1) His or her record of compliance with applicable federal, state and local statutes, ordinances and regulations;~~

~~(2) His or her past experience in the manufacture and distribution of controlled substances, and the existence in his or her establishment of effective controls against the unlawful distribution or use of the substance;~~

~~(3) Whether he or she has ever been convicted under any federal or state law relating to a controlled substance; and~~

~~(4) Whether he or she has ever furnished materially falsified or fraudulent material in any application filed pursuant to NRS 453.011 to 453.552, inclusive;~~

~~(b) Whether the substance is controlled under the federal Controlled Substances Act;~~

~~(c) The status of any pending proceeding to determine whether the substance should be controlled or exempted from control;~~

~~(d) Any history of abuse or misuse of the substance in this State; and~~

~~(e) Any other factors which are relevant to the public health and safety.~~

~~[4.] 5. In determining whether a substance is misbranded or mislabeled, the Board shall consider the requirements of the federal Food, Drug, and Cosmetic Act and the Code of Federal Regulations concerning indications for its use and any advertising for a use not so indicated.]~~ **(Deleted by amendment.)**

Sec. 9.7. **NRS 453.005 is hereby amended to read as follows:**

453.005 The provisions of this chapter do not apply to the extent that they are inconsistent with the provisions of ~~[title]~~ **:**

1. Title 56 of NRS.

2. NRS 597.998 and sections 2 to 8.7, inclusive, of this act.

Sec. 9.8. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for personnel, travel, operating, equipment and information services expenses to carry out the provisions of this act the following sums:

For the Fiscal Year 2023-2024 ..... $121,162

For the Fiscal Year 2024-2025 ..... $140,010

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Section 9.8 of this act becomes effective on July 1, 2023.

3. Sections 1 to ~~[9.5,]~~ **9.7,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblyman Nguyen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 371.

Bill read third time.

The following amendment was proposed by Assemblywoman Duran:

Amendment No. 923.

AN ACT relating to local governments; authorizing a board of county commissioners and the governing body of an incorporated city to, with certain exceptions, enact an ordinance or measure relating to affordable housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners or a governing body of an incorporated city, with certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of county or city government, as applicable, whether or not the powers are expressly granted to the board or governing body. (NRS 244.146, 268.0035) This bill authorizes a board of county commissioners and a governing body of an incorporated city, except as expressly prohibited by statute, to enact any ordinance or measure relating to affordable housing **. ~~[, including, without limitation, rent control.]~~**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as expressly prohibited by statute, a board of county commissioners may enact any ordinance or measure relating to affordable housing . ~~[, including, without limitation, rent control.]~~

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as expressly prohibited by statute, the governing body of an incorporated city may enact any ordinance or measure relating to affordable housing . ~~[, including, without limitation, rent control.]~~

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 237.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 901.

SUMMARY—Makes ~~[revisions]~~ **an appropriation and authorizes expenditures for certain purposes** relating to health care. (BDR ~~[38-328]~~ **S-328)**

AN ACT ~~[relating to health care; requiring the Director of the Department of Health and Human Services to take certain measures to facilitate the provision of health services to pupils who are recipients of Medicaid; requiring a Medicaid managed care program to negotiate in good faith with each school-based health center for the provision of health care services to recipients of Medicaid; requiring a private insurer to provide certain reimbursement for certain services provided by a school health services program; providing for the increase of certain rates of reimbursement under Medicaid;]~~ **making an appropriation to and authorizing expenditures by the Division of Health Care Financing and Policy of the Department of Health and Human Services for certain costs relating to Medicaid;** and providing other matters properly relating thereto.

~~[Legislative Counsel's Digest:~~

~~Existing law requires the Department of Health and Human Services, through the Division of Health Care Financing and Policy of the Department, to administer Medicaid. (NRS 422.2357, 422.270) Section 2 of this bill defines "school-based health center" to mean a health center located or based on, in or near school grounds, property, buildings or any other school district facilities for the purpose of rendering care or services to any person. Section 3.5 of this bill requires the Director of the Department to establish a means to facilitate the sharing of data concerning a child who is a recipient of Medicaid between: (1) educational agencies; and (2) school-based health centers and other qualified providers of services covered by Medicaid. Section 3.5 also requires the Director to: (1) take any action necessary to ensure that local and state educational agencies are able to receive reimbursement for health services covered by Medicaid when provided on the premises of a school; and (2) establish incentives for certain providers to enter into an agreement with a school district or charter school or the Department of Education to provide health services to pupils. Sections 4 and 6 of this bill make conforming changes to indicate the proper placement of sections 2 and 3.5 in the Nevada Revised Statutes.~~

~~Existing law requires a health maintenance organization with which the Department of Health and Human Services contracts for the provision of~~

~~services through a Medicaid managed care program to negotiate in good faith with federally-qualified health centers, the University Medical Center of Southern Nevada and the University of Nevada School of Medicine to provide services to recipients of Medicaid. (NRS 422.273) Section 5 of this bill similarly requires such a health maintenance organization to negotiate in good faith with each school-based health center in this State to provide services to recipients of Medicaid. Section 7.5 of this bill requires the Director to apply for any necessary federal authority to increase by at least 5 percent the rates of reimbursement for services covered by Medicaid when provided on the premises of a school by an employee or independent contractor of: (1) a school district or charter school; or (2) the Department of Education.~~

~~Sections 6.1, 6.2-6.6 and 6.8 of this bill require private health insurers to reimburse a school health services program for certain health services provided to an insured who is a pupil enrolled in a public school in this State at certain rates. Sections 6.7 and 6.9 of this bill exclude insurers that provide services to recipients of Medicaid or members of the Public Employees' Benefits Program through managed care from that requirement. Section 6.15 of this bill makes a conforming change to indicate the proper placement of section 6.1 in the Nevada Revised Statutes. Section 6.75 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 6.6 of this bill. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections 6.1, 6.2-6.5 and 6.8. (NRS 680A.200)~~

~~]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 7 of this bill and replace with the following new sections 1 and 2:

Section 1. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for costs related to an increase in the average daily reimbursement rate paid under Medicaid to nursing facilities to $275, effective on January 1, 2024, the following sums:**

For the Fiscal Year 2023-2024..... $2,582,157

For the Fiscal Year 2024-2025..... $6,479,422

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024..... $8,176,770

For the Fiscal Year 2024-2025..... $19,491,415

3. The sums appropriated by subsection 1 are available for both Fiscal Year 2023-2024 and Fiscal Year 2024-2025 and may be transferred from

one fiscal year to the other with the approval of the Interim Finance Committee upon the recommendation of the Governor.

4. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. **This act becomes effective on July 1, 2023.**

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 327.

Bill read third time.

The following amendment was proposed by Assemblywoman Gorelow:

Amendment No. 930.

AN ACT relating to elections; revising provisions relating to the establishment of a polling place, ballot drop box and temporary branch polling place for early voting within an Indian reservation or Indian colony for an election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an Indian tribe to submit a request for the establishment within the boundaries of an Indian reservation or Indian colony of: (1) a polling place, a ballot drop box, or both, for the day of a primary election, presidential preference primary election or general election; and (2) a temporary branch polling place for early voting. A county clerk or city clerk is not required to establish a polling place or ballot drop box if the county or city clerk establishes a temporary branch polling place for early voting. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) **Sections 1 and 3** of this bill require a county clerk and city clerk, respectively, to establish a polling place and ballot drop box within the boundaries of an Indian reservation or Indian colony unless an Indian tribe: (1) elects not to have the polling place and ballot drop box established by submitting notice to the county clerk or city clerk; or (2) does not provide certain information relating to the establishment of the polling place and ballot drop box. **Sections 2 and 4** of this bill require a county clerk and city clerk, respectively, to also establish a temporary branch polling place for early voting **and ballot drop box** within the boundaries of an Indian reservation or Indian colony unless an Indian tribe: (1) elects not to have the temporary branch polling place **and ballot drop box** established by submitting notice to the county clerk or city clerk; or (2) does not provide

certain information relating to the establishment of the temporary branch polling place ~~[.]~~ **and ballot drop box.**

Sections 1 and 2 also authorize a county clerk to establish additional polling places, ballot drop boxes and temporary branch polling places within the boundaries of an Indian reservation or Indian colony upon the request of an Indian tribe.

Sections 1-4 set forth the dates by which an Indian tribe must submit a request to elect not to have a polling place, ballot drop box and temporary branch polling place established.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.2733 is hereby amended to read as follows:

293.2733 1. If an Indian reservation or Indian colony is located in whole or in part within a county, ~~[the Indian tribe may submit a request to]~~ the county clerk ~~[for the establishment]~~ ***:***

(a) Shall, except as otherwise provided in subsections 2 and 5, establish within the boundaries of the Indian reservation or Indian colony ***at a location*** ~~***[or locations, as applicable,]***~~ ***approved by the Indian tribe*** for the day of a primary election, presidential preference primary election or general election ~~[of:~~

~~(a) A polling place;~~

~~(b) A ballot drop box; or~~

~~(c) Both]~~ a polling place and a ballot drop box ~~[.]~~ ***; and***

(b) May establish additional polling places or ballot drop boxes , or both, within the boundaries of the Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election upon the request of an Indian tribe submitted not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

2. ~~[A request for the establishment of]~~ ***An Indian tribe may elect not to have*** a polling place ~~[, a or]~~ ***and*** ballot drop box ~~[or both a polling place and a ballot drop box]~~ ***established*** within the boundaries of an Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election ~~[:~~

~~(a) Must be submitted]~~ ***by submitting notice*** to the county clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ ***(a)*** If the ~~[request]~~ ***notice*** is for a primary election, ~~[March 1]~~ ***January 15*** of the year in which the primary election is to be held.

~~[(2)]~~ ***(b)*** If the ~~[request]~~ ***notice*** is for a presidential preference primary election, ~~[the first Friday in November]~~ ***September 15*** of the year immediately preceding the year of the presidential preference primary election.

~~[(3)]~~ ***(c)*** If the ~~[request]~~ ***notice*** is for a general election, ~~[August 1]~~ ***June 15*** of the year in which the general election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place or ballot drop box.]~~

3. Any ~~[proposed]~~ location ***of a polling place or ballot drop box established pursuant to subsection 1*** must satisfy the criteria the county clerk uses for the establishment of any other polling place ~~[or]~~ ***and*** ballot drop box, as applicable.

~~[3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place or ballot box, as applicable, within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election, presidential preference primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.]~~

4. ~~[If the county clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary election, presidential preference primary election or general election, the]~~ ***Except as otherwise provided in subsection 5, the*** county clerk must continue to establish one ~~[or more]~~ polling ~~[places or]~~ ***place and*** ballot drop ~~[boxes]~~ ***box*** within the boundaries of the Indian reservation or Indian colony at a location ~~[or locations]~~ approved by the Indian tribe for the day of any future primary election, presidential preference primary election or general election unless otherwise ~~[requested]~~ ***notified*** by the Indian tribe ~~[.]~~ ***pursuant to subsection 2.***

5. Not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a polling place and ballot drop box established must submit to the county clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:

(a) The location ~~[or locations]~~ for the polling place and ballot drop box and whether ~~[each]~~ the location ~~[or locations]~~ will have only a polling place or ballot drop box or both a polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the polling place . ~~[; and~~

~~(d) The proposed number of ballot drop boxes to be established and any other information necessary for establishing such ballot drop boxes.]~~

➥ ***If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.***

Sec. 2. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, ~~[except as otherwise provided in subsection 4,]~~ the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the ~~[Indian tribe may submit a request to the]~~ county clerk ~~[for the establishment of]~~ ***:***

(a) Shall, except as otherwise provided in subsections 3 and 6, establish a temporary branch polling place for early voting ***and a ballot drop box at a location ~~for locations, as applicable,~~ approved by the Indian tribe*** within the boundaries of the Indian reservation or Indian colony ~~[.]~~ ***; and***

(b) May establish additional temporary branch polling places for early voting or ballot drop boxes, or both, within the boundaries of the Indian reservation or Indian colony upon the request of an Indian tribe submitted not later than the dates set forth in subsection 3 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

3. ~~[A request for the establishment of]~~ ***An Indian tribe may elect not to have*** a temporary branch polling place for early voting ***and ballot drop box established*** within the boundaries of the Indian reservation or Indian colony ~~[: (a) Must be submitted]~~ ***by submitting notice*** to the county clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ ***(a)*** If the ~~[request]~~ ***notice*** is for a primary election, ~~[March 1]~~ ***January 15*** of the year in which the general election is to be held.

~~[(2)]~~ ***(b)*** If the ~~[request]~~ ***notice*** is for a presidential preference primary election, ~~[the first Friday in November]~~ ***September 15*** of the year immediately preceding the year of the presidential preference primary election.

~~[(3)]~~ ***(c)*** If the ~~[request]~~ ***notice*** is for a general election, ~~[August 1]~~ ***June 15*** of the year in which the general election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof.]~~

4. Any ~~[proposed]~~ location ***of a temporary branch polling place for early voting or ballot drop box established pursuant to subsection 2*** must satisfy the criteria established by the county clerk for the selection of temporary branch polling places ***and ballot drop boxes*** pursuant to NRS 293.3561.

~~[4. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.~~

~~The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.~~]

5. ~~[If the county clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the~~] ***Except as otherwise provided in subsection 6, the*** county clerk must continue to establish one ~~[or more]~~ temporary branch polling ~~[places]~~ ***place and ballot drop box*** within the boundaries of the Indian reservation or Indian colony at a location ~~[or locations]~~ approved by the Indian tribe for early voting in future elections unless otherwise ~~[requested]~~ ***notified*** by the Indian tribe ~~[.]~~ ***pursuant to subsection 3.***

6. ***Not later than the dates set forth in subsection 3 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a temporary branch polling place and ballot drop box established must submit to the county clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:***

(a) The location ~~[or locations]~~ for the temporary branch polling place ~~[,]~~ and ballot drop box and whether the location will have only a temporary branch polling place or ballot drop box or both a temporary branch polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the temporary branch polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the temporary branch polling place.

➥ If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a temporary branch polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

7. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

~~[7.]~~ ***8.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~[8.]~~ ***9.*** The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 3. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the ~~[Indian tribe may submit a request to the]~~ city clerk ~~[for the establishment]~~ ***shall, except as otherwise provided in subsections 2 and 5, establish*** within the boundaries of the Indian reservation or Indian colony ***at a location ~~for locations, as applicable,~~ approved by the Indian tribe*** for the day of a primary city election or general city election ~~[of:~~

~~(a) A polling place;~~

~~(b) A ballot drop box; or~~

~~(c) Both]~~ a polling place and a ballot drop box.

2. ~~[A request for the establishment of]~~ ***An Indian tribe may elect not to have*** a polling place ~~[, a or]~~ ***and*** ballot drop box ~~[or both a polling place and a ballot drop box]~~ ***established*** within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election ~~[:~~

~~(a) Must be submitted]~~ ***by submitting notice*** to the city clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ ***(a)*** If the ~~[request]~~ ***notice*** is for a primary city election, ~~[March 1]~~ ***January 15*** of the year in which the primary city election is to be held.

~~[(2)]~~ ***(b)*** If the ~~[request]~~ ***notice*** is for a general city election, ~~[August 1]~~ ***June 15*** of the year in which the general city election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place or ballot drop box.]~~

3. Any ~~[proposed]~~ location ~~[for]~~ ***of*** a polling place ~~[or]~~ ***and*** ballot drop box ***established pursuant to subsection 1*** must satisfy the criteria the city clerk uses for the establishment of any other polling place ~~[or]~~ ***and*** ballot drop box, as applicable.

~~[3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place or ballot drop box within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.]~~

4. ~~[If the city clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary city election or general city election, the]~~ ***Except as otherwise provided in subsection 5, the*** city clerk must continue to establish one ~~[or more]~~ polling ~~[places or]~~ ***place and*** ballot drop ~~[boxes]~~ ***box*** within the boundaries of the Indian reservation or Indian colony at a location ~~[or locations]~~ approved by the Indian tribe for the day of any

future primary city election or general city election unless otherwise ~~[~~requested~~]~~ ***notified*** by the Indian tribe ~~[.]~~ ***pursuant to subsection 2.***

5. Not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a polling place and ballot drop box established must submit to the city clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:

(a) The location ~~[or locations]~~ for the polling place and ballot drop box and whether ~~[each]~~ the location ~~[or locations]~~ will have only a polling place or ballot drop box or both a polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the polling place . ~~[; and~~

~~(d) The proposed number of ballot drop boxes to be established and any other information necessary for establishing such ballot drop boxes.]~~

➥ If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

Sec. 4. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, ~~[~~except as otherwise provided in subsection 4,~~]~~ the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a city, the ~~[~~Indian tribe may submit a request to the~~]~~ city clerk ~~[~~for the establishment of~~]~~ ***shall, except as otherwise provided in subsections 3 and 6, establish*** a temporary branch polling place ***for early voting and a ballot drop box at a location ~~[or locations, as applicable,]~~ approved by the Indian tribe*** within the boundaries of the Indian reservation or Indian colony.

3. ~~[~~A request for the establishment of~~]~~ ***An Indian tribe may elect not to have*** a temporary branch polling place ***for early voting and ballot drop box established*** within the boundaries of an Indian reservation or Indian colony ~~[~~:

~~(a) Must be submitted~~]~~ ***by submitting notice*** to the city clerk ~~[~~by the Indian tribe~~]~~ on or before:

~~[(1)]~~ ***(a)*** If the ~~[~~request~~]~~ ***notice*** is for a primary city election, ~~[~~March 1~~]~~ ***January 15*** of the year in which the primary city election is to be held.

~~[(2)]~~ ***(b)*** If the ~~[~~request~~]~~ ***notice*** is for a general city election, ~~[~~August 1~~]~~ ***June 15*** of the year in which the general city election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof.]~~

4. Any ~~[proposed]~~ location ***of a temporary branch polling place for early voting and ballot drop box established pursuant to subsection 2*** must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

~~[4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.]~~

5. ~~[If the city clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the]~~ ***Except as otherwise provided in subsection 6, the*** city clerk must continue to establish one ~~[or more]~~ temporary branch polling ~~[places]~~ ***place and ballot drop box*** within the boundaries of the Indian reservation or Indian colony at a location ~~[or locations]~~ approved by the Indian tribe for early voting in future elections unless otherwise ~~[requested]~~ ***notified*** by the Indian tribe ~~[.]~~ ***pursuant to subsection 3.***

6. ***Not later than the dates set forth in subsection 3 to elect not to have a temporary branch polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a temporary branch polling place and ballot drop box established must submit to the city clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:***

(a) The location ~~[or locations]~~ for the temporary branch polling place ~~[;]~~ and ballot drop box and whether the location will have only a temporary branch polling place or ballot drop box or both a temporary branch polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the temporary branch polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the temporary branch polling place.

➥ If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a temporary branch polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

7. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

~~[7.]~~ ***8.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~[8.]~~ ***9.*** The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 245.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 908.

AN ACT relating to education; requiring the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils to enter into a memorandum of understanding with an organization that assists victims of power-based violence and requiring certain pupils be referred to such an organization; creating the Committee on Responses to Power-Based Violence in Schools; requiring school districts and public schools to make available information regarding the statewide information and referral system maintained by the Department of Health and Human Services; replacing the term "sexual misconduct" with "power-based violence"; ~~[creating the Commission on Higher Education Campus Safety;]~~ **renaming the Task Force on Sexual Misconduct at Institutions of Higher Education as the Task Force on Power-based Violence at Institutions of Higher Education;** revising provisions governing certain programming related to power-based violence which institutions in the Nevada System of Higher Education may be required to provide to students and employees; ~~[abolishing]~~ **revising provisions relating to** the Task Force **;** ~~[on Sexual Misconduct at Institutions of Higher Education;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to require an institution within the Nevada System of Higher Education to enter into a memorandum of understanding with an organization that assists persons involved in sexual misconduct. (NRS 396.147) **Sections 1.2, 3.3 and 3.6** of this bill similarly requires the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils to enter into a memorandum of understanding with an organization that assists victims of power-based violence and sets forth the provisions that may be included in such a memorandum of understanding. **Sections 1.2, 3.3 and 3.6** also require a teacher or administrator who is

informed by a pupil that the pupil has been a victim of power-based violence to refer the pupil to the organization that assists victims of power-based violence. **Section 1.4** of this bill establishes the Committee on Responses to Power-Based Violence in Schools and requires the Committee to review, study and make recommendations regarding power-based violence in schools.

Existing law requires the Department of Health and Human Services to establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State. (NRS 232.359) **Section 1.6** of this bill requires the board of trustees of each school district to provide information about this system on its Internet website and requires each public school, to the extent money is available, to post information regarding the system in each restroom of the public school that is available for use by a pupil. **Section 2** of this bill makes a conforming change to indicate the proper placement of **sections 1.2, 1.4 and 1.6** in the Nevada Revised Statutes.

Existing law establishes provisions relating to the handling of sexual misconduct at institutions within the System. (NRS 396.125-396.1595) Existing law creates the Task Force on Sexual Misconduct at Institutions of Higher Education and prescribes the duties of the Task Force. **Section ~~[10]~~ 5.9** of this bill ~~[~~abolishes~~]~~ **renames** the Task Force ~~[.]~~ **on Sexual Misconduct at Institutions of Higher Education to the Task Force on Power-based Violence at Institutions of Higher Education. Section 4.3** of this bill defines "power-based violence" and **sections 3.8 and 5.2-8.6** of this bill replace the term "sexual misconduct" with "power-based violence." ~~[Section 4.6 of this bill creates the Commission on Higher Education Campus Safety and prescribes the membership of the Commission. Sections]~~ **Section 6** ~~[and 7]~~ of this bill ~~[transfer]~~ **: (1) revises** the duties of the Task Force ~~[to the Commission.]~~ **; and (2) requires the Task Force to submit a report summarizing certain information to the Joint Interim Standing Committee on Education every odd-numbered year. Section 5** of this bill makes a conforming change to indicate the proper placement of ~~[sections]~~ **section 4.3** ~~[and 4.6]~~ in the Nevada Revised Statutes. **Section 7 of this bill makes a conforming change to reflect the change in the name of the Task Force.**

Existing law authorizes the Board of Regents to require an institution to provide programming on awareness and prevention of sexual misconduct to all students and employees and establishes requirements for the programming if required by the Board of Regents. (NRS 396.153) **Section 8** of this bill instead authorizes the Board of Regents to require an institution to provide programming on awareness and prevention of power-based violence and provides that, if an institution provides such programming, the institution must require each student to attend the programming at least once in his or her first two regular academic semesters after enrollment and an employee to attend such programming at least once every 3 years. ~~[Section 8 authorizes the~~

~~programming on awareness and prevention of power-based violence that is provided to students to be incorporated into a course for which a student may receive academic credit and authorizes an institution to condition the award of a degree or certificate upon the completion of such a course.]~~ **Section 8** ~~[requires]~~ **authorizes** an institution, if it provides the programming on awareness and prevention of power-based violence to: (1) ~~[require]~~ **provide** the programming for students ~~[to be provided and attended]~~ in person ~~[, except under certain limited circumstances;]~~ **, by virtual or electronic means or in the courses or materials provided to a student who has recently enrolled in the institution; and** (2) require ~~[the syllabus for the programming]~~ **instructors and professors** to include **in the syllabus for a course** resources on how to obtain certain information ~~[, and (3) make certain information]~~ relating to power-based violence **.** ~~[available on the Internet website of the institution.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.4 and 1.6 of this act.

Sec. 1.2. ***1. The board of trustees of each school district shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:***

(a) Allow for cooperation and training between the school district and the community-based organization that assists victims of power-based violence to establish an understanding of the:

(1) Responsibilities that the school district and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and

(2) Procedures of the school district for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of power-based violence to:

(1) Assist with developing policies, programming or training for the school district regarding power-based violence;

(2) Provide an alternative for a pupil or employee of the school district to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at a public school in the school district; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the school district.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.

2. If a teacher or administrator is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(b) "Power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 1.4. *1. The Committee on Responses to Power-Based Violence in Schools is hereby created within the Department.*

2. The Committee consists of the following members, appointed by the chair of the committee on statewide school safety created pursuant to NRS 388.1324:

(a) ~~[Two members who are employees of a school district in this State; (b)]~~ Two members who are representatives of a nonprofit organization that assists victims of power-based violence;

~~[(c) Two members who are:~~

~~(1) A pupil enrolled in a school in this State; or~~

~~(2) The parent or legal guardian of a pupil enrolled in a school in this State;~~

~~(d)~~ (b) One member who is the parent of a pupil who ~~[was]~~ identifies as a victim of power-based violence;

~~[(e)]~~ (c) One member who is a pupil who ~~[was]~~ identifies as a victim of power-based violence;

~~[(f)]~~ (d) Two members who are Title IX coordinators for public schools in this State;

~~[(g)]~~ (e) One member who is an employee of the Office for a Safe and Respectful Learning Environment;

~~[(h)]~~ (f) One member who is a school resource officer assigned to a school in this State;

~~[(i) Two members]~~

(g) One member who ~~[are]~~ is employed as a school psychologist ~~[, a provider of mental health other than a psychologist who provides services to pupils]~~ at a school in this State ~~[or a school social worker; and (j)]~~ ;

(h) One member who is a licensed teacher in this State ~~[.]~~ ;

(i) One member who is employed as a school social worker at a school in this State;

(j) One member who is an administrator of a school in this State; and

(k) One member who is the superintendent of a school district in this State.

3. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Committee shall elect a Chair and Vice Chair from among its members at the first meeting of the Committee and at the first meeting of the calendar year each year thereafter. The Chair and Vice Chair serve a term of 1 year.

5. Each member of the Committee serves a term of 2 years and may be reappointed.

6. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Commission.

7. The Committee shall review, study and make recommendations regarding power-based violence in schools. In performing its duties, the Committee shall:

(a) Consider the experiences of pupils relating to power-based violence and pupil safety;

(b) Examine current procedures and protocols for responding to power-based violence that are used in public schools in this State;

(c) Identify emerging trends and best practices for responding to and preventing power-based violence;

(d) Identify possible gaps in the services that are available for victims of power-based violence; and

(e) Make recommendations for procedures that will focus on preventing and intervening in disclosures of power-based violence.

8. The Committee shall, not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education any recommendations for legislation relating to power-based violence in schools.

9. The members of the Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

11. As used in this section, "power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 1.6. *1. The board of trustees of each school district shall post on its Internet website and include in any written informational materials*

related to pupil safety prepared by the school district information regarding the statewide information and referral system concerning health, welfare, human and social services created pursuant to NRS 232.359, including the number which may be used to access the system.

2. Each public school shall, to the extent money is available, post information regarding the statewide information and referral system concerning health, welfare, human and social services created pursuant to NRS 232.359, including the number which may be used to access the system, in each restroom of the public school which is available for use by pupils.

Sec. 2. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, ***and sections 1.2, 1.4 and 1.6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each charter school shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the charter school and the community-based organization that assists victims of power-based violence to establish an understanding of the:

(1) Responsibilities that the charter school and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and

(2) Procedures of the charter school for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of power-based violence to:

(1) Assist with developing policies, programming or training for the charter school regarding power-based violence;

(2) Provide an alternative for a pupil or employee of the charter school to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at the charter school; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the charter school.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.

2. If a teacher or administrator of the charter school is informed by a pupil that the pupil has been a victim of power-based violence, the teacher

or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(b) "Power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 3.6. Chapter 388C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each university school for profoundly gifted pupils shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the university school for profoundly gifted pupils and the community-based organization that assists victims of power-based violence to establish an understanding of the:

(1) Responsibilities that the university school for profoundly gifted pupils and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and

(2) Procedures of the university school for profoundly gifted pupils for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of power-based violence to:

(1) Assist with developing policies, programming or training for the university school for profoundly gifted pupils regarding power-based violence;

(2) Provide an alternative for a pupil or employee of the university school for profoundly gifted pupils to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at the university school for profoundly gifted pupils; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the university school for profoundly gifted pupils.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.

2. If a teacher or administrator of the university school for profoundly gifted pupils is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(b) "Power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 3.8. NRS 394.16095 is hereby amended to read as follows:

394.16095 1. The governing body of a private school shall not enter into an agreement that:

(a) Has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or ~~[~~sexual misconduct~~]~~ ***power-based violence*** by a current or former employee.

(b) Affects the ability of the private school to report suspected abuse or ~~[~~sexual misconduct~~]~~ ***power-based violence*** to the appropriate authorities.

(c) Requires the private school to expunge information about allegations or findings of suspected abuse or ~~[~~sexual misconduct~~]~~ ***power-based violence*** from any documents maintained by the private school unless, after investigating the alleged violation, the private school determines that the allegations were false, unfounded, unsubstantiated or inconclusive.

2. If an agreement requires the removal of a document from the personnel file of an employee, the private school must maintain the document with the agreement.

3. Any provisions in an agreement that violate the provisions of this section are void.

4. As used in this section, "power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 4.3 and 4.6 of this act.

Sec. 4.3. ***"Power-based violence" means any form of interpersonal violence intended to control, intimidate or harm another person through the assertion of power ~~[.]~~ over the person. The term includes, without limitation ~~[, dating]~~ :***

1. Dating violence ~~[, domestic]~~ ;

2. Domestic violence ~~[, gender-based]~~ ;

3. Family violence ~~[, gender-based]~~ ;

4. Gender-based ~~[harassment,]~~ violence ;

5. Violence based on sexual orientation or gender identity or expression ~~[, sexual]~~ ;

6. Sexual assault ~~[, sexual]~~ ;

7. Sexual harassment ~~[, stalking]~~ ;

8. Sexual exploitation;

9. Stalking; or ~~[indecent exposure.]~~

10. The observation of another person who is naked or engaging in sexual activity without his or her consent, including, without limitation, voyeurism.

Sec. 4.6. ~~[***1. There is hereby created the Commission on Higher Education Campus Safety consisting of 7 members as follows:***~~

~~(a) The Chancellor of the System, or his or her designee;~~

~~(b) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;~~

~~(c) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;~~

~~(d) Four members who represent a community-based organization that assists victims of power-based violence, serve as a victim's advocate, as defined in NRS 49.2545, at an institution within the System or who were a victim of power-based violence at an institution within the System:~~

~~(1) One of whom is appointed by the Majority Leader of the Senate;~~

~~(2) One of whom is appointed by the Minority Leader of the Senate;~~

~~(3) One of whom is appointed by the Speaker of the Assembly; and~~

~~(4) One of whom is appointed by the Minority Leader of the Assembly;~~

~~(e) Two members who are students enrolled at an institution within the System, appointed by the Nevada Student Alliance or its successor organization;~~

~~(f) One member who is a faculty member of the System, appointed by the Chancellor after consultation with the Nevada Faculty Alliance or its successor organization;~~

~~(g) One member who is a member of the Police Department for the System, appointed by the Chancellor; and~~

~~(h) Two members appointed by the Governor.~~

~~2. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.~~

~~3. The Commission shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.~~

~~4. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.~~

~~5. A majority of the members of the Commission constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Commission.~~

~~6. Members of the Commission serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, and within the limits of available money, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~7. Each member of the Commission who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for~~

~~*and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Commission to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.*~~

~~*8. The Commission shall examine and make recommendations regarding best practices relating to the prevention of power-based violence. In performing its duties the Commission shall:*~~

~~*(a) Consider student experiences that relate to power-based violence and student safety;*~~

~~*(b) Examine current procedures and protocols for responding to violence, including, without limitation, power-based violence, that are used at institutions within the System;*~~

~~*(c) Meet with organizations that provide services to victims of violence, including, without limitation, power-based violence; and*~~

~~*(d) Identify possible gaps in the services that are available for victims of power-based violence at institutions within the System.*~~

~~*9. The Commission shall, not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education any recommendations for legislation relating to power-based violence.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 396.125 is hereby amended to read as follows:

396.125 As used in NRS 396.125 to 396.1595, inclusive, ***and*** ~~*[sections]*~~ ***section*** ***4.3*** ~~*[and 4.6]*~~ ***of this act,*** unless the context otherwise requires, the words and terms defined in NRS 396.126 to 396.138, inclusive, ***and section 4.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 5.2. NRS 396.126 is hereby amended to read as follows:

396.126 "Complainant" means a student or employee of an institution within the System who is alleged to be the victim of conduct that could constitute ~~[sexual misconduct.]~~ ***power-based violence.***

Sec. 5.4. NRS 396.129 is hereby amended to read as follows:

396.129 "Reporting party" means a person who reports an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to the institution.

Sec. 5.6. NRS 396.131 is hereby amended to read as follows:

396.131 "Respondent" means a person who has been reported to be the perpetrator of conduct that could constitute ~~[sexual misconduct.]~~ ***power-based violence.***

Sec. 5.8. NRS 396.138 is hereby amended to read as follows:

396.138 "Trauma-informed response" means a response involving an understanding of the complexities of ~~[sexual misconduct,]~~ ***power-based violence,*** including, without limitation:

1. Perpetrator methodology;
2. Conducting an effective investigation;

3. The neurobiological causes and impacts of trauma; and

4. The influence of social myths and stereotypes surrounding the causes and impacts of trauma.

Sec. 5.9. **NRS 396.141 is hereby amended to read as follows:**

396.141 1. There is hereby created the Task Force on ~~[Sexual Misconduct]~~ ***Power-based Violence*** at Institutions of Higher Education consisting of ~~[12]~~ ***16*** members as follows:

(a) The Chancellor of the System, or his or her designee;

(b) The Chief General Counsel of the System, or his or her designee; and

(c) ~~[Ten]~~ ***Fourteen*** members appointed by the Board of Regents as follows:

(1) One representative of a state college;

(2) One representative of a community college;

(3) One representative of a university;

(4) One Title IX coordinator from an institution within the System;

(5) One student, appointed in consultation with ~~[a student government association,]~~ ***the Nevada Student Alliance or its successor organization,*** who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a state college or community college;

(6) One student, appointed in consultation with ~~[a student government association,]~~ ***the Nevada Student Alliance or its successor organization,*** who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a university;

(7) One researcher with experience in the development of climate surveys on ~~[sexual misconduct;]~~ ***power-based violence.***

(8) One researcher of statistics, data analytics or econometrics with experience in survey analysis in higher education;

(9) One medical professional from the University of Nevada, Las Vegas, School of Medicine or the University of Nevada, Reno, School of Medicine; ~~[and]~~

(10) ~~[One person]~~ ***Two members*** who ~~[serves]~~ ***serve*** as a victim's advocate, as defined in NRS 49.2545, at an institution within the System. ~~[.]~~ ;

(11) One student who identifies as a victim of power-based violence;

(12) One person who represents an organization governing fraternities and sororities at an institution within the System; and

(13) One person who is employed by an institution within the System in the area of student affairs.

2. After the initial terms, each appointed member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following his or her initial term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least once ~~[annually]~~ ***each quarter*** and may meet at other times upon the call of the Chair or a majority of the members of the Task Force.

5. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, and within the limits of available money, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

Sec. 6. NRS 396.1415 is hereby amended to read as follows:

396.1415 1. The Task Force on ~~[Sexual Misconduct]~~ ***Power-based Violence*** at Institutions of Higher Education ~~*[Commission on Higher Education Campus Safety]*~~ created by NRS 396.141 ~~*[section 4 of this act]*~~ shall:

(a) Review the results of any climate survey on ~~[sexual misconduct]~~ ***power-based violence*** administered at an institution within the System; ~~[and]~~

(b) ***Examine current procedures and protocols for preventing, intervening in or responding to instances of power-based violence that are used at institutions within the System;***

(c) Identify possible gaps in the services that are available for victims of power-based violence at institutions within the System;

(d) Examine the correlation between social groups, campus life and the incidence of power-based violence on the campus of each institution within the System;

(e) Each year, hold a meeting open to the public to provide recommendations to the Board of Regents on how to address ~~[sexual misconduct]~~ ***power-based violence*** at institutions within the System ~~[.]~~ ***; and***

(f) Not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education a written report summarizing the findings of the Task Force, the data collected from responses to any climate survey and any recommendations regarding the prevention of, intervention in or response to incidences of power-based violence occurring at institutions within the System.

2. A meeting held pursuant to subsection 1 is not subject to the provisions of chapter 241 of NRS.

Sec. 7. NRS 396.142 is hereby amended to read as follows:

396.142 1. To the extent that money is available, the Board of Regents may appoint researchers employed at one or more institutions within the System to develop a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** designed to be administered at institutions within the System. The climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must:

(a) Gather institution-specific data regarding the prevalence of gender-based harassment and discrimination;

(b) Be fair and unbiased;

(c) Be scientifically valid and reliable; and

(d) Meet the highest standards of survey research.

2. If appointed to develop a climate survey on ~~[sexual misconduct,]~~ ***power-based violence,*** the researchers shall:

(a) Use best practices from peer-reviewed research;

(b) Consult with persons with expertise in the development and use of climate surveys on ~~[sexual misconduct]~~ ***power-based violence*** at institutions of higher education;

(c) Consult with a student government association;

(d) Review climate surveys on ~~[sexual misconduct]~~ ***power-based violence*** which have been developed and implemented by institutions of higher education, including, without limitation, institutions in other states;

(e) Provide opportunity for written comment from organizations that assist victims of ~~[sexual misconduct]~~ ***power-based violence*** to ensure the adequacy and appropriateness of any proposed content of the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;***

(f) Consult with institutions within the System on strategies for optimizing the effectiveness of the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;*** and

(g) Account for the diverse needs and differences of the institutions within the System.

3. If a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** is developed, the climate survey must request information on topics related to ~~[sexual misconduct.]~~ ***power-based violence.*** The topics may include, without limitation:

(a) The estimated number of alleged incidents of ~~[sexual misconduct,]~~ ***power-based violence,*** both reported and not reported, at an institution within the System, if a student taking the survey has knowledge of such information;

(b) When and where an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** occurred;

(c) Whether an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was perpetrated by a student, faculty member, staff member of an institution within the System, third party vendor or another person;

(d) Awareness of a student of the policies and procedures related to ~~[sexual misconduct]~~ ***power-based violence*** at an institution;

(e) Whether a student reported an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** and:

(1) If the incident was reported, to which campus resource or law enforcement agency a report was made; and

(2) If the incident was not reported, the reason the student chose not to report the incident;

(f) Whether a student who reported an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was:

(1) Offered supportive measures by an institution;

(2) Informed of, aware of or referred to campus, local or state resources for support for victims, including, without limitation, appropriate medical care and legal services; and

(3) Informed of the prohibition against retaliation for reporting an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(g) Contextual factors in an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** such as the involvement of force, incapacitation or coercion;

(h) Demographic information that could be used to identify at-risk groups, including, without limitation, the gender, race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of the student taking the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;***

(i) Perceptions a student has of campus safety;

(j) Whether a student has confidence in the ability of the institution to protect against and respond to alleged incidents of ~~[sexual misconduct;]~~ ***power-based violence;***

(k) Whether a student chose to withdraw or take a leave of absence from the institution or transfer to another institution because the student is the complainant or respondent in an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(l) Whether a student withdrew from any classes or was placed on academic probation, disciplinary probation or otherwise disciplined as a result of an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(m) Whether a student experienced any financial impact as a result of an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(n) Whether a student experienced any negative health impacts as a result of an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** including, without limitation, post-traumatic stress disorder, anxiety, depression, chronic pain or an eating disorder;

(o) The perception of the participants in the survey of the attitudes of the community toward ~~[sexual misconduct,]~~ ***power-based violence,*** including, without limitation, the willingness of a person to intervene in an ongoing incident of ~~[sexual misconduct]~~ ***power-based violence*** as a bystander; and

(p) Any other questions as determined necessary by the researchers.

4. The climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must provide an option for students to decline to answer a question.

5. The climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must be provided to the Task Force on ~~[Sexual Misconduct]~~ ***Power-based Violence*** at Institutions of Higher Education ~~***[Commission on Higher Education Campus Safety]***~~ created pursuant to NRS 396.141 ~~***[section 4.6 of this act]***~~ for comment.

Sec. 7.1. NRS 396.1425 is hereby amended to read as follows:

396.1425 1. To the extent that money is available, the Board of Regents may require each institution within the System to conduct a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** at the institution biennially.

2. A climate survey on ~~[sexual misconduct]~~ ***power-based violence*** conducted pursuant to subsection 1 must include the questions developed by researchers employed at an institution within the System pursuant to NRS 396.142. If an institution within the System includes additional questions on a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, the questions must not be unnecessarily traumatizing for a victim of an alleged incident of ~~[sexual misconduct.]~~ ***power-based violence.***

3. If an institution within the System conducts a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, the institution shall:

(a) Provide the survey to each student at the institution, including, without limitation, students studying abroad;

(b) Not require the disclosure of personally identifiable information by a participant in the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;***

(c) Work to ensure an adequate number of students complete the survey to achieve a random and representative sample size of students;

(d) Within 120 days after completion of the climate survey on ~~[sexual misconduct:]~~ ***power-based violence:***

(1) Compile a summary of the responses to the survey; and

(2) Submit the summary of responses to the Board of Regents; and

(e) Post on the Internet website maintained by the institution in a manner that does not disclose personally identifiable information of any person, the summary of the responses to the climate survey on ~~[sexual misconduct.]~~ ***power-based violence.***

4. A climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must be administered electronically by an institution within the System and provide reasonable accommodations for students with a disability.

5. An institution within the System may obtain a waiver from the Board of Regents to not administer a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to this section due to the financial circumstances of the institution.

6. An institution within the System may apply for and accept any gifts, grants, donations, bequests or other money from any source to carry out the provisions of this section.

7. Any data or reports that underlie the summaries generated pursuant to subsection 2 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 7.2. NRS 396.143 is hereby amended to read as follows:

396.143 1. If the Board of Regents requires an institution within the System to conduct a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to NRS 396.1425, the Board of Regents shall to the extent that money is available:

(a) Provide a copy of the questions developed by the researchers employed at an institution within the System pursuant to NRS 396.142 to each institution within a reasonable time after the Board of Regents receives the questions from the researchers;

(b) Establish a repository for the summaries of the climate survey on ~~[sexual misconduct]~~ ***power-based violence*** submitted by each institution pursuant to NRS 396.1425;

(c) Post each summary of the responses to a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** submitted by an institution pursuant to NRS 396.1425 on the Internet website maintained by the Board of Regents in a manner that does not disclose personally identifiable information of any person;

(d) Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;*** and

(e) On or before February 1 of each odd-numbered year, report the summaries of the climate survey on ~~[sexual misconduct]~~ ***power-based violence*** submitted by an institution pursuant to NRS 396.1425 to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

2. Any data or reports that underlie the summaries generated pursuant to subsection 1 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 7.3. NRS 396.144 is hereby amended to read as follows:

396.144 The Board of Regents may require an institution within the System to:

1. Require employees who participate in the grievance process of the institution pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or a policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted pursuant to NRS 396.145 to receive annual training on topics related to ~~[sexual misconduct]~~ ***power-based violence*** which may include, without limitation, any training required pursuant to NRS 396.152;

2. Provide a complainant and respondent with a copy of the policies of the institution regarding the submission and consideration of evidence that may be considered during the grievance process;

3. Except as otherwise required by federal law, within 14 business days after the conclusion of the grievance process, inform the complainant and the respondent of the result of the grievance process; and

4. Unless otherwise required by state or federal law, not publicly disclose the identity of a complainant or respondent.

Sec. 7.4. NRS 396.145 is hereby amended to read as follows:

396.145 1. The Board of Regents may require an institution within the System to adopt a policy on ~~[sexual misconduct]~~ ***power-based violence*** consistent with applicable state and federal law.

2. If the Board of Regents requires the adoption of a policy on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, in developing the policy on ~~[sexual misconduct,]~~ ***power-based violence,*** an institution within the System:

(a) Shall:

(1) Incorporate a trauma-informed response;

(2) Coordinate with:

(I) The Title IX coordinator of the institution; and

(II) If an institution has entered into a memorandum of understanding pursuant to NRS 396.147, the organization that assists persons involved in ~~[sexual misconduct;]~~ ***power-based violence;*** and

(3) Engage in a culturally competent manner to reflect the diverse needs of all students; and

(b) May consider input from internal and external entities, including, without limitation:

(1) Administrators at the institution;

(2) Personnel affiliated with health care centers located on or off a campus of the institution that provide services to the institution;

(3) An advocate designated pursuant to NRS 396.148;

(4) Staff affiliated with campus housing services;

(5) Students enrolled in an institution within the System;

(6) A provider of health care;

(7) Law enforcement agencies, including, without limitation, campus police or security; and

(8) The district attorney of the county where the main campus of the institution is located.

3. If the Board of Regents requires the adoption of a policy on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, an institution within the System shall provide:

(a) Internal or external entities an opportunity to provide comment on the initial policy on ~~[sexual misconduct]~~ ***power-based violence*** or any substantive change to the policy;

(b) Instructions on how an internal or external entity may provide comment on the initial policy on ~~[sexual misconduct]~~ ***power-based violence*** or a substantive change to the policy; and

(c) A reasonable length of time during which the institution will accept comment.

4. After an initial policy on ~~[sexual misconduct]~~ ***power-based violence*** is adopted by an institution within the System, the opportunity for comment by an internal or external entity pursuant to subsection 3 applies only to a substantive change to the policy, as determined by the institution.

5. If the Board of Regents requires the adoption of a policy on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, an institution within the System shall make the policy on ~~[sexual misconduct]~~ ***power-based violence*** publicly available not later than the start of each academic year:

(a) Upon request, to a prospective student, current student or employee of the institution; and

(b) On the Internet website maintained by the institution.

Sec. 7.5. NRS 396.146 is hereby amended to read as follows:

396.146 A policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted pursuant to NRS 396.145 must include, without limitation, information on:

1. The procedures by which a student or employee at an institution within the System may report or disclose an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that occurred on or off a campus of the institution;

2. Supportive measures, including, without limitation:

(a) Changing academic, living, campus transportation or work arrangements;

(b) Taking a leave of absence from the institution in response to an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(c) How to request supportive measures; and

(d) The process to have any supportive measures reviewed by the institution;

3. Appropriate local, state and federal law enforcement agencies, including, without limitation, the contact information for a law enforcement agency; and

4. The grievance process of the institution for investigating and resolving a report of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.

Sec. 7.6. NRS 396.147 is hereby amended to read as follows:

396.147 1. The Board of Regents may require an institution within the System to enter into a memorandum of understanding with an organization that assists persons involved in ~~[sexual misconduct.]~~ ***power-based violence.*** The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the institution and the organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** to establish an understanding of the:

(1) Responsibilities that the institution and organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** have in

responding to a report or disclosure of an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(2) Procedures of the institution for providing support and services to students and employees;

(b) Require an organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** to:

(1) Assist with developing policies, programming or training at the institution regarding ~~[sexual misconduct;]~~ ***power-based violence;***

(2) Provide an alternative for a student or employee of the institution to receive free and confidential counseling, advocacy or crisis services related to an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that are located on or off a campus of the institution, including, without limitation:

(I) Access to a health care provider who specializes in forensic medical examinations; and

(II) Confidential services;

(3) Assist with the development and implementation of education and prevention programs for students of the institution; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the institution; and

(c) Include a fee structure for any services provided by the organization that assists persons involved in ~~[sexual misconduct.]~~ ***power-based violence.***

2. As used in this section, "forensic medical examination" has the meaning ascribed to it in NRS 217.300.

Sec. 7.7. NRS 396.148 is hereby amended to read as follows:

396.148 1. The Board of Regents may require an institution within the System to designate an advocate. If the Board of Regents requires the designation of an advocate, an institution shall designate existing categories of employees who may serve as an advocate. An institution may:

(a) Partner with an organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** to designate an advocate; or

(b) If the institution enrolls less than 1,000 students who reside in campus housing, partner with another institution within the System to designate an advocate.

2. An advocate designated pursuant to subsection 1:

(a) Must not be a Title IX coordinator, a member of campus police or law enforcement or any other official of the institution who is authorized to initiate a disciplinary proceeding on behalf of the institution or whose position at the institution may create a conflict of interest;

(b) Must be designated based on the training or experience of the person to effectively provide services related to ~~[sexual misconduct;]~~ ***power-based violence;*** and

(c) Must have completed at least 20 hours of relevant training.

3. If an institution within the System designates an advocate pursuant to subsection 1, the advocate must be trained on:

(a) The awareness and prevention of ~~[sexual misconduct;]~~ ***power-based violence;***

(b) Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;

(c) Any policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted by the institution pursuant to NRS 396.145; and

(d) Trauma-informed responses to a report of an alleged incident of ~~[sexual misconduct.]~~ ***power-based violence.***

4. An institution within the System that designates an advocate pursuant to subsection 1 shall provide for the availability of an advocate to students within a reasonable distance from the institution or by electronic means if it is not practicable to provide for the availability of an advocate in person.

Sec. 7.8. NRS 396.149 is hereby amended to read as follows:

396.149 1. If an advocate is designated pursuant to NRS 396.148, the advocate shall:

(a) Inform a student or employee of, or provide resources about how to obtain information on:

(1) Options on how to report an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** and the effects of each option;

(2) Counseling services available on a campus of the institution and through local community resources;

(3) Medical and legal services available on or off a campus of the institution;

(4) Available supportive measures;

(5) Counseling related to student loans;

(6) The grievance process of the institution and that the grievance process is not a substitute for the system of criminal justice;

(7) The role of local, state and federal law enforcement agencies;

(8) Any limits on the ability of the advocate to provide privacy or confidentiality to the student or employee; and

(9) A policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted by the institution pursuant to NRS 396.145;

(b) Notify the student or employee of his or her rights and the responsibilities of the institution regarding an order for protection, restraining order or injunction issued by a court;

(c) Unless otherwise required by state or federal law, not be required to report an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to the institution or a law enforcement agency;

(d) Provide confidential services to students and employees;

(e) Not provide confidential services to more than one party in a grievance process;

(f) Unless otherwise required by state or federal law, not disclose confidential information without the prior written consent of the student or employee who shared the information;

(g) Support a complainant or respondent in obtaining supportive measures to ensure the complainant or respondent has continued access to education; and

(h) Inform a student or employee that supportive measures may be available through disability services or the Title IX coordinator.

2. If an advocate is designated pursuant to NRS 396.148, the advocate may:

(a) If appropriate and if directed by a student or employee, assist the student or employee in reporting an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to the institution or a law enforcement agency; and

(b) Attend a disciplinary proceeding of the institution as the advisor or support person of a complainant.

3. Notice to an advocate of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** or the performance of services by an advocate pursuant to this section shall not constitute actual or constructive notice of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to the institution within the System which designated the advocate pursuant to NRS 396.148.

4. If a conflict of interest arises between the institution within the System which designated an advocate and the advocate in advocating for the provision of supportive measures by the institution to a complainant or a respondent, the institution shall not discipline, penalize or otherwise retaliate against the advocate for advocating for the complainant or the respondent.

Sec. 7.9. NRS 396.151 is hereby amended to read as follows:

396.151 1. The Board of Regents may prohibit an institution within the System from subjecting a complainant, reporting party or witness who reports an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to a disciplinary proceeding or sanction for a violation of a policy on student conduct related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of an institution that occurred during or related to an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** unless the institution determines that the:

(a) Report of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was not made in good faith; or

(b) The violation of a policy on student conduct was egregious, including, without limitation, a violation that poses a risk to the health or safety of another person.

2. The Board of Regents may require an institution within the System to review any disciplinary action taken against a reporting party or witness to determine if there is any connection between the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that was reported and the misconduct that led to the reporting party or witness being disciplined.

Sec. 7.95. NRS 396.152 is hereby amended to read as follows:

396.152 1. The Board of Regents may require an institution within the System to provide training on the grievance process of the institution in accordance with 34 C.F.R. § 106.45.

2. The Board of Regents may require an institution within the System to train the Title IX coordinator and members of the campus police or safety personnel of the institution in the awareness of ~~[sexual misconduct]~~ ***power-based violence*** and in trauma-informed response to an alleged incident of ~~[sexual misconduct.]~~ ***power-based violence.***

Sec. 8. NRS 396.153 is hereby amended to read as follows:

396.153 1. The Board of Regents may require an institution within the System to provide programming on awareness and prevention of ~~[sexual misconduct]~~ ***power-based violence*** to all students and employees of the institution. If the Board of Regents requires an institution to provide programming on awareness and prevention of sexual misconduct, the programming must include, without limitation:

(a) An explanation of consent as it applies to a sexual act or sexual conduct with another person;

(b) The manner in which drugs and alcohol may affect the ability of a person to consent to a sexual act or sexual conduct with another person;

(c) Information on options for reporting an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** the effects of each option and the method to file a report under each option, including, without limitation, a description of the confidentiality and anonymity, as applicable, of a report;

(d) Information on the grievance process of the institution for addressing a report of an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** including, without limitation, a policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted pursuant to NRS 396.145;

(e) The range of sanctions or penalties the institution may impose on a student or employee found responsible for an incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(f) If an advocate is designated pursuant to NRS 396.148, the name, contact information and role of the advocate;

(g) Strategies for intervention by bystanders;

(h) Strategies for reduction of the risk of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(i) Any other opportunities for additional programming on awareness and prevention of ~~[sexual misconduct.]~~ ***power-based violence.***

2. If an institution provides programming on awareness and prevention of ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, the institution:

(a) Shall coordinate with the Title IX coordinator of the institution;

(b) May coordinate with a law enforcement agency and, if the institution entered into a memorandum of understanding with an organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** pursuant to NRS 396.147, that organization; and

(c) Shall require ~~[students or employees]~~ ***:***

(1) A student to attend the programming on the awareness and prevention of ~~[~~sexual misconduct.~~]~~ ***power-based violence at least once during his or her first two regular academic semesters after enrollment; and***

(2) An employee to attend the programming on the awareness and prevention of power-based violence not less than once every 3 years.

3. If an institution provides programming on awareness and prevention of ~~[~~sexual misconduct~~]~~ ***power-based violence*** pursuant to subsection 1, the programming may be culturally responsive and address the unique experiences and challenges faced by students based on the race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of a student.

~~***4. [If an institution provides programming on awareness and prevention of power-based violence to students pursuant to subsection 1, the institution may:***~~

~~***(a) Incorporate the programming into one or more courses for which a student may receive credit toward the course work required of the student for the award of an associate's degree, baccalaureate degree or certificate at any university, state college or community college.***~~

~~***(b) Condition the award of an associate's degree, baccalaureate degree or certificate upon the completion of a course described in paragraph (a).***~~

~~***5.]*** *If an institution provides programming on awareness and prevention of power-based violence to students pursuant to subsection 1, the institution* ~~***[shall]***~~ ***:***

(a) May provide ~~***[require]***~~ ***the programming*** ~~***[to be provided and attended]***~~ ***in person*** ~~***[if the institution provides on-campus housing, except that an institution may provide a waiver from the requirement to attend the programming in person for a student who is enrolled in a program that is attended remotely.]***~~ ***;***

(b) May provide an option for a student to attend the programming by virtual or electronic means; and

(c) May include the programming in any courses or materials provided to a student who has recently enrolled in the institution.

~~***[6. If an]***~~

5. An institution ~~***[provides programming on awareness and prevention of power-based violence pursuant to subsection 1, the institution shall require a]***~~ ***may require each instructor or professor to include in the syllabus*** ~~***[for the programming that includes]***~~ ***for a course information on resources available on the campus of the institution for victims of power-based violence, including, without limitation, resources about how to obtain information on:***

(a) Options for reporting an alleged incident of power-based violence, the effects of each option and the method to file a report under each option;

(b) Counseling services available on a campus of the institution and through local community resources;

(c) Community-based organizations which provide assistance to victims of power-based violence whose services are available on or off a campus of the institution;

(d) Available supportive measures;

(e) The grievance process of the institution and that the grievance process is not a substitute for the system of criminal justice; and

(f) A policy on power-based violence adopted by the institution pursuant to NRS 396.145.

~~***[7. If an institution provides programming on awareness and prevention of power-based violence pursuant to subsection 1, the institution shall make the information which is required to be included in the syllabus for the programming pursuant to paragraphs (a) to (f), inclusive, of subsection 6 available on the Internet website of the institution.]***~~

Sec. 8.1. NRS 396.154 is hereby amended to read as follows:

396.154 The Board of Regents may require an institution within the System that receives a report of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that involves a student or employee of the institution to determine the responsibility of a respondent, if any, based on a preponderance of the evidence.

Sec. 8.2. NRS 396.155 is hereby amended to read as follows:

396.155 1. The Board of Regents may require an institution within the System to accept a request from a complainant who is 18 years of age or older to keep the identity of the complainant confidential or take no investigative or disciplinary action against a respondent. An institution shall not grant such a request if state or federal law requires disclosure or further action. In determining whether to grant such a request, the institution shall consider whether there is a risk that the respondent may commit additional acts of ~~[sexual misconduct,]~~ violence, ***power-based violence,*** discrimination or harassment based on whether one or more of the following factors are present to a sufficient degree such that the request cannot be honored:

(a) There are any previous or existing reports of an incident of ~~[sexual misconduct]~~ ***power-based violence*** against the respondent, including, without limitation, records of complaints or the arrest of the respondent;

(b) The respondent allegedly used a weapon;

(c) The respondent threatened violence, discrimination or harassment against the complainant or other persons;

(d) The alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was alleged to have been committed by two or more people;

(e) The circumstances surrounding the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** indicate that the incident was premeditated and, if so, whether the respondent or another person allegedly premeditated the incident;

(f) The circumstances surrounding the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** indicate a pattern of consistent behavior at a particular location or by a particular group of people;

(g) The institution is able to conduct a thorough investigation and obtain relevant evidence without the cooperation of the complainant; and

(h) There are any other factors that indicate the respondent may repeat the behavior alleged by the complainant or that the complainant or other persons may be at risk of harm.

2. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall take reasonable steps to, without initiating formal action against the respondent:

(a) Respond to the report of the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** while maintaining the confidentiality of the complainant;

(b) Limit the effects of the alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(c) Prevent the recurrence of any misconduct.

3. Reasonable steps taken pursuant to subsection 2 may include, without limitation:

(a) Increased monitoring, supervision or security at locations or activities where the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** occurred;

(b) Providing additional training and educational materials for students and employees; or

(c) Ensuring a complainant is informed of and has access to appropriate supportive measures.

4. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall inform the complainant that the ability of the institution to respond to the report of the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** will be limited by the request.

5. If an institution within the System determines that it cannot grant a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall:

(a) Inform the complainant of the determination before disclosing the identity of the complainant or initiating an investigation;

(b) Make available supportive measures for the complainant; and

(c) If requested by the complainant, inform the respondent that the complainant asked the institution not to take investigative or disciplinary action against the respondent.

Sec. 8.3. NRS 396.156 is hereby amended to read as follows:

396.156 1. In conducting an investigation of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** an institution within the System shall:

(a) Provide the complainant and the respondent the opportunity to identify witnesses and other evidence to assist the institution in determining whether an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** has occurred;

(b) Inform the complainant and the respondent that any evidence available to the party but not disclosed during the investigation might not be considered at a subsequent hearing; and

(c) Ensure that questions and evidence of the sexual history or sexual predisposition of a complainant are not considered relevant unless the:

(1) Questions or evidence are directly relevant to prove that the conduct alleged to have been committed by the respondent was inflicted by another person; or

(2) Questions and evidence are relevant to demonstrate how the parties communicated consent in previous or subsequent consensual sexual conduct.

2. An institution within the System shall provide periodic updates on the investigation to the complainant and the respondent regarding the timeline of the investigation.

3. An institution within the System shall notify the complainant and the respondent of the findings of an investigation simultaneously.

4. If an institution within the System imposes any disciplinary action based on the findings of an investigation on a respondent, such disciplinary action must be imposed in accordance with the grievance process of the institution.

Sec. 8.4. NRS 396.158 is hereby amended to read as follows:

396.158 1. A student who experiences ~~[sexual misconduct]~~ ***power-based violence*** may request a waiver from any requirement to maintain a certain grade point average, credit enrollment, or other academic or disciplinary record requirement relating to academic success for any scholarship, grant or other academic program offered by an institution within the System. A waiver may be granted by a provost, dean, academic advisor or other appropriate staff or faculty member of the institution.

2. A student or employee who experiences ~~[sexual misconduct]~~ ***power-based violence*** may be granted a request to take a leave of absence or, to the extent practicable, extend benefits of employment.

Sec. 8.5. NRS 396.159 is hereby amended to read as follows:

396.159 1. The Board of Regents may require an institution within the System to prepare and submit to the Board of Regents an annual report that includes, without limitation:

(a) The total number of reports of alleged incidents of ~~[sexual misconduct]~~ ***power-based violence*** allegedly committed by a student or employee of the institution made to the Title IX office of the institution;

(b) The number of students and employees found responsible for an incident of ~~[sexual misconduct]~~ ***power-based violence*** by the institution;

(c) The number of students and employees accused of but found not responsible for an incident of ~~[sexual misconduct]~~ ***power-based violence*** by the institution;

(d) The number of persons sanctioned by the institution as a result of a finding of responsibility for an incident of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(e) The number of persons who submitted requests for supportive measures and the number of persons who received supportive measures.

2. A report submitted pursuant to subsection 1 must not contain any personally identifiable information of a student or employee of an institution within the System.

3. Information contained in a report submitted pursuant to subsection 1 must be able to be disaggregated by students and employees.

4. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, an institution shall submit the report to the Board of Regents not later than October 1 of each year.

5. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, the Board of Regents shall, not later than December 31 of each year, submit a compilation of the reports the Board of Regents received pursuant to subsection 1 to the Director of the Department of Health and Human Services and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature in even-numbered years or the Joint Interim Standing Committee on Education in odd-numbered years.

6. Any data or reports that underlie the report prepared pursuant to subsection 4 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 8.6. NRS 49.2545 is hereby amended to read as follows:

49.2545 "Victim's advocate" means a person who works for a nonprofit program, a program of a university, state college or community college within the Nevada System of Higher Education or a program of a tribal organization which provides assistance to victims or who provides services to a victim of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** pursuant to NRS 396.125 to 396.1595, inclusive, with or without compensation and who has received at least 20 hours of relevant training.

Sec. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 10. NRS 394.16055 ~~[,]~~ **and** 396.134 ~~[and 396.141]~~ are hereby repealed.

Sec. 11. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

394.16055 "Sexual misconduct" defined. "Sexual misconduct" has the meaning ascribed to it in NRS 391.860.

396.134 "Sexual misconduct" defined. "Sexual misconduct" means dating violence, domestic violence, gender-based violence, gender-based harassment, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, stalking or indecent exposure.

[396.141 Task Force on Sexual Misconduct at Institutions of Higher Education: Creation; members; meetings.

1. There is hereby created the Task Force on Sexual Misconduct at Institutions of Higher Education consisting of 12 members as follows:

(a) The Chancellor of the System, or his or her designee;

(b) The Chief General Counsel of the System, or his or her designee; and

(c) Ten members appointed by the Board of Regents as follows:

(1) One representative of a state college;

(2) One representative of a community college;

(3) One representative of a university;

(4) One Title IX coordinator from an institution within the System;

(5) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a state college or community college;

(6) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a university;

(7) One researcher with experience in the development of climate surveys on sexual misconduct;

(8) One researcher of statistics, data analytics or econometrics with experience in survey analysis in higher education;

(9) One medical professional from the University of Nevada, Las Vegas, School of Medicine or the University of Nevada, Reno, School of Medicine; and

(10) One person who serves as a victim's advocate, as defined in NRS 49.2545, at an institution within the System.

2. After the initial terms, each appointed member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following his or her initial term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least once annually and may meet at other times upon the call of the Chair or a majority of the members of the Task Force.

5. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, and within the limits of available money, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.~~]

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 84.

Bill read third time.

Roll call on Assembly Bill No. 84:

YEAS—42.

NAYS—None.

Assembly Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 119.

Bill read third time.

Roll call on Assembly Bill No. 119:

YEAS—29.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill, Yurek—13.

Assembly Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125.

Bill read third time.

Roll call on Assembly Bill No. 125:

YEAS—42.

NAYS—None.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

Roll call on Assembly Bill No. 138:

YEAS—42.

NAYS—None.

Assembly Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139.

Bill read third time.

Roll call on Assembly Bill No. 139:

YEAS—42.

NAYS—None.

Assembly Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 224.

Bill read third time.

Roll call on Assembly Bill No. 224:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, McArthur, O'Neill, Yurek—11.

Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 266.

Bill read third time.

Roll call on Assembly Bill No. 266:

YEAS—32.

NAYS—DeLong, Dickman, Gray, Gurr, Hafen, Hansen, Hardy, Kasama, McArthur, O'Neill—10.

Assembly Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 279.

Bill read third time.

Roll call on Assembly Bill No. 279:

YEAS—42.

NAYS—None.

Assembly Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 283.

Bill read third time.

Roll call on Assembly Bill No. 283:

YEAS—42.

NAYS—None.

Assembly Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

Bill read third time.

Roll call on Assembly Bill No. 290:

YEAS—42.

NAYS—None.

Assembly Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Roll call on Assembly Bill No. 321:

YEAS—42.

NAYS—None.

Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 323.

Bill read third time.

Roll call on Assembly Bill No. 323:

YEAS—38.

NAYS—Gray, Gurr, Hafen, McArthur—4.

Assembly Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 357.

Bill read third time.

Roll call on Assembly Bill No. 357:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 396.

Bill read third time.

Roll call on Assembly Bill No. 396:

YEAS—36.

NAYS—Gray, Gurr, Hafen, Hansen, Hibbetts, McArthur—6.

Assembly Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 434.
Bill read third time.
Roll call on Assembly Bill No. 434:
YEAS—42.
NAYS—None.
Assembly Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 441.
Bill read third time.
Roll call on Assembly Bill No. 441:
YEAS—42.
NAYS—None.
Assembly Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 484.
Bill read third time.
Roll call on Assembly Bill No. 484:
YEAS—42.
NAYS—None.
Assembly Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 488.
Bill read third time.
Roll call on Assembly Bill No. 488:
YEAS—42.
NAYS—None.
Assembly Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 490.
Bill read third time.
Roll call on Assembly Bill No. 490:
YEAS—39.
NAYS—Gurr, Hafen, Hansen—3.
Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 491.
Bill read third time.
Roll call on Assembly Bill No. 491:

YEAS—42.
NAYS—None.

Assembly Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 519.

Bill read third time.

Roll call on Assembly Bill No. 519:

YEAS—42.
NAYS—None.

Assembly Bill No. 519 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526.

Bill read third time.

Roll call on Assembly Bill No. 526:

YEAS—42.
NAYS—None.

Assembly Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 527.

Bill read third time.

Roll call on Assembly Bill No. 527:

YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 301, 346, 483, 237, and 245 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 296.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 847.

AN ACT relating to education; requiring the reporting of certain information relating to class time used for examinations and assessments; requiring the Department of Education to adopt regulations limiting the amount of time used to prepare for and conduct certain examinations and assessments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.5 of this bill requires: (1) each school to annually submit to its school district a report detailing the aggregate amount of class time used for conducting and preparing for certain examinations and assessments; (2) each school district to submit those reports to the Department of Education; (3) the Department to submit those reports received to standing legislative committees relating to education; and (4) the Department to ~~[work with and]~~ develop ~~[corrective action plans for]~~ **a plan to provide assistance to** schools that use more than 2 percent of the total number of annual minutes of attendance required for a pupil for conducting or preparing for certain examinations and assessments ~~[.]~~ **and create a corrective action plan for each such school to limit such a use of time.**

Existing law requires the administration of certain examinations and assessments to measure the achievement and proficiency of pupils in various subjects. (NRS 390.055, 390.105) Existing law also requires the Department to adopt regulations limiting the time taken from instruction to conduct an examination or assessment. (NRS 390.805) **Section 2** of this bill requires such regulations to limit, with certain exceptions, the time used for conducting or preparing for an examination or assessment to 2 percent or less of the total number of annual minutes of attendance required for a pupil.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. Chapter 390 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school within a school district shall, on or before December 1 of each year, submit a report to the district detailing the aggregate amount of annual class time used for conducting and preparing for examinations and assessments during the immediately preceding school year.

2. Each school district shall, on or before December 31 of each year, submit all reports received pursuant to subsection 1 to the Department.

3. On or before February 1 of each year, the Department shall submit all reports received pursuant to subsection 2 in the immediately preceding year:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature; and

(b) In even-numbered years, to the Joint Interim Standing Committee on Education.

4. The Department shall ~~[provide]~~ :

(a) On or before July 1, 2025, develop a plan to provide assistance to schools that violate the limitation described in paragraph (a) of subsection 2 of NRS 390.805 ; and ~~[develop a]~~

(b) Create a corrective action plan for each such ~~[a]~~ school to limit the time to conduct or prepare for an examination or assessment to not more than 2 percent of the total number of annual minutes of attendance required for a pupil.

5. As used in this section, unless the context otherwise requires, "examination or assessment" has the meaning ascribed to it in NRS 390.805.

Sec. 2. NRS 390.805 is hereby amended to read as follows:

390.805 1. The Department shall adopt regulations that, for an examination or assessment administered pursuant to this chapter or required to be administered by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis, as applicable, prescribe limits on the:

(a) Actual time taken from ~~[instruction]~~ ***a school day*** to conduct ***or prepare for*** an examination or assessment; and

(b) Number of examinations or assessments administered to pupils in a school year.

2. ***The regulations adopted by the Department pursuant to subsection 1 must:***

(a) Except as otherwise provided in paragraph (b), prohibit using more than 2 percent of the total number of annual minutes of attendance required for a pupil for conducting or preparing for an examination or assessment;

(b) Provide exceptions from the limitation described in paragraph (a):

(1) That are necessary to comply with the requirements of federal law, including, without limitation, the Individuals with Disabilities Education

Act, 20 U.S.C. §§ 1400 et seq., and the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f);

(2) For a pupil who is being administered an examination or assessment as a result of the pupil participating in:

(I) An advanced placement course;

(II) An international baccalaureate course;

(III) A program of career and technical education; or

(IV) Any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in elementary school pursuant to NRS 388.157; and

(3) For a pupil who is administered an examination or assessment to screen for any special needs of the pupil, including, without limitation, any difficulty in English language acquisition or any disability; and

(c) Exclude time spent at recess from the limitation described in paragraph (a).

3. If the board of trustees of a school district or the governing body of a charter school intends to administer an examination or assessment that would exceed a limitation in a regulation adopted by the Department pursuant to subsection 1, the board of trustees of the school district or the governing body of the charter school must request a waiver from the State Board to exceed the limitation. The State Board may grant a waiver requested pursuant to this subsection if the State Board deems it appropriate.

4. As used in this section, unless the context otherwise requires, "examination or assessment" means a federal, state or locally mandated test that is intended to measure a pupil's academic readiness, learning progress and skill acquisition. The term does not include:

(a) A quiz or test developed by a teacher or time devoted to quizzes, examinations, reviews of portfolios or evaluations of performance that are initiated by a teacher; or

(b) A sampling test that is not administered to all students.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 468.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 872.

SUMMARY—Makes appropriations to the Office of Finance in the Office of the Governor **and the Interim Finance Committee** for certain costs related to the Enterprise Resource Planning System. (BDR S-1110)

AN ACT making appropriations to the Office of Finance in the Office of the Governor **and the Interim Finance Committee** for certain costs related to the Enterprise Resource Planning System; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of $21,601,999 for costs associated with the implementation of the Enterprise Resource Planning System.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor the sum of $5,067,137 for costs associated with the implementation of the Enterprise Resource Planning System.]~~ **(Deleted by amendment.)**

Sec. 3. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of $36,425 for the replacement of computer hardware and associated software of the operations center for the Enterprise Resource Planning System.

Sec. 4. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor the sum of $8,544 for the replacement of computer hardware and associated software of the operations center for the Enterprise Resource Planning System.

Sec. 4.3. **There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $126,635,910 for allocation to the Office of Finance in the Office of the Governor for costs associated with the implementation of the Enterprise Resource Planning System.**

Sec. 4.7. **1. There is hereby appropriated from the State Highway Fund to the Interim Finance Committee the sum of $29,704,720 for allocation to the Office of Finance in the Office of the Governor for costs associated with the implementation of the Enterprise Resource Planning System.**

2. Expenditure of $10,000,000 not appropriated from the State General Fund or State Highway Fund is hereby authorized during Fiscal Year 2023-2024 and Fiscal Year 2024-2025 by the Office of Finance in the Office of the Governor for costs associated with the implementation of the Enterprise Resource Planning System.

Sec. 5. Any remaining balance of the appropriations made by sections ~~[1 to 4,]~~ **3 to 4.7,** inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money

remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 19, 2025.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 301.

Bill read third time.

Roll call on Assembly Bill No. 301:

YEAS—37.

NAYS—Considine, DeLong, Brittney Miller, Summers-Armstrong, Taylor—5.

Assembly Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

Roll call on Assembly Bill No. 346:

YEAS—42.

NAYS—None.

Assembly Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Roll call on Assembly Bill No. 483:

YEAS—42.

NAYS—None.

Assembly Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 237.

Bill read third time.

Roll call on Assembly Bill No. 237:

YEAS—36.

NAYS—DeLong, Gray, Gurr, Hansen, McArthur, O'Neill—6.

Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 245.

Bill read third time.

Roll call on Assembly Bill No. 245:
YEAS—42.
NAYS—None.
Assembly Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 296 and 468 be taken from their positions on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 296.
Bill read third time.
Roll call on Assembly Bill No. 296:
YEAS—40.
NAYS—Kasama, Thomas—2.
Assembly Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 468.
Bill read third time.
Roll call on Assembly Bill No. 468:
YEAS—42.
NAYS—None.
Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:
Your Committee on Ways and Means, to which was referred Assembly Bill No. 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 518.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 939.
AN ACT relating to indigent defense; establishing **the maximum amount that certain counties are required to pay for the provision of indigent defense services for Fiscal Year 2023-2024; establishing** a formula for

determining the maximum amount that ~~[a county]~~ **such counties** may be required to pay for the provision of indigent defense services~~.[;]~~ **in subsequent fiscal years; establishing a formula for determining the maximum amount that other counties may be required to pay for the provision of indigent defense services;** prohibiting a county from seeking state contributions for the provision of indigent defense services in excess of the maximum county contribution for the costs of capital improvement projects relating to the provision of indigent defense services; ~~[requiring counties to submit financial status reports to the Department of Indigent Defense Services annually unless the Department requires such reports on a quarterly basis;]~~ **establishing the procedure by which a county may seek state contributions for the provision of indigent defense services in excess of the maximum county contribution; authorizing the designee of a board of county commissioners to perform certain actions relating to corrective action plans; revising the date on which certain reports related to the provision of indigent defense services must be submitted to the Department of Indigent Defense Services;** making an appropriation to the Interim Finance Committee for allocation to the Department for the reimbursement of counties for costs in excess of their maximum contribution amounts for the provision of indigent defense services and for the funding of certain other costs relating to the provision of indigent defense services; **making an appropriation to the Department for certain costs related to pretrial release hearings that are or may be conducted on a weekend or holiday;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board on Indigent Defense Services to adopt regulations to establish a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services. (NRS 180.320) **Section 5** of this bill removes that requirement, and **section 2** of this bill instead establishes **: (1) the maximum amount that each county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) is required to pay for the provision of indigent defense services for Fiscal Year 2023-2024; and (2)** a statutory formula for determining the maximum amount that **such** a county may be required to pay for the provision of indigent defense services~~.[;]~~ **for each fiscal year after Fiscal Year 2023-2024. Section 2** also **establishes a statutory formula for determining the maximum amount that each county whose population is 100,000 or more (currently Clark and Washoe Counties) is required to pay for the provision of indigent defense services. Section 2 additionally provides that a county may seek state contributions for the provision of indigent defense services in excess of the maximum county contribution after the county has exceeded its maximum contribution but** prohibits a county from seeking **such** state contributions ~~[for the provision of indigent defense services in excess of the maximum county contribution, as calculated pursuant to the formula,]~~ for the costs of any capital improvement

projects relating to the provision of indigent defense services. **Sections 4 and 6** of this bill make conforming changes by replacing references to the ~~[formula]~~ **maximum county contribution** being ~~[established]~~ **determined** by **the formula set forth in** regulation with references to the ~~[formula]~~ **maximum county contribution** being ~~[established by statute.]~~ **determined in accordance with section 2.**

Section 3 of this bill ~~[requires a county to submit a financial status report to the Department of Indigent Defense Services on a form prescribed by the Department on or before May 31 of each year, unless the Department instead requires the submission of such reports]~~ **establishes the procedure by which a county may seek state contributions for the provision of indigent defense services in excess of the maximum county contribution** on a quarterly basis.

Section 6 of this bill authorizes the designee of a board of county commissioners to perform certain actions otherwise performed by the board of county commissioners with regard to certain corrective action plans.

Existing law requires the board of county commissioners of each county with a public defender or which contracts for indigent defense services to provide an annual report concerning the provision of indigent defense services to the Department of Indigent Defense Services on or before May 1 of each year. (NRS 260.070) Section 6.5 of this bill changes the required date of the submission of the report to on or before May 31 of each year, unless the Department requires the report to be provided on a quarterly basis.

Section 7 of this bill makes an appropriation from the State General Fund to the Interim Finance Committee for allocation to the Department to fund the: (1) reimbursement of counties for costs in excess of their maximum contribution amounts for the provision of indigent defense services; (2) costs of the Department related to compliance with the *Davis v. State* (Nev. First Jud. Dist. Ct. Case No. 170C002271B (Aug. 11, 2020)) consent judgment; (3) costs of the Office of the State Public Defender for contracting for legal services for complex cases; and (4) costs for training and pay parity for attorneys who provide indigent defense services.

Section 7.3 of this bill makes an appropriation from the State General Fund to the Department for certain costs related to pretrial release hearings that are or may be conducted on a weekend or holiday. A portion of the appropriation must be allocated to counties whose population is less than 100,000 for the payment of stipends to: (1) prosecuting attorneys for being available to serve or serving as the prosecuting attorney in a pretrial release hearing conducted on a weekend or holiday; and (2) magistrates for being available to conduct or conducting a pretrial release hearing on a weekend or holiday. The remaining portion of the appropriation must be used by the Department for the payment of stipends to attorneys for being available to represent or representing a defendant in a pretrial

release hearing conducted on a weekend or holiday in a county whose population is less than 100,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 180 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The maximum amount that a county ~~[is]~~ may be required to pay for the provision of indigent defense services during a fiscal year ~~[must not exceed the sum of:]~~ is:***

(a) In a county whose population is less than 100,000:

(1) ~~[The actual costs to]~~ For Fiscal Year 2023-2024, the applicable amount set forth in the table below, as determined by the calculated maximum contribution amount for the county for providing indigent defense services ~~[, minus any expenses relating to capital offenses and murder cases, for the immediately preceding fiscal year; and]~~ for Fiscal Year 2022-2023, increased by the percentage equal to the lesser of:

(I) The cost of inflation, as measured by the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor for the immediately preceding calendar year or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department; or

(II) Five percent.

Carson City	***$1,903,177***
Churchill	***375,706***
Douglas	***892,658***
Elko	***1,946,335***
Esmeralda	***94,702***
Eureka	***.41,808***
Humboldt	***493,319***
Lander	***102,569***
Lincoln	***187,530***
Lyon	***851,690***
Mineral	***95,963***
Nye	***866,049***
Pershing	***258,163***
Storey	***93,593***
White Pine	***461,448***

(2) ~~[The]~~ For each fiscal year after Fiscal Year 2023-2024, an amount equal to the calculated maximum contribution amount for the county for providing indigent defense services for the immediately preceding fiscal year, increased by the percentage equal to the lesser of:

(I) The cost of inflation, as measured by the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor for the immediately preceding calendar year or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department; or

(II) Five percent.

(b) In a county whose population is 100,000 or more:

(1) The actual costs to the county for providing indigent defense services for the immediately preceding fiscal year; and

(2) The percentage equal to the lesser of:

(I) The cost of inflation, as measured by the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor for the immediately preceding calendar year or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department; or

(II) Five percent.

2. If a county whose population is less than 100,000 chooses to transfer to the State Public Defender the responsibility of providing representation in:

(a) Direct appeals to the appellate court of competent jurisdiction, the cost of providing representation in those cases is a charge against the State and is excluded from the required maximum contribution of the county.

(b) Death penalty cases, the State Public Defender shall submit to the county an estimate for the representation. The county is responsible for paying 25 percent of the estimate and shall make such a payment in accordance with NRS 180.110. Such payments count towards the maximum contribution of the county.

3. Except as otherwise provided in subsection 4, a county may seek state contributions for the provision of indigent defense services in excess of the maximum contribution of the county, as determined pursuant to this section, after the county has exceeded its maximum contribution.

4. A county may not seek state contributions for the provision of indigent defense services in excess of the maximum contribution of the county, as ~~[calculated]~~ determined pursuant to this section, for the costs of any capital improvement projects relating to the provision of indigent defense services, including, without limitation, costs relating to the construction of a room or area in a courthouse in which an attorney who provides indigent defense services may consult with a client or any other capital improvement project that is indirectly related to the provision of indigent defense services.

5. Nothing in this section limits a county from expending more than its maximum contribution for the provision of indigent defense services, as determined pursuant to this section.

Sec. 3. ***1. A county may seek state contributions for the provision of indigent defense services in excess of the maximum contribution of the county, as determined pursuant to section 2 of this act, as follows:***

(a) For a county whose population is less than 100,000, the Executive Director shall include the estimated state contribution for the county for the provision of indigent defense services, based upon the annual reporting of the county pursuant to NRS 260.070, in the budget for the Department to help support the indigent defense services provided by the county.

(b) For a county whose population is 100,000 or more, if the county intends to seek state contributions for the provision of indigent defense services in excess of the maximum contribution of the county, as determined pursuant to section 2 of this act, the board of county commissioners for the county, or its designee, shall notify the Department in writing of the intention of the county to seek such contributions in the upcoming biennium, on a form prescribed by the Department, on or before March 1 of the next odd-numbered year. The Executive Director shall include the state contribution for the county in the next budget for the Department to help support the indigent defense services provided by the county.

2. If a county seeks state contributions pursuant to subsection 1, the board of county commissioners for the county, or its designee, shall submit a financial status report to the Department on a form prescribed , and in accordance with the timeline established, by the Department . [:

(a) Except as otherwise provided in paragraph (b), on or before May 31 of each year; or

(b) Each quarter if the Department requires the submission of such reports on a quarterly basis pursuant to subsection 2.

2. In lieu of a county submitting a financial status report to the Department on an annual basis in accordance with paragraph (a) of subsection 1, the Department may instead require a county to submit a financial status report to the Department, on a form prescribed by the Department, on a quarterly basis.]

Sec. 4. NRS 180.110 is hereby amended to read as follows:

180.110 1. Each fiscal year the State Public Defender may collect from the counties amounts which do not exceed those authorized by the Legislature for use of the State Public Defender's services during that year. The amount that a county may be required to pay must not exceed the maximum amount determined ~~[using the formula established by the Board pursuant to NRS 180.320.]~~ ***in accordance with section 2 of this act.***

2. The State Public Defender shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:

(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

➥ The counties shall pay their respective amounts to the State Public Defender who shall deposit the amounts with the Treasurer of the State of Nevada and shall expend the money in accordance with the State Public Defender's approved budget.

Sec. 5. NRS 180.320 is hereby amended to read as follows:

180.320 1. The Board on Indigent Defense Services shall:

(a) Receive reports from the Executive Director and provide direction to the Executive Director concerning measures to be taken by the Department to ensure that indigent defense services are provided in an effective manner throughout this State.

(b) Review information from the Department regarding caseloads of attorneys who provide indigent defense services.

(c) Direct the Executive Director to conduct any additional audit, investigation or review the Board deems necessary to determine whether minimum standards in the provision of indigent defense services are being followed and provided in compliance with constitutional requirements.

(d) Work with the Executive Director to develop procedures for the mandatory collection of data concerning the provision of indigent defense services, including the manner in which such services are provided.

(e) Provide direction to the Executive Director concerning annual reports and review drafts of such reports.

(f) Review and approve the budget for the Department.

(g) Review any recommendations of the Executive Director concerning improvements to the criminal justice system and legislation to improve the provision of indigent defense services in this State.

(h) Provide advice and recommendations to the Executive Director on any other matter.

2. In addition to the duties set forth in subsection 1, the Board shall:

(a) Establish minimum standards for the delivery of indigent defense services to ensure that such services meet the constitutional requirements and do not create any type of economic disincentive or impair the ability of the defense attorney to provide effective representation.

(b) Establish a procedure to receive complaints and recommendations concerning the provision of indigent defense services from any interested person including, without limitation, judges, defendants, attorneys and members of the public.

(c) Work with the Department to develop resolutions to complaints or to carry out recommendations.

(d) Adopt regulations establishing standards for the provision of indigent defense services including, without limitation:

(1) Establishing requirements for specific continuing education and experience for attorneys who provide indigent defense services.

(2) Requiring attorneys who provide indigent defense services to track their time and provide reports, and requiring the State Public Defender and counties that employ attorneys or otherwise contract for the provision of indigent defense services to require or include a provision in the employment or other contract requiring compliance with the regulations.

(3) Establishing standards to ensure that attorneys who provide indigent defense services track and report information in a uniform manner.

(4) Establishing guidelines to be used to determine the maximum caseloads for attorneys who provide indigent defense services.

(5) Requiring the Department of Indigent Defense Services and each county that employs or contracts for the provision of indigent defense services to ensure, to the greatest extent possible, consistency in the representation of indigent defendants so that the same attorney represents a defendant through every stage of the case without delegating the representation to others, except that administrative and other tasks which do not affect the rights of the defendant may be delegated. A provision must be included in each employment or other contract of an attorney providing indigent defense services to require compliance with the regulations.

(e) Establish recommendations for the manner in which an attorney who is appointed to provide indigent defense services may request and receive reimbursement for expenses related to trial, including, without limitation, expenses for expert witnesses and investigators.

(f) Work with the Executive Director and the Dean of the William S. Boyd School of Law of the University of Nevada, Las Vegas, or his or her designee, to determine incentives to recommend offering to law students and attorneys to encourage them to provide indigent defense services, especially in rural areas of the State.

(g) Review laws and recommend legislation to ensure indigent defendants are represented in the most effective and constitutional manner.

3. ~~[The Board shall adopt regulations to establish a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services.~~

~~4.]~~ The Board shall adopt any additional regulations it deems necessary or convenient to carry out the duties of the Board and the provisions of this chapter.

Sec. 6. NRS 180.450 is hereby amended to read as follows:

180.450 1. If a corrective action plan is recommended pursuant to NRS 180.440, the deputy director and the board of county commissioners ***, or its designee,*** must collaborate on the manner in which the county will meet the minimum standards for the provision of indigent defense services and the time by which the county must meet those minimum standards. Any disagreement must be resolved by the Board. Each corrective action plan must be submitted to and approved by the Board.

2. If the plan established pursuant to subsection 1 will cause the county to expend more money than budgeted by the county in the previous budget year

plus inflation for the provision of indigent defense services, the Executive Director shall include the additional amount needed by the county in the next budget for the Department of Indigent Defense Services to help support the indigent defense services provided by the county. If additional money is needed to carry out the plan before the next budget cycle, the Executive Director shall submit a request to the Interim Finance Committee for an allocation from the Contingency Account pursuant to NRS 353.266 to cover the additional costs.

3. For any county that is not required to have an office of public defender pursuant to NRS 260.010, if the additional amount included in the budget of the Department pursuant to subsection 2 is not approved, the board of county commissioners for the county to which the amount applies may determine whether to continue providing indigent defense services for the county or enter into an agreement with the Executive Director to transfer responsibility for the provision of such services to the State Public Defender.

4. If a county does not meet the minimum standards for the provision of indigent defense services within the period established in the corrective action plan for the county, the deputy director shall inform the Executive Director.

5. Upon being informed by the deputy director pursuant to subsection 4 that a county has not complied with a corrective action plan, the Executive Director must review information regarding the provision of indigent defense services in the county and determine whether to recommend establishing another corrective action plan with the board of county commissioners of the county ~~[.]~~ ***, or its designee.*** For a county that is not required to have an office of public defender pursuant to NRS 260.010, the Executive Director may instead recommend requiring the board of county commissioners to transfer responsibility for the provision of all indigent defense services for the county to the State Public Defender. The recommendation of the Executive Director must be submitted to and approved by the Board. Once approved, the board of county commissioners shall comply with the decision of the Board.

6. If a county is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender:

(a) The board of county commissioners for the county ***, or its designee,*** shall notify the State Public Defender in writing on or before November 1 of the next even-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the odd-numbered year following the year in which the notice was given, as determined by the Executive Director.

(b) The board of county commissioners for the county shall pay the State Public Defender in the same manner and in an amount determined in the same manner as other counties for which the State Public Defender has responsibility for the provision of indigent defense services. The amount that a county may be required to pay must not exceed the maximum amount determined ~~[using the formula established by the Board pursuant to NRS 180.320.]~~ ***in accordance with section 2 of this act.***

Sec. 6.5. **NRS 260.070 is hereby amended to read as follows:**

260.070 1. The public defender shall make an annual report to:

(a) The board of county commissioners covering all cases handled by his or her office during the preceding year.

(b) The Department of Indigent Defense Services created by NRS 180.400 which includes any information required by the Department.

2. The board of county commissioners of each county with a public defender or which contracts for indigent defense services shall provide an annual report to the Department on or before May ~~[1]~~ ***31*** of each year ~~[.]~~ ***, unless the Department requires the report to be provided on a quarterly basis.*** The report must include any information requested by the Department concerning the provision of indigent defense services in the county and must include, without limitation, the plan for the provision of indigent defense services for the county for the next fiscal year ~~[.]~~ ***or, if the Department requires the report to be provided on a quarterly basis, for the next quarter.***

3. As used in this section, "indigent defense services" has the meaning ascribed to it in NRS 180.004.

Sec. 7. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $6,306,880 in Fiscal Year 2023-2024 and the sum of $6,613,033 in Fiscal Year 2024-2025 for allocation to the Department of Indigent Defense Services to fund:

(a) The reimbursement of counties for costs in excess of their maximum contribution amounts for the provision of indigent defense services, including, without limitation, the costs of compliance with workload standards;

(b) The costs of the Department related to compliance with the *Davis v. State* (Nev. First Jud. Dist. Ct. Case No. 170C002271B (Aug. 11, 2020)) consent judgment;

(c) The costs of the Office of State Public Defender for contracting for legal services for complex cases; and

(d) The costs for training and pay parity for attorneys who provide indigent defense services.

2. Money appropriated by subsection 1 may only be allocated by the Interim Finance Committee upon recommendation of the Governor, and upon submittal by the Department of Indigent Defense Services of documentation of the costs.

3. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 7.3. **1. There is hereby appropriated from the State General Fund to the Department of Indigent Defense Services for certain costs related to pretrial release hearings that are or may be conducted on a weekend or holiday the following sums:**

For the Fiscal Year 2023-2024 ..... $1,474,200
For the Fiscal Year 2024-2025 ..... $1,474,200

2. The sums appropriated pursuant to subsection 1 must be allocated as follows:

(a) On or before August 1, 2023, and August 1, 2024, the Executive Director of the Department of Indigent Defense Services shall pay $982,800 to the counties in this State whose population is less than 100,000, with each county receiving the following applicable amount:

Carson City	**$46,800**
Churchill	**46,800**
Douglas	**93,600**
Elko	**93,600**
Esmeralda	**46,800**
Eureka	**46,800**
Humboldt	**46,800**
Lander	**46,800**
Lincoln	**93,600**
Lyon	**93,600**
Mineral	**46,800**
Nye	**93,600**
Pershing	**46,800**
Storey	**46,800**
White Pine	**93,600**

(b) The remaining $491,400 must be distributed to the Department of Indigent Defense Services for the purposes set forth in subsection 4.

3. Money allocated pursuant to paragraph (a) of subsection 2:

(a) Must be used only to pay a stipend of $450 per day to a:

(1) District attorney, assistant district attorney, deputy district attorney or other attorney employed by a district attorney for being available on a weekend or holiday to serve as the prosecuting attorney in a pretrial release hearing required by NRS 178.4849 or for serving as the prosecuting attorney in any such pretrial release hearing conducted on a weekend or holiday in a county whose population is less than 100,000; or

(2) Magistrate for being available on a weekend or holiday to conduct a pretrial release hearing required by NRS 178.4849 or for conducting any such pretrial release hearing on a weekend or holiday. As used in this subparagraph, "magistrate" means a judicial officer who presides over a pretrial release hearing.

(b) Except as otherwise provided in paragraph (a), must not be used to pay any other staffing costs, including, without limitation, any staffing

costs attributable to the courts, district attorneys, public defenders or sheriffs.

4. Money distributed to the Department of Indigent Defense Services pursuant to paragraph (b) of subsection 2 must be used only to provide a stipend of $450 per day to a public defender, the State Public Defender or any other attorney employed by the public defender or State Public Defender for being available on a weekend or holiday to represent a defendant in a pretrial release hearing required by NRS 178.4849 or to represent a defendant in any such pretrial release hearing conducted on a weekend or holiday in a county whose population is less than 100,000.

5. The expenditure of money allocated pursuant to paragraph (a) of subsection 2 by a county is subject to an annual audit of the county. Each county that receives money allocated pursuant to paragraph (a) of subsection 2 shall provide, on or before October 1, 2024, and October 1, 2025, a report to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature and the Department of Indigent Defense Services, that sets forth the expenditure of such money for the immediately preceding fiscal year.

6. Any remaining balance of the allocations made by paragraph (a) of subsection 2 and the money distributed to the Department of Indigent Defense Services pursuant to paragraph (b) of subsection 2 from the appropriation made by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 7.7. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 8. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 518 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 518.

Bill read third time.

Roll call on Assembly Bill No. 518:

YEAS—42.

NAYS—None.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 5.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 49.

The following Senate amendment was read:

Amendment No. 665.

AN ACT relating to criminal procedure; **authorizing certain persons to file and serve certain documents by electronic means;** prescribing separate forms for certain postconviction petitions for a writ of habeas corpus; revising various provisions relating to postconviction petitions for a writ of habeas corpus; eliminating the requirement that the respondent to a postconviction petition for a writ of habeas corpus file a return with the court; revising provisions relating to a petition for a hearing to establish the factual innocence of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an offender who is convicted of a crime and under a sentence of death or imprisonment to file a postconviction petition for a writ of habeas corpus to challenge: (1) the validity of a judgment of conviction; or (2) the computation of time that the person has served pursuant to a judgment of conviction. (NRS 34.724) Existing law also authorizes a person who has been convicted of a felony to file a petition for a hearing to establish the factual innocence of the person based on newly discovered evidence. (NRS 34.960) **Section 2** of this bill defines the term "prosecuting agency" for the purpose of clarifying certain requirements relating to such petitions. **Sections 5, 10, 11, 13 and 20-24** of this bill make conforming changes to substitute the defined term where appropriate.

Sections 3 and 11 of this bill prescribe separate and distinct forms for a petition for a writ of habeas corpus that challenges the computation of time that a person has served pursuant to a judgment of conviction and a petition for a writ of habeas corpus that challenges the validity of a judgment of conviction, respectively. **Section 10** of this bill makes a conforming change by requiring each type of petition to be: (1) appropriately titled; and (2) in

substantially the form prescribed by **sections 3 and 11**. **Section 2.5 of this bill authorizes a petitioner, under certain circumstances, to file and serve upon certain persons each type of petition by electronic means. Under section 2.5, the following may be filed or served by electronic means: (1) a response or answer filed by a prosecuting agency; (2) a copy of any decision or order served by the clerk of the court upon the petitioner or petitioner's attorney; and (3) a notice of a decision or order delivered to the petitioner or petitioner's attorney.** **Sections 6, 7 and 17** of this bill make conforming changes to indicate the proper placement of ~~[section]~~ **sections 2.5 and 3** in the Nevada Revised Statutes.

Section 8 of this bill makes a nonsubstantive change to clarify that a person may file a postconviction petition for a writ of habeas corpus without paying a filing fee. **Sections 9, 10, 12-14, 16, 18 , ~~[and]~~ 19 , 24.1-24.3, 24.5 and 24.6** of this bill make certain other nonsubstantive changes in statutes concerning postconviction petitions.

Existing law requires the respondent on a postconviction petition for a writ of habeas corpus to file with the court: (1) a return, which includes certain information relating to the basis on which the respondent has the petitioner in his or her custody or power; and (2) an answer responding to the allegations of the petition. (NRS 34.430, 34.745) **Section 26** of this bill repeals the requirement that the respondent file a return with the court. **Section 15** of this bill requires instead that the response or answer filed by the respondent include the information contained in a return under existing law. **Sections 13, 14 and 16** make conforming changes relating to the elimination of the requirement that a respondent file a return with the court.

Existing law provides that: (1) certain written motions, written notices, designations of record on appeal and similar papers must be served upon each of the parties in a criminal proceeding and filed with the court; and (2) with certain exceptions, any papers required to be served must be filed with the court in the manner provided in civil actions. (NRS 178.582, 178.584, 178.588) Section 24.4 of this bill authorizes a person, under certain circumstances, to file and send or receive service of a motion, notice or other legal document through electronic means.

Section 25 of this bill makes the amendatory provisions of this bill applicable to a postconviction petition for a writ of habeas corpus filed on or after July 1, 2023.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 34 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **, 2.5** and 3 of this act.

Sec. 2. ***As used in this chapter, "prosecuting agency" means:***

1. The district attorney of the county in which the judgment of conviction or sentence being challenged in a petition for a writ of habeas corpus was obtained, if the district attorney or a deputy district attorney prosecuted the

petitioner in the original proceeding which led to the judgment of conviction or sentence; or

2. The Attorney General, if the Attorney General or a deputy attorney general prosecuted the petitioner in the original proceeding which led to the judgment of conviction or sentence being challenged in a petition for a writ of habeas corpus.

Sec. 2.5. 1. A petition that challenges the computation of time that the petitioner has served pursuant to a judgment of conviction or that challenges the validity of a judgment of conviction may be served by electronic means upon the officer or other person by whom the petitioner is confined or restrained. A copy of the petition may also be served by electronic means upon the Attorney General or any other prosecuting agency.

2. A petition filed with the clerk of the district court for the county in which the conviction occurred pursuant to NRS 34.738 may be filed electronically.

3. A response or answer to a petition filed by a prosecuting agency pursuant to NRS 34.745 may be filed electronically.

4. A decision or order prepared by the court pursuant to NRS 34.830 may be filed electronically. A copy of the decision or order may be served by electronic means upon the petitioner and the petitioner's counsel. A notice of a decision or order may be electronically delivered to the petitioner by the clerk of the court.

5. The clerk of the court may accept a petition and a response or answer to the petition that is filed electronically. A petition, response or answer that is filed electronically may be converted into a printed document and served upon a respondent or petitioner, as applicable, in the same manner as a petition, response or answer that is not filed electronically.

6. A petition, response, answer, order or decision that is filed electronically shall be deemed to be filed on the date that it is filed electronically if it is filed not later than 11:59 p.m. on that date.

Sec. 3. ***A petition for a writ of habeas corpus that challenges the computation of time that the petitioner has served pursuant to a judgment of conviction must be in substantially the following form, with appropriate modifications if the petition is filed in the Court of Appeals or the Supreme Court:***

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF.....

.....
Petitioner,

v. ***PETITION FOR WRIT OF HABEAS CORPUS (COMPUTATION OF TIME)***

.....

Respondent.

INSTRUCTIONS:

(1) Use this form if you are currently serving a sentence pursuant to a judgment of conviction and are challenging the postconviction computation of your time served, the revocation of your parole or the forfeiture of your credits. Do not use this form if you are requesting relief from a judgment of conviction.

(2) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

(3) You must include facts which support your grounds for relief. You do not need to cite law or authorities. You may submit additional pages if necessary with this form.

(4) If you want an attorney appointed, you must complete an Affidavit in Support of Request to Proceed in Forma Pauperis. An authorized officer at the prison must complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

(5) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but:

(a) Within its custody, name the Director of the Department of Corrections.

(b) Under the supervision of the Division of Parole and Probation of the Department of Public Safety, name the probation officer or parole officer assigned to you at this time.

(6) You must include all grounds for relief which you may have regarding the computation of time served on your sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging the same computation of time issue.

(7) You must allege specific facts supporting the claims in this petition. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed.

(8) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you are incarcerated, or, if you are incarcerated outside this State, the First Judicial District Court in and for Carson City. One copy must be mailed or electronically delivered to the respondent and one copy must be mailed or electronically delivered to the Attorney

General's Office. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty:

.....
.....

2. Name and location of court that sentenced you: .....
.....

3. Case number: .....

4. Date of judgment of conviction: .....

5. (a) Nature of the underlying offense involved in the sentence being challenged in this petition: .....

(b) Date on which the underlying offense involved in the sentence being challenged in this petition was committed: .....

6. Length of sentence being challenged in this petition: .....
.....

7. Are you presently serving a sentence other than the sentence being challenged in this petition? Yes ..... No .....
If "yes," list each crime, case number and sentence being served at this time: .....
.....

8. Have your sentences been aggregated? Yes ..... No .....
If "yes," list each case number and sentence, the terms of which have been aggregated: .....
.....
.....

9. Do you have any future sentences to serve after you complete the sentence being challenged in this petition (whether in the same judgment or a different judgment)? Yes ..... No .....
If "yes," specify where and when it is to be served, if you know: .....

10. Have you had a parole hearing relating to the sentence you are challenging in this petition? Yes ..... No .....

If "yes," give the following information:

(a) Date of most recent parole hearing: .....

(b) Outcome of most recent parole hearing: .....

(c) Date on which the rehearing is to be held, if you know: .....

11. Are you challenging a decision of the State Board of Parole Commissioners to revoke your parole? Yes ..... No .....

If "yes," give the following information:

(a) Date of revocation hearing: .....

(b) Date on which your next parole hearing is scheduled, if you know: .....

(c) Did you forfeit any credit as a result of the revocation of parole? Yes ..... No .....

(d) If you forfeited any credit as a result of the revocation of parole, has any of the credit forfeited been restored? Yes ..... No .....

12. Are you challenging a disciplinary sanction? Yes ..... No .....

If "yes," give the following information:

(a) Date on which you were served with a notice of the disciplinary offense charged: .....

(b) Date on which the disciplinary hearing involving the charged offense was conducted:.....

(c) Did you forfeit any credit as a result of the disciplinary hearing? Yes ..... No .....

(d) If you forfeited any credit as a result of the disciplinary hearing, has any of the credit forfeited been restored? Yes ..... No .....

13. Have you previously filed any petitions, applications or motions with respect to the challenge raised in this petition in any court, state or federal? Yes ..... No .....

14. If your answer to No. 13 was "yes," give the following information:

(a) (1) Name of court: .....

(2) Nature of proceeding: .....
.....

(3) Grounds raised: .....
.....
.....

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

(5) Result: .....

(6) Date of result: .....

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: .....

(b) As to any second or subsequent additional petitions, applications or motions, give the same information as above, list them on a separate sheet and attach.

(c) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes ..... No .....

Citation or date of decision: .....

(2) Second or subsequent petitions, applications or motions? Yes ..... No .....

Citation or date of decision:.....

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be

included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

.....
.....

15. Do you have any petition or appeal now pending in any court, state or federal, regarding the computation of time you are challenging in this petition? Yes ..... No .....

If "yes," give the following information:

(a) Name of court: .....

(b) Case number: .....

16. Have you filed a grievance raising the same computation of time issue as you are raising in this petition? Yes ..... No .....

17. If your answer to No. 16 was "yes," answer the following:

(a) Number assigned to your grievance: .....

(b) Result of grievance: .....

(c) Did you complete all levels of the grievance procedure? Yes ..... No .....

(d) If you did not complete all levels of the grievance procedure, explain briefly why you did not: .....

18. If any of the grounds being raised in this petition have been submitted for review and resolution by way of the grievance process, explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

.....
.....
.....

19. State concisely every ground on which you claim that the computation of time you have served has been improperly computed. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting the same.

(a) Ground one: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):

.....
.....

(b) Ground two: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):

.....
.....

(c) Ground three: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):

.....

.....

(d) Ground four: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):

.....

.....

WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at ..... on the ..... day of the month of ..... of the year .....

.....

Signature of petitioner

.....

Address

.....

Signature of attorney (if any)

.....

Attorney for petitioner

.....

Address

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

.....

Petitioner

.....

Attorney for petitioner

CERTIFICATE OF SERVICE
(PLEASE SIGN THE APPROPRIATE METHOD YOU WISH TO USE)

CERTIFICATE OF SERVICE BY MAIL

I, ..., hereby certify, pursuant to N.R.C.P. 5(b), that on this ..... day of the month of ..... of the year ....., I mailed a true

and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS (COMPUTATION OF TIME) addressed to:

.....
Respondent prison or jail official

.....
Address

.....
Attorney General
100 North Carson Street
Carson City, Nevada 89701

.....
Signature of petitioner

CERTIFICATE OF SERVICE BY ELECTRONIC MEANS

I, ..., hereby certify that on this ..... day of the month of ..... of the year ....., I electronically delivered a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS (COMPUTATION OF TIME) addressed to:

.....
Respondent prison or jail official

.....
Electronic mail address or other electronic means for service

.....
Attorney General
100 North Carson Street
Carson City, Nevada 89701

.....
Signature of Petitioner

Sec. 4. NRS 34.370 is hereby amended to read as follows:

34.370 1. A petition for a writ of habeas corpus must be verified by the petitioner or the petitioner's counsel. If the petition is verified by counsel, counsel shall also verify that the petitioner personally authorized counsel to commence the action.

2. A verified petition for issuance of a writ of habeas corpus must specify that the petitioner is imprisoned or restrained of the petitioner's liberty, the officer or other person by whom the petitioner is confined or restrained, and the place where the petitioner is confined, naming all the parties if they are known, or describing them if they are not known.

3. If the petitioner claims that the imprisonment is illegal, the petitioner must state facts which show that the restraint or detention is illegal.

4. If the petition requests relief from a judgment of conviction or sentence in a criminal case, the petition must identify the proceedings in which the petitioner was convicted, give the date of entry of the final judgment and set forth which constitutional rights of the petitioner were violated and the acts constituting violations of those rights. Affidavits, records or other evidence supporting the allegations in the petition must be attached unless the petition recites the cause for failure to attach these materials. The petition must identify any previous proceeding in state or federal court initiated by the petitioner to secure relief from the petitioner's ***judgment of*** conviction or sentence. Argument, citations and other supporting documents are unnecessary.

Sec. 5. NRS 34.700 is hereby amended to read as follows:

34.700 1. Except as provided in subsection 3, a pretrial petition for a writ of habeas corpus based on alleged lack of probable cause or otherwise challenging the court's right or jurisdiction to proceed to the trial of a criminal charge may not be considered unless:

(a) The petition and all supporting documents are filed within 21 days after the first appearance of the accused in the district court; and

(b) The petition contains a statement that the accused:

(1) Waives the 60-day limitation for bringing an accused to trial; or

(2) If the petition is not decided within 15 days before the date set for trial, consents that the court may, without notice or hearing, continue the trial indefinitely or to a date designated by the court.

2. The arraignment and entry of a plea by the accused must not be continued to avoid the requirement that a pretrial petition be filed within the period specified in subsection 1.

3. The court may extend, for good cause, the time to file a petition. Good cause shall be deemed to exist if the transcript of the preliminary hearing or of the proceedings before the grand jury is not available within 14 days after the accused's initial appearance and the court shall grant an ex parte application to extend the time for filing a petition. All other applications may be made only after appropriate notice has been given to the prosecuting ~~[attorney.]~~ ***agency.***

Sec. 6. NRS 34.720 is hereby amended to read as follows:

34.720 The provisions of NRS 34.720 to 34.830, inclusive, ***and ~~[section]~~ sections 2.5 and 3 of this act*** apply only to petitions for writs of habeas corpus in which the petitioner:

1. Requests relief from a judgment of conviction or sentence in a criminal case; or

2. Challenges the computation of time that the petitioner has served pursuant to a judgment of conviction.

Sec. 7. NRS 34.722 is hereby amended to read as follows:

34.722 As used in NRS 34.720 to 34.830, inclusive, ***and ~~[section]~~ sections 2.5 and 3 of this act,*** unless the context otherwise requires, "petition" means a ~~[postconviction]~~ petition ~~[for habeas corpus]~~ ***to obtain relief from a judgment of conviction or sentence or to challenge the computation of time a person has served*** filed pursuant to NRS 34.724.

Sec. 8. NRS 34.724 is hereby amended to read as follows:

34.724 1. Any person convicted of a crime and under sentence of death or imprisonment who claims that the conviction was obtained, or that the sentence was imposed, in violation of the Constitution of the United States or the Constitution or laws of this State, or who, after exhausting all available administrative remedies, claims that the time the person has served pursuant to the judgment of conviction has been improperly computed ~~[,]~~ may ~~[, without paying a filing fee,]~~ file a ~~[postconviction]~~ petition ~~[for a writ of habeas corpus]~~ to obtain relief from the ***judgment of*** conviction or sentence or to challenge the computation of time that the person has served. ***A person must not be required to pay a filing fee to file such a petition.***

2. Such a petition:

(a) Is not a substitute for and does not affect any remedies which are incident to the proceedings in the trial court or the remedy of direct review of the sentence or conviction.

(b) Comprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the ***judgment of*** conviction or sentence, and must be used exclusively in place of them.

(c) Is the only remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a judgment of conviction, after all available administrative remedies have been exhausted.

3. For the purposes of this section, a motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is imposed or imposition of sentence is suspended is a remedy which is incident to the proceedings in the trial court if:

(a) The person has not filed a prior motion to withdraw the plea and has not filed a prior ~~[postconviction]~~ petition ***;*** ~~[for a writ of habeas corpus;]~~

(b) The motion is filed within 1 year after the date on which the person was convicted, unless the person pleads specific facts demonstrating that some impediment external to the defense precluded bringing the motion earlier;

(c) At the time the person files the motion to withdraw the plea, the person is not incarcerated for the charge for which the person entered the plea; and

(d) The motion is not barred by the doctrine of laches. A motion filed more than 5 years after the date on which the person was convicted creates a rebuttable presumption of prejudice to the State on the basis of laches.

4. The court shall not appoint counsel to represent a person for the purpose of subsection 3.

Sec. 9. NRS 34.726 is hereby amended to read as follows:

34.726 1. Unless there is good cause shown for delay, a petition that challenges the validity of a judgment ***of conviction*** or sentence must be filed within 1 year after entry of the judgment of conviction or, if an appeal has been taken from the judgment, within 1 year after the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution issues its remittitur. For the

purposes of this subsection, good cause for delay exists if the petitioner demonstrates to the satisfaction of the court:

(a) That the delay is not the fault of the petitioner; and

(b) That dismissal of the petition as untimely will unduly prejudice the petitioner.

2. The execution of a sentence must not be stayed for the period provided in subsection 1 solely because a petition may be filed within that period. A stay of sentence must not be granted unless:

(a) A petition is actually filed; and

(b) The petitioner establishes a compelling basis for the stay.

Sec. 10. NRS 34.730 is hereby amended to read as follows:

34.730 1. A petition must be verified by the petitioner or the petitioner's counsel. If the petition is verified by counsel, counsel shall also verify that the petitioner personally authorized counsel to commence the action.

2. ***A petition that challenges:***

(a) The computation of time that the petitioner has served pursuant to a judgment of conviction must be titled "Petition for Writ of Habeas Corpus (Computation of Time)" and be in substantially the form set forth in section 3 of this act.

(b) The ~~[~~petition~~]~~ ***validity of a judgment of conviction or sentence*** must be titled "Petition for Writ of Habeas Corpus ~~[~~(Postconviction)"~~]~~ ***(Validity of Judgment of Conviction or Sentence)"*** and be in substantially the form set forth in NRS 34.735. ~~[~~The~~]~~

3. A petition must name as respondent and be served by mail ***or electronic means*** upon the officer or other person by whom the petitioner is confined or restrained. A copy of the petition must be served by mail ***or electronic means*** upon ~~[~~:

~~(a) The~~~~]~~ ***the*** Attorney General ~~[~~,~~]~~ and

~~[~~(b) In the case of a petition challenging the validity of a judgment of conviction or sentence, the district attorney in the county in which the petitioner was convicted.~~]~~ ***, if applicable, any other prosecuting agency.***

~~[~~3.~~]~~ ***4.*** Except as otherwise provided in this subsection, the clerk of the district court shall file a petition as a new action separate and distinct from any original proceeding in which a conviction has been had. If a petition challenges the validity of a ***judgment of*** conviction or sentence, it must be:

(a) Filed with the record of the original proceeding to which it relates; and

(b) Whenever possible, assigned to the original judge or court.

~~[~~4.~~]~~ ***5.*** No hearing upon the petition may be set until the requirements of NRS 34.740 to 34.770, inclusive, are satisfied.

Sec. 11. NRS 34.735 is hereby amended to read as follows:

34.735 A petition ***that challenges the validity of a judgment of conviction or sentence*** must be in substantially the following form, with appropriate modifications if the petition is filed in the Court of Appeals or the Supreme Court:

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF.....

.....
Petitioner,
v.

PETITION FOR WRIT OF HABEAS CORPUS ~~[(POSTCONVICTION)]~~ ***(VALIDITY OF JUDGMENT OF CONVICTION OR SENTENCE)***

.....
Respondent.

INSTRUCTIONS:

(1) ***Use this form if you are currently serving a sentence pursuant to a judgment of conviction and are seeking relief from your judgment of conviction or sentence. Do not use this form if you are challenging the postconviction computation of your time served.***

(2) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

~~[(2)]~~ ***(3)*** Additional pages are not permitted except where noted or with respect to the facts ~~[which you rely upon to]~~ ***that*** support your grounds for relief. ~~[No citation of authorities need be furnished.]~~ ***You are not required to cite to law or authorities.*** If ***you submit*** briefs or arguments ***,*** ~~[are submitted,]~~ they ~~[should be submitted in the form of]~~ ***must be in*** a separate memorandum.

~~[(3)]~~ ***(4)*** If you want an attorney appointed, you must complete ~~[the]~~ ***an*** Affidavit in Support of Request to Proceed in Forma Pauperis. ~~[You must have an]~~ ***An*** authorized officer at the prison ***must*** complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

~~[(4)]~~ ***(5)*** You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.

~~[(5)]~~ ***(6)*** You must include all grounds ~~[or claims]~~ for relief which you may have regarding your ***judgment of*** conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your ***judgment of*** conviction and sentence.

~~[(6)]~~ ***(7)*** You must allege specific facts supporting the claims in ~~[the]~~ ***this*** petition **.** ~~[you file seeking relief from any conviction or sentence.]~~ Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

~~[(7)]~~ ***(8)*** When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed ***or electronically delivered*** to the respondent, one copy to the Attorney General's Office, and one copy to the ~~[district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence.]~~ ***prosecuting agency.*** Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: .....

2. Name and location of court which entered the judgment of conviction ~~[under attack:]~~ ***being challenged:*** ....

3. Date of judgment of conviction: .....

4. Case number: .....

5. (a) Length of sentence: ....

(b) If sentence is death, state any date upon which execution is scheduled:.....

6. Are you presently serving a sentence for a ***judgment of*** conviction other than the ***judgment of*** conviction ~~[under attack]~~ ***you are challenging*** in this ~~[motion?]~~ ***petition?*** Yes ..... No .....

If "yes," list ***each*** crime, case number and sentence being served at this time: ....

7. Nature of offense involved in ***the judgment of*** conviction being challenged: ....

8. What was your plea? (check one)

(a) Not guilty .....

(b) Guilty .....

(c) Guilty but mentally ill .....

(d) Nolo contendere .....

9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details: .....
.....
.....

10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

(a) Jury .....

(b) Judge without a jury .....

11. Did you testify at the trial? Yes ..... No .....

12. Did you appeal from the judgment of conviction? Yes ..... No .....

13. If you did appeal, answer the following:

(a) Name of court: .....

(b) Case number or citation: .....

(c) Result: .....

(d) Date of result: .....

(Attach copy of order or decision, if available.)

14. If you did not appeal, explain briefly why you did not: .....
.....
.....

15. Other than a direct appeal from the judgment of conviction **,** ~~[and sentence,]~~ have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes ..... No .....

16. If your answer to No. 15 was "yes," give the following information:

(a) (1) Name of court: .....

(2) Nature of proceeding: .....
.....

(3) Grounds raised:
.....
.....

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

(5) Result: .....

(6) Date of result: .....

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: .....
.....

(b) As to any second petition, application or motion, give the same information:

(1) Name of court: .....

(2) Nature of proceeding: .....

(3) Grounds raised: .....

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

(5) Result: .....

(6) Date of result: .....

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: .....

.....

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes ..... No .....

Citation or date of decision: .....

(2) Second petition, application or motion? Yes ..... No .....

Citation or date of decision: .....

(3) Third or subsequent petitions, applications or motions? Yes ..... No .....

Citation or date of decision: .....

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

.....

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same: .....

.....

(b) The proceedings in which these grounds were raised: .....

.....

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) .....

.....

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate

specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

.....

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) .....

.....

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment ~~[under attack?]~~ ***of conviction you are challenging in this petition?*** Yes ..... No .....

If yes, state what court and the case number: .....

.....

21. Give the name of each attorney who represented you in the proceeding resulting in your ***judgment of*** conviction and on direct appeal:

.....

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment ~~[under attack?]~~ ***of conviction you are challenging in this petition?*** Yes ..... No .....

If yes, specify where and when it is to be served, if you know: .....

.....

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting the same.

(a) Ground one: .....

Supporting FACTS (Tell your story briefly without citing cases or law.):

.....

.....

(b) Ground two:

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):

.....

.....

(c) Ground three: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):

.....

.....

(d) Ground four: .....

.....

Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....

WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at ..... on the ..... day of the month of ..... of the year .....

.....
Signature of petitioner

.....
Address

.....
Signature of attorney (if any)

.....
Attorney for petitioner

.....
Address

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

.....
Petitioner

.....
Attorney for petitioner

CERTIFICATE OF SERVICE
(PLEASE SIGN THE APPROPRIATE METHOD OF SERVICE YOU WISH TO USE)

CERTIFICATE OF SERVICE BY MAIL

I, ..., hereby certify, pursuant to N.R.C.P. 5(b), that on this ..... day of the month of ..... of the year ....., I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS ***(VALIDITY OF JUDGMENT OF CONVICTION OR SENTENCE)*** addressed to:

.....
Respondent prison or jail official

.....
Address

.....
Attorney General
~~[~~Heroes' Memorial Building~~]~~
~~[~~Capitol Complex~~]~~ ***100 North Carson Street***
Carson City, Nevada ~~[~~89710~~]~~ ***89701***

.....
District Attorney of County of Conviction

.....
Address

.....
Signature of Petitioner

CERTIFICATE OF SERVICE BY ELECTRONIC MEANS

I, ..., hereby certify that on this ..... day of the month of ..... of the year ....., I electronically delivered a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS (VALIDITY OF JUDGMENT OF CONVICTION OR SENTENCE) addressed to:

*****.....*****
Respondent prison or jail official

*****.....*****
Electronic mail address or other electronic means for service

*****.....*****
Attorney General
100 North Carson Street
Carson City, Nevada 89701

*****.....*****
District Attorney of County of Conviction

*****.....*****
Address

*****.....*****
Signature of Petitioner

Sec. 12. NRS 34.738 is hereby amended to read as follows:

34.738 1. A petition that challenges the validity of a ***judgment of*** conviction or sentence must be filed with the clerk of the district court for the county in which the conviction occurred. Any other petition must be filed with the clerk of:

(a) The district court for the county in which the petitioner is incarcerated; or

(b) The First Judicial District Court in and for Carson City, if the petitioner is incarcerated outside this State while serving a term of imprisonment imposed by a court of this State.

2. A petition that is not filed in the district court for the appropriate county:

(a) Shall be deemed to be filed on the date it is received by the clerk of the district court in which the petition is initially lodged; and

(b) Must be transferred by the clerk of that court to the clerk of the district court for the appropriate county.

3. A petition must not challenge both the validity of a judgment of conviction or sentence and the computation of time that the petitioner has served pursuant to ~~[~~that~~]~~ ***a*** judgment ~~[.]~~ ***of conviction.*** If a petition improperly challenges both the validity of a judgment of conviction or sentence and the computation of time that the petitioner has served pursuant to ~~[~~that~~]~~ ***a*** judgment ~~[,]~~ ***of conviction,*** the district court for the appropriate county shall resolve that portion of the petition that challenges the validity of the judgment of conviction or sentence and dismiss the remainder of the petition without prejudice.

Sec. 13. NRS 34.745 is hereby amended to read as follows:

34.745 1. ~~[If a petition challenges the validity of a judgment of conviction or sentence and is the first petition filed by the petitioner, the]~~ ***The*** judge or justice shall order the ~~[district attorney or the Attorney General, whichever is appropriate,]~~ ***prosecuting agency*** to:

(a) File ~~[:~~

~~(1) A]~~ ***a*** response or an answer to the petition ~~[; and~~

~~(2) If an evidentiary hearing is required pursuant to NRS 34.770, a return,~~

~~➥]~~ within 45 days or a longer period fixed by the judge or justice; or

(b) Take other action that the judge or justice deems appropriate.

2. ~~[If a petition challenges the computation of time that the petitioner has served pursuant to a judgment of conviction, the judge or justice shall order the Attorney General to:~~

~~(a) File:~~

~~(1) A response or an answer to the petition; and~~

~~(2) A return,~~

~~➥ within 45 days or a longer period fixed by the judge or justice.~~

~~(b) Take other action that the judge or justice deems appropriate.~~

~~3.]~~ An order entered pursuant to subsection 1 ~~[or 2]~~ must be in substantially the following form, with appropriate modifications if the order is entered by a judge of the Court of Appeals or a justice of the Supreme Court:

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF .....

.....
Petitioner,

v. ORDER

.....

Respondent.

Petitioner filed a petition for a writ of habeas corpus on ..... (month) ..... (day), ... (year). The court has reviewed the petition and has determined that a response would assist the court in determining whether petitioner is illegally imprisoned and restrained of petitioner's liberty. Respondent shall, within 45 days after the date of this order, answer or otherwise respond to the petition ~~[~~and file a return~~]~~ in accordance with the provisions of NRS 34.360 to 34.830, inclusive ~~[.]~~ ***, and section 3 of this act.***

Dated ..... (month) ..... (day), ... (year)

.....

District Judge

➥ A copy of the order must be served on the petitioner or the petitioner's counsel, the respondent, the Attorney General and ~~[~~the district attorney of the county in which the petitioner was convicted.

~~4.]~~ ***, if applicable, any other prosecuting agency.***

3. If the petition is a second or successive petition challenging the validity of a judgment of conviction or sentence and if it plainly appears from the face of the petition or an amended petition and documents and exhibits that are annexed to it, or from records of the court that the petitioner is not entitled to relief based on any of the grounds set forth in subsection ~~[2]~~ ***3*** of NRS 34.810, the judge or justice shall enter an order for its summary dismissal and cause the petitioner to be notified of the entry of the order.

~~[5.]~~ ***4.*** If the judge or justice relies on the records of the court in entering an order pursuant to this section, those records must be made a part of the record of the proceeding before entry of the order.

Sec. 14. NRS 34.750 is hereby amended to read as follows:

34.750 1. A petition may allege that the petitioner is unable to pay the costs of the proceedings or to employ counsel. If the court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily, the court may appoint counsel to represent the petitioner. In making its determination, the court may consider, among other things, the severity of the consequences facing the petitioner and whether:

(a) The issues presented are difficult;

(b) The petitioner is unable to comprehend the proceedings; or

(c) Counsel is necessary to proceed with discovery.

2. If the court determines that the petitioner is unable to pay all necessary costs and expenses incident to the proceedings of the trial court and the reviewing court, including court costs, stenographic services, printing and reasonable compensation for legal services, all costs must be paid from money appropriated to the office of the State Public Defender for that purpose. After appropriations for that purpose are exhausted, money must be allocated to the

office of the State Public Defender from the Reserve for Statutory Contingency Account for the payment of the costs, expenses and compensation.

3. After appointment by the court, counsel for the petitioner may file and serve supplemental pleadings, exhibits, transcripts and documents within 30 days after:

(a) The date the court orders the filing of ~~[an]~~ ***a response or*** answer ***;*** ~~[and a return;]~~ or

(b) The date of counsel's appointment,

➥ whichever is later. If it has not previously been filed, the ***response or*** answer by the respondent must be filed within 15 days after receipt of the supplemental pleadings and include any response to the supplemental pleadings.

4. The petitioner shall respond within 15 days after service to a motion by the State to dismiss the action.

5. No further pleadings may be filed except as ordered by the court.

Sec. 15. NRS 34.760 is hereby amended to read as follows:

34.760 1. ~~[The]~~ ***A response or*** answer must ~~[state]~~ ***:***

(a) State plainly and unequivocally whether the respondent has or had the petitioner in custody or under the respondent's power or restraint and, if the respondent:

(1) Has the petitioner in custody or under his or her power or restraint at the time of filing the response or answer, set forth with specificity the basis for custody, including, without limitation, the authority and cause of the imprisonment or restraint.

(2) Had the petitioner in custody or under the respondent's power or restraint but no longer has the petitioner in custody or under the respondent's power or restraint, state particularly to whom, at what time and place, for what cause and by what authority the transfer took place.

(b) Indicate whether the petitioner has previously applied for relief from the petitioner's ***judgment of*** conviction or sentence in any proceeding in a state or federal court, including a direct appeal or a petition for a writ of habeas corpus or other postconviction relief.

2. ~~[The]~~ ***If a petition challenges the validity of a judgment of conviction or sentence, the response or*** answer must indicate what transcripts of pretrial, trial, sentencing and postconviction proceedings are available, when these transcripts can be furnished and what proceedings have been recorded and not transcribed. The respondent shall attach to the ***response or*** answer any portions of the transcripts, except those in the court's file, which the respondent deems relevant. The court on its own motion or upon request of the petitioner may order additional portions of existing transcripts to be furnished or certain portions of the proceedings which were not transcribed to be transcribed and furnished. If a transcript is not available or procurable, the court may require a narrative summary of the evidence to be submitted.

3. ***If a petition challenges the computation of time that the petitioner has served pursuant to a judgment of conviction, the respondent shall attach a copy of the judgment of conviction to the response or answer.***

4. If the petitioner appealed ~~[from]~~ the judgment of conviction ***or sentence*** or any adverse judgment or order in a prior petition ***,*** ~~[for a writ of habeas corpus or postconviction relief,]~~ a copy of the petitioner's brief on appeal and any opinion of the appellate court must be filed by the respondent with the ***response or*** answer.

Sec. 16. NRS 34.770 is hereby amended to read as follows:

34.770 1. The judge or justice, upon review of the ~~[return,]~~ ***response or*** answer and all supporting documents which are filed, shall determine whether an evidentiary hearing is required. A petitioner must not be discharged or committed to the custody of a person other than the respondent unless an evidentiary hearing is held.

2. If the judge or justice determines that the petitioner is not entitled to relief and an evidentiary hearing is not required, the judge or justice shall dismiss the petition without a hearing.

3. If the judge or justice determines that an evidentiary hearing is required, the judge or justice shall grant the writ and shall set a date for the hearing.

Sec. 17. NRS 34.780 is hereby amended to read as follows:

34.780 1. The Nevada Rules of Civil Procedure, to the extent that they are not inconsistent with NRS 34.360 to 34.830, inclusive, ***and*** ~~***[section]***~~ ***sections 2.5 and 3 of this act*** apply to proceedings pursuant to NRS 34.720 to 34.830, inclusive ~~[.]~~ ***, and*** ~~***[section]***~~ ***sections 2.5 and 3 of this act.***

2. After the writ has been granted and a date set for the hearing, a party may invoke any method of discovery available under the Nevada Rules of Civil Procedure if, and to the extent that, the judge or justice for good cause shown grants leave to do so.

3. A request for discovery which is available under the Nevada Rules of Civil Procedure must be accompanied by a statement of the interrogatories or requests for admission and a list of any documents sought to be produced.

Sec. 18. NRS 34.800 is hereby amended to read as follows:

34.800 1. A petition may be dismissed if delay in the filing of the petition:

(a) Prejudices the respondent or the State of Nevada in responding to the petition, unless the petitioner shows that the petition is based upon grounds of which the petitioner could not have had knowledge by the exercise of reasonable diligence before the circumstances prejudicial to the State occurred; or

(b) Prejudices the State of Nevada in its ability to conduct a retrial of the petitioner, unless the petitioner demonstrates that a fundamental miscarriage of justice has occurred in the proceedings resulting in the judgment of conviction ***.*** ~~[or sentence.]~~

2. A period exceeding 5 years between the filing of a judgment of conviction, an order imposing a sentence of imprisonment or a decision on direct appeal of a judgment of conviction and the filing of a petition challenging the validity of a judgment of conviction creates a rebuttable presumption of prejudice to the State. In a motion to dismiss the petition based

on that prejudice, the respondent or the State of Nevada must specifically plead laches. The petitioner must be given an opportunity to respond to the allegations in the pleading before a ruling on the motion is made.

Sec. 19. NRS 34.810 is hereby amended to read as follows:

34.810 1. The court shall dismiss a petition ***that challenges the validity of a judgment of conviction or sentence*** if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or

(3) Raised in any other proceeding that the petitioner has taken to secure relief from the petitioner's ***judgment of*** conviction and sentence,

➥ unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

2. ***The court shall dismiss a petition that challenges the computation of time served pursuant to a judgment of conviction without prejudice if the court determines that the petitioner did not exhaust all available administrative remedies to resolve such a challenge as required by NRS 34.724.***

3. A second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

~~[3.]~~ ***4.*** Pursuant to subsections 1 and ~~[2,]~~ ***3,*** the petitioner has the burden of pleading and proving specific facts that demonstrate:

(a) Good cause for the petitioner's failure to present the claim or for presenting the claim again; and

(b) Actual prejudice to the petitioner.

➥ The petitioner shall include in the petition all prior proceedings in which the petitioner challenged the same ***judgment of*** conviction or sentence.

~~[4. The court shall dismiss a petition without prejudice if:~~

~~(a) The petition challenges the computation of time that the petitioner has served pursuant to a judgment of conviction; and~~

~~(b) The court determines that the petitioner did not exhaust all available administrative remedies to resolve such a challenge as required by NRS 34.724.]~~

5. The court may dismiss a petition that fails to include any prior proceedings of which the court has knowledge through the record of the court or through the pleadings submitted by the respondent.

Sec. 20. NRS 34.820 is hereby amended to read as follows:

34.820 1. If a petitioner has been sentenced to death and the petition is the first one challenging the validity of the petitioner's ***judgment of*** conviction or sentence, the court shall:

(a) Appoint counsel to represent the petitioner; and

(b) Stay execution of the judgment pending disposition of the petition and the appeal.

2. The petition must include the date upon which execution is scheduled, if it has been scheduled. The petitioner is not entitled to an evidentiary hearing unless the petition states that:

(a) Each issue of fact to be considered at the hearing has not been determined in any prior evidentiary hearing in a state or federal court; or

(b) For each issue of fact which has been determined in a prior evidentiary hearing, the hearing was not a full and fair consideration of the issue. The petition must specify all respects in which the hearing was inadequate.

3. If the petitioner has previously filed a petition for relief or for a stay of the execution in the same court, the petition must be assigned to the judge or justice who considered the previous matter.

4. The court shall inform the petitioner and the petitioner's counsel that all claims which challenge the ***judgment of*** conviction or imposition of the sentence must be joined in a single petition and that any matter not included in the petition will not be considered in a subsequent proceeding.

5. If relief is granted or the execution is stayed, the clerk shall forthwith notify the respondent ~~[, the Attorney General]~~ and the ~~[district attorney of the county in which the petitioner was convicted.]~~ ***prosecuting agency.***

6. If a district judge conducts an evidentiary hearing, a daily transcript must be prepared for the purpose of appellate review.

7. The judge or justice who considers a petition filed by a petitioner who has been sentenced to death shall make all reasonable efforts to expedite the matter and shall render a decision within 60 days after submission of the matter for decision.

Sec. 21. NRS 34.830 is hereby amended to read as follows:

34.830 1. Any order that finally disposes of a petition, whether or not an evidentiary hearing was held, must contain specific findings of fact and conclusions of law supporting the decision of the court.

2. A copy of any decision or order discharging the petitioner from the custody or restraint under which the petitioner is held, committing the petitioner to the custody of another person, dismissing the petition or denying the requested relief must be served by the clerk of the court upon the petitioner and the petitioner's counsel, if any, the respondent ~~[, the Attorney General]~~ and the ~~[district attorney of the county in which the petitioner was convicted.]~~ ***prosecuting agency.***

3. Whenever a decision or order described in this section is entered by the district court, the clerk of the court shall prepare a notice in substantially the

following form and mail ***or electronically deliver*** a copy of the notice to each person listed in subsection 2:

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF .....

.....
Petitioner,

v. NOTICE OF ENTRY OF DECISION OR ORDER

.....
Respondent.

PLEASE TAKE NOTICE that on ..... (month) ..... (day) ..... (year), the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within 33 days after the date this notice is mailed to you. This notice was mailed on ..... (month) ..... (day) ..... (year)
Dated ..... (month) ..... (day) ..... (year)

.....
Clerk of court

(SEAL) By .....
Deputy

Sec. 22. NRS 34.960 is hereby amended to read as follows:

34.960 1. At any time after the expiration of the period during which a motion for a new trial based on newly discovered evidence may be made pursuant to NRS 176.515, a person who has been convicted of a felony may petition the district court in the county in which the person was convicted for a hearing to establish the factual innocence of the person based on newly discovered evidence. A person who files a petition pursuant to this subsection shall serve notice and a copy of the petition upon the ~~[district attorney of the county in which the conviction was obtained and the Attorney General.]~~ ***prosecuting agency.***

2. A petition filed pursuant to subsection 1 must contain an assertion of factual innocence under oath by the petitioner and must aver, with supporting affidavits or other credible documents, that:

(a) Newly discovered evidence exists that is specifically identified and, if credible, establishes a bona fide issue of factual innocence;

(b) The newly discovered evidence identified by the petitioner:

(1) Establishes innocence and is material to the case and the determination of factual innocence;

(2) Is not merely cumulative of evidence that was known, is not reliant solely upon recantation of testimony by a witness against the petitioner and is not merely impeachment evidence; and

(3) Is distinguishable from any claims made in any previous petitions;

(c) If some or all of the newly discovered evidence alleged in the petition is a biological specimen, that a genetic marker analysis was performed pursuant to NRS 176.0918, 176.09183 and 176.09187 and the results were favorable to the petitioner; and

(d) When viewed with all other evidence in the case, regardless of whether such evidence was admitted during trial, the newly discovered evidence demonstrates the factual innocence of the petitioner.

3. In addition to the requirements set forth in subsection 2, a petition filed pursuant to subsection 1 must also assert that:

(a) Neither the petitioner nor the petitioner's counsel knew of the newly discovered evidence at the time of trial or sentencing or in time to include the evidence in any previously filed post-trial motion or postconviction petition, and the evidence could not have been discovered by the petitioner or the petitioner's counsel through the exercise of reasonable diligence; or

(b) A court has found ineffective assistance of counsel for failing to exercise reasonable diligence in uncovering the newly discovered evidence.

4. The court shall review the petition and determine whether the petition satisfies the requirements of subsection 2. If the court determines that the petition:

(a) Does not meet the requirements of subsection 2, the court shall dismiss the petition without prejudice, state the basis for the dismissal and send notice of the dismissal to the petitioner ~~[, the district attorney]~~ and the ~~[Attorney General.]~~ ***prosecuting agency.***

(b) Meets the requirements of subsection 2, the court shall determine whether the petition satisfies the requirements of subsection 3. If the court determines that the petition does not meet the requirements of subsection 3, the court may:

(1) Dismiss the petition without prejudice, state the basis for the dismissal and send notice of the dismissal to the petitioner ~~[, the district attorney]~~ and the ~~[Attorney General;]~~ ***prosecuting agency;*** or

(2) Waive the requirements of subsection 3 if the court finds the petition should proceed to a hearing and that there is other evidence that could have been discovered through the exercise of reasonable diligence by the petitioner or the petitioner's counsel at trial, and the other evidence:

(I) Was not discovered by the petitioner or the petitioner's counsel;

(II) Is material upon the issue of factual innocence; and

(III) Has never been presented to a court.

5. Any second or subsequent petition filed by a person must be dismissed if the court determines that the petition fails to identify new or different

evidence in support of the factual innocence claim or, if new and different grounds are alleged, the court finds that the failure of the petitioner to assert those grounds in a prior petition filed pursuant to this section constituted an abuse of the writ.

6. The court shall provide a written explanation of its order to dismiss or not to dismiss the petition based on the requirements set forth in subsections 2 and 3.

7. A person who has already obtained postconviction relief that vacated or reversed the person's conviction or sentence may also file a petition pursuant to subsection 1 in the same manner and form as described in this section if no retrial or appeal regarding the offense is pending.

8. After a petition is filed pursuant to subsection 1, any prosecuting ~~[attorney,]~~ ***agency,*** law enforcement agency or forensic laboratory that is in possession of any evidence that is the subject of the petition shall preserve such evidence and any information necessary to determine the sufficiency of the chain of custody of such evidence.

9. A petition filed pursuant to subsection 1 must include the underlying criminal case number.

10. Except as otherwise provided in NRS 34.900 to 34.990, inclusive, the Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 1.

11. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

(c) "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.

Sec. 23. NRS 34.970 is hereby amended to read as follows:

34.970 1. If the court does not dismiss a petition after reviewing the petition in accordance with NRS 34.960, the court shall order the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** to file a response to the petition. The court's order must:

(a) Specify which claims identified in the petition warrant a response from the ~~[district attorney or the Attorney General;]~~ ***prosecuting agency;*** and

(b) Specify which newly discovered evidence identified in the petition, if credible, might establish a bona fide issue of factual innocence.

2. The ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** shall, not later than 120 days after receipt of the court's order requiring a response, or within any additional period the court allows, respond to the petition and serve a copy upon the petitioner and, if the ***prosecuting agency is the*** district attorney ***,*** ~~[is responding to the petition,]~~ the Attorney General.

3. Not later than 30 days after the date the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** responds to the petition, the petitioner may reply to the response. Not later than 30 days after the expiration of the period during which the petitioner may reply to the response, the court shall consider the

petition, any response by the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** and any reply by the petitioner. If the court determines that the petition meets the requirements of NRS 34.960 and that there is a bona fide issue of factual innocence regarding the charges of which the petitioner was convicted, the court shall order a hearing on the petition. If the court does not make such a determination, the court shall enter an order denying the petition. For the purposes of this subsection, a bona fide issue of factual innocence does not exist if the petitioner is merely relitigating facts, issues or evidence presented in a previous proceeding or if the petitioner is unable to identify with sufficient specificity the nature and reliability of the newly discovered evidence that establishes the factual innocence of the petitioner. Unless stipulated to by the parties, the court may not grant a hearing on the petition during any period in which criminal proceedings in the matter are pending before any trial or appellate court.

4. If the court grants a hearing on the petition, the hearing must be held and the final order must be entered not later than 150 days after the expiration of the period during which the petitioner may reply to the response to the petition by the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** pursuant to subsection 3 unless the court determines that additional time is required for good cause shown.

5. If the court grants a hearing on the petition, the court shall, upon the request of the petitioner, order the preservation of all material and relevant evidence in the possession or control of this State or any agent thereof during the pendency of the proceeding.

6. If the parties stipulate that the evidence establishes the factual innocence of the petitioner, the court may affirm the factual innocence of the petitioner without holding a hearing. If the prosecuting ~~[attorney]~~ ***agency*** does not stipulate that the evidence establishes the factual innocence of the petitioner, a determination of factual innocence must not be made by the court without a hearing.

7. If the parties stipulate that the evidence establishes the factual innocence of the petitioner, the prosecuting ~~[attorney]~~ ***agency*** makes a motion to dismiss the original charges against the petitioner or, after a hearing, the court determines that the petitioner has proven his or her factual innocence by clear and convincing evidence, the court shall:

(a) Vacate the petitioner's conviction and issue an order of factual innocence and exoneration; and

(b) Order the sealing of all documents, papers and exhibits in the person's record, minute book entries and entries on dockets and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. The court shall provide a written explanation of its determination that the petitioner proved or failed to prove his or her factual innocence by clear and convincing evidence.

9. Any order granting or denying a hearing on a petition pursuant to this section may be appealed by either party.

Sec. 24. NRS 34.990 is hereby amended to read as follows:

34.990 After a petition is filed pursuant to NRS 34.960, if any victim of the crime for which the petitioner was convicted has indicated a desire to be notified regarding any postconviction proceedings, the ~~[district attorney]~~ ***prosecuting agency*** shall make reasonable efforts to provide notice to such a victim that the petition has been filed and that indicates the time and place for any hearing that may be held as a result of the petition and the disposition thereof.

Sec. 24.1. **NRS 7.155 is hereby amended to read as follows:**

7.155 The compensation and expenses of an attorney appointed to represent a defendant must be paid from the county treasury unless the proceedings are based upon a postconviction petition for habeas corpus ~~[,]~~ ***challenging a judgment of conviction or sentence,*** in which case the compensation and expenses must be paid from money appropriated to the Office of State Public Defender, but after the appropriation for such expenses is exhausted, money must be allocated to the Office of State Public Defender from the reserve for statutory contingency account for the payment of such compensation and expenses.

Sec. 24.2. **NRS 176.486 is hereby amended to read as follows:**

176.486 A district court having proper jurisdiction, the Court of Appeals or the Supreme Court, if it has proper jurisdiction, may stay the execution of a sentence of death when a postconviction petition for habeas corpus ***challenging a judgment of conviction or sentence*** has been filed only after appropriate notice has been given to the appropriate respondent in the case.

Sec. 24.3. **NRS 176.487 is hereby amended to read as follows:**

176.487 When a person under a sentence of death files a proper postconviction petition for habeas corpus ~~[,]~~ ***challenging a judgment of conviction or sentence,*** a district court, the Court of Appeals or the Supreme Court on a subsequent appeal shall enter a stay of execution if the court finds a stay necessary for a proper consideration of the claims for relief. In making this determination, the court shall consider whether:

1. The petition is the first effort by the petitioner to raise constitutional claims for relief after a direct appeal from a conviction and the petition raises claims other than those which could have been raised at trial or on direct appeal.

2. The petition is timely filed and jurisdictionally appropriate and does not set forth conclusory claims only.

3. If the petition is not the first petition for postconviction relief, it raises constitutional claims which are not procedurally barred by laches, the law of the case, the doctrines of abuse of the writ or successive petition or any other procedural default.

4. If the petition is a second or successive petition, it presents substantial grounds upon which relief might be granted and valid justification for the claims not having been presented in a prior proceeding.

5. The petition asserts claims based upon specified facts or law which, if true, would entitle the petitioner to relief.

6. The court cannot decide legal claims which are properly raised or expeditiously hold an evidentiary hearing on factual claims which are properly raised before the execution of sentence.

Sec. 24.4. **Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except when personal service of a person is ordered by the court or required by specific statute, a person who is represented by an attorney may be lawfully served with any motion, notice or other legal document by electronic means if the office of the attorney representing the person has the ability to receive and store the motion, notice or other legal document electronically.

2. In addition to any other document required by the court, a person who uses electronic means pursuant to subsection 1 to electronically serve any motion, notice or other legal document that is required to be filed with the court shall include with the original document filed with the court evidence of the electronic transmittal of the legal document.

3. A court clerk may accept a motion, notice or other legal document that is filed electronically. A motion, notice or other legal document that is filed electronically must contain an image of the signature of the prosecuting attorney.

4. If a court clerk accepts a motion, notice or other legal document that is filed electronically pursuant to subsection 3, the court clerk shall acknowledge receipt of the motion, notice or other legal document by an electronic time stamp and shall electronically return the motion, notice or other legal document with the electronic time stamp to the prosecuting attorney. A motion, notice or other legal document may be converted into a printed document and served upon a defendant in the same manner as a motion, notice or other legal document that is not filed electronically.

5. A motion, notice or other legal document that is filed or served electronically shall be deemed to be filed or served on the date that it is filed or served electronically if it is filed or served not later than 11:59 p.m. on that date.

Sec. 24.5. **NRS 178.4871 is hereby amended to read as follows:**

178.4871 A person who has filed a postconviction petition for habeas corpus ~~[:]~~ ***challenging a judgment of conviction or sentence:***

1. Must not in any case be released on the person's own recognizance.

2. Must not be admitted to bail pending a review of the petition unless:

(a) The petition is filed in the proper jurisdiction;

(b) The petition presents substantial questions of law or fact and does not appear to be barred procedurally;

(c) The petitioner has made out a clear case on the merits; and

(d) There are exceptional circumstances deserving of special treatment in the interests of justice.

Sec. 24.6. **NRS 178.4873 is hereby amended to read as follows:**

178.4873 If a district court denies a postconviction petition for habeas corpus ~~[.]~~ ***challenging a judgment of conviction or sentence,*** the petitioner must not be released on the petitioner's own recognizance or admitted to bail pending any appeal. If the petition is granted and a stay of the order granting relief is not entered, the district court shall admit the petitioner to bail pending appeal if the respondent files a notice of appeal.

Sec. 25. The amendatory provisions of this act do not apply to a postconviction petition for habeas corpus filed pursuant to NRS 34.724 before July 1, 2023.

Sec. 26. NRS 34.430 is hereby repealed.

Sec. 27. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 26, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

TEXT OF REPEALED SECTION

34.430 Return and answer: Service and filing; contents; signature and verification.

1. Except as otherwise provided in subsection 1 of NRS 34.745, the respondent shall serve upon the petitioner and file with the court a return and an answer that must respond to the allegations of the petition within 45 days or a longer period fixed by the judge or justice.

2. The return must state plainly and unequivocally whether the respondent has the party in custody, or under the respondent's power or restraint. If the respondent has the petitioner in the respondent's custody or power, or under the respondent's restraint, the respondent shall state the authority and cause of the imprisonment or restraint, setting forth with specificity the basis for custody.

3. If the petitioner is detained by virtue of any judgment, writ, warrant or other written authority, a certified or exemplified copy must be annexed to the return.

4. If the respondent has the petitioner in the respondent's power or custody or under the respondent's restraint before or after the date of the writ of habeas corpus but has transferred custody or restraint to another, the return must state particularly to whom, at what time and place, for what cause, and by what authority the transfer took place.

5. The return must be signed by the respondent and, unless the respondent is a sworn public officer who makes the return in the respondent's official capacity, verified under oath or affirmation.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 665 to Assembly Bill No. 49.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 444.

The following Senate amendment was read:

Amendment No. 676.

AN ACT relating to child welfare; establishing various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights; ~~[revising certain provisions concerning the State Register for Adoptions;]~~ requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; requiring an agency which provides child welfare services to provide certain training for its personnel; requiring the Division and the Court Administrator to submit certain reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary; authorizing the Nevada Supreme Court and the Court Administrator to adopt certain rules; repealing certain unnecessary provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., was enacted in 1978 to protect Indian children from the removal from their homes and families and gives Indian tribes jurisdiction over the Indian children within their tribe. Existing Nevada law recognizes the jurisdiction of Indian tribes in various proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights. (NRS 3.223, 62D.210, 125A.215, 127.010, 127.018, 128.020, 128.023, 432B.410, 432B.425) This bill establishes various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

Sections 2-38 of this bill establish provisions concerning proceedings in which the legal or physical custody of an Indian child is an issue. **Section 2** of this bill explains the legislative intent of **sections 2-38**. **Sections 3.5-17** of this bill define terms for the purposes of **sections 2-38**. **Section 17.5 of this bill provides that the provisions of sections 2-38 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) an Indian child is being adopted after being born to a gestational carrier pursuant to a gestational agreement; or (3) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.**

Section 18 of this bill provides that a person has custody of an Indian child if the person has physical or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.

Section 20 of this bill requires a court to consider certain factors, in consultation with the Indian child's tribe, when making a determination regarding the best interests of the Indian child in a child custody proceeding. **Section 21** of this bill establishes the order of priority for the domicile of an Indian child.

Section 22 of this bill requires the appropriate agency which provides child welfare services to: (1) provide assistance with enrolling an Indian child who is a child in need of protection or who may be in need of protection in a tribe with which the child is eligible for enrollment unless the Indian child's parent objects; and (2) notify the Indian child's parent of his or her right to object to such assistance from the agency.

Section 23 of this bill sets forth the manner in which the tribe of an Indian child is determined for purposes of a child custody proceeding involving the Indian child and, if the Indian child is a member of or eligible for membership with more than one tribe, requires the court to designate the tribe with which the Indian child has the more significant contacts by considering certain factors.

Section 24 of this bill requires a court to: (1) determine, in any child custody proceeding involving an Indian child, the residence and domicile of the Indian child and whether he or she is a ward of a tribal court; and (2) communicate with any tribal courts to the extent necessary to make such determinations.

Section 25 of this bill requires agencies which provide child welfare services to make a good faith effort to enter into a tribal-state agreement with any Indian tribe in Nevada and authorizes such agencies to enter into a tribal-state agreement with any Indian tribe outside of Nevada if the tribe has significant numbers of Indian children who reside in Nevada and are members of or eligible for membership with the tribe. **Section 25** also establishes provisions concerning the contents of and requirements regarding such tribal-state agreements.

Section 26 of this bill provides that the jurisdiction of a court in a child custody proceeding involving an Indian child is concurrent with the jurisdiction of the tribe of the Indian child. **Section 26** also establishes the circumstances in which the tribe of an Indian child has exclusive jurisdiction in such cases.

Section 27 of this bill requires, in general, a court to transfer a child custody proceeding involving an Indian child if the parent, Indian custodian or tribe of the Indian child petitions the court to transfer the proceeding to tribal court. **Section 27** also establishes various other provisions regarding such a transfer and the denial of such a transfer by the court. **Section 28** of this bill sets forth the actions that a court is required to take upon granting a transfer motion under **section 27**.

Section 29 of this bill establishes requirements for certain persons and the court with regard to determining whether a child is an Indian child in child custody proceedings.

Section 30 of this bill provides that in a child custody proceeding, if a person is required to determine whether a child is an Indian child, the person is required to make a good faith effort to make such a determination by consulting with certain persons. **Section 30** also establishes the circumstances in which a court or person has reason to know that a child is an Indian child and imposes certain requirements on a court concerning the procedure for verifying whether a child is an Indian child.

Section 31 of this bill requires the person taking a child into protective custody in an emergency proceeding to make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child, the appropriate agency which provides child welfare services is required, if the nature of the emergency allows, to notify any tribe of which the child is or may be a member and provide certain information, including a statement that the tribe has a right to participate in the proceeding as a party or in an advisory capacity. **Section 31** also imposes certain requirements relating to: (1) the provision of notice of a child custody proceeding if there is reason to know that a child alleged to be within the court's jurisdiction is an Indian child; and (2) the hearing regarding the proceeding.

Section 32 of this bill provides that if a court finds at a hearing in a child custody proceeding that a child is an Indian child, at least one qualified expert witness must testify regarding certain information. If a qualified witness is required to testify, **section 32** requires the petitioner in the proceeding to contact the tribe of the Indian child and request that the tribe identify one or more persons who can testify as a qualified witness. Additionally, **section 32** authorizes a court to hear supplemental testimony from certain professionals.

Section 33 of this bill provides that if a child in a child custody proceeding is an Indian child and active efforts, which are efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family, are required, the court is required to determine whether active efforts have been made to prevent the breakup of or to reunite the family. **Section 33** establishes requirements relating to active efforts.

Section 34 of this bill authorizes a tribe that is a party to a proceeding to be represented by any person, regardless of whether the person is licensed to practice law. **Section 34** also authorizes an attorney who is not barred from practicing law in Nevada to appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that certain requirements are met.

Section 35 of this bill provides that in a proceeding involving a child who is or may be in need of protection, if the child is an Indian child, the court is required to appoint counsel to represent the Indian child and, in certain circumstances, also appoint counsel to represent the Indian child's parent or

Indian custodian. **Section 35** also authorizes an attorney who is appointed to represent an Indian child to inspect certain records of the Indian child without the consent of the Indian child or his or her parent or Indian custodian.

Section 36 of this bill authorizes each party in a child custody proceeding in which the child is an Indian child to timely examine all reports and documents held by an agency which provides child welfare services that are not otherwise subject to a discovery exception or precluded under state or federal law.

Section 37 of this bill establishes requirements concerning the: (1) least restrictive setting in which an Indian child must be placed if the parental rights of the Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care; and (2) placement of an Indian child if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement. **Section 37** also authorizes the alternative placement of an Indian child in certain circumstances.

Section 38 of this bill authorizes certain persons to file a petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights in a pending child custody proceeding under **sections 2-38** or, if no proceeding is pending, in any court with jurisdiction over the matter. **Section 38** requires the court to vacate an order or judgment regarding jurisdiction, placement, guardianship or the termination of parental rights if certain provisions of **sections 2-38** have been violated and the court determines that vacating the order or judgment is proper.

Sections 42-50 of this bill establish provisions specifically relating to the adoption of Indian children. **Section 42** of this bill provides that a petition for adoption of a child must include certain contents concerning whether there is reason to know that the child who is the subject of the petition is an Indian child and requires a petitioner who has reason to know that the child is an Indian child to serve copies of the petition on certain persons and file with the court a declaration of compliance concerning such notice. **Section 43** of this bill: (1) requires written consent to the adoption of an Indian child to be given by the Indian child's parents unless their parental rights have been terminated; (2) establishes requirements concerning such consent; and (3) authorizes the withdrawal of such consent.

Section 45 of this bill establishes provisions concerning the entry of a judgment for the adoption of a child, including certain requirements relating to the adoption of an Indian child. **Section 46** of this bill authorizes the filing of a petition to vacate a judgment of adoption of an Indian child and requires the court to vacate the judgment if the petition is timely filed and the court finds by clear and convincing evidence that the consent of a parent to the adoption was obtained through fraud or duress. **Section 47** of this bill requires a court to provide notice to certain persons and the appropriate agency which provides child welfare services if a judgment of adoption of an Indian child is vacated and, unless the return of custody of the Indian child to a former parent or prior Indian custodian or the restoration of parental rights is not in the best

interests of the child, return custody of the Indian child to the former parent or prior Indian custodian or restore parental rights.

Section 48 of this bill requires that access to the adoption records of an Indian child be given to the Indian child's tribe or the United States Secretary of the Interior not later than 14 days after the request for such records.

Section 49 of this bill requires the appropriate agency which provides child welfare services to file with the court in a proceeding for the adoption of a minor child a written compliance report that reflects the agency's review of the petition for adoption and advises the court on whether the petitioner submitted complete and sufficient documentation relating to the petitioner's compliance with the inquiry and notice requirements and placement preferences. **Section 49** requires the Division of Child and Family Services of the Department of Health and Human Services (hereinafter "Division") to adopt regulations providing a nonexhaustive description of the documentation that may be submitted to the court as evidence of such compliance and any other regulations for the preparation of such compliance reports that are necessary for agencies which provide child welfare services to carry out their duties. **Section 49** also authorizes the Court Administrator to prepare and make available to the public certain forms and information to assist petitioners and to design and offer trainings to courts having jurisdiction over adoption matters.

Section 50 of this bill establishes provisions governing tribal customary adoption, which is the adoption of an Indian child by and through the tribal custom, traditions or law of the child's tribe without the termination of parental rights. **Section 50** requires the Division to adopt certain regulations concerning tribal customary adoption and authorizes: (1) the Supreme Court to adopt rules necessary for the court processes to implement the provisions relating to tribal customary adoption; and (2) the Court Administrator to prepare necessary forms for the implementation of the provisions relating to tribal customary adoption. **Section 73** of this bill requires the Division to submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the implementation of tribal customary adoption as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Section ~~[~~51.5~~]~~ 41.5 of this bill ~~[revises certain provisions concerning the State Register for Adoptions, which is maintained by the Division in its central office.]~~ **provides that the provisions of sections 42-50 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) an Indian child is being adopted after being born to a gestational carrier pursuant to a gestational agreement; or (3) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.**

Section 57 of this bill similarly provides that provisions relating to proceedings that otherwise concern the termination of parental rights of the parent of an Indian child do not apply in certain circumstances if a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent.

Section 65 of this bill requires the Division to adopt regulations necessary for the implementation of **sections 2-38 and 42-50**.

Section 67 of this bill requires an agency which provides child welfare services to provide training for its personnel regarding the requirements of **sections 2-38 and 42-50**.

Sections 40, 51-62 and 64-70 of this bill make conforming changes to provisions of existing law to reflect the changes made in **sections 2-38**. **Section 78** of this bill repeals certain provisions of existing law that are no longer necessary because of the provisions of **sections 2-38**.

Section 72 of this bill requires the Division and the Court Administrator to submit biennial reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary containing certain data relating to Indian children in dependency proceedings. **Section 76** of this bill authorizes the Court Administrator to adopt any rules necessary to implement **sections 2-38 and 42-50**.

WHEREAS, Current research shows that family, culture and community promote resiliency and health development in Indian children; and

WHEREAS, Congress, working with tribal nations, tribal leadership and advocates for Indian children, passed the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., in 1978 to stop the removal of Indian children from their homes, families and communities; and

WHEREAS, At the time Congress passed the Indian Child Welfare Act, Indian children were being removed by public and private agencies at rates as high as 25 percent to 35 percent; and

WHEREAS, Indian children continue to be removed from their homes at rates higher than other non-Indian children; and

WHEREAS, Despite requirements under the Indian Child Welfare Act, application of the Indian Child Welfare Act in Nevada courts is inconsistent; and

WHEREAS, Clearly addressing in state law the coordination between and respective roles of the state and tribes regarding the provision of child welfare services to Indian children will provide uniform and consistent direction to state courts, tribes and practitioners to prevent unlawful removals of Indian children from their families and promote the stable placement of Indian children in loving, permanent homes that are connected to family and culture; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. ***1. The Legislature hereby finds that the United States Congress recognizes the special legal status of Indian tribes and their members. It is the policy of this State to protect the health and safety of Indian children and the stability and security of Indian tribes and families by promoting practices designed to prevent the removal of Indian children from their families and, if removal is necessary and lawful, to prioritize the placement of an Indian child with the Indian child's extended family and tribal community.***

2. This State recognizes the inherent jurisdiction of Indian tribes to make decisions regarding the custody of Indian children and also recognizes the importance of ensuring that Indian children and Indian families receive appropriate services to obviate the need to remove an Indian child from the Indian child's home and, if removal is necessary and lawful, to effect the child's safe return home.

3. Sections 2 to 38, inclusive, of this act create additional safeguards for Indian children to address disproportionate rates of removal, to improve the treatment of and services provided to Indian children and Indian families in the child welfare system and to ensure that Indian children who must be removed are placed with Indian families, communities and cultures.

Sec. 3. ***As used in sections 2 to 38, inclusive, of this act, the words and terms defined in sections 3.5 to 17, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3.5. ***"Agency" means an agency which provides child welfare services, as defined in NRS 432B.030.***

Sec. 4. ***"Child custody proceeding" means a matter in which the legal custody or physical custody of an Indian child is an issue, including, without limitation, a matter arising under chapter 125A, 127, 128 or 432B of NRS. The term does not include an emergency proceeding.***

Sec. 5. ***"Division" means the Division of Child and Family Services of the Department of Health and Human Services.***

Sec. 6. ***"Emergency proceeding" means any court action that involves the emergency removal or emergency placement of an Indian child, with or without a protective custody order.***

Sec. 7. ***"Extended family member" has the meaning given that term by the law or custom of an Indian child's tribe or, if that meaning cannot be determined, means a person who has attained 18 years of age and who is the Indian child's grandparent, aunt, uncle, brother, sister, sister-in-law, brother-in-law, niece, nephew, first cousin, second cousin, stepparent or another person determined by the Indian child's tribe, clan or band member.***

Sec. 8. *"Indian" means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1606.*

Sec. 9. *"Indian child" means any unmarried person who has not attained 18 years of age and is:*

1. A member or citizen of an Indian tribe; or

2. Eligible for membership or citizenship in an Indian tribe and is the biological child of a member of an Indian tribe.

Sec. 10. *"Indian custodian" means an Indian, other than the Indian child's parent, who has custody, as described in subsection 1 of section 18 of this act, of the Indian child, or to whom temporary physical care, custody and control has been transferred by the Indian child's parent.*

Sec. 11. *"Indian tribe" or "tribe" means any Indian tribe, band, nation or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the United States Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).*

Sec. 12. *"Juvenile court" has the meaning ascribed to it in NRS 62A.180.*

Sec. 13. *"Member" or "membership" means a determination by an Indian tribe that a person is a member or citizen in that Indian tribe.*

Sec. 14. *"Parent" means:*

1. A biological parent of an Indian child;

2. An Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom; or

3. A person who has established a parent and child relationship with an Indian child pursuant to the laws of this State.

Sec. 15. *"Party" means a party to a proceeding.*

Sec. 16. *"Reservation" means Indian country as defined in 18 U.S.C. § 1151 and any lands not covered under that section, the title to which is held by the United States in trust for the benefit of an Indian tribe or person or held by an Indian tribe or person subject to a restriction by the United States against alienation.*

Sec. 17. *"Tribal court" means a court with jurisdiction over child custody proceedings that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings.*

Sec. 17.5. ***1. Notwithstanding any other provision of law, the provisions of sections 2 to 38, inclusive, of this act do not apply if:***

(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;

(b) An Indian child is being adopted after being born to a gestational carrier pursuant to a gestational agreement; or

(c) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

2. As used in this section:

(a) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.

(b) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.

(c) "Gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 18. ***1. A person has custody of an Indian child under sections 2 to 38, inclusive, of this act if the person has physical custody or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.***

2. An Indian child's parent has continued custody of the Indian child if the parent currently has, or previously had, custody of the Indian child.

Sec. 19. (Deleted by amendment.)

Sec. 20. ***In a child custody proceeding involving an Indian child, when making a determination regarding the best interests of the child in accordance with sections 2 to 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS, the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., or any applicable regulations or rules regarding sections 2 to 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:***

1. The protection of the safety, well-being, development and stability of the Indian child;

2. The prevention of unnecessary out-of-home placement of the Indian child;

3. The prioritization of placement of the Indian child in accordance with the placement preferences under section 37 of this act;

4. The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and

5. The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.

Sec. 21. ***For purposes of sections 2 to 38, inclusive, of this act:***

1. A person's domicile is the place the person regards as home, where the person intends to remain or to which, if absent, the person intends to return.

2. An Indian child's domicile is, in order of priority, the domicile of:

(a) The Indian child's parents or, if the Indian child's parents do not have the same domicile, the Indian child's parent who has physical custody of the Indian child;

(b) The Indian child's Indian custodian; or

(c) The Indian child's guardian.

Sec. 22. *1. Unless an Indian child's parent objects, the appropriate agency shall provide assistance with enrolling an Indian child within the jurisdiction of the juvenile court under NRS 432B.410 in a tribe with which the child is eligible for enrollment.*

2. In any child custody proceeding under chapter 432B of NRS, if the appropriate agency reasonably believes that the Indian child is eligible for enrollment in a tribe, the agency shall notify the Indian child's parents of their right to object to the agency's assistance under subsection 1. The provision of notice pursuant to this subsection is deemed to be satisfied by sending the notice to the last known mailing address of each of the Indian child's parents.

Sec. 23. *1. In a child custody proceeding in which an Indian child is alleged to be within the jurisdiction of the court, the Indian child's tribe is:*

(a) If the Indian child is a member of or is eligible for membership in only one tribe, the tribe of which the Indian child is a member or eligible for membership.

(b) If the Indian child is a member of one tribe but is eligible for membership in one or more other tribes, the tribe of which the Indian child is a member.

(c) If the Indian child is a member of more than one tribe or if the Indian child is not a member of any tribe but is eligible for membership with more than one tribe:

(1) The tribe designated by agreement between the tribes of which the Indian child is a member or in which the Indian child is eligible for membership; or

(2) If the tribes are unable to agree on the designation of the Indian child's tribe, the tribe designated by the court.

2. When designating an Indian child's tribe under subparagraph (2) of paragraph (c) of subsection 1, the court shall, after a hearing, designate the tribe with which the Indian child has the more significant contacts, taking into consideration the following:

(a) The preference of the Indian child's parent;

(b) The duration of the Indian child's current or prior domicile or residence on or near the reservation of each tribe;

(c) The tribal membership of the Indian child's custodial parent or Indian custodian;

(d) The interests asserted by each tribe;

(e) Whether a tribe has previously adjudicated a case involving the Indian child; and

(f) If the court determines that the Indian child is of sufficient age and capacity to meaningfully self-identify, the self-identification of the Indian child.

3. If an Indian child is a member of or is eligible for membership in more than one tribe, the court may, in its discretion, permit a tribe, in addition to the Indian child's tribe, to participate in a proceeding under chapter 432B of NRS involving the Indian child in an advisory capacity or as a party.

Sec. 24. *In any child custody proceeding based on allegations that an Indian child is within the jurisdiction of the court, the court must determine the residence and domicile of the Indian child and whether the Indian child is a ward of tribal court. The court shall communicate with any tribal courts to the extent necessary to make a determination under this section.*

Sec. 25. *1. Agencies shall make a good faith effort to enter into a tribal-state agreement with any Indian tribe within the borders of this State. Agencies may also enter into a tribal-state agreement with any Indian tribe outside of this State having significant numbers of member children or membership-eligible children residing in this State.*

2. The purposes of a tribal-state agreement are to promote the continued existence and integrity of the Indian tribe as a political entity and to protect the vital interests of Indian children in securing and maintaining political, cultural and social relationships with their tribe.

3. A tribal-state agreement may include agreements regarding default jurisdiction over cases in which the state courts and tribal courts have concurrent jurisdiction, the transfer of cases between state courts and tribal courts, the assessment, removal, placement, custody and adoption of Indian children and any other child welfare services provided to Indian children.

4. A tribal-state agreement must:

(a) Provide for the cooperative delivery of child welfare services to Indian children in this State, including, without limitation, the utilization, to the extent available, of services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population to implement the terms of the tribal-state agreement; and

(b) If services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population are unavailable, provide for an agency's use of community services and resources developed specifically for Indian families that have the demonstrated experience and capacity to provide culturally relevant and effective services to Indian children.

Sec. 26. *1. Except as otherwise provided in this section, the court's jurisdiction in a child custody proceeding involving an Indian child is concurrent with the Indian child's tribe.*

2. The tribe has exclusive jurisdiction in a child custody proceeding involving an Indian child if:

(a) The Indian child is a ward of a tribal court of the tribe; or

(b) The Indian child resides or is domiciled within the reservation of the tribe.

3. Communications between the court and a tribal court regarding calendars, court records and similar matters may occur without informing the parties or creating a record of the communications.

4. Notwithstanding the provisions of this section, the juvenile court has temporary exclusive jurisdiction over an Indian child who is placed in protective custody pursuant to chapter 432B of NRS.

5. As used in this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 27. ***1. Except as otherwise provided in subsection 4, the court shall transfer a child custody proceeding involving an Indian child if, at any time during the proceeding, the Indian child's parent, Indian custodian or tribe petitions the court to transfer the proceeding to the tribal court.***

2. Upon receipt of a transfer motion, the court shall contact the Indian child's tribe and request a timely response regarding whether the tribe intends to decline the transfer.

3. If a party objects to the transfer motion for good cause, the court shall fix the time for hearing on objections to the motion. At the hearing, the objecting party has the burden of proof of establishing by clear and convincing evidence that good cause exists to deny the transfer. If the Indian child's tribe contests the assertion that good cause exists to deny the transfer, the court shall give the tribe's argument substantial weight. When making a determination whether good cause exists to deny the transfer motion, the court may not consider:

(a) Whether the proceeding is at an advanced stage;

(b) Whether there has been a prior proceeding involving the Indian child in which a transfer motion was not filed;

(c) Whether the transfer could affect the placement of the Indian child;

(d) The cultural connections of the Indian child with the tribe or the tribe's reservation; or

(e) The socioeconomic conditions of the Indian child's tribe or any negative perception of tribal or United States Bureau of Indian Affairs' social services or judicial systems.

4. The court shall deny the transfer motion if:

(a) The tribe declines the transfer orally on the record or in writing;

(b) The Indian child's parent objects to the transfer; or

(c) The court finds by clear and convincing evidence, after hearing, that good cause exists to deny the transfer.

5. Notwithstanding paragraph (b) of subsection 4, the objection of the Indian child's parent does not preclude the transfer if:

(a) The objecting parent dies or the objecting parent's parental rights are terminated and have not been restored; and

(b) The Indian child's remaining parent, Indian custodian or tribe files a new transfer motion subsequent to the death of the objecting parent or the termination of the parental rights of the objecting parent.

6. If the court denies a transfer under this section, the court shall document the basis for the denial in a written order.

Sec. 28. *Upon granting a transfer motion under section 27 of this act, the court shall expeditiously:*

1. Notify the tribal court of the pending dismissal of the child custody proceeding;

2. Transfer all information regarding the proceeding, including, without limitation, pleadings and court records, to the tribal court;

3. If the Indian child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, direct the appropriate agency to:

(a) Coordinate with the tribal court and the Indian child's tribe to ensure that the transfer of the proceeding and the transfer of custody of the Indian child is accomplished with minimal disruption of services to the Indian child and the Indian child's family; and

(b) Provide the Indian child's tribe with documentation related to the Indian child's eligibility for state and federal assistance and information related to the Indian child's social history, treatment diagnosis and services and other relevant case and service related data; and

4. Dismiss the proceeding upon confirmation from the tribal court that the tribal court received the transferred information.

Sec. 29. *Notwithstanding any other provision of law and in addition to any other requirements, in any child custody proceeding:*

1. Each petitioner and every other person otherwise required by the court or by any applicable law shall:

(a) Determine whether there is reason to know that the child is an Indian child; and

(b) Demonstrate to the court that he or she made efforts to determine whether a child is an Indian child.

2. The court shall:

(a) Make a finding regarding whether there is reason to know that the child is an Indian child, unless the court has previously found that the child is an Indian child; and

(b) Not enter a custody order in the matter until all applicable inquiry and notice requirements set forth in sections 2 to 38, inclusive, of this act have been met.

Sec. 30. *1. Except if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, without limitation, by consulting with:*

(a) The child;

(b) The child's parent or parents;

(c) Any person having custody of the child or with whom the child resides;

(d) Extended family members of the child;

(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in an Indian tribe; and

(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.

2. A court or person has reason to know that a child is an Indian child if:

(a) The person knows that the child is an Indian child;

(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;

(c) Any person present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court or the person that the child is an Indian child or that information has been discovered indicating that the child is an Indian child;

(d) The child indicates to the court or the person that the child is an Indian child;

(e) The court or the person is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;

(f) The court or the person is informed that the child is or has been a ward of a tribal court;

(g) The court or the person is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe;

(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or

(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.

3. Except as otherwise provided in section 49 of this act, whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.

4. If the court finds under subsection 3 that there is:

(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court

shall order that the inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.

(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.

5. If the court finds under subsection 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the appropriate agency or other party to submit a report, declaration or testimony on the record that the agency or other party used due diligence to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.

6. A person making an inquiry under this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential if the proceeding arises under chapter 432B of NRS or a consenting parent in an adoption proceeding requests anonymity. A request from a consenting parent for anonymity does not relieve the court or any party in an adoption proceeding from the duty to verify whether the child is an Indian child.

Sec. 31. ***1. In an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child and the nature of the emergency allows, the appropriate agency shall notify by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member. Notification under this subsection must include the basis for the child's removal, the time, date and place of the initial hearing and a statement that the tribe has the right to participate in the proceeding as a party or in an advisory capacity.***

2. Except as provided in subsection 1, if there is reason to know that a child in a child custody proceeding who is alleged to be within the court's jurisdiction is an Indian child and notice is required, the party providing notice shall:

(a) Promptly send notice of the proceeding as described in subsection 3; and

(b) File a copy of each notice sent pursuant to this section with the court, together with any return receipts or other proof of service.

3. Notice under subsection 2 must be:

(a) Sent to:

(1) Each tribe of which the child may be a member or of which the Indian child may be eligible for membership; or

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's tribe cannot be ascertained.

(b) Sent by registered or certified mail, return receipt requested.

(c) In clear and understandable language and include the following:

(1) The child's name, date of birth and, if known, place of birth;

(2) To the extent known:

(I) All names, including maiden, married and former names or aliases, of the child's parents, the places of birth of the child's parents' and tribal enrollment numbers; and

(II) The names, dates of birth, places of birth and tribal enrollment information of other direct lineal ancestors of the child;

(3) The name of each Indian tribe of which the child is a member or in which the Indian child may be eligible for membership;

(4) If notice is required to be sent to the appropriate Regional Director of the United States Bureau of Indian Affairs under subparagraph (2) of paragraph (a), to the extent known, information regarding the child's direct lineal ancestors, an ancestral chart for each biological parent, and the child's tribal affiliations and blood quantum;

(5) In a child custody proceeding, a copy of the petition or motion initiating the proceeding and, if a hearing has been scheduled, information on the date, time and location of the hearing;

(6) The name of the petitioner and the name and address of the attorney of the petitioner;

(7) In a proceeding under chapter 432B of NRS:

(I) A statement that the child's parent or Indian custodian has the right to participate in the proceeding as a party to the proceeding;

(II) A statement that the child's tribe has the right to participate in the proceeding as a party or in an advisory capacity;

(III) A statement that if the court determines that the child's parent or Indian custodian is unable to afford counsel, the parent or Indian custodian has the right to court-appointed counsel; and

(IV) A statement that the child's parent, Indian custodian or tribe has the right, upon request, to up to 20 additional days to prepare for the proceeding;

(8) A statement that the child's parent, Indian custodian or tribe has the right to petition the court to transfer the child custody proceeding to the tribal court;

(9) A statement describing the potential legal consequences of the proceeding on the future parental and custodial rights of the parent or Indian custodian;

(10) The mailing addresses and telephone numbers of the court and contact information for all parties to the proceeding; and

(11) A statement that the information contained in the notice is confidential and that the notice should not be shared with any person not needing the information to exercise rights under sections 2 to 38, inclusive, of this act.

4. If there is a reason to know that the Indian child's parent or Indian custodian has limited English proficiency, the court must provide language access services as required by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and other applicable federal and state laws. If the court is unable to secure translation or interpretation support, the court shall contact or direct a party to contact the Indian child's tribe or the local office of the United States Bureau of Indian Affairs for assistance identifying a qualified translator or interpreter.

5. If a child is known to be an Indian child, a hearing may not be held until at least 10 days after the receipt of the notice by the Indian child's tribe or, if applicable, the United States Bureau of Indian Affairs. Upon request, the court shall grant the Indian child's parent, Indian custodian or tribe up to 20 additional days from the date upon which notice was received by the tribe to prepare for participation in the hearing. Nothing in this subsection prevents a court at an emergency proceeding before the expiration of the waiting period described in this subsection from reviewing the removal of an Indian child from the Indian child's parent or Indian custodian to determine whether the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child.

Sec. 32. *1. In any child custody proceeding that requires the testimony of a qualified expert witness, the petitioner shall contact the Indian child's tribe and request that the tribe identify one or more persons meeting the criteria described in subsection 3 or 4. The petitioner may also request the assistance of the United States Bureau of Indian Affairs in locating persons meeting the criteria described in subsection 3 or 4.*

2. At a hearing in a child custody proceeding, if the court has found that a child is an Indian child, at least one qualified expert witness must testify regarding whether the continued custody of the Indian child by the child's parent or custody by the child's Indian custodian is likely to result in serious emotional or physical damage to the Indian child.

3. A person is a qualified expert witness under this section if the Indian child's tribe has designated the person as being qualified to testify to the prevailing social and cultural standards of the tribe.

4. If the Indian child's tribe has not identified a qualified expert witness, the following persons, in order of priority, may testify as a qualified expert witness:

(a) A member of the Indian child's tribe or another person who is recognized by the tribe as knowledgeable about tribal customs regarding family organization or child rearing practices;

(b) A person having substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

(c) Any person having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural

standards and child rearing practices in Indian tribes with cultural similarities to the child's tribe.

5. In addition to testimony from a qualified expert witness, the court may hear supplemental testimony regarding information described in subsection 2 from a professional having substantial education and experience in the area of the professional's specialty.

6. No petitioning party, employees of the petitioning party or an employee of an agency may serve as a qualified expert witness or a professional under this section.

Sec. 33. ***1. If a child in a child custody proceeding is an Indian child and active efforts are required, the court must determine whether active efforts have been made to prevent the breakup of the family or to reunite the family.***

2. Active efforts require a higher standard of conduct than reasonable efforts.

3. Active efforts must:

(a) Be documented in detail in writing and on the record;

(b) If the child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, include assisting the Indian child's parent or parents or Indian custodian through the steps of a case plan;

(c) Include, to the extent possible, providing assistance with the cooperation of the Indian child's tribe;

(d) Be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians and tribe; and

(e) Be tailored to the facts and circumstances of the case.

4. As used in this section, "active efforts" means efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family.

Sec. 34. ***1. Notwithstanding the provisions of NRS 7.285, a tribe that is a party to a child custody proceeding may be represented by any person, regardless of whether the person is licensed to practice law.***

2. An attorney who is not barred from practicing law in this State may appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that:

(a) The attorney will appear in a court in this State for the limited purpose of participating in a proceeding under chapter 432B of NRS subject to the provisions of sections 2 to 38, inclusive, of this act;

(b) The attorney represents an Indian child's parent, Indian custodian or tribe; and

(c) The Indian child's tribe has affirmed the Indian child's membership or eligibility for membership under tribal law.

3. An Indian custodian or tribe may notify the court, orally on the record or in writing, that the Indian custodian or tribe withdraws as a party to the proceeding.

Sec. 35. *1. If a child in a proceeding under chapter 432B of NRS is an Indian child:*

(a) The court shall appoint counsel to represent the Indian child.

(b) If the Indian child's parent or Indian custodian requests counsel to represent the parent or Indian custodian but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court shall appoint suitable counsel to represent the Indian child's parent or Indian custodian if the parent or Indian custodian is determined to be financially eligible for the appointment of such counsel.

2. Except as otherwise provided in this subsection, upon presentation of the order of appointment under this section by the attorney for the Indian child, any agency, hospital, school organization, division or department of this State, doctor, nurse or other health care provider, psychologist, psychiatrist, law enforcement agency or mental health clinic shall permit the attorney for the Indian child to inspect and copy any records of the Indian child involved in the case, without the consent of the Indian child or the Indian child's parent or Indian custodian. This subsection does not apply to records of a law enforcement agency relating to an ongoing investigation before bringing charges.

Sec. 36. *1. In any child custody proceeding, if the child is an Indian child, each party has the right to timely examine all reports or other documents held by an agency that are not otherwise subject to a discovery exception or precluded under state or federal law.*

2. The preservation of confidentiality under this section does not relieve the court or any petitioners in an adoption proceeding from the duty to comply with the placement preferences under section 37 of this act if the child is an Indian child.

Sec. 37. *1. Except as otherwise provided in subsection 3, if the parental rights of an Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care, the child must be placed in the least restrictive setting that:*

(a) Most closely approximates a family, taking into consideration sibling attachment;

(b) Allows the Indian child's special needs, if any, to be met;

(c) Is in reasonable proximity to the Indian child's home, extended family or siblings; and

(d) Is in accordance with the order of preference established by the Indian child's tribe or, if the Indian child's tribe has not established placement preferences, is in accordance with the following order of preference:

(1) A member of the Indian child's extended family;

(2) A foster home licensed, approved or specified by the Indian child's tribe;

(3) A foster home licensed or approved by a licensing authority in this State and in which one or more of the licensed or approved foster parents is an Indian; or

(4) An institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization.

2. Except as otherwise provided in subsection 3, if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement, the Indian child shall be placed:

(a) In accordance with the order of preference established by the Indian child's tribe; or

(b) If the Indian child's tribe has not established placement preferences, according to the following order of preference:

(1) With a member of the Indian child's extended family;

(2) With other members of the Indian child's tribe; or

(3) With other Indian families.

3. If an Indian child is placed outside of the placement preferences set forth in subsection 1 or 2, the party placing the child shall file a motion requesting that the court make a finding that good cause exists for placement outside of such placement preferences. If the court determines that the moving party has established, by clear and convincing evidence, that there is good cause to depart from the placement preferences under this section, the court may authorize placement in an alternative placement. The court's determination under this subsection:

(a) Must be in writing and be based on:

(1) The preferences of the Indian child;

(2) The presence of a sibling attachment that cannot be maintained through placement consistent with the placement preferences established by subsection 1 or 2;

(3) Any extraordinary physical, mental or emotional needs of the Indian child that require specialized treatment services if, despite active efforts, those services are unavailable in the community where families who meet the placement preferences under subsection 1 or 2 reside; or

(4) Whether, despite a diligent search, a placement meeting the placement preferences under this section is unavailable, as determined by the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(b) Must, in applying the placement preferences under this subsection, give weight to a parent's request for anonymity if the placement is an adoptive placement to which the parent has consented.

(c) May be informed by but not determined by the placement request of a parent of the Indian child, after the parent has reviewed the placement

options, if any, that comply with the placement preferences under this section.

(d) May not be based on:

(1) The socioeconomic conditions of the Indian child's tribe;

(2) Any perception of the tribal or United States Bureau of Indian Affairs social services or judicial systems;

(3) The distance between a placement meeting the placement preferences under this section that is located on or near a reservation and the Indian child's parent; or

(4) The ordinary bonding or attachment between the Indian child and a nonpreferred placement arising from time spent in the nonpreferred placement.

Sec. 38. ***1. A petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights may be filed in a pending child custody proceeding involving the Indian child or, if none, in any court of competent jurisdiction by:***

(a) The Indian child who was alleged to be within the jurisdiction of the court;

(b) The Indian child's parent or Indian custodian from whose custody such child was removed or whose parental rights were terminated; or

(c) The Indian child's tribe.

2. The court shall vacate an order or judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights if the court determines that any provision of section 26 or 27, subsection 2 or 5 of section 31, paragraph (a) or (b) of subsection 3 of section 31, subsection 1 of section 35 or section 36 of this act or, if required, subsection 2 of section 32 or section 33 or 37 of this act has been violated and the court determines it is appropriate to vacate the order or judgment.

3. If the vacated order or judgment resulted in the removal or placement of the Indian child, the court shall order the child immediately returned to the Indian child's parent or Indian custodian and the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

4. If the vacated order or judgment terminated parental rights, the court shall order the previously terminated parental rights to be restored.

5. If the State or any other party affirmatively asks the court to reconsider the issues under the vacated order or judgment, the court's findings or determinations must be readjudicated.

6. As used in this section, "termination of parental rights" includes, without limitation, the involuntary termination of parental rights under chapter 128 or 432B of NRS.

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 125A.215 is hereby amended to read as follows:

125A.215 1. ~~[A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., is not subject to the provisions of this chapter to the extent that the proceeding is governed by the Indian Child Welfare Act.~~

~~2.]~~ A court of this state shall treat ~~[a]~~ ***an Indian*** tribe as if it were a state of the United States for the purpose of applying NRS 125A.005 to 125A.395, inclusive.

~~[3.]~~ ***2.*** A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of the provisions of this chapter must be recognized and enforced pursuant to NRS 125A.405 to 125A.585, inclusive.

Sec. 41. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[42]~~ **41.5** to 50, inclusive, of this act.

Sec. 41.5. 1. Notwithstanding any other provision of law, the provisions of sections 42 to 50, inclusive, of this act, do not apply if:

(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;

(b) An Indian child is being adopted after being born to a gestational carrier pursuant to a gestational agreement; or

(c) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

2. As used in this section:

(a) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.

(b) "Extended family member" has the meaning ascribed to it in section 7 of this act.

(c) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.

(d) "Gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 42. ***1. In addition to the requirements set forth in NRS 127.110, a petition for adoption of a child must contain:***

(a) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, of the petitioner's good faith efforts described in subsection 1 of section 30 of this act, to determine whether there is reason to know that the child is an Indian child;

(b) A statement as to whether the petitioner has reason to know that the child is an Indian child; and

(c) If the petitioner has reason to know that the child is an Indian child:

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, showing that the proposed adoptive placement complies with the requirements under section 37 of this act; or

(2) A statement that the petitioner is moving the court under subsection 3 of section 37 of this act for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of section 37 of this act.

2. A petition for adoption of a child must, if applicable, request the following:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act;

(b) A finding of whether there is reason to know that the child is an Indian child;

(c) If the court finds that the child is an Indian child:

(1) The determinations required under section 24 of this act regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act; and

(3) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if not, that upon the petitioner's motion under subsection 3 of section 37 of this act, good cause exists for placement contrary to the placement preferences in section 37 of this act.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

(3) The appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 43. *1. If a petition for adoption of a child concerns the adoption of an Indian child, except as otherwise provided in subsection 4 and unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.*

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the judgment of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of a judgment of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws his or her consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in section 14 of this act.

Sec. 44. (Deleted by amendment.)

Sec. 45. ***1. If, upon a petition for adoption of a child duly presented and consented to, the court is satisfied as to the identity and relations of the persons, that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption be effected, a judgment shall be made setting forth the facts and ordering that from the date of the judgment, the child, for all legal intents and purposes, is the child of the petitioner.***

2. A judgment entered under this section must include:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

3. In an adoption of an Indian child, the judgment must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the biological parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under section 24 of this act;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if the placement does not comply with the placement preferences under section 37 of this act, a finding upon the petitioner's motion under subsection 3 of section 37 of this act that good cause exists for placement contrary to the placement preferences.

4. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

5. Upon entry of the judgment of adoption of an Indian child, the court shall provide to the United States Secretary of the Interior copies of the judgment entered under this section and any document signed by a consenting parent requesting anonymity.

Sec. 46. ***1. A petition to vacate a judgment of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.***

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the judgment of adoption if:

(a) The petition is filed not later than 2 years following the date of the judgment; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates a judgment of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 47. ***1. If a judgment of adoption of an Indian child under this chapter is vacated, the court vacating the judgment must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate agency which provides child welfare services.***

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of a judgment of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If a judgment of adoption of an Indian child under this chapter is vacated other than as provided in section 38 of this act, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of section 31 of this act to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ *The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.*

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in section 20 of this act. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the legal parent of an Indian child subject to a judgment of adoption under this chapter and whose parental rights have not been restored under section 46 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to a judgment of adoption of the child under this chapter.

Sec. 48. *1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.*

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceeding, the complete record of the placement finding and, if the placement departs from the placement preferences under section 37 of this act, detailed documentation of the efforts to comply with the placement preferences.

Sec. 49. *1. In a proceeding for the adoption of a minor child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to section 42 of this act, the agency shall file with the court an ICWA compliance report, which must reflect the agency's review of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for*

the court to make the findings required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.

2. Upon receiving an ICWA compliance report, the court shall order the matter to proceed if the court finds that the petitioner satisfied the inquiry requirements under subsection 1 of section 30 of this act and, if applicable, the notice requirements under subsection 2 of section 31 of this act. If the court finds that:

(a) Subject to the procedures under subsection 3 of section 30 of this act, the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under section 37 of this act. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of section 37 of this act, for authority to make the placement contrary to the placement preferences under section 37 of this act.

(b) The petitioner failed to satisfy the inquiry requirements under subsection 1 of section 30 of this act or, if applicable, the notice requirements under subsection 2 of section 31 of this act, or if the documentation supplied by the petitioner is insufficient for the court to make those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry requirements under subsection 1 of section 30 of this act and notice requirements under subsection 2 of section 31 of this act and the placement preferences under section 37 of this act, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection 1 of section 30 of this act and subsection 3 of section 31 of this act and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection 1 of section 30 of this act and subsection 3 of section 31 of this act;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 42 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the requirements under this section and sections 30, 31, 37 and 42 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 42 of this act, motions to request a deviation from the placement preferences under subsection 3 of section 37 of this act and notices required under subsection 3 of section 31 of this act; and

(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection 1 of section 30 of this act the notices required under subsection 2 of section 31 of this act, and assessing whether proposed adoptive placements satisfy the preferences under section 37 of this act.

6. The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice and the appropriateness of adoptive placements.

7. As used in this section, "ICWA compliance report" means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.

Sec. 50. ***1. If the court determines that tribal customary adoption is in the best interests, as described in section 20 of this act, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:***

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the Indian child's best interests, as described in section 20 of this act; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligation from the Indian child's parents or Indian custodian.

➥ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or

judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 45 of this act and enter a judgment of adoption. In addition to the requirements under section 45 of this act, the judgment of adoption must include a statement that any parental rights or obligations not specified in the judgment are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of a judgment of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the judgment of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 51. NRS 127.003 is hereby amended to read as follows:

127.003 As used in this chapter, unless the context otherwise requires:

1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.~~

~~4. "Indian Child Welfare Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.~~] ***section 9 of this act.***

Sec. 51.5. ~~[NRS 127.007 is hereby amended to read as follows:~~

~~127.007 1. The Division shall maintain the State Register for Adoptions, which is hereby established, in its central office to provide information [to identify adults who were adopted and persons related to them within the third degree of consanguinity.]~~ ***relating to adoptions as set forth in this section.***

~~2. The State Register for Adoptions consists of:~~

~~(a) Names and other information, which the Administrator of the Division deems to be necessary for the operation of the Register, relating to persons who have released a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information [voluntarily] to the Division;~~

~~(b) Names and other necessary information of persons [who are 18 years of age or older, who were adopted and] who have submitted the information voluntarily to the Division; and~~

~~(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the Division.~~

~~➥ Any person whose name appears in the Register may withdraw it by requesting in writing that it be withdrawn. The Division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter release any information to identify that person, including the information that such a name was ever in the Register.~~

~~3. Except as otherwise provided in subsection 4, the Division may release information:~~

~~(a) About a person related within the third degree of consanguinity to an adopted person; or~~

~~(b) About an adopted person to a person related within the third degree of consanguinity,~~

~~➥ if the names and information about both persons are contained in the Register and written consent for the release of such information is given by the natural parent.~~

~~4. An adopted person may, by submitting a written request to the Division, restrict the release of any information concerning himself or herself to one or more categories of relatives within the third degree of consanguinity.]~~ **(Deleted by amendment.)**

Sec. 52. NRS 127.010 is hereby amended to read as follows:

127.010 Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the district courts of this State have original jurisdiction in adoption proceedings.

Sec. 53. NRS 127.018 is hereby amended to read as follows:

127.018 1. ~~[Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***Except as otherwise***

provided in sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act, a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 54. NRS 127.053 is hereby amended to read as follows:

127.053 No consent to a specific adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

1. Identifies the child to be adopted by name, if any, sex and date of birth.

2. Is in writing and signed by the person consenting to the adoption as required in this chapter.

3. Is acknowledged by the person consenting and signing the consent to adoption in the manner and form required for conveyances of real property.

4. Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given.

5. ***Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the judgment of adoption under section 45 of this act, the person receives information that provides reason to know that the child is an Indian child.***

6. Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a social worker employed by:

(a) An agency which provides child welfare services;

(b) An agency licensed in this state to place children for adoption;

(c) A comparable state or county agency of another state; or

(d) An agency authorized under the laws of another state to place children for adoption, if the natural parent resides in that state.

Sec. 55. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.

(i) Whether the ***petitioners have reason to know that the*** child is ~~[known to be]~~ an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. ~~[No]~~ ***Except as otherwise provided in sections 17.5 and 41.5 of this act, no*** order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive ~~[.]~~ ***, and the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 56. NRS 128.020 is hereby amended to read as follows:

128.020 Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the district courts have jurisdiction in all cases and proceedings under this chapter. The jurisdiction of the district courts extends to any child who should be declared free from the custody and control of either or both of his or her parents.

Sec. 57. NRS 128.023 is hereby amended to read as follows:

128.023 1. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall ~~[:~~

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.]~~ ***require that notice of the proceedings and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

3. The provisions of this section do not apply if a parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child. As used in this subsection, "extended family member" has the meaning ascribed to it in section 7 of this act.

Sec. 58. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to ....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative, if no parent or guardian can be found.

(g) Whether the ***petitioner has reason to know that the*** child is ~~[known to be]~~ an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 59. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.,]~~ ***as otherwise provided in section 26 of this act,*** in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 60. NRS 7.285 is hereby amended to read as follows:

7.285 1. ~~[~~A~~]~~ ***Except as otherwise provided in section 34 of this act, a*** person shall not practice law in this state if the person:

(a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the Supreme Court; or

(b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the Supreme Court.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense within the immediately preceding 7 years, a misdemeanor.

(b) For a second offense within the immediately preceding 7 years, a gross misdemeanor.

(c) For a third and any subsequent offense within the immediately preceding 7 years, a category E felony and shall be punished as provided in NRS 193.130.

3. The State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.

Sec. 61. NRS 62A.160 is hereby amended to read as follows:

62A.160 "Indian child" has the meaning ascribed to it in ~~[~~25 U.S.C. § 1903.~~]~~ ***section 9 of this act.***

Sec. 62. NRS 62D.210 is hereby amended to read as follows:

62D.210 1. If a proceeding conducted pursuant to the provisions of this title involves the placement of an Indian child into foster care, the juvenile court shall **[**~~:~~

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act or, if a tribe declines or is unable to exercise jurisdiction, exercise jurisdiction as provided in the Indian Child Welfare Act.~~**]** ***require that notice of the proceeding and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the juvenile court determines that the parent of an Indian child for whom foster care is sought is indigent, the juvenile court, as provided in the Indian Child Welfare Act:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney.

Sec. 63. (Deleted by amendment.)

Sec. 64. NRS 432B.067 is hereby amended to read as follows:

432B.067 "Indian child" has the meaning ascribed to it in **[**~~25 U.S.C. § 1903.~~**]** ***section 9 of this act.***

Sec. 65. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is

available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for ~~[the]~~ ***:***

(a) The administration of NRS 432B.010 to 432B.606, inclusive.

(b) The implementation of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries ***in accordance with subsection 1 of section 30 of this act*** to determine whether ***there is reason to know that*** the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act ~~[.]~~ ***, sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 68. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the court has exclusive original jurisdiction in proceedings concerning any child domiciled, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 69. NRS 432B.425 is hereby amended to read as follows:

432B.425 If proceedings pursuant to this chapter involve the protection of an Indian child, the court shall ~~[:~~

~~1. Cause the Indian child's tribe to be notified in writing at the beginning of the proceedings in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~2. Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~3. If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.~~**]** ***require that notice of the proceedings and any other notice required by this chapter be provided in accordance with section 31 of this act.***

Sec. 70. NRS 432B.5902 is hereby amended to read as follows:

432B.5902 1. After a motion for the termination of parental rights is filed pursuant to NRS 432B.5901, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;

(b) If **[**~~applicable, each Indian tribe of~~**]** the child who is **[**~~the~~**]** subject **[**~~of~~**]** ***to*** the **[**~~motion, in accordance with NRS 128.023;~~**]** ***motion is known to be an Indian child, the child's Indian tribe;*** and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in NRS 432B.5904 or

another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 71. The provisions of subsection 3 of section 25 of this act apply to tribal-state agreements entered into or renewed on or after January 1, 2024.

Sec. 72. Not later than September 15, 2024, and each even-numbered year thereafter, the Division of Child and Family Services of the Department of Health and Human Services and the Court Administrator shall report to the Chairs of the Senate and Assembly Standing Committees on Judiciary regarding, as applicable:

1. The number of Indian children involved in dependency proceedings during the prior 2-year period.

2. The average duration Indian children were in protective custody.

3. The ratio of Indian children to non-Indian children in protective custody.

4. Which tribes the Indian children in protective custody were members of or of which they were eligible for membership.

5. The number of Indian children in foster care who are in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

6. The number of Indian children placed in adoptive homes in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

7. The number of available placements and common barriers to recruitment and retention of appropriate placements.

8. The number of times the court found that good cause existed to deviate from the statutory placement preferences under section 37 of this act, when making a finding regarding the placement of a child in a dependency proceeding.

9. The number of cases that were transferred to tribal court under section 28 of this act.

10. The number of times the court found good cause to decline to transfer jurisdiction of a dependency proceeding to tribal court upon request and the most common reasons the court found good cause to decline a transfer petition.

11. The efforts the Division and the Court Administrator have taken to ensure compliance with the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act in dependency proceedings.

12. The number of ICWA compliance reports in which an agency which provides child welfare services reported the petitioner's documentation was insufficient for the court to make a finding regarding whether the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act and notice requirements under subsection 2 of section 31 of this act. As used in this subsection:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "ICWA compliance report" has the meaning ascribed to it in section 49 of this act.

Sec. 73. Not later than March 15, 2025, the Division of Child and Family Services of the Department of Health and Human Services shall submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the Division's implementation of tribal customary adoption as described in section 50 of this act as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Sec. 74. 1. A court shall give full faith and credit to the public acts, records and judicial proceedings of an Indian tribe applicable to an Indian child in a child custody proceeding.

2. As used in this section, "child custody proceeding" has the meaning ascribed to it in section 4 of this act.

Sec. 75. 1. If any provision of sections 2 to 38, inclusive, of this act or sections 42 to 50, inclusive, of this act is found to provide a lower standard of protection to the rights of an Indian child or the Indian child's parent, Indian custodian or tribe than that provided in the Indian Child Welfare Act:

(a) The higher standard of protection in the Indian Child Welfare Act controls; and

(b) It shall not serve to render inoperative any remaining provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act that may be held to provide a higher standard of protection than that provided in the Indian Child Welfare Act.

2. As used in this section, "Indian Child Welfare Act" means the federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., and any related regulations.

Sec. 76. The Court Administrator may adopt any rules necessary to implement the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 77. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 78. NRS 62D.200, 127.013, 127.017, 128.027, 432B.451 and 432B.465 are hereby repealed.

Sec. 79. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

62D.200 Full faith and credit given to proceedings of Indian tribe.

127.013 Transfer of proceedings to Indian tribe.

127.017 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

128.027 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

432B.451 Qualified expert witness required in proceeding to place Indian child in foster care.

432B.465 Full faith and credit to judicial proceedings of Indian tribe.

Assemblywoman Brittney Miller moved that the Assembly do not concur in the Senate Amendment No. 676 to Assembly Bill No. 444.

Motion carried.

The following Senate amendment was read:

Amendment No. 730.

AN ACT relating to child welfare; establishing various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; requiring an agency which provides child welfare services to provide certain training for its personnel; requiring the Division and the Court Administrator to submit certain reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary; authorizing the Nevada Supreme Court and the Court Administrator to adopt certain rules; repealing certain unnecessary provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., was enacted in 1978 to protect Indian children from the removal from their homes and families and gives Indian tribes jurisdiction over the Indian children within their tribe. Existing Nevada law recognizes the jurisdiction of Indian tribes in various proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights. (NRS 3.223, 62D.210, 125A.215, 127.010, 127.018, 128.020, 128.023, 432B.410, 432B.425) This bill establishes various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

Sections 2-38 of this bill establish provisions concerning proceedings in which the legal or physical custody of an Indian child is an issue. **Section 2** of this bill explains the legislative intent of **sections 2-38**. **Sections 3.5-17** of this bill define terms for the purposes of **sections 2-38**. **Section 17.5** of this bill provides that the provisions of **sections 2-38** do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) **a family member related within the third degree of**

consanguinity to an Indian child is adopting the Indian child; (3) an Indian child **who was conceived by means of assisted reproduction** is being adopted **;** ~~[after being born to a gestational carrier pursuant to a gestational agreement;]~~ or ~~[(3)]~~ **(4)** an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

Section 18 of this bill provides that a person has custody of an Indian child if the person has physical or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.

Section 20 of this bill requires a court to consider certain factors, in consultation with the Indian child's tribe, when making a determination regarding the best interests of the Indian child in a child custody proceeding. **Section 21** of this bill establishes the order of priority for the domicile of an Indian child.

Section 22 of this bill requires the appropriate agency which provides child welfare services to: (1) provide assistance with enrolling an Indian child who is a child in need of protection or who may be in need of protection in a tribe with which the child is eligible for enrollment unless the Indian child's parent objects; and (2) notify the Indian child's parent of his or her right to object to such assistance from the agency.

Section 23 of this bill sets forth the manner in which the tribe of an Indian child is determined for purposes of a child custody proceeding involving the Indian child and, if the Indian child is a member of or eligible for membership with more than one tribe, requires the court to designate the tribe with which the Indian child has the more significant contacts by considering certain factors.

Section 24 of this bill requires a court to: (1) determine, in any child custody proceeding involving an Indian child, the residence and domicile of the Indian child and whether he or she is a ward of a tribal court; and (2) communicate with any tribal courts to the extent necessary to make such determinations.

Section 25 of this bill requires agencies which provide child welfare services to make a good faith effort to enter into a tribal-state agreement with any Indian tribe in Nevada and authorizes such agencies to enter into a tribal-state agreement with any Indian tribe outside of Nevada if the tribe has significant numbers of Indian children who reside in Nevada and are members of or eligible for membership with the tribe. **Section 25** also establishes provisions concerning the contents of and requirements regarding such tribal-state agreements.

Section 26 of this bill provides that the jurisdiction of a court in a child custody proceeding involving an Indian child is concurrent with the jurisdiction of the tribe of the Indian child. **Section 26** also establishes the circumstances in which the tribe of an Indian child has exclusive jurisdiction in such cases.

Section 27 of this bill requires, in general, a court to transfer a child custody proceeding involving an Indian child if the parent, Indian custodian or tribe of the Indian child petitions the court to transfer the proceeding to tribal court.

Section 27 also establishes various other provisions regarding such a transfer and the denial of such a transfer by the court. **Section 28** of this bill sets forth the actions that a court is required to take upon granting a transfer motion under **section 27**.

~~[Section 29 of this bill establishes requirements for certain persons and the court with regard to determining whether a child is an Indian child in child custody proceedings.]~~

Section 30 of this bill ~~[provides that]~~ **requires a court to ask each party** in a child custody proceeding, ~~[if a person is required to determine whether a]~~ **at the commencement of the proceeding, whether the party knows or has reason to know that the** child is an Indian child**.** ~~[, the person is required to make a good faith effort to make such a determination by consulting with certain persons.]~~ **Section 30** ~~[also]~~ establishes the circumstances in which a court ~~[or person]~~ has reason to know that a child is an Indian child and imposes certain requirements on a court ~~[concerning the procedure for verifying whether]~~ **if there is reason to know that** a child is an Indian child**.** ~~[.]~~ **but the court does not have sufficient evidence to determine whether the child is an Indian child.**

Section 31 of this bill requires the person taking a child into protective custody in an emergency proceeding to make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child, the appropriate agency which provides child welfare services is required, if the nature of the emergency allows, to notify any tribe of which the child is or may be a member and provide certain information, including a statement that the tribe has a right to participate in the proceeding as a party or in an advisory capacity. **Section 31** also imposes certain requirements relating to: (1) the provision of notice of a child custody proceeding if there is reason to know that a child alleged to be within the court's jurisdiction is an Indian child; and (2) the hearing regarding the proceeding.

Section 32 of this bill provides that if a court finds at a hearing in a child custody proceeding that a child is an Indian child, at least one qualified expert witness must testify regarding certain information. If a qualified witness is required to testify, **section 32** requires the petitioner in the proceeding to contact the tribe of the Indian child and request that the tribe identify one or more persons who can testify as a qualified witness. Additionally, **section 32** authorizes a court to hear supplemental testimony from certain professionals.

Section 33 of this bill provides that if a child in a child custody proceeding is an Indian child and active efforts, which are efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family, are required, the court is required to determine whether active efforts have been made to prevent the breakup of or to reunite the family. **Section 33** establishes requirements relating to active efforts.

Section 34 of this bill authorizes a tribe that is a party to a proceeding to be represented by any person, regardless of whether the person is licensed to

practice law. **Section 34** also authorizes an attorney who is not barred from practicing law in Nevada to appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that certain requirements are met.

Section 35 of this bill provides that in a proceeding involving a child who is or may be in need of protection, if the child is an Indian child, the court is required to appoint counsel to represent the Indian child and, in certain circumstances, also appoint counsel to represent the Indian child's parent or Indian custodian. **Section 35** also authorizes an attorney who is appointed to represent an Indian child to inspect certain records of the Indian child without the consent of the Indian child or his or her parent or Indian custodian.

Section 36 of this bill authorizes each party in a child custody proceeding in which the child is an Indian child to timely examine all reports and documents held by an agency which provides child welfare services that are not otherwise subject to a discovery exception or precluded under state or federal law.

Section 37 of this bill establishes requirements concerning the: (1) least restrictive setting in which an Indian child must be placed if the parental rights of the Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care; and (2) placement of an Indian child if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement. **Section 37** also authorizes the alternative placement of an Indian child in certain circumstances.

Section 38 of this bill authorizes certain persons to file a petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights in a pending child custody proceeding under **sections 2-38** or, if no proceeding is pending, in any court with jurisdiction over the matter. **Section 38** requires the court to vacate an order or judgment regarding jurisdiction, placement, guardianship or the termination of parental rights if certain provisions of **sections 2-38** have been violated and the court determines that vacating the order or judgment is proper.

Sections 42-50 of this bill establish provisions specifically relating to the adoption of Indian children. **Section 42** of this bill provides that a petition for adoption of a child must include certain contents concerning whether there is reason to know that the child who is the subject of the petition is an Indian child and requires a petitioner who has reason to know that the child is an Indian child to serve copies of the petition on certain persons and file with the court a declaration of compliance concerning such notice. **Section 43** of this bill: (1) requires written consent to the adoption of an Indian child to be given by the Indian child's parents unless their parental rights have been terminated; (2) establishes requirements concerning such consent; and (3) authorizes the withdrawal of such consent.

Section 45 of this bill establishes provisions concerning the entry of a judgment for the adoption of a child, including certain requirements relating to the adoption of an Indian child. **Section 46** of this bill authorizes the filing

of a petition to vacate a judgment of adoption of an Indian child and requires the court to vacate the judgment if the petition is timely filed and the court finds by clear and convincing evidence that the consent of a parent to the adoption was obtained through fraud or duress. **Section 47** of this bill requires a court to provide notice to certain persons and the appropriate agency which provides child welfare services if a judgment of adoption of an Indian child is vacated and, unless the return of custody of the Indian child to a former parent or prior Indian custodian or the restoration of parental rights is not in the best interests of the child, return custody of the Indian child to the former parent or prior Indian custodian or restore parental rights.

Section 48 of this bill requires that access to the adoption records of an Indian child be given to the Indian child's tribe or the United States Secretary of the Interior not later than 14 days after the request for such records.

Section 49 of this bill requires the appropriate agency which provides child welfare services to file with the court in a proceeding for the adoption of a minor child a written compliance report that reflects the agency's review of the petition for adoption and advises the court on whether the petitioner submitted complete and sufficient documentation relating to the petitioner's compliance with the ~~[inquiry and]~~ notice requirements and placement preferences. **Section 49** requires the Division of Child and Family Services of the Department of Health and Human Services (hereinafter "Division") to adopt regulations providing a nonexhaustive description of the documentation that may be submitted to the court as evidence of such compliance and any other regulations for the preparation of such compliance reports that are necessary for agencies which provide child welfare services to carry out their duties. **Section 49** also authorizes the Court Administrator to prepare and make available to the public certain forms and information to assist petitioners and to design and offer trainings to courts having jurisdiction over adoption matters.

Section 50 of this bill establishes provisions governing tribal customary adoption, which is the adoption of an Indian child by and through the tribal custom, traditions or law of the child's tribe without the termination of parental rights. **Section 50** requires the Division to adopt certain regulations concerning tribal customary adoption and authorizes: (1) the Supreme Court to adopt rules necessary for the court processes to implement the provisions relating to tribal customary adoption; and (2) the Court Administrator to prepare necessary forms for the implementation of the provisions relating to tribal customary adoption. **Section 73** of this bill requires the Division to submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the implementation of tribal customary adoption as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Section 41.5 of this bill provides that the provisions of **sections 42-50** do not apply if: (1) in certain circumstances, a parent of an Indian child is

voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) **a family member within the third degree of consanguinity of an Indian child is adopting the Indian child; (3)** an Indian child **who was conceived by means of assisted reproduction** is being adopted **;** ~~[after being born to a gestational carrier pursuant to a gestational agreement;]~~ or ~~[(3)]~~ **(4)** an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption. **Section 57** of this bill similarly provides that provisions relating to proceedings that otherwise concern the termination of parental rights of the parent of an Indian child do not apply in certain circumstances if a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent.

Section 65 of this bill requires the Division to adopt regulations necessary for the implementation of **sections 2-38 and 42-50**.

Section 67 of this bill requires an agency which provides child welfare services to provide training for its personnel regarding the requirements of **sections 2-38 and 42-50**.

Sections 40, 51-62 and 64-70 of this bill make conforming changes to provisions of existing law to reflect the changes made in **sections 2-38**. **Section 78** of this bill repeals certain provisions of existing law that are no longer necessary because of the provisions of **sections 2-38**.

Section 72 of this bill requires the Division and the Court Administrator to submit biennial reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary containing certain data relating to Indian children in dependency proceedings. **Section 76** of this bill authorizes the Court Administrator to adopt any rules necessary to implement **sections 2-38 and 42-50**.

WHEREAS, Current research shows that family, culture and community promote resiliency and health development in Indian children; and

WHEREAS, Congress, working with tribal nations, tribal leadership and advocates for Indian children, passed the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., in 1978 to stop the removal of Indian children from their homes, families and communities; and

WHEREAS, At the time Congress passed the Indian Child Welfare Act, Indian children were being removed by public and private agencies at rates as high as 25 percent to 35 percent; and

WHEREAS, Indian children continue to be removed from their homes at rates higher than other non-Indian children; and

WHEREAS, Despite requirements under the Indian Child Welfare Act, application of the Indian Child Welfare Act in Nevada courts is inconsistent; and

WHEREAS, Clearly addressing in state law the coordination between and respective roles of the state and tribes regarding the provision of child welfare services to Indian children will provide uniform and consistent direction to state courts, tribes and practitioners to prevent unlawful removals of Indian children from their families and promote the stable placement of Indian children in loving, permanent homes that are connected to family and culture; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. ***1. The Legislature hereby finds that the United States Congress recognizes the special legal status of Indian tribes and their members. It is the policy of this State to protect the health and safety of Indian children and the stability and security of Indian tribes and families by promoting practices designed to prevent the removal of Indian children from their families and, if removal is necessary and lawful, to prioritize the placement of an Indian child with the Indian child's extended family and tribal community.***

2. This State recognizes the inherent jurisdiction of Indian tribes to make decisions regarding the custody of Indian children and also recognizes the importance of ensuring that Indian children and Indian families receive appropriate services to obviate the need to remove an Indian child from the Indian child's home and, if removal is necessary and lawful, to effect the child's safe return home.

3. Sections 2 to 38, inclusive, of this act create additional safeguards for Indian children to address disproportionate rates of removal, to improve the treatment of and services provided to Indian children and Indian families in the child welfare system and to ensure that Indian children who must be removed are placed with Indian families, communities and cultures.

Sec. 3. ***As used in sections 2 to 38, inclusive, of this act, the words and terms defined in sections 3.5 to 17, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3.5. ***"Agency" means an agency which provides child welfare services, as defined in NRS 432B.030.***

Sec. 4. ***"Child custody proceeding" means a matter in which the legal custody or physical custody of ~~[an Indian]~~ a child is an issue, including, without limitation, a matter arising under chapter 125A, 127, 128 or 432B of NRS. The term does not include an emergency proceeding.***

Sec. 5. ***"Division" means the Division of Child and Family Services of the Department of Health and Human Services.***

Sec. 6. *"Emergency proceeding" means any court action that involves the emergency removal or emergency placement of an Indian child, with or without a protective custody order.*

Sec. 7. *"Extended family member" has the meaning given that term by the law or custom of an Indian child's tribe or, if that meaning cannot be determined, means a person who has attained 18 years of age and who is the Indian child's grandparent, aunt, uncle, brother, sister, sister-in-law, brother-in-law, niece, nephew, first cousin, second cousin, stepparent or another person determined by the Indian child's tribe, clan or band member.*

Sec. 8. *"Indian" means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1606.*

Sec. 9. *"Indian child" means any unmarried person who has not attained 18 years of age and is:*

1. A member or citizen of an Indian tribe; or

2. Eligible for membership or citizenship in an Indian tribe and is the biological child of a member of an Indian tribe.

Sec. 10. *"Indian custodian" means an Indian, other than the Indian child's parent, who has custody, as described in subsection 1 of section 18 of this act, of the Indian child, or to whom temporary physical care, custody and control has been transferred by the Indian child's parent.*

Sec. 11. *"Indian tribe" or "tribe" means any Indian tribe, band, nation or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the United States Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).*

Sec. 12. *"Juvenile court" has the meaning ascribed to it in NRS 62A.180.*

Sec. 13. *"Member" or "membership" means a determination by an Indian tribe that a person is a member or citizen in that Indian tribe.*

Sec. 14. *"Parent" means:*

1. A biological parent of an Indian child;

2. An Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom; or

3. A person who has established a parent and child relationship with an Indian child pursuant to the laws of this State.

Sec. 15. *"Party" means a party to a proceeding.*

Sec. 16. *"Reservation" means Indian country as defined in 18 U.S.C. § 1151 and any lands not covered under that section, the title to which is held by the United States in trust for the benefit of an Indian tribe or person or held by an Indian tribe or person subject to a restriction by the United States against alienation.*

Sec. 17. *"Tribal court" means a court with jurisdiction over child custody proceedings involving an Indian child that is either a Court of Indian Offenses, a court established and operated under the code or custom*

of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings ~~*[.]*~~ *involving an Indian child.*

Sec. 17.5. *1. Notwithstanding any other provision of law, the provisions of sections 2 to 38, inclusive, of this act do not apply if:*

(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;

(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;

(c) An Indian child who was conceived by means of assisted reproduction is being adopted ; ~~*[after being born to a gestational carrier pursuant to a gestational agreement;]*~~ *or*

~~*[(c)]*~~ *(d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.*

2. As used in this section:

(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.

(b) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.

~~*[(b) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.*~~

~~*(c) "Gestational carrier" has the meaning ascribed to it in NRS 126.580.]*~~

Sec. 18. *1. A person has custody of an Indian child under sections 2 to 38, inclusive, of this act if the person has physical custody or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.*

2. An Indian child's parent has continued custody of the Indian child if the parent currently has, or previously had, custody of the Indian child.

Sec. 19. (Deleted by amendment.)

Sec. 20. *In a child custody proceeding involving an Indian child, when making a determination regarding the best interests of the child in accordance with sections 2 to 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS, the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., or any applicable regulations or rules regarding sections 2 to 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:*

1. The protection of the safety, well-being, development and stability of the Indian child;

2. The prevention of unnecessary out-of-home placement of the Indian child;

3. The prioritization of placement of the Indian child in accordance with the placement preferences under section 37 of this act;

4. The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and

5. The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.

Sec. 21. ***For purposes of sections 2 to 38, inclusive, of this act:***

1. A person's domicile is the place the person regards as home, where the person intends to remain or to which, if absent, the person intends to return.

2. An Indian child's domicile is, in order of priority, the domicile of:

(a) The Indian child's parents or, if the Indian child's parents do not have the same domicile, the Indian child's parent who has physical custody of the Indian child;

(b) The Indian child's Indian custodian; or

(c) The Indian child's guardian.

Sec. 22. ***1. Unless an Indian child's parent objects, the appropriate agency shall provide assistance with enrolling an Indian child within the jurisdiction of the juvenile court under NRS 432B.410 in a tribe with which the child is eligible for enrollment.***

2. In any child custody proceeding under chapter 432B of NRS ~~[.]~~ ***involving an Indian child, if the appropriate agency reasonably believes that the Indian child is eligible for enrollment in a tribe, the agency shall notify the Indian child's parents of their right to object to the agency's assistance under subsection 1. The provision of notice pursuant to this subsection is deemed to be satisfied by sending the notice to the last known mailing address of each of the Indian child's parents.***

Sec. 23. ***1. In a child custody proceeding in which an Indian child is alleged to be within the jurisdiction of the court, the Indian child's tribe is:***

(a) If the Indian child is a member of or is eligible for membership in only one tribe, the tribe of which the Indian child is a member or eligible for membership.

(b) If the Indian child is a member of one tribe but is eligible for membership in one or more other tribes, the tribe of which the Indian child is a member.

(c) If the Indian child is a member of more than one tribe or if the Indian child is not a member of any tribe but is eligible for membership with more than one tribe:

(1) The tribe designated by agreement between the tribes of which the Indian child is a member or in which the Indian child is eligible for membership; or

(2) If the tribes are unable to agree on the designation of the Indian child's tribe, the tribe designated by the court.

2. When designating an Indian child's tribe under subparagraph (2) of paragraph (c) of subsection 1, the court shall, after a hearing, designate the tribe with which the Indian child has the more significant contacts, taking into consideration the following:

(a) The preference of the Indian child's parent;

(b) The duration of the Indian child's current or prior domicile or residence on or near the reservation of each tribe;

(c) The tribal membership of the Indian child's custodial parent or Indian custodian;

(d) The interests asserted by each tribe;

(e) Whether a tribe has previously adjudicated a case involving the Indian child; and

(f) If the court determines that the Indian child is of sufficient age and capacity to meaningfully self-identify, the self-identification of the Indian child.

3. If an Indian child is a member of or is eligible for membership in more than one tribe, the court may, in its discretion, permit a tribe, in addition to the Indian child's tribe, to participate in a proceeding under chapter 432B of NRS involving the Indian child in an advisory capacity or as a party.

Sec. 24. *In any child custody proceeding involving an Indian child that is based on allegations that ~~[an]~~ the Indian child is within the jurisdiction of the court, the court must determine the residence and domicile of the Indian child and whether the Indian child is a ward of tribal court. The court shall communicate with any tribal courts to the extent necessary to make a determination under this section.*

Sec. 25. *1. Agencies shall make a good faith effort to enter into a tribal-state agreement with any Indian tribe within the borders of this State. Agencies may also enter into a tribal-state agreement with any Indian tribe outside of this State having significant numbers of member children or membership-eligible children residing in this State.*

2. The purposes of a tribal-state agreement are to promote the continued existence and integrity of the Indian tribe as a political entity and to protect the vital interests of Indian children in securing and maintaining political, cultural and social relationships with their tribe.

3. A tribal-state agreement may include agreements regarding default jurisdiction over cases in which the state courts and tribal courts have concurrent jurisdiction, the transfer of cases between state courts and tribal courts, the assessment, removal, placement, custody and adoption of Indian children and any other child welfare services provided to Indian children.

4. A tribal-state agreement must:

(a) Provide for the cooperative delivery of child welfare services to Indian children in this State, including, without limitation, the utilization, to the extent available, of services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population to implement the terms of the tribal-state agreement; and

(b) If services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population are unavailable, provide for an agency's use of community services and resources developed specifically for Indian families that have the demonstrated experience and capacity to provide culturally relevant and effective services to Indian children.

Sec. 26. *1. Except as otherwise provided in this section, the court's jurisdiction in a child custody proceeding involving an Indian child is concurrent with the Indian child's tribe.*

2. The tribe has exclusive jurisdiction in a child custody proceeding involving an Indian child if:

(a) The Indian child is a ward of a tribal court of the tribe; or

(b) The Indian child resides or is domiciled within the reservation of the tribe.

3. Communications between the court and a tribal court regarding calendars, court records and similar matters may occur without informing the parties or creating a record of the communications.

4. Notwithstanding the provisions of this section, the juvenile court has temporary exclusive jurisdiction over an Indian child who is placed in protective custody pursuant to chapter 432B of NRS.

5. As used in this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 27. *1. Except as otherwise provided in subsection 4, the court shall transfer a child custody proceeding involving an Indian child if, at any time during the proceeding, the Indian child's parent, Indian custodian or tribe petitions the court to transfer the proceeding to the tribal court.*

2. Upon receipt of a transfer motion, the court shall contact the Indian child's tribe and request a timely response regarding whether the tribe intends to decline the transfer.

3. If a party objects to the transfer motion for good cause, the court shall fix the time for hearing on objections to the motion. At the hearing, the objecting party has the burden of proof of establishing by clear and convincing evidence that good cause exists to deny the transfer. If the Indian child's tribe contests the assertion that good cause exists to deny the transfer, the court shall give the tribe's argument substantial weight. When making a determination whether good cause exists to deny the transfer motion, the court may not consider:

(a) Whether the proceeding is at an advanced stage;

(b) Whether there has been a prior proceeding involving the Indian child in which a transfer motion was not filed;

(c) Whether the transfer could affect the placement of the Indian child;

(d) The cultural connections of the Indian child with the tribe or the tribe's reservation; or

(e) The socioeconomic conditions of the Indian child's tribe or any negative perception of tribal or United States Bureau of Indian Affairs' social services or judicial systems.

4. The court shall deny the transfer motion if:

(a) The tribe declines the transfer orally on the record or in writing;

(b) The Indian child's parent objects to the transfer; or

(c) The court finds by clear and convincing evidence, after hearing, that good cause exists to deny the transfer.

5. Notwithstanding paragraph (b) of subsection 4, the objection of the Indian child's parent does not preclude the transfer if:

(a) The objecting parent dies or the objecting parent's parental rights are terminated and have not been restored; and

(b) The Indian child's remaining parent, Indian custodian or tribe files a new transfer motion subsequent to the death of the objecting parent or the termination of the parental rights of the objecting parent.

6. If the court denies a transfer under this section, the court shall document the basis for the denial in a written order.

Sec. 28. *Upon granting a transfer motion under section 27 of this act, the court shall expeditiously:*

1. Notify the tribal court of the pending dismissal of the child custody proceeding;

2. Transfer all information regarding the proceeding, including, without limitation, pleadings and court records, to the tribal court;

3. If the Indian child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, direct the appropriate agency to:

(a) Coordinate with the tribal court and the Indian child's tribe to ensure that the transfer of the proceeding and the transfer of custody of the Indian child is accomplished with minimal disruption of services to the Indian child and the Indian child's family; and

(b) Provide the Indian child's tribe with documentation related to the Indian child's eligibility for state and federal assistance and information related to the Indian child's social history, treatment diagnosis and services and other relevant case and service related data; and

4. Dismiss the proceeding upon confirmation from the tribal court that the tribal court received the transferred information.

Sec. 29. ~~[*Notwithstanding any other provision of law and in addition to any other requirements, in any child custody proceeding:*~~

~~*1. Each petitioner and every other person otherwise required by the court or by any applicable law shall:*~~

~~*(a) Determine whether there is reason to know that the child is an Indian child; and*~~

~~*(b) Demonstrate to the court that he or she made efforts to determine whether a child is an Indian child.*~~

~~*2. The court shall:*~~

~~*(a) Make a finding regarding whether there is reason to know that the child is an Indian child, unless the court has previously found that the child is an Indian child; and*~~

~~*(b) Not enter a custody order in the matter until all applicable inquiry and notice requirements set forth in sections 2 to 38, inclusive, of this act have been met.]*~~ **(Deleted by amendment.)**

Sec. 30. ~~*1. [Except if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, without limitation, by consulting with:*~~

~~*(a) The child;*~~

~~*(b) The child's parent or parents;*~~

~~*(c) Any person having custody of the child or with whom the child resides;*~~

~~*(d) Extended family members of the child;*~~

~~*(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in an Indian tribe; and*~~

~~*(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.]*~~ *At the commencement of any child custody proceeding, the court must ask each party whether the party knows or has reason to know that the child is an Indian child. All responses to such an inquiry must be made on the record. The court must instruct the parties to inform the court if they subsequently receive information that provides reason to know the child is an Indian child.*

2. If there is reason to know that a child in a child custody proceeding is an Indian child but the court does not have sufficient evidence to determine whether the child is an Indian child, the court must:

(a) Confirm, by way of a report, declaration or testimony included in the record that an agency or party used due diligence to identify and work with all of the tribes of which there is reason to know the child may be a member or is eligible for membership to verify whether the child is a member or the child's parent is a member and the child is eligible for membership; and

(b) Treat the child as an Indian child, unless and until it is determined on the record that the child is not an Indian child.

3. A court ~~*[or person]*~~ *, upon conducting the inquiry required pursuant to subsection 1, has reason to know that a child in a child custody proceeding is an Indian child if:*

(a) ~~*[The person knows that the child is an Indian child;*~~

~~*(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;*~~

~~*(c)]*~~ *Any* ~~*[person present in the proceeding,]*~~ *party, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court* ~~*[or the person]*~~ *that the child is an Indian child* ~~*[or]*~~ **;**

(b) Any party, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court that it has discovered information ~~[has been discovered]~~ indicating that the child is an Indian child;

~~[(d)]~~ (c) The child ~~[indicates to]~~ who is the subject of the proceeding gives the court ~~[or the person]~~ reason to know that the child is an Indian child;

~~[(e)]~~ (d) The court ~~[or the person]~~ is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;

~~[(f)]~~ (e) The court ~~[or the person]~~ is informed that the child is or has been a ward of a tribal court;

~~[(g)]~~ or

(f) The court ~~[or the person]~~ is informed that the child or the child's parent possesses an identification card ~~[or other record]~~ indicating membership in an Indian tribe. ~~[;~~

~~(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or~~

~~(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.~~

~~3. Except as otherwise provided in section 49 of this act, whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.~~

~~4. If the court finds under subsection 3 that there is:~~

~~(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.~~

~~(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.~~

~~5. If the court finds under subsection 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the appropriate agency or other party to submit a report, declaration or testimony on the record that the agency or other party used due diligence~~

~~*to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.*~~

~~*6. A person making an inquiry under this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential if the proceeding arises under chapter 432B of NRS or a consenting parent in an adoption proceeding requests anonymity.]*~~

4. In seeking verification of a child's status in a child custody proceeding in which there is a consenting parent who evidences, by written request or statement in the record, a desire for anonymity, the court must keep relevant documents pertaining to the inquiry required under this section confidential and under seal. A request ~~[from a consenting parent]~~ for anonymity does not relieve the court , an agency or any party ~~[in an adoption proceeding]~~ from ~~[the]~~ any duty of compliance with the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., including, without limitation, the duty to verify whether the child is an Indian child. A tribe receiving information related to this inquiry must keep documents and information confidential.

Sec. 31. *1. In an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child and the nature of the emergency allows, the appropriate agency shall notify by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member. Notification under this subsection must include the basis for the child's removal, the time, date and place of the initial hearing and a statement that the tribe has the right to participate in the proceeding as a party or in an advisory capacity.*

2. Except as provided in subsection 1, if there is reason to know that a child in a child custody proceeding who is alleged to be within the court's jurisdiction is an Indian child and notice is required, the party providing notice shall:

(a) Promptly send notice of the proceeding as described in subsection 3; and

(b) File a copy of each notice sent pursuant to this section with the court, together with any return receipts or other proof of service.

3. Notice under subsection 2 must be:

(a) Sent to:

(1) Each tribe of which the child may be a member or of which the Indian child may be eligible for membership; or

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's tribe cannot be ascertained.

(b) Sent by registered or certified mail, return receipt requested.

(c) In clear and understandable language and include the following:

(1) The child's name, date of birth and, if known, place of birth;

(2) To the extent known:

(I) All names, including maiden, married and former names or aliases, of the child's parents, the places of birth of the child's parents' and tribal enrollment numbers; and

(II) The names, dates of birth, places of birth and tribal enrollment information of other direct lineal ancestors of the child;

(3) The name of each Indian tribe of which the child is a member or in which the Indian child may be eligible for membership;

(4) If notice is required to be sent to the appropriate Regional Director of the United States Bureau of Indian Affairs under subparagraph (2) of paragraph (a), to the extent known, information regarding the child's direct lineal ancestors, an ancestral chart for each biological parent, and the child's tribal affiliations and blood quantum;

(5) In a child custody proceeding, a copy of the petition or motion initiating the proceeding and, if a hearing has been scheduled, information on the date, time and location of the hearing;

(6) The name of the petitioner and the name and address of the attorney of the petitioner;

(7) In a proceeding under chapter 432B of NRS:

(I) A statement that the child's parent or Indian custodian has the right to participate in the proceeding as a party to the proceeding;

(II) A statement that the child's tribe has the right to participate in the proceeding as a party or in an advisory capacity;

(III) A statement that if the court determines that the child's parent or Indian custodian is unable to afford counsel, the parent or Indian custodian has the right to court-appointed counsel; and

(IV) A statement that the child's parent, Indian custodian or tribe has the right, upon request, to up to 20 additional days to prepare for the proceeding;

(8) A statement that the child's parent, Indian custodian or tribe has the right to petition the court to transfer the child custody proceeding to the tribal court;

(9) A statement describing the potential legal consequences of the proceeding on the future parental and custodial rights of the parent or Indian custodian;

(10) The mailing addresses and telephone numbers of the court and contact information for all parties to the proceeding; and

(11) A statement that the information contained in the notice is confidential and that the notice should not be shared with any person not needing the information to exercise rights under sections 2 to 38, inclusive, of this act.

4. If there is a reason to know that the Indian child's parent or Indian custodian has limited English proficiency, the court must provide language access services as required by Title VI of the Civil Rights Act of 1964,

42 U.S.C. §§ 2000d et seq., and other applicable federal and state laws. If the court is unable to secure translation or interpretation support, the court shall contact or direct a party to contact the Indian child's tribe or the local office of the United States Bureau of Indian Affairs for assistance identifying a qualified translator or interpreter.

5. If a child is known to be an Indian child, a hearing may not be held until at least 10 days after the receipt of the notice by the Indian child's tribe or, if applicable, the United States Bureau of Indian Affairs. Upon request, the court shall grant the Indian child's parent, Indian custodian or tribe up to 20 additional days from the date upon which notice was received by the tribe to prepare for participation in the hearing. Nothing in this subsection prevents a court at an emergency proceeding before the expiration of the waiting period described in this subsection from reviewing the removal of an Indian child from the Indian child's parent or Indian custodian to determine whether the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child.

Sec. 32. ***1. In any child custody proceeding <u>involving an Indian child</u> that requires the testimony of a qualified expert witness, the petitioner shall contact the Indian child's tribe and request that the tribe identify one or more persons meeting the criteria described in subsection 3 or 4. The petitioner may also request the assistance of the United States Bureau of Indian Affairs in locating persons meeting the criteria described in subsection 3 or 4.***

2. At a hearing in a child custody proceeding, if the court has found that a child is an Indian child, at least one qualified expert witness must testify regarding whether the continued custody of the Indian child by the child's parent or custody by the child's Indian custodian is likely to result in serious emotional or physical damage to the Indian child.

3. A person is a qualified expert witness under this section if the Indian child's tribe has designated the person as being qualified to testify to the prevailing social and cultural standards of the tribe.

4. If the Indian child's tribe has not identified a qualified expert witness, the following persons, in order of priority, may testify as a qualified expert witness:

(a) A member of the Indian child's tribe or another person who is recognized by the tribe as knowledgeable about tribal customs regarding family organization or child rearing practices;

(b) A person having substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

(c) Any person having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural standards and child rearing practices in Indian tribes with cultural similarities to the child's tribe.

5. In addition to testimony from a qualified expert witness, the court may hear supplemental testimony regarding information described in subsection 2 from a professional having substantial education and experience in the area of the professional's specialty.

6. No petitioning party, employees of the petitioning party or an employee of an agency may serve as a qualified expert witness or a professional under this section.

Sec. 33. ***1. If a child in a child custody proceeding is an Indian child and active efforts are required, the court must determine whether active efforts have been made to prevent the breakup of the family or to reunite the family.***

2. Active efforts require a higher standard of conduct than reasonable efforts.

3. Active efforts must:

(a) Be documented in detail in writing and on the record;

(b) If the child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, include assisting the Indian child's parent or parents or Indian custodian through the steps of a case plan;

(c) Include, to the extent possible, providing assistance with the cooperation of the Indian child's tribe;

(d) Be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians and tribe; and

(e) Be tailored to the facts and circumstances of the case.

4. As used in this section, "active efforts" means efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family.

Sec. 34. ***1. Notwithstanding the provisions of NRS 7.285, a tribe that is a party to a child custody proceeding involving an Indian child may be represented by any person, regardless of whether the person is licensed to practice law.***

2. An attorney who is not barred from practicing law in this State may appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that:

(a) The attorney will appear in a court in this State for the limited purpose of participating in a proceeding under chapter 432B of NRS subject to the provisions of sections 2 to 38, inclusive, of this act;

(b) The attorney represents an Indian child's parent, Indian custodian or tribe; and

(c) The Indian child's tribe has affirmed the Indian child's membership or eligibility for membership under tribal law.

3. An Indian custodian or tribe may notify the court, orally on the record or in writing, that the Indian custodian or tribe withdraws as a party to the proceeding.

Sec. 35. *1. If a child in a proceeding under chapter 432B of NRS is an Indian child:*

(a) The court shall appoint counsel to represent the Indian child.

(b) If the Indian child's parent or Indian custodian requests counsel to represent the parent or Indian custodian but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court shall appoint suitable counsel to represent the Indian child's parent or Indian custodian if the parent or Indian custodian is determined to be financially eligible for the appointment of such counsel.

2. Except as otherwise provided in this subsection, upon presentation of the order of appointment under this section by the attorney for the Indian child, any agency, hospital, school organization, division or department of this State, doctor, nurse or other health care provider, psychologist, psychiatrist, law enforcement agency or mental health clinic shall permit the attorney for the Indian child to inspect and copy any records of the Indian child involved in the case, without the consent of the Indian child or the Indian child's parent or Indian custodian. This subsection does not apply to records of a law enforcement agency relating to an ongoing investigation before bringing charges.

Sec. 36. *1. In any child custody proceeding, if the child is an Indian child, each party has the right to timely examine all reports or other documents held by an agency that are not otherwise subject to a discovery exception or precluded under state or federal law.*

2. The preservation of confidentiality under this section does not relieve the court or any petitioners in an adoption proceeding from the duty to comply with the placement preferences under section 37 of this act if the child is an Indian child.

Sec. 37. *1. Except as otherwise provided in subsection 3, if the parental rights of an Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care, the child must be placed in the least restrictive setting that:*

(a) Most closely approximates a family, taking into consideration sibling attachment;

(b) Allows the Indian child's special needs, if any, to be met;

(c) Is in reasonable proximity to the Indian child's home, extended family or siblings; and

(d) Is in accordance with the order of preference established by the Indian child's tribe or, if the Indian child's tribe has not established placement preferences, is in accordance with the following order of preference:

(1) A member of the Indian child's extended family;

(2) A foster home licensed, approved or specified by the Indian child's tribe;

(3) A foster home licensed or approved by a licensing authority in this State and in which one or more of the licensed or approved foster parents is an Indian; or

(4) An institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization.

2. Except as otherwise provided in subsection 3, if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement, the Indian child shall be placed:

(a) In accordance with the order of preference established by the Indian child's tribe; or

(b) If the Indian child's tribe has not established placement preferences, according to the following order of preference:

(1) With a member of the Indian child's extended family;

(2) With other members of the Indian child's tribe; or

(3) With other Indian families.

3. If an Indian child is placed outside of the placement preferences set forth in subsection 1 or 2, the party placing the child shall file a motion requesting that the court make a finding that good cause exists for placement outside of such placement preferences. If the court determines that the moving party has established, by clear and convincing evidence, that there is good cause to depart from the placement preferences under this section, the court may authorize placement in an alternative placement. The court's determination under this subsection:

(a) Must be in writing and be based on:

(1) The preferences of the Indian child;

(2) The presence of a sibling attachment that cannot be maintained through placement consistent with the placement preferences established by subsection 1 or 2;

(3) Any extraordinary physical, mental or emotional needs of the Indian child that require specialized treatment services if, despite active efforts, those services are unavailable in the community where families who meet the placement preferences under subsection 1 or 2 reside; or

(4) Whether, despite a diligent search, a placement meeting the placement preferences under this section is unavailable, as determined by the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(b) Must, in applying the placement preferences under this subsection, give weight to a parent's request for anonymity if the placement is an adoptive placement to which the parent has consented.

(c) May be informed by but not determined by the placement request of a parent of the Indian child, after the parent has reviewed the placement

options, if any, that comply with the placement preferences under this section.

(d) May not be based on:

(1) The socioeconomic conditions of the Indian child's tribe;

(2) Any perception of the tribal or United States Bureau of Indian Affairs social services or judicial systems;

(3) The distance between a placement meeting the placement preferences under this section that is located on or near a reservation and the Indian child's parent; or

(4) The ordinary bonding or attachment between the Indian child and a nonpreferred placement arising from time spent in the nonpreferred placement.

Sec. 38. ***1. A petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights may be filed in a pending child custody proceeding involving the Indian child or, if none, in any court of competent jurisdiction by:***

(a) The Indian child who was alleged to be within the jurisdiction of the court;

(b) The Indian child's parent or Indian custodian from whose custody such child was removed or whose parental rights were terminated; or

(c) The Indian child's tribe.

2. The court shall vacate an order or judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights if the court determines that any provision of section 26 or 27, subsection 2 or 5 of section 31, paragraph (a) or (b) of subsection 3 of section 31, subsection 1 of section 35 or section 36 of this act or, if required, subsection 2 of section 32 or section 33 or 37 of this act has been violated and the court determines it is appropriate to vacate the order or judgment.

3. If the vacated order or judgment resulted in the removal or placement of the Indian child, the court shall order the child immediately returned to the Indian child's parent or Indian custodian and the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

4. If the vacated order or judgment terminated parental rights, the court shall order the previously terminated parental rights to be restored.

5. If the State or any other party affirmatively asks the court to reconsider the issues under the vacated order or judgment, the court's findings or determinations must be readjudicated.

6. As used in this section, "termination of parental rights" includes, without limitation, the involuntary termination of parental rights under chapter 128 or 432B of NRS.

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 125A.215 is hereby amended to read as follows:

125A.215 1. ~~[A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., is not subject to the provisions of this chapter to the extent that the proceeding is governed by the Indian Child Welfare Act.~~

~~2.]~~ A court of this state shall treat ~~[a]~~ ***an Indian*** tribe as if it were a state of the United States for the purpose of applying NRS 125A.005 to 125A.395, inclusive.

~~[3.]~~ ***2.*** A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of the provisions of this chapter must be recognized and enforced pursuant to NRS 125A.405 to 125A.585, inclusive.

Sec. 41. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 41.5 to 50, inclusive, of this act.

Sec. 41.5. ***1. Notwithstanding any other provision of law, the provisions of sections 42 to 50, inclusive, of this act, do not apply if:***

(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;

(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;

(c) An Indian child who was conceived by means of assisted reproduction is being adopted ; ~~[after being born to a gestational carrier pursuant to a gestational agreement;]~~ or

~~[(c)]~~ (d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

2. As used in this section:

(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.

(b) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.

~~[(b)]~~ (c) "Extended family member" has the meaning ascribed to it in section 7 of this act.

~~[(c) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.~~

~~(d) "Gestational carrier" has the meaning ascribed to it in NRS 126.580.]~~

Sec. 42. ***1. In addition to the requirements set forth in NRS 127.110, a petition for adoption of a child must contain:***

(a) ~~[A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, of the petitioner's good faith efforts described in subsection 1 of~~

~~*section 30 of this act, to determine whether there is reason to know that the child is an Indian child;*~~

~~*(b)]*~~ *A statement as to whether the petitioner has reason to know that the child is an Indian child; and*

~~*[(c)]*~~ *(b) If the petitioner has reason to know that the child is an Indian child:*

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, showing that the proposed adoptive placement complies with the requirements under section 37 of this act; or

(2) A statement that the petitioner is moving the court under subsection 3 of section 37 of this act for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of section 37 of this act.

2. A petition for adoption of a child must, if applicable, request the following:

(a) ~~*[A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act;*~~

~~*(b)]*~~ *A finding of whether there is reason to know that the child is an Indian child;*

~~*[(c)]*~~ *and*

(b) If the court finds that the child is an Indian child:

(1) The determinations required under section 24 of this act regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act; and

(3) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if not, that upon the petitioner's motion under subsection 3 of section 37 of this act, good cause exists for placement contrary to the placement preferences in section 37 of this act.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

(3) The appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 43. ***1. If a petition for adoption of a child concerns the adoption of an Indian child, except as otherwise provided in subsection 4 and unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.***

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the judgment of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of a judgment of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws his or her consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in section 14 of this act.

Sec. 44. (Deleted by amendment.)

Sec. 45. ***1. If, upon a petition for adoption of a child duly presented and consented to, the court is satisfied as to the identity and relations of the persons, that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption be effected, a judgment shall be made setting forth the facts and ordering that from the date of the judgment, the child, for all legal intents and purposes, is the child of the petitioner.***

2. A judgment entered under this section must include ~~***[:***~~

~~***(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act to determine whether there is reason to know that the child is an Indian child; and***~~

~~***(b) A]***~~ ***a finding that the child is or is not an Indian child.***

3. In an adoption of an Indian child, the judgment must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the biological parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under section 24 of this act;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if the placement does not comply with the placement preferences under section 37 of this act, a finding upon the petitioner's motion under subsection 3 of section 37 of this act that good cause exists for placement contrary to the placement preferences.

4. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

5. Upon entry of the judgment of adoption of an Indian child, the court shall provide to the United States ~~[Secretary of the Interior]~~ Bureau of Indian Affairs copies of the judgment entered under this section , ~~[and]~~ any ~~[document]~~ affidavit signed by a consenting parent requesting anonymity ~~[.]~~ , and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 46. *1. A petition to vacate a judgment of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.*

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the judgment of adoption if:

(a) The petition is filed not later than 2 years following the date of the judgment; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates a judgment of adoption under this section, the court shall also order that the parental rights of the parent whose consent

the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 47. *1. If a judgment of adoption of an Indian child under this chapter is vacated, the court vacating the judgment must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate agency which provides child welfare services.*

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of a judgment of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If a judgment of adoption of an Indian child under this chapter is vacated other than as provided in section 38 of this act, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian

custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of section 31 of this act to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in section 20 of this act. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the legal parent of an Indian child subject to a judgment of adoption under this chapter and whose parental rights have not been restored under section 46 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to a judgment of adoption of the child under this chapter.

Sec. 48. *1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.*

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceeding, the complete record of the placement finding and, if the placement departs from the placement preferences under section 37 of this act, detailed documentation of the efforts to comply with the placement preferences.

Sec. 49. *1. In a proceeding for the adoption of a minor child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to section 42 of this act,*

the agency shall file with the court an ICWA compliance report, which must reflect the agency's review of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the ~~[findings]~~ finding required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.

2. ~~[Upon]~~ Except as otherwise provided in this subsection, upon receiving an ICWA compliance report, the court shall order the matter to proceed . ~~[if]~~ If notice is required, the court shall not order the matter to proceed unless the court finds that the petitioner satisfied ~~[the inquiry requirements under subsection 1 of section 30 of this act and, if applicable,]~~ the notice requirements under subsection 2 of section 31 of this act. If the court finds that:

(a) ~~[Subject to the procedures under subsection 3 of section 30 of this act, the]~~ The child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under section 37 of this act. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of section 37 of this act, for authority to make the placement contrary to the placement preferences under section 37 of this act.

(b) The petitioner failed to satisfy , ~~[the inquiry requirements under subsection 1 of section 30 of this act or,]~~ if applicable, the notice requirements under subsection 2 of section 31 of this act, or if the documentation supplied by the petitioner is insufficient for the court to make ~~[those findings,]~~ that finding, the court shall direct the petitioner to cure the ~~[inquiry or]~~ notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the ~~[inquiry requirements under subsection 1 of section 30 of this act and]~~ notice requirements under subsection 2 of section 31 of this act and the placement preferences under section 37 of this act, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in ~~[subsection 1 of section 30 of this act and]~~ subsection 3 of section 31 of this act and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in ~~[subsection 1 of section 30 of this act and]~~ subsection 3 of section 31 of this act;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 42 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the requirements under this section and sections ~~[30,]~~ 31, 37 and 42 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 42 of this act, motions to request a deviation from the placement preferences under subsection 3 of section 37 of this act and notices required under subsection 3 of section 31 of this act; and

(b) Worksheets and checklists to assist petitioners with ~~[the inquiry required under subsection 1 of section 30 of this act]~~ the notices required under subsection 2 of section 31 of this act, and assessing whether proposed adoptive placements satisfy the preferences under section 37 of this act.

6. The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of ~~[inquiry and]~~ notice and the appropriateness of adoptive placements.

7. As used in this section, "ICWA compliance report" means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.

Sec. 50. *1. If the court determines that tribal customary adoption is in the best interests, as described in section 20 of this act, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:*

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and proposed tribal customary adoptive

parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the Indian child's best interests, as described in section 20 of this act; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligation from the Indian child's parents or Indian custodian.

➥ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 45 of this act and enter a judgment of adoption. In addition to the requirements under section 45 of this act, the judgment of adoption must include a statement that any parental rights or obligations not specified in the judgment are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of a judgment of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the judgment of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 51. NRS 127.003 is hereby amended to read as follows:

127.003 As used in this chapter, unless the context otherwise requires:

1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.~~

~~4. "Indian Child Welfare Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.]~~ ***section 9 of this act.***

Sec. 51.5. (Deleted by amendment.)

Sec. 52. NRS 127.010 is hereby amended to read as follows:

127.010 Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the district courts of this State have original jurisdiction in adoption proceedings.

Sec. 53. NRS 127.018 is hereby amended to read as follows:

127.018 1. ~~[Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***Except as otherwise provided in sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act,*** a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 54. NRS 127.053 is hereby amended to read as follows:

127.053 No consent to a specific adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

1. Identifies the child to be adopted by name, if any, sex and date of birth.

2. Is in writing and signed by the person consenting to the adoption as required in this chapter.

3. Is acknowledged by the person consenting and signing the consent to adoption in the manner and form required for conveyances of real property.

4. Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given.

5. ***Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the judgment of adoption under section 45 of this act, the person receives information that provides reason to know that the child is an Indian child.***

6. Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting. If neither the petitioner nor the spouse of a petitioner is related to the child

within the third degree of consanguinity, then one of the witnesses must be a social worker employed by:

(a) An agency which provides child welfare services;

(b) An agency licensed in this state to place children for adoption;

(c) A comparable state or county agency of another state; or

(d) An agency authorized under the laws of another state to place children for adoption, if the natural parent resides in that state.

Sec. 55. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.

(i) Whether the ***petitioners have reason to know that the*** child is ~~[known to be]~~ an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. ~~[No]~~ ***Except as otherwise provided in sections 17.5 and 41.5 of this act, no*** order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive ~~[.]~~ ***, and the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 56. NRS 128.020 is hereby amended to read as follows:

128.020 Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the district courts have jurisdiction in all cases and proceedings under this chapter. The jurisdiction of the district courts extends to any child who should be declared free from the custody and control of either or both of his or her parents.

Sec. 57. NRS 128.023 is hereby amended to read as follows:

128.023 1. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall ~~[~~:

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.~~] ***require that notice of the proceedings and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

3. The provisions of this section do not apply if a parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child. As used in this subsection, "extended family member" has the meaning ascribed to it in section 7 of this act.

Sec. 58. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to ....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative, if no parent or guardian can be found.

(g) Whether the ***petitioner has reason to know that the*** child is ~~[known to be]~~ an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 59. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.,]~~ ***as otherwise provided in section 26 of this act,*** in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 60. NRS 7.285 is hereby amended to read as follows:

7.285 1. ~~[A]~~ ***Except as otherwise provided in section 34 of this act, a*** person shall not practice law in this state if the person:

(a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the Supreme Court; or

(b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the Supreme Court.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense within the immediately preceding 7 years, a misdemeanor.

(b) For a second offense within the immediately preceding 7 years, a gross misdemeanor.

(c) For a third and any subsequent offense within the immediately preceding 7 years, a category E felony and shall be punished as provided in NRS 193.130.

3. The State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.

Sec. 61. NRS 62A.160 is hereby amended to read as follows:

62A.160 "Indian child" has the meaning ascribed to it in ~~[~~25 U.S.C. § 1903.~~]~~ ***section 9 of this act.***

Sec. 62. NRS 62D.210 is hereby amended to read as follows:

62D.210 1. If a proceeding conducted pursuant to the provisions of this title involves the placement of an Indian child into foster care, the juvenile court shall ~~[~~:

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act or, if a tribe declines or is unable to exercise jurisdiction, exercise jurisdiction as provided in the Indian Child Welfare Act.~~**]** ***require that notice of the proceeding and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the juvenile court determines that the parent of an Indian child for whom foster care is sought is indigent, the juvenile court, as provided in the Indian Child Welfare Act:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney.

Sec. 63. (Deleted by amendment.)

Sec. 64. NRS 432B.067 is hereby amended to read as follows:

432B.067 "Indian child" has the meaning ascribed to it in ~~[~~25 U.S.C. § 1903.~~]~~ ***section 9 of this act.***

Sec. 65. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such

standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for ~~[the]~~ ***:***

(a) The administration of NRS 432B.010 to 432B.606, inclusive.

(b) The implementation of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries ~~***[in accordance with subsection 1 of section 30 of this act]***~~ to determine whether ***there is reason to know that*** the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act ~~[.]~~ ***, sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 68. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the court has exclusive original jurisdiction in proceedings concerning any child domiciled, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 69. NRS 432B.425 is hereby amended to read as follows:

432B.425 If proceedings pursuant to this chapter involve the protection of an Indian child, the court shall ~~[~~:

~~1. Cause the Indian child's tribe to be notified in writing at the beginning of the proceedings in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~2. Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~3. If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.~~] ***require that notice of the proceedings and any other notice required by this chapter be provided in accordance with section 31 of this act.***

Sec. 70. NRS 432B.5902 is hereby amended to read as follows:

432B.5902 1. After a motion for the termination of parental rights is filed pursuant to NRS 432B.5901, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the

party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;

(b) If ~~[~~applicable, each Indian tribe of~~]~~ the child who is ~~[~~the~~]~~ subject ~~[~~of~~]~~ ***to*** the ~~[~~motion, in accordance with NRS 128.023;~~]~~ ***motion is known to be an Indian child, the child's Indian tribe;*** and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in NRS 432B.5904 or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 71. The provisions of subsection 3 of section 25 of this act apply to tribal-state agreements entered into or renewed on or after January 1, 2024.

Sec. 72. Not later than September 15, 2024, and each even-numbered year thereafter, the Division of Child and Family Services of the Department of Health and Human Services and the Court Administrator shall report to the Chairs of the Senate and Assembly Standing Committees on Judiciary regarding, as applicable:

1. The number of Indian children involved in dependency proceedings during the prior 2-year period.

2. The average duration Indian children were in protective custody.

3. The ratio of Indian children to non-Indian children in protective custody.

4. Which tribes the Indian children in protective custody were members of or of which they were eligible for membership.

5. The number of Indian children in foster care who are in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

6. The number of Indian children placed in adoptive homes in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

7. The number of available placements and common barriers to recruitment and retention of appropriate placements.

8. The number of times the court found that good cause existed to deviate from the statutory placement preferences under section 37 of this act, when

making a finding regarding the placement of a child in a dependency proceeding.

9. The number of cases that were transferred to tribal court under section 28 of this act.

10. The number of times the court found good cause to decline to transfer jurisdiction of a dependency proceeding to tribal court upon request and the most common reasons the court found good cause to decline a transfer petition.

11. The efforts the Division and the Court Administrator have taken to ensure compliance with the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act in dependency proceedings.

12. The number of ICWA compliance reports in which an agency which provides child welfare services reported the petitioner's documentation was insufficient for the court to make a finding regarding whether the petitioner complied with the ~~[inquiry requirements under subsection 1 of section 30 of this act and]~~ notice requirements under subsection 2 of section 31 of this act. As used in this subsection:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "ICWA compliance report" has the meaning ascribed to it in section 49 of this act.

Sec. 73. Not later than March 15, 2025, the Division of Child and Family Services of the Department of Health and Human Services shall submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the Division's implementation of tribal customary adoption as described in section 50 of this act as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Sec. 74. 1. A court shall give full faith and credit to the public acts, records and judicial proceedings of an Indian tribe applicable to an Indian child in a child custody proceeding.

2. As used in this section, "child custody proceeding" has the meaning ascribed to it in section 4 of this act.

Sec. 75. 1. If any provision of sections 2 to 38, inclusive, of this act or sections 42 to 50, inclusive, of this act is found to provide a lower standard of protection to the rights of an Indian child or the Indian child's parent, Indian custodian or tribe than that provided in the Indian Child Welfare Act:

(a) The higher standard of protection in the Indian Child Welfare Act controls; and

(b) It shall not serve to render inoperative any remaining provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act that may be held to provide a higher standard of protection than that provided in the Indian Child Welfare Act.

2. As used in this section, "Indian Child Welfare Act" means the federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., and any related regulations.

Sec. 76. The Court Administrator may adopt any rules necessary to implement the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 77. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 78. NRS 62D.200, 127.013, 127.017, 128.027, 432B.451 and 432B.465 are hereby repealed.

Sec. 79. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
2. On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

62D.200 Full faith and credit given to proceedings of Indian tribe.

127.013 Transfer of proceedings to Indian tribe.

127.017 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

128.027 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

432B.451 Qualified expert witness required in proceeding to place Indian child in foster care.

432B.465 Full faith and credit to judicial proceedings of Indian tribe.

Assemblywoman Brittney Miller moved that the Assembly do not concur in the Senate Amendment No. 730 to Assembly Bill No. 444.

Motion carried.

Bill ordered transmitted to the Senate.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 144 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 144 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 144 ("AB 144"), which is titled as follows:

> AN ACT relating to lighting products; prohibiting the sale, offer to sell or distribution of compact fluorescent lamps and linear fluorescent lamps; authorizing the Attorney General to bring a civil action against a person who has repeatedly violated such a

prohibition; providing a civil penalty; and providing other matters properly relating thereto.

AB 144 is yet another example of an unnecessary, strict regulation that eliminates consumer choice without any immediate need to do so. Currently, the U.S. Energy Information Administration notes that nearly half of U.S. households use LED light bulbs for all or most of their indoor lighting.

AB 144 provides harsh civil penalties payable to the State for each sale, offer to sell, or distribution of fluorescent lights and, moreover, penalizes the use of fluorescent lights by the day. Given the clear trend in consumer preferences toward LED lighting, this bill does little more than strictly penalize those who have not yet elected to use LED lights.

Since AB 144's primary emphasis is to provide severe, inflexible civil penalties for those who have not yet chosen to, or are otherwise unable to, comply with its provisions, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 144 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 235 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 235 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 235 ("AB 235"), which is titled as follows:

AN ACT relating to governmental administration; requiring the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies; and providing other matters properly relating thereto.

AB 235 significantly expands Nevada's prevailing wage definition in a manner that will only serve to increase costs on prefabrication projects–with all those costs inevitably being absorbed by Nevadan taxpayers.

One of AB 235's most glaring issues is that most prefabricated components come from vendors from out-of-state or, at the very least, away from the project site. Local governments here, imposing Nevada's prevailing wage standards on workers from other states, or even other countries, is untenable due to the difficulties associated with verifying various worker's classifications and hours worked in those jurisdictions. It is untenable to expose local governments to potential costly litigation because of difficulties associated with other locales.

Since AB 235 primarily serves to make it more difficult to build and efficiently manage certain critical infrastructure projects in Nevada, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 235 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 251 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 251 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 251 ("AB 251"), which is titled as follows:

> AN ACT relating to pharmacy; revising requirements governing the language in which certain information relating to a prescription must be provided to a patient; and providing other matters properly relating thereto.

AB 251 is well-intended in that it aims to increase the accessibility of pharmacy services for those who are more comfortable using a language other than English. That said, requiring every pharmacy in Nevada–from independently owned establishments to Fortune 10 companies–to provide information in each of the ten of the most spoken languages at-home in the State is an unnecessarily onerous burden. Not only is this law burdensome, it also provides no clarity about whether and how pharmacists should provide verbal instructions regarding certain prescriptions as may otherwise be required by law.

Since AB 251 creates an unnecessary burden on pharmacies across our State, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 251 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 282 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 282 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 282 ("AB 282"), which is titled as follows:

> AN ACT relating to substitute teachers; requiring school districts to provide certain substitute teachers with a subsidy for the purchase of health insurance coverage; and providing other matters properly relating thereto.

AB 282 is a well-intended measure which aims to make health insurance more accessible for substitute teachers across Nevada. The bill provides for a payment to full-time substitute teachers of a health insurance subsidy of at least $450 per month after the 30th consecutive day of teaching. After qualifying for a subsidy, the full-time substitute teacher continues to receive the subsidy until they have not taught for 45 consecutive days, did not teach at least 70 percent of the instructional school days in a month, or fail to provide proof they have purchased a health insurance policy.

It is true that many school districts have relied upon long-term full-time substitute teachers to maintain their teaching workforce. Addressing the compensation of those substitute teachers who are responsible for providing classroom instruction to students is essential to keeping them coming back to the classroom. However, these are still temporary employees. Further, the definition of full-time substitute teacher is overly broad and does not address the number of hours a substitute must teach each day to be considered full-time. Some districts offer health insurance to long-term full-time substitute teachers after they have been teaching for an extended period of time. Using that approach, the substitute teachers are treated more like regular employees than temporary ones.

There are also some technical issues with the bill. For instance, health insurance subsidies for employees are almost always "pre-tax", meaning they are reduced from gross income before tax withholdings are calculated. These subsidies would be taxable to the substitute teacher, reducing their overall value as they would be subject to withholdings for federal taxes and Social Security. Further, the substitute teacher must provide "proof of purchase" of a health insurance plan within 30 days of receiving the subsidy. Some of these individuals may already have health insurance through a spouse which they did not "purchase". It is unclear from the bill language whether those individuals would qualify for the subsidy. This bill also does not address or require the same benefit for full-time substitute teachers at charter schools creating a disparity between such teachers based on where they teach.

Lastly, in addition to the cost of actually providing this benefit, there is an administrative burden for the school districts associated with keeping track of who qualifies at which time and when the qualification period ends. Since this will be different for each substitute teacher, much of this will be a manual process unlike the automated payroll processes for permanent employees.

School districts and substitute teachers would be better off if the daily rate for substitute teachers was increased. ft would compensate the substitute teachers more appropriately without the added administrative burden put in place with this bill.

For these reasons, I veto this bill and return it to without my signature or approval

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 282 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 298 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 298 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 298 ("AB 298"), which is titled as follows:

> AN ACT relating to real property; requiring, under certain circumstances, a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to return such fees; prohibiting a landlord from collecting certain application fees for a minor in the household of a prospective tenant; requiring any written agreement for the use and occupancy of a dwelling unit or premises to contain separate appendices relating to fees and tenant rights; making it unlawful for a landlord or certain other persons to charge a tenant certain fees; temporarily prohibiting a landlord from entering into a rental agreement with certain existing tenants that increases the rent due from the tenant by more than a certain amount; and providing other matters properly relating thereto.

AB 298 is an unreasonable restraint on standard business activity. Under AB 298, a lessor would be prevented from collecting, and retaining, any fee relating to the rental of a dwelling unit. Further, it creates increased requirements for providing certain appendixes regarding both fees and rights associated with tenancy. Though the bill is admirably intended to increase transparency in the rental process, it is needlessly heavy-handed in its approach.

Since this bill is too rigid in its approach to addressing suspect pre-contract lessor practices, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 298 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 359 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 359 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 359 ("AB 359"), which is titled as follows:

AN ACT relating to taxation; revising provisions governing the effectuation of additional annual increases in certain taxes imposed on fuels for motor vehicles in certain larger counties; and providing other matters properly relating thereto.

Ensuring well-maintained roads for Clark County residents and visitors is an important goal. However, the mechanism proposed in AB 359–circumventing an affirmative vote of the people–is concerning to me. The arguments in favor of fuel revenue indexing are compelling, but a decision on this issue, which impacts household budgets every day, is most appropriately rendered by the voters.

There is no question that the increasing number of hybrid and electric vehicles is diminishing fuel tax revenues, shifting the cost burden for keeping our roads in good repair to those driving vehicles powered by traditional gasoline engines. The high upfront cost for the most fuel-efficient vehicles is a significant barrier to many Nevadans, leaving those with fewer resources shouldering a disproportionate share of the expense for the care and upkeep of our transportation infrastructure. AB 359 does not adequately address how to ensure that all drivers contribute fairly towards the shared resource of well-maintained streets.

The current, voter-authorized fuel revenue indexing does not expire until 2026, leaving sufficient time for further consideration of solutions that more equitably allocate responsibility for roadway improvements among all users.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 359 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 366 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 366 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 366 ("AB 366"), which is titled as follows:

AN ACT relating to governmental administration; moving the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; revising the membership of the Task Force; and providing other matters properly relating thereto.

AB 366 would remove the Keep Nevada Working Task Force from the Office of the Lieutenant Governor and instead place the Task Force under the purview of the Secretary of State. The Task Force should move, but it should be located within the Department of Workforce created under SB 431.

Since AB 366 removes the Keep Nevada Working Task Force from a workforce and economic development-related office to an elections and records-related office, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 366 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 394 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 394 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 394 ("AB 394"), which is titled as follows:

> AN ACT relating to elections; requiring the Secretary of State to adopt regulations that prescribe the procedure to be used if the abstract or certification of results for any election is not timely prepared or transmitted; prohibiting, with certain exceptions, the counting of ballots more than once; and providing other matters properly relating thereto.

AB 394 is an overreach into the conduct of duly elected county officials and prevents county clerks from using their discretion to determine the most effective way to ensure confidence and security in their election processes.

Specifically, AB 394's total prohibition on counting ballots a second time, unless during an audit or recount, is unfathomable. The most important goal while counting votes should be to ensure that each vote counts the way the voter intended. If certain counties are convinced that counting their votes a second time increases accuracy in their process, the law should not restrict them from so counting.

Since AB 394 does nothing to address the common sense electoral reforms contained in SB 405, my Election Integrity Act, and only serves to decrease voter confidence that their vote will be counted as cast, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 394 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 456 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 456 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 456 ("AB 456"), which is titled as follows:

> AN ACT relating to railroads; establishing requirements for the installation and operation of wayside detector systems; requiring a stopped train or other equipment to be cut, separated or moved to clear a railroad grade crossing upon the approach of an emergency vehicle; providing a civil penalty; prohibiting the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks; and providing other matters properly relating thereto.

AB 456 is presumably intended to decrease the likelihood of catastrophic train accidents like the one that began in East Palestine, Ohio in February this year. Our State's goal is certainly to have no similar accident occur here. The bill provides that no commercial train's operational length may exceed 7,500 feet in the state of Nevada. Aside from being another policy overreach from the Legislature, it is also far from certain the constitutionality of AB 465 would be upheld in Court. Supreme Court precedent dating back to 1945 demonstrates the Court's firm opposition to laws that affect interstate commerce where the state interest is outweighed by the nation's interest "in an adequate, economical and efficient railway transportation service, which must prevail." *Southern Pacific* Co. *v. Arizona*, 325 U.S. 761, 783-84 (1945).

Though mostly well-intended, since this bill's prohibition on commercial trains greater in length than 7,500 feet is unlikely to withstand litigation, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 456 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 464 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 31, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 464 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 464 (AB 464), which is titled as follows:

> AN ACT making an appropriation to the Legislative Fund for the costs of project development and initial operating expenses relating to anticipated building renovations and construction; and providing other matters properly relating thereto.

Assembly Bill 464 appropriates $1,550,000 for development and initial operating expenses relating to anticipated building renovations and construction. Pursuant to testimony provided during the Senate Finance Committee on May 15, 2023, some of this funding may be used for projects related to the acquisition of property in Clark County, the purchase of which has not yet been approved by the Legislature.

The testimony provided for this bill was also not clear whether this funding is included in the Legislative Capital Improvement Program approved by the Legislature.

When the Executive Branch submits a capital improvement project, it includes a detailed breakout of costs and a summary of the project. The Legislature provides only a single line on a sheet of paper.

I believe that when it comes to the expenditure of public funds, the Legislative Branch should be held to the same standard of transparency and accountability they demand from the Executive Branch.

Until there is sufficient detail supporting the request in this bill, I cannot support Assembly Bill 464.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 464 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 520 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 520 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 520 ("AB 520"), which is titled as follows:

> AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the 2023-2025 biennium; providing for the use of the money so appropriated; making various other changes relating to the financial administration of the State; and providing other matters properly relating thereto.

AB520 appropriates State General Fund and Highway Fund dollars to support the civil government of the State of Nevada. These appropriations fund a wide range of services from health care to K-12 and higher education to public safety as well as the administration of the three branches of State government. This budget largely reflects the priorities I proposed in my recommended budget, and I am grateful for the hard work of the Legislature. With that said, I made it clear in my State of the State address that fiscal balance and responsibility would be paramount in my administration. AB 520 falls short in a number of important areas.

It spends more and saves less. It utilizes one-time money to fund recurring programs, and it creates the potential for Nevada to face a fiscal cliff. These undisciplined budgeting practices create an unacceptable level of risk for the people of Nevada.

I acknowledge that the Legislature's recommended budget will reflect legislative priorities, some of which may differ from my own. Among the additions included in AB 520 is 78 percent increase in funding for the Legislative Branch of government. Perhaps more troubling than the absolute value of this increase is a lack of detail around the Legislature's proposed spending increase. I believe accountability and transparency should not only be imposed, but embraced, by our state's lawmakers.

I am also mindful that there are critical budget policy issues that remain unresolved and are beyond the scope of AB 520. This includes the need to increase the Account to Stabilize the Operations of State Government, or the State Rainy Day Fund, from 20 percent to 30 percent of operating appropriations. Fully funding this account is necessary to ensure we have the reserves needed to manage the State through the inevitable cycles of the economy.

In the short time remaining in the 2023 Session, I encourage the Legislature to revisit the elements of AB 520 and forward a revised budget that better balances our wants for today with our needs of tomorrow.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 520 be placed on the Chief Clerk's Desk.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:19 p.m.

ASSEMBLY IN SESSION

At 6:36 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Senate Bill No. 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 99.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 98, 231, 241, 451.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 707 to Senate Bill No. 180.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 524 be taken from the Chief Clerk's Desk and placed at the top of the General File

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 277 and 301 be taken from their positions on the General File and placed at the bottom of the General File

Motion carried.

Assemblywoman Torres moved to rescind the action whereby the Assembly did not concur with Senate Amendment No. 693 to Assembly Bill No. 305.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 305.

The following Senate amendment was read:

Amendment No. 693.

AN ACT relating to public works; requiring **, with certain exceptions,** a contractor or subcontractor to comply with certain requirements relating to the

use of apprentices who are women on a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a contractor or subcontractor engaged in: (1) vertical construction who employs a worker on a public work to use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed; and (2) horizontal construction who employs a worker on a public work to use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. (NRS 338.01165) **Section 1** of this bill requires that, to the extent practicable: (1) at least 2 percent of the hours of labor for vertical construction that is required to be performed by apprentices must be performed by women; and (2) at least 1 percent of the hours of labor for horizontal construction that is required to be performed by apprentices must be performed by women. **Section 1 also requires the State Apprenticeship Council to review, at least once every 2 years, the policies of an apprenticeship program that does not provide enough apprentices who are women to enable a contractor or subcontractor to meet the percentage of hours of labor required to be performed by women. Section 2** of this bill provides that such requirements do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ***To the extent practicable, at least 2 percent of the hours of labor that is required to be performed by apprentices must be performed by women. For purposes of this subsection, "to the extent practicable" means to the extent the requirement to have at least 2 percent of the hours of labor to be performed by apprentices who are women is feasible or capable of being done or carried out with reasonable effort, taking into account the number and availability of apprentices who are women in the applicable apprenticed craft or type of work.***

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent of the

total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ***To the extent practicable, at least 1 percent of the hours of labor that is required to be performed by apprentices must be performed by women. For purposes of this subsection, "to the extent practicable" means to the extent the requirement to have at least 3 percent of the hours of labor to be performed by apprentices who are women is feasible or capable of being done or carried out with reasonable effort, taking into account the number and availability of apprentices who are women in the applicable apprenticed craft or type of work.***

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. A contractor or subcontractor engaged on a public work is not required to use an apprentice ***, regardless of gender,*** in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

6. A public body may, upon the request of a contractor or subcontractor, submit a request to the Labor Commissioner to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection ~~[10.]~~ ***11.***

7. The Labor Commissioner shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.

8. A public body, contractor or subcontractor may request a hearing on the determination of the Labor Commissioner within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor

Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

9. A contractor or subcontractor engaged on a public work shall enter into an apprenticeship agreement for all apprentices required to be used in the construction of a public work. If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection ~~[10]~~ ***11*** and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.

10. ***If a contractor or subcontractor does not meet the requirements set forth in subsection 1 or 2, as applicable, to have a percentage of the hours of labor performed by apprentices who are women, there is a rebuttable presumption that there were not enough apprentices who are women available to comply with such requirements. If an apprenticeship program is unable to rebut the presumption, the State Apprenticeship Council shall, at least once every two years, require the apprenticeship program to appear before the State Apprenticeship Council to review the policies of the program to recruit women. The State Apprenticeship Council may, without limitation, recommend improvements for recruiting women to the apprenticeship program.***

11. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) "Good cause" means:

(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;

(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or

(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.

➥ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.

(e) "Journeyman" has the meaning ascribed to it in NRS 624.260.

(f) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. The amendatory provisions of this act do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

Sec. 3. This act becomes effective on January 1, 2024.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 693 to Assembly Bill No. 305.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 98.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 99.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 231.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 241.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 451.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 163.

Bill read second time and ordered to third reading.

Senate Bill No. 205.

Bill read second time and ordered to third reading.

Senate Bill No. 276.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 926.

AN ACT relating to collection agencies; requiring a collection agency to display certain information on the Internet website of the collection agency; authorizing a collection agent to work from a remote location under certain circumstances; revising certain terminology related to collection agencies; revising the entities required to obtain a license as a collection agency and the circumstances under which such a license is required; revising provisions governing certain records and an application for and the issuance of a license as a collection agency; revising the frequency of the determination of the amount of the bond or substitute for a bond that a collection agency is required to maintain; eliminating certain examinations; removing a requirement that a collection agency obtain a permit for a branch office; revising provisions relating to the application and issuance of a compliance manager's certificate; prohibiting the compliance manager of a collection agency from being simultaneously employed by another collection agency or exempt entity as a compliance manager; exempting certain debt buyers from certain provisions governing collection agencies; revising provisions related to certain annual reports; prohibiting certain actions by a collection agency, compliance manager or collection agent; repealing certain provisions governing foreign collection agencies and certificates; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of collection agencies and collection agents. (Chapter 649 of NRS) **Section 3** of this bill defines the term "debt buyer" to mean a person that is regularly engaged in the business of purchasing claims that have been charged off for the purpose of collecting such claims. **Section 14** of this bill includes a debt buyer within the definition of "collection agency," thereby requiring a debt buyer to obtain a license as a collection agency and comply with existing law governing collection agencies. **Sections 18 and 39** of this bill authorize a debt buyer and an affiliate of the debt buyer to share a license. **Sections 34, 35 and 38** of this bill exempt debt buyers from provisions of existing law governing the relationship between a collection agency and a customer when debt buyers do not also collect claims on behalf of parties who are not affiliated with the debt buyer.

Section 5 of this bill defines the term "remote location" to mean a location separate from either the principal place of business or a branch office of a collection agency. **Sections 7-10** of this bill establish requirements governing collection agents who work from remote locations. Specifically, **section 10** requires a collection agency to maintain certain records concerning such collection agents. Before a collection agent begins working from a remote location, **section 7** requires the collection agent to: (1) sign a written agreement to perform certain duties, authorize certain monitoring by the employer and refrain from certain activities while working from the remote location; (2) complete certain training; and (3) work ~~[in an office of]~~ **for** the collection agency for at least 7 days ~~[.]~~ **under direct oversight and mentoring from a**

supervisor. **Section 8** of this bill requires the remote location from which a collection agent works to satisfy certain requirements to protect data and enable the collection agent to work safely and effectively. **Section 8** also prohibits: (1) multiple collection agents who do not reside in the same residence from working from the same remote location; and (2) a collection agent from printing or storing physical records at a remote location. **Section 9** of this bill requires a collection agency to develop and implement a written security policy for work from a remote location and sets forth certain requirements for the security policy. **Section 10** imposes certain additional requirements relating to the work of collection agents from a remote location.

Section 13 of this bill revises the definition of the term "claim" to include any obligation for the payment of money or its equivalent that is delinquent or in default and assigned to a collection agency. **Sections 33, 37 and 40** of this bill replace the term "debt" with "claim" to more accurately state the property interest on which the collection agency may act.

Section 14 revises the definition of the term "collection agency" to exclude certain financial institutions, employees of such institutions, persons collecting claims that they originated on their own behalf and various other persons and entities deemed not to be debt collectors under federal law, thereby exempting such persons and entities from requirements governing collection agencies. **Section 15** of this bill amends the term "collection agent" to mean a person who performs certain activities on behalf of a collection agency outside the place of business of a collection agency, thereby exempting persons who do not act on behalf of a collection agency from requirements governing collection agents. **Sections 2 and 4** of this bill define certain other terms. **Section 12** of this bill makes a conforming change to indicate the proper placement of **sections 2-5** in the Nevada Revised Statutes.

Section 18 prescribes the circumstances under which a person is required to obtain a license as a collection agency. **Section 52** of this bill repeals provisions governing foreign collection agencies, thereby requiring such collection agencies to be licensed in the same manner as domestic collection agencies. **Sections 17 and 48** of this bill make certain information provided to the Commissioner of Financial Institutions by an applicant for a license confidential. **Sections 19 and 20** of this bill revise the required contents of an application to operate a collection agency. **Sections 22, 24, 31 and 52** of this bill revise provisions governing the procedure for issuing a license or removing a business location from the place of business as stated in the license, including by removing a requirement that the Commissioner issue a physical license to a successful applicant.

Existing law requires a collection agency to employ a manager who is: (1) certified as a manager; and (2) **jointly** responsible for the operation of the collection agency. (NRS 649.035, 649.095, 649.305) **Sections 16, 20, 26-30, 32, 36, 37, 40 and 51** of this bill revise the term "manager" to "compliance manager." **Section 16 also provides that a compliance manager is required to equally share responsibility only for the collection operation of the**

collection agency. **Section 26** of this bill revises the requirements to apply for a compliance manager's certificate. **Section 30** of this bill prohibits a compliance manager from being employed as a compliance manager by more than one collection agency at a time, or by a collection agency and an exempt entity at the same time. **Sections 22, 23, 29 and 52** of this bill remove a requirement that an applicant for a license to operate a collection agency pass an examination and references to that requirement. **Section 26.5** of this bill requires the Commissioner to waive the examination for a certificate as a compliance manager if the applicant and collection agency that employs the applicant hold certain certifications.

Existing law requires: (1) an applicant for a license to operate a collection agency to file a bond or an appropriate substitute with the Commissioner; and (2) the Commissioner to determine the appropriate amount of the bond or appropriate substitute 3 months after submission and semiannually thereafter. (NRS 649.105) **Section 21** of this bill instead requires the Commissioner to review the amount of that bond or substitute annually.

Existing law requires an applicant to state the location of the business and to obtain a permit to operate a branch office. (NRS 649.095, 649.167) **Section 25** of this bill removes the requirement to obtain a permit and instead requires a collection agency to notify the Commissioner of the location of the branch office. **Section 29** of this bill makes a conforming change to remove the fees for the issuance and renewal of a permit to operate a branch office.

Existing law requires a license or certificate issued by the Commissioner to be displayed on the wall of the place of business of the collection agency. (NRS 649.315) **Sections 6, 49 and 52** of this bill remove this requirement and instead require a collection agency to display its license number and the certificate identification number of the certificate issued to the compliance manager of the collection agency on an Internet website maintained by the collection agency.

Existing law requires a collection agency to submit a report to the Commissioner on or before January 31 of each year relating to the money due to all creditors by the collection agency and the total sum in the customer trust fund accounts of the collection agency. (NRS 649.345) **Section 36** requires this report to be submitted on or before April 15 of each year.

Existing law prohibits a collection agency or its agents or employees from engaging in certain practices. (NRS 649.375) **Section 40** additionally prohibits a collection agency or its compliance manager, agents or employees from: (1) filing a civil action to collect a debt when the collection agency, compliance manager, agent or employee knows or should know that the applicable limitation period for filing such an action has expired; and (2) selling an interest in a resolved claim or any personal or financial information related to the resolved claim. Any person who violates these provisions is guilty of a gross misdemeanor and subject to an administrative fine. (NRS 649.435, 649.440)

Existing law prescribes the time within which certain civil actions may be filed. (NRS 11.190) Existing law provides that, for an action based on indebtedness, the relevant time period begins on the date on which the last payment was made. (NRS 11.200) **Section 41** of this bill provides that a payment made on a debt or certain other activity relating to the debt after the time period for filing an action based on a debt has expired does not revive the applicable limitation. **Section 33** requires certain notice provided to a medical debtor to notify the debtor that such a payment does not revive the applicable limitation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 649 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***"Collection activities" means activities performed by a collection agency or collection agents related to the collection of or attempt to collect a claim.***

Sec. 3. ***"Debt buyer" means a person who is regularly engaged in the business of purchasing claims that have been charged off for the purpose of collecting such claims, including, without limitation, by personally collecting claims, hiring a third party to collect claims or hiring an attorney to engage in litigation for the purpose of collecting claims.***

Sec. 4. ***"Exempt entity" means an entity described in paragraphs (b) to (k), inclusive, of subsection 2 of NRS 649.020.***

Sec. 5. ***"Remote location" means a location separate from either the principal place of business or a branch office of a collection agency.***

Sec. 6. ***A collection agency shall display on any Internet website maintained by the collection agency:***

1. The license number issued to the collection agency by the Commissioner pursuant to NRS 649.135; and

2. The certificate identification number of the certificate issued to the compliance manager of the collection agency by the Commissioner pursuant to NRS 649.225.

Sec. 7. ***Before a collection agent begins working from a remote location, the collection agent must:***

1. Sign a written agreement prepared by the collection agency that requires a collection agent working from a remote location to:

(a) Maintain data concerning debtors in a confidential manner and refrain from printing or otherwise reproducing such data into a physical record while working from the remote location;

(b) Read and comply with the security policy established pursuant to section 9 of this act and any policy to ensure the safety of the equipment of the collection agency that the collection agent is authorized to use;

(c) Review a description of the work that the collection agent is authorized to perform from the remote location and only perform work included in that description;

(d) Refrain from disclosing to a debtor that the collection agent is working from a remote location or that the remote location is a place of business of the collection agency;

(e) Authorize the employer to monitor the collection agent while he or she is working from the remote location, including, without limitation, recording any calls to and from the remote location relating to collection activities; and

(f) Refrain from conducting any activities related to his or her work with the collection agency with a debtor or customer in person at the remote location;

2. Complete a program of training ~~[at the office of the principal place of business of the collection agency]~~ regarding compliance with applicable laws and regulations, privacy, confidentiality, monitoring, security and any other issue relevant to the work the collection agent will perform from the remote location; and

3. Work ~~[at the office of the principal place of business or a branch office of]~~ for the collection agency ~~[with]~~ under direct oversight and mentoring from a supervisor for at least 7 days.

Sec. 8. *1. The remote location from which a collection agent works must:*

(a) Be capable of providing the same degree of oversight and monitoring of the collection agent as if the collection agent was working in the principal place of business or a branch office of the collection agency;

(b) Be fully connected to the technological systems, including, without limitation, any computer system, of the office at the principal place of business or a branch office of the collection agency;

(c) Allow the collection agency to:

(1) Record calls made to and from the remote location; and

(2) Monitor calls to and from the remote location in real time;

(d) Be a private location where confidentiality can be maintained; and

(e) Have the equipment necessary for the collection agent to perform his or her work safely and effectively.

2. Each collection agent who works from a remote location must be connected to the principal place of business or a branch office of the collection agency in a manner that requires the collection agent to use unique credentials to access the technological systems of the collection agency.

3. Except as otherwise provided in this subsection, two or more collection agents shall not work from the same remote location. Two or more collection agents who reside in the same residence may each work remotely from that residence.

4. A collection agent shall not print or store any physical records of a collection agency at a remote location.

5. A remote location from which a collection agent works shall be deemed to be an extension of the principal place of business or branch office to which the collection agent is connected pursuant to paragraph (b) of subsection 1 for the purposes of this chapter and any other relevant purposes.

Sec. 9. *1. A collection agency shall develop and implement a written security policy for collection agents who work from a remote location to ensure that the data of debtors, customers and the collection agency is secure and protected from unauthorized disclosure, access, use, modification, duplication or destruction. The security policy must include, without limitation:*

(a) Access to the technological systems of the collection agency through a virtual private network or other similar network or system which:

(1) Utilizes multifactor authentication, data encryption and frequent password changes; and

(2) Automatically locks a collection agent out of his or her account if suspicious activity is detected;

(b) A procedure to immediately update and repair any security network or system to ensure that current security technologies are utilized;

(c) A requirement to store all data of debtors, customers and the collection agency on designated drives that are safe, secure and expandable;

(d) A requirement that collection agents work on electronic devices that are secured with software and hardware protections including, without limitation, antivirus software and a firewall;

(e) A requirement that collection agents access any system of the collection agency through an electronic device that has been issued by the collection agency and a prohibition on using such an electronic device for personal purposes;

(f) A procedure for the containment and disclosure of any breach of data that occurs, including, without limitation, the issuance of any disclosure that is required by law;

(g) A procedure for the protection of data during a natural disaster or other emergency that has the potential to impact the data or electronic devices of the collection agency at a remote location and the recovery of data after such a natural disaster or other emergency;

(h) A procedure for the secure disposal of data in accordance with any applicable law or contract;

(i) A procedure for conducting an annual risk assessment concerning the protection of the data of debtors, customers and the collection agency and a plan to implement new policies based on the results of the risk assessment; and

(j) Procedures to:

(1) Prevent a former collection agent from accessing any system of the collection agency; and

(2) Remotely disable or remove all data from an electronic device owned by the collection agency at the remote location.

2. A collection agency that complies with the requirements of 16 C.F.R. Part 314 satisfies the requirements of this section.

Sec. 10. ***1. A collection agent working from a remote location shall comply with any applicable federal and state laws, including, without limitation, the provisions of this chapter, including, without limitation, NRS 649.335, and the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq.***

2. A collection agency shall:

(a) Record calls performed by a collection agent conducting collection activities from a remote location and maintain such recordings for at least ~~*[4]*~~ ***3 years; and***

(b) Monitor calls performed by a collection agent conducting collection activities from a remote location in real time on a regular basis.

3. A collection agency or collection agent shall not:

(a) Represent to any person that the collection agent is working independently of the collection agency;

(b) Use the remote location from which a collection agent is working and any related address, telephone number or facsimile number in advertising for the collection agency;

(c) Require or invite a debtor to come to a remote location from which a collection agent is working for the purpose of collection activities; or

(d) Hold out a remote location from which a collection agent is working in such a manner that a debtor is likely to believe that the remote location is the principal place of business or a branch office of the collection agency, including, without limitation, by receiving mail at the remote location, storing records at the remote location or stating to a debtor or customer that the collection agent is working from the remote location.

4. A collection agency shall:

(a) Maintain a record of collection agents who are authorized to work from a remote location which must include, for each such collection agent:

(1) The name, telephone number and electronic mail address of the collection agent; and

(2) The address of the remote location;

(b) Maintain a record of equipment supplied to collection agents for use at a remote location;

(c) Review its policies and procedures governing remote work for compliance with sections 7 to 10, inclusive, of this act at least annually and upon request of the Commissioner; and

(d) Establish a procedure to ensure that a collection agent working from a remote location does so without acting in any illegal, unethical or unsafe manner.

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 649.005 is hereby amended to read as follows:

649.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 649.010 to 649.042, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 13. NRS 649.010 is hereby amended to read as follows:

649.010 "Claim" means any obligation for the payment of money or its equivalent that is past due ~~[.]~~ ***, delinquent or in default and assigned to a collection agency.***

Sec. 14. NRS 649.020 is hereby amended to read as follows:

649.020 1. "Collection agency" means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.

2. "Collection agency" does not include any of the following unless they are conducting collection ~~[agencies:]~~ ***activities in a capacity other than that described in this subsection:***

(a) ~~[Individuals]~~ ***Natural persons*** regularly employed ***by an exempt entity*** on a regular wage or salary ~~[, in the capacity of credit men or in other similar capacity upon the staff of employees of any person]~~ ***who, on behalf of the exempt entity, collect a claim owed to the exempt entity provided that such persons are*** not engaged in the business of a collection agency or making or attempting to make collections as an incident to the usual practices of their primary business or profession.

(b) Banks ~~[.]~~ ***, savings banks, credit unions, thrift companies or trust companies.***

(c) Nonprofit cooperative associations.

(d) Unit-owners' associations and the board members, officers, employees and units' owners of those associations when acting under the authority of and in accordance with chapter 116 or 116B of NRS and the governing documents of the association, except for those community managers included within the term "collection agency" pursuant to subsection 3.

(e) Abstract companies doing an escrow business.

(f) Duly licensed real estate brokers, except for those real estate brokers who are community managers included within the term "collection agency" pursuant to subsection 3.

(g) Attorneys and counselors at law licensed to practice in this State, so long as they are retained by their clients to collect or to solicit or obtain payment of such clients' claims in the usual course of the practice of their profession.

(h) A mortgage servicer licensed pursuant to chapter 645F of NRS, except where such a mortgage servicer is attempting to collect a claim that was assigned when the relevant loan was in default.

(i) Any person collecting in his or her own name on a claim that he or she originated.

(j) Any person servicing a claim that he or she originated and sold.

(k) Any person or entity described in 15 U.S.C. § 1692a(6)(A) to 1692a(6)(F), inclusive.

3. "Collection ~~[agency".]~~ ***agency" includes:***

(a) ~~[Includes a]~~ ***A*** community manager while engaged in the management of a common-interest community or the management of an association of a condominium hotel if the community manager, or any employee, agent or affiliate of the community manager, performs or offers to perform any act associated with the foreclosure of a lien pursuant to NRS 116.31162 to 116.31168, inclusive, or 116B.635 to 116B.660, inclusive; and

(b) ~~[Does]~~ ***A debt buyer.***

4. "Collection agency" does not include any ~~[other]~~ community manager***, other than a community manager described in paragraph (a) of subsection 3,*** while engaged in the management of a common-interest community or the management of an association of a condominium hotel.

~~[4.]~~ ***5.*** As used in this section:

(a) "Community manager" has the meaning ascribed to it in NRS 116.023 or 116B.050.

(b) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

Sec. 15. NRS 649.025 is hereby amended to read as follows:

649.025 "Collection agent" means any person, ~~[whether or not regularly employed at a regular wage or salary, who in the capacity of a credit man or in any other similar capacity]~~ ***who, on behalf of a collection agency,*** makes a collection, solicitation or investigation of a claim at a place or location other than the business premises of the collection agency, but does not include:

1. Employees of a collection agency whose activities and duties are restricted to the business premises of the collection agency.

2. The individuals, corporations and associations enumerated in subsection 2 of NRS 649.020.

Sec. 16. NRS 649.035 is hereby amended to read as follows:

649.035 ~~["Manager"]~~ ***"Compliance manager"*** means a person who:

1. Holds a ***compliance*** manager's certificate;

2. Is designated as the ***compliance*** manager of a collection agency;

3. Shares equally with the holder of a license to conduct a collection agency the responsibility for the ***collection*** operation of the collection agency; and

4. Devotes a majority of the hours he or she works as an employee of the agency to the actual ~~[management, operation and administration]~~ ***oversight and compliance*** of that collection agency.

Sec. 17. NRS 649.065 is hereby amended to read as follows:

649.065 1. The Commissioner shall keep in the Office of the Commissioner, in a suitable record provided for the purpose, all applications for certificates, licenses and all bonds required to be filed under this chapter. The record must state the date of issuance or denial of the license or certificate and the date and nature of any action taken against any of them.

2. All licenses and certificates issued must be sufficiently identified in the record.

3. All renewals must be recorded in the same manner as originals, except that, in addition, the number of the preceding license or certificate issued must be recorded.

4. Except ~~[for confidential information contained therein, the record must be open for inspection as a public record in the Office of the Commissioner.]~~ ***as otherwise provided in NRS 239.0115, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division of Financial Institutions of the Department of Business and Industry pursuant to an examination, audit or investigation conducted by the Division are confidential and may be disclosed only to:***

(a) The Division, any authorized employee of the Division and any state or federal agency investigating activity covered by this chapter.

(b) The Department of Taxation for its use in carrying out the provisions of chapter 363C of NRS.

Sec. 18. NRS 649.075 is hereby amended to read as follows:

649.075 1. Except as otherwise provided in this section, a person shall not ~~[conduct within this State a collection agency or]~~ engage ***in the business of a collection agency*** within this State ~~[in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another]~~ without having first applied for and obtained a license ***as a collection agency*** from the Commissioner.

2. ~~[A person is not required to obtain a license if the person holds a certificate of registration as a foreign collection agency issued by the Commissioner pursuant to NRS 649.171.]~~ ***A person engages in the business of a collection agency in this State for the purposes of subsection 1 if the person is located:***

(a) In this State and is seeking to collect a claim, regardless of whether the debtor resided or currently resides in this State or another state;

(b) In another state and is seeking to collect a claim from a debtor that resides in this State; or

(c) In another state and is seeking to collect a claim on behalf of a person or entity that resides in this State.

3. A person engaging in the business of a collection agency shall obtain a license for the office of the principal place of business of the person. A person is not required to obtain a license for a branch office or remote location.

4. A debt buyer may share a single license as a collection agency with a person affiliated with the debt buyer if the affiliated person does not engage in any collection activities other than purchasing claims.

Sec. 19. NRS 649.085 is hereby amended to read as follows:

649.085 Every individual applicant, every officer and director of a corporate applicant, and every member of a firm or partnership applicant for a license as a collection agency or collection agent must submit proof satisfactory to the Commissioner that he or she:

1. Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

2. Has not had a collection agency license suspended or revoked within the 10 years immediately preceding the date of the application ~~[.]~~ ***, unless the license was suspended for a minor violation that did not harm a debtor and the license was subsequently restored.***

3. Has not been convicted of, or entered a plea of nolo contendere to:

(a) A felony relating to the practice of collection agencies or collection agents; or

(b) Any crime involving fraud, misrepresentation or moral turpitude.

4. Has not made a false statement of material fact on the application.

5. Will maintain ~~[one or more offices in this State or one or more offices in another state for the transaction of the business of his or her collection agency.]~~ ***a physical office as the principal place of business. If a collection agent of the applicant will be working from a remote location, the principal place of business of the applicant must be located in the United States.***

6. Has established a plan to ensure that his or her collection agency will provide the services of a collection agency adequately and efficiently.

Sec. 20. NRS 649.095 is hereby amended to read as follows:

649.095 1. An application for a license must be in writing and filed with the Commissioner on a form provided for that purpose.

2. The application must state:

(a) The name of the applicant and the name under which the applicant does business or expects to do business.

(b) The address of the applicant's business and residence, including street and number.

(c) The character of the business sought to be carried on.

(d) ~~[The]~~ ***Except as otherwise provided in this paragraph, the*** locations by street and number where the business will be transacted ~~[.]~~ ***, including, without limitation, the location of any branch office. The application is not required to include any remote location from which a collection agent will work.***

(e) In the case of a firm or partnership, the full names and residential addresses of all members or partners and the name and residential address of the ***compliance*** manager.

(f) In the case of a corporation or voluntary association, the name and residential address of each of the directors and officers and the name and residential address of the ***compliance*** manager.

(g) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

(h) ***If the applicant plans to have one or more collection agents work from a remote location, evidence that the applicant is able to comply with the provisions of sections 7 to 10, inclusive, of this act.***

(i) All information required to complete the application.

3. In addition to any other requirements, each applicant or member, partner, director, officer or ***compliance*** manager of an applicant shall submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

4. The application must be subscribed by the applicant and acknowledged.

5. Every applicant may be examined concerning the applicant's competency, experience, character and qualifications by the Commissioner or the Commissioner's authorized agent, and if the examination reveals that the applicant lacks any of the required qualifications, issuance of the license must be denied. Every application must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.

6. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 21. NRS 649.105 is hereby amended to read as follows:

649.105 1. An applicant for a license must file with the Commissioner, concurrently with the application, a bond in the sum of $35,000, or an appropriate substitute pursuant to NRS 649.119, which must run to the State of Nevada. The bond must be made and executed by the principal and a surety company authorized to write bonds in the State of Nevada.

2. The bonds must be conditioned:

(a) That the principal, who must be the applicant, must, upon demand in writing, pay any customer from whom any claim for collection is received, the proceeds of the collection, in accordance with the terms of the agreement made between the principal and the customer; and

(b) That the principal must comply with all requirements of this or any other statute with respect to the duties, obligations and liabilities of collection agencies.

3. ~~[Not later than 3 months after the issuance of the license and semiannually thereafter, the]~~ ***The*** Commissioner shall ***annually*** determine the appropriate amount of bond or appropriate substitute which must be maintained by the licensee ***.*** ~~[in]~~ ***If applicable, such a determination must be in*** accordance with the licensee's average monthly balance in the trust account maintained pursuant to NRS 649.355:

AVERAGE MONTHLY BALANCE	AMOUNT OF BOND REQUIRED
Less than $100,000	$35,000
$100,000 or more but less than $150,000	40,000
$150,000 or more but less than $200,000	50,000
$200,000 or more	60,000

Sec. 22. NRS 649.135 is hereby amended to read as follows:

649.135 ***1.*** The Commissioner shall ~~[enter an order approving the]~~ ***approve an*** application for a license ~~[,]~~ ***and*** keep on file his or her findings of fact pertaining thereto ~~[, and permit the applicant to take the required examination,]~~ if the Commissioner finds that the applicant has met all the other requirements of this chapter pertaining to the applicant's qualifications and application.

2. Upon the approval of the application, the payment of any required fees and the submission of any required information, the Commissioner shall:

(a) Notify the applicant of the approval and issue a unique license number to the applicant; and

(b) Update any applicable public record maintained by the Commissioner to show that the person holds an active license that authorizes the person to conduct collection activities in this State.

Sec. 23. NRS 649.155 is hereby amended to read as follows:

649.155 1. If the Commissioner finds that any application or applicant for a collection agency license does not meet the requirements of NRS 649.135***,*** ~~[or the applicant fails to pass the required examination,]~~ the Commissioner shall enter an order denying the application.

2. Within 10 days after the entry of such an order, the Commissioner shall mail or deliver to the applicant written notice of the denial in which all the reasons for such denial are stated.

Sec. 24. NRS 649.165 is hereby amended to read as follows:

649.165 Upon ~~[receipt]~~ ***notification*** of the ~~[license,]~~ ***approval of the application by the Commissioner pursuant to NRS 649.135,*** the licensee shall have the right to conduct the business of a collection agency with all the powers and privileges contained in, but subject to, the provisions of this chapter.

Sec. 25. NRS 649.167 is hereby amended to read as follows:

649.167 1. ~~[A collection agency licensed in this State may apply to the Commissioner for a permit]~~ ***A license as a collection agency granted***

pursuant to NRS 649.135 is valid for the principal place of business and any branch office of the licensee.

2. Immediately upon beginning to operate a branch office ~~[~~in this State~~]~~ in a location not ~~[~~previously approved by its license.~~

2. The Commissioner shall not issue a permit for a branch office until the principal office of the collection agency has been examined by the Commissioner and found to be satisfactory.

3. A branch office must have a manager on the premises during regular business hours.

4. The Commissioner shall adopt regulations concerning an application for a permit to operate a branch office.~~]~~ ***provided to the Commissioner on the application submitted pursuant to NRS 649.095, a collection agency shall notify the Commissioner in writing of the location of the branch office.***

Sec. 26. NRS 649.196 is hereby amended to read as follows:

649.196 1. Each applicant for a ***compliance*** manager's certificate must submit proof satisfactory to the Commissioner that the applicant:

(a) Is at least 21 years of age.

(b) Has a good reputation for honesty, trustworthiness and integrity and is competent to ~~[~~transact the business~~]~~ ***oversee the compliance*** of a collection agency in a manner which protects the interests of the general public. ***An applicant may demonstrate competency to oversee the compliance of a collection agency by:***

(1) Holding a certification from a national association that is a nonprofit organization with expertise in the business of collections, compliance or financial services;

(2) Having 3 years of experience working in compliance for a collection agency;

(3) Holding a professional degree or accreditation relating to compliance of a collection agency; or

(4) Serving as a compliance manager on or before October 1, 2023.

(c) Has not committed any of the acts specified in NRS 649.215.

(d) Has not had a collection agency license or ***compliance*** manager's certificate suspended or revoked within the 10 years immediately preceding the date of filing the application ~~[.]~~ ***, unless the license or certificate was suspended for a minor violation that did not harm a debtor and was subsequently restored.***

(e) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(f) Has had not less than 2 years' full-time experience with a collection agency in the collection of accounts ~~[~~assigned by creditors who were not affiliated with the collection agency except as assignors of accounts.~~]~~ ***or with a financial institution or as a compliance manager.*** At least 1 year of the 2 years of experience must have been within the 18-month period preceding the date of filing the application.

2. Each applicant must:

(a) Pass the examination or reexamination provided for in NRS 649.205 ~~[.~~ ~~(b)]~~ ***, unless the examination or reexamination is waived pursuant to subsection 4 of NRS 649.205.***

(b) Pay the required fees.

~~[(c) Submit, in such form as the Commissioner prescribes:~~

~~(1) Three recent photographs; and~~

~~(2) Three complete sets of fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~(d)]~~ ***(c)*** Submit such ~~[other]~~ information reasonably related to his or her qualifications for the ***compliance*** manager's certificate as the Commissioner determines to be necessary.

3. The Commissioner may refuse to issue a ***compliance*** manager's certificate if the applicant does not meet the requirements of subsections 1 and 2.

4. If the Commissioner refuses to issue a ***compliance*** manager's certificate pursuant to this section, the Commissioner shall notify the applicant in writing by certified mail stating the reasons for the refusal. The applicant may submit a written request for a hearing within 20 days after receiving the notice. If the applicant fails to submit a written request within the prescribed period, the Commissioner shall enter a final order.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a ~~[license]~~ ***certificate*** to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 26.5. NRS 649.205 is hereby amended to read as follows:

649.205 1. The Commissioner shall provide for ***compliance*** managers' examinations at such times and places as the Commissioner may direct, at least twice each year.

2. The examinations must be of a length, scope and character which the Commissioner deems reasonably necessary to determine the fitness of the applicants to act as ***compliance*** managers of collection agencies.

3. If an applicant does not pass the examination, the applicant must reapply to take the examination and pay a reexamination fee of not more than $100 for each subsequent examination. The Commissioner shall adopt regulations establishing the amount of the reexamination fee required pursuant to this subsection.

4. ***If the applicant and collection agency that employs or seeks to employ the applicant are both certified by a national association that is a nonprofit with expertise in the business of collections which the Commissioner***

determines proves the competence of the applicant, the Commissioner must waive the examination for the applicant.

5. The Commissioner may make such rules and regulations as may be necessary to carry out the purposes of this section.

Sec. 27. NRS 649.215 is hereby amended to read as follows:

649.215 The Commissioner may refuse to permit an applicant for a ***compliance*** manager's certificate to take the examination, or, after a hearing, may suspend or revoke a ***compliance*** manager's certificate if the applicant or ***compliance*** manager has:

1. Committed or participated in any act which, if committed or done by a licensee, would be grounds for the suspension or revocation of a license.
2. Been refused a license or certificate pursuant to this chapter or had such a license or certificate suspended or revoked.
3. Participated in any act, which act was a basis for the refusal or revocation of a collection agency license.
4. Falsified any of the information submitted to the Commissioner in support of an application pursuant to this chapter.
5. Impersonated, or permitted or aided and abetted another to impersonate, a law enforcement officer or employee of the United States, a state or any political subdivision thereof.
6. Made any statement in connection with his or her employment with a collection agency with the intent to give an impression that he or she was a law enforcement officer of the United States, a state or political subdivision thereof.

Sec. 28. NRS 649.225 is hereby amended to read as follows:

649.225 1. The Commissioner shall issue a ***compliance*** manager's certificate to any applicant who meets the requirements of this chapter for the certificate. ***Each certificate must have a unique identification number.***

2. Each ***compliance*** manager holding a ***compliance*** manager's certificate issued pursuant to this chapter shall notify the Commissioner in writing of any change in his or her residence address within 10 days after the change.

Sec. 29. NRS 649.295 is hereby amended to read as follows:

649.295 1. A nonrefundable fee of not more than $500 for the application ~~[~~and survey~~]~~ must accompany each new application for a license as a collection agency. Each applicant shall also pay any additional expenses incurred in the process of investigation. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account created by NRS 232.545.

2. A fee of not less than $200 or more than $600, prorated on the basis of the licensing year as provided by the Commissioner, must be charged for each original license issued. A fee of not more than $500 must be charged for each annual renewal of a license.

3. A fee of not more than $20 must be charged for each ~~[~~duplicate license or~~]~~ license for a transfer of location issued.

4. A nonrefundable application fee of not more than $500 and a nonrefundable investigation fee of not more than $150 must accompany each application for a ***compliance*** manager's certificate.

5. A fee of not more than $40 must be charged for each ***compliance*** manager's certificate issued and for each annual renewal of such a certificate.

6. A fee of not more than $60 must be charged for the reinstatement of a ***compliance*** manager's certificate.

7. A fee of not more than $10 must be charged for each day an application for the renewal of a license or certificate, or a required report, is filed late, unless the fee or portion thereof is excused by the Commissioner for good cause shown.

8. ~~[A nonrefundable fee of not more than $250 for the application and an examination must accompany each application for a permit to operate a branch office of a licensed collection agency. A fee of not more than $500 must be charged for each annual renewal of such a permit.~~

~~9.]~~ For each examination the Commissioner shall charge and collect from the licensee a fee for conducting the examination and preparing and typing the report of the examination at the rate established and, if applicable, adjusted pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is a ground for revoking the collection agency's license.

~~[10.]~~ ***9.*** Except as otherwise provided in NRS 658.101, the Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

~~[11.]~~ ***10.*** Except as otherwise provided in subsection 1, all money received by the Commissioner pursuant to this chapter must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 30. NRS 649.305 is hereby amended to read as follows:

649.305 ***1.*** No collection agency may operate its business without a ***compliance*** manager who holds a valid ***compliance*** manager's certificate issued under the provisions of this chapter.

2. Except as otherwise provided in this subsection, a compliance manager must not be employed as a compliance manager by more than one collection agency or employed by a collection agency and an exempt entity at the same time. A compliance manager may be simultaneously employed as a compliance manager by a collection agency and an affiliate of that collection agency.

Sec. 31. NRS 649.325 is hereby amended to read as follows:

649.325 1. A collection agency shall not remove its business location from the place of business as stated in the ~~[license]~~ ***record of the licensee*** except upon prior approval by the Commissioner in writing.

2. If the removal is approved, the Commissioner shall note the change ~~[upon the face of the license and enter in his or her records a notation of that change.]~~ ***in the record of the licensee.***

Sec. 32. NRS 649.330 is hereby amended to read as follows:

649.330 1. A collection agency shall immediately notify the Commissioner of any change:

(a) Of the ***compliance*** manager of the agency; or

(b) If the agency is a corporation, in the ownership of 5 percent or more of its outstanding voting stock.

2. An application must be submitted to the Commissioner, pursuant to NRS 649.095, by:

(a) The person who replaces the ***compliance*** manager; and

(b) A person who acquires:

(1) At least 25 percent of the outstanding voting stock of an agency; or

(2) Any outstanding voting stock of an agency if the change will result in a change in the control of the agency.

➥ Except as otherwise provided in subsection 4, the Commissioner shall conduct an investigation to determine whether the applicant has the competence, experience, character and qualifications necessary for the licensing of a collection agency. If the Commissioner denies the application, the Commissioner may ~~[in his or her order]~~ forbid the applicant from participating in the business of the collection agency.

3. The collection agency with which the applicant is affiliated shall pay such expenses incurred in the investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account created by NRS 232.545.

4. A collection agency may submit a written request to the Commissioner to waive an investigation pursuant to subsection 2. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or the applicant's employment with a financial institution.

Sec. 33. NRS 649.332 is hereby amended to read as follows:

649.332 1. To verify a ~~[debt,]~~ ***claim,*** a collection agency shall:

(a) Obtain or attempt to obtain from the creditor any document that is not in the possession of the collection agency and is reasonably responsive to the dispute of the debtor, if any; and

(b) If such a document is obtained, mail the document to the debtor.

2. When collecting a ~~[debt]~~ ***claim*** on behalf of a hospital, within 5 days after the initial communication with the debtor in connection with the collection of the ~~[debt,]~~ ***claim,*** a collection agency shall, unless the following information is included in the initial communication, send a written notice to the debtor that includes a statement indicating that:

(a) If the debtor pays or agrees to pay the ~~[debt]~~ ***claim*** or any portion of the ~~[debt,]~~ ***claim,*** the payment or agreement to pay ~~[may]~~ ***:***

(1) May be construed as ~~[:~~

~~(1) An]~~ ***an*** acknowledgment of the ~~[debt]~~ ***claim*** by the debtor; and

(2) ~~[~~A~~]~~ ***As provided in NRS 11.200, does not constitute a*** waiver by the debtor of any applicable statute of limitations set forth in NRS 11.190 that otherwise precludes the collection of the ~~[~~debt,~~]~~ ***claim;*** and

(b) If the debtor does not understand or has questions concerning his or her legal rights or obligations relating to the ~~[~~debt,~~]~~ ***claim,*** the debtor should seek legal advice.

3. As used in this section, "hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 34. NRS 649.334 is hereby amended to read as follows:

649.334 1. The terms and conditions of any written agreement between a collection agency and a customer must be specific, intelligible and unambiguous. In the absence of a written agreement, unless the conduct of the parties indicates a different mutual understanding, the understanding of the customer concerning the terms of the agreement must govern in any dispute between the customer and the collection agency.

2. Unless a written agreement between the parties otherwise provides, any money collected on a claim, after court costs have been recovered, must first be credited to the principal amount of the claim. Any interest charged and collected on the claim must be allocated pursuant to the agreement between the customer and the collection agency.

3. Except with the consent of its customer, a collection agency shall not accept less than the full amount of a claim in settlement of an assigned claim.

4. A collection agency shall, at the time it remits to the customer the money it collected on behalf of the customer, give each customer an accounting in writing of the money it collected on behalf of the customer in connection with a claim.

5. This section does not apply to a debt buyer who is not also collecting claims on behalf of parties who are not affiliated with the debt buyer.

Sec. 35. NRS 649.3345 is hereby amended to read as follows:

649.3345 1. Unless a written agreement between the parties otherwise provides, a customer may withdraw, without obligation, any claim assigned to a collection agency at any time 6 months after the date of the assignment if:

(a) The customer gives written notice of the withdrawal to the collection agency not less than 60 days before the effective date of the withdrawal; and

(b) The claim is not in the process of being collected.

2. As used in this section, "in the process of being collected," means that:

(a) A payment on the claim has been received after the date of the assignment;

(b) An action on the claim has been filed by or on behalf of the collection agency;

(c) The claim has been forwarded to another collection agency for collection;

(d) A lawful and sufficient claim or notice of lien has been filed by the collection agency on behalf of the customer to ensure payment from money distributed in connection with the probate of an estate, proceeding in

bankruptcy, assignment for the benefit of creditors or any similar proceeding; or

(e) The collection agency has obtained from the debtor an enforceable written promise to make payment.

3. Upon the withdrawal of any claim, the collection agency shall return to the customer any documents, records or other items relating to the claim that have been supplied by the customer.

4. This section does not apply to a debt buyer who is not also collecting claims on behalf of parties who are not affiliated with the debt buyer.

Sec. 36. NRS 649.345 is hereby amended to read as follows:

649.345 1. Each licensed collection agency shall file with the Commissioner a written report, signed and sworn to by its ***compliance*** manager, no later than ~~[~~January 31~~]~~ ***April 15*** of each year, unless the Commissioner determines that there is good cause for later filing of the report. The report must include:

(a) ~~[~~The~~]~~ ***If applicable, the*** total sum of money due to all creditors as of the close of the last business day of the preceding month.

(b) ~~[~~The~~]~~ ***If applicable, the*** total sum on deposit in customer trust fund accounts and available for immediate distribution as of the close of the last business day of the preceding month, the title of the trust account or accounts, and the name of the banks or credit unions where the money is deposited.

(c) ~~[~~The~~]~~ ***If applicable, the*** total amount of creditors' or forwarders' share of money collected more than 60 days before the last business day of the preceding month and not remitted by that date.

(d) When the total sum under paragraph (c) exceeds $10, the name of each creditor or forwarder and the respective share of each in that sum.

(e) Such other information, audit or reports as the Commissioner may require.

2. The filing of any report required by this section which is known by the collection agency to contain false information or statements constitutes grounds for the suspension of the agency's license or the ***compliance*** manager's certificate, or both.

Sec. 37. NRS 649.347 is hereby amended to read as follows:

649.347 1. Each licensed collection agency shall file with the Commissioner a written report not later than January 31 of each year, unless the Commissioner determines that there is good cause for later filing of the report. The report must include:

(a) The number of cases in which the collection agency collected a ~~[~~debt~~]~~ ***claim*** for a unit-owners' association during the immediately preceding year;

(b) The name of each unit-owners' association for which the collection agency collected a ~~[~~debt~~]~~ ***claim*** during the immediately preceding year and the amount of money collected for each such unit-owners' association;

(c) The total amount of money collected by the collection agency for unit-owners' associations during the immediately preceding year;

(d) The zip code of each debtor from whom the collection agency collected a ~~[debt]~~ ***claim*** for a unit-owners' association during the immediately preceding year; and

(e) A statement, signed by the ***compliance*** manager of the collection agency, affirming that the collection agency did not collect a ~~[debt]~~ ***claim*** against any person during the immediately preceding year in violation of the provisions of paragraph (i) of subsection 1 of NRS 649.375.

2. As used in this section, "unit-owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

Sec. 38. NRS 649.355 is hereby amended to read as follows:

649.355 1. Every collection agency and collection agent shall openly, fairly and honestly conduct the collection agency business and shall at all times conform to the accepted business ethics and practices of the collection agency business.

2. Every licensee shall at all times maintain a separate account in a bank or credit union in which must be deposited all money collected. ~~[Except as otherwise provided in regulations adopted by the Commissioner pursuant to NRS 649.054, the]~~ ***The*** account must be maintained in a bank or credit union located in this State and bear some title sufficient to distinguish it from the licensee's personal or general checking account and to designate it as a trust account, such as "customer's trust fund account." The trust account must at all times contain sufficient money to pay all money due or owing to all customers, and no disbursement may be made from the account except to customers or to pay costs advanced for those customers, except that a licensee may periodically withdraw from the account such money as may accrue to the licensee from collections deposited or from adjustments resulting from costs advanced and payments made directly to customers.

3. Every licensee maintaining a separate custodial or trust account shall keep a record of all money deposited in the account, which must indicate clearly the date and from whom the money was received, the date deposited, the dates of withdrawals and other pertinent information concerning the transaction, and must show clearly for whose account the money is deposited and to whom the money belongs. The money must be remitted to the creditors respectively entitled thereto within 30 days following the end of the month in which payment is received. The records and money are subject to inspection by the Commissioner or the Commissioner's authorized representative. The records must be maintained at the premises in this State at which the licensee is authorized to conduct business.

4. If the Commissioner finds that a licensee's records are not maintained pursuant to subsections 2 and 3, the Commissioner may require the licensee to deliver an audited financial statement prepared from his or her records by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The statement must be submitted within 60 days after the Commissioner requests it. The Commissioner may grant a

reasonable extension for the submission of the financial statement if an extension is requested before the statement is due.

5. Subsections 2, 3 and 4 do not apply to a debt buyer who is not also collecting claims on behalf of parties who are not affiliated with the debt buyer.

Sec. 39. NRS 649.365 is hereby amended to read as follows:

649.365 1. A collection agency licensed under this chapter must obtain the approval of the Commissioner before using or changing a business name.

2. A collection agency licensed under this chapter shall not:

(a) ~~[Use]~~ ***Except as authorized for a debt buyer in NRS 649.075, use*** any business name which is identical or similar to a business name used by another collection agency licensed under this chapter or which may mislead or confuse the public.

(b) Use any printed forms which may mislead or confuse the public.

(c) Use the term "credit bureau" in its name unless it operates a bona fide credit bureau in conjunction with its collection agency business. For purposes of this paragraph, "credit bureau" means any person engaged in gathering, recording and disseminating information relative to the creditworthiness, financial responsibility, paying habits or character of persons being considered for credit extension for prospective creditors.

Sec. 40. NRS 649.375 is hereby amended to read as follows:

649.375 1. A collection agency, or its ***compliance*** manager, agents or employees, shall not:

(a) Use any device, subterfuge, pretense or deceptive means or representations to collect any ~~[debt,]~~ ***claim,*** nor use any collection letter, demand or notice which simulates a legal process or purports to be from any local, city, county, state or government authority or attorney.

(b) Collect or attempt to collect any interest, charge, fee or expense incidental to the principal obligation unless:

(1) Any such interest, charge, fee or expense as authorized by law ***or contract*** or as agreed to by the parties has been added to the principal of the ~~[debt]~~ ***claim*** by the creditor before receipt of the item of collection;

(2) Any such interest, charge, fee or expense as authorized by law ***or contract*** or as agreed to by the parties has been added to the principal of the ~~[debt]~~ ***claim*** by the collection agency and described as such in the first written communication with the debtor; or

(3) The interest, charge, fee or expense has been judicially determined as proper and legally due from and chargeable against the debtor.

(c) Assign or transfer any claim or account upon termination or abandonment of its collection business unless prior written consent by the customer is given for the assignment or transfer. The written consent must contain an agreement with the customer as to all terms and conditions of the assignment or transfer, including the name and address of the intended assignee. Prior written consent of the Commissioner must also be obtained for any bulk assignment or transfer of claims or accounts, and any assignment or

transfer may be regulated and made subject to such limitations or conditions as the Commissioner by regulation may reasonably prescribe.

(d) Operate its business or solicit claims for collection from any location, address or post office box other than that listed on its license or as may be prescribed by the Commissioner ~~[.]~~ ***, except for employees of a collection agency working from a remote location pursuant to sections 7 to 10, inclusive, of this act.***

(e) Harass a debtor's employer in collecting or attempting to collect a claim, nor engage in any conduct that constitutes harassment as defined by regulations adopted by the Commissioner.

(f) Advertise for sale or threaten to advertise for sale any claim as a means to enforce payment of the claim, unless acting under court order.

(g) Publish or post, or cause to be published or posted, any list of debtors except for the benefit of its stockholders or membership in relation to its internal affairs.

(h) Conduct or operate, in conjunction with its collection agency business, a debt counseling or prorater service for a debtor who has incurred a ~~[debt]~~ ***claim*** primarily for personal, family or household purposes whereby the debtor assigns or turns over to the counselor or prorater any of the debtor's earnings or other money for apportionment and payment of the ~~[debtor's debts]~~ ***claim*** or obligations ~~[.]~~ ***of the debtor.*** This section does not prohibit the conjunctive operation of a business of commercial debt adjustment with a collection agency if the business deals exclusively with the collection of commercial debt.

(i) Collect a ~~[debt]~~ ***claim*** from a person who owes fees to:

(1) A unit-owners' association, if the collection agency is:

(I) Owned or operated by or is an affiliate of a person or entity who is the community manager for the unit-owners' association; or

(II) Owned or operated by a relative of a person who is the community manager for the unit-owners' association.

(2) A person or entity who is an operator of a tow car, if the collection agency is:

(I) Owned or operated by or is an affiliate of a person or entity who is the operator of a tow car; or

(II) Owned or operated by a relative of a person who is the operator of a tow car.

(3) A person or entity who engages in the business of, acts in the capacity of or assumes to act as a property manager of an apartment building, if the collection agency is:

(I) Owned or operated by or is an affiliate of the person or entity who engages in the business of, acts in the capacity of or assumes to act as the property manager of an apartment building; or

(II) Owned or operated by a relative of the person who engages in the business of, acts in the capacity of or assumes to act as the property manager of an apartment building.

(j) File a civil action to collect a debt when the collection agency, compliance manager, agent or employee knows or should know that the applicable limitation period for filing such an action has expired.

(k) Sell an interest in a resolved claim or any personal or financial information related to the resolved claim.

2. As used in this section:

(a) "Affiliate" means a person who directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with another designated person.

(b) "Community manager" has the meaning ascribed to it in NRS 116.023 or 116B.050.

(c) "Operator of a tow car" means a person or entity required by NRS 706.4463 to obtain a certificate of public convenience and necessity.

(d) "Property manager" has the meaning ascribed to it in NRS 645.0195.

(e) "Relative" means a person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

(f) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

Sec. 41. NRS 11.200 is hereby amended to read as follows:

11.200 ***1.*** The time in NRS 11.190 shall be deemed to date from the last transaction or the last item charged or last credit given; and whenever any payment on principal or interest has been or shall be made upon an existing contract, whether it be a bill of exchange, promissory note or other evidence of indebtedness if such payment be made after the same shall have become due, the limitation shall commence from the time the last payment was made.

2. Notwithstanding any other provision of law, any payment on a debt, affirmation of a debt or other activity taken relating to a debt by a debtor after the time in NRS 11.190 has expired does not revive ~~[or extend]~~ the applicable limitation.

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,

127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133,

630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, ***649.095,*** 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in

this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 49. Section 6 of this act is hereby amended to read as follows:

Sec. 6. ***1.*** A collection agency shall display on any Internet website maintained by the collection agency:

~~[1.]~~ ***(a)*** The ~~[license number issued to]~~ ***unique identifier registered with the Registry for*** the collection agency ***.*** ~~[by the Commissioner pursuant to NRS 649.135.~~

~~2.]~~ ***(b)*** The certificate identification number of the certificate issued to the compliance manager of the collection agency by the Commissioner pursuant to NRS 649.225.

(c) The unique identifier registered with the Registry for the compliance manager of the collection agency.

2. As used in this section, "unique identifier" has the meaning ascribed to it in NRS 649.281.

Sec. 50. 1. Notwithstanding the amendatory provisions of this act, a debt buyer who is operating in this State on October 1, 2023, may continue such operations until January 1, 2024, without applying for a license as a collection agency pursuant to NRS 649.095, as amended by section 20 of this act. If the debt buyer applies for such a license on or before January 1, 2024, the debt buyer may continue such operation in this State without holding such a license until the license is issued or the application is denied.

2. The amendatory provisions of this act do not apply to an action or arbitration commenced or a judgment entered before October 1, 2023.

3. As used in this section:

(a) "Collection agency" has the meaning ascribed to it in NRS 649.020, as amended by section 14 of this act.

(b) "Debt buyer" has the meaning ascribed to it in section 3 of this act.

Sec. 51. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "compliance manager" for the term "manager" as previously used in reference to the person responsible for a collection agency.

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the term "compliance manager" for the term "manager" as previously used in reference to the person responsible for a collection agency.

Sec. 52. NRS 649.054, 649.145, 649.171 and 649.315 are hereby repealed.

Sec. 53. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 48, inclusive, 50, 51 and 52 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

3. Section 49 of this act becomes effective on the date on which the Commissioner of Financial Institutions notifies the Governor and the Director of the Legislative Counsel Bureau that the Nationwide Multistate Licensing System and Registry has sufficient capabilities to allow the Commissioner to carry out the provisions of chapter 347, Statutes of Nevada 2021, at page 2030.

LEADLINES OF REPEALED SECTIONS

649.054 Regulations authorizing collection from location outside of Nevada; standards for trust accounts.

649.145 Conditions for issuance of license; contents of license.

649.171 Certificate of registration; limitations on business practices; fees; disciplinary action; regulations.

649.315 Display of license or certificate.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 311.

Bill read second time and ordered to third reading.

Senate Bill No. 342.

Bill read second time and ordered to third reading.

Senate Bill No. 350.

Bill read second time and ordered to third reading.

Senate Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 928.

AN ACT relating to cultural remains; requiring, under certain circumstances, a law enforcement agency to communicate with ~~[the Nevada]~~ **an** Indian ~~[Commission]~~ **tribe** or notify the Office of Historic Preservation of the State Department of Conservation and Natural Resources regarding certain human remains; requiring the Office ~~[and the Department]~~ to deliver certain regulations to the Legislative Counsel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Historic Preservation of the State Department of Conservation and Natural Resources to adopt regulations to carry out the provisions of existing law relating to the protection of Indian burial sites and historic and prehistoric sites. (NRS 383.440) **Section 3** of this bill requires **: (1) such regulations to incorporate the values, beliefs and traditions of the Indian tribes of this State and requires the Nevada Indian Commission to consult with Indian tribes on behalf of the Office and submit the results of the consultation to the Office; and (2)** that the Office deliver such proposed regulations to the Legislative Counsel not later than December 31, 2023.

Section 1 of this bill provides that if a law enforcement agency goes to a location where human remains are found that are reasonably believed to be a native Indian, the law enforcement agency, as part of an investigation, is required to: (1) ~~[communicate]~~ **consult** with ~~[the Nevada Indian Commission;]~~ **a representative of an Indian tribe located within the county where the remains are found;** or (2) notify the Office. ~~[Section 1 further requires the Nevada Indian Commission, if the Commission receives communication from a law enforcement agency, to consult with a representative of an Indian tribe located within the county in which the remains are found. Section 1 also requires the Department to adopt regulations to carry out the provisions of section 1. Section 3 requires the Department to deliver such proposed regulations to the Legislative Counsel not later than December 31, 2023.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 383 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a law enforcement agency goes to a location where human remains are found that are reasonably believed to be native Indian, the law enforcement agency must, as part of an investigation:

(a) ~~[Communicate]~~ Consult with ~~[the Nevada Indian Commission for the purposes described in subsection 2;]~~ a representative of an Indian tribe located within the county where the remains are found; or

(b) Notify the Office.

2. ~~[If the Nevada Indian Commission receives communication from a law enforcement agency pursuant to subsection 1, the Nevada Indian

~~*Commission shall consult with a representative of an Indian tribe located within the county in which the remains are found.*~~

~~*3. The Department shall adopt regulations as necessary to carry out the provisions of this section. The Department may adopt such regulations without consultation with any Indian tribe.*~~

~~*4.]*~~ *As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 289.010.*

Sec. 2. (Deleted by amendment.)

Sec. 3. Not later than December 31, 2023:

1. The **regulations adopted by the Office of Historic Preservation of the State Department of Conservation and Natural Resources pursuant to NRS 383.440 must incorporate the values, beliefs and traditions of the Indian tribes. The Nevada Indian Commission shall consult with Indian tribes on behalf of the Office to incorporate the values, beliefs and traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes and submit the results of the consultation to the Office.**

2. The Office ~~[of Historic Preservation of the State Department of Conservation and Natural Resources]~~ shall deliver proposed regulations to the Legislative Counsel pursuant to NRS 233B.063 to carry out the provisions of NRS 383.150 to 383.440, inclusive, as required pursuant to NRS 383.440.

~~[2. The State Department of Conservation and Natural Resources shall deliver proposed regulations to the Legislative Counsel pursuant to NRS 233B.063 to carry out the provisions of section 1 of this act as required pursuant to section 1 of this act.]~~

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 929.

SENATORS D. HARRIS, SCHEIBLE AND DONATE

JOINT SPONSORS: ASSEMBLYWOMEN GONZÁLEZ, PETERS AND TAYLOR

AN ACT relating to communicable diseases; requiring certain state and local agencies to develop policies to provide uninterrupted services during a public health emergency to certain persons; requiring a public or private detention facility to take certain measures to ensure the access of prisoners to treatment for and methods to prevent the acquisition of human immunodeficiency virus; revising provisions governing certain crimes committed by prisoners; requiring certain public and private health insurers to provide certain coverage; requiring such an insurer to reimburse an advanced

practice registered nurse or physician assistant at the same rate as a physician for certain services; authorizing providers of health care to receive credit toward requirements for continuing education for certain training relating to the human immunodeficiency virus; requiring certain providers of health care to complete such training; providing that the repeal or revision of certain crimes applies retroactively; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services and district, county and city health departments to perform certain functions relating to public health in this State, including certain duties relating to the control of communicable diseases. (NRS 439.150-439.265, 439.340, 439.350, 439.360, 439.366, 439.367, 439.3675, 439.405, 439.410, 439.460, 439.470) Existing law also requires a district health officer or the Chief Medical Officer to perform certain duties relating to the control of communicable diseases. (Chapter 441A of NRS) Existing law prescribes certain responsibilities of the Division of Health Care Financing and Policy of the Department concerning the administration of the Medicaid program. (NRS 422.061, 422.063) **Section 1** of this bill requires the Department and all district, county and city boards of health to develop policies to provide uninterrupted services during a public health emergency to persons who have been diagnosed with the human immunodeficiency virus or persons who are at a high risk of acquiring the human immunodeficiency virus. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law requires the Director of the Department of Corrections to establish standards for the medical and dental services of each institution or facility under the control of the Department. (NRS 209.381) Existing law also requires a sheriff, chief of police or town marshal to arrange for the administration of medical care required by prisoners while in his or her custody. (NRS 211.140) **Sections 11 and 12** of this bill impose certain requirements on the operators of public and private prisons, jails and detention facilities to ensure the access of prisoners to treatment for human immunodeficiency virus and methods of preventing the acquisition of human immunodeficiency virus.

Existing law prohibits a prisoner from using, propelling, discharging, spreading or concealing human excrement or bodily fluid with intent or under circumstances where it is reasonably likely that the excrement or fluid will come in contact with another person. Under most circumstances, a violation is a gross misdemeanor, a category D felony or a category B felony, depending on the circumstances of the prisoner's confinement. However, if the prisoner knew at the time of the offense that any portion of the excrement or bodily fluid contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm, the violation is a category A felony, regardless of whether the communicable disease was transmitted. (NRS 212.189)

Section 13 of this bill instead provides that such a violation is only a category A felony where: (1) the communicable disease was likely to be transmitted by his or her conduct; and (2) the communicable disease was actually transmitted as a result of the conduct. **Section 78** of this bill provides that the provisions of **section 13** apply retroactively to violations that occurred before the effective date of that section, if the person who committed the violation has not been convicted before that date.

Existing law requires public and private health plans, including Medicaid and health plans for state government employees, to cover an examination and testing of a pregnant woman for *Chlamydia trachomatis*, gonorrhea, hepatitis B, hepatitis C and syphilis. (NRS 287.04335, 422.27173, 689A.0412, 689B.0315, 689C.1675, 695A.1856, 695B.1913, 695C.1737, 695G.1714) **Sections 16, 22, 34, 42, 47, 52, 55, 60, 65, 67 and 72** of this bill additionally require such insurance plans to cover: (1) testing for, treatment of and prevention of sexually transmitted diseases; and (2) condoms for certain covered persons.

Existing law requires certain public and private health plans, including health plans for state government employees, to cover drugs that prevent the acquisition of human immunodeficiency virus and any related laboratory or diagnostic procedures. (NRS 287.010, 287.04335, 689A.0437, 689B.0312, 689C.1671, 695A.1843, 695B.1924, 695C.1743, 695G.1705) **Sections 31, 37, 44, 51, 57, 62, 68 and 74** of this bill require such insurance plans to cover all such drugs approved by the United States Food and Drug Administration and all drugs approved by the Food and Drug Administration for treating human immunodeficiency virus or hepatitis C without restrictions, other than step therapy. **Sections 23, 37, 44, 51, 57, 62, 68 and 74** of this bill require such insurance plans to: (1) cover any service to test for, prevent or treat those diseases provided by a provider of primary care if the service is covered when provided by a specialist and certain other requirements are met; and (2) reimburse an advanced practice registered nurse or a physician assistant for such services at a rate equal to that provided to a physician. **Sections 16, 20, 31, 33, 41, 46, 52, 54, 59, 64, 67 and 71** impose similar requirements regarding: (1) coverage of certain drugs approved by the Food and Drug Administration to treat substance use disorder; (2) coverage of services for the treatment of substance use disorder provided by a provider of primary care; and (3) reimbursement for such services provided by an advanced practice registered nurse. **Sections 14.5-15.5** of this bill make conforming changes to exempt local governmental agencies that provide health insurance to employees through a plan of self-insurance from the amendatory provisions of **section 44** while maintaining existing requirements that apply to such insurance. **Sections 36, 38, 49 and 50** of this bill make conforming changes to indicate that the coverage required by **sections 33 and 46** is in addition to certain coverage of services for the treatment of substance use disorder that certain insurers are required by existing law to provide. **Sections 14 and 39** of this bill make conforming changes to indicate the proper placement of

sections 20, 22, 33 and 34 in the Nevada Revised Statutes. **Section 69** of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 64 or 65**. The Commissioner would also be authorized to take such action against any health insurer who fails to comply with the requirements of **sections 33, 34, 37, 41-44, 46, 47, 50, 54-57, 59-62, 67, 68 or 71-74** of this bill. (NRS 680A.200, 695C.330)

Existing law requires the Department of Health and Human Services to develop a list of preferred prescription drugs to be used for the Medicaid program. Existing law requires the Department to: (1) include on that list drugs for the prevention of human immunodeficiency virus; and (2) include drugs prescribed to treat the human immunodeficiency virus on a list of drugs that are excluded from the restrictions imposed on drugs that are on the list of preferred prescription drugs. (NRS 422.4025) **Section 25** of this bill requires the Medicaid program to cover a prescription drug that is not on the list of preferred prescription drugs if the drug is: (1) used to treat hepatitis C, used to provide medication-assisted treatment for opioid use disorder, used to support safe withdrawal from substance use disorder or is in the same class as a prescription drug on the list of preferred prescription drugs; and (2) is unsuitable for a recipient of Medicaid for certain reasons.

Existing law requires physicians, osteopathic physicians, physician assistants and nurses to complete certain continuing education in order to renew their licenses. (NRS 630.253, 632.343, 633.471) **Sections 28-30 and 75** of this bill require such a provider of health care who provides or supervises the provision of emergency medical care or primary care in a hospital to complete before the first renewal of their license or, for currently practicing providers, the next renewal of their license, at least 2 hours of training in stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus. **Section 27** of this bill authorizes any provider of health care to use training in that subject in place of not more than 2 hours of any other training that the provider is required to complete, other than continuing education relating to ethics.

Senate Bill No. 275 of the 2021 Legislative Session repealed certain criminal offenses for which an element of the offense was having the human immunodeficiency virus. (Section 24, chapter 491, Statutes of Nevada 2021, at page 3199) **Section 77** of this bill provides that the repeal of those offenses applies retroactively to violations that occurred before the effective date of Senate Bill No. 275.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 441A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Health and Human Services and all district, county and city boards of health shall develop policies to provide uninterrupted services during a public health emergency to persons who have been diagnosed with the human immunodeficiency virus or who are at a high risk of acquiring the human immunodeficiency virus and who are receiving services from the Department or any division thereof or the district, county or city health department, as applicable. Such policies may provide, without limitation, for the delivery of such services during a public health emergency:

(a) Over the Internet;

(b) Using an application for a mobile device; or

(c) By calling or sending text messages from a telephone number that is not generally blocked or identified as a source of unwanted calls or messages.

2. As used in this section:

(a) "Mobile device" includes, without limitation, a smartphone or a tablet computer.

(b) "Public health emergency" means:

(1) A public health emergency or other health event identified by a health authority pursuant to NRS 439.970; or

(2) A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070 that relates to or affects public health.

Sec. 2. NRS 441A.334 is hereby amended to read as follows:

441A.334 As used in this section and NRS 441A.335 and 441A.336, ***and section 1 of this act,*** "provider of health care" means a physician, nurse or physician assistant licensed in accordance with state law.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department or the operator of a private facility or institution shall not enter into a contract or other agreement with any person or entity to provide medical services to offenders who are diagnosed with human immunodeficiency virus unless the person or entity demonstrates that at least 95 percent of the patients who are diagnosed with human immunodeficiency virus to whom the person or entity provides medical services:

(a) Are offered treatment on the same day as the diagnosis; and

(b) Are able to begin such treatment not later than 7 days after diagnosis.

2. Except as otherwise provided in subsection 3, an institution, facility or private facility or institution shall take reasonable measures to ensure the availability of:

(a) Any drug prescribed for treating the human immunodeficiency virus in the form recommended by the prescribing practitioner to each offender who has been diagnosed with human immunodeficiency virus to the same extent and under the same conditions as other medical care for offenders.

(b) Methods of preventing the acquisition of human immunodeficiency virus, including, without limitation, drugs approved by the United States Food and Drug Administration for that purpose, to all offenders free of charge.

3. An institution, facility or private facility or institution:

(a) Is not required to make available a drug described in subsection 2 for which a prescription is required to an offender for whom such a prescription has not been issued.

(b) Shall take reasonable measures to make available to all offenders a provider of health care who is authorized to issue a prescription for a drug described in subsection 2.

(c) Shall not demand, request or suggest that a provider of health care refrain from issuing a prescription for a drug described in subsection 2 to an offender or take any other measure to prevent a provider of health care from issuing such a prescription.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 12. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall not enter into a contract or other agreement with any person or entity to provide medical services to prisoners who are diagnosed with human immunodeficiency virus unless the person or entity demonstrates that at least 95 percent of the patients who are diagnosed with human immunodeficiency virus to whom the person or entity provides medical services:

(a) Are offered treatment on the same day as the diagnosis; and

(b) Are able to begin such treatment not later than 7 days after diagnosis.

2. Except as otherwise provided in subsection 3, a county, city or town jail or detention facility shall take reasonable measures to ensure the availability of:

(a) Any drug prescribed for treating the human immunodeficiency virus in the form recommended by the prescribing practitioner to each prisoner who has been diagnosed with human immunodeficiency virus to the same extent and under the same conditions as other medical care for prisoners.

(b) Methods of preventing the acquisition of human immunodeficiency virus, including, without limitation, drugs approved by the United States

Food and Drug Administration for that purpose, to all prisoners free of charge.

3. A county, city or town jail or detention facility:

(a) Is not required to make available a drug described in subsection 2 for which a prescription is required to a prisoner for whom such a prescription has not been issued.

(b) Shall take reasonable measures to make available to all prisoners a provider of health care who is authorized to issue a prescription for a drug described in subsection 2.

(c) Shall not demand, request or suggest that a provider of health care refrain from issuing a prescription for a drug described in subsection 2 to an offender or take any other measure to prevent a provider of health care from issuing such a prescription.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 212.189 is hereby amended to read as follows:

212.189 1. Except as otherwise provided in subsection 10, a prisoner who is under lawful arrest, in lawful custody or in lawful confinement shall not knowingly:

(a) Store or stockpile any human excrement or bodily fluid;

(b) Sell, supply or provide any human excrement or bodily fluid to any other person;

(c) Buy, receive or acquire any human excrement or bodily fluid from any other person; or

(d) Use, propel, discharge, spread or conceal, or cause to be used, propelled, discharged, spread or concealed, any human excrement or bodily fluid:

(1) With the intent to have the excrement or bodily fluid come into physical contact with any portion of the body of another person, including, without limitation, an officer or employee of a prison or law enforcement agency, whether or not such physical contact actually occurs; or

(2) Under circumstances in which the excrement or bodily fluid is reasonably likely to come into physical contact with any portion of the body of another person, including, without limitation, an officer or employee of a prison or law enforcement agency, whether or not such physical contact actually occurs.

2. Except as otherwise provided in subsection 4, if a prisoner who is under lawful arrest or in lawful custody violates any provision of subsection 1, the prisoner is guilty of:

(a) For a first offense, a gross misdemeanor.

(b) For a second offense or any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. Except as otherwise provided in subsection 4, if a prisoner who is in lawful confinement, other than residential confinement, violates any provision of subsection 1, the prisoner is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less

than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

4. If a prisoner who is under lawful arrest, in lawful custody or in lawful confinement violates any provision of paragraph (d) of subsection 1 and, at the time of the offense, the prisoner knew that any portion of the excrement or bodily fluid involved in the offense contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm, ~~[whether or not]~~ ***the communicable disease is likely to be transmitted as a result of the offense and*** the communicable disease was ***actually*** transmitted to a victim as a result of the offense, the prisoner is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➥ and may be further punished by a fine of not more than $50,000.

5. A sentence imposed upon a prisoner pursuant to subsection 2, 3 or 4:

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was under lawful arrest, in lawful custody or in lawful confinement when the prisoner violated the provisions of subsection 1.

6. In addition to any other penalty, the court shall order a prisoner who violates any provision of paragraph (d) of subsection 1 to reimburse the appropriate person or governmental body for the cost of any examinations or testing:

(a) Conducted pursuant to paragraphs (a) and (b) of subsection 8; or

(b) Paid for pursuant to subparagraph (2) of paragraph (c) of subsection 8.

7. The warden, sheriff, administrator or other person responsible for administering a prison shall immediately and fully investigate any act described in subsection 1 that is reported or suspected to have been committed in the prison.

8. If there is probable cause to believe that an act described in paragraph (d) of subsection 1 has been committed in a prison:

(a) Each prisoner believed to have committed the act or to have been the bodily source of any portion of the excrement or bodily fluid involved in the act shall submit to any appropriate examinations and testing to determine whether each such prisoner has any communicable disease.

(b) If possible, a sample of the excrement or bodily fluid involved in the act must be recovered and tested to determine whether any communicable disease is present in the excrement or bodily fluid.

(c) If the excrement or bodily fluid involved in the act came into physical contact with any portion of the body of an officer or employee of a prison or law enforcement agency:

(1) The results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be provided to each such officer, employee or other person; and

(2) For each such officer or employee:

(I) Of a prison, the person or governmental body operating the prison where the act was committed shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a communicable disease was transmitted to the officer or employee as a result of the act; and

(II) Of any law enforcement agency, the law enforcement agency that employs the officer or employee shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a communicable disease was transmitted to the officer or employee as a result of the act.

(d) The results of the investigation conducted pursuant to subsection 7 and the results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be submitted to the district attorney of the county in which the act was committed or to the Office of the Attorney General for possible prosecution of each prisoner who committed the act.

9. If a prisoner is charged with committing an act described in paragraph (d) of subsection 1 and a victim or an intended victim of the act was an officer or employee of a prison or law enforcement agency, the prosecuting attorney shall not dismiss the charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

10. The provisions of this section do not apply to a prisoner who is in residential confinement or to a prisoner who commits an act described in subsection 1 if the act:

(a) Is otherwise lawful and is authorized by the warden, sheriff, administrator or other person responsible for administering the prison, or his or her designee, and the prisoner performs the act in accordance with the directions or instructions given to the prisoner by that person;

(b) Involves the discharge of human excrement or bodily fluid directly from the body of the prisoner and the discharge is the direct result of a temporary or permanent injury, disease or medical condition afflicting the prisoner that prevents the prisoner from having physical control over the discharge of his or her own excrement or bodily fluid; or

(c) Constitutes voluntary sexual conduct with another person in violation of the provisions of NRS 212.187.

Sec. 14. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 20 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 14.5. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall provide coverage for:

(a) Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the governing body.

2. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall reimburse a pharmacist who participates in the network plan of the governing body for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the governing body.

5. A plan of self-insurance described in subsection 1 that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a plan of self-insurance provided by the governing body of a local governmental agency under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the governing body. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 15. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to ***689B.031, inclusive, 689B.0313 to*** 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 15.5. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, ***and section 14.5 of this act*** do not make it compulsory upon any governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, except as otherwise provided in NRS 287.021 or subsection 4 of NRS 287.023

or in an agreement entered into pursuant to subsection 3 of NRS 287.015, to pay any premiums, contributions or other costs for group insurance, a plan of benefits or medical or hospital services established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, for coverage under the Public Employees' Benefits Program, or to make any contributions to a trust fund established pursuant to NRS 287.017, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State to accept any such coverage or to assign his or her wages or salary in payment of premiums or contributions therefor.

Sec. 16. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, ***and sections 71 and 72 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.

Sec. 20. ***1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenses for any service for the treatment of substance use disorder provided by a provider of primary care if the service is included in the State Plan when provided by a specialist and:***

(a) The service is within the scope of practice of the provider of primary care; or

(b) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 422.27173 is hereby amended to read as follows:

422.27173 The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for ***:***

1. Testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all

recipients of Medicaid, regardless of age. Services covered pursuant to this section must include, without limitation, the examination of a pregnant woman for the discovery of:

~~[1.]~~ ***(a)*** Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

~~[2.]~~ ***(b)*** Syphilis in accordance with NRS 442.010.

2. Condoms for recipients of Medicaid.

Sec. 23. NRS 422.27235 is hereby amended to read as follows:

422.27235 ***1.*** The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

~~[1.]~~ ***(a)*** Any laboratory testing that is necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus **.** ~~[; and]~~

~~[2.]~~ ***(b)*** The services of a pharmacist described in NRS 639.28085. The State must provide reimbursement for such services at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. The Director shall include in the State Plan for Medicaid a requirement that the State reimburse an advanced practice registered nurse or a physician assistant for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053

with a pharmacy benefit manager, health maintenance organization or one or more public or private entities in this State, the District of Columbia or other states or territories of the United States, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus, including, without limitation, antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation:

(a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants; and

(b) Prescription drugs to prevent the acquisition of human immunodeficiency virus.

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. ***The Medicaid program must cover a prescription drug that is not included on the list of preferred prescription drugs as if the drug were included on that list if:***

(a) The drug is:

(1) Used to treat hepatitis C;

(2) Used to provide medication-assisted treatment for opioid use disorder;

(3) Used to support safe withdrawal from substance use disorder; or

(4) In the same class as a drug on the list of preferred prescription drugs; and

(b) All preferred prescription drugs within the same class as the drug are unsuitable for a recipient of Medicaid because:

(1) The recipient is allergic to all preferred prescription drugs within the same class as the drug;

(2) All preferred prescription drugs within the same class as the drug are contraindicated for the recipient or are likely to interact in a harmful manner with another drug that the recipient is taking;

(3) The recipient has a history of adverse reactions to all preferred prescription drugs within the same class as the drug; or

(4) The drug has a unique indication that is supported by peer-reviewed clinical evidence or approved by the United States Food and Drug Administration.

7. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager, contracts with a health maintenance organization and contracts with public and private entities from this State, the District of Columbia and other states and territories of the United States; and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislature; or

(2) In even-numbered years, the Legislative Commission.

Sec. 26. NRS 608.156 is hereby amended to read as follows:

608.156 1. **[**~~If~~**]** ***In addition to any benefits required by NRS 608.1555,*** an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of alcohol and substance use disorders. The annual benefits provided by the employer must **[**~~consist of:~~**]** ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of $2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is $39,000.

3. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 27. NRS 629.093 is hereby amended to read as follows:

629.093 Unless a specific statute or regulation requires or authorizes a greater number of hours, a provider of health care may use credit earned for continuing education relating to Alzheimer's disease ***or the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus*** in place of not more than 2 hours each year of the continuing education that the provider of health care is required to complete, other than any continuing education relating to ethics that the provider of health care is required to complete.

Sec. 28. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 6.

(d) Must provide for the completion of at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

(e) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

(f) Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

(g) Must provide for the completion by a physician or physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care of at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.

3. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 2.

4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

9. Except as otherwise provided in NRS 630.2535, a holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, care for persons with an addictive disorder or the screening, brief intervention and referral to treatment approach to substance use disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

~~[(e)]~~ ***(f)*** "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 29. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse:

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

(e) For each person licensed pursuant to this chapter who provides or supervises the provision of emergency medical services in a hospital or primary care, at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus to be completed within 2 years after beginning to provide or supervise the provision of such services or care.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

~~[(e)]~~ ***(f)*** "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 30. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[14]~~ ***15*** and NRS 633.491, every holder of a license, except a physician assistant, issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Subject to subsection ~~[13,]~~ ***14,*** submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses

or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Subject to subsection **[**~~13,~~**]** ***14,*** upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.

8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician or physician assistant to receive credit toward the total amount of continuing education required by

the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(a) May include the training provided pursuant to NRS 449.103, where applicable.

(b) Must be based upon a range of research from diverse sources.

(c) Must address persons of different cultural backgrounds, including, without limitation:

(1) Persons from various gender, racial and ethnic backgrounds;

(2) Persons from various religious backgrounds;

(3) Lesbian, gay, bisexual, transgender and questioning persons;

(4) Children and senior citizens;

(5) Veterans;

(6) Persons with a mental illness;

(7) Persons with an intellectual disability, developmental disability or physical disability; and

(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

13. ***The Board shall require each holder of a license to practice osteopathic medicine or as a physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care to complete at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk***

of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.

14. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.

~~[14.]~~ ***15.*** Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

16. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 31. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, ***689A.0437,*** 689A.044, 689A.0445, 689B.031, ***689B.0312,*** 689B.0313, 689B.0315, 689B.0317, 689B.0374, ***689C.1671,*** 689C.1675, ***695A.1843,*** 695A.1856, 695B.1912, 695B.1913, 695B.1914, ***695B.1924,*** 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, ***695C.1743,*** 695C.1745, 695C.1751, 695G.170, ***695G.1705,*** 695G.171, 695G.1714 and 695G.177, ***and sections 33, 41, 46, 54, 59, 64 and 71 of this act,*** any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 32. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 33, 34 and 35 of this act.

Sec. 33. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. An insurer shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the insurer.

3. An insurer shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 34. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy:***

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis,

gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689A.0412 and 689A.0437.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 35. (Deleted by amendment.)

Sec. 36. NRS 689A.030 is hereby amended to read as follows:

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, domestic partner as defined in NRS 122A.030, dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any child on or before the last day of the month in which the child attains 26 years of age, and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. "Text" includes all printed matter except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** policy must provide ~~[, at the option of the applicant,]~~ benefits for expenses incurred for the treatment of alcohol or substance use disorder ***.*** ~~[, unless]~~ ***Except for the benefits required by section 34 of this act, such benefits must be provided:***

(a) At the option of the applicant; and

(b) Unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 37. NRS 689A.0437 is hereby amended to read as follows:

689A.0437 1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~[Drugs]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;***

(b) Laboratory testing that is necessary for therapy that uses ~~[such]~~ a drug ~~[;]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[(c)]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of health insurance shall reimburse ~~[a]~~ ***:***

(a) A pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate of

reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. An insurer ~~[may subject]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 38. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. ~~[The]~~ ***In addition to the benefits required by section 33 of this act, the*** benefits provided by a policy for health insurance for treatment of alcohol or substance use disorder must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorder which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorder as part of its accredited activities.

Sec. 39. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and sections 33 and 34 of this act.***

Sec. 40. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 41, 42 and 43 of this act.

Sec. 41. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. An insurer shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the insurer.

3. An insurer shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 42. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy:***

(a) Coverage of testing for and the treatment of and prevention of sexually transmitted diseases, including, without limitation, <u>Chlamydia trachomatis</u>, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689B.0312 and 689B.0315.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after

January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 43. (Deleted by amendment.)

Sec. 44. NRS 689B.0312 is hereby amended to read as follows:

689B.0312 1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) ~~[~~Drugs~~]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;***

(b) Laboratory testing that is necessary for therapy that uses ~~[~~such~~]~~ a drug ~~[;]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[~~(c)~~]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of group health insurance shall reimburse ~~[~~a~~]~~ ***:***

(a) A pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. An insurer ~~[~~may subject~~]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[~~reasonable~~]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 45. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 46, 47 and 48 of this act.

Sec. 46. ***1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A carrier shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the carrier.

3. A carrier shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 47. ***1. A carrier that offers or issues a health benefit plan shall include in the plan:***

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689C.1671 and 689C.1675.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 48. (Deleted by amendment.)

Sec. 49. NRS 689C.166 is hereby amended to read as follows:

689C.166 Each group health insurance policy must contain in substance a provision for benefits payable for expenses incurred for the treatment of

alcohol or substance use disorder, as provided in NRS 689C.167 ~~[.]~~ ***and section 46 of this act.***

Sec. 50. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. ~~[The]~~ ***In addition to the benefits required by section 46 of this act, the*** benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of alcohol or substance use disorders must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 51. NRS 689C.1671 is hereby amended to read as follows:

689C.1671 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) ~~[Drugs]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the carrier;***

(b) Laboratory testing that is necessary for therapy that uses ~~[such]~~ a drug ~~[;]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[(c)]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the health benefit plan of the carrier.

2. A carrier that offers or issues a health benefit plan shall reimburse ~~[a]~~ ***:***

(a) A pharmacist who participates in the health benefit plan of the carrier for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the carrier for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A carrier ~~[may subject]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 52. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and sections 46 and 47 of this act*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 53. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 54, 55 and 56 of this act.

Sec. 54. ***1. A society that offers or issues a benefit contract shall include in the contract coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A society shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the society.

3. A society shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term

includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 55. ***1. A society that offers or issues a benefit contract shall include in the contract:***

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695A.1843 and 695A.1856.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

Sec. 56. (Deleted by amendment.)

Sec. 57. NRS 695A.1843 is hereby amended to read as follows:

695A.1843 1. A society that offers or issues a benefit contract shall include in the benefit coverage for:

(a) ~~[~~Drugs~~]~~ ***All*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the society;***

(b) Laboratory testing that is necessary for therapy that uses ~~[~~such~~]~~ a drug ~~[;]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[(c)]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the society.

2. A society that offers or issues a benefit contract shall reimburse ~~[a]~~ ***:***

(a) A pharmacist who participates in the network plan of the society for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the society for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A society ~~[may subject]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 58. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 59, 60 and 61 of this act.

Sec. 59. ***1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A hospital or medical services corporation shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the hospital or medical services corporation.

3. A hospital or medical services corporation shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and

delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 60. ***1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy:***

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695B.1913 and 695B.1924.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 61. (Deleted by amendment.)

Sec. 62. NRS 695B.1924 is hereby amended to read as follows:

695B.1924 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~[~~Drugs~~]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the hospital or medical services organization;***

(b) Laboratory testing that is necessary for therapy using ~~[~~such~~]~~ a drug ~~[;]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[~~(c)~~]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse ~~[a]~~ ***:***

(a) A pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the hospital or medical services corporation for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A hospital or medical services corporation ~~[may subject]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 64, 65 and 66 of this act.

Sec. 64. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A health maintenance organization shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the health maintenance organization.

3. A health maintenance organization shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are

provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 65. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan:***

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all enrollees, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695C.1737 and 695C.1743.

(b) Unrestricted coverage of condoms for enrollees who are 13 years of age or older.

2. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health

maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 ***and sections 64 and 65 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 68. NRS 695C.1743 is hereby amended to read as follows:

695C.1743 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~[~~Drugs~~]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the health maintenance organization;***

(b) Laboratory testing that is necessary for therapy that uses ~~[~~such~~]~~ a drug ~~[;]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[~~(c)~~]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the health maintenance organization.

2. A health maintenance organization that offers or issues a health care plan shall reimburse ~~[~~a~~]~~ ***:***

(a) A pharmacist who participates in the network plan of the health maintenance organization for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the health maintenance organization for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A health maintenance organization ~~[~~may subject~~]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[~~reasonable~~]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the enrollee is diagnosed.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 69. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and sections 64 and 65 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 70. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 71, 72 and 73 of this act.

Sec. 71. ***1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A managed care organization shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the managed care organization.

3. A managed care organization shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole

or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 72. ***1. A managed care organization that offers or issues a health care plan shall include in the plan:***

(a) Coverage of testing for, treatment of and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695G.1705 and 695G.1714.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 73. (Deleted by amendment.)

Sec. 74. NRS 695G.1705 is hereby amended to read as follows:

695G.1705 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~[~~Drugs~~]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[:]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the managed care organization;***

(b) Laboratory testing that is necessary for therapy that uses ~~[~~such~~]~~ a drug ~~[:]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[~~(c)~~]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the managed care organization.

2. A managed care organization that offers or issues a health care plan shall reimburse ~~[~~a~~]~~ ***:***

(a) A pharmacist who participates in the network plan of the managed care organization for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the managed care organization for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A managed care organization ~~[may subject]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 75. 1. The first application that a physician, osteopathic physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or a nurse who provides or supervises the provision of emergency medical services

in a hospital or primary care and who is licensed on January 1, 2024, submits to renew his or her license on or after that date must include, without limitation, proof that the applicant has completed at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus, as required by NRS 630.253, 632.343 and 633.471, as amended by sections 28, 29 and 30 of this act, respectively, as applicable.

2. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 76. The Legislature hereby finds and declares that:

1. In *Lapinski v. State*, 84 Nev. 611, 613 (1968), the Nevada Supreme Court held that "the power to define crimes and penalties lies exclusively in the legislature."

2. The Nevada Supreme Court has further held in *Tellis v. State*, 84 Nev. 587, 591 (1968), *Sparkman v. State*, 95 Nev. 76, 82 (1979) and *State v. Dist. Ct. (Pullin)*, 124 Nev. 564, 567-68 (2008), that the penalty for a crime is determined by the law in effect at the time the offender committed the crime and not the law in effect at the time the offender is sentenced unless the Legislature has expressed its clear intent that a statute ameliorating the penalty apply retroactively.

3. NRS 441A.118 states that "[t]he Legislature hereby finds and declares that the spread of communicable diseases is best addressed through public health measures rather than criminalization."

4. For those reasons, the Legislature is exercising its exclusive power to define the acts which subject a person to criminal penalties by:

(a) Retroactively applying the provisions of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, which repealed certain criminal offenses that were based on a person having the human immunodeficiency virus, to apply to conduct that occurred before those offenses were repealed; and

(b) Making certain offenses which were punishable as category A felonies before the effective date of section 13 of this act based on the potential to spread a communicable disease instead punishable as category B felonies, category D felonies or gross misdemeanors.

Sec. 77. 1. The provisions of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, apply to any violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, if the violation occurred before, on or after June 6, 2021, and the person was convicted on or after the effective date of this section.

2. If, before June 6, 2021, a person committed a violation of a NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, and the

person was not charged for that violation before the effective date of this section, the person must not be charged for that violation.

3. Each court in this State shall cancel each outstanding bench warrant issued by the court for a person who failed to appear in court in relation to an alleged violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199.

4. The Central Repository for Nevada Records of Criminal History shall remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in relation to an alleged violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199.

Sec. 78. 1. The provisions of NRS 212.189, as amended by section 13 of this act, apply to any violation of that section, that occurred before, on or after the effective date of that section, if the person was not convicted before the effective date of that section.

2. If a person commits a violation of a NRS 212.189 which is punishable as a category A felony before the effective date of section 13 of this act, and the violation is punishable as a category B felony, a category D felony or a gross misdemeanor pursuant to NRS 212.189, as amended by section 13 of this act, the person must not be charged with or convicted of a category A felony, if the violation occurs on or after the effective date of section 13 of this act, and may only be charged with and convicted of a category B felony, category D felony or gross misdemeanor, as applicable, on or after the effective date of section 13 of this act.

Sec. 79. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 80. 1. This section and sections 3 to 10, inclusive, 13, 76, 77 and 78 of this act become effective upon passage and approval.

2. Sections 1, 2, 11, 12, 14 to 75, inclusive, and 79 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 524.

Bill read third time.

The following amendment was proposed by Assemblyman Watts:

Amendment No. 943.

AN ACT relating to energy; revising a definition relating to certain renewable energy facilities; revising provisions governing the submission of general rate applications; revising provisions governing the integrated resource plan submitted triennially by a utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years an integrated resource plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the integrated resource plan must include certain components, including, without limitation, a comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands. (NRS 704.741) **Section 2** of this bill sets forth certain declarations of the Legislature relating to the affordability, availability and reliability of the supply of electricity in this State. **Section 4** of this bill requires the integrated resource plan of an electric utility to include: (1) at least one scenario that provides for the construction or acquisition of energy resources through contract or ownership to be placed into service to close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission; and (2) for each scenario considered, certain information regarding each energy resource proposed and an evaluation of the impact the implementation of a scenario will have on certain matters. **Section 4** authorizes an electric utility to submit an integrated resource plan more frequently than once every 3 years. **Section 4** requires the Commission to adopt regulations governing the manner in which and circumstances under which an electric utility may file an amendment to its integrated resource plan. **Section 5** of this bill requires an electric utility to schedule a consumer session before filing an integrated resource plan or an amendment to such a plan. **Sections 6 and 7** of this bill make a conforming change to reflect changes in the numbering of subsections in **section 4**.

Section 1 of this bill revises the definition of "facility for the storage of energy from renewable generation."

Existing law requires certain electric utilities to file a general rate application once every 36 months. Existing law prohibits a public utility that has filed a general rate application from filing another general rate application until all pending general rate applications filed by that utility have been decided by the Commission, except under certain circumstances. (NRS 704.110) **Section 3** of this bill authorizes an electric utility to file a general rate application more frequently than once every 36 months. **Section 3** provides that an affiliate of a public utility is also prohibited from filing another general rate application until all pending general rate applications filed by that utility have been decided by the Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701A.327 is hereby amended to read as follows:

701A.327 1. "Facility for the storage of energy from renewable generation" means a facility that is constructed or installed for the ~~[sole]~~ purpose of storing electric energy received from a facility for the generation of electricity from renewable energy for release at a later time, including, without limitation, a facility that is designed to use energy storage technology.

2. The term does not include a facility that is located on a residential property.

Sec. 2. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature hereby declares that:

1. Rising energy needs and supply chain issues in the western United States have affected Nevada's ability to access the energy market to serve Nevada residents during periods of high energy demand.

2. It is paramount to the health and economic vitality of this State to ensure the affordability, availability and reliability of its electric supply.

3. An efficient regional energy market and comprehensive resource planning are essential to ensure affordable, safe and reliable electric service for customers of an electric utility from a balanced portfolio of supply and demand options, particularly in light of these challenges.

4. The integrated resource planning process must enable meaningful participation and robust review of a utility's proposals by the Commission and stakeholders to ensure the affordability, resiliency and reliability of the state's electric supply by considering all reasonable measures including, without limitation, demand-side management and increasing utility-owned, controlled or contracted electric generating capacity.

5. Increasing access to reliable electric generating capacity and procuring the most cost-effective resources supports the provision of affordable, resilient and reliable energy services to Nevadans and this State should take advantage of federal funding and tax benefits that provide additional opportunities.

6. It continues to be in the interest of this State to invest in a portfolio of electric generation supply and demand-side management measures that increase energy reliability and reduce greenhouse gas emissions consistent with state policy.

7. It is in the interest of Nevada to reduce electric utilities' reliance on market purchases and secure sufficient energy supply to protect reliability in a manner that promotes affordability and may reduce exposure to price volatility for customers, through methods which include dedicated in-state resources and dedicated energy resources delivered through firm transmission.

Sec. 3. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2019; and

(2) ~~[Once]~~ ***At least once*** every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2020; and

(2) ~~[Once]~~ ***At least once*** every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in

circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility ***, or a public utility affiliated with the public utility through common ownership,*** shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility ***or its affiliate*** is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit ~~[~~the~~]~~ ***a*** public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection 10; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas. If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.

9. If the Commission approves a request to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic transmission pursuant to NRS 704.188. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

10. An electric utility shall adjust its rates on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first

quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic submission pursuant to NRS 704.188. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment

or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

12. If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection 11 and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

13. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto, or the retirement or elimination of a utility facility identified in an emissions reduction and capacity replacement plan submitted pursuant to NRS 704.7316 and accepted by the Commission for retirement or elimination pursuant to NRS 704.751 and the regulations adopted pursuant thereto, shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing, or retiring or eliminating, as applicable, such a facility. For the purposes of this subsection, a plan or an amendment to a plan shall be deemed to be accepted by the Commission only as to that portion of the plan or amendment accepted as filed or modified with the consent of the utility pursuant to NRS 704.751.

14. In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the public interest.

17. As used in this section:

(a) "Deferred energy accounting adjustment" means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period, not including kilowatt-hours sold pursuant to an expanded solar access program established pursuant to NRS 704.7865.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

(d) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

Sec. 4. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, ***or more often if necessary,*** in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:

(1) Forecast the future demands, except that a forecast of the future retail electric demands of the utility or utilities must not include the amount of energy and capacity proposed pursuant to subsection ~~[5]~~ ***6*** as annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; ~~[and]~~

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary ~~[.]~~ ***; and***

(c) Establish requirements governing the manner in which and circumstances under which an amendment may be filed with the Commission to modify an approved plan.

3. The Commission shall require the utility or utilities to include in the plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.

(b) A proposal for the expenditure of not less than 10 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency measures for customers of the electric utility in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.

(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include ~~[at]~~ ***:***

(1) At least one scenario of low carbon dioxide emissions that:

~~[(1)]~~ ***(I)*** Uses sources of supply that result in, by 2050, an amount of energy production from zero carbon dioxide emission resources that equals the forecasted demand for electricity by customers of the utility;

~~[(2)]~~ ***(II)*** Includes the deployment of distributed generation; and

~~[(3)]~~ ***(III)*** If the plan is submitted on or before June 1, 2027, uses sources of supply that result in, by the year 2030, an 80 percent reduction in carbon dioxide emissions from the generation of electricity to meet the demands of customers of the utility as compared to the amount of such emissions in the year 2005.

(2) At least one scenario that provides for the construction or acquisition of energy resources through contract or ownership to be placed into service to close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission. A significant share of the renewable energy facilities and energy storage systems included in the scenario must be owned by the utility.

➥ A requirement to include a particular scenario in the plan pursuant to this paragraph, or the compliance of a utility with such a requirement, shall not be construed as indicating a preference by the Commission or the utility for a particular scenario.

(d) An analysis of the effects of the requirements of NRS 704.766 to 704.776, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits

of addressing issues of reliability through investment in the distribution system.

(e) A list of the utility's or utilities' assets described in NRS 704.7338.

(f) A surplus asset retirement plan as required by NRS 704.734.

4. For each scenario considered pursuant to subsection 3, the plan must include, without limitation:

(a) For each energy resource proposed:

(1) A description of each energy resource to be constructed, acquired or contracted for by the utility, including, without limitation, the location of the energy resource, the technology to be used by the energy resource to generate electricity, the anticipated capacity of the energy resource and the anticipated date by which the energy resource will be placed into service;

(2) The cost of constructing or acquiring, operating and maintaining the energy resource or, if the energy resource is contracted for by the utility, the price of the energy to be supplied by the energy resource;

(3) Whether the energy resource will be owned by the utility or utilized by the utility pursuant to a contract with a third party; and

(4) Any other information required by the Commission to evaluate the prudence of the scenario.

(b) An evaluation of the impact that the implementation of the scenario will have on:

(1) The ability of the utility to decrease its reliance on market purchases to meet the utility's open energy load requirements, including, without limitation, any appropriate reserves, and the forecast of energy needs over the next 10 years;

(2) The ability of the utility to reliably integrate into its supply portfolio larger amounts of electricity from variable energy resources, including, without limitation, solar, geothermal, hydropower and wind energy resources;

(3) The ability of the utility to access energy markets or geographic locations that have excess capacity to import into this State through firm transmission to ensure additional reliability in times of increased energy needs;

(4) The ability of the utility to increase access to carbon-free energy, support compliance with the renewable portfolio standard and advance the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820 through a balanced portfolio of energy supply and demand-side resources;

(5) The ability of the utility to demonstrate to a regional entity that the utility has adequate resources to meet the forecast for energy needs over the next 10 years;

(6) The ability of the utility to advance cost-effective demand-side management;

(7) The rates charged to the customers of the utility, provided that, in implementing the plan, the utility must endeavor to mitigate costs for the

benefit of customers to the extent possible by utilizing federal funding and tax credits available to utilities or third parties for the development of electric resources; and

(8) The benefits from high-quality jobs, job training and apprenticeships provided by the projects included in the plan, whether constructed or operated by the utility or a third-party developer.

~~[4.]~~ ***5.*** The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:

(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.

(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.

(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.

(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.

(f) Include a transportation electrification plan as required by NRS 704.7867.

~~[5.]~~ ***6.*** The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:

(a) A forecast of the load growth of the utility or utilities;

(b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;

(c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;

(d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and

(e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end-use customers of the electric utility.

~~[6.]~~ ***7.*** The annual limits proposed pursuant to subsection ~~[5]~~ ***6*** shall not apply to energy and capacity sales to an eligible customer if the eligible customer:

(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.

~~[7.]~~ ***8.*** As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

(b) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

(c) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

(d) "Energy" has the meaning ascribed to it in NRS 704B.090.

(e) ***"Energy storage system" has the meaning ascribed to it in NRS 704.793.***

(f) "Historically underserved community" has the meaning ascribed to it in NRS 704.78343.

~~[(f)]~~ ***(g)*** "Low-income household" has the meaning ascribed to it in NRS 704.78347.

~~[(g)]~~ ***(h)*** "New electric resource" has the meaning ascribed to it in NRS 704B.110.

~~[(h)]~~ ***(i)*** "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

~~[(i)]~~ ***(j)*** "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

~~[(j)]~~ ***(k)*** "Sensitivity analysis" means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.

Sec. 5. NRS 704.744 is hereby amended to read as follows:

704.744 ***1.*** The Commission shall require each utility which supplies electricity in this State, not less than 4 months before filing a plan required pursuant to NRS 704.741, or within a reasonable period before filing an amendment to such a plan ~~[pursuant to NRS 704.751,]~~ ***in accordance with the regulations adopted by the Commission pursuant to NRS 704.741,*** to meet with personnel from the Commission and the Bureau of Consumer Protection

in the Office of the Attorney General and any other interested persons to provide an overview of the anticipated filing or amendment.

2. Each utility which supplies electricity in this State shall, before filing a plan required pursuant to NRS 704.741 or an amendment to such a plan, schedule at least one consumer session to review the plan or amendment and provide an opportunity for interested persons to:

(a) Learn about the progress of the utility in developing plans and amendments to plans;

(b) Determine whether key assumptions are being applied in a consistent and acceptable manner;

(c) Determine whether key results are reasonable; and

(d) Offer suggestions on other matters as appropriate.

3. Each utility shall prepare a summary of each consumer session held pursuant to subsection 2 and include the summary in the testimony of the utility in support of the plan or amendment to the plan.

Sec. 6. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility or utilities associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable;

(d) Provide the greatest opportunity for the creation of new jobs in this State; and

(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.

➥ In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility or utilities.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:

(a) The cost to the customers of the electric utility or utilities to implement the plan;

(b) Whether the plan provides the greatest economic benefit to this State;

(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and

(d) Whether the plan represents the best value to the customers of the electric utility or utilities.

9. In considering whether to accept or modify a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through

transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 after May 16, 2019, which is included in the plan pursuant to subsection ~~[5]~~ ***6*** of NRS 704.741, the Commission shall consider whether the proposed annual limits:

(a) Further the public interest, including, without limitation, whether the proposed annual limits promote safe, economic, efficient and reliable electric service to all customers of electric service in this State;

(b) Align an economically viable utility model with state public policy goals; and

(c) Encourage the development and use of renewable energy resources located in this State and, in particular, renewable energy resources that are coupled with energy storage.

10. In considering whether to accept or modify a plan to accelerate transportation electrification submitted pursuant to NRS 704.7867, the Commission shall consider:

(a) Whether the proposed investments, incentives, rate designs, systems and programs are reasonably expected to achieve one or more of the following:

(1) Improve the efficiency of the electric utility's electrical system, operational flexibility or system utilization during off-peak hours;

(2) Improve the ability of the electric utility to integrate renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid;

(3) Reduce greenhouse gas emissions and air pollution;

(4) Improve air quality in communities most affected by air pollution from the transportation sector;

(5) Support increased consumer choice in electric vehicle charging and related infrastructure and services;

(6) Increase access to the use of electricity as a transportation fuel by low-income users by including investments, incentives or programs for those users, or for entities operating in communities or at locations that will benefit low-income users;

(7) Foster the investment of private capital in transportation electrification, as defined in NRS 704.7867, and the demand for skilled jobs in related services; and

(8) Provide information and education on the benefits of transportation electrification to customers.

(b) Whether the proposed investments, incentives, rate designs, systems and programs provide electric services and pricing that customers value.

(c) Whether the proposed investments, incentives, systems and programs incorporate public reporting requirements which will serve to inform program design and Commission policy.

(d) The cost to the customers of the electric utility to implement the plan.

Sec. 7. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 210 days for all portions of the plan not described in paragraph (a).

➥ If the Commission issues an order modifying the plan, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 165 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➥ If the Commission issues an order modifying the amendment, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. Any order issued by the Commission accepting or modifying a plan required pursuant to NRS 704.741 or an amendment to such a plan must include the justification of the Commission for the preferences given pursuant to subsection 5 of NRS 704.746 to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746.

4. All prudent and reasonable expenditures made to develop the utility's or utilities' plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's or utilities' customers.

5. The Commission may accept an energy efficiency plan containing an energy efficiency program submitted pursuant to paragraph (a) of subsection 3 of NRS 704.741 and energy efficiency and conservation programs submitted pursuant to paragraph (b) of subsection 3 of NRS 704.741 that are not cost effective if the energy efficiency plan as a whole is cost effective. Any order issued by the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan must, if the energy efficiency plan remains cost effective, require that not less than 10 percent of the total expenditures of the utility or utilities on approved energy efficiency and conservation programs in the energy efficiency plan must be specifically directed to energy efficiency

measures for customers of the utility or utilities in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.

6. The Commission may accept a distributed resources plan submitted pursuant to subsection ~~[4]~~ ***5*** of NRS 704.741 if the Commission determines that the plan includes each element required by that subsection.

7. Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility or utilities to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility or utilities for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

8. The Commission shall accept a transmission infrastructure for a clean energy economy plan that conforms to the requirements of subsections 1 and 2 of NRS 704.79877 and includes the evaluations required by subsection 4 of NRS 704.79877.

9. As used in this section:

(a) "Historically underserved community" has the meaning ascribed to it in NRS 704.78343.

(b) "Low-income household" has the meaning ascribed to it in NRS 704.78347.

Sec. 8. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 26, 2023.

Sec. 9. 1. This **section becomes effective upon passage and approval.**

2. Section 1 of this act becomes effective on July 1, 2023.

~~[2.]~~ **3. Sections 2 to 8, inclusive, of this act become effective:**

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

4. Section 1 of this act expires by limitation on June 30, 2049.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 322 and 524 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 322.

Bill read third time.

Roll call on Assembly Bill No. 322:

YEAS—30.

NAYS—Cohen, Considine, Hafen, Kasama, La Rue Hatch, Monroe-Moreno, Newby, O'Neill, Orentlicher, Summers-Armstrong, Taylor, Yurek—12.

Assembly Bill No. 322 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 524.

Bill read third time.

Roll call on Assembly Bill No. 524:

YEAS—42.

NAYS—None.

Assembly Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 9.

Bill read third time.

Roll call on Senate Bill No. 9:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 24 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 36.

Bill read third time.

Roll call on Senate Bill No. 36:

YEAS—42.

NAYS—None.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 45.

Bill read third time.

Roll call on Senate Bill No. 45:

YEAS—42.

NAYS—None.

Senate Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 54.

Bill read third time.

Roll call on Senate Bill No. 54:

YEAS—32.

NAYS—DeLong, Dickman, Gray, Gurr, Hafen, Hansen, Hibbetts, McArthur, O'Neill, Yurek—10.

Senate Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 71.

Bill read third time.

Roll call on Senate Bill No. 71:

YEAS—41.

NAYS—Brittney Miller.

Senate Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 88.

Bill read third time.

Roll call on Senate Bill No. 88:

YEAS—33.

NAYS—DeLong, Dickman, Gray, Hafen, Hansen, Hibbetts, Koenig, McArthur, O'Neill—9.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 103.

Bill read third time.

Roll call on Senate Bill No. 103:

YEAS—42.

NAYS—None.

Senate Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 107.
Bill read third time.
Roll call on Senate Bill No. 107:
YEAS—40.
NAYS—Brittney Miller, Thomas—2.
Senate Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 145.
Bill read third time.
Roll call on Senate Bill No. 145:
YEAS—42.
NAYS—None.
Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 166.
Bill read third time.
Roll call on Senate Bill No. 166:
YEAS—38.
NAYS—DeLong, Dickman, Hafen, Hansen—4.
Senate Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 167.
Bill read third time.
Roll call on Senate Bill No. 167:
YEAS—42.
NAYS—None.
Senate Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 216.
Bill read third time.
Roll call on Senate Bill No. 216:
YEAS—42.
NAYS—None.
Senate Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 222.
Bill read third time.
Roll call on Senate Bill No. 222:

YEAS—42.
NAYS—None.

Senate Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 232.

Bill read third time.

Roll call on Senate Bill No. 232:

YEAS—41.
NAYS—Gurr.

Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 237.

Bill read third time.

Roll call on Senate Bill No. 237:

YEAS—42.
NAYS—None.

Senate Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 240.

Bill read third time.

Roll call on Senate Bill No. 240:

YEAS—42.
NAYS—None.

Senate Bill No. 240 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 273.

Bill read third time.

Roll call on Senate Bill No. 273:

YEAS—42.
NAYS—None.

Senate Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 275.

Bill read third time.

Roll call on Senate Bill No. 275:

YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 279.

Bill read third time.

Roll call on Senate Bill No. 279:

YEAS—42.

NAYS—None.

Senate Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 281.

Bill read third time.

Roll call on Senate Bill No. 281:

YEAS—42.

NAYS—None.

Senate Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 282.

Bill read third time.

Roll call on Senate Bill No. 282:

YEAS—36.

NAYS—Gray, Hafen, Hansen, McArthur, Thomas, Yurek—6.

Senate Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 285.

Bill read third time.

Roll call on Senate Bill No. 285:

YEAS—42.

NAYS—None.

Senate Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 290.

Bill read third time.

Roll call on Senate Bill No. 290:

YEAS—35.

NAYS—Cohen, Considine, González, La Rue Hatch, Orentlicher, Summers-Armstrong, Taylor—7.

Senate Bill No. 290 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 291.
Bill read third time.
Roll call on Senate Bill No. 291:
YEAS—42.
NAYS—None.
Senate Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 294 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 305.
Bill read third time.
Roll call on Senate Bill No. 305:
YEAS—35.
NAYS—DeLong, Dickman, Gallant, Hafen, Hansen, McArthur, O'Neill—7.
Senate Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 307.
Bill read third time.
Roll call on Senate Bill No. 307:
YEAS—42.
NAYS—None.
Senate Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 319.
Bill read third time.
Roll call on Senate Bill No. 319:
YEAS—42.
NAYS—None.
Senate Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 339.
Bill read third time.
Roll call on Senate Bill No. 339:
YEAS—41.
NAYS—Gurr.

Senate Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 362.

Bill read third time.

Roll call on Senate Bill No. 362:

YEAS—42.

NAYS—None.

Senate Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 367.

Bill read third time.

Roll call on Senate Bill No. 367:

YEAS—38.

NAYS—Dickman, Gray, Gurr, O'Neill—4.

Senate Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 387.

Bill read third time.

Roll call on Senate Bill No. 387:

YEAS—42.

NAYS—None.

Senate Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 389.

Bill read third time.

Roll call on Senate Bill No. 389:

YEAS—42.

NAYS—None.

Senate Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 413.

Bill read third time.

Roll call on Senate Bill No. 413:

YEAS—42.

NAYS—None.

Senate Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 416.

Bill read third time.

Roll call on Senate Bill No. 416:

YEAS—39.

NAYS—Gurr, Hafen, Kasama—3.

Senate Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 425.

Bill read third time.

Roll call on Senate Bill No. 425:

YEAS—42.

NAYS—None.

Senate Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 440.

Bill read third time.

Roll call on Senate Bill No. 440:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

Roll call on Senate Bill No. 443:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 445.

Bill read third time.

Roll call on Senate Bill No. 445:

YEAS—42.

NAYS—None.

Senate Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

Roll call on Senate Bill No. 448:
YEAS—42.
NAYS—None.
Senate Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 449.
Bill read third time.
Roll call on Senate Bill No. 449:
YEAS—42.
NAYS—None.
Senate Bill No. 449 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 452.
Bill read third time.
Roll call on Senate Bill No. 452:
YEAS—42.
NAYS—None.
Senate Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 453.
Bill read third time.
Roll call on Senate Bill No. 453:
YEAS—42.
NAYS—None.
Senate Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 455.
Bill read third time.
Roll call on Senate Bill No. 455:
YEAS—42.
NAYS—None.
Senate Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 456.
Bill read third time.
Roll call on Senate Bill No. 456:
YEAS—42.
NAYS—None.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 457.

Bill read third time.

Roll call on Senate Bill No. 457:

YEAS—42.

NAYS—None.

Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 458.

Bill read third time.

Roll call on Senate Bill No. 458:

YEAS—42.

NAYS—None.

Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 459.

Bill read third time.

Roll call on Senate Bill No. 459:

YEAS—42.

NAYS—None.

Senate Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:46 p.m.

ASSEMBLY IN SESSION

At 11:34 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Assembly Bill No. 525.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 940.

SUMMARY—Makes appropriations for various purposes relating to health, education**, [**~~and~~**]** employment**, [**~~,~~**] and other community services.** (BDR S-1225)

AN ACT making appropriations for various purposes relating to health, education**, [**~~and~~**]** employment**, [**~~,~~**] and other community services;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $750,000 for allocation to the International Gaming Institute of the University of Nevada, Las Vegas, for the "Expanding the Leaderverse" initiative to increase the diversity of the leadership in the gaming industry.

2. Allocation of the money appropriated by subsection 1 is contingent upon matching money being obtained by the International Gaming Institute, including, without limitation, gifts, grants and donations to the International Gaming Institute from private and public sources of money other than the appropriation made by subsection 1. The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made by subsection 1 until the International Gaming Institute submits to the Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

[~~3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.~~**]**

Sec. 1.5. **There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $5,500,000 for allocation to the nonprofit corporation formed to establish an art museum in Las Vegas, Nevada, upon a showing to the Committee:**

1. That the corporation has been incorporated under the laws of this State as a nonprofit corporation; and

2. That the purpose of the corporation is to establish an art museum in Las Vegas, Nevada.

Sec. 2. ~~[1.]~~ There is hereby appropriated from the State General Fund to United Way of Northern Nevada the sum of $1,200,000 for its activities related to public health, education and improving economic mobility.

~~[2. Upon acceptance of the money appropriated by subsection 1, United Way of Northern Nevada agrees to:~~

~~(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by United Way of Northern Nevada through December 1, 2024;~~

~~(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by United Way of Northern Nevada through June 30, 2025; and~~

~~(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of United Way of Northern Nevada, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.~~

~~3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.]~~

Sec. 3. ~~[1.]~~ There is hereby appropriated from the State General Fund to the Foundation for an Independent Tomorrow the sum of $2,000,000 for its activities related to vocational training, job preparation, education and employment services.

~~[2. Upon acceptance of the money appropriated by subsection 1, the Foundation for an Independent Tomorrow agrees to:~~

~~(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Foundation for an Independent Tomorrow through December 1, 2024;~~

~~(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Foundation for an Independent Tomorrow through June 30, 2025; and~~

~~(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Foundation for an Independent Tomorrow, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.~~

~~3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.~~]

Sec. 4. **There is hereby appropriated from the State General Fund to the Culinary Academy of Las Vegas the sum of $15,000,000 for its capital improvement plan.**

Sec. 5. **There is hereby appropriated from the State General Fund to A Source of Joy Theatricals, Inc. the sum of $1,000,000 for the Legacy Theatre Project.**

Sec. 6. **There is hereby appropriated from the State General Fund to the Food Bank of Northern Nevada the sum of $2,000,000 to address food insecurities of residents of this State.**

Sec. 7. **There is hereby appropriated from the State General Fund to the Three Square Food Bank the sum of $2,000,000 to address food insecurities of residents of this State.**

Sec. 8. **There is hereby appropriated from the State General Fund to Boys Town Nevada the sum of $250,000 for its programs and services.**

Sec. 9. **There is hereby appropriated from the State General Fund to Foster Kinship the sum of $750,000 for the Kinship Navigator Program.**

Sec. 10. **There is hereby appropriated from the State General Fund to HopeLink of Southern Nevada the sum of $2,000,000 for wraparound services for families at risk of homelessness.**

Sec. 11. **There is hereby appropriated from the State General Fund to Catholic Charities of Southern Nevada the sum of $2,000,000 for the Meals on Wheels Program.**

Sec. 12. **There is hereby appropriated from the State General Fund to the Candlelighters Childhood Cancer Foundation of Nevada the sum of $1,000,000 for the provision of assistance to children affected by cancer and their families.**

Sec. 13. **There is hereby appropriated from the State General Fund to Legal Aid Center of Southern Nevada the sum of $250,000 for programs and services relating to tenants' rights.**

Sec. 14. **There is hereby appropriated from the State General Fund to the United Way of Southern Nevada the sum of $1,200,000 for its**

activities related to public health, education and improving economic mobility.

Sec. 15. **There is hereby appropriated from the State General Fund to Goodwill of Southern Nevada the sum of $1,500,000 for transforming workforce development initiatives.**

Sec. 16. **There is hereby appropriated from the State General Fund to the Special Olympics Nevada the sum of $500,000 for its programs.**

Sec. 17. **There is hereby appropriated from the State General Fund to Friends in Service Helping the sum of $3,000,000 for a capital improvement project.**

Sec. 18. **There is hereby appropriated from the State General Fund to the United Labor Agency of Nevada, Inc. the sum of $500,000 for providing community services.**

Sec. 19. **There is hereby appropriated from the State General Fund to the Community Health Alliance the sum of $4,500,000 for a capital improvement project.**

Sec. 20. **There is hereby appropriated from the State General Fund to Chicanos Por La Causa Nevada, Inc. the sum of $10,000 for economic empowerment of low-income persons.**

Sec. 21. **There is hereby appropriated from the State General Fund to the Latino Youth Leadership Foundation the sum of $10,000 to assist high school pupils with leadership training and development.**

Sec. 22. **There is hereby appropriated from the State General Fund to the Nevada Latino Bar Association the sum of $10,000 to provide assistance for preparation for the admission test for law school.**

Sec. 23. **There is hereby appropriated from the State General Fund to Project 150 the sum of $10,000 to provide support to homeless, displaced and disadvantaged high school pupils.**

Sec. 24. **There is hereby appropriated from the State General Fund to the South-Asian Women's Alliance of Nevada the sum of $10,000 to bridge the gap between South-Asian communities and resources in Southern Nevada.**

Sec. 25. **There is hereby appropriated from the State General Fund to Leaders in Training the sum of $10,000 for educational training, support and programming for first-generation college students.**

Sec. 26. **There is hereby appropriated from the State General Fund to the Uplift Foundation of Nevada the sum of $10,000 for its programs and services.**

Sec. 27. **There is hereby appropriated from the State General Fund to The Foundation Christian Center the sum of $10,000 for its food programs.**

Sec. 28. **There is hereby appropriated from the State General Fund to King of Jewels the sum of $10,000 for its programs.**

Sec. 29. **There is hereby appropriated from the State General Fund to The Cupcake Girls the sum of $ 10,000 for services for persons affected by sex trafficking.**

Sec. 30. **There is hereby appropriated from the State General Fund to HELP of Southern Nevada the sum of $25,000 for the Shannon West Homeless Youth Center.**

Sec. 31. **There is hereby appropriated from the State General Fund to T.U.L.I.P.S. (Teaching and Uniting Ladies to Inspire Positive Success) the sum of $25,000 for its programs.**

Sec. 32. **There is hereby appropriated from the State General Fund to Gentleman By Choice Community Development Corporation the sum of $25,000 for its programs.**

Sec. 33. **There is hereby appropriated from the State General Fund to Spread the Word Nevada the sum of $500,000 for providing books to advance childhood literacy.**

Sec. 34. **There is hereby appropriated from the State General Fund to Northern Nevada HOPES the sum of $2,000,000 for providing primary and behavioral health care services.**

Sec. 35. **There is hereby appropriated from the State General Fund to the Pioneer Center for the Performing Arts the sum of $1,000,000 for a renovation project.**

Sec. 36. **There is hereby appropriated from the State General Fund to Nevada Partners, Inc. the sum of $1,000,000 to assist with its summer and educational program.**

Sec. 37. **There is hereby appropriated from the State General Fund to the Nevada Small Business Development Center the sum of $1,000,000 for its programs.**

Sec. 38. **There is hereby appropriated from the State General Fund to the Nevada State Prison Preservation Society the sum of $1,000,000 for a capital improvement project.**

Sec. 39. **There is hereby appropriated from the State General Fund to the Boys & Girls Clubs of Southern Nevada the sum of $250,000 for its programs.**

Sec. 40. **There is hereby appropriated from the State General Fund to the Boys & Girls Club of Truckee Meadows the sum of $100,000 for its programs.**

Sec. 41. **There is hereby appropriated from the State General Fund to the Nevada Blind Children's Foundation the sum of $750,000 for its programs and services.**

Sec. 42. **There is hereby appropriated from the State General Fund to the Urban Chamber Community Development Corporation the sum of $100,000 for its Nevada Small Business Development Center.**

Sec. 43. **There is hereby appropriated from the State General Fund to The Neon Museum the sum of $2,000,000 for a capital improvement project.**

Sec. 44. **There is hereby appropriated from the State General Fund to the Economic Opportunity Board of Clark County the sum of $100,000 for its programs.**

Sec. 45. **There is hereby appropriated from the State General Fund to the Nevada Partnership for Homeless Youth the sum of $25,000 for its programs.**

Sec. 46. **There is hereby appropriated from the State General Fund to the Vision Theatrical Foundation, Inc. the sum of $10,000 for its programs.**

Sec. 47. **There is hereby appropriated from the State General Fund to Communities in Schools of Nevada the sum of $1,000,000 for its programs.**

Sec. 48. **There is hereby appropriated from the State General Fund to the Greater Youth Sports Association the sum of $5,000 for its programs.**

Sec. 49. **There is hereby appropriated from the State General Fund to the Obodo Collective the sum of $10,000 for its programs.**

Sec. 50. **There is hereby appropriated from the State General Fund to U.S. VETS - Las Vegas the sum of $25,000 for its activities to assist in the successful transition of military veterans and their families.**

Sec. 51. **There is hereby appropriated from the State General Fund to the National Alliance on Mental Illness (NAMI) Southern Nevada the sum of $25,000 for providing mental health support groups, classes, presentations and other resources without charge.**

Sec. 52. **There is hereby appropriated from the State General Fund to the Arriba Las Vegas Worker Center the sum of $10,000 for its activities to develop, educate and empower worker and migrant communities.**

Sec. 53. **There is hereby appropriated from the State General Fund to Puentes the sum of $10,000 for its programs and services.**

Sec. 54. **There is hereby appropriated from the State General Fund to Teach for America the sum of $25,000 for its programs.**

Sec. 55. **Upon acceptance of the money appropriated by this act, the entity that accepts the money agrees to:**

1. Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by this act from the date on which the money was received by the entity through December 1, 2024;

2. Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by this act from the date on which the money was received by the entity through June 30, 2025; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the entity,

regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by this act.

Sec. 56. **Any remaining balance of the appropriations made by sections 1 to 54, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.**

~~[Sec. 4.]~~ ***Sec. 57.*** This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 525 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 525.

Bill read third time.

Roll call on Assembly Bill No. 525:

YEAS—39.

NAYS—Dickman, Gallant, Gray—3.

Assembly Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 529.

Bill read third time.

Remarks by Assemblyman Hafen.

Conflict of interest declared by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

I need to disclose that my businesses in Pahrump go in front of the Nye County Board of Commissioners. This bill originally came from Nye County. Not being able to consult my legal counsel at 11:38 p.m., I will be abstaining because my original legal advice was to abstain from this item.

Roll call on Assembly Bill No. 529:

YEAS—41.

NAYS—None.

NOT VOTING—Hafen.

Assembly Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Jauregui moved that Senate Bills Nos. 195, 277, 294, 301, 327, 371, 460, 461, 463, 464, 466, 468, 470, 471, 472, 473, 476, 477, 478, 479, 482, 483, 484, 485, 486, 487, 488, 489, 491, 493, 494, 497, 499, and 500 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Yeager requested that the following remarks be entered in the Journal.

ASSEMBLYMAN YEAGER:

On behalf of the Assembly, I would like to express our deepest regret on the passing of Mrs. Shipa Zed of Reno on March 9, 2022. She was a selfless soul who touched many hearts. An enthusiastic volunteer for various community welfare causes, she frequently fed the poor and the homeless. She was a chef in her own right, specializing in traditional Indian cooking, and is still well-remembered by many of her past students at Truckee Meadows Community College. She was a culinary artist who was committed to quality and innovation. A Shipa Zed scholarship fund for helping the students achieve their goals is in the process of being established. She visited 57 countries spreading goodwill, covering every continent other than Antarctica. She was indeed the matriarch of the Zed clan.

Our sincere sympathy and condolences go out to her family in this time of sorrow—her husband, Rajan Zed; her son, Navgeet King Zed; her daughter, Palkin Zed; her daughter-in-law, Dr. Shilpi Garg; and her Maltese poodle, Kavi. Selflessness was the goal of Shipa Zed's life. In all her undertakings, she kept the welfare of others always in mind. She was always ready to go the extra mile. She was authentic, charming, compassionate, contented, forgiving, free from selfish attachments, friendly, generous, humble, kind, pure, self-controlled, supportive, trustworthy, warm, wholehearted, and she always thought of others.

Again, on behalf of the body, we express our deepest regret to the family.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Cristian Terminel.

Assemblywoman Jauregui moved that the Assembly adjourn until Sunday, June 4, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:39 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 4, 2023

Assembly called to order at 1:45 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblyman Toby Yurek.

Father, what a privilege it is to come together as representatives of this amazing state to conduct the business of our constituents and those who have entrusted us to be their voice. Father, I pray that You would be with each and every one of us as we approach the end days of this session, when sleep is deprived, patience is running thin, and emotions run high.

Father, I pray that You would give us grace and give us the courage to give grace to one another as we continue this work through this session to accomplish all that we have set before us. I pray that You would give us all an overwhelming sense of peace that can only come from You. Guide us and help us.

Father, I thank You for all of those who have made this sacrifice. I pray that You would be with our leadership as well, who is also in a pinch to make tough decisions to get us to where we need to be. Thank You again for this great privilege. Thank You for this time and opportunity to pause and reflect on You.

We pray this in the name of our Savior, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 266, 450, 467, 469, 475, 480, 492, 495, 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 46, 112, 130, 135, 151, 153, 161, 184, 226, 270.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 118, 191, 221, 385, 395.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Senate Bill No. 118.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 191.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 221.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 385.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 395.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:54 p.m.

ASSEMBLY IN SESSION

At 8:07 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that all rules be suspended, and all Senate Bills be declared emergency measures under the *Constitution* and placed on third reading and final passage.
Motion carried.

Assemblywoman Jauregui moved that all bills with amendments be immediately placed at the top of the General File for the balance of the session.
Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 118, 191, 221, 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 58, 99, 189, 231, 241, 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Senate Bills Nos. 82, 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 583 to Senate Bill No. 81; Assembly Amendments Nos. 625, 776 to Senate Bill No. 155; Assembly Amendment No. 628 to Senate Bill No. 272; Assembly Amendment No. 652 to Senate Bill No. 315; Assembly Amendment No. 627 to Senate Bill No. 331; Assembly Amendment No. 629 to Senate Bill No. 363; Assembly Amendment No. 630 to Senate Bill No. 434.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 721 to Senate Bill No. 60.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 8—Granting administrative leave to legislative employees in recognition of their service to the 82nd Session of the Nevada Legislature.

Assemblywoman Jauregui moved the adoption of the resolution.

Resolution adopted.

By Assemblyman Yeager:

Assembly Resolution No. 10—Expressing appreciation to the staff of the Assembly for their service during the 82nd Session of the Nevada Legislature.

Assemblywoman Jauregui moved the adoption of the resolution.

Resolution adopted.

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of June 4, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KTVN Channel 2 News: Jay Akers.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 400 be taken from the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 246 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 400.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 941.

AN ACT relating to education; creating the Early Childhood Literacy and Readiness Account and authorizing grants from the Account for certain purposes; revising various provisions relating to the Commission on School Funding; **authorizing, under certain circumstances, the State Public Charter School Authority to award money to a charter school for the transportation of pupils;** authorizing a city or county to sponsor a charter school; **requiring a city or county that sponsors a charter school to annually report certain information;** revising provisions relating to the Teach Nevada Scholarship Program; creating the Nevada Teacher Advancement Scholarship Program; revising provisions governing the promotion of pupils; revising provisions relating to the retention of pupils in the same grade; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Education, to the extent money is available, to award grants to certain entities to support prekindergarten programs. (NRS 387.652-387.658) **Sections 11-14** of this bill create the Early Childhood Literacy and Readiness Account and authorize the Department to award grants to certain entities to support early childhood literacy and

readiness programs. **Section 93.5** of this bill makes an appropriation to the Account.

Existing law creates the Commission on School Funding and establishes the duties of the Commission. (NRS 387.1246, 387.12463) **Section 22** of this bill: (1) requires the Department to engage in certain activities to support the Commission; and (2) authorizes the Commission to meet at any time. **Section 23** of this bill expands the duties of the Commission by requiring the Commission to: (1) review the academic progress made by pupils in each public school ~~[and certain private schools that receive public money]~~ in this State; and (2) review and consider strategies to improve the accessibility of existing and new programs within and between public schools. **Section 23** also eliminates the power of the Joint Interim Standing Committee on Education to review the recommendations of the Commission and determine whether to transmit the recommendations to the Governor or the Legislature and instead requires the Commission to transmit its recommendations to the Governor and the Legislature after considering the recommendations of the Joint Interim Standing Committee on Education. **Section 93** of this bill makes an appropriation to the Department to support the operations of the Commission.

Existing law requires each school district and each public school to create a report on or before October 1 of each year that includes certain information about the number and kinds of personnel and services provided by the school district or public school, respectively, during the immediately preceding school year and any changes anticipated by the school district or public school. (NRS 387.12468) **Section 24** of this bill requires the Department to prepare any reports or provide any data necessary for a school district or public school to produce such reports. **Section 93** makes an appropriation to the Department to support the completion of such reports.

Existing law: (1) requires the State Public Charter School Authority to sponsor charter schools; and (2) authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to apply to the Department for authorization to sponsor charter schools. (NRS 388A.220) **Section 32** of this bill: (1) authorizes a city or county to apply to the Department for authorization to sponsor charter schools; (2) prohibits a city or county from sponsoring a new charter school or expanding the enrollment or authorizing an additional campus of an existing charter school **sponsored by the city or county** if the total number of pupils enrolled in charter schools ~~[in]~~ **sponsored by** the city or county exceeds a certain percentage of pupils in public schools **in the city or county** other than charter schools ~~[;]~~ **that are not sponsored by the city or county;** and (3) limits a city or county to sponsoring a charter school within the territory of the city or county. **Section 34** of this bill makes conforming changes to refer to provisions that have been renumbered by **section 32**. **Sections 1-5, 7, 8,** ~~[28-31,]~~ **28, 29-31, 33-39, 50-52 and 75** of this bill authorize a city or county approved by the Department to, in general, sponsor charter schools in the same manner as the

board of trustees of a school district or a college or university within the Nevada System of Higher Education.

Existing law imposes certain reporting requirements on the governing body of each charter school or the sponsor of a charter school. (NRS 388A.345-388A.355) Section 28.7 of this bill requires a city or county that sponsors a charter school to report annually to the Department, the State Public Charter School Authority and the Director of the Legislative Counsel Bureau certain information relating to the charter school and pupils enrolled in the charter school.

Section 28.5 of this bill: (1) authorizes, under certain circumstances, the State Public Charter School Authority to award money to a charter school for the transportation of pupils to the extent money has been appropriated for that purpose; and (2) requires a charter school that wishes to receive such money to submit a transportation plan to the State Public Charter School Authority. Section 28.5 authorizes the State Public Charter School Authority to approve the transportation plan of a charter school if it makes certain determinations. Section 93.3 of this bill makes an appropriation to the State Public Charter School Authority to award money to charter schools for the transportation of pupils.

Existing law establishes the Teach Nevada Scholarship Program, which awards grants to public or private universities, colleges or other providers of an alternative licensure program in this State to award scholarships to students who attend the university, college or provider to complete a program which is approved by the State Board of Education and upon completion: (1) makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject of special education; or (2) allows a student to specialize in early childhood education. (NRS 391A.580) **Section 56** of this bill requires the State Board to annually review and report on the Teach Nevada Scholarship Program. **Section 67** of this bill makes a conforming change to indicate the proper placement of **section 56** in the Nevada Revised Statutes. **Section 68** of this bill: (1) revises provisions relating to the priority of grant awards for the Teach Nevada Scholarship Program; and (2) requires a student to have graduated from a high school in this State or a county that borders this State and accepts pupils from this State or who have successfully completed the high school equivalency assessment selected by the State Board before 20 years of age to be eligible for a Teach Nevada Scholarship. **Section 69** of this bill increases the maximum amount of a Teach Nevada Scholarship to match the cost of receiving a bachelor's degree at a public university in this State.

Sections 57-66 of this bill create the Nevada Teacher Advancement Scholarship Program, which, in general, is structured similarly to the Teach Nevada Scholarship Program. **Section 63** of this bill allows a Nevada Teacher Advancement Scholarship to be used to obtain a master's degree in education or a related field of study. **Section 63** similarly requires 25 percent of an award of a Nevada Teacher Advancement Scholarship to be retained by the State

Board, and **section 64** allows this amount to be released to a scholarship recipient if he or she maintains employment as a teacher at a public school in this State for 3 consecutive school years immediately following completion of the program for which the Nevada Teacher Advancement Scholarship was awarded. **Section 93.7** of this bill makes an appropriation to the Nevada Teacher Advancement Scholarship Program Account.

Existing law requires an elementary school to provide intervention services and intensive instruction to a pupil during the time the pupil attends the school if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination in reading that meets the score prescribed by the State Board. Existing law also authorizes the principal of such a school to retain the pupil, rather than promote the pupil to the next grade, in certain circumstances, in consultation with a literacy specialist and certain other persons. (NRS 388A.487, 392.760) **Sections 71 and 72** of this bill require a pupil enrolled in grade 3 to be retained in grade 3, rather than promoted to grade 4, if the pupil does not obtain the score in the subject area of reading on a uniform examination in reading that meets the score prescribed by the State Board or receive an exemption by the superintendent of schools of the school district or governing body of the charter school. **Sections 71 and 72** also authorize a pupil to receive a good-cause exemption to allow the pupil to be promoted to grade 4 without obtaining such a score and require the State Board to prescribe an alternative examination for pupils who do not obtain such a score. **Section 40** of this bill requires a pupil enrolled in a charter school to be retained in grade 3 under similar circumstances. **Section 76** of this bill revises the information that must be included in a written notice provided to the parent or legal guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3 who exhibits a deficiency in the subject area of reading. **Section 77** of this bill requires a school to provide certain intervention services and intensive instruction to a pupil who does not obtain a passing score in the subject area of reading regardless of whether the pupil is retained in grade 3. **Section 77** additionally: (1) requires literacy specialists and personnel with knowledge and expertise relating to providing intervention services and intensive instruction to pupils who are deficient in the subject area of reading to, in addition to any other duties, provide such services and instruction to such pupils; and (2) requires each public school to offer summer school to a pupil in second or third grade who is deficient in the subject area of reading. **Sections 40 and 78** of this bill require certain information relating to pupils with a deficiency in reading who were retained in grade 3 or not retained due to a good-cause exemption to be included in the annual report of pupils receiving intervention services and intensive instruction to address a deficiency in reading. **Sections 6 and 74** of this bill make conforming changes to refer to provisions that have been renumbered by this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education ***or city or county*** that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are English learners;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635; and

10. On or before February 1 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature in odd-numbered years and to the Legislative Commission in even-numbered years, describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 2. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and

to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before December 31 of each year, prepare for the immediately preceding school year a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 3. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter

School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Office of Finance;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

Sec. 4. NRS 385A.090 is hereby amended to read as follows:

385A.090 1. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school shall provide written notice that the report required pursuant to NRS 385A.070 is available on the Internet website maintained by the school district, State Public Charter School Authority **,** ~~[or]~~ institution ~~[,]~~ ***or city or county,*** if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385A.250.

(b) The board of trustees of each school district, the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school

shall provide for public dissemination of the annual report of accountability prepared pursuant to NRS 385A.070 by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority ***,*** ~~[or]~~ the institution ~~[,]~~ ***or the city or county,*** if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority ***,*** ~~[or]~~ the institution ***, the city or the county*** does not maintain a website, the State Public Charter School Authority ***,*** ~~[or]~~ the institution, ***the city or the county,*** as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

2. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 1 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority ***,*** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to NRS 385A.070.

Sec. 5. NRS 385A.240 is hereby amended to read as follows:

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033, 392.125 or 392.760, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

Sec. 5.5. NRS 385A.240 is hereby amended to read as follows:

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ~~[,]~~ ***or*** 392.125 or ~~[392.760,]~~ ***section 71 of this act,*** for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority, each college or university within the Nevada System of Higher Education and each city or county that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

Sec. 6. NRS 385A.450 is hereby amended to read as follows:

385A.450 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

1. For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ~~[,]~~ ***or*** 392.125 or ~~[392.760,]~~ ***section 71 of this act,*** reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

3. The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this subsection, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

4. The number of habitual truants reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number who are:

(a) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(b) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(c) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

Sec. 7. NRS 385A.670 is hereby amended to read as follows:

385A.670 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the school achievement targets and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of

trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority **,** ~~[or]~~ the institution within the Nevada System of Higher Education ***or the city or county*** that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) or (c), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education ~~[.]~~ ***or a city or county.***

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 390.255.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 390.260.

Sec. 8. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Except as otherwise provided in subsection 3:

(a) Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[.]~~ ***or a city or county.***

(b) The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees.

(c) The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority **,** ~~[and]~~ all charter schools sponsored by a college or university within the Nevada System of Higher Education ~~[.]~~ ***and all charter schools sponsored by a city or county.***

2. Except as otherwise provided in subsection 3:

(a) Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence.

(b) If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15.

(c) If the school is a charter school sponsored by the State Public Charter School Authority **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** the Department shall make a final determination concerning the rating for the school on September 15.

3. The Department may temporarily waive or otherwise pause the requirement to make ratings for public schools that comply with 20 U.S.C. § 6311(c) pursuant to this section if the United States Department of Education grants a waiver from or otherwise pauses the requirements of 20 U.S.C. § 6311(c).

4. On or before September 15 of each year, the Department shall post on the Internet website maintained by the Department the determinations and final ratings made for all schools in this State.

Sec. 9. (Deleted by amendment.)

Sec. 10. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.

Sec. 11. ***As used in sections 11 to 14, inclusive, of this act, unless the context otherwise requires, "Account" means the Early Childhood Literacy and Readiness Account created by section 12 of this act.***

Sec. 12. ***1. The Early Childhood Literacy and Readiness Account is hereby created in the State General Fund. The Account must be administered by the Department.***

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charge; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ must be credited to the Account.

3. Except as otherwise provided in subsection 4, the balance remaining in the Account that has not been committed for expenditure on or before June 30 of each fiscal year reverts to the State General Fund.

4. The Department may accept gifts and grants of money from any source for deposit in the Account. All money received pursuant to this subsection:

(a) Must be accounted for separately in the Account;

(b) Must be expended in accordance with the terms of the gift or grant; and

(c) Does not revert to the State General Fund and must be carried over into the next fiscal year.

5. The money in the Account may only be used to award grants to school districts, sponsors of charter schools and nonprofit organizations to support early childhood literacy and readiness programs pursuant to section 13 of this act.

Sec. 13. *1. The Department shall, to the extent money is available, award grants of money to school districts, sponsors of charter schools and nonprofit organizations to support early childhood literacy and readiness programs. Each program supported by a grant awarded pursuant to this section must:*

(a) Serve children who are less than 6 years of age;

(b) Be evidence-based;

(c) Provide for appropriate individualized accommodations and supports for children with disabilities; and

(d) Include a plan of reporting and accountability for the performance of the program.

2. A school district, sponsor of a charter school or nonprofit organization that wishes to receive a grant pursuant to this section must submit an application to the Department. The Department may approve such an application if the Department determines that the application:

(a) Includes an implementation plan which is financially sound; and

(b) Proposes to use all money available from the grant within 2 years or such shorter period of time as the Department determines appropriate.

3. The Department shall prioritize the award of grants pursuant to this section to a school district, sponsor of a charter school or nonprofit organization to support an early childhood literacy and readiness program that:

(a) Receives money from a private source;

(b) Receives money from a federal grant;

(c) Has demonstrated sustained success in improving the literacy and readiness for elementary school of children less than 6 years of age; or

(d) Provides services to geographical areas with a higher proportion of children entering kindergarten who have demonstrated a deficit across early learning domains during the immediately preceding 2 years.

Sec. 14. ***On or before November 1 of each year, the Department shall:***

1. Review all grants awarded pursuant to section 13 of this act during the immediately preceding year;

2. Compile a report for the immediately preceding year which must include, without limitation:

(a) The number of applications for a grant received pursuant to section 13 of this act;

(b) The number of grants awarded pursuant to section 13 of this act;

(c) The total cost of all grants awarded pursuant to section 13 of this act; and

(d) Such other information as may be prescribed by the Department to demonstrate the effectiveness of recipients of a grant awarded pursuant to section 13 of this act in improving the literacy and readiness for elementary school of children less than 6 years of age.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 387.1246 is hereby amended to read as follows:

387.1246 1. The Commission on School Funding, consisting of 11 members, is hereby created.

2. The Commission consists of the following members, who may not be Legislators:

(a) One member appointed by the Governor, who serves as Chair;

(b) Two members appointed by the Majority Leader of the Senate;

(c) Two members appointed by the Speaker of the Assembly;

(d) One member appointed by the Minority Leader of the Senate;

(e) One member appointed by the Minority Leader of the Assembly;

(f) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has more than 40,000 pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization; and

(g) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has 40,000 or fewer pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization.

➥ In making appointments to the Commission, the appointing authorities shall consider whether the membership generally reflects the geographic distribution of pupils in the State.

3. Each member of the Commission must:

(a) Be a resident of this State;

(b) Not have been registered as a lobbyist pursuant to NRS 218H.200 for a period of at least 2 years immediately preceding appointment to the Commission;

(c) Have relevant experience in public education;

(d) Have relevant experience in fiscal policy, school finance or similar or related financial activities;

(e) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and

(f) Have demonstrated ability in the field of economics, taxation or other discipline necessary to school finance and be able to bring knowledge and professional judgment to the deliberations of the Commission.

4. Each member of the Commission serves a term of 3 years and may be reappointed to additional terms.

5. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.

6. The Commission shall:

(a) Elect a Vice Chair from among its members at its first meeting for a term of 3 years. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the existing term.

(b) Adopt such rules governing the conduct of the Commission as it deems necessary.

(c) Hold its first meeting on or before October 1, 2019, and hold such additional number of meetings as may be necessary to accomplish the tasks assigned to it **.** ~~[in the time allotted.]~~

7. A majority of the members of the Commission constitutes a quorum and a majority of those present must concur in any decision.

8. The Department shall provide the Commission with meeting rooms, data processing services and administrative and clerical assistance ~~[.]~~ ***and undertake any research, analysis, study or other work required by the Commission to carry out its duties pursuant to NRS 387.12463.*** The Superintendent of Public Instruction and Office of Finance shall jointly provide the Commission with professional staff services.

9. While engaged in the business of the Commission, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[10. The Commission may meet only between July 1 of an odd-numbered year and September 30 of the subsequent even-numbered year.]~~

Sec. 23. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Joint Interim Standing Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the Joint Interim Standing Committee on Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215 and the method for calculating the attendance area adjustment established pursuant to NRS 387.1218.

(f) Review the academic progress made by pupils in each public school ***~~[and each private school that enrolls one or more pupils on whose behalf the school was provided a grant pursuant to NRS 388D.270]~~*** ***since the implementation of the Pupil-Centered Funding Plan, including, without limitation, any changes to the academic progress of such pupils as the result of any additional money provided to each such school by the Pupil-Centered Funding Plan*** ***.*** ***~~[or Nevada Educational Choice Scholarship Program.]~~*** ***In performing such a review, the Commission shall:***

(1) Use metrics to measure the academic achievement of pupils which include, without limitation:

(I) The rate of graduation of pupils from high school by type of diploma;

(II) The performance of pupils on standardized examinations in math, reading and science;

(III) The number of credentials or other certifications in fields of career and technical education earned by pupils;

(IV) The number of pupils who earn a passing score on an advanced placement examination;

(V) The number of pupils who earn a passing score on an international baccalaureate examination;

(VI) The percentage of pupils in each school who lack a sufficient number of credits to graduate by the end of their 12th grade year;

(VII) The percentage of pupils in each school who drop out;

(VIII) The number of pupils who enroll in higher education upon graduation;

(IX) The number of pupils who enroll in a vocational or technical school or apprenticeship training program;

(X) The attendance rate for pupils;

(XI) The number of violent acts by pupils and disciplinary actions against pupils; and

(XII) Any other metric prescribed by the Commission;

(2) Use metrics to measure the improvement of pupils enrolled in elementary school in literacy which include, without limitation:

(I) The literacy rate for pupils in first, third and fifth grades;

(II) The number of pupils in elementary school who were promoted to the next grade after testing below proficient in reading in the immediately preceding school year, separated by grade level and by level of performance on the relevant test;

(III) The number of schools that employ a licensed teacher designated to serve as a literacy specialist pursuant to NRS 388.159 and the number of schools that fail to employ and designate such a licensed teacher; and

(IV) Any other metric prescribed by the Commission;

(3) Use metrics to measure the ability of public schools to hire and retain sufficient staff to meet the needs of the public schools which include, without limitation:

(I) The rate of vacancies in positions for teachers, support staff and administrators;

(II) The attendance rate for teachers;

(III) The retention rate for teachers;

(IV) The number of schools and classrooms within each school in which the number of pupils in attendance exceeds the designed capacity for the school or classroom;

(V) The number of classes taught by a substitute teacher for more than 25 percent of the school year; and

(VI) Any other metric prescribed by the Commission;

(4) Use metrics to measure the extent to which schools meet the needs and expectations of pupils, parents or legal guardians of pupils, teachers and administrators which include, without limitation:

(I) The results of an annual survey of satisfaction of school employees;

(II) The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and

(III) Any other metric prescribed by the Commission;

(5) Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;

(6) Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and

(7) Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability, including, without limitation, revisions to the metrics identified in subparagraphs (1) to (4), inclusive.

(g) Review and consider strategies to improve the accessibility of existing and new programs for pupils within and between public schools, including, without limitation, open zoning.

2. ***Each school district and each charter school shall submit a quarterly report to the Commission that identifies how funding from the Pupil-Centered Funding Plan is being used to improve the academic performance and progress of pupils and includes, without limitation, all data or metrics collected by the school district or charter school to demonstrate such improvement. The Commission shall review the reports submitted pursuant to this subsection and transmit the reports, along with any commentary or recommendations relating to the reports, to the Governor, the Director of the Legislative Counsel Bureau, the Joint Interim Standing Committee on Education and the Interim Finance Committee.***

3. After receiving the reports submitted to the Commission pursuant to subsection 2, the Governor may, with the approval of the Legislature or Interim Finance Committee if the Legislature is not in session, direct a school district or charter school to take such remedial actions as the Governor determines to be necessary and appropriate to address any deficiency identified in the reports submitted pursuant to subsection 2.

4. The Commission shall ~~[present]~~ ***:***

(a) Present any recommendations pursuant to paragraphs (a) to ~~[(d),]~~ ***(g),*** inclusive, of subsection 1 at a meeting of the Joint Interim Standing Committee on Education for consideration and ~~[revision]~~ ***recommendations*** by the Committee ~~[. The Joint Interim Standing Committee on Education shall review each recommendation of the Commission and determine whether to]~~ ***; and***

(b) After consideration of the recommendations of the Joint Interim Standing Committee on Education, transmit the ~~[recommendation]~~ ***recommendations*** or a revised version of the ~~[recommendation]~~ ***recommendations*** to the Governor ~~[or]~~ ***and the Director of the Legislative Counsel Bureau for distribution to*** the Legislature.

Sec. 24. NRS 387.12468 is hereby amended to read as follows:

387.12468 1. On or before October 1 of each year, each school district shall create a report that includes a description of the personnel employed and services provided by the school district during the immediately preceding school year and any changes that the school district anticipates making to the personnel and services during the current school year. The school district shall post a copy of the report on the Internet website maintained by the school district.

2. On or before October 1 of each year, each public school shall create a report that includes a description of the personnel employed and services provided by the school during the immediately preceding school year and any changes the school anticipates making to the personnel and services during the current school year. The public school shall post a copy of the report on the Internet website maintained by the public school or, if the public school does not maintain an Internet website, on the Internet website maintained by the school district or the governing body or sponsor of the public school, as applicable.

3. The Department shall prescribe by regulation the format and contents of the information to be provided to create the report created by each school district pursuant to subsection 1 and each public school pursuant to subsection 2. The reports must include, as applicable and without limitation:

(a) Each grade level at which the public school enrolls pupils;

(b) The number of pupils attending the public school;

(c) The average class size at the public school;

(d) The number of persons employed by the public school to provide instruction, support to pupils, administrative support and other personnel including, without limitation, the number of employees in any subgroup of each type or classification of personnel as prescribed by the Department;

(e) The professional development provided by the public school;

(f) The amount of money spent per pupil for supplies, materials, equipment and textbooks;

(g) For each category of pupils for which the public school receives any additional funding, including, without limitation, pupils with disabilities, pupils who are English learners, at-risk pupils and gifted and talented pupils:

(1) The number of pupils in each category who attend the public school;

(2) If the Department determines that pupils within a category must be divided based on severity of need, the number of pupils in each such subcategory; and

(3) The number of persons employed to provide instruction, support to pupils, administrative support and other personnel employed by the public school and dedicated to providing services to each category or subcategory of pupils, including, without limitation, any subgroup of each kind of personnel prescribed by the Department;

(h) The total amount of money received to support the operations of the public school, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount;

(i) The total amount of money received by the public school as adjusted base per pupil funding, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount; and

(j) The amount of money received by the public school as weighted funding for each category of pupils supported by weighted funding, divided by the number of pupils enrolled in the public school who are identified in the appropriate category and expressed as a per pupil amount for each category.

4. The Department shall prepare any reports or provide any data necessary for a school district or public school to produce the reports required by subsections 1 and 2, respectively.

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts and charter schools in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to NRS 385A.310 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority ***,*** ~~[and]~~ a college or university within the Nevada System of Higher Education ***and a city or county*** that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of

training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Committee and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 28.3. **Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 28.5 and 28.7 of this act.**

Sec. 28.5. ***1. The State Public Charter School Authority may award money to a charter school for the transportation of pupils to the extent money has been appropriated for that purpose.***

2. A charter school must not receive money pursuant to subsection 1 unless the State Public Charter School Authority has approved a transportation plan for the charter school.

3. Each charter school that wishes to receive money pursuant to subsection 1 must submit a transportation plan to the State Public Charter School Authority. The State Public Charter School Authority may approve the transportation plan of a charter school if it determines:

(a) The transportation plan is comprehensive and likely to be successfully implemented;

(b) The transportation plan will materially improve access to education in the region served by the transportation plan;

(c) The transportation plan demonstrates that the charter school will be able to comply with statutory and regulatory transportation requirements, including, without limitation, the certification of bus drivers and vehicle safety;

(d) The transportation plan is financially viable;

(e) The transportation plan would not cost more, on a per pupil basis, than the average cost for transportation for other public schools operating in the school district in which the charter school is located; and

(f) The academic, financial and organizational performance of the charter school indicate that the transportation plan is in the interest of pupils who will be served by the transportation plan.

Sec. 28.7. 1. On or before February 1 of each year, a city or county that sponsors a charter school shall submit a report to the Department, the State Public Charter School Authority and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature, if the report is submitted in an odd-numbered year, or to the Legislative Commission, if the report is submitted in an even-numbered year. The report must set forth:

(a) The location of the charter school;

(b) The geographic area of the city or county served by the charter school;

(c) The total number of pupils enrolled in the charter school;

(d) The number and percentage of pupils enrolled in the charter school by each zip code of the city or county served by the charter school;

(e) The number and percentage of pupils enrolled in the charter school from major racial and ethnic groups;

(f) The number and percentage of pupils enrolled in the charter school whose household has a household income which:

(1) Is less than 100 percent of the federally designated level signifying poverty;

(2) Is more than 100 percent but not more than 200 percent of the federally designated level signifying poverty;

(3) Is more than 200 percent but not more than 300 percent of the federally designated level signifying poverty; and

(4) Is more than 300 percent of the federally designated level signifying poverty;

(g) The number and percentage of pupils enrolled in the charter school who are eligible for free or reduced-priced lunches pursuant to 42 U.S.C. §§ 1751 et. seq.;

(h) The number and percentage of pupils enrolled in the charter school who have individualized education programs;

(i) The number and percentage of pupils enrolled in the charter school who are English learners;

(j) The number and percentage of pupils enrolled in the charter school who were previously enrolled in a Title I school; and

(k) The number and percentage of pupils enrolled in the charter school who have disabilities.

2. The report required pursuant to this section must not include any personally identifiable information of pupils.

Sec. 29. NRS 388A.105 is hereby amended to read as follows:

388A.105 The Department shall adopt regulations that prescribe:

1. The process for submission of an application pursuant to NRS 388A.220 by the board of trustees of a school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

2. The process for submission of an application to form a charter school to the board of trustees of a school district **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***and a city or county,*** and the contents of the application;

3. The process for submission of an application to renew a charter contract to the board of trustees of a school district **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***and a city or county,*** and the contents of the application;

4. The criteria and type of investigation that must be applied by the board of trustees of a school district **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ***and a city or county*** in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a charter contract;

5. The process for submission of an amendment of a charter contract to the board of trustees of a school district **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ***and a city or county*** pursuant to NRS 388A.276 and the contents of the application; and

6. In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

(a) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and

(b) Ethics requirements for the governing bodies of charter schools.

Sec. 30. NRS 388A.159 is hereby amended to read as follows:

388A.159 1. The State Public Charter School Authority is hereby deemed a local educational agency for all purposes, including, without limitation:

(a) The provision of a free and appropriate public education to each pupil enrolled in a charter school sponsored by the State Public Charter School Authority;

(b) The provision of special education and related services provided by a charter school sponsored by the State Public Charter School Authority; and

(c) Directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** that are eligible to receive such money.

2. A college or university within the Nevada System of Higher Education ***or a city or county*** that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational agency. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

Sec. 31. NRS 388A.171 is hereby amended to read as follows:

388A.171 The State Public Charter School Authority shall:

1. Before March 1 of each even-numbered year:

(a) In consultation with the Department and each board of trustees of a school district**,** ~~[and]~~ college or university within the Nevada System of Higher Education ***and city or county*** that sponsors a charter school, review all statutes and regulations from which charter schools are not exempt and determine whether such statutes and regulations assisted or impeded the charter schools in achieving their academic, fiscal and organizational goals and objectives;

(b) Make recommendations to the Joint Interim Standing Committee on Education concerning any legislation that would assist charter schools in achieving their academic, fiscal and organizational goals; and

(c) Make recommendations to the State Board and the Department concerning any changes to regulations that would assist charter schools in achieving their academic, fiscal and organizational goals.

2. Make available information concerning the formation and operation of charter schools in this State and the academic, fiscal and organizational performance of each charter school in this State to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public. The State Public Charter School Authority shall update such information annually.

Sec. 32. NRS 388A.220 is hereby amended to read as follows:

388A.220 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 388A.255. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. ***A city or county may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a city or county may sponsor charter schools. A city or county:***

(a) May not sponsor a new charter school or allow an existing charter school sponsored by the city or county to increase enrollment or operate an additional campus of an existing charter school sponsored by the city or county if the total number of pupils enrolled in charter schools ~~[in]~~ sponsored by the city or county is 7 percent or more of the number of pupils enrolled in public schools in the city or county other than charter schools ~~[in]~~ that are not sponsored by the city or county.

(b) May only sponsor a charter school which is located entirely within the incorporated area of the city or the unincorporated area of the county, as applicable.

5. The board of trustees of a school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.

~~[5.]~~ ***6.*** Before a board of trustees of a school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** that is approved to sponsor charter schools approves an application to form a charter school, the board of trustees **,** ~~[or]~~ college or university ~~[,]~~ ***or city or county,*** as applicable, shall prepare, in collaboration with the Department and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of ***the*** demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school in the geographic areas served by the sponsor.

~~[6.]~~ ***7.*** On or before January 31 of each year, the State Public Charter School Authority shall prepare, in collaboration with the Department and, to the extent practicable, the board of trustees of each school district in this State and any other sponsor of a charter school in this State, an evaluation of ***the*** demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school in this State.

Sec. 33. NRS 388A.229 is hereby amended to read as follows:

388A.229 1. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the achievement and proficiency of pupils as set forth in the performance framework for the charter school in a manner that complies with all applicable federal and state laws.

2. The sponsor of the charter school may aggregate data reported by the State and collected by the sponsor concerning pupil achievement and school performance at separate facilities operated by the same governing body or charter management organization and across all grades served by the charter school for the purpose of evaluating and reporting pupil achievement and school performance. Such an aggregation of data may include, without limitation, a weighted average of data concerning pupil achievement and school performance of each elementary school, junior high school, middle school or high school program operated by the charter school. The sponsor may also disaggregate such data by facility and by grade level or group of grade levels to provide greater transparency and accountability. The sponsor may also adopt policies for determining pupil achievement and school performance at a charter school. Any data reported pursuant to this subsection must be reported in a manner that complies with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.

3. The State Board may adopt regulations to place requirements on the manner in which data is reported by the board of trustees of a school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** that sponsors a charter school including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

4. The State Public Charter School Authority may adopt regulations establishing requirements concerning the manner in which it reports data, including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

Sec. 34. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic,

financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) Consider the degree to which the proposed charter school will address the needs identified in the evaluation prepared by the proposed sponsor pursuant to subsection ~~[5 or]~~ 6 ***or 7*** of NRS 388A.220, as applicable;

(d) If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located;

(e) Base its determination on documented evidence collected through the process of reviewing the application;

(f) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223; and

(g) Consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the proposed operators, including, without limitation, a charter management organization or educational management organization, of the proposed charter school.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor;

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school;

(c) Based on the most recent evaluation prepared by the proposed sponsor pursuant to subsection ~~[5 or]~~ 6 ***or 7*** of NRS 388A.220, as applicable, the proposed charter school will address one or more of the needs identified in the evaluation; and

(d) It has received sufficient input from the public, including, without limitation, input received at the meeting held pursuant to subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255, as applicable.

4. The identity of each member of the team of reviewers assembled by a proposed sponsor of a charter school is confidential for 5 years after the review of an application to form a charter school is complete and must not be disclosed unless ordered by a district court in an action brought pursuant to subsection 3 of NRS 388A.255.

5. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university ***or a city or county*** during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 35. NRS 388A.252 is hereby amended to read as follows:

388A.252 1. If the board of trustees of a school district **,** ~~[or]~~ a college or a university within the Nevada System of Higher Education ~~[, as applicable,]~~ ***or a city or county*** receives an application to form a charter school, the board of trustees **,** ~~[or]~~ the institution ~~[,]~~ ***or the city or county,*** as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district **,** ~~[or]~~ the institution ~~[,]~~ ***or the city or county,*** as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249.

2. The board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, may approve an application if the requirements of subsection 3 of NRS 388A.249 are satisfied.

3. The board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

Sec. 36. NRS 388A.258 is hereby amended to read as follows:

388A.258 Notwithstanding the provisions of NRS 388A.249, 388A.252 and 388A.255, the State Public Charter School Authority may adopt regulations establishing timelines and procedures by which the State Public Charter School Authority will review applications and the board of trustees of a school district **,** ~~[~~~~that is approved to sponsor charter schools or~~~~]~~ a college or university within the Nevada System of Higher Education ***or city or county*** that is approved to sponsor charter schools may adopt policies establishing timelines and procedures by which the board of trustees **,** ~~[~~~~or~~~~]~~ college or university ~~[~~~~,~~~~]~~ ***or city or county,*** as applicable, will review applications. These regulations or policies may:

1. Establish different timelines and review procedures for different types of applicants; and

2. Authorize or require an applicant to submit an abbreviated application, the contents of such an application and criteria that the State Public Charter School Authority will use to determine whether to invite the applicant to submit a full application that meets the requirements of NRS 388A.243 and 388A.246 or deny the abbreviated application and recommend that the applicant make substantial revisions and submit the application during another application cycle.

Sec. 37. NRS 388A.270 is hereby amended to read as follows:

388A.270 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall negotiate, develop and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; ~~[~~~~or~~~~]~~

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university ~~[~~~~.~~~~]~~ ***; or***

(d) If a city or county is the sponsor of the charter school, the mayor of the city or the chair of the board of county commissioners, as applicable.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. ***If a city or county approves the application:***

(a) The city or county shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

9. Except as otherwise provided in NRS 388A.285, a charter contract must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

Sec. 38. NRS 388A.279 is hereby amended to read as follows:

388A.279 1. The State Public Charter School Authority, the board of trustees of the school district ***,*** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend a charter contract of the charter school it sponsors, including, without limitation, a request to amend a charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in the charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to NRS 388A.282.

2. A charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable, must deny a request to amend a charter contract in the manner described in paragraph (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees**,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable, determines that:

(a) Except as otherwise provided in subsection 6 of NRS 388A.274, the charter school is not meeting the requirements of the performance framework concerning academics, finances or organization established pursuant to NRS 388A.273; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 39. NRS 388A.378 is hereby amended to read as follows:

388A.378 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides **,** ~~[or]~~ with the Nevada System of Higher Education ***or with a city or county*** for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 388A.381 before the provision of such services other than for the provision of school police officers when the provisions of NRS 388A.384 apply. If the board of trustees of a school district provides services to a charter

school pursuant to this section or NRS 388A.474, it shall not charge more than its cost for providing such services determined on a cost per pupil basis.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

Sec. 40. NRS 388A.487 is hereby amended to read as follows:

388A.487 1. The governing body of a charter school that operates as an elementary school shall adopt rules for the provision of intervention services and intensive instruction to ***and the academic retention of*** pupils who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765 ~~[.]~~ ***and section 71 of this act.*** The rules must:

(a) Prescribe the programs and instruction which will be provided to a pupil who has been identified as deficient in the subject area of reading in accordance with the plan established pursuant to NRS 388.157.

(b) Require the school to provide to a pupil who has been identified as deficient in the subject area of reading with intervention services and intensive instruction in accordance with the plan established pursuant to NRS 388.157.

(c) Require a pupil enrolled in grade 3 to be retained in the same grade, rather than promoted to grade 4, when required pursuant to section 71 of this act.

2. On or before October 15 of each year, the governing body of each charter school that operates as an elementary school shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who ***:*** ~~[~~were:~~]~~

(1) ~~[~~Designated~~]~~ ***Were designated*** in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school of a charter school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously provided

intervention services and intensive instruction while enrolled in an elementary school of a charter school; ~~[and]~~

(2) Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(I) Did not improve at a rate prescribed by the governing body of a charter school, indicating a need for more intensive or different interventions; ***or***

(II) Improved at a rate prescribed by the governing body of a charter school, indicating growth toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; ~~[and]~~

(3) Were retained in grade 3 pursuant to section 71 of this act, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(4) Were not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(b) Submit a copy of the report to the Department, the Legislature and the sponsor of the charter school; and

(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

Sec. 50. NRS 388G.130 is hereby amended to read as follows:

388G.130 1. Except as otherwise provided in subsection 10, the empowerment team of a public school, other than a charter school that is sponsored by the State Public Charter School Authority ***,*** ~~[or]~~ by a college or university within the Nevada System of Higher Education ~~[,]~~ ***or by a city or county,*** that develops an empowerment plan pursuant to NRS 388G.120 shall submit the proposed empowerment plan to the designee of the board of trustees appointed pursuant to this subsection for review and approval pursuant to this section. The board of trustees shall designate a person to review each proposed empowerment plan and recommend the approval or denial of the plan to the board of trustees.

2. The board of trustees shall approve or deny the empowerment plan. The approval or denial of an empowerment plan must be based solely upon the

contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the school pursuant to subsection 4 of NRS 388G.120.

3. Except as otherwise provided in subsection 10, if the board of trustees approves an empowerment plan, the president of the board of trustees, the principal of the public school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the board of trustees of the school district revokes the plan.

4. Except as otherwise provided in subsection 10, if the board of trustees denies an empowerment plan, the board of trustees shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 10, an empowerment plan for a public school is not effective and a public school shall not operate as an empowerment school unless the plan is signed by the president of the board of trustees of the school district, the principal of the public school and the chair of the empowerment team, if the principal is not the chair. If an empowerment plan includes a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, a public school may operate under the approved plan but the requested waivers from state law are not effective unless approved by the State Board pursuant to subsection 7.

6. Except as otherwise provided in subsection 10, the empowerment team may submit a written request to the board of trustees for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If the empowerment plan includes a request for a waiver from a statute or regulation, the board of trustees shall forward the approved empowerment plan to the State Board for review of the request for a waiver. The State Board shall review the empowerment plan and may approve or deny the request for a waiver from a statute or regulation unless the statute or regulation is required by federal law or is required to carry out federal law.

8. If the State Board approves the request for a waiver for a school, the Department shall provide written notice of the approval to the board of trustees of the school district that submitted the empowerment plan on behalf of the school.

9. If the State Board denies a request for a waiver, the State Board shall:

(a) Return the request to the school district with a written statement indicating the reason for the denial; and

(b) Except as otherwise provided in subsection 10, provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. A request for a waiver may be resubmitted by the school district, after the empowerment team corrects any deficiencies, not more than once in a school year.

10. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 388G.100, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

Sec. 51. NRS 388G.140 is hereby amended to read as follows:

388G.140 1. Except as otherwise provided in subsection 7, the empowerment team of a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** which develops an empowerment plan pursuant to NRS 388G.120 shall submit the proposed plan to the Department for transmission to the State Board for review and approval pursuant to this section.

2. The State Board shall review each proposed empowerment plan and approve or deny the plan, including a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, if applicable. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the charter school pursuant to subsection 4 of NRS 388G.120.

3. Except as otherwise provided in subsection 7, if the State Board approves an empowerment plan, the President of the State Board, the principal of the charter school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the State Board revokes the plan.

4. Except as otherwise provided in subsection 7, if the State Board denies an empowerment plan, the State Board shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 7, an empowerment plan for a charter school that is sponsored by the State Public Charter School Authority**,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** is not effective and a charter school shall not operate as an empowerment school unless the plan is signed by the President of the State

Board, the principal of the charter school and the chair of the empowerment team, if the principal is not the chair.

6. Except as otherwise provided in subsection 7, the empowerment team may submit a written request to the Department for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 388G.100, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

Sec. 52. NRS 388G.200 is hereby amended to read as follows:

388G.200 1. Each empowerment school, other than a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ~~[,]~~ ***or by a city or county,*** shall, on a quarterly basis, submit to the board of trustees of the school district in which the school is located a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

2. Each charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** which is approved to operate as an empowerment school shall, on a quarterly basis, submit to the Department a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

3. The board of trustees of a school district shall conduct a financial audit of each empowerment school within the school district, other than a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ~~[.]~~ ***or by a city or county.*** Each financial audit must be conducted on an annual basis and more frequently if determined necessary by the board of trustees.

4. The Department shall conduct a financial audit of each charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** which operates as an empowerment school on an annual basis and more frequently if determined necessary by the Department.

5. On or before July 1 of each year, the board of trustees of each school district shall compile the reports and audits required pursuant to subsections 1 and 3, if any, and forward the compilation to the:

(a) Governor;

(b) Department; and

(c) Joint Interim Standing Committee on Education.

6. On or before July 1 of each year, the Department shall compile the reports and audits required pursuant to subsections 2 and 4, if any, and forward the compilation to the:

(a) Governor; and

(b) Joint Interim Standing Committee on Education.

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. Chapter 391A of NRS is hereby amended by adding thereto the provisions set forth as sections 56 to 66, inclusive, of this act.

Sec. 56. ***On or before November 1 of each year, the State Board shall:***

1. Review all Teach Nevada Scholarships awarded for the immediately preceding academic year;

2. Compile a report for the immediately preceding academic year which must include, without limitation:

(a) The number of students who applied for a Teach Nevada Scholarship;

(b) The number of scholarship recipients;

(c) The total cost of all Teach Nevada Scholarships;

(d) The graduation rate of scholarship recipients;

(e) The percentage of students who:

(1) Were scholarship recipients in the academic year that immediately precedes the year which is the subject of the report;

(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and

(3) Received a Nevada Teacher Advancement Scholarship, as defined in section 60 of this act, for the academic year which is the subject of the report;

(f) The percentage of scholarship recipients who graduated and became employed as a teacher at a public school in this State; and

(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of NRS 391A.585; and

3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 57. ***As used in sections 57 to 66, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 58 to 61, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 58. ***"Account" means the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act.***

Sec. 59. ***"Nevada Teacher Advancement Scholarship" means a scholarship awarded by a university, college or other provider of an alternative licensure program to a student pursuant to section 64 of this act.***

Sec. 60. ***"Other provider of an alternative licensure program" means an entity, other than a university or college, which has been approved by the Commission on Professional Standards in Education in accordance with the regulations adopted pursuant to NRS 391.019 to provide education and***

training to a student which will lead to an alternative route to licensure for the student.

Sec. 61. *"Scholarship recipient" means the recipient of a Nevada Teacher Advancement Scholarship awarded pursuant to section 64 of this act.*

Sec. 62. *1. The Nevada Teacher Advancement Scholarship Program Account is hereby created in the State General Fund. The Account must be administered by the State Board.*

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charge; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The State Board may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may only be used to:

(a) Award grants to universities, colleges and other providers of an alternative licensure program that are approved to award Nevada Teacher Advancement Scholarships pursuant to section 64 of this act.

(b) Disburse the money retained pursuant to paragraph (b) of subsection 2 of section 63 of this act to a scholarship recipient who meets the requirements of subsection 4 of section 64 of this act.

Sec. 63. *1. A public or private university or college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which results in a master's degree in education or a related field of study.*

2. The State Board shall:

(a) Establish the number of Nevada Teacher Advancement Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to

a scholarship recipient who meets the requirements of subsection 4 of section 64 of this act.

3. The State Board:

(a) Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Have successfully completed a teacher preparatory program at a public school established pursuant to subsection 4 of NRS 388.380;

(2) Received the Teach Nevada Scholarship, as defined in NRS 391A.570, and successfully fulfilled the requirements of subsection 4 of NRS 391A.585; or

(3) Are veterans or the spouses of veterans.

(b) May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;

(2) Intend to teach in public schools in this State which have the highest shortage of teachers;

(3) Have been economically disadvantaged or belong to a racial or ethnic minority group; or

(4) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Nevada Teacher Advancement Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student has taught in a public school in this State for not less than 2 of the immediately preceding 5 years.

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of sections 57 to 66, inclusive, of this act.

Sec. 64. ***1. Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account***

pursuant to section 63 of this act shall use the money to award Nevada Teacher Advancement Scholarships to students who will attend the university, college or other provider of an alternative licensure program with the intent to complete a program described in subsection 1 of section 63 of this act. Such students may include, without limitation, students who have completed a bachelor's degree and taught in a public school in this State for at least 2 years.

2. A university, college or other provider of an alternative licensure program may award a Nevada Teacher Advancement Scholarship to a scholarship recipient in an amount:

(a) Not to exceed the cost of receiving a master's degree at a public university in this State prorated over the number of semesters required for the student to complete the program; and

(b) Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in subsection 1 of section 63 of this act, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an alternative licensure program, and the total amount of any other gift aid received by the student.

3. A university, college or other provider of an alternative licensure program that awards a Nevada Teacher Advancement Scholarship shall, at the beginning of each semester disburse to the scholarship recipient 75 percent of the scholarship money awarded to the scholarship recipient for the semester.

4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant to paragraph (b) of subsection 2 of section 63 of this act if the scholarship recipient:

(a) Completes the program for which he or she was awarded the scholarship;

(b) Maintains employment as a teacher at a public school in this State for 3 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and

(c) Meets any other requirements established by the State Board.

5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of section 63 of this act, a scholarship recipient who meets the requirements set forth in subsection 4 must request the State Board to disburse the money within 1 year after the 2-year anniversary of the date on which the scholarship recipient meets the requirements of subsection 4.

6. As used in this section, "gift aid" means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.

Sec. 65. ***1. If a scholarship recipient does not complete the program for which the scholarship was awarded for any reason, including, without limitation, withdrawing from the university, college or other provider of an***

alternative licensure program or pursuing another course of study, the university, college or other provider of an alternative licensure program that awarded the scholarship must pay to the State Board for credit to the Account:

(a) Any amount of money that the university, college or other provider of an alternative licensure program has received but has not yet disbursed to the scholarship recipient pursuant to section 64 of this act; and

(b) An amount of money equal to the total amount of money disbursed to the scholarship recipient pursuant to section 64 of this act or $1,000, whichever is less.

2. If a scholarship recipient completes the program for which the scholarship was awarded on schedule, as described in the application for the scholarship submitted pursuant to section 63 of this act, to the extent that money is available for this purpose, the State Board shall pay $1,000 to the university, college or other provider of an alternative licensure program that awarded the scholarship. Any money received by a university, college or other provider of an alternative licensure program pursuant to this section must be used to pay costs associated with providing a program described in subsection 1 of section 63 of this act.

Sec. 66. ***On or before November 1 of each year, the State Board shall:***

1. Review all Nevada Teacher Advancement Scholarships awarded for the immediately preceding academic year;

2. Compile a report for the immediately preceding academic year which must include, without limitation:

(a) The number of students who applied for a Nevada Teacher Advancement Scholarship;

(b) The number of scholarship recipients;

(c) The total cost of all Nevada Teacher Advancement Scholarships;

(d) The graduation rate of scholarship recipients;

(e) The percentage of students who:

(1) Received a Teach Nevada Scholarship, as defined in NRS 391A.570, in the academic year that immediately precedes the year which is the subject of the report;

(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and

(3) Were scholarship recipients for the academic year which is the subject of the report;

(f) The percentage of scholarship recipients who graduated and became employed as teachers at a public school in this State; and

(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of section 64 of this act; and

3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 67. NRS 391A.550 is hereby amended to read as follows:

391A.550 As used in NRS 391A.550 to 391A.590, inclusive, ***and section 56 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 391A.555 to 391A.570, inclusive, have the meanings ascribed to them in those sections.

Sec. 68. NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which:

(a) Upon completion makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; or

(b) Allows a student to specialize in the subject area of early childhood education.

2. The State Board shall:

(a) Establish the number of Teach Nevada Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

3. The State Board ~~[may]~~ ***:***

(a) Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Have successfully completed a teacher preparatory program at a public school established pursuant to subsection 4 of NRS 388.380; or

(2) Are veterans or the spouses of veterans.

(b) May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

~~[(a) Are veterans or the spouses of veterans;]~~

(1) Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;

~~[(b)]~~ ***(2)*** Intend to teach in public schools in this State which have the highest shortage of teachers;

~~[(c)]~~ ***(3)*** Have been economically disadvantaged or belong to a racial or ethnic minority group; or

~~[(d)]~~ ***(4)*** Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Teach Nevada Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student ~~[agrees to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education.]~~ ***obtained a high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State or successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 before 20 years of age.***

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of NRS 391A.550 to 391A.590, inclusive ~~[.]~~ ***, and section 56 of this act.***

Sec. 69. NRS 391A.585 is hereby amended to read as follows:

391A.585 1. Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account pursuant to NRS 391A.580 shall use the money to award Teach Nevada Scholarships to students who will attend the university, college or other provider of an alternative licensure program with the intent to complete a program described in subsection 1 of NRS 391A.580. Such students may include, without limitation:

(a) Recent high school graduates who enroll in a program described in subsection 1 of NRS 391A.580;

(b) Students who are enrolled at a university or college who change their academic program or major to a program described in subsection 1 of NRS 391A.580;

(c) Students who have completed some credits at a university or college and who enroll in a program described in subsection 1 of NRS 391A.580;

(d) Students who possess a bachelor's degree in a field other than education who pursue an alternative route to licensure as a teacher;

(e) Veterans and the spouses of veterans; and

(f) Students who have had some experience working in a classroom, including, without limitation, as a paraprofessional or substitute teacher.

2. A university, college or other provider of an alternative licensure program may award a Teach Nevada Scholarship to a scholarship recipient in an amount ~~[not]~~ ***:***

(a) Not to exceed ~~[$3,000 per semester or $24,000 in the aggregate.]~~ ***the cost of receiving a bachelor's degree at a public university in this State prorated over the number of semesters required for the student to complete the program; and***

(b) Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in subsection 1 of NRS 391A.580, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an alternative licensure program, and the total amount of any other gift aid received by the student.

3. A university, college or other provider of an alternative licensure program that awards a Teach Nevada Scholarship shall, at the beginning of each semester disburse to the scholarship recipient 75 percent of the scholarship money awarded to the scholarship recipient for the semester.

4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580 if the scholarship recipient:

(a) Completes the program for which he or she was awarded the scholarship;

(b) Maintains employment as a teacher at a public school in this State for 5 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and

(c) Meets any other requirements established by the State Board.

5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580, a scholarship recipient who meets the requirements set forth in subsection 4 must request the State Board to disburse the money within 1 year after the 5-year anniversary of the date on which the scholarship recipient meets the requirements of subsection 4.

6. As used in this section, "gift aid" means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.

Sec. 70. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 70.5, 71 and 72 of this act.

Sec. 70.5. ***As used in NRS 392.750 to 392.775, inclusive, and sections 70.5, 71 and 72 of this act, unless the context otherwise requires, "subject area of reading" includes, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension.***

Sec. 71. ***1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3, rather than promoted to grade 4, if the pupil does not obtain a score in the subject area of reading on***

the uniform examination administered pursuant to paragraph (a) of subsection 5 that meets the passing score prescribed by the State Board.

2. If a pupil will be retained in grade 3 pursuant to this section, the principal of the school must provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3.

3. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to this section to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.

4. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to NRS 392.760, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4, while continuing to receive remediation in the subject area of reading.

5. The State Board shall prescribe by regulation:

(a) A uniform examination for administration in kindergarten and grades 1, 2 and 3 to measure the proficiency of pupils in the subject area of reading;

(b) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the uniform examination administered pursuant to paragraph (a) to be promoted to grade 4 without a good-cause exemption; and

(c) An alternative examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) and the passing score such a pupil must obtain on the alternative examination to be promoted to grade 4 without the approval for a good-cause exemption pursuant to section 72 of this act.

Sec. 72. ***1. The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good-cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 3 that the pupil is eligible for such an exemption.***

2. A good-cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good-cause exemption if the pupil:

(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;

(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond grade 3;

(c) Is an English learner and has received not less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act;

(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and

(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.

3. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 2 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice to the principal of the approval or denial.

4. A principal who determines that a pupil is eligible for a good-cause exemption pursuant to subsection 3 shall notify the parent or legal guardian of the pupil if the superintendent of schools of the school district or the governing body of the charter school, as applicable, has approved the good-cause exemption.

5. The principal of a school in which a pupil for whom a good-cause exemption is approved pursuant to subsection 3 and who is promoted to grade 4 must ensure that the pupil continues to be provided intervention services and intensive instruction in the subject area of reading pursuant to NRS 392.760.

6. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(I)(A).

Sec. 73. (Deleted by amendment.)

Sec. 74. NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4 ~~[,]~~ ***and section 71 of this act,*** before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.

2. Except as otherwise provided in ~~[~~NRS 392.760,~~]~~ ***section 71 of this act,*** the teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.

3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school ~~[,]~~ ***and in section 71 of this act,*** no pupil may be retained more than one time in the same grade.

4. Except as otherwise provided in NRS 388A.487, this section does not apply to the academic retention of pupils who are enrolled in a charter school.

Sec. 75. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district ***,*** ~~[or]~~ the State Public Charter School Authority or a college or university within the Nevada System of Higher Education ***or a city or county*** that sponsors a charter school pursuant to subsection 3 of NRS 385A.240;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 76. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 or who newly enrolls in a public elementary school exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in elementary school that has been approved by the Department pursuant to NRS 388.157;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, ***the pupil will be retained in grade 3, rather than promoted to grade 4, unless the pupil receives a good-cause exemption pursuant to section 72 of this act, and*** the school will provide the pupil with intervention services and intensive

instruction each year that the pupil is enrolled in the elementary school, unless it is determined that such services and instruction are no longer necessary;

3. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the ~~[criterion-referenced]~~ ***uniform*** examination in ~~[only]~~ the subject area of reading administered pursuant to ~~[NRS 390.105]~~ ***paragraph (a) of subsection 5 of section 71 of this act*** is not the only factor used to determine whether the pupil will be ~~[provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;]~~ ***retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good-cause exemption pursuant to section 72 of this act;***

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to NRS 392.765 regarding ~~[the]~~ ***:***

(a) The provision of intervention services and intensive instruction to a pupil enrolled in an elementary school; ***and***

(b) The promotion of a pupil to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to section 71 of this act;

6. Include information regarding the English literacy development of a pupil who is an English learner;

7. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is an English learner;

8. To the extent practicable, be provided in a language that the parent or legal guardian can understand;

9. Explain that a plan to monitor the growth of the pupil in the subject area of reading will regularly assess the pupil and the elementary school will provide notice to the parent or legal guardian the status of the growth of the pupil; and

10. Explain that services and the programs provided to the pupil will be adjusted to improve the deficiency in the subject area of reading.

Sec. 77. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, an elementary school must provide to a pupil enrolled in the school intervention services and intensive instruction if the pupil does not obtain a score in ~~[only]~~ the subject area of reading on the ~~[criterion-referenced]~~ ***uniform*** examination administered pursuant to ~~[NRS 390.105]~~ ***paragraph (a) of subsection 5 of section 71 of this act*** that meets the passing score prescribed by the State Board. ***The school must provide such services and instruction to a pupil, regardless of whether the pupil is retained in grade 3 pursuant to section 71 of this act or is not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act.***

2. The principal of a school, in consultation with the literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise related to providing intervention services and intensive instruction to the pupil ~~[:~~

~~(a) Shall]~~ ***shall*** ensure that the pupil continues to be provided intervention services and intensive instruction in the subject area of reading for as long as it is determined to be necessary while the pupil is enrolled at the elementary school. Such instruction must include, without limitation, strategies based upon evidence-based research that will improve proficiency in the subject area of reading.

~~[(b) May retain the pupil in grade 3 rather than promote the pupil to grade 4 when authorized pursuant to NRS 392.125.]~~

3. Each literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise relating to providing intervention services and intensive instruction to a pupil in the subject area of reading shall, in addition to any other duties or responsibilities assigned to him or her, provide intervention services and intensive instruction directly to pupils who do not obtain a score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act that meets the passing score prescribed by the State Board.

4. Each public school shall offer a pupil who is enrolled in grade 2 or grade 3 in the school and does not obtain a score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act that meets the passing score prescribed by the State Board the opportunity to enroll in summer school at the public school.

Sec. 78. NRS 392.775 is hereby amended to read as follows:

392.775 On or before October 15 of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public elementary school within the school district who:

(a) Were designated in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously provided intervention services and intensive instruction; ~~[and]~~

(b) Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(1) Did not improve at a rate prescribed by the board of trustees of the school district, indicating a need for more intensive or different interventions; and

(2) Improved at a rate prescribed by the board of trustees of the school district, indicating progress toward performing at a level determined by a

statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled ~~[.]~~ ***;***

(c) Were retained in grade 3 pursuant to section 71 of this act for a deficiency in the subject area of reading, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(d) Were not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.

2. Submit a copy of the report to the Department ~~[,]~~ ***and*** the Legislature **.** ~~[and sponsor of the charter school.]~~

3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 79. (Deleted by amendment.)

Sec. 80. (Deleted by amendment.)

Sec. 81. (Deleted by amendment.)

Sec. 82. (Deleted by amendment.)

Sec. 83. (Deleted by amendment.)

Sec. 84. (Deleted by amendment.)

Sec. 85. (Deleted by amendment.)

Sec. 86. (Deleted by amendment.)

Sec. 87. (Deleted by amendment.)

Sec. 88. (Deleted by amendment.)

Sec. 89. (Deleted by amendment.)

Sec. 90. (Deleted by amendment.)

Sec. 91. (Deleted by amendment.)

Sec. 92. (Deleted by amendment.)

Sec. 93. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $1,000,000 for the cost of supporting the operations of the Commission on School Funding and the completion of reports pursuant to NRS 387.12468, as amended by section 24 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 93.3. **1. There is hereby appropriated from the State General Fund to the State Public Charter School Authority for awards of money to charter schools for the transportation of pupils pursuant to section 28.5 of this act the following sums:**

For the Fiscal Year 2023-2024..... $7,000,000

For the Fiscal Year 2024-2025..... $7,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 93.5. 1. There is hereby appropriated from the State General Fund to the Early Childhood Literacy and Readiness Account created by section 12 of this act the following sums:

For the Fiscal Year 2023-2024 ..... $70,000,000
For the Fiscal Year 2024-2025 ..... $70,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 93.7. 1. There is hereby appropriated from the State General Fund to the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act the following sums:

For the Fiscal Year 2023-2024 ..... $2,000,000
For the Fiscal Year 2024-2025 ..... $2,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 94. (Deleted by amendment.)

Sec. 95. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 96. (Deleted by amendment.)

Sec. 97. 1. This section and sections 95 and 96 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 7, 8, 10 to 24, inclusive, 26 to 39, inclusive, 41 to 70, inclusive, 73, 75 and 79 to 94, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

3. Sections 5.5, 6, 9, 25, 40, 70.5, 71, 72, 74, 76, 77 and 78 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2028, for all other purposes.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 528.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 954.

AN ACT relating to homelessness; establishing a program to provide matching funds to certain qualified projects; authorizing the governing body of a city or county to provide an abatement of certain fees; authorizing the Department of Health and Human Services to create provider codes for certain purposes related to Medicaid billing; creating the Homelessness Support Services Matching Account; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates a program to provide matching funds up to $100,000,000 to qualified projects that are facilities to provide support services to individuals and families experiencing homelessness or at risk of becoming homeless. **Sections 2-8** of this bill define terms related to the program to provide matching funds for qualified projects to provide support services to individuals and families experiencing homelessness or at risk of becoming homeless. **Section 9** of this bill authorizes the lead participant of a project to apply to the Office of Economic Development for a certificate of eligibility for matching funds up to $100,000,000 and establishes the requirements for a project to be eligible for such matching funds, including, without limitation, the submission by the lead participant of the project of an application which meets certain requirements. **Section 10** of this bill additionally requires a project, to be eligible for the matching funds, to be determined by the Office to be a qualified

project. **Section 10** establishes requirements for a qualified project. **Section 11** of this bill establishes requirements with respect to the contribution to the cost of a project which may be made from matching funds, including, without limitation, a requirement for the lead participant to pay the initial $25,000,000 of the costs for the development and construction of the project and for matching funds to be used to pay the last $10,000,000 in project costs. **Section 11** provides the requirements for the issuance of matching funds.

Section 12 of this bill requires the lead participant of a qualified project to furnish certain records to the Office. **Section 12** requires the lead participant to repay matching funds under certain circumstances and subjects the state business registration of the lead participant to revocation or suspension for failure to repay matching funds. **Section 12** authorizes the Executive Director of the Office to take certain action if a project is materially underperforming. If a project ceases to operate under certain circumstances or files for bankruptcy, **section 12** provides for the transfer of the underlying facility to the incorporated city in which the facility is located, or to the county in which the facility is located if the facility is not located in an incorporated city.

Section 13 of this bill authorizes the governing body of a city or county in which a qualified project is located to provide an abatement of certain permit and license fees to a participant in such a project. **Section 14** of this bill requires the services provided at a qualified project that receives matching funds to be made available to the residents of any participating municipality in the county where the qualified project operates and establishes the requirements to qualify as a participating municipality.

Section 15 of this bill requires the financial operating plan for a qualified project to provide for the annual operations, maintenance and ongoing capital needs of the facility and requires the operating costs of a facility within a qualified project to be distributed equitably among the State, participating municipalities and the private sector. **Section 15** requires the State to provide funds equal to the amounts provided by any participating municipalities up to $15,000,000 per year, as adjusted each year. **Section 15** authorizes the Department of Health and Human Services to create provider codes to maximize Medicaid billing for the services provided by a qualified project.

Section 16 of this bill creates the Homelessness Support Services Matching Account and requires money in the Account to be used only to provide matching funds pursuant to the provisions of this bill. **Section 18** of this bill makes an appropriation of $100,000,000 to the Account.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. *"Capital investment" means all costs and expenses incurred by the participants in a qualified project in connection with the acquisition, construction, installation and equipping of the qualified project.*

Sec. 4. *"Lead participant" means a nonprofit corporation that* : ~~[is:]~~

1. ~~[Recognized]~~ *Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3);* ~~[and]~~

2. ~~[Designated]~~ *Has a physical location in this State; and*

3. Is designated by the participants in a project as the lead participant in an application submitted pursuant to section 9 of this act.

Sec. 5. *"Matching funds" means an amount of money invested by this State in the capital construction of a qualified project in an amount equal to the amount of money invested by the participants in that project. The term does not include the value of in-kind services or other nonmonetary contributions.*

Sec. 6. *"Participant" means a business, including, without limitation, a nonprofit organization, or governmental entity which operates within the geographic boundaries of a project site and which contributes to or participates in the project.*

Sec. 7. *"Project" means a project undertaken by a business, group of businesses, including, without limitation, one or more nonprofit organizations, or one or more local governments:*

1. Located within the geographic boundaries of one or more project sites in the State; and

2. Engaged in a common purpose or business endeavor.

Sec. 8. *"Qualified project" means a project which the Office determines meets all the requirements set forth in sections 9 and 10 of this act.*

Sec. 9. *1. On behalf of a project, the lead participant in the project may apply to the Office for a certificate of eligibility for matching funds of up to $100,000,000 to be used exclusively for the acquisition, construction, installation and equipping of a qualified project.*

2. For a project to be eligible for the matching funds described in subsection 1, the lead participant of the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection 3;

(b) Provide documentation satisfactory to the Office that approval of the application would:

(1) Facilitate the economic development of this State;

(2) Aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

(3) Increase the workforce in this State by helping those persons experiencing homelessness or at risk of becoming homeless to transition from experiencing homelessness or being at risk of homelessness to being economically self-sufficient.

3. An application submitted pursuant to subsection 2 must include:

(a) Documentation satisfactory to the Office that the project meets all of the requirements of a qualified project described in section 10 of this act;

(b) A detailed business plan containing an outline of services to be provided by the project, capital construction financing, operational revenues and expenditures, governance structure, the core operating team and a plan for capital maintenance;

(c) The total cost of the project, which shall not be less than $150,000,000;

(d) Documentation satisfactory to the Office that the qualified project is reasonably expected to:

(1) Increase the workforce in this State by promoting greater opportunities for economic self-sufficiency;

(2) Improve the mental and physical well-being of persons at risk of becoming homeless;

(3) Reduce the incidence of homelessness in areas of acute risk and impact;

(4) Decrease long-term reliance on social services and public assistance programs;

(5) Increase the opportunity for services integration and collaboration; and

(6) Reduce criminal activity and recidivism and increase the share of the population with employable job skills;

(e) A summary of the relationship between and roles and responsibilities of the lead participant and the other participants in the project;

(f) A detailed description of the location or locations of the project, including, without limitation, a precise description of the geographic boundaries of the project site or sites;

(g) The name and business address of each participant in the project, which must be an address in this State;

(h) A detailed description of the plan by which the lead participant and the other participants in the project intend to comply with the requirement that the participants collectively make a total capital investment not less than $75,000,000 in the 5-year period immediately following approval of the application;

(i) Documentation satisfactory to the Office that the lead participant has the financial ability and operational expertise to effectively develop and operate the project;

(j) Documentation satisfactory to the Office that the participants in the project are engaged in a common purpose or business endeavor;

(k) Documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site or sites;

(l) Documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;

(m) Documentation satisfactory to the Office of the number of employees engaged or anticipated to be engaged in the construction of the project;

(n) Documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(o) Documentation satisfactory to the Office of the number of individuals expected to be served by the project;

(p) Documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(q) Documentation satisfactory to the Office that at least 50 percent of the employees engaged or anticipated to be engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of residents of Nevada available and qualified for such employment;

(r) An agreement to provide the Office with a compliance report for the project at the end of each calendar quarter during construction and at the end of each fiscal year during all the years of operations, which:

(1) Provides the amount of money invested in the project;

(2) Provides the number of employees engaged in the construction of the project;

(3) Provides the number of employees employed at the project;

(4) Provides the total number of persons served by the project, including, without limitation, the number of persons placed in permanent housing and verifiable employment; and

(5) Meets any other requirements prescribed by the Office; and

(s) Any other information deemed necessary and appropriate by the Executive Director.

Sec. 10. *1. In addition to meeting the requirements set forth in subsection 2 of section 9 of this act, for a project to be eligible for the matching funds described in subsection 1 of section 9 of this act, the project must be determined by the Office to be a qualified project as provided in this section.*

2. A qualified project is a facility or facilities designed, developed and operated to:

(a) Provide comprehensive, sustainable and compassionate support services to individuals and families experiencing homelessness or at risk of homelessness; and

(b) Assist those individuals and families to overcome the barriers created by homelessness, find housing stability and achieve their full potential, while

at the same time allowing them the opportunity to contribute to the economy of this State and participate in its workforce.

3. Services offered at a qualified project may be provided in collaboration with a nonprofit participant, for-profit or not-for-profit service provider, local government or other community-based organization within the public or private sectors.

4. The lead participant in a qualified project shall:

(a) In consultation with local governments, identify the site or sites where the qualified project will be located;

(b) Have a construction and development plan that identifies the sources and uses of funds to be used to construct the qualified project, including, without limitation, a private or nonprofit capital investment of not less than $75,000,000;

(c) Have a financial operating plan that sets forth revenues and expenditures for the first 10 years of operations and identifies sources of funding from private and public sources, including, without limitation, local, state and federal governments;

(d) Have an operating plan that identifies the services that will be provided at the qualified project;

(e) Establish a board of directors consisting of not less than nine members, each of whom must be a resident of this State and none of whom may be persons holding elected office or who held elected office in the immediately preceding 3 years;

(f) Identify and establish a qualified management and operating team of professionals with the requisite experience and expertise to effectively operate the qualified project; and

(g) Establish a technical advisory committee comprised of nonprofit organizations and local governments focused on providing essential services to the community, including, without limitation, those primarily related to homelessness prevention, food insecurity, domestic violence, emergency services and public safety, workforce development, education, early childhood development, housing, health and wellness and social services. The technical advisory committee shall advise the board of directors by providing critical insight into the most pressing needs of community members, thereby ensuring the organization is continually evolving to address current challenges within the local community.

5. A qualified project may include, without limitation:

(a) Navigation centers and emergency intake facilities that provide emergency shelter, nutritious meals, hygiene facilities, clothing and access to essential supplies. Such facilities must implement a low-barrier approach to ensuring inclusivity and accessibility, address the immediate needs of those experiencing homelessness and identify individuals who are ready, willing and able to utilize a broader range of available services.

(b) Health care and mental health care, including, without limitation, medical care, mental health counseling, addiction treatment programs and preventive care tailored to the unique needs of the homeless population.

(c) Job training and employment assistance, including, without limitation, the development of vocational training programs, job placement services and partnerships with local businesses and other service providers to equip individuals with marketable skills, employment opportunities and the necessary support for sustainable employment.

(d) Transitional housing services that:

(1) Facilitate temporary accommodations and support programs to assist individuals or families experiencing homelessness or unstable housing situations; and

(2) Are designed to provide a bridge between homelessness and permanent housing by offering a safe and stable living environment and supportive services to assist individuals or families stabilize their lives and regain independence.

(e) Permanent housing solutions that facilitate access to a range of housing options, including, without limitation, transitional housing, rapid rehousing, permanent supportive housing and affordable housing initiatives in partnership with local governments, housing authorities, landlords and developers.

(f) Integrated social service providers, including, without limitation, organizations or agencies that offer a comprehensive range of services and program access to individuals and families, including, without limitation, case management, housing assistance, employment and job training, health and mental health services, food and nutrition assistance, financial and economic support, child and family services and legal aid and advocacy.

(g) Community engagement and education through public awareness campaigns, educational workshops and community outreach initiatives to foster empathy, dispel stereotypes and engage the broader community in addressing homelessness.

Sec. 11. ***1. If the Office of Economic Development approves an application for a certificate of eligibility for matching funds submitted pursuant to paragraph (a) of subsection 2 of section 9 of this act, the Office shall immediately forward a copy of the certificate of eligibility which identifies the amount of the award to:***

(a) The lead participant in the qualified project;

(b) The Director of the Legislative Counsel Bureau;

(c) The Chief of the Budget Division of the Office of Finance in the Office of the Governor; and

(d) The State Treasurer.

2. A qualified project may be approved for a certificate of eligibility for matching funds pursuant to subsection 1 in an amount not to exceed $100,000,000.

3. Except as otherwise provided in sections 2 to 15, inclusive, of this act, the contribution from the matching funds awarded to the qualified project pursuant to subsection 1 must be proportional in terms of amount, contemporaneous in terms of timing and similar in terms of risk profile to the contribution to the cost of the development and construction of the qualified project by the lead participant, and:

(a) The lead participant shall pay the initial $25,000,000 of the costs of the development and construction of the qualified project.

(b) Payments after the initial payment required by paragraph (a) must be pro rata, based on the percentage of the total cost of the qualified project described in paragraph (c) of subsection 3 of section 9 of this act to be paid from approved matching funds and those to be paid by all other sources of project funding as set forth in an application approved by the Office pursuant to section 9 of this act, except that such pro rata allocation must be adjusted such that the matching funds are used to pay the last $10,000,000 in project costs.

(c) The procedure for making monthly draws for the cost of the qualified project will be delineated in a trust agreement to be entered into by the Office and the lead participant, which will ensure that no money derived from the matching funds awarded pursuant to subsection 1 are expended unless money of the lead participant is previously or simultaneously expended, except for the initial payment described in paragraph (a) and the last payment described in paragraph (b).

Sec. 12. *1. The lead participant of a qualified project shall, upon the request of the Office of Economic Development, furnish the Office with copies of all records necessary to verify that the qualified project meets or has met the eligibility requirements for state matching funds issued pursuant to sections 2 to 15, inclusive, of this act.*

2. The lead participant shall repay to the State Treasurer, as applicable, any portion of the matching funds to which the lead participant is not entitled if:

(a) The participants in the qualified project collectively fail to make the investment in this State necessary to support the determination by the Office that the project is a qualified project;

(b) The lead participant submits any false statement, representation or certification in any document submitted for the purpose of obtaining matching funds;

(c) The lead participant otherwise becomes ineligible for matching funds after receiving the matching funds pursuant to sections 2 to 15, inclusive, of this act; or

(d) ~~[Ceases]~~ The lead participant ceases operation within ~~[10]~~ 30 years of having received the last installment of matching funds pursuant to sections 2 to 15, inclusive, of this act.

3. The Secretary of State may, upon application by the Executive Director, revoke or suspend the state business registration of the lead

participant in a qualified project which is required to repay any portion of the matching funds allocated pursuant to subsection 2. If the state business registration of the lead participant in a qualified project is suspended or revoked pursuant to this subsection, the Secretary of State shall provide written notice of the action to the lead participant. The Secretary of State shall not reinstate a state business registration suspended pursuant to this subsection or issue a new state business registration to the lead participant whose state business registration has been revoked pursuant to this subsection unless the Executive Director provides proof satisfactory to the Secretary of State that the lead participant is in compliance with the requirements of this section governing repayment.

4. In the event the Executive Director determines that the project is materially underperforming based on the reports provided by the lead participant pursuant to paragraph (r) of subsection 3 of section 9 of this act, the Executive Director may:

(a) Require that the lead participant review, revise and submit any element of the application submitted pursuant to subsection 3 of section 9 of this act;

(b) Request operating recommendations for improvement from the technical advisory committee created pursuant to paragraph (g) of subsection 4 of section 10 of this act;

(c) Request that the lead participant retain a subject matter expert to address the identified areas of underperformance; or

(d) Any combination of paragraphs (a), (b) and (c).

5. In the event the project ceases to operate pursuant to subsection 2 or files for bankruptcy protection under any chapter of Title 11 of United States Code after having received matching funds pursuant to sections 2 to 15, inclusive, of this act, the facility, including the underlying land and any personal property necessary for the operations of the facility, shall be transferred to the incorporated city in which any part of the facility exists. If the facility does not exist in an incorporated city, it shall be transferred to the county in which the facility exists. Such transfer shall be made at no cost to the city or county, and the city or county may determine, at its sole discretion, whether to operate the facility in whole or in part or otherwise close, modify or sell the facility and any related assets.

Sec. 13. *For the purpose of encouraging local economic development, the governing body of a city or county in which a qualified project is located may grant to any participant in a qualified project an abatement of all or any percentage of the amount of any permitting fee or licensing fee which the local government is authorized to impose or charge pursuant to chapter 244 or 268 of NRS.*

Sec. 14. *1. Services provided at a qualified project that has received matching funds pursuant to sections 2 to 15, inclusive, of this act must be made available to the residents of any participating municipality described in subsection 2 within the county where the qualified project operates.*

2. To qualify as a participating municipality pursuant to subsection 1, a municipality must:

(a) Have, within its borders, a navigation center or other process for initial intake and screening of individuals that are experiencing homelessness or are at imminent risk of homelessness, as well as a process whereby individuals or families seeking additional assistance may opt in to the services provided by the qualified project;

(b) Enter into a shared services agreement with the lead participant of the qualified project whereby the municipality contributes annually to ongoing facility operations and maintenance costs and receives equitable access to a share of the qualified project's capacity; and

(c) Have an approved plan to provide affordable, attainable workforce development and permanent supportive housing within the borders of the municipality.

Sec. 15. *1. The financial operating plan for the qualified project prepared in accordance with paragraph (c) of subsection 4 of section 10 of this act must provide for the annual operations and maintenance of the facility as well as the ongoing capital needs of the facility.*

2. To pay the operating costs of a facility within a qualified project, the State Controller shall, on July 1 of each fiscal year, transfer from the Homelessness Support Services Matching Account created by section 16 of this act an amount of money equal to the amount of money to be provided for that fiscal year by any participating municipalities pursuant to paragraph (b) of subsection (2) of section 14 of this act, but such amount transferred by the State Controller must not exceed $15,000,000 per fiscal year, as adjusted pursuant to subsection 5.

3. In addition to any support provided pursuant to subsection 2, the Department of Health and Human Services may administratively create any necessary provider codes to maximize Medicaid billing for the services provided by the qualified project.

4. Nothing contained in sections 2 to 15, inclusive, of this act shall be deemed to limit the ability of any participant in a qualified project from accessing programmatic funding for services provided by the qualified project that would otherwise be available from a government, private sector or nonprofit source.

5. The monetary amount specified in subsection 2 shall be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the consumer price inflation index between the calendar year ending on December 31, 2023, and the calendar year immediately preceding the fiscal year for which the adjustment is made.

6. For the purposes of this section, "consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the

published index selected by the Department of Taxation pursuant to subsection 11 of NRS 361.091.

Sec. 16. ***1. The Homelessness Support Services Matching Account is hereby created in the State General Fund. The Account must be administered by the Executive Director of the Office of Economic Development and money in the Account may be expended only for the purpose of providing matching funds pursuant to sections 2 to 15, inclusive, of this act.***

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. Any money in the Account and any unexpended appropriations made to the Account from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The Executive Director may apply for and accept any gift, grant, donation or appropriation for deposit in the Account.

Sec. 17. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after June 1, 2023.

Sec. 18. There is hereby appropriated from the State General Fund to the Homelessness Support Services Matching Account the sum of $100,000,000.

Sec. 19. This act becomes effective upon passage and approval.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 82.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 953.

AN ACT relating to public works; revising provisions relating to the use of apprentices on public works; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires contractors or subcontractors engaged on public works to use one or more apprentices for a certain percentage of the total hours performed on a public work, depending on the number of workers employed on the public work, and to enter into an apprenticeship agreement for all apprentices so required. (NRS 338.01165) **Section 1** of this bill: (1) eliminates the threshold number of workers for the applicability of the requirements for using apprentices; (2) applies those requirements based on all public works performed by a contractor or subcontractor during a calendar year instead of based on each public work; and (3) limits the requirement to enter into an

apprenticeship agreement to those contractors or subcontractors who are not signatories to a collective bargaining agreement with a sponsoring union.

Existing law: (1) sets forth a procedure that authorizes the Labor Commissioner, upon request by a public body, to grant a modification or waiver from the requirements for using apprentices upon a finding of good cause; and (2) defines the circumstances that constitute "good cause." (NRS 338.01165) **Section 1**: (1) eliminates that procedure; (2) requires a contractor or subcontractor to maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with the annual requirements to use one or more apprentices for a certain percentage of the total hours performed on public works; and (3) sets forth certain requirements for such supporting documentation.

Existing law provides that an apprentice who graduates from an apprenticeship program while employed on a public work is deemed to be an apprentice on the public work for purposes of the requirements for using apprentices and a journeyman for certain purposes, including the payment of wages. (NRS 338.01165) **Section 1** expands the circumstances under which a person is treated as an apprentice for those requirements.

Section 1 also requires, on or before February 15 of each year, a contractor or subcontractor to submit certain information to the Labor Commissioner regarding the hours that were worked in a calendar year on vertical or horizontal construction for each apprenticed craft or type of work performed. **Section 2** of this bill requires that the first such annual report be submitted on or before February 15, 2025, and address calendar year 2024.

Finally, **section 1** sets forth a penalty schedule for violations of certain provisions relating to the requirements for a contractor or subcontractor to use one or more apprentices for a certain percentage of the total hours performed on a public work.

Section 1.5 of this bill makes an appropriation to the Office of Labor Commissioner in the Department of Business and Industry for certain expenses to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs ~~[a worker]~~ ***workers*** on ~~[a]~~ ***one or more*** public ~~[work]~~ ***works during a calendar year*** pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent ***, or any increased percentage established pursuant to subsection 3,*** of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~[the]~~ ***those*** public ~~[work for which more than three workers are employed.]~~ ***works.***

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs ~~[a worker]~~ ***workers*** on ~~[a]~~ ***one or more*** public ~~[work]~~ ***works during a calendar year*** pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent ***, or any increased percentage established pursuant to subsection 3,*** of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~[the]~~ ***those*** public ~~[work for which more than three workers are employed.]~~ ***works.***

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. ***If a contractor or subcontractor who is a signatory to a collective bargaining agreement with a union that sponsors an apprenticeship program for an apprenticed craft or type of work for which the term of apprenticeship is not more than 3 years requests an apprentice from that apprenticeship program and an apprentice in the appropriate craft or type of work is not available, the contractor or subcontractor may utilize a person who graduated from the apprenticeship program in that craft or type of work within the 3 years immediately preceding the request from the contractor or subcontractor. Such a person:***

(a) Shall be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Shall be deemed a journeyman for all other purposes, including, without limitation, the payment of wages and benefits to a journeyman pursuant to the collective bargaining agreement.

6. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

~~[6. A public body may, upon the request of a contractor or subcontractor, submit a request]~~

7. A contractor or subcontractor engaged on a public work shall maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner. For purposes of this subsection, a contractor or subcontractor:

(a) Makes a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor:

(1) Submits to the ***apprenticeship program, on the form prescribed by the*** Labor Commissioner ~~[to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection 10. —7.]~~ ***, a request for an apprentice not earlier than 10 days before the contractor or subcontractor is scheduled to begin work on the public work and not later than 5 days after the contractor or subcontractor actually begins work on the public work.***

(2) If the apprenticeship program does not provide an apprentice for the appropriate apprenticed craft or type of work upon a request pursuant to subparagraph (1), submits additional requests to the apprenticeship program, on the form prescribed by the Labor Commissioner, at least once every 30 days during the period that the contractor or subcontractor is working on the public work. If a contractor or subcontractor does not work continuously on the public work, the contractor or subcontractor shall submit an additional request each time that the contractor or subcontractor resumes work on the public work not earlier than 10 days before the contractor or subcontractor is scheduled to resume work on the public work and not later than 5 days after the contractor or subcontractor actually resumes work on the public work. The requirement for the submission of an additional request in this subparagraph does not apply whenever a contractor or subcontractor has one or more apprentices employed for that apprenticed craft or type of work.

(b) Does not make a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner, if the contractor or subcontractor is required to enter into an apprenticeship agreement pursuant to subsection 16 and refuses to do so.

8. The ***supporting documentation required pursuant to subsection 7 may include, without limitation:***

(a) Documentation of the submission by the contractor or subcontractor of one or more requests, as applicable, pursuant to subsection 7; and

(b) Documentation that the apprenticeship program denied such a request, did not respond to such a request or responded that the program was unable to provide the requested apprentice.

9. The contractor or subcontractor and the apprenticeship program shall coordinate the starting date for any apprentice provided by the program.

10. On or before February 15 of each year, a contractor or subcontractor engaged in vertical or horizontal construction, as applicable, who employs a worker on one or more public works pursuant to NRS 338.040 shall report to the Labor Commissioner, on the form prescribed by the Labor Commissioner ~~[shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.~~

~~8.]~~ ***, the following information regarding those public works for the previous calendar year:***

(a) For each apprenticed craft or type of work, the total number of hours worked on vertical construction.

(b) For each apprenticed craft or type of work, the total number of hours worked on horizontal construction.

(c) For each apprenticed craft or type of work, the total number of hours worked by apprentices on vertical construction.

(d) For each apprenticed craft or type of work, the total number of hours worked by apprentices on horizontal construction.

(e) For each apprenticed craft or type of work, the percentage of the total number of hours worked on vertical construction that were worked by apprentices.

(f) For each apprenticed craft or type of work, the percentage of the total number of hours worked on horizontal construction that were worked by apprentices.

11. The information required to be reported pursuant to subsection 10 must not include any identifying information about a public work or an apprentice or employee.

12. If the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination based on the information submitted pursuant to subsection 10 that a contractor or subcontractor did not make a good faith effort to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall notify the contractor or subcontractor in writing of the determination and:

(a) Except as otherwise provided in paragraph (b), shall assess a penalty as follows:

(1) If the apprentice utilization rate by the contractor or subcontractor on vertical construction of a public work is:

(I) Seven and one-half percent or more but less than 10 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 4 percent but less than 7.5 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) Four percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(2) If the apprentice utilization rate by the contractor or subcontractor on horizontal construction of a public work is:

(I) Two percent or more but less than 3 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 1 percent but less than 2 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) One percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(b) Shall not assess a penalty if the total number of hours of labor required to be worked by apprentices:

(1) On vertical construction pursuant to subsection 1, as applicable, during the previous calendar year is less than 40 hours.

(2) On horizontal construction pursuant to subsection 2, as applicable, during the previous calendar year is less than 24 hours.

13. Except for good cause, the Labor Commissioner may not initiate his or her own investigation or accept a complaint based on the information submitted by a contractor or subcontractor pursuant to subsection 10 after May 1 immediately following the date on which the report was received by the Labor Commissioner.

14. In addition to the penalties set forth in subsection 12, if the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination that a contractor or subcontractor did not submit the report required pursuant to subsection 10 or made no attempt to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall:

(a) Impose a penalty of not less than $10,000 but not more than $75,000; or

(b) Disqualify the contractor or subcontractor from being awarded a contract for a public work for at least 180 days but not more than 2 years.

15. A ~~[public body,]~~ contractor or subcontractor may request a hearing on the determination of the Labor Commissioner ***pursuant to subsection 12 or 14*** within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

~~[9.]~~ ***16.*** A contractor or subcontractor ***who is not a signatory to a collective bargaining agreement with the union sponsoring the apprenticeship program for an apprenticed craft or type of work*** engaged on a public work shall enter into an apprenticeship agreement for ~~[all apprentices]~~ ***each apprentice*** required to be used in the construction of a public work. ~~[If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection 10 and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.~~

~~10.]~~ ***17.*** As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) ~~["Good cause" means:~~

~~(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;~~

~~(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or~~

~~(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.~~

~~➥ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.~~

~~(e)]~~ "Journeyman" has the meaning ascribed to it in NRS 624.260.

~~[(f)]~~ ***(e)*** "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 1.5. **1. There is hereby appropriated from the State General Fund to the Office of Labor Commissioner in the Department of Business and Industry the sum of $376,876 for personnel, travel, operating, equipment and information services expenses to carry out the provisions of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money

was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. The initial report required pursuant to subsection 10 of NRS 338.01165, as amended by section 1 of this act, must be submitted on or before February 15, 2025, and must include information for the period which begins on January 1, 2024, and ends on December 31, 2024.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

3. Section 1.5 of this act becomes effective on July 1, 2024.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 225.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 965.

SENATOR D. HARRIS

JOINT SPONSOR: ASSEMBLYWOMAN SUMMERS-ARMSTRONG

AN ACT relating to peace officers; revising provisions relating to the required contents of an application for certification as a peace officer; requiring a law enforcement agency to provide to the Peace Officers' Standards and Training Commission certain notice and information concerning peace officers employed by the agency; prohibiting a law enforcement agency from requiring a peace officer to make certain attestations concerning cannabis as a condition precedent to employment; prescribing requirements for certain standards adopted by regulation of the Commission; disqualifying certain persons from serving as peace officers; requiring the Executive Director of the Commission to report certain information to the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or an equivalent database; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing peace officers and creates the Peace Officers' Standards and Training Commission, which generally provides for the training, education and certification of peace officers. (Chapter 289 of NRS) Existing law requires an application for certification as a peace officer to include the social security number of the applicant and a statement regarding the payment of child support. (NRS 289.560, 289.570)

Section 2 of this bill additionally requires an application for certification as a peace officer to include an affidavit stating that the applicant: (1) is not disqualified from serving as a peace officer; (2) has not been discharged, disciplined or asked to resign from employment with a law enforcement agency for certain conduct; and (3) has not resigned from employment or otherwise separated from employment with a law enforcement agency while an investigation concerning certain alleged conduct was pending. **Section 2** also requires the Commission to: (1) deny an application for certification that does not include the required affidavit; and (2) search the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, or an equivalent database, to ensure that the name of the applicant does not appear in any such index or database. **Section 6** of this bill makes a conforming change to indicate the proper placement of **sections 2 and 3** of this bill in the Nevada Revised Statutes.

Section 3 requires a law enforcement agency to immediately notify the Commission if a peace officer employed by the agency: (1) is charged with certain crimes; or (2) resigns from employment or otherwise separates from employment with the agency while an investigation concerning alleged misconduct is pending. **Section 3** also requires a law enforcement agency to provide certain information to the Commission concerning a peace officer who resigns or otherwise separates from employment with the agency while an investigation concerning alleged misconduct is pending.

With certain exceptions, existing law prohibits a law enforcement agency from requiring a peace officer to disclose certain information as a condition precedent to a promotion, job assignment or other personnel action. (NRS 289.030) **Section 5** of this bill additionally prohibits a law enforcement agency from requiring a peace officer to provide an oral or written attestation concerning any use of cannabis by the peace officer that occurred before the peace officer submitted his or her application for employment with the law enforcement agency as a condition precedent to employment as a peace officer.

Existing law requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510) **Section 7** of this bill provides that the standards prescribed by regulations adopted by the Commission: (1) must not prohibit the certification of an applicant solely on the basis that the applicant has engaged in the adult use of cannabis or the medical use of cannabis; (2) must not require the decertification of a peace officer solely on the basis that the peace officer has engaged in the adult use of cannabis or the medical use of cannabis; and (3) must require the decertification of a peace officer upon a determination by the Commission that the peace officer knowingly provided false or misleading information in his or her application for certification. **Section 7** also makes conforming changes to reorganize certain provisions relating to regulations adopted by the Commission. **Section 4** of this bill defines certain terms for the purposes of certain requirements relating to cannabis prescribed by **sections 5 and 7**.

Existing law provides that a person who has been convicted of a felony in this State or any other state is not qualified to serve as a peace officer. (NRS 289.555) **Section 9** of this bill makes this prohibition applicable regardless of whether the person has had the conviction expunged or sealed. **Section 9** also provides that a person is not qualified to serve as a peace officer if the person has been: (1) convicted of domestic violence in this State or any other state, regardless of whether such a conviction was sealed or expunged; (2) reported to the National Decertification Index or an equivalent database; or (3) decertified or has had his or her certificate or license to practice or serve as a peace officer revoked or annulled by the Commission or a certifying or licensing authority in any other state.

Existing law requires the Commission to appoint an Executive Director of the Commission and authorizes the Executive Director to perform certain acts relating to the certification of peace officers. (NRS 289.520, 289.530) **Section 8** of this bill requires the Executive Director to report to the National Decertification Index or an equivalent database: (1) the name of each decertified peace officer; and (2) any other information required by the Index or database, as applicable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 289 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. An application for certification as a peace officer must include an affidavit stating that the applicant:***

(a) Is not disqualified from serving as a peace officer pursuant to NRS 289.555;

(b) Has not been discharged, disciplined or asked to resign from employment with a law enforcement agency in this State or any other state for conduct which would, under the regulations adopted by the Commission pursuant to NRS 289.510, constitute grounds for denying certification or revoking the certificate of a peace officer; and

(c) Has not resigned from employment or otherwise separated from employment with a law enforcement agency in this State or any other state while an investigation concerning allegations of conduct which would, under the regulations adopted by the Commission pursuant to NRS 289.510, constitute grounds for denying certification or revoking the certificate of a peace officer, was pending.

2. The Commission shall summarily deny any application for certification as a peace officer if the application does not include the affidavit required by subsection 1.

3. The Commission shall, for each applicant for certification as a peace officer, search the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, or an equivalent database maintained for the purpose of serving as a national

registry of certificate or license revocation actions relating to peace officer misconduct, to ensure that the name of the applicant does not appear in any such index or database.

Sec. 3. ***A law enforcement agency shall:***

1. Immediately notify the Commission if a peace officer employed by the agency:

(a) Is charged with a crime for which the regulations adopted by the Commission pursuant to NRS 289.510 authorize the Commission to revoke or suspend the certificate of the peace officer; or

(b) Resigns from employment or otherwise separates from employment with the agency while an investigation concerning alleged misconduct is pending; and

2. If a peace officer resigns or otherwise separates from employment while an investigation concerning alleged misconduct is pending, provide to the Commission a written summary of the outcome of the investigation as soon as practicable after completing the investigation.

Sec. 4. NRS 289.010 is hereby amended to read as follows:

289.010 As used in this chapter, unless the context otherwise requires:

1. "Administrative file" means any file of a peace officer containing information, comments or documents about the peace officer. The term does not include any file relating to an investigation conducted pursuant to NRS 289.057 or a criminal investigation of a peace officer.

2. ***"Adult use of cannabis" has the meaning ascribed to it in NRS 678A.075.***

3. "Law enforcement agency" means any agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(a) Has a duty to enforce the law; and

(b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~[3.]~~ ***4. "Medical use of cannabis" has the meaning ascribed to it in NRS 678A.215.***

5. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~[4.]~~ ***6.*** "Punitive action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer of a peace officer for purposes of punishment.

7. "Screening test" means a test of a person's blood, urine, hair or saliva to detect the general presence of a controlled substance or other drug.

Sec. 5. NRS 289.030 is hereby amended to read as follows:

289.030 ***1.*** A law enforcement agency shall not require any peace officer to ~~[~~disclose~~]~~ ***:***

(a) Disclose the peace officer's assets, debts, sources of income or other financial information or make such a disclosure a condition precedent to a promotion, job assignment or other personnel action unless that information is necessary to:

~~[1.]~~ ***(1)*** Determine the peace officer's credentials for transfer to a specialized unit;

~~[2.]~~ ***(2)*** Prevent any conflict of interest which may result in any new assignment; or

~~[3.]~~ ***(3)*** Determine whether the peace officer is engaged in unlawful activity.

(b) Provide an oral or written attestation concerning any use of cannabis by the peace officer that occurred before the peace officer submitted his or her application for employment with the law enforcement agency as a condition precedent to employment with the agency as a peace officer.

2. Nothing in this section shall be construed to prohibit a law enforcement agency from:

(a) Requiring a peace officer to provide an oral or written attestation concerning any use of cannabis by the peace officer that has occurred after the submission of his or her application for employment with the law enforcement agency as a condition precedent to employment with the agency as a peace officer; or

(b) Adopting a policy that requires a peace officer to submit to a screening test as:

(1) A condition precedent to employment; or

(2) A condition for continued employment.

3. As used in this section, "use of cannabis" includes the adult use of cannabis and the medical use of cannabis.

Sec. 6. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.680, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) ~~[~~Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

~~(1) Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;~~

~~(2) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;~~

~~(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:~~

~~(I) Racial profiling;~~

~~(II) Mental health, including, without limitation, crisis intervention;~~

~~(III) The well-being of officers;~~

~~(IV) Implicit bias recognition;~~

~~(V) De-escalation;~~

~~(VI) Human trafficking; and~~

~~(VII) Firearms.~~

~~(4) Qualifications for instructors of peace officers;~~

~~(5) Requirements for the certification of a course of training; and~~

~~(6) Standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.~~

~~(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.~~

~~(e)~~ May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in ~~[~~its~~]~~ ***the*** regulations ~~[.]~~ ***adopted pursuant to subsection 2.***

~~[(f)]~~ ***(d)*** Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

~~[(g)]~~ ***(e)*** May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

~~[(h)]~~ ***(f)*** May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

~~[(i)]~~ ***(g)*** Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. ~~[~~Regulations~~]~~ ***The Commission shall adopt regulations establishing minimum standards for:***

(a) The certification and decertification, recruitment, selection and training of peace officers. The standards adopted pursuant to this paragraph must:

(1) Establish requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;

(2) Establish requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(3) Establish standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:

(I) Racial profiling;

(II) Mental health, including, without limitation, crisis intervention;

(III) The well-being of officers;

(IV) Implicit bias recognition;

(V) De-escalation;

(VI) Human trafficking; and

(VII) Firearms;

(4) Establish qualifications for instructors of peace officers;

(5) Establish requirements for the certification of a course of training;

(6) Require all peace officers to receive training in the handling of cases involving abuse or neglect of children or missing children;

(7) Require all peace officers to receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons;

(8) Not prohibit the certification of an applicant solely on the basis that the applicant has engaged in the adult use of cannabis or the medical use of cannabis;

(9) Not require the decertification of a peace officer solely on the basis that the peace officer has engaged in the adult use of cannabis or the medical use of cannabis; and

(10) Require the decertification of a peace officer upon a determination by the Commission that the peace officer knowingly provided false or misleading information in his or her application for certification.

(b) An annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing any conditions that may affect the performance of duties by the peace officer.

3. The regulations adopted by the Commission ~~[:]~~ ***pursuant to subsection 2:***

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers; ***and***

(b) ~~[Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;~~

~~(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and~~

~~(d)~~] May require that training be carried on at institutions which it approves in those regulations.

4. Nothing in this section shall be construed to prohibit a law enforcement agency from adopting a policy that requires a peace officer to submit to a screening test as:

(a) A condition precedent to employment; or

(b) A condition for continued employment.

Sec. 8. NRS 289.530 is hereby amended to read as follows:

289.530 ***1.*** With the advice of the Commission, the Executive Director of the Commission may:

[~~1.~~] ***(a)*** Appoint employees, agents, consultants and other staff of the Commission and prescribe their duties;

[~~2.~~] ***(b)*** Administer and direct the daily operation of the staff and resources of the Commission;

[~~3.~~] ***(c)*** Inspect academies for training peace officers, and issue and revoke certificates of approval to such academies;

[~~4.~~] ***(d)*** Certify qualified instructors for approved courses of training for peace officers and issue appropriate certificates to instructors;

[~~5.~~] ***(e)*** Certify peace officers who have satisfactorily completed courses of training for peace officers and issue basic, intermediate, advanced and management professional certificates to peace officers;

[~~6.~~] ***(f)*** Make recommendations to the Commission concerning the issuance of executive certificates;

[~~7.~~] ***(g)*** Cause annual audits to be made relating to the operation of academies for training peace officers;

[~~8.~~] ***(h)*** Consult and cooperate with academies for training peace officers concerning the development of the basic and advanced training programs for peace officers;

[~~9.~~] ***(i)*** Consult and cooperate with academies for training peace officers concerning the development of specialized courses of study in this State for peace officers in the areas of police science, police administration, corrections, probation, the social sciences and other related areas;

[~~10.~~] ***(j)*** Consult and cooperate with other departments and agencies of this State and of local governments concerning the training of peace officers;

[~~11.~~] ***(k)*** Report to the Commission at the regular meetings of the Commission and at such other times as the Commission may require, and recommend the denial, suspension or revocation of certification of a peace officer to the Commission as deemed necessary;

[~~12.~~] ***(l)*** Execute contracts on behalf of the Commission; and

[~~13.~~] ***(m)*** Perform any other acts necessary and appropriate to the carrying out of the duties of the Executive Director of the Commission.

2. The Executive Director of the Commission shall, as soon as reasonably practicable after revoking the certification of a peace officer, report to the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or an equivalent database maintained for the purpose of serving as a national registry of certificate or license revocation actions relating to peace officer misconduct:

(a) The name of the decertified peace officer; and

(b) Any other information possessed by the Commission and required by the Index or database, as applicable.

Sec. 9. NRS 289.555 is hereby amended to read as follows:

289.555 A person ~~[who has been convicted of a felony in this State or any other state]~~ is not qualified to serve as a category I peace officer, category II peace officer or category III peace officer **,** regardless of whether the person has ~~[been]~~ ***had his or her civil rights*** restored ~~[to]~~ ***, if*** the ~~[person's civil rights.]~~ ***person has been:***

1. Convicted of:

(a) A felony in this State or any other state, regardless of whether such a conviction was expunged or sealed;

(b) A battery which constitutes domestic violence pursuant to NRS 200.485, regardless of whether such a conviction was expunged or sealed; or

(c) A misdemeanor crime of domestic violence, as defined in 18 U.S.C. § 921(a)(33), in any other state, regardless of whether such a conviction was expunged or sealed.

2. Reported to the National Decertification Index of the International Association of Directors of Law Enforcement and Training or an equivalent database maintained for the purpose of serving as a national registry of certificate or license revocation actions relating to peace officer misconduct.

3. Decertified or has had his or her certificate or license to practice or serve as a peace officer revoked or annulled by:

(a) The Commission; or

(b) A certifying or licensing authority in any other state.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 266.

Bill read third time.

The following amendment was proposed by Assemblywoman Backus:

Amendment No. 942.

SUMMARY—Revises **various** provisions relating to ~~[the inclusion of entry fees for participation in certain contests or tournaments as gross revenue of gaming licensees and the reports required by gaming licensees participating in foreign]~~ gaming. (BDR 41-943)

AN ACT relating to gaming; excluding certain portions of entry fees paid to participate in certain contests or tournaments from the gross revenue of certain gaming licensees for the purpose of calculating gaming license fees and for certain other purposes; **revising provisions relating to the designation of gaming enterprise districts;** revising requirements relating to the filing of certain information concerning foreign gaming with the Nevada Gaming Control Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Gaming Commission to charge and collect from each licensee a monthly license fee in an amount equal to a certain percentage of the gross revenue of the licensee. (NRS 463.370) Under existing law, the gross revenue on which the monthly license fee is imposed includes entry fees for the right to participate in contests and tournaments, minus certain enumerated deductions. (NRS 463.0161) **Section 1** of this bill excludes from the gross revenue on which the monthly license fee is imposed any portion of entry fees for the right to participate in contests and tournaments conducted on the premises of a licensed gaming establishment with the participants physically present at those premises when participating if the portion of those fees is designated as: (1) employee compensation and used to pay an employee of a licensee additional compensation for being involved in the organization or operation of the contest or tournament; (2) a donation and remitted to certain tax-exempt organizations; (3) an addition to a payoff schedule of the contest or tournament that is paid as a prize to a participant in a present or future contest or tournament; or (4) an addition to an account to pay guaranteed payouts of future contests or tournaments. **Section 1** also clarifies that cash from an entry fee excluded from gross revenue: (1) may not be deducted from gross revenue when paid out or distributed for a purpose other than the purpose for which an exclusion is authorized; and (2) must be included in the calculation of gross revenue for the month in which it is paid out or distributed for a purpose other than the purpose for which an exclusion is authorized.

For the purposes of the regulation of gaming in this State, a nonrestricted licensee is a licensee who is licensed to operate: (1) 16 or more slot machines; (2) any number of slot machines together with any other game, gaming device, race book or sports pool at one establishment; or (3) a slot machine route. (NRS 463.0177) Under existing law, the Commission is: (1) authorized to require nonrestricted licensees with an annual gross revenue of $1,000,000 or more to report and keep records of all transactions involving cash; and (2) required to adopt regulations requiring audits of the financial statements of nonrestricted licensees whose annual gross revenue is $5,000,000 or more, as adjusted annually based on the Consumer Price Index (All Items) for the

preceding year. (NRS 463.125, 463.159) Because **section 1** excludes from gross revenue certain portions of the entry fee for the right to participate in contests or tournaments, that revenue would be excluded for the purposes of these calculations.

Existing law prohibits the Nevada Gaming Commission from approving a nonrestricted license for an establishment in a county whose population is 700,000 or more (currently only Clark County) unless the establishment is located in a gaming enterprise district, which is defined as "an area that has been approved by a county, city or town as suitable for operating an establishment that has been issued a nonrestricted license." (NRS 463.0158, 463.308) If the location of a proposed establishment is within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone, but not within an area already designated as a gaming enterprise district, the Commission is prohibited from approving a nonrestricted license for the proposed establishment unless the location of the proposed establishment is first designated a gaming enterprise district pursuant to the criteria set forth in NRS 463.3084. (NRS 463.3082) However, if the location of the proposed establishment is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone and not within an area already designated as a gaming enterprise district, the Commission is prohibited from approving a nonrestricted license for the proposed establishment unless the location of the proposed establishment is first designated a gaming enterprise district pursuant to the criteria set forth in NRS 463.3086, which contains certain additional requirements that are not contained in NRS 463.3084, such as: (1) the property line of the proposed establishment must be not less than 500 feet from the property line of a developed residential district and not less than 1,500 feet from the property line of a public school, private school or structure used primarily for religious services or worship; and (2) a three-fourths vote of the governing body of the county, city or town is required for designation of the location as a gaming enterprise district. (NRS 463.3086) Section 1.3 of this bill provides that a proposed establishment that meets certain criteria is not subject to certain requirements of existing law related to the designation of the location of the proposed establishment as a gaming enterprise district.

Existing law requires certain persons licensed to operate gaming establishments in this State who also conduct gaming operations outside this State to file certain documents with the Nevada Gaming Control Board as soon as the licensee begins participating in gaming outside this State. Thereafter, the licensee is required to file annual and quarterly reports containing certain information concerning the gaming operations outside this State. (NRS 463.710) **Section 1.5** of this bill revises those filing requirements to: (1) require a notice to be filed when participation in gaming outside this State begins and terminates; (2) eliminate the requirement to file certain annual

reports; and (3) revise the content that is required to be included in the required quarterly reports.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;

(b) ~~[~~Cash~~]~~ ***Except as otherwise provided in paragraph (g) of subsection 2, cash*** received as entry fees for the right to participate in contests and tournaments;

(c) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(d) Compensation received for conducting any game in which the licensee is not party to a wager,

➥ less the total of all cash paid out as losses to patrons, all cash and the cost of any noncash prizes paid out to participants in contests or tournaments not to exceed the total cash or cash equivalents received for the right to participate in the contests or tournaments, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Uncollected baccarat commissions; ~~[~~or~~]~~

(f) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed ~~[~~.~~]~~ ***; or***

(g) Cash received as entry fees for the right to participate in a contest or tournament conducted on the premises of a licensed gaming establishment with the participants physically present at those premises when participating, if the cash is designated:

(1) As employee compensation and paid as compensation to an employee of a licensee who is involved in the organization or operation of the contest or tournament, in addition to the regular compensation of the employee;

(2) As a donation to a nonprofit, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) or a nonprofit corporation organized or existing pursuant to

chapter 82 of NRS and the amount is remitted to the designated organization;

(3) As an addition to a payoff schedule of the contest or tournament that is fixed, or increases automatically over time or as the contest or tournament is played, and that is paid as a prize to a patron participating in the present or a future contest or tournament; or

(4) As an addition to an account to fund guaranteed payouts of future contests or tournaments and the disbursement of funds from the account are used to fund guaranteed payouts of future contests or tournaments.

➥ The Commission may adopt regulations authorizing the exclusion from gross revenue set forth in paragraph (g) to apply to cash received as entry fees for the right to participate in a contest or tournament other than a contest or tournament conducted on the premises of a licensed gaming establishment with contestants physically present at those premises when participating.

3. ***The amount of cash received as entry fees for the right to participate in a contest or tournament that is excluded from gross revenue pursuant to paragraph (g) of subsection 2:***

(a) May not be deducted from the amount of the entry fees included in gross revenue pursuant to subsection 1 if the amount is paid or distributed for any purpose other than a purpose set forth in paragraph (g) of subsection 2;

(b) Must be included in gross revenue for the month in which the amount is paid out or distributed for a purpose other than a purpose set forth in paragraph (g) of subsection 2.

4. As used in this section, "baccarat commission" means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Sec. 1.3. **NRS 463.3086 is hereby amended to read as follows:**

463.3086 1. If the location of a proposed establishment:

(a) Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and

(b) Is not within a gaming enterprise district,

➥ the Commission shall not approve a nonrestricted license for the establishment unless the location of the establishment is designated a gaming enterprise district pursuant to this section.

2. If a person is proposing to operate an establishment with a nonrestricted license and the location of the proposed establishment:

(a) Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and

(b) Is not within a gaming enterprise district,

➥ the person may petition the county, city or town having jurisdiction over the location of the proposed establishment to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.

3. If a person files a petition pursuant to subsection 2, the county, city or town shall, at least 10 days before the date of the hearing on the petition, mail a notice of the hearing to:

(a) Each owner of real property whose property line is less than 2,500 feet from the property line of the proposed establishment;

(b) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the proposed establishment, to the extent this notice does not duplicate the notice given pursuant to paragraph (a);

(c) Each tenant of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment; and

(d) Any advisory board that represents one or more owners of real property or tenants of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment.

➥ The notice must be written in language that is easy to understand and must set forth the date, time, place and purpose of the hearing and contain a physical description or map of the location of the proposed establishment. The petitioner shall pay the costs of providing the notice that is required by this subsection.

4. Any interested person is entitled to be heard at the hearing on the petition.

5. The county, city or town shall cause the hearing on the petition to be reported by a court reporter who is certified pursuant to chapter 656 of NRS. The petitioner shall pay the costs of having the hearing reported.

6. At the hearing, the petitioner must prove by clear and convincing evidence that:

(a) The roads, water, sanitation, utilities and related services to the location are adequate;

(b) The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;

(c) The proposed establishment will enhance, expand and stabilize employment and the local economy;

(d) The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;

(e) The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area;

(f) ~~[On]~~ ***Except as otherwise provided in subsection 7, on*** the date that the petition was filed, the property line of the proposed establishment was not less than:

(1) Five hundred feet from the property line of a developed residential district; and

(2) Fifteen hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship; and

(g) ~~[The]~~ ***Except as otherwise provided in subsection 7, the*** proposed establishment will not adversely affect:

(1) A developed residential district; or

(2) A public school, private school or structure used primarily for religious services,

➥ whose property line is within 2,500 feet from the property line of the proposed establishment.

7. ***The provisions of paragraphs (f) and (g) of subsection 6 do not apply if:***

(a) The location of the proposed establishment consists of 20 or more contiguous acres;

(b) The property line of the proposed establishment is separated by an interstate highway from the property line of any developed residential district, public school, private school or structure used primarily for religious services; and

(c) Part of the location of the proposed establishment is within the Las Vegas Boulevard gaming corridor.

8. A three-fourths vote of the governing body of the county, city or town is required to grant the petition to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.

~~[8.]~~ ***9.*** A county, city or town that denies a petition submitted pursuant to this section shall not consider another petition concerning the same location or any portion thereof for 1 year after the date of the denial.

~~[9.]~~ ***10.*** As used in this section:

(a) "Developed residential district" means a parcel of land zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 1.5. NRS 463.710 is hereby amended to read as follows:

463.710 Unless otherwise ordered by the Board or Commission, a licensee who participates in foreign gaming shall file with the Board:

1. As soon as participation in foreign gaming begins, ~~[all documents filed by the licensee or by an affiliate with the foreign jurisdiction.]~~ ***a notice indicating that fact.***

2. ~~[Annual operational and regulatory reports describing compliance with regulations, procedures for audit, and procedures for surveillance relating to the foreign gaming operation.~~

~~3.]~~ Quarterly reports regarding any of the following information which is within the knowledge of the licensee:

(a) Any changes in ownership or control of any interest in the foreign gaming operation;

(b) Any changes in officers, directors or key employees ***;*** ~~[of the foreign gaming operation;]~~

(c) All complaints, disputes, orders to show cause and disciplinary actions, related to gaming, instituted or presided over by an entity of the United States, a state or any other governmental jurisdiction ~~[concerning the foreign gaming operation;]~~ ***outside this State;***

(d) Any arrest of an employee ~~[of the foreign gaming operation]~~ involving cheating or theft, related to gaming, in the foreign jurisdiction; and

(e) Any arrest or conviction of an officer, director, key employee or owner of equity in the foreign gaming operation for an offense that would constitute a gross misdemeanor or felony in this state.

3. As soon as participation in foreign gaming has entirely ceased, a notice indicating that fact.

4. Such other information as the Commission requires by regulation.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 368.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 951.

AN ACT relating to real property; prescribing a procedure for removing certain discriminatory restrictions or prohibitions from a written instrument relating to real property; requiring the Real Estate Division of the Department of Business and Industry to prescribe a restrictive covenant modification form; eliminating certain provisions relating to a declaration of removal of a discriminatory restriction or prohibition; requiring each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any restriction or prohibition in a written instrument relating to real property that purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of the real property or purports to limit, restrict or prohibit the use or occupation of the real property on the basis of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression is void and unenforceable by operation of law. Existing law authorizes an owner of real property that is subject to such a restriction or prohibition to record a declaration of removal of the discriminatory restriction or prohibition by filing a declaration form with the county recorder of the county in which the real

property is located. If an owner files such a form, existing law requires the county recorder to attach the declaration form to the original recorded instrument to indicate that the discriminatory restriction or prohibition is void. (NRS 111.237)

Section 1.3 of this bill eliminates provisions relating to the filing and recordation of a declaration of removal of a discriminatory restriction or prohibition. Instead, **section 1.3** prescribes a procedure for removing a discriminatory restriction or prohibition from a written instrument relating to real property. **Section 1.3** requires an interested person who wishes to remove a discriminatory restriction or prohibition from a written instrument to file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document, which redacts from a written instrument any discriminatory restriction or prohibition identified by the court in its order. If, after considering such a petition and any objections, the district court determines that a restriction or prohibition identified in a petition is void and unenforceable by operation of law, **section 1.3** requires the district court to issue an order directing the appropriate county recorder to record a restrictive covenant modification document. If the district court issues such an order, **section 1.3** authorizes an interested person to record a restrictive covenant modification document by filing with the appropriate county recorder: (1) a restrictive covenant modification form; (2) a certified copy of the written instrument; and (3) a certified copy of the court order. Upon receipt of these documents, **section 1.3** requires the county recorder to: (1) redact from the written instrument any language identified in the court order; (2) record and index the restrictive covenant modification document and restrictive covenant modification form; and (3) retain the original written instrument as a public record for historical purposes.

Section 1 of this bill defines certain terms relating to the procedure prescribed by **section 1.3**. **Section 2** of this bill makes a conforming change relating to the recordation of a restrictive covenant modification document or restrictive covenant modification form.

Section 1.5 of this bill requires the Real Estate Division of the Department of Business and Industry to: (1) solicit recommendations concerning the design and contents of a restrictive covenant modification form; and (2) prescribe such a form.

Section 2.5 of this bill makes appropriations to the University of Nevada, Las Vegas, and the University of Nevada, Reno, to pay costs associated with: (1) identifying, locating and mapping certain real property subject to a discriminatory restriction or prohibition; (2) removing discriminatory restrictions or prohibitions from written instruments using the procedure prescribed by section 1.3; (3) documenting certain information; and (4) providing education or outreach concerning the procedure prescribed by section 1.3.

Section 3 of this bill requires each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 111.010 is hereby amended to read as follows:

111.010 As used in this chapter:

1. "Conveyance" shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be its form, and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned or surrendered.

2. "Estate and interest in lands" shall be construed and embrace every estate and interest, present and future, vested and contingent, in lands as defined in subsection 3.

3. "Lands" shall be construed as coextensive in meaning with lands, tenements and hereditaments, and shall include in its meaning all possessory right to the soil for mining and other purposes.

4. "Restrictive covenant modification document" means a certified copy of a written instrument which redacts from the written instrument any language identified in a court order issued pursuant to NRS 111.237.

5. "Restrictive covenant modification form" means the form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to NRS 111.2375.

Sec. 1.3. NRS 111.237 is hereby amended to read as follows:

111.237 1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

2. Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

3. ~~[The owner or owners of any real property subject to a]~~ ***A*** restriction or prohibition that is void and unenforceable by operation of law pursuant to subsection 1 or 2 may ~~[record]~~ ***be removed from a written instrument using the restrictive covenant modification procedure provided in this section.***

4. An interested person who wishes to remove from a written instrument any restriction or prohibition that is void and unenforceable by operation of law must file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document. Any such petition must:

(a) Be made on a form prescribed by the ~~[Real Estate Division]~~ ***clerk*** of the ~~[Department of Business and Industry pursuant to NRS 111.2375 declaring that all such restrictions]~~ ***court;***

(b) Specifically identify any restriction or ~~[prohibitions are removed from]~~ ***prohibition*** the ~~[referenced original]~~ ***interested person seeks to have redacted from the*** written instrument ~~[.~~

~~4. The form must be completed and signed by]~~ ***; and***

(c) Be accompanied by:

(1) An affidavit that states that the petitioner meets the definition of "interested person" set forth in subsection 14, if the petitioner is not the owner or owners of the real property; and

(2) A copy of the written instrument.

5. If the petitioner is not the owner or owners of the real property ~~[and]~~ ***, a copy of the petition must be served upon each owner of the property by mailing a copy of the petition by certified mail, return receipt requested, to each owner at his or her place of residence or to the registered agent of each owner at the address of the registered agent.***

6. If, within 10 days after service of the petition:

(a) No written objection is filed ***,*** ~~[in]~~ the ~~[office of]~~ ***district court may consider the petition without a hearing.***

(b) A written objection is filed, the district court shall set the matter for a hearing.

7. After considering the petition and any objections, if the district court determines that a restriction or prohibition identified in the petition is void and unenforceable by operation of law pursuant to subsection 1 or 2, the district court shall issue an order directing the county recorder ***of the county*** in which the real property is located ~~[.~~

~~5.]~~ ***to record a restrictive covenant modification document. An order issued pursuant to this subsection must clearly identify the language that must be redacted in the restrictive covenant modification document.***

8. If the ~~[form is filed with the appropriate county recorder]~~ ***district court issues an order*** pursuant to subsection ~~[4,]~~ ***7, an interested person may record a restrictive covenant modification document by filing with the appropriate county recorder:***

(a) A completed, signed restrictive covenant modification form;

(b) A certified copy of the written instrument; and

(c) A certified copy of a court order issued pursuant to subsection 7.

9. Upon receipt of the documents required by subsection 8, the county recorder shall ~~[record and index the form with any other restriction or~~

~~prohibition upon real property, including, without limitation, real property within a common interest community pursuant to chapter 116 of NRS.~~

~~6. If the form is not filed with the county recorder of the appropriate county pursuant to subsection 4, the county recorder shall transfer the form to the county recorder of the appropriate county for recording and indexing in the manner described in subsection 5.~~

~~7.~~] ***:***

(a) Redact from the certified copy of the written instrument any language identified in the order;

(b) Record and index:

(1) The restrictive covenant modification document; and

(2) The restrictive covenant modification form; and

(c) Retain the original written instrument as a public record for historical purposes.

10. The decision of the district court is not appealable.

11. No fee may be charged by:

(a) The clerk of the court for:

(1) The filing of a petition or written objection pursuant to this section; or

(2) Providing a certified copy of a court order issued pursuant to subsection 7; or

(b) The county recorder for any filing, indexing or recording required pursuant to subsection 9.

12. The filing of a petition pursuant to subsection 4 does not constitute grounds for delaying any probate proceeding, divorce proceeding or bankruptcy proceeding to which an owner is a party.

13. Nothing in this section regarding familial status shall be construed to apply to housing for older persons so long as such housing complies with the requirements of 42 U.S.C. § 3607.

~~[8.]~~ ***14.*** As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "Familial status" means the fact that a person:

(1) Lives with a child under the age of 18 and has:

(I) Lawful custody of the child; or

(II) Written permission to live with the child from the person who has lawful custody of the child;

(2) Is pregnant; or

(3) Has begun the proceeding to adopt or otherwise obtain lawful custody of a child.

(c) "Interested person" includes:

(1) The owner or owners of the real property.

(2) A representative of a common-interest community, if the real property is located within a common-interest community.

(3) A nonprofit organization or academic institution whose mission, in whole or in part, is to combat discrimination based upon race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression.

Sec. 1.5. NRS 111.2375 is hereby amended to read as follows:

111.2375 1. The Real Estate Division of the Department of Business and Industry shall:

(a) Solicit recommendations from the county recorder of each county concerning the design and contents of a ***restrictive covenant modification*** form that may be used ~~[to make a declaration of removal of]~~ ***for the purpose of redacting and removing*** a discriminatory restriction pursuant to NRS 111.237.

(b) Prescribe such a form after considering all recommendations solicited pursuant to paragraph (a).

2. ~~[The form must provide for the inclusion of the following:~~

~~(a) Identifying information concerning the original written instrument that contains a prohibition or restriction that is void and unenforceable pursuant to NRS 111.237;~~

~~(b) The name or names of the owner or owners of the property;~~

~~(c) The assessor's parcel number;~~

~~(d) The legal description of the real property as provided in the original written instrument;~~

~~(e) The mailing address of the owner or owners of the property; and~~

~~(f) The following statements in 14-point font, in substantially the following form:~~

~~(1) The referenced original written instrument contains discriminatory restrictions that are void and unenforceable pursuant to NRS 111.237. This declaration removes from the referenced original instrument all provisions that are void and unenforceable pursuant to NRS 111.237 and is valid solely for that purpose; and~~

~~(2) All persons in this State shall have an equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression pursuant to chapter 118 of NRS.~~

~~3.]~~ The form must be made available, free of charge:

(a) By the Real Estate Division at its principal office designated pursuant to NRS 645.170 and at each branch office established pursuant to NRS 645.170 and on any Internet website maintained by the Division; and

(b) By the county recorder at the office of the county recorder and on any Internet website maintained by the county recorder in his or her official capacity.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a ~~[declaration of removal of discriminatory restriction,]~~ ***restrictive covenant modification form, a restrictive covenant modification document,*** a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain and sale deed;

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee's deed upon sale,

➥ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

Sec. 2.5. **1. There is hereby appropriated from the State General Fund to the University of Nevada, Las Vegas, for the purposes set forth in subsection 3 the following sums:**

For the Fiscal Year 2023-2024 ..... $75,000

For the Fiscal Year 2024-2025 ..... $75,000

2. There is hereby appropriated from the State General Fund to the University of Nevada, Reno, for the purposes set forth in subsection 3 the following sums:

For the Fiscal Year 2023-2024 ..... $75,000

For the Fiscal Year 2024-2025 ..... $75,000

3. The money appropriated by subsections 1 and 2 must be used by the University of Nevada, Las Vegas, or the University of Nevada, Reno, as applicable, to pay costs associated with:

(a) Identifying, locating and mapping any real property subject to a restriction or prohibition that is void and unenforceable by operation of the law pursuant to NRS 111.237, as amended by section 1.3 of this act;

(b) Removing restrictions or prohibitions that are void and unenforceable by operation of the law from written instruments using the restrictive covenant modification procedure set forth in NRS 111.237, as amended by section 1.3 of this act;

(c) Documenting the history of structural racism in this State, the harm wrought by restrictive covenants and the perseverance of the residents of this State affected by restrictive covenants; and

(d) Providing education or outreach concerning the restrictive covenant modification procedure set forth in NRS 111.237, as amended by section 1.3 of this act.

4. Any balance of the sums appropriated by subsections 1 and 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 3. As soon as reasonably practicable on or after October 1, 2023, each county recorder in this State shall provide notice of the provisions of this act to each owner who, before October 1, 2023, recorded a form declaring that a restriction or prohibition is removed from an original written instrument.

Sec. 4. (Deleted by amendment.)

Sec. 5. **1. This section and section 4 of this act become effective upon passage and approval.**

2. Section 2.5 of this act becomes effective on July 1, 2023.

3. Sections 1 to 2, inclusive, and 3 of this act become effective on October 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 277.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 948.

AN ACT relating to cannabis; revising provisions relating to cannabis establishment agents; requiring the Cannabis Compliance Board to consider certain matters before adopting, amending or repealing any regulation; revising provisions relating to the issuance and renewal of licenses and registration cards by the Board; revising certain restrictions on sales of cannabis; requiring the Board to develop and implement a process by which a person may petition for an exemption from certain provisions related to excluded felony offenses; ~~[increasing]~~ **decreasing** certain fees for the issuance and renewal of an adult-use cannabis establishment license; authorizing cannabis establishments to have more than one entrance; deeming each adult-use cannabis establishment to be a dual licensee; revising the exemption from state prosecution for certain offenses relating to cannabis to increase the amount of cannabis and concentrated cannabis that a person who is 21 years of age or older is authorized to possess, deliver or produce; authorizing certain local governments to use money collected from a licensing tax on cannabis establishments for certain purposes; revising provisions relating to the excise tax on cannabis; revising the definition of the term "marijuana"; requiring the Cannabis Advisory Commission to conduct a study concerning certain matters relating to the scheduling of cannabis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Existing law sets forth the method by which the Board may adopt, amend or repeal regulations. (NRS 678A.460) **Section 1.5** of this bill requires the Board, before adopting, amending or repealing any regulation, to consider whether the proposed action is likely to have an adverse effect on the environment and, if so, whether there are any methods to reduce or eliminate that adverse effect which would not impose an economic burden on holders of an adult-use cannabis establishment license or medical cannabis establishment license.

Existing law establishes different requirements for the cultivation, production and sale of cannabis and cannabis products depending upon whether the cannabis establishment engaging in such activities is an adult-use cannabis establishment or a medical cannabis establishment. (Chapters 678C

and 678D of NRS) Under existing law, a person who holds both an adult-use cannabis establishment license and a medical cannabis establishment license of the same type is a "dual licensee" and is, in general, authorized to combine the operations of the adult-use cannabis establishment and medical cannabis establishment, subject to various requirements. (NRS 678A.145, 678C.410, 678C.430, 678D.430) **Section 13** of this bill deems each adult-use cannabis establishment to be a dual licensee and authorizes the establishment to engage in activities relating to the medical use of cannabis to the same extent as if the adult-use cannabis establishment held a medical cannabis establishment license of the same type. **Section 15** of this bill exempts from the excise tax imposed on retail sales of cannabis or cannabis products by an adult-use cannabis retail store any sale of cannabis for the medical use of cannabis or a medical cannabis product to the holder of a registry identification card or letter of approval by an adult-use cannabis retail store deemed to be a dual licensee pursuant to **section 13**.

Sections 3, 5 and 6 of this bill prohibit the Board from issuing or renewing a medical cannabis establishment license on or after January 1, 2024, unless the medical cannabis establishment is located in a local governmental jurisdiction that is a "covered jurisdiction," which **section 3** defines to mean a local governmental jurisdiction that has adopted local cannabis control measures which prohibit the operation of adult-use cannabis establishments. **Section 17** of this bill sets forth a process by which a person who holds a medical cannabis establishment license on January 1, 2024, for a medical cannabis establishment that is not located in a covered jurisdiction may apply for and be issued an adult-use cannabis establishment license of the same type. **Section 3** sets forth a similar process to allow a person who holds a medical cannabis establishment license for a medical cannabis establishment that is located in a covered jurisdiction to apply for and be issued an adult-use cannabis establishment license of the same type if the local governmental jurisdiction in which the establishment is located ceases to be a covered jurisdiction.

Existing law imposes limits on the number of: (1) medical cannabis establishment licenses for medical cannabis dispensaries and adult-use cannabis establishment licenses for adult-use cannabis retail stores that the Board is authorized to issue within a county; and (2) medical cannabis establishment licenses and adult-use cannabis establishment licenses that a single person, group of persons or entity is authorized to hold in a county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 678B.220, 678B.230, 678B.260, 678B.270) **Sections 3 and 17** deem an adult-use cannabis establishment license issued pursuant to those sections to be a medical cannabis establishment license for the purpose of those limitations, thereby exempting such a license from the limitations applicable to adult-use cannabis establishment licenses while continuing to subject such licenses to the limitations applicable to medical cannabis establishment licenses.

Section 10 of this bill ~~[increases]~~ **decreases** the maximum amount of the fees that the Board is authorized to charge for the issuance or renewal of an adult-use cannabis establishment license ~~[.]~~ **, other than the fee for the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store, to an amount that is equal to the amount set forth under existing law for the issuance or renewal, as applicable, of a medical cannabis establishment license of the same type.**

Existing law requires a cannabis establishment that is: (1) a cannabis sales facility to have a single secure entrance for patrons; and (2) not a cannabis sales facility to have a single secure entrance. (NRS 678B.510) **Section 11** of this bill authorizes any cannabis establishment to have more than one entrance so long as each entrance is secure.

Existing law provides an exemption from state prosecution for the possession, delivery and production of cannabis for: (1) a person who holds a valid registry identification card or letter of approval; and (2) a person who is 21 years of age or older. (NRS 678C.200, 678D.200) However, under existing law, that exemption is subject to certain limitations. For a person who is 21 years of age or older, that exemption applies only to the extent that the person does not, at any one time, possess, deliver or produce more than: (1) one ounce of usable cannabis; (2) one-eighth of an ounce of concentrated cannabis; (3) six cannabis plants; and (4) a maximum allowable quantity of adult-use cannabis products established by regulation of the Board. (NRS 678D.200) **Section 14** of this bill increases the amount of usable cannabis, from 1 ounce to 2.5 ounces, and the amount of concentrated cannabis, from one-eighth of an ounce to one-fourth of an ounce, that a person who is 21 years of age or older is authorized to possess, deliver or produce at any one time and remain subject to the exemption from state prosecution for the possession, delivery and production of cannabis.

Existing law prohibits a medical cannabis dispensary from selling to a person more than 1 ounce of cannabis in any one transaction. (NRS 678C.440) Existing regulations of the Board prohibit any cannabis sales facility from selling to any consumer an amount of cannabis or cannabis products which exceeds: (1) one ounce of usable cannabis; (2) one-eighth of an ounce of concentrated cannabis or cannabis products containing not more than 3,543 milligrams of THC; or (3) a combination of usable and concentrated cannabis not to exceed the legal limit. (Nev. Cannabis Compliance Bd. Regs. § 7.025) **Section 12** of this bill eliminates provisions prohibiting a medical cannabis dispensary from selling to a person more than 1 ounce of cannabis in any one transaction. **Section 4** of this bill instead prohibits any cannabis sales facility from selling to a person in any one transaction more than 2.5 ounces of usable cannabis or one-fourth of an ounce of concentrated cannabis.

Existing law prohibits the Board from issuing a: (1) medical cannabis establishment license or adult-use cannabis establishment license if any of the persons proposed to be owners, officers or board members of the proposed medical or adult-use cannabis establishment have been convicted of an

excluded felony offense; and (2) cannabis establishment agent registration card if the applicant for the registration card has been convicted of an excluded felony offense. (NRS 678B.210, 678B.250, 678B.340) **Section 4.5** of this bill requires the Board to develop and implement a process by which a person who has been convicted of an excluded felony offense may submit to the Board a petition for an exemption from those prohibitions. **Section 4.5** authorizes the Board to: (1) grant the exemption only if the Board determines that doing so would not pose a threat to the public health or safety or negatively impact the cannabis industry in this State; and (2) impose any conditions and limitations on the granting of an exemption that the Board determines necessary to preserve the public health and safety or mitigate the impact of granting the exemption on the cannabis industry in this State. **Section 4.5** requires the Board to adopt regulations to carry out the provisions of **section 4.5**. **Sections 5, 7 and 8** of this bill revise provisions setting forth the prohibitions concerning excluded felony offenses to reflect the authorization provided in **section 4.5** for the Board to grant an exemption from those prohibitions.

Existing law requires a person who holds an ownership interest of less than 5 percent in a cannabis establishment to register with the Board as a cannabis establishment agent and obtain a cannabis establishment agent registration card. (NRS 678B.340) **Section 8** of this bill eliminates that requirement. **Section 1** of this bill eliminates provisions authorizing the Board to adopt regulations establishing policies and procedures pursuant to which the Board may waive the requirement for a person who holds an ownership interest in a cannabis establishment of less than 5 percent to reflect the elimination of that requirement in **section 8**.

Existing law authorizes the board of county commissioners of a county and the governing body of an incorporated city to fix, impose and collect a license tax on cannabis establishments. (NRS 244.35253, 268.0977) **Sections 14.3 and 14.6** of this bill authorize the board of county commissioners of a county and the governing body of an incorporated city to use any portion of any money collected from that license tax to educate the public on safely purchasing cannabis and cannabis products from licensed cannabis establishments and the safe consumption of cannabis products.

Existing law defines "marijuana" for the purposes of the regulation of controlled substances. (NRS 453.096) **Section 15.5** of this bill excludes from the definition of "marijuana": (1) root balls which have been fully separated from the stalks of the plant of the genus *Cannabis* after harvest; and (2) the seeds of that plant.

Under the federal Controlled Substances Act, cannabis, referred to as "marihuana," is included in the list of controlled substances in schedule I. (21 U.S.C. § 812) Similarly, existing regulations adopted by the State Board of Pharmacy pursuant to the provisions of the state Uniform Controlled Substances Act include cannabis, referred to as "marijuana," in the list of controlled substances in schedule I. (NRS 453.011-453.348; NAC 453.510) **Section 16** of this bill requires the Cannabis Advisory Commission to conduct

a study concerning the potential effects of the removal of cannabis from the list of controlled substances included in schedule I pursuant to the federal Controlled Substances Act or the state Uniform Controlled Substances Act on the cannabis industry in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) ~~[~~Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.

~~(f)]~~ Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

~~[(g)]~~ ***(f)*** Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

~~[(h)]~~ ***(g)*** Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for

transmission to the Legislature on or before January 1 of each odd-numbered year.

4. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 1.5. NRS 678A.460 is hereby amended to read as follows:

678A.460 1. The Board shall adopt, amend and repeal regulations in accordance with the following procedures:

(a) At least 30 days before a meeting of the Board at which the adoption, amendment or repeal of a regulation is considered, notice of the proposed action must be:

(1) Posted on the Internet website of the Board;

(2) Mailed to every person who has filed a request therefor with the Board; and

(3) When the Board deems advisable, mailed to any person whom the Board believes would be interested in the proposed action, and published in such additional form and manner as the Board prescribes.

(b) The notice of proposed adoption, amendment or repeal must include:

(1) A statement of the time, place and nature of the proceedings for adoption, amendment or repeal;

(2) Reference to the authority under which the action is proposed; and

(3) Either the express terms or an informative summary of the proposed action.

(c) On the date and at the time and place designated in the notice, the Board shall afford any interested person or his or her authorized representative, or both, the opportunity to present statements, arguments or contentions in writing, with or without opportunity to present them orally. ~~[The Board shall consider all relevant matter presented to it before adopting, amending or repealing any regulation.]~~

(d) ***Before adopting, amending or repealing any regulation, the Board shall consider:***

(1) Whether the proposed action is likely to have an adverse effect on the environment and, if so, whether there are any methods to reduce or eliminate that adverse effect which would not impose an economic burden upon licensees; and

(2) All relevant matter presented to the Board.

(e) Any interested person may file a petition with the Board requesting the adoption, amendment or repeal of a regulation. The petition must state, clearly and concisely:

(1) The substance or nature of the regulation, amendment or repeal requested;

(2) The reasons for the request; and

(3) Reference to the authority of the Board to take the action requested.

➥ Upon receipt of the petition, the Board shall within 45 days deny the request in writing or schedule the matter for action pursuant to this subsection.

2. In emergencies, the Board may summarily adopt, amend or repeal any regulation if:

(a) The Board submits to the Governor:

(1) A written finding that such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare; and

(2) A written statement of the facts constituting an emergency;

(b) The Governor endorses the written finding and written statement described in paragraph (a) by written endorsement at the end of the full text of the written statement and written finding; and

(c) The Board files the written statement and written finding endorsed by the Governor at the same time it adopts, amends or repeals the regulation.

3. In any hearing held pursuant to this section, the Board or its authorized representative may administer oaths or affirmations, and may continue or postpone the hearing from time to time and at such places as it prescribes.

4. The Board shall file a copy of any regulation adopted, amended or repealed by the Board with the Legislative Counsel as soon as practicable after adoption, amendment or repeal. The adoption, amendment or repeal of a regulation by the Board becomes effective upon filing with the Secretary of State. The Board shall not file a regulation with the Secretary of State until 15 days after the date on which the regulation was adopted, amended or repealed by the Board.

5. Upon the request of a Legislator, the Legislative Commission may examine a regulation adopted, amended or repealed by the Board that is not yet effective pursuant to subsection 4 to determine whether the regulation conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority.

6. Except as otherwise provided in subsection 7, the Legislative Commission shall:

(a) Review the regulation at its next regularly scheduled meeting if the request for examination of the regulation is received more than 10 working days before the meeting; or

(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.

7. If the Board determines that an emergency exists which requires a regulation of the Board for which a Legislator requested an examination pursuant to subsection 5 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the Board may notify the

Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations as soon as practicable.

8. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred to the Subcommittee, approves the regulation, the Legislative Counsel shall notify the Board that the Board may file the regulation with the Secretary of State. If the Commission or the Subcommittee objects to the regulation after determining that:

(a) The regulation does not conform to statutory authority; or

(b) The regulation does not carry out legislative intent,

➥ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the Board.

9. If the Legislative Commission or the Subcommittee to Review Regulations has objected to a regulation, the Board shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the Board received the written notice of the objection to the regulation pursuant to subsection 8. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Legislative Commission or the Subcommittee for review. If the Legislative Commission or the Subcommittee approves the revised regulation, the Legislative Counsel shall notify the Board that the Board may file the revised regulation with the Secretary of State.

10. If the Legislative Commission or the Subcommittee to Review Regulations objects to the revised regulation, the Legislative Counsel shall attach to the revised regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised regulation to the Board. The Board shall continue to revise the regulation and resubmit it to the Legislative Commission or the Subcommittee within 30 days after the Board receives a written notice of the objection to the revised regulation.

Sec. 2. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 4.5 of this act.

Sec. 3. ***1. Except as otherwise provided in this section, the Board shall not, on or after January 1, 2024, issue any additional medical cannabis establishment licenses or renew a medical cannabis establishment license pursuant to NRS 678B.210.***

2. The Board may, on or after January 1, 2024:

(a) Issue a medical cannabis establishment license to an applicant pursuant to NRS 678B.210 if the proposed medical cannabis establishment will be located in a local governmental jurisdiction that is a covered jurisdiction.

(b) Renew the medical cannabis establishment license of a medical cannabis establishment pursuant to NRS 678B.210 so long as the local

governmental jurisdiction in which the medical cannabis establishment is located is a covered jurisdiction.

3. If a local governmental jurisdiction that is a covered jurisdiction ceases to be a covered jurisdiction, a person who holds a medical cannabis establishment license for a medical cannabis establishment located in the local governmental jurisdiction may, upon expiration of the license, submit an application to the Board for the issuance of an adult-use cannabis establishment license of the same type.

4. An application submitted pursuant to subsection 3 must:

(a) Contain the same information as required for the renewal of a medical cannabis establishment license pursuant to NRS 678B.210; and

(b) Be accompanied by a fee in an amount that is equal to the fee for the renewal of an adult-use cannabis establishment license of the same type as that of the medical cannabis establishment license which has expired, as set forth in NRS 678B.390.

5. If the Board determines that the applicant would have been eligible to renew the medical cannabis establishment license which has expired, the Board shall issue to the applicant an adult-use cannabis establishment license of the same type.

6. Except as otherwise provided in subsection 7, an adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be an adult-use cannabis establishment license issued by the Board pursuant to NRS 678B.250.

7. An adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be medical cannabis establishment license of the same type for the purposes of NRS 678B.220, 678B.230, 678B.260 and 678B.270.

8. As used in this section:

(a) "Covered jurisdiction" means a local governmental jurisdiction that has adopted local cannabis control measures which prohibit the operation of adult-use cannabis establishments in the local governmental jurisdiction.

(b) "Local governmental jurisdiction" means a city or unincorporated area within a county.

Sec. 4. ***A cannabis sales facility shall not sell to a person, in any one transaction, more than 2.5 ounces of usable cannabis or more than one-fourth of an ounce of concentrated cannabis.***

Sec. 4.5. ***1. The Board shall develop and implement a process by which a person who has been convicted of an excluded felony offense may submit to the Board a petition for an exemption from the provisions of:***

(a) Paragraph (b) of subsection 3 of NRS 678B.210.

(b) Paragraph (b) of subsection 3 of NRS 678B.250.

(c) Paragraph (a) of subsection 6 of NRS 678B.340.

2. The Board shall, in accordance with procedures established by the Board by regulation, review and evaluate each petition submitted pursuant

to subsection 1 and grant or deny the exemption. The Board shall provide written notice to the petitioner of its decision to grant or deny the exemption.

3. The Board may grant an exemption pursuant to this section only if the Board determines that granting the exemption would not:

(a) Pose a threat to the public health or safety; or

(b) Negatively impact the cannabis industry in this State.

4. The Board may impose any conditions and limitations on the granting of an exemption pursuant to this section as the Board determines necessary to preserve the public health and safety or mitigate the impact of the granting of the exemption on the cannabis industry in this State. Such conditions and limitations may include, without limitation, conditions and limitations on the conduct of the petitioner in the cannabis industry in this State and the cannabis-related activities in which the petitioner is authorized to engage.

5. The Board shall adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, ***and section 3 of this act,*** not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a

nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) ~~[None]~~ ***Except as otherwise provided in section 4.5 of this act, none*** of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license or adult-use cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6 ~~[,]~~ ***and section 3 of this act,*** if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 6. NRS 678B.220 is hereby amended to read as follows:

678B.220 1. Except as otherwise provided in this section and NRS 678B.230, ***and section 3 of this act,*** the Board shall issue medical cannabis establishment licenses for medical cannabis dispensaries in the following quantities for applicants who qualify pursuant to NRS 678B.210:

(a) In a county whose population is 700,000 or more, 40 licenses;

(b) In a county whose population is 100,000 or more but less than 700,000, 10 licenses;

(c) In a county whose population is 55,000 or more but less than 100,000, two licenses;

(d) In each other county, one license; and

(e) For each incorporated city in a county whose population is less than 100,000, one license.

2. The Board:

(a) Shall not issue medical cannabis establishment licenses for medical cannabis dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical cannabis dispensary for every 10 pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The Board may issue medical cannabis establishment licenses for medical cannabis dispensaries in excess of the ratio otherwise allowed pursuant to this paragraph if doing so is necessary to ensure that the Board issues at least one medical cannabis establishment license in each county of this State and, pursuant to paragraph (e) of subsection 1, each incorporated city of this State in which the Board has approved an application for such an establishment to operate.

(b) Shall, for any county for which no applicants qualify pursuant to NRS 678B.210, within 2 months after the end of the period during which the Board accepts applications pursuant to NRS 678B.300, reallocate the licenses provided for that county pursuant to subsection 1 to the other counties specified in subsection 1 in the same proportion as provided in subsection 1.

3. With respect to medical cannabis establishments that are not medical cannabis dispensaries, the Board shall:

(a) Issue a medical cannabis establishment license to at least one medical cannabis cultivation facility and at least one medical cannabis production facility in each county; and

(b) Determine the appropriate number of additional such establishments in each county as are necessary to serve and supply the medical cannabis dispensaries to which the Board has granted medical cannabis establishment licenses and issue such a number of medical cannabis establishment licenses for such establishments in each county.

Sec. 7. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270, 678B.280, 678B.322 and 678B.324 to 678B.328, inclusive, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) ~~[None]~~ ***Except as otherwise provided in section 4.5 of this act, none*** of the persons who are proposed to be owners, officers or board members of the

proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or 678B.324, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 8. NRS 678B.340 is hereby amended to read as follows:

678B.340 1. ~~[Except as otherwise provided in any policies and procedures adopted by the Board pursuant to paragraph (e) of subsection 1 of NRS 678A.450, a]~~ ***A*** person shall not ~~[hold an ownership interest in a cannabis establishment of less than 5 percent,]~~ volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment as a cannabis establishment agent unless the person is registered with the Board pursuant to this section.

2. A person who wishes to volunteer or work at a cannabis establishment shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:

(a) The name, address and date of birth of the prospective cannabis establishment agent;

(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;

(d) The application fee, as set forth in NRS 678B.390; and

(e) Such other information as the Board may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment shall submit to the Board an application on a form prescribed by the Board for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a cannabis establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective cannabis establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent;

(c) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to, or allow any of its employees to dispense or otherwise divert cannabis to, any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(d) A statement signed by the prospective cannabis establishment agent asserting that it has not previously had a cannabis establishment agent registration card revoked and that none of its employees who will provide labor

as a cannabis establishment agent have previously had a cannabis establishment agent registration card revoked;

(e) The application fee, as set forth in NRS 678B.390; and

(f) Such other information as the Board may require by regulation.

4. ~~[Except as otherwise provided in any policies and procedures adopted by the Board pursuant to paragraph (e) of subsection 1 of NRS 678A.450, a person who wishes to hold an ownership interest in a cannabis establishment of less than 5 percent shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:~~

~~(a) The name, address and date of birth of the prospective cannabis establishment agent;~~

~~(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;~~

~~(c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;~~

~~(d) Any information required by the Board to complete an investigation into the background of the prospective cannabis establishment agent, including, without limitation, financial records and other information relating to the business affairs of the prospective cannabis establishment agent;~~

~~(e) The application fee, as set forth in NRS 678B.390; and~~

~~(f) Such other information as the Board may require by regulation.~~

~~5.]~~ The Board may conduct any investigation of a prospective cannabis establishment agent and, for an independent contractor, each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent, that the Board deems appropriate. In connection with such an investigation, the Board may:

(a) Conduct or accept any background check the Board determines to be reliable and expedient to determine the criminal history of the prospective cannabis establishment agent or the employee;

(b) Require a prospective cannabis establishment agent, if a natural person, and each employee of a prospective cannabis establishment agent who will provide labor as a cannabis establishment agent to submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) If the Board imposes the requirement described in paragraph (b), submit the fingerprints of the prospective cannabis establishment agent and each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[6.]~~ ***5.*** A cannabis establishment shall notify the Board within 10 business days after a cannabis establishment agent ceases to ~~[hold an ownership interest in the cannabis establishment of less than 5 percent,]~~ be employed by, volunteer at or provide labor as a cannabis establishment agent to the cannabis establishment.

~~[7. A]~~

6. Except as otherwise provided in section 4.5 of this act, a person who:

(a) Has been convicted of an excluded felony offense;

(b) Is less than 21 years of age; or

(c) Is not qualified, in the determination of the Board pursuant to NRS 678B.200,

➥ shall not serve as a cannabis establishment agent.

~~[8.]~~ ***7.*** The provisions of this section do not require a person who is an owner, officer or board member of a cannabis establishment to resubmit information already furnished to the Board at the time the establishment was licensed with the Board.

~~[9.]~~ ***8.*** If an applicant for registration as a cannabis establishment agent satisfies the requirements of this section, is found to be qualified by the Board pursuant to NRS 678B.200 and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Board shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a cannabis establishment agent, a cannabis establishment agent registration card. If the Board does not act upon an application for a cannabis establishment agent registration card within 45 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Board acts upon the application. A cannabis establishment agent registration card expires 2 years after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

~~[10.]~~ ***9.*** A person to whom a cannabis establishment agent registration card is issued or for whom such a registration card is renewed shall submit to the Board on the date of the first anniversary of the issuance or renewal an affidavit attesting that in the preceding year there has been no change in the information previously provided to the Board which would subject the person to disciplinary action by the Board.

~~[11.]~~ ***10.*** A cannabis establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any cannabis establishment in this State.

~~[12.]~~ ***11.*** A cannabis establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a ~~[medical]~~ cannabis establishment authorizes the person to volunteer or work at any cannabis establishment in this State for which the category of the cannabis

establishment agent registration card authorizes the person to volunteer or work.

~~[13.]~~ ***12.*** Except as otherwise prescribed by regulation of the Board, an applicant for registration or renewal of registration as a cannabis establishment agent is deemed temporarily registered as a cannabis establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Board. A temporary registration as a cannabis establishment agent expires 45 days after the date upon which the application is received.

13. A person who holds an ownership interest of less than 5 percent in a cannabis establishment is not required to obtain a cannabis establishment agent registration card pursuant to this section. The Board may, in connection with the issuance or renewal of a license pursuant to NRS 678B.210 or 678B.250, conduct such investigations of such a person as the Board determines to be necessary.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection 3, the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary	$30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary	5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory	5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory	3,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store ..... 20,000 ~~[50,000]~~

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store ..... ~~[6,600 9,215]~~ 5,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility ..... ~~[30,000 33,000]~~ 3,000

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility ..... ~~[10,000 11,054]~~ 1,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility ..... ~~[10,000 13,000]~~ 3,000

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility ..... ~~[3,300 4,414]~~ 1,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory ..... ~~[15,000 20,000]~~ 5,000

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory ..... ~~[5,000 8,000]~~ 3,000

For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge 10,000

For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge 10,000

For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge 10,000

For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge 10,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor 15,000

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor 5,000

For each person identified in an application for the initial issuance of a cannabis establishment agent registration card 150

For each person identified in an application for the renewal of a cannabis establishment agent registration card..... 150

2. The Board may by regulation establish reduced fees for:

(a) The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; and

(b) The application fee set forth in subsection 3,

➥ for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

3. Except as otherwise provided in subsection 2, in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license ***pursuant to NRS 678B.210*** or adult-use cannabis establishment license ***pursuant to NRS 678B.250*** must pay to the Board:

(a) For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a one-time, nonrefundable application fee of $5,000;

(b) For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of $100,000;

(c) For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of $10,000; and

(d) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

4. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 11. NRS 678B.510 is hereby amended to read as follows:

678B.510 1. The operating documents of a cannabis establishment must include procedures:

(a) For the oversight of the cannabis establishment; and

(b) To ensure accurate recordkeeping.

2. Except as otherwise provided in this subsection, a cannabis establishment ~~[~~:

~~(a) That is a cannabis sales facility must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.~~

~~(b) That is not a cannabis sales facility must~~] ***may*** have ~~[a single secure~~] ***more than one*** entrance ***so long as each entrance is secure*** and shall

implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

[~~(b)~~**]** The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. Except as otherwise provided in NRS 678D.400, all cultivation or production of cannabis that a cannabis cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Board during the licensing process for the cannabis cultivation facility. Such an enclosed, locked facility must be accessible only by cannabis establishment agents who are lawfully associated with the cannabis cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a cannabis establishment agent.

4. A cannabis establishment that is not a cannabis consumption lounge shall not allow any person to consume cannabis on the property or premises of the establishment.

5. Cannabis establishments are subject to reasonable inspection by the Board at any time, and a person who holds a license must make himself or herself, or a designee thereof, available and present for any inspection by the Board of the cannabis establishment.

6. Each cannabis establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the cannabis establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

7. A cannabis establishment shall not dispense or otherwise sell cannabis or cannabis products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the cannabis establishment. As used in this subsection, "vending machine" has the meaning ascribed to it in NRS 209.229.

Sec. 12. NRS 678C.440 is hereby amended to read as follows:

678C.440 1. Each medical cannabis dispensary shall ensure all of the following:

(a) The weight, concentration and content of THC in all cannabis and cannabis products that the dispensary sells is clearly and accurately stated on the product sold.

(b) **[**~~That the dispensary does not sell to a person, in any one transaction, more than 1 ounce of cannabis.~~

~~(c)~~**]** That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

~~[(d)]~~ ***(c)*** That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

~~[(e)]~~ ***(d)*** That only persons who are at least 21 years of age or hold a registry identification card or letter of approval are allowed to enter the premises of the medical cannabis dispensary.

2. A medical cannabis dispensary may, but is not required to, track the purchases of cannabis for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200. The Board shall not adopt a regulation or in any other way require a medical cannabis dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

3. A medical cannabis dispensary which is a dual licensee may, to the extent authorized by the regulations adopted by the Board pursuant to subsection 7 of NRS 678B.650, allow any person who is at least 21 years of age to enter the premises of the medical cannabis dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

4. A medical cannabis dispensary shall not sell cannabis or cannabis products to a consumer through the use of, or accept a sale of cannabis or cannabis products from, a third party, intermediary business, broker or any other business that does not hold a medical cannabis establishment license for a medical cannabis dispensary.

5. A medical cannabis dispensary may contract with a third party or intermediary business to deliver cannabis or medical cannabis products to consumers only if:

(a) Every sale of cannabis or cannabis products which is delivered by the third party or intermediary business is made directly from the medical cannabis dispensary or an Internet website, digital network or software application service of the medical cannabis dispensary;

(b) The third party or intermediary business does not advertise that it sells, offers to sell or appears to sell cannabis or cannabis products or allows the submission of an order for cannabis or cannabis products; and

(c) The delivery complies with the requirements of NRS 678C.450.

Sec. 13. Chapter 678D of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each adult-use cannabis establishment shall be deemed to be a dual licensee for the purposes of this title and may engage in any activity relating to the medical use of cannabis in the same manner and to the same extent as if the adult-use cannabis establishment also held a medical cannabis establishment license of the same type for which the establishment holds an adult-use cannabis establishment license.

2. An adult-use cannabis establishment that engages in activities involving the medical use of cannabis pursuant to this section shall comply with all provisions of this title and the regulations adopted pursuant thereto applicable to a dual licensee, including, without limitation, any provisions governing the specific activity relating to the medical use of cannabis in which the establishment is engaged.

3. The Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 14. NRS 678D.200 is hereby amended to read as follows:

678D.200 1. Except as otherwise provided in NRS 678D.300, a person who is 21 years of age or older is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the adult use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person:

(a) Is 21 years of age or older;

(b) Is not employed by any agency or political subdivision of this State in a position which requires the person to be certified by the Peace Officers' Standards and Training Commission;

(c) Engages in the adult use of cannabis in accordance with the provisions of this title;

(d) Does not, at any one time, possess, deliver or produce more than:

(1) ~~[One ounce]~~ ***Two and one-half ounces*** of usable cannabis;

(2) ~~[One eighth]~~ ***One-fourth*** of an ounce of concentrated cannabis;

(3) Six cannabis plants, irrespective of whether the cannabis plants are mature or immature; and

(4) A maximum allowable quantity of adult-use cannabis products as established by regulation of the Board;

(e) Cultivates, grows or produces not more than six cannabis plants:

(1) Within an enclosed area that is not exposed to public view that is equipped with locks or other security devices which allow access only by an authorized person; and

(2) At a residence or upon the grounds of a residence in which not more than 12 cannabis plants are cultivated, grown or produced;

(f) Delivers ~~[1 ounce]~~ ***2.5 ounces*** or less of usable cannabis or ~~[one-eighth]~~ ***one-fourth*** of an ounce or less of concentrated cannabis without remuneration to a person who is 21 years of age or older so long as such delivery is not advertised or promoted to the public; and

(g) Assists another person who is 21 years of age or older in carrying out any of the acts described in paragraphs (a) to (f), inclusive.

4. If a person possesses, uses or produces cannabis in an amount which exceeds the amount set forth in paragraph (d) of subsection 3 or in any manner other than that set forth in subsection 3, the person is not exempt from state prosecution for the possession, delivery or production of cannabis.

5. A person who holds an adult-use cannabis establishment license issued to the person pursuant to NRS 678B.250, a cannabis establishment agent registration card issued to the person pursuant to NRS 678B.340, a cannabis establishment agent registration card for a cannabis executive issued to the person pursuant to NRS 678B.350 or a cannabis establishment agent registration card for a cannabis receiver issued to the person pursuant to NRS 678B.355, and confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. The commission of any act by a person for which the person is exempt from state prosecution pursuant to this section must not be used as the basis for the seizure or forfeiture of any property of the person or for the imposition of a civil penalty.

Sec. 14.3. NRS 244.35253 is hereby amended to read as follows:

244.35253 1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a cannabis establishment located in the county.

2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a cannabis establishment located in the county outside of the limits of incorporated cities as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the cannabis establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the cannabis establishment.

3. The total amount of a license tax imposed on a cannabis establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the cannabis establishment, as applicable.

4. ***A board of county commissioners may use any portion of any money collected as a license tax pursuant to subsection 2 to educate the public, using any method of public outreach or medium of communication, on safely purchasing cannabis and cannabis products from licensed cannabis establishments and the safe consumption of cannabis and cannabis products.***

5. In addition to any amount of money collected as a license tax pursuant to subsection 2, a board of county commissioners may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a cannabis establishment located in the county outside of the limits of incorporated cities in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a cannabis establishment located in the county outside of the limits of incorporated cities for which licensing pursuant to chapter 678B of NRS is not required only if:

(1) The board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the board of county commissioners on other similar businesses.

~~[5.]~~ ***6.*** A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of cannabis or cannabis products;

(b) The kinds of cannabis or cannabis products authorized to be sold pursuant to title 56 of NRS;

(c) The use of pesticides in the cultivation of cannabis;

(d) The tracking of cannabis from seed to sale;

(e) The transportation of cannabis or cannabis products other than the direct transportation of cannabis or cannabis products to a consumer and a requirement to notify the county of any transportation of cannabis or cannabis products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of cannabis establishment agents or employees of a cannabis establishment;

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of cannabis establishments or holders of a registry identification card or letter of approval; or

(i) The content of any advertisement used by a cannabis establishment unless the ordinance sets forth specific prohibited content for such an advertisement.

~~[6.]~~ ***7.*** A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

~~[7.]~~ ***8.*** As used in this section:

(a) ***"Cannabis" has the meaning ascribed to it in NRS 678A.085.***

(b) "Cannabis establishment" has the meaning ascribed to it in NRS 678A.095.

~~[(b)]~~ ***(c)*** "Cannabis establishment agent" has the meaning ascribed to it in NRS 678A.100.

~~[(c)]~~ ***(d)*** "Cannabis products" has the meaning ascribed to it in NRS 678A.120.

~~[(d)]~~ ***(e)*** "Letter of approval" has the meaning ascribed to it in NRS 678C.070.

~~[(e)]~~ ***(f)*** "Registry identification card" has the meaning ascribed to it in NRS 678C.080.

~~[(f)]~~ ***(g)*** "Written documentation" has the meaning ascribed to it in NRS 678C.110.

Sec. 14.6. NRS 268.0977 is hereby amended to read as follows:

268.0977 1. Except as otherwise provided in this section, the governing body of an incorporated city, whether organized under general law or special charter, shall not fix, impose or collect for revenues or for regulation, or both, a license tax on a cannabis establishment located within its corporate limits.

2. Except as otherwise provided in subsection 3, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect for revenues or for regulation, or both, a license tax on a cannabis establishment located within its corporate limits as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the cannabis establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the cannabis establishment.

3. The total amount of a license tax imposed on a cannabis establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the cannabis establishment, as applicable.

4. ***The governing body of an incorporated city, whether organized under general law or special charter, may use any portion of any money collected as a license tax pursuant to subsection 2 to educate the public, using any method of public outreach or medium of communication, on safely purchasing cannabis and cannabis products from licensed cannabis***

establishments and the safe consumption of cannabis and cannabis products.

5. In addition to any amount of money collected as a license tax pursuant to subsection 2, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a cannabis establishment located within its corporate limits in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a cannabis establishment located within its corporate limits for which licensing pursuant to chapter 678B of NRS is not required only if:

(1) The governing body is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the governing body on other similar businesses.

~~[5.]~~ ***6.*** The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of cannabis or cannabis products;

(b) The kinds of cannabis products authorized to be sold pursuant to title 56 of NRS;

(c) The use of pesticides in the cultivation of cannabis;

(d) The tracking of cannabis from seed to sale;

(e) The transportation of cannabis or cannabis products other than the direct transportation of cannabis or cannabis products to a consumer and a requirement to notify the city of any transportation of cannabis or cannabis products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of cannabis establishment agents; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of cannabis establishments or holders of a registry identification card or letter of approval; or

(i) The content of any advertisement used by a cannabis establishment unless the ordinance sets forth specific prohibited content for such an advertisement.

~~[6.]~~ ***7.*** A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

~~[7.]~~ ***8.*** As used in this section:

(a) ***"Cannabis" has the meaning ascribed to it in NRS 678A.085.***

(b) "Cannabis establishment" has the meaning ascribed to it in NRS 678A.095.

~~[(b)]~~ ***(c)*** "Cannabis establishment agent" has the meaning ascribed to it in NRS 678A.100.

~~[(c)]~~ ***(d)*** "Cannabis products" has the meaning ascribed to it in NRS 678A.120.

~~[(d)]~~ ***(e)*** "Letter of approval" has the meaning ascribed to it in NRS 678C.070.

~~[(e)]~~ ***(f)*** "Registry identification card" has the meaning ascribed to it in NRS 678C.080.

~~[(f)]~~ ***(g)*** "Written documentation" has the meaning ascribed to it in NRS 678C.110.

Sec. 15. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. ~~[An]~~ ***Except as otherwise provided in subsection 8, an*** excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the seller of the cannabis or cannabis product;

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board

and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. ***The excise tax imposed pursuant to subsection 3 does not apply to a sale of cannabis for the medical use of cannabis or a medical cannabis product to the holder of a registry identification card or letter of approval by an adult-use cannabis retail store that has been deemed to be a dual licensee pursuant to section 13 of this act.***

9. As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(c) ***"Letter of approval" has the meaning ascribed to it in NRS 678C.070.***

(d) "Local government" has the meaning ascribed to it in NRS 360.640.

~~[(d)]~~ ***(e)*** "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.

~~[(e)]~~ ***(f)*** "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.

~~[(f)]~~ ***(g) Medical cannabis product" has the meaning ascribed to it in NRS 678A.200.***

(h) "Medical use of cannabis" has the meaning ascribed to it in NRS 678A.215.

(i) "Registry identification card" has the meaning ascribed to it in NRS 678C.080.

(j) "Wholesale sale" means a sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

Sec. 15.5. NRS 453.096 is hereby amended to read as follows:

453.096 1. "Marijuana" means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) ~~[The seeds thereof;~~

~~(c)~~] The resin extracted from any part of the plant, including concentrated cannabis;

[~~(d)~~] ***(c)*** Every compound, manufacture, salt, derivative, mixture or preparation of the plant, ***or*** its [~~seeds or~~] resin;

[~~(e)~~] ***(d)*** Any commodity or product made using hemp which exceeds the maximum THC concentration established by the State Department of Agriculture for hemp; and

[~~(f)~~] ***(e)*** Any product or commodity made from hemp which is manufactured or sold by a cannabis establishment which violates any regulation adopted by the Cannabis Compliance Board pursuant to paragraph [~~(g)~~] ***(f)*** of subsection 1 of NRS 678A.450 relating to THC concentration.

2. "Marijuana" does not include:

(a) Hemp, as defined in NRS 557.160, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS;

(b) The mature stalks of the plant [~~,~~] ***and root balls which have been fully separated from the stalks of the plant after harvest,*** fiber produced from the stalks, ***seeds of the plant,*** oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake ***;*** [~~, or the sterilized seed of the plant which is incapable of germination;~~] or

(c) Any commodity or product made using hemp, as defined in NRS 557.160, which does not exceed the maximum THC concentration established by the State Department of Agriculture for hemp.

Sec. 16. 1. The Cannabis Advisory Commission created by NRS 678A.300 shall conduct a study concerning the potential effects on the cannabis industry in this State if cannabis were to be removed from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act. The study must include, without limitation:

(a) An examination of federal and state laws and regulations concerning cannabis and what effect the removal of cannabis from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act would have on such laws and regulations; and

(b) Recommendations for changes to the manner in which cannabis is regulated and taxed in this State that may be necessary to ensure the continued growth and success of the cannabis industry in this State if cannabis were to be removed from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act.

2. On or before March 1, 2024, the Cannabis Advisory Commission shall submit a report of its findings, including, without limitation, any recommendations for legislation, to:

(a) The Joint Interim Standing Committee on the Judiciary; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

3. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Federal Controlled Substances Act" means the federal Controlled Substances Act, as amended, 21 U.S.C. §§ 801 et seq.

Sec. 17. 1. Except as otherwise provided in this section, a person who, on January 1, 2024, holds a medical cannabis establishment license for a medical cannabis establishment which is not located in a covered jurisdiction and which has been renewed by the person at least one time may, upon expiration of the license, submit an application to the Board for the issuance of an adult-use cannabis establishment license of the same type.

2. An application submitted pursuant to subsection 1 must:

(a) Contain the same information as required for the renewal of a medical cannabis establishment license pursuant to NRS 678B.210; and

(b) Be accompanied by a fee in an amount that is equal to the fee for the renewal of an adult-use cannabis establishment license of the same type as that of the medical cannabis establishment license which has expired, as set forth in NRS 678B.390, as amended by section 10 of this act.

3. If the Board determines that the applicant would have been eligible to renew the medical cannabis establishment license which has expired, the Board shall issue to the applicant an adult-use cannabis establishment license of the same type.

4. Notwithstanding the provisions of section 4 of this act, a person who, on January 1, 2024, holds a medical cannabis establishment license for a medical cannabis establishment which is not located in a covered jurisdiction and which has never been renewed by the person may renew the license pursuant to NRS 678B.210 one time. Upon expiration of the license after the first renewal of the license, the person may apply for and be issued an adult-use cannabis establishment license of the same type in the manner provided in subsections 1, 2 and 3.

5. Except as otherwise provided in subsection 6, an adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be an adult-use cannabis establishment license issued by the Board pursuant to NRS 678B.250.

6. An adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be a medical cannabis establishment license of the same type for the purposes of NRS 678B.220, 678B.230, 678B.260 and 678B.270.

7. A person who, on January 1, 2024, holds both an adult-use cannabis establishment license and a medical cannabis establishment license of the same type may not, pursuant to this section, apply for and be issued an additional adult-use cannabis establishment license upon the expiration of the medical cannabis establishment license of the person.

8. The Board may refuse to issue an adult-use cannabis establishment license pursuant to this section to a person who holds a medical cannabis establishment license on January 1, 2024, if:

(a) The person obtained the medical cannabis establishment license through a transfer in accordance with the regulations adopted by the Board pursuant to NRS 678B.380 which occurred on or after July 1, 2023, and on or before December 31, 2023; and

(b) The Board determines that:

(1) The transfer by which the person obtained the license was not made in good faith; and

(2) Issuing the person an adult-use cannabis establishment license would be against the public interest.

9. As used in this section:

(a) "Adult-use cannabis establishment license" has the meaning ascribed to it in NRS 678A.040.

(b) "Board" means the Cannabis Compliance Board.

(c) "Covered jurisdiction" has the meaning ascribed to it in section 3 of this act.

(d) "Medical cannabis establishment license" has the meaning ascribed to it in NRS 678A.185.

Sec. 18. (Deleted by amendment.)

Sec. 19. 1. This section becomes effective upon passage and approval.

2. Section 16 of this act becomes effective on July 1, 2023.

3. Sections 1 to 15.5, inclusive, 17 and 18 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 400 and 528 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 400.

Bill read third time.

Roll call on Assembly Bill No. 400:

YEAS—41.

NAYS—None.

EXCUSED—Monroe-Moreno.

Assembly Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 528.

Bill read third time.

Roll call on Assembly Bill No. 528:

YEAS—40.

NAYS—DeLong.

EXCUSED—Monroe-Moreno.

Assembly Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Revenue, to which was referred Senate Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

SHEA BACKUS, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 72.

Bill read third time.

Roll call on Senate Bill No. 72:

YEAS—37.

NAYS—La Rue Hatch, Brittney Miller, Summers-Armstrong—3.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 126.

Bill read third time.

Roll call on Senate Bill No. 126:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Roll call on Senate Bill No. 163:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 274 be taken from the General File and placed on the Chief Clerk's Desk

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 277 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 205 and 276 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 195.

Bill read third time.

Roll call on Senate Bill No. 195:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 234.

Bill read third time.

Roll call on Senate Bill No. 234:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 242.

Bill read third time.

Roll call on Senate Bill No. 242:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 294.
Bill read third time.
Roll call on Senate Bill No. 294:
YEAS—31.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, McArthur, O'Neill—9.
EXCUSED—Monroe-Moreno, Torres—2.
Senate Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 301.
Bill read third time.
Roll call on Senate Bill No. 301:
YEAS—24.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Newby, O'Neill, Summers-Armstrong, Yurek—16.
EXCUSED—Monroe-Moreno, Torres—2.
Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 311.
Bill read third time.
Roll call on Senate Bill No. 311:
YEAS—38.
NAYS—Considine, Thomas—2.
EXCUSED—Monroe-Moreno, Torres—2.
Senate Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 327.
Bill read third time.
Roll call on Senate Bill No. 327:
YEAS—38.
NAYS—Gray, Gurr—2.
EXCUSED—Monroe-Moreno, Torres—2.
Senate Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 342.
Bill read third time.
Roll call on Senate Bill No. 342:
YEAS—40.
NAYS—None.
EXCUSED—Monroe-Moreno, Torres—2.
Senate Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 350.

Bill read third time.

Roll call on Senate Bill No. 350:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 364.

Bill read third time.

Roll call on Senate Bill No. 364:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 371.

Bill read third time.

Roll call on Senate Bill No. 371:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 380.

Bill read third time.

Roll call on Senate Bill No. 380:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Roll call on Senate Bill No. 390:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 428.
Bill read third time.
Roll call on Senate Bill No. 428:
YEAS—41.
NAYS—None.
EXCUSED—Monroe-Moreno.
Senate Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 435.
Bill read third time.
Roll call on Senate Bill No. 435:
YEAS—41.
NAYS—None.
EXCUSED—Monroe-Moreno.
Senate Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 439.
Bill read third time.
Roll call on Senate Bill No. 439:
YEAS—41.
NAYS—None.
EXCUSED—Monroe-Moreno.
Senate Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 460.
Bill read third time.
Roll call on Senate Bill No. 460:
YEAS—41.
NAYS—None.
EXCUSED—Monroe-Moreno.
Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 461.
Bill read third time.
Roll call on Senate Bill No. 461:
YEAS—41.
NAYS—None.
EXCUSED—Monroe-Moreno.
Senate Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 462.
Bill read third time.
Roll call on Senate Bill No. 462:
YEAS—42.
NAYS—None.
Senate Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 463.
Bill read third time.
Roll call on Senate Bill No. 463:
YEAS—42.
NAYS—None.
Senate Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 464.
Bill read third time.
Roll call on Senate Bill No. 464:
YEAS—42.
NAYS—None.
Senate Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 466.
Bill read third time.
Roll call on Senate Bill No. 466:
YEAS—42.
NAYS—None.
Senate Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 468.
Bill read third time.
Roll call on Senate Bill No. 468:
YEAS—42.
NAYS—None.
Senate Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 470.
Bill read third time.

Roll call on Senate Bill No. 470:
YEAS—42.
NAYS—None.
Senate Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 471.
Bill read third time.
Roll call on Senate Bill No. 471:
YEAS—42.
NAYS—None.
Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 231.
Bill read third time.
The following amendment was proposed by Assemblyman Yeager:
Amendment No. 970.
AN ACT making an appropriation to the Interim Finance Committee for allocation to school districts that budget salary increases for certain employees; making an appropriation to the Department of Education for certain personnel costs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $250,000,000 for allocation to school districts for the support of public schools.

2. Money appropriated by subsection 1 may only be allocated to a school district upon the determination of the Interim Finance Committee that:

(a) Sufficient documentation has been submitted to demonstrate that:

(1) The school district has budgeted for Fiscal Years 2023-2024 and 2024-2025 an increase to the salary of teachers and education support professionals employed by the school district from sources other than the appropriation made by subsection 1, which is in addition to any increase in salary for teachers or education support professionals which was planned or bargained for before the effective date of this act; and

(2) The increase in salary budgeted pursuant to subparagraph (1) does not replace or supplant any other form of compensation which was provided to teachers or education support professionals of the school district before Fiscal Year 2023-2024 or which was bargained for or planned for Fiscal Year 2023-2024 or any succeeding fiscal year before the effective date of this act.

(b) The school district has submitted to the Committee a statement of the amount and percentage of the budgeted increase in salary for teachers and

education support professionals described in subparagraph (1) of paragraph (a) and the total cost to the school district to provide the budgeted increase in salary.

(c) The superintendent of the school district has submitted to the Committee a signed statement certifying that, to the best of his or her knowledge or belief, the information submitted pursuant to paragraph (b) is accurate and that the school district will provide the budgeted salary increases set forth therein.

3. The money allocated to a school district pursuant to subsection 2 must not exceed the lesser of:

(a) The total amount of the budgeted increase to salaries for teachers and education support professionals of the school district for Fiscal Years 2023-2024 and 2024-2025 from sources other than the appropriation made by subsection 1, not including any increase in salary which was planned or bargained for before the effective date of this act; or

(b) An amount which is equal to $250,000,000 multiplied by a percentage which is the number of teachers and education support professionals employed by the school district on July 1, 2023, expressed as a percentage of the total number of teachers and education support professionals employed in all of the school districts in this State on July 1, 2023.

4. On or before August 1, 2023, each school district in this State shall report to the Department of Education the number of teachers and education support professionals employed by the school district on July 1, 2023. The Department of Education shall compile this information and submit it to the Interim Finance Committee not later than August 15, 2023.

5. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding for the support of public schools or for the salary and compensation of teachers or education support professionals employed by any public school.

6. **On or before August 1, 2024, and August 1, 2025, each school district in this State that is allocated money pursuant to subsection 2 during Fiscal Year 2023-2024 and Fiscal Year 2024-2025, respectively, shall submit a report to the Interim Finance Committee which includes, without limitation:**

(a) Detailed information on how all money allocated pursuant to subsection 2 was spent by the school district;

(b) The actual increase to the salary of teachers and education support professionals employed by the school district during the immediately preceding fiscal year and the amount of such an increase for which money allocated pursuant to subsection 2 was spent; and

(c) Any other information relating to the use by the school district of the money allocated pursuant to subsection 2, or the operations of the school district to provide appropriate context for such use, which is requested by the Interim Finance Committee.

7. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which

the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

~~[7.]~~ **8.** As used in this section:

(a) "Administrator" has the meaning ascribed to it in NRS 385A.430.

(b) "Education support professional" means a person, other than a teacher or administrator, who is employed to work at a public school, including, without limitation:

(1) Paraprofessionals;

(2) School police officers, school resource officers and other providers of security services at a school;

(3) School nurses;

(4) School counselors;

(5) School psychologists;

(6) School social workers;

(7) Drivers of school buses;

(8) Secretaries;

(9) Members of the custodial or maintenance staff; and

(10) Workers in food services.

(c) "Teacher" has the meaning ascribed to it in NRS 385A.430.

Sec. 1.5. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $41,694 for personnel costs to carry out the provisions of section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2024, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024.

Sec. 2. 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 1.5 of this act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 231 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

I rise with support and hesitation. I want to get on the record that I was really hoping we could find a way to fund all teachers and not make that distinction. I am disappointed we do not cover our charter school teachers with this. I appreciate other parts of the bill. While I am glad we are getting here, I wish it could have been a little bit more.

Roll call on Senate Bill No. 231:

YEAS—41.

NAYS—McArthur.

Senate Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 472.

Bill read third time.

Roll call on Senate Bill No. 472:

YEAS—42.

NAYS—None.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 473.

Bill read third time.

Roll call on Senate Bill No. 473:

YEAS—42.

NAYS—None.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 476.

Bill read third time.

Roll call on Senate Bill No. 476:

YEAS—42.

NAYS—None.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.
Bill read third time.
Roll call on Senate Bill No. 477:
YEAS—42.
NAYS—None.
Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 205 and 276 be taken from their positions on the General File and placed at the top of General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 205.
Bill read third time.
Roll call on Senate Bill No. 205:
YEAS—42.
NAYS—None.
Senate Bill No. 205 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 276.
Bill read third time.
Roll call on Senate Bill No. 276:
YEAS—42.
NAYS—None.
Senate Bill No. 276 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 478.
Bill read third time.
Roll call on Senate Bill No. 478:
YEAS—42.
NAYS—None.
Senate Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 479.
Bill read third time.
Roll call on Senate Bill No. 479:
YEAS—42.
NAYS—None.

Senate Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 482.

Bill read third time.

Roll call on Senate Bill No. 482:

YEAS—42.

NAYS—None.

Senate Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 483.

Bill read third time.

Roll call on Senate Bill No. 483:

YEAS—42.

NAYS—None.

Senate Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 484.

Bill read third time.

Roll call on Senate Bill No. 484:

YEAS—42.

NAYS—None.

Senate Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 485.

Bill read third time.

Roll call on Senate Bill No. 485:

YEAS—42.

NAYS—None.

Senate Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 486.

Bill read third time.

Roll call on Senate Bill No. 486:

YEAS—42.

NAYS—None.

Senate Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 487.
Bill read third time.
Roll call on Senate Bill No. 487:
YEAS—42.
NAYS—None.
Senate Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 488.
Bill read third time.
Roll call on Senate Bill No. 488:
YEAS—42.
NAYS—None.
Senate Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 489.
Bill read third time.
Roll call on Senate Bill No. 489:
YEAS—42.
NAYS—None.
Senate Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 491.
Bill read third time.
Roll call on Senate Bill No. 491:
YEAS—42.
NAYS—None.
Senate Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 493.
Bill read third time.
Roll call on Senate Bill No. 493:
YEAS—42.
NAYS—None.
Senate Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 494.
Bill read third time.
Roll call on Senate Bill No. 494:

YEAS—42.
NAYS—None.
Senate Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 497.
Bill read third time.
Roll call on Senate Bill No. 497:
YEAS—42.
NAYS—None.
Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 499.
Bill read third time.
Roll call on Senate Bill No. 499:
YEAS—42.
NAYS—None.
Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 500.
Bill read third time.
Roll call on Senate Bill No. 500:
YEAS—42.
NAYS—None.
Senate Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblywoman Jauregui moved that the Assembly recess until 10 p.m.
Motion carried.

Assembly in recess at 9:31 p.m.

ASSEMBLY IN SESSION

At 10:57 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 58, 82, 99, 118, 189, 191, 221, 225, 233, 241, 266, 368, 385, 395, 450, 451, 467, 469, 475, 480, 492, 495, and 498 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assembly Bill No. 32.

The following Senate amendment was read:

Amendment No. 765

Section 2.7 of Assembly Bill No. 32 First Reprint is hereby amended as follows:

Sec. 2.7. NRS 176.014 is hereby amended to read as follows:

176.014 1. The Nevada Local Justice Reinvestment Coordinating Council is hereby created. The Council consists of:

(a) One member from each county in this State whose population is less than 100,000; and

(b) Two members from each county in this State whose population is 100,000 or more.

2. Each member of the Council must be appointed by the governing body of the applicable county and must meet any qualifications adopted by the Sentencing Commission pursuant to subsection ~~[7.]~~ ***8.*** The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

3. The Council shall:

(a) Advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of chapter 633, Statutes of Nevada 2019, as they relate to local governments;

(b) Identify county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;

(c) Make recommendations to the Sentencing Commission regarding grants to local governments***, courts*** and nonprofit organizations from the State General Fund;

(d) Oversee the implementation of local grants;

(e) Create performance measures to assess the effectiveness of the grants; and

(f) Identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.

4. Each member of the Council serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. While engaged in the business of the Council, to the extent of legislative appropriation, each member of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. ***The Council may accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out its duties pursuant to this section.***

7. To the extent of legislative appropriation, the Sentencing Commission shall provide the Council with such staff as is necessary to carry out the duties of the Council pursuant to this section.

~~[7.]~~ ***8.*** The Sentencing Commission may adopt any qualifications that a person must meet before being appointed as a member of the Council.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 765 to Assembly Bill No. 32.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 51.

The following Senate amendment was read:

Amendment No. 713.

AN ACT relating to public safety; revising the period for the mandatory arrest of a person suspected of committing certain crimes against certain persons; **revising provisions relating to the privilege for communication between a victim of certain crimes and a victim's advocate;** revising the penalties for the commission of certain crimes in violation of certain orders for protection; prohibiting a court from granting probation to or suspending the sentence of a person ~~[charged with committing]~~ **convicted of** a battery which constitutes domestic violence under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law requires a peace officer to arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery which constitutes domestic violence. (NRS 171.137) Existing law also requires a peace officer investigating an act of domestic violence to provide a person suspected of being the victim of an act of domestic violence with a written statement setting forth the circumstances under which the peace officer is required to arrest the person suspected of committing the act of domestic violence. (NRS 171.1225) **Section 2** of this bill requires a peace officer to arrest a person suspected of committing a battery which constitutes domestic violence: (1) if the peace officer ~~[encountered]~~ **had a face-to-face encounter with** the person **that was of sufficient duration to determine whether probable cause existed** while responding to the initial ~~[request]~~ **incident or call** for ~~[assistance relating to the battery,]~~ **service,** within 24 hours after the alleged battery; or (2) if the peace officer did not ~~[not]~~ **have a face-to-face** encounter **with** the person **that was of sufficient duration to determine whether probable cause existed** while responding to the initial ~~[request]~~ **incident or call** for ~~[assistance relating to the battery,]~~ **service,** within 7 days after the alleged battery. **Section 1** of this bill makes a conforming change to

the written statement a peace officer must provide to a suspected victim of domestic violence.

Existing law authorizes a peace officer, whether or not a warrant has been issued, to arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon a person with whom he or she is actually residing or upon a sibling or cousin, if the person is not the custodian or guardian of the sibling or cousin. (NRS 171.1375) **Section 3** of this bill revises the period for such a discretionary arrest to be: (1) if the peace officer ~~[encountered]~~ **had a face-to-face encounter with** the person **that was of sufficient duration to determine whether probable cause existed** while responding to the initial ~~[request]~~ **incident or call** for ~~[assistance relating to the battery,]~~ **service,** within 24 hours after the alleged battery; or (2) if the peace officer did not **have a face-to-face** encounter **with** the person to be arrested **that was of sufficient duration to determine whether probable cause existed** while responding to the initial ~~[request]~~ **incident or call** for ~~[assistance relating to the battery,]~~ **service,** within 7 days after the alleged battery.

Existing law establishes a privilege for confidential communication between a victim of certain crimes and a victim's advocate. (NRS 49.2541-49.2549) To be a "victim's advocate," as defined in existing law, a person must have certain work experience and have received at least 20 hours of relevant training. (NRS 49.2545) Section 13.3 of this bill requires that such training must include instruction in certain topics. Section 13.7 of this bill also provides that a person who works for a domestic violence, sexual assault or human trafficking services organization or a nonprofit organization which provides assistance to victims may be a victim's advocate for purposes of the privilege. Section 13.9 of this bill makes a conforming change that is necessary as a result of the change relating to the changes made in section 13.7. Section 13.5 of this bill makes a conforming change to indicate the proper placement of section 13.3 in the Nevada Revised Statutes.

Section 21 of this bill provides that, notwithstanding the amendatory provisions of sections 13.3-13.9 until January 1, 2024, the privilege established for confidential communication between a victim and a victim's advocate shall be deemed to apply to a communication between a victim and a victim's advocate, regardless of whether the victim's advocate has completed the required relevant training, as defined in section 13.3, before October 1, 2023, if the victim's advocate was serving as a victim's advocate before October 1, 2023.

Existing law provides that a person who commits a crime that is punishable as a felony in violation of certain orders for protection must, in addition to the term of imprisonment for the underlying crime, be punished by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 20 years. However, if the underlying crime is punishable as a category A or B felony, the person must be additionally punished by imprisonment for a

minimum term of not less than 1 year and a maximum term of not more than 5 years. (NRS 193.166) **Section 14** of this bill provides instead that if the underlying crime is punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 20 years, but if the underlying crime is not punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 5 years.

Existing law provides that a court may not grant probation to or suspend the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a misdemeanor, except that: (1) a justice court or municipal court may suspend the sentence of such a person under certain circumstances; and (2) a court may suspend the sentence of such a person to assign the person to a program for the treatment of veterans and members of the military. Existing law does not expressly prohibit a court from granting probation to or suspending the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a gross misdemeanor or felony. (NRS 200.485) **Section 16** of this bill prohibits a court from granting probation to or suspending the sentence of a person ~~[who is charged with committing]~~ **convicted of** a battery which constitutes domestic violence that is punishable as a felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer ..... (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, ***and if I*** ~~***[encountered]***~~ ***had a face-to-face encounter with the person suspected of committing the battery that was of sufficient duration to determine whether probable cause existed while responding to the initial*** ~~***[request]***~~ ***incident or call for*** ~~***[assistance relating to the battery,]***~~ ***service,*** I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) ***If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 7 days by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, and if I did not have a face-to-face encounter with the person suspected of committing the battery that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery;]~~ service, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.***

(4) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

~~[(4)]~~ ***(5)*** The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

~~[(5)]~~ ***(6)*** An order for protection may require the person who committed or threatened the act of domestic violence against you to:

(I) Stop threatening, harassing or injuring you or your children;

(II) Move out of your residence;

(III) Stay away from your place of employment;

(IV) Stay away from the school attended by your children;

(V) Stay away from any place you or your children regularly go;

(VI) Avoid or limit all communication with you or your children;

(VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and

(VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

~~[(6)]~~ ***(7)*** A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

(I) Pay the rent or mortgage due on the place in which you live;

(II) Pay the amount of money necessary for the support of your children;

(III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

~~[(7)]~~ ***(8)*** To get an order for protection, go to room number ..... (state the room number of the office at the court) at the court, which is located at ..... (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

~~[(8)]~~ ***(9)*** If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

(I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110,

➥ the person will not be admitted to bail sooner than 12 hours after arrest.

~~[(9)]~~ ***(10)*** You may obtain emergency assistance or shelter by contacting your local program against domestic violence at ..... (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at ..... (state toll-free telephone number of Statewide Program).

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 2. NRS 171.137 is hereby amended to read as follows:

171.137 1. Except as otherwise provided in subsection 2, whether or not a warrant has been issued, a peace officer shall, unless mitigating circumstances exist, arrest a person when the peace officer has probable cause to believe that the person to be arrested has ~~[~~, within the preceding 24 hours,~~]~~ committed a battery upon his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons, his or her minor child or a person who is the custodian or guardian of his or her minor child ~~[.]~~ ***:***

(a) If the peace officer ~~[encountered]~~ had a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery,]~~ service, within the preceding 24 hours.

(b) If the peace officer did not have a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery,]~~ service, within the preceding 7 days.

2. If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, the peace officer shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons who allegedly committed a battery was the primary physical aggressor involved in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:

(a) Prior domestic violence involving either person;

(b) The relative severity of the injuries inflicted upon the persons involved;

(c) The potential for future injury;

(d) Whether one of the alleged batteries was committed in self-defense; and

(e) Any other factor that may help the peace officer decide which person was the primary physical aggressor.

3. A peace officer shall not base a decision regarding whether to arrest a person pursuant to this section on the peace officer's perception of the willingness of a victim or a witness to the incident to testify or otherwise participate in related judicial proceedings.

4. Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.

5. The provisions of this section do not apply to:

(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or

(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

6. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 3. NRS 171.1375 is hereby amended to read as follows:

171.1375 1. Whether or not a warrant has been issued, a peace officer may arrest a person ~~[when the]~~ ***if the*** peace officer ~~[has]~~ ***:***

(a) Has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon:

~~[(a)]~~ ***(1)*** A person with whom he or she is actually residing;

~~[(b)]~~ ***(2)*** A sibling, if the person is not the custodian or guardian of the sibling; or

~~[(c)]~~ ***(3)*** A cousin, if the person is not the custodian or guardian of the cousin ~~[.]~~ ***; and***

(b) ~~[Encountered]~~ Had a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery.]~~ service.

2. ***Whether or not a warrant has been issued, a peace officer may arrest a person if the peace officer:***

(a) Has probable cause to believe that the person to be arrested has, within the immediately preceding 7 days, committed a battery upon:

(1) A person with whom he or she is actually residing;

(2) A sibling, if the person is not the custodian or guardian of the sibling; or

(3) A cousin, if the person is not the custodian or guardian of the cousin; and

(b) Did not have a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed

while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery.]~~ service.

3. Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 13.3. **Chapter 49 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Relevant training" means at least 20 cumulative hours of instruction in:

1. Ethics;

2. Civil and criminal laws relating to domestic violence, sexual assault or human trafficking;

3. Relevant laws relating to confidentiality of communication, as defined in NRS 49.2546, and privileges pursuant to this chapter;

4. Trauma-informed care; and

5. Any other relevant topics necessary to meet the needs of victims of domestic violence, sexual assault or human trafficking.

Sec. 13.5. **NRS 49.2541 is hereby amended to read as follows:**

49.2541 As used in NRS 49.2541 to 49.2549, inclusive, ***and section 13.3 of this act,*** the words and terms defined in NRS 49.2542 to 49.2545, inclusive, ***and section 13.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 13.7. **NRS 49.2545 is hereby amended to read as follows:**

49.2545 "Victim's advocate" means a person ***who has completed relevant training and*** who ~~[works]~~ ***, with or without compensation:***

1. Works for ~~[a nonprofit program, a]~~ ***:***

(a) A program of a university, state college or community college within the Nevada System of Higher Education ~~[or a]~~ ***which provides assistance to victims;***

(b) A program of a tribal organization which provides assistance to victims ~~[who]~~ ***;***

(c) An organization which provides services to victims of domestic violence, sexual assault or human trafficking; or

(d) A nonprofit organization which provides ***assistance to victims; or***

2. Provides services to a victim of an alleged incident of sexual misconduct pursuant to NRS 396.125 to 396.1595, inclusive ***.*** ~~[, with or~~

~~without compensation and who has received at least 20 hours of relevant training.]~~

Sec. 13.9. **NRS 49.2546 is hereby amended to read as follows:**

49.2546 1. A communication shall be deemed to be confidential if the communication is between a victim and a victim's advocate and is not intended to be disclosed to third persons other than:

(a) A person who is present to further the interest of the victim;

(b) A person reasonably necessary for the transmission of the communication; or

(c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim's family.

2. As used in this section, "communication" includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:

(a) The victim's advocate; or

(b) ~~[The nonprofit]~~ ***A*** program ~~[, the program of a university, state college or community college within the Nevada System of Higher Education]~~ or ~~[the program of a tribal]~~ organization ***described in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 49.2545*** for whom the victim's advocate works.

Sec. 14. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) An emergency or extended order for protection against high-risk behavior issued pursuant to NRS 33.570 or 33.580;

(e) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;

(f) A temporary or extended order issued pursuant to NRS 200.378; or

(g) A temporary or extended order issued pursuant to NRS 200.591,

➥ shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than ~~[20]~~ ***5*** years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~[5]~~ ***20*** years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 15. (Deleted by amendment.)

Sec. 16. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsections 2 to 5, inclusive, or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be punished by:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Performing not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be punished by:

(1) Imprisonment in the city or county jail or detention facility for not less than 20 days, but not more than 6 months; and

(2) Performing not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(c) For the third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) A felony that constitutes domestic violence pursuant to NRS 33.018;

(b) A battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed with the use of a deadly weapon as described in NRS 200.481; or

(c) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a) or (b),

➥ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000, but not more than $5,000.

4. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:

(a) For the first offense, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 20 days and may be further punished by a fine of not less than $500, but not more than $1,000.

(b) For the second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to

NRS 33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than $1,000, but not more than $5,000.

6. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

7. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed or the judgment of conviction is set aside pursuant to NRS 176A.240, 176A.260 or 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a), (b) or (c) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

8. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for an alcohol or other substance use disorder that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

9. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a misdemeanor and may prohibit the person from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360, the person is entitled to a trial by jury pursuant to subsection 1 of NRS 175.011, regardless of whether the person was previously prohibited from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360.

11. A court ~~[:~~

~~(a) Except as otherwise provided in paragraph (b),~~ ~~]~~ shall not grant probation to or suspend the sentence of a person ~~[~~~~described in subsection 10.~~

~~(b) May grant probation to or suspend the sentence of a person described in subsection 10:~~

~~(1) As set forth in NRS 4.373 and 5.055; or~~

~~(2) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.~~ ~~*who is charged with committing]*~~ ***convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a felony.***

12. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

13. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not

less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

14. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. **Notwithstanding the amendatory provisions of sections 13.3 to 13.9, inclusive, of this act, until January 1, 2024, the privilege established in NRS 49.2546, as that section existed before October 1, 2023, shall be deemed to apply to a communication between a victim and a victim's advocate, as provided in NRS 49.2541 to 49.2549, inclusive, regardless of whether or not the victim's advocate has completed the required relevant training, as defined in section 13.3 of this act, before October 1, 2023, if the victim's advocate was serving as a victim's advocate before October 1, 2023.**

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 713 to Assembly Bill No. 51.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Marzola moved that the Assembly do not recede from its action on Senate Bill No. 283, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Peters, Torres, and Hafen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 283.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Gorelow moved that the Assembly do not recede from its action on Senate Bill No. 60, that a conference be requested, and that

Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Monroe-Moreno, C.H. Miller, and Dickman as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 60.

REMARKS FROM THE FLOOR

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, June 5, 2023, at 10 a.m.

Motion carried.

Assembly adjourned at 11:10 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 5, 2023

Assembly called to order at 10:42 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Elder Victor Williams.

Today's prayer was spoken in the Paiute language, in honor of Lucinda Benjamin.

We are thankful for this gathering. We ask that You bless each of us gathered here, and we ask that you especially bless Cindy. We thank her for all that she has done for the people.

We pray for everyone here today. We pray that those who will be traveling home are able to travel safe . Help us to help one another and be good to each other.

One of these days we will see each other again. Boone dwa.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 591 to Senate Bill No. 38; Assembly Amendment No. 684 to Senate Bill No. 78; Assembly Amendment No. 899 to Senate Bill No. 103; Assembly Amendment No. 658 to Senate Bill No. 235; Assembly Amendment No. 697 to Senate Bill No. 262; Assembly Amendments Nos. 854, 863 to Senate Bill No. 305; Assembly Amendment No. 597 to Senate Bill No. 314; Assembly Amendments Nos. 660, 764 to Senate Bill No. 335; Assembly Amendment No. 654 to Senate Bill No. 348; Assembly Amendment No. 636 to Senate Bill No. 378; Assembly Amendment No. 900 to Senate Bill No. 389.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Yeager, Jauregui and O'Neill:

Assembly Resolution No. 11—Expressing appreciation to Lucinda "Cindy" Benjamin for her many years of service to the Nevada Assembly.

WHEREAS, The demands placed on legislative staff as they support lawmakers during Nevada's biennial legislative sessions are rigorous and oftentimes extraordinary; and

WHEREAS, Lucinda "Cindy" Benjamin rose to face this challenge for a total of 16 regular sessions and countless special sessions, demonstrating her dedication by making the long commute from her home in Schurz, Nevada, for many years; and

WHEREAS, Cindy Benjamin began her legislative career in 1973 as a committee secretary for the Assembly Committee on Taxation, never dreaming that life would lead her back to the Assembly some years later; and

WHEREAS, Cindy and her family later moved to southern California, where Cindy earned a Bachelor of Science degree in Business Administration from La Verne University before returning to Nevada; and

WHEREAS, Cindy has witnessed tremendous growth and change in the Legislative Branch over the course of her career, from a time when the bill histories so essential to following the legislative process were compiled on small strips of paper, taped together at the end of the day and delivered to the State Printer, to the sophisticated technology we enjoy today; and

WHEREAS, Applying her unceasingly patient attention to detail, Cindy has served as the Assembly History Clerk for a total of 14 regular sessions, recording many thousands of accurate history actions during that time and creating an exceptional record of legislative proceedings that will be looked to for untold years to come; and

WHEREAS, Owing to her intelligent way of spotting critical inaccuracies in the legislative work at hand, Cindy is regarded for her meticulousness and has rightfully earned the nickname "Eagle-eye Benjamin"; and

WHEREAS, Cindy's wealth of experience and generosity in sharing her knowledge has made her an invaluable support to her colleagues, and her far-reaching knowledge of Assembly history and processes has fortified the collective knowledge of the Front Desk staff; and

WHEREAS, With a calm and gentle nature, Cindy has been a constant comfort to those around her, especially during the most frantic moments of session, and she has been a delight to work with for these many years; and

WHEREAS, Upon closing out her career with the Assembly, Cindy will return to her life as a talented artist, weaving exquisite baskets from willow, pine needles and horsehair; beading colorful jewelry of fine detail; sewing and beading garments from deer hide she tanned herself; and painting pictures that take your breath away; and

WHEREAS, As a proud member of the Walker River Paiute Tribe, Cindy intends to continue investing her free time cultivating the deep love she carries for her heritage by learning the language of her ancestors; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly and her fellow colleagues on the Front Desk do hereby express their deepest appreciation to Cindy Benjamin upon her retirement and bid her their warmest farewell in the language of her heritage: *Boone dwa*—see you next time; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lucinda Benjamin; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblywoman Peters moved the adoption of the resolution.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Resolution 11 expresses appreciation to Lucinda "Cindy" Benjamin for her many years of service to the Nevada Assembly.

This is an emotional time for me. Before I became a member of this body, I met Cindy's daughter. Cindy's daughter was an inspiration for me being here. I did not know that until I came into this building and introduced myself to Cindy and understood that there is a circle to this state that brings us all together. Cindy has been a steadfast force in the time that I have been in this body. She is also the mother of one of the most inspiring women I know.

Cindy's career has always been in private and public service to this state, starting in this body and extending to her community, the Walker River Paiute Tribe, working in health and human services to ensure her community was taken care of. She was also the first in her family to graduate from high school here in Carson City and then from college at La Verne University in California.

Her family says she is an inspiration for them to pursue higher education and to serve their community, which they have done.

Cindy has been a staple in this body for having served Indian tacos over the last 20 years after former Speaker John Oceguera talked her into it. Cindy is an amazing role model to her family, her community, and all those who are blessed to know her. I am grateful for her service. I know we all are in this body.

Thank you, Cindy. I know we had an applause earlier, but I would love if we could take an opportunity to send our blessings and love to Ms. Cindy Benjamin.

I would like to also introduce the family members in this body who are here to celebrate Cindy. We have Laverne Hicks, Elaine Montoya, Trinity Thom, Laurie Thom, Dorsey Thom, Victor Williams, and Marie Williams. These are part of Cindy's family. We are so grateful you are here to join us today in appreciation and congratulations for a much-deserved retirement.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 10.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Brittney Miller moved that the Assembly do not recede from its actions on Senate Bill No. 104, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Marzola, Considine, and Hansen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 104.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Peters moved that the Assembly do not recede from its actions on Senate Bill No. 161, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Backus, Peters, and Hardy as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 161.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Cohen moved that the Assembly do not recede from its action on Senate Bill No. 180, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Cohen, Watts, and Hardy as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 180.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Marzola moved that the Assembly do not recede from its action on Senate Bill No. 355, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Jauregui, Marzola, and Yurek as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 355.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Marzola moved that the Assembly do not recede from its actions on Senate Bill No. 370, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Marzola, Backus, and O'Neill as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 370.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 82, 118, 467, 469, 475, 480, 492, 495, and 498 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 395.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 971.

AN ACT relating to real property; limiting, with certain exceptions, the total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by certain corporate investors; requiring the registration of certain corporate investors in residential property in this State with the Securities Division of the Office of the Secretary of State; requiring that certain deeds relating to residential real property include certain information about corporate investors; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides, with certain exceptions, that: (1) the total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by corporations, limited-liability companies and any affiliates of such entities must not exceed 1,000 units; and (2) a corporation, limited-liability company or affiliate of such an entity is prohibited from purchasing any unit of residential real property in this State if, as a result of the purchase, the total aggregate number of units of residential real property purchased in this State during the current calendar year by corporations, limited-liability companies or any affiliates of such entities would exceed 1,000 units.

Section 1 also requires the creation and maintenance of a registry of corporations, limited-liability companies and any affiliates of such entities that purchase or own residential real property in this State by the Securities Division of the Office of the Secretary of State. ~~[A]~~ **Section 1 requires, with certain exceptions, a** corporation, limited-liability company or any affiliate of such an entity ~~[is required]~~ to register with the Securities Division before purchasing any residential real property in this State. **Section 1**: (1) authorizes the Secretary of State to charge a fee to each such corporation, limited-liability company or any affiliate of such an entity; and (2) requires the Secretary of State to adopt regulations necessary to carry out the provisions of **section 1**. For the purposes of **section 1**, the term "corporation" does not include a family trust company or a housing authority.

Section 2 of this bill provides **, with certain exceptions,** that if a corporation, limited-liability company or any affiliate of such an entity

purchases residential real property, the deed must: (1) be accompanied by a copy of the certificate of registration issued by the Secretary of State; and (2) clearly set forth that the residential real property is not the primary residence of the owner. **Section 2** also prohibits the county recorder from recording the deed unless the deed: (1) contains information about the ownership of the corporation, limited-liability company or any affiliate of such an entity, as set forth in the registry created pursuant to **section 1**; and (2) clearly sets forth that the residential real property is not the primary residence of the owner.

Section 3 of this bill makes an appropriation to the Office of the Secretary of State for personnel, travel, operating, equipment, information services and contractor costs to carry out the provisions of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2:

(a) The total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by corporations, limited-liability companies and affiliates of such entities must not exceed 1,000 units.

(b) A corporation, limited-liability company or affiliate of such an entity shall not purchase any unit of residential real property in this State if, as a result of the purchase, the total aggregate number of units of residential real property purchased in this State during the current calendar year by corporations, limited-liability companies or affiliates of such entities would exceed 1,000 units.

2. The provisions of subsection 1 do not apply to:

(a) The intracorporate sale or transfer of units of residential property; or

(b) The sale of newly constructed units of residential property.

3. The Securities Division of the Office of the Secretary of State shall create and maintain a registry of corporations, limited-liability companies and affiliates of such entities that purchase or own residential real property in this State. The Securities Division shall make such registry available on the Internet website of the Office of the Secretary of State.

4. ~~[A]~~ Except as otherwise provided in this subsection, a corporation, limited-liability company or affiliate of such an entity must register with the Securities Division of the Office of the Secretary of State before purchasing any unit of residential real property in this State. The registration requirement does not apply to a corporation, limited-liability company or affiliate of such an entity that owns less than 10 units of residential real property in this State.

5. The Secretary of State shall issue a certificate of registration to each corporation, limited liability company or affiliate of such an entity that registers pursuant to this section.

6. The Secretary of State may charge a fee to each corporation, limited-liability company or affiliate of such an entity that registers with the Securities Division pursuant to subsection 4.

7. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section.

8. As used in this section, the term:

(a) "Corporation" does not include:

(1) A family trust company, as defined in NRS 669.042.

(2) A housing authority, as defined in NRS 315.021.

(b) "Limited-liability company" has the meaning ascribed to it in NRS 86.061.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a declaration of removal of discriminatory restriction, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain and sale deed;

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee's deed upon sale,

➥ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not

required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

7. ~~If~~ Except as otherwise provided in subsection 8, if a corporation, limited-liability company or affiliate of such an entity purchases residential real property:

(a) The county recorder shall not record the deed unless:

(1) The deed contains the information about the ownership of the corporation, limited-liability company or affiliate of such an entity set forth in the registry created pursuant to section 1 of this act; and

(2) The corporation, limited-liability company or affiliate of such an entity submits to the county recorder a copy of the certificate of registration issued by the Secretary of State pursuant to section 1 of this act and the name of the corporation, limited-liability company or affiliate of such an entity on the deed matches the name on the certificate of registration accompanying the deed; and

(b) The deed must clearly set forth that the residential real property is not the primary residence of the owner.

8. The provisions of subsection 7 do not apply to a corporation, limited-liability company or affiliate of such an entity that owns less than 10 units of residential real property in this State.

9. As used in this section, the terms "corporation" and "limited-liability company" have the meanings ascribed to them in section 1 of this act.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State for personnel, travel, operating, equipment, information services and contractor costs to carry out the provisions of section 1 of this act the following sums:

For the Fiscal Year 2023-2024 ..... $476,004

For the Fiscal Year 2024-2025 ..... $81,705

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Section 3 of this act becomes effective on July 1, 2023.

3. Sections 1 and 2 of this act become effective on October 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 226.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 967.

SUMMARY—Revises provisions governing ~~[public works.]~~ **governmental financial administration.** (BDR 28-494)

CONTAINS UNFUNDED MANDATE (§ ~~[§ 3, 5)]~~ **12.7)**

(Not Requested by Affected Local Government)

AN ACT relating to ~~[public works;]~~ **governmental financial administration;** providing a declaration of legislative intent regarding the payment of prevailing wages on public works projects; ~~[providing that certain projects require the payment of prevailing wages; revising the definition of "public work";]~~ **establishing certain requirements relating to certain organizations that partner with certain public bodies for the construction of hospitals, medical education buildings or medical research buildings; requiring the payment of prevailing wages on certain leases and lease-purchase and installment-purchase agreements entered into by local governments;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid to each of the classes of mechanics and workers. The hourly and daily rate of wages must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020)

Section 2 of this bill makes a declaration of legislative intent finding that: (1) the payment of prevailing wages to workers on public works projects that are funded in whole or in part by public money is essential to the economic well-being of this State, increasing the number of skilled construction workers in this State, enhancing the workforce of the State and increasing redevelopment opportunities in the State; and (2) careful scrutiny of novel leasing and financial arrangements entered into and incentives offered by a public body is necessary to ensure workers are paid the prevailing wage. **Section 8** of this bill provides that any regulation adopted by the Labor

Commissioner relating to public works must be consistent with the declaration of legislative intent set forth in **section 2**.

Existing law sets forth certain requirements relating to state financial administration and local financial administration. (Chapters 353 and 354 of NRS) Sections 10.5 and 12.3 of this bill authorize an organization to partner with a state agency or local government and provide private financing only for the construction of a hospital, medical education building or medical research building in this State if the organization: (1) qualifies as a tax-exempt organization and a supporting organization under certain provisions of the Internal Revenue Code; and (2) is organized and operated to support a state agency or local government in the construction of hospitals or such medical buildings.

Existing law makes the prevailing wage requirements applicable to certain, specific construction projects. (NRS 244.286, 244A.058, 244A.763, 268.568, 271.710, 271.800, 278C.240, 279.500, 318.140, 318.144, 321.416, 332.390, 333A.120, 349.670, 349.956, 349.981, 388A.635, 408.3886, 543.545, 701B.265, 701B.625) ~~[Section 3 of this bill requires, with certain exceptions,]~~ **Sections 10.5 and 12.3 require** the payment of prevailing wages on ~~[any project if, pursuant to certain agreements or partnerships between a developer and a public body: (1) the property or premises on which the project will be constructed or developed is owned by a public body; (2) the property or premises on which a project will be constructed or developed is, in whole or in part, subject to a lease or lease-purchase agreement by a public body; (3) a public body pays money or other compensation directly to or on behalf of the developer or contractor of the project or any subcontractor who performs any work on the project; (4) a public body pays, credits, reduces, forgives or waives any fee, cost, rent, insurance premium, bond premium, obligation or expense, including, without limitation, an incidental expense, in relation to the project that is normally required in the execution of a contract for a public work on which the estimated cost exceeds $100,000; (5) a public body loans money in relation to the project that is required to be repaid to the public body; (6) a public body retains any right to ownership of the property or premises after construction work begins on the project; (7) in relation to the project, a public body sells, leases or otherwise transfers for less than fair market value any developed or undeveloped real property or any other property or asset; or (8) in relation to the project, a public body transfers property of the State or political subdivision for less than fair market value. Section 3 exempts from these provisions airport authorities, single-family residential housing and certain projects relating to affordable housing.~~

~~Existing law defines the term "public work" to mean any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for certain publicly owned works and property. (NRS 338.010) Section 5 of this bill amends the definition of "public work" to include a project financed in whole or in part from public money.]~~ **projects developed by such organizations. Sections 10.5 and 12.3 also provide that**

projects developed by such organizations are exempt from certain provisions of existing law governing the award of contracts and the oversight and involvement of the State Public Works Division of the Department of Administration. Sections 10.5 and 12.3 require subcontracts for such projects to be competitively bid and authorize an eligible subcontractor who bids on such a project to receive certain bidding preferences. Lastly, sections 10.5 and 12.3 require a contract or agreement entered into with a prime contractor for such a project to include provisions requiring: (1) at least 15 percent of the subcontracts for the project to be awarded to local small businesses; and (2) the use of apprentices in accordance with certain provisions of existing law.

Existing law sets forth a legislative declaration regarding the importance of the use of lease-purchase agreements and installment-purchase agreements by local governments, including the use of such agreements for the construction, alteration, repair or remodeling of an improvement. (NRS 354.740) Sections 12.7 and 12.9 of this bill move this language regarding the use of such agreements for the construction, alteration, repair or remodeling of an improvement from the legislative declaration. Section 12.7 provides that if a local government uses such agreements or leases for the construction, alteration, repair or remodeling of an improvement: (1) the person or entity that executes one or more contracts or agreements for the work must include provisions in the contract or agreement requiring the payment of prevailing wages; and (2) the local government, the contractor and any subcontractor must pay prevailing wages. Section 12.5 of this bill defines "agreement" for the purposes of these provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. The payment of prevailing wages to workers on public works projects that are funded in whole or in part by public money is essential to:

(a) The economic well-being of this State;

(b) Increasing the number of skilled construction workers in this State;

(c) Enhancing the workforce in this State; and

(d) Increasing redevelopment opportunities in this State.

2. To ensure the intentions set forth in subsection 1 are upheld, careful scrutiny of novel leasing and financing arrangements entered into or incentives offered by public bodies for the construction of public works is necessary to ensure that workers on public works projects are paid prevailing wages.

Sec. 3. ~~***[1. The provisions of NRS 338.013 to 338.090, inclusive, apply to any project if, pursuant to the provisions of a contract or a lease***~~

~~*agreement, lease purchase agreement, development agreement, improvement district, redevelopment project or public-private partnership between a private developer and a public body:*~~

~~*(a) The property or premises on which a project will be constructed or developed is owned by a public body;*~~

~~*(b) The property or premises on which a project will be constructed or developed are, in whole or in part, subject to a lease or lease purchase agreement by a public body;*~~

~~*(c) A public body pays money or other compensation directly to or on behalf of the developer or contractor of the project or any subcontractor who performs any work on the project; or*~~

~~*(d) Except as otherwise provided in subsection 2, a public body:*~~

~~*(1) Pays, credits, reduces, forgives or waives any fee, cost, rent, insurance premium, bond premium, obligation or expense, including, without limitation, an incidental expense, in relation to the project that is normally required in the execution of a contract for a public work on which the estimated cost exceeds $100,000;*~~

~~*(2) Loans money in relation to the project that is required to be repaid to the public body, regardless of the terms of the loan or the interest charged;*~~

~~*(3) Retains any right, including, without limitation, a contingent right, to retake ownership of the property or premises after construction work begins on the project;*~~

~~*(4) In relation to the project, a public body sells, leases or otherwise transfers for less than fair market value any developed or undeveloped real property or any other property or asset; or*~~

~~*(5) In relation to the project, a public body transfers property for less than fair market value.*~~

~~*2. The provisions of paragraph (d) of subsection 1 are not applicable to:*~~

~~*(a) A local government that takes an action set forth in paragraph (d) of subsection 1 for the construction of:*~~

~~*(1) Single-family residential housing; or*~~

~~*(2) Affordable housing if such affordable housing is four floors or less, regardless of whether each or any floor is above or below ground; or*~~

~~*(b) An airport authority operating in this State or a department of aviation which is operated by a political subdivision of this State.*~~

~~*3. As used in this section:*~~

~~*(a) "Affordable housing" means multifamily housing that is:*~~

~~*(1) Tier one affordable housing or tier two affordable housing; and*~~

~~*(2) Subject to a legally binding agreement or other instrument that includes restrictions for the resale of the property to require that such property continue to be used as tier one affordable housing, tier two affordable housing or tier three affordable housing.*~~

~~*(b) "Improvement district" has the meaning ascribed to it in NRS 271.130.*~~

~~*(c) "Tier one affordable housing" has the meaning ascribed to it in NRS 278.01902.*~~

~~*(d) "Tier three affordable housing" has the meaning ascribed to it in NRS 278.01904.*~~

~~*(e) "Tier two affordable housing" has the meaning ascribed to it in NRS 278.01906.]*~~ **(Deleted by amendment.)**

Sec. 4. (Deleted by amendment.)

Sec. 5. ~~[NRS 338.010 is hereby amended to read as follows:~~

~~338.010 As used in this chapter:~~

~~1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.~~

~~2. "Bona fide fringe benefit" means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:~~

~~(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and~~

~~(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.~~

~~➥ The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.~~

~~3. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.~~

~~4. "Contractor" means:~~

~~(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.~~

~~(b) A design-build team.~~

~~5. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.~~

~~6. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.~~

~~7. "Design-build team" means an entity that consists of:~~

~~(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and~~

~~(b) For a public work that consists of:~~

~~(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.~~

~~(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter~~

~~623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.~~

~~8. "Design professional" means:~~

~~(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;~~

~~(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;~~

~~(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;~~

~~(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or~~

~~(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.~~

~~9. "Discrete project" means one or more public works which are undertaken on a single construction site for a single public body. The term does not include one or more public works that are undertaken on multiple construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together.~~

~~10. "Division" means the State Public Works Division of the Department of Administration.~~

~~11. "Eligible bidder" means a person who is:~~

~~(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or~~

~~(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.~~

~~12. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:~~

~~(a) General engineering contracting, as described in subsection 2 of NRS 624.215.~~

~~(b) General building contracting, as described in subsection 3 of NRS 624.215.~~

~~13. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.~~

~~14. "Horizontal construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and any other work incidental~~

~~thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.~~

~~15. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.~~

~~16. "Offense" means:~~

~~(a) Failing to:~~

~~(1) Pay the prevailing wage required pursuant to this chapter;~~

~~(2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;~~

~~(3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or~~

~~(4) Comply with subsection 5 or 6 of NRS 338.070.~~

~~(b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.~~

~~17. "Prime contractor" means a contractor who:~~

~~(a) Contracts to construct an entire project;~~

~~(b) Coordinates all work performed on the entire project;~~

~~(c) Uses his or her own workforce to perform all or a part of the public work; and~~

~~(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.~~

~~➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.~~

~~18. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.~~

~~19. "Public work" means any project [for the new construction, repair or reconstruction of a project] financed in whole or in part from public money for:~~

~~(a) Public buildings;~~

~~(b) Jails and prisons;~~

~~(c) Public roads;~~

~~(d) Public highways;~~

~~(e) Public streets and alleys;~~

~~(f) Public utilities;~~

~~(g) Publicly owned water mains and sewers;~~

~~(h) Public parks and playgrounds;~~

~~(i) Public convention facilities which are financed at least in part [with] *from* public money; and~~

~~(j) All other publicly owned works and property.~~

~~20. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.~~

~~21. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:~~

~~(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and~~

~~(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,~~

~~↵ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.~~

~~22. "Subcontract" means a written contract entered into between:~~

~~(a) A contractor and a subcontractor or supplier; or~~

~~(b) A subcontractor and another subcontractor or supplier,~~

~~↵ for the provision of labor, materials, equipment or supplies for a construction project.~~

~~23. "Subcontractor" means a person who:~~

~~(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and~~

~~(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.~~

~~24. "Supplier" means a person who provides materials, equipment or supplies for a construction project.~~

~~25. "Vertical construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work for any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any other work or improvement appurtenant thereto.~~

~~26. "Wages" means:~~

~~(a) The basic hourly rate of pay; and~~

~~(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other bona fide fringe benefits which are a benefit to the worker.~~

~~27. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship,~~

~~express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.]~~ **(Deleted by amendment.)**

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 338.012 is hereby amended to read as follows:

338.012 ***1.*** The Labor Commissioner may adopt such regulations as are necessary to enable the Labor Commissioner to carry out his or her duties pursuant to the provisions of this chapter.

2. Any regulation adopted by the Labor Commissioner pursuant to this chapter must be consistent with the declaration of legislative intent set forth in section 2 of this act.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 338.050 is hereby amended to read as follows:

338.050 For the purpose of NRS 338.010 to 338.090, inclusive, ***and*** ~~***[sections]***~~ ***section 2*** ~~***[and 3]***~~ ***of this act,*** except as otherwise provided by specific statute, every worker who performs work for a public work covered by a contract therefor is subject to all of the provisions of NRS 338.010 to 338.090, inclusive, ***and*** ~~***[sections]***~~ ***section 2*** ~~***[and 3]***~~ ***of this act,*** regardless of any contractual relationship alleged to exist between such worker and his or her employer.

Sec. 10.5. **Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An organization may partner with a state agency and provide private financing only for the construction of a hospital, medical education building or medical research building in this State if the organization:

(a) Qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and a supporting organization pursuant to 26 U.S.C. § 509(a)(3); and

(b) Is organized and operated to support the state agency in the construction of a hospital, medical education building or medical research building in this State.

2. An organization that meets the criteria set forth in subsection 1:

(a) Is exempt from the provisions of NRS 338.1375 to 338.139, inclusive, in selecting a contractor for a project developed by the organization;

(b) Shall comply with the provisions of NRS 338.013 to 338.090, inclusive; and

(c) Is exempt from the provisions of chapter 341 of NRS and not subject to the oversight or involvement of the State Public Works Division of the Department of Administration, except for any authority of the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section exercised pursuant to subsection 2 of NRS 341.145.

3. All subcontracts for a project developed by an organization that meets the criteria set forth in subsection 1 must be competitively bid pursuant to NRS 338.1685 to 338.16995, inclusive. An eligible subcontractor who bids on such a project is entitled to receive a preference in bidding pursuant to subsection 3 or 4 NRS 338.1389.

4. Any contract or agreement entered into with a prime contractor for a project developed by an organization that meets the criteria set forth in subsection 1 must, without limitation, include provisions requiring:

(a) That at least 15 percent of the subcontracts for the project will be awarded to local small businesses; and

(b) The prime contractor to comply with the requirements of NRS 338.01165 for the use of apprentices.

5. As used in this section, "state agency" means an agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department of the State Government. The term includes the Nevada System of High Education.

Sec. 11. ~~[~~NRS 338.070 is hereby amended to read as follows:

~~338.070 1. Any public body awarding a contract shall:~~

~~(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, *and sections 2 and 3 of this act* committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and~~

~~(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive **[.], *and sections 2 and 3 of this act.***~~

~~2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.~~

~~3. Except as otherwise provided in subsection 7, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive **[.], *and sections 2 and 3 of this act.*** If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.~~

~~4. A contractor engaged on a public work and each subcontractor engaged on the public work shall:~~

~~(a) Inquire of each worker employed by the contractor or subcontractor in connection with the public work:~~

~~(1) Whether the worker wishes to specify voluntarily his or her gender; and~~

~~(2) Whether the worker wishes to specify voluntarily his or her ethnicity; and~~

~~(b) For each response the contractor or subcontractor receives pursuant to paragraph (a):~~

~~(1) If the worker chose voluntarily to specify his or her gender or ethnicity, or both, record the worker's responses; and~~

~~(2) If the worker declined to specify his or her gender or ethnicity, or both, record that the worker declined to specify such information.~~

~~* A contractor or subcontractor shall not compel or coerce a worker to specify his or her gender or ethnicity and shall not penalize or otherwise take any adverse action against a worker who declines to specify his or her gender or ethnicity. Before inquiring as to whether a worker wishes to specify voluntarily his or her gender or ethnicity, the applicable contractor or subcontractor must inform the worker that such information, if provided, will be open to public inspection as set forth in subsection 6.~~

~~5. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept:~~

~~(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:~~

~~(1) The name of the worker;~~

~~(2) The occupation of the worker;~~

~~(3) The gender of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;~~

~~(4) The ethnicity of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;~~

~~(5) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and~~

~~(6) The actual per diem, wages and benefits paid to the worker; and~~

~~(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:~~

~~(1) The name of the worker;~~

~~(2) The driver's license number or identification card number of the worker; and~~

~~(3) The state or other jurisdiction that issued the license or card.~~

~~6. The records maintained pursuant to subsection 5 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 5 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 5 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work. The Labor Commissioner shall adopt regulations authorizing and prescribing the procedures for the electronic filing of the copies of the records required to be provided monthly by a contractor or subcontractor to a public body pursuant to this subsection.~~

~~7. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 5 for a calendar month by the time specified in subsection 6 if:~~

~~(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:~~

~~(1) Ten days after the end of the month; or~~

~~(2) A date agreed upon by the contractor and subcontractor; and~~

~~(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 6.~~

~~➥ Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 6.~~

~~8. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.~~**] (Deleted by amendment.)**

Sec. 12. ~~[~~NRS 338.090 is hereby amended to read as follows:

~~338.090 1. Except as otherwise provided in subsection 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive,~~ ***and sections 2 and 3 of this act*** ~~or any regulation adopted pursuant thereto, is guilty of a misdemeanor.~~

~~2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:~~

~~(a) Shall, except as otherwise provided in subsection 4, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; and~~

~~(b) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.~~

~~3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.~~

~~4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.~~

~~5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.]~~ **(Deleted by amendment.)**

Sec. 12.2. **Chapter 354 of NRS is hereby amended by adding thereto the provisions set forth as sections 12.3, 12.5 and 12.7 of this act.**

Sec. 12.3. ***1. An organization may partner with a local government and provide private financing only for the construction of a hospital, medical education building or medical research building in this State if the organization:***

(a) Qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and a supporting organization pursuant to 26 U.S.C. § 509(a)(3); and

(b) Is organized and operated to support the local government in the construction of a hospital, medical education building or medical research building in this State.

2. An organization that meets the criteria set forth in subsection 1:

(a) Is exempt from the provisions of NRS 338.1375 to 338.139, inclusive, in selecting a contractor for a project developed by the organization;

(b) Shall comply with the provisions of NRS 338.013 to 338.090, inclusive; and

(c) Is exempt from the provisions of chapter 341 of NRS and not subject to the oversight or involvement of the State Public Works Division of the Department of Administration, except for any authority of the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section exercised pursuant to subsection 2 of NRS 341.145.

3. All subcontracts for a project developed by an organization that meets the criteria set forth in subsection 1 must be competitively bid pursuant to NRS 338.1685 to 338.16995, inclusive. An eligible subcontractor who bids on such a project is entitled to receive a preference in bidding pursuant to subsection 3 or 4 NRS 338.1389.

4. Any contract or agreement entered into with a prime contractor for a project developed by an organization that meets the criteria set forth in subsection 1 must, without limitation, include provisions requiring:

(a) That at least 15 percent of the subcontracts for the project will be awarded to local small businesses; and

(b) The prime contractor to comply with the requirements of NRS 338.01165 for the use of apprentices.

Sec. 12.5. ***As used in NRS 354.740 and section 12.7 of this act, "agreement" means an agreement to purchase property in the form of a lease or an agreement to pay in installments, pursuant to which a local government may pay the purchase price of real or personal property over a period of time which extends beyond the biennium in which the agreement is executed, including, without limitation:***

1. An agreement pursuant to which a local government may acquire the property that is the subject of the agreement at the end of the term of the agreement or at the end of the term of a renewal of the agreement upon

payment of no additional consideration or nominal additional consideration; and

2. An agreement that, for the purposes of federal income tax, is treated as an agreement for conditional sale.

Sec. 12.7. If a local government enters into a lease, lease-purchase or installment-purchase agreement which involves the construction, alteration, repair or remodeling of an improvement:

1. The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.

2. The local government, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the local government had undertaken the project or had awarded the contract.

Sec. 12.9. **NRS 354.740 is hereby amended to read as follows:**

354.740 The Legislature hereby finds and declares that:

1. The authority provided by other specific statutes for the government of this State and the political subdivisions of this State to use ***leases and*** lease-purchase and installment-purchase agreements provides an important and valuable option for these governmental entities and, when this authority is used properly, provides great benefit to the residents of this State.

2. The statutory provisions governing the use of ***leases and*** lease-purchase and installment-purchase agreements should be interpreted to allow the process of entering into and carrying out these agreements to be as streamlined and efficient as possible.

3. The government of this State and the political subdivisions of this State should not use ***leases and*** lease-purchase and installment-purchase agreements to:

(a) Engage in or allow bid-shopping; or

(b) Avoid or circumvent any requirement regarding the payment of prevailing wages for public works.

4. When using ***leases and*** lease-purchase and installment-purchase agreements, the government of this State and the political subdivisions of this State should provide for the preferential hiring of Nevada residents to the extent otherwise required by law.

~~[5. If a lease-purchase or installment-purchase agreement pursuant to this section involves the construction, alteration, repair or remodeling of an improvement:~~

~~(a) The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement~~

~~shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.~~

~~— (b) The government of this State or a political subdivision of this State, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the government of this State or a political subdivision of this State had undertaken the project or had awarded the contract.]~~

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16.5. The amendatory provisions of this act do not apply to any contract, lease or other agreement entered into before the effective date of this act.

Sec. 17. This act becomes effective upon passage and approval.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 82.

Bill read third time.

Roll call on Senate Bill No. 82:

YEAS—40.

NAYS—Hafen, Hansen—2.

Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 12 noon.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that the Assembly reconsider the action whereby Senate Bill No. 82 was passed.

Motion carried.

Senate Bill No. 82.
Bill read third time.
Roll call on Senate Bill No. 82:
YEAS—42.
NAYS—None.
Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 118.
Bill read third time.
Roll call on Senate Bill No. 118:
YEAS—42.
NAYS—None.
Senate Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 467.
Bill read third time.
Roll call on Senate Bill No. 467:
YEAS—42.
NAYS—None.
Senate Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 469.
Bill read third time.
Roll call on Senate Bill No. 469:
YEAS—42.
NAYS—None.
Senate Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 475.
Bill read third time.
Roll call on Senate Bill No. 475:
YEAS—42.
NAYS—None.
Senate Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 480.
Bill read third time.
Roll call on Senate Bill No. 480:

YEAS—42.
NAYS—None.

Senate Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 492.

Bill read third time.

Roll call on Senate Bill No. 492:

YEAS—42.
NAYS—None.

Senate Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 495.

Bill read third time.

Roll call on Senate Bill No. 495:

YEAS—42.
NAYS—None.

Senate Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 498.

Bill read third time.

Roll call on Senate Bill No. 498:

YEAS—42.
NAYS—None.

Senate Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 454, 505, 511.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 490, 506.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 454.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 490.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 505.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 506.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 511.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that all Senate Bills upon receipt be automatically referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:29 p.m.

ASSEMBLY IN SESSION

At 3:51 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 454, 490, 506, 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 15, 16, 37, 77, 84, 125, 128, 137, 138, 150, 208, 216, 224, 237, 239.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 245, 246, 252, 255, 258, 259, 261, 266, 283, 290, 292, 299.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 304, 310, 319, 321, 322, 328, 332, 348, 376, 383, 388, 389, 396, 422.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 434, 443, 451.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 7, Amendments Nos. 936, 968; Assembly Bill No. 50, Amendment No. 986; Assembly Bill No. 119, Amendment No. 963; Assembly Bill No. 148, Amendment No. 921; Assembly Bill No. 155, Amendment No. 961; Assembly Bill No. 156, Amendment No. 938; Assembly Bill No. 160, Amendment No. 957; Assembly Bill No. 201, Amendment No. 950, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 72, Amendment No. 931; Assembly Bill No. 243, Amendment No. 976; Assembly Bill No. 281, Amendment No. 927, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 378, Amendment No. 977; Assembly Bill No. 404, Amendment No. 920; Assembly Bill No. 430, Amendment No. 946; Assembly Bill No. 452, Amendments Nos. 675, 964, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Harris, Ohrenschall and Hansen as a Conference Committee concerning Assembly Bill No. 444.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 263, 341, 412.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 375, 400, 419, 510.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 734 to Senate Bill No. 35.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 50.

The following Senate amendment was read:

Amendment No. 986.

AN ACT relating to crimes; revising provisions relating to the prosecution of certain crimes; making an appropriation to be used for the prosecution of retail crime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the crime of organized retail theft, which is defined as committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, with the intent to: (1) return the merchandise to the merchant for value; or (2) resell, trade or barter the merchandise for value in any manner. (NRS 205.08345) **Section 1** of this bill authorizes the Attorney General to investigate and prosecute the

crime of organized retail theft and any other crime committed in the course of committing organized retail theft.

Existing law also prohibits a person from selling, displaying or advertising, or possessing with the intent to sell, goods that have an unauthorized or counterfeit label or trademark. (NRS 205.210) **Section 2** of this bill authorizes the Attorney General to investigate and prosecute such a crime and any other crime that is committed in the course of committing such a crime.

Additionally, existing law provides that it is a crime for a person, in the course of an enterprise or occupation, knowingly and with the intent to defraud, to engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that: (1) the person knows to be false or omitted; (2) the person intends another to rely on; and (3) results in a loss to any person who relied on the false representation or omission, in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than $1,200. (NRS 205.377) **Section 3** of this bill authorizes the Attorney General to investigate and prosecute such a crime and any other crime committed in the course of committing such a crime.

Section 3.5 of this bill makes an appropriation to the Office of the Attorney General to be used for personnel, operating, travel and information technology expenses relating to the prosecution of retail crime.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who knowingly participates directly or indirectly in or engages in conduct with the intent to further an organized retail theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days is at least $3,500 but less than $10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(b) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days is $10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than $20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in the organized retail theft was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

6. As used in this section:

(a) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

(b) "Merchant" has the meaning ascribed to it in NRS 597.850.

(c) "Organized retail theft" means committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, in this State with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade or barter the merchandise for value in any manner, including, without limitation, through the use of an Internet or network site.

Sec. 2. NRS 205.210 is hereby amended to read as follows:

205.210 1. A person shall not knowingly sell, display or advertise, or have in his or her possession with intent to sell, any goods, wares, merchandise, mixture, preparation or compound having affixed thereto any label, trademark, term, design, device or form of advertisement lawfully filed for record in the Office of the Secretary of State by any person, corporation, association or union, or the exclusive right to the use of which is guaranteed to the person, corporation, association or union under the laws of the United States, if the label, trademark, term, design, device or form of advertisement has been used or affixed thereto without the written authority of the person, corporation, association or union, or having affixed thereto any forged or counterfeit representation, likeness, similitude, copy or imitation thereof.

2. Except as otherwise provided in subsection 3, a violation of the provisions of subsection 1 is a misdemeanor.

3. A violation of the provisions of subsection 1 is:

(a) A category E felony if:

(1) The person committing the violation has been previously convicted one time for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 100 but less than 1,000 salable units; or

(II) Has a retail value of at least $1,000 but less than $10,000.

(b) A category D felony if:

(1) The person committing the violation has been previously convicted two or more times for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 1,000 salable units; or

(II) Has a retail value of at least $10,000.

4. For the purposes of this section, in accordance with the provisions of NRS 47.230, it may be reasonably inferred that a person intends to sell goods, wares, merchandise, a mixture, a preparation or a compound if the person knowingly possesses at least 26 salable units of the goods, wares, merchandise, mixture, preparation or compound.

5. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

6. As used in this section, "retail value" means:

(a) If the item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1 is a component of a finished product with multiple components, the price at which the person in violation of subsection 1 regularly sells the finished product; or

(b) For any other item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1, the price at which the person in violation of subsection 1 regularly sells the item.

Sec. 3. NRS 205.377 is hereby amended to read as follows:

205.377 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:

(a) The person knows to be false or omitted;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➥ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than $1,200.

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of

not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

7. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Office of the Attorney General to be used for personnel, operating, travel and information technology expenses relating to the prosecution of retail crime the following sums:

For the Fiscal Year 2023-2024 ..... ~~[$112,244]~~ **$125,731**

For the Fiscal Year 2024-2025 ..... ~~[$139,945]~~ **$157,832**

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 986 to Assembly Bill No. 50.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 148.

The following Senate amendment was read:

Amendment No. 921.

SUMMARY—Revises provisions relating to child welfare. (BDR ~~[11-671)]~~ **4-671)**

CONTAINS UNFUNDED MANDATE (§§ 32, 33)

(Not Requested by Affected Local Government)

AN ACT relating to child welfare; ~~[prescribing qualifications for magistrates who make certain determinations concerning child custody;]~~ providing for the appointment of a guardian ad litem for an incapacitated parent or other person responsible for the welfare of a child in certain child welfare proceedings; ~~[revising the titles of certain officials appointed to~~

~~oversee proceedings concerning juveniles and child support;~~ prescribing the procedure for the judicial review of the placement of a child who is in the custody of an agency which provides child welfare services in a qualified residential treatment program; revising the procedures governing the court-ordered admission of such a child who has an emotional disturbance to certain psychiatric facilities and the release of such a child from such a facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a court to follow certain procedures concerning how to determine custody when a magistrate determines probable cause exists that a party to the custody proceeding has committed an act of abduction against a child. (NRS 125C.0035, 125C.240, 432B.159) Sections 2, 3 and 44 of this bill require the magistrate who makes such a determination to be a magistrate who has the power to issue a criminal arrest warrant.]~~

Upon the filing of a petition that a child is in need of protection, existing law requires the appointment of a guardian ad litem to represent and protect the best interests of the child during the child welfare proceedings. (NRS 432B.500) **Sections 32 and 33** of this bill prescribe a procedure for the appointment of a guardian ad litem to represent the best interests of a parent or other person responsible for the welfare of a child who is incapacitated during a child welfare proceeding. **Section 34** of this bill requires a guardian ad litem appointed for a parent or other person responsible for the welfare of a child to act in the best interests of the parent or other person after considering the wishes of the parent or other person. **Section 34** additionally: (1) provides that communications between a parent or other person responsible for the welfare of a child and his or her guardian ad litem are privileged; and (2) prohibits a guardian ad litem from taking any action to relinquish parental rights, effectuate a termination of parental rights or consent to a specific adoption on behalf of the person for whom the guardian ad litem is appointed.

In general, existing law provides that information maintained by an agency which provides child welfare services is confidential and may only be disclosed under certain circumstances. (NRS 432B.290) **Section 46** of this bill authorizes the disclosure of information maintained by an agency which provides child welfare services to the legal guardian of a child appointed pursuant to **section 32** under certain circumstances.

~~[Existing law authorizes, and in certain circumstances, requires a court to appoint a master to preside over child support proceedings. (NRS 3.405, 425.381) Existing law also authorizes a court to appoint a master to preside over certain proceedings concerning juveniles. (NRS 62B.020) Sections 17, 21, 22, 29 and 74 of this bill revise the title of those appointed officials to "child support magistrate" and "juvenile magistrate," respectively, without changing the duties of those positions. Sections 1, 4-7, 12-16, 18, 19, 23-26, 48, 68 and 69 make various changes to conform to the terminology revised by sections 17, 21, 22, 29 and 74. Section 71.5 of this bill provides that the change in the name of an appointed official from "master" to "child support~~

~~magistrate" must not be construed to require the Division of Welfare and Supportive Services of the Department of Health and Human Services to modify any of the forms generated by the computer systems of the Division for the purpose of changing the term "master" to the term "magistrate."]~~

Existing law authorizes the placement of a child who is in need of protection in the protective custody of an agency which provides child welfare services under certain circumstances. (NRS 432B.390) If a court finds that such a child is in need of protection, existing law authorizes the court to place the child with certain entities, including a public agency or institution authorized to care for children. (NRS 432B.550) Existing law prescribes procedures governing the placement of a child who is in need of protection and requires such placement to be reviewed semiannually. (NRS 432B.450, 432B.580) Existing law also requires a court overseeing proceedings concerning such a child to hold an annual hearing concerning the permanent placement of the child. (NRS 432B.590) Existing federal law defines "qualified residential treatment program" to mean a program that: (1) provides trauma-informed treatment of children with serious emotional or behavioral disorders or disturbances; (2) has clinical staff available 24 hours a day and 7 days a week; and (3) meets certain other requirements. (42 U.S.C. § 672(k)(4)) **Section 31** of this bill adopts that federal definition, and **section 43** of this bill makes a conforming change to indicate the proper placement of **section 31** in the Nevada Revised Statutes. **Section 52** of this bill makes a conforming change to remove a definition of the term "qualified residential treatment program" that duplicates the definition prescribed in **section 31**. **Sections 35, 50 and 51** of this bill require a court to review the appropriateness of the placement of a child who is in the custody of an agency which provides child welfare services in a qualified residential treatment program: (1) not later than 60 days after the beginning of the placement; (2) as part of each semiannual review concerning the temporary placement of the child; and (3) at each annual hearing concerning the permanent placement of the child. **Sections 20, 45 , 47 and ~~[47-49]~~ 49** of this bill make conforming changes to indicate the proper placement of **sections 32-35** in the Nevada Revised Statutes.

Existing law prescribes the procedure for: (1) placing a person who is in a mental health crisis on a mental health crisis hold for assessment, evaluation, intervention and treatment at a hospital or mental health facility; (2) the emergency admission of such a person to a mental health facility; and (3) the involuntary court-ordered admission of such a person to a mental health facility or assisted outpatient treatment. (NRS 433A.145-433A.345) Existing law prescribes a separate procedure for the involuntary court-ordered admission of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to certain psychiatric facilities. (NRS 432B.607-432B.6085) **Sections 37-40 and 54-57** of this bill revise the latter procedure to provide separate procedures for: (1) the involuntary court-ordered admission of such a child for nonemergency mental health treatment; and (2) the continuation of the emergency admission of such a child for longer

than 5 days. **Sections 37, 39, 54 and 56** of this bill authorize a physician, a psychiatrist, a psychologist or an advanced practice registered nurse who possesses certain training to conduct certain examinations in the course of those procedures. **Section 70** of this bill makes conforming changes to indicate the applicability of the training requirements for an advanced practice registered nurse.

Sections 38 and 55 of this bill authorize the court to order the nonemergency admission or continued emergency admission, respectively, of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services if the court finds by clear and convincing evidence that the child presents a substantial likelihood of serious harm to himself or herself or others and certain other requirements are met. **Section 36** of this bill prescribes the manner in which to determine whether a child presents a substantial likelihood of serious harm to himself or herself or others for those purposes. **Sections 41 and 58** of this bill provide for the expiration and renewal of an order for nonemergency mental health treatment or to continue an emergency admission, as applicable. **Sections 41 and 58** also authorize the release of a child who has been admitted to a facility under such an order under certain circumstances, and **section 75** of this bill repeals: (1) existing provisions governing the release of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services from a facility; and (2) additional provisions of existing law which are duplicative of the provisions of **sections 37-40 and 54-57**.

Sections 42 and 59 of this bill require a facility to which a child who is in the custody of an agency which provides child welfare services is admitted under an involuntary court-ordered admission or a continued emergency admission to develop a written plan for the continued care or treatment of the child upon discharge from the facility. **Sections 53 and 62** of this bill make conforming changes to indicate the proper placement of **sections 35.3-42** in the Nevada Revised Statutes. **Sections 27, 28, 60, 61 and 63-67** of this bill make other conforming changes to indicate the continued applicability of certain provisions of existing law to the procedures created by **sections 37-40 and 54-57**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~**[**NRS 125B.200 is hereby amended to read as follows:~~

~~125B.200 As used in NRS 125B.200 to 125B.300, inclusive, unless the context otherwise requires:~~

~~1. "Court" includes a referee or **[**master**]** ***magistrate*** appointed by the court.~~

~~2. "Minor child" means a person who is:~~

~~(a) Under the age of 18 years;~~

~~(b) Under the age of 19 years, if the person is enrolled in high school;~~

~~(c) Under a legal disability; or~~

~~(d) Not declared emancipated pursuant to NRS 129.080 to 129.140, inclusive.~~

~~3. "Obligor parent" means a parent who has been ordered by a court to pay for the support of a minor child.~~**] (Deleted by amendment.)**

Sec. 2. ~~[NRS 125C.0035 is hereby amended to read as follows:~~

~~125C.0035 1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.~~

~~2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.~~

~~3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:~~

~~(a) To both parents jointly pursuant to NRS 125C.0025 or to either parent pursuant to NRS 125C.003. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent's application.~~

~~(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.~~

~~(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.~~

~~(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.~~

~~4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:~~

~~(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.~~

~~(b) Any nomination of a guardian for the child by a parent.~~

~~(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.~~

~~(d) The level of conflict between the parents.~~

~~(e) The ability of the parents to cooperate to meet the needs of the child.~~

~~(f) The mental and physical health of the parents.~~

~~(g) The physical, developmental and emotional needs of the child.~~

~~(h) The nature of the relationship of the child with each parent.~~

~~(i) The ability of the child to maintain a relationship with any sibling.~~

~~(j) Any history of parental abuse or neglect of the child or a sibling of the child.~~

~~(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.~~

~~(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.~~

~~5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:~~

~~(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and~~

~~(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.~~

~~6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:~~

~~(a) All prior acts of domestic violence involving either party;~~

~~(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;~~

~~(c) The likelihood of future injury;~~

~~(d) Whether, during the prior acts, one of the parties acted in self-defense; and~~

~~(e) Any other factors which the court deems relevant to the determination.~~

~~* In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.~~

~~7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:~~

~~(a) Findings of fact that support the determination that one or more acts of abduction occurred; and~~

~~(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.~~

~~8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:~~

~~(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;~~

~~(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.~~

~~10. As used in this section:~~

~~(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~(b) "Domestic violence" means the commission of any act described in NRS 33.018.~~

~~*(c) "Magistrate" has the meaning ascribed to it in NRS 169.095.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[~~NRS 125C.240 is hereby amended to read as follows:

~~125C.240 1. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking custody does not rebut the presumption, the court shall not enter an order for sole or joint custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:~~

~~(a) Findings of fact that support the determination that one or more acts of abduction occurred; and~~

~~(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.~~

~~2. For purposes of subsection 1, any of the following acts constitute conclusive evidence that an act of abduction occurred:~~

~~(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;~~

~~(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~3. If, after a court enters a final order concerning custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning custody, reconsider the previous order concerning custody pursuant to subsections 1 and 2.~~

~~4. As used in this section~~ **[**~~, "abduction"~~**]** ~~:~~

~~***(a) "Abduction"*** means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~***(b) "Magistrate" has the meaning ascribed to it in NRS 169.095.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 126.111 is hereby amended to read as follows:~~

~~126.111 1. The court shall endeavor to resolve the issues raised in an action pursuant to this chapter by an informal hearing.~~

~~2. As soon as practicable after an action to declare the existence or nonexistence of the father and child relationship has been brought, an informal hearing must be held. The court may order that the hearing be held before a~~ **[**~~master~~**]** ~~***magistrate appointed by the court*** or referee. The public shall be barred from the hearing. A record of the proceeding or any portion thereof must be kept if any party requests or the court orders. Strict rules of evidence need not be observed, but those prescribed in NRS 233B.123 apply.~~

~~3. Upon refusal of any witness, including a party, to testify under oath or produce evidence, the court may order the witness to testify under oath and produce evidence concerning all relevant facts. If the refusal is upon the ground that the witness's testimony or evidence might tend to incriminate the witness, the court may grant the witness immunity from prosecution for all criminal offenses shown in whole or in part by testimony or evidence the witness is required to produce, except for perjury committed in his or her testimony. The refusal of a witness who has been granted immunity to obey an order to testify or produce evidence is a civil contempt of the court.~~

~~4. Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.~~**]** **(Deleted by amendment.)**

Sec. 5. ~~**[**NRS 126.121 is hereby amended to read as follows:~~

~~126.121 1. The court may, and shall upon the motion of a party, order the mother, child, alleged father or any other person so involved to submit to one or more tests for the typing of blood or taking of specimens for genetic identification to be made by a designated person, by qualified physicians or by other qualified persons, under such restrictions and directions as the court or judge deems proper. Whenever such a test is ordered and made, the results of the test must be received in evidence and must be made available to a judge,~~ **[**~~master~~**]** ***magistrate appointed by the court*** ~~or referee conducting a hearing pursuant to NRS 126.111. The results of the test and any sample or specimen taken may be used only for the purposes specified in this chapter. Unless a party files a written objection to the result of a test at least 30 days before the hearing at which the result is to be received in evidence, the result is admissible as evidence of paternity without foundational testimony or other proof of authenticity or accuracy. The order for such a test also may direct that the testimony of the experts and of the persons so examined may be taken by deposition or written interrogatories.~~

~~2. If any party refuses to submit to or fails to appear for a test ordered pursuant to subsection 1, the court may presume that the result of the test would be adverse to the interests of that party or may enforce its order if the rights of others and the interests of justice so require.~~

~~3. The court, upon reasonable request by a party, shall order that independent tests for determining paternity be performed by other experts or qualified laboratories.~~

~~4. In all cases, the court shall determine the number and qualifications of the experts and laboratories.~~

~~5. As used in this section:~~

~~(a) "Designated person" means a person who is:~~

~~(1) Properly trained to take samples or specimens for tests for the typing of blood and genetic identification; and~~

~~(2) Designated by an enforcing authority to take such samples or specimens.~~

~~(b) "Enforcing authority" means the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative, a district attorney or the Attorney General when acting pursuant to NRS 425.380.~~**]** **(Deleted by amendment.)**

Sec. 6. ~~**[**NRS 126.141 is hereby amended to read as follows:~~

~~126.141 1. On the basis of the information produced at the pretrial hearing, the judge,~~ **[**~~master~~**]** ***magistrate appointed by the court*** ~~or referee conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest~~

~~of the child. On the basis of the evaluation, an appropriate recommendation for settlement must be made to the parties, which may include any of the following:~~

~~(a) That the action be dismissed with or without prejudice.~~

~~(b) That the matter be compromised by an agreement among the alleged father, the mother and the child, in which the father and child relationship is not determined but in which a defined economic obligation, fully secured by payment or otherwise, is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the judge,~~ **[**~~master~~**]** ***magistrate appointed by the court*** ~~or referee conducting the hearing. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the judge,~~ **[**~~master~~**]** ***magistrate appointed by the court*** ~~or referee conducting the hearing shall consider the best interest of the child, discounted by the improbability, as it appears to him or her, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on the alleged father.~~

~~(c) That the alleged father voluntarily acknowledge his paternity of the child.~~

~~2. If the parties accept a recommendation made in accordance with subsection 1, judgment may be entered accordingly.~~

~~3. If a party refuses to accept a recommendation made under subsection 1 and blood tests or tests for genetic identification have not been taken, the court shall require the parties to submit to blood tests or tests for genetic identification, if practicable. Thereafter the judge,~~ **[**~~master~~**]** ***magistrate appointed by the court*** ~~or referee shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action must be set for trial.~~

~~4. The guardian ad litem may accept or refuse to accept a recommendation under this section.~~

~~5. The pretrial hearing may be terminated and the action set for trial if the judge,~~ **[**~~master~~**]** ***magistrate appointed by the court*** ~~or referee conducting the hearing finds unlikely that all parties would accept a recommendation he or she might make under subsection 1 or 3.~~**]** **(Deleted by amendment.)**

Sec. 7. **[**~~NRS 126.143 is hereby amended to read as follows:~~

~~126.143 After an action is set for trial pursuant to NRS 126.141, the judge,~~ **[**~~master~~**]** ***magistrate appointed by the court*** ~~or referee shall, upon the motion of a party, issue an order providing for the temporary support of the child pending the resolution of the trial if the judge,~~ **[**~~master~~**]** ***magistrate appointed by the court*** ~~or referee determines that there is clear and convincing evidence that the party against whom the order is issued is the father of the child.~~**]** **(Deleted by amendment.)**

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. ~~[NRS 129.080 is hereby amended to read as follows:~~

~~129.080 Any minor who is at least 16 years of age, who is married or living apart from his or her parents or legal guardian, and who is a resident of the county, may petition the juvenile court of that county for a decree of emancipation. The district court may refer the petition to a [master] *juvenile magistrate* appointed pursuant to title 5 of NRS or chapter 432B of NRS.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 130.102 is hereby amended to read as follows:~~

~~130.102 1. The district court and, within the limitations of authority granted pursuant to NRS 3.405, 125.005 or 425.381 to 425.3852, inclusive, a [master] *child support magistrate* or referee appointed pursuant to any of those sections, are the tribunals of this State.~~

~~2. The support enforcement agency of this State may include, without limitation, a court, a district attorney, a law enforcement agency or the Division of Welfare and Supportive Services of the Department of Health and Human Services.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 3.025 is hereby amended to read as follows:~~

~~3.025 1. In each judicial district that includes a county whose population is 100,000 or more, the district judges of that judicial district shall choose from among those district judges a Chief Judge who is to be the presiding judge of the judicial district.~~

~~2. The Chief Judge shall:~~

~~(a) Assign cases to each judge in the judicial district;~~

~~(b) Prescribe the hours of court;~~

~~(c) Adopt such other rules or regulations as are necessary for the orderly conduct of court business; and~~

~~(d) Perform all other duties of the Chief Judge or of a presiding judge that are set forth in this chapter and any other provision of NRS.~~

~~3. If a case involves a matter within the jurisdiction of the family court and:~~

~~(a) The parties to the case are also the parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family court in the judicial district; or~~

~~(b) A child involved in the case is also involved in any other pending case or was involved in any other previously decided case assigned to a department of the family court in the judicial district, other than a case within the jurisdiction of the juvenile court pursuant to title 5 of NRS,~~

~~→ the Chief Judge shall assign the case to the department of the family court to which the other case is presently assigned or, if the other case has been decided, to the department of the family court that decided the other case, unless a different assignment is required by another provision of NRS, a court~~

~~rule or the Revised Nevada Code of Judicial Conduct or the Chief Judge determines that a different assignment is necessary because of considerations related to the management of the caseload of the district judges within the judicial district. If a case described in this subsection is heard initially by a [master,] *magistrate appointed by the court,* the recommendation, report or order of the [master] *magistrate* must be submitted to the district judge of the department of the family court to which the case has been assigned pursuant to this subsection for consideration and decision by that district judge.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 3.026 is hereby amended to read as follows:~~

~~3.026 1. In each judicial district that includes a county whose population is 100,000 or more, in addition to the other duties set forth in NRS 3.025:~~

~~(a) The Chief Judge shall ensure that:~~

~~(1) The procedures which govern the consideration and disposition of cases and other proceedings within the jurisdiction of the district court are applied as uniformly as practicable; and~~

~~(2) Cases and other proceedings within the jurisdiction of the district court are considered and decided in a timely manner.~~

~~(b) Except as otherwise provided in subsection 2, the Chief Judge shall establish procedures for addressing grievances that are:~~

~~(1) Submitted to the Chief Judge by a party in a case or other proceeding within the jurisdiction of the district court; and~~

~~(2) Directly related to the administration of the case or other proceeding.~~

~~2. For the purposes of paragraph (b) of subsection 1, a party in a case or other proceeding within the jurisdiction of the district court may not submit to the Chief Judge a grievance that:~~

~~(a) Addresses, in whole or in part, the merits of the case or other proceeding; or~~

~~(b) Challenges, in whole or in part, the merits of any decision or ruling in the case or other proceeding that is made by:~~

~~(1) The district court; or~~

~~(2) A [master] *magistrate appointed by the court* or other person who is acting pursuant to an order of the district court or pursuant to any authority that is granted to the [master] *magistrate* or other person by a specific statute, including, without limitation, NRS 3.405, 3.475 and 3.500.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 3.2201 is hereby amended to read as follows:~~

~~3.2201 1. The district court has exclusive jurisdiction to accept an application for, to consider an application for, and to issue or deny the issuance of any of the following orders when the adverse party against whom the order is sought is a child who is under 18 years of age:~~

~~(a) A temporary or extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive.~~

~~(b) A temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.~~

~~(c) An emergency or extended order for protection against high risk behavior pursuant to NRS 33.500 to 33.670, inclusive.~~

~~(d) A temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~

~~(e) A temporary or extended order for protection against stalking, aggravated stalking or harassment pursuant to NRS 200.591.~~

~~2. The district court shall appoint counsel for a child who is the adverse party against whom an order listed in subsection 1 is sought upon:~~

~~(a) The issuance of any emergency or temporary order listed in subsection 1; or~~

~~(b) Notice of an adversarial hearing on an application for an order listed in subsection 1.~~

~~3. If the district court issues an order listed in subsection 1, the order must be served upon:~~

~~(a) The child who is the adverse party; and~~

~~(b) The parent or guardian of the child.~~

~~4. The juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party in an order listed in subsection 1 has committed a delinquent act by violating a condition set forth in the order.~~

~~5. If the district court issues an order listed in subsection 1 and the adverse party reaches the age of 18 years while the order is still in effect, the order remains effective against the adverse party until the order expires or is dissolved by the district court.~~

~~6. The district court shall automatically seal all records related to the application for, consideration of and issuance of an order listed in subsection 1 as provided in NRS 62H.140 upon the dissolution or expiration of the order or when the adverse party reaches the age of 18 years, whichever is earlier, unless, at such a time, the order is still in effect, in which case the records must be automatically sealed by the district court upon the expiration or dissolution of the order.~~

~~7. A district court may appoint a~~ **[**~~master~~**]** ***magistrate*** ~~to conduct the proceedings described in this section.~~**]** **(Deleted by amendment.)**

Sec. 17. **[**~~NRS 3.405 is hereby amended to read as follows:~~

~~3.405 1. In an action to establish paternity, the court may appoint a~~ **[**~~master~~**]** ***magistrate, who may be the juvenile magistrate appointed pursuant to NRS 62B.020, the child support magistrate appointed pursuant to NRS 425.381 or another magistrate appointed as authorized by law,*** ~~to take testimony and recommend orders.~~

~~2. The court may appoint a~~ **[**~~master~~**]** ***child support magistrate, as provided by NRS 425.381,*** ~~to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.~~

~~3. The~~ **[**~~master~~**]** ***child support magistrate*** ~~must be an attorney licensed to practice in this State. The~~ **[**~~master:~~**]** ***child support magistrate:***

~~(a) Shall take testimony and establish a record;~~

~~(b) In complex cases shall issue temporary orders for support pending resolution of the case;~~

~~(c) Shall make findings of fact, conclusions of law and recommendations for the establishment and enforcement of an order;~~

~~(d) May accept voluntary acknowledgments of paternity or liability for support and stipulated agreements setting the amount of support;~~

~~(e) May, subject to confirmation by the district court, enter default orders against a responsible parent who does not respond to a notice or service within the required time; and~~

~~(f) Has any other power or duty contained in the order of reference issued by the court.~~

~~*~~ ~~If a temporary order for support is issued pursuant to paragraph (b), the~~ **[**~~master~~**]** ***child support magistrate*** ~~shall order that the support be paid to the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.~~

~~4. The findings of fact, conclusions of law and recommendations of the~~ **[**~~master~~**]** ***child support magistrate*** ~~must be furnished to each party or the party's attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 10 days after receipt of the findings of fact, conclusions of law and recommendations, either party may file with the court and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter upon notice and motion.~~**]** **(Deleted by amendment.)**

Sec. 18. **[**~~NRS 3.475 is hereby amended to read as follows:~~

~~3.475 1. In a county whose population is 700,000 or more, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases that involve the custody or visitation of a child.~~

~~2. The program must:~~

~~(a) Require the impartial mediation of the issues of custody and visitation and authorize the impartial mediation of any other nonfinancial issue deemed appropriate by the court.~~

~~(b) Authorize the court to exclude a case from the program for good cause shown, including, but not limited to, a showing that:~~

~~(1) There is a history of child abuse or domestic violence by one of the parties;~~

~~(2) The parties are currently participating in private mediation; or~~

~~(3) One of the parties resides outside of the jurisdiction of the court.~~

~~(c) Provide standards for the training of the mediators assigned to cases, including, but not limited to:~~

~~(1) Minimum educational requirements, which must not be restricted to any particular professional or educational training;~~

~~(2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as a mediator;~~

~~(3) A minimum period of apprenticeship for persons who have not previously acted as domestic mediators;~~

~~(4) Minimum requirements for continuing education; and~~

~~(5) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.~~

~~(d) Prohibit the mediator from reporting to the court any information about the mediation other than whether the dispute was resolved.~~

~~(e) Establish a sliding schedule of fees for participation in the program based on the ability of a party to pay.~~

~~(f) Provide for the acceptance of gifts and grants offered in support of the program.~~

~~(g) Allow the court to refer the parties to a private mediator.~~

~~3. The costs of the program must be paid from the county general fund. All fees, gifts and grants collected pursuant to this section must be deposited in the county general fund.~~

~~4. This section does not prohibit a court from referring a financial or other issue to a [special master] *magistrate* or other person for assistance in resolving the dispute.~~] **(Deleted by amendment.)**

Sec. 19. [~~NRS 3.500 is hereby amended to read as follows:~~

~~3.500 1. In a county whose population is 100,000 or more and less than 700,000, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases which involve the custody or visitation of a child. A district court in a county whose population is less than 100,000 may establish such a program in the same manner for use in that county. The district courts in two or more counties whose populations are less than 100,000 may establish such a program in the same manner for use in the counties in which the courts are located.~~

~~2. The program must:~~

~~(a) Require the impartial mediation of the issues of custody and visitation and any other nonfinancial issue deemed appropriate by the court.~~

~~(b) Allow the court to exclude a case from the program for good cause shown, including a showing of a history of child abuse or domestic violence by one of the parties, ongoing private mediation or residency of one of the parties out of the jurisdiction of the court.~~

~~(c) Provide standards for the training of the mediators assigned to cases pursuant to the rule, including but not limited to:~~

~~(1) Minimum educational requirements, which may not be restricted to any particular professional or educational training;~~

~~(2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as a mediator;~~

~~(3) A minimum period of apprenticeship for persons who have not previously acted as domestic mediators;~~

~~(4) Minimum requirements for continuing education; and~~

~~(5) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.~~

~~(d) Prohibit the mediator from reporting to the court any information about the mediation other than whether the mediation was successful or not.~~

~~(e) Establish a sliding schedule of fees for participation in the program based on the client's ability to pay.~~

~~(f) Provide for the acceptance of gifts and grants offered in support of the program.~~

~~(g) Allow the court to refer the parties to a private mediator for assistance in resolving the issues.~~

~~3. The costs of the program must be paid from the account for dispute resolution in the county general fund. All fees, gifts and grants collected pursuant to this section must be deposited in the account.~~

~~4. This section does not prohibit a court from referring a financial or other issue to a [special master] *magistrate* or other person for assistance in resolving the dispute.]~~ **(Deleted by amendment.)**

Sec. 20. NRS 49.295 is hereby amended to read as follows:

49.295 1. Except as otherwise provided in subsections 2 and 3 and NRS 49.305:

(a) A married person cannot be examined as a witness for or against his or her spouse without his or her consent.

(b) No spouse can be examined, during the marriage or afterwards, without the consent of the other spouse, as to any communication made by one to the other during marriage.

2. The provisions of subsection 1 do not apply to a:

(a) Civil proceeding brought by or on behalf of one spouse against the other spouse;

(b) Proceeding to commit or otherwise place a spouse, the property of the spouse or both the spouse and the property of the spouse under the control of another because of the alleged mental or physical condition of the spouse;

(c) Proceeding brought by or on behalf of a spouse to establish his or her competence;

(d) Proceeding in the juvenile court or family court pursuant to title 5 of NRS or NRS 432B.410 to 432B.590, inclusive ~~[,]~~ ***, and sections 32 to 35, inclusive, of this act;*** or

(e) Criminal proceeding in which one spouse is charged with:

(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or control of either, whether the crime was committed before or during marriage.

(2) Bigamy or incest.

(3) A crime related to abandonment of a child or nonsupport of the other spouse or child.

3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the spouses were married.

Sec. 21. ~~[NRS 62A.210 is hereby amended to read as follows:~~

~~62A.210 [~~"Master of the juvenile court"~~]~~ ***"Juvenile magistrate"*** means a person who is appointed to act as a ~~[~~master of the~~]~~ juvenile ~~[~~court~~]~~ ***magistrate of the juvenile court*** pursuant to NRS 62B.020.~~]~~ **(Deleted by amendment.)**

Sec. 22. ~~[NRS 62B.020 is hereby amended to read as follows:~~

~~62B.020 1. Except as otherwise provided in this section, the juvenile court or the chief judge of the judicial district may appoint any person to act as a [master of the] juvenile [court] *magistrate* if the person is qualified by previous experience, training and demonstrated interest in the welfare of children to act as a [master of the] juvenile [court.] *magistrate.*~~

~~2. A probation officer shall not act as a [master of the] juvenile [court] *magistrate* unless the proceeding concerns:~~

~~(a) A minor traffic offense;~~

~~(b) An offense related to tobacco; or~~

~~(c) A child who is alleged to be a habitual truant.~~

~~3. If a person is appointed to act as a [master of the] juvenile [court,] *magistrate,* the person shall attend instruction at the National Council of Juvenile and Family Court Judges in Reno, Nevada, in a course designed for the training of new judges of the juvenile court on the first occasion when such instruction is offered after the person is appointed.~~

~~4. If, for any reason, a [master of the] juvenile [court] *magistrate* is unable to act, the juvenile court or the chief judge of the judicial district may appoint another qualified person to act temporarily as a [master of the] juvenile [court] *magistrate* during the period that the [master] *juvenile magistrate* who is regularly appointed is unable to act.~~

~~5. The compensation of a [master of the] juvenile [court:] *magistrate:*~~

~~(a) May not be taxed against the parties.~~

~~(b) Must be paid out of appropriations made for the expenses of the district court, if the compensation is fixed by the juvenile court.~~] **(Deleted by amendment.)**

Sec. 23. ~~[NRS 62F.350 is hereby amended to read as follows:~~

~~62F.350 1. The juvenile court may not refer to a *juvenile magistrate or* master any finding, determination or other act required to be made or performed by the juvenile court pursuant to NRS 62F.320 and 62F.340.~~

~~2. As used in this section, "master" has the meaning ascribed to it in Rule 53 of the Nevada Rules of Civil Procedure.~~] **(Deleted by amendment.)**

Sec. 24. ~~[NRS 247.540 is hereby amended to read as follows:~~

~~247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:~~

~~(a) Any justice or judge in this State.~~

~~(b) Any senior justice or senior judge in this State.~~

~~(c) Any court-appointed master ***or magistrate*** in this State.~~

~~(d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.~~

~~(f) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(g) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(h) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~(i) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~(1) Interacts with the public; and~~

~~(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~(j) Any county manager in this State.~~

~~(k) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~

~~(1) Who possesses specialized training in code enforcement;~~

~~(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~(3) Whose primary duties are the performance of tasks related to code enforcement.~~

~~(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.~~

~~(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.~~

~~(n) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~

~~2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.~~

~~3. As used in this section:~~

~~(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~(d) "Social worker" means any person licensed under chapter 641B of NRS.~~**] (Deleted by amendment.)**

Sec. 25. **[**~~NRS 250.140 is hereby amended to read as follows:~~

~~250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:~~

~~(a) Any justice or judge in this State.~~

~~(b) Any senior justice or senior judge in this State.~~

~~(c) Any court appointed master~~ ***or magistrate*** ~~in this State.~~

~~(d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.~~

~~(f) Any peace officer or retired peace officer.~~

~~(g) Any prosecutor.~~

~~(h) Any state or county public defender.~~

~~(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~(j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~(k) Any county manager in this State.~~

~~(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and whose primary duties are the performance of tasks related to code enforcement.~~

~~(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive.~~

~~(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.~~

~~(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~

~~2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.~~

~~3. As used in this section:~~

~~(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~(d) "Peace officer" means:~~

~~(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and~~

~~(2) Any person:~~

~~(I) Who resides in this State;~~

~~(II) Whose primary duties are to enforce the law; and~~

~~(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.~~

~~(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.~~

~~(f) "Social worker" means any person licensed under chapter 641B of NRS.~~**]** **(Deleted by amendment.)**

Sec. 26. **[**~~NRS 293.908 is hereby amended to read as follows:~~

~~293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:~~

~~(a) Any justice or judge in this State.~~

~~(b) Any senior justice or senior judge in this State.~~

~~(c) Any court appointed master~~ ***or magistrate*** ~~in this State.~~

~~(d) Any clerk of a court, court administrator or court executive officer in this State.~~

~~(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence.~~

~~(g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~(h) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~(1) Interacts with the public; and~~

~~(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~(i) Any county manager in this State.~~

~~(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~

~~(1) Who possess specialized training in code enforcement;~~

~~(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~(3) Whose primary duties are the performance of tasks related to code enforcement.~~

~~(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.~~

~~(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.~~

~~(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.~~

~~2. As used in this section:~~

~~(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~(d) "Social worker" means any person licensed under chapter 641B of NRS.~~**]** **(Deleted by amendment.)**

Sec. 27. NRS 392.857 is hereby amended to read as follows:

392.857 1. If a pupil who is enrolled in a public school, including, without limitation, a university school for profoundly gifted pupils, is admitted by a court to a psychiatric hospital or facility which provides residential treatment for mental illness pursuant to NRS 432B.6076 ~~[,]~~ ***or section 38 of this act,*** the public school and, if applicable, the school district in which the pupil is enrolled, must:

(a) If the pupil is admitted to a psychiatric hospital, participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan; and

(b) If an individualized education program has been developed for the pupil, provide the individualized education program to the psychiatric hospital or facility.

2. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 28. NRS 394.1998 is hereby amended to read as follows:

394.1998 1. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital pursuant to NRS 432B.6076 ~~[,]~~ ***or section 38 of this act,*** the private school must participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan.

2. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital pursuant to NRS 432B.6076 ***or section 38 of this act*** and the school district within whose geographic boundaries the private school is located has developed a services plan for the child, the school district must:

(a) Participate in the development of a plan for the continued education of the pupil pursuant to NRS 432B.60847 and comply with the provisions of the plan; and

(b) Provide the services plan to the psychiatric hospital.

3. As used in this section, "services plan" has the meaning ascribed to it in 34 C.F.R. § 300.37.

Sec. 29. ~~[NRS 425.381 is hereby amended to read as follows:~~

~~425.381 1. A [master] *child support magistrate* must be appointed as set forth in this section.~~

~~2. The district judges of:~~

~~(a) The Family Court of the Second Judicial District shall appoint the [masters] *child support magistrates* for that District, and shall establish the qualifications and duties of those [masters;] *child support magistrates;* and~~

~~(b) The Family Court of the Eighth Judicial District shall appoint the [masters] *child support magistrates* for that District, and shall establish the qualifications and duties of those [masters.] *child support magistrates.*~~

~~3. The district judges of the remaining judicial districts shall appoint the [masters] *child support magistrates* for those districts, and shall establish the qualifications and duties of those [masters.] *child support magistrates.*~~

~~4. A [master] *child support magistrate* serves at the pleasure of the district judges who appointed the [master.] *child support magistrate.]*~~ **(Deleted by amendment.)**

Sec. 30. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 31 to 42, inclusive, of this act.

Sec. 31. ***"Qualified residential treatment program" has the meaning ascribed to it in 42 U.S.C. § 672(k)(4).***

Sec. 32. ***1. If a parent or other person responsible for the welfare of a child who is the subject of proceedings under this section, NRS 432B.410 to 432B.590, inclusive, and sections 33, 34 and 35 of this act is less than 18 years of age and is not emancipated, the court shall hold a hearing to***

determine whether the parent or other person is incapacitated. If the court determines, by clear and convincing evidence, that the parent or other person is incapacitated, the court shall appoint a guardian ad litem for the parent or other person.

2. If the provisions of subsection 1 do not apply, a court may appoint a guardian ad litem for a parent or other person responsible for the welfare of a child who is the subject of proceedings under this section, NRS 432B.410 to 432B.590, inclusive, and sections 33, 34 and 35 of this act upon the motion of a party or its own motion if the court determines that the parent or other person is incapacitated. A party shall not make a motion pursuant to this subsection for the purpose of delay.

3. When determining whether the parent or other person responsible for the welfare of a child is incapacitated pursuant to subsection 1 or 2, a court shall consider:

(a) The ability of the parent or other person to:

(1) Appreciate the allegations against him or her;

(2) Understand the possible outcomes of the proceedings;

(3) Understand the nature of the legal process;

(4) Disclose to his or her attorney the facts relevant to the proceedings;

(5) Display appropriate behavior in the courtroom; and

(6) Testify regarding issues relevant to the proceedings;

(b) Any findings in another legal proceeding that the parent or other person is incapacitated or incompetent;

(c) Any mental illness, intellectual disability or developmental disability that affects the capacity of the parent or other person;

(d) The results of any evaluation conducted pursuant to section 33 of this act; and

(e) Any other factor that affects the capacity of the parent or other person or evidence concerning such capacity.

4. A court may determine that a parent or other person responsible for the welfare of a child is incapacitated pursuant to this section only if it finds by clear and convincing evidence that the parent or other person is unable to:

(a) Understand the nature of the allegations against him or her;

(b) Understand the nature and purpose of the proceedings; or

(c) Aid and assist his or her attorney at any time during the proceedings with a reasonable degree of rational understanding.

5. If a court determines that a parent or other person responsible for the welfare of a child is incapacitated pursuant to this section, the court shall appoint a guardian ad litem for the parent or other person. The court may not appoint the attorney for the parent or other person as his or her guardian ad litem. When determining the person who will be appointed as the guardian ad litem, the court:

(a) Shall consider the wishes of the parent or other person for whom the guardian ad litem will be appointed;

(b) May consider any other relevant evidence; and

(c) May call additional witnesses.

6. The court shall, upon the request of a parent or other person responsible for the welfare of the child for whom a guardian ad litem will be appointed pursuant to this section, conduct the initial evaluation of a person who may be appointed as the guardian ad litem outside the presence of the other parties.

7. An order appointing a guardian ad litem pursuant to this section must be based upon clear and convincing evidence and set forth:

(a) Findings of fact regarding the determination of the court that the parent or other person responsible for the welfare of a child is incapacitated; and

(b) The authority and duties of the guardian ad litem.

8. Except as otherwise provided in this subsection, the court shall review an order appointing a guardian ad litem pursuant to this section upon the request of any party to determine whether the parent or other person responsible for the welfare of a child for whom the guardian ad litem was appointed remains incapacitated. The court must conduct such a review within 45 days after such a request is made.

9. If a court determines that a parent or other person responsible for the welfare of a child is incapacitated solely because of his or her age and appoints a guardian ad litem for the parent or other person, the appointment of the guardian ad litem must terminate on the 18th birthday of the parent or other person.

Sec. 33. *1. If a parent or other person responsible for the welfare of a child described in subsection 1 of section 32 of this act or a parent or other person responsible for the welfare of a child who is the subject of a motion pursuant to subsection 2 of section 32 of this act requests an evaluation and the court determines that the parent or other person might be incapacitated because he or she is not mentally competent, the court shall order the parent or other person to undergo an evaluation by a person professionally qualified in the field of psychiatric mental health. In all other circumstances, the court may, upon the motion of a party or its own motion, order such an evaluation if it determines that the parent or other person might be incapacitated because he or she is not mentally competent.*

2. If an evaluation is conducted pursuant to subsection 1 upon:

(a) The request of the parent or other person who is the subject of the evaluation or the motion of court, the court may, except as otherwise provided in subsection 3, pay the cost of the evaluation.

(b) The motion of a party, other than the parent or other person who is the subject of the evaluation, the moving party shall pay the cost of the evaluation.

3. The court shall pay the cost of an evaluation conducted pursuant to subsection 1 if:

(a) The evaluation is conducted upon the request of the parent or other person who is the subject of the evaluation or the motion of court;

(b) The evaluation is not covered by a third party or the third party that provides such coverage is unable or unwilling to pay for the evaluation in a timely manner; and

(c) The parent or other person who is the subject of the evaluation has a household income that is less than 200 percent of the federally designated level signifying poverty.

4. If the court pays the cost of an evaluation pursuant to subsection 3 and later determines that the parent or other person responsible for the welfare of a child who is the subject of the examination is financially able to pay all or part of the cost of the evaluation, the court may require the parent or other person to make such payment to the clerk of the court.

5. Any other party to the proceeding may make an oral or written motion for the person to be evaluated by a person professionally qualified in the field of psychiatric mental health, a psychologist or other appropriate professional retained by the party. The party seeking the additional evaluation shall pay the costs related to the evaluation.

6. As used in this section:

(a) "Household" means persons of the first degree of consanguinity or affinity who live in the same dwelling.

(b) "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433A.018.

(c) "Third party" means any insurer or organization providing health coverage or benefits in accordance with state or federal law.

Sec. 34. *1. In making decisions on behalf of a parent or other person responsible for the welfare of a child, a guardian ad litem appointed for the parent or other person responsible for the welfare of a child pursuant to section 32 of this act shall:*

(a) Consider the wishes of the parent or other person and inform the court of those wishes; and

(b) Act in the best interests of the parent or other person, as determined by the guardian ad litem using his or her independent judgement.

2. Communications between a parent or other person responsible for the welfare of a child and his or her guardian ad litem are privileged and confidential to the same extent as communications between the parent and his or her attorney.

3. A guardian ad litem appointed pursuant to section 32 of this act may not take any action to relinquish parental rights, effectuate a termination of parental rights or consent to a specific adoption on behalf of the person for whom the guardian ad litem is appointed.

Sec. 35. *1. Not later than 72 hours after an agency which provides child welfare services places a child who is in the custody of the agency which provides child welfare services in a qualified residential treatment program, the agency which provides child welfare services shall file written*

notice of the placement with the court and serve such notice upon each party to the proceedings concerning the child being conducted pursuant to this section, NRS 432B.410 to 432B.590, inclusive, and sections 32, 33 and 34 of this act.

2. Not later than 60 days after a child is placed in a qualified residential treatment program, the court shall conduct a hearing to review the status of the child and determine the appropriateness of the placement.

3. At the hearing held pursuant to subsection 2, as part of each review conducted pursuant to NRS 432B.580 and at each hearing held pursuant to 432B.590 for the duration of the placement in the qualified residential treatment program, the court shall:

(a) Review the assessment of the child; and

(b) Determine whether to approve or disapprove the placement.

4. A court may approve placement of a child in a qualified residential treatment program only if it finds by a preponderance of the evidence that placement in the qualified residential treatment program is:

(a) The least restrictive appropriate environment for the child, including, without limitation, that:

(1) Placement in a lower level of care is not capable of meeting the needs of the child; and

(2) The qualified residential treatment program provides the most effective care and appropriate care and treatment for the child; and

(b) Consistent with the short term and long term goals of the child's treatment.

5. After the court conducts a review pursuant to this section, the court shall issue a written determination concerning whether to approve the continued placement of the child in the qualified residential treatment program which must include, without limitation, written findings on each factor listed in subsection 4.

6. If a court disapproves the continued placement of a child in a qualified residential treatment program, the court:

(a) Shall order the agency which provides child welfare service to place the child in a less restrictive appropriate placement; and

(b) May make any other order that it determines to be in the best interest of the child.

Sec. 35.3. ***As used in sections 35.3 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 35.5 and 35.7 of this act have the meanings ascribed to them in those sections.***

Sec. 35.5. ***"Facility" means a psychiatric hospital or facility which provides residential treatment for mental or behavioral health care to which a child with an emotional disturbance is or will be admitted to a locked unit that prevents the child from leaving the facility.***

Sec. 35.7. ***"Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433A.018 and includes the same professionals licensed in the state in which the child is placed.***

Sec. 36. *For the purposes of NRS 432B.607 to 432B.6085, inclusive, and sections 35.3 to 42, inclusive, of this act, a determination concerning whether a child presents a substantial likelihood of serious harm to himself or herself or others must be made as provided in NRS 433A.0195.*

Sec. 37. *1. An agency which provides child welfare services shall not place a child in the custody of the agency in a facility for the purpose of receiving nonemergency mental health treatment unless the agency has petitioned the court for the placement and the court has ordered the placement, or except as provided in sections 35.3 to 42, inclusive, of this act.*

2. A proceeding for the admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility for nonemergency mental health treatment may be commenced by the filing of a petition with the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent of the child. The petition must be accompanied:

(a) By a certificate of a physician, a psychiatrist, a psychologist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that the physician, psychiatrist, psychologist or advanced practice registered nurse has examined the child alleged to be a child with an emotional disturbance and has concluded that the child:

(1) Is a child with an emotional disturbance and, because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(2) Cannot be safely and effectively treated in a less restrictive environment that is appropriate for the child; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon personal observation of the child alleged to be a child with an emotional disturbance, probable cause to believe that the child:

(I) Is a child with an emotional disturbance and, because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(II) Cannot be safely and effectively treated in a less restrictive environment that is appropriate for the child; and

(2) The child alleged to be a child with an emotional disturbance has refused to submit to examination or treatment by a person described in paragraph (a).

3. A child who is the subject of a petition filed pursuant to this section or the parent or guardian of such a child may oppose the petition:

(a) Orally at a hearing on the petition; or

(b) By filing a written opposition with the court.

Sec. 38. *1. A child who is the subject of a petition pursuant to section 37 of this act may, after conferring with his or her attorney, submit*

to the court written consent, or provide oral consent in the record of the court, to nonemergency mental health treatment. Upon receiving such consent, the court shall order the admission of the child to a facility for such treatment if it finds that the treatment is in the best interests of the child.

2. A court that receives a petition pursuant to section 37 of this act for the court-ordered admission of a child alleged to be a child with an emotional disturbance to a facility for nonemergency mental health treatment shall conduct a hearing on the petition, unless otherwise ordered by the court.

3. A court may order the admission of a child with respect to whom a petition was filed pursuant to section 37 of this act to a facility only if the court finds that there is clear and convincing evidence that the child:

(a) Is a child with an emotional disturbance;

(b) Because of that condition, presents a substantial likelihood of serious harm to himself or herself or others if allowed liberty; and

(c) Cannot be treated in a less restrictive environment that is appropriate for the child.

4. The court shall issue a written order on a petition submitted pursuant to section 37 of this act. The order must include, without limitation, specific findings concerning each factor prescribed by subsection 3. The order must be interlocutory and is subject to regular review pursuant to section 41 of this act.

Sec. 39. ***1. A child or a parent or guardian of the child who opposes a petition for the admission of a child alleged to be a child with emotional disturbance to a facility for nonemergency mental health treatment pursuant to subsection 3 of section 37 of this act may petition the court to authorize a second examination. The court shall authorize such a second examination upon receiving such a petition. Except as otherwise ordered by the court, a second examination must be completed not later than 45 business days after the court authorizes the examination and before any evidentiary hearing is conducted.***

2. If the court authorizes a second examination of the child, the examination must:

(a) Be conducted by an independent physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 who is not:

(1) The same physician, psychiatrist, psychologist or advanced practice registered nurse who completed a certificate pursuant to paragraph (a) of subsection 2 of section 37 of this act or a physician, psychologist, clinical social worker or advanced practice registered nurse who participated in the examination conducted pursuant to that paragraph; or

(2) Employed by, connected to or otherwise affiliated with:

(I) The person described in subparagraph (1) or any facility which employs that person; or

(II) Any facility into which the child may be placed;

(b) Include, without limitation:

(1) An evaluation of the diagnosis of the child, the risks of harm posed by the child to himself or herself or others and whether the child is capable of being safely and effectively treated in a less restrictive appropriate environment; and

(2) Recommendations concerning the placement of the child and the level of care required by the child; and

(c) Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 40. *In determining pursuant to sections 38 and 41 of this act whether to issue or renew an order for the admission of a child who is in the custody of an agency which provides child welfare services to a facility for nonemergency treatment, the court shall consider:*

1. The reports of any examinations or evaluations of a child by any person professionally qualified in the field of psychiatric mental health;

2. Any information concerning the child provided by:

(a) A person professionally qualified in the field of psychiatric mental health;

(b) A representative of the agency which provides child welfare services;

(c) An adult caretaker who is knowledgeable about the child; or

(d) A guardian ad litem appointed for the child pursuant to NRS 432B.500;

3. The wishes of the child concerning care and treatment and placement in a facility;

4. The best interests of the child, including, without limitation, whether the court believes the child might experience any psychological trauma from court-ordered admission;

5. Any alternative care or treatment options; and

6. Any other information the court deems relevant concerning the child.

Sec. 41. *1. If the court issues an order for the admission of a child who is in the custody of an agency which provides child welfare services to a facility for nonemergency mental health treatment pursuant to section 38 of this act, the order automatically expires:*

(a) At the end of 90 days if the facility does not release the child pursuant to subsection 4 before the expiration of the order; or

(b) If the facility releases the child pursuant to subsection 4 before the expiration of the order, on the date of the release.

2. Before the expiration of an order for nonemergency medical treatment pursuant to paragraph (a) of subsection 1, the agency which provides child welfare services, the Division of Child and Family Services or any facility may petition to renew the admission of the child for additional periods not to exceed 60 days each. Each petition for renewal must set forth the specific reasons why further treatment in the facility is in the best interest of the child.

3. To grant a petition filed pursuant to subsection 2, the court must find by clear and convincing evidence that the child cannot be safely and effectively treated in a less restrictive appropriate environment. If the court finds that the child can be safely and effectively treated in a less restrictive appropriate environment, the court must order the discharge of the child from the facility.

4. A facility may unconditionally release a child who is admitted to the facility for nonemergency mental health treatment pursuant to section 38 of this act without an order of the court upon the recommendation of the psychiatrist and other persons professionally qualified in the field of psychiatric mental health who are responsible for treating the child. At least 30 days before the anticipated discharge, the facility shall provide notice of the recommendation to all parties. Such notice must include, without limitation, an explanation of the reasons that:

(a) The release is clinically appropriate; and

(b) The child can be safely and effectively treated in a less restrictive appropriate environment.

Sec. 42. ***A facility which provides care or treatment to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to section 38 of this act shall develop a written plan, in consultation with the child, for the continued care or treatment of the child upon discharge from the facility. The plan must:***

1. Be developed not later than 30 days after the child is admitted to the facility and be updated on an ongoing basis throughout the admission;

2. Be submitted to the court after each period of admission ordered by the court pursuant to section 38 of this act in the manner set forth in section 41 of this act; and

3. Include, without limitation:

(a) The anticipated length of treatment and the anticipated date of discharge of the child from the facility, if known;

(b) The name of any person professionally qualified in the field of psychiatric mental health who will provide care or treatment to the child after the child is discharged from the facility, if known;

(c) A plan for any appropriate care or treatment for the child for at least 60 days after the child is discharged from the facility; and

(d) The recommended type of placement of the child after the child is discharged from the facility.

Sec. 43. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, ***and section 31 of this act*** have the meanings ascribed to them in those sections.

Sec. 44. ~~[~~NRS 432B.159 is hereby amended to read as follows:

~~432B.159 1. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has committed any act of abduction against~~

~~the child or any other child creates a rebuttable presumption that sole or joint custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking custody does not rebut the presumption, the court shall not enter an order for sole or joint custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:~~

~~(a) Findings of fact that support the determination that one or more acts of abduction occurred; and~~

~~(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.~~

~~2. For purposes of subsection 1, any of the following acts constitute conclusive evidence that an act of abduction occurred:~~

~~(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;~~

~~(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~3. If, after a court enters a final order concerning custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning custody, reconsider the previous order concerning custody pursuant to subsections 1 and 2.~~

~~4. A court, agency, institution or other person who places a child in protective custody shall not release a child to the custody of a person who a court has determined pursuant to this section has engaged in one or more acts of abduction against the child or any other child, unless a court determines that it is in the best interest of the child for the perpetrator of the abduction to have custody of the child.~~

~~5. As used in this section~~ **[**, "abduction"**]** ~~:~~

~~***(a) "Abduction"*** means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~***(b) "Magistrate" has the meaning ascribed to it in NRS 169.095.]***~~ **(Deleted by amendment.)**

Sec. 45. NRS 432B.250 is hereby amended to read as follows:

432B.250 Any person who is required to make a report pursuant to NRS 432B.220 may not invoke any of the privileges set forth in chapter 49 of NRS:

1. For failure to make a report pursuant to NRS 432B.220;

2. In cooperating with an agency which provides child welfare services or a guardian ad litem for a child; or

3. In any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and sections 32 to 35, inclusive, of this act.***

Sec. 46. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court, as defined in NRS 159A.015, to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A multidisciplinary team, as defined in NRS 432B.4014;

(q) A parent or legal guardian of the child and an attorney of a parent or ***legal*** guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(r) The child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(s) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(t) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(u) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(v) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(w) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(x) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(y) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(z) An employer in accordance with subsection 3 of NRS 432.100;

(aa) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence;

(bb) The Committee on Domestic Violence appointed pursuant to NRS 228.470; or

(cc) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services

pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of a report of child abuse or neglect made pursuant to this chapter that is assigned a disposition other than substantiated pursuant to NRS 432B.305 and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the

information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 47. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and sections 32 to 35, inclusive, of this act.*** Except as otherwise provided in subsection 3, if the person is indigent, the court may appoint an attorney to represent the person.

2. A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and sections 32 to 35, inclusive, of this act.*** The court shall appoint an attorney to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and sections 32 to 35, inclusive, of this act.*** The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

4. Each attorney, other than an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed under the provisions of subsection 1 or 2, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime.

Sec. 48. ~~[NRS 432B.430 is hereby amended to read as follows:~~

~~432B.430 1. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is 700,000 or more:~~

~~(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, *and sections 32 to 35, inclusive, of this act,* other than a hearing held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 or a hearing held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately, must be open to the general public unless the judge or [master,] *juvenile magistrate,* upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be closed to the general public because such closure is in the best interests of the child who is the subject of the proceeding. In determining whether closing all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or [master] *juvenile magistrate* must consider and give due weight to the desires of that child.~~

~~(b) If the judge or [master] *juvenile magistrate* determines pursuant to paragraph (a) that all or part of a proceeding must be closed to the general public:~~

~~(1) The judge or [master] *juvenile magistrate* must make specific findings of fact to support such a determination; and~~

~~(2) The general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or [master,] *juvenile magistrate,* may be admitted to the proceeding.~~

~~(c) Any proceeding held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 and any proceeding held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately must be closed to the general public unless the judge or [master,] *juvenile magistrate,* upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or [master] *juvenile magistrate* must consider and give due weight to the desires of that child. If the judge or [master] *juvenile magistrate* determines pursuant to this paragraph that all or part of a proceeding must be open to the general public, the judge or [master] *juvenile magistrate* must make specific findings of fact to support such a determination. Unless the judge or [master] *juvenile magistrate* determines pursuant to this paragraph that all or part of a proceeding described in this paragraph must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or [master,] *juvenile magistrate* may be admitted to the proceeding.~~

~~2. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is less than 700,000:~~

~~(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, *and sections 32 to 35, inclusive, of this act* must be closed to the general public unless the judge or **[**master,**]** *juvenile magistrate,* upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or **[**master**]** *juvenile magistrate* shall consider and give due weight to the desires of that child.~~

~~(b) If the judge or **[**master**]** *juvenile magistrate* determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the judge or **[**master**]** *juvenile magistrate* must make specific findings of fact to support such a determination.~~

~~(c) Unless the judge or **[**master**]** *juvenile magistrate* determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or **[**master,**]** *juvenile magistrate,* may be admitted to the proceeding.~~

~~3. Except as otherwise provided in subsection 4 and NRS 432B.457, in a proceeding held pursuant to NRS 432B.470, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or **[**master,**]** *juvenile magistrate,* may be admitted to the proceeding.~~

~~4. In conducting a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, *and sections 32 to 35, inclusive, of this act,* a judge or **[**master**]** *juvenile magistrate* shall keep information confidential to the extent necessary to obtain federal funds in the maximum amount available to this state.**]*** **(Deleted by amendment.)**

Sec. 49. NRS 432B.4675 is hereby amended to read as follows:

432B.4675 Upon the entry of a final order by the court establishing a guardianship pursuant to NRS 432B.4665:

1. The custody of the child by the agency which has legal custody of the child is terminated;

2. The proceedings concerning the child conducted pursuant to NRS 432B.410 to 432B.590, inclusive, ***and sections 32 to 35, inclusive, of this act*** terminate; and

3. Unless subsequently ordered by the court to assist the court, the following agencies and persons are excused from any responsibility to participate in the guardianship case:

(a) The agency which has legal custody of the child;

(b) Any counsel or guardian ad litem appointed by the court to assist in the proceedings conducted pursuant to NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and sections 32 to 35, inclusive, of this act;*** and

(c) Any person nominated or appointed as the person who is legally responsible for the psychiatric care of the child pursuant to NRS 432B.4684 or 432B.4685, respectively.

Sec. 50. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be presented at the first hearing to occur after the siblings are separated and approved by the court. The plan for visitation must be updated as necessary to reflect any change in the placement of the child or a sibling, including, without limitation, any such change that occurs after the termination of parental rights to the child or a sibling or the adoption of a sibling.

(c) Information concerning the child's education, including:

(1) A copy of any academic plan or individual graduation plan developed for the child pursuant to NRS 388.155, 388.165, 388.205 or 388.227;

(2) The grade and school in which the child is enrolled;

(3) The name of each school the child attended before enrolling in the school in which he or she is currently enrolled and the corresponding dates of attendance;

(4) Whether the child has not completed or passed any course of instruction that the child should have completed or passed by the time the

report is submitted, which has resulted in the child having a deficiency in credits;

(5) A copy of any individualized education program developed for the child;

(6) A copy of any plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

(7) A summary of any special education services received by the child;

(8) A copy of the most recent report card of the child;

(9) A statement of the number of credits earned by the child during the most recent semester, if applicable;

(10) A statement of the number of times the child has been absent from school during the current or most recent school year for which the child was enrolled in school;

(11) The scores the child received on any academic assessments or standardized examinations administered to the child;

(12) Any information provided by the educational decision maker appointed for the child pursuant to NRS 432B.462; and

(13) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. Upon the issuance of such an order, the court shall provide each sibling of the child with the case number of the proceeding for the purpose of allowing the sibling to petition the court for visitation or enforcement of the order for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in subsection 7 and subsection 5 of NRS 432B.520, notice of the hearing must be filed with the court and must be

given by first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to:

(a) All the parties to any of the prior proceedings;

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to this section or NRS 127.171 and his or her attorney, if any;

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child; and

(e) The educational decision maker appointed for the child pursuant to NRS 432B.462.

7. The notice of the hearing required to be filed and given pursuant to subsection 6:

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;

(b) Must not include any confidential information described in NRS 127.140;

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040; and

(d) Need not be given to a parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall, after considering the report provided in subsection 2 and any other relevant evidence, determine based on a preponderance of the evidence:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child;

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship; and

(e) Whether the child is making adequate academic progress and receiving the educational services or supports necessary to ensure the academic success of the child.

10. ***If the child is placed in a qualified residential treatment program, the determination pursuant to paragraph (a) of subsection 9 must include, without limitation, a finding on each factor prescribed by subsection 4 of section 35 of this act.***

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

~~[11.]~~ ***12.*** As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 51. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in subsection 2 and NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

➥ Notice of this hearing must be filed with the court and must be given by first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

2. A parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.

3. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 a right to be heard at the hearing.

4. At the hearing, the court shall review the report submitted by the agency which provides child welfare services pursuant to subsection 2 of NRS 432B.580, any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and any other relevant evidence and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent living arrangement. After doing so, the court must determine, based on a preponderance of the evidence:

(a) Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of NRS 432B.553;

(b) Whether, and if applicable when:

(1) The child should be returned to the parents of the child or placed with other relatives;

(2) It is in the best interests of the child to:

(I) Initiate proceedings to terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption;

(II) Initiate proceedings to establish a guardianship pursuant to chapter 159A of NRS; or

(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of a child who has attained the age of 16 years in another permanent living arrangement;

(c) If the child will not be returned to the parents of the child, whether the agency with legal custody of the child fully considered placement options both within and outside of this State;

(d) If the child has attained the age of 14 years, whether the child will receive the services needed to assist the child in transitioning to independent living; and

(e) If the child has been placed outside of this State, whether the placement outside of this State continues to be appropriate for and in the best interests of the child.

5. The court shall prepare an explicit statement of the facts upon which each of its determinations is based pursuant to subsection 4. If the court determines that it is not in the best interests of the child to be returned to his or her parents, or to be placed for adoption, with a legal guardian or with a relative, the court must include compelling reasons for this determination and an explanation of those reasons in its statement of the facts.

6. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

7. The provisions of this section do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

8. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

9. This hearing may take the place of the hearing for review required by NRS 432B.580.

10. ***If a hearing pursuant to this section concerns a child who has been placed in a qualified residential treatment program, the hearing must include, without limitation, a review of that placement conducted in the manner prescribed by section 35 of this act.***

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 52. NRS 432B.595 is hereby amended to read as follows:

432B.595 1. Upon the request of a young adult who satisfies the requirements of subsection 1 of NRS 432B.594 to participate in the Program, the agency which provides child welfare services shall develop a written extended youth support services plan to assist the young adult in transitioning to self-sufficiency. Such a plan must include, without limitation:

(a) The persons or entities that will receive payments from the agency which provides child welfare services and the manner in which such payments will be allocated. The agency which provides child welfare services may make payments to more than one person or entity authorized to receive payments pursuant to subsection 2.

(b) The goals set forth in subsection 3.

2. The plan developed pursuant to subsection 1 may provide for the agency which provides child welfare services to make direct payments to:

(a) A foster home.

(b) A qualified residential treatment program.

(c) A child care institution.

(d) A person or entity, including, without limitation, a relative or fictive kin, who provides a supervised arrangement for independent living where the participant resides.

(e) A landlord, property manager or other entity that collects rental payments for housing.

(f) A participant.

(g) Any combination of the persons or entities listed in paragraphs (a) to (f), inclusive.

3. The plan developed pursuant to subsection 1 must include, without limitation, the following goals:

(a) That the young adult save enough money to pay for his or her monthly expenses for at least 3 months;

(b) If the young adult has not graduated from high school or obtained a general equivalency diploma or an equivalent document, that the young adult obtain a high school diploma or general equivalency diploma;

(c) If the young adult has graduated from high school or obtained a general equivalency diploma or an equivalent document, that the young adult:

(1) Complete a program of postsecondary or vocational education;

(2) Complete a program or activity designed to promote employment or remove obstacles to employment; or

(3) Be employed at least 80 hours per month;

(d) That the young adult secure housing;

(e) That the young adult have adequate income to meet his or her monthly expenses;

(f) That the young adult identify an adult who will be available to provide support to the young adult; and

(g) If applicable, that the young adult have established appropriate supportive services to address any mental health or developmental needs of the young adult.

4. If a young adult is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, of subsection 3, the young adult must have goals which are appropriate for the young adult based upon the needs of the young adult.

5. Based upon the needs of a participant, the agency which provides child welfare services may, at any time, after consulting with the participant, revise:

(a) The persons or entities to whom a payment is made pursuant to subsection 2.

(b) The manner in which payments are allocated between persons or entities to whom payments are made pursuant to subsection 2.

6. The plan developed pursuant to subsection 1 must be annually reviewed and mutually agreed upon by the young adult and the agency which provides child welfare services at the hearing required by NRS 432B.601.

7. The agency which provides child welfare services shall:

(a) Monitor the plan developed pursuant to subsection 1 and adjust the plan as necessary;

(b) Contact the young adult by telephone at least once each month and in person at least quarterly;

(c) Ensure that the young adult meets with a person who will provide guidance to the young adult and make the young adult aware of the services which will be available to the young adult; and

(d) Conduct a meeting with the young adult at least 30 days, but not more than 45 days, before he or she reaches the age of 21 years to determine whether the young adult requires any additional guidance.

8. As used in this section:

(a) "Child care institution" has the meaning ascribed to it in NRS 432A.0245.

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

~~[(c) "Qualified residential treatment program" has the meaning ascribed to it in 42 U.S.C. § 672.]~~

Sec. 53. NRS 432B.607 is hereby amended to read as follows:

432B.607 As used in NRS 432B.607 to 432B.6085, inclusive, ***and sections 35.3 to 42, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 432B.6071 to 432B.6074, inclusive, have the meanings ascribed to them in those sections.

Sec. 54. NRS 432B.6075 is hereby amended to read as follows:

432B.6075 1. ~~[A proceeding for a court ordered admission of a child alleged to be]~~ ***If*** a child with an emotional disturbance who is in the custody of an agency which provides child welfare services ***is admitted*** to a facility ~~[may be commenced by the filing of]~~ ***under an emergency admission and the child has not been released within 5 days after the admission, the agency which provides child welfare services shall file*** a petition ***to continue the***

emergency admission, not later than 5 days after the admission, with the clerk of the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent ***or guardian*** of the child. The petition must be accompanied ~~[~~:

~~(a) By~~~~]~~ ***by*** a certificate of a physician, ***a*** psychiatrist ~~[or licensed]~~ ***, a*** psychologist ~~[stating]~~ ***or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120:***

(a) Stating that the physician, psychiatrist ***,*** ~~[or licensed]~~ psychologist ***or advanced practice registered nurse*** has examined the child ~~[alleged to be a child with an emotional disturbance]~~ ***who is the subject of the petition*** and has concluded that the child ~~[has]~~ ***is a child with*** an emotional disturbance and, because of that condition, ~~[is likely to harm himself or herself or others if allowed liberty; or~~

~~(b) By a sworn written statement by the petitioner that:~~

~~(1) The petitioner has, based upon personal observation of the child alleged to be a child with an emotional disturbance, probable cause to believe that the child has an emotional disturbance and, because of that condition, is likely to harm himself or herself or others if allowed liberty; and~~

~~(2) The child alleged to be a child with an emotional disturbance has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.~~~~]~~ ***the child is a person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment and includes, if available, the date on which the child will be discharged from the emergency admission to the facility; or***

(b) By a sworn written statement by the petitioner that the child is:

(1) A person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to herself or himself or others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment; and

(2) Is alleged to be a child with an emotional disturbance and has refused to submit to examination or treatment by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120.

2. ~~[If a]~~ ***A child who is the subject of a*** petition filed pursuant to this section ~~[is to continue the placement of the child after an emergency admission, the petition must be filed not later than 5 days after the emergency admission or the child must be released.]~~ ***or the parent or guardian of such a child may oppose the petition:***

(a) Orally at a hearing on the petition; or

(b) By filing a written opposition with the court.

Sec. 55. NRS 432B.6076 is hereby amended to read as follows:

432B.6076 1. ~~[Except as otherwise provided in NRS 432B.6077, if]~~ ***A child who is the subject of a petition submitted pursuant to NRS 432B.6075 may, after conferring with his or her attorney, submit to the court written consent, or provide oral consent in the record of the court, to continue the emergency admission. Upon receiving such consent, the court may order the continuation of the emergency admission if it finds that continuing the emergency admission is in the best interests of the child.***

2. A court that receives a petition submitted pursuant to NRS 432B.6075 to continue the emergency admission of a child alleged to be a child with an emotional disturbance to a facility shall conduct a hearing on the petition, unless otherwise ordered by the court.

3. Except as otherwise provided in subsection 1, a court may order the continuation of the emergency admission of a child with respect to whom a petition was filed pursuant to NRS 432B.6075 to a facility only if the court finds ~~[, after proceedings for the court-ordered admission of a child alleged to be a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a facility, including, without limitation, an evidentiary hearing:~~

~~(a) That there is not clear and convincing evidence that the child with respect to whom the hearing was held exhibits observable behavior such that the child is likely to harm himself or herself or others if allowed liberty, the court shall enter its finding to that effect and the child must not be admitted to a facility.~~

~~(b) That there is]~~ ***by*** clear and convincing evidence that the child ~~[with respect to whom the hearing was held is in need of treatment in a facility and is likely to harm himself or herself or others if allowed liberty, the court may order the admission of the child for the most appropriate course of treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the admission, the child is unconditionally released from the facility pursuant to NRS 432B.6084.~~

~~2. Before issuing an order for admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the child, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the child.]~~ ***:***

(a) Is a child with an emotional disturbance; and

(b) Is a person in a mental health crisis, as defined in NRS 433A.0175, and presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, if discharged to a less restrictive appropriate environment.

4. The court shall issue a written order on a petition submitted pursuant to NRS 432B.6075. If the court:

(a) Orders the continuation of the emergency admission, the order must include specific findings concerning each factor prescribed by subsection 3.

(b) Does not order the continuation of the emergency admission, the court must enter its findings to that effect and order the discharge of the child from the facility.

Sec. 56. NRS 432B.6078 is hereby amended to read as follows:

432B.6078 1. ~~[Not later than 5 days after a child who is in the custody of an agency which provides child welfare services has been admitted to a facility pursuant to NRS 432B.6076, the agency which provides child welfare services shall inform the child of his or her legal rights and the provisions of NRS 432B.607 to 432B.6085, inclusive, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, and, if the child or the child's attorney desires, assist the child in requesting]~~ ***A child or a parent or legal guardian of the child who opposes a petition to continue an emergency admission pursuant to subsection 2 of NRS 432B.6075 may petition*** the court to authorize a second examination ~~[by an evaluation team that includes a physician, psychiatrist or licensed psychologist who are not employed by, connected to or otherwise affiliated with the facility other than a physician, psychiatrist or licensed psychologist who performed an original examination which authorized the court to order the admission of the child to the facility.]~~ ***of any child examined pursuant to subsection 1 of NRS 432B.6075. The court shall authorize a second examination upon receiving such a petition.*** A second examination must be ~~[conducted]~~ ***completed*** not later than ~~[5 business]~~ ***6*** days after the court authorizes the examination.

2. If the court authorizes a second examination of the child, the examination must:

(a) ***Be conducted by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 who is not:***

(1) The same physician, psychiatrist, psychologist or advanced practice registered nurse who completed the certificate pursuant to subsection 1 of NRS 432B.6075 or a physician, psychologist or advanced practice registered nurse who participated in the examination conducted pursuant to that subsection; or

(2) Employed by, connected to or otherwise affiliated with the facility where the child is admitted;

(b) Include, without limitation, an evaluation ~~[concerning whether the child should remain in the facility and a recommendation concerning the appropriate placement of the child which must be provided to the facility;]~~ ***of the diagnosis of the child, whether the child presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, and whether the emergency admission should be continued;*** and

~~[(b)]~~ ***(c)*** Be paid for by the governmental entity that is responsible for the agency which provides child welfare services, if such payment is not otherwise provided by the State Plan for Medicaid.

Sec. 57. NRS 432B.6079 is hereby amended to read as follows:

432B.6079 In determining pursuant to NRS 432B.6076 and 432B.608 whether to issue or renew an order ~~[for]~~ ***to continue*** the ***emergency*** admission of a child who is in the custody of an agency which provides child welfare services to a facility, the court shall consider:

1. The reports of any examinations or evaluations of a child by any ~~[psychologist, psychiatrist or other physician;]~~ ***person professionally qualified in the field of psychiatric mental health;***

2. Any information concerning ~~[the child provided to the court by a licensed clinical social worker or other professional or any adult caretaker who is knowledgeable about the child or a guardian ad litem appointed for the child pursuant to NRS 432B.500;]~~ ***whether the child presents a substantial likelihood of serious harm to himself or herself or others provided by:***

(a) A person professionally qualified in the field of psychiatric mental health;

(b) A representative of the agency which provides child welfare services;

(c) An adult caretaker who is knowledgeable about the child; or

(d) A guardian ad litem appointed for the child pursuant to NRS 432B.500;

3. The wishes of the child concerning care, treatment ~~[and training]~~ and ~~[placement in a]~~ ***emergency admission to the*** facility;

4. The best interests of the child, including, without limitation, whether the court believes the child might experience any psychological trauma from ~~[court-ordered]~~ ***continued emergency*** admission;

5. Any alternative care ~~[,]~~ ***or*** treatment ~~[or training]~~ options; and

6. Any other information the court deems relevant concerning the child.

Sec. 58. NRS 432B.608 is hereby amended to read as follows:

432B.608 1. If the court issues an order ~~[for]~~ ***to continue*** the ***emergency*** admission to a facility of a child who is in the custody of an agency which provides child welfare services pursuant to NRS 432B.6076, the ~~[admission automatically expires at the end of 90 days if not terminated previously by the facility as provided for in subsection 2 of NRS 432B.6084.~~

~~2. At the end of the court-ordered period of treatment, the agency which provides child welfare services, the Division of Child and Family Services or any facility may petition to renew the admission of the child for additional periods not to exceed 60 days each.~~

~~3. For each renewal, the petition must set forth the specific reasons why further treatment in the facility would be in the best interests of the child and the court shall apply the same standards when considering a petition to renew the admission of the child as were applied for the original petition for the court-ordered admission of the child.]~~ ***order must be interlocutory, and the child***

must be discharged from the facility if the order is not renewed within 14 days after the order is issued.

2. A facility may unconditionally release a child who is admitted under an emergency admission that has been continued pursuant to NRS 432B.6076 without a prior order of the court upon the written recommendation of the psychiatrist and other person professionally qualified in the field of psychiatric mental health who are responsible for treating the child. Upon receipt of such a recommendation, the facility shall provide notice of the recommendation to the agency which provides child welfare services and the agency shall notify all parties and the court. Such notice must include, without limitation, an explanation of the reasons that:

(a) The release is clinically appropriate; and

(b) The child is capable of being safely and effectively treated in a less restrictive appropriate environment.

Sec. 59. NRS 432B.6081 is hereby amended to read as follows:

432B.6081 A facility which provides care ~~[,]~~ ***or*** treatment ~~[or training]~~ to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility ***under an emergency admission continued*** pursuant to NRS 432B.6076 shall develop a ***written*** plan, in consultation with the child, for the continued care ~~[,]~~ ***or*** treatment ~~[and training]~~ of the child upon discharge from the facility. The plan must:

1. Be developed ~~[not later than 10 days after the child is admitted]~~ ***at the time of the emergency admission of a child*** to the facility ~~[,]~~ ***and revised on an ongoing basis for the duration of the emergency admission based on the clinical status of the child;***

2. Be submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608; and

3. Include, without limitation:

(a) The anticipated date of discharge of the child from the facility;

(b) The name of any ~~[psychiatrist or psychologist]~~ ***person professionally qualified in the field of psychiatric mental health*** who will provide care ~~[,]~~ ***or*** treatment ~~[or training]~~ to the child after the child is discharged from the facility, if ~~[appropriate;]~~ ***known;***

(c) A plan for any appropriate care ~~[,]~~ ***or*** treatment ~~[or training]~~ for the child for at least 30 days after the child is discharged from the facility; and

(d) The ~~[suggested]~~ ***recommended type of*** placement ~~[of]~~ ***for*** the child after the child is discharged from the facility.

Sec. 60. NRS 432B.60845 is hereby amended to read as follows:

432B.60845 A facility which provides care ~~[,]~~ ***or*** treatment ~~[or training]~~ to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to NRS 432B.6076 ***or section 38 of this act*** shall:

1. Ensure that each employee of the facility who comes into direct contact with children at the facility receives, within 90 days after employment and

annually thereafter, training that has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children;

2. Ensure that each child who is placed in the facility is treated in all respects in accordance with the child's gender identity or expression; and

3. Follow the protocols prescribed in the regulations adopted pursuant to NRS 432B.172 when placing the child within the facility.

Sec. 61. NRS 432B.60847 is hereby amended to read as follows:

432B.60847 1. A psychiatric hospital to which a child who is in the custody of an agency which provides child welfare services is admitted pursuant to NRS 432B.6076 ***or section 38 of this act*** shall, in consultation with the public or private school in which the child was enrolled when he or she was admitted to the psychiatric hospital, any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the psychiatric hospital, the agency which provides child welfare services and any person responsible for the education of the child, develop a plan for the continued education of the child while the child remains enrolled in the public or private school or the school district yet is admitted to the psychiatric hospital. The plan must be:

(a) Provided to the child, the agency which provides child welfare services, the child's caseworker, if applicable, any person responsible for the education of the child, the school and, if applicable, the school district; and

(b) Submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608 ~~[.]~~ ***or section 38 of this act in the manner set forth in section 41 of this act.***

2. A plan for the continued education of a child developed pursuant to subsection 1 must include, without limitation:

(a) The number of hours of instruction each week that must be provided to the child while the child is admitted to the psychiatric hospital;

(b) Provisions for the transfer of instructional materials to the psychiatric hospital from the school in which the child was enrolled when he or she was admitted to the psychiatric hospital;

(c) Procedures for monitoring the implementation of the plan and the appropriateness of the instruction being provided to the child;

(d) If an individualized education program or services plan has been developed for the child and provided to the psychiatric hospital pursuant to NRS 392.857 or 394.1998, provisions to ensure that the psychiatric hospital maintains compliance with the individualized education program or services plan, as applicable; and

(e) A plan for continuing the education of the child after he or she is discharged from the psychiatric hospital, including, without limitation, a plan for transitioning the child into a school or any other educational setting in which the child will receive instruction after discharge.

3. Before admission of a child who is in the custody of an agency which provides child welfare services to a facility which provides residential

treatment for mental illness, the public or private school or any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the facility must:

(a) For a child who is a pupil with a disability, convene an individualized education program meeting to consider the appropriateness of a residential placement under federal law as it relates to the child's education needs;

(b) Convene a meeting of representatives of the public or private school in which the child was enrolled, the school district in which the child was enrolled, the agency which provides child welfare services, any person responsible for the education of the child and any other organization that provides support to the child, as appropriate, to consider, pursuant to the statewide framework for integrated student supports established pursuant to NRS 388.885, the appropriateness of a residential placement;

(c) Monitor the child's progress while the child is admitted to the facility; and

(d) Participate in discharge planning for transitioning the child into a school or any other educational setting in which the child will receive instruction after discharge. The Department of Education shall adopt regulations necessary to carry out the provisions of this paragraph.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Person responsible for the education of the child" includes, without limitation, the parent or guardian of the child and any educational decision maker appointed for the child pursuant to NRS 432B.462.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

(d) "Public school" includes, without limitation, a university school for profoundly gifted pupils.

(e) "Services plan" has the meaning ascribed to it in 34 C.F.R. § 300.37.

Sec. 62. NRS 432B.6085 is hereby amended to read as follows:

432B.6085 1. Nothing in this chapter purports to deprive any person of any legal rights without due process of law.

2. Unless the context clearly indicates otherwise, the provisions of NRS 432B.607 to 432B.6085, inclusive, ***and sections 35.3 to 42, inclusive, of this act,*** 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, apply to all children who are in the custody of an agency which provides child welfare services.

Sec. 63. NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person in a mental health crisis is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless:

(a) A person described in NRS 433A.160 places the person on a mental health crisis hold; and

(b) The requirements prescribed by NRS 433A.162 have been met.

2. Except as otherwise provided in subsection 3 ~~[,]~~ ***and NRS 432B.6075,*** a person whose status is changed pursuant to subsection 1 must not be detained in excess of 72 hours, including weekends and holidays, after the person is placed on a mental health crisis hold pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 64. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. A person alleged to be a person in a mental health crisis who is placed on a mental health crisis hold pursuant to NRS 433A.160 may, subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital for assessment, evaluation, intervention and treatment, regardless of whether any parent or legal guardian of the person has consented to the mental health crisis hold.

2. Except as otherwise provided in subsection 3 ~~[,]~~ ***and NRS 432B.6075,*** a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the person is placed on a mental health crisis hold pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 65. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075 ~~[,]~~ ***and section 37 of this act,*** a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility with the clerk of the district court of the county where the person who is to be treated resides or the county where a mental health facility that is willing to admit the person is located. The petition may be filed by any physician, physician assistant, psychologist, social worker or registered nurse or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the

psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that he or she has examined the person alleged to be a person in a mental health crisis and has concluded that the person is a person in a mental health crisis; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person in a mental health crisis, probable cause to believe that the person is a person in a mental health crisis and the person alleged to be a person in a mental health crisis has refused to submit to examination or treatment by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(2) The person alleged to be a person in a mental health crisis has been placed on a mental health crisis hold pursuant to NRS 433A.160 and the physician, physician assistant or advanced practice registered nurse who examined the person alleged to be a person with a mental health crisis pursuant to NRS 433A.165 determined that the person has a medical condition, other than a psychiatric condition, which requires immediate treatment.

2. Except as otherwise provided in NRS 432B.6075 ~~[,]~~ ***and section 37 of this act,*** if the person to be treated is an unemancipated minor and the petitioner is a person other than a parent or guardian of the minor, a petition submitted pursuant to subsection 1 must, in addition to the certificate or statement required by that subsection, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 66. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and ~~[~~432B.6077,~~]~~ ***section 38 of this act,*** if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held is a person in a mental health crisis, the court must enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility. If the person has been detained in a public or private mental health facility or hospital under a mental health crisis hold pursuant to NRS 433A.160, including, without limitation, where the person has been admitted under an emergency admission pursuant to NRS 433A.162, the court must issue a written order requiring the facility or hospital to release the person not later than 24 hours after the court issues the order, unless the person applies for admission as a voluntary consumer pursuant to NRS 433A.140.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held is a person in a mental health crisis, the court

may order the involuntary admission of the person to a public or private mental health facility. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. Except as otherwise provided in NRS 432B.608 ~~[,]~~ ***and section 41 of this act,*** an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility after a determination by the physician primarily responsible for treating the patient, a psychiatrist or an advanced practice registered nurse as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608 ~~[,]~~ ***and section 41 of this act,*** at the end of the involuntary court-ordered admission, the Division or any mental health facility that is not operated by the Division may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility.

3. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including assisted outpatient treatment, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

4. If the court issues an order involuntarily admitting a person to a public or private mental health facility pursuant to this section, the court must, notwithstanding the provisions of NRS 433A.715, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to:

(a) The Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System; and

(b) Each law enforcement agency of this State with which the court has entered into an agreement for such transmission, along with a statement indicating that the record is being transmitted for inclusion in each of this State's appropriate databases of information relating to crimes.

5. After issuing an order pursuant to this section, a court shall not transfer the case to another court.

6. A public or private mental health facility to which a person is involuntarily admitted pursuant to this section shall notify the court and the counsel for the person if the person is transferred to another facility.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 67. NRS 433A.390 is hereby amended to read as follows:

433A.390 1. When a consumer, involuntarily admitted to a mental health facility or required to receive assisted outpatient treatment by court order, is released at the end of the period specified pursuant to NRS 433A.310 or 433A.343, as applicable, written notice must be given to the court that issued the order not later than 3 judicial days after the release of the consumer. The consumer may be released without requiring further orders of the court. If the consumer has a legal guardian, the facility or the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the facility or treatment or, if the consumer will be released in less than 3 days, as soon as practicable.

2. The legal guardian of a consumer involuntarily admitted to a mental health facility, if applicable, has discretion to determine where the consumer will be released pursuant to subsection 1, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility must discharge the consumer according to its proposed discharge plan.

3. ~~[A]~~ ***Except as otherwise provided in NRS 432B.608 and section 41 of this act, a*** consumer who is involuntarily admitted to a mental health facility may be unconditionally released before the period specified in NRS 433A.310 when the physician primarily responsible for treating the patient, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 determines that the consumer is no longer a person in a mental health crisis. If the consumer has a legal guardian, the facility shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the facility or, if the consumer will be released in less than 3 days, as soon as practicable. The legal guardian, if applicable, has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

4. A consumer who is required to receive assisted outpatient treatment may be unconditionally released before the period specified in NRS 433A.343 when the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment for the consumer determines that:

(a) The consumer no longer requires assisted outpatient treatment to prevent further disability or deterioration that would result in the person becoming a person in a mental health crisis;

(b) The consumer is willing and likely to voluntarily participate in outpatient treatment that enables the person to live safely in the community without the supervision of the court; or

(c) After the order for assisted outpatient treatment has been effective for at least 30 days, the assisted outpatient treatment is not meeting the needs of the consumer.

5. If a consumer who will be released from assisted outpatient treatment pursuant to subsection 4 has a legal guardian, the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment to the consumer shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the treatment or, if the consumer will be released in less than 3 days, as soon as practicable.

6. Notification of a guardian pursuant to subsection 1, 3 or 5 must be provided:

(a) In person or by telephone; or

(b) If the mental health facility or the person professionally qualified in the field of psychiatric mental health, as applicable, is not able to contact the guardian in person or by telephone, by facsimile, electronic mail or certified mail.

7. A mental health facility or a person professionally qualified in the field of psychiatric mental health responsible for providing treatment to a consumer shall provide written notice to the court that issued the order not later than 3 judicial days after unconditionally releasing a consumer pursuant to subsection 3 or 4.

Sec. 68. ~~[~~NRS 481.091 is hereby amended to read as follows:~~

— 481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:~~

~~— (a) Any justice or judge in this State.~~

~~— (b) Any senior justice or senior judge in this State.~~

~~— (c) Any court-appointed master ***or magistrate*** in this State.~~

~~— (d) Any clerk of the court, court administrator or court executive officer in this State.~~

~~— (e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:~~

~~— (1) Crimes that are punishable as category A felonies; or~~

~~— (2) Domestic violence.~~

~~— (f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~— (1) Crimes that are punishable as category A felonies; or~~

~~— (2) Domestic violence.~~

~~— (g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.~~

~~(h) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~(1) Interacts with the public; and~~

~~(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.~~

~~(i) Any county manager in this State.~~

~~(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:~~

~~(1) Who possesses specialized training in code enforcement;~~

~~(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~(3) Whose primary duties are the performance of tasks related to code enforcement.~~

~~(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.~~

~~(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.~~

~~(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.~~

~~(n) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.~~

~~2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:~~

~~(a) That he or she is a person described in subsection 1; and~~

~~(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.~~

~~3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.~~

~~4. The Department may adopt regulations to carry out the provisions of this section.~~

~~5. As used in this section:~~

~~(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.~~

~~(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.~~

~~(d) "Social worker" means any person licensed under chapter 641B of NRS.~~] **(Deleted by amendment.)**

Sec. 69. [~~NRS 483.443 is hereby amended to read as follows:~~

~~483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:~~

~~(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or~~

~~(b) Is in arrears in the payment for the support of one or more children,~~

~~→ send a written notice to that person that his or her driver's license is subject to suspension.~~

~~2. The notice must include:~~

~~(a) The reason for the suspension of the license;~~

~~(b) The information set forth in subsections 3, 5 and 6; and~~

~~(c) Any other information the Department deems necessary.~~

~~3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.~~

~~4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 or 484A.7047.~~

~~5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:~~

~~(a) A notice from any of the following:~~

~~(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section.~~

~~(2) A traffic commissioner, referee, hearing master, ***magistrate appointed by the court,*** municipal judge, justice of the peace or district judge, as applicable, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.~~

~~(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and~~

~~(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.~~

~~6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.~~] **(Deleted by amendment.)**

Sec. 70. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the diagnoses, evaluations and examinations described in NRS ***432B.6078,*** 433A.162, 433A.240, 433A.335, 433A.390, 433A.430, 484C.300, 484C.320, 484C.330, 484C.340 and 484C.350 ~~[.]~~ ***and section 39 of this act,*** the certifications described in NRS ***432B.6075,*** 433A.170, 433A.195 and 433A.200 ***and section 37 of this act*** and the sworn statements or declarations described in NRS 433A.210 and 433A.335.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➥ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter

relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 71. (Deleted by amendment.)

Sec. 71.5. ~~[The changes made by sections 17 and 29 of this act must not be construed to require the Division of Welfare and Supportive Services of the Department of Health and Human Services to modify any of the forms generated by the computer systems of the Division for the purpose of changing the term "master" to the term "magistrate." The term "master," as used in any such forms, shall be deemed to refer to a child support magistrate as set forth in sections 17 and 29 of this act.]~~ **(Deleted by amendment.)**

Sec. 72. 1. The provisions of sections 32, 33 and 34 of this act apply to any proceedings to which those provisions would otherwise apply which are instituted before, on or after October 1, 2023.

2. The provisions of section 35 of this act apply to any child in the custody of an agency which provides child welfare services who is placed in a qualified residential treatment program before, on or after October 1, 2023.

3. The provisions of section 36 and 75 of this act apply to any child in the custody of an agency which provides child welfare services who has been admitted to a facility where the admission is effective on or after October 1, 2023.

4. The provisions of sections 37 to 42, inclusive, of this act apply to any child in the custody of an agency which provides child welfare services:

(a) Who has been admitted to a facility; and

(b) Whose status is not that of an emergency consumer on or after October 1, 2023, regardless of the date on which he or she was admitted.

5. The amendatory provisions of sections 54 to 59, inclusive, of this act apply to any child in the custody of an agency which provides child welfare services:

(a) Who has been admitted to a facility; and

(b) Whose status is that of an emergency consumer on or after October 1, 2023, regardless of the date on which he or she was admitted.

6. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Facility" has the meaning ascribed to it in NRS 432B.6072.

(c) "Qualified residential treatment program" has the meaning ascribed to it in section 31 of this act.

Sec. 73. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 74. ~~[The Legislative Counsel shall, in preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately:~~

~~1. The term "juvenile magistrate" for the term "master" or "master of the juvenile court" as previously used in title 5 and chapter 432B of NRS; and~~

~~2. The term "child support magistrate" for the term "master" as previously used in chapter 425 of NRS.~~] **(Deleted by amendment.)**

Sec. 75. NRS 432B.6077, 432B.6083 and 432B.6084 are hereby repealed.

Sec. 76. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 51, inclusive, and 53 to 75, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

3. Section 52 of this act becomes effective on January 1, 2024.

TEXT OF REPEALED SECTIONS

432B.6077 Petition required before child may be placed in facility other than under emergency admission; psychological examination of child required under certain circumstances; placement in less restrictive environment; any person may oppose petition.

1. An agency which provides child welfare services shall not place a child who is in the custody of the agency in a facility, other than under an emergency admission, unless the agency has petitioned the court for the court-ordered admission of the child to a facility pursuant to NRS 432B.6075.

2. If a petition for the court-ordered admission of a child filed pursuant to NRS 432B.6075 is accompanied by the information described in paragraph (b) of subsection 1 of NRS 432B.6075, the court shall order a psychological evaluation of the child.

3. If a court which receives a petition filed pursuant to NRS 432B.6075 for the court-ordered admission to a facility of a child who is in the custody of an agency which provides child welfare services determines pursuant to subsection 2 of NRS 432B.6076 that the child could be treated effectively in a less restrictive appropriate environment than a facility, the court must order the placement of the child in a less restrictive appropriate environment. In making such a determination, the court may consider any information provided to the court, including, without limitation:

(a) Any information provided pursuant to subsection 4;

(b) Any suggestions of psychologists, psychiatrists or other physicians who have evaluated the child concerning the appropriate environment for the child; and

(c) Any suggestions of licensed clinical social workers or other professionals or any adult caretakers who have interacted with the child and have information concerning the appropriate environment for the child.

4. If a petition for the court-ordered admission of a child who is in the custody of an agency which provides child welfare services is filed pursuant to NRS 432B.6075:

(a) Any person, including, without limitation, the child, may oppose the petition for the court-ordered admission of the child by filing a written opposition with the court or stating the opposition in court; and

(b) The agency which provides child welfare services must present information to the court concerning whether:

(1) A facility is the appropriate environment to provide treatment to the child; or

(2) A less restrictive appropriate environment would serve the needs of the child.

432B.6083 Conditional release: Authorized circumstances; duration; no liability of State; notice to court and attorney of agency; order to return to facility; judicial review of order to return to facility.

1. Except as otherwise provided in subsection 3, any child who is admitted to a facility by a court pursuant to NRS 432B.6076 may be conditionally released from the facility when, in the judgment of the medical director of the facility, the conditional release is in the best interest of the child and will not be detrimental to the public welfare. The medical director of the facility or the designee of the medical director shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of treatment specified pursuant to NRS 432B.608.

2. When a child is conditionally released pursuant to subsection 1, the State or a county, or any of its agents or employees, is not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the child.

3. A child who was admitted by a court because the child was likely to harm others if allowed to remain at liberty may be conditionally released only if, at the time of the release, written notice is given to the court which admitted the child and to the attorney of the agency which provides child welfare services that initiated the proceedings for admission.

4. Except as otherwise provided in subsection 6, the administrative officer of a facility or the designee of the administrative officer shall order a child who is conditionally released from that facility pursuant to this section to return to the facility if a psychiatrist and a member of that child's treatment team who is professionally qualified in the field of psychiatric mental health determine that the conditional release is no longer appropriate because that child presents a clear and present danger of harm to himself or herself or others. Except as otherwise provided in this subsection, the administrative officer or the designee of the administrative officer shall, at least 3 days before the issuance of the order to return, give written notice of the order to the court that admitted the child to the facility. If an emergency exists in which the child presents an imminent threat of danger of harm to himself or herself or others, the order

must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the child who was ordered to return to the facility at its next regularly scheduled hearing for the review of petitions for court-ordered admissions, but in no event later than 5 judicial days after the child is returned to the facility. The administrative officer or the designee of the administrative officer shall give written notice to the agency which provides child welfare services, to the child who was ordered to return to the facility and to the child's attorney of the time, date and place of the hearing and of the facts necessitating that child's return to the facility.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

432B.6084 Release without further order of court; early release.

1. When a child who is admitted to a facility by a court pursuant to NRS 432B.6076 is released at the end of the court-ordered period of treatment specified pursuant to NRS 432B.608, written notice must be given to the admitting court at least 10 days before the release of the child. The child may then be released without requiring further orders of the court.

2. A child who is admitted to a facility by a court pursuant to NRS 432B.6076 may be unconditionally released before the court-ordered period of treatment specified in NRS 432B.608 when:

(a) An evaluation team, including, without limitation, an evaluation team that conducts an examination pursuant to NRS 432B.6078, or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the child has recovered from any emotional disturbance or has improved to such an extent that the child is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the facility authorizes the release and gives written notice to the admitting court at least 10 days before the release of the child.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 921 to Assembly Bill No. 148.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 160.

The following Senate amendment was read:

Amendment No. 957.

AN ACT relating to criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; authorizing the Records, Communications and Compliance

Division of the Department of Public Safety and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, necessary for the automatic sealing of criminal records; requiring the Administrative Office of the Courts to submit annual reports to the Legislature and adopt certain other rules; creating the Advisory Task Force on Automatic Record Sealing and establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Administrative Office of the Courts and the Legislature; expanding the circumstances in which there is a rebuttable presumption that criminal records should be sealed; revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; applying provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence; authorizing the Central Repository for Nevada Records of Criminal History and its employees to inquire into and inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain procedures pursuant to which a person is authorized to petition a court for the sealing of criminal records relating to: (1) convictions for certain offenses; (2) charges against a person that were dismissed or declined for prosecution or for which the person was acquitted; (3) a conviction which has been set aside; and (4) a conviction for an offense that has been decriminalized. Existing law: (1) establishes certain requirements concerning the amount of time that must elapse after a person was convicted or charged before the records relating to the conviction or charge are eligible to be sealed through the filing of such a petition; and (2) sets forth the circumstances under which a court is authorized or required to grant the petition. (NRS 179.245, 179.255, 179.271)

Section 1.3 of this bill requires the Records, Communications and Compliance Division of the Department of Public Safety, not later than January 1, 2027, to develop and implement a process to identify each: (1) conviction of a person and each charge against a person that becomes an eligible conviction and eligible charge; and (2) agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge. **Section 1.3** defines "eligible conviction" and "eligible charge" to mean, in general, certain convictions of or charges against a person after January 1, 2027, if the records relating to the conviction or charge are eligible to be sealed pursuant to the provisions of existing law governing the sealing of records. After the development and implementation of the process of identifying eligible convictions and eligible charges, **section 1.3** requires the Division to, each month: (1) identify and compile a list of each conviction or charge that has become an eligible conviction or

eligible charge in the immediately preceding month and each person or governmental entity identified as having possession of records relating to those eligible convictions and eligible charges; and (2) transmit the list to the Administrative Office of the Courts to recommend the sealing of the records relating to a listed eligible conviction or eligible charge.

Section 1.3 requires the Administrative Office of the Courts, not later than January 1, 2027, to develop and implement a process to review such a list received from the Division and to transmit to every court having jurisdiction each conviction of a person or charge against a person that has become an eligible conviction or eligible charge. **Section 1.3** also requires the Administrative Office of the Courts, upon receiving such a list from the Division, to confirm each eligible conviction and eligible charge and notify every court having jurisdiction over the sealing of each eligible conviction or eligible charge. **Section 1.3** requires a court that receives such a notification from the Administrative Office of the Courts to then provide notice to the appropriate prosecuting attorney or agency and authorizes the prosecuting attorney or agency to object to the sealing of the records relating to each listed eligible conviction or eligible charge. **Section 1.3** further establishes the circumstances in which the court may order the records to be sealed. **Section 5** of this bill requires the order to be sent to the persons and governmental entities named in the order, who are then required to seal records relating to the eligible conviction or eligible charge. **Section 1.3** also: (1) authorizes the Division and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of **section 1.3**; and (2) requires the Administrative Office of the Courts to submit certain annual reports to the Legislature beginning on January 31, 2028.

Existing law provides, in general, that there is a rebuttable presumption that certain records of a person should be sealed if the person petitions the court for the sealing of such records and satisfies all statutory requirements. (NRS 179.2445) **Section 3.5** of this bill provides that there is also a rebuttable presumption that certain records of a person should be sealed if a court receives a list of confirmed eligible convictions or charges from the Administrative Office of the Courts pursuant to **section 1.3** and the records relate to such confirmed eligible convictions or charges. **Sections 3.7 and 3.9** of this bill make conforming changes to reflect the change in **section 3.5**.

Existing law provides that if a court seals certain records of a person, certain civil rights of the person are restored. Existing law requires the person to be given documentation demonstrating that fact. If the documentation is lost, damaged or destroyed, the person is authorized to request that a court issue an order to restore his or her civil rights. (NRS 179.285) **Section 6** of this bill makes a technical, nonsubstantive change to existing law by reorganizing the language in existing law. **Section 6.5** of this bill provides for the restoration of civil rights if the records of a person are sealed pursuant to **section 1.3**. However, under **section 6.5**, the person is not required to be given documentation demonstrating that fact. Instead, **section 6.5** authorizes a

person who was not given documentation of the restoration of his or her civil rights to request that a court issue an order in the same manner as a person whose documentation is lost, damaged or destroyed.

Section 7 of this bill authorizes a person who is the subject of records that are sealed pursuant to **section 1.3** to petition a court to allow for the inspection of the records. **Section 8** of this bill authorizes certain other governmental entities to inspect such records under certain circumstances. **Section 7.5** of this bill authorizes the Central Repository for Nevada Records of Criminal History and its employees to inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm. (NRS 202.360)

Sections 5-7 of this bill also apply provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence.

If a person is arrested and the charges against the person are dismissed or declined for prosecution or the person is acquitted of the charges, existing law authorizes the person to petition a court for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. (NRS 179.255) **Section 4** of this bill authorizes a person against whom multiple charges were brought, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, to petition for the sealing of those portions of the records relating to the arrest of the person and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.

Section 2 of this bill provides that it is the public policy of this State to enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Section 1.7 of this bill creates the Advisory Task Force on Automatic Record Sealing and establishes requirements concerning the membership of the Task Force. **Section 1.7** establishes the general duties of the Task Force, including reviewing the current petition-based process for the sealing of records and identifying the ways in which the process can be streamlined to simplify the process for petitioners. **Section 1.7** also requires the Task Force to prepare and submit a report to the Administrative Office of the Courts and the Legislature: (1) on or before July 1, 2024, that sets forth the initial activities and findings of the Task Force; (2) on or before July 1, 2025, that sets forth the activities, findings and initial recommendations of the Task Force; and (3) on or before July 1, 2026, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records of criminal history. **Section 8.3** of this bill requires the Administrative Office of the Courts, before January 1, 2025, to

adopt rules to streamline the process for filing a petition for the sealing of records, as recommended by the Task Force.

Sections 2-3.3 of this bill make conforming changes to indicate the proper placement of **sections 1.3 and 1.7** in the Nevada Revised Statutes.

Section 8.1 of this bill makes an appropriation from the State General Fund to the Department of Public Safety for the technology costs associated with complying with the provisions of **section 1.3**. **Section 8.15** of this bill makes an appropriation from the State General Fund to the Department for the provision of support to the Task Force, including for the administrative costs of supporting the Task Force**.** ~~[and employing or contracting with persons to perform certain functions.]~~ **Section 8.2** of this bill makes an appropriation from the State General Fund to the Interim Finance Committee for allocation to the Department for **employing or contracting with persons to perform certain functions and, to the extent that money from the appropriation is available, for** the **Department to** award of grants of money to criminal justice agencies to support technology or system upgrades for the purpose of complying with the provisions of **section 1.3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***1. Not later than January 1, 2027, the Division shall develop and implement a process to identify, based on data maintained in the records of the Division, each:***

(a) Conviction of a person that becomes an eligible conviction;

(b) Charge against a person that becomes an eligible charge; and

(c) Agency of criminal justice or public or private company, agency, officer and other custodian of records that may reasonably be identified as having possession of records relating to a conviction or charge that becomes an eligible conviction or eligible charge.

2. After the development and implementation of the process described in subsection 1, the Division shall, each month:

(a) Identify each:

(1) Conviction of a person or charge against a person that has become an eligible conviction or eligible charge in the immediately preceding month; and

(2) Agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge identified pursuant to subparagraph (1);

(b) Compile a list of each eligible conviction, eligible charge and person or governmental entity identified pursuant to paragraph (a); and

(c) Transmit the list compiled pursuant to paragraph (b) to the Administrative Office of the Courts to recommend the sealing of records relating to an eligible conviction or eligible charge identified on the list.

3. Not later than January 1, 2027, the Administrative Office of the Courts shall develop and implement a process to review the list received from the Division pursuant to paragraph (c) of subsection 2 and transmit to every court having jurisdiction each:

(a) Conviction of a person that has become an eligible conviction; and

(b) Charge against a person that has become an eligible charge.

4. Upon receiving a list transmitted by the Division pursuant to paragraph (c) of subsection 2, the Administrative Office of the Courts shall confirm each eligible conviction and eligible charge and, not later than 30 business days after receiving the list from the Division, notify every court having jurisdiction over the sealing of records relating to each confirmed eligible conviction and eligible charge to order the sealing of such records.

5. A court that receives notification from the Administrative Office of the Courts pursuant to subsection 4 shall, not later than 15 calendar days after receiving such notification, provide notice to the appropriate prosecuting attorney or agency. The prosecuting attorney or agency may object to the sealing of such records not later than 30 calendar days after receiving notice from the court.

6. If, not later than 30 calendar days after receiving notice from the court pursuant to subsection 5, a prosecuting attorney or agency:

(a) Stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records.

(b) Does not stipulate to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records without a hearing. Each person or governmental entity identified on the list as having possession of records relating to an eligible conviction or eligible charge to which the order applies must be named in the order.

(c) Objects to the sealing of the records, the court may conduct a hearing on the matter. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and order the sealing of the records.

7. The Division and the Administrative Office of the Courts shall take such actions as are necessary to ensure public awareness of the provisions of this section. Such actions may include, without limitation, the posting of appropriate information on an Internet website maintained by the Division or the Administrative Office of the Courts or the conducting of a public awareness campaign.

8. The Division and the Administrative Office of the Courts may adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of this section, including, without limitation, rules or regulations concerning:

(a) Contracting with any vendors to update any necessary technology; and

(b) Applying for any grants available to carry out the provisions of this section.

9. The provisions of this section do not prohibit a person from petitioning the court for the sealing of any eligible records in accordance with any other applicable provision of law.

10. If a person believes that his or her records have been sealed, the person may make a written request to the appropriate court to confirm that his or her records have been sealed and review such records.

11. On or before January 31, 2028, and each year thereafter, the Administrative Office of the Courts shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to Legislature that sets forth, to the extent possible, the number of records that were identified to be eligible for sealing and the number of records that were ordered to be sealed during the previous calendar year.

12. As used in this section:

(a) "Division" means the Records, Communications and Compliance Division of the Department of Public Safety.

(b) "Eligible charge" means any charge against a person on or after January 1, 2027, if the records relating to the charge are eligible to be sealed pursuant to ~~[paragraph (c) or (g) of]~~ subsection 1 of NRS ~~[179.245]~~ 179.255 for a drug-related ~~[conviction,]~~ charge that is punishable as a category E felony or a misdemeanor, including, without limitation, a ~~[conviction]~~ charge pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351.

(c) "Eligible conviction" means any conviction of a person on or after January 1, 2027, if the records relating to the conviction are eligible to be sealed pursuant to paragraph (c) or (g) of subsection 1 of NRS 179.245 for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351, and the person has not been, in the time period prescribed in the applicable provision, charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations.

Sec. 1.7. *1. The Advisory Task Force on Automatic Record Sealing is hereby created. The Task Force consists of:*

(a) Fifteen members appointed by the Legislative Commission from recommendations submitted by the applicable participating entities consisting of:

(1) One member who is a representative of the Administrative Office of the Courts;

(2) One member who is a representative of the Nevada Supreme Court or his or her designee;

(3) One member who is a representative of a district court;

(4) One member who is a representative of a justice court;

(5) One member who is a representative of a municipal court;

(6) One member who is a representative of a district attorney's office;

(7) One member who is a representative of the Office of the Attorney General;

(8) One member who is a representative of the Office of the Clark County Public Defender or the Office of the Washoe County Public Defender or who is an attorney in private practice and experienced in defending criminal actions;

(9) One member who is a representative of an urban law enforcement agency;

(10) One member who is a representative of a rural law enforcement agency;

(11) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety;

(12) One member who is a representative of the Department of Corrections;

(13) One member who is a representative of the Records, Communications and Compliance Division of the Department of Public Safety; and

(14) Two members who are representatives from nonprofit organizations focused on issues relating to criminal justice;

(b) One member of the Senate who is appointed by the Majority Leader of the Senate; and

(c) One member of the Assembly who is appointed by the Speaker of the Assembly.

2. When appointing members to the Task Force pursuant to paragraph (a) of subsection 1, the Legislative Commission shall ensure that all regions of this State are represented.

3. At the first meeting of the Task Force, the members shall elect a Chair and Vice Chair by a majority vote.

4. The Department of Public Safety shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.

5. The members of the Task Force serve without compensation or per diem allowance. If sufficient money is available, a member of the Task Force may, upon written request, receive reimbursement for travel expenses provided for state officers and employees generally while engaged in the business of the Task Force.

6. The Task Force:

(a) Shall:

(1) Review the current petition-based process for the sealing of records and identify the ways in which the process can be streamlined to simplify the process for petitioners;

(2) Conduct research on methods to implement the provisions of section 1.3 of this act, including, without limitation, necessary technology and system upgrades within the criminal justice system of this State;

(3) Identify and assess any technology and system gaps, necessary infrastructure and policy constraints to support the implementation of the automatic sealing of records;

(4) Develop a timeline for implementation that includes benchmarks to implement the provisions of section 1.3 of this act; and

(5) Recommend approaches to improve the ability of this State to expand future provisions concerning the automatic sealing of records, including, without limitation, the feasibility of retroactively sealing eligible charges and convictions; and

(b) May consider, in its discretion, any other matters submitted by a member of the Task Force.

7. The Department of Public Safety may:

(a) Enter into a contract with a consultant or vendor to perform the research necessary for the Task Force to carry out its duties; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to assist the Task Force in carrying out its duties.

8. The Task Force shall:

(a) On or before July 1, 2024, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the initial activities and findings of the Task Force, including, without limitation, the ways in which the petition-based process for the sealing of records can be streamlined;

(b) On or before July 1, 2025, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the activities, findings and initial recommendations of the Task Force; and

(c) On or before July 1, 2026, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records.

9. The meetings of the Task Force are closed to the public and are not subject to the provisions of chapter 241 of NRS.

Sec. 2. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to ~~[favor]~~ ***:***

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive ~~[.]~~ ***, and section 1.7 of this act; and***

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.3. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~[section]~~ ***sections 1.3 and*** 1.7 of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.7. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~[sections]~~ ***section*** 1.3 ~~[and 1.7]~~ of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, ***and section 1.7 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.1. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~[section]~~ ***sections 1.3 and*** 1.7 of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~[sections]~~ ***section*** 1.3 ~~[and 1.7]~~ of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.5. NRS 179.2445 is hereby amended to read as follows:

179.2445 1. Except as otherwise provided in subsection 2, upon the ~~[filing]~~ ***:***

(a) Filing of a petition for the sealing of records pursuant to NRS 179.245, 179.247, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

(b) Receipt by a court of the list of confirmed eligible convictions or eligible charges from the Administrative Office of the Courts pursuant to section 1.3 of this act, there is a rebuttable presumption that the records relating to the confirmed eligible convictions or eligible charges should be sealed.

2. The presumption set forth in ***paragraph (a) of*** subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.850 and applies to the court for the sealing of records relating to the conviction.

Sec. 3.7. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies

of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.430;

(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 3.9. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of:

(a) A violation of NRS 201.353 or 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) A crime under the laws of this State, other than a crime of violence; or

(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow the prosecuting attorney who prosecuted the petitioner for the crime and any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case. If the prosecuting agency does not stipulate to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case or does not file a written objection within 30 days after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, the court shall vacate the judgment, apply the presumption and seal all documents, papers and exhibits related to the case.

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

(a) Vacate the judgment and dismiss the accusatory pleading; and

(b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents

relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

9. If the court enters an order pursuant to subsection 8, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 7, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

Sec. 4. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time 8 years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. ***If a person has been arrested for alleged criminal conduct and multiple charges were brought against the person, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, a petition filed pursuant to this subsection may request the sealing of those portions of the records relating to the arrest and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.***

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting agency that prosecuted or declined to prosecute the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of***

subsection 1 of NRS 179.2445, the court shall apply the presumption and seal the records.

7. If the court finds:

(a) That there has been an acquittal and there is no evidence that further action will be brought against the person, the court shall order sealed all records of the arrest and of the proceedings leading to the acquittal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada; or

(b) That prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 5. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 34.970, ***41.910,*** 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[,]~~ ***or section 1.3 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 6. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, ***41.910,*** 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer

accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. ~~[A]~~ ***If a*** person ~~[who]~~ has had his or her records sealed in this State or any other state and ~~[whose]~~ ***was not given*** official documentation of the restoration of civil rights ***or if that documentation*** is lost, damaged or destroyed ***, the person*** may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 6.5. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, 41.910, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[.]~~ ***or section 1.3 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, ***except if the person's records were sealed pursuant to section 1.3 of this act,*** a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. If a person has had his or her records sealed in this State or any other state and was not given official documentation of the restoration of civil rights or if that documentation is lost, damaged or destroyed, the person may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 7. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, ***41.910,*** 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ***or section 1.3 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245,

176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ***or section 1.3 of this act*** in determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.

Sec. 7.5. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to ~~[~~sexual~~]~~ ***:***

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, ***or section 1.3 of this act,*** if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, ***or section 1.3 of this act,*** if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** that constitute information relating to:

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** and which are retained in the statewide registry

established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8.1. There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of $1,000,000 for the technology costs associated with complying with the provisions of section 1.3 of this act.

Sec. 8.15. There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of $500,000 for the provision of support to the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, for the administrative costs of supporting the Task Force**.** ~~[and employing or contracting with persons to perform the functions described in paragraph (a) of subsection 6 of section 1.7 of this act.]~~

Sec. 8.2. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $1,000,000 for allocation to the Department of Public Safety for ~~[the]~~ **employing or contracting with persons to perform the functions described in paragraph (a) of subsection 6 of section 1.7 of this act. To the extent that money appropriated pursuant to this section is available, the Department may** award ~~[of]~~ grants of money to criminal justice agencies to support technology or system upgrades for the purpose of complying with the provisions of section 1.3 of this act.

Sec. 8.25. Any remaining balance of the appropriations made by sections 8.1, 8.15 and 8.2 of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 8.3. 1. Before January 1, 2025, the Administrative Office of the Courts shall adopt rules to streamline the process for filing a petition for the sealing of records of criminal history, as recommended by the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, rules regarding:

(a) A standard order for the sealing of records of criminal history to be used by all courts having jurisdiction over the sealing of records of criminal history;

(b) The authority for a petitioner to file a request for the sealing of records of criminal history with one court; and

(c) Any other changes that will expedite or simplify the process for petitioners to seal records of criminal history.

2. As used in this section, "record of criminal history" has the meaning ascribed to it in NRS 179A.070.

Sec. 8.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. 1. This section and sections 1, 2, 3, 4, 6, 7.5, 8.3 and 8.7 of this act become effective upon passage and approval.

2. Sections 8.1 to 8.25, inclusive, of this act become effective on July 1, 2023.

3. Section 1.3 of this act becomes effective:

(a) Upon passage and approval for the purpose of:

(1) The Division developing and implementing the process required pursuant to subsection 1 of that section;

(2) The Administrative Office of the Courts developing and implementing the process required pursuant to subsection 3 of that section; and

(3) The Division and the Administrative Office of the Courts adopting any rules or regulations, as applicable, and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, ~~[2026,]~~ **2027,** for all other purposes.

4. Section 1.7 of this act becomes effective upon passage and approval and expires by limitation on June 30, 2027.

5. Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become effective on January 1, ~~[2026.]~~ **2027.**

6. Sections 2.3 and 3.1 of this act become effective on January 1, ~~[2026,]~~ **2027,** and expire by limitation on June 30, ~~[2026.]~~ **2027.**

7. Sections 2.7 and 3.3 of this act become effective on July 1, ~~[2026.]~~ **2027.**

8. As used in this section, "Division" means the Records, Communications and Compliance Division of the Department of Public Safety.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 957 to Assembly Bill No. 160.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 404.

The following Senate amendment was read:

Amendment No. 920.

AN ACT relating to civil actions; ~~[increasing the amount of civil damages for which certain providers of health care may be liable for acts or omissions~~

~~in rendering care or assistance necessitated by certain traumatic injuries; excluding certain health care professionals from the definition of "provider of health care" for certain purposes; increasing~~ **providing for the increase of** the limitation on the amount of noneconomic damages a plaintiff may recover in a civil action against a provider of health care for professional negligence; ~~prohibiting a hospital from bringing certain actions against a provider of health care;~~ revising the statute of limitations for bringing an action against a provider of health care for injury or death based upon professional negligence, professional services rendered without consent or error or omission in practice; ~~repealing~~ **revising** provisions which limit the amount of a contingent fee for which an attorney representing a plaintiff in a civil action against a provider of health care for professional negligence may contract for or collect; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law limits to $50,000 the amount of civil damages for which a licensed physician or dentist, a hospital or certain employees of a hospital may be held liable for certain acts or omissions in rendering care or assistance at a hospital necessitated by a traumatic injury demanding immediate medical attention. (NRS 41.503) Section 1 of this bill increases that amount to $250,000 and, beginning on January 1, 2026, requires that amount to be adjusted each year based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year.~~

~~Existing law sets forth various requirements and restrictions relating to civil actions against a provider of health care for professional negligence. (Chapter 41A of NRS) Existing law defines "provider of health care" for the purposes of those provisions to include a physician, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, medical laboratory director or technician, licensed dietitian, a person licensed to engage in radiation therapy or radiologic imaging, a licensed hospital and certain other entities. (NRS 41A.017) Section 1.5 of this bill excludes from that definition an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a facility for hospice care and a nursing pool, thereby specifically excluding such persons from the provisions of existing law imposing certain requirements and restrictions on civil actions brought against a provider of health care for professional negligence.~~

Existing law limits the amount of noneconomic damages that a plaintiff may recover in a civil action brought against a provider of health care for professional negligence to $350,000, regardless of the number of plaintiffs, defendants or theories upon which liability may be based. (NRS 41A.035) **Section 2** of this bill ~~instead limits the amount of noneconomic damages that a plaintiff may recover in such an action to: (1) for an action in which a hospital other than a critical access hospital is a party, $2,000,000; and (2) for any other action, $550,000. Section 2 requires, beginning on January 1, 2026, that those~~

~~amounts be adjusted]~~ **requires that amount to be increased by $80,000 on January 1 of** each year ~~[based on the percentage increase in the Consumer Price Index (All Items) for the immediately preceding calendar year. Section]~~ **beginning on January 1, 2024, and ending on January 1, 2028, when the amount reaches $750,000. Beginning on January 1, 2029, section 2** ~~[also prohibits a hospital from bringing an action against a provider of health care to recover from the provider of health care any amount paid to a plaintiff by the hospital.]~~ **requires that amount to be increased on January 1 of each year by 2.1 percent. Section 2 additionally requires the Nevada Supreme Court to annually publish on its Internet website the maximum amount of noneconomic damages that may be awarded to a plaintiff in an action for injury or death against a provider of health care based upon professional negligence in each year for the following 20 years.**

Existing law requires an action for injury or death against a provider of health care based on professional negligence, professional services rendered without consent or error or omission in practice, to be commenced: (1) for an injury that occurred on or after October 1, 2002, not more than 3 years after the date of injury or 1 year after the plaintiff discovers or should have discovered the injury; and (2) if the injury occurred before October 1, 2002, not more than 4 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. (NRS 41A.097) **Section 3** of this bill ~~[revises those provisions to require all]~~ **requires** such ~~[actions]~~ **an action** to be brought **, for an injury that occurred on or after October 1, 2023,** not more than ~~[4]~~ **3** years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. ~~[Section 4 of this bill provides that the changes in section 3 apply retroactively to any injury or death that occurred before October 1, 2023, even if the statute of limitations that was in effect at the time of the injury or death has expired. Therefore, a civil action against a provider of health care that would otherwise be time-barred by the former statute of limitations is revived by this bill, so long as the revised statute of limitations set forth in section 4 has not expired.~~

~~Section 6 of this bill repeals provisions that limit]~~

Existing law limits the amount of a contingent fee that an attorney representing a plaintiff in a civil action against a provider of health care for professional negligence may contract for or collect ~~[.]~~ **to: (1) forty percent of the first $50,000 recovered; (2) thirty-three and one-third percent of the next $50,000 recovered; (3) twenty-five percent of the next $500,000 recovered; and (4) fifteen percent of the amount of recovery that exceeds $600,000. (NRS 7.095) Section 3.5 of this bill eliminates that tier of amounts and instead limits the amount of a contingent fee that such an attorney may contract for or collect to 35 percent of the amount recovered.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 41.503 is hereby amended to read as follows:~~

~~"41.503 1. Except as otherwise provided in subsection 2 and NRS 41.504, 41.505 and 41.506:~~

~~(a) A hospital which has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237 and which is a nonprofit organization;~~

~~(b) A hospital other than a hospital described in paragraph (a);~~

~~(c) An employee of a hospital described in paragraph (a) or (b) who renders care or assistance to patients;~~

~~(d) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS who renders care or assistance in a hospital described in paragraph (a) or (b), whether or not the care or assistance was rendered gratuitously or for a fee; and~~

~~(e) A physician or dentist licensed under the provisions of chapter 630, 631 or 633 of NRS:~~

~~(1) Whose liability is not otherwise limited pursuant to NRS 41.032 to 41.0337, inclusive; and~~

~~(2) Who renders care or assistance in a hospital of a governmental entity that has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 450B.237, whether or not the care or assistance was rendered gratuitously or for a fee,~~

~~" that in good faith renders care or assistance necessitated by a traumatic injury demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, may not be held liable for more than~~ **[**~~$50,000~~**]** ***$250,000*** ~~in civil damages, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant arising out of any act or omission in rendering that care or assistance if the care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct. 2. The limitation on liability provided pursuant to this section does not apply to any act or omission in rendering care or assistance:~~

~~(a) Which occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the limitation on liability provided by subsection 1 applies to any act or omission in rendering care or assistance which occurs before the stabilization of the patient following the surgery; or~~

~~(b) Unrelated to the original traumatic injury.~~

~~3. If: (a) A physician or dentist provides follow-up care to a patient to whom the physician or dentist rendered care or assistance pursuant to subsection 1; (b) A medical condition arises during the course of the follow-up care that is directly related to the original traumatic injury for which care or assistance was rendered pursuant to subsection 1; and~~

~~(c) The patient files an action for malpractice based on the medical condition that arises during the course of the follow-up care,~~

~~→ there is a rebuttable presumption that the medical condition was the result of the original traumatic injury and that the limitation on liability provided by subsection 1 applies with respect to the medical condition that arises during the course of the follow-up care.~~

~~4.~~ ***The maximum amount of civil damages set forth in subsection 1 must be adjusted on January 1 of each year beginning on January 1, 2026, in a rounded dollar amount corresponding to the percentage increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this subsection and establish the adjusted amount to take effect on January 1 of that year.***

~~5.~~ ***5.*** For the purposes of this section:

~~(a)~~ "Reckless, willful or wanton conduct," as it applies to a person to whom subsection 1 applies, shall be deemed to be that conduct which the person knew or should have known at the time the person rendered the care or assistance would be likely to result in injury so as to affect the life or health of another person, taking into consideration to the extent applicable:

~~(1)~~ The extent or serious nature of the prevailing circumstances;

~~(2)~~ The lack of time or ability to obtain appropriate consultation;

~~(3)~~ The lack of a prior medical relationship with the patient;

~~(4)~~ The inability to obtain an appropriate medical history of the patient; ~~and~~

~~(5)~~ The time constraints imposed by coexisting emergencies.

~~(b)~~ "Traumatic injury" means any acute injury which, according to standardized criteria for triage in the field, involves a significant risk of death or the precipitation of complications or disabilities.~~]~~ **(Deleted by amendment.)**

Sec. 1.5. ~~[~~NRS 41A.017 is hereby amended to read as follows:

~~41A.017~~ ***1.*** "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

2. The term does not include:

(a) An agency to provide nursing in the home, as defined in NRS 449.0015.

(b) A facility for hospice care, as defined in NRS 449.0033.

(c) A facility for intermediate care, as defined in NRS 449.0038.

(d) A facility for skilled nursing, as defined in NRS 449.0039.

~~*(c) A nursing pool, as defined in NRS 449.0153.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 41A.035 is hereby amended to read as follows:

41A.035 ***1.*** In an action for injury or death against a provider of health care based upon professional negligence, the injured plaintiff may recover noneconomic damages, but the amount of noneconomic damages awarded in such an action must not exceed **,** $350,000, regardless of the number of plaintiffs, defendants or theories upon which liability may be based. ~~*[:*~~

~~*(a) For an action in which a hospital, other than a critical access hospital, is a party, $2,000,000.*~~

~~*(b) For any other action, $550,000.]*~~

2. ~~*[A hospital may not bring an action against a provider of health care, whether based on a claim of contractual or equitable indemnity, apportionment, contribution or other basis, to recover from the provider of health care any amount paid to a plaintiff by the hospital.]*~~ ***The maximum amount of noneconomic damages set forth in subsection 1 must be increased by $80,000 on January 1 of each year beginning on January 1, 2024, and ending on January 1, 2028, when the amount reaches $750,000.***

3. ~~*[The]*~~ ***Beginning on January 1, 2029, the maximum*** ~~*[amounts]*~~ ***amount of noneconomic damages set forth in*** ~~*[paragraphs (a) and (b) of]*~~ ***subsection 1 , as adjusted by subsection 2, must be*** ~~*[adjusted]*~~ ***increased on January 1 of each year*** ~~*[beginning on January 1, 2026, in a]*~~ ***by 2.1 percent, rounded to the nearest dollar .*** ~~*[amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding calendar year. The Attorney General shall determine the amount of the increase required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.]*~~

4. ~~*[As used in this section, "critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(c).]*~~ ***The Nevada Supreme Court shall, on or before January 1 of each year, publish on its Internet website the maximum amount of noneconomic damages that may be awarded in an action for injury or death against a provider of health care based upon professional negligence in each year for the following 20 years.***

Sec. 2.5. (Deleted by amendment.)

Sec. 3. NRS 41A.097 is hereby amended to read as follows:

41A.097 1. Except as otherwise provided in subsection ~~*[*~~3, ~~*2,]*~~ ***4,*** an action for injury or death against a provider of health care may not be commenced more than 4 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person occurring before October 1, 2002, based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person occurring before October 1, 2002, from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person occurring before October 1, 2002, from error or omission in practice by the provider of health care.

2. Except as otherwise provided in subsection ~~[3.]~~ ***4.*** an action for injury or death against a provider of health care may not be commenced more than 3 years after the date of injury or 1 year after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person occurring on or after October 1, 2002 ~~[,]~~ ***and before October 1, 2023,*** based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person occurring on or after October 1, 2002 ~~[,]~~ ***and before October 1, 2023,*** from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person occurring on or after October 1, 2002 ~~[,]~~ ***and before October 1, 2023,*** from error or omission in practice by the provider of health care.

3. Except as otherwise provided in subsection 4, an action for injury or death against a provider of health care may not be commenced more than 3 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person occurring on or after October 1, 2023, based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person occurring on or after October 1, 2023, from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person occurring on or after October 1, 2023, from error or omission in practice by the provider of health care.

4. This time limitation is tolled for any period during which the provider of health care has concealed any act, error or omission upon which the action is based and which is known or through the use of reasonable diligence should have been known to the provider of health care.

~~[4. 3.]~~ ***5.*** For the purposes of this section, the parent, guardian or legal custodian of any minor child is responsible for exercising reasonable judgment in determining whether to prosecute any cause of action limited by subsection 1 ~~[.]~~ ***, 2*** or ~~[2.]~~ ***3.*** If the parent, guardian or custodian fails to commence an action on behalf of that child within the prescribed period of limitations, the child may not bring an action based on the same alleged injury

against any provider of health care upon the removal of the child's disability, except that in the case of:

(a) Brain damage or birth defect, the period of limitation is extended until the child attains 10 years of age.

(b) Sterility, the period of limitation is extended until 2 years after the child discovers the injury.

Sec. 3.5. **NRS 7.095 is hereby amended to read as follows:**

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of ~~[:~~

~~(a) Forty percent of the first $50,000 recovered;~~

~~(b) Thirty-three and one-third percent of the next $50,000 recovered;~~

~~(c) Twenty-five percent of the next $500,000]~~ ***35 percent of the amount*** recovered ~~[; and~~

~~(d) Fifteen percent of the amount of recovery that exceeds $600,000.]~~

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 4. ~~[The amendatory provisions of section 3 of this act apply to any injury or death that occurred before October 1, 2023, regardless of any statute of limitations that was in effect at the time the injury or death occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before October 1, 2023.]~~ **(Deleted by amendment.)**

Sec. 5. The amendatory provisions of ~~[:~~

~~1. Sections 1, 1.5 and 6~~] **section 3.5** of this act apply to a cause of action that accrues on or after October 1, 2023.

~~[2. Section 2 of this act applies to a cause of action that accrues on or after January 1, 2024.]~~

Sec. 6. ~~[NRS 7.095 is hereby repealed.]~~ **(Deleted by amendment.)**

~~[~~

~~**TEXT OF REPEALED SECTION**~~

~~**7.095 Limitations on contingent fees for representation of persons in certain actions against providers of health care.**~~

~~1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:~~

~~(a) Forty percent of the first $50,000 recovered;~~

~~(b) Thirty-three and one-third percent of the next $50,000 recovered;~~

~~(c) Twenty-five percent of the next $500,000 recovered; and~~

~~(d) Fifteen percent of the amount of recovery that exceeds $600,000.~~

~~2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.~~

~~3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.~~

~~4. As used in this section:~~

~~(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.~~

~~(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.~~]

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 920 to Assembly Bill No. 404.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 452.

The following Senate amendment was read:

Amendment No. 675.

SUMMARY—Revises provisions relating to ~~[visitation with]~~ offenders**.** ~~[in a correctional institution or facility.]~~ (BDR 16-315)

AN ACT relating to offenders; requiring the Director of the Department of Corrections to adopt regulations establishing and governing a program for the visitation of offenders; ~~[requiring the Department to establish a panel to review certain decisions of a warden or manager to deny visitation;]~~ requiring a warden or manager ~~[who denies visitation]~~ to provide certain ~~[written]~~ notice regarding ~~[the denial;]~~ **the cancellation of visitation; establishing the Office of the Ombudsperson for Offenders; establishing the powers and duties of the Ombudsperson; providing that an offender has the right to receive visitors in person;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the warden or manager of a correctional institution or facility to allow visits and correspondence between offenders and appropriate friends, relatives and others. (NRS 209.423) **Section 2** of this bill requires the Director of the Department of Corrections, with the approval of the Board of State Prison Commissioners, to adopt regulations establishing and governing a program for the visitation of offenders. **Section 2** requires such regulations to prescribe **[: (1)]** requirements relating to the ~~[frequency of]~~ visitation **[;]** **of offenders, which must: (1) allow offenders to receive visitors in person, regardless of whether visitation by means of electronic communication is made available;** (2) ~~[criteria for the eligibility of an offender or prospective visitor to participate in visitation;]~~ **allow visitation by means of electronic communication, provided that such visitation is in addition to and not in lieu of in-person visitation;** (3) ~~[requirements]~~ **prescribe a procedure** for ~~[the approval or denial of]~~ a prospective visitor **[,]** **or visitor to appeal a decision of a warden or manager to deny or suspend visiting privileges;** and (4) **prescribe** requirements relating to ~~[certain notice which must be provided concerning]~~ cancelled visits. **Section 4** of this bill **provides that an offender has the right to receive visitors in person in accordance with the regulations adopted pursuant to section 2. Section 4 also** requires ~~[that]~~ a warden or manager ~~[who denies a prospective visitor]~~ to provide ~~[written]~~ notice of ~~[the denial to the prospective visitor which: (1) states the reason for the denial; (2) notifies the prospective visitor of his or her right to appeal the decision; (3) notifies the prospective visitor of the date on which he or she will be eligible to reapply to visit an offender; and (4) complies with any other requirements prescribed by]~~ **any cancelled visit in accordance with** the regulations adopted pursuant to **section 2**.

~~[The Nevada Administrative Procedure Act requires agencies of the Executive Department of the State Government to provide certain notice and to hold certain public hearings related to temporary and permanent regulations. (Chapter 233B of NRS) Existing law exempts the Department of Corrections~~

~~from the provisions of the Act, with certain exceptions. Section 5 of this bill makes a conforming change to require that the regulations required by section 2 be adopted pursuant to the Act.~~

~~Section 3 of this bill: (1) requires the Department to establish a review panel concerning the program for the visitation of offenders established pursuant to the regulations required by section 2; and (2) prescribes the membership of the panel. Section 3 authorizes a prospective visitor to appeal to the panel a denial of visitation and requires a prospective visitor who wishes to make such an appeal to submit certain information concerning the decision to the panel. Section 3 requires the panel to review each decision that is the subject of an appeal and overturn the decision if the prospective visitor: (1) meets the eligibility criteria prescribed by the regulations adopted pursuant to section 2; and (2) does not present a threat to the safety or security of an institution or facility.~~]

Section 2.5 of this bill establishes the Office of the Ombudsperson for Offenders within the Department to promote and protect the health, safety and welfare of offenders and prepare offenders for successful reentry into communities upon release. Section 2.5 requires the Office to be impartial and operationally independent of the Department. Section 2.5 also: (1) requires the Board to appoint the Ombudsperson; and (2) authorizes the Board to enter into a contract with a person to serve as Ombudsperson. Finally, section 2.5 sets forth the powers and duties of the Ombudsperson.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~*[1.]*~~ ***The Director shall adopt, with the approval of the Board, regulations establishing and governing a program, to be carried out within each facility and institution, for the visitation of offenders. The regulations must prescribe:***

~~*[(a)]*~~ ***1. Requirements relating to the*** ~~*[frequency with which opportunities for]*~~ ***visitation*** ~~*[must be made available to eligible]*~~ ***of offenders, which must:***

~~*[(1)]*~~ ***(a) Allow*** ~~*[in-person visitation at least 2 days per week for eligible]*~~ ***offenders to receive visitors in person, regardless of whether visitation by means of electronic communication is made available; and*** ~~*[;*~~

~~*(2) In]*~~

(b) Allow visitation by means of electronic communication, provided that such visitation is in addition to ~~*[any other]*~~ ***and not in lieu of in-person visitation.*** ~~*[to which an eligible offender may be entitled, allow:*~~

~~*(I) At least two in-person, contact visits per week for eligible offenders who gave birth at any time during the immediately preceding*~~

~~6 weeks, regardless of whether the offender is entitled to additional visits pursuant to sub-subparagraphs (II), (III) or (IV);~~

~~(II) At least two in person, contact visits per week for eligible offenders who are hospitalized, regardless of whether the offender is entitled to additional visits pursuant to sub-subparagraphs (I), (III) or (IV);~~

~~(III) At least 5 consecutive days of in person, contact visits per week for eligible offenders who are receiving hospice care, regardless of whether the offender is entitled to additional visits pursuant to sub-subparagraphs (I), (II) or (IV); and~~

~~(IV) At least 5 consecutive days of in person, contact visits per week for eligible offenders who are parents of children who are less than 1 year of age, regardless of whether the offender is entitled to additional visits pursuant to sub-subparagraphs (I), (II) or (III);~~

~~(b) Criteria for the eligibility of:~~

~~(1) An offender to receive visitors; and~~

~~(2) A prospective visitor;~~

~~(c) Requirements relating to the approval or denial of a prospective visitor which must include, without limitation:~~

~~(1) Requirements relating to the notice which must be provided by a warden or manager pursuant to NRS 209.423;~~

~~(2) An opportunity to appeal a decision made by the warden or manager; and~~

~~(3) A procedure for such an appeal; and~~

~~(d) Requirements]~~

2. Requirements relating to the cancellation of visitation, which must, without limitation, prescribe:

(a) The frequency with which an institution or facility may cancel visitation for all offenders in the institution or facility; and

(b) Requirements relating to the notice which must be provided to a visitor concerning a cancelled visit. ~~[, which must include, without limitation, a requirement that such notice be:~~

~~(1) Provided at least 72 hours in advance of the cancelled visit for institution-wide or facility-wide cancellations; and~~

~~(2) Made publicly available on the Internet website of the Department or the institution or facility.~~

~~2. The regulations adopted pursuant to this section must be adopted in accordance with the provisions of chapter 233B of NRS.~~

~~3. As used in this section, "eligible offender" means an offender who meets the criteria for eligibility to receive visitors prescribed by the regulations adopted pursuant to this section.]~~

3. A procedure for a prospective visitor or visitor to appeal a decision of a warden or manager to deny or suspend the visiting privileges of the prospective visitor or visitor.

Sec. 2.5. 1. The Office of the Ombudsperson for Offenders is hereby established within the Department to promote and protect the health, safety

and welfare of offenders and prepare offenders for successful reentry into communities upon release. The Office must be impartial and operationally independent of the Department.

2. The Board shall appoint the Ombudsperson and may enter into a contract with a person to serve as Ombudsperson. The Ombudsperson serves at the pleasure of the Board.

3. Except as otherwise provided in subsection 6, the Ombudsperson may:

(a) Investigate and attempt to resolve grievances arising out of, or relating to, issues within the authority and control of the Department, including, without limitation, grievances relating to:

(1) Alleged abuse or neglect;

(2) Conditions of confinement;

(3) Alleged violations of any law of this State; and

(4) Actions that may be inconsistent with any policy, procedure, regulation or rule of the Department; and

(b) Propose policy or procedural changes to the Department relating to any systemic issue identified by the Ombudsperson.

4. If the Ombudsperson has reason to believe that a violation of a state or federal law or a constitutional provision has occurred or is occurring, the Ombudsperson shall notify the Director.

5. Except as otherwise provided in subsection 6, the Ombudsperson shall:

(a) Review grievances entered into NOTIS;

(b) Provide such training as the Ombudsperson determines to be necessary or advisable to promote the purpose described in subsection 1 or suggest appropriate referrals for the provision of any such training; and

(c) Prepare an annual report, which must include, without limitation:

(1) Information concerning grievances entered into NOTIS for the immediately preceding year, which must include:

(I) The total number of grievances filed during the immediately preceding year;

(II) A summary of the claims included in grievances filed during the immediately preceding year;

(III) The total number of investigations conducted by the Department during the immediately preceding year; and

(IV) The outcome of each investigation conducted by the Department during the immediately preceding year;

(2) A summary of the activities of the Office during the immediately preceding year, including, without limitation, information regarding any training provided by the Ombudsperson or referrals made by the Ombudsperson;

(3) Any recommendations for proposed legislation; and

(4) Any other information the Ombudsperson determines is appropriate to include in the report.

6. The Ombudsperson shall not:

(a) Review, investigate or attempt to resolve any grievance relating to a judgment of conviction; or

(b) Interfere with any ongoing investigation of the Department, including, without limitation, any ongoing investigation being conducted by the Inspector General of the Department.

7. The Department shall provide any funds necessary to carry out the provisions of this section.

8. Notwithstanding any other provision of law, the Department shall grant the Ombudsperson access to any information concerning grievances entered into NOTIS or stored at an institution or facility.

9. On or before December 1 of each year, the Ombudsperson shall submit the report required by subsection 5 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

10. As used in this section, "NOTIS" means the Nevada Offender Tracking Information System or its successor.

Sec. 3. ~~[*1. The Department shall establish a review panel concerning the program for the visitation of offenders established pursuant to section 2 of this act. The Director shall appoint to the review panel:*~~

~~*(a) One member who is a mental health professional;*~~

~~*(b) One member who is an administrator of the Department; and*~~

~~*(c) One member who is a case manager.*~~

~~*2. A prospective visitor whose application is denied may appeal that determination to the review panel established pursuant to subsection 1.*~~

~~*3. An appeal filed pursuant to subsection 2 must be submitted in writing and include:*~~

~~*(a) The name of the prospective visitor;*~~

~~*(b) The name of the institution or facility to which an application was denied;*~~

~~*(c) The reasons for the appeal; and*~~

~~*(d) Any additional documentation or evidence supporting the appeal.*~~

~~*4. The review panel established pursuant to subsection 1 shall review a decision that is the subject of an appeal and issue a decision in writing concerning the appeal. The review panel shall overturn a decision that is the subject of an appeal if the prospective visitor:*~~

~~*(a) Meets the criteria for eligibility prescribed by the regulations adopted pursuant to section 2 of this act; and*~~

~~*(b) Does not present a threat to the safety or security of an institution or facility.*~~

~~*5. As used in this section:*~~

~~*(a) "Administrator" means a deputy director, superintendent or other employee of the Department to whom the Director has delegated authority.*~~

~~*(b) "Case manager" means an employee of the Department whose duties include, without limitation, providing rehabilitation and support services to offenders.]*~~ **(Deleted by amendment.)**

Sec. 4. NRS 209.423 is hereby amended to read as follows:

209.423 ***1. An offender shall have the right to receive visitors in person in accordance with the regulations adopted pursuant to section 2 of this act.***

2. Wardens and managers may authorize visits and correspondence between offenders and appropriate friends, relatives, and others ~~[under *prospective visitors]*~~ ***in accordance with the*** regulations adopted ~~[by the Director and approved by the Board.]~~ ***pursuant to section 2 of this act.***

~~*[2.]*~~ ***3. A warden or manager*** ~~*[who denies a prospective visitor]*~~ ***must provide*** ~~*[written]*~~ ***notice of*** ~~*[the denial to the prospective visitor. Such notice must:*~~

~~*(a) State the reason for the denial;*~~

~~*(b) Notify the prospective visitor of:*~~

~~*(1) His or her right to appeal the decision; and*~~

~~*(2) The date on which he or she will be eligible to reapply to visit an offender; and*~~

~~*(c) Comply with any other requirements prescribed by]*~~ ***any cancelled visit in accordance with the regulations adopted pursuant to section 2 of this act.***

~~*[3. Wardens and managers may authorize correspondence between offenders and appropriate friends, relatives and others under regulations adopted by the Director and approved by the Board.]*~~

Sec. 5. ~~[NRS 233B.039 is hereby amended to read as follows:~~

~~233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:~~

~~(a) The Governor.~~

~~(b) Except as otherwise provided in NRS 209.221 and 209.2473, *and section 2 of this act,* the Department of Corrections.~~

~~(c) The Nevada System of Higher Education.~~

~~(d) The Office of the Military.~~

~~(e) The Nevada Gaming Control Board.~~

~~(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.~~

~~(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

~~(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.~~

~~(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.~~

~~(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.~~

~~(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the~~

~~schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.~~

~~(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.~~

~~(m) The Silver State Health Insurance Exchange.~~

~~(n) The Cannabis Compliance Board.~~

~~2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~

~~3. The special provisions of:~~

~~(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;~~

~~(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;~~

~~(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and~~

~~(d) NRS 90.800 for the use of summary orders in contested cases,~~

~~→ prevail over the general provisions of this chapter.~~

~~4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.~~

~~5. The provisions of this chapter do not apply to:~~

~~(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;~~

~~(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;~~

~~(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;~~

~~(d) The judicial review of decisions of the Public Utilities Commission of Nevada;~~

~~(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;~~

~~(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;~~

~~(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;~~

~~(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;~~

~~(i) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;~~

~~(j) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or~~

~~(k) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.~~

~~6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~**] (Deleted by amendment.)**

Sec. 5.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[5,]~~ **5.5,** inclusive, of this act become effective ~~[:~~

~~(a) Upon~~**]** **upon** passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act **,** ~~[;]~~ and

~~[(b) On]~~ **on** January 1, 2024, for all other purposes.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 675 to Assembly Bill No. 452.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 964.

AN ACT relating to offenders; requiring the Director of the Department of Corrections to adopt regulations establishing and governing a program for the visitation of offenders; requiring a warden or manager to provide certain notice regarding the cancellation of visitation; establishing the Office of the Ombudsperson for Offenders; establishing the powers and duties of the Ombudsperson; providing that an offender has the right to receive visitors in person; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the warden or manager of a correctional institution or facility to allow visits and correspondence between offenders and appropriate friends, relatives and others. (NRS 209.423) **Section 2** of this bill requires the Director of the Department of Corrections, with the approval of the Board of State Prison Commissioners, to adopt regulations establishing and governing a program for the visitation of offenders. **Section 2** requires such regulations to prescribe requirements relating to the visitation of offenders, which must: (1) allow offenders to receive visitors in person, regardless of whether visitation by means of electronic communication is made available; (2) allow visitation by means of electronic communication, provided that such visitation is in addition to and not in lieu of in-person visitation; (3) prescribe a procedure for a prospective visitor or visitor to appeal a decision of a warden or manager to deny or suspend visiting privileges; and (4) prescribe requirements relating to cancelled visits. **Section 4** of this bill provides that an offender has the right to receive visitors in person in accordance with the regulations adopted pursuant to **section 2**. **Section 4** also requires a warden or manager to provide notice of any cancelled visit in accordance with the regulations adopted pursuant to **section 2**.

Section 2.5 of this bill establishes the Office of the Ombudsperson for Offenders within the Department to promote and protect the health, safety and welfare of offenders and prepare offenders for successful reentry into communities upon release. **Section 2.5** requires the Office to be impartial and operationally independent of the Department. **Section 2.5** also: (1) requires the Board to appoint the Ombudsperson; and (2) authorizes the Board to enter into a contract with a person to serve as Ombudsperson. Finally, **section 2.5** sets forth the powers and duties of the Ombudsperson.

Section 5.3 of this bill makes an appropriation to the Department for the cost of contract services for the Office of the Ombudsperson for Offenders.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 2.5 and 3 of this act.

Sec. 2. ***The Director shall adopt, with the approval of the Board, regulations establishing and governing a program, to be carried out within each facility and institution, for the visitation of offenders. The regulations must prescribe:***

1. Requirements relating to the visitation of offenders, which must:

(a) Allow offenders to receive visitors in person, regardless of whether visitation by means of electronic communication is made available; and

(b) Allow visitation by means of electronic communication, provided that such visitation is in addition to and not in lieu of in-person visitation.

2. Requirements relating to the cancellation of visitation, which must, without limitation, prescribe:

(a) The frequency with which an institution or facility may cancel visitation for all offenders in the institution or facility; and

(b) Requirements relating to the notice which must be provided to a visitor concerning a cancelled visit.

3. A procedure for a prospective visitor or visitor to appeal a decision of a warden or manager to deny or suspend the visiting privileges of the prospective visitor or visitor.

Sec. 2.5. *1. The Office of the Ombudsperson for Offenders is hereby established within the Department to promote and protect the health, safety and welfare of offenders and prepare offenders for successful reentry into communities upon release. The Office must be impartial and operationally independent of the Department.*

2. The Board shall appoint the Ombudsperson and may enter into a contract with a person to serve as Ombudsperson. The Ombudsperson serves at the pleasure of the Board.

3. Except as otherwise provided in subsection 6, the Ombudsperson may:

(a) Investigate and attempt to resolve grievances arising out of, or relating to, issues within the authority and control of the Department, including, without limitation, grievances relating to:

(1) Alleged abuse or neglect;

(2) Conditions of confinement;

(3) Alleged violations of any law of this State; and

(4) Actions that may be inconsistent with any policy, procedure, regulation or rule of the Department; and

(b) Propose policy or procedural changes to the Department relating to any systemic issue identified by the Ombudsperson.

4. If the Ombudsperson has reason to believe that a violation of a state or federal law or a constitutional provision has occurred or is occurring, the Ombudsperson shall notify the Director.

5. Except as otherwise provided in subsection 6, the Ombudsperson shall:

(a) Review grievances entered into NOTIS;

(b) Provide such training as the Ombudsperson determines to be necessary or advisable to promote the purpose described in subsection 1 or suggest appropriate referrals for the provision of any such training; and

(c) Prepare an annual report, which must include, without limitation:

(1) Information concerning grievances entered into NOTIS for the immediately preceding year, which must include:

(I) The total number of grievances filed during the immediately preceding year;

(II) A summary of the claims included in grievances filed during the immediately preceding year;

(III) The total number of investigations conducted by the Department during the immediately preceding year; and

(IV) The outcome of each investigation conducted by the Department during the immediately preceding year;

(2) A summary of the activities of the Office during the immediately preceding year, including, without limitation, information regarding any training provided by the Ombudsperson or referrals made by the Ombudsperson;

(3) Any recommendations for proposed legislation; and

(4) Any other information the Ombudsperson determines is appropriate to include in the report.

6. The Ombudsperson shall not:

(a) Review, investigate or attempt to resolve any grievance relating to a judgment of conviction; or

(b) Interfere with any ongoing investigation of the Department, including, without limitation, any ongoing investigation being conducted by the Inspector General of the Department.

7. The Department shall provide any funds necessary to carry out the provisions of this section.

8. Notwithstanding any other provision of law, the Department shall grant the Ombudsperson access to any information concerning grievances entered into NOTIS or stored at an institution or facility.

9. On or before December 1 of each year, the Ombudsperson shall submit the report required by subsection 5 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

10. As used in this section, "NOTIS" means the Nevada Offender Tracking Information System or its successor.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 209.423 is hereby amended to read as follows:

209.423 ***1. An offender shall have the right to receive visitors in person in accordance with the regulations adopted pursuant to section 2 of this act.***

2. Wardens and managers may authorize visits and correspondence between offenders and appropriate friends, relatives, and others ~~[under]~~ ***in accordance with the*** regulations adopted ~~[by the Director and approved by the Board.]~~ ***pursuant to section 2 of this act.***

3. A warden or manager must provide notice of any cancelled visit in accordance with the regulations adopted pursuant to section 2 of this act.

Sec. 5. (Deleted by amendment.)

Sec. 5.3. **1. There is hereby appropriated from the State General Fund to the Department of Corrections for the cost of contract services for the Office of the Ombudsperson for Offenders established by section 2.5 of this act the following sums:**

For the Fiscal Year 2023-2024..... $175,000
For the Fiscal Year 2024-2025..... $350,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 5.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. **Section 5.3 of this act becomes effective on July 1, 2023.**

3. Sections 1 to ~~[5.5,]~~ **5,** inclusive, **and section 5.5** of this act become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2024, for all other purposes.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 964 to Assembly Bill No. 452.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 281.

The following Senate amendment was read:

Amendment No. 927.

AN ACT relating to health care; requiring the ~~[administrator]~~ **administrators** of ~~[a]~~ **certain** senior living ~~[facility]~~ **facilities** to ensure **that such** a senior living facility is equipped with a functional ventilation system; establishing requirements governing the detection of carbon dioxide at **such** a senior living facility; establishing requirements for the assessment of and any repair, upgrade or installation to ~~[such]~~ heating, ventilation and air-conditioning systems at **such** senior living facilities; requiring certain personnel to complete and review an assessment report on such a ventilation system; requiring the ~~[administrator]~~ **administrators** of ~~[a]~~ **certain** senior living ~~[facility]~~ **facilities** to prepare a report on work performed on such a ventilation system; providing that such a report is a public record; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements for certain medical facilities that provide care to persons who are aged or infirm, including, without limitation, a facility for intermediate care, facility for skilled nursing, a residential facility for groups and a home for individual residential care. (Chapter 449 of NRS) This bill establishes requirements for the heating, ventilation and air-conditioning systems of a senior living facility.

Section 7 of this bill defines "senior living facility" as any facility that receives any federal funding from Medicare, Medicaid or other federal health care program and which provides living assistance and related care to a resident of the facility who is an aged or infirm person, including, without limitation, a facility for intermediate care, facility for skilled nursing, a residential facility for groups and a home for individual residential care. **Sections 3-8.7** of this bill define other terms related to ventilation systems in senior living facilities.

Section 9 of this bill sets forth a legislative declaration relating to ventilation systems in senior living facilities. **Section 9.2 of this bill limits the applicability of the provisions of this bill to senior living facilities located in a county whose population is 100,000 or more (currently Clark and Washoe Counties).** **Section 9.5** of this bill requires the State Board of Health to review each new edition of certain standards incorporated into this bill to determine their suitability for this State.

Section 10 of this bill requires, to the extent money is available, the administrator of a senior living facility to ensure that the senior living facility is equipped with a functional ventilation system and to have periodic assessments of the existing system conducted by qualified adjusting personnel or qualified testing personnel. **Section 10** also authorizes a facility that is certified as an assisted living facility to use certain federal money received to upgrade and maintain the ventilation system of that facility.

Section 14 of this bill prescribes requirements governing carbon dioxide detectors at a senior living facility. **Section 14** also requires the administrator of a senior living facility to cause an adjustment to the ventilation if the concentration of carbon dioxide exceeds a certain amount.

Section 14.5 of this bill sets forth the requirements for qualified testing personnel to assess the heating, ventilation and air-conditioning system of a senior living facility. **Section 14.5** also requires qualified testing personnel to prepare a heating, ventilation and air-conditioning assessment report, including certain information relating to the assessments conducted pursuant to that section.

Section 18 of this bill: (1) requires a heating, ventilation and air-conditioning assessment report to be reviewed by a mechanical engineer; and (2) imposes certain duties on the mechanical engineer to facilitate improvements determined necessary based on the report.

Section 19 of this bill requires a senior living facility to take certain corrective actions in response to a heating, ventilation and air-conditioning

assessment report and review by a mechanical engineer. **Section 20** of this bill imposes certain requirements governing the workforce used to perform such corrective actions.

Section 21 of this bill requires the administrator of a senior living facility to prepare a report on the work performed pursuant to a heating, ventilation and air-conditioning assessment report and review by a mechanical engineer and to submit the report to the Division of Public and Behavioral Health of the Department of Health and Human Services.

Section 22 of this bill provides that a heating, ventilation and air-conditioning assessment report and a report created by an administrator of a senior living facility pursuant to **section 21** are public records and available for public inspection. **Sections 22.5 and 23** of this bill provide for the expiration of the provisions of this bill where there is no longer sufficient federal money available to facilitate compliance with its provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8.7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Apprenticeship program" means an apprenticeship program approved by the State Apprenticeship Council created by NRS 610.030.***

Sec. 3.1. ***"ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.***

Sec. 3.2. ***"Certified TAB technician" means a technician who is certified to perform testing, adjusting and balancing of HVAC systems by the Associated Air Balance Council, National Environmental Balancing Bureau, Inc. or the Testing, Adjusting and Balancing Bureau, or a similar successor organization.***

Sec. 3.3. ***"Functional ventilation system" means a heating, ventilation and air-conditioning system that provides the minimum acceptable level of ventilation in accordance with the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality most recently approved by the Board pursuant to section 9.5 of this act.***

Sec. 3.4. ***"HVAC" means heating, ventilation and air-conditioning.***

Sec. 3.5. ***"Mechanical engineer" means a professional engineer who is licensed in the discipline of mechanical engineering by this State and who has professional experience with heating, ventilation and air-conditioning systems.***

Sec. 3.6. ***"MERV" means minimum efficiency reporting value, as established by ASHRAE Standard 52.2-2017, Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size.***

Sec. 4. (Deleted by amendment.)

Sec. 5. ***"Qualified adjusting personnel" means either of the following:***

1. A certified TAB technician; or

2. A skilled and trained workforce under the supervision of a certified TAB technician.

Sec. 6. ***"Qualified testing personnel" means either of the following:***

1. A certified TAB technician; or

2. A person certified to perform assessments of heating, ventilation and air-conditioning systems by a certifying body in accordance with the edition of standard ISO/IEC 17024, Conformity assessment -- General requirements for bodies operating certification of persons, of the International Organization for Standardization most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 7. ***"Senior living facility" means any facility that receives any federal funding from Medicare, Medicaid or other federal health care program and which provides living assistance and related care to a resident of the facility who is an aged or infirm person including, without limitation, a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care.***

Sec. 8. ***"Skilled and trained workforce" means a workforce not less than 60 percent of which is composed of graduates of an apprenticeship program for the applicable occupation.***

Sec. 8.3. ***"Ventilation verification assessment" means an assessment to determine the status of a ventilation system performed in accordance with section 14 of this act.***

Sec. 8.7. ***"Zone" means an area of a senior living facility where the temperature is controlled by one thermostat.***

Sec. 9. ***The Legislature finds and declares that:***

1. Studies have found:

(a) Most ventilation systems are improperly installed; and

(b) Many of the problems with ventilation systems are linked to the use of inadequately trained personnel to install, test, adjust and balance ventilation systems.

2. Ventilation systems should operate as efficiently as possible and inspections and repairs should be performed by qualified personnel.

3. In addition to increasing the risk of infectious, airborne diseases, inadequate ventilation systems in senior living facilities negatively impact the health of residents and staff in senior living facilities.

4. Improving indoor air quality in senior living facilities may protect the health of residents and staff, reduce the risk of infectious, airborne diseases and save energy.

5. Senior living facilities should have functioning ventilation systems that meet or exceed recommended health and safety standards.

6. Consistent statewide standards for senior living facilities are necessary to protect the health and safety of residents and staff.

Sec. 9.2. ***The provisions of sections 2 to 22, inclusive, of this act apply only to senior living facilities located in a county whose population is 100,000 or more.***

Sec. 9.5. ***The Board shall review the editions of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality, Standard ISO/IEC 17024, Conformity assessment -- General requirements for bodies operating certification of persons, of the International Organization for Standardization, and the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials in effect on the effective date of this act to ensure the suitability of the new edition for this State. Each new edition of those standards shall be deemed approved by the Board unless the edition is disapproved by the Board within 60 days after the date of publication of the new edition.***

Sec. 10. ***1. To the extent that money is available, the administrator of a senior living facility shall ensure that the senior living facility is equipped with a functional ventilation system that is tested, adjusted and, if necessary or cost-effective, repaired, upgraded or replaced to increase efficiency and performance in accordance with the provisions of sections 2 to 22, inclusive, of this act. Money shall be considered available if the senior living facility:***

(a) Receives federal or state money and allocates such money to equip the senior living facility with a functional ventilation system or improve the ventilation system or indoor air quality in the senior living facility; or

(b) As a condition of receiving federal or state money is required to ensure the senior living facility is equipped with a functional ventilation system or improve the ventilation system or indoor air quality in the senior living facility.

2. Not later than July 1, 2025, and at least once every 5 years thereafter, the administrator of a senior living facility or any other person that ensures a senior living facility is equipped with a functional ventilation system pursuant to this section shall employ qualified adjusting personnel or qualified testing personnel, or cause such persons to be contracted, to perform a ventilation verification assessment in accordance with section 14.5 of this act to determine the status of and make any necessary improvements to the heating, ventilation and air-conditioning system of the senior living facility.

3. A senior living facility that is an assisted living facility certified by the Housing Division of the Department of Business and Industry pursuant to NRS 319.147 may use federal money received pursuant to paragraph (a) of subsection 1 to upgrade and maintain the ventilation system of that facility.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. ***1. Except as otherwise provided in subsection 2, each zone in a senior living facility must be equipped with a carbon dioxide monitor and***

at least one carbon dioxide monitor for each 10,000 square feet of floor space. Such a carbon dioxide monitor must:

(a) Be hardwired, plugged in or battery-operated and mounted to the wall at least 3 feet but not more than 6 feet above the floor and at least 5 feet away from any door or operable window;

(b) Display readings of the concentration of carbon dioxide to appropriate personnel through a display on the monitor or through an application on an Internet website or a cellular telephone;

(c) Provide a visual notification, including, without limitation, through an indicator light, electronic mail, text message or an application on a cellular telephone, when the concentration of carbon dioxide in the room reaches 1,100 parts per million or more;

(d) Maintain a record of previous data that includes, without limitation, the maximum carbon dioxide concentration measured;

(e) Have a range of 400 parts per million to 5,000 parts per million or more; and

(f) Be certified by the manufacturer of the carbon dioxide monitor to:

(1) Be accurate within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million; and

(2) Require calibration not more than once every 5 years.

2. The technical specifications for carbon dioxide monitors set forth in subsection 1 may be amended by regulation of the Board as necessary to reflect available technology and to achieve the intent of that subsection.

3. If appropriate personnel observe a concentration of carbon dioxide exceeding 1,100 parts per million more than once in any 7-day period in any zone, the administrator of the senior living facility shall cause qualified adjusting personnel to adjust the ventilation of the zone as necessary to ensure that the concentration of carbon dioxide in the zone remains below 1,100 parts per million.

Sec. 14.5. ***1. In a ventilation verification assessment of a senior living facility performed pursuant to section 10 of this act, qualified testing personnel must:***

(a) Record information from HVAC equipment and the motor nameplate.

(b) Conduct such testing as necessary to determine that filters are performing at maximum efficiency.

(c) Obtain physical measurements of the outside air rates at minimum and maximum load conditions.

(d) For each zone, estimate the number of occupants and determine the current occupancy categories, as listed in Table 402.1 of ASHRAE Standard 62.1-2022, Ventilation and Acceptable Indoor Air Quality.

(e) Verify the operation of components of the ventilation system.

(f) Measure all inlets and outlets for air distribution.

(g) Verify the proper operation of each unit of the HVAC system.

(h) Verify that maintenance has been performed in accordance with section 8 and table 8.1 of ASHRAE Standard 62.1-2022, Ventilation and Acceptable Indoor Air Quality.

(i) Verify that control sequences are organized in a manner that facilitates proper operation of the HVAC system.

(j) Verify the installation of carbon dioxide monitors as required by section 14 of this act and the accuracy of all carbon dioxide monitors within 75 parts per million at a carbon dioxide concentration of 1,000 parts per million.

(k) If the facility is not currently equipped with mechanical ventilation, collect field data to determine the feasibility of installing such ventilation.

(l) Identify such adjustments, repairs, upgrades or replacements described in section 19 of this act as are necessary to meet:

(1) The minimum requirements concerning ventilation and filtration prescribed by any applicable local building code; and

(2) The criteria of the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality, most recently approved by the Board pursuant to section 9.5 of this act.

(m) Document the performance of each task performed pursuant to paragraphs (a) to (l), inclusive.

2. Based on the documentation described in paragraph (m) of subsection 1, the qualified testing personnel who perform a ventilation verification assessment pursuant to section 10 of this act must prepare an HVAC assessment report and provide the report to a mechanical engineer for review in accordance with section 18 of this act.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. ***The mechanical engineer who reviews an HVAC assessment report pursuant to subsection 2 of section 14.5 of this act must:***

1. Verify or adjust the estimated minimum outside air ventilation rates.

2. Determine what, if any, additional adjustments, repairs, upgrades or replacements described in section 19 of this act are necessary to meet:

(a) The minimum ventilation and filtration requirements of the local building code; and

(b) The criteria of the edition of ASHRAE Standard 62.1, Ventilation and Acceptable Indoor Air Quality most recently approved by the Board pursuant to section 9.5 of this act.

3. Provide the senior living facility with an estimate of costs for all recommended work.

Sec. 19. ***1. A senior living facility shall take any corrective actions:***

(a) Identified in an HVAC assessment report created pursuant to subsection 2 of section 14.5 of this act and reviewed by a mechanical engineer pursuant to section 18 of this act; or

(b) Identified by a mechanical engineer pursuant to section 18 of this act.

2. Corrective actions identified in an HVAC assessment report or by a mechanical engineer must include, where necessary:

(a) Testing, adjusting and balancing the mechanical ventilation system of the senior living facility, if any; and

(b) If necessary or cost effective, repairs, upgrades or replacement of the HVAC system or installation of a stand-alone mechanical ventilation system.

3. Corrective actions identified in an HVAC assessment report or by a mechanical engineer may additionally include, without limitation:

(a) General maintenance.

(b) Reading and adjustment of ventilation rates.

(c) Replacement of filters to meet a MERV of at least 13 if equipment allows, while ensuring that the pressure drop is less than the capability of the fan.

(d) Direct outside airflow intake measurement.

4. A senior living facility may only use portable filtration and air cleaners:

(a) If the infrastructure of the existing HVAC system is not able to meet the requirements for filtration and ventilation prescribed by sections 2 to 22, inclusive, of this act.

(b) As recommended by a mechanical engineer as a supplemental enhancement to the permanent infrastructure of the HVAC system:

(1) When the desired indoor air quality cannot be maintained with the mechanical ventilation system; or

(2) There exist concerns relating to outdoor air contaminants such as those created by wildfires and air pollution.

5. All adjustments to an HVAC system at a senior living facility must be performed by qualified adjusting personnel.

Sec. 20. *1. The administrator of a senior living facility shall ensure that all work required by section 19 of this act including, without limitation, repairs, upgrades and replacements of an HVAC system, is performed by a skilled and trained workforce of the construction industry and in compliance with applicable regulations of the Board.*

2. The Division and the Board shall work in consultation with the Labor Commissioner, as necessary, to ensure that assessments and construction required pursuant to sections 2 to 22, inclusive, of this act satisfy any applicable standards and requirements of the edition of the Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials, most recently approved by the Board pursuant to section 9.5 of this act.

Sec. 21. *Upon the completion of work required by section 19 of this act, the administrator of a senior living facility shall submit a report to the Division. The report must include:*

1. The name and address of:

(a) The senior living facility;

(b) The person preparing and certifying the report; and

(c) The qualified testing personnel, qualified adjusting personnel, mechanical engineers, contractors and the members of the skilled and trained workforce of the construction industry who performed assessments, adjustments or construction relating to the work.

2. Copies of the certification and license, if applicable, of each person identified in paragraph (c) of subsection 1.

3. A copy of all procurement documents relating to the work.

4. Documentation of:

(a) Verifications of initial operating ventilation rates.

(b) Adjustments, repairs, upgrades and replacements performed pursuant to section 19 of this act.

(c) The final operating conditions of the HVAC system, including, without limitation, the MERV of the filtration system and verified ventilation and exhaust rates for classrooms, auditoriums, gymnasiums, restrooms, offices and other occupied spaces.

(d) Verification that all work has been tested by qualified testing personnel and adjusted by qualified adjusting personnel.

(e) Verification that all repairs, upgrades and replacements were performed by a contractor who uses a skilled and trained workforce of the construction industry and who is in compliance with any applicable standards of the United States Department of Labor.

(f) Compliance with section 19 of this act, including, without limitation, the make and model of each carbon dioxide monitor installed in the senior living facility.

Sec. 22. ***An HVAC assessment report created pursuant to section 14.5 of this act and reviewed by a mechanical engineer pursuant to section 18 of this act and a report submitted to the Division by the administrator of a senior living facility pursuant to section 21 of this act are public records and are available for public inspection.***

Sec. 22.5. 1. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall regularly monitor the amount of federal money available to facilitate the compliance of senior living facilities with the provisions of sections 2 to 22, inclusive, of this act. On the date on which the Administrator determines that there is insufficient federal money available for that purpose, the Administrator shall transmit notice of that determination to the Governor and the Director of the Legislative Counsel Bureau.

2. As used in this section, "senior living facility" has the meaning ascribed to it in section 7 of this act.

Sec. 23. This act becomes effective upon passage and approval, and expires by limitation on the date on which the Director of the Legislative Counsel Bureau receives notice of a determination by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to section 22.5 of this act that there is insufficient

federal money available to facilitate the compliance of senior living facilities with the provisions of sections 2 to 22, inclusive, of this act.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 927 to Assembly Bill No. 281.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 7.

The following Senate amendment was read:

Amendment No. 936.

CONTAINS UNFUNDED MANDATE (§§ ~~[1.3,]~~ **1.08, 1.94,** 2)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to health care; **requiring the adoption of a framework for the electronic transmittal, maintenance and exchange of certain health information; requiring governmental entities, health care facilities and providers, insurers and insurance administrators to maintain, transmit and exchange health information electronically; authorizing the imposition of certain discipline against a health care provider, insurer or insurance administrator that fails to comply with that requirement;** authorizing the Director of the Department of Health and Human Services to contract with multiple health information exchanges to perform certain functions; ~~[requiring the Director to prescribe certain standards governing the maintenance and exchange of electronic health records;]~~ **prohibiting the transmittal of health information to a health information exchange without the affirmative consent of the patient;** expanding immunity from certain liability for health care providers who use a health information exchange; ~~[requiring medical facilities and providers of health care to store, transmit and exchange health records electronically;]~~ making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Health and Human Services to adopt regulations governing health information exchanges and the transmittal, ownership, management, use and confidentiality of electronic health records. (NRS 439.587, 439.589) Section 1.08 of this bill requires the Director to prescribe by regulation a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions and health-related information. Section 1.08 requires that framework to establish standards for networks and technologies to be used to maintain, transmit and exchange health information, including standards that require: (1) the ability for patients to access and forward their records; and (2) the interoperability of such networks and technologies. Section 2.7 of this bill requires the Director to convene an advisory group to advise the Director in the adoption of those standards.

With certain exceptions, sections 1.08, 1.94, 1.96, 2 and 2.8 of this bill require governmental entities, health care providers, insurers, pharmacy benefit managers and other insurance administrators to maintain, transmit and exchange health information electronically in accordance with those standards and other provisions governing electronic health records, beginning on: (1) July 1, 2024, for hospitals and large physician group practices; (2) July 1, 2025, for governmental entities, other large health care practices, insurers, pharmacy benefit managers and other insurance administrators; and (3) January 1, 2030, for small physician group practices and other small health care practices. Sections 1.02 and 1.08 of this bill provide that a health care provider, insurer, pharmacy benefit manager or other insurance administrator that fails to comply with that requirement is not guilty of a misdemeanor. Instead, section 1 of this bill requires the Department to notify any regulatory body that has issued a license, certificate, registration, permit or similar credential to a health care provider, insurer, pharmacy benefit manager or other insurance administrator if the holder of the credential fails to comply with that requirement. After receiving such notice, sections 1.3, 1.92, 2, 2.2 and 2.35 of this bill authorize a regulatory body to impose corrective action or an administrative penalty on the health care provider, insurer, pharmacy benefit manager or other insurance administrator. Section 1 of this bill requires the Department to notify the relevant regulatory body if a health care provider, insurer, pharmacy benefit manager or other insurance administrator that was previously out of compliance with the requirement to maintain, transmit and exchange health information electronically comes into compliance with that requirement. Section 1.06 of this bill removes duplicative requirements concerning the adoption of regulations governing electronic health records. Sections 1.02-1.07, 1.4-1.9, 1.98, 2.05, 2.15, 2.25, 2.3, 2.4 and 2.45 of this bill make conforming changes to indicate the proper placement of sections 1, 1.3, 2.1 and 2.2 in the Nevada Revised Statutes.

Existing law authorizes the Director of the Department of Health and Human Services to contract with not more than one health information exchange to be responsible for compiling statewide master indexes of patients, health care providers and payers. (NRS 439.587) **Section ~~[1]~~ 1.06** of this bill authorizes the Director to contract with multiple health information exchanges to perform those functions. **Section ~~[1]~~ 1.06** also removes a requirement that the Director encourage the use of health information exchanges**.** ~~**[and prohibits the Director from requiring any person to use a health information exchange.]**~~

Existing law requires that, with certain exceptions, a patient consent before his or her electronic health record is retrieved from a health information exchange. (NRS 439.591) Section 1.09 of this bill: (1) clarifies that such consent must be affirmative; and (2) requires that a patient also provide such consent before his or her electronic health record is transmitted to a health information exchange.

Existing law provides that a health care provider who with reasonable care relies upon an apparently genuine electronic health record accessed from a health information exchange to make a decision concerning the provision of health care to a patient is immune from civil or criminal liability for the decision if: (1) the electronic health record is inaccurate; (2) the inaccuracy was not caused by the health care provider; (3) the inaccuracy resulted in an inappropriate health care decision; and (4) the health care decision was appropriate based upon the information contained in the inaccurate electronic health record. (NRS 439.593) **Section 1.1** of this bill expands this immunity from liability to also apply to any health care provider who transmits, accesses, utilizes, discloses, relies upon or provides to the patient any apparently genuine electronic health record in accordance with applicable law and regulations. **Section 1.2** of this bill provides that transmitting, accessing, utilizing or disclosing an electronic health record is not an unfair trade practice.

~~**[**Existing law: (1) provides for the regulation of medical facilities; and (2) establishes requirements governing the maintenance of the health records of providers of health care. (Chapter 449 of NRS; NRS 629.051-629.069) Beginning on January 1, 2028, sections 1.3 and 2 of this bill require such facilities and providers of health care to maintain, transmit and exchange health records electronically in a manner that: (1) allows patients to electronically access their health records directly from the facility or custodian of the records and forward such records electronically to other persons and entities; and (2) allows for the interoperability of health records with the electronic health records and systems of other facilities and providers of health care.**]**~~

Section 2.5 of this bill makes an appropriation to the Department to award grants to certain small facilities and providers of health care who work in small business settings to assist in compliance with the requirements of ~~**[**sections 1.3 and 2. Section 1 of this bill requires the Director to prescribe standards for the electronic maintenance and exchange of such records. Sections 1.4-1.9 of this bill make conforming changes to indicate the proper placement of and provide for the enforcement of section 1.3.**]**~~ **section 1.08.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Department shall notify each regulatory body of this State that has issued a current, valid license to a licensed provider or insurer if:

(a) The Department determines that the licensed provider or insurer is not in compliance with the requirements of subsection 4 of NRS 439.589; and

(b) The licensed provider or insurer:

(1) Is not exempt from those requirements pursuant to subsection 5 of NRS 439.589; and

(2) Has not received a waiver of those requirements pursuant to subsection 6 of NRS 439.589.

2. If the Department determines that a licensed provider or insurer for which notice was previously provided pursuant to subsection 1 has come into compliance with the requirements of subsection 4 of NRS 439.589, the Department shall immediately notify the regulatory body that issued the license.

3. As used in this section:

(a) "License" means any license, certificate, registration, permit or similar type of authorization to practice an occupation or profession or engage in a business in this State issued to a licensed provider or insurer.

(b) "Licensed provider or insurer" means:

(1) A medical facility licensed pursuant to chapter 449 of NRS;

(2) The holder of a permit to operate an ambulance, an air ambulance or a vehicle of a fire-fighting agency pursuant to chapter 450B of NRS;

(3) A provider of health care, as defined in NRS 629.031, who is licensed pursuant to title 54 of NRS; or

(4) Any person licensed pursuant to title 57 of NRS.

(c) "Regulatory body" means any governmental entity that issues a license.

Sec. 1.02. **NRS 439.580 is hereby amended to read as follows:**

439.580 1. Any local health officer or a deputy of a local health officer who neglects or fails to enforce the provisions of this chapter in his or her jurisdiction, or neglects or refuses to perform any of the duties imposed upon him or her by this chapter or by the instructions and directions of the Division shall be punished by a fine of not more than $250.

2. ~~[Each]~~ ***Except as otherwise provided in NRS 439.589, each*** person who violates any of the provisions of this chapter or refuses or neglects to obey any lawful order, rule or regulation of the:

(a) State Board of Health or violates any rule or regulation approved by the State Board of Health pursuant to NRS 439.350, 439.366, 439.410 and 439.460; or

(b) Director adopted pursuant to NRS 439.538 or 439.581 to 439.595, inclusive, ***and section 1 of this act,***

➥ is guilty of a misdemeanor.

Sec. 1.04. **NRS 439.581 is hereby amended to read as follows:**

439.581 As used in NRS 439.581 to 439.595, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 439.582 to 439.585, inclusive, have the meanings ascribed to them in those sections.

~~[Section 1.]~~ ***Sec. 1.06.*** NRS 439.587 is hereby amended to read as follows:

439.587 1. The Director is the state authority for health information technology. ~~[The Director shall:~~

~~(a) Ensure that a health information exchange complies with the specifications and protocols for exchanging electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act of 2009, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., and other applicable federal and state law;~~

~~(b)~~ Encourage the use of a health information exchange by health care providers, payers and patients;

~~(c)~~ Prescribe by regulation standards for the electronic ***maintenance,*** ~~transmittal~~ ***and exchange*** of electronic health records, prescriptions, health-related information, electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law;

~~(d)~~ ***(c)*** Prescribe by regulation rules governing the ownership, management and use of electronic health records, health related information and related data retained or shared by a health information exchange; and

~~(e)~~ ***(d)*** Prescribe by regulation, in consultation with the State Board of Pharmacy, standards for the electronic transmission of prior authorizations for prescription medication using a health information exchange.~~]~~

2. The Director may establish or contract with ~~[not more than]~~ one ***or more*** health information ~~[exchange to serve as the statewide health information exchange]~~ ***exchanges*** to be responsible for compiling statewide master indexes of patients, health care providers and payers. The Director may by regulation prescribe the requirements for ***such*** a ~~[statewide]~~ health information exchange, including, without limitation, the procedure by which any patient, health care provider or payer master index created pursuant to any contract is transferred to the State upon termination of the contract.

3. The Director may enter into contracts, apply for and accept available gifts, grants and donations, and adopt such regulations as are necessary to carry out the provisions of NRS 439.581 to 439.595, inclusive ~~.~~

~~*4. The regulations adopted pursuant to this section and NRS 439.589 must not require any person or entity, other than the Department, to use a health information exchange.]~~ ***, and section 1 of this act.***

Sec. 1.07. **NRS 439.588 is hereby amended to read as follows:**

439.588 1. A health information exchange shall not operate in this State without first obtaining certification as provided in subsection 2.

2. The Director shall by regulation establish the manner in which a health information exchange may apply for certification and the requirements for granting such certification, which must include, without limitation, that the health information exchange demonstrate its financial and operational sustainability, adherence to the privacy, security and patient consent standards adopted pursuant to NRS 439.589 and capacity for interoperability with any other health information exchange certified pursuant to this section.

3. The Director may deny an application for certification or may suspend or revoke any certification issued pursuant to subsection 2 for failure to comply

with the provisions of NRS 439.581 to 439.595, inclusive, ***and section 1 of this act,*** or the regulations adopted pursuant thereto or any applicable federal or state law.

4. When the Director intends to deny, suspend or revoke a certification, he or she shall give reasonable notice to all parties by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. A health information exchange that wishes to contest the action of the Director must file an appeal with the Director.

5. The Director shall adopt regulations establishing the manner in which a person may file a complaint with the Director regarding a violation of the provisions of this section.

6. The Director may impose an administrative fine against a health information exchange which operates in this State without holding a certification in an amount established by the Director by regulation. The Director shall afford a health information exchange so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

7. The Director may adopt such regulations as he or she determines are necessary to carry out the provisions of this section.

Sec. 1.08. **NRS 439.589 is hereby amended to read as follows:**

439.589 1. The Director ***, in consultation with health care providers, third parties and other interested persons and entities,*** shall by regulation prescribe ***a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions, health-related information and electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law. The regulations must:***

(a) Establish standards ~~[:~~

~~(a)]~~ ***for networks and technologies to be used to maintain, transmit and exchange health information, including, without limitation, standards:***

(1) That require:

(I) The use of networks and technologies that allow patients to access electronic health records directly from the health care provider of the patient and forward such electronic health records electronically to other persons and entities; and

(II) The interoperability of such networks and technologies in accordance with the applicable standards for the interoperability of Qualified Health Information Networks prescribed by the Office of the National Coordinator for Health Information Technology of the United States Department of Health and Human Services;

(2) To ensure that electronic health records retained or shared ~~[by any health information exchange]~~ are secure;

~~[(b)]~~ ***(3)*** To maintain the confidentiality of electronic health records and health-related information, including, without limitation, standards to maintain the confidentiality of electronic health records relating to a child who has received health care services without the consent of a parent or guardian and

which ensure that a child's right to access such health care services is not impaired;

~~[(c)]~~ ***(4)*** To ensure the privacy of individually identifiable health information, including, without limitation, standards to ensure the privacy of information relating to a child who has received health care services without the consent of a parent or guardian;

~~[(d)]~~ ***(5)*** For obtaining consent from a patient before retrieving the patient's health records from a health information exchange, including, without limitation, standards for obtaining such consent from a child who has received health care services without the consent of a parent or guardian;

~~[(e)]~~ ***(6)*** For making any necessary corrections to information or records ~~[retained or shared by a health information exchange; and~~

~~(f)]~~ ***;***

(7) For notifying a patient if the confidentiality of information contained in an electronic health record of the patient is breached ~~[.]~~ ***;***

(8) Governing the ownership, management and use of electronic health records, health-related information and related data; and

(9) For the electronic transmission of prior authorizations for prescription medication;

(b) Ensure compliance with the requirements, specifications and protocols for exchanging, securing and disclosing electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and other applicable federal and state law; and

(c) Be based on nationally recognized best practices for maintaining, transmitting and exchanging health information electronically.

2. The standards prescribed pursuant to this section must include, without limitation:

(a) Requirements for the creation, maintenance and transmittal of electronic health records;

(b) Requirements for protecting confidentiality, including control over, access to and the collection, organization and maintenance of electronic health records, health-related information and individually identifiable health information;

(c) Requirements for the manner in which a patient may, through a health care provider who participates in the sharing of health records using a health information exchange, revoke his or her consent for a health care provider to retrieve the patient's health records from the health information exchange;

(d) A secure and traceable electronic audit system for identifying access points and trails to electronic health records and health information exchanges; and

(e) Any other requirements necessary to comply with all applicable federal laws relating to electronic health records, health-related information, health

information exchanges and the security and confidentiality of such records and exchanges.

3. The regulations adopted pursuant to this section must not require any person or entity to use a health information exchange.

4. Except as otherwise provided in subsections 5, 6 and 7, the Department and the divisions thereof, other state and local governmental entities, health care providers, third parties, pharmacy benefit managers and other entities licensed or certified pursuant to title 57 of NRS shall maintain, transmit and exchange health information in accordance with the regulations adopted pursuant to this section, the provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act, and any other regulations adopted pursuant thereto.

5. The Federal Government and employees thereof, a provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq., or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) is not required to but may maintain, transmit and exchange electronic information in accordance with the regulations adopted pursuant to this section.

6. A health care provider may apply to the Department for a waiver from the provisions of subsection 4 on the basis that the health care provider does not have the infrastructure necessary to comply with those provisions, including, without limitation, because the health care provider does not have access to the Internet. The Department shall grant a waiver if it determines that:

(a) The health care provider does not currently have the infrastructure necessary to comply with the provisions of subsection 4; and

(b) Obtaining such infrastructure is not reasonably practicable, including, without limitation, because the cost of such infrastructure would make it difficult for the health care provider to continue to operate.

7. The provisions of subsection 4 do not apply to the Department of Corrections.

8. A violation of the provisions of this section or any regulations adopted pursuant thereto is not a misdemeanor.

9. As used in this section:

(a) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(b) "Third party" means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.

Sec. 1.09. **NRS 439.591 is hereby amended to read as follows:**

439.591 1. Except as otherwise provided in subsection 2 of NRS 439.538, a patient must not be required to participate in a health information exchange. Before a patient's health care records may be ***transmitted to or*** retrieved from a health information exchange, the patient

must be fully informed and ***affirmatively*** consent, in the manner prescribed by the Director. ***It is the public policy of this State that, except as otherwise provided in NRS 439.538, a patient's health care records must not be transmitted to or retrieved from a health information exchange unless the patient provides such affirmative consent.***

2. A patient must be notified in the manner prescribed by the Director of any breach of the confidentiality of electronic health records of the patient or a health information exchange.

3. A patient who consents to the ***transmittal of his or her electronic health record to or the*** retrieval of his or her electronic health record from a health information exchange may at any time request that a health care provider access and provide the patient with his or her electronic health record in accordance with the provisions of 45 C.F.R. § 164.526.

Sec. 1.1. NRS 439.593 is hereby amended to read as follows:

439.593 A health care provider who with reasonable care ***transmits, accesses, utilizes, discloses,*** relies upon ***or provides to a patient*** an apparently genuine electronic health record ~~[accessed from a health information exchange to make a decision concerning the provision of health care to a patient]~~ ***in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto*** is immune from civil or criminal liability for ~~[the]~~ ***any*** decision ***concerning the provision of health care to a patient and any civil or criminal liability resulting from the provision of*** ~~***[an apparently genuine electronic health]***~~ ***the record to a patient*** if:

1. The electronic health record is inaccurate;
2. The inaccuracy was not caused by the health care provider;
3. The inaccuracy resulted in an inappropriate health care decision; and
4. The health care decision was appropriate based upon the information contained in the inaccurate electronic health record.

Sec. 1.2. NRS 439.595 is hereby amended to read as follows:

439.595 Providing information to ***, transmitting, accessing, utilizing or disclosing*** an electronic health record or participating in a health information exchange in accordance with NRS 439.581 to 439.595, inclusive, does not constitute an unfair trade practice pursuant to chapter 598A or 686A of NRS.

Sec. 1.3. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

~~***[Except as otherwise provided in NRS 439.538 and 439.591, a medical facility shall maintain, transmit and exchange health records electronically in accordance with paragraph (a) of subsection 1 of NRS 629.051.]***~~

1. If the Division receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a medical facility licensed pursuant to this chapter is not in compliance with the requirements of subsection 4 of NRS 439.589, the Division may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative penalty in the amount prescribed by NRS 449.163.

2. The Division shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 1.4. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 1.3 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 1.5. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 1.6. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described

in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 1.7. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and section 1.3 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1.3 of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 1.75. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1.3 of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 1.8. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and section 1.3 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 1.9. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 1.3 of this act.***

Sec. 1.92. **Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the health authority receives notification from the Department of Health and Human Services pursuant to section 1 of this act that the holder of a permit to operate an ambulance, air ambulance or vehicle of a fire-fighting agency is not in compliance with the requirements of subsection 4 of NRS 439.589, the health authority may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require

corrective action or impose an administrative penalty in an amount established by regulation of the board.

2. The health authority shall not suspend or revoke a permit for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 1.94. **NRS 287.010 is hereby amended to read as follows:**

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS ***439.581 to 439.595, inclusive, and section 1 of this act,*** 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district,

municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 1.96. **NRS 287.04335 is hereby amended to read as follows:**

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS ***439.581 to 439.595, inclusive, and section 1 of this act,*** 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is

licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 1.98. **NRS 603A.100 is hereby amended to read as follows:**

603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, do not apply to the maintenance or transmittal of information in accordance with NRS 439.581 to 439.595, inclusive, ***and section 1 of this act*** and the regulations adopted pursuant thereto.

2. A data collector who is also an operator, as defined in NRS 603A.330, shall comply with the provisions of NRS 603A.300 to 603A.360, inclusive.

3. Any waiver of the provisions of NRS 603A.010 to 603A.290, inclusive, is contrary to public policy, void and unenforceable.

Sec. 2. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each custodian of health care records shall retain the health care records of patients as part of the regularly maintained records of the custodian for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health ~~***[Except as otherwise provided in NRS 439.538 and 439.591, health]***~~ care records ~~[may]~~ ***:***

(a) Must , except as otherwise provided in subsections 5 and 6 of NRS 439.589, be created, maintained, transmitted and exchanged electronically ~~***[in a manner that:***~~

~~***(1) Allows patients to electronically access their health records directly from the custodian of health care records and forward such records electronically to other persons and entities;***~~

~~***(2) Allows for the interoperability of health records with the electronic health records and systems of health care facilities and other providers of health care; and***~~

~~***(3) Complies with the applicable provisions of NRS 439.581 to 439.595, inclusive, and any regulations adopted pursuant thereto.]*** ***as required by subsection 4 of NRS 439.589; and***

(b) May be created, authenticated and stored in a ~~[computer system]~~ ***health information exchange*** which meets the requirements of NRS 439.581 to 439.595, inclusive, ***and section 1 of this act*** and the regulations adopted pursuant thereto.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient

a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A custodian of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. ***If a health care licensing board receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a provider of health care to which the health care licensing board has issued a license is not in compliance with the requirements of subsection 4 of NRS 439.589, the health care licensing board may, after notice and the opportunity for a hearing in accordance with the provisions of this title, require corrective action or impose an administrative penalty in an amount not to exceed the maximum penalty that the health care licensing board is authorized to impose for other violations. The health care licensing board shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.***

9. The provisions of this section ***, except for the provisions of paragraph (a) of subsection 1 ~~[1]~~ and subsection 8,*** do not apply to a pharmacist.

~~[9.]~~ ***10.*** The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

11. As used in this section:

(a) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C or 641D of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

(3) The State Board of Health with respect to licenses issued pursuant to chapter 640D or 640E of NRS.

(b) "License" has the meaning ascribed to it in section 1 of this act.

Sec. 2.05. **NRS 654.190 is hereby amended to read as follows:**

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act,*** as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 2.1. **Chapter 680A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that an insurer is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in

accordance with the provisions of this title, require corrective action or impose an administrative fine in the amount prescribed by NRS 680A.200.

2. The Commissioner shall not suspend or revoke the certificate of authority of an insurer for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.15. **NRS 680A.095 is hereby amended to read as follows:**

680A.095 1. Except as otherwise provided in subsection 3, an insurer which is not authorized to transact insurance in this State may not transact reinsurance with a domestic insurer in this State, by mail or otherwise, unless the insurer holds a certificate of authority as a reinsurer in accordance with the provisions of NRS 680A.010 to 680A.150, inclusive, ***and section 2.1 of this act,*** 680A.160 to 680A.280, inclusive, 680A.320 and 680A.330.

2. To qualify for authority only to transact reinsurance, an insurer must meet the same requirements for capital and surplus as are imposed on an insurer which is authorized to transact insurance in this State.

3. This section does not apply to the joint reinsurance of title insurance risks or to reciprocal insurance authorized pursuant to chapter 694B of NRS.

Sec. 2.2. **Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that an administrator is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 683A.461.

2. The Commissioner shall not suspend or revoke the certificate of registration of an administrator for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.25. **NRS 683A.3683 is hereby amended to read as follows:**

683A.3683 A producer of limited lines travel insurance and each travel retailer, or employee or authorized representative of a travel retailer, who offers or disseminates travel insurance under the license of a producer of limited lines travel insurance shall be subject to the provisions of NRS 683A.451 to 683A.520, inclusive, ***and section 2.2 of this act*** and chapter 686A of NRS.

Sec. 2.3. **NRS 692A.270 is hereby amended to read as follows:**

692A.270 The provisions of NRS 683A.321, 683A.331, 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, ***and section 2.2 of this act*** and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 2.35. **Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a health maintenance organization is not in compliance with the requirements of

subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 695C.350.

2. The Commissioner shall not suspend or revoke the certificate of authority of a health maintenance organization for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.4. **NRS 719.200 is hereby amended to read as follows:**

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

(a) Except as otherwise specifically provided by law, a law governing the creation and execution of wills, codicils or testamentary trusts;

(b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

(c) The provisions of NRS 439.581 to 439.595, inclusive, ***and section 1 of this act*** and the regulations adopted pursuant thereto.

3. The provisions of this chapter apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. A transaction subject to the provisions of this chapter is also subject to other applicable substantive law.

Sec. 2.45. **NRS 720.140 is hereby amended to read as follows:**

720.140 1. Except as otherwise provided in this subsection, the provisions of this chapter apply to any transaction for which a digital signature is used to sign an electronic record. The provisions of this chapter do not apply to a digital signature that is used to sign an electronic health record in accordance with NRS 439.581 to 439.595, inclusive, ***and section 1 of this act*** and the regulations adopted pursuant thereto.

2. As used in this section, "electronic record" has the meaning ascribed to it in NRS 719.090.

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $3,000,000 for the purpose of awarding grants to providers of health care and medical facilities for the purposes of complying with the requirements of ~~[section 1.3 of this act and paragraph (a) of]~~ subsection ~~[1]~~ **4** of NRS ~~[629.051,]~~ **439.589,** as amended by section ~~[2]~~ **1.08** of this act. To receive such a grant, a provider of health care or medical facility must have a staff of less than 50 persons or work for an entity that has a staff of less than 50 persons, as applicable.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation

is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

3. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2.7. **1. On or before July 1, 2023, the Director of the Department shall convene an advisory group to advise the Director of the Department in the adoption of regulations pursuant to NRS 439.589, as amended by section 1.08 of this act. The advisory group shall consist of:**

(a) The following ex officio members:

(1) The Director of the Department;

(2) The Administrator of the Division of Public and Behavioral Health of the Department;

(3) The Administrator of the Division of Health Care Financing and Policy of the Department;

(4) The Administrator of the Division of Welfare and Supportive Services of the Department;

(5) The Commissioner of Insurance;

(6) Each district health officer appointed pursuant to NRS 439.368 or 439.400;

(7) The Executive Officer of the Public Employees' Benefits Program; and

(8) The Executive Director of the Silver State Health Insurance Exchange; and

(b) The following members appointed by the Director:

(1) Representatives of third parties, as defined in NRS 439.589, as amended by section 1.08 of this act, that provide health coverage in this State;

(2) Representatives of hospitals, as defined in NRS 449.012, other medical facilities, as defined in NRS 449.0151, and facilities for the dependent, as defined in NRS 449.0045;

(3) Representatives of consumers of health care;

(4) Representatives of labor organizations;

(5) Professionals in the field of information privacy and security;

(6) Professionals in the field of health information technology and the interoperability of health information;

(7) Representatives of community-based organizations whose work relates to health information;

(8) Representatives of county and city health departments;

(9) Representatives of social services agencies; and

(10) Representatives of community-based organizations whose work relates to social services.

2. Members appointed to the advisory group pursuant to paragraph (b) of subsection 1 serve at the pleasure of the Director of the Department. If a vacancy occurs, the Director shall appoint a person similarly qualified to replace that member.

3. Members of the advisory group serve without compensation or per diem but are entitled to receive reimbursement for travel expenses in the same amount provided for state officers and employees generally.

4. The Director of the Department shall serve as the Chair of the advisory group.

5. A majority of the voting members of the advisory group constitutes a quorum for the transaction of business, and a majority of the members of a quorum present at any meeting is sufficient for any official action taken by the advisory group.

6. Each member of the advisory group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the advisory group and perform any work necessary to carry out the duties of the advisory group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the advisory group to make up the time the officer or employee is absent from work to carry out duties as a member of the advisory group or use annual leave or compensatory time for the absence.

7. The advisory group may establish subcommittees and working groups consisting of members of the advisory group or other persons to assist the advisory group in the performance of its duties.

8. The advisory group shall advise the Director of the Department on the development and implementation of the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act.

9. The Director of the Department shall:

(a) On or before August 1, 2024, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning the progress of the Director in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act; and

(b) On or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report concerning the progress of the Director in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act.

10. As used in this section, "Department" means the Department of Health and Human Services.

Sec. 2.8. **1. Hospitals and physician group practices with more than 20 employees shall comply with the provisions of subsection 4 of**

NRS 439.589, as amended by section 1.08 of this act, on or before July 1, 2024.

2. Notwithstanding the amendatory provisions of sections 1, 1.08, 1.3, 1.92, 1.94, 1.96, 2 and 2.2 of this act:

(a) Persons and entities subject to the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, other than the persons and entities described in paragraph (b) of this subsection and subsection 1 of this section, are not required to comply with those provisions until July 1, 2025.

(b) Physician group practices or other business entities organized for the purpose of practicing a health care profession with 20 or fewer employees, including, without limitation, sole proprietorships, are not required to comply with the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, until January 1, 2030.

3. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Health care profession" means any profession practiced by providers of health care, as defined in NRS 629.031.

(c) "Physician group practice" means any business entity organized for the purpose of the practice of medicine or osteopathic medicine by more than one physician.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and sections ~~[1,]~~ **1.09,** 1.1 ~~[,]~~ **and** 1.2 ~~[and 2.5]~~ of this act become effective ~~[on July 1, 2023.]~~ **upon passage and approval.**

2. **Sections 2.5 and 2.7 of this act become effective on July 1, 2023.**

3. Sections ~~[1.3 to 2,]~~ **1 to 1.08,** inclusive, **1.3 to 2.45, inclusive, 2.8** and 3 of this act become effective ~~[on January 1, 2028.]~~ **:**

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 936 to Assembly Bill No. 7.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 968.

AN ACT relating to health care; requiring the adoption of a framework for the electronic transmittal, maintenance and exchange of certain health information; requiring governmental entities, health care facilities and providers, insurers and insurance administrators to maintain, transmit and exchange health information electronically; authorizing the imposition of certain discipline against a health care provider, insurer or insurance administrator that fails to comply with that requirement; authorizing the

Director of the Department of Health and Human Services to contract with multiple health information exchanges to perform certain functions; ~~[prohibiting the transmittal of health information to a health information exchange without the affirmative consent of the patient;]~~ expanding immunity from certain liability for health care providers who use a health information exchange; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Health and Human Services to adopt regulations governing health information exchanges and the transmittal, ownership, management, use and confidentiality of electronic health records. (NRS 439.587, 439.589) **Section 1.08** of this bill requires the Director to prescribe by regulation a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions and health-related information. **Section 1.08** requires that framework to establish standards for networks and technologies to be used to maintain, transmit and exchange health information, including standards that require: (1) the ability for patients to access and forward their records; and (2) the interoperability of such networks and technologies. **Section 2.7** of this bill requires the Director to convene an advisory group to advise the Director in the adoption of those standards.

With certain exceptions, **sections 1.08, 1.94, 1.96, 2 and 2.8** of this bill require governmental entities, health care providers, insurers, pharmacy benefit managers and other insurance administrators to maintain, transmit and exchange health information electronically in accordance with those standards and other provisions governing electronic health records, beginning on: (1) July 1, 2024, for hospitals and large physician group practices; (2) July 1, 2025, for governmental entities, other large health care practices, insurers, pharmacy benefit managers and other insurance administrators; and (3) January 1, 2030, for small physician group practices and other small health care practices. **Sections 1.02 and 1.08** of this bill provide that a health care provider, insurer, pharmacy benefit manager or other insurance administrator that fails to comply with that requirement is not guilty of a misdemeanor. Instead, **section 1** of this bill requires the Department to notify any regulatory body that has issued a license, certificate, registration, permit or similar credential to a health care provider, insurer, pharmacy benefit manager or other insurance administrator if the holder of the credential fails to comply with that requirement. After receiving such notice, **sections 1.3, 1.92, 2, 2.2 and 2.35** of this bill authorize a regulatory body to impose corrective action or an administrative penalty on the health care provider, insurer, pharmacy benefit manager or other insurance administrator. **Section 1** of this bill requires the Department to notify the relevant regulatory body if a health care provider, insurer, pharmacy benefit manager or other insurance administrator that was previously out of compliance with the requirement to maintain, transmit and exchange health information electronically comes into compliance with that requirement.

Section 1.06 of this bill removes duplicative requirements concerning the adoption of regulations governing electronic health records. **Sections 1.02-1.07, 1.4-1.9, 1.98, 2.05, 2.15, 2.25, 2.3, 2.4 and 2.45** of this bill make conforming changes to indicate the proper placement of **sections 1, 1.3, 2.1 and 2.2** in the Nevada Revised Statutes.

Existing law authorizes the Director of the Department of Health and Human Services to contract with not more than one health information exchange to be responsible for compiling statewide master indexes of patients, health care providers and payers. (NRS 439.587) **Section 1.06** of this bill authorizes the Director to contract with multiple health information exchanges to perform those functions. **Section 1.06** also removes a requirement that the Director encourage the use of health information exchanges.

Existing law requires that, with certain exceptions, a patient consent before his or her electronic health record is retrieved from a health information exchange. (NRS 439.591) **Section 1.09** of this bill **[: (1)]** clarifies that such consent must be affirmative **.** ~~**[; and (2) requires that a patient also provide such consent before his or her electronic health record is transmitted to a health information exchange.]**~~

Existing law provides that a health care provider who with reasonable care relies upon an apparently genuine electronic health record accessed from a health information exchange to make a decision concerning the provision of health care to a patient is immune from civil or criminal liability for the decision if: (1) the electronic health record is inaccurate; (2) the inaccuracy was not caused by the health care provider; (3) the inaccuracy resulted in an inappropriate health care decision; and (4) the health care decision was appropriate based upon the information contained in the inaccurate electronic health record. (NRS 439.593) **Section 1.1** of this bill expands this immunity from liability to also apply to any health care provider who transmits, accesses, utilizes, discloses, relies upon or provides to the patient any apparently genuine electronic health record in accordance with applicable law and regulations. **Section 1.2** of this bill provides that transmitting, accessing, utilizing or disclosing an electronic health record is not an unfair trade practice.

Section 2.5 of this bill makes an appropriation to the Department to award grants to certain small facilities and providers of health care who work in small business settings to assist in compliance with the requirements of **section 1.08**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall notify each regulatory body of this State that has issued a current, valid license to a licensed provider or insurer if:

(a) The Department determines that the licensed provider or insurer is not in compliance with the requirements of subsection 4 of NRS 439.589; and

(b) The licensed provider or insurer:

(1) Is not exempt from those requirements pursuant to subsection 5 of NRS 439.589; and

(2) Has not received a waiver of those requirements pursuant to subsection 6 of NRS 439.589.

2. If the Department determines that a licensed provider or insurer for which notice was previously provided pursuant to subsection 1 has come into compliance with the requirements of subsection 4 of NRS 439.589, the Department shall immediately notify the regulatory body that issued the license.

3. As used in this section:

(a) "License" means any license, certificate, registration, permit or similar type of authorization to practice an occupation or profession or engage in a business in this State issued to a licensed provider or insurer.

(b) "Licensed provider or insurer" means:

(1) A medical facility licensed pursuant to chapter 449 of NRS;

(2) The holder of a permit to operate an ambulance, an air ambulance or a vehicle of a fire-fighting agency pursuant to chapter 450B of NRS;

(3) A provider of health care, as defined in NRS 629.031, who is licensed pursuant to title 54 of NRS; or

(4) Any person licensed pursuant to title 57 of NRS.

(c) "Regulatory body" means any governmental entity that issues a license.

Sec. 1.02. NRS 439.580 is hereby amended to read as follows:

439.580 1. Any local health officer or a deputy of a local health officer who neglects or fails to enforce the provisions of this chapter in his or her jurisdiction, or neglects or refuses to perform any of the duties imposed upon him or her by this chapter or by the instructions and directions of the Division shall be punished by a fine of not more than $250.

2. ~~[Each]~~ ***Except as otherwise provided in NRS 439.589, each*** person who violates any of the provisions of this chapter or refuses or neglects to obey any lawful order, rule or regulation of the:

(a) State Board of Health or violates any rule or regulation approved by the State Board of Health pursuant to NRS 439.350, 439.366, 439.410 and 439.460; or

(b) Director adopted pursuant to NRS 439.538 or 439.581 to 439.595, inclusive, ***and section 1 of this act,***

➥ is guilty of a misdemeanor.

Sec. 1.04. NRS 439.581 is hereby amended to read as follows:

439.581 As used in NRS 439.581 to 439.595, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 439.582 to 439.585, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.06. NRS 439.587 is hereby amended to read as follows:

439.587 1. The Director is the state authority for health information technology. ~~[The Director shall:~~

~~(a) Ensure that a health information exchange complies with the specifications and protocols for exchanging electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act of 2009, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., and other applicable federal and state law;~~

~~(b) Encourage the use of a health information exchange by health care providers, payers and patients;~~

~~(c) Prescribe by regulation standards for the electronic transmittal of electronic health records, prescriptions, health related information, electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law;~~

~~(d) Prescribe by regulation rules governing the ownership, management and use of electronic health records, health related information and related data retained or shared by a health information exchange; and~~

~~(e) Prescribe by regulation, in consultation with the State Board of Pharmacy, standards for the electronic transmission of prior authorizations for prescription medication using a health information exchange.~~**]**

2. The Director may establish or contract with **[**~~not more than~~**]** one ***or more*** health information **[**~~exchange to serve as the statewide health information exchange~~**]** ***exchanges*** to be responsible for compiling statewide master indexes of patients, health care providers and payers. The Director may by regulation prescribe the requirements for ***such*** a **[**~~statewide~~**]** health information exchange, including, without limitation, the procedure by which any patient, health care provider or payer master index created pursuant to any contract is transferred to the State upon termination of the contract.

3. The Director may enter into contracts, apply for and accept available gifts, grants and donations, and adopt such regulations as are necessary to carry out the provisions of NRS 439.581 to 439.595, inclusive ***, and section 1 of this act.***

Sec. 1.07. NRS 439.588 is hereby amended to read as follows:

439.588 1. A health information exchange shall not operate in this State without first obtaining certification as provided in subsection 2.

2. The Director shall by regulation establish the manner in which a health information exchange may apply for certification and the requirements for granting such certification, which must include, without limitation, that the health information exchange demonstrate its financial and operational sustainability, adherence to the privacy, security and patient consent standards adopted pursuant to NRS 439.589 and capacity for interoperability with any other health information exchange certified pursuant to this section.

3. The Director may deny an application for certification or may suspend or revoke any certification issued pursuant to subsection 2 for failure to comply with the provisions of NRS 439.581 to 439.595, inclusive, ***and section 1 of this act,*** or the regulations adopted pursuant thereto or any applicable federal or state law.

4. When the Director intends to deny, suspend or revoke a certification, he or she shall give reasonable notice to all parties by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. A health information exchange that wishes to contest the action of the Director must file an appeal with the Director.

5. The Director shall adopt regulations establishing the manner in which a person may file a complaint with the Director regarding a violation of the provisions of this section.

6. The Director may impose an administrative fine against a health information exchange which operates in this State without holding a certification in an amount established by the Director by regulation. The Director shall afford a health information exchange so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

7. The Director may adopt such regulations as he or she determines are necessary to carry out the provisions of this section.

Sec. 1.08. NRS 439.589 is hereby amended to read as follows:

439.589 1. The Director ***, in consultation with health care providers, third parties and other interested persons and entities,*** shall by regulation prescribe ***a framework for the electronic maintenance, transmittal and exchange of electronic health records, prescriptions, health-related information and electronic signatures and requirements for electronic equivalents of written entries or written approvals in accordance with federal law. The regulations must:***

(a) Establish standards ~~[:~~

~~(a)]~~ ***for networks and technologies to be used to maintain, transmit and exchange health information, including, without limitation, standards:***

(1) That require:

(I) The use of networks and technologies that allow patients to access electronic health records directly from the health care provider of the patient and forward such electronic health records electronically to other persons and entities; and

(II) The interoperability of such networks and technologies in accordance with the applicable standards for the interoperability of Qualified Health Information Networks prescribed by the Office of the National Coordinator for Health Information Technology of the United States Department of Health and Human Services;

(2) To ensure that electronic health records retained or shared ~~[by any health information exchange]~~ are secure;

~~[(b)]~~ ***(3)*** To maintain the confidentiality of electronic health records and health-related information, including, without limitation, standards to maintain the confidentiality of electronic health records relating to a child who has received health care services without the consent of a parent or guardian and which ensure that a child's right to access such health care services is not impaired;

~~[~~(c)~~]~~ ***(4)*** To ensure the privacy of individually identifiable health information, including, without limitation, standards to ensure the privacy of information relating to a child who has received health care services without the consent of a parent or guardian;

~~[~~(d)~~]~~ ***(5)*** For obtaining consent from a patient before retrieving the patient's health records from a health information exchange, including, without limitation, standards for obtaining such consent from a child who has received health care services without the consent of a parent or guardian;

~~[~~(e)~~]~~ ***(6)*** For making any necessary corrections to information or records ~~[retained or shared by a health information exchange; and~~

~~(f)~~~~]~~ ***;***

(7) For notifying a patient if the confidentiality of information contained in an electronic health record of the patient is breached ~~[.]~~ ***;***

(8) Governing the ownership, management and use of electronic health records, health-related information and related data; and

(9) For the electronic transmission of prior authorizations for prescription medication;

(b) Ensure compliance with the requirements, specifications and protocols for exchanging, securing and disclosing electronic health records, health-related information and related data prescribed pursuant to the provisions of the Health Information Technology for Economic and Clinical Health Act, 42 U.S.C. §§ 300jj et seq. and 17901 et seq., the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and other applicable federal and state law; and

(c) Be based on nationally recognized best practices for maintaining, transmitting and exchanging health information electronically.

2. The standards prescribed pursuant to this section must include, without limitation:

(a) Requirements for the creation, maintenance and transmittal of electronic health records;

(b) Requirements for protecting confidentiality, including control over, access to and the collection, organization and maintenance of electronic health records, health-related information and individually identifiable health information;

(c) Requirements for the manner in which a patient may, through a health care provider who participates in the sharing of health records using a health information exchange, revoke his or her consent for a health care provider to retrieve the patient's health records from the health information exchange;

(d) A secure and traceable electronic audit system for identifying access points and trails to electronic health records and health information exchanges; and

(e) Any other requirements necessary to comply with all applicable federal laws relating to electronic health records, health-related information, health information exchanges and the security and confidentiality of such records and exchanges.

3. The regulations adopted pursuant to this section must not require any person or entity to use a health information exchange.

4. Except as otherwise provided in subsections 5, 6 and 7, the Department and the divisions thereof, other state and local governmental entities, health care providers, third parties, pharmacy benefit managers and other entities licensed or certified pursuant to title 57 of NRS shall maintain, transmit and exchange health information in accordance with the regulations adopted pursuant to this section, the provisions of NRS 439.581 to 439.595, inclusive, and section 1 of this act, and any other regulations adopted pursuant thereto.

5. The Federal Government and employees thereof, a provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq., or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) is not required to but may maintain, transmit and exchange electronic information in accordance with the regulations adopted pursuant to this section.

6. A health care provider may apply to the Department for a waiver from the provisions of subsection 4 on the basis that the health care provider does not have the infrastructure necessary to comply with those provisions, including, without limitation, because the health care provider does not have access to the Internet. The Department shall grant a waiver if it determines that:

(a) The health care provider does not currently have the infrastructure necessary to comply with the provisions of subsection 4; and

(b) Obtaining such infrastructure is not reasonably practicable, including, without limitation, because the cost of such infrastructure would make it difficult for the health care provider to continue to operate.

7. The provisions of subsection 4 do not apply to the Department of Corrections.

8. A violation of the provisions of this section or any regulations adopted pursuant thereto is not a misdemeanor.

9. As used in this section:

(a) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(b) "Third party" means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.

Sec. 1.09. NRS 439.591 is hereby amended to read as follows:

439.591 1. Except as otherwise provided in subsection 2 of NRS 439.538, a patient must not be required to participate in a health information exchange. Before a patient's health care records may be ***[transmitted to or]*** retrieved from a health information exchange, the patient must be fully informed and ***affirmatively*** consent, in the manner prescribed by the Director. ***It is the public policy of this State that, except as otherwise***

provided in NRS 439.538, a patient's health care records must not be ~~[transmitted to or]~~ retrieved from a health information exchange unless the patient provides such affirmative consent.

2. A patient must be notified in the manner prescribed by the Director of any breach of the confidentiality of electronic health records of the patient or a health information exchange.

3. A patient who consents to the ***~~[transmittal of his or her electronic health record to or the]~~*** retrieval of his or her electronic health record from a health information exchange may at any time request that a health care provider access and provide the patient with his or her electronic health record in accordance with the provisions of 45 C.F.R. § 164.526.

Sec. 1.1. NRS 439.593 is hereby amended to read as follows:

439.593 A health care provider who with reasonable care ***transmits, accesses, utilizes, discloses,*** relies upon ***or provides to a patient*** an apparently genuine electronic health record ***~~[~~***~~accessed from a health information exchange to make a decision concerning the provision of health care to a patient~~]~~*** ***in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto*** is immune from civil or criminal liability for ***~~[~~***~~the~~***]*** ***any*** decision ***concerning the provision of health care to a patient and any civil or criminal liability resulting from the provision of the record to a patient*** if:

1. The electronic health record is inaccurate;
2. The inaccuracy was not caused by the health care provider;
3. The inaccuracy resulted in an inappropriate health care decision; and
4. The health care decision was appropriate based upon the information contained in the inaccurate electronic health record.

Sec. 1.2. NRS 439.595 is hereby amended to read as follows:

439.595 Providing information to ***, transmitting, accessing, utilizing or disclosing*** an electronic health record or participating in a health information exchange in accordance with NRS 439.581 to 439.595, inclusive, does not constitute an unfair trade practice pursuant to chapter 598A or 686A of NRS.

Sec. 1.3. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Division receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a medical facility licensed pursuant to this chapter is not in compliance with the requirements of subsection 4 of NRS 439.589, the Division may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative penalty in the amount prescribed by NRS 449.163.

2. The Division shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 1.4. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 1.3 of this act,*** unless the context otherwise requires, "medical facility" has the

meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 1.5. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 1.6. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 1.7. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and section 1.3 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1.3 of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 1.75. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1.3 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1.3 of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 1.8. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and section 1.3 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 1.9. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 1.3 of this act.***

Sec. 1.92. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the health authority receives notification from the Department of Health and Human Services pursuant to section 1 of this act that the holder of a permit to operate an ambulance, air ambulance or vehicle of a fire-fighting agency is not in compliance with the requirements of subsection 4 of NRS 439.589, the health authority may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative penalty in an amount established by regulation of the board.

2. The health authority shall not suspend or revoke a permit for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 1.94. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS ***439.581 to 439.595, inclusive, and section 1 of this act,*** 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount

of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 1.96. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS ***439.581 to 439.595, inclusive, and section 1 of this act,*** 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 1.98. NRS 603A.100 is hereby amended to read as follows:

603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, do not apply to the maintenance or transmittal of information in accordance

with NRS 439.581 to 439.595, inclusive, ***and section 1 of this act*** and the regulations adopted pursuant thereto.

2. A data collector who is also an operator, as defined in NRS 603A.330, shall comply with the provisions of NRS 603A.300 to 603A.360, inclusive.

3. Any waiver of the provisions of NRS 603A.010 to 603A.290, inclusive, is contrary to public policy, void and unenforceable.

Sec. 2. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each custodian of health care records shall retain the health care records of patients as part of the regularly maintained records of the custodian for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records ~~[may]~~ ***:***

(a) Must, except as otherwise provided in subsections 5 and 6 of NRS 439.589, be created, maintained, transmitted and exchanged electronically as required by subsection 4 of NRS 439.589; and

(b) May be created, authenticated and stored in a ~~[computer system]~~ ***health information exchange*** which meets the requirements of NRS 439.581 to 439.595, inclusive, ***and section 1 of this act*** and the regulations adopted pursuant thereto.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A custodian of health care records shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained

the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. ***If a health care licensing board receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a provider of health care to which the health care licensing board has issued a license is not in compliance with the requirements of subsection 4 of NRS 439.589, the health care licensing board may, after notice and the opportunity for a hearing in accordance with the provisions of this title, require corrective action or impose an administrative penalty in an amount not to exceed the maximum penalty that the health care licensing board is authorized to impose for other violations. The health care licensing board shall not suspend or revoke a license for failure to comply with the requirements of subsection 4 of NRS 439.589.***

9. The provisions of this section ***, except for the provisions of paragraph (a) of subsection 1 and subsection 8,*** do not apply to a pharmacist.

~~[9.]~~ ***10.*** The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

11. As used in this section:

(a) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C or 641D of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

(3) The State Board of Health with respect to licenses issued pursuant to chapter 640D or 640E of NRS.

(b) "License" has the meaning ascribed to it in section 1 of this act.

Sec. 2.05. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1.3 of this act,*** as those

provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 2.1. Chapter 680A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that an insurer is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this title, require corrective action or impose an administrative fine in the amount prescribed by NRS 680A.200.

2. The Commissioner shall not suspend or revoke the certificate of authority of an insurer for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.15. NRS 680A.095 is hereby amended to read as follows:

680A.095 1. Except as otherwise provided in subsection 3, an insurer which is not authorized to transact insurance in this State may not transact reinsurance with a domestic insurer in this State, by mail or otherwise, unless the insurer holds a certificate of authority as a reinsurer in accordance with the provisions of NRS 680A.010 to 680A.150, inclusive, ***and section 2.1 of this act,*** 680A.160 to 680A.280, inclusive, 680A.320 and 680A.330.

2. To qualify for authority only to transact reinsurance, an insurer must meet the same requirements for capital and surplus as are imposed on an insurer which is authorized to transact insurance in this State.

3. This section does not apply to the joint reinsurance of title insurance risks or to reciprocal insurance authorized pursuant to chapter 694B of NRS.

Sec. 2.2. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that an administrator is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 683A.461.

2. The Commissioner shall not suspend or revoke the certificate of registration of an administrator for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.25. NRS 683A.3683 is hereby amended to read as follows:

683A.3683 A producer of limited lines travel insurance and each travel retailer, or employee or authorized representative of a travel retailer, who offers or disseminates travel insurance under the license of a producer of limited lines travel insurance shall be subject to the provisions of NRS 683A.451 to 683A.520, inclusive, ***and section 2.2 of this act*** and chapter 686A of NRS.

Sec. 2.3. NRS 692A.270 is hereby amended to read as follows:

692A.270 The provisions of NRS 683A.321, 683A.331, 683A.341, 683A.400, 683A.451 to 683A.490, inclusive, ***and section 2.2 of this act*** and 683A.520 apply to title insurers, title agents and escrow officers.

Sec. 2.35. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commissioner receives notification from the Department of Health and Human Services pursuant to section 1 of this act that a health maintenance organization is not in compliance with the requirements of subsection 4 of NRS 439.589, the Commissioner may, after notice and the opportunity for a hearing in accordance with the provisions of this chapter, require corrective action or impose an administrative fine in the amount prescribed by NRS 695C.350.

2. The Commissioner shall not suspend or revoke the certificate of authority of a health maintenance organization for failure to comply with the requirements of subsection 4 of NRS 439.589.

Sec. 2.4. NRS 719.200 is hereby amended to read as follows:

719.200 1. Except as otherwise provided in subsection 2, the provisions of this chapter apply to electronic records and electronic signatures relating to a transaction.

2. The provisions of this chapter do not apply to a transaction to the extent it is governed by:

(a) Except as otherwise specifically provided by law, a law governing the creation and execution of wills, codicils or testamentary trusts;

(b) The Uniform Commercial Code other than NRS 104.1306, 104.2101 to 104.2725, inclusive, and 104A.2101 to 104A.2532, inclusive; or

(c) The provisions of NRS 439.581 to 439.595, inclusive, ***and section 1 of this act*** and the regulations adopted pursuant thereto.

3. The provisions of this chapter apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection 2 to the extent it is governed by a law other than those specified in subsection 2.

4. A transaction subject to the provisions of this chapter is also subject to other applicable substantive law.

Sec. 2.45. NRS 720.140 is hereby amended to read as follows:

720.140 1. Except as otherwise provided in this subsection, the provisions of this chapter apply to any transaction for which a digital signature is used to sign an electronic record. The provisions of this chapter do not apply to a digital signature that is used to sign an electronic health record in accordance with NRS 439.581 to 439.595, inclusive, ***and section 1 of this act*** and the regulations adopted pursuant thereto.

2. As used in this section, "electronic record" has the meaning ascribed to it in NRS 719.090.

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $3,000,000 for the purpose of awarding grants to providers of health care and medical facilities for the purposes of complying with the requirements of subsection 4 of NRS 439.589, as amended by section 1.08 of this act. To receive such a grant, a provider of health care or medical facility must have a staff of less than 50 persons or work for an entity that has a staff of less than 50 persons, as applicable.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

3. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2.7. 1. On or before July 1, 2023, the Director of the Department shall convene an advisory group to advise the Director of the Department in the adoption of regulations pursuant to NRS 439.589, as amended by section 1.08 of this act. The advisory group shall consist of:

(a) The following ex officio members:

(1) The Director of the Department;

(2) The Administrator of the Division of Public and Behavioral Health of the Department;

(3) The Administrator of the Division of Health Care Financing and Policy of the Department;

(4) The Administrator of the Division of Welfare and Supportive Services of the Department;

(5) The Commissioner of Insurance;

(6) Each district health officer appointed pursuant to NRS 439.368 or 439.400;

(7) The Executive Officer of the Public Employees' Benefits Program; and

(8) The Executive Director of the Silver State Health Insurance Exchange; and

(b) The following members appointed by the Director:

(1) Representatives of third parties, as defined in NRS 439.589, as amended by section 1.08 of this act, that provide health coverage in this State;

(2) Representatives of hospitals, as defined in NRS 449.012, other medical facilities, as defined in NRS 449.0151, and facilities for the dependent, as defined in NRS 449.0045;

(3) Representatives of consumers of health care;

(4) Representatives of labor organizations;

(5) Professionals in the field of information privacy and security;

(6) Professionals in the field of health information technology and the interoperability of health information;

(7) Representatives of community-based organizations whose work relates to health information;

(8) Representatives of county and city health departments;

(9) Representatives of social services agencies; and

(10) Representatives of community-based organizations whose work relates to social services.

2. Members appointed to the advisory group pursuant to paragraph (b) of subsection 1 serve at the pleasure of the Director of the Department. If a vacancy occurs, the Director shall appoint a person similarly qualified to replace that member.

3. Members of the advisory group serve without compensation or per diem but are entitled to receive reimbursement for travel expenses in the same amount provided for state officers and employees generally.

4. The Director of the Department shall serve as the Chair of the advisory group.

5. A majority of the voting members of the advisory group constitutes a quorum for the transaction of business, and a majority of the members of a quorum present at any meeting is sufficient for any official action taken by the advisory group.

6. Each member of the advisory group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or

her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the advisory group and perform any work necessary to carry out the duties of the advisory group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the advisory group to make up the time the officer or employee is absent from work to carry out duties as a member of the advisory group or use annual leave or compensatory time for the absence.

7. The advisory group may establish subcommittees and working groups consisting of members of the advisory group or other persons to assist the advisory group in the performance of its duties.

8. The advisory group shall advise the Director of the Department on the development and implementation of the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act.

9. The Director of the Department shall:

(a) On or before August 1, 2024, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning the progress of the Director in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act; and

(b) On or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature a report concerning the progress of the Director in developing and implementing the regulations adopted pursuant to NRS 439.589, as amended by section 1.08 of this act.

10. As used in this section, "Department" means the Department of Health and Human Services.

Sec. 2.8. 1. Hospitals and physician group practices with more than 20 employees shall comply with the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, on or before July 1, 2024.

2. Notwithstanding the amendatory provisions of sections 1, 1.08, 1.3, 1.92, 1.94, 1.96, 2 ~~[and]~~ **, 2.1,** 2.2 **and 2.35** of this act:

(a) Persons and entities subject to the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, other than the persons and entities described in paragraph (b) of this subsection and subsection 1 of this section, are not required to comply with those provisions until July 1, 2025.

(b) Physician group practices or other business entities organized for the purpose of practicing a health care profession with 20 or fewer employees, including, without limitation, sole proprietorships, are not required to comply with the provisions of subsection 4 of NRS 439.589, as amended by section 1.08 of this act, until January 1, 2030.

3. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Health care profession" means any profession practiced by providers of health care, as defined in NRS 629.031.

(c) "Physician group practice" means any business entity organized for the purpose of the practice of medicine or osteopathic medicine by more than one physician.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and sections 1.09, 1.1 and 1.2 of this act become effective upon passage and approval.

2. Sections 2.5 and 2.7 of this act become effective on July 1, 2023.

3. Sections 1 to 1.08, inclusive, 1.3 to 2.45, inclusive, 2.8 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 968 to Assembly Bill No. 7.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 119.

The following Senate amendment was read:

Amendment No. 963.

AN ACT relating to adult maltreatment; creating the Vulnerable Adult Fatality Review Committee; providing for the review of deaths resulting from or relating to adult maltreatment; requiring the Committee to develop certain reports and perform certain other duties relating to the investigation and prevention of adult maltreatment; providing access for the Committee to certain documents; ~~[requiring the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General to compile certain reports;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to abuse, neglect, isolate, abandon or exploit an older person or a vulnerable person. (NRS 200.5099) **Section 3** of this bill defines the term "adult maltreatment" to refer to such crimes. **Sections 4-7** of this bill define certain other terms. **Section 8** of this bill creates the Vulnerable Adult Fatality Review Committee within the Department of Health and Human Services and prescribes the membership of the Committee. **Section 8** also prescribes certain rules governing the operation of the Committee. **Section 8** immunizes the members, employees, agents and consultants of the Committee from civil liability for acts performed in good faith and within the scope of duties of the Committee. **Section 8** authorizes the Director of the Department to: (1) apply for and accept gifts, grants and donations to support the activities of the Committee; and (2) adopt regulations governing the activities of the Committee.

Section 9 of this bill requires the Committee to review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by certain governmental entities or relatives of the decedent. **Section 9** additionally authorizes the Committee to review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment. **Section 10** of this bill prescribes other duties of the Committee relating to the investigation and prevention of adult maltreatment. **Section 10** requires the Committee to: (1) biennially publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State; and (2) annually submit to the Legislature a separate report containing certain information and recommendations about adult maltreatment. **Section 10** requires a representative of the Committee or the Aging and Disability Services Division of the Department to biennially present such information and recommendations at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. **Section 11** of this bill authorizes the Committee to take certain measures necessary to perform its duties, including consulting with experts and other interested persons and entering into contracts. **Section 12** of this bill entitles the Committee to access certain records it determines necessary to perform its duties and authorizes the Committee to petition the district court for a subpoena to compel the production of such records. **Section 12** also provides that information acquired by and records of the Committee are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. **Sections 12 and 14** of this bill provide that such records are not public records. **Sections 12 and 15** of this bill provide that meetings of the Committee are closed to the public.

Existing law creates in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons. (NRS 228.265) Existing law authorizes the Unit to investigate and prosecute deaths resulting from adult maltreatment. (NRS 228.270) **Section 10** ~~[requires the Committee to refer a case of suspected adult maltreatment to the Unit for investigation and prosecution where appropriate.]~~ **authorizes the Attorney General to review any cases referred to the Committee to determine the need for further investigation.** **Section 12** authorizes the Committee to meet and share information with the Unit and certain entities that investigate domestic violence. ~~[Section 13 of this bill requires the Unit to compile a report of the outcome of and findings regarding each case referred by the Committee to the Unit.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Adult maltreatment" means the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person in violation of NRS 200.5099.***

Sec. 4. ***"Committee" means the Vulnerable Adult Fatality Review Committee established by section 8 of this act.***

Sec. 5. ***"Facility or service provider" means:***

1. Any facility or other entity licensed or certified pursuant to chapter 435 or 449 of NRS.

2. A provider of emergency medical services.

3. A facility for long-term rehabilitation.

4. Any unlicensed establishment that provides food, shelter, assistance and limited supervision to an older person or a vulnerable person.

Sec. 6. ***"Older person" has the meaning ascribed to it in NRS 228.255.***

Sec. 7. ***"Vulnerable person" has the meaning ascribed to it in NRS 228.262.***

Sec. 8. ***1. The Vulnerable Adult Fatality Review Committee is hereby established within the Department.***

2. The Director shall appoint to the Committee:

(a) One member who is a licensed social worker who is actively providing services to clients in this State who are vulnerable persons;

(b) One member who is an attorney and is:

(1) Licensed to practice law in this State; and

(2) Employed by the Office of the Attorney General; and

(c) At least 4 but not more than 10 members who:

(1) Are providers of health care, representatives of nonprofit organizations whose work is related to adult maltreatment, issues of older persons or issues of vulnerable persons, representatives of agencies involved in vital statistics and law enforcement and other persons ~~***[interested in adult maltreatment or the welfare of older persons and vulnerable persons;]***~~ ***the Director determines to be appropriate for membership on the Committee; and***

(2) Represent the racial, ethnic, linguistic and geographic diversity of this State.

3. The members of the Committee serve:

(a) At the pleasure of the Director; and

(b) Without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Committee.

5. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

6. At the first meeting of the Committee and annually thereafter:

(a) The Director shall appoint a Chair of the Committee;

(b) The Committee shall elect a Secretary from among its members; and

(c) The Committee shall adopt rules for its own management and government.

7. The Committee shall meet at least twice each year and may meet at such further times as determined necessary by the Chair.

8. A member of the Committee or an employee, agent or consultant of the Committee is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Committee. For the purposes of this subsection, any act which violates a provision of law concerning the privacy of information shall be deemed to be outside the scope of the duties of the Committee.

9. The Director may:

(a) Apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 12, inclusive, of this act; and

(b) Adopt any regulations necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

Sec. 9. *1. The Committee:*

(a) Shall review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by the Division, a law enforcement agency or an adult related to the decedent within the third degree of consanguinity; and

(b) May, within the limits of available resources, review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment.

2. A review pursuant to subsection 1 must include, without limitation, and to the extent that such records exist, a review of relevant medical records, death certificates, records of an autopsy, records created by a facility or provider, records of the Division, records of a social services agency, mental health records and records of a law enforcement agency described in section 12 of this act.

Sec. 10. *1. In addition to conducting reviews pursuant to section 9 of this act, the Committee shall:*

(a) Within the limits of available resources:

(1) Cross-reference databases maintained by the Division with databases maintained by coroners and medical examiners in this State to identify deaths that may have been caused by or related to adult maltreatment and review such deaths in accordance with section 9 of this act.

(2) Review incidents and trends in adult maltreatment in this State.

(3) Identify and review disparities in the incidence of adult maltreatment in this State by analyzing:

(I) The race, ethnicity and age of persons who experience adult maltreatment;

(II) The geographic region of the residence of persons who experience adult maltreatment; and

(III) Any other variables identified by the Committee.

(b) ~~[Refer a case of suspected adult maltreatment to the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265 for further investigation and prosecution where appropriate.~~

~~(c)]~~ Based on the reviews conducted pursuant to paragraph (a) and section 9 of this act, develop findings and recommendations to prevent adult maltreatment and address the needs of victims of adult maltreatment.

~~[(d)]~~ (c) Disseminate the findings and recommendations developed pursuant to paragraph ~~[(c)]~~ (b) to the Division, providers of health care, agencies and organizations that provide social services, facilities or service providers, law enforcement agencies, organizations that provide services to victims of adult maltreatment, other ~~[interested]~~ persons and entities the Committee determines to be appropriate and the public.

~~[(e)]~~ (d) On or before December 31 of each even-numbered year, compile and publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State during the immediately preceding 24 months. Such data must be aggregated and presented in a manner that does not allow for the identification of any person.

~~[(f)]~~ (e) On or before December 31 of each year:

(1) Develop, in collaboration with the Division, a report that includes, without limitation:

(I) A description of the deaths resulting from adult maltreatment and other incidents of adult maltreatment reviewed pursuant to paragraph (a) of subsection 1 and section 9 of this act, respectively, during the immediately preceding 12 months, provided in a manner that does not allow for the identification of any person;

(II) A summary of the disparities identified and reviewed pursuant to subparagraph (3) of paragraph (a) of subsection 1;

(III) Plans for corrective action to reduce adult maltreatment in this State; and

(IV) Recommendations for any legislation or other changes to policy to reduce adult maltreatment or otherwise improve the well-being of older persons and vulnerable persons in this State; and

(2) Submit the report developed pursuant to subparagraph (1) to the Director of the Legislative Counsel Bureau for transmittal to:

(I) For a report submitted on or before December 31 of an odd-numbered year, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750; and

(II) For a report submitted on or before December 31 of an even-numbered year, the next regular session of the Legislature.

2. The Committee may, within the limits of available resources:

(a) Conduct any other research into issues relating to adult maltreatment or the well-being of older persons and vulnerable persons in this State;

(b) Promote changes in policy in the public and private sectors to reduce adult maltreatment or address the effects of adult maltreatment;

(c) Take measures to improve the services provided to victims of adult maltreatment, including, without limitation, identifying gaps in services provided to victims of adult maltreatment and reducing barriers to service for victims of adult maltreatment; and

(d) Engage in activities to increase public awareness regarding adult maltreatment.

3. On or before August 1 of each odd-numbered year, a representative of the Committee or the Division shall present the findings, plans for corrective action and recommendations for changes to policy contained in the reports developed pursuant to paragraph ~~[(f)]~~ (e) of subsection 1 for the immediately preceding 2 years at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750.

4. Within the limits of available resources, the Attorney General may review any case referred to or reviewed by the Committee to determine the need for further investigation of the case.

Sec. 11. *The Committee may take any action necessary to carry out its duties, including, without limitation:*

1. Consulting with experts and other interested persons to ensure the data collected is of the highest quality;

2. Entering into a contract or other agreement with any person or entity, including, without limitation, a college or university, to:

(a) Assist the Committee with its organization and meetings;

(b) Collect, analyze and disseminate information; or

(c) Assist in carrying out any other duty of the Committee;

3. Establishing subcommittees consisting of members of the Committee; and

4. Employing such persons as it deems necessary to carry out its duties.

Sec. 12. *1. The Committee is entitled to access to:*

(a) All final investigative information of law enforcement agencies regarding a death that may have been caused by or related to adult maltreatment or other incident of adult maltreatment being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to a death of an older person or a vulnerable person that may have been caused by or related to adult maltreatment;

(c) Any medical or mental health records of a decedent or other victim of adult maltreatment;

(d) Any records of the Division or any other agency which has provided services to a decedent or other victim of adult maltreatment; and

(e) Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470; or

(c) The Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of adult maltreatment being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to a subpoena issued pursuant to this subsection shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a death that is known or suspected to have been caused by or be related to adult maltreatment for the purpose of research or to prevent future adult maltreatment if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. The disclosure of information or records to the Committee does not make such information or records confidential with respect to the person or entity that disclosed the records if the information or records are not otherwise confidential.

6. The meetings of the Committee are closed to the public.

Sec. 13. ~~[NRS 228.270 is hereby amended to read as follows:~~

~~228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:~~

~~(a) At the request of the district attorney of the county in which the violation occurred;~~

~~(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or~~

~~(c) Jointly with the district attorney of the county in which the violation occurred.~~

~~2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be from abuse, neglect, isolation or abandonment. A multidisciplinary team may include, without limitation, the following members:~~

~~(a) A representative of the Unit;~~

~~(b) Any law enforcement agency that is involved with the case under review;~~

~~(c) The district attorney's office in the county where the case is under review;~~

~~(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;~~

~~(e) A representative of the coroner's office; and~~

~~(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.~~

~~3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person or vulnerable person who is the subject of the review or any person who was in contact with the older person or vulnerable person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.~~

~~4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be the result of abuse, neglect, isolation or abandonment.~~

~~***5. On or before February 1 of each year, the Unit shall:***~~

~~*(a) Compile a report of the outcome of and findings regarding each case referred to the Unit by the Vulnerable Adult Fatality Review Committee pursuant to section 10 of this act; and*~~

~~*(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:*~~

~~*(1) In odd-numbered years, the next regular session of the Legislature; and*~~

~~*(2) In even-numbered years, the Joint Interim Standing Committee on the Judiciary.]*~~ **(Deleted by amendment.)**

Sec. 14. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159,

396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 12 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may

be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 15. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ***and section 12 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 16. Notwithstanding the provisions of paragraphs ~~[(e)]~~ **(d)** and ~~[(f)]~~ **(e)** of subsection 1 of section 10 of this act, the first reports required by those paragraphs must be published on an Internet website maintained by the Department of Health and Human Services or submitted to the Director of the Legislative Counsel Bureau on or before December 31, 2026.

Sec. 16.5. The amendatory provisions of this act apply only to a contract entered into between the Department of Health and Human Services and a district attorney on or after July 1, 2023.

Sec. 17. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 18. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 963 Assembly Bill No. 119.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 156.

The following Senate amendment was read:

Amendment No. 938.

AN ACT relating to substance use disorders; providing for the separate accounting of certain money for the purchase of opioid antagonists; establishing the order in which a provider or program is required to prioritize persons for participation in certain publicly funded programs for the treatment of alcohol or other substance use disorders; authorizing a pharmacist to prescribe and dispense drugs for medication-assisted treatment of opioid use disorder and perform certain assessments under certain conditions; requiring certain health plans to include coverage for such drugs and assessments; prescribing certain requirements concerning the diagnosis and treatment of a patient with an opioid use disorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires all gifts or grants of money for a program for alcohol or other substance use disorders which the Division of Public and Behavioral Health of the Department of Health and Human Services is authorized to accept to be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol or Other Substance Use Disorders. (NRS 458.100) **Sections ~~[1]~~ 1.28 and 1.3** of this bill authorize the Division to accept and deposit into a separate account gifts, grants, donations, bequests or money from any other source for the purpose of funding the bulk purchase of opioid antagonists. **Section ~~[1]~~ 1.28** provides that such money is not subject to provisions of law governing budgeting by agencies of the State Government. **Section ~~[1]~~ 1.28** requires the Division to use the money in the account to fund the bulk purchase of opioid antagonists and the distribution of those opioid antagonists.

Existing federal regulations require programs funded by certain federal grants for injection drug users to prioritize persons for participation in such programs in the following order: (1) pregnant injecting drug users; (2) pregnant persons with a substance use disorder; (3) other injecting drug users; and (4) all others. (45 C.F.R. § 96.131) **Section 1.7** of this bill requires any treatment provider, provider of health care or program for the treatment of alcohol or other substance use disorders to prioritize persons to receive services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money in that order, except that **section 1.7** authorizes the State Board of Health to adopt regulations prioritizing additional categories of people for such services.

Existing law defines the term "practice of pharmacy" for the purpose of determining which activities require a person to be registered and regulated by the State Board of Pharmacy as a pharmacist. (NRS 639.0124) **Section 12.3** of this bill requires the Board to prescribe a protocol to allow a pharmacist who registers with the Board to: (1) assess a patient to determine whether the patient has an opioid use disorder and medication-assisted treatment would be appropriate for the patient; and (2) prescribe and dispense a drug for medication-assisted treatment. ~~[without a prescription from a practitioner.]~~ **Section 12.6** of this bill provides that the practice of pharmacy includes actions

authorized by the protocol established in **section 12.3**. ~~[Section 16.05 of this bill makes a conforming change to account for the provisions of section 12.3 authorizing a pharmacist to dispense a drug that has not been prescribed by a practitioner.]~~ **Sections 1-1.25 and 12.8 of this bill make additional changes necessary to authorize a pharmacist who registers with the Board to prescribe a drug for medication-assisted treatment.** The Board would be authorized to suspend or revoke the registration of a pharmacist who orders or assesses a patient or prescribes or dispenses drugs under the protocol established pursuant to **section 12.3** without complying with the provisions of the protocol. (NRS 639.210)

Sections ~~[3.5-5.8,]~~ **3.5, 4.5, 16.1, 16.3, 16.4, 16.48-16.75 and 16.9** of this bill require public and private health plans, including Medicaid **managed care organizations** and health plans for state and local government employees, to: (1) cover drugs approved by the Food and Drug Administration for medication-assisted treatment; and (2) reimburse assessment, prescribing and dispensing by a pharmacist in accordance with **section 12.3** at a rate equal to that provided to a physician, physician assistant or advanced practice registered nurse for similar services. **Section 5.5 of this bill also requires Medicaid to reimburse those services at such a rate, regardless of whether the services are reimbursed directly or through managed care organizations. Sections 2.5 and 16.2** of this bill make conforming changes to indicate the proper placement of **sections 5.5 and 16.1**, respectively, of this bill in the Nevada Revised Statutes. **Sections 6.5, 16.13, 16.16, 16.43 and 16.45** of this bill make conforming changes to indicate that the coverage required by **sections 16.1, 16.3 and 16.4** is in addition to certain coverage for the treatment of substance use disorder that certain insurers are required by existing law to provide. **Section 16.8** of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 16.7** of this bill. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of **sections 16.1, 16.3, 16.48-16.6 or 16.9** of this bill. (NRS 680A.200)

Existing law authorizes a physician, physician assistant or advanced practice registered nurse to prescribe controlled substances if he or she is registered with the State Board of Pharmacy. (NRS 453.126, 453.231, 630.271, 632.237, 633.432) Existing federal law requires a physician, physician assistant or advanced practice registered nurse who prescribes or dispenses narcotic drugs for the treatment of opioid use disorder to register with the Drug Enforcement Administration of the United States Department of Justice for the specific purpose of dispensing such drugs. (21 U.S.C. § 822(a)) **Sections 10-12 and 13-16** of this bill require a physician, physician assistant, advanced practice registered nurse, osteopathic physician or certain providers of behavioral health care who diagnose a patient with an opioid use disorder to counsel and provide information to the patient concerning evidence-based treatment for opioid use disorder, including medication-assisted treatment. If the patient

requests medication-assisted treatment: (1) **sections 10-12** require a physician, physician assistant, advanced practice registered nurse or osteopathic physician who is authorized under federal and state law to prescribe such treatment to offer to issue such a prescription; and (2) **sections 10-12 and 13-16** require all other physicians, physician assistants, advanced practice registered nurses, osteopathic physicians and certain providers of behavioral health care to refer the patient to a physician, physician assistant, advanced practice registered nurse, osteopathic physician or pharmacist who is authorized to issue such a prescription.

Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) **Section 17.5** of this bill requires the Department of Corrections, in collaboration with the Department of Health and Human Services, and each county, city or town that maintains a jail or detention facility to study during the 2023-2024 interim certain issues relating to the provision of medication-assisted treatment to incarcerated persons.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 453.126 is hereby amended to read as follows:**

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

8. A pharmacist who is registered pursuant to section 12.3 of this act to prescribe and dispense drugs for medication-assisted treatment.

Sec. 1.05. **NRS 453.128 is hereby amended to read as follows:**

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse ***, pharmacist registered pursuant to section 12.3 of this act*** or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 1.1. **NRS 453.226 is hereby amended to read as follows:**

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations. A person must present proof that he or she is authorized to access the database of the program established pursuant to NRS 453.162 before the Board may issue or renew a registration.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, podiatric physician ***, pharmacist registered pursuant to section 12.3 of this act*** or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 1.15. **NRS 453.336 is hereby amended to read as follows:**

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse ***, pharmacist registered pursuant to section 12.3 of this act*** or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be

punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➥ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device

obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 1.2. **NRS 453.381 is hereby amended to read as follows:**

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced practice registered nurse**,** ~~[or]~~ podiatric physician ***or pharmacist registered pursuant to section 12.3 of this act*** may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced practice registered nurse, podiatric physician **, *pharmacist registered pursuant to section 12.3 of this act*** or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced practice registered nurse, podiatric physician **, *pharmacist registered pursuant to section 12.3 of this act*** or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced practice registered nurse, podiatric

physician **, *pharmacist*** or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 1.25. **NRS 454.00958 is hereby amended to read as follows:**

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A pharmacist who is registered pursuant to section 12.3 of this act to prescribe and dispense drugs for medication-assisted treatment.

~~[Section 1.]~~ ***Sec. 1.28.*** Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division may accept gifts, grants, donations, bequests or money from any other source for the purpose of funding the bulk purchase of opioid antagonists. Any money so received must be accounted for separately in the State General Fund.

2. Money accepted pursuant to subsection 1 or deposited into the account created pursuant to subsection 1 is not subject to the State Budget Act.

3. Interest and income earned on money in the account created pursuant to subsection 1 must be credited to the account. Any money remaining in the account at the end of a fiscal year does not revert to the State General Fund, and the balance in the account must be carried forward to the next fiscal year.

4. The money in the account created pursuant to subsection 1 must be used only to fund the bulk purchase of opioid antagonists and pay the costs of the Division to distribute those opioid antagonists.

5. As used in this section, "opioid antagonist" has the meaning ascribed to it in NRS 453C.040.

Sec. 1.3. NRS 458.100 is hereby amended to read as follows:

458.100 1. ~~[All]~~ ***Except as otherwise provided in section ~~[1]~~ 1.28 of this act, all*** gifts or grants of money for a program for alcohol or other substance use disorders which the Division is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol or Other Substance Use Disorders which is hereby created in the Department of Health and Human Services' Gift Fund.

2. Subject to the limitations set forth in NRS 458.094, money in the Account must be used to carry out the provisions of this chapter.

3. All claims must be approved by the Administrator before they are paid.

Sec. 1.7. NRS 458.103 is hereby amended to read as follows:

458.103 ***1.*** The Division may accept:

~~[1.]~~ ***(a)*** Money appropriated and made available by any act of Congress for any program for alcohol or other substance use disorder administered by the Division as provided by law.

~~[2.]~~ ***(b)*** Money appropriated and made available by the State of Nevada or by a county, a city, a public district or any political subdivision of this State for any program for alcohol or other substance use disorder administered by the Division as provided by law.

2. Except as otherwise provided in any regulations adopted pursuant to subsection 3, a treatment provider, provider of health care or program for alcohol or other substance use disorders shall prioritize persons to receive services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money in accordance with 45 C.F.R. § 96.131(a).

3. To the extent that such regulations do not conflict with federal law or impair an obligation under any existing grant, contract or other agreement, the State Board of Health may adopt regulations prioritizing categories of persons, in addition to the categories prescribed in 45 C.F.R. § 96.131(a), to receive services for the treatment of alcohol or other substance use disorders funded in whole or in part by federal or state money.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 5.5 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, ***and section 16.3 of this act,*** 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, ***and section 16.9 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 5. (Deleted by amendment.)

Sec. 5.5. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for the services of a pharmacist described in section 12.3 of this act.

2. The State must provide reimbursement for the services of a pharmacist described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

Sec. 5.8. ~~[~~NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager, health maintenance organization or one or more public or private entities in this State, the District of Columbia or other states or territories of the United States, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus, including, without limitation, antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from

~~any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and~~

~~(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.~~

~~4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation:~~

~~(a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants; [and]~~

~~(b) Prescription drugs to prevent the acquisition of human immunodeficiency virus [.] ; and~~

(c) All prescription drugs approved by the United States Food and Drug Administration to provide medication assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone. As used in this paragraph, "medication assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

~~5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.~~

~~6. On or before February 1 of each year, the Department shall:~~

~~(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager, contracts with a health maintenance organization and contracts with public and private entities from this State, the District of Columbia and other states and territories of the United States; and~~

~~(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(1) In odd-numbered years, the Legislature; or~~

~~(2) In even-numbered years, the Legislative Commission.]~~ **(Deleted by amendment.)**

Sec. 6. (Deleted by amendment.)

Sec. 6.5. NRS 608.156 is hereby amended to read as follows:

608.156 1. ~~[If]~~ ***In addition to any benefits required by NRS 608.155, if*** an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of alcohol and substance use disorders. The annual benefits provided by the employer must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of $2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is $39,000.

3. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, a physician or physician assistant shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the physician or physician assistant shall:

(a) If the physician or physician assistant is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the physician or physician assistant is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to this chapter or chapter 633 of NRS, advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, "medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

Sec. 11. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, an advanced practice registered nurse shall counsel and provide information to

the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the advanced practice registered nurse shall:

(a) If the advanced practice registered nurse is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the advanced practice registered nurse is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, "medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

Sec. 12. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, an osteopathic physician or physician assistant shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the osteopathic physician or physician assistant shall:

(a) If the osteopathic physician or physician assistant is authorized under federal and state law to issue such a prescription, offer to prescribe an appropriate medication; or

(b) If the osteopathic physician or physician assistant is not authorized under federal and state law to prescribe an appropriate medication, refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to this chapter or chapter 630 of NRS, advanced practice registered nurse or pharmacist who is authorized to issue the prescription.

3. As used in this section, "medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

Sec. 12.3. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, a pharmacist who registers with the Board to engage in the activity authorized by this section may, in accordance with the requirements of the protocol prescribed pursuant to subsection 2:

(a) Assess a patient to determine whether:

(1) The patient has an opioid use disorder; and

(2) Medication-assisted treatment would be appropriate for the patient;

(b) Counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment; and

(c) Prescribe and dispense a drug for medication-assisted treatment.

2. The Board shall adopt regulations:

(a) Prescribing the requirements to register with the Board to engage in the activity authorized by this section; and

(b) Establishing a protocol for the actions authorized by this section.

3. As used in this section, "medication-assisted treatment" means treatment for an opioid use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 12.6. NRS 639.0124 is hereby amended to read as follows:

639.0124 1. "Practice of pharmacy" includes, but is not limited to, the:

(a) Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

(b) Interpretation and evaluation of prescriptions or orders for medicine.

(c) Participation in drug evaluation and drug research.

(d) Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

(e) Selection of the source, storage and distribution of a drug.

(f) Maintenance of proper documentation of the source, storage and distribution of a drug.

(g) Interpretation of clinical data contained in a person's record of medication.

(h) Development of written guidelines and protocols in collaboration with a practitioner which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2629.

(i) Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.

(j) Prescribing, dispensing and administering of drugs for preventing the acquisition of human immunodeficiency virus and ordering and conducting laboratory tests necessary for therapy that uses such drugs pursuant to the protocol prescribed pursuant to NRS 639.28085.

(k) Dispensing a self-administered hormonal contraceptive pursuant to NRS 639.28078.

(l) Assessing a patient and prescribing and dispensing a drug for medication-assisted treatment in accordance with section 12.3 of this act.

2. The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583, 639.28078 and 639.28085.

Sec. 12.8. **NRS 639.0125 is hereby amended to read as follows:**

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

7. A pharmacist who is registered pursuant to section 12.3 of this act to prescribe and dispense drugs for medication-assisted treatment.

Sec. 13. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient as having an opioid use disorder, a psychologist shall counsel and provide information to the patient concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the patient requests medication-assisted treatment, the psychologist shall refer the patient to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

Sec. 14. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, a marriage and family therapist or clinical professional counselor shall counsel and provide information to the client concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the marriage and family therapist or clinical professional counselor shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse or

pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

Sec. 15. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, a clinical social worker shall counsel and provide information to the client concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the clinical social worker shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

Sec. 16. Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a client as having an opioid use disorder, an alcohol and drug counselor, clinical alcohol and drug counselor or problem gambling counselor shall counsel and provide information to the client concerning evidence-based treatment for opioid use disorders, including, without limitation, medication-assisted treatment.

2. If the client requests medication-assisted treatment, the alcohol and drug counselor, clinical alcohol and drug counselor or problem gambling counselor shall refer the client to a physician, osteopathic physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced practice registered nurse or pharmacist who is authorized under federal and state law to prescribe an appropriate medication.

3. As used in this section, "medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

Sec. 16.05. ~~[NRS 683A.179 is hereby amended to read as follows:~~

~~683A.179 1. A pharmacy benefit manager shall not:~~

~~(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning:~~

~~(1) The amount of any copayment or coinsurance for a prescription drug; or~~

~~(2) The availability of a less expensive alternative or generic drug including, without limitation, information concerning clinical efficacy of such a drug;~~

~~(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative or generic drug to a covered person;~~

~~(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; or~~

~~(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party.~~

~~2. The provisions of this section:~~

~~(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125, except to the extent authorized by a specific provision of law, including, without limitation, NRS 453C.120, 639.28078 and 639.28085~~ ***[.] and section 12.3 of this act.***

~~(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.~~

~~3. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.~~**] (Deleted by amendment.)**

Sec. 16.1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the insurer. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. An insurer that offers or issues a policy of health insurance shall reimburse a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the insurer for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~[An]~~ Except as otherwise provided in this subsection, an insurer ~~[may]~~ shall not subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ , other than step therapy. An insurer may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.13. NRS 689A.030 is hereby amended to read as follows:

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, domestic partner as defined in NRS 122A.030, dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any child on or before the last day of the month in which the child attains 26 years of age, and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. "Text" includes all printed matter

except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. ~~[The]~~ ***Except as otherwise provided by this subsection, the*** policy must provide ~~[, at the option of the applicant,]~~ benefits for expenses incurred for the treatment of alcohol or substance use disorder ***.*** ~~[, unless]~~ ***Except for the benefits required by section 16.1 of this act, such benefits must be provided:***

(a) At the option of the applicant; and

(b) Unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 16.16. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. ~~[The]~~ ***In addition to the benefits required by section 16.1 of this act, the*** benefits provided by a policy for health insurance for treatment of alcohol or substance use disorder must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorder which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorder as part of its accredited activities.

Sec. 16.2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 16.1 of this act.***

Sec. 16.3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the insurer. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. An insurer that offers or issues a policy of group health insurance shall reimburse a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the insurer for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~[An]~~ Except as otherwise provided in this subsection, an insurer ~~[may]~~ shall not subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ , other than step therapy. An insurer may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the carrier. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. A carrier that offers or issues a health benefit plan shall reimburse a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the carrier for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~[A]~~ Except as otherwise provided in this subsection, a carrier ~~[may]~~ shall not subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ , other than step therapy. A carrier may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.43. NRS 689C.166 is hereby amended to read as follows:

689C.166 Each group health insurance policy must contain in substance a provision for benefits payable for expenses incurred for the treatment of alcohol or substance use disorder, as provided in NRS 689C.167 ~~[.]~~ ***and section 16.4 of this act.***

Sec. 16.45. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. ~~[The]~~ ***In addition to the benefits required by section 16.4 of this act, the*** benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of alcohol or substance use disorders must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF

International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 16.48. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 16.4 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 16.5. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract shall include in the contract coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the society. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. A society that offers or issues a benefit contract shall reimburse a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the society for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~[A]~~ Except as otherwise provided in this subsection, a society ~~[may]~~ shall not subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ , other than step therapy. A society may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.6. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the hospital or medical services corporation. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the hospital or medical services corporation for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~[A]~~ Except as otherwise provided in this subsection, a hospital or medical services corporation ~~[may]~~ shall not subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ , other than step therapy. A hospital or medical services corporation may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and

categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.7. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the health maintenance organization. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. A health maintenance organization that offers or issues a health care plan shall reimburse a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the health maintenance organization for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~[A]~~ Except as otherwise provided in this subsection, health maintenance organization ~~[may]~~ shall not subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ , other than step therapy. A health maintenance organization may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term

includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16.75. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 ***and section 16.7 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 16.8. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the

provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***or section 16.7 of this act,*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts,

unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 16.9. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration to provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone; and

(b) The services described in section 12.3 of this act when provided by a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the managed care organization. The Commissioner shall adopt regulations governing the provision of reimbursement for such services.

2. A managed care organization that offers or issues a health care plan shall reimburse a pharmacist ~~[who]~~ or pharmacy that participates in the network plan of the managed care organization for the services described in section 12.3 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. ~~[A]~~ Except as otherwise provided in this subsection, managed care organization ~~[may]~~ shall not subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ , other than step therapy. A managed care organization may subject such benefits to other reasonable medical management techniques when the benefits are provided by a pharmacist in accordance with section 12.3 of this act.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 17. 1. Notwithstanding the provisions of subsection 2 of NRS 458.103, as amended by section 1.7 of this act, a treatment provider, provider of health care or program for alcohol or substance use disorders is not, unless otherwise required by federal law, required to terminate services to which the provisions of that subsection would otherwise apply to a person who is receiving such services on or before October 1, 2023, from the treatment provider, provider of health care or program in order to provide such services to a person who would otherwise receive priority under that subsection.

2. The provisions of subsection 2 of NRS 458.103, as amended by section 1.7 of this act, do not apply to treatment for an alcohol or other substance use disorder provided under any grant, contract or other agreement accepted or entered into on or before October 1, 2023, but do apply to any such treatment provided under such a grant, contract or agreement that is renewed or extended.

3. As used in this section:

(a) "Program for alcohol or other substance use disorders" has the meaning ascribed to it in NRS 458.010.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(c) "Treatment provider" has the meaning ascribed to it in NRS 458.010.

Sec. 17.5. 1. During the 2023-2024 interim, the Department of Corrections, in collaboration with the Department of Health and Human Services, shall study the provision of medication-assisted treatment to offenders with opioid use disorder. The study must include, without limitation, an examination of:

(a) Barriers to accessing medication-assisted treatment at institutions and facilities of the Department of Corrections and private facilities and institutions, including, without limitation:

(1) A shortage of providers of health care who are authorized and willing to prescribe a drug for medication-assisted treatment to offenders; and

(2) Barriers relating to the licensure, credentialing and regulation of such providers of health care;

(b) The feasibility of forming multidisciplinary review teams consisting of experts on behavioral health care and criminal justice to make informed decisions about the medication-assisted treatment provided to offenders;

(c) The feasibility of establishing medication-assisted treatment programs on the grounds of institutions and facilities of the Department of Corrections and private facilities and institutions to provide medication-assisted treatment to offenders with opioid use disorder to the same extent as other health care provided to offenders;

(d) The feasibility of forming partnerships with providers of health care and agencies, including, without limitation, the Department of Health and Human Services and local agencies that provide social services, to provide medication-assisted treatment inside or nearby institutions and facilities of the Department of Corrections and private facilities and institutions;

(e) The feasibility of forming partnerships with counties, cities and towns that maintain jails or detention facilities to provide medication-assisted treatment to prisoners in such jails or detention facilities;

(f) The feasibility of storing information concerning offenders who are receiving medication-assisted treatment and sharing such information with providers of treatment, providers of community-based services and other interested persons and entities;

(g) Strategies for facilitating the continuation of medication-assisted treatment by an offender upon release, including, without limitation:

(1) Affiliating with providers of community-based services or federally qualified health centers; and

(2) Obtaining a waiver pursuant to 42 U.S.C. § 1315 to provide coverage under Medicaid for services to offenders before they are released;

(h) The funding that would be needed to provide medication-assisted treatment to all offenders with opioid use disorder in each institution or facility of the Department of Corrections and each private facility or institution; and

(i) Opportunities to obtain federal and private funding to defray the costs described in paragraph (h).

2. During the 2023-2024 interim, each county, city or town that maintains a jail or detention facility shall study opioid use disorder among prisoners. Each study must include, without limitation:

(a) An examination of the current prevalence of opioid use disorder among prisoners in the jail or detention facility;

(b) An examination of the treatment prescribed for and provided to prisoners with opioid use disorder, including, without limitation, treatments provided by the staff of the jail or detention facility; and

(c) For a county whose population is 100,000 or more or any city or town within such a county, an examination of the feasibility of:

(1) Establishing a program to provide medication-assisted treatment for prisoners with opioid use disorder that meets national standards of care for the provision of medication-assisted treatment in a correctional setting, including, without limitation, with regard to personnel and funding; and

(2) Forming partnerships with providers of health care and agencies to provide medication-assisted treatment inside or nearby the jail or detention facility and facilitate the continuation of medication-assisted treatment after a prisoner is released.

3. A county whose population is less than 100,000 or a city or town within such a county that maintains a jail or detention facility may:

(a) Conduct the examination described in paragraph (c) of subsection 2; and

(b) Cooperate with the regional behavioral health policy board created by NRS 433.429 for the behavioral health region established by NRS 433.428 in which the county is located for the purpose of conducting that examination.

4. On or before June 30, 2024, the Department of Corrections and each county, city or town that maintains a jail or detention facility shall:

(a) Submit a report of the findings of the study conducted pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on the Judiciary; and

(b) Present the findings of the study conducted pursuant to this section at meetings of the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on the Judiciary.

5. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Institution" has the meaning ascribed to it in NRS 209.071.

(d) "Medication-assisted treatment" has the meaning ascribed to it in section 12.3 of this act.

(e) "Offender" has the meaning ascribed to it in NRS 209.081.

(f) "Private facility or institution" has the meaning ascribed to it in NRS 209.083.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 19. 1. This section becomes effective upon passage and approval.

2. Sections ~~[1,]~~ **1.28,** 1.3 and 17.5 of this act becomes effective on July 1, 2023.

3. Sections 1.7 and 17 of this act become effective on October 1, 2023.

4. Sections **1 to 1.25, inclusive,** 2 to 16.9, inclusive, and 18 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 938 Assembly Bill No. 156.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 155.

The following Senate amendment was read:

Amendment No. 961.

AN ACT relating to health care; requiring policies of health insurance to include coverage of biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer in certain circumstances; establishing certain conditions relating to such required coverage; providing for a study of the cost-effectiveness of biomarker testing; making an appropriation and authorizing certain expenditures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2717-422.27248, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194-689C.195, 689C.425, 695A.184-695A.1875, 695B.1901-695B.1949, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) **Sections 13-15, 17, 19, 20, 22-25 and 27** of this bill require certain public and private health plans, including Medicaid and health plans for state and local government employees, to provide coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. **Sections 13-15, 17, 19, 20, 22-25 and 27** require such health plans to: (1) provide the required coverage in a manner that limits disruptions in care and the need for multiple specimens; and (2) establish a process for requesting an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer or appealing a denial of coverage for such biomarker testing. **Sections 13-17, 19, 20, 22-25 and 27** additionally require such health plans to respond to any request for preauthorization for such biomarker testing within: (1) 24 hours for urgent requests; or (2) 72 hours for all other requests. **Sections 13-17, 19, 20, 22-25 and 27** clarify that an insurer is not required to cover biomarker testing for screening purposes or in certain circumstances. **Sections 11, 18 and 21** of this bill make conforming changes to indicate the proper placement of **sections 15, 17 and 20**, respectively, in the Nevada Revised Statutes. **Section 26** of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 24** of this bill. The Commissioner would also be authorized to take such action against other private health insurers who fail to comply with the requirements of **section 17, 19, 20, 22, 23 or 27** of this bill. (NRS 680A.200) **Section 28.5** of this bill appropriates and authorizes the expenditure of money for the Division of Health Care Financing and Policy of the Department of Health and Human

Services to contract with a qualified person to determine the cost-effectiveness of providing coverage for biomarker testing under Medicaid for the diagnosis, treatment, management or ongoing monitoring of diseases or conditions other than cancer. **Section 29.5** of this bill requires the Joint Interim Standing Committee on Health and Human Services, in coordination with the Department of Health and Human Services, to conduct a study during the 2023-2024 interim concerning the cost-effectiveness of biomarker testing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 15 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such

insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, ***and section 19 of this act,*** 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, ***and section 27 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 15. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, the Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. The Director shall:

(a) Ensure that the coverage required by subsection 1 is provided in a manner that limits disruptions in care and the need for multiple specimens.

(b) Include in the State Plan for Medicaid a clear and readily accessible process for a recipient of Medicaid or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the Department.

3. If the State Plan for Medicaid requires a recipient of Medicaid to obtain prior authorization for a biomarker test described in subsection 1, the State Plan must require a response to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require the State Plan for Medicaid to include coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience; or

(c) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience . ~~[; or~~

~~(d) Where a more cost-effective test is equally capable of meeting the medical needs of the recipient of Medicaid.]~~

5. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ ; and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689C.1675, 695A.1856, 695B.1912, 695B.1913, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) ~~[~~Respond~~]~~ ***Unless a shorter time period is prescribed by a specific statute, including, without limitation, sections 17, 19, 20, 22, 23, 24 and 27 of this act, respond*** to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 17. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience . ~~[; or~~

~~*(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.]*~~

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ ; and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 17 of this act.***

Sec. 19. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of group health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience . ~~[; or~~

~~***(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.]***~~

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ ; and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a carrier that issues a health benefit plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker

testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A carrier shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the carrier.

3. If a carrier requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the carrier shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a carrier to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that is not in the applicable network plan of the carrier; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience . ~~[; or~~

~~***(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.]***~~

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ ; and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 20 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 22. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a society that issues a benefit contract shall include in the contract coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A society shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the society.

3. If a society requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the society shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a society to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the society; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience . ~~[; or~~

~~(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.]~~

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the benefit contract or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A gene mutation or characteristic; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~*[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and*~~

~~*(5) The most clinically appropriate level of health care that may be safely provided to the patient.]*~~ ***; and***

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a hospital or medical service corporation that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A hospital or medical service corporation shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the hospital or medical service corporation.

3. If a hospital or medical service corporation requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the hospital or medical service corporation shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a hospital or medical service corporation to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the hospital or medical service corporation; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience . [; or

~~(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.~~]

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ ; and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of health insurance offered by a hospital or medical service corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical service corporation. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a health maintenance organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer

when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A health maintenance organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an enrollee or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the health maintenance organization.

3. If a health maintenance organization requires an enrollee to obtain prior authorization for a biomarker test described in subsection 1, the health maintenance organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a health maintenance organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the health maintenance organization; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience . ~~[; or~~

~~(e) Where a more cost-effective test is equally capable of meeting the medical needs of the enrollee.]~~

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any

provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[(Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~(3)]~~ Not primarily provided for the convenience of the patient or provider of health care;

~~[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and~~

~~(5) The most clinically appropriate level of health care that may be safely provided to the patient.]~~ ; and

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 ***and section 24 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 26. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the

provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 24 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts,

unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 27. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a managed care organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A managed care organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the managed care organization.

3. If a managed care organization requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the managed care organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a managed care organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the managed care organization; or

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience . ~~[; or~~

~~(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.]~~

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) ~~[Clinically appropriate with regard to type, frequency, extent, location and duration;~~

~~*(3)]*~~ ***Not primarily provided for the convenience of the patient or provider of health care;***

~~***[(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and***~~

~~***(5) The most clinically appropriate level of health care that may be safely provided to the patient.]***~~ ***; and***

(3) Significant in guiding and informing the provider of health care in providing the most appropriate course of treatment for the patient in order to prevent, delay or lessen the magnitude of an adverse health outcome.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 28. (Deleted by amendment.)

Sec. 28.5. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services the sum of $325,000 for the cost of contracting with a qualified person to determine the cost-effectiveness of providing coverage for biomarker testing under Medicaid for the diagnosis, treatment, management or ongoing monitoring of diseases or conditions other than cancer.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

3. Expenditure of $325,000 not appropriated from the State General Fund or State Highway Fund is hereby authorized during Fiscal Year 2023-2024 and Fiscal Year 2024-2025 by the Division of Health Care Financing and Policy

of the Department of Health and Human Services for the same purpose as set forth in subsection 1.

4. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

Sec. 29. (Deleted by amendment.)

Sec. 29.5. 1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services, in coordination with the Department of Health and Human Services, shall study the cost-effectiveness of biomarker testing, including, without limitation, the cost-effectiveness of biomarker testing:

(a) For the diagnosis, treatment, management or ongoing monitoring of specific diseases or conditions; and

(b) To screen for specific diseases or conditions or traits associated with specific diseases or conditions.

2. The Joint Interim Standing Committee on Health and Human Services shall submit a report of the results of the study, including any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 83rd Session of the Nevada Legislature.

3. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

Sec. 30. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, 12, and 28 to 29.5, inclusive, of this act become effective on July 1, 2023.

3. Sections 11, 13 to 27, inclusive, and 30 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 961 Assembly Bill No. 155.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 201.

The following Senate amendment was read:

Amendment No. 950.

AN ACT relating to behavioral health; requiring the Department of Health and Human Services to provide certain oversight and make certain recommendations concerning the children's behavioral health system of care; adding certain members to the subcommittee on the mental health of children of the Commission on Behavioral Health; prescribing certain duties of a regional behavioral health policy board; ~~[creating a statewide mental health consortium; prescribing the membership, powers and duties of the statewide mental health consortium; authorizing each mental health consortium to request the drafting of not more than one legislative measure for each regular session of the Legislature;]~~ **requiring a mental health consortium to submit certain documents to the Administrator of the Division of Child and Family Services of the Department;** clarifying the authority of the State Board of Health to require the licensing of certain facilities; requiring the ~~[Joint Interim Standing]~~ **Legislative** Committee ~~[on Health and Human Services]~~ **on Senior Citizens, Veterans and Adults With Special Needs** to conduct a study of the feasibility of formulating and operating a comprehensive state plan to provide behavioral health services **;** ~~[for adults and children;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain duties relating to the provision of behavioral health services in this State; and (2) the Division of Child and Family Services of the Department to administer provisions governing mental health services for children. (NRS 433.331-433.374, chapter 433B of NRS) **Section 2** of this bill requires the Department to: (1) track the spending of federal and state money on the children's behavioral health system of care, which consists of certain behavioral health services for children and their families; (2) quantify and track the costs avoided through such expenditures; and (3) perform certain duties to provide oversight for and make recommendations concerning the reinvestment of the money

saved through such avoided costs in the children's behavioral health system of care.

Existing law establishes a regional behavioral health policy board for each of the five behavioral health regions of this State. (NRS 433.428, 433.429) Existing law requires each regional behavioral health policy board to: (1) advise the Department, the Division of Public and Behavioral Health and the Commission on Behavioral Health regarding certain matters relating to behavioral health in the region; and (2) submit an annual report to the Commission concerning the behavioral health needs of the region and certain duties of the policy board. (NRS 433.4295) **Section 8** of this bill additionally requires each regional behavioral health policy board to advise the Division of Child and Family Services regarding behavioral health for children in the region over which the policy board has jurisdiction. **Section 8** also requires a regional behavioral health policy board to additionally submit the annual report to the Division of Public and Behavioral Health and the Division of Child and Family Services.

Existing law establishes a mental health consortium for each county whose population is 100,000 or more (currently Clark and Washoe Counties) and another behavioral health consortium for the jurisdiction consisting of all other counties in this State. (NRS 433B.333) ~~[Section 10.5 of this bill establishes a statewide mental health consortium to represent all mental health consortia established by existing law. Section 10.5 also prescribes the membership of the statewide mental health consortium. Section 11.3 of this bill prescribes the powers and duties of the statewide mental health consortium, which include representing all regional mental health consortia and taking certain other actions related to the mental health of children.]~~

Existing law requires each mental health consortium to: (1) prepare and submit to the Director of the Department a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium; and (2) annually submit to the Director of the Department and the Commission certain reports relating to the long-term strategic plan. (NRS 433B.335) ~~[Section 11 of this bill exempts the statewide mental health consortium from those requirements. Sections 6 and 11.6 of this bill make conforming changes to clarify that only a mental health consortium that represents a particular region is required to submit a long-term strategic plan.]~~ **Section 11** ~~[additionally]~~ **of this bill** requires each mental health consortium ~~[that represents a particular region]~~ to submit the long-term strategic plan and the annual reports to the Administrator of the Division of Child and Family Services.

Existing law requires the Commission to appoint a subcommittee on the mental health of children to review each long-term strategic plan submitted by a mental health consortium that represents a particular region. (NRS 433.317) **Section 6 of this bill** requires that subcommittee to include two members ~~[of the statewide]~~ **recommended by and upon agreement of the** mental health ~~[consortium.~~

~~Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 12.3 of this bill authorizes the statewide mental health consortium and each regional mental health consortium to request the drafting of not more than one legislative measure for each regular session of the Legislature. Section 12.5 of this bill makes a conforming change to indicate the proper placement of section 12.3 in the Nevada Revised Statutes.]~~ **consortia.**

Existing law: (1) requires a medical facility or facility for the dependent to obtain a license from the Division of Public and Behavioral Health; and (2) authorizes the State Board of Health to adopt regulations requiring the licensing of other types of facilities that provide any type of medical care or treatment. (NRS 449.030, 449.0303) **Section 12.8** of this bill clarifies that the authority of the State Board to require such licensing includes the authority to require the licensing of facilities that provide behavioral health care or treatment.

Existing law requires the Division of Public and Behavioral Health to formulate and operate a comprehensive state plan for programs for alcohol or other substance use disorders. (NRS 458.025) **Section 13.5** of this bill requires the ~~[Joint Interim Standing]~~ **Legislative** Committee on ~~[Health and Human Services]~~ **Senior Citizens, Veterans and Adults With Special Needs** to study, during the 2023-2024 interim, the feasibility of formulating and operating a similar comprehensive state plan for the provision of behavioral health services ~~[to adults and children]~~ in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Department shall:***

(a) Track the spending of federal and state money on the children's behavioral health system of care;

(b) Quantify and track the costs avoided through the expenditures described in paragraph (a) over time;

(c) Solicit, compile and analyze information and hold public hearings concerning:

(1) The use of federal and state money spent on the children's behavioral health system of care; and

(2) Ways to reinvest the money saved through the avoided costs quantified pursuant to paragraph (b) in the children's behavioral health system of care in a manner that addresses the behavioral health needs of children in this State and reduces the involvement of such children in the child welfare and juvenile justice systems;

(d) On or before June 30 of every even-numbered year, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning:

(1) The costs that are projected to be avoided through the expenditure of federal and state money on the children's behavioral health system of care during the immediately following 2 years; and

(2) Recommendations for the reinvestment of such avoided costs in accordance with subparagraph (2) of paragraph (c); and

(e) On or before December 31 of every even-numbered year, submit a report of the information described in paragraph (d) to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means at the beginning of the next regular session of the Legislature.

2. For the purposes of this section, the children's behavioral health system of care consists of:

(a) Respite care for families and caregivers;

(b) Community-based and in-home behavioral health services for children;

(c) Services for children in a behavioral health crisis, including, without limitation, mobile crisis services and services for in-home stabilization;

(d) Services to promote the coordination of behavioral health care between families and providers, including, without limitation, high fidelity wraparound;

(e) Family-to-family peer support services;

(f) Specialty services for children with an emotional disturbance and dual diagnoses;

(g) Behavioral health services identified in the state plan for foster care and adoption assistance established pursuant to 42 U.S.C. § 671; and

(h) Any other services prescribed by regulation of the Division of Child and Family Services of the Department.

3. As used in this section:

(a) "Child with an emotional disturbance" has the meaning ascribed to it in NRS 433B.045.

(b) "High fidelity wraparound" means an evidence-based, structured and team-oriented process for developing and implementing a plan to meet all of the behavioral health needs of a child with complex behavioral health issues in collaboration with the family of the child.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 433.317 is hereby amended to read as follows:

433.317 1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations <u>of each mental health consortium</u> submitted ~~***[by mental health consortia]***~~ pursuant to

NRS 433B.335 and to create a statewide plan for the provision of mental health services to children. ***The members of the subcommittee must include, without limitation*** ***[:***

(a) The Chair of the statewide mental health consortium established pursuant to subsection 4 of NRS 433B.333; and

(b) A member of the statewide mental health consortium appointed pursuant to subparagraph (2) of paragraph (c) of subsection 4 of] ***, two members recommended by and upon agreement of the mental health consortia established pursuant to NRS 433B.333 . [, other than the Chair of the statewide mental health consortium.]***

2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 433.4295 is hereby amended to read as follows:

433.4295 1. Each policy board shall:

(a) Advise the Department, ***the*** Division ***, the Division of Child and Family Services*** and ***the*** Commission ***, as appropriate,*** regarding:

(1) The behavioral health needs of adults and children in the behavioral health region;

(2) Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;

(3) Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps;

(4) Any federal, state or local law or regulation that relates to behavioral health which it determines is redundant, conflicts with other laws or is obsolete and any recommendation to address any such redundant, conflicting or obsolete law or regulation; and

(5) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.

(b) Promote improvements in the delivery of behavioral health services in the behavioral health region.

(c) Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, ***the*** Division ***, the Division of Child and Family Services*** and ***the*** Commission regarding behavioral health services in the behavioral health region.

(d) Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

(e) To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and

behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community-based organization to establish the repository.

(f) To the extent feasible, track and compile data concerning persons placed on a mental health crisis hold pursuant to NRS 433A.160, persons admitted to mental health facilities and hospitals under an emergency admission pursuant to NRS 433A.162, persons admitted to mental health facilities under an involuntary court-ordered admission pursuant to NRS 433A.200 to 433A.330, inclusive, and persons ordered to receive assisted outpatient treatment pursuant to NRS 433A.335 to 433A.345, inclusive, in the behavioral health region, including, without limitation:

(1) The outcomes of treatment provided to such persons; and

(2) Measures taken upon and after the release of such persons to address behavioral health issues and prevent future mental health crisis holds and admissions.

(g) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.

(h) Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.

(i) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission ***, the Division and the Division of Child and Family Services*** which includes, without limitation:

(1) The specific behavioral health needs of the behavioral health region;

(2) A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;

(3) A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and (h) and the results of those activities; and

(4) The data compiled pursuant to paragraph (f) and any conclusions that the policy board has derived from such data.

2. A report described in paragraph (i) of subsection 1 may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report **. [**~~to the Commission.~~**]**

3. As used in this section, "Division of Child and Family Services" means the Division of Child and Family Services of the Department.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.5. ~~[NRS 433B.333 is hereby amended to read as follows:~~

~~433B.333 1. A mental health consortium is hereby established in each of the following jurisdictions:~~

~~(a) A county whose population is 100,000 or more; and~~

~~(b) The region consisting of all counties whose population are less than 100,000.~~

~~2. In a county whose population is 100,000 or more, such a consortium must consist of at least the following persons appointed by the Administrator:~~

~~(a) A representative of the Division;~~

~~(b) A representative of the agency which provides child welfare services;~~

~~(c) A representative of the Division of Health Care Financing and Policy of the Department;~~

~~(d) A representative of the board of trustees of the school district in the county;~~

~~(e) A representative of the local juvenile probation department;~~

~~(f) A representative of the local chamber of commerce or business community;~~

~~(g) A private provider of mental health care;~~

~~(h) A provider of foster care;~~

~~(i) A parent of a child with an emotional disturbance; and~~

~~(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.~~

~~3. In the region consisting of counties whose population are less than 100,000, such a consortium must consist of at least the following persons appointed by the Administrator:~~

~~(a) A representative of the Division of Public and Behavioral Health of the Department;~~

~~(b) A representative of the agency which provides child welfare services in the region;~~

~~(c) A representative of the Division of Health Care Financing and Policy of the Department;~~

~~(d) A representative of the boards of trustees of the school districts in the region;~~

~~(e) A representative of the local juvenile probation departments;~~

~~(f) A representative of the chambers of commerce or business community in the region;~~

~~(g) A private provider of mental health care;~~

~~(h) A provider of foster care;~~

~~(i) A parent of a child with an emotional disturbance; and~~

~~(j) A representative of an agency which provides services for the treatment and prevention of substance use disorders.~~

~~*4. A statewide mental health consortium is hereby established to represent all mental health consortia established by subsection 1. The statewide mental health consortium must consist of:*~~

~~*(a) The Administrator as an ex officio, nonvoting member. The Administrator may designate an alternate who is an employee of the Division or another person to attend any meeting of the consortium in his or her place.*~~

~~*(b) The following voting members:*~~

~~*(1) A representative of the Division of Health Care Financing and Policy of the Department, appointed by the Administrator of that Division;*~~

~~*(2) A representative of the Department of Education, appointed by the Superintendent of Public Instruction; and*~~

~~*(3) A representative of the Division of Child and Family Services of the Department, appointed by the Administrator.*~~

~~*(c) The following voting members, appointed by the mental health consortium established by subsection 1 of which they are a member:*~~

~~*(1) Not more than three members from each mental health consortium established by subsection 1; and*~~

~~*(2) In addition to the members appointed pursuant to subparagraph (1), one parent or legal guardian of a child with an emotional disturbance from each mental health consortium established by subsection 1.*~~

~~*5. The statewide mental health consortium established pursuant to subsection 4 shall annually elect a Chair from among its voting members.]*~~ **(Deleted by amendment.)**

Sec. 11. NRS 433B.335 is hereby amended to read as follows:

433B.335 1. Each mental health consortium established pursuant to ~~*[by subsection 1 of]*~~ NRS 433B.333 shall prepare and submit to the Director of the Department ***and the Administrator*** a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after the date of submission, and each consortium shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium ~~*[established by subsection 1 of NRS 433B.333]*~~ must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium ***[established by subsection 1 of NRS 433B.333]*** shall submit to the Director of the Department ***, the Administrator*** and the Commission:

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities and any request

for an allocation submitted pursuant to subsection 4 by each mental health consortium . ~~[established by subsection 1 of NRS 433B.333.]~~ On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium ~~[established by subsection 1 of NRS 433B.333]~~ a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department;

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion; and

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each ~~[mental health]~~ consortium ~~[established by subsection 1 of NRS 433B.333]~~ shall submit to the Director of the Department **, *the Administrator*** and the Commission:

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) A report of all expenditures made from an account maintained pursuant to NRS 433B.339, if any.

Sec. 11.3. ~~[NRS 433B.337 is hereby amended to read as follows:~~

~~433B.337 1. A mental health consortium established by *subsection 1 of* NRS 433B.333 may:~~

~~(a) Participate in activities within the jurisdiction of the consortium to:~~

~~(1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to NRS 433B.335; and~~

~~(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation, advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.~~

~~(b) Take other action to carry out its duties set forth in this section and NRS 433B.335 and 433B.339.~~

~~2. *The statewide mental health consortium established by subsection 4 of NRS 433B.333 shall:*~~

~~*(a) Represent all mental health consortia established by subsection 1 of NRS 433B.333 before the Legislature, Commission and Department.*~~

~~*(b) Review, make recommendations for and approve programs proposed by the Division to prevent placing children in facilities located outside of the home or home state of the child for the treatment of emotional disturbance, substance use disorders or co-occurring disorders.*~~

~~*(c) Evaluate the future needs of this State concerning the treatment of children with emotional disturbance, substance use disorders or co-occurring disorders and develop ways to improve the treatment currently provided.*~~

~~*(d) Take any other action necessary to promote the mental health of children in this State.*~~

~~*3. The statewide mental health consortium established by subsection 4 of NRS 433B.333 may:*~~

~~*(a) Create a document that consolidates the strategies, goals and services in the long-term strategic plan prepared by each mental health consortium pursuant to NRS 433B.335.*~~

~~*(b) Take such other action as is necessary to represent all mental health consortia established by subsection 1 of NRS 433B.333.*~~

~~*4.* To the extent practicable, a mental health consortium ~~*established by subsection 1 of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of NRS 433B.333*~~ shall coordinate with the Department to avoid duplicating or contradicting the efforts of the Department to provide mental health services to children with emotional disturbance and their families.~~**]** **(Deleted by amendment.)**

Sec. 11.6. ~~**[**NRS 433B.339 is hereby amended to read as follows:~~

~~433B.339 1. A mental health consortium established by ***subsection 1 of NRS 433B.333 and the statewide mental health consortium established by subsection 4 of*** NRS 433B.333 may:~~

~~(a) Enter into contracts and agreements to carry out the provisions of this section **, [**and**]** NRS **[**433B.335 and**]** 433B.337 **[**;**]** and ***, if applicable, NRS 433B.335; and***~~

~~(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of this section **, [**and**]** NRS **[**433B.335 and**]** 433B.337 **[**.**]** ***and, if applicable, NRS 433B.335.***~~

~~2. Any money collected pursuant to subsection 1:~~

~~(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and~~

~~(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended, under the direction of the consortium which deposited the money, to carry out the provisions of this section **, [**and**]** NRS **[**433B.335 and**]** 433B.337 **[**.**]** ***and, if applicable, NRS 433B.335.***~~

~~3. The Administrator shall administer the account maintained for each consortium.~~

~~4. Any interest or income earned on the money in an account maintained pursuant to this section must be credited to the account and does not revert to the State General Fund at the end of a fiscal year.~~

~~5. Any claims against an account maintained pursuant to this section must be paid as other claims against the State are paid.~~**]** **(Deleted by amendment.)**

Sec. 12. (Deleted by amendment.)

Sec. 12.3. ~~[Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. For a regular session, the statewide mental health consortium established by subsection 4 of NRS 433B.333 and each mental health consortium established by subsection 1 of NRS 433B.333 may request the drafting of not more than one legislative measure which relates to matters within the scope of the consortium.*~~

~~*2. Any such request must be submitted to the Legislative Counsel on or before September 1 preceding a regular session.*~~

~~*3. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding a regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.]~~ **(Deleted by amendment.)**

Sec. 12.5. ~~[NRS 218D.100 is hereby amended to read as follows:~~

~~218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, apply to requests for the drafting of legislative measures for a regular session.~~

~~2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:~~

~~(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, *and section 12.3 of this act* for the requester; or~~

~~(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, *and section 12.3 of this act* but is not in a subject related to the function of the requester.~~

~~3. The Legislative Counsel shall not:~~

~~(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.~~

~~(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.]~~ **(Deleted by amendment.)**

Sec. 12.8. NRS 449.0303 is hereby amended to read as follows:

449.0303 The Board may adopt regulations requiring the licensing of a facility other than those required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive, if the:

1. Facility provides any type of medical care or treatment ~~[:]~~ ***, including, without limitation, behavioral health care or treatment;*** and

2. Regulation is necessary to protect the health of the general public.

Sec. 13. (Deleted by amendment.)

Sec. 13.5. 1. During the 2023-2024 interim, the ~~[Joint Interim Standing]~~ **Legislative** Committee on ~~[Health and Human Services]~~ **Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750** shall study the feasibility of formulating and operating a comprehensive plan to provide behavioral health services ~~[for adults and children]~~ in this State. In

conducting the study, the ~~[Joint Interim Standing]~~ Committee may collaborate with:

(a) The Commission on Behavioral Health;

(b) ~~[Any mental health consortium established by NRS 433B.333, as amended by section 10.5 of this act;~~

~~(c)]~~ Personnel of the Department of Health and Human Services or any division thereof;

~~[(d)]~~ **(c)** Any regional behavioral health policy board created by NRS 433.429; and

~~[(e)]~~ **(d)** Any other state or local governmental entity that provides **or performs duties relating to** behavioral health services in this State.

2. On or before September 1, 2024, the ~~[Joint Interim Standing]~~ **Legislative** Committee on ~~[Health and Human Services]~~ **Senior Citizens, Veterans and Adults With Special Needs** shall submit a report of the results of the study conducted pursuant to subsection 1 and recommendations for legislation resulting from the study to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. (Deleted by amendment.)

Sec. 16. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 950 to Assembly Bill No. 201.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 243.

The following Senate amendment was read:

Amendment No. 976.

Legislative Counsel's Digest:

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Existing law establishes various legislative interim committees that are created or authorized to conduct studies or investigations or perform other legislative business during the interim between legislative sessions, and existing law provides for the appointment or designation of chairs and vice chairs of such interim committees. (Chapter 218E of NRS, NRS 232B.210-232B.250) Existing law also contains provisions that apply exclusively to such interim committees without applying to any session committees. (NRS 218E.105-218E.140)

~~[Under the term-limit provisions of the Nevada Constitution, Legislators are subject to limitations on the number of years that they may serve in each House~~

~~of the Legislature. (Nev. Const. Art. 4, §§ 3, 4) Section 2 of this bill amends the statutory provisions that apply to interim committees in order to provide, with certain exceptions, that if a Legislator is serving the final term in his or her current House under the term-limit provisions, the Legislator is not eligible for the position of chair or vice chair of an interim committee during the legislative interim period that: (1) begins immediately after adjournment sine die of the last regular session in which the Legislator is eligible to serve in his or her current House; and (2) ends at the expiration of the Legislator's current term of office in that House. However, section 2 contains an exception for the position of Chair or Vice Chair of the Legislative Commission. Sections 3, 7, 8, 11-14 and 49 of this bill make conforming changes.~~**]**

Under existing common-law principles of parliamentary law, the chair of a committee serves as the presiding officer of the committee and may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee. In addition, if a vacancy occurs in the position of chair, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise unavailable or unable to carry out the position for any reason, the vice chair of the committee serves as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled or the chair is eligible, available or able to carry out the position again, as applicable. (*Mason's Manual of Legislative Procedure* §§ 575-579, 608-611 (2020); Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* §§ 287, 308, 313, 314, 1910 (1856); *Hicks v. Long Branch Comm'n*, 55 A. 250, 250-51 (N.J. 1903)) To assist interim committees in conducting their legislative business consistently with existing common-law principles of parliamentary law, **sections 4-6** of this bill codify those existing common-law principles into the statutory provisions that apply to interim committees. (*Welfare Div. v. Maynard*, 84 Nev. 525, 529 (1968) ("A statutory enactment can be simply a legislative pronouncement of already existing law."); *State Gaming Comm'n v. Southwest Sec.*, 108 Nev. 379, 383-84 (1992))

Existing law: (1) establishes Joint Interim Standing Committees of the Legislature that may evaluate and review issues within the jurisdiction of the corresponding standing committees from the preceding regular session of the Legislature, exercise certain investigative powers and, under certain circumstances, conduct studies directed by the Legislature or the Legislative Commission; (2) provides for the appointment of regular members and ~~[~~alternative~~]~~ **alternate** members to each Joint Interim Standing Committee; and (3) requires the Legislative Commission to select a Chair and a Vice Chair for each Joint Interim Standing Committee. (NRS 218E.320, 218E.330)

Sections 8-10 of this bill clarify and revise various requirements governing the Joint Interim Standing Committees. **Section 8** of this bill **renames the Joint Interim Standing Committee on Natural Resources as the Joint**

Interim Standing Committee on Natural Resources and Public Lands. Sections 1, 15-17, 43 and 47.5 of this bill make conforming changes. Section 8 additionally requires the appointing authorities to appoint the committee members **~~[,]~~ for each Joint Interim Standing Committee,** along with the Chairs and Vice Chairs, not later than August 31 following the adjournment of each regular session. **Section 8** also clarifies the length of the terms that the committee members and the Chairs and Vice Chairs serve while qualified.

Section 9 of this bill authorizes the Joint Interim Standing Committees to begin holding their meetings on September 1 after the adjournment of each regular session, instead of November 1 under existing law. **Section 9** provides that if a regular member cannot attend a meeting of the Committee, an alternate member must **~~[, to the extent practicable,]~~** be of the same political party as the regular member, and **section 9** clarifies that, when acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.

Existing law requires that any recommended legislation proposed by a Joint Interim Standing Committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly serving on the Committee. (NRS 218E.325) **Section 9** changes this requirement by providing that any recommended legislation proposed by a Committee must be approved by a vote in favor of such legislation by at least five members of the eight-member Committee, regardless of their House.

Existing law requires the Joint Interim Standing Committee on Legislative Operations and Elections to evaluate and review issues relating to governmental purchasing. (NRS 218E.330) **Section 10** of this bill transfers such duties to the Joint Interim Standing Committee on Government Affairs. **Section 44** of this bill makes a conforming change to require that the biennial report on recommendations for legislation relating to government purchasing be submitted to the Joint Interim Standing Committee on Government Affairs.

Existing law creates the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources and prescribes the Subcommittee's powers and duties. (NRS 218E.500-218E.525, NRS 321.7355) **Sections 15-17, 43 and 51** of this bill eliminate the Subcommittee and transfer its powers and duties to the **renamed** Joint Interim Standing Committee on Natural Resources **~~[,]~~ and Public Lands. Section 16 of this bill requires the renamed Joint Interim Standing Committee on Natural Resources and Public Lands to hold at least three meetings during each legislative interim where the primary physical location of the meeting is located in a different county for each such meeting other than Clark County, Washoe County or Carson City. However, section 16 does not prohibit the use of authorized remote-technology systems for each such meeting, including when necessary to connect the primary physical location of the meeting to additional physical locations for the meeting in Clark County, Washoe County or Carson City.**

Existing law creates: (1) the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System; and (2) the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. (NRS 218E.550-218E.570, 218E.745-218E.760) **Sections 18 and 19** of this bill revise the membership, organization and operations of each Legislative Committee.

Existing law creates the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) **Sections 33-40** of this bill: (1) rename the Sunset Subcommittee as the Sunset Committee of the Legislature; and (2) revise the membership, organization and operations of the Sunset Committee.

Existing law authorizes Joint Interim Standing Committees and other interim committees to request the drafting of a certain number **of** legislative measures for each regular session. (NRS 218D.160) **Section 1** of this bill revises the number of such requests that may be made by ~~**[**: (1) the Joint Interim Standing Committee on Health and Human Services; (2) the Joint Interim Standing Committee on the Judiciary; (3) the Joint Interim Standing Committee on Natural Resources; and (4)**]**~~ the Sunset Committee of the Legislature.

Existing law requires the Joint Interim Standing Committee on Health and Human Services to review certain regulations that are proposed or adopted by certain licensing boards and that are related to health care. (NRS 439B.225) **Section 51** of this bill repeals the requirement that the Joint Interim Standing Committee on Health and Human Services review such regulations. **Sections 41 and 42** of this bill make conforming changes to eliminate the requirement that such regulations be submitted to the Joint Interim Standing Committee on Health and Human Services.

Existing law requires a teacher who wishes to serve on the Nevada State Teacher Recruitment and Retention Advisory Task Force to submit an application to the Joint Interim Standing Committee on Education on or before January 15 of an even-numbered year. (NRS 391.494) **Section 46** of this bill moves the due date of the application from January 15 of an even-numbered year to December 1 of an odd-numbered year.

Existing law requires various reports, documents and other information to be compiled by state or local governmental agencies and then reported to certain legislative committees or staff. (NRS 193.309, 209.192, 209.461, 209.4818, 332.215, 388.887, 449.242) **Sections 29-32, 44, 45 and 47** of this bill revise those reporting requirements.

Under existing law, the Nevada Lobbying Disclosure and Regulation Act (Lobbying Act) prohibits, with certain exceptions, Legislators, legislative officers and legislative staff members from knowingly or willfully soliciting or accepting any gift from a lobbyist, whether or not the Legislature is in a regular or special session. (NRS 218H.060, 218H.090, 218H.930) Under existing exceptions to the gift prohibitions, if Legislators or members of their households receive anything of value from a lobbyist to undertake or attend

any educational or informational meetings, events or trips, such meetings, events or trips are excluded from the term "gift" under the Lobbying Act, but the Legislators are required to report the educational or informational meetings, events or trips on their financial disclosure statements under the Nevada Financial Disclosure Act (Financial Disclosure Act). (NRS 218H.045, 218H.060, 281.5583, 281.571)

Sections 20-27 of this bill create exceptions for legislative committee investigative meetings, events or trips. **Section 22** of this bill defines a "legislative committee investigative meeting, event or trip" to include any meetings, events or trips that the chair of a legislative committee authorizes as official meetings, events or trips of the committee in order for the members of the committee and legislative staff members to investigate or otherwise receive any education or information on matters that are pertinent to the committee's legislative business or possible future legislative action. Based on the exceptions in **sections 24 and 26** of this bill, such legislative committee investigative meetings, events or trips are not required to be reported on financial disclosure statements under the Financial Disclosure Act. (NRS 281.5583, 281.5585)

Sections 24 and 26 also make the existing exceptions for educational or informational meetings, events or trips applicable to: (1) legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly; and (2) legislative staff members but only if such staff members have the approval of their chief administrative supervisors to undertake or attend the educational or informational meetings, events or trips. Because the Financial Disclosure Act applies to legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly, and to certain senior staff members of the Legislative Counsel Bureau, such as the Director and the chiefs of the divisions, they are required to report the educational or informational meetings, events or trips on financial disclosure statements. By contrast, if rank-and-file legislative staff members have the approval of their chief administrative supervisors to undertake or attend any educational or informational meetings, events or trips, they are not required to report the educational or informational meetings, events or trips on financial disclosure statements, unless they qualify as a public officer or candidate or a member of a public officer's or candidate's household for the purposes of the Financial Disclosure Act. (NRS 281.005, 281.558, 281.5583, 281.5587)

Section 1 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Section 1. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) ~~[~~Except as otherwise provided in paragraphs (b), (c) and (d), a~~]~~ ***A*** Joint Interim Standing Committee may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the Committee ~~[~~.

~~(b) The~~~~]~~ ***, unless another provision in this subsection authorizes a different number of requests for a specific Joint Interim Standing Committee.***

(b) In addition to the number of requests authorized pursuant to paragraph (a), the Joint Interim Standing Committee on Health and Human Services may ***also*** request the drafting of not more than ~~[~~15~~]~~ ***5*** legislative measures ~~[~~which relate to matters within the scope of the Committee, at least 5 of which must relate to matters~~]~~ relating to child welfare.

(c) ~~[~~The***, unless another provision in this subsection authorizes a different number of requests for a specific Joint Interim Standing Committee.***

(b) ***In addition to the number of requests authorized pursuant to paragraph (a), the*** Joint Interim Standing Committee on the Judiciary may ***also*** request the drafting of not more ~~[~~15~~]~~ ***than 5*** legislative measures ~~[~~which relate to matters within the scope of the Committee, at least 5 of which must relate to matters ***relating to child welfare and not more than 5 legislative measures]*** relating to juvenile justice.

(d) ~~[~~The~~]~~ ***In addition to the number of requests authorized pursuant to paragraph (a), the*** Joint Interim Standing Committee on Natural Resources ***and Public Lands*** may ***also*** request the drafting of not more than ~~[~~14~~]~~ ***4*** legislative measures ~~[~~which relate to matters within the scope of the Committee, at least 4 of which must relate to matters~~]~~ relating to public lands . ~~[~~based on the recommendations for legislation submitted by the Subcommittee on Public Lands pursuant to NRS 218E.525.~~]~~

(e) ~~*[(c)]*~~ Any legislative committee created by a statute, other than the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 ***, the Sunset Committee of the Legislature created by NRS 232B.210*** or an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(f) ~~*[(d)]*~~ The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 may request the drafting of not more than 6 legislative measures which relate to matters within the scope of the Committee.

(g) ~~[(e)]~~ ***The Sunset Committee of the Legislature created by NRS 232B.210 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the Committee, except that the Committee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.***

~~[(f)]~~ ***(h)*** Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

~~[~~(h)~~ (g)]~~ ***(i)*** Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➥ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Section 2 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 2. ~~[~~Chapter 218E of NRS is hereby amended by adding thereto a new section to read as follows:

~~*1. Except as otherwise provided in this section, if at the expiration of a Legislator's current term of office, the Legislator will be prohibited from serving again in his or her current House because of the limitations on the number of years of service pursuant to Section 3 or 4 of Article 4 of the Nevada Constitution, as applicable, the Legislator is not eligible to be appointed, designated or selected as the chair or vice chair of a committee, or serve in either position, during the legislative interim period that:*~~

~~*(a) Begins immediately after adjournment sine die of the last regular session in which the Legislator is eligible to serve in his or her current House; and*~~

~~*(b) Ends at the expiration of the Legislator's current term of office in that House.*~~

~~*2. The provisions of this section apply to a Legislator whether or not the Legislator is eligible to serve in or becomes a candidate for a seat in the other House during his or her current term of office, except that the provisions of this section do not apply to a Legislator who is appointed to fill a vacancy in the other House before the expiration of his or her current term of office.*~~

~~*3. The provisions of this section do not apply to the position of Chair or Vice Chair of the Legislative Commission.]*~~ **(Deleted by amendment.)**

Section 3 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 3. ~~[NRS 218E.105 is hereby amended to read as follows:~~

~~"218E.105 As used in NRS 218E.105 to 218E.140, inclusive, *and section 2 of this act,* unless the context otherwise requires, the words and terms defined in NRS 218E.110, 218E.115 and 218E.120 have the meanings ascribed to them in those sections.~~] **(Deleted by amendment.)**

Section 5 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 5. NRS 218E.125 is hereby amended to read as follows:

218E.125 1. The provisions of NRS 218E.105 to 218E.140, inclusive, ~~*[and section 2 of this act,]*~~ are intended to supplement the other provisions of this chapter and any other ~~[law]~~ ***laws or rules*** governing the legislative proceedings of a committee, ***including, without limitation, any applicable principles of parliamentary law,*** and the provisions of NRS 218E.105 to 218E.140, inclusive, ~~*[and section 2 of this act,]*~~ do not limit the application of such other ~~[provisions.]~~ ***legal authorities.***

2. The powers, privileges and immunities granted by the provisions of NRS 218E.105 to 218E.140, inclusive, ~~*[and section 2 of this act,]*~~ are in addition to any other powers, privileges and immunities recognized by ~~[law,]~~ ***any other laws or rules, including, without limitation, any applicable principles of parliamentary law,*** and all such powers, privileges and immunities are cumulative, so that the application or attempted application of any one does not bar the application or attempted application of any other.

Section 6 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 6. NRS 218E.130 is hereby amended to read as follows:

218E.130 1. A committee may conduct investigations and hold hearings regarding any matter which is pertinent to its legislative business or possible future legislative action and may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ~~*[, and section 2 of this act,]*~~ .

2. The secretary of the committee or any member of the committee may administer oaths to witnesses who appear before the committee.

3. The chair of the committee, or the secretary of the committee on behalf of the chair, may cause the deposition of witnesses to be taken, whether the witnesses reside within or without the State, in the manner prescribed by court rules for taking depositions in civil actions in the district court.

4. The chair of the committee may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee, including, without limitation, any applicable principles of parliamentary law.

5. If a vacancy occurs in the position of chair of the committee, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise

unavailable or unable to carry out the position for any reason, the vice chair of the committee shall serve as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled or the chair is eligible, available or able to carry out the position again, as applicable.

Section 7 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 7. ~~[NRS 218E.240 is hereby amended to read as follows:~~

~~218E.240 1. There is hereby created an Audit Subcommittee of the Legislative Commission consisting of five members.~~

~~2. The Chair of the Legislative Commission shall:~~

~~(a) Appoint the members of the Audit Subcommittee from among the members of the Legislative Commission and the Interim Finance Committee; and~~

~~(b)~~ **[**~~Designate~~**]** ***Except as otherwise provided in section 2 of this act, designate*** ~~one of the members of the Audit Subcommittee as Chair.~~

~~3. The Chair of the Legislative Commission shall designate five Legislators from among the members of the Legislative Commission and the Interim Finance Committee to serve as alternates for the members of the Audit Subcommittee.~~

~~4. The Legislative Auditor or a member of the staff of the Audit Division appointed by the Legislative Auditor shall serve as Secretary of the Audit Subcommittee.~~

~~5. The Audit Subcommittee shall meet at the times and places specified by a call of the Chair.~~

~~6. Three members of the Audit Subcommittee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Audit Subcommittee.~~**]** **(Deleted by amendment.)**

Section 8 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 8. NRS 218E.320 is hereby amended to read as follows:

218E.320 1. There are hereby created the following Joint Interim Standing Committees of the Legislature:

(a) Commerce and Labor;

(b) Education;

(c) Government Affairs;

(d) Growth and Infrastructure;

(e) Health and Human Services;

(f) Judiciary;

(g) Legislative Operations and Elections;

(h) Natural Resources ~~[,]~~ ***and Public Lands;*** and

(i) Revenue.

2. Each Joint Interim Standing Committee consists of eight regular members and five alternate members. As soon as is practicable after the

adjournment of each regular session ~~[.]~~ ***and not later than August 31 immediately following such adjournment:***

(a) The Speaker of the Assembly shall appoint three members of the Assembly as regular members of each Committee and two members of the Assembly as alternate members of each Committee.

(b) The Minority Leader of the Assembly shall appoint two members of the Assembly as regular members of each Committee and one member of the Assembly as an alternate member of each Committee.

(c) The Majority Leader of the Senate shall appoint two Senators as regular members of each Committee and one Senator as an alternate member of each Committee.

(d) The Minority Leader of the Senate shall appoint one Senator as a regular member of each Committee and one Senator as an alternate member of each Committee.

3. Before making their respective appointments, the Speaker of the Assembly, the Majority Leader of the Senate and the Minority Leaders of the Senate and Assembly shall consult so that, to the extent practicable:

(a) At least five of the regular members appointed to each Joint Interim Standing Committee served on the corresponding standing committee or committees during the preceding regular session.

(b) Not more than five of the regular members appointed to each Joint Interim Standing Committee are members of the same political party.

4. The ~~***[Except as otherwise provided in section 2 of this act, the]***~~ Legislative Commission shall ~~[select]~~ ***appoint*** the Chair and Vice Chair of each Joint Interim Standing Committee from among the members of the Committee ~~[.]~~ ***and shall make such appointments as soon as is practicable after the adjournment of each regular session and not later than August 31 immediately following such adjournment.*** The Chair must be appointed from one House of the Legislature and the Vice Chair from the other House. The position of Chair must alternate each biennium between the Houses of the Legislature. ~~[Each of those officers]~~

5. Except as otherwise provided in this section , [and section 2 of this act,] each Chair and Vice Chair holds the position ***, while qualified,*** until a successor is appointed after the next regular session. If a vacancy occurs in the position of Chair or Vice Chair, the vacancy must be filled in the same manner as the original ~~[selection]~~ ***appointment*** for the remainder of the unexpired term.

~~[5.]~~ ***6. Except as otherwise provided in this subsection, a member of a Joint Interim Standing Committee holds his or her membership on the Committee, while qualified, until a successor is appointed after the next regular session.*** The membership of any member of a Joint Interim Standing Committee who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as

the case may be, may appoint a member to fill the vacancy for the remainder of the unexpired term.

~~[6.]~~ ***7.*** Vacancies on a Joint Interim Standing Committee must be filled in the same manner as original appointments.

Section 9 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 9. NRS 218E.325 is hereby amended to read as follows:

218E.325 1. Except as otherwise ordered by the Legislative Commission, the members of a Joint Interim Standing Committee shall meet not earlier than ~~[November 1 of each odd-numbered year]~~ ***September 1 immediately following the adjournment of each regular session*** and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair ~~[.]~~ or a majority of the Committee.

2. The Director or his or her designee shall act as the nonvoting recording Secretary of each Joint Interim Standing Committee.

3. Five members of a Joint Interim Standing Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee, except that any recommended legislation proposed by ~~[a]~~ ***the*** Committee must be approved by a ~~[majority of the members of the Senate and a majority of the members of the Assembly serving on]~~ ***vote in favor of such legislation by at least five members of*** the Committee.

4. ***All requests for the drafting of recommended legislation approved by a Joint Interim Standing Committee must be made in accordance with NRS 218D.160.***

5. If an alternate member of a Joint Interim Standing Committee attends a meeting of the Committee in place of a regular member who cannot attend the meeting, the alternate member who attends the meeting must ~~[, to the extent practicable,]~~ ***be of the same political party as the regular member. When acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.***

6. Except during a regular or special session, for each day or portion of a day during which a member of a Joint Interim Standing Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

~~[.]~~

7. The compensation, per diem allowances and travel expenses of the members of a ***Joint Interim Standing*** Committee must be paid from the Legislative Fund.

Section 10 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 10. NRS 218E.330 is hereby amended to read as follows:

218E.330 1. A Joint Interim Standing Committee may:

(a) Evaluate and review issues within the jurisdiction of the corresponding standing committee or committees from the preceding regular session;

(b) Exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ; ~~***[, and section 2 of this act;]***~~ and

(c) Within the limits of the Committee's budget, conduct studies directed by the Legislature or the Legislative Commission.

2. In addition to the authorized scope of issues set forth in paragraph (a) of subsection 1:

(a) The Joint Interim Standing Committee on Health and Human Services shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to child welfare.

(b) The Joint Interim Standing Committee on the Judiciary shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to ~~***[child welfare and]***~~ juvenile justice.

(c) ~~***[(b)]***~~ The Joint Interim Standing Committee on ~~**[**Legislative Operations and Elections**]**~~ ***Government Affairs*** may evaluate and review issues relating to governmental purchasing, including, without limitation, recommendations submitted to the Joint Interim Standing Committee by the Commission to Study Governmental Purchasing pursuant to NRS 332.215.

3. The Legislative Commission shall review and approve the budget and work program of each Joint Interim Standing Committee and any changes to the budget or work program.

4. A Joint Interim Standing Committee shall prepare a comprehensive report of the Committee's activities in the interim and its findings and any recommendations for proposed legislation. The report must be submitted to the Director for distribution to the next regular session.

Section 11 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 11. ~~**[**NRS 218E.400 is hereby amended to read as follows:~~

~~218E.400 1. There is hereby created in the Legislative Counsel Bureau an Interim Finance Committee. Except as otherwise provided in this section, the Interim Finance Committee is composed of the members of the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during the current or immediately preceding regular session.~~

~~2. Except as otherwise provided in **[**this subsection, the**]** ***subsections 3 and 4:***~~

~~***(a) The*** immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Finance Committee for the period ending with the convening of each even-numbered regular session **[**.**]** ***;***~~

~~***(b)*** The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Finance Committee during the next legislative interim **[**, and the**]** ***; and***~~

~~*(c) The* position of Chair *of the Interim Finance Committee* alternates between the Houses according to this pattern.~~

~~*3. Except as otherwise provided in subsection 4, if the immediate past Chair of the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means, as applicable, is not eligible to serve as the Chair of the Interim Finance Committee pursuant to section 2 of this act, the position of Chair of the Interim Finance Committee must be appointed as follows:*~~

~~*(a) If the position is entitled to be filled by the Senate for that legislative interim, the Majority Leader of the Senate shall appoint an eligible immediate past member of the Senate Standing Committee on Finance as the Chair of the Interim Finance Committee.*~~

~~*(b) If the position is entitled to be filled by the Assembly for that legislative interim, the Speaker of the Assembly shall appoint an eligible immediate past member of the Assembly Standing Committee on Ways and Means as the Chair of the Interim Finance Committee.*~~

~~*4.* The term of the Chair of the Interim Finance Committee terminates if a new Chair of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as the case may be, is designated for the next regular session, in which case that person so designated serves as the Chair of the Interim Finance Committee until the convening of that regular session.~~

~~**[**3.**]** *5.* If any regular member of the Interim Finance Committee informs the Secretary that the member will be unable to attend a particular meeting, the Secretary shall notify the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, to appoint an alternate for that meeting from the same House and political party as the absent member.~~

~~**[**4.**]** *6.* Except as otherwise provided in subsection **[**5,**]** *7,* the term of a member of the Interim Finance Committee expires upon the convening of the next regular session unless the member is replaced by the appointing authority. If the Speaker designate of the Assembly or the Majority Leader designate of the Senate designates members of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as applicable, for the next regular session, the designated members become members of the Interim Finance Committee. A member may be reappointed.~~

~~**[**5.**]** *7.* The membership of any member who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, shall appoint an alternate to fill the vacancy on the Interim Finance Committee. Except as otherwise provided in this subsection, each alternate serves on the Interim Finance Committee:~~

~~(a) If the alternate is a member of the Assembly, until the Speaker designate of the Assembly designates the members of the Assembly Standing Committee~~

~~on Ways and Means for the next regular session or appoints a different alternate.~~

~~(b) If the alternate is a member of the Senate, until the Majority Leader designate of the Senate designates the members of the Senate Standing Committee on Finance for the next regular session or appoints a different alternate.~~

~~**[**6.**]** ***8.*** The Director shall act as the Secretary of the Interim Finance Committee.~~

~~**[**7.**]** ***9.*** A majority of the members of the Assembly Standing Committee on Ways and Means and a majority of the members of the Senate Standing Committee on Finance, jointly, may call a meeting of the Interim Finance Committee if the Chair does not do so.~~

~~**[**8.**]** ***10.*** In all matters requiring action by the Interim Finance Committee, the vote of the Assembly members and the Senate members must be taken separately. No action may be taken unless it receives the affirmative vote of a majority of the Assembly members and a majority of the Senate members.~~

~~**[**9.**]** ***11.*** The Interim Finance Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive **[**.~~

~~10.**]** ***, and section 2 of this act.***~~

~~***12.*** Except during a regular or special session, for each day or portion of a day during which a member of the Interim Finance Committee and appointed alternate attends a meeting of the Interim Finance Committee or is otherwise engaged in the business of the Interim Finance Committee, the member or appointed alternate is entitled to receive:~~

~~(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~(b) The per diem allowance provided for state officers and employees generally; and~~

~~(c) The travel expenses provided pursuant to NRS 218A.655.~~

~~**[**11.**]** ***13.*** All such compensation, per diem allowances and travel expenses must be paid from the Contingency Fund in the State Treasury.**]**~~ **(Deleted by amendment.)**

Section 12 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 12. ~~**[**NRS 218E.405 is hereby amended to read as follows:~~

~~218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, subsection 3 of NRS 349.073, NRS 353.220, 353.224, 353.2705~~

~~to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 433.732, 439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.~~

~~3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:~~

~~(a)~~ **[**~~The~~**]** ***Except as otherwise provided in section 2 of this act, the*** ~~Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;~~

~~(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and~~

~~(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.~~**]** **(Deleted by amendment.)**

Section 13 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 13. **[**~~NRS 218E.420 is hereby amended to read as follows:~~

~~218E.420 1. There is hereby created an Interim Retirement and Benefits Committee of the Legislature to:~~

~~(a) Review the operation of the Public Employees' Retirement System, the Judicial Retirement System established pursuant to chapter 1A of NRS and the Public Employees' Benefits Program; and~~

~~(b) Make recommendations to the Public Employees' Retirement Board and the Board of the Public Employees' Benefits Program, the Legislative Commission and the Legislature.~~

~~2. The Interim Retirement and Benefits Committee consists of six members appointed as follows:~~

~~(a) Three members of the Senate, one of whom is the~~ ***immediate past*** ~~Chair of the~~ ***Senate Standing*** ~~Committee on Finance during the preceding regular session and two of whom are appointed by the Majority Leader of the Senate.~~

~~(b) Three members of the Assembly, one of whom is the~~ ***immediate past*** ~~Chair of the~~ ***Assembly Standing*** ~~Committee on Ways and Means during the preceding regular session and two of whom are appointed by the Speaker of the Assembly.~~

~~3. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

~~4. *Except as otherwise provided in subsection 5:*~~

~~*(a)* The immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Retirement and Benefits Committee for the period ending with the convening of each odd-numbered regular session **[**.**]** ;~~

~~*(b)* The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Retirement and Benefits Committee during the next legislative interim **[**, and the**]** *; and*~~

~~*(c) The* position of Chair *of the Interim Retirement and Benefits Committee* alternates between the Houses according to this pattern.~~

~~5. *If the immediate past Chair of the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means, as applicable, is not eligible to serve as the Chair of the Interim Retirement and Benefits Committee pursuant to section 2 of this act, the position of Chair of the Interim Retirement and Benefits Committee must be appointed as follows:*~~

~~*(a) If the position is entitled to be filled by the Senate for that legislative interim, the Majority Leader of the Senate shall appoint an eligible immediate past member of the Senate Standing Committee on Finance as the Chair of the Interim Retirement and Benefits Committee.*~~

~~*(b) If the position is entitled to be filled by the Assembly for that legislative interim, the Speaker of the Assembly shall appoint an eligible immediate past member of the Assembly Standing Committee on Ways and Means as the Chair of the Interim Retirement and Benefits Committee.*~~

~~*6.* The Interim Retirement and Benefits Committee may exercise the powers conferred on it by law only when the Legislature is not in a regular or special session and shall meet at the call of the Chair.~~

~~**[**6.**]** *7.* The Interim Retirement and Benefits Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive **[**.~~

~~7.**]** *, and section 2 of this act.*~~

~~*8.* The Director shall provide a Secretary for the Interim Retirement and Benefits Committee.~~

~~**[**8.**]** *9.* For each day or portion of a day during which members of the Interim Retirement and Benefits Committee attend a meeting of the Interim Retirement and Benefits Committee or are otherwise engaged in the business of the Interim Retirement and Benefits Committee, the members are entitled to receive:~~

~~(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~(b) The per diem allowance provided for state officers and employees generally; and~~

~~(c) The travel expenses provided pursuant to NRS 218A.655.~~

~~**[**9.**]** *10.* All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.**]** **(Deleted by amendment.)**

Section 14 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 14. ~~[NRS 218E.440 is hereby amended to read as follows:~~

~~218E.440 1. If:~~

~~(a) The Legislature, by concurrent resolution, during a regular session; or~~

~~(b) The Interim Finance Committee, by resolution, while the Legislature is not in a regular session,~~

~~" determines that the performance of a fundamental review of the base budget of a particular agency is necessary, the Interim Finance Committee shall create a legislative committee for the fundamental review of the base budgets of state agencies.~~

~~2. The Interim Finance Committee:~~

~~(a) May create more than one such committee if the number of agencies designated for review warrants additional committees; and~~

~~(b) If more than one such committee is created, shall determine which agencies are to be reviewed by the respective committees.~~

~~3. For each such committee, the Interim Finance Committee shall:~~

~~(a) Appoint all the members;~~

~~(b) Appoint an equal number of members from the Senate and the Assembly;~~

~~(c) Appoint at least a majority of the members from the Interim Finance Committee; and~~

~~(d) [Designate] *Except as otherwise provided in section 2 of this act, designate* the chair.~~

~~4. Any member of a committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.~~

~~5. Vacancies on a committee must be filled in the same manner as original appointments.~~

~~6. A majority of the members appointed to a committee constitutes a quorum.~~

~~7. The Director shall assign employees of the Legislative Counsel Bureau to provide such technical, clerical and operational assistance to a committee as the functions and operations of the committee may require.]~~ **(Deleted by amendment.)**

Section 15 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 15. NRS 218E.500 is hereby amended to read as follows:

218E.500 The Legislature finds and declares that:

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this State.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely

to have extensive effects within the State and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the State and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and benefit from such interstate activities, it is appropriate that ~~[a subcommittee on matters relating to public lands]~~ ***the Joint Interim Standing Committee on Natural Resources and Public Lands*** be assigned primary responsibility for participating in them.

Section 16 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 16. NRS 218E.520 is hereby amended to read as follows:

218E.520 1. ~~[The Subcommittee]~~ ***During each legislative interim, the Joint Interim Standing Committee on Natural Resources and Public Lands must hold at least three meetings where the primary physical location for the meeting is:***

(a) Located in a different county for each such meeting; and

(b) Not located in Clark County, Washoe County or Carson City for each such meeting,

↪ except that this subsection does not prohibit any additional physical locations for such a meeting from being located in Clark County, Washoe County or Carson City and connected to the primary physical location for the meeting through the use of any authorized remote-technology system or otherwise prohibit the use of any authorized remote-technology system for such a meeting. As used in this subsection, "authorized remote-technology system" has the meaning ascribed to it in NRS 218A.806.

2. In addition to any other powers or duties, the Committee may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including, but not limited to, investigating the effect on the State, its citizens, political subdivisions, businesses and industries of those policies, rules,

regulations and related laws, and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive ; ~~[, and section 2 of this act;]~~

(c) Consult with and advise the State Land Use Planning Agency on matters concerning federal land use, policies and activities in this State;

(d) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;

(e) Recommend to the Legislature as a result of its review any appropriate state legislation or corrective federal legislation;

(f) Advise the Attorney General if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the State pursuant to the Constitution of the United States;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the ~~[Subcommittee]~~ ***Committee*** and the State Land Use Planning Agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this State which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this State;

(h) Apply for any available grants and accept any gifts, grants or donations to assist the ~~[Subcommittee]~~ ***Committee*** in carrying out its duties; and

(i) Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chair of the ~~[Subcommittee]~~ ***Committee*** or by a majority of the members of the ~~[Subcommittee.]~~ ***Committee.***

~~[2.]~~ ***3.*** Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

Section 17 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 17. NRS 218E.525 is hereby amended to read as follows:

218E.525 1. ~~[The Subcommittee]~~ ***In addition to any other powers or duties, the Joint Interim Standing Committee on Natural Resources and Public Lands*** shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

2. ~~[The Subcommittee:]~~ ***In addition to any other powers or duties, the Committee:***

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof; ***and***

(b) ~~[Shall submit recommendations for legislation to the Joint Interim Standing Committee on Natural Resources;~~

~~(c) Shall, on or before January 15 of each odd-numbered year, submit to the Joint Interim Standing Committee on Natural Resources for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); and~~

~~(d)]~~ May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

Section 39 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 39. NRS 232B.240 is hereby amended to read as follows:

232B.240 1. The Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative Counsel Bureau to submit reports on, the need for the termination, modification, consolidation or continued operation of a board or commission.

2. The ~~[Sunset Subcommittee]~~ ***Committee*** shall consider any report submitted to it by the Legislative Counsel Bureau.

3. ***The Committee may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.***

4. A board or commission has the burden of proving that there is a public need for its continued existence.

Section 43 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 43. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The State Land Use Planning Agency may prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the administration of lands in the State of Nevada that are under federal

management. The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

2. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council and ~~[~~the Subcommittee on Public Lands of~~]~~ the Joint Interim Standing Committee on Natural Resources ~~[,]~~ ***and Public Lands;*** and

(c) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

3. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or statements of policy to the Governor, the Legislature, ~~[~~the Subcommittee on Public Lands of~~]~~ the Joint Interim Standing Committee on Natural Resources ***and Public Lands*** or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council; and

(b) The ~~[~~Subcommittee on Public Lands of the~~]~~ Joint Interim Standing Committee on Natural Resources ~~[.]~~ ***and Public Lands.***

4. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

NEW section 47.5 of Assembly Bill No. 243 First Reprint is hereby added as follows:

Sec. 47.5. **NRS 459.0094 is hereby amended to read as follows:**

459.0094 The Executive Director shall:

1. Appoint, with the consent of the Commission, an Administrator of each Division of the Agency.

2. Advise the Commission on matters relating to the potential disposal of radioactive waste in this State.

3. Evaluate the potentially adverse effects of a facility for the disposal of radioactive waste in this State.

4. Consult frequently with local governments and state agencies that may be affected by a facility for the disposal of radioactive waste and appropriate legislative committees.

5. Assist local governments in their dealings with the Department of Energy and its contractors on matters relating to radioactive waste.

6. Carry out the duties imposed on the State by 42 U.S.C. §§ 10101 to 10226, inclusive, as those sections existed on July 1, 1995.

7. Cooperate with any governmental agency or other person to carry out the provisions of NRS 459.009 to 459.0098, inclusive.

8. Provide semiannual written reports to the Joint Interim Standing Committees on Government Affairs, Growth and Infrastructure, Health and Human Services and Natural Resources ~~[.]~~ ***and Public Lands.*** The reports must contain:

(a) A summary of the status of the activities undertaken by the Agency since the previous report;

(b) A description of all contracts the Agency has with natural persons or organizations, including, but not limited to, the name of the recipient of each contract, the amount of the contract, the duties to be performed under the contract, the manner in which the contract assists the Agency in achieving its goals and responsibilities and the status of the performance of the terms of the contract;

(c) The status of any litigation relating to the goals and responsibilities of the Agency to which the State of Nevada is a party; and

(d) Any other information requested by any of the Committees.

Section 49 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 49. ~~[The provisions of section 2 of this act apply to any Legislator who, at the expiration of his or her current term of office, will be prohibited from serving again in his or her current House because of the limitations on the number of years of service pursuant to Section 3 or 4 of Article 4 of the Nevada Constitution, as applicable, whether or not the Legislator's current term of office began before the effective date of this act.]~~ **(Deleted by amendment.)**

Section 50 of Assembly Bill No. 243 First Reprint is hereby amended as follows:

Sec. 50. 1. If the provisions of any other statute or any other act or resolution passed by the Legislature conflict with the provisions of this act because they assign a power, duty or legislative study or investigation to a legislative committee, subcommittee or other body abolished by the provisions of this act or because they require the submission of a report, document or other information to a legislative committee, subcommittee or other body abolished by the provisions of this act:

(a) The conflicting provisions of the other statute, act or resolution are superseded and abrogated by the provisions of this act; and

(b) The power, duty or legislative study or investigation shall be deemed assigned to, or the report, document or other information shall be deemed required to be submitted to, the appropriate Joint Interim Standing Committee created by NRS 218E.320 which has jurisdiction over the subject matter, except that if the subject matter falls within the jurisdiction of more than one Joint Interim Standing Committee, the Legislative Commission shall decide and resolve the matter in a manner that is consistent with the intent of the Legislature as determined by the Legislative Commission.

2. The Legislative Counsel shall, in preparing the reprint and supplements to the Nevada Revised Statutes **and supplements to the Nevada Administrative Code:**

(a) Make any revisions that are necessary to carry out the provisions of this section; and

(b) Change any references to a legislative committee, subcommittee or other body which has been abolished by the provisions of this act, or whose name has been changed or whose responsibilities have been transferred by the provisions of this act, so that such references refer to the appropriate legislative committee, subcommittee or other body.

3. As used in this section, "legislative study or investigation" includes, without limitation:

(a) Any interim legislative study or investigation; or

(b) Any legislative study or investigation assigned to a statutory legislative committee, subcommittee or other body.

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 976 to Assembly Bill No. 243.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 72.

The following Senate amendment was read:

Amendment No. 931.

AN ACT relating to education; creating the Advisory Committee on the Safety and Well-Being of Public School Staff; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various requirements governing educational personnel, including requirements governing the licensing, qualifications, employment, powers, duties, supervision and evaluation of such personnel. (Chapter 391 of NRS) **Section 3** of this bill creates the Advisory Committee on the Safety and Well-Being of Public School Staff, and **section 2** of this bill defines the term "Advisory Committee" to refer to that Advisory Committee. **Section 3** prescribes the membership of the Advisory Committee and establishes procedures governing the operation of the Advisory Committee. **Section 4** of this bill requires the Advisory Committee **, on or before June 30, 2025,** to review, investigate and make recommendations concerning: (1) any issue relating to the safety and well-being of public school staff, including provisions of law or regulations that affect the safety and well-being of public school staff; and (2) the consistent implementation of discipline of pupils.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in sections 3 and 4 of this act, unless the context otherwise requires, "Advisory Committee" means the Advisory Committee on the Safety and Well-Being of Public School Staff created by section 3 of this act.***

Sec. 3. ***1. The Advisory Committee on the Safety and Well-Being of Public School Staff is hereby created within the Department.***

2. The Advisory Committee consists of the following members:

(a) Five members appointed by the Governor who are licensed pursuant to this chapter and employed by a school district in this State, at least four of whom must teach in the classroom;

(b) Three members appointed by the Majority Leader of the Senate, as follows:

(1) One member of the Senate;

(2) One education support professional who is employed by a school district in this State and works primarily at a single public school; and

(3) One administrator of an elementary school in this State;

(c) Three members appointed by the Speaker of the Assembly, as follows:

(1) One member of the Assembly;

(2) One education support professional who is employed by a school district in this State, works primarily for the school district and is assigned to multiple public schools; and

(3) One administrator of a high school in this State; and

(d) The following ex officio members:

(1) The Superintendent of Public Instruction or his or her designee; and

(2) The Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to NRS 388.1323.

3. ~~[After the initial terms, each member appointed pursuant to paragraph (a), (b) or (c) of subsection 2 serves for a term of 3 years and continues in office until his or her successor is appointed. Members may be reappointed for additional terms of 3 years in the same manner as the original appointments.]~~ Any vacancy occurring in the membership of the Advisory Committee must be filled ~~[for the remainder of the unexpired term]~~ in the same manner as the original appointment.

4. Any legislative member of the Advisory Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election . ~~[until the next regular or special session of the Legislature convenes.]~~

5. A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

6. At its first meeting , ~~[and annually thereafter,]~~ the Advisory Committee shall elect a Chair from among its members . ~~[who shall serve until the next Chair is elected.]~~

7. The Advisory Committee shall meet at least once in the first calendar year after its creation and thereafter at the call of the Chair as frequently as is required to perform its duties.

8. The members of the Advisory Committee serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.

9. Any member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

10. As used in this section, "education support professional" means a person that is employed by a school district in this State and not required, as a condition of his or her employment, to hold a license issued pursuant to this chapter. The term includes, without limitation, school secretaries, paraprofessionals, custodial staff, food service workers and bus drivers.

Sec. 4. ~~[The]~~ On or before June 30, 2025, the Advisory Committee shall review, investigate and make recommendations to the Legislature, any offices of this State and any political subdivisions of this State as may be appropriate concerning:

1. Any issue relating to the safety and well-being of public school staff, including, without limitation, provisions of law or regulations that affect the safety and well-being of public school staff; and

2. The consistent implementation of discipline of pupils.

Sec. 5. ~~[1. Notwithstanding any other provision of this act, as soon as is practicable after July 1, 2023:~~

~~(a) The Governor shall appoint to the Advisory Committee:~~

~~(1) Two of the members described in paragraph (a) of subsection 2 of section 3 of this act to terms that expire on July 1, 2024;~~

~~(2) One of the members described in paragraph (a) of subsection 2 of section 3 of this act to a term that expires on July 1, 2025; and~~

~~(3) Two of the members described in paragraph (a) of subsection 2 of section 3 of this act to terms that expire on July 1, 2026.~~

~~(b) The Majority Leader of the Senate shall appoint to the Advisory Committee the members described in paragraph (b) of subsection 2 of section 3 of this act to terms that expire on July 1, 2025.~~

~~(c) The Speaker of the Assembly shall appoint to the Advisory Committee:~~

~~(1) The member described in subparagraph (1) of paragraph (c) of subsection 2 of section 3 of this act to a term that expires on July 1, 2024; and~~

~~(2) The members described in subparagraphs (2) and (3) of paragraph (c) of subsection 2 of section 3 of this act to terms that expire on July 1, 2026.~~

~~2. As used in this section, "Advisory Committee" means the Advisory Committee on the Safety and Well-Being of Public School Staff created by section 3 of this act.~~] **(Deleted by amendment.)**

Sec. 6. This act becomes effective on July 1, 2023 **[.]** **, and expires by limitation on June 30, 2025.**

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 931 to Assembly Bill No. 72.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 378.

The following Senate amendment was read:

Amendment No. 977.

AN ACT relating to public employees; revising certain provisions relating to the negotiation, mediation and arbitration of collective bargaining agreements with the Executive Department of the State Government; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain groups of employees in the classified service of the Executive Department of the State Government to engage in collective bargaining with the Executive Department concerning wages, hours and other terms and conditions of employment for such employees. (NRS 288.400-288.630) In general, a collective bargaining agreement for such a group of employees must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. (NRS 288.550)

Existing law requires the Governor to designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department and requires negotiations between the representative of the Executive Department and the exclusive representative of a bargaining unit to begin within 60 days after one party notifies the other party of the desire to negotiate or November 1 of each even-numbered year, whichever is earlier. (NRS 288.565) **Section 1** of this bill requires such negotiations to begin on or before October 1, rather than November 1, of each even-numbered year.

Existing law authorizes either the representative of the Executive Department or the exclusive representative of a bargaining unit to request a mediator if the parties do not reach a collective bargaining agreement within 120 days after beginning negotiations or February 1 of an odd-numbered year, whichever is earlier, unless the parties agree on a later date. (NRS 288.570) **Section 1** requires the representative of the Executive Department and the exclusive representative of a bargaining unit, before engaging in collective

bargaining, to: (1) select a mediator and an arbitrator for the purposes of potential mediation and arbitration; and (2) to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.

If the representative of the Executive Department and the exclusive representative of a bargaining unit do not reach a collective bargaining agreement through mediation within 21 days after the appointment of a mediator, mediation is required to cease and the parties are required to begin arbitration proceedings on or before March 1 unless the parties agree on a later date. The arbitrator is then required to render a decision on or before March 15 unless the parties agree on a later date. (NRS 288.575) If the parties do not reach a collective bargaining agreement through mediation, **section 3** of this bill requires mediation to cease and the parties to begin arbitration proceedings within 10 days, rather than 21 days, after the appointment of a mediator. **Section 3**: (1) requires arbitration proceedings to begin on or before February 15, rather than March 1; and (2) requires the arbitrator to render a decision on or before March 5, rather than March 15. **Section 3.5 of this bill makes an appropriation to the Division of Human Resource Management of the Department of Administration for costs relating to the prescheduling of arbitrations and mediations.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 288.565 is hereby amended to read as follows:

288.565 1. The Governor shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department. The representative may, with the approval of the Governor, delegate the responsibility to conduct such negotiations to another person.

2. A representative designated pursuant to subsection 1 and an exclusive representative shall ~~[~~begin~~]~~ ***:***

(a) Begin negotiations concerning a collective bargaining agreement within 60 days after one party notifies the other party of the desire to negotiate or on or before ~~[~~November~~]~~ ***October*** 1 of each even-numbered year, whichever is earlier ~~[~~.~~]~~ ***; and***

(b) Before beginning negotiations concerning a collective bargaining agreement pursuant to paragraph (a), select a mediator and arbitrator for the purposes of mediation and arbitration pursuant to NRS 288.570 and 288.575, respectively, and, to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.

3. As soon as practicable after the Board designates an exclusive representative of an unrepresented bargaining unit pursuant to NRS 288.400

to 288.630, inclusive, the exclusive representative shall engage in collective bargaining with the representative designated pursuant to subsection 1 as required by NRS 288.540 to establish a collective bargaining agreement with a term ending on June 30 of the next odd-numbered year.

Sec. 2. NRS 288.570 is hereby amended to read as follows:

288.570 1. Either party may request a mediator **[**~~from the Federal Mediation and Conciliation Service~~**]** ***selected pursuant to NRS 288.565*** if the parties do not reach a collective bargaining agreement:

(a) Within 120 days after the date on which the parties began negotiations or on or before February 1 of an odd-numbered year, whichever is earlier; or

(b) On or before any later date set by agreement of the parties.

2. The mediator shall bring the parties together as soon as possible after **[**~~his or her appointment~~**]** ***a request is made pursuant to subsection 1*** and shall attempt to settle each issue in dispute within **[**~~21~~**]** ***10*** days after his or her appointment or any later date set by agreement of the parties.

Sec. 3. NRS 288.575 is hereby amended to read as follows:

288.575 1. If a mediator **[**~~selected~~**]** ***requested*** pursuant to NRS 288.570 determines that his or her services are no longer helpful or if the parties do not reach a collective bargaining agreement through mediation within **[**~~21~~**]** ***10*** days after **[**~~the appointment of the mediator~~**]** ***a request made pursuant to NRS 288.570*** or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall **[**~~attempt to agree upon an impartial arbitrator.~~**]** ***engage in arbitration.*** Any proposal that conflicts or is otherwise inconsistent with any provision of state law, other than the provisions of chapters 284 and 287 of NRS, shall be considered withdrawn by the proposing party when mediation is discontinued.

2. ~~**[**If the parties do not agree upon an impartial arbitrator within 5 days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date set by agreement of the parties, the parties shall request from the Federal Mediation and Conciliation Service a list of seven potential arbitrators. The parties shall select an arbitrator from this list by alternately striking one name until the name of only one arbitrator remains, and that arbitrator must hear the dispute in question. The party who will strike the first name must be determined by a coin toss.~~

~~3.~~**]** The arbitrator shall begin arbitration proceedings on or before **[**~~March 1~~**]** ***February 15 of an odd-numbered year*** or any later date set by agreement of the parties.

[~~4.~~**]** ***3.*** The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

[~~5.~~**]** ***4.*** The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection **[**~~7,~~**]**

6, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

~~[6.]~~ ***5.*** The arbitrator shall render a decision on or before March ~~[15]~~ ***5 of an odd-numbered year*** or any later date set by agreement of the parties.

~~[7.]~~ ***6.*** The Executive Department and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 3.5. **1. There is hereby appropriated from the State General Fund to the Division of Human Resource Management of the Department of Administration the sum of $20,000 for costs relating to the prescheduling of arbitrations and mediations as required pursuant to the provisions of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 4. ~~[This]~~

1. This section and sections 1, 2 and 3 of this act ~~[becomes]~~ **become** effective on July 1, 2023.

2. Section 3.5 of this act becomes effective on July 1, 2024.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 977 to Assembly Bill No. 378.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Brittney Miller moved that the Assembly do not recede from its action on Senate Bill No. 35, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Brittney Miller, Considine, and Hardy as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 35.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Bilbray-Axelrod moved that the Assembly do not recede from its action on Senate Bill No. 196, that a conference be requested, and that

Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Taylor and Koenig as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 196.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved to suspend Assembly Standing Rule No. 115 for the purpose of reconsidering the vote on Senate Bill No. 301.

Motion carried.

Assemblywoman Jauregui moved that having voted on the prevailing side the Assembly reconsider the action whereby Senate Bill No. 301 was passed.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 511 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 511.

Bill read third time.

Roll call on Senate Bill No. 511:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 430.

The following Senate amendment was read:

Amendment No. 946.

AN ACT relating to taxation; ~~[revising the definition of "vapor product";]~~ revising provisions governing the excise tax on cannabis; requiring the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law imposes a tax upon the receipt, purchase or sale of other tobacco products by a customer in this State at a rate of 30 percent of the wholesale price of those products. (NRS 370.450) Under existing law, vapor products, including electronic cigarettes, cigars, cigarillos, pipes, hookahs, vape pens and similar products or devices and their components are taxed as~~

~~other tobacco products. (NRS 370.0318, 370.450) Sections 1 and 1.7 of this bill revise the definition of "vapor product" to exclude cannabis vaporizers which are products that: (1) are solely designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing cannabis or cannabis products into the human body; and (2) include a clear and conspicuous label that includes certain information. Section 1.3 makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.~~**]**

Existing law imposes an excise tax at the rate of 15 percent of the fair market value at wholesale upon each wholesale sale of cannabis by a medical cannabis cultivation facility or an adult-use cannabis cultivation facility to another cannabis establishment. (NRS 372A.290) Existing law imposes an excise tax at the rate of 10 percent of the sales price of each retail sale of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge. (NRS 372A.290) **Section 7** of this bill revises the excise tax on the wholesale sale of cannabis to apply the tax only to the first wholesale sale and to provide that the tax is at the rate of 15 percent of: (1) the fair market value at wholesale for sales made to an affiliate of the medical cannabis cultivation facility or adult-use cannabis cultivation facility; or (2) the sales price, if the sale is made to a cannabis establishment that is not an affiliate of the medical cannabis cultivation facility or adult-use cannabis cultivation facility.

[~~Section 4 of this bill revises the definition of "sales price" to exclude the amount of any excise tax on cannabis or cannabis products.~~**]**

Existing law requires the Department of Taxation to adopt regulations to establish procedures to determine the fair market value at wholesale of cannabis. (NRS 678B.640) **Section 9** of this bill establishes certain additional requirements for the regulations adopted by the Department. **Section 9** requires the Cannabis Compliance Board to ensure that any computer software used for the seed-to-sale tracking of cannabis adopted by the Board includes a method to denote transfers of cannabis between affiliates.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **[**~~Chapter 370 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. "Cannabis vaporizer" means a product that:*~~

~~*(a) Is solely designed or intended to be used for vaporizing, ingesting, inhaling or otherwise introducing cannabis, as defined in NRS 678A.085, or any cannabis product into the human body; and*~~

~~*(b) Includes a clear and conspicuous label which identifies the product as a cannabis vaporizer and states that the product is not for tobacco, nicotine, e-liquid or any synthetic nicotine substance.*~~

~~*2. The term does not include a product that may also be used for vaporizing, ingesting, inhaling or otherwise introducing nicotine into the human body.*~~**]** **(Deleted by amendment.)**

Sec. 1.3. ~~[NRS 370.007 is hereby amended to read as follows:~~

~~"370.007 As used in NRS 370.007 to 370.430, inclusive, *and section 1 of this act,* and 370.505 to 370.530, inclusive, unless the context otherwise requires, the words and terms defined in NRS 370.008 to 370.055, inclusive, *and section 1 of this act,* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 1.7. ~~[NRS 370.054 is hereby amended to read as follows:~~

~~"370.054 "Vapor product":~~

~~1. Means any noncombustible product containing nicotine or any other substance that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from nicotine or any other substance in a solution or other form, the use or inhalation of which simulates smoking.~~

~~2. Includes, without limitation:~~

~~(a) An electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device; and~~

~~(b) The components of such a product or device, whether or not sold separately, including, without limitation, vapor cartridges or other container of nicotine or any other substance in a solution or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device, atomizers, cartomizers, digital displays, clearomizers, tank systems, flavors, programmable software or other similar products or devices. As used in this paragraph, "component" means a product intended primarily or exclusively to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device.~~

~~3. Does not include any product:~~

~~(a) Regulated by the United States Food and Drug Administration pursuant to subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.~~

~~(b) Subject to the excise tax on cannabis or cannabis products pursuant to NRS 372A.200 to 372A.380, inclusive.~~

~~(c) Purchased by a person who holds a current, valid medical cannabis establishment license pursuant to chapter 678B of NRS.~~

~~*(d) Which is a cannabis vaporizer.]*~~ **(Deleted by amendment.)**

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[NRS 372A.247 is hereby amended to read as follows:~~

~~"372A.247 1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:~~

~~(a) The cost of the property sold.~~

~~(b) The cost of materials used, labor or service cost, interest charged, losses or any other expenses.~~

~~(c) The cost of transportation of the property before its purchase.~~

~~2. The total amount for which property is sold includes all of the following:~~

~~(a) Any services that are a part of the sale.~~

~~(b) Any amount for which credit is given to the purchaser by the seller.~~

~~3. "Sales price" does not include any of the following:~~

~~(a) Cash discounts allowed and taken on sales.~~

~~(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit, except that this exclusion does not apply in any instance when the customer, to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.~~

~~(c) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.~~

~~*(d) The amount of any tax imposed pursuant to NRS 372A.200 to 372A.380, inclusive.*~~ **(Deleted by amendment.)**

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on ~~[each]~~ ***the first*** wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of ~~[the]~~ ***:***

(a) The fair market value at wholesale of the cannabis ~~[.]~~ ***, if the sale is made to an affiliate of the medical cannabis cultivation facility; or***

(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the medical cannabis cultivation facility.

➥ The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on ~~[each]~~ ***the first*** wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of ~~[the]~~ ***:***

(a) The fair market value at wholesale of the cannabis ~~[.]~~ ***, if the sale is made to an affiliate of the adult-use cannabis cultivation facility; or***

(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the adult-use cannabis cultivation facility.

➥ The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the seller of the cannabis or cannabis product ~~[,]~~ ***but may be recovered from the purchaser.***

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) ***"Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with, a specified person.***

(c) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

~~[(c)]~~ ***(d)*** "Local government" has the meaning ascribed to it in NRS 360.640.

~~[(d)]~~ ***(e)*** "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.

~~[(e)]~~ ***(f)*** "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.

~~[(f)]~~ ***(g)*** "Wholesale sale" means ~~[a]~~ ***the first*** sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term

does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 678B.640 is hereby amended to read as follows:

678B.640 ***1.*** The Department of Taxation shall adopt regulations to establish procedures to determine the fair market value at wholesale of cannabis. ***The regulations shall:***

(a) Provide that the fair market value of cannabis:

(1) Will be calculated and published by the Department on a quarterly basis not more than 30 days after the end of each calendar quarter; and

(2) Is the median sales price for wholesale sales between cannabis cultivation facilities and cannabis establishments that are not affiliates, per pound or each, during the period specified in subparagraph (1).

(b) Prescribe any information required by the Department to determine the fair market value at wholesale of cannabis.

2. The Board shall ensure that any computer software used for the seed-to-sale tracking of cannabis adopted by the Board includes a method to denote transfers of cannabis between affiliates.

3. The Board shall furnish the Department with such information as the Department determines to be necessary to adopt the regulations required by this section.

4. As used in this section, "affiliate" has the meaning ascribed to it in NRS 372A.290.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Backus moved that the Assembly concur in the Senate Amendment No. 946 Assembly Bill No. 430.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 11 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 3, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 11 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 11 ("AB 11"), which is titled as follows:

> AN ACT relating to health care; prohibiting a hospital or psychiatric hospital from employing a physician under certain circumstances; providing penalties or a violation of such prohibition; prohibiting a hospital from taking measures to restrict certain activity of a provider of health care who is employed by or serves as an independent contractor of the hospital; and providing other matters properly relating thereto.

Although protecting patients is an important priority, AB 11 does not accomplish that goal. This bill prohibits hospitals from directly employing physicians. In Nevada, we are unfortunately already facing a shortage of healthcare providers.

This bill would decrease access to care for Nevadans by placing significant burdens on the ability to recruit physicians to Nevada. Most states allow hospitals to employ physicians and most physicians prefer being involved in an employment relationship with their hospital. By eliminating hospitals' ability to directly employ physicians, we may exacerbate current recruitment shortfalls by disincentivizing both experienced and young physicians from coming to Nevada to seek employment. Not to mention, this bill would potentially serve as an incentive for current Nevada physicians who prefer employment to independent contracting to leave Nevada altogether.

Moreover, access to physicians is critical to maintaining the health and wellness of Nevadans. This bill would remove long-standing policies which have incentivized physicians to accept employment at 501(c)(3) not-for-profit hospitals and various government employers. In this regard, AB 11 would eliminate the ability for physicians to qualify for student loan forgiveness upon accepting such employment, thereby decreasing access to quality physicians in those hospitals - which currently serve over 35% of Medicaid inpatients.

Since this bill would only serve to increase critical healthcare shortages across the state, specifically those in disadvantaged communities, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 11 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 97 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 3, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 97 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 97 ("AB 97"), which is titled as follows:

> AN ACT relating to government administration; providing, with certain exceptions, that governmental entities shall not prohibit the use of certain refrigerants; and providing other matters properly relating thereto.

AB 97 was aimed at addressing an important goal for Nevada - to curb the use of certain refrigerants which have been associated with negative environmental impacts. This bill would have enabled the State to execute refrigerant replacement efforts.

That said, this bill unfortunately goes one step too far in its aim to limit such refrigerant use. Currently, many large-scale buildings provide cool air throughout the facility using evaporative cooling mechanisms. This bill would not only allow a government entity to prohibit the use of such systems in the future, as is already done in Clark County, but would potentially require the removal of such a system already in place. An ordinance requiring that sort of removal would place an outrageous cost-burden on many recreational, governmental, and business facilities throughout the state.

The language of concern from Section 1, Subsection 2 is as follows:

> *2. The governing body of any city or county or any other governmental entity may adopt* a *building code, ordinance or take any other action to prohibit the construction* ***or use of*** *an evaporative cooling mechanism or restrict water service to properties that utilize such a mechanism.* (Emphasis added).

The use of the phrase *"or use of"* in this section codifies an unprecedented ability for any city, county, or other governmental entity to enact an ordinance restricting the use of existing evaporative cooling systems in their jurisdiction, placing a significant financial burden on schools, hospitals, offices, hotels, casinos, and many other facility types that continue to use these systems for indoor climate control.

Since AB 97 places a potentially extreme and unfounded cost-burden on large-scale cooling systems across Nevada, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 97 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 250 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 5, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 250 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 250 ("AB 250"), which is titled as follows:

> AN ACT relating to health care; prohibiting certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions; and providing other matters properly relating thereto.

AB 250 inappropriately relies on Medicare's Maximum Fair Price ("MFP") - a concept created in the federal Inflation Reduction Act ("IRA") and signed into law a mere eight months ago. AB 250 prohibits purchases or reimbursements above the MFP. That said, MFPs are not reference prices or objective external benchmarks; rather, they are prices that manufacturers are compelled to make available with respect to Medicare beneficiaries because failure to do so will result in an

excise tax, really a penalty, of an amount up to 1900% of daily sales and, potentially, an exclusion from doing business with Medicare and Medicaid in the future.

State reliance on the MFP would upend the balance that Congress struck when it carefully determined the scope and breadth of transactions subject to an MFP. The more states and commercial entities treat the MFP as a benchmark, the less likely certain manufacturers may be to participate in federal healthcare programs or to continue seriously investing in marketing to Nevadans in need of care. This is undoubtedly why Congress explicitly restricted the obligation to provide access to the MFP to units furnished or dispensed to Medicare beneficiaries.

Critically, AB 250 would set arbitrary price caps in Nevada based on federal decisions with no review or consideration from state stakeholders. These caps could restrict patients' access to medicines and result in less innovative treatments for patients:

Patient access to medication and treatment is critical, but even more important is research and development into medical innovation. Though price-setting policies are often aimed at the admirable goal of increasing access to care, the unintended consequence of many, if not most, related pricing regulations has been a decrease in innovation as bureaucratic entities tend to focus their investments into on the policies or diseases they determine to be the most worthy of support–not on patient-outcomes.

Moreover, AB 250 ignores existing and potentially ongoing issues with the prescription drug supply chain. Many pharmacies and hospitals purchase medicines through national or regional buying groups, or national contracts based on national pricing indexes. Though those transactions would be subject to the price limits in this bill, in-state providers would still only be able to charge patients for the maximum in-state price. Effectively, this means providers would be forced to charge less than they actually pay for those products–an untenable result which would require providers to choose whether to continue providing certain medications or to discontinue purchasing those medications altogether. These circumstances would detrimentally impact both our patients and providers.

Since AB 250 would ultimately lead to higher costs and less accessibility to certain forms of care, I cannot support it

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

GENERAL FILE AND THIRD READING

Senate Bill No. 301.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 949.

AN ACT relating to public works; revising provisions governing the circumstances under which a worker is deemed to be employed on a public work; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that mechanics and workers employed on certain public works be paid, at minimum, the prevailing wage for the type of work that the mechanic or worker performs in the region in which the public work is located. (NRS 338.020) With certain exceptions, existing law deems a worker to be employed on a public work if the worker is: (1) employed at the site of a public work; and (2) necessary in the execution of the contract for the public work. (NRS 338.040) **Section 1** of this bill provides that a worker who is: (1) employed by delivering or removing construction material or structures

to or from the site of a public work; and (2) necessary in the execution of the contract for the public work is also deemed to be employed on the public work for purposes of the payment of prevailing wages. **Section 1** further defines "construction material or structures" to mean aggregate, asphalt and concrete.

Section 1.3 of this bill makes an appropriation to the Office of the Labor Commissioner in the Department of Business and Industry for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.040 is hereby amended to read as follows:

338.040 1. Except as otherwise provided by specific statute, workers who are:

(a) Employed at the site of a public work ~~[,]~~ ***or employed by delivering or removing construction material or structures to or from the site of a public work;*** and

(b) Necessary in the execution of the contract for the public work,

➥ are deemed to be employed on public works.

2. The Labor Commissioner shall adopt regulations to define the circumstances under which a worker is:

(a) Employed at the site of a public work ~~[,]~~ ***or employed by delivering or removing construction material or structures to or from the site of a public work;*** and

(b) Necessary in the execution of the contract for the public work.

3. For the purposes of this section, "construction material or structures" means aggregate, asphalt and concrete.

Sec. 1.3. 1. There is hereby appropriated from the State General Fund to the Office of the Labor Commissioner in the Department of Business and Industry **the sum of $144,576** for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this act**.** ~~[the following sums:~~

~~For the Fiscal Year 2023-2024.....$86,357~~

~~For the Fiscal Year 2024-2025.....$144,576]~~

2. Any **remaining** balance of the ~~[sums appropriated]~~ **appropriation made** by subsection 1 ~~[remaining at the end of the respective fiscal years]~~ must not be committed for expenditure after June ~~[30 of the respective fiscal years]~~ **30, 2025,** by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after ~~[September 20, 2024, and]~~ September 19, 2025, ~~[respectively,]~~ by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before ~~[September 20, 2024, and]~~ September 19, 2025**.** ~~[, respectively.]~~

Sec. 2. Any regulations adopted by the Labor Commissioner that conflict with NRS 338.040, as amended by section 1 of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the date on which this section becomes effective.

Sec. 3. 1. This section ~~[and section 2 of this act become]~~ **becomes** effective upon passage and approval.

2. Section 1.3 of this act becomes effective on July 1, ~~[2023.]~~ **2024.**

3. ~~[Section]~~ **Sections** 1 **and 2** of this act ~~[becomes]~~ **become** effective ~~[:~~

~~(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On January 1, 2024, for all other purposes.]~~ **on July 1, 2025.**

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 301 be taken from its position on the General File and placed at the top of General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 301.

Bill read third time.

Roll call on Senate Bill No. 301:

YEAS—25.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Newby, O'Neill, Summers-Armstrong, Taylor, Yurek—17.

Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Backus, Considine, and Hafen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 444.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:43 p.m.

ASSEMBLY IN SESSION

At 8:40 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Senate Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 341, 375, 412, 419, 505, 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 139, 140, 279, 400, 515, 516, 517, 518, 523, 524, 528.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 454, 457, 461, 462, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 481, 482, 483, 484, 485, 486, 487, 488, 489, 491, 492, 493, 494, 495, 496, 498, 500, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 147, Amendment No. 947; Assembly Bill No. 399, Amendment No. 922, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 147.

The following Senate amendment was read:

Amendment No. 947.

AN ACT relating to dentistry; requiring dental hygienists and dental therapists to comply with certain requirements governing the provision of health care; requiring providers of dental care to receive training on teledentistry before providing services through teledentistry; prescribing certain requirements relating to the secure storage of electronic records; providing for the issuance of special endorsements for a dentist, dental hygienist or dental therapist to administer immunizations; imposing certain requirements relating to the administration of immunizations by the holder of such an endorsement; requiring a dentist or dental hygienist to refer a minor to a dental home when appropriate; deeming certain conduct by a provider of dental care to be unprofessional conduct; authorizing the imposition of disciplinary action against a dentist, dental hygienist or dental therapist for certain violations; requiring hospitals and issuers of Medicaid managed care

plans to take certain measures to ensure access by recipients of Medicaid to teledentistry; imposing certain requirements relating to the provision of services through teledentistry; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "provider of health care" as a person who practices certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 1** of this bill includes dental hygienists and dental therapists in the definition of "provider of health care," thereby subjecting dental hygienists and dental therapists to those requirements.

Existing law defines the term "telehealth" to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. (NRS 629.515) **Section 5** of this bill defines the term "teledentistry" to mean the use of telehealth by a dentist, dental hygienist or dental therapist to facilitate the diagnosis, treatment, education, care management and self-management of or consultation with a patient. **Sections 3, 4 and 6** of this bill define certain other terms related to teledentistry. **Section 20** of this bill makes a conforming change to indicate the proper placement of **sections 3-6** in the Nevada Revised Statutes.

Section 7 of this bill requires a person who provides services through teledentistry to a patient located in this State to be licensed in this State as a dentist, dental hygienist or dental therapist, to have completed certain training and to adhere to the applicable laws, regulations and standards of care to the same extent as when providing services in person. **Section 8** of this bill requires a dentist, dental hygienist or dental therapist who provides services through teledentistry to patients in this State to be insured against liabilities arising from dental services provided through teledentistry. **Section 9** of this bill authorizes the use of teledentistry for certain purposes relating to the provision of a diagnosis. **Section 10** of this bill requires a dentist, dental hygienist or dental therapist to establish a bona fide relationship with a patient, confirm certain facts about a patient and obtain informed consent before providing services through teledentistry. **Section 10 also requires a dentist, dental hygienist or dental therapist to provide certain information to a patient receiving services through teledentistry concerning the license and practice of the dentist, dental hygienist or dental therapist before providing the services and upon request of a patient.** **Section 11** of this bill requires a dentist, dental hygienist or dental therapist to: (1) use communications technology that complies with certain federal requirements relating to the privacy of information relating to patients when providing services through teledentistry; and (2) create a complete record of each encounter with a patient through teledentistry. **Section 12** of this bill imposes

certain requirements to ensure that adequate, in-person care is available to a patient who receives services through teledentistry, if needed. **Section 13** of this bill requires the Board of Dental Examiners of Nevada to adopt regulations governing teledentistry. **Section 40.5 of this bill requires the Board to report to the Joint Interim Standing Committee on Commerce and Labor on or before January 1, 2024, concerning the adoption of those regulations.**

Sections 21 and 40 of this bill require an applicant for a license to practice dentistry, dental therapy or dental hygiene or the holder of such a license who intends to provide services through teledentistry to complete certain training on teledentistry. **Section 22** of this bill makes a conforming change to revise a reference to the section of existing law amended by **section 21**. **Section 24** of this bill requires the Board to adopt regulations prescribing specific criteria for the accreditation of a course in teledentistry.

Section 14 of this bill prescribes certain requirements for the secure storage of electronic information concerning patients.

Section 25 of this bill provides that it is unprofessional conduct for which the Board is authorized to impose disciplinary action if a dentist, dental hygienist or dental therapist: (1) fails to actively involve a patient in decisions relating to his or her treatment; ~~[or]~~ (2) requires a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board~~.~~**; (3) fails to review certain radiographs before an initial diagnosis and correction of malpositions of teeth or the initial use of orthodontic appliances; or (4) fails to provide the information required by section 10.**

Sections 30, 38 and 39 of this bill require hospitals and issuers of plans that provide coverage to recipients of Medicaid, including managed care plans, to take certain measures to improve the access of recipients of Medicaid to teledentistry. **Sections 31-37** of this bill make conforming changes to indicate the proper placement of **section 30** in the Nevada Revised Statutes and provide for the enforcement of the requirements of **section 30**. **Section 19.5** of this bill requires a dentist, dental therapist or dental hygienist performing an initial dental examination, screening or assessment on a minor to refer the minor or his or her parent or guardian to a dental home if appropriate.

Existing law authorizes, in general, a dental hygienist or dental therapist to perform only the tasks authorized by a licensed dentist. (NRS 631.310, 631.3122) **Section 15** of this bill requires the Board to issue to a licensed dentist, dental hygienist or dental therapist a special endorsement to administer immunizations only if the licensed dentist, dental hygienist or dental therapist completes a course of training in the administration of immunizations that is approved by the Board. **Section 24** prescribes the continuing education required to maintain such an endorsement.

Section 17 of this bill requires a dentist who holds a special endorsement to administer immunizations issued pursuant to **section 15** and who administers immunizations, or under whose authorization a dental hygienist or dental therapist administers immunizations, to: (1) issue or obtain from certain persons a standing order for the administration of the immunizations; (2)

establish certain policies and procedures relating to the administration of immunizations; and (3) comply with the instructions of the manufacturer of an immunization and certain federal guidelines for administering immunizations. **Section 18** of this bill requires a dentist, dental hygienist or dental therapist to: (1) provide certain information to the patient, obtain the informed written consent of the patient and review the medical history of the patient before administering an immunization; and (2) thereafter, act in conformance with the conclusions of a physician, physician assistant or advanced practice registered nurse regarding the advisability of administering an immunization to a patient. **Section 19** of this bill requires a dentist, dental hygienist or dental therapist who holds a special endorsement to administer immunizations to maintain certain records of the administration of immunizations. **Section 25** provides that it is unprofessional conduct, for which the Board is authorized to impose disciplinary action, for a dentist, dental hygienist or dental therapist to: (1) administer an immunization without the proper special endorsement; or (2) fail to comply with existing requirements to report certain information relating to immunizations. The Board would also be authorized under existing law to impose disciplinary action against a dentist, dental hygienist or dental therapist who willfully or repeatedly violates other provisions of this bill governing the administration of immunizations. (NRS 631.3485)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) ***A dental therapist;***

(e) A dental hygienist;

(f) A licensed nurse;

~~[(e)]~~ ***(g)*** A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

~~[(f)]~~ ***(h)*** A dispensing optician;

~~[(g)]~~ ***(i)*** An optometrist;

~~[(h)]~~ ***(j)*** A speech-language pathologist;

~~[(i)]~~ ***(k)*** An audiologist;

~~[(j)]~~ ***(l)*** A practitioner of respiratory care;

~~[(k)]~~ ***(m)*** A licensed physical therapist;

~~[(l)]~~ ***(n)*** An occupational therapist;

~~[(m)]~~ ***(o)*** A podiatric physician;

~~[(n)]~~ ***(p)*** A licensed psychologist;

~~[(o)]~~ ***(q)*** A licensed marriage and family therapist;

~~[(p)]~~ ***(r)*** A licensed clinical professional counselor;

~~[(q)]~~ ***(s)*** A music therapist;

~~[(r)]~~ ***(t)*** A chiropractic physician;

~~[(s)]~~ ***(u)*** An athletic trainer;

~~[(t)]~~ ***(v)*** A perfusionist;

~~[(u)]~~ ***(w)*** A doctor of Oriental medicine in any form;

~~[(v)]~~ ***(x)*** A medical laboratory director or technician;

~~[(w)]~~ ***(y)*** A pharmacist;

~~[(x)]~~ ***(z)*** A licensed dietitian;

~~[(y)]~~ ***(aa)*** An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

~~[(z)]~~ ***(bb)*** An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

~~[(aa)]~~ ***(cc)*** An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

~~[(bb)]~~ ***(dd)*** A behavior analyst, assistant behavior analyst or registered behavior technician; or

~~[(cc)]~~ ***(ee)*** A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes ~~[~~:

~~(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and~~

~~(b) A~~~~]~~ ***a*** person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 19.5, inclusive, of this act.

Sec. 3. ***"Distant site" has the meaning ascribed to it in NRS 629.515.***

Sec. 4. ***"Originating site" has the meaning ascribed to it in NRS 629.515.***

Sec. 5. ***"Teledentistry" means the use of telehealth by a licensee described in subsection 1 of section 7 of this act who is located at a distant site to facilitate the diagnosis, treatment, education, care management and self-management of or consultation with a patient who is located at an originating site. The term includes, without limitation:***

1. Real-time interactions between a patient at an originating site and a licensee at a distant site;

2. The asynchronous transmission of medical and dental information concerning a patient from an originating site to a licensee at a distant site;

3. Interaction between a licensee who is providing dental services to a patient at an originating site and another licensee at an originating site; and

4. Monitoring of a patient at an originating site by a licensee at a distant site.

Sec. 6. *"Telehealth" has the meaning ascribed to it in NRS 629.515.*

Sec. 7. *1. A person shall not provide dental services through teledentistry to a patient who is located at an originating site in this State unless the person:*

(a) Is licensed to practice dentistry, dental hygiene or dental therapy in this State; and

(b) Has complied with subsection 2 of NRS 631.220.

2. The provisions of this chapter and the regulations adopted thereto, including, without limitation, clinical requirements, ethical standards and requirements concerning the confidentiality of information concerning patients, apply to services provided through teledentistry to the same extent as if such services were provided in person or by other means.

3. A licensee who provides dental services through teledentistry, including, without limitation, providing consultation and recommendations for treatment, issuing a prescription, diagnosing, correcting the position of teeth and using orthodontic appliances, shall provide such services in accordance with the same standards of care and professional conduct as when providing those services in person or by other means.

4. A licensee shall not:

(a) Provide treatment for any condition based solely on the results of an online questionnaire; or

(b) Engage in activity that is outside his or her scope of practice while providing services through teledentistry.

5. Nothing in sections 7 to 13, inclusive, of this act prohibits an organization for dental care or an administrator of a health benefit plan that provides dental coverage from negotiating rates of reimbursement for services provided through teledentistry with a dentist, dental hygienist or dental therapist.

6. As used in this section:

(a) "Health benefit plan" has the meaning ascribed to it in NRS 695G.019.

(b) "Organization for dental care" has the meaning ascribed to it in NRS 695D.060.

Sec. 8. *A licensee who provides dental services through teledentistry to patients located at an originating site in this State must possess and maintain a policy of professional liability insurance which insures the licensee against any liability arising from the provision of dental services.*

Sec. 9. *1. A licensee may:*

(a) Use teledentistry to examine an existing patient for the purpose of providing a new diagnosis, or to examine a new patient if the examination is sufficient, in accordance with evidence-based standards of practice, to provide an informed diagnosis.

(b) Collaborate in real time through teledentistry with a person who is not licensed pursuant to this chapter, including, without limitation, a community health worker, provider of health care or student who is enrolled in a

program of study in dentistry, dental therapy or dental hygiene, to provide diagnostic services or plan treatment for a dental emergency.

2. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 10. *1. Except as otherwise provided in this subsection, a licensee must establish a bona fide relationship, as defined by regulation of the Board, with a patient before providing services to the patient through teledentistry. A licensee may establish such a relationship through teledentistry only ~~[for]~~ :*

(a) For the purpose of emergent care ~~[or in]~~ ;

(b) In connection with a public health program ~~[.]~~ ; or

(c) To make an initial diagnosis of a malposition of teeth and a determination of the need for an orthodontic appliance. Such an initial diagnosis and determination must be confirmed through an in-person visit before the patient begins using the orthodontic appliance.

2. Before providing services to a patient through teledentistry, a licensee shall:

(a) Confirm the identity of the patient;

(b) If the patient is a minor who is not authorized by law to consent to the services, confirm that the parent or legal guardian of the patient is present;

(c) Confirm that the patient is located in a jurisdiction where the licensee is licensed or otherwise authorized to practice and document the location of the patient in the record of the patient;

(d) Obtain:

(1) Informed verbal or written consent that meets the requirements of subsection 4 from a patient who is an adult or a minor authorized by law to provide consent; or

(2) Informed written consent that meets the requirements of subsection 4 from the parent or guardian of a patient who is a minor and is not authorized by law to provide consent; and

(e) Document the informed consent provided pursuant to paragraph (d) in the record of the patient.

3. Before providing services through teledentistry and upon the request of a patient to whom services are provided through teledentistry, a licensee or any partnership, corporation or other entity through which a licensee provides services shall make available to the patient proof of the identity of the licensee, the telephone number of the licensee, the address at which the licensee practices, the license number of the licensee and any other relevant information concerning the qualifications of the licensee ~~[.]~~ and any other licensee who will be involved in providing the services through teledentistry.

4. Informed consent to the provision of services through teledentistry requires the patient or his or her parent or guardian, as applicable, to be informed of:

(a) The types of services that will be provided through teledentistry and any limitations on the provision of those services through teledentistry;

(b) The information prescribed by subsection 3 for each licensee who will provide services through teledentistry;

(c) Precautions that will be taken in the event of a technological failure or an emergency; and

(d) Any other information prescribed by regulation of the Board.

5. As used in this section:

(a) "Emergent care" means treatment of pain, infection or any other intraoral or perioral condition which presents immediate harm to the well-being of the patient and for which treatment cannot be postponed.

(b) "Public health program" means a program approved by the Board or any program administered by:

(1) The Department of Health and Human Services;

(2) A health district; or

(3) A school district.

Sec. 11. *A licensee who provides services through teledentistry shall:*

1. Use communications technology that complies with Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto; and

2. Create a complete record of each encounter with a patient through teledentistry and maintain such records in accordance with all applicable federal and state laws and regulations, including, without limitation:

(a) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto;

(b) NRS 629.051 to 629.069, inclusive;

(c) The regulations adopted pursuant to section 13 of this act; and

(d) Section 14 of this act.

Sec. 12. *1. A licensee who provides services through teledentistry must be adequately familiar with the nature and availability of dental care in the geographical area in which the patient is located to ensure that the patient receives appropriate care after the provision of the services.*

2. If a licensee is not able to competently provide services through teledentistry, including, without limitation, because the licensee is unable to receive adequate information about the patient, the licensee must notify the patient of that fact and:

(a) Provide the services in person;

(b) Request any additional information necessary to competently provide the services through teledentistry; or

(c) Refer the patient to an appropriate licensee to receive the services in person.

3. A licensee who provides services through teledentistry shall refer a patient to the emergency department of a hospital or another provider of acute care in an emergency or any other situation where the provision of acute care is necessary to protect the health and safety of the patient.

Sec. 13. *1. The Board shall adopt regulations governing the provision of dental services through teledentistry. Those regulations must include, without limitation, requirements concerning:*

(a) The issuance of a prescription through teledentistry;

(b) The maintenance of records concerning patients to whom services are provided through teledentistry and the protection of the privacy of such patients;

(c) The use of teledentistry for collaboration between:

(1) Licensees and the office of a physician, physician assistant or advanced practice registered nurse; and

(2) Licensees who practice in different specialty areas; and

(d) Interaction between licensees using teledentistry, including, without limitation:

(1) The supervision of a dental therapist who has not completed the hours of clinical practice set forth in NRS 631.3122 or of a dental hygienist by a dentist using teledentistry; and

(2) Interaction between different licensees who are providing care to the same patient.

2. The regulations adopted pursuant to subsection 1 may prescribe evidence-based standards of practice that must be used when providing services through teledentistry to ensure the safety of patients, the quality of care and positive outcomes.

Sec. 14. *A licensee who electronically stores information concerning patients shall:*

1. Store and share such information using a secure server; and

2. Ensure that any electronic device on which such information is stored or that may be used to access such information is encrypted and requires a password.

Sec. 15. *1. The Board shall, upon application by a dentist, dental hygienist or dental therapist licensed pursuant to this chapter who has completed a course of training in the administration of immunizations that is approved by the Board pursuant to subsection 2, issue a special endorsement of the license allowing the dentist, dental hygienist or dental therapist to administer immunizations.*

2. The Board may approve a course of training in the administration of immunizations if the course:

(a) Provides participants with practical training and written instructional materials concerning the administration of immunizations;

(b) Includes an evaluation of the technique of participants in the administration of immunizations; and

(c) Includes instruction consistent with the guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning:

(1) Practices for administering immunizations to children, adolescents and adults;

(2) Basic immunology and the mechanism by which immunizations induce protection from disease;

(3) Diseases that are preventable through immunizations;

(4) Storage and management of immunizations;

(5) Recommended schedules for immunization;

(6) Informed consent to immunization;

(7) Physiology and techniques for administering immunizations;

(8) Assessment and counseling before and after administering an immunization;

(9) Maintenance of records relating to immunizations; and

(10) Identifying, responding to and reporting adverse events resulting from immunizations.

3. A dentist who holds a special endorsement issued pursuant to subsection 1 may administer immunizations by an intranasal, intramuscular or subcutaneous injection.

4. A dental hygienist or dental therapist who holds a special endorsement issued pursuant to subsection 1 may administer immunizations by an intranasal, intramuscular or subcutaneous injection only under authorization from a dentist who also holds such a special endorsement.

Sec. 16. (Deleted by amendment.)

Sec. 17. ***1. A dentist who holds a special endorsement issued pursuant to section 15 of this act and who administers immunizations or under whose authorization a dental hygienist or dental therapist who holds such an endorsement administers immunizations must:***

(a) Issue or obtain from a dentist, physician, physician assistant or advanced practice registered nurse a standing order for the administration of the immunizations that is approved by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) Establish written policies and procedures for the handling and disposal of used or contaminated equipment; and

(c) Establish a written plan for addressing emergencies and ensure that the dentist, dental hygienist or dental therapist administering immunizations has immediate access to equipment that may be needed in an emergency, including, without limitation, equipment for administering oxygen and epinephrine and other equipment necessary to respond to an allergic reaction.

2. A dentist who holds a special endorsement issued pursuant to section 15 of this act and who administers an immunization or under whose authorization a dental hygienist or dental therapist who holds such an endorsement administers an immunization shall report any severe reaction to the immunization as required by any applicable regulations adopted by the State Board of Health.

3. A dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 of this act shall comply with:

(a) The instructions for storing and handling an immunization prescribed by the manufacturer; and

(b) To the extent that such guidelines do not conflict with the instructions of the manufacturer, any applicable guidelines issued by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, including, without limitation, guidelines for storing, handling and administering immunizations, guidelines for documenting the administration of an immunization and contraindications and precautions for immunizations.

Sec. 18. *1. Before administering an immunization, a dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 of this act shall:*

(a) Provide to the patient or, if the patient is a minor and is not authorized by law to provide consent, his or her parent or guardian, the most current Vaccine Information Statement prescribed for the immunization by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, require him or her to read the Vaccine Information Statement and answer any questions that he or she has concerning the information in the Vaccine Information Statement;

(b) Obtain the informed written consent of the patient, or, if the patient is a minor and is not authorized by law to provide consent, from the parent or guardian of the patient; and

(c) Review the medical history of the patient, including, without limitation, asking the patient or, if the patient is a minor and is not authorized by law to provide consent, the parent or guardian of the patient, to describe any medications or other treatments that the patient is currently receiving, allergies to drugs, medical conditions that the patient is currently experiencing, surgeries the patient had or plans to have, past pregnancy or plans to become pregnant and any previous adverse reactions to immunizations.

2. If a dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 of this act requests a physician, physician assistant or advanced practice registered nurse to conduct an examination and evaluation of a patient to determine whether the patient has a medical condition that would make it inadvisable to administer an immunization, the dentist, dental hygienist or dental therapist must rely on and act in conformance with the conclusions of the physician, physician assistant or advanced practice registered nurse.

Sec. 19. *1. A dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 of this act shall include in the record of each patient to whom he or she administers an immunization:*

(a) The date on which the immunization was administered;

(b) The site at which the immunization was administered;

(c) The brand name of the immunization, the National Drug Code number assigned to the immunization by the United States Food and Drug Administration or the code number assigned to the immunization under another nationally recognized system of coding for immunizations;

(d) The dose, manufacturer, lot number and expiration date of the immunization;

(e) The name or initials of the dentist, dental hygienist or dental therapist;

(f) Except as otherwise provided in subsection 2, the address of the location where the immunization was administered;

(g) The date on which the Vaccine Information Statement was provided to the patient pursuant to section 18 of this act and the date on which the Vaccine Information Statement was published; and

(h) A copy of the questions asked by the dentist, dental hygienist or dental therapist and the information provided by the patient or his or her parent or guardian, as applicable, as part of the review of the medical history of the patient conducted pursuant to section 18 of this act, which must be signed by the patient or, if the patient is a minor and is not authorized by law to provide consent, his or her parent or guardian.

2. A dentist, dental hygienist or dental therapist is not required to include the information described in paragraph (f) of subsection 1 if that information is automatically included in a report made pursuant to NRS 439.265.

3. The records described in subsection 1 must be maintained in accordance with all applicable federal and state laws and regulations, including, without limitation:

(a) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations adopted pursuant thereto; and

(b) NRS 629.051 to 629.069, inclusive, and any regulations adopted pursuant thereto.

Sec. 19.5. ***1. A dentist, dental therapist or dental hygienist that performs an initial dental examination, screening or assessment on a minor shall refer the minor or his or her parent or guardian to a dental home, which may include, without limitation, a virtual dental home, when appropriate.***

2. As used in this section:

(a) "Dental home" means an entity that arranges for the provision of oral health care that is continuously available and delivered in a comprehensive, coordinated and family-centered manner by a dentist licensed in this State.

(b) "Virtual dental home" means a dental home that uses teams of persons licensed pursuant to chapter 631 of NRS who are connected to the patient and each other through teledentistry to provide comprehensive oral health care in a community setting.

Sec. 20. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, ***and sections 3 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, must:

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121, submit with the application proof satisfactory that the applicant passed the examination.

2. ***In addition to satisfying the requirements of subsection 1, if an applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, intends to provide services through teledentistry, the applicant must submit to the Board proof that the applicant has completed:***

(a) At least 2 hours of continuing education concerning teledentistry; or

(b) A course in teledentistry as part of the requirements for graduation from an accredited institution.

3. An application must include all information required to complete the application.

~~[3.]~~ ***4.*** The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 22. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection ~~[3]~~ ***4*** of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene, dental therapy or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene and dental therapy. The regulations must include:

(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course ~~[.]~~ ***, including, without limitation, specific criteria used to accredit a course in teledentistry;*** and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. Each licensee must complete, as part of continuing education, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

6. ***In addition to any other continuing education required pursuant to this section, a licensee who holds a special endorsement issued pursuant to section 15 of this act must biennially complete:***

(a) At least 2 hours of continuing education concerning the life cycle of diseases, drugs and the administration of immunizations;

(b) A course offered by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning

the epidemiology and prevention of diseases that are preventable by immunization;

(c) A course of training in the administration of immunizations offered by Immunize Nevada or its successor organization or, if that organization ceases to exist, another organization prescribed by regulation of the Board; or

(d) Another course of instruction relating to immunizations that is approved by:

(1) The Board;

(2) The American Dental Association, or its successor organization, or the societies which are a part of it;

(3) The American Dental Hygienists' Association, or its successor organization, or the societies which are a part of it;

(4) The Academy of General Dentistry, or its successor organization;

(5) Any nationally recognized association of dental or medical specialists;

(6) Any university, college or community college located inside or outside this State; or

(7) Any hospital accredited by The Joint Commission.

7. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 25. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist, dental hygienist or dental therapist constituting substandard care in the practice of dentistry, dental hygiene or dental therapy;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;

7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344;

14. ***Failure to actively involve a patient in decisions concerning his or her treatment;***

15. Requiring a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board;

16. The performance or supervision of the performance of a pelvic examination in violation of NRS 629.085; ~~[or~~

~~15.]~~ ***17. Administering an immunization if the dentist, dental hygienist or dental therapist does not hold a special endorsement issued pursuant to section 15 of this act;***

18. Failure to comply with:

(a) The requirements of NRS 439.265; or

(b) Any requirement of section 17, 18 or 19 of this act; ~~***[or]***~~

19. Failure to review diagnostic digital or conventional radiographs for orthodontia before:

(a) Making an initial diagnosis of or taking any action to correct malpositions of teeth; or

(b) The initial use of an orthodontic appliance;

20. Failure to comply with the requirements of subsection 3 of section 10 of this act; or

21. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

If a recipient of Medicaid presents in the emergency department of a hospital in this State with a nontraumatic dental injury, the hospital must notify the patient of providers of dental services included in the network of each health maintenance organization or managed care organization that provides services through teledentistry to recipients of Medicaid. The hospital shall provide such notice by:

1. Posting signs on the premises of the hospital that include the list of providers who offer services through teledentistry submitted to the hospital pursuant to NRS 695C.1708 or 695G.162, as applicable, or which direct patients to an Internet website on which such lists are available; or

2. Making available to patients a pamphlet or other written document that includes the list of providers who offer services through teledentistry submitted to the hospital pursuant to NRS 695C.1708 or 695G.162, as applicable, or which directs patients to an Internet website on which those lists are available.

Sec. 31. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 30 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 32. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 30 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 33. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, ***and section 30 of this act*** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 30 of this act*** or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 34. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 30 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and section 30 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 30 of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 35. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 30 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 30 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and***

section 30 of this act, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 36. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[.]~~ ***, and section 30 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 37. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 30 of this act.***

Sec. 38. NRS 695C.1708 is hereby amended to read as follows:

695C.1708 1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same extent as though provided in person or by other means.

2. A health maintenance organization shall not:

(a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means.

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person.

Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. ***A health maintenance organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.***

5. A health maintenance organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:

(a) Maintain a list of providers of dental services included in the network of the health maintenance organization who offer services through teledentistry;

(b) At least quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in this State; and

(c) Allow such providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.

6. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

~~[5.]~~ ***7.*** Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[6.]~~ ***8.*** As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) ***"Teledentistry" has the meaning ascribed to it in section 5 of this act.***

(e) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 39. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured

through telehealth to the same extent as though provided in person or by other means.

2. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means.

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. ***A managed care organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.***

5. A managed care organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:

(a) Maintain a list of providers of dental services included in the network of the managed care organization who offer services through teledentistry;

(b) At least quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in this State; and

(c) Allow such providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.

6. The provisions of this section do not require a managed care organization to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

~~[5.]~~ ***7.*** Evidence of coverage that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[6.]~~ ***8.*** As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) ***"Teledentistry" has the meaning ascribed to it in section 5 of this act.***

(e) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 40. 1. Each person who, on January 1, 2024, holds a license to practice dentistry, dental hygiene or dental therapy issued pursuant to chapter 631 of NRS and intends to provide services through teledentistry shall submit to the Board of Dental Examiners of Nevada with the next application to renew that license after that date proof that the licensee has completed:

(a) At least 2 hours of continuing education concerning teledentistry; or

(b) A course in teledentistry as part of the requirements for graduation from an institution accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor entity.

2. The provisions of paragraph (b) of subsection 1 of section 7 of this act do not apply to a person described in subsection 1 until:

(a) The next renewal of the license of the person to practice dentistry, dental hygiene or dental therapy on or after January 1, 2024; or

(b) The denial of the next application to renew the license of the person to practice dentistry, dental hygiene or dental therapy submitted on or after January 1, 2024.

3. As used in this section, "teledentistry" has the meaning ascribed to it in section 5 of this act.

Sec. 40.5. **Not later than January 1, 2024, the Board of Dental Examiners of Nevada shall:**

1. Compile a report concerning the adoption of regulations pursuant to section 13 of this act. The report must include, without limitation:

(a) A summary of the progress of the Board in adopting those regulations; and

(b) A copy of any such regulations that have been adopted or proposed to be adopted, the reasons for the content of those regulations and a

summary of any comment received by the Board concerning those regulations.

2. Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Commerce and Labor.

Sec. 41. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[40,]~~ **40.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 947 to Assembly Bill No. 147.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 399.

The following Senate amendment was read:

Amendment No. 922.

AN ACT relating to education; creating and establishing the membership, powers and duties of the Subcommittee on Education Accountability of the Interim Finance Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Interim Finance Committee to exercise certain fiscal duties when the Legislature is not in a regular or special session. (NRS 218E.400, 218E.405) **Section 2** of this bill creates the Subcommittee on Education Accountability of the Interim Finance Committee, consisting of five members of the Assembly and three members of the Senate.

Section 3 of this bill: (1) requires the Subcommittee to meet at least ~~[once every 6 months;]~~ **twice annually;** and (2) provides that the general objectives and functions of the Subcommittee are to discuss, evaluate and make recommendations relating to accountability in public education in this State in order to improve the educational achievements and outcomes for pupils. **Section 3** further provides that the Subcommittee may study, without limitation: (1) fiscal policy, school finance or similar or related financial activities; (2) the sufficiency of current revenue and expenditures relating to public education in this State and the anticipated revenue and expenditures that are necessary to improve educational achievements and outcomes for pupils; (3) administrative support and policies; (4) corrective action plans for public schools to improve educational achievements and outcomes; and (5) the rules, regulations and policies of individual school districts or public schools.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. There is hereby created the Subcommittee on Education Accountability of the Interim Finance Committee, consisting of the following members:***

(a) Five members of the Assembly appointed by the Speaker of the Assembly, three of whom must be members of the majority political party and two of whom must be members of the minority political party; and

(b) Three members of the Senate appointed by the Majority Leader of the Senate, two of whom must be members of the majority political party and one of whom must be a member of the minority political party.

2. The Director of the Legislative Counsel Bureau shall act as Secretary of the Subcommittee.

3. If any regular member of the Subcommittee informs the Secretary that the member will be unable to attend a particular meeting, the Secretary shall notify the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, to appoint an alternate for the meeting from the same House and political party as the absent member.

4. The Chair of the Interim Finance Committee shall appoint a Chair of the Subcommittee from one House and a Vice Chair of the Subcommittee from the other House.

5. Except as otherwise provided in subsection 6, the term of a member of the Subcommittee expires upon the convening of the next regular legislative session, unless the member is replaced by the appointing authority.

6. The membership of any member of the Subcommittee described in subsection 1 who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

7. Vacancies on the Subcommittee must be filled in the same manner as original appointments.

Sec. 3. ***1. The members of the Subcommittee on Education Accountability of the Interim Finance Committee shall meet at least ~~[once every 6 months]~~ twice annually at the times and places specified by a call of the Chair of the Subcommittee or a majority of the Subcommittee.***

2. A meeting held jointly by the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during a regular session that has agenda items similar to subsection 4 constitutes a meeting of the Subcommittee.

3. A majority of the members of the Subcommittee constitutes a quorum.

4. The general objectives and functions of the Subcommittee are to discuss, evaluate and make recommendations relating to accountability in public education in this State to improve the educational achievements and outcomes for pupils. The Subcommittee may study, without limitation:

(a) Fiscal policy, school finance or similar or related financial activities;

(b) The sufficiency of current revenue and expenditures relating to public education in this State and the anticipated revenue and expenditures that are necessary to improve educational achievements and outcomes for pupils;

(c) Administrative support and policies;

(d) Corrective action plans for public schools to improve educational achievements and outcomes; and

(e) The rules, regulations and policies of individual school districts or public schools.

5. The Subcommittee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, including, without limitation, compelling the attendance at any meeting of the Subcommittee of:

(a) The Superintendent of Public Instruction;

(b) Any member of the State Board of Education;

(c) Any member of a board of trustees of a school district in this State;

(d) Any superintendent or chief financial officer of a school district in this State; or

(e) The Executive Director of the State Public Charter School Authority.

6. Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of the Subcommittee or appointed alternate attends a meeting of the Subcommittee or is otherwise engaged in the business of the Subcommittee, the member or appointed alternate, as applicable, is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

7. All such compensation, per diem allowances and travel expenses of a member or appointed alternate of the Subcommittee must be paid from the Contingency Fund in the State Treasury.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 922 to Assembly Bill No. 399.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Senate Bill No. 58.

Bill read third time.

Roll call on Senate Bill No. 58:

YEAS—42.

NAYS—None.

Senate Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 99.

Bill read third time.

Roll call on Senate Bill No. 99:

YEAS—42.

NAYS—None.

Senate Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 189.

Bill read third time.

Roll call on Senate Bill No. 189:

YEAS—42.

NAYS—None.

Senate Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 412 and 233 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 191.

Bill read third time.

Roll call on Senate Bill No. 191:

YEAS—42.

NAYS—None.

Senate Bill No. 191 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 221.

Bill read third time.

Roll call on Senate Bill No. 221:

YEAS—42.

NAYS—None.

Senate Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 225.
Bill read third time.
Roll call on Senate Bill No. 225:
YEAS—42.
NAYS—None.
Senate Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 241.
Bill read third time.
Roll call on Senate Bill No. 241:
YEAS—42.
NAYS—None.
Senate Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 266.
Bill read third time.
Roll call on Senate Bill No. 266:
YEAS—40.
NAYS—Orentlicher, Summers-Armstrong—2.
Senate Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 368.
Bill read third time.
Roll call on Senate Bill No. 368:
YEAS—38.
NAYS—DeLong, Dickman, Gurr, Hansen—4.
Senate Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 385.
Bill read third time.
Roll call on Senate Bill No. 385:
YEAS—33.
NAYS—DeLong, Dickman, Gray, Gurr, Hafen, Hansen, Kasama, McArthur, O'Neill—9.
Senate Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 450.

Bill read third time.

Roll call on Senate Bill No. 450:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 451.

Bill read third time.

Roll call on Senate Bill No. 451:

YEAS—42.

NAYS—None.

Senate Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

Roll call on Senate Bill No. 395:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 395 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 226.

Bill read third time.

Roll call on Senate Bill No. 226:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 10.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 991.

AN ACT relating to the Nevada State Infrastructure Bank; requiring the Bank to keep confidential certain information; removing the Bank from the Department of Transportation and placing the Bank in the Office of the State Treasurer; expanding the types of projects for which the Bank may provide loans and other financial assistance; revising provisions relating to the Board of Directors of the Bank; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada State Infrastructure Bank within the Department of Transportation, the purpose of which is to provide loans and other financial assistance to qualified borrowers for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of certain transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, social infrastructure and other infrastructure related to economic development. (NRS 408.111, 408.55048-408.55088) Under existing law, the Bank is administered by and operates under the direction of a Board of Directors. (NRS 408.55069)

Sections 1.3, 9.3 and 10 of this bill authorize the Bank to provide loans and other financial assistance for K-12 school facilities in counties with a population of less than 100,000. **Section 11.5** of this bill provides that, for the purpose of providing a loan or other financial assistance: (1) the anticipated useful life of a K-12 school facility must not be deemed to be longer than 50 years; and (2) the Bank may offer a school district a rate of interest on a loan of 0 percent under certain circumstances. **Section 9.7** of this bill adds workforce housing to the types of social infrastructure projects for which the Bank is authorized to provide loans and other financial assistance. **Sections 9.3, 9.5, 11.3 and 11.7** of this bill make conforming changes to ensure the administration of loans or other financial assistance for K-12 school facilities are consistent with provisions of existing law governing other loans or financial assistance provided by the Bank.

Sections 1.7 and 15 of this bill require the Bank to keep confidential certain information which is submitted or disclosed to the Bank, except under certain circumstances. **Section 10** authorizes the Board of Directors to hold a closed meeting or to close a portion of a meeting to receive, examine or consider information which the Bank is required to keep confidential. **Section 16** of this bill makes a conforming change to reflect that the Board of Directors is authorized to hold such closed meetings. **Sections 9, 12 and 13** of this bill make conforming changes to indicate the proper placement of **sections 1.3 and 1.7** in the Nevada Revised Statutes.

Section 10: (1) provides that the State Treasurer or his or her designee serves as the Chair of the Board of Directors and removes the requirement that the Board of Directors annually elect a Chair; (2) revises the membership of the

Board of Directors; and (3) prohibits a member of the Legislature from being appointed to the Board of Directors.

Sections 2 and 10 of this bill remove the Bank from the Department of Transportation and establish the Bank within the Office of the State Treasurer. **Sections 3-8** of this bill make conforming changes to reflect that the Bank is no longer within the Department. **Sections 11 and 14** of this bill make conforming changes relating to the staffing of the Bank.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 408 of NRS is hereby amended by adding thereto ~~[a new section to read]~~ the provisions set forth as ~~[follows:]~~ sections 1.3 and 1.7 of this act.

Sec. 1.3. ***"K-12 school facility" means buildings and related assets, in a county whose population is less than 100,000, that are used primarily for educational instruction of pupils in kindergarten or in any grades 1 to 12, inclusive, and activities that directly support instruction. The term does not include facilities that are not used for educational instruction, including, without limitation, stand-alone athletic facilities, auditoriums and administrative buildings.***

Sec. 1.7. ***1. Except as otherwise provided in subsections 2 and 3, the Bank shall keep confidential any information that is required to be submitted or disclosed to the Bank:***

(a) In an application for a loan or other financial assistance and which has not already been made public or is not otherwise publicly available, other than:

(1) The amount of the loan or other financial assistance being sought;

(2) The name of each person in any submission or disclosure;

(3) The basis for the loan or other financial assistance being sought;

(4) The terms or proposed terms of the loan or other financial assistance being sought;

(5) Any information asserted in the submission or disclosure that is, or which the Bank asserts to be, necessary or relevant to the decision of the Bank to grant or deny the loan or other financial assistance; and

(6) The amount of the loan or other financial assistance granted; or

(b) Which the Bank is required to keep confidential pursuant to federal law.

2. The Bank shall disclose the information set forth in subsection 1:

(a) Upon the lawful order of a court of competent jurisdiction;

(b) To any person upon the request of the person who is the subject of the information;

(c) Upon the completion of the loan or other financial assistance, excluding any proprietary information; or

(d) In the course of the necessary administration of this chapter.

3. The Bank may disclose the information set forth in subsection 1 to an authorized agent of an agency of the United States Government, a state, a political subdivision of a state, a foreign government or a political subdivision of a foreign government which finances infrastructure projects.

4. A person seeking an order of a court of competent jurisdiction for the disclosure of information described in subsection 1 must submit a motion in writing to the court requesting the information. At least 10 days before submitting the motion, the person must provide notice to the Bank, the Attorney General and all persons who may be affected by the disclosure of the information. The notice must:

(a) Include, without limitation, a copy of the motion and all documents in support of the motion that are to be filed with the court; and

(b) Be delivered in person or by certified mail to the last known address of each person to whom notice must be provided.

5. As used in this section:

(a) "Confidential business information" means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including, without limitation, data relating to cost or price submitted to the Bank in support of a proposal. The term does not include the amount of a bid or proposal.

(b) "Proprietary information" means any trade secret or confidential business information that is contained in a proposal submitted to the Bank.

Sec. 2. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, three Deputy Directors, a Chief Engineer and the following:

(a) Administrative Division.

(b) Operations Division.

(c) Engineering Division.

(d) Planning Division.

~~[(e) Nevada State Infrastructure Bank.]~~

2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 3. NRS 408.116 is hereby amended to read as follows:

408.116 ~~[Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive:]~~

1. All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chair of the Board or, in the absence of the Director and the Chair of the Board, the process must be served personally upon both the Secretary of State and one of the Deputy Directors.

2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.

3. This section is not a consent on the part of the Department to be sued.

Sec. 4. NRS 408.131 is hereby amended to read as follows:

408.131 ~~[Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, the]~~ ***The*** Board shall:

1. Consider, at its meetings, all questions relating to the general policy of the Department and transact such business as properly comes before it.

2. Receive and consider, at such time as the Board selects, an annual report by the Director.

3. Except as otherwise provided in NRS 408.203, act for the Department in all matters relating to recommendations, reports and such other matters as the Board finds advisable to submit to the Legislature.

4. Maintain a record of all proceedings of the Board.

5. Execute or approve all instruments and documents in the name of the State or the Department necessary to carry out the provisions of this chapter.

6. Except as otherwise provided in NRS 408.389, delegate to the Director such authority as it deems necessary under the provisions of this chapter.

7. Act by resolution, vote or order entered in its records.

Sec. 5. NRS 408.172 is hereby amended to read as follows:

408.172 1. Subject to the approval of the Board, the Attorney General shall, immediately upon request by the Board, appoint an attorney at law as the Chief Counsel of the Department, and such assistant attorneys as are necessary. Attorneys so appointed are deputy attorneys general.

2. ~~[Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, the]~~ ***The*** Chief Counsel shall act as the attorney and legal adviser of the Department in all actions, proceedings, hearings and all matters relating to the Department and to the powers and duties of its officers.

3. Under the direction of or in the absence of the Chief Counsel, the assistant attorneys may perform any duty required or permitted by law to be performed by the Chief Counsel.

4. The Chief Counsel and assistant attorneys are in the unclassified service of the State.

5. ~~[Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, all]~~ ***All*** contracts, instruments and documents executed by the Department must be first approved and endorsed as to legality and form by the Chief Counsel.

Sec. 6. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department.

(d) ~~[Except as otherwise provided in NRS 408.55071, employ]~~ ***Employ*** such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 7. NRS 408.215 is hereby amended to read as follows:

408.215 1. The Director has charge of all the records of the Department, keeping records of all proceedings pertaining to the Department and keeping on file information, plans, specifications, estimates, statistics and records prepared by the Department, ~~[except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, and]~~ except those financial statements described in NRS 408.333 and the financial or proprietary information described in paragraph (c) of subsection 6 of NRS 408.3886, which must not become matters of public record.

2. The Director may photograph, film, place an image of on microfilm, save as an image in an electronic recordkeeping system or dispose of the records of the Department referred to in subsection 1 as provided in NRS 239.051, 239.080 and 239.085.

3. The Director shall maintain an index or record of deeds or other references of title or interests in and to all lands or interests in land owned or acquired by the Department.

4. The Director shall adopt such regulations as may be necessary to carry out and enforce the provisions of this chapter.

Sec. 8. NRS 408.389 is hereby amended to read as follows:

408.389 1. Except as otherwise provided in subsection 2 **,** ~~[and NRS 408.55048 to 408.55088, inclusive,]~~ the Department shall not purchase any equipment which exceeds $50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds $50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 9. NRS 408.55048 is hereby amended to read as follows:

408.55048 As used in NRS 408.55048 to 408.55088, inclusive, ***and sections 1.3 and 1.7 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 408.55049 to 408.550685, inclusive, ***and section 1.3 of this act,*** have the meanings ascribed to them in those sections.

Sec. 9.3. NRS 408.55053 is hereby amended to read as follows:

408.55053 "Eligible project" means the development, construction, repair, improvement, operation, maintenance, decommissioning or ownership of a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, ***K-12 school facility,*** social infrastructure and other infrastructure related to economic development.

Sec. 9.5. NRS 408.550615 is hereby amended to read as follows:

408.550615 "Other infrastructure related to economic development" means infrastructure that:

1. Supports a public purpose while promoting economic development for a local, regional or state purpose; and

2. Is not a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure ***, K-12 school facility*** or social infrastructure.

Sec. 9.7. NRS 408.550647 is hereby amended to read as follows:

408.550647 "Social infrastructure" means any infrastructure which:

1. Is used or useful for the construction, development and maintenance of facilities and systems that support social services, including, without limitation, those services related to health care, education, affordable housing, ***workforce housing,*** homelessness and food security; and

2. Augments existing services, including, without limitation, the services provided pursuant to chapters 319 and 387 of NRS.

Sec. 10. NRS 408.55069 is hereby amended to read as follows:

408.55069 1. The Nevada State Infrastructure Bank is hereby created within the ~~[~~Department.~~]~~ ***Office of the State Treasurer.***

2. The purpose of the Bank is to provide loans and other financial assistance to qualified borrowers for the development, construction, repair, improvement, operation, maintenance, decommissioning and ownership of transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, ***K-12 school facilities,*** social

infrastructure and other infrastructure related to economic development as necessary for public purposes.

3. The Bank is administered by and operates under the direction of a Board of Directors consisting of:

(a) ~~[The Director of the Department of Transportation or his or her designee;~~

~~(b)]~~ The State Treasurer or his or her designee ~~[;]~~ ***, who shall serve as Chair of the Board of Directors;***

(b) The [following members appointed by the State Treasurer:

~~***(1) One member who has knowledge, skill and experience in banking; and***~~

~~***(2) One member who represents the interests of rural Nevada;]*** **Director of the Department of Business and Industry or his or her designee;**

(c) **The Executive Director of the Office of Economic Development or his or her designee;**

(d) The ~~[Director of *The]*~~ ***following members appointed by*** the ~~[Department of Business and Industry or his or her designee;]~~ ***Majority Leader of the Senate:***

(1) One member who has knowledge, skill and experience relating to [transportation infrastructure;] the housing or the hospitality industry; and

(2) One member who [has knowledge, skill and experience relating to water infrastructure; and

~~***(3) One member who]*** ***represents the interests of [K-12 public education, selected after consulting with one or more organizations that represent teachers;***

~~(d) The Executive Director of]~~ ***organized labor within the building trades;***

(e) The following members appointed by the ~~[Office of Economic Development or his or her designee;]~~ ***Speaker of the Assembly:***

(1) One member who has knowledge, skill and experience [relating to public utility infrastructure;] in banking; and

(2) One member who represents the interests of Native Americans, selected after consulting with Indian tribes and tribal organizations; and

~~[(e) The Director of the Office of Energy or his or her designee; and]~~

(f) Two ~~[representatives of]~~ ***members who represent*** the general public, at least one of whom must reside in a county whose population is ~~[700,000 or more,]~~ ***less than 100,000,*** appointed by the Governor. ~~***[One member who represents the interests of organized labor within the building trades, appointed by the Legislative Commission.]***~~

4. Each member of the Board of Directors who is appointed pursuant to subsection 3 serves at the pleasure of the appointing authority. ***A person must not be appointed to the Board of Directors if he or she is currently serving as a Legislator.***

5. A vacancy on the Board of Directors in an appointed position must be filled by the appointing authority in the same manner as the original appointment.

6. The Board of Directors shall elect annually from among its members ~~[a Chair and]~~ a Vice Chair.

7. ~~[Four]~~ ***Five*** members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least ~~[four]~~ ***five*** members of the Board of Directors is required to take action.

8. The members of the Board of Directors are public officers and are subject to all applicable provisions of law, including, without limitation, the provisions of chapter 281A of NRS.

9. A meeting of the Board of Directors must be conducted in accordance with the provisions of chapter 241 of NRS ~~[.]~~ ***, except that the Board of Directors may hold a closed meeting or close a portion of a meeting to receive, examine or consider information which the Bank is required to keep confidential pursuant to section 1.7 of this act.***

10. Each member of the Board of Directors who is not otherwise an officer or employee of this State is entitled:

(a) To receive $100 for each full day of attending a meeting of the Board of Directors; and

(b) While engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be paid by the state agency or political subdivision that employs him or her.

11. A member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Board of Directors and perform any work necessary to carry out the duties of the Board of Directors in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board of Directors to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Board of Directors; or

(b) Take annual leave or compensatory time for the absence.

Sec. 11. NRS 408.55071 is hereby amended to read as follows:

408.55071 1. The Board of Directors may:

(a) Make, and from time to time amend and repeal, bylaws not inconsistent with NRS 408.55048 to 408.55088, inclusive, ***and sections 1.3 and 1.7 of this act,*** to carry into effect the powers and purposes of NRS 408.55048 to 408.55088, inclusive ~~[.]~~ ***, and sections 1.3 and 1.7 of this act.***

(b) Sue and be sued in the name of the Bank.

(c) Have a seal and alter the same at the pleasure of the Board of Directors, but the failure to affix the seal does not affect the validity of an instrument executed on behalf of the Bank.

(d) Make loans to qualified borrowers to finance all or part of the eligible costs of a qualified project.

(e) Provide qualified borrowers with other financial assistance necessary to defray all or part of the eligible costs of a qualified project.

(f) Acquire, hold and sell loan obligations at such prices and in such a manner as the Board of Directors deems advisable.

(g) Enter into contracts, arrangements and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to carry out the powers and duties of the Board of Directors.

(h) Enter into agreements with a department, agency or instrumentality of the United States or governmental unit of this State or another state for the purpose of providing for the financing of qualified projects.

(i) Establish:

(1) Policies and procedures to govern the selection of qualified projects and the issuance and administration of loans and other financial assistance provided by the Bank; and

(2) Fiscal controls and accounting procedures to ensure proper accounting and reporting by the Bank and qualified borrowers.

(j) Acquire, by purchase, lease, donation or other lawful means, real or personal property and any interest therein.

(k) Sell, convey, pledge, lease, exchange, transfer and dispose of all or any part of the property and assets of the Bank.

(l) Procure insurance, guarantees, letters of credit and other forms of collateral or security or credit support for the payment of bonds or other securities issued by the Bank and the payment of premiums or fees on such insurance, guarantees, letters of credit and other forms of collateral or security or credit support.

(m) Collect or authorize the trustee under any trust indenture that secures any bonds or other securities issued by the Bank to collect amounts due from a qualified borrower under any loan obligation owned by the Bank, including, without limitation, taking any lawful action required to obtain payment of any sums in default.

(n) Unless restricted by the terms of an agreement with the holders of bonds or other securities issued by the Bank, consent to any modification of the terms of any loan obligations owned by the Bank, including, without limitation, the rate of interest, period of repayment and payment of any installment of principal or interest.

(o) Borrow money through the issuance of bonds and other securities as provided in NRS 408.55048 to 408.55088, inclusive ~~[.]~~ ***, and sections 1.3 and 1.7 of this act.***

(p) Incur expenses to obtain accounting, management, legal or financial consulting and other professional services necessary to the operations of the Bank.

(q) To the extent that money is available from public or private sources of administrative costs, pay any costs incurred for the administration of the operations of the Bank.

(r) Establish advisory committees, which may include persons from the private sector with civil engineering, banking and financial expertise.

(s) Procure insurance against losses in connection with the Bank's property, assets or activities, including, without limitation, insurance against liability for any act of the Bank or its employees or agents, or establish cash reserves to enable the Bank to act as a self-insurer against such losses.

(t) Impose and collect fees and charges in connection with the activities of the Bank.

(u) Apply for, receive and accept from any source aid grants or contributions of money, property, labor or other things of value to be used to carry out the statutory purposes and powers of the Bank.

(v) Enter into contracts, arrangements or agreements for the servicing and processing of financial agreements.

(w) Accept and hold, with payment of interest, money deposited with the Bank.

(x) Request technical advice, support and assistance ~~[from the divisions of the Department.]~~ ***pursuant to NRS 408.55088.***

(y) Do all other things necessary or convenient to exercise any power granted or reasonably implied by NRS 408.55048 to 408.55088, inclusive ~~[.]~~ ***, and sections 1.3 and 1.7 of this act.***

2. Except as otherwise provided in NRS 408.55048 to 408.55088, inclusive, ***and sections 1.3 and 1.7 of this act,*** the Bank may exercise any fiscal power granted to the Bank in NRS 408.55048 to 408.55088, inclusive, ***and sections 1.3 and 1.7 of this act*** without the review or approval of any other department, division or agency of the State or any political subdivision thereof, except for the Board of Directors.

3. In exercising the powers and performing the functions set forth in NRS 408.55048 to 408.55088, inclusive, ***and sections 1.3 and 1.7 of this act,*** the members of the Board of Directors:

(a) Must act in a commercially reasonable manner and in the interests of this State. For the purposes of this paragraph, the interests of this State include, without limitation, the public welfare and economy of this State and the long-term and short-term interests of this State.

(b) May, unless a member of the Board of Directors has knowledge concerning a matter in question that would cause reliance thereon to be unwarranted, rely on information, opinions, reports, books of account or statements, including, without limitation, financial statements and other financial data, that are prepared or presented by:

(1) One or more members of the Board of Directors or officers or employees of the Bank reasonably believed to be reliable and competent in the matters prepared or presented;

(2) Counsel, public accountants, financial advisers, valuation advisers, investment bankers, engineers, architects or other persons as to matters reasonably believed to be within the professional or expert competence of the preparer or presenter; or

(3) A committee on which the director or officer relying thereon does not serve, as to matters within the designated authority of the committee and matters on which the committee is reasonably believed to merit confidence.

4. This section does not authorize the Bank to be or conduct business as a:

(a) Bank or trust company within the jurisdiction of chapters 657 to 671, inclusive, of NRS or under the control of an agency of the United States or this State; or

(b) Bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' laws of the United States or of this State.

5. The Bank must, before accepting a deposit from any person or governmental unit, provide a notice to the depositor stating that the deposit is not insured by the Federal Deposit Insurance Corporation.

6. The provisions of titles 55 and 57 of NRS do not apply to the Bank.

Sec. 11.3. NRS 408.55073 is hereby amended to read as follows:

408.55073 1. The Nevada State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.

2. The Fund is administered by the Board of Directors.

3. The Board of Directors may establish accounts and subaccounts within the Fund and shall ensure that accounting for the Fund is performed in accordance with all applicable laws and regulations governing the use of funds.

4. Except as otherwise provided in subsection 7, all money received by the Bank pursuant to NRS 408.55048 to 408.55088, inclusive, ***and sections 1.3 and 1.7 of this act*** must be deposited in the Fund.

5. The Bank may accept for deposit into the Fund:

(a) Any money appropriated by the Legislature or authorized for allocation by the Interim Finance Committee;

(b) Federal funds made available to the State;

(c) Gifts, grants, donations and contributions from a governmental unit, private entity or any other source;

(d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money pursuant to NRS 408.55076;

(e) Proceeds from the issuance of bonds or other securities pursuant to NRS 408.55071; and

(f) Any other lawful source of money that is made available to the Bank and is not already dedicated for another purpose.

6. The Bank shall comply with all applicable federal laws governing the use of federal funds, including, without limitation, statutes and regulations governing:

(a) Any conditions or limitations on expenditures;

(b) Reporting; and

(c) The commingling of federal funds.

7. Earnings on balances in any federal accounts must be credited and invested in accordance with federal law. Earnings on any state and local accounts must be deposited in the Fund to the credit of the account that generates the earnings.

8. Money in the Fund may be used only:

(a) For the capitalization of the Bank; and

(b) To carry out the statutory purposes and powers of the Bank.

9. A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, repairing, improving, operating, maintaining, decommissioning or owning a transportation facility, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, ***K-12 school facility,*** social infrastructure or other infrastructure related to economic development or for any other purpose set forth in NRS 408.55048 to 408.55088, inclusive, ***and sections 1.3 and 1.7 of this act*** to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 11.5. NRS 408.55074 is hereby amended to read as follows:

408.55074 1. A qualified borrower that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, repair, improve, operate, maintain, decommission or own an eligible project must apply to the Bank in the manner prescribed by the Bank.

2. The Executive Director shall:

(a) Review each application and determine whether the application is for an eligible project; and

(b) At the request of the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the qualified project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project. ***For purposes of this subsection, the anticipated useful life of a K-12 school facility must not be deemed to be longer than 50 years.***

5. The Bank shall determine the form and content of a loan application, financing agreement or loan obligation, including, without limitation:

(a) The period for repayment and the rate or rates of interest on a loan; and

(b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

➥ Such form and content must substantially conform with the documents typically used for such transactions.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank using money from a federal account must comply with all applicable federal requirements.

7. If a loan is made to a school district, the Bank may fix the rate of interest of the loan at 0 percent if the school district demonstrates to the Board of Directors that the school district has financial constraints that would not allow the school district to repay a loan with a rate of interest fixed according to the standards otherwise used by the Bank.

Sec. 11.7. NRS 408.55079 is hereby amended to read as follows:

408.55079 1. Except as otherwise provided in this section, if a qualified borrower that has obtained a loan or other financial assistance from the Bank fails to remit in full any amount due to the Bank on the date on which the amount is due under the terms of any note or other loan obligation given to the Bank by the qualified borrower, the Bank shall notify the appropriate state agencies or officers, including, without limitation, the State Controller, who shall withhold all or a portion of any state money or other money administered by the State and its agencies, boards and instrumentalities that is allotted or appropriated to the qualified borrower and apply an amount necessary to the payment of the amount due.

2. This section does not authorize the State or an agency, board or instrumentality thereof, or the State Controller, to withhold any money allocated or appropriated to a qualified borrower if to do so would violate the terms of:

(a) An appropriation by the Legislature;

(b) Any federal law;

(c) A contract to which the State is a party;

(d) A contract to which a governmental unit or qualified borrower is a party; ~~[or]~~

(e) A judgment of a court that is binding upon the State ~~[.]~~ ***; or***

(f) The provisions of NRS 387.121 to 387.12468, inclusive, governing apportionments and allowances from the State Education Fund.

Sec. 12. NRS 408.55081 is hereby amended to read as follows:

408.55081 The Board of Directors and any member thereof, and any officer, employee, agent or committee member of the Bank is not liable in a civil action for any act performed on behalf of the Bank in good faith and within the scope of their duties or the exercise of their authority pursuant to

NRS 408.55048 to 408.55088, inclusive ~~[.]~~ ***, and sections 1.3 and 1.7 of this act.***

Sec. 13. NRS 408.55086 is hereby amended to read as follows:

408.55086 1. To the extent possible, the provisions of NRS 408.55048 to 408.55088, inclusive, ***and sections 1.3 and 1.7 of this act*** are intended to supplement other statutory provisions governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, ***K-12 school facilities,*** social infrastructure or other infrastructure related to economic development and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of NRS 408.55048 to 408.55088, inclusive ~~[.]~~ ***, and sections 1.3 and 1.7 of this act.*** If there is a conflict between such other provisions and the provisions of NRS 408.55048 to 408.55088, inclusive, ***and sections 1.3 and 1.7 of this act,*** the provisions of NRS 408.55048 to 408.55088, inclusive, ***and section 1.3 and 1.7 of this act*** control.

2. The provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. The Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.

Sec. 14. NRS 408.55088 is hereby amended to read as follows:

408.55088 Any division of the Department of Transportation, the Department of Business and Industry, the Office of Economic Development, the State Department of Conservation and Natural Resources, ~~[the Office of the State Treasurer,]~~ the Office of Energy or any other governmental unit may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank ~~[.]~~ ***, including, without limitation, the Board of Directors.***

Sec. 15. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690,

125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,

625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1.7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 16. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, ***408.55069,*** 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 16.5. (Deleted by amendment.)

Sec. 16.7. **The terms of the members of the Board of Directors of the Nevada State Infrastructure Bank who were appointed pursuant to paragraph (f) of subsection 3 of NRS 408.55069, as that section existed before July 1, 2023, expire on June 30, 2023. Those members may be appointed to the Board of Directors of the Nevada State Infrastructure Bank pursuant to NRS 408.55069, as amended by section 10 of this act, to a position on the Board of Directors for which that person satisfies the qualifications for appointment.**

Sec. 17. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 505 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 277 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 505.

Bill read third time.

Roll call on Senate Bill No. 505:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 505 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 11.

Bill read third time.

Roll call on Senate Bill No. 11:

YEAS—40.

NAYS—Peters, Summers-Armstrong—2.

Senate Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 454.

Bill read third time.

Roll call on Senate Bill No. 454:

YEAS—42.

NAYS—None.

Senate Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 490.

Bill read third time.

Roll call on Senate Bill No. 490:

YEAS—42.

NAYS—None.

Senate Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 506.

Bill read third time.

Roll call on Senate Bill No. 506:

YEAS—42.

NAYS—None.

Senate Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

Roll call on Senate Bill No. 341:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 375.

Bill read third time.

Roll call on Senate Bill No. 375:

YEAS—42.

NAYS—None.

Senate Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Jauregui moved that the Assembly stand in a five-minute recess.

Motion carried.

Assembly in recess at 9:13 p.m.

ASSEMBLY IN SESSION

At 9:54 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 24, 246, and 274 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 24.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 952.

SUMMARY—Revises provisions relating to ~~[the Office of Small Business Advocacy within the Office of the Lieutenant Governor.]~~ **governmental administration.** (BDR 18-404)

AN ACT relating to ~~[the Office of the Lieutenant Governor;]~~ **governmental administration;** revising provisions governing the funding of the Office of Small Business Advocacy within the Office of the Lieutenant Governor; extending the prospective expiration of the Office of Small Business Advocacy; **moving the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates within the Office of the Lieutenant Governor the Office of Small Business Advocacy; (2) eliminates the Office on June 30, 2023; and (3) authorizes the Lieutenant Governor to employ personnel as necessary to perform the functions and duties of the Office of Small Business Advocacy within the limits of money available from sources other than from the State General Fund. (NRS 224.160) **Section 2** of this bill extends the prospective expiration of the Office on July 1, 2023, to July 1, 2025. (Chapter 240, Statutes of Nevada 2021, at page 1147) **Section 1** of this bill: (1) eliminates the prohibition on employing personnel for the Office of Small Business Advocacy with money from the State General Fund; and (2) authorizes the Lieutenant Governor to employ personnel for the Office of Small Business Advocacy within the limits of money appropriated or authorized for such purposes.

Existing law creates the Keep Nevada Working Task Force within the Office of the Lieutenant Governor. (NRS 224.320) Existing law further prescribes the duties of the Task Force, which include, without limitation: (1) developing strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State; (2) conducting research on methods to strengthen career pathways for immigrants and creating enhanced partnerships with projected growth industries; (3) supporting the efforts of certain groups and entities to provide predictability and stability to the workforce of this State; (4) recommending approaches to improve the ability of this Sate to attract and retain immigrant business owners that provide new business and trade opportunities; and (5) entering into a contract with a consultant to perform research necessary to carry out the duties of the Task Force. (NRS 224.340)

Sections 1.3-1.7 of this bill: (1) move the Task Force from the Office of Lieutenant Governor to the Office of the Secretary of State; (2) set forth the membership of the Task Force; and (3) set forth the duties of the Task Force, which are the same duties of the current Task Force. Sections 1.8, 1.9 and 2.7 of this bill make conforming changes related to moving the Task Force into the Office of the Secretary of State.

Section 2.3 of this bill provides that members of the existing Task Force continue to serve until the new members are appointed pursuant to section 1.5 of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 224.160 is hereby amended to read as follows:

224.160 1. The Office of Small Business Advocacy is hereby created within the Office of the Lieutenant Governor.

2. The Lieutenant Governor may, within the limits of money ~~[available other than from the State General Fund]~~ ***appropriated or authorized*** for such purpose, employ such personnel as are necessary to perform the functions and duties of the Office of Small Business Advocacy set forth in NRS 224.100 to 224.250, inclusive. To be employed by the Lieutenant Governor pursuant to this section, a person must have the necessary training and experience to perform the duties for which he or she is hired. An employee of the Office of Small Business Advocacy is in the unclassified service of the State and serves at the pleasure of the Lieutenant Governor.

3. A state agency may cooperate with and assist the Office of Small Business Advocacy in the performance of its duties and functions.

Sec. 1.2. **Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 1.7, inclusive, of this act.**

Sec. 1.3. ***Sections 1.3 to 1.7, inclusive, of this act may be cited as the Keep Nevada Working Act.***

Sec. 1.4. ***As used in sections 1.3 to 1.7, inclusive, of this act, "Task Force" means the Keep Nevada Working Task Force created by section 1.5 of this act.***

Sec. 1.5. ***1. The Keep Nevada Working Task Force is hereby created within the Office of the Secretary of State.***

2. The Task Force consists of:

(a) The Secretary of State, or his or her designee;

(b) Seven members appointed by the Secretary of State; and

(c) One member appointed jointly by the Governor and the Office for New Americans created by NRS 223.910.

3. Every member appointed to the Task Force shall represent at least one of the following:

(a) An immigrant advocacy group;

(b) A professional association representing business;

(c) A labor organization with a statewide presence;

(d) A workforce or economic development interest;

(e) A bar association or like association of lawyers which is involved in the advocacy of immigrants;

(f) A faith-based, nonprofit organization;

(g) An advocacy group which focuses on immigration and criminal justice;

(h) An institution of higher education; or

(j) A state or local law enforcement agency.

4. The members of the Task Force shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

5. The members of the Task Force serve without compensation.

Sec. 1.6. ***1. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and Vice Chair.***

2. The Task Force shall meet at least once each quarter and hold meetings at various locations throughout the State.

3. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at any meeting is sufficient for any official action taken by the Task Force.

Sec. 1.7. ***1. The Task Force may:***

(a) Develop strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State;

(b) Conduct research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries;

(c) Support the efforts of business leadership, civic groups, government and immigrant advocacy groups to provide predictability and stability to the workforce in this State;

(d) Recommend approaches to improve the ability of this Sate to attract and retain immigrant business owners that provide new business and trade opportunities; and

(e) Enter into a contract with a consultant to perform research necessary to carry out the duties of the Task Force.

2. On or before July 1, 2024, and on or before July 1 of each subsequent year, the Task Force shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.

3. The Secretary of State may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 1.3 to 1.7, inclusive, of this act.

4. The Office of the Secretary of State shall provide personnel, facilities, equipment, funding and supplies as required by the Task Force to carry out its duties.

5. Each agency, board, commission, department, officer, employee or agent of this State, or a political subdivision thereof, shall provide the Task Force with such assistance as the Task Force may reasonably require in discharging its duties.

Sec. 1.8. **NRS 228.206 is hereby amended to read as follows:**

228.206 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~[~~NRS 224.320,~~]~~ ***section 1.5 of this act,*** publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. The model policies must prioritize guidance and training recommendations which:

(a) Foster trust between the community and state or local law enforcement agencies; and

(b) Limit, to the fullest extent practicable and consistent with any applicable law, the engagement of state or local law enforcement agencies with federal immigration authorities for the purpose of immigration enforcement.

2. Each state or local law enforcement agency shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General.

3. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the state or local law enforcement agency.

4. As used in this section, "state or local law enforcement agency" means:

(a) The sheriff's office of a county;

(b) A metropolitan police department;

(c) A police department of an incorporated city;

(d) Any entity authorized to operate a prison, jail or detention facility, including, without limitation, any facility for the detention of juveniles;

(e) The Division of Parole and Probation of the Department of Public Safety;

(f) Any department of alternative sentencing; and

(g) Any other state or local agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(1) Has a duty to enforce the law; and

(2) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 1.9. **NRS 228.208 is hereby amended to read as follows:**

228.208 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~[~~NRS 224.320,~~]~~ ***section 1.5 of this act,*** publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at public schools, institutions of higher education, health care facilities and courthouses to ensure that such places remain safe and accessible to residents of this State regardless of the immigration status or citizenship of such persons.

2. Each public school, institution of higher education, health care facility and courthouse in this State shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General.

3. Any organization that provides services relating to physical or mental health and wellness, education or access to justice is encouraged to adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1.

4. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the public school, institution of higher education, health care facility or courthouse, as applicable.

5. A policy adopted pursuant to this section must comply with:

(a) Any applicable law;

(b) Any policy, grant, waiver or other requirement necessary to maintain the funding of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable; and

(c) Any agreement related to the operation and functions of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable.

6. As used in this section:

(a) "Health care facility" means a facility licensed pursuant to chapter 449 of NRS and which is operated by this State or a political subdivision thereof.

(b) "Institution of higher education" has the meaning ascribed to it in NRS 179D.045.

(c) "Public school" means any school described in NRS 388.020.

Sec. 2. Section 20 of chapter 240, Statutes of Nevada 2021, at page 1154, is hereby amended to read as follows:

Sec. 20. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 19, inclusive, of this act:

(a) Become effective:

(1) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(2) On July 1, 2021, for all other purposes.

(b) Expire by limitation on June 30, ~~[~~2023.~~]~~ ***2025.***

Sec. 2.3. **1. The persons who are members of the Keep Nevada Working Task Force created by NRS 224.320, as that section existed on the effective date of this act, on July 1, 2023, continue to serve as members until the Secretary of State, Governor and the Office for New Americans appoint members to the Task Force pursuant to section 1.5 of this act.**

2. Nothing in this act prohibits the Secretary of State from appointing a person who was appointed to the Task Force by the Lieutenant Governor pursuant to NRS 224.320, as that section existed on June 30, 2023, if the person meets the qualifications for appointment pursuant to section 1.5 of this act.

Sec. 2.4. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 2.5. **1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of regulations has been transferred.**

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the

enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 2.7. **NRS 224.300, 224.310, 224.320, 224.330 and 224.340 are hereby repealed.**

Sec. 3. **1.** This ~~[act becomes]~~ **section and sections 1, 2 and 2.4 of this act become** effective upon passage and approval.

2. Sections 1.2 to 1.9, inclusive, 2.3, 2.5 and 2.7 of this act become effective:

(a) Upon passage and approval for the purpose of appointing members of the Keep Nevada Working Task Force created by section 1.5 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) Only July 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

224.300 Short title.

224.310 "Task Force" defined.

224.320 Creation; membership; terms and reappointment of members; vacancies; service without compensation.

224.330 Election of Chair and Vice Chair; frequency and location of meetings; quorum.

224.340 Powers; annual report to Legislative Commission; acceptance of gifts, grants and donations; operational support; assistance from public agencies.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 246.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 966.

AN ACT relating to governmental administration; requiring the City Councils of the City of Las Vegas and the City of North Las Vegas to establish a workforce development program; requiring the City Councils to receive updates on the programs and post information about the programs; requiring every public utility which is owned or operated by the City of Las Vegas or the City of North Las Vegas to include certain information in utility bills; requiring that certain information be posted in each building owned by the City

of Las Vegas or the City of North Las Vegas; requiring the City Councils to submit an annual report to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau relating to the workforce development program; revising provisions relating to the Charter Committee, City Clerk and City Manager of the City of North Las Vegas; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of Las Vegas authorizes the City Council of the City to exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provisions of programs relating to employment and training. (Las Vegas City Charter § 3.300) **Section 1** of this bill requires the City Council to establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. **Section 1** further requires: (1) the City Council to receive an update to the program on a quarterly basis; (2) the City Council to post information about the program in a conspicuous place on the Internet website of the City; (3) every public utility owned or operated by the City to include certain information regarding opportunities available in workforce development in each utility bill; (4) each building that is owned in the City to have posted in a clear and conspicuous place all job openings that are available in the building; and (5) the City Council to provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau relating to the workforce development program. **Section 3** of this bill sets forth the same requirements for the City of North Las Vegas.

Section 2 of this bill creates an exception to the provision that authorizes but does not require the City Council of the City of Las Vegas to exercise powers and enact ordinances relating to programs relating to employment and training.

The existing Charter of the City of North Las Vegas provides for the establishment of a Charter Committee by the City Council and requires the Charter Committee to meet at least once every 2 years before the beginning of each regular session of the Legislature. (North Las Vegas City Charter §§ 1.100, 1.110) **Section 3.2** of this bill requires **each member of** the Charter Committee to ~~[report any abuse of power by the City Council or City Manager to the Legislature or the Joint Interim Standing Committee on Government Affairs if the Legislature is not in session.]~~ **complete certain training.** **Section 3.2** also prohibits the City Council **, officers** and **employees of the** City ~~[Manager]~~ from interfering with the duties of the Charter Committee or committing any abuses of power with respect to the duties of the Charter Committee. **Section 3.2** further requires the Charter Committee to meet at least ~~[quarterly.]~~ **four times between regular sessions of the Legislature.**

The existing Charter of the City of North Las Vegas sets forth certain duties of the City Clerk. (North Las Vegas City Charter § 3.040) **Section 3.4** of this bill ~~[prohibits]~~ **requires** the City Clerk ~~[from committing any violation of law relating to his or her duties and provides that the City Clerk may be subject to civil and criminal liability for any such violation. Section 3.4 also prohibits the City Council and City Manager of the City of North Las Vegas from threatening, coercing or harassing or conspiring to threaten, coerce or harass the City Clerk to violate any provision of law.]~~ **to take and subscribe the constitutional oath of office before entering upon the duties of the office.**

Section 3.6 of this bill requires the City Manager of the City of North Las Vegas to submit an annual report to the Committee on Local Government Finance that contains certain information relating to special revenue funds of the City. **Section 3.8** of this bill requires the City Manager to submit, on or before January 1, 2024, a similar report to the Committee for the period beginning July 1, 2013, and ending on June 30, 2024.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 3.310, immediately following section 3.300, to read as follows:

Sec. 3.310 Workforce development.

1. The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in all areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:

(a) Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty;

(b) Must not prioritize any one minority group over another; and

(c) Must include, without limitation:

(1) Targets to share work opportunities for all economic development projects within the boundary of the City with residents of the City based on the priorities established pursuant to paragraph (a); and

(2) Engagement and outreach regarding work opportunities from the beginning of an economic development project until completion.

2. The City Council shall:

(a) Receive an update on the workforce development program established pursuant to subsection 1 on a quarterly basis.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. Every public utility which is owned or operated by the City shall include in each utility bill sent to a customer clear and conspicuous notification of the Internet address that sets forth opportunities in workforce development available to residents of the City.

4. In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.

5. The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.

Sec. 2. Section 3.300 of the Charter of the City of Las Vegas, being chapter 338, Statutes of Nevada 2007, at page 1532, is hereby amended to read as follows:

Sec. 3.300 Programs: Employment and training.

1. Except as otherwise provided in subsection 2 ***and section 3.310*** and in addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of programs relating to employment and training.

2. The City Council shall not impose or increase a tax for the purposes set forth in subsection 1 unless the tax or increase is otherwise authorized by specific statute.

Sec. 3. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 3.110, immediately following section 3.100, to read as follows:

Sec. 3.110 Workforce development.

1. The City Council shall establish a workforce development program, in coordination with all applicable agencies which provide workforce development services, to reduce the rate of unemployment in areas of the City that have a high rate of poverty. The workforce development program established pursuant to this section:

(a) Must prioritize outreach and assistance in neighborhoods that have historically had high rates of poverty;

(b) Must not prioritize any one minority group over another; and

(c) Must include, without limitation:

(1) Targets to share work opportunities for all economic development projects within the boundary of the City with residents of the City based on the priorities established pursuant to paragraph (a); and

(2) Engagement and outreach regarding work opportunities from the beginning of an economic development project until completion.

2. The City Council shall:

(a) Receive an update on the workforce development program established pursuant to subsection 1 on a quarterly basis.

(b) Post information about the workforce development program established pursuant to subsection 1 in a conspicuous place on the Internet website of the City.

3. Every public utility which is owned or operated by the City shall ~~[include]~~ provide quarterly in ~~[each]~~ a utility bill sent to a customer clear and conspicuous notification of the Internet address that sets forth opportunities in workforce development available to residents of the City.

4. In each building that is owned by the City, there must be posted in a clear and conspicuous place all job openings that are available in the building.

5. The City Council shall provide a written report each year to the Director of the Department of Employment, Training and Rehabilitation and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, describing the efforts made by the workforce development program established pursuant to subsection 1.

Sec. 3.2. Section 1.110 of the Charter of the City of North Las Vegas, being chapter 254, Statutes of Nevada 2021, at page 1325, is hereby amended to read as follows:

Sec. 1.110 Charter Committee: Officers; meetings; duties.

1. The Charter Committee shall:

~~[1.]~~ ***(a)*** Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

~~[2.]~~ ***(b)*** Meet at least ~~[once every 2 years before the beginning of each regular session]~~ ***four times between regular sessions*** of the Legislature ~~***[quarterly]***~~ and ***at other times*** when requested by the City Council or the Chair of the Committee; ~~[and~~

~~3.]~~ ***(c) Set the agenda for every meeting of the Charter Committee. The City Council may request not more than four items be considered by the Charter Committee at a meeting of the Charter Committee; and***

(d) Appear before the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to ***paragraph (b) of*** subsection ~~[2]~~ ***1*** and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter . ~~***[.***~~

~~***(e) Report any abuse of authority by the City Council or City Manager to the Director of the Legislative Counsel Bureau for***~~

~~*transmittal to the Legislature or if the Legislature is not in session, the Joint Interim Standing Committee on Government Affairs; and*~~

~~*(f) Retain all records relating to the work of the Charter Committee.]*~~

2. The City Council , officers and employees of the City ~~[Manager,]~~ shall not interfere with the duties of the Charter Committee or commit any abuse of power with respect to the Charter Committee. ~~[In addition to any criminal action, the Attorney General may bring a civil action in a court of competent jurisdiction for a violation of the provisions of this subsection by the City Council, Council Members or City Manager and may recover a civil penalty of not more than $1,000 for each violation.]~~

3. ~~[For the purposes of this section, "abuse of power" includes, without limitation, preventing or threatening, coercing or conspiring to prevent]~~ Each person who is appointed to serve as a member of the Charter Committee ~~[from setting an agenda for a meeting or holding a meeting.]~~ shall complete training which must include, without limitation, instruction relating to:

(a) The Code of Ethical Standards set forth in chapter 281A of NRS, including, without limitation, how to file a complaint with the Commission on Ethics created pursuant to NRS 281A.200;

(b) The provisions of chapter 241 of NRS; and

(c) Responsibilities of the Charter Committee.

Sec. 3.4. Section 3.040 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254, Statutes of Nevada 2021, at page 1331, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Office; duties.

1. The City Clerk shall:

(a) ***Before entering upon the duties of office, take and subscribe the constitutional oath of office.***

(b) Keep his or her office at the place of meeting of the City Council or some other place convenient thereto, as the City Council may direct.

~~[(b)]~~ ***(c)*** Keep the corporate seal and be the custodian of all official papers and records of the City, including, without limitation, contracts, agreements, documents, resolutions, ordinances, minutes and official city election records.

~~[(c)]~~ ***(d)*** Keep a record of the proceedings of, and be the Clerk of the City Council, whose meetings it shall be his or her duty to attend.

~~[(d)]~~ ***(e)*** Record votes of members of the City Council.

~~[(e)]~~ ***(f)*** Direct the transcription and keeping of minutes and official records and the making and keeping of audio recordings or transcripts of all City Council meetings.

~~[(f)]~~ ***(g)*** Countersign official contracts, bonds and other official City documents.

~~[(g)]~~ ***(h)*** Make arrangements for regular, special or emergency meetings of the City Council.

~~[(h)]~~ ***(i)*** Supervise the operation and maintenance of the records management system of the City.

~~[(i)]~~ ***(j)*** Supervise the printing of all ballots for city elections.

~~[(j)]~~ ***(k)*** Certify the election returns.

~~[(k)]~~ ***(l)*** Administer official oaths for the City.

2. Copies of all papers filed in the office of the City Clerk and transcripts from all records of the City Council certified by him or her, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.

~~***[3. The City Clerk shall not knowingly and willfully violate any provision of law governing elections, commit fraud, abuse the public trust, abuse his or her authority, falsify records or violate any other provision of law governing his or her duties. In addition to any criminal action, the Attorney General may bring a civil action for civil penalties for a violation of this prohibition not to exceed $1,000 for each violation.***~~

~~***4. The City Council and City Manager shall not threaten, coerce or harass or conspire to threaten, coerce or harass the City Clerk to violate any provision of law.]***~~

Sec. 3.6. Section 3.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254, Statutes of Nevada 2021, at page 1330, is hereby amended to read as follows:

Sec. 3.020 City Manager: Power and duties.

1. The City Manager is the Chief Administrative Officer of the City. He or she is responsible to the City Council for the efficient and proper administration of all City affairs placed in his or her charge by or under this Charter.

2. The City Manager shall:

(a) Except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter, appoint, and when he or she deems it necessary for the good of the service, discharge or suspend all City employees and appointed administrative officers provided for by this Charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise the powers enumerated in this paragraph with respect to subordinates in that officer's department, office or agency.

(b) Direct and supervise the administration of all departments, offices and agencies of the City, except:

(1) As otherwise provided by law; and

(2) For any department, office or agency whose head is not appointed by the City Manager.

(c) Attend all City Council meetings and have the right to take part in all discussions. The City Manager may not vote.

(d) Be responsible for the enforcement of all laws, provisions of this Charter and acts of the City Council subject to enforcement by the City

Manager or by his or her officers subject to his or her direction and supervision.

(e) Prepare and submit the annual budget and capital program to the City Council.

(f) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.

(h) Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs as he or she deems desirable.

(i) Perform such other duties as are specified in this Charter or which may be required by the City Council.

3. In addition to the duties set forth in subsection 2, on or before January 1 of each year, the City Manager shall submit to the Committee on Local Government Finance created by NRS 354.105 a report that compares the projected and actual budgets of each special revenue fund maintained by the City for the immediately preceding fiscal year. Such report must:

(a) Identify each special revenue fund;

(b) Indicate in detail all revenue received in the special revenue fund for the immediately preceding fiscal year; and

(c) Indicate in detail all expenses for the immediately preceding fiscal year which were paid with money from the special revenue fund.

4. The report submitted pursuant to this section to the Committee on Local Government Finance is a public record.

Sec. 3.8. 1. On or before January 1, 2024, the City Manager of the City of the North Las Vegas shall submit to the Committee on Local Government Finance created by NRS 354.105 a report that compares the projected and actual budgets of each special revenue fund maintained by the City for each fiscal year of the period beginning July 1, 2013, and ending June 30, 2023. Such report must:

(a) Identify each special revenue fund;

(b) Indicate in detail all revenue received in the special revenue fund for each fiscal year in the reporting period; and

(c) Indicate in detail all expenses for the fiscal year which were paid with money from the special revenue fund.

2. The report submitted pursuant to this section to the Committee on Local Government Finance is a public record.

Sec. 4. (Deleted by amendment.)

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 274.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 997.

AN ACT relating to industrial insurance; ~~[requiring]~~ **revising requirements for the administration of certain insurance claims and the maintenance and accessibility of certain insurance records; removing the requirement that certain entities maintain a telephone service to accept collect calls from injured employees; revising the circumstances under which** the Administrator of the Division of Industrial Relations of the Department of Business and Industry **is authorized to remove a physician or chiropractic physician from a list or panel of physicians and chiropractic physicians who may provide certain services relating to the Nevada Industrial Insurance Act; requiring the Administrator to publish certain reports; authorizing certain physicians and chiropractic physicians to decline to perform certain evaluations; revising procedures for the selection of a physician or chiropractic physician to perform certain evaluations and examinations; revising provisions relating to independent medical examinations; revising provisions relating to benefits for a permanent partial disability; revising provisions relating to an appeal of certain determinations of the Administrator; revising procedures for the reimbursement of an insurer that pays for an increase in certain compensation or benefits; requiring the Administrator** to post certain information on the Internet website of the Division; increasing the amount of certain penalties for certain violations of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act; revising provisions relating to the imposition and payment of benefit penalties; revising certain requirements for certain investigations conducted by the Administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Industrial Insurance Act and the Nevada Occupational Diseases Act, which provide for the payment of compensation to employees who are injured or disabled as the result of an occupational injury or occupational disease. (Chapters 616A-616D and 617 of NRS)

Existing law requires certain insurers to maintain an office in this State that is operated by the insurer or its third-party administrator and to provide access to files relating to industrial insurance claims at that office. (NRS 616B.021, 616B.027) Section 3 of this bill requires the insurer to make such files available for inspection and reproduction by electronic means or at an office operated by the insurer or its third-party administrator located in this State. Section 3 also authorizes the insurer

to keep physical records concerning a claim filed in this State at a location outside this State if those records are made available for inspection and reproduction in certain electronic forms or at an office located in this State.

Section 4 of this bill permits an insurer to keep reproductions of certain files rather than original copies at an office in this State operated by the insurer or its third-party administrator. Section 4 also removes the requirement that an insurer accept collect calls from injured employees.

Existing law requires a person who acts as a third-party administrator pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act to administer claims arising under each plan of insurance that the person administers from one or more offices located in this State and maintain in those offices all records concerning those claims. (NRS 616B.503) Section 5 of this bill removes that requirement. Instead, section 2 of this bill establishes certain authorizations and requirements concerning the administration of claims arising under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. Section 2 authorizes certain employees and third-party administrators of private carriers to administer such claims from a location outside this State and stipulates how records concerning such claims must be maintained. Section 2 also authorizes certain other employees of a private carrier and certain third-party administrators to administer such claims only from one or more offices located in this State and requires that records relating to such claims be maintained at those offices. Section 4 requires certain employees and third-party administrators who administer a claim from a location outside this State to make themselves available to communicate in real time with a claimant or a representative of the claimant at certain times.

Existing law requires the Commissioner of Insurance to take certain disciplinary action against a third-party administrator for certain violations. (NRS 616B.506) Section 6 of this bill requires the Commissioner to also take such disciplinary action against a third-party administrator who violates the provisions of section 2.

Existing law requires an insurer to keep a list of physicians and chiropractic physicians from which an injured employee may choose to receive treatment from a panel established and maintained by the Administrator of the Division of Industrial Relations of the Department of Business and Industry. Existing law also sets forth procedures and limitations governing the removal of a physician or chiropractic physician from an insurer's list. (NRS 616C.087, 616C.090) Section 9 of this bill expands the circumstances under which a physician or chiropractic physician may be involuntarily removed from an insurer's list and requires the Administrator to adopt certain regulations. Section 10 of this bill revises the reasons for which a physician or chiropractic physician may be removed from a panel and authorizes a physician or chiropractic

physician who has been removed from a panel to reapply for inclusion under certain circumstances.

Existing law provides that an employee who is injured by an accident arising out of and in the course of employment is entitled to receive compensation under the Nevada Industrial Insurance Act for a permanent partial disability which is rated during an evaluation by certain physicians or chiropractic physicians. (NRS 616C.490) Section 17 of this bill revises the methodology by which those physicians or chiropractic physicians are selected to perform such an evaluation and authorizes such a physician or chiropractic physician to decline to perform an evaluation under certain circumstances. Sections 7 and 17 require the Administrator to prepare annual and quarterly reports relating to the frequency with which those physicians and chiropractic physicians perform such evaluations and certain other examinations.

Existing law authorizes an injured employee, subject to various requirements and restrictions, to obtain an independent medical examination concerning an injury that is the subject of a claim filed pursuant to the Nevada Industrial Insurance Act. (NRS 616C.145) Section 12 of this bill provides that such an injured employee is entitled to request such an independent examination for a permanent partial disability under certain circumstances. Section 12 also identifies the method by which the rate of reimbursement relating to certain independent medical examinations must be determined and authorizes an insurer to recover the cost of certain examinations under certain circumstances.

Existing law sets forth the method by which a physician or chiropractic physician is selected under certain circumstances to determine the percentage of disability of an injured employee. (NRS 616C.100, 616C.330, 616C.360) Sections 11, 15 and 16 of this bill require, with certain exceptions, that such physicians and chiropractic physicians be selected at random from a list maintained by the Administrator.

Existing law provides that a claimant under the Nevada Industrial Insurance Act may elect to receive payment for a permanent partial disability in a lump sum under certain circumstances. (NRS 616C.495) Section 18 of this bill requires an insurer to use the actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant elects payment in a lump sum to calculate the present value of the lump sum payable.

Existing law authorizes an insurer or employer who pays an annual increase in compensation for a permanent total disability to a claimant or dependent who is entitled to such compensation due to certain industrial injuries or disablements to obtain reimbursement from the Administrator and sets forth the procedure for obtaining such reimbursement. (NRS 616C.266) Similarly, existing law entitles an insurer who pays an increase in certain death benefits to be reimbursed annually for the

amount of that increase and sets forth procedures for obtaining such reimbursement. (NRS 616C.268) Sections 13 and 14 of this bill revise the procedures governing the issuance of such reimbursement to an insurer and impose various requirements on the Administrator with respect to such reimbursement.

Existing law requires the Administrator ~~[of the Division of Industrial Relations of the Department of Business and Industry]~~ under certain circumstances to order an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay a claimant a benefit penalty in an amount not less than $5,000 and not greater than $50,000 for refusing to process a claim for compensation **_**~~[, refusing to pay or unreasonably delaying payment to a claimant of compensation or other relief found to be due]~~ or committing certain other violations of the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. (NRS 616D.120) **Section ~~[2]~~ 20** of this bill increases the amount of that benefit penalty to not less than $17,000 and not greater than $120,000. **Section ~~[2]~~ 20** also extends from 10 days to 15 days the time in which a benefit penalty must be paid to a claimant after the Administrator determines the amount of the benefit penalty. **Section ~~[1.5]~~ 19** of this bill requires the Administrator to publish, maintain and make available to the public on the Internet website of the Division certain information relating to benefit penalties imposed by the Administrator.

Existing law sets forth procedures by which a person may contest a decision of the Administrator to impose or refuse to impose a benefit penalty. Under existing law, a person who is aggrieved by a failure of the Administrator to respond to a written request for a determination within 90 days after the request is mailed to the Administrator may appeal the failure to respond by filing a request for a hearing within 100 days after the unanswered written request was mailed to the Administrator. (NRS 616D.140) **Section ~~[4]~~ 22** of this bill revises those provisions to instead authorize a person who is aggrieved by the failure of the Administrator to respond to a complaint alleging that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has committed certain violations within 120 days after the Administrator receives the complaint to appeal the failure to respond by filing a request for a hearing within 150 days after the receipt of the complaint. **Section ~~[4]~~ 22** also: (1) requires a party who unsuccessfully appeals the imposition of a benefit penalty to pay a claimant double the amount of the benefit penalty initially imposed; (2) establishes certain requirements for when a benefit penalty must be paid; and (3) authorizes the Commissioner of Insurance to suspend a certification issued to an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization under certain circumstances.

Existing law requires the Administrator, upon receipt of a complaint or if the Administrator has reason to believe that certain provisions of the Nevada

Industrial Insurance Act have been violated, to cause an investigation to be conducted and render a determination concerning those violations. (NRS 616D.130) **Section ~~[3]~~ 21** of this bill broadens the circumstances under which the Administrator is required to cause an investigation to be conducted and requires the Administrator to: (1) provide the Commissioner and the suspected violator with a copy of the complaint or an explanation of the reason why the Administrator believes a violation has occurred and a copy of the determination rendered on the matter; and (2) include with the Administrator's determination any settlement agreement relating to the violation. **Section ~~[3]~~ 21** also revises the time in which the Administrator must complete certain actions pursuant to the investigation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. **Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location in or outside of this State. All records concerning a claim administered pursuant to this subsection must be maintained at one or more offices located in this State or by computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original.

2. An employee of a private carrier who is not licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a self-insured employer or an association of self-insured public or private employers may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS only from one or more offices located in this State. All records concerning a claim administered pursuant to this subsection must be maintained in those offices.

3. The Commissioner may:

(a) Under exceptional circumstances, waive the requirements of subsections 1 and 2; and

(b) Adopt regulations to carry out the provisions of this section.

Sec. 3. **NRS 616B.021 is hereby amended to read as follows:**

616B.021 1. An insurer shall ~~[provide access to]~~ ***make*** the files of claims ***available for inspection and reproduction:***

(a) At an office operated by the insurer or its third-party administrator located in ~~[its offices.]~~ ***this State; or***

(b) By electronic means.

2. The physical records in a file concerning a claim filed in this State may be kept at ~~[an office located]~~ ***a location*** outside this State if all records in the file are ~~[accessible]~~ ***made available for inspection and reproduction*** at ~~[offices]~~ ***an office operated by the insurer or its third-party administrator that is*** located in this State ~~[on]~~ ***or by*** computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during regular business hours within 24 hours after requested by the employee or the employee's designated agent, the employer or the employer's designated agent, or the Administrator or the Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.

3. Upon request, the insurer shall make copies or other reproductions of anything in the file and may charge a reasonable fee for this service. Copies or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.

4. The Administrator may adopt regulations concerning the:

(a) Maintenance of records in a file on claims that are open or closed; and

(b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.

5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 4. **NRS 616B.027 is hereby amended to read as follows:**

616B.027 1. Every insurer shall:

(a) Provide an office in this State operated by the insurer or its third-party administrator in which:

(1) A complete file ***, or a reproduction of the complete file,*** of each claim is accessible, in accordance with the provisions of NRS 616B.021;

(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS, may receive information related to a claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS; and

(3) An employee or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021.

(b) Provide statewide toll-free telephone service to the office maintained pursuant to paragraph (a) ***.*** ~~[or accept collect calls from injured employees.]~~

2. Each private carrier shall provide:

(a) Adequate services to its insured employers in controlling losses; and

(b) Adequate information on the prevention of industrial accidents and occupational diseases.

3. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier who administers a claim arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location outside of this State pursuant to subsection 1 of section 2 of this act shall make himself or herself available to communicate in real time with the claimant or a representative of the claimant Monday through Friday, 9 a.m. to 5 p.m. local time in this State, excluding any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 5. **NRS 616B.503 is hereby amended to read as follows:**

616B.503 1. A person shall not act as a third-party administrator for an insurer without a certificate issued by the Commissioner pursuant to NRS 683A.08524.

2. A person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS shall:

(a) ~~[Administer from one or more offices located in this State all of the claims arising under each plan of insurance that the person administers and maintain in those offices all of the records concerning those claims;~~

~~(b)]~~ Administer each plan of insurance directly, without subcontracting with another third-party administrator; and

~~[(c)]~~ ***(b)*** Upon the termination of the person's contract with an insurer, transfer forthwith to a certified third-party administrator chosen by the insurer all of the records in the person's possession concerning claims arising under the plan of insurance.

3. The Commissioner may, under exceptional circumstances, waive the requirements of subsection 2.

Sec. 6. **NRS 616B.506 is hereby amended to read as follows:**

616B.506 The Commissioner shall impose an administrative fine, not to exceed $1,000 for each violation, and may withdraw the certification of any third-party administrator who:

1. Fails to comply with regulations of the Commissioner regarding reports or other requirements necessary to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

2. Violates any provision of NRS 616B.503 ***, section 2 of this act*** or any regulation adopted by the Commissioner or the Administrator concerning the administration of the plan of insurance.

Sec. 7. **Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Administrator shall, not later than 30 days after the end of each calendar quarter, publish and make publicly available on the Internet website of the Division a report containing:

(a) The name of each rating physician or chiropractic physician, listed in alphabetical order by last name, who conducted an examination or evaluation on an injured employee pursuant to NRS 616C.100, 616C.145, 616C.330, 616C.360 or 616C.490 in the immediately preceding calendar quarter; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a), the number of examinations or evaluations that were conducted by the rating physician or chiropractic physician as result of:

(1) The selection of the rating physician or chiropractic physician at random from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490; and

(2) An agreement by an insurer and an injured employee.

2. The Administrator shall retain an archive of each report published pursuant to subsection 1 which is accessible by the public.

Sec. 8. **NRS 616C.050 is hereby amended to read as follows:**

616C.050 1. An insurer shall provide to each claimant:

(a) Upon written request, one copy of any medical information concerning the claimant's injury or illness.

(b) A statement which contains information concerning the claimant's right to:

(1) Receive the information and forms necessary to file a claim;

(2) Select a treating physician or chiropractic physician and an alternative treating physician or chiropractic physician in accordance with the provisions of NRS 616C.090;

(3) Request the appointment of the Nevada Attorney for Injured Workers to represent the claimant before the appeals officer;

(4) File a complaint with the Administrator;

(5) When applicable, receive compensation for:

(I) Permanent total disability;

(II) Temporary total disability;

(III) Permanent partial disability;

(IV) Temporary partial disability;

(V) All medical costs related to the claimant's injury or disease; or

(VI) The hours the claimant is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;

(6) Receive services for rehabilitation if the claimant's injury prevents him or her from returning to gainful employment;

(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and

(8) Judicial review of any final decision within the time specified by statute.

2. The insurer's statement must include a copy of the form designed by the Administrator pursuant to subsection ~~[9]~~ ***12*** of NRS 616C.090 that notifies

injured employees of their right to select an alternative treating physician or chiropractic physician. The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.

Sec. 9. **NRS 616C.087 is hereby amended to read as follows:**

616C.087 1. The Legislature hereby declares that:

(a) The choice of a treating physician or chiropractic physician is a substantive right and substantive benefit of an injured employee who has a claim under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

(b) The injured employees of this State have a substantive right to an adequate choice of physicians and chiropractic physicians to treat their industrial injuries and occupational diseases.

2. Except as otherwise provided in this subsection and subsections 3 and 4 ~~[, an]~~ ***:***

(a) The panel maintained by the Administrator pursuant to NRS 616C.090 must not include a physician or chiropractic physician in a discipline or specialization if the physician or chiropractic physician does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization; and

(b) An insurer's list of physicians and chiropractic physicians from which an injured employee may choose pursuant to NRS 616C.090 must include not less than 12 physicians or chiropractic physicians, as applicable, in each of the following disciplines and specializations, without limitation, from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090:

~~[(a)]~~ ***(1)*** Orthopedic surgery on spines;
~~[(b)]~~ ***(2)*** Orthopedic surgery on shoulders;
~~[(c)]~~ ***(3)*** Orthopedic surgery on elbows;
~~[(d)]~~ ***(4)*** Orthopedic surgery on wrists;
~~[(e)]~~ ***(5)*** Orthopedic surgery on hands;
~~[(f)]~~ ***(6)*** Orthopedic surgery on hips;
~~[(g)]~~ ***(7)*** Orthopedic surgery on knees;
~~[(h)]~~ ***(8)*** Orthopedic surgery on ankles;
~~[(i)]~~ ***(9)*** Orthopedic surgery on feet;
~~[(j)]~~ ***(10)*** Neurosurgery;
~~[(k)]~~ ***(11)*** Neurology;
~~[(l)]~~ ***(12)*** Cardiology;
~~[(m)]~~ ***(13)*** Pulmonology;
~~[(n)]~~ ***(14)*** Psychiatry;
~~[(o)]~~ ***(15)*** Pain management;
~~[(p)]~~ ***(16)*** Occupational medicine;
~~[(q)]~~ ***(17)*** Physiatry or physical medicine;
~~[(r)]~~ ***(18)*** General practice or family medicine; and
~~[(s)]~~ ***(19)*** Chiropractic medicine.

➥ If the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 12 physicians or chiropractic physicians, as applicable, for a discipline or specialization specifically identified in this subsection, all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

3. For any other discipline or specialization not specifically identified in subsection 2, the insurer's list must include not fewer than 8 physicians or chiropractic physicians, as applicable, unless the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 8 physicians or chiropractic physicians, as applicable, for that discipline or specialization, in which case all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

4. For each county whose population is 100,000 or more, an insurer's list of physicians and chiropractic physicians must include for that county a number of physicians and chiropractic physicians, as applicable, that is not less than the number required pursuant to subsections 2 and 3 and that also maintain in that county:

(a) An active practice; and

(b) A physical office.

5. If an insurer fails to maintain a list of physicians and chiropractic physicians that complies with the requirements of subsections 2, 3 and 4, an injured employee may choose a physician or chiropractic physician from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090.

6. Each insurer shall, not later than October 1 of each year, update the list of physicians and chiropractic physicians and file the list with the Administrator. The list must be certified by an adjuster who is licensed pursuant to chapter 684A of NRS.

7. Upon receipt of a list of physicians and chiropractic physicians that is filed pursuant to subsection 6, the Administrator shall:

(a) Stamp the list as having been filed; and

(b) Indicate on the list the date on which it was filed.

8. The Administrator shall:

(a) Provide a copy of an insurer's list of physicians and chiropractic physicians to any member of the public who requests a copy; or

(b) Post a copy of each insurer's list of physicians and chiropractic physicians on an Internet website maintained by the Administrator and accessible to the public for viewing, printing or downloading.

9. At any time, a physician or chiropractic physician may request in writing that he or she be removed from an insurer's list of physicians and chiropractic physicians. The insurer must comply with the request and omit the physician or chiropractic physician from the next list which the insurer files with the Administrator.

10. A physician or chiropractic physician may not be involuntarily removed from an insurer's list of physicians and chiropractic physicians except for good cause. As used in this subsection, "good cause" means that one or more of the following circumstances apply:

(a) The physician or chiropractic physician has died or is disabled.

(b) The license of the physician or chiropractic physician has been revoked or suspended.

(c) The physician or chiropractic physician has been convicted of:

(1) A felony; or

(2) A crime for a violation of a provision of chapter 616D of NRS.

(d) The physician or chiropractic physician has been removed from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 by the Administrator upon a finding that the physician or chiropractic physician ~~[has]~~ ***:***

(1) Has failed to comply with the standards for treatment of industrial injuries or occupational diseases as established by the Administrator ~~[.]~~ ***; or***

(2) Does not accept and treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

11. Unless a physician or chiropractic physician, as applicable, is removed from an insurer's list of physicians and chiropractic physicians pursuant to subsection 10, an injured employee may continue to receive treatment from that physician or chiropractic physician even if:

(a) The employer of the injured employee changes insurers or administrators.

(b) The physician or chiropractic physician is no longer included in the applicable insurer's list of physicians and chiropractic physicians, provided that the physician or chiropractic physician agrees to continue to accept compensation for that treatment at the rates which:

(1) Were previously agreed upon when the physician or chiropractic physician was most recently included in the list; or

(2) Are newly negotiated but do not exceed the amounts provided under the fee schedule adopted by the Administrator.

12. The Administrator shall adopt regulations prescribing the form in which a list of physicians and chiropractic physicians created by an employer, insurer or third-party administrator pursuant to this section must be maintained. The Administrator shall require that any such list be in a format which is easily searchable, including, without limitation, an indexed database, a portable document format, a spreadsheet with data that may be filtered, a comma-separated values file or any other comparable format.

Sec. 10. **NRS 616C.090 is hereby amended to read as follows:**

616C.090 1. The Administrator shall establish, maintain and update not less frequently than annually on or before July 1 of each year, a panel of physicians and chiropractic physicians who have demonstrated special competence and interest in industrial health to treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS. The Administrator

shall maintain the following information relating to each physician and chiropractic physician on the panel:

(a) The name of the physician or chiropractic physician.

(b) The title or degree of the physician or chiropractic physician.

(c) The legal name of the practice of the physician or chiropractic physician and the name under which the practice does business.

(d) The street address of the location of every office of the physician or chiropractic physician.

(e) The telephone number of every office of the physician or chiropractic physician.

(f) Every discipline and specialization practiced by the physician or chiropractic physician.

(g) Every condition and part of the body which the physician or chiropractic physician will treat.

2. Every employer whose insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 shall maintain a list of those physicians and chiropractic physicians on the panel who are reasonably accessible to his or her employees.

3. An injured employee whose employer's insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 may choose a treating physician or chiropractic physician from the panel of physicians and chiropractic physicians. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician from the panel if the choice is made within 90 days after his or her injury. The insurer shall notify the first physician or chiropractic physician in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractic physician must be reimbursed only for the services the physician or chiropractic physician, as applicable, rendered to the injured employee up to and including the date of notification. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is on the panel. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list.

4. An injured employee whose employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 must choose a treating physician or chiropractic physician pursuant to the terms of that contract. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract without the approval of the insurer if the choice is made within 90 days after his or her injury. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. If the injured employee, after choosing a treating physician or chiropractic physician, moves to a county which is not served by the organization for managed care or providers of health care named in the contract and the insurer determines that it is impractical for the injured employee to continue treatment with the physician or chiropractic physician, the injured employee must choose a treating physician or chiropractic physician who has agreed to the terms of that contract unless the insurer authorizes the injured employee to choose another physician or chiropractic physician. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care pursuant to NRS 616B.527, as appropriate. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list. If the employee fails to select a physician or chiropractic physician, the insurer may select a physician or chiropractic physician with that specialization. If a physician or chiropractic physician with that specialization is not available pursuant to the terms of the contract, the organization for managed care or the provider of health care may select a physician or chiropractic physician with that specialization.

5. If the injured employee is not satisfied with the physician or chiropractic physician selected by himself or herself or by the insurer, the organization for managed care or the provider of health care pursuant to subsection 4, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract. A change in the treating physician or chiropractic physician may be made at any time but is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or

chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the insurer denies a request for a change in the treating physician or chiropractic physician under this subsection, the insurer must include in a written notice of denial to the injured employee the specific reason for the denial of the request.

6. Except when emergency medical care is required and except as otherwise provided in NRS 616C.055, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractic physician or other person selected by the injured employee in disregard of the provisions of this section or for any compensation for any aggravation of the injured employee's injury attributable to improper treatments by such physician, chiropractic physician or other person.

7. The Administrator may order necessary changes in a panel of physicians and chiropractic physicians and shall ~~[suspend]~~ ***:***

(a) Suspend or remove any physician or chiropractic physician from a panel for good cause shown in accordance with NRS 616C.087 ~~[.]~~ ***; and***

(b) Remove from being included on a panel as a practitioner of a discipline or specialization any physician or chiropractic physician who does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization.

8. ***Any interested person may notify the Administrator, on a form prescribed by the Administrator, if the person believes that a physician or chiropractic physician does not accept and treat injured employees:***

(a) Under chapters 616A to 616D, inclusive, or chapter 617 of NRS for industrial injuries or occupational diseases; or

(b) For industrial injuries or occupational diseases in a discipline or specialization for which the physician or chiropractic physician is included on a panel of physicians and chiropractic physicians maintained by the Administrator pursuant to this section.

9. If the Administrator receives notice pursuant to subsection 8, the Administrator shall:

(a) Conduct an investigation to determine whether the physician or chiropractic physician may remain on the panel for a discipline or specialization; and

(b) Publish or cause to be published on the Internet website of the Division not later than 90 days after receiving the notice the results of the investigation.

10. A physician or chiropractic physician who is removed from a panel as a practitioner of a discipline or specialization pursuant to paragraph (b) of subsection 7 may request, on a form prescribed by the Administrator, to be reinstated on a panel for that discipline or specialization if the physician or chiropractic physician demonstrates to the satisfaction of the Administrator that he or she accepts and treats injured employees for that discipline or specialization.

11. An injured employee may receive treatment by more than one physician or chiropractic physician:

(a) If the insurer provides written authorization for such treatment; or

(b) By order of a hearing officer or appeals officer.

~~[9.]~~ ***12.*** The Administrator shall design a form that notifies injured employees of their right pursuant to subsections 3, 4 and 5 to select an alternative treating physician or chiropractic physician and make the form available to insurers for distribution pursuant to subsection 2 of NRS 616C.050.

Sec. 11. **NRS 616C.100 is hereby amended to read as follows:**

616C.100 1. If an injured employee disagrees with the percentage of disability determined by a physician or chiropractic physician, the injured employee may obtain a second determination of the percentage of disability. If the employee wishes to obtain such a determination, the employee must select the ~~[next]~~ physician or chiropractic physician ~~[in rotation]~~ ***at random*** from the list of qualified physicians or chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490. If a second determination is obtained, the injured employee shall pay for the determination. If the physician or chiropractic physician selected to make the second determination finds a higher percentage of disability than the first physician or chiropractic physician, the injured employee may request a hearing officer or appeals officer to order the insurer to reimburse the employee pursuant to the provisions of NRS 616C.330 or 616C.360.

2. The results of a second determination made pursuant to subsection 1 may be offered at any hearing or settlement conference.

Sec. 12. **NRS 616C.145 is hereby amended to read as follows:**

616C.145 1. An injured employee may obtain an independent medical examination:

(a) Except as otherwise provided in subsections 2 and 3, whenever a dispute arises from a determination issued by the insurer regarding the approval of care, the direction of a treatment plan or the scope of the claim;

(b) Within 30 days after an injured employee receives any report generated pursuant to a medical examination requested by the insurer pursuant to NRS 616C.140; or

(c) At any time by leave of a hearing officer or appeals officer after the denial of any therapy or treatment.

2. An injured employee is entitled to an independent medical examination pursuant to paragraph (a) of subsection 1 only:

(a) For a claim for compensation that is open;

(b) When the closure of a claim for compensation is under dispute pursuant to NRS 616C.235; or

(c) When a hearing or appeal is pending pursuant to NRS 616C.330 or 616C.360.

3. An injured employee is entitled to only one independent medical examination per calendar year pursuant to paragraph (a) of subsection 1.

4. Except as otherwise provided in subsection 5, an independent medical examination must not involve treatment and must be conducted by a physician or chiropractic physician selected by the injured employee from the panel of physicians and chiropractic physicians established pursuant to subsection 1 of NRS 616C.090.

5. ~~[If the dispute concerns the rating of a permanent disability,]~~ ***An injured employee is entitled to request*** an independent medical examination ~~[may be conducted by a rating physician or chiropractic physician.]~~ ***pursuant to paragraph (a) of subsection 1 for a permanent partial disability to determine if the injured employee has a ratable impairment or, if the injured employee is seeking to dispute an initial rating determination, to obtain a second rating.*** The injured employee must select the ~~[next]~~ rating physician or chiropractic physician ~~[in rotation]~~ ***at random*** from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. ***Nothing in this subsection shall be construed to prohibit an injured employee from obtaining a determination for a permanent partial disability pursuant to NRS 616C.100.***

6. The insurer shall:

(a) Pay the costs of any independent medical examination conducted pursuant to this section in accordance with ~~[NRS 616C.260;]~~ ***subsection 7;*** and

(b) Upon request, receive a copy of any report or other document that is generated as a result of the independent medical examination.

7. ***The rates of reimbursement for an independent medical examination conducted pursuant to this section must be:***

(a) For an independent medical examination other than an independent medical examination conducted pursuant to subsection 5, the rates applicable to independent medical examinations, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

(b) For an independent medical examination conducted pursuant to subsection 5, the rates applicable to a permanent partial disability, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

8. If an injured employee requests an independent medical examination pursuant to subsection 5 to obtain a second rating and the second rating does not result in a higher percentage of disability than the initial rating determination, the insurer may recover the cost of the independent medical examination, determined in accordance with the rates of reimbursement specified in paragraph (b) of subsection 7, from the amount of the award for permanent partial disability that the injured employee is entitled to be paid for that claim pursuant to NRS 616C.490.

9. The provisions of this section do not apply to an independent medical examination ordered by a hearing officer pursuant to subsection 3 of

NRS 616C.330 or by an appeals officer pursuant to subsection 3 of NRS 616C.360.

Sec. 13. **NRS 616C.266 is hereby amended to read as follows:**

616C.266 1. An insurer, including an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an annual increase in compensation for a permanent total disability to a claimant or a dependent of a claimant pursuant to subsection 2 of NRS 616C.473 is entitled to be reimbursed for the amount of that increase in accordance with this section if the insurer provides to the Administrator all of the following:

(a) The name of the claimant or dependent of a claimant to whom the insurer paid the increase in compensation.

(b) The claim number under which the compensation for a permanent total disability was paid to the claimant or dependent of a claimant.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the permanent total disability of the injured employee.

(d) The date on which the disability of the injured employee was determined or deemed to be total and permanent.

(e) The amount of the compensation for a permanent total disability to which the claimant or dependent of a claimant was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in compensation for a permanent total disability.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the items required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement for payments of increases in compensation for permanent total disability which were made in the immediately preceding calendar year.

3. ~~[An]~~ ***If an*** insurer ~~[may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by]~~ ***complies with subsection 2,*** the Administrator ~~[.]~~ ***shall:***

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. ~~[If]~~ ***A person who is aggrieved by a written determination of*** the Administrator ~~[approves an insurer's request for reimbursement,]~~ ***pursuant to this section may appeal*** the ~~[Administrator must withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in that Account that is necessary to reimburse]~~ ***determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days***

after the ~~[insurer or employer for]~~ ***date on which*** the ~~[cost]~~ ***insurer receives notice*** of the ~~[increase in compensation paid to claimants and dependents pursuant to subsection 2 of NRS 616C.473. If the income realized from the investment of the assets in the Account is insufficient to pay such reimbursement, the Administrator must pay the remainder of the reimbursement from the assessments levied by the Administrator pursuant to NRS 232.680.]~~ ***Administrator's determination.***

5. ***The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.***

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, subject to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in compensation for a permanent total disability pursuant to subsection 1.

8. In an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer, the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement under this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 14. **NRS 616C.268 is hereby amended to read as follows:**

616C.268 1. An insurer, including, without limitation, an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an increase in death benefits to a widow, widower, surviving child or surviving dependent parent pursuant to NRS 616C.508 is entitled to be reimbursed for the amount of that increase from the Fund for Workers' Compensation and Safety if the insurer provides to the Administrator all of the following:

(a) The name of the widow, widower, surviving child or surviving dependent parent to whom the insurer paid the increase in death benefits.

(b) The claim number under which death benefits were paid to the widow, widower, surviving child or surviving dependent parent.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the eligibility of the widow, widower, surviving child or surviving dependent parent for death benefits.

(d) The date of the death of the injured employee who is the:

(1) Spouse of the widow or widower;

(2) Parent of the surviving child; or

(3) Child of the surviving dependent parent.

(e) The amount of the death benefit to which the widow, widower, surviving child or surviving dependent parent was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in death benefits.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the information required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement pursuant to this section for payments of increases in death benefits which were made in the immediately preceding calendar year.

3. ~~[An]~~ ***If an*** insurer ~~[may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by]~~ ***complies with subsection 2,*** the Administrator ~~[,]~~ ***shall:***

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. ***A person who is aggrieved by a written determination of the Administrator pursuant to this section may appeal the determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after the date on which the insurer receives notice of the Administrator's determination.***

5. The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, subject to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in death benefits pursuant to subsection 1.

8. If an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement made pursuant to this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 15. **NRS 616C.330 is hereby amended to read as follows:**

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his or her receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may order an independent medical examination, which must not involve treatment, and refer the employee to a physician or chiropractic physician of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractic physician is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractic physician. The rating physician or chiropractic physician must be selected ~~[in rotation]~~ ***at random*** from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractic physician. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. The hearing officer may consider the opinion of an examining physician, chiropractic physician, physician assistant or advanced practice registered nurse, in addition to the opinion of an authorized treating physician, chiropractic physician, physician assistant or advanced practice registered nurse, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractic physician for such service, whichever is less.

6. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

8. The hearing officer shall render his or her decision within 15 days after:

(a) The hearing; or

(b) The hearing officer receives a copy of the report from the medical examination the hearing officer requested.

9. The hearing officer shall render a decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.

10. The hearing officer shall give notice of the decision to each party by mail. The hearing officer shall include with the notice of the decision the necessary forms for appealing from the decision.

11. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.

12. References to a physician assistant and an advanced practice registered nurse in this section are for the purposes of the examination and treatment of an injured employee which are authorized to be provided by a physician assistant or advanced practice registered nurse in the exclusive context of an initial examination and treatment pursuant to NRS 616C.010.

Sec. 16. **NRS 616C.360 is hereby amended to read as follows:**

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him or her on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Order an independent medical examination and refer the employee to a physician or chiropractic physician of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractic physician is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractic physician. The rating physician or chiropractic physician must be selected ~~[in rotation]~~ ***at random*** from the list of qualified physicians or chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an independent review organization, submit the matter to an independent review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. The appeals officer may consider the opinion of an examining physician, chiropractic physician, physician assistant or advanced practice registered nurse, in addition to the opinion of an authorized treating physician, chiropractic physician, physician assistant or advanced practice registered nurse, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractic physician for such service, whichever is less.

6. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. Any party to the appeal or contested case or the appeals officer may order a transcript of the record of the hearing at any time before the seventh

day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

8. Except as otherwise provided in subsection 9, the appeals officer shall render a decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

9. The appeals officer shall render a decision on a contested claim submitted pursuant to subsection 2 of NRS 616C.345 within 15 days after:

(a) The date of the hearing; or

(b) If the appeals officer orders an independent medical examination, the date the appeals officer receives the report of the examination,

➥ unless both parties to the contested claim agree to a later date.

10. The appeals officer may affirm, modify or reverse any decision made by a hearing officer and issue any necessary and proper order to give effect to his or her decision.

11. References to a physician assistant and an advanced practice registered nurse in this section are for the purposes of the examination and treatment of an injured employee which are authorized to be provided by a physician assistant or advanced practice registered nurse in the exclusive context of an initial examination and treatment pursuant to NRS 616C.010.

Sec. 17. **NRS 616C.490 is hereby amended to read as follows:**

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, "disability" and "impairment of the whole person" are equivalent terms.

2. Except as otherwise provided in subsection 3:

(a) Within 30 days after receiving from a physician or chiropractic physician a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractic physician selected pursuant to this subsection to determine the extent of the employee's disability.

(b) Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician:

(1) The insurer shall select the rating physician or chiropractic physician from the list of qualified rating physicians and chiropractic physicians designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

(2) Rating physicians and chiropractic physicians must be selected ~~[in rotation]~~ ***at random*** from the list of qualified physicians and chiropractic

physicians designated by the Administrator ~~[, according to their area of specialization and the order in which their names appear on the list]~~ unless the ~~[next]~~ physician or chiropractic physician ***who is selected*** is currently an employee of the insurer making the selection, in which case ~~[the insurer must select the]~~ ***another random selection must be made until a*** physician or chiropractic physician ~~[who is next on the list and]~~ who is not currently an employee of the insurer ~~[.]~~ ***is selected.***

(3) A rating physician or chiropractic physician selected pursuant to subparagraph (1) or (2) may decline the selection if he or she believes he or she does not have the ability to rate the disability at issue.

3. Notwithstanding any other provision of law, an injured employee or the legal representative of an injured employee may, at any time, without limitation, request that the Administrator select a rating physician or chiropractic physician from the list of qualified physicians and chiropractic physicians designated by the Administrator. The Administrator, upon receipt of the request, shall immediately select for the injured employee the rating physician or chiropractic physician ~~[who is next in rotation on]~~ ***at random from*** the list ***.*** ~~[, according to the area of specialization.]~~

4. If an insurer contacts a treating physician or chiropractic physician to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractic physician that portion or a summary of that portion of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.

5. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractic physician is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

➥ The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.

6. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180, no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.

7. The rating physician or chiropractic physician shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which the employee is entitled pursuant to this section; or

(b) That the employee is not entitled to benefits for permanent partial disability.

8. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

➥ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

9. Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

10. If there is a previous disability, the percentage of disability for a subsequent injury must be determined pursuant to NRS 616C.099.

11. In the event of a dispute over an award of compensation for permanent partial disability, the insurer shall commence making installment payments to the injured employee for that portion of the award that is not in dispute:

(a) Not later than the date by which such payment is required pursuant to subsection 8 or 9, as applicable; and

(b) Without requiring the injured employee to make an election whether to receive his or her compensation in installment payments or in a lump sum.

12. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

13. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

14. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

15. The Administrator shall prepare and publish on the Internet website of the Division an annual report which contains:

(a) The name of each rating physician or chiropractic physician who was selected in the immediately preceding year to conduct an evaluation to determine the extent of an employee's disability pursuant to this section; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a):

(1) The number of times the rating physician or chiropractic physician was selected to conduct an evaluation to determine the extent of an employee's disability; and

(2) The number of evaluations that the rating physician or chiropractic physician completed.

Sec. 18. **NRS 616C.495 is hereby amended to read as follows:**

616C.495 1. Except as otherwise provided in NRS 616C.380, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his or her compensation in a lump sum. A claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616C.505, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(d) Any claimant injured on or after July 1, 1995, and before January 1, 2016, who incurs a disability that:

(1) Does not exceed 25 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 25 percent may:

(I) Elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

(II) To the extent that the insurer has offered to provide compensation in a lump sum up to the present value of an award for disability of 30 percent, elect to receive his or her compensation in a lump sum up to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(e) Any claimant injured on or after January 1, 2016, and before July 1, 2017, who incurs a disability that:

(1) Does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(f) Any claimant injured on or after July 1, 2017, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of up to 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(g) If the permanent partial disability rating of a claimant seeking compensation pursuant to this section would, when combined with any previous permanent partial disability rating of the claimant that resulted in an award of benefits to the claimant, result in the claimant having a total permanent partial disability rating in excess of 100 percent, the claimant's disability rating upon which compensation is calculated must be reduced by such percentage as required to limit the total permanent partial disability rating of the claimant for all injuries to not more than 100 percent.

2. If the claimant elects to receive his or her payment for a permanent partial disability in a lump sum pursuant to subsection 1, all of the claimant's benefits for compensation terminate. Except as otherwise provided in paragraph (d), the claimant's acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting the claimant waives all of his or her rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his or her disability, except:

(a) The right of the claimant to:

(1) Reopen his or her claim in accordance with the provisions of NRS 616C.390; or

(2) Have his or her claim considered by his or her insurer pursuant to NRS 616C.392;

(b) Any counseling, training or other rehabilitative services provided by the insurer;

(c) The right of the claimant to receive a benefit penalty in accordance with NRS 616D.120; and

(d) The right of the claimant to conclude or resolve any contested matter which is pending at the time that the claimant executes his or her election to receive his or her payment for a permanent partial disability in a lump sum. The provisions of this paragraph do not apply to:

(1) The scope of the claim;

(2) The claimant's stable and ratable status; and

(3) The claimant's average monthly wage.

3. The claimant, when he or she demands payment in a lump sum pursuant to subsection 2, must be provided with a written notice which prominently displays a statement describing the effects of accepting payment in a lump sum of an entire permanent partial disability award, any portion of such an award or any uncontested portion of such an award, and that the claimant has 20 days after the mailing or personal delivery of the notice within which to retract or reaffirm the demand, before payment may be made and the claimant's election becomes final.

4. Any lump-sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

5. Except as otherwise provided in this subsection, the total lump-sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his or her permanent partial disability before electing to receive payment for that disability in a lump sum, the lump-sum payment must be calculated for the remaining payment of compensation.

6. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection 8 of NRS 616C.490 and actuarial annuity tables adopted by the Division. The tables must be reviewed annually by a consulting actuary and must be adjusted accordingly on July 1 of each year by the Division using:

(a) The most recent unisex "Static Mortality Tables for Defined Benefit Pension Plans" published by the Internal Revenue Service; and

(b) The average 30-Year Treasury Constant Maturity Rate for March of the current year as reported by the Board of Governors of the Federal Reserve System.

7. ***To calculate the present value of a lump sum payable to a claimant, the insurer shall use the actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant elects payment in a lump sum.***

8. If a claimant would receive more money by electing to receive compensation in a lump sum than the claimant would if he or she receives installment payments, the claimant may elect to receive the lump-sum payment.

Sec. 19. Chapter 616D of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Administrator orders an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay a benefit penalty pursuant to NRS 616D.120, the Administrator shall post on the Internet website of the Division:

(a) The full legal name of the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization;

(b) The amount of the benefit penalty imposed; and

(c) A brief description of the violation for which the benefit penalty was imposed.

2. The information required by subsection 1 must:

(a) Be published not more than 30 days after the date on which the time for taking an appeal on the order to impose the benefit penalty has elapsed or the date on which all appeals regarding the order have been exhausted and the order to impose the benefit penalty has been upheld, whichever is later.

(b) Remain posted on the Internet website of the Division for not less than 5 years after the date on which it is initially posted.

3. The Administrator shall establish and maintain on the Internet website of the Division a database which:

(a) Contains the information required by subsection 1;

(b) Is publicly accessible;

(c) Is searchable; and

(d) Is updated regularly.

Sec. 20. NRS 616D.120 is hereby amended to read as follows:

616D.120 1. Except as otherwise provided in this section, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has:

(a) Induced a claimant to fail to report an accidental injury or occupational disease;

(b) Without justification, persuaded a claimant to:

(1) Settle for an amount which is less than reasonable;

(2) Settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(3) Accept less than the compensation found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(c) Refused to pay or unreasonably delayed payment to a claimant of compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or the Division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or the Division has been lifted;

(d) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) Failed to comply with the Division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(g) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165;

(h) Engaged in a pattern of untimely payments to injured employees; or

(i) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS,

➥ the Administrator shall impose an administrative fine of $1,500 for each initial violation, or a fine of $15,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the Administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the Division; or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

➥ The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. The provisions of this section do not authorize the Administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:

(1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).

➥ The fine imposed must not be greater than $375 for an initial violation, or more than $3,000 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the Administrator within 30 days after the date of the order.

3. If the Administrator determines that a violation of any of the provisions of paragraphs (a) to (e), inclusive, (h) or (i) of subsection 1 has occurred, the Administrator shall order the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay to the claimant a benefit penalty:

(a) Except as otherwise provided in paragraph (b), in an amount that is not less than ~~[$5,000]~~ ***$17,000*** and not greater than ~~[$50,000;]~~ ***$120,000;*** or

(b) Of $3,000 if the violation involves a late payment of compensation or other relief to a claimant in an amount which is less than $500 or which is not more than 14 days late.

4. To determine the amount of the benefit penalty, the Administrator shall consider the degree of physical harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties, other than a benefit penalty described in paragraph (b) of subsection 3, previously imposed against the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization pursuant to this section. The Administrator shall also consider the degree of economic harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1. Except as otherwise provided in this section, the benefit penalty is for the benefit of the claimant and must be paid directly to the claimant within ~~[10]~~ ***15*** days after the date of the Administrator's determination. If the claimant is the injured employee and the claimant dies before the benefit penalty is paid to him or her, the benefit penalty must be paid to the estate of the claimant. Proof of the payment of the benefit penalty must be submitted to the Administrator within ~~[10]~~ ***15*** days after the date of the Administrator's determination unless an appeal is filed pursuant to NRS 616D.140 ~~[.]~~ ***and a stay has been granted.*** Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection. To determine the amount of the benefit penalty in cases of multiple violations occurring within a certain period of time, the Administrator shall adopt regulations which take into consideration:

(a) The number of violations within a certain number of years for which a benefit penalty was imposed; and

(b) The number of claims handled by the insurer, organization for managed care, health care provider, third-party administrator, employer or professional

employer organization in relation to the number of benefit penalties previously imposed within the period of time prescribed pursuant to paragraph (a).

5. In addition to any fine or benefit penalty imposed pursuant to this section, the Administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures or premiums received that are used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

6. If:

(a) The Administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The Fraud Control Unit for Industrial Insurance of the Office of the Attorney General established pursuant to NRS 228.420 notifies the Administrator that the Unit will not prosecute the person for that violation,

➥ the Administrator shall impose an administrative fine of not more than $15,000.

7. Two or more fines of $1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the Commissioner as evidence for the withdrawal of:

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

8. The Commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

9. If the Administrator determines that a vocational rehabilitation counselor has violated the provisions of NRS 616C.543, the Administrator may impose an administrative fine on the vocational rehabilitation counselor of not more than $250 for a first violation, $500 for a second violation and $1,000 for a third or subsequent violation.

10. The Administrator may make a claim against the bond required pursuant to NRS 683A.0857 for the payment of any administrative fine or benefit penalty imposed for a violation of the provisions of this section.

Sec. 21. NRS 616D.130 is hereby amended to read as follows:

616D.130 1. Upon receipt of a complaint for a violation of subsection 1***, 2 or 3*** of NRS 616D.120, or if the Administrator has reason to believe that such a violation has occurred, the Administrator shall ~~[~~cause~~]~~ ***:***

(a) Promptly provide a copy of the complaint, or an explanation of the reason the Administrator believes that a violation has occurred to ***:***

(1) The Commissioner; and

(2) The insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization that allegedly committed the violation; and

(b) Cause to be conducted an investigation of the alleged violation. ~~[Except as otherwise provided in subsection 2, the]~~

2. The Administrator shall ~~[, within]~~ ***:***

(a) Within 30 days after ~~[initiating the]~~ ***receipt of a complaint, initiate an*** investigation ~~[:~~

~~(a) Render]~~ ***;***

(b) Within 60 days after the date on which the investigation is initiated, complete the investigation; and

(c) Within 30 days after the investigation is completed, render a determination ~~[.]~~ ***and deliver a copy of the determination to:***

(1) The Commissioner; and

(2) The insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization that was the subject of the investigation.

3. The determination ***rendered pursuant to subsection 2*** must include the Administrator's findings of fact ***, any settlement agreement on the matter*** and, if the Administrator determines that a violation has occurred, one or more of the following:

~~[(1)]~~ ***(a)*** The amount of any fine required to be paid pursuant to NRS 616D.120.

~~[(2)]~~ ***(b)*** The amount of any benefit penalty required to be paid to a claimant pursuant to NRS 616D.120.

~~[(3)]~~ ***(c)*** A plan of corrective action to be taken by the insurer, organization for managed care, health care provider, third-party administrator or employer, including the manner and time within which the violation must be corrected.

~~[(4)]~~ ***(d)*** A requirement that notice of the violation be given to the appropriate agency that regulates the activities of the violator.

~~[(b) Notify the Commissioner if the Administrator determines that a violation was committed by a self insured employer, association of self insured public or private employers or third party administrator.~~

~~2. Upon receipt of a complaint for any violation of paragraph (a), (b), (c) or (d) of subsection 1 of NRS 616D.120, or if the Administrator has reason to believe that such a violation has occurred, the Administrator shall complete the investigation required by subsection 1 within 60 days and, within 30 days after the completion of the investigation, render a determination and notify the Commissioner if the Administrator determines that a violation was committed by a self insured employer, association of self insured public or private employers or third party administrator.~~

~~3.]~~ ***4.*** If, based upon the Administrator's findings of fact, the Administrator determines that a violation has not occurred, the Administrator shall issue a determination to that effect.

Sec. 22. NRS 616D.140 is hereby amended to read as follows:

616D.140 1. If a person wishes to contest a decision of the Administrator to impose or refuse to impose a benefit penalty pursuant to NRS 616D.120, the person must file a notice of appeal with an appeals officer in accordance with this section. The notice of appeal must set forth the reasons the proposed benefit penalty should or should not be imposed.

2. A person who is aggrieved by:

(a) A written determination of the Administrator; or

(b) The failure of the Administrator to respond within ~~[90]~~ ***120*** days to a ~~[written request mailed to]~~ ***complaint filed pursuant to NRS 616D.130 and received by*** the Administrator ~~[by]~~ ***from*** the person who is aggrieved,

➥ may appeal from the determination or failure to respond by filing a request for a hearing before an appeals officer. The request must be filed within 30 days after the date on which the notice of the Administrator's determination was mailed by the Administrator or within ~~[100]~~ ***150*** days after the date on which the unanswered ~~[written request was mailed to]~~ ***complaint was received by*** the Administrator, as applicable. The failure of the Administrator to respond ~~[to a written request for a determination]~~ within ~~[90]~~ ***120*** days after receipt of the ~~[request]~~ ***complaint*** shall be deemed by the appeals officer to be a denial ~~[of the request. *rejection]*~~ ***of any allegation of a violation of subsection 1, 2 or 3 of NRS 616D.120 set forth in the complaint. After the expiration of the 120-day period after receipt of the complaint, the Administrator shall have no further jurisdiction to issue a determination concerning the complaint, and only the appeals officer shall have jurisdiction over the decision to impose or refuse to impose the benefit penalty.***

3. If a notice of appeal is not filed as required by this section, the imposition of or refusal to impose the benefit penalty shall be deemed a final order and is not subject to review by any court or agency.

4. A hearing held pursuant to this section must be conducted by the appeals officer as a hearing de novo. The appeals officer shall render a written decision on the appeal. Except as otherwise provided in this section, the provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this section.

5. A benefit penalty imposed pursuant to NRS 616D.120 must be paid to the claimant on whose behalf it is imposed. If such a payment is not made within the period required by NRS 616D.120, the benefit penalty may be recovered in a civil action brought by the Administrator on behalf of the claimant in a court of competent jurisdiction in the county in which the claimant resides, in which the violation occurred or in which the person who is required to pay the benefit penalty has his or her principal place of business.

6. Any party aggrieved by a decision issued pursuant to this section by an appeals officer may appeal the decision directly to the district court.

7. If an appeals officer or district court renders a decision upholding the imposition of a benefit penalty, the insurer, organization for managed care, health care provider, third-party administrator, employer or professional

employer organization upon which the benefit penalty is imposed shall, not later than 30 days after the date on which the decision is rendered, unless an appeal is filed and a stay has been granted, pay to the claimant the benefit penalty in an amount equal to twice the amount of the benefit penalty initially imposed.

8. If a claimant enters into a settlement agreement with an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization concerning the amount of a benefit penalty owed to the claimant, the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization shall pay directly to the claimant the amount agreed upon in the settlement agreement not later than 15 days after the date on which the settlement agreement is made.

9. If an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization fails to pay a benefit penalty to a claimant within the time limits imposed by this section or subsection 4 of NRS 616D.120, the Commissioner may suspend, pending an investigation or any other disciplinary action, any certificate issued by the Commissioner to the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization, as applicable.

Sec. 23. The amendatory provisions of sections ~~[1]~~ **19** to ~~[4,]~~ **22,** inclusive, of this act apply only with respect to claims which are filed on or after January 1, 2024.

Sec. 24. 1. This section and section ~~[5]~~ **23** of this act become effective upon passage and approval.

2. Sections 1 to ~~[4,]~~ **22,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 24, 246, and 274 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 24.

Bill read third time.

Roll call on Senate Bill No. 24:

YEAS—42.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 246.

Bill read third time.

Roll call on Senate Bill No. 246:

YEAS—23.

NAYS—DeLong, Dickman, D'Silva, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, La Rue Hatch, McArthur, Newby, O'Neill, Orentlicher, Thomas, Yurek—19.

Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Roll call on Senate Bill No. 274:

YEAS—42.

NAYS—None.

Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 192, Amendments Nos. 924, 983; Assembly Bill No. 257, Amendment No. 962; Assembly Bill No. 286, Amendment No. 974; Assembly Bill No. 428, Amendment No. 982; Assembly Bill No. 519, Amendment No. 973; Assembly Bill No. 525, Amendment No. 988; Assembly Bill No. 526, Amendment No. 978, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 431.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 10 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 10.

Bill read third time.

Roll call on Senate Bill No. 10:

YEAS—30.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill—12.

Senate Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:11 p.m.

ASSEMBLY IN SESSION

At 10:32 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 49, 305.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 428.

The following Senate amendment was read:

Amendment No. 982.

CONTAINS UNFUNDED MANDATE (§§ 3 ~~[)1]~~**, 3.8)**

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to economic development; requiring the State Treasurer to establish a tuition reimbursement program; creating the Nevada Grown Educator Account to fund the tuition reimbursement program; revising the membership of the Board of Economic Development; requiring the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation to establish and administer a Career Pathways Demonstration Program; requiring the Governor's Office of Workforce Innovation to establish a program for work-based learning opportunities outside of school; **requiring the Superintendent of Public Instruction to develop a strategic plan for the recruitment of teachers and other licensed educational personnel;** requiring large school districts and authorizing other school districts to offer a Teacher Academy College Pathway Program; **revising the membership of the Commission on Professional Standards in Education; requiring the Commission to adopt certain**

regulations concerning the licensing of teachers and other educational personnel; authorizing a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned for training purposes as a student teacher, counselor, student social worker or trainee in a library; authorizing a school district and the governing body of a charter school to provide certain professional development training; authorizing the Board of Regents of the University of Nevada to enter into certain agreements and establish a program to provide information regarding admissions to certain pupils; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation and prescribes the duties of the Office and its Executive Director, which include, without limitation, defining career pathways and identifying priority career pathways for secondary and postsecondary education. (NRS 232.965, 232.975) **Section 2.4** of this bill requires the Governor's Office of Workforce Innovation to establish and administer a Career Pathways Demonstration Program. **Section 2.4** requires the Office to identify not more than three priority industries, including K-12 education, for the development and implementation of career pathways and to take certain steps to implement the Program, including, without limitation, establishing measurable objectives for the outcomes of the Program and implementing a competitive process to select proposals for career pathway projects. **Section 2.4** establishes requirements for proposals for career pathway projects selected by the Office. **Section 7** of this bill requires the Governor's Office of Workforce Innovation to submit certain reports regarding the status of the Career Pathways Demonstration Program. **Section ~~[9]~~ 12** of this bill provides that the provisions of **section 2.4** governing the Career Pathways Demonstration Program expire on June 30, 2028. **Section 6.5** of this bill makes an appropriation to the Office for costs associated with the Career Pathways Demonstration Program. **Section 6.5 also makes an appropriation to the Department of Education for: (1) certain costs associated with an interim study concerning the Praxis II and pedagogy examinations required by section 8 of this bill; and (2) other costs associated with the implementation of this bill, including, without limitation, personnel and travel costs. Section 2.5** of this bill requires the Governor's Office of Workforce Innovation to establish a program for work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, in coordination with the Department of Education. **Section 2.7** of this bill makes a conforming change to indicate the proper placement of **sections 2.4 and 2.5** in the Nevada Revised Statutes.

Existing law creates the Board of Economic Development, which is required to review and make recommendations on various aspects of economic

development in Nevada. (NRS 231.033, 231.037) **Section 2** of this bill adds the Superintendent of Public Instruction as a nonvoting member of the Board.

Existing law prescribes the duties of the Superintendent of Public Instruction. (NRS 385.175) Section 2.9 of this bill requires the Superintendent to develop a strategic plan for the recruitment of teachers and other licensed educational personnel and establishes requirements for the contents of the strategic plan.

Section 3 of this bill requires each large school district, meaning a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District), to offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled to enable pupils in grades 9 to 12 to prepare for employment in professions in K-12 education and authorizes a large school district to offer the Program at high schools with fewer than 250 pupils. **Section 3** authorizes a school district which is not a large school district to offer the Program at high schools in the school district. **Section 3** requires a large school district and other school districts which offer the Program to take certain actions to implement the Program. **Section 3** requires the State Board of Education to adopt regulations prescribing the curriculum for the Program and authorizes the State Board to adopt other necessary regulations.

Section 1.7 of this bill requires the State Treasurer to establish a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who completed the Teacher Academy College Pathway Program and who worked as a full-time, licensed teacher for at least 3 consecutive school years at a public school in this State. **Section 1.7** authorizes the State Treasurer to provide partial reimbursement for such tuition charges and fees to a person who completed the Teacher Academy College Pathway Program and who has worked as a full-time, licensed teacher for 1 year or 2 consecutive years. **Section 1.9** of this bill creates the Nevada Grown Educator Account and requires the money in the Account to be used to carry out the program established pursuant to **section 1.7**. **Section 6.7** of this bill makes an appropriation to the Account.

Existing law: (1) creates the Commission on Professional Standards in Education to prescribe qualifications for the licensure of teachers and other educational personnel; and (2) provides that the Commission consists of 11 members who are appointed by the Governor, including a person who has expertise and experience in the operation of a business. (NRS 391.011, 391.019) Section 3.1 of this bill: (1) removes the member who has expertise and experience in the operation of a business; and (2) adds three members, including the dean of the School of Education at Nevada State College or a representative of the Teacher Education Program at Great Basin College, as well as two human resources professionals from school districts of different enrollment sizes.

Section 3.2 of this bill makes a conforming change to refer to provisions that have been renumbered by section 3.1.

Existing law requires the Commission to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel, including regulations governing examinations for the initial licensing of teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. (NRS 391.019, 391.021) Section 3.4 of this bill requires the Commission to adopt regulations that authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics, as prescribed by the Commission, if the applicant completes a course of study approved by the Department of Education with a grade of B or better in each subject area of the competency test that the applicant previously did not pass.

Existing law requires the Commission to adopt regulations prescribing course work on parental involvement and family engagement and multicultural education. (NRS 391.019, 391.0347) Sections 3.3 and 3.6 of this bill require the Commission to establish standards for professional development training which may be used to satisfy such course work requirements. Section 3.8 of this bill requires a school district and the governing body of a charter school to provide professional development training on: (1) parental involvement and family engagement in accordance with the standards adopted by the Commission; and (2) multicultural education in accordance with the standards adopted by the Commission. Section 3.8 requires that such training be provided at no cost to the employee. Section 3.9 of this bill makes a conforming change to indicate the proper placement of section 3.8 in the Nevada Revised Statutes.

Existing law requires the Commission to adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State. (NRS 391.032) Section 3.5 of this bill requires the Commission to adopt regulations that require the Superintendent of Public Instruction to issue a provisional license to teach if a person has graduated with a bachelor's degree or higher and is awaiting conferment of the degree and is otherwise qualified for a license.

Existing law requires the Board of Regents of the University of Nevada to establish a program of student teaching and practicum which allows students to be assigned to a school district as student teachers, counselors or trainees in a library. (NRS 396.519) Existing law authorizes school districts to enter into agreements with certain institutions of higher education for the assignment of students to schools as student teachers, counselors or trainees in a library. (NRS 391.095) Section 3.7 of this bill authorizes: (1) a governing body of a charter school or university school for profoundly gifted pupils to similarly enter into such agreements; and (2) a school district or governing body of a charter school or university

school for profoundly gifted pupils to compensate a student who is assigned within the school district for training purposes as a student teacher, counselor, student social worker or trainee in a library.

Section 5 of this bill authorizes the Board of Regents of the University of Nevada to: (1) enter into an agreement with a school district to assist in the implementation of the Teacher Academy College Pathway Program; and (2) establish a program to identify pupils who have completed the Teacher Academy College Pathway Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the Nevada System of Higher Education, and inform such pupils of the institutions within the System where such pupils may qualify for admission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.7 and 1.9 of this act.

Sec. 1.7. ***1. The State Treasurer shall establish by regulation a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who:***

(a) Completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act; and

(b) Except as otherwise provided in subsection 3, has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years.

2. The program may not provide reimbursement for any tuition charge, registration fee, laboratory fee or any other mandatory fee which was paid or otherwise provided for through a scholarship, financial aid, waiver or similar financial assistance.

3. The State Treasurer may provide partial reimbursement of tuition charges, registration fees, laboratory fees and any other mandatory fees paid by a person who completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act and who has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years in an amount not to exceed, for each year of service at a public school in this State, one-third of the total tuition charges, registration fees, laboratory fees and any other mandatory fees paid by the person to an institution within the Nevada System of Higher Education which are subject to reimbursement pursuant to this section and the regulations adopted pursuant thereto.

Sec. 1.9. ***1. The Nevada Grown Educator Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.***

2. The money in the Account must be used to carry out the program established pursuant to section 1.7 of this act.

3. The State Treasurer may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 2. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

(1) The Governor;

(2) The Lieutenant Governor;

(3) The Secretary of State; and

(4) Six members who must be selected from the private sector and appointed as follows:

(I) Three members appointed by the Governor;

(II) One member appointed by the Speaker of the Assembly;

(III) One member appointed by the Majority Leader of the Senate; and

(IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the Senate shall appoint the member for the initial term, the Minority Leader of the Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee;

(2) ***The Superintendent of Public Instruction or his or her designee;***

(3) The Director of the Department of Business and Industry; and

~~[(3)]~~ ***(4)*** The Director of the Department of Employment, Training and Rehabilitation.

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including, without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 are appointed for terms of 4 years. The initial members of the Board shall by lot select three of the initial members of the Board appointed pursuant to

subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. The Governor, the Lieutenant Governor or the Secretary of State may designate a person to serve as a member of the Board for the Governor, Lieutenant Governor or Secretary of State, respectively. Any person designated to serve pursuant to this subsection shall serve for the term of the officer appointing him or her and serves at the pleasure of that officer. If the Governor designates a person to serve on his or her behalf, that person shall serve as the Chair of the Board. Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority of the voting members of the Board constitutes a quorum, and the affirmative vote of a majority of the voting members of the Board is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the voting members of the Board.

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 2.3. Chapter 232 of NRS is hereby amended by adding thereto the provisions of sections 2.4 and 2.5 of this act.

Sec. 2.4. ***1. The Governor's Office of Workforce Innovation shall establish and administer a Career Pathways Demonstration Program to develop and implement career pathways that will enable students to prepare for employment in professions which serve the long-term needs of this State. The Office shall identify not more than three priority industries, including, without limitation, K-12 education, for the development and implementation of career pathways as part of the Program.***

2. In implementing the Program, the Office shall:

(a) Establish clear, measurable objectives for the outcomes of the Program which are aligned with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development within the Office of the Governor pursuant to subsection 2 of NRS 231.053, including, without limitation, targets based on reliable data concerning:

(1) The number of persons entering the career pathway;

(2) The number and percentage of persons completing distinct phases of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway;

(3) The number and percentage of participants in a career pathway who obtain high-quality employment in the target industry; and

(4) The number and percentage of participants in a career pathway employed for at least 2 years in the target industry.

(b) Rely on economic and workforce development data to inform decision-making, including, without limitation:

(1) Estimates of the number of high-quality jobs that will be required in this State in the next 5 to 10 years;

(2) Projected workforce capacity in relation to the estimates pursuant to subparagraph (1);

(3) The number and capacity of existing industry-aligned career pathway programs;

(4) Enrollment, participation and completion rates for industry-aligned career pathway programs;

(5) Credentialing rates or other industry-aligned indicators of workforce readiness;

(6) Industry-aligned, skill-based employee retention rates;

(7) The demographic information of the participants in the Program, including, without limitation, race, gender and enrollment at a Title I school; and

(8) Other relevant data available through the statewide longitudinal data system maintained by the Executive Director of the Office pursuant to NRS 232.975.

(c) Collaborate with school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

(d) Establish criteria for evaluating the performance of career pathway projects and the entities that assist in the development and implementation of career pathway projects, including, without limitation, the Department of Education, school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

3. The Office shall develop and implement a competitive process to select proposals for career pathway projects. Each proposal for a career pathway project selected by the Office must incorporate best practices for career pathway design and address, without limitation:

(a) The types of high-quality jobs which the career pathway project will prepare students for, based on a definition of "high-quality job" which shall be developed and promulgated by the Office.

(b) The educational opportunities that the project will offer to K-12 pupils and students of the Nevada System of Higher Education which may include, without limitation:

(1) Early exposure to career options for pupils in elementary, junior high or middle school;

(2) Multiple entry points into the career pathway;

(3) Meaningful, practice-based learning opportunities aligned to the career pathway and the workforce priorities within the target industry, including, without limitation, paid work-based learning opportunities;

(4) Opportunities for students to receive credentials aligned to the skills and experience needed for employment in the target industry; and

(5) Work-based learning opportunities that may be eligible for exemption from federal laws and regulations from which exemptions are available for work-based learning programs for pupils.

(c) The practices that will be implemented to recruit students for the career pathway, including, without limitation, practices that will foster equity and the inclusion in the career pathway of students from historically underserved communities.

(d) The types of early career guidance, incentives and support that will be offered to participants in the career pathway, which may include, without limitation:

(1) Employment opportunities for students who participate in the career pathway, including, without limitation, employer commitments to recruiting students who successfully obtain the qualifications for employment through the career pathway;

(2) Professional support and development opportunities for participants early in their career in the target industry, including, without limitation, mentoring; and

(3) Financial incentives which eliminate or substantially reduce financial barriers to entry into professions in the target industry.

(e) The roles and responsibilities of the persons necessary to develop and implement the career pathway, which may include, without limitation:

(1) Program staff;

(2) School districts and the Nevada System of Higher Education;

(3) Regional development authorities; and

(4) Representatives from the target industries.

(f) The financial plan for the career pathway project, including, without limitation:

(1) The projected 5-year budget for the career pathway project;

(2) Existing funding sources for the career pathway project and the amount of funding that the person submitting the proposal will allocate to the project;

(3) Anticipated funding sources for the career pathway project; and

(4) Any additional funding necessary to implement the career pathway project which is not addressed by the existing funding sources.

(g) The goals and anticipated outcomes of the career pathway project, including, without limitation:

(1) The target number of total participants in the career pathway project;

(2) The target number of participants who will successfully complete each stage of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway; and

(3) The target number of participants who will complete the career pathway, regardless of their entry point into the career pathway.

4. The Office may enter into an agreement with the Department of Education to administer the Teacher Academy College Pathway Program offered pursuant to section 3 of this act. Such an agreement may require the Department of Education to administer any local, state or federal funding appropriated or otherwise available to implement the Teacher Academy College Pathway Program.

5. As used in this section, "career pathway" means a series of structured and connected educational opportunities designed to help a person enter or advance within a given occupation or industry sector.

Sec. 2.5. ***1. The Governor's Office of Workforce Innovation shall, in coordination with the Department of Education, establish a program to provide paid and unpaid work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, inclusive.***

2. The program must:

(a) Allow pupils involved in work-based learning opportunities to receive elective course credit for the learning opportunities;

(b) Establish criteria to evaluate the program for work-based learning opportunities;

(c) Outline any communication or collaboration needed between the Governor's Office of Workforce Innovation, the Department of Education and the board of trustees of a school district to implement the program for work-based learning opportunities;

(d) Establish basic requirements for a person or organization to participate in the program for work-based learning opportunities, including, without limitation, conducting background checks on appropriate personnel and providing minimum standards for accountability; and

(e) Provide a process for the receipt of credits earned through the program for work-based learning opportunities in the school in which the pupil is enrolled.

3. The Governor's Office of Workforce Innovation may cooperate with the Department of Education and the Board of Regents of the University of Nevada to enable pupils to earn up to 12 units of dual credit for approved work-based learning opportunities.

Sec. 2.7. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.980, inclusive, ***and sections 2.4 and 2.5 of this act,*** unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.

2. "Director" means the Director of the Department.

Sec. 2.9. **NRS 385.175 is hereby amended to read as follows:**

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

7. Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

8. ***Develop a strategic plan for the recruitment of teachers and other licensed educational personnel which includes, without limitation:***

(a) A strategy to decrease the processing times of applications for licensure pursuant to chapter 391 of NRS.

(b) A plan to provide for the translation of academic transcripts which are in a language other than English of applicants for licensure pursuant to chapter 391 of NRS. The Department shall post the process for the translation of academic transcripts on its Internet website.

9. Perform such other duties as are prescribed by law.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each large school district shall offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled that will enable interested pupils in grades 9 to 12, inclusive, to prepare for employment in professions in K-12 education. A large school district may offer a Program at high schools with fewer than 250 pupils. A school district that is not a large school district may offer a Program at one or more high schools in the school district.

2. A large school district, and a school district that is not a large school district which elects to offer the Program, shall:

(a) Advertise the Program and the benefits of participation in the Program.

(b) Ensure each high school in the school district which offers such a Program is staffed by a full-time employee who is:

(1) A licensed teacher or administrator; and

(2) Responsible for implementing the Program at the school.

(c) Assess each pupil entering grade 9 who is or will be enrolled in a high school which offers such a Program and who is interested in participating in the Program, identify any barriers, including, without limitation, academic, financial, socioeconomic and transportation barriers, to the participation in and completion of the Program by such interested pupils and, if such barriers are identified, inform the pupil and the parents or legal guardian of the pupil of any programs and services which are available to help the pupil to overcome such barriers and provide such programs and services to the pupil.

(d) Offer internships at elementary, junior high or middle schools in the school district to qualified pupils in grades 11 and 12 who participate in the Program.

(e) Offer employment as a paraprofessional to qualified high school graduates who have completed the Program and are enrolled in a program to become a teacher at an institution in the Nevada System of Higher Education.

(f) For qualified applicants for employment with the school district who have completed the Program and who have submitted a timely application, provide an offer of employment or decline to provide an offer of employment to such an applicant not later than January 31 of the year immediately preceding the school year for which the applicant applied for employment.

(g) Enter into an agreement with the Board of Regents of the University of Nevada to:

(1) Enable pupils who participate in the Program to earn up to 12 units of college credit for courses taken and internships engaged in as part of the Program at no cost to the pupil.

(2) Establish qualifications for teachers of the school district who teach courses in the Program which are eligible for college credit, which may include, without limitation, a minimum of 4 years of classroom teaching experience or a Master's degree.

(3) Guarantee the admission of otherwise academically qualified pupils who complete the Program to institutions in the Nevada System of Higher Education.

(4) Provide programs, services, scholarships and financial aid to assist pupils who participate in the Program in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

(h) Inform pupils who participate in the Program and the parents and legal guardians of such pupils about programs, services, scholarships and financial aid which are available to assist pupils in applying for admission

to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

3. A large school district, and a school district that is not a large school district which elects to offer the Program may enter into an agreement with the Board of Regents of the University of Nevada to provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education. If the provisions of this subsection conflict with the provisions of chapter 388G of NRS, the provisions of this subsection prevail.

4. The State Board:

(a) Shall adopt regulations that prescribe the curriculum for the Program which are consistent with the provisions of this section. To the extent a school district provides programs of career and technical education other than the Program, such programs of career and technical education must nonetheless be consistent with the regulations adopted pursuant to this paragraph, to the extent applicable.

(b) May adopt such other regulations as are necessary to carry out the provisions of this section.

6. As used in this section:

(a) "Large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.

(b) "Program" means the Teacher Academy College Pathway Program created pursuant to this section.

Sec. 3.1. **NRS 391.011 is hereby amended to read as follows:**

391.011 1. The Commission on Professional Standards in Education, consisting of ~~[eleven]~~ ***13*** members appointed by the Governor, is hereby created.

2. Five members of the Commission must be teachers who teach in the classroom as follows:

(a) One who holds a license to teach secondary education and teaches in a secondary school.

(b) One who holds a license to teach middle school or junior high school education and teaches in a middle school or junior high school.

(c) One who holds a license to teach elementary education and teaches in an elementary school.

(d) One who holds a license to teach special education and teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One school counselor, psychologist, speech-language pathologist, audiologist, or social worker who is licensed pursuant to this chapter and employed by a school district or charter school.

(b) One administrator of a school who is employed by a school district or charter school to provide administrative service at an individual school. Such an administrator must not provide service at the district level.

(c) The dean of the College of Education at one of the universities in the Nevada System of Higher Education, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

(d) ***The dean of the School of Education at Nevada State College, or a representative of the dean, or a representative of the Teacher Education Program at Great Basin College.***

(e) The chief human resources officer or a representative of the department of human resources of a school district in which more than 40,000 pupils are enrolled.

(f) The chief human resources officer or a representative of the department of human resources of a school district in which 40,000 or fewer pupils are enrolled.

(g) One member who is the parent or legal guardian of a pupil enrolled in a public school.

~~[(e) One member who has expertise and experience in the operation of a business.~~

~~(f)]~~ ***(h)*** One member who is the superintendent of schools of a school district.

4. Three of the five appointments made pursuant to subsection 2 must be made from a list of names of at least three persons for each position that is submitted to the Governor by an employee organization representing the majority of teachers in the State who teach in the educational level from which the appointment is being made.

5. The appointment made pursuant to:

(a) Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.

(c) ***Paragraphs (e), (f) and (h) of subsection 3 must be made from lists of names of persons submitted to the Governor by the Nevada Association of School Superintendents or its successor organization.***

(d) Paragraph ~~[(d)]~~ ***(g)*** of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

~~[(d) Paragraph (f) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Association of School Superintendents.]~~

Sec. 3.2. **NRS 391.017 is hereby amended to read as follows:**

391.017 1. The Commission may meet at least once each month.

2. A majority of the Commission constitutes a quorum for the transaction of business.

3. The members of the Commission are entitled to the travel expenses and subsistence allowances provided by law for state officers and employees generally while attending meetings of the Commission.

4. Any costs associated with employing a substitute teacher while a member of the Commission who is a teacher attends a meeting of the Commission must be:

(a) Paid by the school district or charter school that employs the member; or

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (a), (b) or ~~[(c)]~~ ***(d)*** of subsection 5 of NRS 391.011.

Sec. 3.3. **NRS 391.019 is hereby amended to read as follows:**

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall ~~[work]~~ **:**

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 3.4. **NRS 391.021 is hereby amended to read as follows:**

391.021 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. ***The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.***

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 3.5. **NRS 391.032 is hereby amended to read as follows:**

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. ***The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach if:***

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant:

(1) Graduated with a bachelor's degree or higher but is awaiting conferment of the degree; or

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 3.6. **NRS 391.0347 is hereby amended to read as follows:**

391.0347 1. Any licensed teacher who is initially licensed on or after July 1, 2019, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; ~~[and]~~

(c) ***That establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this section; and***

(d) As otherwise necessary to carry out the requirements of this section.

Sec. 3.7. **NRS 391.095 is hereby amended to read as follows:**

391.095 1. A school district ***or a governing body of a charter school or university school for profoundly gifted pupils*** may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the Commission pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district ***, charter school or university school for profoundly gifted pupils, as applicable,*** for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. ***Except as otherwise provided in the agreement entered into pursuant to subsection 1 and to the extent not inconsistent with NRS 391.096, a school***

district or governing body of a charter school or university school for profoundly gifted pupils, as applicable, may compensate a student assigned within the school district, charter school or university school for profoundly gifted pupils for training purposes as a student teacher, counselor, student social worker or trainee in a library.

3. As used in this section:

(a) "Accredited" has the meaning ascribed to it in NRS 394.006.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

Sec. 3.8. **Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A school district and the governing body of a charter school shall provide professional development training on:

(a) Parental involvement and family engagement that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.019 to teachers who have not yet completed the course work on parental involvement and family engagement prescribed by NRS 391.019.

(b) Multicultural education that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.0347 to teachers who have not yet completed the course work on multicultural education prescribed by NRS 391.0347.

2. Any professional development training provided pursuant to subsection 1:

(a) May be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.

(b) Must be provided at no cost to the employee.

Sec. 3.9. **NRS 391A.345 is hereby amended to read as follows:**

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, ***and section 3.8 of this act,*** unless the context otherwise requires, "professional development training" has the meaning ascribed to "professional development" in 20 U.S.C. § 7801(42).

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***1. The Board of Regents may enter into an agreement with a school district pursuant to section 3 of this act to assist in the implementation of a Teacher Academy College Pathway Program.***

2. The Board of Regents may, by regulation, establish a program to:

(a) Identify pupils who have completed the Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the System; and

(b) Inform such pupils of the institutions within the System where such pupils may academically qualify for admission.

3. As used in this section, "Program" has the meaning ascribed to it in section 3 of this act.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. 1. There is hereby appropriated from the State General Fund to the Governor's Office of Workforce Innovation in the Department of Employment, Training and Rehabilitation for costs associated with developing and implementing the Career Pathways Demonstration Program established pursuant to section 2.4 of this act, including, without limitation, personnel, travel, operating and technology expenses, the following sums:

For the Fiscal Year 2023-2024 ..... $289,026

For the Fiscal Year 2024-2025 ..... $331,870

2. **There is hereby appropriated from the State General Fund to the Department of Education for costs associated with carrying out the provisions of this act, including, without limitation, personnel and travel costs and the costs of contracting with a qualified person to conduct the study required by section 8 of this act the following sums:**

For the Fiscal Year 2023-2024..... $398,591

For the Fiscal Year 2024-2025..... $226,517

3. Any balance of the sums appropriated by ~~[subsection 1]~~ **this section** remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 6.7. There is hereby appropriated from the State General Fund to the Nevada Grown Educator Account created by section 1.9 of this act the sum of $10,000,000.

Sec. 7. 1. On or before October 1, 2026, the Governor's Office of Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program established pursuant to section 2.4 of this act. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) The status of the implementation of each career pathway;

(g) A summary of the proposals for career pathway projects which were received by the Office but were not selected for the Program; and

(h) An evaluation of each career pathway, including, without limitation:

(1) Whether progress has been made towards achieving the goals and objectives of each career pathway;

(2) A description of any challenges to implementation of the career pathways; and

(3) A description of any changes made to the design or implementation of the career pathways, if any, or any changes which are anticipated in the future and the reason for such changes.

2. On or before June 1, 2028, the Governor's Office of Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) An evaluation of each career pathway, including, without limitation:

(1) The success of the career pathway at achieving the industry-specific goals and objectives;

(2) An assessment of the return on investment for the State with respect to the career pathway;

(3) A description of any opportunities to extend or expand the career pathway;

(4) An evaluation of ability of the career pathway to serve as a model for the creation of career pathways in other industries which should be prioritized to aid in the economic development of this State; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

(g) An evaluation of the success of the Program as a whole, including, without limitation:

(1) The overall outcomes of the Program, in relation to the goals and objectives established by the Office;

(2) Successful aspects of the Program and key elements contributing to the success of the Program;

(3) Shortcomings of the Program and key elements hindering the success of the Program;

(4) Recommendations for policy changes that would foster successful expansion of the development and implementation of career pathways by the Office; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

Sec. 8. **The Commission on Professional Standards in Education shall:**

1. Conduct a study during the 2023-2024 interim concerning the Praxis II and pedagogy examinations;

2. Present its recommendations to the Senate and Assembly Standing Committees on Education during the 83rd Session of the Nevada Legislature; and

3. Adopt regulations pursuant to NRS 391.019, 391.021 and 391.023 as it deems necessary and appropriate based on its findings and recommendations as they relate to the Praxis II and pedagogy examinations.

Sec. 9. **The Department of Education and the Nevada System of Higher Education shall jointly:**

1. Develop a plan to expand awareness of and eliminate barriers for access to any scholarship programs that are intended to increase the number of persons licensed pursuant to chapter 391 of NRS; and

2. Present the plan to the Joint Interim Standing Committee on Education on or before June 30, 2024.

Sec. 10. **1. The term of the member of the Commission on Professional Standards in Education appointed to the Commission pursuant to paragraph (e) of subsection 3 of NRS 391.011, as that section exists on June 30, 2024, expires on July 1, 2024.**

2. As soon as practicable after July 1, 2024, the Governor shall appoint to the Commission on Professional Standards in Education the members described in paragraphs (d), (e) and (f) of NRS 391.011, as amended by section 3.1 of this act. In making those appointments, the Governor shall appoint members to staggered initial terms of 1, 2 and 3 years.

~~[Sec. 8.]~~ ***Sec. 11.*** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

~~[Sec. 9.]~~ ***Sec. 12.*** 1. This section ~~[and sections]~~ **becomes effective upon passage and approval.**

2. Sections 1 to ~~[6,]~~ **2.7,** inclusive, ~~[and 6.5]~~ **3, 4** to ~~[8,]~~ **7,** inclusive, **9 and 11** of this act become effective on July 1, 2023.

3. Sections 2.9, 3.1 to 3.9, inclusive, 8 and 10 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2024, for all other purposes.

~~[2.]~~ **4.** Section 2.4 of this act expires on June 30, 2028.

Assemblywoman Backus moved that the Assembly concur in the Senate Amendment No. 982 to Assembly Bill No. 428.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 286.

The following Senate amendment was read:

Amendment No. 974.

AN ACT relating to elections; requiring a person who administers a county or city jail to establish a policy that ensures a person who is detained in the jail may register to vote and vote in an election; ~~[requiring the Secretary of State to allow certain persons detained in a county jail or city jail to use a certain system of approved electronic transmission to register to vote and to cast a ballot in an election;]~~ requiring the person who administers a county or city jail to submit a report to the Secretary of State after each election; prohibiting electioneering near certain areas of a jail; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to cancel the registration of a voter upon the determination that the person has been convicted of a felony and is currently incarcerated. (NRS 293.540) Unless a person has been convicted of a felony, existing law does not prohibit a person who is detained in a county or city jail from registering to vote or voting in an election.

Section 5 of this bill requires each person who administers a county or city jail to establish a policy that ensures that: (1) a person who is detained in the jail and is a registered voter may vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to vote; and (2) a person detained in the jail and is a qualified elector may register to vote in each such election. **Section 5** requires such a policy to: (1) be developed in coordination with the county clerk and, if applicable, the city clerk; (2) be consistent with existing provisions of law relating to elections; (3) ensure the safety of any election board officer or other person who assists in the conduct of registering to vote or voting at the jail; (4) ensure that a person who registers to vote or votes in jail may do so without coercion or intimidation; (5) ensure the secrecy of the ballot; and (6) set forth a process for same-day voter registration. **Section 5** further requires the jail to post in a prominent location and set forth in the handbook for detained persons certain information relating to elections and voting in the jail.

~~[Section 6 of this bill requires the Secretary of State to allow: (1) an elector who is detained in a county or city jail to use the system of approved electronic transmission established for covered voters who are overseas or in the military to register to vote; and (2) a registered voter who is detained in a county or city~~

~~jail to use the system of approved electronic transmission to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter who is overseas or in the military. Section 16.3 of this bill requires the Secretary of State to prescribe the procedures to be followed and the requirements of the use of the system of approved electronic transmission by electors and voters who are detained in a county or city jail.~~**]**

Section 7 of this bill requires each county or city jail to: (1) provide each person detained in the jail with a reasonable amount of privacy to vote; (2) provide each person detained in the jail with a pen to vote his or her mail ballot; (3) allow the county clerk to establish a process for the collection of mail ballots in the jail; and (4) allow a person, under certain circumstances, to cure any defect in a signature on a mail ballot.

Section 8 of this bill requires each person who administers a county or city jail to submit a report to the Secretary of State not later than 30 days after each primary election, presidential preference primary election, general election, primary city election and general city election.

Sections 16.5 and 16.7 of this bill prohibit electioneering near the area of a county or city jail where a person detained in the jail may vote.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. ***1. Each person who administers a county or city jail shall establish a policy that ensures that:***

(a) A person who is detained in the jail and is a registered voter may vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to vote; and

(b) A person who is detained in the jail and is a qualified elector may register to vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to register to vote.

2. If qualified electors or registered voters of a county are detained in a jail or facility located in another county pursuant to an agreement entered into pursuant to subsection 2 of NRS 211.010, the county clerk shall coordinate with the person who administers the jail in the county where such qualified electors or registered voters are detained to establish a procedure for those persons to register to vote and vote.

3. Each policy or procedure established pursuant to subsection 1 or 2, as applicable, must:

(a) Be developed in coordination with the county clerk and, if applicable, the city clerk;

(b) Be consistent with the provisions of this title relating to elections;

(c) Ensure the safety of any election board officer or other person who assists in the conduct of registering to vote or voting at the jail;

(d) Ensure that a person who registers to vote or votes in a jail may do so without coercion or intimidation;

(e) Ensure the secrecy of the ballot, including, without limitation, the mail ballot; and

(f) Set forth a process that allows for same-day voter registration and allows a family member of a person detained in the jail to provide the person in the jail with the necessary information to register to vote on the day of the election pursuant to NRS 293.5847.

4. Each county or city jail shall post in a prominent location and set forth in the handbook for detained persons information relating to elections and voting in the jail, including, without limitation, qualifications to register to vote and to vote and the options and procedures for registering to vote and voting at the jail.

5. Nothing in this section authorizes a person convicted of a felony in this State who has not had his or her right to vote restored pursuant to NRS 213.157 to vote or to register to vote.

6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 6. ~~*[1. Except as otherwise provided in this section, the Secretary of State shall allow during the period of early voting and on election day:*~~

~~*(a) An elector who is detained in a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote. The deadline for such an elector to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.*~~

~~*(b) A registered voter who is in the custody of a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military overseas ballot. The deadlines for such a registered voter to use the system of approved electronic transmission to request and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to request and cast a military overseas ballot.*~~

~~*2. Upon receipt of an application and ballot cast by a person using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise*~~

~~*acknowledge receipt of the application and ballot by means of a time stamp on the application.*~~

~~*— 3. The Secretary of State shall ensure that an elector or a registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for a ballot or cast a ballot, as applicable.*~~

~~*— 4. The Secretary of State shall prescribe the form and content of a declaration for use by an elector or a registered voter to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of a ballot.*~~

~~*— 5. The Secretary of State shall prescribe the duties of the county and city clerks upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.*~~

~~*— 6. The Secretary of State shall make available to an elector or registered voter who is detained in a county or city jail instructions on using the system of approved electronic transmission to register to vote and apply for and cast a ballot.*~~

~~*— 7. A county or city jail shall not prohibit, restrict or monitor the use of the system of approved electronic transmission established pursuant to NRS 293D.200 by any person who is detained in the jail.*~~

~~*— 8. The provisions of this section do not require a county or city jail to allow a person detained in the jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 unless the jail has the technology that is necessary for a person to use the system of approved electronic transmission. A county or city jail that has the technology necessary for a person to use the system of approved electronic transmission shall not prohibit, restrict or monitor the use of the system of approved electronic transmission by a person detained in the jail.*~~

~~*— 9. The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.*~~

~~*— 10. As used in this section:*~~

~~*— (a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.*~~

~~*— (b) "Digital signature" has the meaning ascribed to it in NRS 720.060.*~~

~~*— (c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.*~~

~~*— (d) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.]*~~ **(Deleted by amendment.)**

Sec. 7. *1. Each county or city jail shall:*

(a) Provide each person detained in the jail with a reasonable amount of privacy to vote, which may, without limitation, be in a common area, visitation area, room or cell;

(b) Provide each person detained in the jail with a pen with black or blue ink to vote his or her mail ballot;

(c) Allow the county clerk to establish a process for the collection of the mail ballots voted by persons detained in the jail that includes a method for documenting the chain of custody of mail ballots; and

(d) If applicable, allow the person to cure any defect in the signature on a mail ballot pursuant to NRS 293.269927.

2. A county or city jail shall not open a mail ballot after a prisoner has voted and sealed the mail ballot.

Sec. 8. ***Not later than 30 days after each primary election, presidential preference primary election, primary city election, general election and general city election, each person who administers a county jail or city jail shall submit in a report to the Secretary of State:***

1. An explanation of the process the jail used to comply with the requirements of sections 5 ~~[, 6]~~ and 7 of this act for the election; and

2. A summary of each complaint received by the jail from a person detained in the jail relating to registering to vote or voting in the election.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 16.3. ~~[~~NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of:

(1) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

(2) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951.

(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters who are detained in a county or city jail.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

~~(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.~~

~~3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.~~

~~4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.~~

~~5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.~~

~~7. A county clerk:~~

~~(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.~~

~~(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.~~**] (Deleted by amendment.)**

Sec. 16.5. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area. ***During the time that a person detained in a county or city jail may vote in***

the jail, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance of the voting area of the jail.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 16.7. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place ***,*** ~~[or]~~ within 100 feet from the entrance to the building or other structure in which a polling place is located ~~[.]~~ ***, inside the area of a county or city jail where a person detained in the jail may vote or within 100 feet from the entrance of the area in a jail where a person detained in the jail may vote:***

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. 1. This section and section 17 of this act become effective upon passage and approval.

2. Sections 1 to 16.7, inclusive, of this act, become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 974 to Assembly Bill No. 286.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 192.

The following Senate amendment was read:

Amendment No. 924.

AN ACT relating to elections; establishing requirements relating to the purchase of ballots and return envelopes used in ~~[certain]~~ elections in this State; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; making an appropriation to the Office of the Secretary of State to enter into a contract **or contracts** for the purchase of ballots and return envelopes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State. (NRS 293.250) **Sections 1.5 and 4** of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. **Sections 1.5 and 4** also require the Secretary of State to prescribe a method for distinguishing the return envelopes of each county or city, as applicable.

Section 1 of this bill ~~[requires]~~ **authorizes** the Secretary of State to enter into ~~[a statewide contract]~~ **one or more contracts** for the purchase of all ballots and return envelopes used in ~~[a presidential preference primary election, primary election and general]~~ **any statewide and local** election **held** in this State. **Section 1** provides that if such a contract **or contracts** requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract **or contracts** must require the vendor to deposit the mail ballots for mailing at a location within this State. **Section 5.3** of this bill makes an appropriation to the Office of the Secretary of State to enter into such a contract ~~[.]~~ **or contracts.**

Section 1 further ~~[requires]~~ **authorizes** each **board of** county **commissioners** and **governing body of an incorporated** city ~~[clerk]~~ to **elect to** use the ballots and return envelopes purchased by the Secretary of State for ~~[such]~~ **all statewide and local** elections ~~[.]~~ **held in a given year by notifying the Secretary of State in writing not less than 8 months before the date of a presidential preference primary election in a presidential election year or primary election in any other election year. Section 5.5** of this bill provides that a **board of** county **commissioners** or **governing body of an incorporated** city ~~[clerk may request from]~~ **that elects to use the ballots purchased by** the Secretary of State ~~[an exemption from this requirement for the presidential preference primary election, primary election and general election]~~ **for all elections** held in 2024 ~~[.]~~ **must notify the Secretary of State 6 months before the date of the presidential preference primary election in 2024.**

Existing law requires a county clerk and city clerk to keep continuously posted certain signs and notices which indicate that electioneering is prohibited between the boundary marked by the sign and the entrance to a polling place. (NRS 293.361, 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and city clerk to ensure that any signs and notices posted are: (1) at least 17 inches by 11 inches in size; (2) placed on a window or door of the polling place or freestanding; and (3) visible to a person approaching the boundary marked by the sign.

Existing law defines "electioneering" to include buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to provide instead that "electioneering" includes buying, selling, wearing or displaying any badge, button or other insigne which expressly refers to any political party or a candidate or ballot question to be voted upon at that election.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State ~~[shall]~~ may enter into ~~[a contract]~~ one or more contracts for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in ~~[all presidential preference primary elections, primary elections and general elections]~~ any statewide and local election held in this State ~~[.]~~ pursuant to title 24 of NRS. Such a contract is subject to the provisions of chapter 333 of NRS.

2. Each board of county ~~[clerk]~~ commissioners and governing body of an incorporated city ~~[clerk]~~ in this State ~~[shall]~~ may elect to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract or contracts entered into pursuant to this section for all ~~[presidential preference primary elections, primary elections and general elections.]~~ statewide and local elections held in a given year in this State pursuant to title 24 of NRS by notifying the Secretary of State in writing not less than 8 months before the date of the presidential preference primary election in a presidential election year or the date of the primary election in any other election year.

~~[2.]~~ 3. If a contract or contracts entered into pursuant to this section requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract or contracts must require the vendor to deposit the mail ballots for mailing at a location within this State.

Sec. 1.5. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 2. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The county clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 3. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection ~~[~~2,~~]~~ ***3,*** it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. ***The county clerk shall ensure that any notice posted pursuant to subsection 1 is:***

(a) At least 17 inches by 11 inches in size;

(b) Placed on a window or door of the polling place or a freestanding sign; and

(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.

3. The provisions of ~~[subsection]~~ ***subsections*** 1 ***and 2*** do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

~~[3.]~~ ***4.*** Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~[4.]~~ ***5.*** As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which ~~[is designed or tends to aid or promote the success or defeat of]~~ ***expressly refers to*** any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 4. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The city clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 5.3. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State to enter into ~~[~~a contract~~]~~ **one or more contracts** pursuant to section 1 of this act for the purchase of ballots, including, without limitation, mail ballots and return envelopes, the following sums:

For the Fiscal Year 2023-2024 ..... $7,805,011

For the Fiscal Year 2024-2025 ..... $3,902,506

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 5.5. ~~[Upon the request of a county clerk or city clerk, the Secretary of State may grant an exemption from the requirement]~~ **Notwithstanding the provisions of section 1 of this act, a board of county commissioners or governing body of an incorporated city that elects** to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract **or contracts** entered into pursuant to section 1 of this act for ~~[the presidential preference primary election, primary election and general election]~~ **all statewide and local elections** that ~~[is]~~ **are** held in 2024 ~~[.]~~ **pursuant to title 24 of NRS shall notify the Secretary of State in writing not less than 6 months before the date of the presidential preference primary election held on February 6th, 2024.**

Sec. 6. 1. This section and ~~[section]~~ **sections 1 and** 5.5 of this act become effective upon passage and approval.

2. Section 5.3 of this act becomes effective on July 1, 2023.

3. Sections ~~[1]~~ **1.5** to 5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 924 to Assembly Bill No. 192.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 983.

AN ACT relating to elections; establishing requirements relating to the purchase of ballots and return envelopes used in elections in this State; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; **revising provisions relating to recounts and contests of presidential elections; revising provisions relating to risk-limiting audits; revising provisions relating to tampering or interfering with certain election equipment or computer programs; revising the definition of uniformed-service voter; delaying the effective date of certain provisions relating to automatic voter registration;** making an appropriation to the Office of the Secretary of State

to enter into a contract or contracts for the purchase of ballots and return envelopes; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State. (NRS 293.250) **Sections 1.5 and 4** of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. **Sections 1.5 and 4** also require the Secretary of State to prescribe a method for distinguishing the return envelopes of each county or city, as applicable.

Section ~~[1]~~ 1.1 of this bill authorizes the Secretary of State to enter into one or more contracts for the purchase of all ballots and return envelopes used in any statewide and local election held in this State. **Section ~~[1]~~ 1.1** provides that if such a contract or contracts requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract or contracts must require the vendor to deposit the mail ballots for mailing at a location within this State. **Section 5.3** of this bill makes an appropriation to the Office of the Secretary of State to enter into such a contract or contracts.

Section ~~[1]~~ 1.1 further authorizes each board of county commissioners and governing body of an incorporated city to elect to use the ballots and return envelopes purchased by the Secretary of State for all statewide and local elections held in a given year by notifying the Secretary of State in writing not less than 8 months before the date of a presidential preference primary election in a presidential election year or primary election in any other election year. **Section 5.5** of this bill provides that a board of county commissioners or governing body of an incorporated city that elects to use the ballots purchased by the Secretary of State for all elections held in 2024 must notify the Secretary of State 6 months before the date of the presidential preference primary election in 2024.

Existing law requires a county clerk and city clerk to keep continuously posted certain signs and notices which indicate that electioneering is prohibited between the boundary marked by the sign and the entrance to a polling place. (NRS 293.361, 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and city clerk to ensure that any signs and notices posted are: (1) at least 17 inches by 11 inches in size; (2) placed on a window or door of the polling place or freestanding; and (3) visible to a person approaching the boundary marked by the sign.

Existing law defines "electioneering" to include buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to provide instead that "electioneering" includes buying, selling, wearing or displaying any badge, button or other insigne which expressly

refers to any political party or a candidate or ballot question to be voted upon at that election.

Existing law requires each county clerk to conduct a risk-limiting audit of the results of an election prior to the certification of the results of the election. (NS 293.394) Section 2.5 of this bill removes the requirement to conduct such an audit prior to the certification of the results.

Existing law provides a penalty for a person who tampers or interferes or attempts to tamper or interfere with any computer program used to count ballots. (NRS 293.755) Section 3.5 of this bill instead prohibits a person from tampering or interfering or attempting to tamper or interfere with any computer program used to conduct an election.

Existing law authorizes uniformed-service voters and certain other voters to vote in an election using a system of approved electronic transmission, a federal postcard application or the federal write-in absentee ballot. (Chapter 293D of NRS) Section 5.1 of this bill revises the definition of "uniformed-service voter" to include a member of the active or reserve component of the Space Force of the United States who is on active duty.

Beginning on January 1, 2024, existing law expands the agencies which provide automatic voter registration services and establishes certain requirements for an automatic voter registration agency to transmit certain voter registration information to the Secretary of State and county clerks. (Chapter 555, Statutes of Nevada 2021, at page 3849) Section 5.2 of this bill delays the effective date of these provisions until January 1, 2025.

Existing federal law requires a certificate of ascertainment of appointment of presidential electors to be issued and transmitted to the Archivist of the United States not later than 6 days before the time fixed for the meeting of the electors, which is the first Tuesday after the second Wednesday in December. (3 U.S.C. §§ 5, 7) Existing state law authorizes a candidate defeated at any election to demand and receive a recount within 3 working days after the canvass of the vote. For purposes of demanding a recount in a general election, "canvass" means: (1) the canvass by the Supreme Court of the returns for a candidate for a statewide office; or (2) the canvass of the board of county commissioners of the returns for any other candidate. (NRS 293.403) The canvass by: (1) a board of county commissioners must be completed on or before the 10th day following the election; and (2) the Supreme Court is the 4th Tuesday of November after each general election. (NRS 293.387, 293.395) Each recount must be commenced within 5 days after demand, and completed within 5 days after it begins. (NRS 293.405) Existing state law further authorizes, with certain exceptions, a candidate or registered voter to contest an election by filing a statement of contest not later than 5 days after a recount is completed, and not later than 14 days after the election if no recount is demanded. (NRS 293.407, 293.413) If an election contest

is filed, the court is required to set the matter for hearing not less than 5 days and not more than 10 days after the filing of the statement of contest. (NRS 293.413)

Section 1.3 of this bill establishes a different timeline for filing a recount or an election contest that applies only to the election of presidential electors. Specifically, section 1.3 provides that a candidate for the office of presidential elector may demand and receive a recount if, on or before the 13th day following the election, the candidate files the written demand to and deposits the estimated costs of the recount with the Secretary of State. Any such recount must be: (1) commenced within 1 day after the demand is filed; and (2) completed within 5 days after the recount begins. Section 1.3 further authorizes a candidate or any registered voter to contest the election of a candidate to the office of presidential elector not more than 2 working days after the canvass of the returns by the Supreme Court. Such an election contest must be: (1) scheduled for a judicial hearing not more than 5 days after the filing of the statement of contest; and (2) decided before the deadline to issue and submit the certificate of ascertainment pursuant to federal law.

Pursuant to section 1.3, for purposes of the 2024 General Election, which will be held on November 5, 2024, the deadline: (1) to demand a recount for the office of presidential elector is November 18, 2024; (2) to begin a recount for the office of presidential elector is November 19, 2024; (3) to complete a recount for the office of presidential elector is November 24, 2024; (4) to contest the election for the office of presidential elector is December 2, 2024; and (5) for the court to set any such contest for hearing is December 7, 2024. Further, the deadline under federal law to issue and transmit the certificate of ascertainment is December 11, 2024, so, pursuant to section 1.3, the court must determine the result of any election contest of the office of presidential elector before December 11, 2024.

Sections 2.6-2.85 and 3.7 of this bill make conforming changes to reflect the changes in section 1.3 to the schedule for filing a demand for a recount or an election contest for the office of presidential elector.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.1 and 1.3 of this act.**

Sec. 1.1. 1. The Secretary of State may enter into one or more contracts for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in any statewide and local election held in this State pursuant to title 24 of NRS. Such a contract is subject to the provisions of chapter 333 of NRS.

2. Each board of county commissioners and governing body of an incorporated city in this State may elect to use the ballots, including, without

limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract or contracts entered into pursuant to this section for all statewide and local elections held in a given year in this State pursuant to title 24 of NRS by notifying the Secretary of State in writing not less than 8 months before the date of the presidential preference primary election in a presidential election year or the date of the primary election in any other election year.

3. If a contract or contracts entered into pursuant to this section requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract or contracts must require the vendor to deposit the mail ballots for mailing at a location within this State.

Sec. 1.3. For the purposes of an election to the office of presidential elector:

1. The following requirements apply to a demand for a recount:

(a) A candidate for the office of presidential elector may demand and receive a recount of the vote to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, on or before the 13th day following the election, the candidate who demands the recount:

(1) Files in writing a demand with the Secretary of State; and

(2) Deposits in advance the estimated costs of the recount with the Secretary of State, as determined by the Secretary of State, in accordance with regulations adopted by the Secretary of State defining the term "costs."

(b) A recount conducted pursuant to this subsection must be commenced within 1 day after the demand is filed and must be completed within 5 days after the recount is begun.

2. The following requirements apply to a contest of an election:

(a) A candidate for the office of presidential elector or any registered voter of this State may contest the election of a candidate to the office of presidential elector. To contest the election, the candidate or registered voter, as applicable, must file with the clerk of the district court a written statement of contest not more than 2 working days after the canvass of the returns by the Supreme Court.

(b) The statement of contest must be prepared in accordance with NRS 293.407.

(c) The court shall set the matter for a hearing not more than 5 days after the filing of the statement of contest and must determine the results of the contest before the deadline to issue and submit the certificate of ascertainment pursuant to 3 U.S.C. § 5. Election contests take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

(d) The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. 1.5. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 2. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The county clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 2.5. **NRS 293.394 is hereby amended to read as follows:**

293.394 1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:

(a) Procedures to conduct a risk-limiting audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the risk-limiting audit.

2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct a risk-limiting audit of the results of an election **.** ~~[prior to the certification of the results of the election pursuant to NRS 293.395.]~~

3. As used in this section, "risk-limiting audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 2.6. **NRS 293.403 is hereby amended to read as follows:**

293.403 1. ~~[A]~~ ***Except as otherwise provided in section 1.3 of this act, a*** candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 2.7. **NRS 293.404 is hereby amended to read as follows:**

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403 ~~[,]~~ ***or section 1.3 of this act,*** the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of

the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. The recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether all ballots are marked as required by law. All ballots must be recounted in the same manner in which the ballots were originally tabulated.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 2.8. **NRS 293.405 is hereby amended to read as follows:**

293.405 1. If the person who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the person shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary of State, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to the person.

2. If the person who demanded the recount prevails, the sum deposited with the Secretary of State, county clerk or city clerk must be refunded to the person and the cost of the recount must be paid as follows:

(a) If the recount concerns an office or ballot question for which voting is not statewide, the cost must be borne by the county or city which conducted the recount.

(b) If the recount concerns an office or ballot question for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the Secretary of State for review and approval. The Secretary of State shall submit the statements to the State Board of Examiners, which shall repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.

3. ~~[Each]~~ ***Except as otherwise provided in section 1.3 of this act, each*** recount must be commenced within 5 days after demand, and must be completed within 5 days after it is begun.

4. After the recount of a precinct is completed, that precinct must not be subject to another recount for the same office or ballot question at the same election.

Sec. 2.83. **NRS 293.407 is hereby amended to read as follows:**

293.407 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the

office of presidential elector, must, within the time prescribed in NRS 293.413 ~~[,]~~ ***or section 1.3 of this act,*** file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and

(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

5. The contestant must notify the defendant that a statement of contest has been filed pursuant to this section.

Sec. 2.85. **NRS 293.413 is hereby amended to read as follows:**

293.413 1. ~~[The]~~ ***Except as otherwise provided in section 1.3 of this act, the*** statement of contest provided for in NRS 293.407 shall be filed with the clerk of the district court no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. The parties to a contest shall be denominated contestant and defendant.

2. ~~[The]~~ ***Except as otherwise provided in section 1.3 of this act, the*** court shall set the matter for hearing not less than 5 days nor more than 10 days after the filing of the statement of contest. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

3. The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. 3. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. ***The county clerk shall ensure that any notice posted pursuant to subsection 1 is:***

(a) At least 17 inches by 11 inches in size;

(b) Placed on a window or door of the polling place or a freestanding sign; and

(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.

3. The provisions of ~~[subsection]~~ ***subsections*** 1 ***and 2*** do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

~~[3.]~~ ***4.*** Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~[4.]~~ ***5.*** As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which ~~[is designed or tends to aid or promote the success or defeat of]~~ ***expressly refers to*** any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 3.5. **NRS 293.755 is hereby amended to read as follows:**

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to ~~[count ballots]~~ ***conduct an election*** with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to ~~[count ballots]~~ ***conduct an election*** with the intent to influence the outcome of an election is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 3.7. **NRS 293B.400 is hereby amended to read as follows:**

293B.400 1. Except as otherwise provided in this section, if a recount is demanded pursuant to the provisions of NRS 293.403 ***or section 1.3 of this act*** or if an election is contested pursuant to NRS 293.407 ~~[,]~~ ***or section 1.3 of this act,*** the county or city clerk shall ensure that each mechanical recording device which directly recorded votes electronically for the applicable election provides a record printed on paper of each ballot voted on that device.

2. In carrying out the requirements of this section, the county or city clerk shall:

(a) Print only the records required for the recount or contest; and

(b) Collect those records and deposit them in the vaults of the county or city clerk pursuant to NRS 293.391 or 293C.390.

Sec. 4. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The city clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 5.1. **NRS 293D.090 is hereby amended to read as follows:**

293D.090 "Uniformed-service voter" means an elector who is:

1. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps**,** ~~[or]~~ Coast Guard ***or Space Force*** of the United States who is on active duty;

2. A member of the Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States;

3. A member of the National Guard or state militia unit who is on activated status; or

4. A spouse or dependent of a person described in subsection 1, 2 or 3.

Sec. 5.2. **Section 36 of chapter 555, Statutes of Nevada 2021, at page 3876, is hereby amended to read as follows:**

Sec. 36. 1. This section becomes effective upon passage and approval.

2. Sections 32.3 and 32.7 of this act become effective on July 1, 2021.

3. Sections 1 to 32, inclusive, and 33, 34 and 35 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, ~~[2024,]~~ ***2025,*** for all other purposes.

Sec. 5.3. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State to enter into one or more contracts pursuant to section 1 of this act for the purchase of ballots, including, without limitation, mail ballots and return envelopes, the following sums:

For the Fiscal Year 2023-2024 ..... $7,805,011

For the Fiscal Year 2024-2025 ..... $3,902,506

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 5.5. Notwithstanding the provisions of section ~~[1]~~ **1.1** of this act, a board of county commissioners or governing body of an incorporated city that elects to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract or contracts entered into pursuant to section ~~[1]~~ **1.1** of this act for all statewide and local elections that are held in 2024 pursuant to title 24 of NRS shall notify the Secretary of State in writing not less than 6 months before the date of the presidential preference primary election held on February 6th, 2024.

Sec. 6. 1. This section and sections 1**, 1.1** and 5.5 of this act become effective upon passage and approval.

2. ~~[Section]~~ **Sections 1.3, 2.6 to 2.85, inclusive, 3.5, 3.7 and 5.1-** 5.3**, inclusive,** of this act ~~[becomes]~~ **become** effective on July 1, 2023.

3. Sections 1.5 ~~[to 5, inclusive,]~~ **, 2, 2.5, 3, 4 and 5** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 983 to Assembly Bill No. 192.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 257.

The following Senate amendment was read:

Amendment No. 962.

AN ACT relating to forensic medical examinations; requiring the county in whose jurisdiction a domestic violence battery by strangulation is committed to pay the costs of a strangulation forensic medical examination of the victim; authorizing a county to be reimbursed for such costs, to the extent that money is available from legislative appropriation; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a county in whose jurisdiction a sexual assault is committed to pay for the costs of a forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim. (NRS 217.300) **Section 1** of this bill similarly: (1) requires a county in whose jurisdiction a domestic violence battery by strangulation was committed to pay for the costs of a strangulation forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim.

Section 1 additionally provides that a county which pays such costs may receive reimbursement from the State, to the extent that money is available for that purpose from legislative appropriation.

Section 3 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Section 3.5 of this bill makes an appropriation to the Division of Child and Family Services of the Department of Health and Human Services for the purpose of reimbursing counties for costs incurred by the counties in complying with the requirements prescribed by section 1.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The county in whose jurisdiction a domestic violence battery by strangulation is committed shall pay any costs incurred by a hospital for a strangulation forensic medical examination of the victim.

2. Any costs incurred pursuant to subsection 1:

(a) Must not be charged directly to the victim.

(b) Must be charged to the county in whose jurisdiction the offense was committed.

3. A county which pays costs related to a strangulation forensic medical examination pursuant to subsection 1 may, to the extent that money is available for that purpose from legislative appropriation, receive reimbursement from the State.

4. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a strangulation forensic medical examination pursuant to this section.

5. Nothing in this section shall be construed to prohibit the use of evidence obtained from a strangulation forensic medical examination

during the investigation or prosecution of a person for domestic violence battery by strangulation.

6. As used in this section:

(a) "Domestic violence battery by strangulation" means a battery which constitutes domestic violence pursuant to NRS 33.018 that is committed by strangulation as described in NRS 200.481.

(b) "Strangulation forensic medical examination" means an examination conducted by a health care provider for the purpose of assessing the health care needs of a victim of a domestic violence battery by strangulation and coordinating the treatment of any injuries of the victim.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incapacitated person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. "Victim of human trafficking" means a person who is a victim of:

(a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

(b) A violation of any provision of NRS 200.465.

(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

(d) Sex trafficking in violation of any provision of NRS 201.300.

(e) A violation of NRS 201.320 or 201.395.

8. "Victim of sexual assault" and "victim of sexual violence" mean a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 3.5. **1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the purpose of reimbursing counties for costs incurred by the counties in complying with the requirements prescribed by section 1 of this act the following sums:**

For the Fiscal Year 2023-2024..... $1,080,000

For the Fiscal Year 2024-2025..... $1,080,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. **1. This section becomes effective upon passage and approval.**

2. Section 3.5 of this act becomes effective on July 1, 2023.

3. Sections 1, 2, 3 and 4 of this act become effective on October 1, 2023.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 962 to Assembly Bill No. 257.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 519.

The following Senate amendment was read:

Amendment No. 973.

AN ACT relating to capital projects; requiring the board of county commissioners of certain counties to levy a property tax for capital projects of school districts; authorizing the board of county commissioners of certain counties to levy a property tax for capital projects of school districts for which a grant is available from the Fund to Assist Rural School Districts in Financing Capital Improvements; exempting that property tax from certain partial abatements **~~[,]~~ during the first fiscal year in which the tax is imposed;** exempting both property taxes from the statutory limitation on the total ad valorem tax levy; creating the Fund to Assist Rural School Districts in Financing Capital Improvements; requiring the board of county commissioners of certain counties to establish an oversight panel for school district capital improvement projects; making appropriations to the Fund; making an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a fund for capital projects. (NRS 387.328) Existing law also creates the Fund to Assist School Districts in Financing Capital Improvements from which a grant of money may be obtained if certain emergency conditions exist within the school district. (NRS 387.333, 387.3335)

Section 2 of this bill requires the board of county commissioners of a county whose population is 52,500 or more and less than 57,500 (currently Elko County), to levy a tax at a rate of not less than 1 cent and not more than 25 cents on each $100 of assessed valuation of taxable property within the county. **Section 2** requires any money collected from such a tax to be deposited in the county treasury for credit to the fund for capital projects to be held and expended in the same manner as other money deposited in that fund. **Section 6** of this bill authorizes the school district of a county where such a tax is imposed to pledge the proceeds of the tax, and the portion of the governmental services tax whose allocation to the school district is based on the amount of the property tax levy attributable to its debt service, to the payment of any bonds or other obligations the school district issued for capital projects. **Section 8** of this bill provides that, if the board of county commissioners of a county which is required to levy such a tax does not adopt an ordinance levying

the tax on or before June 30, 2024, the tax is levied at a rate of 25 cents on each $100 of assessed valuation of taxable property within the county.

Section 4 of this bill creates the Fund to Assist Rural School Districts in Financing Capital Improvements and requires the money in the Fund to be used to make grants to school districts in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) for certain capital projects.

Section 3 of this bill authorizes the board of county commissioners of a county whose population is less than 100,000, other than a board which is required to levy a tax pursuant to **section 2**, to levy a tax on all taxable property in the county for a capital project for which a grant may be obtained from the Fund. **Section 3** requires the board of county commissioners to determine the amount of money required for the capital project, excluding any amount that the board anticipates will be covered by a grant from the Fund, and fix a rate of taxation which will raise that amount. **Section 3** requires the revenue from the tax to be expended for: (1) a capital project for which a grant was made from the Fund; or (2) if the amount collected for a fiscal year exceeds the amount of the grant for that year, in the same manner as other money in the fund for capital projects established by the school district. **Section 5.5** of this bill requires the board of county commissioners of a county which levies a tax pursuant to **section 2 or 3** to establish an oversight panel for school district capital improvement projects.

Section 5 of this bill requires the board of trustees of a school district in a county which levies a tax pursuant to **section 3** and authorizes the board of trustees of a school district in a county which levies a tax pursuant to **section 2** during a fiscal year to apply to the Director of the Office of Finance in the Office of the Governor for a grant of money from the Fund. **Section 5** requires the Director of the Office of Finance to make a grant of money from the Fund in an amount which is equal to: (1) the total amount of tax assessed pursuant to **section 3** by the county for the capital project during the immediately preceding fiscal year; or (2) the amount of the proceeds of the tax imposed pursuant to **section 2** for the immediately preceding fiscal year which the board of trustees of the school district has certified will be dedicated to the capital project.

Existing law, in general, limits the total amount of property taxes which may be imposed to $3.64 on each $100 of assessed valuation. (NRS 361.453) **Sections 2 and 3** exempt the rates for the property taxes in those sections from this limitation. **Section 7** of this bill makes a conforming change to indicate these exemptions from the limitation.

Existing law provides a partial abatement of the property taxes levied on property for which an assessed valuation has previously been established, a remainder parcel of real property, certain single-family residences and certain residential rental dwellings. (NRS 361.4722, 361.4723, 361.4724) With certain exceptions, existing law exempts new or increased property taxes from those partial abatements if a legislative act that became effective after

April 6, 2005, imposed a duty on a taxing entity to levy the tax or increase the rate of the tax. (NRS 361.4726) **Section 7.5** of this bill exempts ~~[the]~~ **any** new property tax ~~[authorized to be]~~ levied ~~[by section]~~ **pursuant to section 2 or 3** from those partial tax abatements ~~[.]~~ **for the first fiscal year in which such a tax is imposed, but provides that such a tax is not exempt from those partial tax abatements for any fiscal year after the first fiscal year in which the tax is imposed.**

Section 9 of this bill makes appropriations from the State General Fund to the Fund for grants to school districts in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), including grants for capital projects for schools located on qualified tribal land. **Section 10** of this bill makes an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5.5, inclusive, of this act.

Sec. 2. ***1. The board of county commissioners of a county whose population is 52,500 or more and less than 57,500 shall, in addition to any taxes levied in accordance with NRS 387.195, levy a tax at a rate of not less than 1 cent and not more than 25 cents on each $100 of assessed valuation of taxable property within the county for capital projects of a school district, including, without limitation, capital projects for schools located on qualified tribal land.***

2. Any money collected pursuant to this section must be deposited in the county treasury for credit to the fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

3. The rate of any tax levied pursuant to subsection 1 must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

4. As used in this section, "qualified tribal land" means any real property:

(a) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(b) Over which an Indian tribe exercises governmental power.

Sec. 3. ***1. Except for a board of county commissioners which is required to levy a tax pursuant to section 2 of this act, the board of county commissioners of a county whose population is less than 100,000, may, in addition to any taxes levied in accordance with NRS 387.195, levy a tax at a rate established by the board of county commissioners on all taxable property in the county for a capital project of the school district for which a grant may be obtained from the Fund to Assist Rural School Districts in***

Financing Capital Improvements created by section 4 of this act. The board of county commissioners shall determine the amount of money necessary, when combined with money anticipated to be received as a grant from the Fund, to pay the costs of the proposed capital project or the principal and interest on bonds or other obligations issued for one or more purposes set forth in subsection 5 of section 4 of this act, and shall fix a rate which, when levied upon every dollar of assessed valuation of taxable property in the district, will raise that amount.

2. Any money collected pursuant to this section must be deposited in the county treasury for credit to the fund for capital projects established pursuant to NRS 387.328, to be expended:

(a) For a capital project of a school district for which a grant to the school district was made from the Fund to Assist Rural School Districts in Financing Capital Improvements pursuant to section 5 of this act; or

(b) With respect to any money collected in excess of the amount of the grant made from the Fund to Assist Rural School Districts in Financing Capital Improvements for the fiscal year pursuant to section 5 of this act, in the same manner as other money deposited in the fund for capital projects.

3. The proceeds of the tax collected pursuant to this section may be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in subsection 5 of section 4 of this act. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

4. The rate of any tax levied pursuant to subsection 1 must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

Sec. 4. ***1. The Fund to Assist Rural School Districts in Financing Capital Improvements is hereby created in the State Treasury, to be administered by the Director of the Office of Finance. All money received and held by the State Treasurer for the purpose of the Fund must be deposited in the Fund.***

2. The Director of the Office of Finance may accept gifts and grants from any source for deposit in the Fund.

3. The money in the Fund must be invested as the money in other state funds is invested. All interest and income earned on the money in the Fund must be credited to the Fund.

4. Claims against the Fund must be paid as other claims against the State are paid.

5. Money in the Fund must be used to make grants to school districts in counties whose population is less than 100,000, for the following purposes:

(a) Construction, design or purchase of new buildings for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, but not limited to, playgrounds, athletic fields and sites for stadiums.

Sec. 5. ***1. Following any fiscal year in which a county levies a tax imposed pursuant to section 3 of this act, the board of trustees of the school district in the county shall apply to the Director of the Office of Finance for a grant of money from the Fund created pursuant to section 4 of this act on a form provided by the Director.***

2. Following any fiscal year in which a county levies a tax imposed pursuant to section 2 of this act, the board of trustees of the school district in the county may apply to the Director of the Office of Finance for a grant of money from the Fund created pursuant to section 4 of this act on a form provided by the Director.

3. The application for a grant of money from the Fund submitted pursuant to this section must be accompanied by:

(a) A description of the capital project for which the grant is requested, which must be a capital project described by subsection 5 of section 4 of this act; and

(b) Either:

(1) Documentation of the amount of the tax assessed pursuant to section 3 of this act for the capital project for which the grant is requested in the immediately preceding fiscal year; or

(2) A statement by the board of trustees of the school district in a county which has levied a tax imposed pursuant to section 2 of this act certifying the amount of the proceeds of the tax imposed pursuant to section 2 of this act for the immediately preceding fiscal year which will be dedicated to the capital project.

4. To the extent that money is available for that purpose in the Fund and if the Director of the Office of Finance determines that the capital project for which the grant is requested is a project for which a grant may be made from the Fund, the Director shall make a grant of money from the Fund to a school district that submits an application pursuant to subsection 1 or 2 in an amount that is equal to:

(a) The total amount of tax assessed by the county for the capital project pursuant to section 3 of this act in the immediately preceding fiscal year; or

(b) If the school district is located in a county which levies a tax imposed pursuant to section 2 of this act, the amount of the proceeds of the tax imposed pursuant to section 2 of this act for the immediately preceding fiscal year which the board of trustees of the school district has certified will be dedicated to the capital project.

5. The Director of the Office of Finance shall adopt regulations that prescribe the annual deadline for submission of an application to the Director by a school district pursuant to this section.

Sec. 5.5. ***1. The board of county commissioners of a county whose population is less than 100,000 and which levies a tax pursuant to section 2 or 3 of this act shall establish an oversight panel for school district capital improvement projects, consisting of five members selected as follows:***

(a) One member who is the chair of the board of county commissioners of the county, or his or her designee, who shall serve as the chair of the oversight panel;

(b) One member who is a member of the board of trustees of the school district in the county, appointed by the president of the board of trustees of the school district;

(c) One member who is a member of a federally recognized Indian tribe or nation located in whole or in part within the boundaries of the county, appointed by the executive head of the federally recognized Indian tribe or nation;

(d) One member who is a resident of the county and has experience in the building of school facilities, appointed by the president of the board of trustees of the school district in the county; and

(e) One member who is a resident of the county and has experience in the financing of public works projects, appointed by the chair of the board of county commissioners of the county.

2. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

3. The oversight panel shall meet at least once each calendar quarter.

4. The oversight panel shall:

(a) Review all credits to and debits from the fund for capital projects established pursuant to NRS 387.328;

(b) Recommend future uses of the money raised by the county from levying a tax imposed pursuant to section 2 or 3 of this act;

(c) Review the amount of any appropriation, grant, gift or donation received by the county for the construction of school facilities located on qualified tribal land; and

(d) Make a recommendation for the date of termination of a tax levied pursuant to section 2 or 3 of this act if the date of termination of the tax is not otherwise fixed.

Sec. 6. NRS 387.328 is hereby amended to read as follows:

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. The proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962, 375.070, 377C.110 and 387.3288 ***and section 2 of this act*** and, in a county whose population is 100,000 or more but less than 700,000, the portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 7. NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723, 387.3288 and 450.760, ***and sections 2 and 3 of this act,*** the total ad valorem tax levy for all public purposes must not exceed $3.64 on each $100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each $100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is less than 45,000, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada Tax Commission was at least $3.50 on each $100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.

Sec. 7.5. NRS 361.4726 is hereby amended to read as follows:

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. The amount of any tax imposed pursuant to NRS 354.705 and 387.3288 ***~~[and section 3 of this act]~~*** is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. ***The amount of any tax imposed pursuant to section 2 or 3 of this act is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724 during the first fiscal year that the tax is imposed and is not exempt from each such partial abatement during any fiscal year thereafter.***

4. For the purposes of this section, "taxing entity" does not include the State.

Sec. 8. If the board of county commissioners of a county whose population is 52,500 or more and less than 57,500, has not adopted an ordinance levying the tax pursuant to section 2 of this act on or before June 30, 2024, a tax shall be levied pursuant to section 2 of this act at a rate of 25 cents on each $100 of assessed valuation of taxable property within the county. The tax shall be collected and administered in the same manner as though the board of county commissioners had adopted an ordinance levying the tax pursuant to section 2 of this act at that rate.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the Fund to Assist Rural School Districts in Financing Capital Improvements

created by section 4 of this act the sum of $25,000,000, for grants to school districts, and the sum of $25,000,000, for grants to school districts for capital projects for schools located on qualified tribal land.

2. As used in this section, "qualified tribal land" means any real property:

(a) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(b) Over which an Indian tribe exercises governmental power.

Sec. 10. 1. There is hereby appropriated from the State General Fund to the Elko County School District the sum of $64,500,000 for the construction of a school on the Duck Valley Indian Reservation to replace the Owyhee Combined School.

2. All money appropriated by subsection 1 must be used only for the purposes specified in subsection 1 and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including, without limitation, any costs related to other buildings or facilities.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2028, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2028, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2028.

Sec. 11. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 21, 2023.

Sec. 12. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 973 to Assembly Bill No. 519.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 525.

The following Senate amendment was read:

Amendment No. 988.

AN ACT making appropriations for various purposes relating to health, education, employment and other community services; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of ~~[$750,000]~~ **$500,000** for allocation to the International Gaming Institute of the University of Nevada, Las Vegas, for the "Expanding the Leaderverse" initiative to increase the diversity of the leadership in the gaming industry.

2. Allocation of the money appropriated by subsection 1 is contingent upon matching money being obtained by the International Gaming Institute, including, without limitation, gifts, grants and donations to the International Gaming Institute from private and public sources of money other than the appropriation made by subsection 1. The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made by subsection 1 until the International Gaming Institute submits to the Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

Sec. 1.5. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of ~~[$5,500,000]~~ **$2,500,000** for allocation to the nonprofit corporation formed to establish an art museum in Las Vegas, Nevada, upon a showing to the Committee:

1. That the corporation has been incorporated under the laws of this State as a nonprofit corporation; and

2. That the purpose of the corporation is to establish an art museum in Las Vegas, Nevada.

Sec. 2. There is hereby appropriated from the State General Fund to United Way of Northern Nevada the sum of $1,200,000 for its activities related to public health, education and improving economic mobility.

Sec. 3. There is hereby appropriated from the State General Fund to the Foundation for an Independent Tomorrow the sum of $2,000,000 for its activities related to vocational training, job preparation, education and employment services.

Sec. 4. There is hereby appropriated from the State General Fund to the Culinary Academy of Las Vegas the sum of $15,000,000 for its capital improvement plan.

Sec. 5. There is hereby appropriated from the State General Fund to A Source of Joy Theatricals, Inc. the sum of $1,000,000 for the Legacy Theatre Project.

Sec. 6. There is hereby appropriated from the State General Fund to the Food Bank of Northern Nevada the sum of $2,000,000 to address food insecurities of residents of this State.

Sec. 7. There is hereby appropriated from the State General Fund to the Three Square Food Bank the sum of $2,000,000 to address food insecurities of residents of this State.

Sec. 8. There is hereby appropriated from the State General Fund to Boys Town Nevada the sum of $250,000 for its programs and services.

Sec. 9. There is hereby appropriated from the State General Fund to Foster Kinship the sum of $750,000 for the Kinship Navigator Program.

Sec. 10. There is hereby appropriated from the State General Fund to HopeLink of Southern Nevada the sum of $2,000,000 for wraparound services for families at risk of homelessness.

Sec. 11. There is hereby appropriated from the State General Fund to Catholic Charities of Southern Nevada the sum of $2,000,000 for the Meals on Wheels Program.

Sec. 12. There is hereby appropriated from the State General Fund to the Candlelighters Childhood Cancer Foundation of Nevada the sum of $1,000,000 for the provision of assistance to children affected by cancer and their families.

Sec. 13. There is hereby appropriated from the State General Fund to Legal Aid Center of Southern Nevada the sum of $250,000 for programs and services relating to tenants' rights.

Sec. 14. There is hereby appropriated from the State General Fund to the United Way of Southern Nevada the sum of $1,200,000 for its activities related to public health, education and improving economic mobility.

Sec. 15. There is hereby appropriated from the State General Fund to Goodwill of Southern Nevada the sum of $1,500,000 for transforming workforce development initiatives.

Sec. 16. There is hereby appropriated from the State General Fund to the Special Olympics Nevada the sum of ~~[$500,000]~~ **$250,000** for its programs.

Sec. 17. There is hereby appropriated from the State General Fund to Friends in Service Helping the sum of $3,000,000 for a capital improvement project.

Sec. 18. There is hereby appropriated from the State General Fund to the United Labor Agency of Nevada, Inc. the sum of $500,000 for providing community services.

Sec. 19. There is hereby appropriated from the State General Fund to the Community Health Alliance the sum of $4,500,000 for a capital improvement project.

Sec. 20. There is hereby appropriated from the State General Fund to Chicanos Por La Causa Nevada, Inc. the sum of $10,000 for economic empowerment of low-income persons.

Sec. 21. There is hereby appropriated from the State General Fund to the Latino Youth Leadership Foundation the sum of $10,000 to assist high school pupils with leadership training and development.

Sec. 22. There is hereby appropriated from the State General Fund to the Nevada Latino Bar Association the sum of $10,000 to provide assistance for preparation for the admission test for law school.

Sec. 23. There is hereby appropriated from the State General Fund to Project 150 the sum of $10,000 to provide support to homeless, displaced and disadvantaged high school pupils.

Sec. 24. There is hereby appropriated from the State General Fund to the South-Asian Women's Alliance of Nevada the sum of $10,000 to bridge the gap between South-Asian communities and resources in Southern Nevada.

Sec. 25. There is hereby appropriated from the State General Fund to Leaders in Training the sum of ~~[$10,000]~~ **$250,000** for educational training, support and programming for first-generation college students.

Sec. 26. There is hereby appropriated from the State General Fund to the Uplift Foundation of Nevada the sum of $10,000 for its programs and services.

Sec. 27. There is hereby appropriated from the State General Fund to The Foundation Christian Center the sum of $10,000 for its food programs.

Sec. 28. There is hereby appropriated from the State General Fund to King of Jewels the sum of $10,000 for its programs.

Sec. 29. There is hereby appropriated from the State General Fund to The Cupcake Girls the sum of $ 10,000 for services for persons affected by sex trafficking.

Sec. 30. There is hereby appropriated from the State General Fund to HELP of Southern Nevada the sum of $25,000 for the Shannon West Homeless Youth Center.

Sec. 31. There is hereby appropriated from the State General Fund to T.U.L.I.P.S. (Teaching and Uniting Ladies to Inspire Positive Success) the sum of $25,000 for its programs.

Sec. 32. There is hereby appropriated from the State General Fund to Gentleman By Choice Community Development Corporation the sum of $25,000 for its programs.

Sec. 33. There is hereby appropriated from the State General Fund to Spread the Word Nevada the sum of $500,000 for providing books to advance childhood literacy.

Sec. 34. There is hereby appropriated from the State General Fund to Northern Nevada HOPES the sum of $2,000,000 for providing primary and behavioral health care services.

Sec. 35. There is hereby appropriated from the State General Fund to the Pioneer Center for the Performing Arts the sum of $1,000,000 for a renovation project.

Sec. 36. There is hereby appropriated from the State General Fund to Nevada Partners, Inc. the sum of $1,000,000 to assist with its summer and educational program.

Sec. 37. There is hereby appropriated from the State General Fund to the Nevada Small Business Development Center the sum of $1,000,000 for its programs.

Sec. 38. There is hereby appropriated from the State General Fund to the Nevada State Prison Preservation Society the sum of $1,000,000 for a capital improvement project.

Sec. 39. There is hereby appropriated from the State General Fund to the Boys & Girls Clubs of Southern Nevada the sum of $250,000 for its programs.

Sec. 40. There is hereby appropriated from the State General Fund to the Boys & Girls Club of Truckee Meadows the sum of ~~[$100,000]~~ **$250,000** for its programs.

Sec. 41. There is hereby appropriated from the State General Fund to ~~[the Nevada Blind Children's Foundation]~~ **Opportunity Village** the sum of ~~[$750,000]~~ **$250,000** for its programs and services.

Sec. 42. There is hereby appropriated from the State General Fund to the Urban Chamber Community Development Corporation the sum of $100,000 for its Nevada Small Business Development Center.

Sec. 43. There is hereby appropriated from the State General Fund to The Neon Museum the sum of ~~[$2,000,000]~~ **$1,000,000** for a capital improvement project.

Sec. 44. There is hereby appropriated from the State General Fund to the Economic Opportunity Board of Clark County the sum of $100,000 for its programs.

Sec. 45. There is hereby appropriated from the State General Fund to the Nevada Partnership for Homeless Youth the sum of ~~[$25,000]~~ **$50,000** for its programs.

Sec. 46. There is hereby appropriated from the State General Fund to the Vision Theatrical Foundation, Inc. the sum of $10,000 for its programs.

Sec. 47. There is hereby appropriated from the State General Fund to Communities in Schools of Nevada the sum of $1,000,000 for its programs.

Sec. 48. There is hereby appropriated from the State General Fund to the Greater Youth Sports Association the sum of $5,000 for its programs.

Sec. 49. There is hereby appropriated from the State General Fund to the Obodo Collective the sum of $10,000 for its programs.

Sec. 50. There is hereby appropriated from the State General Fund to U.S. VETS - Las Vegas the sum of $25,000 for its activities to assist in the successful transition of military veterans and their families.

Sec. 51. There is hereby appropriated from the State General Fund to the National Alliance on Mental Illness (NAMI) Southern Nevada the sum of $25,000 for providing mental health support groups, classes, presentations and other resources without charge.

Sec. 52. There is hereby appropriated from the State General Fund to the Arriba Las Vegas Worker Center the sum of $10,000 for its activities to develop, educate and empower worker and migrant communities.

Sec. 53. There is hereby appropriated from the State General Fund to Puentes the sum of $10,000 for its programs and services.

Sec. 53.3. **There is hereby appropriated from the State General Fund to The Arc Nevada the sum of $250,000 for its programs and services.**

Sec. 53.7. **There is hereby appropriated from the State General Fund to the College of Southern Nevada the sum of $4,500,000 for its Center For Excellence in Public Safety.**

Sec. 54. There is hereby appropriated from the State General Fund to Teach for America the sum of $25,000 for its programs.

Sec. 55. Upon acceptance of the money appropriated by this act, the entity that accepts the money agrees to:

1. Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by this act from the date on which the money was received by the entity through December 1, 2024;

2. Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by this act from the date on which the money was received by the entity through June 30, 2025; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the entity, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by this act.

Sec. 56. Any remaining balance of the appropriations made by sections 1 to 54, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 57. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 988 to Assembly Bill No. 525.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 526.

The following Senate amendment was read:

Amendment No. 978.

AN ACT relating to state financial administration; providing for the redistribution of certain money authorized for expenditure to certain nonprofit organizations; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Governor to certify the amount of money authorized or reauthorized for expenditure from the COVID-19 Relief Programs budget account that is projected by the Office of Finance in the Office of the Governor not to be expended for its approved purpose by December 31, 2026. **Section 1** requires the Office of Finance to: (1) in accordance with the requirements for work program revisions in existing law, transfer, or request the transfer of, as applicable, the certified money from the budget accounts in which the money is being held to the COVID-19 Relief Programs budget account; and (2) cause to be carried out the processing of

payments of the certified money from the COVID-19 Relief Programs budget account to registered nonprofit organizations in amounts, with certain exceptions, equal to the percentages of the certified money specified for those registered nonprofit organizations in **section 3** of this bill. **Section 2** of this bill sets forth the requirements for such registration. **Section 3** specifies the nonprofit organizations that are eligible to register and the percentages of the certified money, with certain exceptions, for which those nonprofit organizations are eligible if they are registered. **Section 4** of this bill makes an appropriation of $250,000 to the Office of the State Treasurer for the costs of consulting services to assist the Office with registering eligible nonprofit organizations pursuant to **section 2**.

WHEREAS, Studies have shown that nonprofit organizations faced considerable challenges during the COVID-19 pandemic as a result of a substantial reduction in the number of their volunteers and donations and a significant increase in the demand for their services; and

WHEREAS, Nonprofit organizations nevertheless rose to the challenges presented by the pandemic and found innovative ways to continue to provide their services to the local communities in Nevada; and

WHEREAS, Redirecting unused money that was provided by the Federal Government to ameliorate the effects of the COVID-19 pandemic will assist nonprofit organizations to recover from the COVID-19 pandemic and flourish in the future; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. On or after July 15, 2024, but before August 1, 2024, the Governor shall submit a written report to the Interim Finance Committee and the State Treasurer that:

(a) Itemizes the money that was authorized for expenditure from the COVID-19 Relief Programs budget account in section 1 of chapter 434, Statutes of Nevada 2021, at page 2765, including any portion of that money that was reauthorized subsequently by the Nevada Legislature; and

(b) Certifies a cumulative total of the portion of that money that is projected by the Office of Finance in the Office of the Governor not to be expended for its approved purpose by December 31, 2026.

2. On or before August 30, 2024, the Office of Finance shall:

(a) Process any work programs to authorize the transfer of the money certified in paragraph (b) of subsection 1 from the budget accounts in which that money is held to the COVID-19 Relief Programs budget account and that do not require the approval of the Interim Finance Committee pursuant to NRS 353.220 and process the transfer of the money.

(b) Submit to the Secretary of the Interim Finance Committee any work programs that authorize the transfer of the money certified in paragraph (b) of subsection 1 from the budget accounts in which that money is held to the

COVID-19 Relief Programs budget account and that require the approval of the Interim Finance Committee pursuant to NRS 353.220, process the transfer of the money and process any work program necessary to authorize the payments required in subsection 3 from the COVID-19 Relief Programs budget account.

3. Except as otherwise provided in this subsection, on or before December 31, 2024, the Office of Finance shall cause to be carried out the processing of payments from the COVID-19 Relief Programs budget account to each registered nonprofit organization listed in the report submitted by the State Treasurer to the Office of Finance pursuant to section 2 of this act in an amount equal to the percentage of the amount of money certified in paragraph (b) of subsection 1 that is specified for that nonprofit organization in section 3 of this act. The Office of Finance shall not withhold any portion of such a payment. If an eligible nonprofit organization specified in section 3 of this act is not listed as a registered nonprofit organization in the report submitted by the State Treasurer to the Office of Finance pursuant to section 2 of this act, the Office of Finance shall reallocate the percentage share of the money certified pursuant to paragraph (b) of subsection 1 that would have otherwise been allocated to the eligible nonprofit organization pro rata among the registered nonprofit organizations within the same category or subcategory set forth in section 3 of this act, as applicable. If none of the eligible nonprofit organizations in a category or subcategory listed in section 3 of this act are registered pursuant to section 2 of this act, the Office of Finance shall reallocate the percentage share of the money certified pursuant to paragraph (b) of subsection 1 that would have otherwise been allocated to that category or subcategory pro rata among the other categories or subcategories, as applicable.

Sec. 2. 1. On or before June 30, 2024, an eligible nonprofit organization listed in section 3 of this act may apply to the State Treasurer, on a form prescribed by the State Treasurer, for registration to receive a payment of the percentage set forth in section 3 of this act for that nonprofit organization of the money certified pursuant to paragraph (b) of subsection 1 of section 1 of this act. The State Treasurer shall not approve an application for registration unless the eligible nonprofit organization demonstrates that the proposed use of the money is an approved use under the Final Rule of the United States Department of the Treasury, 31 C.F.R. Part 35, RIN 1505-AC77.

2. The State Treasurer may revoke a registration approved pursuant to subsection 1 if the State Treasurer becomes aware of circumstances that the State Treasurer reasonably believes will impair the ability of the registered nonprofit organization to carry out the use of the certified money proposed to be distributed to the registered nonprofit organization.

3. On or after July 15, 2024, but before August 1, 2024, the State Treasurer shall submit to the Office of Finance in the Office of the Governor a report listing the eligible nonprofit organizations that are registered pursuant to subsection 1.

Sec. 3. The following nonprofit organizations are eligible to apply for registration pursuant to section 2 of this act to receive a payment of the percentage set forth in this section for that nonprofit organization of the money certified pursuant to paragraph (b) of subsection 1 of section 1 of this act, except as otherwise provided in subsection 3 of section 1 of this act:

Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
1. Services		
(a) Children		8.00%
Boys and Girls Club of Truckee Meadows	19.00%	
Rite of Passage Adolescent Treatment Centers and Schools, Inc.	11.00%	
Greater Las Vegas Inner-City Games	10.50%	
Sunrise Children's Foundation	7.50%	
Boys & Girls Clubs of Southern Nevada	7.00%	
The Children's Cabinet, Inc.	5.00%	
Communities In Schools of Nevada	3.50%	
Nevada Children's Foundation, Inc.	3.50%	
Boys & Girls Club of Mason Valley	2.50%	
Andson, Inc.	2.25%	
Boys & Girls Clubs of Elko	2.00%	
Sierra Nevada Journeys	2.00%	
St Jude's Ranch for Children – Nevada Region, Inc.	2.00%	

Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Head Start of Northeastern Nevada	1.50%	

Public Education Foundation, Inc.	1.25%
Boys & Girls Club of Winnemucca	1.00%
Green Our Planet	1.00%
Little People's Head Start of Nevada	1.00%
Northern Nevada Literacy Council	1.00%
S.A.F.E. House, Inc. (Stop Abuse in the Family Environment)	1.00%
Sky Tavern, Inc.	1.00%
Specialized Alternatives for Families and Youth of Nevada, Inc.	1.00%
Spread the Word Nevada	1.00%
Austin's House	0.50%
Baby's Bounty	0.50%
Chefs for Kids, Inc.	0.50%
Child Assault Prevention Project of Washoe County	0.50%
Children's Advocacy Alliance of Nevada	0.50%
CORE Academy, Powered By the Rogers Foundation	0.50%
Ely Co-Op Pre-School	0.50%
Family to Family Connection ISD 13	0.50%
Foster Kinship	0.50%
Fulfillment Fund Las Vegas	0.50%
Girls on the Run - Sierras	0.50%
Goodie Two Shoes Foundation, Inc.	0.50%
Incline Village Nursery School, Inc.	0.50%
Junior Achievement, Inc.	0.50%
Kids First Family Services	0.50%
Leaders in Training	0.50%
Nevada Child Seekers Merging Corporation	0.50%
Nevada Women's Fund	0.50%
~~[Opportunity 180~~	~~0.50%]~~

Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Premier Adoption Agency, Inc.	0.50%	
Safe Kids Clark County	0.50%	
The Fallon Youth Club, Inc.	0.50%	
Urban Roots Garden Classrooms	0.50%	
Opportunity 180 0.25%		
Silver State **Education** Foundation	**0.25%**	
(b) Disability		5.00%
Opportunity Village Arc	35.00%	
Transition Services, Inc.	22.50%	
New Vista Ranch, Inc.	7.75%	
Disability Resources Inc.	7.50%	
Northern Nevada Human Services Association	6.00%	
Nevada Blind Children's Foundation	4.00%	
Alpha Productions Technologies, Inc.	3.50%	
Blind Center of Nevada, Inc.	3.50%	
High Sierra Industries, Inc.	3.00%	
Nevada P E P, Inc.	1.75%	
The Garden Foundation, Inc.	1.50%	
Center for Independent Living Inc.	0.50%	
Down Syndrome Organization of Southern Nevada	0.50%	
Friends of National Multiple Sclerosis Society Inc.	0.50%	
Kids & Horses	0.50%	
Nevada Wheelchair Foundation	0.50%	
Southern Nevada Center for Independent Living	0.50%	

Special Recreation Services, Inc.	0.50%	
Washoe Ability Resource Center	0.50%	
(c) Domestic Violence		5.00%
Safe Nest: Temporary Assistance for Domestic Crisis, Inc.	26.00%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
The Shade Tree Incorporated	18.50%	
Family Support Council of Douglas County	14.00%	
Advocates to End Domestic Violence	12.25%	
Community Action Against Rape	9.50%	
Safe Embrace	5.50%	
Noah's Animal House Foundation	5.00%	
Domestic Violence Resource Center	4.00%	
No To Abuse - Nevada Outreach Training Organization	3.25%	
Winnemucca Domestic Violence Services, Inc.	2.00%	
(d) Legal		3.00%
Legal Aid Center of Southern Nevada	50.00%	
Nevada Legal Services, Inc.	16.25%	
Northern Nevada Legal Aid	12.25%	
The Immigrant Home Foundation	5.50%	
Nevada Disability Advocacy and Law Center, Inc.	4.50%	
Southern Nevada Senior Law Program	4.00%	

American Civil Liberties Union (ACLU) of Nevada Foundation, Inc.	3.50%	
Volunteer Attorneys for Rural Nevadans	3.00%	
Clark County Law Foundation	1.00%	
(e) Senior		3.00%
Nevada Senior Services, Inc.	38.25%	
Carson City Senior Citizens Center	14.00%	
Pahrump Senior Center, Inc.	10.75%	
Helping Hands of Vegas Valley, Inc.	10.00%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Senior Citizens of Humboldt County Inc.	8.50%	
Nevada Rural Counties RSVP Program, Inc.	6.00%	
Senior Center of Boulder City	4.50%	
United Seniors, Inc.	2.50%	
Lend A Hand of Boulder City	2.00%	
Seniors in Service - Nevada	2.00%	
James Seastrand Helping Hands of North Las Vegas	1.50%	
(f) Miscellaneous Services		10.00%
NyE Communities Coalition	24.00%	
Community Services Agency - Reno	17.50%	
Asian Community Development Council	6.00%	
Las Vegas Rescue Mission	6.00%	
Nevada Outdoor School	4.50%	

Care Services of Nevada, Inc.	3.75%	
Healthy Communities Coalition of Lyon and Storey Counties	3.50%	
Jewish Family Service Agency	3.25%	
Hope for Prisoners, Inc.	3.00%	
Awaken, Inc.	2.50%	
Nevada Partners, Inc.	2.50%	
Lighthouse Charities, Inc.	2.25%	
Neighbor Network of Northern Nevada	2.00%	
Tahoe Family Solutions, Inc.	2.00%	
Family and Child Treatment of Southern Nevada	1.75%	
LGBTQIA+ Community Center of Southern Nevada, Inc.	1.75%	
ACTIONN	1.50%	
The Cupcake Girls	1.50%	
Churchill Community Coalition	1.00%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Note-Able Music Therapy Services	1.00%	
LOVEE, Inc.	1.00%	
Ron Wood Family Resource Center	1.00%	
Frontier Community Coalition	0.75%	
Arriba Las Vegas Worker Center	0.50%	
City Impact Foundation	0.50%	
F.E.A.T. of Southern Nevada	0.50%	
Gender Justice Nevada	0.50%	
Gentlemen By Choice Community		

Development Corporation	0.50%	
Junior League of Las Vegas, Inc.	0.50%	
Junior League of Reno, Inc.	0.50%	
Las Vegas Indian Center, Inc.	0.50%	
Nevada Center for Civic Engagement	0.50%	
Paralyzed Veterans of America, Nevada Chapter	0.50%	
RAD, Real Autism Difference	0.50%	
That Others May Live Foundation	0.50%	
2. Health Care		
(a) Addiction or Mental Health		6.00%
Bridge Counseling Associates Inc.	10.50%	
Churchill Council On Alcohol and Other Drugs	10.00%	
The Life Change Center	8.00%	
Crisis Call Center	7.00%	
Ridge House Inc.	7.00%	
Rural Nevada Counseling	7.00%	
Bristlecone Family Resources	6.00%	
JC Family Services, Inc.	5.50%	
Community Counseling Center of Southern Nevada	5.00%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Quest Counseling & Consulting, Inc.	5.00%	
STEP2	5.00%	
Freedom House Sober Living	3.50%	
Carson City Community Counseling Center	3.00%	

Teen Challenge of Nevada Inc.	2.00%
The Family Support Center	2.00%
Dr. Miriam & Sheldon G. Adelson Clinic for Drug Abuse Treatment and Research, Inc.	1.50%
Join Together Northern Nevada	1.50%
Family Counseling Service of Northern Nevada	1.00%
Foundation for Recovery, Inc.	1.00%
Pact Coalition for Safe and Drug-Free Communities	1.00%
Partners Allied for Community Excellence (PACE) Coalition	1.00%
Partnership Carson City	1.00%
Step I, Inc.	1.00%
Suicide Prevention Network Ltd.	1.00%
CARE Coalition	0.50%
Living Free Health & Fitness A Non-Profit Corp	0.50%
National Alliance on Mental Illness (NAMI) Nevada	0.50%
National Alliance on Mental Illness (NAMI) Southern Nevada	0.50%
New Life USA - Nevada	0.50%
Northern Nevada Intergroup Association and Central Service Committee Inc.	0.50%
Trauma Intervention Program (TIP) of Southern Nevada	0.50%

Category of Funding	Percentage of Total Certified Money Within	Percentage of Total Certified Money

	Category or Subcategory	
(b) Hospitals or Clinics		6.00%
Renown Health	64.00%	
Carson Tahoe Health	15.00%	
Washoe Barton Medical Clinic, A Nevada Nonprofit Corporation	4.00%	
Nevada Health Centers, Inc.	3.75%	
Boulder City Hospital	2.50%	
Community Health Alliance	2.50%	
Northern Nevada HOPES	2.00%	
South Lyon Medical Center	2.00%	
Care with Purpose Medical Center	1.00%	
Carson Tahoe Continuing Care Hospital	0.50%	
Hope Christian Health Center	0.50%	
Silver State Health Services	0.50%	
Community Outreach Medical Center	0.25%	
Horizon Hospice	0.25%	
Humboldt Volunteer Hospice	0.25%	
Nathan Adelson Hospice Foundation Inc.	0.25%	
Nevada Primary Care Association	0.25%	
Nevada Rural Hospital Partners	0.25%	
Research, Education & Access for Community	0.25%	
(c) Dental Care		1.00%
Future Smiles	45.00%	
Children's Dental Care	40.00%	
Northern Nevada Dental Health Programs	15.00%	
(d) Veterans		1.00%
Adopt A Vet Dental Program Inc.	60.00%	
Veterans Guest House, Inc.	40.00%	
(e) Miscellaneous Health Care		9.00%

Nathan Adelson Hospice	24.25%	
Capability Health and Human Services	12.50%	
United Cerebral Palsy of Nevada	12.50%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Nevada Donor Network, Inc.	8.00%	
Access To Healthcare	6.50%	
WestCare Foundation, Inc.	6.50%	
FirstMed Health and Wellness Center	4.00%	
First Person Care Clinic	2.00%	
Nevada Urban Indians Inc.	2.00%	
Volunteers in Medicine of Southern Nevada	2.00%	
Aid for AIDS of Nevada	1.25%	
CARE Chest	1.25%	
Grant a Gift Autism Foundation - Ackerman Center	1.25%	
Hemostasis and Thrombosis Center of Nevada	1.25%	
High Sierra Area Health Education Center	1.25%	
Immunize Nevada	1.25%	
Nevada Cancer Research Foundation	1.25%	
Nevada Childhood Cancer Foundation	1.25%	
Northern Nevada Children’s Cancer Foundation	1.25%	
Ronald McDonald House Charities Northern Nevada	1.25%	
Ronald McDonald House Charities of Greater Las Vegas	1.25%	

Access for Community & Cultural Education Programs & Trainings	0.50%	
ALS Association Nevada Chapter	0.50%	
Candlelighters Childhood Cancer Foundation of Nevada	0.50%	
Children's Heart Foundation Nevada	0.50%	
Consumer Assistance & Resource Enterprise	0.50%	
Golden Rainbow of Nevada, Inc.	0.50%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Nevada Cancer Coalition	0.50%	
Nevada Diabetes Association for Children and Adults	0.50%	
Nevada Medical Center	0.50%	
Nevada Public Health Foundation	0.50%	
Nvhca Perry Foundation Inc.	0.50%	
Simmaron Research Inc.	0.50%	
3. Housing		11.00%
HELP of Southern Nevada Housing	25.00%	
Nevada HAND, Inc.	11.00%	
Reno Initiative for Shelter and Equality	10.50%	
Truckee Meadows Habitat for Humanity	7.50%	
Eddy House	6.50%	
Nevada Partnership for Homeless Youth	5.00%	
Habitat for Humanity Las Vegas	4.50%	
Silver State Fair Housing Council	4.00%	

Northern Nevada Community Housing Resource Board	3.50%	
SHARE Village Las Vegas	3.25%	
Coordinated Living of Southern Nevada, Inc.	3.00%	
Nevada Homes for Youth, Inc.	3.00%	
Neighborhood Housing Services of Southern Nevada	2.50%	
The Empowerment Center	2.00%	
Community Services of Nevada (CSNV)	1.00%	
Family Promise of Las Vegas	1.00%	
Nevada Affordable Housing Assistance Corporation	1.00%	
Nevada Youth Empowerment Project Housing	1.00%	
Project 150	1.00%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Rebuilding Together Southern Nevada	1.00%	
Street Teens A Nevada Non-Profit Corporation	1.00%	
The Widows Mite	1.00%	
Silver Sage Manor, Inc.	0.50%	
Shelter Providers of Southern Nevada, Inc.	0.25%	
4. Community Hubs		10.00%
YMCA of Southern Nevada	32.00%	
Catholic Charities of Northern Nevada	19.00%	
Catholic Charities of Southern Nevada	16.00%	
Las Vegas-Clark County Urban League CAA	5.00%	
Community Chest, Inc.	4.00%	

Crisis Intervention Services	4.00%	
Boys and Girls Clubs of Western Nevada	3.50%	
East Valley Family Services	2.00%	
FISH Emergency Referral Services Program	2.00%	
Lutheran Social Services of Nevada	2.00%	
United Way of Southern Nevada	2.00%	
Elko F.I.S.H.	1.50%	
HopeLink of Southern Nevada	1.50%	
Kings Row Community Life Center	1.00%	
United Way of Northern Nevada and the Sierra	1.00%	
Wells Family Resource Center	1.00%	
Cappalappa Family Resource Center	0.50%	
Consolidated Agencies of Human Services	0.50%	
Emergency Aid of Boulder City, Inc.	0.50%	
Family Resource Centers of Northeastern Nevada	0.50%	
United Labor Agency of Nevada, Inc.	0.50%	
5. Food Assistance		10.00%
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Three Square Food Bank	50.00%	
Food Bank of Northern Nevada	30.00%	
The Just One Project	12.00%	
Food for Kids, Inc.	2.00%	
Carson Valley Community Food Closet	1.00%	
Fallon Food Hub	1.00%	

	Friends in the Desert Foundation, Inc.	1.00%	
	Serving Our Kids Foundation	1.00%	
	The Greenhouse Project	1.00%	
	Virgin Valley Family Services, Inc.	1.00%	
6.	Job Training		6.00%
	Goodwill Industries of Southern Nevada, Inc.	48.00%	
	Southern Nevada Culinary and Bartenders Training Fund A Trust	8.00%	
	Progressive Choices, Inc.	7.00%	
	Jobs for Nevada's Graduates, Inc.	4.00%	
	UBC National Job Corps Training Fund, Inc. (Las Vegas)	4.00%	
	Dress for Success Reno – Northern Nevada	2.00%	
	Dress for Success Southern Nevada	2.00%	
	Electrical Joint Apprenticeship and Training Committee (JATC) for Southern Nevada	2.00%	
	Foundation for an Independent Tomorrow	2.00%	
	Las Vegas Plumbers and Pipefitters Local Union 525 Apprentice and TRA	2.00%	
	Ruby Mountain Resource Center	2.00%	
	ABC Nevada Chapter Northern Division Apprenticeship Trust Fund	1.00%	
Category of Funding		Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money

Cement Masons Joint Apprenticeship and Training Trust Fund	1.00%
Iron Sharpens Iron Mentoring, Inc.	1.00%
JOIN Inc.	1.00%
Northern Nevada Building and Construction Trades Council Development Corp.	1.00%
Northern Nevada Dream Center	1.00%
Northern Nevada Electrical Workers Joint Apprenticeship & Training Committee	1.00%
NRA-IATSE Local 720 Training Trust	1.00%
Operating Engineers Affirmative Action Training Fund	1.00%
Painters, Glaziers & Floor Coverers Joint Apprenticeship Training Trust	1.00%
Sheet Metal Workers Joint Apprenticeship Committee of Reno	1.00%
Sheet Metal Workers Local 88 Joint Apprenticeship & Training Fund	1.00%
Southern Nevada Operating and Maintenance Engineers Joint Apprenticeship & Training Trust Fund	1.00%
Southern Nevada Teamsters Local 631 Construction Industry Training Trust	1.00%
Special Employment Services	1.00%
Teamsters Convention Industry Training Fund	1.00%

T.U.L.I.P.S. (Teaching and Uniting Ladies to Inspire Positive Success)	1.00%	
7. Arts and Culture		5.00%
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
The Smith Center for the Performing Arts	15.00%	
300 Stewart Avenue Corporation	12.50%	
Reno Philharmonic	11.00%	
Las Vegas Philharmonic	9.00%	
DISCOVERY Children's Museum	6.00%	
Nevada Museum of Art	5.00%	
Nevada Ballet Theatre	4.50%	
The Neon Museum	4.50%	
Nevada Public Radio	4.00%	
Reno Chamber Orchestra	4.00%	
Terry Lee Wells Nevada Discovery Museum	3.80%	
Nevada School of the Arts	2.50%	
Pioneer Center for the Performing Arts	2.50%	
Channel 5 Public Broadcasting, Inc.	2.00%	
Friends of the Las Vegas Youth Orchestras	1.25%	
Nevada Northern Railway Foundation	1.25%	
Boulder City Museum & Historical Association	1.00%	
Lake Tahoe Shakespeare Festival	1.00%	
Las Vegas Natural History Museum	1.00%	
Northeastern Nevada Historical Society and Museum	1.00%	
Thunderbird Lodge Preservation Society	1.00%	

Western Folklife Center	1.00%	
Burlesque Hall of Fame, Inc.	0.50%	
The Reno Dance Company, Inc.	0.50%	
Artown	0.25%	
Classical Tahoe	0.25%	
Historic Fourth Ward School Foundation	0.25%	
Nevada Preservation Foundation	0.25%	
Reno Jazz Orchestra	0.25%	
Reno Little Theater	0.25%	
Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Sierra Arts Foundation	0.25%	
The Holland Project	0.25%	
Arts for All Nevada	0.20%	
Bruka Theater of the Sierra	0.20%	
Children's Museum of Northern Nevada, Inc.	0.20%	
Douglas County Historical Society	0.20%	
Junior Achievement	0.20%	
St. Mary's Art Center	0.20%	
A Source of Joy Theatricals, Inc.	0.10%	
Big Four Educational Film Theatre Foundation	0.10%	
Brewery Arts Center	0.10%	
Great Basin Heritage Area Partnership	0.10%	
Jazz Outreach Initiative	0.10%	
Las Vegas Public Radio Inc.	0.10%	
Music With Confidence	0.10%	
North Central Nevada Historical Society	0.10%	
Signature Productions	0.10%	
The Orchestra and Community Choral		

Artists of the Tahoe Area	0.10%
8. Animal Care 1.00%	
The Animal Foundation	30.00%
Nevada Humane Society	25.00%
Society for the Prevention of Cruelty to Animals of Northern NV	12.50%
Hearts Alive Village	5.00%
Pet Network Humane Society	5.00%
Nevada Society for the Prevention of Cruelty To Animals	4.00%
Canine Rehabilitation Center and Cat Sanctuary	2.50%
Desert Haven Animal Society	2.50%
Feeding Pets of the Homeless	2.50%

Category of Funding	Percentage of Total Certified Money Within Category or Subcategory	Percentage of Total Certified Money
Heaven Can Wait Animal Society	2.50%	
Humane Network	2.50%	
Carson City CARES Inc. (Catmandu)	1.00%	
Churchill Animal Protection Society	1.00%	
PALnv	1.00%	
A Home 4 Spot Animal Rescue	0.50%	
Help Elevate Life for Pets	0.50%	
Homeward Bound Cat Adoptions	0.50%	
Las Vegas Valley Humane Society	0.50%	
PAWsitive Difference	0.50%	
Sugarland Ranch, Inc.	0.50%	

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Office of the State Treasurer the sum of $250,000 for the costs of the

services of a consultant with the requisite technical expertise to assist the Office of the State Treasurer in registering eligible nonprofit organizations pursuant to section 2 of this act, including, without limitation, notifying eligible nonprofit organizations of the requirement to register in section 2 of this act to receive a payment pursuant to section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 5. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 29, 2023.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 978 to Assembly Bill No. 526.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 263, 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 419.

Bill read third time.

Roll call on Senate Bill No. 419:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 510.

Bill read third time.

Roll call on Senate Bill No. 510:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:50 p.m.

ASSEMBLY IN SESSION

At 11:33 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 98, 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 98.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1002.

AN ACT relating to education; revising provisions relating to annual reports of accountability for public schools; revising provisions relating to the Education Stabilization Account; revising provisions relating to the Commission on School Funding; requiring the Commission to conduct interim studies on school funding and accountability for school funding; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the preparation of an annual report of accountability for each school district and sponsor of charter schools in this State, as well as for all public schools in the State as a whole. (NRS 385A.010-385A.520) Existing law imposes certain duties on the Superintendent of Public Instruction relating to the accountability of public schools. (NRS 385A.080) **Section 3.3** of this bill additionally requires the Superintendent to establish metrics of performance for public schools for each grade and, along with each school district and charter school, publish such metrics on their respective Internet websites and report data on such metrics to the Governor, State Board of Education and Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education.

Existing law creates the Education Stabilization Account in the State Education Fund and allows the Interim Finance Committee to authorize the

transfer of money in the Account to the State Education Fund if actual enrollment growth in a fiscal year exceeds projected enrollment growth or if the collection of revenue in a fiscal year results in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund. (NRS 387.1213) **Section 3.5** of this bill additionally authorizes the Interim Finance Committee to transfer money from the Account to the State Education Fund if: (1) money deposited in the State Education Fund was found by an audit to have been deposited in error; or (2) an error in the application of the Pupil-Centered Funding Plan by the Department of Education creates a shortfall in the State Education Fund.

Existing law creates the Commission on School Funding and authorizes the Commission to meet only between July 1 of an odd-numbered year and September 30 of the subsequent even-numbered year. (NRS 387.1246) **Section 4** of this bill: (1) requires the Commission to meet monthly; (2) authorizes the Commission to meet in person or, at the discretion of the Chair of the Commission, by use of a remote technology system; (3) authorizes the Commission to meet between July 1 of an odd-numbered year and December 31 of the subsequent even-numbered year; and (4) authorizes the Commission to also meet during any regular or special session of the Legislature, if requested to do so by the chair of the Senate Standing Committee on Education, Assembly Standing Committee on Education, Senate Standing Committee on Finance, Assembly Standing Committee on Ways and Means or Interim Finance Committee. **Section 4.5** of this bill expands the duties of the Commission by requiring the Commission to: (1) review the academic progress made by pupils in each public school; and (2) review and consider strategies to improve the accessibility and ensure the equitability of existing and new programs within and between public schools. **Section 7.5** of this bill: (1) expires the terms of incumbent members of the Commission on June 30, 2023; (2) requires the appointment or reappointment of members of the Commission on or before July 1, 2023, to staggered terms; and (3) requires the Commission to hold its first meeting during Fiscal Year 2023-2024 on or before September 1, 2023.

Section 7 of this bill requires the Commission to conduct interim studies on school funding and school accountability. **Section 7** requires the interim study on school funding to examine topics relating to: (1) the funding of building improvement and modernization projects by small school districts; (2) the number of professional educators graduating from institutions of higher education in this State; (3) the classification and compensation of professional educators and support personnel at public schools; and (4) changes to the laws governing sales and use tax and property tax to fully fund public schools in this State at an optimal level of funding. **Section 7** requires the interim study on school accountability to include recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments. **Section 6** of this bill appropriates ~~[$1,500,000]~~ **$500,000** from the State

General Fund to the Commission for the cost of the studies required by **section 7**. **Sections 6.3 and 6.5** of this bill appropriate money for the payment of travel and per diem expenses for members of the Commission on School Funding and employees of the Department of Education, respectively, for attending meetings of the Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.3. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Office of Finance;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

(d) Establish metrics of performance for public schools for each grade which include, without limitation, metrics for:

(1) The growth and proficiency of pupils in literacy, mathematics and science;

(2) The engagement and proficiency of pupils in courses for college and career readiness; and

(3) The retention and recruitment of teachers and education support professionals.

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of

NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

3. The Superintendent of Public Instruction and each school district and charter school shall:

(a) Publish the metrics established pursuant to paragraph (d) of subsection 1 on their respective Internet websites; and

(b) On or before October 1 of each year, report data relating to each metric established pursuant to paragraph (d) of subsection 1 to the Governor, the State Board and the Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education.

Sec. 3.5. NRS 387.1213 is hereby amended to read as follows:

387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Education Stabilization Account must not exceed 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.

4. If the Interim Finance Committee finds that:

(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment; ~~[or]~~

(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund ~~[.]~~ ***;***

(c) Upon submission of a request from the Department, any amount of money which was deposited in the State Education Fund is found by an audit to have been deposited in error; or

(d) Upon submission of a request from the Department, any error in the application of the Pupil-Centered Funding Plan by the Department has created a shortfall in the State Education Fund,

➥ the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.

5. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.

Sec. 4. NRS 387.1246 is hereby amended to read as follows:

387.1246 1. The Commission on School Funding, consisting of 11 members, is hereby created.

2. The Commission consists of the following members, who may not be Legislators:

(a) One member appointed by the Governor, who serves as Chair;

(b) Two members appointed by the Majority Leader of the Senate;

(c) Two members appointed by the Speaker of the Assembly;

(d) One member appointed by the Minority Leader of the Senate;

(e) One member appointed by the Minority Leader of the Assembly;

(f) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has more than 40,000 pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization; and

(g) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has 40,000 or fewer pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization.

➥ In making appointments to the Commission, the appointing authorities shall consider whether the membership generally reflects the geographic distribution of pupils in the State.

3. Each member of the Commission must:

(a) Be a resident of this State;

(b) Not have been registered as a lobbyist pursuant to NRS 218H.200 for a period of at least 2 years immediately preceding appointment to the Commission;

(c) Have relevant experience in public education;

(d) Have relevant experience in fiscal policy, school finance or similar or related financial activities;

(e) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and

(f) Have demonstrated ability in the field of economics, taxation or other discipline necessary to school finance and be able to bring knowledge and professional judgment to the deliberations of the Commission.

4. Each member of the Commission serves a term of 3 years and may be reappointed to additional terms.

5. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.

6. The Commission shall:

(a) Elect a Vice Chair from among its members at its first meeting for a term of 3 years. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the existing term.

(b) Adopt such rules governing the conduct of the Commission as it deems necessary.

(c) ~~[Hold its first meeting on or before October 1, 2019,]~~ ***Meet at least once each month*** and hold such ~~[additional]~~ number of meetings as may be necessary to accomplish the tasks assigned to it in the time allotted.

(d) Meet in person or, at the discretion of the Chair in consultation with the Superintendent of Public Instruction based on the items on the agenda for a meeting, by use of a remote technology system, as defined in NRS 241.015.

7. A majority of the members of the Commission constitutes a quorum and a majority of those present must concur in any decision.

8. The Department shall provide the Commission with meeting rooms, data processing services and administrative and clerical assistance. The Superintendent of Public Instruction and Office of Finance shall jointly provide the Commission with professional staff services.

9. While engaged in the business of the Commission, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. The Commission may meet only ~~[between]~~ ***:***

(a) Between July 1 of an odd-numbered year and ~~[September 30]~~ ***December 31*** of the subsequent even-numbered year ~~[.]~~ ***; or***

(b) During any regular or special session of the Legislature, if requested to do so by the chair of the:

(1) Senate Standing Committee on Education;

(2) Assembly Standing Committee on Education;

(3) Senate Standing Committee on Finance;

(4) Assembly Standing Committee on Ways and Means; or

(5) Interim Finance Committee.

Sec. 4.5. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Joint Interim Standing Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the Joint Interim Standing Committee on Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215 and the method for calculating the attendance area adjustment established pursuant to NRS 387.1218.

(f) Review the academic progress made by pupils in each public school since the implementation of the Pupil-Centered Funding Plan, including, without limitation, any changes to the academic progress of such pupils as the result of any additional money provided to each such school by the Pupil-Centered Funding Plan. In performing such a review, the Commission shall:

(1) Use metrics to measure the academic achievement of pupils which include, without limitation:

(I) The rate of graduation of pupils from high school by type of diploma;

(II) The performance of pupils on standardized examinations in math, reading and science;

(III) The number of credentials or other certifications in fields of career and technical education earned by pupils;

(IV) The number of pupils who earn a passing score on an advanced placement examination;

(V) The number of pupils who earn a passing score on an international baccalaureate examination;

(VI) The percentage of pupils in each school who lack a sufficient number of credits to graduate by the end of their 12th grade year;

(VII) The percentage of pupils in each school who drop out;

(VIII) The number of pupils who enroll in higher education upon graduation;

(IX) The number of pupils who enroll in a vocational or technical school or apprenticeship training program;

(X) The attendance rate for pupils;

(XI) The number of violent acts by pupils and disciplinary actions against pupils; and

(XII) Any other metric prescribed by the Commission;

(2) Use metrics to measure the improvement of pupils enrolled in elementary school in literacy which include, without limitation:

(I) The literacy rate for pupils in first, third and fifth grades;

(II) The number of pupils in elementary school who were promoted to the next grade after testing below proficient in reading in the immediately preceding school year, separated by grade level and by level of performance on the relevant test;

(III) The number of schools that employ a licensed teacher designated to serve as a literacy specialist pursuant to NRS 388.159 and the number of schools that fail to employ and designate such a licensed teacher; and

(IV) Any other metric prescribed by the Commission;

(3) Use metrics to measure the ability of public schools to hire and retain sufficient staff to meet the needs of the public schools which include, without limitation:

(I) The rate of vacancies in positions for teachers, support staff and administrators;

(II) The attendance rate for teachers;

(III) The retention rate for teachers;

(IV) The number of schools and classrooms within each school in which the number of pupils in attendance exceeds the designed capacity for the school or classroom;

(V) The number of classes taught by a substitute teacher for more than 25 percent of the school year; and

(VI) Any other metric prescribed by the Commission;

(4) Use metrics to measure the extent to which schools meet the needs and expectations of pupils, parents or legal guardians of pupils, teachers and administrators which include, without limitation:

(I) The results of an annual survey of satisfaction of school employees;

(II) The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and

(III) Any other metric prescribed by the Commission;

(5) Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;

(6) Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and

(7) Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability, including, without limitation, revisions to the metrics identified in subparagraphs (1) to (4), inclusive.

(g) Review and consider strategies to improve the accessibility and ensure the equitability of existing and new programs for pupils within and between public schools, including, without limitation, open zoning.

2. The Commission shall present any recommendations pursuant to paragraphs (a) to (d), inclusive, of subsection 1 at a meeting of the Joint Interim Standing Committee on Education for consideration and revision by the Committee. The Joint Interim Standing Committee on Education shall review each recommendation of the Commission and determine whether to transmit the recommendation or a revised version of the recommendation to the Governor or the Legislature.

Sec. 5. (Deleted by amendment.)

Sec. 6. 1. There is hereby appropriated from the State General Fund to the Commission on School Funding created by NRS 387.1246 the sum of ~~[$1,500,000]~~ **$500,000** for the cost of conducting the studies required by section 7 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 6.3. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $10,000 in Fiscal Year 2024-2025 for the payment of travel and per diem expenses for members of the Commission on School Funding created by NRS 387.1246.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 6.5. 1. There is hereby appropriated from the State General Fund to the Department of Education for the payment of travel and per diem expenses for employees of the Department to attend meetings of the Commission on School Funding created by NRS 387.1246 the following sums:

For the Fiscal Year 2023-2024 ..... $6,200

For the Fiscal Year 2024-2025 ..... $6,200

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 7. 1. The Commission on School Funding created by NRS 387.1246 shall conduct an interim study concerning school funding. The study must include, without limitation, an examination of:

(a) Methods to enable small school districts to acquire capital and engage in building improvement and modernization projects, including, without limitation:

(1) The creation of a revolving fund to make loans to small school districts;

(2) The allocation of additional funding to the Nevada State Infrastructure Bank and implementation of changes to statute or regulation as necessary to permit the Nevada State Infrastructure Bank to provide financial assistance to smaller school districts; and

(3) Financial assistance through the Municipal Bond Bank pursuant to NRS 350A.010 to 350A.210, inclusive.

(b) ~~[Recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments in K-12 public education.~~

~~(c)]~~ The number of teachers graduating from institutions of higher education in this State each year relative to the number of teacher positions sought to be filled by school districts in this State each year.

~~[(d)]~~ ***(c)*** The classification and compensation of teachers and support personnel at public schools in this State and whether insufficient compensation is contributing to the difficulty in attracting and retaining teachers and support personnel at public schools.

~~[(e)]~~ ***(d)*** Recommendations for changes to the laws governing sales and use tax and property tax to fully fund public schools in this State at an optimal level of funding.

2. The Commission on School Funding created by NRS 387.1246 shall conduct an interim study concerning school accountability. The study must

include, without limitation, recommendations for performance metrics to assess the impact of increased investments in K-12 public education and accountability measures to ensure the effective use of such investments in K-12 public education.

3. On or before November 15, 2024, the Commission shall submit a report of its findings ~~[,]~~ from the studies performed pursuant to subsections 1 and 2, including, without limitation, any recommendations for legislation, to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

Sec. 7.5. 1. The terms of the members of the Commission on School Funding appointed pursuant to NRS 387.1246 who are incumbent on June 30, 2023, expire on that date.

2. Notwithstanding the provisions of subsection 4 of NRS 387.1246, as amended by section 4 of this act, on or before July 1, 2023:

(a) The Governor shall:

(1) Appoint to the Commission on School Funding to serve initial terms that expire on July 1, 2025:

(I) One member described in paragraph (f) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(II) One member described in paragraph (g) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(2) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026:

(I) One member described in paragraph (a) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(II) One member described in paragraph (f) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(III) One member described in paragraph (g) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(b) The Majority Leader of the Senate shall:

(1) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2025, one member described in paragraph (b) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(2) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026, one member described in paragraph (b) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(c) The Speaker of the Assembly shall:

(1) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2025, one member described in paragraph (c) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(2) Appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026, one member described in paragraph (c) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(d) The Minority Leader of the Senate shall appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2026, one

member described in paragraph (d) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

(e) The Minority Leader of the Assembly shall appoint to the Commission on School Funding to serve an initial term that expires on July 1, 2025, one member described in paragraph (e) of subsection 2 of NRS 387.1246, as amended by section 4 of this act.

3. The Governor, Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate and Minority Leader of the Assembly may reappoint a member of the Commission on School Funding whose term expires on June 30, 2023, if that member meets the qualifications for membership prescribed by subsection 2 of NRS 387.1246, as amended by section 4 of this act.

4. The Commission on School Funding shall hold its first meeting during Fiscal Year 2023-2024 not later than September 1, 2023.

5. As used in this section, "Commission on School Funding" means the Commission on School Funding created by NRS 387.1246, as amended by section 4 of this act.

Sec. 8. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 400.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 998.

AN ACT relating to public welfare; revising provisions governing the duties of a reinvestment advisory committee; revising provisions governing contracts entered into by the Department of Health and Human Services for the operation of a Medicaid managed care program; requiring the Department to establish the Fiscal Advisory Committee for a Flexible Continuum of Care Plan; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services, to the extent that money is available, to: (1) establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State; and (2) conduct a statewide procurement process to select health maintenance organizations to provide the health care services. (NRS 422.273) **Sections 2 and 3** of this bill require each contract entered into by the Department with a health maintenance organization to provide such services to include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness

and to provide sustainable medication and prescription services, alcohol or drug intervention or rehabilitation services and emergency and supportive housing in the local communities in which the health maintenance organization operates.

Existing law establishes a reinvestment advisory committee in each county of this State whose population is 700,000 or more (currently only Clark County) and prescribes the duties of a reinvestment advisory committee, which includes reviewing, making recommendations and reporting to the Legislature and Director of the Department concerning the reinvestment of funds by a health maintenance organization that provides health care services through managed care to recipients of Medicaid in the communities served by those organizations. (NRS 422.185, 422.205) **Section 1** of this bill revises the duties of the reinvestment advisory committee such that the recommendations and reports of the advisory committee are required to concern the reinvestment of funds by managed care organizations to address homelessness and to provide sustainable medication and prescription services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing, in conformance with the amendatory provisions of **sections 2 and 3**.

Existing federal law establishes a Continuum of Care Program to provide funding for efforts by nonprofit providers, states, and local governments to quickly rehouse homeless individuals and families. (42 U.S.C. 11381 et seq.; 24 C.F.R. Part 578) Federal law requires representatives from relevant organizations to establish a Continuum of Care for a geographic area to carry out certain responsibilities and to establish a board to act on behalf of the Continuum. (24 C.F.R. 578.5) **Section 3.3** of this bill: (1) requires the Department to establish the Fiscal Advisory Committee for a Flexible Continuum of Care Plan; (2) authorizes the Department to make grants of money to the Advisory Committee to fund certain services; and (3) requires the Advisory Committee to prepare an annual report. **Section 3.3** requires a city whose population is 150,000 or more but less than 500,000 to transmit **an amount of money which is not less than $1,000,000 but** not ~~[less]~~ **more** than $2,000,000 to the Department each fiscal year for allocation to the Advisory Committee to fund programs to address homelessness in the service area of the Continuum of Care in which the city is located. **Section 3.3** requires the Department to assist the Advisory Committee to enter into service agreements with federally-qualified health centers.

Sections 7.1-7.9 of this bill make appropriations to the Department for allocation to the Advisory Committee to carry out the provisions of **section 3.3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 422.205 is hereby amended to read as follows:

422.205 1. A reinvestment advisory committee shall:

(a) Solicit and review reports from the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care organizations in the communities served by the Medicaid managed care organizations.

(b) Report to the Division and Medicaid managed care organizations concerning initiatives of local governments in the county to address homelessness ~~[,]~~ ***and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive*** housing **.** ~~[issues and social determinants of health.]~~

(c) Make recommendations based on the reports reviewed pursuant to paragraph (a) to the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care organizations in the communities served by the Medicaid managed care organizations. Those recommendations must include, without limitation, recommendations for the use of such funds for the purposes of:

(1) Developing innovative partnerships with community development organizations and providers of housing services; and

(2) Supporting the initiatives of local governments in the county to address homelessness ~~[,]~~ ***and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive*** housing **.** ~~[issues and social determinants of health.]~~

2. On or before December 31 of each year, a reinvestment advisory committee shall:

(a) Compile a report concerning:

(1) The uses of funds reinvested by Medicaid managed care organizations in the communities served by those Medicaid managed care organizations, including, without limitation, efforts to address homelessness ~~[, disparities in health care and social determinants of health;]~~ ***and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing;*** and

(2) The activities of the reinvestment advisory committee during the calendar year, including, without limitation, the recommendations made by the reinvestment advisory committee pursuant to paragraph (c) of subsection 1.

(b) Submit the report to:

(1) The Director of the Legislative Counsel Bureau for transmittal to:

(I) In odd-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(II) In even-numbered years, the next regular session of the Legislature.

(2) The Director of the Department.

3. As used in this section, "Medicaid managed care organization" means a managed care organization that provides health care services to recipients of Medicaid who reside in the county for which a reinvestment advisory committee is established.

Sec. 2. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

➥ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

6. ***Each contract entered into by the Department with a health maintenance organization to provide health care services to recipients of Medicaid in all geographic areas of this State shall include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing in the local communities in which the health maintenance organization operates.***

7. As used in this section, unless the context otherwise requires:

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 3. NRS 422.273 is hereby amended to read as follows:

422.273 1. To the extent that money is available, the Department shall:

(a) Establish a Medicaid managed care program to provide health care services to recipients of Medicaid in all geographic areas of this State. The program is not required to provide services to recipients of Medicaid who are aged, blind or disabled pursuant to Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.

(b) Conduct a statewide procurement process to select health maintenance organizations to provide the services described in paragraph (a).

2. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid;

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid; and

(d) Complied with the provisions of subsection 2 of NRS 695K.220.

➥ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

3. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

4. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

5. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

6. To the extent that money is available, a Medicaid managed care program must include, without limitation, a state-directed payment arrangement established in accordance with 42 C.F.R. § 438.6(c) to require a

Medicaid managed care organization to reimburse a critical access hospital and any federally-qualified health center or rural health clinic affiliated with a critical access hospital for covered services at a rate that is equal to or greater than the rate received by the critical access hospital, federally-qualified health center or rural health clinic, as applicable, for services provided to recipients of Medicaid on a fee-for-service basis.

7. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

8. ***Each contract entered into by the Department with a health maintenance organization to provide the services described in paragraph (a) of subsection 1 shall include a requirement for the health maintenance organization to reinvest a percentage of the annual profits of the health maintenance organization in programs and initiatives to address homelessness and to provide sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing in the local communities in which the health maintenance organization operates.***

9. As used in this section, unless the context otherwise requires:

(a) "Critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(d) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(e) "Rural health clinic" has the meaning ascribed to it in 42 C.F.R. § 405.2401.

Sec. 3.3. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall establish the Fiscal Advisory Committee for a Flexible Continuum of Care Plan which consists of the following members appointed by the Director of the Department:

(a) A representative from the largest incorporated city in the service area of each Continuum of Care in this State, who must also reside in the service area of the Continuum of Care in which the city he or she represents is located;

(b) A person who represents a county in this State;

(c) A person who represents law enforcement;

(d) A person selected from a list of nominees provided by the Nevada Resort Association; and

(e) A representative of a nonprofit organization that provides services to persons who are homeless.

2. To the extent practicable, each member appointed pursuant to paragraphs (a), (b), (c) and (e) of subsection 1 must be selected from a list of nominees provided by a Continuum of Care in this State. Except as otherwise provided in this subsection and subsection 1, each Continuum of Care in this State shall submit a list of nominees to fill any vacancy on the Advisory Committee. Each member appointed pursuant to paragraph (a) of subsection 1 must be selected from a list of nominees provided by the Continuum of Care whose service area includes the city which the member represents.

3. Each member of the Advisory Committee serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Advisory Committee must be filled in the same manner as the original appointment.

4. The members of the Advisory Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Committee.

6. A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Advisory Committee; or

(b) Take annual leave or compensatory time for the absence.

7. At its first meeting and annually thereafter, the Advisory Committee shall elect a Chair from among its members.

8. To the extent that funding is available for that purpose, and upon application by the Advisory Committee in such form as the Department may require, the Department may make grants to the Advisory Committee to fund:

(a) Services for persons released from prison or a county, city or town jail or detention facility including, without limitation, sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing.

(b) Services for persons leaving emergency shelters, including, without limitation, sustainable medication and prescription drug services, alcohol or drug intervention or rehabilitation services, and emergency and supportive housing.

(c) Services for persons leaving acute care settings, mental health care facilities, drug and alcohol rehabilitation facilities, or transitional housing.

(d) Emergency and supportive housing services, including, without limitation, the acquisition and rehabilitation of properties suitable for conversion to supportive housing.

9. [A] Each fiscal year, a city in this State whose population is 150,000 or more but less than 500,000 shall transmit to the Department an amount of money which is not less than $1,000,000 but not [less] more than $2,000,000 [each fiscal year] from money available for that purpose for allocation to the Advisory Committee to fund programs to address homelessness in the service area of the Continuum of Care in which the city is located.

10. The Department shall assist the Advisory Committee to enter into an agreement with a federally-qualified health center to provide services described in paragraphs (a), (b) and (c) of subsection 8.

11. On or before September 30 of each year, the Advisory Committee shall submit to the governing board of the Continuum of Care, the Department and the Interim Finance Committee a report detailing the use of any grant of money received from the Department pursuant to subsection 8 and the status of any programs or services funded using such money.

12. Any grant of money made to the Advisory Committee and any funding allocated by the Advisory Committee to any person must not supplant, replace, offset or otherwise reduce funding for programs to address homelessness.

13. As used in this section, "Continuum of Care" has the meaning ascribed to it in 24 C.F.R. § 578.3.

Sec. 3.7. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $17,000,000:

1. For allocation to Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to fund the services described in subsection 8 of section 3.3 of this act; or

2. To satisfy matching requirements for federal grants to fund the services described in subsection 8 of section 3.3 of this act.

Sec. 7.3. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $1,000,000 for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to match an equal amount of money provided by local governments in the service area of the Northern Nevada Continuum of Care to fund the services described in subsection 8 of section 3.3 of this act in the service area of the Northern Nevada Continuum of Care.

Sec. 7.5. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $1,000,000 for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to match an equal amount of money provided by local governments in the service area of the Rural Nevada Continuum of Care to fund the services described in subsection 8 of section 3.3 of this act in the service area of the Rural Nevada Continuum of Care.

Sec. 7.7. Any remaining balance of the appropriations made by sections 7.1, 7.3 and 7.5 of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 7.9. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for allocation to the Fiscal Advisory Committee for a Flexible Continuum of Care Plan established pursuant to section 3.3 of this act to address homelessness in the city of Las Vegas the following sums:

For the Fiscal Year 2023-2024 ..... $9,000,000

For the Fiscal Year 2024-2025 ..... $1,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 8. The amendatory provisions of sections 1, 2 and 3 of this act do not apply during the current term of any agreement entered into between the Department of Health and Human Services and a health maintenance organization pursuant to NRS 422.273 before January 1, 2024, but do apply to any extension or renewal of such an agreement and to any agreement entered into between the Department of Health and Human Services and a health maintenance organization pursuant to NRS 422.273 on or after January 1, 2024.

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 3.3, 3.7 and 7.1 to 7.9, inclusive, of this act become effective on July 1, 2023.

3. Sections 1, 2 and 8 of this act become effective on January 1, 2024.

4. Section 3 of this act becomes effective on January 1, 2026.

5. Sections 4 to 7, inclusive, and 9 of this act become effective on July 1, 2027.

6. The amendatory provisions of section 2 of this act expire by limitation on December 31, 2025.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 412.

Bill read third time.

Roll call on Senate Bill No. 412:

YEAS—40.

NAYS—Orentlicher, Summers-Armstrong—2.

Senate Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Roll call on Senate Bill No. 233:

YEAS—27.

NAYS—Anderson, Bilbray-Axelrod, Cohen, Considine, Duran, González, Gorelow, Kasama, La Rue Hatch, Brittney Miller, C.H. Miller, Monroe-Moreno, Newby, Summers-Armstrong, Taylor—15.

Senate Bill No. 233 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

Senate Bill No. 277.

Bill read third time.

Roll call on Senate Bill No. 277:

YEAS—28.

NAYS—Anderson, DeLong, Dickman, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 263.

Bill read third time.

Roll call on Senate Bill No. 263:

YEAS—35.

NAYS—Duran, González, Marzola, Brittney Miller, C.H. Miller, Monroe-Moreno, Summers-Armstrong—7.

Senate Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 431.

Bill read third time.

Roll call on Senate Bill No. 431:

YEAS—42.

NAYS—None.

Senate Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 98.

Bill read third time.

Roll call on Senate Bill No. 98:

YEAS—38.

NAYS—Anderson, Cohen, Considine, Brittney Miller—4.

Senate Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Roll call on Senate Bill No. 400:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2023

To the Honorable the Assembly:

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 910 to Senate Bill No. 72; Assembly Amendments Nos. 623, 953 to Senate Bill No. 82; Assembly Amendment No. 970 to Senate Bill No. 231; Assembly Amendment No. 926 to Senate Bill No. 276; Assembly Amendment No. 812 to Senate Bill No. 294; Assembly

Amendment No. 930 to Senate Bill No. 327; Assembly Amendment No. 923 to Senate Bill No. 371; Assembly Amendment No. 929 to Senate Bill No. 439.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 949 to Senate Bill No. 301.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 698 to Senate Bill No. 328.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1002 to Senate Bill No. 98; Assembly Amendments Nos. 683, 745 to Senate Bill No. 106; Assembly Amendment No. 598 to Senate Bill No. 110; Assembly Amendment No. 709 to Senate Bill No. 134; Assembly Amendment No. 680 to Senate Bill No. 310; Assembly Amendment No. 588 to Senate Bill No. 321; Assembly Amendment No. 928 to Senate Bill No. 364; Assembly Amendment No. 998 to Senate Bill No. 400.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 35.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 104.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 196.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 283.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 355.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 370.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 161.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 444, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 676 and 730 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA7, which is attached to and hereby made a part of this report.

SENATOR DALLAS HARRIS	ASSEMBLYWOMAN SHEA BACKUS
SENATOR IRA HANSEN	ASSEMBLYWOMAN VENICIA CONSIDINE
	ASSEMBLYMAN GREGORY T. HAFEN
Senate Conference Committee	*Assembly Conference Committee*

Amendment No. CA7.

AN ACT relating to child welfare; establishing various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; requiring an agency which provides child welfare services to provide certain training for its personnel; requiring the Division and the Court Administrator to submit certain reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary; authorizing the Nevada

Supreme Court and the Court Administrator to adopt certain rules; repealing certain unnecessary provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., was enacted in 1978 to protect Indian children from the removal from their homes and families and gives Indian tribes jurisdiction over the Indian children within their tribe. Existing Nevada law recognizes the jurisdiction of Indian tribes in various proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights. (NRS 3.223, 62D.210, 125A.215, 127.010, 127.018, 128.020, 128.023, 432B.410, 432B.425) This bill establishes various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

Sections 2-38 of this bill establish provisions concerning proceedings in which the legal or physical custody of an Indian child **who is or may be in need of protection** is an issue. **Section 2** of this bill explains the legislative intent of **sections 2-38**. **Sections 3.5-17** of this bill define terms for the purposes of **sections 2-38**. ~~[Section 17.5 of this bill provides that the provisions of sections 2-38 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) a family member related within the third degree of consanguinity to an Indian child is adopting the Indian child; (3) an Indian child who was conceived by means of assisted reproduction is being adopted; or (4) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.]~~

Section 18 of this bill provides that a person has custody of an Indian child if the person has physical or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.

Section 20 of this bill requires a court to consider certain factors, in consultation with the Indian child's tribe, when making a determination regarding the best interests of the Indian child in a child custody proceeding. **Section 21** of this bill establishes the order of priority for the domicile of an Indian child.

Section 22 of this bill requires the appropriate agency which provides child welfare services to: (1) provide assistance with enrolling an Indian child ~~[who is a child in need of protection or who may be in need of protection]~~ in a tribe with which the child is eligible for enrollment unless the Indian child's parent objects; and (2) notify the Indian child's parent of his or her right to object to such assistance from the agency.

Section 23 of this bill sets forth the manner in which the tribe of an Indian child is determined for purposes of a child custody proceeding involving the

Indian child and, if the Indian child is a member of or eligible for membership with more than one tribe, requires the court to designate the tribe with which the Indian child has the more significant contacts by considering certain factors.

Section 24 of this bill requires a court to: (1) determine, in any child custody proceeding involving an Indian child, the residence and domicile of the Indian child and whether he or she is a ward of a tribal court; and (2) communicate with any tribal courts to the extent necessary to make such determinations.

Section 25 of this bill requires agencies which provide child welfare services to make a good faith effort to enter into a tribal-state agreement with any Indian tribe in Nevada and authorizes such agencies to enter into a tribal-state agreement with any Indian tribe outside of Nevada if the tribe has significant numbers of Indian children who reside in Nevada and are members of or eligible for membership with the tribe. **Section 25** also establishes provisions concerning the contents of and requirements regarding such tribal-state agreements.

Section 26 of this bill provides that the jurisdiction of a court in a child custody proceeding involving an Indian child is concurrent with the jurisdiction of the tribe of the Indian child. **Section 26** also establishes the circumstances in which the tribe of an Indian child has exclusive jurisdiction in such cases.

Section 27 of this bill requires, in general, a court to transfer a child custody proceeding involving an Indian child if the parent, Indian custodian or tribe of the Indian child petitions the court to transfer the proceeding to tribal court. **Section 27** also establishes various other provisions regarding such a transfer and the denial of such a transfer by the court. **Section 28** of this bill sets forth the actions that a court is required to take upon granting a transfer motion under **section 27**.

Section 29.5 of this bill establishes requirements for certain persons and the court with regard to determining whether a child is an Indian child in child custody proceedings.

Section 30 of this bill ~~[requires a court to ask each party]~~ **provides that** in a child custody proceeding, ~~[at the commencement of the proceeding, whether the party knows or has reason to know that the]~~ **if a person is required to determine whether a** child is an Indian child ~~[.]~~ **, the person is required to make a good faith effort to make such a determination by consulting with certain persons. Section 30 also** establishes the circumstances in which a court **or person** has reason to know that a child is an Indian child and imposes certain requirements on a court ~~[if there is reason to know that]~~ **concerning the procedure for verifying whether** a child is an Indian child **.** ~~[but the court does not have sufficient evidence to determine whether the child is an Indian child.]~~

Section 31 of this bill requires the person taking a child into protective custody in an emergency proceeding to make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is

reason to know that the child is an Indian child, the appropriate agency which provides child welfare services is required, if the nature of the emergency allows, to notify any tribe of which the child is or may be a member and provide certain information, including a statement that the tribe has a right to participate in the proceeding as a party or in an advisory capacity. **Section 31** also imposes certain requirements relating to: (1) the provision of notice of a child custody proceeding if there is reason to know that a child alleged to be within the court's jurisdiction is an Indian child; and (2) the hearing regarding the proceeding.

Section 32 of this bill provides that if a court finds at a hearing in a child custody proceeding that a child is an Indian child, at least one qualified expert witness must testify regarding certain information. If a qualified witness is required to testify, **section 32** requires the petitioner in the proceeding to contact the tribe of the Indian child and request that the tribe identify one or more persons who can testify as a qualified witness. Additionally, **section 32** authorizes a court to hear supplemental testimony from certain professionals.

Section 33 of this bill provides that if a child in a child custody proceeding is an Indian child and active efforts, which are efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family, are required, the court is required to determine whether active efforts have been made to prevent the breakup of or to reunite the family. **Section 33** establishes requirements relating to active efforts.

Section 34 of this bill authorizes a tribe that is a party to a **child custody** proceeding to be represented by any person, regardless of whether the person is licensed to practice law. **Section 34** also authorizes an attorney who is not barred from practicing law in Nevada to appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that certain requirements are met.

Section 35 of this bill provides that in a **child custody** proceeding involving ~~[a child who is or may be in need of protection, if the child is]~~ an Indian child, the court is required to appoint counsel to represent the Indian child and, in certain circumstances, also appoint counsel to represent the Indian child's parent or Indian custodian. **Section 35** also authorizes an attorney who is appointed to represent an Indian child to inspect certain records of the Indian child without the consent of the Indian child or his or her parent or Indian custodian.

Section 36 of this bill authorizes each party in a child custody proceeding in which the child is an Indian child to timely examine all reports and documents held by an agency which provides child welfare services that are not otherwise subject to a discovery exception or precluded under state or federal law.

Section 37 of this bill establishes requirements concerning the: (1) least restrictive setting in which an Indian child must be placed if the parental rights of the Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care; and (2) placement of

an Indian child if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement. **Section 37** also authorizes the alternative placement of an Indian child in certain circumstances.

Section 38 of this bill authorizes certain persons to file a petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights in a pending child custody proceeding under **sections 2-38** or, if no proceeding is pending, in any court with jurisdiction over the matter. **Section 38** requires the court to vacate an order or judgment regarding jurisdiction, placement, guardianship or the termination of parental rights if certain provisions of **sections 2-38** have been violated and the court determines that vacating the order or judgment is proper.

Sections 42-50 of this bill establish provisions specifically relating to the adoption of Indian children. **Section 42** of this bill provides that a petition for adoption of a child must include certain contents concerning whether there is reason to know that the child who is the subject of the petition is an Indian child and requires a petitioner who has reason to know that the child is an Indian child to serve copies of the petition on certain persons and file with the court a declaration of compliance concerning such notice. **Section 43** of this bill: (1) requires written consent to the adoption of an Indian child to be given by the Indian child's parents unless their parental rights have been terminated; (2) establishes requirements concerning such consent; and (3) authorizes the withdrawal of such consent.

Section 45 of this bill establishes provisions concerning the entry of a judgment for the adoption of a child, including certain requirements relating to the adoption of an Indian child. **Section 46** of this bill authorizes the filing of a petition to vacate a judgment of adoption of an Indian child and requires the court to vacate the judgment if the petition is timely filed and the court finds by clear and convincing evidence that the consent of a parent to the adoption was obtained through fraud or duress. **Section 47** of this bill requires a court to provide notice to certain persons and the appropriate agency which provides child welfare services if a judgment of adoption of an Indian child is vacated and, unless the return of custody of the Indian child to a former parent or prior Indian custodian or the restoration of parental rights is not in the best interests of the child, return custody of the Indian child to the former parent or prior Indian custodian or restore parental rights.

Section 48 of this bill requires that access to the adoption records of an Indian child be given to the Indian child's tribe or the United States Secretary of the Interior not later than 14 days after the request for such records.

Section 49 of this bill requires the appropriate agency which provides child welfare services to file with the court in a proceeding for the adoption of a minor child a written compliance report that reflects the agency's review of the petition for adoption and advises the court on whether the petitioner submitted complete and sufficient documentation relating to the petitioner's compliance with the **inquiry and** notice requirements and placement

preferences. **Section 49** requires the Division of Child and Family Services of the Department of Health and Human Services (hereinafter "Division") to adopt regulations providing a nonexhaustive description of the documentation that may be submitted to the court as evidence of such compliance and any other regulations for the preparation of such compliance reports that are necessary for agencies which provide child welfare services to carry out their duties. **Section 49** also authorizes the Court Administrator to prepare and make available to the public certain forms and information to assist petitioners and to design and offer trainings to courts having jurisdiction over adoption matters.

Section 50 of this bill establishes provisions governing tribal customary adoption, which is the adoption of an Indian child by and through the tribal custom, traditions or law of the child's tribe without the termination of parental rights. **Section 50** requires the Division to adopt certain regulations concerning tribal customary adoption and authorizes: (1) the Supreme Court to adopt rules necessary for the court processes to implement the provisions relating to tribal customary adoption; and (2) the Court Administrator to prepare necessary forms for the implementation of the provisions relating to tribal customary adoption. **Section 73** of this bill requires the Division to submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the implementation of tribal customary adoption as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

~~**[**Section 41.5 of this bill provides that the provisions of sections 42-50 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) a family member within the third degree of consanguinity of an Indian child is adopting the Indian child; (3) an Indian child who was conceived by means of assisted reproduction is being adopted; or (4) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption. Section 57 of this bill similarly provides that provisions relating to proceedings that otherwise concern the termination of parental rights of the parent of an Indian child do not apply in certain circumstances if a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent.**]**~~

Section 65 of this bill requires the Division to adopt regulations necessary for the implementation of **sections 2-38 and 42-50**.

Section 67 of this bill requires an agency which provides child welfare services to provide training for its personnel regarding the requirements of **sections 2-38 and 42-50**.

Sections 40, 51-62 and 64-70 of this bill make conforming changes to provisions of existing law to reflect the changes made in **sections 2-38**. **Section 78** of this bill repeals certain provisions of existing law that are no longer necessary because of the provisions of **sections 2-38**.

Section 72 of this bill requires the Division and the Court Administrator to submit biennial reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary containing certain data relating to Indian children in dependency proceedings. **Section 76** of this bill authorizes the Court Administrator to adopt any rules necessary to implement **sections 2-38 and 42-50**.

WHEREAS, Current research shows that family, culture and community promote resiliency and health development in Indian children; and

WHEREAS, Congress, working with tribal nations, tribal leadership and advocates for Indian children, passed the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., in 1978 to stop the removal of Indian children from their homes, families and communities; and

WHEREAS, At the time Congress passed the Indian Child Welfare Act, Indian children were being removed by public and private agencies at rates as high as 25 percent to 35 percent; and

WHEREAS, Indian children continue to be removed from their homes at rates higher than other non-Indian children; and

WHEREAS, Despite requirements under the Indian Child Welfare Act, application of the Indian Child Welfare Act in Nevada courts is inconsistent; and

WHEREAS, Clearly addressing in state law the coordination between and respective roles of the state and tribes regarding the provision of child welfare services to Indian children will provide uniform and consistent direction to state courts, tribes and practitioners to prevent unlawful removals of Indian children from their families and promote the stable placement of Indian children in loving, permanent homes that are connected to family and culture; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. ***1. The Legislature hereby finds that the United States Congress recognizes the special legal status of Indian tribes and their members. It is the policy of this State to protect the health and safety of Indian children and the stability and security of Indian tribes and families by promoting practices designed to prevent the removal of Indian children from their families and, if removal is necessary and lawful, to prioritize the***

placement of an Indian child with the Indian child's extended family and tribal community.

2. This State recognizes the inherent jurisdiction of Indian tribes to make decisions regarding the custody of Indian children and also recognizes the importance of ensuring that Indian children and Indian families receive appropriate services to obviate the need to remove an Indian child from the Indian child's home and, if removal is necessary and lawful, to effect the child's safe return home.

3. Sections 2 to 38, inclusive, of this act create additional safeguards for Indian children to address disproportionate rates of removal, to improve the treatment of and services provided to Indian children and Indian families in the child welfare system and to ensure that Indian children who must be removed are placed with Indian families, communities and cultures.

Sec. 3. ***As used in sections 2 to 38, inclusive, of this act, the words and terms defined in sections 3.5 to 17, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3.5. ***"Agency" means an agency which provides child welfare services, as defined in NRS 432B.030.***

Sec. 4. ***"Child custody proceeding" means a matter arising under chapter 432B of NRS in which the legal custody or physical custody of a child is an issue. [, including, without limitation, a matter arising under chapter 125A, 127, 128 or 432B of NRS.] The term does not include an emergency proceeding.***

Sec. 5. ***"Division" means the Division of Child and Family Services of the Department of Health and Human Services.***

Sec. 6. ***"Emergency proceeding" means any court action that involves the emergency removal or emergency placement of an Indian child, with or without a protective custody order.***

Sec. 7. ***"Extended family member" has the meaning given that term by the law or custom of an Indian child's tribe or, if that meaning cannot be determined, means a person who has attained 18 years of age and who is the Indian child's grandparent, aunt, uncle, brother, sister, sister-in-law, brother-in-law, niece, nephew, first cousin, second cousin, stepparent or another person determined by the Indian child's tribe, clan or band member.***

Sec. 8. ***"Indian" means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1606.***

Sec. 9. ***"Indian child" means any unmarried person who has not attained 18 years of age and is:***

1. A member or citizen of an Indian tribe; or

2. Eligible for membership or citizenship in an Indian tribe and is the biological child of a member of an Indian tribe.

Sec. 10. ***"Indian custodian" means an Indian, other than the Indian child's parent, who has custody, as described in subsection 1 of section 18 of***

this act, of the Indian child, or to whom temporary physical care, custody and control has been transferred by the Indian child's parent.

Sec. 11. *"Indian tribe" or "tribe" means any Indian tribe, band, nation or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the United States Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).*

Sec. 12. *"Juvenile court" has the meaning ascribed to it in NRS 62A.180.*

Sec. 13. *"Member" or "membership" means a determination by an Indian tribe that a person is a member or citizen in that Indian tribe.*

Sec. 14. *"Parent" means:*

1. A biological parent of an Indian child;

2. An Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom; or

3. A person who has established a parent and child relationship with an Indian child pursuant to the laws of this State.

Sec. 15. *"Party" means a party to a proceeding.*

Sec. 16. *"Reservation" means Indian country as defined in 18 U.S.C. § 1151 and any lands not covered under that section, the title to which is held by the United States in trust for the benefit of an Indian tribe or person or held by an Indian tribe or person subject to a restriction by the United States against alienation.*

Sec. 17. *"Tribal court" means a court with jurisdiction over child custody proceedings involving an Indian child that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings involving an Indian child.*

Sec. 17.5. ~~*[1. Notwithstanding any other provision of law, the provisions of sections 2 to 38, inclusive, of this act do not apply if:*~~

~~*(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;*~~

~~*(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;*~~

~~*(c) An Indian child who was conceived by means of assisted reproduction is being adopted; or*~~

~~*(d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.*~~

~~*2. As used in this section:*~~

~~*(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.*~~

~~*(b) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.]*~~ **(Deleted by amendment.)**

Sec. 18. *1. A person has custody of an Indian child under sections 2 to 38, inclusive, of this act if the person has physical custody or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.*

2. An Indian child's parent has continued custody of the Indian child if the parent currently has, or previously had, custody of the Indian child.

Sec. 19. (Deleted by amendment.)

Sec. 20. *In a child custody proceeding involving an Indian child, when making a determination regarding the best interests of the child in accordance with sections 2 to 38, inclusive, of this act, chapter ~~[125A, 127, 128 or]~~ 432B of NRS, the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., or any applicable regulations or rules regarding sections 2 to 38, inclusive, of this act, chapter ~~[125A, 127, 128 or]~~ 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:*

1. The protection of the safety, well-being, development and stability of the Indian child;

2. The prevention of unnecessary out-of-home placement of the Indian child;

3. The prioritization of placement of the Indian child in accordance with the placement preferences under section 37 of this act;

4. The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and

5. The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.

Sec. 21. *For purposes of sections 2 to 38, inclusive, of this act:*

1. A person's domicile is the place the person regards as home, where the person intends to remain or to which, if absent, the person intends to return.

2. An Indian child's domicile is, in order of priority, the domicile of:

(a) The Indian child's parents or, if the Indian child's parents do not have the same domicile, the Indian child's parent who has physical custody of the Indian child;

(b) The Indian child's Indian custodian; or

(c) The Indian child's guardian.

Sec. 22. *1. Unless an Indian child's parent objects, the appropriate agency shall provide assistance with enrolling an Indian child within the jurisdiction of the ~~[juvenile]~~ court ~~[under NRS 432B.410]~~ in a tribe with which the child is eligible for enrollment.*

2. In any child custody proceeding ~~[under chapter 432B of NRS]~~ involving an Indian child, if the appropriate agency reasonably believes that the Indian child is eligible for enrollment in a tribe, the agency shall notify the Indian child's parents of their right to object to the agency's assistance under subsection 1. The provision of notice pursuant to this subsection is deemed to be satisfied by sending the notice to the last known mailing address of each of the Indian child's parents.

Sec. 23. *1. In a child custody proceeding in which an Indian child is alleged to be within the jurisdiction of the court, the Indian child's tribe is:*

(a) If the Indian child is a member of or is eligible for membership in only one tribe, the tribe of which the Indian child is a member or eligible for membership.

(b) If the Indian child is a member of one tribe but is eligible for membership in one or more other tribes, the tribe of which the Indian child is a member.

(c) If the Indian child is a member of more than one tribe or if the Indian child is not a member of any tribe but is eligible for membership with more than one tribe:

(1) The tribe designated by agreement between the tribes of which the Indian child is a member or in which the Indian child is eligible for membership; or

(2) If the tribes are unable to agree on the designation of the Indian child's tribe, the tribe designated by the court.

2. When designating an Indian child's tribe under subparagraph (2) of paragraph (c) of subsection 1, the court shall, after a hearing, designate the tribe with which the Indian child has the more significant contacts, taking into consideration the following:

(a) The preference of the Indian child's parent;

(b) The duration of the Indian child's current or prior domicile or residence on or near the reservation of each tribe;

(c) The tribal membership of the Indian child's custodial parent or Indian custodian;

(d) The interests asserted by each tribe;

(e) Whether a tribe has previously adjudicated a case involving the Indian child; and

(f) If the court determines that the Indian child is of sufficient age and capacity to meaningfully self-identify, the self-identification of the Indian child.

3. If an Indian child is a member of or is eligible for membership in more than one tribe, the court may, in its discretion, permit a tribe, in addition to the Indian child's tribe, to participate in a child custody proceeding ~~[under chapter 432B of NRS]~~ involving the Indian child in an advisory capacity or as a party.

Sec. 24. *In any child custody proceeding involving an Indian child that is based on allegations that the Indian child is within the jurisdiction of the*

court, the court must determine the residence and domicile of the Indian child and whether the Indian child is a ward of tribal court. The court shall communicate with any tribal courts to the extent necessary to make a determination under this section.

Sec. 25. ***1. Agencies shall make a good faith effort to enter into a tribal-state agreement with any Indian tribe within the borders of this State. Agencies may also enter into a tribal-state agreement with any Indian tribe outside of this State having significant numbers of member children or membership-eligible children residing in this State.***

2. The purposes of a tribal-state agreement are to promote the continued existence and integrity of the Indian tribe as a political entity and to protect the vital interests of Indian children in securing and maintaining political, cultural and social relationships with their tribe.

3. A tribal-state agreement may include agreements regarding default jurisdiction over cases in which the state courts and tribal courts have concurrent jurisdiction, the transfer of cases between state courts and tribal courts, the assessment, removal, placement, custody and adoption of Indian children and any other child welfare services provided to Indian children.

4. A tribal-state agreement must:

(a) Provide for the cooperative delivery of child welfare services to Indian children in this State, including, without limitation, the utilization, to the extent available, of services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population to implement the terms of the tribal-state agreement; and

(b) If services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population are unavailable, provide for an agency's use of community services and resources developed specifically for Indian families that have the demonstrated experience and capacity to provide culturally relevant and effective services to Indian children.

Sec. 26. ***1. Except as otherwise provided in this section, the court's jurisdiction in a child custody proceeding involving an Indian child is concurrent with the Indian child's tribe.***

2. The tribe has exclusive jurisdiction in a child custody proceeding involving an Indian child if:

(a) The Indian child is a ward of a tribal court of the tribe; or

(b) The Indian child resides or is domiciled within the reservation of the tribe.

3. Communications between the court and a tribal court regarding calendars, court records and similar matters may occur without informing the parties or creating a record of the communications.

4. Notwithstanding the provisions of this section, the juvenile court has temporary exclusive jurisdiction over an Indian child who is placed in protective custody pursuant to chapter 432B of NRS.

5. As used in this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 27. ***1. Except as otherwise provided in subsection 4, the court shall transfer a child custody proceeding involving an Indian child if, at any time during the proceeding, the Indian child's parent, Indian custodian or tribe petitions the court to transfer the proceeding to the tribal court.***

2. Upon receipt of a transfer motion, the court shall contact the Indian child's tribe and request a timely response regarding whether the tribe intends to decline the transfer.

3. If a party objects to the transfer motion for good cause, the court shall fix the time for hearing on objections to the motion. At the hearing, the objecting party has the burden of proof of establishing by clear and convincing evidence that good cause exists to deny the transfer. If the Indian child's tribe contests the assertion that good cause exists to deny the transfer, the court shall give the tribe's argument substantial weight. When making a determination whether good cause exists to deny the transfer motion, the court may not consider:

(a) Whether the proceeding is at an advanced stage;

(b) Whether there has been a prior proceeding involving the Indian child in which a transfer motion was not filed;

(c) Whether the transfer could affect the placement of the Indian child;

(d) The cultural connections of the Indian child with the tribe or the tribe's reservation; or

(e) The socioeconomic conditions of the Indian child's tribe or any negative perception of tribal or United States Bureau of Indian Affairs' social services or judicial systems.

4. The court shall deny the transfer motion if:

(a) The tribe declines the transfer orally on the record or in writing;

(b) The Indian child's parent objects to the transfer; or

(c) The court finds by clear and convincing evidence, after hearing, that good cause exists to deny the transfer.

5. Notwithstanding paragraph (b) of subsection 4, the objection of the Indian child's parent does not preclude the transfer if:

(a) The objecting parent dies or the objecting parent's parental rights are terminated and have not been restored; and

(b) The Indian child's remaining parent, Indian custodian or tribe files a new transfer motion subsequent to the death of the objecting parent or the termination of the parental rights of the objecting parent.

6. If the court denies a transfer under this section, the court shall document the basis for the denial in a written order.

Sec. 28. ***Upon granting a transfer motion under section 27 of this act, the court shall expeditiously:***

1. Notify the tribal court of the pending dismissal of the child custody proceeding;

2. Transfer all information regarding the proceeding, including, without limitation, pleadings and court records, to the tribal court;

3. ~~[If the Indian child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, direct]~~ Direct the appropriate agency to:

(a) Coordinate with the tribal court and the Indian child's tribe to ensure that the transfer of the proceeding and the transfer of custody of the Indian child is accomplished with minimal disruption of services to the Indian child and the Indian child's family; and

(b) Provide the Indian child's tribe with documentation related to the Indian child's eligibility for state and federal assistance and information related to the Indian child's social history, treatment diagnosis and services and other relevant case and service related data; and

4. Dismiss the proceeding upon confirmation from the tribal court that the tribal court received the transferred information.

Sec. 29. (Deleted by amendment.)

Sec. 29.5. Notwithstanding any other provision of law and in addition to any other requirements, in any child custody proceeding:

1. Each petitioner and every other person otherwise required by the court or by any applicable law shall:

(a) Determine whether there is reason to know that the child is an Indian child; and

(b) Demonstrate to the court that he or she made efforts to determine whether a child is an Indian child.

2. The court shall:

(a) Make a finding regarding whether there is reason to know that the child is an Indian child, unless the court has previously found that the child is an Indian child; and

(b) Not enter a custody order in the matter until all applicable inquiry and notice requirements set forth in sections 2 to 38, inclusive, of this act have been met.

Sec. 30. *1. ~~[At the commencement of any child custody proceeding, the court must ask each party whether the party knows or has reason to know that the child is an Indian child. All responses to such an inquiry must be made on the record. The court must instruct the parties to inform the court if they subsequently receive information that provides reason to know the child is an Indian child.]~~ Except if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, without limitation, by consulting with:*

(a) The child;

(b) The child's parent or parents;

(c) Any person having custody of the child or with whom the child resides;

(d) Extended family members of the child;

(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in a Indian tribe; and

(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.

2. ~~[If there is reason to know that a child in a child custody proceeding is an Indian child but the court does not have sufficient evidence to determine whether the child is an Indian child, the court must:~~

~~(a) Confirm, by way of a report, declaration or testimony included in the record that an agency or party used due diligence to identify and work with all of the tribes of which there is reason to know the child may be a member or is eligible for membership to verify whether the child is a member or the child's parent is a member and the child is eligible for membership; and~~

~~(b) Treat the child as an Indian child, unless and until it is determined on the record that the child is not an Indian child.~~

~~3.]~~ A court ~~[, upon conducting the inquiry required pursuant to subsection 1,]~~ or person has reason to know that a child in a child custody proceeding is an Indian child if:

(a) The person knows that the child is an Indian child;

(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;

(c) Any ~~[party,]~~ person present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court or the person that the child is an Indian child ~~[;~~

~~(b) Any party, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court]~~ or that ~~[it has discovered]~~ information has been discovered indicating that the child is an Indian child;

~~[(c)]~~ (d) The child ~~[who is the subject of the proceeding gives]~~ indicates to the court ~~[reason to know]~~ or the person that the child is an Indian child;

~~[(d)]~~ (e) The court or the person is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;

~~[(e)]~~ (f) The court or the person is informed that the child is or has been a ward of a tribal court; ~~[or~~

~~(f)]~~ (g) The court or the person is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe ~~[.]~~ ;

(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or

(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.

3. Except as otherwise provided in section 49 of this act, whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child,

the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.

4. ~~[In seeking verification of a child's status in a child custody proceeding in which there is a consenting parent who evidences, by written request or statement in the record, a desire for anonymity, the court must keep relevant documents pertaining to the inquiry required under this section confidential and under seal. A request for anonymity does not relieve the court, an agency or any party from any duty of compliance with the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., including, without limitation, the duty to verify whether the child is an Indian child. A tribe receiving information related to this inquiry must keep documents and information confidential.]~~ If the court finds under subsection 3 that there is:

(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.

(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.

5. If the court finds under subsection 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the appropriate agency or other party to submit a report, declaration or testimony on the record that the agency or other party used due diligence to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.

6. A person making an inquiry under this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential.

Sec. 31. *1. In an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child and the nature of the emergency allows, the appropriate agency shall notify by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member. Notification under this subsection must include the basis for the child's removal, the time, date and place of the*

initial hearing and a statement that the tribe has the right to participate in the proceeding as a party or in an advisory capacity.

2. Except as provided in subsection 1, if there is reason to know that a child in a child custody proceeding who is alleged to be within the court's jurisdiction is an Indian child and notice is required, the party providing notice shall:

(a) Promptly send notice of the proceeding as described in subsection 3; and

(b) File a copy of each notice sent pursuant to this section with the court, together with any return receipts or other proof of service.

3. Notice under subsection 2 must be:

(a) Sent to:

(1) Each tribe of which the child may be a member or of which the Indian child may be eligible for membership; or

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's tribe cannot be ascertained.

(b) Sent by registered or certified mail, return receipt requested.

(c) In clear and understandable language and include the following:

(1) The child's name, date of birth and, if known, place of birth;

(2) To the extent known:

(I) All names, including maiden, married and former names or aliases, of the child's parents, the places of birth of the child's parents' and tribal enrollment numbers; and

(II) The names, dates of birth, places of birth and tribal enrollment information of other direct lineal ancestors of the child;

(3) The name of each Indian tribe of which the child is a member or in which the Indian child may be eligible for membership;

(4) If notice is required to be sent to the appropriate Regional Director of the United States Bureau of Indian Affairs under subparagraph (2) of paragraph (a), to the extent known, information regarding the child's direct lineal ancestors, an ancestral chart for each biological parent, and the child's tribal affiliations and blood quantum;

(5) In a child custody proceeding, a copy of the petition or motion initiating the proceeding and, if a hearing has been scheduled, information on the date, time and location of the hearing;

(6) The name of the petitioner and the name and address of the attorney of the petitioner;

(7) ~~[In a proceeding under chapter 432B of NRS:~~

~~(I)]~~ A statement that the child's parent or Indian custodian has the right to participate in the proceeding as a party to the proceeding;

~~[(II)]~~ (8) A statement that the child's tribe has the right to participate in the proceeding as a party or in an advisory capacity;

~~[(III)]~~ *(9) A statement that if the court determines that the child's parent or Indian custodian is unable to afford counsel, the parent or Indian custodian has the right to court-appointed counsel;* ~~[and~~

~~(IV)]~~ *(10) A statement that the child's parent, Indian custodian or tribe has the right, upon request, to up to 20 additional days to prepare for the proceeding;*

~~[(8)]~~ *(11) A statement that the child's parent, Indian custodian or tribe has the right to petition the court to transfer the child custody proceeding to the tribal court;*

~~[(9)]~~ *(12) A statement describing the potential legal consequences of the proceeding on the future parental and custodial rights of the parent or Indian custodian;*

~~[(10)]~~ *(13) The mailing addresses and telephone numbers of the court and contact information for all parties to the proceeding; and*

~~[(11)]~~ *(14) A statement that the information contained in the notice is confidential and that the notice should not be shared with any person not needing the information to exercise rights under sections 2 to 38, inclusive, of this act.*

4. If there is a reason to know that the Indian child's parent or Indian custodian has limited English proficiency, the court must provide language access services as required by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and other applicable federal and state laws. If the court is unable to secure translation or interpretation support, the court shall contact or direct a party to contact the Indian child's tribe or the local office of the United States Bureau of Indian Affairs for assistance identifying a qualified translator or interpreter.

5. If a child is known to be an Indian child, a hearing may not be held until at least 10 days after the receipt of the notice by the Indian child's tribe or, if applicable, the United States Bureau of Indian Affairs. Upon request, the court shall grant the Indian child's parent, Indian custodian or tribe up to 20 additional days from the date upon which notice was received by the tribe to prepare for participation in the hearing. Nothing in this subsection prevents a court at an emergency proceeding before the expiration of the waiting period described in this subsection from reviewing the removal of an Indian child from the Indian child's parent or Indian custodian to determine whether the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child.

Sec. 32. *1. In any child custody proceeding involving an Indian child that requires the testimony of a qualified expert witness, the petitioner shall contact the Indian child's tribe and request that the tribe identify one or more persons meeting the criteria described in subsection 3 or 4. The petitioner may also request the assistance of the United States Bureau of Indian Affairs in locating persons meeting the criteria described in subsection 3 or 4.*

2. At a hearing in a child custody proceeding, if the court has found that a child is an Indian child, at least one qualified expert witness must testify regarding whether the continued custody of the Indian child by the child's parent or custody by the child's Indian custodian is likely to result in serious emotional or physical damage to the Indian child.

3. A person is a qualified expert witness under this section if the Indian child's tribe has designated the person as being qualified to testify to the prevailing social and cultural standards of the tribe.

4. If the Indian child's tribe has not identified a qualified expert witness, the following persons, in order of priority, may testify as a qualified expert witness:

(a) A member of the Indian child's tribe or another person who is recognized by the tribe as knowledgeable about tribal customs regarding family organization or child rearing practices;

(b) A person having substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

(c) Any person having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural standards and child rearing practices in Indian tribes with cultural similarities to the child's tribe.

5. In addition to testimony from a qualified expert witness, the court may hear supplemental testimony regarding information described in subsection 2 from a professional having substantial education and experience in the area of the professional's specialty.

6. No petitioning party, employees of the petitioning party or an employee of an agency may serve as a qualified expert witness or a professional under this section.

Sec. 33. ***1. If a child in a child custody proceeding is an Indian child and active efforts are required, the court must determine whether active efforts have been made to prevent the breakup of the family or to reunite the family.***

2. Active efforts require a higher standard of conduct than reasonable efforts.

3. Active efforts must:

(a) Be documented in detail in writing and on the record;

(b) ~~[If the child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, include]~~ Include assisting the Indian child's parent or parents or Indian custodian through the steps of a case plan;

(c) Include, to the extent possible, providing assistance with the cooperation of the Indian child's tribe;

(d) Be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians and tribe; and

(e) Be tailored to the facts and circumstances of the case.

4. As used in this section, "active efforts" means efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family.

Sec. 34. ***1. Notwithstanding the provisions of NRS 7.285, a tribe that is a party to a child custody proceeding involving an Indian child may be represented by any person, regardless of whether the person is licensed to practice law.***

2. An attorney who is not barred from practicing law in this State may appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that:

(a) The attorney will appear in a court in this State for the limited purpose of participating in a proceeding under chapter 432B of NRS subject to the provisions of sections 2 to 38, inclusive, of this act;

(b) The attorney represents an Indian child's parent, Indian custodian or tribe; and

(c) The Indian child's tribe has affirmed the Indian child's membership or eligibility for membership under tribal law.

3. An Indian custodian or tribe may notify the court, orally on the record or in writing, that the Indian custodian or tribe withdraws as a party to the proceeding.

Sec. 35. ***1. If a child in a child custody proceeding [under chapter 432B of NRS] is an Indian child:***

(a) The court shall appoint counsel to represent the Indian child.

(b) If the Indian child's parent or Indian custodian requests counsel to represent the parent or Indian custodian but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court shall appoint suitable counsel to represent the Indian child's parent or Indian custodian if the parent or Indian custodian is determined to be financially eligible for the appointment of such counsel.

2. Except as otherwise provided in this subsection, upon presentation of the order of appointment under this section by the attorney for the Indian child, any agency, hospital, school organization, division or department of this State, doctor, nurse or other health care provider, psychologist, psychiatrist, law enforcement agency or mental health clinic shall permit the attorney for the Indian child to inspect and copy any records of the Indian child involved in the case, without the consent of the Indian child or the Indian child's parent or Indian custodian. This subsection does not apply to records of a law enforcement agency relating to an ongoing investigation before bringing charges.

Sec. 36. ***1. In any child custody proceeding, if the child is an Indian child, each party has the right to timely examine all reports or other documents held by an agency that are not otherwise subject to a discovery exception or precluded under state or federal law.***

2. The preservation of confidentiality under this section does not relieve the court or any petitioners in an adoption proceeding from the duty to comply with the placement preferences under section 37 of this act if the child is an Indian child.

Sec. 37. ***1. Except as otherwise provided in subsection 3, if the parental rights of an Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care, the child must be placed in the least restrictive setting that:***

(a) Most closely approximates a family, taking into consideration sibling attachment;

(b) Allows the Indian child's special needs, if any, to be met;

(c) Is in reasonable proximity to the Indian child's home, extended family or siblings; and

(d) Is in accordance with the order of preference established by the Indian child's tribe or, if the Indian child's tribe has not established placement preferences, is in accordance with the following order of preference:

(1) A member of the Indian child's extended family;

(2) A foster home licensed, approved or specified by the Indian child's tribe;

(3) A foster home licensed or approved by a licensing authority in this State and in which one or more of the licensed or approved foster parents is an Indian; or

(4) An institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization.

2. Except as otherwise provided in subsection 3, if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement, the Indian child shall be placed:

(a) In accordance with the order of preference established by the Indian child's tribe; or

(b) If the Indian child's tribe has not established placement preferences, according to the following order of preference:

(1) With a member of the Indian child's extended family;

(2) With other members of the Indian child's tribe; or

(3) With other Indian families.

3. If an Indian child is placed outside of the placement preferences set forth in subsection 1 or 2, the party placing the child shall file a motion requesting that the court make a finding that good cause exists for placement outside of such placement preferences. If the court determines that the moving party has established, by clear and convincing evidence, that there is good cause to depart from the placement preferences under this section, the court may authorize placement in an alternative placement. The court's determination under this subsection:

(a) Must be in writing and be based on:

(1) The preferences of the Indian child;

(2) The presence of a sibling attachment that cannot be maintained through placement consistent with the placement preferences established by subsection 1 or 2;

(3) Any extraordinary physical, mental or emotional needs of the Indian child that require specialized treatment services if, despite active efforts, those services are unavailable in the community where families who meet the placement preferences under subsection 1 or 2 reside; or

(4) Whether, despite a diligent search, a placement meeting the placement preferences under this section is unavailable, as determined by the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(b) Must, in applying the placement preferences under this subsection, give weight to a parent's request for anonymity if the placement is an adoptive placement to which the parent has consented.

(c) May be informed by but not determined by the placement request of a parent of the Indian child, after the parent has reviewed the placement options, if any, that comply with the placement preferences under this section.

(d) May not be based on:

(1) The socioeconomic conditions of the Indian child's tribe;

(2) Any perception of the tribal or United States Bureau of Indian Affairs social services or judicial systems;

(3) The distance between a placement meeting the placement preferences under this section that is located on or near a reservation and the Indian child's parent; or

(4) The ordinary bonding or attachment between the Indian child and a nonpreferred placement arising from time spent in the nonpreferred placement.

Sec. 38. *1. A petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights may be filed in a pending child custody proceeding involving the Indian child or, if none, in any court of competent jurisdiction by:*

(a) The Indian child who was alleged to be within the jurisdiction of the court;

(b) The Indian child's parent or Indian custodian from whose custody such child was removed or whose parental rights were terminated; or

(c) The Indian child's tribe.

2. The court shall vacate an order or judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights if the court determines that any provision of section 26 or 27, subsection 2 or 5 of section 31, paragraph (a) or (b) of subsection 3 of section 31, subsection 1 of section 35 or section 36 of this act or, if required,

subsection 2 of section 32 or section 33 or 37 of this act has been violated and the court determines it is appropriate to vacate the order or judgment.

3. If the vacated order or judgment resulted in the removal or placement of the Indian child, the court shall order the child immediately returned to the Indian child's parent or Indian custodian and the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

4. If the vacated order or judgment terminated parental rights, the court shall order the previously terminated parental rights to be restored.

5. If the State or any other party affirmatively asks the court to reconsider the issues under the vacated order or judgment, the court's findings or determinations must be readjudicated.

6. As used in this section, "termination of parental rights" includes, without limitation, the involuntary termination of parental rights under chapter 128 or 432B of NRS.

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 125A.215 is hereby amended to read as follows:

125A.215 1. ~~[~~A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., is not subject to the provisions of this chapter to the extent that the proceeding is governed by the Indian Child Welfare Act.

~~2.]~~ A court of this state shall treat ~~[~~a~~]~~ ***an Indian*** tribe as if it were a state of the United States for the purpose of applying NRS 125A.005 to 125A.395, inclusive.

~~[3.]~~ ***2.*** A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of the provisions of this chapter must be recognized and enforced pursuant to NRS 125A.405 to 125A.585, inclusive.

Sec. 41. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 41.5 to 50, inclusive, of this act.

Sec. 41.5. ~~***[1. Notwithstanding any other provision of law, the provisions of sections 42 to 50, inclusive, of this act, do not apply if:***~~

~~***(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;***~~

~~***(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;***~~

~~***(c) An Indian child who was conceived by means of assisted reproduction is being adopted; or***~~

~~***(d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.***~~

~~***2. As used in this section:***~~

~~*(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.*~~

~~*(b) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.*~~

~~*(c) "Extended family member" has the meaning ascribed to it in section 7 of this act.]*~~ **(Deleted by amendment.)**

Sec. 42. *1. In addition to the requirements set forth in NRS 127.110, a petition for adoption of a child must contain:*

(a) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, of the petitioner's good faith efforts described in subsection 1 of section 30 of this act, to determine whether there is reason to know that the child is an Indian child;

(b) A statement as to whether the petitioner has reason to know that the child is an Indian child; and

~~*[(b)]*~~ *(c) If the petitioner has reason to know that the child is an Indian child:*

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, showing that the proposed adoptive placement complies with the requirements under section 37 of this act; or

(2) A statement that the petitioner is moving the court under subsection 3 of section 37 of this act for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of section 37 of this act.

2. A petition for adoption of a child must, if applicable, request the following:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act;

(b) A finding of whether there is reason to know that the child is an Indian child; and

~~*[(b)]*~~ *(c) If the court finds that the child is an Indian child:*

(1) The determinations required under section 24 of this act regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act; and

(3) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if not, that upon the petitioner's motion under subsection 3 of section 37 of this act, good cause exists for placement contrary to the placement preferences in section 37 of this act.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

(3) The appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 43. ***1. If a petition for adoption of a child concerns the adoption of an Indian child, except as otherwise provided in subsection 4 and unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.***

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the judgment of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of a judgment of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws his or her consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in section 14 of this act.

Sec. 44. (Deleted by amendment.)

Sec. 45. *1. If, upon a petition for adoption of a child duly presented and consented to, the court is satisfied as to the identity and relations of the persons, that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption be effected, a judgment shall be made setting forth the facts and ordering that from the date of the judgment, the child, for all legal intents and purposes, is the child of the petitioner.*

2. A judgment entered under this section must include ~~[a]~~ :

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

3. In an adoption of an Indian child, the judgment must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the biological parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under section 24 of this act;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if the placement does not comply with the placement preferences under section 37 of this act, a finding upon the petitioner's motion under subsection 3 of section 37 of this act that good cause exists for placement contrary to the placement preferences.

4. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

5. Upon entry of the judgment of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the judgment entered under this section, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 46. ***1. A petition to vacate a judgment of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.***

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the judgment of adoption if:

(a) The petition is filed not later than 2 years following the date of the judgment; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates a judgment of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 47. ***1. If a judgment of adoption of an Indian child under this chapter is vacated, the court vacating the judgment must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate agency which provides child welfare services.***

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and

that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of a judgment of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If a judgment of adoption of an Indian child under this chapter is vacated other than as provided in section 38 of this act, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of section 31 of this act to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in section 20 of this act. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the legal parent of an Indian child subject to a judgment of adoption under this chapter and whose parental rights have not been restored under section 46 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to a judgment of adoption of the child under this chapter.

Sec. 48. *1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.*

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceeding, the complete record of the placement finding and, if the placement departs from the placement preferences under section 37 of this act, detailed documentation of the efforts to comply with the placement preferences.

Sec. 49. *1. In a proceeding for the adoption of a minor child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to section 42 of this act, the agency shall file with the court an ICWA compliance report, which must reflect the agency's review of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the ~~[finding]~~ findings required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.*

2. ~~[Except as otherwise provided in this subsection, upon]~~ Upon receiving an ICWA compliance report, the court shall order the matter to proceed ~~[. If notice is required, the court shall not order the matter to proceed unless]~~ if the court finds that the petitioner satisfied the inquiry requirements under subsection 1 of section 30 of this act and, if applicable, the notice requirements under subsection 2 of section 31 of this act. If the court finds that:

(a) ~~[The]~~ Subject to the procedures under subsection 3 of section 30 of this act, the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under section 37 of this act. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of section 37 of this act, for authority to make the placement contrary to the placement preferences under section 37 of this act.

(b) The petitioner failed to satisfy ~~[,]~~ the inquiry requirements under subsection 1 of section 30 of this act or, if applicable, the notice requirements under subsection 2 of section 31 of this act, or if the documentation supplied by the petitioner is insufficient for the court to make ~~[that finding,]~~ those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended petition. If the court directs the petitioner to

file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry requirements under subsection 1 of section 30 of this act and notice requirements under subsection 2 of section 31 of this act and the placement preferences under section 37 of this act, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection 1 of section 30 of this act and subsection 3 of section 31 of this act and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection 1 of section 30 of this act and subsection 3 of section 31 of this act;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 42 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the requirements under this section and sections 30, 31, 37 and 42 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 42 of this act, motions to request a deviation from the placement preferences under subsection 3 of section 37 of this act and notices required under subsection 3 of section 31 of this act; and

(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection 1 of section 30 of this act and the notices required under subsection 2 of section 31 of this act, and assessing whether proposed adoptive placements satisfy the preferences under section 37 of this act.

6. The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice and the appropriateness of adoptive placements.

7. As used in this section, "ICWA compliance report" means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.

Sec. 50. *1. If the court determines that tribal customary adoption is in the best interests, as described in section 20 of this act, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:*

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purposes of this paragraph. The

definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the Indian child's best interests, as described in section 20 of this act; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligation from the Indian child's parents or Indian custodian.

➥ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 45 of this act and enter a judgment of adoption. In addition to the requirements under section 45 of this act, the judgment of adoption must include a statement that any parental rights or obligations not specified in the judgment are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of a judgment of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the judgment of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 51. NRS 127.003 is hereby amended to read as follows:

127.003 As used in this chapter, unless the context otherwise requires:

1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Indian child" has the meaning ascribed to it in **[**~~25 U.S.C. § 1903.~~

~~4. "Indian Child Welfare Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.~~**]** ***section 9 of this act.***

Sec. 51.5. (Deleted by amendment.)

Sec. 52. NRS 127.010 is hereby amended to read as follows:

127.010 Except **[**~~if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,~~**]** ***as otherwise provided in section 26 of this act,*** the district courts of this State have original jurisdiction in adoption proceedings.

Sec. 53. NRS 127.018 is hereby amended to read as follows:

127.018 1. **[**~~Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,~~**]** ***Except as otherwise provided in sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act,*** a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 54. NRS 127.053 is hereby amended to read as follows:

127.053 No consent to a specific adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

1. Identifies the child to be adopted by name, if any, sex and date of birth.

2. Is in writing and signed by the person consenting to the adoption as required in this chapter.

3. Is acknowledged by the person consenting and signing the consent to adoption in the manner and form required for conveyances of real property.

4. Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given.

5. ***Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the judgment of adoption under section 45 of this act, the person receives information that provides reason to know that the child is an Indian child.***

6. Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a social worker employed by:

(a) An agency which provides child welfare services;

(b) An agency licensed in this state to place children for adoption;

(c) A comparable state or county agency of another state; or

(d) An agency authorized under the laws of another state to place children for adoption, if the natural parent resides in that state.

Sec. 55. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.

(i) Whether the ***petitioners have reason to know that the*** child is ~~[known to be]~~ an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. No ~~***[Except as otherwise provided in sections 17.5 and 41.5 of this act, no]***~~ order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive ~~**[.]**~~ ***, and the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 56. NRS 128.020 is hereby amended to read as follows:

128.020 Except ~~**[**if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,**]**~~ ***as otherwise provided in section 26 of this act,*** the district courts have jurisdiction in all cases and proceedings under this chapter. The jurisdiction of the district courts extends to any child who should be declared free from the custody and control of either or both of his or her parents.

Sec. 57. NRS 128.023 is hereby amended to read as follows:

128.023 1. If ~~***[Except as otherwise provided in subsection 3, if]***~~ proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall ~~**[**:~~

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.**]**~~ ***require that notice of the proceedings and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

~~***[3. The provisions of this section do not apply if a parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child. As used in this subsection, "extended family member" has the meaning ascribed to it in section 7 of this act.]***~~

Sec. 58. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to ....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative, if no parent or guardian can be found.

(g) Whether the ***petitioner has reason to know that the*** child is ~~[known to be]~~ an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 59. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.,]~~ ***as otherwise provided in section 26 of this act,*** in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have

concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 60. NRS 7.285 is hereby amended to read as follows:

7.285 1. ~~[A]~~ ***Except as otherwise provided in section 34 of this act, a*** person shall not practice law in this state if the person:

(a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the Supreme Court; or

(b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the Supreme Court.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense within the immediately preceding 7 years, a misdemeanor.

(b) For a second offense within the immediately preceding 7 years, a gross misdemeanor.

(c) For a third and any subsequent offense within the immediately preceding 7 years, a category E felony and shall be punished as provided in NRS 193.130.

3. The State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.

Sec. 61. NRS 62A.160 is hereby amended to read as follows:

62A.160 "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.]~~ ***section 9 of this act.***

Sec. 62. NRS 62D.210 is hereby amended to read as follows:

62D.210 1. If a proceeding conducted pursuant to the provisions of this title involves the placement of an Indian child into foster care, the juvenile court shall ~~[:~~

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act or, if a tribe declines or is unable to exercise jurisdiction, exercise jurisdiction as provided in the Indian Child Welfare Act.]~~ ***require that notice of the proceeding and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the juvenile court determines that the parent of an Indian child for whom foster care is sought is indigent, the juvenile court, as provided in the Indian Child Welfare Act:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney.

Sec. 63. (Deleted by amendment.)

Sec. 64. NRS 432B.067 is hereby amended to read as follows:

432B.067 "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.]~~ ***section 9 of this act.***

Sec. 65. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be

informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for ~~[the]~~ ***:***

(a) The administration of NRS 432B.010 to 432B.606, inclusive.

(b) The implementation of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries ***in accordance with subsection 1 of section 30 of this act*** to determine whether ***there is reason to know that*** the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act ~~[.]~~ ***, sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 68. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the court has exclusive original jurisdiction in proceedings concerning any child domiciled, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 69. NRS 432B.425 is hereby amended to read as follows:

432B.425 If proceedings pursuant to this chapter involve the protection of an Indian child, the court shall ~~[:~~

~~1. Cause the Indian child's tribe to be notified in writing at the beginning of the proceedings in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~2. Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~3. If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.]~~ ***require that notice of the proceedings and any other notice required by this chapter be provided in accordance with section 31 of this act.***

Sec. 70. NRS 432B.5902 is hereby amended to read as follows:

432B.5902 1. After a motion for the termination of parental rights is filed pursuant to NRS 432B.5901, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice

is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;

(b) If ~~[~~applicable, each Indian tribe of~~]~~ the child who is ~~[~~the~~]~~ subject ~~[~~of~~]~~ ***to*** the ~~[~~motion, in accordance with NRS 128.023;~~]~~ ***motion is known to be an Indian child, the child's Indian tribe;*** and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in NRS 432B.5904 or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 71. The provisions of subsection 3 of section 25 of this act apply to tribal-state agreements entered into or renewed on or after January 1, 2024.

Sec. 72. Not later than September 15, 2024, and each even-numbered year thereafter, the Division of Child and Family Services of the Department of Health and Human Services and the Court Administrator shall report to the Chairs of the Senate and Assembly Standing Committees on Judiciary regarding, as applicable:

1. The number of Indian children involved in dependency proceedings during the prior 2-year period.

2. The average duration Indian children were in protective custody.

3. The ratio of Indian children to non-Indian children in protective custody.

4. Which tribes the Indian children in protective custody were members of or of which they were eligible for membership.

5. The number of Indian children in foster care who are in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

6. The number of Indian children placed in adoptive homes in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

7. The number of available placements and common barriers to recruitment and retention of appropriate placements.

8. The number of times the court found that good cause existed to deviate from the statutory placement preferences under section 37 of this act, when making a finding regarding the placement of a child in a dependency proceeding.

9. The number of cases that were transferred to tribal court under section 28 of this act.

10. The number of times the court found good cause to decline to transfer jurisdiction of a dependency proceeding to tribal court upon request and the most common reasons the court found good cause to decline a transfer petition.

11. The efforts the Division and the Court Administrator have taken to ensure compliance with the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act in dependency proceedings.

12. The number of ICWA compliance reports in which an agency which provides child welfare services reported the petitioner's documentation was insufficient for the court to make a finding regarding whether the petitioner complied with the **inquiry requirements under subsection 1 of section 30 of this act and** notice requirements under subsection 2 of section 31 of this act. As used in this subsection:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "ICWA compliance report" has the meaning ascribed to it in section 49 of this act.

Sec. 73. Not later than March 15, 2025, the Division of Child and Family Services of the Department of Health and Human Services shall submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the Division's implementation of tribal customary adoption as described in section 50 of this act as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Sec. 74. 1. A court shall give full faith and credit to the public acts, records and judicial proceedings of an Indian tribe applicable to an Indian child in a child custody proceeding.

2. As used in this section, "child custody proceeding" has the meaning ascribed to it in section 4 of this act.

Sec. 75. 1. If any provision of sections 2 to 38, inclusive, of this act or sections 42 to 50, inclusive, of this act is found to provide a lower standard of

protection to the rights of an Indian child or the Indian child's parent, Indian custodian or tribe than that provided in the Indian Child Welfare Act:

(a) The higher standard of protection in the Indian Child Welfare Act controls; and

(b) It shall not serve to render inoperative any remaining provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act that may be held to provide a higher standard of protection than that provided in the Indian Child Welfare Act.

2. As used in this section, "Indian Child Welfare Act" means the federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., and any related regulations.

Sec. 76. The Court Administrator may adopt any rules necessary to implement the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 77. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 78. NRS 62D.200, 127.013, 127.017, 128.027, 432B.451 and 432B.465 are hereby repealed.

Sec. 79. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

62D.200 Full faith and credit given to proceedings of Indian tribe.

127.013 Transfer of proceedings to Indian tribe.

127.017 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

128.027 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

432B.451 Qualified expert witness required in proceeding to place Indian child in foster care.

432B.465 Full faith and credit to judicial proceedings of Indian tribe.

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 444.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 35, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 734 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA1, which is attached to and hereby made a part of this report.

SENATOR MELANIE SCHEIBLE
SENATOR ROCHELLE NGUYEN
SENATOR JEFF STONE
Senate Conference Committee

ASSEMBLYWOMAN BRITTNEY MILLER
ASSEMBLYWOMAN VENICIA CONSIDINE
ASSEMBLYWOMAN MELISSA HARDY
Assembly Conference Committee

Amendment No. CA1.

AN ACT relating to controlled substances; establishing the crimes of trafficking and high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured fentanyl ~~[.]~~ **or any derivative of fentanyl;** establishing the crime of intentional misrepresentation of a fentanyl product; requiring each state and local law enforcement agency and the Nevada Sentencing Commission to submit certain reports to the Joint Interim Standing Committee on the Judiciary; requiring, to the extent that money is available, the establishment of certain programs to provide certain offenders or prisoners who have a substance use disorder with medication-assisted treatment; requiring the Joint Interim Standing Committee on the Judiciary to conduct an interim study concerning certain matters relating to forensic laboratories; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of a schedule I controlled substance, other than marijuana, a schedule II controlled substance or certain other controlled substances is guilty of: (1) low-level trafficking if the quantity of the controlled substance is 100 grams or more but less than 400 grams; and (2) high-level trafficking if the quantity of the controlled substance is 400 grams or more. A person who commits the crime of: (1) low-level trafficking is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties. (NRS 453.3385)

Existing regulations of the State Board of Pharmacy include fentanyl in the list of controlled substances in schedule II and various derivatives of fentanyl in the list of controlled substances in schedule I. (NAC 453.510, as amended by LCB File No. R023-21, NAC 453.520) **Section 1.5** of this bill establishes the crimes of trafficking and high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured fentanyl ~~[.]~~ **or any derivative of fentanyl.** Under **section 1.5**, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured fentanyl **or any derivative of fentanyl** is guilty of: (1) trafficking if the quantity involved is 28 grams or more but less than 42 grams; and (2) high-level trafficking if the quantity involved is 42 grams or more but less than 100 grams. Under **section 1.5**, a

person who commits the crime of trafficking or high-level trafficking is guilty of a category B felony and subject to certain prescribed penalties.

Section 1.7 of this bill establishes the crime of intentional misrepresentation of a fentanyl product. Under **section 1.7**, a person who sells to another person a mixture containing fentanyl and another controlled substance is guilty of intentional misrepresentation of a fentanyl product if the person: (1) knows that the mixture contains fentanyl; and (2) intentionally fails to inform the purchaser that the mixture contains fentanyl. **Section 1.7** provides that such a person is guilty of a category B felony and subject to certain prescribed penalties.

Sections ~~[1.9,]~~ 2, 5 and 6 of this bill provide that a person found guilty of intentional misrepresentation of a fentanyl product or trafficking or high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured fentanyl **or any derivative of fentanyl** is subject to the greater penalty for that crime if the acts constituting the crime could subject the person to a lesser punishment under another statute.

Sections 3-13 of this bill add references to **section 1.5** so that the crimes of trafficking and high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured fentanyl **or any derivative of fentanyl** are treated the same as the crimes of low-level and high-level trafficking involving schedule I controlled substances, other than marijuana, and schedule II controlled substances for certain purposes. **Section 12** adds a reference to **section 1.7** so that the crime of intentional misrepresentation of a fentanyl product is treated the same as the crime of selling other controlled substances for certain purposes.

Existing law prohibits, with certain exceptions, a court from suspending the sentence of a person convicted of trafficking in a controlled substance. (NRS 453.3405) **Section 9** extends this prohibition to a person found guilty of trafficking or high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture which contains illicitly manufactured fentanyl **~~[.]~~ or any derivative of fentanyl. Section 9** provides an exemption from this prohibition if the person convicted establishes, by a preponderance of the evidence, that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl.

Existing law provides that a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating certain provisions of existing law governing controlled substances if the evidence to support the penalty was obtained as a result of the person seeking medical assistance. (NRS 453C.150) **Section 10** of this bill includes trafficking and high-level trafficking in **~~[a]~~ illicitly manufactured fentanyl, any derivative of fentanyl or** mixture that

contains illicitly manufactured fentanyl **or any derivative of fentanyl** among the offenses for which a person may not be penalized under such circumstances.

Existing law requires the Director of the Department of Corrections to establish one or more programs of treatment for offenders with substance use or co-occurring disorders who have been sentenced to imprisonment in the state prison. (NRS 209.4236, 209.425) Existing law additionally provides that the treatment of a prisoner in a local jail or detention facility who has a substance use disorder may include medication-assisted treatment. (NRS 211.140) **Section 12.3** of this bill requires the Director, to the extent that money is available, to establish a program to provide for the treatment of offenders with a substance use disorder using medication-assisted treatment. **Section 12.3** requires: (1) the program to provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and (2) each offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director to be deemed eligible to participate in the program and offered the opportunity to participate. **Section 12.3** prohibits the Director from denying an offender the ability to participate in the program or terminating his or her participation in the program for certain reasons. Finally, **section 12.3** provides that an offender who participates in the program is not subject to discipline on the basis that the results of a screening test administered to the offender indicated the presence of a controlled substance. **Section 12.7** of this bill requires, to the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility to establish a program similar to that set forth in **section 12.3** to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

Section 1.8 of this bill requires each state and local law enforcement agency and the Nevada Sentencing Commission to submit to the Joint Interim Standing Committee on the Judiciary on or before March 1 and October 1 of each even-numbered year a report containing certain information regarding: (1) persons who have been charged with trafficking or high-level trafficking in **illicitly manufactured fentanyl, any derivative of fentanyl or** any mixture that contains illicitly manufactured fentanyl **or any derivative of fentanyl** or intentional misrepresentation of a fentanyl product; (2) programs for the treatment of persons incarcerated in the state prison or a county, city or town jail or detention facility; and (3) drug overdoses that resulted in the death of certain persons which were due to fentanyl or a controlled substance analog for fentanyl.

Section 14 of this bill requires the Joint Interim Standing Committee on the Judiciary to conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such laboratories to perform quantitative testing involving controlled substances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5, 1.7 and 1.8 of this act.

Sec. 1.5. ***Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains illicitly manufactured fentanyl ~~[,]~~ or any derivative of fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:***

1. Is 28 grams or more, but less than 42 grams, is guilty of trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.

2. Is 42 grams or more, but less than 100 grams, is guilty of high-level trafficking and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 1.7. ***Unless a greater penalty is provided pursuant to NRS 453.333 or 453.334, a person who sells to another person a mixture containing fentanyl and another controlled substance and who:***

1. Knows that the mixture contains fentanyl; and

2. Intentionally fails to inform the purchaser that the mixture contains fentanyl,

↳ is guilty of intentional misrepresentation of a fentanyl product and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and by a fine of not more than $50,000.

Sec. 1.8. ***1. On or before March 1 and October 1 of each even-numbered year, each law enforcement agency and the Nevada Sentencing Commission, with the assistance of the Department of Sentencing Policy, shall submit to the Joint Interim Standing Committee on the Judiciary a report which must contain the following information, to the extent that such information is in the possession of the agency:***

(a) The number of persons that were charged with a violation of section 1.5 or 1.7 of this act in the period since the last report;

(b) For each person who has ever been charged with a violation of section 1.5 or 1.7 of this act, the following information, if the information has not been included in a previous report:

(1) The race, gender, zip code, employment status and age of the person;

(2) Whether another criminal charge was filed in the person's case and, if so, what charge;

(3) Whether the person was represented by court-appointed counsel or otherwise determined to be indigent;

(4) The disposition of the case, including, without limitation, any sentence imposed on the person;

(5) Whether any portion of the sentence of the person was suspended or the person was granted probation and, if so:

(I) Whether the person has successfully completed the suspended sentence or probation; and

(II) Whether the suspension of sentence or probation has been revoked and, if so, whether the revocation was a result of a technical violation or a new criminal case; and

(6) Whether the court ordered the person to complete treatment for a substance use disorder and, if so, the type of treatment so ordered;

(c) The number of deaths in the period since the last report caused by a drug overdose due to fentanyl or a controlled substance analog for fentanyl that occurred in the state prison or any county or city jail or detention facility or other correctional facility in this State or while the deceased person was under a suspended sentence or on probation, parole or pretrial release; and

(d) Any significant developments in the period since the last report concerning any program of treatment implemented for the treatment of persons incarcerated in the state prison or any county, city or town jail or detention facility or other correctional facility in this State who have a substance use disorder using medication-assisted treatment and other appropriate withdrawal management care.

2. As used in this section, "law enforcement agency" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

Sec. 1.9. NRS 453.321 is hereby amended to read as follows:

453.321 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to:

(a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance;

(b) Manufacture or compound a counterfeit substance; or

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.333 or 453.334, ***or section 1.7 of this act,*** if a person violates subsection 1 and the controlled substance is classified in schedule I or II, the person shall be punished:

(a) For the first offense, for a category C felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction under this subsection, the offender has previously been convicted of an offense under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of

not more than 10 years, and may be further punished by a fine of not more than $20,000.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. Unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of subsection 2.

4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1, and the controlled substance is classified in schedule III, IV or V, the person shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the offender has previously been convicted of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $15,000 for each offense.

5. Unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of subsection 4.

Sec. 2. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection 5; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance

other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 5, is commonly used in manufacturing or compounding such a controlled substance.

➥ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in subsection 3 or NRS 453.3385, ***or section 1.5 of this act,*** a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.

3. If a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and the violation causes a fire or explosion, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.

4. The court shall not grant probation to a person convicted pursuant to this section.

5. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.
(b) Acetone.
(c) N-Acetylanthranilic acid, its esters and its salts.
(d) Anthranilic acid, its esters and its salts.
(e) Benzaldehyde, its salts, isomers and salts of isomers.
(f) Benzyl chloride.
(g) Benzyl cyanide.
(h) 1,4-Butanediol.
(i) 2-Butanone (or methyl ethyl ketone or MEK).
(j) Ephedrine, its salts, isomers and salts of isomers.
(k) Ergonovine and its salts.
(l) Ergotamine and its salts.
(m) Ethylamine, its salts, isomers and salts of isomers.
(n) Ethyl ether.
(o) Gamma butyrolactone.
(p) Hydriodic acid, its salts, isomers and salts of isomers.
(q) Hydrochloric gas.
(r) Iodine.
(s) Isosafrole, its salts, isomers and salts of isomers.
(t) Lithium metal.
(u) Methylamine, its salts, isomers and salts of isomers.

(v) 3,4-Methylenedioxy-phenyl-2-propanone.
(w) N-Methylephedrine, its salts, isomers and salts of isomers.
(x) Methyl isobutyl ketone (MIBK).
(y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
(z) Nitroethane, its salts, isomers and salts of isomers.
(aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
(bb) Phenylacetic acid, its esters and its salts.
(cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
(dd) Piperidine and its salts.
(ee) Piperonal, its salts, isomers and salts of isomers.
(ff) Potassium permanganate.
(gg) Propionic anhydride, its salts, isomers and salts of isomers.
(hh) Pseudoephedrine, its salts, isomers and salts of isomers.
(ii) Red phosphorous.
(jj) Safrole, its salts, isomers and salts of isomers.
(kk) Sodium metal.
(ll) Sulfuric acid.
(mm) Toluene.

Sec. 3. NRS 453.333 is hereby amended to read as follows:

453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 or 453.339 ***or section 1.5 of this act*** or a law of any other jurisdiction which prohibits the same conduct.

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, ***or section 1.5 of this act,*** and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed

by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, ***or section 1.5 of this act,*** and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section:

(a) "Marijuana" does not include concentrated cannabis.

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➥ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, ***or section 1.5 of this act,*** a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II, and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➥ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.337 is hereby amended to read as follows:

453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385 or 453.339, ***or section 1.5 of this act,*** a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the

United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. Except as otherwise provided in this subsection, unless mitigating circumstances exist that warrant the granting of probation, the court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 7. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385 and 453.339, ***and section 1.5 of this act,*** the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 2 ~~[,]~~ ***and 4,*** the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385 or 453.339 ***or section 1.5 of this act*** must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385 or 453.339 ***or section 1.5 of this act*** if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

4. The court may suspend the sentence of any person convicted of violating any provision of section 1.5 of this act if the person establishes, by a preponderance of the evidence, that the person did not know that the mixture at issue contained illicitly manufactured fentanyl. If a person convicted of violating any provision of section 1.5 of this act claims that he or she did not know that the mixture at issue contained illicitly manufactured fentanyl, the court shall, at sentencing, make findings of fact and state its reasoning on the record as to whether the person has met the burden of proof pursuant to this subsection.

Sec. 10. NRS 453C.150 is hereby amended to read as follows:

453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:

(a) Except as otherwise provided in subsection 4, ~~[a]~~ ***section 1.5 of this act or any other*** provision of chapter 453 of NRS relating to:

(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;

(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405; or

(3) Use of a controlled substance, including, without limitation, NRS 453.336;

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;

(c) A restraining order; or

(d) A condition of the person's parole or probation,

➥ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;

(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency

shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

➥ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, ***or section 1.5 of this act,*** or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator

of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, ***or section 1.5 of this act,*** or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the

Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 12. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;
14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;
15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;
16. Any violation of NRS 199.280 which is punished as a felony;
17. Burglary;
18. Grand larceny;
19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
20. Battery with intent to commit a crime in violation of NRS 200.400;
21. Assault with a deadly weapon;
22. Any violation of NRS 453.232, 453.316 to 453.339, inclusive, ***and sections 1.5 and 1.7 of this act,*** or NRS 453.375 to 453.401, inclusive;

23. Receiving or transferring a stolen vehicle;

24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;

25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

26. Receiving, possessing or withholding stolen goods valued at $650 or more;

27. Embezzlement of money or property valued at $650 or more;

28. Obtaining possession of money or property valued at $650 or more, or obtaining a signature by means of false pretenses;

29. Perjury or subornation of perjury;

30. Offering false evidence;

31. Any violation of NRS 201.300, 201.320, 201.360 or 201.395;

32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

33. Any violation of NRS 205.506, 205.920 or 205.930;

34. Any violation of NRS 202.445 or 202.446;

35. Any violation of NRS 205.377;

36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or

37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

Sec. 12.3. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the Director shall, with the approval of the Board, establish a program of treatment for offenders with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible offender as part of his or her medication-assisted treatment be made by a treating physician and the eligible offender.

3. Except as otherwise provided in this section, any offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If an offender received medication-assisted treatment immediately preceding his or her incarceration, the offender is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the Director may impose reasonable conditions for an offender to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The Director shall not deny an offender the ability to participate in the program or terminate the participation of an offender in the program on the basis that:

(a) The results of a screening test administered to the offender upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The offender committed an infraction of the rules of the institution or facility before or during the participation of the offender in the program.

5. An offender who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the offender during his or her participation in the program indicated the presence of a controlled substance.

6. As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 12.7. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall establish a program to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

2. The program established pursuant to subsection 1 must:

(a) Provide each eligible prisoner who participates in the program with appropriate medication-assisted treatment for the period in which the prisoner is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible prisoner as part of his or her medication-assisted treatment be made by a treating physician and the eligible prisoner.

3. Except as otherwise provided in this section, any prisoner who the sheriff, chief of police or town marshal has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the sheriff, chief of police or town marshal pursuant to subsection 4 is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If a prisoner received medication-assisted treatment immediately preceding his or her incarceration, the prisoner is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

4. Except as otherwise provided in this subsection, the sheriff, chief of police or town marshal may impose reasonable conditions for a prisoner to

be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The sheriff, chief of police or town marshal shall not deny a prisoner the ability to participate in the program or terminate the participation of a prisoner in the program on the basis that:

(a) The results of a screening test administered to the prisoner upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The prisoner committed an infraction of the rules of the county, city or town jail or detention facility before or during the participation of the prisoner in the program.

5. A prisoner who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the prisoner during his or her participation in the program indicated the presence of a controlled substance.

6. As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 13. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, ***and section 1.5 of this act,*** 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 14. 1. The Joint Interim Standing Committee on the Judiciary shall conduct a study during the 2023-2024 interim concerning the possible upgrading of forensic laboratories in this State to enable such laboratories to perform quantitative testing involving controlled substances. The study must include, without limitation, an analysis of:

(a) The costs and benefits of performing such upgrades; and

(b) The impact of such upgrades on this State.

2. The Committee shall include its finding and recommendations for legislation relating to the study in the report required by subsection 4 of NRS 218E.330 to be prepared and submitted to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

Sec. 15. Notwithstanding the provisions of section 1.8 of this act, each law enforcement agency and the Nevada Sentencing Commission shall submit to the Joint Interim Standing Committee on the Judiciary the first report required by that section on or before March 1, 2024. For the purposes of the first report submitted by an agency pursuant to this section, any reference in section 1.8 of this act to the period since the last report shall be deemed to refer to the period beginning on October 1, 2023, and ending on the date on which the first report is submitted by the agency.

Sec. 16. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 35.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 104, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 634 and 737 of the Assembly be concurred in.

SENATOR ROCHELLE NGUYEN	ASSEMBLYWOMAN ELAINE MARZOLA
SENATOR MELANIE SCHEIBLE	ASSEMBLYWOMAN VENICIA CONSIDINE
SENATOR IRA HANSEN	ASSEMBLYWOMAN ALEXIS HANSEN
Senate Conference Committee	*Assembly Conference Committee*

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 104.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 196, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 602 of the Assembly be concurred in.

SENATOR ROBERTA LANGE	ASSEMBLYWOMAN NATHA ANDERSON
SENATOR MELANIE SCHEIBLE	ASSEMBLYWOMAN ANGIE TAYLOR
SENATOR SCOTT HAMMOND	ASSEMBLYMAN GREGORY KOENIG
Senate Conference Committee	*Assembly Conference Committee*

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 196.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 283, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 681 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA5, which is attached to and hereby made a part of this report.

SENATOR PAT SPEARMAN	ASSEMBLYWOMAN SARAH PETERS
SENATOR JULIE PAZINA	ASSEMBLYWOMAN SELENA TORRES
SENATOR JEFF STONE	ASSEMBLYMAN GREGORY T. HAFEN
Senate Conference Committee	*Assembly Conference Committee*

Amendment No. CA5.

SUMMARY—Revises certain provisions relating to health care**.** ~~[records.]~~ (BDR 54-555)

AN ACT relating to health care; requiring a custodian of health care records to furnish health care records electronically under certain circumstances; prohibiting a custodian of health care records from charging a fee that exceeds a certain amount to furnish health care records electronically if the health care records are maintained electronically; authorizing a person to disclose the genetic information of another person in accordance with certain federal law; **revising the circumstances under which a physician is authorized to prescribe or recommend and a manufacturer is authorized to provide or make available an investigational drug, biological product or device; authorizing a physician to prescribe or recommend an individualized investigational treatment under certain circumstances; requiring the reporting of certain information concerning individualized investigational treatments and investigational drugs, biological products and devices to certain governmental entities; revising the method by which a collection agency must notify a medical debtor before taking any action to collect a medical debt; authorizing a manufacturer to provide or make available an individualized investigational treatment to a patient under certain circumstances; authorizing the imposition of administrative**

penalties for certain violations; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing an individualized investigational treatment; requiring an insurer, third-party administrator or employer to furnish health care records in certain circumstances; prescribing the maximum amount of any fee charged to furnish health care records in those circumstances; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each custodian of health care records to make health care records available for inspection by a patient, certain representatives of a patient and certain government officials. (NRS 629.061) Upon request of such a person, **section 1** of this bill requires a custodian of health care records to electronically transmit the health care records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity.

Existing law authorizes a custodian of health care records to charge certain fees for furnishing a copy of health care records. (NRS 629.061) **Section 1**: (1) generally prohibits a custodian of health care records from charging a fee that exceeds $40 or other amounts prescribed by existing law for furnishing a copy of health care records electronically if the custodian of health care records maintains such health care records electronically; and (2) authorizes a custodian of health care records, other than the health care records of a state or local governmental entity, to charge certain additional fees in certain circumstances. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law prohibits a person from disclosing or compelling a person to disclose the identity of a person who was the subject of a genetic test or any genetic information of another person, with certain exceptions, without first obtaining the informed consent of that person or his or her legal guardian. (NRS 629.171) **Section 1.5** of this bill adds an exception to this prohibition to authorize a person to disclose such information as permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

Existing federal law prohibits the introduction of a drug or biological product into interstate commerce if the drug or biological product has not received approval from the United States Food and Drug Administration. (21 U.S.C. § 355; 42 U.S.C. § 262) Existing federal regulations allow expanded access to investigational drugs and biological products for patients who have a life-threatening or severely debilitating disease or condition, or a serious or immediately life-threatening illness, under certain circumstances. (21 C.F.R. Part 312, Subparts E and I) Existing Nevada law authorizes the manufacturer of an investigational drug, biological product or device, upon the prescription or recommendation of a physician, to provide or make available the investigational drug, biological product or device to a patient who has been diagnosed with a terminal condition that will, without the administration of life-sustaining

treatment, result in death within 1 year. (NRS 454.690) Existing law authorizes a physician to issue a prescription or recommendation for an investigational drug, biological product or device if the physician has: (1) diagnosed the patient with a terminal condition; (2) consulted with the patient and the patient and physician have determined that no treatment currently approved by the United States Food and Drug Administration is adequate to treat the terminal condition; and (3) obtained informed, written consent to the use of the investigational drug, biological product or device from the patient or his or her representative, parent or guardian. (NRS 630.3735, 633.6945) Sections 1.6, 1.9 and 2.7 of this bill: (1) remove the requirement that a patient be diagnosed with a terminal condition before a physician is authorized to prescribe or recommend, and a manufacturer is authorized to provide, an investigational drug, biological product or device; and (2) instead require the patient to be diagnosed with a life-threatening or severely debilitating disease or condition before such actions are authorized. Section 2.7 additionally: (1) authorizes the manufacturer of an individualized investigational treatment to make the treatment available to such a patient under similar conditions to an investigational drug, biological product or device if the manufacturer operates in a facility that meets certain federal requirements for the protection of human subjects; and (2) defines "individualized investigational treatment" to mean a drug, biological product or device that is unique to and produced exclusively for use by an individual patient based on the genetic profile of the patient. Sections 1.6 and 1.9 authorize a physician to prescribe or recommend an individualized investigational treatment under similar conditions to those under which a physician is authorized to recommend an investigational drug, biological product or device, except that sections 1.6 and 1.9 require the physician to additionally conduct certain biochemical analyses.

Section 2.7 requires a manufacturer that provides or makes available an individualized investigational treatment or investigational drug, biological product or device to establish a hotline for patients who develop adverse effects or symptoms. Section 2.7 also requires such a manufacturer to submit quarterly reports to the Board of Medical Examiners and the State Board of Osteopathic Medicine summarizing the individualized investigational treatments or investigational drugs, biological products or devices provided to patients of physicians who are licensed by those boards. Section 2.7 establishes an administrative penalty to be imposed against a manufacturer that fails to submit the required report. Section 2.7 also provides that if a patient dies while being treated with an individualized investigational treatment or investigational drug, biological product or device, the heir or heirs of the deceased patient are not personally liable for any outstanding debt related to such treatment.

Existing law makes it a misdemeanor for any officer, employee or agent of this State to prevent or attempt to prevent a patient from accessing an

investigational drug, biological product or device if certain requirements are met. (NRS 454.690) Section 2.7 additionally: (1) provides that counseling, advice or a recommendation from a physician consistent with medical standards of care is not a violation; and (2) makes it a misdemeanor for such an officer, employee or agent to prevent or attempt to prevent a patient from accessing an individualized investigational treatment if the same requirements are met.

Sections 1.6 and 1.9 revise the requirements concerning the informed, written consent that a physician is required to obtain before prescribing or recommending an individualized investigational treatment or an investigational drug, biological product or device. Sections 1.6 and 1.9 also require a physician who prescribes or recommends an individualized investigational treatment or an investigational drug, biological product or device to provide the patient with a form that contains certain information concerning: (1) the individualized investigational treatment or investigational drug, biological product or device; and (2) the treatment of adverse effects or symptoms caused by the individualized investigational treatment or investigational drug, biological product or device. Sections 1.6 and 1.9 require such a physician to report to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as appropriate, if a patient dies or is hospitalized as the result of using an individualized investigational treatment or investigational drug, biological product or device. Sections 1.6 and 1.9 require those boards to submit to the Legislature a biennial summary of the information reported to those boards pursuant to sections 1.6, 1.9 and 2.7 concerning individualized investigational treatments and investigational drugs, biological products and devices. Sections 1.6 and 1.9 additionally authorize those boards to adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices.

Existing law: (1) generally makes it a misdemeanor for any person to possess, procure, obtain, process, produce, derive, manufacture, sell, offer for sale, give away or otherwise furnish any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act; and (2) exempts from that criminal penalty a person who engages in certain acts to make an investigational drug or biological product available when certain requirements are met. (NRS 454.351) Section 2.5 of this bill additionally exempts from the criminal penalty a manufacturer who provides an individualized investigational treatment.

Existing law provides that a physician or person engaged in the practice of professional nursing who procures or administers a controlled substance or dangerous drug is not subject to professional discipline if the controlled substance or dangerous drug is an investigative drug or biological product prescribed by a physician. (NRS 630.306, 632.347,

633.511) Sections 1.55, 1.7 and 1.8 of this bill additionally exempt such persons from professional discipline if the substance is an individualized investigational treatment.

Existing law requires a collection agency, not less than 60 days before taking any action to collect a medical debt, to send by registered or certified mail to the medical debtor written notification setting forth certain information. (NRS 649.366) Section 2.3 of this bill removes the requirement that the written notification be sent by mail that is registered or certified.

Existing law provides for the payment of compensation to employees who are injured or disabled as a result of an occupational injury or disease. (Chapters 616A-616D and 617 of NRS) Existing law entitles any injured employee or a person who has been authorized by the injured employee to information from the records of an insurer or employer to the extent necessary for the proper presentation of such a claim. (NRS 616B.012) Existing regulations: (1) prescribe a process for an injured employee or person who has been authorized by the injured employee to request such information from the records of an insurer or employer; and (2) prohibit an insurer or employer from charging a fee that is more than 30 cents per page when providing the requested information. (NAC 616B.008)

Upon receiving such a request for health care records, **section 3** of this bill requires an insurer, third-party administrator or employer to furnish any health care records to the injured employee or his or her legal representative. **Section 3** authorizes an insurer, third-party administrator or employer to electronically transmit such health care records using a method of secure electronic transmission. **Section 3** prescribes the maximum amounts of fees for furnishing health care records in response to such a request, which depend on whether the records are furnished by electronic mail, through a secure electronic method of file sharing or in a nonelectronic format. **Section 4** of this bill makes a conforming change to clarify that **section 3** provides an exception to the general requirement that information obtained from an insurer or employer remain confidential.

Section 8 of this bill provides that the provisions of sections 1.55-1.9, 2.5 and 2.7 expire on July 1, 2027. Section 6 of this bill authorizes a patient who is being treated with an individualized investigational treatment or an investigational drug, biological product or device on June 30, 2027, to continue to receive such treatment on and after July 1, 2027, regardless of whether the patient remains eligible to receive such treatment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person who is authorized to request a copy of health care records of a patient pursuant to NRS 629.061 requests that a copy of such records

be furnished electronically, the custodian of health care records must electronically transmit a copy of the requested records to the person or, if the patient has provided written authorization for records to be furnished to another person or entity, to that person or entity. Such records must be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.

2. Except as otherwise provided in subsections 3 and 4, if a custodian of health care records maintains health care records electronically, any fee to furnish those records electronically pursuant to subsection 1 must not exceed $40 or the amount per page prescribed by NRS 629.061, whichever is less.

3. If the total amount of the fee chargeable pursuant to subsection 2 for the furnishing of health care records electronically is less than $5, a custodian of health care records, other than a custodian of the health care records of a state or local governmental entity, may charge a fee of $5 for the furnishing of those health care records.

4. A custodian of health care records, other than a custodian of the health care records of a state or local governmental entity, may charge the following fees to furnish health care records electronically, in addition to the total amount of the fee charged pursuant to subsection 2 or 3:

(a) A fee of $5 for written confirmation that no health care records were found.

(b) A fee of $5 for furnishing a copy of a certificate of the custodian of health care records.

(c) A fee of $20 for a copy of a printed film sheet.

(d) A fee of $25 for furnishing a copy of radiologic images in any form other than a printed film sheet.

5. As used in this section:

(a) "Custodian of health care records" has the meaning ascribed to it in NRS 629.016 and additionally includes a covered entity or business associate, as those terms are defined in 45 C.F.R. § 160.103.

(b) "Health care records" has the meaning ascribed to it in NRS 629.021 and additionally includes individually identifiable health information, as defined in 45 C.F.R. § 160.103.

(c) "Secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

(1) No person other than the intended recipient receives the information;

(2) The identity and signature of the sender of the information can be authenticated; and

(3) The information which is received by the intended recipient is identical to the information that was sent.

Sec. 1.5. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

2. To determine the parentage or identity of a person pursuant to NRS 56.020;

3. To determine the paternity of a person pursuant to NRS 126.121 or 425.384;

4. Pursuant to an order of a court of competent jurisdiction;

5. By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

6. To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

7. To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

8. To carry out the provisions of NRS 442.300 to 442.330, inclusive; ~~[or]~~

9. By an agency of criminal justice pursuant to NRS 179A.075 ~~[.]~~ ***; or***

10. As permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

Sec. 1.55. **NRS 630.306 is hereby amended to read as follows:**

630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

(b) Engaging in any conduct:

(1) Which is intended to deceive;

(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(3) Which is in violation of a provision of chapter 639 of NRS, or a regulation adopted by the State Board of Pharmacy pursuant thereto, that is applicable to a licensee who is a practitioner, as defined in NRS 639.0125.

(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

(h) Having an alcohol or other substance use disorder.

(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

(j) Failing to comply with the requirements of NRS 630.254.

(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction. The provisions of this paragraph do not apply to any disciplinary action taken by the Board or taken because of any disciplinary action taken by the Board.

(l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

(n) Operation of a medical facility at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(o) Failure to comply with the requirements of NRS 630.373.

(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

(q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an ***individualized investigational treatment or*** investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(s) Failure to comply with the provisions of NRS 630.3745.

(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

(v) Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

(w) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

2. As used in this section ~~[, "investigational]~~ ***:***

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 1.6. **NRS 630.3735 is hereby amended to read as follows:**

630.3735 1. A physician may prescribe or recommend an ***individualized investigational treatment or*** investigational drug, biological product or device to a patient if the physician has:

(a) Diagnosed the patient with a ~~[terminal]~~ ***life-threatening or severely debilitating disease or*** condition;

(b) Discussed with the patient all available methods of treating the ~~[terminal]~~ ***life-threatening or severely debilitating disease or*** condition that have been approved by the United States Food and Drug Administration and the patient and the physician have determined that no such method of treatment is adequate to treat the ~~[terminal]~~ ***life-threatening or severely debilitating disease or*** condition of the patient; ~~[and]~~

(c) ***For an individualized investigational treatment, conducted an analysis of the patient's genomic sequence, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products or metabolites or an immunity panel, as applicable to the individualized investigational treatment; and***

(d) Obtained informed, written consent to the use of the ***individualized investigational treatment or*** investigational drug, biological product or device***, as applicable,*** from:

(1) The patient;

(2) If the patient is incompetent, the representative of the patient; or

(3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable**.** ~~[, that contains:]~~ ***The form must:***

(a) ~~[An]~~ ***To the extent practicable, be in the preferred language of the patient, or the representative or parent or legal guardian of the patient, as applicable.***

(b) Be in language that is at the reading level of an eighth grader or a pupil enrolled in a lower grade.

(c) Include or be accompanied by:

(1) An overview of the provisions of this section and NRS 454.690, including, without limitation, a detailed description of the provisions of subsection 1 and the terms defined in subsection 8;

(2) A comprehensive explanation of all methods of treating the ~~[terminal]~~ ***life-threatening or severely debilitating disease or*** condition of the patient that are currently approved by the United States Food and Drug Administration ~~[.]~~ ***, including, without limitation, information concerning such methods published by the United States Food and Drug Administration, the National Institutes of Health or other federal agencies;***

~~[(b)]~~ ***(3)*** A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the physician agree that no such method is likely to ~~[significantly prolong the life]~~ ***adequately treat the life-threatening or severely debilitating disease or condition*** of the patient;

~~[(c)]~~ ***(4)*** Clear identification of the specific ***individualized investigational treatment or*** investigational drug, biological product or device proposed to treat the ~~[terminal]~~ ***life-threatening or severely debilitating disease or*** condition of the patient;

~~[(d)]~~ ***(5)*** A ***detailed*** description of the consequences of using the ***individualized investigational treatment or*** investigational drug, biological product or device, which must include, without limitation:

~~[(1)]~~ ***(I)*** A ***detailed*** description of the best and worst possible outcomes;

~~[(2)]~~ ***(II)*** A realistic ***and detailed*** description of the most likely outcome, in the opinion of the physician;

(III) A detailed description of relevant information that is not known about the individualized investigational treatment or investigational drug, biological product or device; and

~~[(3)]~~ ***(IV)*** A statement of the possibility that using the ***individualized investigational treatment or*** investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the ***individualized investigational treatment or*** investigational drug, biological product or device is not used ~~[.]~~ ***and a detailed description of any known new, different or worse symptoms the patient may suffer;***

(6) A statement of the rights of the patient, including, without limitation, the rights to:

(I) Make an informed decision concerning the use of the individualized investigational treatment or investigational drug, biological product or device; and

(II) Withdraw from or refuse treatment using the individualized investigational treatment or investigational drug, biological product or device at any time;

(7) Information concerning resources that may be useful to the patient, including, without limitation, the contact information for agencies or organizations that may be able to provide support to the patient;

(8) A means by which the patient may contact the manufacturer of the individualized investigational treatment or investigational drug, biological product or device with any additional questions or concerns;

~~[(e)]~~ ***(9)*** A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the ***individualized investigational treatment or*** investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the ***individualized investigational treatment or*** investigational drug, biological product or device; and

~~[(f)]~~ ***(10)*** A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the ***individualized investigational treatment or*** investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the ***individualized investigational treatment or*** investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. ***A physician who prescribes or recommends an individualized investigational treatment or investigational drug, biological product or device to a patient shall provide to the patient a form that:***

(a) To the extent practicable, is in the preferred language of the patient; and

(b) Contains:

(1) The name of the individualized investigational treatment or investigational drug, biological product or device;

(2) The instructions for use and, where applicable, the recommended dosage of the individualized investigational treatment or investigational drug, biological product or device;

(3) Where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;

(4) The telephone number for the hotline established pursuant to subsection 4 of NRS 454.690;

(5) The contact information, telephone number, hours of operation and physical address of an emergency room or urgent care facility that is easily accessible to the patient if the patient experiences an adverse effect or symptom; and

(6) Any other information concerning the individualized investigational treatment or investigational drug, biological product or device that is relevant to the care of the patient.

4. Not later than 72 hours after the death or hospitalization of a patient which results from the use of an individualized investigational treatment or investigational drug, biological product or device, the physician who prescribed or recommended the individualized investigational treatment or investigational drug, biological product or device shall notify the Board.

5. On or before January 31 of each odd-numbered year, the Board shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a summary of the information reported to the Board pursuant to subsection 4 and subsection 4 of NRS 454.690 during the immediately preceding biennium.

6. A physician is not subject to disciplinary action for prescribing or recommending an ***individualized investigational treatment or*** investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

7. The Board may adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices prescribed or recommended pursuant to this section.

~~[4.]~~ ***8.*** As used in this section:

(a) ***"Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.***

(b) "Investigational drug, biological product or device" has the meaning ascribed to it in NRS 454.690.

~~[(b) "Terminal condition"]~~

(c) "Life-threatening disease or condition" has the meaning ascribed to it in NRS 454.690.

(d) "Severely debilitating disease or condition" has the meaning ascribed to it in NRS 454.690.

Sec. 1.7. **NRS 632.347 is hereby amended to read as follows:**

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an ***individualized investigational treatment or*** investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(t) Has violated the provisions of NRS 454.217 or 629.086.

(u) Has performed or supervised the performance of a pelvic examination in violation of NRS 629.085.

(v) Has failed to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section ~~[~~**,** ~~"investigational"]~~ ***:***

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 1.8. **NRS 633.511 is hereby amended to read as follows:**

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an ***individualized investigational treatment or*** investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter, except for a violation of NRS 633.4717, or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

(z) Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

(aa) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

2. As used in this section ~~[, "investigational]~~ ***:***

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 1.9. **NRS 633.6945 is hereby amended to read as follows:**

633.6945 1. An osteopathic physician may prescribe or recommend an ***individualized investigational treatment or*** investigational drug, biological product or device to a patient if the osteopathic physician has:

(a) Diagnosed the patient with a ~~[terminal]~~ ***life-threatening or severely debilitating disease or*** condition;

(b) Discussed with the patient all available methods of treating the ~~[terminal]~~ ***life-threatening or severely debilitating disease or*** condition that have been approved by the United States Food and Drug Administration and the patient and the osteopathic physician have determined that no such method of treatment is adequate to treat the ~~[terminal]~~ ***life-threatening or severely debilitating disease or*** condition of the patient; ~~[and]~~

(c) ***For an individualized investigational treatment, conducted an analysis of the patient's genomic sequence, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products or metabolites or an immunity panel, as applicable to the individualized investigational treatment; and***

(d) Obtained informed, written consent to the use of the ***individualized investigational treatment or*** investigational drug, biological product or device***, as applicable,*** from:

(1) The patient;

(2) If the patient is incompetent, the representative of the patient; or

(3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable***.*** ~~[, that contains:]~~ ***The form must:***

(a) ~~[An]~~ ***To the extent practicable, be in the preferred language of the patient, or the representative or parent or legal guardian of the patient, as applicable.***

(b) Be in language that is at the reading level of an eighth grader or a pupil enrolled in a lower grade.

(c) Include or be accompanied by:

(1) An overview of the provisions of this section and NRS 454.690, including, without limitation, a detailed description of the provisions of subsection 1 and the terms defined in subsection 8;

(2) A comprehensive explanation of all methods of treating the ~~[terminal]~~ ***life-threatening or severely debilitating disease or*** condition of the patient that are currently approved by the United States Food and Drug Administration ~~[.]~~ ***, including, without limitation, information concerning such methods***

published by the United States Food and Drug Administration, the National Institutes of Health or other federal agencies;

~~[(b)]~~ ***(3)*** A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the osteopathic physician agree that no such method is likely to ~~[significantly prolong the life]~~ ***adequately treat the life-threatening or severely debilitating disease or condition*** of the patient;

~~[(c)]~~ ***(4)*** Clear identification of the specific ***individualized investigational treatment or*** investigational drug, biological product or device proposed to treat the ~~[terminal]~~ ***life-threatening or severely debilitating disease or*** condition of the patient;

~~[(d)]~~ ***(5)*** A ***detailed*** description of the consequences of using the ***individualized investigational treatment or*** investigational drug, biological product or device, which must include, without limitation:

~~[(1)]~~ ***(I)*** A ***detailed*** description of the best and worst possible outcomes;

~~[(2)]~~ ***(II)*** A realistic ***and detailed*** description of the most likely outcome, in the opinion of the osteopathic physician;

(III) A detailed description of relevant information that is not known about the individualized investigational treatment or investigational drug, biological product or device; and

~~[(3)]~~ ***(IV)*** A statement of the possibility that using the ***individualized investigational treatment or*** investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the ***individualized investigational treatment or*** investigational drug, biological product or device is not used ~~[.]~~ ***and a detailed description of any known new, different or worse symptoms the patient may suffer;***

(6) A statement of the rights of the patient, including, without limitation, the rights to:

(I) Make an informed decision concerning the use of the individualized investigational treatment or investigational drug, biological product or device; and

(II) Withdraw from or refuse treatment using the individualized investigational treatment or investigational drug, biological product or device at any time;

(7) Information concerning resources that may be useful to the patient, including, without limitation, the contact information for agencies or organizations that may be able to provide support to the patient;

(8) A means by which the patient may contact the manufacturer of the individualized investigational treatment or investigational drug, biological product or device with any additional questions or concerns;

~~[(e)]~~ ***(9)*** A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the ***individualized investigational treatment or*** investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the

policy of insurance covering the patient may be affected by the patient's use of the ***individualized investigational treatment or*** investigational drug, biological product or device; and

~~[(f)]~~ ***(10)*** A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the ***individualized investigational treatment or*** investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the ***individualized investigational treatment or*** investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. ***An osteopathic physician who prescribes or recommends an individualized investigational treatment or investigational drug, biological product or device to a patient shall provide to the patient a form that:***

(a) To the extent practicable, is in the preferred language of the patient; and

(b) Contains:

(1) The name of the individualized investigational treatment or investigational drug, biological product or device;

(2) The instructions for use and, where applicable, the recommended dosage of the individualized investigational treatment or investigational drug, biological product or device;

(3) Where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;

(4) The telephone number for the hotline established pursuant to subsection 4 of NRS 454.690;

(5) The contact information, telephone number, hours of operation and physical address of an emergency room or urgent care facility that is easily accessible to the patient if the patient experiences an adverse effect or symptom; and

(6) Any other information concerning the individualized investigational treatment or investigational drug, biological product or device that is relevant to the care of the patient.

4. Not later than 72 hours after the death or hospitalization of a patient which results from the use of an individualized investigational treatment or investigational drug, biological product or device, the osteopathic physician who prescribed or recommended the individualized investigational treatment or investigational drug, biological product or device shall notify the Board.

5. On or before January 31 of each odd-numbered year, the Board shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a summary of the information reported to the Board pursuant to subsection 4 and subsection 4 of NRS 454.690 during the immediately preceding biennium.

6. An osteopathic physician is not subject to disciplinary action for prescribing or recommending an ***individualized investigational treatment or***

investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

7. The Board may adopt regulations to ensure the safety and efficacy of individualized investigational treatments and investigational drugs, biological products and devices prescribed or recommended pursuant to this section.

~~[4.]~~ ***8.*** As used in this section:

(a) ***"Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.***

(b) "Investigational drug, biological product or device" has the meaning ascribed to it in NRS 454.690.

~~[(b) "Terminal condition"]~~

(c) "Life-threatening disease or condition" has the meaning ascribed to it in NRS 454.690.

(d) "Severely debilitating disease or condition" has the meaning ascribed to it in NRS 454.690.

Sec. 2. NRS 641.2291 is hereby amended to read as follows:

641.2291 1. A program of education for mental health professionals approved by the Board, a mental health professional or a person receiving training for mental health professionals is not required to retain a recording of the provision of mental health services by a psychologist to a patient that meets the requirements of subsection 2 if:

(a) The recording is used for a training activity that is part of a program of education for mental health professionals approved by the Board;

(b) The patient has provided informed consent in writing on a form that meets the requirements prescribed by the Board pursuant to subsection 3 to the use of the recording in the training activity;

(c) Destroying the recording does not result in noncompliance with the obligations described in subsection 4; and

(d) The recording is destroyed after the expiration of the period of time prescribed by the Board pursuant to paragraph (b) of subsection 3.

2. A recording of the provision of mental health services by a psychologist to a patient used for the purpose described in paragraph (a) of subsection 1:

(a) Must meet all requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, that are designed to prevent the reproduction, copying or theft of the recording; and

(b) Must not contain any personally identifiable information relating to the patient unless the patient has provided informed consent in writing specifically authorizing the inclusion of that information in the recording.

3. The Board shall adopt regulations:

(a) Prescribing requirements governing the provision of informed written consent pursuant to paragraph (b) of subsection 1, including, without limitation, requirements governing:

(1) The form on which such informed written consent must be provided; and

(2) The length of time that a psychologist who obtains such informed written consent must maintain the informed written consent;

(b) Prescribing the length of time that a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals that uses a recording of the provision of mental health services by a psychologist to a patient for the purposes described in paragraph (a) of subsection 1 may retain the recording before destroying it; and

(c) Defining "training activity" for the purposes of this section.

4. The provisions of this section do not abrogate, alter or otherwise affect the obligation of a psychologist to comply with the applicable requirements of chapter 629 of NRS, including, without limitation, the requirement to retain records concerning the mental health services that he or she provides to patients in accordance with NRS 629.051 to 629.069, inclusive ~~[.]~~ ***, and section 1 of this act.***

5. Except where necessary for compliance with subsection 4, a recording of the provision of mental health services by a psychologist to a patient that is used for a training activity by a program of education for mental health professionals, a mental health professional or a person receiving training for mental health professionals in accordance with the provisions of this section is not a health care record for the purposes of chapter 629 of NRS.

6. As used in this section, "mental health professional" means a psychologist, a marriage and family therapist, a clinical professional counselor, a social worker, a master social worker, an independent social worker, a clinical social worker, a clinical alcohol and drug counselor, an alcohol and drug counselor or problem gambling counselor.

Sec. 2.3. **NRS 649.366 is hereby amended to read as follows:**

649.366 1. Not less than 60 days before taking any action to collect a medical debt, a collection agency shall send by ~~[registered or certified]~~ mail to the medical debtor written notification that sets forth:

(a) The name of the medical facility, provider of health care or provider of emergency medical services that provided the goods or services for which the medical debt is owed;

(b) The date on which those goods or services were provided; and

(c) The principal amount of the medical debt.

2. The written notification required by subsection 1 must:

(a) Identify the name of the collection agency; and

(b) Inform the medical debtor that, as applicable:

(1) The medical debt has been assigned to the collection agency for collection; or

(2) The collection agency has otherwise obtained the medical debt for collection.

Sec. 2.5. **NRS 454.351 is hereby amended to read as follows:**

454.351 1. Any person within this State who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. The provisions of this section do not apply:

(a) To physicians licensed to practice in this State who have been authorized by the United States Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the United States Food and Drug Administration.

(b) To any substance which has been licensed by the State Board of Health for manufacture in this State but has not been approved as a drug by the United States Food and Drug Administration. The exemption granted in this paragraph does not grant authority to transport such a substance out of this State.

(c) To any person or governmental entity who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes an ***individualized investigational treatment or*** investigational drug or biological product when authorized pursuant to NRS 454.690.

(d) To any physician who prescribes or recommends an ***individualized investigational treatment or*** investigational drug or biological product pursuant to NRS 630.3735 or 633.6945.

3. As used in this section:

(a) "Biological product" has the meaning ascribed to it in NRS 454.690.

(b) ***"Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.***

(c) "Investigational drug or biological product" means a drug or biological product that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

Sec. 2.7. **NRS 454.690 is hereby amended to read as follows:**

454.690 1. The manufacturer of an investigational drug, biological product or device may provide or make available the investigational drug, biological product or device to a patient in this State who has been diagnosed with a ~~[terminal]~~ ***life-threatening or severely debilitating disease or*** condition if a physician has prescribed or recommended the investigational drug, biological product or device to the patient as authorized pursuant to NRS 630.3735 or 633.6945.

2. ***The manufacturer of an individualized investigational treatment may provide or make available the individualized investigational treatment to a patient in this State who has been diagnosed with a life-threatening or severely debilitating disease or condition if:***

(a) The manufacturer operates within a health care institution that:

(1) Operates under a Federalwide Assurance for the protection of human subjects pursuant to 45 C.F.R. Part 46; and

(2) Is subject to all Federalwide Assurance regulations, policies and guidelines, including, without limitation, renewals and updates; and

(b) A physician has prescribed or recommended the individualized investigational treatment to the patient as authorized pursuant to NRS 630.3735 or 633.6945.

3. A manufacturer who provides or makes available an ***individualized investigational treatment or*** investigational drug, biological product or device***, as applicable,*** to a patient pursuant to subsection 1 may:

(a) Provide the investigational drug, biological product or device to the patient without charge; or

(b) Charge the patient only for the costs associated with the manufacture of the ***individualized investigational treatment or*** investigational drug, biological product or device ~~.~~ ***, as applicable.***

4. A manufacturer that provides or makes available an individualized investigational treatment or investigational drug, biological product or device to a patient pursuant to subsection 1 or 2 shall:

(a) Establish a hotline that operates 24 hours a day, 7 days a week, including holidays, for patients who develop adverse effects or symptoms.

(b) On or before January 1, April 1, July 1 and October 1 of each year, or, if that date falls on a Saturday, Sunday or legal holiday, the next business day thereafter, submit to the Board of Medical Examiners and the State Board of Osteopathic Medicine a report summarizing information concerning the individualized investigational treatments or the investigational drugs, biological products or devices provided or made available to patients of physicians licensed by the board to which the report is submitted during the immediately preceding calendar quarter. The report must include, without limitation:

(1) The number of patients who received the individualized investigational treatment or the investigational drug, biological product or device;

(2) Where applicable, the average number of doses received by patients;

(3) The name of the individualized investigational treatment or the investigational drug, biological product or device and, where applicable, the investigational new drug number assigned by the United States Food and Drug Administration;

(4) The disease or condition that the individualized investigational treatment or the investigational drug, biological product or device is intended to treat;

(5) The uses for which the individualized investigational treatment or the investigational drug, biological product or device was provided or made available; and

(6) Any known adverse effects or symptoms associated with the administration of the individualized investigational treatment or the investigational drug, biological product or device.

~~[3.]~~ ***5.*** An officer, employee or agent of this State shall not prevent or attempt to prevent a patient from accessing an ***individualized investigational treatment or*** investigational drug, biological product or device that is authorized to be provided or made available to a patient pursuant to this section. ***Counseling, advice or a recommendation from a physician consistent with medical standards of care is not a violation of this subsection.***

6. This section does not create a private cause of action against the manufacturer of an individualized investigational treatment or investigational drug, biological product or device, or against any other person or entity involved in the care of a patient who uses an individualized investigational treatment or investigational drug, biological product or device for any harm done to the patient resulting from the individualized investigational treatment or investigational drug, biological product or device, if the manufacturer or other person or entity is complying in good faith with the provisions of this section and has exercised reasonable care.

7. Notwithstanding any provision of law to the contrary, if a patient dies while being treated with an individualized investigational treatment or investigational drug, biological product or device, the heir or heirs of the deceased patient must not be held personally liable for any outstanding debt related to such treatment.

~~[4.]~~ ***8.*** A violation of any provision of this section ***, except for subsection 4,*** is a misdemeanor.

9. If a manufacturer fails to comply with the provisions of subsection 4 and such failure is not caused by excusable neglect, technical problems or other extenuating circumstances, the manufacturer is liable for a civil penalty to be recovered by the Attorney General in an amount of $5,000 for each day of such failure. The Attorney General shall deposit any civil penalties collected pursuant to this subsection with the State Treasurer for credit to the State General Fund.

~~[5.]~~ ***10.*** As used in this section:

(a) "Biological product" has the meaning ascribed to it in 42 U.S.C. § 262.

(b) ***"Individualized investigational treatment" means a drug, biological product or device that is unique to and produced exclusively for use by an individual patient based on the genetic profile of the patient, including, without limitation, by an analysis of the genomic sequence of the patient, human chromosomes, deoxyribonucleic acid, ribonucleic acid, genes, gene products such as enzymes and other types of proteins or metabolites. The term includes, without limitation, individualized gene therapy, antisense oligonucleotides and individualized neoantigen vaccines.***

(c) "Investigational drug, biological product or device" means a drug, biological product or device that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

~~[(c) "Terminal condition" means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within 1 year.]~~

(d) "Life-threatening disease or condition" has the meaning ascribed to it in 21 C.F.R. § 312.81, as interpreted by any guidance of the United States Food and Drug Administration.

(e) "Severely debilitating disease or condition" has the meaning ascribed to it in 21 C.F.R. § 312.81, as interpreted by any guidance of the United States Food and Drug Administration.

Sec. 3. Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an injured employee or his or her legal representative requests health care records from an insurer, third-party administrator or employer pursuant to subsection 2 of NRS 616B.012, any other provision of chapters 616A to 616D, inclusive, or chapter 617 of NRS or any regulation adopted pursuant thereto, the insurer, third-party administrator or employer shall furnish a copy of the requested records to the injured employee or legal representative. Such records may be furnished in an electronic format using a method of secure electronic transmission that complies with applicable federal and state law.

2. If an insurer, third-party administrator or employer maintains health care records electronically, any fee to furnish those records in an electronic format pursuant to subsection 1 must not exceed:

(a) Fifteen dollars for records able to be delivered by electronic mail; or

(b) Twenty-five dollars for records required to be delivered using a secure electronic method of file sharing.

3. Any fee to furnish health care records in a form that is not electronic pursuant to subsection 1 must not exceed 30 cents per page.

4. As used in this section:

(a) "Health care records" has the meaning ascribed to it in NRS 629.021 and additionally includes individually identifiable health information, as defined in 45 C.F.R. § 160.103.

(b) "Secure electronic transmission" has the meaning ascribed to it in section 1 of this act.

Sec. 4. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 607.217, 616B.015, 616B.021 and 616C.205, ***and section 3 of this act,*** information obtained from any insurer, employer or employee is

confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

➥ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B, 363C and 363D of NRS. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from:

(a) Disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance; or

(b) Notifying an injured employee or the surviving spouse or dependent of an injured employee of benefits to which such persons may be entitled in addition to those provided pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS but only if:

(1) The notification is solely for the purpose of informing the recipient of benefits that are available to the recipient; and

(2) The content of the notification is limited to information concerning services which are offered by nonprofit entities.

Sec. 5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 6. **1. A patient who is being treated with an individualized investigational treatment or an investigational drug, biological product or device on June 30, 2027, may continue to receive such treatment on and after July 1, 2027, regardless of whether the patient remains eligible to receive such treatment.**

2. As used in this section:

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690, as amended by section 2.7 of this act.

(b) "Investigational drug, biological product or device" has the meaning ascribed to it in NRS 454.690, as amended by section 2.7 of this act.

~~[Sec. 5.]~~ ***Sec. 7.*** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. **1. This section and sections 1.55 to 1.9, inclusive, 2.5, 2.7, 5 and 6 of this act become effective on July 1, 2023.**

2. Sections 1, 1.5, 2, 2.3, 3, 4 and 7 of this act become effective on October 1, 2023.

3. Sections 1.55 to 1.9, inclusive, 2.5 and 2.7 of this act expire by limitation on July 1, 2027.

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 283.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 355, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 669 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA6, which is attached to and hereby made a part of this report.

SENATOR ROBERTA LANGE	ASSEMBLYWOMAN SANDRA JAUREGUI
SENATOR PAT SPEARMAN	ASSEMBLYWOMAN ELAINE MARZOLA
SENATOR SCOTT HAMMOND	ASSEMBLYMAN TOBY YUREK
Senate Conference Committee	*Assembly Conference Committee*

Amendment No. CA6.

SUMMARY—Revises provisions relating to ~~[financial services.]~~ **commerce.** (BDR 55-59)

AN ACT relating to ~~[financial services;]~~ **commerce;** prohibiting the Commissioner of Financial Institutions from requiring an applicant for a license to establish a new depository institution to identify the physical address of the proposed depository institution in the application for the license; authorizing certain persons employed by financial institutions to temporarily delay certain financial transactions involving the suspected exploitation of an older person or vulnerable person; exempting certain persons from liability for certain actions relating to the suspected exploitation of an older person or vulnerable person; authorizing ~~[the employee of a person licensed to engage in the business of lending in this State]~~ **certain persons** to perform certain work from a remote location under certain circumstances; setting forth various requirements concerning such work performed at a remote location; requiring a person licensed to engage in the business of lending in this State to provide notice to the Attorney General and certain other persons of certain breaches of security involving personal information; revising the circumstances under which a person is not required to accept an acknowledged power of attorney; **prohibiting certain deceptive service agreements between an owner of residential property and a service provider; revising provisions governing persons who hold a permit to engage in property management; revising**

the method by which a collection agency must notify a medical debtor before taking any action to collect a medical debt; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of various types of financial institutions, including, without limitation, depository institutions, by the Commissioner of Financial Institutions. (Title 55 of NRS) Existing law requires the Commissioner, during the process for the organization and licensing of a banking corporation or company, to examine all the facts connected with the formation of the proposed banking corporation or company, including its location. (NRS 659.045) Similarly, existing law requires a person who desires to organize a savings bank to submit to the Commissioner an application that contains, among other things, the location of the proposed main office of the savings bank. (NRS 673.080) **Section 1** of this bill prohibits the Commissioner from requiring an applicant for a license to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located. **Section 1** authorizes the Commissioner to require such an applicant to: (1) identify the location of the proposed main office, described in general terms, in the application; and (2) provide the physical address of the proposed main office before the depository institution commences business. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law prohibits a person from engaging in the business of lending in this State without having first obtained a license from the Commissioner for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) **Section 5** of this bill authorizes an employee of a licensee to engage in the business of lending in this State at a remote location if authorized by the licensee. **Section 5** requires a licensee: (1) to enter into a written agreement with an employee before authorizing the employee to work at a remote location; and (2) to ensure that the employee and the remote location meet certain requirements. **Section 6** of this bill requires a licensee who authorizes an employee to engage in the business of lending in this State at a remote location to develop and adhere to a written data security policy meeting certain requirements. **Section 7** of this bill sets forth certain prohibited acts with respect to an employee who engages in the business of lending in this State at a remote location. **Section 8** of this bill requires a licensee who authorizes any employee to engage in the business of lending in this State at a remote location to conduct an annual review and evaluation of the operations of the licensee which are conducted by employees working at remote locations. **Section 11** of this bill defines words and terms for the purposes of this bill. **Sections 12-16** of this bill make certain changes to provisions governing the licensing of persons engaged in the business of lending to account for the provisions of **sections 5-8** which authorize an

employee of a licensee to engage in the business of lending in this State at a remote location.

Existing law requires a data collector that owns, licenses or maintains computerized data which includes personal information to, after discovery or notification of a breach of security in which personal information maintained by the data collector was, or is reasonably believed to have been, acquired by an unauthorized person, notify each affected resident of this State and certain other persons. (NRS 603A.220) **Section 17** of this bill exempts a person licensed to engage in the business of lending in this State from those requirements. **Section 9** of this bill instead sets forth similar provisions which require a licensee, after discovery or notification of a breach of security in which personal information maintained by the licensee was, or is reasonably believed to have been, acquired by an unauthorized person, to notify each affected resident if the breach is reasonably likely to subject the resident to a risk of harm and certain other conditions are met. **Section 9** sets forth certain requirements for such a notification. **Section 10** of this bill requires a licensee who is required to notify more than 500 residents of this State pursuant to **section 9** as the result of a single breach also to notify the Attorney General.

Existing law requires certain financial institutions to designate a person to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person. (NRS 657.290) **Section 3** of this bill authorizes a designated reporter to delay a requested disbursement or transaction involving an older person or vulnerable person if the designated reporter knows or has reasonable cause to believe that the older person or vulnerable person has been exploited. **Section 3** sets forth procedures and requirements for the imposition of such a delay. Additionally, **section 3** provides that a financial institution and its officers, employees and designated reporters are immune from criminal, civil and administrative liability for: (1) making a report concerning the known or suspected exploitation of an older person or vulnerable person; (2) delaying a requested disbursement or transaction involving such exploitation pursuant to **section 3**; and (3) taking certain other actions relating to known or suspected exploitation of an older person or vulnerable person.

Under existing law, a person who refuses to accept an acknowledged power of attorney, with certain exceptions, is subject to: (1) a court order mandating acceptance of the power of attorney; and (2) liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney. (NRS 162A.370) **Section 16.5** of this bill provides that a designated reporter who delays a requested disbursement or transaction pursuant to **section 3** or certain other persons who make a report concerning the exploitation of an older person or vulnerable person are not required to accept an acknowledged power of attorney under certain circumstances.

Section 16.3 of this bill prohibits a service provider from entering into or recording a service agreement with an owner of residential property

that provides for the performance of the agreement more than 1 year from the date of the execution of the agreement if the service agreement: (1) purports to run with the land or bind future owners; (2) allows for the assignment of the right to provide service without requiring notice to and the agreement of the owner; or (3) purports to create a security interest in residential property. Section 16.3 provides that such a service agreement is void and unenforceable. Section 16.3 also: (1) provides that a county recorder may refuse to record such an agreement; (2) provides that any person who attempts to record such an agreement is guilty of a misdemeanor; and (3) authorizes a person with an interest in residential property subject to such a service agreement to bring a civil action. Additionally, section 16.3 requires a service provider that has entered into a service agreement on or before the passage and approval of this bill to record a notice of the service agreement with the county recorder of the county in which the real property that is subject to the service agreement is located. Finally, section 16.3 provides that a service provider who enters into or records a service agreement prohibited by section 16.3 is engaged in a deceptive trade practice.

Existing law authorizes a person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson to apply to the Real Estate Division of the Department of Business and Industry for a permit to engage in property management. (NRS 645.6052) A real estate broker who holds a permit to engage in property management is prohibited from acting as a property manager unless the broker has first obtained a property management agreement signed by the broker and the client for whom the broker will manage the property. (NRS 645.6056) Section 18 of this bill sets forth certain duties of a person who acts as a property manager when entering into a property management agreement and performing his or her duties pursuant to such agreement. Section 22 of this bill prohibits a property manager from waiving any of those duties. Section 23 of this bill authorizes a person who has suffered damages as the proximate result of a property manager's failure to perform any of those duties to bring an action against the property manager.

Section 19 of this bill revises the definition of the term "agency" to include a relationship arising out of a property management agreement. Section 20 of this bill requires the Division to prepare and distribute certain forms to property managers.

Existing law provides that if a real estate broker assigns different licensees affiliated with his or her brokerage to separate parties to a real estate transaction, the licensees are not required to obtain the written consent of each party to the transaction. (NRS 645.252, 645.253) Section 21 of this bill provides that property managers affiliated with a brokerage who are assigned to separate parties to a property management agreement are also not required to obtain such written consent.

Existing law requires an applicant for a license as a mortgage company to state in the application: (1) for an applicant who is not a wholesale lender, the location of each principal office and branch office at which the mortgage company will conduct business in this State; and (2) the location of any principal office, office or other place of business located outside this State from which the mortgage company will conduct business in this State. Existing law also requires a mortgage company that will conduct business at one or more branch offices to apply for a license for each branch office. (NRS 645B.020)

Section 24 of this bill authorizes an employee of a mortgage company, including, without limitation, a mortgage loan originator employed by or associated with the mortgage company, to conduct the business of the mortgage company at a remote location if authorized by the mortgage company. Section 24 defines "remote location" to mean, in general, any location, including the residence of an employee, that is not a location for which a license as a mortgage company has been issued. Section 24 sets forth certain requirements for a mortgage company to authorize an employee to conduct the business of the mortgage company at a remote location. Additionally, section 24 prohibits: (1) an employee from interacting with a customer in person at the residence of the employee; and (2) the maintenance of physical records at a remote location. Finally, section 24 requires: (1) a mortgage company to maintain certain records relating to business conducted at a remote location at its principal office or a branch office; and (2) the Commissioner of Mortgage Lending to adopt regulations governing the conducting of the business of a mortgage company at a remote location.

Existing law requires each mortgage company to keep and maintain at each location where the mortgage company conducts business in this State records of all mortgage transactions made by the mortgage company at that location. (NRS 645B.080) Section 25 of this bill exempts a remote location from that requirement and instead requires a mortgage company to keep and maintain records of all mortgage transactions made by an employee at a remote location in accordance with the requirements established by the Commissioner of Mortgage Lending by regulation.

Existing law requires a collection agency, not less than 60 days before taking any action to collect a medical debt, to send by registered or certified mail to the medical debtor written notification setting forth certain information. (NRS 649.366) Section 26 of this bill removes the requirement that the written notification be sent by mail that is registered or certified.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner shall not require an applicant for a license to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located.

2. The Commissioner may require an applicant for a license to establish a new depository institution to:

(a) Identify in the application for the license the location, described in general terms, where the main office of the proposed depository institution will be located; and

(b) Provide to the Commissioner the physical address of the main office of the proposed depository institution before the depository institution commences business.

Sec. 2. NRS 657.150 is hereby amended to read as follows:

657.150 As used in NRS 657.150 to 657.290, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 657.160 and 657.170 have the meanings ascribed to them in those sections.

Sec. 3. NRS 657.290 is hereby amended to read as follows:

657.290 1. Each financial institution shall designate a person or persons to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter ***:*** ~~[~~shall:~~]~~

(a) Except as otherwise provided in subsection 3, ***shall*** report the known or suspected exploitation of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; ~~[~~and~~]~~

(b) ~~[~~Make~~]~~ ***Shall make*** such a report as soon as reasonably practicable ~~[~~.~~]~~ ***; and***

(c) May temporarily delay a requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary if the designated reporter:

(1) Not later than 2 business days after the date on which the requested disbursement or transaction is delayed:

(I) Provides written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, except a party who is reasonably believed to have engaged in the suspected exploitation; and

(II) Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a local law enforcement agency of the delay; and

(2) Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and the appropriate local law enforcement agency of any new information that is relevant to the delay within a reasonable time after becoming aware of the information.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

5. ~~[An officer, employee]~~ ***A financial institution and any of its officers, employees*** and ~~[the]~~ designated ~~[reporter]~~ ***reporters*** are ~~[entitled to the immunity]~~ ***immune*** from ***civil, criminal and administrative*** liability ~~[set forth in NRS 200.5096 for making a report in good faith.]~~ ***arising from:***

(a) Making a report in good faith pursuant to this section;

(b) Delaying a requested disbursement or transaction involving the known or suspected exploitation of an older person or vulnerable person pursuant to this section; or

(c) Taking any reasonable action which is:

(1) Performed in furtherance of a duty or authorization created by subsection 2, 3 or 4; and

(2) Based upon a reasonable belief that an older person or vulnerable person has been exploited.

6. Except as otherwise provided in this subsection and subsections 7 and 8, a delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 expires 15 business days after the date on which the requested disbursement or transaction was delayed. If the local office of the Aging and Disability Services Division of the Department of

Health and Human Services or a local law enforcement agency requests in writing that the designated reporter extend the delay, the delay expires upon the earlier of:

(a) Twenty-five business days after the date on which the requested disbursement or transaction was delayed; or

(b) Upon the written request of the local office of the Aging and Disability Services Division of the Department of Health and Human Services or the local law enforcement agency that requested the extension of the delay or upon the order of a court of competent jurisdiction.

7. A delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 may expire before the period set forth in subsection 6 and the designated reporter may proceed with the requested disbursement or transaction if the designated reporter reasonably believes that the requested disbursement or transaction will not result in exploitation of the older person or vulnerable person.

8. A court of competent jurisdiction may issue an order extending a delay of a requested disbursement or transaction authorized by paragraph (c) of subsection 2 based on the petition of the local office of the Aging and Disability Services Division of the Department of Health and Human Services, a local law enforcement agency or any other interested party.

9. When determining whether an older person or vulnerable person has been exploited, a designated reporter may consider any of the following circumstances, if applicable and without limitation:

(a) A requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary that the older person or vulnerable person cannot explain;

(b) A request to close a certificate of deposit of an older person or vulnerable person that is made:

(1) Before the date of maturity of the certificate of deposit; and

(2) With apparent disregard for any penalty associated with closing the certificate of deposit before the date of maturity of the certificate of deposit;

(c) A check written by an older person or vulnerable person under suspicious circumstances;

(d) An uncharacteristic attempt by an older person or vulnerable person to initiate a wire transfer of a significant sum of money;

(e) A suspicious signature on documentation relating to an account of an older person or vulnerable person;

(f) A suspicious alteration to a:

(1) Trust to which an older person or vulnerable person is a beneficiary; or

(2) Will or trust for which an older person or vulnerable person is a testator or trustee;

(g) A suspicious alteration in a power of attorney relating to an older person or a vulnerable person; and

(h) A person attempting to initiate a financial transaction on behalf of an older person or vulnerable person without proper documentation.

Sec. 4. Chapter 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 10, inclusive, of this act.

Sec. 5. ***1. An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act if authorized by the licensee.***

2. Before authorizing an employee to engage in the business of lending in this State at a remote location, a licensee must enter into a written agreement with the employee that is signed by the employee in which the employee:

(a) Agrees to:

(1) Maintain the confidentiality of data concerning borrowers and potential borrowers while working at the remote location;

(2) Maintain all data of the licensee electronically while working at the remote location;

(3) Read and comply with the data security policy adopted by the licensee pursuant to section 6 of this act; and

(4) Keep any equipment provided to the employee by the licensee for use at the remote location safe and secure in the manner prescribed by the licensee;

(b) Agrees not to:

(1) Print or otherwise reproduce physical documents containing any data of the licensee at the remote location;

(2) Except as authorized by section 7 of this act, disclose to a borrower or potential borrower that the employee is working at a remote location;

(3) Convey to a borrower or potential borrower that the remote location at which the licensee is working is the place of business of the licensee; and

(4) Conduct any interactions with a borrower or potential borrower in person at the remote location.

3. A licensee shall not authorize an employee to engage in the business of lending in this State at a remote location unless the remote location:

(a) Is located in the United States;

(b) Is secure and sufficiently closed off from the public to enable the employee to maintain the confidentiality of borrowers and potential borrowers; and

(c) Contains all the equipment necessary for the employee to perform his or her work for the licensee, which must:

(1) Be sufficiently connected to the systems used by the licensee, including, without limitation, telephone systems, computerized data systems and other computer systems, to allow the licensee to monitor and oversee the work of the employee as though the employee were performing the same work at the place of business of the licensee; and

(2) Require the employee to enter unique credentials, passwords or similar information to access the computerized data system of the licensee and other computer systems used by the licensee to conduct business.

4. A licensee shall ensure that each employee of the licensee who engages in the business of lending at a remote location:

(a) Before beginning work at a remote location, completes a training program at the place of business of the licensee that includes, without limitation, instruction on privacy, confidentiality, monitoring and security in the context of remote work and compliance with applicable laws and the policies of the licensee;

(b) Receives the same level of communication, management, oversight and monitoring he or she would receive while working at the place of business of the licensee; and

(c) Complies with the provisions of this chapter and the regulations adopted pursuant thereto.

5. As used in this section, "place of business" means an office or place of business for which a license has been issued pursuant to this chapter.

Sec. 6. *A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall develop and adhere to a written data security policy. The data security policy must set forth procedures and requirements to ensure that:*

1. Data of the licensee that is stored at or accessible from a remote location is protected against unauthorized or accidental disclosure, access, use, modification, duplication or destruction;

2. An employee working at a remote location is able to access the computerized data system of the licensee and other computer systems of the licensee only through the use of a virtual private network or other system that:

(a) Requires the use of a username and password, frequent password changes, multifactor authentication, a system that automatically prevents a person from accessing an account upon the failure of the person to enter the appropriate credentials after a set number of attempts or any combination thereof; and

(b) Uses data encryption;

3. Any updates or repairs necessary to keep data and equipment secure are installed or implemented immediately;

4. All data of the licensee is stored in a safe and secure manner and the computerized data system of the licensee is capable of being modified to accommodate the storage of data necessary for an employee working at a remote location to perform his or her work;

5. Each remote location at which an employee works contains computers or other electronic devices which make use of reasonable security measures, such as antivirus software and firewalls;

6. The computerized data system of the licensee and other computer systems of the licensee may only be accessed through computers or other electronic devices which:

(a) Are issued by the licensee; and

(b) May only be used by an employee while performing activities approved by the licensee;

7. An internal or external risk assessment is performed annually on the protection of the data of the licensee from reasonably foreseeable internal or external risks;

8. After the performance of a risk assessment pursuant to subsection 7, the data security policy is updated to correct any deficiencies identified in the risk assessment;

9. The licensee has procedures in place which establish the actions that must be taken upon the:

(a) Discovery of a breach of the security of the computerized data system, including, without limitation, any actions that must be taken concerning the disclosure of the breach as required by section 9 of this act or other applicable law; and

(b) Occurrence of an emergency, including, without limitation, a fire or natural disaster, that has the potential to impact the storage of or access to data of the licensee;

10. The data of the licensee is disposed of in a timely and secure manner as required by applicable law and contractual requirements; and

11. The licensee is able, without the licensee or an agent of the licensee being physically present at a remote location, to disconnect any computer or device provided to an employee at a remote location from the computerized data system of the licensee or other computer systems of the licensee and disable and erase any data from such a computer or device upon termination of the employee's employment with the licensee.

Sec. 7. *1. An employee who engages in the business of lending in this State at a remote location shall not print or store physical records containing any data of the licensee at the remote location.*

2. Except as otherwise provided in subsection 3, an employee who engages in the business of lending in this State at a remote location or the licensee who employs such an employee shall not represent in any manner to a borrower, potential borrower or any other person that the employee is working at a remote location, including, without limitation, by:

(a) Advertising in any form the address of the remote location where the employee works or a personal telephone number or facsimile number associated with the remote location;

(b) Meeting a borrower or potential borrower at, or inviting a borrower or potential borrower to, the remote location; or

(c) Directly or indirectly suggesting or holding out in any manner that the address of the remote location is the address of the place of business of the licensee, including, without limitation, by receiving mail intended for the

licensee at the remote location or storing physical records of the licensee at the remote location.

3. An employee may respond to an inquiry concerning his or her location by stating that he or she is working remotely or working at a remote location.

4. As used in this section, "place of business" has the meaning ascribed to it in section 5 of this act.

Sec. 8. *A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall, at least once each year, conduct a review and evaluation of the operations of the licensee which are conducted by employees working at remote locations to determine whether such operations comply with the provisions of sections 5 to 8, inclusive, of this act. The Commissioner may require a licensee to conduct such a review and evaluation at such other times as the Commissioner deems necessary.*

Sec. 9. *1. If a licensee that owns or licenses computerized data that includes personal information discovers or is notified of a breach of the security of the computerized data system of the licensee, the licensee shall notify any resident of this State whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person if:*

(a) The breach is reasonably likely to subject the resident to a risk of harm; and

(b) Either:

(1) The personal information acquired or believed to have been acquired was not encrypted; or

(2) The breach resulted in, or is reasonably believed to have resulted in, an unauthorized person acquiring an encryption key or other means of converting encrypted personal information acquired by the person into an unencrypted or otherwise intelligible form.

2. Except as otherwise provided in this subsection and subsection 4, the notification required by subsection 1 must be made in the most expedient time possible and not more than 30 days after the date on which the licensee discovered or was notified of the breach. A licensee may delay providing the notification beyond the period required by this subsection, as authorized by subsection 4 or if the delay is caused by any measures necessary to determine the scope of the breach and restore the reasonable integrity of the computerized data system of the licensee.

3. Except as otherwise provided in subsection 4, a licensee that maintains data which includes personal information that the licensee does not own shall notify the owner of the information of any breach of the security of the computerized data system of the licensee immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

4. A notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal

investigation. The notification must be made after the law enforcement agency determines that the notification will not impede a criminal investigation.

5. Except as otherwise provided in subsections 6 and 8, a notification required by this section may be provided by any of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the licensee demonstrates that the cost of providing notification would exceed $250,000, the affected class of subject persons to be notified exceeds 500,000 or the licensee does not have sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the licensee has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the licensee, if the licensee maintains an Internet website.

(3) Notification to major statewide media.

6. If a breach involves a username, password or other login credentials to an electronic mail account furnished by the licensee, the licensee shall not provide the notification required pursuant to this section to that electronic mail account.

7. A notification provided by a licensee pursuant to this section must be written in plain language and contain, at a minimum, the following information:

(a) The name and contact information of the licensee;

(b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach;

(c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach;

(d) The toll-free telephone numbers and addresses of the major credit reporting agencies; and

(e) If the breach involved personal information that includes a username, password or other login credentials to an online account, an advisement to the person whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person to promptly change any relevant passwords or security questions or answers associated with the online account and to take any other appropriate steps to protect the online account and any other online account for which the person uses any of the same information to access.

8. A licensee who maintains his or her own notification procedures as part of a data security policy for the treatment of personal information that

are otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if the licensee notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the computerized data system of the licensee.

Sec. 10. ***1. A licensee who is required to notify more than 500 residents of this State pursuant to section 9 of this act as the result of a single breach shall notify the Attorney General of the breach not more than 30 days after the date on which the licensee discovered or was notified of the breach. The notification must include, without limitation:***

(a) The number of residents of this State affected or estimated to be affected by the breach.

(b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach.

(c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach.

(d) A summary of the actions taken to contain the breach.

(e) A sample copy of the notification the licensee provided to persons affected or reasonably believed to be affected by the breach which excludes any personally identifiable information.

2. If any of the information described in subsection 1 is unavailable to a licensee at the time the licensee submits the notification to the Attorney General, the licensee shall promptly provide the information to the Attorney General after the information becomes available to the licensee.

Sec. 11. NRS 675.020 is hereby amended to read as follows:

675.020 As used in this chapter, unless the context otherwise requires:

1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. ***"Breach of the security of the computerized data system" or "breach" means the unauthorized acquisition of computerized data from the computerized data system of the licensee that compromises the security, confidentiality or integrity of personal information maintained by the licensee. The term does not include the good faith acquisition of personal information by an employee or agent of a licensee for a legitimate purpose of the licensee, so long as the personal information is not used for a purpose unrelated to the licensee or subject to further authorized disclosure.***

4. "Business of lending in this State" means that a person:

(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or

(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.

5. "Commissioner" means the Commissioner of Financial Institutions.

~~[4.]~~ ***6.*** "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

~~[5.]~~ ***7. "Computerized data system" means a system of software, hardware or firmware, including, without limitation, a system of web-based applications, that:***

(a) Is owned, leased or licensed by a licensee;

(b) Is located at the place of business of the licensee or hosted remotely; and

(c) Stores or provides access to personal information, financial information or other data related to borrowers or potential borrowers.

8. "Consumer credit" has the meaning ascribed to it in NRS 604A.036.

~~[6.]~~ ***9.*** "Covered service member" has the meaning ascribed to it in NRS 604A.038.

~~[7.]~~ ***10.*** "Dependent" has the meaning ascribed to it in NRS 604A.057.

~~[8.]~~ ***11.*** "Internet business lender" means a person who makes business loans exclusively through the Internet.

~~[9.]~~ ***12.*** "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~[10.]~~ ***13.*** "Licensee" means a person to whom one or more licenses have been issued.

~~[11.]~~ ***14.*** "Nationwide Multistate Licensing System and Registry" or "Registry" has the meaning ascribed to it in NRS 604A.083.

15. "Personal information" has the meaning ascribed to it in NRS 603A.040.

16. "Remote location" means a location other than an office or place of business for which a license has been issued pursuant to this chapter and at which the employee of a licensee engages in the business of lending in this State pursuant to sections 5 to 8, inclusive, of this act.

Sec. 12. NRS 675.060 is hereby amended to read as follows:

675.060 ~~[1.]~~ No person may engage in the business of lending in this State without first having obtained a license from the Commissioner pursuant to this chapter for each office or other place of business at which the person engages in such business, except that ~~[if]~~ ***:***

1. If a person intends to engage in the business of lending in this State as a deferred deposit loan service, high-interest loan service or title loan service, as those terms are defined in chapter 604A of NRS, the person must obtain a license from the Commissioner pursuant to chapter 604A of NRS before the person may engage in any such business.

2. ~~[For the purpose of this section, a person engages in the business of lending in this State if he or she:~~

~~(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or~~

~~(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.~~] ***An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.***

Sec. 13. NRS 675.120 is hereby amended to read as follows:

675.120 If the Commissioner finds:

1. That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, within the purposes of this chapter; and

2. That the applicant, unless he or she will function solely as a loan broker, has available for the operation of the business at the specified location ***identified in the application*** liquid assets of at least $50,000,

➥ he or she shall thereupon enter an order granting the application, and file his or her findings of fact together with the transcript of any hearing held under this chapter, and forthwith issue and deliver a license to the applicant.

Sec. 14. NRS 675.130 is hereby amended to read as follows:

675.130 Each license shall:

1. State the address at which the business is to be conducted ~~[;]~~ ***, not including any remote location;*** and

2. State fully the name of the licensee, and if the licensee is a copartnership or association, the names of its members, and if a corporation, the date and place of its incorporation.

Sec. 15. NRS 675.210 is hereby amended to read as follows:

675.210 Not more than one place of business may be maintained under the same license. The Commissioner may issue additional licenses to the same licensee for other business locations upon compliance with all the provisions of this chapter governing issuance of a single license. Nothing herein requires a license for ~~[any]~~ ***:***

1. Any place of business devoted to accounting, recordkeeping or administrative purposes only ~~[.]~~ ***; or***

2. A remote location.

Sec. 16. NRS 675.240 is hereby amended to read as follows:

675.240 No licensee shall conduct the business of making loans provided for by this chapter under any name or at any place other than that stated in the license. Nothing herein shall prevent ~~[the]~~ ***:***

1. The making of loans by mail nor prohibit accommodations to individual borrowers when necessitated by hours of employment, sickness or other emergency situations ~~[.]~~ ***; or***

2. A licensee from authorizing an employee to engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.

Sec. 16.3. **Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A service provider shall not enter into or record a service agreement with an owner of residential property that provides for performance of the service agreement more than 1 year from the date of execution of the service agreement if the service agreement:

(a) Purports to run with the land or bind future owners of interests in the residential property;

(b) Allows for the assignment of the right to provide service without requiring notice to and agreement of the owner of the residential property; or

(c) Purports to create a security interest in the residential property, including, without limitation, a lien or encumbrance.

2. The provisions of this section do not apply to:

(a) A home warranty or similar product that covers the cost of maintenance of a major housing system, including, without limitation, a plumbing or electrical system, for a set period of time;

(b) An insurance contract;

(c) An option to purchase or right of refusal;

(d) A maintenance or repair agreement entered into by a homeowners' association in a common interest community;

(e) A mechanic's lien;

(f) A mortgage loan or a commitment to make or receive a mortgage loan;

(g) A security agreement relating to the sale or rental of personal property or fixtures;

(h) Any utility service provided by a public utility, including, without limitation, water, sewer, electrical, telephone or cable; or

(i) A declaration created in the formation of a common-interest community or an amendment thereto.

3. A service agreement prohibited pursuant to this section that is recorded on or after the effective date of this act is void and unenforceable. A county recorder may refuse to record any written instrument that contains a service agreement that is prohibited pursuant to this section. A person who submits a written instrument for recordation to the county recorder that contains such a service agreement is guilty of a misdemeanor.

4. The recording of a service agreement prohibited pursuant to this section does not provide actual or constructive notice to a bona fide purchaser or creditor of residential property.

5. A violation of subsection 1 constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. Any person with an interest in a residential property for which a service agreement prohibited pursuant to this section is recorded may bring a civil action in any court of

competent jurisdiction for such a violation. If a person brings such an action, the court may award the person:

(a) Any equitable relief that the court deems appropriate;

(b) Actual damages; and

(c) Actual costs and attorney's fees.

6. On or before July 31, 2023, a service provider that has entered into a service agreement on or before the effective date of this act shall record a notice of service agreement with the county recorder of the county in which the real property that is the subject of the service agreement is located, which must include, without limitation:

(a) The title "Notice of Service Agreement" in not less than 14-point boldface type;

(b) A legal description of the real property;

(c) The amount of the fee provided in the service agreement or the method by which the fee must be calculated;

(d) The date or circumstances under which the obligation set forth in the service agreement expires;

(e) The name, address and telephone number of the service provider; and

(f) If the service provider is:

(1) A natural person, the notarized signature of the service provider; or

(2) A business entity, the notarized signature of an authorized officer or employee of the business entity.

7. If a service provider fails to record the notice required pursuant to subsection 6 on or before July 31, 2023, the service agreement is hereby declared void and unenforceable and any interest in the real property that is subject to the service agreement may be conveyed free and clear of the service agreement.

8. As used in this section:

(a) "Residential property" means any land in this State which is primarily used for personal, family or household purposes to which is affixed not less than one nor more than four dwelling units.

(b) "Service agreement" means a contract under which a person agrees to provide services in connection with the maintenance, purchase or sale of residential property.

(c) "Service provider" means a person who provides services to another party.

Sec. 16.5. NRS 162A.370 is hereby amended to read as follows:

162A.370 1. Except as otherwise provided in subsection 2:

(a) A person shall either accept an acknowledged power of attorney, or request a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, not later than 10 business days after presentation of the power of attorney for acceptance;

(b) If a person requests a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, the person shall accept the power of attorney not

later than 5 business days after receipt of the certification, translation or opinion of counsel; and

(c) A person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

2. A person is not required to accept an acknowledged power of attorney if:

(a) The person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(b) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;

(c) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(d) A request for a certification, a translation or an opinion of counsel pursuant to NRS 162A.360 is refused;

(e) The person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation or an opinion of counsel has been requested or provided pursuant to NRS 162A.360; ~~[or]~~

(f) The person makes, or has actual knowledge that another person has made, a report pursuant to NRS 200.5093 stating a good faith belief that the principal may be subject to abuse, neglect, exploitation, isolation or abandonment by the agent or a person acting for or with the agent ~~[.]~~ ***; or***

(g) The person:

(1) Makes, or has actual knowledge that another person has made, a report pursuant to NRS 657.290 of the known or suspected exploitation by the agent, or a person acting for or with the agent, of the principal who is an older person or vulnerable person; or

(2) Is a designated reporter of a financial institution who, pursuant to NRS 657.290, delays a requested disbursement or transaction involving a principal who is an older person or vulnerable person whom the designated reporter knows or has reasonable cause to believe is being exploited.

3. A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to:

(a) A court order mandating acceptance of the power of attorney; and

(b) Liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

4. As used in this section:

(a) "Designated reporter" has the meaning ascribed to it in NRS 657.230.

(b) "Older person" has the meaning ascribed to it in NRS 657.250.

(c) "Vulnerable person" has the meaning ascribed to it in NRS 657.270.

Sec. 17. NRS 603A.220 is hereby amended to read as follows:

603A.220 1. ~~[Any]~~ ***Except as otherwise provided in subsection 7, a*** data collector that owns or licenses computerized data which includes personal information shall disclose any breach of the security of the system data

following discovery or notification of the breach to any resident of this State whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection 3, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system data.

2. Any data collector that maintains computerized data which includes personal information that the data collector does not own shall notify the owner or licensee of the information of any breach of the security of the system data immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

3. The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this section must be made after the law enforcement agency determines that the notification will not compromise the investigation.

4. For purposes of this section, except as otherwise provided in subsection 5, the notification required by this section may be provided by one of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the data collector demonstrates that the cost of providing notification would exceed $250,000, the affected class of subject persons to be notified exceeds 500,000 or the data collector does not have sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the data collector has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the data collector, if the data collector maintains an Internet website.

(3) Notification to major statewide media.

5. A data collector which:

(a) Maintains its own notification policies and procedures as part of an information security policy for the treatment of personal information that is otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if the data collector notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the system data.

(b) Is subject to and complies with the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., shall be deemed to be in compliance with the notification requirements of this section.

6. If a data collector determines that notification is required to be given pursuant to the provisions of this section to more than 1,000 persons at any one time, the data collector shall also notify, without unreasonable delay, any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, as that term is defined in 15 U.S.C. § 1681a(p), of the time the notification is distributed and the content of the notification.

7. The provisions of this section do not apply to a person licensed pursuant to chapter 675 of NRS.

Sec. 18. **Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:**

A person who holds a permit to engage in property management when entering into a property management agreement and performing his or her duties pursuant to such property management agreement, as applicable:

1. Shall disclose to each party to the property management agreement as soon as practicable:

(a) Any material and relevant facts, data or information which the property manager knows, or which by the exercise of reasonable care and diligence should have known, relating to the property which is the subject of the property management agreement.

(b) Each source from which the property manager will receive compensation as a result of the agreement.

(c) That the property manager is a principal to the agreement or has an interest in a principal to the agreement.

(d) That the property manager is acting for more than one party to the agreement. If a property manager makes such a disclosure, he or she must obtain the written consent of each party to the agreement for whom the property manager is acting before he or she may continue to act in his or her capacity as an agent. The written consent must include:

(1) A description of the property management agreement.

(2) A statement that the property manager is acting for two or more parties to the agreement who have an adverse interest and that in acting for these parties, the property manager has a conflict of interest.

(3) A statement that the property manager will not disclose any confidential information for 1 year after the revocation or termination of any property management agreement entered into with a party to the agreement, unless he or she is required to do so by a court of competent jurisdiction or is given written permission to do so by that party.

(4) A statement that a party is not required to consent to the property manager acting on behalf of the party.

(5) A statement that the party is giving consent without coercion and understands the terms of the consent given.

(6) Any changes in the property manager's relationship to a party to the agreement or activity.

2. Shall exercise reasonable skill and care with respect to all parties to the property management agreement in carrying out the terms of the property management agreement and performing his or her duties.

3. Shall provide the appropriate form prepared by the Division pursuant to NRS 645.193 to:

(a) Each party for whom the property manager is acting as a property manager in the property management agreement; and

(b) Each unrepresented party to the property management agreement, if any.

4. Shall seek a rental or lease of real property at the price and terms stated in the property management agreement or at a price acceptable to the client.

5. Shall advise the client to obtain advice from an expert relating to matters which are beyond the expertise of the property manager.

6. Shall account for all money and property the property manager receives in which the client may have an interest as soon as is practicable.

7. Unless otherwise agreed upon in writing, owes no duty to:

(a) Independently verify the accuracy of a statement made by an inspector certified pursuant to chapter 645D of NRS or another appropriate licensed or certified expert.

(b) Conduct an independent inspection of the financial condition of a party to the property management agreement.

(c) Conduct an investigation of the condition of the property which is the subject of the property management agreement.

Sec. 19. **NRS 645.0045 is hereby amended to read as follows:**

645.0045 1. "Agency" means a relationship between a principal and an agent arising out of a brokerage agreement ***or property management agreement*** whereby the agent is engaged to do certain acts on behalf of the principal in dealings with a third party.

2. The term does not include a relationship arising solely from negotiations or communications with a client of another broker with the written permission of the broker in accordance with the provisions of subsection 2 of NRS 645.635.

Sec. 20. **NRS 645.193 is hereby amended to read as follows:**

645.193 The Division shall prepare and distribute to licensees ~~[.]~~ ***and property managers:***

1. A form which sets forth the duties owed by a licensee ***or property manager*** who is acting for only one party to a real estate transaction ~~[.]~~ ***or property management agreement, as applicable.***

2. A form which sets forth the duties owed by a licensee ***or property manager*** who is acting for more than one party to a real estate transaction ~~[.]~~ ***or property management agreement, as applicable.***

3. A form which sets forth the duties owed by a real estate broker who assigns different licensees ***or property managers*** affiliated with his or her

brokerage to separate parties to a real estate transaction ~~[.]~~ ***or property management agreement, as applicable.***

Sec. 21. **NRS 645.253 is hereby amended to read as follows:**

645.253 If a real estate broker assigns different ~~[licensees]~~ ***:***

1. Licensees affiliated with his or her brokerage to separate parties to a real estate transaction, the licensees are not required to obtain the written consent required pursuant to paragraph (d) of subsection 1 of NRS 645.252. Each licensee shall not disclose, except to the real estate broker, confidential information relating to a client in violation of NRS 645.254.

2. Licensees affiliated with his or her brokerage who hold permits to engage in property management to separate parties to a property management agreement, the property managers are not required to obtain the written consent required pursuant to paragraph (d) of subsection 1 of section 18 of this act. Each property manager shall not disclose, except to the real estate broker, confidential information relating to a client in violation of section 18 of this act.

Sec. 22. **NRS 645.255 is hereby amended to read as follows:**

645.255 Except as otherwise provided in subsection 4 of NRS 645.254, no duty of a licensee set forth in NRS 645.252 or 645.254 ***or a property manager set forth in section 18 of this act*** may be waived.

Sec. 23. **NRS 645.257 is hereby amended to read as follows:**

645.257 1. A person who has suffered damages as the proximate result of a licensee's ***or property manager's*** failure to perform any duties required by NRS 645.252, 645.253 or 645.254 ***or section 18 of this act*** or the regulations adopted to carry out those sections may bring an action against the licensee ***or property manager*** for the recovery of the person's actual damages.

2. In such an action, any knowledge of the client ~~[of]~~ ***:***

(a) Of the licensee of material facts, data or information relating to the real property which is the subject of the real estate transaction may not be imputed to the licensee ~~[.]~~ ***; and***

(b) Of the property manager of material facts, data or information relating to the real property which is the subject of the property management agreement may not be imputed to the property manager.

3. In an action brought by a person ~~[against a licensee]~~ pursuant to subsection 1 ~~[, the]~~ ***:***

(a) The standard of care owed by a licensee is the degree of care that a reasonably prudent real estate licensee would exercise and is measured by the degree of knowledge required to be obtained by a real estate licensee pursuant to NRS 645.343 and 645.345 ~~[.]~~ ***; and***

(b) The standard of care owed by a property manager is the degree of care that a reasonably prudent property manager would exercise and is measured by the degree of knowledge required to be obtained by a permit to engage in property management pursuant to NRS 645.6052.

Sec. 24. **Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An employee of a mortgage company may conduct the business of the mortgage company at a remote location if authorized by the mortgage company.

2. A mortgage company may authorize an employee to conduct the business of the mortgage company at a remote location if the mortgage company:

(a) Has adopted written policies and procedures for the supervision of employees working at a remote location to ensure that:

(1) Each employee working from a remote location complies with the provisions of this section and the regulations adopted pursuant thereto; and

(2) The mortgage company exercises reasonable supervision and control over the activities of his or her mortgage loan originators pursuant to NRS 645B.460;

(b) Has adopted a comprehensive written plan for the security of the information systems of the mortgage company and any customer information collected and maintained by the mortgage company, which must contain specific provisions regarding cybersecurity and the use of a virtual private network or other secure connection at the remote location that requires:

(1) Multifactor authentication;

(2) A backup system and data recovery system; and

(3) Protocols in the event of a cybersecurity incident; and

(c) Ensures that the information systems of the mortgage company and any customer information collected and maintained by the mortgage company are accessed by employees working at a remote location only in accordance with the security plan adopted pursuant to paragraph (b).

3. An employee of a mortgage company shall not interact with a customer of the mortgage company in person at the residence of the employee unless a license has been issued for that residence pursuant to NRS 645B.020.

4. Any physical records of a mortgage company must not be maintained at a remote location. Any underlying origination records obtained through the conduct of the business of a mortgage company at a remote location must be maintained at the principal office or a branch office of the mortgage company.

5. The Commissioner shall adopt regulations governing the conducting of the business of a mortgage company at a remote location. The regulations:

(a) Must include, without limitation, requirements for the keeping and maintenance of complete and suitable records of all mortgage transactions made by an employee of a mortgage company at a remote location; and

(b) May include, without limitation, any additional requirements for an employee of a mortgage company to conduct the business of a mortgage company from a remote location.

6. As used in this section:

(a) "Business of a mortgage company" includes, without limitation, any activity for which a license is required pursuant to this chapter that is conducted by an employee who is a mortgage loan originator employed by or associated with a mortgage company.

(b) "Employee" includes, without limitation, a mortgage loan originator who is employed by or associated with a mortgage company.

(c) "Remote location" means a location, other than a principal office, branch office or other office or place of business for which a license has been issued pursuant to NRS 645B.020, at which an employee of a mortgage company conducts the business of the mortgage company pursuant to this section. The term includes, without limitation, the residence of an employee.

Sec. 25. **NRS 645B.080 is hereby amended to read as follows:**

645B.080 1. Each mortgage company shall keep and maintain at all times at each location ***, other than a remote location,*** where the mortgage company conducts business in this state complete and suitable records of all mortgage transactions made by the mortgage company at that location. Each mortgage company shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage company. ***Each mortgage company shall keep and maintain complete and suitable records of all mortgage transactions made by an employee of the mortgage company at a remote location in accordance with the requirements established by the Commissioner by regulation pursuant to section 24 of this act.***

2. Except as otherwise provided in subsection 3, each mortgage company shall submit to the Commissioner each month a report of the mortgage company's activity for the previous month. The report must:

(a) Specify the volume of loans arranged and loans made by the mortgage company for the month or state that no loans were arranged or made in that month;

(b) Include any information required pursuant to NRS 645B.260 or pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. The Commissioner may waive the requirement to submit a report pursuant to subsection 2 if substantially similar information is available to the Commissioner from another source.

4. The Commissioner may adopt regulations prescribing accounting procedures for mortgage companies handling trust accounts and the requirements for keeping records relating to such accounts.

5. Each mortgage company who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

6. As used in this section, "remote location" has the meaning ascribed to it in section 24 of this act.

Sec. 26. **NRS 649.366 is hereby amended to read as follows:**

649.366 1. Not less than 60 days before taking any action to collect a medical debt, a collection agency shall send by ~~[registered or certified]~~ mail to the medical debtor written notification that sets forth:

(a) The name of the medical facility, provider of health care or provider of emergency medical services that provided the goods or services for which the medical debt is owed;

(b) The date on which those goods or services were provided; and

(c) The principal amount of the medical debt.

2. The written notification required by subsection 1 must:

(a) Identify the name of the collection agency; and

(b) Inform the medical debtor that, as applicable:

(1) The medical debt has been assigned to the collection agency for collection; or

(2) The collection agency has otherwise obtained the medical debt for collection.

~~[Sec. 18.]~~ ***Sec. 27.*** 1. This section ~~[becomes]~~ **and section 16.3 of this act become** effective upon passage and approval.

2. Sections 1 to ~~[17,]~~ **16,** inclusive, **16.5 to 23, inclusive, and 26** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

3. Sections 24 and 25 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 355.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 370, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 679 and 742 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA2, which is attached to and hereby made a part of this report.

SENATOR ROBERTA LANGE
SENATOR PAT SPEARMAN
SENATOR SCOTT HAMMOND
Senate Conference Committee

ASSEMBLYWOMAN ELAINE MARZOLA
ASSEMBLYWOMAN SHEA BACKUS
ASSEMBLYMAN P.K. O'NEILL
Assembly Conference Committee

Amendment No. CA2.

AN ACT relating to data privacy; requiring certain entities to develop, maintain and make available on the Internet a policy concerning the privacy of consumer health data; prohibiting such an entity from collecting or sharing consumer health data without the affirmative, voluntary consent of a consumer in certain circumstances; requiring such an entity to perform certain actions upon the request of a consumer; requiring such an entity to establish a process to appeal the denial of such a request; requiring such an entity to take certain actions to protect the security of consumer health data; limiting the circumstances under which a processor is authorized to process consumer health data; requiring a processor to assist certain entities in complying with certain requirements; prohibiting a person from selling or offering to sell consumer health data under certain circumstances; prohibiting the implementation of a geofence under certain circumstances; prohibiting discrimination against a consumer for certain reasons; authorizing certain civil enforcement; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations contain various protections for health information maintained or used: (1) by a person or entity that provides health care, an insurer or a business associate of a person or entity that provides health care or an insurer; or (2) for scientific research. (42 U.S.C. §§ 11101 et seq.; Pub. L. No. 104-191, 100 Stat. 2548; 21 C.F.R. Parts 46, 50 and 56, 42 C.F.R. Parts 2 and 3, 45 C.F.R. Parts 160 and 164) **Sections 2-34** of this bill prescribe various protections for consumer health data that is maintained and used by other persons and nongovernmental entities and for other purposes. **Section 7** of this bill defines the term "consumer" to mean a natural person who has requested a product or service from a regulated entity and who resides in this State or whose consumer health data is collected in this State, except for a natural person acting in an employment context or as an agent of a governmental entity. **Section 8** of this bill defines the term "consumer health data" to mean personally identifiable information that is linked or reasonably capable of being linked to a consumer and is used by a regulated entity to identify the health status of the consumer. **Section 15** of this bill defines the term "regulated entity" to refer to a person who: (1) conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and (2) determines the purpose and means of processing, sharing or selling consumer health data. **Sections 3-6, 9-14 and 16-19** of this bill define certain other terms. **Section 20** of this bill provides that the provisions of **sections 2-34** do not apply to certain persons, entities and data, including: (1) certain persons and entities whose collection and disclosure of data is specifically regulated by federal law; and (2) certain data that is collected or disclosed under certain provisions of federal law or regulations or state law.

Section 21 of this bill requires a regulated entity to develop, maintain and make available a policy concerning the privacy of consumer health data. **Section 21** also prohibits a regulated entity from: (1) taking certain actions with regard to consumer health data that are inconsistent with the policy without the affirmative, voluntary consent of the consumer; or (2) entering into a contract for the processing of consumer health data that is inconsistent with the policy. **Section 22** of this bill generally prohibits a regulated entity from collecting or sharing consumer health data without the affirmative, voluntary consent of the consumer to whom the data relates, except to the extent necessary to provide a product or service that the consumer has requested from the regulated entity. **Section 22** of this bill prescribes certain requirements governing such consent.

Section 24 of this bill requires a regulated entity, upon the request of a consumer, to: (1) confirm whether the regulated entity is collecting, sharing or selling consumer health data concerning the consumer; (2) provide the consumer with a list of all third parties with whom the regulated entity has shared or to whom the regulated entity has sold consumer health data relating to the consumer; (3) cease collecting or sharing consumer health data relating to the consumer; or (4) delete consumer health data concerning the consumer. **Section 24** also requires a regulated entity to establish a secure and reliable means of making such a request. **Section 25** of this bill prescribes requirements governing the response to such a request, including a requirement that a regulated entity provide information in response to such a request free of charge in most circumstances. However, if a consumer submits more than two requests in a year and those requests are manifestly unfounded, excessive or repetitive, **section 25** authorizes the regulated entity to charge a reasonable fee to provide such information. **Section 26** of this bill prescribes requirements governing the time within which a regulated entity or an affiliate, processor or other third party with which a regulated entity has shared data must delete consumer health data in response to a request for such deletion. **Section 27** of this bill requires a regulated entity to establish a process to appeal the refusal of the regulated entity to act on a request made pursuant to **section 24**.

Section 28 of this bill requires a regulated entity to limit access to and establish, implement and maintain policies and procedures to protect the security of consumer health data. **Section 29** of this bill requires a processor who processes consumer health data on behalf of a regulated entity to only process such data in accordance with a written contract between the processor and the regulated entity. **Section 29** also requires such a processor to assist the regulated entity in complying with the provisions of **sections 2-34**.

Section 30 of this bill prohibits a person from selling or offering to sell consumer health data without the written authorization of the consumer to whom the data pertains or beyond the scope of such authorization, with certain exceptions. **Section 30** also prohibits a person from conditioning the provision of goods or services on a consumer providing such authorization. **Section 30** requires a person who sells consumer health data to: (1) establish a means by

which a consumer may revoke such written authorization; and (2) provide a copy of such written authorization to the consumer and purchaser. **Section 30** also requires both a seller and a purchaser of consumer health data to maintain such written authorization for at least 6 years after the expiration of the written authorization. **Section 17** of this bill exempts certain activity from the definition of the term "sell," thereby exempting such activity from the requirements of **section 30**.

Section 31 of this bill prohibits a person from implementing a geofence within 1,750 feet of any person or entity that provides in-person health care services or products for certain purposes. **Section 33** of this bill prohibits a regulated entity from discriminating against a consumer for taking any action authorized by **sections 2-34** or to enforce those provisions.

Existing law provides that a variety of actions constitute deceptive trade practices. (NRS 118A.275, 205.377, 228.620, 370.695, 597.997, 603.170, 604B.910, 676A.770; chapter 598 of NRS) Existing law authorizes a court to impose a civil penalty of not more than $12,500 for each violation upon a person whom the court finds has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973) Additionally, existing law authorizes a court to make such additional orders or judgments as may be necessary to restore to any person in interest any money or property which may have been acquired by means of any deceptive trade practice. (NRS 598.0993) In addition to these enforcement mechanisms, existing law provides that when the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry has cause to believe that a person has engaged or is engaging in any deceptive trade practice, the Commissioner or Director may request that the Attorney General represent him or her in instituting an appropriate legal proceeding, including an application for an injunction or temporary restraining order. (NRS 598.0979) Existing law provides that if a person violates a court order or injunction resulting from a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General, the person is required to pay a civil penalty of not more than $10,000 for each violation. Furthermore, if a court finds that a person has willfully engaged in a deceptive trade practice, the person who committed the violation: (1) may be required to pay an additional civil penalty not more than $5,000 for each violation; and (2) is guilty of a felony or misdemeanor, depending on the value of the property or services lost as a result of the deceptive trade practice. (NRS 598.0999) With certain exceptions, **section 34** of this bill provides that a person who violates any provision of **sections 2-34** is guilty of a deceptive trade practice. **Sections 1 and 34** of this bill provide that a person injured by such a violation does not have a private right of action. **Section 34** additionally provides that the provisions of **sections 2-34** must not be construed to affect any other provision of law.

Section 35 of this bill exempts consumer health data from provisions of existing law governing information collected on the Internet from consumers

because those provisions are less stringent than the provisions of **sections 2-34**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598.0977 is hereby amended to read as follows:

598.0977 ~~[If]~~ ***Except as otherwise provided in section 34 of this act,*** an elderly person or a person with a disability suffers damage or injury as a result of a deceptive trade practice, he or she or his or her legal representative, if any, may commence a civil action against any person who engaged in the practice to recover the actual damages suffered by the elderly person or person with a disability, punitive damages, if appropriate, and reasonable attorney's fees. The collection of any restitution awarded pursuant to this section has a priority over the collection of any civil penalty imposed pursuant to NRS 598.0973.

Sec. 1.5. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 34.9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Affiliate" means an entity that shares common branding with another entity and controls, is controlled by or is under common control with the other entity. For the purposes of this section, an entity shall be deemed to control another entity if the entity:***

1. Owns or has the power to vote at least half of the outstanding shares of any class of voting security in the other entity;

2. Controls in any manner the election of a majority of the directors or persons exercising similar functions to directors of the other entity; or

3. Has the power to exercise controlling influence over the management of the other entity.

Sec. 4. ***"Authenticate" means to ascertain the identity of the originator of an electronic or physical document and establish a link between the document and the originator.***

Sec. 5. ***"Biometric data" means data which is generated from the measurement or technical processing of the physiological, biological or behavioral characteristics of a person and, alone or in combination with other data, is capable of being used to identify the person. The term includes, without limitation:***

1. Imagery of the fingerprint, palm print, hand print, scar, bodily mark, tattoo, voiceprint, face, retina, iris or vein pattern of a person; and

2. Keystroke patterns or rhythms and gait patterns or rhythms that contain identifying information.

Sec. 6. ***"Collect" means to buy, rent, access, retain, receive, acquire, infer, derive or otherwise process consumer health data in any manner.***

Sec. 7. ***"Consumer" means a natural person who has requested a product or service from a regulated entity and who resides in this State or***

whose consumer health data is collected in this State. The term does not include a natural person acting in an employment context or as an agent of a governmental entity.

Sec. 8. ***"Consumer health data" means personally identifiable information that is linked or reasonably capable of being linked to a consumer and that a regulated entity uses to identify the past, present or future health status of the consumer. The term:***

1. Includes, without limitation:

(a) Information relating to:

(1) Any health condition or status, disease or diagnosis;

(2) Social, psychological, behavioral or medical interventions;

(3) Surgeries or other health-related procedures;

(4) The use or acquisition of medication;

(5) Bodily functions, vital signs or symptoms;

(6) Reproductive or sexual health care; and

(7) Gender-affirming care;

(b) Biometric data or genetic data related to information described in paragraph (a);

(c) Information related to the precise geolocation information of a consumer that a regulated entity uses to indicate an attempt by a consumer to receive health care services or products; and

(d) Any information described in paragraph (a), (b) or (c) that is derived or extrapolated from information that is not consumer health data, including, without limitation, proxy, derivative, inferred or emergent data derived through an algorithm, machine learning or any other means.

2. Does not include information that is used to ~~[provide]~~ :

(a) Provide access to or enable gameplay by a person on a video game platform ~~[.]~~ ; or

(b) Identify the shopping habits or interests of a consumer, if that information is not used to identify the specific past, present or future health status of the consumer.

Sec. 9. ***"Gender-affirming care" means health services or products that support and affirm the gender identity of a person, including, without limitation:***

1. Treatments for gender dysphoria;

2. Gender-affirming hormone therapy; and

3. Gender-affirming surgery.

Sec. 10. ***"Genetic data" means any data that concerns the genetic characteristics of a person. The term includes, without limitation:***

1. Data directly resulting from the sequencing of all or a portion of the deoxyribonucleic acid of a person;

2. Genotypic and phenotypic information that results from analyzing the information described in subsection 1; and

3. Data concerning the health of a person that is analyzed in connection with the information described in subsection 1.

Sec. 11. ***"Health care services or products" means any service or product provided to a person to assess, measure, improve or learn about the health of a person. The term includes, without limitation:***

1. Services relating to any health condition or status, disease or diagnosis;

2. Social, psychological, behavioral or medical interventions;

3. Surgeries or other health-related procedures;

4. Medication or services related to the use or acquisition of medication; or

5. Monitoring or measurement related to bodily functions, vital signs or symptoms.

Sec. 12. (Deleted by amendment.)

Sec. 12.5. ***"Precise geolocation information" means information derived from technology, including, without limitation, latitude and longitude coordinates at the level of detail typically provided by a global positioning system, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. The term does not include:***

1. The content of any communication; or

2. Any data generated by or connected to advanced metering infrastructure for utilities or other equipment used by a utility.

Sec. 13. ***"Process" means any operation or set of operations performed on consumer health data.***

Sec. 14. ***"Processor" means a person who processes consumer health data on behalf of a regulated entity.***

Sec. 15. ***"Regulated entity" means any person who:***

1. Conducts business in this State or produces or provides products or services that are targeted to consumers in this State; and

2. Alone or with other persons, determines the purpose and means of processing, sharing or selling consumer health data.

Sec. 16. ***"Reproductive or sexual health care" means health care services or products that support or relate to the reproductive system or sexual well-being of a person. The term includes, without limitation, abortion, the provision of medication to induce an abortion and any medical or nonmedical services associated with an abortion.***

Sec. 17. ***"Sell" means to exchange consumer health data for money or other valuable consideration. The term does not include the exchange of consumer health data for money or other valuable consideration:***

1. With a processor in a manner consistent with the purpose for which the consumer health data was collected, as disclosed to the consumer to whom the consumer health data pertains pursuant to section 22 of this act.

2. With a third party as an asset that is part of a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity.

3. With a third party for the purpose of providing a product or service requested by the consumer to whom the consumer health data pertains.

4. With an affiliate of the person who is providing or disclosing the consumer health data.

5. As directed by the consumer to whom the consumer health data pertains or where the consumer to whom the consumer health data pertains intentionally uses the person who is providing or disclosing the consumer health data to interact with the third party to whom the consumer health data is provided or disclosed.

6. Where the consumer has intentionally made the consumer health data available to the general public through mass media that was not restricted to a specific audience.

Sec. 18. *"Share" means to release, disclose, disseminate, divulge, make available, provide access to, license or otherwise communicate consumer health data orally, in writing or by electronic or other means.*

Sec. 19. *"Third party" means a person who is not a consumer, regulated entity, processor or affiliate of a regulated entity.*

Sec. 20. *1. The provisions of sections 2 to 34, inclusive, of this act do not apply to:*

(a) Any person or entity that is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

(c) Patient identifying information, as defined in 42 C.F.R. § 2.11, that is collected, used or disclosed in accordance with 42 C.F.R. Part 2.

(d) Patient safety work product, as defined in 42 C.F.R. § 3.20, that is collected, used or disclosed in accordance with 42 C.F.R. Part 3.

(e) Identifiable private information, as defined in 45 C.F.R. § 46.102, that is collected, used or disclosed in accordance with 45 C.F.R. Part 46.

(f) Information used or shared as part of research conducted pursuant to 45 C.F.R. Part 46 or 21 C.F.R. Parts 50 and 56 ~~*[.]*~~ *or in accordance with the version of the Guideline for Good Clinical Practice prescribed by the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use published on November 9, 2016.*

(g) Information used only for public health activities and purposes, as described in 45 C.F.R. § 164.512(b), regardless of whether such information is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

(h) Personally identifiable information that is governed by and collected, used or disclosed pursuant to:

(1) Part C of Title XI of the Social Security Act, 42 U.S.C. §§ 1320d et seq.;

(2) The Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.; or

(3) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and the regulations adopted pursuant thereto.

(i) Information and documents created for the purposes of compliance with the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. §§ 11101 et seq., and any regulations adopted pursuant thereto.

(j) The collection or sharing of consumer health data where expressly authorized by any provision of federal or state law.

(k) Information processed by or for any governmental or tribal entity for civic or governmental purposes and operations or related services and operations.

(l) Any person who holds a nonrestricted license, as defined in NRS 463.0177, or an affiliate, as defined in NRS 463.0133, of such a person.

(m) Law enforcement agencies , contractors of law enforcement agencies and law enforcement activities.

(n) Information that has been de-identified in accordance with the requirements for de-identification set forth in 45 C.F.R. § 164.514.

2. A third party that obtains consumer health data from a regulated entity through a merger, acquisition, bankruptcy or other transaction through which the third party assumes control of all or part of the assets of the regulated entity is deemed to assume all obligations of the regulated entity to comply with the provisions of sections 2 to 34, inclusive, of this act.

Sec. 21. *1. A regulated entity shall develop and maintain a policy concerning the privacy of consumer health data that clearly and conspicuously establishes:*

(a) The categories of consumer health data being collected by the regulated entity and the manner in which the consumer health data will be used;

(b) The categories of sources from which consumer health data is collected;

(c) The categories of consumer health data that are shared by the regulated entity;

(d) The categories of third parties and affiliates with whom the regulated entity shares consumer health data;

(e) The purposes of collecting, using and sharing consumer health data;

(f) The manner in which consumer health data will be processed;

(g) The procedure for submitting a request pursuant to section 24 of this act;

(h) The process, if any such process exists, for a consumer to review and request changes to any of his or her consumer health data that is collected by the regulated entity;

(i) The process by which the regulated entity notifies consumers whose consumer health data is collected by the regulated entity of material changes to the privacy policy;

(j) Whether a third party may collect consumer health data over time and across different Internet websites or online services when the consumer uses any Internet website or online service of the regulated entity; and

(k) The effective date of the privacy policy.

2. A regulated entity shall post conspicuously on the main Internet website maintained by the regulated entity a hyperlink to the policy developed pursuant to subsection 1 or otherwise provide that policy to consumers in a manner that is clear and conspicuous.

3. A regulated entity shall not:

(a) Collect, use or share categories of consumer health data, other than those included in the privacy policy pursuant to paragraph (c) of subsection 1, without disclosing those additional categories to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer;

(b) Share consumer health data with a third party or affiliate, other than those included in the privacy policy pursuant to paragraph (d) of subsection 1, without disclosing those additional third parties or affiliates to each consumer whose data will be shared and obtaining the affirmative, voluntary consent of the consumer;

(c) Collect, use or share consumer health data for purposes other than those included in the privacy policy pursuant to paragraph (e) of subsection 1 without disclosing those additional purposes to each consumer whose data will be collected, used or shared and obtaining the affirmative, voluntary consent of the consumer; or

(d) Enter into a contract pursuant to section 29 of this act with a processer to process consumer health data that is inconsistent with the privacy policy.

Sec. 22. ***1. A regulated entity shall not collect consumer health data except:***

(a) With the affirmative, voluntary consent of the consumer; or

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall not share consumer health data except:

(a) With the affirmative, voluntary consent of the consumer to whom the consumer health data relates, which must be separate and distinct from the consent provided pursuant to subsection 1 for the collection of the data;

(b) To the extent necessary to provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity; or

(c) Where required or authorized by another provision of law.

3. Any consent required by this section must be obtained before the collection or sharing, as applicable, of consumer health data. The request for such consent must clearly and conspicuously disclose:

(a) The categories of consumer health data to be collected or shared, as applicable;

(b) The purpose for collecting or sharing, as applicable, the consumer health data including, without limitation, the manner in which the consumer health data will be used;

(c) If the consumer health data will be shared, the categories of persons and entities with whom the consumer health data will be shared; and

(d) The manner in which the consumer may withdraw consent for the collection or sharing, as applicable, of consumer health data relating to the consumer and request that the regulated entity cease such collection or sharing pursuant to section 24 of this act.

Sec. 23. (Deleted by amendment.)

Sec. 24. ***1. Except as otherwise provided in section 25 of this act, upon the request of a consumer, a regulated entity shall:***

(a) Confirm whether the regulated entity is collecting, sharing or selling consumer health data relating to the consumer.

(b) Provide the consumer with a list of all third parties with whom the regulated entity has shared consumer health data relating to the consumer or to whom the regulated entity has sold such consumer health data.

(c) Cease collecting, sharing or selling consumer health data relating to the consumer.

(d) Delete consumer health data concerning the consumer.

2. A regulated entity shall establish a secure and reliable means of making a request pursuant to this section. When establishing the means for making such a request, the regulated entity must consider:

(a) The need for the safe and reliable communication of such requests; and

(b) The ability of the regulated entity to authenticate the identity of the consumer making the request.

Sec. 25. ***1. Except as otherwise provided in this section, a regulated entity shall respond to a request made pursuant to section 24 of this act without undue delay and not later than 45 days after authenticating the request. If reasonably necessary based on the complexity and number of requests from the same consumer, the regulated entity may extend the period prescribed by this section not more than an additional 45 days. A regulated entity that grants itself such an extension must, not later than 45 days after authenticating the request, provide the consumer with notice of the extension and the reasons therefor.***

2. If a regulated entity is not able to authenticate a request made pursuant to section 24 of this act after making commercially reasonable efforts, the regulated entity:

(a) Is not required to comply with the request; and

(b) May request that the consumer provide such additional information as is reasonably necessary to authenticate the request.

3. A regulated entity:

(a) Shall provide information free of charge to a consumer in response to:

(1) Requests made pursuant to section 24 of this act at least twice each year; and

(2) Additional requests that are not manifestly unfounded, excessive or repetitive.

(b) Except as otherwise provided in paragraph (a), may charge a reasonable fee to provide information to a consumer in response to requests made pursuant to section 24 of this act that are manifestly unfounded, excessive or repetitive.

4. In any civil proceeding challenging the validity of a fee charged pursuant to paragraph (b) of subsection 3, the regulated entity has the burden of demonstrating by a preponderance of the evidence that the request to which the fee pertained was manifestly unfounded, excessive or repetitive.

Sec. 26. *1. Not later than 30 days after authenticating a request made pursuant to paragraph (d) of subsection 1 of section 24 of this act for the deletion of consumer health data, a regulated entity shall, except as otherwise provided in subsection 3:*

(a) Delete all consumer health data described in the request from the records and network of the regulated entity; and

(b) Notify each affiliate, processor, contractor or other third party with which the regulated entity has shared consumer health data of the deletion request.

2. Not later than 30 days after receiving notification of a deletion request pursuant to paragraph (b) of subsection 1, an affiliate, processor, contractor or other third party shall, except as otherwise provided in subsection 3, delete the consumer health data described in the request from the records and network of the affiliate, processor, contractor or other third party.

3. If data described in a deletion request made pursuant to paragraph (d) of subsection 1 of section 24 of this act is stored or archived on backup systems, a regulated entity or an affiliate, processor, contractor or other third party may delay the deletion of the data for not more than 2 years after the request is authenticated, as necessary to restore the archived or backup system.

Sec. 27. *1. A regulated entity shall establish a process by which a consumer may appeal the refusal of the regulated entity to act on a request made pursuant section 24 of this act. The process must be:*

(a) Conspicuously available on the Internet website of the regulated entity; and

(b) Similar to the process for making a request pursuant to section 24 of this act.

2. Not later than 45 days after receiving an appeal pursuant to subsection 1, a regulated entity shall inform the consumer in writing of:

(a) Any action taken in response to the appeal or any decision not to take such action;

(b) The reasons for any such action or decision; and

(c) If the regulated entity decided not to take the action requested in the appeal, the contact information for the Office of the Attorney General.

Sec. 28. *1. A regulated entity shall only authorize the employees and processors of the regulated entity to access consumer health data where reasonably necessary to:*

(a) Further the purpose for which the consumer consented to the collection or sharing of the consumer data pursuant to section 22 of this act; or

(b) Provide a product or service that the consumer to whom the consumer health data relates has requested from the regulated entity.

2. A regulated entity shall establish, implement and maintain policies and practices for the administrative, technical and physical security of consumer health data. The policies must:

(a) Satisfy the standard of care in the industry in which the regulated entity operates to protect the confidentiality, integrity and accessibility of consumer health data;

(b) Comply with the provisions of NRS 603A.010 to 603A.290, inclusive, where applicable; and

(c) Be reasonable, taking into account the volume and nature of the consumer health data at issue.

Sec. 29. *1. A processor shall only process consumer health data pursuant to a contract between the processor and a regulated entity. Such a contract must set forth the applicable processing instructions and the specific actions that the processor is authorized to take with regard to the consumer health data it possesses on behalf of the regulated entity.*

2. To the extent practicable, a processor shall assist the regulated entity with which the processor has entered into a contract pursuant to subsection 1 in complying with the provisions of sections 2 to 34, inclusive, of this act.

3. If a processor processes consumer health data outside the scope of a contract described in subsection 1 or in a manner inconsistent with any provision of such a contract, the processor:

(a) Is not guilty of a deceptive trade practice pursuant to section 34 of this act solely because the processor violated the requirements of this section; and

(b) Shall be deemed a regulated entity for the purposes of sections 2 to 34, inclusive, of this act, for actions and omissions with regard to such consumer health data.

Sec. 30. *1. A person shall not sell or offer to sell consumer health data:*

(a) Without the written authorization of the consumer to whom the data pertains; or

(b) If the consumer provides such written authorization, in a manner that is outside the scope of or inconsistent with the written authorization.

2. A person shall not condition the provision of goods or services on a consumer authorizing the sale of consumer health data pursuant to subsection 1.

3. Written authorization pursuant to subsection 1 must be provided in a form written in plain language which includes, without limitation:

(a) The name and contact information of the person selling the consumer health data;

(b) A description of the specific consumer health data that the person intends to sell;

(c) The name and contact information of the person purchasing the consumer health data;

(d) A description of the purpose of the sale, including, without limitation, the manner in which the consumer health data will be gathered and the manner in which the person described in paragraph (c) intends to use the consumer health data;

(e) A statement of the provisions of subsection 2;

(f) A statement that the consumer may revoke the written authorization at any time and a description of the means established pursuant to subsection 4 for revoking the authorization;

(g) A statement that any consumer health data sold pursuant to the written authorization may be disclosed to additional persons and entities by the person described in paragraph (c) and, after such disclosure, is no longer subject to the protections of this section;

(h) The date on which the written authorization expires pursuant to subsection 5; and

(i) The signature of the consumer to which the consumer health data pertains.

4. A person who sells consumer health data shall establish a means by which a consumer may revoke a written authorization made pursuant to subsection 1.

5. Written authorization provided pursuant to subsection 1 expires 1 year after the date on which the authorization is given.

6. A written authorization provided pursuant to subsection 1 is not valid if the written authorization:

(a) Was a condition for the provision of goods or services to the consumer in violation of subsection 2;

(b) Does not comply with the requirements of subsection 3;

(c) Has been revoked pursuant to subsection 4; or

(d) Has expired pursuant to subsection 5.

7. A person who sells consumer health data shall provide a copy of the written authorization provided pursuant to subsection 1 to the consumer who signed the written authorization and the purchaser of the consumer health data.

8. A seller and purchaser of consumer health data shall each retain a copy of the written authorization provided pursuant to subsection 1 for at

least 6 years after the date on which the written authorization expired pursuant to subsection 5.

Sec. 31. ***1. A person shall not implement a geofence within 1,750 feet of any medical facility, facility for the dependent or any other person or entity that provides in-person health care services or products for the purpose of:***

(a) Identifying or tracking consumers seeking in-person health care services or products;

(b) Collecting consumer health data; or

(c) Sending notifications, messages or advertisements to consumers related to their consumer health data or health care services or products.

2. As used in this section:

(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(b) "Geofence" means technology that uses coordinates for global positioning, connectivity to cellular towers, cellular data, radio frequency identification, wireless Internet data or any other form of detecting the physical location of a person to establish a virtual boundary with a radius of 1,750 feet or less around a specific physical location.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 32. (Deleted by amendment.)

Sec. 33. ***A regulated entity shall not discriminate against a consumer for taking:***

1. Any action authorized by sections 2 to 34, inclusive, of this act; or

2. Any action to enforce the provisions of sections 2 to 34, inclusive, of this act.

Sec. 34. ***1. Except as otherwise provided in this section and section 29 of this act, a violation of sections 2 to 34, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.***

2. The provisions of sections 2 to 34, inclusive, of this act:

(a) Do not create a private right of action; and

(b) Must not be construed to affect any other provision of law.

Sec. 34.1. (Deleted by amendment.)

Sec. 34.2. (Deleted by amendment.)

Sec. 34.3. (Deleted by amendment.)

Sec. 34.35. (Deleted by amendment.)

Sec. 34.4. (Deleted by amendment.)

Sec. 34.45. (Deleted by amendment.)

Sec. 34.5. (Deleted by amendment.)

Sec. 34.6. (Deleted by amendment.)

Sec. 34.7. (Deleted by amendment.)

Sec. 34.8. (Deleted by amendment.)

Sec. 34.9. (Deleted by amendment.)

Sec. 35. NRS 603A.338 is hereby amended to read as follows:

603A.338 The provisions of NRS 603A.300 to 603A.360, inclusive, do not apply to:

1. A consumer reporting agency, as defined in 15 U.S.C. § 1681a(f);

2. Any personally identifiable information regulated by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and the regulations adopted pursuant thereto, which is collected, maintained or sold as provided in that Act;

3. A person who collects, maintains or makes sales of personally identifiable information for the purposes of fraud prevention;

4. Any personally identifiable information that is publicly available;

5. Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold as provided in that Act; ~~[or]~~

6. ***Any consumer health data subject to the provisions of sections 2 to 34, inclusive, of this act; or***

7. A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act.

Sec. 36. **This act becomes effective on March 31, 2024.**

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 370.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 45, 448.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 58, Amendments Nos. 981, 1000; Assembly Bill No. 480, Amendment No. 999; Assembly Bill No. 527, Amendment No. 993, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 444.

SHERRY L. Rodriguez
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 58.

The following Senate amendment was read:

Amendment No. 981.

AN ACT relating to economic development; **revising the membership of the Nevada Air Service Development Commission;** providing that money remaining in the Nevada Air Service Development Fund does not revert to the

State General Fund at the end of a fiscal year; **revising provisions governing grants awarded by the Commission from the Nevada Air Service Development Fund;** making an appropriation to the Nevada Air Service Development Fund; making an appropriation to the Fund for Aviation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic Development in the Office of the Governor and the members of the Commission on Tourism. (NRS 231.680) Existing law also creates the Nevada Air Service Development Fund and requires the Commission to develop a program to make grants of money from the Fund to air carriers that will service or provide enhanced air service routes that will service certain airports in this State. (NRS 231.690, 231.710) **Section** ~~1~~ **1.8** of this bill provides that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year and must be carried forward to the next fiscal year. **Section 2** of this bill makes an appropriation from the State General Fund to the Nevada Air Service Development Fund in the amount of $5,000,000 for Fiscal Year 2023-2024 and $5,000,000 for Fiscal Year 2024-2025 ~~.~~ **for the purpose of making grants of money to air carriers that will service or provide enhanced air service routes that will service certain airports in this State and for the purpose of conducting a study of the development of intrastate and interstate air service in this State.**

Section 1.6 of this bill provides that the Nevada Air Service Development Commission is part of the Office of Economic Development. Section 1.6 also maintains the Executive Director of the Office of Economic Development as a member of the Nevada Air Service Development Commission, but revises the membership of the Nevada Air Service Development Commission to include: (1) one member of the Commission on Tourism who is appointed by the Governor rather than all of the members of the Commission on Tourism; (2) one member who represents the Nevada Aviation Association; (3) one member who represents the department of aviation in a county whose population is 700,000 or more (currently only Clark County); (4) one member who represents the Reno-Tahoe Airport Authority; (5) one member who represents the Nevada Resort Association; (6) one member who represents the Nevada League of Cities; and (7) one member who represents the Nevada Association of Counties. Section 1.6 further provides that the terms of office for the members of the Nevada Air Service Development Commission are 2 years and must be staggered.

Section 1.9 of this bill revises the entities to which the Nevada Air Service Development Commission is authorized to award grants to include governmental entities. Sections 1.1, 1.2, 1.9 and 1.91 of this bill: (1) remove the limitation that the Commission is authorized to award grants only to air carriers that will establish or enhance air service routes

to nonhub or small hub airports or to large hub airports that service nonhub or small hub airports; and (2) instead, authorize the Commission to award grants to air carriers for the purpose of establishing or enhancing air service routes that service any public use airport in this State that are part of the National Plan of Integrated Airport Systems published by the United States Secretary of Transportation. Section 1.5 of this bill clarifies that the air carriers eligible to receive such grants include, without limitation, air taxi operators. Section 2.7 of this bill repeals the statutory definitions of "large hub airport," "nonhub airport" and "small hub airport" because those terms would no longer be used for the purpose of determining eligibility for the award of a grant from the Commission.

Existing law creates the Fund for Aviation in the State Treasury and authorizes the Director of the Department of Transportation to award grants to counties, cities and other local governments, except for facilities owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more (currently Clark County) for the planning, establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government. (NRS 494.048) **Section 2.5** of this bill makes an appropriation to the Fund for Aviation in the amount of $1,000,000 for Fiscal Year 2023-2024 and $1,000,000 for Fiscal Year 2024-2025 for these purposes.

Section 1.3 of this bill requires the Commission to prepare and submit an annual report to the Director of the Legislative Counsel Bureau relating to applications for grants received and grants awarded by the Commission during the immediately preceding calendar year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1, 1.2 and 1.3 of this act.**

Sec. 1.1. ***"National Plan of Integrated Airport Systems public airport" or "NPIAS airport" means an airport in this State that is part of the most recent version of the National Plan of Integrated Airport Systems published by the United States Secretary of Transportation pursuant to 49 U.S.C. § 47103.***

Sec. 1.2. ***"Public use airport" has the meaning ascribed to it in 49 U.S.C. § 47102.***

Sec. 1.3. ***On or before February 1 of each year, the Commission shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, a report detailing for the immediately preceding calendar year:***

1. The total number of applications for grants of money from the Fund that were received;

2. The total amount of grants from the Fund that were awarded by the Commission to air carriers; and

3. For each grant of money awarded from the Fund, the amount of each grant and an explanation of how the grant will be used by the air carrier to provide or enhance air service to an airport.

Sec. 1.4. **NRS 231.600 is hereby amended to read as follows:**

231.600 As used in NRS 231.600 to 231.720, inclusive, ***and sections 1.1, 1.2 and 1.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 231.610 to ~~[231.670,]~~ ***231.650,*** inclusive, ***and sections 1.1 and 1.2 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.5. **NRS 231.610 is hereby amended to read as follows:**

231.610 "Air carrier" means a person who provides commercial air transportation to passengers. ***The term includes, without limitation, an air taxi operator designated pursuant to 14 C.F.R. § 298.3.***

Sec. 1.6. **NRS 231.680 is hereby amended to read as follows:**

231.680 1. There is hereby created ***within the Office of Economic Development*** the Nevada Air Service Development Commission, consisting of:

(a) The Executive Director; and

(b) ~~[The members]~~ ***One member appointed by the Governor who is a member*** of the Commission on Tourism ~~[as provided in NRS 231.170.]~~ ***;***

(c) One member appointed by the Governor who represents the Nevada Aviation Association or its successor organization;

(d) One member appointed by the Governor who represents the department of aviation in a county whose population is 700,000 or more;

(e) One member appointed by the Governor who represents the Reno-Tahoe Airport Authority;

(f) One member appointed by the Governor who represents the Nevada Resort Association or its successor organization;

(g) One member appointed by the Governor who represents the Nevada Association of Counties or its successor organization; and

(h) One member appointed by the Governor who represents the Nevada League of Cities or its successor organization.

2. ***The Governor shall ensure that at least one member appointed pursuant to subsection 1 is a resident of a county whose population is less than 100,000.***

3. The terms of office for the members of the Commission appointed pursuant to paragraphs (b) to (h), inclusive, of subsection 1 are 2 years, which terms must be staggered.

4. At the first meeting of each fiscal year, the Commission shall elect from among its members a Chair, a Vice Chair and a Secretary.

~~[3.]~~ ***5.*** The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

~~[4.]~~ ***6.*** A majority of the members of the Commission constitutes a quorum for the transaction of all business.

~~[Section 1.]~~ ***Sec. 1.8.*** NRS 231.690 is hereby amended to read as follows:

231.690 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund. ***Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.***

2. The Commission may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.

3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in NRS 231.710.

Sec. 1.9. **NRS 231.710 is hereby amended to read as follows:**

231.710 1. The Commission shall develop a program to provide grants of money from the Fund to an air carrier ~~[that will]~~ ***or any governmental entity for the purpose of establishing air*** service or ~~[provide]~~ ***providing*** enhanced air service routes that service ~~[an airport that is:~~

~~(a) A small hub airport, a nonhub airport or, if the air carrier provides air service through a large hub airport that services small hub airports and nonhub airports, a large hub airport; and~~

~~(b) Certified by the Federal Aviation Administration of the United States Department of Transportation pursuant to 14 C.F.R. Part 139.]~~ ***a public use airport that is an NPIAS airport.***

2. An application for a grant of money from the Fund must be in the form prescribed by the Commission and must include, without limitation:

(a) A statement designating the ~~[small hub airport, nonhub airport or large hub]~~ airport described in subsection 1 for which the air carrier will commence or continue air service if the grant is awarded;

(b) Commitments from the air carrier that if the Commission awards the grant to the air carrier, the air carrier will enter into a written agreement with the Commission that provides for the air carrier to commence or continue air service to the airport designated in the application in exchange for receiving from the Commission one of the guarantees set forth in subsection 2 of NRS 231.720; and

(c) Letters of support from each airport that participates in the air service route offered by an air carrier pursuant to subsection 1.

Sec. 1.91. **NRS 231.720 is hereby amended to read as follows:**

231.720 1. The Commission may make a grant of money from the Fund if the Commission finds that the grant will:

(a) Enable an air carrier to commence or continue air service to ~~[a small hub airport, nonhub airport or large hub]~~ ***an*** airport described in subsection 1 of NRS 231.710; and

(b) Provide economic benefit to this State.

2. The Commission may make a grant of money from the Fund only to:

(a) Guarantee that an air carrier will receive an agreed amount of revenue per flight that the air carrier operates into or out of the airport designated in the application pursuant to paragraph (a) of subsection 2 of NRS 231.710; or

(b) Guarantee a profit goal for the air carrier that is established by agreement between the air carrier and the Commission.

Sec. 2. There is hereby appropriated from the State General Fund to the Nevada Air Service Development Fund created pursuant to NRS 231.690 the following sums to **conduct a study of the development of intrastate air service in this State and interstate air service to and from this State and to** make grants of money to air carriers that satisfy the criteria set forth in NRS 231.710:

For the Fiscal Year 2023-2024 ..... $5,000,000

For the Fiscal Year 2024-2025 ..... $5,000,000

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Fund for Aviation created by NRS 494.048 the following sums:

For the Fiscal Year 2023-2024 ..... $1,000,000

For the Fiscal Year 2024-2025 ..... $1,000,000

2. The money appropriated by subsection 1 must be used by rural airports to match money that is available from the Federal Aviation Administration.

Sec. 2.6. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 2.7. **NRS 231.640, 231.660 and 231.670 are hereby repealed.**

Sec. 3. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

231.640 "Large hub airport" has the meaning ascribed to it in 49 U.S.C. § 47102.

231.660 "Nonhub airport" has the meaning ascribed to it in 49 U.S.C. § 47102.

231.670 "Small hub airport" has the meaning ascribed to it in 49 U.S.C. § 47102.

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 981 to Assembly Bill No. 58.

Motion carried by a constitutional majority.

The following amendment was proposed by Senator Dondero Loop:

Amendment No. 1000.

AN ACT relating to economic development; ~~[providing that money remaining in the Nevada Air Service Development Fund does not revert to the~~

~~State General Fund at the end of a fiscal year; making an appropriation to the Nevada Air Service Development Fund;~~] making an appropriation to the Fund for Aviation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic Development in the Office of the Governor and the members of the Commission on Tourism. (NRS 231.680) Existing law also creates the Nevada Air Service Development Fund and requires the Commission to develop a program to make grants of money from the Fund to air carriers that will service or provide enhanced air service routes that will service certain airports in this State. (NRS 231.690, 231.710) Section 1 of this bill provides that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year and must be carried forward to the next fiscal year. Section 2 of this bill makes an appropriation from the State General Fund to the Nevada Air Service Development Fund in the amount of $5,000,000 for Fiscal Year 2023-2024 and $5,000,000 for Fiscal Year 2024-2025.~~]

Existing law creates the Fund for Aviation in the State Treasury and authorizes the Director of the Department of Transportation to award grants to counties, cities and other local governments, except for facilities owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more (currently Clark County) for the planning, establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government. (NRS 494.048) **Section 2.5** of this bill makes an appropriation to the Fund for Aviation in the amount of $1,000,000 for Fiscal Year 2023-2024 and $1,000,000 for Fiscal Year 2024-2025 for these purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 231.690 is hereby amended to read as follows:~~

~~231.690 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund.~~ ***Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.***

~~2. The Commission may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.~~

~~3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.~~

~~4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in NRS 231.710.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[There is hereby appropriated from the State General Fund to the Nevada Air Service Development Fund created pursuant to NRS 231.690 the following sums to make grants of money to air carriers that satisfy the criteria set forth in NRS 231.710:~~

~~For the Fiscal Year 2023-2024 $5,000,000~~

~~For the Fiscal Year 2024-2025 $5,000,000]~~ **(Deleted by amendment.)**

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Fund for Aviation created by NRS 494.048 the following sums:

For the Fiscal Year 2023-2024 ..... $1,000,000

For the Fiscal Year 2024-2025 ..... $1,000,000

2. The money appropriated by subsection 1 must be used by rural airports to match money that is available from the Federal Aviation Administration.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 1000 to Assembly Bill No. 58.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 60, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 721 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA8, which is attached to and hereby made a part of this report.

SENATOR SKIP DALY	ASSEMBLYWOMAN DANIELE MONROE-MORENO
SENATOR LISA KRASNER	ASSEMBLYMAN C.H. MILLER
SENATOR JAMES OHRENSCHALL	ASSEMBLYWOMAN JILL DICKMAN
Senate Conference Committee	*Assembly Conference Committee*

Amendment No. CA8.

SUMMARY—Revises provisions relating to ~~[elections.]~~ **campaign practices.** (BDR 24-412)

~~[CONTAINS UNFUNDED MANDATE (§§ 1.5, 7, 7.6)~~

~~(Not Requested by Affected Local Government)]~~

AN ACT relating to elections; ~~[requiring the Secretary of State to allow any registered voter to use the system of approved electronic transmission to request and cast a ballot under certain circumstances; revising provisions relating to mail ballots; revising provisions relating to a recount and contest of a presidential election; setting forth a specific form of a declaration of candidacy for an independent candidate for partisan office; revising the methods for paying certain filing fees; revising provisions governing members of election boards; revising provisions relating to when certain candidates may be declared elected at a primary election; revising provisions relating to the~~

~~form of certain ballots; revising the deadline for a hearing of an election contest; revising provisions relating to counting ballots and standards for counting votes; revising provisions relating to risk limiting audits; revising provisions relating to an application to preregister or register to vote; revising prohibitions relating to tampering or interfering with certain election equipment or computer programs; requiring the Secretary of State to adopt by regulation a cyber incident response plan for elections; revising the deadline by which a withdrawal of candidacy must be presented by certain candidates; revising the definition of "uniformed service voter"; revising provisions relating to the limit on contributions to a candidate for office; delaying the effective date of certain provisions relating to automatic voter registration; repealing certain provisions relating to elections; making various other changes relating to elections; providing a penalty;~~ **defining the term "inaugural committee"; requiring an inaugural committee to report certain contributions and expenditures; requiring a candidate who is elected to a constitutional office to report certain contributions and expenditures for a certain period preceding the election and preceding the next regular legislative session; prohibiting a foreign national form making a contribution or commitment to make a contribution to an inaugural committee;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Secretary of State to establish a system of approved electronic transmission through which: (1) certain military and overseas electors and voters; or (2) certain registered electors and voters with a disability may register to vote, request a ballot and cast a ballot. (NRS 293.269951, 293D.200) Sections 1.5 and 7.6 of this bill require the Secretary of State to allow any registered voter to use the system of approved electronic transmission to apply for and cast a ballot if the registered voter: (1) does not have access to his or her mail ballot; and (2) is unable to go to the polls because of an illness or disability resulting in confinement, hospitalization, serious illness or is suddenly called away from home. Sections 6.55 and 10.5 of this bill require the county and city clerks to notify the public of the provisions of sections 1.5 and 7.6.~~

~~Existing federal law requires a certificate of ascertainment of appointment of presidential electors to be issued and transmitted to the Archivist of the United States not later than 6 days before the time fixed for the meeting of the electors, which is the first Tuesday after the second Wednesday in December. (3 U.S.C. §§ 5, 7) Existing state law authorizes a candidate defeated at any election to demand and receive a recount within 3 working days after the canvass of the vote. For purposes of demanding a recount in a general election, "canvass" means: (1) the canvass by the Supreme Court of the returns for a candidate for a statewide office; or (2) the canvass of the board of county commissioners of the returns for any other candidate. (NRS 293.403) The canvass by: (1) a board of county commissioners must be completed on or before the 10th day following the election; and (2) the Supreme Court is the~~

~~fourth Tuesday of November after each general election. (NRS 293.387, 293.395) Each recount must be commenced within 5 days after demand, and completed within 5 days after it begins. (NRS 293.405) Existing state law further authorizes, with certain exceptions, a candidate or registered voter to contest an election by filing a statement of contest no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. (NRS 293.407, 293.413) If an election contest is filed, the court is required to set the matter for hearing not less than 5 days nor more than 10 days after the filing of the statement of contest. (NRS 293.413)~~

~~Section 1.7 of this bill establishes a different timeline for filing a recount or an election contest that applies only to the election of presidential electors. Specifically, section 1.7 provides that a candidate for the office of presidential elector may demand and receive a recount if, on or before the 13th day following the election, the candidate files the written demand to and deposits the estimated costs of the recount with the Secretary of State. Any such recount must be: (1) commenced within 1 day after the demand is filed; and (2) completed within 5 days after the recount begins. Section 1.7 further authorizes a candidate or any registered voter to contest the election of a candidate to the office of presidential elector not more than 2 working days after the canvass of the returns by the Supreme Court. Such an election contest must be: (1) scheduled for a judicial hearing not more than 5 days after the filing of the statement of contest; and (2) decided before the deadline to issue and submit the certificate of ascertainment pursuant to federal law.~~

~~Pursuant to section 1.7, for purposes of the 2024 General Election, which will be held on November 5, 2024, the deadline: (1) to demand a recount for the office of presidential elector is November 18, 2024; (2) to begin a recount for the office of presidential elector is November 19, 2024; (3) to complete a recount for the office of presidential elector is November 24, 2024, (4) to contest the election for the office of presidential elector is December 2, 2024; and (5) for the court to set any such contest for hearing is December 7, 2024. Further, the deadline under federal law to issue and transmit the certificate of ascertainment is December 11, 2024, so pursuant to section 1.7, the court must determine the result of any election contest of the office of presidential elector before December 11, 2024.~~

~~Sections 6.35-6.5 and 7.3 of this bill make conforming changes to reflect the changes in section 1.7 to the schedule for filing a demand for a recount or an election contest for the office of presidential elector.~~

~~Section 11.7 of this bill requires the Secretary of State to transmit the certificate of ascertainment to the Archivist.~~

~~Section 6.5 requires a court to set a contest of an election for hearing not more than 5 days after the filing of the statement of contest for any election.~~

~~Existing law requires an independent candidate for partisan office to file a declaration of candidacy. (NRS 293.200) Existing law further sets forth the form for a declaration of candidacy for all candidates for partisan office. (NRS 293.177) Section 1.8 of this bill sets forth the form for the declaration~~

~~of candidacy for an independent candidate for partisan office. Section 3 of this bill makes conforming changes to clarify that the declaration of candidacy for an independent candidate must be in the form set forth in section 1.8.~~

~~Existing law sets forth certain fees for filing a declaration of candidacy and provides that the fee for filing a declaration of candidacy may be paid by cash, cashier's check or certified check. (NRS 293.193) Section 2 of this bill: (1) provides that such a fee may also be paid by credit card; (2) revises the description of certain offices; and (3) reorganizes existing fees set forth in other provisions of existing law in to this schedule of fees.~~

~~Existing law provides that members of election boards continue to serve as such from the day before the day of the election until the time for filing contests of the election has expired. (NRS 293.225) Section 3.5 of this bill provides instead that members continue to serve as such from the day of appointment.~~

~~Existing law provides that, in certain circumstances, if one candidate receives a majority of the votes cast in a primary election for certain nonpartisan offices, the candidate must be declared elected and the candidate's name must not be placed on the ballot. (NRS 293.260, 293C.175; Carson City Charter § 5.010; Henderson City Charter § 5.010; Las Vegas City Charter § 5.010; North Las Vegas City Charter § 5.020; Sparks City Charter § 5.020) Sections 4, 8 and 12-17 of this bill provide that for the purposes of determining the majority of the votes cast in a primary election for an office for which voters may select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.~~

~~Existing law provides that every ballot upon which appears the names of candidates for any statewide office or for President or Vice President of the United States must contain an additional line with a square in which the voter may select "None of these candidates." (NRS 293.269) Section 5 of this bill provides instead that the additional line on such a ballot must contain a space in which the voter may select "None of these candidates."~~

~~Existing law: (1) authorizes the mail ballot central counting board to begin counting mail ballots 15 days before the day of the election; (2) requires the counting board to prepare to count the ballots when the polls are closed; and (3) establishes certain requirements for counting paper ballots. (NRS 293.269931, 293.363, 293C.26331, 293C.362) Sections 6.23 and 10.2 of this bill: (1) clarify that the mail ballot central counting board may begin counting mail ballots before the polls are closed; and (2) remove the requirements for counting paper ballots.~~

~~Existing law: (1) sets forth certain standards for counting votes; (2) requires the Secretary of State to adopt regulations establishing uniform, statewide standards for counting a vote; and (3) authorizes the Secretary of State to adopt regulations establishing additional uniform statewide standards. (NRS 293.3677, 293C.369) Sections 6.24 and 10.4 of this bill authorize the Secretary of State to establish uniform thresholds for determining whether writing or a mark must be counted as a vote.~~

~~— Existing law provides that certain election materials, including the voted, rejected and spoiled ballots, must be sealed and deposited in the vaults of the county clerk. (NRS 293.391) Section 6.25 of this bill provides that such election materials are subject to inspection for the purposes of a risk-limiting audit.~~

~~— Existing law requires each county clerk to conduct a risk-limiting audit of the results of an election prior to the certification of the results of an election. (NRS 293.394) Section 6.3 of this bill removes the requirement to conduct such an audit prior to the certification of the results.~~

~~— Existing law provides that the deadline to register to vote at a voter registration agency, the Department of Motor Vehicles or an automatic voter registration agency is the last day to register to vote by mail. Existing law requires a county clerk to accept any application which is completed by the last day to register to vote by mail if the county clerk receives the application not later than 5 days after that date. (NRS 293.504, 293.5727, 293.5737) Sections 6.6, 6.75 and 17.7 of this bill require a voter registration agency, the Department of Motor Vehicles and an automatic voter registration agency to notify a voter who registers to vote after this deadline that in order to vote in the upcoming election, the voter must register to vote by computer or at a polling place or polling place for early voting.~~

~~— Existing law requires the Secretary of State to prescribe the form for applications to preregister or register to vote. (NRS 293.5235) Section 6.65 of this bill requires an application to preregister or register to vote to include an option for a voter to elect not to receive a mail ballot. Sections 6.1 and 9.2 of this bill make conforming changes to provide that a county clerk and city clerk shall not distribute a mail ballot to a person who has elected not to receive a mail ballot.~~

~~— Existing federal law sets forth certain requirements for the removal of a voter from the official list of eligible voters which prohibit a state from removing the name of a registered voter unless the voter: (1) confirms a change of residence outside of the registrar's jurisdiction in writing; or (2) fails to respond to a notice sent to his or her residence and has not voted or appeared to vote for a period of time after a notice has been mailed to his or her residence. (52 U.S.C. § 20507) Sections 6.7 and 6.9 of this bill require a county clerk to mail a notice and conduct any correction or removal of a registered voter in accordance with existing federal law.~~

~~— Existing law provides a penalty for a person who tampers or interferes or attempts to tamper or interfere with any computer program used to count ballots. (NRS 293.755) Section 6.8 of this bill instead prohibits a person from tampering or interfering or attempting to tamper or interfere with any computer program used to conduct an election.~~

~~— Existing law prohibits a person from being preregistered or registered to vote in more than one county at a time. (NRS 293.810) Section 6.9 instead prohibits a person from being preregistered or registered to vote in more than one state at a time.~~

~~Existing law requires a county or city clerk or other election official to immediately notify the Secretary of State if the clerk or official identifies or is informed of a confirmed attack or attempted attack on the security of an information system used by the clerk or official. (NRS 293.875) Section 7 of this bill requires the Secretary of State to adopt by regulation a cyber-incident response plan for elections. Section 7 also requires a county or city clerk or other election official to notify the Secretary of State of any cyber incident or attempted cyber incident on the security of an information system used by the county or city clerk or other election official in accordance with the cyber-incident response plan.~~

~~Existing law provides that a withdrawal of candidacy must be presented: (1) for a candidate for city office, to the city clerk within 2 days after the last day for filing for candidacy; and (2) for all other candidates, to the county clerk within 7 days after the last day for filing. (NRS 293.202, 293C.195) Section 9 of this bill requires a withdrawal of candidacy by a candidate for a city office to be presented within 7 days, consistent with the requirement for all other candidates.~~

~~Existing law authorizes uniformed-service voters and certain other voters to vote in an election using a system of approved electronic transmission, a federal postcard application or the federal write-in absentee ballot. (Chapter 293D of NRS) Section 11 of this bill revises the definition of "uniformed service voter" to include a member of the active or reserve components of the Space Force of the United States who is on active duty.~~

~~Existing law sets forth certain limits on making or committing to make any contributions to a candidate for office, except for a federal office, and provides that no contribution made, committed or accepted for a primary election or general election affects the limitation on contributions for a special election to recall a public officer. (NRS 294A.100) Section 11.3 of this bill also provides that no contribution made, committed or accepted for a special election other than a special election to recall a public officer affects the limitation on contributions for a special election to recall a public officer.~~

~~Beginning on January 1, 2024, existing law expands the agencies which provide automatic voter registration services and establishes certain requirements for an automatic voter registration agency to transmit certain voter registration information to the Secretary of State and county clerks. (Chapter 555, Statutes of Nevada 2021, at page 3849) Section 17.7 of this bill delays the effective date of these provisions until January 1, 2025.~~

~~Section 19 of this bill repeals certain provisions that: (1) prohibit a counting board from commencing to count the votes until all ballots are accounted for; (2) provide for a recount at a hearing of any contest; and (3) require the county clerk to transmit the number of registered voters in the county and their political affiliation to the Secretary of State before certain elections.~~]

Existing law requires certain persons who make independent expenditures and certain committees for political action, political parties and committees sponsored by a political party which receives certain

contributions or makes certain expenditures to report such contributions and expenditures. (NRS 294A.140, 294A.150, 294A.210, 294A.220, 294A.230) Section 24 of this bill requires an inaugural committee to report certain contributions and expenditures.

Section 23 of this bill defines the term "inaugural committee."

Existing law requires a candidate for office at a primary election or general election to report certain contributions made during the election year. (NRS 294A.120) Section 25 of this bill requires a candidate who has been elected to a constitutional office to report certain contributions and expenditures in relation to the transition to the constitutional office.

Section 22 of this bill defines the terms "constitutional office" and "constitutional officer."

Section 26 of this bill makes a conforming change to indicate the proper placement of sections 22 and 23 in the Nevada Revised Statutes.

Section 27 of this bill prohibits a foreign national from making a contribution or a commitment to make a contribution to an inaugural committee.

Sections 28-31 of this bill make conforming changes to incorporate the requirements of sections 24 and 25 into existing law governing campaign practices.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.]~~ **(Deleted by amendment.)**

Sec. 1.5. ~~*[1. The Secretary of State shall allow any registered voter to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to apply for and cast a military-overseas ballot if the registered voter does not have access to his or her mail ballot and is unable to go to the polls because:*~~

~~*(a) Of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or*~~

~~*(b) The registered voter is suddenly hospitalized, becomes seriously ill or is called away from home.*~~

~~*2. The deadlines for a registered voter to use the system of approved electronic transmission pursuant to subsection 1 to apply for and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to apply for and cast a military-overseas ballot.*~~

~~*3. Upon receipt of an application and ballot cast by a registered voter in accordance with subsection 1 using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.*~~

~~*4. The Secretary of State shall ensure that the registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the registered voter to request and cast a ballot.*~~

~~*5. The Secretary of State shall prescribe the form and content of a declaration for use by a registered voter who does not have access to his or her mail ballot and is unable to go to the polls to swear or affirm specific representations pertaining to identity, eligibility to vote, status as a registered voter and timely and proper completion of a ballot.*~~

~~*6. The Secretary of State shall prescribe the duties of the county clerk upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.*~~

~~*7. The Secretary of State shall make available to a registered voter using the system of approved electronic transmission pursuant to this section information regarding instructions on using the system for approved electronic transmission to apply for and cast a ballot.*~~

~~*8. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section.*~~

~~*9. As used in this section:*~~

~~*(a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.*~~

~~*(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.*~~

~~*(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.*~~

~~*(d) "Military overseas ballot" has the meaning ascribed to it in NRS 293D.050.]*~~ **(Deleted by amendment.)**

Sec. 1.7. ~~*[For the purposes of an election to the office of presidential elector:*~~

~~*1. The following requirements apply to a demand for a recount:*~~

~~*(a) A candidate for the office of presidential elector may demand and receive a recount of the vote to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, on or before the 13th day following the election, the candidate who demands the recount:*~~

~~*(1) Files in writing a demand with the Secretary of State; and*~~

~~*(2) Deposits in advance the estimated costs of the recount with the Secretary of State, as determined by the Secretary of State, in accordance with the regulations adopted by the Secretary of State defining the term "costs."*~~

~~*(b) A recount conducted pursuant to this subsection must be commenced within 1 day after the demand is filed and must be completed within 5 days after the recount is begun.*~~

~~*2. The following requirements apply to a contest of an election:*~~

~~*(a) A candidate for the office of presidential elector or any registered voter of this State may contest the election of a candidate to the office of*~~

~~*presidential elector. To contest the election, the candidate or registered voter, as applicable, must file with the clerk of the district court a written statement of contest not more than 2 working days after the canvass of the returns by the Supreme Court.*~~

~~*(b) The statement of contest must be prepared in accordance with NRS 293.407.*~~

~~*(c) The court shall set the matter for a hearing not more than 5 days after the filing of the statement of contest and must determine the results of the contest before the deadline to issue and submit the certificate of ascertainment pursuant to 3 U.S.C. § 5. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.*~~

~~*(d) The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.]*~~ **(Deleted by amendment.)**

Sec. 1.8. ~~[NRS 293.177 is hereby amended to read as follows:~~

~~293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:~~

~~(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and~~

~~(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.~~

~~2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:~~

~~(a) For partisan office:~~

~~Declaration of Candidacy of ..... for the Office of .....~~

~~State of Nevada~~

~~County of .....~~

~~For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing~~

~~of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.~~

~~..... (Designation of name)~~

~~..... (Signature of candidate for office)~~

~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~.....~~
~~Notary Public or other person~~
~~authorized to administer an oath~~

~~(b) *For an independent candidate for partisan office:*~~

~~***Declaration of Candidacy of ..... for the Office of .....***~~

~~***State of Nevada***~~

~~***County of .....***~~

~~***For the purpose of having my name placed on the official ballot at the general election as an independent candidate for the office of ....., I,***~~

~~*the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.*~~

~~*.....*~~
~~*(Designation of name)*~~

~~*.....*~~
~~*(Signature of candidate for office)*~~

~~*Subscribed and sworn to before me*~~
~~*this ..... day of the month of ..... of the year .....*~~

~~*.....*~~
~~*Notary Public or other person*~~
~~*authorized to administer an oath*~~

~~*(c)* For nonpartisan office:~~

~~Declaration of Candidacy of ..... for the Office of .....~~

~~State of Nevada~~

~~County of .....~~

~~For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to~~

~~constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.~~

~~.....~~
~~(Designation of name)~~

~~.....~~
~~(Signature of candidate for office)~~

~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~.....~~
~~Notary Public or other person~~
~~authorized to administer an oath~~

~~3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:~~

~~(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and~~

~~(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:~~

~~(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or~~

~~(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.~~

~~4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:~~

~~(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and~~

~~(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.~~

~~5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:~~

~~(a) May not be withheld from the public; and~~

~~(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.~~

~~6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.~~

~~7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:~~

~~(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and~~

~~(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.~~

~~8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.~~

~~9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.~~**]** **(Deleted by amendment.)**

Sec. 2. **[**~~NRS 293.193 is hereby amended to read as follows:~~

~~293.193 1. Fees as listed in this section for filing declarations of candidacy must be paid to the filing officer by cash, ***credit card,*** cashier's check or certified check.~~

~~United States Senator~~	~~$500~~
~~Representative in Congress~~	~~300~~
~~Governor~~	~~300~~
~~Justice of the Supreme Court~~	~~300~~
~~**[**Any state office, other than Governor or justice of the Supreme Court~~	~~200~~**]**
~~***Independent candidate for the office of President of the United States***~~	~~***250***~~
~~***Lieutenant Governor***~~	~~***200***~~
~~***Secretary of State, State Treasurer, State Controller or Attorney General***~~	~~***200***~~
~~***Court of Appeals judge***~~	~~***200***~~
~~***Member of the State Board of Education***~~	~~***200***~~
~~District judge~~	~~150~~
~~Justice of the peace~~	~~100~~
~~Any county office~~	~~100~~
~~State Senator~~	~~100~~
~~Assemblyman or Assemblywoman~~	~~100~~
~~***Trustee of a county school district, hospital or hospital district***~~	~~***$30***~~
~~Any ***other*** district office other than district judge~~	~~30~~
~~Constable or other town or township office~~	~~30~~
~~***Member of the Board of Regents of the University of Nevada***~~	~~***0***~~
~~***Any other office which receives no compensation***~~	~~***0***~~

~~For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.~~

~~2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.~~

~~3. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.~~

~~4. Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.~~**] (Deleted by amendment.)**

Sec. 3. **[**~~NRS 293.200 is hereby amended to read as follows:~~

~~293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:~~

~~(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.~~

~~(b) Either of the following:~~

~~(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:~~

~~(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;~~

~~(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or~~

~~(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.~~

~~(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.~~

~~2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.~~

~~3. The petition of candidacy may state the principle, if any, which the person qualified represents.~~

~~4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the third Friday in June.~~

~~5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.~~

~~6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.~~

~~7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.~~

~~8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.~~

~~9. Any challenge pursuant to subsection 8 must be filed with:~~

~~(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.~~

~~(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.~~

~~10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.~~

~~11. An independent candidate for partisan office must file a declaration of candidacy *in the form required by NRS 293.177* with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in March.~~**]** **(Deleted by amendment.)**

Sec. 3.5. **[**~~NRS 293.225 is hereby amended to read as follows:~~

~~293.225 1. Members of election boards continue *to serve* as such from the day~~ **[**~~before the day of the election,~~**]** ***of appointment*** ~~until the time for filing contests of the election has expired.~~

~~2. Each member of an election board is subject to call by the board of county commissioners or city council to correct any errors discovered during the canvass of votes by the board of county commissioners or city council.~~

~~3. Reserve election board officers must be appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of the election, and the reserve officers must be compensated if they serve at the polls.~~

~~4. If a vacancy occurs in any election board on the day of the election and no reserves are available, the election board may appoint, at the polling place, any registered voter who is willing to serve and satisfies the election board that he or she possesses the qualifications required to perform the services required.~~**]** **(Deleted by amendment.)**

Sec. 4. ~~[NRS 293.260 is hereby amended to read as follows:~~

~~293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.~~

~~2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.~~

~~3. If not more than the number of candidates to be elected have filed for nomination for:~~

~~(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.~~

~~(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election.~~

~~(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.~~

~~4. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.~~

~~5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in NRS 293.400, those candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for:~~

~~(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.~~

~~(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.~~

~~*→ For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for a nonpartisan office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 293.269 is hereby amended to read as follows:~~

~~293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a [square] *space* in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."~~

~~2. Only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.~~

~~3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.]~~ **(Deleted by amendment.)**

Sec. 6. (Deleted by amendment.)

Sec. 6.1. ~~[NRS 293.269911 is hereby amended to read as follows:~~

~~293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12 point type to a person who is elderly or disabled.~~

~~2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.~~

~~3. The county clerk shall not distribute a mail ballot to any person who:~~

~~(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; [or]~~

~~(b) Elects not to receive a mail ballot pursuant to subsection 2 [.]~~ ***; or***

~~***(c) Elects not to receive a mail ballot at the time the person preregistered or registered to vote.***~~

~~4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.~~

~~5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:~~

~~(a) Each active registered voter who:~~

~~(1) Resides within the State, not later than 20 days before the election; and~~

~~(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.~~

~~(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.~~

~~(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.~~

~~6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.~~

~~7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.~~**]**

(Deleted by amendment.)

Sec. 6.15. (Deleted by amendment.)

Sec. 6.2. (Deleted by amendment.)

Sec. 6.23. **[**~~NRS 293.363 is hereby amended to read as follows:~~

~~293.363 1.~~ **[**When**]** ***Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293.269931.***

~~***2. Ballots cast using a mechanical voting system must not be counted until*** the polls are closed~~**.** **[**~~, the counting board shall prepare to count the ballots voted.~~**]** ~~The counting procedure must be public and~~ ~~***, to the extent practicable,***~~ ~~continue without adjournment until completed.~~

~~**[**2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.~~

~~(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~**]]** **(Deleted by amendment.)**

Sec. 6.24. **[**~~NRS 293.3677 is hereby amended to read as follows:~~

~~293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted~~ **[.]** ***if the marks meet or exceed the threshold established by regulation pursuant to subsection 3.***

~~2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:~~

~~(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and~~

~~(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote~~ **[.]** ***unless the writing or mark meets or exceeds the threshold established by regulation pursuant to subsection 3.***

~~3. The Secretary of State:~~

~~(a) May adopt regulations establishing~~ **[**~~additional~~**]** **:**

~~*(1) Additional* uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and~~

~~*(2) Uniform thresholds for determining whether writing or a mark on a ballot must be counted as a vote; and~~

~~(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.~~**]** **(Deleted by amendment.)**

Sec. 6.25. **[**~~NRS 293.391 is hereby amended to read as follows:~~

~~293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, reports prepared pursuant to NRS 293.269937 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board~~

~~of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.~~

~~2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.~~

~~3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.~~

~~4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.~~

~~5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.~~

~~*6. All of the materials preserved pursuant to subsection 1 which are deposited with the county clerk are subject to inspection in a risk-limiting audit that is conducted in accordance with the regulations adopted pursuant to NRS 293.394.]*~~ **(Deleted by amendment.)**

Sec. 6.3. **[**~~NRS 293.394 is hereby amended to read as follows:~~

~~293.394 1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:~~

~~(a) Procedures to conduct a risk-limiting audit;~~

~~(b) Criteria for which elections must be audited; and~~

~~(c) Criteria to determine the scope of the risk-limiting audit.~~

~~2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct a risk-limiting audit of the results of an election .~~ **[**~~prior to the certification of the results of the election pursuant to NRS 293.395.~~**]**

~~3. As used in this section, "risk-limiting audit" means an audit protocol that:~~

~~(a) Makes use of statistical principles and methods; and~~

~~(b) Is designed to limit the risk of certifying an incorrect election outcome.~~**] (Deleted by amendment.)**

Sec. 6.35. ~~[NRS 293.403 is hereby amended to read as follows:~~

~~293.403 1.~~ ~~[A]~~ ***Except as otherwise provided in section 1.7 of this act,*** ***a*** ~~candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the candidate who demands the recount:~~

~~(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy; and~~

~~(b) Deposits in advance the estimated costs of the recount with that officer.~~

~~2. Any voter at an election may demand and receive a recount of the vote for a ballot question if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:~~

~~(a) Files in writing a demand with:~~

~~(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or~~

~~(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and~~

~~(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.~~

~~3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."~~

~~4. As used in this section, "canvass" means:~~

~~(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.~~

~~(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.~~

~~(c) In any general election:~~

~~(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or~~

~~(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).~~

~~(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.~~**] (Deleted by amendment.)**

Sec. 6.4. ~~[NRS 293.404 is hereby amended to read as follows:~~

~~293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403~~***, or section 1.7 of this act,*** ~~the:~~

~~(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.~~

~~(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.~~

~~2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.~~

~~3. The recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether all ballots are marked as required by law. All ballots must be recounted in the same manner in which the ballots were originally tabulated.~~

~~4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.~~

~~5. The Secretary of State may adopt regulations to carry out the provisions of this section.~~**] (Deleted by amendment.)**

Sec. 6.43. ~~[NRS 293.405 is hereby amended to read as follows:~~

~~293.405 1. If the person who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the person shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary of State, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to the person.~~

~~2. If the person who demanded the recount prevails, the sum deposited with the Secretary of State, county clerk or city clerk must be refunded to the person and the cost of the recount must be paid as follows:~~

~~(a) If the recount concerns an office or ballot question for which voting is not statewide, the cost must be borne by the county or city which conducted the recount.~~

~~(b) If the recount concerns an office or ballot question for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the Secretary of State for review and approval. The Secretary of State shall submit the statements to the State Board of Examiners, which shall repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.~~

~~3. [Each] *Except as otherwise provided in section 1.7 of this act, each* recount must be commenced within 5 days after demand, and must be completed within 5 days after it is begun.~~

~~4. After the recount of a precinct is completed, that precinct must not be subject to another recount for the same office or ballot question at the same election.]~~ **(Deleted by amendment.)**

Sec. 6.47. **[**~~NRS 293.407 is hereby amended to read as follows:~~

~~293.407 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.~~

~~2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in NRS 293.413,~~ ***or section 1.7 of this act, as applicable,*** ~~file with the clerk of the district court a written statement of contest, setting forth:~~

~~(a) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;~~

~~(b) The name of the defendant;~~

~~(c) The office to which the defendant was declared elected;~~

~~(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and~~

~~(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.~~

~~3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.~~

~~4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.~~

~~5. The contestant must notify the defendant that a statement of contest has been filed pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 6.5. ~~[NRS 293.413 is hereby amended to read as follows:~~

~~293.413 1. [The]~~ ***Except as otherwise provided in section 1.7 of this act, the*** ~~statement of contest provided for in NRS 293.407 shall be filed with the clerk of the district court no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. The parties to a contest shall be denominated contestant and defendant.~~

~~2. The court shall set the matter for hearing not [less]~~ ***more*** ~~than 5 days [nor more than 10 days] after the filing of the statement of contest. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.~~

~~3. The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.]~~ **(Deleted by amendment.)**

Sec. 6.55. ~~[NRS 293.469 is hereby amended to read as follows:~~

~~293.469 Each county clerk is encouraged to:~~

~~1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.269911, 293.269951, 293.2955 and 293.296~~ ***[.] and section 1.5 of this act.***

~~2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.~~

~~3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:~~

~~(a) Related to elections; and~~

~~(b) Made available by the county clerk to the public in printed form.]~~ **(Deleted by amendment.)**

Sec. 6.6. ~~[NRS 293.504 is hereby amended to read as follows:~~

~~293.504 1. The following offices shall serve as voter registration agencies:~~

~~(a) Such offices that provide public assistance as are designated by the Secretary of State;~~

~~(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;~~

~~(c) The offices of the Department of Motor Vehicles;~~

~~(d) The offices of the city and county clerks;~~

~~(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;~~

~~(f) Recruitment offices of the United States Armed Forces; and~~

~~(g) Such other offices as the Secretary of State deems appropriate.~~

~~2. Each voter registration agency shall:~~

~~(a) Post in a conspicuous place, in at least 12-point type, instructions for preregistering and registering to vote;~~

~~(b) Except as otherwise provided in subsection 3 and NRS 293.5732 to 293.5757, inclusive, distribute applications to preregister or register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;~~

~~(c) Provide the same amount of assistance to an applicant in completing an application to preregister or register to vote as the agency provides to a person completing any other forms for the agency; and~~

~~(d) Accept completed applications to preregister or register to vote.~~

~~3. A voter registration agency is not required to provide an application to preregister or register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person affirmatively declines to preregister or register to vote and submits to the agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to preregister or register to vote may not be used for any purpose other than voter registration.~~

~~4. Except as otherwise provided in this subsection and NRS 293.5727 and 293.5747, any application to preregister or register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. The county clerk shall accept any application which is obtained from a voter registration agency pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.~~

~~*5. A voter registration agency shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.*~~

~~*6.* The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to preregister or register to vote at recruitment offices of the United States Armed Forces.~~] **(Deleted by amendment.)**

Sec. 6.65. [~~NRS 293.5235 is hereby amended to read as follows:~~

~~293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by:~~

~~(a) Mailing an application to preregister or register to vote to the county clerk of the county in which the person resides.~~

~~(b) A computer using:~~

~~(1) The system established by the Secretary of State pursuant to NRS 293.671; or~~

~~(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.~~

~~(c) Any other method authorized by the provisions of this title.~~

~~2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.~~

~~3. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive:~~

~~(a) An application to preregister to vote may be used to correct information in a previous application.~~

~~(b) An application to register to vote may be used to correct information in the registrar of voters' register.~~

~~4. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.~~

~~5. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 12 and signing the application.~~

~~6. The county clerk shall, upon receipt of an application, determine whether the application is complete.~~

~~7. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:~~

~~(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card; or~~

~~(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.~~

~~8. Except as otherwise provided in subsections 5 and 6 of NRS 293.518 and NRS 293.5767, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:~~

~~(a) A notice that the applicant is:~~

~~(1) Preregistered to vote; or~~

~~(2) Registered to vote and a voter registration card; or~~

~~(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.~~

~~➥ If the applicant does not provide the additional information within the prescribed period, the application is void.~~

~~9. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.~~

~~10. If the applicant fails to check the box described in paragraph (b) of subsection 12, the application shall not be considered invalid, and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.~~

~~11. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:~~

~~(a) Mail, which must be used to preregister or register to vote by mail in this State.~~

~~(b) Computer, which must be used to preregister or register to vote by computer using:~~

~~(1) The system established by the Secretary of State pursuant to NRS 293.671; or~~

~~(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.~~

~~12. The application to preregister or register to vote by mail must include:~~

~~(a) A notice in at least 10-point type which states:~~

> ~~NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.~~

~~(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.~~

~~(c) If the application is to:~~

~~(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.~~

~~(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate~~

~~whether or not the applicant will be at least 18 years of age or older on election day.~~

~~(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in:~~

~~(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).~~

~~(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).~~

~~(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.~~

~~***(f) An option for an applicant to elect not to receive a mail ballot.***~~

~~13. Except as otherwise provided in subsections 5 and 6 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.~~

~~14. The county clerk shall mail, by postcard, the notices required pursuant to subsections 7 and 8. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.~~

~~15. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.~~

~~16. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.~~

~~17. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.~~

~~18. A person who willfully violates any of the provisions of subsection 15, 16 or 17 is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~19. The Secretary of State shall adopt regulations to carry out the provisions of this section.~~**] (Deleted by amendment.)**

Sec. 6.7. **[**~~NRS 293.5307 is hereby amended to read as follows:~~

~~293.5307 If a county clerk enters into an agreement pursuant to NRS 293.5303, the county clerk shall review each notice of a change of address filed with the United States Postal Service by a resident of the county~~

~~and identify each resident who is a registered voter and has moved to a new address. [Before removing or correcting information in the statewide voter registration list, the] *The* county clerk shall *, in accordance with 52 U.S.C. § 20507,* mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530.]~~ **(Deleted by amendment.)**

Sec. 6.75. ~~[NRS 293.5727 is hereby amended to read as follows:~~

~~293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide an application to preregister or register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.~~

~~2. The county clerk shall use the applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register an applicant to vote or to correct the preregistration or registration of the applicant, as applicable. An application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.~~

~~3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.~~

~~4. The Department [is] :~~

~~*(a) Is* not required to provide an application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.~~

~~*(b) Shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail in an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.~~

~~5. The county clerk shall accept any application to:~~

~~(a) Preregister to vote at any time.~~

~~(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the last day to register to~~

~~vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.~~

~~6. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.~~

~~7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or register unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to preregister or register to vote.~~

~~8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the database created by the Secretary of State pursuant to NRS 293.675. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.~~

~~9. The Secretary of State shall, with the approval of the Director, adopt regulations to:~~

~~(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;~~

~~(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and~~

~~(c) Provide for the transfer of the completed applications of preregistration or registration from the Department to the appropriate county clerk.~~**]** **(Deleted by amendment.)**

Sec. 6.8. **[**~~NRS 293.755 is hereby amended to read as follows:~~

~~293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting

~~device or any computer program used [to count ballots] *to conduct an election* with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~2. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to [count ballots] *conduct an election* with the intent to influence the outcome of an election is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.~~

~~3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.]~~ **(Deleted by amendment.)**

Sec. 6.9. ~~[NRS 293.810 is hereby amended to read as follows:~~

~~293.810 *1.* It is unlawful for any person to be preregistered to vote or registered as a voter in more than one [county] *state* at one time.~~

~~*2. If a county clerk receives information from another state that a person is registered to vote in that state, the county clerk shall, in accordance with 52 U.S.C. § 20507, mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530 or 293.541, as applicable.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 293.875 is hereby amended to read as follows:~~

~~293.875 1. At least once each year, each county or city clerk and all members of their staff whose duties include administering an election must complete a training class on cybersecurity that is approved by the Secretary of State.~~

~~2. *The Secretary of State shall adopt by regulation a cyber incident response plan for elections. Each county and city clerk and other local election official is required to comply with the requirements of the cyber incident response plan.* If any county or city clerk or other local election official identifies or is informed of a confirmed [attack] *cyber incident* or attempted [attack] *cyber incident* on the security of an information system used by the county or city clerk or other local election official, the county or city clerk or other local election official shall [immediately] notify the Secretary of State regarding such [attack] *cyber incident* or attempted [attack.] *cyber incident in accordance with the cyber incident response plan adopted by the Secretary of State pursuant to this subsection.]~~ **(Deleted by amendment.)**

Sec. 7.3. ~~[NRS 293B.400 is hereby amended to read as follows:~~

~~293B.400 1. Except as otherwise provided in this section, if a recount is demanded pursuant to the provisions of NRS 293.403 *or section 1.7 of this act* or if an election is contested pursuant to NRS 293.407, *or section 1.7 of this act,* the county or city clerk shall ensure that each mechanical recording device~~

~~which directly recorded votes electronically for the applicable election provides a record printed on paper of each ballot voted on that device.~~

~~— 2. In carrying out the requirements of this section, the county or city clerk shall:~~

~~— (a) Print only the records required for the recount or contest; and~~

~~— (b) Collect those records and deposit them in the vaults of the county or city clerk pursuant to NRS 293.391 or 293C.390.~~**]** **(Deleted by amendment.)**

Sec. 7.6. **[**~~Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:~~

— 1. The Secretary of State shall allow any registered voter to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot if the registered voter does not have access to his or her mail ballot and is unable to go to the polls because:

— (a) Of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or

— (b) The registered voter is suddenly hospitalized, becomes seriously ill or is called away from home.

— 2. The deadlines for a registered voter to use the system of approved electronic transmission pursuant to subsection 1 to apply for and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to apply for and cast a military-overseas ballot.

— 3. Upon receipt of an application and ballot cast by a registered voter in accordance with subsection 1 using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

— 4. The Secretary of State shall ensure that the registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the registered voter to request and cast a ballot.

— 5. The Secretary of State shall prescribe the form and content of a declaration for use by a registered voter who does not have access to his or her mail ballot and is unable to go to the polls to swear or affirm specific representations pertaining to identity, eligibility to vote, status as a registered voter and timely and proper completion of a ballot.

— 6. The Secretary of State shall prescribe the duties of the city clerk upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.

— 7. The Secretary of State shall make available to a registered voter using the system of approved electronic transmission pursuant to this section

information regarding instructions on using the system for approved electronic transmission to apply for and cast a ballot.

8. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.

(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.

(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.

(d) "Military overseas ballot" has the meaning ascribed to it in NRS 293D.050.] **(Deleted by amendment.)**

Sec. 8. ~~[NRS 293C.175 is hereby amended to read as follows:~~

~~293C.175 1. A primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the second Tuesday in June of each even-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general city election.~~

~~2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk not earlier than:~~

~~(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.~~

~~(b) For any other office, the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.~~

~~3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.~~

~~4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.~~

~~5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.~~ ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office upon which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary city election for that office.]*** **(Deleted by amendment.)**

Sec. 9. ~~[NRS 293C.195 is hereby amended to read as follows:~~

~~293C.195 A withdrawal of candidacy for a city office must be in writing and presented to the city clerk by the candidate in person within [2] 7 days, excluding Saturdays, Sundays and holidays, after the last day for filing a declaration of candidacy. *If the withdrawal of candidacy is submitted in a timely manner pursuant to the provisions of this subsection, the withdrawal shall be deemed effective after the seventh day, excluding Saturdays, Sundays and holidays, after the last day for filing.]*~~ **(Deleted by amendment.)**

Sec. 9.2. ~~[NRS 293C.263 is hereby amended to read as follows:~~

~~293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.~~

~~2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.~~

~~3. The city clerk shall not distribute a mail ballot to any person who:~~

~~(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; [or]~~

~~(b) Elects not to receive a mail ballot pursuant to subsection 2 [.]; or~~

~~*(c) Elects not to receive a mail ballot at the time the person preregistered or registered to vote.*~~

~~4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.~~

~~5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:~~

~~(a) Each active registered voter who:~~

~~(1) Resides within the State, not later than 20 days before the election; and~~

~~(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.~~

~~(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.~~

~~(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.~~

~~6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.~~

~~7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.~~**]** **(Deleted by amendment.)**

Sec. 9.6. (Deleted by amendment.)

Sec. 9.8. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.2. ~~**[**NRS 293C.362 is hereby amended to read as follows:~~

~~293C.362 1.~~ **[**When**]** ~~***Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293C.26331.***~~

~~***2. Ballots cast using a mechanical voting system must not be counted until*** the polls are closed~~ **.** ~~**[**, the counting board shall prepare to count the ballots voted.**]** The counting procedure must be public and~~ **,** ~~***to the extent practicable,*** continue without adjournment until completed.~~

~~**[**2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.~~

~~(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~**]]** **(Deleted by amendment.)**

Sec. 10.4. ~~**[**NRS 293C.369 is hereby amended to read as follows:~~

~~293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question,~~

~~the vote for that office or question may not be counted~~ **[.]** ***if the marks meet or exceed the threshold established by regulation pursuant to subsection 3.***

~~2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:~~

~~(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and~~

~~(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote~~ **[.]** ***unless the writing or mark meets or exceeds the threshold established by regulation pursuant to subsection 3.***

~~3. The Secretary of State:~~

~~(a) May adopt regulations establishing~~ **[**~~additional~~**]** **:**

(1) Additional ~~uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and~~

(2) Uniform thresholds for determining whether writing or a mark on a ballot must be counted as a vote; and

~~(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.~~**]** **(Deleted by amendment.)**

Sec. 10.5. **[**~~NRS 293C.720 is hereby amended to read as follows:~~

~~293C.720 Each city clerk is encouraged to:~~

~~1. Not later than the earlier date of the first notice provided pursuant to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.263, 293C.281 and 293C.282~~ **[.]** ***and section 7.6 of this act.***

~~2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.~~

~~3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:~~

~~(a) Related to elections; and~~

~~(b) Made available by the city clerk to the public in printed form.~~**]** **(Deleted by amendment.)**

Sec. 11. **[**~~NRS 293D.090 is hereby amended to read as follows:~~

~~293D.090 "Uniformed-service voter" means an elector who is:~~

~~1. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps~~ **,** **[**~~or~~**]** ~~Coast Guard~~ ***or Space Force*** ~~of the United States who is on active duty;~~

~~2. A member of the Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States;~~

~~3. A member of the National Guard or state militia unit who is on activated status; or~~

~~4. A spouse or dependent of a person described in subsection 1, 2 or 3.~~**]** **(Deleted by amendment.)**

Sec. 11.3. **[**~~NRS 294A.100 is hereby amended to read as follows:~~

~~294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election, regardless of the number of candidates for the office, and $5,000 for the general election, regardless of the number of candidates for the office, during the period:~~

~~(a) Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next general election for the office, if that office is a state, district, county or township office; or~~

~~(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.~~

~~2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.~~

~~3. No contribution made, committed to be made or accepted pursuant to this section to a candidate for a primary election~~ **,** **[**~~or~~**]** ~~general election~~ ***or special election other than a special election to recall a public officer*** ~~affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.115 for a special election to recall a public officer.~~

~~4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~**]** **(Deleted by amendment.)**

Sec. 11.7. **[**~~NRS 298.055 is hereby amended to read as follows:~~

~~298.055 The~~ ***Secretary of State shall submit the*** ~~certificate of ascertainment~~ **[**~~submitted~~**]** ~~to the Archivist of the United States pursuant to 3 U.S.C. §~~ **[**~~6~~**]** ***5. The certificate of ascertainment*** ~~must include a statement that:~~

~~1. Each nominee for presidential elector shall serve as a presidential elector unless a vacancy occurs in the position of presidential elector held by that nominee for presidential elector before the conclusion of the meeting of presidential electors held pursuant to 3 U.S.C. § 7; and~~

~~2. If a person is appointed pursuant to NRS 298.065 to fill a vacancy in a position of presidential elector, the Secretary of State will submit an amended certificate of ascertainment to the Archivist.~~**]** **(Deleted by amendment.)**

Sec. 12. ~~[Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 295, Statutes of Nevada 2015, at page 1481, is hereby amended to read as follows:~~

~~"Sec. 5.010 Primary election.~~

~~1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.~~

~~2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.~~

~~3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.~~

~~4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.~~

~~5. If in the primary election one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election.~~ ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.]*** **(Deleted by amendment.)**

Sec. 13. ~~[Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3553, is hereby amended to read as follows:~~

~~"Sec. 5.010 Primary municipal election.~~

~~1. A primary municipal election must be held:~~

~~(a) On the first Tuesday after the first Monday in April 2019; and~~

~~(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,~~

~~"~~ ~~at which time there must be nominated candidates for offices to be voted for at the next general municipal election.~~

~~2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.~~

~~3. All candidates for elective office must be voted upon by the registered voters of the City at large.~~

~~4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:~~

~~(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.~~

~~(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.~~

~~***5. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.]*** **(Deleted by amendment.)**

Sec. 14. ~~[Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapters 350 and 558, Statutes of Nevada 2019, at pages 2179 and 3553, respectively, is hereby amended to read as follows:~~

~~"Sec. 5.010. Primary municipal election.~~

~~1. A primary municipal election must be held:~~

~~(a) On the first Tuesday after the first Monday in April 2019; and~~

~~(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,~~

~~",~~ ~~at which time there must be nominated candidates for offices to be voted for at the next general municipal election.~~

~~2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.~~

~~3. All candidates for elective office, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.~~

~~4. A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.~~

~~5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is~~

~~a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:~~

~~(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.~~

~~(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.~~

~~***6. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.]*** **(Deleted by amendment.)**~~

Sec. 15. ~~[Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 558, Statutes of Nevada 2019, at page 3558, is hereby amended to read as follows:~~

~~Sec. 5.010. Primary municipal elections.~~

~~1. A primary municipal election must be held in the City:~~

~~(a) On the first Tuesday after the first Monday in April 2019; and~~

~~(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.~~

~~2. In the primary municipal elections:~~

~~(a) The candidates for Council Member who are to be nominated must be nominated and voted for separately according to the respective wards.~~

~~(b) If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.~~

~~3. Each candidate for municipal office must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.~~

~~4. If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general~~

~~municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.~~

~~*5. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~[Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3562, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary municipal elections; declaration of candidacy.~~

~~1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.~~

~~2. A primary municipal election must be held:~~

~~(a) On the Tuesday following the first Monday in April 2019; and~~

~~(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.~~

~~3. In the primary municipal election:~~

~~(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.~~

~~(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.~~

~~4. Except as otherwise provided in subsection 5, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.~~

~~5. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office.~~ ~~*For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which*~~

voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.] **(Deleted by amendment.)**

Sec. 17. **[**~~Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 158, Statutes of Nevada 2021, at page 716, is hereby amended to read as follows:~~

~~"Sec. 5.020 Primary elections.~~

~~1. At the primary election:~~

~~(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.~~

~~(b) Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.~~

~~2. If at 5 p.m. on the last day for filing a declaration of candidacy:~~

~~(a) There is only one candidate who has filed for nomination for an office, that candidate must be declared elected to the office and no election may be held for that office.~~

~~(b) Except as otherwise provided in paragraph (a), not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election.~~

~~(c) More than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must be placed on the ballot for the primary election.~~

~~3. If at the primary election:~~

~~(a) One candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office.~~

~~(b) No candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.~~

~~"~~ ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.]*** **(Deleted by amendment.)**

Sec. 17.3 Section 22 of chapter 555, Statutes of Nevada 2021, at page 3866, is hereby amended to read as follows:

Sec. 22. **[**~~NRS 293.5747 is hereby amended to read as follows:~~

~~"293.5747 1. An automatic voter registration agency is required to electronically transmit the following information of a person to the~~

~~Secretary of State and county clerk using the system established pursuant to NRS 293.5732:~~

~~(a) An electronic facsimile of the signature of the person, if the automatic voter registration agency is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;~~

~~(b) The first or given name and the surname of the person;~~

~~(c) The address at which the person actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;~~

~~(d) The date of birth of the person;~~

~~(e) At least one of the following:~~

~~(1) The number indicated on the person's current and valid driver's license or identification card issued by the Department of Motor Vehicles; or~~

~~(2) The last four digits of the person's social security number; and~~

~~(f) A description of the documentation presented to the automatic voter registration agency that indicates the person is a citizen of the United States.~~

~~2. Except as otherwise provided in section 3 of this act, the automatic voter registration agency shall electronically transmit to the Secretary of State and the appropriate county clerk the information described in subsection 1:~~

~~(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and~~

~~(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.~~

~~***3. An automatic voter registration agency shall provide notice to a voter who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the voter must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.***~~

~~**Sec. 17.7.** Section 36 of chapter 555, Statutes of Nevada 2021, at page 3876, is hereby amended to read as follows:~~

~~Sec. 36. 1. This section becomes effective upon passage and approval.~~

~~2. Sections 32.3 and 32.7 of this act become effective on July 1, 2021.~~

~~3. Sections 1 to 32, inclusive, and 33, 34 and 35 of this act become effective:~~

~~(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On January 1, [2024,]~~ ***2025,*** ~~for all other purposes.~~ **] (Deleted by amendment.)**

Sec. 18. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 293.365, 293.423, 293.567 and 293C.365 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[1. This section becomes effective upon passage and approval.~~

~~2. Sections 1 to 12, inclusive, and 15 to 19, inclusive, of this act become effective on July 1, 2023.~~

~~3. Section 13 of this act becomes effective on July 1, 2023, if the question set forth in subsection 2 of section 5 of Assembly Bill No. 282 of the 2019 Legislative Session, chapter 350, Statutes of Nevada 2019, at page 2181, is not approved and ratified by the registered voters of the City of Henderson at the 2022 General Election.~~

~~4. Section 14 of this act becomes effective on July 1, 2023, if the question set forth in subsection 2 of section 5 of Assembly Bill No. 282 of the 2019 Legislative Session, chapter 350, Statutes of Nevada 2019, at page 2181, is approved and ratified by the registered voters of the City of Henderson at the 2022 General Election.~~ **] (Deleted by amendment.)**

Sec. 21. **Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 25, inclusive, of this act.**

Sec. 22. ***"Constitutional office" or "constitutional officer" means:***

1. The Governor;

2. The Lieutenant Governor;

3. The Secretary of State;

4. The State Treasurer;

5. The State Controller; and

6. The Attorney General.

Sec. 23. ***"Inaugural committee" means any organization, person or group of persons that anticipates receiving contributions or making expenditures for the inauguration of a constitutional officer.***

Sec. 24. ***1. An inaugural committee shall report for each period required pursuant to subsection 2:***

(a) Each contribution received relating to the inauguration in excess of $1,000;

(b) Contributions received during the period relating to the inauguration from a contributor which cumulatively exceed $1,000;

(c) The total number of all contributions received during the period relating to the inauguration which are not otherwise required to be reported pursuant to paragraph (b);

(d) Each expenditure relating to the inauguration made during the period in excess of $1,000; and

(e) Expenditures made relating to the inauguration during the period to one recipient which cumulatively exceed $1,000.

2. The report required pursuant to subsection 1 must be filed:

(a) Not later than the date that is the 90th day following the first day of the regular session of the Legislature that is immediately following the inauguration of the constitutional officer, for the period beginning on the date of the organization of the committee and ending on the 75th day of such regular session;

(b) Not later than 15 days after the end of such regular session, for the period of the following year, for the period beginning on the 76th day of such regular session and ending on the last day of such regular session; and

(c) Not later than January 15, for the period beginning on January 1 of any year other than the year immediately following the year of the general election and ending on December 31 of the previous year.

3. An inaugural committee that disbands shall:

(a) Notify the Secretary of State; and

(b) File a final report that sets forth:

(1) Each contribution and expenditure required to be reported pursuant to subsection 1 that has not previously been reported; and

(2) The disposition of any contributions made to the inaugural committee that are not spent or committed for expenditure by the inaugural committee.

➥ Nothing in this subsection requires an inaugural committee to report information that has previously been reported in a timely manner pursuant to this section.

4. An inaugural committee is not subject to the provisions of NRS 294A.100 or 294A.300.

5. Except as otherwise provided in NRS 294A.3737, the reports required by this section must be filed electronically with the Secretary of State.

6. A report filed pursuant to this section shall be deemed to be filed on the date that it was received by the Secretary of State. Every inaugural committee shall file a report as required by this section even if the committee receives no contributions.

Sec. 25. 1. A candidate for a constitutional office who is elected shall report, not later than the 90th day following the first day of the regular session of the Legislature that is immediately following the inauguration of the constitutional officer, for the period beginning on the day following the general election and ending on the day immediately preceding the beginning of the period set forth in NRS 294A.300:

(a) Each contribution in excess of $100 received in relation to the transition to holding the office constitutional during the period;

(b) Contributions received in relation to the transition to holding the constitutional office during the period from a contributor which cumulatively exceed $100;

(c) The total of all contributions received in relation to the transition to holding the constitutional office during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b);

(d) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period; and

(e) Goods and services provided in kind in relation to the transition to holding the constitutional office and for which money would have otherwise been paid.

2. Nothing in this section requires the candidate to report information that has previously been reported in a timely manner pursuant to this chapter.

3. Except as otherwise provided in NRS 294A.3733, the reports required by this section must be filed electronically with the Secretary of State.

4. A report filed pursuant to this section shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 26. **NRS 294A.002 is hereby amended to read as follows:**

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, ***and sections 22 and 23 of this act*** have the meanings ascribed to them in those sections.

Sec. 27. **NRS 294A.325 is hereby amended to read as follows:**

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

(a) A candidate;

(b) A committee for political action;

(c) A committee for the recall of a public officer;

(d) A person who makes an independent expenditure;

(e) A political party or committee sponsored by a political party that makes an expenditure for or against a candidate or group of candidates;

(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;

(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; ~~[or]~~

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225 ~~[.]~~ ***; or***

(i) An inaugural committee.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) "Foreign national" has the meaning ascribed to it in ~~[2 U.S.C. § 441e.]~~ ***52 U.S.C. § 30121.***

(b) "Knowingly" means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 28. **NRS 294A.350 is hereby amended to read as follows:**

294A.350 1. Except as otherwise provided in subsection 2, every candidate for office shall file the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, ***and section 25 of this act,*** even though the candidate:

(a) Withdraws his or her candidacy pursuant to NRS 293.202 or 293C.195;

(b) Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;

(c) Receives no contributions;

(d) Has no campaign expenses;

(e) Is not opposed in the election by another candidate;

(f) Is defeated in the primary election;

(g) Is removed from the ballot by court order; or

(h) Is the subject of a petition to recall and the special election is not held.

2. A candidate described in paragraph (a), (b), (f) or (g) of subsection 1 may simultaneously file all the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362 ***and section 25 of this act*** that are due after the candidate disposes of any unspent or excess contributions as provided in NRS 294A.117 or subsections 4, 5 and 6 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. A candidate described in paragraph (b) of subsection 1 who simultaneously files reports pursuant to subsection 2 but is elected to office despite ending his or her campaign is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, ***and section 25 of this act,*** beginning with the next report that is due pursuant to those sections after his or her election to office.

Sec. 29. **NRS 294A.362 is hereby amended to read as follows:**

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 and 294A.200, ***and section 25 of this act,*** each candidate who is required to file a report pursuant to NRS 294A.120, 294A.125, 294A.128 or 294A.200 ***and section 25 of this act*** shall report on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

(a) Each such contribution in excess of $100 received during the reporting period;

(b) Each such contribution from a contributor received during the reporting period which cumulatively exceeds $100;

(c) Each such campaign expense in excess of $100 incurred during the reporting period;

(d) The total of all such contributions received during the reporting period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such campaign expenses incurred during the reporting period which are $100 or less.

2. The Secretary of State shall not require a candidate to list the contributions and campaign expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128 or 294A.200 ~~[.]~~ ***or section 25 of this act.***

Sec. 30. **NRS 294A.390 is hereby amended to read as follows:**

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. The registration of a nonprofit corporation pursuant to NRS 294A.225, a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

3. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 or 294A.280 ***or section 24 and 25 of this act*** relating to the making, accepting or reporting of contributions, campaign expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 31. **NRS 294A.420 is hereby amended to read as follows:**

294A.420 1. If the Secretary of State receives information that a candidate, person, organization, committee, political party or nonprofit corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 ***or section 24 and 25 of this act*** has not filed

a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, organization, committee, political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a candidate, person, organization, committee, political party or nonprofit corporation that violates an applicable provision of this chapter is subject to a civil penalty of not more than $10,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a candidate, person, organization, committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section.

5. When considering whether to waive, pursuant to subsection 4, a civil penalty that would otherwise be imposed pursuant to subsection 3, the Secretary of State may consider, without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;

(b) Any history of violations committed by the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed;

(c) Any mitigating factor, including, without limitation, whether the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;

(d) Whether the violation was inadvertent;

(e) Any knowledge or experience the candidate, person, organization, committee, political party or nonprofit corporation has with the provisions of this chapter; and

(f) Any other factor that the Secretary of State deems to be relevant.

6. If the Secretary of State waives a civil penalty pursuant to subsection 4, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

7. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 32. **1. On or before October 1, 2023, any inaugural committee that was formed in relation to a candidate for a constitutional office, as defined in section 22 of this act, at the 2022 General Election shall, for the period beginning on the day that the inaugural committee was formed and ending on the last day of the 82nd Regular Session of the Nevada Legislature, report to the Secretary of State:**

(a) Each contribution received in relation to the inauguration in excess of $1,000;

(b) Contributions received in relation to the inauguration during the period from a contributor which cumulatively exceed $1,000;

(c) The total number of all contributions received in relation to the inauguration during the period which are not otherwise required to be reported pursuant to paragraph (b);

(d) Each expenditure made in relation to the inauguration during the period in excess of $1,000; and

(e) Expenditures made during the period in relation to the inauguration to one recipient which cumulatively exceed $1,000.

2. Nothing in this section requires an inaugural committee to report information that has previously been reported in a timely manner pursuant to the provisions of chapter 294A of NRS.

3. As used in this section, "inaugural committee" has the meaning ascribed to it in section 23 of this act.

Sec. 33. **1. On or before October 1, 2023, for the period beginning on the day following the 2022 General Election and ending on the day of the 2023 Inauguration, each constitutional officer shall report to the Secretary of State:**

(a) Each contribution in excess of $100 received in relation to the transition to holding the constitutional office during the period;

(b) Contributions received during the period in relation to the transition to holding the constitutional office from a contributor which cumulatively exceed $100;

(c) The total of all contributions received during the period in relation to the transition to holding the constitutional office which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(d) Goods and services provided in kind in relation to the transition to holding the constitutional office and for which money would have otherwise been paid.

2. Nothing in this section requires a constitutional officer to report information that has previously been reported in a timely manner pursuant to chapter 294A of NRS.

3. As used in this section, "constitutional office" or "constitutional officer" have the meaning ascribed to those terms in section 22 of this act.

Sec. 34. **This act becomes effective upon passage and approval.**

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 60.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 480.

The following Senate amendment was read:

Amendment No. 999.

AN ACT making an appropriation to the Interim Finance Committee to allocate to certain state agencies to implement language access plans; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $25,000,000 for allocation in Fiscal Year 2024-2025 to agencies of the Executive Department of the State Government, as defined in NRS 232.0081, for the implementation of language access plans required pursuant to NRS 232.0081.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. This act becomes effective ~~[on July 1, 2024.]~~ **upon passage and approval.**

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 999 to Assembly Bill No. 480.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 527.

The following Senate amendment was read:

Amendment No. 993.

AN ACT relating to state financial administration; revising requirements relating to the preparation of the state budget; ~~[revising provisions relating to revisions of work programs in the state budget;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chief of the Budget Division of the Office of Finance in the Office of the Governor to prepare a proposed budget for the Executive Department of the State Government. (NRS 353.185) Existing law requires the Judicial and Legislative Departments of the State Government, the Public Employees' Retirement System and the Tahoe Regional Planning Agency to submit to the Chief of the Budget Division for his or her information a copy of the budgets that they propose to submit to the Legislature. (NRS 353.210) Under existing law, the proposed budget for each fiscal year of a biennium is required to include a reserve of not less than 5 percent or more than 10 percent of the total of all proposed appropriations from the State General Fund for the operation of the State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year. (NRS 353.213) ~~[Section 1 of this]~~ **This** bill requires the Chief of the Budget Division to include the total amount of appropriations included in the budgets submitted by the Judicial and Legislative Departments of the State Government, the Public Employees' Retirement System and the Tahoe Regional Planning Agency in the calculation of the reserve in the proposed budget.

~~[Under the State Budget Act, the head of a department, institution or other agency of the Executive Department of the State Government, with certain exceptions, is authorized, as a result of changed conditions, to request a revision to a work program within its budget. Such a revision is required to be approved or disapproved by the Governor or the Chief of the Budget Division. In addition, the department, institution or agency is required to obtain the approval of the Interim Finance Committee, or the Governor in certain emergency or expeditious circumstances, before revising a work program in an amount more than $30,000 if the revision will increase or decrease by 10 percent or $75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program. (NRS 353.220) Section 2 of this bill eliminates the initial monetary threshold of $30,000 for~~

~~the additional required approval of a work program and increases the dollar amount of the other threshold in existing law to $100,000. Thus, under section 2, an agency must obtain additional approval of its work program from the Interim Finance Committee, or the Governor in certain emergency or expeditious circumstances, if the revision will increase or decrease by 10 percent or $100,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program.~~

~~Under existing law, if the Governor approves a work program that meets the monetary threshold level in the case of an emergency or for the protection of life or property, the Governor is required to report his or her approval of the work program to the Interim Finance Committee at its next meeting. (NRS 353.220) Section 2 eliminates this reporting requirement and instead requires the Governor to notify the Chair of the Interim Finance Committee before approving the work program.~~

~~Under existing law, the Interim Finance Committee is required to consider a request for the revision of a work program within 45 days after its submission or the request is deemed approved. (NRS 353.220) Section 2 eliminates that requirement and instead requires, with an exception, the placement of the request on the agenda of the next meeting of the Interim Finance Committee.~~]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsections 6 and 7, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of full-time equivalent positions within the department, institution or agency.

(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.

(c) Any existing contracts for services the department, institution or agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:

(1) A statement specifying the duration of the privatization contracts;

(2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and

(3) An analysis of each of the privatization contracts, which includes, without limitation:

(I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and

(II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.

(d) If the department, institution or agency has any existing performance contracts that it has entered into pursuant to chapter 333A of NRS, any request to reinvest any savings realized under such a contract for the next 2 fiscal years.

(e) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Office of Finance shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Office of Finance and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her

information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature. ***The Chief shall include the total amount of appropriations included in the budgets submitted pursuant to this subsection in the calculation of the reserve required pursuant to subsection 3 of NRS 353.213.***

7. On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:

(a) The Chief for his or her information in preparing the proposed executive budget. ***The Chief shall include the total amount of appropriations included in the budget submitted pursuant to this subsection in the calculation of the reserve required pursuant to subsection 3 of NRS 353.213.***

(b) The Fiscal Analysis Division of the Legislative Counsel Bureau.

8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.

9. As used in this section, "privatization contract" means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:

(a) Substantially similar to the services performed by the public employees of the department, institution or agency; and

(b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.

Sec. 2. ~~[NRS 353.220 is hereby amended to read as follows:~~

~~353.220 1. The head of any department, institution or agency of the Executive Department of the State Government, whenever he or she deems it necessary because of changed conditions, may request the revision of the work program of his or her department, institution or agency at any time during the fiscal year, and submit the revised program to the Governor through the Chief with a request for revision of the allotments for the remainder of that fiscal year.~~

~~2. Every request for revision must be submitted to the Chief on the form and with supporting information as the Chief prescribes.~~

~~3. Before encumbering any appropriated or authorized money, every request for revision must be approved or disapproved in writing by the Governor or the Chief, if the Governor has by written instrument delegated this authority to the Chief.~~

~~4. Except as otherwise provided in subsection 8, whenever a request for the revision of a work program of a department, institution or agency [in an amount more than $30,000] would, when considered with all other changes in allotments for that work program made pursuant to subsections 1, 2 and 3 and NRS 353.215, increase or decrease by 10 percent or [$75,000,] *$100,000*, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program, the request must be approved as~~

~~provided in subsection 5 before any appropriated or authorized money may be encumbered for the revision.~~

~~5. If a request for the revision of a work program requires additional approval as provided in subsection 4 and:~~

~~(a) Is necessary because of an emergency as defined in NRS 353.263 or for the protection of life or property, the Governor shall take reasonable and proper action to approve it **[**and shall report the action, and**]** ***after notifying the Chair of Interim Finance Committee of*** his or her reasons for determining that immediate action **[**was**]** ***is*** necessary ***.*** **[**, to the Interim Finance Committee at its first meeting after the action is taken.**]** Action by the Governor pursuant to this paragraph constitutes approval of the revision, and other provisions of this chapter requiring approval before encumbering money for the revision do not apply.~~

~~(b) The Governor determines that the revision is necessary and requires expeditious action, he or she may certify that the request requires expeditious action by the Interim Finance Committee. Whenever the Governor so certifies, the Interim Finance Committee has 15 days after the request is submitted to its Secretary within which to consider the revision. Any request for revision which is not considered within the 15-day period shall be deemed approved.~~

~~(c) Does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. **[**The Interim Finance Committee has 45 days after the request is submitted to its Secretary within which to consider the revision. Any request which is not considered within the 45-day period shall be deemed approved.**]**~~

~~6. **[**The**]** ***Except as otherwise provided in this subsection, the*** Secretary shall place each request submitted pursuant to paragraph (b) or (c) of subsection 5 on the agenda of the **[**next**]** ***first*** meeting of the Interim Finance Committee **[**.**]** ***after the submission of the request. If a request is submitted pursuant to paragraph (c) of subsection 5 within 30 days before the first meeting of the Interim Finance Committee after the submission of the request, the Secretary shall place the request on the agenda of the second meeting of the Interim Finance Committee after the submission of the request.***~~

~~7. In acting upon a proposed revision of a work program, the Interim Finance Committee shall consider, among other things:~~

~~(a) The need for the proposed revision; and~~

~~(b) The intent of the Legislature in approving the budget for the present biennium and originally enacting the statutes which the work program is designed to effectuate.~~

~~8. The provisions of subsection 4 do not apply to any request for the revision of a work program which is required:~~

~~(a) As a result of the acceptance of a gift or grant of property or services pursuant to subsection 5 of NRS 353.335; or~~

~~(b) To carry forward to a fiscal year, without a change in purpose, the unexpended balance of any money authorized for expenditure in the immediately preceding fiscal year.]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 993 to Assembly Bill No. 527.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 161, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 648 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA3, which is attached to and hereby made a part of this report.

SENATOR MELANIE SCHEIBLE	ASSEMBLYWOMAN SHEA BACKUS
SENATOR FABIAN DOÑATE	ASSEMBLYWOMAN SARAH PETERS
SENATOR JEFF STONE	ASSEMBLYWOMAN MELISSA HARDY
Senate Conference Committee	*Assembly Conference Committee*

Amendment No. CA3.

SUMMARY— ~~[Establishes programs to facilitate the purchase of menstrual products.]~~ **Makes revisions relating to personal health and wellness.** (BDR 38-811)

AN ACT relating to ~~[public assistance;]~~ **personal health; expanding required insurance coverage of contraception;** providing for the use of benefits under certain federal programs for persons with low incomes to purchase menstrual products; authorizing the establishment of a program to assist certain recipients of public assistance in the purchase of menstrual products; **authorizing certain persons and entities to acquire controlled substances and dangerous drugs directly from an outsourcing facility; revising requirements governing the dispensing of a drug used for contraception; enacting the Interstate Massage Compact; increasing the number of members of the Board of Massage Therapy required to constitute a quorum for the purposes of transacting the business of the Board; clarifying that a pharmacy benefit manager is subject to certain provisions of law governing an insurer for which the pharmacy benefit manager manages prescription drug coverage;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of insurance regulated under Nevada law to include coverage for up to a 12-month supply of contraceptive drugs. (NRS 287.010, 287.04335, 422.27172, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) Sections 1, 11 and 14-20 of this bill prohibit an insurer from requiring an

insured to obtain prior authorization before receiving a contraceptive drug. Sections 1 and 14-20 also require an insurer to: (1) cover certain contraceptive services when provided by a pharmacist to the same extent as if the services were provided by another provider of health care in certain circumstances; and (2) reimburse a pharmacist for providing such services at a rate that is not less than the rate provided to a physician, physician assistant or advanced practice registered nurse. Sections 1 and 14-20 additionally prescribe certain limitations on the imposition of a copayment or coinsurance for a drug for contraception. Section 10 of this bill requires an insurer to: (1) demonstrate the capacity to adequately deliver family planning services provided by pharmacists to covered persons; and (2) make available to covered persons a notice of pharmacists and pharmacies that are available to provide family planning services to covered persons through the network of the insurer. Sections 12 and 13 of this bill make conforming changes to indicate the proper placement of section 10 in the Nevada Revised Statutes.

Existing law imposes certain duties on a pharmacy benefit manager. (NRS 683A.178) Section 9 of this bill clarifies that a pharmacy benefit manager that manages prescription drug benefits for an insurer is required to comply with the same provisions of the Nevada Insurance Code as are applicable to the insurer.

Existing law authorizes the Department of Health and Human Services to enter into a contract with a pharmacy benefit manager or a health maintenance organization to manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program. (NRS 422.4053) Section 2 of this bill requires such a contract to require the pharmacy benefit manager or health maintenance organization to comply with certain provisions of law regarding the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program.

Existing federal law establishes the Supplemental Nutrition Assistance Program, which provides assistance to certain low-income families for the purchase of food. (7 U.S.C. §§ 2011 et seq.) Existing federal law also establishes the Special Supplemental Nutrition Program for Women, Infants and Children, which provides, through eligible local agencies, nutrition education and supplemental foods to pregnant women, mothers, infants and children less than 5 years of age with low household incomes. (42 U.S.C. § 1786) Existing law requires the Department of Health and Human Services to administer these programs within this State. (NRS 422A.338) ~~[This]~~ **Section 3 of this** bill requires the Department to authorize recipients of benefits provided under those programs to use such benefits to purchase menstrual products: (1) to the extent authorized by federal law; and (2) to the extent that federal funding is available. This bill also authorizes the Department to: (1) establish

and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division of Welfare and Supportive Services of the Department is responsible; and (2) accept gifts, grants and donations for the purposes of establishing such a program.

Existing law imposes certain requirements governing the purchase and sale of controlled substances and dangerous drugs. (NRS 639.268) Existing regulations prescribe certain requirements concerning the operation of outsourcing facilities, which are federally registered facilities that engage in the compounding of drugs. (NAC 639.691-639.6916) Those requirements include requirements that an outsourcing facility: (1) be licensed by the State Board of Pharmacy as a manufacturer; and (2) comply with regulatory requirements governing manufacturers. (NAC 639.6915) Section 5 of this bill authorizes a person or entity authorized to dispense controlled substances and dangerous drugs to purchase or otherwise acquire controlled substances and dangerous drugs compounded or repackaged by an outsourcing facility directly from the outsourcing facility. Section 4 of this bill makes a conforming change to update an internal reference changed by section 5.

Existing law requires a pharmacist to dispense up to a 12-month supply of contraceptives or therapeutic equivalent or any amount which covers the remainder of the plan year, whichever is less, pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is less; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary. (NRS 639.28075) If a patient is not currently using a contraceptive or therapeutic equivalent, section 6 of this bill requires a pharmacist to dispense a full 3-month supply or the amount designated by the prescription or order, whichever is less, pursuant to a valid prescription or order unless the patient is unable or unwilling to pay the applicable charge, copayment or coinsurance. If the patient is currently using the contraceptive or therapeutic equivalent, section 6 requires a pharmacist to dispense a full 9-month supply or a full 12-month supply, as applicable, any amount designated by the prescription or order or any amount which covers the remainder of the plan year, whichever is less, pursuant to a valid prescription or order unless the patient is unable or unwilling to pay the applicable charge, copayment or coinsurance.

Existing law authorizes the Board of Massage Therapy to issue a license to practice massage therapy and sets forth the requirements that an applicant for a license must satisfy in order to become licensed. (NRS 640C.580) Section 7 of this bill adopts the Interstate Massage

Compact, creating a multistate license with uniform licensing requirements, including a national licensing examination, for use by licensees in all member states.

The Compact requires that, in order to be eligible to join the Compact and maintain eligibility as a member state, a state must: (1) license and regulate the practice of massage therapy; (2) have a mechanism or entity in place to receive and investigate complaints from the public, regulatory or law enforcement agencies or the Interstate Massage Compact Commission about licensees practicing in that state; (3) accept passage of a national licensing examination as a criterion for massage therapy licensure in that state; (4) require that licensees satisfy educational requirements before being licensed; (5) implement procedures for requiring background checks for a multistate license and other reporting requirements; (6) have continuing competence requirements; (7) participate in the Compact's data system; (8) notify the Commission and other member states of any disciplinary action taken against a licensee practicing under a multistate license; (9) comply with any rules of the Commission; and (10) accept licensees with valid multistate licenses from other member states. An applicant for a multistate license must: (1) hold a license to practice massage therapy in a member state; (2) complete 625 hours of massage therapy education or the substantial equivalent; (3) pass a national licensing examination or the substantial equivalent; (4) submit to and pass a background check; and (5) pay all required fees.

The Compact: (1) establishes the Interstate Massage Compact Commission as a joint governmental agency whose membership consists of all member states; and (2) provides for the Commission's rules and governance. The Compact also establishes a data system, provided for by the Commission, and requires member states to submit uniform data to the data system on all individuals to whom the Compact is applicable.

The Compact provides additional provisions to carry out the Compact, including providing procedures for the taking of adverse actions against licensees, provisions for active military members or their spouses, provisions for rulemaking by the Commission, provisions for oversight and dispute resolution and procedures for amendments and withdrawals. The Compact takes effect on the date on which the Compact is enacted into law by the seventh member state.

Existing law provides that four members of the Board of Massage Therapy constitute a quorum for the purposes of transacting the business of the Board. (NRS 640C.180) Section 8 of this bill increases the number of board members needed to constitute a quorum from four to five.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 422.27172 is hereby amended to read as follows:**

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion or removal of a device for contraception;

(e) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception. ***If the Plan requires a person enrolled in Medicaid to pay a copayment or coinsurance for a drug for contraception, the Plan may only require the person to pay the copayment or coinsurance:***

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

6. ***The Plan must provide for the reimbursement of a pharmacist for providing services described in subsection 1 that are within the scope of practice of the pharmacist to the same extent as if the services were provided by another provider of health care. The Plan must not limit:***

(a) Coverage for such services provided by a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for such services provided by a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

7. The Plan must not require a recipient of Medicaid to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

8. As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 2. **NRS 422.4053 is hereby amended to read as follows:**

422.4053 1. Except as otherwise provided in subsection 2, the Department shall directly manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program.

2. The Department may enter into a contract with:

(a) A pharmacy benefit manager for the provision of any services described in subsection 1.

(b) A health maintenance organization pursuant to NRS 422.273 for the provision of any of the services described in subsection 1 for recipients of Medicaid or recipients of insurance through the Children's Health Insurance Program who receive coverage through a Medicaid managed care program.

(c) One or more public or private entities from this State, the District of Columbia or other states or territories of the United States for the collaborative purchasing of prescription drugs in accordance with subsection 3 of NRS 277.110.

3. A contract entered into pursuant to paragraph (a) or (b) of subsection 2 must:

(a) Include the provisions required by NRS 422.4056; ~~[and]~~

(b) Require the pharmacy benefit manager or health maintenance organization, as applicable, to disclose to the Department any information relating to the services covered by the contract, including, without limitation, information concerning dispensing fees, measures for the control of costs,

rebates collected and paid and any fees and charges imposed by the pharmacy benefit manager or health maintenance organization pursuant to the contract ~~[.]~~ ***; and***

(c) Require the pharmacy benefit manager or health maintenance organization to comply with the provisions of this chapter regarding the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program to the same extent as the Department.

4. In addition to meeting the requirements of subsection 3, a contract entered into pursuant to:

(a) Paragraph (a) of subsection 2 may require the pharmacy benefit manager to provide the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, to the Department.

(b) Paragraph (b) of subsection 2 must require the health maintenance organization to provide to the Department the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, less an administrative fee in an amount prescribed by the contract. The Department shall adopt policies prescribing the maximum amount of such an administrative fee.

~~[Section 1.]~~ ***Sec. 3.*** Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law and to the extent that federal funding is available, the Department shall authorize recipients of benefits provided under Supplemental Nutrition Assistance or the Special Supplemental Nutrition Program for Women, Infants and Children established by 42 U.S.C. § 1786 to use such benefits to purchase menstrual products.

2. The Department shall take any action necessary to obtain federal authorization and federal funding to carry out the provisions of subsection 1, including, without limitation, applying for any necessary federal waiver.

3. To the extent that money is available for this purpose, the Department, through the Division, may establish and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division is responsible. The Department may accept gifts, grants and donations from any source for the purpose of establishing and administering such a program.

4. As used in this section, "menstrual products" includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.

Sec. 4. **NRS 454.221 is hereby amended to read as follows:**

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his or her patients;

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the Chief Medical Officer or the Chief Medical Officer's designated Medical Director of Emergency Medical Services, to a person or agency described in subsection ~~[3]~~ ***4*** of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 5. **NRS 639.268 is hereby amended to read as follows:**

639.268 1. A practitioner may purchase supplies of controlled substances, poisons, dangerous drugs and devices from a pharmacy by:

(a) Making an oral order to the pharmacy or transmitting an oral order through his or her agent, except an order for a controlled substance in schedule II; or

(b) If the order is for a controlled substance, presenting to the pharmacy a written order signed by the practitioner which contains his or her registration number issued by the Drug Enforcement Administration.

2. ***Any person or entity authorized to dispense controlled substances and dangerous drugs, including, without limitation, a pharmacy, institutional pharmacy or practitioner, may:***

(a) Purchase or otherwise acquire controlled substances and dangerous drugs compounded or repackaged by an outsourcing facility directly from the outsourcing facility without an order from a practitioner other than, where applicable, the practitioner purchasing or acquiring the controlled substance or dangerous drug; and

(b) Administer and dispense controlled substances and dangerous drugs purchased or acquired pursuant to paragraph (a) to the same extent as controlled substances and dangerous drugs acquired through other authorized means.

3. A hospital pharmacy or a pharmacy designated for this purpose by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the Chief Medical Officer or his or her designated medical director of emergency medical services, may sell to a person or agency described in subsection ~~[3]~~ ***4*** supplies of controlled substances to stock the ambulances or other authorized vehicles of such a person or agency or replenish the stock if:

(a) The person or agency is registered with the Drug Enforcement Administration pursuant to 21 C.F.R. Part 1301;

(b) The person in charge of the controlled substances is:

(1) A paramedic appropriately certified by the health authority;

(2) A registered nurse licensed by the State Board of Nursing; or

(3) A person who holds equivalent certification or licensure issued by another state; and

(c) Except as otherwise provided in this paragraph, the purchase order is countersigned by a physician or initiated by an oral order and may be made by the person or agency or transmitted by an agent of such a person or agency. An order for a controlled substance listed in schedule II must be made pursuant to NRS 453.251.

~~[3.]~~ ***4.*** A pharmacy, institutional pharmacy or other person licensed by the Board to furnish controlled substances and dangerous drugs may sell to:

(a) The holder of a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210;

(b) The holder of a permit issued by another state which is substantially similar to a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210; and

(c) An agency of the Federal Government that provides emergency care or transportation and is registered with the Drug Enforcement Administration pursuant to 21 C.F.R. Part 1301.

~~[4.]~~ ***5.*** A pharmacy, institutional pharmacy ***, outsourcing facility*** or other person licensed by the Board to furnish dangerous drugs who sells supplies pursuant to this section shall maintain a record of each sale which must contain:

(a) The date of sale;

(b) The name, address and signature of the purchaser or the person receiving the delivery;

(c) The name of the dispensing pharmacist ~~[;]~~ ***, where applicable;***

(d) The name and address of the authorizing practitioner ~~[;]~~ ***, where applicable;*** and

(e) The name, strength and quantity of each drug sold.

~~[5.]~~ ***6.*** A pharmacy, institutional pharmacy or other person licensed by the Board to furnish dangerous drugs who supplies the initial stock for an ambulance or other emergency vehicle shall comply with any applicable regulations adopted by the State Board of Health, or a district board of health, pursuant to NRS 450B.120.

~~[6.]~~ ***7.*** The Board shall adopt regulations regarding the records a pharmacist shall keep of any purchase made pursuant to this section.

8. As used in this section:

(a) "Compounding" includes, without limitation, the combining, admixing, mixing, pooling, reconstituting or other altering of a drug or bulk drug substance, as defined in 21 C.F.R. § 207.3, to create a drug.

(b) "Outsourcing facility" means a manufacturer at one geographic location or address that:

(1) Is engaged in the compounding of sterile or nonsterile drugs for use by humans; and

(2) Has registered with the Secretary of Health and Human Services as an outsourcing facility pursuant to 21 U.S.C. § 353b.

Sec. 6. **NRS 639.28075 is hereby amended to read as follows:**

639.28075 1. Except as otherwise provided in ~~[subsections]~~ ***subsection*** 2~~,~~ ***,*** ~~[and 3,]~~ pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration ***,*** a pharmacist shall:

(a) ~~[The first time dispensing the drug or therapeutic equivalent to]~~ ***If*** the patient ~~[,]~~ ***is not currently using the drug or its therapeutic equivalent,*** dispense up to a 3-month supply of the drug or therapeutic equivalent ~~[.]~~ ***or any amount designated by the prescription or order, whichever is less.***

(b) ~~[The second time dispensing]~~ ***If*** the drug or therapeutic equivalent ***has only been dispensed*** to the patient ~~[,]~~ ***once pursuant to paragraph (a),*** dispense up to a 9-month supply of the drug or therapeutic equivalent, ***any amount designated by the prescription or order*** or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense ~~[up to]~~ a 12-month supply of the drug or therapeutic equivalent ***, any amount designated by the prescription or order*** or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. ~~[The provisions of paragraphs (b) and (c) of subsection 1 only apply if:~~

~~(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and~~

~~(b) The patient is covered by the same health care plan.~~

~~3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.~~

~~4.~~ ***A pharmacist is not required to dispense an amount of a drug to be used for contraception or its therapeutic equivalent for which the patient is unable or unwilling to pay any applicable charge, copayment or coinsurance due to the pharmacy.***

3. As used in this section:

(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) "Plan year" means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 7. **Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:**

INTERSTATE MASSAGE COMPACT
ARTICLE 1-PURPOSE

The purpose of this Compact is to reduce the burdens on State governments and to facilitate the interstate practice and regulation of Massage Therapy with the goal of improving public access to, and the safety of, Massage Therapy Services. Through this Compact, the Member States seek to establish a regulatory framework which provides for a new multistate licensing program. Through this additional licensing pathway, the Member States seek to provide increased value and mobility to licensed massage therapists in the Member States, while ensuring the provision of safe, competent, and reliable services to the public.

This Compact is designed to achieve the following objectives, and the Member States hereby ratify the same intentions by subscribing hereto:

A. Increase public access to Massage Therapy Services by providing for a multistate licensing pathway;

B. Enhance the Member States' ability to protect the public's health and safety;

C. Enhance the Member States' ability to prevent human trafficking and licensure fraud;

D. Encourage the cooperation of Member States in regulating the multistate Practice of Massage Therapy;

E. Support relocating military members and their spouses;

F. Facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the Member States;

G. Create an Interstate Commission that will exist to implement and administer the Compact;

H. Allow a Member State to hold a Licensee accountable, even where that Licensee holds a Multistate License;

I. Create a streamlined pathway for Licensees to practice in Member States, thus increasing the mobility of duly licensed massage therapists; and

J. Serve the needs of licensed massage therapists and the public receiving their services; however,

K. Nothing in this Compact is intended to prevent a State from enforcing its own laws regarding the Practice of Massage Therapy.

ARTICLE 2-DEFINITIONS

As used in this Compact, except as otherwise provided and subject to clarification by the Rules of the Commission, the following definitions shall govern the terms herein:

A. "Active Military Member" - any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

B. "Adverse Action" - any administrative, civil, equitable, or criminal action permitted by a Member State's laws which is imposed by a Licensing Authority or other regulatory body against a Licensee, including actions against an individual's Authorization to Practice such as revocation, suspension, probation, surrender in lieu of discipline, monitoring of the Licensee, limitation of the Licensee's practice, or any other Encumbrance on licensure affecting an individual's ability to practice Massage Therapy, including the issuance of a cease and desist order.

C. "Alternative Program" - a non-disciplinary monitoring or prosecutorial diversion program approved by a Member State's Licensing Authority.

D. "Authorization to Practice" - a legal authorization by a Remote State pursuant to a Multistate License permitting the Practice of Massage Therapy in that Remote State, which shall be subject to the enforcement jurisdiction of the Licensing Authority in that Remote State.

E. "Background Check" - the submission of an applicant's criminal history record information, as further defined in 28 C.F.R. § 20.3(d), as amended from the Federal Bureau of Investigation and the agency responsible for retaining State criminal records in the applicant's Home State.

F. "Charter Member States" - Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as defined in Article 12.

G. "Commission" - the government agency whose membership consists of all States that have enacted this Compact, which is known as the Interstate Massage Compact Commission, as defined in Article 8, and which shall operate as an instrumentality of the Member States.

H. "Continuing Competence" - a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational or professional activities that maintain, improve, or enhance Massage Therapy fitness to practice.

I. "Current Significant Investigative Information" - Investigative Information that a Licensing Authority, after an inquiry or investigation that complies with a Member State's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that State's laws regarding the Practice of Massage Therapy.

J. "Data System" - a repository of information about Licensees who hold Multistate Licenses, which may include but is not limited to license status, Investigative Information, and Adverse Actions.

K. "Disqualifying Event" - any event which shall disqualify an individual from holding a Multistate License under this Compact, which the Commission may by Rule specify.

L. "Encumbrance" - a revocation or suspension of, or any limitation or condition on, the full and unrestricted Practice of Massage Therapy by a Licensing Authority.

M. "Executive Committee" - a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

N. "Home State" - means the Member State which is a Licensee's primary state of residence where the Licensee holds an active Single-State License.

O. "Investigative Information" - information, records, or documents received or generated by a Licensing Authority pursuant to an investigation or other inquiry.

P. "Licensing Authority" - a State's regulatory body responsible for issuing Massage Therapy licenses or otherwise overseeing the Practice of Massage Therapy in that State.

Q. "Licensee" - an individual who currently holds a license from a Member State to fully practice Massage Therapy, whose license is not a student, provisional, temporary, inactive, or other similar status.

R. "Massage Therapy", "Massage Therapy Services", and the "Practice of Massage Therapy" - the care and services provided by a Licensee as set forth in the Member State's statutes and regulations in the State where the services are being provided.

S. "Member State" - any State that has adopted this Compact.

T. "Multistate License" - a license that consists of Authorizations to Practice Massage Therapy in all Remote States pursuant to this Compact, which shall be subject to the enforcement jurisdiction of the Licensing Authority in a Licensee's Home State.

U. "National Licensing Examination" - A national examination developed by a national association of Massage Therapy regulatory boards, as defined by Commission Rule, that is derived from a practice analysis and

is consistent with generally accepted psychometric principles of fairness, validity and reliability, and is administered under secure and confidential examination protocols.

V. "Remote State" - any Member State, other than the Licensee's Home State.

W. "Rule" - any opinion or regulation promulgated by the Commission under this Compact, which shall have the force of law.

X. "Single-State License" - a current, valid authorization issued by a Member State's Licensing Authority allowing an individual to fully practice Massage Therapy, that is not a restricted, student, provisional, temporary, or inactive practice authorization and authorizes practice only within the issuing State.

Y. "State" - a state, territory, possession of the United States, or the District of Columbia.

ARTICLE 3-MEMBER STATE REQUIREMENTS

A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State must:

1. License and regulate the Practice of Massage Therapy;

2. Have a mechanism or entity in place to receive and investigate complaints from the public, regulatory or law enforcement agencies, or the Commission about Licensees practicing in that State;

3. Accept passage of a National Licensing Examination as a criterion for Massage Therapy licensure in that State;

4. Require that Licensees satisfy educational requirements prior to being licensed to provide Massage Therapy Services to the public in that State;

5. Implement procedures for requiring the Background Check of applicants for a Multistate License, and for the reporting of any Disqualifying Events, including but not limited to obtaining and submitting, for each Licensee holding a Multistate License and each applicant for a Multistate License, fingerprint or other biometric-based information to the Federal Bureau of Investigation for Background Checks; receiving the results of the Federal Bureau of Investigation record search on Background Checks and considering the results of such a Background Check in making licensure decisions;

6. Have Continuing Competence requirements as a condition for license renewal;

7. Participate in the Data System, including through the use of unique identifying numbers as described herein;

8. Notify the Commission and other Member States, in compliance with the terms of the Compact and Rules of the Commission, of any disciplinary action taken by the State against a Licensee practicing under a Multistate License in that State, or of the existence of Investigative Information or Current Significant Investigative Information regarding a Licensee practicing in that State pursuant to a Multistate License;

9. Comply with the Rules of the Commission;

10. Accept Licensees with valid Multistate Licenses from other Member States as established herein;

B. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single-State License as provided under the laws of each Member State. However, the Single-State License granted to those individuals shall not be recognized as granting a Multistate License for Massage Therapy in any other Member State;

C. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License; and

D. A Multistate License issued to a Licensee shall be recognized by each Remote State as an Authorization to Practice Massage Therapy in each Remote State.

ARTICLE 4-MULTISTATE LICENSE REQUIREMENTS

A. To qualify for a Multistate License under this Compact, and to maintain eligibility for such a license, an applicant must:

1. Hold an active Single-State License to practice Massage Therapy in the applicant's Home State;

2. Have completed at least six hundred and twenty-five (625) clock hours of Massage Therapy education or the substantial equivalent which the Commission may approve by Rule.

3. Have passed a National Licensing Examination or the substantial equivalent which the Commission may approve by Rule;

4. Submit to a Background Check;

5. Have not been convicted or found guilty, or have entered into an agreed disposition, of a felony offense under applicable State or federal criminal law, within five (5) years prior to the date of their application, where such a time period shall not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;

6. Have not been convicted or found guilty, or have entered into an agreed disposition, of a misdemeanor offense related to the Practice of Massage Therapy under applicable State or federal criminal law, within two (2) years prior to the date of their application where such a time period shall not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;

7. Have not been convicted or found guilty, or have entered into an agreed disposition, of any offense, whether a misdemeanor or a felony, under State or federal law, at any time, relating to any of the following:

a. Kidnapping;

b. Human trafficking;

c. Human smuggling;

d. Sexual battery, sexual assault, or any related offenses; or

e. Any other category of offense which the Commission may by Rule designate.

8. Have not previously held a Massage Therapy license which was revoked by, or surrendered in lieu of discipline to an applicable Licensing Authority;

9. Have no history of any Adverse Action on any occupational or professional license within two (2) years prior to the date of their application; and

10. Pay all required fees.

B. A Multistate License granted pursuant to this Compact may be effective for a definite period of time concurrent with the renewal of the Home State license.

C. A Licensee practicing in a Member State is subject to all scope of practice laws governing Massage Therapy Services in that State.

D. The Practice of Massage Therapy under a Multistate License granted pursuant to this Compact will subject the Licensee to the jurisdiction of the Licensing Authority, the courts, and the laws of the Member State in which the Massage Therapy Services are provided.

ARTICLE 5-AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the Practice of Massage Therapy in that State, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

B. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to take Adverse Action against a Licensee's Single-State License to practice Massage Therapy in that State.

C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse Action against a Licensee's Authorization to Practice in that State.

D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action against a Licensee's Multistate License based upon information provided by a Remote State.

E. Insofar as practical, a Member State's Licensing Authority shall cooperate with the Commission and with each entity exercising independent regulatory authority over the Practice of Massage Therapy according to the provisions of this Compact.

ARTICLE 6-ADVERSE ACTIONS

A. A Licensee's Home State shall have exclusive power to impose an Adverse Action against a Licensee's Multistate License issued by the Home State.

B. A Home State may take Adverse Action on a Multistate License based on the Investigative Information, Current Significant Investigative Information, or Adverse Action of a Remote State.

C. A Home State shall retain authority to complete any pending investigations of a Licensee practicing under a Multistate License who changes their Home State during the course of such an investigation. The Licensing Authority shall also be empowered to report the results of such an investigation to the Commission through the Data System as described herein.

D. Any Member State may investigate actual or alleged violations of the scope of practice laws in any other Member State for a massage therapist who holds a Multistate License.

E. A Remote State shall have the authority to:

1. Take Adverse Actions against a Licensee's Authorization to Practice.

2. Issue cease and desist orders or impose an Encumbrance on a Licensee's Authorization to Practice in that State.

3. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

4. If otherwise permitted by State law, recover from the affected Licensee the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Licensee.

5. Take Adverse Action against the Licensee's Authorization to Practice in that State based on the factual findings of another Member State.

F. If an Adverse Action is taken by the Home State against a Licensee's Multistate License or Single-State License to practice in the Home State, the Licensee's Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from such license. All Home State disciplinary orders that impose an Adverse Action against a Licensee shall include a statement that the Massage Therapist's Authorization to Practice is deactivated in all Member States during the pendency of the order.

G. If Adverse Action is taken by a Remote State against a Licensee's Authorization to Practice, that Adverse Action applies to all Authorizations to Practice in all Remote States. A Licensee whose Authorization to Practice

in a Remote State is removed for a specified period of time is not eligible to apply for a new Multistate License in any other State until the specific time for removal of the Authorization to Practice has passed and all encumbrance requirements are satisfied.

H. Nothing in this Compact shall override a Member State's authority to accept a Licensee's participation in an Alternative Program in lieu of Adverse Action. A Licensee's Multistate License shall be suspended for the duration of the Licensee's participation in any Alternative Program.

I. Joint Investigations

1. In addition to the authority granted to a Member State by its respective scope of practice laws or other applicable State law, a Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

ARTICLE 7-ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

Active Military Members, or their spouses, shall designate a Home State where the individual has a current license to practice Massage Therapy in good standing. The individual may retain their Home State designation during any period of service when that individual or their spouse is on active duty assignment.

ARTICLE 8-ESTABLISHMENT AND OPERATION OF INTERSTATE MASSAGE COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the Compact known as the Interstate Massage Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Article 12.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's State Licensing Authority.

2. The delegate shall be the primary administrative officer of the State Licensing Authority or their designee.

3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

4. The Commission may recommend removal or suspension of any delegate from office.

5. A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.

6. Each delegate shall be entitled to one vote on all matters that are voted on by the Commission.

7. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;

2. Establish code of conduct and conflict of interest policies;

3. Adopt Rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Assess and collect fees;

13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

19. Accept and transmit complaints from the public, regulatory or law enforcement agencies, or the Commission, to the relevant Member State(s) regarding potential misconduct of Licensees;

20. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the Commission as provided in the Commission's bylaws;

21. Establish and elect an Executive Committee, including a chair and a vice chair;

22. Adopt and provide to the Member States an annual report;

23. Determine whether a State's adopted language is materially different from the model Compact language such that the State would not qualify for participation in the Compact; and

24. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

a. Overseeing the day-to-day activities of the administration of the Compact including compliance with the provisions of the Compact, the Commission's Rules and bylaws, and other such duties as deemed necessary;

b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

c. Ensuring Compact administration services are appropriately provided, including by contract;

d. Preparing and recommending the budget;

e. Maintaining financial records on behalf of the Commission;

f. Monitoring Compact compliance of Member States and providing compliance reports to the Commission;

g. Establishing additional committees as necessary;

h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

i. Other duties as provided in the Rules or bylaws of the Commission.

2. The Executive Committee shall be composed of seven voting members and up to two ex-officio members as follows:

a. The chair and vice chair of the Commission and any other members of the Commission who serve on the Executive Committee shall be voting members of the Executive Committee.

b. Other than the chair, vice-chair, secretary and treasurer, the Commission shall elect three voting members from the current membership of the Commission.

c. The Commission may elect ex-officio, nonvoting members as necessary as follows:

i. One ex-officio member who is a representative of the national association of State Massage Therapy regulatory boards.

ii. One ex-officio member as specified in the Commission's bylaws.

3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under subsection F.4.

b. The Executive Committee shall give five business days advance notice of its public meetings, posted on its website and as determined to provide notice to persons with an interest in the public matters the Executive Committee intends to address at those meetings.

5. The Executive Committee may hold an emergency meeting when acting for the Commission to:

a. Meet an imminent threat to public health, safety, or welfare;

b. Prevent a loss of Commission or Participating State funds; or

c. Protect public health and safety.

E. The Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Commission

1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior to the public meeting.

2. Notwithstanding subsection F.1 of this Article, the Commission may convene an emergency public meeting by providing at least twenty-four (24) hours prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it may dispense with notice of proposed rulemaking under Article 10.L. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting.

4. The Commission may convene in a closed, non-public meeting for the Commission to discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

k. Legal advice;

l. Matters specifically exempted from disclosure to the public by federal or Member State law; or

m. Other matters as promulgated by the Commission by Rule.

5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

G. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Multistate License to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Commission shall promulgate by Rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's State action immunity or State action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Commission.

ARTICLE 9-DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system.

B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.

C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a license and information related thereto;

4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;

5. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);

6. The existence of Investigative Information;

7. The existence presence of Current Significant Investigative Information; and

8. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.

E. The existence of Current Significant Investigative Information and the existence of Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

F. It is the responsibility of the Member States to report any Adverse Action against a Licensee who holds a Multistate License and to monitor the

database to determine whether Adverse Action has been taken against such a Licensee or License applicant. Adverse Action information pertaining to a Licensee or License applicant in any Member State will be available to any other Member State.

G. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

H. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

ARTICLE 10-RULEMAKING

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's scope of practice as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this article and the Rules adopted thereunder. Rules shall become binding as of the date specified by the Commission for each Rule.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State or to any State applying to participate in the Compact.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform;

2. To persons who have requested notice of the Commission's notices of proposed rulemaking, and

3. In such other way(s) as the Commission may by Rule specify.

H. The Notice of Proposed Rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;

2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;

3. The text of the proposed Rule and the reason therefor;

4. A request for comments on the proposed Rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this article shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this article.

K. The Commission shall, by majority vote of all Commissioners, take final action on the proposed Rule based on the Rulemaking record.

1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in subsection L, the effective date of the Rule shall be no sooner than thirty (30) days after the Commission issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with 24 hours' notice, provided that the usual Rulemaking procedures provided in the Compact and in this article shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Member State's rulemaking requirements shall apply under this Compact.

ARTICLE 11-OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees who hold a Multistate License within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of said notice of termination.

G. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

H. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules.

2. By majority vote as provided by Commission Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of

such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.

3. A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

4. No individual or entity other than a Member State may enforce this Compact against the Commission.

ARTICLE 12-EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the Charter Member States to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Article 11.

b. If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven (7).

2. Member States enacting the Compact subsequent to the Charter Member States shall be subject to the process set forth in Article 8.C.23 to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

4. Any State that joins the Compact shall be subject to the Commission's Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

B. Any Member State may withdraw from this Compact by enacting a statute repealing that State's enactment of the Compact.

1. A Member State's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

ARTICLE 13. CONSTRUCTION AND SEVERABILITY

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

C. Notwithstanding subsection B of this article, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of Article 11.B, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

ARTICLE 14. CONSISTENT EFFECT AND

CONFLICT WITH OTHER STATE LAWS

Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

Sec. 8. **NRS 640C.180 is hereby amended to read as follows:**

640C.180 1. At the first meeting of each fiscal year, the members of the Board shall elect a Chair, Vice Chair and Secretary-Treasurer from among the members.

2. The Board shall meet at least quarterly and may meet at other times at the call of the Chair or upon the written request of a majority of the members of the Board.

3. The Board shall alternate the location of its meetings between the southern district of Nevada and the northern district of Nevada. For the purposes of this subsection:

(a) The southern district of Nevada consists of all that portion of the State lying within the boundaries of the counties of Clark, Esmeralda, Lincoln and Nye.

(b) The northern district of Nevada consists of all that portion of the State lying within the boundaries of Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine.

4. A meeting of the Board may be conducted telephonically or by videoconferencing. A meeting conducted telephonically or by videoconferencing must meet the requirements of chapter 241 of NRS and any other applicable provisions of law.

5. ~~[Four]~~ ***Five*** members of the Board constitute a quorum for the purposes of transacting the business of the Board, including, without limitation, issuing, renewing, suspending, revoking or reinstating a license issued pursuant to this chapter.

Sec. 9. **NRS 683A.178 is hereby amended to read as follows:**

683A.178 1. A pharmacy benefit manager has an obligation of good faith and fair dealing toward a third party or pharmacy when performing duties pursuant to a contract to which the pharmacy benefit manager is a party. Any provision of a contract that waives or limits that obligation is against public policy, void and unenforceable.

2. A pharmacy benefit manager shall notify a third party with which it has entered into a contract in writing of any activity, policy or practice of the pharmacy benefit manager that presents a conflict of interest that interferes with the obligations imposed by subsection 1.

3. A pharmacy benefit manager that manages prescription drug benefits for an insurer licensed pursuant to this title shall comply with the provisions

of this title which are applicable to the insurer when managing such benefits for the insurer.

Sec. 10. **Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A health carrier which offers or issues a network plan:

(a) Must demonstrate the capacity to adequately deliver family planning services provided by pharmacists or pharmacies to covered persons in accordance with the regulations adopted pursuant to subsection 2.

(b) Shall make available to each covered person in this State a notice that meets the requirements prescribed by the regulations adopted pursuant to subsection 2 of each pharmacist or pharmacy that has entered into a provider network contract with the carrier to provide family planning services to covered persons who participate in the relevant network plan.

2. The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations prescribing requirements for:

(a) A health carrier to demonstrate compliance with paragraph (a) of subsection 1. Those regulations must not allow a health carrier to demonstrate the capacity to adequately deliver family planning services to covered persons by demonstrating that the health carrier has entered into a network contract with one or more pharmacies for the sole purpose of dispensing prescription drugs to covered persons.

(b) The form and contents of the notice required by paragraph (b) of subsection 1.

Sec. 11. **NRS 687B.225 is hereby amended to read as follows:**

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, ***689A.0418,*** 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, ***689B.0378,*** 689C.1675, ***689C.1676,*** 695A.1856, ***695A.1865,*** 695B.1912, 695B.1913, 695B.1914, ***695B.1919,*** 695B.1925, 695B.1942, ***695C.1696,*** 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714 , ***695G.1715*** and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 12. **NRS 687B.600 is hereby amended to read as follows:**

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, ***and section 11 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 13. **NRS 687B.670 is hereby amended to read as follows:**

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 11 of this act;***

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 11 of this act;*** and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 11 of this act.***

Sec. 14. **NRS 689A.0418 is hereby amended to read as follows:**

689A.0418 1. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~[10;]~~ ***11;*** and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~[10;]~~ ***11;***

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. ***An insurer shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another***

provider of health care, as applicable to the services being provided. The terms of the policy must not limit:

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

~~[3.]~~ ***4.*** If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~[4.]~~ ***5.*** Except as otherwise provided in subsections ~~[8,]~~ 9***, 10*** and ~~[11,]~~ ***12,*** an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

~~[5.]~~ ***6.*** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ ***2024,*** has the legal effect of including the coverage required by ~~[subsection 1,]~~ ***this section,*** and any provision of the policy or the renewal which is in conflict with this section is void.

~~[7.]~~ ***8.*** An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and

before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~[8.]~~ ***9.*** An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~[9.]~~ ***10.*** For each of the 18 methods of contraception listed in subsection ~~[10]~~ ***11*** that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. ***If the insurer charges a copayment or coinsurance for a drug for contraception, the insurer may only require an insured to pay the copayment or coinsurance:***

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~[10.]~~ ***11.*** The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

~~[11.]~~ ***12.*** Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~[12.]~~ ***13.*** An insurer shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~[13.]~~ ***14.*** An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~[14.]~~ ***15.*** As used in this section:

(a) ***"In-network pharmacy" means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.***

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~[(b)]~~ ***(c)*** "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

~~[(c)]~~ ***(d) "Provider network contract" means a contract between an insurer and a provider of health care or pharmacy specifying the rights and responsibilities of the insurer and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.***

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(d)]~~ ***(f)*** "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. **NRS 689B.0378 is hereby amended to read as follows:**

689B.0378 1. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~[11;]~~ ***12;*** and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~[11;]~~ ***12;***

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. ***An insurer shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:***

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

~~[3.]~~ ***4.*** If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~[4.]~~ ***5.*** Except as otherwise provided in subsections ~~[9,]~~ 10 ***, 11*** and ~~[12,]~~ ***13,*** an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[5.]~~ ***6.*** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ ***2024,*** has the legal effect of including the coverage required by ~~[subsection 1,]~~ ***this section,*** and any provision of the policy or the renewal which is in conflict with this section is void.

~~[7.]~~ ***8.*** An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~[8.]~~ ***9.*** If an insurer refuses, pursuant to subsection ~~[7,]~~ ***8,*** to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~[9.]~~ ***10.*** An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~[10.]~~ ***11.*** For each of the 18 methods of contraception listed in subsection ~~[11]~~ ***12*** that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. ***If the insurer charges a copayment or coinsurance for a drug for contraception, the insurer may only require an insured to pay the copayment or coinsurance:***

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~[11.]~~ ***12.*** The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

~~[12.]~~ ***13.*** Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~[13.]~~ ***14.*** An insurer shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~[14.]~~ ***15.*** An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~[15.]~~ ***16.*** As used in this section:

(a) ***"In-network pharmacy" means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.***

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~[(b)]~~ ***(c)*** "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including

items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

~~[(c)]~~ ***(d)*** ***"Provider network contract" means a contract between an insurer and a provider of health care or pharmacy specifying the rights and responsibilities of the insurer and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.***

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(d)]~~ ***(f)*** "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 16. **NRS 689C.1676 is hereby amended to read as follows:**

689C.1676 1. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~[10;]~~ ***11;*** and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~[10;]~~ ***11;***

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. ***A carrier shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:***

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

~~[3.]~~ ***4.*** If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

~~[4.]~~ ***5.*** Except as otherwise provided in subsections ~~[8,]~~ 9 ***, 10*** and ~~[11,]~~ ***12,*** a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[5.]~~ ***6.*** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ ***2024,*** has the legal effect of including the coverage required by ~~[subsection 1,]~~ ***this section,*** and any provision of the plan or the renewal which is in conflict with this section is void.

~~[7.]~~ ***8.*** A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal

of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

~~[8.]~~ ***9.*** A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~[9.]~~ ***10.*** For each of the 18 methods of contraception listed in subsection ~~[10]~~ ***11*** that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. ***If the carrier charges a copayment or coinsurance for a drug for contraception, the carrier may only require an insured to pay the copayment or coinsurance:***

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~[10.]~~ ***11.*** The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

~~[11.]~~ ***12.*** Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~[12.]~~ ***13.*** A carrier shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~[13.]~~ ***14.*** A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~[14.]~~ ***15.*** As used in this section:

(a) ***"In-network pharmacy" means a pharmacy that has entered into a contract with a carrier to provide services to insureds through a network plan offered or issued by the carrier.***

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~[(b)]~~ ***(c)*** "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

~~[(c)]~~ ***(d) "Provider network contract" means a contract between a carrier and a provider of health care or pharmacy specifying the rights and responsibilities of the carrier and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.***

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(d)]~~ ***(f)*** "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. **NRS 695A.1865 is hereby amended to read as follows:**

695A.1865 1. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~[10;]~~ ***11;*** and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~[10;]~~ ***11;***

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. ***A society shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:***

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

~~[3.]~~ ***4.*** If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

~~[4.]~~ ***5.*** Except as otherwise provided in subsections ~~[8,]~~ 9 ***, 10*** and ~~[11,]~~ ***12,*** a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[5.]~~ ***6.*** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ ***2024,*** has the legal effect of including the coverage required by ~~[subsection 1,]~~ ***this section,*** and any provision of the contract or the renewal which is in conflict with this section is void.

~~[7.]~~ ***8.*** A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

~~[8.]~~ ***9.*** A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~[9.]~~ ***10.*** For each of the 18 methods of contraception listed in subsection ~~[10]~~ ***11*** that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. ***If the society charges a copayment or coinsurance for a drug for contraception, the society may only require an insured to pay the copayment or coinsurance:***

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~[10.]~~ ***11.*** The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

~~[11.]~~ ***12.*** Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~[12.]~~ ***13.*** A society shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~[13.]~~ ***14.*** A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~[14.]~~ ***15.*** As used in this section:

(a) ***"In-network pharmacy" means a pharmacy that has entered into a contract with a society to provide services to insureds through a network plan offered or issued by the society.***

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~[(b)]~~ ***(c)*** "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

~~[(c)]~~ ***(d) "Provider network contract" means a contract between a society and a provider of health care or pharmacy specifying the rights and responsibilities of the society and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.***

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(d)]~~ ***(f)*** "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 18. **NRS 695B.1919 is hereby amended to read as follows:**

695B.1919 1. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~[11;]~~ ***12;*** and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~[11;]~~ ***12;***

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. ***An insurer shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:***

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

~~[3.]~~ ***4.*** If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~[4.]~~ ***5.*** Except as otherwise provided in subsections ~~[9,]~~ 10 ***, 11*** and ~~[12,]~~ ***13,*** an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~[5.]~~ ***6.*** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ ***2024,*** has the legal effect of including the coverage required by ~~[subsection 1,]~~ ***this section,*** and any provision of the contract or the renewal which is in conflict with this section is void.

~~[7.]~~ ***8.*** An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to

provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~[8.]~~ ***9.*** If an insurer refuses, pursuant to subsection ~~[7,]~~ ***8,*** to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~[9.]~~ ***10.*** An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~[10.]~~ ***11.*** For each of the 18 methods of contraception listed in subsection ~~[11]~~ ***12*** that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. ***If the insurer charges a copayment or coinsurance for a drug for contraception, the insurer may only require an insured to pay the copayment or coinsurance:***

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~[11.]~~ ***12.*** The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

~~[12.]~~ ***13.*** Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use

medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~[13.]~~ ***14.*** An insurer shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~[14.]~~ ***15.*** An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~[15.]~~ ***16.*** As used in this section:

(a) ***"In-network pharmacy" means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.***

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~[(b)]~~ ***(c)*** "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

~~[(c)]~~ ***(d) "Provider network contract" means a contract between an insurer and a provider of health care or pharmacy specifying the rights and responsibilities of the insurer and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.***

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(d)]~~ ***(f)*** "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 19. **NRS 695C.1696 is hereby amended to read as follows:**

695C.1696 1. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~[11;]~~ ***12;*** and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~[11;]~~ ***12;***

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. ***A health maintenance organization shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:***

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

~~[3.]~~ ***4.*** If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed

by a provider of health care must be covered by the health maintenance organization.

~~[4.]~~ ***5.*** Except as otherwise provided in subsections ~~[9,]~~ 10***, 11*** and ~~[12,]~~ ***13,*** a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

~~[5.]~~ ***6.*** Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ ***2024,*** has the legal effect of including the coverage required by ~~[subsection 1,]~~ ***this section,*** and any provision of the plan or the renewal which is in conflict with this section is void.

~~[7.]~~ ***8.*** A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

~~[8.]~~ ***9.*** If a health maintenance organization refuses, pursuant to subsection ~~[7,]~~ ***8,*** to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~[9.]~~ ***10.*** A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

~~[10.]~~ ***11.*** For each of the 18 methods of contraception listed in subsection ~~[11]~~ ***12*** that have been approved by the Food and Drug Administration, a health

care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. ***If the health maintenance organization charges a copayment or coinsurance for a drug for contraception, the health maintenance organization may only require an enrollee to pay the copayment or coinsurance:***

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~[11.]~~ ***12.*** The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

~~[12.]~~ ***13.*** Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~[13.]~~ ***14.*** A health maintenance organization shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Require an enrollee to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~[14.]~~ ***15.*** A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an

exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~[15.]~~ ***16.*** As used in this section:

(a) ***"In-network pharmacy" means a pharmacy that has entered into a contract with a health maintenance organization to provide services to enrollees through a network plan offered or issued by the health maintenance organization.***

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~[(b)]~~ ***(c)*** "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

~~[(c)]~~ ***(d) "Provider network contract" means a contract between a health maintenance organization and a provider of health care or pharmacy specifying the rights and responsibilities of the health maintenance organization and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.***

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(d)]~~ ***(f)*** "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 20. **NRS 695G.1715 is hereby amended to read as follows:**

695G.1715 1. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~[10,]~~ ***11;*** and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~[10,]~~ ***11;***

(c) Self-administered hormonal contraceptives dispenses by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. ***A managed care organization shall provide coverage for any services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who is employed by or serves as an independent contractor of an in-network pharmacy and in accordance with the applicable provider network contract. Such coverage must be provided to the same extent as if the services were provided by another provider of health care, as applicable to the services being provided. The terms of the policy must not limit:***

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

~~[3.]~~ ***4.*** If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

~~[4.]~~ ***5.*** Except as otherwise provided in subsections ~~[8,]~~ 9***, 10*** and ~~[11,]~~ ***12,*** a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

~~[5.]~~ ***6.*** Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2022,]~~ ***2024,*** has the legal effect of including the coverage required by ~~[subsection 1,]~~ ***this section,*** and any provision of the plan or the renewal which is in conflict with this section is void.

~~[7.]~~ ***8.*** A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

~~[8.]~~ ***9.*** A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~[9.]~~ ***10.*** For each of the 18 methods of contraception listed in subsection ~~[10]~~ ***11*** that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. ***If the managed care organization charges a copayment or coinsurance for a drug for contraception, the managed care organization may only require an enrollee to pay the copayment or coinsurance:***

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~[10.]~~ ***11.*** The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

~~[11.]~~ ***12.*** Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~[12.]~~ ***13.*** A managed care organization shall not ~~[use]~~ ***:***

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[.]~~ ***; or***

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

~~[13.]~~ ***14.*** A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~[14.]~~ ***15.*** As used in this section:

(a) ***"In-network pharmacy" means a pharmacy that has entered into a contract with a managed care organization to provide services to insureds through a network plan offered or issued by the managed care organization.***

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~[(b)]~~ ***(c)*** "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed

care organization. The term does not include an arrangement for the financing of premiums.

~~[(c)]~~ ***(d) "Provider network contract" means a contract between a managed care organization and a provider of health care or pharmacy specifying the rights and responsibilities of the managed care organization and the provider of health care or pharmacy, as applicable, for delivery of health care services pursuant to a network plan.***

(e) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(d)]~~ ***(f)*** "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 21. **1. The provisions of NRS 422.4053, as amended by section 2 of this act, do not apply to a contract between the Department of Health and Human Services and a pharmacy benefit manager or a health maintenance organization entered into pursuant to NRS 422.4053 before January 1, 2024, but do apply to any renewal or extension of such a contract.**

2. As used in this section:

(a) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(b) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

Sec. 22. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

~~[Sec. 2.]~~ ***Sec. 23.*** 1. This section ~~[becomes]~~ **and sections 4 and 5 of this act become** effective upon passage and approval.

2. ~~[Section 1]~~ **Sections 1, 2, 3 and 6 to 22, inclusive,** of this act ~~[becomes]~~ **become** effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 161.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 158, 195, 203, 232, 260, 277, 346.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 991 to Senate Bill No. 10; Assembly Amendment No. 952 to Senate Bill No. 24; Assembly Amendments Nos. 721, CA8 to Senate Bill No. 60; Assembly Amendment No. 966 to Senate Bill No. 246; Assembly Amendment No. 997 to Senate Bill No. 274.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 599 to Senate Bill No. 11; Assembly Amendment No. 965 to Senate Bill No. 225; Assembly Amendment No. 967 to Senate Bill No. 226; Assembly Amendment No. 942 to Senate Bill No. 266; Assembly Amendment No. 659 to Senate Bill No. 322; Assembly Amendments Nos. 661, 919 to Senate Bill No. 362; Assembly Amendments Nos. 662, 951 to Senate Bill No. 368; Assembly Amendment No. 593 to Senate Bill No. 384; Assembly Amendment No. 971 to Senate Bill No. 395; Assembly Amendment No. 904 to Senate Bill No. 440.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Jauregui, Bilbray-Axelrod, and O'Neill as a committee to wait upon His Excellency, Governor Joe Lombardo, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Watts, Torres, and McArthur as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators Goicoechea, Neal, and Dondero-Loop appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblyman Watts reported that his committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblywoman Jauregui reported that her committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblywoman Jauregui moved that the 82nd Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 12:16 a.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

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Concur in Senate amendment(s) to A.B. 32, Amend. No. 765, 6642; A.B. 35, Amend. No. 548, 4849; A.B. 49, Amend. No. 665, 6278; A.B. 50, Amend. No. 986, 6687; A.B. 51, Amend. No. 713, 6655; A.B. 55, Amend. No. 565, 4866; A.B. 75, Amend. No. 728, 4885; A.B. 121, Amend. No. 664, 4896; A.B. 148, Amend. No. 921, 6750; A.B. 160, Amend. No. 957, 6773; A.B. 193, Amend. No. 673, 4897; A.B. 231, Amend. No. 666, 4905; A.B. 244, Amend. No. 738, 4909; A.B. 257, Amend. No. 962, 7123; A.B. 272, Amend. No. 566, 4910; A.B. 340, Amend. No. 677, 4936; A.B. 356, Amend. No. 608, 4938; A.B. 371, Amend. No. 607, 4989; A.B. 373, Amend. No. 606, 4891; A.B. 404, Amend. No. 920, 6781; A.B. 405, Amend. No. 564, 4997; A.B. 408, Amend. No. 655, 5012; A.B. 408, Amend. No. 722, 5024; A.B. 452, Amend. No. 675, 6789; A.B. 452, Amend. No. 964, 6793.
Do not concur in Senate amendment(s) to A.B. 444, Amend. No. 676, 6320; A.B. 444, Amend. No. 730, 6362.
Do not recede from action on S.B. 35, 6959; S.B. 104, 6659.
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MONROE-MORENO, DANIELE, Assemblywoman from Clark (Part) County, No. 1 District—
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MOSCA, ERICA, Assemblywoman from Clark (Part) County, No. 14 District—
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NGUYEN, DUY, Assemblyman from Clark (Part) County, No. 8 District—
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O'NEILL, PHILIP P.K., Assemblyman from Carson City, Storey, Washoe (Part) Counties, No. 40 District—
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PETERS, SARAH, Assemblywoman from Washoe (Part) County, No. 24 District—
Absences, excused, 163, 3339.
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THOMAS, CLARA, Assemblywoman from Clark (Part) County, No. 17 District—
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YUREK, TOBY, Assemblyman from Clark (Part) County, No. 19 District—
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ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

EIGHTY-SECOND SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2023

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Assembly, call the members back to order before the hour to which the Assembly had adjourned.

(c) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(d) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(e) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or adoption of a resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

(l) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking testimony, compelling the attendance of witnesses, punishing persons or

entities for contempt and reporting findings to the next session of the Legislature.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538; 1999, 3834; 2001, 3295; 2009, 3141; 2013, 3897; 2020, 32nd Special Session, 132]

Rule No. 2. Continuation of Leadership and Standing Rules of the Assembly During the Interim Between Regular Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Assemblymen or Assemblywomen designated to be the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty required of that officer by the Standing Rules of the Assembly and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. The Assemblyman or Assemblywoman designated to be the Speaker and the Assemblyman or Assemblywoman designated to be the Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Assembly Standing Rule No. 23.

4. The Assemblyman or Assemblywoman designated to be the Speaker for the next succeeding regular session shall:

(a) Determine the start time of the Assembly's organizational session.

(b) Have the right to name any person to call the Assembly to order and preside over the Assembly's organizational session until a presiding officer is elected.

(c) Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Assembly once the Assembly is organized and ready for business.

5. The Assembly Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature

and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session, unless a conflict exists with a rule adopted by the Assembly for a special session occurring between regular sessions.

[Statutes of Nevada 2013, 3898; A 2014, 28th Special Session, 36]

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

5. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the final journal, history and committee minutes of the Assembly.

6. At the direction of the Speaker or Speaker Designate, the Chief Clerk shall attest and affix the seal of the Assembly to all writs, warrants, subpoenas and formal documents issued by the Assembly.

7. The Chief Clerk shall have custody of all bills, resolutions, petitions, papers and other documents, including, without limitation, matters referred to the committees of the Assembly.

[Statutes of Nevada 2009, 3142; A 2013, 3899; 2014, 28th Special Session, 37; 2019, 4536]

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

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II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11:30 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857; A 2013, 3899]

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

[Statutes of Nevada 1975, 1907; A 1999, 3835; 2001, 3296]

Rule No. 12. Convening of the Assembly between Legislative Sessions.

1. The Assembly may be convened at any time between sessions of the Legislature upon a petition signed by a majority of the members elected to the Assembly to consider and take action on any matter that is solely and exclusively within the constitutional or inherent powers of the Assembly, including, without limitation, any matter that may be considered and acted on by the Assembly pursuant to its plenary and exclusive constitutional powers under Article 4, Section 6 of the Nevada Constitution or pursuant to its inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management.

2. A petition convening the Assembly pursuant to this Rule must specify the matter that will be considered or acted on by the Assembly, indicate a date for the Assembly to convene and be transmitted to the Chief Clerk of the Assembly. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by a majority of the members elected to the Assembly, the Chief Clerk shall notify all members of the Assembly that the Assembly will be convened pursuant to this Rule and the date on which the Assembly will be convened.

3. The Assembly hereby finds and declares that:

(a) The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (Heller v. Legislature, 120 Nev. 456 (2004); Commission on Ethics v. Hardy, 125 Nev. 285 (2009); Mason's Manual of Legislative Procedure §§ 2-3 & 560-564 (2010) (Mason's Manual))

(b) Article 4, Section 6 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its

internal organization, affairs and management. (In re Chapman, 166 U.S. 661, 668 (1897); Mason's Manual § 2; Luther S. Cushing, Elements of the Law & Practice of Legislative Assemblies § 533 (1856) (Cushing's Legislative Assemblies))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

[Statutes of Nevada 2017, 4522]

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that

contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

[Statutes of Nevada 2001, 3296; A 2003, 3602; 2011, 3793]

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next succeeding regular session, or until the Speaker or the Speaker Designate or the Minority Leader or Minority Leader Designate appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest, including, without limitation, alleged breaches of the Legislative Code of Ethical Standards in the Joint Standing Rules.

8. All proceedings held by the Committee to consider the character, alleged misconduct, professional competence or physical or mental health of any person on matters of ethics or conflicts of interest and all materials related to those proceedings are confidential, unless the person who is the subject of the proceedings requests a public hearing or discloses the content of the proceedings or materials.

9. An individual may file a complaint which alleges a breach of ethics or a conflict of interest, including, without limitation, an alleged breach of the Legislative Code of Ethical Standards in the Joint Standing Rules. If the alleged breach of ethics or conflict of interest involves the conduct of more than one person, separate complaints must be filed regarding each person. A complaint must be:

(a) Made in writing on a form provided by the Legislative Counsel;

(b) Signed and verified under penalty of perjury by the individual making the allegation; and

(c) Filed with the Legislative Counsel who shall review the complaint and any other relevant information and consult with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair, to evaluate whether the Committee has jurisdiction and whether an investigation is warranted in the matter. If it is determined that the Committee:

(1) Does not have jurisdiction or that an investigation is not warranted in the matter, the Legislative Counsel shall send written notice of the determination to the individual who filed the complaint.

(2) Has jurisdiction and an investigation is warranted in the matter, the Legislative Counsel shall send written notice of the determination and a copy of the complaint to the person who is the subject of the complaint.

10. Each Legislator is subject, at all times, to the Legislative Code of Ethical Standards in the Joint Standing Rules and, in addition, must determine whether he or she has a conflict of interest upon any matter in question before the Legislator. In determining whether the Legislator has such a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a general disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

14. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

15. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

16. The standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 10:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters, ➥ except that this subsection does not exempt any members of the Assembly from the Legislative Code of Ethical Standards in the Joint Standing Rules.

17. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540; 2009, 3143; 2011, 3794; 2013, 3900; 2014, 28th Special Session, 38; 2019, 4538]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any proposal, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers, ➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542; 1999, 3837; 2001, 3298; 2005, 2927; 2011, 3796; 2021, 3965]

Rule No. 31. Requirement of Voting.

1. A member shall vote on all proposals that come before the body unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

[Statutes of Nevada 2011, 3797; A 2021, 3965]

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

A. COMMITTEES

Rule No. 40. Standing Committees.

The standing committees of the Assembly for the regular session, and for Legislative Operations and Elections for both the regular session pursuant to this Rule and for a special session pursuant to Assembly Standing Rule No. 142, are as follows:

1. Ways and Means.
2. Judiciary.
3. Revenue.
4. Education.
5. Legislative Operations and Elections.
6. Natural Resources.
7. Growth and Infrastructure.
8. Commerce and Labor.
9. Health and Human Services.
10. Government Affairs.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712; 1999, 3838; 2001, 3298; 2003, 3604; 2005, 2928; 2007, 3457; 2009, 3146; 2011, 3797; 2013, 3904, 3925, 3957; 2014, 28th Special Session, 42; 2015, 3960; 2017, 4527; 2019, 4542; 2021, 3966]

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. Except as otherwise provided in Assembly Standing Rule No. 45, all committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website. Each committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543; 2007, 3457; 2011, 3798; 2014, 28th Special Session, 42; 2015, 3960]

Rule No. 41.5. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his or her duties, the Speaker shall appoint an alternate of the same political party to serve in the chair's or the member's place for such time as is determined by the Speaker.

[Statutes of Nevada 2013, 3925]

Rule No. 42. Subcommittees.

1. Subcommittees may be appointed by the chair to consider and report back on specific subjects or bills. If a member of a subcommittee is not a member of the standing committee for which the subcommittee is created, the approval of the Speaker is required for that member's appointment.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544; Moved from Rule 43 by 2011, 3798; Assembly Resolution No. 1 of the 2023 Session (File No. 5)]

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

[Statutes of Nevada 2011, 3798]

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544; 2005, 2929; 2009, 3147; 2011, 3798; 2013, 3905]

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one proposal, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again

be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

5. Insofar as they are applicable and not in conflict with this Rule, a Committee of the Whole will observe the committee rules set forth in Section V(A) of the Assembly Standing Rules and such other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website.

6. A quorum of the Committee of the Whole is the same as a quorum of the House, and in case a quorum is not present or other defect is observed, the Committee can take no other action than to rise.

7. It is permissible to limit debate to a certain length of time, to close at a time certain, to limit the length of speeches, or to otherwise limit debate.

8. When a fixed duration is established for a Committee of the Whole, the time may be extended with consent of a majority of the members.

9. A motion for the previous question is not in order.

10. A Committee of the Whole cannot:

(a) Entertain any question of priority.

(b) Entertain any matter of privilege.

(c) Lay a proposal on the desk.

(d) Postpone consideration of any proposal.

(e) Reconsider a vote on a proposal no longer in possession of the Committee.

(f) Appoint a subcommittee.

(g) Punish members for disorderly conduct, but must report any misconduct to the body for its action.

11. Seconds to motions are required.

12. The minutes of the meetings of the Committee of the Whole must be entered in the Assembly's final journal.

[Statutes of Nevada 2009, 3148; Moved from Rule 44.5 by 2011, 3798; A 2014, 28th Special Session, 43; 2020, 32nd Special Session, 141; 2021, 3967]

Rule No. 46. Procedure for Election Contests.

1. If the Secretary of State delivers a statement of contest of the general election for the legislative office of any member pursuant to NRS 293.427, the Speaker shall appoint a committee to review the contest and designate the chair and vice chair of the committee. The committee must consist of three members who are not parties to the contest.

2. The parties to the contest must be designated as the contestant and the defendant, and the parties may be represented in the contest by attorneys who are licensed to practice law in this State

3. The chair may take, direct or require any reasonable actions to facilitate or carry out the contest, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

4. The committee shall not review the merits of the contest unless the committee first determines that the contestant complied with all requirements to bring and maintain the contest. To assist the committee in making its determination, the chair shall take, direct or require any reasonable actions to provide the parties with notice and an opportunity to submit written arguments to the committee limited to the issue of whether the contestant complied with all requirements to bring and maintain the contest.

5. If the committee determines that the contestant complied with all requirements to bring and maintain the contest, the committee shall review the merits of the contest pursuant to this rule. If the committee determines that the contestant did not comply with all requirements to bring and maintain the contest, the committee shall report to the Assembly its recommendation that the Assembly should not take further action on the contest and that the Assembly should dismiss the contest with prejudice. As soon as practicable after receiving the committee's report, the Assembly shall vote on whether to accept or reject the committee's recommendation without amendment. If the Assembly accepts the committee's recommendation, the Speaker shall declare that the Assembly shall not take further action on the contest and that the Assembly dismisses the contest with prejudice. If the Assembly rejects the committee's recommendation, the Speaker shall declare that the Assembly returns the contest to the committee with directions to review the merits of the contest pursuant to this rule.

6. If the committee reviews the merits of the contest pursuant to this rule, the committee may conduct any reasonable hearings or other proceedings to receive any evidence and arguments from the parties regarding the merits of the contest. The committee shall keep written minutes of any hearings that are conducted.

7. To the extent possible, the merits of the contest must be presented and submitted to the committee upon depositions and any written or oral arguments as the chair may order. If, at any hearings or other proceedings, any oral statements are made that purport to establish matters of fact, the statements must be made under oath. Strict rules of evidence do not apply in any hearings or other proceedings, but the chair may admit or exclude any evidence based on the rules of evidence.

8. A party may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State, but the chair may

establish reasonable limitations and deadlines regarding any depositions. Before taking a deposition, a party must provide at least 5 days' notice to the prospective deponent and the other party.

9. To prevail on the merits of the contest, the contestant has the burden of proving that, based on one or more of the grounds set forth in NRS 293.410, there were sufficient irregularities in the election of such a substantial nature as to establish that the result of the election was changed thereby.

10. If the committee reviews the merits of the contest pursuant to this rule, the committee shall report to the Assembly its findings and its recommendation on which party should be declared elected, unless the committee declines to make such a recommendation in its report. As soon as practicable after receiving the committee's report, the Assembly shall vote on whether to accept or reject the committee's recommendation without amendment, if such a recommendation is made. If the Assembly accepts the committee's recommendation, the Speaker shall declare the recommended party elected. If the Assembly rejects the committee's recommendation or if the committee did not make such a recommendation, the Assembly shall vote on which party should be declared elected, and the Speaker shall declare the party elected after the vote.

11. If the contestant is declared elected and seated as a member of the Assembly as a result of the contest, the Speaker shall inform the Governor of the Assembly's actions.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544; 2003, 3605; 2005, 2929; Moved from Rule 45 by 2011, 3799; 2013, 3905; 2021, 3968]

B. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all proposals before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Prepare and distribute a work session document that contains a list of all measures on which the committee is ready to consider final action;

(f) Call recesses of the committee as deemed necessary;

(g) Request amendments to resolve conflicts;

(h) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(i) Sign and submit bill draft requests on behalf of the committee;

(j) Appoint subcommittees, as necessary;

(k) Provide direction to committee support staff;

(l) Prepare and submit committee reports;

(m) Review and approve minutes of the committee;

(n) Handle unfinished business for measures heard in the committee; and

(o) Inform the Speaker of committee activity.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

[Statutes of Nevada 2011, 3800; A 2013, 3906; 2019, 4545; 2021, 3969]

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

[Statutes of Nevada 2011, 3800]

Rule No. 49. Committee Staff.

Duties of committee attaches shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

[Statutes of Nevada 2011, 3800]

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet jointly whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

3. When a joint meeting is chaired by a Senator, the practices of the Senate that are inconsistent with those of the Assembly do not create a precedent for the same practice in the Assembly.

[Statutes of Nevada 2011, 3801; A 2013, 3907]

Rule No. 51. Committee Records.

1. The chair of each committee shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording but, except as otherwise provided in this subsection, the official record of the committee is the minutes of the committee meeting approved by the chair pursuant to paragraph (m) of subsection 3 of Assembly Standing Rule No. 47. Minutes of joint meetings prepared by non-Assembly staff are not official records of the Assembly.

4. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the minutes of committee meetings.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840; Moved from Rule 47 by 2011, 3801; 2013, 3908; 2014, 28th Special Session, 46; 2019, 4547]

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

[Statutes of Nevada 1973, 1904; A 1999, 3840; 2009, 3149; Moved from Rule 48 by 2011, 3801]

Rule No. 52.5. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the Legislative Building and be posted on the Nevada Legislature's Internet website.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held behind the bar on the floor of the Assembly during a recess;

(b) Conference committee meetings; or

(c) Meetings of the Committee of the Whole.

[Statutes of Nevada 2013, 3908; A 2014, 28th Special Session, 47]

C. COMMITTEE HEARINGS

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. At the direction of the Chair, lobbyists, the press, and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

[Statutes of Nevada 2011, 3802; A 2013, 3909]

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. In addressing the committee, a person must state for the record whether he or she supports, opposes or is neutral to the bill or resolution before the committee. For purposes of legislative intent:

(a) "Support" of a bill or resolution shall be construed as:

(1) Approval of the measure as written; or

(2) Approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure.

(b) "Opposition" to a bill or resolution shall be construed as:

(1) Not supporting the measure as written; or

(2) Opposing the measure as revised by an amendment that has not been approved by the sponsor of the measure.

(c) A "neutral" position on a bill or resolution is one in which the person offers particular insight on the measure but expresses no position on the measure.

3. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

4. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

5. Questions from the committee will be restricted to relevant subject areas.

6. When the chair deems necessary, witnesses will be sworn in pursuant to NRS 218E.040 before providing testimony.

7. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

[Statutes of Nevada 2011, 3802; A 2013, 3909]

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. In addition to the use of remote-technology systems pursuant to the Remote-Technology Rule in Assembly Standing Rule No. 126, at the discretion of the chair and with the approval of the Speaker, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference or other appropriate remote-technology systems.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn not later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, a meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in order to conduct a meeting outside Carson City.

7. The designated meeting room or rooms of a committee meeting conducted with all members participating via the use of remote-technology systems pursuant to the direction of the Speaker, must remain locked during the committee meeting and only the committee staff designated by the Chief Clerk, if any, may be present in a committee room during the meeting.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546; 1999, 3840; 2001, 3301; Moved from Rule 49 by 2011, 3802; 2020, 32nd Special Session, 146; 2021, 3973; Assembly Resolution No. 1 of the 2023 Session (File No. 5)]

D. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any

member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 2011, 3803]

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid

4. Absent approval by the Speaker or unanimous consent to waive the waiting period, a committee may not take final action on a bill or resolution until at least 24 hours after the close of the hearing on the bill or resolution.

5. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all proposals that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

6. A majority vote of the entire committee is required to reconsider action on a bill or resolution.

7. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

8. Absent the consent of the chair and the approval of the Speaker, the chair must be present when the committee votes to take any final action regarding bills or resolutions.

9. No member of the committee may vote by proxy under any circumstances.

10. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair or other person approved by the Speaker has informed the Speaker of the intention of the committee to consider such a proposal.

11. Every committee vote on a matter pertaining to a bill, resolution or initiative petition must be recorded. The vote may be taken by roll call at the discretion of the chair.

12. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

13. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

14. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

15. The minority of a committee may not make a report or present to the House an alternative report.

[Statutes of Nevada 2011, 3803; A 2013, 3910; 2015, 3967; 2017, 4534; 2020, 32nd Special Session, 147; 2021, 3974]

E. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

[Statutes of Nevada 2011, 3804]

F. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

[Statutes of Nevada 2011, 3804]

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2011, 3804]

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 2011, 3804]

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547; 1999, 3841; 2003, 3607; Moved from Rule 60 by 2011, 3805]

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a proposal is postponed indefinitely, the same proposal must not be considered again during the session. The question is not subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889; A 1999, 3841; 2021, 3976]

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 67. Division of Proposal.

Any member may call for a division of the proposal, which shall be divided, if it comprehends propositions in substance so distinct that, one being

taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889; A 2021, 3976]

Rule No. 68. Reserved.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Proposal.

1. No member shall speak more than twice during the consideration of any one proposal, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution, initiative petition or amendment. If the member desires to speak on the importance of such issue, bill, resolution, initiative petition or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1890; A 2011, 3806; 2020, 32nd Special Session, 149; 2021, 3976]

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members and sustained by a majority vote of the members present. The previous question shall not be moved by the member last speaking on the proposal.

[Statutes of Nevada 1973, 1890; A 2019, 4552; 2021, 3976]

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2001, 3302]

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

[Statutes of Nevada 1973, 1890; A 2001, 3303; 2011, 3806]

Rule No. 92. Reserved.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

1. Except as otherwise provided in subsection 2, no person, except former Assemblymen and Assemblywomen not currently serving in the Senate, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

2. A former Senator or former Assemblyman or Assemblywoman who is expelled from service in the Senate or the Assembly shall have the privilege of the floor only with permission of the Speaker.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549; 2013, 3914; 2014, 28th Special Session, 52; 2017, 4537]

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891; A 2011, 3807]

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2001, 3303]

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550; 2011, 3807]

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or resolution upon its introduction.

[Statutes of Nevada 1973, 1891; A 2020, 32nd Special Session, 151]

Rule No. 99. Remarks.

The remarks of all members on final passage of bills and initiative petitions and on adoption of resolutions shall be included in the day's journal. In addition, it shall be in order for members to make remarks under other orders of business and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

[Statutes of Nevada 1973, 1891; A 2011, 3807; 2013, 3914; 2020, 32nd Special Session, 151]

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada and judicial decisions thereon.
2. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
3. Custom, usage and precedence.
4. The Statutes of the State of Nevada.
5. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2009, 3152; 2013, 3915; 2014, 28th Special Session, 53]

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5 Motions for special orders.

[Statutes of Nevada 2001, 3304; A 2005, 2934]

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

[Statutes of Nevada 1973, 1893; A 1999, 3844]

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill shall be rejected. The same proposal must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858; 2011, 3808; 2020, 32nd Special Session, 152; 2021, 3979]

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended onsecond reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

4. It shall not be in order to consider an amendment that removes all sponsors of a bill or resolution.

[Statutes of Nevada 1975, 1915; A 1997, 3552; 1999, 3844; 2009, 3153; 2011, 3809; 2013, 3916]

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk

or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File or General File, as appropriate. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552; 1999, 3845; 2001, 3305; 2020, 32nd Special Session, 153]

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and initiative petitions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or initiative petition during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill or initiative petition must limit his or her remarks to an explanation of the bill or initiative petition. If the member desires to speak on the importance of the bill or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1895; A 1997, 3553; 1999, 3845; 2001, 3305; 2009, 3154; 2011, 3810; 2020, 32nd Special Session, 153]

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

1. A motion to reconsider a final vote on a bill, resolution or initiative petition shall be in order only on the day on which the final vote is taken, and the vote on such a motion to reconsider must be taken on the same day. The motion to reconsider can be made only by a member who voted with the prevailing side.

2. A motion to reconsider a vote on an amendment to a pending proposal must be made at once and can be made only by a member who voted with the prevailing side.

3. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill, resolution or initiative petition. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn or to fix the time to adjourn; and when the Assembly adjourns while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

[Statutes of Nevada 1973, 1895; A 1999, 3845; 2009, 3155, 3279; 2011, 3810; 2013, 3917; 2020, 32nd Special Session, 154; 2021, 3980]

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom. It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

[Statutes of Nevada 2001, 3306; A 2009, 3155; 2011, 3810; 2015, 3974]

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Joint Resolutions.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A roll call vote must be taken on final adoption of a joint resolution.

3. Joint resolutions, upon enrollment, must be delivered to the Secretary of State.

4. Joint resolutions proposing amendments to the Nevada Constitution or ratifying a proposed amendment to the United States Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895; A 1999, 3846; 2003, 3612; 2020, 32nd Special Session, 155]

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

[Statutes of Nevada 2009, 3156]

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Vetoed Bills and Special Orders of the Day.
15. Remarks from the Floor, limited to 3 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206; 1999, 3846; 2001, 3307; 2011, 3811; 2019, 4557]

E. REMOTE-TECHNOLOGY SYSTEMS

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Authorized Use of Remote-Technology Systems in Exceptional Circumstances.

1. As used in this Rule, "remote-technology system" means any system or other means of communication that is:

(a) Approved by the Speaker and uses any electronic, digital or other similar technology to enable a member of the Assembly from a remote location to attend, participate, vote and take any other action in any proceedings of the Assembly or the Committee of the Whole even though the member is not physically present within the Assembly Chambers or at a meeting of the Committee of the Whole.

(b) Approved by the chair of a committee, other than the Committee of the Whole, and uses any electronic, digital or other similar technology to enable a member of the Assembly from a remote location to attend, participate, vote and take any other action in any proceedings of the committee even though the member is not physically present at a meeting of the committee.

2. Upon request by a member of the Assembly:

(a) The Speaker may authorize the member to use a remote-technology system to attend, participate, vote and take any other action in any proceedings of the Assembly or the Committee of the Whole if the Speaker determines that exceptional circumstances warrant such use by the member. If the Speaker grants such authorization, it must be entered in the Journal of the Assembly.

(b) The chair of a committee, other than the Committee of the Whole, with the approval of the Speaker, may authorize the member to use a remote-technology system to attend, participate, vote and take any other action in any proceedings of the committee if the chair and the Speaker determine that exceptional circumstances warrant such use by the member. If the chair grants such authorization, it must be entered in the records of the committee.

3. If a member of the Assembly uses a remote-technology system to attend, participate, vote and take any other action in any proceedings pursuant to this Rule, the member shall be deemed to be present and in attendance at the proceedings for all purposes.

4. For the purposes of voting in proceedings of:

(a) The Assembly or the Committee of the Whole, the Chief Clerk of the Assembly, or an authorized assistant, shall call the roll of each member who is authorized to use a remote-technology system for the proceedings and, in

accordance with the procedures of the Assembly, cause the member's vote to be entered into the record for the purposes of the Journal of the Assembly or the records of the Committee of the Whole, as applicable.

(b) A committee, other than the Committee of the Whole, the committee secretary shall call the roll of each member who is authorized to use a remote-technology system for the proceedings and, in accordance with the procedures of the committee, cause the member's vote to be entered into the record for the purposes of the records of the committee.

5. Except as otherwise provided in subsection 7 of Assembly Standing Rule No. 55, this Rule supersedes, takes precedence and controls over any other rule, provision or principle of law to the extent of any conflict with this Rule.

6. The Assembly hereby finds and declares that:

(a) The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (Heller v. Legislature, 120 Nev. 456 (2004); Commission on Ethics v. Hardy, 125 Nev. 285 (2009); Mason's Manual of Legislative Procedure §§ 2-3 & 560-564 (2010) (Mason's Manual))

(b) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to determine the rules of its proceedings and to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (In re Chapman, 166 U.S. 661, 668 (1897); Mason's Manual § 2; Luther S. Cushing, Elements of the Law & Practice of Legislative Assemblies § 533 (1856) (Cushing's Legislative Assemblies))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

(g) Under the Nevada Constitution, there are no constitutional provisions establishing a particular method for determining whether a member of either House is present at legislative proceedings.

(h) The United States Supreme Court has held that when there are no constitutional provisions establishing a particular method for determining whether a member of a legislative house is present at legislative proceedings, "it is therefore within the competency of the house to prescribe any method which shall be reasonably certain to ascertain the fact." (United States v. Ballin, 144 U.S. 1, 6 (1892))

(i) The United States Supreme Court has also held that when a legislative house adopts a rule establishing a reasonable method for determining whether a member is present at legislative proceedings, that rule must be given great deference by the courts because:

> Neither do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration. With the courts the question is only one of power. The constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and, within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.
>
> (United States v. Ballin, 144 U.S. 1, 5 (1892))

7. The Assembly hereby exercises its constitutional and inherent powers and privileges and adopts this Rule to:

(a) Govern, control and regulate its membership and its internal organization, affairs and management;

(b) Ensure its institutional self-protection and self-preservation; and

(c) Establish a reasonable method for determining whether a member of the Assembly is present at legislative proceedings during exceptional circumstances.

[Assembly Resolution No. 1 of the 2023 Session (File No. 5)]

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897; A 1999, 3847]

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897; A 2013, 3919; 2014, 28th Special Session, 57]

X. SPECIAL SESSIONS

Rule No. 142. Request for Drafting of Bills, Resolutions or Amendments.

1. Except as otherwise provided in subsections 2 and 3, the Legislative Counsel shall not honor a request for the drafting of a bill or resolution to be introduced in the Assembly during a special session, or an amendment to a bill or resolution, unless it is submitted by the Speaker, the Committee of the Whole, such other committees as the Speaker may appoint for a special session, or a conference committee.

2. The standing Committee on Legislative Operations and Elections may request the drafting of three Assembly resolutions and one Assembly concurrent resolution necessary to establish the rules, staffing, operation and organization of the Assembly and the Legislature for a special session.

3. The Speaker may request the drafting of five bills for a special session without seeking the approval of the Assembly.

[Statutes of Nevada 2014, 28th Special Session, 58]

The next rule is 150.

XI. ASSEMBLY EMERGENCY RULES

Rule No. 150. Reserved.

Rule No. 151. Reserved.

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House may appoint a committee to confer with a like committee to be appointed by the other; and, if appointed, the committee shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964; 1999, 3848; 2009, 3126; 2011, 3753; 2015, 4000; 2017, 4504]

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127]

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

[Statutes of Nevada 2009, 3127]

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

[Statutes of Nevada 2009, 3127]

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127; 2011, 3754]

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 410; A 1999, 3849]

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656; 1999, 3849]

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment

proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

[Statutes of Nevada R 1979, 1964; A 1999, 3849; 2005, 2956; 2021, 3938; 2023, 3669]

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's Internet website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476; 2011, 3756]

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Standing Rules, which requires a majority vote of each House for adoption.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903; 1999, 3851; 2005, 2958; 2009, 3129; 2011, 3756; 2013, 3885]

Rule No. 8. Reserved.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897; 2001, 3313; 2013, 3886]

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific time at the end of the 120th consecutive calendar day of session, inclusive of the day on which the session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of session is void, unless the legislative action is conducted during a special session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the measure of time specified in subsection 1 for the purpose of extending the duration of the session.

4. Any action taken in violation of subsection 2 or 3 shall be deemed out of order.

5. As used in this Rule, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.

[Statutes of Nevada 2003, 3747; A 2011, 3757; 2013, 3887]

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956; A 2001, 3314]

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House.

➥ If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147; 2009, 3131]

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Research Library of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

[Statutes of Nevada 1979, 2012; A 1999, 3853; 2009, 3132; 2019, 4518]

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Reserved.

Rule No. 13.1. Reserved.

Rule No. 13.2. Reserved.

Rule No. 13.3. Reserved.

Rule No. 13.4. Compliance with the Voting Rights Act.

1. A redistricting committee will not consider a plan that the redistricting committee determines is a violation of section 2 of the Voting Rights Act, 52 U.S.C. § 10301, which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. A redistricting committee will not consider a plan that the redistricting committee determines is racially packing or cracking.

3. Racial packing exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) The district lines are drawn to concentrate members of a group into a single district, thereby diminishing their impact as individual voters.

4. Racial cracking exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) District lines are drawn to split members of a group among multiple districts, so as to dilute their impact and to prevent them from constituting a majority.

5. For the purpose of analyzing the 2020 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that was reported to Nevada in 2011 by the United States Census Bureau as part of the federal decennial census.

[Statutes of Nevada 2015, 4006; A 2017, 4510; 2021, 3943]

Rule No. 13.6. Public Participation.

1. The redistricting committees shall seek and encourage:

(a) Public participation in all aspects of the reapportionment and redistricting activities; and

(b) The widest range of public input into the deliberations relating to those activities.

2. Notices of all meetings of the redistricting committees must be transmitted to any member of the public who so requests, without charge.

3. All interested persons are encouraged to appear before the redistricting committees and to provide their input regarding the reapportionment and redistricting activities. The redistricting committees shall afford a reasonable opportunity to any interested persons to present plans for redistricting, or amendments to plans for redistricting, unless such plans demonstrably fail to meet the minimally acceptable criteria set forth in this Rule and Joint Standing Rule No. 13.4.

4. Each of the redistricting committees shall fully utilize available videoconferencing capabilities and shall, either jointly or separately, hold at least one hearing in the southern portion of the State and at least one hearing in a rural portion of the State to allow residents throughout the State an opportunity to participate in the deliberations relating to the reapportionment and redistricting activities.

5. The Legislative Counsel Bureau shall make available to the public copies of the validated 2020 census database for the cost of reproducing the database.

6. The redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.

[Statutes of Nevada 2017, 4510; A 2019, 4519; 2021, 3943]

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 3 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 15th calendar day of the legislative session, not more than 60 requests, in total, from each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 8th calendar day of the legislative session, allocate all, some or none of the 60 requests and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each member and standing committee of their respective Houses, and as Majority Leader or

Speaker, as applicable, within the limit provided by this subsection. The lists may be revised any time before the 15th calendar day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

2. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

3. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

4. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

5. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

6. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

7. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; 1993, 3124; 1995, 2868; 1997, 3563; 1999, 3854, 3911; 2001, 3317; 2005, 2961; 2007, 3442; 2009, 3132; 2011, 3761; 2013, 3888; 2015, 4006; 2017, 4511]

Rule No. 14.1. Secondary Deadline for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Senator or member of the Assembly, a standing committee of the Assembly or Senate or the Majority Leader of the Senate or the Speaker of the Assembly on or before the 15th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the member, chair of the standing committee or his or her designee, and the Majority Leader and Speaker, as applicable, shall, by the 22nd calendar day of the legislative session, provide the Legislative Counsel with information to

draft the request which is sufficient in detail to allow for complete drafting of the request.

2. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

3. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator who is or will be serving during the legislative session.

4. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

[Statutes of Nevada 2011, 3762; A 2013, 3890; 2015, 4007; 2017, 4512]

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this paragraph may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(d) A request that was designated for prefiling pursuant to NRS 218D.150 must be introduced on or before the 15th calendar day of the legislative session.

(e) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) Except as otherwise provided in subparagraph (2), a Legislator is the 43rd calendar day of the legislative session.

(2) A Legislator, pursuant to subsection 1 of Joint Standing Rule No. 14, a standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

[Statutes of Nevada 1999, 3856, 3912; A 2005, 2962; 2007, 3444; 2017, 4512; 2019, 4521]

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the

Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

[Statutes of Nevada 1999, 3857, 3913, 4007; A 2001, 3319; 2003, 3592; 2005, 2963; 2011, 3764, 3858; 2013, 3891]

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than ten requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than three requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy and all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

[Statutes of Nevada 1999, 3857, 3914; A 2001, 3320; 2011, 3764; 2015, 4009; 2017, 4514]

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number or resolution number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill or resolution for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill or resolution must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill or resolution on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

[Statutes of Nevada 1999, 3858, 3914, 4007; A 2001, 3320; 2003, 3593; 2011, 3765; 2015, 4009; 2019, 4523; 2021, 3947]

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Committee on Finance or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Committee on Finance or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed, a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

[Statutes of Nevada 1999, 3859, 3915, 4008; A 2001, 3321; 2003, 3594; 2005, 2964; 2011, 3766; 2013, 3893; 2015, 4010; 2019, 4524]

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is

independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted, which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

[Statutes of Nevada 1999, 3860; A 2011, 3767]

Rule No. 15. Reserved.

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597; A 2001, 3323; 2009, 3138; 2011, 3767; 2013, 3894; 2019, 4525; 2021, 3949]

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

INTERIM LEGISLATIVE COMMITTEES

Rule No. 19. Approval for Meeting During Session and Date for Reporting.

1. A legislative committee that meets during the interim shall not schedule or otherwise hold a meeting during a regular session of the Legislature or during an adjournment pursuant to Joint Standing Rule No. 9 without the prior approval of the Majority Leader of the Senate and the Speaker of the Assembly.

2. Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, not later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909; 2017, 4517]

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. In addition to other prohibited conduct, a complaint may be brought pursuant to this Rule for engaging in conduct prohibited by Joint Standing Rule No. 37 when the prohibited conduct is based on or because of the gender or other protected category of the person.

5. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

6. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate;

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate; or

(d) The reporting system established pursuant to subsection 11.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses. Unless the

Legislative Counsel is the subject of the complaint, the Legislative Counsel must be informed upon receipt of a complaint.

7. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

8. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both, will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

9. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

10. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule also apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

11. The Legislative Counsel Bureau shall establish a reporting system which allows a person to submit a complaint of a violation of this Rule with or without identifying himself or herself. Such a complaint must provide enough details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses to allow an appropriate inquiry to occur.

12. This policy does not create any private right of action or enforceable legal rights in any person.

[Statutes of Nevada 1995, 3015; A 1999, 3862; 2011, 3768; 2015, 4012; 2017, 4598; 2019, 4526; 2021, 3950; 2023, 3681]

Rule No. 20.5. Lobbyists to Maintain Appropriate Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. A lobbyist shall not engage in any conduct with a Legislator or any other person working in the Legislature which is prohibited by a Legislator under Joint Standing Rule No. 20. Each lobbyist is responsible to conduct himself or herself in a manner which will ensure that others who work in the Legislature are able to work in an environment free from sexual harassment and other unlawful harassment.

2. Each lobbyist must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment as described in Joint Standing Rule No. 20.

3. A lobbyist who encounters conduct that he or she believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Director of the Legislative Counsel Bureau; or

(b) The reporting system established pursuant to subsection 11 of Joint Standing Rule No. 20.

➥ Such a complaint must include the details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses. Unless the Legislative Counsel is the subject of the complaint, the Legislative Counsel must be informed upon receipt of a complaint.

4. If a person encounters conduct by a lobbyist which he or she believes is sexual harassment, or other unlawful harassment, retaliation or otherwise inconsistent with this policy, the person may file a complaint in the manner listed in subsection 3, or may submit a complaint in accordance with the reporting system established pursuant to subsection 11 of Joint Standing Rule No. 20.

5. If a complaint made against a lobbyist pursuant to this Rule is substantiated, appropriate disciplinary action may be brought against the lobbyist which may include, without limitation, having his or her registration as a lobbyist suspended.

6. The provisions of this policy are not intended to address conduct between lobbyists and must not be used for that purpose. This policy does not create any private right of action or enforceable legal rights in any person.

[Statutes of Nevada 2017, 4600; A 2019, 4528, 4642; 2023, 3683]

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

[Statutes of Nevada 1995, 3022]

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require, if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such

agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

Rule No. 23. Reserved.

Rule No. 24. Reserved.

Rule No. 25. Reserved.

Rule No. 26. Reserved.

Rule No. 27. Reserved.

Rule No. 28. Reserved.

Rule No. 29. Reserved.

LEGISLATIVE CODE OF ETHICAL STANDARDS

Rule No. 30. Short Title; Applicability; Relation to Other Ethical Standards.

1. Joint Standing Rules Nos. 30 to 39, inclusive, may be cited as the Legislative Code of Ethical Standards.

2. The Legislative Code of Ethical Standards applies to:

(a) All Legislators at all times.

(b) All members of legislative staff when performing or exercising their legislative assignments, tasks, duties, responsibilities or powers.

(c) All lobbyists when they:

(1) Appear in person in the Legislative Building or any other building in which the Legislature or any of its legislative committees hold meetings during a regular or special session or the interim between sessions, including, without limitation, any building in which a meeting is held by teleconference or videoconference; or

(2) Represent the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

3. The Legislative Code of Ethical Standards is intended to supplement all other ethical standards recognized by rules and laws governing ethics and does not limit the application of such other ethical standards but is cumulative thereto, so that the application or attempted application of any one of the

ethical standards does not bar the application or attempted application of any other, except in circumstances where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.

4. The Legislative Code of Ethical Standards does not create any private right of action or enforceable legal rights in any person.

[Statutes of Nevada 2017, 4601; A 2019, 4529; 2023, 3684]

Rule No. 31. Purpose and Construction.

1. The purpose of the Legislative Code of Ethical Standards is to:

(a) Establish the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect;

(b) Prohibit any conduct that creates the appearance of impropriety; and

(c) Prohibit any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

2. The Legislative Code of Ethical Standards must be construed:

(a) Liberally to carry out and achieve its purposes; and

(b) Strictly against any person alleging that his or her conduct is not subject to its provisions, so that any doubt or uncertainty as to the application of its provisions must be resolved against such a person and in favor of removing unethical behavior from the legislative process.

[Statutes of Nevada 2017, 4602]

Rule No. 32. Definitions.

As used in the Legislative Code of Ethical Standards, unless the context otherwise requires, the words and terms defined in Joint Standing Rules Nos. 33 to 36, inclusive, have the meanings ascribed to them in those rules.

[Statutes of Nevada 2017, 4603; A 2023, 3685]

Rule No. 33. "Legislative Committee" Defined.

1. "Legislative committee" means any legislative committee or commission appointed to conduct or perform legislative business during a regular or special session or the interim between sessions.

2. The term includes, without limitation:

(a) Any joint, standing, temporary, special or select committee;

(b) Any committee of the whole;

(c) Any interim committee; or

(d) Any subcommittee.

[Statutes of Nevada 2017, 4603]

Rule No. 34. "Lobbying Client" Defined.

1. "Lobbying client" means a person who employs, retains, contracts for or otherwise uses or engages the services of a lobbyist to represent the interests of the person to one or more Legislators or members of legislative staff, whether or not any compensation is paid for the services.

2. The term includes, without limitation, a client that is a government, governmental agency or political subdivision of a government.

[Statutes of Nevada 2017, 4603; A 2019, 4531]

Rule No. 35. "Lobbyist" Defined.

1. "Lobbyist" means a person who:

(a) Is required to register as a lobbyist during a regular or special session pursuant to chapter 218H of NRS, regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter; or

(b) Represents the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

2. The term does not include a person who is excluded from the term "lobbyist" as defined in NRS 218H.080.

[Statutes of Nevada 2017, 4603]

Rule No. 36. "Member of Legislative Staff" Defined.

1. "Member of legislative staff" means any member of a Legislator's staff or any officer, employee, assistant or other person employed with reference to the legislative duties of a Legislator or the Legislative Branch, regardless of whether they are paid or otherwise compensated to serve in their positions.

2. The term includes, without limitation, any officers, employees, attaches, interns or other staff of:

(a) The Legislature or either House;

(b) Any legislative committee;

(c) Any legislative office or caucus;

(d) Any division of the Legislative Counsel Bureau; or

(e) Any other agency, body, office, organization or unit of the Legislative Branch.

[Statutes of Nevada 2017, 4603]

Rule No. 37. Ethical Standards; Prohibited Conduct.

1. The people of the State of Nevada have the right to expect and demand that each Legislator, member of legislative staff or lobbyist adheres to the highest standards of ethical behavior founded upon principles of dignity,

decorum, civility and respect because such ethical standards are essential to ensure and enhance the people's faith, trust and confidence in the integrity of the legislative process.

2. Each Legislator, member of legislative staff or lobbyist has a solemn and unerring responsibility and duty to do everything in his or her power to:

(a) Behave properly, appropriately and honorably with each other and with members of the public who participate in the legislative process; and

(b) Encourage, promote and secure an atmosphere in which ethical behavior is the highest priority and is practiced unceasingly and without fail.

3. Each Legislator, member of legislative staff or lobbyist shall not engage in or attempt, offer, or agree to engage in, or assist or induce another person to engage in:

(a) Any conduct that creates the appearance of impropriety; or

(b) Any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

4. The conduct prohibited by this Rule includes, without limitation, any conduct that:

(a) Is intended to threaten, harass, intimidate or improperly influence another person who is participating in the legislative process.

(b) Creates a hostile work environment for another person who is participating in the legislative process.

(c) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to another person who is participating in the legislative process.

(d) Involves impolite, disrespectful or disorderly behavior that results in unreasonable or harmful interference with another person who is participating in the legislative process.

(e) Involves false or misleading accusations or allegations against another person who is participating in the legislative process.

(f) Involves dishonesty, fraud, deceit or misrepresentation.

(g) Is intended to assist or induce another person to violate or attempt to violate the Legislative Code of Ethical Standards.

[Statutes of Nevada 2017, 4604; A 2019, 4531]

Rule No. 38. Complaints.

1. A person may file a complaint alleging a breach of the Legislative Code of Ethical Standards in accordance with the Standing Rules of each House, except that a person may not file a complaint alleging the same or substantially similar conduct with more than one House.

2. If the complaint alleges an ethical breach by or against a Legislator or the ethical breach otherwise involves a particular Legislator, the complaint

must be filed with the Legislator's House, even if the complaint also alleges an ethical breach by or against a member of legislative staff or a lobbyist.

[Statutes of Nevada 2017, 4605; A 2019, 4532]

Rule No. 39. Authority of Senate and Assembly to Adopt Ethical Standards and Prohibit and Sanction Ethical Breaches.

1. The Senate and Assembly hereby find and declare that:

(a) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member." (*Heller v. Legislature*, 120 Nev. 456 (2004); *Commission on Ethics v. Hardy*, 125 Nev. 285 (2009); *Mason's Manual of Legislative Procedure* §§ 2-3 and 560-564 (2010) (*Mason's Manual*))

(b) Section 7 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate any person who is not a member but who is guilty of disrespect to the House by disorderly or contemptuous behavior in its presence, and each House also has inherent powers, according to the common parliamentary law, to prohibit and sanction all offensive behavior committed against it by any person who is not a member. (*Mason's Manual* §§ 805-806; Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* §§ 690-695 (1856) (*Cushing's Legislative Assemblies*))

(c) In addition to its other powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (*In re Chapman*, 166 U.S. 661, 668 (1897); *Mason's Manual* § 2; *Cushing's Legislative Assemblies* § 533)

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (*Cushing's Legislative Assemblies* § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (*Cushing's Legislative Assemblies* § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very

creation of a legislative body, and are founded upon the principle of self-preservation." (*Ex parte McCarthy*, 29 Cal. 395, 403 (1866))

2. The Senate and Assembly hereby exercise their constitutional and inherent powers and privileges and adopt the Legislative Code of Ethical Standards in the Joint Standing Rules to:

(a) Establish ethical standards to regulate the behavior and conduct of persons who participate in the legislative process; and

(b) Prohibit and sanction ethical breaches.

[Statutes of Nevada 2017, 4605; A 2019, 4532]

CONTINUATION OF RULES

Rule No. 40. Continuation of Joint Standing Rules During the Interim Between Regular Sessions.

The Joint Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Joint Standing Rules of the Senate and Assembly are adopted as part of the organization of a newly-constituted Legislature at the commencement of a session, unless a conflict exists with a rule adopted by the Senate and Assembly for a special session occurring between regular sessions.

[Statutes of Nevada 2019, 4533]

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CERTIFICATE

STATE OF NEVADA }
ASSEMBLY CHAMBER } ss.

This is to certify that the foregoing Journal of the Assembly, published in this volume, is a true, full, and correct copy of the original Journal of the Assembly of the Eighty-Second Session of the Legislature of the State of Nevada, held in 2023.

Speaker of the Assembly

Chief Clerk of the Assembly